

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

Monday 15 January 2024 at 5:30pm

Committee Members present:

Councillor M. Bird (Chair)
Councillor M. Statham (Vice-Chair)
Councillor B. Bains
Councillor H. Bashir
Councillor P. Bott
Councillor M. Follows
Councillor N. Gandham
Councillor A. Garcha
Councillor A. Harris
Councillor A. Hussain
Councillor I. Hussain
Councillor K. Hussain
Councillor R. Larden
Councillor R. Martin
Councillor J. Murray
Councillor A. Nawaz
Councillor S. Samra
Councillor A. Underhill
Councillor V. Waters

Officers Present:

P. Venables	Director – Regeneration and Economy
A. Ives	Head of Planning and Building Control
M. Brereton	Group Manager – Planning
M. Crowton	Group Manager – Transportation and Strategy
K. Gannon	Development Control and Public Rights of Way Manager
C. Gibson	Regeneration Officer – Trees
S. Healy	Senior Environmental Protection Officer
D. Holloway	Planning Policy Manager
I. Jarrett	Principal Environmental Protection Officer
G. Meaton	Team Leader Development Management
A. Scott	Senior Planning Officer
D. Smith	Senior Legal Executive
S. Wagstaff	Principal Planning Officer
E. Cook	Democratic Services Officer
L. Cook	Assistant Democratic Services Officer

65 Apologies

There were no apologies received.

66 **Declarations of Interest and Party Whip**

Councillor Bird declared an interest in Item 8 – Development Management Performance Update.

67 **Deputations and Petitions**

There were no deputations or petitions submitted.

68 **Minutes**

A copy of the Minutes of the meeting held on the 30 November 2023 was submitted.

[annexed]

Resolved

That the minutes of the meeting held on 30 November 2023, a copy having previously been circulated to each member of the Committee, be approved and signed by the Chair as a correct record.

69 **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.

70 **South Staffordshire local plan review – Duty to Cooperate**

The Planning Policy Manager introduced the report of the Head of Planning and Building Control and information contained in the supplementary paper, providing an overview of the proposed responses to South Staffordshire District Council's local plan consultation.

[annexed]

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

Resolved (unanimously)

- 1. That the Planning Committee agree the wording set out in appendix 1 as a basis for Walsall Council's response to the letter from South**

Staffordshire District Council dated 24 October 2023 under duty to cooperate;

- 2. That the Planning Committee refer the response to the Executive Director for Economy, Environment & Communities to submit it to South Staffordshire District Council following consultation with the Portfolio Holder for Regeneration.**
- 3. That the Planning Committee delegate authority to the Head of Planning & Building Control to make amendments to the response following consultation with the Portfolio Holder for Regeneration as necessary.**

Councillor Bott entered the meeting.

71 **Local Validation Checklists**

The Group Manager (Planning) introduced the report of the Head of Planning and Building Control and the information contained in the supplementary paper.

[annexed]

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

Resolved (unanimously)

That the Planning Committee note the outcome of consultation and the intended implementation date of Thursday 1 February 2024.

Councillor Bird, having previously declared an interest in the next item, and Councillor Samra left the meeting. Councillor Statham took the Chair.

72 **Development Management Performance Update**

The Group Manager (Planning) introduced the report of the Head of Planning and Building Control and the information contained in the supplementary paper.

[annexed]

The Chair reminded members they were only considering information in the public session and that 'Table 3' would be considered as agenda item 10 in the private session.

Responding to questions regarding unspent Section 106 (S106) funding in Children's Services, the Head of Planning and Building Control explained that service areas were responsible for spending money collected from S106 agreements. Funds collected were restricted to specific areas and other

service areas, including Education, were represented on the Section 106 Board. The Group Manager (Planning) explained that a process had been introduced where service areas contacted ward Councillors for their preferences on S106 funding. Members discussed whether this system was sufficiently robust and was being practiced, with varying levels of satisfaction. It was noted that the report presented a snapshot of funds at the date of publication and it was possible unspent funds may have only recently been collected.

The Group Manager (Planning) explained that the historic backlog of applications was being cleared due to a combination of permanent staff and contractors. It was expected that proposed changes to the Planning service would mean that permanent staff would be sufficiently resourced to prevent the issue re-arising. Regarding scrutiny of the Cannock Chase SAC, the Head of Planning and Building Control explained that it was a statutory requirement to collect SAC contributions and officers would seek to gather and incorporate further data regarding contributions into future reports.

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

Resolved (unanimously)

That the Committee note the outcomes of monitoring performance within the service.

Councillor Bird and Councillor Samra returned to the meeting. Councillor Bird returned to the Chair.

73 **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.

74 **Plans List 1 – 23/0496 – Former Gala Bingo, Park Lane, Darlaston**

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

[annexed]

The Group Manager (Planning) clarified that officers had been clear from the pre-application period onwards that the principle of the development could be supported but that highways concerns would be extremely difficult to overcome as the existing access off Steelmans Road was considered appropriate to serve the development without the requirement for an additional access onto Park Lane.

There were two speakers in support of the application, Mr Wheelwright and Mr Budd. Mr Wheelwright expressed that the proposed development had been welcomed by the public and would redevelop a vacant site providing new jobs and a useful amenity. He added that most consultees had raised no objections; issues related to trees could be overcome through additional planting; and that Lidl disagreed with the objections of the Highways officer.

Mr Budd disputed the Highways officer's objections, claiming there was no evidence that the proposal would lead to queueing, the largest forecast queue being 1.2 cars. He added that in his opinion the proposal was not in contravention of policy T4 as the policy did not prohibit street parking on key route networks. Mr Budd's opinion was that it was more appropriate to view Park Lane as a local distributor than a district distributor. He added that Steelman's Road was compromised by being one-way southbound, forcing all north-bound traffic through two congested roundabouts. Regarding insufficiency of parking, Mr Budd stated the proposal provided nine spaces short of the maximum required and that demand assessments showed only 50% of the provision was needed.

There followed a period of questioning to speakers.

Responding to questions, Mr Budd stated that the maximum legal width of Lidl's delivery vehicles was 2.5m and Park Lane was nearly 10m wide. Lidl's standard model was for approximately 120 parking spaces, if possible on the site. Mr Wheelwright stated he had never come across a store needing 142 spaces and that this requirement was the result of an outdated and inappropriate standard for this proposal. A similar store in Prestwich, Greater Manchester, had approximately 80 parking spaces and Mere Green had around 120. The proposed development benefitted from good public transport connections and would seek to improve all modes of access.

Regarding the need for a new access point, Mr Budd explained that the limitations of the existing access included that it was shielded from passing trade and that it was one-way in the southbound direction, so would be problematic for traffic entering and would impact deliveries being made to other stores. Responding to a question regarding the classification of Park Lane, Mr Budd explained that the road didn't feel like a district distributor in his opinion, with several accesses off it. In his opinion it was not important whether the road was considered a 'local' or 'district' distributor when considering policy T4 as both required 'strictly regulated' accesses, which the proposal would provide. Modelling had forecast a maximum queue of 1.3

PCUs at peak times on a Saturday. Mr Budd added that Lidl stores did not add traffic to the network but drew in existing traffic.

Regarding visual amenities and trees, Mr Wheelwright explained that the applicant would accept a condition to increase tree planting.

There followed a period of questioning of officers.

Regarding the sufficiency of car parking, the Development Control and Public Rights of Way Manager explained that the applicant's claim that a minimum standard did not exist was incorrect as policy required a development to be able to meet its needs. The proposed development would provide insufficient disabled provision and Lidl's travel plan coordinator had requested a survey of on-street parking available in the area, should staff be required to park elsewhere due to excess demands. Since the pre-application phase the area within the 'red line' of the development had been reduced significantly and no forecast vehicle usage had been provided for the area now within the 'blue line' and not subject to the present application. Evidence provided by the applicant to show that Lidl redirected journeys already existing on the highways network, was out of date and unclear.

The Development Control and Public Rights of Way Manager explained that Lidl's arguments regarding policy T4 and an access from Park Lane not being prohibited, did not consider the policy context and that the classification of the highway as a district distributor was directed by Government. Highways officers had explained that the existing access was suitable and was located away from the main district distributor. The Development Control and Public Rights of Way Manager added that the only reason to justify the proposed access from Park Lane was for the commercial benefit of the applicant.

The Development Control and Public Rights of Way Manager added that according to the Manual for Streets guidance, the minimum width required for an HGV was 3m. The addition of a central, turning lane on Park Lane, would result in the 'running lanes' of traffic being below 3m in width. Tracking showed that an HGV turning into the proposed access would cross the path of outgoing traffic, contrary to policy. No consideration had been given to whether HGVs access was required at the neighbouring restaurant and bar and traffic turning right out of James Close would be put at risk by queueing traffic and having to cross two lanes. Officers could not support a road safety audit as the proposed access was deemed unsafe.

With the Committee's permission, the Chair asked the speaker to clarify when HGV delivery times for the store may be. Mr Budd explained that it was incomprehensible deliveries would occur during peak hours and that a delivery and servicing management plan could be devised to restrict times.

Debating the application, Members raised concerns regarding traffic on Park Lane, neighbouring traffic islands and nearby streets. Several Members expressed the opinion that some reasons for the recommendation to refuse planning permission could be addressed through conditions, including the concerns regarding trees. Several Members expressed that they were

supportive of the principle of the development and encouraged the applicants to work with officers to resolve the outstanding concerns, but that any application must be deemed safe.

It was **moved** by Councillor Nawaz and **seconded** by Councillor Gandham and upon being put to the vote it was;

Resolved (unanimously)

That Planning Committee defer application 23/0496 to enable further negotiations between the applicant and planning officers to overcome the outstanding recommended reasons for refusal regarding highways concerns and that Planning Committee delegate authority to the Head of Planning and Building Control to:

- a. **Seek an extension of time for determining the application;**
- b. **Negotiate with the applicant to overcome the outstanding issues relating to highways, with vehicular access from Steelmans Road and no vehicle access from Park Lane;**
- c. **Grant planning permission subject to conditions, subject to the highways concerns being successfully addressed;**
- d. **Refuse planning permission for the reasons set out in the officer's report, should officers and the applicant be unable to satisfactorily resolve the outstanding highways reasons for refusal.**

75 **Plans List 2 – 22/0381 59-61 – Wednesbury Road, Walsall**

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

[annexed]

There were three speakers on the item: Ms Parkes and Bishop Dr Jaddoo speaking against the application and Mr Siddique speaking in support of the application.

Ms Parkes stated that residents had not been considered and there were already multiple similar properties in the area. The area had a long and widespread history of crime and was not an appropriate place to house vulnerable individuals. There were significant parking challenges which would be exacerbated by the proposed development and long-standing issues of litter and fly-tipping.

Bishop Dr Jaddoo stated that nobody had consulted the neighbouring church nor residents; that anti-social behaviour (ASB) was rife in the area and that properties managed by Aspire Supported Living CIC, the proposed providers, were consistently blighted by crime and mismanagement. Bishop Dr Jaddoo stated that he had been advised that Aspire were no longer interested in the premises.

Mr Saddique stated that the applicant's details had been on all parts of the application and residents could have contacted them with concerns throughout. The application had been amended from 17 to 11 properties through consultation with the local planning authority; planning requirements had been met and no objections had been received from statutory consultees, including the police.

Members sought clarification from Mr Saddique as to the identity of the applicant, Keystone Homes Ltd. Members noted it was important this information was clear, should the Committee be minded to approve the application and issues subsequently arose.

At this point, Councillor Bird 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.

Councillor Martin left the meeting.

Responding to questions, Mr Saddique stated that the safety of residents would be the responsibility of the provider adding that statutory consultees including the police had not raised objections regarding crime or safety issues. Mr Saddique stated it was his understanding that Aspire were still expected to be the provider. Residents would be vulnerable adults with challenges such as learning difficulties. The application was for supported living rather than HMOs. He stated that statutory consultees had not objected on safety grounds, including the police, and while residents' concerns were acknowledged by the applicant, the correct processes had been followed and the application was compliant.

Councillor Martin returned to the meeting.

Ms Parkes expanded on residents' concerns regarding issues related to similar existing properties and supported living providers in the area, including that residents being threatened; the prevalence of prostitution; a neighbour had recently found someone breaking into their shed; and one existing property had no waste management strategy and had litter on the forecourt for three years before action was taken.

In response to a question regarding whether residents objected in principle or to the specifics of the application, Bishop Dr Jaddoo explained that residents believed 11 apartments was excessive for the area and there were concerns regarding the inability of residents to contact the applicants through the application process. Mr Saddique stated that residents had been consulted through the statutory notices and consultation period undertaken by the planning authority.

Regarding questions about concerns raised by consultees, Mr Saddique explained that a fire hydrant had been provided to mitigate the fire authority's comment regarding the width of the access to the property and that the supported living providers would be required to provide a waste management strategy and sufficient bins for residents.

Responding to questions regarding parking, Mr Saddique clarified that the planning and highways authorities were satisfied only two spaces were required for use by staff. Ms Parkes stated that the area suffered from a lack of parking and residents regularly had to park elsewhere.

Responding to questions to officers, the Principal Planning Officer explained that statutory consultees had raised concerns, including the Fire Service and Police, however these were not objections in principle. Where possible, the applicant had tried to address concerns. The Police had made Secured by Design suggestions and had requested a robust safety strategy which could be secured by conditions. The highways concerns raised by the Police had not been raised by the statutory highway consultee and Police concerns regarding the conflict between cars and pedestrians had been related to an earlier design which included parking within the courtyard area. This had since been removed.

Regarding disability access arrangements, it was explained that where a building was being converted from another use it was not always possible for disabled access provision to be achieved as well as would be desired and building regulations and policy covered this. The Group Manager (Planning) confirmed that the identity or potential characteristics of future occupiers was not a material planning consideration.

The Principal Planning Officer confirmed that the statutory consultation process had been followed. The Group Manager (Planning) confirmed that all applications were subject to a validation process but the onus was on the applicant to submit accurate information and the planning authority must take all applications as submitted at face value.

Debating the application, Several Members raised concerns regarding the appropriateness of housing vulnerable adults in an area with significant crime issues and Members discussed whether the potential for vulnerable occupants of a property to be subjected to an increased risk of crime could be considered a material planning consideration. Several Members expressed the opinion that the proposal represented an HMO in all but official classification and was in an area saturated with HMOs and poorly managed private rental accommodation. Several Members raised concerns regarding three of the properties being considered below required standards and the already existing highways issues regarding traffic, parking and nearby junctions.

It was **moved** by Councillor Nawaz and **seconded** by Councillor K. Hussain and upon being put to the vote it was;

Resolved (18 in favour, 0 against)

That Planning Committee refuse Planning Permission for application 22/0381, contrary to officers' recommendations, on the grounds that:

- a. **The suitability of the development is unacceptable because three apartments are sub-standard, being below required space standards, and the amenity space provided is inadequate for the proposal;**
- b. **The application fails to provide sufficient disabled access for residents with disabilities;**
- c. **The area has a high crime rate and the increased fear of crime is a distinct possibility;**
- d. **There is a lack of adequate parking and the close proximity to Wednesbury Road junction would have a harmful effect on the amenities of existing residents and highways safety; and**
- e. **The lack of a satisfactory waste management plan.**

There followed a short adjournment to fix the live-stream camera feed in the Chamber.

Councillor A. Hussain left the meeting.

76 Plans List 4 – 23/1097 – 89 Belvidere Road, Walsall

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

[annexed]

There were two speakers in support of the application, Ms Hussein and Ms Khambay. Ms Hussein stated that the dwellings on Belvidere Road were of varied styles and eras, including one three-storey, rendered building. The design included gabling to provide character and the height was the same as the existing property. Ms Khambay added that walls and railings had been added to secure the property and that the development was in proportion to the area. The garage was required to accommodate two disability cars and scooters for elderly relatives; rear windows had been raised and the 24sq.m of amenity space stated in the report did not consider the overall 68sq.m of space when including areas at the front of the property.

Responding to questions, the speakers stated they had worked with two case officers but had little communication with one. The proposed garage space would enable the storage of disabled vehicles and allow the applicant's elderly parents freedom to move around. The speakers stated that the property was not in a heritage area. Within the nearby heritage area, there were similar properties to the proposed design. No protected trees had been removed from the front of the property as part of work already undertaken.

Responding to questions, the Senior Planning Officer and Team Leader (Development Management) clarified that the height of the proposed dwelling was not higher overall than the existing property but that the span of the roof at the maximum height was significantly greater, including at the section adjacent to the lower-level neighbouring property. The proposed footprint was similar to the existing building but located 1.8m further forward.

Responding to a question regarding amenity space, the officer acknowledged that there was a large space to the front of the property however it was questionable if any of this could be considered amenity space and noted that private amenity space was generally located to the rear. The Group Manager (Planning) clarified that the objection regarding 'overlooking' applied despite obscured glass, as there was a 'perception' of overlooking.

In response to questions regarding highways objections, the Development Control and Public Rights of Way Manager explained that the introduction of a second access would be expected to be set back. Tracking drawings showed insufficient detail and would be further compromised if land at the front was to be considered 'amenity space'. The proposed 1.8m high fencing would restrict visibility and given the proximity to a school, should be no higher than 600mm. The Development Control and Public Rights of Way Manager clarified that it may be contended a second access already existed but there was no dropped kerb and this would be an unauthorised access.

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

Resolved (10 in favour, 8 against)

That Planning Committee refuse planning permission for application 23/1097, for the reasons set out in the officer's report and the supplementary paper.

77 **Plans List 3 – 22/0976 & 22/0977 – 414 Bosty Lane, Aldridge**

The Committee considered the report of the Head of Planning and Building Control.

[annexed]

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

Resolved (unanimously)

- 1. Planning Committee resolve to delegate to the Head of Planning & Building Control to grant planning permission for application 22/0976 subject to conditions and subject to:**
 - The amendment and finalising of conditions.
 - Minor amendments to the plans in respect of heritage details.
 - No further comments from a statutory consultee raising material planning considerations not previously addressed.

- 2. Planning Committee resolve to delegate to the Head of Planning & Building Control to grant listed building consent for application 22/0977 subject to conditions and subject to:**

- **The amendment and finalising of conditions.**
- **Minor amendments to the plans in respect of heritage details.**
- **No further comments from a statutory consultee raising material planning considerations not previously addressed.**

78 Private Session

Resolved

That during consideration of the remaining items on the agenda, the Planning Committee considers that the items for consideration are exempt information by virtue of Paragraph 3 of Part I of Schedule 12A of the Local Government Act, 1972, and accordingly resolves to consider the items in private.

79 Development Management Performance Update - Progress of Formal Enforcement Actions

Exempt information under paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)

The Committee considered the report of the Head of Planning and Building Control.

[annexed]

Resolved (by assent)

That the Committee note the outcomes of monitoring performance within the service.

64 Date of next meeting

The date of the next meeting would be 8 February 2024.

There being no further business, the meeting terminated at 21:21pm.

Signed:

Date: