

PLANNING COMMITTEE

Thursday 31 March, 2016 at 5.30pm

In the Council Chamber at the Council House, Walsall

Present:

Councillor Perry (Chairman)
Councillor Bird (Vice-Chairman)
Councillor P. Bott
Councillor Chambers
Councillor Craddock
Councillor Ditta
Councillor Douglas-Maul
Councillor D. Hazell
Councillor J. Fitzpatrick
Councillor Follows
Councillor Harris
Councillor Nawaz
Councillor Robertson
Councillor Rochelle
Councillor I. Shires
Councillor Sohal
Councillor Worrall

4152/16 **Apologies:**

An apology for non-attendance was submitted on behalf of Councillor Sarohi.

4153/16 **Minutes**

Resolved

That the Minutes of the meeting held on Thursday 3 March 2016, a copy having been previously circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

4154/16 **Declarations of Interest**

Councillor Ditta declared a non-pecuniary interest in plans list Item No. 8 – Application Number 15/1859 – proposed first floor rear extension and rear conservatory extension at 7 Delves Road, Walsall, WS1 3JZ.

4155/16 **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

4156/16 **Local Government (Access to Information) Act 1985 (as amended)**

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

There were no items to be considered in private session.

The Chair advised the Committee there would be a change in the agenda order to allow agenda item no. 7 to be heard in the first instance.

4157/16 **51-53 Wolverhampton Street, Walsall, WV13 2NF.**

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

(see annexed)

The Planning Officer advised the Committee of the background to the report.

The Committee then welcomed the first speaker on this item, Mr Haliburton, who spoke in objection to the enforcement report.

The Committee then welcomed the second speaker on this item, Ms Campbell who also spoke in objection to the enforcement report.

The Committee then welcomed the third speaker on this item, Councillor S. Coughlan, who spoke in support of the enforcement report.

There then followed a period of questioning by Members to the speakers and to officers primarily in relation to current and future planning policies pertinent to the case.

Members considered the application further and Councillor Nawaz **moved** and it was duly **seconded** by Councillor Chambers:

- i. That authority be granted to the Head of Planning, Engineering and Transportation to issue an Enforcement Notice under the Town & Country Planning Act 1990 (as amended), to require remedial actions to be undertaken as shown in section 2.3 of the report;

- ii. To authorise the Head of Planning, Engineering and Transportation to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice with a non-return of requisitions for information for a planning contravention notice; and the decision as to the institution of injunctive proceedings in the event of a continuing breach of planning control;
- iii. To authorise the Head of Planning, Engineering and Transportation to amend, add to or delete from the wording set out in the report stating the nature of the breach(es), the reason(s) for taking enforcement action, the requirement(s) of the notice or the boundaries of the site, in the interests of insuring the accurate and up to date notices are served.

The motion having been put to the vote was declared **carried**, with 14 Members voting in favour and none against.

Resolved

- i. That authority be granted to the Head of Planning, Engineering and Transportation to issue an Enforcement Notice under the Town & Country Planning Act 1990 (as amended), to require remedial actions to be undertaken as shown in section 2.3 of the report;
- ii. To authorise the Head of Planning, Engineering and Transportation to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice with a non-return of requisitions for information for a planning contravention notice; and the decision as to the institution of injunctive proceedings in the event of a continuing breach of planning control;
- iii. To authorise the Head of Planning, Engineering and Transportation to amend, add to or delete from the wording set out in the report stating the nature of the breach(es), the reason(s) for taking enforcement action, the requirement(s) of the notice or the boundaries of the site, in the interests of insuring the accurate and up to date notices are served.

4158/16 **16 Butts Road, Walsall, WS4 2AR**

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

(see annexed)

The Planning Officer advised the Committee of the background to the report and supplementary paper now submitted.

The Committee then welcomed the first speaker on this item Mr Haliburton, who spoke in objection to the enforcement report.

The Committee then welcomed the second speaker on this item, Councillor Arif, who spoke in support of the enforcement report.

Councillor Robertson arrived at this juncture of the meeting and therefore did not take part or vote on this item.

There then followed a period of questioning by Members to the speakers and to officers primarily in relation to planning policies and prior notification.

Members considered the application further and Councillor Perry **moved** and it was duly **seconded** by Councillor Chambers:-

- i. That 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 shown in 2.3 of the report.
- ii. To authorise the Head of Planning, Engineering and Transportation to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice or the non-return of Requisitions for Information or a Planning Contravention Notice; and the decision as to the institution of Injunctive proceedings in the event of a continuing breach of planning control.
- iii. To authorise the Head of Planning, Engineering and Transportation, to amend, add to, or delete from the wording set out below stating the nature of the breach(es) the reason(s) for taking enforcement action, the requirements(s) of the Notice, or the boundaries of the site, in the interests of ensuring the accurate and up to date notices are served.

The motion having been put to the vote was declared **carried**, with 14 Members voting in favour and none against.

Resolved

- i. That 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 shown in 2.3 of the report.

- ii. To authorise the Head of Planning, Engineering and Transportation to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice or the non-return of Requisitions for Information or a Planning Contravention Notice; and the decision as to the institution of Injunctive proceedings in the event of a continuing breach of planning control.
- iii. To authorise the Head of Planning, Engineering and Transportation, to amend, add to, or delete from the wording set out below stating the nature of the breach(es) the reason(s) for taking enforcement action, the requirements(s) of the Notice, or the boundaries of the site, in the interests of ensuring the accurate and up to date notices are served.

4159/16 **Section 106 report – Quarter 3 of 2015/16**

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

(see annexed)

Resolved

That the report be noted.

4160/16 **Consultation on the Proposed Housing and Planning Bill.**

The report of the Head of Planning, Engineering and Transportation was tabled at the meeting and additional information provided within the supplementary report now submitted.

(see annexed)

The Planning Officer advised the Committee of the background to the detailed report and highlighted the implications of proposed provisions as set out in the technical consultation to the Housing and Planning Bill, and that officer's comments to the consultation to be submitted to the Department for Communities and the Local Government (DCLG) by 15th April 2016.

Members considered the application further and the Vice Chair requested all Members to read the report in detail and to forward comments on the proposed response to the DCLG through the Chair in advance of the deadline on 15th April 2016.

Councillor Perry **moved** and it was duly **seconded** by Councillor Bird:

- i. That Planning Committee instructs officers to submit the comments set out in this report and detailed responses to the consultation questions based on these comments to the DCLG of the Council's response to the consultation document;
- ii. That Planning Committee agrees that the Head of Regeneration and Development and the Head of Planning, Environment and Transportation to share this report and consultation response of the borough's MPs, the Black Country Local Enterprise Partnership (LEP), other West Midlands Metropolitan Councils, the Local Government Association, the Association of Directors of Environment, Economy, Planning and Transport and others concerned with the regeneration of the borough, to help advocate that potentially damaging proposals should be avoided and/or mitigated.

The motion having been put to the vote was declared **carried**, with all Members voting in favour.

Resolved

- i. That Planning Committee instructs officers to submit the comments set out in this report and detailed responses to the consultation questions based on these comments to the DCLG of the Council's response to the consultation document;
- ii. That Planning Committee agrees that the Head of Regeneration and Development and the Head of Planning, Environment and Transportation to share this report and consultation response of the borough's MPs, the Black Country Local Enterprise Partnership (LEP), other West Midlands Metropolitan Councils, the Local Government Association, the Association of Directors of Environment, Economy, Planning and Transport and others concerned with the regeneration of the borough, to help advocate that potentially damaging proposals should be avoided and/or mitigated.

4161/16 **Application list for permission to develop.**

Application list for permission to develop was submitted together with supplementary papers and additional information for items already on the plans list.

(see annexed)

The Committee agreed first to deal with the items on the agenda where members of the public had previously indicated that they wished to address the Committee. The Chair at the beginning of each item for which there were speakers advised of the procedure whereby the speaker would have three minutes to speak and then after two minutes they would be reminded they had one minute left.

The Chair informed the Committee of the following:

- Plans list item no. 4 – Application Number 15/1586 had been deferred to a future meeting.

4162/16

Item No. 5 – Application Number 15/1597 – Change of use from Dental Surgery to 4 no bedsits at Bhandal Dental Surgery, 18-23 Stafford Street, Willenhall, WV13 1TG

The Planning Officer advised the Committee of the background to the report and supplementary paper now submitted.

(see annexed)

Councillor Nawaz left the room at this juncture of the meeting.

The Committee then welcomed the only speaker on this application, Councillor S. Coughlan who spoke in objection to the application.

There then followed a period of questioning to the speaker and officers primarily in relation to irresponsible parking and highways issues.

Councillor Nawaz returned to the meeting and therefore did not take part nor vote on this application.

Members considered the application further which included the existing parking issues within the immediate area particularly alongside the shop fronts and on the pedestrian pavement adjacent to double yellow lines, the need for officers to strengthen enforcement of the blue badge parking scheme against possible abusers.

Members considered the application further and Councillor Shires **moved** and it was duly **seconded** by Councillor Chambers:-

That planning application number 15/1597 be refused to ensure the vitality of Willenhall Town Centre.

The motion having been put to the vote was declared **lost**, with four Members voting in favour and eight against.

Councillor Rochelle **moved** and it was duly **seconded** by Councillor Bird:-

That planning application number 15/1597 be granted, subject to conditions as contained within the report and supplementary paper now submitted.

The motion having been put to the vote was declared **carried**, with nine Members voting in favour and four against.

Resolved

That planning application number 15/1597 be granted, subject to conditions as contained within the report and supplementary paper now submitted.

Councillor Shires requested that his name be recorded as having voted against the motion.

4163/16

Item No. 1 – Application Number 15/0455/FL – Gold Academy Centre and 9-hole academy gold course and associated facilities on land adjacent to Calderfields Golf and Country Club, Aldridge Road, Walsall, WS4 2JS.

Councillor Sohal left at this juncture of the meeting.

The Planning Officer advised the Committee of the background to the report and the supplementary paper now submitted.

(see annexed)

The Committee then welcomed the first speaker on this application, Mr Richards, who spoke in objection to the application.

The Committee then welcomed the second speaker on this application, Dr Crabtree, who also spoke in objection to the application.

The Committee then welcomed the third speaker on this application, Mr Robson, who spoke in support of the application.

The Committee then welcomed the fourth speaker on this application, Mr Devine, who also spoke in support of the application.

There then followed a lengthy period of questioning by Members to the speakers and to officers in relation to comparisons and types of facilities on both the proposed site and the adjoining driving range, the anticipated membership, the impact of the proposed new building and its distance from the highway, and ecological queries.

Members proceeded to discuss the application further which included how the development would enable all age ranges and abilities of people to play golf at a facility offering shorter courses, the proposal will not have a great impact on the greenbelt and would greatly improve the neglected land.

Members considered the application further and Councillor Nawaz **moved** and it was **seconded** by Councillor Bott:-

That planning application number 15/0455/FL be granted, subject to conditions as contained in the report and supplementary paper now submitted and completion of a Section 106 legal agreement.

The Motion having been put to the vote was declared **carried**, with fifteen Members voting in favour and none against.

Resolved

That planning application number 15/0455/FL be granted, subject to conditions as contained in the report and supplementary paper now submitted and completion of a Section 106 legal agreement.

Councillor Sohal returned to the meeting.

4164/16

Item No. 8 – Application Number 15/1859 – Proposed first floor rear extension and rear conservatory extension at 7 Delves Road, Walsall, WS1 3JZ

The planning officer advised the Committee of the background to the report and supplementary paper now submitted.

(see annexed)

The Committee then welcomed the first speaker on this application, Councillor Ditta, who spoke in objection to the officer's recommendation.

The Committee then welcomed the second speaker on this application, Mr Westley, who spoke in support of the officer's recommendation.

There were no questions to the speakers nor to officers.

Members considered the application. Councillor Nawaz **moved** and was duly **seconded** by Councillor Sohal:-

That planning application number 15/1859 be granted

The Motion having been put to the vote was declared **lost**, with five Members voting in favour and nine Members voting against.

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

That planning application number 15/1589 be refused, as per the reasons set out within the report and supplementary paper.

The Motion having been put to the vote was declared **carried**, with ten Members voting in favour and three against.

Resolved

That planning application no. 15/1589 be **refused**, as per the reasons set out within the report and supplementary paper.

4165/16 **Item No. 6 – Application Number 15/1725 – Erection of replacement detached 4 bed house and retention and extension to existing detached garage amendment to Planning Application 14/0953/FL at 815 Sutton Road, Aldridge, Walsall, WS9 0QJ**

The planning officer advised the Committee of the background to the report now submitted.

(see annexed)

The Committee then welcomed the only speaker on this application, Mr Hood, who spoke in support of the application.

There were no questions to the speaker. Members then asked officers a number of questions which included whether any objections had been received.

Members considered the application and Councillor Perry **moved** and it was duly **seconded** by Councillor Harris:-

That planning application number 15/1725 be refused for the reasons as set out in the report.

The Motion having been put to the vote was declared **carried**, with ten Members voting in favour and six against.

Resolved

That planning application number 15/1725 be refused for the reasons as set out in the report.

4166/16 **Item No. 2 – Application Number 15/1541 – Erection of a new warehouse building (Class B8 use) on land off Longacres, Willenhall, West Midlands**

Resolved

That planning application number 15/1541 be granted, subject to conditions and subject to resolving the highway objection and subject to no new further representations raising new material issues as contained within the report and supplementary paper.

4167/16 **Item No. 3 – Application Number 15/1501 – Erection of 1 bed bungalow fronting Ashton Drive at 1 Mob Lane, Pelsall, Walsall, WS4 1BB**

Resolved

That planning application number 15/1501 be granted, subject to conditions as contained within the report now submitted.

4168/16 **Item No. 7 – Planning Application Number 16/0059 – Resubmission for two storey front, side and rear extensions, single storey front and rear extensions, internal alterations and single storey outbuilding – depth of outbuilding to be increased by 1.3m to previous approval 15/0719 at 298 Chester Road, Streetly, Sutton Coldfield, B74 3EB**

Resolved

That planning application number 16/0059 be granted, subject to conditions as contained within the report now submitted.

Termination of meeting

There being no further business, the meeting terminated at 8.00pm

Signed.....

Date.....