

PLANNING COMMITTEE

21 July 2022 at 5.30 pm

In the Town Hall, Council House, Walsall

Present:

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

In attendance:

M. Brereton	Group Manager – Planning
S. Bird	Senior Environmental Protection Officer
E. Cook	Assistant Democratic Services 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
J. Price-Jones	Planning Solicitor
A. Scott	Senior Planning Officer
D. Smith	Senior Legal Executive
P. Venables	Director – Regeneration and Economy
S. Wagstaff	Principal Planning Officer

98/22

Apologies

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

99/22

Declarations of Interest

There were no declarations of interest received.

101/22 **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

102/22 **Minutes of previous meetings**

Resolved:

- 1) That the minutes of the meeting held on 7 April 2022, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.
- 2) That the minutes of the meeting held on 20 June 2022, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record, subject to the inclusion of Councillor Allen's apologies.

103/22 **Local Government (Access to Information) Act 1985 (as amended)**

Exclusion of the Public

Resolved:

That there were no items in the private session.

104/22 **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.

105/22 **Plans List 2 – 22/0035 Former Eagle Works and Shakespeare Inn sites**

The report of the Head of Planning and Building Control was introduced by the Senior Planning Officer. An overview of the proposal was given, providing details of proposed layouts and elevations, images of the proposed development and of the existing buildings. It was explained that converting the existing buildings would be unsustainable due to the poor condition of the building and that rebuilding would be more sustainable.

The site was in a flood risk area. The Group Manager – Planning added that an independent assessment had shown that including an open space contribution and Section 106 at this time would make the proposal unviable. The potential to secure a management company for landscaping areas was being investigated, which was usually secured via a Section 106.

There was one speaker in support of the application, Ms Katie Parsons (agent). Ms Parsons explained that the proposal came from an established local provider and would provide affordable housing. The developers had consulted with authorities to ensure the proposal met requirements and objectives. New builds were necessary and converting existing buildings would be unsustainable. If a Section 106 was required the proposal would not be viable.

There then followed a period of questioning. Ms Parsons explained that the site was potentially contaminated and needed future proofing because of being in a flood risk area, it involved abnormally high costs. A section 106 would further increase costs and the development would be ineligible for government grants and therefore unviable.

There followed a period of debate. Members expressed support for the application, bringing much needed affordable housing and making effective use of a brownfield site. Members expressed a wish to have landscape management including as a condition rather than via a Section 106.

Councillor K. Hussain did not vote as he was not present for the full discussion of the item

It was **Moved** by Councillor Statham and **Seconded** by Councillor Bird and upon being put to the vote was;

Resolved (unanimously):

- 1) That Planning Committee delegate to the Head of Planning & Building Control, to grant planning permission for application 22/0035 subject to the amendment and finalising of conditions, including a condition on landscape management.**
- 2) That Planning Committee did not deem it appropriate to secure a Section 106 Agreement for an off-site open space contribution for application 22/0035.**

The report of the Head of Planning and Building Control was introduced by the Senior Planning Officer. An overview of the proposal was given, providing details of proposed layouts and elevations, and images of the existing buildings with aerial views. Since the application was presented to Planning Committee at the meeting of 26 May 2022, amendments had been made, with three dwellings now proposed instead of four, occupying a similar footprint. Whilst some previous concerns had been addressed, there remained outstanding concerns regarding the local heritage assets and the shared access. There was insufficient parking on the site without using the neighbouring commercial property's land.

There were two speakers in support of the application, Mr Suki Singh (applicant) who attended virtually and Mr Richard Jewkes (agent) who attended in person. Mr Jewkes explained that the amended proposal was for three properties on a brownfield site and that amendments now meant it addressed the concerns previously raised. The scheme replicated neighbouring sites with regards to space and amenities and the applicant was unclear why the proposal was recommended for refusal on density grounds. As it was a central location increased density is to be expected. Parking had been reduced to increase accessibility and many similar properties provided no parking at all. Mr Singh added that the neighbouring office site was likely to have 12 TRICS per hour at busy periods. The addition of four parking spaces increased this to 16, or one per four minutes. There was thus little potential for conflict. There was now space for vehicles to turn and all parking spaces could be accessed.

There followed a period of questioning to speakers. Mr Jewkes explained that increasing the size of the three dwellings was the only way to ensure viability on the site and that adding side accesses addressed concerns regarding bin storage. On whether one of the properties would be cramped, Mr Jewkes added this was commensurate with similar properties in the area. The four parking spaces were more than required and it was only the fourth 'visitor' spot which would require more manoeuvring. The gates would cross the shared access. They would only be closed on evenings and there was space for vehicles to wait off the carriageway. It was claimed concerns relating to the gates had only materialised before this evening's meeting, however the Developmental

Control and Public Rights of Way Manager clarified they were previously raised.

There then followed a period of questioning to Officers. The Developmental Control and Public Rights of Way Manager explained that there was an ascending gradient on the property so it was doubtful whether inward-opening gates could work. The access and gates remained out of the control of future residents as they belonged to the neighbouring property and it was necessary to cross another person's land to reverse out of the parking space of property 2. It was doubtful that the inclusion of a planning condition would suffice in addressing this issue. As there was no permission to access the highway, this did not constitute accessible parking. A previous application for a nursery on the site was rejected by Planning Inspectors because of potential conflict between vehicles and pedestrians relating to the narrow shared access.

Objections regarding density were not due to the number of proposed properties but rather the space surrounding them. Neighbouring properties with similar amenity space may not necessarily comply with current standards. The Senior Environmental Protection Officer explained that while the air quality assessment provided met current UK regulations, it did not assess the site in relation to WHO interim targets and whilst these have not currently been adopted into UK legislation they expected to be adopted in place of current guidance. Environmental Protection Officers would ask for the review to be in line with these targets. The Chairman clarified that he and the Senior Environmental Protection Officer were of no familial relation.

There followed a period of debate. Some Members reiterated concerns regarding the highways dangers and the challenges of parking, especially due to tight spaces and the shared access. Other Members felt that the parking issue had largely been resolved by reducing the number of spaces to increase accessibility and by reducing the number of dwellings. There was also a good bus service in the area. Amenity space was limited, however this was no different to many other properties in the area.

It was **Moved** by Councillor Nawaz and **Seconded** by Councillor K. Hussain, that Planning Committee delegate to the Head of Planning & Building Control to grant planning permission, contrary to the Officer's recommendation. Upon being put to the vote, this was **Rejected (4 in favour, 7 against)** and the proposed resolution failed for this reason.

It was **Moved** by Councillor Bird and **Seconded** by Councillor Murray and upon being put to the vote was;

Resolved (8 in favour, 4 against):

That Planning Committee refuse planning permission for application 20/1575, for the reasons set out in the Officer's report and supplementary paper, and because of concerns related to air quality.

At this point, Councillor Bains and Councillor Bashir left the meeting.

107/22

Plans List 1 – 21/1234 Ibstock Brick Aldridge Ltd

There were no speakers on this item.

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

Resolved (Unanimously):

That Planning Committee delegate to the Head of Planning & Building Control, to grant planning permission for application 21/1234 subject conditions and subject to the amendment and finalising of conditions

108/22

Plans List 3 – 20/1001 Land at Gomer Street

Following an appeal being made to the Planning Inspectorate, Officers sought a resolution from Members of this Planning Committee on how they would have otherwise determined this application had it been the Committee's decision to make, to be forwarded to the Planning Inspectorate and form part of the Council's appeal documents.

There were no speakers on this item.

It was **Moved** by Councillor Bird and **Seconded** by Councillor Samra and upon being put to the vote was;

Resolved (unanimously):

That Planning Committee, if it were the decision of the Committee, would refuse planning permission for application 20/1001, for the reasons set out in the Officer's report.

At this point, Councillor Bains re-entered the meeting.

109/22

Plans List 5 – 20/0851 37-38 Pinfold Street

There were no speakers on this item.

It was **Moved** by Councillor Bird and **Seconded** by Councillor Statham and upon being put to the vote was;

Resolved (unanimously):

That Planning Committee delegate to the Head of Planning & Building Control to grant planning permission for application 20/0851, subject to conditions and subject to;

- 1) The amendment and finalising of conditions;**
- 2) The purchase of the defined area of Council owned land that the applicant will be required to cross to access the public highway.**

Termination of meeting

There being no further business, the meeting terminated at 7:08 pm.

Signed

Date