

Planning Committee

Monday 31 October 2022 at 5.30 pm

Council Chamber, Council House, Walsall

Present:

Councillor M. Bird (Chair)
Councillor B. Allen
Councillor B. Bains
Councillor H. Bashir
Councillor P. Bott
Councillor S. Cheema
Councillor S. Cooper
Councillor N. Gandham
Councillor A. Harris
Councillor A. Hussain
Councillor K. Hussain
Councillor R. Larden
Councillor J. Murray
Councillor A. Nawaz
Councillor S. Samra
Councillor M. Statham
Councillor V. Waters

In attendance:

M. Brereton	Group Manager – Planning
A. Ives	Head of Planning
K. Gannon	Developmental Control and Public Rights of Way Manager
N. Picken	Principal Democratic Services Officer
T. Morris	Senior Planning Officer
M. Dale	Planning Officer
R. Ark	Senior Environmental Protection Officer
J. Price-Jones	Planning Solicitor

139/22 Apologies

Apologies for absence were submitted on behalf of Councillor G. Perry and Councillor A. Underhill.

140/22 Declarations of Interest

There were no declarations of interest received.

141/22 **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

142/22 **Minutes of previous meetings**

The Committee considered the minutes of the previous meeting.

Resolved:

That the minutes of the meeting held on 6 October 2022, a copy having been previously circulated to each member of the Committee, be approved and signed as a true record.

143/22 **Local Government (Access to Information) Act 1985 (as amended)**

Exclusion of the Public

Resolved:

That there were no items for consideration in private session.

144/22 **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.

145/22 **Plans List 1 – 21/0951 Former Kings Hill JMI, Joynson Street**

The report of the Head of Planning and Building Control was submitted (see annexed) and was presented to the Committee along with information contained within the supplementary paper.

The Committee then welcomed the speaker, Mrs S. Samrai who spoke in support of the application. She informed the Committee that the site had been vacant for three years, stated that the application would provide social and affordable housing in line with government policy.

A Member spoke to welcome the development, it was questioned if Oak Park Road would be adopted by the Council if this application was approved. The Highways Officer described the legal process for the road to become adopted and stated that this road was not included as part of the application, although rights of way may exist. It was

suggested that it would not be in the Council's interests to adopt the road, but it was requested that Officers conduct a land search to identify the land owner.

A discussion was held on Section 106 contributions relating to this development.

In response to queries raised by Members the Planning Officer confirmed that building regulations stipulated building access requirements, and within the application there were five allocated accessible car parking spaces. It was clarified that the applicant had provided an energy statement which proposed a fabric first approach along with heat pump cylinders (considered a more sustainable way to heat homes), external rain water butts, it was noted that cycling parking was proposed and there was a condition stipulating the provision of electric vehicle charging points.

It was moved and seconded and upon being put to the vote it was:

Resolved (Unanimous):

Planning Committee delegate to the Head of Planning and Building Control to grant planning permission subject to conditions and a Section 106 agreement to secure affordable housing contributions, urban open space contributions plus an ongoing landscape management scheme and subject to:

- Resolving any potential LLFA objections to the proposal based on material planning considerations.
- Amendments to the scheme as set out by the Local Highways Authority.
- Amendments to the scheme as set out by housing standards.
- No new material considerations being received within the consultation period.
- The amendment and finalising of conditions.
- No further comments from a statutory consultee raising material planning considerations not previously addressed.

146/22

Plans List 2 – 20/1640 Land between 15 and 19 Goscote Road

The report of the Head of Planning and Building Control was submitted (see annexed) and was presented to the Committee along with information contained within the supplementary paper.

The Committee then welcomed a speaker on the application, Mrs Sheila Porter, who spoke in support of the application. She addressed the Committee to introduce herself as the agent, and stated that she

welcomed questions on this application. There had been an issue in relation to land ownership and this would be dealt with as a civil matter - the issue related to an overlap on two sets of deeds, however the relevant certification had been served. The Chair drew Members attention to the section in the report which referred to an appeal in 2012 at which that the principle of a residential the development had been supported.

A Member asked for further clarification in relation to the ownership of the shared driveway. It was clarified by the speaker that the land owner had a right of access to the land, and this right of access was also used by other properties. The Chair clarified that the right of access was a civil matter and not within the remit of the Planning Committee.

It was moved and seconded that:

Resolved:

Planning Committee delegates 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.
- The amendments and finalising of conditions.
- No further comments from a statutory consultee raising material planning considerations not previously addressed.
- Securing mitigation for Cannock Chase SAC via a unilateral undertaking.

147/22

Plans List 4 – 21/1693 11 Delves Road, Palfrey

The report of the Head of Planning and Building Control was submitted (annexed) and was presented to the Committee along with information contained within the supplementary paper.

The Committee then welcomed three speakers on the application.

Mr Graham Beddows spoke against the application, informing the Committee that his main objection was the sheer mass of the proposed extension and consequently the loss of light with the application having been amended to include window positioning. He stated that the proposal to extend by five metres was three times what should be allowed under planning policy.

Mr Gerald Westley spoke against the application, informing the Committee that he had lived at number 9 for over 40 years, and he

believed that he had a right to this light, quoting the 45 degree code and suggesting that this proposal would impact on this. It was questioned why this application had been referred to the Committee.

There was one speaker in support of the application, Muhammad Ishfaq, who was the agent for this application. He stated that the applicant desired to come to an agreement in relation to the application, it was noted that there were extensions of a similar size along the road. He suggested that number 13 would have no issue with loss of light as habitable windows were not near to the extension, and number 9 had high hedges and trees along the boundary wall so it would not affect them. The 45 degree rule was a guideline, however the applicant was trying to compromise - the space was required due to a large family and social care needs of the family.

The Chair clarified that this was being considered by the Committee at the request of a Councillor, which was allowed under the constitution.

There then followed a period of questioning to the speakers.

Mr M Ishfaq stated that the neighbouring properties would not be affected by loss of light. Mr G Beddows responded to state that he was concerned about the impact on the value of his property, and also the loss of light, he refuted that his property would not be impacted.

Mr Ishfaq confirmed that he had been working with Officers and the size of the extension had been reduced. In response to a further question, the Committee were informed that the applicant's parents and grandparents would be moving in with them. It was noted that this was not a material planning application.

Officers confirmed that the 45 degree guideline was a benchmark that was used to determine likely impact in terms of loss of outlook and light, and policies followed this up with the likely impact on the neighbours and if this was sufficient to refuse permission for the development. Each application had to be judged on its own merits based on the development plan, and precedent was not enshrined in law. It was clarified that the case officer had negotiated with the agent and as a result the application had reduced, however it was still recommended for refusal.

The discussion moved to debate, it was suggested that the applicant had worked with officers to produce an acceptable design and this was in an area where there was precedent for the 45 degree code to be breached.

It was moved, by Councillor Nawaz and seconded by Councillor K. Hussain that the application be approved, against officer recommendations for the following reasons:

- The applicant had worked with the Officers to reduce the impact of the extension,
- The 45 degree rule was a guideline only – with other households breaching this rule in the area and by not allowing this application would be unfair on this applicant,
- The impact would be on a kitchen which was not a habitable room.

Officers clarified that in Walsall the kitchen was considered a habitable room, and the right to light was determined by the 45 degree rule. Members argued that this application should be deferred to provide the applicant with the opportunity to amend the application by reducing the size of the development to ensure that neighbouring properties were not impacted by loss of light. The Legal representative expressed concern that the proposal to approve the application because the applicant had worked with Officers was not adequate.

Further to the discussion Councillor Nawaz withdrew his motion.

It was moved by Councillor Bird and seconded that the application by deferred by one cycle to allow Officers to work with the applicant and their agent.

Resolved

That planning application 21/1693 be deferred to the next meeting of the Planning Committee.

Termination of meeting

There being no further business, the meeting terminated at 6.45 pm.

Signed

Date