

## **Planning Committee (Special Meeting)**

**Thursday 20 July 2023 at 5.30pm**

**In the Council Chamber, the Council House, Walsall.**

### **Present:**

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

### **In attendance:**

A. Ives	Head of Planning and Building Control
A. Sargent	Principal Solicitor
M. Brereton	Group Manager, Planning
P. Gittins	Principal Planning Officer
S. Wagstaff	Principal Planning Officer
R. Ark	Principal Environmental Protection Officer
M. Crowton	Group Manager, Transportation and Strategy
K. Gannon	Development Control and Public Rights of Way Manager
K. Knight	Senior transport Planner
N. Gough	Democratic Services Officer
E. Cook	Democratic Services Officer
L. Cook	Assistant Democratic Services Officer

### **15 Apologies**

Apologies for absence were submitted on behalf of Councillor Bains

### **16 Declarations of Interest**

Councillor Gandham declared an interest in Plans List item 1.

### **17 Deputations and Petitions**

There were no deputations or petitions submitted.

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

**Exclusion of the Public**

There were no items for consideration in the private session.

**19 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.

*Having declared an interest in the next item, Councillor Gandham left the room for the duration of plans list item 1.*

**20 Plans List 1 – 22/0895 - Metro Inn Walsall, Birmingham Road**

The Principal Planning Officer presented the report of the Head of Planning and Building Control and additional information included in the supplementary paper, providing an overview of the application, proposed plans, parking, and travel arrangements.

(annexed)

The Group Manager (Planning) explained that the applicant had been met with on a monthly basis and that the issues and unacceptability of the application had been made clear throughout discussions.

There were two speakers against the application – Councillor Rasab (ward councillor) and Mr Gary Sahota (neighbour) and two speakers in support of the application – Mr Daniel Wheelwright (agent) and Mr Peter Todd (highways consultant).

Mr Sahota raised concerns of excessive traffic and the potential effects of this on emergency vehicles and residents exiting driveways, especially when combined with the adjacent bus stops. Concerns were raised regarding air pollution, the social impact of the loss of the existing bar and that there was already a Lidl store nearby. Councillor Rasab reiterated concerns regarding traffic throughout the day and congestion when buses were at the nearby bus

stop. Referring to existing issues with speeding and traffic incidents, Councillor Rasab advised that traffic turning at the site would be hazardous and referred to a recent fatality on the Broadway, stressing that incidents were not always reported to the police.

Mr Wheelwright stated there would be no issue in meeting the requirements of the Lead Local Flood Authority and disagreed with comments regarding the outlook and light for neighbouring properties, which he claimed had not previously been raised by officers. He added that the proposal was much lower than the existing building and was similar to that of the Lidl store approved in Walsall Wood. He confirmed that Lidl had no plans to close its existing store. Mr Todd suggested that the proposed store would not generate new journeys on the highway network, instead redistributing existing journeys as customers sought to reduce costs. Post-opening surveys of stores located near to strategic routes indicated that they did not result in a material increase of through traffic during peak hours. Whilst the Broadway junction struggled at peak times, customers would likely avoid these times. Based on other Lidl stores, parking would be sufficient at peak times, including Christmas. He added that the existing accident record evidenced that the highway was operating safely with only 7 slight severity accidents at the Broadway Junction and none on the Birmingham Road.

Responding to questions, Mr Todd explained that customers could choose to travel outside peak hours to avoid congestion. Although the parking arrangements fell below the Council's standards, these were maximum standards. Mr Wheelwright explained that the proposed access had been kept in its current location following requests from highways officers and regarding vehicles turning right into the store, Mr Todd advised that the model used demonstrated that there would be no material increase in queues or delays at the Broadway junction. The store would have a maximum of 2 deliveries a day, both outside peak hours and HGVs would turn left into the site and right when exiting to limit congestion. Regarding speeding and traffic concerns, Mr Todd referred to the five-year accident record showing no accidents within the vicinity of the site. In response to a query about residents' needs being met by existing stores, Mr Wheelwright explained that as a discount provision, Lidl would provide a beneficial choice locally especially under the circumstances of food inflation. During public consultation Lidl received support and with the Sprint bus lane improvements customers would be more likely to use public transport in future as the site was accessibly located

In response to questions to officers, the Principal Planning Officer advised that although there were alternative retail units available, the sequential test was met. The Development Control and Public Rights of Way Manager provided technical explanations and explained that the Unitary Development Plan (UDP) stated the maximum parking for this site was 135 spaces - there was no minimum standard. After reviewing the transport assessment, travel plan, statement of community engagement and air quality assessment officers did not accept that it met the UDP assessments and national design guide standards, as the parking arrangements did not meet the needs of the site. In particular, the travel plan stated that staff would be asked to park their vehicles

on the local network when the car park was full, reflecting the insufficient number of parking spaces. Officers reiterated that there were outstanding road safety concerns, highlighting the absence of a road safety audit to reflect the proposed access/egress arrangements and that Lidl had not demonstrated how or where journeys on the network would be diverted from. Regarding the air quality assessment, Lidl had advised that the travel plan would resolve the issues identified however, it only referred to staff and not to customers or goods vehicles. The Development Control and Public Rights of Way Manager also advised that although accident data suggested there had been no accidents in the vicinity of the entrance, journeys to the existing Metro Inn had been low volume and the proposal would result in an intensification of use of the access.

Debating the item, members considered all the information provided to them, discussing highways safety concerns related to the nearby bus stops, junctions, and existing issues with congestion likely to be exacerbated by the proposed development.

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

**Resolved** (unanimously)

**That Planning Committee delegate to the Head of Planning and Building Control to refuse application 22/0895, as set out in the officer's report and subject to:**

- Any additional material matters being raised as part of a current re-consultation;
- The finalisation and amendment of refusal reasons.

*Councillor Horton entered the meeting.*

## 21 **Plans List 2 – 23/0106 - The Allens Centre, Hilton road**

The Principal Planning Officer presented the report of the Head of Planning and Building Control and additional information included in the supplementary paper.

(annexed)

The Principal Planning Officer explained that the site was not a designated public green space, it had been included in the draft Black Country Plan and had therefore been subject to public consultation. It was reaffirmed that this was an outline application and it was therefore the 'principle of development' being considered by the Committee.

There was one speaker in attendance against the application - Councillor Hicken (ward councillor). and one speaker in attendance in support of the application - Mr Jeevan Thandi (planning consultant).

Councillor Hicken voiced concerns that the consultation process within the former Black Country Plan did not make clear that removing the green space would be required, adding that Allens Rough was an accessible site used regularly by locals and that it was incorrect that no compensation for the loss of this green space would be required. Mr Thandi commented that whilst the outline proposal was for 59 dwellings, this did not necessarily mean that 59 would be built, adding that the location was a sustainable and accessible brownfield site in an existing residential area.

Responding to questions, Councillor Hicken described the location as two plots combined into one, with one being a designated green space whilst the other was previously identified for development. Residents were not opposed to the principle of development on the part already designated for it, but the inclusion of the green space was opposed.

Debating the item, it was discussed that as an outline application members were considering the principle of development on the site and that the number of dwellings, highways arrangements and layouts would be determined at a future date, subject to a substantive application. As Council owned land there would be a potential for revenue generation and any sale would be subject to the ordinary tendering process.

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

**Resolved** (13 in favour, 0 against)

**That Planning Committee delegate to the Head of Planning & Building Control to grant planning permission for application 23/0106 subject to conditions and a S106 agreement to secure open space contributions, affordable housing, and mitigation payments towards the Connock Chase SAC and subject to:**

- **No new material considerations being received within the consultation period;**
- **The amendment and finalising of conditions;**
- **No further comments from a statutory consultee raising material planning considerations not previously addressed.**

## 22 **Plans List 3 – 23/0495 - 6 The Oaks, Bloxwich**

The Principal Planning Officer presented the report of the Head of Planning and Building Control and additional information included in the supplementary paper.

(annexed)

This was a retrospective application, and the presentation provided an overview of the site, proposed usages and highways conditions. Several objections were highlighted but not all were material planning considerations.

There were two speakers against the application – Mr Gregory Gelddard and Ms Dawn Richards (both neighbours). Mr Gelddard explained that restrictive covenants in the property's deeds stated that the property could only be used for residential purposes. He added that neighbours had never been consulted; that traffic and parking would be an issue; and that the police had already been called to an incident on the street. Ms Richards raised safeguarding concerns including the facility not being Ofsted registered; the over-looking nature of the properties in the area limiting privacy; and the close proximity of the railway (due to safety concerns for residents).

Responding to questions, Mr Gelddard and Ms Richards explained that an incident relating to parking had only occurred the previous week, which may explain why no objections had been received from West Midlands Police. Residents' concerns related both to a lack of confidence in the provider and the suitability of the location for such a facility. Regarding parking it was explained that the cul-de-sac regularly filled up with roadside parking and whilst three vehicles were usually parked for the care home, on one occasion there had been six parked related to the facility.

Officers clarified that although a business, the property remained in residential use. The differences between C2 and C3 class properties were explained, and the Group Manager (Planning) confirmed that a C2 category care home facility was still considered as residential for planning purposes. Any covenants regarding building use were a civil matter and not a material planning consideration.

Debating the item members considered concerns regarding safeguarding and the appropriateness of such facilities being in existing residential areas and raised concerns regarding the possible effects on those neighbourhoods. Members also discussed the need for children's homes and the responsibility of operators to ensure that residents' safety, safeguarding and the standards of provision were suitable.

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

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

**That Planning Committee delegate to the Head of Planning & Building Control to grant planning permission for application 23/0495 subject to conditions and subject to:**

- **No new material considerations being received within the consultation period;**
- **The amendment and finalising of conditions;**
- **No further comments from a statutory consultee raising material planning considerations not previously addressed;**

The Principal Planning Officer presented the report of the Head of Planning and Building Control.

(annexed)

There were two speakers on the item, one in favour - Ms Lauren McCullagh (agent) and one against - Mr David Wilkinson (neighbour). Mr Wilkinson spoke on behalf of residents and highlighted concerns regarding on-street parking coupled with buses and two schools in the immediate local area, as well as restrictive covenants placed on the property. Ms McCullagh explained that the proposal complied with local and national policies, meeting an already identified need in a sustainable location.

Responding to questions, Mr Wilkinson explained that the covenant on the property prevented the building being used for any trade or business purposes and claimed that this must have been known before the Council acquired the property. The nature of the area, with a dense population and lots of parking also meant it was unlikely four vehicles could be accommodated, in addition to any visitors.

Responding to questions, officers explaining that any covenants on use would not constitute a material planning consideration. Despite the change of use the property was still considered residential and visitors to the property would visit by appointment.

Debating the application, members discussed the appropriateness of locating such facilities in existing residential areas and raised concerns regarding the possible effects on those neighbourhoods. Members considered parking-related issues and the sufficiency of parking available, whilst one member added that the Council had no control over visitors at existing properties. Discussions regarding the covenant were held and whether this had been considered when the building had been acquired, however, it was acknowledged that this was not a material consideration for planning purposes. The Chair confirmed that Elected Members had not been involved in the acquisition of the building.

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

**Resolved** (9 in favour, 7 against)

**That Planning Committee delegate to the Head of Planning & Building Control to grant planning permission for application 23/0372 subject to conditions and subject to:**

- **No new material considerations being received within the consultation period;**
- **The amendment and finalising of conditions;**
- **No further comments from a statutory consultee raising material planning considerations not previously addressed.**

24 **Plans List 5 – 23/0393 58 Reedswood Lane, Walsall**

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

(annexed)

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

**Resolved** (unanimously)

**That Planning Committee grant planning permission for application 23/0393 subject to conditions, as set out in the officer's report.**

**Termination of meeting**

The meeting terminated at 8:08pm

**Signed**.....

**Date**.....