

DEVELOPMENT CONTROL COMMITTEE

Tuesday 25 January 2005 at 6.00 p.m.

In the Council Chamber at the Council House, Walsall

Present

Councillor Roger Collins (Chairman)
Councillor Lesley Beeley (Vice-Chairman)
Councillor Dennis Anson
Councillor Clive Ault
Councillor Arthur Bentley
Councillor John Cook
Councillor Brian Douglas-Maul
Councillor Louise Harrison
Councillor Bill Madeley
Councillor Rose Martin
Councillor Cath Micklewright
Councillor Alan Paul
Councillor John Rochelle
Councillor Carol Rose
Councillor Tony Rowley
Councillor Christopher Towe
Councillor Angela Underhill
Councillor Mohammad Yasin

532/05 Apologies

Apologies for non-attendance were submitted on behalf of Councillor Khan and Young.

533/05 Minutes

Resolved

That the minutes of the meeting held on 4 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 amendment:-

Page 5 – Paragraphs 9 and 10 – References to Councillor Singh should be deleted and replaced with “Councillor Khan.”

534/05 **Declarations of Interest**

The following Councillors 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:-

Councillors Towe and
Martin:

Part two-storey, part single-storey
extension and enlarged rook at
354 Birmingham Road, Walsall –
04/2665/FL/H1

535/05 **Deputations**

There were no deputations introduced or petitions .

536/05 **Petitions**

A petition was presented by Councillor Ault setting out 33 signatures from residents of Leylands Croft, Pelsall, who wished to request the Council to replace the excess of grassed area at the site with car parking facilities for visitors and residents vehicles.

The Committee noted the receipt of the petition and that it would be submitted to the appropriate service area for their attention.

537/05 **Late Items**

There were no late items introduced at this meeting.

538/05 **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.

539/05 **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.

540/05 **Item No. 1 – 04/1733/FL/E2 – Proposed 6 no. 2 bed flats and 2 no. 1 bed flat at 263 Lichfield Road, Walsall – Cadman Design Limited**

Mr. Norman Hickson (Planning Officer) advised the Committee of the background to the report.

The Committee then welcomed Mr. Pace, the first speaker, who wished to address the Committee in opposition to the application.

Mr. Pace said that he had lived at 263 Lichfield Road for the past nine years and that he had decided to live at that address because of the current outlook of the area. He said he was not happy with the proposed development and that it should not be allowed. He continued that this proposal was only 2 houses away from the previous application in Lichfield Road which had been refused and that this proposal would not improve the area but would detract from it.

He said that the proposals would block the light from his kitchen and that the local wildlife would be affected. He went on to say that, if the proposal was allowed, it would lead to 2 semi-detached properties being sandwiched between two blocks of flats and that the traffic caused by the additional developments would be excessive.

He queried where the construction vehicles would park because, in his opinion, they would block the main Lichfield Road, there being no where else for them to go. He went on to say that any agreement for this application to go ahead would jeopardise the Council's case in respect of the appeal for similar applications which had been refused previously by this Committee therefore costing the ratepayers for a successful appeal. He concluded that the residents of Rushall did not want to see this application go ahead.

The Committee then welcomed Mr. Lomax of 261 Lichfield Road who also wished to address the Committee in opposition to the application.

Mr. Lomax said that this application would detrimentally affect the amenity of the immediate neighbour and other neighbours in the locality by virtue of noise. He said that, with 18 cars leaving garages on the proposed development, the noise would affect his lounge, it being only 4 metres away from the proposed garages and also from the communal gardens. This he said would affect his privacy also.

He said that traffic would escalate and would lead to accidents. He urged the Committee to reject the application.

The Committee welcomed Councillor Griffiths who wished to address the Committee in opposition to the application.

Councillor Griffiths said that he agreed with the arguments previously put in respect of this application. He said that excessive traffic and air pollution were some of the reasons being put forward for the rejection of this application. He said residents and Councillors had fought very hard for the regeneration of Walsall and, in his view, this development would deface the Lichfield Road which was the link into the Town Centre. He went on to say that residents did not want to see their Victorian homes being replaced by flats and he urged the Committee to reject the application.

The Committee welcomed Councillor Walker who also wished to express concern in respect of the application. She said that she echoed the comments previously made also and that this area was some of the leafiest streets in Walsall and residents had chosen to live there because of the way it looked. She said that the proposed development would put a blot on the landscape and would affect residents' lives in a detrimental way and that the Committee should listen to the views of local residents.

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

Councillor Mrs. Micklewright **moved** and it was duly **seconded** by Councillor Underhill:-

That planning application no. 04/1733/FL/E2
be refused on the grounds of disturbance to
neighbouring properties by virtue of noise
and vibration and vehicle movement.

Councillor Rochelle **moved** an amendment which was duly **seconded** by Councillor Paul:-

That planning application no. 04/1733/FL/E2
be granted, subject to the conditions set out
the report and a Section 106 Agreement.

The amendment, having been put to the vote, was declared **carried** with 8 members voting in favour and 6 against.

Resolved

That planning application no. 04/1733/FL/E2 be granted, subject to the conditions set out the report and a Section 106 Agreement.

541/05 **Item No 2 – 04/2402/OL/E2 – Outline: residential development of 15 apartments and associated parking on land corner of New Street/Lichfield Road, Shelfield – Pastroom Limited**

Mr. Norman Hickson (Planning Officer) advised the Committee of the background to the report.

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

Members considered the report and it was:-

Resolved

That planning application no. 04/2402/OL/E2 be refused for the reasons set out in the report now submitted.

542/05 **Item No. 9 – 04/2486/AD/W5 – 1 x 96 sheet twin sided monopole at DSM Demolition former Sewerage Work, Bescot Road, Walsall – Signature Outdoor Limited**

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

The Chairman welcomed Mr. George who wished to address the Committee in support of the application.

Mr. George said there was little to add to the report set out by officers which he felt was a comprehensive report and supported the application.

In answer to a question raised by members, Mr. George said there was no intention in the future to add further signs on that site.

Some Members expressed concern about the proliferation of such signs on roads which they felt distracted drivers and were, therefore, a dangerous distraction.

Members considered the application and it was:-

Resolved (14 Members voting in favour and 2 against)

That planning application no. 04/2486/AD/W5 be granted for a 5 year period, subject to the conditions set out in the report now submitted.

543/05 **Item No. 11 – 04/2665/FL/H1 – Part two-storey, part single-storey extension and enlarged roof at 354 Birmingham Road, Walsall – Mr. Choudry**

Councillors Rose and Towe left that meeting, having previously declared an interest in this item

Mr. Norman Hickson (Planning Officer) advised the Committee of the background to the report.

The Committee welcomed Mr. Wright who wished to address the Committee in opposition to this application.

Mr. Wright said that he was not in opposition to the extension of the property and that he does not oppose anyone trying to extend their property providing it is within the planning rules. He said that this application was outside UDP policy. He said that the ground floor was outside the UDP policy by 3.5 metres and that this would extend past his property by 22 feet. He went on to say that the first floor of the extension also did not comply with planning policy. He said he was concerned that the balcony would look onto the patio of his property and would, therefore, infringe his privacy. He said that there would also be a terracing effect with there being a gap of only 3 feet between the proposed dwelling and his own. He went on to say that there appeared to be no difference between the proposals and the application which had been refused in 2002 and it was, therefore, blatant disregard of the UDP.

The Committee thanked Mr. Wright for his comments and welcomed Mr. Hickman who wished to address the Committee in support of the application.

Mr. Hickman said he was the planning advisor for the applicant and that, since the refusal of the previous application, further discussions had ensued with planning officers and discussions had also taken place with residents and steps had been taken following those discussions to overcome many of the issues raised by the Local Authority and local residents. He said that the development does accord with the UDP and was in-keeping with the street scene.

The Committee welcomed Mr. Choudry who wished to address the Committee in support of this application.

Mr. Choudry said that the first application which had been refused in 2002 had been amended following advice from planning officers. He said that there were a variety of properties on Birmingham Road and therefore, no consistency of house types. He said he and his wife were fortunate to have a double plot and that his garage was currently a detached one and that the proposals for the extension would allow his garage to be an integral one in line with those of neighbouring properties. He continued that he had taken a lot of time and effort to ensure that the proposals were within the UDP and that planning officers had considered his application and had agreed that it was within the UDP.

The Committee thanked Mr. Choudry for his comments and proceeded to discuss the application.

Councillor Rochelle **moved** and it was duly **seconded** by Councillor Mrs. Micklewright:-

That planning application no. 04/2665/FL/H1 be refused on the grounds of massing in the street scene and that it was detrimental to the character of the neighbourhood and the adjoining neighbours.

Councillor Madeley **moved** an amendment which was duly **seconded**:-

That planning application no. 04/2665/FL/H1 be granted, subject to the conditions set out in the report now submitted.

The amendment, having been put to the vote, was declared **carried**; with 8 members voting in favour and 6 against.

Resolved

That planning application no. 04/2665/FL/H1 be granted, subject to the conditions set out in the report now submitted.

544/05 **Item No. 16 – 04/2585/FL/W2 – Variation of Condition 10 of planning permission ref: 03/0306/FL/W4 dated 25 March 2003, at Pool Hayes Service Station, Lichfield Road, Walsall – The BP and Safeway Partnership**

Mr. Scrivens (Planning Officer) advised the Committee of the background to the application.

The Committee welcomed Miss Martine Peace who addressed the Committee in support of the application.

Miss Peace said that the application was not seeking to attract additional customers, but to provide a more comprehensive service for existing customers. She said that it would not impact on highway safety and nor would it impact on anti-social behaviour by way of the sale of alcohol because of the steps taken to ensure that only those over 21 would be sold alcohol beverages.

The Committee thanked Miss Peace for her comments and welcomed Mrs. Evans who wished to address the Committee in opposition to the application.

Mrs. Evans said that she was representing the New Invention Local Committee who were expressing the opposition of local residents to this application. She said that local residents had experienced large scale nuisance for the past 20 years from the site by virtue of car doors slamming, loud music and all time parking in the area. She said that the sale of alcohol on this site would encourage anti-social behaviour which was already in existence there, but would now be escalated and residents would continue to lose their quality of life in this area. She said that residents did not want to see the condition varied after only a 2 year period and urged the Committee to refuse the application.

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

That planning application no. 04/2585/FL/W2
be granted, subject to the conditions set out
in the report now submitted.

Councillor Bentley said there were already 3 such establishments in New Invention Square and at least 7 similar outlets within close vicinity. Councillor Bentley **moved** an amendment and it was duly **seconded** by Councillor Cook:-

That planning application no. 04/2585/FL/W2
be refused on the grounds of an increase in
traffic on and off the site and the loss to the
community of personal safety by virtue of alcohol
sale related anti-social behaviour.

The amendment, having been put to the vote, was declared **lost**; with 6 members voting in favour and 10 against.

The original motion, having been put to the vote, was declared **carried**; with 10 members voting in favour and six against.

Resolved

That planning application no. 04.2585/FL/W2 be granted, subject to the conditions set out in the report now submitted

545/05 **Item No. 3 – 04/2555/FL/W1 – Creation of new surface by laying demolition rubble, new steel palisade fence and bollards at The Waterfront, Wolverhampton Street, Walsall – Advantage West Midlands**

04/2566/CA/W1 – Conservation Area Consent: Demolition of building, floor slabs and walls at The Waterfront, Wolverhampton Street, Walsall – Advantage West Midlands

Resolved

- (1) That planning permission be granted in respect of planning application no. 04/2555/FL/W1, subject to conditions set out in the report now submitted; (14 members voting in favour and none against)
- (2) That conservation area consent be granted in respect of planning application no. 04/2566/CA/W1. (14 members voting in favour, none against and 3 abstaining).

546/05 **Item No. 4 – 04/2618/FL/E2 – Erection of 30 no. 2 bed apartments and 9 no. 2 bed houses, together with associated works, at land at Silver Street, Brownhills – David Wilson Homes (WM) Limited**

Resolved (16 members voting in favour and none against)

That planning permission be granted for planning application no. 04/2618/FL/E2, subject to the conditions set out in the report now submitted.

547/05 **Item No. 5 – 04/2391/FL/W5 – 3-storey office extension at Home Service (GB) Limited, Cable Drive, Walsall – Homeservice (GB) Limited**

Resolved (Unanimously)

That planning permission be granted in respect of planning application no. 04/2391/FL/W5, subject to the conditions set out in the report now submitted.

- 548/05 **Item No. 7 – 04/2264/FL/E5 – Workshop and ancillary offices with forecourt and parking spaces at Anglian Road, Walsall – TJM Holdings Limited**
- Resolved** (Unanimously)
- That planning permission be granted in respect of planning application no. 04/2264/FL/E5, subject to the conditions set out in the report now submitted.
- 549/05 **Item No. 8 – 04/2431/FL/W5 – Vehicle access at 171 Coltham Road, Willenhall – Mr. David Glen Pritchard**
- Resolved** (16 members voting in favour and none against)
- That planning permission be granted in respect of planning application no. 04/2431/FL/W5, subject to the conditions set out in the report now submitted.
- 550/05 **Item No. 10 – 04/2279/OL/W3 – Outline: detached 3 bedroom house (new build) at land at rear of and to side of 28 Wolverhampton Street (the rear garden), (former Nelson Inn), Darlaston – Mr. A. Singh**
- Resolved** (Unanimously)
- That planning application no. 04/2279/OL/W3 be refused.
- 551/05 **Item No. 12 – 04/2557/FL/H5 – Change of use to private garden and erection of 6' fence panels at 11 Jones Road, Willenhall – Mrs. D. Adams**
- Resolved** (Unanimously)
- That planning application no. 04/2667/FL/.H5 be refused.
- 552/05 **Item No. 13 – 04/2244/TR/T3 – Fell beech tree between no. 26 and 27 Victoria Road, Pelsall, Walsall – P.R. Anelli**
- Resolved** (15 members voting in favour and none against)
- That the application to fell a beech tree at no. 26 and 27 Victoria Road, Pelsall, be refused.

553/05 **Item No. 14 – 04/2552/tR/T3 – Felling a sycamore at the rear of Tanglewood, Bourne Vale, Walsall – Robin Horton**

Resolved (14 members voting in favour and none against)

That permission be granted for tree works to protected trees at the rear of Tanglewood, Bourne Vale, Walsall.

554/05 **Item No. 15 – 04/2426/FL/W3 – Temporary consent for a 15 metre mast for a period of 12 months to provide a limited coverage while appeal is under consideration at Bomet UK, Railway Lane, Willenhall – 02 (UK) Limited**

The Committee considered the application and it was:-

Resolved (15 members voting in favour and 2 against)

That planning application no. 04/2426/FL/W3 be refused on the grounds of the application being detrimental to the visual amenity of the area and to the residents of the area.

555/05 **65 Stafford Road, Bloxwich**

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

(see annexed)

Members considered the report and it was:-

Resolved (Unanimously)

That the Head of Legal Services be authorised to serve a Requisition for Information under Section 330 of the Town and Country Planning Act and also instigate legal proceedings under Section 224 of the Town and Country Planning Act, 1990, to prosecute the owner(s) and/or occupier(s) and other beneficiary of the advertisement sign in respect of displaying an advertisement without the consent required under the Town and Country Planning (Control of Advertisements) Regulations, 1992.

Termination of Meeting

There being no further business, the meeting terminated at 8.55 p.m.

Signed:

Date: