

DEVELOPMENT CONTROL COMMITTEE

Thursday, 4 March, 2010 at 5.30 p.m.

In the Council Chamber at the Council House Walsall

Present

Councillor M.G. Pitt (**Chairman**)

Councillor Bird (**Vice-Chairman**)

Councillor Ali

Councillor Ault

Councillor Barton

Councillor P. Bott

Councillor Carpenter

Councillor Cook

Councillor Douglas-Maul

Councillor P. Hughes

Councillor Madeley

Councillor Robertson

Councillor Sarohi

Councillor Turner

2343/10 **Apologies**

Apologies for non attendance were received on behalf of Councillors Beeley, Harris and Underhill.

2344/10 **Minutes**

Resolved

That the minutes of the meeting held on 4 February, 2010, 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 Councillor Ault's name being added to the list of apologies.

2345/10 **Declarations of Interest**

Councillor Carpenter declared a prejudicial interest in item 8 of the Plans List as he was friends with the occupiers of the property that adjoined the application site.

Councillor Bott declared a prejudicial interest in item 6 of the Plans List as he was a Board Member of the Housing Group.

Councillor P. Hughes declared a prejudicial interest in item 9 of the Plans List as he lived in the property next door to the application site.

Councillor Bird declared a prejudicial interest in item 11 of the Plans List as he had given advice and guidance to the occupiers of the neighbouring property.

Councillor M. Pitt declared a prejudicial interest in item 15 of the Plans List as he had previously declared his view on this item.

2346/10 **Deputations and Petitions**

There were no deputations or petitions.

2347/10 **101 Woden Road West, Darlaston**

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

(see annexed)

Resolved

That authority be granted to the Assistant Director – Legal and Constitutional Services to institute legal proceedings, in consultation with the Head of Planning and Building Control, in respect of the failure to comply with a Breach of Condition Notice which requires planting to be carried out.

2348/10 **To recommend that Tree Preservation Order 45 of 2008 on 8 Manor Road, Streetly is not Confirmed**

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

(see annexed)

Resolved

- (i) That the comments made in the report at paragraph 12.0 and below be noted;
- (ii) That Tree Preservation Order 45 of 2008 be not confirmed.

2349/10 **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 of 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.

2350/10 **Item No. 1 – 09/1695/FL – proposed erection of 108 dwellings, garages and associated parking, construction of access roads, landscaping and associated works at Former Bloxwich Engineering Ltd, Bell Lane, Walsall**

The Planning Officer advised the Committee of the background to the report and drew Members attention to the additional information as contained within the supplementary paper now submitted.

The Committee then welcomed the first speaker on this item, Mr. Massey who spoke against the application.

The Committee then welcomed the second speaker on this application, Mr. Jennings, who also spoke against the application.

The Committee then welcomed the third and final speaker, Mr. Kowalski, who spoke in support of the application.

There then followed a period of questioning by Members in relation to the fact that it appeared, following the speakers comments, that the objections submitted had been resolved, whether or not it would be pertinent to change the recommendation in light of the additional information received and whether or not the regeneration value of the application outweighed the policy restrictions.

The Committee proceeded to discuss the application in detail.

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

That planning application no. **09/1695/FL** be approved as it is a major regeneration scheme within the area which outweighs the possible shortfall in the Section 106 agreement, subject to:-

- 1) A Section 106 agreement to the value of £410, 000. This to be divided with £210K towards education, and the remaining money to be split, pro rata, to health, green spaces plus 14 affordable houses as offered by the applicants;
- 2) An additional condition for implementation of boundary fencing along the existing boundary of the cricket club with the site, landscaping;
- 3) The Head of Planning and Building Control being delegated authority to set suitable planning conditions.

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

Resolved

That planning application no. **09/1695/FL** be approved as it is a major regeneration scheme within the area which outweighs the possible shortfall in the Section 106 agreement, subject to:-

- 1) A Section 106 agreement to the value of £410, 000. This to be divided with £210K towards education, and the remaining money to be split, pro rata, to health, green spaces plus 14 affordable houses as offered by the applicants;
- 2) An additional condition for implementation of boundary fencing along the existing boundary of the cricket club with the site, landscaping;
- 3) The Head of Planning and Building Control being delegated authority to set suitable planning conditions.

2351/10 **Item No. 2 – 09/1629/FL – change of use of premises to banqueting and conferencing facility and alteration to front elevation at 150 Stafford Street, Walsall, WS2 8EA**

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

The Committee welcomed the first speaker on this item, Councillor Aftab who spoke in support of the application.

The Committee then welcomed the second and final speaker, Mr. Zulfigar who spoke in support of the application.

There then followed a period of questioning by Members in relation to the long term viability of the units, whether or not food would be cooked on site, whether parking facilities were sufficient, possible use of a nearby car park and the level of consultation undertaken with residents.

The Committee proceeded to discuss the application in detail.

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

That planning application no. **09/1629/FL** be approved as it would meet a local need, subject to a Section 106 agreement to secure third party parking, conditions for extraction flue and retention of sufficient parking for remaining units.

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

Resolved

That planning application no. **09/1629/FL** be approved as it would meet a local need, subject to a Section 106 agreement to secure third party parking and conditions for extraction flue and retention of sufficient parking for remaining units.

2352/10 **Item No. 8 – 09/0289/FL – proposed new dwelling rear of 31 Hall Lane at 31 Hall Lane, Pelsall**

Councillor Carpenter having previously declared a prejudicial interest in this item left the room and did not take part or vote.

The Planning Officer advised the Committee of the background to the report and drew Members attention to the additional information as contained within the supplementary paper now submitted.

The Committee welcomed Mr. Etheridge who spoke against the application.

The Committee then welcomed the second speaker on this item, Mr. Bennett who also spoke against the application.

The Committee proceeded to discuss the application in detail.

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

That planning application no. **09/0289/FL** be refused as it would not fit into the street scene, would be out of character in the area, would be detrimental to the amenity of the neighbour at No. 38 by loss of light and is deficient in private amenity 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. **09/0289/FL** be refused as it would not fit into the street scene, would be out of character in the area, would be detrimental to the amenity of the neighbour at No. 38 by loss of light and is deficient in private amenity area.

2353/10 **Item No. 9 – 09/1821/FL – conversion of existing garage to habitable room and the addition of a pitched roof to garage at 12 Darvel Road, Walsall**

Councillor Robertson left the meeting and did not return.

Councillor Hughes having declared a prejudicial interest in this item left the meeting during deliberation and did not take part or vote.

The Planning Officer advised the Committee of the background to the report and drew Members attention to the additional information as contained within the supplementary paper now submitted.

The Committee then welcomed Ms. Woodruff who spoke against the application.

There then followed a period of questioning by Members in relation to level of noise disturbance and the period of time that it had been a nuisance .

The Committee proceeded to discuss the application in detail.

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

That planning application no. **09/1821/FL** be refused as the design is incongruous in the street scene and would alter the character of the terrace of properties and that it would result in noise to neighbours through the party wall.

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

Resolved

That planning application no. **09/1821/FL** be refused as the design is incongruous in the street scene and would alter the character of the terrace of properties and that it would result in noise to neighbours through the party wall.

2354/10 **Item No. 10 – 09/1782/FL – two storey side extension and single storey rear extension to dwelling at 3 Cedar Drive, Streetly, Walsall**

The Planning Officer advised the Committee of the background to the report and drew Members attention to the additional information as contained within the supplementary paper now submitted.

The Committee welcomed the first speaker on this item, Councillor Hughes who spoke in support of the application.

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

There then followed a period of questioning by Members in relation to the possibility of a settlement should the matter be deferred.

The Committee proceeded to discuss the application in detail.

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

That planning application no. **09/1782/FL** be deferred in order that officers can negotiate an amended scheme.

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

Resolved

That planning application no. **09/1782/FL** be deferred in order that officers can negotiate an amended scheme.

2355/10 **Item No. 15 – 10/0018/PT – prior notification for the installation of 11.7m high telecommunications monopole and 2 no. equipment cabinets at pavement at the junction of Sneyd Lane with Sneyd Hall Road, Bloxwich**

Councillor M. Pitt having declared a prejudicial interest in this item left the room during deliberation and did not take part or vote.

Councillors Ali & Ault, having left the room during deliberation did not take part or vote.

In the absence of the Chairman, the Vice- Chair, Councillor Bird, took the Chair for this item only.

The Planning Officer advised the Committee of the background to the report and drew Members attention to the additional information as contained within the supplementary paper now submitted.

The Committee welcomed Mr. Sturgess who spoke against the application.

The Committee then welcomed the second speaker on this application, Mr. Eveson, who also spoke against the application.

Prior to introducing the third speaker the Chair in accordance with Part 4.1 (9) of the Councils Constitution, **moved** and it was duly seconded;

That the meeting continue past 3 hours in order that the remaining business could be transacted.

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

Resolved

That the meeting continue past 3 hours in order that the remaining business could be transacted.

The Committee then welcomed the third speaker on this application, Ms. McMorrow who spoke in support of the application.

There then followed a period of questioning by Members in relation to why the mast had been located in the tactile area.

The Committee proceeded to discuss the application in detail.

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

That planning application no. **10/0018/PT** be refused for the reasons 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 refusing planning permission.

Resolved

That planning application no. **10/0018/PT** be refused for the reasons as set out in the report now submitted.

2356/10 **Item No. 3 – 09/1823/FL – proposed materials recycling facility at adjacent to Ibstock Brick, Brickyard Road, Aldridge, Walsall**

Resolved

That planning application **09/1823/FL** be approved subject to the conditions as contained in the report now submitted.

2357/10 **Item No. 4 – 09/1692/OL – outline for the erection of 20 x 2 bed apartments within a 3 storey block. Access, appearance, layout and scale to be considered at 123 Walsall Road, Walsall Wood, Walsall, WS9 9AH**

Resolved

That planning application **09/1692/OL** be approved subject to the conditions as contained in the report now submitted.

2358/10 **Item No. 5 – 09/1772/FL – proposed power access and hire equipment depot at Willenhall Road, Darlaston**

Resolved

That planning application **09/1772/FL** be approved subject to the conditions as contained in the report now submitted.

2359/10 **Item No. 6 – 09/0756/FL – erection of 4,018 square metre office building together with associated public realm, landscaping and car parking. Access from Hatherton Street and Teddesley Street (part of Walsall Gigaport) at Land at Littleton Street East / Hatherton Street / Teddesley Street, Walsall**

Councillor Bott having declared a prejudicial interest in this item left the room during deliberation and did not take part or vote.

Members noted the additional information as contained within the supplementary paper circulated at the meeting, and discussed the issues.

Resolved

That planning application **09/0756/FL** be approved subject only to the conditions as contained in the report now submitted.

2360/10 **Item No 7 – 09/1171/FL – demolition of bungalow and construction of new house at 117 Whetstone Lane, Aldridge, Walsall**

Resolved

That planning application **09/1171/FL** be approved subject to the conditions as contained in the report now submitted.

2361/10 **Item No 11 – 09/1718/FL – retrospective permission for conservatory at 83 Fallowfield Road, Walsall**

Councillor Bird having declared a prejudicial interest in this item left the room during deliberation and did not take part or vote.

Resolved

That planning application **09/1718/FL** be approved subject to the conditions as contained in the report now submitted.

2362/10 **Item No 12 – 09/1734/FL – garage conversion to study, provide attached garage to side of dwelling at 14 Leafy Glade, Streetly, Sutton Coldfield**

Resolved

That planning application **09/1734/FL** be approved subject to the conditions as contained in the report now submitted.

2363/10 **Item No 13 – 10/0023/FL – erection of single storey side extension to replace existing garage and utility area at 12 The Walmers, Aldridge, Walsall**

Resolved

That planning application **10/0023/FL** be approved subject to the conditions as contained in the report now submitted.

2364/10 **Item No 14 – 08/1864/LP – certificate of lawful proposed use / development: use of any building within the site for the sale of clothing and footwear (fashion) at Reedswood Retail Park, Reedswood Way, Walsall**

Resolved

That planning application **08/1864/LP** for a lawful development certificate be refused for the reasons set out in the report now submitted.

Termination of meeting

There being no further business the meeting terminated at 8.50 p.m.

Signed:

Date: