

PLANNING COMMITTEE

Thursday, 13th February, 2014 at 5.30 p.m.

In the Council Chamber at the Council House, Walsall

Present

Councillor Perry (Chairman)
Councillor Bird (Vice Chairman)
Councillor Ali
Councillor R. Andrew
Councillor Arif
Councillor P. Bott
Councillor Cook
Councillor Creaney
Councillor Ditta
Councillor Douglas-Maul
Councillor S. Fitzpatrick
Councillor Harris
Councillor Jeavons
Councillor Rochelle
Councillor Sarohi
Councillor I. Shires
Councillor Underhill
Councillor Wade
Councillor Westley

3591/14 Apologies

Apologies for non-attendance were submitted on behalf of Councillor Thomas.

3592/14 Minutes

Resolved

That the minutes of the meeting held on 16th January, 2014 a copy having been previously circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

3593/14 Declarations of Interest

Councillors I. Shires, Bird, Harris and Arif all declared a non-pecuniary interest in plans list item number 8 – application number 14/0008/FL – Creation of public car park, formation of access, relocation of bus shelter and landscaping – Land fronting shops (adjacent to Monmer Court/Lucknow Road), Willenhall, WV12 4PZ, in respect of their positions on Cabinet.

Councillor P. Bott also declared a non-pecuniary interest in plans list item number 8 – application number 14/0008/FL – Creation of public car park, formation of access, relocation of bus shelter and landscaping – Land fronting shops (adjacent to Monmer Court/Lucknow Road), Willenhall, WV12 4PZ, in relation to being a WHG Committee member.

3594/14 **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

3595/14 **Local Government (Access to Information) Act, 1985 (as amended)**

There were no items to be considered in private session.

3596/14 **Confirmation of TPO 7 of 2013 at ST. John's Methodist Church, Victoria Avenue, Bloxwich**

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

(see annexed)

The presenting officer enlarged upon the report for the benefit of the Committee. Members considered the report further and Councillor Fitzpatrick **moved** and it was duly **seconded** by Councillor Bird:-

That Committee recommended to:-

- i. Confirm the Walsall Tree Preservation Order 7 of 2013 in an unmodified form, the plan and schedule showing the Tree Preservation Order being attached to the report;
- ii. Support the reason for making the Tree Preservation Order set out in the report detail, Paragraph 10 now submitted;
- iii. Note that one representation had been received in respect of the making of this Tree Preservation Order.

Resolved

That Committee recommended to:-

- i. Confirm the Walsall Tree Preservation Order 7 of 2013 in an unmodified form, the plan and schedule showing the Tree Preservation Order being attached to the report;
- ii. Support the reason for making the Tree Preservation Order set out in the report detail, Paragraph 10 now submitted;

- iii. Note that one representation had been received in respect of the making of this Tree Preservation Order.

3597/14 **11 Greenslade Road, Walsall, WS5 3HQ**

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

(see annexed)

The Presenting Officer gave a detailed presentation for the benefit of the Committee.

The Committee then welcomed the first speaker on this report, Mr. Robson, who spoke in support of the applicant.

The Committee then welcomed the second speaker on this report, Mr. Aqbal, who also spoke in support of the applicant.

Councillor Douglass-Maul arrived during deliberation of this item and therefore did not take part nor vote.

There then followed a period of questioning by Members to the speakers, including whether it would be feasible to restore the building to its previous structure or whether the property owner would be in a position to lodge a planning application within the next 28 days in order to avert an Enforcement Notice.

In response, the speakers confirmed that it would not be feasible to restore the building to its previous structure and that the owner of the property would welcome the opportunity to liaise with officers and consultants before lodging an application.

There then followed a period of questioning by Members to the officers primarily around Members concerns around the breach of planning to control. In response to Members concerns, the Head of Planning and Building Control reported that officers would feel more confident that new Architects were advising the developer and he stated that both sides acknowledged the need to work together to achieve a solution as the development works were now unlawful and there was no permission on the land.

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

That the issuing of an Enforcement Notice be delayed for 28 days, to enable the applicant to submit a planning application to be heard by Planning Committee. If no application is issued within 28 days, the Enforcement Notice will be issued.

The Motion having been put to the vote was declared **carried**, with 15 Members voting in favour and none against.

Resolved

That the issuing of an Enforcement Notice be delayed for 28 days, to enable the applicant to submit a planning application to be heard by Planning Committee. If no application is issued within 28 days, the Enforcement Notice will be issued.

3598/14 **Development Management Performance Update Report**

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

Resolved

That the report be noted.

3599/14 **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 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 one minute left.

3600/14 **Item No. 1 – 13/1690/RM – Reserved Matters planning application for the construction of a business and sport hub for Walsall College together with a leadership and team building area, car parking, landscaping and associated infrastructure at Land to the North of Littleton Street West, to the East of College Way and to the South of Portland Street, Walsall. (Outline planning permission 08/0951/OL and 11/1541/TE – Walsall Gigaport) – Land between College Way and Railway fronting Littleton Street West, Walsall**

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

(see annexed)

The Planning Officer further added that the objection made by the Natural Environment (Tree Officer) in relation to the removal of a mature London Plane tree located in front of the entrance had been considered and officers had balanced their decision on the loss of the tree against the wider planning merits of the application.

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

There then followed a period of questioning by Members to the speaker and to officers, which included what energy efficiency measures would be put in place; how many parking spaces were proposed and who would be allowed to use the car park; and also whether any plans had been considered to mitigate the demands on the already busy junction.

The speaker confirmed that the development had been designed to an excellent energy efficiency standard and that in relation to parking, the proposal included parking provision for 56 cars (including 6 disabled spaces), which would be used by the existing college staff only and not students. He further added that the car park would be open to the public out of hours and weekends. The Highways Officer confirmed the parking level was in accordance with parking policy and that there were no plans to change the junction as the proposed development was smaller than the previously agreed Gigaport development.

The Committee proceeded to discuss the application further which included differing views on the removal of the London Plane tree and the suggested re-enforcement of trees around the railway boundary; that the development would look impressive architecturally and that although there was limited parking it was recognised the development was located close to other parking areas and close to both the bus station and the railway station.

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

That Reserved Matters for application number 13/1690/RM 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 Reserved Matters for application number 13/1690/RM be granted, subject to conditions as contained within the report and supplementary paper now submitted.

3601/14

Item No. 2 -13/1592/FL – Demolition of existing building and erection of 28 No later living retirement housing (category II type accommodation) including provision of communal facilities, landscaping and car parking – Former Park Tavern, 43 Broadway North, Walsall, WS1 2QG

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, Mr. Russell, who spoke in objection to the application.

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

The Committee then welcomed the third and final speaker on this application, Ms. Fox. Ms. Fox apologised to Members on behalf of the applicant in relation to having sent out information and she stated that this was in no way meant to pre-empt the process. Ms. Fox then spoke in support of the application.

There then followed a period of questioning by Members to the speakers primarily in relation to whether the proposed number of parking spaces for the development would be adequate and if the number of car parking spaces was comparable to the number of parking spaces at similar developments; whether the applicant had consulted with the nearby school which had had an agreement in place with the previous land owners to use the car park.

In response, the speakers objecting to the application replied that in their opinion, 21 car parking spaces would not be adequate for both staff and residents and that this would lead to cars being parked on the nearby streets, which was already an issue. The third speaker stated that the proposed car parking was in accordance with parking standards. She further stated that the nearby school was aware it only had an informal arrangement with the previous land owner and that this would no longer exist once the site was purchased.

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

The Committee proceeded to discuss the application further in relation to parking at the proposed development and parking from the nearby school that uses the site under an informal arrangement with the previous land owners.

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

That planning application number 13/1529/FL be granted, subject to conditions and a Planning Obligation as contained within the report and supplementary paper now submitted. Officers to work with Hydesville Tower School and a report be submitted to the next Planning Committee meeting in relation to the school's breach of its Section 106 Obligation and the action to be taken to rectify.

The Motion having been put to the vote was declared **carried**, with 15 Members voting in favour and 2 against.

Resolved

That planning application number 13/1529/FL be granted, subject to conditions and a Planning Obligation as contained within the report and supplementary paper now submitted. Officers to work with Hydesville Tower School and a report be submitted to the next Planning Committee meeting in relation to the school's breach of its Section 106 Obligation and the action to be taken to rectify.

Councillor Arif requested that his name be recorded as voting against the Motion.

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

3602/14 **Item No. 9 – 13/0482/FL – New dwelling in place of previously approved barn conversion (adjacent public footpath ALD33) – Aldridge Court Farm, Little Aston Road, Walsall, WS9 0NN**

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

(see annexed)

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

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

There then followed a period of questioning by Members to the speaker including whether the existing building would be demolished and if the land

was currently being used. In response, the speaker stated that the existing building was to be retained and that the paddock land was no longer in use.

There then followed a period of questioning by Members to the officers, which included whether officers felt the application in itself was acceptable but the green belt land location was not acceptable; why the proposed development would be less aesthetically pleasing than the current outbuildings and whether the land in question was brown field land in which case development should be encouraged.

In response, the Planning Officer reported that although the building design was attractive and complimentary, the location within green belt land was a planning issue; the previously agreed application was for a change of use of the outbuildings already on green belt land of a private dwelling, as opposed to this latest application which was a building in its own right. The Head of Planning and Building Control reported that Walsall did not have a shortage of housing land and therefore developments should not encroach on to green belt land unless there were special circumstances and officers had determined that no special circumstance had been identified. He reported that the development would go against the National Planning Policy Framework (NPPF) and core planning principals, and would harm policy basis, which in turn may make it difficult for Committee to differentiate and justify further developments on green belt land.

The Committee proceeded to discuss the application further in relation to how there were already buildings on the land and the new build would be more attractive and preferable to the existing outbuildings; concerns were expressed around the potential loss of green belt land and justifying future applications for developments on green belt land.

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

That planning application number 13/0482/FL be refused.

The Motion was put to the vote with 7 Members voting in favour of the Motion and 7 against. The Chairman having not voted, withdrew the Motion with the consent of Councillor Rochelle who had proposed the Motion.

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

That planning application number 13/0482/FL be deferred to allow officers to examine the application further and liaise with the applicant in relation to the existing buildings, and that the application be brought back to a future Committee meeting.

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

Resolved

That planning application number 13/0482/FL be deferred to allow officers to examine the application further and liaise with the applicant in relation to the existing buildings, and that the application be brought back to a future Committee meeting.

3603/14

Item No. 10 - 13/1697/FL – Erection of single story rear extension and demolition of rear conservatory – 13 Richard Place, Walsall, WS5 3QP

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

(see annexed)

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

There were no questions to the speaker.

There then followed a question by a Member to the presenting officer to clarify that the distance from the development to the houses was 22 metres. The presenting officer confirmed that the distance was 22 metres.

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

That planning application number 13/1697/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 14 Members voting in favour and none against.

Resolved

That planning application number 13/1697/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

3604/14

Item No. 3 – 13/1604/RM – Residential development comprising 29 dwellings for affordable rent, with associated footpaths, car parking and landscaping. The site forms part of the Goscote Lane Masterplan previously submitted (12/0036/OL) – Land former 166 to 200 Shakespeare Crescent, Walsall

Members considered the application and Councillor Bott moved:-

To defer the application to allow discussions to take place with the WHG Group Chief Executive in relation to including more 1 bedroom properties within the application.

The Motion failed and further discussions ensued.

Resolved

That planning application number 13/1604/RM be approved, subject to conditions as contained within the report and supplementary paper now submitted and subject to no new representations raising material planning issues.

- 3605/14 **Item No.4 – 13/1628/FL – Removal of conditions 6, 8, 10, 13, 15, 16 and 19; and submission of details required for condition 12a of planning permission 13/0858/FL – Former GKN Factory, Middlemore Lane West, Aldridge, Walsall, WS9 8DT**

Resolved

That planning application number 13/1628/FL be delegated to the Head of Planning and Building Control to grant conditional planning permission subject to resolving concerns of conditions 8 and 13, as contained within the report and supplementary paper now submitted.

- 3606/14 **Item No. 5 – 13/1579/MA – Amendment of colour of new UPVC windows and doors to white (planning permissions 12/0553/FL and 13/0177/RM) – Former CO-OP Dairy, Midland Road, Walsall**

Resolved

That planning application number 13/1579/MA be approved, subject to conditions as contained within the report now submitted.

- 3607/14 **Item No. 6 – 13/1598/FL – 3 new build 2 bed 3 person bungalows for affordable rent, with associated landscaping and parking (part of larger scheme approved under permission 13/0663/FL) – Land at Harrowby Road, Moxley, Walsall**

Resolved

That planning application 13/1598/FL be approved, subject to conditions as contained within the report and supplementary paper now submitted.

- 3608/14 **Item No. 7– 14/0010/FL – Creation of car park for 8 vehicles on existing grass verge – Land fronting 37 to 51 Stanley Road, Walsall, WS4 1EJ**

The Chairman informed the Committee that this item had been withdrawn from the agenda

3609/14 **Item No. 8 – 14/0008/FL – Creation of public car park, formation of access, relocation of bus shelter and landscaping – Land fronting shops (adjacent to Monmer Court/Lucknow Road), Willenhall, WV12 4PZ**

Councillors Bird, Arif, Bott and Shires having earlier declared a non-pecuniary interest in this item left

Resolved

That planning application number 14/0008/FL be approved, subject to conditions as contained within the report and supplementary paper now submitted.

Termination of meeting

There being no further business the meeting terminated at 8.30 p.m.

Signed:.....

Date:.....