

DEVELOPMENT CONTROL COMMITTEE

Thursday, 13 August, 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 Carpenter
Councillor Harris
Councillor P. Hughes
Councillor Madeley
Councillor Munir
Councillor Robertson (arrived at 5.50 p.m.)
Councillor Rochelle
Councillor Sarohi
Councillor Turner

2150/09 Apologies

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

2151/09 Minutes

Resolved

That the minutes of the meeting held on 16 July, 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 Rochelle's name being recorded as having voted against the resolution of Minute No. 2144/09 relating to the demolition of the existing building and erection of a purpose designed temple with associated facilities and car parking at 37 – 38 Pinfold Street, Walsall.

2152/09 **Declarations of Interest**

Councillor P. Hughes declared:-

A prejudicial interest in item 12 of the plans list, relating to the installation of horizontal extraction flue and retention of existing ventilation pods at Jubilee House, Spring Lane, as he knew the applicant in a personal capacity.

Councillor Harris declared:-

A prejudicial interest in item 6, relating to change of use of land to form a showmens permanent family yard at land to the east of Goscote Lane, as he was a member of the showmens guild.

A prejudicial interest in item 7 of the plans list, relating to the change of use from a lorry park to a public car park, as he served on Cabinet when the matter had previously been considered.

Councillor Ali declared:-

A prejudicial interest in item 5 of the plans list, relating to the conversion and extension at The Hawthorns, as he had previously expressed his view and fettered his discretion on this application.

Councillor M.J. Pitt declared:-

A prejudicial interest in item 1 and item 4 of the plans list relating to the replacement of 61 apartments at land between Charles Street and Walsall Canal (Waterfront South) and change of use from A1 (retail) to form a mixed use building at 81-85 Park Street, Walsall, as he had an application approved for a barge which would facilitate a café function close by.

2153/09 **Deputations and Petitions**

The Clerk to the meeting advised that a request for a deputation had been received from Councillor Wilkes in respect of item 8 – Compliance of condition 3 of planning approval reference number – 06/1873/RM/W5.

2154/09 **Confirmation of Tree Preservation Order 6 of 2009 at Land at The Queens Head Public House, Church Street, WS3 3JQ**

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

(see annexed)

Resolved (Unanimously)

- (1) That Walsall Tree Preservation Order No. 6 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.

2155/09 **Application to fell 1 Beech Tree – Lichfield Court, WS4 2DH**

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

(see annexed)

Councillor Ali **moved** and it was duly **seconded** by Councillor Rochelle:-

That consent for the removal of the Beech Tree at Lichfield Court be refused.

Councillor Bird suggested that the matter be deferred to allow officers to ask specific questions of the applicant with regard to subsidence issues. Should these not be addressed the applicant be advised that the Committee would reconsider the application at its next meeting.

In response Councillor Ali stated that in light of Councillor Bird's suggestion he would withdraw his motion. The seconder to the motion also agreed to the withdrawal, as did the Committee.

Councillor Bird **moved** and it was duly **seconded** by Councillor Hughes:-

That the application be deferred for one cycle to allow officers to ask specific questions of the applicant with regard to subsidence issues.

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

Resolved (Unanimously)

That the application be deferred for one cycle to allow officers to ask specific questions of the applicant with regard to subsidence issues.

2156/09 **Illuminated sign, North Stand, Walsall Football Club, Bescot Crescent, Walsall**

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

(see annexed)

Resolved (Unanimously)

That the Football Club be invited to make a retrospective application.

2157/09 **Compliance of condition 3 of planning approval reference number – 06/1873/RM/W5 – Residential Development, Stafford Road, Darlaston**

Councillor Robertson arrived during deliberation of this item and so did not take part nor vote.

Prior to consideration of this item, the Chairman reiterated that there had been a request for a deputation from Councillor Wilkes and sought Committees approval to accept the deputation.

By show of hands the Committee voted unanimously in favour of accepting the deputation.

Prior to receiving the deputation, the Planning Officer provided a background to the report and referred Members to the additional information as contained within the supplementary paper now submitted.

The Committee then welcomed Mr. Gilbert who objected to the details as submitted by the applicants as, in his view, they were not sufficient to ensure his property was secured.

There the followed a period of questioning by Members in relation to the proposed fence and gates proposed to be erected and whether any amendments could be made to ensure security to Mr. Gilbert's property was maintained.

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

That planning application number 06/1873/RM/W5 be deferred to allow officers to negotiate a 2.5 – 3 metre steel palisade fence with the applicants and that Mr. Gilbert be invited to attend a meeting at which the matter would be discussed.

The motion having been put to the vote was declared **carried**, with 13 Members voting in favour of approval and none against.

Resolved (Unanimously)

That planning application number 06/1873/RM/W5 be deferred to allow officers to negotiate a 2.5 – 3 metre steel palisade fence with the applicants and that Mr. Gilbert be invited to attend a meeting at which the matter would be discussed.

2158/09 Section 106 Quarter Financial Year Report 2009/10

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

(see annexed)

Resolved

That the report be noted.

2159/09 30-31 Wiley Avenue, Darlaston

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

(see annexed)

The Planning Officer advised the Committee of the background to the report and also gave details of a petition that had been received. In presenting the report Members were asked to note that authority to issue an enforcement notice was now required as the development had been in place for nearly years. A development cannot be enforced against after it has been in place, unchallenged for 4 years.

Members considered the application and Councillor Madeley **moved** and it was duly **seconded** by Councillor Rochelle 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 shown in the report now submitted paragraph 2.3;
- (2) 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 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;

- (4) That the Head of Planning and Building Control be requested to negotiate with the applicant to bring forward a scheme that is suitable and achievable and that this be considered by Committee at a future meeting.

The motion having been put to the vote, was declared **carried**, with 11 Members voting in favour and 1 against.

Resolved

- (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 shown in the report now submitted paragraph 2.3;
- (2) 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 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;
- (4) That the Head of Planning and Building Control be requested to negotiate with the applicant to bring forward a scheme that is suitable and achievable and that this be considered by Committee at a future meeting.

2160/09 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.

2161/09 **Item No. 5 – 09/0585/FL – conversion and extension of The Hawthorns to provide 9 apartments, a new build block of 3 apartments and a single detached dwelling at The Hawthorns, Highgate Drive, Walsall**

Councillor Ali having declared a prejudicial interest in this item left the room during deliberation and did not vote.

The Planning Officer advised the Committee of the background to the report and drew members attention to the additional information as contained in the supplementary report now submitted.

The Committee then welcomed the first speaker on this application, Keith Jones, who spoke in objection to the application.

The Committee then welcomed the second speaker on this application, Mike Eastley, who also spoke in objection to the application.

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

There then followed a period of questioning by Members in relation to the provision of lifts, the size of apartments, restoration of windows and brick work and the impact of the development on existing trees.

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

That planning application No. 09/0585/FL be approved subject to the conditions as contained in the report and supplementary paper now submitted and a Planning Obligation.

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. 09/0585/FL be approved subject to the conditions as contained in the report and supplementary paper now submitted and a Planning Obligation.

2162/09 **Item No. 2 - 09/0756/FL – erection of 4,018 square metre office building together with associated public realm, landscaping and car parking. Access from Hatherton Street and Teddesley Street (Part of Walsall Gigaport) at land at Littleton Street East / Hatherton Street / Teddesley Street, Walsall**

Councillor Munir, having left the room during deliberation, did not take part or vote.

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

The Committee then welcomed the first speaker on this application Iain Johnston, who spoke in support of the application.

The Committee then welcomed the second speaker on this item Jim Wearden, who also spoke in support of the application.

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

That planning application No. 09/0756/FL be approved subject to the conditions as contained in the report now submitted and a Planning Obligation.

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

Resolved (Unanimously)

That planning application No. 09/0756/FL be approved subject to the conditions as contained in the report now submitted and a Planning Obligation.

2163/09 **Item No. 8 - 09/0366/FL – change of use from hotel to house in multiple occupation (28 rooms) at The Abberley Hotel (27-29) Bescot Road, Walsall**

Councillor Harris left the room during deliberation of this item and so did not take part or vote.

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

The Committee then welcomed the first speaker on this application Councillor Anson, who spoke in objection to the application.

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

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

There then followed a period of questioning by Members in relation to the level of security proposed on site should the application be approved and how this would be managed.

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

That planning application No. 09/0366/FL be delegated to the Head of Planning and Building Control to approve subject to the applicants submitting a satisfactory security scheme for the site.

The motion having been put to the vote, was declared **carried**, with 9 members voting in favour and 5 against.

Resolved (9 in favour and 5 against)

That planning application No. 09/0366/FL be delegated to the Head of Planning and Building Control to approve subject to the applicants submitting a satisfactory security scheme for the site.

2164/09 **Item No 12 - 09/0691/FL – installation of horizontal extraction flue and retention of existing ventilation ‘pods’ at Jubilee House, Spring Lane Social Club, Spring Lane, Willenhall**

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

The Planning Officer advised the Committee of the background to the report and drew members attention to the additional information as contained in the supplementary paper now circulated.

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

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

That planning application No. 09/0691/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. 09/0691/FL be approved subject to the conditions as contained in the report and supplementary paper now submitted.

2165/09 **Item No 13 - 09/0635/FL – front first floor extension to domestic dwelling at 31 Rutter Street, Walsall**

Councillor Turner left the meeting and did not return.

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

The Committee then welcomed Councillor Yasin who spoke in support of the application.

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

That planning application No. 09/0635/FL be approved as the development was in keeping with the area and the street scene and did not have an adverse impact on neighbouring properties.

The motion having been put to the vote, was declared **lost**, with 6 Members voting in favour of approval and 8 against.

At this juncture the Chairman moved that in accordance with part 4 of the Councils Constitution (sub point 9) the meeting continue past 3 hours. This was duly seconded by Councillor Pitt.

The motion having been put to the vote was declared carried, with Members voting unanimously in favour of continuing with the meeting.

In consideration of item number 13 Councillor Madeley **moved** and it was duly **seconded** by Councillor Pitt:-

That planning application No. 09/0635/FL be refused for the reasons as stated in the report now submitted.

The motion having been put to the vote, was declared **carried**, with 8 Members voting in favour of refusal and 6 against.

Resolved

That planning application No. 09/0635/FL be refused for the reasons as stated in the report now submitted.

- 2166/09 **Item No 1 - 09/0832/FL – replacement of 61 apartments and 13 family houses with 17 apartments and 22 family houses to west zone of planning permission ref: 07/0618/FL/W7 with public realm, landscaping, car parking and associated works (amendment to 07/0618/FL/W7) at land between Charles Street and Walsall Canal (Waterfront South)**

Councillor Pitt having declared a prejudicial interest in this item left the room during deliberation and did not vote.

Councillors Ali, Munir, Barton and Sarohi left during deliberation of this item and did not take part or vote.

Resolved

That planning application No. 09/0832/FL be approved subject to the conditions as contained in the report and a planning obligation.

- 2167/09 **Item No 3 - 09/0781/FL – demolition of existing Primary Schools at Elm Street and Albion Road. Construction of new Barcroft Primary School on Elm Street site and staff car park and school playing fields on Albion Road site at Albion Road and Elm Street School Sites, Willenhall**

Councillors Sarohi and Barton returned to the meeting prior to consideration of this application.

Resolved (Unanimously)

That planning application No. 09/0781/FL be approved subject to the conditions as contained in the report and withdrawal of Environment Agency Objection.

- 2168/09 **Item No 4 - 09/0705/FL – change of use from A1 (retail) to form a mixed use building comprising A1 (retail), A3 (restaurant/café), A5 (hot food takeaway) and A2 (financial and professional services) on the ground floor. A1 (retail), D2 (assembly and leisure) and B8 (storage or distribution) on the first floor, with alterations to the building including additional fenestration and entrances, an external seating area and extension to form cold store at 81-85 Park Street, Walsall**

Councillor Pitt having declared a prejudicial interest in this item left the room during deliberation and did not vote.

Resolved (Unanimously)

That planning application No. 09/0705/FL be approved subject to the conditions as contained in the report.

- 2169/09 **Item No 6 - 09/0067/FL – change of use of land to form a showmens permanent family yard at land to the east of Goscote Lane (adj. Bridge Farm Showmens Site) Pelsall, Walsall**

Councillor Munir returned to the meeting during deliberation of this item and did not take part or vote.

Councillor Harris having declared a prejudicial interest in this item left the room during deliberation and did not vote.

Resolved

That planning application No. 09/0067/FL be approved subject to the conditions as contained in the report and referral to Government Office.

- 2170/09 **Item No 7 - 09/0738/FL – change of use from lorry park to public car park at car park, Beech Tree Road, Walsall Wood, Walsall**

Councillor Harris having declared a prejudicial interest in this item remained outside of the room during deliberation and did not vote.

Resolved (Unanimously)

That planning application No. 09/0738/FL be approved subject to the conditions as contained in the report.

- 2171/09 **Item No 9 - 09/0376/FL – convert house to four 2 bedroom flats at 328 Birmingham Road, Walsall**

Resolved (Unanimously)

That planning application No. 09/0376/FL be approved subject to the conditions as contained in the report.

- 2172/09 **Item No 10 - 09/0453/FL – self contained single bedroomed flat resubmission of application 09/0035/FL at 83 Brookland Road, Walsall**

Resolved (Unanimously)

That planning application No. 09/0453/FL be approved subject to the conditions as contained in the report.

2173/09 Item No 11 – 09/0505/FL – front extension to ground floor at 23 High Croft, Aldridge

Resolved (Unanimously)

That planning application No. 09/0505/FL be approved subject to the conditions as contained in the report and supplementary paper now submitted.

2174/09 Item No 14 - 09/0722/FL – change of use to restaurant (A3 use) and installation of extraction flue to the rear at 3 Church Street, Darlaston

The Planning Officer advised that the report consisted of two matters. The first seeking approval for the change of use and the second to approve Listed Building application 009/0883/LB, providing that no further material comments were received during the remaining period of advertisement of the Listed Building application and the second to consider planning application 09/0722/FL.

Resolved (Unanimously)

That-

- i) Planning application No. 09/0722/FL be approved subject to the conditions as contained in the report and;
- II) Listed Building application 009/0883/LB be approved subject to no further material comments being received during the remaining period of advertisement of the Listed Building application.

2175/09 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.

2176/09 **74 / 75 / 76 Stafford Street, Willenhall (often referred to as Daintys)**

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

(See Annexed)

Resolved (Unanimously)

That options G relating to 'Section 79 – Ruinous and dilapidated buildings and neglected sites and H 'The Miscellaneous Provisions Act' be supported

(Exempt information under Paragraphs 3 of Part I of Schedule 12A of the Local Government Act, 1972) (as amended)

Termination of meeting

There being no further business the meeting terminated at 8.55 p.m.

Signed:

Date: