

## **PLANNING COMMITTEE**

**Thursday, 2 December, 2010 at 5.30 p.m.**

**In the Council Chamber at the Council House, Walsall**

### **Present**

Councillor Bird (**Vice-Chairman**)

Councillor Ali

Councillor Arif

Councillor Beeley

Councillor P. Bott

Councillor Carpenter

Councillor Cook

Councillor Creaney

Councillor Douglas-Maul

Councillor P. Hughes

Councillor Jeavons

Councillor Madeley

Councillor D. Pitt

Councillor Rochelle

Councillor Thomas

Councillor Turner

Councillor Yasin

### **2615/10 Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Perry and Sarohi.

### **2616/10 Minutes**

#### **Resolved**

That the minutes of the meeting held on 11 November, 2010, a copy having previously been circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

### **2617/10 Declarations of Interest**

Councillor Carpenter declared a prejudicial interest in relation to Items 12 and 14 on the plans list, application no. 10/1096/FL in relation to Mill Green Farm, 724 Chester Road, Aldridge, Walsall, WS9 0LR and application no. 08/1863/LE in relation to Railswood Nurseries, Railswood Drive, Pelsall.

Councillor Bird declared a prejudicial interest in relation to Item 12 on the plans list, application no. 10/1096/FL in relation to Mill Green Farm, 724 Chester Road, Aldridge, Walsall, WS9 0LR.

Councillor P. Bott declared a prejudicial interest in relation to Item No. 10 on the plans list, application no. 10/1393/FL in relation to 103 High Road, Willenhall.

Councillor Madeley declared a prejudicial interest in relation to Item 3 on the plans list, application no. 09/0333/FL in relation to 10, 11 and 12 Pinfold Street, Walsall.

**At this juncture in the meeting, the Chairman sought nominations for a temporary Chairman to take control of the meeting for Item No. 12 on the plans list as he had declared an interest and would be vacating the room. Councillor Douglas-Maul was duly nominated for this position and carried unanimously when put to the vote.**

#### **2618/10 Deputations and Petitions**

Councillor Bird informed the meeting that Councillor Barton would be introducing a deputation on Agenda Item No. 9 - Notification of intention to undertake felling and pruning works to trees in Walsall Arboretum.

#### **2619/10 Local Government (Access to Information) Act, 1985 (as amended)**

##### **Resolved**

There were no items to be considered in private session.

#### **2620/10 Confirmation of Tree Preservation Order 8 of 2010 on land at Park Hall Close, Walsall, WS5 3HQ. To revoke Tree Preservation Order 42 of 1978**

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

(see annexed)

##### **Resolved**

- (1) That Walsall Tree Preservation Order 8 of 2010 be confirmed in an unmodified form;
- (2) That it be noted that no representations had been received in respect of this Tree Preservation Order;

- (3) That the revocation of Walsall Tree Preservation Order 42 of 1978 be authorised.

**2621/10 Confirmation of Tree Preservation Order 15 of 2010 on land at Berkley Close, Bentley, Walsall**

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

(see annexed)

**Resolved**

- (1) That Walsall Tree Preservation Order 15 of 2010 be confirmed in an unmodified form;
- (2) That it be noted that no representations had been received in respect of this Tree Preservation Order.

**2622/10 Confirmation of Tree Preservation Order 16 of 2010 on land at, and to the rear of, 110-142 Wilkes Avenue, Bentley, Walsall**

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

(see annexed)

**Resolved**

- (1) That Walsall Tree Preservation Order 16 of 2010 be confirmed in an unmodified form;
- (2) That it be noted that no representations had been received in respect of this Tree Preservation Order.

**2623/10 Notification of intention to undertake felling and pruning works to trees in Walsall Arboretum**

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

(see annexed)

The Natural Environment Officer advised the Committee of the background to the report and drew Members' attention to the additional information contained within the supplementary report now submitted.

Councillor Barton then introduced Mr. Hanson as a deputation. In line with the provisions of the Constitution, Mr. Hanson addressed the Committee for five minutes highlighting various objections to the proposals of the report.

The Committee then heard from Mr. Graham Hood, Head of Green Spaces, and Mrs. Louise Harris, Arboretum Project Manager, who also spoke for five minutes on the details of the application.

There then followed a period of questioning by Members in relation to whether professional advice had been sought in relation to the proposals from qualified arboriculturalists; what level of consultation had been carried out and whether local residents had been consulted as a part of this process; whether additional trees would be planted to replace those lost; whether a loss of trees was identified as a part of the Heritage Lottery Fund bid; what consultation had been carried out in relation to the relocation of memorial trees within the Arboretum; whether the tree works proposed had been accurately described to people signing the petition submitted; what was the likely impact upon animals and insects that lived in the trees that had to be removed; whether residents from Victoria Terrace had been consulted.

The Committee then proceeded to discuss the application in detail.

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

- (1) That the proposed schedule of works, as set out in the report now submitted, be accepted;
- (2) That no Tree Preservation Orders be made to prevent the works.

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

### **Resolved**

- (1) That the proposed schedule of works, as set out in the report now submitted, be accepted;
- (2) That no Tree Preservation Orders be made to prevent the works.

2624/10 **34 Emery Street, Walsall, WS1 3AW**

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

(see annexed)

## **Resolved**

- (1) That authority be 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 in Paragraph 2.3 of the report now submitted;
- (2) 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 as set out in 2.3 of the report 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.

### **2625/10 Twenty two dwellings with associated parking at land at The Green, Castle Street, Darlaston - Application No. 06/0635/FL/W2**

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

(see annexed)

The Planning Officer drew Members' attention to additional information as contained within the supplementary report now submitted.

## **Resolved**

That the Section 106 agreement be varied to remove the requirement for the education payment provided the development is completed within 24 months from the date of the variation or such other period as may be specified in the Deed of Variation.

### **2626/10 8 Grove Crescent, Pelsall, WS3 4NG**

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

(see annexed)

## **Resolved**

- (1) That authority be 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 Paragraph 2.3 of the report now submitted;
- (2) 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 in Paragraph 2.3 of the report now submitted stating the nature of the breaches and the reasons for taking enforcement action, the requirements of the Notice, or the boundaries of the site.

### **2627/10 Adoption of Local Validation Checklist**

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

(see annexed)

The Planning Officer drew Members' attention to Appendices 1 and 2 which had been circulated at the meeting and which were referred to in the report.

## **Resolved**

- (1) That the final validation checklist be noted, subject to any amendments Members may wish to suggest;
- (2) That it be noted that the Executive Director of Regeneration will arrange for publication of the list on the Council's website on 6<sup>th</sup> December, 2010.

### **2628/10 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.

2629/10 **Item No. 12 - 10/1096/FL - erection of 5 houses with associated works, demolition of existing B1 Light Industrial, B2 - General Industrial and B8 - Storage and Distribution buildings at Mill Green Farm, 724 Chester Road, Aldridge, Walsall, WS9 0LR**

Prior to the consideration of this application, Councillors Bird and Carpenter left the room in view of the fact that they had declared an interest in this item and, therefore, did not take part in the discussions and did not vote on this application.

**Councillor Douglas-Maul in the Chair**

The Planning Officer advised the Committee of the background to the report and drew Members' attention to the additional information contained within the supplementary paper now submitted, which also included an additional condition.

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

There then followed a period of questioning by Members in relation to whether the present tenant had complained about loss of employment; whether the current layout proposals were likely to change in the future and what impact this development would have on the Green Belt area.

The Committee then proceeded to discuss the application in detail.

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

That planning application no. 10/1096/FL be approved, subject to the conditions as contained within the report now submitted and subject to referral to Government Office.

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

## **Resolved**

That planning application no. 10/1096/FL be approved, subject to the conditions as contained within the report now submitted and subject to referral to Government Office.

**Councillor Rochelle wished to have his name recorded as having voted against this resolution**

2630/10 **Item No. 9 - 10/1301/OL - outline: for the erection of a single dwellinghouse and associated works, access and layout only for consideration at land adjacent 15 Goscote Road, Walsall**

### **Councillor Bird back in the Chair**

The Planning Officer advised the Committee of the background to the report and drew Members' attention to the additional information contained within the supplementary paper now submitted.

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

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

There then followed a period of questioning by Members in relation to what the existing access problems were; if there was sufficient room for emergency vehicles to access and navigate the site safely; what activity had been taking place on the land in question; who had erected the fence around the land and how this application differed from the one previously refused back in 2001.

The Committee then proceeded to discuss the application in detail.

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

That planning application no. 10/1301/OL be refused on the grounds that it would create an incongruous feature on the street scene by way of its size and nature, being too small in comparison to the considerably larger detached and semi-detached dwellings in the locality and as a result would be detrimentally out of character with the area.

The Motion having been put to the vote was declared **carried** with sixteen Members voting in favour of refusal and one against.



## Resolved

That planning application no. 10/1301/OL be refused on the grounds that it would create an incongruous feature on the street scene by way of its size and nature, being too small in comparison to the considerably larger detached and semi-detached dwellings in the locality and as a result would be detrimentally out of character with the area.

### 2631/10 **Item No. 11 - 09/1329/FL - conversion of Three Crowns Public House into a dwelling and construction of 4 no. detached dwellings at Three Crowns Public House, Sutton Road, Walsall**

The Planning Officer advised the Committee of the background to the report and drew Members' attention to the additional information contained within the supplementary paper now submitted.

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

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

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

There then followed a period of questioning by Members in relation to whether a previous application for this site had been submitted; was marketing consultation being carried out; what consultation had been carried out on this application; whether a different scheme with less housing might be more acceptable; how much bigger the footing of this development was in relation to the current footing on the public house and what impact this would have on the Green Belt land it is situated on.

In response to a comment made by one of the objectors, Councillor Bird clarified that both Councillors Andrew and Towe had been involved in this site in their capacities as Ward Members and through positions on the Urban Regeneration Company. Furthermore, Councillor Bird clarified that both the Councillors had acted properly and in accordance with their Code of Conduct and had stated their support to the development of the site, not the application before Committee. In closing, Councillor Bird stated that both Councillors had acted in the interests of their constituents, the Ward and the Borough as a whole.

The Committee then proceeded to discuss the application in detail.

Members considered the application and Councillor Madeley **moved** and it was duly **seconded** by Councillor Ali:-

That planning application no. 09/1329/FL be refused on the grounds set out in the report now submitted.

The Motion having been put to the vote was declared **carried**, with thirteen Members voting in favour of refusal and one against.

#### **Resolved**

That planning application no. 09/1329/FL be refused on the grounds set out in the report now submitted.

At this juncture in the meeting, Councillor Bird **moved** and it was duly **seconded** by Councillor Cook:-

That Standing Order No. 9(a) of the Council's Constitution be suspended in order for the Committee to conclude the remainder of its business.

#### **Resolved**

That Standing Order No. 9(a) of the Council's Constitution be suspended in order for the Committee to conclude the remainder of its business.

#### 2632/10 **Item No. 1 - 10/0610/OL - outline application (all Matters Reserved) for residential development (Resubmission of 09/0092/OL) also affecting public footpath WAL44 on land to the south of Reedswood Way, Walsall**

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

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

There then followed a period of questioning by Members in relation to how long the applicant had been trying to sell the site; what impact an industrial use might have on the nature conservation land on the site and if the view of the Walsall Urban Regeneration Company had affected a previous application for housing on this site.

The Committee then proceeded to discuss the application in detail.

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

That planning application no. 10/0610/OL be refused for the grounds set out in the report now submitted.

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

## Resolved

That planning application no. 10/0610/OL be refused for the grounds set out in the report now submitted.

2633/10 **Item No. 10 - 10/1393/FL - change of use from a one-room shop and outside storage of touring caravans and camper vans to vehicle sales, with associated reception/office and hard standing for the display and parking vehicles and retention of 3m high palisade fencing to the rear and erection of new fencing to the front and side of the property and creation of a private amenity area and allocation of parking spaces for two existing flats at 103 High Road, Willenhall**

Prior to consideration of this application, Councillor Bott left the room in view of the interest he declared at the start of the meeting and, therefore, took no part in the discussions and did not vote on this item.

The Planning Officer advised the Committee of the background to the report and drew Members' attention to the additional information contained within the supplementary paper which also included an amended recommendation.

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

There then followed a period of questioning by Members in relation to what the traffic on the main road was like and how the on-site parking would work.

The Committee then proceeded to discuss the application in detail.

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

That planning application no. 10/1393/FL be refused on the grounds that the application would be an over intensification of use on the site and would pose a danger to the public by increasing the amount of traffic on the road and by virtue of the vehicles entering and exiting from the access to the site.

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

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

That planning application no. 10/1393/FL be approved, subject to the conditions as contained within the report and supplementary paper now submitted.

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

**Resolved**

That planning application no. 10/1393/FL be approved, subject to the conditions as contained within the report and supplementary paper now submitted.

- 2634/10 **Item No. 2 - 10/1253/FL - rewording of conditions attached to planning permission 08/0394/FL to allow commencement of construction of roads to southern part of site at land at Heathfield Lane West/Moxley Road, Darlaston**

**Resolved** (Unanimously)

That planning application no. 10/1253/FL be approved, subject to the conditions as contained within the report now submitted.

- 2635/10 **Item No. 3 - 09/0333/FL - retention of single storey and two storey rear extensions and also the retention of the change of use to a house of multiple occupation comprising 14 bedrooms, lounge and kitchen at 10, 11 and 12 Pinfold Street, Walsall**

Prior to consideration of this application, Councillor P. Hughes left the room in view of the interest he had declared at the start of the meeting and, therefore, took no part in the discussions and did not vote.

**Resolved** (Unanimously)

That planning application no. 09/0333/FL be approved, subject to the conditions as contained within the report now submitted.

- 2636/10 **Item No. 4 - 10/1131/TE - time extension of planning approval 07/1156/FL/W6: demolition of existing buildings and erection of 22 houses and apartments at George Carter Pressings, Clothier Street, Willenhall, Walsall**

**Resolved** (Unanimously)

That planning application no. 10/1131/TE be approved, subject to the conditions as contained within the report now submitted.

- 2637/10 **Item No. 5 - 10/1201/FL - proposed 50 bedroom care home for the elderly at 294 Harden Road (Former Swan and Cues Public House), Harden Road, Walsall**

**Resolved** (Unanimously)

That planning application no. 10/1201/FL be approved, subject to the conditions as contained within the report now submitted.

- 2638/10 **Item No. 6 - 10/1166/FL - residential apartment block comprising of 17 x 1 bedroom flats at The Eagle Public House, Cresswell Crescent, Bloxwich, Walsall**

**Resolved** (Unanimously)

That planning application no. 10/1166/FL be approved, subject to the conditions as contained within the report now submitted.

- 2639/10 **Item No. 7 - 10/1008/FL - demolition of former royal naval club; erection of 10 no. flats with associated works at former Royal Navy Club, 120 Elmore Green Road, Bloxwich**

**Resolved** (Unanimously)

That planning application no. 10/1008/FL be approved, subject to the conditions as contained within the report now submitted.

- 2640/10 **Item No. 8 - 10/1345/FL - amendment to condition of planning permission 10/0294/FL to allow for different cladding materials to certain elevations at Cole of Bilston, Great Bridge Road, Bilston**

**Resolved** (Unanimously)

That planning application no. 10/1345/FL be approved, subject to the conditions as contained within the report now submitted.

- 2641/10 **Item No. 13 - 10/1424/FL - amendment to permission 10/0866/FL for enlarged house on plot 1 at former Beacon View Children's Home, Little Aston Road, Walsall**

**Resolved** (Unanimously)

That planning application no. 10/1424/FL be approved, subject to the conditions as contained within the report now submitted.

- 2642/10 **Item No. 14 - 08/1863/LE - Certificate of Lawfulness for existing use for the repair, refurbishment and storage of tractors, agricultural implements and equipment and parts, and sales of the above and retention of 10 buildings on site, and a greenhouse and polytunnel at Railswood Nurseries, Railswood Drive, Pelsall**

Prior to consideration of this application, Councillor Carpenter left the room in view of the interest he had declared at the start of the meeting and, therefore, took no part in the discussions and did not vote on this application.

**Resolved** (Unanimously)

That application no. 08/1863/LE be approved, subject to the terms contained within the report now submitted.

- 2643/10 **Item No. 15 - 10/1110/FL - single storey rear extension and front porch extension at Tanglewood, Bourne Vale, Aldridge, Walsall**

**Resolved** (Unanimously)

That planning application no. 10/1110/FL be approved, subject to the conditions as contained within the report now submitted.

- 2644/10 **Item No. 16 - 10/1278/FL - conservatory to rear at 10 St. Davids Place, Bloxwich, Walsall**

**Resolved** (Unanimously)

That planning application no. 10/1278/FL be approved, subject to the conditions as contained within the report now submitted.

2645/10 **Item No. 17 - 10/1025/FL - new 4 bedroom dwelling plus parking and associated landscaping at land r/o 19 Middleton Road, Sutton Coldfield**

In view of the fact that this application required the Committee's delicate judgement, Councillor Bird invited the Planning Officer to do a short presentation on this item.

The Committee then proceeded to discuss the application in detail.

Members considered the application and Councillor Ali **moved** and it was duly **seconded** by Councillor Shires:-

That the application be approved, subject to any conditions as deemed appropriate by the Head of Planning and Building Control.

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

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

That planning application no. 10/1025/FL be refused for the grounds set out in the report now submitted.

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

**Resolved**

That planning application no. 10/1025/FL be refused for the grounds set out in the report now submitted.

**Termination of meeting**

There being no further business the meeting terminated at 9.15 p.m.

Signed: .....

Date: .....