

PLANNING COMMITTEE

Thursday 4 February, 2021 at 5.30pm

Digital Meeting via Microsoft Teams

Held in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulation 2020; and conducted according to the Council's Standing Orders for Remote Meetings and those set out in the Council's Constitution.

Present:

Councillor Bird (Chair)
Councillor Perry (Vice Chair)
Councillor P. Bott
Councillor Chattha
Councillor Craddock
Councillor Creaney
Councillor Harris
Councillor Harrison
Councillor Hicken
Councillor Jukes
Councillor Nawaz
Councillor M. Nazir
Councillor Rasab
Councillor Robertson
Councillor Samra
Councillor Sarohi
Councillor M. Statham
Councillor Underhill
Councillor Waters

Officers:

Neil Taylor – Interim Director of Regeneration and Economy
Alison Ives – Head of Planning & Building Control
Michael Brereton – Group Manager - Planning
Alison Sargent – Principal Solicitor, Built and Natural Environment
Kevin Gannon – Highways Development Control and Public Rights of Way
Beverley Mycock – Democratic Services Officer

Welcome

At this point in the meeting, the Chair welcomed everyone and explained the rules of procedure and legal context in which the meeting was being held. He also directed members of the public viewing the meeting to the papers, which could be found on the Council's Committee Management Information system (CMIS) webpage.

Members and officers in attendance confirmed they could both see and hear the proceedings.

17/21 Apologies

Apologies had been submitted on behalf of Councillor Murray.

18/21 Minutes of 7 January, 2021

The Chair **moved** and it was duly **seconded** by Councillor Samra that the minutes of the meeting held on 7 January, 2021, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

The Chair put the recommendation to the vote by way of a roll call of Committee Members.

Resolved (unanimous)

That the minutes of the meeting held on 7 January, 2021, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

19/21 Declarations of Interest.

Councillor Samra declared a non-pecuniary interest in plans list item 5 (20/1091).

The Chair advised Committee he would take that item at the end of the meeting.

20/21 Deputations and Petitions

There were no deputations introduced or petitions submitted.

21/21 Local Government (Access to Information) Act, 1985 (as amended)

There were no items to consider in private session.

Councillor Underhill arrived at this juncture of the meeting.

22/21 Section 106 Monitoring Report

The report of the Head of Planning and Building Control was submitted

(see annexed)

The Head of Planning and Building Control advised Committee of the background to the report and highlighted the salient points therein. In addition, she drew the Committee's attention to the additional information as set out within the supplementary paper.

The Head of Planning and Building Control then drew Committee's attention to paragraph 9 on page 4 of the report. She advised that the SPD for education had been revoked but a Section 106 officers group were seeking to review future education provision and focusing on the pending expiry dates of S106 contributions. This would provide transparency of funding spend. She further added that a report would be provided to Committee every six months, which would provide a full breakdown of contributions and spend.

The Chair advised that Elected Members could change the policy to enable all Members to be engaged with the decision making of how S106 monies were spent within their wards.

The Chair **moved** and it was duly **seconded** by Councillor Nawaz:-

That the report be referred to Scrutiny Committee to determine how Members are engaged on the spending of S106 monies collected and to include details of all service area expenditure on specific projects. All Elected Members of the Council to receive a copy of the report in advance of its submission to Scrutiny Committee to enable any comments to be taken into consideration.

Members considered the report, during which a number of comments were made. These included:-

- It was imperative that Members were consulted prior to future spend within their wards.
- The report was welcomed but it was disappointing that some figures within the report did not appear to be reflective of actions taken and that the report did not provide evidence of where previous S106 monies had been spent.
- Some monies will need to be spent prior to a report to Scrutiny due to seasonal spend requirements.
- Planning Officers could only provide the information received by service areas at that time and therefore a full breakdown of spending required for Scrutiny Committee report and for future Committee meeting updates.
- Current policy dictated that 20% of S106 monies received were top sliced by Clean and Green if not designated within a particular area and therefore it was likely the money may have been spent but not necessarily with the area where the development occurred.

The Interim Director, Regeneration and Economy stated that the previous Section 106 Monitoring Officer's post had been released a couple of years previous. He welcomed Committee's comments and the request that a report be taken to Scrutiny to enable management of Section 106 money. He further advised Committee that within the current Section 106 rules, between 5% and 8% could be top sliced off the S106 contributions to fund a Section 106 Officer to manage the contributions.

Resolved (unanimous by assent)

That a report be presented to a Scrutiny Committee to see how Members are engaged on the spending of monies collected and report to include details of all service area expenditure on specific projects. All elected Members to receive a copy of the report in advance of reporting to a Scrutiny Committee.

23/21 Change in the Plans List Items

The Chair advised Committee that Plans List Item 4 (20/0745) had been withdrawn until a future Committee.

The Chair further advised Committee that Plans List item 5 (20/1091) would be heard last due to a Member having declared an interest.

24/21 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, the Chair advised them on the procedure whereby each speaker would have two minutes to speak. The Chair reminded Members that should they be minded to go against officer's recommendations, planning reasons must be provided.

25/21 PLANS LIST ITEM NO. 1 – 20/0522 – FORMER ALLOTMENTS REAR OF 1 TO 9 CRICKET CLOSE – PROPOSED ERECTION OF 29 DWELLINGS (COMPRISING 22 OPEN MARKET DWELLINGS AND 7 AFFORDABLE UNITS) WITH LANDSCAPING, ACCESS ROADS, CAR PARKING AND ASSOCIATED INFRASTRUCTURE.

The report of the Head of Planning and Building Control was submitted

(see annexed)

The Presenting Officer advised Committee of the background to the report and highlighted the salient points therein. In addition, the Presenting Officer drew the Committee's attention to the additional information and revised recommendation as set out within the supplementary paper.

The Committee then welcomed the first speaker on this item, Mrs Sandhu, who wished to speak on objection to the application.

Mrs Sandhu stated that the application did not address road safety concerns and would have an impact on the lives of the residents within the Close and that there had been a lack of contact between residents and whg. She advised Committee that she lived at number 11 Cricket Close and she would lose her off road private parking. She added that she had been allocated two parking spaces around the corner from her property but it would be impossible to leave two young children and elderly parents whilst parking or collecting the car and the CCTV cameras at the front of her property could not monitor the security of her car. Broadway was considered a key safety corridor and cannot accept a new access whereas the proposed Birmingham Road was narrower. If UDP policy T4 restricted access roads onto classified roads, why had access roads from the University and Keepers Gate been approved? Mrs Sandhu urged Members to support the residents.

The Committee then welcomed the second speaker on this item, Mrs Wilding, who also wished to speak in objection to the application.

Mrs Wilding stated that she was a long-term resident of Cricket Close. It had always been a safe, quiet and peaceful place to live and that it should not be the main access onto the new housing development. Whilst the residents of Cricket Close had no objections to the development itself, she did not feel the applicant had addressed any of the residents' concerns raised at the December meeting with regard to the proposed access when there was a suitable alternative on the Broadway. Mrs Wilding said there were a number of road safety issues to be taken into consideration due to width and size of the Close. The exit onto the A34 was already congested.

The Committee then welcomed the third speaker on this item, Mr. Williams, who wished to speak in support of the application.

Mr Williams stated that following the December Committee, the applicant had reviewed the site access and had identified a temporary solution to address some of the residents' concerns in relation to traffic disruption. The Highways Officer had advised that a new, permanent access onto the Broadway would not be supported. Highways had confirmed that Cricket Close was an adopted public highway, designed for residential traffic and that its junction with the Birmingham Road had capacity for the additional traffic. Mr. Williams advised that the applicant has proposed that all construction traffic for the duration of the build would not use Cricket Close and it had been agreed with officers for a temporary access to be constructed onto the Broadway and had agreed in principle the management of the construction to minimise disruption to the residents of Cricket Close.

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

Members queried the following:-

- Why had the amended plans not addressed the Tree Officer's concerns? Mr. Williams stated that the applicant had provided proof of a root protection zone around T29 and the scheme would take into account and retain the protected tree.

- What would happen to the temporary access road following completion of the development? Mr. Williams stated that the temporary access road would be removed and the area reinstated. The Chair stated that Sport England had advised they would withdraw their objection temporarily whilst the development took place on the understanding that the area affected by the temporary access road be reinstated. The land was in the ownership of the applicant but Sport England, as a statutory consultee would not allow use of the land until the tennis club had secured new premises.
- Would the temporary road be wide enough to accommodate construction traffic? Mr. Williams confirmed that at 3.7m, it would be wide enough to accommodate construction traffic.
- Was the Highways objection the only reason a permanent access onto the Broadway could not be considered? Mr. Williams stated that as the planning consultant, he would not recommend to his client that they prepare a planning application that could not be supported by the Highways Authority.
- How did the applicant feel about the disruption to the residents? Mr. Williams stated that in accordance with Highways, Cricket Close was a suitable road to accommodate the traffic. He added that the applicant could do nothing further with regard to the access over the former tennis courts but had managed to negotiate temporary access for construction vehicles over the site to prevent disruption to Cricket Close during construction.
- How many additional journeys through Cricket Close would the development create per day? Mr. Williams stated that a traffic impact statement had predicted there would be 14 vehicle movements per hour during the peak hours. The Chair added that the Highway Safety Officers had objected to a road onto the Broadway and not the applicant.
- Was the land currently being used by the tennis club? Mr. Williams confirmed that the land was not being used by the tennis club. The land was in the ownership of whg but Sport England was a statutory consultee and because of their objection, whg could not use the former tennis club land.
- Why hadn't whg offered the full S.106 contribution? Mr. Williams stated his client wished to provide 25% shared ownership as opposed to social rent tenure with a commitment of an additional financial contribution towards offsite affordable schemes. The Chair stated that the original application had been for 50 dwellings but the full scheme had not been able to be built out due to the objection from Sport England and therefore the profitability and viability of the scheme had become more difficult.

There then followed a period of questioning by Members to Officers in relation to:-

- Why was access onto the Broadway not acceptable? The Team Leader-Highways Development Control and Public Rights of Way advised Committee that the Senior Officer for Road Safety had been unable to attend the meeting but a statement had been prepared. With the Chair's permission, the Team Leader-Highways Development Control and Public Rights of Way read out the statement, which included:-
 - National Planning Policy Framework - development should be prevented or refused on highway grounds if there would be an unacceptable impact on highways safety or residual, cumulative impact on the road network

would be severe. Any additional access, temporary or permanent created along the Broadway would intensify the existing situation, which had been exacerbated by the creation of the university junction and any changes that may affect the interaction between new and proposed accesses on this section of the Broadway needed to form part of the decision on the determination of the application.

- Accident data and vehicle speeds and for the Broadway between 2017 and 2019 - there had been four accidents between Delves Road and the university access; no accidents had been recorded on the Birmingham Road between 2017 and 2019 and only one since 2019. Should Members be minded to not support the Road Safety advice, substantive grounds for refusal would have to be provided.
 - Accumulative impact on the network - based on one car every four minutes, should Committee be minded to refuse against the judgement of the Highways officers, an Inspector may not support the Committee's view;
 - Intensification of junctions, pedestrian crossings and turning movements are the overarching issues.
 - It was not uncommon to create a temporary construction access in conjunction with a management plan.
 - Cricket Close is an existing adopted road into the strategic network and no justification or evidence not to use. The junction would work within capacity for 29 properties
 - Access from Broadway did not form part of the application and therefore not a material consideration.
 - Temporary haul road was 3.75m. A permanent road would need to be 5.5m wide plus 2m wide footpaths and would not fit within the boundary of the site.
 - Birmingham Road peak times are 9am to 10am (700 vehicles per hour) and 5pm to 6pm (900 vehicles per hour) - Broadway peak times are 8am to 9am (1000 vehicles per hour) and 5pm to 6pm (1200 vehicles per hour)
- Why had the Road Safety Officer supported a temporary access onto the Broadway but had objected to a permanent access to the Broadway? The Team Leader-Highways Development Control and Public Rights of Way advised that the application for consideration would provide a temporary access during construction. It was the decision of Members whether they wished to accept that temporary access. The management plan would control the temporary construction access.
 - When had the Transport Assessment been carried out and would it have taken account of the Sprint operation? The Team Leader-Highways Development Control and Public Rights of Way stated that the Transport Assessment had been carried out within the last two years, with a final assessment updated in March 2020. Should Sprint be introduced, this should not affect the movement of vehicles into and out of Cricket Close.
 - Had many accidents had occurred on the Broadway? The Team Leader-Highways Development Control and Public Rights of Way stated there had been a cluster site of accidents reported around the Broadway island junction and Birmingham Road but no accidents had been reported close to the potential access onto the Broadway.
 - Would it be considered a cumulative impact for 29 proposed dwellings to utilise a cul-de-sac? The Team Leader-Highways Development Control and Public Rights of Way advised the cumulative impact was what the proposal

would have on the main network itself. The Transport Assessment indicated an additional 15 vehicles per hour on a morning and 10/12 on an evening. Birmingham Road was a classified road and a strategic network and its capacity had been tested for a further 5 years.

- What advice would officers give with regard to financial implications should Members be minded to refuse against officers recommendations? The Team Leader-Highways Development Control and Public Rights of Way stated that officers had to advise Committee of potential financial risks to the Council should Members be minded to vote against a professional officers' recommendations. The Chair stated that officers were correct to remind Members of potential costs. The Head of Planning and Building Control advised that officers made the recommendations and that Committee made the final decision. She added that should Committee be minded to overturn an officer's recommendation that had been based on policy and facts, then Committee would have to provide justified reasons to support its decision otherwise costs may be awarded against the Local Authority should an appeal against refusal be lodged.
- How had the predicted vehicle movement data been calculated? The Team Leader-Highways Development Control and Public Rights of Way reported that data was input into a nationally recognised Trips Database by a Transport Consultant. A comparison would then be made with previously developed sites. The Chair stated that the figures had to be considered because of National Guidance. The Principal Solicitor, Built and Natural Environment advised that a qualified, professional Road Safety Officer had provided the evidence and therefore Committee would have to provide expert evidence to the contrary if they did not agree with the officer's evidence.
- Would the homes be fabricated off site? The Presenting Officer stated that the homes would be constructed on site in the traditional method.

Following the conclusion of questions to Officers, Members considered the application and comments were made as follows:-

- There were concerns in relation to the traffic arrangements proposed and it seemed the whole development had been hampered by the objection from Sport England. If the objection was not there and all the land was available for use, a satisfactory solution may be found. A previous plan had proposed 50% exit onto the Broadway and 50% exit out of Cricket Close.
- Road safety was an issue and the Sprint bus along the A343 was a reality.
- An actual development was not the issue, only the proposed access through Cricket Close.
- Whether an alternative access could be considered from the hotel off the Birmingham Road which was the access to the tennis facility.

Councillor Rasab **moved** and it was **seconded** by Councillor Samra:-

That planning application number **20/0522** be refused, against officers recommendations, as insufficient information had been provided by Highways and that the Sprint Bus would increase traffic within the area.

Members considered the application prior to voting. A discussion ensued as to whether Committee would be minded to defer the application to await a comprehensive development plan to be provided once the land had been

taken back from the tennis club and Sport England had withdrawn their objection and whether the applicant could then consider an alternative access from the hotel off Birmingham Road. Should Members be minded to refuse the application, the applicant may appeal and if successful, the access and egress would be off Cricket Close.

The Head of Planning and Building Control advised Committee that the current Motion would need to include evidence that it would cause a highway safety issue, otherwise there may be a risk an appeal may not be upheld.

In response to whether a deferral could be sought, the Principal Solicitor, Built and Natural Environment advised Committee that it could seek a deferral to request details of a more comprehensive development if it so wished. With regard to the previously mentioned access from the former tennis, she requested the Presenting Officer to highlight the extent of the boundary line of the application site. If the boundary of the submission for consideration did not include the suggested access, then it might be outside the scope of the Committee to consider. The Chair stated that the existing access from the former tennis club was over the carpark of the neighbouring hotel.

Following further consideration of the application, Councillor Rasab removed his Motion. This was agreed by the seconder.

The Chair **moved** and it was duly **seconded** by Councillor Samra:-

That planning application number **20/0522** be deferred, against the officers recommendation, to enable the applicant and officers to further explore an alternative means of access and egress from the site (potentially from hotel off Birmingham Road) and to consider a comprehensive development to include land at the redundant tennis club.

The Head of Planning and Building Control advised Committee that should the application be deferred, Sport England would only remove their objection at such time the tennis club found alternative accommodation.

Before voting, the Principal Solicitor, Built and Natural Environment read out the recommendation for the benefit of Members.

The Motion was put to the vote by way of a roll call of Committee Members and was subsequently declared **carried**, with eighteen Members voting in favour and one against.

Resolved (18 in favour and 1 against)

That planning application number **20/0522** be deferred, against the officers recommendation, to enable the applicant and officers to further explore an alternative means of access and egress from the site (potentially from hotel off Birmingham Road) and to consider a comprehensive development to include land at the redundant tennis club.

26/21 **PLANS LIST ITEM NO. 3 – 20/0802 – REDHOUSE NURSING HOME (UK) LTD, 55 REDHOUSE STREET, WALSALL, WS1 4BQ – PROPOSED CHANGE OF USE FROM NURSING HOME (USE CLASS C2) TO PROVISION OF A 35 BEDROOM HOUSE IN MULTIPLE OCCUPATION (HMO)(SUI GENERIS) FOR PEOPLE SHARING ASSOCIATED AMENITY, RECREATION, TRAINING AND LAUNDRY FACILITIES.**

The report of the Head of Planning and Building Control was submitted

(see annexed)

The Presenting Officer advised Committee of the background to the report and highlighted the salient points therein. In addition, the Presenting Officer drew the Committee's attention to the additional information as set out within the supplementary paper.

The Committee then welcomed the first speaker on this item, Councillor Ditta, who wished to speak in objection to the application.

Councillor Ditta stated that she was speaking on behalf of local residents who believed the establishment would pose a safety risk and would lead to an increase of anti-social behaviour within the area and she alluded to the number of reported crimes within Redhouse Street for December 2020. She stated that residents had been confused with regard to the public notices and that not all local properties had been made aware of the application. Councillor Ditta also referred to the potential risk of the spread of diseases by virtue of the number of proposed occupants sharing the amenities.

The Committee then welcomed the second speaker on this application, Mr. Hussain, who also wished to speak in objection to the application.

Mr. Hussain stated the building was visible from his garden and whilst he would have no objection to the building being converted to a nursing home, he did have concerns should it be converted into a HMO for asylum seekers. He believed the proposed application would create more noise, pollution and would lead to its residents loitering around the area. Mr Hussain also expressed concerns that the proposal could devalue nearby homes, could lead to an increase in home and car insurance and would increase anti-social behaviour.

The Committee then welcomed the third speaker on this application, Dr Sahay, who wished to speak in support of the application.

Dr Sahay stated that he was a G.P. and the main applicant for the former Redhouse Nursing Home. The building had been vacant for two years and the change of use had been recommended by officers for approval. He wished to reassure Members that a collaborative and flexible approach would be adopted and earlier plans had been amended following Police and Housing Standards recommendations. Discussions had been held with a local ward Councillor regarding residents' concerns and these had been allayed. Previous plans for the building to be converted into a nursing home had been changed and the applicants had engaged with Serco, who were a Government affiliated and national organisation responsible for supporting seekers of asylum to

integrate into the community as well as site management. Dr Sahay added that the building would not be a secure unit or a detention centre and that occupants would be accommodated for between six to twelve months. In closing, Dr Sahay advised that he had extensive, positive experience of working with Serco and they would manage the facility in conjunction with the applicants.

The Committee then welcomed the fourth speaker on this application, Dr Rischie, who also wished to speak in support of the application.

Dr Rischie stated that he was a resident of Walsall as well as having been a G.P. for over 15 years and he had a passion to look beyond affordable housing and to help provide care for homeless people. The property in Redhouse Street was within an ideal location and would enable the occupants to enjoy privacy within their respective accommodation whilst at the same time enabling them to integrate into the community. Dr Rischie added that the occupants of the proposed HMO would be ordinary people who had arrived into the country and who needed the appropriate intervention to enable them to blend in. In closing, Dr Rischie stated that as a G.P. he would be very supportive to the occupants, particularly in advising them of the risks around infections. He advised that there had been no evidence of Covid outbreaks within any HMOs.

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

Members queried the following:-

- Were the speakers confident that Serco would provide good management following concerns around other institutions around the country, including Walsall? Dr Sahay advised that he was unsure of any previous problems concerning Serco's management of establishments or in which locations the problems had occurred.
- Could the applicants understand the lack of confidence with regard to Serco managing the establishment, given the Council's experience with Serco elsewhere in the borough? Dr Sahay advised that a Management Plan would be submitted for approval. He would continue to have a hands-on approach and would work with the community.
- Following a petition by residents in objection to the proposals, did the speakers accept why the community may be fearful of asylum seekers being accommodated within the facility? Dr Sahay stated that unfortunately a stereotype had been attached to asylum seekers without any understanding of why they were seeking asylum. It was only a perception there would be an increase in crime and anti-social behaviour and he was not aware of any evidence to substantiate that would be the case. Dr Rischie added that they would be working in corroboration with Serco and other agencies.
- Would the HMO be for single sex occupants or would it include families? Dr Sahay stated that it would be single sex and would accommodate either all male or all females only. The Chair advised Committee that Serco were the appointed contractor for dispersal of housing for asylum seekers.
- What experience did the applicants have in running similar facilities? Dr Sahay advised that they currently managed 26 units over 3 sites for both asylum seekers and for people with complex needs. In his experience, the needs of seekers of asylum were less complex and more straight forward to manage.

- Why did the site notice state the application would be for people over 55 years of age, which had been misleading for some residents? Dr Sahay advised that a site notice proposal for over 55 year olds was still in situ from an earlier planning application and had no reference to the one currently being considered.
- How would the applicants and Serco manage the site with regard to residents' fear of crime and risk to public health? Dr Sahay advised that following feedback from the Police, the applicants would manage the site with daily visits by Serco. The team would consist of an Operation Manager, rehousing officers, maintenance officers and discussions taking place for a full time Serco officer. Should an occupant create a nuisance then they would be moved and disciplinary action taken. There would be a mix of age groups and of religious beliefs within the site. There would be recorded CCTV around the main door entry point and shared areas, an intruder alarm, the office would be situated at the front of the building and there would be a professional presence at all times. There would also be English language external trainers. Dr Rischie added that all Public Health precautions with regard to Covid would be adhered to. He added the building would include two kitchen areas that would provide adequate spacing to reduce the risk of any spread of infections.

At this juncture of the meeting, the Chair **moved** the suspension of Standing Order of the Council's Constitution to enable the meeting to continue beyond 8.30pm in order to complete the remaining items on the agenda. This was duly **seconded** by Councillor Nawaz. The Committee agreed by assent to extend the meeting beyond 8.30pm.

Members continued with their questions to the speakers:-

- Would residents be tested for Covid prior to accommodation? Dr Rischie stated that should there be a requirement from Public Health for systematic testing to be carried out prior to occupants settling in, they would ensure all occupants complied with the instruction. He reiterated there was a lack of evidence that there had been any outbreaks of Covid within HMOs.
- Would it be Serco or the applicant who would be in control of monitoring the site? Dr Sahay advised that the applicants would work in conjunction with Serco and the applicant would also have access to remote surveillance at all times.
- If the facility was a single sex facility only, would there be children on the site. Dr Sahay confirmed there would be no children on the site. He added that currently there were more males requiring accommodation but the applicants had requested females only for the site.
- Would the Management Plan include a curfew for residents and if so, how would this be enforced and who would monitor the CCTV? Dr Sahay advised there was no requirement for a Management Plan to enforce a curfew for asylum seekers. Should nearby residents experience any disturbances, management should be informed. Dr Sahay added that he would monitor the CCTV cameras remotely alongside Serco.
- How would management deal with anti-social behaviour that may occur at the facility? Dr Sahay advised that management would work with the Police and Housing Standards and the applicants would be accessible at all times.

- Where had the demand for asylum seeker accommodation come from? Dr Sahay advised that Serco had been contracted by the Home Office to manage the accommodation of asylum seekers pending their asylum applications around the country. By way of further explanation, the Chair advised that a dispersal document agreed by the West Midlands Leaders and Serco were the contractors to operate through the dispersal document to allocate places for asylum seekers throughout the West Midlands.

The Head of Planning and Building Control reminded Members that the Council had a corporate policy to reduce inequalities and that a decision based on fear of crime, without evidence may be considered as discriminatory against certain sectors of the community. The Chair stated that Walsall had experience of Serco's management within Walsall and that was why the fear of crime was a concern.

- How would the applicants enhance the fight against inequalities within the site? Dr Sahay advised that plenty of management measures would be put into the site and working with all parties to ensure that no adverse impact would be felt with the community. These were only perceptions and stereotypes. Dr Rischie added that collectively it was everyone's responsibility to work on reducing inequalities.
- Clarification as to the role of the two speakers in support of the application? Dr Rischie confirmed both himself and Dr Sahay were the applicants as well as local G.P.s.
- Were the applicants satisfied that Serco could manage the site? Dr Rischie stated that he would not put his name on anything that he did not feel that he could support and he was confident the facility would be managed safely.
- How many HMOs did the applicants run in Walsall and what type of penalties would be imposed should anti-social issues arise? Dr Sahay advised that he did not have other HMOs within Walsall but he did have some within Birmingham. The HMOs in Birmingham accommodated both asylum seekers and residents with complex needs. Should any residents create problems, they would be relocated out of the area.
- Had Serco confirmed that they would manage the site? The Chair advised that all asylum seeker referrals had to be administered by Serco as the Government's contracted service provider. The Principal Solicitor-Built and Natural Environment drew Members attention to condition 3 on page 68 of the report in relation to a condition for the submission of a Premises Management Plan for approval. The Premises Management Plan would detail how the premises were to be operated. Any breach of the terms of the management plan would be a breach of condition. So there was some element of security for Members in the way the facility was to be managed. She further added that should Members be minded to seek to limit the occupation of the premises such as to asylum seekers only or female only, as long as Members had good reason, it could be secured by a S.106 agreement but this could not be done by condition.

There then followed a period of questioning by Members to Officers in relation to:-

- Was fear of crime a material planning condition? The Chair advised that the fear of crime was enshrined by the House of Lords that it was a material planning consideration. This could be demonstrated with evidence from other establishments around the country that had experienced inadequate management by Serco.
- How many HMOs were situated with the locality? The Presenting Officer advised that the exact number was currently unknown as some would be registered and some not. The Chair stated that stronger licensing powers were soon to be published.
- Concern that residents had been confused by the two site notices for different applications. The Chair clarified that all planning applications were advertised within the local press and letters sent out to neighbouring properties. He confirmed a wide area of approximately 60 homes would have received notification of the proposal.

Following the conclusion of questions to Officers, Members considered the application during which Members made the following comments:-

- That there was a great strength of feeling that the application would be an unacceptable use in the area due to the contracting out of the management of the facility to Serco and its reputation. There was documented evidence of inadequate management by Serco from similar HMO facilities within Sheffield, Birmingham and one within Walsall. This would be to the detriment of the asylum seekers and local residents.
- Already two HMOs within Redhouse Street and there was a saturation of HMOs within the locality, which had increased residents' fear of potential crime and anti-social behaviour.
- Potential to defer the application to enable the applicants to consider an alternative management provider.

Following consideration of the application, Councillor Nawaz **moved** and it was duly **seconded** by Councillor Nazir:-

That planning application number **20/0802** be refused, against the officer's recommendation due to the existing concentration of HMOs within the locality and evidence of poor management of other HMO facilities in Birmingham, Sheffield and Walsall by Serco, leading to increased fear of crime and anti-social behaviour.

Before voting, the Principal Solicitor, Built and Natural Environment read out the recommendation for the benefit of Members.

The Motion was put to the vote by way of a roll call of Committee Members and was subsequently declared **carried**, with thirteen Members voting in favour and six against.

Resolved (13 in favour and 6 against)

That planning application number **20/0802** be refused, against the officers recommendation due to the existing concentration of HMOs within the locality and evidence of poor management of other HMO facilities in Birmingham,

Sheffield and Walsall by Serco, leading to increased fear of crime and anti-social behaviour.

29/21 **PLANS LIST ITEM NO. 2 – 19/1168 – THE BOWMAN, MYATT AVENUE, ALDRIDGE – OUTLINE APPLICATION FOR DEMOLITION OF EXISTING PUBLIC HOUSE AND CONSTRUCTION OF 12 NO APARTMENTS (ACCESS, LAYOUT AND SCALE TO BE DETERMINED).**

The Committee considered the application and the Chair **moved** and it was duly **seconded** by Councillor Nawaz and:

Resolved (unanimously by roll-call)

That planning application number **19/1168** be delegated to the Head of Planning and Building Control to grant planning permission, subject to conditions and a S.106 to secure Open Space contribution and landscape management and subject to:-

- i. The amendment and finalising of conditions;
- ii. Satisfactory completion of a Section 106 agreement for open space contribution and landscape management; and
- iii. Subject to no further objections from consultees to amended plans received.

as contained within the report and supplementary paper.

30/21 **PLANS LIST ITEM NO. 6 – 20/1218 - 13 SOMERS ROAD, WALSALL, WS2 9AU – PROPOSED SINGLE STOREY REAR EXTENSION.**

The Committee considered the application and the Chair **moved** and it was duly **seconded** by Councillor Nazir and:

Resolved (18 in favour and 1 against by roll-call)

That planning application number 20/1218 be refused for the reasons as set out within the report.

Councillor Samra, having declared an interest in the final item for consideration, left the meeting

31/21 **PLANS LIST ITEM NO. 5 – 20/1091 – WALSALL COUNCIL, CAR PARK, NEWPORT STREET – TEMPORARY (2 YEAR) RETENTION OF CHANGE OF USE FOR OPEN STORAGE AND PLACEMENT OF CONTAINERS FOR USE BY MARKET TRADERS AND WIDENED PEDESTRIAN ACCESS GATE.**

The Committee considered the application and the Chair **moved** and it was duly **seconded** by Councillor Sarohi and:

Resolved (unanimously by roll-call)

That planning application number **20/1091** be granted planning permission, subject to conditions as set out within the report.

32/21 **Termination of meeting**

There being no further business, the meeting terminated at 8.54pm

Chair

Date