

## **Planning Committee**

**Monday 30 October 2023 at 5.30pm**

**In the Council Chamber, the Council House, Walsall.**

### **Present:**

Councillor M. Statham (Vice-Chair)  
Councillor B. Bains  
Councillor H. Bashir  
Councillor P. Bott  
Councillor M. Follows  
Councillor A. Garcha  
Councillor A. Harris  
Councillor C. Horton  
Councillor I. Hussain  
Councillor K. Hussain  
Councillor R. Larden  
Councillor R. Martin  
Councillor J Murray  
Councillor S. Nasreen  
Councillor A. Nawaz  
Councillor S. Samra  
Councillor V. Waters

### **In attendance:**

P. Venables	Director – Regeneration and Economy
A. Ives	Head of Planning and Building Control
M. Brereton	Group Manager – Planning
K. Gannon	Development Control and Public Rights of Way Manager
D. Holloway	Planning Policy Manager
O. Horne	Senior Planning Officer
G. Meaton	Team Leader Development Management
P. Samms	Senior Environmental Protection Officer
N. Gough	Democratic Services Officer
E. Cook	Democratic Services Officer
L. Cook	Assistant Democratic Services Officer

*Councillor Statham in the Chair.*

### **43 Apologies**

Apologies for absence were submitted on behalf of Councillor Bird, Councillor Gandham and Councillor A. Hussain.

### **44 Declarations of Interest**

There were no declarations of interest.

45 **Deputations and Petitions**

There were no deputations or petitions submitted.

46 **Minutes of previous meeting**

**Resolved**

That the minutes of the meeting held on 5 October 2023, a copy having previously been circulated to each member of the Committee, be approved and signed by the Chair as a correct record.

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

**Exclusion of the Public**

There were no items on the agenda to be considered in private session.

48 **Sandwell Local Plan – Duty to Co-operate**

The Planning Policy Manager introduced the report of the Head of Planning and Building Control and the supplementary paper, setting out Walsall Council's proposed response under duty to cooperate to the letter received from Sandwell MBC regarding the Sandwell Local Plan. It was noted that the supplementary paper contained amended recommendations.

(Annexed)

Responding to questions, the Planning Policy Manager explained that no formal request for Walsall to take part of Sandwell's housing allocation had been received but a shortfall had been identified. If a neighbouring authority was to ask Walsall to take a portion of its housing need, this would be provided on a borough-wide basis, rather than near to the border with that neighbouring authority. Walsall was not expecting to be able to take on any extra housing allocation. Should a formal request to meet the needs of a neighbouring authority be received in the future and Walsall did not agree to accept this, it could go to the Planning Inspectorate to review, and they would expect evidence of cooperation under Duty to Cooperate. The expected changes to the National Planning Policy Framework were expected to take effect in coming weeks. Should a housing shortfall be identified in the Walsall Borough Local Plan, potential requests to neighbouring authorities would be based on evidence including migration patterns and it was noted that Walsall had a closer migration relationship to areas including Lichfield rather than Sandwell.

**Resolved** (unanimously)

- 1. That Planning Committee agree the response as set out in Appendix 1 and refer it to the Executive Director for Economy, Environment &**

**Communities to submit the response to Sandwell MBC in consultation with the Portfolio Holder for Regeneration.**

- 2. That authority be delegated to the Head of Planning & Building Control to make amendments to the response to Sandwell MBC following consultation with the Portfolio Holder for Regeneration as necessary.**

#### **49 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.

The Chair advised the Committee that Plans List item 3 – Application 23/0760, Foley Road West, Streetly, Walsall, B74 3NS – had been withdrawn at the request of the applicant.

*Councillor Bains entered the meeting.*

#### **50 Plans List Item 1 – Application 23/0613 – 25 and 27 Little Aston Road, Walsall**

The Principal Planning Officer presented the report of the Head of Planning and Building Control, providing an overview of the application including reasons for the Officer's recommendation and bringing attention to updates included in the supplementary paper.

[Annexed]

In attendance at the meeting were two speakers against the application, Councillor Cooper and Mr David Wheeler, and one speaker in support of the application, Mr William Brearley.

At the invitation of the Chair, Mr Wheeler stated that the development represented an unacceptable back-land development which was out of character with the surrounding area with no street frontage for some of the proposed properties. A previous planning application for one additional dwelling on the site had been refused and he believed that this application should be refused on the same basis. The bins' drag distance was over twice that allowed under guidance and there had been insufficient work done regarding bats on the site. Number 29 would be subject to regular close-by vehicular traffic throughout the day and to the flies and wasps arising from multiple bins being stored close by, especially on collection day and

during summer months. Plots 1 and 2 were so massive that they would destroy the character of the road and dwarf numbers 23 and 29.

At the invitation of the Chair, Councillor Cooper stated that the design was cramped and out of keeping with the area and the application compromised the amenities of neighbouring residents. The developer had sought to maximise financial gain at the expense of residents and an acceptable development, whilst the addition of a cul-de-sac was out of character and would impact highways safety. The Planning Inspectorate had previously refused an appeal on the site for only one new dwelling and the new application represented a poorly designed back-land development.

At the invitation of the Chair, Mr Brearley spoke in favour of the application. He stated that the proposed development was not out of character with the surrounding area, the existing linear arrangement of the street would be retained and all of the plots were of reasonable size. Plots 3 and 6 were afforded good-sized plots not out of keeping with the area. Consideration had been given to plots 5 and 6 being bungalows but the applicant had determined this was not required for the application to be acceptable. Separation standards had been met and the application represented a design well-balanced between amenity and character. Amendments had been made to relocate the bin collection point and Cannock Chase SAC mitigations could be achieved. In closing, he stated that bat DNA testing was being undertaken.

There followed a period of questioning to speakers.

Mr Brearley was asked why the applicant considered the application to be in keeping with the area, contrary to the Officer's report. In response, Mr Brearley expanded on his claim that the application was not out of keeping with the character of the area, reiterating the retention of the linear street pattern, large detached plots (of varying designs) with front driveways and space around them and adding that the existing properties at 25 and 27 were not architecturally valuable. It was stated that as such, it would improve the character of Little Aston Road. The width of the driveway was enough to provide a sense of arrival onto the development and with the open space in the centre of the development, there would be an attractive sense of space. The views from Branton Hill Lane and Hallcroft Way would be unaffected. It was acknowledged that this application would change the site, but it was stressed that from a broad planning sense it was not believed that there was significant harm.

Mr Wheeler was asked to explain how the application would affect existing residents. In response, Mr Wheeler explained that neighbours would be affected by noise and security concerns, reiterating that the proposed development was out of keeping with existing properties and would dwarf the bungalow at number 23. The existing pattern of large gardens would be interfered with by houses with small gardens which would not be in keeping. Residents had expressed concerns regarding additional traffic and an additional road adjoining Little Aston Road, especially affecting elderly residents and children.

A Member noted the concerns in relation to the over-bearing nature of the proposed application and asked Mr Brearley if the applicant would consider the possibility of an

alternative design with plots 5 and 6 being bungalows and as such, if a deferral would be accepted by the applicant. A Member raised a point of order in relation to discussing hypothetical applications. The Chair reminded Members they were considering the application in front of them but allowed the question.

In response to the question, Mr Brearley confirmed that the applicant had considered plots 5 and 6 being bungalows and would be open to modifying the application in this way should it be requested. The Chair reiterated that the Committee were to consider the application as set out but that it was useful to receive an answer to that question to inform future steps.

In response to the point of order, a Member clarified that one of the criteria being looked at for refusal was poor design and that Members were looking at the application to consider if it was of good design. As such, they refuted the claim that they were not looking at the application in question because they were asking if the applicant would reconsider the design.

Mr Brearley was asked why the applicant considered the application would be acceptable and not over-bearing, given that a previous application for a single dwelling on the site had been refused by the Planning Inspector in 2005 for being over-bearing. In response, Mr Brearley explained that the applicant had not seen the plans for the previous application but had inferred from the appeal decision of the Planning Inspector that the previous application was significantly different from that proposed before the Committee. This was because the previous application did not involve the removal of the existing properties at 25 and 27 Little Aston Road and adding an acceptable driveway between those properties would be very challenging. In the applicant's opinion, the previous application would have likely represented a 'tandem development' (which generally had more harm) rather than back-land development as proposed in the current application. Mr Brearley added that the application had been an outline application and was considered in a very different policy landscape in 2005. He stressed that the two applications were different and should not reflect on each other.

Mr Brearley was asked whether the application was attempting to maximise profits through excessive dwellings, to the detriment of existing residents. In response, Mr Brearley explained that the developers did want to make profit from the site but in considering the proposed scheme claimed guidance had been followed correctly. It was acknowledged that the change affected people in a negative way but stressed that the proposal was not unacceptable, being above required standards regarding over-development and amendments had been considered to accommodate some concerns raised. The Speaker was challenged to explain how residents were considered; the speaker stated that amendments had been made to reduce impact to residents however the scheme was considered acceptable when considering similar applications in the area.

There followed a period of questions to Officers. Officers were asked to clarify the nature of the previous application from 2005 which had been refused by the Planning Inspector and whether it was similar to the current application before the Committee. In response, the Team Leader Development Management explained that the Council

were not in possession of the plans of the original outline application rejected in 2005, despite efforts to obtain them. When considering the decision of the inspectorate, Officer's had inferred that it likely represented a back-land development similar to the application being considered by Committee, rather than a tandem development. Responding to a request for scaling regarding the relationship between the proposed development at 25 Little Aston Road and the existing dwelling at number 23, the Team Leader (Development Management) explained that they did not have figures for this but the ridge-line had been significantly raised and there would be significant over-bearing and so it would be unacceptable in that regard.

The Committee moved to debate.

A member expressed the view that this was not a good application due to the impact on surrounding properties, however with further discussion between officers and the applicant, there was potential to create a scheme that was less overbearing, in particular, if a scheme could come forward where the design could be improved by the development of bungalows rather than two-storey buildings.

It was **moved** by Councillor Nawaz and **seconded** by Councillor K. Hussain that Planning Committee defer application 23/0613 to a future meeting to enable further negotiations between the Applicant and Planning Officers to establish whether an appropriate application could be arrived at.

A Member disagreed with the deferral and stated that garden land was not previously developed land; that this plot could not be used for a development and that it was set out clearly why it could not be approved, expressing the view that to defer the application was not a good use of resources.

The Chair proceeded to put the matter to the vote.

A point of order was raised by several members of the Committee suggesting that sufficient debate had not been held prior to the vote being sought. The Chair stated that as a motion had been formally moved and seconded, the Committee were duty bound to vote on that motion.

Upon being put to the vote it was;

**Resolved (9 in favour, 8 against)**

**That Planning Committee defer Application 23/0613 to a future meeting to enable further negotiations between the Applicant and Planning Officers to establish whether an appropriate application could be arrived at.**

*At this juncture, in accordance with Part 4, paragraph 21.2 of the Council's Procedure Rules, the Chair called for the clearance of the public gallery due to disturbances by multiple members of the public in attendance.*

*The meeting was then adjourned for five minutes.*

*Upon reconvening, members of the Committee and the Chair condemned the behaviour of some members of the public who had directed accusations toward Committee Members.*

*Members explored the options available to prevent such behaviour from re occurring when the matter was next to be considered. The Chair explained that appropriate measures would be considered to ensure security in future and that any measures would only be implemented subject to their full compliance with the Constitution and legislation.*

51 **Plans List 2 – Application 23/0248 – Land to the rear of 107 and 109, Lichfield Road, Bloxwich, WS3 3LU**

The Principal Planning Officer presented the report of the Head of Planning and Building Control and the information in the supplementary paper, providing an overview of the application and the planning history of the site.

[Annexed]

*Councillor Bains and Councillor Bott left the meeting.*

There was one speaker in support of the application, Mr Andy Oates, attending virtually. Mr Oates explained that the development did not include an ‘access road’ but a ‘shared private driveway’, of which there were many similar examples in safe use without segregated footways. The width of the drive was sufficient for two vehicles to pass and the assertion of insufficient visibility was incorrect.

There were no questions to the speaker.

Responding to questions, the Senior Planning Officer clarified that the 5.1m width of the drive was sufficient for two-way traffic but was unacceptable as there was no segregated pedestrian footway. The Development Control and Public Rights of Way Manager added that Walsall Council’s policy stated that the lack of a separate walkway in shared spaces was discriminatory and explained that the visibility requirements mentioned by the speaker did not take into consideration Lichfield Road being a classified A-road nor the nearby proximity of a large school.

There was a discussion regarding the option to refuse to determine the application under Section 78 of the Planning Act. Officers explained that Section 78 removed the planning application entirely and did not refuse the application.

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

**Resolved** (unanimously)

**That Planning Committee refuse planning permission for application 23/0248 for the reasons set out in the Officer’s report.**

**Termination of meeting**

The meeting terminated at 7:21pm

**Signed**.....

**Date**.....