

PLANNING COMMITTEE

Thursday 5th September, 2019 at 5.30 pm

In the Council Chamber at the Council House, Walsall

Present:

The Chair (Chair)
Councillor Perry (Vice Chair)
Councillor Chattha
Councillor Craddock
Councillor Creaney
Councillor Harris
Councillor Hicken (arrived at 5.47pm)
Councillor Murray
Councillor Nawaz
Councillor Nazir
Councillor Robertson
Councillor Samra
Councillor Statham
Councillor Underhill
Councillor Waters

2255/19 Apologies

Apologies were submitted on behalf of Councillors P. Bott, Harrison, Jukes and Rasab.

2256/19 Minutes

Resolved

That the minutes of the meeting held on Monday 11th July, 2019, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

2257/19 Declarations of Interest

There were no declarations of interest.

2258/19 Deputations and Petitions

There were no deputations introduced or petitions submitted.

2259/19 Local Government (Access to information) Act, 1985 (as amended)

Exclusion of Public

Resolved

That, where applicable, the public be excluded from the meeting during consideration of any items, as set out in the private part of the agenda, for the reasons set out therein and Section 100A of the Local Government Act, 1972.

2260/19 Procedural Matter – Planning Minutes

A report was submitted.

(see annexed)

The report advised Members of a procedural matter in relation to the records of various sets of minutes and sought approval to amend the records of minutes of the planning meetings held on 1st November, 2018, 21st February, 2019, 21st March, 2019 and 18th April, 2019 where inaccuracies had subsequently been discovered.

Resolved that: -

1. That the record of Minute number 2097/18 relating to application number 18/0609 – two storey side and rear extension plus ground floor front extension (amendment to previous planning application reference 17/1020) at 8 Rushall Close, Walsall, WS4 2HQ be amended to remove reference to 18/0773 and replace with 18/0609 and it be:-

Resolved

That planning application number 18/0609 be granted in accordance with the officers report and the reasons contained therein subject to the conditions as contained within the report.

2. That the record of Minute number 2102/18 relating to application number 18/0016 – outline application for erection of a 3 bed bungalow and associated works with access and layout only for consideration on land to the rear of 57 Lichfield Road, Bloxwich, Walsall, WS3 3LT be amended to remove reference to 18/0018 and 18/0545 and replace with 18/0016 and it be:-

Resolved

That planning application number 18/0016 be granted in accordance with the officers report and the reasons contained therein subject to the conditions as contained within the report.

3. That the record of Minute number 2165/19 relating to application number 17/1240 – demolition of existing buildings, construction of 16

dwelling (2x2 bed and 14x3 bed) with associated access road and parking at former British Lion Works, Forest Lane, Walsall, WS2 7AX, be amended to read:-

Resolved

That the Head of Planning, Engineering & Transportation be delegated the authority to grant permission in accordance with the officer's report and supplementary report and the reasons contained therein, subject to:

- Conditions including the revision or removal of any conditions as required;
 - Completion of a Section 106 Agreement to secure the future management/maintenance of the canal boundary scheme for the lifetime of the development; and to
 - Refuse the scheme in the absence of a completed S106 Agreement on that basis.
4. That the record of Minute number 2181/19, relating to application number 18/1559 – redevelopment of site with the erection of 6 industrial units (use Class B1C, B2 and B8) ancillary service areas, car parking and cycle parking at Willenhall Lane Industrial Estate, Willenhall Lane, Bloxwich be amended to read:

Resolved

That the Head of Planning, Engineering & Transportation be delegated the authority to grant permission in accordance with the officer's report and supplementary report and the reasons contained therein, subject to:-

- the amendment and finalising of conditions;
 - completion of a Section 106 Agreement to secure a travel plan and landscape management plan, both for the lifetime of the development; and
 - no further comments being received from a statutory consultee which raises material planning considerations not previously addressed.
5. That the record minute number 2182/19 relating to application 18/0715 - erection of four storey building to accommodate 26 one and two bedroom apartments on the site of former 37 and 38 Bradford Street, Walsall, be amended to read:-

Resolved

That planning application number 18/0715 be approved in accordance with the officer's report and supplementary report and the reasons contained therein subject to amended conditions as contained within the report and supplementary paper.

6. That the record of Minute number 2183/19, relating to application 18/1641 – partial demolition and extensions to create a two-storey

dwelling with side and rear extensions and new first floor at 166 Clarkes Lane, Willenhall, WV13 1HT, be amended to read:-

Resolved

That the Head of Planning, Engineering & Transportation be delegated the authority to grant permission, in accordance with the officer's report and supplementary report and the reasons contained therein subject to:-

- the amendment and finalising of conditions; and
 - There being no further comments received from a statutory consultee raising material planning considerations not previously addressed.
7. That the record of Minute number 2202/19 relating to application number 17/1432 – redevelopment of existing hand car wash to provide a hand car wash facility, new canopy structure, parking and associated customer refreshment and staff welfare building at former Field Service Station, Lichfield Road, Bloxwich, Walsall, WS3 3SDR be amended to remove reference to 18/1203 and replace with 17/1432 and it be:-

Resolved

That planning application number 17/1432 be granted in accordance with the officers report and the reasons contained therein subject to the conditions as contained within the report.

8. That subject to approval of recommendations 1 – 7 above, the Monitoring Officer make a note against the original minutes indicating the subsequent corrections.

2261/19 Aspray 24 Arena, Noose Lane Willenhall, WV 13 3BB, Reference No. E18/02/03

The report of the Head of Planning, Engineering and Transportation was submitted together with some additional information, as set out within the tabled supplementary paper.

(see annexed)

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

The report advised Members of the ongoing issues at this site and sought authority to pursue planning enforcement action against the:

- a) Installation of a 69m x 104m 3-G Artificial Pitch and associated railings (the main pitch);

- b) Erection of changing rooms incorporating outside undercover seating areas;
- c) Erection of a two-storey storage building;
- d) Undertaking of engineering works to alter levels along the west side, north side and north-east corner of the site;
- e) Undertaking of engineering works to create raised spectator areas and associated staircase and ramp to the west and north of the 3-G Artificial pitch (the main pitch);
- f) Erection of East grandstand;
- g) Erection of two-storey Hospitality Suite;
- h) Installation of a single 17m x 31m Astro Pitch with associated fencing;
- i) Siting of a static caravan;
- j) Siting of 2no. half modular buildings in the north-west of the site;
- k) Siting of 2no. half modular buildings in the north-east of the site; and
- l) Erection of metal and wooden fencing in excess of 2m in height within the site.

The Chair advised that a subsequent planning application had been received late in the afternoon of 3rd September in relation to this site. Whilst the application may address the above issues identified, it had been too early to thoroughly assess the application. In view of this, it was considered prudent to continue with enforcement and grant Officers Authority to act whilst that assessment took place to avoid any unnecessary delays in securing the safety of this site.

Members asked a number of questions of Officers in relation to: -

- the three prohibition notices served at this site and whether the applicant had complied with them (the Legal representative clarified that non-compliance with a prohibition notice would constitute a criminal offence).
- if the applicant had engaged with the Council throughout this process (Officers confirmed engagement for at least 18 months).
- if the applicant had been invited to attend the meeting to speak on the matter (Officers confirmed that the Owners had been invited to attend).
- whether there was just one mine shaft at this site (the Chair clarified that there was one known mine shaft, but there could be others and it would not be known until a thorough and proper assessment had been carried out).
- what had happened with the independent building inspector on this site in terms of them referring the matter back to the Council (Officers explained that the Approved Inspector reverted the case back to the

Councils Building control for consideration and that matters are still outstanding).

- what the history this site was and what use had been there prior to its current use (Officers explained the site has historically been a football club).
- if the proposal of three months in which to rectify the identified issues was felt to be a reasonable and proportionate timeframe (Officers clarified that this could be flexible if the application showed compliance).
- whether the FA had been notified of the Council's intentions (both the FA and Sport England had been notified).
- why previous owners of the site had not addressed the issues now identified (the Chair clarified that Planning law had changed over the years which had brought about significant changes).

The Chair requested Officers to provide an update on this matter at a future meeting.

Resolved (unanimously) that: -

1. authority be granted for the Head of Planning, Engineering and Transportation to issue an Enforcement Notice under the Town and Country Planning Act 1990 (as amended) to require remedial actions to be undertaken as set out in 3.2.
2. authority be granted for the Head of Planning, Engineering and Transportation to institute prosecution proceedings and/or direct action in the event of non-compliance with an Enforcement Notice.
3. authority be granted for the Head of Planning, Engineering and Transportation, to amend, add to, or delete from the wording set out below stating the nature of the breaches, the reasons for taking enforcement action, the requirements of the Notice, or the boundaries of the site, in the interests of ensuring that accurate and up to date notices are served.
4. An update on this matter be reported at the next meeting.

(Councillor Hicken arrived during the consideration of this item and, therefore, took no part in the discussion and did not vote).

2262/19 **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, 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.

2263/19

PLANS LIST ITEM NO. 1 – 19/0916 – 414, BOSTY LANE, ALDRIDGE, WALSALL, WS9 0QF – LISTED BUILDING CONSENT TO UNDERTAKE: 1) REMOVAL OF ROOF COVERINGS AND FIRE DAMAGED TIMBERS. 2) TAKE DOWN DISLODGED BRICKWORK. 3) REMOVAL OF LOOSE AND PRECARIOUS MATERIAL. 4) DISMANTLING OF WALL HEADS. 5) REMOVAL OF ANY LOOSE MASONRY. 6) WALLS TO BE PROPPED AND SHORED.

The report of the Head of Planning, Engineering and Transportation was submitted

(see annexed)

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

There were no speakers in attendance for this item.

Members asked a number of questions of officers in relation to: -

- if the preservation of this listed building was a good use of tax payers' money (Officers advised that the Council was under a statutory obligation to preserve a listed building. To *not* do so would be a criminal offence).
- What application was trying to achieve.
- If it was possible to remove the listing building status and demolish the building (the Committee's Legal representative advised that it was extremely difficult to do so, involved an application to Historic England and the presumption was that all listed buildings should be preserved).

Members then considered the application.

The Chair **moved** and it was duly **seconded** by Councillor Perry:-

That Listed Building consent be delegate to the Head of Planning, Engineering and Transportation to Grant Listed Building Consent subject to conditions and subject to: -

- The amendment and finalising of conditions;
- no further comments from a Statutory consultee raising material planning considerations not previously addressed.

The Motion, having been put to the vote was declared carried with Members voting unanimously in favour:-

Resolved

That Listed Building consent be delegate to the Head of Planning, Engineering and Transportation to Grant Listed Building Consent subject to conditions and subject to: -

- The amendment and finalising of conditions;
- no further comments from a Statutory consultee raising material planning considerations not previously addressed.

2264/19 **Private Session**

Exclusion of Public

Resolved

That, during consideration of the following item on the agenda, the Committee considered that the item for consideration was exempt information by virtue of Paragraphs 6 and 7 of Schedule 12(A) of the local Government Act, 1972 (as amended) and accordingly resolved to consider those items in private session.

2265/19 **18 Walstead Road, Walsall**

(Summary of item considered in Private Session)

The report of the Head of Planning, Engineering and Transportation was submitted.

(see annexed)

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

Members considered the report and asked questions of Officers in relation to this item.

Resolved (unanimously) that the recommendations within the report be approved with an additional condition, as instructed by the Committee, to ensure the adjoining property is made good and suitably waterproofed.

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

Termination of meeting

There being no further business, the meeting terminated at 6.56 pm

Signed

Date