

PLANNING COMMITTEE

Thursday 10 December, 2020 at 5.30pm

Virtual Meeting via Microsoft Teams

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

Present:

Councillor Bird (Chair)
Councillor Perry (Vice Chair)
Councillor P. Bott
Councillor Chattha
Councillor Craddock
Councillor Harris (joined at 5.50pm)
Councillor Harrison
Councillor Hicken (joined at 6.40pm)
Councillor Jukes
Councillor Murray
Councillor Nawaz
Councillor Rasab
Councillor Robertson
Councillor Samra
Councillor Sarohi
Councillor Statham
Councillor Underhill
Councillor Waters

Officers:

Alison Ives – Head of Planning & Building Control
Andrew White – Team Leader, Development Management
Michael Brereton – Senior Planning Officer
Alison Sargent – Principal Solicitor, Planning
Kevin Gannon – Team Leader, Public Right of Way
Randip Ark – Senior Pollution Control Officer
Jag Raan – Team Leader, Major Projects
Cameron Gibson - Regeneration Officer, Trees
Bev Mycock – Democratic Services Officer

Welcome

At this point in the meeting, the Chair welcomed everyone and explained 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.

158/20 **Apologies**

Apologies were submitted on behalf of Councillor Nazir and Councillor Creaney.

159/20 **Minutes of 12th November, 2020**

Councillor Bird **moved** and it was duly **seconded** by Councillor Rasab that the minutes of the meeting held on 12th November, 2020, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

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

Resolved (15 in favour and 1 abstained)

That the minutes of the meeting held on 12th November, 2020, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

160/20 **Declarations of Interest.**

Councillor Nawaz declared a non-pecuniary interest in the late Item – Application to Remove 1 Protected Tree at 23 Mellish Road, Walsall and advised Committee that he would be speaking on that item.

Councillor Nawaz also declared a non-pecuniary interest in plans list number 8 (19/0209).

Councillor Samra declared a pecuniary interest in plans list number 9 (20/1119) and also agenda item number 9.

161/20 **Change in the order of business**

The Chair advised Committee that he would bring forward consideration of Plans list item 9 (20/1119) at that juncture of the meeting. He stated that he would leave the meeting during consideration of that item, along with Councillors Craddock and Statham, following a complaint made by the objectors on the item at a previous meeting.

Councillor Perry, Vice Chair in the Chair.

162/20 **PLANS LIST ITEM NO. 9 – 20/1119 – 44 MELLISH ROAD, WALSALL, WS4 2ED – VARIATION OF CONDITION 2 FOR APPLICATION 19/0277 – FIRST FLOOR SIDE EXTENSION INCLUDING NEW FRONT GABLE FEATURE AND ALTERATING TO MAIN ROOF, FIRST FLOOR REAR EXTENSION PLUS LOFT CONVERSION.**

Councillors Samra, having declared an interest in the item, left the meeting.

The Chairman, Councillor Craddock and Councillor Statham also left the meeting prior to the commencement of the item and therefore did not take part nor vote on this item.

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 and updated recommendation as set out in the supplementary paper.

Councillor Harris arrived at 5.50pm partway through the consideration of this application and therefore did not take part not vote in the determination of this application.

There were no speakers on this application.

Members had no questions for the officers.

Members considered the application and Councillor Nawaz **moved** and it was duly **seconded** by Councillor Rasab:-

That planning application no. **20/1119** be delegated to the Head of Planning and Building Control to grant planning permission, subject to conditions and subject to the amendment and finalising of conditions, as contained within the report and supplementary paper.

The Motion was put to the vote by way of a roll call of Committee Members and was subsequently declared carried, with 12 Members voting in favour and none against.

Resolved (unanimously)

That planning application no. **20/1119** be delegated to the Head of Planning and Building Control to grant planning permission, subject to conditions and subject to the amendment and finalising of conditions, as contained within the report and supplementary paper.

The Chair and Councillors Samra, Craddock and Statham returned to the meeting.

163/20 **Deputations and Petitions**

There were no deputations introduced or petitions submitted

164/20 **Local Government (Access to Information) Act, 1985 (as amended)**

Exclusion of Public

Resolved

That, where applicable, during consideration of the relevant item(s) on the agenda, the Committee considers that the relevant items(s) for consideration are exempt information for the reasons set out therein and Section 100A of the Local Government Act, 1972 and accordingly resolves to consider those item(s) in private.

165/20 **169 Lowe Avenue, Reference no. E20/0064**

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 contained within the supplementary paper.

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

Mr. Eckersall stated that refusal for the retrospective planning application had been made on 22 September 2020 and his client had up to 15th December (12 weeks) in which to lodge an appeal and that an enforcement notice should not be issued before that date. Mr Eckersall advised that he had spoken with his client, and that his client would be open to having a dialogue with planning officers in relation to making changes to the roofline and to the side extension of the property. This would be more beneficial to all parties as opposed to the demolition of the extension. He added that although his client still had time to appeal the decision, his client would prefer to do any works requested, such as dropping the roof ridge and changing the appearance of the roof. He reiterated that enforcement action should not be instigated during the twelve-week appeal period.

In response to the Chair's request for Legal direction with regard to the 12 week appeal deadline for the applicant, the Principal Solicitor, Planning advised Committee there was no legal requirement to have to wait until after the twelve week deadline before taking enforcement action should it be deemed expedient to do so. Therefore, it did not prevent the Committee from authorising enforcement action at that time should it be minded to do so.

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

Members queried the following:-

- Was the speaker's client aware of planning regulations? Mr. Eckersall stated that his client had been misguided prior to his recent involvement. Since his involvement, he had been working through planning policies with his client and had suggested the best ways forward to engage in dialogue to ensure compliance with planning policies in order to try to avoid the need for demolition.
- Should the enforcement go ahead, did the speaker agree that the applicant would have more time to put in place what the enforcement notice instructed? Mr. Eckersall advised that he could work on new plans and ideas by the start of next week. The applicant had agreed to change the roofline and there were potential ways to change the facade line.

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

- Had the applicant co-operated and engaged in dialogue with the Officers? The Presenting Officer advised that prior to the submission of the retrospective application, officers had endeavoured to engage with the applicant since the breach had been reported but he had refused to engage with any letters or emails sent out. Officers had also tried to engage following receipt of the retrospective application but had received no response.
- Had a mining survey been carried out following the retrospective application? The Presenting Officer advised that officers were aware there were mining issues within the location but the coal authority do not ask for coal mining risk assessments for house extensions and therefore that would be a matter for the construction and for the Building Inspector to consider.

Following the conclusion of questions to the speaker, Members considered the report and comments were made as follows:-

- The property owner had shown no interest in liaising with planning officers and therefore the Local Authority had a duty to ensure that everyone abided by planning law. It was unfair on local residents if they did not.
- No one should be allowed to contravene planning regulations and should that occur, appropriate enforcement action should continue.

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

- i. That authority be granted to the Head of Planning and Building Control to issue an Enforcement Notice under the Town and County Planning Act, 1990 (as amended) to require remedial actions to be undertaken as shown in 3.2 of the report.
- ii. That the Head of Planning and Building Control be authorised to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice.

- iii. That the Head of Planning and Building Control be authorised to amend, add to, or delete from the wording set out within the report stating the nature of the breaches, the reasons for taking enforcement action, the requirements of the Notice, or the boundaries of the site, in the interests of ensuring that accurate and up to date notices are served.

As contained within the report and supplementary paper.

The Motion was put to the vote by means of a roll call of Committee Members and was subsequently declared **carried**, with all 17 Members present at the time of voting in favour and none against.

Resolved (unanimous)

- i. That authority be granted to the Head of Planning and Building Control to issue an Enforcement Notice under the Town and County Planning Act, 1990 (as amended) to require remedial actions to be undertaken as shown in 3.2 of the report.
- ii. That the Head of Planning and Building Control be authorised to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice.
- iii. That the Head of Planning and Building Control be authorised to amend, add to, or delete from the wording set out within the report stating the nature of the breaches, the reasons for taking enforcement action, the requirements of the Notice, or the boundaries of the site, in the interests of ensuring that accurate and up to date notices are served.

As contained within the report and supplementary paper.

166/20 Yorks Bridge, Norton Road, Pelsall – Update

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

(see annexed).

The Presenting Officer updated Members on the status of the conditions proposed as part of the Planning Committee's resolution on the Yorks Bridge application, reference 19/1042, and she sought a delegation to amend the conditions in line with the recommendations within the report. The Presenting Officer assured Committee that the matters requested at that time, as shown on page 36 of the report, would be able to be secured under the Highways Act.

Members were then invited to ask questions of the officers and a Member queried the following:-

- Could Members be reassured that all the matters agreed at the previous meeting be in place with a written guarantee as the items were very important for the local residents? The Team Leader, Public Right of Way assured Committee that all of the items that Members had requested in relation to Yorks Bridge had been responded to individually by the relevant departments as detailed within page 37 of the report. He added that it was the Highways intention to carry out all of the different measures at the

appropriate time. A request was made for the Head of Highways and Transportation to update ward Members on what steps were being taken by Highways to secure the measures.

The report was noted and the report recommendation was carried by assent.

Resolved

That Committee delegates authority to the Head of Planning and Building Control as follows:-

1. The Habitats Regulation Assessment is endorsed by Planning Committee as the competent authority and that the Council considers that the proposed development would not have a significant effect on a European site, subject to no new material considerations from Natural England, and
2. That planning application number **19/1042** be delegated to the Head of Planning and Building Control to grant permission, subject to conditions and subject to:-
 - No new material considerations being received;
 - The amendment and finalising of conditions;
 - No further comments from a statutory consultee raising material planning considerations not previously addressed.

As contained within the report and to include the following conditions:-

- The brickwork of the new bridge to match in colour and texture of the original listed canal bridge.

167/20 Late Item - Application to Remove 1 Protected Sycamore Tree at 23 Mellish Road, Walsall, WS4 2DQ

Councillor Nawaz had declared an interest in this item and had requested to speak in support of the applicant and therefore would not be voting on this item.

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.

The Committee then welcomed the only speaker on this item, Councillor Nawaz, who wished to speak in support of the applicant.

Councillor Nawaz stated that he was speaking on behalf of the applicant who was one of his constituents. The applicant had raised a number of concerns with regard to the tree and in particular, the breaking of branches during strong winds. The tree had caused damage to the applicant's property due to its close proximity to the buildings and boundary wall. Councillor Nawaz added that the tree had no aesthetic value as it was hidden behind several other trees and he urged Committee to allow the felling of the tree.

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

- Had a tree surgeon report been carried out? Councillor Nawaz advised that a respectable architectural and engineering company had carried out a tree report, which had highlighted a number of issues with the tree, including the potential for further damage to nearby buildings and boundary walls.
- Did the applicant feel it was imminent that further large branches would break off or even that the tree may fall over in high winds? Councillor Nawaz advised the tree was in a very poor condition with a large split down the middle and little girth in parts. Large branches had fallen in the past and further damage to the wall and property was likely to occur due to the trees proximity to the houses.
- Was the tree located within the boundary of a children's nursery? Councillor Nawaz confirmed that was the case.

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

- Was the protected tree situated on the driveway of the property? The Presenting Officer advised that the tree was positioned on a narrow strip of land between the two driveways of the properties.
- The recommendation within paragraph 12 of the report stated to Part Approve/Part Refuse. What did that mean? The Presenting Officer stated the terminology used referred to refusing consent to fell the tree but Committee could grant further works to the tree to improve the cutting to the crown which would maintain a distance from the properties. The report was requesting refusal to fell the tree but approve works to cut back the crown to create 2 metre distance from the building.
- What was the lifespan of a healthy sycamore tree and whether the respective tree's location within the boundary of a children's nursery had been taken into account? The Presenting Officer advised that a healthy sycamore tree within favourable conditions could live for between 150 and 200 years, dependent upon its surroundings.

Following the conclusion of questions to Officers, the Principal Planning Solicitor drew Committee's attention to paragraph 9 of the officer's report and to remind Members of the determining issues which were not whether the tree is of amenity value as that had already been determined by virtue of it having protected status, the issue was 'whether the proposed works would be detrimental to the amenity, aesthetic and landscape value of the locality and whether there has been sufficient justification demonstrated for the removal of the tree.' She further asked Members to bear in mind that the Local Authority's Regeneration Officer (Trees) was qualified in tree works. The Chairman reported that the tree report submitted by the applicant had been carried out by an architectural and engineering company with regard to the state of the structures as opposed to the health of the tree. Members considered the application and Councillor Rasab **moved** and it was duly **seconded** by Councillor Samra:-

That consent be granted for the removal of the protected sycamore tree, contrary to officers' recommendations on the basis that:-

- i. The tree could fall and harm young children and the Local Authority has a duty of care to the public;
- ii. The original TPO was for a group of 5 trees of which only 2 trees remain;
- iii. The amenity value has been reduced overtime due to the removal of the other trees;
- iv. Whilst some growth left in the tree, the impact of the tree on the current wall and structure of the building could be detrimental and pose a hazard.

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

The Motion was put to the vote by way of a roll call of Committee Members and was subsequently declared **carried**, with 16 Members voting in favour and none against.

Resolved (unanimous)

That consent be granted for the removal of the protected sycamore tree, contrary to officers' recommendations on the basis that:-

- i. The tree could fall and harm young children and the Local Authority has a duty of care to the public;
- ii. The original TPO was for a group of 5 trees of which only 2 trees remain;
- iii. The amenity value has been reduced overtime due to the removal of the other trees;
- iv. Whilst some growth left in the tree, the impact of the tree on the current wall and structure of the building could be detrimental and pose a hazard.

Subsequent to the vote being taken, a request was made for the applicant to consider the planting of a replacement tree.

Councillor Hicken arrived at this juncture of the meeting.

168/20 Application List for Permission to Develop

The application list for permission to develop was submitted, together with the supplementary paper and 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, advised then of 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.

169/20 PLANS LIST ITEM NO. 1 – 20/0522 – FORMER ALLOTMENTS REAR OF 1 TO 9 CRICKET CLOSE, WALSALL - PROPOSED ERECTION OF 29 DWELLINGS (COMPRISING 22 OPEN MARKET DWELLINGS AND 7 AFFORDABLE UNITS) WITH LANDSCAPING, ACCESS ROADS, CAR PARKING AND ASSOCIATED INFRASTRUTURE.

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 to salient points therein. In additional, the Presenting Officer drew the Committee's attention to the additional information and amended recommendation as contained within the supplementary paper.

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

Mrs Wilding stated that she was speaking on behalf of the residents of Cricket Close. She had lived in the Close since 1979 and throughout that time it had always been a quiet, safe and crime free little oasis of a cul-de-sac off the busy A34 Birmingham Road. She reported that residents of Cricket Close had no objection to the principal of housing, only to the use of Cricket Close as the access when there was another alternative off the Broadway. Cricket Close was too narrow to accommodate additional traffic and that it would be a nightmare at peaks times getting on to the Birmingham Road. She added that the children had always played outside within the cul-de-sac because it was always safe to do so and the residents had always been mindful of each other. She urged Members to consider an alternative access than that of Cricket Close.

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

Mr. Thorley stated that he was also a resident of Cricket Close and he reiterated that residents had no objection to the new housing but to vehicular access from Cricket Close via Birmingham Road and that access should be via the Broadway. Cricket Close was a small, winding road suitable only to serving the existing residents, with one bend in particular having poor visibility. There was no right turn into the Close and the creation of one would require road widening and the subsequent loss of pedestrian footpath. The sprint bus project would also impact on the area, as would phase two of the development. The junctions with Birmingham Road had a history of road traffic accidents, the last accident being only two weeks previous, as opposed to Broadway junction, which was wide enough to accommodate a right turn lane. Mr. Thorley further added that number 11 Cricket Close had experienced problems due to the loss of its off road private parking.

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

Mr. Williams stated that the site had been allocated within the Local Plan for the development of new residential homes. The homes proposed would be of a high quality, well designed and within a layout sympathetic to the surroundings with green spaces around the outer boundaries. 27 out of the 29 homes would be accessed via Cricket Close and there was no objection from Highways Officers on the proposed access. The proposed would not remove the rights of the owners of 11 Cricket Close to pass over the land in front of their property, which was owned by the applicant, but it would provide a betterment by providing two dedicated parking spaces for their use. The application did not propose development on the former tennis club site due to planning policy issues relating to that land, which were currently being discussed with officers and Sport England. When issues were resolved in relation to the tennis club land, the applicant would have to prepare a separate planning application.

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

Mr. Smith stated that he worked at whg and would answer any questions Members may have.

Members were then invited to ask questions of the speakers.

Members queried the following:-

- The first access was 50% onto the Broadway and 50% onto Cricket Close, could the speaker comment? Mr. Williams advised that following the application made in 2017 for the whole site, which included the former tennis club, the scheme did then split the junction. The frontage onto Broadway together with the utilisation of the tennis club site would have been developed with access off the Broadway. The practical issue for the current application was that the tennis club was situated between the application site and the Broadway and therefore the access through the tennis club site was currently no longer an option.
- With regard to the Cricket Close entrance, how had the applicant determined to use Cricket Close from Birmingham Road as opposed to the safer option of accessing directly from the Broadway? The Chair stated that access from the site via Broadway was not available due to the objections from Sport England in relation to the crossing of the tennis club site.
- Would all traffic including construction vehicles access the site via Cricket Close? Mr. Williams advised that would be the case.
- Should the Sport England objections be removed, would that enable access to the site from Broadway and not via Cricket Close, and where was the applicant in relation to the negotiations with Sport England in relation to discharging the conditions on the Tennis Court? Mr. Williams stated that should the applicant be able to utilise the tennis club site land, then access off the Broadway would be used, subject to support from Highways. Discussions with Sport England had been lengthy and were ongoing and the applicant was not yet in a position to bring forward a planning application. The Chair added that Sport England had made their objection as the tennis

club had not been unable to find a new home since the early termination of their lease, albeit a number of suggested locations had been made.

- An objector's comment within page 59 of the report alluded to inaccurate drawings, was this the case? Mr. Williams advised that an earlier plan that had been included within the transport statement had not included the extension to 11 Cricket Club. The plans have since been amended and the current plans were correct.

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

- What was the minimum parking standard within T13 and had the developer complied with the provision? The Team Leader, Public Right Of Way advised there was no minimum standard and officers would take into consideration a maximum standard and therefore normally 2 spaces for 3 bed property and 3 spaces for a 4 bed property and the Highways Officer was satisfied with the parking provision.
- Clarification as to whether proposed works on the Birmingham Road, in relation to the Sprint Project, would take place? The presenting officer advised that currently there was no agreement from the Council for the Sprint Bus to come to Walsall and therefore there were no potential route works along the A34 finalised at that time. The Team Leader, Public Right of Way advised that although there was currently no agreement for Sprint at the moment, phase one of the application has been proposed for Birmingham Road and any improvements were still to be agreed to form part of Sprint phase 2.
- Could an officer clarify the objections from Road Safety in relation to access even if were to be available for the Broadway? The Team Leader, Public Right of Way summarised 3 reasons for not using Broadway:
 - i. If access were not through Cricket Close, there would be no route to getting to the site
 - ii. Road Safety had objected because it would mean the introduction of a new access onto the Broadway, where currently Cricket Close is adopted and provides access onto a classified A road
 - iii. Walsall's UDP restricts the introduction of new accesses onto classified roads.
- Could officers elaborate on the S106 agreement? The Presenting Officer advised that the Open Space contribution for the development was £93,799 towards adjacent open space within the area to help mitigate harm for additional people wanting to use that space.
- How had officers calculated that 29 properties would generate only 14 trips? The Team Leader, Public Right of Way advised that the report referred to trips within the peak hour, which equated to one car leaving Cricket Close every 4 minutes, which is considered acceptable.
- Would the houses be social housing, buy to let or for sale or could they be mixed? The Presenting Officer referred to the information contained within the report and advised that from the Councils Development Plan Policy that would be 25% social rent tenure for the development. Although the applicant was an affordable housing provider, they had asked that for that location, could they provide shared ownership instead. The Council's independent assessor has said the applicant could do shared ownership tenure and pay in excess a £300k contribution towards off site affordable housing within

another site. The applicant would prefer not to do that but in assessing it in line with Government legislation, our independent assessor cannot take into account land value. The applicant has asked as an alternative, could the Committee consider shared ownership but with a £100k contribution for off-site affordable housing.

Following the conclusion of questions to Officers, Members considered the application in detail. Comments by Members included:-

- That the two speakers on behalf of residents had no objections to the actual application for the development of new homes but only to the proposed access to the site.
- Concerns that the number of cars using Cricket Close would increase considerably.
- Concerned that whg as the applicant want to pay less contribution due to originally paying too much for the land and they should provide a mixture of housing within the development.
- The intransigence of the tennis club had been an issue.
- That the principal of housing on the site had already been accepted.
- Whg was a not for profit organisation and the saving of £200k would be spent elsewhere within the borough.
- Take on board the Sprint bus not approved as yet but if look at how set back, it would be difficult to improve the junction at a later stage should access be allowed.

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

That planning application no. **20/0522** be delegated to the Head of Planning and Building Control to grant permission, subject to conditions and S106 to secure urban open space contribution, 25% affordable housing and landscape management company to manage landscaping subject to:

- i. Securing comments from the Council's Arboriculturist;
- ii. The amendment and finalising of conditions;
- iii. No further comments from a statutory consultee raising material planning considerations not previously addressed;
- iv. Finalising the District Valuer's advice;
- v. That the developers offer of 25% shared ownership affordable housing and £100k off-site contribution towards affordable housing

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 subsequently declared **lost**, with eight Members voting in favour, nine Members voting against and one Member having abstained.

Councillor Rasab requested that his name be recorded as having voted against the recommendation.

In view of the Motion failing, Councillor Bird **moved** and it was duly **seconded** by Councillor Hicken:-

That planning application no. **20/0522** be deferred to a future Committee, against officers recommendations, to enable further discussions in relation to the access over Cricket Close.

Before voting, the Principle 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 declare **carried**, with seventeen Members voting in favour and one Member voting against

Resolved (17 in favour and 1 against)

That planning application no. **20/0522** be deferred to a future Committee, against officers' recommendations, to enable further discussions in relation to the access over Cricket Close.

- 170/20 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. This was duly **seconded** by Councillor Nawaz. The Committee agreed by assent to extend the meeting beyond 8.30pm.

Councillor Perry left at this juncture of the meeting.

- 171/20 **PLANS LIST ITEM NO. 6 – 20/0485 – 252 CHESTER ROAD, STREETLY, SUTTON COLDFIELD, B74 3NB – DEMOLITION OF 252 CHESTER ROAD AND ERECTION OF 4 RESIDENTIAL DWELLINGS (2 HOUSES AND 2 BUNGALOWS) WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING.**

The report of the Head of Planning and Building control was submitted

(see annexed)

The Presenting Officer advised Committee that this application had been submitted to the Planning Inspectorate for non-determination. In view of this, Committee was required to determine what decision it would have arrived at in the circumstances of this case. The Presenting Officer then 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 contained within the supplementary paper.

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

Mr. Bhari stated that he lived at 254 Chester Road and that he had not been aware of any pending applications prior to his decision to move to his current address. He stated that the number of properties would be an overdevelopment and out of character in the area. The current properties within the area were quite large but none had dwellings to the rear of the properties. Mr. Bhari added that the land at the rear of the proposed properties sloped upwards which would then make them higher than his own property, with one of the properties having a 5m wide bedroom which would overlook his garden and block out any natural light.

The Committee then welcomed Mr. Mitchell, who also wished to speak in objection to the application.

Mr. Mitchell stated that he was representing 3 Grosvenor Avenue whose garden would be overlooked by plot 3 of proposed development. The development would consist of a number of out buildings auxiliary to the properties. The development appeared poorly designed and there had been no engagement with local residents. There were more than enough policies and guidelines to enable architects and applicants to come up with designs to reach standards required. The application seeks to maximise as much profit from a parcel of land as possible whilst having no regard to neighbour amenity. He added that he understood the need to maximise profit but not to the detriment of existing neighbouring properties and should therefore be refused.

The Committee then welcomed the third speaker on the item, Mrs Fletcher, who wished to speak in support of the application.

Mrs Fletcher stated she was representing the applicants. Their home had been in the family since 1948 and they wanted to make the best use of the land to enable them to enjoy their retirement and did not believe there would be any issues. The architect had been in discussion with officers and did not feel there were any issues as the scheme would be sympathetic in the street scene and in keeping with other larger properties nearby. The officer retired 18 months ago and three officers have since been involved. The applicant had done all they could and a complete overhaul to the application was made to include 2 smaller houses and the front and two dormer bungalows at the rear. Numerous correspondences to the planners went unanswered. The applicants feel they had done everything they could to work with planners but the last 18 months had been exhausting.

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

Members queried the following:-

- Who had been the previous Planning Officer and had they advised they were in support of the scheme at that time? Mrs Fletcher advised Committee of the name of the previous Planning Officer who had been in support of the application at that time.
- Had Planning Officers been in negotiation with the applicant for a scheme for two properties at the front only? Mrs Fletcher advised that she was not aware of any discussions that had taken place between the architect nor Planning Officers.

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

- Had any negotiations taken place with the applicant? The Presenting Officer advised that the previous planning officer would not have promoted the current scheme as it would have been outside the planning scope but alternative schemes may have been discussed. Since that time, several meetings had taken place with the architect and the agent to encourage a suitable scheme. The Head of Planning and Building Control added that when an applicant did have an agent acting on their behalf, all negotiations would be through the agent only.

There then followed a period of discussion, during which Members made the following comments:-

- The application was a back-land, tandem development that would be out of character and not in keeping within the area and all of the reasons for refusal outlined within the report are supported.
- Hideous development, dreadful use of the land and a back-land development and out of keeping.
- Do not want to set a precedent.

Following consideration of the application, Councillor Samra **moved** and it was duly **seconded** by Councillor Craddock:-

That had planning application number **20/0485** not been appealed, Committee would have refused the application, as set out 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 seventeen Members voting in favour and none against.

Resolved (unanimously)

That had planning application number **20/0485** not been appealed, Committee would have refused the application, as set out within the report and supplementary paper.

172/20 **PLANS LIST ITEM NO. 3 – 18/1561 – 1-17 HEATH VIEW, WILKES AVENUE, BENTLEY, WALSALL, WS2 0JF – INTERNAL ALTERNATIONS AND EXTENSIONS TO FORMER RESIDENTIAL CARE HOME TO PROVIDE 10 NO. STUDIO APARTMENTS, 2 NO. SPLIT LEVEL STUDIO APARTMENTS AND 1 NO. 3 BEDROOM APARTMENT.**

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 to salient points therein. In additional, the Presenting Officer drew

the Committee's attention to the additional information and amended recommendation as contained within the supplementary paper.

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

Mr. Macpherson stated that his only concerns were in relation to parking issues as he currently struggled to park his own vehicle at times. He queried whether the grassed area to the side of the building could be turned into a carpark to aid the parking situation. He was not objecting to the actual development.

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

Mr. Symmonds stated that he was the latest architect for the development. The original building was currently in a poor state and had suffered from vandalism and anti-social behaviour and was now an eyesore within the street scene. The scheme would give a new lease of life to the old building and the applicant had agreed the use of materials for the building, such as cladding and rendering to soften its institutional appearance. Mr. Symmonds added that some soft, landscaped communal spaces would be included for residents use and an additional 5 off-street parking spaces would be available, which would limited the parking within the street to the one side of the street only.

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

Members queried the following:-

- If drop kerbs were introduced, would this not affect the current on-street parking within Wilkes Avenue? Mr. Symmonds stated that the applicant had introduced parking along the frontage of the new flats, which would improve access along Wilkes Avenue and prevent double parking.
- Are all 14 parking spaces available? Mr. Symmonds advised that there will be 14 parking spaces available.
- Had the use of a sprinkler system been considered? Mr. Symmonds advised that sprinkler systems could be considered.

There then followed a period of questioning by Members to the officers and Members queried the following:-

- How many disabled parking bays were required? Officers advised that the application would have 14 spaces to serve 13 units, which was considered an acceptable level of provision in the locality. There was no requirement for private flats to provide disabled parking bays but the scheme had sufficient spaces to meet the needs of the site.

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

That Planning application number **18/1561** be delegated to the Head of Planning and Building Control to grant planning permission, subject to

conditions and a Section 106 to secure and urban open space contribution and subject to:-

- i. No new material considerations being received within the consultation period;
- ii. No new material considerations received from Coal Authority;
- iii. Further details of the speed hump position and design;
- iv. The amendment and finalising of conditions.

As contained within the report and supplementary paper.

The Motion was put to the vote by way of a roll call of Committee Members and was subsequently declared **carried**, with seventeen Members voting in favour and none against.

Resolved (unanimously)

That Planning application number **18/1561** be delegated to the Head of Planning and Building Control to grant planning permission, subject to conditions and a Section 106 to secure and urban open space contribution and subject to:-

- i. No new material considerations being received within the consultation period;
- ii. No new material considerations received from Coal Authority;
- iii. Further details of the speed hump position and design;
- iv. The amendment and finalising of conditions.

As contained within the report and supplementary paper.

173/20 PLAN LIST ITEM NO. 5 – 20/0192 – CHRIST CHURCH C OF E PRIMARY SCHOOL, HARDEN ROAD, BLOXWICH, WALSALL, WS3 1EN – SINGLE STOREY, FIVE CLASSROOM EXTENSION AND REMODEL OF ONE EXISTING CLASSROOM WITH ASSOCIATED EXTERNAL LANDSCAPING 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 to salient points therein. In addition, the Presenting Officer drew the Committee's attention to the additional information and amended recommendation as contained within the supplementary paper.

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

Mr. Kennedy stated that the school had been built in accordance with the current Department for Educational size standards amenities. The scheme would enable an increase of an additional 120 extra pupils over a number of years. The increase in the admission number for Reception pupils would

commence in September 2021 and the additional pupils would filter through the school each year thereafter.

Committee Members were then invited to ask questions of the speaker. A question was raised as follows:-

- Could the school address any of the anti-social behaviour issues arising from the unadopted road to the side of the school? Mr. Kennedy advised that the scheme should ease the issues within that the area as it would be overlooked and the school would have CCTV cameras that would be able to pick up activity. The applicant would speak with planners in relation to outside lighting.

Members had no questions for the officers.

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

That planning application no. **20/0192** be delegated to the Head of Planning and Building Control to grant planning permission, subject to conditions and subject to the amendment and finalising of conditions, as set out 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 seventeen Members voting in favour and none against.

Resolved (unanimously)

That planning application no. **20/0192** be delegated to the Head of Planning and Building Control to grant planning permission, subject to conditions and subject to the amendment and finalising of conditions, as set out within the report and supplementary paper.

174/20 PLANNING APPLICATION NO. 8 – 19/0209 - 15D EMERY STREET, WALSALL, WS1 3AJ – FIRST FLOOR REAR EXTENSION TO FLAT FOR USE AS LOUNGE/KITCHEN AREA (RE-SUBMISSION OF 17/1557)

Councillor Nawaz having declared a non-pecuniary interest in this application, left the meeting and therefore did not take part nor vote on the item.

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 to salient points therein. In addition, the Presenting Officer drew the Committee's attention to the additional information contained within the supplementary paper.

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

Mrs Begum stated that she had attended planning Committee on the previous occasion, when the application had been refused. She advised Members that she had purchased her property twenty years ago. The first floor extension rear extension would completely fill the gap and create a terracing affect, which would affect the amenity of number 17 Emery Street by virtue of loss of light and fresh air. The applicant had placed a metal board against the outside of her child's first floor side facing bedroom window. This had prevented the window from opening and could potentially endanger lives should a fire break out. Mrs Begum further added that there should be a minimum of 13m between her bedroom window and the gable wall and this application would go against guidelines.

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

Mr. Cotton stated that he was agent for the applicant. The application would normally be a simple extension to the rear terrace but the neighbouring property had created a hole in the party wall and installed a window without permission. It had created an unprotected area on the landing of his client, which was a fire risk. A window cannot be installed within a party wall and expect it to be an escape route onto someone else's property. The metal plate was attached to prevent possible fire spread from 17 Emery Street. He added that would Committee consider that the window was unauthorised and the Party Wall Act should have applied.

Mr. Cotton left at this juncture of the meeting.

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

Members had no questions for the speaker.

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

- Was the first floor, side facing window in the adjacent property lawful? The Presenting Officer confirmed that the window within the side elevation of 17 Emery Street was lawful as the homeowner had utilised their permitted development rights a number of years previously.
- Had the previous enforcement notice related to the blocking of the window at 17 Emery Street? The Presenting Officer advised that the previous enforcement notice related to a different panel at that time but another panel had since been added. The Principal Planning Solicitor advised Members that she would refer back to wording of the original enforcement notice and should there be current breaches, officers would act immediately or report back to Committee.

Members considered the application and Councillor Statham **moved** and it was duly **seconded** by Councillor Harrison:-

That planning application no. **19/0209** be refused for the reasons as set out 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 sixteen Members voting in favour and none against.

Resolved (unanimously)

That planning application no. **19/0209** be refused for the reasons as set out within the report and supplementary paper.

Councillor Nawaz returned to the meeting.

175/20 **PLANS LIST ITEM NO. 2 – 20/0564 – WEST MIDLANDS CONSTABULARY, DARLASTON POLICE STATION, CRESCENT ROAD, DARLASTON, WEDNESBURY, WS10 8AE – ERECTION OF REAR EXTENSION, ROOFLIGHTS AND ALTERNATIONS TO THE BUILDINGS INCLUDING CHANGE OF USE TO 12 FLATS.**

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

Resolved (unanimously)

That planning application no. **20/0564** be delegated to the Head of Planning and Building Control to grant planning permission, subject to conditions and a S.106 to secure open space contributions and subject to:-

- i. No new material considerations being received within the consultation period;
- ii. The amendment and finalising of conditions;
- iii. Receipt of amended plans to retain the existing front pedestrian accesses into the original building to serve two flats.

As contained within the report and supplementary paper.

176/20 **PLANS LIST ITEM NO. 4 – 14/0634/FL – SNEYD COTTAGE, SNEYD LANE, WALSALL, WS3 2LT – RETROSPECTIVE APPLICATION FOR USE OF THE SITE AS A CONTRACTOR’S YARD INCLUDING STORAGE BAYS, USE OF THE BUILDING AS A WELDING WORKSHOP, STORAGE AND VEHICLE MAINTAINANCE AND USE OF SNEYD COTTAGE AS OFFICES ASSOCIATED WITH THE YARD. USE OF GRASS VERGE IN CHEPSTOW ROAD FOR PARKING OF 20 CARS, PROPOSED ROOF EXTENSION AND WINDOWS TO FRONT AND REAR OF THE FORMER DETACHED GARAGE TO ALLOW FOR USE OF THE FIRST FLOOR AS OFFICES AND USE OF THE GROUND FLOOR AS A MESS ROOM.**

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

Resolved (16 Members in favour and one against)

That planning application no. **14/0634/FL** be delegated to the Head of Planning and Building Control to grant planning permission, subject to conditions and subject to:-

- i. The amendment and finalising of conditions and
- ii. Overcoming the outstanding objection raised by the Environmental Agency As set out within report.

177/20 PLANS LIST ITEM NO. 7 - 20/0253 – LAND ADJACENT TO 16 BENTLEY LANE, WILLENHALL – ERECTION OF A 6 NO. BEDROOM DWELLING

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

Resolved (16 Members in favour and one against)

That planning application no. **20/0253** be delegated to the Head of Planning and Building Control to grant planning permission, subject to conditions and subject to the amendment and finalising of planning conditions, as contained within the report and supplementary paper.

178/20 PERFORMANCE DEVELOPMENT MANAGEMENT REPORT

Having previously declared an interest in the following agenda item, Councillor Samra left the meeting and did not return.

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 to salient points therein. She reminded Members that Table 3 of the report would be considered in private session.

Members considered the report. With regard to page 233 of the report, Members had no objection to the section in relation to the section relating to 'Called in applications' being removed from future updates. Further comments included:-

- Important that we ensure our planning laws are adhered to, particularly in respect of enforcement to ensure we have an efficient service.
- An update report for the next agenda was requested in relation to Bradley Lane.

Resolved

That the Committee noted the report.

179/20 Private Session

Exclusion of Public

Resolved

That, during consideration of the following item on the agenda, the Committee considered that the item for consideration was exempt information by virtue of Paragraph 3 of Part 1 of Schedule 12(A) of the Local Government Act, 1972 (as amended) and accordingly resolved to consider that item in private session.

180/20 Development Management Performance Update Report – Table 3

(Summary of item considered in Private Session)

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

(see annexed)

The Presenting Officer advised the Committee of the background to the report and highlighted the salient points contained therein.

Members considered the report and asked questions of Officers in relation to this item.

Resolved (unanimously)

That the recommendations be approved.

(Exempt information under Paragraph 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972 (as amended)).

181/20 Termination of meeting

There being no further business, the meeting terminated at 9.30pm

Chair

Date