

PLANNING COMMITTEE

Thursday 30th April, 2015 at 5.30 p.m.

In the Council Chamber at the Council House, Walsall

Present

Councillor Westley (Chairman)
Councillor Jeavons (Vice-Chair)
Councillor Bird
Councillor P. Bott
Councillor Creaney
Councillor Ditta
Councillor J. Fitzpatrick
Councillor Harris
Councillor Illman-Walker
Councillor Nawaz
Councillor Perry
Councillor Robertson
Councillor Rochelle
Councillor Sarohi
Councillor Wade
Councillor Worrall

The Chair adjourned the meeting for five minutes due to technical problems.

3912/15 Apologies

Apologies for non-attendance were submitted on behalf of Councillors D. Shires and Douglas-Maul.

3913/15 Minutes

Resolved

That the minutes of the meeting held on Thursday 2nd April, 2015, a copy having previously been circulated to each Member of the Committee, be approved subject to the following amendments:-

- Paragraph 3901/15 – Councillor Russell spoke in support of the application;
- Paragraph 3910/15 to be deleted as the item had been included earlier in the minutes;

The minutes were then approved and signed by the Chairman as a correct record.

3914/15 **Declarations of Interest**

There were no declarations of interest.

3915/15 **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

3916/15 **Local Government (Access to Information) Act, 1985 (as amended)**
Resolved

There were no items to be considered in private session.

3917/15 **Section 106 Report – Financial Year – 2014/15**

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

(see annexed)

The Planning, Monitoring and Delivery Officer advised the Committee of the background to the report and explained how the new Government Restrictions which had been introduced on 1st April 2015, limited the number of Section 106 contributions that can be pooled to fund individual infrastructure projects to no more than five contributions.

Resolved

That the report be noted.

3918/15 **Development Management Performance Report**

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

(see annexed)

The Head of Planning and Building Control advised the Committee of the latest performance and outcomes regarding development management matters and highlighted that the outturn for 2014/15 to date had exceeded both the Governments National targets and the average performance for Planning Authorities. He then drew Members attention to the decisions made by the Planning Inspectorate for the fourth quarter, which included three appeals whereby full or partial costs had been awarded against the Council for decisions made at Planning Committee, which had been contrary to Officer's recommendations.

Members congratulated Officers for their efficiency in exceeding Government Targets.

Resolved

That the report be noted.

3919/15 **Unlawful development within the curtilage of a listed building at 8 Victoria Terrace, Walsall**

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

(see annexed)

The planning officer enlarged upon the report in detail for the benefit of the Committee.

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

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

There then followed a period of questioning by Members to the speakers, including what date the extension had been built, whether there had been dialogue between Officers and the applicant and when the applicant had been made aware of the breaches.

In response, the speakers stated that the extension had been built 2002/03, there had been dialogue with Officers but that the applicant had only been made aware of the breaches in the last two weeks.

There then followed a period of questioning by Members to the Officers, including why the applicant had not been made aware of any breaches earlier, whether any alteration would be time limited, whether records had been kept of previous conversations and what would be the enforcement timescale.

In response, the Head of Planning and Building Control stated that recent events had exacerbated the situation which now had to be dealt with comprehensively, that there had been a number of conversations over the years but that the report to Committee contained the factual information, that the applicant would have 28 days to take notice and would then have three months to take the appropriate action to remedy the works.

Members considered the Enforcement Notice further and Councillor Jeavons **moved** and it was duly **seconded** by Councillor Illman-Walker:-

That:-

- (1) Authority be granted for the issuing of an Enforcement Notice under the Town and Country Planning Act 1990 (T&CP Act 1990) (as amended) and a Listed Building Enforcement Notice under the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, to require remediation works to be carried out to the property and its land as identified in the report, namely 8 Victoria Terrace, Walsall, and in accordance with the content of the report;
- (2) 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, the non-return of Requisitions for Information or a Planning Contravention Notice; and the institution of injunctive proceedings in the event of a continuing breach of control;
- (3) 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 accurate and up to date notices are served);
- (4) Authority be granted to the Head of Planning and Building Control to institute prosecution proceedings under section 9 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as the person carrying out works to a listed building in the absence of a consent.

The Motion having been put to the vote was declared **carried** with 12 Members voting in favour of enforcement action and two against.

Resolved

That:-

- (1) Authority be granted for the issuing of an Enforcement Notice under the Town and Country Planning Act 1990 (T&CP Act 1990) (as amended) and a Listed Building Enforcement Notice under the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, to require remediation works to be carried out to the property and its land as identified in the report, namely 8 Victoria Terrace, Walsall, and in accordance with the content of the report;
- (2) 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, the non-return of Requisitions for Information or a Planning Contravention Notice; and the institution of injunctive proceedings in the event of a continuing breach of control;

- (3) 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 accurate and up to date notices are served);
- (4) Authority be granted to the Head of Planning and Building Control to institute prosecution proceedings under section 9 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as the person carrying out works to a listed building in the absence of a consent.

Councillor Bird arrived at this juncture of the meeting

3920/15 Infilling of Limestone shafts at Winterley Lane

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

(see annexed)

The Planning Officer enlarged upon the report for the benefit of the Committee.

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

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

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

That Committee:-

- (i) Noted the report;
- (ii) Request that Officers produce a full formal report to a subsequent Planning Committee

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

Resolved

That Committee:-

- (i) Noted the report;

- (ii) Request that Officers produce a full formal report to a subsequent Planning Committee.

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

3921/15 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.

3922/15 Item No. 1 – 14/1537/OL – Outline application for a proposed 58 bedroom specialist care home (access, appearance, layout and scale to be determined) – Land south of 370 Chester Road, Walsall (former block works)

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

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. Willis, who spoke in support of the application.

There then followed a period of questioning by Members to the speaker, including whether the applicant had considered any other sites within Walsall, the poor accessibility and the lack of public transport requirements for the site, number of car parking spaces available.

In response, the speaker reported that the care home would specialise in the care of dementia patients and therefore a location providing space and tranquillity was paramount to the patient's wellbeing and that this ideal

location was not available elsewhere within the borough. He informed Members that residents would be unable to leave the care home unassisted and therefore public transport links would not be relevant but the applicant's Architect had nevertheless submitted a travel plan as requested.

There then followed a period of questioning by Members to the Officers primarily around the design of the development and the distance comparisons between the site location and the location of the objectors. In response, Officers stated the design scale and mass of the application, particularly the heavy roof plan would appear incongruous and have an adverse impact on the character of the greenbelt land and would have no architectural merit.

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

That planning application number 14/1537/OL be deferred for one cycle to enable the applicant to negotiate with Planning Officers for a better design.

Further discussions ensued around the special circumstances for the development type within the greenbelt, primarily around the local need for the complex and specialist service the care home would provide to Walsall service users enabling them to remain closer to family rather than being placed out of the area, that the area and the environment was ideally suited for the clientele and that NHS England and Walsall Clinical Commissioning Group had given their support to the specialised service the establishment would offer Walsall.

Councillor Bird suggested that rather than defer the application for one cycle, Members support the application and delegate all design and highway issues to the Head of Planning and Building Control.

In response, Councillor Illman-Walker stated that in light of Councillor Bird's suggestion he would withdraw his Motion.

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

That approval of planning application number 14/1537/OL be delegated to the Head of Planning and Building Control to secure amendments to the design and to highway concerns and that a report be brought back to Committee should any matters remain unresolved.

The Motion having been put to the vote was declared **carried**, with 13 Members voting in favour and none against.

Resolved

That approval of planning application number 14/1537/OL be delegated to the Head of Planning and Building Control to secure amendments to the

design and to highway concerns and that a report be brought back to Committee should any matters remain unresolved.

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

3923/15 **Item No. 3 – 15/0148FL – Erection of two storey residential building comprising 16 self-contained one-bedroom supported living apartments (Use Class C3), with associated open space and car parking – Former Wiggin House, Buxton Road, Walsall, WS3 3QJ**

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 Sheehan, who spoke in support of the application.

There then followed a period of questioning to the speaker and Officers in relation to the design of the building within the street scene, whether parking on site would be adequate, concerns around the close proximity to a school.

In response, Officers stated that the applicant operated similar facilities and the level of parking is considered adequate and the design of the building was not refusable. The speaker stated that the apartments would accommodate wheelchair users, and people diagnosed with mild learning disabilities.

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

That planning application number 15/0148/FL be delegated to the Head of Planning and Building Control to approve with conditions (including any amendments or additional conditions deemed appropriate by Officers) subject to no additional information being received which raised new material considerations, as contained within the report and supplementary paper now submitted.

The Motion having been put to the vote was declared **carried**, with 13 Members voting in favour and none against:-

Resolved

That planning application number 15/0148/FL be delegated to the Head of Planning and Building Control to approve with conditions (including any amendments or additional conditions deemed appropriate by Officers) subject to no additional information being received which raised new material considerations, as contained within the report and supplementary paper now submitted.

3924/15

Item No. 9 – 14/1882/FL – Change of use of residential driveway for the storage of a trailer unit and the retention a home office associated with the 24 hour drainage emergency service business use – 53 Aviemore Crescent, Great Barr, Birmingham, B43 7QA

Councillors Creaney and Illman-Walker left at this juncture of the meeting and therefore did not take part nor vote on this application

A Planning Officer advised the Committee of the background to the report now submitted and stated that the application had been deferred at the meeting of 5th March 2015 at the request of the applicant to enable him to be available to speak to Committee:-

(see annexed)

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

There then followed a period of questioning by Members to the speaker and to Officers, including the parking location of the applicant's trailer unit, how many people were employed by the applicant, whether any complaints had been received.

In response, the speaker confirmed the business had four direct employees and that the trailer unit was parked on the drive as opposed to on the road. The Officer confirmed that one complaint had been received in September 2014. The Head of Planning Committee reported that the application was made following an enquiry to the Council and subsequent investigation by the Planning Enforcement Team to regularise the type of equipment stored on the drive of the property.

Members considered the application further, primarily around the benefit of keeping the trailer unit off the highway and that an approval should include a personal permission pertinent to the applicant only and the type of business operated at the property.

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

That planning application number 14/1882/FL be approved, subject to a personal condition relating to the applicant and the type of business operated at the property.

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 14/1882/FL be approved, subject to a personal condition relating to the applicant and the type of business operated at the property.

- 3925/15 **Item No. 2 – 15/0191/OL – Outline planning application for the erection of up to 170 dwellings with all matters reserved except means of main vehicular access from Darlaston Road. (Site affects the public footpaths Wed 7 and Wed 9) – Former Servis and Alucast site, Darlaston Road, Wednesbury, Walsall, WS10 7SR**

Resolved

That planning application number 15/0191/OL be approved, subject to conditions (including any amendments or conditional conditions deemed appropriate by Officers) as contained within the report and supplementary paper now submitted.

- 3926/15 **Item No. 4 – 15/0251/FL – Erection of a vehicle display canopy in existing car sales area – Manheim Auctions, Whitworth Close, Walsall, WS10 8LJ**

Resolved

That planning application number 15/0251/FL be delegated to the Head of Planning and Building Control to approve with conditions (including any amendments or additional conditions deemed appropriate by Officers) and provided no additional information is received which raises new material considerations as contained within the report and supplementary paper now submitted.

- 39027 **Item No. 5 – 15/0392/TE – Time extension for 09/0585/FL – Conversion and extension of The Hawthorns to provide 9 apartments, a new build block of 3 apartments and a single detached dwelling – The Hawthorns, Highgate Drive, Walsall, WS1 3JW**

Resolved

That planning application number 15/0392/TE be delegated to the Head of Planning and Building Control to approve, subject to conditions, provided that the Deed of Variation for a financial contribution to open space is entered into within three months of the date of the Committee delegation, as contained within the report and supplementary papers now submitted.

3928/15 **Item No. 6 – 15/0113/FL – Change of use from former foundry car park to display, storage and sales of commercial vehicles (sui generis use) including hard standing, security fencing, lighting and portacabin – Former Wesson Car Park, Land east of Bull Lane, Walsall, WS10 8RW**

Resolved

That planning application number 15/0113/FL be approved, subject to conditions as contained within the report and supplementary paper now submitted.

3929/15 **Item No. 7 – 15/0180/OL – Outline application for residential development of 8 detached dwellings – Access, layout and scale to be determined – 47 Portland Road, Walsall, WS9 8NU**

Resolved

That planning application number 15/0180/OL be approved, subject to conditions as contained within the report and supplementary paper now submitted.

3930/15 **Item No. 8 – 15/0081/FL – Single storey rear extension and garage conversion – 2 Scholars Walk, Walsall, WS4 1SW**

The Vice-Chair requested that the application be deferred to allow further negotiations between the applicant and Planning Officers.

Councillor Jeavons **moved** and it was duly **seconded** by Councillor Illman-Walker:-

That planning application number 15/0081/FL be deferred to a subsequent meeting to enable further negotiations between the applicant and Planning Officers.

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

Resolved

That planning application number 15/0081/FL be deferred to a subsequent meeting to enable further negotiations between the applicant and Planning Officers.

Termination of Meeting

There being no further business the meeting terminated at 8.40 p.m.

Signed:..... Date: