

DEVELOPMENT CONTROL COMMITTEE

Tuesday 13 March 2007 at 6.00 p.m.

In the Council Chamber at the Council House Walsall

Present

Councillor Mike Bird (Chairman)
Councillor Mohammed Arif
Councillor Clive Ault
Councillor Rose Burley
Councillor John Cook
Councillor Brian Douglas-Maul
Councillor Anthony Harris
Councillor Bill Madeley
Councillor Cath Micklewright
Councillor Jon Phillips
Councillor Rob Robinson
Councillor John Rochelle
Councillor David Turner
Councillor Angela Underhill
Councillor Mohammad Yasin

1350/07 Apologies

Apologies for non-attendance were submitted on behalf of Councillors Leslie Beeley, Dennis Anson, Arthur Bentley and Zahid Ali.

1351/07 Minutes

Resolved

That the minutes of the meeting held on 20 February 2007, a copy having been previously circulated to each member of the Committee, be approved and signed by the Chairman as a correct record.

1352/07 **Declarations of Interest**

Councillor Bird declared a prejudicial interest in agenda item 8 relating to enforcement action – unauthorised vehicle sales, as his daughter lived at a house opposite the site.

Councillor Ault declared a prejudicial interest in agenda item no. 6 relating to the redevelopment of an existing school playing field to erect a new two-storey special needs school.

1353/07 **Deputations and Petitions**

There were no deputations introduced.

The Committee received a petition from residents of Shire Oak, objecting to outline planning permission being granted on Shire Oak Reservoir.

1354/07 **Late Items**

The Chairman reported that a late item would be considered regarding the telecommunications installation at Darlington Street, Darlaston.

1355/07 **Local Government (Access to Information) Act, 1985 (as amended)**

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.

1356/07 **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.

1357/07 **Item No.10 – 07/0190/FL/W5 –Proposed installation of telecommunication apparatus. For the erection of a 17m high replacement floodlight. This will support 3 antennae with the new floodlight at 14.7m and associated equipment cabinet and ancillary equipment at Walsall Campus, University of Wolverhampton, Gorway Road, Walsall – T-Mobile**

The Planning Officer advised of the background to the report.

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

Councillor McCracken noted that the application was to relocate the roof top installation, however, it was her opinion that this should be removed altogether. She stated that there was a proliferation of masts within a small area and listed many of the places where masts were situated. Councillor McCracken urged mobile phone companies to share masts wherever possible and stated that masts should not be erected close to schools, referring to the fact that health impact of masts had yet to be resolved.

The Committee then welcomed the second speaker on this application, Susan Moriorly, who also wished to speak in objection to the application and stated that there was a vast number of children who used the college. She objected on the grounds that the mast posed a health risk for students.

The Committee then welcomed the third speaker on this application, Martin Dale, who wished to speak in support of the application.

Mr. Dale reported that extensive research had been undertaken to find a different location to place the mast. None had been found to be viable. He further stated that health grounds are not justifiable reasons for refusing an application.

There then followed a period of questioning by Members in relation to the number of masts in the area, impact on 'coverage' should the application be refused, options explored with other providers to mast share and whether temporary permission would apply.

The Committee proceeded to discuss the application in detail.

Members considered the application and Councillor Arif **moved** and it was duly **seconded** by Councillor Harris:-

That planning application no. 07/0190/FL/W5 be refused, contrary to Officers recommendations, as the mast would be detrimental to the visual amenity of the area by virtue of its height and that an additional light by the running track would be more intrusive on neighbouring properties and exacerbate its visual impact.

The motion, having been put to the vote, was declared **carried**; with 9 Members voting in favour of refusing the application with 3 against.

Resolved

That planning application no. 07/0190/FL/W5 be refused, contrary to Officers recommendations, as the mast would be detrimental to the visual amenity of the area by virtue of its height and that an additional light by the running track would be more intrusive on neighbouring properties and exacerbate its visual impact.

Councillor Rob Robinson requested that his name be recorded as voting against the motion to refuse the application.

Councillor Douglas-Maul, having left the meeting during consideration of this item, did not vote or take part in the discussion.

1358/07 **Telecommunications installation in Darlington Street, Darlaston**

The Planning Officer advised of the background to the report.

Resolved

That Officers be requested to provide a full enforcement report, detailing options for action to be taken, to the next meeting of the Development Control Committee.

Councillor Arif left after this application was considered and did not return to the meeting.

1359/07 **Item No. 1 – 06/2209/OL/E9 – Outline: Residential development, access only to be considered at Shire Oak Reservoir, C/o Chester Road, Lichfield Road, Brownhills, Walsall – South Staffordshire Water PLC**

The Planning Officer advised of the background to the report.

The Committee welcomed the first speaker on this application, Councillor Flower, who wished to speak in objection to the report.

Councillor Flower explained that the nearby junction would require significant improvement prior to any development taking place at Shire Oak Reservoir. He continued that West Midlands Police had stated their concerns. He queried whether the access to the site would be adequate for its purpose. Finally, he stated that there was no urgency for development at this time.

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

Councillor Sears endorsed the views put by Councillor Flower. He stated that there was an accident at the junction during the previous few months. An increase in properties in Shire Oak Reservoir site would generate extra traffic and put pressure on the existing junction which, in his view, would not be able to handle the increase in traffic.

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

Mrs. Nicholls stated that the Lichfield Road was incredibly busy and, should the application be approved, she would have to cross three lanes of traffic, including a bus lane. It would be unsafe for her to walk her children to school. She also stated that the relocated bus shelter would create difficulties as it would be located at the bottom of her drive.

The Committee then welcomed the fourth speaker on this application, Mr. Stahlberg.

Mr. Stahlberg stated that it was in the Council's "Every Child Matters" document that they would protect and develop children. The development did not appear to offer that. He questioned the natural fit of the development within its environment.

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

Mr. Langham stated that it was intended to redevelop the Reservoir and referred to the fact that the highway assessments had shown that the impact of the development on the road network was acceptable. The development would not affect mature trees and a public open space would be provided along with landscaping works. If required, a bat survey would be undertaken and junction improvements would be considered.

Prior to consideration of questions by the Committee, the Council's Highway Officer explained that the site was in the Unitary Development Plan and that traffic generated by the development would be at acceptable levels. He continued to provide traffic survey figures and detail the number of accidents at the area since December 2001 to December 2006.

There then followed a period of questioning by Councillors in relation to the type of vehicle that used the roads, the frequency of usage, the design of the access and its proximity to the junction.

The Committee then proceeded to discuss the application in detail.

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

That planning application no. 06/2209/OL/E9 be refused, contrary to Officers recommendations, as the design of the proposed access was inadequate to meet needs and was not safe.

Following further debate on this motion, Councillor Harris, having moved the motion, requested the seconder's permission to rescind the motion.

Councillor Ault refused to rescind the motion and the motion was put to the vote.

The motion, having been put to the vote, was declared **lost**; with 3 Members voting in favour of refusal and 6 against.

Further debate followed, and the Chairman **moved** and it was duly **seconded**:-

That planning application no. 06/2209/OL/E9 be approved, subject to conditions as contained in the report and supplementary paper now submitted.

The motion, having been put to the vote, was declared **carried**; with 9 Members voting in favour of approval and 1 against.

Resolved

That planning application no. 06/2209/OL/E9 be approved, subject to conditions as contained in the report and supplementary paper now submitted.

Councillors Mickelwright, Rochelle and Underhill abstained from voting on this application.

1360/07 **Item No. 2 – 06/2022/FL/W5 – Proposed change of use and redevelopment of industrial site to residential use for 132 flats and houses at site c/o Brockhurst Crescent and Walstead Road, Walsall – Brothers Group Holdings Limited**

The Planning Officer advised of the background to the report.

The Committee welcomed the first speaker on this application, Michael Shepherd, who wished to speak in support of the application.

Mr. Shepherd stated that the application had been well thought out and been under consideration for a long period of time. The development would change an area currently riddled with old industrial units and a residential change of use was what the area needed. He further stated that, if allowed, the development would encourage other developers to develop a comprehensive scheme of the whole area. Industries would also be more likely to relocate if a residential scheme was approved. He finally stated that, if refused, he would appeal against the decision and go for costs.

There then followed a period of questioning by Members in relation to car parking and the Home Zone principle. The adequacy of car parking on the site and the road network were also raised. The Highways Officer explained that there were some issues with the details of the site and that these would not be able to be overcome by minor modifications to the application.

The Committee proceeded to discuss the application in detail. In the course of that debate, the Planning and Building Control Manager indicated that the recommendation was revised to refusal, reflecting the Transportation comments.

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

That planning application no. 06/2022/FL/W5 be refused as the siting considered as part of the application would not form a comprehensive development and would have an unsatisfactory relationship with neighbouring commercial uses, as well as the issues raised by Transportation.

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. 06/2022/FL/W5 be refused as the siting considered as part of the application would not form a comprehensive development and would have an unsatisfactory relationship with neighbouring commercial uses, as well as the issues raised. by Transportation.

Councillor Rose Burley requested that her name be recorded as having abstained from voting.

1361/07 **Item No. 4 – 07/0029/OL/W5 – Outline: Residential Development at former T.R.W. Automotive Systems Limited, Woden Road West, Wednesbury – Mar City Developments Limited**

The Planning Officer advised of the background to the report.

The Committee then welcomed Councillor Wilkes who wished to speak in support of this application.

Councillor Wilkes stated that residents were very happy with a residential development in the area.

The Committee then proceeded to discuss the application in detail.

Members considered the application and it was **moved** and duly **seconded**:-

That planning application no.07/0029/OL/W5 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 Members voting unanimously in favour.

Resolved (Unanimously)

That planning application no.07/0029/OL/W5 be approved, subject to the conditions as contained in the report and supplementary paper now submitted.

Councillor Yasin left the meeting during consideration of this item and did not return to the meeting.

1362/07 **Item No. 6 – 07/0121/FL/W6 – Redevelopment of an existing school playing field to erect a new two-storey Special Needs School, incorporating a new access road, including drop-off, parking and highway works with associated landscaping/playspaces and re-provision of public open space at Frank F. Harrison Engineering College, Leamore Lane, Bloxwich – Education Walsall – Serco**

Prior to consideration of this application, Councillor Burley left the meeting and did not return.

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

The Committee welcomed the first speaker on this application, Susan Lupton, who wished to speak in support of the application and stated that she hoped the Committee would support the application as it would provide education for children with special needs in Walsall. She explained that the site had been chosen after extensive negotiations.

The Committee then welcomed the second speaker on this application, Jason Brown, who endorsed the views of Susan Lupton and explained that the site delivered more than the other possible sites.

The Committee proceeded to discuss the application in detail.

Members considered the application and Councillor Bird **moved** and duly **seconded** by Councillor Harris:-

That planning application no. 07/0121/FL/W6 be approved, subject to the conditions as contained in the report and supplementary paper now submitted.

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

Resolved

That planning application no. 07/0121/FL/W6 be approved, subject to the conditions as contained in the report and supplementary paper now submitted.

Councillor Ault, having declared a prejudicial interest left the meeting during consideration of this application, did not vote or take part in discussion.

1363/07 **Item No. 3 – 06/2214/OL/W3 – Outline: Residential development at Brookside Metal Co. Limited, Bilston Lane, Willenhall – Brookside Metal Company Limited (amalgamated Metal Corporation Plc)**

Resolved

That planning application no. 06/2214/OL/W3 be approved, subject to the conditions as contained in the report and supplementary paper now submitted.

1364/07 **Item No. 5 – 06/2160/FL/W5 –Demolish existing garage and erect 15 no. flats with associated parking at Robin Hood Service Station, The Crescent, Willenhall – Finch House Properties**

Resolved

That planning application no. 06/2160/FL/W5 be approved, subject to the conditions as contained in the report and supplementary paper now submitted.

1365/07 **Item No. 7 – 07/0010/FL/W3 – Residential development of 12 flats and associated parking on land off Coltham Road, Short Heath, Willenhall – Mr. G. Vernava**

Resolved

That planning application no. 07/0010/FL/W3 be delegated to Officers to determine the application, subject to no new material planning objections being received.

1366/07 **Item No. 8 – 06/2220/FL/E11 - Residential development of dwellings and associated works (revisions to application reference 05/0411/FL/E2, including increase number of dwellings from 76 to 93) at former Eagle Envelopes, Bloxwich Road, Walsall – Mcinerney Homes West Midlands**

Resolved

That planning application no. 06/2220/FL/E11 be approved, subject to the conditions as contained in the report, supplementary paper now submitted, a planning obligation and revised contributions.

1367/07 **Item No. 9 – 07/0143/FL/E10 – Erection of 5 no. 2 bedroom houses, 6 no. 2 bedroom apartments and 1 no. 1 bedroom flats over garages on land c/o Mill Street/Cannon Street, Walsall – BB Property Partnership**

Resolved

That planning application no. 07/0143/FL/E10 be delegated to Officers to approve, subject to negotiating and entering into appropriate 106 Agreements and subject to the conditions as contained in the report and supplementary paper now submitted.

1368/07 **Item No. 11 – 06/2102/FL/E12 – Proposed extension to rear of existing retail units and alterations to the existing seven units to form one large unit and three smaller units, extension at first floor and proposed sub-station to supply power to the retail units at 12-28 High Street, Brownhills – Commercial Development Projects Limited**

Resolved

That planning application no. 06/2102/FL/E12 be approved, subject to the conditions as contained in the report and supplementary paper now submitted.

1369/07 **164 Lowlands Avenue, Streetly – Ref: E06/126**

The report of the Head of Planning and Building Control was submitted:-

(see annexed)

Resolved

- (1) That authority be delegated to the Assistant Director – Legal and Constitutional Services and the Head of Planning and Building Control for the issuing of an enforcement notice under the Town and Country Planning Act 1990, to require action to be undertaken as set out in 2.3 of the report now submitted;
- (2) That authority be delegated to the Assistant Director – Legal and Constitutional Services and the Head of Planning and Building Control, to commence prosecution proceedings in the event that the Requisition for Information or the Notice under Section 215 is not complied with;
- (3) That authority be delegated to the Assistant Director – Legal and Constitutional Services, in consultation with the Head of Legal Services, to amend, add to, or delete from the wording, as set out in the report submitted, stating the requirement(s) of the Notice or identifying the boundaries of the site.

1370/07 **Mallyville Car Sales, north corner of Harper Street and Temple Bar, Willenhall**

Councillor Bird, having declared a prejudicial interest in this application, left the meeting during consideration of this item, at which time, Councillor Harris Chaired the meeting for this item only.

The report of the Head of Planning and Building Control – Regeneration was submitted:-

(see annexed)

Resolved

- (1) That authority be delegated to the Assistant Director – Legal and Constitutional Services and the Head of Planning and Building Control for the issuing of an enforcement notice under the Town and Country Planning Act 1990, to require action to be undertaken as set out in 2.3 of the report now submitted;
- (2) That authority be delegated to the Assistant Director – Legal and Constitutional Services and the Head of Planning and Building Control, to commence prosecution proceedings in the event that the Requisition for Information or the Notice under Section 215 is not complied with;
- (3) That authority be delegated to the Assistant Director – Legal and Constitutional Services, in consultation with the Head of Legal Services, to amend, add to, or delete from the wording, as set out in the report submitted, stating the requirement(s) of the Notice or identifying the boundaries of the site.

1371/07 **Confirmation of Tree Preservation Order No. 57 of 2006
Re: Land at 11 Woodlands Avenue, Park Hall, Walsall**

The report of the Head of Regeneration – Delivery and Development was submitted:-

(see annexed)

Resolved

- (1) That the Committee confirms Tree Preservation Order No. 57 of 2006 in respect of trees situated on land at 11 Woodlands Avenue, Park Hall, Walsall, in an unmodified form;

- (2) That the Committee supports the reasons for making the Tree Preservation Order as set out in paragraph 1.1 of the report now submitted;
- (3) That the Committee notes that no representations had been received in respect of this Tree Preservation Order;

1372/07 **Confirmation of Tree Preservation Order No. 61 of 2006**
Re: Land at 10 Crowberry Close, Clayhanger

The report of the Head of Regeneration – Delivery and Development was submitted:-

(see annexed)

Resolved

- (1) That the Committee confirms Tree Preservation Order No. 61 of 2006 in respect of a tree situated on land at 10 Crowberry Close, Clayhanger, in an unmodified form;
- (2) That the Committee supports the reasons for making the Tree Preservation Order as set out in paragraph 1.1 of the report now submitted;
- (3) That the Committee notes that no representations had been received in respect of this Tree Preservation Order;

1373/07 **Confirmation of Tree Preservation Order No. 65 of 2006**
Re: Land to rear of 16 Linforth Drive, Sutton Coldfield

The report of the Head of Regeneration – Delivery and Development was submitted:-

(see annexed)

Resolved

- (1) That the Committee confirms Tree Preservation Order No. 65 of 2006 in respect of trees situated on land at 16 Linforth Drive, Sutton Coldfield, in an unmodified form;

- (2) That the Committee supports the reasons for making the Tree Preservation Order as set out in paragraph 1.1 of the report now submitted;
- (3) That the Committee notes that one representation had been received in respect of this Tree Preservation Order;

1374/07 **Revocation of Tree Preservation Order 16 of 1982**
Re: Land at 65 Daisybank Crescent, Walsall

The report of the Head of Regeneration – Delivery and Development was submitted:-

(see annexed)

Resolved

- (1) That the Committee authorises the revocation of Walsall Tree Preservation Order No. 16 of 1982;
- (2) That the Committee supports the reason for revoking the Tree Preservation Order as set out in paragraph 1.1 of the report now submitted.

Termination of Meeting

There being no further business, the meeting terminated at 9.20 p.m.

Chairman:

Date: