

PLANNING COMMITTEE

Thursday, 11th December 2014 at 5.30 p.m.

In the Council Chamber at the Council House, Walsall

Present

Councillor Westley (Chairman)
Councillor Bird
Councillor Ditta
Councillor J. Fitzpatrick
Councillor Ilman-Walker
Councillor Nawaz
Councillor Perry
Councillor Robertson
Councillor Rochelle
Councillor Sarohi
Councillor D. Shires
Councillor Underhill
Councillor Wade
Councillor Worrall

3811/14 Apologies

Apologies for non-attendance were submitted on behalf of Councillors Jeavons (Vice-Chair), Creaney, Martin.

3812/14 Minutes

Resolved

That the minutes of the meeting held on 13th November 2014, a copy having previously been circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

3813/14 Declarations of Interest

Councillor Ditta declared a non-pecuniary interest in relation to agenda item 8 – 72 Whitehall Road, Walsall, WS1 4AP.

3814/14 Deputations and Petitions

There were no deputations introduced or petitions submitted.

3815/14 **Local Government (Access to Information) Act, 1985 (as amended)**

Resolved

There were no items to be discussed in private session.

The Chairman reported that agenda item 9 – 1 Hydesville Tower School, Broadway North, WS1 2QG had been withdrawn from this agenda.

3816/14 **Confirmation with modifications of Tree Preservation Order 8 of 2014 on land at Holy Ascension Church, Sandstone Road, Bloxwich, Walsall, WS3 3FJ.**

The report of the Head of Regeneration – Development and Delivery was submitted

(see annexed)

The presenting officer advised the Committee of the background to the report now submitted.

Councillor Shires arrived at this juncture of the meeting and therefore did not take part nor vote on this application.

Members considered the report and Councillor Fitzpatrick **moved** and it was duly **seconded** by Councillor Perry:-

That Committee:-

- i. Confirmed the Walsall Tree Preservation Order 8 of 2104 in a modified form. A plan of the Tree Preservation Order and a schedule of the trees are attached to the report;
- ii. Supported the reason for making the Tree Preservation Order as set out in the report detail at Paragraph 10;
- iii. Noted that six representations had been received in response in the making of this Tree Preservation Order.

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

Resolved

That Committee:-

- i. Confirmed the Walsall Tree Preservation Order 8 of 2104 in a modified form. A plan of the Tree Preservation Order and a schedule of the trees are attached to the report;
- ii. Supported the reason for making the Tree Preservation Order as set out in the report detail at Paragraph 10;

- iii. Noted that six representations had been received in response in the making of this Tree Preservation Order.

3817/14

E13/0049 – 1 Hill Park, Walsall, WS9 9RD – Erection of fencing, alteration to land levels and construction of hard surfaced block paving

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.

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

The Committee then welcomed the second speaker on this application, Mrs. Moffatt, who also spoke in objection to the Enforcement Notice.

There then followed a period of questioning by Members to the speakers and to officers including whether the builder had informed them of the requirement to obtain planning permission, and whether planting could be used to conceal the appearance of the fencing.

In response, Miss. Moffatt stated that the builder had not informed them of the need to obtain planning permission. The presenting officer replied that planting would be required both sides of the fencing to soften the look of the existing bulky fence and white gravel boards and he stated that should Committee be minded to authorise enforcement action, the applicant could liaise with planning officers in relation to submitting a planning application. He further added that should a planning application be submitted within the two month period for compliance, enforcement action would be delayed.

Members discussed the report further and Councillor Rochelle **moved** and it was duly **seconded** by Councillor Bird

- i. That authority be granted for the Head of Planning and Building Control to issue an Enforcement Notice under the Town and Country Planning Act 1990 (as amended) to require remedial actions to be undertaken as shown in 2.4 of the report submitted, subject to the commencement of the compliance period being delayed until 31st January 2015 to allow for a revised application to be submitted;
- ii. That authority be granted to 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 or a Planning Contravention Notice; and to make the decision as to the institution of Injunctive

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

- iii. That authority be granted to the Head of Planning and Building Control to amend, add to, or delete from the wording set out at 2.4 of the report stating the nature of the breaches, the reasons for taking enforcement action, the requirements of the Notice, for the boundaries of the site, in the interests of ensuring accurate and up to date Notices are served.

The Motion having been put to the vote was declared carried, with 10 Members voting in favour and none against.

Resolved

- i. That authority be granted for the Head of Planning and Building Control to issue an Enforcement Notice under the Town and Country Planning Act 1990 (as amended) to require remedial actions to be undertaken as shown in 2.4 of the report submitted, subject to the commencement of the compliance period being delayed until 31st January 2015 to allow for a revised application to be submitted;
- ii. That authority be granted to 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 or a Planning Contravention Notice; and to make the decision as to the institution of Injunctive proceedings in the event of a continuing breach of planning control;
- iii. That authority be granted to the Head of Planning and Building Control to amend, add to, or delete from the wording set out at 2.4 of the report stating the nature of the breaches, the reasons for taking enforcement action, the requirements of the Notice, for the boundaries of the site, in the interests of ensuring accurate and up to date Notices are served.

3818/14

E14/0215 – 72 Whitehall Road, Walsall, WS1 4AP

Councillor Ditta, having declared a non-pecuniary interest in this agenda item, left the room and therefore did not take part nor vote on this item.

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.

Councillor Wade arrived at this juncture of the meeting and therefore did not take part nor vote on this agenda item.

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

There then followed a period of questioning by Members to the speaker including whether a building inspector had visited the property and if the existing structure had wall cavity. In response, the speaker confirmed that he had been appointed very recently and was not yet acquainted with property but that it was a habitable space.

Members then asked officers a number of questions including whether the current footprint was acceptable, had there been any complaints off neighbouring properties, whether a planning application could be submitted.

In response, the presenting officer stated that the current situation was in breach of several planning policies and that enforcements reports do not include details of third party complaints. He further added that a letter had been sent to the property in July 2014, which had suggested a planning application be submitted none had been received to date.

Members discussed the report further and Councillor Perry **moved** and it was duly **seconded** by Councillor Bird

- i. That authority be granted for the Head of Planning and Building Control to issue an Enforcement Notice under the Town and Country Planning Act, 1990 (as amended), to require remedial actions to be undertaken as shown in 2.3 of the report;
- ii. To authorise 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 or a Planning Contravention Notice, and the decision as the institution of Injunctive proceedings in the event of a continuing breach of planning control;
- iii. To authorise the Head of Planning and Building Control to amend, add to, or delete from the wording set out in the report stating the nature of the breaches for reasons for taking enforcement action, the requirements of the Notice, or 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 nine Members voting in favour and none against.

Resolved

- i. That authority be granted for the Head of Planning and Building Control to issue an Enforcement Notice under the Town and Country Planning Act, 1990 (as amended), to require remedial actions to be undertaken as shown in 2.3 of the report;

- ii. To authorise 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 or a Planning Contravention Notice, and the decision as the institution of Injunctive proceedings in the event of a continuing breach of planning control;
- iii. To authorise the Head of Planning and Building Control to amend, add to, or delete from the wording set out in the report stating the nature of the breaches for reasons for taking enforcement action, the requirements of the Notice, or the boundaries of the site, in the interests of ensuring the accurate and up to date Notices are served.

3819/14 Hydesville Tower School, Broadway North, Walsall, WS1 2QG

The Chairman had reported earlier that this agenda item had been withdrawn from this Committee meeting.

3820/14 Application List for Permission to Develop

The application list for permission to develop was submitted, together with 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.

3821/14 Item No. 2 – 14/1500/FL – Proposed infiltration basin to facilitate storm water runoff to Goscote Lane regeneration area sites A and D. (Affects the setting of the public footpath Wal23) – Land within the lea opposite Shakespeare Crescent, Walsall

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

(see annexed)

Councillor Illmann-Walker left at this juncture of the meeting and therefore did not take part nor vote on this application.

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

Councillor Perry left at this juncture of the meeting and did not return.

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

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

Councillor Nawaz, upon seeking legal advice chose to declare a non-pecuniary interest and left the meeting for the duration of the item.

There then followed a period of questioning by Members to the speakers, which included landscaping, contamination queries, whether there would be any houses built on the lea, what measures would be taken to ensure the maintenance of the infiltration basin. In response, the first speaker who had represented a number of residents stated they were in favour of landscaping and of the infiltration basin in principal, but added that not enough information had been made available to residents, the contaminated areas were in hot spots within the main development and that three satisfactory contamination samples had been taken from The Lea. It was confirmed that no homes would be built on The Lea and it was reported that a stewardship would be developed to facilitate ongoing maintenance of the infiltration basin and open space.

Councillor Rochelle left at this juncture of the meeting and therefore did not take part nor vote on the application.

Members considered the application in more detail, which included how the scheme was long awaited, that it would enhance The Lea and that it was hoped the developer would hold regular meeting with residents.

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

That planning application number 14/1500/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 seven Members voting in favour and none against.

Resolved

That planning application number 14/1500/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

3822/14

Item No 8 – 14/1313/FL – Proposed new dwelling in place of previously approved barn conversion (amendment to permission 13/0482/FL) – Aldridge Court Farm, Little Aston Road, Walsall

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

(see annexed)

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

There then followed a period of questioning by Members to the speaker and to officers primarily in relation to the increase in size of the proposed house and whether the Committee's decision could be challenged. The Head of Planning and Development Control replied that all Committee decisions had to be sound to avoid third party challenges and he reiterated that no special circumstances had been identified by the applicant to justify further encroachment onto green belt.

The Committee proceeded to discuss the application further and Members felt the increase in size was negligible and that the decision should be based on the merits of that particular application.

Councillor Rochelle **moved** and it was duly **seconded** by Councillor Underhill

That planning application 14/1313/FL be granted, subject to the removal of permitted development rights (PDR) and subject to relevant planning conditions as per the previous application number 13/0408/FL.

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

Resolved

That planning application 14/1313/FL be granted, subject to the removal of permitted development rights (PDR) and subject to relevant planning conditions as per the previous application number 13/0408/FL.

3823/14

Item No. 9 – 14/0584/FL – Erection of detached summerhouse, and retention of existing boundary wall fronting Thornhill Park – 1 Thornhill Park, Streetly, Sutton Coldfield, B74 2LQ

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

(see annexed)

Councillor Wade and Councillor Underhill left at this juncture of the meeting and did not return.

The Committee then welcomed Mr MacNamara, who was in support of the application. He informed Committee that he did not wish to speak but was available to answer any questions.

Members had no questions for Mr MacNamara.

There then followed a period of questioning by Members to the speakers following which the Committee proceeded to discuss the application further and it was **moved** by Councillor Bird and duly **seconded** by Councillor Worrall:-

That planning application number 14/0584/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 nine Members voting in favour and none against.

Resolved

That planning application number 14/0584/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

- 3824/14 **Item No. 1 – 14/1601/FL – Public realm improvements with parking, access gates, hard and soft landscaping including extensions to some gardens – Areas of Bridgewater Close and Wyre Close, Walsall, WS9 9P**

Resolved

That planning application no. 14/1601/FL be granted, subject to conditions and subject to no new material planning issues being raised following re-consultation on amended plans, as contained within the report and supplementary paper now submitted.

- 3825/14 **Item No. 3 – 14/1465/FL – Variation of condition 13 of planning permission 09/1342/FL to allow a continuous operation instead of three phased approach to works to fill the disused railway cutting between Reedswood Way and Mill Street, including the removal of Cannon Street footbridge – Railway Cutting between Reedswood Way and Mill Street, Walsall**

Resolved

That planning application number 14/1465/FL be granted, subject to conditions as contained within the report.

3826/14 **Item No. 4 – 14/1504FL – Footpath/Cyclepath construction to link Belmont Street to Bradley Lane Metro Station, with associated levels and landscaping works affecting plots 118 & 135-139 on the Harrowby road redevelopment – Plots 118 & 135-139 on the Harrowby Road redevelopment and adjacent land bordering the playing fields of Great Bridge Road, Bilston**

Resolved

That planning application number 14/1504/FL be granted, subject to conditions as contained within the report.

3827/14 **Item No. 5 – 14/0625/FL – Part retrospective change of use of part of service yard to form an external 720m² garden centre ancillary to the existing DIY, home-furnishing, pets supplies and bulky goods operator – The Range, Longacre, Willenhall, WV13 2JX**

Resolved

That planning application number 14/0625/FL be granted, subject to conditions as contained within the report.

3828/14 **Item No. 6 – 14/1576/FL – Change of use of existing public car park to parking and display of cars ancillary to adjacent Mercedes-Benz dealership – Public car park, Dudley Street, Walsall, WS1 3NL**

Resolved

That planning application number 14/1576/FL be granted, subject to conditions as contained in the report and supplementary paper now submitted.

3829/14 **Item No 7. – 14/1649/FL – Change of use to A3 and A5 (Restaurant and cafe/takeaway) – 269 Wednesbury Road, Walsall, WS2 9QJ**

Resolved

That planning application number 14/1649/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

Termination of meeting

There being on further business the meeting terminated at 8.10 p.m.

Signed:..... Date: