

PLANNING COMMITTEE

Monday 17 June, 2019 at 5.30 pm

In the Council Chamber at the Council House, Walsall

Present:

Councillor Perry (Vice Chair in the Chair)
Councillor P. Bott
Councillor Chattha
Councillor Craddock
Councillor Harris
Councillor Harrison
Councillor Hicken
Councillor Jukes
Councillor Murray
Councillor Nawaz
Councillor M. Nazir
Councillor Rasab
Councillor Robertson
Councillor Samra
Councillor Sarohi
Councillor Statham
Councillor Underhill
Councillor Waters

2203/19 **Apologies**

Apologies had been received from Councillor Bird (Chair)

2204/19 **Minutes**

Resolved

That the minutes of the meeting held on 18 April, 2019, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

2205/19 **Declarations of Interest**

Councillor Perry declared a pecuniary interest in plans list item 9 – application number 19/0180 – display of two advertisement banners: 1.0m x 3.0m (1 metre above ground level) at The Hawthorns, Erdington Road, Aldridge, Walsall, WS9 8HU but informed Committee that he would remain as Chair but take no part in the discussions nor vote on the application.

Councillor Samra declared a pecuniary interest in agenda item 7 – Development Management Performance Update Report.

2206/19 **Deputations and Petitions**

There were no deputations introduced or petitions submitted

2207/19 **Local Government (Access to information) Act, 1985 (as amended)**

There were no items for consideration in private session.

2208/19 **Application to Fell 1 Willow Tree at Land Rear of 9 Baslow Road, Bloxwich**

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

(see annexed

The presenting officer advised Committee of the background to the report now submitted. In doing so, he highlighted the salient points contained therein.

The Committee then welcomed the first speaker on the application, Miss Lawrence, who wished to speak in objection to the officer's recommendations.

Miss Lawrence advised Members that the felling of the tree would have a detrimental effect on the amenity of both residents and the varied wildlife within the area. She advised that the tree was a haven for many birds, including a woodpecker, bats, butterflies and moths and that the removal of the tree was merely for the benefit of maximising a development.

The Committee then welcomed the second speaker on the application, Mr. Mountford, who also wished to speak in objection to the officers recommendations.

Mr. Mountford reiterated about the sightings of a woodpeckers and bats within the immediate area and cited it was a criminal offence to remove bat roosts. He added that the development would also remove three protected trees.

There were no questions to the speakers.

Then then followed a period of questioning by Members to the officer, which included whether a habitat regulation impact had taken place; whether the tree was considered a danger to the public and would it be replaced with a 'like for like' species.

In response, the presenting officer advised that neither a habitat report nor a bat survey had been carried out by the applicant as this was not a requirement under tree preservation order (TPO) regulations and that the judgement to fell the tree had been made as officers could not determine how long the diseased tree would last and that should Members be minded to approve the recommendations, the willow tree would be replaced with a tree of a similar size and stature but a species that would be resilient to the type of fungus within the current willow tree. The Planning Group Manager reiterated there was no

requirement under TPO regulations to carry out a habitat survey but residential development regulations contained separate protected species legislation.

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

That the application to fell 1 willow tree at land rear of 9 Baslow Road, Bloxwich be deferred in order for a bat survey to be carried out.

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

Resolved

That the application to fell 1 willow tree at land rear of 9 Baslow Road, Bloxwich be deferred in order for a bat survey to be carried out.

2209/19 **Development Management Performance Update Report**

Councillor Samra, having declared an interest in this item, did not take part nor vote on the report.

The report of the Head of Planning, Engineering and Transport was submitted (see annexed)

The Planning Group Manager advised the Committee of the background to the report and highlighted the salient points therein.

Following deliberations, Members sought additional information on some of the outstanding enforcement cases, which included:-

- Old Bush PH – the Chair reported that further boarding had been removed from the premises and he felt the premises should remain on the enforcement list as it remains a public safety issue;
- Case number E13/0103 - Ravenscourt Shopping Precinct – the Planning Group Manager confirmed that should bats be found on site once the survey had been carried out, a mechanism would be in hand to handle and the two year start would commence once the decision item was open;
- Case number E13/0063 – Land adjacent to 26 Bradley Lane – a certificate of lawfulness has been received..

Resolved

That the report be noted

2210 /19 **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.

The Chair had agreed to change the order in which the plans list items would be considered.

2211/19 **Plans list item 9 – application number 19/0180 – display of two advertisement banners: 1.0M x 3.0M (1 metre above ground level) at The Hawthorns, Erdington Road, Aldridge, Walsall, WS9 8HU**

The Chair, having earlier declared an interest in the item, remained in the Chair but did not take part in discussions nor vote on the application.

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 now submitted. In doing so, she highlighted the salient points contained therein.

The Committee then welcomed the first speaker on this application, Ms Satterthwaite, who wished to speak in objection to officers' recommendations.

Ms Satterthwaite advised Committee she was speaking on behalf of Aldridge Civic Trust and that she objected as the establishment had previously advertised on behalf of third parties and she felt environmentally friendly ways of advertising should be used. She added that the establishment already had three prominent notice boards and that consideration should be given to the locations of the advertisements within a conservation area.

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

Mr. Measham advised Committee that he lived in a neighbouring property and he felt the advertisements, if placed at eye-level, would be distracting to drivers approaching the busy junction and he added that the banners were tacky in nature and more in keeping with an industrial site as opposed to a residential area. He also queried why a care home would advertise for staff on banners as opposed to targeting professional people.

The Committee then welcomed the third speaker on this application, Ms Gilligan, who wished to speak in support of officer's recommendations.

Ms Gilligan advised Committee that she was the General Manager of the Hawthorns, which was a commercial business and as such, the care home wanted to use banners to advertise their vacancies within the local area, as well as advertising social events taking place at the care home to which the local community would be invited, and she did not believe the banners would appear incongruous within the area.

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

Ms Barron advised Committee that she was the Customer Service Manager and she assured Members that the design of the banners would co-ordinate with the settings and have a green background. She stated there had been no evidence of any accidents whilst banners had been displayed and that the Hawthorns had no intention of using the boundary railings as advertising space for third parties.

There were no questions to the speakers.

There then followed a period of questioning by Members to the officers primarily with regard to whether Highways had expressed any concerns regarding the positioning of the banners due to their close proximity to busy junctions and whether Committee could request alternative locations to be used.

In response, the Highways officer reported that in accordance with National Policy, an authority would have to demonstrate the banners had a potential to cause severe disruption, although the banners under consideration would not be illuminated nor would they flash, and that historically other previous like for like banners had not generated any complaints and therefore a refusal would be difficult to defend without evidences. The Presenting Officer did not feel that the additional of two banners would be considered as clutter and that the colours would be stipulated within the application.

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

That planning application number 19/0180 be approved for 5 years as contained within the report

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

Resolved

That planning application number 19/0180 be approved for 5 years as contained within the report.

2212/19 **Plans list item 3 – application number 18/1041 – ground floor extension and change of use of ground floor from Class A4 public house to Class A1 retail retaining first floor as residential at New Inn, Blakenall Lane, Walsall, WS3 1HU**

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 supplementary paper now submitted. In doing so, she highlighted the salient points contained therein.

The Committee then welcomed the first speaker on this application, Mrs Law, who wished to speak in objection to Officers' recommendations.

Mrs Law advised Committee that she had lived in the area and had managed the pub over the last 23 years without any problems nor trouble but during the last four years it had only opened very rarely. She added it had always been a popular community hub, which opened Saturdays and Sundays providing hot meals for the elderly outside or normal pub hours between 10.30am and 12.00pm, and she stated that she had only been made aware of the application when she had received details from the Council.

There then followed a period of questioning by Members to the speaker and officers, which included whether the building was community listed, the number of people who regularly used the premises, who had signed the petition, whether there was a community need to keep the pub.

In response, Mrs Lake confirmed the public house was not community listed; 39 lunches and 15 breakfasts on average were sold on the days the public house was open and that the signatures were from supporters from the public house and a nearby shop. The presenting officer added that Community Policy would not allow the loss of the public house had there been no other public houses in the vicinity and the Group Manager, Planning advised that courts would deem the venue a public house regardless of the type and it would be difficult to decipher the community value element.

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

That planning application number 18/1041 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 ten Members voting in favour and seven against.

Resolved

That planning application number 18/1041 be granted, subject to conditions as contained within the report and supplementary paper now submitted.

Councillor Nazir left at this juncture of the meeting.

2213/19 **Plans list item 2 – application number 18/1282 – erection of a three storey block of flats to accommodate 10 self contained flats, 8 no, 2 bed and 2 no. 1 bed with amenity, boundary treatment, parking and access off Arkwright Road.**

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 supplementary paper now submitted. In doing so, she highlighted the salient points contained therein.

The Committee then welcomed the first speaker on this application, Mr. Oliver, who wished to speak in objection to the officers recommendations.

Mr. Oliver advised Committee that the applicant had taken on board officers' comments and had reduced the application from twelve units to ten units and reduced the height to two storey following discussions with officers, even though permission for 11 units had previously been granted. He added that parking spaces could be reduced to leave more trees for screening.

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

Councillor Jeavons advised Committee of the ongoing issues with the land in question and its associated anti-social behaviour and he said residents were appreciative that something would soon be built on it and he added there were already a number of three storey buildings around the Beechdale Estate.

There then followed a period of questioning by Members to the speakers and officers, which included whether anti-social behaviour had been reported on the site and the amenity space.

In response, the first speaker confirmed there was plenty of open space plus a children's playground opposite the site, which would receive planning enhancement fees and the second speaker confirmed that ongoing fly-tipping issues had been reported and cleared up by the Council.

Members considered the application, including how the application should be considered as an opportunity to make use of a piece of derelict land with much needed housing and that a precedent had already been set in relation to nearby three storey buildings.

The Presenting Officer advised that should Members be minded to approve the application, section 106 provision would be required to secure open space. Following further comments regarding Section 106 contributions, the Chair requested a report regarding Section 106 contributions be included on the next agenda.

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

That planning application number 18/1282 be granted against officers recommendations as the development was a good use of the empty land, would reduce the fear of crime and would meet local demand.

Following further consideration in relation to the need to satisfy all of the reasons for officers refusal, Councillor Craddock suggested that the matter be deferred to allow negotiations for an alternative, acceptable scheme.

In response, Councillor Jukes withdrew her Motion with the consent of Councillor Bott who had seconded the Motion and Councillor Craddock **moved** and it was duly **seconded** by Councillor Murray:-

That planning application number 18/1282 be deferred for one cycle for the applicant to negotiate an alternative, revised scheme.

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

Resolved

That planning application number 18/1282 be deferred for one cycle for the applicant to negotiate an alternative, revised scheme.

2214/19 **Plans list item 1 - application number 19/0400 – reserved matters to outline planning permission 17/0155 to seek approval for scale, appearance, landscaping and layout for 12 dwellings at Stencils Farm, Aldridge Road, Walsall, WS4 2JW**

The Presenting Officer reminded Committee that the reserved matters application sought to determine the outstanding matters which was 'layout' for 12 dwellings, scale, appearance and landscaping and she further advised Committee of the background to the report and supplementary paper now submitted. In doing so, she highlighted the salient points contained therein.

(see annexed)

The Committee then welcomed the first speaker on this application, Mr. Lewis, who wished to speak in objection to officers recommendations.

Mr. Lewis advised Committee that he would be accepting of a fair and reasonable development but he believed the application in question was an overdevelopment and which would have a real impact on both him and his family

and nearby residents by virtue of a 20ft high wall directly behind their existing homes, making rear garden space feel like a prison compound.

The Committee then welcomed the second speaker on this application, Mr. Mullen-Hughes, who also wished to speak in objection to officers recommendations.

Mr. Mullen-Hughes also stated that he was in support of some sort of development on the land but he was not in support of the application under consideration as a number of the previously planned four bedroomed homes had increased to five bedroomed homes with a considerable increase in coverage. He added that the loss of 14 trees would be detrimental to the overall appearance of the site as well as a loss to wildlife and he added that no wildlife survey had been carried out nor had an additional further traffic survey as a result of the larger homes.

The Committee then welcomed the third and final speaker on this application, Mr. Cockayne, who wished to speak in support of officers recommendations.

Mr. Cockayne advised Committee that he was the Director of Kendrick Homes, which had purchased the land earlier in the year as a developable and sustainable site due to its previous approval and he reported that meetings had taken place with officers to consider and maintain the principals of the outline permission. He added that the new access met with Highways support.

Councillor Rasab left the Chamber at this juncture of the meeting.

There then followed a period of questioning by Members to the speakers which included a description of the wall in question; whether an ecology report had been carried out and the height of the eaves of the houses.

In response, Mr. Lewis said the walls of the two proposed houses at the rear of both his and his neighbour's gardens would be twenty feet high and made of solid brick without windows, in order to comply with overlooking/privacy issues; the outline application had already included a submitted ecological surveys and that the height to the eaves of the proposed houses was fifteen feet.

There then followed a number of questioning by Members to the officers, which included separation distances, overlooking, overbearing and privacy policies.

In response, the presenting officer advised Committee of the actual separation distances between all of the dwellings and that the proposed layout would exceed the recommended distances between habitable to habitable windows and that the overshadowing and privacy exceeded Walsall's own policies and guidance.

Members considered the application further, which included whether the applicant could be willing to consult with the local residents regarding the layout of the proposal and Councillor Harris **moved** and it was duly **seconded** by Councillor Hicken:-

That planning application be deferred for two cycles for the applicant to negotiate a revised layout with local residents and officers.

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

Resolved

That planning application be deferred for two cycles for the applicant to negotiate a revised layout with local residents and officers.

Councillors Craddock and Nawaz left at this juncture of the meeting.

2215/19 **Plans List Item 4 – application number 19/0167 – 1 x classroom extension to existing school building at Manor Primary School, Briar Avenue, Streetly, Sutton Coldfield, B74 3HX**

Resolved

That planning application number 19/0167 be delegated to the Head of Planning, Engineering and Transportation to grant, subject to conditions and subject to:

- 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 address

as contained within the report and supplementary paper now submitted

2216/19 **Plans list item 5 - application number 18/1267 – demolition of existing farm, commercial and farmhouse buildings and the erection of 14 dwelling houses at Beacon Dairy Farm, Doe Bank Lane, Great Barr, Walsall, WS9 0RQ**

Resolved

That planning application number 18/1267 be delegated to the Head of Planning, Engineering and Transportation to grant planning permission subject to amended Conditions and a Section 106/Section 111 deed of variation agreement to secure a financial contribution towards urban open space contribution as contained within the report and supplementary paper now submitted

2217/19 **Plans list item 6 – application number 18/1288 – replacement dwelling at 12 Skip Lane, Walsall, WS5 3LL**

This application had been withdrawn from the agenda with the agreement of the Chairman.

2218/19 **Plans list item 7 - application number 18/0728 – erection of 4 bedroom detached former bungalows on the rear garden of 39 Noose Lane with access from Aston Road at 39 Noose Lane, Willenhall, WV13 3BX**

Resolved

That planning application number 18/0728 be granted, subject to conditions as contained within the report.

2219/19 **Plans list item 8 - application number 19/0373 – proposed new field access to land adjacent to the former Three Crowns Public House, Sutton Road, Walsall, WS5 3AX**

Resolved

That planning application number 19/0373 be delegated to the Head of Planning, Engineering and Transportation to grant planning permission, subject to Conditions and a Section 106/Section 111 Agreement to tie the current planning application to planning application number 18/0550 to provide access for maintenance of the Three Crowns Site of Importance for Nature Conservation and referral to the Secretary of State for consideration of whether to 'call in' the application.

2220/19 **Plans list item 10 - application number 19/0079 – two storey side and single storey side extensions at 39 Victoria Road, Pelsall, Walsall, WS3 4BH**

Resolved

That planning application number 19/0079 be granted, subject to conditions as contained within the report.

Termination of meeting

There being no further business, the meeting terminated at 8.10pm

Signed

Date