

DEVELOPMENT CONTROL COMMITTEE

Tuesday, 31 March, 2009 at 5.30 p.m.

In the Council Chamber at the Council House Walsall

Present

Councillor Bird (Chairman)
Councillor Rochelle (Vice-Chairman)
Councillor Ali
Councillor Barton
Councillor P. Bott
Councillor Carpenter
Councillor Cook
Councillor Douglas-Maul
Councillor Flower
Councillor Madeley
Councillor Munir
Councillor M.G. Pitt
Councillor Robertson
Councillor Sarohi
Councillor Turner
Councillor Underhill

2042/09 Apologies

Apologies for non attendance were received on behalf of Councillors Beeley and P. Hughes.

2043/09 Minutes

Resolved

That the minutes of the meeting held on 10th March, 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 Councillor Sarohi being added to the list of Councillors who were present at the meeting.

Resolved

That the report be noted.

2044/09 Declarations of Interest

Councillor Sarohi declared a prejudicial interest in respect of Planning Item No. 6 – 09/0885/FL, in view of the fact that he was the applicant.

2045/09 Deputations and Petitions

There were no deputations received or petitions submitted.

2046/09 Confirmation of Tree Preservation Order 33 of 2008 – Heath Service Station, 141 Lichfield Road, Shelfield, Walsall

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

(see annexed)

Resolved

- (1) That Walsall Tree Preservation Order 33 of 2008 be confirmed in an unmodified form;
- (2) That the reason for making the Tree Preservation Order, as set out in paragraph 1.1 of the report now submitted, be supported;
- (3) That it be noted that one representation had been received in respect of this Tree Preservation Order.

2047/09 Confirmation of Tree Preservation Order 23 of 2008 – Willenhall Health Centre, Field Street, Willenhall

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

(see annexed)

Resolved

- (1) That Walsall Tree Preservation Order 23 of 2008 be confirmed in an unmodified form;
- (2) That the reason for making the Tree Preservation Order, as set out in paragraph 1.1 of the report now submitted, be supported;
- (3) That it be noted that no representations had been received in respect of this Tree Preservation Order.

2048/09 **Confirmation of Tree Preservation Order 20 of 2008 – Land at Darlaston Multi Purpose Centre, Victoria Road, Darlaston**

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

(see annexed)

Resolved

- (1) That Walsall Tree Preservation Order 33 of 2008 be confirmed in an unmodified form;
- (2) That the reason for making the Tree Preservation Order, as set out in paragraph 1.1 of the report now submitted, be supported;
- (3) That it be noted that no representations had been received in respect of this Tree Preservation Order.

2049/09 **Confirmation of Tree Preservation Order 35 of 2008 – Land at Glenelg Mews, Walsall and Revocation of Tree Preservation Orders 2 of 1968 and 13 of 1998**

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

(see annexed)

Resolved

- (1) That Walsall Tree Preservation Order 35 of 2008 be confirmed in an unmodified form;
- (2) That the reason for making the Tree Preservation Order, as set out in paragraph 1.1 of the report now submitted, be supported;
- (3) That it be noted that no representations had been received in respect of this Tree Preservation Order;
- (4) That authority be granted for revocation of Walsall TPOs 2 of 1968 and 13 of 1998.

2050/09 Confirmation of Tree Preservation Order 38 of 2008 – Land to the rear of 17, 19, 21, 31 and 33 Stafford Road, Walsall

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

(see annexed)

Resolved

- (1) That Walsall Tree Preservation Order 38 of 2008 be confirmed in an unmodified form;
- (2) That the reason for making the Tree Preservation Order, as set out in paragraph 1.1 of the report now submitted, be supported;
- (3) That it be noted that one representation had been received in respect of this Tree Preservation Order.

2051/09 Confirmation of Tree Preservation Order 39 of 2008 – Land at 106 Lichfield Road, Walsall and Revocation of Tree Preservation Order 1 of 1992

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

(see annexed)

Resolved

- (1) That Walsall Tree Preservation Order 39 of 2008 be confirmed in an unmodified form;
- (2) That the reason for making the Tree Preservation Order, as set out in paragraph 1.1 of the report now submitted, be supported;
- (3) That it be noted that no representations had been received in respect of this Tree Preservation Order;
- (4) That authority be granted for revocation of Walsall TPO 1 of 1992.

2052/09 Confirmation of Tree Preservation Order 43 of 2008 – Thornhill Park and Tudor Grove, Streetly

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

(see annexed)

Resolved

- (1) That Walsall Tree Preservation Order 43 of 2008 be confirmed in a modified form;
- (2) That the reason for making the Tree Preservation Order, as set out in paragraph 1.4 of the report now submitted, be supported;
- (3) That it be noted that one representation had been received in respect of this Tree Preservation Order.

2053/09 **Confirmation of Tree Preservation Order 49 of 2008 – Land at Stafford Road, Bloxwich and Frances Drive, Walsall and Revocation of Tree Preservation Order 20 of 1975**

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

(see annexed)

Resolved

- (1) That Walsall Tree Preservation Order 49 of 2008 be confirmed in an unmodified form;
- (2) That the reason for making the Tree Preservation Order, as set out in paragraph 1.1 of the report now submitted, be supported;
- (3) That it be noted that no representations had been received in respect of this Tree Preservation Order;
- (4) That authority be granted for revocation of Walsall TPO 20 of 1975.

2054/09 **Confirmation of Tree Preservation Order 50 of 2008 – Land at 20, 22 and 24 Bell Road, Walsall**

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

(see annexed)

Resolved

- (1) That Walsall Tree Preservation Order 50 of 2008 be confirmed in an unmodified form;

- (2) That the reason for making the Tree Preservation Order, as set out in paragraph 1.1 of the report now submitted, be supported;
- (3) That it be noted that one representation had been received in respect of this Tree Preservation Order.

2055/09 Progress with various unconfirmed Orders

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

see annexed.

Resolved that: -

- (1) the report be noted;
- (2) the following TPOs be allowed to lapse: -
 - TPO 24/07
 - TPO 28/07
 - TPP 29/07
 - TPO 38/07
 - TPO 47/07
 - TPO 52/07
 - TPO 54/07
 - TPO 56/07
 - TPO 57/07
 - TPO 58/07

2056/09 100/101 Union Street, Willenhall

The report of the Head of Planning and Building Control was submitted.

(see annexed)

Resolved that: -

- (1) authority be granted to the Head of Planning and Building Control, in consultation with the Assistant Director – Legal and Constitutional Services, for the issuing of Notices under Section 215 of the 1990 Act to require the external repair and decorative overhaul of numbers 100 and 101 Union Street in accordance with paragraph 2.4 of the report now submitted;
- (2) in the event of non-compliance with either of the Section 215 Notices, authority also be delegated to the Head of Planning and Building Control, in consultation with the Assistant Director – Legal and

- Constitutional Services, for the taking of Direct Action to carry out of the external repair and decorative overhaul required by the notices;
- (3) the decision as to the institution of legal proceedings, in the event of non-compliance with either of the Section 215 Notices or the non-return of requisitions for Information, be delegated to the Assistant Director – Legal and Constitutional Services, in consultation with the Head of Planning and Building Control;
 - (4) authority also be delegated to the Head of Planning and Building Control, in consultation with the Assistant Director – Legal and Constitutional Services, to amend, add to, elaborate, or delete from the items set out in the report now submitted, stating the requirement(s) of the section 215 Notices or identifying the boundaries of the site.

2057/09 Unit 3 Woodlands Centre, Bloxwich Road North, Willenhall

The report of the Head of Planning and Building Control was submitted.

(see annexed)

Resolved that: -

- (1) 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 detailed in 2.3 of the report now submitted;
- (2) authority be granted for 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;
- (3) 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 the report now submitted, 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.

2058/09 The Bell Inn, Market Place, Willenhall

The report of the Head of Planning and Building Control was submitted.

(see annexed)

Resolved that: -

- (1) authority be granted for the service of an Urgent Works Notice under section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to require emergency works to be undertaken to ensure the structural stability of the building, to make it wind and weather proof and to prevent further vandalism and theft, as detailed in the report now submitted;
- (2) in the event of non-compliance with the Notice, the decision as to the institution of direct action be delegated to the Assistant Director of Legal Services.
- (3) in the interests of ensuring an accurate and up to date notice is served, authority be delegated to the Assistant Director of Legal Services in Consultation with the Head of Delivery and Development, to approve the final schedule of emergency works to be attached to the Notice.
- (4) it be noted that a further report will be presented with respect to the intention, if appropriate, to serve a section 55 Notice to reclaim the Council's expenses relating to the section 54 notice from the owners.

2059/09 10 Vicarage Place, Walsall

The report of the Head of Regeneration – development and Delivery was submitted.

(see annexed)

Resolved

That the addition of 10 Vicarage Place to the list of Buildings of Local Architectural and Historic interest (Local List) be approved.

2060/09 11/11a Vicarage Place, Walsall

The report of the Head of Regeneration – development and Delivery was submitted.

(see annexed)

Resolved

That the addition of 11/11A Vicarage Place to the list of Buildings of Local Architectural and Historic interest (Local List) be approved.

2061/09 The Old Bush Inn Public House, Walsall Road, Pelsall

The report of the Head of Regeneration – development and Delivery was submitted.

(see annexed)

Resolved

That the addition of Old Bush In Public House, Walsall Road, Pelsall to the list of Buildings of Local Architectural and Historic interest (Local List) be approved.

2062/09 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.

2063/09 Item No. 6 – 09/0085/FL – single-storey rear extension at 283 Broadway North, Walsall

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

The Committee welcomed the first speaker on this application, Mr Mazhar who spoke in support of the application on behalf of the application.

The Committee then welcomed the second speaker on this application, the applicant, Mr Iqbal, who also spoke in support of the application

There then followed a period of questioning by Members in relation to what the extension would be used for, the correlation of the proposed extension to the neighbouring property, if the applicant had / would consider revising the design to reduce impact on neighbouring properties, what would be allowed under permitted development rights, the height of the extension, how much light the proposed extension would block and why the neighbouring property had a similar extension as to the one proposed already in existence.

The Committee proceeded to discuss the application in detail.

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

That planning application no. 09/0085/FL be refused for the reasons as detailed in the report now submitted.

The motion, having been put to the vote, was declared **carried**; with 8 Members voting in favour of granting planning permission and 5 against.

Resolved

That planning application no. 09/0085/FL be refused for the reasons as detailed in the report now submitted.

2064/09 **Item No. 1 – 08/1827/RM – Reserved matters to planning application no 07/0639/FL/W2 demolition of existing buildings and provision of retail (use class A1), link road, car parking and other associated works and also affecting public footpaths Willenhall 73, 74 and 78. details also including discharge of outline approval relating to, ventilation and extraction systems, public realm improvements, cctv, concept landscaping, lighting and travel plans and also amendment to wording of condition 12 regarding timing of traffic regulation orders at Wood Street, Willenhall**

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

There then followed a period of questioning by Members in relation to public transport and linking into the town.

The Committee proceeded to discuss the application in detail.

The consensus of the meeting was that this development was positive and would help regenerate Willenhall. For this reason, the Committee were happy to delegate determination to of the planning application to the Head of Planning and Building Control in view of the tight timescales involved.

In doing so, the Committee wished to have its thanks recorded to all Officers fro their hard work on this scheme and for the quick turn around as well as to the applicant for their valued input.

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

That authority to determine planning application no. 08/1827/RM be delegated to the Head of Planning and Building Control.

The motion, having been put to the vote, was declared **carried**; with Members voting unanimously in favour of granting planning permission and none against.

Resolved (Unanimously)

That authority to determine planning application no. 08/1827/RM be delegated to the Head of Planning and Building Control.

2065/09 **Item No. 2 – 09/0081/FL – proposed erection of a learning centre with performance space for Vine Trust with first floor link to 15 and 16 Lower Hall Lane (Grade II listed buildings). Proposals include refurbishment and part demolition of 15 and 16 Lower Hall Lane and inclusion of consulting rooms to existing office**

Resolved (15 members voting in favour and 1 against)

That planning application no. 09/0081/FL be approved, subject to the conditions as contained within the report now submitted.

2066/09 **Item No. 3 – 09/0083/LB – listed building consent: proposed erection of a learning centre with performance space for vine Trust with first floor link to 15 and 16 Lower Hall Lane (Grade II listed buildings). Proposals include refurbishment and part demolition of 15 and 16 Lower Hall Lane and inclusion of consulting rooms to existing office use at 15 & 16 Lower Hall Lane and land between 14 & 15 Lower Hall Lane**

Resolved (15 members voting in favour and 1 against)

That Listed Building Consent for planning application no. 09/0083/LB, be granted.

2067/09 **Item No. 4 – 09/0009/FL – alteration to condition 8 of planning permission 08/1590/FL to allow putrescible materials etc at former Hanson Aggregates Ltd, Leamore Lane, Walsall**

Resolved (Unanimously)

That planning application no. 09/0009/FL be approved, subject to the conditions as contained within the report now submitted.

2068/09 **Item No. 5 – 09/0204/FL – change of use from retail shop (use class A1) to café/hot food takeaway (use class A3/A5) at 136 Caldmore Road, Walsall**

Resolved

That planning application no. 09/0204/FL be approved, subject to the conditions as contained within the report now submitted.

2069/09 **Item No. 7 – 09/0124/FL – part two-storey, part single storey rear extension, single storey front extension, rebuild roof from Hip to Gable to side with dormers to rear, and re-skin existing building**

Resolved (Unanimously)

That authority to determine planning application no. 09/0124/FL be delegated to the Head of Planning and Building Control, unless any new issues are raised as a result of re-notification that are not already addressed in the report, as detailed within the supplementary paper now submitted.

2070/09 **Item No. 8 – 09/0230/FL – Lounge and shower room extension at 79 Reservoir Street, Walsall**

Resolved (Unanimously)

That planning application no. 09/0230/FL be approved, subject to the conditions as contained within the report now submitted.

Having declared a prejudicial interest in this application, Councillor Sarohi left the meeting before consideration of the application and did not return.

Termination of meeting

There being no further business the meeting terminated at 7.30 p.m.

Signed:

Date: