

DEVELOPMENT CONTROL COMMITTEE

Tuesday 10 January 2006 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 Joan Barton
Councillor Arthur Bentley
Councillor Mike Bird
Councillor Rose Burley
Councillor John Cook
Councillor Brian Douglas-Maul
Councillor Louise Harrison
Councillor Haqnawaz Khan
Councillor Bill Madeley
Councillor Rose Martin
Councillor Cath Micklewright
Councillor Rob Robinson
Councillor John Rochelle
Councillor Angela Underhill
Councillor Mohammad Yasin

912/06 Apologies

Apologies for non-attendance were submitted on behalf of Councillor Turner.

913/06 Minutes

Resolved

That the minutes of the meeting held on 13 December 2005, a copy having been previously circulated to each member of the Committee, be approved and signed by the Chairman as a correct record.

914/06 Declarations of Interest

There were no declarations of interest.

915/06 **Deputations and Petitions**

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

917/06 **Late Items**

There were no late items introduced at this meeting.

918/06 **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.

919/06 **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 first with the items on the agenda where the members of the public had previously indicated that they wished to address the Committee.

920/06 **Item No. 4 – 05/2281/FL/W5 - Change of use to care home for children (3) between ages of 0-12 years old, erection of conservatory at rear with conversion of existing garage to form additional rooms at 17 Glen Close, Walsall – Mrs. K. Bains**

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

The Committee welcomed the first speaker on this application, Mr. Hood, who wished to address the Committee in objection to the application.

Mr. Hood raised concerns on behalf of himself and local residents within the area. The main objections raised by Mr. Hood were in relation to the proposed use of the site, increased noise, traffic and disturbance and that it would have a detrimental impact on the amenities currently enjoyed by local residents, many of which were elderly. Furthermore, Mr. Hood also had concerns with the Committee report which stated that the Commission for Social Care Inspection (CSCI) had been consulted, but did not raise any objections. Mr. Hood informed the Committee that he had contacted the CSCI and they had indicated to him that they had not been informed of the application.

Mr. Hood concluded his submission by stating that the development would overlook his property and invade his family's privacy and that many local residents would be fearful of crime if the application was to be approved.

The Committee then welcomed the second speaker on this application, Mrs. Dearden, who wished to address the Committee in objection to the application.

Mrs. Dearden re-iterated many of the concerns expressed by the previous speaker. In addition, Mrs. Dearden made a further objection in relation to ASB, disruption, increased traffic and parking problems, road safety, fire hazard and the visual impact the proposal would have on the Close.

The Committee then welcomed the third speaker on this application, Mrs. Kaur, who wished to address the Committee in support of the application.

Mrs. Kaur wanted to address the concerns of local residents to help alleviate any worries that had been expressed. Mrs. Kaur re-assured the Committee that the children who would occupy the dwelling would not have a detrimental effect on the area by way of ASB or otherwise. The children who would occupy the dwelling would be from 0-12 years old and would most likely be there due to parents/guardians being unable to look after them or in the event of parents/guardians death. She stated that the location of the proposal would be ideally situated for the needs of the children.

The Committee then welcomed the fourth speaker on this application, Councillor McCracken, who wished to address the Committee in objection to the application.

Councillor McCracken re-iterated many of the concerns previously raised. In addition, she advised the Committee that she had received a large number of objections from local residents. She also raised concerns in relating to the existing road infrastructure, fire safety and fear of crime.

There then followed a period of questioning by Members in relation to the children who would occupy the dwelling, ASB, CSCI shift patterns and times and consultation undertaken on the proposals.

The Committee proceeded to discuss the application in detail.

The Head of Planning and Transportation Services had recommended that the application be approved, subject to conditions.

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

That planning application no. 05/2281/FL/W5
be refused on the grounds that the
development would have a detrimental
impact on the amenities currently enjoyed by
local residents by way of excessive noise,
traffic and disturbance.

However, Councillor Khan suggested an alternative form of words for the reasons for refusal. Councillor Khan put his revised wording to the mover of the original motion, Councillor Collins, who accepted the revised reasons for refusal.

The motion, now before the Committee, was:-

That planning application no. 05/2281/FL/W5
be refused on the following grounds:-

That the development would:-

- introduce an unacceptable business use into a residential area which is predominantly occupied by mature and senior citizens;
- That the development would be detrimental to the amenities of the area and would constitute an intrusion into the quality of life currently enjoyed by the residents by way of noise and nuisance;
- That the development would lead to an unacceptable 24 hour operating business with the increase in traffic movements associated with it giving rise to an increase in noise and nuisance;

That the development would result in inadequate on-site parking for the staffing numbers indicated in the proposal along with the anticipated relative and agency visiting that would be ancillary to the proposed use leading to an unacceptable level of on-street parking that would impair the free flow of traffic and highway safety.

The motion, having been put to the vote, was declared **carried**; with 14 Members voting in favour of refusing planning permission and none against.

Resolved

That planning application no. 05/2281/FL/W5 be refused on the following grounds:-

That the development would:-

- introduce an unacceptable business use into a residential area which is predominantly occupied by mature and senior citizens;
- That the development would be detrimental to the amenities of the area and would constitute an intrusion into the quality of life currently enjoyed by the residents by way of noise and nuisance;
- That the development would lead to an unacceptable 24 hour operating business with the increase in traffic movements associated with it giving rise to an increase in noise and nuisance;
- That the development would result in inadequate on-site parking for the staffing numbers indicated in the proposal along with the anticipated relative and agency visiting that would be ancillary to the proposed use leading to an unacceptable level of on-street parking that would impair the free flow of traffic and highway safety.

921/06 **Item No. 1 – 05/2170/FL/W1 – New 2 form entry primary school including a children’s centre, playgrounds and playing fields at former Willenhall Radiator Grounds, Noose Lane, Willenhall – Walsall Metropolitan Borough Council**

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

The Committee welcomed the first speaker on this application, Mr. Farrow, who wished to address the Committee in objection to the application.

Mr. Farrow made various objections in relation to land ownership issues.

The Committee then welcomed the second speaker on this application, Mrs. Lupton, who wished to address the Committee in support of the application.

Mrs. Lupton informed Members that the current application before the Committee was a much improved scheme in comparison to the prior application that had been approved by Committee. She highlighted various changes that had been made to the application to help improve safety.

The Committee then welcomed the third speaker on this application, Mr. Nicholls, who wished to address the Committee in objection to the application.

Mr. Nicholls raised concerns in relation to loss of facilities and alternative sites.

There then followed a period of questioning by Members in relation to road safety, consultation, proposed energy use, condition 13 attached to the permission, ownership of the land and travel plans.

The Committee proceeded to discuss the application in detail.

Members considered the application and Councillor Rochelle **moved** and it was duly **seconded** by Councillor Underhill:-

That planning application no. 05/2170/FL/W1 be approved, subject to conditions as set out in the report now submitted and that condition 13 of the permission be amended to require works to be carried out before the school becomes operational with the exception of points 1 and 5 contained within that condition.

Councillor Bentley wished to add an extra condition to the motion already tabled to require a renewable energy to provide at least 10% of the energy requirements.

The additional condition was put to the mover, Councillor Rochelle, who did not wish to add Councillor Bentley's additional condition to his original motion. In view of this, Councillor Rochelle's motion was put to the Committee.

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

Resolved

That planning application no. 05/2170/FL/W1 be approved, subject to conditions as set out in the report now submitted and that condition 13 of the permission be amended to require works to be carried out before the school becomes operational with the exception of points 1 and 5 contained within that condition.

- 922/06 **Item No. 2 - 05/2029/FL/W3 – change of use from transport to caravan storage at A & R Storage, Station Works, Kendricks Road, Darlaston – Anthony and Richard Ruby**

Resolved

That planning application no. 05/2029/FL/W3 be approved, subject to conditions as set out in the report now submitted.

- 923/06 **Item No. 3 – 05/1882/FL/H6 – First floor rear extension at 127 Borneo Street, Walsall – Mrs. M. Begum**

Resolved

That planning application no. 05/1882/FL/H6 be approved, subject to conditions as set out in the report now submitted.

(Councillors Burley, Martin and Underhill left the room and returned during consideration of this item and, therefore, took no part in the discussions and did not vote))

- 924/06 **Confirmation of Tree Preservation Order No. 8 of 2005 on land at 8 Foley Road East, Streetly**

The report of the Assistant Director for Urban Regeneration was submitted:-

(see annexed)

Resolved

- (1) That minute no. 841/05 of the meeting held on 11th October, 2005, be rescinded;
- (2) That Walsall Tree Preservation Order No. 8 of 2005 be confirmed in modified form;
- (3) That this Committee supports the reasons for making the Tree Preservation Order as set out in paragraph 1.2 of the report now submitted;
- (4) That this Committee notes that no representations have been received in respect of the Tree Preservation Order.

925/06 **Confirmation of Tree Preservation Order No. 10 of 2005 on land to the front of 44, 50, 60 and 62 Birmingham Road, Walsall**

The report of the Assistant Director for Urban Regeneration was submitted:-

(see annexed)

Resolved

- (1) That minute no. 896/05 of the meeting held on 1st November, 2005, be rescinded;
- (2) That Walsall Tree Preservation Order No. 10 of 2005 be confirmed in modified form;
- (3) That this Committee supports the reasons for making the Tree Preservation Order as set out in paragraph 1.2 of the report now submitted;
- (4) That this Committee notes that no representations have been received in respect of the Tree Preservation Order.

926/06 **Confirmation of Tree Preservation Order No. 14 of 2005 on land at 84 Belvidere Road, Walsall**

The report of the Assistant Director for Urban Regeneration was submitted:-

(see annexed)

Resolved

- (1) That Walsall Tree Preservation Order No. 14 of 2005 be confirmed in unmodified form;
- (2) That this Committee supports the reasons for making the Tree Preservation Order as set out in paragraph 1.2 of the report now submitted;
- (3) That this Committee notes that no representations have been received. In respect of this Tree Preservation Order.

927/06 **Confirmation of Tree Preservation Order No. 18 of 2005 on land at 219 Lichfield Road, Rushall, Walsall**

The report of the Assistant Director for Urban Regeneration was submitted:-

(see annexed)

Resolved

- (1) That Walsall Tree Preservation Order No. 18 of 2005, be confirmed in unmodified form;
- (2) That this Committee supports the reasons for making the Tree Preservation Order as set out in paragraph 1.2 of the report now submitted;
- (3) That this Committee notes that no representations have been received in respect of this Tree Preservation Order.

928/06 **Barr Beacon Farm, Bridle Lane, Barr Beacon, Aldridge**

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

(see annexed)

The Committee was informed of a recent appeal decision regarding a telecommunications mast and were requested to delegate authority for enforcement action to be taken.

Resolved

- (1) That authority be given for the issuing of an enforcement notice under the 1990 Act to require the removal of the mast, equipment cabin, generator and fencing;

- (2) That the decision as to the institution of legal proceedings in the event on non-compliance with the notice, or the non-return of Requisitions for Information, be delegated to the Assistant Director – Legal and Constitutional Services;
- (3) That authority be delegated to the Assistant Director – Legal and Constitutional Services, in consultation with the Head of Planning and Transportation, to amend and add to or delete from the wording stating the nature of the breach(es) the reason(s) for taking enforcement action and the requirements(s) of the notice or the boundaries of the site.

Termination of Meeting

There being no further business, the meeting terminated at 8.05 p.m. following an adjournment between 7.00 and 7.08 p.m.

Signed:

Date: