

PLANNING COMMITTEE

7 October, 2020 at 5.30 pm

In the Council Chamber at the Council House, Walsall

Present:

Councillor Bird (Chair)
Councillor Perry (Vice Chair)
Councillor Ali
Councillor P. Bott
Councillor Cooper
Councillor Craddock
Councillor Creaney
Councillor Harris
Councillor Hicken
Councillor Murray
Councillor Nawaz
Councillor M. Nazir
Councillor Rasab
Councillor Robertson
Councillor Samra
Councillor M Statham
Councillor Underhill
Councillor Waters

In attendance:

Alison Ives – Head of Planning & Building Control
Michael Brereton – Group Manager – Planning
Leah Wright – Senior Planning Officer
Nicola Alcock – Solicitor
Stephanie Bird, Senior Environmental Protection Officer
Frank Whitley, Senior Planning Enforcement Officer
Helen Owen – Democratic Services Officer

156/21 Apologies

Apologies were submitted on behalf of Councillor Allen.

157/21 Minutes

Resolved

That the minutes of the meeting held on 9 September 2021, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

158/21 **Declarations of Interest**

None

159/21 **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

At this point in the meeting, Councillor Bird advised the Committee that he had used his discretion as Chairman to allow Councillor Hicken to speak on an urgent matter relating to a breach of planning permission.

Alleged breach of planning permission- 117 Sandringham Avenue.
Cllr Hicken addressed the Committee and requested an urgent report to the Planning Committee in relation to an alleged substantial breach of planning permission 20/1629 at 117 Sandringham Avenue, Willenhall. He asked for officers to investigate the breach as a matter of urgency and the effect on neighbouring properties.

Application 21/0909 – Voujon Lounge - At this point, Councillor Bott referred to item 3 on the plans list for this meeting relating to the Voujon Lounge and asked if the petition of 500 signatories, mentioned in representations in the report, had been received. The Group Manager of Planning advised that the petition had not been received.

160/21 **Local Government (Access to information) Act, 1985 (as amended)**

Exclusion of Public

Resolved

That, during consideration of the item on the agenda, the Committee considers that the relevant item 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 in private.

161/21 **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, confirmed they had been advised of the procedure whereby each speaker would have two minutes to speak.

162/21

PLANS LIST ITEM NO. 1 – Application number 20/0522 - Former allotments r/o 1-9 Cricket Close

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 contained therein. In addition, the Presenting Officer drew the Committee's attention to the additional information and updated recommendation as set out within the tabled supplementary paper.

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

Mrs Wilding stated that she was speaking on behalf of the residents of Cricket Close and said that the most recent application was unchanged from the previous application. She confirmed that that the objection related to the proposed access and not the build itself and said that she was reiterating previous comments she had made regarding the problems of parked cars, narrow roads, the exit on the busy A34 with an anticipated 50 extra cars at peak times. Mrs Wilding concluded by saying that residents were of the view that the access to be dangerous and asked the committee to once more consider the objections.

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

Mr Thorley asked members whether they were confident that the application that evening satisfied the reason for deferral. He said that the access to the development did not address the road safety issues and compromised the safety of too many people. Mr Thorley asked members to take into consideration the imminent introduction of the new Sprint bus service along what he considered to be a key safety corridor. He said that construction traffic for the Sprint bus route had already created traffic issues and urged the committee to reject the application and the developers to look at alternative access arrangements.

There were no questions of the speakers.

Members asked questions of officers in relation to the access to the development from Cricket Close and the extent that the Sprint bus scheme would compromise highway safety. Members were advised that the scheme should not impact the Cricket Close access or Birmingham road, given that there was one vehicle every four minutes.

Following the conclusion of questions to Officers, Members considered the application during which time members discussed the potential effects on traffic flow given the problems already experienced due to the recent works to accommodate the Sprint bus scheme; the narrow road of Cricket close which was not wide enough to for two vehicles to pass comfortably; and the intent of the applicant to reduce contributions.

It was **Moved** by Councillor Rasab, duly seconded and upon being put to vote was:

Resolved

That planning application no. 20/0522 would have been refused by the Council on the grounds that the proposal is detrimental to the residents of Cricket Close due to an increase in traffic which is already a problem when accessing Birmingham Road; and that congestion will be further increased as a result of the Sprint bus and therefore this proposal is not acceptable. It was further resolved that a full level of planning obligations should be sought in the event that the Inspector allows any appeal.

Note: *This decision was originally declared unanimous however, later in the meeting, the Chairman advised that as Councillor Creaney had not attended for the whole of the debate, his vote was therefore invalid. The decision itself was unaffected given the numbers voting in favour.*

163/21 **PLANS LIST ITEM NO. 2 – Application number 21/0526 - Unit 1, former Magnet, Rose Hill.**

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 contained therein. In addition, the Presenting Officer drew the Committee's attention to the additional information as set out within the tabled supplementary paper.

The Committee welcomed the first speaker on this item, Councillor S. Coughlan who had called-in this application for committee consideration.

Councillor Coughlan stated that this was a retrospective planning application and that the behaviour of the occupants from the outset was

not that of a good neighbour, resulting in the operation of the site adversely affecting the residents living in that area. He said that he had submitted a petition requested by residents and felt that this was the only reason that the occupants had submitted an application. He added that the occupant had shown disrespect to the residents, ignoring rules and that he had no faith in any future compliance with planning conditions.

The Committee welcomed the second speaker on this item, Mr Ian Tarver, who spoke in objection to the application.

Mr Tarver said that he echoed the comments made by Councillor Coughlan and said that whilst the application did not sound bad on paper, that was not the real experience of residents. He said that parking spaces were just used for metal storage containers and that there were 44-48 tonne HGV's backing up in the early hours to make deliveries. He added that there was noise nuisance from sorting metal outdoors which should be done inside with closed doors.

Committee Members were then invited to ask questions of the speakers

Members queried the extent of the problem from the previous use. Mr Tarver replied that it was previously a kitchen showroom so there had been no complaints.

There then followed a period of questioning by Members to Officers in relation to levels of noise pollution. The Senior Environmental Protection Officer advised that two noise complaints had been received. She confirmed that any sorting of metal outdoors would be heard at residential properties and that she had recommended conditions to require sorting to be carried out indoors and at restricted hours. In addition, she had provided residents with diaries to record nuisance however these had not been returned. Members were advised that should permission be granted, and the conditions not adhered to, a breach of condition notice could be served which provides for more control than at present.

With regard to the nuisance from vehicles reversing, members were advised that conditions had been recommended to regularise operations however there was a concern that the vehicles were larger than applied for.

During the ensuing debate, members were advised that whilst close to nearby properties, this area had been designated as employment area and that this application required permission as it was a Sui Generis use

It was **Moved** by Councillor Craddock, **seconded** by Councillor Hicken and upon being put to the vote was:

Resolved (unanimous)

That planning application number 21/0526 be refused on the grounds that the proposal is in the middle of a residential area and the proposed Sui Generis use is harmful to local residents and incompatible with the unit in question. In addition, the site currently has a B1/B8 use which is more compatible with nearby residential properties.

164/21 **PLANS LIST ITEM NO. 3 – application number 21/0909 part change of use, Voujon Lounge.**

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 contained therein. In addition, the Presenting Officer drew the Committee's attention to the additional information and revised recommendation as set out within the tabled supplementary paper.

The Committee was advised that the speaker, Mr Mohammed Mia was not in attendance. The Committee decided to continue to consider the application in his absence.

There were no questions to officers.

Members debated the application during which time Councillor Underhill said that residents had raised concerns about lack of parking, potential noise nuisance early morning and that the traffic already posed a danger to pedestrians crossing. She confirmed that whilst she advised the committee of residents' concerns, she had not predetermined the application.

Members were reminded that this application was a part change of use to a convenience store and was not an extension to the restaurant.

Members considered that the application was reasonable and took into account that the restaurant was already in use and officers had raised no concerns in relation to traffic movements.

It was **Moved** by Councillor Nawaz, **seconded** by Councillor Hussain and upon being put to the vote:

Resolved

That the Head of Planning and Building Control be delegated authority to grant planning application number 21/0909 subject to conditions and subject to the amendment and finalising of conditions

PLANS LIST ITEM NO. 4 – Application number 21/067 – change of use to House in Multiple Occupation, 185 Sandwell Street, 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 contained therein. In addition, the Presenting Officer drew the Committee's attention to the additional information as set out within the tabled supplementary paper.

At this point, Councillor Bott left the meeting.

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

Mr Jones stated that with the weight of 30 plus residents he could not see why a second HMO in the street should be considered. He said that his property neighboured the proposed development and that the windows to the side directly looked into his home. He added that ordinarily, these would be bedroom windows which would not be as intensely used as those used in a HMO. Mr Jones also said that the proposed 6ft fence was only 44 inches on the applicants side resulting in a lack of his privacy. He went on to express his concern about potential extra noise from parking, more traffic in the street and was fearful of antisocial behaviour and crime from transient residents. He also raised concern about the increased number of bins out on the footpath on bin collection days.

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

Mr Bashir added to the concerns expressed by the first speaker and added that there was a constant parking problem with the existing HMO and traffic in Sandwell Street which tended to 'bottleneck'. He said that the report did not reflect the reality in the street.

The Committee then welcomed the third speaker on this item, Mr Jag Guru, the agent for the applicant who wished to speak in support of this application.

Mr Guru stated that a six bedroomed HMO could be permitted without planning permission and parking restrictions and this was for an additional 3 rooms, nine in total. He said that target market would be single working class tenants who work locally and would be encouraged

to travel sustainably by using public transport in accordance with the National Planning Policy Framework.

The Committee then welcomed the fourth speaker Mr Talati, the managing agent for the applicant. Mr Talati said that he had been working for 50 years successfully managing HMOs and confirmed that the tenant market was aimed at the local working class. He addressed concerns over the rumoured accommodation of ex-offenders and said that that he had had no antisocial behaviour issues in any of his other HMOs and that tenants were fully vetted by managing agents. He added that he had submitted a comprehensive anti-social behaviour policy.

Committee Members were then invited to ask questions of the speakers

In answer to direct questions:

- Mr Jones said that increasing the height of the fence would not allay his concerns over lack of privacy and explained the number of windows which he said would overlook his property.
- Mr Bashir said that problems with the existing HMO in the street included antisocial behaviour, alleged drug dealing and traffic congestion. He added that in reality, people would not use the sustainable travel options.
- Mr Guru reiterated that tenants would be locally employed working class professionals and that he believed that there was adequate space to store the required number of waste bins.
- Mr Talati said that his other properties were outside the borough and that his company had never had a contract with Serco.

Committee members were then invited to ask questions of officers.

In answer to a question in relation to the side windows, members were advised that the existing floor plan showed side facing windows which were habitable but whilst the proposal was to change the use of the rooms, there was no distinction in planning terms as to use. In addition, members were advised that any permission could not distinguish occupiers of the property.

Members discussed the application during which time concern was expressed that there would be a 50% increase in people looking into the neighbouring property. They were also concerned that the street was already busy with traffic and in addition, that pedestrians would find it difficult to navigate the waste bins on the pavement on collection days

It was **Moved** by Councillor Nawaz, **seconded** by Councillor Hussain and upon being put to the vote, was:

Resolved

That planning application number 21/0767 be refused on the following grounds:

- a lack of parking provision,
- inadequate planning for the disposal of waste and storage of bins,
- the proposal would have a detrimental impact to those adjoining residents in Sandwell Street; and
- The proposed use would result in a real fear of crime.

At this point, the time being 7.55pm, the Committee adjourned for a short break. Councillor Hicken and Councillor Perry left the meeting.

The Committee reconvened at 8.05pm.

166/21 **PLANS LIST ITEM NO. 8 – Application number 21/1131 – proposed change of use from C3 to C2 use at 17, Hawthorne Road.**

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 contained therein. In addition, the Presenting Officer drew the Committee's attention to the additional information as set out within the tabled supplementary paper.

At this point, officers were asked to clarify what the Committee was being asked to decide. Members were advised that that the Committee were being asked to decide upon a change of use from a C3 dwelling house to a C2 use as a Children's home.

*At this point the Chair **Moved** that Council Procedure Rule 9 of the Council's Constitution be suspended to enable the meeting to continue past three hours. This was duly seconded and approved by the Committee.*

Members were advised that the speaker, Tanya Humphries, was not in attendance. Attempts were made to contact the speaker unsuccessfully. Members decided to hear the application in the absence of the speaker.

In answer to a question from members regarding the operation of the facility, officers were unable to confirm from the information they had whether it was by the applicant or through an agency.

The application was discussed during which time, some members commented upon a recent Ofsted inspection of another home operated by the same applicant which stated that the home was not operated very well.

It was **Moved** by Councillor Craddock, **Seconded** by Councillor Bird and upon being put to the vote, was:

Resolved (unanimous)

That application number 21/1131 be refused on the grounds that this particular location is unsuitable and undesirable for the proposal for the following reasons:

- The level of parking is unsuitable for the facility proposed
- Experience as Elected Members that the owner has similar facilities which are lacking in supervision
- Proposal is in an undesirable inclusion into the location
- the proposal is not large enough to accommodate such a facility with the extended education that is provided.

167/21

PLANS LIST ITEM NO 9 - Application number 21/0416 – replacement dormer bungalow, 31, Springvale Avenue, 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 contained therein. In addition, the Presenting Officer drew the Committee's attention to the additional information as set out within the tabled supplementary paper.

The Committee welcomed the first speaker on this item, Mr Michael Kalam, who wished to speak in support of this application as agent for the applicant.

Mr Kalam stated that the original scheme for the property was a two story replacement dwelling, and the current scheme was for a dormer bungalow, the design of which had been amended on three occasions to overcome concerns of planning officers. He said that the requirements for bat surveys and retaining separation had been done in addition to other amendments which had meant losing a bedroom and overall head height. Mr Kalam referred to precedents for this type of proposal in the area which reflected other similar developments and confirmed that the majority of eaves were consistent with the only exception being the rear wall which could only be seen from an acute angle in Barry Road.

The Committee then welcomed the second speaker on this item, Mrs Maryam Yousef, the applicant. Mrs Yousef said that the purpose of the development was to accommodate her elderly parents and that every effort had been made to make the changes requested by the planning officers.

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

In response to questions, Mr Kalam said that the application site was close to a number of other similar developments of bungalows across

the estate which had benefitted from first floor dormer extensions, the majority being corner properties. He disputed the percentage increase in the footprint stated in the report and said that it was a 6% increase. With regard to the mature trees to the front of the property, the agent said that he would welcome any conditions to ensure that it was a high quality and well-designed build.

There then followed a period of questioning by Members to Officers in relation to concerns in respect of the rear elevation. Members were advised that whilst the applicant had engaged with officers, they had been given three opportunities to change the design to accommodate concerns however, officers still considered that it was visually a poor design.

Members discussed the application during which time, members considered that the unbalanced eaves were not easily visible, it was not out of keeping with other similar developments in the area and that the applicant had been proactive in accommodating officer concerns.

It was **Moved** by Councillor Nawaz, **Seconded** by Councillor Hussain and upon being put to the vote, was:

Resolved

That the Head of Planning and Building Control be delegated authority to grant application number 21/0416, as the design is subjective, is not out of keeping with other similar developments in the area and the impact on the street scene is minimal. Grant to be subject to conditions including the trees to the frontage.

168/21 PLANS LIST ITEM NO. 10 – Application no 21/0873 – rear extension at 10 Thornhill Road, 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 contained therein

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

Mr Fellows stated that this proposal was sympathetic to existing scale with the ridgeline retained however, it was more contemporary to the rear to which no concerns had been expressed. He added that both of the adjoining properties were significantly extended. Mr Fellows said that changes had been made to address concerns of planning officers in relation to the front elevation and cladding. He said that aspirations

change and that it was not always necessary to copy the design of older properties to be in keeping with the area.

The Committee welcomed the second speaker on this item, Mr Nimesh Parmer, one of the owners of the property. Mr Parmer said that he felt that the application was proportionate to the land with a mature hedge to the front which obscured the property from the road. He said that the bungalow was to be retained with a sympathetic modernisation and gave local examples of other properties with modern features.

There were no questions to the speakers

Members were given an opportunity to ask questions of the officers

In response to a question about the objections to the flat roof, members were advised that normally flat roofs were a feature over garages and that this was on the front elevation.

The application was discussed during which time members considered that there had been no objections from anyone including consultees, the character of the property would be retained, the amenities of neighbours would not be harmed and that the property would not be seen from the road.

It was **Moved** by Councillor Craddock, **Seconded** by Councillor Hussain and upon being put to the vote, was:

Resolved:

That the Head of Planning and Building Control be delegated authority to grant application number 21/0873 subject to conditions on the basis that the property cannot be seen from the street scene and as such there is no harm to the amenity; and that the character of the proposal is no different to any other property nearby.

169/21

PLANS LIST ITEM NO. 5. Application Number 21/1307 – Listed Building Consent, the Council House, Walsall.

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

(see annexed)

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

It was **Moved** by Councillor Bird, duly **Seconded** and upon being put to the vote was:

Resolved

That the head of Planning and Building Control be delegated authority to grant listed building consent for application number 21/1307 subject to conditions, and finalising of planning conditions.

170/21

PLANS LIST ITEM NO. 6. Application Number 20/1267 – Retrospective planning permission, Abbey Primary School.

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 contained therein. In addition, the Presenting Officer drew the Committee's attention to the additional information and additional recommendation as set out within the tabled supplementary paper.

It was **Moved** by Councillor Bird, **Seconded** by Councillor Statham and upon being put to the vote was:

Resolved:

That the Head of Planning and Building Control be delegated authority to grant planning application number 20/1267 subject to Conditions and subject to the amendment and finalising of conditions.

171/21

PLANS LIST ITEM NO. 7. Application Number 21/1076– Erection of single storey conservatory, Ogley Hay Nursery..

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 contained therein

It was **Moved** by Councillor Bird, **Seconded** by Councillor Hussain and upon being put to the vote was:

Resolved

That the head of Planning and building Control be authorised to grant application number 21/1076 subject to the amendment and finalising of conditions.

172/21 **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 Paragraphs 6 and 7 of Schedule 12(A) of the local Government Act, 1972 (as amended) and accordingly resolved to consider that item in private session.

Summary of matters considered in the private session

173/21 **Planning Enforcement Action.**

A report of the Head of Planning and Building Control was submitted which advised of unresolved issues relating to non-compliance with an enforcement notice and advised of further options and associated risks to the Council.

Members discussed the position and options following which the committee decided to instruct the head of Planning and Building control to pursue the options to take direct action and to prosecute for non-compliance.

[Exempt information under paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)]

Termination of meeting

There being no further business, the meeting terminated at 9.50 pm