

DEVELOPMENT CONTROL COMMITTEE

Tuesday, 18th November, 2008 at 5.30 p.m.

In the Council Chamber at the Council House Walsall

Present

Councillor Bird (Chairman)
Councillor Rochelle (Vice-Chairman)
Councillor Arif
Councillor Ault
Councillor Barton
Councillor Beeley
Councillor P. Bott
Councillor Cook
Councillor Douglas-Maul
Councillor Flower
Councillor P. Hughes
Councillor Madeley
Councillor Micklewright
Councillor M.G. Pitt
Councillor Sarohi

1926/08 Apologies

Apologies for non attendance were received on behalf of Councillors Ali, Munir and Turner.

1927/08 Minutes

Resolved

That the minutes of the meetings held on 28th October, 2008, and 21st October, 2008 (Special) copies having been previously circulated to each Member of the Committee, be approved and signed by the Chairman as correct records.

1928/08 Declarations of Interest

Councillor Madeley declared:-

A prejudicial interest in items 1 and 2 of the plans list relating to Highgate Brewery, Sandymount Road, Walsall as he had met the speaker objecting to the application.

Councillor Sarohi declared:-

A prejudicial interest in item 7 of the plans list relating to former Caparo works, Walsall.

1929/08 Deputations and Petitions

Councillor Micklewright submitted a petition from the residents of Park Road, Rushall objecting to the provision of a canoe club on the canal at the back of the properties on Park Road, Rushall.

Resolved

That the petition be forwarded to the Head of Planning and Development.

1930/08 Confirmation of Tree Preservation Order 22 of 2008 and Revocation of Tree Preservation Order 21 of 1979 – Land at 38 Middleton Road, Walsall

Resolved

- (1) That Walsall Tree Preservation Order No. 22 of 2008 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 detail be supported;
- (3) That it be noted that no representations had been received in respect of the Tree Preservation Order;
- (4) That Walsall Tree Preservation Order 21 of 1979 be revoked.

1931/08 Confirmation of Tree Preservation Order 26 of 2008 – Land at 99 Walsall Wood Road, Walsall

Resolved

- (1) That Walsall Tree Preservation Order No. 26 of 2008 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 detail be supported;

- (3) That it be noted that no representations had been received in respect of the Tree Preservation Order.

1932/08 Confirmation of Tree Preservation Order 27 of 2008 – Land at 67 Vernon Way, Walsall, Bloxwich

Resolved

- (1) That the Walsall Tree Preservation Order No. 27 of 2008 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 detail be supported;
- (3) That it be noted that no representations had been received in respect of the Tree Preservation Order.

1933/08 Confirmation of Tree Preservation Order 28 of 2008 – Land at 28 Hobs Hole Lane, Walsall

Resolved

- (1) That Walsall Tree Preservation Order No. 28 of 2008 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 detail be supported;
- (3) That it be noted that no representations had been received in respect of the Tree Preservation Order.

1934/08 Variation to financial contributions on application 06/2186/OL/W5 - Residential Development, Midland Road, Walsall

Resolved

That the Assistant Director – Legal and Constitutional Services, in consultation with the Head of Planning and Building Control, be authorised to amend the Section 106, to defer payments of the contributions to first occupation of any unit.

1935/08 **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 first to deal with the items on the Agenda where members of the public had previously indicated that they wished to address the Committee. The Chair, at the beginning of each item for which there were speakers advised the procedure whereby the speaker would have three minutes to speak and then at two minutes they would be reminded that they had a minute left.

1936/08 **Item No. 1 – 08/0901/FL – demolition of redundant boiler house and replacement with bottling plant and tankroom building at Highgate Brewery, Sandymount Road, Walsall**

Item No. 2 – 08/0898/LB – Listed Building Consent: demolition of redundant boiler house and replacement with bottling plant and tankroom building at Highgate Brewery, Sandymount Road, Walsall

The Chairman sought the Committee's approval to consider both applications together, as they related to the same site. The Committee agreed that the applications be considered together.

The Planning Officer then advised the Committee of the background to the report and drew members attention to the supplementary paper circulated at the meeting.

Officers from Regeneration and Environmental Health were then invited to speak with regard to ecology and noise mitigation matters.

The Committee then welcomed the first speaker on this item Councillor McCracken, who spoke against the applications.

The Committee then welcomed the second speaker on this item Sue Machin, who also spoke in objection to the applications.

There then followed a period of questioning by Members in relation to the number of complaints received regarding the site, the proposed conditions to address the concerns of residents should the application be approved, noise mitigation measures and whether the brewery could use the existing building as a bottling plant.

In response, Officers stated that the recommended conditions were designed to ensure that the residents' quality of life would be protected. Furthermore,

the brewery could lawfully operate a bottling plant using the current structure, without seeking consent from the Authority.

Members considered the application and Councillor Pitt **moved** and it was duly **seconded** by Councillor Hughes :-

That planning application No. **08/0901/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted and an additional condition that the windows on the building be non-opening.

The motion having been put to the vote, was declared **tied**, with 6 members voting in favour of the application and 6 against.

The Chair exercised his right to a casting vote (in accordance with part 4 paragraph 18.2 of the Councils Constitution) in favour of approving the application.

Resolved (7 in favour and 6 against)

That planning application No. **08/0901/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted and an additional condition to ensure that the windows on the new building are non-opening.

Councillor Micklewright requested her name be recorded as having abstained from voting on this application.

Councillor Arif requested his name be recorded as having voted against this application.

Councillor Madeley having declared a prejudicial interest in this item left the room during deliberation and did not take part or vote.

Members further considered planning application No. 08/0898/LB relating to Listed Building Consent at Highgate Brewery.

Members considered the application and Councillor Pitt **moved** and it was duly **seconded** by Councillor Hughes:-

That planning application No. **08/0898/LB** be granted listed building consent subject to the conditions as contained in the report now submitted.

The motion having been put to the vote, was declared **carried**, with members voting in favour of granting listed building consent.

Resolved

That planning application No. **08/0898/LB** be granted listed building consent subject to the conditions as contained in the report now submitted.

Councillor Micklewright requested her name be recorded as having abstained from voting on this application.

Councillor Arif requested his name be recorded as having voted against this application.

Councillor Madeley having declared a prejudicial interest in this item left the room during deliberation and did not take part or vote.

1937/08 **Item No. 4 - 08/0326/OL – residential development (with access and scale taken into account) for houses and flats with associated works (northern site only) at Land at Thomas Street & Birchills Street, Birchills**

The Planning Officer advised the Committee of the background to the report and drew members attention to the supplementary paper now submitted.

The Committee then welcomed the first speaker on this application Mr Cook, who spoke against the application.

The Committee then welcomed the second speaker on this item Mr Harris, who spoke in support of the application.

There then followed a period of questioning by Members in relation to the ownership of the business represented by Mr. Cook.

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

That planning application No. **08/0326/OL** be approved subject to the conditions as contained in the report now submitted.

Resolved (11 in favour and 1 against)

That planning application No. **08/0326/OL** be approved subject to the conditions as contained in the report now submitted.

Councillor Flower left the meeting during deliberation of this item and did not return.

1938/08 **Item No. 8 – 08/0874/FL - Proposed 20 bedroom extension to existing 40 bedroom hotel, rearrangement of car parking and landscaping and ancillary works at The Premier Inn/Bentley Green, Bentley Green Road North, Walsall**

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

The Committee then welcomed Christine Roberts, who spoke in support of the application.

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

That planning application No. **08/0874/FL** be approved subject to the conditions as contained in the report now submitted.

Resolved (unanimously)

That planning application No. **08/0874/FL** be approved subject to the conditions as contained in the report now submitted.

1939/08 **Item No. 3 - 08/1339/FL – proposed residential development of 38 new build houses and 10 maisonettes including the conversion of exchange house and former offices on Wednesbury Road. Replacement car parking for remaining factory and parking landscaping and associated works for the proposed dwellings and demolition of existing industrial buildings (resubmission and amendment to 07/2253/FL/W7) at land at Wednesbury Road and Tasker Street, Walsall**

The Planning Officer advised the Committee of the background to the report and drew members attention to the supplementary paper now submitted.

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

That planning application No. **08/1339/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted, and subject to a suitable parking scheme being agreed by the Head of Planning and Building Control..

Resolved (Unanimously)

That planning application No. **08/1339/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted, and subject to a suitable parking scheme being agreed by the Head of Planning and Building Control.

- 1940/08 **Item No. 5 - 08/1537/FL – erection of new industrial units (B2 use) at rear of Linley Lodge Works Industrial Estate, Westgate, Aldridge**

Resolved (Unanimously)

That planning application No. **08/1537/FL** be approved subject to the conditions as contained in the report now submitted and a Planning Obligation.

- 1941/08 **Item No. 6 - 08/1299/FL – new build palliative care centre, accommodation to include 12 inpatient beds, day care centre, therapy and counselling services along with associated ancillary services and staff/admin facilities. External landscaping and provision of 37 no. parking spaces at Goscote Hospital Site, Goscote Lane, Walsall**

Resolved (Unanimously)

That planning application No. **08/1299/FL** be approved subject to the conditions as contained in the report and supplementary paper now submitted.

- 1942/08 **Item No. 7 - 08/0163/OL – outline application for residential development of up to 310 dwellings (access and scale to be considered) at land at former Caparo Works, between the Wyrley and Essington Canal, Miner Street, Green Street and Old Birchills, Walsall**

Resolved (Unanimously)

That planning application No. **08/0163/OL** be approved subject to the conditions as contained in the report and supplementary paper now submitted and subject to a referral to Government Office, and the signing of a section 106 agreement..

Councillor Sarohi, having declared a prejudicial interest in this item left the room during deliberation and did not take part or vote.

- 1943/08 **Item No. 9 - 08/1007/FL – removal of condition 11 of 05/1566/OL/W3 which required the installation of sprinklers at site of former Neptune P.H. Bilston Lane, Willenhall**

Resolved (10 in favour and 3 against)

That planning application No. **08/1007/FL** be approved.

1944/08 **Item No. 10 - 08/0677/FL – new access road and car parking on Bloxwich Road North frontage of The Woodlands Centre, Bloxwich Road North, Walsall**

Resolved

That planning application No. **08/0677/FL** be refused for the reasons as set out in the report now submitted.

Termination of meeting

There being no further business the meeting terminated at 7.35 p.m.

Signed:

Date: