

PLANNING COMMITTEE

Thursday, 20th September 2012 at 5.30 p.m.

In the Council Chamber at the Council House, Walsall

Present

Councillor Perry (Chairman)
Councillor Andrew
Councillor Azam
Councillor P. Bott
Councillor Creaney
Councillor Ditta
Councillor Douglas-Maul
Councillor S. Fitzpatrick
Councillor Jeavons
Councillor Rochelle
Councillor Sarohi
Councillor Thomas
Councillor Underhill
Councillor Wade
Councillor Westley

3182/12

Apologies

Apologies for non-attendance were submitted on behalf of Councillors Bird, Ali, Cook and Shires

3183/12

Minutes

Resolved

That the minutes of the meeting held on 23rd August 2012, a copy having been previously circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

3184/12

Declarations of Interest

Councillor Andrew declared a non-pecuniary interest in agenda Item No. 4 on the plans list, application number 12/0764/FL, in relation to Shelfield Community Academy.

3185/12

Deputation and Petitions

There were no deputations introduced or petitions submitted.

3186/12 **Local Government (Access to Information) Act 1985 (as amended)**

To agree that the public be excluded from the private session during consideration of the agenda items indicated for the reasons shown on the agenda.

3187/12 **Making of Tree Preservation Order 9 of 2012 of land at 123 and 125 Field Road, Walsall WS3 3HU**

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

(see annexed)

Resolved

- 1) That authorisation be given to the making of Walsall Tree Preservation Order number 9 of 2012 as set out in the plans schedule now submitted;
- 2) That the reason for making the Tree Preservation Order as set out in paragraph 2 of the report be supported.

3188/12 **Application to fell 20 lombardy poplar trees per year over 4 year period until eight trees have been removed at Queen Mary's Grammer School, Sutton Road, Walsall**

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

(see annexed)

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

The Committee then welcomed the first speaker on this application Mr Kam Singh Viridi who spoke in objection to the application. The Committee then welcomed the second speaker on this application Mr Harjinder Singh Aujla who also spoke in objection to the application.

There then followed a period of questioning by Members to the speakers and officers including whether a bat survey had been carried out.

In response the officers stated that the trees would be checked for the presence of bats on the day they were to be felled as a matter of procedure.

Members considered the report and Councillor Perry **moved** and it was duly **seconded** by Councillor Westley.

That Committee refuse consent to fell 20 lombardy poplar trees per year over a four year period, but grant consent to fell 6 lombardy poplar trees within G2 of Tree Preservation Order 13 of 1972 subject to replacement planting and a satisfactory ecology report.

The vote was declared **carried**, with Members voting unanimously in favour of refusal.

Resolved

That Committee refuse consent to fell 20 lombardy poplar trees per year over a four year period, but grant consent to fell 6 lombardy poplar trees within G2 of Tree Preservation Order 13 of 1972 subject to replacement planting and a satisfactory ecology report.

3189/12

Deed of Variation to S106 Agreement; land at Bentley Road North, Walsall

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

(see annexed)

Councillor Perry **moved** and it was duly **seconded** by Councillor Bott:-

That the request for the Deed of Variation to the S106 agreement to amend the affordable housing contribution to an off site commuted sum of £1,113,650 with 50% due price of the sale of the 84 units (as sale of phase one) and 50% on completion of phase 2 be granted, and that the health care contributions (£36,000) from the S106 agreement be removed.

Resolved (unanimously)

That the request for the Deed of Variation to the S106 agreement to amend the affordable housing contribution to an off site commuted sum of £1,113,650 with 50% due price of the sale of the 84 units (as sale of phase one) and 50% on completion of phase 2 be granted, and that the health care contributions (£36,000) from the S106 agreement be removed.

3190/12

Item No. 9 - Deed of Variation to S106 Agreement – land c/o Blue House Farm entrance, Aldridge Road, Streetly.

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

(see annexed)

Councillor Perry **moved** and it was duly **seconded** by Councillor Westley:-

That the request for the S106 agreement to replace the S52 agreement and remove the clause tying the tennis courts to the public house be granted, to allow the land to be sold to Sutton Coldfield West, 3rd Streetly Scouts Group, so that it can be developed as a Scouts hut and two outdoor sports pitches.

Resolved (unanimously)

That the request for the S106 agreement to replace the S52 agreement and remove the clause tie in the tennis court to the public house be granted, to allow the land to be sold to Sutton Coldfield, West 3rd Streetly Scouts Group. So that it can be developed as a Scouts hut and two outdoor sports pitches.

3191/12

Item No. 10 – Car Wash Adjacent to Talbot Truck (and Neptune Industrial Estate), Bilston Lane, Willenhall

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

(see annexed)

Councillor Perry **moved** and it was duly **seconded** by Councillor Creaney

That authority be delegated to the Head of Legal and Democratic Services in consultation with the Head of Planning and Building Control to institute prosecution actions in respect of the failure to comply with the breach of condition notice. Issued on 28 November 2011 which prevents the use of car washing equipment in the open, pursuant to condition 3C attached to planning permission 11/0045/FL.

Resolved (unanimously)

That authority be delegated to the Head of Legal Democratic Services in consultation with the Head of Planning and Building Control to institute prosecution actions in respect of the failure to comply with the breach of condition notice. Issued on 28 November 2011 which prevents the use of car washing equipment in the open, pursuant to condition 3C attached to planning permission 11/0045/FL.

Councillor Andrew arrived at this juncture in the meeting.

3192/12 **Item 11 - 84 Broadway North, Walsall**

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

(see annexed)

Councillor Perry **moved** and it was duly **seconded** by Councillor Russell:-

That authority be granted to the Head of Legal and Democratic Services in consultation with the Head of Planning and Building Control to carry out prosecution action in respect of the display of the advertisement sign which announces the name of the business and its nature.

Resolved (unanimously)

That authority be granted to the Head of Legal and Democratic Services in consultation with the Head of Planning and Building Control to carry out prosecution action in respect of the display of the advertisement sign which announces the name of the business and its nature.

3193/12 **Item No. 12 - 74, 75 Stafford Street, Willenhall (often referred to as Dainty's).**

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

(see annexed)

Councillor Perry **moved** and it was duly **seconded** by Councillor Creaney:-

That Members note the actions being taken following the reports presented at the meeting on 28 June and 26 July 2012.

Resolved (unanimously)

That Members note the actions being taken following the reports presented at the meeting on 28 June and 26 July 2012.

3194/12 **Application list for permission to develop**

The application list for permission to develop was submitted together with the supplementary paper 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, enquired if the procedure whereby the Speaker would have three minutes to speak and then at two minutes they would be reminded they had one minute left, had been explained to them.

3195/12

Item No. 9 - application No. 12/0732/FL - Residential development - two detached dwellings at High Heath Working Mens Club, Coronation Road, Pelsall, WS4 1BA

The Planning Officer advised the Committee of the background to the report now submitted:-

(see annexed)

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

The Committee then welcomed the second speaker on this application, Councillor Worrall, who also spoke in support of the application.

There then followed a period of questioning by Members to the speakers and officers, including when the build would commence; whether there were any other Victorian style housing of the same size within the immediate vicinity, and what suggestions had officers made to the applicants.

In response, the speakers and officers stated that the build would commence immediately if granted; that there were a number of same size Victorian houses in the immediate vicinity and that officers had requested an amended hipped roof design, which the applicant felt could not be accepted.

The Committee then proceeded to discuss the application further which included:-

- whether the development would look over dominant;
- that the development would replace vacant eyesores sight;
- the range of different style houses within the vicinity;
- the applicant was seeking to design an inspirational family home.

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

That planning application no. 12/0732/FL be deferred, to allow officers and the applicant to negotiate and seek agreement upon a design to reduce the impact of the roofs of the proposed development. If an agreement cannot be reached, application no. 12/0732/FL to be referred back to Planning Committee.

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

Resolved

That planning application no. 12/0732/FL be deferred, to allow officers and the applicant to negotiate and seek agreement upon a design to reduce the impact on the roofs of the proposed development. If an agreement cannot be reached, application no. 12/0732/FL to be referred back to Planning Committee.

3196/12 **Item No. 1 - 12/0867/FL - Extension to left hand side elevation of existing warehouse including construction of two storey office block within. Construction of tarmacadam car park to front and concrete hard standing to the rear yard area at Promat B D Ltd, Walsall Enterprise Park, Unit 20, Regal Drive, Walsall, WS2 9HQ**

Resolved

That planning application no. 12/0867/FL be granted, subject to the conditions as set out in the report.

3197/12 **Item No. 2 - 12/0365/FL - Change of use from industrial units to car showroom/warehouse with external alterations to units at Units 1-3 Bloxwich Lane Industrial Estate, Bloxwich Lane, Walsall, WS2 8TF.**

This item was withdrawn by the applicant due to the economic climate.

3198/12 **Item No. 3 - 12/0555/FL - Proposed two storey building as an extension to Caldmore Primary School (designed to house Key Stage 2 pupils) together with associated landscaping works at Caldmore J.M.I. School, Carless Street, Walsall, WS1 3BH**

Resolved

That planning application no. 12/0555/FL be granted, subject to the conditions as set out in the report and supplementary papers now submitted.

3199/12

Item No. 4 - 12/0764/FL - Material amendments to permission 10/0350/FL to substitute revised drawings showing retention of the caretakers house, revisions to parking, access and landscaping, inclusion of a covered storage facility in the service yard and removal of retained structure for cycle parking at Shelfield Community Academy, Broad Way, Pelsall, Walsall, WS4 1BW

Councillor R Andrew having declared an interest in this item, left the room and therefore did not vote.

Resolved

That planning application no. 12/0764/FL be granted, subject to the conditions as set out in the report.

3200/12

Item No. 5 - 12/0597/FL - Erection of 20 no. dwellings (12, two-bed houses and 8, two-bed flats) with associated external works, car parking, landscaping and garden areas at Land Off Curtin Drive, Moxley, Walsall, WS10 8RJ

Resolved

That planning application no. 12/0597/FL be granted, subject to the conditions as set out in the report.

3201/12

Item No. 6 - 12/0868/FL - Variation of planning condition 17 of permission 09/1695/FL to amend house types on plots 31-35, 38 and 40-43, additional parking spaces for plots 31-35 and 38 and re-siting garage for plot 33 at Former Bloxwich Engineering Ltd, Bell Lane, Bloxwich, Walsall

Resolved

That planning application no. 12/0868/FL be granted subject to the conditions as set out in the report and supplementary papers now submitted.

3202/12

Item No. 7 - 12/1044/FL - Variation of condition 8 of 08/1841/FL to amend plots 7-12 at Land to rear of and including 15 and 17 Romney Way, Great Barr, Birmingham

Resolved

That planning application number 12/1044/FL be granted, subject to the conditions as set out in the report.

3203/12 **Item No. 8 - 11/1231/FL - Change of use to taxi base (retrospective) at Unit 2, Croxstalls Place, Walsall, WS3 2PP**

This item was withdrawn to enable further negotiations with the applicant.

3204/12 **Item No. 10 - 12/0865/FL - Proposed rear single storey detached store, bin store and replacement sliding gate to side to 124 Willenhall Street, Willenhall, WS10 8HW**

The Planning Officer advised the Committee of the background to the report and supplementary paper now submitted:-

(see annexed)

The Committee then proceeded to discuss the application further which included the narrowness of the surrounding roads; how lorries would restrict and obstruct movement along the street; and Traffic Regulation Orders needed to be investigated.

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

That application no. 12/0865/FL be deferred for officers to investigate the impact of the development on the immediate roads and to investigate road traffic issues.

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

Resolved

That application 12/0865/FL be deferred for officers to investigate the impact of the development on the immediate roads and to investigate road traffic issues.

3205/12 **Private Session**

Exclusion of Public

Resolved

That, during consideration of the following items on the agenda, the Committee considers that the item for consideration is 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 that item in private session.

Summary of item considered in private session:-

3206/12 **63, 65 Bloxwich Road South, Walsall**

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

The Planning Officer advised the Committee of the background to the report and the reasons for its urgency.

The Committee considered the report and approved the recommendations contained therein.

Termination of meeting

There being no further business the meeting terminated at 6.35 p.m.

Signed:

Date: