

**PLANNING COMMITTEE**

**Thursday 12 July, 2018 at 5.30 pm**

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

**Present:**

Councillor Bird (Chair)  
Councillor Nazir (Vice Chair)  
Councillor Allen  
Councillor P. Bott  
Councillor Butler  
Councillor Cooper  
Councillor Craddock  
Councillor Creaney  
Councillor S. Fitzpatrick  
Councillor Harris  
Councillor Jones  
Councillor Nawaz  
Councillor Perry  
Councillor Rattigan  
Councillor Rochelle  
Councillor Samra  
Councillor Sarohi  
Councillor Singh Sohal  
Councillor Underhill  
Councillor Ward

2008/18 **Apologies:**

There were no apologies submitted.

2009/18 **Minutes**

**Resolved**

That the minutes of the meeting held on 7 June, 2018, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

2010/18 **Declarations of Interest**

Councillor Perry declared an interest in Plans List Item 2 – application number 18/0516 – construction of a single storey extension to the rear of the school comprising two classrooms, a store extension to the front of the school and external works at St. Michaels C of E Schools, Maple Road, Pelsall, Walsall, WS3 4JJ. He advised Committee that he would participate within the debate of the item but he would not vote.

**2011/18 Deputations and Petitions**

There were no deputations introduced or petitions submitted

**2012/18 Local Government (Access to information) Act, 1985 (as amended)**

That the public be excluded from the private session during consideration of the agenda item indicated for the reasons shown on the agenda.

The Chair thanked the Vice Chair for presiding over the previous Committee and then he advised Members there would be a change to the running order of the agenda and that the enforcement reports would be held ahead of the Plans list items.

**2013/18 18 Walstead Road, Walsall, WS3 4LX**

The presenting officer advised Committee that the item had been removed from the agenda following receipt of additional information by the applicant .

**2014/18 Land East of Cartbridge Lane South, Walsall**

The Chair advised Committee the speaker had not yet arrived and therefore the item be deferred until the arrival of the speaker

**2015/18 14 Durham Road, Walsall, WS2 9TF**

The report of the Head of Planning, Engineering and Transportation was submitted.

(see annexed)

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

The Committee then welcomed the first speaker on this report, Mr. Younis, who spoke in objection to officers recommendations.

Mr. Younis stated he was the property owner but that currently his wife was seriously ill and he asked Members if they could defer the report to allow time for further discussions.

The Committee then welcomed the second speaker on this application, Mr. Rahman, who also wished to speak in objection to the officers recommendations .

Mr. Rahman advised Committee he was the agent and he expressed his disappointment at the hasty way the situation had been handled following the owner having provided additional documentary evidence. He added that two letters of support had been received by neighbours and that no objections had been made by other neighbouring properties in relation to the building works, and he requested a deferral to enable ongoing matters to be resolved.

There then followed a period of questioning by Members to the speakers and officers following which Members considered the report further and Councillor Bird **moved** and it was duly **seconded** by Councillor Craddock:-

- i. That authority be granted to the Head of Planning, Engineering and Transportation 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 3.2 of the report submitted
- ii. That authority be granted to the Head of Planning, Engineering and Transportation to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice
- iii. That authority be granted to the Head of Planning, Engineering and Transportation to amend, add to, or delete from the wording as set out in the report stating the nature of the breaches, the reasons for taking enforcement action, the 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 15 Members voting in favour and none against.

### **Resolved**

- i. That authority be granted to the Head of Planning, Engineering and Transportation 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 3.2 of the report submitted
- ii. That authority be granted to the Head of Planning, Engineering and Transportation to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice
- iii. That authority be granted to the Head of Planning, Engineering and Transportation to amend, add to, or delete from the wording as set out in the report stating the nature of the breaches, the reasons for taking enforcement action, the requirements of the Notice, or the boundaries of the site, in the interests of ensuring that accurate and up to date notices are served

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

2016/18 **Land East of Cartbridge Lane South, Walsall**

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

(see annexed)

*Councillor Butler temporarily left the Chamber at this juncture and upon return, did not take part nor vote on the report.*

The Committee then welcomed the only speaker on this report, Mr. Oliver, who spoke in objection to officers recommendations.

Mr. Oliver said that he had been appointed the two weeks previously by the applicant to resolve the situation with regards to reducing the height of the metal framed structure and removal of the exposed containers and he requested a deferral of the enforcement to enable liaison with officers.

Members considered the matter further, which included that should the applicant submit a valid application whilst an enforcement notice was in place, then the enforcement notice would temporarily cease until the breach has been remedied. Councillor Bird **moved** and it was duly **seconded** by Councillor Harris:-

- i. That authority be granted to the Head of Planning, Engineering and Transportation 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 3.2 of the report submitted
- ii. That authority be granted to the Head of Planning, Engineering and Transportation to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice
- iii. That authority be granted to the Head of Planning, Engineering and Transportation to amend, add to, or delete from the wording as set out in the report stating the nature of the breaches, the reasons for taking enforcement action, the 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 all Members voting in favour.

**Resolved**

- i. That authority be granted to the Head of Planning, Engineering and Transportation 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 3.2 of the report submitted

- ii. That authority be granted to the Head of Planning, Engineering and Transportation to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice
- iii. That authority be granted to the Head of Planning, Engineering and Transportation to amend, add to, or delete from the wording as set out in the report stating the nature of the breaches, the reasons for taking enforcement action, the requirements of the Notice, or the boundaries of the site, in the interests of ensuring that accurate and up to date notices are served

**2017/18 Application List for Permission to Develop**

The application list for permission to develop was submitted together with supplementary papers and information for items already on the plans list.

(see annexed)

The Committee then agreed to deal with the items on the agenda where members of the public had previously indicated that they wished to address the Committee and the Chair, at the beginning of each item for which there were speakers, confirmed they had been advised of the procedure whereby each speaker would have two minutes to speak.

The Chair advised that Item no. 10, application number 18/0398 had been deferred for one cycle at the request of the applicant.

**2018/18 Plans list item 2 – application number 18/0516 – construction of a single storey extension to the rear of the school comprising two classrooms, a store extension to the front of the school and external works at St. Michaels C of E School, Maple Road, Pelsall, Walsall, WS3 4JJ**

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, Mr. Taylor, who wished to speak in objection to the application.

Mr. Taylor advised Committee that he was speaking on behalf of a number of local residents who objected due to the proposed increase in pupils and staff to the school, which would result in an increase in the existing inconsiderate and sometimes dangerous parking.

The Committee then welcomed the second speaker on this application, Mrs Smylie, who wished to speak in support of the application.

Mrs Smylie informed Committee she was the Chair of Governors at the school and she reported that the school had an 'Outstanding' Ofsted rating but was currently not large enough to admit some Pelsall children and therefore the proposed expansion would benefit more local families.

The Committee then welcomed the third speaker on this application, Mrs Hutchinson, who also wished to speak in support of the application.

Mrs Hutchinson informed Committee she was the Head Teacher and she emphasised that the objections were not in relation to the school's expansion per se, but in relation to the potential of additional traffic. She stated the school had introduced walking buses, spent over £1,000 on signs, banners and personal letters to pupils' parents as well as staff monitoring nearby roads to try to alleviate inconsiderate parking.

There then followed a period of questioning by Members to the speakers and officers, which included whether consultation had taken place with local residents, and Highway's opinion was sought with regards to the traffic congestion around the perimeter of the school.

In response, a speaker confirmed the school had sent letters to all local residents inviting them to view the expansion plans and to make comments / representations. The Highways Officer confirmed the proposed increase in parking spaces would address some of the current staff parking issues and he went on to explain the school also used the A\*STARS 5 Minutes Walk Zone, that has been set to park at least 5 minutes away from the school and walk the remaining distance. He added that Highways would have to demonstrate 'severe issues' to object to the plans but he further added that the Council had made a proposal to potentially prohibit any parking outside of schools between the hours of 8.00am and 4.00pm.

Members considered the application further, which included the school having liaised with local residents, introduced the A\*STARS 5 programme and implemented drive/share initiatives; that in some circumstances the parents needed to be focused; parking issues around all schools would not go away; Council exploring a borough-wide initiative with regard to the monitoring of parking outside of schools.

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

That planning application number 18/0516 be granted for the reasons set out in the report and supplementary paper, 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 seventeen Members voting in favour and none against.

### **Resolved**

That planning application number 18/0516 be granted for the reasons set out in the report and supplementary paper, subject to conditions as contained within the report and supplementary paper now submitted.

2019/18 **Plans list item 3 – application number 18/0086 – two single storey extensions to existing school building, one comprising 3 classrooms and one comprising 2 classrooms with a ramped access and covered link to the main school building. A further extension would provide a covered link between existing buildings and creation of 26 additional car parking spaces with new accesses onto Odell Road and associated gates and amendments to boundary treatment at Castle Business and Enterprise College, Odell Road, Walsall, WS3 2ED**

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

(see annexed)

The Committee then welcomed the first speaker on this application, Ms Clarke, who wished to speak in support of the application.

Ms Clarke informed Committee that she was the Deputy Head Teacher of the special needs school which provided excellent provision for pupils aged between 8 and 18 years old. She said all the objections referred to the current congestion within the road due to coaches picking up or dropping off special needs pupils.

The Committee then welcomed the second speaker on this application, Ms Wells, who was in support of the application. Ms Wells worked within the school and would answer Members' queries.

There then followed a period of questioning by Members to the Speakers and to officers with regards to the current number of coach journeys and whether the installation of barriers by whg on the grass verges outside of the school had created problems for the school.

In response, the revised car parking in conjunction with traffic management would allow for two coaches at a time to pick up / drop off pupils within the school grounds at staggered, designated times and that the barriers outside of the school had not hindered school operations to date.

Members considered the report further, which included the potential to create a layby on the grass verge outside of the school to enable an additional two coaches to park safely and without exacerbating residents parking issues and Councillor Harris **moved** and it was duly **seconded** by Councillor Fitzpatrick:-

That planning application number 18/0086 be granted for the reasons set out in the report, subject to conditions as contained within the report now submitted.

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

### **Resolved**

That planning application number 18/0086 be granted for the reasons set out in the report, subject to conditions as contained within the report now submitted.

The Chair requested that a caveat be included to request Highways officers to explore the potential for delivering a separate verge parking scheme on Odell Road opposite the entrance to the school to provide additional coach parking

The Chair advised Committee that the next three plans list items would be heard in conjunction with each other as comments would relate to all three properties:-

2020/18 **Plans list item 7 – application number 18/0261 – change of use from C3 dwelling house to C2 residential home for up to 2 young people (assessment/respice/stepdown) at 64 Sandbeds Road, Willenhall, WV12 4JQ**

and

2021/18 **Plans list item 8 – application number 18/0262 – change of use from C3 dwelling house to C2 residential home for up to 3 young people (assessment/respice/stepdown) at 60 Sandbeds Road, Willenhall, WV12 4JQ**

and

2022/18 **Plans list item 9 – application number 18/0263 – change of use from C3 dwelling house to C2 residential home for up to 3 young people (assessment/respice/stepdown) at 64 Sandbeds Road, Willenhall, WV12 4JQ**

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

(see annexed)

The Committee then welcomed the first speaker for all three applications, Councillor Barker, who wished to speak in objection to the applications.

Councillor Barker stated he was speaking on behalf of his elderly ward residents who had expressed concerns around potential anti-social behaviour and that the change of use of the homes resulted in a loss of three family new builds.

The Committee then welcomed the second speaker for all three applications, Mr. Forshaw, who wished to speak in support of the applications.

Mr. Forshaw stated that the houses would enable young, looked after people to be cared for within a family home setting. He added that he was confident there would be no anti-social behaviour issues and that the homes would benefit a number of young people.

The Committee then welcomed the third speaker for all three applications, Ms Tott, who also spoke in support of the applications.



Ms Tott informed Committee that she was the Director of the organisation which provided care for looked after young people. She stated that West Midlands Police had praised the company's joint working and that Ofsted had been consulted with. She added that the homes would also accommodate 2 x overnight carers plus 3 x day time carers.

There then followed a period of questioning by Members to the speakers and to officers enquiring about the company's other establishments, whether consultation had taken place with local residents and whether interaction had taken place with Walsall's Childrens Services.

In response, the third speaker confirmed Walsall's Childrens Services had viewed the proposals favourably due to the potential of enabling some local 'looked after children' to remain within the borough; that the company intended to liaise with local residents to reassure them and to provide an understanding of the services to be provided; the company already had a similar, established residential home which had been graded 'good' by Ofsted and which had been praised by the Police authority.

Members considered the applications further, which included the borough's current struggle in securing placements for looked after children within their home town; that the company had intentionally kept the fourth house which was closest to residential homes, as a base and Councillor Bird **moved** and it was duly **seconded** by Councillor Perry:-

That planning application number 18/0261 be granted for the reasons set out in the report and supplementary paper, subject to conditions as contained within the report and supplementary paper now submitted.

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

and

That planning application number 18/0262 be granted for the reasons set out in the report and supplementary paper, subject to conditions as contained within the report and supplementary paper now submitted.

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

and

That planning application number 18/0263 be granted for the reasons set out in the report and supplementary paper, subject to conditions as contained within the report and supplementary paper now submitted.

The Motions, having been put to the vote were carried, with seventeen Members voting in favour and none against.

**Resolved**

That planning application number 18/0261 be granted for the reasons set out in the report and supplementary paper, subject to conditions as contained within the report and supplementary paper now submitted.

and

That planning application number 18/0262 be granted for the reasons set out in the report and supplementary paper, subject to conditions as contained within the report and supplementary paper now submitted.

and

That planning application number 18/0263 be granted for the reasons set out in the report and supplementary paper, subject to conditions as contained within the report and supplementary paper now submitted.

2023/18 **Plans list item 12 – application number 18/0201 – two storey side extension, single and two storey rear extensions at 12 Stoney Lane, Bloxwich, Walsall, WS3 3RF**

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, Mr. Cupitt, who wished to speak in objection to officers recommendations.

Mr. Cupitt informed Committee he lived in a neighbouring property and he felt the owners had tried to extend as far as possible without improving the building and having no consideration to their neighbours. The house would appeal out of character within the area, overbearing and especially intimidating to nearby neighbouring bungalows.

The Committee then welcomed the second speaker on this application, Mr. Politi, who also wished to speak in objection to officers recommendations.

Mr. Politi advised Committee he lived at the rear of the application property and he felt some of the extension work was acceptable but the property protruded too far out. Mr. Politi also commented on the amount debris on the front of the property.

The Committee then welcome the third speak on this application, Mr. Mahabir, who wished to speak in support of officers recommendations.

Mr. Mahabir said he was the applicant's agent and he stated the applicant had compromised with officers and the application now met all building standards and that there were numerous individually styled houses within the street scene.

There were no questions to the speakers nor to officers.

Members considered the application and Councillor Craddock **moved** and it was duly **seconded** by Councillor Samra:-

That planning application number 18/0201 be granted for the reasons set out in the report and supplementary paper, 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 eight Members voting in favour and none against.

### **Resolved**

That planning application number 18/0201 be granted for the reasons set out in the report and supplementary paper, subject to conditions as contained within the report and supplementary paper now submitted.

#### **2024/18 Plans list item 11 – application number 18/0193 – first floor extension to side above garage and dining room at 8 Burton Farm Road, Walsall**

The Chair advised Committee that no speakers were in attendance but he requested that Committee hear a presentation.

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

(see annexed)

There then followed a period of questioning by Members to officers, which included whether the applicant would be able to achieve an approval for a reduced structure; what had Inspectors taken into consideration for their refusal.

Members considered the application in detail, which included whether non-determination was an over-reaction which put the Committee in a difficult position; that the applicant was attempting to accommodate elderly relatives; there were similar sized properties in neighbouring roads; that a compromise could be achieved between parties but the current application had no significant changes that could be considered a genuine attempt to address previous reasons for refusal; the proposed extension needed to be reduced to no more than 3 metres wide and set back 2 metres from the front elevation to prevent a terracing effect with the neighbouring property.

The Chair asked the Planning Solicitor for the legal definition of a Section 70A, to which the Planning Solicitor reported that the purpose of a Section 70A was to prevent applicants asking for planning approval over and over again for the same thing in an attempt to wear down the decision makers.

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

That Planning Committee resolved not to determine planning application number 18/0193, in accordance with the officers report now submitted and for the reasons set out therein, with the officers to write to the applicant to explain the amendments to the proposal to overcome 70A and the inspectors decision.

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

**Resolved**

That Planning Committee resolved not to determine planning application number 18/0193, in accordance with the officers report now submitted and for the reasons set out therein, with the officers to write to the applicant to explain the amendments to the proposal to overcome 70A and the inspectors decision.

*Councillor Nawaz requested that his name be recorded as having voted against the recommendation.*

*Councillor Allen temporarily left the chamber but returned before the commencement of the next plans list item*

2025/18 **Plans list item 10 – application number 18/0398 – change of use from travel agents to hot food takeaway (re-submission of 17/1634) at 83 Milton Street, Walsall, WS1 4LA**

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

(see annexed)

The Committee then welcomed the only speaker on this application, Councillor Hussain, who wished to speak in objection to officers recommendations.

Councillor Hussain reported that the shop had been vacant for over a year and no interest had been received other than to open as a hot food takeaway. He reported that no local concerns had been raised, the shop would provide employment within the local community and should any noise result from the shop then Pollution Control would be notified.

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

That planning application number 18/0398 be deferred to enable the applicant to bring forward information demonstrating need and to negotiate a suitable scheme for the site.

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

**Resolved**

That planning application number 18/0398 be deferred to enable the applicant to bring forward information demonstrating need and to negotiate a suitable scheme for the site.

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

2026/18 **Plans list item 1 – application number 17/0180 – replacement mosque and creation of surface level car park at Shah Jalal Mosque and School, 32-33 Mount Street, Walsall, WS1 3PJ**

Councillor Nawaz requested a presentation and then **moved** and it was duly **seconded** by Councillor Nazir:-

That planning application number 17/0180 be granted for the reasons set out in the report and supplementary paper and 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 fourteen Members voting in favour and none against.

**Resolved**

That planning application number 17/0180 be granted for the reasons set out in the report and supplementary paper and subject to conditions as contained within the report and supplementary paper now submitted.

2027/18 **Plans list item 4 – application number 18/0413 – removal of hedge along Slaters Lane to be replaced with twin wire welded mesh fence 2.4 meters high, powder coated green in colour, includes pedestrian lockable access gate and 3.8 meters wide vehicle access gate at Allotment Gardens, Slater Street, Walsall.**

**Resolved**

That planning application number 18/0413 be granted for the reasons set out in the report and subject to conditions as contained within the report now submitted.

- 2028/18 **Plans list item 5 – application number 17/0979 – proposed re-development of existing former car park to public house to consist of the erection of 4 no. 5 bedroom dwellings, installation of public greenway route, improvements to existing boundary treatments and landscape works at The Sneyd, 67 Vernon Way, Bloxwich, Walsall, WS3 2LU**

This item had been withdrawn until a later meeting, at the request of the applicant and in agreement with the Chairman.

- 2029/18 **Plans list item 6 – application number 16/0524 – new two storey 3 bedroom dwelling and garage on land to the rear of 147 Foley Road West, Streetly, Sutton Coldfield, B74 3NY**

**Resolved**

That application number 16/0524 be refused as per the reasons set out in the report now submitted

- 2030/18 **Plans list item 13 – application number 18/0457 & 18/0458 – amendments to design of spillway and discharge structure including listed building consent (re-submission of 17/0975 & 17/0976) at Great Barr Hall Lakes, Great Barr Hall Estate, Suttons Drive, Great Barr**

The Presenting Officer advised Committee the item had been included as a late item following the applicant's receipt of an enforcement order by Severn Trent water.

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

That planning application numbers 18/0457 and 18/0458 be granted for the reasons set out in the report and subject to conditions as contained within the report and supplementary paper now submitted, and to delegate to the Head of Planning, Engineering and Transportation to agree any additional/amended conditions relating to design details of the overflow weir/spillway and approve Listing Building Consent subject to conditions.

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

**Resolved**

That planning application numbers 18/0457 and 18/0458 be granted for the reasons set out in the report and subject to conditions as contained within the report and supplementary paper now submitted, and to delegate to the Head of Planning, Engineering and Transportation to agree any additional/amended

conditions relating to design details of the overflow weir/spillway and approve Listing Building Consent subject to conditions.

**2031/18 Private Session**

**Exclusion of Public**

**Resolved**

That, during consideration of the following item on the agenda, the Committee considered that the item for consideration was exempt information by virtue of Paragraphs 6 and 7 of Schedule 12(A) of the local Government Act, 1972 (as amended) and accordingly resolved to consider those items in private session.

**2032/18 Summary of item considered in private session**

**The Former Orange Tree, Wolverhampton Road, Walsall**

The report of the Head of Planning, Engineering and Transportation had been submitted to Members.

The Enforcement Officer advised Members of the background to the report.

The Committee then proceeded to discuss the report and the Committee approved the recommendations and agreed the reasons contained therein.

**Termination of meeting**

There being no further business, the meeting terminated at 8.15pm

Signed .....

Date .....