

DEVELOPMENT CONTROL COMMITTEE

Thursday, 29 April, 2010 at 5.30 p.m.

In the Council Chamber at the Council House Walsall

Present

Councillor M.G. Pitt (**Chairman**)
Councillor Bird (**Vice-Chairman**)
Councillor Ali (arrived at 5.50 p.m.)
Councillor Ault
Councillor Barton
Councillor Beeley
Councillor Carpenter
Councillor Douglas-Maul
Councillor P. Hughes
Councillor Madeley
Councillor McCracken (arrived at 5.40 p.m.)
Councillor Rochelle
Councillor Turner

2389/10 Apologies

Apologies for non attendance were received on behalf of Councillors P. Bott, Cook and Robertson.

2390/10 Minutes

Resolved

That the minutes of the meeting held on 1 April, 2010, a copy having been previously circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

2391/10 Declarations of Interest

Councillor Pitt declared a personal interest in item number 5 of the plans list 10/0188/FL – demolition of former library and erection of 6 no. flats, together with 6 no. car parking spaces at Forest Gate Library, Forest Gate, Willenhall, WV12 5LF.

2392/10 **Deputations and Petitions**

The Chair reported that Councillor Arif wished to introduce a deputation on agenda item number 5 10/0269/TR Application to fell one protected tree at The Lodge, New Street, Walsall and that this had been agreed.

2393/10 **Application to fell one protected Poplar Tree at The Lodge, New Street, Walsall, WS1 3DF 10/0269/TR**

The report of the Head of Development and Delivery was submitted:-

(see annexed)

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

Councillor Arif was then invited to introduce his deputation.

Councillor Arif introduced Mr. George who spoke in support of the application.

The Committee proceeded to discuss the application in detail.

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

That the application to fell one protected Poplar Tree at The Lodge, New Street, Walsall, WS1 3DF 10/0269/TR be refused in line with the reasons as contained within the report now submitted.

The motion having been put to the vote was declared **lost** with three Members' voting in favour of the motion and four against.

The Committee proceeded to discuss the application in further detail.

Members' again considered the application and Councillor Bird moved and it was duly seconded by Councillor Hughes:-

That the Poplar Tree at The Lodge, New Street, Walsall, WS1 3DF 10/0269/TR be removed.

The motion having been put to the vote was declared **carried** with eight Members' voting in favour and three against.

Resolved

That the Poplar Tree at The Lodge, New Street, Walsall, WS1 3DF 10/0269/TR be removed.

2394/10 **Application to fell one protected Lime Tree at 9 Langham Green, Streetly, B74 3PS 10/0207/TR**

The report of the Head of Development and Delivery was submitted:-

(see annexed)

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

The Committee welcomed Councillor E. Hughes who spoke in support of the application.

The Committee proceeded to discuss the application in detail.

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

That the Lime Tree at 9 Langham Green, Streetly, B74 3PS 10/0207/TR be removed and, in consultation with the Regeneration Officer, a smaller more suitable tree, with a Tree Preservation Order on it, be planted in its place.

The motion having been put to the vote was declared **carried** with Members' voting unanimously in favour of the motion.

Resolved

That the Lime Tree at 9 Langham Green, Streetly, B74 3PS 10/0207/TR be removed and, in consultation with the Regeneration Officer, a smaller more suitable tree, with a Tree Preservation Order on it, be planted in its place.

2395/10 **Residential Development providing up to a maximum of 445 dwellings at former St. Margaret's Hospital, Queslett Road, Application No 02/2417/OL/E2**

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

(see annexed)

Resolved

That approval be given to revision of the Section 299A Agreement to allow for the properties owned by Midland Heart Limited to be used for the purpose

of intermediate rented in addition to shared ownership, low cost market dwellings and general needs rented.

2396/10 **Bell Inn, Market Place, Willenhall, recovery of expenses following from Section 54: Urgent Works Notice**

The report of the Head of Regeneration – Development and Delivery was submitted:-

(see annexed)

The Committee requested that, in future, Officers include in reports on action of this sort a recommendation to the Committee to authorise a a Section 55 Notice to save time.

Resolved

- (1) That authority be granted for the service of a Notice under Section 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 36 of the Local Government Act 1974;
- (2) It be authorised that in the event of non-compliance with the Notice, the decision as to institute legal proceedings to recover the sums due be delegated to the Assistant Director of Legal Services;
- (3) That, in the interests of ensuring an accurate and up to date notice is served, authority be delegated to the Head of Development and Delivery in consultation with the Assistant Director of Legal Services, to approve the final schedule of costs to be attached to the Notice;
- (4) Officers be instructed to write to the owner clearly setting out the requirements to improve the appearance of the building within 28 days;
- (5) That, failure to comply with number 4 above, authority be delegated to officers to serve a Section 215 Notice on the owner.

2397/10 **103 High Road, Lane Head, Willenhall, Ref: E09/0438**

The report of the Head of Planning and Building Control was submitted and Members' attention was drawn to the information contained within the supplementary report:-

(see annexed)

The Committee requested that Officers contact the owners of the site advising them that they have taken into their boundary a small area of Council owned land which needs to be unfenced, purchased or be subject to a planning application.

Resolved

- (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 in 2.4 of the report now submitted;
- (2) That authority be delegated to the Assistant Director – Legal and Constitutional Services in consultation with the Head of Planning and Building Control Services, to issue Enforcement Notices in the event of works commencing to erect any unauthorised buildings, and / or to the unauthorised commencement of use for tyre sales and fitting;
- (3) It be authorised that 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 Services ;
- (4) That, in the interests of ensuring an accurate and up to date notices are 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 in 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.

2398/10 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.

2399/10 Item No. 7 & 8 – 10/0252/OLB and 10/0251/FL – listed building consent: provide extract from shop ducted through existing chimney. Change of use from sandwich shop to hot food takeaway and addition of tables to provide eat-in facilities (re-submission following withdrawal of 10/0030/FL at 30 Bradford Street, Walsall, WS1 1PN

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 now submitted.

The Committee then welcomed the first speaker on this item, Mrs. Henderson, who spoke in objection to the application.

The Committee then welcomed the second and final speaker on this application, Mr. Jacque, who also spoke in objection to the application.

There then followed a period of questioning by Members in relation to where the alleyway to the rear of the property was situated, clarification in relation to the existing crime, ASB, drug and prostitution problems experienced in the location, the volume of traffic, buses and parking situation in the area, whether the proposed development would improve the area in view of it being within the conservation area, the proposed hours of operation and what concerns the police had raised.

The Committee proceeded to discuss the application in detail.

In relation to agenda item number 8 10/0251/FL change of use from sandwich shop to hot food takeaway and addition of tables to provide eat-in facilities (re-submission following withdrawal of 10/0030/FL) Members' considered the application and Councillor Bird **moved** and it was duly **seconded** by Councillor McCracken:-

That planning application no. **10/0251/FL** be refused on the grounds that it would be detrimental to the amenities of the area, would exacerbate the current levels of crime, ASB, drug and prostitution problems highlighted by the police and thus increase the fear of crime, which would lead to an increase in the level of noise and litter and is in direct contravention to the qualities expected of a conservation area.

The motion, having been put to the vote, was declared **carried**; with Members' voting unanimously in favour of refusal.

Resolved

That planning application no. **10/0251/FL** be refused on the grounds that it would be detrimental to the amenities of the area, would exacerbate the current levels of crime, ASB, drug and prostitution problems highlighted by the police and thus increase the fear of crime, which would lead to an increase in the level of noise and litter and is in direct contravention to the qualities expected of a conservation area.

In relation to agenda item number 7 10/0252/LB – Listed Building Consent. Provide Extract from shop ducted through existing Chimney.

Members' considered the application and noted that while the flue might be redundant given the decision on the previous application, that was not a reason to refuse this application. Councillor Bird **moved** and it was duly **seconded** by Councillor Pitt:-

That Listed Building Consent - application no. **10/0252/LB** be granted, subject to the conditions as contained within the report now submitted.

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

Resolved

That Listed Building Consent - application no. **10/0252/LB** be granted, subject to the conditions as contained within the report now submitted.

2400/10 Item No. 13 – 10/0136/FL – two storey rear extension, access ramp with handrail and planting in front of house only at 111 Hundred Acre Road, Streetly, Sutton Coldfield

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

The Committee welcomed the only speaker on this item, Mr. Thomas, who spoke in support of the application.

There then followed a period of questioning by Members' in relation to the location of the proposed ramp, the size and location of the extension and the proposed levels.

The Committee proceeded to discuss the application in detail.

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

That planning application no. **10/0136/FL** be deferred until the next meeting to enable the applicant to submit further plans, showing the scheme more clearly.

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

Resolved

That planning application no. **10/0136/FL** be deferred until the next meeting to enable the applicant to submit further plans, showing the scheme more clearly.

- 2401/10 **Item No. 1 – 10/0074/FL – erection of replacement primary school building including 26 place nursery, replacement boundary fence, parking, new access road and landscaping at Christ Church C of E School, Harden Road, Walsall, WS3 1EN**

The Committee received a presentation on this application from the Planning Officer who drew Members' attention to the additional information and conditions contained within the supplementary paper now submitted.

Resolved (Unanimously)

That planning application no. **10/0074/FL** be approved subject to the conditions contained within the report and supplementary paper now submitted.

- 2402/10 **Item No. 2 – 10/0265/FL – variation of condition 20 of planning approval 09/0645/FL (73 new build affordable dwellings which comprise of 61 no, 2 bed 3 person flats, 6 no. 3 bed 5 person houses, 2 no. 4 bed 6 person houses, 2 no. 4 bed 7 person houses and 2 no. 5 bed 7 person houses and new highway, parking courts, external works and landscaping) to provide a mix of tenures including social rent, shared ownership and market sale at land at the junction of High Street and Ogley Road, Brownhills, Walsall, WS8 6DW**

Resolved (Unanimously)

That planning application no. **10/0265/FL** be approved subject to the conditions as contained within the report and supplementary paper now submitted.

- 2403/10 **Item No. 3 – 10/0126/FL – change of use from general industry (B2) to light industry (B1), general Industry (B2) or storage and distribution (B8) adjacent to public footpath (WED.5) at Unit 6, Woods Bank Estate, Woden Road West, Wednesbury**

Resolved (Unanimously)

That planning application no. **10/0126/FL** be approved subject to the conditions as contained within the report now submitted.

- 2404/10 **Item No. 4 – 10/0308/FL – variation of conditions 5,7(e) and 17 of permission 06/0227/FL/W1 (regarding the timing of pedestrian works, recording of archaeology investigations and access to buildings for recording) at Manor Hospital, Moat Road, Walsall, WS2 9PS**

Resolved (Unanimously)

That planning application **10/0308/FL** be approved subject to the conditions as contained within the report now submitted.

- 2405/10 **Item No. 6 – 10/0005/FL – demolition of the existing Public House and change of use from Public House and car park to car wash with two mobile buildings at The Boat PH, Bentley Road South, Walsall, WS10 8LW**

Resolved (Unanimously)

That planning application **10/0005/FL** be approved subject to the conditions as contained within the report and supplementary paper now submitted.

- 2406/10 **Item No. 9 – 10/0286/FL – alterations and extension to provide children's centre facilities for children under 5 at Streetly Youth and Sports Centre, Foley Road East, Sutton Coldfield, B74 3HR**

Resolved (Unanimously)

That planning application **10/0286/FL** be approved subject to the conditions as contained within the report now submitted.

- 2407/10 **Item No. 10 – 10/0287/FL – removal of existing temporary nursery building and construction of new children's centre at Park Hall Playgroup, Falmouth Road, Walsall, WS5 3EZ**

Resolved (Unanimously)

That planning application **10/0287/FL** be approved subject to the conditions as contained within the report now submitted.

- 2408/10 **Item No. 11 – 10/0101/FL – substitution of house type to retain plots 1-4 as dwelling houses at 158A, Lichfield Road, Walsall, WS4 1ED**

Resolved (Unanimously)

That planning application **10/0101/FL** be approved subject to the conditions as contained within the report and supplementary paper now submitted.

2409/10 **Item No. 12 – 10/0178/FL – erection of one 4 bedroom detached house at land adjacent 28 Millennium Close, Walsall, WS3 4AY**

Resolved (Unanimously)

That planning application **10/0178/FL** be approved subject to the conditions as contained within the report and supplementary paper now submitted.

2410/10 **Item No. 5 – 10/0188/FL – demolition of former library and erection of 6 no. flats, together with 6 no. car parking spaces at Forest Gate Library, Forest Gate, Willenhall, WV12 5LF**

The Chair having declared an interest in this item left the meeting and did not return.

The Vice-Chair took the Chair for the remainder of the Committee's business.

Resolved (Unanimously)

That planning application **10/0188/FL** be approved subject to the conditions as contained in the report now submitted.

Termination of meeting

There being no further business the meeting terminated at 7.10 p.m.

Signed:

Date: