

## **PLANNING COMMITTEE**

**Thursday, 2<sup>nd</sup> May, 2013 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 R. Andrew  
Councillor Azam  
Councillor P. Bott  
Councillor Cook  
Councillor Creaney  
Councillor Ditta  
Councillor Douglas-Maul  
Councillor S. Fitzpatrick  
Councillor Jeavons  
Councillor Rochelle  
Councillor Sarohi  
Councillor I. Shires  
Councillor Underhill  
Councillor Westley

### **3363/13 Apologies**

There were no apologies for non-attendance.

### **3364/13 Minutes**

#### **Resolved**

That the minutes of the meeting held on 4<sup>th</sup> April, 2013, a copy having previously been circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

### **3365/13 Declarations of Interest**

Councillor Perry declared a non-pecuniary interest in Item No. 6 on the plans list, application no. 13/0305/FL - variation to Condition 2 of planning permission 06/1415/FL/W1 to retain the existing temporary modular building whose permission expires on 21 September, 2015 for a further 7 years (to 2022) at Manor Hospital, Moat Road, Walsall, WS2 9PS.

3366/13      **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

3367/13      **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.

3368/13      **Application to fell 8 trees on land to the rear of Spring Lane and Ashmore Lake Road, Willenhall**

The Chair informed Committee that Item No. 6 of the main agenda would be considered in conjunction with Item 1 on the plans list.

3369/13      **Section 106 Report - Financial Year 2012/13**

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

(see annexed)

**Resolved**

That the report be noted.

3370/13      **Deed of Variation to Section 106 Agreement: Residential development at the former St. Margaret's Hospital (Nether Hall Park development by Bovis Homes) off Queslett Road, Great Barr. Planning Permission Reference: 02/2417/OL/E2**

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

(see annexed)

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

That the request for the Deed of Variation to the S106 Agreement to accept a commuted sum in lieu of on-site affordable housing provision is accepted.

**Resolved** (Unanimously)

That the request for the Deed of Variation to the S106 Agreement to accept a commuted sum in lieu of on-site affordable housing provision is accepted.

3371/13

**Deed of Variation to S106 Agreement: Planning Permission 11/0516/FL for the erection of 44 dwellings comprising 43 houses and one flat, Victoria Avenue, Bloxwich**

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

(see annexed)

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

That the request for the Deed of Variation to the S106 Agreement to accept a commuted sum in lieu of on-site affordable housing provision be accepted in the proposed staged payments.

**Resolved** (Unanimously)

That the request for the Deed of Variation to the S106 Agreement to accept a commuted sum in lieu of on-site affordable housing provision be accepted in the proposed staged payments.

3372/13

**Tempus Ten site, Tempus Drive, Walsall**

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

(see annexed)

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

- (1) That authority be granted for the Head of Planning and Building Control to issue an Enforcement Notice under the Town and Country Planning Act, 1990 to require remedial actions to be undertaken as set out in 2.3 of the report now submitted;
- (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, 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 Head of Planning and Building Control, in accordance with Paragraph Part 3.2 - 6(a)(7) of the Constitution;

- (3) That, in the interests of ensuring an accurate and up-to-date notice is served, authority be delegated to 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.

### **Resolved**

- (1) That authority be granted for the Head of Planning and Building Control to issue an Enforcement Notice under the Town and Country Planning Act, 1990 to require remedial actions to be undertaken as set out in 2.3 of the report now submitted;
- (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, 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 Head of Planning and Building Control, in accordance with Paragraph Part 3.2 - 6(a)(7) of the Constitution;
- (3) That, in the interests of ensuring an accurate and up-to-date notice is served, authority be delegated to 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.

3373/13

### **18 and 20 Athlone Road, Walsall, WS5 3QX**

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

(see annexed)

The Committee then welcomed the only speaker on this report, Councillor Martin, who spoke in objection to the unauthorised single storey side extension.

Following questions from Members to the officers, the Vice-Chair clarified with the speaker that the extension was unauthorised and, therefore, retrospective.

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

- (1) That authority be granted for the Head of Planning and Building Control to issue an Enforcement Notice under the Town and Country Planning Act, 1990 to require remedial actions to be undertaken as set out in 2.3 of the report now submitted;
- (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, 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 Head of Planning and Building Control, in accordance with Paragraph Part 3.2 - 6(a)(7) of the Constitution;
- (3) That, in the interests of ensuring an accurate and up-to-date notice is served, authority be delegated to 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.

### **Resolved**

- (1) That authority be granted for the Head of Planning and Building Control to issue an Enforcement Notice under the Town and Country Planning Act, 1990 to require remedial actions to be undertaken as set out in 2.3 of the report now submitted;
- (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, 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 Head of Planning and Building Control, in accordance with Paragraph Part 3.2 - 6(a)(7) of the Constitution;
- (3) That, in the interests of ensuring an accurate and up-to-date notice is served, authority be delegated to 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.

3374/13

**74, 75 Stafford Street, Willenhall (often referred to as Dainty's)**

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

(see annexed)

The Committee proceeded to discuss the report further and a request was made to instruct lawyers to conduct a search on the owner's personal assets and that all work carried out by the Council to be re-imbursed.

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

That Members note the actions taken in line with resolutions of the meetings on 28<sup>th</sup> June, 26<sup>th</sup> July, 20<sup>th</sup> September, 2012 and 10<sup>th</sup> January, 2013 and to instruct lawyers to conduct a search on the owner's personal assets and that all work carried out by the Council to be re-imbursed.

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

**Resolved**

That Members note the actions taken in line with resolutions of the meetings on 28<sup>th</sup> June, 26<sup>th</sup> July, 20<sup>th</sup> September, 2012 and 10<sup>th</sup> January, 2013 and to instruct lawyers to conduct a search on the owner's personal assets and that all work carried out by the Council to be re-imbursed.

*Councillor R. Andrew arrived at this juncture of the meeting.*

3375/13

**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 they had one minute left.

**Item No. 1 - 12/1693/FL - application for 112 houses and flats with associated access, car parking, gardens, landscaping, balancing pond and associated works following demolition of existing industrial buildings at land at Spring Lane, Willenhall, WV12 4HW**

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

(see annexed)

*Councillor Ali arrived at this juncture of the meeting and, therefore, did not take part in the discussions nor vote on this item.*

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

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

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

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

There then followed a period of questioning by Members to the speakers and officers which included whether the current business occupiers had secured alternative sites; what assurances that there would be no future issues with land contaminants and what types of replacement trees would be planted.

In response, the speakers reported that ongoing discussions were taking place with current business occupiers to relocate; the report contained a condition for a grounds contamination survey and assessment of ground gas prior to the development commencing and officers confirmed that native trees were proposed.

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

That planning application no. 12/1693/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted with the addition of a further condition to ensure that the trees replaced are semi-mature.

The Motion having been put to the vote was declared **carried**, with sixteen Members voting in favour and none against.

## Resolved

That planning application no. 12/1693/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted with the addition of a further condition to ensure that the trees replaced are semi-mature.

### 3377/13 **Application to fell 8 trees on land to the rear of Spring Lane and Ashmore Lake Road, Willenhall**

## Resolved

That Committee approve the application to fell 8 trees as contained in planning application 12/1693/FL for 112 houses and flats with associated access, car parking, gardens, landscaping, balancing pond and associated works following demolition of existing industrial buildings.

### 3378/13 **Item No. 2 - 12/1598/FL - proposed erection of 14 no. 3 bedroom houses and associated works at former Barley Mow Public House, Goscote Lane, Walsall**

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. Hall, who spoke in objection to the application.

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

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

There then followed a period of questioning by Members to the speakers and officers which included why a consultation exercise had not been carried out with local residents who were opposing the scheme. In response, the speaker stated there was no planning policy requirement to conduct consultation for development of only 14 dwellings.

The Committee proceeded to discuss the application further and Councillor Rochelle **moved** and it was duly **seconded** by Councillor Jeavons:-

That planning application no. 12/1598/FL be granted, subject to conditions and a planning obligation as contained within the report now submitted.

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



## Resolved

That planning application no. 12/1598/FL be granted, subject to conditions and a planning obligation as contained within the report now submitted.

3379/13

**Item No. 3 - 12/1553/FL - proposed retail parade with provision for upper floor space together with associated secure rear servicing, access and relocated substation. Enabling works include the demolition of the existing retail parade along Digbeth and Lower Hall Lane, the decked car park accessed from Lower Hall Lane and ancillary workshop building from the former Shannons Mill site at 41 - 43 High Street, 10 - 30 (even) Digbeth and car park and 1- 10 Lower Hall Lane, Walsall**

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

(see annexed)

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

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

There then followed a period of questioning by Members to the speakers which included whether it would be feasible for existing small businesses to relocate and whether the applicant was confident the retail parade would come to fruition. In response, the first speaker reported that most of her clientele used public transport and would not be able to reach the shop if it was located out of its current position; and the second speaker stated that the applicant had to obtain pre-planning permission in order to obtain enough interest and to secure pre-lettings.

There were no questions to officers.

The Committee proceeded to discuss the application further which included how the developer should be urged to include and make provision of both small and large businesses.

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

That planning application no. 12/1553/FL be granted, subject to 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 and none against.

## Resolved

That planning application no. 12/1553/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

3380/13

**Item No. 3 - 12/1554/CC - Conservation Area Consent: to demolish existing buildings fronting High Street, Digbeth and Lower Hall Lane and former multi-storey car park to allow for redevelopment for retail development at 41 - 43 High Street, 10 - 30 (even) Digbeth and car park and 1- 10 Lower Hall Lane, Walsall**

## Resolved

That planning application no. 12/1554/CC for Conservation Area Consent be granted, subject to conditions as contained within the report now submitted.

*At this juncture in the meeting, Councillor Underhill left the room and, therefore, did not take part nor vote on the next item.*

*Councillor R. Andrew also left the room and did not return.*

3381/13

**Item No. 7 - 12/1733/FL - change of use from shop with commercial units to 7 no. self contained living units with first floor rear extension, parking and amenity area at 38 Blakenall Lane, Walsall, WS3 1HG**

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

(see annexed)

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

There were no questions to the speaker or to officers.

The Committee proceeded to discuss the application further, following which, Councillor Bird **moved** and it was duly **seconded** by Councillor Douglas-Maul:-

That planning application no. 12/1733/FL be deferred to allow further discussions and negotiations with the applicant.

The Motion having been put to the vote was declared **carried**, with all Members voting in favour and none against.

## **Resolved**

That planning application no. 12/1733/FL be deferred to allow further discussions and negotiations with the applicant.

*Councillor Underhill returned to the meeting.*

3382/13

### **Item No. 9 - 13/0248/FL - erection of a detached, 4 bedroom property and realignment of highway access at rear of 57 Stafford Road, Bloxwich, Walsall, WS3 3NJ**

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

(see annexed)

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

There then followed a period of questioning by Members to the speaker and officers, following which, Councillor Bird **moved** and it was duly **seconded** by Councillor Westley:-

That planning application no. 13/0248/FL be granted, subject to conditions as contained within the report now submitted with an additional condition that the planting and screening along the site lines between the properties is substantial.

The Motion having been put to the vote was declared **carried**, with all Members voting in favour and none against.

## **Resolved**

That planning application no. 13/0248/FL be granted, subject to conditions as contained within the report now submitted with an additional condition that the planting and screening along the site lines between the properties is substantial.

3383/13

### **Item No. 10 - 12/1670/FL - erection of two dwellings with access from Millcroft Road at land at rear of 160 Thornhill Road, Streetly, B74 2EH**

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

(see annexed)

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

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

Following a lengthy debate, Councillor Douglas-Maul **moved** and it was duly **seconded** by Councillor Cook:-

That planning application no. 12/1670/FL be refused on the following grounds:-

- (i) that the access width to the proposed site between nos. 33 and 35 was too restricted and not acceptable for the proposed site of 2 dwellings with parking;
- (ii) that a proposal for 2 dwellings and associated parking is an undesirable back garden development;
- (iii) that the development would result in a loss of amenity to home owners surrounding the site;
- (iv) that due to the narrowness and active movements of access to the proposed site it would be doubtful that public service vehicles would be able to negotiate the passageway between the two proposed site entrances.

The Motion having been put to the vote was declared **lost**, with six Members voting in favour and ten against.

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

That planning application no. 12/1670/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

The Substantive Motion having been put to the vote was declared **carried**, with ten Members voting in favour and six Members voting against.

### **Resolved**

That planning application no. 12/1670/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

At this point in the meeting, the Vice-Chairman, Councillor Bird, **moved** and it was **seconded** by Councillor Jeavons:-

That the meeting continue beyond 8.30 p.m. in order to complete the remaining items on the agenda.

The Committee agreed to extend the meeting beyond 8.30 p.m.

3384/13

**Item No. 14 - 13/0380/FL - retrospective application to retain minor additional height of flat top roof to house at 11 Greenslade Road, Walsall, WS5 3QH**

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

(see annexed)

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

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

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

The Committee proceeded to discuss the application further, which included how, although the increased height was marginal and a technical error, the height of the extension now referred back to an earlier application that had been refused and that a precedent may be set if Members agreed retrospective planning permission on applications that had previously been refused.

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

That planning application no. 13/0380/FL be refused.

The Motion having been put to the vote was declared **equal**, with eight Members voting in favour of the Motion and eight Members voting against. The Chairman had the casting vote which resulted in nine Members voting in favour of the Motion and eight against.

**Resolved**

That planning application no. 13/0380/FL be refused.

3385/13

**Item No. 4 - 12/1486/FL - minor material amendment to permission 09/0753/RM to vary condition 2 allowing substitution of house types for plots 378 - 415 (phase 3) of residential development of 141 dwellings at former St. Margaret's Hospital, Queslett Road, Walsall, B43 7EZ**

**Resolved**

That planning application no. 12/1486/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted and subject to no new information raising new material issues.

3386/13

**Item No. 5 - 13/0306/FL - change of use of former Students Union building to an enterprise and innovation centre with administration offices and external alterations and new stair tower at former Students' Union Building (Building WC), Walsall Campus, Gorway Road, Walsall, WS1 3BD**

**Resolved**

That planning application no. 13/0306/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

3387/13

**Item No. 6 - 13/0305/FL - variation to Condition 2 of planning permission 06/1415/FL/W1 to retain the existing temporary modular building whose permission expires on 21 September, 2015 for a further 7 years (to 2022) at Manor Hospital, Moat Road, Walsall, WS2 9PS**

**Resolved**

That planning application no. 13/0305/FL be granted, subject to conditions as contained within the report now submitted.

*The Chairman, having declared an interest in this item, did not vote.*

3388/13

**Item No. 8 - 13/0284/FL - subdivision of residential farm complex with first floor extension to provide 2 no. additional duplex residential dwellings with associated alterations, landscaping and parking area at 107 Chapel Lane, Great Barr, Birmingham, B43 7BA**

**Resolved**

That planning application no. 13/0284/FL be granted, subject to conditions as contained within the report now submitted.

*Councillor Rochelle requested that his name be recorded as voting against the motion.*

3389/13 **Item No. 11 - 12/1138/FL - change of use from A1 (retail) to A5 (hot food takeaways) with new brick built riser containing new extraction ductwork, and formation of new car parking spaces at 90 - 92 Salters Road, Walsall**

**Resolved**

That planning application no. 12/1138/FL be refused.

3390/13 **Item No. 12 - 13/0428/PT - prior approval for the installation of a replacement 12.5m high streetworks pole with 3 shrouded antennae and 2 additional equipment cabinets at Telecommunications Installations fronting 123 - 129 Chester Road, Streetly, B74 2HT**

**Resolved**

That prior notification details of the telecommunications installation for application no. 13/0428/PT be approved, subject to no further representations raising new material issues as contained within the report now submitted.

3391/13 **Item No. 13 - 12/1574/FL - change use to a tuition centre open for the local community at 130 - 140 Walstead Road, Walsall, WS5 4LU**

**Resolved**

That planning application no. 12/1574/FL be granted, subject to conditions as contained within the report now submitted.

*Councillor Azam left the room at this juncture in the meeting and did not return.*

3392/13 **Item No. 15 - 12/0137/FL - pitched roof above existing garage and utility room, chimney removal, front porch extension, side door to garage and extension to driveway (part retrospective) at 10 Norman Road, Walsall, WS5 3QJ**

**Resolved**

That planning application no. 12/0137/FL be granted, subject to conditions as contained within the report now submitted.

3393/13 **Item No. 16 - 12/0981/FL - resubmission of 12/0041/FL: front boundary walls and proposed automatic gates and railings at 84 Belvidere Road, Walsall, WS1 3AU**

**Resolved**

That planning application no. 12/0981/FL be granted, subject to conditions as contained within the report now submitted.

3394/13 **Item No. 17 - 12/1410/FL - proposed garage for domestic use by No. 11 Little Cross Street at land adjacent 11 Little Cross Street, Wednesbury**

**Resolved**

That planning application no. 12/1410/FL be granted, subject to conditions as contained within the report now submitted.

3395/13 **Private Session**

**Exclusion of Public**

**Resolved**

That, during consideration of the following item 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**

3396/13 **12, 13 and 14 Lower Lichfield Street, Willenhall, West Midlands, WV13 1PX**

The Committee approved the recommendations contained within the report.

(Exempt information under Paragraph 7 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 8.50 p.m.

Signed: .....

Date: .....



