

DEVELOPMENT CONTROL COMMITTEE

Tuesday 28 June 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 Joan Barton
Councillor Arthur Bentley
Councillor Mike Bird
Councillor Rose Burley
Councillor John Cook
Councillor Brian Douglas-Maul
Councillor Haqnawaz Khan
Councillor Rose Martin
Councillor Cath Micklewright
Councillor Rob Robinson
Councillor John Rochelle
Councillor David Turner
Councillor Mohammad Yasin

696/05 **Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Clive Ault, Louise Harrison, Angela Underhill and Bill Madeley.

697/05 **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 as a correct record.

698/05 **Declarations of Interest**

Councillors Burley, Bentley and Beeley declared an interest in item no. 4 – ref. 05/0453/FL/H1 in respect of 134 residential dwellings and associated site works at land adjacent Walker Road and Taylor Avenue, Walsall, and left the meeting during consideration of this item.

699/05 **Deputations and Petitions**

There were no deputations received or petitions submitted at this meeting.

700/05 **Late Items**

The Chairman advised the Committee of two supplementary papers which had been circulated at the meeting. The supplementary papers referred to 2 Tree Preservation Orders as listed below:-

- (1) Serving of Tree Preservation Order No. 15 of 2005 – 11 Woodlands Avenue, Park Hall, Walsall;
- (2) Serving of Tree Preservation Order No. 17 of 2005 – Foley Road, Streetly.

701/05 **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.

702/05 **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 first with the items on the agenda where the members of the public had previously indicated that they wished to address the Committee.

At this juncture, the Chairman of the Committee reported that 2 applications had been withdrawn from the agenda. These related to:-

- (1) Planning application no. 04/1321/FL/W3 relating to change of use to Mosque at 49 Woodward's Road, Walsall;
- (2) Agenda item 9 – Pallet Racking Systems Limited, Ashmore Lake Way, Willenhall.

703/05 **Item No. 2 – 04/2710//FL/W2 – Construction of 65 one and two bedroom apartments with landscaping and parking at former Avonmore Dairies, Wolverhampton Road, Walsall – Urban Exposure**

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

The Committee then welcomed the speaker, Mr. Gregory, who wished to speak in support of the application. Mr. Gregory advised the Committee of various reasons why the application should be supported at the meeting. The application was in line with planning guidelines. It had been designed with neighbours and transport in mind to address issues such as privacy. They had almost achieved the 150 per cent parking provision required, providing 93 car parking spaces for the 65 units. This equated to 143 per cent. He reported that he understood that recent objections had been overcome.

There then followed a period of questioning by Councillors relating to the Unitary Development Plan guidance on flat roofs, access to the development, impact on roads around the area, the design of the building and the provision of lifts.

The Committee then thanked Mr. Gregory for his comments and proceeded to discuss the item in detail.

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

That planning application no. 04/2710/FL/W2 be refused as the development was out-of-keeping with the surrounding area, was a poor design and an over development of the site.

The motion, having been put to the vote, was declared **carried**; with 12 members voting in favour and none against.

(Councillor Martin left the meeting at 6.50 p.m.)

Resolved

That planning application no. 04/2710/FL/W2 be refused as the development was out-of-keeping with the surrounding area, was of a poor design and an over development of the site.

704/05

**Item No. 8 – 05/0780/FL/W5 – New building to extend Temple (amendments to 04/1091/FL/W5) at Guru Nanak Sikh Temple, West Bromwich Street, Walsall –
Guru Nanak Sikh Temple**

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

The Committee then welcomed the first speaker, Mr. Pulford, who wished to address the Committee in objection to the application.

Mr. Pulford advised the Committee that he had various objections relating to the proposed number of car parking spaces, the difference between plans submitted, the consultation process undertaken and the legal use of the site. He also raised issues relating to the quality of life of existing residents and the increase in traffic which would be expected on a Sunday. He further stated that the roads in that area were quite narrow in places and the increase of parking in the street would cause problems for the emergency services.

The Committee then welcomed Mr. Read, speaking in support of the application.

Mr. Read explained that he was the representative for the Guru Nanak Sikh Temple. Various amendments had been submitted to Planning Officers for consideration. The new design was slightly bigger to incorporate a fire escape as required. Car parking had also been improved considerably.

There then followed a period of questioning by Councillors relating to the implications of the development to the emergency services. In response, it was explained that the fire service had raised no objections.

The Committee proceeded to discuss the application in detail.

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

That planning application no. 05/0780/FL/W5
be approved, subject to the conditions
contained in the report now submitted.

The motion, having been put to the vote, was declared **carried**; with 12 members voting in favour and none against.

Resolved

That planning application no. 05/0780/FL/W5 be approved, subject to the conditions contained in the report now submitted.

705/05 **Item No. 3 – 05/0628/RM/E4 – Proposed landscaping details (outstanding Reserved Matter to outline permission 04/0526/OL/E3) at 97-113 Walsall Road, Aldridge – Bellway Homes Limited**

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

Following deliberations, Councillor Rochelle **moved** and it was duly **seconded** by Councillor Turner:-

That planning application no. 05/0628/RM/E4 be approved, subject to the conditions contained in the report now submitted.

The motion, having been put to the vote, was declared **carried**; with 14 members voting in favour and none against.

Resolved

That planning application no. 05/0628/RM/E4 be approved, subject to the conditions contained in the report now submitted.

706/05 **Item No. 4 – 05/0453/FL/H1 – 134 residential dwellings and associated site works at land adj. Walker Road and Taylor Avenue, Walsall – Bellway Homes West Midlands**

Councillors Burley, Bentley and Beeley, having declared an interest in this item, left the meeting during its consideration.

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

Following deliberations, Councillor Robinson **moved** and it was duly **seconded** by Councillor Collins:-

That planning application no. 05/0453/FL/H1 be approved, subject to conditions contained in the report now submitted and a Section 106 Agreement.

The motion, having been put to the vote, was declared **carried**; with 11 members voting in favour and none against.

Resolved

That planning application no. 05/0453/FL/H1 be approved, subject to conditions contained in the report now submitted and a Section 106 Agreement.

707/05 **Item No. 5 – 04/2351/FL/W2 – Proposed residential development consisting of 35 dwellings and associated parking at land off Walsall Road and Russell Street, Willenhall – Streamline Construction Limited**

Following deliberations, Councillor Collins **moved** and it was duly **seconded** by Councillor Bird:-

That planning application no. 04/2351/FL/W2 be approved, subject to the conditions set out in the report now submitted and a Section 106 Agreement.

The motion, having been put to the vote, was declared **carried**; with 11 members voting in favour and 1 against.

Resolved

That planning application no. 04/2351/FL/W2 be approved, subject to the conditions set out in the report now submitted and a Section 106 Agreement.

708/05 **Item No. 6 – 04/1642/FL/W2 – Passenger vehicle repair and maintenance centre at land at Stringes Lane, Willenhall – Broxwood**

Following deliberations, Councillor Robinson **moved** and it was duly **seconded** by Councillor Bird:-

That planning application no. 04/1642/FL/W2 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 12 members voting in favour and none against.

Resolved

That planning application no. 04/1642/FL/W2 be approved, subject to the conditions set out in the report now submitted.

709/05 **Item No. 7 – 05/0765/FL/E2 – Change of use of existing warehouse to Class D2 – Indoor Recreation, for use as Activity and Play Area (Resubmission to 04/2602/FL/E2) at 114-116 Lindon Road, Brownhills – Crash! Bang! Wallop!**

Resolved (14 members voting in favour and none against)

That planning application no. 05/0765/FL/E2 be approved, subject to the conditions set out in the report now submitted.

710/05 **Item No. 9 – 05/0862/FL/E2 – Erection of single detached dwelling at 22 Castle Road, Walsall – R. Rowan**

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

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

That planning application no. 05/0862/FL/E2 be approved, subject to the conditions set out in the report now submitted.

The motion, having been put to the vote, was declared **lost**; with 4 members voting in favour and 9 against.

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

That planning application no. 05/0862/FL/E2 be refused as the application was out-of-character with adjacent properties and an over-development of the site.

The motion, having been out to the vote, was declared **carried**; with 8 members voting in favour and 1 against.

Resolved

That planning application no. 05/0862/FL/E2 be refused as the application was out-of-character with adjacent properties and an over-development of the site.

711/05 **Item No. 10 – 05/0673/FL/H1 – Two-storey side extension at 70 Birchover Road, Walsall – Miss A. Chaudary**

Resolved (10 members voting in favour and none against)

That planning application no. 05/0673/FL/H1 be approved, subject to the conditions set out in the report now submitted.

712/05 **Item No. 11 – 05/0943/FL/W4 – Extension to side 45A Hilton Road (amendment to 04/1863/FL/W1) AT 43A & 45a Hilton Road, New Invention, Willenhall – Walsall MBC**

Resolved (10 members voting in favour and none against)

That planning application no. 05/0943/FL/W4 be approved, subject to the conditions set out in the report now submitted.

713/05 **Item No. 12 – 05/0795/RM/W3 – Reserved Matters to 04/2624/OL/W3: Demolition of existing bungalow and erection of 4 three-storey town houses, 1 two-storey house and 1 flat at 51 and rear of 54 High Road, Lane Head, Willenhall – Mr. J.L. Brookes**

Resolved (13 members voting in favour and none against)

That planning application no. 05/0795/RM/W3 be refused, subject to the conditions set out in the report now submitted.

714/05 **Item No. 13 – 05/1024/PT/W5 – Erection of 11.7 metre high monopole and associated telecommunication equipment at land outside Lane Arms Public House, Wolverhampton Road West, Willenhall – T-Mobile**

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

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

That planning application no. 05/1024/PT/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** (the Chairman using his casting vote) with 6 members voting in favour and 5 against.

Resolved

That planning application no. 05/1024/PT/W5 be approved, subject to the conditions set out in the report now submitted.

Councillor Bentley requested that his name be recorded as voting against this application.

715/05 Ikea Limited Park Lane, Wednesbury – Ref. No. E05/0104

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

(see annexed)

Members considered the report, detailing three unauthorised developments which involved retail expansion against the background of strong pressure for retail expansion at the store and traffic problems in the area and to request the Local Authority to even take enforcement action against these unauthorised aspects.

Resolved

- (1) That the Head of Legal Services and Head of Planning and Transportation be delegated the authority to issue an enforcement notice and requisitions for information in respect of the breaches of planning control by way of the erection of a steel framed building to the north of the main retail store, the use of a fenced compound adjacent to it for car parking and other activities ancillary to the retail activity on the adjoining Ikea site, the erection of a moduly building to the south of the main retail store and which occupies part of the car park;
- (2) That this Committee notes the reasons for taking enforcement action as detailed in the report now submitted;

(see annexed)

- (3) That this Committee authorises the Head of Legal Services to commence legal proceedings in the event of non-compliance with the enforcement notice or the non-return of requisitions for information in consultation with the Head of Planning and Transportation;
- (4) 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 set out in the notice stating the nature of the breach(es) and the reasons for taking enforcement action. The requirements for the boundaries of the site.

716/05 **Development Control Performance Report**

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

(see annexed)

The Committee acknowledged the work and efforts of officers involved in achieving such good performance statistics.

Resolved

That the report be noted.

717/05 **Confirmation of Tree Preservation Order No. 16 of 2004 on land between Baslow Road and Stafford Road**

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

(see annexed)

Resolved

That this Committee confirms Walsall Tree Preservation Order No. 16 of 2004 relating to land between Baslow Road and Stafford Road in a modified form and that this Committee supports the reason for making the Tree Preservation Order as set out in Paragraph 1.2 of the report now submitted.

718/05 **Confirmation of Tree Preservation Order No. 19 of 2004 on trees in Highland Road and Bluebell Road**

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

(see annexed)

Resolved

That this Committee confirms Tree Preservation Order No. 19 of 2004 relating to trees in Highland Road and Bluebell Road in an unmodified form and that this Committee supports the reason for making the Tree Preservation Order as set out in Paragraph 1.2 of the report now submitted.

719/05 **Confirmation of Tree Preservation Order No. 2 of 2005 on land at 39A, 41 and 43 Foley Road East, Streetly**

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

(see annexed)

Resolved

That this Committee confirms Tree Preservation Order No. 2 of 2005 relating to land at 39A, 41 and 43 Foley Road East, Streetly in an unmodified form and that this Committee supports the reason for making the Tree Preservation Order as set out in Paragraph 1.2 of the report now submitted.

720/05 **Confirmation of Tree Preservation Order No. 3 of 2005 on 220-224 Chester Road, Streetly, Walsall**

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

(see annexed)

Resolved

That this Committee confirms Tree Preservation Order No. 3 of 2005 in relation to 220-224 Chester Road, Streetly, Walsall in an unmodified form and that this Committee supports the reason for making the Tree Preservation Order as set out in Paragraph 1.1 of the report now submitted.

721/05 **Confirmation of Tree Preservation Order No. 4 of 2005 on land at Walsall Enterprise Park, Walsall**

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

(see annexed)

Resolved

That this Committee confirms Tree Preservation Order No. 4 of 2005 relating to land at Walsall Enterprise Park, Walsall in an unmodified form and that this Committee supports the reason for making the Tree Preservation Order as set out in Paragraph 1.2 of the report now submitted.

722/05 **Confirmation of Tree Preservation Order No. 7 of 2005 on land at Electricity Sub-Station, Bakers Lane, Aldridge**

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

(see annexed)

Resolved

That this Committee confirms Tree Preservation Order No. 7 of 2005 relating to land at Electricity Sub-Station, Bakers Lane, Aldridge in an unmodified form and that this Committee supports the reason for making the Tree Preservation Order as set out in Paragraph 1.2 of the report now submitted.

Late Items

723/05 Serving of Tree Preservation Order 15 of 2005 - 11 Woodlands Avenue, Park Hall, Walsall

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

(see annexed)

Resolved

- (1) That Tree Preservation Order No. 15 of 2005 be served in an unmodified form in respect of trees T1 - T11 on the plan attached to the report now submitted;
- (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.

724/05 Serving of Tree Preservation Order 17 of 2005 on Foley Wood, Streetly

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

(see annexed)

Resolved

- (1) That Tree Preservation Order No. 17 of 2005 be served in an unmodified form in respect of trees included within the area marked W1 on the plan attached to the report now submitted;
- (2) That this Committee supports the reasons for making the Tree Preservation Order, as set out in Paragraph 1.1 of the report now submitted.

725/05 **Termination of Meeting**

There being no further business, the meeting terminated at 8.12 p.m. following an adjournment from 6.50 p.m. to 7.05 p.m.

Signed:

Date: