

DEVELOPMENT CONTROL COMMITTEE

Tuesday 22 November 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 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 John Rochelle
Councillor David Turner
Councillor Mohammad Yasin

872/05 **Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Robinson and Underhill.

873/05 **Minutes**

Resolved

That the minutes of the meeting held on 1 November 2005, a copy having been previously circulated to each member of the Committee, be approved and signed by the Chairman as a correct record.

874/05 **Declarations of Interest**

Councillor Bird declared a prejudicial interest in planning application no. 05/2135/PY/E4 – Telecommunications installation comprising a 15.0m high replica telegraph pole, supporting 3 no. antenna (with a shroud) together with ground based equipment cabinets and ancillary development at Lodge Farm, Bosty Lane, Walsall, and subsequently left the room during consideration of this item, took no part in the discussions and did not vote.

Councillor Turner declared a prejudicial interest in planning application no. 05/2135/PY/E4 – Telecommunications installation comprising a 15.0m high replica telegraph pole, supporting 3 no. antenna (with a shroud) together with ground based equipment cabinets and ancillary development at Lodge Farm, Bosty Lane, Walsall, and subsequently left the room during consideration of this item, took no part in the discussions and did not vote.

Councillor Rochelle declared a personal interest in planning application no. 05/2135/PY/E4 – Telecommunications installation comprising a 15.0m high replica telegraph pole, supporting 3 no. antenna (with a shroud) together with ground based equipment cabinets and ancillary development at Lodge Farm, Bosty Lane, Walsall.

875/05 **Deputations and Petitions**

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

876/05 **Late Items**

There were no late items introduced at this meeting.

877/05 **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.

878/05 **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.

879/05 **Item No. 1 - 05/1995/FL/W5 - Change of use from dwelling to care home for 3 young people and carers at 63 Lichfield Road, Walsall - Thorne Architecture Ltd.,**

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

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

Mr. Turner identified the following objections to the application on behalf of local residents in the area. Mr. Turner stated that there were already two similar establishments in the area and a further one proposed nearby. Mr. Turner felt that the introduction of another children's care home would increase the anti-social behaviour currently experienced and could even exacerbate problems. A petition comprising 321 signatures had been compiled by local residents in the area who were opposed to the application. Mr. Turner also raised concerns in relation to advice given by the Commission for Social Care Inspection (CSCI), the suitability of the site, parking provisions, traffic and road safety issues and the consultation process.

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

Councillor McCracken raised further concerns about the application in relation to consultations undertaken, increased anti-social behaviour as a result of the development, and advice given by the CSCI.

There then followed a period of questioning by members in relation to existing problems experienced in the area, the consultation process and similar establishments in the area.

The Committee proceeded to discuss the application in detail.

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

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

That planning application no. 05/1995/FL/W5 be refused on the grounds that the proposed location for this children's home is unsuitable as it is situated on a major traffic network, the parking provision is inadequate, resulting in staff and visitors parking on-street, exacerbating on-street parking problems and an additional establishment of this nature would be detrimental to the area.

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

Resolved

That planning application no. 05/1995/FL/W5 be refused on the grounds that the proposed location for this children's home is unsuitable as it is situated on a major traffic network, the parking provision is inadequate, resulting in staff and visitors parking on-street, exacerbating on-street parking problems and an additional establishment of this nature would be detrimental to the area.

880/05 **Item No. 2 - 05/1692/FL/H8 - Erection of new dwelling at land to rear of 68 Pelsall Lane, Rushall, Walsall - Mr. C. Ratcliffe**

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

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

Councillor Walker felt that the proposal was over-development of the site and raised concerns in relation to site access and loss of light and outlook to neighbouring properties.

There then followed a period of questioning by members in relation to the distance of the proposal to nearby dwellings and the siting of the development.

The Committee proceeded to discuss the application in detail.

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

That planning application no. 05/1692/FL/H8 be approved subject to conditions as set out in the report now submitted.

The motion, having been put to the vote, was declared **carried**; with 11 members voting in favour of granting planning permission and 6 against.

Resolved

That planning application no. 05/1692/FL/H8 be approved subject to conditions as set out in the report now submitted.

Councillor Micklewright requested that her name be recorded as having voted against the motion.

881/05 **Item No. 5 - 05/1878/FL/W5 - Demolition and rebuilding of existing Sikh Temple at Guru Nanak Sikh Temple, West Bromwich Street, Walsall - Reade Buray Associates**

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

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

Mr. Pulford explained to the Committee that he was not opposed to the principle of the development. However, Mr. Pulford expressed his concerns in relation to parking provision, travel plans, potential disturbance caused during the construction period.

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

Mr. Reade explained that the application before the Committee was greatly improved and would only benefit the site and local community, if the Committee was so minded to approve it. Mr. Reade also explained that parking arrangements had been agreed whilst construction took place to address parking problems. He reminded the Committee that the building would be a community building and would benefit all areas of the community, regardless of race or religion.

There then followed a period of questioning by members in relation to parking provision, proposed facilities in the building and the site layout.

The Committee proceeded to discuss the application in detail.

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

That planning application no. 05/1878/FL/W5 be approved subject to conditions as set out in the report now submitted.

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

Resolved

That planning application no. 05/1878/FL/W5 be approved subject to conditions as set out in the report now submitted.

Councillor Barton left the room and returned during consideration of this application, took no part in the discussions and did not vote

882/05 **Item No. 6 - 05/1726/FL/E4 - Proposed development of a total of eight 3, 4 and 5 bed detached houses and associated access road, car parking provision and private amenity areas at land r/o 3-11 The Drive and r/o Willow, Maple and Lilac House, Springhill Close, Shelfield, Walsall - Harc Design Bureau**

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

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

Mr. Poxon expressed concerns at the proposals in relation to the siting/safety of the access, the unsuitability of the access from 'The Drive', pedestrian and child safety as a result of increased vehicle usage and traffic. He also raised concerns regarding emergency vehicle access, the detrimental effect on the environment/amenities currently enjoyed by neighbours and road safety issues.

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

Mrs. Charles re-iterated many of the concerns that had been raised by Mr. Poxon. In addition, she stated that the proposed siting of the emergency access road would be detrimental to the amenities of neighbouring dwellings and would impact on road safety. She also felt that due to 'The Drive' being so narrow, it would not sustain any additional traffic. She went on to say that if the application was to be approved, it would create noise and disturbance problems to residents in the proximity of the development.

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

Councillor Walker re-iterated similar concerns to the previous two speakers. In addition, she felt that if the application were to be approved, it could create a rat run and have a detrimental impact on road and pedestrian safety.

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

Councillor Griffiths re-iterated many of the concerns raised by the previous speakers and added that he felt that if the permission was granted, it would destroy the quality of life currently enjoyed by neighbouring residents.

The Committee then welcomed the fifth speaker on this application, Mr. Beck, who wished to address the Committee in support of the application.

Mr. Beck, on behalf of the applicant, informed the Committee that the application before them sought to provide enhanced safety features for the site by the way of an emergency access for emergency vehicles.

There then followed a period of questioning by members in relation to alternative safety measures, provision of sprinklers, emergency vehicle access, adopted highway clarification and alternative siting of the emergency access road.

The Committee proceeded to discuss the application in detail.

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

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

That planning application no. 05/1726/FL/E4 be refused on the grounds that the proposed access road would be overly obtrusive and would have a detrimental impact on the amenities of neighbouring dwellings by way of the fact that the proposed road would pass to the rear of their properties.

The Motion, having been put to the vote, was declared **carried**; with 6 members voting in favour of refusing planning permission and 1 against.

Resolved

That planning application no. 05/1726/FL/E4 be refused on the grounds that the proposed access road would be overly obtrusive and would have a detrimental impact on the amenities of neighbouring dwellings by way of the fact that the proposed road would pass to the rear of their properties.

883/05

Item No. 10 - 05/1540/FL/W2 - Change of use to wedding receptions, parties, banqueting and conference hall on first floor at Unit 2, New Railway Street, Willenhall - W.B. Smith MICE

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

The Committee welcomed Councillor Zahid who wished to address the Committee in support of the application.

Councillor Ali explained that he felt that there was a need for this type of proposal in the area. He went on to explain that this application would improve the local economy, bring a redundant factory back into use, improve the visual amenity of the area and create jobs.

There then followed a period of questioning by members in relation to alternative locations for the siting of the proposed car parking provision, public transport in the area and size and siting of the proposal.

The Committee proceeded to discuss the application in detail.

The Head of Planning Services had recommended that the application be refused.

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

That planning application no. 05/1540/FL/W2 be approved subject to conditions and on the grounds that this type of establishment should not be in a Town Centre environment as it would have a detrimental effect on the free flow of traffic around the Town Centre. Furthermore, the siting of the application is more appropriate to accommodate the proposal, and that the decision be advertised as a departure from the UDP.

The Motion, having been put to the vote, was declared **carried**; with 11 members voting in favour of granting planning permission and 6 against.

Resolved

That planning application no. 05/1540/FL/W2 be approved subject to conditions and on the grounds that this type of establishment should not be in a Town Centre environment as it would have a detrimental effect on the free flow of traffic around the Town Centre. Furthermore, the siting of the application is more appropriate to accommodate the proposal, and that the decision be advertised as a departure from the UDP.

884/05

Item No. 11 - 05/1998/PT/W3 - Prior notification: 15 metre lamp post with dual polar omni antenna. Metro cab situated alongside the proposed mast at pavement outside Hewdon Hire Plant Ltd., Church Street, Wednesbury - Lambert Smith Hampton

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

The Committee welcomed Mr. Smith who wished to address the Committee in objection to the application.

Mr. Smith explained to the Committee that he felt that the application would have a detrimental impact on the amenities currently enjoyed by local residents. He went on to say that the application was no better than a previous application. Mr. Smith also stated that the mast was in close proximity to various residential dwellings and a nearby school. He also felt that there had been insufficient consultation on the proposals and that alternative sites had not been considered.

There then followed a period of questioning by members in relation to the siting and appearance of the mast, whether other companies had considered site sharing and the distance to dwellings and the nearby school.

The Committee proceeded to discuss the application in detail.

The Head of Planning Services had recommended that the application be approved.

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

That planning application no. 05/1998/PT/W3 be refused on the grounds that the proposed mast and its equipment would be detrimental to the area by virtue of its siting and appearance and the fact that other more suitable sites had not been considered.

The Motion, having been put to the vote, was declared **carried**; with members voting unanimously in favour of refusing planning permission.

Resolved

That planning application no. 05/1998/PT/W3 be refused on the grounds that the proposed mast and its equipment would be detrimental to the area by virtue of its siting and appearance and the fact that other more suitable sites had not been considered.

At this point in the meeting, the Chairman moved that Standing Order 9(a) of the Council's Constitution be suspended in order for the Committee to conclude the remainder of its business.

885/05 **Item No. 13 - 05/1986/PT/W6 - Installation of telecommunications base station at land adjacent Willenhall Lawn Cemetery, Bentley Lane, Willenhall - Dianne Perry**

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

There then followed a period of questioning by members in relation to the consultation process and the siting and appearance of the proposed equipment.

The Committee proceeded to discuss the application in detail.

The Head of Planning Services had recommended that the application be approved.

Members considered the application and Councillor Cook **moved** and it was duly **seconded** by Councillor Bentley:-

That planning application no. 05/1986/PT/W6 be refused on the grounds that the siting and appearance would have a significant visual impact which would be detrimental to the surrounding area.

The Motion, having been put to the vote, was declared **carried**; with 9 members voting in favour of refusing planning permission and 4 against.

Resolved

That planning application no. 05/1986/PT/W6 be refused on the grounds that the siting and appearance would have a significant visual impact which would be detrimental to the surrounding area.

At this point in the meeting, Councillors Ault and Harrison left the meeting and did not return.

886/05 **Item No. 3 - 05/2039/FL/E4 - Erection of 24 two bedroom apartments and ancillary works at Binary House, Boatmans Lane, Walsall - KRT Associates**

Resolved

That planning application no. 05/2039/FL/E4 be approved subject to conditions as set out in the report now submitted.

887/05 **Item No. 4 - 05/1801/FL/W7 - Conversion of existing two storey textile manufacturing unit to 3 storey 12 no. residential apartments (1 and 2 bed) at 76 - 84 Glebe Street, Walsall - Tweedale Ltd.,**

The Head of Planning Services had recommended that the application be approved.

The Committee discussed the application in detail.

Resolved (14 members voting for and 0 against)

That planning application no. 05/1801/FL/W7 be refused on the grounds that the proposal would result in over-development of the site by virtue of the number of units on the site which would have a detrimental impact on the surrounding area.

Councillor Bentley left the room and returned during consideration of this application, took no part in the discussions and did not vote.

888/05 **Item No. 7 - 05/1772/FL/E7 - Amendments to approval ref 04/0019/FL/E2 to provide private staircases to plots 1-4, 14-26 along with accompanying alterations to fenestration detail and modifications to roof over communal staircase area to provide necessary headroom to liftshaft at 265 Sutton Road, Walsall - Friel Homes Limited**

Resolved

That planning application no. 05/1772/FL/E7 be approved subject to conditions as set out in the report now submitted.

889/05 **Item No. 8 - 05/1000/FL/H4 - 2 storey extension to existing residential property at 5 Pavilion Close, Aldridge, Walsall - Andrew Price**

Resolved

That planning application no. 05/1000/FL/H4 be approved subject to conditions as set out in the report now submitted.

890/05 **Item No. 9 - 05/2135/PT/E4 - Prior approval: telecommunications installation comprising a 15.0m high replica telegraph pole, supporting 3 no. antenna (with a shroud) together with ground based equipment cabinets and ancillary development at Lodge Farm, Bosty Lane, Walsall - Turner & Partners**

Resolved

That planning application no. 05/2135/PT/E4 be approved subject to conditions as set out in the report now submitted.

Councillors Bird and Turner withdrew from the meeting during consideration of this application due to the nature of the interests that they declared.

891/05 **Item No. 12 - 05/2009/OL/W1 – Outline: erection of 11 no. 2 bedroom self contained flats (including approval of siting and means of access) at site at corner of Edison Road, Walsall and Arkwright Road, Beechdale - P.R.C. Advisory Services Ltd.,**

Resolved

That planning application no. 05/2009/OL/W1 be approved subject to conditions as set out in the report and supplementary papers now submitted.

892/05 **Discontinuance Notice - Advertisement Hoarding on land at Wolverhampton Street, Walsall**

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

(see annexed)

The Committee was informed of the history and impact of two advertisement poster hoardings which were displayed back to back on the land on the south side of Wolverhampton Street, Walsall and to request authority to take enforcement action to secure their removal.

Resolved

That authority be delegated to the Assistant Director, Legal and Constitutional Services, in consultation with the Head of Planning and Transportation to take any of the following forms of enforcement action to remove the poster hoarding:-

- (1) The commencement of prosecutions against the company displaying the poster hoardings, the companies subject of the advertising and any other relevant persons in respect of Condition 5 and 6 attached to advertisement consent reference BC46638P in the event that breach of condition notices (a delegated function) are not complied with;
- (2) In respect of display of advertisement without the necessary consent, the commencement of prosecutions under section 224 of the Town and Country Planning Act, 1990 against the company displaying the poster hoardings, the companies subject of the advertising and any other relevant persons;
- (3) That the decision as to the institution of legal proceedings in the event of non-return of requisitions for information be delegated to the Assistant Director, Legal and Constitutional Services.

893/05 9 Goodall Grove, Pheasey, Walsall - Ref No. E05/0056

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

(see annexed)

The Committee was informed of the installation of two amateur radio masts at 9 Goodall Grove, Pheasey and was requested to grant authority to take planning enforcement action in respect of one of them.

Resolved

That:-

- (1) Authority be granted for the issuing of an Enforcement Notice to require remedial actions to be undertaken as shown below in (3);
- (2) The decision as to the institution of legal proceedings in the event of non-compliance with the Notice or the non-return of requisitions for information be delegated to the Head of Legal Services;
- (3) Authority be delegated to the Head of Planning and Transportation and the Head of Legal Services to amend and add to or delete from the wording set out in the report stating the nature of the breach, the reasons for taking enforcement action and the requirements of the notice or the boundaries of the site.

894/05 **Confirmation of Tree Preservation Order No. 12 of 2005 on land at Calthorpe House, Calthorpe Road, Park Hall**

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

(see annexed)

Resolved

- (1) That Walsall Tree Preservation Order No. 12 of 2005, in unmodified form, be confirmed;
- (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 had been received in respect of the Tree Preservation Order.

Termination of Meeting

There being no further business, the meeting terminated at 9.20 p.m. Following an adjournment between 7.54 p.m. and 8.00 p.m.

Signed:

Date: