

DEVELOPMENT CONTROL COMMITTEE

20 November, 2007 at 6.00 p.m.

In the Council Chamber at the Council House Walsall

Present

Councillor Mike Bird (Chairman)
Councillor Dennis Anson
Councillor Clive Ault
Councillor Brian Douglas-Maul (arrived at 5.45)
Councillor Mike Flower (arrived at 5.45)
Councillor Louise Harrison
Councillor Peter Hughes
Councillor Bill Madeley
Councillor Barbara McCracken
Councillor Cath Micklewright (arrived at 5.50 p.m.)
Councillor Jon Phillips (arrived at 5.45 p.m.)
Councillor John Rochelle (arrived at 5.40 p.m.)
Councillor Barry Sanders
Councillor Doreen Shires
Councillor David Turner
Councillor Mohammed Yasin
Councillor Patricia Young

1578/07 Apologies

Apologies for non-attendance were submitted on behalf of Councillors Beeley, Bott and Underhill.

1579/07 Minutes

Resolved

That the minutes of the meeting held on 30th October 2007, a copy having been previously circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

1580/07 Declarations of Interest

Councillor McCracken declared a personal interest in item 2 – 07/1650/FL/W7 Proposed development of 74 no. 1, 2 and 3 bedroom flats and 37 no. 2, 3 and 4 bedroom houses and associated car parking, landscaping and external works, including conversion of existing Union Locks Building.

Councillor Sanders declared a personal interest in item 3 – 06/0169/OL/E4 - Outline: Residential development and construction of new access road to serve Branton Hill Quarry.

Councillor Young declared a prejudicial interest in item 5 -07/2065/FL/E9 - Proposed construction of 9 new residential dwellings.

1581/07 Deputations and Petitions

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

1582/07 Late Items

The Chair sought the Committees approval to accept 2 late items as follows:-

Confirmation of Tree Preservation Order No. 16 of 2007 – The item was urgent as the time limit to confirm the order was almost out and the trees would be at threat of being felled.

Walsall Football Club – This item was urgent as the Council needed to respond to the Treasury Solicitor on the matter by 23rd November 2007 (exempt information under paragraph 5 of Schedule 12A of the Local Government Act 1972).

1583/07 Local Government (Access to Information) Act, 1985 (as amended)

Resolved

That the public be excluded from the meeting during consideration of the late item regarding Walsall Football Club for the reasons set out therein and paragraph 5 of Schedule 12A of the Local Government Act 1972.

1584/07 Confirmation of Tree Preservation Order 14 of 2007 – Land at Streetly School, Queslett Road East

Resolved

- (1) That the Walsall Tree Preservation Order No. 14 of 2007 be confirmed in an unmodified form;
- (2) That the reason for making the Tree Preservation Order, as set out in the report now submitted, be supported;
- (3) That it be noted that one representation had been received in respect of this Tree Preservation Order;
- (4) That Minutes No. 1545/07 be rescinded.

1585/07 Confirmation of Tree Preservation Order 16 of 2007 – Thompson Street and Temple Bar, Willenhall.

Resolved

- (1) That the Walsall Tree Preservation Order No. 16 of 2007 be confirmed in a modified form;
- (2) That the reason for making the Tree Preservation Order, as set out in the report now submitted, be supported;
- (3) That it be noted that two representations had been received in respect of this Tree Preservation Order.

1586/07 Confirmation of Tree Preservation Order 19 of 2007 – Land at Springhill Road, Walsall, WS1 2LN

Resolved

- (1) That the Walsall Tree Preservation Order No. 19 of 2007 be confirmed in an unmodified form;
- (2) That the reason for making the Tree Preservation Order, as set out in the report now submitted, be supported;
- (3) That it be noted that no representations had been received in respect of this Tree Preservation Order.

1587/07 Confirmation of Tree Preservation Order 21 of 2007 – Land at Walstead Close, Walsall, WS5 3NR

Resolved

- (1) That the Walsall Tree Preservation Order No. 21 of 2007 be confirmed in an unmodified form;
- (2) That the reason for making the Tree Preservation Order, as set out in the report now submitted, be supported;
- (3) That it be noted that two representations had been received in respect of this Tree Preservation Order.

1588/07 Confirmation of Tree Preservation Order 22 of 2007 – Land at Little Bloxwich C of E School, Pelsall Lane, Walsall, WS3 3DH

Resolved

- (1) That the Walsall Tree Preservation Order No. 22 of 2007 be confirmed in an unmodified form;
- (2) That the reason for making the Tree Preservation Order, as set out in the report now submitted, be supported;
- (3) That it be noted that no representations had been received in respect of this Tree Preservation Order.

1589/07 Adverts at Kinky Boots Cabaret Bar, 3 Walstead Road, Darlaston

The report of the Head of Planning and Building Control was submitted:

(see annexed)

Resolved

- (1) That authority be delegated to the Assistant Director of Legal and Constitutional Services and Head of Planning and Building Control for the issuing of requisitions for information and enforcement notices, as detailed in sections 2.2 and 2.3 of the report now submitted;

- (2) That 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 of Legal and Constitutional Services;
- (3) That, authority be delegated to the Assistant Director of Legal and Constitutional Services, in consultation with the Head of Planning and Building Control to amend, add to or delete from the wording set out in the report stating the nature of the breach(es).

1590/07 Section 106 Quarterly Monitoring Report

Resolved

That the report be noted.

1591/07 Development Control Performance Update Report

Resolved

That the report be noted.

1592/07 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.

1593/07 Item No.3 - 06/0169/OL/E4 - Outline: Residential development and construction of new access road to serve Branton Hill Quarry at 520 Chester Road, Aldridge, Walsall

The Planning Officer advised the Committee of the background to the report and drew Members attention to the additional information as contained within the supplementary paper circulated at the meeting. The process to be followed if Officers recommendations were overturned was

explained and Members were advised that, should they be minded to grant permission, they would need to identify why they felt there were very special circumstances to allow development in the Green Belt.

The Committee then welcomed the first speaker on this item, Mr Anderson who wished to speak in support of the application.

There then followed a period of questioning by members in relation to the development of green belt land, the number of properties that could be accommodated if approved and the impact on nearby properties.

At this point the Head of Planning and Building Control re-iterated the comments made by the Planning Officer and outlined the process to be followed should the application be approved contrary to Officers recommendations.

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

That planning application 06/0169/OL/E4 be approved, contrary to Officers recommendations, for the following reasons:-

- (1) The matter is a local issue needing resolution to alleviate the traffic problems in Branton Hill Lane and to satisfy the Councils UDP in particular policy M2 in seeking alternative access and allowing vehicles to access the arterial road network more speedily;
- (2) The existing Branton Hill Lane will have to be closed permanently on completion of the proposed new access from Chester Road;
- (3) To assist the Quarry to expand and allow the development control committee to determine the outstanding applications for mineral extraction;
- (4) That Bliss Sand and Gravel are unable to finance the costs of this proposal without the “enabling development”;
- (5) That the residential development be limited to a maximum of 24 dwellings, thus moving towards the District Valuer and the applicants agents professional calculations;
- (6) To provide an opportunity for aspirational dwellings to attract entrepreneurs to the Black Country which at present has limited availability;

- (7) That officers be requested to finalize all conditions for technicalities such as access arrangements, landscaping, noise abatement and Section 106 contribution by way of Planning Obligations.

The motion, having been put to the vote, was declared **carried**; with 10 Members voting in favour of the application and 5 against.

Resolved

That planning application 06/0169/OL/E4 be approved, contrary to Officers recommendations, for the following reasons:-

- (1) The matter is a local issue needing resolution to alleviate the traffic problems in Branton Hill Lane and to satisfy the Councils UDP in particular policy M2 in seeking alternative access and allowing vehicles to access the arterial road network more speedily;
- (2) The existing Branton Hill Lane will have to be closed permanently on completion of the proposed new access from Chester Road;
- (3) To assist the Quarry to expand and allow the development control committee to determine the outstanding applications for mineral extraction;
- (4) That Bliss Sand and Gravel are unable to finance the costs of this proposal without the “enabling development”;
- (5) That the residential development be limited to a maximum of 24 dwellings, thus moving towards the District Valuer and the applicants agents professional calculations;
- (6) To provide an opportunity for aspirational dwellings to attract entrepreneurs to the Black Country which at present has limited availability;
- (7) That Officers be requested to finalize all conditions for technicalities such as access arrangements, landscaping, noise abatement and Section 106 contribution by way of Planning Obligations.

Councillor Yasin did not vote on this application as he arrived during the debate.

Councillor McCracken left the meeting at this juncture and did not return.

1594/07 **Item No.1 - 07/1904/FL/H5 - Two storey side, part two storey part single storey rear extension and single storey front extension at 49 Rushall Manor Road, Walsall.**

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

The Committee then welcomed the first speaker on this item, Councillor Arif who wished to speak against the application.

The Committee then welcomed the second speaker on this item, Kevin Bramwell who wished to speak in support of the application.

There then followed a period of questioning by members in relation to the scale and massing of the extension.

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

That Planning Application no. 07/1904/FL/H5 be refused, contrary to Officers recommendations, as the proposed development was an overdevelopment of the site, would have an adverse impact on the street scene, cause loss of light to neighbouring properties, would impact on the neighbours due it's massing and would be out of character with the area.

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

Resolved

That Planning Application no. 07/1904/FL/H5 be refused, contrary to Officers recommendations, as the proposed development was an overdevelopment of the site, would have an adverse impact on the street scene, cause loss of light to neighbouring properties, would impact on the neighbours due it's massing and would be out of character with the area.

1595/07 **Item No.2 - 07/1650/FL/W7 - Proposed development of 74 no. 1, 2 and 3 bedroom flats and 37 no. 2,3 and 4 bedroom houses and associated car parking, landscaping and external works, including conversion of existing Union Locks Building at The Keys (Former Union Locks Site), Wood Street, Willenhall.**

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

The Committee then welcomed Steve Howells who wished to speak in support of the application.

There then followed a period of questioning by members in relation to Home zone and the provision of lifts.

Members wished for it to be placed on record that the presentation and plans submitted by the applicant were of high quality and should be commended.

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

That planning application no. 07/1650/FL/W7 be approved subject to the conditions as contained within the report now submitted.

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

Resolved

That planning application no. 07/1650/FL/W7 be approved subject to the conditions as contained within the report now submitted.

1596/07 **Item No.6 - 07/0275/FL/W2 - Erection of 13 houses and 1 apartment block containing 22 flats at Rowley View, Margaret Road Junction, Moxley, Walsall**

Resolved

That planning application no. 07/0275/FL/W2 be approved subject to the conditions as contained in the report now submitted and a Planning Obligation.

- 1597/07 **Item No.4 - 07/1861/FL/E11 - Change of Use from industrial use (Class B2) to mixed general industrial and storage and distribution (Class B1, B2 and B8) at Units D/E1 Phoenix Centre, Middlemore Lane West, Walsall.**

Resolved

That planning application no. 07/1861/FL/E11 be approved subject to the conditions as contained in the report now submitted.

- 1598/07 **Item No.5 - 07/2065/FL/E9 - Proposed construction of 9 new residential dwellings at former garage court, Roebuck Road, Leamore, Walsall.**

Resolved

That planning application no. 07/2065/FL/E9 be approved subject to the conditions as contained in the report now submitted.

Councillor Young declared a prejudicial interest in this item, left the room and did not vote.

- 1599/07 **Item No.7 - 07/0901/FL/W7 - Erection of 14 new apartments and associated works following the demolition of existing buildings at 22 Windsor House, Vicarage Place, Walsall.**

Resolved

That planning application no. 07/0901/FL/W7 be approved subject to the conditions as contained in the report now submitted and a planning obligation.

- 1600/07 **Item No.8 - 07/1784/FL/W2 - Erection of dormer bungalow at land at rear of 121 Pargeter Street, Walsall**

Resolved

That planning application no. 07/1784/FL/W2 be approved subject to the conditions as contained in the report and supplementary paper now submitted.

1601/07 **Item No.9 - 07/2141/FL/H3 - Proposed one and two-storey front extensions and pitched roof to garage at 59 Park Hall Road, Walsall, WS5 3HL.**

Resolved

That planning application no. 07/2141/FL/H3 be approved subject to the conditions as contained in the report now submitted

1602/07 **Item No.10 - 07/2161/RM/W5 - Proposed residential development comprising 7 no. houses and 16 no. apartments and associated works at The Waterglade Inn P.H., Rose Hill, Willenhall.**

Resolved

That planning application no. 07/2161/RM/W5 be delegated for determination by the Head of Planning and Building Control.

1603/07 **Walsall Football Club**

The Committee received a report of the Assistant Director Legal and Constitutional Services and Head of Planning and Building Control.

Resolved

That the Assistant Director of Legal and Constitutional Services be authorised to notify the Treasury Solicitor that the Council would “consent to judgement” to enable the Treasury Solicitor to lodge an application in Court to quash the decision to grant consent on ground 2 of the letter AT appendix A now submitted

(Exempt information under paragraph 5 of Schedule 12A of the Local Government Act 1972).

Termination of meeting

There being no further business the meeting terminated at 7.50 p.m.

Signed:

Date: