

## **PLANNING COMMITTEE**

**Thursday 1 October 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 Craddock  
Councillor Creaney  
Councillor Ditta  
Councillor Douglas-Maul  
Councillor D. Hazell  
Councillor J. Fitzpatrick  
Councillor Follows  
Councillor Sohal  
Councillor Jeavons  
Councillor Nawaz  
Councillor Rochelle  
Councillor Sarohi  
Councillor Worrall

### **4029/15 Apologies**

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

### **4030/15 Minutes**

#### **Resolved**

That the Minutes of the meeting held on Thursday 3 September 2015, a copy having been previously circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

### **4031/15 Declarations of Interest**

There were no declarations of interest for this meeting.  
A Member of the Committee enquired whether he should declare a non-pecuniary interest in future applications from WHG due to his WHG Board Directorship. In response, the Planning Solicitor reported

that to ensure transparency it may be advisable for him to declare an interest.

4032/15      **Deputations & Petitions**

There were no deputations introduced or petitions submitted.

4033/15      **Local Government (Access to Information) Act 1985 (as amended)**

**Resolved**

There were no items to be considered in private session.

The Chairman informed the meeting that the following items had been withdrawn from the Application List for Permission to Develop:-

Item 1 – Application number 15/0165/FL – 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.

Item 2 – Application number 15/0926/COUN – Change of use to metal recycling facility including re-cladding of existing building, installation of weighbridge, erection of boundary walls and planting of the canal towpath at former Wernicks Hire Site, Apex Road, Walsall, WS8 7EP.

4034/15      **The Hawthorns, Erdington Road, Aldridge (formerly Baytree House)**

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

The Presenting Officer enlarged upon the report in detail for the benefit of Committee.

The Committee then welcomed the only speaker on this application – Mr. Strowbridge, who spoke in objection to the enforcement report.

Councillor Nawaz arrived at this juncture of the meeting and therefore did not take part nor vote on this item.

There then followed a period of questioning by Members to the speaker

primarily around the nature of the development, whether care would be provided, and if so what type, concerns around potential lack of parking, whether there was a relationship between the original applicant and the new owners.

In response, the speaker confirmed that the Hawthorns consisted of 70 individually rented apartments, each with en suite facilities which promoted independent living whilst providing three meals a day; the development has a C2 classification and therefore less parking spaces are required, as opposed to a C3 classification, and he reported that the average age of the current residents within the Hawthorns was 78, none of whom were car owners. He stated that the ethos of the company was to encourage residents to move in to its establishments before a crisis developed by providing an environment to make their choices easier; all residents would receive support to assist them in maintaining daily living, and should their care exceed beyond daily living care, then domiciliary care providers would attend as and when required, and he reported that of the eight current residents, four of them received domiciliary care. In response to whether there was any type of relationship between the original applicants and the new owners, Mr. Strowbridge confirmed there was none.

There then followed a period of questioning by Members to officers querying the next steps. The Presenting Officer confirmed the establishment would need to be registered with the Care Quality Commission (CQC), relevant Section 106 agreements would need to be in place and a travel plan required to secure parking. The Head of Planning & Building Control added that Planning would welcome negotiation to endeavour to resolve the current situation and the serving of an Enforcement Notice would force negotiations to commence at the earliest opportunity to rectify the breach of planning control.

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

- i) That authority be granted to 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 2.4 of the report;
- ii) That authority be granted to the Head of Planning & 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;
- iii) That authority be granted to the Head of Planning & 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 continuing breach of planning control.
- iv) That authority be granted to the Head of Planning & Building Control to amend, add to, or delete from the wording set out in the report stating the nature of the breaches, the reasons for taking enforcement action, requirements of the notice, or the boundaries of the site, in the interests of ensuring that accurate and up-to-date notices are served.

The **motion**, having been put to the vote, was declared **carried**, with 14 Members voting in favour, and one against.

### **Resolved**

- i) That authority be granted to 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 2.4 of the report;
- ii) That authority be granted to the Head of Planning & 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;
- iii) That authority be granted to the Head of Planning & 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 continuing breach of planning control.
- iv) That authority be granted to the Head of Planning & Building Control to amend, add to, or delete from the wording set out in the report stating the nature of the breaches, the reasons for taking enforcement action, requirements of the notice, or the boundaries of the site, in the interests of ensuring that accurate and up-to-date notices are served.

### **4035/15      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.

4036/15

**Item no. 13 – Application no. 14/0893/OL – Outline application for the demolition of 7, Baslow Road, erection of four dwellings (three set to the rear and one fronting Baslow Road) and associated works access and layout only for determination on land rear of 9, Baslow Road, Walsall, WS3 3SG**

The Presenting Officer advised the Committee of the background to the report now submitted.

(see annexed)

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

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

The Committee then welcomed the third 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, which included ownership and maintenance of the land, its current use; whether the development could be gated and secured; if the development would be to the detriment of neighbours. In response, the speaker stated that the area was owned and maintained by the applicant and used by the applicant only for recreational purposes; the client would have no objection as to whether the development would be gated or ungated; it would change the perception of the site and guidelines would ensure standards are complied with.

There then followed a period of questioning by Members to officers, which included the limited sunlight within the gardens due to the protected trees within the development; why the development was not gated; what would be the impact on ecology. In response, officers confirmed the development conformed to the British Standards Institute benchmark in relation to sunlight, and that future tree growth could be maintained; the development provided security from within and could be conditioned to include trellising along the top of the boundary fencing; an ecologist had inspected the land and made appropriate conditions.

Members considered the application further in relation to concerns around unacceptable back garden developments, and that the reasons for the previous refusal remained, including that it would be at odds

with the established pattern, layout and general character of the area; the amount of shade within plot 2; the reduction in the number of dwellings following the previously refused application; that a bin storage area was standard practice on private roads; density of the development had been reduced.

Members considered the application further and Councillor Bird **moved**

That Planning Application no. 14/0893/OL be granted subject to conditions as contained within the report plus an additional condition for the entrance to the site to be gated.

The motion was not seconded.

Councillor Rochelle **moved** and it was duly **seconded** by Councillor Fitzpatrick

That Planning Application no. 14/0893/OL be refused as it was an unacceptable backland development and would be at odds with the character of the area.

The motion, having been put to the vote was declared **carried** with ten members voting in favour and one against.

### **Resolved**

That Planning Application no. 14/0893/OL be refused as it was an unacceptable backland development and would be at odds with the character of the area.

Councillor Fitzpatrick and Councillor Nawaz left at this juncture of the meeting

4037/15

**Item no. 3 – Application no. 15/1204 – Hybrid Application – Full Planning Application for Multi-screen cinema (Use Class D2) at first and second floor with retail, restaurants and cafes, drinking establishments (use classes A1/A3/A4) at ground floor level and two separate units for restaurants and cafes and drinking establishments (use class A3/A4), car parking, external seating area, landscape works, additional temporary surface car parking, canal footbridge, associated works and access arrangements. Outline application (all matters reserved) for leisure, retail, restaurants and cafes and drinking establishments (use classes A1, A3, A4 and D2) without compliance with conditions B21a and B21b and with amendments to condition A2 of 14/1403/FL, to omit proposed canal basin bridge at land south of Wolverhampton Street, Walsall.**

### **Resolved**

To delegate to the Head of Planning & Building Control to grant subject to conditions, provided that a deed of variation and supplemental agreement under section 106 and section 106A are first completed, to link the original section 106 agreement to this application and secure a contribution to be used towards construction of a footbridge and public realm enhancements across the Walsall Canal, subject to no representations being received which raise new material considerations by 2 October 2015, as contained within the report and supplementary paper now submitted.

- 4038/15      **Item no. 4 – Application no, 15/0559/FL – Erection of 10 no. 3 bedroom 2½ storey houses plus parking at former works site c/o Cemetery Road and Villiers Street, Walsall**

**Resolved**

That Planning Application no 15/0559/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 development is not viable with full contributions as contained within the report and supplementary paper now submitted.

- 4039/15      **Item no. 5 - Application no. 15/0612/FL – Demolition of former Accident & Repair facility and erection of ten two bedroom apartments at BRICO, Stubbers Green Road, Aldridge, Walsall, WS9 8BJ**

**Resolved**

That Planning Application no. 15/0612/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 and supplementary paper now submitted.

Councillor Nawaz returned to the meeting

- 4040/15      **Item no. 6 – Application no. 15/0747/FL – Change of use from Class C2 (residential institution) to Class C3 (dwellings) converting premises to 17 x one bed self contained flats for persons with learning disabilities, with ancillary office accommodation and minor elevation changes to doorways at 2, Spring Lane, Walsall, WS4 1AZ**

A member expressed concerns in relation to the future provision of the flats should the owner or leaseholder change, and the lack of

information in relation to staffing levels for vulnerable people following a change of use from class 2 – class 3.

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

That Planning Application no. 15/0747/FL be deferred until the next meeting to invite the applicant for further explanation regarding the proposal.

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

#### **Resolved**

That Planning Application no. 15/0747/FL be deferred until the next meeting to invite the applicant for further explanation regarding the proposal.

- 4041/15      **Item no 7 – Application no. 15/0799/FL – Change of use of existing B8 warehouse to B2 industrial including alterations to form staff welfare and ancillary offices; transfer lobby and plant room under existing canopy at Castings PLC, Lichfield Road, Brownhills, Walsall, WS8 6JZ**

#### **Resolved**

That Planning Application no. 15/0799/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

- 4042/15      **Item no 8 – Application no. 15/1119 – Erection of 80 dwellings comprising one and two bed flats and two, three and four bed houses at former Beechdale County Primary School, Remington Road, Walsall, WS2 7EF**

#### **Resolved**

That Planning Application no. 15/1119 be granted, subject to conditions and subject to resolving ecology and tree issues, also 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 full contributions, as contained within the report and supplementary paper now submitted.

- 4043/15      **Item no. 9 – Application no. 14/1847/FL – Replacement of grass pitch with 3G artificial pitch, erection of rebound fence, netting,**

**extension to car park and erection of new changing rooms and medical facilities at Willenhall Town Football Club, Noose Lane, Walsall, WV13 3BB**

**Resolved**

That Planning Application no. 14/1847/FL be granted, subject to conditions as contained within the report.

4044/15

**Item no. 10 – Application no. 15/0257/FL – proposed skate park at Rushall Park, Rowley Place, Walsall**

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

(see annexed)

Members discussed the application, which included the possible impact on neighbouring properties, whether consultation had taken place and what mitigation would be in place should there be any future issues.

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

That Planning Application no. 15/0257/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted, and subject to further consultation and detailed mitigation proposals.

The motion, having been put to the vote was declared **carried** with eight members voting in favour, two members voting against and one member abstaining.

**Resolved**

That Planning Application no. 15/0257/FL be granted subject to conditions as contained within the report and supplementary paper now submitted, and subject to further consultation and detailed mitigation proposals.

4045/15

**Item no. 11 – Application no. 15/0975/ADVT – Upgrade of existing Advertising hoarding to 48 sheet LED advertising display at land between junctions 9 and 10 of M6, Darlaston Road, Walsall, West Midlands**

**Resolved**

That Planning Application no. 15/0975/ADVT be granted for five years subject to conditions as contained within the report and supplementary paper now submitted.

4046/15      **Item no. 12 – Application 15/0986/FULL – New house on land between 6 and 14 Foundry Lane, Pelsall, Walsall, WS3 4QH**

**Resolved**

That Planning Application no. 15/0986/FULL be granted subject to conditions as contained within the report and supplementary paper now submitted.

4047/15      **Item no.14 – Application no. 15/1102/FULL – Rear first floor extension and new shop front at Dental Surgery, 131, High Street, Brownhills, Walsall. WS8 6HG**

**Resolved**

That Planning Application No. 15/1102/FULL be granted, subject to conditions as contained within the report.

4048/15      **Item no. 15 – Application No. 15/1032/FULL – Change of use from former car sales to vehicle washing & valeting centre at Central Direct, Green Service Station, Green Lane, Walsall, WS2 8JH**

**Resolved**

That Planning Application no. 15/1032/FULL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

4049/15      **Item no. 16 – Application no. 15/1035 – Front and rear extensions, addition of first floor and new gable roof at 114, Allens Lane, Pelsall, Walsall, WS3 4JS**

Councillor Perry reported that there had been no representations from neighbours and therefore **moved** and it was duly **seconded** by Councillor Bird:-

That Planning Application no. 15/1035 be approved, subject to usual planning conditions to be delegated to officers.

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

**Resolved**

That Planning Application no. 15/1035 be approved subject to usual planning conditions to be delegated to officers.

**Termination of meeting**

There being no further business, the meeting terminated at 7.30 pm

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