

## **Planning Committee**

**Thursday 9 February 2023 at 5.30 pm**

**Council Chamber, Council House, Walsall**

### **Present:**

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

### **In attendance:**

A. Ives	Head of Planning
N. Ball	Principal Planning Policy Officer
M. Brereton	Group Manager – Planning
E. Cook	Assistant Democratic Services Officer
M. Dale	Senior Planning Officer
K. Gannon	Developmental Control and Public Rights of Way Manager
N. Gough	Democratic Services Officer
J. Grant	Environmental Protection Officer
S. Hollands	Principal Planning Officer
A. Sargent	Principal Solicitor
D. Smith	Senior Legal Executive

### 163/22 **Apologies**

Apologies for absence were submitted on behalf of Councillor Allen and Councillor Martin.

### 164/22 **Declarations of Interest**

There were declarations of interest submitted.

165/22      **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

166/22      **Minutes of previous meeting**

The Committee considered the minutes of the previous meeting.

**Resolved:**

That the minutes of the meeting held on 1 December 2022, a copy having been previously circulated to each member of the Committee, be approved and signed as a true record.

167/22      **Local Government (Access to Information) Act 1985 (as amended)**

**Resolved:**

That there were no items for consideration in private session.

168/22      **Section 106 Customer Guide and Householder Validation Checklist**

The Group Manager (Planning) presented a report, which informed Members of the outcome of public consultation and the subsequent implementation of an updated Section 106 (S106) Customer Guide and a new Household Local Validation Checklist.

(annexed)

The documents were guides which had been produced to help customers and to speed up the processing of S106 contributions. Amendments made following consultation had been set out in the report. Members were made aware of minor formatting amendments, as set out in the supplementary paper (annexed).

Responding to questions, the Group Manager (Planning) explained that developments falling within the Cannock Chase Special Area of Conservation (SAC) would still be required to pay the SAC contribution if a S106 was deemed unviable for the development. All developers who had used the existing frameworks within the previous 12 months had been contacted and all regular developers had the opportunity to respond to the consultation.

**Resolved** (by assent)

**That Planning Committee note the outcome of consultation and the intended implementation date of Wednesday 1st March 2023.**

169/22      **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.

170/22      **Plans List 1 – 22/0587 – 9-11 Park Street, Walsall, WS1 1LY**

The Senior Planning Officer introduced the report of Head of Planning and Building Control.

(annexed)

An overview of the existing site was provided and it was explained that there had been no objections received from Environmental Health, Highways or Conservation consultations. The proposed development would increase vitality by bringing a vacant site into use and increasing footfall with no significant external alterations proposed. Comments were received from the Chief Superintendent of West Midlands Police, which raised concerns about the number of premises operating and closing at the same time in Walsall Town Centre and recommended that restrictions on hours of operation be considered, as set out in the Supplementary Paper (annexed).

There were two speakers on the item, both in support of the application. Ms Janet Rowley (agent) explained that no objections had been received from statutory consultees and that the comment received from West Midlands Police had been received two hours prior to the meeting and so a formal response had not been possible. Ms Rowley highlighted that the applicant's existing operation in Walsall operated on a 24-hour licence with no restrictions. Mr James Sturgess (Regional Operations Director, Luxury Leisure) explained that 11 of the applicant's 32 existing operations in the West Midlands operated under a 24-hour license including the existing one in Walsall on Bradford Street, and no incidents had been reported to the police related to that venue. Alcohol was not allowed to be consumed on the premises and those under the influence of alcohol were not permitted entrance.

Responding to questions, Mr Sturgess explained that intention was for the proposed site to be a relocation from the existing premises on Bradford Street, with a short transition period where both sites would operate, after which the licence for the Bradford Street site would be

rescinded. The relocation would enable expansion to a larger site with better facilities in a more central location. Staff were trained appropriately including in age-verification and dealing with vulnerable customers. A wide range of security measures were employed including remote monitoring and door control, a three safe system with staff permanently on the shop floor, it was noted that there was not a plan for a dedicated security officer.

The number of customers varied but was not necessarily directly proportional to the profitability of the business. Night-time operations were an important part of the business and also made it accessible to people who could not use the site at other times of the day. The Bradford Street site had operated under a 24-hour license since September 2022 with no security or crime issues.

There followed a period of debate by Members. Some Members expressed that it was their opinion that the clientele using the facility did not reflect those involved in negative events in the town and that it would be wrong to associate the proposed operations with those such as nightclubs and late-night bars. Other members felt that it would be irresponsible to ignore the rare intervention by the Chief Superintendent of West Midlands Police and that the Committee had a duty to support the prevention of crime and disorder and to reassure the community, concluding that the proposed conditions on opening hours were important.

It was **Moved** by Councillor Samra and **Seconded** by Councillor Statham and upon being put to the vote it was;

**Resolved** (10 in favour, 3 against)

**That Planning Committee delegates to the Head of Planning and Building Control to grant planning permission for application 22/0587 subject to conditions as set out in the Officer's report and supplementary paper to include the following condition:**

- 1. That the hours of operation be restricted to between 10:00am and 02:00am.**

171/22

**Plans List 2 – 22/0588 – 9-11 Park Street, Walsall, WS1 1LY**

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

**Resolved** (unanimously)

**That Planning Committee grant advertisement consent for application 22/0588 subject to conditions as set out in the Officer's report.**

**Plans List 3 – 22/1232 – 13 Aldridge Road, Walsall, WS4 2JN**

The Group Manager (Planning) introduced the report of the Head of Planning and Building Control.

(annexed)

An overview of the existing site and proposed development was provided and it was explained that the proposed scheme was very similar to that previously refused, with some minor amendments. Whilst one of the previous reasons for refusal had been addressed, the other had not.

There were two speakers on the item, Mr H. Parmar (agent) and Mr M. Khan (applicant) both in support of the application. Mr Parmar explained that amendments had been made which had resolved one of the previous reasons for refusal, namely the detrimental effect of the rear-extension on the light in the neighbouring property, and that side-facing dormer windows had been removed. Mr Khan added that the remaining concern appeared to be the overall size of the proposal, but that this size was necessary to house the family and the applicant's relative with a debilitating illness and significant care needs.

There followed questions to the speakers. Mr Khan explained that he felt most of the previous objections had now been overcome and that suggestions by Officers had been accommodated. The street scene had greatly changed in recent years and was now greatly varied with many properties having large extensions, examples were given of such properties. Mr Khan explained that there was already an existing side-extension to the property, so it was not increasing the width of the property, but rather only building upwards and forwards. Expanding the property was necessary for the applicant to provide care for his ill relative and to provide space for his family.

Responding to questions, Officers confirmed that despite the varied street scene, the principal objection to the development was the overall scale of the proposal and the extension roof not being subservient to the existing property.

There followed a period of debate. 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 delegates to the Head of Planning and Building Control to grant planning permission for application 22/1232 subject to conditions and contrary to the Officer's recommendations, for the following reasons:**

- **The previous reason for refusal had been overcome through the works done to alter the scheme from that previously submitted, by setting back from the front; removing side-facing dormer windows and reducing the rear extension,**
- **The proposed development was not out of keeping with the street scene and would not unbalance the position with the adjoining semi-detached property.**

**Termination of meeting**

There being no further business, the meeting terminated at 6:59 pm.

Signed .....

Date .....