

DEVELOPMENT CONTROL COMMITTEE

Tuesday 21 November 2006 at 6.00 p.m.

In the Council Chamber at the Council House Walsall

Present

Councillor Mike Bird (Chairman)
Councillor Leslie Beeley (Vice-Chairman)
Councillor Dennis Anson
Councillor Mohammed Arif
Councillor Arthur Bentley
Councillor Rose Burley
Councillor Brian Douglas-Maul
Councillor Anthony Harris
Councillor Jon Phillips
Councillor Rob Robinson
Councillor John Rochelle
Councillor David Turner
Councillor Angela Underhill
Councillor Mohammad Yasin

1237/06 Apologies

Apologies for non-attendance were submitted on behalf of Councillors Clive Ault, John Cook, Bill Madeley and Zahid Ali.

1238/06 Minutes

Resolved

That the minutes of the meeting held on 31 October and 9 November, 2006, copies having been previously circulated to each member of the Committee, be approved and signed by the Chairman as correct records, subject to Councillor Micklewright being included in the list of those present at the meeting held on 31 October 2006.

1239/06 Declarations of Interest

No matters of interest were declared.

1240/06 **Deputations and Petitions**

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

1241/06 **Late Items**

There were no late items.

1242/06 **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.

1243/06 **Change in the Order of Business**

The Chairman requested the Committee's approval to change the order of business to consider agenda item 7 –planning appeal in respect of planning application no. 04/2276/WA/M1 – Highfields South Quarry, Lichfield Road, Shelfield, prior to item 6.

Resolved (Unanimously)

That the order of business be amended to consider item 7 before 6.

1244/06 **Planning appeal in respect of planning application no. 04/2276/WA/M1 Highfield South Quarry, Lichfield Road, Shelfield**

The Committee received a presentation from Jenny Doyle, a representative of Cory.

The Planning Officer then provided the background to the report

There then followed a period of questioning by Members in relation to the length of time it would take to fill-in the site and any problems that may occur with lorries entering and egressing the site.

In response to a question regarding on-going costs of running the open space once it was completed, it was reported that the land would remain in the ownership of the quarry and that financial provision for provision for the long-term would be provided.

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

- (1) That the Planning Inspectorate be advised that the Council would support the grant of permission, subject to appropriate conditions to ensure there is no significant period of concurrent waste disposal at Vigo-Utopia and Highfields Quarry and that operations continue within a defined timescale in an environmentally acceptable way to secure early restoration of the quarry in accordance with the adopted planning policies of the Council;
- (2) That authority be delegated to Officers to negotiate planning conditions and approve the application if returned to them by the Secretary of State.

Resolved (Unanimously)

- (1) That the Planning Inspectorate be advised that the Council would support the grant of permission, subject to appropriate conditions to ensure there is no significant period of concurrent waste disposal at Vigo-Utopia and Highfields Quarry and that operations continue within a defined timescale in an environmentally acceptable way to secure early restoration of the quarry in accordance with the adopted planning policies of the Council;
- (2) That authority be delegated to Officers to negotiate planning conditions and approve the application if returned to them by the Secretary of State.

1245/06 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.

1246/06 **Item No. 1 - 06/1673/FL/E11 – Retrospective: Retention of replacement agricultural building at Brewers Farm, Brewers Drive, Pelsall – Mr. and Mrs. R. Parker**

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

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

Mr. Parker thanked the Committee for allowing him to speak and also thanked the Planning Department for the help and assistance he had received to date. He stated that the shed was erected in innocence as he thought he didn't require planning permission due to it being a replacement of an old shed. An industrial mower and trailer for a tractor were stored in the shed and he intended to plough the land and devote his time to agriculture. He further stated that planting of trees had begun around the building to disguise it. Mr. Parker agreed to allow the hardcore strip to grass over and paint the building if it helped. He stressed that the building was solely for agricultural use and a tractor had been ordered which would also be stored within the shed. The old sheds were replaced due to them being in a bad state of repair and letters of support had been received from neighbours.

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

Mr. Timothy explained that the greenhouse present on the site had been there for more than four years and so was not subject to building enforcement. He further explained that the replacement building was slightly taller than the original building. However, there was a net loss overall as other buildings had been removed and not replaced. He further stated that they would willingly paint the building and provide further landscaping to soften the impact of the building on the surrounding area.

The Committee then welcomed the third speaker, Councillor Garry Perry, who wished to speak in support of the application.

Councillor Perry stated that it was his belief that they intended to use the land for agriculture and that the replacement building looked much better than those it replaced. He explained the site had previously suffered from anti-social behaviour and the new buildings were more secure. He further stated that the land was well received by neighbours.

The Committee then welcomed the fourth speaker on this application, Councillor Marco Longhi, who wished to speak in support of the application.

Councillor Longhi stated that this was a case of Councillors using a common sense approach. The industrial appearance of the shed was much similar to other modern agricultural buildings and an improvement on the derelict buildings there before.

There then followed a period of questioning by Members in respect of the buildings that were there prior to the new structure, possible colour and screening options to disguise the impact of the building on surrounding properties and the proposed usage for the building and surrounding land.

The Committee then proceeded to discuss the application in detail.

Members considered the application and it was **moved** and duly **seconded** **contrary to Officers'** recommendations:-

That the application be approved, **contrary to Officers'** recommendations, for the following reasons:-

The application be approved as the proposed development would not constitute inappropriate development in the Green Belt due to the existing agricultural use and that it is not detrimental to the immediate area, subject to the usage remaining agricultural, a more extensive planting scheme and the building being painted an appropriate colour, as agreed by Officers.

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

Resolved (Unanimously)

That the application be approved, **contrary to Officers'** recommendations, for the following reasons:-

The application be approved as the proposed development would not constitute inappropriate development in the Green Belt due to the existing agricultural use and that it isn't detrimental to the immediate area and subject to the usage remaining agricultural and more extension planting scheme, the building being painted an appropriate colour as agreed by Officers prior to work being undertaken.

Councillor Yasin joined the meeting during consideration of this application and did not vote

1247/06 **Item No. 5 – 06/1425/FL/W2 – Construction of 8 bed residential care home for young adults with learning disabilities including parking on land adjacent 38 Rowland Street, Walsall – Milbury Care Services**

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

The Committee then welcomed Ann Goodridge, who wished to speak in support of the application.

Ann stated that the building would be built on land currently largely unused and used as permanent residential accommodation for those with a learning or physical incapacity. The project was registered with CSCI and Milbury Care Services was an experienced provider. The site was chosen following success in other areas and Ann assured Members that any concerns over parking would be addressed. Milbury Care Services had vast experience providing such buildings and they knew how many parking spaces would be needed to provide for both staff and visitors. In closing, Ann stated that, during development, they would be courteous to surrounding properties as they would be neighbours for a long time. They would take residents' concerns on board and seek to address them.

There then followed a period of questioning by Councillors in respect of car parking provision and the type of service provided..

The Committee proceeded to discuss the application in detail.

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

That planning application no. 06/1425/FL/W2 be approved, subject to the conditions as contained in the report now submitted.

The motion, having been put to the vote, was declared **carried unanimously**.

Resolved

That planning application no. 06/1425/FL/W2 be approved, subject to the conditions as contained in the report now submitted.

1248/06 **Item No. 12 – 06/1727/FL/E11 – Erection of a two-storey three bedroom detached dwelling on land adjacent to 31 Simmonds Way, Walsall – Bains Builders and Renovators**

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

The Committee then welcomed Councillor Sears, who wished to speak against this application.

Councillor Sears stated that 2 previous applications had been rejected on the grounds of over-development. He explained that the first 2 applications were for 4 bedroom houses. He noted that the application was for a 3 bedroom house, but the foot-print remained the same. The site was deficient in car parking spaces and he questioned how the requirements for the occupants to park solely in the garages could be enforced. He asked the Committee to reject on the grounds of road safety.

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. 06/1727/FL/E11 be approved, subject to conditions as contained in the report now submitted.

The motion, having been put to the vote, was declared **tied**; with 5 Members voting in favour of approval and 5 against. In this instance, the Chairman exercised his casting vote in favour of the application.

Resolved

That planning application no. 06/1727FL/E11 be approved, subject to conditions as contained in the report now submitted.

1249/06 **Item No. 13 – 06/1674/FL/W2 – Additional partial top floor consisting of 6 no. 1 bed dwellings and associated 6 no. car parking spaces to previously approved scheme (block 3 – reference 04/1349/FL/W7) at Smiths Flour Mills, Wolverhampton Road, Walsall – GR8 Space Limited**

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

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

Councillor Wilkes stated that he objected to the scheme as it was already an over-development in its existing form. A further 6 units would make the proposal even worse. If the proposed 6 no. 1 bed dwellings had been included in the original proposals, they would not have been acceptable. He further stated that the properties would be too close to other buildings, such as the foundry, and would exacerbate on-street parking.

The Committee then welcomed the second speaker on this application, Sue Churchill, who wished to speak in support of the application.

Sue stated that this would be the final application for the site. The 6 no. 1 bed apartments would have 100% parking. She further stated that the accommodation would be compact and extremely affordable for first time buyers. If approved, further enhancements to the site would be provided, such as external lighting and bold graphics. The result, if approved, would be sustainable and high quality housing on a brownfield site with no detrimental impact on neighbours.

There then followed a period of questioning by Members in relation to emissions from nearby foundry, height of the chimney of the foundry and the density of the site.

The Committee proceeded to discuss the application in detail.

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

That planning application no. 06/1674/FL/W2 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 7 Members voting in favour of approval and 1 against.

Resolved

That planning application no. 06/1674/FL/W2 be approved, subject to the conditions as contained the report now submitted.

1250/06 **Item No. 2 – 06/1575/OL/E12 – Outline: redevelopment of used car establishment by the erection of 20 no. apartments (details to include siting, design and means of access) at land at corner of Bloxwich Road/Blakenall Lane, Bloxwich, Walsall – Mr. A. Singh**

Resolved (Unanimously)

That planning application no. 06/1575/OL/E12 be approved, subject to conditions contained in the report and supplementary paper now submitted.

1251/06 **Item No. 3 – 06/1615/FL/E9 – Redevelopment for residential purposes comprising of 9 x 2 bed and 1 x3 bed apartments with 15 landscaping spaces and associated landscaping at Midland Properties, Reeves Street, Walsall –
Midland Properties Limited**

Resolved (Unanimously)

That planning application no. 06/1615/FL/E9 be approved, subject to conditions contained in the report and a planning obligation.

1252/06 **Item No. 4 – 05/2394/FL/E3 – Demolition of no. 24 New Road and erection of 8 residential dwellings and new access at land rear of 18-24 New Road, Brownhills –
Regal Executive Homes**

Resolved (Unanimously)

That planning application no. 06/1575/OL/E12 be approved, subject to conditions contained in the report and supplementary paper now submitted.

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

1253/06 **Item No. 6 – 06/1715/FL/E11 – Replacement of existing 15m high T-Mobile mast with new 20m monopole to allow site sharing with 02, to include 2 x 600mm transmission dishes, 1 x 150mm transmission dish, 6 T-Mobile antennae and 3 x 2200mm antennae, plus associated equipment cabinets, at H. Mason Limited, Northgate, Aldridge, Walsall –
T-Mobile**

Resolved (Unanimously)

That planning application no. 06/1715/FL/E11 be approved, subject to conditions as contained in the report now submitted.

1254/06 **Item No. 7 – 06/1216/FL/E6 – Replacement and repositioning of existing boundary fence and creation of new access path at St. Thomas of Canterbury School, Dartmouth Avenue, Walsall –
St. Thomas of Canterbury School**

Resolved (Unanimously)

That planning application no. 06/1216/FL/E6 be approved, subject to conditions as contained in the report now submitted.

1255/06 Item No. 8 – 06/1756/FL/W6 – Change of use of office premises to Vegetarian Restaurant and extraction flue to rear. Hours of operation Monday to Saturday 12.00 midday-10.30p.m. at 250 Wednesbury Road, Walsall – Mr. J. Parekh

Resolved (Unanimously)

That planning application no. 06/1756/FL/W6 be approved, subject to conditions as contained in the report now submitted.

1256/06 Item No. 9 – 06/1695/FL/W6 – Change of use from shop (A1) to hot food take-away (A5) at 3 Hawes Close, Walsall – Michael Minase

Resolved (Unanimously)

That planning application no. 06/1695/FL/W6 be approved, subject to conditions as contained in the report and supplementary paper now submitted.

1257/06 Item No. 10 – 06/1739/RM/E6 – Reserve Matters: Construction of 1 no. detached dwelling at 27 Woodlands Avenue, Walsall – Mr. R. Singh-Gill

Resolved (Unanimously)

That planning application no. 06/1739/RM/E6 be approved, subject to conditions as contained in the report and supplementary paper now submitted.

1258/06 Item No. 11 – 06/1561/FL/H2 – Conservatory at 51 Allerdale Road, Clayhanger, Walsall – Mr. and Mrs. Surrell

Resolved (Unanimously)

That planning application no. 06/1561/FL/H2 be approved, subject to conditions as contained in the report now submitted.

1259/06 Development Control Performance Update Report

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

(see annexed)

Councillors thanked Officers for their hard work to date.

Resolved

That the Development Control Performance Update report be noted.

1260/06 Late Item

**Tree Preservation Order No. 23 of 2006
Re: Land at Park Road, Willenhall, Walsall**

The report of the Head of Environmental Regeneration was submitted:-

(see annexed)

Resolved

- (1) That Tree Preservation Order No. 23 of 2006 be confirmed in a modified form as detailed in the report now submitted;
- (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 noted that 11 representations had been received in respect of the Tree Preservation Order.

Termination of Meeting

The meeting terminate at 8.05 p.m.

Chairman:

Date: