

## **PLANNING COMMITTEE**

**Thursday 1 December, 2016 at 5.30 pm**

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

### **Present:**

Councillor Worrall (Vice Chair)  
Councillor Barker  
Councillor Bird  
Councillor P. Bott  
Councillor Chambers  
Councillor Douglas-Maul  
Councillor S. Fitzpatrick  
Councillor Follow  
Councillor Harris  
Councillor Jones  
Councillor Nawaz  
Councillor Rochelle  
Councillor Sarohi  
Councillor Shires  
Councillor Sohal  
Councillor Young

Councillor Worrall in the Chair

### 1622/16 **Apologies:**

Apologies for non-attendance were submitted on behalf of Councillors Nazir (Chair), Creaney and Perry.

The Chair sought nominations from the Committee to appoint a temporary Chair for plans list item number 11 later in the agenda due to a declaration of interest. Councillor Bird was nominated and the matter was put to the vote. Members voted unanimously in favour of appointing Councillor Bird to Chair the meeting for that item only.

At this juncture of the meeting, the Planning Solicitor advised Members there were number of controversial items for consideration and that Members should consider all items on their planning merits only and to be mindful it was a public meeting. Committee was also advised that an item had been recalled to this Committee as it was apparent that an objector who had wished to speak at the last Committee had been unable to do so.

### 1623/16 **Minutes**

#### **Resolved**

That the minutes of the meeting held on 3 November, 2016, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record subject to the following amendments:-

- i). paragraph 1613/16 pertaining to application number 16/1000 – both speakers were in support of the officer's recommendation
- ii) Councillor Bott had also declared an interest in plans list item no. 1 – application number 16/0806 – 196 space car park to support the existing Bradley Lane Metro stop on playing fields, Great Bridge Road, Bilston.
- iii) paragraph 16/1316 – Councillor Chambers had also returned at this juncture of the meeting

#### 1624/16 **Declarations of Interest**

Councillor Worrall declared a non-pecuniary interest in plans list item 11 – application number 15/0753 – demolition of part of existing bungalow to create a two storey fourth bedroom dwelling with integral garage, as well as enlargement of retained section of bungalow, installation of dormers, a new detached garage at Moorfield Bungalow, Cartbridge Lane, Rushall, WS4 1SB

#### 1625/16 **Deputations and Petitions**

There were no deputations introduced or petitions submitted

#### 1626/16 **Local Government (Access to information) Act, 1985 (as amended)**

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

#### 1627/16 **Development Management Performance Update Report**

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

(see annexed)

The Head of Planning and Building Control advised the Committee of the background to the report now submitted.

Members then sought additional information on some of the outstanding enforcement cases which included:-

- Land adjacent to 26 Bradley Lane - the Planning Officer advised a 'Certificate of Lawfulness' was currently being dealt with in the first instance before the serving of a revised notice;
- Site at Mellish Road Church – recent review concluded that expedient action was not required. A further review to be carried out in the new year;

- 16 Butts Road – enforcement action currently on hold pending the outcome of a current planning application, local residents would be consulted in due course;
- Ravenscroft Shopping Precinct - a Section 16 notice is required to establish all parties responsible for the land, a Section 215 Notice will be served if no further action by February 2017.

### **Resolved**

That the report be noted

### 1628/16 **16 Shaw Road, Walsall, WS2 8PH**

The Planning 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, Mr Aqbal, who spoke in objection to officers recommendations.

There then followed a period of questioning by Members to the speaker and officers, which included queries around the timescales involved with regard to the unauthorised structures leading up to and including the receipt of a planning application following the publication of the enforcement report and whether an enforcement notice would prevent the regularisation of the application.

In response, the officer gave a breakdown of the timeline of events from enforcement enquiry to Committee date and he stated that should Members be minded to authorise the enforcement notice, the notice would not be pursued unless the current application was unsuccessful.

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

That planning enforcement action on 16 Shaw Street, Walsall, WS2 8PH be deferred until 30<sup>th</sup> January, 2017 unless a valid planning application has been submitted.

The Motion, having been put to the vote was declared **carried**, with 13 Members voting in favour and none against.

### **Resolved**

That planning enforcement action on 16 Shaw Street, Walsall, WS2 8PH be deferred until 30<sup>th</sup> January, 2017 unless a valid planning application has been submitted.

1629/16 **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.

1630/16 **Item No. 1 – application number 16/1233 – erection of 63 dwellings, revised access and associated infrastructure on land at Daw End School, Floyds Lane, Rushall, Walsall, WS4 1LF – erection of**

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, Ms Biddle, who spoke in support of officers recommendations.

The Committee then welcomed the second speaker on this application, Mr Stoyan, who also spoke in support of officers recommendations.

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

That planning application number 16/1233 be granted, subject to conditions and a S111 Agreement to secure a S106 Agreement to secure provision for affordable housing and urban open space as contained within the report and supplementary paper now submitted

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

**Resolved**

That planning application number 16/1233 be granted, subject to conditions and a S111 Agreement to secure a S106 Agreement to secure provision for affordable housing and urban open space as contained within the report and supplementary paper now submitted

1631/16 **Item No. 2 – application number 16/1514 – outline planning application for the demolition of all buildings at the former Harvestime Bakery site and the erection of up to 80 residential units with all matters reserved except means of access (re-submission of 15/0385/OL) 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 only speaker on this application, Councillor Hussain, who spoke in objection to officers recommendations.

There were no questions to the speaker.

There then followed a period of questioning by Members to the officers primarily in relation to what improvements have been made to the access and egress for the site since the last application, why the congestion issues were not now considered severe; where had the density on the site changed and could the Committee request Section 106 money.

In response, planning officers reported a Transport Assessment had been undertaken on the site to consider the suitability of the proposed accesses and the capability of neighbouring junctions, plus a comparison between the projected vehicle movements compared to the vehicle movement of the previous commercial use of the site; that the actual density within the development would be lower than the surrounding areas and therefore an improvement compared to the density of the surrounding area. With regards to Section 106 funding, the planning officer reiterated the District Valuer (DV) had deemed the scheme unviable for any contribution and therefore the Council would not be able to challenge the DV's decision.

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

That planning application number 16/1514 be refused on the grounds there are no differences to the original reasons for refusal, which were negative impact on roads and parking and problems with access and egress

The Planning Group Manager advised the Committee the Council would have to prove the application would have a severe impact with regards to the access and egress arrangements as the Travel Assessment had concluded the additional vehicle movement would equate to only 1 additional vehicle every 14 minutes and he strongly urged Members that a highways safety reason for refusal was too weak and may ultimately cost the Council considerably. The Team Leader (Public Rights of Way) reiterated that the applicant had demonstrated the application would have no major impact and therefore Highways had no reasons to refuse the application.

Councillor Bird **moved** an amendment to the Motion and this was duly **seconded** by Councillor Nawaz:-

That planning application number 16/1514 be refused on the grounds Committee is not satisfied the applicant has demonstrated it has overcome the original reasons for refusal to the satisfaction of the Committee and the previous reasons for refusal are still valid and have not been overcome.

The Group Manager (Planning) advised Members that he did not feel the Council could put up a strong case should the applicant appeal and that officers would need to be supported by the respective Ward Members in particular, and other Members who knew the area well enough to be able to justify the evidence, ie. severe impact, and that the justification would need to be severe following a Traffic Assessment and he gave a cost warning to Members reiterating that should the reasons for refusal not be met, the costs to the Council could be high. The Team Leader (Public Rights of Way) repeated that Highways had no objection to the principal as the development.

The Motion having been put to the vote was declared **lost**, with 7 Members voting in favour and 9 against.

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

That planning application number 16/1514 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 9 Members voting in favour and 6 against

### **Resolved**

That planning application number 16/1514 be granted, subject to conditions as contained within the report and supplementary paper now submitted

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

The Chair requested a comfort break for 5 minutes at this juncture of the meeting (7.25pm)

1632/16 **Item No. 3 - application No. 15/1266 – change of use from hotel (use Class C1) to 32 bedrooms for more than 6 unrelated people living in a property sharing basic facilities (sui generis use) including associated works to car park and landscaping at former Abberley Hotel, 27-31 Bescot Road, Walsall, WS2 9AD**

The Planning Officer advised Committee of the background to the report and he drew Members attention to the supplementary paper now submitted, which outlined the reasoning as to the deferral of the application from the 3<sup>rd</sup> November Committee.

(see annexed)

The Committee then welcomed the first speaker on this application, Ms Thompson, who spoke in objection to officers recommendations.

The Committee then welcomed the second speaker on this application, Councillor Hussain, who also spoke in objection to officers recommendations.

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

There then followed a period of questioning by Members to the speakers and to officers which included queries regarding the low number of parking spaces, the length of the time the building had remained empty, the large number of HMO's already within close proximity, and how would the applicant be able to guarantee all residents would be from the medical profession.

In response, it was reported there would be 19 parking spaces within the curtilage of the site, the building had remained empty since 2008 and had been subjected to incidents of vandalism during this period, that the applicants are in the medical profession and marketing would be geared to that profession. The Planning Officer made reference to the number of registered HMO's in Walsall which had one of the lowest figures of registered HMO's within the West Midlands.

1633/16 At this point in the meeting, Councillor Bird **moved** and it was duly **seconded** by Councillor 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

**Resolved**

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

1634/16 Committee proceeded to discuss the application further which included the fear of crime for local residents, there is already an oversupply of HMO's within the immediate area, not enough parking within the application, the building should be brought back into use.

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

That planning application no. 15/1266 be refused as it was not an appropriate development of the site due to its lack of parking, that there was an over supply of HMOs in the area as detailed in the report by Housing Standards

At this juncture of the meeting, Councillor Bird requested a named vote on this Motion. The Clerk advised the Committee that the Council's Constitution stipulated that 5 of the Members present at the meeting must call for a named vote in order for a named vote to take place. This was confirmed by the Head of Legal and Democratic Services. In view of this advice, the Chair sought 4 other Members to agree to a named vote on this Motion. Councillors Harris, Craddock, Chambers and Rochelle obliged and requested a named vote on the Motion.

The Motion having been put to the vote was declared **lost**, with 7 Members voting in favour of the refusal of permission and 9 against as follows:-

<b>Committee Members</b>	<b>For</b>	<b>Against</b>	<b>Abstain</b>
Councillor Worrall (Chair)		√	
Councillor Barker	√		
Councillor Bird		√	
Councillor P. Bott	√		
Councillor Chambers		√	
Councillor Craddock		√	
Councillor Douglas-Maul		√	
Councillor Fitzpatrick	√		
Councillor Follows		√	
Councillor Harris		√	
Councillor Jones		√	
Councillor Nawaz	√		
Councillor Rochelle	√		
Councillor Sarohi	√		
Councillor Shires	√		
Councillor Sohal		√	
<b>Totals</b>	<b>7</b>	<b>9</b>	<b>0</b>

In view of the Motion failing, Members again considered the application and Councillor Bird **moved** and it was duly **seconded** by Councillor Harris:-

That planning application number 15/1266 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 9 Members voting in favour and 7 Members voting against.



## **Resolved**

That planning application number 15/1266 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 this resolution.

*Councillor Douglas-Maul left at this juncture of the meeting*

- 1635/16 **Item No. 5- application number 16/0518 – outline planning permission for the erection of 3 no. dwellings with access details to be considerate and all other matters reserved at Aldridge School - A Science College, Tynings Lane, Aldridge, Walsall, WS9 0BG**

The Planning 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, Mr. Harris, who spoke in support of officers recommendations.

There were no questions to the speaker nor to officers.

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

That planning application number 16/0518 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 11 Members voting in favour and none against.

## **Resolved**

That planning application number 16/0518 be granted, subject to conditions as contained within the report and supplementary paper now submitted.

- 1636/16 **Item No. 6 – application number 16/1097 – outline planning permission for the erection of 4 no. dwellings with access details to be considered and all other matters reserved at Aldridge School – Site A, Bosty Lane, Aldridge, WS9 0QG**

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 Neale, who spoke in objection to officers recommendations.

The Committee then welcomed the second speaker on this application, Mr Harris, who spoke in support of officers recommendations.

There were no questions to the speakers.

Members queried the Party Wall Act with officers. In response, the officer reiterated the application was for outline planning permission only in the first instance and that Party Wall Act considerations would be negotiated at the relevant point in time.

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

That planning application no. 16/0518 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 14 Members voting in favour and 1 against.

### **Resolved**

That planning application no. 16/0518 be granted, subject to conditions as contained within the report and supplementary paper now submitted.

*Councillors Craddock and Chambers left at this juncture of the meeting.*

### 1637/16 **Item No. 8 – application number 16/0905 – subdivision of dwelling house to 5 no. apartments at 35 Wood Lane, Willenhall, WV12 5NE**

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 Hicken, who spoke in objection to officers recommendations.

The Committee then welcomed the second speaker on this application, Mr. O’Neil, who spoke in support of officers recommendations.

There then followed a period of questioning by Members to the speakers and officers following which Members considered the application further including current on-street parking problems, concerns around the provisions for the bin services, the velox window does not constitute good design as required by the National Planning Policy Framework (NPPF). In response, the Team Leader - Public Rights of Way advised the development was an existing residential property already benefiting from bin services.

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

That planning application number 16/0905 be refused as the application is not a good design by virtue of the velox window in the living room and the added concerns around the maintenance of Council services

The Motion having been put to the vote was declared **lost**, with 6 Members voting in favour and 7 against.

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

That planning application number 16/0905 be granted, subject to conditions and no New Material Considerations raised by Consultees as contained within the report and supplementary report now submitted, with and an additional condition for waste management.

The Motion, having been put to the vote was declared **carried**, with 8 Members voting in favour and none against.

### **Resolved**

That planning application number 16/0905 be granted, subject to conditions and no New Material Considerations raised by Consultees as contained within the report and supplementary report now submitted, with an additional condition for waste management

### 1638/16 **Item No. 9 – application number 16/1535 – change of use of 3 living units within the south west wind from C3 dwelling house to C2 residential Institution at Springside, 2 Spring Lane, Pelsall, Walsall, WS4 1AZ**

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 Wordley, who spoke in objection to officers recommendations.

There were no questions to either the speakers or officers.

The Committee then proceeded to discuss the application further and Councillor Bird moved and it was duly **seconded** by Councillor Nawaz:-

That planning application number 16/1535 be granted, subject to conditions as contained within the report now submitted.

The Motion having been put to the vote was declared **carried**, with 12 Members voting favour and none against.

## Resolved

That planning application number 16/1535 be granted, subject to conditions as contained within the report now submitted.

1639/16 **Item No. 11 – application number 15/0753/FL – demolition of part of exiting bungalow to create a two storey four bedroom dwelling with integral garage, as well as enlargement of retained section of bungalow, installation of dormers, a new chimney and a detached garage at Moorfield Bungalow, Cartbridge Lane, Rushall, Walsall, WS4 1SB**

The Chair, having declared an interest in this application, left the room at this juncture of the meeting.

Councillor Bird in the Chair.

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. Whitehouse, who spoke in objection to officers recommendations.

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

The Committee then welcomed the third speaker on this application, Mr P. Bennett, who spoke in support of officers recommendations.

The Committee then welcomed the fourth speaker on this application, Mr K. Bennett, who also spoke in support of officers recommendations.

There then followed a period of questioning by Members to the speakers only in relation to separation distances and the impact on neighbour's property.

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

That planning application number 16/0285 be refused for the reasons detailed within the report and supplementary paper now submitted.

The Motion, having been put to the vote was declared **carried**, with 12 Members voting in favour and none against.

## Resolved

That planning application number 16/0285 be refused for the reasons detailed within the report and supplementary paper now submitted.

Councillor Worrall back in the Chair.

1640/16 **Item No. 12 – application number 16/0706 – single storey extension to front of property and garage conversion at 36 Knights Hill, Aldridge, WS9 0TG**

The Planning Officer advised Committee of the background to the report and reminded Members the application was first considered by Planning Committee on 3<sup>rd</sup> November where a resolution was reached to grant permission subject to conditions as contained within the report. Further to the resolution, the application had been recalled to Committee as it was apparent that an objector who wished to speak at the last Committee was unable to do so. Accordingly, as the decision to grant was made without knowledge of the neighbour's concerns, the application is being re-presented.

(see annexed)

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

The Committee then welcomed the second speaker on this application, Mrs Murphy, who also spoke in objection to officers recommendations.

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

There then followed a period of questioning by Members to the speakers and officers around the design of the application and the effect of the development on the neighbouring property.

Members considered the application further which included the varied property designs within Knights Hill and the effect on the neighbours property and Councillor Bird **moved** and it was duly **seconded** by Councillor Harris:-

That planning application number 16/0706 be granted, subject to conditions as contained within the report now submitted.

The Motion, having been put to the vote was declared **carried**, with 7 Members voting in favour and 4 against.

**Resolved**

That planning application number 16/0706 be granted, subject to conditions as contained within the report now submitted.

1641/16 **Item No. 4 – application number 16/1576 – change of use of the former Rose Hill Youth Centre to a day nursery and development of a new 10 space car park at Rose Hill Gardens Community Centre, Rose Hill Gardens, Willenhall, WV13 2AR**

**Resolved**

That planning application number 16/1576 be granted, subject to conditions as contained within the report and supplementary paper now submitted

1642/16 **Item No. 7 – application number 16/1057 – retrospective retention of detached house including omission of previous approved integral garage at rear of 454 Sutton Road, Walsall, WS5 3AZ**

**Resolved**

That planning application number 16/1057 be granted, subject to conditions as contained within the report and supplementary paper now submitted.

1643/16 **Item No. 10 – application number 16/0201- conversion of existing property into 6 no apartments at 7 Bradford Lane, Walsall**

**Resolved**

That planning application number 16/0201 be granted, subject to conditions as contained within the report now submitted

1644/16 **PART II - PRIVATE SESSION**

**Exclusion of Public**

**Resolved**

That, during consideration of the following items on the agenda, the Committee considers that the items for consideration are exempt information by virtue of the appropriate Paragraphs of part 1 of Schedule 12 A of the Local Government Act, 1972 (as amended) and accordingly resolved to consider those items in private session.

**Summary of items considered in private session**

1645/16 **Eagle Public House, Cresswell Crescent, Walsall, WS3 2TS**

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

Councillor Bird **moved** and it was duly **seconded** by Councillor Fitzpatrick that the recommendation within the report be approved.

(Exempt information under Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act, 1972) (as amended)

1646/16 **Former Leathern Bottle Public House, Cresswell Crescent, Walsall,  
WS3 2UW**

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

Councillor Bird **moved** and it was duly **seconded** by Councillor Shires that the recommendation within the report be approved.

(Exempt information under Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act, 1972) (as amended)

### **Termination of meeting**

There being no further business, the meeting terminated at 10.15pm

Signed:.....

Date:.....