

PLANNING COMMITTEE

Thursday 2 March, 2017 at 5.30 pm

In the Council Chamber at the Council House, Walsall

Present:

Councillor Nazir (Chairman)
Councillor Worrall (Vice Chair)
Councillor Barker
Councillor Bird
Councillor P. Bott
Councillor Chambers
Councillor Craddock
Councillor Douglas-Maul
Councillor S. Fitzpatrick
Councillor Follows
Councillor Harris
Councillor Nawaz
Councillor Rochelle
Councillor Sohal
Councillor Young

1666/17 Apologies:

Apologies for non-attendance were submitted on behalf of Councillors Creaney, Jones, Perry, Sarohi and Shires.

1667/17 Minutes

Resolved

That the minutes of the meeting held on 2 February, 2017, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

1668/17 Declarations of Interest

Councillor Nazir declared non-pecuniary interests in:-

Plans list item 7 – application number 16/0919 – erection of 5 dwellings at The Hawthorns, Highgate Drive, Walsall, WS1 3 JW and also

Plans list item 11 – application number 15/0932/FULL – demolish existing house and build new six bedroom house at 25 Woodlands Avenue, Walsall, WS5 3LN

1669/17 **Deputations and Petitions**

There were no deputations introduced or petitions submitted

1670/17 **Local Government (Access to information) Act, 1985 (as amended)**

There were no items for consideration in private session.

1671/17 **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 were members of the public had previously indicated that they wished to address the Committee. The Chair at the beginning of each item for which there were speakers advised of the procedure whereby the speaker would have three minutes to speak and after two minutes they would be advised they had one minute left.

At this juncture of the meeting, the Planning Solicitor clarified a point on case law and emphasised the need for Committee to give valid reasons should they be minded to grant permission on any applications contrary to the planning officers recommendations and in conflict with the development plan. She quoted a specific case and advised that she would provide Committee with a briefing note.

1672/17 **Item No. 2 – application number 16/1132 – reserved matters to outline planning permission 14/0771/OL for 32 residential units including appearance, layout, landscaping and scale at Brownhills Market, Silver Street, Brownhills, Walsall, WS8 6ER**

The Planning Officer advised Committee of the background to the report and the supplementary paper now submitted

(see annexed)

The Committee then welcomed the only speaker on this application, Mr Watts, who spoke in support of officers recommendations.

There then followed a period of questioning by Members to the speaker and officers which included queries around the appropriateness of narrowing the bend at Silver Street, concerns relating to whether the parking allocation would be adequate enough for the number of new homes, and the requirement of a highway Stopping Up.

In response, it was stated that the narrowing of highways had the effect of slowing traffic; that officers were awaiting a traffic order which would provide information pertaining to articulated vehicle use in order to enable the calculation of the required alignment of the bend, that the application is for 32 dwellings with 61 parking spaces which equated to a provision of 191% which was considered acceptable on the basis the site is within a District Centre location, and that a Stopping Up would allow the development to be undertaken and to meet the necessary statutory highway stopping up requirements.

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

That planning application number 16/1132 be granted, subject to amended conditions and no new material planning considerations, as contained within the report and supplementary paper now submitted

The Motion having been put to the vote was declared **carried**, with fifteen Members voting in favour and none against.

Resolved

That planning application number 16/1132 be granted, subject to amended conditions and no new material planning considerations, as contained within the report and supplementary paper now submitted

1673/17 **Item number 3 – application number 16/1215 – first floor side and rear extension at Kean Building and Fire Protection Services Limited, 39-43 Temple Bar, Willenhall, WV13 1SQ**

The Planning Officer advised Committee of the background to the report and supplementary paper now submitted.

(see annexed)

The Committee then welcomed the only speaker on this application, Mr. O'Neil, who spoke in objection to officers recommendations.

There then followed a period of questioning by Members to the speaker and officers with regard to the protected lime tree on the neighbouring property, its amenity value and whether crowning of the tree could be carried out successfully

In response, the Planning Group Manager reported there would be a degree of uncertainty subsequent to the crowning of any large tree prior to carrying out a tree survey and he explained that the cutting back of a tree canopy forces a tree to rebalance itself which could lead to instability and potential root damage caused by foundation movement

The Regeneration Officer (Trees) reminded Committee the tree was in third party ownership and its amenity value was its prominence within the landscape and viewed from several locations around the surrounding area. He further added that should Committee be minded to grant the application and

damage was subsequently made to the tree either immediately or in the future, the Council may be liable for the damage caused.

The Committee then proceeded to discuss the application further which included the need to weigh up the potential damage to a tree against the economic benefits of a business expansion, the side elevation of the extension would have an over bearing impact on the rear garden of the neighbouring property.

The Planning Solicitor reiterated her earlier advice pertaining to Committee granting permission which was contrary to officers recommendations and that Committee must demonstrate why it wanted to depart from policy, for example outweighing another matter.

Members discussed the application further and Councillor Harris **moved** and it was **seconded** by Councillor Rochelle:-

That planning application number 16/1215 be deferred for two cycles to enable the applicants to undertake a full survey of the protected lime tree to obtain information regarding the tree roots and provide foundation details.

The Motion having been put to the vote was declared **carried**, with eight Members voting in favour and five against.

Resolved

That planning application number 16/1215 be deferred for two cycles to enable the applicants to undertake a full survey of the protected lime tree to obtain information regarding the tree roots and provide foundation details.

1674/17 **Item number 4 – application number 16/1849 – provision of new extract equipment, installation of new shop front, and proposed revision to opening hours at 188C Chester Road, Streetly, Sutton Coldfield, B74 3NA**

The Planning Officer advised Committee of the background to the report and supplementary paper now submitted

(see annexed)

The Committee then welcomed the only speaker on this application, Councillor Hughes, who spoke in objection to officers recommendations.

There then followed a period of questioning by Members to the speaker and officers which included the current opening hours and 'use class' category, whether there were any current parking issues on both the frontage to the shops and within the immediate area and the type of flue system required and its proposed effectiveness.

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

That planning application number 16/1849 be refused due to the proximity, siting and height of the proposed flue which would have an impact on the visual amenity of the area, and that the odours omitted would have a detrimental impact on residents, particularly Hunters Court.

The Motion, having been put to the vote was declared **carried**, with 13 Members voting in favour and none against.

Resolved

That planning application number 16/1849 be refused due to the proximity, siting and height of the proposed flue which would have an impact on the visual amenity of the area, and that the odours omitted would have a detrimental impact on residents, particularly Hunters Court.

At this juncture, the meeting was adjourned for a five minute comfort break and reconvened at 7.22pm

1675/17 **Item No. 6 - application number 16/0237 – removal of condition 19 of 13/0637/FL to allow 24 hour 7 days a week operation of the fuel pumps, service shop and air/water facility at Foley Station, 1 Beacon Hill, Aldridge, Walsall, WS9 0RH**

The Planning Officer advised Committee of the background to the report and supplementary paper now submitted

(see annexed)

The Committee then welcomed the only speaker on this application, Ms Ballantine, who spoke in support of officers recommendations.

There then followed a period of questioning by Members to the speaker and officers primarily with regard to the 24 hour operation and noise pollution.

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

That planning application number 16/0237 be granted subject to conditions as contained within the report and supplementary paper now submitted.

The Motion, having been put to the vote was declared **carried**, with 13 Members voting in favour and 1 against.

Resolved

That planning application number 16/0237 be granted subject to conditions as contained within the report and supplementary paper now submitted.

1676/17 **Item No. 7 - application number 16/0919 – erection of 5 dwellings at The Hawthorns, Highgate Drive, Walsall, WS1 3JW**

Prior to the consideration of this application, Councillor Nazir left the room in view of the fact he had declared an interest in this item and therefore did not take part in the discussions nor vote on this application. In view of this, the Vice Chairman acted as Chairman in his place during this period

Councillor Worrall in the Chair.

The Planning Officer advised Committee of the background to the report and supplementary paper now submitted

(see annexed)

The Committee then welcomed the only speaker on this application, Mrs Hodson, who spoke in support of officers recommendations.

There were no questions to the speaker.

There then followed a period of questioning by Members to officers which included whether the development lay within a Conservation area and assurance that all objectors comments had been taken into consideration.

In response, officers confirmed the development was not within a Conservation area and all objections had been addressed.

Members considered the application further which included how the development would create 5 dwellings, reinstate the boundary wall whilst having no impact on the locally listed building.

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

That planning application number 16/0919 be granted, subject to conditions as contained within the report and supplementary paper now submitted

The Motion, having been put the vote was declared **carried**, with 14 Members voting in favour and none against.

Resolved

That planning application number 16/0919 be granted, subject to conditions as contained within the report and supplementary paper now submitted

Cllr Nazir back in the chair.

At this point in the meeting, Councillor Bird **moved** and it was duly **seconded** by Councillor Nawaz:-

That Standing Order 9(a) of the Council's Constitution be suspended in order for the Committee to conclude the remainder of its business

The Motion having been put to the vote was declare **carried**, with all Members voting in favour.

1677/17 **Item number 8 – application no. 16/1793 – construction of 8 no dwellings and associated external works, car parking and landscaping at 47 Portland Road, Aldridge, WS9 8NU**

The Planning Officer advised Committee of the background to the report and supplementary paper now submitted

(see annexed)

The Committee then welcomed the first speaker on this application, Mrs Door, who spoke in objection to officers recommendations.

The Committee then welcomed the second speaker on this application, Mrs Randall, who also spoke in objection to officers recommendations.

The Committee then welcomed the third speaker on this application, Mr Oakley, who spoke in support to officers recommendations.

The Committee then welcomed the fourth speaker on this application, Mr Morris, who also spoke in support of officers recommendations.

There then followed a period of questioning by Members to the speakers and officers which focused mainly on Portland Avenue being an unadopted private access road and whether permeable hard surface could be used to alleviate both noise and mud/dust pollution, and if the proposed traffic calming speed humps could be removed from the application.

In response, officers stated that any ground service must be porous to allow for water ingress but strong enough to safeguard the roots of the protected trees when driven over by vehicles, and that the speed humps were for the safety of residents to slow down vehicles travelling along the private road.

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

That planning application number 16/1793 be granted subject to conditions to negotiate an appropriate permeable hard surface along the unadopted road to protect the roots of the trees and to examine the necessity for the sleeping policeman.

The Motion, having been put the vote was declared **carried**, with 10 Members voting in favour and none against

Resolved

That planning application number 16/1793 be granted subject to conditions to negotiate an appropriate permeable hard surface along the unadopted road to protect the roots of the trees and to examine the necessity for the sleeping policeman.

1678/17 **Item number 10 – application number 16/1841 – part two/part single storey side and rear extension at 6 Ivatt Close, Rushall, Walsall, WS4 1EY**

The Planning Officer advised Committee of the background to the report now submitted

(see annexed)

The Committee then welcomed the first speaker on this application, Mr. T. Westwood, who spoke in objection to officers recommendations.

The Committee then welcomed the second speaker on this application, Mr. P Westwood, who also spoke in objection to officers recommendations.

The Committee then welcomed the third speaker on this application, Mr. Beddow, who spoke in support of officers recommendations.

There were no questions to speakers nor officers.

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

That planning application number 16/1841 be granted subject to conditions as contained within the report

The Motion, having been put the vote was declared **carried**, with 10 Members voting in favour and one against

Resolved

That planning application number 16/1841 be granted subject to conditions as contained within the report

1679/17 **Item number 11 – application number 15/0932/FULL – demolish existing house and build new six bedroom house at 25 Woodlands Avenue, Walsall, WS5 3LN**

Prior to the consideration of this application, Councillor Nazir left the room in view of the fact he had declared an interest in this item and therefore did not take part in the discussions nor vote on this application. In view of this, the Vice Chairman acted as Chairman in his place during this period

Councillor Worrall in the Chair.

The Planning Officer advised Committee of the background to the report and supplementary paper now submitted

(see annexed)

The Committee then welcomed the first speaker on this application, Mr. Sunner, who spoke in objection to officers recommendations.

The Committee then welcomed the second speaker on this application, Councillor Andrew, who also spoke in objection to officers recommendations.

The Committee then welcomed the third speaker on this application, Mr. Clarke, who spoke in objection to officers recommendations.

The Committee then welcomed the fourth speaker on this application, Mrs Fox, who also spoke in support of officers recommendations.

There then followed a period of questioning by Members to the speakers and officers relating to comparisons between the proportions of the existing property compared with the proposed property and how the application would impact on the current amenity of the neighbouring property.

In response, speakers stated the current house no longer met the family's needs and that the applicant did not wish to move out of the area; the detrimental impact on the single storey rear extension and garden area of the neighbouring property. Officers outlined the key measurements of the property design proposals and compared them with the previously refused application and highlighted their main areas of concern including discrepancies with proposed dimensions.

Members considered the application further in relation to the needs and aspirations of an extended family wishing to remain on their current plot of land and investing in the area; that negotiations between officers and the applicant had been ongoing since 2015, concerns with the impact on the neighbours, whether the application should be deferred to enable officers to work with the applicant on a redesigned scheme.

Councillor Worrall **moved** and it was duly **seconded** by Councillor Rochelle:-

That planning application 15/0932/FULL be refused as per the reasons contained within the report and supplementary paper now submitted.

The Motion, having been put to the vote was declared **carried**, with 10 Members voting in favour and 3 against.

Resolved

That planning application 15/0932/FULL be refused as per the reasons contained within the report and supplementary paper now submitted.

Councillor Nazir back in the Chair

1680/17 **Item number 12 – application no. 17/0077 – first floor front gable extension over garage and single storey side extension at 2 Blue Cedar Drive, Streetly, Sutton Coldfield, B74 2AE**

The Planning Officer advised Committee of the background to the report and supplementary paper now submitted

(see annexed)

The Committee then welcomed the first speaker on this application, Councillor Hughes, who spoke in objection to officers recommendations.

The Committee then welcomed the second speaker on this application, Mr Oliver, who also spoke in objection to officers recommendations.

There then followed a period of questioning by Members to the speakers and officers which included the consequences should the membrane be pierced and responsibility / liability for subsequent resealing.

In response, officers stated the applicant had not provided any reassurance that mitigation measures would be equal to what was currently in place, liability would lie with persons responsible should the membrane be punctured, that the 45 degree code and the design of the gable had also been reasons for refusal.

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

That planning application number 17/0077 be deferred to enable the applicant to provide details on ground protection measures, the 45 degree code and to address the gable design.

The Motion, having been put to the vote was declared **carried**, with 9 Members voting in favour and none against.

Resolved

That planning application number 17/0077 be deferred to enable the applicant to provide details on ground protection measures, the 45 degree code and to address the gable design.

1681/17 **Item number 1 – application no. 16/1347 – construction of 8 houses and 15 flats on land off St. Lawrence Way, Darlaston, WS10 8UZ**

The Planning Officer advised Committee of the background to the report and supplementary paper now submitted

(see annexed)

There then followed a period of questioning by a Member to officers in relation to the substation and the access road.

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

That planning application number 16/1347 be granted, subject to conditions as contained within the report and supplementary paper now submitted.

The Motion having been put to the vote was declared **carried**, with 10 Members voting in favour and none against

Resolved

That planning application number 16/1347 be granted, subject to conditions as contained within the report and supplementary paper now submitted

1682/17 **Item No. 5 – application number 16/1820 – change of use to hot food takeaway (A5 use class) and new ventilation duct at 65 Milton Street, Walsall, WS1 4JT**

Resolved

That planning application number 16/1820 be granted, subject to conditions as contained within the report and supplementary paper now submitted.

1683/17 **Item No. 9 – application number 16/1775 – installation of 4 art features at Bloxwich High Street and gardens, Bloxwich, Walsall, WS3 3LA**

The Chair advised Members this application had been withdrawn from the agenda, as per the supplementary paper now submitted.

Termination of meeting

There being no further business, the meeting terminated at 9.55pm

Signed

Date