

## PLANNING COMMITTEE

Thursday 1 November, 2018 at 5.30 pm

In the Council Chamber at the Council House, Walsall

### Present:

Councillor Bird (Chair)  
Councillor Allen  
Councillor P. Bott  
Councillor Butler  
Councillor Craddock  
Councillor Creaney  
Councillor S. Fitzpatrick  
Councillor Jones  
Councillor Perry  
Councillor Rattigan  
Councillor Rochelle  
Councillor Sarohi  
Councillor Singh Sohal  
Councillor Ward

### 2083/18 Apologies:

Apologies for non-attendance were submitted on behalf of Councillors M. Nazir (Vice Chair), Nawaz, Samra and Underhill

### 2084/18 Minutes

#### Resolved

That the minutes of the meeting held on 4 October, 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 amendment:-

- Paragraph 2076/18 – application number 17/0979 - the recommendation had been **moved** by Councillor Allen and **seconded** by Councillor Samra. Officers also confirmed that the Mossley residents had handed in a letter and not a petition in objection to officers recommendations.

### 2085/18 Declarations of Interest

Councillor Bott declared an interest in agenda item no. 7 entitled 'Land adjacent to 26 Bradley Lane, Darlaston, Walsall'

Councillor Perry declared an interest in plans list item 3 – application number 18/0095 – site for former Oak Park Leisure Centre, Lichfield Road, Walsall Wood, WS9 9DQ due to his role as Portfolio Holder for Community, Leisure and Culture.

Councillor Butler declared an interest in plans list item 11 – application number 18/0699 – first floor side extension, front ground floor extension and front lean to canopy across the front elevation at 145 Walhouse Road, Walsall, WS1 2BE

**2086/18 Deputations and Petitions**

There were no deputations introduced or petitions submitted

**2087/18 Local Government (Access to information) Act, 1985 (as amended)**

There were no items for consideration in private session.

**2088/18 18 Walstead Road, Walsall, WS5 4LX**

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

(see annexed)

The Presenting Officer advised Members of the background to the report and Councillor Craddock **moved** and it was duly **seconded** by Councillor Perry:-

- i. That authority be granted to the Head of Planning, Engineering and Transportation to issue an Enforcement Notice under the Town and Country Planning Act 1990 (as amended) to require remedial actions to be undertaken as show at 3.2 of the report;
- ii. That authority be granted to the Head of Planning, Engineering and Transportation to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice;
- iii. That authority be granted to the Head of Planning, Engineering and Transport to amend, add to, or delete from the wording set out within the report stating the nature of the breaches, the reasons for taking enforcement action, the requirements of the Notice, or the boundaries of the site, in the interests of ensuring that accurate and up to date notices are served.

The Motion, having been put to the vote was declared carried, with all Members voting in favour of the recommendations.

**Resolved**

- i. That authority be granted to the Head of Planning, Engineering and Transportation to issue an Enforcement Notice under the Town and Country Planning Act 1990 (as amended) to require remedial actions to be undertaken as shown at paragraph 3.2 of the report;

- ii. That authority be granted to the Head of Planning, Engineering and Transportation to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice;
- iii. That authority be granted to the Head of Planning, Engineering and transport to amend, add to, or delete from the wording set out within the report stating the nature of the breaches, the reasons for taking enforcement action, the requirements of the Notice, or the boundaries of the site, in the interests of ensuring that accurate and up to date notices are served.

**2089/18 26 Bradley Lane, Darlaston, Walsall**

Councillor Bott, having earlier declared an interest in the item, did not take part in the discussions.

The Presenting Officer advised Committee the report had been submitted in response to Members' request at the previous Planning Committee for a formal update on the progress of the case.

(see annexed).

In response to a query, the presenting officer confirmed that it was a criminal offence to create an access onto a highway without permission.

The Committee then welcomed the first speaker on this item, Mr. Butler, who wished to speak in objection to the enforcement action on his land.

Mr. Butler advised Committee that his family had occupied the site since the 1970s and that they had always kept a number of well looked after horses. He said in 2016 he submitted a planning application for the keeping of 11 horses on site but in June 2018, he received a letter stipulating he could only keep seven horses. Mr. Butler also reported he had email confirmation from 2016 confirming the existence of the access from the site and that the deeds from 1984 confirmed ownership of the land and the access onto the highway.

The Chair advised the speaker to liaise with the Enforcement Officers to visit the site and address any outstanding matters.

**Resolved**

That the report be noted.

**2090/18 7 Eastbourne Street, Walsall, WS4 2BN**

The Chair advised Committee that the report had been deferred to enable the applicant to attend a future meeting.

**2091/18 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.

**2092/18 Plans list Item 1 – application number 17/0439 – to complete the infilling of mineshafts on site and restoration of the land to provide a natural burial ground on land at Winterley Lane, Rushall, Walsall**

Before commencement of the item respective item, the Chair advised Members they should not have received an email with regards to the application as this was perceived as lobbying and he asked Members to make their own mind up in relation to the application.

The Presenting Officer advised Committee of the background to the report and supplementary paper now submitted

(see annexed)

*Councillor Fitzpatrick arrived at this junction of the meeting and therefore did not take part nor vote on the application.*

The Committee then welcomed the first speaker on this application, Mrs Meeke, who wished to speak in objection to the officers' recommendations.

Mrs Meeke informed Committee the land in question was very unstable and had suffered numerous ground collapses of the former limestone mine shafts with further collapses expected. She added there were already two nearby cemeteries and that the road to the site was too narrow for vehicles to pass.

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

Councillor Worrall said the residents had endured a lot of misery regarding the site and feel the applicant has shown no respect for the local people or the Council. He added that he could not understand how conducting only 50 burials per year would be commercially viable to a company and he felt the applicant should be invited to a meeting to address residents' issues.

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

Mr. Smith advised Committee that much of the remedial work had been carried out and the works were almost at an end. He also advised that recent changes to the National Planning Policy Framework now deemed a cemetery an appropriate development within the Green Belt as the openness to the Green Belt would be preserved. He reported that all activities pertaining to the burial ground would be outside of peak hours and that certain areas would remain protected, and information boards would be installed to inform visitors of the heritage of the site.

There then followed a period of questioning by Members to the speakers and officers, which included queries regarding chemicals and contaminants on the land; whether inclement weather conditions would create more infilling problems on the site as per previous years; need for reassurance the development would commence immediately following clearance; whether the applicant was seeking grant funding for destabilisation which would add to the viability of the site; construction traffic, parking and impact on highways; how the burial site would be regulated and monitored.

In response, Mr. Smith confirmed the in-filling materials were on site waiting to be used for levelling off; Councillor Worrall expressed concern with regard to a potential risk of contamination on site and how Winterley Lane had been destroyed by the site work. The Highways Officer advised Committee the applicant had submitted transport and parking related survey data from similar natural burial grounds to establish likely trip generation and although the current proposal provided 30 parking spaces, the applicant had created a further 20 parking spaces. The Presenting Officer said the application would be conditioned for 50 burials per year only and any burials above that number would require the applicant to provide a transport assessment; a condition would also be included to provide a construction management plan and she reminded Committee the application was for outline permission only at that stage.

Members considered the application in detail, which included that the site had been an eyesore for many years to the detriment of local residents; a previous application for a cemetery had been refused due to potential of excess traffic along the narrow lanes; road and nearby bridge badly damaged by heavy construction vehicles; concerns around the stability of the site; community liaison agreed years previously had never occurred; concerns that more people would opt for cheaper, natural burials as opposed to the high costs of a normal funerals. Members considered the application further which included a concern that should Members refuse officers recommendations, there would be a strong possibility that an Inspector would allow the applicant's appeal resulting in the Council losing the ability to include appropriate conditions within the approval; following changes in July to the National Planning Policy Framework (NPPF), burial grounds were no longer considered as inappropriate development within the Green Belt.

Councillor Sohal Singh **moved** and it was duly **seconded** by Councillor Bott:-

That planning application number 17/0439 be delegated to the Head of Planning, Engineering and Transportation to grant permission, subject to no new material planning considerations and support for condition 24 by Environment Agency as set out in the report and supplementary paper now submitted

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 17/0439 be delegated to the Head of Planning, Engineering and Transportation to grant permission, subject to no new material planning considerations and support for condition 24 by Environment Agency as set out in the report and supplementary paper now submitted

*Councillor Rattigan requested her name be recorded as having voted against the Motion.*

2093/18 **Plans List item 4 – application number 11/1411/OL – outline application for residential development of up to 25 dwellings (Access and scale to be considered) on land at former Caparo Works, between the Wyrley and Essington Canal, Miner Street, Green Street and Old Birchills, Walsall**

The Presenting Officer advised Committee of the background to the report and supplementary paper now submitted.

(see annexed)

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

Mr. Downes advised that delivery of a housing development on the site would be dependent upon a potential developer knowing the full costings in advance of development and which would have to include the mitigation of the ground issues and the subsequent lower value housing. He expressed concern with regard to a Section 106 contribution, which could deter prospective developers, and he suggested consideration of a payment structure.

There then followed a period of questioning by Members to the speaker and to officers, primarily with regard to perceived complications if any, whether a prospective purchaser had submitted an application for funding to aid with the ground issues and costs, and construction access.

In response, Mr. Downes stated the company could not provide any precise financial projection costings for the site until the end of the development due to the nature of the location with its lime caverns and the potential for future ground issues, which all culminated in a low value location.

Mr. Downes also advised that a construction management programme to include access into and out of the site would be agreed with officers.

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

That planning application number 11/1411/OL be granted for the reasons set out in the report and supplementary paper and subject to conditions and a future review of the viability of the development to be secured through a Section 106 Agreement to provide for affordable housing, urban open space an canal towpath improvements/signage if the scheme if found to be viable. Delegate to the Head of Planning, Engineering and Transportation to amend, add to or delete conditions as required to address consultee comments and to negotiate with the developer in regards to the clawback conditions of the Section 106 Agreement and any future viability review points that will have regard to any grant assistance that is provided and once a further viability assessment has been provided when all costs are known

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

**Resolved**

That planning application number 11/1411/OL be granted for the reasons set out in the report and supplementary paper and subject to conditions and a future review of the viability of the development to be secured through a Section 106 Agreement to provide for affordable housing, urban open space an canal towpath improvements/signage if the scheme if found to be viable. Delegate to the Head of Planning, Engineering and Transportation to amend, add to or delete conditions as required to address consultee comments and to negotiate with the developer in regards to the clawback conditions of the Section 106 Agreement and any future viability review points that will have regard to any grant assistance that is provided and once a further viability assessment has been provided when all costs are known

2094/18 **Plans List item 5 – application number 18/0545 – change of use of building from a hostel to 6 x self contained flats to be used as short stay Air BNB use at 66 Bescot Road, Walsall, WS2 9AE**

The Presenting Officer advised the Committee of the background to the report and supplementary paper now submitted.

(see annexed)

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

Mr. Rider advised Committee that the application was a change of use from its current hostel status to short stay accommodation status. He further advised there had been no consultee objections, it was in a sustainable location with parking and that there was no evidence of anti-social behaviour.

There then followed a period of questioning by Members to the speaker which included whether the company had already advertised the accommodation and details of former hostel use.

In response, Mr Rider confirmed the applicant had already advertised the accommodation on the internet and he advised that previously the hostel had accommodated residents with mental health issues.

There were no questions to the officers.

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

That planning application number 18/0545 be granted for the reasons set out in the report and subject to conditions as contained within the report and supplementary paper now submitted

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

**Resolved**

That planning application number 18/0545 be granted for the reasons set out in the report and subject to conditions as contained within the report and supplementary paper now submitted

**2095/18 Plans List item 7 – application number 18/0773 – replacement 5 bedroomed house at 54 Norman Road, Walsall, WS5 3QN**

The Presenting Officer advised the Committee of the background to the report now submitted.

(see annexed)

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

Mr. Slater advised Committee he was the agent for the applicant and he reported the plot was sizeable and attractive with a canal running along the rear of the properties. He added the current building was very 'tired' and a new build would be attractive and would enhance the street scene.

There were no questions to speaker nor to officers.



Members considered the application further including how the character of the area was dramatically changing and Councillor Bott **moved** and it was duly **seconded** by Councillor Craddock:-

That planning application number 18/0773 be granted for the reasons set out in the report and subject to conditions as contained within the report now submitted plus the removal of planning development rights

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

**Resolved**

That planning application number 18/0773 be granted for the reasons set out in the report and subject to conditions as contained within the report now submitted

2096/18 **Plans List item 8 – application number 18/1051 – section 73 application: variation of condition 2 of 15/1635. Addition of sider door and window, modification of windows and chimney and extend south elevation by 0.45m at House in the Wood, Streetly Wood, Streetly, Sutton Coldfield, B74 3DQ**

Before commencement of the item, the Chair advised Committee that he had previously spoken with the gentleman who was registered to speak but the speaker was not known to him. The speaker corroborated this.

The Presenting Officer advised the Committee of the background to the report and supplementary paper now submitted.

(see annexed)

The Committee then welcomed the only speaker on this application, Mr. Edmunds, who wished to speak in objection to officers recommendations.

Mr. Edmunds said the reorientation of the amended application would bring the development closer to the road thus causing potential access problems to the neighbouring property and impeding the road. He said that he had brought the changes to officers' attention and he advised that neighbouring properties had not been advised of the changes.

There then followed a period of questioning by Members to the speaker in relation to whether the amended plans had been made available to interested parties.

In response, Mr. Edmunds said he had endeavoured to find a copy of the amended plans on the website but he had been unable to locate them and no copy had been sent to his property.

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

That planning application number 18/1051 be deferred until the next meeting to enable officers to clarify the position regarding the amended plans.

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

**Resolved**

That planning application number 18/1051 be deferred until the next meeting to enable officers to clarify the position regarding the amended plans.

2097/18 **Plans List item 9 – application number 18/0609 – two storey side and rear extension plus ground floor front extension (amendment to previous planning application reference 17/1020) at 8 Rushall Close, Walsall, WS4 2HQ**

The Presenting Officer advised the Committee of the background to the report now submitted.

(see annexed)

The Committee then welcomed the only speaker on this application, Mr. Watkins, who wished to speak in objection to officers recommendations.

Mr. Watkins stated that he had lived in a neighbouring property for the last 46 years and was looking forward to a quiet retirement. He said the size, height and massing of the application would be very imposing so close to the boundary line of the street and neighbouring properties, and it would change the character of the area. He added that the revised scheme was disproportionately wide and it would introduce a competing roof gable, which he believed would have an adverse effect on the street scene.

There then followed a period of questioning by Members to the speakers and officers, which included details pertaining to prior approval and details of the non-compliance of the prior approval.

There were no questions to the speaker nor to officers.

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

That planning application number 18/0773 be granted for the reasons set out in the report and subject to conditions as contained within the report now submitted

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

**Resolved**

That planning application number 18/0773 be granted for the reasons set out in the report and subject to conditions as contained within the report now submitted

2098/18 **Plans list item 10 – application number 18/0988 - installation of building to accommodate ancillary residential accommodation at 5 Clockmill Place, Pelsall, WS3 4AL**

The Presenting Officer advised the Committee of the background to the report now submitted.

(see annexed)

The Committee then welcomed the only speaker on this application, Mrs Griffin, who wished to speak in support of officers recommendations.

Mrs Griffin informed Committee she was the sister of the applicant and house owner and that the cabin within the garden was intended for their 68 year old disabled father, who had recently been widowed. She added that he had preferred to have his own space as opposed to moving into the busy family home.

There were no questions to the speaker.

In response to a query regarding permitted development rights and whether the cabin would have required planning permission if it were to be built approximately 6cms lower, the Officer confirmed the cabin would have been allowed under permitted development.

Members considered the application and Councillor Perry **moved** and it was duly **seconded** by Councillor Allen:-

That planning application number 18/0988 be delegated to the Head of Planning, Engineering and Transportation to grant for the reasons set out in the report and subject to no new material considerations following further consultations as contained within the report and supplementary paper now submitted

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

**Resolved**

That planning application number 18/0988 be delegated to the Head of Planning, Engineering and Transportation to grant for the reasons set out in the report and subject to no new material considerations following further consultations as contained within the report and supplementary paper now submitted

- 2099/18 **Plans list item 11 – application number 18/0699 – first floor side extension, front ground floor extension and front lean to canopy across the front elevation at 145 Walhouse Road, Walsall, WS1 2BE**

Councillor Butler, having earlier declared an interest in this item, left the Chamber and therefore did not take part nor vote on the recommendation.

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

That planning application number 18/0699 be granted for the reasons set out in the report and subject to conditions as contained within the report now submitted

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

**Resolved**

That planning application number 18/0699 be granted for the reasons set out in the report and subject to conditions as contained within the report now submitted.

- 2100/18 **Plans List item 2 – application number application number 18/0993 – construction of 2 x two storey office buildings to provide a total of 6 x officers and associated works on land adjacent to 17 Hatherton Street, Walsall**

**Resolved**

That planning application number 18/0993 be granted for the reasons set out in the report and subject to conditions as contained within the report and supplementary paper and to delegate to the Head of Planning, Engineering and Transportation to amend drainage conditions as set out in the report and supplementary paper now submitted

*Councillor Butler returned to the Chamber*

- 2101/18 **Plans list item 3 - application number 18/0095 – variation of condition 23 attached to PA 13/1471/FL to allow the site of the former leisure centre building to be used or additional parking (202 spaces) instead of the two junior football pitches approved at site of Oak Park Leisure Centre, Lichfield Road, Walsall Wood, WS9 9DQ**

At the request of a Member, the Presenting Officer advised the Committee of the background to the report and supplementary paper now submitted.

(see annexed)

Councillor Perry, having earlier declared an interest in the item, did not take part nor vote on the application.

A Member requested clarification on the proposed entrance and egress to the additional parking area and raised a concern regarding vehicles using the site as a through road.

In response, the Highways Officer confirmed the access and egress to the additional parking area would be on Lichfield Road and that it would remain separate to the existing car park area to ensure vehicles would be unable to use the site as a drive through to avoid traffic.

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

That planning application number 18/0095 be granted, subject to conditions and delegated to the Head of Planning, Engineering and Transport, subject to no new material planning considerations, as set out in the report and supplementary paper now submitted.

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

**Resolved**

That planning application number 18/0095 be granted, subject to conditions and delegated to the Head of Planning, Engineering and Transport, subject to no new material planning considerations, as set out in the report and supplementary paper now submitted.

**2102/18 Plans list item 6 – application number 18/0018 – outline application for erection of a 3 bed bungalow and associated works with access and layout only for consideration on land to the rear of 57 Lichfield Road, Bloxwich, Walsall, WS3 3LT**

At the request of a Member, the Presenting Officer advised the Committee of the background to the report and supplementary paper now submitted.

(see annexed)

Members considered the application and Councillor Fitzpatrick **moved** and it was duly **seconded** by Councillor Creaney:-

That planning application number 18/0545 be granted for the reasons set out in the report and subject to conditions as contained within the report and supplementary paper now submitted

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

**Resolved**

That planning application number 18/0545 be granted for the reasons set out in the report and subject to conditions as contained within the report and supplementary paper now submitted

**Termination of meeting**

There being no further business, the meeting terminated at 7.30pm

Signed .....

Date .....