

**Minutes of the Planning Committee held in The Council Chamber, Walsall
Council House**

Thursday 5 September 2024 at 5.30pm

Committee Members present:

Councillor M. Statham (Chair)
Councillor J. Murray (Vice Chair)
Councillor B. Bains
Councillor H. Bashir
Councillor M.A. Bird
Councillor S. Elson
Councillor M. Follows (arrived 5:48pm)
Councillor P. Gill
Councillor I. Hussain
Councillor R. Martin
Councillor A. Nawaz
Councillor A. Parkes (arrived 5:40pm)
Councillor S. Samra
Councillor G. Singh-Sohal
Councillor V. Waters

Officers Present:

A. Sargent	Principal Solicitor
N. Ball	Principal Planning Policy Officer
M. Brereton	Head of Planning and Building Control
M. Crowton	Group Manager – Transportation and Planning
K. Gannon	Development Control and Public Rights of Way Manager
J. Grant	Environmental Protection Manager
S. Hollands	Team Leader Development Management
N. Howell	Principal Planning Officer
K. Knight	Senior Transport Planner
D. Matharu	Regeneration Officer – Conservation
G. Meaton	Group Manager – Planning
S. Pritchard	Ecology Officer
A. Scott	Senior Planning Officer
H. Smith	Principal Planning Officer
S. Wagstaff	Team Leader Development Management
E. Cook	Democratic Services Officer
L. Cook	Assistant Democratic Services Officer

140 **Apologies**

Apologies were received from Councillors A. Hussain, K. Hussain, Margetts and Nahal.

141 **Declarations of Interest**

The following declarations of interest were received:

- Councillor Singh Sohal declared a non-pecuniary interest in Plans List Item 1, Field Adjacent The Duckery.
- During the meeting, Councillor Bains declared a non-pecuniary interest in Plans List Item 3, Land at Former West Midlands Bright Bar Ltd.

142 **Deputations and Petitions**

There were no deputation or petitions.

143 **Minutes**

A copy of the minutes of the meeting held on 25 July 2024 was submitted.

[annexed]

Resolved

That the minutes of the meeting held on 25 July 2024, a copy having previously been circulated to each member of the Committee and noting the addition of Councillor Follows' apologies on the minutes to be signed, be approved and signed by the Chair as a correct record.

144 **Local Government (Access to Information) Act 1985 (as amended)**

Exclusion of the Public

Resolved

There were no items for consideration in the private session.

145 **Birmingham Local Plan preferred options document**

The Principal Planning Policy Officer introduced the report and provided an overview of its content.

[annexed]

Responding to questions the Principal Planning Policy Officer advised that anticipated changes to the National Planning Policy Framework (NPPF) were unlikely to affect Walsall's position regarding Birmingham's Local Plan as Birmingham's housing needs were decreasing.

It was **moved** by Councillor Statham and **seconded** by Councillor Bird and it was;

Resolved (unanimously)

That Planning Committee:

- 1. Agree the wording set out in appendix 1 as a basis for Walsall Council's response to the consultation from Birmingham City Council dated 8 July 2024 on their Preferred Options Document (regulation 18 stage); and**
- 2. Authorise the Executive Director for Economy, Environment & Communities to submit the council's full response to Birmingham City Council in consultation with the Associate Leader, Economic Growth and Regeneration, with authority delegated to the Head of Planning and Building Control Services to make amendments to its contents as necessary.**

Councillor Bains left the meeting room.

146 **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.

[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 first. 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.

147 **Plans List Items 2 – 21/1797 – Land off Northfields Way**

The Committee were advised that a request had been received from the applicant for the item to be deferred to enable them to work to resolve a Section 106 agreement in relation to the submitted viability assessment and to address the highway and ecology concerns. The Head of Planning and Building Control advised that Officers recommended determining the application, as the principle of the development was not supported on policy grounds and additional work to address other objections could not overcome this.

The Committee debated the applicant's request for a deferral.

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

Resolved (10 in favour, 2 against)

That Planning Committee defer application 21/1797 to a future meeting to enable the applicant to work to resolve a Section 106 agreement in relation to the submitted viability assessment and to address the highway and ecology concerns.

At this juncture, Councillor Follows entered the meeting; Councillor Bains returned to the meeting; and Councillor Singh-Sohal left the meeting, having previously declared an interest in the next item.

148 **Plans List Item 1 – 23/1286 – Field Adjacent The Duckery, Chapel Lane**

The Principal Planning Officer presented the report of the Head of Planning and Building Control, including the additional information contained within the supplementary paper.

[annexed]

There were two speakers against the application, Mr Winkle and Councillor Andrew.

Mr Winkle spoke on behalf of residents and the Beacon Action Group. He applauded the officer's report and robust objections to an application in the heart of the greenbelt and Conservation Area. Mr Winkle stated that Chapel Lane was an important gateway to Walsall and the surrounding countryside provided a welcome element of openness. He added that the amount of requested information outstanding provided no confidence in the applicant's commitment and ability to oversee the project. Mr Winkle asserted that the technology was in its infancy and lacked adequate fire safety regulations and control, placing people and the environment at risk. He added that there were no special circumstances as the applicant was not making cleaner, greener or renewable energy.

Councillor Andrew stated that the application was a substantial inappropriate development introducing an incongruous feature within the greenbelt and Great Barr Conservation Area. The proposed facility was larger than the previous application, introducing an industrial use and palisade fencing which would be a harmful development and would radically change the current open character of the Conservation Area. He expressed concerns regarding the loss of high-quality Grade II agricultural land and that the proposal was contrary to the Council's planning policies to protect the greenbelt. Councillor Andrew asserted that it did not present any exceptional circumstances which would warrant the harm caused and raised concerns about extra traffic.

There were no questions to speakers.

Officers were asked if it would be appropriate to include 'significant harm' in the report rather than 'very special circumstances', as the National Planning Policy Framework was undergoing public consultation which would end on 24 September 2024 and resultant changes were likely to be in place by the time the application was heard by the Planning Inspectorate. The Principal Solicitor advised that the proposed legislative changes should not be referred to until they came into force.

A Member queried why the application had not been determined on time despite similarities to a previous refused application. The Head of Planning and Building Control advised members there were significant difference and that this was a different scheme on the same site. There were several matters including technical information which required consultation and due to the application's complexity, a conclusion could not have been reached sooner.

Regarding a question on 'prime quality agricultural land' and if this would require a degrade, the Head of Planning and Building Control advised that agricultural land classification policy was nationally prescribed with no local authority control.

Debating the application, a Member expressed the view that officers had produced a commendable..

It was **moved** by Councillor Samra and **seconded** by Councillor Bains that Planning Committee refuse planning permission in line with officer's recommendations.

The Chair noted that a motion had been moved and seconded and stated that debate would continue before the motion was put to the vote.

A Member commented on the content of the report and queried if the application required a formal vote as the application was not being determined by the Planning Committee. The Principal Solicitor advised Members that the item should be treated the same as an application being determined. Members commented on the application and voiced concerns over a potential fire hazard, inaccessibility for fire appliances, and the potential detriment to properties and wildlife if there was such an incident.

At the conclusion of debate, upon being put to the vote, it was;

Resolved (Unanimously)

That Planning Committee would refuse planning permission for application 23/1286, were it to be determining the application.

Upon conclusion of the item, Councillor Singh-Sohal returned to the meeting. At this juncture, Councillor Bains declared an interest in the next item. Councillor Bains and Councillor Samra left the meeting and did not return.

149 **Plans List Item 3 – 23/1583 – Land at Former West Midlands Bright Bar Ltd, Middlemore Lane**

The Senior Planning Officer presented the report of the Head of Planning and Building Control, including the additional information contained within the supplementary paper.

[annexed]

The Senior Planning Officer advised the Committee that consultation feedback had been received from Environmental Protection officers following publication of the supplementary paper. They raised no objections with operating hours up to 1pm on a Saturday and could accept hours to be extended to 6pm.

There was one speaker against, Mr King, and one speaker in support of the application, Mr Chamberlain.

Mr King stated that the report did not fully reflect the objections of residents and the application was significantly different to the previous use. The buildings would be 25 metres closer to existing properties and the proposed development included unrestricted Class B2 usage, while similar nearby properties were restricted to B1 usage. He asserted that existing building controls had specified a tree screen of 8 metres which had been obliterated, destroying bat and other wildlife habitats.

Mr Chamberlain stated that the application would bring local employment opportunities; included adequate parking provision; incorporated landscaping features at boundaries and disturbance to neighbours would be limited by orientation, fencing and operating conditions.

Responding to questions, Mr King stated that many residents would have a gap of just 2 metres between their fences and the new buildings, where previously there had been some 25 metres. The new buildings were 6.5 metres high and were on ground 2 metres higher than the ground in adjacent properties. Regarding trees removed from the site, Mr King asserted that the applicants had claimed the previous trees were unsafe, which he disputed. He added that the bat population which had existed in those trees had begun to return but the new trees were of no comparison to those removed. Mr King stated that a planning condition had been previously imposed requiring an 8 metre border of trees.

Responding to questions, Mr Chamberlain confirmed that a full bat report had not been produced as the preliminary ecological investigation had found that the trees on site would not be suitable for bats. Mr Chamberlain asserted that he was unaware of pre-existing planning restrictions on the site and if they did exist, these had not been provided to the applicant. Landscaping including trees would be retained.

Responding to questions from officers, the Head of Planning and Building Control advised that a preliminary roost assessment had been included in the ecological investigations and this had advised the installation of bat boxes, which had been carried out. There was sufficient information regarding the presence of bats and the inclusion of bat-related conditions was commonplace. Regarding questions about potential pre-existing planning conditions, Officers advised that there had been an enforcement investigation, but this was no longer active. The Principal Solicitor advised that ensuring an application did not cut across enforcement cases could be a reason for Committee to defer an application should they be minded to do so.

Debating the application, several Members raised concerns regarding a need for further information on investigations into the possible destruction of protected species habitats and potential breaches of pre-existing planning restrictions.

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

Resolved (unanimously)

That Planning Committee defer application 23/1583 to a future meeting to enable investigations into whether protected habitats on the site had been destroyed; if there were pre-existing planning conditions affecting the site; and whether the application cut across any ongoing enforcement investigations.

At this juncture, Councillor Bashir left the meeting and did not return.

150 **Plans List Item 4 – 23/1287 – Walsall Town Arm Canal Bridge**

The Principal Planning Officer presented the report of the Head of Planning and Building Control, including the additional information contained within the supplementary paper.

[annexed]

There was one speaker against, Mr Blake, and two speakers in support of the application, Mr Martin and Mr Moore.

Mr Blake asserted that building the bridge would increase anti-social behaviour and noise disturbances for residents living in the area. He stated that the proposal would not benefit those living directly by it and it had never been an issue for residents to walk around the canal basin.

Mr Moore stated that the concept for a bridge on the site had been discussed since 2007 and would bring significant benefits to residents in existing apartments south of the canal by increasing connectivity. Green shielding was incorporated and efforts had been made to find the right site and design. Mr

Martin added that the headroom of the bridge had been increased at the request of the Canal and River Trust and the design had been widened to facilitate cycling. Lighting had been included following ecological and police consultation and it was expected the bridge would contribute to improved health and wellbeing for residents.

Responding to questions Mr Martin stated that it was expected residents of flats south of the canal would benefit as the bridge would increase their access to the town centre and retail parks, whilst bringing wider economic benefits. Discussions had taken place with Green Square Accord in the consultation process and the bridge was fully inclusive for disabled users. Regarding questions concerning parking, Mr Moore clarified that there was limited restricted parking in the residential area so it was unlikely people using the retail park would choose to park near the residential area and walk over the bridge.

During the period of questions, Mr Blake left the meeting room.

Debating the item, several Members expressed support for the application as an opportunity to improve access and bring economic improvement.

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

Resolved (Unanimously)

That Planning Committee delegate to the Head of Planning and Building Control to grant planning permission for application 23/1287, subject to no new material considerations being received within the consultation period and the amendment and finalising of conditions.

Upon conclusion of the item and with the consent of the meeting, the meeting was adjourned for five minutes at 7:33 pm. The meeting re-commenced at 7:40 pm.

151 **Plans List Item 5 – 24/0077 – 188 Walsall Wood Road, Aldridge**

The Senior Planning Officer presented the report of the Head of Planning and Building Control, including the additional information contained within the supplementary paper.

[annexed]

There were two speakers in support of the application, Mr Rahman and Mrs Banks.

Mr Rahman advised that a large amount of support had been received from local residents recognising the positive impact the nursery could have for children, employment, affordable childcare and parents returning to work. Mr

Rahman stated that there would be more than adequate parking arrangements with no impact on the traffic and noise levels. A cycle to work scheme had been promoted and parents would not stay after dropping off their children. He stated that the number of children using the site had been reduced for the application. To reduce noise, acoustic materials would be used and the number of children allowed in the garden at any one time would be limited.

Mrs Banks stated that the operators were established providers of high quality care enabling children to flourish and parents to return to work. Mrs Banks advised that she had worked in partnerships to provide training and job opportunities for people through an apprenticeship scheme and that there had been significant interest in possible jobs. She added that over 50 parents had expressed interest regarding spaces at the proposed nursery.

Responding to questions about traffic and noise, Mrs Banks advised that a full acoustic survey had been carried out by a third party. Traffic surveys had been conducted and drop-off times would be staggered between 7.30am and 9.00am. She stated that many parents would return to their cars after two minutes, while a significant number of parents lived within walking distance and cycling facilities had also been considered. Mr Rahman advised that there were two parking sections including an entrance on Walsall Wood Road with a turning area and another section with a walkway. The application provided additional spaces over the five required and the number of children to be accommodated had been reduced. Mr Rehman added that the staggered timings would ensure adequate spaces with sufficient time for parents to seat their child in the care to prevent overlaps. There were contractual obligations for parents to drop-off children within specific times including financial penalties for non-compliance and pavement parking would result in termination of contracts.

Regarding a question on how the number of children in the outside area would be kept within the required number. Mrs Banks and Mr Rehman stated that the garden would be operated on a rota system ensuring only 8 children were outside at a specific time. Stimulating activities would be encouraged to reduce noise, the outdoor space met Ofsted criteria and the garden size made it impractical for more than 8 children to be accommodated.

Responding to a questions about flood risk and drainage, Mr Rehman advised that surveys had been completed and a structural engineer had assessed the drainage. Permeable materials would be used on driveways and the bathroom facilities were specialised towards children, reducing the demand on existing drainage.

Regarding questions about operations, Mrs Banks stated that the proposal would create around eight jobs, with a mixture of qualified staff and apprentices. Mr Rahman added that they would not use agencies and would look to employ local people, with encouragements including a cycle-to-work scheme. Mrs Banks advised that required ratios of staff to children were met and that staff were suitably qualified, but a full registration with Ofsted could

not be submitted until planning permission had been approved. Mr Rahman added that their other nurseries were registered and rated either 'good' or 'outstanding'.

Responding to questions to officers, the Highways Development Control and Public Rights of Way Manager advised members that the Unitary Development Plan (UDP) parking standard for the facility was 3. The nursery was looking to employ eight staff, three of whom lived locally and would walk and one would be cycling, while several bus routes were nearby. It was confirmed that the applicants were partnered with a government scheme to encourage healthy lifestyles and parents to walk to nursery, with pushchair, bike, and scooter storage provided.

Regarding flood risk, the Head of Planning and Building Control stated that the application site was within flood zone 1 with low risk of surface flooding, notwithstanding localised flooding. He added that it was an existing developed site and permeable surfacing would be conditioned.

Moving to debate, a Member expressed dissatisfaction with there being no comments from statutory consultees and raised concerns regarding flooding. Another Member stated concerns with traffic and existing parking issues in the area.

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

Resolved (9 in favour, 3 against)

That Planning Committee delegate to the Head of Planning and Building Control to grant planning permission for application 24/0077, subject to the amendment and finalising of conditions.

152 **Date of next meeting**

The date of the next meeting was 3 October 2024.

There being no further business, the meeting terminated at 8:19pm.

Signed: _____

Date: _____