

DEVELOPMENT CONTROL COMMITTEE

Tuesday, 27 January, 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 Arif
Councillor Barton
Councillor P. Bott
Councillor Cook
Councillor Flower
Councillor P. Hughes
Councillor Madeley
Councillor Munir
Councillor M.G. Pitt
Councillor Robertson
Councillor Sarohi
Councillor Turner
Councillor Underhill

1992/09 Apologies

Apologies for non attendance were received on behalf of Councillors Ault, Beeley and Douglas-Maul.

1993/09 Minutes

Resolved

That the minutes of the meeting held on 6 January, 2009, a copy having been previously circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

1994/09 Declarations of Interest

Councillor M.G. Pitt declared:-

A prejudicial interest in item 3 of the plans list relating to land between Wolverhampton Street and the Canal Arm, Walsall as an application he had

submitted for a floating restaurant, to be sited near to this proposed development, had been approved.

1995/09 **Deputations and Petitions**

There were no deputations received or petitions submitted.

1996/09 **Confirmation of Tree Preservation Order 15 of 2008 – Land at St. Stephens Church, Wolverhampton Street, Willenhall**

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

(see annexed)

Resolved

- (1) That Walsall Tree Preservation Order No. 15 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 one representation had been received in respect of the Tree Preservation Order.

1997/09 **Serving of Tree Preservation Order 34 of 2008 – at 13 and 17 Portland Road, Aldridge**

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

(see annexed)

Resolved

- (1) That the making of Tree Preservation Order 34 of 2008 be authorised;
- (2) That the reasons for making the Tree Preservation Order, as set out in paragraph 2 of the detailed report, be supported.

1998/09 Addition to the list of Buildings of Local Architectural and Historic Interest

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

(see annexed)

Resolved

That the addition of Black Horse Public House to the List of Buildings of Local Architectural and Historic Interest (Local List) be approved.

1999/09 Variation of affordable housing provisions in a Section 106 Agreement on application 05/0958/FL/W2 – Residential Development at Bentley Road South, Darlaston

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

(see annexed)

Resolved

That the Assistant Director – Legal and Constitutional Services in consultation with the Head of Planning and Building Control, be authorised to amend the Section 106, to allow the change from discounted market affordable housing on 4 plots to allow sale on the open market, and change of tenure from shared ownership to rented for 6 other affordable units.

2000/09 Section 106 3rd Quarter Financial Year Report 2008/09

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

(see annexed)

Resolved

That the report be noted.

2001/09 Application to fell 36 trees and prune 2 others at site of the former 44 Park Road, Walsall

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

(see annexed)

The Officer from the Environmental team advised the Committee of the background to the report.

The Committee then welcomed the first speaker on this item Councillor Martin, who spoke in support of the application.

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

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

- (1) That consent be refused for the removal of 29 trees and the pruning of one other for the reasons as set out in the report now submitted;
- (2) That consent be granted for the removal of seven trees and the pruning of one other 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 the decision.

Resolved (Unanimously)

- (1) That consent be refused for the removal of 29 trees and the pruning of one other for the reasons as set out in the report now submitted;
- (2) That consent be granted for the removal of seven trees and the pruning of one other subject to the conditions as contained within the report now submitted.

2002/09 25 High Street, Walsall Wood

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

(see annexed)

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 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;

- (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.

2003/09 Manor Court Residential Home, Manor Road Precinct, Walsall

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

(see annexed)

Resolved

- (1) That authority be granted for the issuing of an enforcement notice 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;
- (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 as 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.

2004/09 64 Friezland Lane, Brownhills

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

(see annexed)

Resolved

- (1) That authority be granted for the issuing of an enforcement notice and requisition for information notices;
- (2) That authority be delegated to the Head of Planning and Building Control, and the Assistant Director – Legal and Constitutional Services to commence prosecution action in the event that the enforcement notice or the requisition for information notices or a planning contravention notice are not complied with;
- (3) That authority be delegated to the Head of Planning and Building Control, and the Assistant Director – Legal and Constitutional Services to commence injunctive proceedings to restrain the breach of planning control;
- (4) That authority be delegated to the Head of Planning and Building Control in consultation with the Assistant Director – Legal and Constitutional Services to amend, add to, or delete from the wording set out in paragraph 2.4 of the report now submitted, stating the requirement(s) of the notice or identifying the boundaries of the site.

2005/09 Land of Spout Lane and rear of Royal Oak Public House, Caldmore

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

(see annexed)

Resolved

- (1) That authority be granted for the issuing of an enforcement notice under the Town and Country Planning Act 1990 (As Amended), and requisitions for information notices as set out in 2.2 and 2.3 of the report now submitted to the Head of Planning and Building Control and the Assistant Head of Legal and Constitutional Services;
- (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;
- (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.

2006/09 **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 adjourned the meeting for 10 minutes to allow all Members and speakers present to read the additional information as contained in the supplementary paper circulated prior to the commencement of the meeting. He further advised Members that item 7 of the plans list was a duplication of Agenda item 10 and as such had been withdrawn.

2007/09 **Item No. 1 - 08/1623/OL – application for proposed phased redevelopment of land at Lindon Road, Brownhills to provide residential units. Phase 1 – Brownhills Business Park: Demolition of existing structures and redevelopment to provide approximately 89 residential units. Means of access and layout to be considered at this stage. Phase 2 – Wicksons Travel & phase 3 – Veolia: demolition of existing structures and redevelopment to provide residential units, with all matters reserved for subsequent approval at land at Brownhills Business Park and Veolia Environmental Services Lindon Road and Wicksons Travel, Coppice Lane, Brownhills**

and

Item No. 2 - 08/1725/OL – resubmission of 08/0726/OL outline application for proposed redevelopment of existing site to provide 89 residential units, with access and layout to be considered at Brownhills Business Park, Lindon Road, Walsall

The Clerk introduced items 1 and 2 and advised the Committee that presentations for both applications would be delivered at the same time. Voting for each application would be taken separately.

The Planning Officer then advised the Committee of the background to the report and drew members' attention to the additional information as contained within supplementary paper now submitted. The reasons' for amending the original recommendation for approval to the revised resolution for refusal

were explained in depth. It was further advised that an additional reason for refusal was being suggested as follows:-

‘The proposed development would, in the absence of appropriate financial contributions or other arrangements, result in unacceptable demand on limited educational capacity, accessible community healthcare facilities, public art and public open space provision in the locality and would also fail to meet important affordable housing requirements.’

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

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

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

At the conclusion of the speakers’ submissions, the Chairman offered all speakers additional time as they were speaking on two applications and thus entitled to 6 minutes as opposed to 3. All speakers present confirmed that they did not require any additional time.

There then followed a period of questioning by Members in relation to the need for housing on site, transportation matters including capacity issues at Salters Road and Shire Oak junctions, the detrimental impact of losing employment land within the area and possible implications for existing business which would need to relocate.

The solicitor to the meeting then advised that, reference had been made by the applicant’s representative to the late change in recommendation. However, there was a duty on officers if either new material considerations emerged or if the weighting attached to those considerations changed to bring that to members attention .It would then be a matter for members if they took the same approach to weighing the considerations

Members considered each application on its merits and moved as follows:-

- 1) In relation to Application **08/1623/OL** Councillor Flower **moved** and it was duly **seconded** by Councillor Bird:-

That planning application No. **08/1623/OL** be refused for the reasons as contained in the supplementary paper now submitted and the following additional reason:-

‘The proposed development would, in the absence of appropriate financial contributions or other arrangements, result in unacceptable demand on limited educational capacity, accessible community healthcare facilities, public art and public open space provision in the

locality and would also fail to meet important affordable housing requirements.'

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

Resolved (Unanimously)

That planning application No. **08/1623/OL** be refused for the reasons as contained in the supplementary paper now submitted and the following additional reason:-

'The proposed development would, in the absence of appropriate financial contributions or other arrangements, result in unacceptable demand on limited educational capacity, accessible community healthcare facilities, public art and public open space provision in the locality and would also fail to meet important affordable housing requirements.'

- 2) In relation to Application **08/1725/OL** and Councillor Flower **moved** and it was duly **seconded** by Councillor Bird:-

That planning application No. **08/1725/OL** be refused for the reasons as set out in the supplementary paper now submitted and the following additional reason:-

'The proposed development would, in the absence of appropriate financial contributions or other arrangements, result in unacceptable demand on limited educational capacity, accessible community healthcare facilities, public art and public open space provision in the locality and would also fail to meet important affordable housing requirements.'

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

Resolved (Unanimously)

That planning application No. **08/1725/OL** be refused for the reasons as set out in the supplementary paper now submitted and the following additional reason:-

'The proposed development would, in the absence of appropriate financial contributions or other arrangements, result in unacceptable demand on limited educational capacity, accessible community healthcare facilities, public art and public open space provision in the locality and would also fail to meet important affordable housing requirements.'

2008/09 **Item No. 3 - 08/1849/FL – 120 bed hotel and restaurant within the Urban Splash Waterfront development at land between Wolverhampton Street and the Canal Arm, 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 only speaker on this application Hazel Rounding, who spoke in support of the application.

There then followed a period of questioning by Members in relation to the viability of the project and the proposed access route for taxis and disabled vehicles to drop off passengers to the hotel.

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

That planning application No. **08/1849/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. **08/1849/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted.

Councillor M.G Pitt, having declared a prejudicial interest in this item left the room during deliberation, did not take part, nor vote.

2009/09 **Item No. 4 - 08/1803/FL – deletion of condition 18 of planning approval 07/2085/FL/E11 which requires closure of the southern access and reopening the central access to the site at Goscote Hospital, Goscote Lane, Walsall**

Resolved

That planning application No. **08/18039/FL** be approved subject to the conditions as contained in the report now submitted.

2010/09 **Item No. 5 - 08/1897/FL – Variation of condition 2 attached to planning approval 08/1438/FL to allow opening hours 11:00 – 22:00 hours Monday to Saturday and 17:00 – 21:00 hours Sunday at 73 Collingwood Drive, Walsall**

Resolved

That planning application No. **08/1897/FL** be approved subject to the conditions as contained in the report now submitted.

2011/09 **Item No. 6 - 08/1423/FL – Conservatory to rear at 4 Redbourn Road, Bloxwich, Walsall**

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

Members considered the application and deemed that the proposed conservatory would not have a detrimental impact on surrounding properties and would reflect the change in policy circumstances as detailed within 'designing a better Walsall'.

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

Resolved (Unanimously)

That planning application No. **08/1423/FL** be approved as the proposed conservatory would not have a detrimental impact on surrounding properties and would reflect the change in policy circumstances as detailed within 'designing a better Walsall'.

2012/09 **Item No. 7 – Fell 13 Trees in front garden & crown raise one Beech. Fell one Beech. Fell 23 trees in rear garden at 44 Park Road, Walsall.**

Further to Minute no. 2006/09 this item was withdrawn from the agenda.

Termination of meeting

There being no further business the meeting terminated at 7.50 p.m.

Signed:

Date: