

PLANNING COMMITTEE

Thursday 1st September, 2016 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 Chambers
Councillor Craddock
Councillor Creaney
Councillor Douglas-Maul
Councillor S. Fitzpatrick
Councillor Follows
Councillor Harris
Councillor Nawaz
Councillor Rochelle
Councillor Sarohi
Councillor Shires
Councillor Sohal
Councillor Young

1555/16 **Apologies:**

Apologies for non-attendance were submitted on behalf of Councillors Jones and Perry.

1556/16 **Minutes**

Resolved

That the minutes of the meeting held on 4 August, 2016, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record.

1557/16 **Declarations of Interest**

Councillor Barker declared a non-pecuniary interest in plans list item number 5 – application number 16/0057 – first floor front extension at 3.8m long (additional 1.8m above that approved under 07/1217/FL/NB), replacement pitched roof, internal layout alternations and amended associated external window and door positions and roof-light to front (re-submission of 15/1433) at 17 Greaves Close, Walsall, WS5 3QT

1558/16 **Deputations and Petitions**

There were no deputations introduced or petitions submitted

1559/16 **Local Government (Access to information) Act, 1985 (as amended)**

There were no items to be considered in private session

1560/16 **39 Shire Ridge, Walsall Wood, Walsall, WS9 9RA**

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

(see annexed)

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

- i. That authority be granted to 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. That authority be granted to the Head of Planning, Engineering and Transportation to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice with the non-return of requisitions for information or a planning contravention notice; and the decision as to the institution of the injunctive proceedings in the event of a continuing breach of planning control
- iii. That authority be granted to 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 the accurate and up to date notices are served.

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

Resolved

- i. That authority be granted to 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. That authority be granted to the Head of Planning, Engineering and Transportation to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice with the non-return of

requisitions for information or a planning contravention notice; and the decision as to the institution of the injunctive proceedings in the event of a continuing breach of planning control

- iii. That authority be granted to 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 the accurate and up to date notices are served.

1561/16 **Hawthorns, Erdington Road, Aldridge (formally Baytree House)**

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

(see annexed)

The Planning Officer advised Committee of the background to the report and informed Members that officers had engaged with the operators of the Hawthorns to secure a Section 106 agreement.

The Committee then proceeded to discuss the report further, which included the lack of car parking, whether local community groups were using the building as a meeting venue thus exacerbating the parking problem and that the Section 106 Agreement should return to Planning Committee for discussion.

Councillor Creaney arrived at this juncture of the meeting and therefore did not take part nor vote on this item.

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

That the report be noted and a final update on the completion of the S.106 to be provided at the 17th November meeting prior to signing

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

Resolved

That the report be noted and a final update on the completion of the S.106 to be provided at the 17th November meeting prior to signing

1562/16 **100 Whitehorse Road, Brownhills, WS8 7PG**

Councillor Harris left at this juncture of the meeting.

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

(see annexed)

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

- i. That authority be granted to 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. That authority be granted to the Head of Planning, Engineering and Transportation to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice with the non-return of Requisitions for Information or a Planning Contravention Notice; and the decision as to the institution of the Injunctive proceedings in the event of a continuing breach of planning control
- iii. That authority be granted to 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 ensuring the accurate and up to date notices are served.

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

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. That authority be granted to the Head of Planning, Engineering and Transportation to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice with the non-return of Requisitions for Information or a Planning Contravention Notice; and the decision as to the institution of the Injunctive proceedings in the event of a continuing breach of planning control
- iii. That authority be granted to the Head of Planning, Engineering and Transportation to amend, add to, or delete from the wording set out on 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 on ensuring the accurate and up to date notices are served.

1563/16 **Development Management Performance Update Report**

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

(see annexed).

The Planning Group Manager make particular reference to and explained in detail the reasons for the performance figures for April to June in relation to the speed of determining 'Other Applications' within the 8 week timescale. He reported that the addition of three temporary staff had now addressed the backlog and that a short-listing process for two planning officer posts would commence the next day.

Councillor Harris returned to the room at this juncture of the meeting.

The Planning Group Manager then highlighted a number of decisions made by the Planning Inspectorate which had not decided in accordance with Council's decision.

Members considered the report further including the constraints experienced within the planning department due to staffing issues, that the Planning department is a professional, front facing service which had to be maintained and monitored to avoid future slippage of service.

Resolved

That the report be noted.

1564/16 **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 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.

The Chair advised Committee a request had been made that afternoon by ITV/Central News to film within the Council Chamber during deliberation of Plans List item 1. Due to the short notice, the Chair had refused the request as he believed the request had been made too late to accommodate at such short notice.

1565/16 **Item No. 1 – application number 16/0465 – variation of condition 4 of planning permission 07/0046/WA/E1 to allow additional 9.2 years until 31/12/2025 to complete the existing approved scheme for the phased filling and restoration of Highfields South Quarry to create open space at Highfields South Quarry, Walsall Road, Walsall Wood, Walsall, WS9 9AH**

The Planning Officer advised Committee of the background to the report now submitted and advised Committee the application had been deferred at the meeting on 7th July, 2016 at the request of both the applicant and a resident who had been due to speak against the application, to enable further discussions to take place to address concerns.

(see annexed)

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

There then followed a period of questioning by Members to the speaker and to officers which included what the likely outcome of the site would be should Committee be minded to refuse the consent; what mitigation measures were in place for Woodbridge Close and the wider area; whether there were any plans to extract any clay and if the site generated electricity.

In response, the speaker stated that should consent be refused the site would effectively be left derelict, the applicant was keen to improve links and engage with the local community through regular meetings in relation to resolving issues; that no clay would be extracted, an area between the site and the residential homes would remain, and that landfill gas was extracted by the owners of the company.

The Committee then proceeded to discuss the application in detail and Councillor Bird **moved** and it was duly **seconded** by Councillor Harris:-

That planning application no. 16/0465 be granted, subject to conditions as contained within the report

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

Resolved

That planning application number 16/0465 be granted, subject to conditions as contained within the report

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

1566/16 **Item No. 8 – application number 16/0737 – retention of an existing fence and shed with alternations at 35 Northgate, Aldridge, Walsall, WS9 8QF**

The Planning Officer advised Committee of the background to the report now submitted

(see annexed)

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

The Committee then welcomed the second speaker on this application, Mrs Smith, who also spoke in objection to the officer's recommendation.

There then followed a period of questioning by Members to the speakers and to officers in relation to the fencing, shrubbery, and the visibility problems experienced by a neighbour. In response, officers confirmed the measurements and guidelines for visibility had been met, planning consent was not required for border vegetation, hedges or fencing up to 1m in height, and that any open plan area issue would be a civic law matter. The Public Rights of Way Team Leader confirmed that a Highways Officer would review the overhanging foliage alongside the property.

The Committee then proceeded to discuss the application further and Councillor Bird **moved** and it was duly **seconded** by Councillor Nawaz:-

That planning application number 16/0737 be granted, subject to conditions as contained within the report now submitted.

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

Resolved

That planning application number 16/0737 be granted, subject to conditions as contained within the report now submitted.

Councillor Sohal returned to the meeting.

1567/16 **Item No. 2 – application number 14/1754/FL - erection of 14 x 2 bedroom flats at former Millfields Nursery School Site, Stoney Lane/Lichfield Road, Bloxwich, WS3 3LU**

Members requested this item be discussed albeit no speakers had indicated that they wished to speak on the item.

The Committee then proceeded to discuss the application in detail, which included the parking requirements and the accessibility of waste disposal vehicles.

Following further consideration, Councillor Young **moved** and it was duly **seconded** by Councillor Shires:-

That planning application no. 15/0385/OL be deferred to enable clarification on how waste disposal will be managed to ensure there is no highway danger.

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

Resolved

That planning application no. 15/0385/OL be deferred to enable clarification on how waste disposal will be managed to ensure there is no highway danger.

- 1568/16 **Item No. 3 – application number 16/0659 – amendment of condition 33C of planning permission 02/2417/OL/E2 to include “or any other use approved by the Local Planning Authority” at former St. Margaret’s Hospital, off Questlett Road, Great Barr, Walsall**

Resolved

That planning application number 16/0659 be granted, subject to conditions as contained within the report and supplementary paper now submitted, and subject to a Deed of Variation to the original Section 229A Agreement (equivalent to a Section 106 Agreement) to secure the outstanding provisions within the Agreement.

- 1569/16 **Item No. 4 – application number 16/0433 – change of use to A5 (Hot Food Takeaway) with ancillary seating and new ventilation duct at 175 Wednesbury Road, Walsall, WS2 9QL**

Resolved

That planning application number 16/0433 be granted, subject to conditions as contained within the report and supplementary paper now submitted.

- 1570/16 **Item No. 5 – application number 16/0057 – first floor front extension at 3.8m long (additional 1.8m above that approved under 07/1217/FL/NB), replacement pitched roof, internal layout alternations and amended associated external window and door positions and roof light to front (re-submission of 15/1433) at 17 Greaves Close, Walsall, WS5 3QT**

Resolved

That planning application number 16/0057 be granted, subject to conditions as contained within the report and supplementary paper now submitted.

1571/16 **Item No. 6 – application number 16/0416 – retrospective Single storey 6.2 metres deep rear extension at 44 Anson Road, Bentley, Walsall, WS2 0DH**

Resolved

That planning application number 16/0416 be delegated to the Head of Planning, Engineering and Transportation to grant permission, subject to conditions as contained within the report and supplementary paper now submitted and subject to no new material planning considerations being raised.

1572/16 **Item No. 7– application number 16/0622 – first floor front gable extension over garage and single storey side extension a 2 Blue Cedar Drive, Aldridge, Walsall, B74 2AF**

Resolved

That planning application number 16/0622 be refused for the reasons as set out within the report now submitted

1573/16 **Item no. 9 – application number 16/0578 – two storey side/rear extension and single storey rear extension at 39A Inglewood Grove, Streetly, Sutton Coldfield, B74 3LL**

Resolved

That planning application number 16/0578 be granted, subject to conditions as contained within the report now submitted.

Termination of meeting

There being no further business, the meeting ended at 7.50pm

Signed

Date