

## **PLANNING COMMITTEE**

**Thursday 3<sup>rd</sup> January, 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 Craddock  
Councillor S. Fitzpatrick  
Councillor Harris  
Councillor Jones  
Councillor Nawaz  
Councillor Perry  
Councillor Rattigan  
Councillor Rochelle  
Councillor Samra  
Councillor Sarohi  
Councillor Sohal  
Councillor Underhill

### **2128/19 Apologies**

None received.

### **2129/19 Minutes**

#### **Resolved**

That the minutes of the meeting held on 29<sup>th</sup> November, 2018, 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:-

- Minute No. 2105/18 – being amended to read that Councillor Samara declared an interest in planning application no. 11 (18/1081 – House in the Wood, Streetly).
- Minute No. 2126/18 – being amended to remove Councillor Samra as being one of the Councillors who had left the room during the debate.

**2130/19 Declarations of Interest**

Councillor Samra declared an interest in planning application no. 6 (18/1348 – 19 Cameron Road, Walsall).

Councillor Rattigan declared a discloseable pecuniary interest in planning application no. 4 (18/1337 – 228 Lichfield Road, Rushall) and would, therefore, be required to leave the room during the consideration and determination of this item.

**2131/19 Deputations and Petitions**

There were no deputations introduced or petitions submitted

**2132/19 Local Government (Access to information) Act, 1985 (as amended)**

There were no items for consideration in private session.

**2133/19 Development Management Performance Update Report**

**A report was submitted**

(see annexed)

The Group Manager – Planning presented the report and highlighted the salient points contained therein.

The report set out the latest performance and outcomes during the second quarter of 2018/19 (1<sup>st</sup> July, 2018, to 30<sup>th</sup> September, 2018) regarding development matters.

Arising from discussions on this item, the following requests were made by Members: -

- In relation to the enforcement section, the Chair requested that Officers meet with Councillor Bott in relation to the Bradley Lane item.
- In relation to the enforcement section, Councillor Allen requested that the Eagle PH be prioritised.
- That, in future, all reports be paginated for smooth and efficient navigation.

**Resolved** that the report be noted.

**2134/19 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.

2135/19 **PLANS LIST ITEM 1 – APPLICATION NUMBER 18/0715 – ERECTION OF FOUR STOREY BUILDING TO ACCOMMODATE 26 NO. ONE AND TWO BEDROOM APARTMENTS**

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 only speaker on this application, Mrs Leyland, who wished to speak in support to the Officers' recommendation.

Mrs Leyland advised that the development would replicate the character of the area, would deliver housing in a sustainable location and was in a town centre setting with strong public transport links.

There then followed a period of questioning by Members to the speaker and Officers, in relation to parking, access to Bradford Lane for refuse wagons, concerns raised by the Highways Authority and waste management concerns,

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

That planning application number 18/0715 be deferred to enable Officers to negotiate a satisfactory waste management scheme and enter into a S106 agreement with the applicant in relation to off-street parking and disabled parking within proposals.

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

**Resolved**

That planning application number **18/0715** be deferred to enable Officers to negotiate a satisfactory waste management scheme and enter into a S106 agreement with the applicant in relation to off-street parking and disabled parking within the proposals.

2136/19 **PLANS LIST ITEM 2 - APPLICATION NUMBER 18/0941 – CHANGE OF USE FROM NURSING HOME (C2 USE) TO A 43 X BEDROOM HOSTEL (SUI GENERIS USE) WITH ASSOCIATED AMENITY, RECREATION, TRAINING AND SIGN-POSTING FACILITIES**

The Chair referred Members to the supplementary paper which advised that this application would be deferred in light of a late objection which had been received.

**Resolved**

That planning application number **18/0941** be deferred in line with the recommendation contained within the supplementary paper.

2137/19 **PLANS LIST ITEM 3 - APPLICATION NUMBER 18/1303 – CHANGE OF USE FROM GARAGE TO A1 RETAIL PLANNING USE (ADJOINING PUBLIC RIGHT OF WAY WAL78)**

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 Ahmed, who wished to speak against the Officers' recommendation.

Mr Ahmed advised that this proposal was opposed by residents of Caldmore Road and that many had signed a petition against it. He added that the presence of double yellow lines would not prevent patrons of this establishment from parking on this busy street and creating further problems in relation to traffic and pedestrians. Nearby residents had had to put up with the adjacent taxi office operations where by taxis blocked the road and left engines running causing noise during antisocial hours. Furthermore, he felt that this proposal was not required in the area as Caldmore High Street was well served by existing establishments only a short distance away.

The Committee then welcomed the second speaker on this application, Mr Hussain, who wished to speak in support of the Officers' recommendation.

Mr Hussain advised that he was the owner of the property and that residents had been misled by signing a petition against the proposal. A greater number of residents had now signed to provide their support for the proposal. In addition, he added that the proposal would serve the local community and would not generate much footfall or traffic due to its small size. There was sufficient off-road parking at the site.

The Committee then welcomed the third and final speaker on this application, Mr Mistry, who wished to speak in support of the Officers' recommendation.

Mr Mistry advised that the previous use for the property in question was car repairs garage and it could open back up for that use tomorrow. The previous use was far more of a hindrance and nuisance to local residents as it created traffic and noise problems. The existing proposal would have less of an impact on the area as it would serve mostly the local community, would produce a small footfall and, due to its small size, would not create much traffic. There was also sufficient off-road parking for up to 4 vehicles. The property, in its current state, was an eyesore and this development would help to improve the aesthetics of the area.

There then followed a period of questioning by Members to the speaker and Officers, in relation to what the intended use would be, where the existing taxi business was located, whether there would be an adverse impact on local residents should permission be granted and what the proposed hours of operation were.

In response, Members stated that they were minded to amend condition No. 4 on this application to limit the hours of operation to 7.00am to 9.30pm Monday to Sunday (including Bank Holidays), should permission be granted.

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

That planning application number 18/1303 be granted subject to the conditions as set out within the report and supplementary paper, and that in addition, condition 4 be amended to limit the hours of operation from 7.00am to 9.30pm Monday to Sunday (including Bank Holidays).

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

### **Resolved**

That planning application number 18/1303 be granted subject to the conditions as set out within the report and supplementary paper, and that in addition, condition 4 be amended to limit the hours of operation from 7.00am to 9.30pm Monday to Sunday (including Bank Holidays).

## **2138/19 PLANS LIST ITEM 4 - APPLICATION NUMBER 18/1337 – RETENTION OF CHANGE OF USE FROM RESIDENTIAL TO A RESIDENTIAL HOME FOR UP TO 8 ADULTS WITH LEARNING DISABILITIES**

***Councillor Rattigan, having declared a discloseable pecuniary interest in this item, withdrew from the meeting and took no part in the discussions or determination of this application.***

The Presenting Officer advised Committee of the background to the report and supplementary paper now submitted. In doing so, she highlighted the salient points contained therein. In addition, the Presenting Officer highlighted that permitted development rights would allow this premise to operate as a residential home with up to 6 residents. The issue, therefore, for the Committee to consider

was solely down to whether an additional two residents was acceptable, or not, in planning terms.

(see annexed)

The Chair stated that this application would be determined on planning grounds and planning grounds alone.

The Committee then welcomed the only speaker on this application, Mr Parkes, who wished to speak in support to the Officers' recommendation.

Mr Parkes advised that the application was for a change of use within an existing dwelling. The use could be accommodated without any changes internally or externally. The doors would all be safety coded for the safety of the residents and any resident who left the facility would always be accompanied by a member of staff. The facility would be for adults with learning disabilities only and not for people with alcohol or drug addictions. The previous refusal had related to insufficient parking which was now resolved within this new application.

There then followed a period of questioning by Members to the speaker and Officers in relation to whether residents would own cars / drive and whether staff would be required to use the parking spaces provided rather than parking on-street.

Arising from further discussions on this item, Councillor Bird requested a report be brought back to a future meeting in relation to the impact arising within local communities from cumulative applications for similar forms of development.

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

That planning application number 18/1337 be approved, subject to the conditions as set out in the report and supplementary paper.

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

### **Resolved**

That planning application number 18/1337 be approved, subject to the conditions as set out in the report and supplementary paper.

## **2139/19 PLANS LIST ITEM 6 - APPLICATION NUMBER 18/1348 – TWO STOREY SIDE AND REAR EXTENSION, REPLACEMENT ROOF RAISED BY 0.6 METRES INCLUDING THE ADDITION OF READ DORMERS, PLUS TWO STOREY FRONT GABLE ADDITION, SINGLE STOREY REAR EXTENSION AND GARDEN STRUCTURE**

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 Razaq, who wished to speak against the Officers' recommendation.

Mr Razaq advised that he had made several amendments to the original proposals. His family was growing and he had 3 children with plans to have more in the future. There had been a rumour circulating in the area that he was related to a Councillor, but this was untrue. In addition, he wished to dispel the myth that he planned to use the swimming pool commercially or as a business. Mr Razaq touched upon what he would be able to build under permitted development rights within the boundaries of his property.

The Committee then welcomed the second speaker on this application, Mr Clifton, who also wished to speak against the Officers' recommendation.

Mr Clifton stated that the previous application was completely different and they had worked on revising the application to resolve the issues identified. The height of the roof had been lowered and a gable had been introduced on the left side. The Officers had said that the rhythm of the characteristics of the area and surrounding properties would be disturbed, but in his brief estimate Nos. 13, 15 and 17 had similar ridge heights. He reiterated what could be done under permitted development rights with regard to the pool building.

There then followed a period of questioning by Members to the speaker and Officers, in relation to if there was any intention to run a business from the premises, if there were any properties within the vicinity with similar extensions, if the proposed development would be out of character with the existing street scene and what effect it would have on neighbouring properties.

Members discussed the application further and were minded to defer consideration of the application to enable Officers to negotiate further with the applicant in relation to the ridge height and the removal of the front gable as well as a reduced height for the garden structure. If the negotiations were successful, Committee would delegate power to Officers to grant permission. However, if agreement could not be reached, the application would come back to Committee for determination.

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

That planning application number 18/1348 be deferred to enable Officers to negotiate further with the applicant in relation to the ridge height and the removal of the front gable as well as a reduced height for the garden structure. If the negotiations were successful, Officers be delegated authority to grant permission. However, if agreement could not be reached, the application would come back to Committee for determination.

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 18/1348 be deferred to enable Officers to negotiate further with the applicant in relation to the ridge height and the removal of the front gable as well as a reduced height for the garden structure. If the negotiations were successful, Officers be delegated authority to grant permission. However, if agreement could not be reached, the application would come back to Committee for determination.

2140/19 **PLANS LIST ITEM 5 - APPLICATION NUMBER 18/0976 – PROPOSED BUNGALOW WITH ASSOCIATED ACCESS, LANDSCAPING AND PARKING**

**Resolved**

That planning application number **18/0976** be granted subject to the conditions as set out in the report and supplementary paper.

**Termination of meeting**

There being no further business, the meeting terminated at 7.14pm

Signed .....

Date .....