

Planning Committee

Tuesday, 7 October 2008

MINUTES

Present:

Councillor Michael Chalk (Chair), and Councillors K Banks (substituting for Councillor Smith), D Enderby, R J Farooqui, J Field, W Hartnett, N Hicks, D Hunt and R King

Also Present:

M Collins (Vice-Chair Standards Committee)

Officers:

S Edden, S Mullins, H Rajwanshi and A Rutt,

Committee Services Officer:

T Buckley.

25. APOLOGIES

Apologies for absence were received on behalf of Councillors Boyd-Carpenter and Smith.

26. DECLARATIONS OF INTEREST

All Councillors present declared personal but not prejudicial interests in application 2008/275/FUL (Replacing a bungalow with a dormer bungalow) 56 Hither Green Lane, Bordesley, as detailed at Minute 29 below.

Councillor MacMillan, as a non-member of the Committee, declared a personal and prejudicial interest in Planning Application 2008/275/FUL (Replacing a bungalow with a dormer bungalow at 56 Hither Green Lane, Bordesley) as detailed separately at Minute 29 below.

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Chair

27. CONFIRMATION OF MINUTES

RESOLVED that

the minutes of the meetings of the Planning Committee held on the 15 July, 12 August and 9 September 2008 be agreed and signed by the Chair.

28. APPLICATIONS FOR PLANNING PERMISSION

The Committee considered and determined two Planning Applications as detailed in the subsequent minutes below.

Offices tabled an update report detailing any late responses to consultation, changed recommendations, further conditions and any additional Officer comments in relation to each application. This report was further updated orally at the meeting as appropriate to each application.

Public Speaking was permitted, in accordance with the Council's agreed procedures, in relation to both of the applications being considered.

29. APPLICATION 2008/275/FUL - 56 HITHER GREEN LANE, BORDESLEY

Replacement of a bungalow with a dormer bungalow
Applicant: Mr N Jinks

The following people addressed the Committee under the Council's public speaking rules:

Mr Thornton - Objector
Cllr C MacMillan - Objector
Mr N Jinks - Applicant
Mr D Jones - Agent for the Applicant.

RESOLVED that

having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED subject to the conditions and informative stated in the report, and the following additional condition:

"7. Drainage – details to be submitted and agreed."

(Prior to consideration of this item, and in accordance with the requirements of Section 81 of the Local Government Act 2000, all Councillors present declared personal but not prejudicial interests in

view of the fact that they were acquainted with an objector to the application.

Prior to commencement of his public speaking session, Councillor MacMillan, speaking in a personal capacity as an objector to the application, declared his personal and prejudicial interest in view of the fact that he lived in close proximity to the application site. In accordance with regulations governing Members' interests - Section 81 of the Local Government Act 2000 - at the conclusion of public speaking, he withdrew from the meeting for the duration of the Committee's consideration of the application.)

30. APPLICATION 2008/286 - 15 BEOLEY ROAD WEST, LODGE PARK

Change of Use from shop to hot food take-away
Applicant: Mr R Jedrzejczyk

Mr Ullah, Objector, addressed the Committee under the Council's public speaking rules.

RESOLVED that

having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED subject to the conditions and informatives as stated in the report, and the following additional condition and informatives:

"5) The approved change of use shall relate to the ground floor of 15 Beoley Road West only.

Additional Informatives:

- 3) Any external artificial security lighting provided to serve the proposed development should be compliant with current guidance produced by the Institute of Lighting Engineers, 'Guidance Notes for the Reduction of Light Pollution, revised 2005' – www.ile.org.ueg**
- 4) The proposed use will require a Premises Licence under the Licensing Act 2003 via an application to the Local Authority.**
- 5) The proposed use will require registration as a food premises via an application to the Local Authority."**

31. CHANGES TO HOUSEHOLDER PERMITTED DEVELOPMENT RIGHTS

Members received a report which detailed amendments to planning legislation in respect of rights of householders which set out limits within which householders may develop without the need to apply for planning permission.

RESOLVED that

the report be noted and taken into account in future decision making processes.

32. ENFORCEMENT OF PLANNING CONTROL

The Committee considered a contravention of planning law, as detailed in the subsequent minute below.

33. ENFORCEMENT REPORT 2008/025/ENF- EDWARD STREET / BROMSGROVE ROAD, TOWN CENTRE

Condition of land considered harmful to the visual amenity of the area

RESOLVED that

- 1) authority be delegated to the Head of Legal, Democratic and Property Services, in consultation with the Acting Head of Planning and Building Control, to take enforcement action, including the instigation of legal proceedings if necessary, in relation to a breach of planning control, namely, allowing the condition of land to adversely affect the visual amenity of the area; and**
- 2) such actions to comprise the serving of an Enforcement Notice under Section 215 of the Town and Country Planning Act 1990 and the instigating of prosecution proceedings, if necessary, in the event of any failure to comply with any requirement of that Notice.**

The Meeting commenced at 7.00 pm
and closed at 8.56 pm

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CHAIR