

## **PLANNING COMMITTEE**

**5<sup>th</sup> March, 2020 at 5.30 pm**

**In the Council Chamber at the Council House, Walsall**

### **Present:**

Councillor Bird (Chair)  
Councillor Perry (Vice Chair)  
Councillor P. Bott  
Councillor Chattha  
Councillor Harris  
Councillor Harrison  
Councillor Hicken (arrived at 5.56pm)  
Councillor Jukes  
Councillor Murray  
Councillor Nawaz  
Councillor M. Nazir  
Councillor Rasab  
Councillor Robertson  
Councillor Samra  
Councillor Sarohi  
Councillor Statham  
Councillor Underhill  
Councillor Waters

35/20

### **Apologies**

An apology was submitted on behalf of Councillor Creaney.

36/20

### **Minutes**

#### **Resolved**

That the minutes of the meeting held on 6<sup>th</sup> February, 2020, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

37/20

### **Declarations of Interest**

Councillor Samra wished to indicate that he was in no way related to the applicant for Plans List Item No. 4 (19/0566).

38/20

### **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

39/20      **Local Government (Access to information) Act, 1985 (as amended)**

**Exclusion of Public**

**Resolved**

That, where applicable, during consideration of the relevant item(s) on the agenda, the Committee considers that the relevant item(s) 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 item(s) in private.

40/20      **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.

41/20      **PLANS LIST ITEM NO. 1 – 19/1455 - HILLS CONTRACTORS, WESTGATE, ALDRIDGE, WALSALL, WS9 8EX - CONCRETE BATCHING PLANT**

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

(see annexed)

The Presenting Officer advised 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 / revised recommendation as set out within the tabled supplementary paper.

The Committee welcomed the first speaker on this item, Mr Hills, who wished to speak in support of this application.

Mr Hills stated that the site was located in a dedicated industrial area. The current silo in place would be the same height as the ones proposed and the yard was 3M below the level of the canal footpath. The silos would have dust suppression to mitigate any dust created. The silos could not be relocated within the site, as to do so would impede the manoeuvrability around the site for vehicles and machinery. Very little dust would be created by the

operation. Mr Hills also advised that he had invested over half a million pounds into this business and had created jobs.

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

Mr Clifton stated that the silo in place currently would be exactly the same as those which had been proposed. The site was located in an industrial area and there had used to be a fence on the boundary of the site which the canals a rivers trust removed some years ago. Information relating to the proposed dust filtration system had been submitted to Officers back in December, 2019. No drainage would be emptied into the canal, so this would not be a problem given the level of the site in relation to the canal.

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

Members queried the following: -

- What materials would be utilised on site. Mr Hills advised it would be sand and gravel.
- How the machinery works. Mr Hill explained how the machinery operated.
- How much dust would be created from processing the sand and gravel. Mr Hills explained it would be minimal.
- How much noise would be created and if there had ever been any noise complaints. Mr Hills advised that there would be some noise created by the operation of the site, but nothing too loud. In addition, no noise complaints had ever been made as the site was located in an industrial zone and the nearest dwellings were some distance away.
- If the applicant had spoken with the statutory consultees about their concerns. Mr Hills replied that he had not. Officers confirmed that this would not be usual practice.
- Where the wash-out tanks were sited. Mr Hills confirmed that they were underground.
- What the hours of operation were. Mr Hills confirmed that the hours of operation were between 7.00am and 4.00pm.
- How far the silos were located from the boundary to the site. Mr Hills advised that they would be located approx. 1M from the boundary.

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

- If Officers accepted this site was located within an industrial zone. Officers stated that the site was within an industrial zone, but they had to look at the site in question on its merits.
- If trees, which used to be on the site boundary, were still in place to obscure the view of the site, would Officers' objections still be in place. Officers advised that they would have to judge it in that context, which they have not been able to as the trees had been removed.

Following the conclusion of questions to Officers, Members considered the application.

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

That planning application no. **19/1455** be delegated to the Interim Head of Planning and Building Control to approve the application, subject to conditions, as recommended by the Statutory Consultees (*If the recommended conditions of the Stat Consultees cannot be resolved with the Applicant, the application be brought back to Committee for resolution*), and that the unauthorised silo currently in place without approval being resolved, on the grounds that: -

1. the Committee does not accept that the Canals and Rivers Trust objections to the application are valid in that the site is some 3M lower than the existing canal;
2. it is unlikely that there will be any dust coming from the aggregate which are both gravel and sand, both of which are heavy and inert materials;
3. that the likelihood of any dust nuisance to members of the public utilising the adjacent canal footpath would be minimal;
4. this application is situated within an existing industrial site and creates employment and this application would create extra employment within a dedicated industrial zone.

The Motion, having been put to the vote was declared carried with Members voting unanimously in favour:-

### **Resolved**

That planning application no. **19/1455** be delegated to the Interim Head of Planning and Building Control to approve the application, subject to conditions, as recommended by the Statutory Consultees (*If the recommended conditions of the Stat Consultees cannot be resolved with the Applicant, the application be brought back to Committee for resolution*), and that the unauthorised silo currently in place without approval being resolved, on the grounds that: -

1. the Committee does not accept that the Canals and Rivers Trust objections to the application are valid in that the site is some 3M lower than the existing canal;
2. it is unlikely that there will be any dust coming from the aggregate which are both gravel and sand, both of which are heavy and inert materials;
3. that the likelihood of any dust nuisance to members of the public utilising the adjacent canal footpath would be minimal;
4. this application is situated within an existing industrial site and creates employment and this application would create extra employment within a dedicated industrial zone.

**Councillor Hicken arrived at 5.56pm partway through the consideration of this application and, therefore, did not take part or vote in the determination of this application.**

**PLANS LIST ITEM NO. 3 – 19/1225 - 74, CANNOCK ROAD, WILLENHALL, WV12 5RZ - 74, CANNOCK ROAD, WILLENHALL, WV12 5RZ**

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

(see annexed)

The Presenting Officer advised 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 / revised recommendation as set out within the tabled supplementary paper.

The Committee welcomed the only speaker on this item, Councillor Shires, who wished to speak in objection to this application.

Councillor Shires stated that this site was located opposite New Invention Infant and Junior Schools. In view of this, he was in attendance to object on behalf of local residents, the schools and parents of children whom attend the schools. The delivery of vehicles to this site occurred during the AM and PM when parents were transporting their children to / from the schools, and some of the delivery vehicles utilised were the very large double-decker transporters. This was dangerous for both the parents and their children as it created extra congestion during those busy periods. The site itself was overcrowded and not fit for purpose with limited parking on-site for customers.

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

Members had no questions for Councillor Shires.

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

- What the site was utilised for prior to this use. Officers advised the site had been used for the storage of portaloo's.
- If the vehicle shown on the presentation slides purported to be the transport vehicle was the only one utilised for this site. Officers advised that they had to take what they had been advised by the applicant in good faith.
- If the site was being utilised for just distribution, or if sales would also be included. Officers advised that sales also had occurred at the site as well as distribution.
- The impact on the highway if the application were to be granted. The Highways Officer reiterated his conclusions as set out within the report.
- If the application detailed how many parking spaces should be included for customer parking. Officers advised that the plan submitted by the applicant included spaces for customers to park and the Officers were recommending conditions to ensure the applicant complied with their own plan.
- If anyone was living in the house within the site. Officers advised that there was no one living at the house, but members of staff had utilised

the house to stay overnight on occasion. Officers preferred if the house would be solely utilised as ancillary to the business only.

Following the conclusion of questions to Officers, Members considered the application.

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

That planning application no. **19/1225** be refused on the grounds that: -

1. the development would compromise Highways safety in that it would not be possible to condition, control or enforce the type of transporter vehicle that cars are brought to this site on, or where unloading takes place;
2. the site displays a constrained movability within its curtilage;
3. that the close proximity to the school presents a danger to the children and parents in school dropping off / collection times;
4. there is also no on-street car parking nearby to alleviate any of the issues which would be caused by this application being approved; and
5. in view of the above, the site is unsatisfactory for the proposed application.

The Motion, having been put to the vote was declared carried with Members voting unanimously in favour:-

### **Resolved**

That planning application no. **19/1225** be refused on the grounds that: -

1. the development would compromise Highways safety in that it would not be possible to condition, control or enforce the type of transporter vehicle that cars are brought to this site on, or where unloading takes place;
2. the site displays a constrained movability within its curtilage;
3. that the close proximity to the school presents a danger to the children and parents in school dropping off / collection times;
4. there is also no on-street car parking nearby to alleviate any of the issues which would be caused by this application being approved; and
5. in view of the above, the site is unsatisfactory for the proposed application.

43/20

**PLANS LIST ITEM NO. 4 – 19/0566 - 14, NEWQUAY CLOSE, WALSALL, WS5 3EP - CHANGE OF USE FROM OPEN SPACE TO RESIDENTIAL GARDEN LAND AND THE ERECTION OF 2.1M HIGH BOUNDARY FENCE. (SITE AFFECTS THE SETTING OF THE PUBLIC RIGHTS OF WAY WAL105)**

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

(see annexed)

The Chair informed the Committee that this application had been submitted to the Planning Inspectorate for non-determination. In view of this, the

Committee was required to determine what decision it would have arrived at in the circumstances of this case.

The Presenting Officer advised 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 / revised recommendation as set out within the tabled supplementary paper.

**Resolved** (unanimously – moved by the Chair and duly seconded by Councillor Hicken)

That planning application no. **19/0566** be refused on the grounds that the combination of the loss and change of use of the open space, with the erection of a boundary fence and lack of a planning statement considering the potential impact for the loss of open space and its enclosure, including safety and security of the location and impact on users of the open space and public footpaths, plus the impact on the wider amenity of the locality, is considered not to meet the aims and objectives of the National Planning Policy Framework (para 97), saved Walsall UDP Policy LC1, Black Country Core Strategy Policy ENV6 and Site Allocations Document Policy OS1.

44/20

**PLANS LIST ITEM NO. 2 – 19/1608 - LAND TO REAR OF 43 HIGH STREET AND 1-3 CHURCH ROAD, BROWNHILLS, WALSALL, WS8 6ED - ERECTION OF TWOSTOREY BUILDING TO ACCOMMODATE 8 X 1-BEDROOM FLATS**

**Resolved** (unanimously)

That planning application no. **19/1608** be delegated to the Interim Head of Planning and Building Control to grant Planning Permission, subject to conditions and subject to: -

1. securing a noise assessment to confirm the residential use is appropriate for the site;
2. securing a contaminated land investigation to confirm the residential use is appropriate for the site;
3. to consult with the Council's Pollution Control Team to assess the findings of the noise and land contamination assessments to ensure the site is suitable for residential;
4. use and recommend any planning conditions;
5. the amendment and finalising of conditions to take account of the findings of the assessments;
6. take account of any further correspondence that may be received.

45/20

**PLANS LIST ITEM NO. 5 – 19/1012 - CHERRY ORCHARD, BOURNE VALE, ALDRIDGE, WALSALL, WS9 0SH - ERECTION OF SECURITY GATE WITH NUMBER PLATE RECOGNITION AND PEDESTRIAN GATE TO THE SIDE**

**ACROSS BOURNE VALE AND REINSTATEMENT OF TIMBER 1.2M POST  
AND RAIL FENCE ALONG THE BOUNDARY OF CHERRY ORCHARDS**

**Resolved** (unanimously)

That planning application no. **19/1012** be granted, subject to the amending  
and finalising of conditions.

**Termination of meeting**

There being no further business, the meeting terminated at 6.34 pm

Signed .....

Date .....