

DEVELOPMENT CONTROL COMMITTEE

Tuesday 17th July, 2007 at 5.30 p.m.

In the Council Chamber at the Council House Walsall

Present

Councillor Mike Bird (Chairman)
Councillor Dennis Anson
Councillor Clive Ault
Councillor Paul Bott
Councillor Brian Douglas- Maul
Councillor Michael Flower
Councillor Louise Harrison
Councillor Peter Hughes
Councillor Bill Madeley
Councillor Cath Micklewright
Councillor Jon Phillips
Councillor John Rochelle
Councillor Doreen Shires
Surrounding

1466/07 Apologies

Apologies for non-attendance were submitted on behalf of Councillors McCracken, Sanders, Turner, Underhill and Yasin.

1467/07 Minutes

Resolved

That the minutes of the meeting held on 25th June, 2007, 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 Councillor Madeley being added to the list of Councillors who submitted their apology.

1468/07 Declaration of Interest

A personal and prejudicial interest was declared by Councillor Bott in respect of Agenda Item No. 8 (Darlington Street Mast) and item no. 1 on the Planning Applications list (02/2122/FL00L/M1 – Former Moxley Tip, Moxley Road, Darlaston).

1469 /07 **Deputations and Petitions**

Councillor Arif introduced Mr Lovett who wished to speak on the Junction 9 enforcement report, which was Agenda Item No. 5 on the agenda.

Mr Lovett conveyed his objections including environmental and vehicle impact on the area to the Committee in relation to the Junction 9 Accommodations enforcement report on the agenda.

1470 /07 **Late Items**

There were no late items introduced at this meeting.

1471/07 **Junction 9 Accommodation - Change of use to Houses in Multiple Occupation and Flats**

The Report of the Head of Planning and Building Control was submitted.

(see annexed)

The Committee received a lengthy brief on the item from both the Planning Officer and Enforcement Officer, as well as receiving relevant legal advice from the Committee's Solicitor.

Following questions from members in relation to how many properties this application impacted upon and how other Authorities had dealt with similar cases as this, it was: -

Resolved that: -

- a) authority be delegated to Assistant Director – Legal and Constitutional Services and the Head of Planning and Building Control for the issuing of Requisitions for Information and Enforcement Notices if required at 13 sites across the Borough as detailed in the report now submitted;
- b) 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;
- c) 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, the requirement(s) of the Notice, or the boundaries of the site for each of the properties identified within the report now submitted.

1472/07 **88 Manor Road, Streetly**

The Report of the Head of Planning and Building Control was submitted.

(see annexed)

Resolved that: -

- a) authority be granted for the issuing of an enforcement notice under the Town and Country Planning Act 1990 (As Amended), and requisitions for information notices as set out in the report now submitted, to the Head of Planning and Building Control and the Assistant Head of Legal and Constitutional Services;
- b) To authorise that the decision as to the institution of legal proceedings, in the event of non-compliance with the Notice or the non-return of Requisitions for Information, be delegated to the Assistant Director - Legal and Constitutional Services;
- c) That, in the interests of ensuring an accurate and up to date notice is served, authority be delegated to the Assistant Director - Legal and Constitutional Services in consultation with the Head of Planning and Building Control to amend, add to, or delete from the wording set out in the report now submitted 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.

1473/07 **98 Delves Road, Walsall**

The Report of the Head of Planning and Building Control was submitted.

(see annexed)

Resolved that: -

- a) authority be granted for the issuing of an enforcement notice under the Town and Country Planning Act 1990 (As Amended), and requisitions for information notices as set out in the report now submitted, to the Head of Planning and Building Control and the Assistant Head of Legal and Constitutional Services;
- b) To authorise that the decision as to the institution of legal proceedings, in the event of non-compliance with the Notice or the non-return of Requisitions for Information, be delegated to the Assistant Director - Legal and Constitutional Services;
- c) That, in the interests of ensuring an accurate and up to date notice is served, authority be delegated to the Assistant Director - Legal and Constitutional Services in consultation with the Head of Planning and Building Control to amend, add to, or delete from the wording set out in the report now submitted 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.

1474/07 Telecommunications Installation – Darlington Street, Darlaston

The Report of the Head of Planning and Building Control was submitted.

(see annexed)

Resolved that: -

- a) the report be noted;
- b) a report be brought back to a future meeting of the Committee, only if the current situation with the mast changes significantly.

Councillor Bott declared a prejudicial interest in this item and left the room during its consideration and therefore did not vote.

1475/07 Confirmation of Tree Preservation Order No. 3 of 2007 on land at 93 - 97 Mulberry Road, Walsall, WS3 2NU

The Report of the Head of Regeneration was submitted.

(see annexed)

Resolved that: -

- a) Walsall Tree Preservation Order No. 3 of 2007 be confirmed in a modified form, as detailed within the report now submitted;
- b) the reasons for making the Tree Preservation Order, as detailed within the report now submitted, be supported;
- c) the Committee notes that one representation had been received in respect of this Tree Preservation Order.

1476/07 Confirmation of Tree Preservation Order No. 7 of 2007 on land at Stafford Road, Bloxwich, Walsall, WS3 3PA, including land at Sanstone Road and Baslow Road

The Report of the Head of Regeneration was submitted.

(see annexed)

Resolved that: -

- a) Walsall Tree Preservation Order No. 7 of 2007 be confirmed in a modified form, as detailed within the report now submitted;
- b) the reasons for making the Tree Preservation Order, as detailed within the report now submitted, be supported;

- c) the Committee notes that one representation had been received in respect of this Tree Preservation Order.

1477/07 Confirmation of Tree Preservation Order No. 8 of 2007 on land at 3 - 9 Woodlands Avenue, Walsall, WS5 3LN

The Report of the Head of Regeneration was submitted.

(see annexed)

Resolved that: -

- a) Walsall Tree Preservation Order No. 8 of 2007 be confirmed in a modified form, as detailed within the report now submitted;
- b) b) the reasons for making the Tree Preservation Order, as detailed within the report now submitted, be supported;
- c) the Committee notes that no representation had been received in respect of this Tree Preservation Order.

1478/07 Section 106 Annual Update Report 2006/07

The report of the Head of Planning and Building Control was submitted.

(see annexed)

The Committee thanked the planning officers for the extensive report which the Head of Planning and Building Control indicated that he wished to bring to Committee on a quarterly basis.

Resolved that: -

- a) the report be noted;
- b) it be recommended that the Cabinet endorse the future funding of the Monitoring Officer post from payments made by developers as part of the administrative costs for completing an agreement, the suitable level of which is to be determined by the Planning Department.

1479/07 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 to deal with the items on the agenda where the members of the public had previously indicated that they wished to address the Committee.

At this juncture in the meeting, the Chair informed the Committee that Item No. 4 – 07/0773/OL/E11 had been withdrawn from the agenda at the applicant's request.

1480/07 **Item No. 2 - 06/2202/FL/W2 - Refurbishment of existing retail building involving external alterations to means of access and revised car park layout at Willenhall Neighbourhood Centre, c/o Armstrong Way and Owen Road, Willenhall**

The Planning Officer advised the Committee of the background to the report and advised members of additional information contained within the supplementary paper.

The Committee welcomed the speaker on this application, Mr S Arnold, who wished to speak in support of the application.

Mr Arnold, the agent for the applicant, informed the Committee that his client took health and safety very seriously and the application had been designed with this in mind. The car park layout was more than adequate and met Government standards. Mr Arnold went on to request that the Committee approve the application as this would be a good facility for the area and would create many jobs for local people.

There then followed a period of questioning by Members in relation to public footpaths surrounding the site, an historical right of way nearby and if a car park speed limit was proposed.

The Committee proceeded to discuss the application in detail.

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

That planning application no. 06/2202/FL/W2 be approved subject to the conditions as contained within the report and supplementary paper now submitted and subject to two additional conditions requiring the submission of satisfactory details of an amended tracking and heavy goods vehicle access and that the car park speed limit being limited to 5mph.

The motion, having been put to the vote, was declared **carried**; with Members voting unanimously in favour of granting planning permission.

Resolved

That planning application no. 06/2202/FL/W2 be approved subject to the conditions as contained within the report and supplementary paper now submitted and subject to two additional conditions requiring the submission of satisfactory details of an amended tracking and heavy goods vehicle access and that the car park speed limit being limited to 5mph.

1481/07 **Item No. 3 - 07/0315/FL/W2 - Retrospective change of use Tanners Court into hostel for teenage parents and change of use of 2 flats into offices (flats 11 and 12, 44 Glebe Street) to provide support for the hostel at Glebe Street**

The Planning Officer advised the Committee of the background to the report and advised members of additional information contained within the supplementary paper.

The Committee welcomed the first speaker on this application, Mr W Ahmed, who wished to address the Committee in objection to the application.

Mr Ahmed stated that he lived adjacent to the development and was speaking on his behalf and that of local residents. Mr Ahmed informed the Committee that the current use of the site had been responsible for crime, drug, ASB, prostitution and nuisance problems for local residents for the last ten years. During this time, he felt that Caldmore Housing had done little to address the issues and help alleviate the problems being experienced by local residents. He also stated that this was a retrospective application the use of the facility had changed over ten months ago and no consultation had been undertaken with local residents. Furthermore, Mr Ahmed felt that this development had an adverse impact upon local residents by way of noise, nuisance and disturbance, loss of privacy and parking problems in the vicinity of the site.

The Committee then welcomed the second speaker on this application, Councillor Arif, who also wished to address the Committee in objection to the application.

Councillor Arif reiterated and endorsed many of the concerns expressed by Mr Ahmed. In addition, Councillor Arif reported that the application was only before the Committee because of pressure from residents. Councillor Arif requested that the Committee be consistent in determining such applications as the effect this development had on local residents was unacceptable.

The Committee then welcomed the third speaker on this application, Mrs J Blake, who wished to address the Committee in support of the application.

Mrs Blake, from Caldmore Housing, informed the Committee of the needs for such a development in the area and what facilities and support were offered to the tenants, who would predominantly be young mothers. Mrs Blake stated that Caldmore Housing took full responsibility for not submitting an application at the appropriate time, however she informed the Committee that this was due to errors on the part of employees of the Association. In closing, Mrs Blake reported that neither Caldmore Housing or the police had received any complaints of the nature referred to by Mr Ahmed within the last twelve months.

The Committee then welcomed the final speaker on this application, Mrs S Chester, who also wished to address the Committee in support of the application.

Mrs Chester, also from Caldmore Housing, endorsed much of what Mrs Blake had conveyed to the Committee. Mrs Chester, however, went on to focus more on the operational matters proposed by the application. As a manager of such a facility for the past 16 years of her working life, Mrs Chester advised members of how the facility would be managed and the benefits it had for the young mothers at the facility.

There then followed a period of questioning by Members in relation to hours of operation, rules of tenancy, staff support, ASB in the area, visiting rules, complaints made / received in the past twelve months, what would happen if the application was to be refused, why planning permission was not originally sought and fire safety concerns.

The Committee proceeded to discuss the application in detail.

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

That planning application no. 07/0315/FL/W2 be approved subject to the conditions as contained within the report and supplementary paper now submitted.

The motion, having been put to the vote, was declared **carried**; with 7 Members voting in favour of granting planning permission and 2 against.

Resolved

That planning application no. 07/0315/FL/W2 be approved subject to the conditions as contained within the report and supplementary paper now submitted.

Councillor Bird wished to have his name recorded as having voted against the resolution.

1482/07 **Item No. 7 - 07/1071/FL/W6 - To build a new high wall and gates to Lincoln Road elevation of foundry site at Chamberlain & Hill Plc., Chuckery Road**

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

The Committee welcomed the first speaker on this application, Councillor Martin, who wished to address the Committee in objection to the application.

Councillor Martin addressed the Committee on behalf of local residents. Councillor Martin reported that the proposed development, and the traffic it generated from the lorries, of which up to 15 per day access the site, would have an adverse impact upon the traffic situation in the area as she felt that the distribution area was not adequate for lorries to manoeuvre. Furthermore, the change from two access points to one would exacerbate current problems experienced by residents in the vicinity of the site which was also unacceptable when the development was close to a school raising road safety concerns for pupils at that school. Councillor Martin also stated that the amenities currently enjoyed by local residents would be severely affected if permission were to be granted. In closing, she informed the Committee that she felt that the development was contrary to various guidelines including 7.1 and 7.2 of the PPG.

The Committee then welcomed the final speaker on this application, Mr H Griffiths, who also wished to address the Committee in objection to the application.

Mr Griffiths informed the Committee that the impact upon the amenity of local residents would be such that it would dominate their outlook, would be incongruous on the street scene and would be too high and overbearing. Mr Griffiths referred to a previous rejection by the Committee to a similar application some years ago. He went on to explain that vehicle emissions were extremely high in the area and health concerns needed to be taken into account when considering the application. Mr Griffiths felt that, if the proposed wall was erected, this was likely to exacerbate current problems with noise and dust. In closing Mr Griffiths also endorsed Councillor Martin's feelings regarding the application being in contradiction to various PPG's.

After representation from the Highways and Environmental Health Officers, there followed a period of questioning by Members in relation to the visual impact of the development, the location of the adjacent dwellings in relation to the development, how the entrance / egress to the site would operate, enforcement powers should any of the conditions be breached and noise and disturbance issues.

The Committee proceeded to discuss the application in detail.

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

That planning application no. 07/1071/FL/W6 be approved subject to the conditions as contained within the report and supplementary papers now submitted.

The motion, having been put to the vote, was declared **carried**; with 9 Members voting in favour of granting planning permission and 2 against.

Resolved

That planning application no. 07/1071/FL/W6 be approved subject to the conditions as contained within the report and supplementary papers now submitted.

- 1483/07 **Item No. 1 - 02/2122/FL-OL/M1 - Reclamation strategy (detail) to secure development for informal recreational use and housing (outline) at former Moxley Tip, Moxley Road, Darlaston**

Resolved (unanimously)

That planning application no. 02/2122/FL-OL/M1 be approved subject to the conditions as contained within the report now submitted.

Councillor Bott declared a prejudicial interest in this item and left the room during its consideration and therefore did not vote.

- 1484/07 **Item No. 5 - 07/0867/FL/E8 - Substitution of houses types to plots 22 to 29, including repositioning of plots 22 to 29. Existing planning permission ref: 05/1615/FL/E8 at land at Blakenall Heath and Victoria Avenue, Walsall**

Resolved (unanimously)

That planning application no. 07/0867/FL/E8 be approved subject to the conditions as contained within the report now submitted.

- 1485/07 **Item No. 6 - 07/0885/FL/W3 - Refurbish 15 & 17 Selborne Street. Change of use of 19 to form 3 dwellings. Demolition of rear part of factory and replacement by 4 dwellings at 15 - 19 Selborne Street, Chuckery, Walsall**

Resolved (unanimously)

That planning application no. 07/0885/FL/W3 be approved subject to the conditions as contained within the report now submitted.

Termination of Meeting

There being no further business, the meeting terminated at 7.30pm.

Signed:

Date: