

PLANNING COMMITTEE

Thursday 6 July, 2017 at 5.30 pm

In the Council Chamber at the Council House, Walsall

Present:

Councillor Nazir (Chair)
Councillor Underhill (Vice Chair)
Councillor Bird
Councillor Craddock
Councillor Creaney
Councillor Douglas-Maul
Councillor Harris
Councillor Harrison
Councillor D. Hazell
Councillor Jones
Councillor Nawaz
Councillor Rochelle
Councillor Sarohi
Councillor Shires
Councillor Ward
Councillor Washbrook
Councillor Worrall

1752/17 **Apologies:**

An apology for non-attendance was submitted on behalf of Councillor Perry.

1753/17 **Minutes**

Resolved

That the minutes of the meeting held on 15 June, 2017, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

1754/17 **Declarations of Interest**

Councillor Creaney declared a non-pecuniary interest in Plans list item 5 – application number 16/1098 – change of use from A1 retail to A3 restaurant with ancillary A5 hot foot takeaway facility and ventilation ducting to rear of the building at Quickjay Buildings, Bilston Street, Willenhall, WV13 2AW

1755/17 **Deputations and Petitions**

There were no deputations introduced or petitions submitted

1756/17 **Local Government (Access to information) Act, 1985 (as amended)**

There were no items for consideration in private session.

1757/17 **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.

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.

1758/17 **Item No. 2 – application number 17/0033 – redevelopment of Former Block Work Site to provide new 80 bed specialist care home (C2 use) and associated ancillary facilities, car parking and external works at former Block Works Site, South of 370 Chester Road, Walsall, WS9 9DE**

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

(see annexed)

Councillor Jones left the room at this juncture of the meeting.

The Committee then welcomed the only speaker on this application, Mr. Stephens, who spoke in objection to officers recommendations.

There then followed a period of questioning by Members to the speaker and officers which included what special circumstances would outweigh the harm to the character and openness of the Green Belt, queries regarding a travel plan and nearest public transport.

In response, the speaker stated the special circumstances would be that the site already benefitted from planning permission for a 58 bed specialist care home and the exceptional evidence of the need for dementia care in the Borough had been demonstrated by the NHS and Walsall CCG, that the applicant would be obliged to enter into a travel plan.

Members discussed the application further which included the need for the specialist care within Walsall, that the principal of the development had already been made within the Green Belt albeit the current application was of a higher density over a larger footprint, concerns regarding limited bus service.

The Planning Group Manager reminded Members of the fall back position of the approved 58 bed specialist care development and reiterated officers apprehension regarding the issues with the last travel plan and the need for a Section 106 agreement to replicate the Travel Plan. He further added that should Members be minded to approve the application against officers recommendations, a Section 106 agreement should be entered into to clarify the definitive category of care, ie. a D2 use in accordance with CQC's registration as accommodation for people who require nursing or personal care.

Members considered the application, which included the evidenced need for the type of specialist care provision within Walsall and that the principal of development had already been established in the Green Belt, the adequacy of the parking on the site.

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

That planning application number 17/0033 be refused.

The Motion having been put to the vote was declared **lost**, with 4 Members voting in favour and 13 against.

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

That planning application number 17/0033 be granted, subject to the conditions as contained within the previously approved application no. 14/1537/OL and subject to an amendment to reflect full permission plus a Section 106 Agreement to ensure an adequate travel plan and to secure D2 usage in accordance with CQC registration for people who require Nursing or Personal Care.

The Motion, having been put to the vote was declared **carried**, with 13 Members voting in favour and 1 against.

Resolved

That planning application number 17/0033 be granted, subject to the conditions as contained within the previously approved application no. 14/1537/OL and subject to an amendment to reflect full permission plus a Section 106 Agreement to ensure an adequate travel plan and to secure D2 usage in accordance with CQC registration for people who require Nursing or Personal Care.

Councillor Jones returned at this juncture of the meeting.

1759/17 **Item No. 3 – application number 17/0251 – two storey extension to the rear and single storey extensions to the side elevations and internal alternations at Nutan Social Club, 229 Darlaston Road, Darlaston, Wednesbury, WS10 7TD**

The Planning 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. Patel, who spoke in objection to officers recommendations.

There then followed a period of questions by Members to the speaker and officers primarily regarding on-site and off-site parking provision and whether local bus services had been taken into consideration, whether a fire regulation assessment would be carried out.

In response, officers confirmed a section 106 Agreement was required to satisfy Highways concerns in minimising the potential disruption and/or harm caused by overspill parking on adjacent streets. Highways confirmed Walsall's UDP parking policy required 31 spaces within the application site however the application would only provide 17. The presenting officer advised that although fire assessments were no a planning consideration, they would be picked up within the building regulations.

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

That planning application number 17/0251 be deferred for one cycle to enable officers to consider alternative car parking arrangements within close proximity to the club.

Members considered the application further, which included the delegation of the application to the Head of Planning, Engineering & Transportation..

Councillor Underhill withdrew the Motion and Councillor Bird **moved** and it was duly **seconded** by Councillor Underhill:-

That planning application number 17/0251 be delegated to the Head of Planning, Engineering and Transportation to grant permission, subject to the applicant providing evidence of sufficient on-site and off-site parking provision.

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 17/0251 be delegated to the Head of Planning, Engineering and Transportation to grant permission, subject to the applicant providing evidence of sufficient on-site and off-site parking provision.

1760/17 **Item no. 4 – application number 16/1631 – single storey extension to existing shop at no. 70 West Street at Bahia Stores, 26 Leamore Lane, Walsall, WS3 2BL**

The Chair informed Committee that the two speakers who had registered to speak in objection to this item were longer able to attend and the ward Councillor was in attendance to speak in their absence. The Chair adjourned

the meeting whilst Legal Officers and the Democratic Services Officer consulted on the Constitution under Section 3.2 (13) that '*anyone wishing to speak must register in writing at least one working day before the meeting*'. The Chair advised Committee that the application should be deferred in line with the Constitution to ensure fairness and consistency. The Committee agreed unanimously.

1761/17 **Item no. 9 – application number 16/1865 – change of use from former 20 bedroom residential care home (C2) for the elderly to a home in multiple occupancy as assisted supported accommodation for vulnerable women with babies and young children (Sui Generis)**

The Planning 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, Ms Mallinson, who spoke in support of officers recommendations.

There then followed a period of questioning by Members to the speaker and officers which included whether a fire risk assessment had been carried out on the building, why the application was retrospective, whether the objections had been taken into consideration.

In response, the speaker confirmed the property had been risk assessed and rigorous checks would be carried out weekly with any incidents recorded, that the applicant had worked with all relevant agencies regarding local concerns, residents would be required to sign an occupancy agreement, that the company had similar, smaller premises which had not required planning permission and therefore it had not realised planning permission was required to change the C2 classification category to sui generis.

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

That planning application number 16/1865 be delegated to the Head of Planning, Engineering and Transportation to grant permission subject to conditions and a Section 106 Agreement, 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 two against.

Resolved

That planning application number 16/1865 be delegated to the Head of Planning, Engineering and Transportation to grant permission subject to conditions and a Section 106 Agreement, as contained within the report and supplementary paper now submitted.

1762/17 **Item No. 10 – application number 17/0066 – demolition of existing bungalow and erection of 2 detached houses, including master bedroom within the roofspace, dormer window to the rear and parking to the front and to the rear off Swan Pool Grove at 64 Spring Road, Sheffield, WS4 1QQ**

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

(see annexed)

The Committee then welcomed the first speaker on this application, Mrs Smith, who spoke in objection to officers recommendations.

The Committee then welcomed the second speaker on this application, Mr. Smith, who also spoke in support of officers recommendations.

The Committee then welcomed the third speaker on this application, Mr. Field, who spoke in support of officers recommendations.

There then followed a period of questioning by Members to the speakers and officers primarily around the impact of the rebuild on the adjacent homes and separation distances.

In response, the speakers in objection to the application stated the development would block light into their home and impact on their privacy. The third speaker confirmed the application complied with the 45° code and all separation distances and that the houses would be set in a stepped position in accordance with the street scene. The presenting officer stated the houses would be no taller than current houses within the street scene and the application complied with planning policies.

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

That planning application number 17/0066 be granted, subject to conditions as contained within the report 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 17/0066 be granted, subject to conditions as contained within the report now submitted

1763/17 **Item No. 11 – application number 16/1153 – proposed demolition of existing bungalow and outbuildings and erection of 4 no. detached dwellings at 135 Erdington Road, Aldridge, Walsall, WS9 0RT**

The Planning Group Manager informed the Chair that one of the two speakers who had registered to speak in objection to planners recommendations was not in attendance at that time and he suggested the item be deferred until the end of the meeting. The Chair was in agreement.

1764/17 **Item No. 15 – application number 17/0333 – conversion of bungalow with basement to a two storey dwelling with basement at 129 Longwood Road, Aldridge, Walsall, WS9 0TB**

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

(see annexed)

The Committee then welcomed the first speaker on this application, Mrs Dulai, who spoke in objection to officers recommendations.

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

There then followed a period of questioning by Members to the speakers and officers which included whether the footprint of the conversion would remain the same and queries regarding Government advice pertaining to 'special circumstances'.

In response, the first speaker confirmed the footprint of the conversion would remain the same and officers advised that personal circumstances were not considered as special circumstances in planning policy.

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

That planning application number 17/0333 be granted to allow the property to become habitable on compassionate grounds to accommodate a family member's medical needs, subject to standard conditions.

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 17/0333 be granted to allow the property to become habitable on compassionate grounds to accommodate a family member's medical needs, subject to standard conditions.

Councillor Shires and Councillor Sarohi left at this juncture of the meeting.

1765/17 **Item No. 18 – application number 17/0229 – two storey side and front extension at 20 Birchover Road, Walsall, WS2 8TU**

The Planning Officer advised Committee of the background to the report now submitted

(see annexed)

The Committee then welcomed the first speaker on this application, Mrs Gill, who spoke in objection to officers recommendations.

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

There then followed a period of questioning by Members to the speakers and officers which included whether the applicant had worked with the planners to try to resolve the planning issues, had there been any complaints from the neighbouring properties, whether there were other similar extensions within the area.

In response, the first speaker confirmed the applicant had worked with the planners but she had not been happy with the amended proposals, there had been no representations or complaints from neighbours and that there were similar, staggered extended properties within the vicinity.

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

That planning application number 17/0229 be granted, as the breach in the 45^o code is outweighed by the personal circumstances of the family, subject to standard building conditions including materials to match the existing building and the side window off the landing to have obscured glazing

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 17/0229 be granted, as the breach in the 45^o code is outweighed by the personal circumstances of the family, subject to standard building conditions including materials to match the existing building and the side window off the landing to have obscured glazing

At this point in the meeting, Cllr Bird **moved** and it was duly seconded by Councillor Nawaz :-

That Standing Order No. 9(a) of the Council's Constitution be suspended in order for the Committee to conclude the remainder of its business.

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

1766/17 **Item No. 11 – application number 16/1153 – proposed demolition of existing bungalow and outbuildings and erection of 4 no. detached dwellings at 135 Erdington Road, Aldridge, Walsall, WS9 0RT**

The Planning Group Manager advised Committee of the non- attendance of one of the speakers for the item number now for consideration and he reminded Members of its earlier decision to defer plans list item number 4 following notification from two of the speakers of their unavailability and their request for Ward Councillor to speak on their behalf.

The Chair **moved** and it was duly **seconded** by Councillor Rochelle:-

That planning application number 16/1153 be deferred for one cycle due to the absence of one of the speakers to ensure consistency

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

The Planning 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. Spooner, who spoke in objection to officers recommendations.

There then followed a period of questioning by Members to the speaker and officers which included whether any of the trees were protected, separation distances, queries regarding the ecological survey, whether officers were satisfied the road would allow cars to enter and exit onto the highway safely.

In response, the speaker confirmed there were no Tree Preservation Orders attached to any of the trees within the application site and that an ecological report had been carried out which had reported no protected species. The Planning Group Manager reported that the applicant had submitted an Ecological survey with included a caveat that a further survey must be undertaken before any building work can commence to establish whether there are migrating bats or bat roosts in the trees marked for removal. The planning officer drew Members attention to the supplementary paper which reported that Highways were satisfied that their previous highways related issues had been resolved.

Members considered the application which included the length of time the application had been in progress, that vehicles would be able to access the development safely including refuse and emergency vehicles, the potential of bats in specified types of trees as identified by the applicants.

Members consider the application further and Councillor Bird **moved** and it was duly **seconded** by Councillor Douglas-Maul:-

That planning application number 15/0894/FL be delegated to the Head of Planning, Engineering & Transportation to grant, subject to confirmation that no protected species will be harmed following the completion of a survey as identified on the applicants Ecological Plan to search for potential bat roosts.

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 15/0894/FL be delegated to the Head of Planning, Engineering & Transportation to grant, subject to confirmation that no protected species will be harmed following the completion of a survey as identified on the applicants Ecological Plan to search for potential bat roosts.

1767/17 **Item No. 17 - application number 17/0470 – proposed single storey attached garage at 19 Ringwood Avenue, Aldridge, Walsall, WS9 0HZ**

Chair advised Committee the speakers had not turned up and Members resolved to proceed with the planning application in their absence.

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

(see annexed)

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

That planning application number 17/0470 be refused as the proposed development would result in overshadowing and an overbearing impact on the neighbouring property which would be detrimental to their amenity

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 17/0470 be refused as the proposed development would result in overshadowing and an overbearing impact on the neighbouring property which would be detrimental to their amenity

- 1768/17 **Item No. 1 – application number 16/1515 – 426 new dwellings with associated landscaping and parking – 312 for private sale, 74 affordable rent and 40 wellbeing units (site affecting public footpaths WAL 26 & 28) at site B, Goscote Lane (Goscote Lodge Crescent), Walsall**

Resolved

That planning application number 16/1515 be delegated to the Head of Planning, Engineering & Transportation to grant permission subject to conditions including the removal of any conditions listed below not required following receipt of details acceptable to officers and consultees; subject to the completion of a Section 106 Agreement to provide for affordable homes; amendments to the access from Goscote Lodge Crescent onto Goscote Lane including any conditions/obligations as required, to address the concerns of the Highway Authority as contained within the report and supplementary report now submitted.

- 1769/17 **Item No. 5 – application number 16/1098 – change of use from A1 retail to A3 restaurant with ancillary as hot food takeaway facility and ventilation ducting to rear of the building at Quickjay Building, Bilston Street, Willenhall, WV13 2AW**

Councillor Creaney, having declared an interest in this item, did not vote on the application.

Resolved

That planning application number 16/1098 be granted, subject to conditions as contained within the report now submitted.

- 1770/17 **Item No. 6 – application number 17/0564 – amendment to planning permission 06/1818/FL/W7 to remove play area and replace/create open general amenity area on land east of Merton Way, Merton Way, Walsall**

Resolved

That planning application number 17/0564 be delegated to the Head of Planning, Engineering & Transportation to grant subject to conditions and the signing of a Section 106 Agreement for any off-site play area in Pleck Park, as contained within the report and supplementary paper now submitted.

- 1771/17 **Item No. 7 – application number 17/0588 – change of use from A1 (Retail) to A5 (Hot Food Takeaway) at 46 Ida Road, Walsall, WS2 9SS**

This item had been withdrawn from the agenda by the applicant.

1772/17 **Item No. 8 – application number 16/0795 – replacement dwelling at 38 Selmans Hill, Bloxwich, Walsall, WS3 3RL**

The presenting officer advised Committee of the background to the report now submitted

(see annexed)

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

That planning application number 16/0795 be granted, subject to conditions as contained within the report now submitted.

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

Resolved

That planning application number 16/0795 be granted, subject to conditions as contained within the report now submitted.

1773/17 **Item No. 12 – application number 16/1713 – proposed modification of bridge parapets and programme of structural refurbishment on Aquaduct over railway north of 50 Raymond Close, Public Right of Way between Forest Lane and Hawbush Road, Walsall**

Resolved

That planning application number 16/1713 be granted listed building consent subject to conditions as contained within the report and supplementary paper now submitted.

1774/17 **Item No. 16 – application number 17/0394 – proposed porch, front extension to existing garage, loft conversion with X4 dormers to front elevation, X1Dormers to front elevation, X1Dormer to rear elevation and pitched roof over garage and sunroom at 74 Bloxwich Road North, Willenhall, WV12 5PS**

Resolved

That planning application number 17/0394 be granted, subject to conditions as contained within the report now submitted.

Termination of meeting

There being no further business, the meeting terminated at 9.30 pm

Signed

Date