

PLANNING COMMITTEE

Thursday 23 July 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 Chattha (arrived at 6.00pm)
Councillor Craddock
Councillor Harris
Councillor Jukes
Councillor Murray
Councillor Nawaz
Councillor M. Nazir
Councillor Rasab
Councillor Robertson
Councillor Samra
Councillor Sarohi (arrived at 5.35pm)
Councillor Statham
Councillor Waters

Officers:

Chris Berry – Interim Head of Planning and Building Control
Kathryn Moreton – Group Manager, Highways and Environment
Alison Ives – Group Manager, Planning
Andrew White – Team Leader, Development Management
Sharon Bennett-Matthew – Solicitor, Planning
Kevin Gannon – Team Leader, Development Control, Public RoW
John Grant – Team Leader, Pollution Control
Stephanie Bird – Assistant Pollution Control Officer
Bev Mycock – Democratic Services Officer
Matthew Powis – 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.

75/20 Apologies

Apologies had been submitted on behalf of Councillors P. Bott, Harrison and Underhill.

76/20 Minutes

The Chairman moved and it was duly seconded by Councillor Craddock that the minutes of the meeting held on 25th June, 2020 be approved as a true record.

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

Resolved (unanimous)

That the minutes of the meeting held on 25th June, 2020, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

77/20 Declarations of Interest.

Councillor Perry declared a non-pecuniary interest in relation to Plans List Item No. 2 (20/0412)

Councillor Samra declared a pecuniary interest in relation to Plans List Item No. 11 (19/0277). With regard to this item, the Solicitor, Planning advised Committee that the applicant was an Elected Member and not a Council Employee as indicated on the paperwork.

78/20 Deputations and Petitions

There were no deputations introduced or petitions submitted

79/20 Local Government (Access to Information) Act, 1985 (as amended)

There were no items to be considered in private session.

80/20 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.

81/20 **Change in the Plans List Items**

The Chair advised that Plans List Item 6 (19/1206) would be heard first, then Item 2 (20/0412) and Item 11 (19/0277) followed by the remaining Plans list items.

82/20 **PLANS LIST ITEM NO. 6 – 19/1206 – LAND AT QUESLETT ROAD EAST, STREETLY, WALSALL. REMOVAL OF ALL EXISTING STRUCTURES INCLUDING BELOW GROUND TANKING, REMEDIATION AND THE ERECTION OF 53 APARTMENTS SET WITHIN ONE 4 STOREY BUILDING AND ONE 3 STOREY BUILDING IN HEIGHT SEPARATED BY 53 PARKING SPACES TOGETHER WITH AMENITY SPACES; LANDSCAPE BUFFERING AND A REDUCTION IN HEIGHT OF THE BOUNDARY TREES**

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, Ms Lishman, who wished to speak in objection to this application.

Ms Lishman stated that a key concern related to the applicant seeking to make changes to land outside of the applicants control including land to the West and North, which was within her ownership. Specifically the application sought to prune trees within her landownership to the height of the boundary fence. The applicant had not requested permission ahead of submitting the application which was a legal requirement to serve notice on all land owners within the location and to date she had still not received any notification. Failure to adhere to guidance can lead to an invalidated permission. Ms Lishman reiterated that she did not agree with the proposal nor to the pruning of her trees, which without pruning

would affect the amenity of residents within the proposal development she therefore asked that the application be refused.

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

Mr. Robson stated that the proposal was for an over 55's housing scheme of which there was demonstrable need and could be conditioned as such as National Guidance supported conditions to restrict occupancy. The previously developed Green Belt land had been vacant for 16 years and no comments had been raised by Historic England and no objections had been raised in relation to potential noise. Mr. Robson reiterated that the application was not an open market scheme as referred to with regard to Highways comments and that there was a demonstrable need for this type of accommodation for older persons but none in the immediate locality. The development would not exceed beyond the former petrol station forecourts of the previously developed site. A Section 106 contribution of £100k would be committed by the applicant towards affordable housing and open space. Mr. Robson advised that a notice via special delivery had been served with regard to the pruning of the trees on Ms Lishman's land and that the matter in question was outside of the planning arena.

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

Councillor Andrew stated that as the Ward Councillor for the respective area, he had been campaigning for over 55's accommodation in the ward for a long time due to a high elderly population as this would provide older residents with an option to downsize whilst remaining in the area. He stated that he was pleased the developer had reiterated that the accommodation would be for over 55's only as he would not have supported an application for open market sale otherwise. Previous applications received for the site would have generated more traffic than that of the current proposal for over 55's accommodation. A similar application at a farm that was in a Conservation area and within Green Belt had received planning approval by planning officers. Councillor Andrew reported that a petition of over 300 people, predominantly from the Pheasey ward had previously been submitted to the Council in support the provision of affordable retirement properties on the site.

Members were then invited to ask questions of the speakers.

Members queried the following:-

- What had the speaker referred to as a viability study. Mr Robson referred to Council policies relating to open space and affordable housing and advised that due to site remediation costs, the full amount of contribution requested would not be possible. A viability assessment had been submitted which had demonstrated that the scheme was unviable. The applicant had therefore offered a contribution of £100k towards affordable housing and open space.

- Could the speaker comment on the Highways objection. Mr. Robson stated that the proposed development had been assessed as an open market scheme as opposed to an elderly persons scheme and therefore traffic movements would be higher based on that different scheme. Would be happy to remove the call-ahead gated system and to look at the transport statement.
- What had the applicants viability statement concluded would be able to be paid. Mr. Robson reported that their viability statement had indicated a zero contribution

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

- Where the applicant would stand legally should the owner of the adjacent trees refuse to remove them. The Chair advised that the land owner could not be compelled to cut down the trees however should Members be minded to approve the application an application could be made via the High Hedges Act to force the trees to be cut. The Planning Solicitor advised that requirements within the High Hedges would consider as to whether this would fall into that category.
- Why had Planning Officers raised concerns in relation to noise when consultees had raised no objections. The Presenting Officer advised the concerns were based on the comments of Pollution Control who require a further assessment of the document and this is still required.
- Would the previous petrol station have generated more traffic than the current proposal. The Presenting Officer advised that advice had been given that we cannot condition for over 55's accommodation as it would breach the Equalities Act and therefore impossible and unlawful to write a condition that would be enforceable. The Highways Officer referred Members to page 120 of the report with regard to the transport statement for provision for 53 parking spaces. Highways had originally assessed for over 55s and they had been happy with the parking provision but the report stated that this cannot be justification in planning terms and therefore a higher parking provision for open market would be required.
- Heritage site – is that subjective as opposed to guidance as previously as petrol station. The Presenting Officer stated the petrol station had been long established and was screened by trees. The scale of the current proposal would have an impact as there would be no special set distance to the listed building and the development would be visible over the trees and would therefore have a harm to the setting of the listed building and the conservation area. Any decision should enhance the quality of heritage assets.
- Had the design satisfied SPD. The Presenting Officer advised that the impact to the neighbours based on the design spd due to separation distances would have limited impact but there would be a significant impact to the conservation area and the listed building.

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

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

That planning application no. **19/1206** be granted, contrary to officer's recommendations, subject to conditions and a Section 106 agreement to secure £100,000 contributions. The very special circumstances are that it is a previously developed brownfield site in the Green Belt, there is a local need as demonstrated by a petition of support, it would benefit the residents in Streetly and Pheasey, the site had previously been a petrol station which would have generated more traffic. Subject to:

- i) a satisfactory tracking plan;
- ii) supplementary information re parking provision;
- iii) the removal of the call ahead gate system;
- iv) provision of a waste management plan;
- v) technical consideration of ground contaminations and noise to be addressed;
- vi) supplementary information regarding the access to the shops.

Conditions to include archaeological matters, materials and landscaping and those from consultees. Also subject to referral to the Secretary of State as Departure from the Development Plan.

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

Resolved (unanimous)

That planning application no. **19/1206** be granted, contrary to officer's recommendations, subject to conditions and a Section 106 agreement to secure £100,000 contributions. The very special circumstances are that it is a previously developed brownfield site in the Green Belt, there is a local need as demonstrated by a petition of support, it would benefit the residents in Streetly and Pheasey, the site had previously been a petrol station which would have generated more traffic. Subject to:

- i) a satisfactory tracking plan;
- ii) supplementary information re parking provision;
- iii) the removal of the call ahead gate system;
- iv) provision of a waste management plan;
- v) technical consideration of ground contaminations and noise to be addressed;
- vi) supplementary information regarding the access to the shops.

Conditions to include archaeological matters, materials and landscaping and those from consultees. Also subject to referral to the Secretary of State as Departure from the Development Plan.

Councillor Chatta arrived at this juncture of the meeting.

83/20 **PLANS LIST ITEM NO. 2 – 20/0412 – ACCIDENT AND EMERGENCY, MANOR HOSPITAL, MOAT ROAD, WALSALL, WS2 9PS – ERECTION OF A TWO STOREY HEALTHCARE BUILDING WITH A ROOF TOP PLANT. DEMOLITION OF THE EXISTING EMERGENCY CANOPY, REFURBISHMENT OF THE EXISTING EMERGENCY DEPARTMENT BUILDING, THE DEVELOPMENT OF THE CURRENT CAR PARKING AND LANDSCAPING TO ACCOMMODATE THE NEW EMERGENCY DEPARTMENT AND AMU (ACUTE MEDICAL UNIT).**

Councillor Perry, having earlier declared an interest in this item, left at this juncture of the meeting.

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. Wood, who wished to speak in support of this application.

Mr. Wood stated it was an important development for the local hospital and the people of Walsall. The hospital was currently experiencing around 300 patients a day compared to around 100 patients a day when it was first built but was currently inadequate to serve modern demands. In relation to issues with regard to parking, he advised that 100 of the 140 places had been re-established with potential options to utilise land on the opposite side of the road from the hospital. The proposal would be a major development for the hospital and the borough.

There were no questions by Members for either the speaker nor Officers.

Members considered the application, during which the Chair welcomed the application.

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

That planning application no. 20/0412 be delegated to the Interim Head of Planning and Building Control to grant Planning Permission, as set out in the report and supplementary paper now submitted, subject to conditions and Section 106 to secure a Full Travel Plan and subject to:-

1. Satisfactory revised drainage scheme;
2. The amendment of finalising of planning conditions
3. No further comments from a statutory consultee raising material planning considerations not previously addressed;
4. Overcoming the outstanding objection raised by the Lead Local Flood Authority.

Before voting, the 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 (unanimous)

That planning application no. 20/0412 be delegated to the Interim Head of Planning and Building Control to grant Planning Permission, as set out in the report and supplementary paper now submitted, subject to conditions and Section 106 to secure a Full Travel Plan and subject to:-

1. Satisfactory revised drainage scheme;
2. The amendment of finalising of planning conditions
3. No further comments from a statutory consultee raising material planning considerations not previously addressed;
4. Overcoming the outstanding objection raised by the Lead Local Flood Authority.

Councillor Perry was not present for the duration of this item, in view of the fact that he had declared an interest in it. He duly returned to the meeting after this item had been concluded.

84/20 PLANS LIST ITEM NO. 11 – 19/0277 – 44 MELLISH ROAD, WALSALL, WS4 2ED – FIRST FLOOR SIDE EXTENSION INCLUDING NEW FRONT GABLE FEATURE AND ALTERATING TO MAIN ROOF, FIRST FLOOR REAR EXTENSION, PLUS LOFT CONVERSION.

Councillor Samra, having declared an interest in this item, left at this juncture of the meeting.

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

(see annexed)

Before the item commenced, the Chair reiterated that the applicant was an elected Member and not a Council employee as indicated in the report.

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. Baynam-Hughes, who wished to speak in objection to the application.

Mr. Baynam-Hughes stated that he lived at number 4 Rushwood Close and his property had a very shallow garden and a conservatory which was only

9m to the boundary of the application property and that the proposed garage would be only 15 inches from his garden fence. He reported that previous applications had been refused by both planning officers and refused following appeals and that the current proposal was even larger in size including the height and width. He added that the plans disregarded the UDP and Planning Policy and would have a devastating effect on the outlook on all of the habitable rooms overlooking his garden.

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

Mr. Malli stated that he lived at number 2 Rushwood Close and that the applicant had totally disregarded local planning policies with the latest application, which was even more excessive than those previously refused and that a protected tree would have to be pruned or removed completely. Mr. Malli advised that his nearest habitable room to the boundary wall was only 8.6m away and the proposal would have an overbearing impact and appear overly dominant and would make his small garden feel enclosed. He could not understand why the application had been allowed to continue and if it were approved, he would request a judicial review.

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

Mr. Singh stated that he had been the agent for the applicant for 13 months following its submission on 12.03.19 and during that time he had dealt with four different officers. He referred Committee to the first reason for refusal that referred to the impact on the adjoining houses and gardens in Rushwood Close due to their short gardens and he drew Members attention to the fact that both houses had extensions within their short gardens. He further added that officers had only just raised the 45 degree code issue within the supplementary paper submitted that day when they have had well over a year to raise it. Mr Singh felt there had been a protracted history and that all applications had different refusal conclusions.

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

Mr. Brookes referred to the second reason for refusal which related to the impact on the tree at number 2 Rushwood Close. The tree straddles much of the boundary and the garage was built in 1998. The application would have no side windows. He reported that an earlier application that had been refused had not mentioned the protected tree. If there had been any impact on the tree since the garage had been built in 1998, that should have been evidenced.

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

Members queried the following:-

- When had Mr. Malli's extension been approved. Mr. Malli advised that it had been completed one month previously.

- As Mr. Malli had a short garden, why would he want to reduce it further by having a conservatory built. Mr. Malli reported that there had previously been a conservatory in situ but it leaked and so the new conservatory had been rebuilt in the same spot.
- Had Mr. Singh been made aware of any differing opinions from officers who had been involved in the application over the last 18 months. Mr. Singh stated that some officers have been more proactive. Before his involvement there had been no tree issues raised and he had received no response when raised his concern regarding the tree.
- In his professional view, did Mr Singh feel the proposal would spoil the street scene. Mr. Singh stated that he had taken an holistic approach and he was very comfortable and had no concerns with the design.
- Had the previous reasons for refusal been addressed. Mr. Singh advised that the appeal decision 12 years ago related to a different scheme. The current issue was that over time the different agents had received contradictory information from officers. By way of explanation, Mr. Singh referred to page 196 of the report in relation to the neighbouring property at 40 Mellish Road and he then referred to the supplementary document that had been received that day which referred to the breaching of the 45 degree code which he had not been made aware of and had had no opportunity to address.
- What difference was there between the current application and the previously refused applications. Mr. Singh said he had been advised that the main differences were the design merits and that it was now more in-keeping within the street scene.
- Had a tree report been requested at the time of the first application. Mr. Brookes stated that the current architects had not submitted the first application as they have only been involved for the last 13 months but during that time, no report had been requested.
- What steps could be taken to mitigate harm to the protected tree. Mr. Brookes advised that he would be happy for any conditions regarding pruning to be included within an approval.

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

- What were the current issues regarding the design. The Presenting Officer advised that the current issues were not regarding the design but its impact and whether the applicant had overcome the previous reasons for refusal which included
- Since 2007, had there been any changes in planning regulations that would assist the application. The Presenting Officer advised that there had been substantive changes to policy since that time but these would not help the applicant.
- If Members were minded to approve, could a condition be included for a tree survey to be received. The Presenting Officer advised that an assessment would have to be brought back to Committee to be dealt with before any determination could be made.
- Were there any back garden developments within Rushwood Close that would be detrimental to the applicant. The Presenting Officer stated that the current issue was the impact to the neighbouring residents from the

proposed first floor extension, plus the outlook and shadowing. Committee has not addressed the reasons for refusal.

- Had the extension at number 2 Rushwood Close to replace a conservatory not therefore reduced their garden and brought forward the distance to the brick wall. The Presenting Officer advised this wasn't the case as it replaced an existing extension. The Presenting Officer confirmed that officers had been consistent in their advice and had written to the former agent and the current agent requesting changes to the proposal to overcome the reasons for refusal. The revised scheme is larger than the previously refused applications. Due to Covid restrictions, a visit to 40 Mellish Road had only recently taken place after the original report written to make the assessment and this was why it had been added to the supplementary

At this point in the meeting, the Chairman moved the suspension of Standing Order of the Council's Constitution to enable the meeting to continue beyond 8.30pm in order to complete the remaining items on the agenda. The Committee agreed to extend the meeting beyond 8.30pm.

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

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

That planning application no. **19/0277** be granted planning permission, contrary to officer's recommendations on the basis that the application does not harm the amenity of numbers 2 and 4 Rushwood Close and the 45 degree code is not breached in relation to number 40 Mellish Road, the Inspector's decision on the earlier appeal was incorrect as the proposal has no greater detrimental impact on the residents at numbers 2 and 4 Rushwood Close and number 2 Rushwood Close has reduced their own amenity by their rear extension. Conditions to include:-

1. materials to match the existing building to be approved by Planning Officers;
2. construction times restricted to 8.00am to 6.00pm Monday to Friday with no work on Sundays/Bank Holidays;
3. mitigation measures to be submitted to protect the Sycamore tree;
4. no additional windows on the side elevation which are not shown on the plans.

Before voting, the 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 thirteen Members voting in favour and one against.

Resolved (13 votes for and 1 vote against)

That planning application no. **19/0277** be granted planning permission, contrary to officer's recommendations on the basis that the application does not harm the

amenity of numbers 2 and 4 Rushwood Close and the 45 degree code is not breached in relation to number 40 Mellish Road, the Inspector's decision on the earlier appeal was incorrect as the proposal has no greater detrimental impact on the residents at numbers 2 and 4 Rushwood Close and number 2 Rushwood Close has reduced their own amenity by their rear extension. Conditions to include:-

1. materials to match the existing building to be approved by Planning Officers;
2. construction times restricted to 8.00am to 6.00pm Monday to Friday with no work on Sundays/Bank Holidays;
3. mitigation measures to be submitted to protect the Sycamore tree;
4. no additional windows on the side elevation which are not shown on the plans.

Councillor Samra was not present for the duration of this item, in view of the fact that he had declared an interest in it. He duly returned to the meeting after this item had been concluded.

85/20 **PLANS LIST ITEM NO. 1 – 19/1565 – OFFSHORE STAINLESS SUPPLIES LIMITED, LICHFIELD ROAD, BROWNHILLS, WALSALL, WS8 6JZ – AMENDMENT TO 15/0387/FL TO REMOVE OFFICE ACCOMMODATION AT FRONT AND REPLACE WITH EXTENDED INDUSTRIAL FLOOR SPACE AND PROVIDE REPLACEMENT OFFICE SPACE ON WESTERN SIDE AND ERECTION OF A CANOPY.**

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

(see annexed)

The only speaker registered to vote on this application, Mr. Joyce, who had wished to speak in support of the application, was unable to join the meeting following numerous attempts to establish contact had failed.

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.

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

- Whether the hedge along Lichfield Road could be retained. The Chair advised that this could be conditioned to be retained and if removed it should be replaced with a hedge of the same height.

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

That planning application no. 19/1565 be delegated to the Interim Head of Planning and Building Control to grant planning permission, subject to Conditions and subject to the amendment and finalisation of

Conditions as set out in the report and supplementary paper plus inclusion of an additional condition to retain the hedge along Lichfield Road and if removed, it should be replaced with a hedge of the same height.

Before voting, the 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 (unanimous)

That planning application no. 19/1565 be delegated to the Interim Head of Planning and Building Control to grant planning permission, subject to the amendment and finalisation of Conditions as set out in the report and supplementary paper plus the inclusion of an additional condition to retain the hedge along Lichfield Road and if removed, it should be replaced with a hedge of the same height.

86/20 PLANS LIST ITEM NO. 3 – 20/0061 – STORAGE YARD REAR OF LOCAL HOMES, AIRFIELD DRIVE, ALDRIDGE – PROPOSED FREE STANDING LIGHTWEIGHT DEMOUNTABLE STORAGE CANOPIES TO EXISTING SERVICE AREA.

There were no speakers on this item.

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. **20/0061** be delegated to the Interim Head of Planning and Building Control to grant planning permission, subject to the amendment and finalisation of conditions, as contained within the report and supplementary paper.

87/20 PLANS LIST ITEM NO. 4 – 20/0228 – LAND AT FORMER CAPARO WORKS, BETWEEN THE WYRLEY AND ESSINGTON CANAL, MINER STREET, GREEN STREET AND OLD BIRCHILLS, WALSALL – RESERVED MATTERS FROM OUTLINE APPLICATION 11/1411/OL SEEKING CONSENT FOR APPEARANCE, LANDSCAPING AND LAYOUT FOR THE RESIDENTIAL DEVELOPMENT OF 252 DWELLINGS.

There were no speakers on this item.

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. **20/0228** be delegated to the Interim Head of Planning and Building Control to grant planning permission, subject to the amendment and finalisation of conditions and subject to no further comments from consultees raising material planning considerations not previously addressed, as contained within the report and supplementary paper.

88/20 **PLANS LIST ITEM NO. 5 – 18/0056 – UNIT 1 AND 2, LAND BETWEEN ACORN STREET AND ALBION STREET, WILLENHALL, WV13 1NP – OUTLINE – DEMOLITION OF EXISTING WAREHOUSE BUILDING AND ERECTION OF A SINGLE BLOCK OF 22 APARTMENTS (11 NO.1 NO BEDROOM, 10 NO. 2 BEDROOM AND 1 NO. 3 BEDROOM)**

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 as set out within the supplementary paper.

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

Mr. Aiken stated that the building for demolition was not vacant and therefore why lose a successful business. Access via Albion Street is opposite the houses and headlights of the cars leaving the development would beam into the houses opposite and he expressed concern regarding the current lack of parking within Acorn Street, which will lead to an overspill of parking in Albion Street.

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

Mr. Tyler stated that the development and homes would be of a high quality design in a residential area and built on previous brown belt site. He added that parking had been deemed acceptable due to its sustainable location. The proposal will enhance the area.

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

Members had no questions to the speakers.

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

- Whether there would be any scope to increase the level of parking within the site. The Presenting Officer advised the proposal would provide 30 spaces for 22 apartments which is under the 150 percent parking policy but it had been deemed acceptable due to its sustainable location. She was unsure if there would be scope to create additional parking spaces.
- Need to ensure the positioning of electric points for cars do not take up any of the existing parking spaces. The Presenting Officer believed the electric points would be positioned within a parking space. She added there would also be provision for a cycle store and close to bus services.

Following the conclusion of questions to Officers, Members considered the application. The Chair **moved** and it was duly **seconded** by Councillor Nawaz:-

That planning application no. **18/0056** be delegated to the Interim Head of Planning and Building Control to grant, subject to the amendment and finalisation 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 Members voting unanimously in favour:-

Resolved (unanimously)

That planning application no. **18/0056** be delegated to the Interim Head of Planning and Building Control to grant, subject to the amendment and finalisation of conditions, as contained within the report and supplementary paper.

89/20 PLANS LIST ITEM NO. 8 – 19/0867 – CAR PARK REAR OF 160 TO 174 WESTBROOK AVENUE, ALDRIDGE – ERECTION OF 2 NO. 2 BED 4 PERSON UNITS AND ASSOCIATED CAR PARKING, LANDSCAPING AND HIGHWAY WORKS.

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 and revised recommendation as set out within the supplementary paper.

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

Ms Taylor stated that the proposal would bring an underutilised, former garage court back into use and was one of several sites the applicant wanted to develop and provide 100% affordable housing. The properties would benefit from a generous, private amenity space and would be in keeping with the scale and colour of neighbouring properties. Ms Taylor advised that the applicant had worked closely with officers, including the Arboricultural Officer.

There were no questions by Members for either the speaker nor officers.

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

That planning application no. **19/0867** be delegated to the Interim Head of Planning and Building Control to grant, subject to the amendment and finalisation 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 Member voting unanimously in favour:-

Resolved (unanimously)

That planning application no. **19/0867** be delegated to the Interim Head of Planning and Building Control to grant, subject to the amendment and finalisation of conditions, as contained within the report and supplementary paper.

90/20 **PLANS LIST ITEM NO. 9 – 19/0976 – 815 Sutton Road, Aldridge, Walsall, WS9 0QJ – NEW 5 BEDROOM DWELLING.**

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 and as set out within the supplementary paper.

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

Mr. Homer stated that his main bedroom window faced 815 Sutton Road and he currently enjoyed the sunlight into that room but the scale of the proposed dwelling would degrade his current amenity. He stated that the proposed dressing room window would look into one of his bedrooms and his rear garden would be overlooked, which would be an invasion of his privacy. In addition, the proposed development would contravene the 45 degree code with his bedroom window due to its excessive size and would be out of scale with the width of the plot. In his view, the proposed dwelling would be

unsympathetic to the local, semi-rural area and not in keeping within the street scene.

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

Mr. Singh stated that he was the architect. He reported that he had been involved with the applicant since September 2019 and during that time he had had limited contact with planning officers to resolve any issues. The largest increase with the proposed property would be in volume and only minimal footprint. He further added that there was no uniformed housing along Sutton Road or Longwood Lane

The Committee then welcomed the third speaker on this item, Councillor Kaur, who also wished to speak in support of this application

Councillor Kaur stated that the proposal was to demolish an existing dwelling and replace with a family home. She highlighted that the proposed dwelling would be tucked away from the road and any views or potential impact on the Green Belt would be limited. The proposal would be in keeping with the properties in the adjoining area, namely Longwood Lane and Sutton Road, which both contained a mix of large and small homes. There were many areas with similar examples throughout the borough.

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

Members queried the following:-

- Did Councillor Kaur feel the street scene had changed. Councillor Kaur stated that there were many examples of large dwellings within the area and that lots of construction work was currently taking place.
- Did Mr. Singh believe that the scale of the proposal would not result in significant harm within the area as detailed within the report. Mr. Singh advised that the key test was the openness to the Green Belt and the applicant had therefore been keen not to increase the footprint of the dwelling significantly but had taken measures to condense the proposal.
- If the applicant had engaged in dialogue with Officers. Mr. Singh said there had been a lack of dialogue or involvement with officers due to a number of officers leaving and he felt the situation had prejudiced the applicant.
- How could the application be amended to support the objectors concerns. Mr. Homer stated that if the windows were fixed and not opened and obscured glass applied to the roof lights then that would be a consideration but he still felt the dwelling would feel too close to the boundary wall.
- How did the architect believe the proposal met Green Belt restrictions and what the architect believed were the special circumstances to allow the build. Mr. Singh advised that primarily the rules that govern Green Belt were to protect the openness and he did not believe the proposal would have any greater impact on the openness of the Green Belt than that of the existing dwelling.

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

- Whether there were similar applications granted for similar sized properties in Longwood Lane and Sutton Road with similar arguments. The Presenting Officer confirmed that some were of similar size but the application for consideration had previously been refused

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

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

That planning application no. **19/0976** be granted, contrary to officer recommendation, on the basis that the application is an extension to the existing dwelling and would cause no further harm to the Green Belt, there is an eclectic mix of dwellings in the vicinity and views to the Green Belt are not harmed to any greater extent, it is located at the junction and set well back and will not impact the street scene, it is in keeping with other properties approved by Planning Officers and Committee within the area. Subject to addressing the neighbour's concerns by inclusion of obscure or fixed glazing to prevent overlooking of number 813 Sutton Road if opening to include restrictors. Conditions to include materials to be agreed, construction times to be restricted to 8.00am-6.00pm Monday to Friday, no working Sundays or bank holidays.

The 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 (unanimous)

That planning application no. **19/0976** be granted planning permission, contrary to officer recommendation, on the basis that the application is an extension to the existing dwelling and would cause no further harm to the Green Belt, there is an eclectic mix of dwellings in the vicinity and views to the Green Belt are not harmed to any greater extent, it is located at the junction and set well back and will not impact the street scene, it is in keeping with other properties approved by Planning Officers and Committee within the area. Subject to addressing the neighbour's concerns by inclusion of obscure or fixed glazing to prevent overlooking of number 813 Sutton Road if opening to include restrictors. Conditions to include materials to be agreed, construction times to be restricted to 8.00am-6.00pm Monday to Friday, no working Sundays or bank holidays.

91/20 **PLANS LIST ITEM NO. 10 – 20/0258 – 63 LIME STREET, WALSALL,
WS1 2JL - SINGLE STOREY FRONT AND TWO STOREY SIDE EXTENSION**

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 and as set out within the supplementary paper.

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

Mr. Paul thanked officers for supporting the application and he advised he had nothing further to add and he would answer any queries Members may have.

There were no questions to the speaker nor officers.

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

That planning application no. **20/0258** be delegated to the Interim Head of Planning and Building Control to grant planning permission, subject to amending and finalising of planning conditions, as contained within the report and supplementary paper.

The 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 all Members voting unanimously in favour:-

Resolved (unanimous)

That planning application no. **20/0258** be delegated to the Interim Head of Planning and Building Control to grant planning permission, subject to amending and finalising of planning conditions as contained within the report and supplementary paper.

92/20 **PLANS LIST ITEM NO. 7 – 18/1282 – ERECTION OF A THREE STOREY
BLOCK OF FLATS TO ACCOMMODATE 9 NO. SELF CONTAINED FLATS
WITH AMENITY, BOUNDARY TREATMENT, PARKING AND ACCESS OF
ARKWRIGHT ROAD ON LAND CORNER OF ARKWRIGHT ROAD/EDISON
ROAD, WALSALL**

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 and as set out within the supplementary paper.

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

Mr. Oliver stated that the height of the proposed flats could be no higher than the adjoining houses, they would not be overbearing, there had been no objections and that the neighbours wanted the application approved. He advised Committee that although 90% of the previous reasons for refusal had been met, that there were now more issues than when the applications had initially be submitted.

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

Councillor Jeavons advised Members that the applicant had reduced the number of flats from an initial twelve to ten and now to nine and he expressed surprise that the officer recommendation was to refuse the application. There would be plenty of amenity space including a nearby play area and local bus and cycle routes. The development would fulfil a local need in enabling local people to downsize whilst remaining in the Beechdale area.

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

Members queried the following:-

- Whether there had been any anti-social behaviour reported around the immediate area. Councillor Jeavons reported that he had been the Ward Councillor for ten years and his first case work had pertained to the site in question due to fly tipping, anti-social behaviour and drug taking. He added that a resident at a neighbouring property had also recently complained of anti-social behaviour.
- If there were three storey buildings nearby. Councillor Jeavons confirmed that there were some three storey buildings nearby.

There were no questions to the officers.

Members considered the application.

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

That planning application no. **18/1282** be granted planning permission, contrary to officer recommendation on the basis that the proposal provides much needed living accommodation within the Beechdale Estate and resolves anti-social behaviour problems by developing the site, the character of the development is consistent with development in the surrounding areas including Ramsey Street and availability of open space opposite the site which provides additional amenity. Conditions

for materials, construction site management including measures to ensure no material spillage outside of the site, constructions times restricted to 8.00am to 6.00pm Monday to Friday with no working Sundays/bank holidays, highway provision for stopping up (if required), and a requirement for contaminated land and coal assessments to be carried out.

The 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 (unanimous)

That planning application no. **18/1282** be granted planning permission, contrary to officer recommendation on the basis that the proposal provides much needed living accommodation within the Beechdale Estate and resolves anti-social behaviour problems by developing the site, the character of the development is consistent with development in the surrounding areas including Ramsey Street and availability of open space opposite the site which provides additional amenity. Conditions for materials, construction site management including measures to ensure no material spillage outside of the site, constructions times restricted to 8.00am to 6.00pm Monday to Friday with no working Sundays/bank holidays, highway provision for stopping up (if required), and a requirement for contaminated land and coal assessments to be carried out.

93/20 **PLANS LIST ITEM NO. 12 – 19/1158 – DEMOLITION OF REDUNDANT DUTCH STYLE TIMBER CLAD BARN AND INSTALLATION OF PREFABRICATED 2 BED PARK HOME TO BE USED AS SUBSERVIENT ACCOMMODATION TO PRINCIPAL PROPERTY, HINGLEYS COTTAGE (AFFECTING PUBLIC FOOTPATH ALD39) AT HINGLEY COTTAGE, LINDROSA ROAD, STREETLY, WALSALL, B74 3LB**

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 and as set out within the supplementary paper.

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

Councillor Johal stated that the original cottage had been built in post medieval time and until recent years had remained derelict. She reported that the current owner had tastefully restored the building and that the land had

become a haven for wildlife and was enjoyed by local residents and walkers who accessed the adjacent public footpath. Councillor Johal further added there were no objections and that the applicant had received universal support due to the extensive improvement he had made to the area over the years.

Committee Members were then invited to ask questions of the speaker. Members queried the following:-

- Could the speaker confirm whether members of the public were allowed access to the site to enjoy the views. Councillor Johal confirmed that members of the public were allowed access to the site.
- Had the site received universal support from local residents. Councillor Johal confirmed that the applicant had.

Members had no questions for the officers.

Members considered the application. In particular, the Chair stated that the current owner had actually enhanced the Green Belt by virtue of transforming a derelict cottage built around 1540 into its current state, he had also cultivated 4 acres of unkept land and created a carp pool with a water wheel and allowed the local community to access his land.

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

That planning application no. **19/1158** be granted planning permission, contrary to officer's recommendation on the basis that the development would enhance the Green Belt and the views of the Green Belt from the public right of way adjacent to the site, it compliments and does not compromise the view of the site, it will replace an old dilapidated building with a new one and to be only used ancillary to the existing dwelling at the site. Conditions to include a construction methodology plan to be agreed with highways in relation to the public right of way, an asbestos survey to be carried out and that the building be for the personal use of the applicant and his immediate family only.

The Planning Solicitor read out the recommendation for the benefit of Members.

The Motion was put to the vote was way of a roll call of Committee Members and was declared carried with Members voting unanimously in favour.

Resolved

That planning application no. **19/1158** be granted planning permission, contrary to officer's recommendation on the basis that the development would enhance the Green Belt and the views of the Green Belt from the public right of way adjacent to the site, it compliments and does not compromise the view of the site, it will replace an old dilapidated building with a new one and to be only used ancillary to the existing dwelling at the site. Conditions to include a construction methodology plan to be agreed with highways in relation to the public right of way, an asbestos survey to be carried out and that the building be for the personal use of the applicant and his immediate family only.

94/20 **Termination of meeting**

There being no further business, the meeting terminated at 22.25pm.

Chair

Date