

## **PLANNING COMMITTEE**

**Thursday, 13<sup>th</sup> March, 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 Rochelle  
Councillor Sarohi  
Councillor I. Shires  
Councillor Thomas  
Councillor Underhill  
Councillor Wade  
Councillor Westley

### **3610/14 Apologies**

Apologies for non-attendance were submitted on behalf of Councillor Cook and Councillor Creaney.

### **3611/14 Minutes**

#### **Resolved**

That the minutes of the meeting held on 13<sup>th</sup> February 2014, a copy having previously been circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record subject to the following amendment:

That minutes number 3602/14, page number 7, paragraph 5 be deleted and substituted with "Councillor Jeavons left the meeting for the duration of this application and therefore did not take part nor vote on this item.

3612/14

## **Declarations of Interest**

Councillors Arif, P. Bott, I. Shires and Wade all declared a non-pecuniary interest in plans list item number 2 – application number 12/0036/OL – Outline permission for residential development on sites A, D and J (access only to be considered) as follows: Site A – Approximately 243 dwellings (including 56 affordable units), Site D – Approximately 134 dwellings (including 121 affordable units), Site J – Approximately 25 dwellings (all affordable) – All sites incorporating means of access (not reserved), car parking, landscaping, infrastructure and servicing - Goscote Lane Regeneration Corridor incorporating sites in Shakespeare Crescent, Keats Road, Tennyson Road, Chaucer Road, Wordsworth Road, Dryden Road, Harden Road and Well Lane - in respect of their positions as WHG Board Members or WHG Local Committee Members.

Councillors Ali, Arif, Bird, Harris and I. Shires all declared non-pecuniary interests in plans list item number 4 – application number 14/0107/FL – Removal of an unstable embankment in the Arboretum between the site of the proposed new visitor centre and No.8 Victoria Terrace and No.6 Buchanan Avenue. The application includes engineering works to stabilise the embankment and restore the original boundaries – Walsall Arboretum, Arboretum Road, Walsall - in respect of their positions on Cabinet.

Councillors Perry and Wade declared a non-pecuniary interest in plans list item number 8 – application number 14/0010/FL – Creating of car park for 8 vehicles on existing grass verge - Land fronting 37 to 51 Stanley Road, Walsall, WS4 1EJ – in respect of their positions on the Brownhills/Pelsall/Rushall/Shelfield Area Panel and their attendance at the Area Panel meeting when the location was approved.

Councillor S. Fitzpatrick declared a non-pecuniary interest in plans list item number 9 – application number 14/0097/FL – Change of use from D2” social club to A4 public house including beer garden – 156A High Street, Bloxwich, Walsall, WS3 3JT – in respect of his membership of Bloxwich Community Partnership.

Councillor Ditta declared an non-pecuniary interest in plans list item number 11 – application number 14/0088/FL – New bungalow – 16 Broadway West, Walsall, WS1 4EA - due to being related to the applicant.

3613/14

## **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

3614/14

## **Local Government (Access to Information) Act, 1985 (as amended)**

There were no items to be considered in private session.

**Amaco Filling Station/Diamond Hand Car Wash/Ward Street Filling Station, 44 Ward Street, Walsall, WS1 2AG**

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. He informed Committee it was likely a temporary submission would be submitted.

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

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 for 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 a continuing breach of control, in accordance with paragraph Part 3.2 – 6(a) (7) of the Constitution.
3. That authority be granted for 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.
4. That authority be granted for the Head of Planning and Building Control to prosecute under section 224 of the Town and Country Planning Act 1990 in respect of the unauthorised display of advertisement comprising a large 3-sided forecourt sign, and a red banner on the site.

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

**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 for 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 a continuing breach of control, in accordance with paragraph Part 3.2 – 6(a) (7) of the constitution.

3. That authority be granted for 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.
4. That authority be granted for the Head of Planning and Building Control to prosecute under section 224 of the Town and Country Planning Act 1990 in respect of the unauthorised display of advertisement comprising a large 3-sided forecourt sign, and a red banner on the site.

3616/14      **Hydesville Tower School, Broadway North, Walsall, WS1 2QG**

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. The Committee then welcomed the only speaker, Mr. Green, who spoke in support of the applicant.

There then followed a period of questioning by Members to the speaker primarily around what alternative options the school had considered in relation to staff and parents car parking issues due to the imminent loss of its former parking site; how the school would implement its travel plan proposals and ensure the travel plan is adhered to; and whether residents within the 'walking bus' drop off and pick up locations had been consulted in relation to the potential number of vehicles that would be parked outside their homes at specific times of the school day.

In response, the speaker stated it would be the school's expectation that parents would support the final initiative and as it was a private, fee paying school, the school would put weight behind the preferred initiative. The speaker confirmed that a number of other schemes were being considered and these included:-

- a 'walking bus' from Arboretum Road which was supported by the Council's Sustainable Travel Team following the submission of a risk assessment;
- a number of alternative 'walking bus' locations that were under consideration;
- the promoting of two private hire mini bus routes;
- a discussion with a town centre supermarket to allow the staff to park.

There were no questions to officers.

The Committee proceeded to discuss the application further which included the possibility of the school staff purchasing parking permits for Council car parks.

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

That Planning Committee:-

- i) noted the report on the position with regard to the S106 Legal Agreement;
- ii) that an update report be presented to Committee every meeting until a satisfactory solution is found or action is taken

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

### **Resolved**

That Planning Committee:-

- i) noted the report on the position with regard to the S106 Legal Agreement;
- ii) that an update report be presented to Committee every meeting until a satisfactory solution is found or action is taken

***Councillor Andrew arrived at this juncture of the meeting.***

3617/14

**Item No. 1 –13/1734/FL – Change of use from retail (use class A1) to retail warehouse/membership club (use class sui generis) - Units 1-2C Bescot Crescent, Walsall, WS1 4SB**

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.

The Regeneration Manager - Planning Policy advised the Committee that the application was for a membership club warehouse with a proposed Sui Generis classification and he stated retail policy issues and the impact on smaller centres needed to be considered and addressed.

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

There then followed a period of questioning by Members to the speaker with regard to the percentage of sales of ambient foods the applicant would intend to sell; how many jobs would be created and who would membership be designed for.

In response, the speaker stated the applicant would require the store to generate at least 28% ambient food sales; the store would create up to 60 full and part time jobs of which the majority would be local people and the membership clause would target a certain sector of the economy, ie. cash and carry businesses.

There then followed a period of questioning by Members to officers which included why a no food condition had been imposed, and how distribution lorries would access the site.

In response, the Planning Policy Manager stated officers had to maintain a consistent approach and ensure there was no greater impact or set a precedent for other retail parks to sell ambient foods and bulky goods, as these categories were hard to define and would create competition to Town Centre developments. The Head of Planning and Building Control informed Members that the conditions attached to the application were based on the Black Country Core Strategy, which seeks to prevent out of centre retailing impacting on town centres. With reference to deliveries accessing the site, an officer confirmed the site was commercial and there was access to the rear of the warehouse.

The Committee proceeded to discuss the application further including reiterating concerns around competition to Town Centre proposals.

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

That application no. 13/1734/FL be deferred to allow officers to negotiate with the applicant to seek a reduction in food sales (from 30%), and to amend Condition 5

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

### **Resolved**

That application no. 13/1734/FL be deferred to allow officers to negotiate with the applicant to seek a reduction in food sales (from 30%), and to amend Condition 5 .

**Item No. 11 -14/0088/FL – New Bungalow at 16 Broadway West, Walsall, WS1 4EA**

***Councillor Ditta having previously declared an interest in this item left the room and therefore did not take part nor vote on this application.***

***Councillor Arif also left the meeting at this time 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 first speaker on this application, Mr. Rollins, who spoke in objection to the application.

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

There were no questions by Members to the speakers nor to Officers.

The Committee proceeded to discuss the application further with regard to how Members now felt their previous concerns had now been addressed within the application and that Officers to ensure all measurements are accurate.

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

That application number 14/0088/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 application number 14/0088/FL be granted subject to conditions as contained within the report and supplementary paper now submitted.

**Item No. 12 – 13/1650/FL – Two storey side, rear and single storey extensions including loft extension and conversion – 123 Broadway West, Walsall, WS1 4DW**

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

(see annexed)

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

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

There then followed a period of questioning by Members to the speaker, including whether the occupants in the neighbouring property had agreed to the windows on the side of their house being blocked up; and whether there were any similar extended properties in the immediate area.

In response, the speaker informed Members that the owners of the neighbouring property were related to him and they had confirmed in writing their agreement for their side windows to be bricked up. The speaker also stated that there were a number of properties within the immediate area that had similar sized extensions.

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

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

The Committee proceeded to discuss the application further and Councillor Ali **moved** and it was duly **seconded** by Councillor Ditta:-

That application number 13/1650/FL be granted on the grounds that the type and design is characteristic of the street scene.

An amendment to the Motion was **moved** by Councillor Bird and duly **seconded**:-

That application number 13/1650/FL be delegated to the Head of Planning and Building Control for approval, subject to an agreement in writing from the owners of the neighbouring property of their willingness to brick up their two side windows and then subject to a



Grampian Condition that this is done prior to the commencement of works for the proposed application.

The Motion having been put to the vote was declared **carried** with 14 Members voting in favour and none against.

### **Resolved**

That application number 13/1650/FL be delegated to the Head of Planning and Building Control for approval, subject to an agreement in writing from the owners of the neighbouring property of their willingness to brick up their two side windows and then subject to a Grampian Condition that this is done prior to the commencement of works for the proposed application.

***Councillor Westley returned to the meeting.***

3620/14      **Item No. 8 – 14/0010/FL – Creation of car park for 8 vehicles on existing grass verge – Land fronting 37 – 51 Stanley Road, Walsall, WS4 1EJ**

***The Chairman and Councillor Wade having earlier declared an interest in this item left the room and therefore did not take part nor vote. In view of this, the Vice Chairman acted as Chairman in his place during this period***

### **Councillor Bird in the Chair**

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

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

There then followed a period questioning by a Members to the speaker and Officers including whether any part of Stanley Road could be considered to be widened in the future. In response, the Transportation Officer replied that only the immediate application site had been considered but other areas within Stanley Road could be investigated in the future.

The Committee proceeded to discuss the application further and a request was made for Highways to carry out a desktop study to consider other parking options with associated costs within Stanley Road.

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

That planning application number 14/0010/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.

### **Resolved**

That planning application number 14/0010/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

### **Councillor Perry back in the Chair**

- 3621/14      **Item No. 2 – 12/0036/OL – All sites incorporating means of access (not reserved), car parking, landscaping, infrastructure and servicing – Goscote Lane Regeneration Corridor incorporating sites in Shakespeare Crescent, Keats Road, Tennyson Road, Chaucer Road, Wordsworth Road, Dryden Road, Harden Road and Well Lane. Outline permission for residential development on sites A, D and J (access only to be considered) as follows: Site A – Approximately 243 dwellings (9including 56 affordable units) Site D – Approximately 134 dwellings (including 121 affordable units) Site J 0 Approximately 25 dwellings (all affordable)**

### **Resolved**

That planning application number 12/0036/OL be granted, subject to conditions and a Planning Obligation as contained within the report and supplementary paper now submitted.

- 3622/14      **Item No. 3 – 14/0120/FL – Erection of two new industrial bays to existing warehouse and associated car parking and landscaping (amended scheme to planning permission 13/1479/FL to increase height of bay 1A and an additional roller shutter to side elevation of bay 6) – PAL Group, Darlaston Road, Wednesbury, WS10 7TN**

### **Resolved**

That planning application number 14/0120/FL be granted, subject to conditions as contained within the report.

3623/14      **Item No. 4 – 14/0107/FL – Removal of an unstable embankment in the Arboretum between the site of the proposed new visitor centre and No.8 Victoria Terrace and No.6 Buchanan Avenue. The application includes engineering works to stabilise the embankment and restore the original boundaries – Walsall Arboretum, Arboretum Road, Walsall**

**Resolved**

That planning application 14/0107/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted, and subject to an additional condition requesting a method statement for storing spoil in the floodplain.

3624/14      **Item No. 5– 13/1661/FL – Erection of 2 industrial buildings (Class B2) – Land at Merchants Way, Aldridge, Walsall, WS9 8SW**

**Resolved**

That planning application number 13/1661/FL be granted, subject to conditions as contained within the report.

3625/14      **Item No. 6 – 13/1692/FL – Erection of canopy, new entrance and front facade, alterations to car park to provide disabled parking provision and alterations to escape points and opening to existing building – Hootys Supplies Ltd, Longacre, Willenhall, WV13 2JX**

**Resolved**

That planning application number 13/1692/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

3626/14      **Item No. 7 – 13/1695/FL – Change all windows to UPVC. Removal planning condition 9 of planning application 03/0104/FL/E6 – Wesleyan Court, 7 Lichfield Road, Walsall, WS4 2HT**

**Resolved**

That planning application number 13/1695/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

3627/14      **Item No. 9 – 14/0097/FL – Change of use from D2 social club to A4 public house, including beer garden – 156A High Street, Bloxwich, Walsall, WS3 3JT**

**Resolved**

That planning application number 14/0097/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

3628/14      **Item No. 10 – 14/0073/AD – Installation of 2 no. fascia signs measuring 2.5m x 14.2m and 0.7m x 10.5m – 52A Harrison Street, Walsall, WS3 3HW**

**Resolved**

That planning application number 14/0073/AD be granted for five years, subject to conditions as contained within the report now submitted.

3629/14      **Item No. 13 – 13/1563/FL – Rear part two storey and part ground floor domestic dwelling extension – 59 Kingshayes Road, Walsall, WS9 8RT**

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

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

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

That planning application number 13/1563/FL be deferred to allow Officers to renegotiate an amended scheme with the applicant that overcomes the breach of the 45 degree code.

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 13/1563/FL be deferred to allow Officers to renegotiate an amended scheme with the applicant that overcomes the breach of the 45 degree code.

### **Termination of meeting**

The meeting ended at 7.50 p.m.

Signed:.....

Date:.....