

PLANNING COMMITTEE

Thursday, 15th May, 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 Ditta
Councillor Douglas-Maul
Councillor S. Fitzpatrick
Councillor Harris
Councillor Jeavons
Councillor Sarohi
Councillor Thomas
Councillor Underhill
Councillor Wade

3657/14 **Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Cook, Creaney, Rochelle and I. Shires.

3658/14 **Minutes**

Resolved

That the minutes of the meeting held on 10th April 2014, a copy having previously been circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

3659/14 **Declarations of Interest**

Councillor Arif declared an non-pecuniary interest in agenda item number 6 – Confirmation of Tree Preservation Order number 12 of 2013 at 3 Argyle Road, Walsall, WS4 2EX, due to predetermination.

3660/14 **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

3661/14 **Local Government (Access to Information) Act, 1985 (as amended)**

There were no items to be considered in private session.

Before the commencement of the main agenda items the Chairman thanked all Planning Committee members and Planning Officers for their support over the last 12 months.

The Vice-Chair also thanked Councillor Cooke in his absence as Councillor Cooke had sat on the Planning Committee for many years, had been Mayor during the 2005/2006 Municipal Year but was now standing down as a Councillor, and he wished him well for the future and his retirement from Council.

3662/14 **Agenda item No 6 – Confirmation of Tree Preservation Order number 12 of 2013 at 3 Argyle Road, Walsall, WS4 2EX**

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 and brought Members attention to the supplementary plan that had been tabled.

The Committee then welcomed the first speaker on this item Councillor Azam who introduced the owner of the land where the two trees were located.

The Committee then welcomed the second speaker on this item Mr. Loh, who spoke in objection to the Tree Preservation Order.

Councillor R Andrew arrived at this juncture of the meeting and therefore did not take part nor vote.

Councillor Bird left at this juncture of the meeting and therefore did not vote.

The Committee proceeded to discuss the report further and it was **moved** by Councillor Underhill and **seconded** by Councillor Jeavons:

That Planning Committee resolved to:-

- i. confirm Walsall Tree Preservation Order number 12 of 2013 in a modified form to include the removal of T2 – Silver Birch;
- ii. support the reason for making the Tree Preservation Order in relation to T1 as set out in the report detailing Paragraph 10;

- iii. note that three representations had been received in respect of the making of this Tree Preservation Order.

The Motion having been put to the vote was declared **carried**, with 8 Members voting in favour and 2 against.

Resolved

That Planning Committee resolved to:-

- i. confirm Walsall Tree Preservation Order number 12 of 2013 in a modified form to include the removal of T2 – Silver Birch;
- ii. support the reason for making the Tree Preservation Order in relation to T1 as set out in the report detailing Paragraph 10;
- iii. note that three representations had been received in respect of the making of this Tree Preservation Order.

Councillor Bird returned to the room.

3663/14

Confirmation of Tree Preservation Order 3 of 2014 at 3 Broadway West, Walsall, WS1 4DW

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.

The Committee continued to discuss the report further which included how Members could see no benefit in keeping the tree and that the tree had been made subject to a Tree Preservation Order following a Planning Application submission by the land owner.

Councillor Ali **moved** and it was duly **seconded** by Councillor Ditta:-

That Planning Committee resolved not to confirm Walsall Tree Preservation Order 3 of 2014.

The Motion having been put to the vote was declared **carried**, with 9 Members voting in favour and none against.

Resolved

That Planning Committee resolved not to confirm Walsall Tree Preservation Order 3 of 2014.

11 Greenslade Road, Walsall, WS5 3QH

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

(see annexed)

The Chairman reported the Committee was fully aware of this particular item and therefore no presentation was required as Members had received the agenda paper and supplementary paper now submitted

(see annexed)

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

The Council's solicitor advised Committee they must bear in mind the legal test of whether they felt there had been a breach of Planning Control and whether they were satisfied it would be expedient to take enforcement action.

Councillor Perry **moved** and it was duly **seconded** by Councillor Harris

1. 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 to require remedial actions to be undertaken as set out in 2.3 of the report now submitted;
2. 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, 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, in accordance with paragraph Part 3.2 – 6(a) (7) of the Constitution;
3. 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

1. 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 to require remedial actions to be undertaken as shown below;

2. 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, 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, in accordance with paragraph Part 3.2 – 6(a) (7) of the Constitution;
3. 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.

3665/14 **1 Halford Crescent, Blakenall, WS3 1PR**

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

(see annexed)

The Presenting Officer enlarged upon the report and supplementary paper submitted for the benefit of the Committee and requested Members to consider the legal test of whether they felt there had been a breach of Planning Control and whether they were satisfied it would be expedient to take enforcement action.

Councillor Perry **moved** and it was duly **seconded** by Councillor Arif

1. 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 set out in 2.3 of the report now submitted:-
2. That authority be granted for 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;
3. 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 breaches the 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 all Members voting in favour.

Resolved

1. 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 set out in 2.3 of the report now submitted:-
2. That authority be granted for 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;
3. 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 breaches the 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.

3666/14 Hydesville Tower School, Broadway North, Walsall, WS1 2QG

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

(see annexed)

Resolved

That the report be noted.

3667/14 Development Management Performance Update Report

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

(see annexed)

The Vice-Chair congratulated Officers on the outturn figures.

Resolved

That the report be noted.

3668/14 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.

Councillor R Andrew left the room at this juncture of the meeting.

3669/14

Item No.1 - 14/0191/WA – Infilling and capping of former limestone mine shafts using on site and imported inert fill processed using a crusher and screen to make engineered infill materials with a reduced scheme to protect the area of the former lime kilns and to restore the ground within 12 months to open space – Land at Winterley Lane, 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, Mr. Hill, who spoke in objection to the application.

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

The Chair informed Committee that a petition and a letter had been handed to him from the speakers in objection to the application immediately before they had commenced speaking. The Chair stated that he would not read out the documents as such short notice as all parties had not been made aware of the contents.

The Committee then welcomed the third speaker this application, Mr. Morris, who spoke in support of the application.

There then followed a period of questioning by Members to the speakers which included how many mine shafts were on the site and how deep and how dangerous they were; whether the archaeological artefacts could be preserved and whether there had been any objection from the local school.

In response, Mr. Morris confirmed there were a total of 16 mine shafts to be treated on the site, one exposed mine shaft was 65 feet deep x 4.5 metres wide, one mine shaft was 6 metres deep x 4 metres wide that could expose at any time, and a further 14 mine shafts were varying sizes and depths. He also confirmed that the archaeological artefacts could be preserved. Mr. Price replied that the local school had submitted a petition against the application.

There then followed a period of questioning by Members to the Officers which included queries around water drainage. Officers confirmed these queries had been addressed in the supplementary paper.

The Committee proceeded to discuss the application further, which included how 161 consultation letters had been sent out; that all additional information had to be received in good time to allow consideration by all parties; that Committee must foremost consider minimum risk and that children should not be allowed to play anywhere near the site.

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

That planning application no. 14/0191/WA be granted, subject to conditions as contained within the report and supplementary paper now submitted.

The Council's Solicitor informed Members that should the Motion be granted, Committee would also be endorsing a Habitat's Regulation Assessment as the competent authority, confirming that the Council considered that the proposed development would not have a significant effect on a European site.

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. 14/0191/WA be granted, subject to conditions as contained within the report and supplementary paper now submitted.

Councillor R Andrew returned at this juncture of the meeting.

3670/14

Item No. 5 – 13/1438/FL – Redevelopment to provide residential development comprising 5 x 2 bed houses, 5 x 3 bed houses and 18 x 2 bed flats in storey buildings, together with associated works, landscaping and access into Villiers Street open space – Birway Garage Ltd, 90 Newhall Street, Willenhall, WV13 1LQ

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. Norris, who spoke in objection to the application.

The Committee then welcomed Councillor S. Coughlan, who also spoke in objection to the application.

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

The Committee then welcome the fourth speaker on this application, Mr, Hammonds, who also spoke in support of the application.

There then followed a period of questioning by Members to the speakers with regard to whether the sale of the land was to enable the company to expand by relocating; and whether the company would remain within the Walsall area.

In response, the speakers confirmed that the business would be relocating within the Walsall area and therefore the site was being sold to enable the relocation to happen.

There were no questions to Officers.

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

That planning application no. 13/1438/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 **lost**, with 5 Members voting in favour and 8 Members voting against.

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

That planning application number 13/1438/FL be refused as it would;

1. Result in an unacceptable loss of industrial land and industrial units

and

2. Lead to potential crime and anti-social behaviour

The Motion having been put to the vote was declared **carried**, with 10 Members voting in favour and 4 against.

Resolved

That planning application number 13/1438/FL be refused as it would:-

1. Result in an unacceptable loss of industrial land and industrial units

and

2. Lead to potential crime and anti-social behaviour.

3671/14

Item No. 10 - 14/0501/FL – Proposed changed access arrangements to allotment, including provision of new vehicle access from Cartbridge Lane South and creation of a jointly accessible existing entrance with residents and provision of boundary treatments – Borneo Street Allotments, Borneo Street, Walsall

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

(see annexed)

The Committee then welcome the first speaker on this application, Mr. Pincher, who spoke in support of the application.

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

There were no questions to the speakers

There then followed a period of questioning to Officers including who owned the land. In response it was reported that the Council owned the land and the Allotment Association oversaw the running of the allotments.

The Committee proceeded to discuss the application further, which included how the application would be beneficial to allotment users and local residents.

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

That planning application number 14/0501/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 and none against.

Resolved

That planning application number 14/0501/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

3672/14

Item No. 11 - 14/0296/FL – change of use of ground floor from retail shop (A1) to hot food take-away (A5) – 14 Ida Road, Walsall, WS2 9SR

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. Khan, who spoke in objection to the application.

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

The Committee then welcomed Mr. Aqbal, who spoke in support of the application.

There then followed a period of questioning by Members to the speakers including whether the applicant believed most people would walk to a take-away shop; whether most of the cars parked in the street were staff and visitors to the Manor Hospital; whether the take-away would be delivering orders.

In response, the second speaker reported that cars parked outside their homes from 6.30 a.m. onwards and that home owners received verbal abuse from car drivers if they were asked not to block residential driveways. The third speaker stated that a condition to prohibit take-away deliveries could be included on the permission.

The Committee proceeded to discuss the application further, primarily around Walsall's Unitary Development Plan, parking policy T13 and evidence of local need demonstrated.

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

That planning application number 14/0296/FL be refused as the application would exacerbate the existing parking problems in the area and had not met local need and therefore out of policy.

The Motion having been put to the vote was declared **carried**, with 12 Members voting in favour and none against.

Resolved

That planning application number 14/0296/FL be refused as the application would exacerbate the existing parking problems in the area and had not met local need and therefore out of policy.

3673/14

Item No. 14 - 13/1563/FL – Rear part two storey and part ground floor domestic dwelling extension – 59 Kingshayes Road, Walsall, WS9 8RT

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, Mr. Oliver, who spoke in support of the application.

There then followed a period of questioning by Members to the speaker including why the applicant was unwilling to amend the wall plans as per officers recommendations.

In response, the speaker reported that the applicant was unable to amend the plans in line with officers' recommendations as this would result in the wall being build on top of an existing sewer, whereas the current application would allow the sewer to be bridged.

There were no questions to officers.

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

That planning application number 13/1563/FL be granted, due to the minor breach of the 45 degree code as a consequence of the location of a public sewer.

The Motion having been put to the vote was declared **carried**, with 8 Members voting in favour and none against.

Resolved

That planning application number 13/1563/FL be granted, due to the minor breach of the 45 degree code as a consequence of the location of a public sewer.

Councillor Arif and Councillor Ali left at this juncture of the meeting.

3674/14

Item No. 15 - 14/0418/FL – Change of use from A1 to A5 hot food take-away – 22 Cresswell Crescent, Walsall, WS3 2UW

and

Item No. 16 – 14/0419 – Change of use from B1a to A5 hot food take-away – 14 Cresswell Crescent, Walsall, WS3 2UW

The Chair reported that Item No 15 and Item No 16 would be considered together they were similar applications from the same applicant.

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

(see annexed)

The Committee then welcomed the only speaker on both of these applications, Councillor Lane, who spoke in objection to the applications.

There then followed a period of questioning to the speaker and to officers.

Councillor Ali returned to the meeting and therefore did not take any part nor vote on this item.

At this juncture of the meeting, the Chairman **moved** and it was duly **seconded** by Councillor Bird, that Standing Order number 9 of the Council's Procedure Rules be suspended to enable the Committee to determine the remainder of its business. The Committee supported this Motion.

Members considered the applications further, which included how a more diverse mix of shops should be encouraged within the parade; that the owner should consider what type of shops would be successful in the long term; that bringing the frontages of the parade of shops forward should reduce anti-social behaviour, and that the Regeneration Scrutiny and Performance Panel should explore why certain types of shops do not succeed in certain areas.

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

That planning application number 14/0418/FL and planning application number 14/0419/FL be granted, subject to conditions as contained within the reports and supplementary paper now submitted.

The Motion having been put to the vote was declared **carried**, with 9 Members voting in favour and 1 against.

Resolved

That planning application number 14/0418/FL and planning application number 14/0419/FL be granted, subject to conditions as contained within the reports and supplementary paper now submitted.

3675/14

Item No. 2 - 14/0024/FL – Amendment to planning permission 12/0063/FL – (demolition of existing derelict factory premises, roadway and ancillary building. Erection of new high bay warehouse with associated offices, fencing, landscaping, access roads and vehicle parking provisions) – To add additional staff car parking and allow car access from Park Road – Aspray, 24 Park Road, Willenhall, WV13 1BU

Resolved

That planning application number 14/0024/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

- 3676/14 **Item No. 3 - 14/0332/FL – Demolition of building F3 and part of building F2; extension of building F2 to provide new industrial floor space of 3,533 sqm; construction of canopy of 1,137 sqm to cover a new loading area to the east of building F1; closure of gate 5 for delivery and dispatch of raw materials, finished goods, and waste products; re-opening of gate 6 for collection of waste product and for the parking of 20 cars; rationalisation of existing car parking to the north of building F1; and associated minor works including improvements to circulation and enclosure – ZF Lemforder Factory, Station Street, Darlaston**

Resolved

That planning application no. 14/0032/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

- 3677/14 **Item No. 4 - 14/0272/FL – Change of use from Class B2 (general industry) to Classes B1 (light industry), B2 (general industry) and B8 (storage and distribution) – Units 1 & 2 Bloxwich Lane Industrial Estate, Bloxwich Lane, Walsall**

Resolved

That planning application no. 14/0272/FL be granted, subject to conditions as contained within the report now submitted.

- 3678/14 **Item No. 6 - 13/1050/FL – Rear and side extensions to existing church and extension to annexe to provide meeting rooms, toilets, kitchen, increased worship area, improved parking provision, replacement of existing flat roof over annexe with pitched roof and ramps along the main frontage and side – St. Marks Church, Green Lane, Walsall**

Resolved

That planning application no. 13/1050/FL be granted, subject to conditions as contained within the report now submitted.

Councillor R Andrew left at this juncture of the meeting

3679/14

Item No. 7 - 14/0237/FL – Refurbishment and conversion of existing building within service yard to ‘Home Shopping Pod’, provision of external freezer and cold store and erection of two loading canopies – ASDA Stores Ltd, Woodall Street, Walsall, WS3 3JR

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

(see annexed)

There then followed a period of questioning by Members to the Highways Officer in relation to how the application had changed significantly to alleviate previous highway issues.

In response, the Highways Officer confirmed that the applicant had demonstrated that the service yard layout would now allow for one HGV delivery vehicle to enter and to manoeuvre satisfactorily in a turning circle.

Members considered the application further which included how the applicant must abide by condition 4 of the recommendation in relation to obstructions, including the parking of any vehicles (other than for loading/unloading) within the manoeuvring areas else enforcement action would be taken.

Councillor Perry **moved** and it was duly **seconded** by Councillor Ali:-

That application number 14/0237/FL be deferred to allow further negotiations between Officers and the applicant.

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

Resolved

That planning application number 14/0237/FL be deferred to allow further negotiations between officers and the applicant.

3680/14

Item No. 8 – 14/0323/OL – Outline application for erection of 2 dwellings (all matters reserved) – Former Garage Site, Catshill Road, Walsall, WS8 6BL

Resolved

That planning application no. 14/0323/OL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

3681/14 **Item No. 9 - 14/0352/RM – Reserved matters proposals pursuant to outline permission 10/1544/FL for erection of 8 dwellings (appearance, landscaping and scale to be considered) – The Rectory, 14 The Green, Aldridge, Walsall, WS9 8NH**

Resolved

That planning application no. 14/0352/RM be granted, subject to conditions as contained within the report and supplementary paper now submitted.

3682/14 **Item No. 12 - 13/1629/FL – Convert retail premises to hot food take-away – 230 Wednesbury Road, Walsall, WS2 9QN**

Resolved

That planning application no. 13/1629/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

3683/14 **Item No. 13 - 14/0063/FL – Two storey side/rear extension – 20 Knights Close, Walsall, WV13 1NG**

Resolved

That planning application no. 14/0063/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

Termination of meeting

The meeting ended at 8.45 p.m.

Signed:.....

Date:.....