

DUDLEY BOROUGH LOCAL ACCESS FORUM

Tuesday, 3rd December, 2013 at 6.00pm in Committee Room 4
at the Council House, Priory Road, Dudley

PRESENT:

Ms T Boothroyd (Chair)
Mr R J Brooks (Vice-Chair)
Mr R Burgess, Mr P Greenaway, Mrs J V Lea, Ms A Nicholls, Mr N J Williams,
and Ms S Yeadon.

Officers:

Mr D Jacobs – Project Engineer, (Traffic and Transportation), Mr D Keeley –
Countryside Manager, Ms A Roberts – Planning Policy Manager and Ms J
Bozdoganli – Principal Obligations Officer (All Directorate of the Urban
Environment) and Mrs K Buckle - Democratic Services Officer (Directorate of
Corporate Resources).

32. APOLOGY FOR ABSENCE

An apology for absence from the meeting was submitted on behalf of Mr
D Bates.

33. DECLARATIONS OF INTEREST

Ms S Yeadon and Mr R Burgess declared an interest in Agenda Item
Number 4 – Coombeswood Green Wedge as the Chair of Friends of
Coombeswood Wedge and as a Member of Friends of Coombeswood
and Coombeswood Canal Trust respectively.

34. MINUTES

AGREED

That the Minutes of the Forum held on 24th September, 2013,
be approved as a correct record.

35. CHANGE IN ORDER OF BUSINESS

Following further discussion it was:-

AGREED

That Agenda Item Number 5 – Planning Applications – Section 106 Agreements, be considered as the next item of business followed by the remaining agenda items.

36. PLANNING APPLICATIONS – SECTION 106 AGREEMENTS

The Planning Policy Manager outlined the duties of both herself and the Principal Obligations Officer.

The Planning Policy Manager gave a verbal presentation in relation to Section 106 agreements including enforcement action making particular reference to the timing of agreements and the three key tests which must be met in order for a Section 106 Agreement to be entered into.

She stated that the Agreement would form a legal document and would be signed by the Council and the developer.

The Planning Policy Manager referred to the Community Infrastructure Levy which was to be introduced indicating that transport improvements would remain part of Section 106 or Section 278 Agreements. Reference was also made to the opportunity to bid for community monies should Section 106 Agreement monies be unavailable.

The Chair raised concerns in relation to the lack of enforcement action being taken in relation to Section 106 Agreements, referring to a previous matter considered by the Forum relating to the provision of a footpath in Woodsetton which had not been constructed by the developer due to the development being sold.

The Planning Policy Manager responded stating that all opportunities for enforcement in the above case had been exhausted however Section 106 Agreements are regularly monitored to ensure that monies are obtained. She also stated that Section 106 Agreements are legally binding and that such agreements could not be enforced where planning permissions had not been implemented.

The Chair also referred to the none compliance with a Section 106 Agreement by the developers at Coombeswood Green Wedge.

The Planning Policy Manager stated that the land transfer process by the developers at Coombeswood Green Wedge was outside the Section 106 process and once the land had been transferred the five yearly payments to pay for a warden on the site could be enforced.

Following further discussion the Planning Policy Manager agreed to investigate the position in relation to the land transfer and attend a future meeting of the Forum together with a representative from the Council's Legal Section to update the Forum in relation to this matter.

The Planning Policy Manager referred to the Air Quality Action Plan for Dudley and confirmed that she would provide Members with the Consultation documentation in relation to this and requested that Members provide her with their comments on the Plan.

In responding to a Member's question the Planning Policy Manager advised that some policies remained live in relation to the Unitary Development Plan and she would provide Members with a list of the Policies which remain and those that had been superseded. She also confirmed that Green Belt Policies remained as they were.

Mr Jacobs, Project Engineer, Traffic and Transportation raised concerns in relation to the non-adoption of roads on new developments and the Planning Policy Manager agreed to investigate those concerns.

AGREED

- (1) That the information reported on at the meeting be noted.
- (2) That the Planning Policy Manager be requested to:-
 - (a) Provide Members with the documents referred to above
 - (b) Investigate the position with the land transfer at Coombeswood Green Wedge and attend a future meeting of the Forum.
 - (c) Investigate the concerns raised in relation to developers failing to adopt roads.

37. COOMBESWOOD GREEN WEDGE

Mr D Keeley, Countryside Manager gave a verbal update in relation to the land transfer to the Council by the Developers of Coombeswood Green Wedge advising that the Council's Legal Section were dealing with this.

AGREED

That the information reported on at the Meeting, be noted.

38. ACCESS/RIGHTS OF WAY ISSUES

(a) HALESOWEN GOLF CLUB

Mr D Jacobs, Project Engineer, Traffic and Transportation gave a verbal update in relation to Halesowen Golf Club advising that the Council were conducting wider discussions with the owners

of the Club in relation to their Lease which included the position in relation to the signage that they had erected. Members confirmed that the blue signage had been removed.

Following further discussions in relation to the pathway being made a right of way Mr D Jacobs advised that he would investigate the possibility of this as there were health and safety issues involved and he would also need to obtain advice in relation to the Lease and investigate the practicalities of this.

(b) PUBLIC PATHS ACROSS LEASOWES PARK, HALESOWEN.

A report was submitted by Mr D Jacobs on the public paths across Leasowes Park, Halesowen. The plan attached to the report submitted illustrated the paths across Leasowes Park that Members had previously requested be included as Definitive paths.

Mr D Jacobs requested that Members support the proposals contained in the report .

AGREED

- (1) That Mr D Jacobs, Project Engineer, Traffic and Transportation be requested to investigate the possibility of the pathway adjacent to Halesowen Golf Club becoming a definitive right of way.
- (2) That the information contained in the report and Appendix to the report submitted on Public Paths across Leasowes Park, Halesowen, be noted.
- (3) That Members support the inclusion of path 1 as a Definitive Path and paths 2,3, and 4 as Permissive as referred to in the report submitted.

39. YOUR COUNCIL TAX THE BIG QUESTION YOUR SERVICES HAVE YOUR SAY – BUDGET CONSULTATION.

Mr D Keeley, Countryside Manager advised Members of the current Consultation in relation to Council Tax urging Members to provide the Council with their views as to which Council services they wished to retain.

AGREED

That the information reported on at the Meeting, be noted.

40. GATING ORDERS

Mr D Jacobs, Project Engineer, Traffic and Transportation advised Members that temporary Gating of the right of way to the side of 59 Albert Road, Halesowen was proposed as this had been supported by the Police in view of the number and severity of crime and anti social behaviour incidents escalating in the alleyway. Mr Jacobs assured Members that the proposed Gating would not restrict the entrance to the driveway of Halas House which was a special needs day care centre.

AGREED

That Mr D Jacobs, be requested to advise the Cabinet Member for Transport that Members support the temporary Gating of the right of way to the side of 59 Albert Road, Halesowen.

41. RIGHTS OF WAY IMPROVEMENT PLAN

(a) PROPOSED SUSTAINABLE PATH TO AMBLECOTE PRIMARY SCHOOL.

Mr D Jacobs, Project Engineer, Traffic and Transportation referred to the proposed Sustainable Path to Amblecote Primary school that was outlined on a plan submitted. He stated that this would form a link for those wishing to walk to the primary school and Members supported the proposal.

(b) RIGHTS OF WAY IMPROVEMENT PLAN

The Chair requested Members to advise her of any pathways that they wished to be included on the Rights of Way Improvement Plan.

AGREED

That Mr D Jacobs, be requested to advise the Cabinet Member for Transport that Members support the proposed Sustainable Path to Amblecote Primary school.

42. ANY OTHER BUSINESS

It was noted that no items had been raised.

43. DATES OF FUTURE MEETINGS

Noted, that future meetings of the Forum would be held on:-

- Tuesday 18th February, 2014
- Tuesday 29th April, 2014
- Tuesday 15th July, 2014

and that all future meetings would be held in Committee Room 4 at 6pm.

The meeting ended at 8.00 p.m.

CHAIR