

PLANNING COMMITTEE

Thursday 7 January, 2021 at 5.30pm

Digital 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 P. Bott
Councillor Craddock
Councillor Harris
Councillor Harrison
Councillor Hicken
Councillor Jukes
Councillor Murray
Councillor Nawaz
Councillor M. Nazir
Councillor Rasab
Councillor Robertson
Councillor Samra
Councillor Sarohi
Councillor M. Statham
Councillor Underhill
Councillor Waters

Officers:

Alison Ives – Head of Planning & Building Control
Michael Brereton – Group Manager - Planning
Sharon Bennett-Matthews - Solicitor, Planning
Kevin Gannon – Highways Development Control and Public Rights of Way
Richard Walters – Senior Pollution Control Officer
Bev Mycock – Democratic Services Officer

Welcome

At this point in the meeting, the Chair welcomed everyone and explained 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.

1/21 **Apologies**

Apologies were submitted on behalf of Councillor Perry (Vice Chair) and Councillor Chattha.

2/21 **Minutes of 10th December, 2020**

Councillor Nawaz **moved** and it was duly **seconded** by Councillor Craddock that the minutes of the meeting held on 10th December, 2020, a copy having been previously circulated to each Member of the Committee, be approved and signed 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 10th December, 2020, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

3/21 **Declarations of Interest.**

There were no declarations of interest.

4/21 **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

5/21 **Local Government (Access to Information) Act, 1985 (as amended)**

There were no items to consider in private session.

6/21 **Update on Enforcement Investigation Relating to Land Adjacent
26 Bradley Lane**

The report of the 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.

The Chair advised that he had requested the strengthening of the enforcement team in advance of the proposed White Paper being passed in Parliament.

Members considered the report and requested that officers ensured the only access used to the site was the main lawful access of Bradley Lane and that no other secondary accesses via Moorcroft or Hannah Road were to be used.

The item did not require a roll call of Members and therefore the Chair took the matter as noted by assent.

Resolved

That the report be noted.

7/21 Change in the Plans List Items

The Chair advised Committee that Plans List Item 7 (19/0822) had been deferred until a future Committee.

8/21 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, advised them on the procedure whereby each speaker would have two minutes to speak. The Chair reminded Members that should they be minded to go against officer's recommendations, planning reasons must be provided in case any such Committee decisions go to appeal.

9/21 PLANS LIST ITEM NO. 1 – 20/1301 – FORMER SITE OF CERRO EMS LTD, GOSCOTE LANE, BLOXWICH, WALSALL – APPROVAL OF RESERVED MATTERS (LAYOUT, SCALE, APPEARANCE, LANDSCAPING, AND INTERNAL ACCESS) RELATING TO HYBRID PLANNING PERMISSION (REF: 17/1656), COMPRISING 263 RESIDENTIAL DWELLINGS, PUBLIC OPEN SPACE, HARD AND SOFT LANDSCAPING, ATTENUATION BASIN, SWALE AND ASSOCIATED DRAINAGE, CAR PARKING, VEHICULAR ACCESS FROM GOSCOTE LANE AND ASSOCIATED INFRASTRUCTURE WORKS.

The report of the 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 as set out within the supplementary paper.

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

Mr. Armfield stated that he was representing the applicant. The application was a reserved matters approval of 263 homes and that outline approval had been granted in November, 2020. The location was sustainable, close to services and would make good use of a vacant brownfield site. The homes proposed would be a mixture of house types in accordance with housing policy, with 25% affordable housing and all homes would be built to a high quality. The development would include landscaping and public open space with a play area, which would be for the benefit of both new and existing residents.

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

Members queried the following:-

- Did the applicant have a certificate to confirm the ground had been decontaminated? Mr. Armfield stated that a lot of decontamination work had been undertaken prior to the applicant purchasing the land and that further work would be undertaken and the ground would be then capped. Details had been provided to officers.
- Would an attenuation pond be included within the development? Mr. Armfield advised there would be a grassed, bowl shaped area within the development and that the pumps would be underground. If the attenuation pond filled up, a pump would let the water back into the system slower, resulting in less water run off than the land currently experienced. Mr. Armfield further added that a management company would take responsibility for both maintaining the pump and the open space.
- Would there be any electric charging points within the development? Mr. Armfield confirmed that would be the case. The Presenting Officer drew Members attention to condition 12A within the report, which sought details of an electric vehicle charging point for each dwelling prior to first occupation.
- Would trees be included throughout the site? Mr. Armfield advised that a landscaping scheme had been submitted to officers as part of the Section 106 agreement for the open space.
- Did the design allow for wheelchair access to properties? Mr. Armfield advised that building regulations included full compliance with wheelchair users. The Chair stated that that under the building regulations, all electrical fixtures would also have to be waist height.
- Had the increase in power wattage required for the electric charging points been taken into consideration for future electric usage? Mr. Armfield advised that the applicant had liaised with the power distribution company to ensure the grid could accommodate the power required from the homes prior to development. The Chair referred to page 23 of the report which advised that an energy statement had been provided.
- Would utility meters be installed on the outside of properties? Mr. Armfield advised that utility meters would be installed on the outside of individual properties and within the corridors of the apartments.

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

- Had the impact of the play area on the residents of Henley Close been taken into consideration? The Presenting Officer advised that play area would be around 14m from the nearest property, trees around the boundary would be retained and officers did not believe the playground would have an adverse impact.
- Why would the bus stops need to be improved? The Team Leader, Highways Development Control and Public Rights of Way advised that as part of discussion with regard to the new accesses, there may be a requirement to move the old bus stop and replace with a new, relocated bus stop to ensure the bus stop did not conflict with access points onto the site.
- Due to the future phasing out of gas boilers over the next few years, what type of boilers would pollution control recommend? The Senior Pollution Control Officer advised that only low NOx boilers were recommended for use within new residential developments and the application had been conditioned for low NOx boilers only.
- Had officers considered potential noise output from the pumping station? The Presenting Officer confirmed that a condition had been included that required details of the new pumping station and noise output would be included within that condition.
- Had traffic calming conditions been considered along Goscote Lane? The Team Leader, Highways Development Control and Public Rights of Way stated that Goscote Lane was subject to a road safety scheme, with traffic humps in situ, and was monitored by the road safety team.

Following the conclusion of questions to Officers, Members considered the application and comments were made as follows:-

- The site had been derelict for too long and would be brought forward for much needed, mixed tenure homes.
- Future applications need to take into consideration infrastructure and the need to ensure there would be adequate doctors and schools places in areas where substantial number of houses are to be built. The Chair stated that negotiations should take place advising partners, ie. NHS, education, when housing developments are to be considered to enable partners to review facilities available to current and potential future residents within areas.
- In previous developments, inadequate locks have been used within flats so we need to ensure access into the flats is adequate to prevent vandalism.
- Need to ensure the play area be monitored due to its close proximity to some residential properties. The Presenting Officer confirmed that the play area would have a management plan to secure its ongoing maintenance and management and that the layout of the site allowed for better surveillance of the area which should discourage anti-social behaviour. The Chair stated it would be hoped that the management plan would include input from local residents.
- That the contractors take on apprenticeships for the development.

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

That planning application no. **20/1301** be delegated to the Head of Planning and Building Control to grant planning permission, subject to:-

- No new material considerations being received within the consultation period;
- Amendments in line with consultee comments;
- The amendment and finalising of conditions
- No further comments from a statutory consultee raising material planning considerations not previously addressed.

As contained within the report and supplementary paper.

The Motion was put to the vote by way of a roll call for Committee Members and was subsequently declared **carried**, with seventeen Members voting in favour and none against.

Resolved (unanimous)

That planning application no. **20/1301** be delegated to the Head of Planning and Building Control to grant planning permission, subject to:-

- No new material considerations being received within the consultation period;
- Amendments in line with consultee comments;
- The amendment and finalising of conditions
- No further comments from a statutory consultee raising material planning considerations not previously addressed.

As contained within the report and supplementary paper.

The Solicitor, Planning read out the resolution for the benefit of Members and members of the public who may be viewing the meeting via YouTube.

10/21 **PLANS LIST ITEM NO. 2 – 20/1160 – LAND OFF UPPER NAVIGATION STREET, WALSALL – RESIDENTIAL DEVELOPMENT OF 15 TOWN HOUSES WITH NEW TOWN CENTRE PUBLIC SQUARE AND POCKET PARK.**

The report of the 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 and revised recommendation as set out within the supplementary paper.

The Committee then welcomed the first speaker on this item, Ms Salmon, who wished to speak in objection to this application.

Ms Salmon stated that climate emergency and bio-diversity loss were important and the land in question had been designated as green space. There were many other derelict, brownfield sites in the borough that could be developed, such as William House next to the proposed site. The high streets are already in decline and there should be opportunities to build affordable homes without

impacting upon green spaces. Access to open spaces and nature was an important benefit to mental health and should be valued. Ms Salmon stated that prior to the meeting, she believed the Canal and River Trust and the Wildlife Trust had advised the development would be detrimental to the area. Currently the site was unmown and was a hive of biodiversity and we had a duty to enhance and protect the area further. Ms Salmon made reference to a quote by a Japanese botanist regarding miniature forests and their ability to fight climate change and the site in question would be an ideal place for that to happen.

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

Mr. Plotnek stated that he was the agent acting on behalf of the applicant, Urban Splash. He explained that each of the town houses would be fabricated using modular construction techniques, constructed off site and delivered to the site ready for a customer to move in to thus minimising impact on local residents. Once completed, two new flexible and functional areas of open space on the site would be gifted to the residents of Walsall, which would outweigh the loss of the current poor quality open space. Mr Plotnek added that the applicant had sought to ensure the development would be respectful of neighbours, with adequate distancing between properties and designed by an award winning architect. The scheme would help to complete the regeneration of the Waterfront and deliver benefits to new and existing residents.

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

Mr. Johnson stated that he worked at Urban Splash and that Urban Splash was a regeneration company gaining over 400 awards over 28 years for its designs. The site itself had presented risks and the development was only possible due to the applicant having secured grant funding from the West Midlands Combined Authority. The funding would be conditional upon achieving planning permission and for contracts to be signed up by March 2021. Mr. Johnson added that the applicant had listened to feedback from planning officers and had reduced the number of homes on the site from 20 to 15. The open space would be visible and open to the public and would be maintained in perpetuity by a management company.

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

Members queried the following:-

- What had the first speaker referred to with regard to loss of green space as the land was currently private? Ms Salmon stated that previously there had only been limited space but this will be built upon and residents within the adjacent apartments would lose their views, which could be detrimental to their mental health.
- Wouldn't the access to the open land being offered a good consideration by the applicant? Ms Salmon said she felt a 'café culture' could encourage anti-social behaviour and the area needed to remain as an urban forest to protect the environment and climate.

- What would the open spaces look like? Mr. Johnson stated the Waterside Square would be located near to the Art Gallery and would comprise of hard landscaping ideal for holding events with outdoor seating. The other open space would be a greener, canal-side public space, which could provide the opportunity for bio-diversity in the area.
- Would the open spaces be maintained in perpetuity? Mr. Johnson confirmed that a long-term management plan would be in place as part of the Section 106 Agreement.
- Did the site not have a history of being derelict? Ms Salmon stated that the site had become more derelict since the applicant had carried out their ground searches. She added that nearby William House also experienced the same issues.

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

- Clarification that the application was for 15 dwellings and not 20 dwellings? The Chair advised that when the original application had been lodged, the Canal and River Trust, who were the freeholders had objected to the number of dwellings and therefore the applicant had reduced the number. The Presenting Officer further clarified that the original application had been for 20 dwellings but that as part of the negotiations between parties, the applicant had reduced the number of dwellings down from 20 to 15 and that the previous objection from the Canal and River Trust had been resolved subject to conditions.
- Had any wildlife surveys been carried out? The Head of Planning and Building Control advised that ecology surveys had been carried out.

Following the conclusion of questions to Officers, Members considered the application and Councillor Nawaz **moved** and it was duly **seconded** by Councillor Bird:-

That planning application no. **20/1160** be delegated to the Head of Planning and Building Control to grant planning permission, subject to:-

- The amendment and finalising of conditions;
- The completion of a Section 106 Planning Obligation;
- No new material considerations being raised by consultees; and
- Referral to the Secretary of State if appropriate

As contained within the report and supplementary paper

The Motion was put to the vote by way of a roll call for Committee Members and was subsequently declared **carried**, with seventeen Members voting in favour and none against.

Resolved (unanimous)

That planning application no. **20/1160** be delegated to the Head of Planning and Building Control to grant planning permission, subject to:-

- The amendment and finalising of conditions;
- The completion of a Section 106 Planning Obligation;
- No new material considerations being raised by consultees; and
- Referral to the Secretary of State if appropriate

As contained within the report and supplementary paper

The Solicitor, Planning read out the resolution for the benefit of Committee and members of the public who may be viewing the meeting via YouTube.

11/21 **PLANS LIST ITEM NO. 3 – 19/1615 – SUNNYSIDE FARM, NORTHGATE, WALSALL WOOD, WALSALL – ERECTION OF 15 RESIDENTIAL UNITS WITH ANCILLIARY ROADS AND BOUNDARY TREATMENT.**

The Chair was advised that the speaker for this item had been unable to gain access to the meeting at that time. The Chair therefore agreed to hear the next item on the plans list, Item 4 and return to Item 3 thereafter.

12/21 **PLANS LIST ITEM NO. 4 – 20/1185 – LAND ADJACENT KWIK FIT, HIGH STREET, BROWNHILLS, WALSALL – CREATION OF AN OUTDOOR RECREATIONAL PUBLIC SQUARE (USE CLASS F(C) AND ASSOCIATED WORKS.**

There were no speakers on this item. However, the Chair had requested a presentation.

The report of the 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 additional, the Presenting Officer drew the Committee's attention to the additional information as set out within the supplementary paper.

Members considered the application and comments were made as follows:-

- The land had been derelict for over 5 decades following the demolition of the Wesleyan Chapel on the site and a considerable amount of clearance on the overgrown land had already taken place. Brownhills High Street was in need of development and the square would be provide an excellent opportunity to hold concerts and different types of fairs.
- Would be a huge catalyst for the regeneration of Brownhills.
- Need to ensure the area was kept clean and tidy.

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

That planning application no. **20/1185** be delegated to the Head of Planning and Building Control to grant planning permission, subject to the amendment and finalising of conditions, as contained within the report and supplementary paper.

The Motion was put to the vote by way of a roll call for Committee Members and was subsequently declared **carried**, with seventeen Members voting in favour and none against.

Resolved (unanimous)

That planning application no. **20/1185** be delegated to the Head of Planning and Building Control to grant planning permission, subject to the amendment and finalising of conditions, as contained within the report and supplementary paper.

The Solicitor, Planning read out the resolution for the benefit of Members and members of the public who may be viewing the meeting via YouTube.

13/21 PLANS LIST ITEM NO. 3 – 19/1615 – SUNNYSIDE FARM, NORTHGATE, WALSALL WOOD, WALSALL – ERECTION OF 15 RESIDENTIAL UNITS WITH ANCILLIARY ROADS AND BOUNDARY TREATMENT.

The report of the 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 and revised recommendation as set out within the supplementary paper.

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

Mr. Williams advised Committee that he was speaking on behalf of the applicant. He stated that the application was a partial redesign to the approved application in 2018 on a small prominent parcel of land that would front the Northgate. He added that the design had been improved by virtue of the apartments partially fronting Northgate having been reduced to a smaller block of 9 apartments. Mr. Williams stated that the reduction in the number of homes may restrict Section 106 contribution and the applicant was awaiting the District Valuer's advice.

Members were then invited to ask questions of the speaker.

Members had no questions for the speaker.

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

- Was the proximity of the old landfill site far enough away from the development to not cause harm? The Senior Pollution Control Officer advised that as part of the previous application, conditions in relation to contamination had been included within the previous recommendation. He added that some outstanding information had been received, which met the required standards.
- Had the Section 106 contribution of £198k been allocated and if so, why hadn't officers spoken with elected Members? The Chair advised that contribution is not always payable until a specified number of properties had

been built. The Chair added that officers must consult with elected Members with regard to Section 106 contributions and he requested an update report be brought to the next meeting with regard to Section 106 contributions. The Presenting Officer advised Members that the financial contribution was currently under consideration by the District Valuer and that the maintenance of the site had been secured with a Section 106 Agreement

Following consideration of the application, Councillor Bird **moved** and it was duly **seconded** by Councillor Craddock:-

That planning application no. **19/1615** be delegated to the Head of Planning and Building Control to grant planning permission, subject to conditions and subject to:-

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;
- District Valuer's Advice on scheme viability and completion of a Section 106 Agreement to bind the site to the original permission and to include clawback provision OR to include any necessary policy required obligations;
- Overcoming the objections from Flood Risk Officer and Seven Trent Water As contained within the report and supplementary paper.

The Motion was put to the vote by way of a roll call for Committee Members and was subsequently declared **carried**, with seventeen Members voting in favour and none against.

Resolved (unanimous)

That planning application no. **19/1615** be delegated to the Head of Planning and Building Control to grant planning permission, subject to conditions and subject to:-

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;
- District Valuer's Advice on scheme viability and completion of a Section 106 Agreement to bind the site to the original permission and to include clawback provision OR to include any necessary policy required obligations;
- Overcoming the objections from Flood Risk Officer and Seven Trent Water As contained within the report and supplementary paper.

The Solicitor, Planning read out the resolution for the benefit of Members and members of the public who may be viewing the meeting via YouTube.

14/21 **PLANS LIST ITEM NO. 5 – 17/0938 – 1 HOPE STREET, WALSALL, WS1 3RG – DEMOLITION OF EXISTING OUTBUILDINGS AND REDEVELOPMENT OF SITE TO FORM RESTAURANT, TWO RETAIL UNITS AND RESIDENTIAL BIN STORAGE ON THE GROUND FLOOR AND FIVE FLATS ON THE UPPER FLOORS.**

Resolved (unanimous)

That planning application no. **17/0938** be delegated to the Head of Planning and Building Control to grant planning permission subject to conditions and subject to:-

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed.

As contained within the report and supplementary paper.

15/21 **PLANS LIST ITEM NO. 6 – 20/1254 – 17 RUSHALL CLOSE, WALSALL, WS4 2HQ – TWO STOREY REAR AND FIRST FLOOR SIDE EXTENSIONS, GARAGE CONVERSION AND FRONT BALCONY.**

There were no speakers on this item. However, the Chair had requested a presentation.

The report of the 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 as set out within the supplementary paper.

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

- What was the overall size increase of the extensions? The Presenting Officer advised that the application was for a first floor side extension over the garage, garage conversion and for a two storey rear extension.

Members considered the application and comments were made as follows:-

- The proposed property was out of character within the street scene.
- The application made the property appear as two houses.
- The extension was too large and gave the appearance of terraced housing.
- Concerns with regard to the window in the side of the neighbouring property.
- A precedent had already been set a few doors away with a similar development and should Members be minded to refuse the application against officers' recommendation, would that put the Council at risk the application go to appeal. The Chair stated the decision was a matter for the Planning Committee to make.
- How could a substantial rebuild of a house (approx.150% larger) be considered an extension?
- Housing estates were losing their character and identity and the application under consideration was not in keeping with nearby houses within the street scene.

- As the Planning White Paper progresses, more permitted development rights will be utilised and the Local Authority therefore needed to invest in enforcement.

Following consideration of the item, Councillor Bird **moved** and it was duly **seconded** by Councillor Statham:-

That planning application no. **20/1254** be refused, against officers recommendations, as the proposal would be an over-development of the site, an incongruous feature within the street scene and out of character of other properties within the location.

Before voting, the Solicitor, Planning read out the resolution for the benefit of Members.

The Motion was put to the vote by way of a roll call for Committee Members and was subsequently declared **carried**, with fifteen Members voting in favour and one against.

Resolved (fifteen in favour and one against)

That planning application no. **20/1254** be refused, against officers recommendations, as the proposal would be an over-development of the site, an incongruous feature within the street scene and out of character of other properties within the location.

The Solicitor, Planning read out the resolution for the benefit of Members and members of the public who may be viewing the meeting via YouTube.

16/21 Termination of meeting

There being no further business, the meeting terminated at 7.55pm

Chair

Date