

PLANNING COMMITTEE

Thursday, 6 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 Beeley
Councillor P. Bott
Councillor Carpenter
Councillor Cook
Councillor Douglas-Maul
Councillor Harris
Councillor P. Hughes
Councillor Jeavons
Councillor Madeley
Councillor D. Pitt
Councillor Rochelle
Councillor Thomas
Councillor Yasin

2646/11 Apologies

Apologies for non-attendance were submitted on behalf of Councillors Ali, Arif and Turner.

2647/11 Minutes

Resolved

That the minutes of the meeting held on 2 December, 2010, a copy having previously been circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

2648/11 Declarations of Interest

Councillor Carpenter declared a prejudicial interest in relation to Item No. 9 on the agenda, Demolition of 215 and 217 Lichfield Road and erection of 21 new dwellings at land to the rear of 201-217 Lichfield Road, Rushall, Walsall - Application No. 07/2731/FL/E11.

Councillor Beeley declared a personal interest in Item No. 4 on the plans list, application no. 10/1606/FL in relation to former Reedswood Engineering, Stephenson Avenue, Walsall, WS2 7HF.

Councillor Bird declared a personal interest in relation to Item No. 9 on the agenda, Demolition of 215 and 217 Lichfield Road and erection of 21 new dwellings at land to the rear of 201-217 Lichfield Road, Rushall, Walsall - Application No. 07/2731/FL/E11.

Councillor Douglas-Maul declared a prejudicial interest in relation to Item No. 9 on the agenda, Demolition of 215 and 217 Lichfield Road and erection of 21 new dwellings at land to the rear of 201-217 Lichfield Road, Rushall, Walsall - Application No. 07/2731/FL/E11.

2649/11 **Deputations and Petitions**

The Committee were informed that Councillor Rattigan would be acting as a deputation on Agenda Item No. 9, demolition of 215 and 217 Lichfield Road and erection of 21 new dwellings at land to the rear of 201-217 Lichfield Road, Rushall, Walsall - Application No. 07/2731/FL/E11. Mr. Flint would be speaking on behalf of the applicant in view of this deputation.

2650/11 **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.

2651/11 **Application to fell tree in 7 Mandeville Garden**

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 present and spoke in objection to the report and officer's recommendation. During her submissions, Councillor McCracken referred to an independent survey carried out by Mr. John Punch which contradicted certain elements of the officer's report.

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

That consideration of the application to fell a tree in 7 Mandeville Garden be deferred to the next meeting to enable officers to investigate and assess the findings of the survey carried out by Mr. John Punch.

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

Resolved

That consideration of the application to fell a tree in 7 Mandeville Garden be deferred to the next meeting to enable officers to investigate and assess the findings of the survey carried out by Mr. John Punch.

2652/11 8 Kelway Avenue, Great Barr

The Chairman reported that this item had been withdrawn to enable officers to undertake further investigations on the matter.

2653/11 Proposed Village Green status for land at the junction of Walhouse Road and Charlotte Street, Walsall - Application No. 10/0528/VG

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

(see annexed)

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 now submitted.

Resolved

That the land at the junction of Walhouse Road and Charlotte Street, Walsall be registered as a Village Green.

2654/11 Demolition of 215 and 217 Lichfield Road and erection of 21 new dwellings at land to the rear of 201-217 Lichfield Road, Rushall, Walsall - Application No. 07/2731/FL/E11

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

(see annexed)

Prior to the consideration of this item, in view of the fact that Councillors Douglas-Maul and Carpenter left the room as they had declared an interest in this item at the start of the meeting and, therefore, took no part in the discussions and did not vote on this item.

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

The Committee then welcomed Councillor Rattigan who was present on behalf of local residents in objection to the recommendation to the variation of the Section 106 Agreement.

The Committee then welcomed the second speaker on this item, Mr. Flint, who spoke in support of the recommendation to vary the Section 106 Agreement.

There then followed a period of questioning by Members in relation to what safeguards there were against ensuring the Section 106 monies were paid after the completion of the tenth property and whether the Section 106 Agreement ran with the landowner or the developer.

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 Yasin:-

That the request for a Deed of Variation to the Section 106 Agreement to defer payment of the obligations for education and urban open space to no later than occupation of the tenth dwelling be granted.

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

Resolved

That the request for a Deed of Variation to the Section 106 Agreement to defer payment of the obligations for education and urban open space to no later than occupation of the tenth dwelling be granted.

2655/11 Land at site of former 17 - 21 Lower Rushall Street, Walsall

Prior to the consideration of this item, both Councillors Douglas-Maul and Carpenter returned to the meeting.

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

(see annexed)

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 now submitted which included an amended recommendation.

Resolved

- (1) That authority be granted for the issuing of Enforcement Notices to require remedial actions to be undertaken as set out in (3) below;
- (2) That authority be granted for the decision as to the institution of prosecution proceedings, in the event of non-compliance with an Enforcement Notice, or the non-return of Requisitions for Information or a Planning Contravention Notice, and the decision as to the institution of Injunctive proceedings, in the event of a continuing breach of control, be delegated to the Assistant Director - Legal and Constitutional Services, in consultation with the Head of Planning and Building Control;
- (3) That, in the interests of ensuring an accurate and up-to-date notice is served, authority be delegated to the Assistant Director - Legal and Constitutional Services, in consultation with the Head of Planning and Building Control to amend, add to, or delete from the wording set out below stating the nature of the breach(es), the reason(s) for taking enforcement action, the requirement(s) of the Notice, or the boundaries of the site:

Details of the Enforcement Notice

The Breach of Planning Control:

Change of use to a private car park for use by the general public.

Steps required to remedy the breach:

Cease using the site as a car park.

Remove all materials and equipment associated with those uses from the site.

Remove all signs advertising the use of the site and directional signs located within the near vicinity.

To secure/close access points to prevent access for parking.

Period for compliance:

1 month.

- (4) That authority be given to prosecute under Section 224 of the Town and Country Planning Act, 1990 in respect of all unauthorised advertisements on and around the site;
- (5) That authority be delegated to the Head of Planning and Building Control, in consultation with the Assistant Director - Legal and Constitutional Services, to issue Discontinuance Notices under the Town and Country Planning (Control of Advertisements) Regulations, in respect of the other advertisements on the site;

- (6) That in the interests of ensuring accurate and up-to-date notices are served, including all other authorised actions, authority be delegated to the Assistant Director - Legal and Constitutional Services, in consultation with the Head of Planning and Building Control to amend, add to, or delete from the wording set out above.

2656/11 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.

2657/11 Item No. 1 - 10/0412/FL - residential development 1 no. dormer bungalow and 1 no. detached dwelling at land to the rear of 55-59 Skip Lane, adjacent 1 Woodfield Close, Walsall

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 now submitted, which included additional conditions and an amended recommendation.

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

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

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

There then followed a period of questioning by Members in relation to what level of impact the equipment cabin at the entrance to the site would have on vehicles accessing/leaving the site and what existing types of housing there were in the surrounding area.

Councillor Bird advised the Committee that in relation to the information contained on page 3 of the supplementary report now submitted, he had been approached by the applicant some time ago who had asked if the circulated objections were the view of a political party or that of the Council. Councillor Bird responded by stating that he was unable to discuss the merits of the case but confirmed that the views expressed in the communication were not the views of the Council nor any political party. Furthermore, Councillor Bird stated that the Planning Committee was a non-political Committee and each Member was entitled to make up their own mind on each application based on its merits free from political steer.

The Committee then proceeded to discuss the application in detail.

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

That planning application no. 10/0412/FL be approved, subject to the conditions as contained within the report and supplementary paper now submitted.

The Motion having been put to the vote was declared **carried**, with fourteen Members voting in favour of approval and nine against.

Resolved

That planning application no. 10/0412/FL be approved, subject to the conditions as contained within the report and supplementary paper now submitted.

2658/11 Item No. 6 - 10/1347/FL - proposed double garage at 107 Broadway North, Walsall, WS1 2QD

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

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

There then followed a period of questioning by Members in relation to what the difference was between this application and the one previously refused in 2009.

The Committee then proceeded to discuss the application in detail.

Members considered the application and Councillor Beeley **moved** and it was duly **seconded** by Councillor Rochelle:-

That planning application no. 10/1347/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 Members voting unanimously in favour of approval.

Resolved

That planning application no. 10/1347/FL be refused for the reasons as set out in the report now submitted.

- 2659/11 **Item No. 2 - 10/1011/FL - residential development consisting of 88 dwellings with associated roadworks at land at Cartbridge Lane South, Rushall, Walsall**

Resolved (Unanimously)

That planning application no. 10/1011/FL be approved, subject to the conditions as contained within the report now submitted.

- 2660/11 **Item No. 3 - 08/1537/FL - erection of new industrial units (B2 use) at rear of Linley Lodge Works Industrial Estate, Westgate, Aldridge**

Resolved (Unanimously)

That planning application no. 08/1537/FL be approved, subject to the conditions as contained within the report now submitted.

- 2661/11 **Item No. 4 - 10/1606/FL - proposed extension to existing factory unit at former Reedswood Engineering, Stephenson Avenue, Walsall, WS2 7HF**

Resolved (Unanimously)

That planning application no. 10/1606/FL be approved, subject to the conditions as contained within the report and supplementary paper now submitted.

- 2662/11 **Item No. 5 - 10/0349/FL - proposed training ground facilities, including extension to existing pavilion, indoor pitch, floodlit artificial pitch, gatehouse, security fencing and associated parking at West Bromwich Albion FC training ground, Birmingham Road, Walsall, WS5 3LX**

Resolved (Unanimously)

That planning application no. 10/0349/FL be approved, subject to the conditions as contained within the report and supplementary paper now submitted.

- 2663/11 **Item No. 7 - 10/1584/FL - redevelopment of public realm area to provide a new commercial unit, restaurant/café A3 use classification and improved external works and access way at Gillity Shopping Village, Liskeard Road, Walsall, WS5 3EY**

Resolved (Unanimously)

That planning application no. 10/1584/FL be approved, subject to the conditions as contained within the report and supplementary paper now submitted.

- 2664/11 **Item No. 8 - 10/1122/FL - erection of 4 detached houses with garages (increased application site incorporating land at the rear of 7 and 9 Mayfield Road) at land between 9 and 23 Mayfield Road, Streetly, B74 3QY**

Resolved (Unanimously)

That planning application no. 10/1122/FL be approved, subject to the conditions as contained within the report now submitted.

In relation to this item, Committee Members requested officers to investigate the position with the footpath which used to run through this site.

- 2665/11 **Private Session**

Exclusion of Public

Resolved

That, during consideration of the following items on the agenda, the Committee considers that the items for consideration are exempt information by virtue of the appropriate Paragraphs of Part 1 of Schedule 12A of the Local Government Act, 1972 (as amended) and accordingly resolves to consider those items in private session.

- 2666/11 **43 Wenlock Gardens, Blakenall, Walsall**

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

(see annexed)

Resolved

That:-

- (1) The making of an application to the County Court for an Order for Sale, together with the necessary preparatory work be authorised;
- (2) It be authorised that arrangements be made for the property to be sold at auction, the auction to be subject to an Order for Sale being granted.

(Exempt information under Paragraphs 1 and 3 of Part I of Schedule 12A of the Local Government Act, 1972) (as amended)

Termination of meeting

There being no further business the meeting terminated at 6.40 p.m.

Signed:

Date: