

PLANNING COMMITTEE

Thursday 6 January 2021 at 5.30 pm

In the Council Chamber at the Council House, Walsall

Present:

Councillor M. Bird (Chair)
Councillor B. Allen
Councillor P. Bott
Councillor S. Craddock
Councillor C. Creaney
Councillor A. Hicken
Councillor J. Murray
Councillor M. Nazir
Councillor A. Nawaz
Councillor W. Rasab
Councillor I. Robertson
Councillor S. Samra
Councillor M. Statham
Councillor A. Underhill
Councillor V. Waters

In attendance:

A. Ives	–	Head of Planning & Building Control
N. Alcock	–	Solicitor
M. Brereton	–	Group Manager – Planning
L. Wright	–	Senior Planning Officer
K. Moreton	–	Head of Highways & Transport
I. Rathbone	–	Principal Environmental Protection Officer
D. Smith	–	Senior Legal Executive
F. Whitley	–	Senior Planning Enforcement Officer
P. Venables	–	Director, Regeneration and Economy
S. Crossen	–	Principal Planning Policy Officer
C. Goodall	–	Principal Democratic Services Officer
N. Gough	–	Democratic Services Officer

193/21

Apologies

Apologies for absence were submitted on behalf of Councillors S. Cooper and Councillor A. Harris.

194/21 **Minutes**

The Committee considered the minutes of the previous meeting, and Councillor P. Bott thanked Officers for responding to his query.

Resolved:

The Minutes of the meeting held on 2 December 2021, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

195/21 **Declarations of Interest**

The following declarations of interest were made:

Councillor W. Rasab declared an interest in planning application 20/0309, Rother, Highgate Drive, Walsall, WS1 3JJ, as he was related to the applicant.

Councillor M. Nazir declared an interest in planning application 20/0309, Rother, Highgate Drive, Walsall, WS1 3JJ as the applicant was his neighbour. He also declared an interest in planning application 21/0834, 58, Highgate Road, Walsall, WS1 3JE as he was the applicant.

Councillor Hussain declared an interest in declared an interest in planning application 20/0309, Rother, Highgate Drive, Walsall, WS1 3JJ, as he had called the application in to Committee prior to being a Member of the Committee.

196/21 **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

197/21 **Local Government (Access to Information) Act, 1985 (as amended)**

Exclusion of the Public

Resolved:

That, during consideration of the items on the agenda, the Committee considers that the relevant items for consideration are exempt information for the reasons set out therein and Section 100A of the Local Government Act 1972 and accordingly resolves to consider those items in private.

198/21

Addition to the List of Buildings of Local Architectural and Historic Interest – Walsall Local History Centre, Essex Street, Walsall, WS2 7AU.

The Principal Planning Policy Officer presented the report and highlighted the salient points (annexed). The Committee were informed that the report requested that the Committee agreed to the permanent inclusion of Walsall Local History Centre, Essex Street, Walsall on the List of Buildings of Local Architectural and Historic Interest. The site was Council owned, and the listing was sought in order to protect it from future development that may result in the loss of the heritage asset. The Officer described the location, architecture, former uses, and history to the site. It was noted that the Department for Levelling Up, Housing and Communities had awarded Walsall £70k by the Black Country Authorities as part of £1.5m funding.

In response to the presentation Members discussed the adjacent site Abu Bakr School, and the potential for use of the Essex Street site. A Member questioned the future liabilities of listing the building and questioned the magnitude of this and the material value of the inclusion of this site. The Chair described the potential impact of the inclusion of this site as a listed building. A Member stated that the building listed in a residential area, and this may limit the future use and sale of the building, it was stressed that this should be carefully considered to avoid further cost to the Local Authority. Members discussed the implications of listing this building, and the legal consequences of this whilst respecting the heritage of the site.

It was moved by Councillor Craddock and seconded by Councillor Waters and upon being put to the vote:

Resolved (14 in favour and 2 against):

That the Walsall Local History Centre is not included on List of Buildings of Local Architectural and Historic Interest.

199/21

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, confirmed they had been advised of the procedure whereby each speaker would have two minutes to speak.

The Chair informed the Committee that the application - plans list item 1, application number 21/0113, Euro Foods Group LTS, Heath Road, Darlaston, Wednesbury, WS10 8XL had been withdrawn.

Plans List Item 2 – APPLICATION NUMBER 21/1275 - HARTSHORNE MOTOR SERVICES LTD, BENTLEY MILL CLOSE, BENTLEY, WALSALL, WS2 0BN

The report of the Head of Planning and Building Control was submitted (see annexed).

The Presenting Officer was M. Brereton, Group Manager, who advised the Committee of the background to the report and highlighted the salient points contained therein (annexed). 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 first speaker on this item, Mr P. Shuker, who wished to speak in support to this application.

Mr Shuker stated that this application would reinvest in the infrastructure that was already at the site, to upscale and deal with future decarbonisation of the industry and investment in the company. This site would be the companies designated headquarters for the UK, it was noted that currently there were limited planning restrictions on the operation of the site and this application would include safeguards to ensure that any issues could be addressed in the future through enforcement.

The Committee then welcomed the second speaker on this item, Mr P. Gutteridge, who wished to speak in objection to this application.

Mr Gutteridge stated that residents had experienced ongoing problems with the company since the previous planning application for the MOT bay in 1995. The conditions associated with the previous planning application had been contravened, and residents had made several complaints in relation to hours of work, excessive noise, door's left open, radio's playing during the night, and horn's sounding. Following this residents had met with a company representative however the resolution was short lived. The objections to this proposal were based on the fact that the company had never adhered to their previous planning conditions. It was felt that the application would negatively impact residents due to increased light and noise pollution, and whilst the need for progress was recognised, it should not be at the detriment of local residents.

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

A Member asked the objector for further information on the disruption faced by residents. Mr Gutteridge described residents experiences, which included radios playing during the night, machinery used in the early hours of the morning, HGVs sounding horns – it was stressed that this was during the night-time and not during the day. Residents reported these issues to security, however their response was not supportive, it was also stressed that this was reported to environmental health (Walsall Council) however this was not productive. Further to this a Member questioned if the problems had been listed and timetabled, however the speaker confirmed this had not been done – residents contacted the security officers to report the complaints.

The Speaker in support of the application was asked to comment on the issues raised by Mr Gutteridge. Mr Shuker responded to state that he was the agent of the applicant, and apologised if residents were being impacted in this way. He stressed that noise impact assessments had been completed, however there had been no recorded issues. Safeguards had been put into place to allow investigation and these were within the recommendations from the officers. The facility was a long established site, and employer in the area.

There then followed a period of questioning by Members to Officers in relation to approved hours of the facility. Officers confirmed that the previous planning permissions, the MOT testing bay hours would be carried forward and previous hours of operation in relation to the 'spray booth' would not be carried forward as this would be demolished. It was confirmed that the hours of operation would be:

- The MOT bay would operate Monday to Friday 8am – 6pm Saturdays 8-1pm with no operation on Sunday and public holidays.
- The spray booth would no longer be in operation.
- The remainder of the site was not under planning restrictions.

Following challenge and discussion from Members Officers confirmed that the Committee were not able to impose additional planning restrictions, based on the evidence presented as this would not meet the test for the application of conditions. It was concluded that the Tree Officer did not have objections to the removal of trees but would recommend 'soft planting' to provide screening for residents.

A Member suggested that a resident liaison group, to meet (at least) once every 6 months, was set up to discuss any concerns that they had, with local Councillors included and minutes shared with environmental health (Walsall Council). It was suggested that this was included as an advisory note.

Officers were asked if the boundary fence (which was in disrepair) would be replaced should the planning application be granted. It was confirmed that the installation and maintenance of the fence was included as a condition of the application.

It was **Moved** by Councillor Bird, **seconded** by Councillor Craddock and upon being put to the vote:

Resolved (Unanimous)

That the Head of Planning and Building Control be delegated authority to grant application number 21/1275 subject to conditions and to secure any necessary implementation and monitoring of a Travel Plan by way of a Section 106 Agreement or Planning Condition as appropriate and subject to;

- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;
- Overcoming the outstanding objections raised by the Public Lighting Officer (External Lighting) and Environmental Protection (Asbestos).

- To include an advisory note to request that a 6 monthly resident liaison committee is set up by the applicant to include local ward Members to provide residents with an opportunity to raise any issues, the minutes of which are to be passed on to the Council's Environmental / Community Protection Teams.

201/21

Plans List Item 4 – APPLICATION NUMBER 21/0197 - WEST MIDLANDS CONSTABULARY, BROWNHILLS POLICE STATION, CHESTER ROAD NORTH, BROWNHILLS, WALSALL, WS8 7JW

The report of the Head of Planning and Building Control was submitted (see annexed).

The Presenting Officer was M. Brereton, Group Manager, who advised the Committee of the background to the report and highlighted the salient points contained therein (annexed). 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 first speaker on this item, Mr, D. Golding who wished to speak in objection to this application.

Mr Golding described his property, and stated that the development would have a detrimental impact on his home and the potential for relaxation at his property. The felling of trees would also reduce visual barriers to the development. Many properties adjacent to the proposed McDonalds were privately owned and residents had been invested in them.

The Committee then welcomed the second speaker on this item, Mr, J. Robson, who wished to speak in support of this application. Mr, Robson informed the Committee that McDonalds had received 300 letters of support for the development and stated that people had recognised the positive impact that it would have on the town. Extensive work had been done to ensure that the proposal was acceptable, and to ensure this included in terms of parking and drive through queuing capacity. It was stressed that McDonalds was committed to investing in the local community and the provision of employment opportunities in the area. In addition the company's commitment to the green agenda was described, in order to allay residents' concerns – it was suggested that opening hours were reduced and it was stressed that McDonalds would continue to work with residents and be a good neighbour throughout construction.

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

A Member questioned if it would be possible to retain the hedge on the boundary of the site. Mr, J. Robson stated that this would not be possible, however to mitigate this – an acoustic fence had been proposed to provide both visual and acoustic barriers. Mr Golding was asked, which height of fence was considered a better option, Mr Golding stated that a 3.2m would be preferable.

A Member asked for a projection of traffic using through the drive through service, the speaker stated it would be around 127 cars at peak time on a Saturday – however it was stressed that numbers would normally be significantly less. A Member questioned what contingencies would be put in place to prevent tailbacks onto the highway. Mr, J. Robson confirmed that it was designed to prevent this, and analysis estimated that there would be adequate capacity. It was also stated that the existing service road would also reduce the impact of tailbacks.

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

A Member clarified the operating hours of the proposed site, Officers confirmed that operating hours would be from 6 am – 11 pm, 7 days a week. A Member noted that cars using the drive through would queue very close to resident's garden, and questioned the impact on pollution in the local area. The Principal Environmental Protection Officer suggested that the limited number of cars using the drive through would not affect the air quality objectives that were currently being met.

In reference to the letters in support, a Member questioned how many letters were from residents who lived adjacent to the site. Officers stated that this information was not available. In response to a question from a Member, Officers confirmed that the modelling did not predict a significant issue in local highways with tailbacks, however junction improvements had been included as part of the conditions.

Officers were asked if they considered proposals sufficient to prevent vermin in the area as a result of the development. It was confirmed that this was the case, however if issues were raised it would be dealt with via Environmental Health.

A Member asked if it could be conditioned that the applicant was asked to plant seven trees off site, Officers confirmed that this could not be insisted on as described in the report. The Member suggested that this was requested.

A discussion was held around the importance of the design to prevent traffic problems, it was suggested that McDonalds were a good neighbour and would produce economic benefits for the community. A Member summarised that locally there was support for this proposal, however concern for those in the adjacent properties was held and to protect these residents a 3.2 m fence was requested.

It was **Moved** by Councillor S. Craddock, **Seconded** by Councillor M. Bird, and upon being put to the vote was:

Resolved (14 in favour and 2 against)

That the Head of Planning and Building Control be delegated authority to grant application number 21/0197 subject to no new material considerations being received within the consultation period, the amendment and finalising of conditions, a 2.4m high acoustic boundary fence to site frontage and a 3.2m high acoustic fence along the rear shared boundary with residential gardens of Bradford Road, condition 3 to be updated to reflect correct operating hours of 06:00am to 23:00pm 7 days a week and a note to applicant to request off-site tree planting of seven trees.

Plans List Item 5 –APPLCIATION 20/0309 - ROTHER, HIGHGATE DRIVE, WALSALL, WS1 3JJ

Councillor M. Nazir, Councillor W. Rasab and Councillor K. Hussain, having declared pecuniary interests in this item, left the room during consideration and did not take part nor vote.

The report of the Head of Planning and Building Control was submitted (see annexed).

The Presenting Officer was Ms. L Wright, Senior Planning Officer, who advised the Committee of the background to the report and highlighted the salient points contained therein. In addition, the Presenting Officer drew the Committee's attention to the additional information as set out in the tabled supplementary paper.

The Chair clarified that this application was originally for an annex, and at the request of Officers was amended to an application for a separate dwelling.

The Committee welcomed the first speaker on this item, Mr K. Khan.

Mr Khan stated that originally the application was for an annex, however on the advice of the planning officer it was suggested to amend this to a separate dwelling. The proposed dwelling would be used as a home for the applicant's parents, both of whom suffered from health problems, and their current residence was not suitable. It was stressed that the family needed separation to allow hygiene to be maintained, and this application was to support the applicant's parents. Three bedrooms would be required to accommodate two residents and a career.

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

A Member queried what would be done to do to protect the trees on site and asked for clarification that this building would be used as an annex. The applicant stated that they would leave a metre between the trees and the building filling the gap to prevent damage. The applicant confirmed that the proposed dwelling would be used as an annex with a shared driveway.

The Chair stressed that personal circumstances could not be used as a material planning consideration.

In response to concerns contained within the report in relation to shared space and security, it was clarified that the proposed building and the existing building would be one entity and used by the family only. The applicant explained that the land which the property would be built on was around 1.5m lower than surrounding properties.

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

A Member queried the concerns raised in the report in relation to security and Officers explained that as this application was for a separate dwelling the report

identified issues that had arose in relation to occupancy and security. Members discussed surrounding developments which contained small gardens and suggested this was not consistent with the points raised in the reports. Officers stated that the report was based on space standards as recommended in the designing Walsall SSPD, which was 68 metres of private amenity space.

A Member asked for further clarification on the impact of the tree, and if the Tree Officer was satisfied with the proposed solution to protect the tree. Officers confirmed that this was the case.

Members discussed the application, and acknowledged that the applicant was attempting to look after his parents. It was noted that the applicant had amended his application based on advice from Officers, and as a result of this advice the application was not considered acceptable. The following reasons for this were considered:

- The proposed dwelling would be at a much lower level than neighbouring properties, which mean that the impact on them would be minimal.
- The speaker had explained that there would be no issue with amenity space.
- There were concerns raised in relation to lighting in bedrooms 2 and 3, however the size of skylights could be increased to deal with this issue and thus not impacting on neighbours.
- The applicant had amended the application in order to protect the trees on the site.
- All reasons for refusal were based on the fact that it was a separate dwelling, however if it was conditioned that the new dwelling was an annex these would not be an issue.

Head of Planning & Building Control clarified the reasons for Officers suggesting the application was listed as a separate dwelling stating that this was due to the facilities that would be contained with the dwelling. The proposed building had all accommodation that meant it could be occupied independently to the main building.

Councillor A Nawaz moved that the application should be supported for the following reasons:

- The impact on surrounding properties would be minimal due to the height differences in land.
- Amenity space would be sufficient as this was an ancillary building to the main building.
- The application had been improved to reduce the impact on the trees.
- The application for it to be a separate dwelling, was at the request of Council Officers.
- It was suggested that a condition be included that the new building was ancillary to the main dwelling.

It was **Moved** by Councillor A. Nawaz, **Seconded** by Councillor P. Bott, and upon being put to the vote was:

Resolved (Unanimous)

- i. That the planning application number 20/0309 be granted subject to conditions, on the basis that the proposal would lead to minimal impact on surrounding properties due to height levels, amenity space would be sufficient given that the proposal is considered to be ancillary to the main dwelling, the proposal has been vastly improved since the original application and now has minimal impact on trees, the proposal is considered to be a separate dwelling at the request of the planning authority but is intended to be ancillary to original dwelling.
- ii. Conditions to be included for the proposed dwelling to remain ancillary to the original dwelling, construction management, hours of construction, removal of Permitted Development rights and agreement of materials to be used.
- iii. Officers draft a letter, on behalf of the Chair, to the Secretary of State, to request that – in the current climate –personal circumstances should be considered material planning considerations due to the social benefits to both individuals and Local Authorities.

203/21

Plans List Item 6 – APPLICATION NUMBER 21/0834 - 58, HIGHGATE ROAD, WALSALL, WS1 3JE

Councillors K. Hussain and W. Rasab returned to the meeting.

Councillor M. Nazir, having declared a pecuniary interest in this item, remained outside of the room during consideration and did not take part nor vote.

The report of the Head of Planning and Building Control was submitted (see annexed).

The Presenting Officer was Ms, L. Wright, Senior Planning Officer, who advised the Committee of the background to the report and highlighted the salient points contained therein. In addition, the Presenting Officer drew the Committee's attention to the additional information as set out in the tabled supplementary paper.

The Committee welcomed the first speaker on this item, Mr Cotton.

There were no questions to the speaker or to officers.

Mr Cotton addressed the Committee, and introduced himself as the agent to this application. The building had been designed as a separate building to accommodate a lift, rooms for careers and accommodation to allow independence for the habitant. Reference was made to the Hawthorne's, the appearance of which had been taken into consideration for this application as had the street scene. Trees at the front were high and it was proposed to reduce by two trees next to the road, and infill with a more compact vegetation to improve visibility from the road.

A Member asked the agent to confirm that he had worked alongside Planning Officers to amend the application. The Speaker confirmed that drawings had been reissued to adjust the design. A late report from the Conservation Officer had raised a number of issues. However there had not been adequate time to respond to these.

In response to a query from a Member, it was confirmed that the building was planned for the applicants Son who was disabled. It was stressed by a Member that if there was a concern from Highways in relation to the application this needed to be resolved.

A discussion ensued in relation to the impact on trees on the site, it was noted that there were outstanding issues in relation to trees with not enough evidence in relation to the potential harm to trees. Further discussion was held in relation to the access and visibility from the highway. Access would be created via a boundary wall which may have a detrimental impact on trees. It was noted that the trees surrounding the wall were not protected trees. A Member suggested that an additional access was not required as the driveway to the main dwelling could be utilised.

At this juncture, the Chair moved that Standing Orders be suspended to enable the meeting to continue over 3 hours. This was duly seconded and approved by the Committee.

It was **Moved** by Councillor S. Samra, **Seconded** by Councillor K. Hussain, and upon being put to the vote was:

Resolved (12 in favour and 2 against):

That the Head of Planning and Building Control be delegated authority to grant application number 21/0834 subject to conditions, and to the resolution of the highway issues, and that the proposal is considered to be a separate dwelling at the request of the planning authority but is intended to be ancillary to original dwelling.

Conditions to be included for the proposed dwelling to remain ancillary to the original dwelling, construction management, hours of construction, removal of Permitted Development rights and agreement of materials to be used.

205/21

Plans List Item 3 – APPLICATION 20/0634 QUEEN MARYS HIGH SCHOOL, UPPER FORSTER

The report of the Head of Planning and Building Control was submitted (see annexed). There were no speakers present for this item.

It was **Moved** and, **Seconded**, and upon being put to the vote was:

Resolved (Unanimous):

1. That the Head of Planning and Building Control be delegated authority to grant application number 20/063 subject to conditions and a S106 to secure costs for four replacement trees in the immediate location. And subject to;
2. The amendment and finalising of conditions.

207/21

Private Session

Exclusion of the Public

Resolved:

That, during consideration of the following items on the agenda, the Committee considered that the items for consideration were exempt information by virtue of Paragraphs 3, 6 and 7 of Schedule 12(A) of the Local Government Act 1972 (as amended) and accordingly resolved to consider that item in private session.

[Exempt information under paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)]

Summary of matters considered in the private session

208/21

Arrow Industrial Estate, Straight Road, Willenhall, WV12 5AE – Case reference E21/0066

A report of Head of Planning and Building Control was submitted (annexed) and highlighted the salient points. Members discussed the position and options following which the committee decided to instruct the head of Planning and Building control to pursue the options to take direct action.

209/21

Land at Wood Farm Cottage, Willenhall – Case Reference E21/0315

A report of Head of Planning and Building Control was submitted (annexed) and highlighted the salient points. Members discussed the position and options following which the committee decided to instruct the head of Planning and Building control to pursue the options to take direct action.

Termination of meeting

There being no further business, the meeting terminated at 8.30 pm.

Signed

Date