

DEVELOPMENT CONTROL COMMITTEE

Tuesday 19 April 2005 at 6.00 p.m.

In the Council Chamber at the Council House, Walsall

Present

Councillor Roger Collins (Chairman)
Councillor Leslie Beeley (Vice-Chairman)
Councillor Clive Ault
Councillor Arthur Bentley
Councillor John Cook
Councillor Brian Douglas-Maul
Councillor Louise Harrison
Councillor Haqnawaz Khan
Councillor Bill Madeley
Councillor Rose Martin
Councillor Cath Mickewright
Councillor Alan Paul
Councillor John Rochelle
Councillor Carol Rose
Councillor Christopher Towe
Councillor Angela Underhill
Councillor Mohammad Yasin

621/05 **Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Anson, Rowley and Young.

622/05 **Minutes**

Resolved

That the minutes of the meeting held on 30 March 2005, a copy having been previously circulated to each member of the Committee, be approved and signed by the Chairman as a correct record.

623/05 **Declarations of Interest**

There were no declarations of interest identified at this meeting.

624/05 **Deputations and Petitions**

There were no deputations introduced or petitions presented at this meeting.

625/05 **Late Items**

There were no late items introduced at this meeting.

626/05 **Local Government (Access to Information) Act, 1985**

Resolved

There were no items on the agenda for the meeting in respect of which the Committee considered that publicity would be prejudicial to the public interest by reason of the confidential nature of the business.

627/05 **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 to deal with the items on the agenda where the members of the public had previously indicated that they wished to address the Committee.

628/05 **Item No. 1 – 05/0358/FL/W5 – New building, ground floor general convenience store with post office, flats above consisting of first floor, 3 flats (two 2 bed flats and a 1 bed flat), second floor 2 flats (studio flat & 3 bed flat for owner of ground floor convenience store) at 144 Walstead Road, Walsall – JCS (Jyoti Convenience Store)**

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

The Committee then welcomed the first speaker, Mr. Mistry, who wished to speak in support of the application.

Mr. Mistry addressed the Committee in a bid to allay the fears of residents with regard to the three-storey building being out-of-keeping with surrounding properties, being over-dominant, contributing to increased traffic congestion, overlooking nearby properties and its impact on the existing post office. In relation to the post office, Mr. Mistry explained that it was the intention to relocate this facility to the new building.

There then followed a period of questioning by Councillors relating to the viability of the new post office and the provision of car parking.

The Committee thanked Mr. Mistry for his comments and proceeded to discuss the item in detail.

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

That planning application no. 05/0358/FL/W5
be approved, subject to the conditions set out
in the report now submitted.

The motion, having been put to the vote, was declared **carried**; with 9 members voting in favour and 7 against.

Resolved

That planning application no. 05/0358/FL/W5 be approved, subject to the conditions set out in the report now submitted.

629/05 **Item No. 2 – 05/0192/FL/E6 – Erection of 4 houses at revised levels at development off Aldridge Road, Plots 11-14 – Redrow Homes (West Midlands) Limited**

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

The Committee then welcomed the first speaker, Mr. Maxstead, who wished to address the Committee in support of the application

Mr. Maxstead advised the Committee that he was present only to answer any questions the Committee may have. Mr. Maxstead then received questions from Councillors relating to the levels of the site. Mr. Maxstead agreed that there had been a mistake made by Redrow Homes and that the levels did, indeed, differ from that originally approved by the Planning Committee. In doing so, he explained it was a civil engineering matter that arose from the remediation of ground conditions.

The Committee then welcomed Mr. Robinson, speaking in objection to the application.

Mr. Robinson expressed deep concerns that the 4 houses concerned had been built at levels higher than had been originally approved. He also indicated that, should the planting go ahead as detailed in the report submitted, it would affect the amount of daylight that he currently enjoyed at his property.

The Committee thanked Mr. Robinson for his comments and welcomed Mr. Hadley who also wished to object to the application.

Mr. Hadley endorsed the comments of Mr. Robinson and expressed great concern at the loss of the sunlight currently enjoyed at his own property and Mr. Robinson's property. He stated that, in his view, the height of the building and revised planting scheme would shade his garden for most of the day. He also indicated that, due to the height of the 4 houses, the TV signal to his property had suffered and he would have to pay to rectify the problem.

The Committee thanked Mr. Hadley for his comments and proceeded to discuss the application in detail.

During their deliberations, members were reminded that the decision was a matter of judgement on whether the height of the properties would have a detrimental impact on neighbouring properties.

In further discussions, Councillor Martin **moved** and it was duly **seconded** by Councillor Rose:-

That planning application no. 05/0192/FL/E6 be refused as the proposed development would represent an over-development of the site by virtue of being too large to be satisfactorily accommodated and does not comply with guidelines as stated in the Unitary Development Plan. Referring to Policy GP2 which aims to ensure no adverse impact on the environment by way of visual appearance, overlooking, loss of privacy and the effect on the daylight and sunlight received by nearby properties.

The motion, having been put to the vote was declared **carried**; with 15 members voting in favour and none against.

Resolved

That planning application no. 05/0192/FL/E6 be refused as the proposed development would represent an over-development of the site by virtue of being too large to be satisfactorily accommodated and does not comply with guidelines as stated in the Unitary Development Plan. Referring to Policy GP2 which aims to ensure no adverse impact on the environment by way of visual appearance, overlooking, loss of privacy and the effect on the daylight and sunlight received by nearby properties.

(Councillor Khan left the meeting during consideration of this item and did not return. He did not take part in the deliberation and did not vote)

The meeting was then adjourned at 7.50 p.m. and re-convened at 8.00 p.m.

630/05 **Item No. 3 – 05/0131/FL/E4 – Construction of KFC Restaurant, Drive Thru and Car Park at land – part of car park at Oak Park, Lichfield Road, Walsall Wood –
Thameway Investments Limited**

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

Following deliberations, Councillor Rochelle **moved** and it was duly **seconded** by Councillor Underhill:-

- (1) That planning application no. 05/0131/FL/E4 be approved, subject to the conditions set out in the report now submitted;
- (2) That an additional condition be added in respect of litter collection.

The motion, having been put to the vote, was declared **carried**; with 14 members voting in favour and none against.

Resolved

- (1) That planning application no. 05/0131/FL/E4 be approved, subject to the conditions set out in the report now submitted;
- (2) That an additional condition be added in respect of litter collection.

631/05 **Item No. 4 – 02/1624/AD/E2 –Various illuminated freestanding and fascia mounted advertisement signs and awnings at KFC Restaurant, Lichfield Road, Walsall Wood –
Mercian Fast Foods**

Resolved (14 members voting in favour and none against)

That planning application no. 02/1624/AD/E2 be approved, subject to the conditions set out in the report now submitted.

632/05 **Item No. 5 – 05/0373/FL/H5 – Change of use to private garden on land adjacent 11 Jones Road, Willenhall – Mrs. D. Adams**

Resolved (14 members voting in favour and none against)

That planning application no. 05/0373/FL/H5 be approved, subject to the conditions set out in the report now submitted.

633/05 **Item No. 6 – 05/0246/FL/H1 – Erection of oriental garden pagoda in the middle of rear garden at 26 Buchanan Road, Walsall – Anthony W. Newton and Marie Newton**

Resolved (13 members voting in favour and none against)

That planning application no. 05/0246/FL.H1 be approved, subject to the conditions set out in the report now submitted.

634/05 **Item No. 7 – 05/0331/FL/W5 – Industrial unit at former Somerford Filling Station, Somerford Place, Willenhall – Middleton Property Development Limited**

Resolved (11 members voting in favour and 4 against)

That planning application no. 05/0331/FL/W5 be approved, subject to the conditions contained in the report now submitted.

635/05 **Poster hoardings at the junction of Green Lane/Old Birchills and Green Lane/Rayboulds Bridge, Walsall – Reference number: 2004/0803/CMP**

The report of the Head of Planning and Transportation was submitted:-

(see annexed)

Members were advised of a breach of planning control involving the installation of 2 poster hoardings at the junction of Green Lane/Old Birchills and Green Lane/Rayboulds Bridge, Walsall.

Resolved (Unanimously)

That the Committee authorise the prosecution of Clear Channel UK Limited and/or other occupiers or relevant persons in respect of displaying advertisements without the consent required under the Town and Country Planning (Control of Advertisements) Regulations, 1992.

636/05 **Confirmation of Tree Preservation Order No. 5 of 2004 at 238 to 248 Chester Road, Streetly**

The report of the Assistant Director for Urban Regeneration was submitted:-
(see annexed)

Resolved

That this Committee confirms Walsall Tree Preservation Order No. 5 of 2004 relating to 238 to 248 Chester Road, Streetly, in an unmodified form and that this Committee supports the reason for making the Tree Preservation Order as set out in paragraph 1.2 of the report now submitted.

637/05 **Confirmation of Tree Preservation Order No. 9 of 2004 at 20 and 22 Queens Road, Walsall**

The report of the Assistant Director for Urban Regeneration was submitted:-
(see annexed)

Resolved

That this Committee confirms Walsall Tree Preservation Order No. 9 of 2004 relating to 20 and 22 Queens Road, Walsall, in an unmodified form and that this Committee supports the reason for making the Tree Preservation Order as set out in paragraph 1.0 of the report now submitted.

638/05 **Confirmation of Tree Preservation Order No. 10 of 2004 on land between Walsall Road and Westbrook Avenue, Aldridge**

The report of the Assistant Director for Urban Regeneration was submitted:-
(see annexed)

Resolved

That this Committee confirms Walsall Tree Preservation Order No. 10 of 2004 relating to land between Walsall Road and Westbrook Avenue, Aldridge, in an unmodified form and that this Committee supports the reason for making the Tree Preservation Order as set out in paragraph 1.2 of the report now submitted.

639/05 **Confirmation of Tree Preservation Order No. 11 of 2004 on land fronting Acorn Print, Owen Road, Willenhall**

The report of the Assistant Director for Urban Regeneration was submitted:-

(see annexed)

Resolved

That this Committee confirms Walsall Tree Preservation Order No. 11 of 2004 relating to land fronting Acorn Print, Owen Road, Willenhall, in an unmodified form and that this Committee supports the reason for making the Tree Preservation Order as set out in paragraph 1.2 of the report now submitted.

640/05 **Confirmation of Tree Preservation Order No. 12 of 2004 on land fronting 50 Beech Tree Road, Walsall Wood**

The report of the Assistant Director for Urban Regeneration was submitted:-

(see annexed)

Resolved

That this Committee confirms Walsall Tree Preservation Order No. 12 of 2004 relating to land fronting 50 Beech Tree Road, Walsall Wood, in an unmodified form and that this Committee supports the reason for making the Tree Preservation Order as set out in paragraph 1.2 of the report now submitted.

641/05 **Confirmation of Tree Preservation Order No. 13 of 2004 at Bridgeman Street and Long Street Corner, Walsall**

The report of the Assistant Director for Urban Regeneration was submitted:-

(see annexed)

Resolved

That this Committee confirms Walsall Tree Preservation Order No. 13 of 2004 relating to Bridgeman Street and Long Street Corner, Walsall, in an unmodified form and that this Committee supports the reason for making the Tree Preservation Order as set out in paragraph 1.0 of the report now submitted.

642/05 **Confirmation of Tree Preservation Order No. 15 of 2005 on land surrounding the Quality Hotel, Birmingham Road, Walsall**

The report of the Assistant Director for Urban Regeneration was submitted:-

(see annexed)

Resolved

That this Committee confirms Tree Preservation Order No. 15 of 2005 relating to land surrounding the Quality Hotel, Birmingham Road, Walsall, in an unmodified form and that this Committee supports the reason for making the Tree Preservation Order as set out in paragraph 1.2 of the report now submitted.

643/05 **Confirmation of Tree Preservation Order No. 18 of 2004 on 34 and 36 Featherston Road, Streetly**

The report of the Assistant Director for Urban Regeneration was submitted:-

(see annexed)

Resolved

That this Committee confirms Tree Preservation Order No. 18 of 2004 relating to 34 and 36 Featherston Road, Streetly, in an unmodified form and that this Committee supports the reason for making the Tree Preservation Order as set out in paragraph 1.0 of the report now submitted.

644/05 **29 Bilston Lane and rear of 35 Bilston Lane, Willenhall – Reference numbers: 2004.0586/CMP and 2004/0598/CMP**

The report of the Head of Planning and Transportation was submitted:-

(see annexed)

Members were informed of 2 breaches of control at 29 Bilston Lane and rear of 35 Bilston Lane, Willenhall.

Resolved

- (1) That this Committee authorises the serving of an enforcement notice in accordance with the breach of planning control at 29 Bilston Lane and rear of 35 Bilston Lane, Willenhall, in respect of car sales use and a related advertisement sign;

- (2) The reason for taking enforcement action being that:-
- (a) as a result of the small size of the site and the common operate for vehicle sales and vehicle repairs, the combination of vehicle repairs and car sales operated from this site would be likely to encourage an expansion of the hours of operation of the vehicle repair business, to the detriment of the amenity of the surrounding residential area. This use is, therefore, contrary to Policies 3.7 and GP2 of the Walsall Development Plan;
 - (b) the addition of car sales would result in an over-intensive use of the site for which parking and manoeuvring cannot be provided to Council standards. The use of this site for car sales and vehicle repairs is likely to lead to parking on Bilston Lane, to the detriment of highway safety and the free flow of traffic. The retention of this use would, therefore, be contrary to Policy T13 of Walsall's Development Plan;
 - (c) the layout of the site, with vehicles for sale at the front of the property is unsatisfactory due to:-
 - (i) the lack of visible customer parking which would encourage customers to park on the highway to the detriment of highway safety and the free flow of traffic;
 - (ii) the position of the vehicles for sale which, without the use of additional land adjacent to no. 29 Bilston Lane which forms part of the access, would reduce the width of the access to an unacceptable level and lead to vehicles reversing onto the highway to the detriment of highway safety and the free flow of traffic.
 - (d) the retention of the use would, therefore, be contrary to Policy T13 of Walsall's Development Plan;
- (2) That the decision as to the institution of legal proceedings in the event of the non-compliance with the notice or non-return of the requisition for information be delegated to the Head of Legal Services;
- (3) That the Head of Planning and Transportation and the Head of Legal Services be authorised to amend and add to or delete from the wording set out above stating the nature of the breach(es) and reason(s) for taking enforcement action and the requirement(s) of the notice or the boundaries of the site.

645/05 **Termination of Meeting**

There being no further business, the meeting terminated at 8.20 p.m.

Signed:

Date: