

PLANNING COMMITTEE

Monday 21 June, 2021 at 5.30pm

At the Town Hall, Walsall

Present:

Councillor Bird (Chairman)
Councillor Perry (Vice Chairman)
Councillor Ali
Councillor Allen
Councillor P. Bott
Councillor Cooper
Councillor Craddock
Councillor Harris
Councillor Hicken
Councillor Murray
Councillor Nawaz
Councillor M. Nazir
Councillor Rasab
Councillor Robertson
Councillor Samra
Councillor Sarohi
Councillor M. Statham
Councillor Waters

Officers:

Alison Ives – Head of Planning & Building Control
Michael Brereton – Group Manager – Planning
Leon Carroll – Senior Planning Officer
Leah Wright – Senior Planning Officer
Sharon Bennett-Matthews – Solicitor, Planning/Environment
Kevin Gannon – Team Leader-Development Control & Public RoW
Neil Picken – Principal Democratic Services Officer

Welcome

The Chair welcomed all to the meeting and advised that agenda and reports for the meeting were available on the Council's website. He continued to advise that should the meeting become inaccessible to the public on YouTube then it would adjourn to allow for re-connection. If access could not be restored, then the remaining business, with Speakers, will be considered at a time and date to be arranged. Any business without speakers would continue to be heard.

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

82/21 Apologies

Apologies for absence were submitted on behalf of Councillors Creaney and Underhill.

83/21 Minutes of 29th April, 2021

Councillor Bird moved and it was duly seconded by Councillor Nawaz that the minutes of the meeting held on 29 April, 2021, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

The Chair put the recommendation to the vote.

Resolved (unanimous)

That the minutes of the meeting held on 29 April 2021, be approved and signed as a true record.

84/21 Declarations of Interest.

Councillor Bird declared an interest in Planning Application 21/0498 - 53, Charlemont Road, Walsall, WS5 3NQ as he lives opposite the site.

Councillor Cooper declared an interest in Planning Application 20/1041 - 66A High Road, Willenhall, WV12 4JQ as she lives in close proximity to the site.

Councillor Perry declared an interest in the Private Item - Planning Enforcement Action as he had made representations to officers regarding the matter.

Councillor Nazir declared an interest in Planning Application 19/0622 – Johal Supermarket, 19 West Bromwich Road, Walsall, WS1 3HS as his son, Councillor A Nazir, had entered into communication regarding this application.

Councillor Rasab declared an interest in Planning Application 21/0246 - 185, Sutton Road, Walsall, WS5 3AW as the applicant had undertaken electrical work at his property.

85/21 Deputations and Petitions

There were no deputations introduced or petitions submitted.

86/21 Local Government (Access to Information) Act, 1985 (as amended)

Resolved

That the public be excluded from the private session during consideration of the agenda item indicated for the reasons shown on the agenda.

87/21 Broadway North Resource Centre, Broadway North, Walsall, WS1 2QA – Update Report – report of the Head of Planning and Building Control

The Chair advised that this matter would be considered as part of the Application List for Permission to Develop - plans list at item 4.

88/21 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, the Chair advised them 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, planning reasons must be provided.

89/21 PLANS LIST ITEM NO. 4 – 21/0006 - BROADWAY NORTH RESOURCE CENTRE, BROADWAY NORTH, WALSALL, WS1 2QA ERECTION OF 14 NO. DWELLINGS, ALTERATIONS TO EXISTING ACCESS AND ASSOCIATED WORKS.

The report of the 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 as set out within the supplementary paper.

The Committee then welcomed the first speaker on this item, Mr Brearley, who stated that he was present to answer any questions members may have. Mr Brearley confirmed that communication was ongoing with the Council.

In the absence of any questions, Councillor Bird confirmed that this was a technicality as the planning committee had previously debated this application at length at a previous meeting. As such, Councillor Bird **moved** and it was duly **seconded** by Perry:-

That planning application number 21/0006 be delegated to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and entering into a Section 111 and Section 106 Planning Obligation to secure an Urban Open Space Contribution and to secure the final terms of an indemnity and potential management company in relation to refuse collection and use of the private drive, and subject to:

- The amendment and finalising of conditions.

The Motion was put to the vote and was subsequently declared **carried**, with Members voting unanimously in favour.

Resolved (unanimously)

That planning application number 21/0006 be delegated to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and entering into a Section 111 and Section 106 Planning Obligation to secure an Urban Open Space Contribution and to secure the final terms of an indemnity and potential management company in relation to refuse collection and use of the private drive, and subject to the amendment and finalising of conditions.

90/21 **PLANS LIST ITEM NO. 1 – 21/0498 - 53, CHARLEMONT ROAD, WALSALL, WS5 3NQ - RETROSPECTIVE APPLICATION: PROPOSED NEW FRONT BOUNDARY WALL WITH SLIDING GATED ENTRY AND SOFT LANDSCAPING**

Councillor Bird, having declared a pecuniary interest in this item, left the room during consideration and did not take part nor vote.

The vice chair, Councillor Perry took the chair for this item.

Councillor Perry advised that the item had been withdrawn by the applicant. However, there were concerns in relation to the frontage and other breaches of the planning permission.

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

That a report be submitted to the next meeting of Planning Committee, setting out all of the breaches, with a view to consider enforcement action.

The Motion was put to the vote and was subsequently declared **carried**, with Members unanimously voting in favour

Resolved (unanimously)

That a report be submitted to the next meeting of Planning Committee, setting out all of the breaches, with a view to consider enforcement action.

91/21 **PLANS LIST ITEM NO. 12 – 20/1041 - 66A HIGH ROAD, WILLENHALL, WV12 4JQ CHANGE OF USE FROM SUI GENERIS (BETTING SHOP) TO**

A5 (HOT FOOD TAKEAWAY) AND INSTALLATION OF AN EXTRACTION FLUE PIPE

The Chair returned to the meeting.

Councillor Cooper, having declared a pecuniary interest in this item, left the room during consideration and did not take part nor vote.

The report of the 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 as set out within the supplementary paper.

The Committee then welcomed the first speaker on this item, Councillor Josh Whitehouse, who wished to speak in support/objection to this application.

Councillor Josh Whitehouse stated that there were several objections including the fact that the site was on a busy high street, there were many other businesses on the same street and the car park was in shared use by a business next to the site.

The Committee then welcomed the second speaker, Mark Woollatt, who wished to speak in objection to this application.

Mr Woollatt stated that he lived and ran his business from the property next door to the site and he was concerned that the application, if approved, would have a negative impact upon his business and his tenants. This due to the fact that the application would increase anti-social behaviour and litter and attract vermin. He also raised concern in relation to the car park as he had right of use. The car park would not have sufficient capacity to accommodate the vehicles for both businesses. In closing, he stated that there were already numerous hot food takeaways in the immediate vicinity.

The Committee then welcomed the third speaker, Kisann Vijayaratham, who wished to speak in support of this application.

Mr Vijayaratham stated there was only one delivery driver on a moped and so parking would not be an issue as there were a number of spaces available. A secure litter bin would be installed outside the premises. Mr Vijayaratham stated that he didn't believe that this premises would affect anti-social behaviour as there were a number of other takeaways already in the area. The takeaway would focus on chicken, there were no other takeaways in the surrounding area focussing on this type of food, and so it would boost surrounding shops and businesses. Ducts and silencers would address noise and odour concerns.

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

Members asked questions, as follows:-

- What are the anti-social behaviour issues, are the police aware and how would this business add to this issue? Councillor Whitehouse stated that the business owner next to the property was concerned that customers at the takeaway would linger on the car park after collecting their food. He confirmed that there were several pubs and other late night business in the area and an additional takeaway could add to the issues of anti-social behaviour.
- Is one of the two off-street parking spaces allocated to an adjoining business? Councillor Whitehouse stated that there are two spaces, one of which is for the flat which is above the premises. The business adjoining the property have access along the side of the property. The takeaway has one space allocated to it. Planners confirmed that there are two spaces but weren't aware that one is allocated to the adjacent premises. The applicant explained that told that two are there but one allocated to the flat above but the tenant works nights and so two would be available. The chair commented that this may change should a new tenant move in with a different working pattern.
- Are there many takeaways nearby and how close to schools is the proposed takeaway? Councillor Whitehouse confirmed that there were several takeaway business across the road and a nursery school close by on the same side.
- If use Uber Eat or Just Eat where would they park? Mr Vijayaratham stated that they were a local and family run business and would be using their own website rather than use 'Uber Eats' or 'Just Eat'.
- Do you have a business in Walsall or elsewhere? Mr Vijayaratham confirmed that they had a business in Nottinghamshire.

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

- What are the arrangements for parking and are there issues with the zig-zag restrictions on road preventing people parking on the highway? The Team Leader-Development Control & Public Rights of Way confirmed that there is an existing access that serves the flat and shop with existing parking for them. Are restrictions on road with zig zags and double yellow lines further along. Signals provide breaks in traffic but traffic colleagues do not believe it is any worse than other areas with takeaways. The national policy framework says impact has to be severe for council to object. With this application, we aren't objecting as is parking and are restrictions so unreasonable to seek further parking.
- Is this main route to ambulance station and would this create a safety issue? The Team Leader-Development Control & Public Right of Way stated that ambulances used many routes within the area but have to consider whether the impact of the development would affect the highway. If so, the council would need to demonstrate that it was severe for the council to object. There were restrictions in place to prevent parking on that highway to protect the public.

Following the conclusion of questions to Officers, Members considered the application during which a number of comments were made. These included:-

- That there was concern that, if approved, it would create a hazard on road due to lack of parking provision, add to the levels of obesity, impact on traffic and was in close proximity to a nursery.

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

That planning application number 20/1041 be refused as it would be detrimental to the amenity of the flat above the development and nearby properties and it is perceived that parking arrangements are inadequate to support this proposal.

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

Resolved (unanimously)

That planning application number 20/1041 be refused as it would be detrimental to the amenity of the flat above the development and nearby properties and it is perceived that parking arrangements are inadequate to support this proposal.

92/21 **PLANS LIST ITEM NO. 3 – 20/1295 - FORMER MCDONALDS, HIGH STREET, BROWNHILLS, WALSALL, WS8 6HE - DEMOLITION OF EXISTING BUILDING AND ERECTION OF 45 APARTMENTS (AFFORDABLE HOUSING UNITS) AND ASSOCIATED CAR AND CYCLE PARKING AND LANDSCAPING**

Councillor Cooper returned to the meeting.

The report of the 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 as set out within the supplementary paper.

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

Ms Wakako Hirose stated that this site was allocated for housing but had been vacant for a number of years and was now run down. The proposal would bring the site back into use and deliver affordable housing to be managed by WHG. The proposal would also deliver a number of planning benefits such as making the best use of brownfield land, deliver regeneration and provide housing for local people. The proposals are also in line with planning policy and all development management matters have been addressed with no outstanding issues that would prevent permission from being granted.

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

Members asked questions, as follows:-

- Will this be part rent, part buy or will there be social housing? Wakako confirmed that it would be an affordable rent scheme.
- How many electric charging points will be available? Wakako confirmed that they would provide policy compliant number of charging stations.
- Where is the nearest green space? Wakako advised that there would be a courtyard for residents.

There were no questions for officers and so the matter moved to debate.

Members considered the application. A member commented that many welcomed the development, as it would transform a derelict site.

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

That planning application number 20/1295 be delegated to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to:

- 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.

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

Resolved (unanimously)

That planning application number 20/1295 be delegated to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to:

- 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.

93/21 PLANS LIST ITEM NO. 5 – 19/0622 - JOHAL SUPERMARKET, 19, WEST BROMWICH ROAD, WALSALL, WS1 3HS DEMOLITION OF EXISTING BUILDINGS AND CREATION OF 3 X RETAIL (E (A)) UNITS AT GROUND FLOOR AND 5 X RESIDENTIAL FLATS (C3) AT FIRST FLOOR

The report of the 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 as set out within the supplementary paper.

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

Mr Kumar stated that the application has been through extensive negotiations to resolve the issues for refusal previously. The plans have been modified to overcome these issues and the proposal is one that could be supported by officers for approval. When compare to previous application the number of apartments has been reduced and the height of one of the buildings has also been reduced. Everything that could be done has been. Reason for refusal now is vitality and viability and sequential assessment and disagree with planners as have looked at what facility is providing. It is not to take away existing services, the supermarket will continue. The development will compliment the existing use.

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

Members asked questions, as follows:-

- It is noted that the window to the side of number 3 will be relocated to the rear but would you consider and be prepared to install Velux windows to maximise light. Mr Kumar confirmed that he had a written agreement between owners of no 3 and applicants that will put window in at own cost and roof lighting would also not be an issue so this matter has been addressed.
- If minded to support, officers recommend that this would be a 106 agreement; would this be acceptable to your client? Mr Kumar confirmed that his clients had agreed to that request.
- How many car spaces will be provided? Mr Kumar stated there would be x4 off road and a further x3 were on street, which met requirements.

There were no questions to Officers.

Members considered the application. A member commented that the proposal would benefit people living in the area and that it was sustainable as it was not far from the town centre.

Councillor Nawaz **moved** and it was duly **seconded** by M. Nazir:-

That planning application number 19/0622 be approved as:-

- It shows support for a local business;
- It supports a local need;
- The sequential test is not required as it is already a retail unit
- The unit has had no impact on the local centre since it opened some years ago;
- The proposed flats would be welcome, as there is a local need and high demand for residential accommodation in the area.

The Planning officer advised that members may wish to include the Section 106 agreement within the resolution to trigger the relocation of the window and or lighting by way of Velux or tunnel light. In addition, standard conditions would and conditions to formalise parking be attached to the permission. Both the mover and seconder of the motion agreed to this addition.

The Motion was put to the vote and was subsequently declared **carried**, with 17 Members voting in favour and 1 against.

Resolved (17 in favour and 1 against)

That planning application number 19/0622 be delegated to the Head of Planning and Building Control to approve, subject to conditions including a condition to formalise the parking gates, and a 106 agreement in respect of re-locating windows to number 3 Highgate Road as:-

- It shows support for an established local business;
- It supports a local need;
- The sequential test is not required as it is already a retail unit
- The unit has had no impact on the local centre since it opened some years ago;
- The proposed flats would be welcome, as there is a local need and high demand for residential accommodation in the area.

The meeting then adjourned at 7.26 p.m. and reconvened at 7.35 p.m.

94/21 PLANS LIST ITEM NO. 6 – 20/0745 - LAND TO REAR OF 5 AND 7 JESSON ROAD, WALSALL, WS1 3AY PROPOSED ERECTION OF 3 NO. DWELLINGS INCLUDING GARAGES AND INCORPORATING LANDSCAPING ON LAND AT REAR OF 5 TO 7 JESSON ROAD

Councillor P Bott left the room for part of this item and so did not vote.

The report of the 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 as set out within the supplementary paper.

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

Gail stated that 65 letters of objection have been submitted and this is the latest in a long history of planning applications for the site. The planning inspectorate upheld the last refusal by members and the appeal was dismissed. Planning Policy had not changed since the appeal decision and the government's policy to boost housing supply only applies where planning policy is complied with. These proposals are in conflict with planning policies. The officer has given due

weight to all of the factors and concludes that the harm the development would cause outweighs any benefit. The officer also states that there are no material planning considerations to support the application. Indeed this application would cause planning harm and would not significantly help in delivering the wider housing need and so not a sufficient reason to outweigh the significant harm it would cause. The highway officer concludes for the same reason as the Planning Inspectorate dismissed the previous appeal that there would be significant harm to highway safety. The applicants TA does not allay the officers fears because the same highway fears persist. Concerns were expressed about the safety of children attending a nearby school. In addition, the design layout and appearance of the bungalows are not appropriate or acceptable and were out of keeping with the surroundings. This is an inappropriate back land development and contrary to planning policy. Information had not been forthcoming regarding the protection of protected trees.

The Committee then welcomed the second speaker, Mohammed Arif, who wished to speak in objection to this application.

Mr Arif stated that he was speaking on residents behalf. An outline application was refused in October 2010 and this is the third time I speak against a development on this site. An application was refused planning officers in 2013 with the same grounds as are put forward tonight. In 2014, another application was submitted and refused by Committee. The applicant appealed to the planning inspectorate who dismissed the appeal in 2015. It is important that residents are listened to and treated equally as the applicant and application is determined on its merit. The development is only two doors away from St Marys Primary School, which caters for reception, nursery and junior schoolchildren. I urge committee to follow officer recommendation to refuse this application and be consistent, as the reasons for refusal have not changed. This includes back land development, loss of trees loss of amenity for nearby properties and loss of highway safety for schoolchildren.

The Committee then welcomed the third speaker, Mr Michael Singh, who wished to speak in support/objection to this application.

Mr Singh stated he has been involved as an agent for 11 months and during that time a number of officers had left the authority. The scheme was due before committee in February 2021 but postponed to allow tree and highway issues to be addressed. Since February 2021, I have sent 12 emails chasing a formal reply but to date have received incomplete and far from satisfactory replies. The development is recommended for refusal for 5 reasons, 2 relate to ecology and trees which I will address. In relation to ecology the report states that insufficient detail of protected species has been provided. We disagree and ask the committee to take into account that at no stage in the preceding 11 months has an ecological survey been requested. Indeed, the application was validated and the case officers never requested a survey. It is therefore now entirely unreasonable to recommend refusal on this basis. The scheme is also recommended for refusal because it would result in the loss of a number of trees of high amenity. We disagree and make the following points:-

- On June 4th a planning officer stated that the trees officer had not formally responded;
- On June 7th the officer stated that he and the tree officer need to assess the info to cover all bases in the event of appeal;
- A formal response was promised prior to this committee meeting but no response has ever been received.
- The majority of trees proposed to be removed are low status with minimal visual amenity and are not seen from the public domain and, on the whole, are category 'C';
- The scheme has been designed so that the footprint and patio's are outside root protection areas of the highest status trees which are on the boundary.
- The scheme has been designed so that the canopies of the highest status trees do not need to be trimmed;
- Footprints have been moved following the advice of a landscape architect to reduce any impact on trees.

In light of these reasons, we urge the council to support the scheme.

The Committee then welcomed the fourth speaker, Mr James Brookes, who wished to speak in support/objection to this application.

Mr Brookes stated that Jesson Road had a 20 mph speed limit with traffic calming measures with speed humps and centre hatch markings which minimise the risk of an accident occurring. Furthermore, the manual for streets finds that very few accidents have occurred involving vehicles turning into and out of driveways, even on heavily trafficked roads. In terms of proximity to the school, it has been assessed that traffic in the immediate area is only busy for between 2 and 3 percent of each day. Otherwise the road is quiet and does not offer a convenient route for the area. The application in 2014 was refused in part due to concerns with the traffic. It is important to note that the 2014 application was fully supported by highways officers. After being taken to appeal, reason 12 in the planning inspectors report, concluded that the shared access drive for 5 houses was acceptable given the scale of the proposal. Since that application, the driveway for 7 Jesson Road has been altered to include 2 new access points, reducing the proposed use of the access driveway. It is important to note that the 2014 application was for 5 new houses, each with 4 parking spaces. The current proposal is for 3 bungalows with 3 spaces. This arguably reduces the number of parking spaces by 11. This, along with not sharing access with number 7 means that our proposals offer an access drive with less use than the previous proposal which was supported by the highways department. He stated that wider access could be provided to allow vehicles to cross at various points. Lighting has also been proposed as shown in drawing 3b.

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

Members asked questions, as follows:-

- How have the buildings been designed with regard to the trees and do you consider the proposal to be safe? Mr Singh explained that they had benefited from previous refusals and an inspectors decision and have taken

these on-board. The plots had been moved to incorporate the patio, houses and driveways so that they don't impact on root protection areas of the high value trees. Ground guarding would also be in place during the construction process. The layout has been designed to ensure that all the high value trees do not need to have the canopies pruned as a consequence of this development. The category B trees to be removed and replanted would be removed with a tree spade and replanted on site. It's also important to note that in 2014, the tree officer did not object to the scheme and no new trees have been planted on site and no management and so trees deteriorated since then. Visibility splay, the inspector at para 12 said access road acceptable on site and 7 Jesson Road now has an in/out driveway meaning that there is less impact on that shared road. In terms of visibility, in 2014 highways officers didn't object for 5 dwellings with 5 bedrooms and so cumulative impact of 3 is diminimus and so no issues.

- The planning officer referred from plot 2 and distant from Jesson Road and guidance stipulates that driveway of 100m long isn't acceptable, how do you address this? Mr Singh advised that 2 of the plots fully complied with technical guidelines. The view of a specialist consultant in relation to the third plot is that these are private houses and anyone that buys it will note that there is a bin and that this will need to be deposited on the pavement for collection. The road can't be designed for one person, it has a turning circle and can be fully accessed by cars and other vehicles. The only issue is for one plot and a wheelie bin. The specialist has advised that it would be disproportionate and unfair to design the scheme for one house and a wheelie bin. It was explained that the matter had been raised with an officer at Birmingham City Council who could see no issues with the design.
- Is it correct that the 2014 application was recommended for approval and, at that time, there were no highway objections? Mr James confirmed that this was the case.
- Jesson Road is subject to a 20mph speed limit and has existing traffic calming measures and heavy traffic for just 2 to 3% of the day, how did you arrive at that statistic and are there any particular times that heavy traffic would be apparent? Mr Brooke stated that Banners Gate produced the report and said it was 15/20 minutes twice a day for the school. Over the course of the day this equates to 2/3% of the day.
- Highways report been submitted, has there been a number of accidents? Mr Brooke stated that report was produced in 2020 and showed that in previous 3 years there had been no incidents. I have checked recently and no accidents on the road at all to date.
- In 2014 application, highways wasn't mentioned, could you highlight any differences between this and the 2014 application? Mr Singh explained that in 2014 it was for 5 large dwellings with 4/5 cars for each house. This proposal is for 3 bungalows and occupiers less likely to generate traffic. Second material difference is that in 2015 when matter taken to appeal, there was only 2 access, 1 used by 7 Jesson Road and the other by number 5. Number 7 now has there own driveway. Thirdly, in 2015 the tree officer didn't object and in 2020 approved removal of category C trees on the boundary at request of adjoining neighbours. We now have a precedent of tree officer supporting removal of trees which we didn't previously.

- What is the nature of Jesson Road and how will this development impact on the street? Mrs Breakwell stated that this was back land development and not generally supported by central government and isn't previously developed land. It's out of character with the houses in the area which are large houses with large gardens. There are concerns about the highway safety issues as its traffic chaos with people milling everywhere. When the inspector visited a child nearly fell into a car, which was quite frightening. The applicants haven't submitted the relevant documentation. The chair clarified that an ecology survey was not requested as the application was for refusal. Mrs Breakwell continued to say that Jesson Road was one of the quality roads within the borough and concerned that if this is allowed it would have a domino effect, which would change the nature and character of the road. In addition, there is noise from the Birmingham road and so should houses be built at the back this noise issue would be exacerbated and affect tranquillity with street lights, car noise, children playing, BBQ's and parties etc.
- Have you watched what happens on Jesson Road? Mr Brookes stated that he had visited the site and hadn't experienced issues of parking or heavy traffic.
- What can be done to improved visibility splay? Mr Singh stated that he was in possession of a letter from the applicant who says that she will reduce the size of her hedge to increase the visibility splay and would accept a condition to require a visibility splay to be put into place, which could be achieved by reducing or removing the hedge to make it compliant.
- Is the site covered by a blanket tree preservation order? Mr Singh explained that the clients are sensitive about trees and when apply for outline consent they were advised to remove the trees but didn't as didn't want to damage or lose if development wasn't to go ahead. When outline permission was sought the trees were then protected but area tree preservation orders are generally not specific. They identify all trees but don't look at significance and some trees are a nuisance. Group area restrictions are non-specific and tree officer doesn't know the exact species and quality of them. My clients instructed a site specific tree survey to be undertaken of all the trees. This allowed them to ensure that only category c trees would be removed which are not visible from the street.
- Have 4 category c trees been removed? Mr Singh referred to the planning history within the report and in 2020 there was an application to remove 4 trees and a tree of unknown species. This is because the tree officer has not visited the site. We suggest that the information prepared by the landscape architect is reliable and ensures that the trees of value are protected.
- Who applied for the removal of the conifers? Mrs Breakwell advised that she had applied for the removal of the conifers as they were overhanging her garden by 15 feet and prevented use of the trampoline. There was an unknown bush next to it and so I included this on the application.
- A member asked Mr Singh to respond. Mr Singh referred to the report, which stated fell 4 conifer trees and 1 unknown tree. As this is a non-specific order it protects all trees, good or bad, and the officer has conceded that he has given permission to fell a tree without undertaking due diligence. Because of that the process is not as black and white as it could be. If he had visited the site he would agree with the consultant that only low value trees would be removed.

The case officer then responded to the points raised.

At this juncture, the Chair moved that Standing Orders be suspended to enable the meeting to continue over 3 hours. This was duly seconded and approved by the Committee.

There were no questions by Members to Officers in relation to this item.

Following the conclusion of questions to Officers, Members considered the application during which a number of comments were made. These included:-

- That residents should be supported as they were clearly strong objections to the application. The application has been refused several times and so the recommendation of officers to refuse should be refused.
- That there are still a number of outstanding objections by officers and conflict with local, regional and national policies and that this is an inappropriate back land development and a danger to highway safety and would result in a loss of amenity for nearby properties. Protected trees may also be affected. It is not clear how this potential loss would be prevented. There is a lot of local concern about this and so it is difficult to support an approval.
- That this design is in keeping with the area, amenity space is acceptable with no overshadowing and a previous, larger application, was recommended for approval in 2014, an ecology report could be secured by condition if an approval was to be considered. This is a much improved application on that previously submitted in 2014 in terms of highway and visibility splay, trees have been removed from the site and the applicants would retain trees of value and protect them.
- The original application was recommended for approval and this development is much smaller and would secure the future of the site. The small number of properties would not compromise highway safety and have little to no impact on the nearby school. There is a need for this type of property in the area and so it should be supported. A new planting scheme would also make up for any potential loss.

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

That planning application number **20/0745** be approved as the original application was recommended for approval and this development is much smaller and would secure the future of the site from a larger development in future. The small number of properties would not compromise highway safety and have little to no impact on the nearby school. There is a need for this type of property in the area and a new planting scheme would be provided to make up for any potential loss as a result of the development making a more manageable area of woodland in the future. This to include standard conditions and a delegation to the head of planning and building control to request an ecological survey.

The Motion was put to the vote and was subsequently declared **lost**, with 6 Members voting in favour and 9 against.

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

That planning application number **20/0745** be refused.

Resolved (9 in favour and 6 against)

That planning application number **20/0745** be refused.

The meeting then adjourned before reconvening at 9.05 p.m.

95/21 **PLANS LIST ITEM NO. 7 – 19/1372 – 15, MIDDLETON ROAD, STREETLY, SUTTON COLDFIELD, WALSALL, B74 3EU - DEMOLITION OF THE EXISTING PROPERTY & ERECTION OF 2 NO. 4 BEDROOM DETACHED DWELLINGS**

The report of the 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 as set out within the supplementary paper.

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

Hardip stated that she lived directly next door to the house and the houses are arts and crafts in design and there is a thatched cottage down the road. Walsall Council has recognised these three roads, one of which being Middleton Road which is why it is a special area of special townscape, strengthened further by the government and heritage assets. The proposal for two modern red brick properties very close to our boundary with narrow widths are totally out of character. This would also set a precedent for other homes in the area to do exactly the same as this proposal. The images shown are old as the owners have been living in the property for a year and the garden and frontage have now been cleared and brought back to its original glory. There are restrictive covenants in place, which is why extensions have not been built either side of the building. If it was demolished, it could take years for the covenant issue to be resolved.

The Committee then welcomed the second speaker, Kate Twomey, who wished to speak in objection to this application.

Kate stated that she agreed with the points made by the officers and previous speaker. It would result in shadowing and loss of light to my property, the demolition of this house would be upsetting.

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

Mr Singh stated that the development was for the demolition of an existing dwelling and replacement with two, four bedroom, dwellings. The houses would be of similar height to the existing house and neighbouring dwellings and smaller in width to the existing. In this regard, the proposal would fit in well with the street scene. The officer reports confirm that the proposed external materials would reflect the mixed use of materials contained within the area. The house has been designed to replicate the arts and crafts features found in the area including ornate chimneys, stained and leaded glass windows and both plots feature jewel like, simple geometric patterns that echo elements of nature. The officer of the report states that the depths of these houses are excessive at 15 metres but this is justified as the existing house is only 9 metres deep. However, the officer does not take into consideration that as the house is outside a conservation area and hasn't previously been extended to the rear, it can be extended by 4 metres deep at ground floor under the GDPO and up to 8 metres under the neighbour notification scheme. In addition, the officer doesn't take into consideration that the existing house is developed boundary to boundary whereas the proposal allows for gaps. The officer describes the existing building as having historic attributes but this is hugely misleading. The house has single glazed, rotten timber windows, plastic upvc guttering and felt, flat roofs. The house has had multiple extensions which are unattractive and unsympathetic and these changes have been approved and built despite not being in keeping with the design and are to the detriment of the house. Much is made of the special townscape but the report fails to identify that the elements of the townscape which contribute the most are the amenity as identified by the officer. However, in my view the townscape provides attractive front gardens, have trees overhanging the highway and it is the natural character rather than the aesthetic feature of the dwellings.

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

Members asked questions, as follows:-

- There have been a number of applications on this site previously, what makes this application different? Mr Singh advised that the starting point for any planning assessment has to be that the application site has suffered from a host of anti-social behaviour and has been raided by the police on several occasions and the property was being used to cultivate cannabis. The property has been empty and derelict for the last 5 years and, in our view, is an underused and underdeveloped site. The site has detailed planning history detailed within the officer's report. In 2015, it was refused and again in 2017. We have tried to address the reasons for the refusal and design concerns are now limited and officers, in broad terms, support the style. The officers report confirms that the proposed development would be similar to the existing property in terms of height and that external materials would reflect the materials used in the locality and could be secured by condition. We believe that the officer concedes that the design and materials are suitable for the area.
- The officer refers to an overshadowing effect to a neighbouring property? Mr Singh explained that one of the case officer's reasons for refusal was an increase in the overall height. However, we are not proposing to increase the height of this house. A street scene illustration was given to the council to illustrate this point and we have shown that the proposed height is equal

or less in height than the existing house and we believe it fits in well with the street scene and the height of the neighbouring properties. Indeed, within the officer's report it states that the replacement dwelling would be of similar height to the existing property. The proposed dwelling complies with the 45-degree code and would not be any taller than the existing property. In terms of over shadowing, the existing dwelling extends the full width of the plot whereas the proposal doesn't and so seems unfair that a reason for refusal.

- The area is a special township area with arts and crafts designs, can you explain how you have replicated this style in this design? Mr Singh explained that the townscape fails to identify the elements which contribute to its significance. The officer mentions amenity in the report and I agree with that as the Townscape Guide states that the main thing about a townscape is attractive front gardens with trees which overhang the highway. The drawings submitted show the tree lined frontage and other drawings show that the proposed dwelling is below the existing property ridgeline.
- What is the gap between the two properties? Mr Singh advised it was between 1.1 and 1.3 metres.
- How long has the property been empty? Mr Singh advised that it was between 5-6 years and is underused and underdeveloped site and been in the press as its been used for cannabis cultivation and in a poor state.
- Why has it been empty so long? Mr Singh advised that the property was owned by a family and they were looking to create two houses for the two brothers to live in side by side. These are long term sustainable family homes.
- Is the lantern roof an arts and crafts feature? Mr Singh advised that the scheme had been designed to provide many of the features one would expect from the arts and crafts features. The proposed chimneys are very ornate to replicate arts and crafts. Leaded glass windows are also proposed. Flat roof with glazing is a further feature and a condition can be added to ensure high quality materials are used. The existing building has very poor quality extensions with low quality materials that do not compliment the style of the existing building.
- Was the building in a state of disrepair when it was purchased. Mr Singh advised that the building was in a poor state internally when purchased and required modernising. After renting the property, there is now structural damage to the property.

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

- How far back does the development go – will it affect the sunlight to neighbouring properties? The case officer advised that it didn't impede the 45 degree rule but members may take a view in relation to the amenity of neighbouring properties.

Following the conclusion of questions to Officers, Members considered the application during which a number of comments were made. These included:-

- That Middleton Road is a mixture of properties and the proposed properties do appear to replicate the arts and crafts design. The lantern roof for

example and also the design of the properties and edges of plot are now vacant and so if supported for approval, the materials used would need to be conditioned.

- That the property has been used for cultivating cannabis for some years and is a dilapidated property that causes harm to the street scene and detracts from the special townscape. As such, any improvement would be welcomed.
- It's a shame to see the property in such disrepair and any replacement must reflect the area in terms of arts and crafts and surprised that officers recommend refusal as the issues do not seem unsurmountable and so would support with conditions.
- That the properties would be an improvement on the existing building but, should it be approved, there should be restricted development rights to prevent further development into the garden.

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

That planning application number 19/1732 be delegated to the Head of Planning to approve, subject to standard conditions, the removal of permitted development rights and conditions relating to use of bricks and materials to reflect the arts and crafts design in the area to reflect the character of the Townscape, as the demolition of the existing building would improve the Townscape in accordance with the special development order.

The Motion was put to the vote and was subsequently declared **carried**, with Members unanimously voting in favour.

Resolved (unanimously)

That planning application number 19/1732 be delegated to the Head of Planning and Building Control Grant Planning Permission subject to standard conditions, the removal of permitted development rights and conditions relating to use of bricks and materials to reflect the arts and crafts design in the area to reflect the character of the Townscape, as the demolition of the existing building would improve the Townscape in accordance with the special development order.

96/21 **PLANS LIST ITEM NO. 2 – 21/0272 and 21/0273 - 3, BRADFORD PLACE, WALSALL, WS1 1PL - CONVERSION OF BUILDING TO 35 STUDIO/APARTMENTS LISTED BUILDING CONSENT: CONVERSION OF BUILDING TO 35 STUDIO/APARTMENTS**

Resolved

That this item be deferred.

97/21 **PLANS LIST ITEM NO. 8 – 20/1608 – 13, BUCHANAN ROAD, WALSALL, WS4 2EW DEMOLITION OF NO. 13 BUCHANAN ROAD AND ERECTION OF 2 DETACHED DWELLINGS FRONTING BUCHANAN ROAD**

Resolved

That this item be deferred.

- 98/21 **PLANS LIST ITEM NO. 9 – 20/1634 – 400 , WEST BROMWICH ROAD, WALSALL, WS5 4NS - REPLACEMENT 7- BED SEMI DETACHED DWELLING**

Resolved

That this item be deferred.

- 99/21 **PLANS LIST ITEM NO. 10 – 19/0313 - 144, WHETSTONE LANE, ALDRIDGE, WALSALL, WS9 0EZ CHANGE OF USE FROM GARAGE/GARDEN STORE TO ONE BEDROOM DWELLING WITH ADDITION OF PORCH PLUS ACCESS DRIVE AND CAR PARKING**

Resolved

That this item be deferred.

- 100/21 **PLANS LIST ITEM NO. 11 – 21/0505 - COMMUNITY CENTRE, ALEXANDRA WAY, ALDRIDGE, WALSALL, WS9 8PD CHANGE OF USE FROM COMMUNITY CENTRE TO 1 BEDROOM FLAT AND ALTERATIONS TO FRONT ELEVATION TO INCLUDE RENDER AND REPLACEMENT WINDOWS**

Resolved

That this item be deferred.

- 101/21 **PLANS LIST ITEM NO. 13 – 21/0175 - 344, SKIP LANE, WALSALL, WS5 3RA - FIRST FLOOR SIDE EXTENSION PLUS ALTERATION OF FRONT ROUNDED BAY WINDOWS TO SQUARE BAYS WITH GABLE ABOVE AND ERECTION OF PITCHED CANOPY OVER PORCH AND GARAGE**

Resolved

That this item be deferred.

- 102/21 **PLANS LIST ITEM NO. 14 – 21/0119 - 18, HARBOROUGH DRIVE, ALDRIDGE, WALSALL, WS9 0ET TWO STOREY REAR EXTENSION AND CHANGE OF FLAT ROOF TO PITCH ROOF ON EXISTING SIDE EXTENSION**

Resolved

That this item be deferred.

103/21 **PLANS LIST ITEM NO. 15 – 21/0246 - 185, SUTTON ROAD, WALSALL, WS5 3AW PROPOSED SINGLE STOREY FRONT EXTENSION, WITH FIRST FLOOR FRONT BEDROOM BAY WINDOW EXTENSION. FIRST FLOOR SIDE EXTENSION AND PART SINGLE, PART DOUBLE STOREY REAR EXTENSION. WITH PITCHED ROOF EXTENSION AT REAR TO ACCOMMODATE LARGER HABITABLE SPACE AT SECOND FLOOR LEVEL**

Resolved

That this item be deferred.

104/21 **Planning Enforcement Action - report of the Head of Planning and Building Control**

Resolved

That this item be deferred.

105/21 **Termination of meeting**

There being no further business, the meeting terminated at 10.05 pm

Chair

Date