

PLANNING COMMITTEE

Thursday 2nd April, 2015 at 5.30 p.m.

In the Council Chamber at the Council House, Walsall

Present

Councillor Westley (Chairman)
Councillor Bird
Councillor P. Bott
Councillor Ditta
Councillor Douglas-Maul
Councillor J. Fitzpatrick
Councillor Illman-Walker
Councillor Martin
Councillor Nawaz
Councillor Robertson
Councillor Rochelle
Councillor Sarohi
Councillor D. Shires
Councillor Underhill
Councillor Worrall

3890/15 Apologies

Apologies for non-attendance were submitted on behalf of Councillors Jeavons (Vice Chair), Harris, Perry and Wade.

3891/15 Minutes

Resolved

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

3892/15 Declarations of Interest

Councillor Ditta declared a non-pecuniary interest in plans list application number 3 – 14/1734/FL – Construction of three storey new building teaching block on existing school site at together with associated landscape works – Joseph Leckie Academy, Walstead Road West, Walsall WS5 4PG, as he is a Governor.

3893/15 **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

3894/15 **Local Government (Access to Information) Act, 1985 (as amended)**
Resolved

There were no items to be discussed in private session.

Councillor Douglas-Maul arrived at this juncture of the meeting.

3595/15 **Former Three Crowns Public House, Sutton Road, Walsall, WS5 3AX**

The report of the Head of Planning and Building Control was submitted:-

(see annexed)

Planning officers enlarged upon the report for the benefit of the Committee.

There then followed a period of questioning by Members to the officers, following which it was **moved** by Councillor Illman-Walker and duly **seconded** by Councillor Westley:-

- (1) That authority be granted for the Head of Planning and Building Control to issue an Enforcement Notice under the Town and Country Planning Act 1990 (as amended), to require remedial actions to be undertaken as shown at Paragraph 2.4 of the report;
- (2) That authority be granted for the Head of Planning and Building Control to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice 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;
- (3) 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 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 all Members voting in favour.

Resolved

- (1) That authority be granted for the Head of Planning and Building Control to issue an Enforcement Notice under the Town and Country Planning Act 1990 (as amended), to require remedial actions to be undertaken as shown at Paragraph 2.4 of the report;
- (2) That authority be granted for the Head of Planning and Building Control to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice 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;
- (3) 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 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.

Councillors Martin and Rochelle arrived at this juncture of the meeting.

3896/15 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.

3897/15 Item No. 1 – 14/0619/CM – Extension of existing quarry workings. Amendment of approved restoration scheme to enable restoration to water. Exportation of clay to supply other brickworks. Ecological mitigation works – Ibstock Brick Ltd, Atlas Quarry, Stubbers Green Road, Walsall, WS9 8BL

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

(see annexed)

Councillor Bird arrived at this juncture of the meeting.

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

There then followed a period of questioning by Members to the speaker, including whether the application would create intensive quarry operations, whether it would generate additional noise or dust for the local residents and where would the access to the site be located.

In response, the speaker reported that the application was an extension of the existing quarry workings and therefore not intensive in order to supply Atlas and Aldridge works with clay for a further 26 years, that a full environmental assessment will be implemented to mitigate any noise or dust issues, and that the access to the site would be via the existing entrance on Stubbers Green Road.

There then followed a period of questioning by Members to the officers including whether a condition could be included to ensure ongoing community liaison with the company to which the officer replied that a condition could be included to ensure good relations.

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

That planning application number 14/0619/CM be granted, subject to conditions and a planning obligation, as contained within the report and supplementary paper now submitted.

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

Resolved

That planning application number 14/0619/CM be granted, subject to conditions and a planning obligation, as contained within the report and supplementary paper now submitted.

3898/15 **Item No. 6 – 15/0240/FL – Conversion of 4 bed house to a 2 bed house and 1 bed flat (resubmission following refusal of 14/1308/FL) – 6 Ashtree Road, Walsall, WS3 4LR**

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

(see annexed)

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

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

There then followed a period of questioning by Members to the speakers primarily around parking issues.

There then followed a period of questioning by Members to the officers including how the current application differed from the previously refused application and whether the inspectors dismissal had been addressed.

In response, officers reported that the previous application had proposed a hard surfaced car parking area in the garden to the rear of the boundary whereas the new application had now addressed this issue by retaining the existing car parking area and providing a garden and amenity area for both the house and the flat, therefore reducing the extent of the parking area and addressing the previous inspectors dismissal.

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

That planning application number 15/0240/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 nine Members voting in favour and three against.

Resolved

That planning application number 15/0240/FL be approved, subject to conditions as contained within the report and supplementary paper now submitted.

3899/15

Item No. 7 – 14/1315/FL – Erection of two storey detached building to be utilised as a hot food takeaway (A5) – Land adjacent 44B Pinson Road, Walsall, WV13 2PR

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. Mann, who spoke in support of the application.

There then followed a period of questioning by Members to the speaker, primarily around current parking issues and why the applicant had not provided the additional information that had been requested by officers.

In response, the speaker stated there would be parking for up to ten cars at the rear of the takeaway, most of his current shop customers were local and would therefore walk to the takeaway, the applicant was awaiting the additional information from his agent.

There then followed a period of questioning by Members to the officers including queries around the possible parking at the rear of the takeaway and how many spaces would be required, why the application had been brought to the Committee when the Coal Authority had objected as no coalmining risk assessment had been provided.

In response, officers confirmed that the application did not include a proposal for a car park at the rear of the premises but parking requirements for the establishment would be six spaces plus one disabled space. The application had been brought to Committee due to the significant community interest.

Members considered the application further which included the lack of a valid coalmining risk assessment and Councillor Bird **moved** and it was duly **seconded** by Councillor Martin:-

That planning application 14/1315/FL be refused for the reasons as set out in 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 three against:-

Resolved

That planning application 14/1315/FL be refused for the reasons as set out in the report and supplementary paper now submitted.

3900/15

Item No. 12 – 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 planning officer advised the Committee of the background to the report and supplementary paper now submitted and stated that the application had been deferred at the last meeting of 5th April, 2015 for officers to negotiate an improved scheme. The applicant's agents had advised that they do not intend to amend the plans as they believed the scheme is compliant with policy:-

(see annexed)

The Committee then welcomed the first speaker on this application,

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

The Committee then welcomed the second speaker on this application, Mrs. 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 then followed a period of questioning by Members to the speakers primarily in relation to separation distances, whether the side windows would overlook neighbouring properties, how the application would affect the objectors' properties, whether there were smaller sized properties within the immediate area.

In response, speakers stated that the application would create access problems at the rear of their properties, the applicant would not be encroaching on neighbouring boundaries, the two side windows would belong to en-suites, there were houses in the neighbourhood with a similar mass and scale to the application.

There then followed a period of questioning by Members to the officers including whether the application had been reduced in size from a previously refused application, whether en-suite windows were classed as overlooking and had planning policy been adhered to. Officers responded that the current application had been reduced in size from the previously refused application and officers felt the new application complied with policy with no adverse overlooking as en-suites were not considered as habitable rooms and there were no face to face windows.

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

That planning application no. 14/1896/FL be approved, subject to conditions as contained within the report now submitted

The Motion having been put to the vote was declared **equal**, with seven Members voting in favour of the Motion and seven Members voting against. The Chairman had the casting vote which resulted in eight Members voting in favour of the Motion and seven against.

Resolved

That planning application no. 14/1896/FL be approved, subject to conditions as contained within the report now submitted

At this point, 8.15pm, Councillor Bird moved the suspension of standing orders to allow the meeting to continue beyond 8.30pm.

Councillors Underhill, Douglas-Maul and Ilman-Walker left the meeting.

3901/15 **Item No. 14 – 14/1895/FL – Proposed loft conversion to form 1 no 1 person 1 bed flat – 1-3 West Bromwich Road, Walsall, WS1 3HS**

The planning officer advised the Committee of the background to the report now submitted and stated that the application had been deferred from the last meeting on 5th April 2015 to enable officers to negotiate a revised plan, which had been provided by the agent for consideration:-

(see annexed)

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

There were no questions to the speaker.

There then followed a period of questioning to the officers, which included what changes had been made to the previously deferred application. In response, the planning officers stated they had requested a more traditional dormer design but they did not feel the revised design had improved the appearance of the dormer.

Members considered the application further which included the current mix of diverse building sizes within the street scene, that the loft conversion would add an element of uniqueness, the finish should be in keeping with the building, that smaller flats were in demand within the area.

It was then **moved** by Councillor Nawaz and duly **seconded** by Councillor Ditta:-

That planning application number 14/1895/FL be granted.

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

Resolved

That planning application number 14/1895/FL be granted.

3902/15 **Item No. 2 – 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**

Resolved

That planning application number 14/0822/FL be granted, subject to conditions and a Deed of Variation as contained within the report and supplementary paper now submitted.

- 3903/15 **Item No. 3 – 14/1734/FL – Construction of three story new building teaching block on existing school site at Joseph Leckie Academy together with associated landscape works – Joseph Leckie Academy, Walstead Road West, Walsall, WS5 4PG**

Resolved

That planning application number 14/1734/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

- 3904/15 **Item No. 4 – 14/1869/FL – Redevelopment of existing block of flats to convert form 6 x 1 bed and 3 x 2 bed units to 9 x 1 bed units and 6 x studio apartments – Croft Apartments, Croft Street, Willenhall, WV13 2NU**

Resolved

That planning application number 14/1869/FL be granted, subject to conditions as contained within the report.

- 3905/15 **Item No. 5 – 14/1616/FL – Erection of 2 no. dwellings and 2 storey rear extension to no. 23 Blackwood Road, Walsall, B74 3PH**

Resolved

That planning application number 14/1616/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

- 3906/15 **Item No. 8 – 14/1777/FL – Proposed car park – Land between Little Wood Street and Malt House Lane, Willenhall**

Resolved

That planning application number 14/1777/FL be granted, subject to conditions including conditions to secure provision of a satisfactory tree planting scheme and parking layout as contained within the report and supplementary paper now submitted.

3907/15 **Item No. 9 – 14/1903/FL – Proposed front extension and alterations to front garden/driveway layout – 2A Oaken Drive, Willenhall, WV12 5NU**

Resolved

That planning application number 14/1903/FL be granted, subject to conditions as contained within the report.

3908/15 **Item No. 10 – 14/1699/FL – Change of use from B1 offices to facilities providing substance misuse treatment and support services – Suites 1 and 2, Bridge House, Bridge Street, Walsall, WS1 1JQ**

This application had been withdrawn by the applicants.

3909/15 **Item No. 11 – 14/1577/FL – Single storey side and rear extension and new flue extraction system – The Alma Public House, Bentley Lane, Walsall, WS2 8SP**

Resolved

That planning application number 14/1577/FL be granted, subject to conditions as contained within the report now submitted.

3910/15 **Item No. 12 – 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**

Resolved

That planning application number 14/1896/FL be granted, subject to conditions as contained within the report now submitted.

3911/15 **Item No. 13 - 15/0005/FL – Alteration from bungalow to two storey dwelling including first floor and porch extensions, new pitched roof to main house and external alterations – 3 Stafford Close, Walsall, WS3 3NW**

Resolved

That planning application number 15/0005/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

Termination of Meeting

There being no further business the meeting terminated at 8.35 p.m.

Signed:..... Date: