

DEVELOPMENT CONTROL COMMITTEE

Thursday 10th September, 2009 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
Councillor Ault
Councillor Barton
Councillor P. Bott
Councillor Carpenter
Councillor Douglas - Maul
Councillor Harris
Councillor P. Hughes
Councillor Madeley
Councillor McCracken (arrived at 6.25 p.m.)
Councillor Munir
Councillor Robertson (arrived at 5.40 p.m.)
Councillor Rochelle
Councillor Sarohi
Councillor Underhill

2177/09 Apologies

Apologies for non attendance were received on behalf of Councillors Beeley, Cook and Turner.

2178/09 Minutes

Resolved

That the minutes of the meeting held on 13 August, 2009, a copy having been previously circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record subject to it being recorded that Councillor Turner returned to the meeting prior to consideration of item 1 on the plans list.

2179/09 Declarations of Interest

Councillor Carpenter declared:-

A prejudicial interest in item 4 of the plans list relating to change of use for stationing one residential caravan for one gypsy family at Railswood Nurseries, Railswood Drive, Pelsall.

2180/09 Deputations and Petitions

There were no deputations received or petitions submitted.

2181/09 Confirmation of Tree Preservation Order 8 of 2009 at 26 Lichfield Street, Walsall

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

(see annexed)

Resolved (Unanimously)

- (1) That Walsall Tree Preservation Order No. 8 of 2009 be confirmed in an un-modified form;
- (2) That the reasons for the making of the Tree Preservation Order, as detailed in 1.1 of the report now submitted, be supported;
- (3) That it be noted that three representations had been received in respect of the Tree Preservation Order.

2182/09 Confirmation of Tree Preservation Order 40 of 2008 at Land at 122 to 158 Thornhill Road, Streetly

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

(see annexed)

Resolved (Unanimously)

- (1) That Walsall Tree Preservation Order No. 40 of 2008 be confirmed in an modified form;
- (2) That the reasons for the making of the Tree Preservation Order, as detailed in 1.1 of the report now submitted, be supported;
- (3) That it be noted that no representations had been received in respect of the Tree Preservation Order.

2183/09 Confirmation of Tree Preservation Order 41 of 2008 on Millcroft Thornhill Court and 12 Parkside Way, Streetly

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

(see annexed)

Resolved (Unanimously)

- (1) That Walsall Tree Preservation Order No. 41 of 2008 be confirmed in an un-modified form;
- (2) That the reasons for the making of the Tree Preservation Order, as detailed in 1.1 of the report now submitted, be supported;
- (3) That it be noted that no representations had been received in respect of the Tree Preservation Order.

2184/09 Confirmation of Tree Preservation Order 46 of 2008 on Land at 7 to 11 Rowthorn Close, Streetly

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

(see annexed)

Resolved (Unanimously)

- (1) That Walsall Tree Preservation Order No. 46 of 2008 be confirmed in an un-modified form;
- (2) That the reasons for the making of the Tree Preservation Order, as detailed in 1.4 of the report now submitted, be supported;
- (3) That it be noted that no representations had been received in respect of the Tree Preservation Order.

2185/09 Confirmation of Tree Preservation Order 47 of 2008 on Land at 25 and 37A Chester Road, Streetly

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

(see annexed)

Resolved (Unanimously)

- (1) That Walsall Tree Preservation Order No. 47 of 2008 be confirmed in an un-modified form;
- (2) That the reasons for the making of the Tree Preservation Order, as detailed in 1.4 of the report now submitted, be supported;
- (3) That it be noted that no representations had been received in respect of the Tree Preservation Order.

2186/09 Land Adjacent to Neptune Industrial Estate, Bilston Lane, Willenhall

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

(see annexed)

Resolved (Unanimously)

- (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 stated in paragraph 2.3 of the report now submitted;
- (2) To authorise 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;
- (3) That, 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 in paragraph 2.3 of 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.

Councillor Robertson arrived at the meeting.

2187/09 Vehicle Wash at Temple, 4 – 15 Fletchers Lane, Willenhall

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

(see annexed)

Resolved (Unanimously)

That the Assistant Director – Legal and Constitutional Services be authorised to seek an Injunction under section 187B of the Town and Country Planning Act 1990, to prevent use of the site as a vehicle wash, as set out in the enforcement notice dated 17th September, 2007.

2188/09 **Performance Report**

(See Annexed)

Resolved (Unanimously)

That the report be noted.

2189/09 **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 7 of the plans list had been withdrawn.

2190/09 **Item No. 13 - 09/0841/FL - Proposed front, side and rear extensions, reconstruct and enlarge roof with dormers to the front at 34 Wood Lane, Streetly, B74 3LR**

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

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

There then followed a period of questioning by Members in relation to the separation gap between the proposed site and neighbouring properties, whether there were any issues relating to overlooking and the size of the rear garden.

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

That planning application No. **09/0841/FL** be approved subject to the conditions as contained in the report now submitted.

The motion having been put to the vote, was declared **carried**, with 11 members voting in favour and 5 against ;.

Resolved (11 in favour and 5 against)

That planning application No **09/0255/FL** be approved subject to the conditions as contained in the report now submitted.

Councillor Douglas – Maul requested that his name be recorded as having voted against the application.

2191/09 **Item No's 1 - 09/0921/RM house types- Reserved Matters submission for the demolition of existing college buildings and erection of retail (use class A1), including large foodstore, cafe/restaurant (use class A3/A5), offices (B1a), petrol filling station, car parking, landscaping and associated highway works, including new streets and bus stops/layover facilities. Facilities proposals include refurbishment of existing walkways building on Littleton Street West at land at Walsall College of Arts and Technology (WALCAT), South of Littleton Street West**

and

Item 2 - 09/0917/FL - Variation to Condition B27 (i) and (ii) of application 06/0367/OL/W7 to increase floorspace of proposed new retail store at land at Walsall College of Arts and Technology (WALCAT), South of Littleton Street West

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

The Committee then welcomed the only speaker on this application Mr Smith, who spoke in support of the applications.

There then followed a period of questioning by Members in relation to whether Wisemore Street would be adopted and whether it would be feasible to allow Officers to oversee works to ensure the road would be constructed to an adoptable standard.

In response, Mr Smith stated that the area was an important part of the public realm and would add value to the development. The provision of double

yellow lines and signs would detract from the urban design. The area was designed to be a pedestrian area

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

That planning application No. **09/0393/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted and a Section 106 Agreement to obligate Tesco to commit to supervision fees of 5% of the estimated cost of highway works (for the entire route from Wisemore to Littleton Street West) and that on site supervision takes place and is paid for by the developers. Should such an agreement not be possible a report be submitted to a future meeting of the Development Control Committee.

And

That planning application No. **09/0917/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 **carried**, with members voting unanimously in favour of approval.

Resolved (Unanimously)

That planning application No. **09/0393/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted and a Section 106 Agreement to obligate Tesco to commit to supervision fees of 5% of the estimated cost of highway works (for the entire route from Wisemore to Littleton Street West) and that on site supervision takes place and is paid for by the developers. Should such an agreement not be possible a report be submitted to a future meeting of the Development Control Committee.

And

That planning application No. **09/0917/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted.

Councillor McCracken arrived at the meeting.

2192/09 **Item No. 4 - 07/1878/FL/E10 - Change of use for stationing one residential caravan for one gypsy family at Railswood Nurseries, Railswood Drive, Pelsall, WS3 4BE**

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

The Committee then welcomed the first speaker, Councillor Longhi who spoke against the application.

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

There then followed a period of questioning by Members in relation to Mr Finney's previous address and whether he ran his business from that site, confirmation of Mr Finney's Gypsy status and whether it was his intention to stay at the site in Railswood Nursery, in the caravan, permanently. Further questions were asked in relation to whether he intended to run a business from the site.

In response, Mr Finney stated that he intended to stay in the caravan permanently as his children had started school and were happy there. He stated that he was a true Romany Gypsy and that he ran his business from premises in Bloxwich.

A further period of questions followed in relation to the wording of the petition as referred to by Councillor Longhi. The wording was read out to Committee.

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

That planning application 07/1878/FL/E10 be deferred pending confirmation from the Gypsy Council and any other evidence that may be available to demonstrate that the applicant has Gypsy Status.

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 No. 07/1878/FL/E10 be deferred pending confirmation from the Gypsy Council and any other evidence that may be available to demonstrate that the applicant has Gypsy Status.

Councillor Carpenter, having previously declared a prejudicial interest in this item, left the meeting during deliberation and did not vote.

Councillors Arif and Munir left the meeting after deliberation of the application and did not return.

2193/09 **Item No 5 - 08/1863/LE - Certificate of Lawfulness for existing use for the repair, refurbishment and storage of tractors, agricultural implements and equipment and part, and sales of the above and retention of 10 buildings on site, and a greenhouse and polytunnel at Railswood Nurseries, Railswood Drive, Pelsall**

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

The Committee then welcomed the first speaker, Councillor Longhi who spoke against the application, in particular about the necessary 10 years duration for the business.

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

There then followed a period of questioning by Members in relation to the evidence submitted to support the submission that the business had been in operation for 10 years.

In response, Mr Dring confirmed that it was his understanding, following discussions with the owner, that the business had been in operation for 10 years. Officers confirmed that they had received statutory declarations and had evidence of the business being in operation, albeit mostly over more recent years.

Members considered the application, and their personal knowledge of the operation of the site, and Councillor Bird **moved** and it was duly **seconded** by Councillor Madeley:-

That planning application No. **08/1863/LE** be deferred pending further evidence and business information to be submitted, such as audited accounts, tax returns, bank statements etc to corroborate the evidence already submitted, to confirm the continuous use over a 10 year period.

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

Resolved (Unanimously)

That planning application No. **08/1863/LE** be deferred pending further evidence and business information to be submitted, such as audited accounts, tax returns, bank statements etc to corroborate the evidence already submitted, to confirm the continuous use over a 10 year period.

Councillor Robertson left the meeting after determination of the application and did not return.

2194/09 **Item No 11 - 09/1015/FL - Outline: Erection of 2 no. detached houses, demolition of existing garage construction of private drive and associated works. Layout and access to be determined at this stage at Land To Side And Rear Of 43 Middleton Road, Streetly, B74 3ES -38 Pinfold Street, Walsall ,**

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, Mr Knowles who spoke against the application.

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

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

That planning application **09/1015/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 carried with 10 Members voting in favour and 3 against;

Resolved (10 in favour and 3 against)

That planning application No. **09/1015/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted.

Councillor Douglas – Maul requested that his name be recorded as having voted against the application

2195/09 **Item No 9 - 09/0857/FL - Redevelopment of derelict land on a site formally known as the Dolphin Public House into 26 2 and 3 bedroom flats at The Dolphin P.H. Goscoe Lane, Walsall, WS3 1PD**

Resolved (Unanimously)

That planning application No. **09/0857/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted.

2196/09 **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 it's business on the agenda,

2197/09 **Item No 12 - 09/0946/FL - Rear garden room extension to house at 53 Stafford Road, Bloxwich, WS3 3NJ**

Resolved (Unanimously)

That planning application No. **09/0946/FL** be approved subject to the conditions as contained in the report now submitted.

2198/09 **Item No 17 - 09/0795/FL - Two storey and single storey rear extension at 86 Walsall Road, Darlaston, WS10 9JT**

Resolved (Unanimously)

That planning application No. **09/0795/FL** be refused for the reasons as set out in the report now submitted.

2199/09 **Item No 3 - 09/0605/FL - Erection of Three stand-alone, gateway office units of 3 and 4 storeys, with related landscaping, balancing pond, car parking and infrastructure at J10, M6, Tempus Way, Walsall at J10, M6, Tempus Way, Walsall**

Resolved (Unanimously)

That planning application No. **09/0605/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted and subject to a referral to the Secretary of State and the West Midlands Regional Assembly under the RSS conformity procedures.

2200/09 **Item No 6 - 08/0520/FL - A) Extension to Art and Technology Building
B) change of use of 33 Broadway North to part of school (years 1 and 2)
C) Use of vacated year 1 and 2 for nursery provision at Hydesville Tower
School, 25 Broadway North, Walsall, WS1 2QG**

Resolved (Unanimously)

That planning application No. **08/0520/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted, including authority for a section 106 agreement.

2201/09 **Item No 8 - 09/0838/FL - Erection of 10 houses, with associated access, car parking and landscaping at 56 Fibbersley, Willenhall, WV13 3AD**

Resolved (Unanimously)

That planning application No. **09/0838/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted and a Planning Obligation

2202/09 **Item No 10 - 09/0800/FL - Re-build storage & processing unit following fire damage, site drainage & surfacing, water storage & treatment plant, replacement boundary fencing, surfacing CP, windows & entrance ramp/steps to Unit 2, erection of sundry services housings, external security cameras & site lighting at G & P Batteries Ltd, Crescent Works, Willenhall Road, Darlaston, Wednesbury, WS10 8JR**

Resolved (Unanimously)

That planning application No. **09/0800/FL** be approved subject to the conditions as contained in the report now submitted.

2203/09 **Item No 14 - 09/0609/FL - Erection of replacement dwelling, landscaping, parking, amenity space and associated works at 158 Walsall Road, Highfields Farm, Walsall Wood, WS9 9AJ**

Resolved (Unanimously)

That planning application No. **09/0609/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted.

2204/09 **Item No 15 - 09/0475/AD - 4 internally illuminated fascia signs at 54 Bridge Street, Walsall, WS1 1JG**

Resolved (Unanimously)

That advertisement consent in relation to application No. **09/0475/AD** be granted.

2205/09 **Item No 16 - 09/0568/FL - Proposed new detached house at Land Adjacent 44, Westminster Road, Rushall, Walsall, WS4 2HA**

Resolved (Unanimously)

That planning application No. **09/0568/FL** be approved subject to the conditions as contained in the report now submitted.

2206/09 **Item No 7 - 08/1818/OL - Outline application (considering access only) for up to 90 residential units and associated works comprising, 9 two bedroom flats, 10 two bedroom bungalows, 34 three bedroom houses, 21 four bedroom houses and 16 five bedroom houses; 6 low carbon dwellings; vehicular and pedestrian access from Richards Street only at Land Between Richards Street And Whitworth Close, Darlaston, WS10 8AJ**

This item had been withdrawn from the agenda.

Termination of meeting

There being no further business the meeting terminated at 8.40 p.m.

Signed:

Date: