

PLANNING COMMITTEE

Thursday 21 February, 2019 at 5.30 pm

In the Council Chamber at the Council House, Walsall

Present:

Councillor Bird (Chair)
Councillor M. Nazir (Vice Chair)
Councillor P. Bott
Councillor Craddock
Councillor S. Fitzpatrick
Councillor Harris
Councillor Perry
Councillor Rattigan
Councillor Rochelle
Councillor Samra
Councillor Sarohi
Councillor Singh Sohal
Councillor Underhill
Councillor Ward

2153/19 Apologies

Apologies had been received from Councillors Allen, Butler, Jones and Nawaz.

2154/19 Minutes

Resolved

That the minutes of the meeting held on 31 January, 2019, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

2155/19 Declarations of Interest

Councillor Bott declared a non-pecuniary interest in plans list item 1 – application number 18/1233 – site of former Moxley Tip, Moxley Road, Darlaston.

2156/19 Deputations and Petitions

There were no deputations introduced or petitions submitted

2157/19 Local Government (Access to information) Act, 1985 (as amended)

There were no items for consideration in private session.

2158/19 **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.

- 2159/19 **Plans list item no. 1 – application number 18/1233 – outline planning application for employment development consisting of class B2 (General Industrial) and class B8 (Storage and distribution) uses with ancillary class B1(A) (Offices) use for up to a total of 45,360 sqm (GEA) floor area, with car parking and servicing, internal access road and footpaths, gate houses, sub-stations, changes to ground levels and engineering works, smoking shelters, cycle storage, landscaping, underground services, cctv, lighting and boundary treatment with access only for consideration at this time and all other matters reserved for later consideration at site of former Moxley Tip, Moxley Road, Darlaston.**

Councillor Bott, having declared an interest in this item, did not take part nor vote on this application.

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. Jones, who wished to speak in objection to officers' recommendation.

Mr. Jones stated the development would have an adverse effect on the residential properties situated on the east side of the site by virtue of light pollution from the car park. He added the application indicated the site would operate for 24 hours, which would result in increased traffic flow and disturbance to local residents.

The Chair reminded speakers that the application under consideration was for outline planning permission for the access only at that stage, with all other matters for consideration at a later date

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

Mr. Fiddler expressed concern regarding traffic management and he reported that a number of accidents had been recorded along the stretch of road in question. Mr. Fiddler also expressed concern regarding the close locality of the nearby school and the increased HGV traffic, and that access to properties in Sandwell Avenue would be detrimentally affected.

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

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

Mr. Cannon advised that he was the Property Director for the applicant, and he gave an overview of the environmental benefits of the site, investment and employment opportunities plus its ideal location having close proximity to road networks.

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

The Committee then welcomed the fourth speaker on this application, Mr. Stack.

Mr. Stack stated that consultation had taken place and that a detailed Transport Assessment had concluded the junction accessibility would be adequate.

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

There then followed a period of questioning by Members to the speakers and officers in relation to potential traffic congestion. In response, the second speaker reported how traffic build up in the area was an ongoing issue particularly at peak times with motorists using Moxley Road as a short cut, and the development would exacerbate the situation. The Highways Officer advised Committee that Moxley Road was an arterial road and therefore designed to accommodate large numbers of vehicles, there would be better, wider footpaths and bike routes, towpaths would be improved and a staggered crossing for pedestrians to reach a central point would be included.

Councillor Harris temporarily left the Chamber.

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

That planning application number 18/1233 be delegated to the Head of Planning, Engineering and Transport to grant, subject to the signing of a Section 111 legal agreement requiring the signing of a Section 106 legal agreement for a Full Travel Plan to cover 5 years from first occupation with an annual review, as contained within the report and supplementary paper now submitted

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

Resolved

That planning application number 18/1233 be delegated to the Head of Planning, Engineering and Transport to grant, subject to the signing of a Section 111 legal agreement requiring the signing of a Section 106 legal agreement for a Full Travel Plan to cover 5 years from first occupation with an annual review, as contained within the report and supplementary paper now submitted

Councillor Harris returned to the Chamber.

2160/19 Plans list item 2 – 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

The Chair requested confirmation from officers that all parties had been invited to speak on the application in question to ensure natural justice. The Presenting Officer confirmed that all parties had been contacted.

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 Committee then welcomed the only speaker on this application, Ms Leyland, who wished to speak in support of Officers' recommendation.

Ms Leyland informed Committee she was the agent for the applicant and she advised that the applicant had worked closely with the Council to ensure a good scheme with regards to the waste management issues having been accommodated; the site was situated within a highly sustainable location with excellent train and bus transport and that the development would include a bicycle store. Due to viability, she confirmed the development could not support the provision of off street parking but she confirmed the existence of a large private car park situated to the rear of the site, which was free to utilise during the evenings and overnight.

There then followed a period of questioning by Members to the speaker and officers in relation to whether the applicant could secure parking permits from a private car park, lack of off street parking including disabled parking spaces within the site and waste management concerns.

In response, the speaker said the securing of parking permits in a private car park had not been considered a necessary planning requirement. The Highways Officer advised Committee that the Council's Unitary Development Plan (UDP) stipulated a minimum of 10% of a development's parking requirement to be disabled parking but as the application site was considered to be in a highly

sustainable town centre location, parking provision has been deemed unnecessary. The Highways Officer also advised that euro bins were approximately 2.5 times larger and taller than standard waste bins and the Transportation team had concerns that the euro bins may remain standing on the busy highway all day awaiting emptying. The Chair then enquired if waste management could be secured by a Section 106 Agreement. In response, the Presenting Officer advised that a Section 106 Agreement could only be used to govern the management of a third party waste management company to an agreed collection / return of bins location but this would not be appropriate in the case of Clean and Green Services, which was part of Walsall Council.

Members considered the application further and Councillor Samra **moved**:-

That planning application number 18/0715 be refused as the applicant had not overcome the previous reasons for refusal with regard to waste management.

The Motion was not seconded and Members continued to consider the application further and Councillor Bird **moved** and it was duly **seconded** by Councillor Craddock:-

That planning application number 18/0715 be deferred to enable further negotiations and clarification in respect of the storage and emptying points of the waste bins, disabled access arrangements and parking requirements

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 18/0715 be deferred to enable further negotiations and clarification in respect of the storage and emptying points of the waste bins, disabled access arrangements and parking requirements

- 2161/19 **Plans list item 6 – application number 17/0227 – proposed development for 6 new dwellings comprising 4x2 bed semi-detached houses, 2x3 bed detached (including all associated infrastructure). The existing site has 2 access points serving no. 98 and no, 2A – the application included a proposal for a single access point serving the proposed new dwellings and also the existing dwelling no. 95 Chase Road at 2A Middleton Road, Brownhills, Walsall, WS8 6JF**

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.

(see annexed)

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

Mr. Walker raised concern regarding the retention of the boundary hedge and asked that it be retained and he queried where the refuse collection lorry would be able to park whilst emptying the refuse bins due to the siting of a bus stop opposite the proposed access and thus having the potential for creating a build-up of traffic. He further added that the National Planning Policy Framework (NPPF) must ensure suitable access is maintained.

There were no questions for the speaker.

There then followed a period of questioning by Members to officers, which included whether the access was owned by a third party, had full consideration been given to the access and egress to the site, pedestrian safety, and increased congestion.

In response, officers reported that the access and egress points would be positioned on land in the ownership of the applicant; that there was an existing access onto Chase Road; pedestrian safety had been taken into consideration and that a development of six dwellings would not create a significant impact on potential traffic congestion.

Members considered the application in detail, which included concerns regarding the access and egress, the locality of the nearby secondary school with regard to increased traffic on the already congested highway, lack of on-street parking for construction vehicles, and the collection points for refuse bins particularly if the access road was a private road.

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

That planning application number 17/0227 be delegated to the Head of Planning, Engineering and Transportation to grant, subject to the satisfactory resolution of waste bin collections and accessibility of WMBC refuse collectors, and that 'Keep Clear' markings are implemented on the highway to prevent the blocking of vehicle access.

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

Resolved

That planning application number 17/0227 be delegated to the Head of Planning, Engineering and Transportation to grant, subject to the satisfactory resolution of waste bin collections and accessibility of WMBC refuse collectors, and that 'Keep Clear' markings are implemented on the highway to prevent the blocking of vehicle access.

Councillor Craddock requested that his name be recorded as having voted against the recommendations.

2162/19 **Plans list item 8 – application number 18/1328 – construction of one x 4 bedroom detached house on land adjacent to 10 Downham Close, Walsall, WS5 3BX**

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, Mr. Burke, who wished to speak in support of Officers' recommendations.

Mr. Burke informed Committee that he was the agent for the applicant and that both parties had listened to the Planning Officers and amended the application accordingly to a single, detached dwelling with its own access. He added the development would reinforce the character of the area and would reflect the design of the neighbouring property using bricks and tiles similar to those already used within the area. He further added that all guidelines had been adhered to in relation to separation distances and that no windows would be overlooked.

There were no questions to the speaker nor to officers.

At this juncture of the meeting, the Chair informed the speaker that although he was the ward councillor for the applicant, he had not returned the applicant's telephone call by virtue of his position on the Planning Committee.

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

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

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

2163/19 **Plans list item 9 – application number 18/1068 – retrospective: change of use from Class A1 Retail Shop to class A3 restaurant/café at shops 3 and 4, 498-500 Pleck Road, Walsall, WS2 9HE**

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, Mr. Mohudin, who wished to speak in objection to officers recommendations.

Mr. Mohudin advised that the dessert parlour in question formed part of an 18 strong national franchise with a further 12 shops in the pipeline, and that it currently fulfilled a community need and local demand. He added that the dessert parlour currently employed 30 local people and that the applicant could resolve the disabled access concerns by means of installing a ramp.

There then followed a period of questioning by Members to the speaker and Officers, which included why the applicant had not sought planning permission ahead of the establishment opening; what the establishment had been selling to date and whether there was a need for it; whether previous reasons for refusal could be conditioned; fall back position.

In response, the speaker stated that he had followed his agent's advise and believed a change of use from the previous café was not required; the establishment would sell deserts and non-alcohol hot and cold drinks and that it was currently proving a popular destination. The Presenting Officer reiterated that the applicant had not overcome the previous reasons for refusal and that the current classification usage was that of a mechanics, as the previous café use was not unauthorised.

Members considered the application further including the lack of a disabled access; the removal of the waste bins from the public highway; fall back to current classification of mechanics not suitable next door to a food takeaway unit; that too many sites are not conforming and Councillor Perry **moved** and it was duly **seconded** by Councillor Samra:-

That planning application number 18/1068 be refused, for the reasons set out in the report and supplementary paper now submitted

The Motion, having been put to the vote was declared **lost**, with 4 Members voting in favour and 8 against.

The Planning Solicitor advised that should Committee be minded to approve the application against officers recommendations, Committee must have regard to 'public sector equality duty' and that Committee had the option to defer the application to ensure the equality issues were taken into consideration and resolved, or should Committee be minded to approve contrary to officers recommendations, it must provide adequate reasons.

Following further deliberations, the Chair advised it would be unsafe to approve the application if the applicant could not demonstrate equality duty at that time and therefore Councillor Bird **moved** and it was duly **seconded** by Councillor Nazir:-

That planning application number 18/1068 be deferred to enable clarification of details in respect of the disabled access; waste management including bin storage; parking requirements and impact of the application with regards to the residential accommodation above in respect of noise insulation and fire precautions.

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

Resolved

That planning application number 18/1068 be deferred to enable clarification of details in respect of the disabled access; waste management including bin storage; parking requirements and impact of the application with regards to the residential accommodation above in respect of noise insulation and fire precautions.

2164/19 **Plans list item 10 – application number 18/1203 – change of use from C3 dwelling house to C2 Residential Care Home at 47 Gorway Road, Walsall, WS1 3BE**

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)

At this juncture of the meeting, the Chair read out a message on behalf of a Planning Committee Member who was unable to attend the meeting but who had wished to express his concern regarding derogatory literature that had been distributed to local residents in relation to the application. The Chair emphasised that Planning Committee should always distance itself from that type of literature.

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

Mr. Sandhu advised that the applicant was not the owner of the property and that the owner had only secured a five year lease. He added that the property did not have a generous rear garden and that a number of residents within the area were elderly and they had expressed concern with regard to a potential increase in crime should the application be granted.

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

Mr. Bass advised Committee that he had lived next door to the application property since his retirement over 11 years ago and he expressed concerns regarding potential noise particularly in the outside amenity space, which may be detrimental to his well being. He added that there were already two similar care homes within Gorway Road.

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

Ms Birring advised Committee that occupants of a residential care home should be made to feel they are in a home setting and not institutionalised. She added that all occupants would have impact risk assessments before admittance, all staff within the home would be fully trained in dealing with vulnerable occupants and should neighbours have any queries, the company would be happy to provide further information.

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

Mr. Siddique advised Committee that the applicant had followed everything in accordance with policies and he emphasised there had been no objections from agencies. He added the car parking and bins management were adequate and that the property would enable a cohesion with family living to the young people.

There then followed a period of questioning by Members to the speakers and Officers in relation to confirmation of the conflicting information contained within the report in relation to tenants and whether there were any similar facilities within the area and whether all objections within the report had been considered.

In response, the speakers in support of officers recommendations confirmed only low risk young people would be accommodated and that although there were no other similar facilities within the area, the staff would be fully qualified to run the home and assist with respective care. The Presenting Officer confirmed that all objections had been considered, and that the majority of the objections were not planning matters.

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

That planning application number 18/1203 be granted, 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 eight Members voting in favour and one against.

Resolved

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

2165/19 **Plans list item 3 – application number 17/1240 – demolition of existing buildings, construction of 16 dwellings (2x2 bed and 14x3 bed) with associated access road and parking at former British Lion Works, Forest Lane, Walsall, WS2 7AX**

Resolved

That planning application number 17/1240 be granted, subject to amended conditions as contained within the report and supplementary paper now submitted.

- 2166/19 **Plans list item 4 – application number 18/1313 – retrospective change of use to Hostel (site affects the setting of a public rights of way DAR16) at The Orchard Residential Home, 1-2 Station Street, Darlaston, Wednesbury, WS10 8BG**

Resolved

That planning application number 18/1313 be granted, subject to amended conditions as containing within the report and supplementary paper now submitted.

- 2167/19 **Plans list item 5 – application number 18/0090 – change of use of vacant crane hire storage and maintenance yard to coach park and maintenance area together with retrospective planning permission for container units at Walsall Crane Hire Limited, Croxstalls Avenue, Bloxwich, Walsall, WS3 2PJ**

Resolved

That planning application number 18/0090 be granted, subject to conditions as contained within the report now submitted.

- 2168/19 **Plans list item 7 – application number 18/1447 – single storey extension forming meeting rooms at Aldridge School, Tynnings Lane, Aldridge, Walsall, WS9 0BG**

Resolved

That planning application number 18/1447 be granted, subject to conditions as contained within the report now submitted.

- 2169/19 **Plans list item 11 – application number 18/1464 – retention of ground and first floor rear extension at 47 Birmingham Road, Aldridge, Walsall, WS9 0AJ**

Resolved

That planning application number 18/1464 be granted, subject to conditions as contained within the report now submitted.

Termination of meeting

There being no further business, the meeting terminated at 8.15pm

Signed

Date