

DEVELOPMENT CONTROL COMMITTEE

Tuesday 15 February 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 Arthur Bentley
Councillor Brian Douglas-Maul
Councillor Louise Harrison
Councillor Bill Madeley
Councillor Rose Martin
Councillor Cath Micklewright
Councillor John Rochelle
Councillor Carol Rose
Councillor Tony Rowley
Councillor Christopher Towe
Councillor Mohammad Yasin

556/05 Apologies

Apologies for non-attendance were submitted on behalf of Councillors Cook, Paul and Underhill.

557/05 Minutes

Resolved

That the minutes of the meeting held on 25 January 2005, 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 the following amendments:-

Page 3 - Paragraph 5: Reference to 263 Lichfield Road be amended to read 273 Lichfield Road.

Page 3 - Paragraph 6 - Line 1: Removal of the word "his" and the insertion of words "the neighbours kitchen at 265".

Page 6 - Paragraph 2: The deletion of the word "Rose" and insertion of "Martin".

558/05 **Declarations of Interest**

The following Councillor declared an interest in the item referred to below and declared their intention to take no part in the discussion in respect of that item and to leave the room during the discussion of that item:-

Councillor Rose Martin:	Planning application No. 04/2637/FL/E2: Erection of replacement dwelling at 105 Skip Lane, Walsall
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559/05 **Deputations**

There were no deputations introduced or petitions.

560/05 **Petitions**

There were no petitions received.

561/05 **Late Items**

There were no late items introduced at this meeting.

562/05 **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.

563/05 **Application List for Permission to Develop**

The application list for permission to develop was submitted, together with the supplementary paper in respect of additional information for items already on the plans list:-

(see annexed)

The Committee **agreed** firstly to deal with the items on the agenda where members of the public had previously indicated that they wished to address the Committee.

564/05 **Item No. 1 – 04/2637/FL/E2 – Erection of replacement dwelling at 105 Skip Lane, Walsall – Mr. M.S. Gill**

(Councillor Rose Martin declared an interest in this item and left the room during its consideration)

Mr. Ronn Moss (Planning Officer) advised the Committee of the background to the report.

The Committee then welcomed the following speakers in opposition to the application - Councillor Sanders, Chris Timothy, Tina Hall, together with Mr. Roger Tweedale speaking in support of the application.

Arising from the objections, the following points were raised:-

- The proposal was taller and wider than the existing building
- The property would be inappropriate to context
- The property would overlook the amenities of 103/107 Skip Lane
- The design was not an acceptable form of development
- The development would have a detrimental impact on neighbouring properties
- The development would result in a lack of privacy for surrounding properties

Mr. Tweedale, in response to objections, explained that following the last application, a new design had been drawn up and the building had been re-located away from the left hand boundary reducing its size. He further stated that the levels had been dropped to reduce any impact on neighbouring properties. The property was well designed and in character with the surrounding area.

The Committee thanked the speakers for their comments and proceeded to discuss the application in detail.

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

That planning application no. 04/2637/FL/E2 be refused on the grounds of it being out of character with the area and it having an overbearing impact on the amenity of neighbouring properties by virtue of its massing and size.

Resolved (Unanimously)

That planning application no. 04/2637/FL/E2 be refused on the grounds of it being out of character with the area and it having an overbearing impact on the amenity of neighbouring properties by virtue of its massing and size.

565/05 **Item No. 3 – 04/2525/FL/M1 – New consent for metal recycling facility plus erection of acoustic barrier at European Metal Recycling Limited land at Bentley Road South/Heath Road, Darlaston – European Metal Recycling Limited**

(Councillor Rose Martin left the meeting during consideration of this item, took no part in the discussion and did not vote)

An officer of the Planning Department advised the Committee of the background to the report.

The Chairman then welcomed Ann Woollam and Mr. Yates speaking against the application, together with Mr. Mike Seale speaking in support of the application.

In objection, the following points were raised:-

- There were already problems with the site from noise and traffic jams
- The hours of operation stated were incorrect and were in fact longer
- There were 7 complaints, not 3
- The acoustic barrier would not block an adequate level of noise

In response, Mr. Seale addressed the Committee stating that:-

- EMR was in front of the industry and had answered the majority of complaints

- The barrier had been effective in other plants such as Swindon
- Processing did not take place outside hours

A period of questioning followed by Councillors relating to the facilities current operating hours, the type of operations carried out, other sites operating hours and the effectiveness of the barrier.

In response to a question, an officer from Environmental Health reported that noise measurements had been taken by an independent company. Noise levels in the residential area were 61.3 decibels on average throughout the day which was an acceptable level. A predicted reduction of 5 to 7 decibels may be achieved once the barrier was erected.

The Committee thanked the speakers for their comments and proceeded to discuss the application in detail.

Councillor Madeley **moved** and it was duly **seconded** by Councillor Ansell:-

That planning application 04/2525/FI/M1 be refused as the proposed increases in the hours of operation and the days per week of the operations, together with the increased height of the scrap metal stockpiles, will have an unacceptable level of adverse environmental impact in the surrounding area, in particular, on the amenities currently enjoyed by the occupiers of neighbouring properties and the surrounding areas over and above a level they would reasonably expect to enjoy, by reason of disturbance to those occupiers from noise and/or vibration. The effects are particularly severe because of the cumulative adverse impact of (a) noise and traffic from the proposal and (b) the existing poor local environment for residents from scrap yards and other commercial operators, on the already damaged amenity of those residents.

Resolved (Unanimously)

That planning application 04/2525/Fl/M1 be refused as the proposed increases in the hours of operation and the days per week of the operations, together with the increased height of the scrap metal stockpiles, will have an unacceptable level of adverse environmental impact in the surrounding area, in particular, on the amenities currently enjoyed by the occupiers of neighbouring properties and the surrounding areas over and above a level they would reasonably expect to enjoy, by reason of disturbance to those occupiers from noise and/or vibration. The effects are particularly severe because of the cumulative adverse impact of (a) noise and traffic from the proposal and (b) the existing poor local environment for residents from scrap yards and other commercial operators, on the already damaged amenity of those residents.

566/05 **Item No. 5 - 04/2580/FL/H1 – Erection of 12 dwellings and 12 apartments at land rear of 29-49 Commonside, Brownhills, Walsall-Regal Executive Homes**

(Councillor Harrison abstained from voting on this application)

An officer of the Planning Department advised the Committee of the background to the report.

The Chairman welcomed Mrs. Close speaking against the application, together with Mr. Martyn Single and Mr. Tramford speaking in support of the application.

In objection, the following salient points were raised:-

- The development would have severe implications for residents due to the increase of volume of traffic, this was exacerbated by a lack of pavements in some areas
- The development would lead to a lack of privacy
- There would be significant noise/disturbance during the build
- Wildlife would be lost

In response to the objections, Mr. Single and Mr. Tramford each spoke in support of the application raising the following points:-

- The application had been amended to adhere to planning regulations following a long period of consultation

- Any further amendments to the landscape scheme would be welcomed either by a Section 106/further condition
- The proposal would not have an impact upon the privacy of other residents

The Committee thanked the speakers for their comments and proceeded to discuss the application in detail.

Councillor Collins **moved** and it was duly **seconded**:-

That planning application no. 04/2580/FL/H1 be refused as the development would be out of character with the area by reason of its height and massing and would have a detrimental effect on neighbouring properties at Hillside.

Resolved (13 Members voting in favour and 1 against)

That planning application no. 04/2580/FL/H1 be refused as the development would be out of character with the area by reason of its height and massing and would have a detrimental effect on neighbouring properties at Hillside.

567/05 **Item No. 11 – 05/0035/FL/E4 – Proposed development of a total of eight, 3, 4 and 5 bed detached houses and associated access road, car parking provision and private amenity areas at land rear of 3-11 The Drive and rear of WIL, Springhill Close, Shelfield, Walsall – Derngate Property Developments Limited**

Mr. Ronn Moss (Planning Officer) advised the Committee of the background to the report.

The Chairman welcomed Mr. Trevor Poxon and Mrs. Suzanne Charley speaking against the application, together with Mr. Alan Beck speaking in support of the application.

In objection, it was stated that:-

- A lack of visibility would cause risk to residents by traffic
- The drive would not be wide enough to allow traffic to flow
- The access road was too close to properties
- There was no need for further development
- The development would take up Green Belt land and have an adverse impact upon the wildlife

Mr. Beck stated that the driveway only served five dwellings and, as such, it was a shared access. He further stated that the development was not in Green Belt and that the application complied with all policies.

The Committee thanked the speakers for their comments and proceeded to discuss the application in detail.

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

That application no. 05/0035/FL/E4 be approved, subject to the conditions set out in the report now submitted and a further Section 106 agreement.

Resolved (10 Members voting in favour and 4 against)

(Councillor Micklewright requested that her name be recorded as having voted against this decision)

That application no. 05/0035/FL/E4 be approved, subject to the conditions set out in the report now submitted and a further Section 106 agreement.

568/05 **Item No. 12 – 04/2700/FL/E4 – Resubmission of 04/0682/FL/E5 (to reduce the number of dwellings from 8 to 6) at land at Shelffield Mill House, 100 Mill Road, Pelsall, Walsall – Morris Homes (West Midlands) Limited**

An officer of the Planning Department advised the Committee of the background to the report.

The Chairman welcomed Mr. Smith speaking against the application and Mr. Lee Perry speaking in support.

In his objections, Mr. Smith raised concerns as to the accuracy of the report submitted, explaining there was no mention of velux windows, which would cause problems to properties 71/73. Reference was also made to the levels of the property and the height of the boundary wall.

In support of the application, Mr. Perry provided a background to the application site explaining that he wished to optimise its use. Planting would be undertaken to help achieve privacy.

The Committee thanked the speakers for their comments and proceeded to discuss the application in detail.

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

That application no. 04/2700/FL/E4 be approved, subject to the conditions as set out in the report now submitted.

Resolved (11 Members voting for the application and 3 against)

That application no. 04/2700/FL/E4 be approved, subject to the conditions as set out in the report now submitted.

569/05 **Item No. 13 – 04/2719/FL/H5 – Variation of Condition 3 of planning permission B.C.47210P (to change hours of operation from between 7.30 a.m. and 11.30 p.m. to between 6.00 a.m. and 12.00 midnight – 7 days a week) at McDonalds Restaurant, Crescent Road, Shepwell Green, Willenhall – John Peach**

(Councillors Anson, Madeley and Rochelle left the meeting during consideration of this item, took no part in the discussion and did not vote)

An officer of the Planning Department advised the Committee of the background to the report.

The Chairman welcomed Mrs. Davies and Sue Webster speaking against the application.

In their objections, it was stated that the operation of the restaurant was already causing them to suffer from sleep deprivation due to traffic, deliveries and youths hanging around. An extension to hours would only worsen the problem. Rubbish was also a big problem with litter left in trees and bushes.

The Committee thanked the speakers for their comments and proceeded to discuss the application in detail.

Resolved (12 Members voting in favour of the application)

That application no. 04/2719/FL/H5 be refused due to the disturbance to occupiers of neighbouring properties and surrounding area by virtue of noise and/or smells and car vibration.

- 570/05 **Item No. 2 – 04/2453/RM/W5 – Reserved Matters to 04/1710/OL/W5 – Erection of 22 no. apartments on land off Little Station Street and Marsh Street, Walsall – Wilcox Property Services**

Resolved (11 Members voting in favour and 1 against)

That planning permission be granted for planning application 04/2453/RM/W5, subject to the conditions set out in the report now submitted.

- 571/05 **Item No. 4 – 04/2672/FL/E5 - Extensions/alterations to existing residential home for the elderly at Pelsall Hall, Paradise Lane, Walsall – Greensleeves Homes Trust**

Resolved (12 Members voting in favour and 1 against)

That planning application no. 04/2672/FL/E5 be approved, subject to the conditions set out in the report.

- 572/05 **Item No. 6 – 04/2097/FL/E4 – Proposed erection of 31 apartments at formerly Select Windows, Walsall Road, Walsall Wood, Walsall – SGH Limited**

Resolved (10 Members voting in favour and 2 against)

That planning application 04/2097/FL/E4 be refused as the development would be out of character by virtue of massing and height and detrimental upon neighbouring properties.

- 573/05 **Item No. 7 – 04/2506/RM/W3 - Demolition of industrial building and erection of 45 x 2 bedroom flats and 4 x 2 bedroom house with associated car parking and external work at former Longmore Tubes Building, Hall Street, Darlaston – George Wimpey Midland Limited**

This application was withdrawn by the applicants.

- 574/05 **Item No. 8 – 04/2160/OL/E3 – Outline: erection of 2 detached houses and new access from Marlpool Drive at land between 2 and 6 Marlpool Drive, Pelsall, Walsall – Barton Property Developments Limited**

The Chairman advised the Committee that the speaker who had registered to address the Committee on this issue had declined to attend the meeting.

Resolved (13 Members voting in favour and 1 against)

That planning permission be granted for planning application no. 04/2160/OL/E3, subject to the conditions in the report now submitted.

- 575/05 **Item No. 9 – 04/2676/FL/W5 – Proposed new dwelling house at land rear of Corporation Street West and Tasker Street, Walsall – Mr. Kaza Miah**

Resolved (12 Members voting in favour)

That planning permission be granted for planning application no. 04/2676/FL/W5, subject to the conditions set out in the report now submitted.

- 576/05 **Item No. 10 – 04/2656/FL/W5 – Erection of 4 dormer bungalows at rear of 115 Pool Hayes Lane, Willenhall – Wilfred Long**

Resolved (12 Members voting in favour)

That planning permission be granted for planning application no. 04/2656/FL/W5, subject to conditions set out in the report now submitted.

- 577/05 **Confirmation of Tree Preservation Order No. 3 of 2004 at tree fronting 18 Bell Road, Park Hall, Walsall**

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

(see annexed)

Resolved

- (1) That Tree Preservation Order No. 3 of 2004 be confirmed in an unmodified form;

- (2) That this Committee supports the reasons for making the Tree Preservation Order as set out in paragraph 1.2 of the report now submitted.

578/05 Confirmation of Tree Preservation Order No. 8 of 2004 at 142-144 Whetstone Lane, Aldridge

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

(see annexed)

Resolved

- (1) That Tree Preservation Order No. 8 of 2004 be confirmed in an unmodified form;
- i2) That this Committee supports the reasons for making the Tree Preservation Order as set out in paragraph 1.2 of the report now submitted.

579/05 Confirmation of Tree Preservation Order No. 4 of 2004 on two trees at 59A Charlemont Road, Park Hall, Walsall

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

(see annexed)

Resolved

- (1) That Tree Preservation Order No. 4 of 2004 be confirmed in an unmodified form;
- (2) That this Committee supports the reasons for making the Tree Preservation Order as set out in paragraph 1.2 of the report now submitted.

580/05 Development Control Performance Report

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

(see annexed)

The Committee recognised the work involved and the efforts of officers involved.

Resolved

That the report be noted.

581/05 **Termination of Meeting**

There being no further business, the meeting terminated at 9.15 p.m.

Signed:

Date: