

Planning Committee

Thursday 5 October 2023 at 5.30pm

In the Council Chamber, the Council House, Walsall.

Present:

Councillor M. Bird (Chair)
Councillor M. Statham (Vice-Chair)
Councillor B. Bains
Councillor P. Bott
Councillor M. Follows
Councillor N. Gandham
Councillor A. Garcha
Councillor K. Hussain
Councillor R. Larden
Councillor R. Martin
Councillor S. Nasreen
Councillor A. Nawaz
Councillor S. Samra
Councillor V. Waters

In attendance:

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| D. Moore | Interim Director – Regeneration and Economy |
| A. Ives | Head of Planning and Building Control |
| A. Cook | Regeneration Officer (Trees) |
| K. Gannon | Development Control and Public Rights of Way Manager |
| P. Gittins | Principal Planning Officer |
| K. Knight | Senior Transport Planner |
| G. Meaton | Team Leader Development Management |
| I. Rathbone | Principal Environmental Protection Officer |
| P. Samms | Senior Environmental Protection Officer |
| N. Gough | Democratic Services Officer |
| E. Cook | Democratic Services Officer |
| L. Cook | Assistant Democratic Services Officer |

34 Apologies

Apologies for absence were submitted on behalf of Councillors Bashir, Harris, A. Hussain and Murray.

35 Declarations of Interest

Councillor Samra declared an interest in Plans List Item 2.

36 **Deputations and Petitions**

There were no deputations or petitions submitted.

37 **Minutes of previous meeting**

Resolved

That the minutes of the meeting held on 7 September 2023, a copy having previously been circulated to each member of the Committee, be approved and signed by the Chair as a correct record.

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

Exclusion of the Public

There were no items on the agenda to be considered in private session.

39 **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.

The Chairman advised the Committee that Plans List Item 1 – Application 21/1686 Morris Care and Commercial Vehicle repairs, Rollingmill Street - had been withdrawn at the request of the applicant.

40 **Plans List Item 2 – Application 17/1262 – 1 Freer Street & 28 Bridge Street, Walsall, WS1 1QD**

Having declared an interest in the item, Councillor Samra did not participate in discussions of the item as a Member of the Committee. Councillor Samra (hereafter Mr Samra) did address the Committee as a public speaker on the item, responding to questions asked but playing no part in the debate or questioning of officers, in accordance with the regulations for a member of the public addressing the Committee.

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

[Annexed]

The Principal Planning Officer clarified that the recommendation of the officers was to refuse planning permission for the reasons set out in the body of the report. The Chairman explained that a request had been received from the applicant to defer the application to a future meeting. As the application had been previously considered by the Committee and the existing concerns had not been addressed in two years, this request had been refused.

There was one speaker against the application, Mr Suky Samra, and one speaker in support of the application, Mr Paul Clifton. Mr Clifton explained that the issues with the Section 106 agreement were associated with a third party whose property was affected by the application. The applicant had been offered to acquire this land at an inflated price. The internal passageway had always been in the scheme and the applicant had total control over this. Mr Clifton claimed that there were existing flats in neighbouring properties which had not been granted planning permission. Mr Samra stated that the Committee had been misled by the applicant who had falsely claimed ownership of land and rights of access which they did not have. No evidence of how this could be addressed had been received and officers' time had been wasted.

Responding to questions, Mr Clifton explained that it was proposed to use a private waste management provider who would be present for only a few minutes to collect the bins and return them to their storage. The request for deferral had been to provide a report from a waste management provider. Mr Samra advised that he did not know about the purported flats without planning permission and added that these were not part of the application in question and therefore were not relevant for the Committee.

In response to questions, the Principal Planning Officer explained that the internal corridor was 19-metres long from the internal store and approximately 3-metres wide, with steps and carpeting. The Development Control and Public Rights of Way Manager explained that under normal circumstances the bins should be no more than 25- to 30-metres from where they would be collected and that BS5906 recommended no more than 15-metres and 10-metres distances for two- and four-wheeled bins respectively. The Health and Safety Executive also recommended against bins being accessed via steps. Requiring the bins to be placed on the footway was contrary to policy.

Debating the application, Members raised concerns regarding bins being stored internally and accessed inappropriately, as well as the risk of bins being placed for collection on an arterial route immediately adjacent to a bus stop. Members did express support for the principle of the development.

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

Resolved (0 against, 12 in favour)

That Planning Committee delegate to the Head of Planning, Engineering & Transportation to refuse planning permission for the reasons set out in the

officer's report and the supplementary paper, and to finalise the wording of reasons for refusal.

41 Plans List Item 3 – Application 23/0930 – 4 Calthorpe Close, Walsall, WS5 3LT

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

[Annexed]

There were two speakers against the application, Ms Christine Phillips and Councillor Singh Sohal, and two speakers in support of the application, Mr Peter Buturo and Mr Paul Singh.

Ms Phillips explained that the residents of Calthorpe Close were all opposed to the application with concerns regarding increased vehicle movements beyond those of an ordinary residential house and at unsociable hours. Other concerns included the long distance of the property from bus routes and that the application did not comply with the Council's policies H6 and HC6. Councillor Singh Sohal expressed concerns that residents had stopped being listened to and that the application would add a business into the residential street and was not a truly residential property.

Mr Singh said that the applicants had years of experience and understood the needs of its users. Concerns regarding anti-social behaviour and crime were unsubstantiated, parking provision was sufficient and the proposal was policy compliant. Mr Buturo emphasised that the proposed application would be used to house vulnerable children in a homely environment and that concerns regarding the welfare and security of children and the existing community would be addressed through correct management.

Responding to questions, Ms Phillips explained that her understanding of policies H6 and HC6 was that care homes were 'best sited in large, detached houses', which was not the case with this application. The drive could only accommodate three cars and the property was less than 2-feet away from the neighbouring property. The proposed development would lead to increased vehicle usage on the drive with regular comings and goings of staff and other support workers, including at unsociable hours, leading to a loss of amenity for neighbours. Ms Phillips added that the applicants had not engaged with residents prior to submitting their application as they should have done under planning policy. The Chairman explained to Ms Phillips that this was not a policy requirement.

Responding to questions, Mr Singh and Mr Buturo explained that discussions with planners had taken place and that a clear need for quality children's care homes had been identified. The existing facility operated by the applicants in Walsall was a larger property for 16 to 18-year-olds but had the same objective. All children's care homes were regulated by Ofsted to ensure standards were met. Regarding staff shift patterns Mr Buturo explained that shifts typically started at around 8am with some finishing at 3pm and 10pm, however, shift patterns were flexible and must be appropriate for the children residing in the facilities.

Regarding a question regarding sustainability and access to public transport, Ms Phillips explained that the nearest bus stops were located at least a 15-minute walk away via an alleyway, being unsuitable for children and staff, particularly at night-time. Mr Buturo explained that children in care would not be out at night and that they would likely have access to specialist SEN school transport.

There followed a period of questions to officers. The Team Leader Development Management explained that she believed Ms Phillips had been referring to policy HC3 in the 2019 Site Allocations document rather than HC6 and confirmed that the application did comply with policy HC3. The Principal Planning Officer explained that 'adverse impact' was a subjective term however there was no evidence to suggest there would be significant material differences arising from the development nor significant impacts on residents.

Debating the item, some Members expressed that they felt the application would introduce a business onto a residential close and that increased vehicle usage would present an adverse impact on existing residents. They also expressed concerns regarding access to public transport and whether this was a sustainable location in practice. Other Members of the Committee expressed that they felt the proposal represented a policy-compliant development and that concerns regarding shift-patterns and the number of vehicles could easily occur if a large family moved into the property, which would not be subject to any regulation or planning processes. The Chairman clarified that the application must be considered on its own merits and that similar applications considered at recent Planning Committee meetings could have no bearing on the application.

It was **moved** by Councillor Samra and **seconded** by Councillor Gandham that Planning Committee refuse planning permission contrary to the officer's recommendations due to a loss of amenities for existing residents, a lack of appropriateness and not being in a sustainable location. Upon being put to the vote, this was **rejected by 4 in favour, 8 against**

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

Resolved (3 against, 9 in favour)

That Planning Committee delegate to the Head of Planning & Building Control to grant planning permission subject to conditions and subject to:

- **No new material considerations**
- **The amendment and finalising of conditions.**
- **No further comments from a statutory consultee raising material planning considerations not previously addressed.**

Upon conclusion of the item, Councillor Bashir left the meeting.

42 **Application to remove 1 protected beech tree at 38, Middleton Road, Streetly, B74 3ES.**

The Chair advised the Committee that there had been a formal request from the applicant to defer the item because the speaker attending on their behalf was unable to do so due to a prior appointment. Members discussed whether to determine the application or defer the item to a future meeting. The Committee had the officer's report before them and as such had all the details required to make a decision. Upon being put to a vote, 3 members were in favour of deferring the item to a future meeting and 10 members were in favour of determining the application. It was agreed to determine the application.

At this point, Councillors Bains, Gandham and Samra left the meeting.

The Regeneration Officer (Trees) presented the report of the Head of Planning and Building Control.

[Annexed]

In response to questions, the Regeneration Officer (Trees) explained that no evidence of damp or damage to the property had been submitted and no apparent damage had been observed by officers on their site visit.

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 refuse consent for the works as specified in the application for the reasons set out in the officer's report.

Termination of meeting

The meeting terminated at 7:26pm

Signed.....

Date.....