

## **DEVELOPMENT CONTROL COMMITTEE**

**Tuesday, 22<sup>nd</sup> April, 2008 at 5.30 p.m.**

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

### **Present**

Councillor Bird (Chairman)  
Councillor Ault (arrived at 6.00 p.m.)  
Councillor P. Bott  
Councillor Douglas-Maul  
Councillor Flower  
Councillor Harrison  
Councillor P. Hughes  
Councillor Madeley  
Councillor McCracken  
Councillor Micklewright  
Councillor J. Phillips  
Councillor Rochelle  
Councillor Sanders  
Councillor D.A. Shires  
Councillor Turner  
Councillor Underhill  
Councillor Yasin

### **1740/08 Apologies**

Apologies for non attendance were received on behalf of Councillors Beeley and Anson.

### **1741/08 Minutes**

#### **Resolved**

That the minutes of the meeting held on 1<sup>st</sup> April, 2008, 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:-

Minute number 1729/08 to include an additional resolution as follows:-

(4) that it be noted that confirmation of this order would not impact on an approved permission to extend the building.

1742/08 **Declarations of Interest**

Councillor Bott declared:-

A prejudicial interest in Item 2 of the Plans List relating to Land (including factory complex AP (UK)) at Heathfield Lane West/Moxley Road Darlaston as he was a member of the Moxley project reference group.

1743/08 **Deputations and Petitions**

A petition was received regarding a hoarding on Anchor Bridge.

**Resolved**

That the petition be forwarded to the Head of Planning and Building Control.

1744/08 **Serving of Tree Preservation Order 6 of 2008 on Land at 134 to 152 Walsall Road, Walsall**

**Resolved**

- (1) That the making of Walsall Tree Preservation Order 6 of 2008 be authorised;
- (2) That the reason for making the Tree Preservation Order as set out in paragraph 2 of the report now submitted be supported;
- (3) That Tree Preservation Order 10 of 2004 be revoked subject to Tree Preservation Order 6 of 2008 being confirmed within 6 months of the order being served.

1745/08 **Confirmation of Tree Preservation Order 48 of 2007 on Land at 3 Doveridge Place, Walsall**

**Resolved**

- (1) That the Walsall Tree Preservation Order No. 48 of 2007 be confirmed in an unmodified form;
- (2) That the reason for making the Tree Preservation Order, as set out in the report detailed in paragraph 1.1 be supported;

- (3) That it be noted that no representations had been received in respect of this Tree Preservation Order.

**1746/08 Confirmation of Tree Preservation Order 36 of 2007 on Land at the Vicarage, 22 Bloxwich Road, Walsall**

**Resolved**

- (1) That the Walsall Tree Preservation Order No. 36 of 2007 be confirmed in a modified form;
- (2) That the reason for making the Tree Preservation Order, as set out in the report now submitted, detailed in paragraph 1.1 be supported;
- (3) That it be noted that no representations had been received in respect of this Tree Preservation Order.

**1747/08 Land on east side of Chapel Lane, Pheasey**

The Committee received a report detailing investigations undertaken in relation to the lawfulness and impacts of the use of the land for motorbike riding.

**Resolved**

- (1) That Officers be authorised to continue investigations;
- (2) That authority be delegated to the Assistant Director of Legal and Constitutional Services in consultation with the Head of Planning and Building Control to issue an enforcement notice under section 172 of the 1990 Act or such other action as maybe appropriate;
- (3) That authority be granted to the Assistant Director of Legal and Constitutional Services to commence prosecution proceedings in the event that any notice which is issued is not complied with.

**1748/08 Variation to affordable housing contribution on application 06/1118/FL/W2 on housing development, north side of Leamore Lane**

The Committee received a report seeking approval to vary the Section 106 Agreement to change the number and tenure of the affordable housing contribution.

## **Resolved**

That the Assistant Director of Legal and Constitutional Services in consultation with the Head of Planning and Building Control be authorised to amend the section 106 to reflect 13% affordable housing being 17 social rented units consisting of 8 apartments and 9 houses as detailed in the report now submitted;

### **1749/08 Proposed Deed of Variation to S106 Obligation in relation to Planning Permission 04/0231/FL/E2 – Morris Homes Residential Development at former Filon Products, Aldridge Road, Streetly**

The Committee received a report seeking approval to vary the Section 106 Agreement by removing the phasing provisions to allow the second phase of the development to occur.

## **Resolved**

That the Assistant Director of Legal and Constitutional Services in consultation with the Head of Planning and Building Control be authorised to amend the Section 106 to respect of application 04/0231/FL/E2 to remove the phasing clause from the Agreement as detailed within the report now submitted.

### **1750/08 Section 106 End of Financial Year Report 2007/08**

The Committee received a report detailing the out turn information relating to completed Planning Obligations negotiated with planning permissions and the level of contributions collected and due to be collected in relation to education, open space, health and other requirements.

## **Resolved**

That the report be noted.

### **1751/08 Street Trading Review Stage 1**

The Committee received a report advising Members of the findings of the first stage of the Street Trading Review.

## **Resolved**

- (1) That the report be noted;
- (2) That Members direct any detailed issues to John Beavon, Trading Standards Manager.

1752/08 **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 first to deal with the items on the Agenda where members of the public had previously indicated that they wished to address the Committee. The Chair, at the beginning of each item for which there were speakers advised the procedure whereby the speaker would have three minutes to speak and then at two minutes they would be reminded that they had a minute left.

The Chair reported that item 5 on the plans list, relating to land to the west of Northgate, Aldridge, Walsall had been withdrawn from the agenda and would not be determined at this meeting.

1753/08 **Declarations of Interest**

There were no further declarations of interest.

1754/08 **Item No. 11 - 07/2346/OL/E9 – erection of 8 x 2 bed apartments, with layout, scale external appearance and means of access for consideration at High Heath Working Mens Club, Coronation Road, Pelsall, Walsall**

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

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

There then followed a period of questioning by Members in relation to refuse and recycling facilities, provision for a boundary treatment wall next to 22 Coronation Road and access and egress to and from the site.

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

That planning application No. 07/2346/OL/E9 be refused for the reasons as set out in the report now submitted.

The motion having been put to the vote, was declared **lost**, with three Members voting in favour of refusal and twelve against.

Members continued to consider the application and Councillor Bird **moved** and it was duly **seconded** by Councillor Micklewright:-

That planning application No. 07/2346/OL/E9 be approved as it would remove a non conforming use in a residential area which cannot be addressed by conditions subject to:-

- (i) Officers being authorised to attach suitable conditions;
- (ii) A 1.8m wall built on the right side of 22 Coronation Road;
- (iii) Suitable highway conditions to be agreed by officers;
- (iv) A suitable landscaping scheme to be agreed by officers.

The motion having been put to the vote, was declared **carried**, with twelve Members voting in favour and three against.

### **Resolved**

That planning application No. 07/2346/OL/E9 be approved as it would remove a non conforming use in a residential area which cannot be addressed by conditions subject to:-

- (i) Officers being authorised to attach suitable conditions;
- (ii) A 1.8m wall built on the side of 22 Coronation Road;
- (iii) Suitable highway conditions to be agreed by officers;
- (iv) A suitable landscaping scheme to be agreed by officers.

### **1755/08 Item No. 1 - 08/0059/FL – proposed demolition of existing buildings and erection of 96 dwellings with associated development, landscaping and infrastructure at land at Cartbridge Lane South, Walsall**

Prior to the Officer providing a presentation on this item the Chair advised Members of the committee to refer to the additional information as contained in the supplementary paper circulated at the meeting. The Planning Officer then advised the Committee of the background to the report drawing Members' attention once again to the supplementary papers circulated at the meeting.

The Committee then welcomed the first speaker on this item, Mr. Salt, who spoke in support of the application.

The Committee then welcomed the second speaker on this item, Mr. Hickman, who spoke in support of the application.

There then followed a period of questioning by Members in relation to the provision of additional pedestrian routes, screening for properties close to the disused railway line and materials to be used to create a new bridge.

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

That planning application No. 08/0059/FL be approved subject to the conditions as contained in the report and supplementary paper now submitted, a Planning Obligation and the following amendments:-

- (1) That the words 'or otherwise as agreed in writing with the Planning Authority' be added to the end of condition 23;
- (2) That the words 'or otherwise as agreed in writing with the Planning Authority' be added to the end of condition 24;
- (3) That condition 13 be removed.

The motion having been put to the vote, was declared **carried**, with Members voting in unanimously in favour of the application.

### **Resolved**

That planning application No. 08/0059/FL be approved subject to the conditions as contained in the report and supplementary paper now submitted, a Planning Obligation and the following amendments:-

- (1) That the words 'or otherwise as agreed in writing with the Planning Authority' be added to the end of condition 23;
- (2) That the words 'or otherwise as agreed in writing with the Planning Authority' be added to the end of condition 24;
- (3) That condition 13 be removed.

1756/08 **Item No. 2 - 08/0394/FL – demolition of existing buildings and erection of 304 houses and apartments, revised access, amenity areas, parking and associated works (resubmission of 07/2465/FL/W2) at land (including factory complex AP (UK) at Heathfield Lane West/Moxley Road Darlaston**

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

The Committee then welcomed the first speaker on this item, Mr. Robson, who spoke in support of the application.

The Committee then welcomed the second speaker on this item, Mr. Davey, who spoke in support of the application.

Councillor Flower stated that the application before committee was important and whilst he understood that supplementary papers were necessary due to

the nature of planning applications, it was his view that six pages of additional information warranted further time to consider than had been afforded.

There then followed a period of questioning by Members in relation to parking provision on site, the proximity of buildings to pylons, possible issues with methane gas, the provision of suitable recycling facilities on the development and the collection of waste.

Members continued to consider the application and Councillor Flower **moved** and it was duly **seconded** by Councillor Bird:-

That planning application No. 08/0394/FL be deferred to a future meeting to enable various issues to be resolved and a full report brought back for consideration.

The motion having been put to the vote, was declared **carried**, with Members voting unanimously in favour of deferring the application to a further date.

### **Resolved**

That planning application No. 08/0394/FL be deferred to a future meeting to enable various issues to be resolved and a full report brought back for consideration.

***Councillors Yasin and McCracken left the meeting prior to consideration of this application and did not return.***

***Councillor Harrison left the meeting during deliberation and did not return.***

***Councillor Micklewright having left the room during deliberation did not take part or vote.***

***Councillor Bott having declared a prejudicial interest in this item left the meeting during deliberation and did not vote.***

### **1757/08 Item No. 7 – 07/2708/FL/H4 – two storey side and single storey rear extension at 11 Elmtree Road, Streetly, Sutton Coldfield B74 3RX**

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

The Committee then welcomed Ms. Bett who wished to speak in objection to the application.

There then followed a period of questioning by Members in relation to possible overshadowing and impact on neighbouring properties.



Members considered the application and Councillor Sanders **moved** and it was duly **seconded** by Councillor Flower:-

That planning application No. 07/2708/FL/H4 be approved subject to the conditions as contained in the report now submitted.

The motion having been put to the vote, was declared **carried**, with nine Members voting in favour and none against.

**Resolved**

That planning application No. 07/2708/FL/H4 be approved subject to the conditions as contained in the report now submitted.

***Councillor Phillips having left the room during consideration of this item did not take part or vote.***

- 1758/08 **Item No. 3 - 08/0162/FL – 3 storey residential development comprising 24 no. flats at land adjacent 18 Park Road, Willenhall, Walsall WV13 1BU**

**Resolved**

That planning application No. 08/0162/FL be approved, subject to the conditions as contained in the report now submitted.

***Councillor Underhill requested that her name be recorded as having voted against the resolution.***

- 1759/08 **Item No. 4 - 08/0222/FL – demolition of filling station, erection of 10 no. 2 bed apartments and 6 no. 1 bed apartments with allied parking and amenity areas at Murco Service Station, Pinfold Street, Walsall**

**Resolved**

That planning application No. 08/0222/FL be approved, subject to the conditions as contained in the report now submitted and a Planning Obligation.

- 1760/08 **Item No. 6 - 08/0076/FL – ground floor side extension and detached garage at 28 Bude Road, Walsall**

**Resolved**

That planning application No. 08/0076/FL be approved, subject to the conditions as contained in the report now submitted.

1761/08 **Item No. 8 - 08/0228/FL – first floor side extension at 38 Branchal Road, Aldridge, Walsall**

**Resolved**

That planning application No. 08/0228/FL be approved, subject to the conditions as contained in the report now submitted.

***Councillor Flower requested his name be recorded as having voted against this resolution.***

1762/08 **Item No. 9 - 08/0258/FL – single storey side extension at 69 Lindrosa Road, Streetly, Sutton Coldfield**

**Resolved**

That planning application No. 08/0258/FL be approved, subject to the conditions as contained in the report now submitted.

1763/08 **Item No. 10 - 08/0259/FL – ground floor rear extension at 71 Lindrosa Road, Streetly, Sutton Coldfield**

**Resolved**

That planning application No. 08/0259/FL be approved, subject to the conditions as contained in the report now submitted.

**Termination of meeting**

There being no further business the meeting terminated at 9.00 p.m. following an adjournment from 8.20 to 8.25 p.m.

Signed: .....

Date: .....