PLANNING COMMITTEE

Thursday, 29 July, 2010 at 5.30 p.m.

In the Council Chamber at the Council House, Walsall

Present

Councillor Perry (Chairman)

Councillor Bird (Vice-Chairman)

Councillor Arif

Councillor Beeley

Councillor Cook

Councillor Douglas-Maul

Councillor Harris

Councillor P. Hughes

Councillor Jeavons

Councillor Madeley

Councillor D. Pitt

Councillor Rochelle

Councillor Sarohi

Councillor Thomas

Councillor Turner

Councillor Yasin

2473/10 **Apologies**

Apologies for non attendance were received on behalf of Councillors Ali, P. Bott, Carpenter and Creaney.

2474/10 Minutes

Resolved

That the minutes of the meeting held on 8 July, 2010, a copy having been previously circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

2475/10 **Declarations of Interest**

Councillor Perry declared:-

A prejudicial interest in Item 3 of the plans list relating to application no. 10/0367/FL as he sat on Cabinet when the decision was made.

A prejudicial interest in Item 7 of the plans list relating to application no. 09/1086/FL as he sat on Cabinet when the decision was taken..

A prejudicial interest in Item 13 of the agenda relating to Rose Cottage, Railswood Nurseries, Railswood Drive, Pelsall as he had previously declared his view on this matter.

Councillor Bird declared:-

A prejudicial interest in Item 3 of the plans list relating to application no. 10/0367/FL as he was on Cabinet when the decision was taken.

Councillor P. Hughes declared:-

A prejudicial interest in Item 11 of the plans list relating to application no. 10/0602/TE as he had discussed the matter with an objector and felt that he had fettered his discretion on this item.

Councillor D. Pitt declared:-

A prejudicial interest in Item 12 of the agenda in relation to the validation of poor plans submitted with planning applications as he had sat on the Scrutiny Committee which had subsequently made recommendations which formed part of this report.

Councillor Arif declared:-

A prejudicial interest in Item 3 of the plans list relating to application no. 10/0367/FL as he was a Member of Cabinet when the decision was taken.

A prejudicial interest in Item 7 of the plans list relating to application no. 09/1086/FL as he was a Member of Cabinet when the decision was taken.

Councillor Harris declared:-

A prejudicial interest in Item 3 of the plans list relating to application no. 10/0367/FL as he was a Member of Cabinet when the decision was taken.

A prejudicial interest in Item 7 of the plans list relating to application no. 09/1086/FL as he was a Member of Cabinet when the decision was taken.

2476/10 Change in the order of business

In line with the Councils Constitution rules the Chair advised Committee that item 13 of the Agenda relating to Rose Cottage would be considered after the Plans List.

He further advised that both he and the Vice Chair had declared a prejudicial interest in that item and invited nominations from the Committee to appoint a chair for that matter only.

Councillor Douglas Maul was nominated to chair the meeting for that item and a vote was taken. Members voted unanimously in favour of Councillor Douglas Maul chairing the meeting for that item only.

2477/10 Deputations and Petitions

There were no deputations introduced or petitions submitted.

2478/10 Confirmation of Tree Preservation Order 1 of 2010 on 11 Banks Street, Willenhall, WV13 1SP

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

(see annexed)

Resolved

- (1) That Walsall Tree Preservation Order No. 1 of 2010 be confirmed in an unmodified form;
- (2) That the reasons for making the Tree Preservation Order, as set out in the report detail paragraph 10, be supported;
- (3) That it be noted that no representations had been received in respect of the Tree Preservation Order.

2479/10 Confirmation of Tree Preservation Order 4 of 2010 on 16 Ambleside Grove, Willenhall, WV12 5DA

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

(see annexed)

Resolved

- (1) That Walsall Tree Preservation Order No. 4 of 2010 be confirmed in an unmodified form:
- (2) That the reasons for making the Tree Preservation Order, as set out in the report detail paragraph 10, be supported;

(3) That it be noted that no representations had been received in respect of the Tree Preservation Order.

2480/10 Confirmation of Tree Preservation Order 5 of 2010 on land to the east of Pinson Gardens, Willenhall

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

(see annexed)

Resolved

- (1) That Walsall Tree Preservation Order No. 5 of 2010 be confirmed in an unmodified form:
- (2) That the reasons for making the Tree Preservation Order, as set out in the report detail paragraph 10, be supported;
- (3) That it be noted that no representations had been received in respect of the Tree Preservation Order.

2481/10 Confirmation of Tree Preservation Order 20 of 2009 on Darlaston Community School, Herberts Park Road, Darlaston and (part of) George Rose Park, Wolverhampton Street, Darlaston

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

(see annexed)

Resolved

- (1) That Walsall Tree Preservation Order No. 20 of 2009 be confirmed in an unmodified form;
- (2) That the reasons for making the Tree Preservation Order, as set out in the report detail paragraph 10, be supported;
- (3) That it be noted that no representations had been received in respect of the Tree Preservation Order.

2482/10 Confirmation of Tree Preservation Order 21 of 2009 on Highgate, Streetly, Sutton Coldfield. To revoke Tree Preservation Order 30 of 2007

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

(see annexed)

Resolved

- (1) That Walsall Tree Preservation Order No. 21 of 2009 be confirmed in an unmodified form:
- (2) That the reasons for making the Tree Preservation Order, as set out in the report detail paragraph 10, be supported;
- (3) That it be noted that no representations had been received in respect of the Tree Preservation Order;
- (4) That the revocation of Walsall Tree Preservation Order 30 of 2007 be authorised.

2483/10 Former petrol filling station, corner of Ward Street and Walhouse Road, Walsall

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

(see annexed)

The Planning Officer presented the report and drew Member's attention to the supplementary paper circulated at the meeting:-

(see annexed)

Resolved (Unanimously)

- (1) That authority is granted for the issuing of enforcement notices, to require remedial actions to be undertaken as shown below in 2.3.
- (2) To authorise that 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 from petrol station and associated uses to vehicle wash and valet, private car park, and car sales

Steps required to remedy the breaches:

Cease using the site as a vehicle wash and valet, private car park and car sales.

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

Erect a wooden or metal and concrete trip rail 0.4 metres tall at all accessible parts of the perimeter of the site, the rail to be of a size and design to prevent vehicles entering or parking on the site, not to be removed until the site is brought back into use for a lawful use.

Period for compliance 1 month:

The reasons for taking enforcement action:

The uses of the site

- have a very poor appearance at a promine nt location in the town resulting in detriment to the appearance of the town centre and the objective of safeguarding and enhancing the quality and character of the town
- they compromise the availability of land that is subject of the Gigaport regeneration initiative.
- the vehicle washing and valeting have an adverse impact on the amenity of the houses at the rear, by reason of noise disturbance and poor appearance.

such that the unauthorised uses are in conflict with Walsall UDP policies 2.2, 3.6, 3.7, GP1, GP2, GP4, ENV10, ENV29, ENV32, ENV33, ENV40, S3, S4, and S11.

In addition, the car parking use of the site, is in conflict with local and national policies to minimise commuting by car in particular Walsall UDP policy T7, and national policies in PPG13

- (4) That authority is 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 other advertisements on the site. Furthermore, against the possibility of additional unlawful advertisements, authority be delegated to the Head of Planning and Building Control in consultation with the Assistant Director of Planning and Building Control to prosecute in the event that advertisements requiring express consent are erected on the site at any time, without that consent.
- (5) That authority is granted to the Head of Planning and Building Control, in consultation with the Assistant Director Legal and Constitutional Services, for the issuing of a Notice under Section 215 of the TCPA 1990 to abate the harm caused to amenity by the poor maintenance of the site.
- (6) That Officers be requested to investigate the nature of emissions from the site into drains.

2484/10 Section 106 Report Quarter 1 of 2010/11

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

(see annexed)

Resolved

That the report be noted.

2485/10 Validation of poor plans submitted with planning applications

Councillor D. Pitt having declared a prejudicial interest in these items left the meeting during consideration and did not take part or vote.

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

(see annexed)

Resolved

That the proposed requirements, as detailed within the report now submitted, be approved.

2486/10 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.

2487/10 Item No. 9 - 10/0516/FL - proposed construction of main prayer hall on ground floor and women's prayer hall on the first floor as an annexe to the rear of existing building at 154-160 Wednesbury Road, Walsall

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

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

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

The Committee then welcomed the third and final speaker on this application, Mr. Ali, who spoke against the application.

There then followed a period of questioning by Members in relation to why the applicants had not started work before the previous approval lapsed, what progress had been made during that period and how the objections could be overcome. In response, it was stated by the supporting speakers that the recommended reasons for refusal were seen as negotiable and that minor amendments could be made to overcome them. In relation to the previous approval it was stated that there had been considerable delays which had prevented the original application from being implemented. These were due to issues with the Environment Agency, Severn Trent and transportation matters. It was stated that the company had developed an ultimate site development plan. They had entered into the pre-application stage.

There then followed a further question in relation to whether or not obscure glass could be installed to prevent privacy and overlooking issues. In response, it was stated that this could be carried out.

The Committee proceeded to discuss the application in detail.

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

That planning application no. 10/0516/FL be approved as it was not an over-development of the site as the building was mostly single storey and had a flat roof. Privacy could be maintained to neighbouring properties by installing obscure glass windows. The design of the building did not have a detrimental impact on the street scene as it was at the back of the properties.

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

There then followed further consideration of the application and Councillor Perry **moved** and it was duly **seconded** by Councillor Bird:-

- (i) That planning application no. 10/0516/FL be refused for the reasons as stated in the report now submitted and;
- (ii) That a report be brought back to a future meeting of the Planning Committee detailing breaches of control in this mosque's wider ownership..

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

Resolved

- .(i) That planning application no. 10/0516/FL be refused for the reasons as stated in the report now submitted and:
- (ii) That a report be brought back to a future meeting of the Planning Committee detailing breaches of control in this mosque's wider ownership.
- 2488/10 Item No. 11 10/0602/TE time extension of planning application No. 07/0859/FL/W3: demolition of 2 no. houses (62 and 64 Cannock Road) and existing Health Centre (66 Cannock Road) and construction of new Health Centre with dispensary and associated parking at New Invention Health Centre, 62-66 Cannock Road, New Invention, Willenhall, WV12 5RZ

and

Item No. 12 - 10/0601/FL - demolition of nos. 62 and 64 Cannock Road and existing Health Centre and erection of new Health Centre and associated parking at 62-66 Cannock Road, New Invention, Willenhall, WV12 5RZ

Councillor Hughes having declared a prejudicial interest in these items left the meeting during consideration and did not take part or vote.

The Planning Officer advised the Committee of the background to the report and explained that items 11 and 12 were very similar applications. It was for this reason that there were being presented together. Whilst they were being presented together voting would need to be taken separately.

The Committee then welcomed the first speaker on this application, Mrs. Naffati, who spoke against the applications.

The Committee then welcomed the second speaker on this application, Mr. Naffati, who also spoke against the applications.

There then followed a period of questioning by Members in relation to the objector's main issues. In response, it was stated that they did not wish to be overlooked and would ask for all windows facing their property to be obscured and hinged at the bottom to prevent overlooking. They also requested a three metre wall to ensure their privacy was kept.

In relation to Item 11, Councillor Perry **moved** and it was duly **seconded** by Councillor Bird:-

That the application be granted, subject to conditions as contained in the report and supplementary paper now submitted and an additional condition to require that all of the side windows facing the properties to no. 60 be of obscure glazed and hinged at the bottom.

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

Resolved

That planning application no. 10/0602/TE be approved, subject to conditions as contained in the report and supplementary paper now submitted and an additional condition to require that all of the side windows facing the properties to no. 60 be of obscure glazed and hinged at the bottom..

In relation to Item 12, Councillor Bird **moved** and it was duly **seconded** by Councillor Perry:-

That planning application no. 10/0601/FL be approved, subject to the conditions as contained in the report now submitted and an additional condition to require that all of the side windows facing the properties to no. 60 be of obscure glazed and hinged at the bottom.

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

Resolved

That planning application no. 10/0601/FL be approved, subject to the conditions as contained in the report now submitted and an additional condition to require that all of the side windows facing the properties to no. 60 be of obscure glazed and hinged at the bottom.

2489/10 Item No.13 - 10/0553/FL - two storey side and single storey front and rear extensions and loft conversion at 10 Park Hall Road, Walsall, WS5 3HG

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

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

The Committee then welcomed the second speaker on this application, Mrs. N. Patel, who also spoke in support of the application.

The Committee then welcomed the third and final speaker on this application, Asha Patel, who spoke against the application.

There then followed a question by a Member in relation to why the extension was required. In response Mrs. Patel stated that the extension was required as they hoped to move in with relatives and would need the extra space as they had children. This would help them to gain a place in a local school.

The Committee proceeded to discuss the application in detail.

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

That planning application no. 10/0553/FL be approved, subject to the conditions as contained in the report now submitted.

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

Resolved

That planning application no. 10/0553/FL be approved, subject to the conditions as contained in the report now submitted.

2490/10 Item No.1 - 10/0315/FL - erection of B2 (General Industrial) factory premises with ancillary offices and car parking at vacant land to the north west of Maybrook Road, Walsall, WS8 7DG

Resolved

That planning application no. 10/0315/FL be approved, subject to the conditions as contained in the report and supplementary paper now submitted.

2491/10 Item No. 2 - 09/1469/FL - demolish existing petroleum filling station and erect a new dental surgery building at corner of Moreton Avenue and Beacon Road, Great Barr, B4 7BW

Resolved

That planning application no. 09/1469/FL be approved, subject to the conditions as contained in the report and supplementary paper now submitted.

2492/10 Item No. 4 - 10/0613/TE - time extension application: Four storey development to provide 22 flats with associated under croft car parking at 37-38 Bradford Street, Walsall, WS1 3QA

Resolved

That planning application no. 10/0613/TE be approved, subject to the conditions as contained in the report now submitted.

2493/10 Item No. 5 - 10/0674/FL - Substitution of house type to replace Emerald 2.5 storey 4 bed house with Sapphire 3 storey 4 bed house on plots 12, 13, 18, 21, 66, 69, 71, 92, 97 and 98 (10 plots in total) at former Bloxwich Engineering Ltd., Bell Lane, Bloxwich, Walsall

Resolved

That planning application no. 10/0674/FL be approved, subject to the conditions as contained in the report now submitted.

2494/10 Item No. 6 - 10/0339/OL - Outline: residential apartment block (all matters reserved) at The Eagle Public House, Cresswell Crescent, Walsall, WS3 2TS

Resolved

That planning application no. 10/0339/OL be approved, subject to the conditions as contained in the report and supplementary paper now submitted and a Planning Obligation.

2495/10 Item No. 8 - 09/1789/FL - Erection of convenience goods store (Class A1) with associated car parking at former Field Service Station, Lichfield Road, Bloxwich, Walsall

Resolved

That planning application no. 09/1789/FL be refused for the reasons as contained in the report now submitted and that a further report be brought back to a future meeting about the condition of the land.

2496/10 Item No. 10 - 10/0294/FL - extension to store to form new entrance and alterations to car park at Cole of Bilston, Great Bridge Road, Bilston, West Midlands, WV14 8LB

Resolved

That planning application no. 10/0294/FL be approved, subject to the conditions as contained in the report and supplementary paper now submitted.

2497/10 Item No.7 - 09/1086/FL - proposed demolition of single storey buildings and erection of new visitor centre at Walsall Arboretum, Lichfield Street, Walsall

Councillors Perry, Arif, and Harris, having declared a prejudicial interest in this item left the meeting, did not take part or vote.

Resolved

That planning application no. 09/1086/FL be approved, subject to the conditions as contained in the report now submitted.

2498/10 Item No. 3 - 10/0367/FL - redevelopment of part of the former Wagon Automotive site to form North Walsall Council Highways Depot - a sui generis planning use class including, vehicle parking, vehicle fuelling and washing, MOT testing, workshops, storage and ancillary offices at former Wagon Automotive, Pelsall Road, Brownhills, Walsall, WS8 7HP

Councillors Perry, Bird, Arif and Harris, having declared a prejudicial interest in this item left the meeting, did not take part or vote.

In the absence of the Chair or Vice Chair, Councillor Douglas Maul, having been nominated and agreed by show of hands took the chair for this item only as agreed in Minute no. 2476/10 above.

The planning officer advised the committee of the background to the report.

Resolved

That planning application no. 10/0367/FL be approved, subject to the conditions as contained in the report now submitted and to no new information raising new material issues being received.

2499/10 Item No.14 - 10/0353/FL - proposed single storey rear extension at 21 Blue Cedar Drive, Sutton Coldfield, B74 2AE

Resolved

That planning application no. 10/0353/FL be approved, subject to the conditions as contained in the report now submitted.

2500/10 Item No.15 - 10/0679/FL - conservatory at rear at 109 Nether Hall Avenue, Birmingham, B43 7ET

Resolved

That planning application no. 10/0679/FL be approved, subject to the conditions as contained in the report now submitted.

2501/10 Rose Cottage, Railswood Nurseries, Railswood Drive, Pelsall, WS3 4BE

Councillor Perry having declared a prejudicial interest in this item left the meeting during consideration and did not take part or vote

The Vice-Chairman, Councillor Bird, chaired the meeting for this item only

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

(see annexed)

The Head of Planning and Building Control advised Members that they should view this report as an entirely new report, disregarding the report previously considered.

Having regard to the Head of Planning and Building Control's comments, Councillor Bird **moved** and it was duly **seconded** by Councillor Arif:-

- (1) That authority is granted for the issuing of an enforcement notice under the Town and Country Planning Act 1990 (as amended), to require remedial actions to be undertaken as shown below in 2.3.
- (2) To authorise that 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 belowstating the nature of the breaches and the reasons for taking enforcement action, the requirements of the Notice, or the boundaries of the site:

Details of the Enforcement Notice

The Breach of Planning Control:-Change of use for stationing of one residential caravan and creation of raised patio area.

Steps required to remedy the breach-

- Permanently cease to use the site for the stationing of a residential caravan.
- Permanently remove from the site the caravan and associated fixtures and fittings.
- Remove the raised patio area in its entirety and remove all associated materials.

Period for compliance:6 months

Reasons for taking Enforcement Action:Planning permission (07/1878/FL/E10) has been refused for the change of use of the site for stationing of one residential caravan for one gypsy family. The use commenced before the determination of the application and continues to take place despite the development being refused. No special circumstances have been demonstrated for a dwelling in a green belt; gypsy status has not been proven and the development was inappropriate within the green belt and harmful to the character and openness of the area.

The alleged unauthorised patio is inappropriate development in the Green Belt because its construction and use conflict with the purposes of the Green Belt.

- (4) That it is expedient for the Council to take enforcement action having regard to the occupiers' human rights and rights not to be discriminated against, which have been appropriately assessed under the terms of the guiding legislation (Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000 and Human Rights Act 1998).
- (5) That having considered the statement of case attached to this report committee confirm their support to the case to be presented at the forthcoming inquiry into planning refusal 07/1878/FL/E10.

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

Resolved

- (1) That authority is granted for the issuing of an enforcement notice under the Town and Country Planning Act 1990 (as amended), to require remedial actions to be undertaken as shown below in 2.3.
- (2) To authorise that 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 breaches and the reasons for taking enforcement action, the requirements of the Notice, or the boundaries of the site:

<u>Details of the Enforcement Notice</u>

The Breach of Planning Control:-

Change of use for stationing of one residential caravan and creation of raised patio area.

Steps required to remedy the breach:-

- Permanently cease to use the site for the stationing of a residential caravan.
- Permanently remove from the site the caravan and associated fixtures and fittings.
- Remove the raised patio area in its entirety and remove all associated materials.

Period for compliance:-

Reasons for taking Enforcement Action:-

Planning permission (07/1878/FL/E10) has been refused for the change of use of the site for stationing of one residential caravan for one gypsy family. The use commenced before the determination of the application and continues to take place despite the development being refused. No special circumstances have been demonstrated for a dwelling in a green belt; gypsy status has not been proven and the development was inappropriate within the green belt and harmful to the character and openness of the area.

The alleged unauthorised patio is inappropriate development in the Green Belt because its construction and use conflict with the purposes of the Green Belt.

(4) That it is expedient for the Council to take enforcement action having regard to the occupiers' human rights and rights not to be discriminated against, which have been appropriately assessed under the terms of the guiding legislation (Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000 and Human Rights Act 1998).

(5)	That having considered the statement of case attached to this report, committee confirm their support to the case to be presented at the forthcoming inquiry into planning refusal 07/1878/FL/E10.
Termination of meeting	
Т	nere being no further business the meeting terminated at 7.40 p.m.
S	igned:
D	ate [.]