

## **PLANNING COMMITTEE**

**10 February 2022 at 5.30 pm**

**In the Council Chamber at the Council House, Walsall**

### **Present:**

Councillor M. Bird (Chair)  
Councillor G. Perry (Vice Chair)  
Councillor G. Ali  
Councillor P. Bott  
Councillor S. Cooper  
Councillor S. Craddock  
Councillor C. Creaney  
Councillor A. Harris  
Councillor A. Hicken  
Councillor K. Hussain  
Councillor J. Murray  
Councillor A. Nawaz  
Councillor M. Nazir  
Councillor W. Rasab  
Councillor I. Robertson  
Councillor S. Samra  
Councillor M. Statham  
Councillor V. Waters

### **In attendance:**

Ms P. Venables – Director of Regeneration & Economy  
Ms A. Ives – Head of Planning & Building Control  
Mr M. Brereton – Group Manager – Planning  
Ms S. Wagstaff – Principal Planning Officer  
Ms A. Scott – Senior Planning Officer  
Mr C. Gibson – Regeneration Officer, Trees  
Ms L. Wright – Principal Planning Officer  
Mr J. Grant – Environmental Protection Manager  
Mr R. Ark – Senior Environmental Protection Officer  
Ms K. Moreton – Head of Highways & Transport  
Ms. A. Sargent – Principal Solicitor  
Ms D. Smith – Senior Legal Executive  
Dr P. Fantom – Democratic Services Officer  
Ms S. Lloyd – Democratic Services Officer

15/22

### **Apologies**

Apologies for absence were submitted on behalf of Councillors B. Allen and A. Underhill.

16/22      **Declarations of Interest**

The following declarations of interest were made:

Councillor M. Bird declared an interest in Agenda item 6 – Plans List Item No. 10 – Application Number 21/1458 – 123 Leighswood Avenue, Aldridge, Walsall, WS9 8BB. Councillor Bird confirmed that he and the applicant's father had previously had a company together.

Councillor S. Samra declared an interest in Agenda Item 6 – Plans List Item No. 8 – Application Number 21/0971 – 48 Mellish Road, Walsall, WS4 2EB. Councillor Samra confirmed that whilst he did not know the applicant, the property concerned was in proximity to his own place of residence.

17/22      **Minutes**

**Resolved:**

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

18/22      **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

19/22      **Local Government (Access to Information) Act 1985 (as amended)**

**Exclusion of the Public**

**Resolved:**

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

20/22      **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.

**PLANS LIST ITEM NO. 10 – Application number 21/1458 – Proposed first floor side extension, loft conversion and roof replacement and garage conversion at 123 Leighswood Avenue, Aldridge, WS9 8BB**

Councillor M. Bird, having declared an interest in this item, left the room during its consideration and neither participated in the discussion nor voted.

In Councillor Bird's absence, the meeting was chaired by the Vice-Chair, Councillor G. Perry.

The report of the Head of Planning and Building Control was submitted (see annexed).

The Presenting Officer was Ms S. Wagstaff, Principal Planning Officer, who advised the 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 in the tabled supplementary paper.

The Committee welcomed the first speaker on this item, Mr D. Callaghan, who wished to speak against the application.

Mr Callaghan's family had lived at 121 Leighswood Avenue for 30 years and he stated that both 121 and 123 were traditional detached properties. He highlighted that there were inaccuracies in the existing 3-D street view, which transposed onto the projections. There were no width measurements on the plans and whilst highlighted, no amendments to the plans were made. Regarding the street view, all properties in the Avenue with first floor garage extensions had garages adjacent to them; whereas what was proposed did not. It would be overbearing, overdeveloped and would look out of place relative to the street scene. The garage and proposed first floor extension would lie flush with the front of his property causing a terracing effect, and this would further emphasise the closeness of the side elevation to his property. This was only 200 mm (as indicated in a planning report dated 4 February), and would prevent future maintenance to that side of his detached property. The shape of the roof, modified (and not in keeping with the street scene), with no guttering, would still be overbearing and, due to the closeness and height of the roof, water would flow onto his roof resulting in further problems to the property. Rear garden light would also be compromised. He expressed dismay that the proposed build would be so close to his property and requested a deferral so that a site visit could be arranged.

The Committee welcomed the second speaker on this item, Ms D. Day, who wished to speak against the application.

Ms Day asserted that the plans submitted did not provide a true representation of the impact the proposal would have on Mr Callaghan's property, and on the Avenue itself. She had conducted a site visit and urged deferral pending a site visit being carried out. Reference was made to the variety of housing as shown in the street scene, with a number of properties having extensions to the side with varying styles and gaps to the boundary; however, no gap would be evident to the side of this extension and it would give rise to boundary issues.

She emphasised that Mr Callaghan was not against the building of an extension; he sought an amendment to avoid the terracing effect, to enable maintenance of his property and for the extension to be in keeping with the other properties in the area.

The Committee welcomed the third speaker on this item, Mr J. Malkin, who wished to speak in support of the application.

Mr Malkin maintained that the proposed alterations to Mr Moran's property were acceptable in planning terms, with the design sitting acceptably alongside the character of the existing dwelling and the mixed context of the area. He noted that Mr Moran had worked with the officers to meet the requirements to ensure the extension allowed for a set in from the boundary at first floor level to protect the amenities of neighbouring residents and remove the terracing effect. A separation distance to the properties of 33.5 m would alleviate overlooking and the 45-degree code had not been breached with there being no loss of light or overbearing impacts on neighbouring properties. Three parking spaces would be provided at the property. He argued that the majority of comments raised non-material planning considerations not relevant to the determination of the proposal. Further to the comments of Mr Callaghan, he asserted that the plans were correct, to scale and readily available.

The Committee welcomed the fourth speaker on this item, Mr P. Moran, who wished to speak in support of the application.

Mr Moran thanked the officers for their help and communication during the process and welcomed any questions from Members.

Further to a reference to an earlier planning application, the Vice-Chair informed the parties that each application was considered on its own merits. In relation to the request for a site visit, he advised that site visits were not undertaken, which was why photographs were required in the presentations made to the Committee.

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

- Further to a question concerning whether the extension would be set back or level, and the creation of the terracing effect, it was confirmed that the garage of 123 Leighswood Avenue was slightly forward and would therefore be flush, so a terracing effect would result.
- Regarding the issue of the maintenance to both properties and how this would be carried out given the small gap that would be between them, Mr Moran stated that this had not been noticed and allowance for this would have to be incorporated into the plans. Materials to be used would be sympathetic with those used on the existing building.
- Concerning the issue of drainage from the roof adjacent to the property of Mr Callaghan, and how the rainwater would be ducted away, it was stated that the guttering had been omitted from the latest revision but had been shown in the earlier drawings and could be amended.
- Regarding the terracing effect, it was noted that had an earlier planning application been granted, the same effect could have occurred.

Committee Members then asked a number of questions of officers.

- In relation to the need to update plans, it was noted that if there was a recommendation to delegate to the Head of Planning and Building Services, and there was not a material change then this could be dealt with as part of the amended planning conditions.
- It being noted that whilst there were representations from neighbours, there were some from further afield. The details of the representations received were read out for the benefit of the Committee.

It was **Moved** by Councillor S. Samra and **Seconded** by Councillor P. Bott, and upon being put to the vote was:

**Resolved** (13 in favour and 1 against):

That the Head of Planning and Building Control be delegated authority to grant application 21/1458, subject to the amendment and finalising of conditions, as contained within the officers report and the supplementary paper, to enable the officers to ensure that up-to-date plans ensured that guttering was added to the side of the property.

22/22

**PLANS LIST ITEM NO. 11 – Application number 20/0550 – Proposed change of use from Nursing Home (Use Class C2) to providing housing of multiple occupancy (HMO – Sui generis) for vulnerable homeless people with associated amenity, recreation, training and signposting at 42 Slaney Road, Walsall, WS2 9AF**

Councillor M. Bird returned to the meeting and resumed the Chair.

The report of the Head of Planning and Building Control was submitted (see annexed).

The Presenting Officer was Mr M. Brereton, Group Manager – Planning, who advised the 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 in the tabled supplementary paper.

The Committee welcomed the first speaker on this item, Ms L. Goodall, who wished to speak against the application.

Ms Goodall stated that she was speaking on behalf of residents to express frustration and disappointment and urged that the proposal for change of use to a 37 unit HMO for vulnerable and homeless people be refused. The arguments presented were that there were already similar HMOs on Slaney Road with the same profile as that at the proposed site. She recounted that local people had experienced both antisocial behaviour and racial abuse from some of the residents of the existing HMOs and were extremely nervous about the possibility of a further HMO being established. The nature of the parking problems encountered by residents of Slaney Road, together with the access difficulties for emergency vehicles, was also expanded upon.

The Committee welcomed the second speaker on this item, Councillor N. Gultasib, who wished to speak against the application.

Councillor Gultasib stated that as well as representing the area, she was a resident of Pleck, which was an area with high levels of crime, deprivation and antisocial behaviour, and that this had a commensurate impact upon the quality of life, together with home and car insurance for local residents. She urged the Committee to reject the proposed change of use being proposed.

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

- A question was raised regarding whether the building had been the site of one of the largest cannabis farms in the West Midlands, and it was confirmed that this had been the case.
- Further to questions concerning the impact of crime, antisocial behaviour, racist behaviour, and parking difficulties on local residents, it was confirmed that there were already two registered HMOs and two unregistered HMOs in close proximity. It was noted that people with alcohol and drug addictions resided in these HMOs and that because of the behaviour encountered, including racial abuse and loud noise, many elderly people were afraid to leave their homes. It was pointed out that this proposal having been previously considered by the Committee, no adequate changes had been made to address concerns identified previously.
- Following a request to confirm the number of residents in the existing HMOs, it was noted that there were 16 people living in four properties; together with other persons residing in shared housing and supporting housing in the area.
- Concerning the number of occasions when the Police had been called to Slaney Road, it was suggested that the majority of incidents were connected with the HMOs, and it was added that emergency vehicles encountered difficulties because of the parking issues and this led to the road being blocked.

Committee Members then asked a number of questions of officers.

- It was noted that there was a legal obligation to consult with partners and outside bodies, and that concerns had been raised by Housing Standards Officers. On the matter of whether this was a material planning consideration, it was confirmed that were the proposal to be approved, a licence from Housing Standards Officers would be required; and in relation to the overall policy permission, the Committee could refuse the proposal.
- Further to questions concerning crime and the availability of Police statistics, with it being suggested that the area experienced significant illegal activity, it was noted that fear of crime constituted a material planning consideration.
- Regarding the amount of time taken for the report to be brought before the Committee, with the matter being ongoing for a number of years, an explanation of the reasons for this was provided by the Chair.

During discussion, and regarding the proposal's deficiencies in terms of the detail of how the HMO would be managed, it was pointed out that in other local authority areas some HMOs were under investigation due to inadequate management. It was noted that if there were five or more residents of a HMO, a licence was required and that the Authority was successful in prosecuting those who did not comply with the required standards. Furthermore, one of the reasons for the introduction of the Council's Cumulative Impact Policy was to curtail an excessive number of HMOs.

Councillor K. Hussain moved that the proposal should be rejected for the reasons that:

- The location was unsuitable, given the number of existing HMOs;
- Due to the aforementioned HMOs, there had been an increase in antisocial behaviour and crime with residents experiencing considerable anxiety and distress;
- The area had a number of difficulties, including parking problems that would be further impacted by the proposal;
- There had been objections from other agencies and a petition from in excess of 300 residents who believed that the proposal would have an adverse effect on their lives.

The Chair added that fear of crime could also be included, supported with evidence from the Police, and that the HMO would exacerbate parking difficulties already known to exist in Slaney Road. This was supported by the Vice-Chair who also evidenced the operation of the Cumulative Impact Policy in the locality.

This was supported by Councillor A. Nawaz, who asserted that with the number of units contained in the proposal, this would in effect create a 'super HMO' that would have a detrimental impact on local people and their families.

Councillor S. Samra enquired whether the provisions of Section 70 of the Town and Country Planning Act 1990 could be applied should a further application be made in this matter.

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

**Resolved** (unanimously):

1. That planning application number 20/0550 be refused on the grounds of the three reasons as set out in the officer report and the supplementary paper, together with additional reasons and the amended reasons set out in the supplementary paper;
2. That the officers investigate whether Section 70 was relevant and if it could be applied in this matter.

**PLANS LIST ITEM NO. 2 – Application number 20/1289 – Outline application for erection of a part five-storey, part three-storey building to form a mixed use commercial and leisure development at the former site of Jabez Cliff and Co. Ltd., Lower Forster Street, Walsall, WS1 1XA**

Councillor P. Bott and M. Nazir and Councillor K. Hussain left the room for part of this item and so did not vote.

The report of the Head of Planning and Building Control was submitted (see annexed). It was noted that this application had been considered at the Committee's meeting on 4 November 2021 (Minute No. 181/21 refers), with the Committee's decision being to defer to enable the applicant to work with officers to present a more acceptable design having regard to the location of the site within a conservation area.

The Presenting Officer was Ms S. Wagstaff, Principal Planning Officer, who advised the 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 in the tabled supplementary paper.

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

Mr Malkin informed the Committee that significant changes had been made to the proposal, which he proceeded to explain. This included a reduction by 3m, the removal of a floor and the introduction into the design of red brick, to address concerns and as requested at the previous meeting. However, should further changes be required, then the scheme would cease to be viable, which would mean the loss to Walsall of considerable investment and job opportunities. He cited the National Planning Policy Framework and asserted that these benefits of the scheme should be balanced against the other considerations such as the heritage impact of the scheme.

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

Mr Singh referred to the scheme's practical elements and the global interests that it would attract to Walsall. Should the application not be approved, he felt that there would be a considerable loss to the town centre, and that on balance the benefits mentioned outweighed the conservation issues.

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

- When asked to comment upon the proposal's impact on buildings such as the Queen Mary's High School site, the speakers stated that the architects had worked hard to amend the design. The intention was to create a building that Walsall could be proud of, and it would be a 21<sup>st</sup> Century building incorporating the requested more traditional elements.
- In addressing the previous concerns regarding the significance of the area, and why it had not been possible to raise the red brick façade further, the speakers related that advice had been obtained from the



officers and reference made to the master plan and the Giga Port Strategy. Accordingly, red brick had been introduced, but to extend this beyond the revision would be to dilute the overall modernity of the design and appearance of the building.

- Concerning how long the existing building had been derelict, it was reported that this was approximately ten years and that during this time the site had been vandalised and was frequented by drug users.
- Further to questions concerning the type of bricks, and that these could be a condition of approval, the speakers noted the subjective nature of the design and emphasised that the best efforts had been made to accommodate the requirements of the Council.

Committee Members then asked a number of questions of officers.

- Regarding the weight given to conservation when compared to the economic benefits of inward investment, officers noted that the weighting was significant in relation to planning and heritage. This was to ensure that inappropriate development and the misuse of planning assets was prevented.

During the discussion, Members acknowledged that a fine line was to be drawn in considering regeneration as a planning consideration and the development of iconic buildings for the future. Should the application be approved, it was suggested that a condition could be specified that the bricks used were to be as near a match as possible to those in the Queen Mary's High School building and the Walsall Arboretum.

A Member raised the concern that as a carbon-neutral Borough, there was no reference to the buildings to be energy efficient. The officers responded by noting that the design incorporated features in the building's roof. Arising from this, the Chair requested that in future all reports should detail the green credentials in relation to the applications being placed before the Committee.

A Member expressed the view that the steps taken to amend the proposal were disappointing and that there was room for further compromise in the design. He felt that it would be detrimental would effectively create a visual wedge between the Queen Mary's High School and the Arboretum.

It was noted that should there be approval, contrary to the recommendation in the officer report and the supplementary paper, it would be for reasons of the employment to be brought to the area, the regeneration of a derelict site and the inward investment. There was consideration of whether the design of the scheme would complement the adjacent conservation area, and if the impact on the conservation area of the proposed design would be negligible. It was noted that the applicant had asserted that they had gone as far as possible to accommodate the changes by reducing the mass and increasing the building's aesthetic value.

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

**Resolved** (14 in favour and 1 against):

That, contrary to the recommendation in the officer report and the supplementary paper, the Head of Planning and Building Control be delegated authority to grant application 20/1289, subject to the conditions that the bricks match those of the adjacent Queen Mary's High School buildings, which are listed buildings, and the Walsall Arboretum, and subject to conditions relating to materials generally, hours of operation and highways arrangements (with it being possible that a travel plan was required).

24/22

**PLANS LIST ITEM NO. 4 – Application numbers 13/1567/FL and 13/1569/LB – Restoration and alterations to Great Barr Hall Grade II Listed Building and Grade II Registered Park, Suttons Drive, Great Barr, B43 7BB**

In response to a question from a Member regarding whether a named vote could be taken on this item, the Chair outlined the procedure for doing so, which was in accordance with the Council's Constitution, and would require that the request be made by five Members of the Committee.

The report of the Head of Planning and Building Control was submitted (see annexed).

The Presenting Officer was Ms A. Scott, Senior Planning Officer, who advised the 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 in the tabled supplementary paper.

The Committee welcomed the first speaker on this item, Mr R. Winkle, who wished to speak against the application.

Mr Winkle stated that he was speaking on behalf of local residents, and was aware of 250 letters and objections, including those from Walsall South MP, Valerie Vaz, and the former West Bromwich East MP, Tom Watson. Since its sale in 1978, the state of dereliction of the Hall was in his view attributable to the decisions of the Hall's owners who had gambled that they could exploit the situation in order to use the parkland to build luxury homes. In consequence, English Heritage had downgraded the status of the Hall. He maintained that the application was not about restoring the Hall; on the contrary, it was about building 57 properties in green belt on the back of a promise to build a copy of the Hall that could be used as a wedding venue. A number of questions had been posed, which were unable to be answered, as there were no valid material planning reasons to support the proposals. Neighbouring development was not supported, as Historic England had advised that the venture could not be supported by a neighbouring development and the estimated costs of £16-20M in 2016 would have to be financed privately. He urged the Committee to act in accordance with the legal guidance and the officer recommendations.

The Committee welcomed the second speaker on this item, Reverend M. Rutter, who wished to speak against the application.

Reverend Rutter stated that St Margaret's Church was adjacent to the north end of the site and would be affected by what was proposed. He stated that a lot had changed since the application was first made, with the fields adjacent to Chapel Lane now containing underground electric cables and pylons, water pipes and systems, which would present difficulties for any neighbouring development. The Church had an interest in the conservation of the parkland, and there were issues concerning rights of access to the Churchyard, as it was believed that the road was not owned by the owners of the Hall. It was evident that the lakes had recently been refurbished due to national waterways policy.

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

- Further to questions concerning what the speakers would wish to happen to the site, it was noted that since the sale to Bovis in 1978, there had been the opportunity to purchase the parkland and Hall (which eventually became St Margaret's Hospital). It was felt that the parkland should be retained for reasons including its proximity to the Sandwell Valley extension. The Chair noted that the recent thinking was to leave the Hall (which had been downgrade to grade 2) as it was. Members also noted the significant historical heritage of the Hall and its parkland, with such eminent groups as the Lunar Society and individuals such as Lancelot 'Capability' Brown being associated with it.
- Concerning whether the site was land-locked, it was stated that when part of it was the location of a hospital local people were employed there and, whilst not a right of way, there was access to the site and a long history of involvement by local people.
- Regarding the parkland, this was felt to provide a 'green lung' for the community and development would remove access to an area of notable and flourishing wildlife and flora and fauna.
- The question of whether Great Barr Hall could be restored to its original condition was raised, but the speakers felt that the building was now past redemption with little remaining historic value, that the costs of attempting to do so would be considerable, and the result would be to create a pastiche of what had been there before. It was also noted that the Hall had been designed and built in several phases, which created complications. Therefore, it would be better for it to remain as a ruin, which could be used as a focus for local history regarding the Scott family and the Lunar Society, and for the parkland and lakes to be put to better use as these were now more important to local people.

Committee Members then asked a number of questions of officers.

- In response to questions regarding access, it was pointed out that an application had been made by the Walsall Group of Ramblers to create a permanent right of way along Suttons Drive, which was along the northern boundary of the site.
- Regarding ecology, and reference was made to the existence of freshwater crayfish in the lake, it was confirmed that an up to date ecology report was not available.

- It was noted that due to its location on the border between Walsall and Sandwell, Sandwell MBC had also been consulted.

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

**Resolved** (unanimously):

That it be delegated to the Head of Planning and Building Control to refuse planning permission and refuse listed building consent in respect of application numbers 13/1567/FL and 13/1568/LB, and to amend and finalise the reasons for refusal, as set out in accordance with the officer report and the supplementary paper.

At 8.05 pm, the Committee agreed for there to be a brief recess. At 8.12 pm, the Committee resumed its proceedings.

25/22

**PLANS LIST ITEM NO. 6 – Application number 21/0811 – Application for the erection of four-bedroom replacement dwelling with garage at 1 Barr Common Road, Aldridge, WS9 0SY**

Councillors C. Creaney left the meeting before the introduction of this item.

The report of the Head of Planning and Building Control was submitted (see annexed).

The Presenting Officer was Ms L. Wright, Principal Planning Officer, who advised the 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 in the tabled supplementary paper.

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 second and approved by the Committee.

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

Mr Singh advised that he was the agent acting on behalf of the applicant, and had been involved in this capacity for eight months. He stated that there had been delays in progressing this application, which was to apply for much needed family accommodation in an efficient and effective location, and the reason why it had been brought to the Committee. As a replacement dwelling, the proposal would add to the supply of housing and there had been no objections from the statutory agencies consulted. In terms of the other dwellings in the vicinity, it was noted that there were multiple styles and various materials had been used in the construction of these other buildings.

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

- Further to a question concerning the new permitted development rights, and why the application did not call for a new, additional floor, it was stated that the Government had changed the general development permitted order but there were to be no changes to the roof of the building.
- Regarding whether this would be a replacement dwelling, it was noted that there was no intention to replace; the application was for extension and alterations to the existing dwelling.
- It was confirmed that the applicant would be willing to have planning conditions attached in order that the concerns raised by officers could be addressed. For example, bin storage would be addressed via a planting scheme, and a hard or soft landscaping plan.
- With reference to the concern that the design did not reflect the area and other buildings, it was stated that these were not uniform and the road contained a mixture of styles. Moreover, it was a large site and was able to accommodate the proposed dwelling.

Councillor M. Statham left the meeting.

Committee Members then asked a number of questions of officers.

- The question being put whether the applicant had received all the required information beforehand, it was stated that there was frequent communication with the applicant and agent. Information had been requested from them for the calculations to undertake an assessment regarding the green belt, but this had now been provided until November 2021.
- It was confirmed that there had been movement in officer cases in recent months owing to staff shortages, and in terms of workload that each officer currently had between 70 and 100 cases.

The Committee received advice from the officers concerning the special circumstances required to overturn a recommendation relating to the green belt. In view of this, there was further discussion of the matter by Members, with reference to the Black Country Plan and whether this would be an inappropriate development in the green belt.

It was **Moved** by Councillor S. Samra and **Seconded** by Councillor A. Harris, that contrary to the officer recommendation, the Head of Planning and Building Control be delegated authority to grant application 21/0811. This was on the grounds of the size of the plot, that the properties in Barr Common Road were not unique, and that similar applications had been granted by the Committee.

Upon being put to the vote, there were 6 votes in favour and 9 against, and the motion was defeated.

The Committee proceed to consider the officer recommendation to refuse planning permission.

It was **Moved** by Councillor M. Bird and **Seconded** by Councillor G. Perry, and upon being put to the vote was:

**Resolved** (9 in favour and 0 against):

That planning application number 21/0811 be refused for the reasons and in accordance with the officer recommendation, as set out in the report.

26/22

**PLANS LIST ITEM NO. 8 – Application number 21/0971 – Resubmission of application for part two-storey and part single storey rear extension plus garage conversion at 48 Mellish Road, Walsall, WS4 2EB**

Councillor S. Samra, having declared an interest in this item, left the room during its consideration and neither participated in the discussion nor voted.

The report of the Head of Planning and Building Control was submitted (see annexed).

The Presenting Officer was Mr M. Brereton, Group Manager – Planning, who advised the 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 in the tabled supplementary paper.

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

Mr Sander informed the Committee that he and his family had resided at this property for 15 years, that his wife worked in the local community and that they had other family and friends in the locality. The reason for making the application was that his family required additional space to provide accommodation for his two elderly parents who now needed care and support, as well as for other family members.

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

Mr Singh related the previous reasons given for refusal of the application and his response to each. Firstly, that the two-storey rear extension would present unacceptable detrimental harm to the character of the original dwelling and the surrounding street scene. He noted that the proposal was relatively modest given the size of the plot and of the neighbouring properties, and that in 2009, approval had been granted for an extension in which there was a substantial amount of similarities. Secondly, that the application failed to demonstrate the potential impact on protected Lime trees in the rear garden, with the concern being raised that the proposed extension would entail their removal. He noted that prior approval had been given for the single storey rear extension to be 8m from the original rear elevation, and it was now proposed to reduce this to 5m. Thirdly, that there would be an adverse effect on the privacy of 2 Rushwood Close. He proposed that a unilateral undertaking could be put in place that would ensure potential harm was mitigated by retaining existing vegetation.

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

- Further to a questions concerning whether the trees were there at the time of the original application, and what steps would be taken to prevent harm to them, it was confirmed that they were there and that a 'No dig' solution (i.e. hand-digging rather than mechanised digging) would be used to protect the tree roots. There would also be protective fencing and no building materials would be stored in the proximity of the trees.
- In terms of the unilateral undertaking, and how this would address the concerns raised, it was stated that neither the vegetation nor the brick wall would be removed and an undertaking made for the safeguarding of the view if planning permission were to be granted.
- Regarding the differences from previous permitted development, it was noted that prior approval had been via the Government's householder notification scheme, and was reduced from 8m to 5m.
- Concerning the steps to arrive at a solution with officers, it was pointed out that the matter had been ongoing since June 2021, and had been brought before the Committee for a more holistic view and assessment of the potential impact.

Committee Members then asked a number of questions of officers.

- Further to questions concerning the prior approval, it was confirmed that this was not the same as planning permission being granted. The process enabled details to be provided concerning the potential impact on the protected trees and the steps to be taken to protect them.
- In terms of the hand-digging solution, it was stated that there would still be consequences as the tree roots could still be severed and harm done to the trees.
- Regarding whether it was possible for conditions to be agreed for the agent and applicant to work with officers to investigate whether hand-digging techniques could be explored further, the possibility that the roots could be severed was reiterated.

It was **Moved** by Councillor K. Hussain and **Seconded** by Councillor A. Nawaz, that the Head of Planning and Building Control be delegated authority to grant application 21/0971, with the condition that the applicant and agent work with officers to ensure that the trees are protected.

Upon being put to the vote, there were 7 votes in favour and 7 against, and the motion was defeated on the casting vote of the Chair.

The Committee proceed to consider the officer recommendation to refuse planning permission.

It was **Moved** by Councillor M. Bird and **Seconded** by Councillor G. Perry, and upon being put to the vote was:

**Resolved** (7 in favour and 4 against):

That planning application number 21/0971 be refused for the reasons and in accordance with the officer recommendation, as set out in the report.

27/22

**PLANS LIST ITEM NO. 7 – Application number 21/0053 – Application for proposed replacement of six bedroom 2.5 storey detached dwelling house with front and rear facing dormer windows to accommodate habitable second floor with double storey gallery porch at 38 Norman Road, Paddock, WS5 3QL**

Councillors K. Hussain and G. Perry left the meeting before the introduction of this item.

Councillor S. Samra returned to the meeting.

The report of the Head of Planning and Building Control was submitted (see annexed).

It was **Moved** by Councillor M. Bird, **Seconded** by Councillor A. Nawaz 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 21/0053, subject to the following:

1. No new material considerations being received within the current consultation period;
2. The amendment and finalising of planning conditions, as contained in the officer report and the supplementary paper;
3. There being no further comments from statutory consultees raising material planning conditions not previously addressed.

28/22

**PLANS LIST ITEM NO. 9 – Application number 21/0553 – Application for two storey side extensions to both sides of the dwelling, single storey rear extension, plus a detached front outbuilding at 27 St Austell Road, Walsall, WS5 3EF**

The report of the Head of Planning and Building Control was submitted (see annexed).

It was **Moved** by Councillor M. Bird, **Seconded** by Councillor A. Nawaz 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 21/0553, subject to the amendment and finalising of planning conditions, as contained within the officer report and the supplementary paper.



29/22

**PLANS LIST ITEM NO. 1 – Application number 21/0113 – Proposed new warehouse extension (Use Class B8 – Storage and distribution) at Euro Foods Group, Heath Road, Darlaston, WS10 8XL**

The report of the Head of Planning and Building Control was submitted (see annexed).

It was **Moved** by Councillor A. Nawaz, **Seconded** by Councillor M. Bird 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 21/0113, subject to the following:

1. No new material considerations being received within the current consultation period;
2. The amendment and finalising of planning conditions, as contained in the officer report and the supplementary paper;
3. There being no further comments from statutory consultees raising material planning conditions not previously addressed;
4. Overcoming the outstanding objections raised by the Fire Officer.

30/22

**PLANS LIST ITEM NO. 3 – Application number 21/0023 – Application for a self-storage warehouse (N8) with start-up business suites, external drive-up storage units, associated parking and landscaping at land between Wood Street and Lower Lichfield Street, Willenhall**

The report of the Head of Planning and Building Control was submitted (see annexed).

It was **Moved** by Councillor M. Bird, **Seconded** by Councillor A. Nawaz 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 21/0023, subject to the amendment and finalising of planning conditions, as contained within the officer report and the supplementary paper.

31/22

**PLANS LIST ITEM NO. 5 – Application number 21/0322 – Application for the construction of 15 dwellings (2 x two-bedroom and 13 – three-bedroom) and associated access road and parking at British Lion Works, Forest Lane, Walsall, WS2 7AX**

The report of the Head of Planning and Building Control was submitted (see annexed).

It was **Moved** by Councillor M. Bird, **Seconded** by Councillor S. Craddock 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 21/0322, subject to the amendment and finalising of planning conditions, as contained within the officer report and the supplementary paper.

32/22

**Private Session**

**Exclusion of the Public**

**Resolved:**

That, during consideration of the following items on the agenda, the Committee considered that the items for consideration were exempt information by virtue of Paragraphs 3, 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.

33/22

**Minutes**

**Resolved:**

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

[Exempt information under Paragraphs 3, 6 and 7 of Part 1 of Schedule 12(A) of the Local Government Act 1972 (as amended)].

**Termination of meeting**

There being no further business, the meeting terminated at 9.23 pm

Signed .....

Date .....