

## **PLANNING COMMITTEE**

**4 November 2021 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 B. Allen  
Councillor P. Bott  
Councillor S. Cooper  
Councillor A. Harris  
Councillor A. Hicken  
Councillor J. Murray  
Councillor M. Nazir  
Councillor W. Rasab  
Councillor I. Robertson  
Councillor S. Samra  
Councillor M. Statham  
Councillor A. Underhill  
Councillor V. Waters

### **In attendance:**

Mr A. Cox – Director of Governance  
Ms P. Venables – Director of Regeneration & Economy  
Ms A. Ives – Head of Planning & Building Control  
Mr M. Brereton – Group Manager – Planning  
Mr A. Cook – Regeneration Officer – Trees  
Ms L. Wright – Senior Planning Officer  
Mr J. Grant – Environmental Protection Manager  
Mr C. Dean – Senior Environmental Protection Officer  
Ms K. Moreton – Head of Highways & Transport  
Ms. A. Sargent – Principal Solicitor  
Mr N. Picken – Principal Democratic Services Officer  
Ms N. Gough – Democratic Services Officer  
Dr P. Fantom – Democratic Services Officer

174/21

### **Apologies**

Apologies for absence were submitted on behalf of Councillors S. Craddock, C. Creaney and A. Nawaz.

175/21      **Minutes**

**Resolved:**

That, subject to the inclusion of Councillor K. Hussain's name in the list of attendees, the Minutes of the meeting held on 7 October 2021, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

176/21      **Declarations of Interest**

Councillor S. Samra declared an interest in Agenda Item 7 - Plans List Item No. 8 – Application Number 19/0822 – 26 Mellish Road, Walsall, WS4 2ED. Councillor Samra confirmed that he was related to the applicant and that he would be speaking on his behalf during consideration of this item.

177/21      **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

Councillor P. Bott pointed out that the roof had collapsed at Leys Hall, Darlaston and enquired whether it would be possible to have a notice served on it for reasons of public safety. The Chair requested that the officers advise both Councillor Bott and Councillor A. Underhill in relation to this matter.

Councillor A. Hicken reminded the Committee that at the last meeting he had requested that officers investigate as a matter of urgency an alleged breach of planning permission at 117 Sandringham Avenue, Willenhall. The Chair advised that he had spoken to officers, that the investigation was ongoing and a report would be presented to the next meeting of the Committee.

178/21      **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.

179/21      **Application to remove six protected trees at Queen Mary's Grammar School, Sutton Road, Walsall, WS1 2PG**

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

The Presenting Officer was Mr A. Cook, Regeneration Officer – Trees, who advised the Committee of the background to the report and highlighted the salient points contained therein. This had been brought to the Committee due to the significant community interest in the matter, and seven representations had been received objecting to the proposed removal of the trees. He pointed out that the proposal, which was to fell to ground level an Ash, a Silver Birch and four Lombardy Poplars, was justifiable due to the poor condition of the trees owing to extensive decay and disease from which the trees would not recover. The removal of six trees would be subject to replacement trees being planted on a one for one basis.

During discussion, Members enquired whether the persons making the objections had been provided with a copy of the report, with the Presenting Officer confirming that a copy of this document could be forwarded to them, and whether the replacement trees would have tree preservation status. The Presenting Officer stated that this was not normally the case but could be done. The Chair indicated that the replacement trees should be covered by TPO and it would be normal practice to replace them if they died within two years. Having regard to whether it could be made the policy of the Council to do that in such circumstances, the Chair pointed out that this would be a matter for the Cabinet but that it would be taken on-board.

Further to an enquiry from a Member whether there was an approved list of replacement trees, it was noted that the officers recommend the appropriate species to replace those trees being replaced.

**Resolved** (unanimous):

That consent be granted for the removal of the six protected trees at Queen Mary's Grammar School, as detailed in the report, and that this be subject to the condition of the replanting of trees with species to be agreed with the Regeneration Officer – Trees.

180/21

### **Application list for permission to develop**

The application list for permission to develop was submitted, together with supplementary papers and information for items already on the plans list (see annexed).

The Committee agreed to deal with the items on the agenda where members of the public had previously indicated that they wished to address the Committee and the Chair, at the beginning of each item for which there were speakers, confirmed they had been advised of the procedure whereby each speaker would have two minutes to speak.

**PLANS LIST ITEM NO. 1 – 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**

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. He clarified that contrary to a recent press release suggesting that apartments were to be created on this site, that was not the proposal being considered and which was as set out in the report.

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

Mr Malkin stated that the Committee had a stark choice to make on the proposal for regeneration and inward investment on a landmark brownfield Gigaport site in the town. The applicant had sought to work with the Authority and significant work had been undertaken with the regeneration team, which was supportive of the proposal. Having regard to the heritage impacts the National Planning Policy Framework made it clear that when a proposal resulted in less than substantial harm, which was the case in this proposal, it should be balanced against the benefits of the scheme. The proposal would attract circa £10-13M of investment into Walsall and had the potential to create over 85 direct and indirect jobs. The scheme would undoubtedly have an impact on heritage assets; however, there would be no direct harm with no demolition of any listed structures and it was contented that the benefits of the scheme clearly outweighed the minor harm. The application was supported by analysis that showed a small amount of overshadowing would occur to adjacent properties in the evening, but would not have an impact at other times. This was a matter of balance and all development had some impact on other amenities however minor. The benefits to the town associated with the development clearly outweighed the minor overshadowing. At its core, planning was about balancing developments with the harm caused and the role of the decision-maker was to identify the benefits and harms and weigh them up to arrive at the right decision. This scheme would deliver clear and demonstrable benefits and investment and direct and indirect jobs.

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

Mr Singh stated that a positive result would help to create regeneration in Walsall and would fit well with the Gigaport and surrounding buildings. He added that he wanted to invest in Walsall, and that this could be done via the commercial offices and leisure spaces that were to be created as there was significant demand for such a commercially viable project.

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

- A question was raised whether the 85 FTE jobs to be created would employ local people. In response, Members were advised that the facility had been designed so that local people would use it rather than travelling into Birmingham. It was also suggested that residents from the smaller surrounding areas would also come into Walsall to use the facility and there was confidence that these jobs would be created.
- With reference to the design aspect of the building, its architectural significance and character of the street scene, and whether this had been fully taken into account, it was considered that the design was for a landmark site that would lift the area up in relation to other buildings.
- Regarding the mixed use of the facility, there were questions concerning what types of commercial and leisure activities would be undertaken. In response, Members were advised that there was flexibility to have a mixed working environment able to cope with modern technology and allow people to come together.
- Whether the proposal sought to emulate similar facilities in Birmingham. In response, Members were informed that the intention was to create a similar environment on one site so that local residents did not have to go elsewhere.
- In terms of the conservation area, and concerns about the detrimental impact on adjoining properties on Lichfield Street due to issues concerning light and shade, and the affect this would have on the facility and its surrounding environment, depending on the time of day – especially during the early evening. Members were advised that that there would be some minor overshadowing during the evening, but no loss of sun at other times, and this had to be balanced against the overall scheme and the benefits to the town.
- Whether the facility could be re-designed to better fit in with the local characteristics of the area. In response, Members were advised that the applicant's intention was to create a landmark building, and that this had informed the concept and design of the proposal for a more modern style of building.

Committee Members then asked a number of questions of officers.

- In response to the concerns regarding the overshadowing, it was confirmed that this would occur during the early evening period.
- Regarding those aspects of the design that were carbon-neutral, it was noted that solar panels were incorporated into the building's design.
- In terms of the character and heritage of the area, and the manner in which Littleton Street had experienced major redevelopment with the building of Walsall College, the WHG building and modern housing facilities, it was noted that the location was entirely within the conservation area. Therefore, different material considerations had to be given to this site compared to other locations. Hence, whilst being supportive of the principles underpinning the project, it was felt that there were objections to the scale and types of materials proposed.
- The Chair referred to other buildings on Littleton Street that were part of the Gigaport, including Walsall College and the WHG building, which were unique in design but had made use of traditional building materials to good effect.

- In relation to the conservation area, colour scheme and use of materials, and whether a revised design with use of more traditional materials could be put forward, whether this would be more acceptable. Notwithstanding the need to consider the proposals before the Committee, the officers responded in general terms that different materials could be used but this would have to be considered in combination with the overall scale and height of the building.
- The Chair reminded the Committee of the options available. He supported the regeneration of the area and the use of different materials for the development. Other Members supported this and recognised that the facility represented a good opportunity for regeneration, and for the residents of Walsall, but considered that there was a need for this to be balanced against the location in the conservation area.

It was **Moved** by Councillor A. Hicken, **Seconded** by Councillor A. Harris, and upon being put to the vote was:

**Resolved** (unanimous):

That planning application number 20/1289 be deferred 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.

182/21

**PLANS LIST ITEM NO. 8 – Application number 19/0822 – Application for first floor side extensions, single storey front extension and two-storey side and rear extensions at 26 Mellish Road, Walsall, WS4 2ED**

Councillor S. Samra had declared an interest in this item, had requested to speak in support of the applicant, and therefore would not be voting on this item.

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.

The Committee welcomed the first speaker on this item, Councillor S. Samra, who wished to speak in support of the application.

Councillor Samra stated that his family occupied three plots at 26-30 Mellish Road, Walsall but observed the building, which had been constructed in the 1940s, was quite modest given the large size of the plot of 1.75 acres, making it the largest plot on Mellish Road. Councillor Samra noted that the house itself had not been modified since 1949, when work had been completed on the kitchen annexe. He confirmed that his family had purchase the property in 1998 and other than internal decoration and work to boundary walls, there had been no changes and it was in much need of renovation and the design was fitting and sat well with other developments on the road. His parents and

agents had worked with several officers to accommodate the four or five changes proposed. He noted that his parents received regular offers to have the site developed but this was not their intention; on the contrary, their wish was to have a modern family home for them, their sons and their families.

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

- In response to questions concerning when the application was submitted, how many changes there had been to the design and how many planning officers had been involved, Councillor Samra confirmed that this application was validated in July 2019, that four or five planning officers had dealt with the application, with there being four or five revisions to the design.
- Councillor Samra also noted that the interior layout of the ground floor of the building had been created to accommodate the needs of the original owner's wife, as she had physical disabilities.
- Having regard to the issues concerning the first and second floor bedroom windows in 24 Mellish Road, with the proposed two-storey extension causing an unacceptable loss of light, Councillor Samra confirmed that these windows had been installed at 24 Mellish Road later and without planning permission, and that the timescales for enforcement action had now expired. He disputed that they were habitable windows given that they were covered with cardboard.
- Further to a question concerning the impact given location in a conservation area, and what the public would be able to see of the location, Councillor Samra indicated that the whole of the property was screened by conifer trees and only visible through the gated entrances.

Committee Members then asked a number of questions of officers.

- Confirmation was sought that given the revisions undertaken, the only issue was in relation to the side-facing windows in 24 Mellish Road. The Presenting Officer confirming that there was satisfaction with the overall design and the sole reason for refusal related to the windows.
- Further to questions on whether any objections had been received from the neighbours, the Presenting Officer stated that there had been objections to the application made in 2016 but that no objections had been received to this application. He explained the arrangements for consultation on the application and that no objections had been received. The extent of the consultation was outlined by Ms A. Ives, Head of Planning & Building Control, with there being 15 consultations.
- Further to a question on the number and type of windows that would overlook the development, it was confirmed that the issue was the loss of outlook and lack of separation, which was 2.9 m.

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

**Resolved:**

1. Approved against officer recommendation on the grounds that officers had accepted that design was now acceptable, there had been no

objections during consultation, and that the development fitted into a substantial plot of 1.75 acres, and that there was little or no harm to adjoining neighbours, the Head of Planning and Building Control be delegated authority to grant planning application number 19/0822, and subject to the amendment and finalising of planning conditions;

2. That this would be subject to conditions relating to materials approval and to be in keeping with the street scene, with brick work to match the existing structure, and hours of work to be limited to Monday to Friday, 08.00 – 17.00 hours, and Saturdays, 08.00 – 13.00 hours.

183/21

**PLANS LIST ITEM NO. 2 – Application number 21/0980 – Application for two-storey extension to form two new bedrooms, internal staircase and single storey extension to lounge space at the Bush Rest Home, 37-39 Bush Street, Darlaston, WS10 8LE**

Councillor W. Rasab left the meeting 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).

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, Mrs W. Owens, who wished to speak in objection to this application.

Mrs Owens stated that the Bush Rest Home had been built by her late husband and that she had run it together for 30 years. Her husband had also built the residential bungalow behind the site and in which she still lived. She added that when this was built, there had been a stipulation that land to the front of her bungalow had to be used to create access to the car parking area. This resulted in there being a small driveway, and Mrs Owens stated that this led to her feeling enclosed. She also referred to access issues from her drive with lots of vehicles parking in the street, the collection of refuse and the problems being created by the regular use of skips.

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

- When asked by Members to confirm the location of her place of residence and to specify what difference would be made to her by the proposed extension, Mrs Owens reiterated that her driveway was small and the access on to Owen Road would be congested with cars. She added that from her bungalow she would be looking out on to a brick wall. She queried what would happen to the three parking spaces.
- When asked by Members how the plot had initially been divided up, it was confirmed by Mrs Owen that this had been done by her late husband.



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

**Resolved** (unanimous):

That the Head of Planning and Building Control be delegated authority to grant planning application number 21/0980, subject to conditions and the amendment and finalising of conditions and there being no further comments from a statutory consultee raising material planning considerations not previously addressed.

184/21

**PLANS LIST ITEM NO. 5 – Application number 20/1222 – Application for the development of five three-bedroom houses and associated parking and landscaping on land to the rear of 105, 107 and 109 Lichfield Road, Walsall, WS3 3LU**

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

The Presenting Officer was Ms L. Wright – 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 J. Clarke, who wished to speak in objection to this application.

Mr Clarke stated that he was Shadow Head teacher of the Walsall Academy and stipulated his objections to the proposal. Firstly, the development was proposed 7.4 m from the rear of Walsall Academy and it would provide a clear view into the Millfields Nursery, the changing facility for young children and its learning areas for young children, which it was believed would infringe safeguarding procedures. It would also provide a clear viewpoint into Walsall Academy, on to the social areas frequented by students in lunchtimes and leisure academies. Presently, there were no houses having line of sight into either Walsall Academy or Millfields nursery, as they are blocked by trees or are too far away. Secondly, the students and the schools represent the local community, and the majority of the students accessed the buildings by walking past where the entrance to the development would be. It was noted that there had already been traffic accidents and that traffic management measures had been put in place.

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

Mr Oates stated that he was a chartered traffic engineer and that in representing the applicant he wished to highlight what in his opinion were the incorrect and technically flawed highways reasons for refusal. The current access proposal was for an access road of between 3.4 and 4.4 m in width with a segregated footway. This was proposed in direct response to what

were incorrect statements made by the Highway Authority regarding the original proposal and their perception for the need for a segregated footway. That original proposal was for a 5.4 m shared space link. Shared space was in accordance with current design standards. The Government's overarching design guidance supports the concept of shared space where pedestrians have equal priority to vehicles, yet the Highway Authority had refused to accept this proposal. He pointed out that numerous shared space examples could be found locally making it unclear why the Highway Authority objected to the proposal. He stated that the Highway Authority was incorrect in stating that a 5.4 m access road was not wide enough for two vehicles to pass when the guidance stated that minimum 4.2 m was sufficient for two-way flow of vehicles. The Highway Authority had stated that the 2 m s distance on the visibility display was unacceptable, and this was completely incorrect. It was also suggested that refuse collection was unachievable, yet the plans had shown the path for a vehicle entering/egressing the site. The Fire Service had suggested that access for emergency vehicles would not be possible but that was incorrect as fire appliances would be able to gain full access to the site particularly if in view of the shared space concept.

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

- Further to questions regarding access for refuse vehicles and whether that would only be the case on an adopted highway, and the measurements provided conformed to an adopted highway, Mr Oates stated that the highway adoption standards for a development of this scale required a minimum carriageway width of 4.2 m, which could be achieved. He added that the latest proposal was in response to incorrect information from the Highways Authority, presenting a 4.4 m access with a shorter section of narrow carriageway, which was acceptable. He stated that refuse vehicles could access non-adopted highway and expanded on the regulations for refuse vehicles accessing and egressing safely. Furthermore, in this location such vehicles would be able to perform a three-point turn and, therefore, refuse collection was not an issue.
- In response to the question of parked vehicles causing an obstruction, and the implications for emergency services, Mr Oates stated that the scheme met the standards of the planning authority and there was no reason to suggest why there would be overspill parking from the site.
- In relation to whether two cars could pass each other, side-by-side, and without having to back up, Mr Oates stated that the original proposal had been for a 5.4 m wide access road with shared space arrangement, which was a commonplace highways arrangement, and in his opinion, this would provide more than enough space for vehicles to pass each other. Due to incorrect information from the Highways Authority, that had led to the current proposal of having a footway to one side but the carriageway has reduced accordingly leading to a pinch-point. Mr Oates reiterated what he considered were the merits of the original proposal.
- With reference to the number of parking spaces, Mr Oates indicated that there would be two in front of the first four dwellings with a cluster of further spaces in the central area.

- Having regard to questions of road safety and the highway awareness of different age groups of children, Mr Clarke stated that older children were not always as aware as might be expected due to distractions such as headphones and mobile phones. He also referred to congestion, the location of bus stops and Millfields Nursery so that there were a large number of parents with pushchairs in a location where the footpaths were not wide enough. He emphasised the amount of traffic on the road and risks to children.

Committee Members then asked a number of questions of officers.

- The Chair noted the disparity between the views of Mr Oates and the Highways Authority. In response, Ms K. Moreton, the Head of Highways & Transport, commented that the recommendation for a footway arose from concerns about the share space area. Whilst shared space had been popular, the Highways Authority was now looking to make amendments due to safety concerns. In terms of the width of the carriageway, Mr Oates was correct but there were concerns that the arrangement would not work in practice due to perceptions of width. Having regard to visibility issues, she explained the implications and the concerns regarding pedestrian safety.
- In relation to the objections made by the speaker, Mr M. Brereton, the Group Manager – Planning, drew the Committee's attention to paragraph 187 of the National Planning Policy Framework (NPPF) regarding 'agents of change' and that new developments should be integrated effectively with existing businesses and community facilities and applicants providing mitigation before a development is complete. In terms of overlooking, this represented an additional operational issue in relation to the safeguarding of children.

During discussion, Members noted how busy the road was and expressed concerns about highways safety and the safety of pedestrians. It was noted that there had been a similar application that had been refused and Members felt that it was important to be consistent. There were also the issues in relation to the safeguarding of children.

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

**Resolved:**

That planning application number 20/1222 be refused on the grounds of the nine reasons as set out in the report, together with additional concerns in relation to provisions of paragraph 187 of the NPPF relating to agents of change to ensure that the school was not disadvantaged by the proposed change of use.

**PLANS LIST ITEM NO. 6 – Application number 20/0068 – Application to erect two three-bedroom, semi-detached dwelling houses with off-street parking to the front at 49-51 Eastbourne Road, Walsall, WS4 2BN**

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 M. Cotton, who wished to speak in support of this application.

Mr Cotton stated that he had submitted photographic evidence to show that every house in the road had bins at the front. With regard to the layout of plot number two, Mr Cotton stated that his brief was to make use of an awkward rectangular area. The use of a mono-pitched roof had been requested by one of the former planning officers who had been dealing with the application.

It was noted by the Chair that the application had been in the system for 20 months, during which time four planning officers had been involved, and there had been differing points of view.

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

- Further to a question on the previous planning application, Mr Cotton stated that in 2018 it had been proposed that three dwellings would be erected in place of the old dairy building and that this was approved.

Committee Members then asked a number of questions of officers.

- In response to questions regarding social problems in the area, including anti-social behaviour and fly tipping, and whether the applicant had been proactive in following officer recommendations, it was noted that this was a vacant clear site with no security.
- In terms of the design of the dwellings, the original dairy site would not fit with the street scene. Furthermore, whilst a contrast between commercial and residential developments was expected, developers should always endeavour to integrate.

During discussion, Committee Members felt that the application offered a significant betterment to the area, providing an uplift to the street scene and creating much needed accommodation in the area.

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

**Resolved:**

Approved against officer recommendation and that the Head of Planning and Building Control be delegated authority to grant planning application number 20/0068, subject to conditions relating to brickwork matching the street scene, construction being limited to Monday to Friday, 08.00 – 17.00, and Saturdays, 08.00 – 13.00 hours, and to address any further concerns raised by consultees prior to the grant of permission. The reason for the change from the officer's recommendation is that the proposal is in a sustainable location available for housing that would provide much needed accommodation. This would be subject to a satisfactory ground report and it would uplift the street scene with a new dimension.

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.

186/21

**PLANS LIST ITEM NO. 4 – Application number 21/0047 – Application for residential development of six 1.5-storey chalet bungalows with associated access, parking and landscaping adjoining public right of way ALD154, Pear Tree Farm, Fishley Lane, Bloxwich, Walsall, WS3 3PZ**

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.

As the site was within the Green Belt, it was noted by Ms A. Ives, Head of Planning & Building Control, that should the application be granted, it would be necessary to provide the special circumstances that would outweigh the potential harm to the Green Belt, due to inappropriateness and any other harm. Accordingly, the application would be referred to the Secretary of State.

During discussion, Members expressed the view that the proposed development would lead to an enhancement to the Green Belt location, reduce the proliferation of abandoned road vehicles and skips, and provide quality dwellings to ease pressure on the Green Belt.

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

**Resolved:**

Approved against officer recommendation and that the Head of Planning and Building Control be delegated authority to grant planning application number 21/0047, subject to conditions relating to building material approval, the road being completed to an adoptable standard, construction being limited to Monday to Friday, 08.00 – 17.00, and Saturdays, 08.00 – 13.00 hours, and any additional conditions to address consultee responses. The reasons for

the change from the officer's recommendation are that it would lead to the enhancement of the Green Belt, rid redundant building and the proliferation of abandoned vehicles, skips and detritus, to provide quality dwellings to ease pressure on the pure Green Belt, which is being discussed in the Black Country plan.

187/21      **PLANS LIST ITEM NO. 3 – Application number 21/1296 – Application to demolish existing two classroom modular block and replace with flat roof building for use as two classrooms at Leamore Primary School, Bloxwich Road, Walsall, WS3 2BB**

Councillors K. Hussain and S. Samra left the meeting before the introduction of this item.

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

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

**Resolved:**

That the Head of Planning and Building Control be delegated authority to grant planning application number 21/1296, subject to conditions and subject to the amendment and finalising of planning conditions, as contained within the report and supplementary paper.

188/21      **PLANS LIST ITEM NO. 7 – Application number 20/1256 – Application to construct two detached three-bedroom dwellings on land to the rear of 32 New Road, adjacent to 1A Cormorant Close, Brownhills, WS8 6GA**

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

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

**Resolved:**

That the Head of Planning and Building Control be delegated authority to grant planning application number 20/1256, subject to conditions and subject to the amendment and finalising of planning conditions, as contained within the report and supplementary paper.

189/21      **Development Management Performance Update**

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 highlighted the salient points. Table 3 of the report would be considered during the private session.

Councillor P. Bott referred to 169 Lowe Avenue, Darlaston, and the decision of the planning inspector to dismiss the appeal, and requested confirmation of when demolition of the extension would occur. This information would be provided by officers to Councillor Bott.

Questions were raised by Councillors A. Underhill and P. Bott concerning the accuracy of the allocation and expenditure of Section 106 contributions, and it was requested that there be further discussion to investigate the inconsistencies and for Members to have a greater input into the process.

**Resolved:**

1. That the Committee noted the report;
2. That a meeting be arranged between Members of the Committee and Planning Officers to consider Member concerns regarding the Section 106 contributions.

190/21

**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.

191/21

**Development Management Performance Update**

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

The Presenting Officer advised Members of the background to the report, the progress of formal enforcement actions, and highlighted the salient points. Members considered the report and asked questions in relation to this item.

**Resolved:**

That the actions contained in the report be noted and approved.

[Exempt information under Paragraph 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972 (as amended)].

**Minutes****Resolved:**

That, subject to the inclusion of Councillor K. Hussain's name in the list of attendees, the minutes of the meeting held on 7 October 2021, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

[Exempt information under Paragraphs 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 8.45 pm

Signed .....

Date .....