

Minutes of the Planning Committee held in The Council Chamber, Walsall Council House

Thursday 31 October 2024 at 5.30pm

Committee Members present:

Councillor J. Murray (Vice-Chair, in the Chair)
Councillor B. Bains
Councillor H. Bashir
Councillor M.A. Bird
Councillor S. Elson
Councillor M. Follows (arrived 5:51)
Councillor P. Gill
Councillor A. Hussain (arrived 5:59)
Councillor I. Hussain
Councillor K. Hussain
Councillor K. Margetts
Councillor R. Martin
Councillor A. Nawaz (arrived 5:59)
Councillor S. Samra
Councillor V. Waters

Officers Present:

M. Barwick	Apprentice Planning Officer
S. Bird	Senior Environmental Protection Officer
L. Forster	Principal Planning Policy Officer
K. Gannon	Development Control and Public Rights of Way Manager
S. Hewitt	Senior Planning Officer
D. Holloway	Planning Policy Manager
G. Meaton	Group Manager – Planning
R. Rowley	Senior Planning Officer
A. Sargent	Principal Solicitor
A. Scott	Senior Planning Officer
S. Wagstaff	Team Leader Development Management
L. Wright	Senior Planning Officer
E. Cook	Democratic Services Officer
L. Cook	Democratic Services Officer

153 Apologies

Apologies were received from Councillors Nahal, Parkes and M. Statham.

154 **Declarations of Interest**

The following declarations of interest were received:

- Councillor Bird – Plans List Item 5 – non-pecuniary interest
- Councillor Nawaz – Plans List Item 5 – non-pecuniary interest (*interest declared later in the meeting, prior to the item being considered*)

Councillor Elson declared that she would take no part in the discussion of Agenda Item 7, Great Barr Conservation Area Appraisal and Management Plan (CAAMP), so as not to prejudice any future Cabinet decision she may be involved in.

155 **Deputations and Petitions**

There were no deputation or petitions.

156 **Minutes**

A copy of the minutes of the meeting held on 5 September 2024 was submitted.

[annexed]

Resolved

That the minutes of the meeting held on 5 September 2024, a copy having previously been circulated to each member of the Committee be approved and signed by the Chair as a correct record.

157 **Local Government (Access to Information) Act 1985 (as amended)**

Exclusion of the Public

Resolved

There were no items for consideration in the private session.

158 **Sandwell Local Plan Regulation 19 Consultation**

The Principal Planning Policy Officer introduced the report of the Head of Planning and Building Control and provided an overview of the report.

[annexed]

A Member asked officers about the potential impact of recent developments concerning the soundness of Shropshire's local plan, on Black Country authorities' housing requirements. The Planning Policy Manager noted the concerns raised and advised that a follow-up response to the Sandwell Local Plan could be provided in future as implications became clearer.

It was **moved** by Councillor Bird and **seconded** by Councillor K. Hussain and it was;

Resolved (unanimously)

That Planning Committee:

- 1. Agree the response as set out in the appendix, and authorise the Executive Director for Economy, Environment & Communities, in consultation with the Portfolio Holder for Regeneration, to submit the response to Sandwell Council; and**
- 2. Authorise the Head of Planning and Building Control to amend the final response as necessary.**

At this juncture Councillor Follows entered the meeting.

159 **Great Barr Conservation Area Appraisal and Management Plan (CAMMP)**

Prior to considering the item of business, the Chair stated that the proposed options for the future of the conservation area affected land held by the Barr Beacon Trust, of which Walsall Council was a Corporate Trustee. The Chair confirmed that Members would consider the item in their roles as Councillors and that Planning Committee were not making a decision, which would be the responsibility of Cabinet.

The Planning Policy Manager introduced the report of the Head of Planning and Building Control, including the additional information contained within the supplementary paper, and presented an overview of its content.

[annexed]

At this juncture Councillor A. Hussain and Councillor Nawaz entered the meeting.

There were two speakers on the item, Ms J. Hulme and Councillor Andrew. The Chair advised that as the procedure rules were silent regarding the time allowed for speakers at Planning Committee on items not related to specific planning applications, he had agreed to allow speakers a maximum of five minutes each.

Ms Hulme stated that she was opposed to the removal of areas from the Conservation Area and that the council should have a duty to protect the

existing Conservation Area. She stated that it was her belief that nothing had significantly changed since the Conservation Area was expanded in the 1990s to suggest that parts of it were less worthy of protection. She added that whilst there were financial costs to residents within a conservation area, costs would be incurred should protections be removed. Ms Hulme also asserted that the consultation process had been difficult, resulting in some residents not participating.

Councillor Andrew stated that he was speaking on behalf of the Barr Beacon Trust and would consider any future report to Cabinet on the matter with an open mind. He stated the importance of members contributing their views and that while it was important housing development was achieved, removing large portions of a conservation area was the wrong approach to this. He stated that the proposed removal of restrictions could have a detrimental impact on the Green Belt and acknowledged that being in a conservation area did incur additional financial costs for residents.

Responding to questions, Councillor Andrew stated that some restrictions on residents in the Conservation Area included needing planning permission to replace windows and restrictive requirements on materials which could be used for repair and development works. In response to a question, Ms Hulme acknowledged that some land, if removed from the Conservation Area, would be afforded some protection through other policies however protections would be weaker.

Discussing the item several members expressed concerns and opposition to a reduction in the Conservation Area's size, highlighting the existence of heritage assets such as Great Barr Hall gardens and stating that the area added a richness to the borough which should be preserved. A member also suggested that the restrictions on permitted materials for maintenance should be updated to help residents. The Principal Solicitor advised the Committee that as the report was brought before Planning Committee for information only, the Committee could not pass a formal resolution regarding its content other than to note the report.

Resolved (by assent)

That Planning Committee note:

- 1. the evidence and the proposed options for the future of the conservation area contained within the draft Great Barr Conservation Area Appraisal and Management Plan (CAAMP);**
- 2. that the CAAMP was being relied upon in support of the council's case at the forthcoming PLI at Chapel Lane (planning application ref. 23/1286);**
- 3. the summary of the consultation responses on the CAAMP;**
- 4. the aim to seek a report to Cabinet on the recommended adoption of the CAAMP in early 2025.**

Councillor Elson remained present in the meeting but not participate in discussions during the item of business.

At this juncture Councillor Bains and Councillor Samra left the meeting and did not return.

160 Application List for Permission to Develop

The application list for permission to develop (the plans list) was submitted, together with a supplementary report which provided additional information on items already on the plans list.

[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 first. 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.

161 Plans List Item 1 – 23/1501 – Beatwaste Site, Bentley Lane, Willenhall

The Principal Planning Officer presented the report of the Head of Planning and Building Control, including the additional information contained within the supplementary paper.

[annexed]

There were two speakers against the application, Councillor Garcha and Councillor Whitehouse, and one speaker in support of the application, Mr Conroy.

Councillor Whitehouse stated concerns regarding the highways in the area, including speeding on Bentley Lane and multiple junctions through Short Heath being narrow and unsuitable for HGVs. He added that the addition of an extra junction with HGVs was unacceptable. Councillor Whitehouse raised concerns regarding the safety of children attending local schools, especially Old Hall Special School, and the potential exacerbation of school parking issues. Councillor Garcha voiced concerns regarding the safety of children and stated that many attending Old Hall Special School were only able to travel to school by car, resulting in parking on Bentley Lane. She stated that it was unclear if sufficient mitigations were in place to avoid HGVs queueing at the site and that residents believed the development would be harmful.

Mr Conroy stated that the development would bring a potential 700 new jobs and that the land had been allocated as part of the cancelled Black Country Plan due to a lack of alternative provision. He stated that the site met the 'very

special circumstances' requirement for green belt development and commented on the design and works undertaken to remove contaminants.

Responding to questions, Councillor Whitehouse stated that the road was busy with children walking to and from schools at school-run times and that while the improvement of access for those coming via the proposed greenway was welcomed, this would not benefit children attending Old Hall Special School, many of whom travelled from further afield. In response to questions, Mr Conroy stated that multiple highway mitigations had been included at the site and the new North-South greenway would improve pedestrian access to schools. He also added that 254,000 cubic metres of soil had been removed from the site and the applicant's technical team were confident the decontamination scheme was financially and practically deliverable.

There followed a period of questions to officers. The Development Control and Public Rights of Way Manager provided an overview of the highway mitigations included in the application including travel plans, HGV routing and visibility. Officers confirmed that a travel plan would be secured via Section 106 and would require adherence by all occupiers of the site. The Senior Environmental Protection Officer advised that the applicants had only conducted a phase 1 desk-study regarding contamination and environmental matters however the primary concerns were related to landfill gas and mine-shafts.

At this juncture, Councillor Bashir left the meeting and did not return.

Debating the item, several members raised concerns regarding highways safety and the potential for existing traffic issues to be exacerbated. Another member expressed support for the application in principle but raised questions regarding the practicalities of decontamination and restorative works and whether sufficient liabilities could be secured to ensure the site would be left in a safe state should these works commence and be unsuccessful.

It was **moved** by Councillor Bird and **seconded** by Councillor K. Hussain and upon being put to the vote, it was;

Resolved (9 in favour, 3 against)

The Planning Committee delegate to the Head of Planning & Building Control to grant planning permission for application 23/1501 subject to conditions and a Section 106 (S106) to secure a travel plan, and subject to:

- **Call-in by Secretary of State**
- **The amendment and finalising of conditions**
- **To inclusion of additional planning obligations to be set out in the S106 agreement to include:**
 - **a highway routing plan**
 - **a remediation strategy that secures the mitigation of any land contamination prior to any further development on the site, and;**

- **a consultation with and agreement of ward councillors regarding these requirements prior to completion of the S106 agreement**

At this juncture, Councillor A. Hussain left the meeting and did not return.

With the assent of the meeting, the Chair adjourned the meeting for 5 minutes at 7:35pm. The meeting recommenced at 7:43pm.

162 **Plans List Item 2 – 23/1583 – Land at Former West Midlands Bright Bar Ltd, Middlemore Lane, Aldridge**

Prior to considering the item, it was noted by the Chair that the report initially published had been replaced by an updated version which had been circulated to all Committee members and relevant parties had been informed. It was **moved** by Councillor Murray and **seconded** by Councillor Nawaz and was;

Resolved (by assent)

That the report initially published, having been replaced by an updated version, be formally withdrawn.

The Principal Planning Officer presented the report of the Head of Planning and Building Control, including the additional information contained within the supplementary paper.

[annexed]

There was one speaker against, Mr Rose, and one speaker in support of the application, Mr Chamberlain.

Mr Rose stated that it was illegal to destroy bat habitats and that mitigations such as bat boxes would not reverse the damage already caused. He stated that while the previous buildings were set back 25 metres from residents' gardens behind an 8-metre visual and sound buffer of well-established trees, the proposed replacement buildings were higher and would be just 2 metres from residents' gardens with a border of replacement tree saplings. Mr Rose added that the development's parking provisions would exacerbate pavement parking issues and that it did not comply with current planning policies. He stated that existing planning conditions had been ignored and did not inspire confidence in residents that future conditions would be respected. Mr Rose referred to new information contained within the supplementary paper and the updated report and questioned its public availability.

Mr Chamberlain stated that the applicant had provided officers with the requested information following the previous deferral of the application. He stated that the conifers previously on site had been removed due to safety issues and that the replacement trees had been planted across the north-eastern boundary. He added that the new trees had grown equal to or higher than the

neighbouring fence line and would continue to grow and provide screening. Mr Chamberlain stated that the buildings on site were surveyed by the Ecologist in October 2023 when the previous tenants were operating on site and deemed unsuitable for supporting bat roosting features. He added that the actions of the previous tenant when vacating the property had left the buildings unsafe resulting in the site being demolished and cleared in January/February 2024, with a Section 80 Demolition Notice submitted and appropriate invoices for the disposal of waste provided.

Responding to questions, Mr Rose stated that he would feel more comfortable if the current conifer trees were replaced with more substantial trees, however, there was no comparison between the current trees and those removed. In response to questions Mr Chamberlain stated that a noise attenuation fence would be installed and the buildings would be situated so that there were no openings fronting the adjacent properties. He added that the fence would cover any area that the building didn't and within a few years the trees would be above the fence line to provide a landscape buffer. Mr Chamberlain confirmed that the applicant had removed the previous trees.

There followed a period of questions to Officers. Regarding the use of 'customer' in condition 4, the Group Manager advised that this was part of the standard conditions for operating hours however the condition would be amended to refer to anyone using the site. The Group Manager advised that the development was considered satisfactory in terms of residential amenity, adding that additional landscaping secured by conditions would be required over and above that currently on site and could be conditioned further.

At this juncture, Cllr Bird moved and it was duly seconded, that Standing Order 9a be suspended in order to enable the remaining business to be transacted. The meeting consented.

The Senior Planning Officer confirmed that Condition 16 of the original report was no longer required as the Ecologist was satisfied that there were no bats present on site. The Officer confirmed that as permission for the demolition was retrospective, the application still retained demolition as part of the description. Regarding the protected status of the existing replacement trees and any new trees, the Senior Planning Officer advised that they were not protected. Responding to a question on the availability of information, officers confirmed that the updated report and supplementary report was publicly available on the Council's Committee Management Information System.

Debating the application, a Member suggested that a substantial row of mature trees needed to be planted on site and protected by a Tree Preservation Order (TPO). The Principal Solicitor advised that the trees could not be protected by a TPO in a planning condition as this was only applied to trees of a certain quality.

It was **moved** by Councillor Bird and **seconded** by Councillor Follows and upon being put to the vote, it was;

Resolved (unanimously)

The Planning Committee delegate to the Head of Planning and Building Control to grant planning permission for application 23/1583 subject to conditions and the securing of an s106 to secure a travel plan, 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 addressed;**
- **The inclusion of planning obligations in the s106 agreement to secure additional landscaping between the built development and the rear gardens of residential properties on Leighswood Road to include a belt of mature trees and ensure the maintenance of the landscaping scheme for at least 10 years, and;**
- **a consultation to be sent to residents on the landscaping plan prior to completion of the s106 agreement.**

163 Plans List Item 5 – 24/1093 – 159 The Crescent, Walsall

The Senior Planning Officer presented the report of the Head of Planning and Building Control, including the additional information contained within the supplementary paper.

[annexed]

There was one speaker against the application, Mr Poole, and one speaker in support, Mr Arshid.

Mr Poole stated that the inclusion of a bay window on the front extension would result in an invasion of privacy for neighbouring residents as it extended beyond the neighbouring property. Mr Arshid stated that the applicant had considered potential impacts on neighbours and asserted that the rear extension would not breach the 45-degree angle rule. He added that the dormer did not include side-facing windows, would not result in overlooking and the design was similar to that of 151 The Crescent approved in 2016.

Responding to questions, Mr Poole stated that he did not oppose the principle of development on the site but could not say whether a compromise could be achieved unless suitable plans were presented. He added that the proposed design was too extensive, would impose on neighbours' privacy and light and would be overbearing. Responding to a question, Mr Arshid stated that he believed amendments could be made which would overcome the objections of officers and neighbours, including changes to extensions and reducing the size of the dormer.

There followed a period of questions to officers, who confirmed the ground floor extension breached the 45-degree code by 0.8m under the plans submitted. Debating the application, a member stated they believed there was scope for a development on the site, but amendments would be required to the existing plans.

It was **moved** by Councillor Bird and **seconded** by Councillor Elson and upon being put to the vote, it was;

Resolved (unanimously)

That Planning Committee defer application 24/1093 to enable further negotiations between the applicant, officers and objectors to overcome the outstanding recommended reasons for refusal and to delegate to the Head of Planning and Building Control to grant permission if satisfactory amendments are made which are considered by officers to fulfil this requirement, subject to consultation with the neighbours'

At this juncture Councillor K. Hussain left the meeting and did not return. Councillor Nawaz declared a non-pecuniary interest in Plans List Item 3, 54 Holtshill Lane. Councillor Bird and Councillor Nawaz, having declared an interest in the next item, left the meeting and did not return.

164 **Plans List Item 3 – 24/0201 – 54 Holtshill Lane, Walsall**

The Senior Planning Officer presented the report of the Head of Planning and Building Control.

[annexed]

The Officer identified a typing error in the report regarding the date the application was previously heard by Committee, which should have read 25 July 2024.

There was one speaker on the application, Councillor Russell, who voiced several concerns raised by neighbouring residents. She stated that residents believed there was a land grab by the applicants due to the nearby public right of way and that neighbours had concerns about a new wall which was hazardous and had already collapsed on one occasion. There were no questions to the speaker.

Responding to questions, the Senior Planning Officer advised that an amended location plan had been submitted which excluded the public right of way. The Group Manager advised that the structural condition of the wall would be a matter for building control to consider rather than a planning issue.

The Committee moved to debate. Several Members expressed that they would like to receive further information from the applicant regarding the proposed operators and Ofsted registrations. The Senior Planning Officer

explained that these were not material planning considerations and that a representative of the applicant had attended when the item was previously heard at Committee.

During the ensuing discussion it became apparent that several Members present had not been in attendance when the application was previously considered by Committee. The number of Members present who had been in attendance previously, was below the number of quorum. Whilst the Council's Planning Protocol did not prescribe that Members previously not in attendance could not participate in a decision on an application, it stipulated that they should not do so if they were not fully appraised of all the facts and relevant information. After receiving advice from the Principal Solicitor and Democratic Services Officer present it was;

Resolved (through Chair's discretion)

That Planning Committee defer application 24/0201, due to the number of Members in attendance who had been present for all the deliberations on the application and who were fully appraised of all the facts and relevant information with which to properly reach a decision, being fewer than the quorum for the meeting.

165 **Plans List Item 4 – 24/0896 – 20 Lodge Road, Pelsall**

The Principal Planning Officer considered the report of the Head of Planning and Building Control.

[annexed]

It was **moved** by Councillor Martin and **seconded** by Councillor Waters and upon being put to the vote, it was;

Resolved (Unanimously)

That Planning Committee grant planning permission for application 24/0896 subject to conditions, as set out in the officer's report.

166 **Date of next meeting**

The date of the next meeting was 28 November 2024.

There being no further business, the meeting terminated at 9:10pm.

Signed: _____

Date: _____