

Planning Committee

Thursday 22 June 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 H. Bashir
Councillor P. Bott
Councillor M. Follows
Councillor N. Gandham
Councillor A. Garcha
Councillor K. Hussain
Councillor I. Hussain
Councillor R. Larden
Councillor J Murray
Councillor S Nasreen
Councillor A. Nawaz
Councillor S. Samra
Councillor V. Waters

In attendance:

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| A. Ives | Head of Planning and Building Control |
| N. Alcock | Solicitor |
| M. Brereton | Group Manager, Planning |
| M. Crowton | Group Manager, Transportation and Strategy |
| K. Gannon | Development Control and Public Rights of Way Manager |
| O. Gore | Development Monitoring Officer |
| S. Hollands | Principal Planning Officer |
| D. Holloway | Planning Policy Manager |
| I. Jarrett | Principal Environmental Protection Officer |
| J. Penfold | Senior Planning Officer |
| D. Smith | Senior Legal Executive |
| S. Wagstaff | Principal Planning Officer |
| A. White | Team Leader Development Manager |
| N. Gough | Democratic Services Officer |
| E. Cook | Democratic Services Officer |
| L. Cook | Assistant Democratic Services Officer |

1 Apologies

Apologies for absence were submitted on behalf of Councillor R. Martin, Councillor A. Harris and Councillor A. Hussain.

2 **Declarations of Interest**

Councillor Bird declared an interest in agenda item 9, Enforcement Table.

3 **Deputations and Petitions**

There were no deputations or petitions submitted.

4 **Minutes of previous meeting**

Resolved

That the minutes of the meeting held on 27 April 2023, a copy having previously been circulated to each member of the Committee, be approved and signed by the Chair as a correct record.

5 **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.

6 **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.

7 **Plans List 2 – 22/1596 Paddock Land Corner of Beacon Road, Stables, Bridle Lane, Streetly**

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 and

elevations; transport arrangements; fencing requirements and appropriateness.

(annexed)

There were two speakers in support of the application - Mr Bruce Casalis (applicant) and Mr Nicholas Cobbold (agent) and two speakers against the application - Councillor Andrew (ward councillor) and Ms Jenny Hulme (neighbour).

Ms Hulme raised concerns regarding the visual prominence of the proposed development within the green belt and the potential effects of noise and light pollution on the Great Barr Conservation Area. Concerns were raised regarding the welfare of horses in adjacent fields. Councillor Andrew voiced concerns regarding traffic on a narrow lane with dangerous junctions and the detrimental effect of extensive fencing.

Mr Cobbold and Mr Casalis addressed the Committee to suggest that this area was not a designated equine area, and despite the perception that dogs were noisy – this was not the case quoting other areas where the noise was reported as limited due to the supervision of dogs. Mr Casalis informed the Committee that he was an adviser to Defra and his company had won awards as the market leader. The site received regular dogs who were well known and received daily enrichment. It was expected that there would be limited noise pollution resulting from the proposed development and that dogs would always be kept within the site, ensuring the safety of neighbouring plots. At similar sites the operators had never had an issue regarding safety despite close proximities to agricultural facilities.

Responding to questions, Mr Casalis explained that dogs would be collected by a 'dog bus' rather than being dropped at the site by owners. These would leave before dark so external lighting would not be required. Two-metre-high fencing would be adequately high for the dog facility. In the operator's history at other sites there had only ever been one dog escape which happened during the first two years of operation due to a gate being left open. The substantial amount of fencing was required to enable separation of different sized dogs. The existing barn would provide sufficient space for all dogs to have a sheltered space indoors.

Debating the application, some members expressed concerns regarding the extent of fencing on the proposal, the negative effect this could have on the Conservation Area and its appropriateness of it within the Green Belt. Concerns regarding parking, especially during school opening and closing times, were also raised, as was the potential for increased traffic. Several members commended the business case and concept of the proposed developments.

A Member stated that this was a good application, with applicants who had a proven track record. Although sympathetic to residents this was not a reason to refuse – stating that as dogs were collected and dropped off parking would

not be an issue. Members were urged to consider the cost of an appeal. It was **moved** by Councillor Samra and **seconded** by Councillor Gandham that the application be approved for the reasons set out in the officer's report. Further debate took place and subsequently Councillor Samra and Councillor Gandham withdrew the notice of motion and secondment prior to a vote being taken.

Further concerns were raised by Members of the Committee around the impact of the application on the surrounding area, its heritage and the visual amenity of the greenbelt land. It was **moved** by Councillor Bird and **seconded** by Councillor Murray and upon being put to the vote it was;

Resolved (14 in favour, 1 against)

That Planning Committee refuse planning permission for application 22/1596, contrary to the Officer's recommendations, having regard to the harm to the green belt this application would create, by way of the proposed intensification of use in this proposal and the requirement for the substantial amount of fencing needed within the application as lodged leading to the unwelcome urbanisation of this sensitive area of the green belt and the impact and harm this would also create within the Great Barr Conservation Area.

8 Plans List 3 – 23/0394 156 Tyndale Crescent, Great Barr, Birmingham

The Principal Planning Officer (S. Hollands) presented the report of the Head of Planning and Building Control and additional information included in the supplementary paper, providing an overview of the site plan, the proposed layout and parking arrangements.

(annexed)

There was one speaker in support of the application, Mr Rabinder Singh Gill (applicant). Mr Gill explained that the development was policy compliant and would be akin to a family-unit, with the two residents using it as their home. Two carers would be on site with staggered shift patterns ensuring sufficient parking would be available.

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

Resolved (unanimously)

That Planning Committee delegate to the Head of Planning & Building Control to grant planning permission subject to;

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

9 Plans List 1 – 22/0526 Land at Farmer Johns, 251 Aldridge Road, Streetly

The Chair informed the Committee that the applicant had been advised that this item could be deferred to a future meeting due to their speakers being unable to attend, however the applicant had requested that the item be determined. The Committee considered the report of the Head of Planning and Building Control and additional information included in the supplementary paper.

(annexed)

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

Resolved (unanimously)

That Planning Committee refuse planning permission for application 23/0394 for the reasons set out in the officer's report.

10 **Plans List 4 – 22/0124 77 Skip Lane, Walsall, WS5 3LP**

The Committee considered the report of the Head of Planning and Building Control and additional information included in the supplementary paper.

(annexed)

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

Resolved (unanimously)

That Planning Committee delegate to the Head of Planning & Building Control to grant planning permission for application 22/0124 subject to conditions, as set out in the officer's report.

11 **Field adjacent the Duckery, Chapel Lane, Great Barr**

The Committee considered the report of the Head of Planning and Building Control and additional information included in the supplementary paper.

(annexed)

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

Resolved (unanimously)

- 1. That the fourth reason for refusal be withdrawn from the council's reasons for refusal and the appeal.**

2. That Planning Committee approve the exchange of words in refusal reason 3, as set out in the report.

At this point Councillor Samra left the meeting.

12 Development Management Performance Update

The Group Manager (Planning) presented a report which provided an update on the Development Management service performance.

[annexed]

It was identified that the service was below national targets regarding minor developments, but that the existing backlog was being cleared and it was not an issue unique to Walsall. Large numbers of applications continued to be received, but now at a slower rate than decisions were being issued. Another focus for improvement was customer service with an aim to bring more efficiencies whilst improving customer satisfaction. Some push-back was being reported from applicants seeking multiple reviews but the 'one revision' policy was necessary to clear the existing backlog.

Responding to questions the Group manager (Planning) explained that it was unrealistic to expect the backlog to be cleared before the end of the year but that it should be cleared early in the next year. In categories other than 'minor' developments, including 'major' applications, targets were being met. The dates for consultations would be included in the planning weekly list moving forward. A reduction in new applications was reported and was leading to reduced revenue. Introducing new fees for issues such as permitted developments were under ongoing consideration.

Resolved (by assent)

That the outcomes of the monitoring performance within the Development Management service be noted.

13 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.

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

14 Enforcement table

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

The Group Manager (Planning) presented a table which provided an update on the progress of formal enforcement actions.

Members highlighted that the costs involved were often very high and officers explained that these were not always recouped. The Development Management service were proposing to double fees for retrospective applications and hoped that the short-term pain of enforcement costs would act as a deterrence.

Individual cases were discussed including the level of financial penalties. Officers explained that fines for non-compliance would often be followed by further warnings and continued fines and prosecutions, potentially leading to high cumulative costs for individuals. The extent of negotiations and efforts in persuasion prior to direct action being taken were considered on a case-by-case basis according to appropriateness.

Resolved (by assent)

That the outcomes of the monitoring performance within the Development Management service be noted.

Termination of meeting

The meeting terminated at 7:15pm

Signed.....

Date.....