

PLANNING COMMITTEE

Thursday 17th February 2011 at 5.30 p.m.

In the Council Chamber at the Council House, Walsall

Present

Councillor Perry (Chairman)
Councillor Bird (Vice-Chairman)
Councillor Arif
Councillor P. Bott
Councillor Carpenter
Councillor Cook
Councillor Creaney
Councillor Douglas-Maul
Councillor Harris
Councillor P. Hughes
Councillor Jeavons
Councillor Madeley
Councillor D. Pitt
Councillor Rochelle
Councillor Thomas
Councillor Yasin

2688/11

Apologies

Apologies for non-attendance were submitted on behalf of Councillors Ali, Beeley and Turner.

2689/11

Minutes

Resolved

That the minutes of the meeting held on 27th January 2011, a copy having previously been circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record, subject to the following amendment:-

That minute number 2677/11, page number 6 paragraph 3 and page 7 paragraph 3 be deleted and substituted with "that adequate off site parking could be ensured by limiting the opening hours of the takeaway to reflect the allowed parking times on the public highway under the existing Traffic Regulation Order"

2690/11

Declarations of Interest

There were no Declarations of Interest.

2691/11 **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

2692/11 **Local Government (Access to Information) Act, 1985 (as amended)**

There were no items to be considered in private session.

2693/11 **44 Foxwood Avenue, Great Barr, Walsall, B43 7QX**

The report of the Head of Planning and Building Control - Regeneration was submitted:-

(see annexed)

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

Resolved (unanimously)

- (1) 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 set out in 2.3 of the Report now submitted;
- (2) Authorise the decision as to the institution of prosecution proceedings in the event of non compliance with an Enforcement Notice or the non-return of Requisitions for Information or a Planning Contravention Notice; and the decision as to the institution of Injunctive proceedings in the event of a continuing breach of control; be delegated to the Assistant Director – Legal and Constitutional Services in consultation with the Head of Planning and Building Control;
- (3) 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 stating the nature of the breaches and the reasons for taking enforcement action, the requirements of the Notice, or the boundaries of the site;
- (4) Planning and Building Control to report back in six months to ensure compliance with planning permission.

2694/11 **31 Pinley Grove, Great Barr, Walsall, B43 7RB**

The report of the Head of Planning and Building Control – Regeneration was submitted:-

(see annexed)

The Planning Officer advised the Committee of the background to the report and the Committee then proceeded to discuss the report in detail.

Resolved (15 in favour and 1 against)

- (1) That authority be granted for the issuing of an enforcement notice under the Town and Country Planning Act 1990 (as amended) to require removal of the decking, as set out in 2.3 of the report now submitted;
- (2) Authorise that the decision to institute Prosecution proceedings in the event of non-compliance with an Enforcement Notice, or the non-return of Requisitions for Information or a Planning Contravention Notice; and the decision to institute injunctive proceedings in the event of a continuing breach of control; be delegated to the Assistant Director – Legal and Constitutional Services in consultation with the Head of Planning and Building Control;
- (3) Authority 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 (in the interests of ensuring an accurate and up to date notice is served) be delegated to the Assistant Director – Legal and Constitutional Services in consultation with the Head of Planning and Building Control.

2695/11

Development Management Performance Report

The report of the Head of Planning and Building Control was submitted:-

(see annexed)

A discussion took place in relation to the long standing case against the Mellish Road Church and of the owners delays in not complying with Council and English Heritage guidelines and carrying out the demolition of the building.

The Vice Chair proposed that:-

Cabinet considers authorising relevant works to be undertaken to demolish the Church at Melish Road and to recover the cost by placing a charge on the Owner's personal properties / assets or the land in question.

The proposal was fully endorsed by the Chair and unanimously carried by the Committee.

The motion having been put to the vote was declared carried, with Members voting unanimously.

The Chair commended the Officers on the report in relation to the successful enforcement action.

Resolved

- (1) That Cabinet considers authorising relevant works to be undertaken to demolish the Church at Mellish Road and to recover the cost by placing a charge on the Owner's personal properties / assets or the land in question;
- (2) That the report be noted.

2696/11 **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 of 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.

2697/11 **Item No.1 - 10/1542/FL - change of use to Display and Sales of Conservatories, Kitchens and Bathrooms (at front) plus Change of use to B2, B8 and Renting and Refurbishment of Scaffolding plus Insertion of 1 x Roller Shutter Door in proposed N/U elevation at former Easifit Premises, West Bromwich Road, Walsall, WS5 4AN**

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

The Committee then welcomed a speaker on this application, Mr Bottomer, who spoke in support to the application.

There then followed a period of questioning by Members in relation to:-

- What the speaker's relationship was with the company;
- Whether there was any evidence to support the claims that the majority of goods sold in the showroom would be manufactured on the premises and how this could be enforced.

The Council's Head of Planning and Building Control informed the Committee that an enforcement order could be issued should Planning and

Building Control be made aware that goods were being sold on the premises which had not been manufactured on the premises.

The Committee then proceeded to discuss the application in detail.

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

That planning application 10/1542/FL be granted subject to a condition requiring goods being sold to have been manufactured primarily on site and subject to any other conditions as deemed appropriate and necessary by the Head of Planning and Building Control, on the grounds that the development would create jobs in the Borough, and help to assist in the Regeneration of the Borough, in particular the manufacturing industry.

The motion having been put to the vote, was declared **carried**, with all Members voting in favour of approval.

Resolved

That planning application 10/1542/FL be granted subject to a condition requiring goods being sold to have been manufactured primarily on site and subject to any other conditions as deemed appropriate and necessary by the Head of Planning and Building Control, on the grounds that the development would create jobs in the Borough, and help to assist in the Regeneration of the Borough, in particular the manufacturing industry.

2698/11

Item No. 3 - 10/1432/FL – retention of existing storage building at 19 High Street, Walsall Wood, Walsall, WS9 9LR

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

The Committee then welcomed a speaker on this application, Mr. Wilson, who spoke in objection to the application.

There then followed a period of questioning by members in relation to:-

- What impact the current building has on the outlook and light to the neighbouring property?;
- Whether the affected fir trees had been planted prior to the storage building being built;
- What is the effect of the building blocking sunlight from the speaker's garden?

The Committee then proceeded to discuss the application in detail.

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

- (1) That Planning Application 10/1432/FL be refused for the reasons as set out in the report now submitted;
- (2) That officers be requested to instigate prosecution proceedings to satisfactorily resolve the ongoing situation.

The motion having been put to the vote was declared **carried**, with all Members voting unanimously in favour of rejecting the application and instituting prosecution proceedings.

Resolved

- (1) That Planning Application 10/1432/FL be refused for the reasons as set out in the report now submitted;
- (2) That officers be requested to instigate prosecution proceedings to satisfactorily resolve the ongoing situation.

2699/11

Item No. 2 - 10/1599/FL – extension to the patient and staff car park to accommodate additional parking facilities at 51 Leckie Road, Walsall, WS2 8DA

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

Resolved (15 in favour and 1 against)

That planning application 10/1599/FL be granted for the reasons as set out in the report and supplementary paper now submitted.

2700/11

Item No. 4 - 10/1510/FL – demolition of existing bungalow and erection of 2 no. 4 bed detached dwellings at 140 Thornhill Road, Streetly, B74 2ED

The Planning Officer reported that Item No. 4 - 10/1510/FL had been withdrawn from the agenda.

2701/11

Item No. 5 - 10/1656/FL – ground and first floor side extension with first floor front projection at 21 Highmoor Close, Willenhall, WV12 5UU

Resolved (Unanimously)

That planning application 10/1656/FL be approved, subject to the conditions contained within the report and no new material considerations arising.

Termination of meeting

There being no further business the meeting terminated at 6.30 p.m.

Signed:

Date: