

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

Thursday 20 June 2024 at 5.30pm

Committee Members present:

Councillor M. Statham (Chair)
Councillor J. Murray (Vice Chair)
Councillor H. Bashir
Councillor M.A. Bird
Councillor P. Bott
Councillor S. Elson
Councillor P. Gill (arrived at 5.37pm)
Councillor I. Hussain
Councillor K. Hussain
Councillor K. Margetts
Councillor R. Martin
Councillor L. Nahal
Councillor S. Nawaz
Councillor A. Parkes
Councillor G. Singh-Sohal
Councillor V. Waters

Officers Present:

R. Ark	Principal Environmental Protection Officer
M. Crowton	Group Manager – Transportation & Strategy
K. Gannon	Development Control and Public Rights of Way Manager
K. Knight	Senior Transport Planner
G. Meaton	Group Manager - Planning
A. Sargent	Principal Solicitor
A. Scott	Senior Planning Officer
H. Smith	Senior Planning Officer
S. Wagstaff	Team Leader Development Management
S. Hollands	Principal Planning Officer
T. Wilkinson	Development Management Technician
L. Wright	Senior Planning Officer
P. Venables	Director – Regeneration and Economy
F. Hancock	Senior Democratic Services Officer
L. Cook	Assistant Democratic Services Officer

115 **Apologies**

Apologies were received from Councillor Follows and Councillor Samra.

116 **Declarations of Interest**

Councillor Nawaz declared an interest Plans List Item No. 4 – The Sneyd, 67 Vernon Way and Councillor Bird declared an interest in Plans List Item Nos. 2a – 2d - Buffet Island, Queslett Road, Great Barr, Birmingham, B43 7TN.

During the meeting, Councillors Bashir and Singh Sohal declared an interest in Plans List Item 3 – 22/1692 – Land Adjacent 2 Thorpe Road & Car Park, Spout Lane, Walsall.

117 **Deputations and Petitions**

There were no deputation or petitions.

118 **Minutes**

A copy of the Minutes of the meeting held on 25 April 2024 was submitted.

[annexed]

Resolved

That the Minutes of the meeting held on 25 April 2024, a copy having previously been circulated to each member of the Committee, be approved and signed by the Chair as a correct record.

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

Exclusion of the Public

Resolved

There were no items for consideration in the private session.

120 **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 that Plans List Item No. 5 – Living Area, 1, Bentley Lane, Willenhall, WV12 4AA (24/0100), had been withdrawn by the applicant prior to the meeting.

In addition, the Chair also advised that Plans List Item Nos. 2a – 2d - Buffet Island, Queslett Road, Great Barr, Birmingham, B43 7TN (23/0669, 23/0688, 23/0689 & 23/0690) had been deferred to allow Officers to consider late additional information circulated by the applicant.

121 Plans List Item 1 – 23/0120 - Sandown Quarry, Stubbers Green Road, Aldridge

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 speaking against the application and one speaking in favour.

Mrs Broadbent, speaking against the application, stated that she could not understand how the opinion had been arrived upon that up to 150 HGV (Heavy Goods Vehicles) vehicles per day, on top of the existing HGV traffic, would have no or negligible impact on the surrounding environment, pollution levels or highway safety. Living next to this site for over 28 years, she had seen the HGV traffic increased, including the additional clay lorries the Council had previously approved. Approving this application would allow a pleasant green space area to become dangerous for people and wildlife alike. In addition, Mrs Broadbent reported that she felt little consideration had been given to alternative entrances to the site.

Mr Merckel, speaking against the application, advised that, whilst in principle, he had no objections to the scheme overall, he had serious concerns regarding the proposed location of the access to the site. The current access point had, to the best of his knowledge, never been used before. Leading to the proposed entrance, the road narrows as it lead through some residential properties and did not widen again. There were existing issues with the traffic and HGV attempting to navigate this narrow road which increased the build-up of traffic. The proposal would worsen this issue. Whilst the Council should maintain walkway near the proposed entrance, they had not for some time and residents had ended up undertaking this work to maintain footpath. Mr Merckel felt that the traffic flow calculations were fundamentally flawed as material for the landfill came from a defined 30-mile radius. The proposed traffic flow measures were proposed for times when the traffic would not be at

its busiest, therefore having negligible impact on busy periods. There was a perfectly reasonable existing entrance which would be far better.

Mrs Hale, speaking in favour of the application, reported that the requirement for the restoration of the quarry was recognised within the Council's adopted Local Plan, specifically at Policy MP7. Booth Ventures, working on behalf of Weinberger, had spent the past few years preparing the proposals and working closely with all consultees. The primary objective was to make sure that all concerns were addressed during the determination process, providing a high level of confidence that the benefits of the proposed scheme could be delivered successfully. Following these efforts, there were no objections to the application from any technical or statutory consultee. The imported material will comprise only suitable inert materials for quarry restoration.

The site would not accept bin waste, biodegradable materials, materials which generated odours, or create public nuisance. The proposed scheme was in accordance with the strategic policies of the Council's adopted development plan. The restoration of the quarry would address the legacy of clay extraction, creating a final landform which would be more in keeping with the local area and would remove future health and safety concerns. Daily monitoring and maintenance of the public right of way and the SSSI, along with the regular attendance of an independent clerk of works, had also been agreed throughout the life of the scheme.

Responding to questions from Members around the site access, Mrs Hale explained that the applicant had provided an access options appraisal and were unable to use the Weinberger access because it was an entirely separate existing operation for the purposes of infilling. In addition, she confirmed that there would not be 150 HGVs accessing the site daily and that once the site had been infilled, the water pump would no longer be required at this site. Furthermore, she confirmed that the 'inert materials' to be utilised would be clean soils from the ground.

Responding to questions from Members about the impact on wildlife and the lack of objections from the Ecology Officer, Mrs Broadbent stated that she had been disappointed with the conclusions of the Environment Agency Natural England. She could not imagine that the proposed works would not negatively impact upon the wildlife.

Responding to questions from Members around what he would prefer to see at this site, Mr Merckel clarified that he was not in objection to the proposals for the site, just the proposed access to the site and the increased traffic which would have a detrimental impact on local residents.

Members asked a series of questions and received a response from the Highways Officer.

Moving into the debate several Members expressed their support for the proposal. In doing so, a member proposed a motion to support the recommendations as set out in the report and supplementary paper, with the

addition that the Section 106 agreement be amended to include a condition to ensure that only inert materials were utilised in the filling process.

It was, therefore, duly **moved** by Councillor Bird and **seconded** by Councillor Murray and, upon being put to the vote, it was:

Resolved (unanimously)

That Planning Committee Delegate to the Head of Planning and Building Control to grant permission for application 23/0120 subject to: -

- **the amendments to highway safety, ecology, and amenity; and**
- **the amendment and finalising of planning conditions; and**
- **a Section 106 planning obligation to secure the highway traffic calming measures, resurfacing, and fencing of the public right of way ALD1, and the mitigation measures set out in the Construction and Ecological Monitoring Plan and that no waste shall be brought onto site other than inert waste.**

Having declared an interest in the next item, Councillor Nawaz duly left the meeting room.

122 **Plans List Item 4 – 22/1117 – The Sneyd, 67 Vernon Way, Bloxwich**

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 speaking in favour of the application.

Mr Bal, referring to the reason for refusal due to the green belt, stated that the public house which was there had a square footage of 557 square metres. The scheme now before Committee had reduced the number of dwellings from 5 to 3 which equated to 474 square metres, which was a 15% decrease in the overall area of the site. In view of this, he felt the impact on the openness of the site would in fact be better. The pub which used to exist on this site, had been demolished in September 2023 by the applicant due to several reasons including safety, vandalism and ASB. Referring to the application process, Mr Bal highlighted that delays had occurred as a result of a lack of communication from the Council.

Mr Whitehouse informed the Committee that the key issues with this application were from a Planning Policy point of view. The Council did not have a 5-year housing land supply. Therefore, the presumption should be in favour of sustainable development in line with paragraphs 10, 11(d) and 38 of the revised NPPF. This, therefore, provided the applicant with a very strong level of Planning Policy support for this application which was in a highly sustainable location.

Mr Whitehouse went on to state that a strong precedent had already been set by the Council given that it was actively promoting the redevelopment of the former Sneyd school site at Vernon Way for 73 new build residential dwellings, which was within the greenbelt. He argued that his client's application would have much less of an impact. In terms of the impact on highways and traffic, he could not understand why such a small-scale project would cause such issues, when compared to the highway implications of Sney development he had previously referred to. The site, which would be perfectly acceptable for a housing development, would be screened by 60m tall trees on its northern boundary, which would not impact visually on the surrounding area.

Responding to questions from Members, Mr Whitehouse confirmed that the Sneyd site application was indeed an outline application which was yet to be determined but had received support and he was concerned about inconsistencies in approach. In addition, he confirmed that the buildings were still on the Sneyd site. Furthermore, he confirmed that the applicant had already demolished the pub at this application site due to the reasons he outlined within his presentation. Referring to the deficiencies identified with the Officer's report, he advised that there was no defensible or credible evidence to suggest that the site had any nature conservation interest. In addition, there was no ecology interest in the site, and he felt his client had been heavily compromised due to the length of time it had taken the Council to deal with this application.

Responding to questions from Members, Mr Bal stated that many of the issues identified within the report could have been rectified. Discussions with Officers around highway access and the footpath, resulted in miscommunication in terms of relaying consultee comments to the applicant, for example. Many of the issues identified for refusal, could have been resolved, had communications been better. At various intervals during the process, no responses to queries had been received which had led to confusion and unnecessary delays. There was ample space within the site for all matters to have been resolved.

Members asked a series of questions to officers in relation to the reasons for refusal in the report and the highway assessment of the application. In particular, Officers advised that, whilst Walsall did not have 5-year land supply, the MPF was clear that there was a need to consider application in favour of sustainable development.

Members moved into debate and echoed the outstanding deficiencies of the application as alluded to within the report.

It was, therefore, duly **moved** by Councillor Bird and **seconded** by Councillor Bott and, upon being put to the vote, it was:

Resolved (unanimously)

That Planning Committee refuse the application for the reasons set out in the report and supplementary paper, with reason 1 being amended to read:

- **The proposal represents inappropriate development in the Green Belt and the applicant has failed to demonstrate that the harm to the openness both spatially and visually has been outweighed by other considerations. The proposal is therefore in conflict with the NPPF 2023 paragraphs 152, 153 and 154, and Policy GB1 (Green Belt Boundary and Control of Development in the Green Belt) of Walsall's Site Allocation Document (SAD).**

At the conclusion of this item, Councillor K. Hussain left the meeting and did not return.

At this juncture, the meeting adjourned at 7.25pm and reconvened at 7.33pm.

Councillor Nawaz returned to the meeting.

123 Plans List Item 6 – 24/0270 – 1 Parker Street, Bloxwich

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

There were two speakers speaking in favour of the application.

Mrs Pattni advised that she worked for the home finding team for Icon Fostering and her job involved looking for foster homes for children. She was also the Health Lead for the company, as her background was in pharmacy. She explained that there was a huge need for more homes for children and residential care was sometimes the first resort for children, not the last. She advised that she had previously seen children born and raised within the West Midlands moved to areas outside of the midlands, which was far from their families and not particularly a desirable outcome. In view of this, there was a real need for more local children's homes.

Mrs Pattni went on to clarify that there would always be a minimum of two staff on duty at any one time at this facility. There was sufficient parking at this site, so there would not be any issues in that regard.

Mr Pattni expressed his view that there was a real need that, wherever possible, such children be kept within the communities they were used to. He had worked nearly half a century in childcare and his company held extensive experience in this sector and he invited the Committee to approve the much-needed application.

Responding to questions from Members, both Mr & Mrs Pattni confirmed that there was a real need for more facilities in the local area and that mainly local children would be housed at the facility, but there could be children there from outside the area, as the company currently worked with 14 Local Authorities.

However, priority would always be given to Walsall children wherever possible.

Moving into the debate Members expressed their overall consensus for supporting this proposal. In closing, the Committee commended the applicant for bringing such a well needed development to the Borough.

It was, therefore, duly **moved** by Councillor Nawaz and **seconded** by Councillor Bird 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 24/0270 subject to conditions and subject to:

- **The amendment and finalising of conditions.**

124 **Plans List Item 3 – 22/1692 – Land Adjacent 2 Thorpe Road & Car Park, Spout Lane, Walsall**

Councillors Bashir and Singh-Sohal declared an interest at the start of this item and left the meeting and did not return. Both Councillors, therefore, took no part in the deliberations and did not vote on this item.

The Committee considered the report of the Head of Planning and Building Control. [Annexed]

It was duly **moved** by Councillor Bott and **seconded** by Councillor Statham and, upon being put to the vote, it was:

Resolved (with 13 voting in favour and 1 against)

That Planning Committee delegate to the Head of Planning & Building Control to grant planning permission for application 22/1692 subject to conditions and subject to:

- **Further bat survey on northern redbrick wall**
- **The amendment and finalising of conditions.**
- **No further comments from a statutory consultee raising material planning considerations not previously addressed.**
- **Addressing the outstanding biodiversity comments raised by the council's ecologist.**

In accordance with procedure rule 17.6, Councillor Nawaz requested that the minutes record that he voted against the resolution.

Date of next meeting

The date of the next meeting was 25 July 2024.

There being no further business, the meeting terminated at 8.18p.m.

Signed: _____

Date: _____