

PLANNING COMMITTEE

Thursday 11 July, 2019 at 5.30 pm

In the Council Chamber at the Council House, Walsall

Present:

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

2221/19 Apologies

Apologies had been received from Councillors Chattha, Creaney, Harrison and M. Nazir

2222/19 Minutes

Resolved

That the minutes of the meeting held on Monday 17 June, 2019, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record, subject to an amendment to a bullet point within paragraph 2209/19 which should have read:-

- Case number E13/0103 – Ravenscourt Shopping Precinct – the Planning Group Manager confirmed that no bats had been discovered on the site and officers were in the process of issuing the decision.

2223/19 Declarations of Interest

Councillor Samra declared a non-pecuniary interest in plans list item 2 – application number 17/1262 – proposed change of use and external changes to 1 Freer Street to provide 7 apartments, demolition of existing warehouse and erection of a two storey building to provide 2 apartments and change of use of first floor of 28 Bridge Street to 3 apartments at 1 Freer Street and 28 Bridge Street, Walsall, WS1 1QD

2224/19 Deputations and Petitions

There were no deputations introduced or petitions submitted

2225/19 Local Government (Access to information) Act, 1985 (as amended)

There were no items for consideration in private session.

2226/19 Section 106 Report

The Chair advised Committee that the item had been deferred until the next meeting to enable a full debate with additional information.

2227/19 Application List for Permission to Develop

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

(see annexed)

The Committee agreed to deal with the items on the agenda where members of the public had previously indicated that they wished to address the Committee and the Chair, at the beginning of each item for which there were speakers, confirmed they had been advised of the procedure whereby each speaker would have two minutes to speak.

The Chair had agreed to change the order in which the plans list items would be considered.

2228/19 Plans list item 1 – application number 18/0529 – demolition of existing building and erection of a three storey apartment block of 20 no. one bedroom dwellings at The Substation, Park Lane, Darlaston, Wednesbury, WS10 9SE

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

(see annexed)

The Presenting Officer advised Committee of the background to the report and supplementary paper now submitted. In doing so, he highlighted the salient points contained therein.

The Committee then welcomed the first speaker on this application, Councillor Burley, who wished to speak in support of the application.

Councillor Burley advised Committee that she had no objections to a development on the site as it would provide much needed residential accommodation in Darlaston adding to the vitality and viability of the area. She did not believe that it would have a detrimental impact on the character of the area.

The Committee then welcomed the second speaker on this application, Mr. Reynolds, who also wished to speak in support of the application.

Mr. Reynolds advised Committee that no objections had been raised by agency consultees and only two objections from residents, neither of which related to the height of the application. He added that there was no consistency of building types within the street scene and the development would be an improvement to the existing site and a preferred option to that of a previously proposed HMO.

There then followed a period of questioning by Members to the speakers. It was asked who owned the neighbouring, overshadowed properties. Councillor Burley advised that these were owned by whg and added that no complaints had been received from any of the occupants. There were no questions to officers.

Members considered the application further. Members did not believe the multi-faceted building would be out of keeping within the street scene of wide major roads; that many families were finding it difficult to relocate within the area; the development would benefit the area and support the vitality and viability of the local centre; it would bring into good use a brownfield site which had been derelict for over two years; the development was a preferred option to the previously proposed HMO as it would provide opportunities for people to remain within the area; a contribution should be sought for Urban Open Space.

Councillor Underhill **moved** and it was duly **seconded** by Councillor Bott:-

That planning application number 18/0529 be delegated to the Head of Planning, Engineering and Transportation to grant approval (contrary to officers recommendations) as the application would bring much needed quality housing onto a previously developed, but now redundant brownfield site to secure the regeneration of the area and the development was a preferred option to that of an HMO, as it would provide opportunities for people who wished to downsize to remain within the area, which outweighed the harm to street frontage and the impact on neighbour amenity subject to :-

- a Section 106 contribution for Urban Open Space provision of £13,860;
- the retention of the World War commemorative plaque to be located in a suitable location to be agreed in consultation between the Darlaston Ward Councillors;
- plus standard conditions as determined by the Head of Planning, Engineering and Transportation.

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

Resolved

That planning application number 18/0529 be delegated to the Head of Planning, Engineering and Transportation to grant approval (contrary to officers recommendations) as the application would bring much needed quality housing onto a previously developed, but now redundant brownfield site to secure the regeneration of the area and the development was a preferred option to that of an HMO, as it would provide opportunities for people who wished to downsize to remain within the area, which outweighed the harm to street frontage and the impact on neighbour amenity subject to :-

- a Section 106 contribution for Urban Open Space provision of £13,860;
- the retention of the World War commemorative plaque to be located in a suitable location to be agreed in consultation between the Darlaston Ward Councillors;
- plus standard conditions as determined by the Head of Planning, Engineering and Transportation.

2229/19 Plans list item 3 – 19/0380 – temporary change of use to hand car wash and valeting with ancillary equipment and structures (12 months temporary use sought) at former Warreners Arms, High Street, Brownhills, Walsall, WS8 6HE

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

(see annexed)

The Presenting Officer advised Committee of the background to the report and supplementary paper now submitted. In doing so, he highlighted the salient points contained therein.

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

Ms Porter advised Committee that the applicant was committed to finding a residential developer for the site but this had proven unsuccessful. She added that a marketing push would be going live the following week which showed the extent of the applicant's commitment for housing on the site. She informed Committee that since the last temporary consent, the applicant had tidied up the site and painted the railings to improve the visual appearance. She also expressed concern that should the application be refused, the vacant site may attract fly-tipping and vandalism.

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

Councillor Wade advised Committee that a further twelve months temporary use would enable the site to continue to have a use whilst the applicant marketed the site in the hope of attracting a residential developer. He echoed the concern of Ms Porter that should the site be left unoccupied for any period of time it may attract fly tipping and vandalism.

There then followed a period of questioning by Members to the speakers and officers. This included why an application for housing development on the site had not been forthcoming after so many years; whether the land owner ran the car wash operation and discussions around Section 106 Contributions.

In response, Ms Porter advised that the applicant wanted housing on the site and was determined to find a solution although developers had not been forthcoming due, in part, to the likelihood of a Section 106 contribution requirement. She confirmed that the hand car wash facility was carried out by a separate company which rented the site from the site owner.

Members considered the application further. They considered the length of time and number of temporary consents the applicant had already been granted for a hand car wash to operate on the site; the limited evidence provided of the site marketing attempts; that the proposed use conflicted with the Council's Site Allocation Plan for housing; that should the application be granted, no further extensions for the hand car wash be allowed and that the site should be reverted back to a car park at the end of the 12 month period; that the current temporary use was a preferred option to leaving the site unoccupied creating a potential target for fly-tipping and vandalism. Councillor Craddock **moved** and it was duly **seconded** by Councillor Harris:-

That planning application number 19/0380 be granted against officers recommendations, for a twelve month period, subject to the repainting of the building woodwork within two months, and details be provided in relation to the implementation of the car park following the expiry of the temporary permission.

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 19/0380 be granted against officers recommendations, for a twelve month period, subject to the repainting of the building woodwork within two months, and details be provided in relation to the implementation of the car park following the expiry of the temporary permission.

2230/19 Plans list item 5 – application number 18/1288 – replacement dwelling at 12 Skip Lane, Walsall, WS5 3LL

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

(see annexed)

The Presenting Officer reminded Committee Members that the application had been deferred at the meeting of 17 June, 2019 following a request from Valarie Vaz MP to allow time for one of the adjacent neighbours to make representations. He confirmed that at the time of publishing the report, no comments had been received.

The presenting officer further advised Committee of the background to the report and supplementary paper now submitted. In doing so, he highlighted the salient points contained therein

The Chair reported that he had received two letters from Valarie Vaz MP requesting a further deferral plus a letter from another individual. However, he stated that the application had been submitted in September and a decision needed to be made.

The Committee then welcomed the first speaker on this application, Councillor Martin, which wished to speak in objection to the application.

Councillor Martin advised Committee that the roof of the application would be flat and not hipped and that previous applications with flat roofs had been refused; a neighbouring application had been refused due to the potential overbearing effect and the dwelling would be incongruous in the street scene.

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

Mr. Williams advised Committee that he was speaking on behalf of the occupants of the neighbouring bungalow who believed the mass and scale of the proposed dwelling would overbear and dwarf their property and infringe on the light into the bungalow. He felt the application would appear too dominant and would be out of keeping in the street scene. The flat roof would also set a precedent.

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

Ms Hodson advised Committee that the application would have no impact upon the heritage asset and that whilst The Gardens Trust had provided objections, these were only advisory and not mandatory. She added there would be no green belt impact and the new dwelling had been designed in a modern, arts and craft design. The roof was only 0.65m higher than the current dwelling and the flat roof element would not be visible. In closing she stated that application complied with the 45° code and all other standards.

There then followed a period of questioning by Members to the speakers and officers which included where the flat element of the roof would be located; the potential existence of bats; the differences between the application property and the refused neighbouring property; whether the speakers felt that the bungalow looked dwarfed.

In response, Councillor Martin advised the flat roof would be visible from the top of Skip Lane; Ms Hodson stated the bungalow would not look dwarfed. The planning officer confirmed that the flat element of roof would be above ridge height but would not be visible. He highlighted the differences between the two neighbouring properties and confirmed that a bat survey had been carried out. No evidence of bats had been found in the existing building but the application could be conditioned for bat boxes.

Members considered the application further. Some Members suggested that the application would have no impact upon the heritage asset or the green belt. Other Members were of the view that the impact to the neighbouring bungalow would be substantial by virtue of massing and have a negative impact on the street scene and that the area was losing its character. It was noted that the application under consideration did bear similarities to a recently refused application by Planning Inspectors at a neighbouring property. The Chair reminded Members that should the application be refused the application may be forwarded to a Planning Inspector to make a decision.

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

That planning application number 18/1288 be granted, subject to amended conditions as contained within the report and supplementary paper now submitted.

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

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

That planning application number 18/1288 be refused against officers recommendations due to the overbearing impact it would have on the neighbouring bungalow by virtue of its massing and the increase in the height of the roof, the loss of the privacy amenity and overbearance to the occupants of the neighbouring bungalow and that it would be an incongruous feature in the street scene.

The Motion, having been put to the vote was declared **carried**, with eight Members voting in favour and six against. At this juncture, a Member alluded to the fact that Councillor Hicken had momentarily left the Chamber. The Chair therefore made the decision to take the vote for a second time, with the Member who had momentarily left the room taking no further part.

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

That planning application number 18/1288 be granted, subject to amended conditions as contained within the report and supplementary paper now submitted.

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

The Chair **moved** the Motion to refuse the application citing the same reasons and it was duly **seconded** by Councillor Perry

That planning application number 18/1288 be refused against officers recommendations due to the overbearing impact it would have on the neighbouring bungalow by virtue of its massing and the increase in the height of the roof, the loss of the privacy amenity and overbearance to the occupants of the neighbouring bungalow and that it would be an incongruous feature in the street scene.

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

Resolved

That planning application number 18/1288 be refused against officers recommendations due to the overbearing impact it would have on the neighbouring bungalow by virtue of its massing and the increase in the height of the roof, the loss of the privacy amenity and overbearance to the occupants of the neighbouring bungalow and that it would be an incongruous feature in the street scene.

Councillor Perry left at this juncture of the meeting.

Councillor Underhill left the Chamber momentarily but returned before the next plans list item commenced.

2231/19 Plans list item 7 – application number 19/0468 – retention of new doorway, window and external staircase to first floor flat at the living area above 317 Chester Road, Aldridge, Walsall, WS9 0PH

The report of the Head of Planning, Engineering and Transportation had been submitted

(see annexed)

The Presenting Officer advised Committee of the background to the report now submitted. In doing so, he highlighted the salient points therein.

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

Mr. Khera advised Committee that he had taken over the premises two years prior following the closure of the Co-operative store. He stated that access to the first floor flat had originally been internally via the shop but that independent access was now required to overcome any potential security issues associated with the ground floor post office within the premises. Mr. Khera added that the stairs had been placed on existing concrete slabs and should not have caused any further damage to tree roots.

There then followed a period of questioning by Members to the speaker and officers. This included whether the bamboo screen could be replaced with a more substantial material; how long the flat had remained empty and if there was a current enforcement notice against the staircase following a complaint.

In response, Mr Khera advised that he would be happy to change the boundary screening to an appropriate material and confirmed that the flat itself had remained empty for 9 years due to the previous Co-operative store's policy not allowing access to the flat through the site. The presenting officer confirmed that a solid screen would be overbearing against the boundary of the neighbouring property and confirmed that there was an enforcement notice in situ regarding the staircase.

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

That planning application number 19/0468 be deferred to allow consultation between Building Control and the Fire Service and to liaise with officers to determine a suitable boundary screen

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

Resolved

That planning application number 19/0468 be deferred to allow consultation between Building Control and the Fire Service and to liaise with officers to determine a suitable boundary screen

- 2232/19 **Plans list item 11 - application number 19/0133 – two storey side and rear extension, single storey front extension, porch and bay window plus single storey rear extensions at 109 Sutton Road, Walsall, WS5 3AH**

The Chair reported that he had agreed to defer the application for one Committee cycle at the request of a Councillor.

Councillor Nawaz left at this juncture of the meeting.

- 2233/19 **Plans list item 10 – application number 19/0224 – first floor extension above garage with gable roof at 6, Three Crowns Close, Walsall, WS5 3AL**

The report of the Head of Planning, Engineering and Transportation had been submitted.

(see annexed)

The Presenting Officer advised Committee of the background to the report and supplementary paper now submitted. In doing so, he highlighted the salient points therein.

The Committee then welcomed the only speaker on this application, Councillor Andrew, who wished to speak in support of the application.

Councillor Andrew advised Committee that permitted development rights (PDR) had been removed due to local issues at that time. However, he did not believe this should now preclude a homeowner from wanting to extend their home. He stated that the application would sit on top of the existing building and would not harm or have further impact upon the Green Belt. He added that the family in question were happy living in the area and did not want to have to move house.

There then followed a period of questioning to the speaker and officers which included why PDR had been removed from the homes within the development; what special circumstances existed to enable development in the Green Belt and why a number of extensions had previously been allowed on the application site

In response, the speaker advised that the property was one of only seven properties on the plot and was positioned at the end of a cul-de-sac and would not, therefore, create a terracing affect. The family wished to extend the property over an already existing extension to provide additional space to meet their needs and enable them to remain living in the area.

The presenting officer confirmed that the houses on the site had been built within the footprint of a former special school on green belt land and therefore PDR had been removed as part of the approval of the development. He added that the previous extensions to the property had been approved by Committee against officers recommendations.

Members considered the application further which included Members adhering to previous decisions and not opening floodgates for similar applications where PDR had been removed and Councillor Robertson **moved** and it was duly **seconded** by Councillor Underhill:-

That planning application number 19/0224 be refused, for the reasons as contained within the report and supplementary paper now submitted.

The Motion, having been put to the vote was declared **tied**, with one vote in favour and one vote against.

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

That planning application number 19/0224 be deferred to enable all parties to negotiate an amendment to overcome the refusal

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

Resolved

That planning application number 19/0224 be deferred to enable all parties to negotiate an amendment to overcome the refusal

Councillors Rasab and Hicken left the Chamber at this juncture of the meeting.

2234/19 **Plans list item 12 – application number 17/0466 – two storey side extension with first floor front projection and undercroft parking and single storey extension towards garden at 69 Highgate Road, Walsall, WS1 3JB**

The report of the Head of Planning, Engineering and Transportation had been submitted

(see annexed)

The Presenting Officer advised Committee of the background to the report and supplementary paper now submitted. In doing so, he highlighted the salient points therein.

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

Mr. Christoffersen advised Committee that the extension would increase the property from a six to an eight bedroomed house which would appear excessive from the patio of the neighbouring property. It would also block out natural light and overshadow the patio of the neighbouring property all year round. He added that the application would lead to additional cars and more congestion on the street.

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

Mr. Blackband advised Committee that he lived in Fairfield Mount which was accessed via a single track leading off Highgate Road which was close to the application property. He advised that the application house already had five cars parked outside with only three parking spaces and that the parking spaces would not be large enough to accommodate a vehicle once the proposed pillars were erected. He raised further concerns regarding the current parking issues within the street which made it problematic for him to access and exit his property.

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

Mr. Cotton advised Committee that the application was the fourth amended version and stated that the extensions would provide accommodation on the ground floor for applicant's elderly relative who needed full time care to live with them plus an additional bedroom for a carer. He added that the applicant had advised him that the family only had three cars.

There were no questions to the speakers nor to officers.

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

That planning application number 17/0466 be granted, subject to amended conditions as contained within the report and supplementary paper now submitted.

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

Resolved

That planning application number 17/0466 be granted, subject to amended conditions as contained within the report and supplementary paper now submitted.

Councillor Samra, having declared an interest in the next item, left the Chamber and therefore did not take part nor vote.

2235/19 Plans list item 2 – application number 17/1262 – proposed change of use and external changes to 1 Freer Street to provide 7 apartments, demolition of existing warehouse and erection of a two storey building to provide 2 apartments and change of use of first floor of 28 Bridge Street to 3 apartments at 1 Freer Street and 28 Bridge Street, Walsall, WS1 1QD

The report of the Head of Head of Planning, Engineering and Transportation had been submitted

(see annexed)

The Presenting Officer advised Committee of the background to the report and supplementary paper now submitted. In doing so, he highlighted the salient points therein.

There then followed a period of questioning to officers in relation to the waste disposal bins. The Highways Officer reiterated their concerns regarding the impact the waste collection arrangements may have on the highway. He advised Committee that the Councils current waste management bins were larger than those indicated on the applicant's drawing and he did not believe there would be adequate space on the site to accommodate the larger bins which may result in residents leaving black bin bags on Bridge Street for collection.

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

That planning application number 17/1262 be delegated to the Head of Planning, Engineering and Transportation to grant, subject to amended conditions and a Section 106 Agreement to secure contributions towards open space and a waste management strategy to be agreed between Highways and Clean and Green and include a minimum of three Eurobins and subject to conditions as contained within the report and supplementary paper now submitted.

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

Resolved

That planning application number 17/1262 be delegated to the Head of Planning, Engineering and Transportation to grant, subject to amended conditions and a Section 106 Agreement to secure contributions towards open space and a waste management strategy to be agreed between Highways and Clean and Green and include a minimum of three Eurobins and subject to conditions as contained within the report and supplementary paper now submitted.

- 2236/19 **Plans list item 4 – application number 19/0484 – construction of one five bed detached dwelling at 2 Daneways Close, Streetly, Sutton Coldfield, B74 3NL**

Resolved

That planning application number 19/0484 be granted, subject to amended conditions as contained within the report and supplementary paper now submitted.

- 2237/19 **Plans list item 6 – application number 19/0433 – use of first floor as a gym (use Class D2) including external alterations and additional windows and external cladding at First Floor, 43 Rookery Parade, Aldridge, WS9 8QR**

The presenting officer advised Committee of the background to the report now submitted.

Members considered the application further. Members raised concerns regarding the 24 hour operation at the premises which was within close proximity to residential flats as this could potentially create noise when people leave the premises during the night.

In response to a query, the Planning Group Manager confirmed that the operator also managed two gyms in Birmingham and one in Halesowen but reiterated that West Midlands Police had raised no objections.

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

That planning application number 19/0433 be deferred to await consultation with neighbouring properties.

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

Resolved

That planning application number 19/0433 be deferred to await consultation with neighbouring properties.

2238/19 **Plans list item 8 – application number 19/0576 – single storey front and side extensions plus level access ramp at 72 Furzebank Way, Willenhall, WV12 4BG**

Resolved

That planning application number 19/0576 be granted, subject to amended conditions as contained within the report and supplementary paper now submitted.

2239/19 **Plans list item 9 – application number 19/0466 – single storey flat roofed rear extension at 119 Collingwood Drive, Great Barr, Birmingham, B43 7JW**

Resolved

That planning application number 19/0466 be granted, subject to amended conditions as contained within the report and supplementary paper now submitted.

Termination of meeting

There being no further business, the meeting terminated at 8.25pm

Signed

Date