

DEVELOPMENT CONTROL COMMITTEE

Tuesday, 28th October, 2008 at 5.30 p.m.

In the Council Chamber at the Council House Walsall

Present

Councillor Bird (Chair)
Councillor Rochelle (Vice-Chairman)
Councillor Arif (arrived at 5.40 p.m.)
Councillor Ault
Councillor Beeley (arrived at 5.40 p.m.)
Councillor Cook
Councillor Douglas-Maul
Councillor P. Hughes
Councillor Madeley (arrived at 5.55 p.m.)
Councillor Micklewright
Councillor Munir
Councillor M.G. Pitt
Councillor Robertson
Councillor Sarohi
Councillor Turner (arrived at 5.45 p.m.)

1895/08 Apologies

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

1896/08 Minutes

Resolved

That the minutes of the meeting held on 7th October, 2008, 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 name 'Mr Bordsmith' being replaced with ' Mr Portsmouth' as referred to on page 7, minute 1885/08.

1897/08 Declarations of Interest

Councillor Madeley declared:-

A prejudicial interest in item 6 of the plans list relating to Heath View, Wilkes Avenue as he had been approached by the applicants.

Councillor Sarohi declared:-

A personal interest in item 4 of the plans list relating to The Tannery Public House, Burrows Street, Walsall as he had attended a meeting at which Officers had presented the application.

1898/08 Deputations and Petitions

There were no deputations received or petitions submitted.

1899/08 Confirmation of Tree Preservation Order 3 of 2008 – Land at Riverbank Road and Wolverhampton Road West, Willenhall.

Resolved (Unanimously)

- (1) That the Walsall Tree Preservation Order No. 3 of 2008 be confirmed in an un-modified form;
- (2) That the reasons for the making of the Tree Preservation Order, as set out in the report detail be supported;
- (3) That it be noted that no representations had been received in respect of the Tree Preservation Order;

1900/08 Confirmation of Tree Preservation Order 16 of 2008 – Land alongside Hundred Acre Road and Laneside Avenue, Streetly.

Resolved (Unanimously)

- (1) That the Walsall Tree Preservation Order No. 16 of 2008 be confirmed in an un-modified form;
- (2) That the reasons for the making of the Tree Preservation Order, as set out in the report detail be supported;
- (3) That it be noted that no representations had been received in respect of the Tree Preservation Order;

1901/08 Confirmation of Tree Preservation Order 17 of 2008 – Land at The Hawthorns, Cartbridge Lane, Walsall.

Resolved (Unanimously)

- (1) That the Walsall Tree Preservation Order No. 17 of 2008 be confirmed in an un-modified form;
- (2) That the reasons for the making of the Tree Preservation Order, as set out in the report detail be supported;
- (3) That it be noted that no representations had been received in respect of the Tree Preservation Order;

1902/08 Confirmation of Tree Preservation Order 18 of 2008 – Land at Bealeys Lane, Bloxwich, Walsall

Resolved (Unanimously)

- (1) That the Walsall Tree Preservation Order No. 18 of 2008 be confirmed in an un-modified form;
- (2) That the reasons for the making of the Tree Preservation Order, as set out in the report detail be supported;
- (3) That it be noted that no representations had been received in respect of the Tree Preservation Order;

1903/08 Serving of Tree Preservation Order 23 of 2008 – Land at Willenhall Health Centre, Field Street, Willenhall

Resolved (Unanimously)

- (1) That the making of Tree Preservation Order 23 of 2008 be authorised.
- (2) That the reasons for making the Order, as detailed in paragraph 2 of the report now submitted, be supported.

1904/08 Confirmation of Tree Preservation Order 25 of 2008 – Sutton Coldfield Golf Club, 110 Thornhill Road, Streetly.

Resolved (Unanimously)

- (1) That the Walsall Tree Preservation Order No. 25 of 2008 be confirmed in an un-modified form;

- (2) That the reasons for the making of the Tree Preservation Order, as set out in the report detail be supported;
- (3) That it be noted that no representations had been received in respect of the Tree Preservation Order;

1905/08 Confirmation of Tree Preservation Order 53 of 2008 – Alma Street and School Street, Darlaston.

Resolved (Unanimously)

- (1) That the Walsall Tree Preservation Order No. 53 of 2008 be confirmed in an un-modified form;
- (2) That the reasons for the making of the Tree Preservation Order, as set out in the report detail be supported;
- (3) That it be noted that no representations had been received in respect of the Tree Preservation Order;

1906/08 Land adjacent to 18 Rose Hill, Willenhall.

Prior to consideration of this item members attention was drawn to the additional information as contained within the supplementary paper, circulated at the meeting. It was suggested, within this document, that the recommendation includes the provisions as set out in paragraph 12/6 of the report now submitted.

Resolved (Unanimously)

- (1) That authority be granted for the issuing of Enforcement Notices under the Town and Country Planning Act 1990 (As Amended), to require remedial actions to be undertaken as shown below in 2.3.
- (2) That in the event of non-compliance with an Enforcement Notice, or the non-return of Requisitions for Information or a Planning Contravention Notice, authority be delegated to the Assistant Director - Legal and Constitutional Services to authorise the institution of legal proceedings.
- (3) 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 below 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:

Details of the Enforcement Notice

The Breach of Planning Control:-

Use of land for vehicle washing and valeting.
Installation of mobile building and shipping containers for use as office and store respectively
Erection of open-sided canopy structure
Construction of concrete hardstanding

Steps required to remedy the breaches:-

Cease to use the land for the washing and valetting of vehicles.
Remove from the land all equipment, materials, and vehicles which are used in connection with the washing and valetting of vehicles.
Remove the mobile building and shipping-containers from the land.
Dismantle the open-sided canopy and remove its components from the land.

Period for compliance:-

2 months

Reasons for taking Enforcement Action:-

- (1) The site is within a Core Employment Area in which land will be safeguarded for industrial and distribution uses. Vehicle washing and valeting does not fall within these categories and no exceptional circumstances to justify the location of the use within such an area have been demonstrated. The continuation of the use is therefore contrary to policies 4.4 and JP5 of Walsall's Unitary Development Plan.
- (2) The development is detrimental to the amenities of adjacent residential occupiers whose properties front Rosehill; due to its proximity, loss of privacy for these occupiers; noise from vehicles, customers and operation of jet washing equipment; the size of the vehicles being washed and valetted, and the unsightly appearance of the canopy and shipping containers. In addition the potential for overspray from jet washing operations is detrimental to the amenities of adjacent properties generally. The continuation of the use is therefore contrary to policies GP2, 3.6, ENV10, and JP8 of Walsall's Unitary Development Plan.
- (3) That the Head of Planning and Building Control be delegated Authority to investigate drainage issues on the site and decide whether it would be expedient to enforce.

1907/08 **2 Longwood Lane, Walsall**

Officers reported that 2 additional letters had been received with regard to this application and gave a précis of the information contained therein.

Resolved (Unanimously)

- (1) That authority be delegated to the Head of Planning and Building Control and the Assistant Director – Legal and Constitutional Services for the issuing of an Enforcement Notice and Requisition for Information Notices.
- (2) That authority be delegated to the Head of Planning and Building Control and the Assistant Director – Legal and Constitutional Services to commence prosecution proceedings in the event that the enforcement notice or the Requisition for Information Notices are not complied with.
- (3) That authority be delegated to the Head of Planning and Building Control in consultation with the Assistant Director – Legal and Constitutional Services to amend, add to, or delete from the wording set out below, stating the requirement(s) of the Notice or identifying the boundaries of the site:

Breach of Planning Control

The erection of a sloping roof, wire and post.

Requirements of the Enforcement Notice

To permanently remove the sloping roof and replace with a flat roof as required in planning application 04/0039FL/H4.

To remove the post and barbed wire from the site..

Reasons for issuing the Notice

The installation of barbed wire and a wooden post has a detrimental impact on the visual amenities of nearby residents and adversely affects the character of the area.

The addition of a sloping roof rather than the flat roof as approved by planning application 04/0039/FL/H4 closes the gap between no. 2 Longwood Lane and 451 Sutton Road reducing the visual break between the properties in an area which is mainly comprised of detached properties with gaps between..

The development is therefore contrary to policies GP2, ENV32, and H10 of the Walsall Unitary Development Plan.

Councillor Arif, having arrived during deliberation of this item did not take part or vote.

1908/08 **80 Noose Lane, Willenhall**

Resolved (Unanimously)

- (1) That authority be granted for the issuing of Enforcement Notices under the Town and Country Planning Act 1990 (As Amended), to require remedial actions to be undertaken as shown below in 2.3.
- (2) That in the event of non-compliance with an Enforcement Notice, or the non-return of Requisitions for Information or a Planning Contravention Notice, authority be delegated to the Assistant Director - Legal and Constitutional Services to authorise the institution of legal proceedings.
- (3) 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 below 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 :

Details of the Enforcement Notice

The Breach of Planning Control:-

- a) Use for vehicle recovery purposes (including the parking of a vehicle recovery lorry).
- b) Use for parking of vehicles, and storage of cars, tyres and building materials, and for vehicle repairs, where these uses are not incidental to the domestic use.

Steps required to remedy the breaches:-

Cease to use the property for vehicle recovery purposes, and remove all equipment, materials and vehicles connected with that use.

Cease to use the property for the parking of vehicles, and the storage of cars, tyres, and building materials, and remove these items from the property, other than items incidental to the domestic use..

Cease to use the property for car repairs, and remove all equipment, materials and vehicles connected with use, where not incidental to the domestic use..

Remove the close boarded fencing which subdivides the rear garden area, and replace the gravelled surface with topsoil and apply grass seed.

Period for compliance:-
2 months

Reasons for taking Enforcement Action:-

1. The continuation of the commercial uses, is harmful to the level of amenity in the area generally, and harmful to the residential character of the area by reason of commercial appearance, noise and disturbance. The continuation of the uses would therefore be contrary to policies GP2, 3.6, ENV10, and JP8 in the Walsall Unitary Development Plan.

1909/08 18 Frampton Way, Great Barr

The Committee received a report advising members of a breach of planning control at 18 Frampton Way, Great Barr. The Committee were asked to note the additional information as contained in the supplementary paper, circulated at the meeting.

Resolved (Unanimously)

That no further enforcement action be undertaken.

Councillor Turner, having arrived during deliberation of this item did not take part or vote.

1910/08 Section 106 2nd Quarter Financial Year Report 2008/2009

The Committee received a report advising members of the out turn information relating to completed Planning Obligations negotiated with planning permissions that were granted between 1st July, 2008 and 30th September, 2008. The report also detailed the number of affordable houses negotiated and the level of contributions collected and due to be collected subject to the commencement of developments related to education, open space, health and other requirements.

Resolved (Unanimously)

That the report be noted.

Councillor Madeley, having arrived during deliberation of this item did not take part or vote.

1911/08 Performance Report

The Committee received a report advising of the performance and outcomes regarding development control matters.

Resolved (Unanimously)

That the report be noted.

1912/08 Proposed Revocation of Planning Permission for Walsall Market

The Committee received a report advising of the legal position in relation to planning permission 08/1084/FL. The legal officer presented the report and sought approval to revoke the planning permission.

Resolved (Unanimously)

That planning permission 08/1084/FL be revoked.

1913/08 New Access Road and Enabling Residential Development at Branton Hill Quarry

Prior to consideration of this item, Officers drew members attention to the supplementary paper, circulated at the meeting.

Resolved (Unanimously)

That Officers advise the applicants and Secretary of State that:-

- (i) Support provision of 14 aspirational dwellings as the minimum level of enabling development required to fund the development of the amended quarry access be supported.
- (ii) In order to reduce the burden of more enabling development above that which is required to cover the cost of a new quarry access forego requirements for Section 106 contributions towards Education and Urban Open Space,
- (iii) In light of new evidence further information regarding the protected species (badgers) identified within the quarry site should be provided before a decision is made on the appeal.

1914/08 Urgent Item - Variation to Affordable Housing Contribution on Planning Permission 02/2417/OL/E2 – Housing Development, former site of St Margarets Hospital, Great Barr

The Chair reported that this item had been accepted as an urgent item in order to meet a deadline for funding from the Housing Corporation that would enable the provision of affordable housing in accordance with the Council's housing strategy.

Resolved (Unanimously)

That the Assistant Director – Legal and Constitutional Services, in consultation with the Head of Planning and Building Control, be authorised to amend the agreement to include 100% social rented housing as an element of the affordable housing units to be provided on the site, in place of some of the shared ownership units, as set out in the report now submitted.

1915/08 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.

1916/08 Item No. 1 - 08/1149/FL - Installation of plant equipment compound to the rear of No.27 at Aldridge Tavern, Paddock Lane, Aldridge, 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 Mr Mumby, who spoke in support of the application.

There then followed a period of questioning by Members in relation to whether the plant equipment could be located in an alternate position and it's possible impact on nearby properties.

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

That planning application No. **08/1149/FL** 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 members voting unanimously in favour of refusing the application.

Resolved

That planning application No. **08/1149/FL** be refused for the reasons as set out in the report now submitted.

- 1917/08 **Item No. 2 – 08/1064/FL - Installation of new shopfront including an Automatic Teller Machine at Aldridge Tavern, Paddock Lane, Aldridge, Walsall**

Resolved (14 in favour and 1 against)

That planning application No. 08/1064/FL be approved subject to the conditions as contained in the report now submitted.

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

- 1918/08 **Item No. 3 - 08/1065/AD - Installation of 1 internally illuminated fascia sign and 1 internally illuminated projecting sign at Aldridge Tavern, Paddock Lane, Aldridge, Walsall**

Resolved (14 in favour and 1 against)

That planning application No. 08/1065/AD be approved subject to the conditions as contained in the report now submitted.

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

- 1919/08 **Item No. 4 - 08/0460/FL - Erection of 30 apartments with associated car parking and works to the public square to provide a community play area following demolition of existing public house at The Tannery P.H. Burrowes 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 item Mr Edis, who spoke against the application.

The Committee then welcomed the second speaker on this item Mr Bedford, who also spoke against the application.

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

The Committee then welcomed the final speaker on this item, Mr Kumar who also spoke in support of the application.

There then followed a period of questioning by Members in relation to the proposed height of the buildings, the level of parking provision and the density of the proposal in comparison to nearby buildings.

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

That planning application No. **08/0460/FL** be refused as the proposal constituted an overdevelopment due to its height and massing. It would be overly dominant in its setting and cause a loss of amenity to neighbours due to loss of light through shadowing.

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

Resolved

That planning application No. **08/0460/FL** be refused as the proposal constituted an overdevelopment due to its height and massing. It would be overly dominant in its setting and cause a loss of amenity to neighbours due to loss of light through shadowing.

1920/08 **Item 8 - 07/1197/OL/E11 - Outline - Erection of single storey 2 bedroom managers dwelling with garage, building for fish tanks and WC block for anglers and lockable bait room at Foxhill Fisheries, Pinfold Lane, Barr Beacon**

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 Mrs Denby Scholls, who spoke in support of the application.

There then followed a period of questioning by Members in relation to the usage of the facility and possible alternatives for providing power and security on site.

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

That planning application No. 07/1197/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 **tied**, with 6 members voting in favour of refusing the application and 6 against.

The Chair exercised his right to a casting vote (in accordance with Part 4, paragraph 18.2 of the Councils Constitution) in favour of refusing the application.

Resolved (7 in favour and 6 against)

That planning application No. 07/1197/OL/E11 be refused for the reasons as set out in the report now submitted.

1921/08 **Item 10 - 08/1282/FL - Demolition of existing garages, and construction of new 2 storey workshop/light industrial unit on existing footprint at 1 Box 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 item Mr Spooner, who spoke in support of the application.

There then followed a period of questioning by Members in relation to possible alternative locations for the build.

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

That planning application No. 08/1282/FL be approved as it would bring back into use a redundant building and garage, support a small business and bring employment opportunities to the Borough, subject to suitable conditions relating to:-

- Materials to be used
- Hours of operation
- Marked out parking spaces
- Visibility splay at the gate.

The motion having been put to the vote, was declared **carried**, with members 9 members voting in favour and 3 against.

Resolved (Unanimously)

That planning application No. 08/1282/FL be approved as it would bring back into use a redundant building and garage, support a small business and bring employment opportunities to the Borough, subject to suitable conditions relating to:-

- Materials to be used
- Hours of operation
- Marked out parking spaces
- Visibility splay at the gate.

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

1922/08 **Item 5 - 08/1373/FL - Provision of 60 no. extra care apartments and associated facilities at High Street/Lindon Drive, Brownhills, Walsall.**

Resolved (unanimously)

That planning application No. 08/1373/FL be approved subject to the conditions as contained in the report now submitted.

1923/08 **Item 7 - 08/1338/FL - Vary Condition 14 of planning approval BA17797P to Allow Increase of Limit on Imported Clays from 49% to 65% at Wienerberger Ltd, Sandown Works, Stubbers Green Road, Aldridge.**

Resolved (Unanimously)

That planning application 08/1338/FL be approved subject to no new additional information being received which raises material planning issues.

1924/08 **Item 9 – 08/1137/FL - Detached Garage/ Store at rear of 28 Lichfield Road, New Invention, Willenhall.**

Resolved (9 in favour and 3 against)

That planning application No. 08/1137/FL be approved subject to the conditions as contained in the report now submitted.

1925/08 **Item 6 - 08/1262/FL - Change of use from 16 warden controlled units for elderly persons to 8 self contained units in supported accommodation for vulnerable young persons aged 16-25 at Heath View, Wilkes Avenue, Walsall.**

Resolved (Unanimously)

That planning application No. 08/1262/FL be approved subject to the conditions as contained in the report now submitted.

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

Termination of meeting

There being no further business the meeting terminated at 7.05 p.m.

Signed:

Date: