

## **PLANNING COMMITTEE**

**Thursday 3<sup>rd</sup> October, 2019 at 5.30 pm**

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

### **Present:**

Councillor Perry (Vice Chair in the Chair)  
Councillor P. Bott  
Councillor Chattha  
Councillor Craddock  
Councillor Creaney (arrived at 5.34pm)  
Councillor Harrison  
Councillor Hicken (arrived at 5.53pm)  
Councillor Jukes  
Councillor Murray  
Councillor M. Nazir  
Councillor Rasab  
Councillor Robertson  
Councillor Samra  
Councillor Sarohi  
Councillor Statham  
Councillor Underhill  
Councillor Waters

#### **2266/19 Apologies**

Apologies were submitted on behalf of Councillors Bird, Harris and Nawaz.

#### **2267/19 Minutes**

##### **Resolved**

That the minutes of the meeting held on 5<sup>th</sup> September, 2019, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

#### **2268/19 Declarations of Interest**

The Chair highlighted the importance for Members to declare any interest they had in any of the Items for consideration on tonight's agenda.

Councillor Statham declared a non-pecuniary interest in Plans list No. 10.

#### **2269/19 Deputations and Petitions**

There were no deputations introduced or petitions submitted.

2270/19     **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 is / are exempt information for the reason(s) set out therein and Section 100A of the Local Government Act, 1972 and accordingly resolves to consider that / those item(s) in private.

2271/19     **Application List for Permission to Develop**

The application list for permission to develop was submitted, together with supplementary papers and information for items already on the plans list.

(see annexed)

The Chair advised the Committee that Plans List Nos. 3, 6 and 8 had been withdrawn from the agenda.

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.

2272/19     **PLANS LIST ITEM NO. 2 – 17/1264 – LAND ADJACENT GURU NANAK TEMPLE, JUNCTION OF SANDWELL STREET AND WEST BROMWICH STREET - DEMOLITION OF 145-147 WEST BROMWICH STREET AND 226-248 (EVENS) SANDWELL STREET AND THE ERECTION OF A CHAPEL OF REST FOR FUNERAL CEREMONY AND ASSOCIATED WORSHIP FUNCTIONS AND COMMUNITY ROOM OVER, ERECTION OF SIX DWELLINGHOUSES, AMENDED PARKING AREAS AND LANDSCAPING.**

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 as set out within the tabled supplementary paper. The Presenting Officer also brought to the Committee's attention that he had received

notification from the Secretary of State stating; *'If the committee is minded to approve the application please can you confirm that the council will not issue permission before the Secretary of State has had the opportunity to consider the request'*. In view of this, the Local Planning Authority would not be able to issue the permission until the Secretary of State had had the opportunity to consider the request and the Committee's decision.

The Committee welcomed the first speaker on this item, Mr Patel, who wished to speak in objection to this application.

Mr Patel stated that he lived adjacent to where the Chapel of rest would be situated. He had lived there for a number of years with his wife and they were now retired. Mr Patel felt that the outlook from his property would be unduly spoilt if the application were approved. He added that he would not be opposed to the Chapel being located to a different area within the site. Mr Patel then highlighted the problems experienced within the vicinity of this site caused by the traffic generated by the Temple and the problems with traffic-flow and on-street parking, particularly when it hosted weddings and funerals.

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

Mr Walker stated that he was the Chair of the Church Trust which adjoined this particular site. He had noted the Officer's recommendation within the report. The most recent travel plan had not yet been received, so he was unable to consider the plan to ascertain if it suitably mitigated the current problems experienced with traffic and parking issues as generated by the Temple. The previous travel plan was flawed and contradictory. In view of this, he could not withdraw his objections without first having seen and had time to consider the revised and updated plan. Mr Walker, therefore, called for consideration of the application not to be rushed and that it be deferred in order for full consideration to be given to the revised plan before any kind of approval was granted. He added that stakeholders should be fully informed and consulted before any decision was reached.

The Committee then welcomed the third speaker on this item, Mr Mavi, who wished to speak in support to this application.

Mr Mavi advised that the decision to submit this application had arisen from extensive consultation with the local Sikh community. Currently, when a member of the community passed-away, the body would be available for viewing at a family Member's house. This new proposal would enable this to take place at the Chapel of rest, which would be able to accommodate the volume of people far better. The body of the deceased would be on display at the Chapel for an hour. A quick analysis had revealed that from the 1<sup>st</sup> March, 2019, to present, there had been 26 funerals accommodated at the Temple. Mr Mavi stated that the Temple always attempted to listen to the Community and had addressed issues with drum banging. In closing, Mr Mavi stated that, if this application were approved, it would benefit the Sikh community immensely.

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

Mr Crossley advised that he was the agent acting on behalf of the applicant. He stated that the origins for the current proposal date back to over two years ago. The original application was much more ambitious than the current one which sought to address many of the concerns identified throughout the process. Having taken on board the numerous concerns raised in relation to the original application, the current application was much improved. In particular, in response to the traffic and parking concerns raised, the applicant had commissioned an independent traffic consultant to undertake an assessment of parking facilities at the Temple as well as peak use times and capacity. The consultant had identified that peak times at the Temple were between 1.00pm and 2.00pm on a Thursday when car park usage was at approximately 47% capacity. In addition, the current application would improve parking at the Temple with an increase in car parking spaces along with improvements to the access and egress to the site.

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

Members queried the following: -

- When the revised travel plan had been submitted. The agent advised it had been submitted in July, 2019.
- How many additional car parking spaces would be created. The agent advised that an additional 13 spaces would be created.
- If there was any other Temples within the locality that provided this service. Mr Mavi stated that, to the best of his knowledge, there were no other Temples within the West Midlands that provided such a service.
- If having such a facility would attract a larger number of the Sikh community from outside of Walsall. Mr Mavi stated that the Temple would only cater for existing and regular worshippers. Anyone from outside of the Walsall community would not be able to access this service.
- How many funerals per week were catered for. Mr Mavi advised that, on average, it worked out to approximately one funeral every two weeks.
- When would the coffin come to the Chapel. Mr Mavi advised that the coffin would come to the Chapel on the day of the funeral only. After viewing, the coffin would then be taken to a crematorium.

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

- How realistic an impact the proposed sustainable travel plan would have on funerals given the solemn nature of funerals. The Highways Officer advised that national policy stated that there should not be any unacceptable impact on highway safety from any development. The proposed application provided several improvements over the existing use by way of having additional parking spaces, improved access and egress to the site, the demolition of 12 terraced house and 2 retail

shops, with current on-street parking, and replacement with six houses with off-street parking. The travel plan would form part of the S106 agreement which would require the applicant to review it every six-months and report to the Council. In view of this, the proposal was an improvement on the current situation. One thing he would advise would be a requirement that the travel coordinator should be a professionally qualified independent person, rather than the current proposal of an appointed Temple Committee member.

- If the current application would improve the site and street scene. The Presenting Officer advised that there would be some improvement in comparison to the present situation.
- How the Secretary of State had become involved in this particular application. The Presenting Officer stated that it was difficult for him to answer this question. The Secretary of State must have been notified about this application at some point during the process and the Secretary of State had the power to intervene at any point in the planning process.
- What parking around the site currently looked like during the hours of 10.00am to 4.00pm. The Highways officer stated that there was no control in place for on-street parking within the vicinity as there were no parking restrictions in place and was, therefore, not enforceable.
- Whether it would be expedient to defer consideration of this application pending the Secretary of State's determination. The Group Manager – Planning, advised that the Committee was required to come to a determination on the application so that that package could be submitted to the Secretary of State to review and make a determination on whether it should be granted or called-in.

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

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

That Planning Committee resolve to grant permission subject to amended and updated conditions delegating to the Head of Planning Engineering and Transportation to negotiate and secure the signing of a Section 106 legal agreement for a Full Travel Plan and subject to the consideration of the Secretary of State considering the request before it.

The Motion, having been put to the vote was declared carried with Members voting in favour (11 for and 1 against):-

### **Resolved**

That Planning Committee resolve to grant permission subject to amended and updated conditions delegating to the Head of Planning Engineering and Transportation to negotiate and secure the signing of a Section 106 legal agreement for a Full Travel Plan and subject to the consideration of the Secretary of State considering the request before it.

***Councillor Hicken did not vote on this item in view of the fact that he came in part way through consideration of this item.***

**PLANS LIST ITEM NO. 4 – 19/0666 - GARAGES ADJACENT TO NO 7, FEREDAY ROAD, WALSALL WOOD - ERECTION OF 5 NO DWELLINGS (3 TERRACED AND 2 SEMI-DETACHED PROPERTIES).**

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 as set out within the tabled supplementary paper.

The Committee welcomed the first speaker on this item, Mr Thursfield, who wished to speak in objection to this application.

Mr Thursfield stated that he had lived at no. 1 Lodge Road for over 20 years. During this period, he had enjoyed access to the rear of his property and used to have the use of a private garage to the rear of his property, before it had been demolished. If this development were to be approved, he would lose access to the rear of his property to his detriment. The only access to the rear of his property would be via his front door. The bins would have to be brought through his house to put out for the refuse collectors. In view of this, he called on the Committee to consider amending the plans slightly so that access could still be retained.

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

Mr Connor advised that he was acting as the agent to WHG, who was the Applicant. Mr Connor advised that WHG had a programme in place to build 21,000 houses across the Borough utilising brown field sites, to help address affordable housing, whilst also reducing ASB and fly tipping. WHG had consulted neighbours regarding the proposed development and were willing to accommodate the request to retain access to the rear of the properties. However, Planning Officers had recommended to not retain access.

Committee Members were then invited to ask questions of the speakers

Members queried the following: -

- What the 'shelf-life' of the proposed houses were. Mr Connor advised that the 'shelf-life' of the proposed houses were approximately 60 years and there would be a mix of social housing and to-buy properties.
- Whether access or right of way was detailed within the house deeds. Mr Thursfield advised that there was no mention within the deeds, it was just by agreement with the land owner that access had existed.
- How long the construction of the properties was likely to last. Mr Connor advised that, in general, construction should be completed within approximately 4 weeks.

- If WHG were still amenable to allowing access to the rear of existing properties. Mr Connor advised that WHG had allowed for this in the original plans, but had been changed at the recommendation of Planning Officers.

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

- Whether the land in question was private land or public land. The Presenting Officer clarified that the land in question was private.
- Why Officers had not recommend that access be retained. The Presenting Officer advised that she did not have access to the file notes on this application, so it was difficult to ascertain the specific reasoning behind this recommendation.

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

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

That planning application no. 19/0666 be deferred to allow further negotiations between the applicant and the Council in relation to the viability of retaining access to the existing properties.

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

### **Resolved**

That planning application no. 19/0666 be deferred to allow further negotiations between the applicant and the Council in relation to the viability of retaining access to the existing properties.

2274/19

**PLANS LIST ITEM NO. 7 – 19/0298 - 39 LODGE ROAD, PELSALL, WALSALL, WS4 1DE - TWO STOREY SIDE EXTENSION, TWO STOREY REAR EXTENSIONS WITH GABLE WINDOW AND BALCONY AT FIRST FLOOR, PLUS SINGLE STOREY REAR EXTENSIONS.**

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 as set out within the tabled supplementary paper.

The Committee welcomed the first speaker on this item, Mr Tomkins, who wished to speak in objection to this application.

Mr Tomkins stated that he had lived next door at no. 37 for over 40 years and had enjoyed plenty of sunlight and natural light during this time. Mr Tomkins advised that, due to the nature of the sun's path at his property, the proposed development would have a detrimental impact on the amount of sunlight entering his property and his garden. Furthermore, the development would hinder the views he and his wife had enjoyed for many years. Mr Tomkins stated that he felt the proposal was very big and was overly obtrusive. He disagreed with Officers that it would not be visible from the street. If this development was granted permission, it would set a precedent for future developments of a similar nature within the vicinity.

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

Mr Timms advised that he lived at no 41 and had enjoyed his property since moving-in, in 1961. He added that this development would cast a significant shadow on his garden and property. The development would create an 'out of character' design in the area and set precedent for future developments which would also have a negative impact on property values. In view of this, he added that he felt the planning system placed little emphasis on outlook from those affected by neighbouring developments. Mr Timms added that it was hard to gauge the stress this development would have on him and his neighbour and that the development would cause further distress whilst building work was being undertaken.

Committee Members were then invited to ask questions of the speakers

Members queried the following: -

- How far the proposed development would extend into the garden. Mr Tomkins advised that it would extend a significant way into the rear of the property and block a significant amount of light into his garden / property.

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

- If the proposed development would sit within the existing roof line. The Presenting Officer advised that it would sit within the existing roofline.
- If the neighbouring properties also had side extensions. The Presenting Officer advised that they had, although to a lesser extent of the one being proposed.
- If the impact of sunlight was a material planning consideration. The Presenting Officer advised that the 45-degree rule was in place to protect sunlight into property and the proposed development was within the 45-degree rule. In addition, no habitable rooms would be affected by the development.

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

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



That planning application no. 19/0298 be granted subject to conditions, as amended by the supplementary paper.

The Motion, having been put to the vote was declared carried with Members voting 10 voting in favour and 4 against:-

**Resolved**

That planning application no. 19/0298 be granted subject to conditions, as amended by the supplementary paper.

2275/19     **PLANS LIST ITEM NO. 1 – 18/1702 – FORMER JACK ALLEN HOLDINGS LTD, MIDDLEMORE LANE, ALDRIDGE, WALSALL, WS9 8DL - OUTLINE PERMISSION FOR 2 DETACHED COMMERCIAL UNITS (B1(A) & B2) WITH ASSOCIATED EXTERNAL WORKS. APPROVAL SOUGHT FOR ACCESS, LAYOUT AND SCALE.**

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 as set out within the tabled supplementary paper.

The presenting Officer responded to a question by a Member in relation to why Committee was being asked to make a determination on what *it would have done* had the application been considered.

**Resolved**

That Committee indicated it would have determined planning application no. 18/1702 as follows: -

That Committee indicate that it would have refused the application had determination of the application remained within their remit.

2276/19     **PLANS LIST ITEM NO. 5 – 19/0635 – 67, WOOD LANE, STREETLY, SUTTON COLDFIELD, B74 3LS - REPLACEMENT 5 BEDROOM DETACHED DWELLING, WITH BASEMENT AND REAR PATIO WITH STEPS.**

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

(see annexed)

## **Resolved**

That planning application no. 19/0635 be approved subject to conditions, as amended by the supplementary paper.

- 2277/19     **PLANS LIST ITEM NO. 9 – 19/0887 - 111, SANDRINGHAM AVENUE, WILLENHALL, WV12 5TG - GROUND FLOOR REAR AND FIRST FLOOR SIDE AND FRONT EXTENSIONS AND GARAGE CONVERSION TO HABITABLE ROOM.**

## **Resolved**

That planning application no 19/0887 be approved subject to conditions, as amended by the supplementary paper.

- 2278/19     **PLANS LIST ITEM NO. 10 – 19/0651 - 78, IRVINE ROAD, BLOXWICH, WALSALL, WS3 2DY - CHANGE OF USE OF COUNCIL OWNED GRASS VERGE TO CREATE DROP KERB AND DRIVEWAY SERVING 78 IRVINE ROAD.**

## **Resolved**

That planning application no 19/0651 be approved subject to conditions, as amended by the supplementary paper.

- 2279/19     **PLANS LIST ITEM NO. 11 – 19/0224 - 6, THREE CROWNS CLOSE, WALSALL, WS5 3AL - FIRST FLOOR EXTENSION ABOVE GARAGE WITH GABLE ROOF.**

## **Resolved**

That planning application no 19/0224 be approved subject to conditions, as amended by the supplementary paper.

- 2280/19     **PLANS LIST ITEM NO. 3 – 19/0468 - LIVING AREA ABOVE, 317, CHESTER ROAD, ALDRIDGE, WALSALL, WS9 0PH - RETENTION OF NEW DOORWAY, WINDOW AND EXTERNAL STAIRCASE TO FIRST FLOOR FLAT**

This application had been withdrawn from the agenda with the agreement of the Chairman.

- 2281/19     **PLANS LIST ITEM NO. 6 – 19/0838 – 11, PORTLAND ROAD, ALDRIDGE, WALSALL, B74 3LS – RETROSPECTIVE APPLICATION FOR USE OF THE ENTIRE PREMISES AS A CHIROPRACTIC CLINIC AND RETENTION OF CAR PARK TOP THE REAR**

This application had been withdrawn from the agenda with the agreement of the Chairman.

2282/19     **PLANS LIST ITEM NO. 8 – 19/0173 - 6, FOLLYHOUSE LANE, WALSALL, WS1 3EL - RETROSPECTIVE TWO STOREY SIDE AND REAR EXTENSIONS PLUS SINGLE STOREY REAR EXTENSIONS AND LOFT CONVERSION. AMENDMENT TO 18/0140**

This application had been withdrawn from the agenda with the agreement of the Chairman.

### **Termination of meeting**

There being no further business, the meeting terminated at 7.00 pm

Signed .....

Date .....