

## **PLANNING COMMITTEE**

**Thursday 1 April, 2021 at 5.30pm**

### **Digital 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 Craddock  
Councillor Harris  
Councillor Hicken  
Councillor Jukes  
Councillor Murray  
Councillor Nawaz  
Councillor M. Nazir  
Councillor Rasab  
Councillor Robertson  
Councillor Samra  
Councillor Sarohi  
Councillor M. Statham  
Councillor Underhill  
Councillor Waters

#### **Officers:**

Alison Ives – Head of Planning and Building Control  
Michael Brereton – Group Manager – Planning  
Leon Carroll – Senior Planning Officer  
Alison Sargent – Principal Solicitor, Built & Natural Environment  
Kevin Gannon – Highways Development Control and Public Rights of Way  
Cameron Gibson – Regeneration Officer, Trees  
Beverley 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 in attendance confirmed they could both see and hear the proceedings.

50/21 **Apologies**

Apologies were submitted on behalf of Councillors Chattha and Harrison.

51/21 **Minutes of 4 March, 2021**

Councillor Nawaz **moved** and it was duly **seconded** by Councillor Rasab that the minutes of the meeting held on 4 March, 2021, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

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

**Resolved (unanimous)**

That the minutes of the meeting held on 4 March 2021, be approved and signed as a true record.

52/21 **Declarations of Interest.**

Councillor Nawaz declared a non-pecuniary interest in agenda item no. 7 - Application to Remove 1 Protected Sycamore Tree at 33 Fernleigh Road

Councillor Samra declared a pecuniary interest in Plans List item 7 (**20/1282**).

Councillor Bird declared a non-pecuniary interest in Plans List item 7 (**20/1282**)

53/21 **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

54/21 **Local Government (Access to Information) Act, 1985 (as amended)**

There were no items to consider in private session.

55/21 **Application to Remove Protected Trees at 13 Buchanan Road, Walsall, WS4 2EW**

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 first speaker on this item, Mr Jevon, who wished to speak in objection to the application.

At this juncture of the meeting, Councillor Perry declared that he knew Mr Jevon and therefore would take no further part in the item.

Mr Jevon stated that he lived at 11 Cameron Road and expressed concern that his privacy would be lost by the removal of the trees. The location was close to the park and within a Conservation Area and had a diverse species of wildlife including bats that would be affected by the removal of the trees.

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

Mr Fox stated that he was the architect for the owner of the property. The removal of a number of trees had been approved by the Regeneration Officer, Trees and their removal was not in relation with a pending planning application. A wildlife survey had been carried out and no bats had been found on the site. The works carried out would be in accordance with the report and no greater. The ash tree referred to in the objections was located within a separate garden, laurel bushes were not included within the TPO and the trees in question provided no screening to the residents in Cameron Road.

Committee Members had no questions for the speakers.

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

- Why had the trees not worthy of inclusion been included within the original Tree Preservation Order (TPO)? The Presenting Officer stated that the TPO was an area order to cover all trees on the site prior to a site visit. Following a site visit, it had been apparent that a number of the trees provisionally covered by the area TPO were not worthy of individual protection.
- Why was there no provision within the report for the replanting of lost trees? The Presenting Officer advised there were a number of trees already on the site and there was also the potential for redevelopment on the site. The Rowan tree appeared dead within the laurel bush and planting a replacement tree would not be appropriate.
- How many trees in total would be removed? The Presenting Officer confirmed it would be 18 young ash trees and 4 others.
- Whether a condition be included for the site owner plant to provide replacement trees within the vicinity? The Principal Solicitor advised that replacement trees could only be requested to replace any loss of amenity. If the trees for removal had no amenity value then healthy replacement trees could not be requested. The Presenting Officer confirmed that the trees for removal had little to no amenity value.

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

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

That consent be granted to remove protected trees at 13 Buchanan Road, Walsall, WS4 2EW as detailed within the report.

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

**Resolved (unanimously)**

That consent be granted to remove protected trees at 13 Buchanan Road, Walsall, WS4 2EW as detailed within the report.

The Principal Solicitor read out the resolution for the benefit of Members and the public.

56/21 **Application to Remove 1 Protected Sycamore Tree at 33 Fernleigh Road, Walsall, WS4 2EZ**

*Councillor Nawaz, having declared an interest in this item, left the meeting for the duration of 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 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 Mahmood, who wished to speak in support of the application.

Mr. Mahmood stated that his family lived at the address with his mother who owned the property. The sycamore tree was huge and dangerous, with dead branches falling off particularly in high winds. His mother was very fearful of the falling branches, which had caused damage to her property in the past. The tree blocked out sunlight, there was sticky sap everywhere and falling leaves blocked the drains. Mr Mahmood asked who would be responsible for any damage the tree may cause in the future.

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

Mr Williams stated that he had lived next door at 31 Fernleigh Road since 1984 and he had concerns due to the size of the tree, which was so close and taller than their houses. The gardens were very small and there was only a six-foot fence protecting his garden from the tree. Dead branches had fallen from the tree into his garden and he was concerned of future damage to his property. The tree also blocked the sunlight.

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

Members queried the following:-

- Had the fallen branches caused any damage to Mr Williams' property?  
Mr Williams stated that recently a lot of dead branches had fallen from the tree but they had not caused any actual damage to his property.  
Mr Mahmood stated that falling branches had caused damage to his fence, the roof tiles and to the guttering.

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

- How large was the tree in question in comparison with nearby trees? The Presenting Officer confirmed that the tree was approximately 16m in height. Following a visual tree assessment, it appeared in good condition with no visible faults. The crown of the tree was dense but only required some maintenance to remove the dead wood.
- How far would the roots from a tree that size spread and could they damage foundations or sewers? The Presenting Officer advised that the roots of a tree would only spread out until they reached an obstacle. Subsidence may only occur where the soil was soft clay and no comments had been raised by the applicant.

The Chair informed Committee that he would not be voting on this item.

Following the conclusion of questions to officers, Members considered the application. The Chair informed Committee that he would not be voting on this item.

Councillor Hicken **moved** that the application to remove the sycamore tree be refused. The Motion was not seconded.

Members considered the application further during which the following comments were made:-

- Concerned in relation to the size of the tree compared to the size of the garden in which it was situated.
- Have to tackle the problem when some trees are not in the correct location.
- Potential danger to residents which should take precedent.
- Policy of the Council to be carbon-neutral and therefore a policy was required to replace trees that were removed.

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

That the protected sycamore tree at 33 Fernleigh Road, Walsall be removed, contrary to officer recommendation, in order to increase the amenity of the householder; and that the tree was in the wrong position within a small garden.

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

**Resolved (11 in favour, 4 against, 1 abstained)**

That the protected sycamore tree at 33 Fernleigh Road, Walsall be removed, contrary to officer recommendation, in order to increase the amenity of the householder; and that the tree was in the wrong position within a small garden.

The Principal Solicitor, Built and Natural Environment read out the resolution for the benefit of Members and the public.

*Councillor Nawaz returned to the meeting.*

56/21 **9 Pagoda Close, Streetly, Walsall**

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.

Members had no questions for the officers.

Members considered the application.

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

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

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)**

- i. That authority be granted to the Head of Planning and Building Control to issue an Enforcement Notice under the Town and Country Planning Act 1990 (as amended) to require remedial actions to be undertaken as shown in paragraph 3.2 of the report;

- ii. To authorise the Head of Planning and Building Control to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice;
- iii. To authorise the Head of Planning and Building Control 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.

The Principal Solicitor read out the resolution for the benefit of Members and the public.

**57/21 Application List for Permission to Develop**

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

(see annexed)

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

The Chair reminded Members that should they be minded to go against officer's recommendations, planning reasons must be provided.

**58/21 PLANS LIST ITEM NO. 2 - 20/1650 – UNIVERSITY OF WOLVERHAMPTON, WALSALL CAMPUS, GORWAY ROAD, WALSALL, WS1 3BD**

*Councillor Nazir, having declared an interest, left the meeting for the duration of 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 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 Tudor, who wished to speak in objection to this application.

Mr Tudor stated that he had concerns regarding the impact of noise from what could be in excess of 150 users of the courts, plus the impact from the additional floodlighting on his home. Previously, the area was generally quiet on an evening and should the application be allowed, the courts would be used

until 10.30pm. This would have an impact not only the neighbouring properties and the nearby student accommodation but also on the wildlife. The noise would prevent residents from being able to open their windows during the summer evenings and therefore it was not an acceptable location.

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

Mr Mason stated how the noise would be a big problem as the courts would be in use for up to 88½ hours weekly. Only the tennis courts had been in recent use but the university would hire out both the netball and tennis courts. There would be in excess of 100 plus people doing sporting activities at the top of resident's gardens every day. The courts would be illuminated brightly and would be visible from the road. Was the scheme compliant with noise decibels and light intrusion with regard to the environmental policies? In summary, Mr Mason stated that if netball was considered a significant activity then it should be situated central to the main facility to provide more safety provision for the users during dark evenings.

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

Mr. Green advised Committee that he was the architect and stated that the university had acknowledged and not taken lightly any of the concerns raised. The applicant had tried to accommodate all concerns by reducing the hours of use of the floodlights. The courts were existing and technical advice had been sought with regard to the type of floodlights to ensure they met the standards for condition standard netball. The courts were over 30m away from the nearby properties. The application would enable the continued support for grass roots netball, with sport being a key Government initiative. The application complied with policy and the allocation plan.

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

Members queried the following:-

- Were residents satisfied that a screen would be erected to reduce light and noise levels? Mr Tudor stated that he would like to see the outcome of any screening before he would make any decision as both noise and lighting was a concern as well as safety measures. Mr Mason stated that it would be difficult to reduce noise due to geography of the site and shielding would be necessary for the safety of netball players in particular. Mr Green confirmed the lights would be LED and met with modern standards.
- Did residents no feel additional lighting would increase the safety of players? Mr Tudor stated he did not believe additional lighting would increase the safety of players and additional lighting would only increase the light pollution and noise for residents.
- Would the opening hours of the courts affect the amenity of local residents? Mr Green advised Committee of the timetable of events and reiterated that all usage of the courts would cease by 10pm, with the lights switched off no later than 10pm also.

The Presenting Officer reminded Committee that the application for consideration pertained to the erection of floodlights, additional fencing and seating at the exiting tennis and netball courts only.

At this juncture of the meeting, Councillor Nazir enquired whether he should declare an interest in the item as he lived in close proximity to the site. The Principal Solicitor stated that it was the decision of Members whether they felt someone else may take a view that they were personally involved in an application.

Councillor Nazir therefore declared an interest and left at this juncture of the meeting.

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

- Why was noise impact not a consideration? The Presenting Officer advised that condition 4 of the application restricted the hours of use to minimise any impact to neighbouring properties. Currently the existing use of the courts could take place at any time and the open nature of the site would make it difficult to contain noise by the erection of solid screening.
- Would the lights be turned off manually or by a timer? The Presenting Officer advised that the lights would be manually turned off but this could be amended to a timed switch off.
- Were there any letters from local residents in support of the application? The Presenting Officer confirmed 13 letters of support had been received and detailed within the report.
- Had the impact upon wildlife been taken into consideration? The Presenting Officer advised that any impact upon protected species had been taken into consideration. A wildlife survey had been carried out which had concluded there would be no detrimental impact upon wildlife, particularly bats within the vicinity and should the condition for the switch-off of the floodlights at 10pm be breached, then enforcement action could be taken.

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

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

That planning application number **20/1650** be delegated to the Head of Planning and Building Control to grant planning permission, subject to conditions and subject to:-

- No new material considerations being received within the consultation period;
- No objections from Environmental Health;
- 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 fourteen Members voting in favour and two against.

### **Resolved (14 in favour and 2 against)**

That planning application number **20/1650** be delegated to the Head of Planning and Building Control to grant planning permission, subject to conditions and subject to:-

- No new material considerations being received within the consultation period;
- No objections from Environmental Health;
- The amendment and finalising of conditions

As contained within the report and supplementary paper.

The Principal Solicitor read out the resolution for the benefit of Members and the public

*Councillor Nazir returned to the meeting.*

### 59/21 **PLANS LIST ITEM NO. 3 – 20/0312 – 25 SEEDS LANE, BROWNHILLS, WALSALL, WS8 6HU – DEMOLITION OF 25 SEEDS LANE AND ERECTION OF 5 NO 3 BED BUNGALOWS**

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

(see annexed)

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

The Chairman sought clarification that the applicant had been afforded the opportunity to address the Committee. The Presenting Officer confirmed that he had.

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

Ms Beech stated that the application was inappropriate within the locality as it was too extensive and not in keeping within the area. Previously only the one property had been permitted to be built on the site and the World War 2 shelter on the site needed to be protected. There would be an impact on the cobbled road and she expressed concern for a couple of silver birch trees and an oak tree at the end of her garden next to the proposed bungalows whose roots may cause future damage. Proposed street lights would be an eyesore, additional noise would be generated by the additional dwellings and there would be an environmental impact on services and on the wildlife in the location and a safety concern for pedestrians particularly children who use the pathways. Ms Beech added that the site entrance would be inadequate for fire appliances and a recent incident had taken place whereby a fireman had to disembark and direct the fire appliance through the access. In closing, Ms Beech enquired who would maintain the fence at number 25 Seeds Lane and that she had concerns regarding the safety of her property adjacent to the access lane.

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

Mr. Preece stated that he lived opposite the application site at 34 Seeds Lane, which was a quiet road as most of the properties were owned by retired residents. He alluded to the access measurements within the report and in particular the bin storage collection area along the access lane, which would reduce the width of the road making it too narrow for a fire engine to manoeuvre safely. Should cars be parked on the road outside of his bungalow, this would invalidate the swept path analysis drawings and he said that he had provided photographic evidence of a lorry mounting the pavement in Seeds Lane due to its narrowness and that a fire engine had also had to mount the pavement recently. The driveway was a currently a hedgerow and not a fence. Mr Preece added that his front bedroom windows would overlook the access and his amenity would be impacted by the lights from vehicles exiting the access road and from additional noise and he believed the development would create a separate community.

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

Members queried the following:-

- Had some trees been removed from the site? Ms Beech confirmed that a number of trees had already been removed.
- Would the speaker be prevented from parking outside of his property should the application be granted due to fire appliances and emergency services being unable to access the site without taking a sweep into the access? Mr Preece stated that the swept path analysis showed that a fire engine or bin lorry would have to sweep into the access from the opposite side of the road and this would be impossible if a car was parked on the road outside of his bungalow as his bungalow was directly opposite the proposed access road.
- Could the speakers elaborate on the recent incident concerning a fire engine? Ms Beech stated that due to the narrowness of the proposed access way into the site combined with the positioning of the adjacent houses, it had not been possible for the driver of the fire engine to turn into the site without a second fireman guiding the fire appliance in past the surrounding properties. Mr Preece added that large vehicles had to sweep right over onto the opposite side of the road to sweep into the drive and should a vehicle be parked on the road outside or near to his property, then no vehicles would be able to sweep across.
- Were there any parking restrictions on Seeds Lane? Mr. Preece confirmed there were no parking restrictions on Seeds Lane.

*Councillor Underhill left at this juncture of the meeting and did not return.*

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

- Would the hedges on the right boundary of the access have to be removed in order to wider access and had objections been received from the Tree Officer

regarding removal of trees on the site? The Presenting Officer advised Committee that the access onto the site was existing access due to a bungalow already on the site and the removal of the hedges would be a private matter between the applicant and the owner of the hedge. The Head of Planning and Building Control confirmed there had been no objections from the Tree Officer as the trees had not been protected.

- How wide was the access road onto the site? The Presenting Officer confirmed that the opening between the two dwellings was 6.4m with the majority of the width of the driveway being 5.4m. The kerb to kerb distance where the bin storage would be located was 4.7m, which was in excess of the minimum measurement of 3.7m width for an emergency vehicle.
- What was the length of the drive from the back of the kerb to the first house? The Head of Planning and Building Control confirmed the access road was approximately 70m. The Presenting Officer advised it was 56m to the first driveway.
- What were the building regulations with regard to the furthest distance for bins to be located away from properties? The Group Manager, Planning advised that in terms of Building Regulations Part H, the specific wording stated that bin storage areas should be sited so that the distance households are required to carry refuse does not usually exceed 30m and therefore there was an element of flexibility. As the application would bring into use previously developed land for new homes, an on-balance assessment felt that was acceptable. The Chair highlighted that the Council's bin lorry would not enter a private drive and would therefore have to remain on Seeds Lane.
- Clarification on the width for two-way traffic along the length of the access way? The Team Leader-Highways and Public Rights of Way advised that the average width for a car was 1.7m and therefore 3.4m for two vehicles to pass. The minimum acceptable width would be 4.1m. With regard to large vehicles reversing such as a fire appliance, the 3.7m would allow a large vehicle to enter road and allow exit from the vehicle. A larger estate road would be between 4.8m and 5.5m wide.
- Would a fire appliance be able to safely attend a fire within the bin storage area? The Presenting Officer stated that the distance from the roadway to the bin storage area was 22m and therefore the fire engine would remain on Seeds Lane as each fire hose was 45m in length. With regard to highways safety, the Team Leader, Highways advised that the Fire Services Act 1987 included a 180m rule whereby fire appliances can park on a road on the basis of there being 4 fire hoses of 45m on each appliance. With regard to the application for consideration, the tracking drawing had evidenced that a fire service vehicle could reach the very furthest property via the access road. He further added that there had been no objections from the Fire Service.
- Was there a covenant on the site that allowed for only one property and whether there was a protected air raid shelter? The Presenting Officer advised that any covenant would not be a material planning consideration but a private, civil matter and therefore to be pursued through a legal route. If the structure was not listed, there would be no relevant planning issue..

Following conclusion of questions to Officers, Members considered the application during which Members made the following comments:-

- Already a back-land development and therefore principal already established but potential issues of access for fire service and bin lorries parking on the road and potentially blocking part of the street whilst bins collected.
- Although the swept path showed that a fire engine could access the application site, parked cars may hamper the manoeuvrability of a fire engine into the site.
- Application for five bungalows is an over intensification of the site and would be overbearing and cause harm to the current residents along Seeds Lane.
- Application for two or three bungalows may not have received the objections.
- Whether a condition could be included to provide sprinklers within the properties.
- The narrowness of the access road would set a precedent for other applications.
- Part H of the regulations with regard to the distance for dragging bins to a bin collection point.

The Principal Solicitor advised Committee that should they be minded to refuse the application, reasons for refusal must not be contrary to officers' advice, which would have been provided in line with the policy document.

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

That planning application number **20/0312** be refused, contrary to officers recommendation on the basis that the application is an:-

- Over intensification of the site;
- The access is very narrow and although the swept path shows that it would be acceptable for fire appliances, the manoeuvrability could be hampered by parked cars;
- Proposed development would cause harm to the amenity of residents on Seeds Lane both adjoining the development and opposite the entrance.

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 **20/0312** be refused, contrary to officers recommendation on the basis that the application is an:-

- Over intensification of the site;
- The access is very narrow and although the swept path shows that it would be acceptable for fire appliances, the manoeuvrability could be hampered by parked cars;
- Proposed development would cause harm to the amenity of the residents on Seeds Lane both adjoining the development and opposite the entrance.

The Principal Solicitor read out the resolution for the benefit of Members and the public.

At this juncture of the meeting, the Chair **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 Samra. The Committee agreed by asset to extend the meeting beyond 8.30pm.

60/21 **PLANS LIST ITEM NO. 5 – 20/1175 – 33 SKIP LANE, WALSALL, WS5 3LL – REPLACEMENT 5 BED DWELLING.**

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

(see annexed)

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

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

Mrs Orson stated that she lived next door to the application property and the report contained discrepancies with regard to the separation distances between the habitable windows that would breach the 45 degree code and result in the loss of sunlight. The rear part of the proposal would extend 30ft beyond the building line and would result in a loss of light and create excessive overshadowing and appear overbearing from her garden. It would also create a terracing effect as there would be less than a 1m gap between the two properties. She stated that she could understand the desire to replace the dwelling with a larger one but seven rooms on the upper two floors on what was a very narrow plot was excessive had she added that she had not been consulted on any of the proposed changes.

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

Mr Bharya stated he was the agent for the applicant and had been working with planning officers to enable the scheme to be supported. The application had been downscaled, it would keep the features of the original building and was in keeping in the plot. There was adequate separation between the two properties. A reputable company had carried out a light survey, which concluded the proposal it would be within the 80% daylight limits. The application was for a five bedroomed house and there were similar properties within the street that had been extended. In closing, Mr Bharya stated that the planning officer had recommended that the application be granted.

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

Members queried the following:-

- Would the breach in the 45 degree code reduce natural light in the neighbouring garden and impact upon amenity? Mr Bharya stated there was a slight discrepancy of just over 0.5m and the daylight and sunlight survey had concluded the sunlight was within the limits.
- Which company had carried out the light survey? Mr Bharya advised that a company called TT Design Ltd had carried out the light survey. He added that he had sought company references prior to the survey taking place.
- Could Mrs Orson expand on her loss of amenity? Mrs Orson stated that the building wall would be three stories high and 30 feet back along the boundary of her property and would totally overshadow her conservatory.

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

- How significant was the breach in the 45 degree code? The Presenting Officer advised that the 45 degree measurement had been taken from the window of the first floor of the proposed dwelling to the nearest first floor rear habitable room window at no. 35 Seeds Lane. The proposed window had been conditioned to ensure an obscure glazed privacy screen would be on either side of the first floor rear balcony facing the neighbouring properties to prevent any overlooking.
- Would the view from the first speaker's conservatory be a brick wall and obscured window? The Presenting Officer stated there would still be views from the rear of the conservatory into the garden.

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

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

That planning application number **20/1175** be refused planning permission, contrary to officers' recommendations as the proposal would have a dramatic effect on the privacy and enjoyment of the amenities of the adjoining neighbour by reason of:-

- i. loss of light to the adjoining property;
- ii. the overbearing massive structure; and
- iii. the breach of the 45 degree code.

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

**Resolved (15 in favour and 1 abstention)**

That planning application number **20/1175** be refused planning permission, contrary to officers' recommendations as the proposal would have a dramatic effect on the privacy and enjoyment of the amenities of the adjoining neighbour by reason of:-

- i. loss of light to the adjoining property;
- ii. the overbearing massive structure; and
- iii. the breach of the 45 degree code.

The Principal Solicitor read out the resolution for the benefit of Members and the public.

The Chair advised Committee that he would next deal with the items on the agenda where no members of the public had registered to speak, prior to hearing plans list item 7, to enable both himself and Councillor Samra had leave the meeting.

61/21 **PLANS LIST ITEM NO. 1 – 20/0490 – 348 WOLVERHAMPTON ROAD WEST, WILLENHALL, WV13 2RN – DEVELOPMENT OF 28 RESIDENTIAL UNITS (6 FLATS AND 22 HOUSES) WITH ASSOCIATED PARKING AND LANDSCAPING**

The Chair **moved** and it was duly **seconded** by Councillor Nazir and:-

**Resolved** (unanimously by roll-call)

That planning application number **20/0490** be delegated to the Head of Planning and Building Control to grant planning permission, subject to conditions and a section 106 Agreement to secure a contribution towards provision for Urban Open Space, On-site Landscaping Maintenance, Monitoring and to secure a viability review (uplift clause) and subject to:-

- i. no new material considerations being received within the re-consultation period;
  - ii. the amendment and finalising of conditions;
  - iii. no further comments from a statutory consultee raising material planning considerations not previously addressed;
  - iv. agreement of an appropriate location for Public Open space S106 contribution spend with Clean & Green and ward Members.
- as contained within the report and supplementary paper.

62/21 **PLANS LIST ITEM NO. 4 – 20/0088 – GARAGES REAR OF 2 LIME AVENUE, BENTLEY, WS2 9JA – PROPOSED CONSTRUCTION OF 2 SEMI-DETACHED TWO STOREY 3 BEDROOM HOUSES WITH ASSOCIATED PARKING, LANDSCAPING AN GARDEN SHEDS**

The Chair **moved** and it was duly **seconded** by Councillor Nawaz and:

**Resolved** (unanimously by roll-call)

That planning application number **20/0088** be delegated to the Head of Planning & Building Control to grant permission subject to conditions, and the finalising of planning conditions as contained within the report.

63/21 **PLANS LIST ITEM NO. 6 – 20/1644 – WALSALL COUNCIL, THE COUNCIL HOUSE, LICHFIELD STREET, WALSALL, WS1 1UZ – LISTED BUILDING CONSENT: REPLACEMENT OF EXISTING BOILERS AND HEATING**

## **SYSTEM, INCLUDING INTRODUCTION OF AIR CONDITIONING TO SECOND FLOOR CHAMBERS AND MAYOR'S PARLOUR**

The Chair **moved** and it was duly **seconded** by Councillor Nawaz and:

**Resolved** (unanimously by roll-call)

That planning application number **20/1644** be delegated to the Head of Planning and Building Control to grant Listed Building Consent, subject to conditions and finalising of planning Conditions, as contained within the report.

*Councillor Samra and Councillor Bird, having declared an interest in the next item, left the meeting and did not return.*

*Councillor Perry in the Chair.*

### 64/21 **PLANS LIST ITEM 7 – 20/1282 – 44 MELLISH ROAD, WALSALL, WS4 3ED – REROSPECTIVE APPLICATION FOR THE RETENTION OF A DORMER WINDOW TO THE REAR**

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, Mr. Singh, who wished to speak in support of the application.

Mr. Singh stated the application was retrospective due to a minor error on the original plans. The dormer window was side facing and would pose no problems to number 2 and 4 Rushwood Close as it would have obscure glazing, it was not considered excessively large and would not be overly visible from public vantage points. Mr Singh stated that his client would request that the condition relating to the dormer window to be non-opening be removed to allow flow of air and that the applicant would be happy to comply with all other conditions.

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

Members had no questions for the speaker.

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

- What was the distance between the dormer window to the boundary of number 6 Rushwood Close and would there be a direct view from the dormer window to the property? The presenting officer stated that the distance to the rear boundary of the property in Rushwood Close was

14.6m and 25m to their conservatory. He confirmed there would be no direct view to the respective property.

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

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

That planning application number **20/1282** be delegated to the Head of Planning and Building Control to grant planning permissions, subject to Conditions 1-3 and the removal of Condition 4, and the finalising of planning conditions, as contained within the report.

**Resolved** (Unanimous by roll-call)

That planning application number **20/1282** be delegated to the Head of Planning and Building Control to grant planning permissions, subject to the removal of condition 4, and the finalising of planning conditions, as contained within the report.

The Principal Solicitor read out the resolution for the benefit of Members and the public

65/21 **Termination of meeting**

There being no further business, the meeting terminated at 9.10 pm

Chair .....

Date .....