

## **Planning Committee**

**Thursday 1 December 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. Cooper  
Councillor N. Gandham  
Councillor A. Harris  
Councillor A. Hussain  
Councillor I. Hussain  
Councillor R. Larden  
Councillor R. Martin  
Councillor J. Murray  
Councillor A. Nawaz  
Councillor S. Samra  
Councillor M. Statham  
Councillor V. Waters

### **In attendance:**

P. Venables	Director, Regeneration and Economy
A. Ives	Head of Planning
N. Ball	Principal Planning Policy Officer
M. Brereton	Group Manager – Planning
E. Cook	Assistant Democratic Services Officer
M. Crowton	Transportation Major Projects and Strategy Manager
K. Gannon	Developmental Control and Public Rights of Way Manager
P. Gittins	Principal Planning Officer
O. Gore	Development Monitoring Officer
N. Gough	Democratic Services Officer
J. Grant	Environmental Protection Officer
S. Hollands	Principal Planning Officer
J. Hoskinson	Senior Planning Officer
I. Jarrett	Principal Environmental Protection Officer
P. Jervis	Principal Planning Policy Officer
D. Matharu	Regeneration Officer - Conservation
K. Moreton	Head of Highways, Transport and Operations
J. Price-Jones	Planning Solicitor
D. Smith	Senior Legal Executive
S. Wagstaff	Principal Planning Officer

148/22      **Apologies**

Apologies for absence were submitted on behalf of Councillor B. Allen, Councillor K. Hussain and Councillor A. Underhill.

149/22      **Declarations of Interest**

Councillor Bird declared an interest with regards to plans list items 1, 2 and 3.

151/22      **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

152/22      **Minutes of previous meeting**

The Committee considered the minutes of the previous meeting.

**Resolved:**

That the minutes of the meeting held on 31 October 2022, a copy having been previously circulated to each member of the Committee, be approved and signed as a true record.

153/22      **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.

154/22      **Development Management Performance Update Report**

The Group Manager (Planning) introduced the report (annexed) which detailed the latest performance and outcomes regarding 'Development Management'. Whilst performance on the speed of decision making reduced in Quarters 1 and 2, this was largely due to delays arising from the Cannock Chase SAC. Progress in clearing the backlog was now being seen and additional staffing would accelerate decision-making, including 3 new senior planning officers and 1 principal planning officer. A dedicated Section 106 officer had also been appointed.

Responding to questions, the Group Manager confirmed that there was still an ongoing project with an allocation for investing in affordable housing stock.

**Resolved:**

That the report be noted.

155/22

**Responses to Birmingham City Council, Stafford Borough Council and South Staffordshire District Council Local Plan Consultations**

The Principal Planning Policy Officer introduced the report of the Head of Planning and Building Control (annexed) setting out proposed responses to the Local Plan consultations of Birmingham City Council, Stafford Borough Council and South Staffordshire District Council Local Plan Consultations, which were at varying stages of the consultation process. The Local Authority had a duty to cooperate with neighbouring authorities regarding Local Development Plans.

Responding to Member questions, officers explained that housing requirements were derived from Government targets and Government had final determination on these numbers. Where neighbouring authorities proposed additional housing to their targeted needs, this may be used to off-set targets in neighbouring authorities, but with all three of the consultations in the report, it was not clear where would be affected by any off-setting.

Members discussed the implications of consultations on the Walsall Local Plan. Officers described the challenges to developing privately-owned brownfield sites which included the willingness of owners to allow such development. The Walsall Local Plan would identify the number and type of housing required.

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

**Resolved** (unanimously):

That the consultation responses for the Birmingham City Council, Stafford Borough Council and South Staffordshire District Council local plans (as set out in the appendices) be recommended to Cabinet for approval.

156/22

### **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.

*Having declared an interest in plans list items 1, 2 and 3, Councillor Bird left the Chamber. Councillor M. Statham took the Chair.*

157/22

### **Plans List 1 – 22/0171 – Site at Ravens Court, Brownhills**

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 Principal Planning Officer gave an overview of the proposal and explained the recommendations. Whilst the proposal was supported in principle, Highways recommended that the proposed additional access from the High Street was not required and was only for commercial advantage. Highways concerns included safety on the car park for vehicles accessing and serving other shops along the High Street. Councillor Murray had not been consulted as the ward Member, but confirmed he was happy to proceed with consideration.

The Committee welcomed two speakers on the item. Councillor K. Ferguson spoke in favour of the application and explained that the derelict site had seen anti-social behaviour and was unsafe. The traffic on High Street was slow-moving and the applicants had suggested they would be unlikely to relocate if the access off High Street was not permitted. Mr Robin Williams, Aldi's Regional Property Director, spoke in favour of the application and explained that this was a high-quality solution to a site currently undermining the economic sustainability of Brownhills town centre. The issue of the High Street access was the only outstanding technical issue.

Responding to questions, Mr Williams confirmed that the proposed access off High Street was ingress-only and that Aldi had many stores with busier accesses with no previous problems. Articulated delivery vehicles would be required to use the Ferrie Grove/Silver Street access. Mr Williams confirmed the importance of the High Street access to the viability of the proposed development and explained that the applicant's data suggested there would not be a highways issue. Mr Williams also confirmed that the applicants would plan to acquire the existing properties and planned to support current occupiers in relocating

elsewhere. Councillor Ferguson explained that the site had been derelict for approximately 10 years and that a survey conducted by Aldi had found 108 of 109 respondents in favour of the proposal.

There then followed questions to Officers. The Head of Highways, Transport and Operations explained that the first stage of assessing a potential highways safety issue was to assess whether the risk could be completely eliminated. Regarding the application, this could be done by removing the proposed access from High Street. Whilst the applicants had proposed road safety measures these were outside of the boundary of the proposed development site. These safety measures would need to be secured should Members support the proposal. Regarding environmental concerns, these related to the demolition of the existing properties rather than the proposed development itself. It was confirmed that a barrier was not proposed for the car park and the Police had not raised any concerns.

Members debated the proposal and commended Stephen Craddock for his work in championing the site. It was **moved** by Councillor Murray and **seconded** by Councillor Harris and upon being put to the vote it was;

**Resolved** (unanimously)

That Planning Committee resolve to delegate to the Head of Planning & Building Control to grant planning permission subject to conditions and a Section 106 agreement to secure a travel plan and subject to:

1. No new material considerations being received within the consultation period;
2. The amendment and finalising of conditions;
3. Overcoming the outstanding concerns raised by Local Highway Authority submission of a comprehensive car park management scheme to include Aldi related vehicles and non- Aldi related vehicles which service the existing units on High Street.
4. The amendment of the red line site boundary.
5. Planning Committee resolved that removing the access from High Street not be included as a condition, contrary to Officer's recommendations, for the following reasons:
  - I. The proposed access from High Street is ingress only.
  - II. The proposed access from High Street will not be used by commercial vehicles.
  - III. Whilst High Street is an A-class strategic highway, in practice, traffic flows at walking pace.
  - IV. The wider benefits the development brings to the community, including with regards to health and safety, outweigh the concerns raised.

**Plans List 3 – 20/0832 – Former Old Bush Inn, Walsall Road, Pelsall**

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 Principal Planning Officer presented an overview of the plan including layout, the surroundings and the reasons for the recommendation. Pelsall was not a district centre and according to the sequential test, the sequentially preferential site is in Brownhills considered as part of the previous plans list item (see minute 157/22).

The Committee welcomed three speakers on the item.

Mr J Thomas, a local resident, spoke against the application and explained that building a supermarket in a small community like Pelsall would destroy its High Street. The road through Pelsall was already very busy and accident prone, and for most residents travelling to Brownhills was not a problem. Mr David Archer, a local resident, spoke against the application and explained that the proposed development would have a negative effect on residents' quality of life, through creating noise. Only one local road would be suitable for the vehicles used for deliveries and the sight lines for LGVs leaving the site would necessitate their mounting of verges/pavements.

Mr Robin Williams, Aldi's Regional Property Director spoke in favour of the application and explained that failing to redevelop the site would lead to the area becoming less desirable, whilst the development would provide substantial benefits including £1million of funding for sports in Walsall through the Section 106; 40 new jobs; spin-off trade for local businesses and value for money for local shoppers.

Responding to questions, Mr Archer explained that local residents were not opposed to the principle of the site being re-developed, but that a supermarket was not an appropriate development. Mr Williams explained that late requests for information had been received from Highways, adding that local roads would be able to handle the associated large vehicles and that most car journeys were already on the road network. The lack of a bat report was due to the previous one expiring and there was no evidence bats were present at the site.

*At this point, Councillor Statham 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.*

There followed questions to Officers. It was explained that as a locally listed building, the Local Authority did not have the same powers of enforcement as if the building was nationally listed, however it was protected and the applicants had failed to fully consider whether the asset could be retained. It was noted that the onus to maintain the building, and ensure that it did not fall into disrepair, was on the owner. Regarding the Section 106 agreement, a need for a like-for-like

replacement of the existing football pitch was not identified so the money would be split across other identified football-related projects Borough-wide.

Elaborating on Highways objections, the Developmental Control and Public Rights of Way Manager explained that Highways had requested cumulative details with application 20/0830 and that these were only received the day prior to the meeting. Whilst the applications were separate there were concerns that if the application was approved, this would block the road view and make a footpath unviable regarding the care home proposal. Regarding TRICS (Trip Rate Information Computer System), the applicant had treated the proposed development as a passing road rather than a destination. There was a weight limit on the Yorks Bridge meaning that Aldi delivery vehicles would have to come via Rushall.

Following a debate, it was **moved** by Councillor Bott and **seconded** by Councillor Waters and upon being put to the vote, it was;

**Resolved** (9 in favour, 0 against)

That Planning Committee delegate to the Head of Planning and Building Control to refuse planning permission for application 20/0832 for the reasons set out in the Officer's report and the supplementary paper and to:

- Allow 14 day re-consultation to obtain latest representation from the Local Highway Authority.
- Amend and finalise refusal reasons.

159/22

**Plans List 2 – 20/0830 – Pelsall Villa Football Club, Walsall Road, Pelsall**

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, informing Members that the main objections related to Highways concerns.

The Committee welcomed one speaker on the item, Mr Neil Denison, the representative of the agent, who spoke in favour of the application. He explained that he viewed the reasons for refusal as spurious and highlighted that there was no evidence of significant highways impact; the protected trees at the site would remain; there was evident need for such a facility in the area and the Section 106 obligations would mitigate the loss of the football ground.

Responding to questions, Mr Denison explained that there was not a two metre pavement to the north of Bush Grove, but there was one on the south side and it was a cul-de-sac with little traffic. The transport assessment suggested that the view when turning into Bush Grove was adequate and only a small section of the hedgerow would be affected. The care home development and the Aldi development (20/0832) were

independently viable and the Section 106 agreement would be effected if only one were approved.

Responding to questions, the Principal Planning Officer explained that whilst the principle of the development was supported, officers were not satisfied that the highways objections had been overcome. The Developmental Control and Public Rights of Way Manager explained that officers were concerned that no visibility display had been provided. Furthermore, the lack of a pedestrian footpath would be unacceptable, it would be needed by users of a care home, such as the elderly and visually impaired.

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

**Resolved** (12 in favour, 0 against)

That Planning Committee delegate to the Head of Planning and Building Control to refuse planning permission for application 20/0832 for the reasons set out in the Officer's report and the supplementary paper and to amend and finalise refusal reasons.

*At this juncture, Councillor Bird returned to the Chamber and took the Chair.*

160/22

**Plans List 4 – 21/1720 – Field Adjacent the Duckery, Chapel Lane, Great Barr**

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 Principal Planning Officer provided an overview of the application, including layout, elevations, highways considerations, heritage concerns and green enhancements.

The Committee welcomed three speakers on the item. Councillor Christopher Towe spoke against the application and explained that this would represent a substantial development within the Green Belt and the Great Barr Conservation area. The development would be harmful, radically changing the area's openness and running counter to planning policy. Mr Robert Winkle, a local resident, also spoke against the application and added that the proposed development would be an unwelcome intrusion into a heritage area which provided a green gateway to Walsall and a rural retreat.

Mr Ed Pignott spoke in favour of the application, explaining that the proposal met the 'very special circumstances' requirement for developing a green-belt site. There were no other suitable sites locally and the development would produce significant environmental benefits, outweighing the harm to the green belt. Mitigations would result in a 50% net biodiversity gain.



Responding to questions, Mr Pignott stated there had been no highways, fire service or flood-risk objections and that there would be no long-standing harm, as the development would be for a temporary period with the land returning to being green field. He explained that the methodology for identifying suitable sites included specific criteria and this was the only suitable site identified.

The Head of Planning and Development explained that 40 years would not ordinarily be considered to be a temporary development and that although the site would still be in the green belt once vacated, this would be after 40 years of potential harm to it. In the view of officers, the 'very special circumstances' criteria were not met and although the development in principle would contribute to Carbon Neutral Walsall objectives, it was not suitable in this location. Highways were unable to confirm whether there would be severe traffic issues, but that conditions regarding highways during the 30-week construction period had been requested.

After a debate, it was **moved** by Councillor Gandham and **seconded** by Councillor Samra and upon being put to the vote, it was;

**Resolved** (unanimously)

That Planning Committee refuse planning permission for application 21/1720 for the reasons set out in the Officer's report and the supplementary paper and for the following additional reasons:

1. If approved this development would introduce an industrial feature into the green belt and conservation area.
2. Highways traffic management concerns.

**161/22      Plans List 5 – 22/0925 Mali Jenkins House, The Crescent, Walsall**

**Resolved:**

The application 22/0925 was withdrawn by the applicant prior to the meeting and will no longer be determined by the Local Planning Authority.

**162/22      Plans List 6 – 22/0769 – 1 Barr Common Road, Aldridge, 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 Group Manager (Planning) provided an overview of the application including the site, the application's history, the local area and the reasons for the recommendation.

The Committee welcomed one speaker on the item, Mr Michael Manraj Singh, who spoke in support of the application. Mr Singh elaborated that the proposed rear and front extensions would be allowed under

permitted development rules and very special circumstances requirements should not be necessary. The neighbours supported the proposal and the additional space was needed by the occupant to continue caring for elderly relatives who lived at the property.

Responding to questions Mr Singh explained that following the proposed works the property would be a dormer bungalow. Mr Singh claimed the objective of green belt development restrictions was to prevent urban sprawl, with an exception for developments which were not materially larger and there was no strict definition on what constitutes 'materially larger'. The prior approval system would allow such a development, which should be a material consideration. Changes from the previous application included a 1m reduction in depth whilst the height change was less than 1m above the current elevations.

Officers clarified that there was no default fall-back position for applications, hence permitted development was not included as a consideration. It was clarified that personal circumstances were not material planning considerations.

There followed a period of debate. Some Members felt that a 200% expansion did represent a materially larger development and that neither of the two reasons given for the previous rejection of the application had been addressed. Other members expressed that they felt the applicant had gone some way to addressing these previous concerns and that the proposal posed no substantial harm to the green belt.

It was **moved** by Councillor Murray and **seconded** by Councillor Bott that Planning Committee refuse planning permission for application 21/1720 for the reasons set out in the Officer's report and the supplementary paper. Upon being put to the vote, this was **Rejected (6 in favour, 7 against)** and the proposed resolution failed for this reason.

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

**Resolved** (8 in favour, 6 against)

That Planning Committee resolve to Delegate to the Head of Planning & Building Control to grant planning permission subject to conditions and contrary to officers' recommendations, for the following reasons:

1. The proposed development poses no significant harm to the Green Belt.
2. No objections have been received from neighbours.
3. The scheme has been reduced in width, depth and height and is a superior scheme.

## **Part II: Private Session**

162/22

**Development Management Performance Update – Table 3 only**

**Resolved** (by assent)

That the report be noted.

**Termination of meeting**

There being no further business, the meeting terminated at 10:36 pm.

Signed .....

Date .....