

## **PLANNING COMMITTEE**

**Thursday 2 February, 2017 at 5.30 pm**

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

### **Present:**

Councillor Nazir (Chairman)  
Councillor Worrall (Vice Chair)  
Councillor Barker  
Councillor Bird  
Councillor P. Bott  
Councillor Craddock  
Councillor Creaney  
Councillor Douglas-Maul  
Councillor S. Fitzpatrick  
Councillor Jones  
Councillor Nawaz  
Councillor Perry  
Councillor Rochelle  
Councillor Sarohi  
Councillor Shires  
Councillor Sohal  
Councillor Young

### **1645/17 Apologies:**

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

### **1646/17 Minutes**

#### **Resolved**

That the minutes of the meeting held on 5 January, 2017, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

### **1647/17 Declarations of Interest**

Councillor Bott declared a non-pecuniary interest in plans list item 2 – application number 16/1600 – proposed spray booth at 13A Woden Road West, Darlaston, Wednesbury, WS10 7SF

Councillor Jones declared a non-pecuniary interest in plans list item 1 – erection of 10 x 1 bedroom flats with 12 car parking spaces (number of units reduced from 12 x 1 bed flats to 10 x 1 bed flats) on land off Reedswood Close (rear of Rose & Crown PH), Walsall

1648/17 **Deputations and Petitions**

There were no deputations introduced or petitions submitted

1649/17 **Local Government (Access to information) Act, 1985 (as amended)**

That the public be excluded from the private session during consideration of the agenda items indicated for the reasons shown on the agenda.

1650/17 **Development Management Performance Update Report**

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

(see annexed)

The Planning Group Manager advised the Committee of the latest performance and outcomes during the 3<sup>rd</sup> quarter of 2016/17 (1<sup>st</sup> October to 31<sup>st</sup> December 2016) regarding development management matters including the performance figures for applications determined, the decisions made by the Planning Inspectorate on appeals made to the Secretary of State, an update of Planning Applications 'called in' by Councillors and progress of enforcement proceedings.

The Committee then proceeded to discuss the report further which included the need for more joined up working between planning officers and the Police particularly in regard to providing evidence of crime and Members then sought and were updated on the latest positions with regard to some of the outstanding enforcement cases, in particular:-

- Ravenscourt Shopping Precinct
- Mellish Road Church
- Land adjacent 26 Bradley Lane
- 16 Butts Road

**Resolved**

That the report be noted.

The Chair thanked officers for the positive report, which was echoed by Committee Members.

1651/17 **Community Infrastructure Levy (CIL) and S106**

The Planning Group Manager updated Members on the collection and expenditure of monies collected through the Section 106 process and looked at the role of the forthcoming Community Infrastructure Levy (CIL) regulations.

There then followed a period of questioning by Members to the Planning Group Manager which related primarily to the decision making process behind the expenditure of CIL and Section 106 monies and the need for Ward Member engagement to ensure monies are comparatively distributed, and whether Area Panels would be the preferred vehicle for facilitation.

In response, the Planning Group Manager reported the Green Space Strategy would be reviewed this year with the possibility for Area Panel's to drive the strategy. He drew Members attention to the triggers for financial contributions at paragraphs 1.1 to 1.3 of the report and added that Section 106 contributions were linked to the respective developments to offset the effects to the immediate community, with some occasional one off payments pertinent to the development such as a pedestrian crossing, and therefore monies could not be spent outside of the areas.

Members considered the report further which included how the strategy should link in to locality plans to ensure a robust strategy going forward.

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

That Committee:-

- i) notes the contents of the report
- ii) should receive a report to a future meeting should the proposed Housing White Paper make or propose significant changes to the CIL regime.

The Motion, having been put the vote was declared **carried** by all Members

**Resolved**

That Committee:-

- i) notes the contents of the report
- ii) should receive a report to a future meeting should the proposed Housing White Paper make or propose significant changes to the CIL regime.

#### 1652/17 **Proposed Local Planning Enforcement Plan (LPEP)**

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

(see annexed)

The Planning Group Manager advised Committee of the background to the report.

Members considered the report and Councillor Bott **moved** and it was duly **seconded** by Councillor Worrall:-

That Planning Committee:-

- i) noted the decision of Cabinet to agree to commence a period of public consultation commencing February, 2017 for a period of no less than 6 weeks on the attached Planning Enforcement Plan with the intention of adopting the measures within the plan subject to the comments received during consultation
- ii) noted the decision of Cabinet to agree to receive a report to a future meeting on comments received during the consultation period with consideration to adoption of the plan subject to the comments received
- iii) noted that Cabinet will advise Planning Committee of the proposed consultation on the Plan.

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

### **Resolved**

That Planning Committee:-

- i) noted the decision of Cabinet to agree to commence a period of public consultation commencing February, 2017 for a period of no less than 6 weeks on the attached Planning Enforcement Plan with the intention of adopting the measures within the plan subject to the comments received during consultation
- ii) noted the decision of Cabinet to agree to receive a report to a future meeting on comments received during the consultation period with consideration to adoption of the plan subject to the comments received
- iii) noted that Cabinet will advise Planning Committee of the proposed consultation on the Plan.

The Planning Group Manager suggested that agenda items 9 and 10 be heard in conjunction with each other, as they were both financial reports covering consecutive time periods. This was agreed by the Chairman.

1653/17 **Section 106 Report – Financial Year 2015/16**

and

1654/17 **Section 106 Report – Quarters 1 to 3 of 2016/17**

The reports of the Head of Planning, Engineering and Transportation were submitted.

(see annexed)

The Planning Group Manager advised Committee of the background to the reports.

Members considered the reports and Councillor Bird **moved** and it was duly **seconded** by Councillor Worrall:-

That Committee noted the reports

### **Resolved**

That Committee noted the reports.

#### 1655/17 **Land at the Corner of Holly Hedge Lane and Wolverhampton Road, Walsall**

The report of the Head of Planning and Building Control was submitted. The report should have read Head of Planning, Engineering and Transportation throughout, as the directorate has been combined.

(see annexed)

The Planning Officer advised Committee of the background to the report and supplementary paper now submitted. He reported that subsequent to Committee's resolution at its meeting of 5<sup>th</sup> January, 2017, the land owner had submitted an appeal to the Council and to the Planning Inspectorate but no official start date had been received at that time.

The Committee then welcomed the first speaker on this report, Mr. Cotton, who spoke in objection to officers recommendations.

The Committee then welcomed the second speaker on this report, Councillor Hussain, who also spoke in objection to officers recommendations.

There then followed a period of questioning by Members to the speakers and to officers which included queries regarding highways safety particularly with regards to people pulling up on the highway to view the stationary cars; whether the access to the site was safe; whether the site was operational for car sales; had there been any housing development interest in the land and whether it would be expedient to defer enforcement until the appeal had been heard.

In response, it was reported that the site was used for the storage of vehicles only as the business operated through internet sales; there had been general interest in the land by developers for housing but not from the land owner; access gates to the site should be set back to allow a standard car to pull clear of the carriageway whilst trying to access the site in the event that the gates are closed; that safety improvements to the site were required immediately and therefore officers were advocating a parallel approach with the Inspector to conclude both within a short time scale.

*Councillor Young left at this juncture of the meeting.*

Members considered the report further and Councillor Bird **moved** and it was duly **seconded** by Councillor Rochelle:-

To agree to the Enforcement Notice and provided Highways are satisfied pending the appeal decision, cease operation for four weeks until Highways are satisfied

The Planning Solicitor expressed concerns regarding the conditionality of the authority to issue an enforcement notice as Committee must consider whether it is expedient in the circumstances. Should the notice be served, it would become effective after 28 days following which determination would be made whether it would be expedient to prosecute.

Councillor Bird therefore withdrew the Motion and **moved** and it was duly **seconded** by Councillor Worrall:-

- 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 at 2.4 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 on-return of Requisitions for Information of 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 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.

The Motion, having been put to the vote was declared **carried**, with thirteen Members voting in favour and one 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 at 2.4 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 on-return of Requisitions for Information of 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 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.

1656/17 **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 Chairman informed the meeting that the following item had been deferred in the interest of fairness to all parties:-

- plans list item no. 5 – demolish existing house and build new six bedroom house at 25 Woodlands Avenue, Walsall, WS5 3LN

The Committee agreed to deal with the items on the agenda were 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 after two minutes they would be advised they had one minute left.

1657/17 **Item No. 2 – application number 16/1600 – proposed spray booth at 13A Woden Road West, Darlaston, Wednesbury, WS10 7SF**

*Councillor Bott, having declared an interest, did not take part nor vote on this item.*

The Chair requested the Planning Officer to highlight the significant points of the report only as it had been discussed fully at the last meeting before being deferred.

A point of order was raised stating that not all Members had been in attendance at the previous Committee meeting. The Chair checked Member attendance at the previous meeting and requested the report be presented in full.

*Councillor Creaney left at this juncture of the meeting.*

The Planning Officer advised 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 Skelding, who spoke in objection to officers recommendations.

The Committee then welcomed the second speaker on this application, Mr. Bott, who also spoke in objection to officers recommendations.

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

There then followed a period of questioning by Members to officers primarily with regard to whether officers were convinced and assured the application complied with all policies, in particular the extraction system. In response, officers confirmed the application did comply with DEFRA rules.

Members considered the application and Councillor Bird **moved** and it was duly **seconded** by Councillor Sohal:-

That planning application number 16/1600 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 twelve Members voting in favour and two against.

### **Resolved**

That planning application number 16/1600 be granted, subject to conditions as contained within the report and supplementary paper now submitted

*Councillor Creaney returned at this juncture of the meeting.*

1658/17 **Item number 4 – application number 16/1313 – change of use from retail store to wine bar, including new shopfront and alterations to rear access at former Co-operative Retail Services Ltd, 198 Walsall Wood Road, Aldridge, Walsall, WS9 8HB**

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

(see annexed)

The Committee then welcomed the only speaker on this application, Mr Blackwell-Morgan, who spoke in support of officers recommendations.

There then followed a period of questioning by Members to the speaker including whether the disabled toilet would be made available to nearby shoppers; the hours of operation; car parking concerns and whether there was a smoking area. In response, the speaker confirmed a disabled toilet would be available for local shoppers to use; the hours of operation for the establishment would be between 8am and 10pm; that there was customer parking outside the row of shops plus approximately 30 spaces on the opposite side of the road; a designated smoking area had not been acknowledged but one could be included and that the establishment would benefit from CCTV cameras.



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

That planning application number 16/1313 be granted, subject to conditions as contained within the report and supplementary paper

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

### **Resolved**

That planning application number 16/1313 be granted, subject to conditions as contained within the report and supplementary paper

Following a request, the Chair then took plans list item number 3 for consideration ahead of the remaining plans list items

1659/17 **Item No. 3 - application number 16/1602 – change of use from Post Office to hot food takeaway at Coalpool sub Post Office, 136A-136B, Dartmouth Avenue, Walsall, WS3 1SP**

### **Resolved**

That planning application no. 16/1602 be granted, subject to conditions as contained within the report now submitted

1660/17 **Item number 1 – application no. 15/1504 – erection of 10 x 1 bedroom flats with 12 car parking spaces (number of units reduced from 12 x 1 bed flats to 10 x 1 bed flats) on land off Reedswood Close (Rear of Rose & Crown PH), Walsall**

### **Resolved**

That planning application number 15/1504 be granted subject to conditions as contained within the report and supplementary paper now submitted.

*Councillor Young left at this juncture of the meeting and did not return.*

1661/17 **Item No. 6 – application number 16/1622 – retrospective: erection of garden building at 320 Skip Lane, Walsall, WS5 3RA**

### **Resolved**

That planning application number 16/1622 be granted, subject to conditions as contained within the report.

1662/17 **Item No. 7 – application number 16/1532 – proposed detached garage/workshop with vehicle access from Rowan Road and new boundary fencing fronting Rowan Road at 18 Poplar Avenue, Walsall, WS5 4EU**

**Resolved**

That planning application number 16/1532 be granted, subject to conditions as contained within the report

1663/17 **Item No. 8 – application number 16/0676/FL – proposed first floor side extension, pitched roof to existing single storey rear extension and orangery at 3 Alvington Close, Willenhall, WV12 4TB**

**Resolved**

That planning application number 16/0676/FL be granted, subject to conditions as contained within the report

At this point in the meeting, Councillor Bird **moved** and it was duly **seconded** by Councillor Douglas-Maul:-

That Standing Order 9(a) of the Council's Constitution be suspended in order for the Committee to conclude the remainder of its business.

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

1664/17 **Private Session**

**Exclusion of Public**

**Resolved**

That, during consideration of the following items on the agenda, the Committee considers that the items for consideration are exempt information by virtue of the appropriate Paragraphs of part 1 of Schedule 12 A of the Local Government Act, 1972 (as amended) and accordingly resolved to consider those items in private session.

**Summary of item considered in private session**

1665/17 **Enforcement Report: Former Brown Jug Public House, Sandbeds Road, Willenhall, Walsall, WV12 4EY**

The report of the Head of Planning, Engineering and Transportation had been submitted to Members.

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

Committee considered the report and Councillor Barker **moved** and it was duly **seconded** by Councillor Bird that Committee approve the recommendations contained therein.

Members voted unanimously in favour of approving the recommendations contained therein.

**Termination of meeting**

There being no further business, the meeting terminated at 8.20pm

Signed .....

Date .....