

DEVELOPMENT CONTROL COMMITTEE

Thursday, 29th May, 2008 at 5.30 p.m.

In the Council Chamber at the Council House Walsall

Present

Councillor Bird (Chairman)
Councillor Rochelle (Vice-Chairman)
Councillor Beeley
Councillor Arif
Councillor Ault
Councillor Cook
Councillor Flower
Councillor Madeley
Councillor Turner

1764/08 Apologies

Apologies for non attendance were received on behalf of Councillors Ali, M.G. Pitt, Robertson, Munir, P. Bott, Sarohi, Underhill, P. Hughes, J. Phillips and Micklewright

1765/08 Minutes

Resolved

That the minutes of the meeting held on 22nd April, 2008, a copy having been previously circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

1766/08 Declarations of Interest

Councillor Bird declared:-

A prejudicial interest in agenda item 5 relating to an application to fell three protected trees at W.H. Marren Ltd, Temple Bar, Willenhall - as his daughter lived opposite the site.

Councillor Arif declared:-

A prejudicial interest in item 6 of the agenda relating to Junction 9 accommodation, change of use to houses in multiple occupation / flats / erection of garden buildings - as he had previously introduced deputation in respect of this matter.

1767/08 **Deputations and Petitions**

Councillor Arif stated that he wished to introduce a deputation in relation to item 6 relating to Junction 9 accommodation, change of use to houses in multiple occupation / flats / erection of garden buildings.

Resolved

That the deputation be accepted.

1768/08 **Urgent item – New Access Road and Enabling residential development at Branton Hill Quarry, Application No. 06/0169/OL/E4**

The Chairman reported that he had accepted a late item relating to the new access road and enabling residential developments at Branton Hill Quarry application number 06/0169/OL/E4. The reason for urgency was to ensure that Councils position could be clarified prior to the planning appeal commencing 15th July, 2008. The Chairman reported that this paper had been circulated to each member of the committee and time was afforded to each member of the committee to consider the paper. The solicitor then advised the committee of the background to the report and detailed salient points contained therein.

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

Officers be authorised to advise the applicants and the secretary of state that they:-

- (a) Are able to support the amended scheme for the access and;
- (b) Ask that means of access is not reserved for subsequent approval and that full details are provided now to confirm the level of enabling development client.

The motion having been put to the vote was declared **carried** with members voting unanimously in favour of the recommendation.

Resolved

That Officers be authorised to advise the applicants and the secretary of state that they:-

- (a) Are able to support the amended scheme for the access and;
- (b) Ask that means of access is not reserved for subsequent approval and that full details are provided now to confirm the level of enabling development client.

1769/08 Application to fell three protected trees at W.H. Marren Ltd, Temple Bar, Willenhall

The Chairman having declared a prejudicial interest in this matter left the room during deliberation. In his absence Councillor Rochelle the Vice-Chair, took control of the Chair for this item only.

Members considered the application and Councillor Rochelle **moved** and it was duly **seconded** by Councillor Turner:-

That consent be granted for the removal of the two poplar trees and consent for the removal of the sycamore tree be refused.

The motion having been put to the votes was declared **carried** with members voting unanimously in favour and none against.

Resolved

That consent be granted for the removal of the two poplar trees and consent for the removal of the sycamore tree be refused.

1770/08 Junction 9 accommodation, change of use to houses in multiple occupation / flats / erection of garden buildings

Prior to consideration of this application Councillor Arif introduced a deputation Mr. Lovett. Having introduced the deputation Councillor Arif then left the room as he had declared a prejudicial interest in the item.

Members were advised that additional information was contained within the supplementary paper circulated at the meeting.

The Chair then advised Mr. Lovett of the procedure rules relating to deputations and advised him that he had 5 minutes to speak and at 4 minutes he would be advised by the Councils solicitor that he had one minute remaining. Mr. Lovett then addressed the committee speaking in support of taking enforcement action as detailed within the report now submitted.

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

- (1) That Authority be delegated to the Assistant Director – Legal and Constitutional Services and the Head of Planning and Building Control for the issuing of Requisition for Information Notices and Enforcement Notices if required at any site owned by J9 (or by the same owner where the company name may have been changed) where it is expedient to do so.
- (2) That the decision as to the institution of legal proceedings in the event of non-compliance with the Notices, or the non-return of Requisitions for Information, Notices be delegated to the Assistant Director – Legal and Constitutional Services and the Head of Planning and Building Control.
- (3) That authority be delegated to the Assistant Director – Legal and Constitutional Services, in consultation with the Head of Planning and Building Control to amend and add to or delete from the wording stating the nature of the breach(es) the reason(s) for taking enforcement action, and the requirement(s) of the Notice or the boundaries of the site for each of the properties detailed in the above table.
- (4) That the enforcement action, as approved by Committee on 17 July, 2007 relating to the following sites be rescinded:-
 - 21 Slaney Road
 - 23 Slaney Road
 - 7 Broadway North
- (5) That the compliance period with the Enforcement Notices for flats/HMO's at:-
 - 43/44 New Street
 - 261 Walsall Road
 - 41 Westbourne Road
 - 12 Walsall Road
 - 24 Slaney Road
 - and at any new site raising similar issues for which enforcement action is taken

be 6 months (as agreed 17 July 2007)
- (6) That the compliance period with the Enforcement Notices which relate to the erection of sheds be reduced to 28 days at:-
 - 33 Walsall Street

- 112 Temple Road
- 42 Hillary Street
- and at any new site for which enforcement action is taken

with the exception of 14 Walsall Road where the compliance period is recommended to be 3 months.

The motion having been put to the vote was declared **carried** with members voting unanimously in favour of taking enforcement action

Resolved

- (1) That Authority be delegated to the Assistant Director – Legal and Constitutional Services and the Head of Planning and Building Control for the issuing of Requisition for Information Notices and Enforcement Notices if required at any site owned by J9 (or by the same owner where the company name may have been changed) where it is expedient to do so.
- (2) That the decision as to the institution of legal proceedings in the event of non-compliance with the Notices, or the non-return of Requisitions for Information, Notices be delegated to the Assistant Director – Legal and Constitutional Services and the Head of Planning and Building Control.
- (3) That authority be delegated to the Assistant Director – Legal and Constitutional Services, in consultation with the Head of Planning and Building Control to amend and add to or delete from the wording stating the nature of the breach(es) the reason(s) for taking enforcement action, and the requirement(s) of the Notice or the boundaries of the site for each of the properties detailed in the above table.
- (4) That the enforcement action, as approved by Committee on 17 July, 2007 relating to the following sites be rescinded:-
 - 21 Slaney Road
 - 23 Slaney Road
 - 7 Broadway North
- (5) That the compliance period with the Enforcement Notices for flats/HMO's at:-
 - 43/44 New Street
 - 261 Walsall Road
 - 41 Westbourne Road
 - 12 Walsall Road
 - 24 Slaney Road

- and at any new site raising similar issues for which enforcement action is taken

be 6 months (as agreed 17 July 2007)

- (6) That the compliance period with the Enforcement Notices which relate to the erection of sheds be reduced to 28 days at:-

- 33 Walsall Street
- 112 Temple Road
- 42 Hillary Street
- and at any new site for which enforcement action is taken

with the exception of 14 Walsall Road where the compliance period is recommended to be 3 months.

Councillor Arif, having declared a prejudicial interest in this item, left the room during deliberation and did not vote.

1771/08 **Corner of Doctors Piece and Walsall Street, (City Alloys Ltd) Willenhall**

Members were advised that additional information was contained within the supplementary paper circulated at the meeting.

The Chair addressed the committee stating that he intended to recommend paragraph 2.1 of the Officers recommendations however, he did not propose that paragraphs 2.2 and 2.3 be addressed. He suggested that the applicants be advised to enter into further negotiations with the Authority and that the outcome of negotiations be considered by Committee no later than September at which time enforcement action would be considered.

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

That members endorse officers proceeding with discussions with the company aimed at securing compliance with planning legislation, for example, by them relocating to a more suitable site in the area and that the outcome of negotiations be considered by Committee no later than September 2008 at which time enforcement action would be considered.

The motion having been put to the vote was declared **carried** with members voting unanimously in favour of the resolution.

Resolved

That members endorse officers proceeding with discussions with the company aimed at securing compliance with planning legislation, for

example, by them relocating to a more suitable site in the area and that the outcome of negotiations be considered by Committee no later than September 2008 at which time enforcement action would be considered.

1772/08 Development Control Performance Update Report

Resolved

That the report be noted.

1773/08 Application List for Permission to Develop

The application list for permission to develop was submitted together with the 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 the procedure whereby the speaker would have three minutes to speak and then at two minutes they would be reminded that they had a minute left.

1774/08 Declarations of Interest

There were no further declarations of interest.

1775/08 Item No. 1 - 07/2559/OL/E11 – residential development (50 dwellings per hectare) at land to the West of Northgate, Aldridge, Walsall

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

The Committee then welcomed the first speaker Mr. Timothy, who spoke in support of the application.

The Committee then welcomed the second speaker Mr. Cook, who also spoke in support of the application.

There then followed a period of questioning by Members in relation to possible risk of flooding, attaching suitable 106 conditions, noise mitigation measures, impact on traffic and the need to retain industrial sites within the Borough.

Members considered the application and Councillor Flower **moved** and it was duly **seconded** by Councillor Beeley:-

That planning application No. 07/2559/OL/E11 be refused for the reasons as set out in the report now submitted.

The motion having been put to the vote, was declared **carried**, with five Members voting in favour of refusing the application and three against.

Resolved

That planning application No. 07/2559/OL/E11 be refused for the reasons as set out in the report now submitted.

1776/08 **Item No. 2 - 08/0203/FL – proposed single storey rear extension to existing retail premises, including new shopfronts, entrance doors and installation of air conditioning units with the rear yard area, ‘opening hours 06.00 – 20.00 Monday to Saturdays & 07.00 – 13.00 Sundays’ at McColls Newsagent and Post Office, 175 Broadway North Walsall**

Prior to consideration of this item, the Chair stated that he had been asked to circulate photographs, taken by the objectors, to the Committee. In accordance with procedures the Chairman sought approval from David Barnes whom was present to speak in support of the application. Mr Barnes viewed the photographs and gave consent for them to be circulated at the meeting.

The Planning Officer then advised the Committee of the background to the report and drew members attention to the supplementary paper circulated at the meeting.

The Committee then welcomed the first speaker Councillor Rose Martin, who spoke in objection to the application.

The Committee then welcomed the second speaker on this item, John Pretty, who also spoke in objection to the application.

The Committee then welcomed the third speaker, David Barnes, who spoke in support of the application.

There then followed a period of questioning by Members in relation to the frequency, time and size of deliveries and the proximity of the proposed air conditioning units to the neighbouring properties.

Members considered the application and the Chair **moved** and it was duly **seconded** by Councillor Madeley:-

That planning application No. 08/0203/FL be approved subject to the conditions as contained in the report now submitted.

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

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

That planning application No. 08/0203/FL be refused as the proposed alterations would impact on highway safety from reversing and additional vehicle movements and be detrimental to the amenities of neighbouring properties by way of traffic, noise and nuisance.

The motion having been put to the vote, was declared **carried**, with six Members voting in favour of refusing the application and two against.

Resolved

That planning application No. 08/0203/FL be refused as the proposed alterations would impact on highway safety from reversing and additional vehicle movements and be detrimental to the amenities of neighbouring properties by way of traffic, noise and nuisance.

1777/08 Item No. 4 – 08/0191/AD – erection of 2 illuminated advert hoardings at Middleton Group, Bescot Crescent, Walsall

Prior to consideration of this application the Chairman reported that members had to determine the application on amenity and highway grounds only.

The Planning Officer then advised the Committee of the background to the report and drew members attention to the supplementary paper circulated at the meeting.

The Committee then welcomed Steve George who spoke in support of the application.

There then followed a period of questioning by Members in relation to the contractual arrangement whereby no other signs on the motorway could be placed within 200 meters, the proximity of other signs on the motorway and the rationale behind choosing the specific location for the sign.

Members considered the application and Councillor Beeley **moved** and it was duly **seconded** by Councillor Arif:-

That planning application No. 08/0191/AD be approved contrary to Officers recommendations.

At this juncture the Head of Planning and Building Control advised members that they would be required to give specific reasons for approval taking into account the fact that planning inspectors had previously found other sites to be detrimental to highway safety. In approving the application, Committee would need to justify why the Inspectors decision had been set aside as the decision could be subject to judicial challenge.

Members debated the matter and the Chair sought agreement from the seconder and original mover of the motion to amend the approval as follows:-

That planning application No. 08/0191/AD be approved as the advert would not compromise highway safety as it was a lone advert in an uncluttered area of highway and would not distract drivers from the gantry and other traffic signs.

The seconder and original mover of the motion agreed to the proposed amendments.

The motion having been put to the vote was declared **carried**, with six Members voting in favour of approving the application and three against.

Resolved

That planning application No. 08/0191/AD be approved as the advert would not compromise highway safety as it was a lone advert in an uncluttered area of highway and would not distract drivers from the gantry and other traffic signs.

1778/08 Item No. 5 - 08/0321/FL – Extension to warehouse at Exol Lubricants Ltd, All Saints Road, Wednesbury

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

The Committee then welcomed Emma Farley who spoke in support of the application.

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

That planning application No. 08/0321/FL be approved subject to the conditions as contained in the report now submitted.

The motion having been put to the vote, was declared **carried**, with seven Members voting in favour of refusing the application and one against.

Resolved

That planning application No. 08/0321/FL be approved subject to the conditions as contained in the report now submitted.

Councillor Turner having left the meeting during deliberation of this item did not take part or vote.

Councillor Madeley requested that his name be recorded as having voted against the application.

1779/08 **Item No. 9 - 07/2577/FL/H4 – Extension to existing dwelling, to provide new elderly persons accommodation at Barr Common Farm, Aldridge Road, Streetly, Sutton Coldfield**

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

The Committee then welcomed Mr. Spooner, who spoke in support of the application.

There then followed a period of questioning by Members in relation to the size of the proposed extension and the impact on the greenbelt.

Members considered the application and Councillor Arif **moved** and it was duly **seconded** by Councillor Ault:-

That planning application No. 07/2577/FL/H4 be approved.

The Head of Planning and Building Control advised the committee that specific reasons would need to be given as to why there were special circumstances to approve the application within the green belt, as it was a departure from Policy. The matter if approved would also have to be advertised in the local media.

Members considered the application further and with the approval of the seconder and original mover of the motion the following reasons for approval were put by Councillor Bird;

- i) that the extension by way of its size, location and orientation with existing building would not be harmful to greenbelt and would provide an extension to the existing living accommodation for the existing residents, subject to a condition that the extension remains part of the original house; and
- ii) that the matter be referred to government office for approval if deemed appropriate by officers following consultations through the local media.

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

Resolved

That planning application No. 07/2577/FL/H4 be approved as:-

- i) the extension by way of its size, location and orientation with existing building would not be harmful to greenbelt and would provide an extension to the existing living accommodation for the existing residents, subject to a condition that the extension remains part of the original house; and
- ii) that the matter be referred to government office for approval if deemed appropriate by officers following consultations through the local media.

1780/08 **Item No. 3 - 08/0416/FL – Alterations to roof shape at rear and construction of garage as liveable room at 32 Norman Road, Walsall**

Resolved (*Unanimously*)

That planning application No. 08/0416/FL be approved, subject to the conditions as contained in the report now submitted.

1781/08 **Item No. 6 - 08/0352/FL – New respite centre at Land at Coltham Road, Willenhall**

Resolved (*8 in favour and 1 against*)

That planning application No. 08/0352/FL be approved, subject to the conditions as contained in the report now submitted.

Councillor Cook requested that his name be recorded as having voted against this application.

1782/08 **Item No. 7 - 08/0455/FL – erection of 4 no. 2 bed bungalows and 6 no. 2 bed apartments, parking and access facilities, landscaping at Land at Thorney Croft Place/Ashtree Grove, Moxley**

Resolved (*Unanimously*)

That planning application No. 08/0455/FL be approved, subject to the conditions as contained in the report now submitted and a Planning Obligation.

1783/08 **Item No. 8 - 08/0048/FL – Change existing garage to room, and construct single garage with pavement crossing at 19 Blue Cedar Drive, Streetly, Sutton Coldfield**

Resolved (*Unanimously*)

That planning application No. 08/0048/FL be approved, subject to the conditions as contained in the report now submitted.

Termination of meeting

There being no further business the meeting terminated at 8.25 p.m.

Signed:

Date: