

DEVELOPMENT CONTROL COMMITTEE

Tuesday 13 December 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 Dennis Anson
Councillor Clive Ault
Councillor Joan Barton
Councillor Arthur Bentley
Councillor Mike Bird
Councillor Rose Burley
Councillor Louise Harrison
Councillor Haqnawaz Khan
Councillor Bill Madeley
Councillor Rob Robinson
Councillor David Turner
Councillor Angela Underhill

895/05 Apologies

Apologies for non-attendance were submitted on behalf of Councillors Kath Micklewright and Mohammad Yasin.

896/05 Minutes

Resolved

That the minutes of the meeting held on 22 November 2005, a copy having been previously circulated to each member of the Committee, be approved and signed by the Chairman as a correct record.

897/05 Declarations of Interest

A declaration of interest was submitted by Councillor Anson in respect of planning application no. 05/1321/FL/W3 - change of use to at 49 Woodward's Road, Walsall.

898/05 **Deputations and Petitions**

Councillor Bentley submitted a petition on behalf of the residents of New Invention in respect of the removal of the mast behind Rugeley Avenue.

899/05 **Late Items**

The Chairman **moved**:-

That agenda item nos. 6, 7, 8 & 9 be considered as a matter of urgency to enable the Committee to make decisions which are necessary to facilitate investment decisions by developers and avoid unnecessary hardships and to resolve environmental issues for neighbours, occupiers and local residents.

Members considered the request and it was:-

Resolved

That the following agenda items be considered as a matter of urgency.

Item No. 6 - Application List for Permission to
Item No. 7 - 228 Tyndale Crescent, Pheasey
Item No. 8 - Land rear of 232 Lichfield Road, Walsall
Item No. 9 - Former Manor Public House, Mill Street
Walsall

900/05 **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.

901/05 **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 first with the items on the agenda where the members of the public had previously indicated that they wished to address the Committee.

902/05 **Item No. 3 – 04/1321/FL/W3 - Change of use to Mosque at 49 Woodward Road, Walsall – Minhajul Quran**

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

The Committee welcomed the first speaker on this application, Mr. Aqbal, who wished to address the Committee in support of the application.

Mr. Aqbal explained that the site had been identified after a three to four year search. The site met all of their requirements as it was within the Pleck area and met car parking standards. Addressing the concerns raised by members of the public to highway safety and the impact upon amenity of neighbours, Mr. Aqbal stated that they had worked very hard with Planners to achieve a suitable scheme for all parties. The building would be utilised to hold prayer and provide education classes and not for functions.

The Committee then welcomed Councillor Zahid who wished to address the Committee in support of the application.

Councillor Zahid re-iterated the comments of Mr. Aqbal indicating that no objections had been received from many of the consultees. He further stated that the facility would be one for the whole community.

There then followed a period of questioning by Members in relation to the use of the site, parking restrictions and its enforcement.

The Committee proceeded to discuss the application in detail.

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

That planning application no. 05/1321/FL/W3 be approved, subject to the conditions, as set out 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 granting planning.

Resolved

That planning application no. 05/1321/FL/W3 be approved, subject to the conditions, as set out in the report and supplementary paper now submitted.

903/05 **Item No. 4 – 05/2165/PT/E6 – 12.5 metre high imitation lamp post supporting 3no. 3G antennae, together with ground based equipment cabinets and ancillary developments at site opposite The Deers Leaps, Queslett Road East, Walsall – 02 UK Limited**

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

The Committee welcomed the first speaker on this application, Councillor Towe, who wished to address the Committee in objection to the application.

Councillor Towe explained that there had been five applications for masts in the area and that three were already in existence. He questioned whether there was a policy restricting the number of masts on a particular site. In closing, Councillor Towe requested the Committee to refuse the application to prevent any further masts being erected in an already cluttered area.

There then followed a period of questioning by Members in relation to the design of the mast, the amount already in the area and alternative sites.

The Committee proceeded to discuss the application in detail.

Members considered the application and Councillor Robinson **moved** and it was duly **seconded** by Councillor Underhill:-

That planning application no. 05/2165/PT/E6
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 of granting planning permission and 8 against. In view of this, the Chairman asked the Committee if they wished to refuse the application as a result of the original motion being lost and sought reasons for doing so.

Members considered the Chairman's comments and proceeded to discuss the application further.

Members considered the application and agreed to refuse the application for the following reason:-

That planning application no. 05/2165/PT/E6
be refused as it would result in an over
proliferation of masts and street furniture in
the centre which would result in a negative
visual impact and be a incongruous feature
and be detrimental to the green belt
conservation area.

Resolved

That planning application no. 05/2165/PT/E6 be refused as it would result in an over proliferation of masts and street furniture in the centre which would result in a negative visual impact and be a incongruous feature and be detrimental to the green belt conservation area.

904/05 **Item No. 5 – 05/2196/PT/E4 – Telecommunications installation comprising a 11.6 metre high steelworks pole supporting 3 no. antennae, together with ground based equipment on pavement outside 188c Chester Road, Streetly, Sutton Coldfield – T-Mobile UK**

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

The Committee welcomed the first speaker on this application, Mr. Kilroy, who wished to address the Committee in support of the application.

Mr. Kilroy explained that many other sites had been investigated, however, they were not feasible. The application site was in a commercial development area and was believed to be the least sensitive of all the other sites investigated.

There then followed a period of questioning by Members in relation to the design of the mast.

The Committee proceeded to discuss the application in detail.

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

That planning application no. 05/2196/PT/E4
be approved, subject to conditions, as set out
in the report now submitted.

The motion, having been put to the vote, was declared **carried**; with 7 Members voting in favour of granting planning permission and 4 against.

Resolved

That planning application no. 05/2196/PT/E4 be approved, subject to conditions, as set out in the report now submitted.

905/05 **Item No. 1 – 05/1736/FL/W7 – Erection of 21 flats/apartments at Atlas Works, Sandwell Street, Walsall – Mrs. P.I. Morley**

Resolved (11 for and 1 against)

That planning application no. 05/1736/FL/W7 be approved, subject to conditions, as set out in the report now submitted subject to a Section 106 Agreement.

906/05 **Item No. 2 – 05/2175/FL/E5 – Residential development comprising 12 no. 2 bedroom apartments, 6 no. 1 bedroom apartments and 4 no. 3 bedroom houses at The Stag, Field Road, Walsall – Damar Homes Limited**

The Committee discussed the application in detail and raised concern at the density of the proposed development.

Members considered the application and Councillor Beeley **moved** and it was duly **seconded** by Councillor Underhill:-

That planning application no. 05/2175/FL/ES be refused as it constitutes an over-development of the site which would be out-of-character with the surrounding area by virtue of the impact on neighbours of the three-storey element.

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. 05/2175/FL/ES be refused as it constitutes an over-development of the site which would be out-of-character with the surrounding area by virtue of the impact on neighbours of the three-storey element.

907/05 **Item No. 6 – 05/2020/FL/W5 - Erection of 8 dwellings above ground retail with amenity and parking space at 43/44 Birchills Street, Walsall – Midland Provincial Finance Limited**

Resolved

That planning application no. 05/2020/FL/W5 be approved, subject to conditions, contained in the report now submitted.

908/05 **Item No. 7 – 05/1935/FL/E3 – Change of use to 8 bedsits at 14 Pelsall Road, Brownhills, Walsall – Mr. A. Chance**

Resolved

That planning application no. 05/1935/FL/E3 be approved, subject to conditions, as set out in the report and supplementary paper now submitted.

909/05 **228 Tyndale Crescent, Pheasey**

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

(see annexed)

The Committee was informed of the background to the report and authority was requested to take planning enforcement action.

Resolved

- (1) That authority be granting for the issuing of an enforcement notice to require the removal of the roof extension;
- (2) The decision as to the institution of legal proceedings in the event of non-compliance with the notice or the non-return of Requisitions for Information be delegated to the Assistant Director – Legal and Constitutional Services;
- (3) That authority be delegated to the Assistant Director – Legal and Constitutional Services in consultation with the Head of Planning and Transportation to amend, add to or delete from the wording stating the nature of the breach(es), reason(s) for taking enforcement action and the requirement(s) of the notices or identifying the boundaries of the site.

(Councillor Turner left the meeting and did not return and did not vote on this application)

910/05 **Land rear of 232 Lichfield Road, Walsall**

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

(see annexed)

Councillor Bentley made representations to the Committee regarding the ownership of the land on which the mast was sited, the impact the new mast had upon reception, previous appeals that had been dismissed in the area and the possible use of new telecommunications technology in the guise of intruder alarms.

Officers responded to Councillor Bentley stating that T-Mobile had located masts on the site using emergency rules and had the right to leave the mast in situ for six months.

Members considered the comments made and it was:-

Resolved

That T-Mobile be instructed to remove the temporary mast they had located on land known as Rowbotham's Yard, Lichfield Road, New Invention, at the end of the six month period.

911/05 The former Manor Public House, Mill Street, Walsall

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

(see annexed)

The Committee was informed of the background to the report and authority was requested to take planning enforcement action in the form of an unsightly/untidy land notice.

Resolved

- (1) That authority be delegated to the Head of Legal Services for the issuing of an unsightly/untidy land notice under Section 215 of the Town and Country Planning Act, 1990;
- (2) That authority be delegated to the Head of Legal Services to commence prosecution proceedings in the event of the Requisitions for Information or the notice under Section 215 is not complied with;
- (3) That authority be delegated to the Head of Planning and Transportation in consultation with the Head of Legal Services to amend, add to or delete from the wording set out below stating the requirement(s) of the notices or identifying the boundaries of the site.

Termination of Meeting

There being no further business, the meeting terminated at 8.15 p.m.
following an adjournment between 7.25 and 7.30 p.m.

Signed:

Date: