

DEVELOPMENT CONTROL COMMITTEE

Tuesday, 15th July, 2008 at 5.30 p.m.

In the Council Chamber at the Council House Walsall

Present

Councillor Bird (Chairman)
Councillor Rochelle (Vice-Chairman)
Councillor Arif
Councillor Ault
Councillor Beeley (arrived at 5.40 p.m.)
Councillor P. Bott
Councillor Cook
Councillor Douglas-Maul
Councillor Flower
Councillor Madeley
Councillor M G Pitt
Councillor Robertson
Councillor Sarohi

1800/08 Apologies

Apologies for non attendance were received on behalf of Councillors P. Hughes, Micklewright, J. Phillips, Turner and Underhill.

1801/08 Minutes

Resolved

That the minutes of the meeting held on 24th June, 2008, a copy having been previously circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

1802/08 Declarations of Interest

Councillor Bott declared:-

A personal interest in item 1 of the plans list relating to land (including factory complex AP (UK)) at Heathfield Lane West/Moxley Road, Darlaston.

A prejudicial interest in item 6 of the plans list relating to works at Former Garage Courtyard to the rear Cunningham Road, Willenhall.

Councillor Pitt declared a prejudicial interest in:-

A prejudicial interest in item 7 of the plans list relating to the canal basin, Nr. Gallery Square, Walsall Town Centre.

Councillor Madeley and Councillor Cook declared:-

A prejudicial interest in item 6 of the plans list relating to works at Former Garage Courtyard to the rear Cunningham Road, Willenhall

1803/08 Deputations and Petitions

None received.

1804/08 Confirmation of Tree Preservation Order 1 of 2008 on land at Bentley Road North, Walsall.

Resolved (*Unanimously*)

- (1) That the Walsall Tree Preservation Order No. 1 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 now submitted, be supported;
- (3) That it be noted that no representations have been received in respect of the Tree Preservation Order.

1805/08 Confirmation of Tree Preservation Order 4 of 2008 on land at 280, Broadway North, Walsall.

Resolved (*Unanimously*)

- (1) That the Walsall Tree Preservation Order No. 4 of 2008 be confirmed in a modified form;
- (2) That the reasons for the making of the Tree Preservation Order, as set out in the report now submitted, be supported;
- (3) That it be noted that one representation had been received in respect of the Tree Preservation Order.

1806/08 **Confirmation of Tree Preservation Order 6 of 2008 on Land at 134 to 152, Walsall Road, Aldridge and revocation of Tree Preservation Order 10 of 2004.**

Resolved (*Unanimously*)

- (1) That the Walsall Tree Preservation Order No. 6 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 now submitted, be supported;
- (3) That it be noted that one representation had been received in respect of the Tree Preservation Order.
- (4) That Walsall Tree Preservation Order 10 of 2004 be revoked.

1807/08 **Confirmation of Tree Preservation Order 7 of 2008 on Land at Thornhill Road and Chester Road, Sutton Coldfield**

Resolved (*Unanimously*)

- (1) That the Walsall Tree Preservation Order No. 7 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 now submitted, be supported;
- (3) That it be noted that no representations have been received in respect of the Tree Preservation Order.

1808/08 **Making of Tree Preservation Order 16 of 2008 on Land alongside Hundred Acre Road and Laneside Avenue, Streetly.**

Resolved (*Unanimously*)

- (1) That the serving of Tree Preservation Order 16 of 2008 be authorised;
- (2) That the reason for making the Tree Preservation Order, as set out in paragraph 1.2, be supported.

1809/08 **Planning Enforcement Action at 207 Wednesbury Road, Walsall – First Storey extension.**

Resolved (*Unanimously*)

- (1) That authority is 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 2.2 and 2.3 to the Head of Planning and Building Control and the Assistant Head of Legal and Constitutional Services.
- (2) 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 and Head of Planning and Building Control..
- (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:-

The erection of a first storey rear extension.

Steps required to remedy the breaches:-

Permanently remove the extension and ensure any damage to the original building is made good and ensure that any resulting debris and materials are removed from the site.

Period for compliance:-

2 months.

Reasons for taking Enforcement Action:-

The extension is detrimental to the amenity of surrounding occupiers due to its size and proximity to adjoining windows, which would have an overbearing effect and the loss of privacy arising from the access onto the flat roof. The approval of this application would therefore be contrary to Walsall's Unitary Development Plan,

in particular policies GP2, 3.6, ENV32, and H3 and adopted Residential Standards.

The design of the extension and its materials are inappropriate to the original building and to its neighbours. The first floor position and size of the extension exacerbates these concerns. The extension is an unduly dominant feature in the street scene and detrimental to visual amenity/ and as such the development is contrary to Walsall's Unitary Development Plan, in particular policies GP2, 3.6, ENV32 and H8 and adopted Residential Standards.

1810/08 **Planning Enforcement Action at 43 Brace Street, Walsall – Installation of an Automated Teller Machine.**

Resolved (*Unanimously*)

- (1) That authority is 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 2.2 and 2.3 to the Head of Planning and Building Control and the Assistant Head of Legal and Constitutional Services.
- (2) 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 and Head of Planning and Building Control..
- (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:-

The installation of an Automated Teller Machine.

Steps required to remedy the breaches:-

Permanently remove the automated teller machine, brick up the opening formed, and make good all damage to the building.

Period for compliance:-

1 month.

Reasons for taking Enforcement Action:-

The ATM is detrimental to the personal safety of those who use the facility and replenish it, by virtue of it being located in an area of existing g high crime rates. The development is therefore contrary to Walsall's Unitary Development Plan, in particular policies GP2, GP7, ENV32, ENV35 and S15.

The location of the site encourages parking by the corner of Brace Street on Caldmore Road which already has limited visibility and double yellow lines, as such any parking on these highways will be detrimental to highway safety and the safe movement of traffic and such the development is contrary to Walsall's Unitary Development Plan, in particular policies T7 and T13.

1811/08 **Planning Enforcement Action – Residential Properties; for which planning permission has been refused at 60 Deakin Avenue, 4 Heron Close, 7 Aldis Road and 8 Prince Street.**

The Chair reported that 60 Deakin road had complied with the Authority's requests and no longer required enforcement action.

Resolved (*Unanimously*)

- (1) That authority is given to the Head of Planning and Building Control and the Assistant Director – Legal and Constitutional Services for the issuing of enforcement notices and Requisition for Information notices at each of the addresses.
- (2) That authority is 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(s) or Requisition for Information notice(s) are not complied with.
- (3) That authority is also 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 requirements of the Notice(s) or identifying the boundaries of the site(s):

Breach of Planning Control and reasons for taking enforcement action

Address and Breach	Reasons for taking enforcement action
<p>4 Heron Close</p> <p>The erection of a boundary wall</p>	<p>The boundary wall detracts from the open aspect of the area by virtue of its height and design and appears unduly prominent creating an overbearing feature.</p> <p>The development is therefore contrary to Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and H10</p> <p>Planning Application 04/1241/FL/H4 for a similar boundary treatment scheme to as built was refused on 10 September 2004. Boundary wall erected 2006. No appeal.</p>
<p>8 Prince Street</p> <p>Erection of a garage</p>	<p>The limited separation distance between the front of the garage and the highway results in vehicles parked in front of the garage obstructing the footpath and road and is detrimental to pedestrian safety and is therefore contrary to Walsall's Unitary Development Plan, in particular policies GP2, T7 and T13.</p> <p>Retrospective planning Application 08/0168/FL was refused on 10 April 2008.</p>
<p>7 Aldis Road</p> <p>Erection of canopy</p>	<p>The design of the proposed canopy with mock classical pillars introduces an alien feature which detracts from the simple design of the house and</p>

	<p>harms the character of the area.</p> <p>The development is therefore contrary to Walsall's Unitary Development Plan, in particularly policies GP2, ENV32 and H10</p> <p>Planning Application 07/0298/FL/H5 was refused on 17 April 2007.</p> <p>The canopy was erected after the decision.</p> <p>No appeal.</p>
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Requirements of the Enforcement Notices and Time for Compliance

Address	Requirements of the Enforcement Notice and compliance period.
<p>4 Heron Close</p> <p>The erection of a boundary wall</p>	<p>Ensure that no part of the wall that lies within 2 metres of the highway is higher than one metre in height.</p> <p>Compliance: 3 months</p>
<p>8 Prince Street</p> <p>Erection of a garage</p>	<p>To permanently ensure that the building is not used for the parking of a vehicle. To remove the existing garage door and replace with a pedestrian access only door or doors ensuring that the door or doors do not open across the highway.</p> <p>Compliance 3 months.</p>
<p>7 Aldis Road</p> <p>Erection of canopy</p>	<p>To permanently remove the canopy</p> <p>Compliance : 3 months</p>

Councillor Beeley, having arrived during deliberation did not take part nor vote on this item.

1812/08 **Section 106 1st Quarter Financial Year Report 20008/09.**

Resolved

That the report be noted.

1813/08 **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.

1814/08 **Item No. 1 - 08/0394/FL - Demolition of existing buildings and erection of 304 houses and apartments, revised access, amenity areas, parking and associated works. (Resubmission of 07/2465/FL/W2) at Land (including factory complex AP (UK) at Heathfield Lane West/Moxley Road, Darlaston.**

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

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

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

There then followed a period of questioning by Members in relation to waste collection and the location of bin stores.

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

That planning application No. **08/0394/FL** be approved subject to:-

- 1) the conditions as contained in the report and supplementary paper now submitted, a Planning Obligation, and;
- 2) Officers being delegated authority to successfully resolve the issues appertaining to the layout of the proposed bin store and recycling facility in consultation with the applicants.

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

Resolved

That planning application No. **08/0394/FL** be approved subject to:-

- 1) the conditions as contained in the report and supplementary paper now submitted, a Planning Obligation, and;
- 2) Officers being delegated authority to successfully resolve the issues appertaining to the layout of the proposed bin store and recycling facility in consultation with the applicants.

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

1815/08 **Item No. 5 - 08/0206/FL - In Building Timber Resource Recovery Centre at Junction of Kendrick Road & Heath Road, Darlaston.**

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

The Committee then welcomed Mr Mitchell, the applicants agent who offered to answer any questions by members regarding the application.

There then followed a period of questioning by Members in relation to environmental health issues such as noise and air pollution, the level of consultation undertaken and the processes proposed to be carried out on site.

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

That planning application No **08/0206/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 11 Members voting in favour of approving the application and none against.

Resolved

That planning application No **08/0206/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted.

Councillor Madeley requested that his name be recorded as having abstained from voting.

1816/08 **Item No. 9 - 08/0689/FL - Single-storey rear extension, rear dormers and pitched roof to front over existing porch at 4 Greaves Avenue, Walsall.**

Prior to consideration of this item the Chair reported that he had been requested, by the objectors, to circulate further documents that had not formed part of the agenda. He stated that it was his view that the Committee could choose to, accept the documentation which may lead to the matter being deferred to a future meeting or not accept the information and determine the application at the meeting.

The Committee considered the options put and **resolved** (11 in favour and 1 against) to not accept the information and deliberate the matter at the meeting.

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

The Committee then welcomed the first speaker Councillor Martin, who spoke against the application.

The Committee then welcomed the second speaker Mr Sander, who spoke against the application.

The Committee then welcomed the third speaker Mrs Hodson, who spoke in support of the application.

There then followed a period of questioning by Members in relation to parking provision, the extent of the alterations and the length of the garden should the extension be built.

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

That planning application No. **08/0689/FL** be refused as the proposal would be an overdevelopment of the site and have an adverse impact on the amenity currently enjoyed by neighbours in Greenslade Road.

The motion having been put to the vote, was declared **carried**, with 11 Members voting in favour of refusing the application and 1 against.

Resolved

That planning application No. **08/0689/FL** be refused as the proposal would be an overdevelopment of the site and have an adverse impact on the amenity currently enjoyed by neighbours in Greenslade Road.

- 1817/08 **Item No. 2 - 08/0695/FL - Construction of 12x2 bed and 2x1 bed apartments within a 2 ½ storey block, and provision of one way access and 18 parking spaces at Corner of Moreton Avenue & Beacon Road, Great Barr, Birmingham.**

Resolved (*Unanimously*)

That planning application No. 08/0695/FL be approved subject to the conditions as contained in the report and supplementary paper now submitted.

- 1818/08 **Item No. 3 - 08/0327/FL - Erection of 5 no. 2 bedroom houses, 6 no. 2 bedroom apartments and 1 no. 1 bedroom flat over garage (FOG) at Land c/o Mill Street/Cannon Street, Walsall.**

Resolved (*Unanimously*)

That planning application No. **08/0327/FL** be approved subject to the conditions as contained in the report now submitted and a Planning Obligation.

- 1819/08 **Item No. 4 - 08/0556/FL - Proposed new 24 bed, specialist, low secure hospital & 5 bedded support unit, for the care and treatment of women only at Ivydene, Noose Lane, Willenhall, WV13 3BJ.**

Resolved (*Unanimously*)

That planning application No. **08/0556/FL** be approved subject to the conditions as set out in the report and supplementary paper now submitted.

- 1820/08 **Item No. 6 - 08/1001/FL - Provision of 12 no. affordable rented dwellings which comprise of 8 no. 2 bed 3 person bungalows and 4 no. 2 bed 3 person flats, all category 1 sheltered for elderly together with associated access driveway and external works at Former Garage Courtyard to the rear Cunningham Road, Willenhall.**

Resolved (*Unanimously*)

That planning application No. **08/1001/FL** be approved subject to the conditions as set out in the report now submitted.

Councillors Bott, Cook and Madeley, having declared a prejudicial interest in this item left the room during deliberation and did not vote.

- 1821/08 **Item No. 7 - 08/0488/FL - Change of use to stationing a canal boat restaurant in basin at Canal Basin, Nr. Gallery Square, Walsall Town Centre**

Resolved (*Unanimously*)

That planning application No. **08/0488/FL** be approved subject to the conditions as set out in the report now submitted.

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

- 1822/08 **Item No. 8 - 08/0461/FL - Erection of 2 storey block of 2 no. 1 bedroom flats at 72 Daw End Lane, Walsall. WS4 1JR.**

Members deliberated the application and noted that there was a difference of opinion between two experts in relation to the trees on the site. Having given sufficient regard to both opinions the Committee;

Resolved (*Unanimously*)

That planning application No. **08/0461/FL** be approved as the development would not have an unacceptable impact on the mature lime tree which lies in close proximity, subject to a condition to address tree works.

Termination of meeting

There being no further business the meeting terminated at 7.45 p.m.

Signed:

Date: