

## **DEVELOPMENT CONTROL COMMITTEE**

**Tuesday 18<sup>th</sup> September, 2007 at 5.30 p.m.**

**In the Council Chamber at the Council House Walsall**

### **Present**

Councillor Mike Bird (Chairman)  
Councillor Leslie Beeley  
Councillor Dennis Anson  
Councillor Clive Ault  
Councillor Paul Bott  
Councillor Brian Douglas-Maul  
Councillor Michael Flower  
Councillor Louise Harrison  
Councillor Peter Hughes  
Councillor Bill Madeley  
Councillor Cath Micklewright  
Councillor Jon Phillips  
Councillor John Rochelle  
Councillor Barry Sanders  
Councillor Doreen Shires

### **1524/07 Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Angela Underhill and David Turner.

### **1525/07 Declaration of Interest**

There were no declarations of interest

### **1526/07 Deputations and Petitions**

The Chairman stated that Councillor Arif was present to introduce a deputation on the Gorway Campus enforcement report.

### **1527/07 Making of Tree Preservation Order 34 of 2007 on Land at Sports Field, Walstead Road, Walsall**

#### **Resolved**

(1) That the serving of Tree Preservation Order 34 of 2007 be authorised;

- (2) That the reason for making the Tree Preservation Order, as set out in paragraph 1.2, be supported.

**1528/07 Confirmation of Tree Preservation Order 9 of 2007 on Land at 108 Rowley Street, Walsall**

**Resolved**

- (1) That the Walsall Tree Preservation Order No. 9 of 2007 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 now submitted, be supported;
- (3) That it be noted that no representations have been received in respect of the Tree Preservation Order.

**1529/07 Confirmation of Tree Preservation Order 11 of 2007 on Land at 169 Pinfold Lane, Walsall**

**Resolved**

- (1) That the Walsall Council Tree Preservation Order No. 11 of 2007 be confirmed in an un-modified form;
- (2) That the reasons for making a Tree Preservation Order, as set out in the report now submitted, be supported;
- (3) That it be noted that no representations have been received in respect of the Tree Preservation Order.

**1530/07 Confirmation of Tree Preservation Order 12 of 2007 on Land at Spring Lane, Willenhall**

**Resolved**

- (1) That the Walsall Council Tree Preservation Order No. 12 of 2007 be confirmed in a modified form;
- (2) That the reason for making a Tree Preservation Order, as set out in report now submitted, be supported;
- (3) That it be noted that no representations have been received in respect of the Tree Preservation Order.

1531/07 **110 Bridle Lane, Streetly**

The report of the Head of Planning and Building Control Regeneration was submitted.

**Resolved**

- (1) That authority be granted the Head of Planning and Building Control and the Assistant Director of Legal and Constitutional Services to issue an enforcement notice under the Town and Country Planning Act 1990 (as amended) and requisitions for information notice as set out in 2.2 and 2.3 of the report now submitted;
- (2) That Authority be delegated to the Assistant Director of Legal and Constitutional Services to institute legal proceedings, in the event of non-compliance with the notice or the non-return of requisitions for information;
- (4) That in the interest of ensuring an accurate and up to date notice is served authority be delegated to the Assistant Director of Legal and Constitutional Services in consultation with the Head of Planning and Building Control to add or delete from the wording set out in the report now submitted, stating the nature of the breach(es) and the reason(s) for taking enforcement action on the requirement(s) of the notice or the boundary's of the site.

1532/07 **University of Wolverhampton, Walsall Campus, Gorway Road, Walsall, Sports Ground**

The report of the Head of Planning and Building Control Regeneration was submitted.

The Chairman reported that it had been brought to his attention that the deputation had not arrived. He then sought Committee's approval to allow Councillor Arif to speak for up to 5 minutes on this matter on behalf of the deputation. Further to Committee's approval, Councillor Arif addressed the Committee.

Councillor Arif stated that the teaching block, on which the previous mast had been situated, was not due to be demolished until 2008. He suggested that the original masts were taken off this building to enable the phone company to use it's urgent powers to install a temporary mast.

The Committee proceeded to discuss the report requesting that Officers write to the Secretary of State to suggest that the 1984 Act be reviewed along with the use of emergency powers.

**Resolved**

That the report be noted.

**1533/07 Development Control Performance Update Report**

The Committee received a report of the Head of Planning and Building Control Regeneration advising members of the latest performance and outcomes regarding development control matters.

Members sought clarity as to the current position of various enforcement matters and following responses by officers it was:

**Resolved**

The report be noted

**1534/07 Application to Fell Protected Trees in Front Gardens of 15, 16 and 17 Belvidere Road**

The Committee considered a report of the Head of Delivery and Development seeking determination of the application to fell trees contained in application 07/1370/TR/T1, protected by Tree Preservation Order 11 of 1983.

**Resolved**

- (1) That the application to fell 3 lime trees be refused as insufficient information has been presented to demonstrate that the trees are responsible for building damage.
- (2) That the Note to the Applicant set out in the report is not to be included in the Decision Notice.

**1535/07 Item No. 1 – 07/0523/FL/E8 – Two-Storey Extension for the provision of Six Apartments at 152, Beacon Road, Great Barr, Walsall, West Midlands, B43 7BN**

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

The committee then welcomed the first speaker on this application, Martin Harrower, who wished to speak in objection to the application. Mr Harrower objected on the grounds that due to it's elevated position the visual appearance of the building would have a negative impact on the surrounding area, the balconies would be used as a drying area for clothes, sunlight would be blocked to nearby properties and that the anti social behaviour would increase due to the provision of an underground car park.

The Committee then welcomed the second speaker on this application, Councillor Andrew, who also wished to speak in objection to the application. Councillor Andrew stated that the proposed development would be

incongruous on the street scene and an over intensification of the site. He forecast that problems would occur with parking should permission be granted. Deliveries to the shop would also be affected as truck drivers would need to use the access road.

There then followed a period of questioning in relation to the trajectory of the sun and the effect of the proposed development on neighbouring properties. Further questions were asked with regard to the level of consultation undertaken with particular emphasis being placed on the lack of police and fire consultation.

The Committee proceeded to discuss the application in detail. Members considered the application and Councillor Flower **moved** and it was duly **seconded** by Councillor Phillips:-

That application No. 07/0523/FL/E8 be refused for the following reasons:-

- i) The development would be out of character with the surrounding area due to its design and height;
- ii) The development would be detrimental to the amenity of neighbouring dwellings because of its height and the potential for overlooking of nearby properties;
- iii) the proposal would provide insufficient parking to serve the development itself and, by reducing the existing parking, manoeuvring and servicing spaces, result in difficulties in parking and servicing for the existing shops;
- iv) The provision of parking in the undercroft beneath the building would result in fear of anti-social behaviour.

The motion, having being put to the vote, was declared **carried**; with Members voting unanimously in favour of refusing planning permission.

### **Resolved**

That planning application no. 07/0523/FL/E8 be refused for the following reasons:-

- i) The development would be out of character with the surrounding area due to its design and height;
- ii) The development would be detrimental to the amenity of neighbouring dwellings because of its height and the potential for overlooking of nearby properties;
- iii) The proposal would provide insufficient parking to serve the development itself and, by reducing the existing parking,

manoeuvring and servicing spaces, result in difficulties in parking and servicing for the existing shops;

- iv) The provision of parking in the undercroft beneath the building would result in fear of anti-social behaviour.

1536/07 **Item No. 2 – 07/0275/FL/W2 – Erection of 13 houses and 1 apartment block containing 22 flats at Rowley View, Margaret Road Junction, Moxley, Walsall.**

The Planning Officer advised the Committee of the background to the report and advised Members of additional information contained within the supplementary paper.

The Committee welcomed the first speaker on this application, Mrs. Clarke, who wished to speak in objection to the application. Mrs Clarke stated that she was speaking on behalf of neighbours in Margaret Close. She stated that there were no other three - storey buildings in the area, that the building would affect light and overlook her property and that the entrance to the proposed development would generate traffic issues due to the narrowness of the road.

The Committee then welcomed the second speaker on this application, Councillor Wilkes, who also wished to speak in objection to the application. Councillor Wilkes stated that the proposed development was too high and would overlook nearby properties whilst increasing traffic problems in Margaret Road.

There then followed a period of questioning by Members in relation to the height of the building.

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

That planning application number 07/0275/FL/W2 be approved subject to the conditions as contained within the report now submitted and a Planning Obligation.

The motion having been put to the vote was declared **carried**; with 10 Members voting in favour of granting planning permission and 1 against.

**Resolved**

That planning application number 07/0275/FL/W2 be approved subject to the conditions as contained within the report now submitted and a Planning Obligation.

1537/07 **Item No. 5 – 07/1269/FL/H2 – Proposed Bedroom Extension: First Floor, Rear at 40 Rushall Manor Road, Walsall, WS4 2HF**

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

The Committee then welcomed Councillor Arif who wished to speak in support of the application. Councillor Arif stated that the proposed extension was a good design that fit in well with the property. No letters of objections have been received and so he urged the Committee to approve the application.

The Committee proceeded to discuss the application in detail, it was noted that the Planning Officers have had recommended that this application be refused.

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

- (1) That planning application 07/1269/FL/H2 be approved as it was not overbearing on the surrounding area and did not constitute a substantial negative effect on neighbouring properties.
- (2) That Officers be delegated authority to attach the appropriate conditions to the application.

1538/07 **Item No. 6 – 07/1691/RM/W7 – Application for the approval of reserved matters in respect of development of industrial units, additional access, associated internal access road, parking and landscape relating to outline planning permission reference 07/0449/OL/W7 at Land off, Fryers Road, Bloxwich, Walsall, WS3 2XJ**

The Planning Officer advised the Committee of the background to the report and advised Members of additional information contained within the supplementary paper.

The Committee then welcomed Mr Hale who wished to speak in support of the application. Mr Hale stated that he was present to represent the applicant and was in full support of the application. He further stated that he would answer questions as he did not intend to give a formal presentation.

There then followed a period of questions by members in relation to the proposed materials to be used and the colour scheme for the development.

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

That planning application 07/1691/RM/W7 be approved subject to the conditions as contained in the report now submitted and an additional condition:-

That authority be delegated to the Head of Planning and Regeneration to approve the final materials to be used.

The motion having being put to the vote, was declared **carried**; with members voting unanimously in favour of granting planning permission.

**Resolved**

That planning application number 07/1691/RM/W7 be approved subject to the conditions as contained within the report now submitted and the following additional condition:-

That authority be delegated to the Head of Planning and Regeneration to approve the final materials to be used.

1539/07 **Item No. 3 – 07/1456/FL/H4 – Single Storey Rear Extension to Living Room, and Single Storey Extension to Garage forming Utility Room at 20 Old Oak Close, Aldridge, WS9 8SE**

**Resolved**

That planning application number 07/1456/FL/H4 be approved subject to the conditions as contained within the report now submitted.

1540/07 **Item No. 4 – 07/1537/FL/E6 – Change of use to Restaurant (Class A3) at 192-194 High Street, Bloxwich, Walsall.**

**Resolved**

That planning application number 07/1537/FL/E6 be approved subject to the conditions as contained within the report now submitted.

*Councillors Beeley and Harrison requested their name be recorded as having voted against the motion.*

1541/07 **Item No. 7 – 07/1325/FL/H4 – Single Storey Extension at Rear and Conversion to Bedroom at 261 Broadway North, Walsall, WS1 2PS**

**Resolved**

That planning application number 07/1325/FL/H4 be approved subject to the conditions as contained within the report now submitted.

**Termination of Meeting**

There being no further business, the meeting terminated at 7.20pm

Signed: .....

Date: .....