

PLANNING COMMITTEE

Thursday 21 March, 2019 at 5.30 pm

In the Council Chamber at the Council House, Walsall

Present:

Councillor Bird (Chair)
Councillor M. Nazir (Vice Chair)
Councillor Allen
Councillor P. Bott
Councillor Butler
Councillor Cooper
Councillor Craddock
Councillor Creaney
Councillor S. Fitzpatrick
Councillor Harris
Councillor Jones
Councillor Nawaz
Councillor Rattigan
Councillor Rochelle
Councillor Samra
Councillor Singh Sohal
Councillor Underhill
Councillor Ward

2170/19 Apologies

Apologies had been received from Councillor Perry.

2171/19 Minutes

Resolved

That the minutes of the meeting held on 21 February, 2019, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

At this juncture of the meeting, the Chair referred back to the minutes of 3 January, 2019 where it had been recorded that Councillor Samra had declared an interest in Plans List Item 6 on the agenda. This had not been the case as Councillor Samra's declaration of interest had related to Agenda Item 6 entitled 'Development Control Performance Report'. The Chair requested the minutes to formally record that the Member did not have an interest to declare on Plans List item 6, application number 18/1348 at 19 Cameron Road, Walsall, WS4 2ES, at that time, to ensure openness and transparency.

2172/19 Declarations of Interest

There were no declarations of interest.

2173/19 Deputations and Petitions

There were no deputations introduced or petitions submitted

2174/19 Local Government (Access to information) Act, 1985 (as amended)

There were no items for consideration in private session.

The Chair advised Committee that he would not be participating in Plans List item 5 entitled 'Three Crowns PH, Sutton Road, Walsall, WS5 3AX', following a number of comments raised, and he would leave the Chamber at that juncture of the meeting. The Vice Chair would Chair at that time.

2175/19 Development Management Performance Update

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

(see annexed)

The Planning Group Manager advised the Committee of the background to the report and highlighted the salient points therein.

Following deliberations, Members sought additional information on some of the outstanding enforcement cases, which included:-

- Case number E13/0103 - Ravenscourt Shopping Precinct – concerns raised following a recent incident whereby a section of fascia had fallen from the building narrowly missing a pedestrian. In response to an enquiry as to when the Section 215 Notice would be served, the Chair advised that the Section 215 Notice was currently in the hands of the Council following approval in December 2018 to support the application pending an updated ecology report;
- Case number E11/0274 – 12-14 Lower Lichfield Street, Willenhall – a new Section 215 Notice to be submitted subject to consultation with the three ward Members;
- Case number E13/0063 – Land adjacent to 26 Bradley Lane – still awaiting a planning application. The Chair stated that if a planning application had not been submitted before the next Committee meeting then enforcement action must commence with immediate effect.

Resolved

That the report be noted

2176/19 **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.

2177/19 **Plans list item no. 5 – application number 18/0550 – demolition of the existing ‘The Three Crowns Public House’ and erection of 7 no. detached dwellings (site affects the setting of Public Rights of Way WAL98) including the formation of a vehicle access to the adjacent field at The Three Crowns Inn, Sutton Road, Walsall, WS5 3AX**

The Chairman, having previously advised Committee that he would take no part in this application, left the Chamber. In view of this, the Vice Chairman acted as Chairman for the duration of the item.

The Presenting Officer reminded Committee Members that the application had been withdrawn from the agenda of the 31 January, 2019, to give the applicant the opportunity to consider the recommended reasons for refusal in an attempt to address them. He further advised Committee of the background to the report and supplementary paper now submitted. In doing so, he highlighted the salient points contained therein and that the applicant had not addressed the reasons for refusal.

(see annexed)

Councillor Fitzpatrick arrived during deliberation of this item and therefore did not take part nor vote on this application.

The Committee then welcomed the first speaker on this application, Mr. Lapworth, who wished to speak in objection to officers’ recommendation.

Mr. Lapworth reminded Members the site had a previous approval for conversion of the Three Crowns public house into a single dwelling plus the construction of 3 detached houses, which would have had a larger ground area and volume but that permission had proven to be unviable and therefore the applicant was aiming to provide a long-term future to the site with the current application for consideration.

The Committee then welcomed the second speaker on this application, Councillor Andrew, who also wished to speak in objection to the officer’s recommendation.

Councillor Andrew informed Members that the site had been a long-standing problem and had now become a dilapidated eyesore situated on what was a busy gateway into Walsall. He reported that the building had been derelict for 15 years and that local residents desperately wanted something to be done with the site, preferably for it to be developed into individual properties that would be in-keeping with the current street scene.

The Committee then welcomed the third speaker on this application, Mr. Watkins, who wished to speak in support of the officers' recommendation.

Mr. Watkins stated the Three Crowns Public House was an outstanding example of a grade 2 house, and that it was considered as a splendid, iconic landmark situated on a long stretch of green belt land. He stated that the approval of the application would lead to the destruction of one of the finest buildings within the borough.

There then followed a period of questioning by Members to the speakers and officers which included what specific circumstances would outweigh the harm to the Green Belt; whether the building could be a heritage site; why the application for consideration differed from a previously approved application on designated Green Belt land, and what officers considered constituted a dilapidated building.

In response, Mr Lapworth advised that the designated SINC was currently not protected but that a Section 106 Agreement could ensure its restoration through maintaining or grazing; the proposal for individual properties would provide views through the site to the Green Belt beyond, which were currently not visible; the proposal would provide more green areas than what was currently on the site and that more planting would be provided including perimeter hedging.

Mr Lapworth also confirmed the building was not locally listed nor was it a designated heritage site and he added that the building had been sold with a covenant preventing alcohol being sold on the premises and therefore it could no longer be used as a licensed premises.

The Presenting Officer confirmed that whilst the building had deteriorated during the applicant's ownership, it was not to the extent that it could not be reused and he advised that officers had not been able to gain access to the property to carry out an internal inspection and therefore the onus would be on the applicant to commission a survey to demonstrate that the building could not be reused rather than redevelopment. He added that Committee could enforce the owner to restore the building and have it locally listed as it is considered to currently be a none designated asset, which has weight in national policy.

In response to the difference between the application under consideration and a similar approved development on the site in Green Belt, land the Presenting Officer confirmed that the current proposal was larger than the previously approved development within the Green Belt. He further added that should Members be minded to approve the application against national policy, they would need to provide a list of planning conditions, some are which were suggested in the report and also provide very special circumstances. It would then need to be referred to the Secretary of State to consider call-in of the application to make the final decision.

Members considered the application and Councillor Bott **moved** and it was duly **seconded** by Councillor Ward:-

That planning application number 18/0550 be delegated to the Head of Planning, Engineering and Transportation to refuse planning permission provided no new material planning considerations are raised pending conclusion of current consultation period and ownership notice period as contained within the report and supplementary paper now submitted.

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

Members considered the application further, which included how the site was an eyesore; that the need for housing was greater than the housing supply and that housing would be the best solution for the use of the derelict site by contributing to the housing supply; that the previous approval had incorporated the building as well as new homes; each application to be considered on its own merits.

The Planning Group Manager reported that Walsall currently had a five-year land supply and as a consequence did not have to release Green Belt land by virtue of the borough having adequate brown field sites and therefore the requirement for housing could not be considered as a very special circumstance to outweigh the harm to the Green Belt. He further reiterated that the development would result in the loss of a non-designated heritage asset and that the previously approved application had included the redevelopment of the building plus four dwellings

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

That planning application number 18/0550 be granted, subject to conditions, the signing of a Section 111 and Section 106 for a SINC management and landscape management, against officer's recommendation for the following reasons:-

- That the site had been previously developed;
- That planning permission for the development of homes on the site had previously been approved;
- The development was not within the Green Belt nor within the SINC;
- That the development would provide necessary homes

Before Committee voted upon the Motion, the Planning Group Manager reiterated the Presenting Officer's presentation that the proposed application site was within the Green Belt, that it would result in the loss of a heritage building and that the benefits of a new development must outweigh the current position.

The Council's Solicitor further clarified the reasons that had been provided for granting the application against officer recommendation.

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

Resolved

That planning application number 18/0550 be granted, subject to conditions, the signing of a Section 111 and Section 106 for a SINC management and landscape management, against officer's recommendation for the following reasons:-

- That the site had been previously developed;
- That planning permission for the development of homes on the site had previously been approved;
- The development was not within the Green Belt nor within the SINC;
- That the development would provide necessary homes

In response to a query pertaining to financial implications to the Council, the Presenting Officer advised there could be costings to the Council should a third party challenge the decision or the Secretary of State call the application in.

Councillors Bott, Ward and Underhill all requested their names be recorded as having voted against the recommendation.

Councillor Bird returned to the Chair.

2178/19 **Plans list item 1 – application number 18/1663 – demolition of the Challenge Building and replacement with a new three storey medical centre. The centre will include 54 consulting rooms, ancillary support spaces, cage, opticians, pharmacy (use Class A1), roof terrace and car park for 112 vehicles at Challenge Building, Hatherton Road, Walsall, WS1 1YB**

The Presenting Officer reminded Committee Members that the application had been deferred at the Planning Committee meeting of 3 January, 2019, for the applicant to consider options on how the proposed development would be serviced in terms of waste collections and refuse, and car parking provision. He further advised Committee of the background to the report and supplementary paper now submitted and in doing so, highlighted the salient points contained therein.

(see annexed)

The Chair enquired whether the Environmental Agency objection had been resolved. The Presenting Officer confirmed clarity was required regarding the culvert at the side and the rates of run off but that officers felt this would be resolved within the next week.

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

The Committee then welcomed the first speaker on this application, Councillor Sohal Singh, who wished to speak in objection to Officers' recommendations.

Councillor Sohal Singh expressed concern regarding the location of the medical centre with regards in particular to the aging population having to travel into the town centre as opposed to having a medical centre within a community setting. He added the centre would lose footfall due to the location, the area would encounter an increase in traffic; that the car park would not be large enough and that the community felt ignored regardless of having submitted petitions.

The Committee then welcomed the second speaker on this application, Councillor Martin, who also wished to speak in objection to Officers' recommendations.

Councillor Martin advised there had been a health centre in situ within the Saddlers Centre for over 30 years and that the proposed new site was devoid of the local community and patients would need to travel further. She added the residents of Park Hall would be deprived of local medical care and she asked Committee to turn down the application and reconsider the Broadway North Centre as an alternative site.

The Committee then welcomed the third speaker on this application, Mr. Brake, who wished to speak in support of officers recommendations.

Mr. Brake informed Committee he was from NHS Walsall CCG and he advised Members that the centre would deliver good services in one location, it would be modern and fit for purpose and cover all patient strategies. He added that the centre would provide for future uses such as a potential for a 24 hour hub, would have the potential to provide teaching and research and that the CCG was supportive of the proposal.

The Committee then welcomed the fourth speaker on this application, Mr. Icke, who also wished to speak in support of Officers' recommendations.

Mr. Icke informed Committee that he was the Project Architect and Agent for the proposals and stated the centre would be an up to date, state of the art premises, compliant with all standards and which would complement all combined services plus additional services such as an opticians and a café. He added the development would satisfy parking requirements albeit easy accessible and it offered regeneration in Walsall.

There then followed a period of questioning by Members to the Speakers, which included whether a medical centre was a good use for the site, if G.P.'s had considered the Broadway North Centre as a potential site and whether other sites had been considered, had consultation been carried out.

In response, Mr. Brake confirmed that the Broadway North site had been considered but GP's did not wish to practice there and he added although Walsall CCG supported GP's, the decisions were ultimately up to the GP's providing any proposals satisfied CCG policies, regulations and consultation process, to which he added that 60.6% of consultees had been in support of the proposal and only 20% against. Councillor Martin confirmed she was not against the building but felt the location was wrong for Walsall South residents.

There then followed a period of questioning by Members to the officers with regards to the sustainability of the location for patients and workers, transport plans and parking, and the demolition of a building of historic interest.

In response, the Presenting Officer confirmed a transport assessment had confirmed the location is sustainable and that a Travel Plan had been proposed to encourage the use of public transport, the parking within the current site will be located elsewhere and Highways consider the car park will provide adequate parking for the medical centre. He further added that a survey had acknowledged some historic merit to the building but as the internal layout had changed considerably, with buildings added to the rear, a Section 106 planning obligation would be sought to ensure the development will proceed after the loss of a heritage building has occurred.

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

That planning application number 18/1663 be delegated to the Head of Planning, Engineering and Transportation to grant planning permission subject to amended conditions and subject to:-

- (i) resolving the Environment Agency objection (including by way of safeguarding conditions or addition to the legal agreements, as required);
- (ii) the completion of a Section 111 legal agreement and a Section 106 planning obligation to:-
 - a) confirm certainty of funding to address the requirement that local planning authorities should not permit the loss of the whole or part of the a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred;
 - b) confirm that the planning permission is satisfactory to the developer;
 - c) secure demolition and ground investigations, to submit and agree a full remediation strategy and to carry out the agreed remediation and construct a development platform;
 - d) to secure a full travel plan to cover 5 years from first occupation with an annual review
 - e) to treat and remove Japanese knotwood.

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

Resolved

That planning application number 18/1663 be delegated to the Head of Planning, Engineering and Transportation to grant planning permission subject to amended conditions and subject to:-

- (i) resolving the Environment Agency objection (including by way of safeguarding conditions or addition to the legal agreements, as required);
- (ii) the completion of a Section 111 legal agreement and a Section 106 planning obligation to:-
 - a) confirm certainty of funding to address the requirement that local planning authorities should not permit the loss of the whole or part of the a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred;
 - b) confirm that the planning permission is satisfactory to the developer;
 - c) secure demolition and ground investigations, to submit and agree a full remediation strategy and to carry out the agreed remediation and construct a development platform;
 - d) to secure a full travel plan to cover 5 years from first occupation with an annual review
 - e) to treat and remove Japanese knotwood.

2179/19 **Plans list item 4 - application number 17/1308 – erection of single storey detached building to rear to be used as a chiropractic clinic at 11 Portland Road, Aldridge, Walsall, WS9 8NS**

The Presenting Officer advised Committee of the background to the report and supplementary paper now submitted. In doing so, he highlighted the salient points contained therein.

(see annexed)

The Committee then welcomed the first speaker on this application, Mr. Brooks, who wished to speak in objection to the application.

Mr. Brooks said the application would be out of the character and not in keeping with nearby houses; the 3m high detached building would be visible by the neighbouring homes; should the practice open between 8am to 8pm, this would create light disturbance from clients parking to the rear of the building during the darker evenings; the proposed building would be detrimental to the TPO in the neighbouring garden which was within 2m of the boundary, and he advised that no disabled parking had ever been implemented.

Councillor Allen left the Chamber at this juncture of the meeting.

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

Mr. Taylor informed Committee that all chiropractor practices had to be officially registered, which was the case with the practice in question. He advised that the proposed detached property at the rear would be used for initial consultations and would be built sympathetically and of a high standard in order to fit in with the surrounding properties and he confirmed that the upstairs within the main building included massage rooms. He further added that a sprinkler system would negate the fire services concerns,

Councillor Allen returned to the Chamber and therefore did not take part nor vote on this application.

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

Mr. Brearley advised that the proposed development would not create additional clients to the existing practice but would complement the existing establishment and could be conditioned to prevent future sub-letting; relevant agencies had raised no objections with regard to sound issues and hours of operation could be controlled by condition. He concluded that the building was not out of character within the street scene.

There then followed a period of questioning by Members to the speakers and officers, which included queries regarding the fire officer's objections; why the establishment was currently operating outside of its original planning consent, whether alternative sites had been considered which would satisfy a sequential test.

In response, Mr. Brearley advised that the Fire Officers had suggested a attainable strategy which would enable their objection to be removed and that he did not feel he had been acting outside the 2015 consent for the use of two rooms only as he carried out chiropractic therapy alone within the premises and therefore could only physically use one room at a time and that he had looked at alternative sites but that the nature of his business necessitated a quiet, therapeutic area. The Presenting Officer advised that a sequential test had been requested to demonstrate a local need to justify the expansion of its use within its current location as opposed to a site within a town centre.

The Planning Group Manager reminded Members of the protected cedar tree at the rear of a neighbouring property, which may be detrimentally impacted by the proposed new building.

Members considered the application further, which included mixed feelings around the commercialisation of the area and that current enforcement action should continue and Council Samra **moved** and it was duly **seconded** by Councillor Ward:-

That planning application number **17/1308** be refused in accordance with the planning officers reasons for refusal, as contained within the report and supplementary paper now submitted.

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

Resolved

That planning application number **17/1308** be refused in accordance with the planning officers reasons for refusal, as contained within the report and supplementary paper now submitted.

2180/19 Plans List Item 6 – application number 18/1348 – two storey side and rear extension, replacement roof raised by 0.23 metres including the addition of rear dormers plus two storey front gable addition, single storey rear extension and garden structure at 19 Cameron Road, Walsall, WS4 2ES

The Presenting Officer reminded Committee that the application had been deferred at the Planning Committee of 3 January, 2019. This was to allow officers to negotiate further with the applicant in relation to the ridge height, removal of the front gable and reduced height for the garden structure. Should the negotiations be successful, Officers were delegated authority to grant permission. However, as agreement could not be reached, the application had been submitted to Committee for determination. He further advised Committee of the background to the report and supplementary paper now submitted. In doing so, he highlighted the salient points contained therein.

(see annexed)

The Committee then welcomed the first speaker on this application, Mr. Beech, who wished to speak in objection to the application.

Mr. Beech informed Committee that he lived in the house adjoining the rear garden of the application site and that the proposed garden structure would be closer to his home than to the applicants. He said the residents within Rushwood Close welcomed the idea to tidy up the applicant's rear garden but the proposal would detrimentally result in the loss of sunlight to his garden and impact on his lounge/living room area. He queried why the highest point of the garden structure would be at the rear of the proposal and noted that the plans indicated a rear window, which would overlook his patio and impinge on his privacy.

The Committee then welcomed the second speaker on this application, Mr. Austin, who also wished to speak in objection to the application.

Mr. Austin informed Committee that he was speaking on behalf of the nearby residents and wished to advise that they had no problems with the family at the address but only with the actual proposal. He added that the application would be overbearing and detrimental in the street scene by virtue of it being too large, too wide, bulky and out of proportion within its setting and that it would alter the character of the neighbourhood by breaking up the symmetry within the street and that the roof apex would be more visible.

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

Mr. Razaq informed Committee the application had been refused on 3 points. The first being the ridge height which would be only 23 cms higher than officers recommendations but which was required to allow for more head height in the dormers. He advised that the rear garden structure had been reduced in height and moved away from the boundary line. With regards to the front gable, he stated there were three similar examples within the area and therefore the appearance would be in keeping with similar designs. He further added that he had received no contact from planning officers.

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

Mr. Clifton informed Committee he was the agent for the applicant and reiterated that the ridge height had been reduced and was only 23 cms higher than what was minimal and that there were a number of various styles and sizes of houses within the street.

There then followed a period of questioning by Members to the speakers primarily in relation to the differing types of housing within the area and who would be the users of the garden structure.

In response, Mr. Austin stated the street scene did include subtle differences such as same-height pairs of semi-detached houses and detached houses but that as a whole the road was uniform in height. Mr. Razaq said the application would not be disproportionate or out of character within the street scene. He confirmed the garden structure would not be for commercial use as it was for the use of his immediate family only.

There then followed a period of questioning by Members to officers, which included whether planning officers had liaised with the applicant following Committee previous recommendation to defer to enable negotiations between parties and whether there had been any similar Secretary of State refusals.

In response, the Presenting Officer confirmed that the applicant had been written to but that the negotiations had not been sufficient enough to overcome the original decision which had been to refuse the application and that there was potentially a permission to be reached should the application be scaled down. He reiterated that personal circumstances were not considered as material considerations to outweigh the harm to the neighbours' amenity.

At this point in the meeting, the Chairman **moved** the suspension of Standing Order of the Council's Constitution to enable the meeting to continue beyond 8.30pm in order to complete the remaining items of the agenda. The Committee agreed to extend the meeting beyond 8.30pm.

Members considered the application in detail. This included concerns regarding officers' consideration of subjectiveness. Members felt that the street contained a number of similar properties; the applicant had made changes as requested; disappointed that officers had not liaised with the applicant following Committee's previous decision to defer to enable negotiations between parties; that it would be a good use of land and provide meaningful family space; all applications had to be viewed on their individual merits.

Councillor Nawaz **moved** and it was duly **seconded** by Councillor Nazir-

That planning application number 18/1348 be granted, against officers recommendations, as the application was not out of character within the street scene; the reasons for refusal were subjective; the proposal would complement the neighbouring property by virtue of its stepped ridge and the rear building was ancillary to the main building and would not be detrimental to the adjoining rear garden properties.

The Chairman put the Motion to the vote and noted that it was tied with six Members voting in favour and six Members voting against. At this juncture, a Member alluded to a discrepancy with the count. Due to the allegation, the Chair therefore made the decision to put the Motion to the vote for a second time. Having put the matter to Committee, the votes were counted as six Members voting in favour of the recommendation and eight Members voting against. A Member then requested clarity as to the Motion that was being voted upon. To ensure transparency and clarity for all present, the Chair stated that a third vote would be taken and clarified that the Motion before Members was to grant the application with the reasons as provided.

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

Resolved

That planning application number 18/1348 be granted, against officers recommendations, as the application was not out of character within the street scene; the reasons for refusal were subjective; the proposal would complement the neighbouring property by virtue of its stepped ridge and the rear building was ancillary to the main building and would not be detrimental to the adjoining rear garden properties.

2181/19 **Plans list item 2 – application number 18/1559 – redevelopment of site with the erection of 6 industrial units (use Class B1C, B2 and B8) ancillary service areas, car parking and cycle parking at Willenhall Lane Industrial Estate, Willenhall Lane, Bloxwich**

Resolved

That planning application number 18/1328 be granted, subject to conditions as contained within the report now submitted

- 2182/19 **Plans list item 3 – application number 18/0715 – erection of four storey building to accommodate 26 no. one and two bedroom apartments on site of former 37 and 38 Bradford Street, Walsall**

Resolved

That planning application number 18/1068 be

- 2183/19 **Plans list item 7 – application number application number 18/1641- partial demolition and extensions to create a two-storey dwelling with side and rear extensions and new first floor at 166 Clarkes Lane, Willenhall, WV13 1HT**

Resolved

That planning application number 18/1203 be granted, subject to conditions as contained within the report and supplementary paper now submitted

- 2184/19 **Plans list item 8 – application number 18/1574 – change of use from 4 bed dwelling house (C3) to retail shop at ground floor flats. Installation of new shop front and rear stepped access to first floor flats at 35 West Bromwich Street, Walsall, WS1 4BP**

Resolved

That planning application number 18/1574 be granted, subject to amended conditions as contained within the report and supplementary paper now submitted.

Termination of meeting

There being no further business, the meeting terminated at 8.35pm

Signed

Date