

## **DEVELOPMENT CONTROL COMMITTEE**

**Tuesday 10 May 2005 at 6.00 p.m.**

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

### **Present**

Councillor Roger Collins (Chairman)  
Councillor Leslie Beeley (Vice-Chairman)  
Councillor Dennis Anson  
Councillor Clive Ault  
Councillor Arthur Bentley  
Councillor Brian Douglas-Maul  
Councillor Bill Madeley  
Councillor Cath Mickewright  
Councillor John Rochelle  
Councillor Carol Rose  
Councillor Angela Underhill  
Councillor Patricia Young

### **646/05 Apologies**

Apologies for non-attendance was submitted on behalf of Councillors John Cook, Louise Harrison, Haqnawaz Khan, Rose Martin, Alan Paul and Mohammad Yasin.

### **647/05 Minutes**

#### **Resolved**

That the minutes of the meeting held on 19 April 2005, a copy having been previously circulated to each member of the Committee, be approved and signed by the Chairman, subject to the following amendment:-

#### **Minute No. 629/05:**

Paragraph 10 should refer to Councillor Rose as moving the proposal and being seconded by Councillor Rochelle

**648/05      Declarations of Interest**

Councillor Dennis Anson declared a prejudicial interest in item no. 5 – Ref. 05/0217/RM/W2 – B1 office development at land adjoining Junction 10, Wolverhampton Road, Walsall – Reserved Matters to B.C.56152P. Councillor Anson left the meeting during consideration of this item.

Councillor Kath Micklewright declared a prejudicial interest in item no. 14 – Ref: 05/0550/FL/H1 – Build a garage and add canopy to front of existing garage and porch at 6 Sandringham Drive, Walsall. Councillor Micklewright left the meeting during consideration of this item.

Councillor Douglas-Maul declared a prejudicial interest in the late item detailed in minute no. 650/05 – Walsall Tree Preservation No. 9 Order of 1981. Councillor Douglas-Maul left the meeting during consideration of this item.

**649/05      Deputations and Petitions**

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

**650/05      Late Items**

A further report of the Head of Urban Regeneration referring to Walsall Tree Preservation No. 9 Order of 1981 was submitted for consideration. This report was a confidential report by virtue of Paragraph 12 of Part 1 of Schedule 12A of the Local Government Act, 1972.

**651/05      Local Government (Access to Information) Act, 1985**

**Resolved**

That the public be excluded from the meeting during consideration of the late item set out in minute no. 650/05 for the reasons set out therein and by reason of Section 100A of the Local Government Act, 1972.

**652/05      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.

653/05 **Item No. 1 – 05/0183/RM/W5 – Reserved Matters Application (Siting and Access) for the erection of 107 apartments and associated works (pursuant to outline permission 03/1265/FL/W5) at Midland Road (former West Midlands Co-op Dairy), Walsall - Vishal Properties Limited**

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

Members then considered the application and detailed discussion took place on the density and provision of lifts on the site.

Councillor Underhill expressed her elation at seeing a condition requiring sprinklers to be installed.

The Chairman **moved** and it was duly **seconded** by Councillor Underhill:-

That planning application no.  
05/0183/RM/W5 be approved, subject to the  
conditions set out in the report now  
submitted.

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

**Resolved**

That planning application no. 05/0183/RM/W5 be approved, subject to the conditions set out in the report now submitted.

654/05 **Item No. 10 – 05/0590/PT/E4 - Prior approval for the installation of a 12m streetworks pole supporting three antennae within a GRP shroud, radio equipment housing and development ancillary thereto at pavement off, outside Sutton Road Audi, Chester Road, Streetly, Sutton Coldfield – Vodafone Limited**

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

The Committee then welcomed Mrs. McMurrow, who wished to speak in support of the application.

Mrs. McMurrow, a representative from Vodafone, informed the Committee that various alternative sites had been explored, including that of the roof of Somerfield. Unfortunately, these had all been discounted and Somerfield would not allow any further masts from new suppliers to be installed. She further explained that only existing suppliers who had masts on the roof would be allowed to add to or alter those existing.

There then followed a period of questioning by Councillors relating to the appearance of the antennae, its frequency and range and the consultation process undertaken by Vodafone and the Council.

The Committee thanked Mrs. McMurrow for her comments and proceeded to discuss the item in detail.

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

That planning application 05/0590/PT/E4 be approved, subject to the conditions set out in the report now submitted.

The Motion, having been put to the vote, was declared **not carried**; with 3 members voting in favour and 6 against.

Councillor Douglas-Maul requested that his name be recorded as voting against approvals of this application.

Following further debate, it was **moved** and duly **seconded**:-

That planning application no. 05/0590/PT/EL be refused as the proposed telecommunications equipment would be detrimental to the area by virtue of its siting and appearance.

The motion, having been put to the vote, was **carried**.

### **Resolved**

That planning application no. 05/0590/PT/E4 be refused as the proposed telecommunications equipment would be detrimental to the area by virtue of its siting and appearance.

655/05 **Item No. 11 – 05/0689/PT/H5 – Prior notification: installation of an 11.7m high street works tower with 3 no. antennae and associated equipment cabinets at land outside Bus Depot, Bloxwich Road, Walsall – T-Mobile (UK) Limited**

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

The Committee then welcomed Mr. Jakeman, speaking in opposition to the application.

Mr. Jakeman, in his objections, explained to the Committee that the mast would be unsightly and that the location was out-of-character with the surrounding area. He also stated that he disagreed with the measurements of the pavement provided believing that the provision of the works tower and associated equipment cabinets would cause detriment to pedestrians, in particular, when work was being undertaken on the cabinets.

The Committee thanked Mr. Jakeman for his comments and proceeded to discuss the application in detail.

At this juncture, Mr. Elsworthy reminded the Committee that Engineers raised no objection in relation to the width of the pavement. He continued to inform members that refusing the application on such grounds would be difficult to defend at appeal.

After further discussion, Councillor Rose **moved** and it was duly **seconded** by Councillor Young:-

That planning application no. 05/0689/PT/H5  
be refused as the proposed  
telecommunications equipment would be  
detrimental to the area by virtue of its siting  
and appearance.

The motion, having been put to the vote, was declared **carried**; with 9 members voting in favour.

### **Resolved**

That planning application no. 05/0689/PT/H5 be refused as the proposed telecommunications equipment would be detrimental to the area by virtue of its siting and appearance.

656/05 **Item No. 12 – 05/0705/FL/H5 – Variation of Condition 3 of planning permission BC47210P (to change hours of operation from between 7.30 a.m. and 11.30 p.m. to between 6.30 a.m. and 12 midnight – 7 days a week) at McDonalds Drive-Thru Restaurant, Crescent Road, Shepwell Green, Millennial – McDonalds Restaurants Limited**

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

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

In her objections, Mrs. Davies stated that the operation of the restaurant was already causing them to suffer from sleep deprivation due to traffic deliveries and youths hanging around. An extension to hours would only worsen the problem.

The Committee thanked Mrs. Davies for her comments and welcomed Mrs. Webster, also speaking in opposition to the application.

Mrs. Webster endorsed the comments of Mrs. Davies explaining that anti-social behaviour was a serious issue around the area that would worsen should the extension be granted.

The Committee thanked Mrs. Webster for her comments and proceeded to discuss the application in detail.

Following deliberations, it was **moved** and duly **seconded**:-

That planning application no. 05/0705/FL/H5 be refused due to disturbance to occupiers of neighbouring properties and surrounding area by virtue of noise, smells and car vibration.

### **Resolved**

That planning application no. 05/0705/FL/H5 be refused due to disturbance to occupiers of neighbouring properties and surrounding area by virtue of noise, smells and car vibration.

657/05 **Item No. 17 – 05/0333/FL/H5 – Extension to golf shop to provide for custom fit area and professional teaching area (resubmission of 04/2548/FL/E2) at Calderfield Golf Club, Aldridge Road, Aldridge, Walsall – Calderfield Golf Academy Limited**

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

The Committee then welcomed Mr. Andrews, who wished to speak in support of the application.

Mr. Andrews addressed the Committee providing a brief explanation on the background to the club. He explained that, in order to meet the expectations of current and future users, the club would need to provide full facilities. The golf club had provided numerous lakes and streams and up to 40,000 trees ensuring the stability of the Green Belt. He also explained that the extension, if approved, would provide further job opportunities which was commended by the Chamber of Commerce.

The Committee thanked Mr. Andrews for his comments and proceeded to discuss the application in detail.

After further discussions, Councillor Madeley **moved** and it was duly **seconded** by Councillor Anson:-

That planning application no. 05/0333/FL/H5 be approved, subject to conditions set out in the report now submitted as amended by the supplementary report.

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

**Resolved**

That planning application no. 05/0333/FL/H5 be approved, subject to conditions set out in the report now submitted as amended by the supplementary report.

Councillor Micklewright requested her name be recorded as voting against this application.

- 658/05 **Item No. 2 – 05/0315/RM/W3 – Erection of 30 dwellings (Reserved Matters to 04/0579/OL/W3) at land at Stroud Avenue, opposite junction with Longwood Rise, Willenhall – Harron Homes (Midlands) Limited**

**Resolved**

That planning application no. 05/0315/RM/W3 be approved, subject to the conditions set out in the report now submitted.

- 659/05 **Item No. 3 – 05/0171/FL/E2 – Proposed redevelopment to form A1 open foods and non food retail units at land between 12-28 High Street, Brownhills, Walsall – Commercial Development Projects Limited**

**Resolved**

That planning application no. 05/0171/FL/E2 be approved, subject to the conditions contained in the report now submitted.

- 660/05 **Item No. 4 – 05/0384/RM/E2 – Erection of 4 no. 2 storey apartment blocks containing a total of 14 flats with parking and driveways to serve (Reserved Matters to approval of 03/1308/FL/E4) – External appearance and design) at land to the rear of 7 Stackhouse Drive, Pelsall – Deleste Limited, C/o Harper Group PLC**

**Resolved**

That planning application no. 05/0384/RM/E2 be approved, subject to the conditions contained in the report now submitted.

- 661/05 **Item No. 5 – 05/0217/RM/W2 – Reserved Matters to B.C.56152P – B1 office development at land adjoining Junction 10, Wolverhampton Road, Walsall – Lingfield (Walsall) Limited**

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

**Resolved**

That planning application no. 05/0217/RM/W2 be approved, subject to the conditions contained in the report now submitted as amended by the supplementary report.



Councillor Anson declared a prejudicial interest in this item left the meeting and did not vote.

662/05 **Item No. 6 – 05/0220/FL/E5 – Change of use from a greengrocers to an Indian Take-Away at 75 Blackwood Road, Sutton Coldfield – Mr. Z.A. Choudhury**

During their deliberations, the Committee expressed concern relating to parking and smells from the premises.

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

That planning application no. 05/0220/FL/E5  
be refused as:-

- (1) the proposed development would cause demonstrable harm to the amenities currently enjoyed by occupiers of neighbouring properties over and above a level they would reasonably expect to enjoy; and
- (2) the proposed development would cause disturbance to occupiers of neighbouring properties and the surrounding area by virtue of noise and smells.

**Resolved**

That planning application no. 05/0220/FL/E5 be refused as:-

- (1) the proposed development would cause demonstrable harm to the amenities currently enjoyed by occupiers of neighbouring properties over and above a level they would reasonably expect to enjoy; and
- (2) the proposed development would cause disturbance to occupiers of neighbouring properties and the surrounding area by virtue of noise and smells.

- 663/05 **Item No. 7 - 04/2551/FL/E5 – Refurbishment of Travellers Site and construction of office/community building and 19 new utility blocks at Travellers Site, Willenhall Lane, Walsall – The Establishment Unit**

**Resolved**

That planning application no. 04/2551/FL/E5 be approved, subject to the conditions contained in the report now submitted.

- 664/05 **Item No. 8 – 04/2589/FL/E5 – Demolition of existing surgery and construction of 4 no. 1 bed 2 person flats, together with common lounge assisted bathroom and staff sleepover and 4 no. car park spaces for use by residents with supported needs at surgery and land to rear Beechtree Road, Walsall – Accord Housing Association**

The Chairman reported that this application had been withdrawn from the agenda and would be considered at a future meeting.

- 665/05 **Item No. 9 – 05/0693/PT/E4 – 10 meter monopole with antenna, microwave dishes and equipment cabinet at ground level at Sub-Station, Bakers Lane, Aldridge, Walsall – Orange Personnel Communication Limited**

**Resolved**

That planning application no. 05/0693/PT/E4 be refused as the proposed telecommunications equipment would be detrimental to the area by virtue of its siting and appearance.

- 666/05 **Item No. 13 – 05/0414/FL/W5 – Erection of 2 dwellings on land to the rear of Corporation Street West and Tasker Street, Walsall – K. Miah**

**Resolved**

That planning application no. 05/0414/FL/W5 be approved, subject to the conditions contained in the report now submitted.

- 667/05 **Item No. 14 – 05/0550/FL/H1 – Build a garage and add canopy to front of existing garage and porch at 6 Sandringham Drive, Walsall – Terry Blyde**

**Resolved**

That planning application no. 05/0550/FL/H1 be approved, subject to the conditions contained in the report now submitted.

Councillor Micklewright declared a prejudicial interest in this item and left the meeting during its consideration.

- 668/05 **Item No. 15 – 05/0343/FL/H5 – Change of use from highway verge to private garden at 30 Victory Avenue, Wednesbury, Walsall – Mr. Barry Richards**

**Resolved**

That planning application no.05/0343/FL/H5 be approved, subject to the conditions contained in the report now submitted.

- 669/05 **Item No. 16 – 05/0342/FL/H5 – Change of use from highway verge to private garden at 32 Victory Avenue, Wednesbury, Walsall – Mr. Ian Cartwright**

**Resolved**

That planning application 05/0342/FL/H5 be approved, subject to the conditions contained in the report now submitted.

Councillor Douglas-Maul declared a prejudicial interest in this item, left the meeting and did not vote .

- 670/05 **37-38 Bradford Street, Walsall Ref: E05/0062**

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

(see annexed)

Members considered the report detailing the condition and appearance of the site, also requesting the authority to take planning enforcement action in the form of an "unsightly land" notice.

## **Resolved**

- (1) That the Committee authorises the serving of an “unsightly land” notice under Section 215 of the Town and Country Planning Act, 1990;
- (2) That the decision as to the institution of legal proceedings in the event that the Requisition for Information or the Notice under Section 215 is not complied with be delegated to the Assistant Director of Legal Services;
- (3) That the Head of Planning and Transportation and the Head of Legal Services be authorised to amend and add to or delete from the wording as set out above, stating the nature of the breaches and the reasons for taking enforcement action and the requirements of the notice or identifying the boundaries of the site;

## **Private Session**

### **671/05 Exclusion of public**

## **Resolved**

That during consideration of the remaining item on the agenda, the Committee considers that the item for consideration is exempt information by virtue of the appropriate paragraph(s) of Part I of Schedule 12A of the Local Government Act, 1972, and accordingly resolves to consider this items in private.

### **672/05 Walsall Tree Preservation Order No. 9 of 1981: Thornhill Road, Manor Road and Chester Road, Streetly**

The report of the Head of Urban Regeneration was submitted:-

(see annexed)

The Committee discussed the report in detail.

## **Resolved**

That the Assistant Director of Legal Services be authorised to institute appropriate legal proceedings for the contravention of the Walsall Tree Preservation No. 9 Order, 1981.

(Exempt information by virtue of paragraph 12 of Part 1 of Schedule 12A of the Local Government Act, 1972)

Councillor Douglas-Maul declared a prejudicial interest in this item, left the meeting during its consideration and did not vote.

673/05     **Termination of Meeting**

There being no further business, the meeting terminated at 8.25 p.m.

Signed: .....

Date: .....