

## **PLANNING COMMITTEE**

**Thursday, 18<sup>th</sup> September, 2014 at 5.30 p.m.**

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

### **Present**

Councillor Perry (Chairman)  
Councillor Bird (Vice-Chairman)  
Councillor P. Bott  
Councillor Ditta  
Councillor Douglas-Maul  
Councillor Harris  
Councillor Illman-Walker  
Councillor Martin  
Councillor Nawaz  
Councillor Robertson  
Councillor Sarohi  
Councillor D. Shires  
Councillor Underhill  
Councillor Wade  
Councillor Westley  
Councillor Worrall

### **3760/14 Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Creaney, J. Fitzpatrick, Jeavons and Rochelle.

### **3761/14 Minutes**

#### **Resolved**

That the minutes of the meeting held on 20<sup>th</sup> August 2014, a copy having previously been circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record subject to Councillor Robertson's name being added to the apologies.

### **3762/14 Declarations of Interest**

Councillor Perry declared a non-pecuniary interest in agenda item No. 6 entitled Confirmation of Tree Preservation Order 6 of 2014 at Ryders Hayes School, Gilpin Crescent, Pelsall, WS3 4HX and also Plans List item 5 – application number 14/1109/FL – Proposed 3 bedroom cottage on land adjacent to 146 Hall Lane, Walsall Wood, Walsall, WS9 9AR.

Councillor Wade, Councillor P. Bott and Councillor Nawaz all declared non-pecuniary interests in Plans List items No 1 – application number 14/0767/FL – Full planning application for 157 residential dwellings with car parking, new estate roads, public open space, canal side park and associated infrastructure on land at Silver Court, Silver Street, Brownhills, Walsall, WS8 6ES and also Plans List item No 2 – application number 14/0771/OL – application for outline planning permission for up to 40 residential units with means of access included (all other matters reserved) on a former market site at Silver Street, Brownhills, Walsall, WS8 6GD due to their involvement with the whg Board.

Councillor Wade also declared a non-pecuniary interest in agenda item No.6 entitled Confirmation of Tree Preservation Order 6 of 2014 at Ryders Hayes School, Gilpin Crescent, Pelsall, WS3 4HX

3763/14      **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

3764/14      **Local Government (Access to Information) Act, 1985 (as amended)**  
**Resolved**

There were no items to be discussed in private session.

3765/14      **Confirmation of Tree Preservation Order 6 of 2014 at Ryders Hayes School, Gilpin Crescent, Pelsall, WS3 4HX**

***The Chairman and Councillor Wade having both declared an interest in this agenda item, withdrew from the meeting during consideration.***

***In view of the Chairman withdrawing from the meeting, the Vice-Chairman acted as Chair in his place during this period.***

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

(see annexed)

The Presenting Officer reminded Committee that the confirmation of Tree Preservation Order 6 of 2014 had been deferred from the Committee of 26<sup>th</sup> June 2014 to allow further discussions between officers and the school to find a compromise solution.

Members considered the report and Councillor Bird **moved** and it was duly **seconded** by Councillor Illman-Walker:-

That Committee:-

- i. Confirmed the Walsall Tree Preservation Order 6 of 2014 in a modified form as per the plan of the original Tree Preservation Order and a schedule of the trees, along with the modified plan and schedule attached to the report;
- ii. Supported the reason for making the Tree Preservation Order as set out in the report detailed at Paragraph 10;
- iii. Noted that three representations had been received in respect in the making of the Tree Preservation Order. Two of the representations were in support of the TPO, the other objects to the making of the TPO. A summary of their comments and officers response were submitted in a report to the Committee of 26<sup>th</sup> June, 2014, and are repeated at Appendix 1 for reference.

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 6 of 2014 in a modified form as per the plan of the original Tree Preservation Order and a schedule of the trees, along with the modified plan and schedule attached to the report;
- ii. Supported the reason for making the Tree Preservation Order as set out in the report detailed at Paragraph 10;
- iii. Noted that three representations had been received in respect in the making of the Tree Preservation Order. Two of the representations were in support of the TPO, the other objects to the making of the TPO. A summary of their comments and officers response were submitted in a report to the Committee of 26<sup>th</sup> June, 2014, and are repeated at Appendix 1 for reference.

***Councillor Perry back in the Chair.***

### **3766/14 Government Technical Consultation on Planning**

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

The Presenting Officer advised the Committee of the implications of the Technical Consultation paper on Planning and outlined a number of changes the Government proposed to make to the Planning system.

***Councillor Westley arrived at this juncture of the meeting.***

Members discussed the report and expressed strong views on the key issues raised and the implications to Walsall and its manufacturing and heavy industry, which had to be retained. Members enquired if any government officers had visited the Walsall area or were aware of Walsall's industrial circumstances or of the Black Country's exemplary planning regulations. The Presenting Officer reported that the consultation had been written from a London perspective and that no Minister or Government Officers had visited Walsall in relation to the proposal in question. Members discussed the report further and requested the Head of Planning and Building Control to invite the Minister of State to Walsall.

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

- i. That Planning Committee instruct officers to forward the comments set out in the report and Appendix to the Department for Communities and Local Government (DCLG) as the Council's response to the consultation document;
- ii. That the Head of Planning and Building Control share this response with the boroughs MP's, the Black Country Local Enterprise Partnership (LEP), other West Midlands Metropolitan Councils, the Local Government Association and others concerned with the regeneration of the borough and areas like it, to help advocate that potential damaging proposal should be avoided.
- iii. That the Minister of State be invited to Walsall.

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

**Resolved**

- i. That Planning Committee instruct officers to forward the comments set out in the report and Appendix to the Department for Communities and Local Government (DCLG) as the Council's response to the consultation document;
- ii. That the Head of Planning and Building Control share this response with the boroughs MP's, the Black Country Local Enterprise Partnership (LEP), other West Midlands Metropolitan Councils, the Local Government Association and others concerned with the regeneration of the borough and areas like it, to help advocate that potential damaging proposal should be avoided.

- iii. That the Minister of State be invited to Walsall.

3767/14      **84 Fairburn Crescent, Pelsall, Walsall, WS3 4PU**

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.

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

Members considered the report further, which included how a clear message had to be sent out that Walsall Council would not tolerate that type of business being established at a residential property; that visitors to the address were causing a nuisance by blocking neighbouring driveways and creating public safety issues; the continued activity would cause genuine garages to suffer and was unacceptable.

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 below in iii;
- 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 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 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, 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**

- 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 below in iii;
- 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 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 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, in the interests of ensuring the accurate and up to date notices are served.

### **3768/14 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.

### **3769/14 Item No. 7 – 14/1024/FL – Retrospective application for change of use from doctors surgery to beauty salon – 119 Pool Hayes Lane, Willenhall, WV12 4PX**

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 S. Coughlan, who spoke in objection to the application.

There then followed a period of questioning by Members to the speakers and to officers, following which the Committee proceeded to discuss the application further, primarily around the current parking problems; the existing tandem parking created safety issues alongside a very busy road; whether Highways had received any complaints in relation to parking in that area; and what would become of the building should the application be refused.

In response, the Highways Officer confirmed that the Unitary Development Plan (UDP) parking policy for a doctors' surgery (use class D1) was 4 spaces as opposed to a salon (use class A1) which required 3 parking spaces; he was unable to confirm at that time whether any complaints had been received in relation to parking at the location.

The Head of Planning and Building Control reported that the retrospective application was effectively a continuation of the current use and he reiterated that the parking policy of a doctors' surgery was greater than the application for a change of use to Class A1, which was considered as having a lower parking generation use. He further added that the current D1 establishment use could be changed to a similar type establishment use without planning permission, which may cause more harm to the area than the application in question.

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

That planning application no. 14/1024/FL be refused as it will increase the problem of lack of car parking at the site with associated traffic problems and road safety issues.

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

### **Resolved**

That planning application no. 14/1024/FL be refused as it will increase the problem of lack of car parking at the site with associated traffic problems and road safety issues.

3770/14

#### **Item No. 4 – 14/0847/FL – Proposed demolition of no. 7 Jesson Road and erection of 5 no. new houses including garages, gardens and infrastructure – 7 and land rear of 5, 9, 11 Jesson 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 first speaker on this application, Councillor Russell, who spoke in objection to the application.

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

The speaker then welcomed the third speaker on this application, Mrs Buggins, who spoke in support of the application.

There then followed a period of questioning by Members which included whether overlooking was a valid reason for refusal; what the density of the development would be; what made this application different to the previously refused application; why the application was not considered a back garden development; whether parking provision was adequate.

In response, officers and speakers confirmed the density of the development would be 10 dbh, which was a lower density than neighbouring areas; concerns that three of the proposed houses would overlook a school playground; the number of houses proposed had reduced since the last application and the valued trees would be retained; parking provision would meet parking standards; the development would be sited within a street structure and not hidden and therefore the use of the rear gardens was not unacceptable.

The Committee proceeded to discuss the application in detail, including the strength of feelings from local residents due to the erosion of gardens by back garden developments and that a precedent may be set; that the development complied with Council's standards and policies; concerns in relation to the safety of the local school children due to the poor visibility from the access point.

Members considered the application and Councillor Nawaz **moved** and it was duly **seconded** by Councillor Martin:-

That planning application no. 14/0847/FL be refused as the proposed development would be out of character and an inappropriate back land development in surrounding area. The development would create a highway safety concern by virtue of the poor visibility from the access point.

The Motion having been put to the vote was declared **carried**, with 11 Members voting in favour and none against.

### **Resolved**

That planning application no. 14/0847/FL be refused as the proposed development would be out of character and an inappropriate back land development in surrounding area. The development would create a highway safety concern by virtue of the poor visibility from the access point.

The Chair informed Committee that items 1 and 2 would be considered together and therefore the speakers who had registered to speak on both applications



would be allowed to address Committee for six minutes which was three minutes per application.

***Councillors Wade, Bott and Nawaz having all declared a non-pecuniary interest, left the room and therefore did not take part nor vote on the next two applications.***

3771/14      **Item No. 1 – 14/0767/FL – full planning application for 157 residential dwellings with car parking, new estate roads, public open space, canal side park and associated infrastructure – land at Silver Court, Silver Street, Brownhills., Walsall, WS8 6ES**

**and**

**Item No. 2 – 14/0771/OL – application for outline planning permission for up to 40 residential units with means of access included (all other matters reserved) – Former market site, land at Silver Street, Brownhills, Walsall, WS8 6GD**

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

(see annexed)

The Committee then welcomed the first speaker on this application, Mrs. Hawkins, who spoke in objection to the applications.

The Committee then welcomed the second speaker on these applications, Mr. Watts, who spoke in support of the applications.

There then followed a period of questioning by Members to the speakers and officers, which included what consultation had taken place; whether there could be flexibility in order to conserve a small established plot of land (secret garden); and what treatment would be used on the contaminated “hot spots” and whether a Section 106 contribution was required.

In response, the speaker confirmed that the consultation exercise was ongoing and that residents would be welcomed at a further consultation event scheduled for September 30<sup>th</sup> 2014; that the applicant would be more than happy to work with all parties and accommodate any local concerns; contamination “hot spots” would be removed and the sites capped with clean material; the large expense incurred by the applicant in the removal of all contamination had resulted in the lack of Section 106 contribution.

Members considered the first proposal, number 14/0767/FL with the recommendations within regarding the HRA assessment and the planning application further and Councillor Bird **moved** and it was duly **seconded** by Councillor Illman-Walker

That planning application number 14/0767/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted and subject to a further condition that seeks to protect the secret garden of the adjacent whg flats as part of the landscape and open space.

The Motion having been put to the vote was declared **carried**, with 10 Members voting in favour and 1 against.

### **Resolved**

That planning application number 14/0767/FL be granted subject to conditions as contained within the report and supplementary paper now submitted and subject to a further condition that seeks to protect the secret garden of the adjacent whg flats as part of the landscape and open space.

Members then considered the second proposal number 14/0771/OL with the recommendations within regarding the HRA assessment and the planning application further and Councillor Bird **moved** and it was duly **seconded** by Councillor Illman-Walker:-

That planning application number 14/0771/OL be granted, subject to conditions as contained within the report and supplementary paper now submitted, and subject to no new information raising new material issues.

The Motion having been put to the vote was declared **carried**, with 11 Members voting in favour and none against.

### **Resolved**

That planning application number 14/0771/OL be granted, subject to conditions as contained within the report and supplementary paper now submitted, and subject to no new information raising new material issues.

3772/14

### **Item No. 8 – 13/0449/FL – alterations to and retention of existing storage building – 19 High Street, Walsall Wood, WS9 9LR**

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

(see annexed)

***Councillor Wade left the Chamber at this juncture of the meeting.***

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

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

There were no questions to the speakers or to officers.

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

That planning application number 13/0449/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 13/0449/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

***The Chairman left at this juncture of the meeting and did not return.***

***Councillor Bird in the Chair.***

3773/14      **Item No. 3 – 14/1025/RM – Reserved Matters; Erection of 16 dwellings – Land north of 33 to 59 Edinburgh Avenue, Berkley Close, Bentley, Walsall**

**Resolved**

That planning application number 14/1025/RM be granted, subject to conditions as contained within the report and supplementary paper now submitted.

3774/14      **Item No. 5 – 14/1109/FL – Proposed 3 bedroom cottage – Land adjacent to 146 Hall Lane, Walsall Wood, Walsall, WS9 9AR**

**Resolved**

That planning application number 14/1109/FL be granted, subject to conditions as contained within the report now submitted.

3775/14

**Item No. 6 – 14/0651/FL – Erection of 6 x 2 bedroom bungalows with external works, car parking, private access road and landscaping, (access off Clarendon Road) – Former garage site off Harrison Road and Clarendon Road including land to the side of 11 Clarendon Road, Walsall**

A Member enquired if the development was open plan and whether the access was adequate for emergency and refuse vehicles. In response, officers confirmed that the development would be open plan with a two metre gated boundary and that access would be adequate for emergency and refuse vehicles.

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

That planning application number 14/0651/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 all Members voting in favour.

### **Resolved**

That planning application number 14/0651/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

Councillor Bott thanked the Chair and the Vice-Chair for their support at Planning Committee over the years.

### **Termination of meeting**

There being no further business, the meeting terminated at 8.15 p.m.

Signed:.....

Date:.....