

## **DEVELOPMENT CONTROL COMMITTEE**

**Tuesday 9<sup>th</sup> October, 2007 at 5.30 p.m.**

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

### **Present**

Councillor Mike Bird (Chairman)  
Councillor Leslie Beeley  
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 Barbara McCracken (arrived at 6.00 p.m.)  
Councillor Jon Phillips (arrived at 6.00 p.m.)  
Councillor Barry Sanders  
Councillor Doreen Shires  
Councillor Mohammad Yasin  
Councillor Patricia Young

### **1542/07 Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Dennis Anson, John Rochelle, David Turner and Angela Underhill.

### **1543/07 Declaration of Interest**

Councillors Sanders and Beeley declared a personal interest in agenda item 8 as they were supporters of Walsall Football Club.

Councillor Sanders also declared a personal interest in agenda item 14 as he knew the former Councillors family.

Councillor Bott declared a prejudicial interest in agenda item 6 as he lived in the same street.

### **1544/07 Deputations and Petitions**

None received.

**1545/07 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 un-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 no representations have been received in respect of this Tree Preservation Order.

**1546/07 Confirmation of Tree Preservation Order 15 of 2007 – Land at 56 Skip Lane, Walsall**

**Resolved**

- (1) That the Walsall Tree Preservation Order No. 15 of 2007 be confirmed in an un-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 no representations have been received in respect of this Tree Preservation Order.

**1547/07 Making of Tree Preservation Order 38 of 2007 – Land at 18 Widney Avenue, Walsall**

**Resolved**

- (1) That the Making of Walsall Tree Preservation Order No. 38 of 2007 be authorised;
- (2) That the reason for making the Tree Preservation Order, as set out in paragraph 1.2 of the report now submitted, be supported.

**1548/07 Making of Tree Preservation Order 40 of 2007 – Land at Forest Gate New Invention, Walsall**

**Resolved**

- (1) That the Making of Walsall Tree Preservation Order No. 40 of 2007 be authorised;

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

**1549/07 Application to fell Protected Tree's in the Hawthorns, Cartbridge Lane, Walsall**

**Resolved**

- (1) That permission to remove 16 trees comprising of six Beech trees, three Sycamores and seven Poplars, be refused;
- (2) That pruning works to two Poplars, one Horse Chestnut, one Beech and one Pine, be refused;
- (3) That consent be granted to prune one Red Chestnut and remove eleven trees comprising of two Beech, two Horse Chestnuts, two Pears, one Thorn and four Poplars.

**1550/07 Rear of 549 Bloxwich Road**

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

**Resolved**

- (1) That authority be granted to the Head of Planning and Building Control and the Assistant Director of Legal and Constitutional Services for the issuing of an enforcement notice under the Town and Country Planning Act 1990 (As Amended), and requisitions for information notices 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;
- (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 paragraph 2.3 of the report now submitted, stating the nature of the breach(es) the reason(s) for taking enforcement action, the requirement(s) of the notice, or the boundaries of the site.

**1551/07 Section 106 Quarterly Update Report 2006/07**

The Committee noted the information contained within the Section 106 Quarterly Update Report for 2006/07. In doing so they congratulated officers for providing a very detailed and informative report.

**Resolved**

The report be noted.

**1552/07 Item No. 1 – 07/1815/FL/E11 – Erection of 15 two bedroom apartments at 1 Woodside Close, Walsall, WS5 3LU**

The Planning Officer advised the Committee of the background to the report and drew Members attention to further comments as contained within the supplementary paper circulated at the meeting.

The Committee welcomed the first speaker on this application, Councillor Rose Martin. Councillor Martin objected to the application on the following grounds:

- The Borough was currently saturated with flats;
- The development, if approved, would further reduce the family housing stock required in Walsall;
- Gillity Village was a fifteen minute walk away;
- Approving the application would destroy the sense of place currently enjoyed by residents in a discrete residential area;
- There were four corners to the roundabout. If the application was approved it would be hard to resist further development on the other three corners;
- Previous applications had been refused on this site;
- The proposal would not assist in the regeneration of the borough as it would ruin the design of the area.

The Committee then welcomed the second speaker on this application, Andrew Le Cornu who also wished to speak in objection to the application. Mr. Le Cornu stated that:

- The residents were not opposed to the redevelopment of the site for residential purposes;
- The application before Members was inappropriate, by way of its scale and density with the surrounding area;
- The massing, materials and scale was far more imposing than the original building;
- The proposal would be situated in quiet roads not 'through routes';
- 94 dwellings per hectare was over intensive use of the site;
- The proposal was more fitting to another location such as town centres;

- The car parking guidelines for flats required more spaces than had been provided for in the application;
- There was no need for such dwelling types in the area.

The Committee then welcomed the third speaker on this item, Marco Da Cruz who wished to speak in support of the application. Mr. Da Cruz stated that whilst he understood the objectors concerns and why they had raised them, he felt that the application before Committee addressed all of the issues raised. Part of the brief for the project was to produce quality buildings and not just to maximise profits. The scheme had been improved since it was last refused, and the flatted development would balance the existing community providing homes for existing residents that may wish to downsize in the future. The design, in his view, was in-keeping with surrounding properties.

There then followed a period of questioning by Members in relation to the number of storeys proposed and the provision of parking.

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

That application No. 07/1815/FL/E11 be refused contrary to officers recommendations, on the grounds that the proposal would represent an over development of the site, be incongruous within the street scene by way of massing, it was out of character with other properties by way of its design and three storey element, the proposal would be lacking in parking and would be detrimental to the amenity of existing neighbours and there was lack of available open space provision in the area.

The motion, having being put to the vote, was declared **carried**; with eleven Members voting in favour of refusing permission and two against.

### **Resolved**

That application No. 07/1815/FL/E11 be refused contrary to officers recommendations, on the grounds that the proposal would represent an over development of the site, be incongruous within the street scene by way of massing, it was out of character with other properties by way of its design and three storey element, the proposal would be lacking in parking and would be detrimental to the amenity of existing neighbours and there was lack of available open space provision in the area.

Councillor Micklewright abstained from voting on this application as she had left the room during deliberation.

1553/07 **Item No. 2 – 07/2000/OL/W5 – Planning application for residential development at site c/o Brockhurst Crescent and Walstead Road West, Walsall, WS5 4AX**

**And**

**Item No. 3 – 07/1535/FL/E11 - Development of 61 Dwellings at land at Brockhurst Crescent, Walsall**

The Chairman reported that, with Committees approval, he would take items 2 and 3 together for presentations and speakers as the applications dovetailed providing a comprehensive redevelopment of two interlinking sites. Voting on each application would be carried out separately. Following confirmation from Committee the Chairman reported that item 3 was recommended to be delegated to officers for approval. This was due to the fact that item 3 was pending an enquiry with one of the refusal reasons being lack of comprehensive development. The consultation period had not expired and so it was important to delegate the power to approve the application to officers, should Committee be minded to do so, once the consultation period had expired.

The planning officer then advised the Committee of the background of the report and drew members attention to the additional information contained within the supplementary paper circulated at the meeting.

The Committee then welcomed the first speaker, Mr. Stackhouse speaking on item 2. Mr. Stackhouse stated that a previous application was refused earlier in 2006 reasons for which had now been overcome. The parking and layout issues had been addressed by submitting an outline application. Detailed proposals would be submitted at a future date. An illustrative scheme had been submitted which showed that a suitable scheme could be accommodated. The development formed part of a comprehensive development with the adjoining site. In closing Mr. Stackhouse requested that consideration be given to reducing the level of contributions required due to special circumstances on the site.

The Committee then welcomed the second speaker, Mr. Williams who wished to speak in support of item 3. Mr. Williams stated that the application had been refused in 2006. It had since been amended and a change of ownership of the site had occurred. The new owners were best placed to deliver a comprehensive scheme. With regards to noise mitigated he stated that a further survey had been carried out with results indicating that noise levels could be mitigated by a 4.5 meter high acoustic fence. This would be removed if the adjacent Tomkins site became available for development which would negate the need for an acoustic fence.

There then followed a period of questioning by Members in relation to the provision of affordable housing.

Members considered the application and Councillor Micklewright **moved** and it was duly **seconded**.

That planning application number 07/2000/OL/W5 be approved subject to the conditions as contained within the report and supplementary paper now submitted and with an amendment to set the level of contribution for affordable housing at 20% shared ownership.

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

### **Resolved**

That planning application number 07/2000/OL/W5 be approved subject to the conditions as contained within the report and supplementary paper now submitted and with an amendment to set the level of contribution for affordable housing at 20% shared ownership.

Members then considered application number 07/1535/FL/E11 and Councillor Micklewright **moved** and it was duly **seconded**.

That planning application number 07/1535/FL/E11 be approved subject to the conditions as contained within the report and supplementary paper now submitted and with an amendment to set the level of affordable housing at 20% shared ownership.

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

### **Resolved**

That planning application number 07/1535/FL/E11 be approved subject to the conditions as contained within the report and supplementary paper now submitted and with an amendment to set the level of affordable housing at 20% shared ownership.

Councillor Young abstained from voting on items 2 and 3 as she had left the room during deliberation.

### **1554/07 Item No. 6 – 07/1492/FL/E11– Erection of 19 Houses, Access, Parking Associated Works at site R/O 160-164 Broad Lane, Walsall**

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

The Committee then welcomed the first speaker on this item, Mr. Williams who wished to speak in objection to the application. Mr. Williams stated that he had concerns over the boundary treatment to the site as it was proposed to erect a wooden fence. It was his view that as it would be surrounded by roadways on three sides, it would be more appropriate to have a brick wall instead of a fence.

The Committee then welcomed the second speaker on the application, Mr. Robson who wished to speak in support of the application. Mr. Robson stated that they had worked closely with officers throughout the planning process. The density of properties on the site was at the lower end of the scale and the style of the buildings would consist largely of terraced and semi-detached properties. He stated that he was happy to upgrade the boundary treatment to a brick wall as requested by the objector.

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

That planning application 07/1492/FL/E11 be approved subject to the conditions as contained in the report and supplementary paper now submitted and a further condition to provide a two metre brick wall as opposed to a wooden fence.

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

### **Resolved**

That planning application number 07/1492/FL/E11 be approved subject to the conditions as contained in the report and supplementary paper now submitted and a further condition to provide a two metre brick wall as opposed to a wooden fence.

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

### **1555/07 Item No. 8 – 07/1871/AD/W3 – Erection of illuminated free standing two faced display sign on south car park at Walsall Football Club, Bescot Crescent, Walsall**

The Planning Officer advised the Committee of the background to the report and drew members attention to the additional responses to consultation, as contained within the supplementary paper now submitted

The Committee then welcomed the first speaker on this item Mr. Whalley, who wished to speak in support of the application. Mr Whalley stated that they already had planning permission for a single sign on the site of the same dimensions. The only difference was the change to a V design and that the sign had been brought forward onto the car park. Mr. Whalley stated the



V shape would be more commercially viable and stressed that it would be the same size as the single board already approved. The sign would not impact on car parking as the club had provided an additional 200 spaces within the last 12 months. Other signage in the grounds would be removed if the application was approved.

There then followed a period of questions by members in relation to the removal of other signs on the site.

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

That planning application 07/1871/AD/W3 be approved subject to the conditions as contained in the report now submitted, subject to an conditional condition to ensure that three signs on the 'Homeserve' stand be removed prior to the erection of the static sign.

### **Resolved**

That planning application 07/1871/AD/W3 be approved subject to the conditions as contained in the report now submitted subject to a conditional condition to ensure that three signs on the 'Homeserve' stand were removed prior to the erection of the static sign.

Councillor Beeley abstained from voting on this item having left the room during deliberation.

### **1556/07 Item No. 14 – 07/1797/FL/H1 – Roof Extension to Side, Part Two-Storey, Part Three-Storey Rear Extension, Single-Storey Front and Rear Extension at 59 Delves Road, Walsall**

The Planning Officer advised the Committee of the background to the report drawing members' attention to additional information as contained within the supplementary paper now submitted.

The Committee then welcomed the first speaker on this item, Mrs. Tahira, who wished to speak in objection to the application. Mrs. Tahira stated that she was a direct neighbour to the applicant. The proposed application would have a negative and an adverse affect on them. The amended plans were no different to those originally submitted and there had already been a large extension to the property. An additional extension would constitute inappropriate development of poor design and out of keeping with neighbouring properties. Approving the application would lead to a loss of privacy and be out of character with surrounding properties.

The Committee then welcomed the second speaker on this application, Mrs. Asra who wished to speak in objection to the application. Mrs. Asra endorsed

the comments of Mrs. Tahira drawing Members attention to various policies which the application would contravene.

The Committee then welcomed the third speaker on this application, Councillor Nazir who wished to speak in support of the application. Councillor Nazir stated that the design would be compatible with the surrounding area as there were numerous properties with large extensions in the street scene. He gave a detailed explanation of the proposed extension and stating it had been designed to mitigate the impact on neighbouring properties.

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

That planning application 07/1797/FL/H1 be refused for the reasons as stated in the report now submitted.

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 07/1797/FL/H1 be refused for the reasons as stated in the report now submitted.

- 1557/07 **Item No. 4 – 07/1535/FL/E11 – Redevelopment of Vacant Site And Conversion Of Former Public House To Accommodate 58 Flats With Associated Parking, Servicing, Amenity Space and Access at Former Warreners Arms Public House, High Street/Ogley Road, Brownhills, Walsall**

**Resolved**

That planning application number 07/1535/FL/E11 be approved subject to the conditions as contained within the report now submitted and a planning obligation.

- 1558/07 **Item No. 5 – 07/1494/FL/W6 – Demolition Of Redundant Clinic And Erection Of 12 No. Apartments And 6 No houses at Bentley Health Clinic, Churchill Road, Walsall**

**Resolved**

That planning application number 07/1494/FL/W6 be approved subject to the conditions as contained within the report now submitted and an additional condition that allocation of car parking spaces to each individual dwelling be submitted for approval by the Local Planning Authority and a planning obligation.

- 1559/07 **Item No. 7 – 07/1617/FL/E11 – Demolition of existing buildings and erection of 57no. two, three, four and five bedroom dwellings, garages and access road at land at 39-67 Enterprise Drive, off Bridle Lane, Streetly, Walsall**

**Resolved**

That planning application number 07/1617/FL/E11 be approved subject to the conditions as contained within the report now submitted and a planning obligation.

- 1560/07 **Item No. 9 – 07/1823/FL/E9 – Demolition of existing bungalow at No51 and erection of 3 detached 4 bed, two storey houses, erection of extensions to No53 and provision of parking and landscaping at 51 and 53 Erdington Road, Aldridge, Walsall**

**Resolved**

That planning application number 07/1823/FL/E9 be approved subject to the conditions as contained within the report now submitted.

- 1561/07 **Item No. 10 – 07/1896/FL/E9 – Erection of a detached dormer bungalow at rear of 17 Hall Lane, Pelsall, Walsall**

**Resolved**

That planning application number 07/1896/FL/E9 be approved subject to the conditions as contained within the report now submitted.

- 1562/07 **Item No. 11 – 07/1768/FL/H5 – Two-Storey Front and Side Extensions at 16 Edinburgh Road, Walsall**

**Resolved**

That planning application number 07/1768/FL/H5 be approved subject to the conditions as contained within the report now submitted.

- 1563/07 **Item No. 12 – 07/1740/FL/H5 – Single-storey side and rear extension, replace and enlarge roof to provide rooms at first floor at Patchwood Little Gorway, Walsall**

**Resolved**

That planning application number 07/1740/FL/H5 be approved subject to the conditions as contained within the report now submitted.

1564/07 **Item No. 13 – 07/1788/FL/H5 – Two-storey front, part two-storey, part single-storey side and single-storey rear extension with front porch at 38 Lake Avenue, Walsall**

**Resolved**

That planning application number 07/1788/FL/H5 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 8.45pm

Signed: .....

Date: .....