

PLANNING COMMITTEE

Thursday, 16th October, 2014 at 5.30 p.m.

In the Council Chamber at the Council House, Walsall

Present

Councillor Westley (Chairman)
Councillor Jeavons (Vice-Chairman)
Councillor P. Bott
Councillor Creaney
Councillor Ditta
Councillor J. Fitzpatrick
Councillor Illman-Walker
Councillor Martin
Councillor Perry
Councillor Robertson
Councillor Sarohi
Councillor D. Shires
Councillor Underhill
Councillor Wade
Councillor Worrall

3776/14 Apologies

Apologies for non-attendance were submitted on behalf of Councillors Bird, Douglas-Maul, Harris and Rochelle.

3777/14 Minutes

Resolved

That the minutes of the meeting held on 18th September 2014, a copy having previously been circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

3778/14 Declarations of Interest

Councillor Jeavons declared a non-pecuniary interest in planning list item 1 – application number 14/1014/FL – Demolition of existing buildings and the erection of 14 two-bedroom apartments and an electricity substation, together with a new access and parking facilities – 1 Woodside Close, Walsall, WS5 3LU.

Councillor Martin declared a non-pecuniary interest in plans list item 1 - application number 14/1014/FL – Demolition of existing buildings and the

erection of 14 two-bedroom apartments and an electricity substation, together with a new access and parking facilities – 1 Woodside Close, Walsall.

Councillor Bott declared a non-pecuniary interest in plans list item 2 – application number 14/0799/RM – Reserved matters application for erection of 412 new dwellings – 235 for private sale and 177 for affordable rent with associated parking, landscaping and road works (outline permission 12/0036/OL) – Goscote Lane Regeneration Corridor incorporating sites in Shakespeare Crescent, Keats Road, Tennyson Road, Chaucer Road, Wordsworth Road, Dryden Road, Harden Road and Well Lane, Walsall and also in plans list item 3 – application number 14/1056/FL – Erection of 19 dwellings, associated car parking, landscaping, bin and cycle stores and associated works – Land off Clothier Gardens, Willenhall, WV13 1AF.

Councillor J. Fitzpatrick declared a non-pecuniary interest in plans list item 2 – 14/0799/RM -Reserved matters application for erection of 412 new dwellings – 235 for private sale and 177 for affordable rent with associated parking, landscaping and road works (outline permission 12/0036/OL) – Goscote Lane Regeneration Corridor incorporating sites in Shakespeare Crescent, Keats Road, Tennyson Road, Chaucer Road, Wordsworth Road, Dryden Road, Harden Road and Well Lane, Walsall, as she is a whg Local Committee Member.

Councillor Wade declared a non-pecuniary interest in plans list item 3 - application number 14/1056/FL – Erection of 19 dwellings, associated car parking, landscaping, bin and cycle stores and associated works – Land off Clothier Gardens, Willenhall, WV13 1AF, as he is a whg Board Member.

3779/14 **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

3780/14 **Local Government (Access to Information) Act, 1985 (as amended)**
Resolved

There were no items to be discussed in private session.

3781/14 **Former GKN Factory – Middlemore Lane West, Aldridge, WS9 8DD**

The report of the Head of Planning and Building Control was submitted:-
(see annexed)

The Presenting Officer advised the Committee of the background to the report and supplementary paper now submitted. He informed Members that he had received communication from the site owner's agent that afternoon, that remedial work had commenced on the site.

Councillor D. Shires and Councillor Robertson arrived at this juncture of the meeting and therefore did not take part or vote on this item.

There then followed a period of questioning by Members to the Presenting Officer which included whether officers would monitor the work being carried out, if there was a barrier at the edge of the embankment, and whether the recent communication from the site owner's agent had a bearing on the Committee's decision.

In response, the Presenting Officer confirmed that officers would check the new works to ascertain where the embankment materials would be deposited, that there was no barrier around the edge of the raised land, and that the recent communication from the site owner's agent had no bearing on Committee's decision.

Members considered the report further and Councillor Worrall **moved** and it was duly **seconded** by Councillor Jeavons:-

1. That authority be granted for the Head of Planning and Building Control to issue an Enforcement Notice under the Town and County Planning Act 1990 (as amended) to require remedial actions to be undertaken as set out in 2.3 of the report;
2. That authority be granted for the Head of Planning and Building Control to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice or the non return of Requisitions for Information for a Planning Contravention Notice; and the decision as to the institution of Injunctive proceedings in the event of a continuing breach of planning control;
3. That authority be granted for the Head of Planning and Building Control to amend, add to, or delete from the wording set out within the report now submitted, stating the nature of the breach (ES) the reason (S) for taking enforcement action, the requirements (S) of the Notice for the boundaries of the site, in the interests of ensuring the accurate and up to date Notices are served.

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

Resolved

1. That authority be granted for the Head of Planning and Building Control to issue an Enforcement Notice under the Town and County Planning Act 1990 (as amended) to require remedial actions to be undertaken as set out in 2.3 of the report;
2. That authority be granted for the Head of Planning and Building Control to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice or the non return of Requisitions for Information for a Planning Contravention Notice; and the decision as to the institution of

Injunctive proceedings in the event of a continuing breach of planning control;

3. That authority be granted for the Head of Planning and Building Control to amend, add to, or delete from the wording set out within the report now submitted, stating the nature of the breach (ES) the reason (S) for taking enforcement action, the requirements (S) of the Notice for the boundaries of the site, in the interests of ensuring the accurate and up to date Notices are served.

3782/14 **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.

The Chair informed Committee that item 6 on the plans list would be considered first.

3783/14 **Item No. 6 – 14/1036/FL – Resubmission of planning application 14/0558/FL for proposed two storey rear extension and single storey rear extensions, removal of existing side dormer, new roof and new rear dormer – 31 Foley Road East, Walsall, B74 3HP**

The Presenting 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 Chadwick, who spoke in objection to the application.

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

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

The Committee then welcome the fourth speaker on this application, Mrs. Dyche, who also spoke in support of the application.

There were no questions to the speakers.

There then followed a period of questioning by Members to the Officers, which included whether there were houses in the street scene larger than the proposed application, and if the homes adjacent to the application property had obscured windows.

In response, the Presenting Officer confirmed there were a number of larger homes in the area as shown by the ordinance survey plan, and that most of the side windows of the two adjacent homes were obscured glass.

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

That planning application 14/1036/FL be granted, subject to conditions as contained within the report now submitted.

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

Resolved

That planning application 14/1036/FL be granted, subject to conditions as contained within the report now submitted.

3784/14

Item No 1 – 14/1014/FL – Demolition of existing buildings and the erection of 14 two-bedroom apartments and an electricity substation, together with a new access and parking facilities – 1 Woodside Close, Walsall, WS5 3LU

Councillor Jeavons and Councillor Martin having both declared an interest in this item, left at this juncture of the meeting and therefore did not vote on this application.

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, Mrs. Kowalski, who also spoke in objection to the application.

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

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

There then followed a period of questioning by Members to the speakers, which included why the applicant had emailed further details to Planning Committee Members in advance of the meeting, and whether Western Power's concerns in relation to the substation had been addressed.

In response, a speaker stated additional information had been forwarded to Planning Committee Members to explain details of the application beforehand in bullet point form. It was also reported that Western Power had been consulted and it had no objections to the substation, and would make visual inspections of the substation every three years.

There then followed a period of questioning by Members to officers which included how Western Power would access/replace the substation and if 1.2 parking spaces per dwelling would create a precedent for future developments.

In response, the Planning Officer reported that Western Power would access the substation through a proposed side entrance and that the substation would be replaced using a vehicle or crane from a parking space within the development or from the highway. The Head of Planning and Building Control emphasised that Committee had to take on board the determination of Planning Inspectors in previous appeals and that it would be unreasonable to ignore the previous three very similar applications where Planning Inspectors had concluded that only the appearance and location of the substation was the issue. A Highways Officer reiterated that car parking provision had been considered in the earlier appeals and Planning Inspectors had determined that the proposed provision would be acceptable following receipt of the Council's census data regarding car parking provision for apartments and flats.

The Committee proceeded to discuss the application in detail and Councillor Westley **moved** and it was duly **seconded** by Councillor Wade:-

That planning application 14/1014/FL be granted, subject to conditions contained within the report and supplementary paper now submitted.

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

Following further deliberations, Councillor Illman-Walker **moved** and it was duly **seconded** by Councillor Creaney:-

That planning application 14/1014/FL be refused by reason of inadequate car parking, inadequate access to the substation and density of the overall development.

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

Resolved

That planning application 14/1014/FL be refused by reason of inadequate car parking, inadequate access to the substation and density of the overall development.

3785/14

Item No. 5 – 14/1243/FL - Construction of new dwelling, including alteration of information submitted in connection with application and consent referenced 12/0720/FL – 28 Hobs Hole Lane, Walsall, WS9 8QY

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. Inskip, who spoke in objection to the application.

There then followed a period of questioning by Members in relation to whether there were similar chimney constructions within the area, and what was the difference between the current scheme and the previously approved scheme.

Members considered the application and Councillor Jeavons **moved** and it was duly **seconded** by Councillor Bott:-

That planning application number 14/1234/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 eleven Members voting in favour and none against.

Resolved

That planning application number 14/1234/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

Item No. 2 – 14/0799/RM – Reserved matters application for erection of 412 new dwellings – 235 for private sale and 177 for affordable rent with associated parking, landscaping and road works (outline permission 12/0036/OL) – Goscote Lane Regeneration Corridor incorporating sites in Shakespeare Crescent, Keats Road, Tennyson Road, Chaucer Road, Wordsworth Road, Dryden Road, Harden Road and Well Lane, Walsall

Committee wished to discuss the application further in the absence of speakers and a number of questions were asked, which included what measures would be in place for flood risks, the omission of any Section 106

contribution, concerns around the density and separation distances of the site under Walsall's policy.

In response, the Planning Officer informed Members that the application under consideration was a reserved matters application to address the outline housing design relating to sites A and D, and that issues in relation to a balancing pond/drainage would be considered at a separate time before any building could commence.

The Committee proceeded to discuss the application further, including concerns around the density of the site and policy separation distances.

The Head of Planning and Building Control reiterated that the item under consideration was a reserved matters application which had already been approved in principal. He added that Officers would convey Members' views on high density to whg for future developments.

Members considered the application further, including how the development would provide 412 new dwellings of which 177 dwellings would be affordable rent, providing social and economic benefits.

Councillor Jeavons **moved** and it was duly **seconded** by Councillor Worrall:-

That planning application number 14/0799/RM be granted, subject to conditions contained within the report and supplementary paper now submitted, subject to no new objections raising new material planning issues and subject to resolving the Canal & River Trust and ecology objections.

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

Resolved

That planning application number 14/0799/RM be granted, subject to conditions contained within the report and supplementary paper now submitted, subject to no new objections raising new material planning issues and subject to resolving the Canal and River Trust and ecology objections.

3786/14

Item No. 3 – 14/1056/FL – Erection of 19 dwellings, associated car parking, landscaping, bin and cycle stores and associated works – Land off Clothier Gardens, Willenhall, WV13 1AF

Resolved

That planning application no. 14/1056/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

3787/14 **Item No. 4 – 14/0810/FL – Erection of a two storey vehicle workshop and offices on vacant industrial land – Existing vacant industrial site, Stringes, Lane, Willenhall**

Resolved

That planning application number 14/0810/FL be granted, subject to conditions as contained within the report and supplementary papers now submitted.

3788/14 **Item No. 7 – 14/0947/FL – Enlargement and alterations to roof to form loft conversion, including; 5 dormer windows, 1 balcony, 1 Juliet balcony and 3 roof lights – 6 Charlemont Gardens, Walsall, WS5 3NG**

Resolved

That planning application number 14/0947/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

Termination of meeting

There being no further business, the meeting terminated at 7.50 p.m.

Signed:.....

Date:.....