

PLANNING COMMITTEE

Thursday 9 August, 2018 at 5.30 pm

In the Council Chamber at the Council House, Walsall

Present:

Councillor Bird (Chair)
Councillor Nazir (Vice Chair)
Councillor Allen
Councillor Butler
Councillor Cooper
Councillor Harris
Councillor Jones
Councillor Rattigan
Councillor Rochelle
Councillor Samra
Councillor Sarohi
Councillor Singh Sohal
Councillor Underhill
Councillor Ward

2033/18 Apologies:

Apologies were received on behalf of Councillors Craddock, S. Fitzpatrick, Perry and Nawaz.

2034/18 Minutes

Resolved

That the minutes of the meeting held on 7 June, 2018, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

2035/18 Declarations of Interest

There were no declarations of interest.

2036/18 Deputations and Petitions

There were no deputations introduced or petitions submitted

2037/18 Local Government (Access to information) Act, 1985 (as amended)

There were no items for consideration in private session.

Before consideration of the first item, the Planning Group Manager introduced two new members of planning staff who would observe the meeting.

2038/18 Application to Remove 4 Protected Sycamore Trees at Drayman Close, WS1 3JR

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

The Committee then welcomed the first speaker on this report, Ms Machin, who wished to speak in objection to the officers recommendation.

Ms Machin stated that most of the trees had self seeded and should have been maintained to prevent the seedlings having had chance to fully grow. She informed Committee that some trees were thinned out at one end of the strip of land two years previously, but no thinning out in the middle of the strip of land which had resulted in a dense, clumping effect of the trees and subsequent light deprivation to her garden and property.

The Committee then welcomed the second speaker on this report, Ms Mitchell, who also wished to speak in objection to the officer's recommendation.

Ms Mitchell said there were currently no birds' nests or other wildlife within the respective trees and she added the trees prevented surface water collecting and they had an impact on other vegetation and she reported to Members of an incident twelve months ago whereby a branch broke from one of the trees and damaged a car. She further added it was unknown who owned the trees in question but they had not been maintained.

There then followed a period of questioning by Members to the speakers and officers, where it transpired that the application for consideration by Committee had not been made by the actual land/tree owner as the land owner was not known.

The Chair advised Members that Committee could not make any decisions with regards to the trees without the owner's permission.

2039/18 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 then 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 Committee that he wished to take item 10 in the first instance, then item 7 before the remaining items and this was seconded by the Vice Chair.

2040/18 **Plans list item 10 – application number 18/0376 – first floor side extensions, single storey rear extension with flat roof and balcony, accommodation within the roof space with rear dormer and alternations to fenestration details (resubmission of 17/1007) at 55 Longwood Road, Aldridge, Walsall, WS9 0TA**

The Presenting 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. Plant, who wished to speak in objection to officers recommendations.

Mr. Plant advised Members that the property was his family home and the extension would provide an additional bedroom whilst not extending beyond the footprint nor being higher than either neighbouring houses. He said he had considered officers' alternative plans but these would increase costs whilst reducing living space and he further added that both neighbours were supportive of the plans.

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

Councillor Wilson stated he was ward councillor for Aldridge and he advised that most houses within Longwood Road had been extended, with some properties having increased their actual footprint, as opposed to the application in question which would remain within its footprint and complied with the 45 degree code. He stated the Green Belt in question was at the rear of the property and that the extensions would be in-keeping with other properties within the street scene whilst allowing the family to remain within Aldridge.

There then followed a period of questioning by Members to the speakers and officers, which included clarification of special circumstances and why the openness to Green Belt would be affected.

In response, the second speaker stated the family may have to move out of the area if their home could not be extended, that the view would not be affected and that the neighbouring property had an extension over its garage.

The presenting officer stated an extension over the application garage in question would fill up the gap between the two properties, thus reducing the openness and character of the area and consequently creating a terracing effect. The presenting officer further added that personal circumstances were not a material planning consideration and did not qualify as special circumstances to outweigh the harm to the Green Belt.

Members considered the application further, which included how the extensions and alternations would enhance and improve both the property and the street scene; that it would not be out of the character with the mixed dwellings within Longwood Road; that the application would enhance and not detract from the Green Belt.

The Planning Group Manager advised Committee that should they be minded to grant the application against officers recommendations, they would need to demonstrate special circumstances which would outweigh the harm to the openness of the Green Belt caused by the filling-in of the gap between the application property and neighbouring property.

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

That Planning Committee resolved not to determine planning application number 18/0376 in accordance with the officers report now submitted and resolved to grant planning application number 18/0376 as it was felt the property would enhance the character of mixed dwellings and extensions within the street scene; it would not be an incongruous feature nor out of character within Longwood Road; it would have no impact or intrusion onto the Green Belt and would overall compliment the street scene.

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

Resolved

That Planning Committee resolved not to determine planning application number 18/0376 in accordance with the officers report now submitted and resolved to grant planning application number 18/0376 as it was felt the property would enhance the character of mixed dwellings and extensions within the street scene; it would not be an incongruous feature nor out of character within Longwood Lane; it would have no impact or intrusion onto the Green Belt and would overall compliment the street scene.

2041/18 **Plans list item 7 – application number 17/1410 – construction of 2 x detached dwellings, creation of new vehicle assesses and extensions to the existing detached house (no. 10) at 10 Downham Close, Walsall, WS5 3BX**

The Presenting 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. Harrison, who wished to speak in objection to officers recommendations.

Mr. Harrison said the application would be on garden land which had not previously been developed; the proposal would increase the current density of the area, would not be cohesive with the existing properties, would not have enough adequate parking for three properties and it would have a detrimental impact upon number 9 Downham Close.

Members then welcomed the second speaker on this application, Councillor Andrew, who also wished to speak in objection to officers recommendations.

Councillor Andrew expressed concerns that Orchard Hills must not lose its character and that the application was backland development which would create a terracing effect. He added it was incongruous in the street scene and would be out of character both within Orchard Hills and within the cul-de-sac.

There were no questions to the speakers.

There then followed a period of questioning by Members to the officers, which included why officers considered the development would be in-keeping with the local area, and queries around garden space for the existing house.

In response, the officer stated the respective area was an area of transition between higher and lower density areas and the application would optimise land within the urban area and prevent Green Belt land use.

Members considered the application further, which included how they felt it was a contrived development which did not fit into Orchard Hills; that it was a garden development, that should it be granted it would result in the reduction in the level of amenity for future occupiers of the development; that the land could potentially contain two dwellings but three would result in an overdevelopment and that Orchard Hill's would slowly lose its character.

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

That Planning Committee resolved not to determine planning application number 17/1410 in accordance with the officers report now submitted and resolved to refuse planning application number 17/1410 as the proposed contrived development would not be in keeping with the surrounding properties, it would be an overdevelopment of the plot and would lead to a change in the character of Orchard Hills, would appear out of character and incongruous within the street scene.

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

Resolved

That Planning Committee resolved not to determine planning application number 17/1410 in accordance with the officers report now submitted and resolved to refuse planning application number 17/1410 as the proposed contrived development would not be in keeping with the surrounding properties, it would be an overdevelopment of the plot and would lead to a change in the character of Orchard Hills, would appear out of character and incongruous within the street scene.

2042/18 **Plans list item 3 – application number 18/0460 – change of use from A4 to A1 with external installation of plant and machinery to accommodate internal refrigeration at 15 Old Birchills, Walsall, WS2 8QH**

The Presenting 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. Pancholi, who wished to speak in objection to the application.

Mr. Pancholi said the application for a store would be detrimental to the area and would be better suited for housing. He said the previous store had created havoc in the area with inconsiderate parking causing dangers to the already congested nearby junction and he further added that the area already suffered from anti-social behaviour from gangs who tend to hang around shops.

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

Councillor Jukes highlighted the current problems within the locality regarding inconsiderate parking, anti-social behaviour involving high powered vehicles racing down the road and that the nearby junction was already congested.

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

Mr. Light said the location needed a presence and the application would provide a positive contribution to the area. He emphasised there had been no objections from Highways regarding the access or parking and no objections from the Police.

The Committee then welcomed the fourth speaker on this application, Mr. Baker, who also wished to speak in support of officers recommendations.

Mr. Baker informed Committee of the academic background of the proprietors, advising that they already owned twelve similar stores without reported issues and they would work with local residents.

There then followed a period of questioning by Members to the speakers and officers, which included the total number of signatures on the petitions opposed to the application; the locations of the owners other similar stores; whether a change of use from a public house required planning permission; why a previous application had been refused on parking issues and whether the building was listed.

In response, the speakers confirmed approximately 300 signatures had been included on petitions in objection to the application; the owners operated similar stores in Walsall and Great Barr; Highways had carried out a 'trip' report which had concluded that most visits to the type of local store for consideration would be on foot. Officers confirmed the building was locally listed due to its character; the planning category of the previously refused application had been considerably different and had required adequate on-site parking provision which the site in question could not provide; recent changes to planning legislation had resulted in a requirement for planning permission for a change of use from a Class A4 (drinking establishment) to a Class A1 (retail sales).

Members considered the application further, which included how a locally listed building with character would be brought back into use after standing redundant for eighteen years as opposed to it becoming totally derelict; that the traffic report did not highlight the existing traffic problems particularly at the difficult junction.

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

That planning application number 18/0460 be delegated to the Head of Planning, Engineering and Transportation to grant permission for the reasons set out in the report and supplementary paper, subject to conditions as contained within the report and supplementary paper now submitted and subject to no new material planning consideration being brought forwards as a result of re-consultation on amended plans.

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

Resolved

That planning application number 18/0460 be delegated to the Head of Planning, Engineering and Transportation to grant permission for the reasons set out in the report and supplementary paper, subject to conditions as contained within the report and supplementary paper now submitted and subject to no new material planning consideration being brought forwards as a result of re-consultation on amended plans.

2043/18 **Plans list item 4 - application number 18/0177 – change of use from residential dwelling (c3) to ancillary storage and office and installation of roller shutters to no. 2 Edward Street (retrospective) and change of use and hard surfacing of opposite Church land to a car park at 2 Edward Street, Walsall, WS2 8RT**

The Presenting 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. Nazir, who wished to speak in objection to the officers recommendations.

Mr. Nazir said that he had lived next door to the respective premises for four years and he expressed his concern regarding delivery lorries attending the premises which were within a residential area and he reported of previous damage caused by delivery lorries to his own vehicles.

There then followed a period of questioning by Members to the speaker and to officers with regards to the speaker's main concerns; where customers would park and who owned the car park opposite the application premises.

In response, the speaker said he was concerned about delivery lorries unloading directly outside of his house; the presenting officer confirmed the land opposite the application premises was owned by the Church and that a Section 106 agreement would tie the applicant to renting the land off the Church and should the applicant stop paying rent then the premises would have to cease operations.

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

That planning application number 18/0177 be granted, subject to conditions as contained within the report and supplementary paper now submitted and to delegate to the Head of Planning, Engineering and Transportation to complete a Section 106 Agreement for 11 off-site car parking spaces and to tie the ancillary storage use to the existing Tent Hire business and to amend Condition 4b regarding delivery times, for the reasons set out in the report and supplementary paper now submitted.

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

Resolved

That planning application number 18/0177 be granted, subject to conditions as contained within the report and supplementary paper now submitted and to delegate to the Head of Planning, Engineering and Transportation to complete a Section 106 Agreement for 11 off-site car parking spaces and to tie the ancillary storage use to the existing Tent Hire business and to amend Condition 4b regarding delivery exception times, for the reasons set out in the report and supplementary paper now submitted.

- 2044/18 **Plans list item number 9 – application number 18/0593 – two storey and single storey rear extension, rear former window, conversion of garage to study and new dropped kerb at 19 Greenslade Road, Walsall, WS5 3QH**

The Chair advised Committee that this item had been withdrawn.

- 2045/18 **Plans list item 1 – application number 18/0029 – proposed change of use from Trampoline Centre (Class D2) to a Health and Fitness Centre, (Class D2) to a Health and Fitness Centre (Class D2) and increasing the capacity of the existing car park at Jump Nation Ltd, Olron House, Bentley Mill Way, Bentley, Walsall, WS2 0BY**

Resolved

That planning application number 18/0029 be delegated to the Head of Planning, Engineering and Transportation to grant permission, as per the reasons set out in the report and supplementary paper, subject to negotiations in relation to condition 5a/b and its variation or deletion as contained within the report and supplementary paper now submitted.

- 2046/18 **Plans list item 2 – application number 17/1347 – retention of hard surface pitch approved under planning reference 14/1029 at Ryders Hayes School, Gilpin Crescent, Pelsall, Walsall, WS3 4HX**

Resolved

That application number 17/1347 be delegated to the Head of Planning, Engineering and Transportation to grant permission as per the reasons set out in the report and supplementary paper, subject to resolving the coal authority planning condition and subject to other conditions as contained within the report and supplementary paper now submitted

- 2047/18 **Plans list item 5 – application number 18/0670 – demolition of existing building and the erection of a pair of 3 bedroomed semi detached houses and the conversion of existing storage building to a 2 bedroom house at 49-51 Eastbourne Street, Walsall, WS4 2BN**

Resolved

That planning application number 18/0670 be granted for the reasons set out in the report and supplementary paper and subject to conditions as contained within the report and supplementary paper now submitted.

- 2048/18 **Plans list item 6 – application number 18/0693 – erection of 3 no. 3 bed houses and parking plus 14 new parking spaces for adjacent flats on land at Phoenix Rise, Darlaston, WS10 7SL**

Resolved

That application number 18/0693 granted permission as per the reasons set out in the report and supplementary paper and to delegate to the Head of Planning, Engineering and Transportation to resolve pollution control concerns regarding noise impacts, amending conditions to take into account any mitigation or further work need, as contained within the report and supplementary paper now submitted

- 2049/18 **Plans list item 8 – application number 17/1500 – erection of two dwellings on land opposite Aldridge Fire Station, formerly 38 Northgate, Walsall Wood**

Resolved

That planning application number 17/1500 be granted for the reasons set out in the report and supplementary paper and subject to conditions as contained within the report and supplementary paper now submitted.

- 2050/18 **Plans list item 11 – application number 18/0822 – resubmission and amendment to planning approval 18/0041 to swap the porch to form part of the lounge adding front doors to the existing reception room at 84 Broadway West, Walsall, WS1 4DZ**

Resolved

That planning application number 18/0822 be granted for the reasons set out in the report and supplementary paper and subject to conditions as contained within the report and supplementary paper now submitted.

Termination of Meeting

There being no further business, the meeting terminated at 7.05pm

Signed

Date