

DEVELOPMENT CONTROL COMMITTEE

Tuesday 8 March 2005 at 6.00 p.m.

In the Council Chamber at the Council House, Walsall

Present

Councillor Roger Collins (Chairman)
Councillor Leslie Beeley (Vice-Chairman)
Councillor Dennis Anson
Councillor Clive Ault
Councillor Arthur Bentley
Councillor John Cook
Councillor Brian Douglas-Maul
Councillor Louise Harrison
Councillor Haqnawaz Khan
Councillor Bill Madeley
Councillor Rose Martin
Councillor Cath Micklewright
Councillor John Rochelle
Councillor Carol Rose
Councillor Christopher Towe
Councillor Angela Underhill
Councillor Mohammad Yasin
Councillor Patricia Young

582/05 Apologies

Apologies for non-attendance were submitted on behalf of Councillors Alan Paul and Tony Rowley.

583/05 Minutes

Resolved

That the minutes of the meeting held on 15 February 2005, a copy having been previously circulated to each member of the Committee, be approved and signed by the Chairman as a correct record, subject to the following amendments:-

List of those Present:

Add the following names:-

Councillor Haqnawaz Khan
Councillor Patricia Young

**Page 5 – Final Paragraph – First Line – Councillor
Madeley moved:**

Delete the words “Councillor Ansell” and substitute
“Councillor Anson”.

584/05 Declarations of Interest

There were no declarations of interest identified at this meeting

585/05 Deputations and Petitions

There were no deputations introduced or petitions presented at this meeting.

586/05 Late Items

There were no late items introduced at this meeting.

587/05 Local Government (Access to Information) Act, 1985

Resolved

There were no items on the agenda for the meeting in respect of which the Committee considered that publicity would be prejudicial to the public interest by reason of the confidential nature of the business.

588/05 Application List for Permission to Develop

There were no items on the agenda to which the public had expressed an interest to speak during the public speaking session on the agenda. The Committee, therefore, proceeded to discuss the items as set out on the agenda.

589/05 **Item No. 1 – 04/2385/FL/W1 – Erection of 137 no. dwellings together with all associated road and sewer works at Henry Squire and Sons Limited, Lichfield Road, New Invention, Walsall – KingsOak West Midlands**

Members discussed the application in detail and Councillor Bentley expressed some concern in respect of various elements of the development which he felt Officers should further discuss with the developers prior to a decision being made on the application.

Councillor Bentley suggested that Officers should seek to negotiate with the developers in respect of the installation of electronic gates to the development and also to look at the stonework around the 2 smaller buildings referred to on the plan. He also suggested that they should be requested to consider erecting a brick wall along part of the perimeter of the development where the 2 car parks abutt open space to the rear to secure a more long-term fencing solution than the proposed close board fencing.

Councillor Bentley **moved** and it was duly **seconded** by Councillor Cook:-

That determination of planning application no. 04/2385/FL/W1 be delegated to the Head of Planning and Transportation, subject to further negotiations with the developers in respect of the issues raised by Councillor Bentley.

The motion, having been put to the vote, was declared **carried** with 10 members voting in favour and 4 against

Resolved

That planning determination of application no. 04/2385/FL/W1 be delegated to the Head of Planning and Transportation, subject to further negotiations with the developers in respect of the issues raised by Councillor Bentley.

590/05 **Item No. 2 – 04/1304/OL/W2 – Outline: residential development involving the retention and conversation of some factory units and demolition of other factory units at land between Moat Street to Wood Street, Willenhall – Mr. P.E. Jackson**

Mr. Scrivens (Planning Officer) outlined the background to the report and members proceeded to discuss the application in detail.

Some Members expressed concern about the pollution emissions from the nearby factory.

The Environmental Health Officer advised the Committee of the controls which are applied under the Environmental Protection Act to govern air pollution.

Members considered the application further and Councillor Underhill **moved** and it was duly **seconded** by Councillor Madeley; -

That planning application no. 04/1304/OL/W2
be granted, subject to the conditions set out
in the report now submitted.

The motion, having been put to the vote, was declared **carried**; with 12 Members voting in favour and 3 against.

Resolved

That planning application no. 04/1304/OL/W2 be granted, subject to the conditions set out in the report now submitted.

591/05 **Item No. 3 – 04/1662/OL/E2 – Outline: demolition of existing church and erection of 6 no. dwelling houses (siting and means of access) at Brownhills West Methodist Church, Severn Road, Brownhills, Walsall – Brownhills and Pelsall Methodist Circuit**

Mr. Hickson (Planning Officer) advised the Committee of the background to the report.

Members considered the application in detail and Councillor Madeley **moved** and it was duly **seconded** by Councillor Mrs. Micklewright:-

That planning application no. 04/1662/OL/E2
be granted, subject to the conditions set out
in the report now submitted, together with a
Section 106 Agreement and that Officers
negotiate further with the applicant with a
view to enhanced boundary treatment of the
site.

The motion, having been put to the vote, was declared **carried**; with 16 members voting in favour and none against.

Resolved

That planning application no. 04/1662/OL/E2 be granted, subject to the conditions set out in the report now submitted, together with a Section 106 Agreement and that Officers negotiate further with the applicant with a view to enhanced boundary treatment of the site.

- 592/05 **Item No. 4 – 04/2708/FL/E6 – 4 two bed apartments, 1 three bedroom duplex, 1 three bed end terrace at 37 Fishley Lane, Bloxwich, Walsall – M & T Homes Limited**

The Chairman advised the Committee that this item had been withdrawn from the agenda.

- 593/05 **Item No. 5 – 04/2664/FL/H4 - Two-storey side, single-storey front and rear extensions including raising roof at 141 Broadway North, Walsall – Mr. Dhanda**

Prior to the consideration of this item, councillor Rose Martin left the meeting and took no part in the discussions or voting in respect of this application.

The Planning Officer (Mr. Hickson) advised the Committee of the background to the report.

Members discussed the application in detail and Councillor Rochelle **moved** and it was duly **seconded** by Councillor Anson:-

That planning application no. 04/2664/FL/H4
be granted, subject to the conditions set out
in the report now submitted.

The motion, having been put to the vote, was declared **carried**; with 11 members voting in favour and 3 against.

Resolved

That planning application no. 04/2664/FL/H4 be granted, subject to the conditions set out in the report now submitted.

- 594/05 **76 Buchanan Road, Walsall**

The report of the Head of Planning and Transportation was submitted:-

(see annexed)

The Committee considered the report setting out details of the 2 breaches of planning control at this property and the request for enforcement action being taken to resolve the matter.

Resolved (Unanimously)

- (1) That the Head of Legal Services, in consultation with the Head of Planning and Transportation, be authorised to issue a requisition for information and enforcement notice in respect of the breaches of planning control encompassing the erection of first floor extension to side and rear with compliance with planning permission 03/0298/FL/81 and the raising of ground floor levels and construction of a rear patio; the reasons for enforcement action being that:-
 - (a) the pitch and design of the roof to the extension is not compatible with the original house and the character of the surrounding houses. The extension, therefore, stands out unduly from the house and the resulting appearance of the extended house is out-of-keeping with the surrounding area. The extension is, therefore, contrary to Policy 3.6 of Walsall's Unitary Development Plan and Policy GP2 and ENV34 in the Walsall Unitary Development Plan Review – Revised Deposit Draft Plan – March 2002;
 - (b) the raising of ground levels and the concreting of this to construct a rear patio has resulted in serious overlooking and loss of privacy for the rear gardens of the dwelling adjoining to either side of 76 Buchanan Road.. These raised levels and patio area are, therefore, contrary to policy 3.7 in the Walsall Unitary Development Plan and Policy GP2 and ENV34 in the Unitary Development Plan Review – Revised Deposit Draft Plan – March 2002;
 - (c) The steps required to remedy the breach are:-
 - the reconstruction of the roof to conform with the plans approved as part of planning permission no. 03/0298/FL/H1;
 - the breaking-up of the concrete patio and digging away the underlying rubble and earth so as to expose the previous ground levels;
 - the removal of all resultant material from the site;
 - (d) The period for compliance being 3 months from when the notice takes effect;
- (2) That the decision as to the institution of legal proceedings in the event of non-compliance with the notice or the non-return of the RFI's be delegated to the Head of Legal Services in consultation with the Head of Planning and Transportation;

- (3) That the Head of Legal Services be delegated the authority to amend and add to or delete from the wording set out in the resolution above stating the nature of the breach(es), the reason(s) for taking enforcement action, the requirement(s) of the notices or the boundaries of the site.

595/05 **43 Wenlock Gardens, Walsall**

The report of the Head of Planning and Transportation was submitted:-

(see annexed)

Members considered the report in detail and it was:-

Resolved (Unanimously)

- (1) That the Head of Legal Services be authorised to issue under the Town and Country Planning Act, 1990, a Requisition for Information under Section 330 and an 'untidy land' notice under Section 215;
- (2) That the Head of Legal Services be delegated the authority to commence prosecution proceedings in the event that the Requisition for Information or the notice under Section 215 is not complied with;
- (3) That the Head of Planning and Transportation, in consultation with the Head of Legal Services, be authorised to amend, add or delete from the wording set out below, stating the requirement(s) of the Notice or identifying the boundaries of the site;
- (4) That the requirements of the Section 215 Notice are that within 28 days:-
 - weeds be removed and cut back overgrown vegetation to a height of 50mm above ground level or less to the front and rear garden areas and remove debris from the site;
 - remove tree stumps from front garden, fill in the holes and dispose;
 - remove rubbish and debris from front and rear gardens, including scattered slabs, concrete posts, building debris and litter;
 - remove dislodged boarding to ground floor window and paint all boarding boards to front and rear windows in black colour;
 - replace missing, broken and slipped tiles hanging to front elevation to match existing satisfactory tiles in size, colour and texture;
 - paint or re-stain front door.

596/05 **Presentation – Update of Improvements on the Tidy Sites on Arterial Routes**

The Committee welcomed two members of the Enforcement Team who gave a presentation in respect of the 47 sites on which the Committee had imposed Section 215 Notices being served in the event of the sites not being tidied to the satisfaction of the Local Authority.

The Enforcement Team advised the Committee that 31 of the sites identified by the Committee had now been tidied to the Authority's satisfaction, that 8 sites were still being pursued with the owners and that another 8 sites had been ear-marked for formal action being taken against the owners.

The PowerPoint presentation allowed Members to see the sites before they had been enforced against and the sites following the clean up. Members expressed their thanks to the Enforcement Team for a job well done.

Members said that a number of comments had been made from members of the public about a number of the sites and the improved conditions they were now in following the intervention of the Enforcement Team.

The Enforcement Officers advised Members that, if there were any other sites within the Borough that they had identified which required further tidying up, those could be brought to the Enforcement Team's attention so that action could be taken as soon as possible.

597/05 **Termination of Meeting**

There being no further business, the meeting terminated at 7.15 p.m.

Chairman:

Date: