

Planning Committee

Thursday 9 March 2023 at 5.30pm

In the Council Chamber, the Council House, Walsall.

Present:

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

In attendance:

A. Ives	Head of Planning and Building Control
M. Brereton	Group Manager, Planning.
N. Ball	Principal Planning Policy Officer
S. Hollands	Principal Planning Officer
S. Wagstaff	Principal Planning Officer
T. Morris	Senior Planning Officer
C. Gibson	Regeneration Officer – Trees
K. Gannon	Development Control and Public Rights of Way Manager
I. Rathbone	Principal Environmental Protection Officer
A. Sargent	Principal Solicitor
H. Owen	Democratic Services Officer
J. Thompson	Democratic Services Officer

173/22

Apologies

Apologies for absence were submitted on behalf of Councillor Allen, Councillor Bashir and Councillor Martin.

174/22 **Declarations of Interest**

Councillor Gandham declared an interest in item 4 on the Application List for Permission to Develop relating to a change of use of the ground floor of The Crown Public House, Leamore Lane, Walsall to four flats (minute number 182/22).

175/22 **Deputations and Petitions**

There were no deputations or petitions submitted.

176/22 **Minutes of previous meeting**

Resolved

That the minutes of the meeting held on 9 February 2023, a copy having previously been circulated to each member of the Committee, be approved and signed by the Chair as a correct record.

177/22 **Local Government(Access to Information) Act 1985 (as amended)**

There were no items for consideration in private session.

178/22 **Response to Sandwell Local Plan Consultation**

The Principal Planning Policy Officer, Mr N. Ball, presented a report which sought consideration of the Sandwell Local Plan Issues and Options Review to make appropriate recommendations to Cabinet.

(see annexed)

Resolved

- 1) That the response set out in the appendix to the report be agreed and referred to Cabinet for endorsement.
- 2) That the Head of Planning and Building Control be authorised to add additional comments to the response as necessary and to submit an initial officer response to the authorities in advance of endorsement by Cabinet.

179/22

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.

(see annexed)

The Committee agreed to deal first with those items on the plans list where members of the public had previously indicated that they wished to address the Committee. At the commencement of each of those items, the Chair advised speakers that they should restrict their address to no more than two minutes.

At this point, the Chair advised members that items 1 and 7 on the plans list had been withdrawn at the request of the respective applicants.

180/22

Plans List item 2 – 22/0548 Horse and Jockey, 146 Walsall Road, Walsall Wood. WS9 9AJ

Speaker in attendance: Mr D. Wheelwright, Agent – in support.

The Principal Planning Officer, Ms S. Wagstaff, presented a report of the Head of Planning and Building Control which sought a decision regarding the erection of a new discount food store (Use Class E) with access, car parking, landscaping, biodiversity improvements and other associated works.

(see annexed)

In presenting the report, Ms. Wagstaff highlighted the reasons for the recommendation to refuse the application and also advised that should members decide to go against the recommendations and to approve the application, it should be subject to an acceptable travel plan and s.106 monies.

Mr Wheelwright addressed the committee. He said that Lidl had committed to introducing a further four discount stores in Walsall and that this would be the first which he said would deliver numerous benefits including helping out with the cost of living, improving ecology and biodiversity on the site, providing electric vehicle charging points and contributing to the local economy. He considered that the trees on the site were currently of low to moderate quality and that any lost trees would be replaced by mature trees. In addition, he said that he recognised that the Local Planning Policy was to limit development but felt that the benefits outweighed the disadvantages to the green belt. Mr Wheelwright considered that the objections relating the trees on the site could be dealt with via conditions on the permission and concluded by urging the committee to give the application positive consideration.

Mr Wheelwright then responded to questions from members during which time he confirmed that there were no trees on the site which were the subject of Tree Preservation Orders, that it had been a previously developed site and that the extension section showing green on the plan was open land with planned ecological enhancements as explained in the application which would be actively managed. He confirmed the size of the site, the immediate site being 0.84 hectares totalling 2.6 hectares for the full site; how the intended 30 year habitat plan would be managed; and gave assurances regarding the effectiveness of the tree planting in the management surface water to prevent flooding. With regard to the proposed solar panels, Mr Wheelwright confirmed that the resulting power generated from these would be for the exclusive use of the store and would significantly reduce the environmental impact.

Members discussed the application and its impact on the surrounding area, particularly regarding the impact of the removal and replacement of mature trees, and on balance considered that the benefits to the area outweighed the incursion into what they considered to be a minimal extent of green belt land.

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

Resolved (unanimously)

That the Head of Planning and Building Control be delegated authority to grant planning permission for application approve application 22/0548, for the following reason:

The development had passed the sequential test and would :

- 1) create a regeneration scheme in the locality which would benefit the surrounding areas;
- 2) create over 40 jobs in a much needed area;
- 3) contribute to reducing carbon emission by including the use of solar panels and renewable energies in the design of the building.

Subject to all standard conditions and specific conditions to secure:

- 1) Replacement tree planting including the replacement of any removed, dead or dying trees being replaced with mature trees within five years;
- 2) Materials;
- 3) The hours of construction operations being limited to 8am to 5pm on Mondays to Saturdays and 8am to 1pm on Sundays, no working on public or bank holidays;
- 4) Section 106 Agreement to secure Travel Plan and transport Emission Plan to satisfy Highway Concerns;
- 5) The making of a Tree Preservation Order for all remaining trees on site
- 6) The referral of the application to the Secretary of state if necessary.

Plans List item 3 – 21/1686: Morris Car and Commercial Vehicle Repairs, Rollingmill Street, Walsall. WS2 9EG

Speakers in attendance: Mr O. Dhilwayo, Applicant
Mr S. F. Ravat, Neighbour – against
Councillor Ditta – against

The Principal Planning Officer, Ms S. Hollands, presented a report of the Head of Planning and Building Control which sought a decision regarding an outline application for the demolition of existing car garage and front boundary wall and erection of a three storey block of flats, car parking and associated works.

(see annexed)

Mr Ravat addressed the Committee objecting to the application. He said that his business was situated directly opposite the proposed development and that his business was vehicle recovery which operated seven days a week often 24 hours a day, using large heavy goods vehicles and JCBs, beacons strobe lighting and loud claxons. He said that his business not only worked with the RAC and the AA on vehicle recovery, but that those organisations also used his site for storage. Mr Ravat contended that the siting of a high density residential development would lead to a curtailment of his business activities because the effect of the noise associated with his business would inevitably lead to complaints from residents.

Councillor Ditta addressed the Committee and said that the area was in industrial area and supported Mr Ravat's contention that such a development would lead to noise complaints in the future and would impact on the surrounding industries. In addition, she said that the proximity of the development to Mr Ravat's business would mean that he would struggle to manoeuvre his vehicles.

Mr Dilwayo addressed the committee. He highlighted what he considered to be the benefits of the proposal which was to breathe life into a secluded zone with a sense of insecurity, to be a deterrent to antisocial activity and to contribute to local regeneration, injecting the area with a community sense.

In response to a question from members regarding the reason for the recommendation being poor design, Mr Dilwayo said that this application was presently an outline application for change of use and that the full planning application would address those concerns. He added that that noise nuisance from the surrounding industry would be addressed within the structure of the building and would be part of the Environmental Impact Assessment.

Members noted that the nearby temple was not residential use and not in the line of view but was well used.

Mr Ravat responded to questions from members and explained in more detail, the practicalities of his business operations, stressing the noise created and the close proximity of the development to the movements of his vehicles.

There then followed a period of questioning by members to officers during which time it was noted that should the development go ahead, the council would be duty bound to investigate any noise complaints from occupiers which could result in an abatement notice on the company which could, in turn, result in the company ceasing to operate. In addition, a Section 106 agreement would be required but had not yet been agreed.

A lengthy discussion took place on the exact location of the adjacent Public Right of Way, and its ownership status, which members felt was an important consideration impacting on the ability to deliver the development. In addition, members were concerned about the lack of clarity regarding the condition of the subsoil and that the correct ownership notice (Certificate D) had not been issued.

Members discussed therefore whether the application should be refused or deferred to enable the applicant to address the areas of concern. During the discussion, the Head of Planning and Building Control advised that the key issue for consideration was the principle of the development and that together with other reasons set out in the report, it was considered that there was sufficient reason to determine a refusal.

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

Resolved

That application number 21/1686 be deferred to enable the applicant to:

- 1) confirm the ownership of the land and adjacent public Right of Way;
- 2) confirm ownership of the public right of way needed to enable the development
- 3) serve the correct ownership notices (Certificate D)
- 4) address other concerns raised during the discussion and in the report regarding the ability to develop the site.

182/22

Plans List item 5 – application number 21/0278 The Crown Public House, 6, Leamore Lane, Walsall. WS3 2BH

At this point in the meeting, Councillor Gandham, having declared an interest as a relative of the applicant, withdrew from the committee for the duration of the item in order to speak on this item as a member of the public.

The Senior Planning Officer, Mr T. Morris, presented a report of the Head of Planning and Building Control which sought a decision regarding a change of use of ground floor public house to four flats.

(see annexed)

Speakers in attendance: Mr A. Hope - Agent
Councillor N. Gandham

Mr Hope addressed the committee and opened by referring to the information contained in the supplemental information tabled at the meeting. Of particular note, Mr Hope's comments included:

- *Noise Reduction* – the pre-spec work regarding noise insulation was the best possible.
- *Cannock Chase Special Area of Conservation (SAC)* - he had never refused to make the relevant payments
- *Ground Conditions Survey* – this had only been raised very recently and would ensure that this was done and was content for this to be a condition.
- *Housing Standards* – he had asked for a copy of the report so that he could consider mitigating actions however, he had not received this.

Councillor Gandham addressed the committee. He said that the property had been owned since 2010 with the intention of bringing life back into the area as a licensed premises however, after the Covid pandemic it became unviable and therefore alternative uses were considered, with housing being the only viable option. Councillor Gandham confirmed that the required reports would be submitted as required and that and payment of the SAC contribution would be made.

Mr Hope and Councillor Gandham then responded to questions from members, during which time members were advised that the pub had been the subject of arson and criminal damage as the property had been empty. In addition, the ground survey had only recently been raised and therefore it had not been possible to arrange this in advance of the meeting and that the noise survey had been submitted but no response had been received regarding its acceptability. Members heard that the storage unit next door was currently being used as storage, however, should this use change then the noise impact assessment would mitigate any nuisance.

At this point, the committee's legal advisor, Ms Sargent, advised that the Cannock Chase SAC provision prevented the committee from making a decision to grant however, a decision could be delegated to the Head of Planning and Building Control to grant subject to this issue being resolved beforehand. The Head of Planning and Building Control, Ms Ives, also advised that the Council had implemented a "one amendment" policy to take a stricter approach to submission of applications. She said that the applicant had been asked for further information previously however, the concerns had not been addressed and therefore, it required a decision by committee.

With regard to the requirement for a land contamination survey, members were advised that there had previously been coal mining in the area and in addition, there appeared to be some industrial use to the rear of the property and so the survey would be a precautionary measure.

Members discussed the report, the representations made and the advice received, during which time a number of views were expressed regarding the merits or otherwise of the application which included a recognition that options for the use of such a property were limited but also that there was concern regarding the standard of design and the impact of noise nuisance on the residents.

Councillor K Hussain was of the view that the proposed development would have a detrimental impact on the area by way of noise and disturbance, outlook and amenity.

It was **Moved** by Councillor K. Hussain and **seconded** by Councillor Nawaz

That the application be refused.

The motion was put to the vote and declared **Lost** with 6 members voting in favour and 8 against.

It was **Moved** by Councillor Samra and duly seconded:

That authority be delegated to the Head of Planning and Building Control to grant application number 21/0278 subject to a Section 106 undertaking/Agreement to secure the necessary Special Area of Conservation mitigation; and all standard conditions and specific conditions to secure

- 1) Noise survey
- 2) Ground survey (contamination)

Reason - That the proposal would be bringing a redundant building back into good use, providing much needed housing in the area at an affordable rent or sale in line with surrounding properties; and would lead to the diversification of the use of pubs which were in decline.

The motion was put to the vote and declared **carried**, 8 members voting in favour and 5 against.

Resolved

That authority be delegated to the Head of Planning and Building Control to grant application number 21/0278 subject to a Section 106 undertaking/Agreement to secure the necessary Special Area of Conservation mitigation; and all standard conditions and specific conditions to secure

- 1) Noise survey
- 2) Ground survey (contamination)

Reason - That the proposal would be bringing a redundant building back into good use, providing much needed housing in the area at an affordable rent or sale in line with surrounding properties; and would lead to the diversification of the use of pubs which were in decline.

At this point, the time being 7.22pm, the Chair adjourned the meeting for a short break

The meeting reconvened at 7.27pm.

Councillor Gandham returned to the Committee.

183/22 **Plans List item 4 – application number 22/0729. 32, Hart Street, Walsall. WS1 3PE**

The Principal Planning Officer, Ms S. Hollands, presented a report of the Head of Planning and Building Control which sought a decision regarding a temporary change of use of residential (C3) property to place of worship (F1) Mosque.

(see annexed)

Members discussed the application during which time, it was noted that the temporary length of time required had not been specified. It was suggested that the period of use should be for three years which aligned to the timescale for use to commence. Members also commented that there would be no impact on numbers as the same or fewer people would be using the temporary arrangements with minimal noise arising from the use as numbers would disperse home.

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

Resolved (unanimously)

That application number 22/0729 be granted for a temporary period of 3 years.

Reason - as the congregation had relocated from a nearby mosque, which was being rebuilt, most attendees would visit on foot and a public car park was located within a few yards meaning that the increased numbers would not have an impact on the amenity in the area and highways objections would be overcome. Also that the noise element was not evident as the congregation would be reduced in number.

184/22 **Plans List item 6 – application number 23/0036. 124, Great Charles Street, Brownhills, Walsall. WS8 6AF**

A report of the Head of Planning and Building Control was submitted which sought a decision regarding a change of use from Planning Use Class C3 (dwelling houses) to Planning Use Class C2 (Residential Institutions) for use as a Children's Home.

(see annexed)

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

Resolved

That the Head of Planning and Building Control be delegated authority to grant application number 23/0036 subject to the amendment and finalising of conditions and that no further comments from a statutory consultee raising material planning considerations not previously addressed.

Termination of meeting

The meeting terminated at 8.06pm

Signed.....
Chair

Date.....