

DEVELOPMENT CONTROL COMMITTEE

Thursday 31st May, 2007 at 5.30 p.m.

In the Council Chamber at the Council House Walsall

Present

Councillor Mike Bird (Chairman)
Councillor Leslie Beeley (Vice-Chairman)
Councillor Dennis Anson
Councillor Clive Ault
Councillor Paul Bott
Councillor Brian Douglas-Maul
Councillor Michael Flower
Councillor Peter Hughes
Councillor Bill Madeley
Councillor John Rochelle
Councillor Barry Sanders
Councillor Doreen Shires
Councillor David Turner
Councillor Mohammad Yasin

1409/07 Apologies

Apologies for non-attendance were submitted on behalf of Councillors Harrison, McCracken, Micklewright, Underhill and Young.

1410/07 Minutes

Resolved

That the minutes of the meeting held on 24 April, 2007, a copy having been previously circulated to each member of the Committee, be approved and signed by the Chairman as a correct record.

1411/07 Declaration of Interest

Councillor Paul Bott declared prejudicial interests in respect of item nos. 1, 4 and 5 and therefore left the room and did not vote on these applications.

Councillor Michael Flower was advised to stand down during the consideration of item no. 8 as he had had prior involvement in the application before being appointed to the Committee. He therefore left the room and did not vote on these applications

Councillor Leslie Beeley declared a personal interest on item no. 8.

1412 /07 Deputations and Petitions

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

1413 /07 Late Items

There were no late items introduced at this meeting.

1414 /07 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.

1415/07 Telecommunications Installation, Darlington Street, Darlaston

The Head of Planning and Building Control submitted his report for consideration by the Committee.

(see annexed)

Resolved

That the Head of Planning and Building Control endeavour to negotiate with Vodafone to move the mast or to make the mast less visually obtrusive to local residents and the street scene and report back to a future Committee on the outcome and that at least an update report be brought back to the Committee's at its 17th July meeting.

1416/07 Land at Fletchers Lane, Willenhall

The Head of Planning and Building Control submitted his report for consideration by the Committee.

(see annexed)

Resolved

That it be authorised that the issue of an enforcement notice and requisition for information notice be delegated to the Assistant Director – Legal and Constitutional Services and the Head of Planning and Building Control and prosecution action in the event of non-compliance either with the Enforcement Notice or Requisition for Information Notices, as set out in 2.1 – 2.5 of the report now submitted.

1417/07 Land at Field Lane Industrial Estate, Bloxwich

The Head of Planning and Building Control submitted his report for consideration by the Committee.

(see annexed)

Resolved

That it be authorised that the issue of an enforcement notice and requisition for information notice be delegated to the Assistant Director – Legal and Constitutional Services and the Head of Planning and Building Control and prosecution action in the event of non-compliance either with the Enforcement Notice or Requisition for Information Notices, as set out in 2.1 – 2.5 of the report now submitted.

1418/07 81 Forrester Street, Walsall

The Head of Planning and Building Control – Regeneration submitted his report on this issue for consideration by the Committee.

(see annexed)

Resolved

- (a) That authority be granted for the issuing of an enforcement notice under the Town and Country Planning Act 1990 (As Amended), to require remedial actions to be undertaken as shown below in 2.3 and as detailed in 2.3 of the report now submitted;
- (b) 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 as set out in 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.

1419/07 Development Control Performance Update Report

The Head of Planning and Building Control submitted his report on this issue for consideration by the Committee and highlighted the salient points contained therein.

(see annexed)

Members and Officers commended the Committee and Planning Officers for the hard work undertaken to date and the clear reflection of the improved figures contained within the report.

Resolved

That the report be noted.

1420/07 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.

1421/07 **Item No. 3 - 07/0377/FL/W7 – Change of use of vacant unit to multi faith function hall, banqueting, parties, weddings and conferences at vacant unit adjacent Unit 38, Manor Industrial Estate, Pleck Road, Walsall – Mr. A. Patel**

The Planning Officer advised the Committee of the background to the report and also drew members' attention to the information contained within the supplementary paper.

The Committee welcomed the first speaker on this application, Councillor Sarohi, who wished to address the Committee in support of the application.

Councillor Sarohi stressed that there was a huge need and demand for such a facility in the area. He went on to explain that the applicant had consulted with the local community and support had been gained for the proposals. The closest similar facilities were out of the Borough. Councillor Sarohi indicated that this application should be approved as it would enhance the Borough and provide a much needed service to the community.

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

Mr Stevenson stated that the proposed site was the best place for such a facility in the area and car parking issues had now been resolved so that adequate parking would be provided. Mr Stevenson also explained that the proposed use would generate less traffic and any traffic that was likely to be generated would be mainly off-peak traffic. The location of the site was also close to the Town Centre and was well served by local transport.

There then followed a period of questioning by Members in relation to employment opportunities, visual aesthetics of the building, the need for such a facility in the area, the public transport serving the area and car parking provision.

The Committee proceeded to discuss the application in detail.

The Head of Planning and Building Control had recommended that the application be refused.

However, members considered the application and Councillor Sanders **moved** and it was duly **seconded** by Councillor Yasin:-

That planning application no. 07/0377/FL/W7 be approved on the grounds that the local community need for a multi faith function hall for banqueting parties and weddings outweighs the tests aims and objectives referred to at paragraph 1 of the recommendation in the report now submitted and that the imposition of the conditions proposed overcomes the impact of the proposed development. In approving the application, planning permission be subject to the following: -

- (1) That departure publicity be undertaken;
- (2) That the application be referred to the Secretary of State;
- (3) That permission be granted, subject to the following conditions being attached to the permission:
 - (a) The hours of operation be restricted to 6.30pm – 3.00am Monday to Friday and 7am – 3.00am on Saturday and Sunday;
 - (b) A suitable car parking layout be approved;
 - (c) That the definition of use of the building to expressly set out that the building is not to be used as a conference centre.
 - (d) The applicants be invited to make the external appearance of the building part of the present application, so that detail may be agreed by condition.

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

Resolved

That planning application no. 07/0377/FL/W7 be approved on the grounds that the local community need for a multi faith function hall for banqueting parties and weddings outweighs the tests aims and objectives referred to at paragraph 1 of the recommendation in the Report now submitted and that the imposition of the conditions proposed overcomes the impact of the proposed development. In approving the application, planning permission be subject to the following: -

- (1) That departure publicity be undertaken;
- (2) That the application be referred to the Secretary of State;
- (3) That permission be granted, subject to the following conditions being attached to the permission: -
 - (a) The hours of operation be restricted to 6.30 pm-3.00am Monday to Friday and 7am–3.00am on Saturday and Sunday;
 - (b) A suitable car parking layout be approved;
 - (c) That the definition of use of the building to expressly set out that the building is not to be used as a conference centre;
- (4) The applicants be invited to make the external appearance of the building part of the present application, so that detail may be agreed by condition.

1423/07 **Item No. 1 – 02/2122/FL-OL/M1 – Reclamation strategy (detail) to secure development for information recreational use and housing (outline) at former Moxley Tip, Moxley Road, Darlaston – Parkhill Estates Limited**

The Planning Officer advised the Committee of the background to the report and also drew members' attention to the information contained within the supplementary paper.

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

Councillor Wilkes explained to the Committee that this issue had been ongoing for many years and consultation with local residents had always been undertaken thoroughly. However, for this application now before the Committee very little consultation had been undertaken and disappointment had been expressed amongst local residents. Amongst the residents' main concerns were, gas levels on the site in view of it being an old tip site, no monitoring of the site had been undertaken in the last 5 years and how the egress and access to the site would affect the current road network.

There then followed a period of questioning by Members in relation to site monitoring, gas levels on the site, consultation undertaken and the regeneration impact.

The Committee proceeded to discuss the application in detail.

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

That planning application no. 02/2122/FL-OL/M1 be approved, subject to the conditions as contained within the report and supplementary paper now submitted and in doing so, that the matter to be referred to the relevant Regeneration Committee during the consultation period for consideration.

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. 02/2122/FL-OL/M1 be approved, subject to the conditions as contained within the report and supplementary paper now submitted and in doing so, that the matter to be referred to the relevant Regeneration Committee during the consultation period for consideration.

Councillor Bott left the room during the consideration of this application due to the nature of his declared interest, and therefore took no part in the discussions and did not vote

1424/07 **Item No. 2 – 07/0374/FL/E11 – Erection of new building to house Bingo and Social Club, Public House, Restaurant, Gymnasium/Health Club, together with car parking and external works at land on corner of Silver Street and Watermead Grange, Brownhills – Mirage Leisure Limited**

The Planning Officer advised the Committee of the background to the report and also drew members' attention to the information contained within the supplementary paper.

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

Mr Thompson stated that he felt that the proposal before the Committee would be a departure from the UDP and if permission was granted, it would increase ASB, crime and general noise and nuisance for local residents.

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

Mr Dean reiterated the concerns put forward by Mr Thompson. In addition, he also stated that he was surprised that a noise and environmental health report had not been obtained. Furthermore, the proposed hours of use would not give local residents 8 hours a night rest from any noise and / or disturbance produced by the proposal. Mr Dean also suggested that if permission was to be granted, a noise barrier and speed limit around the site might go towards helping alleviate the resident's concerns and fears somewhat.

There then followed a period of questioning by Members in relation to the level of community use for the proposal, the size and capacity of the bingo hall, the hours of operation, noise control schemes, the smoking balcony on the property, the type of restaurant within the property, disability access to the facilities, job creation and light pollution.

The Committee proceeded to discuss the application in detail.

The Head of Planning and Building Control had recommended that the application be approved.

However, members considered the application and Councillor Madeley **moved** and it was duly **seconded** by Councillor Turner:-

That planning application no. 07/0374/FL/E11 be refused on the grounds that the intensive leisure use would result in unacceptable levels of noise, arising from general activities that would have an unacceptable impact on the amenity of adjacent residents during the sensitive evening operating times proposed. As such the development is contrary to Unitary Development Plan Policies GP2 and ENV32 and to Planning Policy Guidance 24 Planning and Noise.

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. 07/0374/FL/E11 be refused on the grounds that the intensive leisure use would result in unacceptable levels of noise, arising from general activities that would have an unacceptable impact on the amenity of adjacent residents during the sensitive evening operating times proposed. As such the development is contrary to Unitary Development Plan Policies GP2 and ENV32 and to Planning Policy Guidance 24 Planning and Noise.

Councillor Ault left the room and returned during the consideration of this application and therefore took no part in the discussion and did not vote.

After determining this application, the Chair **moved** and it was duly **seconded**, and therefore carried that in future all environmental health reports be obtained via Pollution control instead of Environmental Health.

Resolved

That in future all environmental health reports be obtained via Pollution control instead of Environmental Health

At this Juncture, the Committee adjourned the meeting from 7.50pm to 7.55pm.

1425/07 **Item No. 4 – 06/1873/RM/W5 – Erection of 70 number dwellings consisting of 2, 3 & 4 bedroom houses and flats including all necessary road and sewer works at site rear of Heston and Granby, Stafford Road, Wednesbury – Persimmon Homes (West Midlands) Limited**

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

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

Mr Gilbert explained that the developers had built up the land to the rear of his property and it now overlooked his garden which impacted on his privacy and security.

There then followed a period of questioning by Members in relation to site levels, permission already granted and security / screening options.

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. 06/1873/RM/W5
be approved subject to:-

- (a) the conditions as contained within the report and supplementary paper now submitted,
- (b) that condition 3 of the planning permission be amended to include details of secure fencing being erected on the applicants site adjacent to the rear garden of Granby
- (c) that negotiations then be undertaken with the applicant to see.

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. 06/1873/RM/W5 be approved subject to:-

- (a) the conditions as contained within the report and supplementary paper now submitted,
- (b) that condition 3 of the planning permission be amended to include details of secure fencing being erected on the applicants site adjacent to the rear garden of Granby
- (c) that negotiations then be undertaken with the applicant to see.

Councillor Bott left the room during the consideration of this application due to the nature of his declared interest, and therefore took no part in the discussions and did not vote

At this Juncture in the meeting the Chair move and it was duly seconded and carried unanimously by the Committee that Standing Order 9 (a) of the Council's Constitution be suspended to enable the Committee to continue past 9.00pm to consider and determine the remainder of its business left on the agenda.

1426/07 Item No. 12 – 07/0608/FL/H5 – Two-storey side and rear and single -storey rear extension at 31 Rushall Manor Road, Walsall – Mr. Khalid

The Planning Officer advised the Committee of the background to the report and also drew members' attention to the information contained within the supplementary paper.

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

Mrs Terry reported to the Committee that the development would be too over bearing and would be overly obtrusive to her and her neighbours if permission was granted. The development would also affect the visual amenity from her property and would set a precedent for other such developments in the area.

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 supported the concerns raised by Mrs Terry and stated that, having visited the area, there were many objections from local residents to the proposals.

The Committee then welcomed the third speaker on this application, Mr Mehmood, who wished to address the Committee in support of the application.

Mr Mehmood explained that he felt that none of the objections to date were based on planning reasons and he and his architect had worked closely with the planning department to ensure that all planning guidelines had been adhered to. The reason for the extension was to accommodate his family.

There then followed a period of questioning by Members in relation to how many bedrooms were proposed, the size of the garden and the proximity of the development to neighbouring properties, consultation undertaken and loss of light to neighbouring properties, .

The Committee proceeded to discuss the application in detail.

The Head of Planning and Building Control had recommended that the application be approved.

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

That planning application no. 07/0608/FL/H5 be refused on the grounds that the two storey rear extension would have and overbearing and detrimental impact on the amenity of the adjoining property by way of its massing and proximity and would be out of character with the surrounding area.

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. 07/0608/FL/H5 be refused on the grounds that the two storey rear extension would have and overbearing and detrimental impact on the amenity of the adjoining property by way of its massing and proximity and would be out of character with the surrounding area.

1427/07 **Item No. 8 – 07/0204/FL/E9 – Demolition of existing surgery and construction of 3 x 1 bedroom two person flats, together with common lounge, assisted bathroom and staff office and 3 car parking spaces, for use by residents with supported needs at surgery and land to rear, Beechtree Road, Walsall - Accord Housing Association Limited**

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

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

Councillor Harris stated that he was aware of the recent planning appeal relating to a prior application for this site, but he disagreed with the Planning Inspectorate's findings. He went on to explain that the proposed site was not the best place for the development and that it would impact upon existing residents' lives by way of impinging on their amenities currently enjoyed. Furthermore, he expressed concern with access to the site, traffic arising from the development, that the footprint of the proposed building is bigger than the existing one and that, if permission were to be granted, neighbours would suffer from noise and disturbance arising from the 24 hour operation on the site.

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

Mrs Grant touched upon many of the concerns as raised by Councillor Harris and also highlight traffic problems that would be created including restricted emergency vehicle access. She went onto add that the building would be too big and would be out of character with the area. Mrs Grant also explained that many of the residents in the surrounding area were elderly and fearful for their safety as a result of this development.

The Committee then welcomed the third speaker on this application, Mr Whittern, who wished to address the Committee in support of the application.

Mr Whittern explained the application to the Committee and detailed what was being proposed. He reported that the proposal now took account of the Planning Inspectorate's concerns. Further improvements on the previous scheme included an improved turning head for refuse and emergency vehicles and dropped curbs for disabled access/convenience.

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

Mrs Bradley endorsed many of the comments as raised by Mr Whittern. In addition, she explained that this was a much needed facility that would give adults with learning disabilities the right and facilities to lead normal lives with the aid of 24 hour support if required.

There then followed a period of questioning by Members in relation to age of the tenants using the facility, fear of crime and site access.

The Committee proceeded to discuss the application in detail.

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

That planning application no. 07/0204/FL/E9
be approved, subject to the conditions as
contained within the report now submitted.

The motion, having been put to the vote, was declared **carried**; with 6 Members voting in favour of granting planning permission and 4 against.

Resolved

That planning application no. **07/0204/FL/E9** be approved, subject to the conditions as contained within the report now submitted.

Councillor Beeley left the room during the consideration of this application due to the nature of his declared interests, and therefore took no part in the discussions and did not vote.

Councillor Flower also left the room during the consideration of this application as referred to in Min No. 1411/07 above.

1428/07 **Item No. 5 – 06/1722/FL/E6 – Relocation, extension and renovation of an existing single-storey temporary Portakabin Duplex Building to be used as a nursery facility for a period of 3 years and provision of a hard and soft play area at Shelfield Sports and Community College, Broad Way, Pelsall, Walsall – Shelfield Sports and Community College**

The Planning Officer advised the Committee of the background to the report and also drew members' attention to the information contained within the supplementary paper.

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

Mr Hawkins objected to the application as he felt that the drawings before the Committee were inaccurate and there were various other discrepancies contained within the report.

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

Mr Bradley expressed concern that his property value would decrease if permission were approved. He also felt that the proposal would be an eyesore and would impinge upon his current view and visual amenities. Furthermore, he stated that there would be increased noise and nuisance as a result of the development.

There then followed a period of questioning by Members in relation to the siting of the development and alternative locations for the development.

The Committee proceeded to discuss the application in detail.

Members considered the application and Councillor Sanders **moved** and it was duly **seconded** by Councillor Yasin:-

That planning application no. 06/1722/FL/E6 be approved, subject to the conditions as set in the report and supplementary paper now submitted.

The motion, having been put to the vote, was declared **carried**; with 6 Members voting in favour of granting planning permission and 2 against.

Resolved

That planning application no. 06/1722/FL/E6 be approved, subject to the conditions as set in the report and supplementary paper now submitted.

Councillor Bott left the room during the consideration of this application due to the nature of his declared interest, and therefore took no part in the discussions and did not vote.

Councillor Ault left the meeting before the consideration of this item and did not return.

1429/07 Item No. 11 – 07/0149/FL/E9 – Erection of a two-storey three bed detached house at 1 Parkwood Close, Walsall – K & S Milner Limited

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

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

Councillor Sears advised the Committee that if the application were to be approved, it would result in overdevelopment of the site and would have an adverse impact on the amenity currently enjoyed by neighbouring properties and would also worsen parking problems in the area.

There then followed a period of questioning by Members in relation to the car parking provision provided.

The Committee proceeded to discuss the application in detail.

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

That planning application no. 07/0149/FL/E9
be approved, subject to the conditions as set
out in the report now submitted.

The motion, having been put to the vote, was declared **carried**; with 5 Members voting in favour of granting planning permission and 4 against.

Resolved

That planning application no. 07/0149/FL/E9 be approved, subject to the conditions as set out in the report now submitted.

- 1430/07 **Item No. 6 – 07/0449/OL/W7 – Development of industrial units additional access, associated internal access road, parking and landscaping at land off Fryers Road, Walsall – JPE Holdings Limited**

Resolved (Unanimously)

That planning application no. 07/0449/OL/W7 be approved, subject to the conditions as contained within the report now submitted.

- 1431/07 **Item No. 7 - 07/0440/FL/W5 – Construction of 3,330m2 of B1, B2 and B8 light industrial/warehouse buildings at former Pleck Gas Works, Regal Drive (off Wednesbury Road), Pleck, Walsall – St. Modwen Development Limited**

Resolved (Unanimously)

That planning application no. 07/0440/FL/W5 be approved, subject to the conditions as contained within the report now submitted.

- 1432/07 **Item No. 9 – 07/0859/FL/W3 – Demolition of nos. 62 and 64 Cannock Road and existing health centre (no. 66) and construction of new health centre with dispensary and associated parking at 52, 64 and 66 Cannock Road, Willenhall – Doctors Chandra, Cheriyan and Kumar**

Resolved (Unanimously)

That planning application no. 07/0859/FL/W3 be approved, subject to the conditions as contained within the report now submitted.

1433/07 **Item No. 10 – 07/0424/FL/W6 – Demolition of existing building and construction of a purpose built home for people with learning difficulties at 55-57 Walsall Road, Darlaston, Walsall – Mr. S.D. Samrai**

Resolved (7 members voting in favour of granting permission and 2 members voting against)

That planning application no. 07/0424/FL/W6 be approved, subject to the conditions as contained within the report now submitted.

Councillors Madeley and Bott wished to have their names recorded as having voted against the resolution.

Termination of Meeting

There being no further business, the meeting terminated at 9.43 pm, following an adjournment between 7.50 pm – 7.55 pm

Signed:

Date: