

DEVELOPMENT CONTROL COMMITTEE

Tuesday, 7th October, 2008 at 5.30 p.m.

In the Council Chamber at the Council House Walsall

Present

Councillor Bird (Chairman)
Councillor Arif
Councillor Ault
Councillor Beeley
Councillor P. Bott
Councillor Cook
Councillor Douglas-Maul
Councillor Flower
Councillor P. Hughes
Councillor Madeley
Councillor Micklewright
Councillor M.G. Pitt
Councillor Robertson
Councillor Sarohi
Councillor Underhill

1872/08 Apologies

Apologies for non attendance were received on behalf of Councillors Ali, Munir and Turner.

1873/08 Minutes

Resolved

That the minutes of the meeting held on 16th September, 2008, a copy having been previously circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

1874/08 Declarations of Interest

Councillor Micklewright declared a prejudicial interest in item number 6 on the plans list relating to a New detached dwelling adjacent to 116 Lichfield Road, Sandhills, as she thought she may be related to the applicant.

Councillor Madeley declared a prejudicial interest in items 4 and 5 relating to Highgate Brewery, Sandymount Road, Walsall as he had met the speaker objecting to the application.

1875/08 Deputations and Petitions

There were no deputations received or petitions submitted.

1876/08 Confirmation of Tree Preservation Order 2 of 2008 – Land at Churchill Road and Western Avenue, Willenhall

Resolved

- (1) That Walsall Tree Preservation Order No. 2 of 2008 be confirmed in an un-modified form;
- (2) That the reasons for the making of the Tree Preservation Order, as set out in the report detail be supported;
- (3) That it be noted that one representation had been received in respect of the Tree Preservation Order.

1877/08 Confirmation of Tree Preservation Order 5 of 2008 – Land to the rear of 38 and 39 Rough Hay Road, WS10 8NQ

Resolved

- (1) That Walsall Tree Preservation Order No. 5 of 2008 be confirmed in an un-modified form;
- (2) That the reasons for the making of the Tree Preservation Order, as set out in the report detail be supported;
- (3) That it be noted that no representations have been received in respect of the Tree Preservation Order.

1878/08 Confirmation of Tree Preservation Order 12 of 2008 – Land at 53 to 57 Stafford Road, Walsall

Resolved

- (1) That Walsall Tree Preservation Order No. 12 of 2008 be confirmed in an un-modified form;

- (2) That the reasons for the making of the Tree Preservation Order, as set out in the report detail be supported;
- (3) That it be noted that no representations have been received in respect of the Tree Preservation Order.

1879/08 Confirmation of Tree Preservation Order 13 of 2008 – Land at 32 Kingshayes Road, Walsall, Aldridge

Resolved

- (1) That Walsall Tree Preservation Order No. 13 of 2008 be confirmed in an un-modified form;
- (2) That the reasons for the making of the Tree Preservation Order, as set out in the report detail be supported;
- (3) That it be noted that two representations had been received in respect of the Tree Preservation Order.

1880/08 Pool Hayes Public House, Pool Hayes Lane, Willenhall

The planning officer advised the committee that all operations on the site had ceased. Despite this, it was still recommended that Committee resolve to undertake enforcement action as the pub could re-open in the future.

Resolved

- (1) That authority be given to the Head of Planning and Building Control and the Assistant Director – Legal and Constitutional Services 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 proceedings in the event that the enforcement notice or Requisition for Information Notice is not complied with;
- (3) 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 below, stating the requirement(s) of the Notice or identifying the boundaries of the site.

1881/08 **3/3A Beeches Road, Leamore, Walsall**

Resolved

- (1) That authority be given to the Head of Planning and Building Control and the Assistant Director – Legal and Constitutional Services for the issuing of an enforcement notice and Requisition for Information notices and authority to take prosecution action in respect of failure to comply with a Breach of Condition Notice;
- (2) That authority be delegated to the Head of Planning and Building Control, and the Assistant Director – Legal and Constitutional Services to commence prosecution proceedings in the event that the enforcement notice or Requisition for Information Notice is not complied with;
- (3) 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 below, stating the requirement(s) of the Notice or identifying the boundaries of the site.

1882/08 **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 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.

The Chair reported that item 8 of the plans list had been withdrawn from the agenda.

1883/08 **Item No. 2 - 08/0326/OL – Residential development (with access and scale taken into account) for 103 houses and flats with associated works (northern site only) at Land at Thomas Street & Birchills Street, Birchills, Walsall**

The Planning Officer advised the Committee of the background to the report and drew members attention to the supplementary paper circulated at the meeting.

It was stated that the application sought consent for outline permission for 103 houses and flats with associated works. Further discussions had been held with the applicants, who had now written confirming that this number was no longer part of the application. Officers explained that as the report had been written to address the applicants requirement for 103 dwellings, to ensure a robust and transparent process it was suggested that a further report be produced and that the matter be considered at a future meeting.

The Committee then welcomed Mr. Howell who spoke in support of the application.

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

That planning application No. **08/0326/OL** be deferred to a future meeting.

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

Resolved

That planning application No. **08/0326/OL** be deferred to a future meeting.

1884/08 **Item No. 4 - 08/0901/FL – proposed demolition of redundant boiler house and replacement with bottling plant and tankroom building at Highgate Brewery, Sandymount Road, Walsall**

Item No. 5 - 08/0898/LB – Listed Building Consent: proposed demolition of redundant boiler house and replacement with bottling plant and tankroom building at Highgate Brewery, Sandymount Road, Walsall

Prior to consideration of these applications the Chairman sought the Committees approval to consider both applications together, as they related to the same site. The Committee agreed that the applications be considered together.

The Planning Officer then advised the Committee of the background to the report and drew members attention to the supplementary paper circulated at the meeting.

The Chair reported that a speaker had requested permission to table additional documentation. He advised that he would not allow the additional documentation to be circulated. In doing so, he invited the speaker to raise

the points contained within the documentation, during their speech to Committee.

The Committee then welcomed the first speaker on this item, Sue Machin who spoke against the applications. She referred, among other things, to the presence of bats in the vicinity.

The Committee then welcomed the second speaker on this application, Councillor McCracken who also spoke in objection to the applications.

There then followed a period of questioning by Members in particular in relation to whether or not a bat survey was needed. In response, officers reported that they were not aware that a survey had been undertaken.

In addition, the Committee raised a range of additional issues including:-

- Whether there were any other non- bat wildlife issues, such as other protected species, which needed to be addressed on the site;
- The need for more information required on the production rate of the bottling plant and why the plant is needed;
- The need for further information on the production of noise including information on decibel rates;
- The fact that the design of the building did not seem suitable. It was suggested that the building be re-designed with conservation quality more in mind.

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

That planning application Nos. **08/0901/FL and 08/0898/LB** be deferred to enable a bat survey to be undertaken, and resolution of the other issues raised by Members.

Resolved

That planning application Nos. **08/0901/FL and 08/0898/LB** be deferred to enable a bat survey to be undertaken, and resolution of the other issues raised by Members.

Councillor Madeley, having declared a prejudicial interest, left the room during deliberation and did not take part or vote on the application.

1885/08 **Item No. 6 - 08/1273/FL - New detached dwelling adjacent to 116 Lichfield Road, Sandhills**

The Planning Officer advised the Committee of the background to the report and drew members attention to the supplementary paper circulated at the meeting.

The Committee then welcomed Mr. Bordsmith who spoke in support of the application.

There then followed a period of questioning by Members in relation to the Councils policies and procedures in relation to building within the green belt. Members also questioned the separation distance between properties either side of the proposed dwelling.

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

That planning application No. **08/1273/FL** be refused for the reasons as contained in the report now submitted.

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

Resolved

That planning application No. **08/1273/FL** be refused for the reasons as contained in the report now submitted.

Councillor Micklewright, having declared a prejudicial interest, left the room during deliberation and did not take part or vote on the application.

1886/08 **Item No. 9 - 08/1415/FL – Removal of condition 26 of planning application 07/0639/FL/W2 (retention and re-use of façade of yale works) at land between Wood Street, upper Lichfield Street, and Lower Lichfield Street extending to Walsall Street, Willenhall**

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

The Committee then welcomed Rob Barnes who spoke in support of the application.

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

That planning application No. **08/1415/FL** be approved subject to the conditions as contained in the report now submitted.

Resolved

That planning application No. **08/1415/FL** be approved subject to the conditions as contained in the report now submitted.

- 1887/08 **Item No. 1 - 08/1438/FL – Change of use A1 retail to A5 hot food take away at 73 Collingwood Drive, Walsall**

Resolved

That planning application No. **08/1438/FL** be approved subject to the conditions as contained in the report now submitted.

- 1888/08 **Item No. 3 - 08/1352/FL – Removal of condition 18 (relating to highway works at New Road/Bilston Street) of planning permission 06/0537/FL/W2 for erection of new Lidl store off New Road**

Resolved

That planning application No. **08/1352/FL** be approved subject to the conditions as contained in the report now submitted.

- 1889/08 **Item No. 7 - 08/1181/FL – Demolition of existing house and garage and erection of two storey house (resubmission following refusal of 08/0572/FL) at 214 Castle Hill Road, Stonnall, Walsall**

Resolved

That planning application No. **08/1181/FL** be approved subject to the conditions as contained in the report now submitted.

Councillor Flower requested that his name be recorded as having voted against this application.

- 1890/08 **Item No. 8 – 08/0896/FL – Two – Storey Rear Extension at 14 Cornwall Road, Walsall**

This application was withdrawn from the agenda, see minute No. 1882/08.

Termination of meeting

There being no further business the meeting terminated at 7.10 p.m.

Signed:

Date: