

DEVELOPMENT CONTROL COMMITTEE

Thursday, 8th October, 2009 at 5.30 p.m.

In the Council Chamber at the Council House Walsall

Present

Councillor M.G. Pitt **(Chair)**
Councillor Bird **(Vice-Chair)**
Councillor Ali
Councillor Ault (arrived at 5.50 p.m.)
Councillor Barton
Councillor Beeley
Councillor P. Bott
Councillor Carpenter
Councillor Cook
Councillor Douglas-Maul
Councillor Madeley
Councillor McCracken (arrived at 5.45 p.m.)
Councillor Munir
Councillor Robertson
Councillor Rochelle
Councillor Sarohi
Councillor Turner
Councillor Underhill

2207/09 Apologies

An apology for non attendance was received on behalf of Councillor P. Hughes.

2208/09 Minutes

Resolved

That the minutes of the meeting held on 10 September, 2009, a copy having been previously circulated to each member of the Committee, be approved and signed by the Chairman as a correct record.

2209/09 Declarations of Interest

Councillor Bott declared:-

A personal interest in Item 2 of the plans list relating to application 09/1064/RM as chair of Kingshill Park Friends Group

A personal interest in Item 3 of the plans list relating to application 09/0974/FL as he is a member of the Board.

A prejudicial interest in Item 6 of the plans list relating to application 09/0961/FL as you have relatives at the school and also spoken to press regarding the change of use.

Councillor Ali declared:-

A prejudicial interest in Item No. 6 of the plans list relating to application 09/0961/FL as he was a member of Cabinet which had discussed this matter previously.

A prejudicial interest in the private report relating to Mellish Road Church as he was a member of Cabinet which had discussed this matter previously.

2210/09 **Deputations and Petitions**

It was reported that there were two deputations in relation to the confidential item on Mellish Road Church. The Chair advised that the deputations would be received prior to the meeting moving into private session.

2211/09 **Residential Development of dwellings and associated works (revisions to application 05/0411/FL/E2 including increase number of dwellings from 76 to 93) at former Eagle Envelopes, Bloxwich Road, Walsall, West Midlands, WS3 2XG**

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

(see annexed)

Resolved (unanimously)

That the Section 106 agreement be revised to allow a change in tenure on plots 8 and 9 from shared ownership to social rented housing.

2212/09 **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.

At this juncture, the Chairman advised Members that item 6 of the plans list relating to application 09/0961/FL had been withdrawn.

2213/09 **Item No's 8 - 09/0809/FL - Change of use from A1 (Shops) to A5 (Hot Food Takeaways) at 43 Boundary Court, Boundary Road, Streetly, Walsall, B74 2JR**

And

Item No. 9 - 09/0481/FL - Change of from Use Class A1 (Shops) and A3 (Restaurants and Cafes) at 39 Boundary Court, Boundary Road, Streetly, Walsall B74 2JR

Councillors McCracken and Ault arrived during deliberation of this item and did not take part or vote.

Prior to consideration of this item it was drawn to Committees attention that whilst the applications were being presented together, votes on each would be taken separately.

The Planning Officer then advised the Committee of the background to the reports and drew members' attention to the supplementary paper circulated at the meeting.

The Committee then welcomed the first speaker on this application, Councillor E. Hughes, who spoke against the application.

The Committee then welcomed the second speaker on this application, Mr Ahmed, who spoke in support the application.

The Committee then welcomed the third speaker on this application, Mr Howitt, who spoke in support of the application.

There then followed a period of questioning by Members in relation to the provision of external CCTV, the level of consultation undertaken, conditions in place regarding the litter collection, parking provision, anti social behaviour and the differences between the application before committee and the one previously refused.

Members considered the application and in relation to item 8 Councillor Bird **moved** and it was duly **seconded** by Councillor Pitt:-

That planning application No. **09/0809/FL** be approved subject to:-

- i) The conditions as contained in the report and supplementary paper now submitted;
- ii) an additional condition to delegate authority to officers to negotiate with the applicants to ensure a satisfactory CCTV scheme is adopted;
- iii) Officers contacting ward councillors with regard to issues relating to the extraction of fumes from the site.

The motion having been put to the vote, was declared **carried**, with 15 members voting in favour and none against.

Resolved (15 in favour and none against)

That planning application No. **09/0809/FL** be approved subject to:-

- i) The conditions as contained in the report and supplementary paper now submitted;
- ii) an additional condition to delegate authority to officers to negotiate with the applicants to ensure a satisfactory CCTV scheme is adopted;
- iii) Officers contacting ward councillors with regard to issues relating to the extraction of fumes from the site.

Members further considered item 9 and Councillor Bird **moved** and it was duly **seconded** by Councillor Pitt:-

That planning application No. **09/0481/FL** be approved subject to:-

- i) The conditions as contained in the report and supplementary paper now submitted;
- ii) an additional condition to delegate authority to officers to negotiate with the applicants to ensure a satisfactory CCTV scheme is adopted;
- iii) Officers contacting ward councillors with regard to issues relating to the extraction of fumes from the site.

The motion having been put to the vote, was declared **carried**, with 15 members voting in favour and none against.

Resolved (15 in favour and none against)

That planning application No. **09/0481/FL** be approved subject to:-

- i) The conditions as contained in the report and supplementary paper now submitted;
- ii) an additional condition to delegate authority to officers to negotiate with the applicants to ensure a satisfactory CCTV scheme is adopted;
- iii) Officers contacting ward councillors with regard to issues relating to the extraction of fumes from the site.

2214/09 **Item No. 1 - 09/0617/FL - Demolition of existing shops/flats and construction of 13 new 2 bed flats and 1 flat for person with disabilities with associated carers accommodation at 1 Woodside Close, Walsall, WS5 3LU**

Prior to consideration of the application, the Chair afforded all present 5 minutes to read the information as contained within the supplementary paper circulated at the meeting.

The Planning Officer then advised the Committee of the background to the report and drew members' attention to the supplementary paper now submitted, considering each point in detail.

The Committee then welcomed the first speaker on this application Councillor Martin, who spoke against the application.

The Committee then welcomed the second speaker on this application Mr Wood, who also spoke against the application.

The Committee then welcomed the third speaker on this application Mr Spooner, who spoke in support of the application.

There then followed a period of questioning by Members in relation to the character of the area, the difference between this application and previous ones submitted, why landscaping details had not been submitted, the relocation of the sub station and the density of the proposed building.

Members deliberated the application in depth, exploring further the previous grounds for refusal. Discussion took place on the merits of the application and whether it now warranted approval. In particular, consideration was given to the density of the proposed dwelling and the impact it could have, if approved, on the amenity of the surrounding area by virtue of its height and massing. It was questioned whether the application would appear incongruous in the street scene, given that the area consisted mainly of detached properties.

The Head of Planning and Building Control addressed committee stating that any reasons for refusal had to be on planning grounds in order for them to be defensible at appeal.

Discussion followed on the possibility of deferring the matter. The Head of Planning and Building Control advised that the application, if deferred, would go outside of the time limit and the applicant could appeal against non-determination.

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

That planning application **09/0617/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted.

The motion having been put to the vote, was declared **lost** with 6 members voting in favour and 11 against.

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

That planning application **09/0617/FL** be refused as it was over-dominant on the street scene by virtue of it's massing and appearance which was detrimental and not in keeping with the openness and character of the surrounding area, which consists of detached dwellings.

The motion having been put to the vote was declared **carried** with 12 members voting in favour and 6 against.

Resolved (12 in favour and 6 against)

That planning application **09/0617/FL** be refused as it was over-dominant on the street scene by virtue of it's massing and appearance which was detrimental and not in keeping with the openness and character of the surrounding area, which consists of detached dwellings.

Councillors Bird, Bott and M. Pitt requested that their names be recorded as having voted against this decision.

2215/09 **Motion to continue the meeting past 3 hours**

In accordance with procedure rule (9) of the Constitution, Councillor Bird moved and it was duly Seconded by Councillor Pitt that the meeting continue over 3 hours in order to deal with the business on the agenda.

The motion having been put to the vote was declared carried with members voting unanimously in favour:-

Resolved (Unanimously)

That the meeting continue over 3 hours in order to deal with the remainder of its business on the agenda,

2216/09 **Item No. 2 - 09/1064/RM - Reserved matters application sought to discharge the reserved matters relating to the siting, design and external appearance of the buildings, and the landscaping of the site, as set out in Condition 2 of the outline planning permission 07/0693/OL/W5 at Servis Group Ltd, Darlaston Road, Walsall**

The Planning Officer advised the Committee of the background to the report and drew members attention to the supplementary paper circulated at the meeting.

The Committee then welcomed the first speaker, Mr Mahmood who spoke against the application.

There then followed a period of questioning by Members in relation to the viability of installing gated emergency access either end of Bright Street, to prevent anti social behaviour.

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

That planning application **09/1064/RM** be delegated to the Head of Planning and Building Control to approve subject to the conditions as contained in the report and supplementary paper now submitted and to a suitable gated emergency access being agreed with the emergency services and applicants.

The motion having been put to the vote was declared carried with Members voting unanimously in favour and none against.

Resolved (unanimously)

That planning application **09/1064/RM** be delegated to the Head of Planning and Building Control to approve subject to the conditions as contained in the report and supplementary paper now submitted and to a suitable gated emergency access being agreed with the emergency services and applicants.

At the conclusion of this item Councillor Cook left the meeting and did not return

Councillor Ali having left the room prior to this application and so did not take part or vote.

2217/09 **Item No's 10- 09/0945/FL - Change of Use of Part of Former Public House to A5 (hot food takeaway), New Shop Front and Erection of Extract Duct at The Lion Hotel, Upper Lichfield Street, Willenhall**

And;

Item No. 11 - 09/0980/FL - Splitting of existing unit into one smaller unit with alterations to shop front at The Lion Hotel, Upper Lichfield Street, Willenhall

And;

Item No. 12 - 09/1075/AD - Fascia Sign, Hanging Sign and Internal Window Sign at The Lion Hotel, Upper Lichfield Street, Willenhall

Councillor Ali returned to the meeting prior to consideration of these items.

Prior to consideration of these applications, it was drawn to Committees attention that whilst the applications were being presented together, votes on each would be taken separately.

The Planning Officer advised the Committee of the background to the reports and drew members' attention to the supplementary paper circulated at the meeting

The Committee then welcomed Mr Unwin, who spoke in support of the applications.

Members considered the applications, and in relation to item 10, Councillor Pitt **moved** and it was duly **seconded** by Councillor Bird:-

That planning application No. **09/0945/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted and subject to no additional information being submitted which raises material planning issues.

The motion having been put to the vote was declared carried with Members voting unanimously in favour;

Resolved (Unanimously)

That planning application No. **09/0945/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted and subject to no additional information being submitted which raises material planning issues.

In relation to item 11 - Councillor Bird **moved** and it was duly **seconded** by Councillor Pitt:-

That planning application No. **09/0980/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted and subject to no additional information being submitted which raises material planning issues

The motion having been put to the vote was declared carried with Members voting unanimously in favour;

Resolved (Unanimously)

That planning application No. **09/0980/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted and subject to no additional information being submitted which raises material planning issues

In relation to item 12 - Councillor Bird **moved** and it was duly **seconded** by Councillor Pitt:-

That advertisement consent in respect of application No. **09/1075/AD** be granted for a period of 5 years.

The motion having been put to the vote was declared carried with Members voting unanimously in favour;

Resolved (Unanimously)

That advertisement consent in respect of application No. **09/1075/AD** be granted for a period of 5 years.

2218/09 **Item No 18 - 09/1067/FL - Retain Boundary Wall at 2 Manderville Gardens, Walsall, WS1 3AT**

The Planning Officer advised the Committee of the background to the report and drew members' attention to the supplementary paper now submitted.

The Committee then welcomed the first speaker, Ms Kaur who spoke in support of the application.

The Committee then welcomed the second speaker, Mr Matthews who also spoke in support of the application.

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

That planning application **09/1067/FL** be approved as it was not considered to be out of character in the street scene.

The motion having been put to the vote was declared carried with 14 Members voting in favour and 2 against;

Resolved (14 in favour and 2 against)

That planning application **09/1067/FL** be approved as it was not considered to be out of character in the street scene.

At the conclusion of this item Councillor Barton left the meeting and did not return

2219/09 **Item No. 3 - 09/0974/FL - Proposed residential development for 96 properties. Comprising 46 affordable 2,3,4 & 5 bedroom 2 storey houses & bungalows & 50 open market 2, 3 & 4 bedroom 2 storey properties together with associated highway works at Land at Beddows Road and Rutland Street, Walsall**

Resolved (Unanimously)

That planning application No **09/0974/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted

2220/09 **Change in the order of Business**

In accordance with Part 4.1 (14) of the Councils Constitution the Chairman stated that he intended to change the order of business to allow the deputations to speak in relation to Mellish Road Church. This matter was to be deliberated in private upon conclusion of the business held in public session.

Councillor McCracken introduced Mr Mahony who addressed the Committee for 3 minutes, in accordance with the protocol as detailed in Part 5.6 of the Councils Constitution.

Councillor Bird then introduced Mr Ali who addressed the Committee for 3 minutes, in accordance with the protocol as detailed in Part 5.6 of the Councils Constitution.

The Chair thanked the deputations and stated that the matter would be discussed in private session upon conclusion of the business held in public session.

2221/09 **Item No. 4 - 08/1832/FL - Variation of condition 5(c) of planning permission reference BC42920P - (restricting the range of goods to be sold) to allow for food sales from a maximum floor space of 1941.75 sq m in a maximum of 2 units, 1 and 2a. at Broadwalk Retail park, Bescot Crescent, Walsall**

Resolved (Unanimously)

That should members have had the jurisdiction to determine planning application No. **08/1832/FL** they would refuse it for the reasons as set out in the report now submitted.

2222/09 **Item No 5 - 08/1833/FL - Variation of condition 5 of planning permission BC42920P (restricting the range of goods allowed to be sold) to allow a catalogue retailer (unrestricted range of goods) from up to 1855 sq.m. at Broadwalk Retail Park, Bescot Crescent, Walsall**

Resolved (Unanimously)

That should members have had the jurisdiction to determine planning application No. **08/1833/FL** they would refuse it for the reasons as set out in the report now submitted.

2223/09 **Item No 7 - 08/0894/FL - Variation of Condition 3b of BC47202P to allow longer opening hours on Fridays (09.00 to 21.00)at Hootys Supplies (wholesale) Ltd, Longacres Industrial Estate, Rose Hill, Willenhall**

Councillors Munir and Madeley left prior to consideration of this application and did not return.

Councillor Turner also left prior to consideration of this application.

The Planning Officer advised Committee to refer to the revised report circulated to them after the agenda had been distributed.

Resolved (9 in favour and 2 against)

That planning application No. **08/0894/FL** be approved subject to the conditions as contained in the revised report circulated to Members prior to the meeting.

Councillor Underhill requested that her name be recorded as having voted against the application.

2224/09 **Item No 13 - 07/1438/FL/W3 - Three storey extensions and alteration to shop front at no. 61 at 59, 60 and 61 Wolverhampton Street, Willenhall, WV13 2NF**

Councillor Turner returned to the meeting prior to consideration of this application.

Resolved (Unanimously)

That planning application No. **07/1438/FL/W3** be approved subject to the conditions as contained in the report now submitted.

2225/09 **Item No 14 - 08/1932/CC - Demolition of no.60 Wolverhampton Street to facilitate proposal under planning application no. 07/1438/FL/W3 at 60 wolverhampton Street, willenhall, WV13 2NF**

Resolved (Unanimously)

That conservation area consent in respect of planning application No. **08/1932/CC** be granted.

2226/09 **Item No 15 - 09/0749/OL - Outline: Erection of new building for Class C2 (residential/nursing home) purposes (details to include access, appearance, layout and scale) at land Corner of Bloxwich Road/Blakenall Lane, Bloxwich**

Resolved (Unanimously)

That planning application No. **09/0749/OL** be approved subject to the conditions as contained in the report now submitted and a Planning Obligation.

2227/09 **Item No 16 - 09/0882/FL - Resubmission following refusal of 09/0288/FL for creation of five bedroom house at 146 Lichfield Road, Walsall Wood, WS9 9PF**

Resolved (Unanimously)

That planning application No. **09/0882/FL** be approved subject to the conditions as contained in the report now submitted.

2228/09 **Item No 17 - 09/1134/OL - Demolition of existing building and development of 3 houses at Former Beacon View Children's Home, Little Aston Road, Aldridge, Walsall, WS9 0NN**

Resolved (Unanimously)

That planning consent in relation to application No. **09/1134/OL** be approved subject to the conditions as contained in the report and supplementary paper now submitted.

- 2229/09 **Item No 19 - 09/0875/FL - Proposed front porch and conservatory to rear at 3 Barley Close, Aldridge, WS9 0YS**

Resolved (Unanimously)

That planning application No. **09/0875/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted.

- 2230/09 **Item No 6 - 09/0961/FL - Change of use of part of George Rose Park, to part of Darlaston Community School and erection of fencing at Darlaston Community School, Herberts Park road, Darlaston, Walsall, WS10 8QJ**

This item had been withdrawn from the agenda.

- 2231/09 **Private Session**

Exclusion of Public

Resolved

That, during consideration of the remaining item on the agenda, the Committee considers that the item for consideration is exempt information for the reasons set out therein and Section 100A of the Local Government Act, 1972 and accordingly resolves to consider that item in private.

- 2232/09 **The Former Mellish Road Methodist Church, Lichfield Road, Walsall**

The report of the Head of Delivery and Development was submitted.

(See Annexed)

Resolved

That authority be delegated to the Assistant Director Legal and Constitutional Services in consultation with the Head of Planning and Building Control and the Head of Development and Delivery to:-

- (1) take action to resolve the issue of Listed Building Consent as detailed in Minute Number 2149/09 of the Development Control Committee held on 16th July, 2009
- (2) take action and or institute proceedings under sections 77, 78, or 79 of the Building Act 1984 subject, as necessary, to Listed Building Consent having first been obtained;
- (3) as necessary, institute court proceedings (including injunctive proceedings) to recover any costs incurred or sums due to the Council in connection with any works if carried out by the Council in the pursuit of these resolutions.

Termination of meeting

There being no further business the meeting terminated at 10.05 p.m.

Signed:

Date: