

## **PLANNING COMMITTEE**

**Thursday 6 August 2015 at 5.30 pm**

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

### **Present:**

Councillor Perry (Chairman)  
Councillor Bird (Vice-Chairman)  
Councillor P. Bott  
Councillor Chambers  
Councillor Ditta  
Councillor Douglas-Maul  
Councillor J. Fitzpatrick  
Councillor D. Hazell  
Councillor Follows  
Councillor Nawaz  
Councillor Robertson  
Councillor Rochelle  
Councillor Sarohi  
Councillor I. Shires  
Councillor Worrall

3974/15      **Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Craddock, Harris & Jeavons.

3975/15      **Minutes**

### **Resolved**

That the Minutes of the meeting held on Thursday 9 July 2015, a copy having previously been circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

3976/15      **Declarations of Interest**

Councillor Bott declared a non-pecuniary interest in Plans List Item no. 1 – 15/0458/FL- Erection of 68no. one and two bedroom apartments with associated landscaping and parking on land in Carl Street, Bloxwich, Walsall as he is a whg Board member

3977/15      **Deputations & Petitions**

There were no deputations introduced or petitions submitted.

3978/15      **Local Government (Access to Information) Act 1985 (as amended)**

**Resolved**

There were no items to be considered in private session.

3978/15      **Section 106 Report – Quarter 1 of financial year 2015/16**

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

**Resolved**

That the report be noted

3979/15      **Aldridge Re-cycling, Middlemore Lane, Aldridge**

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

The Planning Officer advised the Committee of the background to the report.

There were no questions to officers.

The Chair credited officers for their swift response and **moved** and it was duly **seconded** by Councillor Rochelle:

- i) That authority be granted for the Head of Planning & Building Control to issue an Enforcement Notice under the Town & Country Planning Act, 1990 (as amended) to require remedial actions to be undertaken as shown in paragraph 2.3 of the report.
- ii) That authority be granted to the Head of Planning & Building Control to institute prosecution arrangements 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 & Building Control to amend, add to, or delete from the wording as set out in the report stating the nature of the breaches, the reason 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**

- i) That authority be granted for the Head of Planning & Building Control to issue an Enforcement Notice under the Town & Country Planning Act, 1990 (as amended) to require remedial actions to be undertaken as shown in paragraph 2.3 of the report.
- ii) That authority be granted to the Head of Planning & Building Control to institute prosecution arrangements in the event of non-compliance with an Enforcement Notice, or the non-return of Requisitions for Information, or a Planning Contravention Notice; and decision after 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 & Building Control to amend, add to, or delete from the wording as set out in the report stating the nature of the breaches, the reason 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.

*Councillor Bird arrived at this juncture of the meeting*

3987/15      **Hawthornes Retirement Home, Erdington Road, Aldridge**

The Chairman informed the meeting that the item had been withdrawn.

3988/15      **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 at two minutes they would be reminded they had one minute left.

3989/15

**Item no. 2 – 15/0165/SL – Construction of new access off the Broadway, together with new car park and associated landscaping, plus closure of access from Magdalene Road, at University of Wolverhampton, Walsall Campus, Gorway Road, Walsall, WS1 3BD**

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

(see annexed)

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

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

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

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

There then followed a period of questioning by Members to the speakers in relation to the consultation process, the current number of students enrolled at the university, and the usage of the leisure facilities. Further questions were asked with regard to whether there would be restrictions on the car park usage. In response, speakers confirmed there were currently 2,500 pupils enrolled at the university, the sports & leisure facilities were used by both students and the community, that the car park would have restricted usage as it would be closed evenings, weekends and out of term time except for major events.

There then followed a period of questioning by Members to the officers, primarily in relation to the safety and logistics of having the two sets of traffic lights within close proximity, plus the cost to the Council of the traffic light controlled junction.

In response, officers confirmed that both Road Safety Ordinance and Urban Traffic Control were satisfied with the application, the status of the highway would remain the same as the site was already a temporary car park, and that the university was paying for all associated costs of the application, including the traffic light junction.

Members considered the application in detail, which included a probable increase in travel time along The Broadway, that the university was a large employer, the application would alleviate the inconsiderate parking experienced by residents within Magdalene Road, mindful to grant part of the recommendation and defer for further negotiations.

The Head of Planning & Building Control cautioned the Committee that the proposal for consideration could not be split and that Committee had to work within the legal framework. The Council's Solicitor reiterated that Committee had no power to change the application, nor to agree only part of the recommendation.

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

That Planning Application number 15/0165/FL be deferred to enable officers to explore alternative options for the car park access/egress.

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 15/0165/FL be deferred to enable officers to explore alternative options for the car park access/egress.

*Councillor Worrall arrived at this juncture of the meeting*

*Councillor Shires left at this juncture of the meeting*

3990/14

### **Item no. 4 – 14/1553/FL – Demolition of two existing bungalows and erection of 7 x 5 bed detached houses (re-submission of Planning application 14/0412/FL at 28, 28a, and rear of Branton Hill Lane, Walsall, WS9 0NR**

The Planning Officer advised that at its meeting in June, Committee had resolved to delegate approval of the planning application to Officers, subject to an acceptable revised scheme. Officers did not feel discussions had resulted in an acceptable revised scheme and therefore the application had been referred back to Committee. The Planning Officer reminded Committee of the background to the report now submitted.

(see annexed)

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

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

There then followed a period of questioning by Members to the speakers in relation to what would be considered an acceptable sized development on the land in question, and whether the applicant felt he had resolved the Committee's previous reasons for refusal.

In response, the first speaker stated that she accepted the land was suitable for a development, albeit a smaller residential development than had been proposed. The second speaker confirmed that the revised application had overcome the previous application's reasons for refusal by way of reducing the height of the properties, and he added that the development would look subdued by using dark materials.

There then followed a series of questioning by Members to officers in relation to whether the applicant had engaged and worked constructively with them and whether a substantial reduction had been made in the revised design of the application. In response, the officer confirmed that engagement had taken place with the applicant, but the differing of opinion had not been resolved in their view, albeit the site could be suitable for a scheme of seven houses subject to revised design and character of the development.

The Committee proceeded to discuss the application in detail. The Vice-Chair informed Committee that he had received a letter of complaint in relation to accusations of political bias around the application in question and he had felt strongly that Members should be made aware of the complaint, emphasising that Planning was a non-political Committee, and that each application was considered on its own merits.

Members proceeded to discuss the application further and Councillor Nawaz **moved** and it was duly **seconded** by Councillor Bott:-

That planning application number 14/1553/FL be granted contrary to officers' recommendations subject to conditions to include the following:-

- 1) Appropriate brickwork and materials to be used
- 2) To comply with environmental and noise measures
- 3) Standard hours of work
- 4) Protection of the trees in the Arboriculture assessment
- 5) Implementation of bat mitigation measures
- 6) Removal of permitted development rights.
- 7) Secure landscaping

The Motion, having been put to the vote, was declared **carried**, with 8 Members voting in favour, and 4 Members voting against.

**Resolved.**

That planning application number 14/1553/FL be granted contrary to officers' recommendations subject to conditions to include the following:-

- 1) Appropriate brickwork and materials to be used
- 2) To comply with environmental and noise measures
- 3) Standard hours of work
- 4) Protection of the trees in the Arboriculture assessment
- 5) Implementation of bat mitigation measures
- 6) Removal of permitted development rights.
- 7) Secure landscaping.

*Councillors Nawaz, Chambers and Hazell left the meeting temporarily at this juncture of the meeting.*

3991/15

**Item no. 10 – 15/0903/FULL – Erection of a pair of semi-detached dwellings (6 bedroom) at 5 & 6, Doveridge Place, Walsall, WS1 3EF**

The Planning Officer advised the Committee of the background to the report, informing Members that the application was a re-submission to address the previous reasons for refusal, and she drew attention to the supplementary paper now submitted.

(see annexed)

*Councillors Nawaz, Hazell and Chambers returned to the meeting*

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

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

There were no questions from Members to the speakers.

There then followed a period of questioning by Members to the officers in relation to the revised distance between the proposed development and adjacent listed building. In response, the officer reported that a 0.9m distance between dwellings was considered adequate in building terms. The Head of Planning & Building Control reiterated that Building Regulation Policy dictated that 0.9m was considered an adequate distance between properties regardless of whether one of the properties was a listed building. He stated that the application was a

re-submission which officers felt had resolved the Committee's previous reason for refusal, and he cautioned Members on their reasoning, should Committee be mindful to refuse the application.

Members proceeded to discuss the application, which included concerns in relation to the quality of the plans within the presentation which prevented visualisation of the concept of the dwellings in relation to the design elements and elevations, and their compatibility within the street scene, concerns in relation to the close proximity of the adjacent listed building and the legal requirements in maintaining listed buildings.

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

That Planning Application no. 15/0903/FULL 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 4 Members voting in favour and 10 against.

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

That planning application number 15/0903/FULL be refused, contrary to officers' recommendations as the proposal was incongruous in the street scene, the French doors would be an incongruous feature, and the proposal would prevent adequate access to provide maintenance as required by law to a listed building.

The Motion, having been put to the vote, was declared **carried**, with 11 Members voting in favour and 4 against.

### **Resolved**

That planning application number 15/0903/FULL be refused, contrary to officers' recommendations as the proposal was incongruous in the street scene, the French doors would be an incongruous feature, and the proposal would prevent adequate access to provide maintenance as required by law to a listed building.

3992/15

### **Item no 12 – 15/0644/FL – Single storey rear and side extension at 31, Foley Road East, Walsall, B74 3HP**

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. Chadwick, who had been registered to speak in objection to the application. Mr Chadwick thanked Committee for its deferral of the application at the previous meeting and he stated that he could no longer object as the applicant had amended the plans accordingly.

There were no questions to either the speaker nor to officers.

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

That planning application number 15/0644/FL be delegated to the Head of Planning & Building Control to grant permission subject to conditions as contained within the report, provided that no new material considerations are raised by 12 August 2015.

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 15/0644/FL be delegated to the Head of Planning & Building Control to grant permission subject to conditions as contained within the report, provided that no new material considerations are raised by 12 August 2015.

3993/15

**Item no 1 – 15/0458/FL – Erection of 68 no. One and two bedroom apartments with associated landscaping and parking on land in Carl Street, Leamore, Walsall**

#### **Resolved**

That planning application no. 15/0458/FL be granted, subject to conditions and subject to a Section 106 Agreement to secure provision for urban open space unless the District Valuation Officer confirms the scheme is not viable with the full contributions as contained within the report now submitted.

3994/15

**Item no. 3 – 15/0429/FL – Capping layer to site surface and erection of boundary fencing at former JMI Jamesbridge Copper Works, Reservoir Place, Walsall**

#### **Resolved**

That Planning Application no. 15/0429/FL be granted, subject to conditions as contained within the report now submitted.  
*Councillor Shires left at this juncture of the meeting.*

3995/15

**Item no. 5 – 15/0736/FL – Change of use of Public House/  
Restaurant to 15 no. Bedsits at 248, Walsall Road, Walsall,  
WS10 9SN**

Members considered the application but due to concerns raised, the Chair requested that the Planning Officer advise the Committee of the background to the report and the supplementary paper now submitted

(see annexed)

There were no questions to the officer.

Members discussed the application further, primarily in relation to the existing fear of crime within the area, concerns raised by the Police Neighbourhood Beat Team, and the concentration of the accommodation in what was considered a small site.

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

That Planning Application no. 15/0736/FL be refused contrary to officers' recommendations as the proposed development was out of character within the area and would exacerbate the existing fear of crime.

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

**Resolved**

That Planning Application no. 15/0736/FL be refused contrary to officers' recommendations as the proposed development was out of character within the area and would exacerbate the existing fear of crime.

Councillor Bott requested his name to be recorded as voting in favour of the Motion.

*Councillor Shires returned to the meeting*

3996/15

**Item no 6 – 15/0641/FL – Replacement workshop and offices at  
Cromwell Commercial Services, Chester Road, Walsall, WS9 9HJ**

**Resolved**

That planning application no. 15/0641/FL be granted, subject to conditions as contained within the report.

3997/15 **Item no. 7 – 15/0272/FL – Proposed change of use with alterations of first floor warehouses/storage area to three residential units at rear of 116, Caldmore Road, Walsall**

**Resolved**

That Planning Application no. 15/0272/FL be granted subject to conditions as contained within the report and supplementary paper now submitted.

3998/15 **Item no. 8 – 15/0081/FL – Single Storey rear extension and garage conversion at 2 Scholars Walk, Walsall, WS4 1FW**

The Chair requested that the Planning Officer advise the Committee of the background to the report now submitted.

(see annexed)

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

That planning application number 15/0081/FL be granted, contrary to officers' recommendations, subject to standard conditions.

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

**Resolved**

That planning application 15/0081/FL be granted, contrary to officers' recommendations, subject to standard conditions.

3999/15 **Item no. 9 – 15/0794/FL – Proposed garage conversion and single storey rear extension at 22, Bluebell Road, Walsall, WS9 9EU**

**Resolved**

That planning application no 15/0794/FL be granted as contained within the report now submitted.

4000/15

**Item no. 11 – 15/0654/FL – Single storey rear extension at  
817 Sutton Road, Walsall, WS9 0QJ**

**Resolved**

That Planning Application no. 15/0654/FL be granted, subject to conditions as contained within the report now submitted.

**Termination of meeting**

There being no further business the meeting terminated at 8.25 pm

Signed.....Date.....