

PLANNING COMMITTEE

Thursday 7 July, 2016 at 5.30 pm

In the Council Chamber at the Council House, Walsall

Present:

Councillor Nazir (Chairman)
Councillor Worrall (Vice Chair)
Councillor Barker
Councillor Bird
Councillor P. Bott
Councillor Craddock
Councillor Creaney
Councillor Douglas-Maul
Councillor S. Fitzpatrick
Councillor Follows
Councillor Harris
Councillor Jones
Councillor Nawaz
Councillor Perry
Councillor Sarohi
Councillor Sohal
Councillor Young

1511/16 **Apologies:**

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

1512/16 **Minutes**

Resolved

That the minutes of the meeting held on 9 June, 2016, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record, subject to an amendment to Plans List Item 7, paragraph 1499/16:-

That planning application number 16/0148 be granted, subject to amended conditions as contained within the report and supplementary paper now submitted

1513/16 **Declarations of Interest**

There were no declarations of interest

1514/16 **Deputations and Petitions**

There were no deputations introduced or petitions submitted

1515/16 **Local Government (Access to information) Act, 1985 (as amended)**

There were no items to be considered in private session

1516/16 The Chairman informed the meeting that the following items had been deferred:-

Item 7 - 100 Whitehouse Road, Brownhills, Walsall, WS8 7PG – enforcement report – deferred until the August Committee

Application List for Permission to Develop

Item No. 4 – 16/0465 – variation of condition 4 of planning permission 07/0046/WA/E1 to allow additional 9.2 years until 31/12/2025 to complete the existing approved scheme for the phased filling and restoration of Highfields South Quarry to create open space at Highfields South Quarry, Walsall Road, Walsall Wood, Walsall, WS9 9AH – deferred until the September Committee

1517/16 **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 agreed to deal with the items on the agenda were 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 after two minutes they would be advised they had one minute left.

1518/16 **Item No. 1 – application number 15/1922 – change of use from warehouse and offices to a mosque with community facilities and ancillary dwelling. The proposal includes alternations and extension to the building plus a dome and minaret, parking, ancillary, landscaping, bin store and fence at Windsor House, 22 Vicarage Place, Walsall, WS1 3NA**

The Planning 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 Hussain, who spoke in objection to the officer's recommendation.

The Committee then welcomed the second speaker on this application, Mr Arif, who also spoke in objection to the officer's recommendation.

The Committee then welcomed the third speaker on this application, Mr Windle, who spoke in support of the officer's recommendation.

The Committee then welcomed the fourth speaker on this application, Dr Siddiq, who also spoke in support of the officer's recommendations

There then followed a period of questioning by Members to the speakers and to officers which included parking issues and the proposed number of attendees at specified times, whether any of the worshippers would be travelling into Walsall to attend the mosque and whether the traffic around that part of the borough would be exacerbated. In response, the speaker confirmed there were less than 240 worshippers who all lived in Walsall with between 10 and 30 attending for prayers at any given time. The Public Rights of Way Team Leader reiterated that the Planning Inspector had looked at the Planning Committee's previous reasons for refusal which had included insufficient parking spaces within the site and had subsequently approved the application, therefore should Members be minded to refuse the application on the lack of parking, they would have to demonstrate a material change.

The Committee then proceeded to discuss the application in detail which included the inappropriate location, lack of car parking compounded by the sale of the neighbouring public car park and the implementation of a new one way traffic system which were felt to be material changes following the granting of the original application by an Inspector, the impact on the residents of Glebe Street's quality of life by means of inconsiderate parking and the additional groups of people in the vicinity.

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

That planning application number 15/1922 be refused for the following reasons:-

- i) additional traffic congestion around the Caldmore area due to the one way system
- ii) lack of parking on and around the site due to the sale of the neighbouring car park
- iii) impact on the people around Glebe Street due to parking and additional people
- iv) concerns on community cohesion and fear of crime.

The Chairman asked officers for their comments on the reasons for refusal in the Motion.

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

The Planning Group Manager stated the application was a small scale scheme and therefore the impact on traffic and parking was negligible and in planning terms was not a reasonable reason to refuse and the fear of crime and anti-social behaviour would have to be evidenced. He further added that a Travel Plan had been submitted citing most attendees would be from the local community who would walk to the mosque. The Planning Group Manager also advised Committee of potential costs that may be incurred should they refuse the application following a previous refusal and subsequent overturn and granting by an Inspector.

The Motion having been put to the vote was declared **lost**, with five Members voting in favour and seven against.

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

That planning application no. 15/1922 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 eight Members voting in favour and five against.

Resolved

That planning application number 15/1922 be granted, subject to conditions as contained within the report and supplementary paper now submitted

Councillor Nawaz requested that his name be recorded as voting against the Motion.

1519/16 **Item No. 10 – application number 15/1540 - conversion of former Chapel (class D1) to form 14 bed MHO (Class Sui Generis) at Providence Chapel, New Road, Willenhall, West Midlands, WV13 2BG**

Councillor Nawaz left at this juncture of the meeting

The Planning 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, Mrs Clayton, who spoke in objection to the officer's recommendation.

The Committee then welcomed the second speaker on this application, Councillor S. Coughlan, who also spoke in objection to the officer's recommendation.

Councillor Douglas-Maul left at this juncture of the meeting and did not return.

The Committee then welcomed the third speaker on this application, Mr Hshim, who spoke in support of the officer's recommendation.

The Committee then welcomed the fourth speaker on this application, Mr Harding, who also spoke in support of the officer's recommendation.

There then followed a period of questioning by Members to the speakers and to officers in relation to the identity of the HMO management team, details of the units proposed, whether the building would be disabled friendly, the lack of parking spaces on the site which had contributed to the refusal of two previous applications for eight self contained flats compared to the new application for consideration for 14 en-suite bedrooms with shared facilities, whether there was a concentration of HMOs in the area and if this concentration was linked to the high crime statistics.

In response, the speakers confirmed the management team would be Martin & Co Letting Agents and J9 Accommodation, that each unit would have a large room and en-suite bathroom plus two shared kitchens over two floors, the HMO would have two disabled parking spaces on site with a turning area between the two retained trees on the frontage and that there were no plans for a lift as there were sufficient rooms downstairs.

The Planning Group Manager confirmed that that Willenhall South ward had the second highest number of HMOs after central Walsall, that crime statistics were based on a ward by ward basis and not to specific sites. The Public Rights of Way Team Leader reported that the site had previously been a place of worship with no parking in a sustainable area, close to the local centre and with good transport links and therefore the parking requirement was low. The previous refusals in relation to parking had included the impact on the protected trees (TPO 6/2010) which had now been resolved.

The Committee then proceeded to discuss the application further in relation to the parking issues, the need to bring a beautiful building back into use, the fear of crime amongst the local residents and the need to collect crime statistics in order build an evidence base around whether HMO residents cause crime or this is public perception only.

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

That planning application number 15/1540 be refused on the grounds of insufficient parking and the detrimental effect this is likely to have on the adjoining streets; failure to demonstrate that parking spaces could be constructed without any detrimental impact on the TPO trees as per previous refusal, the crime figures provided by the Police with the proposed development would provide a perceived fear of crime from anti-social behaviour of future occupiers

The Planning Group Manager reiterated that the crime statistics provided by the Police did not pertain directly to residents of HMOs and without an established link, a refusal on these grounds would be difficult to defend.

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

Resolved

That planning application number 15/1540 be refused on the grounds of insufficient parking and the detrimental effect this is likely to have on the adjoining streets; failure to demonstrate that parking spaces could be constructed without any detrimental impact on the TPO trees as per previous refusal, the crime figures provided by the Police with the proposed development would provide a perceived fear of crime from anti-social behaviour of future occupiers

Councillors Craddock and Sohal left at this juncture of the meeting

Councillor Nawaz returned to the meeting.

1520/16 **Item No. 2 – application number 15/0385/OL – outline planning application for demolition of all buildings at the former Harvestime Baker site and the erection of up to 80 residential units with all matters reserved except means of access at former Harvestime Bakery, Hollyhedge Lane, Walsall, WS2 8RB**

The Planning 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 Hussain, who spoke in objection to the officer's recommendation.

The Committee then welcomed the second speaker on this application, Mr Bailey, who spoke in support of officer's recommendation.

There then followed a period of questioning by Members to the speakers and officers primarily around the need for a financial contribution or affordable housing within the development and the traffic congestion around the area.

In response, the second speaker reported that a financial report had been independently undertaken and a District Valuer has subsequently confirmed that a financial contribution or affordable housing would not be sustainable. The Highways Officer reported the vehicle movements of the new development had been offset against the former use of the site resulting in only 13 additional trips above the National Policy Framework and that the development would have two access points which would distribute the traffic on and off the site.

At this juncture of the meeting, Councillor Bird moved and it was duly seconded by Cllr Nawaz:-

That Standing Order No. 9(a) of the Council's Constitution be suspended in order for the Committee to conclude the remainder of its business.

The Motion having been put to the vote was declared **carried**, with all Members voting in favour.

The Committee then proceeded to discuss the application in detail, which included concerns around the existing pressures on school places within the area and the cost to the Local Authority of extending schools and other services, parking concerns, additional vehicles adding to existing traffic problems along Raleigh Street.

The Planning Group Manager advised the Members that it had been strongly established by Courts that once a District Valuer had proven a development is unviable, there are no grounds for refusal on lack of financial contribution as a viability assessment would have been carried out. This would therefore place a risk of costs to the Council should Committee be minded to refuse on these grounds.

The Chair invited Members to move either the Planning Officer's recommendation or to propose an alternative Motion. No Motion was moved. The Council's Solicitor and the Democratic Services Officer checked the Constitution with regards to procedures should no Motion be moved. The Planning Group Manager informed Committee that should the application remain undetermined, the applicant could appeal on the grounds of non-determination and he therefore urged Committee to make a decision.

Following a further amount of consideration, Councillor Worrall **moved** and it was duly **seconded** by Councillor Harris:-

That planning application no. 15/0385/OL 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 **lost**, with two Members voting in favour and nine against.

Councillor Bird then **moved** and it was duly **seconded** by Councillor Sarohi:-

That planning application no. 15/0385/OL be refused as the application has not clearly demonstrated that the access and egress for the site would not impact on the neighbouring properties on Raleigh Street; the density of the proposed development is considered to represent an overdevelopment that would impact on neighbouring residents amenities, and the applicant has demonstrated a lack of amenities on site including open space which would impact on residents within the surrounding area.

The speakers then left the meeting before the vote had taken place and were subsequently called back into the meeting to be present for the vote.

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

Resolved

That planning application no. 15/0385/OL be refused as the application has not clearly demonstrated that the access and egress for the site would not impact on the neighbouring properties on Raleigh Street; the density of the proposed development is considered to represent an overdevelopment that would impact on neighbouring residents amenities, and the applicant has demonstrated a lack of amenities on site including open space which would impact on residents within the surrounding area.

The Chairman informed Committee there would be a 5 minute comfort break.

- 1521/16 **Item No. 4 – variation of condition 4 of planning permission 07/0046/WA/E1 to allow additional 9.2 years, until 31/12/2025 to complete the existing approved scheme for the phased filling and restoration of Highfields South Quarry to create open space at Highfields South Quarry, Walsall Road, Walsall Wood, Walsall, WS9 9AH**

This application was deferred to the September Committee.

Councillors Craddock and Sohal returned to the meeting.

- 1522/16 **Item No. 15 – application number 16/0326 – two storey side extension at 54 Cartbridge Crescent, Walsall, WS3 1TJ**

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

(see annexed)

The Committee then welcomed the first speaker on this application, Councillor Ward, who spoke in objection to the officer's recommendation.

The Committee then welcomed the second speaker on this application, Mrs Mumford, who also spoke in objection to the officer's recommendation.

The Committee then welcomed the third speaker on this application, Mr Sohal, who spoke in support of the officer's recommendation.

There then followed a period of questioning by Members to the speakers and officers which queried why the applicant had advertised a second home at the address for rental, whether the plans encroached onto the railway embankment, existing sewage problems in the area, whether the application was an extension or a two bedroom house following a recently refused two bedroom house application by the applicant.

In response, the speaker confirmed the extension was for the family only, the presenting officer confirmed the application did not encroach on the

neighbouring land and that an application to sub divide would be required in order to turn into two properties.

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

That planning application no. 16/0326 be granted subject to conditions as contained within the report and subject to additional conditions to retain the extension as part of the main property, the withdrawal of Permitted Development Rights for conversion to HMO and that no sub division of the property be carried out without the consent of the Planning Authority.

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

Resolved

That planning application no. 16/0326 be granted subject to conditions as contained within the report and subject to additional conditions to retain the extension as part of the main property, the withdrawal of Permitted Development Rights for conversion to HMO and that no sub division of the property be carried out without the consent of the Planning Authority.

1523/16 **Item No. 3 – application number 15/1834 – reserved matters for 15/0191/OL for the erection of up to 170 dwellings comprising of appearance, landscaping, layout, scale, secondary access and associated works) affecting public footpath WED 7 and WED 8) at former Servis and Alucast Site, Darlaston Road, Wednesbury, Walsall, WS10 7SR**

Councillor Bott enquired if he should declare a non-pecuniary interest as he had been in discussion with the Press about this particular item. The Council's Solicitor advised all Members they should consider whether the public's perception of their continued participation would be perceived as reasonable or whether the public may feel a determination had already been made.

Councillor Bott then left the meeting for the duration of the item and therefore did not take part nor vote on this application.

Councillor Young left the meeting and did not return.

The Planning 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 Rushworth, who spoke in objection to the officer's recommendation.

The Committee then welcomed the second speaker on this application, Mr Elliot, who spoke in support of the officer's recommendation.

There then followed a period of questioning by Members to the speakers and officers including whether the applicant would be willing to make a financial contribution following the previously outline planning consent, would the development contained 25% affordable housing, had the traffic plan taken into consideration the withdrawal of a bus route, could the gates be preserved as part of the heritage of the area.

In response the second speaker reported that viability had not improved and the developer was unable to offer any financial contribution in the current situation. The Planning officer confirmed that the Section 106 Agreement viability also took into consideration affordable housing and therefore no affordable housing would be included within the development.

This was reiterated by the Planning Group Manager who informed the meeting that the residential viability assessment took into consideration land rates and building rates using current market values and a District Valuer would also check to ensure a developer is not deliberately trying to sell houses below the market value.

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

That planning application number 15/1834 be approved as contained within the report and supplementary paper now submitted, and subject to the preservation of the main gates to reflect the industrial heritage, to speak with National Express regarding bus services in the locality to serve the development and community and to provide some Section 106 contribution to support the local community

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

Resolved

That planning application number 15/1834 be approved as contained within the report and supplementary paper now submitted, and subject to the preservation of the main gates to reflect the industrial heritage, to speak with National Express regarding bus services in the locality to serve the development and community and to provide some Section 106 contribution to support the local community

Councillor Bott returned to the meeting.

1524/16 **Item No. 8 – planning application number 15/0969/FULL – erection of 4 self contained flats on land rear of 56 and 62 Wednesbury Road, Walsall, WS1 3RR**

The Planning 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 Oliver, who spoke in objection to the officer's recommendation.

The Committee then welcomed the second speaker on this application, Mr Miah, who also spoke in objection to the officer's recommendation.

The Committee then welcomed the third speaker on this application, Mr Sangha, who spoke in support of the officer's recommendation.

There then followed a period of questioning by Members to the speakers and officers in relation to vehicle access to the site, covenant advice, waste management access to the site.

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

That planning application no.15 /0969/FULL be refused due to the proposed intensification of vehicles on the access to Corporation Street West would be detrimental to highway safety and the amenity of neighbours, whilst providing poor fire service access.

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

Resolved

That planning application no.15 /0969/FULL be refused due to the proposed intensification of vehicles on the access to Corporation Street West would be detrimental to highway safety and the amenity of neighbours, whilst providing poor fire service access.

1525/16 **Item No. 14 – planning application number 16/0056 – two storey rear extension and conversion of existing garage to habitable rooms at 54 Scarborough Road, Walsall, WS2 9TS**

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

(see annexed)

The Committee then welcomed the first speaker on this application, Councillor Hussain, who spoke in objection to the officer's recommendation. The Committee then welcomed the second speaker on this application, Mr. Harding, who spoke in support of the officer's recommendation.

The Committee then welcomed the third speaker on this application, Ms Allsopp, who also spoke in support of the officer's recommendation.

There then followed a period of questioning by Members to the speakers and officers in relation to exceptional circumstances.

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

That planning application no. 16/0056 be approved; the exceptional circumstances being to keep the family living together in the same house.

The Motion having been put to the vote was declared **lost**, with three Members voting in favour and six against.

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

That planning application number 16/0056 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 six Members voting in favour and two against.

Resolved

That planning application number 16/0056 be refused for the reasons as set out in the report now submitted

1526/16 **Item No. 16 – application number 15/1547 – resubmission of planning application 15/1547 – retrospective – retention of double storey side and single storey rear extension with loft conversion at 117 Sutton Road, Walsall, WS5 3AG**

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

(see annexed)

The Committee then welcomed the only speaker on this application, Mr Aqbal, who spoke in objection to the officer's recommendation.

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

That planning application number 15/1547 be granted subject to a condition to ensure the rendering of the property remains different to the neighbouring properties, plus the removal of Permitted Development for extensions

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

Resolved

That planning application number 15/1547 be granted subject to a condition to ensure the rendering of the property remains different to the neighbouring properties, plus the removal of Permitted Development for extensions

- 1527/16 At this juncture of the meeting, Councillor Bird **moved** and it was duly **seconded** by Councillor Harris:-

That the remaining items on the plans list without speakers plus the Enforcement report be approved as per Officers recommendations.

The Motion was put to the vote and nine Members voted in favour and none against.

Resolved

That the remaining items on the plans list without speakers plus the Enforcement report be approved as per Officers recommendations.

The following items were therefore approved as per Officers recommendations as follows:-

- 1528/16 **Item No. 5 – application number 16/0236 – S73 to vary existing consent 15/0221 to increased depth of proposed single storey projections to 6 new dwellings at Meadow House, Stroud Avenue, Willenhall, WV12 4ET**

Resolved

That planning application number 16/0236 be granted, subject to conditions as contained within the report now submitted.

- 1529/16 **Item No. 6 – application number 16/0332 – change of use from former electricity sub station (Sui Generis) to a beauty salon (A2(C))**

Resolved

That planning application number 16/0332 be granted, subject to conditions as contained within the report now submitted.

- 1530/16 **Item No. 7 – application number 15/1300 – erection of bungalow on land to side and rear of 16 Blakenall Lane, Walsall, WS3 1HG**

Resolved

That planning application number 15/1300 be granted, subject to conditions as contained within the report now submitted.

1531/16 **Item No. 9 – application number 16/0198 – new detached house with detached garage to rear at 1 Foley Church Close, Streetly, Sutton Coldfield, B74 3JX**

Resolved

That planning application number 16/0198 be granted, subject to conditions as contained within the report now submitted.

1532/16 **Item No. 11 – application number 15/1557 – replacement 5 bedroom detached house at 82 Foley Road West, Streetly, Sutton Coldfield, B74 3NP**

Resolved

That planning application number 15/1557 be granted, subject to conditions as contained within the report now submitted

1533/16 **Item no. 12 – application number 16/0058 – single storey front and single storey rear extensions at 8 Tilley Street, Darlaston, Wednesbury, WS10 8AZ**

Resolved

That planning application number 16/0058 be granted, subject to conditions as contained within the report now submitted.

1534/16 **Item no. 13 – application number 16/0425 – demolition of rear conservatory, erection of single storey and two storey rear extension at 136 Bridle Lane, Streetly, Sutton Coldfield, Walsall, B74 3HQ**

Resolved

That planning application number 16/0425 be granted, subject to conditions as contained within the report now submitted.

Resolved

- (i) that authority be granted to the Head of Planning, Engineering and Transportation to issue an Enforcement Notice (material change of use) under the Town and Country Planning Act 1990 (as amended) requiring remedial actions to be undertaken as shown in 2.3 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-compliant 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, Engineering and Transportation to amend, add to, or delete from the wording set out in the report stating the nature of the breach(es), the reason(s) for taking enforcement action, the requirement(s) of the Notice, or the boundaries of the site, in the interests of ensuring that accurate and up to date notices are served to all interested parties.

Termination of meeting

There being no further business, the meeting ended at 10.45pm

Signed

Date