

PLANNING COMMITTEE

Thursday 20 August 2020 at 5.30pm

Virtual Meeting via Microsoft Teams

Held in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulation 2020; and conducted according to the Council's Standing Orders for Remote Meetings and those set out in the Council's Constitution.

Present:

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

Officers:

Alison Ives – Group Manager, Planning
Andrew White – Team Leader, Development Management
Alison Sargent – Principal Solicitor, Planning
Kevin Gannon – Team Leader, Development Control, Public RoW
Ian Jarrett – Principal Pollution Control Officer
Bev Mycock – Democratic Services Officer
Nikki Gough – Democratic Services Officer

Welcome

At this point in the meeting, the Chair opened the meeting by welcoming everyone and explaining the rules of procedure and legal context in which the meeting was being held. He also directed members of the public viewing the meeting to the papers, which could be found on the Council's Committee Management Information system (CMIS) webpage.

Members and officers in attendance confirmed they could both see and hear the proceedings.

95/20 Apologies

There were no apologies.

96/20 Minutes

Councillor Craddock moved and it was duly seconded by Councillor Harris that the minutes of the meeting held on 23rd July, 2020 be approved as a true record subject to:-

- an amendment on the top of page 6 in relation to Plans List Item 6 which should have read 'duly seconded by Councillor Harris'
- deletion of the wording 'which included' in bullet point 8 on page 10

The Chairman put the recommendation to the vote by way of a roll call of Committee Members.

Resolved (17 in favour and 2 abstained)

That the minutes of the meeting held on 27th July, 2020, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record, subject to:-

- an amendment on the top of page 6 in relation to Plans List Item 6 which should have read 'duly seconded by Councillor Harris'
- deletion of the wording 'which included' in bullet point 8 on page 10

At this juncture of the meeting, Members wished to express their condolences to the family of an agency Planning Officer, Andrew Watson who had recently passed away.

97/20 Declarations of Interest.

There were declarations of interest by Councillors Nazir and Rasab in relation to Item 3 on the Plans List but the Chairman advised that this item had now been withdrawn from the agenda.

98/20 Deputations and Petitions

There were no deputations introduced or petitions submitted

99/20 Local Government (Access to Information) Act, 1985 (as amended)

There were no items to be considered in private session.

100/20 **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 on the procedure whereby each speaker would have two minutes to speak.

The Chair reminded Members that should they be minded to go against officers' recommendations, the Mover of the Motion must make clear the reasons for doing so and ensure that they are based on planning grounds. Once the reasons have been provided and the Motion seconded, the Chair will ask the Solicitor present to read out the reasons and give planning officers the opportunity to comment prior to taking a vote on the matter.

101/20 **Change in the Plans List Items**

The Chair advised Committee that Plans List Item 3 (20/0309) had been deferred by the applicant until a future meeting.

The Chair further advised Committee that Plans List Item 6 (19/0319) would be heard first.

102/20 **PLANS LIST ITEM NO. 6 – 19/0319 – 195B FOLEY ROAD WEST, STREETLY, SUTTON COLDFIELD, B74 3NX – NEW FRONT BOUNDARY WALL (1.153 METRES HIGH) WITH RAILING (650MM HIGH) ON TOP OF THE WALL, PLUS 1.989 METRE HIGH VEHICULAR GATE.**

The report of the Interim Head of Planning and Building Control was submitted.

(see annexed)

The Presenting Officer advised Committee of the background to the report and highlighted the salient points therein. In addition, the Presenting Officer drew the Committee's attention to the additional information / revised recommendation as set out within the supplementary paper.

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

Mr. Pocrnic stated the wall and gates would be situated close to the boundary of the narrow footpath and alongside a busy road and close to the bus stop. He

stated that anyone attending the property to visit or make deliveries would have to park halfway across the pavement and road in order to open the gate, which would obstruct the pavement for people trying to get past and would create difficulties for buses by blocking the bus stop. He expressed concern that more green area was disappearing within the area and being replaced with bricks which was not in keeping with the area. In addition, Mr. Pocrnic advised that he had studied the land registry plans on the nearby houses including his own and the application property and he believed they showed that at least 6ft of the land in front of the houses within the street were part of a road widening scheme and belonged to Highways.

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

Councillor Johal stated that the applicant had worked with officers to negotiate an acceptable application and she supported the application. The boundary wall and gated access was required in order to secure the property following two recent break-ins and to prevent youths riding across the front of the driveway on motorbikes and cars. The wall would be built using bricks matching those of the existing building and Foley Road already had similar boundary walls and so would be in-keeping with similar properties. The proposal would not sacrifice any highways safety and would be set back to follow the line of neighbouring properties. In closing, Councillor Johal stated that as Ward Councillor, she had received no complaints and therefore supported the application.

Members were then invited to ask questions of the speakers.

Members queried the following:-

- Were there examples similar to the proposal within Foley Road? Councillor Johal stated there were examples of similar within the area.
- Within the street, were there other properties that are gated in a similar way and not just walled? Mr. Pocrnic advised that there were similar within the area and these did create problems when people had to wait outside the gates on either the pavement and/or highway until the gates were opened and they could access the property.
- If there had been previous parking issues, why had the Council not installed double yellow lines? Mr. Pocrnic stated that should a delivery have to be made to the property, the delivery driver who would have to park on the busy road outside the property. This would cause a problem due to the narrowness and business of the road.
- Where there any current parking restrictions on the road? Mr. Pocrnic stated there were no current parking restrictions but the entrance to the property was adjacent to a bus stop.
- The plans allowed for the gates to be set back 6.3m from the curb side, would this not allow a car to adequately pull up to the gates completely off the road and footpath? Mr. Pocrnic stated that any car pulling up to the gates without accessing the drive would have to reverse back onto the busy highway into the traffic. Some people may therefore park their cars on the road outside the property.

- As Ward Councillor, did Councillor Johal have any concerns in relation to traffic on the road in question? Councillor Johal confirmed that she did not.

There then followed a period of questioning by Members to Officers, which included:-

- Would the gate be manual or electric? The Presenting Officer confirmed the gate would be manually operated.
- Had Highways any objections in relation to safety of pedestrians and the highway? The Team Leader, Development Control, Public RoW stated he welcomed the gates being set back. He stated he had no issues in relation to the road safety nor visibility but the submitted plans showed the wall and gates flat whereas the sloping ground would mean the gates would need to rise up and the plans did not physically show how that would occur.

At this juncture of the meeting, the Chair was advised that the YouTube video element of the livestreaming had frozen albeit it was still livestreaming audio. The Chair adjourned the meeting for 15 minutes to enable attempts to be made to reinstate the video streaming. The Chair had received confirmation that should the meeting be available on YouTube via audio only, the meeting could continue as long as Members could see the presentations.

The meeting resumed after 15 minutes with both video and audio running on YouTube.

Members continued with their questions for Officers, which further included:-

- Would the railings allow for adequate visibility? The Team Leader, Development Control, Public RoW stated the wall was a metre high which was a standard requirement. It would be possible to see through the railings and therefore it had not been considered a restriction.
- What was Highways objection? The Team Leader, Development Control, Public RoW stated the Highways issue was in relation to whether the applicant could actually deliver the gate in accordance with the drawing submitted and to demonstrate that what they had proposed would actually work. The Team Leader, Development Control, Public RoW explained that the submitted front elevation plan needs to show the detail of the gradient from back of footpath to the front of the house and also show the gradient from one side of the house to the other. The incline in this part of the road is substantial and has not been shown on the front elevation plan, currently the gate and wall could not be delivered. New plans are therefore needed.

Following the conclusion of questions to Officers, Members considered the application. In particular, a Member felt that the applicant should have the right to decide whether they wished to remove the hedge and not be restricted by a condition to retain it.

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

That planning application no. **19/0319** be delegated to the Interim Head of Planning and Building Control to grant permission, subject to the amendment and finalisation of conditions and subject to resolving Highways objections, as set out in the report and supplementary paper, except that the retention of the hedge shall not be required.

Before voting, the Principal Planning Solicitor read out the recommendation for the benefit of Members.

The Motion was put to the vote by way of a roll call of Committee Members and was subsequently declared **carried**, with nineteen Members voting in favour and one Member voting against.

Resolved (19 in favour and 1 against)

That planning application no. **19/0319** be delegated to the Interim Head of Planning and Building Control to grant permission, subject to the amendment and finalisation of conditions and subject to resolving Highways objections, as set out in the report and supplementary paper, except that the retention of the hedge shall not be required.

103/20 PLANS LIST ITEM NO. 1 – 20/0388 – ASPRAY24, PARK ROAD, WILLENHALL, WALSALL, WV13 1BU – CONSTRUCTION OF AN EXTENSION TO THE EXISTING WAREHOUSE WITH A NEW BAY WAREHOUSE, ASSOCIATED LOADING BAYS, INSTALLATION OF BOLLARD PROTECTION TO LOADING BAY DOORS AND ERECTION OF CANOPIES.

The report of the Interim Head of Planning and Building Control was submitted.

(see annexed)

The Presenting Officer advised Committee of the background to the report and highlighted the salient points therein. In addition, the Presenting Officer drew the Committee's attention to the additional information / revised recommendation as set out within the supplementary paper.

The Committee then welcomed the only speaker on this item, Mr. Plotnek, who was in support of this application.

Mr. Plotnek advised that he had nothing further to add and would answer any questions Members may have.

Members had no questions to the speaker.

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

- Whether the conifers would fully screen the site from the residents of Park Road? The Presenting Officer confirmed the conifers would screen the site from residents of Park Road except for a small gap, which had been replanted as part of earlier scheme and would grow to fill the gap.
- Had all residents been consulted? The Presenting Officer confirmed that all residents had been consulted and only two objections had been received, which were included within the report.
- Would the proposal result in harm to views and loss of light to nearby residential properties? The Presenting Officer advised that the nearest residential property was 28 metres distance away which exceeded the standard distance of 24 metres for outlook and amenity.

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

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

That planning application no. **20/0388** be delegated to the Interim Head of Planning and Building Control to grant permission, subject to conditions and subject to:-

- A satisfactory drainage scheme;
 - Overcoming the outstanding objections raised by the Lead Local Flood Authority;
 - No further comments from a statutory consultee raising material planning considerations not previously addressed; and
 - The amendment and finalising of conditions.
- as set out in the report and supplementary paper.

The Motion was put to the vote by way of a roll call of Committee Members and was subsequently declared **carried**, with Members voting unanimously in favour:-

Resolved (unanimous)

That planning application no. **20/0388** be delegated to the Interim Head of Planning and Building Control to grant permission, subject to conditions and subject to:-

- A satisfactory drainage scheme;
 - Overcoming the outstanding objections raised by the Lead Local Flood Authority;
 - No further comments from a statutory consultee raising material planning considerations not previously addressed; and
 - The amendment and finalising of conditions.
- As set out in the report and supplementary paper.

104/20 PLANS LIST ITEM 2 – 20/0004 – BEECHDALE COMMUNITY HOUSING ASSOCIATION, CHILTON HOUSE, STEPHENSON AVENUE, WALSALL, WS2 7EU – DEMOPLITION OF THE VACANT FORMER BEECHDALE COMMUNITY HOUSING ASSOCIATION BUILDING AND THE ERECTION OF 12 AFFORDABLE HOMES WITH ASSOCIATED PARKING AND REAR GARDENS.

The report of the Interim Head of Planning and Building Control was submitted.

(see annexed)

The Presenting Officer advised Committee of the background to the report and highlighted the salient points therein. In additional, the Presenting Officer drew the Committee's attention to the additional information / revised recommendation as set out within the supplementary paper.

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

Mr. Warner stated that all parties had worked constructively with officers and the application before Committee would make good use of the derelict site by providing 12 affordable homes. The development would remove anti-social behaviour from site and he reiterated that no objections had been raised in the consultation. The terraced homes would be positioned back into the site and each dwelling would have two car parking spaces. He concluded by stating that should the application be approved, the proposal would be delivered promptly and that the applicant would enter into a section 106 agreement for contribution towards public open space. It would make a positive contribution to the housing supply in Walsall.

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

Members queried the following:-

- Would the gully way be gated to prevent access into the rear gardens of the homes? Mr. Warner confirmed the front elevation of the development would have gating to prevent anyone entering in to the back gardens.
- Was the applicant confident the area would not flood? Mr. Warner advised that the Lead Flood Risk Officer had withdrawn their objection.

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

- Whether officers could be confident that the area would not be subject to flooding? The Presenting Officer confirmed that the Lead Flood Risk Officer was satisfied with the drainage strategy plan.
- Are the new builds moving away from gas boilers to electric boilers and will there be electric car points be put into the properties? The Principal Pollution Control Officer confirmed there were conditions to install appropriate measures to address the requirements of the SPD in relation to boilers and the provision of vehicle charging points

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

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

That planning application no. **20/0004** be delegated to the Interim Head of Planning and Building Control to grant planning permission subject to Conditions and a Section 106 Agreement to secure provision for open space and subject to:-

- Addressing Pollution Control's concerns regarding noise;
- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed.

As contained within the report and supplementary paper.

The Motion was put to the vote by way of a roll call of Committee Members and was subsequently declared **carried**, with all Members voting in favour

Resolved (unanimously)

That planning application no. **20/0004** be delegated to the Interim Head of Planning and Building Control to grant planning permission subject to Conditions and a Section 106 Agreement to secure provision for open space and subject to:-

- Addressing Pollution Control's concerns regarding noise;
- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed.

As contained within the report and supplementary paper.

105/20 PLANS LIST ITEM NO. 4 – 20/0395 – WOODLANDS ACADEMY OF LEARNING, BLOXWICH ROAD NORTH, WILLENHALL, WV2 5PR – INSTALLATION OF A MODULAR NURSERY CLASSROOM AND ACCESS RAMPS TO PROVIDE A DAY NURSERY FOR UP TO 26 ADDITIONAL CHILDREN AGED BETWEEN 2 AND 4 YEARS.

There were no speakers on this item.

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

That Planning application no. **20/0395** be delegated to the Interim Head of Planning and Building Control to grant planning permission, subject to conditions and subject to:-

- No new material considerations being received by Clean and Green; and

- The amendment and finalising of conditions
As contained within the report and supplementary paper.

The Motion was put to the vote by way of a roll call of Committee Members and was subsequently declared **carried**, with 19 Members voting in favour and 1 Member abstaining.

Resolved (19 in favour and 1 abstained)

That Planning application no. **20/0395** be delegated to the Interim Head of Planning and Building Control to grant planning permission, subject to conditions and subject to:-

- No new material considerations being received by Clean and Green;
- The amendment and finalising of conditions

As contained within the report and supplementary paper.

106/20 PLANS LIST ITEM NO. 5 – 19/1566 – 34 NEW ROAD, BROWNHILLS, WALSALL, WS9 6AT – OUTLINE APPLICATION: CONSTRUCTION OF 2 NO. DWELLINGS TO REAR OF 34 NEW ROAD WITH ALL MATTERS RESERVED.

There were no speakers on this item however a presentation was requested.

The Presenting Officer advised Committee of the background to the report and highlighted the salient points therein. In additional, the Presenting Officer drew the Committee's attention to the additional information / revised recommendation as set out within the supplementary paper.

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

- Committee had previously considered this matter at an earlier Committee meeting and felt the alternative access via the private drive serving no. 34a, b and c was safer and would service the plot better and that a bungalow or dormer bungalow would be a better fit. The Principal Planning Solicitor advised that should Members be minded to grant the outline application, the massing and scale of the proposed dwellings could be dealt with at the reserved matters stage.
- Whether Members could support a proposal for a bungalow or dormer bungalow with access as specified in the previous deferral? The Principal Planning Solicitor confirmed that Members could support the revised access and she referred to condition 7 on page 85 of the report which would limit the access to the development. She advised that should the application be refused, the applicant had a right to appeal.

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

That planning application no. **19/1566** be refused, contrary to officer recommendation due to the impact on the amenity of number 32 New Road due to the proximity of the proposed driveway access which would pass the downstairs bedroom window at a distance of less than 1 metre. Committee would be mindful to support a single dwelling in the form of a bungalow or dormer bungalow with access from the road serving number 34a, 34b and 34c New Road as development for two dwellings would be an overdevelopment of the site.

Before voting, the Principal Planning Solicitor read out the recommendation for the benefit of Members.

The Motion was put to the vote by way of a roll call of Committee Members and was subsequently declared **carried**, with Members voting unanimously in favour:-

Resolved (unanimously)

That planning application no. **19/1566** be refused, contrary to officer recommendation due to the impact on the amenity of number 32 New Road due to the proximity of the proposed driveway access which would pass the downstairs bedroom window at a distance of less than 1 metre. Committee would be mindful to support a single dwelling in the form of a bungalow or dormer bungalow with access from the road serving number 34a, 34b and 34c New Road as development for two dwellings would be an overdevelopment of the site.

107/20 Termination of meeting

There being no further business, the meeting terminated at 7.25pm.

Chair

Date

