

## **DEVELOPMENT CONTROL COMMITTEE**

**Thursday 16th July, 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 Beeley  
Councillor P. Bott  
Councillor Carpenter  
Councillor Cook  
Councillor Harris  
Councillor P. Hughes  
Councillor Madeley  
Councillor Munir  
Councillor Robertson  
Councillor Rochelle  
Councillor Sarohi  
Councillor Turner  
Councillor Underhill

### 2122/09 **Apologies**

Apologies for non attendance were received on behalf of Councillors Douglas Maul, McCracken and Underhill.

### 2123/09 **Minutes**

#### **Resolved**

That the minutes of the meeting held on 18<sup>th</sup> June, 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 Madeley's name being included within the list of apologies for the meeting.

### 2124/09 **Declarations of Interest**

Councillor Ali declared:-

A prejudicial interest in Agenda item 10 relating to the former Mellish Road Methodist Church, Lichfield Road, Walsall as he had been involved in this matter at Cabinet.

Councillor Beeley declared:-

A prejudicial interest in item 17 of the plans list relating to land adjacent Lower Farm County Primary School, Bakewell Close, Bloxwich as had relatives whom attended the school

Councillor Bott declared:-

A prejudicial interest in item 1 of the plans list relating to land at the junction of High Street and Ogle Road, Brownhills as he is a member of the Project Reference Group.

#### 2125/09 **Deputations and Petitions**

There were no deputations received or petitions submitted.

#### 2126/09 **Confirmation of Tree Preservation Order 4 of 2009 at 7 Duchess Road, Walsall**

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

(see annexed)

##### **Resolved**

- (1) That Walsall Tree Preservation Order No. 4 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 no representations had been received in respect of the Tree Preservation Order.

#### 2127/09 **Confirmation of Tree Preservation Order 5 of 2009 at Millcroft Road and Whitley Drive, Streetly**

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

(see annexed)

**Resolved**

- (1) That Walsall Tree Preservation Order No. 5 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 no representations had been received in respect of the Tree Preservation Order.

2128/09 **Confirmation of Tree Preservation Order 7 of 2009 ON land at 77, Ashtree Road, Pelsall**

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

(see annexed)

**Resolved**

- (1) That Walsall Tree Preservation Order No. 7 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 one representation had been received in respect of the Tree Preservation Order.

2129/09 **Confirmation of Tree Preservation Order 9 of 2009 ON Land at 31, Hall Lane, Pelsall**

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

(see annexed)

**Resolved**

- (1) That Walsall Tree Preservation Order No. 9 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 no representations had been received in respect of the Tree Preservation Order.

2130/09 **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 4 of the plans list had been withdrawn.

2131/09 **Item No. 16 – 09/0757/FL - Change of use from Betting Office (A2) to Restaurant (A3) and Hot Food Takeaway (A5) at 158 Harden Road, 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, Councillor Smith, who spoke against the application.

There then followed a period of questioning by Members in relation to material planning considerations.

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

That planning application No. 09/0757/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 members voting unanimously in favour of approval.

**Resolved (Unanimously)**

That planning application No **09/0757/FL** be approved subject to the conditions as contained in the report now submitted.

2132/09 **Item No. 17 - 09/0393/FL - Change of use from open space to school playing field (max 3155m<sup>2</sup>) including new 2.4m high fencing around perimeter and extension of access path from Lower Farm Primary School at land Adjacent to Lower farm County Primary School, Bakewell Close, Bloxwich**

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 Mr Condell, who spoke in objection to the application.

There then followed a period of questioning by Members in relation to whether the objector had withdrawn their objections after seeing the revised plans. The objector stated that this was the case and withdrew their objection.

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

That planning application No. **09/0393/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 members voting unanimously in favour of approval.

**Resolved (15 in favour and 1 against)**

That planning application No. **09/0393/FL** be approved subject to the conditions as contained in the report now submitted.

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

2133/09 **Item No. 1 - 09/0645/FL - Provision of 73 new build affordable dwellings which comprise 61 no. 2 bed 3 person flats, 6 no. 3 bed 5 person houses, 2 no. 4 bed 6 person houses, 2 no. 4 bed 7 persons houses and 2 no.5 bed 7 person houses and new highway, parking courts, external works and landscaping at land at the Junction of High street and Ogley Road, Brownhills**

**Resolved (Unanimously)**

That planning application No. **09/0645/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted and a Planning Obligation.

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

2134/09 **Item No 2 - 09/0255/FL - Erection of 83 Dwellings, garage and parking, access roads, landscaping and associated works. (Re plan of Application no.07/1255/FL/E11) at Tenacres Industrial Estate, Station road, Rushall, Walsall,**

The Planning Officer advised Committee that a Planning Obligation was no longer required for this application and referred members to the supplementary paper circulated at the meeting.

**Resolved (Unanimously)**

That planning application No. **09/0255/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted with the omission of a requirement for a Planning Obligation

2135/09 **Item No 3 - 09/0378/FL - Substitution of house types and repositioning plots 5-12 (consec), 28- 37 (consec) & 49-53 (consec) and associated road re-alignment plus installation of entrance wall feature (amendments to permission 07/1617/FL/E11) at kingsland Grange, Bridle lane, Streetly**

**Resolved (Unanimously)**

That planning application No. **09/0378/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted.

2136/09 **Item No 4 - 08/1818/OL - Outline application (considering access only) for 90 residential units comprising, 9 two bedroom flats, 10 two bedroom bungalows, 34 three-bedroom houses, 21 four-bedroom houses and 16 five-bedroom houses. The proposals include a minimum of six zero energy dwellings. Vehicular and pedestrian access from Richards Street only with associated landscaping, car parking and other works at land between Richards Street and Whitworth Close, Darlaston,**

This item was withdrawn from the agenda.

2137/09 **Item No 5 - 09/0155/FL - The erection of a petrol filling station and car washing facilities including wider highway alignment and pedestrian crossing, and dedicated right turn lane into petrol filling station, plus removal of footpath through the site at wood Street, Walsall**

**and:**

**Item No 6 - 09/0162/AD - Petrol filling station signage to forecourt Canopy, price sign, kiosk and car wash at Wood Street, Walsall**

The Clerk introduced items 5 & 6 and advised the Committee that both applications would be considered at the same time.

The Planning Officer then advised the Committee of the background to the reports and drew members' attention to the additional information as contained within the supplementary paper now submitted.

Members considered each application on its merits and Councillor Bird **moved** and it was duly **seconded** by Councillor Ault:-

That planning application No. **09/0155/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted

**and;**

That advert application No. **09/0162/AD** 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 members voting unanimously in favour of approval.

**Resolved (Unanimously)**

That planning application No. **09/0155/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted

**and;**

That advert application No. **09/0162/AD** be approved subject to the conditions as contained in the report now submitted.

2138/09 **Item No 7 - 09/0163/FL - variation of Condition 9 of outline planning permission 07/0639/FL/W2 relating to clearing of part of site included in outline application, for residential development. Alteration of condition to remove the word "residential" condition at land south of wood Street, Willenhall**

**Resolved (Unanimously)**

That planning application No. **09/0163/FL** be approved subject to the conditions as contained in the report now submitted.

**and**

That a letter be sent confirming the council's agreement to the use of this part of the site for B1 uses.

2139/09 **Item No 8 - 09/0497/FL - Variation of condition 13 attached to planning approval 07/2059/FL/E9 to permit the development to be occupied by persons of 55 years of age and over instead of 60 years of age and over at Mossley Centre,1 Roche Road,walsall,**

**Resolved (15 in favour and 2 against)**

That planning application No. **09/0497/FL** be approved.

2140/09 **Item No 9 - 09/0504/FL - Variation of condition 23 of planning approval 08/1373/FL for occupation of persons of 55 years of age and over at high Street/lindon Drive, Brownhills, Walsall**

**Resolved (15 in favour and 2 against)**

That planning application No. **09/0504/FL** be approved.

2141/09 **Item No 10 - 09/0519/FL - Variation of planning condition 15 of planning permission 09/0342/FL to read - "The extra care apartments hereby approved with the exception of the guest suite shall be occupied solely by persons of 55 at Northgate Rehabilitation centre, Northgate, Walsall**

**Resolved (15 in favour and 2 against)**

That planning application No. **09/0519/FL** be approved.

2142/09 **Item No 11 – 09/0500/FL - Variation of Condition 12 of 08/0907/FL so that the permitted development may be occupied by persons of 55 years of age and over. at 1 & 3 Brockhurst Crescent and Delves Resource Centre, Brockhurst Crescent, Walsall**

**Resolved (15 in favour and 2 against)**

That planning application No. **09/0500/FL** be approved.

2143/09 **Item No 12 - 09/0507/FL - Proposed erection of 13 Dwellings at Land adjacent 18 Park Road, Willenhall, West Midlands**

**Resolved (Unanimously)**

That planning application No. **09/0507/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted and a Planning Obligation

2144/09 **Item No 13 - 09/0709/FL - Demolition of existing building and erection of purpose designed temple with associated facilities and car parking at 37-38 pinfold Street, Walsall,**

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

That planning application No. **09/0709/FL** be approved subject to the conditions as contained in the report now submitted.

The motion having been put to the vote, was declared **lost**, with 6 members voting in favour and 10 against.

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

That planning application No. **09/0709/FL** be approved subject to the conditions as contained in the report now submitted and subject to the applicants entering into a Planning Obligation to ensure that;

- they retain 100 car parking spaces for use by visitors to the building
- should they lose this facility they would be granted a 6 month period in which to secure the required number of spaces
- if no replacement is found, they would cease the use of the temple, or reduce the level of use to a level consistent with the availability of 16 car space.

The motion having been put to the vote, was declared **carried**, with 12 members voting in favour and 5 against.

**Resolved (12 in favour and 5 against)**

That planning application No. **09/0709/FL** be approved subject to the conditions as contained in the report now submitted and subject to the applicants entering into a Planning Obligation to ensure that;

- they retain 100 car parking spaces for use by visitors to the building
- should they lose this facility they would be granted a 6 month period in which to secure the required number of spaces
- if no replacement is found, they would cease the use of the temple, or reduce the level of use to a level consistent with the availability of 16 car space.

2145/09 **Item No 14 - 09/0580/FL - Erection of a canopy structure (10m x 35m x 5,3m max height),retention of existing shade structure (3m x 26m x 3m max height), retention of existing uses and operation of the site as a nursery at Pacific Nurseries Ltd, Chester Road, Streetly, Walsall.**

**Resolved (Unanimously)**

That planning application No. **09/0507/FL** be approved subject to the conditions as contained in the report now submitted and a Planning Obligation.

2146/09 **Item No 15 - 08/1839/FL - New workshop with ancillary offices and photographic lab in part of the First floor at Valen House, Westgate, Walsall,**

**Resolved (Unanimously)**

That planning application No. **08/1839/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted.

2147/09 **Item No 18 - 09/0495/FL - Conversion and alterations with change of use of transport offices to offices at first and second floors and to 5 shops and 2 cafe/restaurants at ground floor with new shop fronts and fume extraction at rear. Also new layout for car park at St. Paul's Buildings, St. Paul's Street, Walsall,**

**Resolved (Unanimously)**

That planning application No. **09/0495/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted.

***Councillor Ali left the meeting at this point and did not return.***

2148/09 **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.

2149/09 **The Former Mellish Road Methodist Church, Lichfield Road, Walsall**

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

(See Annexed)

**Resolved**

- (i) That the action to date be noted.
- (ii) That the owners be advised that the Committee is willing to consider the merits for demolition of the Church by the submission of an application for Listed Building Consent, subject to the owners preparing a submission that seeks to address the tests set out in PPG15 Planning and the Historic Environment.
- (iii) That if an application for Listed Building Consent is not received within 2 months of the date of this meeting then a further report will be submitted to a future meeting of this Committee that considers alternative options that the Council could pursue.
- (iv) That the use of the Local Government (Miscellaneous Provisions) Act 1982 to secure the building as appropriate be supported.

**Termination of meeting**

There being no further business the meeting terminated at 7.40 p.m.

Signed: .....

Date: .....