

PLANNING COMMITTEE

Thursday, 27 January, 2011 at 5.30 p.m.

In the Council Chamber at the Council House, Walsall

Present

Councillor Perry (**Chairman**)
Councillor Bird (**Vice-Chairman**)
Councillor Ali
Councillor Arif
Councillor P. Bott
Councillor Carpenter
Councillor Cook
Councillor Creaney
Councillor Douglas-Maul
Councillor P. Hughes
Councillor Madeley (Arrived at 6.00 p.m.)
Councillor D. Pitt
Councillor Rochelle
Councillor Thomas

2667/11 **Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Beeley, Jeavons, Turner and Yasin.

2668/11 **Minutes**

Resolved

That the minutes of the meeting held on 6 January, 2011, a copy having previously been circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

2669/11 **Declarations of Interest**

Councillor P. Bott declared a personal interest in Item No. 5 on the plans list, application no. 10/1574/AD in relation to Leekes of Bilston, Great Bridge Road, Bilston, Walsall, WV14 8LB.

Councillor Bird declared a prejudicial interest in Item No. 4 on the plans list, application no. 10/1420/FL in relation to Aldridge and Brownhills Magistrates Court, Rookery Lane, Aldridge, Walsall, WS9 8NR.

Councillor Bird declared a prejudicial interest in Item No. 7 on the plans list, application no. 10/1658/FL in relation to Land Corner of Tame Drive, Walsall Road, Walsall, WS3 4DE.

Councillor Rochelle declared a personal interest in Item No. 4 on the plans list, application no. 10/1420/FL in relation to Aldridge and Brownhills Magistrates Court, Rookery Lane, Aldridge, Walsall, WS9 8NR.

2670/11 **Deputations and Petitions**

Councillor McCracken handed in a petition in relation to Agenda Item No. 7 and would also be introducing a deputation on this item.

2671/11 **Local Government (Access to Information) Act, 1985 (as amended)**

Resolved

That the public be excluded from the meeting during consideration of the items set out in the private part of the agenda for the reasons set out therein and Section 100A of the Local Government Act, 1972.

2672/11 **Confirmation of Tree Preservation Order 18 of 2010 on Leekes Bilston, Great Bridge Road, Bilston, WV14 8LB**

The report of the Head of Regeneration - Development and Delivery was submitted:-

(see annexed)

Resolved

That:-

- (1) Walsall Tree Preservation Order No. 18 of 2010 be confirmed in an unmodified form;
- (2) The reason for making the Tree Preservation Order, as set out in the report detail at Paragraph 10, be supported;
- (3) It be noted that no representations had been received in respect of this Tree Preservation Order.

2673/11 **Application to fell one protected Cedar tree at 7 Mandeville Gardens, Walsall, WS1 3AT - Supplementary Report**

The report of the Head of Development and Delivery was submitted:-

(see annexed)

The Regeneration Officer advised the Committee of the background to the report.

Councillor McCracken was then invited to address the Committee.

Councillor McCracken spoke in objection to the application and the officer's recommendation.

Councillor McCracken then introduced a deputation, Mr. Matthews, who also spoke in objection to the application.

Following lengthy discussions on this item, the Committee were of the opinion that the tree was too large for its location and had a detrimental impact on the immediate neighbouring property and was the main cause of the damage to the driveway.

In view of this, it was **moved** by Councillor Bird and duly **seconded** by Councillor Arif:-

That consent be granted for the removal of the Cedar tree at 7 Mandeville Gardens on the grounds that the tree is responsible for the damage to the driveway, the detrimental impact it has on neighbouring properties and due to the significant public and community interest, subject to a suitable replacement tree being planted.

The motion having been put to the vote, was declared **carried**, with Members voting unanimously in favour of the removal of the tree.

Resolved

That consent be granted for the removal of the Cedar tree at 7 Mandeville Gardens on the grounds that the tree is responsible for the damage to the driveway, the detrimental impact it has on neighbouring properties and due to the significant public and community interest, subject to a suitable replacement tree being planted.

2674/11 **Erection of 18 dwellings at former Bridgewater Public House, Stoney Lane, Little Bloxwich, Walsall, WS3 3QY - Application No. 07/2651/FL/E11**

The report of the Head of Planning and Building Control - Regeneration was submitted:-

(see annexed)

Resolved

That to encourage early implementation of the permission to the proposed Deed of Variation to the Section 106 agreement to release the developer from obligations relating to education and urban open space be agreed, subject to completion of the first house to a condition fit for occupation, within 12 months of commencement of the start date and if not, the developer be required to meet in full the financial contributions of £76,784.33 towards secondary education and urban open space provision.

2675/11 **Section 106 Report Quarter 3 of 2010/11**

The report of the Head of Planning and Building Control was submitted:-

(see annexed)

Resolved

That the report be noted.

Councillor Madeley arrived at this juncture in the meeting at 6.00 p.m.

2676/11 **Application List for Permission to Develop**

The application list for permission to develop was submitted, together with the supplementary papers and additional information for items already on the plans list:-

(see annexed)

The Committee agreed first to deal with the items on the agenda where members of the public had previously indicated that they wished to address the Committee. The Chair, at the beginning of each item for which there were speakers advised of the procedure whereby the speaker would have three minutes to speak and then at two minutes they would be reminded that they had a minute left.

2677/11 **Item No. 8 - 10/1591/FL - change of use from A1 (retail) to A5 (hot food take-away) at 176 Bloxwich Road, Walsall, WS2 7BQ**

The Planning Officer advised the Committee of the background to the report and drew Members' attention to the additional information contained within the supplementary paper.

The Committee then welcomed the first speaker on this application, Councillor Robertson, who spoke in objection to the application.

The Committee then welcomed the second speaker on this application, Mrs. Yoncaci, who also spoke in objection to the application.

The Committee then welcomed the third speaker on this application, Mr. Williams, who spoke in support of the application.

The Committee then welcomed the fourth and final speaker on this application, Mr. Uppal, who also spoke in support of the application.

There then followed a period of questioning by Members in relation to:-

- How much weight the Committee should attach to the petitions that had been submitted;
- What the premises were used for before it closed;
- Where people used to park when using the premises when it was previously open;
- Where the nearby public car park was located in relation to the premises;
- Where the on site car parking would be located;
- Whether there was any evidence to support the claims of road safety issues on the roads surrounding the premises;
- Whether the extraction flue could be made less visually prominent, disguised or housed within the building itself;
- The legality of the written agreement for the onsite parking with a third party land owner.

The Council's legal officer informed Members that Committee had previously on other applications, utilised a Section 106 Agreement to secure off site parking and asked Members to consider this.

Following discussion on this point, the Committee were of the opinion that it would be unreasonable to require such an agreement for a small business of the kind being proposed.

Various Members asked questions in relation to how much consideration the Committee should give to petitions received in relation to applications. The Council's Legal Officer advised that the Committee needed to take into account and consider each petition on its merits. In terms of the weight to give petitions, this would depend on what the reasons for support or objection were and whether they were material and have to balance the contents of the petition against the other merits of the case in question.

The Committee then proceeded to discuss the application in detail.

Members considered the application and Councillor Arif **moved** and it was duly **seconded** by Councillor Ali:-

That planning application 10/1591/FL be granted on the grounds that:-

- (1) The impact of the flue could be mitigated and would, therefore, not be detrimental to the visual amenity of the surrounding area;
- (2) That the traffic and road safety issues currently exist and the premises previous use was similar to the one now proposed and would, therefore, have no significant or detrimental impact in view of location and availability of the nearby public car park;
- (3) That there would be adequate onsite parking provided by a written agreement with a third party land owner;
- (4) Subject to Officers being delegated to approve:-
 - (a) the hours of operation being limited to 11.30 a.m. to 2.00 p.m. and 4.30 p.m. to 10.00 p.m. Monday to Saturday with 9.00 p.m. closing on Sundays and Bank Holidays;
 - (b) the satisfactory negotiation to lessen the visual impact of the flue or by taking the flue through the building;
 - (c) the receipt of evidence of the existence of a parking agreement on the third party land;
 - (d) the imposition of further conditions as deemed necessary and appropriate by the Head of Planning and Building Control.

The motion having been put to the vote, was declared **carried**, with 10 Members voting in favour of approval and 4 against.

Resolved

That planning application 10/1591/FL be granted on the grounds that: -

- (1) The impact of the flue could be mitigated and would, therefore, not be detrimental to the visual amenity of the surrounding area;
- (2) That the traffic and road safety issues currently exist and the premises previous use was similar to the one now proposed and would, therefore, have no significant or detrimental impact in view of location and availability of the nearby public car park;
- (3) That there would be adequate onsite parking provided by a written agreement with a third party land owner;
- (4) Subject to Officers being delegated to approve:-
 - (a) the hours of operation being limited to 11.30 a.m. to 2.00 p.m. and 4.30 p.m. to 10.00 p.m. Monday to Saturday with 9.00 p.m. closing on Sundays and Bank Holidays;
 - (b) the satisfactory negotiation to lessen the visual impact of the flue or by taking the flue through the building;
 - (c) the receipt of evidence of the existence of a parking agreement on the third party land;
 - (d) the imposition of further conditions as deemed necessary and appropriate by the Head of Planning and Building Control.

At the conclusion of this item, the Chair instructed that in future, all front pages of petitions received should be appended to the Committee report for Members to inspect.

2678/11 **Item No. 1 - 10/1277/FL - first floor side extension, two storey rear extension in to single storey rear extension at 17 Gillity Close, Walsall, WS5 3PW**

The Planning Officer advised the Committee of the background to the report.

The Committee then welcomed the first speaker on this application, Mr. Bate, who spoke in objection to the application.

The Committee then welcomed the second speaker on this application, Mr. Singh, who spoke in support of the application.

The Committee then welcomed the third and final speaker on this application, Mr. Mistry, who also spoke in support of the application.

There then followed a period of questioning by member in relation to:-

- If the extension was reduced in size would it be likely to be approved;
- How the nearby application at a different property, which had been refused by the Planning Inspector, compared to the one now before the Committee;
- Whether the proposed development was considered to be over massing and out of character with the surrounding area;
- What impact the 45 degree rule would have if the room in question was not a habitable room.

The Committee then proceeded to discuss the application in detail.

Members considered the application and Councillor Bird **moved** and it was duly **seconded** by Councillor Madeley:-

That Planning application 10/1277/FL be delegated for approval by officers on the grounds that it would enhance the character of the area, sit well in the street scene and would not be overbearing or result in over massing, subject to the submission of satisfactory revised plans detailing the reduction of the development by 0.6 metres and any further conditions as deemed necessary and appropriate by the Head of Planning and Building Control.

The motion having been put to the vote, was declared **carried**, with 11 Members voting in favour of approval and 3 against.

Resolved

That Planning application 10/1277/FL be delegated for approval by officers on the grounds that it would enhance the character of the area, sit well in the street scene and would not be overbearing or result in over massing, subject to the submission of satisfactory revised plans detailing the reduction of the development by 0.6 metres and any further conditions as deemed necessary and appropriate by the Head of Planning and Building Control.

2679/11 **Item No. 6 - 10/1481/FL - first floor rear extension at 23 Corporation Street, Walsall, WS1 4HW**

Prior to the commencement of the consideration of this application, Councillor P. Bott left the room and, therefore, took no part in the discussion and did not vote.

The Planning Officer advised the Committee of the background to the report.

The Committee then welcomed the only speaker on this application, Mr. Bonjovi, who spoke in support of the application.

There then followed a period of questioning by Members in relation to:-

- What impact the proposal would have on the outlook and light to the neighbouring property.

The Committee then proceeded to discuss the application in detail.

Members considered the application and Councillor Bird **moved** and it was duly **seconded** by Councillor Douglas-Maul:-

That planning application 10/1481/FL be refused for the reasons as set out in the report now submitted.

The motion having been put to the vote, was declared **carried**, with 9 Members voting in favour of approval and 3 against.

Resolved

That planning application 10/1481/FL be refused for the reasons as set out in the report now submitted.

At this juncture in the meeting, Councillor D. Pitt left the room and did not return.

Councillor P. Bott returned to the room.

2680/11 **Item No. 2 - 10/1632/TE - time extension to 07/0449/OL/W7 and subsequent reserved matters under 08/1815/RM to allow additional time to implement the approved development at land off Fryers Road, Walsall**

Resolved (Unanimously)

That planning application 10/1632/TE be approved, subject to the conditions contained within the report now submitted.

- 2681/11 **Item No. 3 - 10/1404/FL - new warehouse and car park with associated internal service roads and landscaping at Castings Plc., Gatehouse Trading Estate, Lichfield Road, Brownhills, WS8 6JZ**

Resolved (Unanimously)

That planning application 10/1404/FL be approved, subject to the conditions contained within the report and supplementary paper now submitted.

- 2682/11 **Item No. 4 - 10/1420/FL - demolition of Magistrates Court and probation service office and erection of new office building and 6 x 2 bed and 3 x 3 bed flats (9 flats in total) at Aldridge and Brownhills Magistrates Court, Rookery Lane, Aldridge, Walsall, WS9 8NR**

Resolved (Unanimously)

That planning application 10/1420/FL be approved, subject to the conditions contained within the report now submitted.

Councillor Bird left the room before this item was considered due to the nature of his interest, which he declared at the start of the meeting.

- 2683/11 **Item No. 5 - 10/1574/AD - display of 7 no. fascia signs and two freestanding signs on existing retail building/site at Leekes of Bilston, Great Bridge Road, Bilston, Walsall, WV14 8LB**

Resolved (Unanimously)

That planning application 10/1574/AD be part approved/refused, subject to the conditions contained within the report and supplementary paper now submitted.

- 2684/11 **Item No. 7 - 10/1658/FL - erection of new dwelling with detached garage and associated parking and external works at land corner of Tame Drive, Walsall Road, Walsall, WS3 4DE**

Resolved (Unanimously)

That planning application 10/1658/FL be approved, subject to the conditions contained within the report now submitted.

Councillor Bird returned to the room after the determination of this item

2685/11 **Item No. 9 - 10/1549/FL - retention of a rear conservatory with reduced length from 5040 to 3540mm at 85 Kinross Crescent, Birmingham, B43 7PX**

Resolved (Unanimously)

That planning application 10/1549/FL be approved, subject to the conditions contained within the report now submitted.

2686/11 **Item No. 10 - 10/1193/FL - two storey side and single storey rear extension at Beacon Park Farm, Bridle Lane, Barr Beacon, Walsall, WS9 0RG**

Resolved (Unanimously)

That planning application 10/1193/FL be approved, subject to the conditions contained within the report now submitted.

2687/11 **Item No. 11 - 10/1085/FL - change of use of Free Trade public house to 2 dwellings and construction of pair of 4 bed semi detached houses on former car park at The Free Trade Inn public house, Wood Lane, Pelsall, Walsall**

Resolved (Unanimously)

That planning application 10/1085/FL be approved, subject to the conditions contained within the report now submitted.

Termination of meeting

There being no further business the meeting terminated at 7.46 p.m.

Signed:

Date: