

DEVELOPMENT CONTROL COMMITTEE

Tuesday 26 June, 2007 at 5.30 p.m.

In the Council Chamber at the Council House Walsall

Present

Councillor Mike Bird (Chairman)
Councillor Leslie Beeley (Vice-Chairman)
Councillor Dennis Anson
Councillor Clive Ault
Councillor Paul Bott
Councillor Louise Harrison
Councillor Peter Hughes
Councillor Barbara McCracken
Councillor John Phillips
Councillor John Rochelle
Councillor Doreen Shires
Councillor Angela Underhill
Councillor Mohammad Yasin
Councillor Patricia Young

1438/07 Apologies

Apologies for non-attendance were submitted on behalf of Councillors Douglas-Maul, Micklewright, Turner and Sanders.

1439/07 Minutes

Resolved

That the minutes of the meeting held on 31 May, 2007, 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:

- Councillor John Phillips being included in the list of those present at the meeting.
- Amendment to page 13 to read “the motion having been put to the vote was declared carried with members voting unanimously in favour of refusing planning permission”.

1440/07 Declarations of interest

Councillor Underhill declared a prejudicial interest in respect of item nos. 5 and 12 as she was Secretary of Willenhall Traders' Association.
Councillor Underhill left the room and did not vote on these applications.

1441/07 Deputations and petitions

There were no deputations introduced at this meeting.

A petition was presented to the Committee from residents of St. Michaels Close, Pelsall, objecting to proposed planning application ref. 07/10304/FL/E9.

1442/07 Late items

There were no late items introduced at this meeting.

At this juncture in the meeting, the Chairman reported that the following items had been withdrawn from the agenda:

- Agenda item no. 7 – Junction 9 accommodation – Change of use to houses of multiple occupation and flats.
- Item 3 of the Plans List – 22 residential units and retail unit – land corner of Pleck Road, Walsall.
- Item 4 of the Plans List – proposed new residential tower comprising 90 units with car parking at West Midlands Housing (south side), Gipsy Lane, Willenhall.

1443 /07 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.

1444 /07 Land at rear of 141 Sutton Road, Walsall

The Head of Planning and Building Control submitted his report for consideration by the Committee:

(see annexed)

Resolved

That authority be granted to the Assistant Director, Legal and Constitutional Services to institute legal proceedings in respect of the failure of the householder to respond to the planning contravention notice issued in relation to the erection of a garage building, the proceedings to be repeated as necessary in the event that a satisfactory response is not received.

1445/07 Proposed extension to Church Hill and Bridge Street Conservation Areas

The Head of Planning and Building Control submitted his report for consideration by the Committee:

(see annexed)

Resolved

- (1) That it be noted that the area defined on the map has historical and architectural merit and as such was worthy of consideration as an extension to Bridge Street and Church Hill Conservation Areas.
- (2) That officers be authorised to consult property owners/occupiers and other interested parties that may be identified in the area indicated in (1) above, seeking their views on the possible extension of conservation areas.
- (3) That a progress report be submitted to a future meeting on the results of this consultation.

1446/07 Confirmation of Tree Preservation Order No. 1 of 2007 – Land at 2a and 2b Highgate Road, Walsall

The report of the Head of Regeneration was submitted:

(see annexed)

Resolved

- (1) That the Walsall Tree Preservation Order No.1 of 2007 be confirmed in an unmodified form.
- (2) That the reasons for the making of the Tree Preservation Order 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.

1447/07 Confirmation of Tree Preservation Order No. 2 of 2007 – Land at Wenlock Gardens, Walsall

The report of the Head of Regeneration was submitted:

(see annexed)

Resolved

- (1) That the Walsall Tree Preservation Order No.2 of 2007 be confirmed in a modified form.
- (2) That the reasons for the making of the Tree Preservation Order 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.

1448/07 Confirmation of Tree Preservation Order No. 4 of 2007 – Land at 28 Foley Road East, Sutton Coldfield

The report of the Head of Regeneration was submitted:

(see annexed)

Resolved

- (1) That the Walsall Tree Preservation Order No.4 of 2007 be confirmed in an unmodified form.
- (2) That the reasons for the making of the Tree Preservation Order 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.

1449/07 Confirmation of Tree Preservation Order No. 5 of 2007 – Land at 18 Simmonds Way, Brownhills

The report of the Head of Regeneration was submitted:

(see annexed)

Resolved

- (1) That the Walsall Tree Preservation Order No.5 of 2007 be confirmed in an unmodified form.

- (2) That the reasons for the making of the Tree Preservation Order 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.

1450/07 Confirmation of Tree Preservation Order No. 6 of 2007 – Land at 25 Knights Hill, Aldridge

The report of the Head of Regeneration was submitted:

(see annexed)

Resolved

- (1) That the Walsall Tree Preservation Order No.6 of 2007 be confirmed in an unmodified form.
- (2) That the reasons for the making of the Tree Preservation Order 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.

1451/07 Confirmation of Tree Preservation Order No. 10 of 2007 – Land at 2-3 Walsall Road, Willenhall

The report of the Head of Regeneration was submitted:

(see annexed)

Resolved

- (1) That the Walsall Tree Preservation Order No.10 of 2007 be confirmed in a modified form.
- (2) That the reasons for the making of the Tree Preservation Order 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.

The meeting then adjourned from 5.45 p.m. to 6.00 p.m.

1452/07 **Application List for Permission to Develop**

The application list for permission to develop was submitted together with 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.

1453/07 **Item No. 8- 07/0946/FL/E9 – Installation of 15 m minimised macro column with six antennas with associated equipment cabinets – on grass verge of Cartridge Lane South, opposite Rushall substation, Walsall**

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

The Committee welcomed the first speaker on this application, Mr. White, who wished to address the Committee in objection to the application. Mr. White stated that the 02 website indicated that the area was currently enjoying high coverage levels. He continued to state that St. Matthews Ward already had a high number of masts and that the landscape in Walsall was becoming scarred by masts which were unnecessary. Mr. White questioned the “business need” for the mast and stressed that, if approved, the mast would be in green belt land and require “special circumstances”. In his view these were not present in this case. In closing he stated that a residential area was an unsafe place for a mast and that houses were in close proximity to the site.

The Committee then welcomed the second speaker on the application, Councillor Arif who also wished to address the Committee in objection to the application. Councillor Arif endorsed the comments made Mr. White, stating that masts not requiring approval were being erected each week. It was explained that this particular mast did require planning approval, however, 400 residents had signed a petition against the mast and 185 letters had been sent in objection to the planning department. A allotment was than 50 feet away from the site and was regularly used by gardeners. Councillor Arif stated that proper consultation had not been carried out and that the 02 website confirmed the signal was already strong in that area. Councillor Arif requested permission to hand to the Committee a map that illustrated the number of masts already in the area. The Chairman accepted this document and circulated it to the Committee.

There then followed a period of questioning by members in relation to the possibility of mast sharing, the visual impact of the telephone mast and any special circumstances.

The Committee proceeded to discuss the application in detail . It was noted that the head of Planning and Building Control had recommended that the application be approved, subject to conditions.

Members considered the application and Councillor McCracken **moved** and it was seconded by Councillor Flower:

That planning application 07/0946/FL/E9 be refused as the siting and location was inappropriate, the mast would be detrimental to the visual amenity of the people in the locality and represent an intrusion into the green belt. Furthermore there were no special circumstances for the mast to be erected at this location.

The motion on being put to the vote was declared carried - 15 members voting in favour of refusing planning permission and 1 against.

Resolved

That planning application 07/0946/FL/E9 be refused as the siting and location was inappropriate, the mast would be detrimental to the visual amenity of the people in the locality and represent an intrusion into the green belt. Furthermore there were no special circumstances for the mast to be erected at this location.

1454/07 Item No. 7 – 06/1386/FL/E11 – permanent retention of residential gypsy caravan site at 56 Cartridge Lane, Walsall

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

The Committee welcomed the first speaker on the application, Councillor Wilkes, who wished to address the Committee in objection to the application. Councillor Wilkes stated that little had changed during the time elapsed since the Council granted temporary stay permission. The original decision was made as the Council was unable to offer a different site. This, however, was not the case any longer and a plot had been offered to the occupants on a suitable site. The occupants, however, had asked for permanent residency in green belt land. The residents in the locality did not want this to be approved as it would affect house property prices. In closing Councillor Wilkes stated that though he sympathised with the occupants applicants, he requested the Committee to refuse the application.

The Committee then welcomed the second speaker on this application, Mr. Salt, who wished to address the Committee in objection to the application. Mr. Salt stated that residents had endured uncertainty and despair since the application was originally granted albeit for a temporary period. He stated that the area was once green belt. The greenery had been replaced by gravel

which in his view was not something that belonged in green belt. In his view, enforcement should move the occupants to the spaces at the Willenhall site, where spaces were being saved. In closing Mr. Salt urged the Committee to reject the application and encourage enforcement.

The Committee then welcomed the third speaker on this application, Mr. Finney, the site owner and applicant, who wished to address in the support of the application. Mr. Finney stated that he was not a great scholar and was attending the meeting following advice from his legal team. He stated that he had purchased the land at such a time when there was a vast amount of rubbish. He had employed a local company to remove the rubbish, which included asbestos, at the cost of around £6,000. He had placed caravans on the site and went to appeal to remain on site. He pleaded with the Committee to grant approval indicating that the Secretary of State would give him permission if he appealed. In closing he stated that the site at Willenhall was not suitable as the mobile homes he had were too big to fit on the site.

There then followed a period of questioning by members in relation to the provision of alternate accommodation, Mr. Finney's health requirements, the size of the plots in Willenhall and the history of the green belt land.

The Committee proceeded to discuss the application in detail and Councillor Bird **moved** and it was duly seconded:

That application no. 06/1386/FL/E11 be refused, that enforcement action be undertaken and prosecution proceedings commence for the reasons contained in the report and supplementary paper now submitted and an additional condition that officers be requested to contact the Willenhall Park to ensure that the plots offered to Mr. Finney be kept in reserve for him until the appeal process had been exhausted.

The motion on being put to the vote was declared carried – 12 members voting in favour of refusal and 1 against.

Resolved

That application no. 06/1386/FL/E11 be refused that enforcement action be undertaken and prosecution proceedings commence for the reasons contained in the report and supplementary paper now submitted and an additional condition that officers be requested to contact the Willenhall Park to ensure that the plots offered to Mr. Finney be kept in reserve for him until the appeal process had been exhausted.

1455/07 Item No. 15 – 06/0169/OL/E4 – Outline: Residential development and construction of new access road to serve Branton Hill Quarry at 520 Chester Road, Aldridge

The report of the Head of Planning, Regeneration was submitted:

(see annexed)

The Committee welcomed the first speaker on this application, Mrs. Hoskinson, who wished to address the Committee in objection to the application. Mrs. Hoskinson stated that problems on the site had been an issue since 1942. Hundreds of lorries were now passing her house with up to 30 lorries a day accessing and egressing the site. Lorries also queued to get into the quarry from 7.30 a.m. until 5.30 p.m. At its worst, residents had counted up to 40 lorries an hour and the containers were not always covered by a sheet. Further problems of dust were reported and road sweepers did not make a difference. Pavements and houses were covered in dust and it was impossible to paint external windows and doors due to the volume of dust.

The Committee then welcomed the second speaker on this application, Councillor O'Hare. Councillor O'Hare stated that he was attending the meeting as a Ward Councillor and not as the Leader of the Council. He stated that residents had been living in an appalling condition for a number of years. He stated that the regeneration spatial strategy stated that brownfield sites should be redeveloped. Furthermore not everyone wanted to live in a town centre environment. In conclusion he stated that the amount of regeneration and jobs that this proposal would provide would benefit the area. There was a need for successful businesses and the location was a suitable site. He stated that this was an opportunity for Walsall to have some high class housing as opposed to high density.

There then followed a period of questioning by Councillors relating to the volume of traffic, costings of the proposed roads and possible transport implications.

The Committee proceeded to discuss the application in detail. The Head of Planning and Building Control had recommended that the application be refused. However, members considered the application and Councillor Bird **moved** and it was duly seconded:

That the Committee be minded to support the enabling development at a future meeting, subject to a full financial appraisal and details of the cost of the road being established in order that the appropriate level of enabling support could be established.

The motion on being put to the vote was declared carried – 12 members voting in favour and 2 against.

Resolved

That the Committee be minded to support the enabling development at a future meeting, subject to a full financial appraisal and details of the cost of the road being established in order that the appropriate level of enabling support could be established.

1456/07 **Item No. 1 – 07/0136/WA/E9 – Change of use of part of building to hazardous waste transfer station at Coppice Side Industrial Estate, J.B. Patterns Ltd., Collier Close, Brownhills**

Resolved (unanimously)

That application no. 07/0136/WA/E9 be approved, subject to the conditions as contained in the report now submitted.

1457/07 **Item 5 – 07/0639/FL/W2 – Outline: Demolition of existing buildings and provision of retail use class A1), residential (use class C3), premises for retail, service or office use (use classes A1, A2, A3, A4, A5 or B1) link road, car parking and other associated works at Lichfield Street and Lower Lichfield Street extending to Walsall Street, Willenhall**

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

The Committee then welcomed the first speaker on the application, Robert Wagstaff, who wished to address the Committee in support of the application. Mr. Wagstaff stated that although Willenhall had some large shops there was no major foodstore. The proposed scheme would provide strong links to the town centre and improve the road system. Extensive consultation had been undertaken and a lot of people were in favour of the proposal.

The Committee then welcomed the second speaker on the application, Mr. Barton, who wished to speak in support of the application. Mr. Barton stated that there were strong planning benefits associated with the proposed development as well as benefiting local people. He stated that Willenhall was the only place without a major foodstore and that the application met policies with regard to accessibility, regeneration of a brownfield site. It would also enhance the district centre, creating a number of a jobs for local people.

There then followed a period of questioning in relation to the provision of car parking and landscaping.

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

That application no. 07/0639/FL/W2 be approved, subject to the conditions contained in the report now submitted, with an additional condition that the façade of the building be protected so far is practicably possible, however if this was not viable, then the Head of Planning and Regeneration be given authority to approve its removal.

Resolved

That application no. 07/0639/FL/W2 be approved, subject to the conditions contained in the report now submitted, with an additional condition that the façade of the building be protected so far as is practicably possible, however if this was not viable, then the Head of Planning and Regeneration be given authority to approve its removal.

Councillor Underhill, having declared a prejudicial interest, left the room during consideration of this item and did not vote.

1458/07 Item 2 – 07/0196/FL/W7 – Proposed development of 92 flats and 30 houses and associated external works at Wolverhampton Road and Hollyhedge Lane, Birchills, Walsall

Resolved (unanimously)

That planning application 07/0196/FL/W7 be approved, subject to the conditions as contained in the report now submitted.

1459/07 Item No. 10 – 07/1056/PT/E12 - Prior notification for telecommunications: Erection of 14.9 metre high timber clad monopole supporting 3 no. antennae (measurements 1302 x 155 x 69 mm and a height of 14.3 m) with equipment cabinet at ground level at Railswood Nurseries, Railswood Drive, Pelsall

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

The Committee welcomed Councillor Longhi, who wished to address the Committee in objection to the application. Councillor Longhi stated that no representation had been received from residents as many would have believed that this had already been carried out for a prior mast. In this regard it may be that they did not understand that formal objection was required again and so it would not be right to move approval at the meeting. In conclusion Councillor Longhi stated that there were three issues why the residents objected, including health, inappropriate development in the green belt and inappropriate design. Furthermore, special circumstances were not met by the phone company.

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

That application no. 07/1056/PT/E12 be refused as the mast would be an inappropriate development in the green belt, have a detrimental impact on the visual amenity by way of its height, design and proximity to other masts in the area which would create a cluttered and intrusive feature.

The motion was put to the vote and declared carried, with members voting unanimously in favour of the refusing planning permission.

Resolved

That application no. 07/1056/PT/E12 be refused as the mast would be an inappropriate development in the green belt, have a detrimental impact on the visual amenity by way of its height, design and proximity to other masts in the area which would create a cluttered and intrusive feature.

1460/07 Item No. 13 – 07/0437/FL/W3 – Detached two bedroom bungalow at 482 Wolverhampton Road, Walsall

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

The Committee welcomed the first speaker on this application, Mr. Gough, who wished to speak in support of the application. Mr. Gough stated that they already had planning permission in place to build a bungalow on the site, however, this application amended the original design. Although it was identical in many places to the January 2007 application, they wished to increase the bungalow's size and retain the existing garage. If they were forced to demolish the garage they would have to park on the street. He urged the Committee to take into account the family's special circumstances and stressed that it was not a commercial development. The bungalow was needed but they could not afford to pay £15,000 to demolish the garage.

The Committee then welcomed the second speaker on this application, Mr. Bobby, who also wished to address the Committee in support of the application. Mr. Bobby stated that with regard to fencing, they had no intention of erecting a fence around the perimeter of the site. With regard to the distance between properties, he queried the figures contained within the officer's report. He also stated that no objections had been received and that it would be better for local amenity if the application was approved as it would prevent them from parking on the street.

The Committee proceeded to discuss the application in detail. Members considered the application and Councillor Bird **moved** and it was seconded by Councillor Beeley:

That application no. 07/0437/FL/W3 be refused for the reasons stated in the report now submitted.

The motion was put to the vote and declared carried – 7 Members voting in favour of refusal and none against.

Resolved

That application no. 07/0437/FL/W3 be refused for the reasons stated in the report now submitted.

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

1461/07 Item No. 14 – 07/0778/FL/H4 – Two storey side extension at 8 Burton Farm Road, Walsall

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

The Committee welcomed the first speaker on the application, Mrs. Oakley who wished to speak in support of the application. Mrs. Oakley stated that the exact same extension had been built at 16 Rushall Close and she had consulted neighbours prior to purchasing the house and explained her plans, receiving no complaints. She stated that she would not have brought the property if she was not able to extend it. Furthermore, in the near vicinity there were properties with dormer windows and it was this design that they choose to prevent the terracing effect. In closing she stated that the extension would be in keeping with the property and that there did not seem to be any consistency in the way that extensions to houses were approved.

There then followed a period of questioning in relation possible loss of light, the size of the extension and any objections received.

The Committee proceeded to discuss the application in detail. Members considered the application and Councillor Bird **moved** and it was seconded by Councillor Beeley:

That application no. 07/0778/FL/H4 be refused for the reasons set out in the report now submitted.

The motion was put to the vote and declared carried – 10 members voting in favour of refusing the application and none against.

Resolved

That application no. 07/0778/FL/H4 be refused for the reasons set out in the report now submitted.

1462/07 Item No. 12 – 06/2202/FL/W2 – Refurbishment of existing retail building involving external alterations, alterations to means of access and revised car park layout at Willenhall Neighbourhood Centre, c/o Armstrong Way and Owen Road, Willenhall

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

The Committee welcomed Lynne McIver who wished to speak in support of the application. Lynne stated that it was her client's intention to open the store and invest in the area with a view to begin trading at the end of summer 2007. A more pleasant environment for shoppers would be created via a new entrance. The building would be reclad, with cycling stands by the entrance and a recycling facility provided.

There then followed a period of questioning by members in relation to vehicular access and egress to the site.

The Committee proceeded to discuss the application in detail.

The Head of Planning and Building Control had recommended that the application be approved. However, members considered the application and Councillor Bird **moved** and it was duly seconded:

That planning application no. 06/2202/FL/W2 be deferred for full consultation regarding pedestrian safety.

The motion on being put to the vote the was declared carried with members voting unanimously in favour of the deferring the application.

Resolved

That planning application no. 06/2202/FL/W2 be deferred for full consultation regarding pedestrian safety.

1463/07 **Item No. 6 – 07/0693/OL/W5 – Outline: Residential development including location of access point – Land at Servis UK Ltd., Darlaston Road, Wednesbury**

Resolved

That application no. 07/0693/OL/W5 be approved, subject to the conditions contained in the report and supplementary paper now submitted.

1464/07 **Item No. 11 – 06/1946/FL/E6 – Retrospective application for the erection of a portacabin for use as security and general office at 54A Harrison Street, Walsall**

Resolved (unanimously)

That application no. 06/1946/FL/E6 be approved subject to the conditions contained in the report now submitted.

1465/07 **Item No. 9 – 07/0888/FL/H1 - Two storey side and single storey rear extension at 21 Stencills Drive, Walsall**

Resolved (unanimously)

That application no. 07/088/FL/H1 be approved subject to the conditions contained in the report now submitted.

The meeting terminated at 9.25 p.m., following an adjourned from 5.45 p.m. to 6.00 p.m.

Signed

Dated