

PLANNING COMMITTEE

2 December 2021 at 5.30 pm

In the Council Chamber at the Council House, Walsall

Present:

Councillor M. Bird (Chair)
Councillor G. Ali
Councillor P. Bott
Councillor S. Craddock
Councillor A. Harris
Councillor J. Murray
Councillor M. Nazir
Councillor W. Rasab (arrived at plans list item 3)
Councillor S. Samra
Councillor M. Statham
Councillor V. Waters

In attendance:

A. Ives	–	Head of Planning & Building Control
M. Brereton	–	Group Manager – Planning
A. Cook	–	Regeneration Officer – Trees
L. Wright	–	Senior Planning Officer
J. Grant	–	Environmental Protection Manager
C. Dean	–	Senior Environmental Protection Officer
K. Moreton	–	Head of Highways & Transport
A. Sargent	–	Principal Solicitor
D. Smith	–	Senior Legal Executive
F. Whitley	–	Senior Planning Enforcement Officer
I. Jarratt	–	Principal Environmental Protection Officer
N. Picken	–	Principal Democratic Services Officer
N. Gough	–	Democratic Services Officer

193/21 Apologies

Apologies for absence were submitted on behalf of Councillors B. Allen, G. Perry, K. Hussain, A. Underhill, W. Rasab, C. Creaney and A. Nawaz.

194/21 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 4th November 2021, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

195/21 **Declarations of Interest**

There were no declarations of interest for the duration of the meeting.

196/21 **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

Councillor P. Bott referred to page 20 of the minutes and requested confirmation of when demolition of the extension at 169 Lowe Avenue, Darlaston. This information would be provided by officers to Councillor Bott.

197/21 **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.

198/21 **Application to remove one protected pine tree at 25 Little Aston Road, Aldridge, Walsall, WS9 0NP**

The report of the Head of Planning and Building Control was submitted (see annexed). The Presenting Officer 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, Mr Brindley, who wished to speak in support of the application. The Chair stated that he had met Mr and Mrs Brindley many years ago, but had not met them since.

Mr Brindley stated that the tree preservation order was placed on the tree to prevent a bungalow being built at the rear of the garden not due a perceived amenity value to the local community. The tree leaned towards neighbouring properties, the location of the tree was considered precarious for such a large tree. The tree prevented the growth of fruit, vegetables and flowers in its surroundings, and the roots had caused significant damage to the patio and a retaining wall within the garden. In 2013, the garden was landscaped, at significant cost, to mitigate the damage caused by the tree (including replacement of paths and wall). In 2021, the same progressive damage was being caused to the new landscaping by the tree and was lifting the same places. The tree could fall onto neighbouring properties and cause damage to a conservatory, however a Tree Officer visited the property but was dismissive of concerns raised in relation to the tree. Mr Brindley concluded that the family were in the process of designing a community garden in relation to their late Son, in which they would be supporting the Queen's green canopy.

The Committee welcomed the second speaker on this item, Mrs Brindley, who wished to speak in support of the application.

Mrs Brindley spoke of difficult family circumstances which had devastated aspects of their family's lives, and created financial burdens. Events had led to them making the decision to sell their family home. All prospective purchasers had commented, without exception, that the tree was large, and on the detrimental impact on plants adjacent to it and it was concluded that the removal of the TPO on the tree would be a lifeline for the family.

Members asked questions of officers in relation to determining issues, this being that the removal of the tree would be detrimental to the amenity, aesthetic and landscape value of the locality. A Member stated that there were a large number of neighbours surrounding the property and asked if it was correct that there had been no representations in objection and one representation in favour of the removal of the tree. Officers confirmed that this was correct.

A Member questioned if the tree needed maintenance, and the Regeneration Officer stated that it did not, other than the removal of deadwood, stating that this was a natural biological process.

A Member asked speakers and Officers for their comment on the lack of evidence of root instability of the tree. The Speaker, Mr Brindley, responded to state that the root instability was shown in the surrounding landscape. The significant issue was the trees movement in high winds, which caused concern for safety. The Tree Officer responded to state that there was no evidence of tree root failure or instability in the ground.

Members asked for further information on the reference to deadwood within the tree, the Regeneration Officer stated that trees contained deadwood, and this was a normal biological process. The Regeneration Officer stated that the movement to the path and wall as described by the speaker, was due to the incremental growth of the roots.

A Member suggested that the amenity value of the tree to the community was low, however the negative impact of the substantial tree in a back garden, on the family was significant. It was stressed that there was no disparity that the Officer had made his case, however it was considered that the amenity value of the tree was low.

Members concluded that reference to deadwood in the tree was a concern, there were a significant number of trees in the area, and agreed that the amenity value of this tree was low. Members discussed the determining issue related to the loss of amenity, and concluded that the loss of this tree would not be noticed – this was evidenced by lack of representations by neighbours.

Councillor Bott stated that he would be supporting Officer recommendations, however if Committee were minded to grant the application a replacement tree should be stipulated. The Head of Planning & Building Control stated that usual policy was to require a replacement tree if a tree was removed. It was noted that

the applicants were planning a memorial garden and would be contributing to the planting of trees in the local area.

It was **Moved** by Councillor Craddock, **seconded** by Councillor Bird and upon being put to the vote was:

Resolved (9 in favour, 1 against)

Approved against officer recommendation to grant consent to fell the pine tree (T1) in garden of 25 Little Aston Road, Aldridge, Walsall, WS9 0NP subject to a condition to replace the tree with another, size and species to be agreed.

199/21

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.

At this point, Councillor Rasab joined the meeting.

200/21

PLANS LIST ITEM NO. 3 – Application number 21/0970 – FORMER SOCIAL CARE AND INCLUSION RESPONSE CENTRE, 6, BROWNHILLS ROAD, WALSALL WOOD, WALSALL, WS8 7BS

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

The Presenting Officer was L. Wright – Senior Planning Officer, 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, Mr Steven Rigby, who was in attendance on behalf of the applicant.

A Member asked the speaker what the view was on potential car parking problems. The Speaker stated that a transport specialist had reviewed the plans against the Councils policy and the plans exceeded the requirements set out.

The Senior Planning Officer was asked if the concern around ‘overlooking gardens’ had been fully investigated. The Committee were assured that there was no concerns in relation to this. The Senior Planning Officer was asked for an update on the ecology report and stated that there would be further surveys which would be conditioned, due to the potential for bats on site.

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

Resolved (Unanimous)

That the Head of Planning and Building Control be delegated authority to grant planning application number **21/0970** subject to conditions and subject to the amendment and finalising of conditions and the securing of final conditions from tree officers.

At this point in the meeting, Councillor Murray left the meeting.

201/21

PLANS LIST ITEM NO. 4 – Application number 20/0499 – 196, WALSALL WOOD ROAD, ALDRIDGE, WALSALL, WS9 8HB

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 two speakers on this item, Mr K Pala and Mr D McCarthy, in attendance in support of the application. Mr Pala stated that the development would create a further 15 jobs and Mr D McCarthy expressed his support for the application.

There were no questions for the speakers or officers.

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

Resolved (unanimous)

To Delegate to the Head of Planning & Building Control to Grant Planning Permission and subject to the amendment and finalising of conditions.

202/21

PLANS LIST ITEM NO. 5 – Application number 20/0838 – LAND REAR OF 9, BASLOW ROAD, BLOXWICH

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 Chair highlighted that a further matter not covered in the supplementary paper, is that the Planning Officer had requested a reduction in the massing of the application, and this had been achieved.

The Committee welcomed the first speaker on this item, Mr G. Robertson who wished to speak in objection to this application. He stated that his property was most affected by this application, all previous applications had been refused where the current proposed access had been proposed. The access passed through the boundary wall of his property and the gable wall of number 7 Baslow Road. It was formed by demolishing the attached garage, removing a hedge and infilling a water course behind the properties. Since this removal surrounding the garden had become boggy, and suggested it should be reinstated. With the proposed access the speaker would lose privacy and security would also be a compromised, as access to garden could then be achieved. It was stated that the planning report had omitted information relevant to the application, and of which were reasons for previous refusal. The Committee were urged to consider the well thought out reasons for refusal.

The Committee welcomed the first speaker on this item, Ms H. Lawrence who wished to speak in objection to this application. The speaker stated that she strongly objected to application on the basis that all previous applications had been refused, even at appeal. She questioned what was different between previous applications and the current one. It was noted that the sale of number 7 Baslow Road meant that the applicant no longer had the option to create a wider access space. This could create a safety issue on the road. It was stressed that the replacement tree (linked to a previous application) had not taken been planted.

The Committee welcomed the third speaker on this item, Mr Davis, who wished to speak in support of this application as the applicant. He stated that a design which was satisfactory to Planning Officers had now been achieved. The garage had been removed to secure the retention of trees and secure the privacy of a neighbouring property. The application included acoustic fencing, a low emissions boiler and electrical charging point.

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

In response to a question, from Councillor M. Statham (who stated he lived in the area), in relation to the water course, Mr Robertson stated that the water course had been infilled by demolition material to create the access road. The applicant further responded to state that this was not the case and that there had never been a water course.

The applicant was questioned by Members, this included why this application was now considered an acceptable development despite previous refusals and why 7 Baslow Road had not been demolished as per a previous successful planning application. The applicant stated that his plans had changed due to ill health and he wished to build a bungalow for his personal use. Members asked if the replanting of the removed tree had been complied with, the applicant stated that it had not been possible to obtain a tree during the pandemic, however he was happy to comply with this requirement.

A Member noted that West Midlands Fire Service had not responded to determine if the access road was an acceptable width, noting that this was unusual. The applicant confirmed that it was wide enough for emergency vehicle use.

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

Officers were asked if the determination of the land, by the Planning Inspectorate, as acceptable for back land development had influenced the decision that this application was recommended for approval (with conditions). Officers responded to state that this had provided a strong basis however 'case law' had also influenced this. It was noted that there were limited public vantage points which had contributed to this being acceptable for back land development. It was noted that planning permission for three dwellings had been granted in 2017. The Head of Planning & Building Control stated that it would be a risk for the Authority to recommend refusal due to planning case law and the previous successful application (for three dwellings).

Members noted that the previous successful application had included the demolition of number '7 Baslow Road' to create an access road to the property, however the current application included a much narrower access road. Concerns were raised that the width of this access road was not sufficient. Officers explained that the local highway agency had determined that the access road was wide enough.

Following discussion in relation to previous applications, the Chair reminded Members that this was an application for one dwelling that the Planning inspectorate had determined this was a sustainable location. Officer's reminded Members that the latest decision of the Planning Authority had been to approve the previous application for three dwellings.

A Member asked for further information on public sewers as referred to in the report, and asked if it had been explored. The Officer stated that this was a standard response from Severn Trent – and was a note to applicant rather than a material planning consideration.

Concern was expressed by a Member that West Midlands Fire Service had not determined whether access was wide enough. The Officers stated that the fire service didn't object but ongoing discussions would continue with the applicant. It was noted that the fire service were not a statutory consultee. A Member asked for the exact width of the proposed access road. The Head of Highways and Transport confirmed that the requirement for access by a fire appliance was 3.7 metres, on the basis that the applicant anticipated that the access was 4 metres wide this would be satisfactory.

It was suggested that by approving Officer recommendations, further conditions could be included. Some Members expressed dissatisfaction that the width of the access road could not be determined, which was a fundamental part of the application and suggested that the application was deferred to allow outstanding issues to be presented to the Committee.

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

Resolved (5 in favour and 5 against, Chairs casting vote carried):

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission subject to:

- The amendment and finalising of conditions;
- Concluding the existing 14 day public consultation period;
- No further material planning considerations being raised;
- Additional ecological conditions being imposed.
- The addition of a condition to secure a replacement tree in place of the tree already removed and
- Subject to approval of the access by the Fire Service.

203/21

PLANS LIST ITEM NO. 6 – Application number 21/0465 – 17, NORMAN ROAD, WALSALL, WS5 3QJ

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 A. Rahman, who wished to speak in support of this application. He addressed the committee to stress that this was a simple two story household development. The objections received were based on factually incorrect information. The plans fully complied with the planning policy through extensive dialogue with the Planning department. Commentary was given on the objections, with suggestions they were unjust.

There were no questions to the speaker or to officers.

The Chair informed the speaker that the Council's constitution stipulated that if there were more than three objections to an application it must be considered by the Planning Committee.

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

Resolved (Unanimous):

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to the amendment and finalising of conditions.

204/21 **PLANS LIST ITEM NO.1 – Application number 21/0799 – DOROTHY PATTISON HOSPITAL, ALUMWELL CLOSE, WALSALL, WS2 9XH**

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

At this point in the meeting Councillor S. Craddock left the room and so did not participate in the vote.

It was **Moved** and, **Seconded**, and upon being put to the vote was:

Resolved (Unanimous):

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and Section 106 to secure a Full Travel Plan, and subject to the amendment and finalising of planning conditions.

205/21 **PLANS LIST ITEM NO. 2 – Application number 21/0646 – LAND WEST OF WALSALL RETAIL PARK, REEDSWOOD WAY, WALSALL, WS2 8XA**

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

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

Resolved (Unanimous):

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to the amendment and finalising of conditions; and subject to final comments from the Council's Arboricultural Officer, Local Lead Flood Authority and Environment Agency.

Councillor Craddock returned to the meeting.

206/21 **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.

Summary of matters considered in the private session

207/21 117 Sandringham Avenue, WV12 5TG – Case Reference E21/0104 – Report of the Head of Planning & Development Control

A report of the Head of Planning and Building Control was submitted which advised of alleged unauthorised development relating to 117 Sandringham Avenue, Walsall.

Members discussed the position and options following which the committee resolved to take note of the investigation and agreed the recommendations as set out within the report.

[Exempt information under paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)]

Termination of meeting

There being no further business, the meeting terminated at 7.55 pm.

Signed

Date