

PLANNING COMMITTEE

20 June 2022 at 5.30 pm

In the Town Hall, Council House, Walsall

Present:

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

In attendance:

R. Ark	Senior Environmental Protection Officer
M. Brereton	Group Manager – Planning
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
I. Jarrett	Principal Environmental Protection Officer
K. Moreton	Head of Highways & Transport
J. Price-Jones	Planning Solicitor
A. Scott	Senior Planning Officer
D. Smith	Senior Legal Executive
P. Venables	Director – Regeneration and Economy
A. White	Team Leader Development Management

82/22

Apologies

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

83/22 **Declarations of Interest**

A declaration of prejudicial interest was made by Councillor Bird regarding Plans List Item 1- 20/0832 – Former Old Bush Inn, Walsall Road and Plans List Item 2 – 20/0830 – Pelsall Villa Football Club, Walsall Road.

84/22 **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

85/22 **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.

86/22 **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.

87/22 **Plans List 1- 20/0832 – Former Old Bush Inn, Walsall Road**

Officers had requested prior to the meeting that the item be deferred to a future meeting of the Planning Committee. Having already declared an interest, Councillor Bird did not vote. It was **Moved** and **Seconded** and upon being put to the vote was:

Resolved:

That consideration of the item Plans List 1- 20/0832 – Former Old Bush Inn, Walsall Road, be deferred to a future meeting of the Planning Committee to provide the applicant with sufficient time to consider the points made.

88/22

Plans List Item 2 – 20/0830 – Pelsall Villa Football Club, Walsall Road

Officers had requested prior to the meeting that the item be deferred to a future meeting of the Planning Committee. Having already declared an interest, Councillor Bird did not vote. It was **Moved** and **Seconded** and upon being put to the vote was:

Resolved:

That consideration of the item Plans List Item 2 – 20/0830 – Pelsall Villa Football Club, Walsall Road, be deferred to a future meeting of the Planning Committee to provide the applicant with sufficient time to consider the points made

89/22

Plans List 7 – 21/0048 – Car Park former Walsall Wood Library

The Report of the Head of Planning and Building Control as introduced by the Senior Planning Officer. An overview of the application was given, including the layout, context and location of the proposed site. The site was in the vicinity of a heritage asset, the Grade II Listed War Memorial at the St Johns Church, but now heritage impact assessment has been received.

There was one speaker against the application, Councillor Sears, and one speaker in support of the application, Mr PK Sehdeva (agent).

Councillor Sears claimed the proposed development represented an overly-intensive use of the land, with no regard for the heritage asset. There would be an encroachment on private land and the privacy of neighbouring properties, as well as increased congestion and traffic potentially impacting negatively on highways safety.

Mr Sehdeva claimed the land had been sold by the local authority for redevelopment and that splitting the site allows for more efficient use. The applicant has never refused to submit evidence and stressed that he was never asked for a heritage assessment by officers. In 2021, communication from the Planning department was much delayed. Responding to member questions, Mr Sehdeva reiterated that the applicant was never asked for a heritage assessment but would have provided one if asked and stated that Officers had never suggested the application would be refused and there were no highways objections.

Responding to member questions, the Head of Planning and Building Control clarified that due to staffing challenges there were some delays providing information and communication in 2021, but the applicant would have had a duty to determine if a heritage assessment was required, which they did not do.

The Developmental Control and Public Rights of Way Manager explained that a development should not be dependent on off-site parking, and that Government advises against access onto the strategic road network. If this development was backed, there would not be such an access for the other part of the development (application 21/0842).

There then followed a period of debate. The Committee agreed they were not opposed to the principle of development on the site, however only one of the three reasons for refusal related to the lack of information. The remaining reasons for refusal, reasons 2 and 3 as detailed within the report, still remained.

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

Resolved (14 for, 1 against):

Members agreed as set out in report and supplementary paper that the resolution would have been to refuse had an appeal for non-determination not have been lodged.

90/22

Plans List 8 – 21/0842 – Car Park Former Walsall Wood Library

The Report of the Head of Planning and Building Control as introduced by the Senior Planning Officer. An overview of the application was given, including a description of the site, the layout, context and location of the proposed site, and access proposals.

There was one speaker against the application, Councillor Sears, and one speaker in support of the application, Mr P.K. Sehdeva (agent). Councillor Sears had nothing to add from the points raised with regards to the previous item, application 21/0048.

Mr Sedheva identified that there was considerable overlap with the points raised with regards to the previous item, application 21/0048 and added that if the information required had been requested the applicant would have provided it. Responding to questions, Mr Sedheva claimed the applicant was not given the opportunity to amend the application with regards to any of the reasons for refusal outlined in the report. If they had been asked, they would have negotiated these. Responding to whether the applicant had not thought about the need for a heritage assessment, Mr Sedheva claimed that the application stood still in the system for a long period, making things very difficult, but had the applicant been asked, they would have provided the information. Additional information was provided when requested. The reduction of parking to 8 vehicles compared with the library site with a constant flow and 20 parking spaces, represents a reduction in traffic flow, not an increase.

The Developmental Control and Public Rights of Way Manager explained that trips to the library when it was open were spread over the day, not concentrated at peak times as would be the case with the proposed development. The proposal would result in unnecessary turning and movements around junctions on a classified A-road, potentially posing a highways hazard. It was likely more manoeuvres could increase accident risk.

There then followed a period of debate.

It was **Moved** by Councillor Hicken and **Seconded** by Councillor Bott and upon being put to the vote was:

Resolved (unanimously):

That Planning Committee refuse planning permission for application 21/0842 for the reasons set out in the Officer's report and supplementary paper.

91/22

Plans List Item 4 – 21/1670 and 21/167 – 132 -132A Lichfield Street

The Report of the Head of Planning and Building Control as introduced by the Group Manager - Planning. The item was two applications being considered together including conversion of a Grade II listed property and erection of apartment block. Context was given, including lying within a conservation area. An overview of the plans was provided, including the floor plan, elevations and artists impressions. No objections had been received from consultees but there had been recommendations for conditions.

There was one speaker in support of the application, Mr J. Bal (agent). The applicant had worked for 2 years with planning and the heritage team, to develop a proposal which focused on refurbishment. Responding to Member questions, Mr Bal explained that there was initially a larger mix of properties proposed but they had been led by the existing fabric of buildings and entrances resulting in some smaller properties. Most apartments would be courtyard facing leaving 3 properties with windows at street level on Intown Row. Secured by Design had been consulted but conservation officers had asked for windows to be kept as planned.

The Group Manager – Planning, explained that alternative access for the disabled had been identified, but it was not always possible to make listed properties as accessible as would be desired. The Developmental Control and Public Rights of Way Manager explained that as it was a town centre site identified as sustainable with some parking at the rear, parking needs would be met.

There then followed a period of debate. It was **Moved** by Councillor Nawaz and **Seconded** by Councillor Statham and upon being put to the vote was:

Resolved (unanimously):

1. That Planning Committee delegates authority to the Head of Planning & Building Control to grant planning permission for application 21/1670 subject to conditions and S106 to secure Urban Open Space contribution of £21,731.00 and subject to:
 - the amendment and finalising of conditions;
2. That Planning Committee delegates authority to the Head of Planning & Building Control to Grant Listed Building Consent for application 21/1671 and subject to;
 - The amendment and finalising of conditions.

92/22

Plans List 9 21/1339 – 6 Linden Lane

The Report of the Head of Planning and Building Control as introduced by the Team Leader Development Manager. An outline of the proposal was provided, including the context, photographs of the site and the neighbouring area. No highways objections had been received.

There were two speakers against the application - Councillor Whitehouse and Mr Brian Smith (local resident). Councillor Whitehouse argued that the proposed development would represent an overdevelopment of the site, the plot being too big and not in keeping with the surroundings. Neighbouring properties would be boxed in and all other properties were set back from the road. Mr Smith explained that the estate was built with an open-plan aspect without walls and hedges and with open corner plots. The principle had been maintained for 60 years. The proposed development would destroy this concept. Green spaces should be protected and the local school uses the area as a cycle area, so highway safety was important.

There then followed a period of questioning by Members. The Team Leader Development Manager responded to a question claiming that the street scene would be destroyed by an incongruous development by explaining that the proposal still retained grass verges and would be a continuation of the street scene. The Council previously owned the land and though there was a covenant placed by the original builder, this was not a material planning consideration. Planning officers had requested an intrusiveness investigation as a suggested condition but this was unlikely to be an issue due to reduced fence depth and green spaces kept.

There then followed a period of debate. Several members argued the proposal would be incongruous and damaging to the street scene. It was **Moved** by Councillor Murray and **Seconded** by Councillor Samra and upon being put to the vote was:

Resolved (unanimously):

That, contrary to the recommendation in the officer report, Planning Committee refuse permission for application 22/0127, for the following reasons and to delegate the finalising of precise wording of the refusal reason(s) to the Head of Planning and Building Control:

- The proposed development would be an incongruous feature in the street scene;
- The proposed development would be an over-development which would have a detrimental effect on the amenity of residents, especially of Pinewood Close, because of the prominent position on the corner of Pinewood Close and the size of the development.

93/22

Plans List item 3 – 21/1781 – Land between Canalside Close and Canal

The Chair highlighted Page 16 of the Officer's report where members were asked for priorities, and suggested Priority B, that any available financial contribution should be spent on Open Space up to the policy-compliant level and any additional financial contribution should be spent on Off-Site affordable housing and access improvements and wayfinding to the Wyrley & Essington Canal towpath [in a [50/50] split].

The Head of Planning & Building Control clarified that currently Section 106 was valid as the proposed Infrastructure Levy had not passed into legislation at this time.

It was **Moved** by Councillor Bird and **Seconded** by Councillor Nawaz and upon being put to the vote was:

Resolved (unanimously):

That Planning Committee delegates to the Head of Planning & Building Control to grant planning permission for application 21/1781 subject to conditions and a S106 to secure a contribution to Affordable Housing, Open Space, Landscape Management and access improvements and wayfinding to the Wyrley & Essington Canal towpath and subject to

- Forming a set of planning conditions in order to make the development acceptable in planning terms;
- Overcoming the outstanding objections raised by the Local Highways Authority, Ecology, Canal and River Trust, Lead Local Flood Authority and Environmental Protection which may require substantive layout changes;
- Addressing any outstanding comments from the Council's tree officer;

- No further comments from a statutory consultee raising material planning considerations not previously addressed including following any layout changes.

94/22

Plans List 5 – 18/1431 and 19/0122 - 32-34 Bradford Street

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

Resolved (unanimously):

1. That Planning Committee delegate to the Head of Planning and Building Control to grant planning permission for application 18/1431, 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;
2. That Planning Committee delegates to the Head of Planning & Building Control to grant Listed Building Consent for application 19/0122, subject to conditions and subject to;
 - The amendment and finalising of conditions;

95/22

Plans List 6 – 21/1669 – Land at Former Pear Tree Cottage Inn

Officers were asked to clarify whether the 2m fence was allowed on the street side and alongside the adjacent Number 31. The proposal included an angled corner to ensure visibility met legislative requirements on visibility. The required display was 2.4m x 3.4m visibility splay for pedestrians. There was a 2m requirement from the edge of the curb to where a driver was sitting. The proposal included a 2.4m gap.

It was **Moved** by Councillor Bird and **Seconded** by Councillor Harris 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 21/1669 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;

96/22

**Private Session Item
Exclusion of the Public**

Resolved:

That, during consideration of the following items on the agenda, the Committee considered that the items for consideration were exempt information by virtue of Paragraphs 3, 6 and 7 of Schedule 12(A) of the Local Government Act 1972 (as amended) and accordingly resolved to consider that item in private session.

97/22

Minutes of previous meeting

Resolved:

That the Minutes of the meeting held on 26 May 2022, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

Termination of meeting

There being no further business, the meeting terminated at 7:36 pm.

Signed

Date