

## **PLANNING COMMITTEE**

**Thursday, 1<sup>st</sup> March, 2012 at 5.30 p.m.**

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

### **Present**

Councillor Perry (Chairman)  
Councillor Bird (Vice-Chairman)  
Councillor Ali  
Councillor Azam  
Councillor Carpenter  
Councillor Cook  
Councillor Ditta  
Councillor Douglas-Maul  
Councillor S. Fitzpatrick  
Councillor James  
Councillor Jeavons  
Councillor Madeley  
Councillor Rochelle  
Councillor Sarohi  
Councillor Thomas  
Councillor Westley  
Councillor Woodruff

3036/12

### **Apology**

An apology for non-attendance was submitted on behalf of Councillor Harris.

3037/12

### **Minutes**

#### **Resolved**

That the minutes of the meeting held on 2<sup>nd</sup> February, 2012, a copy having previously been circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

3038/12

### **Declarations of Interest**

Councillor Bird declared a personal and prejudicial interest in relation to Item No. 4 on the plans list, application no. 11/1576/FL in relation to demolition of existing building and erection of 13 dwellings at The Limes, Linley Road, Walsall, WS4 1HL.

Councillor Fitzpatrick declared a personal and prejudicial interest in relation to Item No. 7 on the plans list, application no. 11/1058/FL in relation to the retention, refurbishment and extension of existing Bulls Head Public House, including means of escape at first floor at The Bulls Head Public House, Park Road, Bloxwich, Walsall, WS3 3SW.

Councillor Westley also declared a personal and prejudicial interest in relation to Item No. 7 on the plans list, application no. 11/1058/FL in relation to the retention, refurbishment and extension of existing Bulls Head Public House, including means of escape at first floor at The Bulls Head Public House, Park Road, Bloxwich, Walsall, WS3 3SW.

3039/12      **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

3040/12      **Local Government (Access to Information) Act, 1985 (as amended)**

**Resolved**

That the public be excluded from the meeting during consideration of the item set out in the private part of the agenda for the reasons set out therein and Section 100A of the Local Government Act, 1972.

3041/12      **Confirmation of Tree Preservation Order 11 of 2011 on land outside the front boundary of 11 Park Hall Road, Walsall, WS5 3HF**

The report of the Head of Regeneration - Development and Delivery was submitted:-

(see annexed)

**Resolved**

- (1) That the Walsall Tree Preservation Order 11 of 2011 be confirmed in an unmodified form, as set out in the report now submitted;
- (2) That the reason for making the Tree Preservation Order, set out in Paragraph 10 of the report, be supported;
- (3) That Committee note that there were no representations received in respect of this Tree Preservation Order.

3042/12      **Brush Garage, 86 Lichfield Road, Shelfield, Walsall, WS4 1PY**

This report was withdrawn from the meeting due to the receipt of late information.

3043/12

**Fairview Motors, Station Street, Darlaston, WS10 8BW**

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

(see annexed)

The Planning Officer advised the Committee of the background to the report and supplementary information now supplied.

**Resolved**

- (1) That authority be granted for the issuing of an Enforcement Notice under the Town and Country Planning Act, 1990 (as amended), to require remedial actions to be undertaken as set out in 2.3 of the report now submitted;
- (2) That authority be granted for the decision as to the institution of 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 control, be delegated to the Head of Legal and Democratic Services, in consultation with the Head of Planning and Building Control;
- (3) That, in the interests of ensuring an accurate and up-to-date notice is served, authority be delegated to the Head of Legal and Democratic Services, in consultation with 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 and the reasons for taking enforcement action, the requirements of the Notice, or the boundaries of the site.

3044/12

**Direct action works proposed at house no. 177 Weston Street, Palfrey**

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

(see annexed)

The Planning Officer advised the Committee of the background to the report and the information contained within the supplementary paper now submitted.

**Resolved**

- (1) That further to the notice issued under Section 215 of the Town and Country Planning Act, 1990 (as amended) on 7<sup>th</sup> December, 2011 in respect of 177 Weston Street, Palfrey, authority be granted to the Head of Planning and Building Control to arrange the carrying out of

those works which were required to be completed by 7<sup>th</sup> February, 2012;

- (2) That further to the notice issued under Section 215 of the Town and Country Planning Act, 1990 (as amended) on 7<sup>th</sup> December, 2011 in the event that the owner does not carry out those works which are required to be completed at 177 Weston Street, Palfrey by 7<sup>th</sup> March and 7<sup>th</sup> April, 2012, authority be delegated to the Head of Planning and Building Control as to the decision to carry out any of those works which are outstanding at the due date;
- (3) That officers be authorised to recover the expenditure if possible, including if necessary by formal actions in the Courts, by registering a Charge with the Land Registry, and enforced sale.

3045/12      **Proposed extension to permitted development rights for external security shutters**

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

(see annexed)

The Planning Officer advised the Committee of the background to the report.

**Resolved**

- (1) That Committee noted and endorsed the letter as a response to the CLG consultation;
- (2) That Committee authorise officers to make any minor changes, as necessary, and send the final response on behalf of the Council to the CLG.

3046/12      **Application List for Permission to Develop**

The application list for permission to develop was submitted, together with the 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 that they had a minute left.

**Item No. 1 - 11/1217/FL - demolition of existing building and construction of 14 no. two bedroom apartments at 1 Woodside Close, Walsall, WS5 3LU**

The Planning Officer advised the Committee of the background to the report and the information contained within the supplementary paper.

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

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

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

There then followed a period of questioning by Members to the speakers and officers, including what type of development local residents would prefer to see as a way forward; what advantage the new proposed development would bring to the local community; why officers had agreed to eighteen parking spaces when policy T13 required a typical level of parking of twenty one spaces for the number of flats; whether the MEB would allow the sub-station to be moved to the back of the site and why the Localism Act had not been taken into consideration.

In response, it was stated that local residents did not oppose development on the site but not on the scale and mass of the application; the land is currently an eyesore; MEB would not allow the relocation of the sub-station to the back of the development; Highways considered parking acceptable as previous Inspectors had concluded eighteen parking spaces as acceptable.

With reference to the Localism Act, the Committee's solicitor confirmed that the Localism Act, 2011 is now in force in part but regulations to implement neighbourhood planning are not yet on statute and, therefore, Members must still give regard to material considerations and the decision making process remains the same.

The Committee then proceeded to discuss the application in detail, including that they could see no difference in the latest application other than the sub-station siting and design which they considered would be susceptible to vandalism; the views of the high number of local residents must also be taken into consideration; the development would be dangerous to highway safety and was against the character of the area which consisted of predominantly spacious detached houses and no apartments within the immediate locality, and it was felt that parking was still an issue and would lead to overspill parking.

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

- (1) That should planning application no. 11/1217/FL have come before them for deliberation, the Committee would have refused the application in accordance with the recommendations in the report and because it considers the sub-station to be a potential hazard due to its design and choice of materials for construction which may be susceptible to vandalism and, therefore, be detrimental to local residents;
- (2) Committee request that when the Planning Inspectorate considers the appeal, the Inspector should have regard to the previous Committee decisions and appeals and consider the planning merits of the application as a whole;
- (3) Committee request that officers request the Planning Inspectorate considers the matter by way of a public inquiry or informal hearing and not by written representations.

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

### **Resolved**

- (1) That should planning application no. 11/1217/FL have come before them for deliberation, the Committee would have refused the application in accordance with the recommendations in the report and because it considers the sub-station to be a potential hazard due to its design and choice of materials for construction which may be susceptible to vandalism and, therefore, be detrimental to local residents;
- (2) Committee request that when the Planning Inspectorate considers the appeal, the Inspector should have regard to the previous Committee decisions and appeals and consider the planning merits of the application as a whole;
- (3) Committee request that officers request the Planning Inspectorate considers the matter by way of a public inquiry or informal hearing and not by written representations.

3048/12

### **Item No. 11 - 11/1572/FL - first floor rear extension at 175 The Crescent, Walsall, WS1 2DD**

The Planning Officer advised the Committee of the background to the report.

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

There then followed a period of questioning by Members to the speaker, including whether the speaker's kitchen was an extension or part of the original building and whether the window could be enlarged to allow for more light.

The Committee then proceeded to discuss the application in detail. Members considered the application and Councillor Ali **moved** and it was duly **seconded** by Councillor Sarohi:-

That planning application no. 11/1572/FL be granted, subject to conditions as set out in the report with amended Condition 5 to ensure that the extension and existing side elevation is completed and rendered/painted to match the existing prior to occupation.

The Motion having been put to the vote was declared **carried**, with 17 Members voting in favour of approval and none against.

### **Resolved**

That planning application no. 11/1572/FL be granted, subject to conditions as set out in the report with amended Condition 5 to ensure that the extension and existing side elevation is completed and rendered/painted to match the existing prior to occupation.

3049/12

**Item No. 8 - 12/0003/FL - first floor extension, entrance porch extension and erection of 3 minarets, revision to approved planning application BC53770P at Jami Mosque Madrasha and Islamic Centre, 63 Mount Street, Walsall, WS1 3PL**

The Planning Officer advised the Committee of the background to the report.

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

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

There then followed a period of questioning by Members to the speakers and officers, including whether the funding was available to complete the works and why there was a requirement for landscaping.

In response, it was reported that the work would commence during the Summer 2012 and would take around seven months to complete. Landscaping was required to both enhance the setting of the building using both planting and hard standing.

The Committee then proceeded to discuss the application in detail. Members considered the application and Councillor Azam **moved** and it was duly **seconded** by Councillor Ditta:-

That planning application no. 12/0003/FL be granted,  
subject to conditions as set out in the report now submitted.

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

**Resolved**

That planning application no. 12/0003/FL be granted, subject to conditions  
as set out in the report now submitted.

3050/12 **Item No. 2 - 11/1559/FL - erection of two storey building for ambulance  
maintenance and associated office space (sui generis use) at Electrium  
Point, Ashmore Lake Way, Willenhall, WV12 4HD**

**Resolved**

That planning application no. 11/1559/FL be granted, subject to the  
conditions as set out in the report and supplementary paper now submitted.

3051/12 **Item No. 3 - 12/0016/FL - change of use of first floor and part of ground  
floor from retail (Use Class A1) to leisure (Use Class D2), together with  
new entrance and shop front to Wisemore/Park Street elevation at first  
floor (above Poundland), 81 - 85 Park Street, Walsall, WS1 1LA**

**Resolved**

That planning application no. 12/0016/FL be granted, subject to the  
conditions as set out in the report.

3052/12 **Item No. 4 - 11/1576/FL - demolition of existing building and erection of  
13 dwellings at The Limes, Linley Road, Walsall, WS4 1HL**

***Councillor Bird, having declared an interest in this item, left the room  
and did not take part nor vote on this application.***

**Resolved**

That planning application no. 11/1576/FL be granted, subject to the  
conditions as set out in the report.

3053/12 **Item No. 5 - 11/1537/FL - erection of 18 flats and 12 houses with  
associated parking, landscaping, access and associated works at land  
at Carl Street, Walsall, WS2 7BE**

**Resolved**

That planning application no. 11/1537/FL be granted, subject to the  
conditions as set out in the report.

3054/12 **Item No. 6 - 11/1561/FL - proposed two storey side extension to medical centre at 107 Lichfield Road, Rushall, Walsall ,WS4 1HB**

**Resolved**

That planning application no. 11/1561/FL be granted, subject to the conditions as set out in the report.

3055/12 **Item No. 7 - 11/1058/FL - retention, refurbishment and extension of existing Bulls Head Public House, including means of escape at first floor at The Bulls Head Public House, Park Road, Bloxwich, Walsall, WS3 3SW**

***Councillors Fitzpatrick and Westley, having both declared an interest in this item, left the room and did not take part nor vote on this application.***

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

There then followed a period of questioning by Members to the officers, primarily around the beer garden and whether conditions could be added to alleviate some of the concerns raised by neighbouring residents around the possibility of noise, anti-social behaviour, litter and parking. In response, officers stated they would liaise with the Licensing Team and with Environmental Health and that the control of conditions for a beer garden would be a matter for the Licensing Team through separate legislation.

The Committee then proceeded to discuss the application in detail, including the concerns raised by neighbouring residents about the beer garden and that Environmental Health ensures all provision is made to alleviate disturbance to neighbours; officers liaise with the Licensing Team to ensure the beer garden is monitored; that the proposal would bring jobs to the area.

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

That planning application no. 11/1058/FL be granted, subject to conditions as set out in the report now submitted.

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

**Resolved**

That planning application no. 11/1058/FL be granted, subject to conditions as set out in the report now submitted.

3056/12 **Item No. 9 - 11/1233/FL - proposed 2 no. 4 bedroom detached dwellings and a detached garage at land between 15 - 19 Goscote Road/land adj. 2 and 6 Marlpool Drive, Pelsall, Walsall**

**Resolved**

That planning application no. 11/1233/FL be granted, subject to the conditions as set out in the report and supplementary paper now submitted.

3057/12 **Item No. 10 - 11/1487/FL - proposed alterations to dwelling house design on extant planning permission 10/0866/FL consisting of: The removal of basement and substitution of ground level attached garage. Minor roof changes, rear elevation projection, internal layout alterations and consequential window changes. The removal of existing sycamore tree and provision of two tree plantings at Plot 2, Beacon View, Little Aston Road, Aldridge, Walsall, WS9 0NN**

**Resolved**

That planning application no. 11/1487/FL be granted, subject to the conditions as set out in the report.

**Termination of meeting**

There being no further business the meeting terminated at 7.20 p.m.

Signed: .....

Date: .....