

PLANNING COMMITTEE

Thursday 28 May 2020 at 5.30pm

Virtual Meeting via Microsoft Teams

Held in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulation 2020; and conducted according to the Council's Standing Orders for Remote Meetings and those set out in the Council's Constitution.

Present:

Councillor Bird (Chair)
Councillor Perry (Vice Chair)
Councillor P. Bott
Councillor Chattha
Councillor Craddock
Councillor Harrison
Councillor Hicken (arrived at 5.55pm)
Councillor Jukes
Councillor Murray
Councillor Nawaz
Councillor Nazir
Councillor Rasab
Councillor Robertson
Councillor Samra
Councillor Sarohi
Councillor Statham
Councillor Underhill
Councillor Waters

Officers:

Chris Berry – Interim Head of Planning and Building Control
Alison Ives – Group Manager, Planning
Alison Sargent – Principal Solicitor, Planning
Kevin Gannon – Team Leader, Development Control, Public RoW
John Grant – Team Leader, Pollution Control
Randip Ark – Senior Pollution Control Officer
Neil Picken – Senior Democratic Services Officer
Bev Mycock – Democratic Services Officer

Welcome

At this point in the meeting, the Chair opened the meeting by welcoming everyone and explaining the rules of procedure and legal context in which the meeting was being held. He also directed members of the public viewing the meeting to the papers, which could be found on the Council's Committee Management Information system (CMIS) webpage.

Members and officers in attendance confirmed they could both see and hear the proceedings.

46/20 Apologies

An apology had been submitted on behalf of Councillor Harris.

47/20 Minutes

The Chairman moved and it was duly seconded by Councillor Craddock that the minutes of the meeting held on 5th March, 2020 be approved as a true record.

The Chairman put the recommendation to the vote by way of a roll call of Committee Members.

Resolved (unanimous)

That the minutes of the meeting held on 5th March, 2020, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

48/20 Declarations of Interest.

Councillor Bird declared a non-pecuniary interest in relation to Plans List Item No. 3 (18/1702).

49/20 Change in the order of business

The Chair advised that Plans List item 3 would be taken as the last item as he had declared an interest. The vice-chair would chair the meeting during that item.

50/20 Deputations and Petitions

There were no deputations introduced or petitions submitted

At this juncture of the meeting, Councillor Bott requested an update on 26 Bradley Lane. The Planning Group Manager advised she would provide the latest position to Councillor Bott.

51/20 Local Government (Access to Information) Act, 1985 (as amended)

There were no items to be considered in private session.

52/20 **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 on the procedure whereby each speaker would have two minutes to speak.

53/20 **PLANS LIST ITEM NO. 1 – 19/1172 – LAND OFF FRYERS ROAD, BLOXWICH, WALSALL - RESOURCE RECOVERY AND RENEWABLE ENERGY PRODUCTION FACILITY WITH A MAXIMUM GENERATING CAPACITY OF LESS THE 50 MWE TOGETHER WITH ASSOCIATED ACCESS, INFRASTRUCTURE AND LANDSCAPING. (APPLICATION ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT).**

The report of the Interim Head of Planning and Building Control was submitted

(see annexed)

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

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

Mr. Riley stated that he was present in his capacity as Director of BH Energy Gap Walsall. He reported that the development had taken time due to the complexity of waste energy recovery plants and that the application had been recommended for approval subject to conditions. The scheme represented some £230 million of investment with a further £6 million to be spent every year thereafter operating and maintaining it. The facility would deliver a sustainable waste management solution, low carbon energy and an inward investment to Walsall. The scheme would create 450 jobs during its construction and provide 50 new permanent, high quality skilled jobs and apprenticeships, plus a demand for accommodation, leisure and retail. The development had strong, institutional, financial backing and the applicant was confident the facility would be built should permission be granted. The application was comprehensive, there had been no objections from any technical consultees and it had been scrutinised by officers over the last nine months.

The Committee then welcomed the second speaker on this application, Mr. Roberts, who also wished to speak in support of this application.

Mr. Roberts advised that he had nothing further to add but would answer any questions Committee may have.

Councillor Hicken arrived at 5.55pm partway through the consideration of this application and therefore did not take part nor vote in the determination of this item.

Committee Members were then invited to ask questions of the speakers.

Members queried the following:-

- What would be the lifespan of the unit and what would happen to the unit when its lifespan had ended. Mr. Riley advised that the unit had been designed for a lifespan of twenty-five years but, from his experience, these particular facilities typically lasted at least thirty-five years. At the end of the facility's lifespan it would be demolished, the site would be reduced down to ground level and the land could then be reused for another purpose.
- At what level would the facility be operating full time as the report alluded to restricted HGV hours albeit the plant would continue to operate 24 hours a day, 365 days per year. If this was correct, would it be operating on Christmas day. Mr. Riley advised that the plant would be able to continue to operate without deliveries everyday as it had a storage capacity within a bunker to allow its continued operation outside of HGV delivery hours for a number of days including Christmas day.
- Why would the site have to run Christmas day. Mr. Roberts advised that that particular type of power station would take a long period of time to warm up and cool down and therefore once they were fired up, they would be run continually. They were shut down typically only twice a year for short maintenance periods but because it was classed as low carbon and partially renewable energy, when it was capable of continuing to generate, it put its power into the grid as opposed to keeping fossil fuelled facilities continually running and therefore more environmentally friendly.
- How have the number of vehicle movements within the proposed facility remained the same as the 2015 proposal if it was to transport 50% additional materials, how has it achieved a 50% efficiency gain. Mr Roberts advised that the proposed facility would only accept residual waste and therefore there would be no export of recyclables and process waste rejects. The vehicles used would be larger 20 to 24 tonne payloads compared to the 2015 proposal of 6 to 9 tonne payloads.

It was asked whether any of Walsall's recycling waste, currently sent to a recycling facility in Leicester, would be returned to the proposed facility to be burnt should it be deemed non-recyclable. The Chair advised that the proposed facility was a private operation with its own contracts and he was not aware of any agreement the current applicant may have with Walsall Council.

A point of order was raised by a Member of the Committee with regard to the supplementary paper not being available within the Teams file or on CMIS. The Chair acknowledged the point of order and advised that the supplementary paper had been included on the Teams file and was available on CMIS.

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

- Whether the technical questions, raised by Councillor Jeavons with regard to chemicals and other aspects of the installation been addressed. The Presenting Officer advised that all the queries raised by Councillor Jeavons had been satisfactorily addressed at pages 8 and 9 of the report.

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

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

That planning application no. **19/1172** be delegated to the Interim Head of Planning and Building Control to grant planning permission subject to amendment and finalising of planning conditions, as contained within the report and supplementary paper.

The Motion was put to the vote by way of a roll call of Committee Members and was subsequently declared carried with Members voting unanimously in favour:-

Resolved (unanimously)

That planning application no. **19/1172** be delegated to the Interim Head of Planning and Building Control to grant planning permission subject to amendment and finalising of planning conditions, as contained within the report and supplementary paper.

54/20 **PLANS LIST ITEM NO. 2 – 19/1132 – SPORTING KHALSA, ASPRAY 24 ARENA, NOOSE LANE, WILLENHALL, WV13 3BB - RETROSPECTIVE CHANGE OF USE FROM FOOTBALL CLUB TO A MIXED SUI GENERIS USE; COMPRISING A FOOTBALL CLUB, MARTIAL ARTS CLUB, LOUNGE AND BAR FACILITIES, BUILDING FOR THE STORAGE OF MAINTENANCE EQUIPMENT, RETENTION OF:- 1 SINGLE STOREY MODULE BUILDING (MARTIAL ARTS CLUB) – 2 STOREY MODULAR BUILDING (HOSPITALITY USE IN CONJUNCTION WITH FOOTBALL CLUB) – A SINGLE STOREY FITNESS AND CHANGING ROOMS, EAST STAND – GAZEBO (MARQUEE) AND PERGOLA SEATING AREAS ASSOCIATES WITH CLUB 442 – 4 SINGLE STOREY MODULAR BUILDINGS (USE UNKNOWN) – 2 STOREY BOUNDARY BUILDING (STORAGE OF MAINTENANCE EQUIPMENT) – 1 FULL SIZE 3G FOOTBALL PITCH – 5 X 5 ASIDE 3G FOOTBALL PITCHES –**

BOUNDARY TREATMENTS – NEW RAISED SPECTATOR AREAS – REAR LANDSCAPED BUNDS – CAR PARK BEHIND EAST STAND.

The report of the Interim Head of Planning and Building Control was submitted

(see annexed)

Cllr Hicken left at this juncture of the meeting (6.18pm).

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

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

- How many electric points would be installed on the carpark. The Chair advised that consideration of electric vehicle points would be delegated to officers to secure within the conditions. The Team Leader, Pollution Control advised that specifications regarding electric vehicle charging points were set out in the Black Country Air Quality Supplementary Planning Document.
- Would there would be sufficient parking spaces. The Highways Officer advised that under the terms of the Unitary Development Plan (UDP), there were more than sufficient parking spaces to meet the needs of the facility. He added that the initial concerns of Highways had arisen during the enforcement stage of the site when the car park had consisted of loose stones. He confirmed the demarcation of parking spaces and parking would be secured by condition.
- What were the 4 unknown single storey modular buildings listed. The Presenting Officer advised that the buildings would be auxiliary to the uses of the site.

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

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

That planning application no. **19 /1132** be delegated to the Interim Head of Planning and Building Control to grant planning permission subject to amendment and finalising of planning conditions, as contained within the report and supplementary paper, including an additional condition to secure Electric Vehicle charging within the carpark.

The Motion was put to the vote by way of a roll call of Committee Members and was subsequently declared carried with Members voting unanimously in favour:-

Resolved (unanimously)

That planning application no. **19 /1132** be delegated to the Interim Head of Planning and Building Control to grant planning permission subject to amendment and finalising of planning conditions, as contained within the report and supplementary paper, including an additional condition to secure Electric Vehicle charging within the carpark.

55/20 PLANS LIST ITEM NO. 4 – 17/0589 – 5 RICHMOND STREET, WALSALL, WS1 2JX - FIRST FLOOR EXTENSION TO FACTORY.

The report of the Interim Head of Planning and Building Control was submitted

(see annexed)

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

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

- How long the company had been running. The Presenting Officer confirmed the factory had been established and operating as a workshop since around 1965 and that Officers were objecting to the extension only.

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

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

That planning application no. **17/0589** be delegated to the Interim Head of Planning and Building Control to advise the Planning Inspectorate that the Local Planning Authority would have refused planning permission, as set out in the report and supplementary paper.

The Motion was put to the vote by way of a roll call of Committee Members and was subsequently declared carried with Members voting unanimously in favour:-

Resolved (unanimously)

That planning application no. **17/0589** be delegated to the Interim Head of Planning and Building Control to advise the Planning Inspectorate that the Local Planning Authority would have refused planning permission, as set out in the report and supplementary paper.

56/20 **PLANS LIST ITEM NO. 5 – 19/1086 – ERECTION OF A NEW TWO-STOREY DWELLING ATTACHED TO NO. 2 COALPOOL LANE PLUS SINGLE STOREY REAR EXTENSION TO 2 COALPOOL LANE**

The report of the Interim Head of Planning and Building Control was submitted

(see annexed)

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

Councillor Bird referred to the block plan and the Council owned land alongside the property. The Presenting Officer clarified that the land was owned by the Council and did not form part of the highway.

At the request of the Chair, the Planning Solicitor displayed a diagram that illustrated the Green Space and the extent of the highway.

There were no questions to Officers.

Members considered the application, which included concerns in relation to the possibility of a public sewer beneath the proposed development and that a Section 106 Agreement to secure replacement trees would be welcomed.

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

That planning application no. **19/1086** be delegated to the Interim Head of Planning and Building Control to advise the Planning Inspectorate that the Local Planning Authority would have refused permission on the basis that the applicant had failed to provide a S106 Agreement to secure replacement tree planting and ongoing maintenance of the same, as set out in the report and supplementary paper

The Motion was put to the vote by way of a roll call of Committee Members and was subsequently declared carried with Members voting unanimously in favour:-

Resolved (unanimously)

That planning application no. **19/1086** be delegated to the Interim Head of Planning and Building Control to advise the Planning Inspectorate that the Local Planning Authority would have refused permission on the basis that the applicant had failed to provide a S106 Agreement to secure replacement tree planting and ongoing maintenance of the same, as set out in the report and supplementary paper

Councillor Bird left the meeting at the conclusion of this item and did not return.

Councillor Perry in the Chair.

57/20 **PLANS LIST ITEM NO. 18/1702. 3 – FORMER JACK ALLEN HOLDINGS LTD, MIDDLEMORE LANE, ALDRIDGE, WALSALL, WS9 8DL – OUTLINE PERMISSION FOR 2 DETACHED COMMERCIAL UNITS (B1(A) & B2) WITH ASSOCIATED EXTERNAL WORKS, APPROVAL SOUGHT FOR ACCESS ONLY.**

The report of the Interim Head of Planning and Building Control was submitted

(see annexed)

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

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

- What changes had been made to the latest application. The Presenting Officer advised that Committee were only considering the means of access to the site at this stage. The size and scale of the previous application had not provided the necessary means of access space.

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

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

That planning application no. **18/1702** be granted, subject to conditions as set out in the report.

The Motion was put to the vote by way of a roll call of Committee Members and was subsequently declared carried with Members voting unanimously in favour.

Resolved (unanimously)

That planning application no. **18/1702** be granted, subject to conditions as set out in the report.

Termination of meeting

There being no further business, the meeting terminated at 7.00pm.

Chair.....

Date.....