

## **PLANNING COMMITTEE**

**Thursday 5<sup>th</sup> March, 2015 at 5.30 p.m.**

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

### **Present**

Councillor Westley (Chairman)  
Councillor P. Bott  
Councillor Ditta  
Councillor Douglas-Maul  
Councillor J. Fitzpatrick  
Councillor Harris  
Councillor Illman-Walker  
Councillor Nawaz  
Councillor Perry  
Councillor Rochelle  
Councillor D. Shires  
Councillor Wade  
Councillor Worrall

3863/15

### **Apologies**

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

3864/15

### **Minutes**

#### **Resolved**

That the minutes of the meeting held on Thursday 5<sup>th</sup> February, 2015, a copy having previously been circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

3865/15

### **Declarations of Interest**

There were no declarations of interest declared.

3866/15

### **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

3867/15

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

**Resolved**

There were no items to be discussed in private session.

**The Chairman informed the meeting that the following items had been withdrawn:-**

Agenda item No. 7 – Three Crowns Public House, Sutton Road, Walsall – Enforcement report – deferred until the next agenda.

**Application List for Permission to Develop**

Item No. 2 – 14/1858/FL – Variation of condition – Four Crosses Public House, Upper Green Lane, Shelfield, Walsall, WS4 1RN – the applicant had withdrawn the planning application.

Item No. 6 – 15/0080/FL – New build 5 bedroom house on plot of former house – 71 Skip Lane, Walsall, WS5 3LP – Deferred to the next agenda.

Item No. 16 – 14/1882/FL – Change of use of residential driveway – 53 Aviemore Crescent, Great Barr, Birmingham, B43 7QA – Deferred to the next agenda.

At this juncture of the meeting, the Chair informed Committee that it would be Matthew Scudamore, the Council's Planning Solicitor's last Committee as he was leaving the authority. He thanked Matthew on behalf of Members and Officers and wished him good luck for the future.

3568/15

**Government Consultation: Measures to underpin the delivery of housing on brown field land.**

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 and Walsall's response to the Department for Communities and Local Government (CLG) consultation on a proposal to require local planning authorities to put in place Local Development Orders (LDO) for brown field land suitable for housing, and options to deal with authorities that fail to do so.

Members considered the report and Councillor Nawaz **moved** and it was duly **seconded** by Councillor Rochelle:-

1. That Members noted and endorsed the report and agree the responses to the questions posed by CLG as set out in the appendix of the report,
2. That Members authorise Officers to make any minor changes (as necessary) and send the final response on behalf of the Council to the CLG,
3. That Members authorise the circulation of the response to the Boroughs MP's, Black Country Local Enterprise Partnership (LEP), the West Midlands Planning and Transportation Sub-Committee, the West Midlands Councils and other appropriate bodies.

The Motion having been put to the vote was **carried** unanimously and therefore it was:-

### **Resolved**

1. That Members noted and endorsed the report and agree the responses to the questions posed by CLG as set out in the appendix of the report,
2. That Members authorise Officers to make any minor changes (as necessary) and send the final response on behalf of the Council to the CLG,
3. That Members authorise the circulation of the response to the Boroughs MP's, Black Country Local Enterprise Partnership (LEP), the West Midlands Planning and Transportation Sub-Committee, the West Midlands Councils and other appropriate bodies.

### 3869/15      **Three Crowns Public House, Sutton Road, Walsall**

This report had been withdrawn earlier in the meeting.

### 3870/15      **55 Shire Ridge, Walsall Wood, Walsall, WS9 9RA**

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.

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

- i. 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 2.3 of the report;

- ii. That authority be granted to the Head of Planning and 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 and Building Control, to amend, add to, or delete from the wording set out below stating the nature of the breach(es) the reasons(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.

The Motion having been put to the vote was declared **carried**, with all Members voting in favour and it was:-

### **Resolved**

- i. 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 2.3 of the report;
- ii. That authority be granted to the Head of Planning and 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 and Building Control, to amend, add to, or delete from the wording set out below stating the nature of the breach(es) the reasons(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.

3871/15

### **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, enquired if they had been 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.

3872/15      **Item No. 9 – 15/0138/FL – Temporary change of use for up to 2 years for open storage comprising 4 large steel containers (20ft x 8ft), 5 small steel containers (10ft x 8ft), 20 ‘1100’ bins, erection of lighting column and creation of pedestrian access gate at Lower Hall Lane for use by the Council’s Market Service – Former Motorcycle Park, Newport Street/Lower Hall Lane, Walsall**

The presenting officer advised the Committee of the background to the report and supplementary paper now submitted:-

(see annexed)

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

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

The Committee then welcomed the second speaker on this application, Miss Nugent, who answered Members questions in support of the application.

There then followed a period of questioning by Members to the speakers, including why the temporary location site was preferred even though previous complaints had been made, why did the application only have a two year time frame, why hadn’t the preferred site been used.

In response, the speaker reported that the applicant had to find a temporary storage location for the markets steel containers before the end of March 2015, to enable work to commence at the current location to meet the contractual obligation for the redevelopment of the site to come forward. The preferred location for the storage could not be achieved before the end of March and therefore the Council had to look at its other land assets and an alternative, temporary location was proposed. She confirmed there had been previous anti-social behaviour around the site but the site had since been fenced off and lighting added and that the market operators would have to adhere to new Terms and Conditions of use, the two year window was to ensure the delivery of the market, and the previous preferred site was in Lower Hall Lane but the location cannot be made suitable before 31<sup>st</sup> March 2015 due to some demolition work and therefore a semi-permanent location solution was the preferred option to minimise costs.

Members considered the application and Councillor Harris **moved** and it was duly **seconded** by Councillor Illman-Walker:-

That planning application 15/0138/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted, as subject to no new information raising new material issues.

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

### **Resolved**

That planning application number 15/0138/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted, and subject to no new information raising new material issues.

3873/15

**Item No. 1 – 14/0822/FL – Variation of condition 33d of permission 02/2417/OL/E2 (Former St Margaret’s Hospital development) to amend the approved ground levels, topography and landscaping on the Former Male Homes part of the site – Site of former St Margaret’s Hospital, Queslett Road, Great Barr, Walsall, B43 7EZ**

The presenting officer advised the Committee of the background to the report and supplementary paper now submitted:-

(see annexed)

*Councillor Ditta left the Chamber 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, Councillor Andrew, who spoke in objection to the application.

There then followed a period of questioning by Members to the speaker and officers following which the Committee proceeded to discuss the application further, which included how the application lacked detailed landscaping details for a site of such importance. Councillor Douglas-Maul **moved** and it was duly **seconded** by Councillor Rochelle:-

That planning application number 14/0822/FL be deferred to allow further consultation and negotiation with the applicant to include landscaping and security concerns.

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

## **Resolved**

That planning application number 14/0822/FL be deferred to allow further consultation and negotiation with the applicant to include landscaping and security concerns.

*Councillor Ditta returned to the meeting.*

### **3874/15      Item No. 18 – 15/0008/FL – Ground floor rear extension – 17 Wayside Gardens, Willenhall, WV12 4BW**

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, Councillor Barker, who spoke in support of the application.

The Committee then welcomed the second speaker on this application, Mrs Moore, who also spoke in support of the application.

There then followed a period of questioning by Members to the speakers, which included how long the current extension had been in existence, why the applicant did not feel the officers alternative solution would be suitable.

In response, the speaker confirmed that the current ground floor extension to the home was built approximately 12 years ago when her daughter had been seven years old and it had been easier to carry her upstairs. The solution suggested by officers was unfortunately not feasible as the parents needed to be in an adjacent room to their daughter so she could vocally inform them when she required their help or when she was unwell.

There then followed a period of questioning by Members to the officers, which included whether any objections had been received from neighbouring properties.

In response, the officer confirmed that no objections had been raised by the immediate neighbours.

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

That planning application number 15/0008/FL be granted due to the material and personal circumstances of the applicant, subject to appropriate conditions including the use of suitable materials.

The Motion having been put to the vote was declared **carried**, with all Members voting in favour and it was:-

### **Resolved**

That planning application number 15/0008/FL be granted due to the material and personal circumstances of the applicant, subject to appropriate conditions including the use of suitable materials.

3875/15

### **Item No. 5 – 14/0595/CM – Change of use to metal recycling facility, including recladding of existing building, installation of weighbridge, erection of new boundary fencing and planting to the canal towpath – Former Wernicks Hire Site, Apex Road, Walsall, WS8 7EP**

The presenting officer advised Committee of the background to the report and supplementary paper now submitted:-

(see annexed)

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

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

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

There were no questions to the speakers.

There then followed a period of questioning by Members to the officers, which included confirmation of the maximum material tonnage that would be processed per year and approximately how many lorries that would equate to.

In response, it was reported that the application would include a condition to maximise the tonnage of waste material imported into the site to not exceed 75,000 per year, which would be monitored at a weighbridge and that a transport statement had predicted that the development would generate approximately 76 vehicle movements per day which included staff vehicles, which equated to one additional vehicle every 10 minutes which had not been considered severe.

Members considered the application further, primarily in relation to the impact of additional vehicles entering and exiting of the site onto the already highly congested Pelsall Road, that Members regularly received complaints from local residents in relation to the traffic issues on Pelsall Road, and concerns around the additional noise that would be created by the metal being moved.

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



That planning application number 14/0595/CM be refused, due to the detrimental effect on the residents on Pelsall Road from noise and activity on the site from the increase in traffic.

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 14/0595/CM be refused, due to the detrimental effect on the residents on Pelsall Road from noise and activity on the site from the increase in traffic.

3876/15      **Item No. 10 – 14/1857/FL – Demolition of existing multi-storey car park and construction of new surface car park – Multi Storey Car Park, Little London Access Road, Walsall, WS1 4DD**

*A this juncture of the meeting, Councillors Wade, Bott and Nawaz all declared a non-prejudicial interest in this agenda item due to their whg Board Directorships and therefore they did not take part nor vote on this application.*

The presenting 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 the application, Mr. Nawaz, who spoke in objection to the application.

There then followed a period of questioning by Members to the speaker and to officers, which included whether the new car park would be secure, whether it would be solely for tenants, how would it be policed, why had the demolition of the car park been agreed by prior notification.

In response, the presenting officer reported that the application stated parking would primarily be for the residents of the two nearby blocks of flats but actual usage was not a material planning obligation but a matter for the applicant only, that surrounding properties would provide a degree of surveillance by self policing which would provide a degree of security to a well lit surface level car park. The presenting officer explained that the principal of demolition previously agreed by the prior notification process as set out in national legislation which allows for demolition without any further permission from the Council, albeit allowing officers to deal with the method of demolition.

Members considered that application further and Councillor Rochelle **moved** and it was duly **seconded** by Councillor Harris:-

That planning application number 14/1857/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted, and subject to a condition to include a car park management plan and that the car park use remain in perpetuity.

The Motion, having been put to the vote was declared **carried**, with seven Members voting in favour and none against and it was:-

**Resolved**

That planning application number 14/1857/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted, and subject to a condition to include a car park management plan and that the car park use remain in perpetuity.

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

3877/15      **Item No. 12– 15/0042/FL – Two storey side extension with new canopies to front and side with two storey rear in to a single storey rear extension – 12 Featherston Road, Walsall, B74 3JN**

The presenting 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 the application, Mr. Mistry, who spoke in support of the application.

There were no questions by Members to the speaker.

There then followed a period of questioning by Members to the officer, which included whether the tree on the front of the premises should be protected from any building work, and what were the differences between the new application compared to the previously refused application.

In response, the officer stated that the tree at the front of the garden was positioned away from any building work and that the differences between the two applications were primarily design features and that the current application was considered by officers to be more reflective of the house's original art deco design.

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

That planning application number 15/0042/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 nine Members voting in favour and one against and it was

### **Resolved**

That planning application number 15/0042/FL be granted, subject to conditions as contained with the report and supplementary paper now submitted.

Councillor Douglas-Maul requested that his name be recorded as voting against the application.

3878/15

**Item No.14 – 14/1896/FL – Part two, part first floor side extension and replacement sloping roof at ground floor to existing garages (which are to be converted to habitable rooms) – 107 Coppice Farm Way, Willenhall, WV12 5YQ**

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, Miss Johnson, who spoke in objection to the application.

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

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

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

There were no questions from Members to the speakers.

There then followed a period of questioning by Member to the officers, which included whether the previous refusal had been taken to appeal and what was “border of acceptance”. In response, the officer confirmed that the applicant had not appealed against the Committee’s previous recommendation to refuse, and that the current application was considered within Walsall Council’s design standards and within policies.

Members considered the application further, which included how the application would be an over development and too imposing, and Councillor Shires **moved** and it was duly **seconded** by Councillor Illman-Walker:-

That planning application number 14/1896/FL be deferred for one cycle to enable further negotiations between the applicant and planning officers.

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

### **Resolved**

That planning application number 14/1896/FL be deferred for one cycle to enable further negotiations between the applicant and planning officers.

*Councillor Douglas-Maul and Councillor Shires left at this juncture of the meeting.*

### 3879/15      **Item No. 15 – 14/1895/FL – Proposed loft conversion to form 1 no 1 person 1 bed flat – 1-3 West Bromwich Road, Walsall, WS1 3HS**

The presenting officer advised the Committee of the background to the report now submitted:-

(see annexed)

The Committee then welcomed the only speaker on the application, Mr. Aqbal, 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 consider amending the application to make the design more in keeping in the street scene, whether the applicant would reconsider a more traditional roof space, would the extension back onto residential properties. In response, the speaker stated that the application proposed was the design the applicant preferred because a dormer would better facilitate the roof space and it was the simplest option, and that the dormer would be viewed from the street scene without impact.

Members had no questions for the officers.

Members considered the application further and Councillor Rochelle **moved** to refuse the application as per officers recommendation. This was not **seconded** and therefore the Motion failed.

Members considered the application further Councillor Illman-Walker **moved** and it was duly **seconded** by Councillor Harris:-

That planning application number 14/1895/FL be deferred for one cycle to enable further negotiations between the applicant and planning officers for a more traditional design.

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

## **Resolved**

That planning application number 14/1895/FL be deferred for one cycle to enable further negotiations between the applicant and planning officers for a more traditional design.

*Councillor Shires returned to the meeting.*

## **Suspension of Standing Order**

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.

*Councillor Wade and Councillor Illman-Walker left at this juncture of the meeting.*

### **3880/15      Item No. 17 – 15/0010/FL – Second storey side and single storey rear extension – 27 Charlemont Road, Walsall, WS5 3NG**

The presenting 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. Virdee, who spoke in support of the application.

There were no questions to the speaker nor to officers.

Members considered the application, which included how the application gave the appearance of terracing and Councillor Rochelle **moved** and it was duly **seconded** by Councillor Shires:-

That planning application number 15/0010/FL be refused for the reasons as set out in the report now submitted.

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

## **Resolved**

That planning application number 15/0010/FL be refused for the reasons as set out in the report now submitted.

- 3881/15      **Item No. 2 – 14/1858/FL – Variation of condition 10 of permission 12/0221/FL (erection of 30 bedroom car home with ancillary lounge and dining facilities above retained public house) to remove the restriction as a care home for the elderly and allow for residential accommodation and care to people in need of care and nursing home – Four Crosses Public House, Upper Green Lane, Shelfield, Walsall, WS4 1RN**

This application had been withdrawn by the applicant.

- 3882/15      **Item No. 3 – 14/1878/FL – Erection of vehicle preparation building – British Car Auctions, Green Lane, Walsall, WS2 7BP**

**Resolved**

That planning application number 14/1878/FL be granted, subject to conditions as contained within the report.

- 3883/15      **Item No. 4 – 14/1871/FL – Relocation of existing Walsall Town Centre Market to new permanent location including associated public realm works (phased development) – The Bridge, Park Street, Digbeth, Bradford Street and Lower Hall Lane, Walsall, WS1**

**Resolved**

That planning application number 14/1878/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

- 3884/15      **Item No. 6 – 15/0080/FL – New build 5 bedroom house on plot of former house – Former 71 Skip Lane, Walsall, WS5 3LP**

This item had been withdrawn earlier in the meeting.

- 3885/15      **Item No. 7 – 15/0166/FL – Single storey front, rear and side extension and new pitched roof to cafe on site adjacent to 452 Wolverhampton Road, Walsall**

**Resolved**

That planning application number 15/0166/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

3886/15

**Item No. 8 – 14/1777/FL – Proposed car park on land between Little Wood Street and Malt House Lane, Willenhall**

The presenting officer advised the Committee of the background to the report and supplementary paper now submitted:-

(see annexed)

There then followed a period of questioning by Members to the officers, which included whether any of the trees on the site were protected by Tree Preservation Orders, if conditions could be added to protect some of the trees, and whether officers had given consideration to the Tree Survey which had identified 14 trees to be felled and replaced, and six trees where retention was preferred.

In response, the officer reported that none of the trees had Tree Preservation Orders per se but some of the trees were protected as they fell within Willenhall Conservation Area and although the unprotected trees added character to the area, they would hinder access to the car park and would therefore have to be removed.

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

That planning application number 14/1777/FL be deferred for one cycle to allow further negotiations with the applicant to secure replacement planting.

The Motion having been put to the vote was declared **carried**, with five Members voting in favour and none against and it was:-

**Resolved**

That planning application number 14/1777/FL be deferred for one cycle to allow further negotiations with the applicant to secure replacement planting.

3887/15

**Item No. 11 – 14/1228/FL - Construction of 6 no. four bedroom, two and a half storey house and 1 no. 2 bedroom dormer bungalow with new access drive – Land adjacent, 35 Rowland Street, Walsall**

Members considered the application and Councillor Illman-Walker **moved** and it was duly **seconded** by Councillor Harris:-

That planning application number 14/1228/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 nine Members voting in favour and one against and it was:-

**Resolved**

That planning application number 14/1228/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

- 3888/15      **Item No. 13 – 14/1906/FL – Proposed single story ground floor and first floor rear extension – 19 Tetley Avenue, Walsall, WS4 2HE**

**Resolved**

That planning application number 14/1906/FL be granted, subject to conditions as contained within the report now submitted.

- 3889/15      **Item No. 16 – 14/1882/FL – Change of use of residential driveway to storage of trailer unit associated with a business use – 53 Aviemore Crescent, Great Barr, Birmingham, B43 7QA**

This item had been withdrawn earlier in the meeting.

**Termination of Meeting**

There being no further business the meeting terminated at 8.50 p.m.

Signed:..... Date: .....