

Minutes of the Planning Committee held in The Council Chamber, Walsall Council House

Thursday 28 November 2024 at 5.30pm

Committee Members present:

Councillor M.A. Bird (Chair)
Councillor J. Murray
Councillor B. Bains
Councillor H. Bashir
Councillor P. Bott
Councillor S. Elson
Councillor P. Gill (arrived at 5:57pm)
Councillor A. Hussain
Councillor I. Hussain
Councillor K. Hussain
Councillor K. Margetts
Councillor R. Martin (arrived at 5:50pm)
Councillor A. Nawaz
Councillor W. Rasab
Councillor S. Samra
Councillor M. Statham
Councillor V. Waters

Officers Present:

N. Ball	Principal Planning Policy Officer
M. Barwick	Apprentice Planning Officer
M. Brereton	Head of Planning and Building Control
M. Crowton	Group Manager – Transportation & Strategy
K. Gannon	Development Control and Public Rights of Way Manager
S. Hollands	Team Leader Development Management
K. Knight	Senior Transport Planner
G. Meaton	Group Manager – Planning
R. Rowley	Senior Planning Officer
P. Samms	Senior Environmental Protection Officer
A. Sargent	Principal Solicitor
A. Scott	Senior Planning Officer
L. Wright	Senior Planning Officer
E. Cook	Democratic Services Officer
L. Cook	Democratic Services Officer

167 Apologies

Apologies were received from Councillors Nahal, Parkes and Follows.

168 **Declarations of Interest**

The following declarations of interest were received:

- Councillor Bird – Plans List Item 4 – non-pecuniary interest.
- Councillor Elson – Plans List Item 4 – non-pecuniary interest.
- Councillor Nawaz – Plans List Item 4 – non-pecuniary interest.

169 **Deputations and Petitions**

There were no deputation or petitions.

170 **Minutes**

A copy of the minutes of the meeting held on 31 October 2024 was submitted.

[annexed]

Resolved

That the minutes of the meeting held on 31 October 2024, a copy having previously been circulated to each member of the Committee, be approved and signed by the Chair as a correct record.

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

Exclusion of the Public

Resolved

There were no items for consideration in the private session.

At this junction the Chairman stated that as there were members of the public in attendance to speak on applications, he would amend the order of business to hear Agenda Item 8, the Application List for Permission to Develop, before taking Agenda Items 6 and 7.

172 **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.

173 Plans List Item 3 – 24/0361 – Land at Barr Lakes Lane

The Chair informed the Committee that a request had been received from the applicant for the application to be deferred to provide an opportunity to submit further information.

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

Resolved (unanimously)

That application 24/0361 be deferred to allow the applicant opportunity to provide further information.

174 Plans List Item 2 – 24/1087 - 36-40 Walsall Rd, Willenhall

The Principal Planning Officer presented the report of the Head of Planning and Building Control, including the additional information contained within the supplementary paper.

[annexed]

There were two speakers in support of the application, Councillor Cheema and Mr Patterson. Councillor Cheema stated that the development would fulfil the specific needs of local residents and those attending the nearby Gurdwara. She asserted that there was sufficient parking as most customers would walk; there were good bus routes; and overflow parking was available locally. She added that there had been no history of flooding in the area. Mr Patterson stated that the proposed changes would not increase flooding risk, nor have effects on neighbours' amenities. He added that overflow parking could be secured via legal agreement and there was a local need.

Responding to questions, Councillor Cheema confirmed that she believed a sequential test would be met and the location outside Willenhall Town centre was appropriate, with a Gurdwara and significant South Asian community in the area who would use the store. Mr Patterson confirmed the shop would specialise in South Asian food including vegetables and that the applicant had not been requested to provide a flood risk assessment.

Responding to questions the Senior Planning Officer advised that there were several stores considered to be similar within close proximity and so there

was no identified need. The Development Control and Public Rights of Way Manager advised that the 'overflow parking' discussed by the speakers was for a property on the opposite side of the road which had been considered an under-provision when that property was granted planning permission. He added that there was no legal agreement to access this parking and it would not be practical to secure access via Section 106 given it was considered an under-provision for the property it already served. The Senior Planning Officer confirmed that a flood risk assessment had not been requested as it was not deemed reasonable to demand the applicant this expense when there were other recommended reasons for refusal the planning authority did not believe could be overcome.

Members debated the application and discussed whether there was a need for the development; the relevant planning history; potential alternative uses; and sufficiency of parking.

It was **moved** by Councillor Bains and **seconded** by Councillor Samra that application 24/1087 be deferred to allow the applicant opportunity to provide further information. Upon being put to the vote, this was **rejected (5 in favour, 8 against)** and the proposed resolution failed for this reason.

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

Resolved (9 in favour, 0 against)

That Planning Committee refuse permission for application 24/1087 for the reasons set out in the officer's report and supplementary paper.

Councillors Gill and Martin entered the meeting whilst Plans List Item 2 was being considered. Having not been present for the full duration of the item, they did not vote.

175 **Plans List Item 1 – 23/1395 - Former Mercedes Benz, Dudley St**

Prior to considering the item, Councillor Bird confirmed that he had not 'called-in' application 23/1395. This was confirmed by the Head of Planning and Building Control who advised there had been an administrative error. He confirmed that the item was being considered by Committee due to the recommendation for approval subject to conditions when a petition of over 10 signatures objecting to the proposal had been received, as stated in the supplementary paper.

The Senior Planning Officer presented the report of the Head of Planning and Building Control, including the additional information contained within the supplementary paper.

[annexed]

There were two speakers against the application, Councillor Russell and Mr Haroon, and two speakers in support of the application, Mr Siddique and Mr Baker.

Councillor Russell stated that the proposed development would exacerbate existing traffic issues. She added that there was a heavily used pedestrian crossing nearby; that takeaways providing unhealthy food could negatively affect public health; and the development could exacerbate anti-social behaviour (ASB). Mr Haroon stated concerns regarding public health and that there was already sufficient provision to meet local need. He added that there was retail space available in more appropriate town centre locations.

Mr Siddique stated that the landowner had been unable to lease the property as a single entity and it would remain vacant if not redeveloped. He added that the proposal could provide 70 new jobs in a sustainable location. Mr Baker stated that the application was a 6-minute walk from the town centre and would bring increased footfall to the town. He added that it would improve security in the area, with on-site security provision provided.

Responding to questions regarding evidence for concerns raised, Councillor Russell stated that she knew the area and local communities well and that people currently felt unsafe, with regular occurrences of ASB occurring in the immediate vicinity, including drug-use and prostitution. She added that traffic was her main concern. Responding to questions, Mr Siddique stated that there were no objections from statutory consultees and provided an overview of the route vehicles would need to take. He added that there would be sufficient on-site parking including provision of electric vehicle charging and that peak hours for a supermarket were not generally the same as those for the highways network.

There followed a period of questions to officers, during which the Development Control and Public Rights of Way Manager provided an overview of the highway authority's position regarding the application.

Debating the application, several Members stated the opinion that the application would improve the area by bringing a dilapidated site back into use.

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

Resolved (12 in favour, 3 against)

That Planning Committee resolve to delegate to the Head of Planning & Building Control to grant planning permission subject to conditions, and subject to the amendment and finalising of conditions.

In accordance with procedure rule 17.6, Councillors Bashir, K. Hussain and Nawaz requested that the minutes record that they voted against the resolution.

At this juncture:

- *Having declared an item in the next item, Councillors Bird, Elson and Nawaz left the meeting.*
- *Councillor Murray took the Chair.*
- *Councillors Bains, K. Hussain, Rasab and Samra left the meeting and did not return.*

176 **Plans List Item 4 – 24/0201 – 54 Holtshill Lane, Walsall**

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

[annexed]

There were two speakers in support of the application, Ms Brookes and Mr Priest. Ms Brookes stated that the future operators of the proposed children's home were established Ofsted-registered providers with a track record. She added that the property had been blighted by fly-tipping and the proposed change of use would in practice maintain it as a family home. Mr Priest stated that the 'red-line' boundary had been amended to remove a mistakenly included Public Right of Way and that the small extension already built had been done so under Permitted Development for a class use C3 building. He added that the property would be fully refurbished and building regulations followed.

Responding to questions Mr Priest stated that a previous issue regarding a Right of Way being included within the 'red line' was an accidental oversight and had been addressed. He confirmed that priority would be given to Walsall children. The Development Control and Public Rights of Way Manager confirmed that highways officers had no objections regarding Rights of Way.

It was **moved** by Councillor Martin and **seconded** by Councillor Bott 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 24/0201 subject to conditions and subject to the amendment and finalising of conditions.

At this juncture:

- *Councillors Bird, Elson and Nawaz returned to the meeting.*
- *Councillors P. Bott and I. Hussain left the meeting and did not return.*
- *Councillor Bird re-took the Chair.*

177 **Response to Lichfield Local Plan Issues and Options Consultation**

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

[annexed]

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

Resolved (unanimously)

That Planning Committee:

- 1. Agree the response as set out in the appendix, and authorise the Executive Director for Economy, Environment & Communities, in consultation with the Portfolio Holder for Regeneration, to submit the response to Lichfield District Council.**
- 2. Authorise the Head of Planning and Building Control to amend the final responses as necessary.**

178 **Response to Dudley Local Plan Publication Version Consultation**

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

[annexed]

Members discussed the soundness of the plan and the potential impact on Walsall if Dudley did not fulfil its own needs. Several Members stressed the opinion that concerns with the plan should be voiced as strongly as possible.

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:

- 1. Agree the response as set out in the appendix, and authorise the Executive Director for Economy, Environment & Communities, in consultation with the Portfolio Holder for Regeneration, to submit the response to Dudley Council.**
- 2. Authorise the Head of Planning and Building Control to amend the final response as necessary.**

179 **Date of next meeting**

The date of the next meeting was 16 January 2025.

There being no further business, the meeting terminated at 7:22pm.

Signed: _____

Date: _____