

PLANNING COMMITTEE

28th November, 2019 at 5.30 pm

In the Council Chamber at the Council House, Walsall

Present:

Councillor Bird (Chair)
Councillor Perry (Vice Chair)
Councillor Chattha
Councillor Craddock
Councillor Harris
Councillor Jukes (arrived at 5.58pm)
Councillor Murray
Councillor Nawaz
Councillor Robertson
Councillor Samra
Councillor Sarohi
Councillor Waters

2302/19 Apologies

Apologies were submitted on behalf of Councillors, P. Bott, Creaney, Harrison, M. Nazir, Rasab and Statham.

2303/19 Minutes

Resolved

That the minutes of the meeting held on 31st October, 2019, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record, subject to the names of Councillors Nazir and Samra being corrected within the table, as set out on page 9 of the minutes.

2304/19 Declarations of Interest

Councillor Samra declared a pecuniary interest in Agent Item No. 8 (Development Management Performance Update Report) and Councillor Waters declared a non-pecuniary interest in Planning Application List Item No 1 (18/1693).

2305/19 Deputations and Petitions

There were no deputations introduced or petitions submitted.

2306/19 Local Government (Access to information) Act, 1985 (as amended)

Exclusion of Public

Resolved

That, where applicable, during consideration of the relevant item(s) on the agenda, the Committee considers that the relevant item(s) for consideration are exempt information for the reasons set out therein and Section 100A of the Local Government Act, 1972 and accordingly resolves to consider those item(s) in private.

2307/19 CONFIRMATION OF TPO 05 OF 2019 AT 26 BELVIDERE ROAD, WALSALL WS1 3AU.

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

(see annexed)

The Presenting Officer advised Committee of the background to the report and highlighted the salient points contained therein.

The report sought the Committee's confirmation of Tree Preservation Order No. 05 of 2019 in an unmodified form.

Following a brief discussion by the Committee, it was: -

Resolved that: -

1. Walsall Tree Preservation Order No. 05 of 2019 be confirmed in an unmodified form, as set out within the report.
2. the reason for making the Tree Preservation Order, as set out within the report at paragraph 10, be supported.
3. it be noted that four representations have been received in respect of this Tree Preservation Order.

2308/19 CONFIRMATION WITH MODIFICATIONS OF TREE PRESERVATION ORDER NO. 07 OF 2019 AT 149, WALSALL ROAD, ALDRIDGE, WALSALL, WS9 0BE.

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

(see annexed)

The Presenting Officer advised Committee of the background to the report and highlighted the salient points contained therein.

The report sought the Committee's confirmation of Tree Preservation Order No. 07 of 2019 in a modified form, as detailed within the report.

Following a brief discussion by the Committee, it was: -

Resolved that: -

1. Walsall Tree Preservation Order No. 07 of 2019 be confirmed in a modified form, as set out within the report.
2. the reason for making the Tree Preservation Order, as set out within the report at paragraph 10, be supported.
3. it be noted that five representations have been received in respect of this Tree Preservation Order.

2309/19 **Development Management Performance Update Report**

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

(see annexed)

The Presenting Officer advised Committee of the background to the report and highlighted the salient points contained therein.

The report presented the Committee with the latest performance and outcomes during the first and second quarters of 2019/20, (1st April to 31st July and 1st August to 30th September), regarding development management matters and in particular to: -

- i) The performance figures for applications determined in Q1 and Q2.
- ii) The decisions made by the Planning Inspectorate on appeals made to the Secretary of State in Q1 and Q2.
- iii) An update of Planning Applications 'called-in' by Councillors in Q1 and Q2.
- iv) A progress report of enforcement proceedings.

Arising from discussions on this report, in particular in relation to lack of progress on certain items, the Committee requested updates on the following:-

- Land adjacent to 26 Bradley Lane.
- 100 Whitehorse Road.
- Larkspur Road.
- Ravenscourt.
- Broadway Car Sales.
- Baytree House.
- The Eagle PH (in particular, inform the applicant that if there is a lack of progress with signing the S106, the matter may be recalled to the

Committee with the potential to refuse along with the issuing of an Enforcement Notice to progress and tidy-up).

Resolved that, subject to the above, the report be noted

2310/19 **Section 106 Report**

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

(see annexed)

The Presenting Officer advised Committee of the background to the report and highlighted the salient points contained therein.

The report presented the Committee with the out-turn information which related to completed Planning Obligations (section 106 agreements / unilateral undertakings / supplemental deeds of variation) that had been negotiated with planning permissions. Furthermore, the report also provided a detailed breakdown of the number of affordable houses which had been negotiated, the level of contributions collected and which were due to be collected, subject to the commencement of developments in relation to education, open space, health and other requirements.

Arising from discussions on this report, in particular in relation to lack of progress on certain items, the Committee requested updates the following: -

- That the Section 106 report, having previously been considered at Scrutiny, be referred back for it to consider how the S106 process could be improved and, in particular, to consider how to better involve Ward Councillors in the allocation of S106 spend within their wards.
- That the S106 report be brought to the Committee twice per year and that Ward Members be consulted in relation to S106 spend within their ward.
- That the Group Manager – Planning be requested to identify S106 monies which had not been paid to the Council.
- That the situation in regard to 04/0845/OL/W3 be investigated to see if the Ward Councillors can spend any unspent monies from this S106 money within their ward.
- If 16/1241 included the upgrade of the small green area at the corner of Butts Road.
- Whether the HMO in Caldmore included a S106 or not.
- Whether there was a S106, or not, for the Remembrance Gardens.

Resolved that, subject to the above, the report be noted

2311/19 **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 where members of the public had previously indicated that they wished to address the Committee and the Chair, at the beginning of each item for which there were speakers, confirmed they had been advised of the procedure whereby each speaker would have two minutes to speak.

2312/19 **PLANS LIST ITEM NO. 1 – 18/1693 – LAND AT WINTERLEY LANE, RUSHALL – VARIATION OF CONDITION 24A AND 24B OF 17/0439 TO ALLOW A MAXIMUM OF 1 BURIAL PER DAY.**

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

(see annexed)

The Presenting Officer advised Committee of the background to the report and highlighted the salient points contained therein. In addition, the Presenting Officer drew the Committee's attention to the additional information / revised recommendation as set out within the tabled supplementary paper.

The Chair reminded Members that this site already had permission. The Committee was charged only with determining the requested variation now in front of it, taking into account the additional comparison data now provided.

The Committee welcomed the first speaker on this item, Mrs Meeke, who wished to speak in objection to this application.

Mrs Meeke stated that she was in attendance to implore the Committee to vote against this variation. Members who voted against this variation at the last meeting had done so on highways grounds. Winterley lane was a narrow lane and was only 4.1m wide at its narrowest section. At the end of the lane was a hazardous junction. At the other end was a weight restricted bridge that only one vehicle could pass at a time. With this application being approved, the numbers visiting the site will grow year on year, which would put additional traffic and pressure on this lane.

If visitors could not park on site, it would lead to on-street parking, as seen at Streetly Crematorium, which would have dangerous and detrimental impacts on local residents and people who drive / walk along the lane. Children / parents also use this lane to walk to / from school during off-peak times and this proposal would threaten their safety. In closing, Mrs Meeke referred to paragraph 108 of the National Planning Policy Framework which stipulated that developments should have sustainable transport mode and safe / suitable access to the site for all users which this development, she felt, fell short of.

The Committee then welcomed the second speaker on this item, Councillor Rattigan, who also wished to speak in objection to this application.

Councillor Rattigan reiterated many of the points presented by Mrs Meeke. In addition, she also highlighted that she was representing the local residents who vehemently opposed this development. Winterley Lane was unsuitable to utilise for accessing this site and all other cemeteries provided for comparison allowed access from either an 'A' or 'B' road. A Traffic Assessment from 2016 had estimated that over 1300 vehicles utilised this lane between specific hours. This number would have likely increased since and when this development was completed, it would increase even further. The Lane had narrow and blind bends which made it more likely that accidents would occur in the context of the additional traffic this development would add to the already well utilised lane.

The Committee then welcomed the third speaker on this item Mr Smith who wished to speak in support of this application.

Mr Smith stated that the single element for consideration at this meeting was in relation variation to increase in the number of burials. Comparative data from local and national cemeteries and natural burial sites had been provided for information and context. In addition, he added that the parking being provided at this site was more than those provided within the comparative data sites and that additional passing bays would be provided within Winterley Lane.

Committee Members were then invited to ask questions of the speakers

Members queried the following matters: -

- How the conclusion had been reached that the original number of burials was not viable when this site had not opened / become operational. Mr Smith advised that his client had since undertaken additional surveys and found an increased need / viability within this area which significantly varied from the original data.
- How the initial need had been identified. Mr Smith advised that the initial drive time analysis had been based on 30 minutes, but the most recent analysis showed that up to an hour drive was more realistic which meant a greater demand than first expected.
- If the applicant was aware of the Grounds Report in October 2019 which referred to the potential pollutants from this type of a burial site. Mr Smith advised that he had not read the report specifically, but taking into account the levels of pollutants from regular cemeteries, natural burial sites produced far lower pollutants in view of the fact that embalming fluids were not used and only natural wood was allowed for coffins.
- Whether the approach to this site would be manageable given the number of vehicles which could be attracted and the narrowness of the lane. Mr Smith explained that many cemeteries had access from 'A' or 'B' roads and that this may pose a greater risk as many cars may be slowing to enter sites on roads that have much higher speed limits.

With this site, however, the approach speeds would be significantly slower.

- What was the length of time before the land could be reused once it was full. Mr Smith advised that, under the burial act, you cannot reuse a grave. When the burial site became full, it essential would be returned back to nature. Most similar sites tended to end up with wildlife trusts / or nature reserves to manage the land.

There then followed a period of questioning by Members to Officers in relation to: -

- If Winterley lane was an adopted highway. The Highways Officer advised that it was an adopted highway for two-way traffic.
- From a Highways perspective, if this condition variation were to be approved, would it be safe. The Highways Officer advised that it would be. With the conditions placed upon this condition variate, it meant that operations would be restricted to no more than one burial per day and only during off-peak hours and this was far better than the present approval in place which did not have such restrictions.
- What conditions were placed on the original application for making Winterely lane approach more viable. The Highways Officer advised that more passing bays would be introduced and that the signage in the vicinity would be upgraded and increased.
- What areas within the site would be utilised for the burials. The Group Manager - Planning pointed-out on the map of the site which areas would / would not be used on the plan e.g. at least a 10m buffer from the canal.
- If there were any Land Ditches on the site. The Group Manager – Planning advised that he was not aware of any.
- If this site was visible from the road / neighbouring houses. The Group Manager – Planning advised that there would be landscaping as part of the application. However, parts of the site may be visible at certain times of the year when the foliage was less prominent. However, the graves would be unmarked so it would effectively appear as a greenfield site.

Following the conclusion of questions to Officers, Members considered the application.

The Chair **moved** and it was duly **seconded** by Councillor Craddock: -

That planning application no. **18/1693** be granted, subject to conditions.

The Motion, having been put to the vote was declared carried with 5 Members voting in favour and 3 against:-

Resolved

That planning application no. **18/1693** be granted, subject to conditions.

PLANS LIST ITEM NO. 5 – 19/0245 - FORMER METAFIN SITE, GREEN LANE, WALSALL - ERECTION OF 72, 1 AND 2 BED FLATS IN 4 X 3 STOREY BLOCKS, CAR AND CYCLE PARKING, LANDSCAPING, ACCESS AND ASSOCIATED WORKS.

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

(see annexed)

The Presenting Officer advised Committee of the background to the report and highlighted the salient points contained therein. In addition, the Presenting Officer drew the Committee's attention to the additional information as set out within the tabled supplementary paper.

The Committee welcomed the only speaker on this item Mr Corbett who wished to speak in support of this application.

Mr Corbett stated that he had been working on this application with Officers for over 12 months now. This application would create jobs and employment in the area. There had not been any objections from the statutory consultees. It was believed that the application now before Committee was viable and could be delivered promptly. He added that he was happy with the conditions as suggested by Officers and would ask for a simple S106 on commencement of the works.

Committee Members were then invited to ask questions of the speakers

Members queried the following: -

- How the 72 parking spaces, which fell below the requirement for such a development, would be allocated. Mr Corbett replied that it would be one parking space per apartment.
- If there would be any off-road parking in addition to the 72 allocated spaces. Mr Corbett stated that there would be a management plan in place. He did not believe there was any on street parking.
- If the applicant was confident that the canal walls could be made safe. Mr Corbett advised that he could categorically state that the walls could be made safe as engineers had investigated and made a report on the matter.
- What proportion of the affordable housing element would be reserved for social or 'to-let' housing. Mr Corbett advised that Accord Housing would be managing this side of the matter, but there would be a mixture.
- How the S106 contribution reduction to £16K had been arrived at. Mr Corbett advised that it had been based on an enhanced estimate. The site had many stability and chemical issues which would need resolving. A higher contribution may affect whether the development could be pursued, or not.

There then followed a period of questioning by Members to Officers in relation to: -

- If Highways were confident that the additional traffic could be handled on the existing road network taking into account the busy junctions nearby. The Highways Officer acknowledged that the parking provision was below the 1.5 space per property as required by the UDP, but felt that it could be accommodated in light of the fact that the development was within the Town Centre and had good accessible public transport links. In view of this, it had been deemed to be acceptable.
- How the figure for the S106 contribution on Page 122 had been arrived at. The Planning Officer advised that the figures set out were from the SDP and the applicant and had been calculated on the discount per-dwelling on affordable houses.

Following the conclusion of questions to Officers, Members considered the application. In particular, the Chair stated that he would like Officers to revisit the viability matter as soon as the first block had been completed and sold.

The Chair **moved** and it was duly **seconded** by Councillor Perry:-

That planning application no. **19/0245** be delegated to the Head of Planning, Engineering and Transportation to grant permission, subject to conditions and a Section 106 agreement to secure contributions towards the provision of affordable housing and urban open spaces, and that the viability matter be revisited as soon as the first block has been completed and sold.

The Motion, having been put to the vote was declared carried with Members voting unanimously in favour:-

Resolved

That planning application no. **19/0245** be delegated to the Head of Planning, Engineering and Transportation to grant permission, subject to conditions and a Section 106 agreement to secure contributions towards the provision of affordable housing and urban open spaces, and that the viability matter be revisited as soon as the first block has been completed and sold.

Councillor Harris left the room and returned during the consideration of this application and, therefore, took no part in the discussion and did not vote.

2314/19 **PLANS LIST ITEM NO. 7 – 19/0295 - LAND ADJACENT 48, WOLVERHAMPTON ROAD, WALSALL – PROPOSED RESIDENTIAL DEVELOPMENT – 71 APARTMENTS.**

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

(see annexed)

The Presenting Officer advised Committee of the background to the report and highlighted the salient points contained therein. In addition, the Presenting Officer drew the Committee's attention to the additional information / revised recommendation as set out within the tabled supplementary paper.

The Committee welcomed the first speaker on this item Mr Corbett who wished to speak in support of this application.

Mr Corbett stated that the site in question was previously utilised for industrial use. It was hoped that the development, if granted permission, would commence in early 2020. The application had been considered by both consultants and Officers and the plans had been amended to take account of their views. The only objection was from a local school and the objections were not related to material planning matters. There had been no objections from the statutory consultees. He added that the applicant would prefer to make the S106 contribution on commencement. The requested contribution of 25%, however, may jeopardise the viability of the development.

The Committee then welcomed the second speaker on this item Mr Fincher who also wished to speak in support of this application. Mr Fincher stated that he welcomed the recommendations of Officers and would be happy to take any questions.

Committee Members were then invited to ask questions of the speakers

Members queried the following: -

- Why the parking provision as detailed within the application fell well below the requirement of the UDP and if there was any scope to provide additional parking. Mr Corbett replied that the scheme had been designed in consultation with Officers. As the site was located close to the Town Centre, it was felt that the number provided would be adequate in light of the public transport links.
- How the site would be accessed. Mr Corbett pointed out the access on the slide and advised that the site would also be gated.
- How this development would impact upon the nearby, already busy junction of Hollyhedge Lane in terms of additional traffic. Mr Corbett advised that the applicant had not been asked to look at such matters.
- If the intention of the application was to introduce a 'gated community'. Mr Corbett advised that that was not the intention. The security measures included within the application were there at the request of Officers and to address concerns around ASB.

There then followed a period of questioning by Members to Officers in relation to: -

- The adequacy of on-site parking and the impact on the junction at Hollyhedge Lane. The Highways Officer advised that the site was originally utilised for commercial use which had generated a substantial amount of traffic. When this application had been submitted, this aspect had been assessed and it was felt to be

acceptable. In relation to the parking provision, the UDP stated that there should be 1.5 spaces per dwelling. However, due to the close proximity of the site to the Town Centre, it was deemed acceptable in light of the public transport links.

Following the conclusion of questions to Officers, Members considered the application.

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

That planning application no. **19/0295** be delegated to the Head of Planning, Engineering and Transportation to grant planning permission, subject to the Section 106 triggers for the receipt of monies being set at 25% for the open space on commencement and the remaining amount once 50% of the development being completed and, at the same time, to review the viability of the development. In addition that a landscape management plan be secured for the 'in-perpetuity maintenance' of the hard and soft landscaping within the development site.

The Motion, having been put to the vote was declared carried with Members voting unanimously in favour:-

Resolved

That planning application no. **19/0295** be delegated to the Head of Planning, Engineering and Transportation to grant planning permission, subject to the Section 106 triggers for the receipt of monies being set at 25% for the open space on commencement and the remaining amount once 50% of the development being completed and, at the same time, to review the viability of the development. In addition that a landscape management plan be secured for the 'in-perpetuity maintenance' of the hard and soft landscaping within the development site.

2315/19

PLANS LIST ITEM NO. 2 – 18/1554 - LAND AT FORMER DEELEYS TRADING ESTATE, LEAMORE LANE, WALSALL, WS2 7BP - USE OF THE SITE FOR VEHICLE STORAGE ASSOCIATED WITH THE EXISTING VEHICLE AUCTION BUSINESS, CUSTOMER CAR PARKING, DRAINAGE INFRASTRUCTURE, RESURFACING WORKS, VEHICULAR ACCESS, SECURITY FENCING, SECURITY LIGHTING, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE.

Resolved

That planning application no. **18/1554** be delegated to the Head of Planning, Engineering and Transportation to grant permission subject to conditions and a Section 106 agreement to secure a commuted sum towards provision and maintenance of a signalised junction at Leamore Lane / Water Reed Grove and subject to: -

1. no new material considerations being received within the consultation period;
2. the amendment and finalising of conditions;
3. no further comments from a statutory consultee raising material planning considerations not previously addressed.

2316/19 **PLANS LIST ITEM NO. 3 – 19/0315 – EUROPEAN INDUSTRIAL GROUP, UNIT 31, INDUSTRIAL HOUSE, MAYBROOK ROAD, WALSALL WOOD, WALSALL, WS8 7DG - PROPOSED NEW STORAGE BUILDING ADJACENT EXISTING MANUFACTURING FACILITY, NEW ACCESS ONTO MAYBROOK ROAD AND CAR PARK EXTENSION.**

Resolved

That planning application no. **19/0315** be delegated to the Head of Planning, Engineering and Transportation to grant permission subject to conditions and subject to: -

1. undertaking a 14 day re-consultation on the amended block plan submitted, no new material considerations being received within the consultation period; and
2. the amendment and finalising of conditions;
3. no further comments from a statutory consultee raising material planning considerations not previously addressed;
4. submission of a new ownership certificate.

2317/19 **PLANS LIST ITEM NO. 4 – 19/0139 - JEROME RETAIL PARK, MIDLAND ROAD, WALSALL, WS1 3QB - ERECTION OF A CLASS A1 RETAIL UNIT.**

Resolved

That planning application no. **19/0139** be refused for the reasons as detailed within the report.

Councillors Craddock and Waters left the room and returned during the consideration of this application and, therefore, took no part in the discussion and did not vote.

2318/19 **PLANS LIST ITEM NO. 6 – 19/0768 - THE ARMSTRONG BUILDING, C/O THE GREEN & BOOTH STREET, DARLASTON, WS10 8JP - DEMOLITION OF EXISTING BUILDING AND ERECTION OF 24 NEW AFFORDABLE RESIDENTIAL UNITS, ACCESS, LANDSCAPING AND ASSOCIATED WORKS.**

Resolved that planning application no. **19/0768** be delegated to the Head of Planning, Engineering and Transportation to grant permission subject to amended conditions and: -

1. the confirmation of a Section 106 legal agreement to provide 25% affordable housing (6 houses, being a mix of 2 and 3 bed as 4 social rent and 2 shared ownership) to be retained in perpetuity;
2. the provision of an urban open space Section 106 contribution of £31,185 for Owen Park;
3. a landscape management plan for the in perpetuity maintenance of the hard and soft landscaping within the development site.”

2319/19 **PLANS LIST ITEM NO. 8 – 17/1240 - FORMER BRITISH LION WORKS, FOREST LANE, WALSALL, WS2 7AX - DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF 16 DWELLINGS (2X2 BED AND 14X3 BED) WITH ASSOCIATED ACCESS ROAD AND PARKING.**

Resolved

That planning application no. **17/1240** be delegated to the Head of Planning, Engineering and Transportation to grant permission subject to conditions and subject to: -

1. the amendment and finalising of conditions;
2. no further comments from a statutory consultee raising material planning considerations not previously addressed.

2320/19 **PLANS LIST ITEM NO. 9 – 19/1199 - 33 WARREN PLACE, BROWNHILLS, WS8 6BY - PROPOSED THREE BEDROOM TWO STOREY DWELLING AND GARAGE.**

Resolved

That planning application no. **19/1199** be refused for the reasons as detailed within the report and supplementary paper.

Termination of meeting

There being no further business, the meeting terminated at 8.01 pm

Signed

Date