

PLANNING COMMITTEE

Thursday, 11 November, 2010 at 5.30 p.m.

In the Council Chamber at the Council House, Walsall

Present

Councillor Perry (**Chairman**)
Councillor Bird (**Vice-Chairman**)
Councillor Ali (**arrived at 6.25pm**)
Councillor Beeley
Councillor Cook
Councillor Douglas-Maul (**arrived at 5.55pm**)
Councillor P. Hughes
Councillor Jeavons
Councillor D. Pitt
Councillor Rochelle
Councillor Sarohi
Councillor Thomas
Councillor Yasin

2593/10 **Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Arif, Carpenter, Creaney, Madeley and Turner.

2594/10 **Minutes**

Resolved

That the minutes of the meeting held on 21 October, 2010, a copy having previously been circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

2595/10 **Declarations of Interest**

Councillor Perry declared a prejudicial interest in relation to applications 6 and 7 on the plans list, application no. 10/1119/FL in relation to Sheffield Community College, Broad Way, Pelsall, Walsall, WS4 1BW and application no 10/1194/FL also relation to Sheffield Community College, Broad Way, Pelsall, Walsall, WS4 1BW.

Councillor Yasin declared a prejudicial interest in relation to applications 6 and 7 on the plans list, application no. 10/1119/FL in relation to Sheffield Community College, Broad Way, Pelsall, Walsall, WS4 1BW and application no 10/1194/FL also relation to Sheffield Community College, Broad Way, Pelsall, Walsall, WS4 1BW.

Councillor Jeavons declared a prejudicial interest in applications 3, 6 and 7 on the planning applications list. Application no.10/1232/OL, 323 Wolverhampton Road, Walsall, WS2 8RL, application no. 10/1119/FL in relation to Sheffield Community College, Broad Way, Pelsall, Walsall, WS4 1BW and application no 10/1194/FL also relation to Sheffield Community College, Broad Way, Pelsall, Walsall, WS4 1BW.

Councillor Ali declared a prejudicial interest in relation to items 6 and 7 on the plans list, application no. 10/1119/FL in relation to Sheffield Community College, Broad Way, Pelsall, Walsall, WS4 1BW and application no 10/1194/FL also relation to Sheffield Community College, Broad Way, Pelsall, Walsall, WS4 1BW.

2596/10 Deputations and Petitions

There were no deputations introduced or petitions submitted.

2597/10 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.

2598/10 Confirmation of Tree Preservation Order 6 of 2010 on Providence Baptist Chapel, New Road, Willenhall, WV13 2BG.

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

(see annexed)

Resolved

- (1) That Walsall Tree Preservation Order 6 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 this Tree Preservation Order.

2599/10 **Confirmation of Tree Preservation Order 9 of 2010 on 56 Bentley Drive, Walsall, WS2 8RX.**

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

(see annexed)

Resolved

- (1) That Walsall Tree Preservation Order 9 of 2010 be confirmed in an unmodified form;
- (2) That the reason for making the Tree Preservation Order, as set out in the report detail Paragraph 10, be supported;
- (3) That it be noted that no representation had been received in respect of this Tree Preservation Order.

2600/10 **Confirmation of Tree Preservation Order 10 of 2010 on St.Martins Church, Daffodil Road, Walsall WS5 3DQ.**

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

(see annexed)

Resolved

- (1) That Walsall Tree Preservation Order 10 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 this Tree Preservation Order.

2601/10 **Confirmation of Tree Preservation Order 12 of 2010 on Land at Lawnswood Drive, Walsall Wood, Walsall.**

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

(see annexed)

Resolved

- (1) That Walsall Tree Preservation Order 12 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 this Tree Preservation Order.

2602/10 Confirmation of Tree Preservation Order 17 of 2010 on Land at 9 Longwood Rise, Willenhall, WV12 4AZ.

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

(see annexed)

Resolved

- (1) That Walsall Tree Preservation Order 17 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 one representation had been received in respect of this Tree Preservation Order.

2603/10 Application to Fell Four Trees, Crown Reduce one Tree and to Crown Raise Trees at 44 Park Road, WS5 3JU.

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

(see annexed)

Councillor Bird stated that he was of the opinion that the Silver Birch Tree (tag number 648) did not add any amenity value to the area and therefore advised that he was minded to move the resolution as set out with the amendment that the Silver Birch tree (tag number 648) also be removed.

Resolved

That:-

- (1) the Birch Tree tag number 648 be removed.

- (2) the 2 Fir Trees tag 647 and 649 be removed.
- (3) the Cypress tree tag number 650 be removed.
- (4) the Willow Tree tag number 646 be crown reduced by 30%.
- (5) the 3 Fir Trees situated adjacent to the garden shed be crown raised to provide 3 metre clearance from the nearest adjacent ground level.

2604/10 **2nd Quarter Development Management Performance Report**

The report of the Head of Planning and Building Control which had been sent out to follow was submitted:-

(see annexed)

Councillor Bird wished the Committee to note that a 100% success rate had been achieved and thanked officers for their hard work and support.

Resolved

That the report be noted.

2605/10 **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.

2606/10 **Item No.1- 10/1093/FL - Hybrid Application: Detailed Application for 100-bed Hotel (Use Classic C10 together with associated restaurant and bar, external seating area, associated landscape works and temporary surface 100 space car park (2 years) and access arrangements; change of use and external alterations to Wharfingers Cottage for retail, financial and professional services, offices, leisure, drinking establishment and restaurant encompassing implemented landscaping works and new external seating are (Use classes A1,A2,A3,A4, B1(a) and D2).Outline application (all matters reserved) for leisure, retail**

financial and professional services, restaurant drinking establishment hotel, office, residential, development (Use Classes A1,A2,A3,A4, B1(a), C3, D2) and associated multi-storey car park together with proposed access, servicing, landscaping, canal bridge and works to canal basin at Land South of Wolverhampton Street, Walsall,WS2 8LS

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 a revised recommendation, amended conditions and new conditions.

The speakers, Mr Willets and Mrs Rounding, indicated that they did not wish to speak, but were happy to answer questions.

The Committee then proceeded to discuss the application in detail.

Councillor Bird was of the opinion that the application before the Committee constituted a high quality development and should be welcomed in the Borough. Furthermore Councillor Bird commented that Section 106 agreements were becoming too onerous and if Walsall wanted to maintain an "open for business" attitude he felt it would be right to approve a reduction in the level of D2 Leisure Provision from 30% to 20% to help support this application and ensure it was endorsed.

Members then considered the application and Councillor Bird moved and it was duly seconded by Councillor Cook:

That planning application no. 10/1093/FL be approved subject to a legal agreement and conditions, and subject to a reduction from 30% to 20% of D2 Leisure Provision.

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

Resolved

That planning application no. 10/1093/FL be approved subject to a legal agreement and conditions, and subject to a reduction from 30% to 20% of D2 Leisure Provision.

Councillor Douglas- Maul arrived at the meeting during the consideration of this application and therefore took no part in the discussions and did not vote on this application.

2607/10 **Item No. 2 – 10/0763/FL- demolition of existing industrial/depot buildings and erection of 264 dwellings at the Site formally known as Walsall Depot, Norfolk Place, Bloxwich Road, Walsall.**

Prior to the consideration of this application the Council's Legal Advisor advised the Committee of the situation with regard to the Section 106 agreement.

The planning officer advised the committee of the background to the report and drew Member's attention to the additional information contained within the supplementary paper which also included an amended recommendation and an additional condition.

The Committee then welcomed the only speaker on this application Mr Horsley who indicated that he did not wish to speak but was happy to answer questions.

Councillor Bird stated that he welcomed this development in the Borough but acknowledged the difficulties that both officers and the applicant had been faced with. Similar to the last application, Councillor Bird reported that if Walsall wanted to promote the "open for business" attitude for the benefit of the Borough, Walsall would need to be flexible in its approach in applying its various criteria. Furthermore, Councillor Bird stated that the Supplementary Planning Document had now become too onerous and unrealistic and threatened to drive away investment within the Borough.

In view of this Councillor Bird asked for the Committee's support in asking Cabinet to revisit both Section 106 and the Supplementary Planning Document to both modernise and to make them more realistic and viable in today's economic climate.

In closing, Councillor Bird requested the applicant to liaise with officers if it was found that the land was contaminated.

David Elsworthy then reminded Members that as detailed on page 37 of the report now submitted, Members would also be required to determine how to allocate contributions and to where.

Following discussions on this matter, the Committee determined that 50% of the contributions should be spent on Education and the remaining 50% should be spent on Open Spaces.

The Committee then proceeded to discuss the application in detail.

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

- (1) That planning application No.2 10/0763/FL be approved subject to the conditions as contained within the report and supplementary paper now submitted.
- (2) That developer contributions be divided 50% to Education and 50% on Open Spaces.
- (3) That Cabinet be requested to consider looking at Section 106 agreements and the Supplementary Planning Document to see if they can be brought into one composite Planning Policy which would modernise and make them more realistic and viable in the current economic climate.

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

Resolved

- (1) That planning application No.2 10/0763/FL be approved subject to the conditions as contained within the report and supplementary paper now submitted.
- (2) That developer contributions be divided 50% to Education and 50% on Open Spaces.
- (3) That Cabinet be requested to consider looking at Section 106 agreements and the Supplementary Planning Document to see if they can be brought into one composite Planning Policy which would modernise and make them more realistic and viable in the current economic climate.

2608/10 **Item No.4- 10/0702/FL- 13 two and three bed affordable house, 10 one-bed supported living apartments and an 8 bedroom physical disability unit at the Site of the Cavalade, P.H., Stroud Avenue, Willenhall, WV12 4DH.**

The planning officer advised the committee of the background to the report and drew Member's attention to the additional information contained within the supplementary paper which also included a revised recommendation.

The Committee then welcomed the first speaker on this application Mrs. Mann who spoke in support of the application.

The Committee then welcomed the 2nd and final speaker on this application Councillor I. Shires who also spoke in support on this application.

There then followed a period of questioning by members in relation to if a condition could be placed on the planning condition to make it compulsory that refuse was collected from within the site and not from the main road.

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 Perry.

- (1) That planning application No.4-10/0702/FL be approved subject to the conditions as contained within the report and supplementary paper now submitted.
- (2) That the Head of Planning and Building control be delegated authority to agree an amended plan detailing the collection of refuse from within the site.

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

Resolved

- (1) That planning application No.4-10/0702/FL be approved subject to the conditions as contained within the report and supplementary paper now submitted.
- (2) That the Head of Planning and Building control be delegated authority to agree and amended plan detailing the collection of refuse from within the site.

Councillor Ali arrived at the meeting during the consideration of this application and, therefore, took no part in the discussion and did not vote

2609/10 **Item No.11- 10/0077/FL- change of use of storage building to taxi base, with 2 taxis operating from garage site at 15 Bloxwich Road North, Short Heath, Willenhall,WV12 5PG.**

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

The Committee then welcomed the first speaker on this application Councillor D. Shires who spoke against the application.

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

There then followed a period of questioning by Members in relation to why illegal activities had been undertaken on the site, how long the illegal activities had taken place on site, why planning permission hadn't been sought for the illegal activities, what hours of operation would be attached to the permission, if the proposals were a viable business proposition, why there was a duplication of certain names on the petition of support and whether there were sufficient parking bays for the proposed use.

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 Cook.

That planning application No.4 -10/0702/FL be refused on the grounds that granting permission would lead to an over intensification of use which could not be accommodated on the site as a result of the lack of parking, which would have an adverse impact on highway safety and would exacerbate current problems in relation to noise and disturbance and affect the amenities currently enjoyed by neighbouring residents.

The Motion having been put to the vote was declared **carried** with 11 Members voting in favour of refusal and 2 against.

Resolved

That planning application No.4 -10/0702/FL be refused on the grounds that granting permission would lead to an over intensification of use which could not be accommodated on the site as a result of the lack of parking, which would have an adverse impact on highway safety and would exacerbate current problems in relation to noise and disturbance and affect the amenities currently enjoyed by neighbouring residents.

Councillor Bird requested officers to bring a report back to a future Committee on the illegal activity undertaken on this site.

Resolved

That officers bring a report on this matter back to a future meeting .

2610/10 **Item No. 6 -10/1119/FL- Variation of condition 2 of permission 10/0350/FL to substitute plans to show amended parapet and increased roof height to dance studio., Item No. 7 -10/1194/FL- Variation of condition 2 of approval 10/0350/FL to substitute plans showing amended existing and proposed ground levels raised by 210mm both at the property of Sheffield Community College, Broad Way, Pelsall, Walsall, WS4 1BW.**

Councillors Perry, Jeavons, Ali and Yasin all declared a prejudicial interest in items 6 and 7 and therefore left the room during the consideration of these applications, took no part in the discussions and did not vote.

Councillor Bird in the Chair

Councillor Bird advised that applications 6 and 7 were related and he would be considering taking them together.

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

The Committee welcomed the only speaker on this application Mr.Flynn who clarified that he did not wish to speak on the applications but was happy to answer questions.

The Committee proceeded to discuss the applications in detail.

Members considered the applications and Councillor Bird moved and it was duly seconded by Councillor P.Hughes that;

- (1) In relation to item no. 6, that planning application No.10/1119/FL be approved subject to the conditions as contained within the report now submitted.
- (2) That in relation to item no.7, that planning application No. 10/1194/FL be approved subject to the conditions as contained within the report now submitted.

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

Resolved

- (1) That in relation to item no. 6, that planning application No.10/1119/FL be approved subject to the conditions as contained within the report now submitted.
- (2) That in relation to item no.7, that planning application No. 10/1194/FL be approved subject to the conditions as contained within the report now submitted.

2611/10 **Item No. 8- 10/1268/FL- change of use from Light Industrial Unit to Leisure Use (Use Class D2) as Boxing training Club at Unit 1B, Block1, New Firms Centre, Fairground Way, Walsall, WS1 4NU.**

Councillor Perry back in the chair

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

The Committee welcomed the only speaker on this application Mr.Hall, Who spoke in support of the application.

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.8-10/1268/FL, be approved subject to the conditions ascertained within the report now submitted.

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

Resolved

That planning application No.8-10/1268/FL, be approved subject to the conditions ascertained within the report now submitted.

2612/10 **Item No. 3- 10/1232/OL- Outline: redevelopment of existing Church and community building for the same purposes, taking 'access' into account at 323 Wolverhampton Road, Walsall,WS2 8RL.**

Item No.5- 10/1100/FL- Amendment to approval 10/0074/FL for erection of replacement school building including 26 place nursery (amendments to car park, access to road. Service & landscaping at Christ Church, Church of England Primary School, Harden Road, Walsall, WS3 1EN.

Item No.9- 10/1262/OL- Outline application for residential development (access, layout and scale to be determined) at Queslett Centre, Lakeview Close, Walsall, B43.

Item No.10- 10/1346/TE- Application to extend time limit for implementation of planning approval reference number 07/1798/FL/W5 for proposed warehouse/ distribution unit with two storey office accommodation at Central Point, Willenhall Road, Darlaston, Walsall.

Item No. 12 – 10/1197/FL – First floor front extension at 37 Kingfisher Grove, Coppice Farm, Walsall, WV12 5HG.

Councillor Perry indicated that, as there were no speakers left and in view of the fact that Members had received papers a week in advance of the meeting and had had a chance to read them, he intended to move the officer recommendations within the reports submitted for items 3,5,9,10 and 12, unless any Members wished to raise any issues on any of the reports.

Members were content with this proposal and did not wish to raise any issues.

Members considered the applications and Councillor Perry moved and it was duly seconded by Councillor Bird that.

- (1) That in relation to item 3, that planning application No- 10/1232/OL be approved subject to the conditions as contained now within the report now submitted;

- (2) That in relation to item no 5, that planning application No.- 10/1100/FL be approved subject to the conditions as contained within the report now submitted;
- (3) That in relation to item no 9, that planning application No.- 10/1262/OL be approved subject to the conditions as contained within the report now submitted.
- (4) That in relation to item no 10, that planning application No.- 10/1346/TE be approved subject to the conditions as contained within the report now submitted.
- (5) That in relation to item no 12, that planning application No.- 10/1197/FL be approved subject to the conditions as contained within the report now submitted.

The Motions having been put to the vote were declared **carried** with Members voting unanimously in favour of the approvals.

Resolved

- (1) That in relation to item 3, that planning application No.- 10/1232/OL be approved subject to the conditions as contained within the report now submitted;
- (2) That in relation to item no 5, that planning application No.- 10/1100/FL be approved subject to the conditions as contained within the report now submitted;
- (3) That in relation to item no 9, that planning application No.- 10/1262/OL be approved subject to the conditions as contained within the report now submitted.
- (4) That in relation to item no 10, that planning application No.- 10/1346/TE be approved subject to the conditions as contained within the report now submitted.
- (5) That in relation to item no 12, that planning application No.- 10/1197/FL be approved subject to the conditions as contained within the report now submitted.

2613/10 **Private Session**

Exclusion of Public

Resolved

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

2614/10 **284 Lichfield Road, New Invention, Willenhall.**

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

(see annexed)

Resolved

- (1) That the Committee notes the condition of the house, and endorses the issuing of a Notice under Section 79 of the 1984 Building Act, or Section 215 of the Town and Country Planning Act 1990, to require in either case repair or demolition.
- (2) That the decision as to whether to use section 79 of the Building Act, or Section 215 of the TCPA be delegated to the Assistant Director – Legal and Constitutional Services, in consultation with the Head of Planning and Building Control.
- (3) That, in the event of non-compliance with a Section 79 Notice or a Section 215 Notice, or with a Requisition for Information under Section 16 of the Local Government (Miscellaneous Provisions) Act or Section 330 of the TCPA, the decision as to the institution of legal proceedings be delegated to the Assistant Director- Legal and Constitutional Service, in consultation with the Head of Planning and Building Control.
- (4) That the authority also be delegated to the Head of Planning and Building Control, in consultation with the Assistant Director – Legal and Constitutional Services, to amend, add to, elaborate, or delete from the items set out below, stating the requirement(s) of the section 79 Notice or section 215 Notice, or identifying the boundaries of the site.

The owners to:-

Either, carry out repairs to the building, to restore it to a normal weather-tight and habitable condition and appearance.

Or, demolish the house, dig up its foundations, and reinstate the level of the land using soil, and remove all the demolition materials.

And in either case, the pile of builders waste, to be removed from the block paved front garden.

Period for compliances:-

2 months.

Termination of meeting

There being no further business the meeting terminated at 7.15 p.m.

Signed:

Date: