

PLANNING COMMITTEE

Thursday 28 April, 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 Creaney
Councillor Ditta
Councillor D. Hazell
Councillor Follows
Councillor Jeavons
Councillor Nawaz
Councillor Robertson
Councillor Rochelle
Councillor Sarohi
Councillor I. Shires
Councillor Sohal
Councillor Worrall

4169/16

Apologies:

Apologies for non-attendance were submitted on behalf of Councillors J. Fitzpatrick, Douglas- Maul, Harris and Craddock.

4170/16

Minutes

Resolved

That the Minutes of the meeting held on Thursday 31st 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.

4171/16

Declarations of Interest

Councillor Ditta declared a non-pecuniary interest in plans list Item No. 4 – Application Number 16/0288- change of use from A3 Restaurant to A1 Retail with addition three flats on the first floor with new retail frontage onto Ida Road at 312 Pleck Road, Walsall, WS2 9EY.

4172/16

Deputations and Petitions

There were no deputations introduced or petitions submitted.

4173/16 **Local Government (Access to Information) Act 1985 (as amended)**

Resolved

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

At this juncture of the meeting, the Chairman thanked Officers and the Committee for their support for the period of his Chairmanship of the current municipal year.

The Chairman advised the Committee there would be a change in the agenda order and that agenda item number 8 would be heard in the first instance and that plans list item number 8-application number 16/0056 had been withdrawn from the agenda.

4174/16 **Technical Consultation on Starter Homes Regulations**

The Report of the Head of Planning, Engineering and Transport and the Head of Regeneration and Development was submitted.

(See annexed).

The Regeneration Officer advised the Committee of the background to the report and highlighted the salient points including Officer's concerns therein.

Members considered the report and expressed concerns around the current housing crisis, acknowledgement of the need for Starter Homes and social housing and recognition that developers may be discouraged from building homes within the area if it is unviable for them to do so.

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

- i. The Planning Committee instruct Officers to submit the detailed responses to the consultation questions as set out in the appendices to the DCLG of the Council's response to the consultation document
- ii. That officers are authorised to make minor changes as necessary prior to submission to address factual corrections with any more significant changes to be agreed by the Committee Chair
- iii. That Planning Committee agree that the Head of Regeneration and Development and the Head of Planning Environment and Transportation share this report and consultation response with the borough's MP's, the Black Country Local Enterprise Partnership (LEP), other West Midlands Metropolitan Council's, 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 the potentially damaging proposals should be avoided and or litigated.

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

Resolved

- i. The Planning Committee instruct officers to submit the detailed responses to the consultation questions as set out in the appendices to the DCLG of the council's response to the consultation document
- ii. That officers are authorised to make minor changes as necessary prior to submission to address factual corrections with any more significant changes to be agreed by the Committee Chair
- iii. That Planning Committee agree that the Head of Regeneration and development and the Head of Planning Environment and Transportation share this report and consultation response with the borough's MP's, the Black Country Local Enterprise Partnership (LEP), other West Midlands Metropolitan Council's, 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 the potentially damaging proposals should be avoided and or litigated.

4175/16 **213 Stafford Street Walsall**

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

(See annexed)

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

- 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 now submitted.
- 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 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 now submitted.
- ii. That authority be granted ahead 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 for 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 breaches the reasons for taking enforcement action, the requirements of the notice, or the boundaries of the site, in the interests on ensuring the accurate and up to date notices are served.

4176/16 **The Hawthorns, Erdington Road, Aldridge (Formerly Baytree House)**

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

(see annexed)

The Presenting Officer advised the Committee in detail of the background to the report and supplementary paper.

Councillor Nawaz left at this juncture of the meeting.

The Committee then welcomed the first speaker of this item Mr Stowbridge, who spoke in objection to Officer's recommendations.

The Committee then welcomed the second speaker on this item, Miss Stewart, who also spoke in objection to Officer's recommendations.

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

There then followed a period of questioning by Members to the speakers and Officers primarily in relation to the CQC registration category of the home and the level of care to be provided within the development, and whether the level of car parking would be adequate for both residents and staff.

Members considered the item further which included concerns around the current advertising of the development and the possibly misconceptions on the level of care expectations; that progress had been made and the development would fill a gap between care home and nursing home, and that they remained outstanding issues around car parking.

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

To defer the decisions of enforcement to allow officers to seek resolution at the retrospective application, a Section 106 agreement to secure a minimum age for residents, a Travel Plan for the provision of a minibus service, and that an update report be produced in three months.

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

Resolved

To defer the decisions of enforcement to allow officers to seek resolution at the retrospective application, a Section 106 agreement to secure a minimum age for residents, a Travel Plan for the provision of a minibus service, and that an update report be produced in three months.

4177/16 **Application list for permission to develop.**

The 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 that they had one minute left.

Councillor Creaney left at this juncture of the meeting.

4178/16

Item No. 2- 16/0022- Two storey extension and pitched roof to mosque, erection of two storey library and resource centre for the associated parking and landscaping at Muslim Welfare Society, Masjid E Umar, Bills Street, Darlaston, Walsall WS10 8BB

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 item, Councillor Arif who spoke in support of the application.

The Committee then welcomed the second speaker on this item, Mr Patel, who also spoke in support of the application.

They then followed a period of questioning by Members to the other speakers and Officers primarily in relation to the upgrade requirements of the mosque and assurance the Section 106 Agreement to provide additional care parking would suffice.

In response, the Council's solicitor advised that the Section 106 Agreement could stipulate a distance clause.

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

That planning application number 16/0022 be delegated to the Head of Planning, Engineering and Transportation to grant permission subject to conditions and to negotiate a Section 106 Agreement to provide an overflow 20 space car park at Darlaston's Youth and Community Centre, as contained within the report and supplementary paper now submitted.

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 16/0022 be delegated to the Head of Planning, Engineering and Transportation to grant permission subject to conditions and to negotiate a section 106 agreement to provide an overflow 20 space car park at Darlaston's Youth and Community Centre, contained within the report and supplementary paper now submitted.

4179/16

Item No. 6 – Application Number 15/1858 – proposed first floor extension over garage to form extension to bedroom 3 at 9 Orchard Grove, Aldridge, Walsall, WS9 0HD

and

Item No. 7- Application Number 15/1897- proposed first floor extension over garage to form extension to bedroom 3 at 11 Orchard Grove, Aldridge, Walsall, WS9 0HD

The Planning Officer advised the Committee that due to the presence of the two similar applications submitted at the same time, one application could not be considered in isolation of the other application and therefore items 6 and 7 would be heard in conjunction with each other.

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

(see annexed)

The Committee then welcomed the first speaker on these applications, Councillor Wilson, who spoke in support of both applications.

The Committee then welcomed the second speaker on these applications, Mr Fellows, who spoke in support of planned list item 6.

The Committee then welcomed the third speaker on these applications, Mrs Wallace, who spoke in support of planned list item 7.

They then followed a period of questioning to the speakers and Officers in relation to whether there were any similar extensions within the area, would a reduction in the size of both applications submitted be workable, would approval set a precedent within the area, and had any complaints been submitted by neighbours/residents within the respective cul-de-sac.

4180/16

Item No. 6 – Application Number 15/1858 – proposed first floor extension over garage to form extension to bedroom 3 at 9 Orchard Grove, Aldridge, Walsall, WS9 0HD

Members considered item no. 6 and Councillor Rochelle **moved** and it was **duly** seconded by Councillor Hazel:-

That planning application number 15/1858 be approved, subject to standard householder conditions to include hours of work

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

Resolved

That planning application no. 15/1858 be **approved**, subject to standard householder conditions to include hours of work.

and

4181/16 **Item no.7- Application Number 15/1897- proposed first floor extension over garage to form extension to bedroom 3 at 11 Orchard Grove, Aldridge, Walsall, WS9 0HD**

Members considered item no.7 and Councillor Rochelle **moved** and it was **duly** seconded by Councillor Hazel:-

That planning application number 15/1897 be approved, subject to standard householder conditions to include hours of work.

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 15/1897 be approved, subject to standard householder conditions to include hours of work.

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

Councillor Creaney returned to the meeting.

4182/16 **Item No.1- Application Number 16/0264- Open space improvements at various locations on land at the Lea and Swannies field, including play areas, MUGA, a trim trail, skate park, fishing platforms, fencing and towpath works at Ross Farm open space (Swannies Field) and the Lea open space, Goscote Lane, Bloxwich**

Resolved

That planning application number 16/0264 be delegated to the Head of Planning, Engineering and Transportation to grant permission subject to conditions and subject to no new material objections from consultees which cannot be resolved through condition or amendment, as contained within the report and supplementary paper now submitted.

4183/16 **Item No. 3 – Application Number 15/0461/ FL - Conversion of Public House and new build to create 9 two and three bedroom apartments with three offices on the ground floor at Crown and Anchor, West Bromwich Street, Walsall, WS1 4BP**

Resolved

That planning application number 15/0461/FL be granted, subject to conditions as contained within the report now submitted.

4184/16 **Item No. 4 –Application Number 16/0288 - Change of use from A3 Restaurant to A1 Retail with addition three flats on the first floor with new retail frontage onto Ida Road at 312 Pleck Road, Walsall, WS2 9EY.**

Resolved

That planning application number 16/0288 be delegated to the Head of Planning, Engineering and Transportation to approve subject to conditions as contained within the report now submitted.

1485/16 **Item No.5- Application Number 15/1586- Erection of detailed xx to side garden of 37 Field Maple Road, Streetly, Sutton Coldfield, Walsall, B74 2AD**

Resolved

The planning application number 15/1586 be granted subject to conditions as contained within the report and supplementary paper now submitted.

1486/16 **Private Session**

Exclusion of public.

Resolved

That during consideration of the following item on the agenda, the Committee considered that the item for consideration is exempt information by virtue of the appropriate paragraphs of part one of schedule 12A of the Local Government Act 1972 (as amended) and accordingly resolved to consider the item in private session.

Summary of item considered in private session

38 Gower Street, Pleck, Walsall, WS2 9AT

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

The Presenting Officer advised the committee of the background to the report.

The Committee then proceeded to discuss the report in detail and it was **moved** by Councillor Perry and duly **seconded** by Councillor Jeavons:-

- i. To authorise the Head of Planning, Engineering and Transportation to instigate Legal Proceedings to prosecute the owner or occupier as appropriate, under Section 216 of the Town and Country Planning Act 1990 for failing within the period specified to take steps required by the notice issued under Section 215 to remedy the condition of the land and building;
- ii. To authorise the Head of Planning, Engineering and Transportation to instigate further prosecution proceedings against the owner or occupier as appropriate in the event that following any first conviction, he does not as soon as practical do everything in his power to secure compliance with the notice.

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

Resolved

- i. To authorise the Head of Planning, Engineering and Transportation to instigate Legal Proceedings to prosecute the owner or occupier as appropriate, under Section 216 of the Town and Country Planning Act 1990 for failing within the period specified to take steps required by the notice issued under Section 215 to remedy the condition of the land and building.
- ii. To authorise the Head of Planning, Engineering and Transportation to instigate further prosecution proceedings against the owner or occupier as appropriate in the event that following any first conviction, he does not as soon as practical do everything in his power to secure compliance with the notice.

The Next Section (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 7.30pm

Signed.....

Date.....