

PLANNING COMMITTEE

Thursday 8th January, 2015 at 5.30 p.m.

In the Council Chamber at the Council House, Walsall

Present

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

3830/14

Apology

An apology for non-attendance was submitted on behalf of Councillor Creaney.

3831/14

Minutes

Resolved

That the minutes of the meeting held on Thursday 11th December, 2014, a copy having previously been circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

3832/14

Declarations of Interest

Councillors P. Bott, Nawaz and Wade declared a non-pecuniary interest in relation to agenda item 4 of the application list for permission to develop – Erection of a pair of 4 bed semi-detached houses at 35 B Portland Road, Walsall, WS9 8NU (14/1590/FL) and took no part in discussion or voting thereon.

3833/14 **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

3834/14 **Local Government (Access to Information) Act, 1985 (as amended)**

Resolved

There were no items to be discussed in private session.

3835/14 **Former Pear Tree Cottage Public House, Pear Tree Lane, Brownhills, WS8 7NF**

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.

Resolved

That Members endorse the recommendation put forward to the Planning Committee meeting held on 13th November, 2014 to refuse planning permission for planning application number 14/0874/OL – outline application for a food convenience retail store (A1) with access only for consideration former Pear Tree Cottage Public House, Pear Tree Lane, Brownhills, Walsall, WS8 7NF for the following reason:-

- i) A retail store in this location in addition to the position of the proposed access would give rise to conditions prejudicial to highway safety by virtue of:-
 - The location of the site on an existing awkward junction layout and the position of the proposed car park and service vehicle delivery access out of sight of potential customers passing along Hednesford Road and Albutts Road, due to the nature of the use, is likely to lead to either indiscriminate parking and footway parking on and around the four-way road junction or on Pear Tree Lane which is only four metres in width.
 - Delivery and service vehicles to the store which are larger than 3.5 tonne (multi-drop deliveries) would not be able to turn within the car park resulting in loading/unloading either on Hednesford Road at the junction or on Pear Tree Lane and having to reverse onto the junction.
 - The indicative size of the retail store and the resultant space on site fails to provide sufficient off-street parking spaces to meet the needs of the development.

- The proposal would give rise to increased vehicle conflicts in and around the access and around the road junction contrary to the free flow of traffic on the public highway and the free movement of pedestrians along the public footway. Accordingly the proposal is contrary to the aims and objectives of the National Planning Policy Framework, policy TRAN1, TRAN2 of the Black Country Core Strategy and saved policies, GP2, 3.6, ENV32, T4, T7 and T13 of the Walsall Unitary Development Plan.

ii) That the Planning Inspectorate be advised accordingly.

3836/14 **Land at Winterley Lane, Rushall**

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

(see annexed)

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

(see annexed)

The Committee was advised that Mr. Doocey who was to speak in objection to the Enforcement Notice was not present at the meeting.

The Committee then welcomed the first speaker in support of the Enforcement Notice, Mr. Hill.

The Committee then welcomed the second speaker in support of the Enforcement Notice, Mr. Price.

There then followed a period of questioning by Members to the speakers and to officers regarding the condition of the site and adjoining roadway; the damage to verges by vehicles from the site and the fact that vehicles over 7.5 tonnes were using the canal bridge in contravention of the Weight Restriction Order.

In response, Mr. Price commented that residents were concerned that even if the Council served an Enforcement Notice on the owners of the site this situation would not improve as they would not comply with it.

Members discussed the report further and Councillor Jeavons then **moved** and it was **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 (as amended) to require remedial actions to be undertaken as shown in Paragraph 2.6 of the report now submitted;

2. That authority be granted for the Head of Planning and Building Control to issue an Injunction under the Town and Country Planning Act, 1990 (as amended) to require remedial actions to be undertaken as shown in Paragraph 2.6 of the report now submitted;
3. That authority be granted for the Head of Planning and Building Control to issue an Emergency Stop Notice under the Town and Country Planning Act, 1990 (as amended) to require remedial actions to be undertaken as shown in Paragraph 2.6 of the report now submitted;
4. That the Head of Planning and Building Control be authorised 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 to make the decision as to the institution of Injunctive proceedings in the event of a continuing breach of planning control;
5. That the Head of Planning and Building Control be authorised to amend, add to, or delete from the wording set out in Paragraph 2.6 of the report 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.

The Motion having been put to the vote was declared carried unanimously.

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 shown in Paragraph 2.6 of the report now submitted;
2. That authority be granted for the Head of Planning and Building Control to issue an Injunction under the Town and Country Planning Act, 1990 (as amended) to require remedial actions to be undertaken as shown in Paragraph 2.6 of the report now submitted;
3. That authority be granted for the Head of Planning and Building Control to issue an Emergency Stop Notice under the Town and Country Planning Act, 1990 (as amended) to require remedial actions to be undertaken as shown in Paragraph 2.6 of the report now submitted;
4. That the Head of Planning and Building Control be authorised 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 to make the decision as to the institution of Injunctive proceedings in the event of a continuing breach of planning control;

5. That the Head of Planning and Building Control be authorised to amend, add to, or delete from the wording set out in Paragraph 2.6 of the report 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.

3837/14 **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 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.

3838/14 **Item No. 6 – 14/1410/FL – Retrospective: Change of use of residential garage to a hairdressers – 55 Shire Ridge, Walsall Wood, Walsall, WS9 9RA**

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. Hancox, who spoke in objection to the application.

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

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

There then followed a period of questioning by Members to the speakers and officers which included how long the business had been in operation, hours of operation, number of parking spaces available at the property, whether planning permission was required and whether the business had outgrown the property and should now be relocated in a local or district centre.

It was then **moved** by Councillor Jeavons and **seconded** by Councillor Rochelle:-

That planning application 14/1410/FL be refused for the reasons contained in the application list for permission to develop and the supplementary paper now submitted.

The Motion having been put to the vote was declared **carried** with ten Members voting in favour and eight Members voting against and it was

Resolved

That planning application 14/1410/FL be refused for the reasons contained in the application list for permission to develop and the supplementary paper now submitted.

At this point the meeting was adjourned for a comfort break and reconvened at 8.17 p.m.

3839/14 **Item No. 8 – 14/1722/FL – Proposed amendment to planning permission 14/1036/FL to alter roofline at ridge height and amend the design of the home office roof – 31 Foley Road East, Sutton Coldfield, B74 3HP**

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

(see annexed)

Councillors Mrs Shires, Sarohi, Rochelle and Wade returned to the meeting during the course of the debate and did not take part or vote on this application.

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

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

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

There then followed a period of questioning by Members to the speakers which included the pitch of the proposed roofline and the impact on the adjoining property.

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

That planning application number 14/1722/FL be granted subject to conditions contained in the application list for permission to develop and supplementary paper now submitted.

The Motion having been put to the vote was declared **carried** with six Members voting in favour and three against and it was

Resolved

That planning application number 14/1722/FL be granted, subject to conditions contained in the application list for permission to develop and supplementary paper now submitted.

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

3840/14 Item No 9. – 14/1395/FL – Two storey extension to side and ground floor extension to rear – 8 Edinburgh Road, Walsall, WS5 3PQ

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

(see annexed)

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

There then followed a period of questioning by Members to the speaker and officers which included the subjective nature of officers' views on the application, the effect of the proposed two storey side extension on the street scene and neighbour and whether the decision was to accommodate the needs of the family.

Councillor Bird then **moved** and it was **seconded** by Councillor Nawaz:-

That the officer recommendation to refuse application number 14/1395/FL be overturned and the application be granted, subject to normal conditions including requiring materials to match the existing building and the hours of operation for building works.

The Motion having been put to the vote was declared **carried** with eleven Members voting in favour and four Members voting against and it was

Resolved

That the officer recommendation to refuse application number 14/1395/FL be overturned and the application be granted, subject to normal conditions including requiring materials to match the existing building and the hours of operation for building works.

Suspension of Standing Orders

At this point in the meeting the Chair moved the suspension of standing orders to allow the meeting to continue beyond 8.30 p.m.

- 3841/14 **Item No. 1 – 14/1345/FL – Erection of 12 no. 1 bedroom apartments in a three storey block – Site of former Coalpool Clinic, Ross Road, Ryecroft, Walsall**

Resolved

That planning application number 14/1345/FL be granted, subject to conditions contained in the application list for permission to develop now submitted.

- 3842/14 **Item No 2 – 14/1574/FL – Erection of a 4 bed detached house with associated car parking and provision of freestanding solar panels and framework in rear garden – Plot 2 (Former builders merchant yard), Green Lane, Aldridge, Walsall, WS9 0LN**

Resolved

That planning application number 14/1574/FL be granted, subject to conditions contained in the application list for permission to develop now submitted.

- 3843/14 **Item No. 3 – 14/1293/FL – Erection of a 4 bed detached house with associated car parking, landscaping and boundary treatment, retention of detached outbuilding in the rear garden (with solar panels to southern roof slope) and temporary consent for residential caravan on site during the course of the build– Plot 1 (Former builders merchant yard), Green Lane, Aldridge, Walsall, WS9 0LN**

Resolved

That planning application number 14/1293/FL be granted, subject to conditions contained in the application list for permission to develop now submitted.

- 3844/14 **Item No. 4– 14/1590/FL – Erection of a pair of 4 bed semi detached houses – 35B Portland Road, Walsall, WS9 8NU**

Resolved

That planning application number 14/1590/FL be granted, subject to conditions contained in the application list for permission to develop now submitted.

3845/14 **Item No. 5 – 14/1093/FL – Two detached properties – Land adjacent to 141 Hall Lane, Walsall, WS9 9AR**

Resolved

That planning application number 14/1093/FL be granted, subject to conditions contained in the application list for permission to develop now submitted.

3846/14 **Item No. 7 – 14/1654/FL – Two storey side extension – 19 Moat Farm Way, Walsall, WS3 5BW**

Resolved

That planning application number 14/1654/FL be granted, subject to conditions contained in the application list for permission to develop now submitted.

Termination of meeting

There being on further business the meeting terminated at 9.05 p.m.

Signed:..... Date: