

DEVELOPMENT CONTROL COMMITTEE

Tuesday 25 April 2006 at 6.00 p.m.

In the Council Chamber at the Council House, Walsall

Present

Councillor Roger Collins (Chairman)
Councillor Leslie Beeley (Vice-Chairman)
Councillor Clive Ault
Councillor Joan Barton
Councillor Mike Bird
Councillor Rose Burley
Councillor John Cook
Councillor Brian Douglas-Maul
Councillor Louise Harrison
Councillor Haqnawaz Khan
Councillor Bill Madeley
Councillor Rose Martin
Councillor John Rochelle

1000/06 Apologies

Apologies for non-attendance were submitted on behalf of Councillors Dennis Anson, Arthur Bentley, Cath Micklewright, Rob Robinson, David Turner and Angela Underhill.

1001/06 Minutes

Resolved

That the minutes of the meeting held on 4 April 2006, a copy having been previously circulated to each member of the Committee, be approved and signed by the Chairman as a correct record.

1002/06 Declarations of Interest

Councillor Rose Burley declared a prejudicial interest in agenda item no. 4 – planning application no. 06/0227/FL/W1 relating to variation of condition 1 of B.C.58026P to allow a further three years for the submission of details at Manor Hospital, Moat Road, Walsall, and withdrew from the meeting during the consideration and determination of this item.

1003/06 **Deputations**

Councillor Sarohi introduced Mr. Lalli and requested the Committee's permission to allow him to speak on agenda item no. 9 relating to 81 Forrester Street, Walsall.

Resolved

That Mr. Lalli be allowed to speak on agenda item no. 9.

1004/06 **Petitions**

There were no petitions presented.

1005/06 **Late Items**

There were no late items introduced at this meeting. However, the Chairman informed the Committee that agenda item nos. 10 and 15 had been withdrawn from the agenda.

1006/06 **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.

1007/06 **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 first with the items on the agenda where the members of the public had previously indicated that they wished to address the Committee.

1008/06 **Item No. 3 – 06/0328/FL/W2 – Retrospective: Conversion of existing dwelling to 4 no. flats at 48 Lichfield Road, Walsall – Mr. Ubhi**

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

The Committee then welcomed the first speaker on this item, Councillor McCracken, who wished to object to this application on behalf of local residents.

Councillor McCracken stated that retrospective applications were not welcomed. She further stated that parking provision on the site was not adequate and raised concern that the driveway was very narrow allowing for one-way traffic only in either direction. In addition, Councillor McCracken stated that the building was an eye-sore, due to the fire escape, to residents in Somerset Road.

In closing, she stated that it was important to look after buildings and maintain heritage in the area.

The Committee then welcomed the second speaker on this item, Mr. Brownhill, who re-iterated the concerns raised by Councillor McCracken.

Mr. Brownhill stated that the building had been converted into 5 flats and was already being advertised for rental purposes. The application before the Committee was for 4 flats and not 5. He further stated that the development would impact upon residents and be detrimental to highway safety.

The Committee then welcomed the third speaker on this item, Mr. Ellwell, who re-iterated both the concerns of Councillor McCracken and Mr. Brownhill. Mr. Ellwell stated that the houses in that area were traditional period houses and that it is important to retain this type of house to provide community interest without converting them into flats.

The Committee then welcomed the fourth speaker on this application, Councillor Arif, who raised concern at retrospective planning applications saying that no regard had been given to the planning process. He also stated that there were 5 flats and not 4 as suggested in the report.

In closing, Councillor Arif stated that it was a clear case of over-development and that the conversion was not in-keeping with the neighbourhood.

There followed a period of questioning by Members relating to the provision of parking spaces on the site and the number of flats provided.

The Committee proceeded to discuss the application in detail.

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

That planning application no. 06/0328/FL/W2 be refused for the following reasons:-

- (1) the application is an over-development of the site;
- (2) the application has an inadequate and unsafe vehicle access which would create turning difficulties for fire and refuse services;
- (3) there is an unsuitable number of car parking spaces for the development;
- (4) the work is detrimental to the amenity of the area and the visual amenity of residents of Somerset Road;
- (5) that authorisation to issue an enforcement notice be delegated to Officers from Legal Services Department together with authority to prosecute for non-return of notices.

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

Resolved

That planning application no. 06/0328/FL/W2 be refused for the following reasons:-

- (1) the application is an over-development of the site;
- (2) the application has an inadequate and unsafe vehicle access which would create turning difficulties for fire and refuse services;
- (3) there is an unsuitable number of car parking spaces for the development;
- (4) the work is detrimental to the amenity of the area and the visual amenity of residents of Somerset Road;
- (5) that authorisation to issue an enforcement notice be delegated to Officers from Legal Services Department together with authority to prosecute for non-return of notices.

1009/06 **Item No. 1 – 05/2428/FL/W3 – Side and rear extension for conversion of dwelling to small care home at 140 Wallows Lane, Walsall – Mr. Peter Costigan**

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

The Committee then welcomed the first speaker on this item, Councillor O'Hare, who wished to speak in support of the application.

Councillor O'Hare explained that the proposed development was for a 4 place care home for people with minor difficulties. He explained that the level of parking would not necessarily increase the number who would live in the property. He also explained that residents could apply for permits to park on-street. Regarding the suggestion of it being an over-development of the site, Councillor O'Hare explained that the property would not be any different to its existing state and that the applicants were willing to comply with landscaping and rendering if required.

The Committee proceeded to discuss the application in detail.

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

That planning application no. 05/2428/FL/W3 be refused for the reasons as stated in the report submitted.

The motion, having been put to the vote, was declared **carried**; with 6 Members voting in favour of refusal and 1 against.

Resolved

That planning application no. 05/2428/FL/W3 be refused for the reasons as stated in the report submitted.

1010/06 **Item No. 2 – 06/0126/OL/W1 – Outline: erection of 18 apartments and 51 houses including access to site rear of Heston and Granby, Stafford Road, Wednesbury – Woodford Land Limited**

Prior to consideration of this application, Officers drew Members' attention to the supplementary report.

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

The Committee then welcomed the first speaker on this item, Mr. Gilbert, who wished to object to the application.

Mr. Gilbert raised concern that the development would overlook his property and suggested revised layouts to resolve this issue. He also raised concern that the driveway would become a security risk, stating that he had already been broken into. If the development went ahead he believed that the alleyway would be an increased risk and would disturb his quality of life.

The Committee then welcomed the second speaker, Councillor Wilkes, who wished to object to the application.

Councillor Wilkes shared the concerns of Mr. Gilbert indicating that the passageway would become a major problem. He also questioned who would hold responsibility for the driveway after the developers had been and gone. He stated that there was a need to gate the alleyway and appoint key holders to those that needed the access to it.

There followed a period of questioning by Members in relation to the provision of gated access to the alleyway and the possible ownership of the land. In response, Officers reported that the proposed development shown on the plan was merely for illustrative purposes only and that outline planning permission was being requested.

The Committee then proceeded to discuss the application in detail.

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

That the application be deferred pending further and fuller discussion as to how developers would meet the concerns of Mr. Gilbert relating to the alleyway and overlooking and that the report be brought back to the next meeting of the Committee.

The motion, having been put to the vote, was declared **carried**; with Members voting unanimously in favour of deferring the application to the next meeting.

Resolved

That the application be deferred pending further and fuller discussion as to how developers would meet the concerns of Mr. Gilbert relating to the alleyway and overlooking and that the report be brought back to the next meeting of the Committee.

Councillor Harrison left the room during the consideration and determination of the application and, therefore, did not vote.

1011/06 **Item No. 6 – 05/2057/FL/E4 – Erection of 6 houses at 132-136 and the rear of 138-140b Chester Road, Streetly, Walsall – Matthew Homes West Midlands**

Prior to consideration of this application, Officers drew Members' attention to the supplementary paper and amendments to recommendations contained therein.

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

The Committee then welcomed the first speaker on this application, Mr. Caine, who wished to object to the application.

Mr. Caine raised concern that essential information was missing from the report relating to drainage and design statements. He queried how the report could come before the Committee with these being omitted. He also stressed that the Nature Officer and Conservation Team believed that the application should be refused due to lack of information. He suggested that the application should be sent back to the developers for them to bring a full application before the Committee.

The Committee then welcomed the second speaker on this item, Councillor Hughes, who wished to speak in objection to the application.

Councillor Hughes stated that there were many issues that required to be resolved, such as a planting scheme and drainage issues. Again he re-iterated Mr. Caine's concern that there were large omissions from the report. It was not clear that many of these issues could and would be resolved.

The Committee proceeded to discuss the application in detail.

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

That the application be deferred to allow Officers to undertake consultations with the applicants in order to overcome some of the omissions from the report.

The motion, having been put to the vote, was declared **carried**; with Members voting unanimously in favour of deferring the application to undertake consultations with the applicants in order to overcome some of the omissions from the report.

Resolved

That the application be deferred to allow Officers to undertake consultations with the applicants in order to overcome some of the omissions from the report.

Councillor Barton left the room during consideration and determination of this item and, therefore, did not vote.

Councillor Harrison left the meeting after this item had been determined and did not return.

Councillor Burley left the room during consideration and determination of this item and, therefore, did not vote.

1012/06 **Item No. 9 - 06/0218/OL/E3 – Outline: Residential development of 5 flats on land adjacent Local Centre, Turnberry Road, Walsall – Walsall MBC**

Prior to consideration of this application, Planning Officers drew Members' attention to the supplementary paper.

The Committee then welcomed the speaker, Councillor M. Pitt, who wished to speak in objection to the application.

Councillor Pitt raised concern as he believed the application would create an area for anti-social behaviour, be out-of-character with the surrounding area and that the consultation process had not been adequate.

The Committee proceeded to discuss the application in detail.

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

That planning application no. 06/0218/OL/E4 be deferred to enable further consultation with residents to take place.

The motion, having been put to the vote, was declared **carried**; with Members voting unanimously in favour of deferring consideration pending further consultation with residents.

Resolved

That planning application no. 06/0218/OL/E4 be deferred to enable further consultation with residents to take place.

Councillor Harrison left the meeting at 8.05 p.m. and did not return.

- 1013/06 **Item No. 4 – 06/0227/FL/W1 - Variation of Condition 1 of B.C.58026P to allow a further three years for the submission of details at Manor Hospital, Moat Road, Walsall – Manor Hospital**

Planning Officers drew Members' attention to the revised recommendation in the supplementary paper.

Resolved (Unanimously)

That planning application no.06/0227/FL/W1 be approved, subject to the conditions set out in the report and supplementary paper now submitted.

- 1014/06 **Item No. 5 – 06/0355/FL/W7 – An amendment to previous approval 05/1736/FL/W7 for erection of 24 flats/apartments at Atlas Works, Sandwell Street, Walsall – Mr. N. Morison**

Resolved (Unanimously)

That planning application no. 06/0355/FL/W7 be approved, subject to the conditions contained in the report now submitted.

Councillor Burley left the meeting at 8.30 p.m. and did not return

- 1015/06 **Item No. 7:**
- (1) 06/0064/FL/W3 – Re-build fire damaged frontage to High Street. Ground floor retail (A1 and A3) with 13 no. 1 and 2 bed apartments over 12, 13 and 14 High Street, Walsall – Mr. P. Broadgate;**
 - (2) 06/0065/LB/W3 – Listed Building Consent: Re-build fire damaged frontage to High Street. Ground floor retail (A1 and A3) with 13 no. 1 and 2 bed apartments over at 12, 13 and 14 High Street, Walsall – P. Broadgate;**
 - (3) Listed Building Consent: Remove front facade of nos. 13 and 14 and shell of no. 12 as all these walls are unstable at 12, 13 and 14 High Street, Walsall – P. Broadgate**

Resolved (Unanimously)

That the following planning applications be approved, subject to the conditions contained in the report now submitted:-

- (1) 06/0064/FL/W3: Re-build fire damaged frontage to High Street. Ground floor retail (A1 and A3) with 13 no. 1 and 2 bed apartments over 12, 13 and 14 High Street, Walsall**

- (2) 06/0065/LB/W3: Listed Building Consent: Re-build fire damaged frontage to High Street. Ground floor retail (A1 and A3) with 13 no. 1 and 2 bed apartments over at 12, 13 and 14 High Street, Walsall
- (3) 05/2005/LB/W3: Listed Building Consent: Remove front facade of nos. 13 and 14 and shell of no. 12 as all these walls are unstable at 12, 13 and 14 High Street, Walsall

1016/06 **Item No. 8 – 06/0298/FL/W7 – conversion of existing two-storey textile manufacturing unit at 3 storey 11 no. residential apartments (1 & 2 bed) at 76-84 Glebe Street, Walsall –
Globe Properties Limited**

The Head of Planning and Transportation had recommended that planning permission be granted, subject to conditions.

Members considered the application and Councillor Khan **moved** and it was duly **seconded** by Councillor Collins:-

That planning application no. 06/0298/FL/W7 be refused on the following grounds:-

The site is an area of largely terraced housing; the development proposed would be over-development of the site by reason of the very high density achieved which is out-of-character with and detrimental to the surrounding area as a result of:-

- (a) the proposed increase in the height of the buildings to accommodate the number of flats perpetuating and intensifying the impact of the existing and proposed large buildings which effectively fill the site, thereby impacting on the neighbouring houses;
- (b) the number and arrangement of the proposed flats would poorly define the distinction between the public and private realm reducing opportunities to design out of crime reducing the dependable space, reducing surveillance opportunities from each of the units to the street and good urban design thereby creating a detriment to the local amenity of the area.

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

Resolved

That planning application no. 06/0298/FL/W7 be refused on the following grounds:-

- (1) The site is an area of largely terraced housing; the development proposal would be over-development of the site by reason of the very high density achieved which is out-of-character with and detrimental to the surrounding area as a result of:-
 - (a) the proposed increase in the height of the buildings to accommodate the number of flats perpetuating and intensifying the impact of the existing and proposed large buildings which effectively fill the site, thereby impacting on the neighbouring houses;
 - (b) the number and arrangement of the proposed flats would poorly define the distinction between the public and private realm reducing opportunities to design out of crime reducing the dependable space, reducing surveillance opportunities from each of the units to the street and good urban design thereby creating a detriment to the local amenity of the area.

1017/06 **Mellish Road Church**

The report of the Head of Planning and Transportation was submitted:-

(see annexed)

Resolved

That authority be granted to take direct action, if necessary, in support of a Section 215 Notice.

1018/06 **Boundary Court, 35-49 Boundary Road. Streetly**

The report of the Head of Planning and Transportation was submitted:-

(see annexed)

Resolved

- (1) That authority be given for the issuing of a notice under Section 215 of the Town and Country Planning Act 1990, to require:-
 - (a) prior to repainting, clean and repair all external metalwork, removing in the process any flaking paint, so as to ensure all external metalwork is in an appropriate condition for repainting;
 - (b) prior to repainting, clean and repair all external balcony screens, removing in the process any flaking paint or rust, so as to ensure all the balcony screens are in an appropriate condition for repainting;
 - (c) on completion of (a) above, repaint all external metalwork in exterior primer, exterior undercoat and exterior metal gloss;
 - (d) on completion of (b) above, repaint all external balcony screens in exterior undercoat and exterior metal gloss;
 - (e) repair and make good any damage to the garage doors or replace the doors to manufacturer's specifications;
 - (f) repaint the garage doors in appropriate external undercoat and exterior gloss;
 - (g) make good and repair the damaged fascia boards and repaint in suitable exterior paint;
 - (h) remove any graffiti from the building;
 - (i) remove all debris, litter and rubbish from the land and dispose at a place of authorised disposal and leave the site in a clear and tidy condition;
- (2) 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;
- (3) That authority be delegated to the Assistant Director – Legal and Constitutional Services, in consultation with the Head of Planning and Transportation, to amend and add to or delete from the wording stating the nature of the breach(es), the reason(s) for taking action and the requirement(s) of the notice or the boundaries of the site.

1019/06 81 Forrester Street

The report of the Head of Planning and Transportation was submitted:-

(see annexed)

Resolved

- (1) That authority be given for the issuing of an enforcement notice under the 1990 Act to require the removal of the first floor extension, the extraction flue; the removal of all resultant debris to an authorised place of disposal; and that the notice not be served for a period of 2 months, to allow time for the resolution of the issues by negotiation if possible
- (2) 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;
- (3) That authority be delegated to the Assistant Director – Legal and Constitutional Services, in consultation with the Head of Planning and Transportation, to amend and add to or delete from the wording stating the nature of the breach(es), the reason(s) for taking action and the requirement(s) of the notice or the boundaries of the site.

1020/06 115 Sutton Road, Walsall

This item was withdrawn.

1021/06 15 Cricket Close, Walsall

The report of the Head of Planning and Transportation was submitted:-

(see annexed)

Resolved

- (1) That authority be given for the issuing of an enforcement notice as recommended
- (2) 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;

- (3) That authority be delegated to the Assistant Director – Legal and Constitutional Services, in consultation with the Head of Planning and Transportation, to amend and add to or delete from the wording stating the nature of the breach(es), the reason(s) for taking action and the requirement(s) of the notice or the boundaries of the site.

1022/06 51 Allerdale Road, Clayhanger – Conservatory at Rear

The report of the Head of Planning and Transportation was submitted:-

(see annexed)

Resolved

- (1) That authority be given for the issuing of an enforcement notice under the Town and Country Planning Act 1990, to require remedial actions to be undertaken;
- (2) 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;
- (3) That authority be delegated to the Assistant Director – Legal and Constitutional Services, in consultation with the Head of Planning and Transportation, to amend and add to or delete from the wording stating the nature of the breach(es), the reason(s) for taking action and the requirement(s) of the notice or the boundaries of the site.

1023/06 KFC Drive-In Restaurant, 10 Wolverhampton Road, Walsall and adjoining land

The report of the Head of Planning and Transportation was submitted, and it was pointed out to Members that the report referred to other signs and locations in addition to KFC:-

(see annexed)

Resolved

- (1) That authority be given to the Assistant Director – Legal and Constitutional Services to instigate legal proceedings to prosecute the owner(s) and/or occupier(s) and other relevant persons, under Section 224 of the Town and Country Planning Act, 1990, in respect of displaying an advertisement without the consent required under the Town and Country Planning (Control of Advertisements) Regulations, 1992;

- (2) 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;
- (3) That planning enforcement also be carried out as above in respect of signboards on the road frontage.

1024/06 North embankment of Wyrley and Essington Canal, east side of Green Lane, Walsall

The report of the Head of Planning and Transportation was submitted:-

(see annexed)

- (1) That authority be given to the Assistant Director – Legal and Constitutional Services to instigate legal proceedings to prosecute the owner(s) and/or occupier(s) and other relevant persons, under Section 224 of the Town and Country Planning Act, 1990, in respect of displaying an advertisement without the consent required under the Town and Country Planning (Control of Advertisements) Regulations, 1992;
- (2) 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.

1025/06 1 Brook Meadow Road, Shelfield

This application was withdrawn.

1026/06 Serving of Tree Preservation Order No. 12 of 2006 – 1 to 51 Chester Road and Oakdene Nurseries, Streetly

The report of the Director for Regeneration was submitted:-

(see annexed)

Resolved

- (1) That the making of Tree Preservation Order No, 12 of 2006, be authorised;
- (2) That the Committee supports the reasons for making the Tree Preservation Order as set out in paragraph 10.2 of the report now submitted;

- (3) That Tree Preservation Order No. 9 of 1981 be revoked, subject to Tree Preservation Order No. 12 of 2006 being confirmed within 6 months of the Order being served;
- (4) That, in doing (3) above, the Committee notes that the revocation of Tree Preservation Order No. 9 of 1981 will be reliant on the confirmation of Tree Preservation Orders 9 of 2006 and 11 of 2006.

1027/06 **Confirmation of Tree Preservation Order No. 26 of 2005 –
123 Longwood Road, Walsall**

The report of the Director of Regeneration was submitted:-

(see annexed)

Resolved

- (1) That this Committee confirms Walsall Tree Preservation Order No. 26 of 2005 relating to 123 Longwood Road, Walsall,
- (2) That this Committee supports the reasons for making the Tree Preservation Order as set out in paragraph 1.2 of the report now submitted;
- (3) That this Committee notes that representations have been received in respect of this Tree Preservation Order.

Termination of Meeting

The meeting terminated at 8.50 p.m.

Chairman:

Date: