

Planning Committee

Thursday 8 September 2022 at 5.30 pm

Council Chamber, Council House, Walsall

Present:

Councillor M. Bird (Chair)
Councillor B. Bains
Councillor H. Bashir
Councillor P. Bott
Councillor S. Cheema
Councillor A. Cooper
Councillor N. Gandham
Councillor A. Harris
Councillor I. Hussain
Councillor K. Hussain
Councillor R. Larden
Councillor J. Murray
Councillor A. Nawaz
Councillor S. Samra
Councillor M. Statham
Councillor V. Waters

In attendance:

M. Brereton	Group Manager – Planning
A. Cook	Regeneration Officer
K. Gannon	Developmental Control and Public Rights of Way Manager
N. Gough	Democratic Services Officer
J. Grant	Environmental Protection Manager
A. Ives	Head of Planning & Building Control
A. Mahmood	Senior Planning Enforcement Officer
T. Morris	Senior Planning Officer
J. Price-Jones	Planning Solicitor
A. Scott	Senior Planning Officer
S. Wagstaff	Principal Planning Officer

110/22

Apologies

Apologies for absence were submitted on behalf of Councillors B. Allen, A. Hussain, G. Perry and A. Underhill.

111/22

Declarations of Interest

There were no declarations of interest received.

112/22 **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

113/22 **Minutes of previous meetings**

The Committee considered the minutes of the previous meeting.

Resolved:

That the minutes of the meeting held on 21 July 2022, a copy having been previously circulated to each member of the Committee, be approved and signed as a true record.

114/22 **Local Government (Access to Information) Act 1985 (as amended)**

Exclusion of the Public

Resolved:

That there were no items in the private session.

115/22 **Application to remove 1 protected sycamore tree at 9, Rowthorn close, Streetly, B74 2EN**

The report of the Head of Planning and Building Control was submitted (annexed). The Presenting Officer advised the Committee of the background to the report and highlighted the salient points contained therein.

The officer clarified that the current resident had moved in to the property after November 2020 indicating that the tree preservation order would have been detailed within the deeds and the property searches. In response to a member question it was confirmed by the officer that the tree preservation order was made in 2008 (following a review) due to significant public amenity value.

A member questioned if it was normal for an applicant to put forward a representation, it was confirmed that this was uncommon. A member asked what effect the tree would have on 32 Linforth Drive, officers stated that as this was some distance from this property there would be a minimal impact.

A discussion was held on the legality of pruning a tree which was subject to a tree protection order. It was suggested that it was a criminal offence to prune or fell a protected tree, and this applied to all parties (unless the tree was dead, dying or dangerous).

It was moved (Councillor M. Bird) and seconded (Councillor P. Bott) and upon being put to the vote was;

Resolved:

That consent be refused for the removal of one protected sycamore tree at 9 Rowthorn Close, Streetly, B74 2EN, for the reasons set out in the officer's report.

116/22

Enforcement report relating to land on the west side of Back Lane/junction of Hobs Hole Lane, Aldridge, Walsall

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.

Members stated that the land should be returned to its original state to fit in with the surrounding area and it was clarified that this enforcement report referred to land within the Aldridge Central and South ward.

It was moved (Councillor B. Bains) and seconded (Councillor M. Bird) and upon being put to the vote was;

Resolved:

1. That authority is granted to the Head of Planning and Building Control, to issue an Enforcement Notice under the Town and Country Planning Act 1990 (as amended) to require remedial actions to be undertaken as shown in 3.2 of the report
2. To authorise the Head of Planning and Building Control to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice.
3. To authorise the Head of Planning and Building Control, to amend, add to, or delete from the wording set out below stating the nature of the breaches, the reasons for taking enforcement action, the requirements of the Notice, or the boundaries of the site, in the interests of ensuring that accurate and up to date notices are served.

117/22

Enforcement report relating to 26 Lodge Road, Darlaston, Wednesbury, WS10 7RZ

The report of the Head of Planning and Building Control was submitted (annexed). The Presenting Officer advised the Committee of the background to the report and highlighted the salient points contained therein.

A member stressed that enforcement action should take place in an expedient manner. Officers described difficulties experienced when carrying out enforcement action, and the Committee was informed that additional enforcement staff had been recruited. It was requested that a briefing on open enforcement cases be taken to a future meeting, the

Head of Planning and Building Control stated that this could be included within the performance report at the next Committee meeting.

It was moved (Councillor P. Bott) and seconded (Councillor K. Hussain) and upon being put to the vote was;

Resolved:

1. That authority is granted to the Head of Planning and Building Control, to issue an Enforcement Notice under the Town and Country Planning Act 1990 (as amended) to require remedial actions to be undertaken as shown in 3.2 of the report
2. To authorise the Head of Planning and Building Control to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice.
3. To authorise the Head of Planning and Building Control, to amend, add to, or delete from the wording set out below stating the nature of the breaches, the reasons for taking enforcement action, the requirements of the Notice, or the boundaries of the site, in the interests of ensuring that accurate and up to date notices are served.

118/22 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.

119/22 Plans List 1 – 22/0254 Land off the Green, Aldridge

The report of the Head of Planning and Building Control was submitted (see annexed) and was presented to the Committee along with information contained within the supplementary paper. The Chair noted that part of the land was under Council ownership.

The Committee then welcomed a speaker on the application, Mr Ziyad Thomas, who spoke in support the application. He stated that the proposal was for 49 retirement living apartments in a highly sustainable location adjacent to Aldridge town centre. The location was ideally suited to this type of development, and Mr Thomas quoted national guidance. It was the applicant's view that this was a high quality application and positively addressed the setting of Aldridge conservation area and Aldridge Manor. Officers had considered the revised plans and

considered them acceptable, with the reasons for refusal now limited to a failure to provide contributions towards affordable housing, the NHS, open space and mitigation towards the Cannock Chase Special Area of Conservation (SAC). The need to appeal before October 2022 was described. It was stressed that the applicant remained committed to resolving any outstanding issues and a duplicate application had been submitted in the hope that a determination could be made and the appeal withdrawn.

Further detail was provided to the Committee on the Cannock Chase SAC and the impact upon new developments within the Borough. It was confirmed that it was recently decided by Cabinet decision to join the SAC, and this would be considered by full Council at a future meeting.

There then followed a period of questioning and debate by members.

In response to a question, the speaker described the benefits to Aldridge district centre including that it was the ideal location to provide retirement accommodation due to the amenities in the area. The benefits to the social care system were described along with the release of family housing stock within the area.

Members questioned if the applicant would be willing to make a S106 contribution if the development was approved. The speaker stated that a financial viability statement had been submitted and this detailed the contribution that would be made towards planning obligations.

A discussion ensued around the adequacy of planned car parking spaces. Clarification was provided that seventeen car parking spaces would be provided for the proposed development, and this was based on the demographic of the resident and the location of the apartments and one full time employee.

Members expressed concern that there was a saturation of retirement homes in Aldridge. The speaker clarified that Walsall had an ageing population and suggested that Aldridge was attracting retirement accommodation due to a level of need and the quality of amenities within the area.

Members asked how the issues around the SAC would be mitigated. The speaker stated that information was submitted which stated that as the proposed residents were elderly - it was considered unlikely that there would be a significant impact from this development.

The Chair interrupted proceedings to announce the death of Her Royal Highness, the Queen. A short discussion took place on whether to continue the meeting or to adjourn the meeting to another date. On balance it was agreed to continue with the meeting and conclude business due to the number of public speakers in attendance wishing to

speak on their planning applications. Members were provided with the opportunity to leave the meeting should they wish.

Members sought clarification on the reasons for officers recommendation for refusal, it was confirmed that the principal of development was supported but that the reasons for refusal were due to the lack of agreement in relation to financial contributions and the SAC.

Further information was sought on the status of the application, officers informed the Committee that applicants were obliged to appeal in order to retain the option to purchase the land. It was suggested that if the application were to be approved the appeal would be withdrawn.

It was moved (Councillor M. Bird) and seconded (Councillor B. Bains) and upon being put to the vote it was:

Resolved:

That if the Committee were to determine the application it would be refused for the reasons set out in the Officers report.

120/22 Plans List 3 – 20/1515 Walsall Deaf Peoples Centre, 59A Lichfield Street

The report of the Head of Planning and Building Control was submitted (see annexed) and was presented to the Committee along with information contained within the supplementary paper.

The Committee then welcomed two speakers on the application, Mr. Oliver Jessop and Mr. Paul Clifton, who both spoke in support of the application. Mr. Clifton described the property and its uses. He stated that a contemporary style had been originally suggested for the development, and this had not been welcomed by the conservation officer and consequently a revised plan was presented. Mr Clifton informed the Committee that some of the plans presented were not the most recent versions.

Mr. Jessop (an independent heritage consultant) stated that a heritage statement and impact assessment had been prepared which considered the wider setting of the conservation area as a whole. It was noted that the site was not listed but was considered to have local heritage significance. It was suggested that the scheme would replace elements of the building which had a negative impact on the heritage site, and the proposed extension would largely be hidden from the street scheme.

Councillor M. Bird left the room, and Councillor S. Samra took the Chair.

There then followed a period of questioning and debate by members.

In response to a member suggestion, the Chair provided clarification that the Cannock Chase SAC had been adopted by the Council.

Mr. Clifton confirmed that the façade and internal fixtures and fittings would be retained, and noted that the rear extension would be where the main changes would take place. It was stressed that it would not be seen from the arboretum. Mr. Jessop stated that the application had been overseen by a total of 4 Planning Officers.

The Chair clarified that the impact upon the heritage asset, as referred to in the application, was the arboretum (not the building).

Members questioned the lack of information provided by the applicant (quoted as a reason for refusal) and why this had not been provided. It was clarified that developers were informed of the Cannock Chase SAC very recently. Mr Clifton informed the Committee that a statement had been sent in relation to the Cannock Chase SAC. It was also clarified that the applicant was willing to make a S106 contribution. Officers confirmed that the statement had been received however the ecologist had disagreed with its contents.

Members sought clarification on the plans presented to the Committee and if the plans were the most recent plans submitted to the Planning Department. The Head of Planning confirmed that the correct, amended plans had been consulted on and apologised that the correct plans were not presented to the Committee.

In response to a question in relation to the impact on the heritage site, officers clarified that impact on the arboretum related to the overall context of the arboretum. There were concerns about the scale, mass and height of the development.

A member stated that the building needed to be developed and suggested that the arguments in relation to the heritage impact were weak, and some of the reasons for refusal were subjective. The turnover of Planning Officers dealing with the application was noted.

It was moved (Councillor A. Nawaz) and seconded (Councillor Bott) that

Resolved:

(Councillor V. Waters abstained and Councillor M. Bird did not take part in the debate or vote having left the room for the item)

1. The Planning Committee grant permission for application number 20/1515 subject to conditions (including electric charging point), contrary to the officer recommendation for the following reasons:
 - The Committee rejected refusal reasons 1, 2 & 5 within the officers report.
 - The overlooking reported in the officers report was not substantial in nature to warrant a refusal
 - The proposal re-purposes an iconic building by way of a sympathetic extension which preserves the original façade and was in keeping with the other period buildings in the vicinity.
 - The first and second reasons for refusal in the officer's report were subjective and the Committee disagrees with the level of detrimental impact to the character and appearance of the locality.
 - Lack of open space contributions was not seen as relevant as the proposal was opposite the Arboretum. Although in the meeting the applicant agreed that a contribution to be agreed with Planning Officers.
 - The applicant has agreed to make the contribution in regard to the Cannock Chase SAC – if this was agreed by Council.
2. To delegate to the Head of Planning & Building Control to negotiate with the developer to secure the Cannock Chase SAC mitigation and S106 obligations in liaison with Chair of planning.

Councillor Bird returned to the room and took the Chair. The Committee adjourned for a five minute period.

121/22 Plans List 5 – 21/1400 70 Lichfield Road, Walsall

The report of the Head of Planning and Building Control was submitted (annexed) and was presented to the Committee along with information contained within the supplementary paper.

The Committee then welcomed a speaker on the application, Mr. Jason White, who spoke against the application. The speaker stated that a much smaller proposal had been rejected and requested consistency in dealing with planning applications, the impact on a large number of residents was highlighted in particular elderly residents. The reasons for the objection were described and included;

- Loss of amenity, and natural light at number 72.
- The local environmental impact due to the level of construction.
- The proposed outbuilding would almost be certainly be used as a residential dwelling.

- The increased pressure on the shared drains.
- The impact of freight accessing the site on the highway.
- The proposed bulk and scale of the proposed development would create an incongruous overbearing and disproportionate position in the location.

There were no questions to the speakers or the officers.

It was moved (Councillor A. Nawaz) and seconded and upon being put to the vote was:

Resolved:

That planning committee delegate to the Head of Planning & Building Control to grant planning permission subject to conditions and subject to and amendments.

122/22

Plans List 6 – 22/0652 90 Sandringham Avenue, Willenhall

The report of the Head of Planning and Building Control was submitted (see annexed) and was presented to the Committee along with information contained within the supplementary paper.

The Committee then welcomed a speaker on the application, Mr. Paul Robinson, who spoke in support of the application. Mr. Robinson confirmed that he would adhere to any proposals stated, and confirmed it was a single level extension to the side – of which there were several in the street. The extension was required to provide a bedroom and bathroom for his elderly Mother. The drainage problems on the property would be resolved by the extension.

There were no questions to the speakers or the officers.

It was moved (Councillor S. Samra) and seconded (Councillor A. Harris) and upon being put to the vote was:

Resolved:

That 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.

123/22

22/0641 27 Lodge Road, Pelsall

The report of the Head of Planning and Building Control was submitted (see annexed) and was presented to the Committee along with information contained within the supplementary paper.

The Committee welcomed two speakers on the application, Mr. David Berry who spoke against the application, and Mr. Carl Forrester who

spoke in support of the application. Mr. Berry stated that he had lived in his property for 50 years, and he was the neighbour most affected by the proposed extension. The reasons for objecting to the application were overlooking, loss of light, over shading and loss of privacy. He stressed that these reasons were material planning considerations and requested that they were given due consideration, adding that he would not object to a single story application. Concern was highlighted that a Planning Officer had not attended his property to consider the impact on the neighbouring property.

The Committee welcomed Mr Forrester to address the Committee, he informed members that he had lived at the property since 2016 and due to an expanding family he wished to extend the property to accommodate this. Plans had been amended as requested by the planning department. He stated that the family did not wish to relocate, but to extend their home and remain residents of Lodge Road.

There were no questions to the speakers.

In response to a question from a member, the Head of Planning confirmed that an officer had visited the application site and from there the relationship to the neighbouring property would be determined. Clarification was sought that the application did not breach the 45 degree code, officers confirmed that it did not.

It was moved (Councillor S. Samra) and seconded and upon being put to the vote was:

Resolved:

That the Committee delegate to the Head of Planning and Building control to grant planning permission subject to conditions and subject to the amendment and finalising of conditions.

124/22 Plans List 2a – 22/0279 Aldridge Manor, Little Aston Road, Aldridge

It was moved and seconded and upon being put to the vote was:

Resolved:

That if Planning Committee were to determine the application it would refuse planning permission for application 22/0279 for the reasons set out in the officer's report and the supplementary paper.

125/22 Plans List 2b – 22/0282 Aldridge Manor, Little Aston Road

It was moved (Councillor M. Statham) and seconded (Councillor A. Nawaz) and upon being put to the vote was:

Resolved:

That 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.
- No further comments from a statutory consultee raising material planning considerations not previously addressed.
- Securing amended floor plans and elevations illustrating the removal of bedroom 3 of flat 6, including the internal partitions and the new window.
- Securing amended landscape proposals plan, showing semi mature hedge planting to screen the proposed boundary between Aldridge manor and the masonic lodge and to the private garden fronting little Aston road.

126/22 Plans List 4 – 22/0388 Green Lane Campus, Walsall College, Long Acre Street, Walsall

It was moved (Councillor M. Statham) and seconded (Councillor A. Nawaz) and upon being put to the vote was:

Resolved:

That the Committee delegate to the Head of Planning and Building control to grant planning permission subject to conditions and subject to the amendment and finalising of conditions.

Termination of meeting

There being no further business, the meeting terminated at 8:15 pm.

Signed

Date