

DEVELOPMENT CONTROL COMMITTEE

Tuesday, 9 December, 2008 at 5.30 p.m.

In the Council Chamber at the Council House Walsall

Present

Councillor Bird (Chairman)
Councillor Rochelle (Vice-Chairman)
Councillor Ault
Councillor Beeley
Councillor Cook
Councillor Douglas-Maul
Councillor P. Hughes
Councillor Madeley
Councillor Munir
Councillor M.G. Pitt
Councillor Robertson
Councillor Sarohi
Councillor Turner
Councillor Underhill

Prior to the business being conducted, Members held a one minutes silence to pay their respects to Councillor Micklewright, a former member of the Committee who had recently passed away.

1945/08 Apologies

Apologies for non attendance were received on behalf of Councillors Arif, Ali, Barton, P. Bott and Flower.

1946/08 Minutes

Resolved

That the minutes of the meeting held on 18 November, 2008, a copy having been previously circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

1947/08 Declarations of Interest

Councillor Madeley declared:-

A prejudicial interest in item 5 relating to Kinky Boots Cabaret Bar as he had fettered his discretion prior to the meeting.

A prejudicial interest in item 2 of the plans list relating Land Adjacent The Old Hall Public House as he was part of the regeneration group;

A prejudicial interest in item 7 of the plans list relating to and The Substation, Park Lane as he was part of the regeneration group.

Councillor Beeley declared:-

A prejudicial interest in item 1 of the plans list as he was a member of New Deal.

Councillor Robertson also declared:-

A personal interest in item 1 of the plans list as he was a Director of New Deal.

At this juncture, the Chair reported that item 2 on the plans list had been withdrawn.

1948/08 **Deputations and Petitions**

There were no deputations received or petitions submitted.

1949/08 **Adverts at Kinky Boots Cabaret Bar – 3 Walsall Road, Darlaston**

The Clerk advised members of the background to the report and drew members attention to the supplementary paper circulated at the meeting.

There then followed a period of questioning by members in relation to the number of complaints received regarding the advertisements and the exact reasons for undertaking enforcement action.

In response, Officers stated that there had been one or two complaints submitted before the first report was considered. A further three representations had been received since the revised report was produced, and details appear in the Supplementary paper. Enforcement action was being recommended due to the size, location and visual impact of the signs, and their content, (partly clad figures), should be disregarded in making this decision.

Members considered the report and Councillor Rochelle **moved** and it was duly **seconded** by Councillor Cook:-

- (1) That minute number 1589/07 be rescinded;
- (2) That the Assistant Director – Legal and Constitutional Services be authorised to instigate legal proceedings to prosecute the owner(s) and/or occupier(s) and other relevant persons, Under Section 224 of the Town and Country Planning Act 1990, in respect of displaying advertisements without the consent required under the Town and Country Planning (Control of Advertisements) Regulations 2007;
- (3) That the decision as to the institution of legal proceedings, in the event of the non-return of Requisitions for Information, or Planning Contravention Notices, be delegated to the Assistant Director – Legal and Constitutional Services, in consultation with the Head of Planning and Building Control.

The motion having been put to the vote, was declared **carried**, with 8 members voting in favour and 5 against.

Resolved (8 in favour and 5 against)

- (1) That minute number 1589/07 be rescinded;
- (2) That the Assistant Director – Legal and Constitutional Services be authorised to instigate legal proceedings to prosecute the owner(s) and/or occupier(s) and other relevant persons, Under Section 224 of the Town and Country Planning Act 1990, in respect of displaying advertisements without the consent required under the Town and Country Planning (Control of Advertisements) Regulations 2007;
- (3) That the decision as to the institution of legal proceedings, in the event of the non-return of Requisitions for Information, or Planning Contravention Notices, be delegated to the Assistant Director – Legal and Constitutional Services, in consultation with the Head of Planning and Building Control.

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

1950/08 Confirmation of Tree Preservation Order 29 of 2008 – Land at 52 Winterley Lane, Walsall

Resolved

- (1) That Walsall Tree Preservation Order No. 29 of 2008 be confirmed in an un-modified form;
- (2) That the reasons for the making of the Tree Preservation Order, as detailed in paragraph 1.1 in the report detail, be supported;

- (3) That it be noted that one representation had been received in respect of the Tree Preservation Order.

1951/08 **Serving of Tree Preservation Order 35 of 2008 – Land at Glenelg Mews, Walsall**

Resolved

- (1) That the making of Tree Preservation Order 35 of 2008 be authorised;
- (2) That the reasons for making the Order, as detailed in paragraph 2 of the report now submitted, be supported.

1952/08 **Serving of Tree Preservation Order 37 of 2008 – Land at former Clothier Street Primary School, Harry Perks Street**

Resolved

- (1) That the making of Tree Preservation Order 37 of 2008 be authorised;
- (2) That the reasons for making the Order, as detailed in paragraph 2 of the report now submitted, be supported.

1953/08 **Serving of Tree Preservation Order 39 of 2008 – Land at 106 Lichfield Road, Walsall, Bloxwich**

Resolved

- (1) That the making of Tree Preservation Order 39 of 2008 be authorised;
- (2) That the reasons for making the Order, as detailed in paragraph 2 of the report now submitted, be supported.

1954/08 **Serving of Tree Preservation Order 48 of 2008 – Land at former Beechdale County Primary School, Remington Road, Walsall**

Resolved

- (1) That the making of Tree Preservation Order 48 of 2008 be authorised;
- (2) That the reasons for making the Order, as detailed in paragraph 2 of the report now submitted, be supported.

1955/08 **Serving of Tree Preservation Order 49 of 2008 – Land at Stafford Road, Bloxwich and Frances Drive, Walsall**

Resolved

- (1) That the making of Tree Preservation Order 49 of 2008 be authorised;
- (2) That the reasons for making the Order, as detailed in paragraph 2 of the report now submitted, be supported.

1956/08 **Shire Oak Public House Car Park, 261 Lichfield Road, Walsall Wood**

Resolved (13 in favour and none against)

- (1) That 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 2.2 and 2.3 to the Head of Planning and Building Control and the Assistant Head of Legal and Constitutional Services be authorised;
- (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 Requisitions for Information, authority be delegated to the Assistant Director – Legal and Constitutional Services;
- (3) That in the interests of ensuring an accurate and up to date notice is served, delegation 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 paragraph 2.3 of 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 be authorised.

1957/08 **Junction 9 Accommodation 10,11,12 Pinfold Street – erection of a two storey building used for residential accommodation**

The Planning Officer advised the committee of the background to the report and drew members attention to the supplementary paper now circulated. Each point within the supplementary paper was detailed by the Officer to ensure committee were aware of all the fact before them.

Members considered the report and Councillor Rochelle **moved** and it was duly **seconded** by Councillor Pitt:-

- (1) That 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 2.2 and 2.3 to the Head of

Planning and Building Control and the Assistant Head of Legal and Constitutional Services be authorised;

- (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 Requisitions for Information, authority be delegated to the Assistant Director – Legal and Constitutional Services;
- (3) That in the interests of ensuring an accurate and up to date notice is served, delegation 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 paragraph 2.3 of 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 be authorised.

The motion having been put to the vote, was declared **carried**, with 13 members voting in favour of the motion and none against.

Resolved (13 in favour and none against)

- (1) That 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 2.2 and 2.3 to the Head of Planning and Building Control and the Assistant Head of Legal and Constitutional Services be authorised;
- (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 Requisitions for Information, authority be delegated to the Assistant Director – Legal and Constitutional Services;
- (3) That in the interests of ensuring an accurate and up to date notice is served, delegation 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 paragraph 2.3 of 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 be authorised.

1958/08 81 Forrester Street, Walsall

The Planning Officer advised the committee of the background to the report and drew Members attention to the additional information as contained in the supplementary paper.

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

- (1) That members note the progress to date in issuing Enforcement Notices as described in section 12 of the report now submitted;
- (2) That the Assistant Director – Legal and Constitutional Services, in consultation with the Head of Planning and Building Control, be authorised to issue Enforcement Notices as set out in 2.4 of the report now submitted;
- (3) 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;
- (4) That in the interests of ensuring an accurate and up to date notice is served, delegation 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 paragraph 2.4 of 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 be authorised.

The motion having been put to the vote, was declared **carried**, with 11 members voting in favour of the motion and none against.

Resolved (11 in favour and none against)

- (1) That members note the progress to date in issuing Enforcement Notices as described in section 12 of the report now submitted;
- (2) That the Assistant Director – Legal and Constitutional Services, in consultation with the Head of Planning and Building Control, be authorised to issue Enforcement Notices as set out in 2.4 of the report now submitted;
- (3) 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;
- (4) That in the interests of ensuring an accurate and up to date notice is served, delegation 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 paragraph 2.4 of 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 be authorised.

Councillor Douglas-Maul left the meeting during consideration of this item and did not take part or vote.

1959/08 Late Item: Barr Beacon Car Wash, Beacon Road / Moreton Avenue

The Chair informed the Committee of a late item for consideration regarding Barr Beacon Car Wash, Beacon Road / Moreton Avenue.

It was noted that the report was urgent as it sought authority to apply to the civil court for an injunction under section 187B of the Town and Country Planning Act 1990. Urgent action was required to secure compliance with the enforcement notice and resolve the continuing adverse impact of the site on the area.

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

That the Assistant Director – Legal and Constitutional Services be authorised to seek an injunction under section 187B of the Town and Country Planning Act 1990, to prevent use of the site as a car wash, as set out in the enforcement notice dated 22 March 2007.

The motion having been put to a vote was declared carried, with 12 members voting in favour and none against.

Resolved (12 members voting in favour and none against)

That the Assistant Director – Legal and Constitutional Services be authorised to seek an injunction under section 187B of the Town and Country Planning Act 1990, to prevent use of the site as a car wash, as set out in the enforcement notice dated 22 March 2007.

Councillor Douglas-Maul was not in the room during consideration and deliberation of this item and so did not take part or vote.

1960/08 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.

Further to Minute 1947/08 the Chair reiterated that item 2 on the plans list had been withdrawn.

1961/08 **Item No. 1 - 08/1470/FL – replacement Stan Ball Centre and new office building to meet specialist local service provision together with demolition of 15 Abbotts Street to create widened access to the site at The Stan Ball Centre, Abbotts Street, Walsall**

The Planning Officer 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 on this application Mr Rowlands, who spoke in support of the application.

The Committee then welcomed the second speaker on this item Mr Gratton, who also wished to speak in support of the application.

There then followed a period of questioning by Members in relation to the provision of fencing to safeguard the amenity of local residents, the provision of parking and the limitations of public transport in the area.

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

That planning application No. **08/1470/FL** be delegated to officers to determine and add to or amend conditions as contained within the report and supplementary paper once information has been assessed and is considered satisfactory.

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

Resolved (Unanimously)

That planning application No. **08/1470/FL** be delegated to officers to determine and add to or amend conditions as contained within the report and supplementary paper once information has been assessed and is considered satisfactory.

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

Councillor Douglas-Maul was not in the room during consideration and deliberation of this item and so did not take part or vote.

1962/08 **Item No. 3 - 08/1043/FL – erection of 22x2 bedroom apartments with associated parking spaces, access and landscaping for former St. John's School and no. 11 Lichfield Road, Walsall Wood, Walsall**

The Planning Officer advised the Committee of the background to the report and drew members attention to the additional information as contained in the supplementary paper now circulated

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

There then followed a period of questioning by members in relation to the proposed timescales for implementation.

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

That planning application No. **08/1043/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted.

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

Resolved (Unanimously)

That planning application No. **08/1043/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted.

Councillor Douglas Maul having re-entered the room during deliberation of this item did not take part or vote.

1963/08 **Item No. 4 - 05/2230/CE/E4 – certificate of lawful existing use for erection of dwelling house at 34 Gould Firm Lane, Walsall**

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

The Committee then welcomed Mrs. Evans, who spoke in support of the application.

There then followed a period of questioning by Members in relation to the legal status of the site and whether or not the structure was, in law, classed as a caravan or a building.

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

That the application for the certificate of lawful existing use for erection of a dwelling house reference **05/2230/CE/E4** be refused.

The motion having been put to the vote, was declared **carried**, with 12 members in favour and none against.

Resolved (12 in favour and none against)

That the application for the certificate of lawful existing use for erection of a dwelling house reference **05/2230/CE/E4** be refused.

- 1964/08 **Item No. 5 - 08/1712/FL – Erection of two wooden shelters to the northern side of the bowling green, for use by players in inclement weather at Streetly Sports Club, Briar Avenue, Streetly**

Resolved (13 in favour and none against)

That planning application No. **08/1712/FL** be approved subject to the conditions as contained in the report now submitted.

- 1965/08 **Item No. 6 - 08/1641/FL – single storey rear extension and internal alterations to shop at 79-81, provision of 6 parking spaces to the rear, new pedestrian access to flat above 81 and new enclosed amenity space for flats above 77, 79 and 81 at 77-81 Collingwood Drive, Walsall**

Resolved (unanimously)

That planning application No. **08/1641/FL** be delegated to Officers to issue consent on expiry of additional public participation period subject to no new issues being raised, and subject to conditions based on those as set out in the report now submitted.

- 1966/08 **Item No. 7 - 08/1526/AD – display of illuminated neon sign and non-illuminated fascia and projecting sign at the Substation, Park Lane, Wednesbury**

The Planning Officer advised the Committee of the background to the report following a request by Committee and drew members' attention to the supplementary paper.

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

That permission be granted to display all of the signs applied for.

The motion having been put to the vote was declared **carried**, with 8 members voting in favour and 5 against.

Resolved

That permission be granted to display all of the signs applied for.

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

1967/08 **Item No. 8 - 08/1621/FL – new conservatory extension to existing club house at 110 Thornhill Road, Sutton Coldfield**

Resolved (8 in favour and 5 against)

- i) That planning application No. **08/1621/FL** be delegated to Officers to approve, subject to the receipt of a satisfactory tree survey, as the conservatory would improve the amenity of the golf club and fit in with the modern design of the building.
- ii) That the matter be brought back to Committee should the results of the tree survey be unsatisfactory.

Councillors Underhill and Robertson left the meeting during deliberation of this item and did not return.

1968/08 **Item No. 9 - 08/1410/FL – retrospective: change of use of part of land off Brewers Drive, to park one heavy goods vehicle (for personal use) for 45 hours per week, on Friday PM, Saturdays and Sundays.**

Resolved

- (1) That planning application No. **08/1410/FL** be refused permission;
- (2) That authority be delegated to the Head of Planning and Building Control and the Assistant Director – Legal and Constitutional Services for the service of Requisitions for Information notices and Enforcement notice(s).

- (4) 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, authority be delegated to the Assistant Director – Legal and Constitutional Services;
- (5) That in the interests of ensuring an accurate and up to date notice is served, delegation 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 be authorised.

Councillor Ault requested that his name be recorded as having abstained from voting on this item.

1969/08 **Item 2 – 08/1654/FL – Erection of 60 flats for elderly persons and 5 family houses at Land Adj, The Old Hall PH, Churchill Road, Walsall**

This item had been withdrawn from the Agenda. See Minute numbers 1947/08 and 1960/08 above.

Termination of meeting

There being no further business the meeting terminated at 7.50 p.m.

Signed:

Date: