

## **DEVELOPMENT CONTROL COMMITTEE**

**Tuesday, 11<sup>th</sup> March, 2008 at 5.30 p.m.**

**In the Council Chamber at the Council House Walsall**

### **Present**

Councillor Bird (Chairman)  
Councillor Beeley (Vice-Chairman)  
Councillor Anson  
Councillor Ault  
Councillor P. Bott  
Councillor Douglas-Maul  
Councillor Madeley  
Councillor McCracken (arrived at 5.45 p.m.)  
Councillor Micklewright  
Councillor J. Phillips  
Councillor Rochelle  
Councillor Sanders  
Councillor D.A. Shires  
Councillor Turner  
Councillor Underhill  
Councillor Yasin

### **1695/08 Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Flower, Harrison, P. Hughes and Young.

### **1696/08 Minutes**

#### **Resolved**

That the minutes of the meeting held on 19<sup>th</sup> February, 2008, a copy having been previously circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

1697/08 **Declarations of Interest**

Councillor Bott declared:-

A prejudicial interest in Item 8 of the Plans List relating to land between 38 and 39 Rough Hay Road, Darlaston

A prejudicial interest in Item 9 of the Plans List relating to the former filling station, Moxley, Walsall

Councillor Douglas-Maul declared:-

A prejudicial interest in Item 1 of the Plans List relating to land to the rear of Lichfield Road, Rushall, Walsall.

1698/08 **Deputations and Petitions**

No deputations or petitions were received.

1699/08 **Confirmation of Tree Preservation Order 37 of 2007 - Land between 41 and 46 Pear Tree Lane, Brownhills**

**Resolved**

- (1) That the Walsall Tree Preservation Order No. 37 of 2007 be confirmed in an unmodified form;
- (2) That the reason for making the Tree Preservation Order, as set out in the report now submitted, be supported;
- (3) That it be noted that no representations had been received in respect of this Tree Preservation Order.

1700/08 **Confirmation of Tree Preservation Order 40 of 2007 - Land at Forest Gate, New Invention, Walsall**

**Resolved**

- (1) That the Walsall Tree Preservation Order No. 40 of 2007 be confirmed in an unmodified form;
- (2) That the reason for making the Tree Preservation Order, as set out in the report now submitted, be supported;
- (3) That it be noted that no representations had been received in respect of this Tree Preservation Order.

**1701/08 Confirmation of Tree Preservation Order 41 of 2007 - Land at 31 Birmingham Street, Willenhall**

**Resolved**

- (1) That the Walsall Tree Preservation Order No. 41 of 2007 be confirmed in a modified form;
- (2) That the reason for making the Tree Preservation Order, as set out in the report now submitted, be supported;
- (3) That it be noted that no representations had been received in respect of this Tree Preservation Order.

**1702/08 Confirmation of Tree Preservation Order 42 of 2007 - Land at 6 Belvidere Road, Walsall**

**Resolved**

- (1) That the Walsall Tree Preservation Order No. 42 of 2007 be confirmed in an unmodified form;
- (2) That the reason for making the Tree Preservation Order, as set out in the report now submitted, be supported;
- (3) That it be noted that no representations had been received in respect of this Tree Preservation Order.

**1703/08 Confirmation of Tree Preservation Order 50 of 2007 - The Hawthorns, Highgate Drive, Walsall**

**Revocation of Tree Preservation Order 4 of 1972 - The Hawthorns, Highgate Drive, Walsall**

**Resolved**

- (1) That the Walsall Tree Preservation Order No. 50 of 2007 be confirmed in a modified form;
- (2) That the reason for making the Tree Preservation Order, as set out in the report now submitted, be supported;
- (3) That it be noted that no representations had been received in respect of this Tree Preservation Order;

- (4) That Tree Preservation Order No. 4 of 1972 be revoked.

1704/08 **Making of Tree Preservation Order No. 5 of 2008 - Land to the rear of 38 and 39 Rough Hay Road**

**Resolved**

- (1) That the making of Walsall Tree Preservation Order No. 5 of 2008 be authorised;
- (2) That the reason for making the Tree Preservation Order, as set out in the report now submitted, be supported.

1705/08 **Conservation Area Appraisals for Pelsall Common, Old Pelsall, Willenhall, Bridge Street and Lichfield Street Conservation Areas**

The Committee received a presentation seeking approval of the Conservation Area appraisals for Pelsall Common, Old Pelsall, Willenhall, Bridge Street and Lichfield Street.

**Resolved**

That the contents of the following Conservation Area appraisals be approved as a formal Council document to be used as a material planning consideration:-

- (i) Pelsall Common Conservation Area
- (ii) Old Pelsall Conservation Area
- (iii) Willenhall Conservation Area
- (iv) Bridge Street Conservation Area
- (v) Lichfield Street Conservation Area

1706/08 **Draft Supplementary Planning Document (SPD) for Affordable Housing**

The Committee received a report on the Draft Supplementary Planning Document (SPD) for Affordable Housing:-

(see annexed)

**Resolved**

- (1) That the report be noted;

- (2) That Cabinet be requested to adopt the Supplementary Planning Document for Affordable Housing.

**1707/08 Development Control Performance Update Report**

The Committee received a report on the latest performance and outcomes regarding development control matters:-

(see annexed)

**Resolved**

That the report be noted.

**1708/08 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.

**1709/08 Declarations of Interest**

There were no further declarations of interest declared.

**1710/08 Item No. 1 - 07/2731/FL/E11 - Demolition of Nos. 215 and 217 Lichfield Road and erection of 21 new dwellings, including access road and associated works at land to the rear of 201 - 217 Lichfield Road, Rushall, Walsall**

The Planning Officer advised the Committee of the background to the report and drew Members attention to the supplementary papers circulated at the meeting.

The Committee then welcomed the first speaker on this item, Mrs. Hay, who wished to speak in objection to the application.

The Committee then welcomed the second speaker on this item, Mrs. Cotton, who wished to speak in objection to the application.

The Committee then welcomed the third speaker on this item, Mr. Onions, who wished to speak in support of the application.

There then followed a period of questioning by Members in relation to the height of the apartment block, parking standards and the impact on existing residents should the application be approved.

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

That planning application No. 07/2731/FL/E11 be approved, subject to the conditions as contained in the report now submitted and the planning obligation.

The motion having been put to the vote, was declared **carried**, with eight Members voting in favour and five against.

### **Resolved**

That planning application No. 07/2731/FL/E11 be approved, subject to the conditions as contained in the report now submitted and the planning obligation.

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

***Councillor Douglas-Maul, having declared a prejudicial interest, left the room and did not vote.***

### 1711/08 **Item No. 2 - 07/1362/FL/W2 - Erection of 102 dwellings and associated infra-structure, including a balancing pond at former Deeleys Castings, Leamore Lane, Bloxwich, Walsall**

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

The Committee then welcomed representatives of the developer who were present to answer any questions.

There then followed a period of questioning by Members in relation to canal improvements, education provision, traffic matters, the use of a balancing pond and proposed boundary treatments.

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

That planning application No. 07/1362/FL/W2 be approved, subject to the conditions as contained in the report now submitted and a planning obligation.

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. 07/1362/FL/W2 be approved, subject to the conditions as contained in the report now submitted and a planning obligation.

1712/08 **Item No. 11 - 07/2684/FL/H5 - Change of use from managed landscape area to private garden land to be included in Plot Numbers 94 and 171 (6 and 37 Field Maple Road) and associated boundary fencing at land adjacent to Plots 94 and 171, Poets Wood Estate, Aldridge Road, Walsall**

The Planning Officer advised the Committee of the background to the report and drew Members attention to the supplementary papers circulated at the meeting.

The Committee then welcomed the first speaker on this item, Mrs. Rook, who wished to speak in objection to the application.

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

There then followed a period of questioning by Members in relation to the loss of public amenity space.

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

That planning application No. 07/2684/FL/H5 be refused as the development would be an unacceptable intrusion into the amenity area which contained protected trees and would be detrimental to the visual amenity of the area, arising from fencing and the use of the land.

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

### **Resolved**

That planning application No. 07/2684/FL/H5 be refused as the development would be an unacceptable intrusion into the amenity area which contained protected trees and would be detrimental to the visual amenity of the area, arising from fencing and the use of the land.

1713/08 **Item No. 12 - 07/2549/FL/H5 - Two storey side and single storey front and rear extension at 76 Bescot Crescent, Walsall**

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

The Committee then welcomed Mr. Hussain who wished to speak in support of the application.

There then followed a period of questioning by Members in relation to the proximity of the tree to the property and any impact an extension would have on the health of the tree.

It was confirmed that the correct procedures had been followed by the Authority in protecting the trees by way of a Tree Preservation Order.

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

That planning application No. 07/2549/FL/H5 be approved, subject to a Section 106 agreement to ensure the applicants undertake crown uplift and replace the tree if it dies within 5 years of the work being completed as it is considered that the construction can be carried out with mitigation measures.

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. 07/2549/FL/H5 be approved, subject to a Section 106 agreement to ensure the applicants undertake crown uplift and replace the tree if it dies within 5 years of the work being completed as it is considered that the construction can be carried out with mitigation measures.

1714/08 **Item No. 13 - 07/2175/FL/E9 - Erection of 2 no. 3 bed houses at adjacent 12 Grange Avenue, Walsall**

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

The Committee then welcomed the first speaker on this item, Mr. Raybould, who wished to speak in objection to the application.

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

The Chairman explained that as the application had been previously refused, the debate should be focussed on whether these were reasons for refusal had been addressed in the application.

There then followed a period of questioning by Members in relation to the ownership of the land, highway safety and removal of trees.

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

That planning application No. 07/2175/FL/E9 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 nine Members voting in favour and six against.

#### **Resolved**

That planning application No. 07/2175/FL/E9 be approved, subject to the conditions as contained in the report now submitted.

#### 1715/08 **Item No. 14 - 07/2705/FL/H3 - Part two storey, part single storey side and rear extension at 2 Hillbury Drive, Willenhall**

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

The Committee then welcomed Mrs. Lloyd who wished to speak in objection to the application.

There then followed a period of questioning by Members in relation to the 45 degree rule and possible loss of light to the adjoining property.

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

That planning application No. 07/2705/FL/H3 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 six Members voting in favour and five against.

#### **Resolved**

That planning application No. 07/2705/FL/H3 be approved, subject to the conditions as contained in the report now submitted.

***Councillor Turner having left the room, did not take part or vote in this matter.***

1716/08 **Item No. 3 - 07/2730/FL/W7 - Demolition of existing warehouse and erection of residential block of 60 flats and 2 A3/A4 units on basement ground and mezzanine floor. (Re-submission of 06/1986/FL/W7) at William House, Marsh Lane, Walsall**

**Resolved** (Unanimously)

That planning application No. 07/2730/FL/W7 be approved, subject to the conditions as contained in the report now submitted.

1717/08 **Item No. 4 - 07/2759/OL/W6 - Outline redevelopment and extension of school (masterplan) at Joseph Leckie Community Technology College, Walstead Road West, Walsall**

**Resolved** (Unanimously)

That planning application No. 07/2759/OL/W6 be approved, subject to the conditions as contained in the report and supplementary paper now submitted, the resolution of the objection from the Environment Agency and subject to no objection being received from Sports England.

1718/08 **Item No. 5 - 07/2733/FL/W6 - New classroom block and extension of school site at Joseph Leckie Community Technology College, Walstead Road West, Walsall**

**Resolved** (Unanimously)

That planning application No. 07/2733/FL/W6 be approved, subject to the conditions as contained in the report and supplementary paper now submitted, the resolution of the objection from the Environment Agency and subject to no objection being received from Sports England.

***Councillor Yasin left the meeting at this juncture and did not return.***

1719/08 **Item No. 6 - 07/2167/FL/E6 - Change of use, including minor extension to public house to form 12 residential apartments at Three Crowns Public House, Sutton Road, Walsall**

**Resolved** (Unanimously)

That planning application No. 07/2167/FL/E6 be approved, subject to the conditions as contained in the report now submitted and a planning obligation.

1720/08 **Item No. 7 - 08/0183/FL - Construction of 35 no. 2, 3 and 4 bedroom dwellings with associated parking at land adjacent Well Place and Barracks Close, Walsall**

**Resolved** (Unanimously)

That planning application No. 08/0183/FL be approved, subject to the conditions as contained in the report and supplementary paper now submitted and a planning obligation.

1721/08 **Item No. 8 - 07/2616/FL/W5 - Change of use to private garden on land between 38 and 39 Rough Hay Road, Darlaston**

**Resolved** (Unanimously)

That planning application No. 07/2616/FL/W5 be approved, subject to the conditions as contained in the report now submitted.

***Councillor Bott having declared a prejudicial interest in this application, left the meeting and did not vote.***

1722/08 **Item No. 9 - 08/0031/FL - Retrospective: Change of use from vacant petrol filling station to hand car wash at former filling station, 1A High Street, Moxley, Walsall**

**Resolved** (Unanimously)

That planning application No. 08/0031/FL be approved, subject to the conditions as contained in the report now submitted.

***Councillor Bott having declared a prejudicial interest in this application, left the meeting and did not vote.***

1723/08 **Item No. 10 - 08/0211/FL - Proposed 3 bed dwelling at land adjacent to 172 Clothier Street, including rear access to 172 and 173 Clothier Street at land adjacent to 172 Clothier Street, Willenhall, Walsall**

**Resolved** (Unanimously)

That planning application No. 08/0211/FL be approved, subject to the conditions as contained in the report and supplementary paper now submitted.

**Termination of meeting**

There being no further business the meeting terminated at 8.45 p.m. following an adjournment from 8.15 p.m. to 8.20 p.m.

Signed: .....

Date: .....