

PLANNING COMMITTEE

Thursday 3 November, 2016 at 5.30 pm

In the Council Chamber at the Council House, Walsall

Present:

Councillor Nazir (Chairman)
Councillor Worrall (Vice Chair)
Councillor Barker
Councillor Bird
Councillor P. Bott
Councillor Chambers
Councillor Creaney
Councillor Douglas-Maul
Councillor S. Fitzpatrick
Councillor Follow
Councillor Harris
Councillor Jones
Councillor Nawaz
Councillor Perry
Councillor Rochelle
Councillor Sarohi
Councillor Shires
Councillor Sohal
Councillor Young

1600/16 **Apologies:**

Apologies for non-attendance were submitted on behalf of Councillor Craddock.

1601/16 **Minutes**

Resolved

That the minutes of the meeting held on 6 October, 2016, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record subject to the following amendment:- paragraph 1582/16, page 3 – should had read 'speak' and not 'spark'.

1602/16 **Declarations of Interest**

Councillor Worrall declared a non-pecuniary interest in plans list item 1 – application number 16/0806 – 196 space car park to support the existing Bradley Lane Metro stop on playing fields, Great Bridge Road, Bilston as he is Chair of the Transport Board. Councillor Bott also declared a non-pecuniary interest in this item number.

1603/16 **Deputations and Petitions**

There were no deputations introduced or petitions submitted

1604/16 **Local Government (Access to information) Act, 1985 (as amended)**

There were no items to be considered in private session

1605/16 **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 were 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 advised of the procedure whereby the speaker would have three minutes to speak and after two minutes they would be advised they had one minute left.

Councillor Worrall left at this juncture of the meeting as he had indicated that he wished to speak on the first item as a member of the public.

1606/16 **Item No. 1 – application number 16/0806 – 196 space car park to support the existing Bradley Lane Metro Stop on playing fields, Great Bridge Road, Bilston**

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 Worrall, who spoke in support of officers recommendations.

There were no questions to the speaker or officers.

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

That planning application number 16/0806 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 all Members voting in favour.

Resolved

That planning application number 16/0806 be granted, subject to conditions as contained within the report and supplementary paper now submitted

Councillor Worrall returned at this juncture of the meeting.

- 1607/16 **Item number 3 – applicant number 15/1266 – change of use from hotel (Use Class C1) to 32-bedrooms for more than 6 unrelated people living in a property sharing basic facilities (sui generis use) included associated works to car parking and landscaping at former Abberley Hotel, 27-31 Bescot Road, Walsall, WS2 9AD**

The Chair advised Committee that this item had been withdrawn from the 3rd November Planning Committee to allow the application to be forwarded to the National Planning Casework Unit for consideration as to whether the Secretary of State wished to call the application in.

Members expressed their concern with regard to the reason for the withdrawal of the application and a legal opinion was requested. The Council's Solicitor advised that any person could make an application to the Secretary of State to call-in an application. However, there are stringent grounds for meeting the test to call in. In this case, the National Planning Casework Unit had asked that the Council afford them time to determine if the application should be called-in by the Secretary of State. When asked, the Council's Solicitor advised that the NPCU had confirmed the application to call-in had comprised a petition by residents and had been presented to Parliament by Ms Valerie Vaz MP. The Council's Solicitor agreed to provide Committee with a briefing note in relation to call-in procedures.

- 1608 /16 **Item No. 13 – application number 16/0661 - detached garden shed / storeroom in rear garden at 30 Skip Lane, Walsall, WS5 3LL**

The Group Manager (Planning) informed Committee that although no speakers had been included on the speakers list for this item, two members of the public had indicated in advance of the meeting that they had wished to address the Committee in accordance with the Council's constitution but unfortunately their details had not been included on the speakers list. The Group Manager (Planning) confirmed that all parties had been given the opportunity to speak to ensure natural justice.

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, Mr Blake, who spoke in objection to officers recommendations.

The Committee then welcomed the second speaker on this application, Ms Parveen, who also spoke in objection to officers recommendations. There then followed a period of questioning by Members to the speakers and to officers primarily in relation to core planning policies, the conflicting height of the proposed side wall and the legislation pertaining to sloped ground levels and what action could be taken should Committee be minded to refuse the application.

The Committee then proceeded to discuss the application further which included concerns around the eventual use of the proposed garden shed / storeroom due to its size and having two doorways; that the application does not fulfil any of the key provisions of the NPPF with particular reference to its poor and none innovative design, that it does not reflect the identity of the local surroundings and materials.

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

That planning application number 16/0661 be refused on the grounds of the impact on the amenity and loss of privacy previously enjoyed, in particular by the adjacent neighbour at 29 Beacon Road and other neighbours by virtue of its massing; that the proposal is contrary to section 7 of the National Planning Policy Framework as it does not represent good design, it does not function well or add to the overall quality of the area, does not establish a strong sense of place, does not respond to local character and history, does not reflect the identity of the local surroundings and materials, it is not an outstanding or innovative design which would help raise the standard of design more generally in the area, it does not add to the overall improvement and quality of the area,

The Motion having been put to the vote was declared **carried**, with 17 Members in favour and none against.

Councillor Bird requested that the unanimous decision to refuse be recorded.

1609/16 **Item No. 5 - application No. 16/1145 – change of use to Mecca electronic bingo centre with ancillary food and drink operation; alterations to entrance doors; and erection of air conditions compressors at 9-11 Park Street, Walsall, WS1 1LY**

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, Councillor Nawaz, who spoke in objection to officers recommendations.

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

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

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

There then followed a period of questioning by Members to the speakers and to officers which included queries around the number of similar applications around the country, how this establishment would complement Walsall, whether the particular type of non-retail development would attract or detract shoppers from a prime retail area and whether the hours of opening and the sale of alcohol could be conditioned.

In response, the planning officer stated that Walsall's planning policies did not prevent non-retail developments from a Town Centre, that gambling was not a material planning consideration and alcohol sales restrictions could be conditioned through Licensing Committee.

The Committee proceeded to discuss the application further which included bringing into use an empty building, that the activities may attract vulnerable people, that it would be visually out of place in a prime shopping street.

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

That planning application number 16/1145 be refused for the following reasons:

- Harmful to the character and appearance of the conservation area
- Visually out of place in a prime shopping street
- Contrary to UDP policy S4 in that it will not attract additional trade, it will have a dead and uninteresting frontage, no window display and will detract from the amenities of the centre
- Contrary to the draft Action Area Plan policy S1 the proposal would not have an active or interesting frontage
- All the above problems are made worse by the wide frontage of over 11 metres (36ft)
- May create a fear of crime

The Motion, having been put to the vote was declared **carried**, with 11 Members voting in favour and 6 Members voting against.

Resolved

That planning application number 16/1145 be refused for the following reasons:

- Harmful to the character and appearance of the conservation area
- Visually out of place in a prime shopping street
- Contrary to UDP policy S4 in that it will not attract additional trade, it will have a dead and uninteresting frontage, no window display and will detract from the amenities of the centre

- Contrary to the draft Action Area Plan policy S1 the proposal would not have an active or interesting frontage
- All the above problems are made worse by the wide frontage of over 11 metres (36ft)
- May create a fear of crime

Councillor Creaney left at this juncture of the meeting

1610/16 **Item No. 7- application number 16/1192 – change of use to hot food takeaway (A5 use class) at 10 Gillity Avenue, Walsall, WS5 3PH**

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, Councillor Martin, who spoke in objection to officers recommendations.

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

There then followed a period of questioning by Members to the speakers and officers which included what type of food to be prepared, cooked and sold on the premises, the shop's proposed opening hours and the closeness of the shop to the local school.

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

That planning application number 16/1192 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 11 Members voting in favour and 7 against.

Resolved

That planning application number 16/1192 be granted, subject to conditions as contained within the report and supplementary paper now submitted

Councillor Creaney returned to the meeting.

Councillor Douglas-Maul left at this juncture of the meeting.

1611/16 At this point in the meeting, Cllr Bird **moved** and it was duly **seconded** by Cllr 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

Resolved

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.

1612/16 **Item No. 6 – application number 16/0546 – replacement single storey building to provide Burger King drive-thru at 664A Bloxwich Road, Walsall, WS3 2BB**

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, Councillor Robertson, who spoke in objection to officers recommendations.

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

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

There then followed a period of questioning by Members to the speakers which included the proposed number of employees and company's type of employment contracts, whether security provision would be in operation outside of opening hours, if healthy eating options had been a consideration, and delivery times to the establishment.

In response, the third speaker reported that up to 40 people would be employed on either part time or full time contracts to suit the individuals and there would be no zero hours contracts, the area would be gated off at night and CCTV cameras would be in operation, there would be 3 deliveries per week at times that could be negotiated to suit the respective site, and that the company was committed to providing healthy eating options.

The Chair left the room at this juncture of the meeting. The Vice Chair in the Chair.

There then followed a period of questioning to officers with regards to concerns the additional traffic may have on the nearby junction, if the parking would be adequate and whether police had been consulted. In response, officers confirmed the application had been looked at by the Traffic Team who had concluded the development should not have a significant impact on traffic flows on Bloxwich Road, and that Police had no objection subject to security mitigation conditions.

The Chair returned to the meeting and therefore did not take part nor vote on this application.

The Committee then proceeded to discuss the application further, primarily in relation to traffic issues by way of the possible exacerbation of traffic into the development and out onto the highway, that the provision of jobs would be welcomed in the area, that there was already a high concentration of fast food establishments within 1000m perimeter of the site.

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

That planning application no. 16/0546 be deferred for one cycle to allow further information to be provided in relation to traffic issues.

The Motion having been put to the vote was declared **lost**, with 5 Members voting in favour and 8 against.

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

That planning application number 16/0546 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 11 Members voting in favour and 5 against.

Resolved

That planning application number 16/0546 be granted, subject to conditions as contained within the report and supplementary paper now submitted

1613/16 **Item No. 2 – application number 16/1000 – demolish existing apartment building and construct new 9 x 1 bed and 9 x 2 bed apartments on land C/O Bilston Street and Church Street, Darlaston**

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, Ms Fell, who spoke in objection to officers recommendations.

The Committee then welcomed the second speaker on this application, Mr Jackson, who also spoke in objection to officers recommendations. There then followed a period of questioning by Members to the speakers and to officers.

Members considered the application further including a request that the former substation art deco sign be removed, repaired and a plaster cast made to ensure it is on display within the respective ward.

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

That planning application number 16/1000 be granted, subject to conditions as contained within the report and supplementary paper now submitted, and subject to a Section 106 Agreement to secure provision of affordable housing and that the Art Deco sign be removed, repaired and a plaster caste be made and displayed within the respective ward.

The Motion, having been put to the vote was declared **carried**, with 15 Members voting in favour and none against.

Resolved

That planning application number 16/1000 be granted, subject to conditions as contained within the report and supplementary paper now submitted, and subject to a Section 106 Agreement to secure provision of affordable housing and that the Art Deco sign be removed, repaired and a plaster caste be made and displayed within the respective ward.

Councillors Bott, Chambers, Young and Worrall left at this juncture of the meeting.

1614/16 **Item No. 9 – application number 16/1152 – erection of two storey detached house fronting Canterbury Close on land at rear of 15 Green Lane, Pelsall, Walsall, WS3 4PA**

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

(see annexed)

Councillor Bott returned at this juncture of the meeting and therefore did not take part nor vote on this item.

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

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

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

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

Before Members were given the opportunity to ask questions of the speakers, confirmation was requested as to the ownership of the grass verge fronting Canterbury Close due to conflicting information. The Council's Solicitor confirmed that the applicant may own the subsoil of the land but there were highway rights over that land and this prevented the land from being used by the owner. She explained that when a new highway is built, the Highway Authority may own the subsoil and construct the road on its own land, but it is more often the case that someone else owns the subsoil and the right of way along the highway relates only to the surface. The ownership of the land is subject to the highway rights. The Council's Solicitor and the Group Manager - Planning then gave an explanation to Committee around highway rights of way and Section 247 applications to authorise the stopping up of any highway rights to allow development to be carried out, which can only be implemented once planning permission has been granted. The Group Manager - Planning explained that if Committee were minded to defer the application, the applicant would be entitled to claim for non-determination

There were no questions to either the speakers or officers.

The Committee then proceeded to discuss the application further in relation to the large number of objections received, that most of the homes within the close were detached bungalows and concerns around the type and size of the application.

Members considered the application further and Councillor Rochelle moved:-

That planning application number 16/1152 be granted, subject to conditions as contained within the report now submitted.

The Motion was not seconded.

Councillor Perry then **moved** and it was duly **seconded** by Councillor Nawaz:-

That planning application number 16/1152 be refused as the size of the development would be an incongruous feature in the street scene by way of its size and massing, it would have a significant and detrimental impact on no 1 Canterbury Close and would be out of character and not in keeping with the street scene

The Motion having been put to the vote was declared **carried**, with 12 Members voting favour and one against.

Resolved

That planning application number 16/1152 be refused as the size of the development would be an incongruous feature in the street scene by way of its size and massing, it would have a significant and detrimental impact on no 1

Canterbury Close and would be out of character and not in keeping with the street scene

The Chair requested a comfort break for 5 minutes at this juncture of the meeting (9.25pm)

Councillor Chambers returned to the meeting.

1615/16 **Item No. 10 – application number 16/0285 – demolition of existing garages and erection of a two storey 2 bed detached house and reconfiguration of amenity and parking for existing flats at 26-32 Northgate at garages adjacent to Sunnyside, Walsall Wood.**

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, Mr. Todd, who spoke in support of officers recommendations.

There were no questions to the speaker nor to officers.

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

That planning application number 16/0285 be granted, subject to conditions as contained within the report now submitted.

The Motion, having been put to the vote was declared **carried**, with 12 Members voting in favour and none against.

Resolved

That planning application number 16/0285 be granted, subject to conditions as contained within the report now submitted.

1616/16 **Item No. 12 – application number 16/0706 – single storey extension to front of property and garage conversion at 36 Knights Hill, Aldridge, WS9 0TG**

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, Mr. Walls, who spoke in support of the officers recommendations.

There were no questions to the speaker nor to officers.

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

That planning application number 16/0706 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 10 Members voting in favour and none against.

Resolved

That planning application number 16/0706 be granted, subject to conditions as contained within the report and supplementary paper now submitted.

- 1617/16 **Item No. 4 – application number 15/0759/FL – construction of 6 no two bedroom flats and 5 no. one bedroom flats in a three storey building with associated parking, in store and cycle store at Roapp Hall, Dorsett Road Terrace, Darlaston, Wednesbury, WS10 8TP**

Resolved

That planning application number 15/0759/FL be granted, subject to conditions as contained within the report now submitted, and to delegate to the Head of Planning, Engineering and Transportation to complete and Section 106 Agreement for open space contribution.

- 1618/16 **Item No. 8 – application number 16/0645 – installation of 2 fascia signs, 2 projecting signs and various window graphics at Darlaston Post Officer, Victoria Road, Darlaston, Wednesbury, WS10 8AB**

Resolved

That planning application number 16/0645 – Advert Consent for 5 Years be granted, subject to conditions as contained within the report.

- 1619/16 **Item No. 11 – application number 16/1131 – erection of studio unit at ground floor level adjacent to public footpath WL102 (resubmission of 16/0248) at 251 Birmingham Road, Walsall, WS5 3AA**

Resolved

That planning application number 16/1131 be granted, subject to conditions as contained within the report and supplementary paper now submitted

1620/16 **Item No. 14 – application number 16/1168 – two storey side extension and loft conversion at 23 Reservoir Close, Walsall, WS2 9TH**

Councillor Fitzpatrick stated the application was not in the Bloxwich East ward, as implied by the supplementary paper but was in the Pleck Ward as stated in the report.

Resolved

That planning application number 16/1168 be granted, subject to conditions as contained within the report and supplementary paper now submitted

1621/16 **Item No. 15 – application number 16/0783 – single and two storey rear extensions (amendment to application no. 15/0321/FL to increase the size of the proposed first floor extension at 20 Athlone Road, Walsall, WS5 3QX**

Resolved

That planning application number 16/0783 be granted, subject to conditions as contained within the report.

Termination of meeting

There being no further business, the meeting ended at 9.50pm

Signed

Date