

PLANNING COMMITTEE

Thursday, 7th March, 2013 at 5.30 p.m.

In the Council Chamber at the Council House, Walsall

Present

Councillor Perry (Chairman)
Councillor Bird (Vice-Chairman)
Councillor Azam
Councillor P. Bott
Councillor Cook
Councillor Creaney
Councillor Douglas-Maul
Councillor S. Fitzpatrick
Councillor Jeavons
Councillor Rochelle
Councillor Sarohi
Councillor I. Shires
Councillor Thomas
Councillor Underhill
Councillor Wade
Councillor Westley

330713

Apologies

Apologies for non-attendance were submitted on behalf of Councillors R. Andrew, Ditta and Harris.

3308/13

Minutes

Resolved

That the minutes of the meeting held on 7th February, 2013, a copy having previously been circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

3309/13

Declarations of Interest

There were no declarations of interest.

3310/13

Deputations and Petitions

There were no deputations introduced or petitions submitted.

3311/13 **Local Government (Access to Information) Act, 1985 (as amended)**

Resolved

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

3312/13 **Withdrawn Items**

The Chairman informed the meeting that the following items had been withdrawn:-

Item 8 - 11 Greenslade Road, Walsall, WS5 3QH - extensions to house

Item 9 - 11 Greenslade Road, Walsall, WS5 3QH - garden building

Application List for Permission to Develop

Item No. 10 - 12/1429/FL - demolition of existing builders premises and erection of new two storey dwelling at 248 Chester Road, Streetly, Walsall, B74 3NB

Item No. 15 - 12/1582/FL - retrospective - single storey side extensions to 18 and 20 to provide access to both properties at 18 and 20 Athlone Road, Walsall, WS5 3QX

Item No. 16 - 12/1365/FL - roof extension and first floor rear extension at 20 Athlone Road, Walsall, WS5 3QX

Item No. 17 - 12/1106/FL - two storey rear and side house extension with first floor alteration at the front of 18 Athlone Road at 18 Athlone Road, Walsall, WS5 3QX

Item No. 18 - 12/1553/FL - proposed retail parade with provision for upper floor space, together with associated secure rear servicing, access and relocated sub-station. Enabling works include the demolition of the existing retail parade along Digbeth and Lower Hall Lane, the decked car park accessed from Lower Hall Lane and ancillary workshop building from the former Shannons Mill site at 41 - 43 High Street, 10 - 30 (even) Digbeth and car park at 1- 10 Lower Hall Lane, Walsall

Item No. 18 - 12/1554/CC - conservation area consent: to demolish existing buildings fronting High Street, Digbeth and Lower Hall Lane and former multi-storey car park to allow for redevelopment for retail development at 41 - 43 High Street, 10 - 30 (even) Digbeth and car park and 1- 10 Lower Hall Lane, Walsall

3313/13 **16 Athlone Road, Walsall, WS5 3QX**

The Chairman reported that the speaker in support of the matter was still awaited. He proposed to defer consideration of this item to later in the meeting. The Committee agreed to this course of action.

3314/13 **2 Bradgate Close, Short Heath, Willenhall, WV12 5QP**

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

(see annexed)

The Development Manager enlarged upon the report for the benefit of the Committee. He reported that the applicant had been advised to submit a retrospective application but nothing had been forthcoming. The garden building overshadowed a neighbour's garden so enforcement action was recommended.

Resolved

- (1) That authority be granted to issue an Enforcement Notice under the Town and Country Planning Act, 1990 (as amended), to require remedial actions to be undertaken as set out below;
- (2) That authority be given 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.

Details of the Enforcement Notice

The Breach of Planning Control:-

The erection of a 3.13 metre high, detached, timber, summerhouse (including a raised timber base) in the rear garden of a dwelling house without planning permission, and exceeding the height of current permitted development allowances. The ground level of the rear garden had previously been increased by approx. 0.5 metres in excess of 4 years ago, which further impacts on the current situation.

Steps required to remedy the breaches:-

Permanently dismantle the summer house and remove any resulting debris arising from the land or carry out remedial works to reduce the height of the building to a maximum of 2.5 metres from the ground level to the highest point of the roof. (The height of the timber base should be included in the total height measurement).

Period for compliance:-

One month

Reason for taking Enforcement Action:-

The southern position, height and close proximity of the summer house to the rear garden boundary with No. 4 Bradgate Close has an overbearing impact and unacceptable impact on light and visual amenity available to the occupiers of the neighbouring property. This impact is worsened further by the combined effect of an existing lawful conservatory located along the same boundary next to No. 4. Existing low boundary fencing, topped with open trellis and glazing in the front elevation of the summer house combined with its elevated position results in an unacceptable loss of privacy for adjacent neighbours.

The development is contrary to the National Planning Policy Framework, the Black Country Core Strategy Policies ENV2 and ENV3, and Walsall's saved Unitary Development Plan, in particular policies GP2 and ENV32, and the Supplementary Planning Document, Designing Walsall.

3315/13 11 Greenslade Road, Walsall, WS5 3QH - extensions to house

This matter had been withdrawn earlier in the meeting.

3316/13 11 Greenslade Road, Walsall, WS5 3QH - garden building

This item had been withdrawn earlier in the meeting.

3317/13 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 they had one minute left.

3318/13

Item No. 14 - 12/1670/FL - erection of two dwellings with access from Millcroft Road on land at rear of 160 Thornhill Road, Streetly, B74 2EH

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

(see annexed)

The Committee then welcomed Mrs. Johnson who spoke against the application.

Councillor Hughes also spoke against the application.

Mr. Jones then spoke in support of the application.

There then followed a period of questioning by Members to the speakers, following which, the Committee proceeded to discuss the application further, following which, it was **moved** by Councillor Shires and duly **seconded**:-

That consideration of application no. 12/1670/FL be deferred for further consultation and negotiation with the applicant on the impact of the development on adjoining residents.

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

Resolved

That consideration of application no. 12/1670/FL be deferred for further consultation and negotiation with the applicant on the impact of the development on adjoining residents.

3319/13

Item No. 1 - 12/1598/FL - proposed erection of 14 no. 3 bedroom houses and associated works at former Barley Mow Public House, Goscote Lane, Walsall

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

(see annexed)

The Committee then welcomed Mrs. Mary Walsh and Councillor Peter Smith who spoke against the application.

There then followed a period of questioning by Members to the speakers.

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

That planning application no. 12/1598/FL be deferred for further consultation and negotiation with the applicant on the impact of the development on adjoining residents, orientation of properties, and NPPF Code.

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

Resolved

That planning application no. 12/1598/FL be deferred for further consultation and negotiation with the applicant on the impact of the development on adjoining residents, orientation of properties, and NPPF Code.

3320/13

Item No. 2 - 12/0550/FL - application for 5 two-bed houses, 16 three-bed houses and 4 four-bed houses (25 in total) together with access from Russell Street and Walsall Road, associated car parking and landscaping following demolition of existing properties on land between Walsall Road and Russell Street, Willenhall, WV13 1QX

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

(see annexed)

The Committee then welcomed Mr. Singh who spoke in objection to the application.

There then followed a period of questioning by Members to the speaker, including whether there had been complaints from existing houses. In response, the speaker confirmed that there had been no objections from existing housing.

Members felt that "caveat emptor" should apply in this circumstance.

Members then considered the application and it was **moved** by Councillor Shires and **seconded** by Councillor Perry:-

That planning application no. 12/0550/FL be granted, subject to conditions contained in the application list for permission to develop now submitted.

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

Resolved

That planning application no. 12/0550/FL be granted, subject to conditions contained in the application list for permission to develop now submitted.

3321/13

Item No. 7 - 12/1673/FL - proposed alterations and single storey rear extension. Permitted change of use to retail store at British Oak Inn, High Road, Willenhall, WV12 4JR

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

(see annexed)

The Committee then welcomed Councillor Mrs. Shires who spoke in objection to the application.

The Committee then welcomed Mr. Michael Robson, the second speaker, who spoke in support of the application.

There then followed a period of questioning by Members to the speakers, after which, it was,

Resolved

That planning application no. 12/1673/FL be granted, subject to conditions contained in the application list for permission to develop now submitted.

3322/13

Item No. 8 - 12/1684/FL - extensions to side and rear and alterations to former public house to facilitate change of use from public house (use class A4) to shop (use class A1) at former Brown Jug Public House, 52 Sandbeds Road, Willenhall, WV12 4EY

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

(see annexed)

The Committee then welcomed Councillor Mrs. Shires who spoke in objection to the application.

The Committee then welcomed Mr. Rowson who spoke in favour of the application.

The Committee then proceeded to discuss the application, after which, it was,

Resolved

That planning application no. 12/1684/FL be refused.

3323/13

Item No. 13 - 13/0048/FL - use of premises as A5 hot food take away, including installation of external extract duct at 152A Beacon Road, Great Barr, Birmingham, B43 7BN

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

(see annexed)

The Committee then welcomed Mr. Burke who spoke against the application and Mr. Bloomer who spoke in support of the application.

Following questions from Members to the speakers it was **moved** by Councillor Bird and **seconded** by Councillor Perry:-

That planning application no. 13/0048/FL be granted, subject to conditions contained in the application list for permission to develop now submitted.

The Motion having been put to the vote was declared **carried** and it was,

Resolved

That planning application no. 13/0048/FL be granted, subject to conditions contained in the application list for permission to develop now submitted.

3324/13

Item No. 3 - 12/1650/FL - erection of 18 affordable dwellings for rent at site of former Frances Sharpe House, Kempthorne Gardens, Walsall

Councillor Jeavons asked if waiting restrictions could be introduced in Kempthorne Gardens. Councillor Bird suggested that traffic officers should liaise with Councillor Jeavons on this matter.

Councillor Shires asked if the dwellings would be sustainable homes. David Elsworthy replied that the dwellings would be Code 3.

Councillor Bird requested that a paragraph relating to sustainability should be included in the application list for permission to develop for each planning application.

It was then,

Resolved

That planning application no. 12/1650/FL be granted, subject to conditions contained in the application list for permission to develop now submitted.

3325/13 **Item No. 4 - 12/0832/FL - erection of 31 houses and 20 flats with associated access, parking, garages, landscaping and amenity space following demolition of existing buildings on land at 45-51 Tasker Street, Walsall, WS1 3QW**

Resolved

That planning application no. 12/0832/FL be granted, subject to conditions contained in the application list for permission to develop now submitted and the supplementary paper now submitted.

3326/13 **Item No. 5 - 13/0177/RM - Reserved matters submission to 12/0553/OL for 36 houses with amended layout and house types and consideration of landscaping at former Co-op Dairy, Midland Road, Walsall**

Resolved

That reserved matters be approved, subject to conditions and a Deed of Variation and the decision be delegated to the Head of Planning and Building Control unless material representations are received.

3327/13 **Item No. 6 - 12/1604/OL - outline planning application (considering layout and access only) for 6 houses on land between Victoria Street and Bloxwich Road South, Willenhall, WV13 1DW**

Resolved

That planning application no. 12/1604/OL be granted, subject to conditions contained in the application list for permission to develop now submitted.

3328/13 **Item No. 9 - 12/0866/FL - demolition of existing dormer bungalow and adjoining garage building (C3 dwelling houses). Construction of two new two storey dwellings with integral garage (C3 dwelling houses) at 39A Foley Road East, Sutton Coldfield, B74 3HR**

Councillor Douglas-Maul expressed concern that 2 dwelling houses constituted over development of the site. He added that he would prefer the existing bungalow being replaced by one detached house.

Resolved (Councillors Douglas-Maul, Azam and Rochelle voting against)

That planning application no. 12/0866/FL be granted, subject to conditions contained in the application list for permission to develop now submitted.

3329/13 **Item No. 11 - 12/1662/FL - to demolish the 2 existing derelict buildings and to build 2 new buildings forming 9 apartments on land to the rear of 19 and 21 Market Place, Willenhall, Walsall**

Resolved

That planning application no. 12/1662/FL be granted, subject to conditions contained in the application list for permission to develop now submitted.

3330/13 **Item No. 12 - 12/1628/FL - change of use to hair and beauty salon at 78 Bradford Street, Walsall, WS1 3QA**

Resolved

That planning application no. 12/1628/FL be granted, subject to conditions contained in the application list for permission to develop now submitted.

3331/13 **Item No. 15 - 12/1582/FL - retrospective - single storey side extensions to 18 and 20 to provide access to both properties at 18 and 20 Athlone Road, Walsall, WS5 3QX**

This application had been withdrawn earlier in the meeting.

3332/13 **Item No. 16 - 12/1365/FL - roof extension and first floor rear extension at 20 Athlone Road, Walsall, WS5 3QX**

This application had been withdrawn earlier in the meeting.

3333/14 **Item No. 17 - 12/1106/FL - two storey rear and side house extension with first floor alteration at the front of 18 Athlone Road at 18 Athlone Road, Walsall, WS5 3QX**

This application had been withdrawn earlier in the meeting.

3334/13 **Item No. 18 - 12/1553/FL - proposed retail parade with provision for upper floor space, together with associated secure rear servicing, access and relocated sub-station. Enabling works include the demolition of the existing retail parade along Digbeth and Lower Hall Lane, the decked car park accessed from Lower Hall Lane and ancillary workshop building from the former Shannons Mill site at 41 - 43 High Street, 10 - 30 (even) Digbeth and car park at 1- 10 Lower Hall Lane, Walsall**

Item No. 18 - 12/1554/CC - conservation area consent: to demolish existing buildings fronting High Street, Digbeth and Lower Hall Lane and former multi-storey car park to allow for redevelopment for retail development at 41 - 43 High Street, 10 - 30 (even) Digbeth and car park and 1- 10 Lower Hall Lane, Walsall

This application had been withdrawn earlier in the meeting.

3335/13 **16 Athlone Road, Walsall, WS5 3QX**

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

(see annexed)

The Planning Officer enlarged on the report for the benefit of the Committee.

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

There then followed a period of questioning by Members to the speaker, following which it was **moved** by Councillor Perry and **seconded** by Councillor Bott and,

Resolved

- (1) That authority be given 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 shown in Paragraph (3) below;
- (2) That authority be given 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.

Details of the Enforcement Notice

The Breach of Planning Control:-

Without the required planning permission the siting of a commercial vehicle(s) and the storage of gritting plant and incorporated trailer and an Intermediate Bulk Container (IBC) - referred to as a water container.

Steps required to remedy the breach:-

Permanently remove the commercial vehicle(s), gritting plant and incorporated trailer and IBC container in their entirety from the land.

Period for compliance:-

One month

Reason for taking Enforcement Action:-

The storage of a commercial vehicle, gritting plant and incorporated trailer and the storage of a water container due to their scale, siting, mass and appearance in relation to the surrounding residential area are an incongruous form of development out of character with their surroundings. The development fails to have a positive impact on the character of the area and is contrary to the aims and objectives of policies GP2, 3.6 and ENV32 of Walsall Unitary Development Plan, policy ENV3 of the Black Country Core Strategy, policy DW3 of Supplementary Planning Document, Designing Walsall and the National Planning Policy Framework.

Termination of meeting

There being no further business the meeting terminated at 7.25 p.m.

Signed:

Date: