

PLANNING COMMITTEE

Thursday 11th June, 2015 at 5.30 p.m.

In the Council Chamber at the Council House, Walsall

Present

Councillor Perry (Chairman)
Councillor Bird (Vice-Chair)
Councillor P. Bott
Councillor Chambers
Councillor Craddock
Councillor Ditta
Councillor Douglas-Maul
Councillor J. Fitzpatrick
Councillor Follows
Councillor Harris
Councillor D. Hazell
Councillor Nawaz
Councillor Rochelle
Councillor Sarohi
Councillor Sohal
Councillor Worrall

3931/15 Apologies

Apologies for non-attendance were submitted on behalf of Councillors Jeavons, Robertson and I. Shires.

3932/15 Minutes

Resolved

That the minutes of the meeting held on Thursday 30th April, 2015, a copy having previously been circulated to each Member of the Committee, be approved subject to the following amendments:-

3933/15 Declarations of Interest

Councillor Hazell declared a non-pecuniary interest in Plans List Item no. 1 – 15/0061/FI – residential development comprising 15 houses and 15 flats (affects the setting of public rights of ways WILL40 and 41) at former Cavalcade PH, Stroud Avenue, Willenhall, WV12 4DH, as he was acquainted with the applicant and therefore took no part in the discussion or voting thereon.

Councillor Nawaz and Councillor Bott both declared non-pecuniary interests in Plans List Item no. 3 - 15/0238/FL – erection of 48 no. 1, 2 and 3 bedroom dwelling houses with associated ground works and access at former Clothier Street Primary School, Harry Perks Street, Walsall and also Plans List Item no. 21 – 14/1856/FI – conditions 7a and 7b removed from the Approval Notice at land at Silver Street, Brownhills, Walsall, WS8 6ES, as both Committee Members are also members of the whg Board, and they therefore took no part in the discussions or voting thereon.

Councillor Bird declared a non-pecuniary interest in Plans List Item no. 18 – 15/0407/FL – new first floor bedroom and shower room extensions to south west side of dwelling at 18 Queens Road, Walsall, WS5 3NF, as he lived in the vicinity and therefore took no part in the discussion or voting thereon.

3934/15 **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

3935/15 **Local Government (Access to Information) Act, 1985 (as amended)**

Resolved

There were no items to be considered in private session.

At this juncture of the meeting, a Planning Officer gave a verbal update to Members informing them of the future use of time limited conditions whereby when required, an officer's recommendation will be to grant permission subject to the submission of particular details, thus no planning permission will be formally issued until all the information has been received.

3936/15 **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.

3937/15

Item No. 1 – 15/0061/FL - Residential development comprising 15 houses and 15 flats (affects the setting of public rights of way WILL 40 and 41) at the former Cavalcade Public House, Stroud Avenue, Willenhall, WV12 4DH.

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. Sedgemore, who spoke in support of the application.

There were no questions to the speaker by Members.

There then followed a period of questioning by Members to the Officers including queries in relation to the lack of provision for affordable housing and urban open space and the number of parking spaces. In response, Officers reported that the District Valuer had reviewed and concluded that the scheme would not be viable to provide either affordable housing or a Section 106 Contribution, and that the parking provision for the scheme was considered adequate based on the 2011 Census.

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

That planning application number 15/0061/FL be approved, 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 11 Members voting in favour and one against.

Resolved

That planning application number 15/0061/FL be approved, subject to conditions as contained within the report and supplementary paper now submitted.

3938/15

Item No. 2 – 15/0221/FL – Demolition of the existing Nursing Home and associated outbuildings. Erection of a new 3 storey Nursing Home with single storey elements and provision of associated car parking and gardens. Erection of 6 no dwellings (comprising 3 semi-detached blocks) with a new access road – Meadow House, Stroud Avenue, Walsall, WV12 4ET

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. Kennard, who spoke in objection to the application.

There then followed a period of questioning by Members to the speaker and to Officers, which included queries regarding the distance comparisons between the current building and the proposed new dwelling, maximum parking space requirements for the development, whether the Council's Social Care Department had been consulted.

In response, the current distance from the nearest residential property was 42 feet compared to the distance of the proposal from the nearest residential property of 60 feet, albeit the proposal would be much taller, the maximum number of parking spaces required based upon an accumulation statement for the type and size of the development was 13 spaces, there was no requirement to consult with the Council's Social Care.

Members proceeded to discuss the application in detail and Councillor Perry **moved** and it was duly **seconded** by Councillor Bird:-

That planning application number 15/0221/FL be approved, subject to conditions as contained within the report now submitted and subject to resolving the Coal Authority's objection

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 15/0221/FL be approved, subject to conditions as contained within the report now submitted and subject to resolving the Coal Authority's objection.

3939/15

Item No. 6 – 15/0443/15 – Change of use (YMCA – Sui Generis use class) to 22 supported accommodated rooms for young people who are vulnerable to homelessness – Premson House, 5-8 Green Lane, Walsall, WS2 8HE

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 item, Sergeant Kyffin, who spoke in objection to the application.

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

The Committee then welcome the third speaker on this item, Mr. Kharaband, who also spoke in support of the application.

There then followed a period of questioning by Members to the speakers and to Officers which included whether crime concerns were evidence based, and who would be the users of the accommodation and service.

In response, the first speaker stated that issues around crime had occurred in the past from a minority of residents within in similar establishments, which had led to a demand for increased policing within Walsall town centre. The second speaker confirmed that the site had been taken over by the YMCA organisation which had a strong safeguarding policy. They would be working with low risk vulnerable people, some of whom would be in conjunction with the Council, supporting and accessing the employability and life skills of young people and providing 24 hour support.

Councillor Harris left at this juncture of the meeting.

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

That planning application number 15/0443/FL be approved, 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 13 Members voting in favour and none against.

Resolved

That planning application number 15/0443/FL be approved, subject to conditions as contained within the report and supplementary paper now submitted.

Councillor Harris returned to the meeting.

3940/15

Item No. 11 – 15/0369/FL – Erection of a pair of semi-detached dwellings (6 bedroom) – 5 & 6 Doveridge Place, Walsall, WS1 3EF

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 item, Mrs. Burrows, who spoke in objection to the application.

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

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

There then followed a period of questioning by Members to the speakers and Officers including how the adjacent Listed Building would be protected by the building work and how the adjacent listed building would be able to be maintained only one foot away from the proposed dwelling.

In response, the third speaker stated that Building Regulations Legislation would cover the construction to ensure no damage occurred to the adjacent property and that legislation allowed for the distance between dwellings.

Further discussions ensued, which included Members concerns about the application being out of character within a conservation area, the inadequate drawings of the proposal, implications in relation to the future maintenance of the adjacent Listed Building by way of the close proximity to the proposed new dwellings, owners of listed buildings have a legal duty to maintain them and it would be perverse if they were hindered in doing so, impact on traffic and insufficient parking.

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

That planning application number 15/0369/FL be refused as:

1. The bi-folding doors would appear incongruous and out of character within the street scene;
2. It would compromise the amenity of the owner of the adjacent listed building in terms of the maintenance of the listed building due to the close proximity.

The Motion having been put to the vote was declared **carried**, with 9 Members voting in favour and 3 against.

Resolved

That planning application number 15/0369/FL be refused as:

1. The bi-folding doors would appear incongruous and out of character within the street scene;
2. It would compromise the amenity of the owner of the adjacent listed building in terms of the maintenance of the listed building due to the close proximity.

Councillor Chambers requested that his name be recorded as voting against the Motion.

3941/15

Item No. 17 – 15/0343/FL – Two storey side and rear extension – 5 Longmeadow Road, Walsall, WS5 3BZ

The Planning Officer advised the Committee of the background to the report:-

(see annexed)

The Committee then welcomed the first speaker on this item, Mrs. Grundy, who spoke in support of the application.

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

There were no questions to the speakers.

The Vice Chair asked the Planning Officer if the loss of light to the neighbouring house was the main reason for refusal, to which the Planning Officer confirmed that it was.

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

That planning application number 15/0343/FL be approved, subject to standard conditions.

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 15/0343/FL be approved, subject to standard conditions.

3942/15

Item No. 10 - 14/1771/FL – Change of use from a clothing manufacturer to catering supplier with commercial kitchen; and refurbishment including installation of fume extract flue and bricking up of windows – Premises rear of 39 Cairns Street, 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 only speaker on this item, Councillor Hussain, who spoke in support of the application.

There then followed a period of questioning by Members to the speaker, which included whether the applicant would be willing to negotiate an adequate flue with Officers, whether the premises would be providing commercial catering, why the application included the bricking up of the windows.

In response, the speaker reported that the applicant was willing to work with Officers in relation to the flue and that the company would provide catering for small party functions. The speaker was unaware why the applicant wished to brick up the windows.

There were no questions to Officers.

Members considered the application further, including trepidation in relation to whether the building could be brought up to an adequate standard, health and safety issues to nearby residents, that an empty building would be brought back into use and that Officers could control standards.

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

That planning application number 14/1771/FL be refused for the reasons as set out within the report and supplementary paper now submitted.

The Motion having been put to the vote was declared **carried**, with 12 Members voting in favour and 3 against.

Resolved

That planning application number 14/1771/FL be refused for the reasons as set out within the report and supplementary paper now submitted.

3943/15

Item No. 15 – 14/0791/FL – Erection of two storey and single storey extension to rear, and single storey extension to front – 124 Scarborough Road, Walsall, WS2 9TU and Item No 14/0792/FL – Erection of two storey and single storey extension to rear, and single storey extension to front – 126 Scarborough Road, Walsall, WS2 9TU

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

(see annexed)

The Committee then welcomed the only speaker on these applications, Councillor Hussain, who spoke in support of the applications.

There were no questions to the speaker nor to Officers.

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

That planning application number 14/0791/FL and planning application number 14/0972/FL both be approved, subject to conditions as contained within the report 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 14/0791/FL and planning application number 14/0972/FL both be approved, subject to conditions as contained within the report now submitted.

Councillor Bott and Councillor Chambers left the room at this juncture of the meeting.

3944/15

Item No. 18 – 15/0407/FL – New first floor bedroom and shower room extensions to south west side of dwelling – 18 Queens Road, Walsall, WS5 3NF

Councillor Bird having declared an interest in this item left the room and therefore did not take part or vote on this item.

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

(see annexed)

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

The Committee then welcome the first speaker on this item, Councillor Sohal, who spoke in support of the application.

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

There were no questions to the speakers nor Officers.

Members considered the application further, which included how the extensions would not impact nor be out of character in the street scene and Councillor Nawaz **moved** and it was duly **seconded** by Councillor Ditta:-

That planning application number 15/0407/FL be granted, subject to standard conditions.

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 15/0407/FL be granted, subject to standard conditions.

Councillor Bird returned to the meeting.

At 8.12 p.m. the Chair adjourned the meeting until 8.20 p.m..

At 8.20 p.m. the meeting reconvened and the Vice Chair moved that the meeting continue beyond 8.30 p.m., in order to complete the remaining items on the agenda. The Committee agreed to extend the meeting.

3945/15

Item No. 20 – 14/1553/FL – Demolition of 2 existing bungalows and erection of 7 x 5 bed detached houses (resubmission of planning application 14/0412/FL – 28, 28A and rear of 30 Branton Hill Lane, Walsall, WS9 0NR

The Planning Officer advised the Committee of the background to the report (see annexed)

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

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

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

There then followed a period of questioning by Members to the speakers which included whether the applicant would be prepared to lower the roof heights of the houses and what were the technical reasons for refusing the previous application.

In response, the third speaker stated that the applicant would be prepared to work with Officers in relation to reducing the heights of the houses and that the houses could be conditioned to restrict the use of the roof space. He stated that reasons for previous refusal had included lack of visibility for vehicles exiting the site and loss or damage to trees within the site, both of which had been resolved.

There then followed a period of questioning by Members to Officers including whether the new revised application had overcome the previous application's reasons for refusal, whether the site was suitable for residential development, why no ecology report or badger survey had been provided.

In response, Officers stated that the revised application had overcome some of the reasons for refusal but Officers felt the scale of the proposed development and the height of the buildings remained of concern, that the technical issue in relation to the applicant failing to demonstrate that future occupiers of the development would not be unacceptably affected by noise and vibration from the adjacent railway line or noise from the nearby quarry

remained, the site was suitable to be developed for a residential development, there had been no objections with regards to bats but a condition could be included within any future approval to include bat boxes, and there had been no concerns raised in relation to badgers.

Members considered the application further, primarily in relation to the massing concerns and the height of the rooflines and Councillor Nawaz **moved** to approve the application. The application was not seconded.

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

That approval of planning application number 14/1553/FL be delegated to Officers to negotiate a revised scheme. If discussions do not result in an acceptable revised scheme, the matter to be referred back to Committee.

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

Resolved

That approval of planning application number 14/1553/FL be delegated to Officers to negotiate a revised scheme. If discussions do not result in an acceptable revised scheme, the matter to be referred back to Committee.

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

3946/15 **Item No. 19 – 15/0338/FL – Single storey side and rear extension – 33 Parkview Crescent, Walsall, WS2 8TY**

The Presenting Officer advised the Committee of the background to the report:-

(see annexed)

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

There were no questions to the speaker.

There then followed a period of questioning by Members to the Officers, which included whether Officers felt the personal need of the applicant could be considered an exception.

In response, the Planning Officer stated that no personal circumstances had been disclosed within the application but the case may have merit under special circumstances, albeit that the landscaping issue would need to be reinforced. The Highways Officer added that the determination of a parking space had been included within the decision to refuse.

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

That planning application number 15/0338/FL be granted, subject to relevant conditions to include landscaping, to be delegated to the Head of Planning and Building Control.

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

Resolved

That planning application number 15/0338/FL be granted, subject to relevant conditions to include landscaping, to be delegated to the Head of Planning and Building Control.

3947/15 **Item No. 3 – 15/0238/FL – Erection of 48 no. 1, 2 and 3 bedroom dwelling houses with associated ground works and access road – Former Clothier Street Primary School. Harry Perks Street, Walsall**

Resolved

That planning application number 15/0238/FL be granted, subject to conditions and subject to no new material planning issues arising and subject to an S106 Agreement to secure provision for urban open space unless the District Valuer confirms the scheme is not viable with the full contributions, as contained within the report now submitted.

3948/15 **Item No. 4 – 15/0316/FL – Mixed use redevelopment to give commercial space at ground floor, mezzanine and basement plus 9 apartments above and demolition of an unlisted building within a Conservation Area (No. 12 High Street) – 12-14 High Street, Walsall, WS1 1QW**

and

15/0405/LB – Listed Building Consent for the retention and restoration of front elevation of No. 12 all other structures behind to be removed / demolished at 12 High Street, Walsall, WS1 1QW

Resolved

That planning application number 15/0316/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

That planning application number 15/0405/LB be granted Listed Building Consent, as contained within the report now submitted.

- 3949/15 **Item No. 5 – 14/1879/RM – Reserved Matters for the erection of 2 no. dwellings and associated works. Demolition of existing buildings to consider access, appearance, landscaping, layout and scale – Land adjacent 33 Great Charles Street, Walsall, WS8 6AE**
- Resolved**
- That planning application number 14/1879/RM be approved, subject to conditions as contained within the report and supplementary paper now submitted.
- 3950/15 **Item No. 7 – 15/0263/FL – Demolition of the existing bungalow and erection of new 5 bedroom detached dwelling – 55 Lodge Road, Walsall, WS5 3LA**
- Resolved**
- That planning application number 15/0263/FL be approved, subject to conditions as contained within the report and supplementary paper now submitted.
- 3951/15 **Item No. 8 – 15/0440/FL – New detached house – 454 Sutton Road, Walsall, WS5 3AZ**
- Resolved**
- That planning application number 15/0440/FL be approved, subject to conditions as contained within the report now submitted.
- 3952/15 **Item No. 9 – 15/0399/FL – Demolition of attached Presbytery and proposed church extension – St Anne’s Roman Catholic Church, Bridle Lane, Walsall, B74 3HB**
- Resolved**
- That planning application number 15/0440/FL be approved, subject to conditions as contained within the report and supplementary paper now submitted.
- 3953/15 **Item No. 12 – 15/0388/FL – Proposed detached garage and garage conversion – 12 The Glades, Walsall, WS9 8RN**
- Resolved**
- That planning application number 15/0388/FL be approved, subject to conditions as contained within the report now submitted.

3954/15 **Item No. 13 – 15/0610/FL – Conservatory at rear of house – 4 Boundary Road, Walsall, WS9 9QZ**

Resolved

That planning application number 15/0610/FL be approved, subject to conditions as contained within the report now submitted.

3955/15 **Item No. 14 – 15/0321/FL – Single and two storey rear extensions – 20 Athlone Road, Walsall, WS5 3QX**

Resolved

That planning application number 15/0321/FL be approved, subject to conditions as contained within the report and supplementary paper now submitted.

3956/15 **Item No. 16 – 14/1177/FL – Variation of condition 13 of planning permission 14/0141/FL to allow opening hours from 8.00 am to 10.00 pm Monday and Friday – 28 New Forest Road, Walsall, WS3 1TR**

Resolved

That planning application number 14/1177/FL be approved, subject to conditions as contained within the report and supplementary paper now submitted.

3957/15 **Item No. 21 – 14/1856/FL – We request that conditions 7a and 7b are removed from the Approval Notice. These conditions are repeated by conditions 19a and 19b. We also request that conditions 14a and 14b are removed. These conditions will be addressed through the implementation of the related approval notice 14/0771/OL. Planning conditions 6a, 10a, 11 and 13b will need to be amended for the reasons which are set out in the explanatory covering letter – Land at Silver Court, Silver Street, Brownhills, Walsall, WS8 6ES**

Resolved

That planning application number 14/1856/FL be approved, subject to conditions as contained within the report now submitted.

Termination of Meeting

There being no further business the meeting terminated at 9.10 p.m.

Signed:..... Date: