

PLANNING COMMITTEE

Thursday 9 September, 2021 at 5.30pm

Meeting held at Walsall Town Hall, Walsall, Lichfield Street, WS1 1TW.

Present:

Councillor Bird (Chair)
Councillor Ali
Councillor Allen
Councillor Craddock
Councillor Harris
Councillor Hicken
Councillor K. Hussain
Councillor Murray
Councillor Nawaz
Councillor M. Nazir
Councillor Rasab
Councillor Robertson
Councillor Samra
Councillor M. Statham
Councillor Waters

Officers:

Phillippa Venables – Director (Regeneration and Economy)
Alison Ives – Head of Planning & Building Control
Michael Brereton – Group Manager – Planning
Leah Wright – Senior Planning Officer
Sharon Bennett-Matthews – Solicitor
Ian Rathbone – Principal Pollution Control Officer
John Grant – Team Leader – Pollution Control
Kevin Gannon – Highways Development Control and Public Rights of Way
Matt Powis – Democratic Services Officer

Welcome

At this point in the meeting, the Chair welcomed everyone and explained the rules of procedure and legal context in which the meeting was being held. He also directed members of the public viewing the meeting to the papers, which could be found on the Council's Committee Management Information system (CMIS) webpage.

Members and officers in attendance confirmed they could both see and hear the proceedings.

143/21 Apologies

Apologies for absence were submitted on behalf of Councillors Perry, P Bott and Underhill.

144/21 Minutes of previous meeting held on 5 August, 2021

The Chair **moved** and it was duly **seconded** by Councillor Nawaz that the minutes of the meeting held on 5 August, 2021, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

Resolved (unanimous)

That the minutes of the meeting held on 5 August, 2021, be approved and signed as a true record.

145/21 Declarations of Interest.

Plans List 1 – Ibstock Brick Ltd, Atlas Factory, Stabbers Green Road, Aldridge, Walsall, WS9 8BL. Councillor Craddock confirmed that he was not related to the applicant.

Plans List 2 – Land at Harden Road, Walsall. Councillor Robertson confirmed that questions he raised during the application process did not class as predetermination and did not exclude him from debate.

146/21 Deputations and Petitions

There were no deputations introduced or petitions submitted.

147/21 Local Government (Access to Information) Act, 1985 (as amended)

There were no items for consideration in private session.

148/21 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.

149/21 Plans List Item No. 1 – 21-0626 - Ibstock Atlas Brick Factory

The report of the Head of Planning and Building Control was submitted

(see annexed)

The Presenting Officer advised Committee of the background to the report and highlighted the salient points therein. In addition, the Presenting Officer drew the Committee's attention to the additional information and revised recommendation as set out within the supplementary paper.

The Committee then welcomed the first speaker on this item, Andrew Craddock, who wished to speak in support of the application. He informed the Committee that there was a commitment to the development of the site, which was crucial to support local employment and economic growth.

A discussion was held around about the benefit of job growth in the area as a result of the extension. In response, it was confirmed that 20 jobs would be created with 52 supplementary employees benefiting from the extension.

A Member sought clarification on the environmental impact of the proposed location. In response, it was confirmed that dust fallout was below statutory limits and road cleaning would be used to control the level of dust.

A Member asked whether Section 106 funding would be applicable for the site. It was confirmed that due to the nature of the application, there was no requirement to specify a planning obligation.

Following consideration of the application, the Chair **moved** and it was duly **seconded** by Councillor Nawaz and the motion was put to the vote.

Resolved (Unanimous):

- 1. That application 21/0626 be delegated to the Head of Planning and Building Control to Grant Planning Permission subject to the following conditions:**
 - a. Travel Plan**
 - b. No new material considerations being received**
 - c. The amendment and finalising of conditions**
 - d. No objection from Lead Local Food Authority**
 - e. No comments from a statutory consultee raising material planning considerations.**

150/21 Plans List Item No. 2 - 21-0236 - Land at Harden Road, Walsall

The report of the Head of Planning and Building Control was submitted

(see annexed)

The Presenting Officer advised Committee of the background to the report and highlighted the salient points therein. In addition, the Presenting Officer drew the Committee's attention to the additional information as set out within the supplementary paper.

The Committee then welcomed the first speaker on this item, Councillor Andrew, who wished to speak in support of the application. He informed the Committee that the area was known as scrub land with no amenity value to the area. The land had been left delict and had suffered from fly tipping. The investment would provide a bonus for the Blakenall area and resolve a lot of the issues suffered by local residents.

The Committee then welcomed the second speaker on this item, Simon Lawson, who wished to speak in support of the application. He informed the Committee that the proposed development aided the shortfall of housing in the Borough. It was argued that development of the greenbelt outweighed the need of greenspace and would provide a reduction in anti-behaviour in the area. In addition, the Wildlife Trust removed their objection of the site.

The Committee then welcomed the third speaker on this item, Yasar Qayyum, who wished to speak in support of the application. He informed the Committee that burnt out cars had been reported to Police and anti-social behaviour was damaging the local street scene.

There was a discussion around the ownership of the land and the shortfall of housing in the area.

A Member sought clarification on the issues of anti-social behaviour on the site. In response, Councillor Andrew confirmed that the land was used as a private race track and there was a number of fly tipping issues on the site. Aerial footage was not a true reflection of the problems on the site.

A Member stressed the important of open space and community living. It was noted that the site was not maintained by the Council and any future development would need to be maintained.

The Chair invited questions to officers.

A Member sought clarification on whether the application conflicts with the Black Country Plan. In response, it was confirmed that there was no conflict.

A Member queried about the ownership of the land and footpath development. In response, it was noted that a small area of the site ownership required clarification and further discussions were required with the applicant. The Police had not objected to the application. There was an ongoing query regarding part of the right of way for public access. However, majority of the land ownership would be resolved in due course.

The Committee resolved to go against officer recommendations to refuse as there were very special circumstances to support the development including reduction of the site of scrub land and the ongoing impact of anti-social behaviour which has been in existence for a period of time which the

development would address. Therefore, following consideration of the application,

Councillor Statham **moved** and it was duly **seconded** by the Councillor Murray and the motion was put to the vote and carried.

Resolved – (11 in favour and 0 against):

- 1. That application 21/0236 be delegated to the Head of Planning & Building Control to grant planning permission contrary to officer recommendations and subject to:**
 - a. Resolution of outstanding ecological, highways and rights of way matters**
 - b. Amendment and finalisation of planning conditions.**
 - c. Section 111 Agreement to require a Section 106 Agreement to secure open space and affordable housing policy level provision and footpath improvements (and footpath improvements falling outside of the application site to be secured by S106 or condition subject to land ownership).**
 - d. Referral to the Secretary of State as a departure from the Development Plan.**

At this point, the Committee adjourned at 7.26p.m.

The Committee reconvened at 7.36p.m.

151/21 Plans List Item 5 - 21-0189 - 99 Birmingham Road

The report of the Head of Planning and Building Control was submitted

(see annexed)

The Presenting Officer advised Committee of the background to the report and highlighted the salient points therein.

The Committee then welcomed the only speaker on this item, Teresa Grey who wished to speak in support of the application. Teresa Grey gave an overview of the plans and confirmed that the issues raised by Planning Officers had been addressed. She highlighted that a motorhome on the site would be more of an eyesore than a bungalow that would be maintained and fit with the local area.

The Chair invited questions to the speakers.

There were concerns regarding the driveway exit and proximity to a service road. In response, Teresa Grey confirmed that she was not opposed to the creation of a new access as visibility would not be an issue.

There was a discussion on the boundary wall and proximity of the property to the public footpath. Teresa Grey highlighted that hedgerow planters could be utilised along the boundary. The Planning Officer confirmed that hedgerows

along the boundary would not be acceptable. Boundary wall was located directly on the public footpath therefore, capacity would be required to introduce screening.

At this point, Councillor Hicken left the meeting.

Following consideration of the application, Councillor Craddock **moved** and it was duly **seconded** by Councillor Samra and the motion was put to the vote.

Resolved (11 against):

That application 21/01898 be refused as set out in the report.

152/21 Plans List Item 6 - 21-0246 - 185 Sutton Road, Walsall

The report of the Head of Planning and Building Control was submitted

(see annexed)

The Presenting Officer advised Committee of the background to the report and highlighted the salient points therein. In addition, the Presenting Officer drew the Committee's attention to the additional information as set out within the supplementary paper.

There were no questions of officers or speakers.

Following consideration of the application, the Chair **moved** and it was duly **seconded** by Councillor Statham and the motion was put to the vote.

Resolved (Unanimous):

That application 21/0246 be delegated to the Head of Planning and Building Control to grant planning permission subject to conditions and subject to the amendment and finalising of conditions.

153/21 Plans List Item 3 - 21-0327 and 21-0329 -12 Bradford Street, Walsall

At this point Councillors Samra and Nazir left the meeting.

At this juncture, the Chair moved that Standing Orders be suspended to enable the meeting to continue over 3 hours. This was duly seconded and approved by the Committee.

The report of the Head of Planning and Building Control was submitted

(see annexed)

The Presenting Officer advised Committee of the background to the report and highlighted the salient points therein. In addition, the Presenting Officer drew

the Committee's attention to the additional information as set out within the supplementary paper.

The Committee then welcomed the only speaker on this item, Will Rogers who wished to speak in support of the application. He informed the Committee that the building was derelict and the development would be welcomed in terms of regeneration. There were no objections to the application and no objections to anti-social behaviour.

The Chair invited questions to the speaker.

A Member queried whether the application was suitable for the location. In response it was confirmed that the gambling industry was tightly regulated and there was no evidence that the proposal would bring adverse implications of the local area.

A discussion was held around the effects and impact on gambling on vulnerable people. The premises had been previously been shut down by Police and there were concerns that the proposal would attract too many vulnerable people.

The Committee resolved to go against officer recommendations on the grounds that the proposal would lead to increased fear of crime and attract anti-social behaviour. Consideration was given to the proximity to HMO's in walking distance of the premises and problem of rough sleepers in the Borough and lead to an opportunity as a haven to seek sustenance, support and warmth at an establishment with extended opening hours at night and the likelihood of being refused entry would lead to anti-social behaviour.

Following consideration of the application, Councillor Murray **moved** and it was duly **seconded** by Councillor Nawaz and the motion was put to the vote.

Resolved (Unanimous):

Resolved:

That application 21/0327 be refused contrary to the officer recommendation on grounds that the proposal would lead to increased fear of crime and attract anti-social behaviour especially given the proximity to HMO's in walking distance of the premises and problem of rough sleepers in the Borough and lead to an opportunity as a haven to seek sustenance, support and warmth at an establishment with extended opening hours at night and the likelihood of being refused would lead to anti-social behaviour

No determination was made in reference to the advertisement application.

154/21 Plans List Item 4 - 20-1608 - 13 Buchanan Road, Walsall

The Presenting Officer advised Committee of the background to the report and highlighted the salient points therein. In addition, the Presenting Officer drew

the Committee's attention to the additional information as set out within the supplementary paper.

The Committee then welcomed the first speaker on this item, Justin Fox who wished to speak in support of the application. Justin Fox informed the Committee that there were similar designs of house in the area and fitted with local character.

The Committee then welcomed the second speaker on this item, Peter Wilkinson who wished to speak in support of the application. Peter Wilkinson informed the Committee that the design layout fitted with the local character of the area and significant work had been carried out to establish an acceptable proposal, which safeguards a number of trees in the vicinity.

The Committee then welcomed the third speaker on this item, Rohim Uddin who wished to speak against the application. Rohim Uddin informed the Committee the design and plans were inconsistent with the development of the local area. There was a risk that the development would cause loss of daylight and privacy. The property was too big for the area and was not compatible with public policy.

The Committee then welcomed the fourth speaker on this item, Dr Crabtree who wished to speak against the application. Dr Crabtree informed the Committee that he had no objection to the principal plans of the site and the need for housing in the area. However, this had come at the expense of compromising planning permission development. Current proposals were strong with a dominant architectural structure. He confirmed that he would support a design that fit with the design of the street.

The Chair invited questions to the speakers.

A Member queried whether the proposal would overlook neighbouring properties. Rohim Uddin confirmed that several windows would overlook into the property and the overall development was out of pattern and created a dominance in the street.

Dr Crabtree was concerned about the overbearing character of the building which would be incongruous. He recommended that the building's height be reduced.

Following consideration of the application, the Chair **moved** and it was duly **seconded** by Councillor Allen and the motion was put to the vote.

Resolved (7 in favour and 3 against):

- 1. That application 20/1426 be delegated to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to:**
 - a. No new material considerations being received following the re-consultation period**
 - b. Inclusion of a condition to secure replacement tree planting**
 - c. The amendment and finalising of conditions**

155/21 Termination of meeting

There being no further business, the meeting terminated at 9.10 pm

Chair

Date