

## **DEVELOPMENT CONTROL COMMITTEE**

Monday, 11th January, 2010 at 6.00 pm  
in Committee Room 2, The Council House, Dudley

### **PRESENT:-**

Councillor Wright (Chairman)  
Councillor Banks (Vice-Chairman)  
Councillors Barlow, K Finch, J Martin, Southall, Mrs Turner and C Wilson.

### **OFFICERS:-**

Mr J Butler, Mr C Cheetham, Mr T Glews, Mr P Reed and Mrs S Willetts  
(Directorate of the Urban Environment); Mrs G Breakwell and Mrs M Johal  
(Directorate of Law, Property and Human Resources)

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#### 66                    **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were received on behalf of  
Councillors Mrs Roberts and Mrs Wilson.

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#### 67                    **APPOINTMENT OF SUBSTITUTE MEMBER**

It was reported that Councillor J Martin had been appointed as a substitute  
member for Councillor Mrs Wilson for this meeting only.

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#### 68                    **DECLARATIONS OF INTEREST**

Councillor C Wilson declared a personal and prejudicial interest in planning  
application number P09/1167 (1 Prospect Hill, Stourbridge) in view of his  
association with Oldswinford Hospital. Councillor C Wilson left the meeting  
during consideration of this application.

Councillor J Martin declared that he would withdraw from the meeting  
during the consideration of planning application number P09/1133  
(Midterm Laser, Albion Works, Peartree Lane, Dudley) as he had made  
comments about the application. Councillor J Martin left the meeting during  
consideration of this application.

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#### 69                    **MINUTES**

RESOLVED

That the minutes of the meeting of the Committee held on 14<sup>th</sup> December, 2009, be approved as a correct record and signed.

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70

#### SITE VISIT

Plan No P09/1215 – Gable End, Quarry Park Road, Stourbridge – Revision of Planning Permission Approval P07/1803 to House Type on Plot 1 with Revised Garage Design and Repositioning of Driveway

It was noted that the site visit scheduled to take place on Thursday, 10<sup>th</sup> December, 2009, by Members of the Committee had been postponed, due to inclement weather.

Decision: That consideration of this application be deferred pending a site visit to be held prior to the next meeting of the Committee.

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71

#### PLANS AND APPLICATIONS TO DEVELOP

A report of the Director of the Urban Environment was submitted on the following plans and applications to develop. In addition, where appropriate, details of the plans and applications were displayed by electronic means at the meeting. In addition to the report submitted, notes known as Pre-Committee notes had also been circulated updating certain of the information given in the report submitted. The content of the notes were taken into account in respect of the applications to which they referred.

The following persons referred to had indicated that they wished to speak at the meeting and, unless indicated, were in attendance at the meeting and spoke on the planning applications indicated:-

- (i) Plan No P09/1506 – Mr M Single – an agent/applicant
  - (ii) Plan No P09/1644 – Dr C Hodgkins – an objector and Mr Mark Wild – an agent/applicant
  - (iii) Plan No P09/1414 – Mr Ward – an objector and Ms Lorraine Price – an agent/applicant
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- (i) Plan No P09/1506 – Unit 3, Little Cottage Street, Brierley Hill – Change of Use from B8 to Martial Arts Centre (D2), New Glazed Entrance Doors with Access Ramp and Handrails and New Fire Escape
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The Committee noted the extensive information contained in the Pre-Committee notes and comments made by the agent/applicant. Concerns were expressed about the cost to the applicant to undertake a full Transport Assessment. In responding the Group Engineer (Development) indicated that a reduced Transport Assessment would be acceptable but pointed out that the applicant had not been receptive.

Arising from the representations made, Members commented on the application and indicated support for deferment of the application so that further negotiations could be carried out between the officers concerned and the applicant.

Decision: That consideration of the application be deferred to the next meeting of the Committee to enable negotiations to be entered into between the relevant officers and the applicant.

- (ii) Plan No P09/1644 – The Rectory, 17 Penzer Street, Kingswinford – Erection of Eco Vicarage (Resubmission of Withdrawn Application P09/0843)
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Decision: That consideration of this application be deferred pending a site visit to be held prior to the next meeting of the Committee.

- (iii) Plan No P09/1414 – 91 Grenville Road, Dudley – Two Storey Side Extension and Rear Conservatory (Resubmission of Refused Application P09/1005)
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Decision: That consideration of this application be deferred pending a site visit to be held prior to the next meeting of the Committee.

- (iv) Plan No P08/1189 – 5 Queens Gardens, Netherton – Demolition of Existing Dwelling and Erection of 3 No Dormer Bungalows with Detached Garage and Associated Parking
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Decision: Approved, subject to the following: -

- (1) The development shall not be commenced until a scheme for the submission and approval of a planning obligation to guarantee a sum for the provision, maintenance and enhancement of site public open space and play provision, library and transport improvements has been submitted to and agreed in writing by the Local Planning Authority.

- (2) The scheme shall include the method, timing and arrangements, including a means to guarantee a financial payment, increased through index linking from the first April of each subsequent year, in accordance with the Council's planning obligations policies.
- (3) Conditions numbered 1 to 12 (inclusive) as set out in the report submitted;

and that the Director of the Urban Environment be authorised to amend the foregoing conditions as necessary.

- (v) Plan No P09/1133 – Midtherm Laser, Albion Works, Peartree Lane, Dudley – Extension to Existing Industrial Unit and Associated Car Parking

A copy of Drawing No TMD/GBE/542 had been attached to the Pre-Committee notes.

Decision: Approved, subject to the following: -

- (1) The development shall not be commenced until a scheme for the submission and approval of a planning obligation to guarantee the provision of transport infrastructure improvements and management and monitoring charge has been submitted to and agreed in writing by the Local Planning Authority.
- (2) The scheme shall include the method, timing and arrangements, including a means to guarantee a financial payment, increased through index linking from the first April of each subsequent year, in accordance with the Council's planning obligations policies.
- (3) Conditions numbered 1 to 7 (inclusive) as set out in the report submitted;

and that the Director of the Urban Environment be authorised to amend the foregoing conditions as necessary.

- (4) That the applicants be invited to make an application to the Secretary of State for an Order under Section 247 of the Town and Country Planning Act 1990 to extinguish highway on the site, to allow development authorised by planning permission to take place in accordance with details shown on the accompanying Drawing No TMD/GBE/542.
- (vi) Plan No P09/1167 – 1 Prospect Hill, Stourbridge – Erection of 3 No Dwellings (Following Demolition of Existing House)

The Committee noted that condition, numbered 6 should be deleted as it repeated the condition, numbered 5.

Decision: Approved, subject to a Section 106 Agreement having been submitted to and agreed in writing by the Local Planning Authority, as indicated in the report submitted and, to conditions numbered 1 to 5 and 7 to 8 (inclusive), the deletion of the condition numbered 6, together with an additional condition, numbered 9, as follows:-

9. The windows to be installed in the east elevation of the development, except for the ground floor kitchen window, shall be obscure glazed and retained in perpetuity as such. Samples of the glazing to be used in this part of the development shall be submitted to the Local Planning Authority for approval prior to insertion.

- (vii) Plan No P09/1177 – 1 Mons Hill, Dudley – Demolition of Existing Workshop Buildings and Erection of 3 No Dwellings (Outline) (Access, Landscaping and Layout to be Considered) (Resubmission of Withdrawn Application P09/0565)
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Decision: Approved, subject to the following: -

- (1) The development shall not be commenced until a scheme for the submission and approval of a planning obligation to guarantee the open space, sport and recreation contribution, library contribution, public realm contribution and management and monitoring charge has been submitted to and agreed in writing by the Local Planning Authority.
- (2) The scheme shall include the method, timing and arrangements, including a means to guarantee a financial payment, increased through index linking from the first April of each subsequent year, in accordance with the Council's planning obligations policies.
- (3) Conditions numbered 1 to 12 and 14 to 17 (inclusive) as set out in the report submitted, together with an amended condition, numbered 13, and an additional condition, numbered 18, as follows:-
  13. The development hereby approved shall not be commenced until the dog kennels on the land within/adjoining the curtilage of 1 Mons Hill has ceased.

18. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed with the Local Planning Authority), has been submitted to and approved by the Local Planning Authority. Such a strategy shall facilitate the identification of ground gases and vapours that have the potential to pose a risk to human health and the wider environment. Where the investigations identify the presence of ground gases and vapours, development shall not begun until a scheme to protect the development from the effects of such gases and vapours has been submitted to and approved by the Local Planning Authority. Such a scheme shall: include provisions for validation monitoring and sampling; be implemented in accordance with the approved details before the development is first occupied; and be retained throughout the lifetime of the development.

and that the Director of the Urban Environment be authorised to amend the foregoing conditions as necessary.

- (viii) Plan No P09/1452 – Unit at Bath Street, Dudley – Change of Use of Vacant Children’s Play Area (D2) to B1, B2 and B8

Decision: Approved, subject to the following:-

- (1) The development not beginning until a scheme for the submission and approval of a planning obligation to guarantee the provision of transport infrastructure improvements and nature conservation enhancements and management and monitoring charge has been submitted to and agreed in writing by the Local Planning Authority.
- (2) The scheme shall include the method, timing and arrangements including a means to guarantee a financial payment, increased through index linking from the first April of each subsequent year, in accordance with the Council’s planning obligations policies.
- (3) Conditions numbered 1 to 9 (inclusive) as set out in the report submitted;

and that the Director of the Urban Environment be authorised to amend the foregoing conditions as necessary.

- (ix) Plan No P09/1472 – Holdens Brewery, George Street, Woodsetton, Dudley – Single Storey Front/Side Extension

Decision: Approved, subject to the following:-

- (1) The development shall not be commenced until a scheme for the submission and approval of a planning obligation to guarantee the transport infrastructure improvements and management and monitoring charge has been submitted to and agreed in writing by the Local Planning Authority.
- (2) The scheme shall include the method, timing and arrangements including a means to guarantee a financial payment, increased through index linking from the first April of each subsequent year, in accordance with the Council's planning obligations policies.
- (3) Conditions numbered 1 to 5 (inclusive) as set out in the report submitted;

and that the Director of the Urban Environment be authorised to amend the foregoing conditions as necessary.

- (x) Plan No P09/1527 – Lawson's Barbers, Barnett House, 21 Wordsley Green Shopping Centre, Wordsley, Stourbridge – Change of Use of Hairdressing Salon (A1) to Deli/Café (A3)

Decision: Approved, subject to the following:-

- (1) The development not commencing until a scheme for the submission and approval of a planning obligation to guarantee a contribution towards off-site transport infrastructure improvements and the Council's management and monitoring charge has been submitted to and agreed in writing by the Local Planning Authority.
- (2) The scheme shall include the method, timing and arrangements including a means to guarantee a financial payment, increased through index linking from the first April of each subsequent year, in accordance with the Council's planning obligations policies.
- (3) Conditions numbered 1 to 7 (inclusive) as set out in the report submitted, together with an additional condition, numbered 8, as follows:-
  8. Should cooking of food become an integral business activity, a revised scheme containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the Local Planning Authority. The works detailed in the

approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless otherwise agreed beforehand in writing with the Local Planning Authority.

and that the Director of the Urban Environment be authorised to amend the foregoing conditions as necessary.

- (xi) Plan No P09/1541 – The Manse, 29 Swan Street, Netherton, Dudley – Change of Use of Residential Dwelling (C3) to Residential Care Home (C2)
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Decision: Approved, subject to conditions numbered 1 to 3 (inclusive) as set out in the report submitted.

- (xii) Plan No P09/1547 – Sterling Ceramics, 350 Hagley Road, Halesowen – Change of Use of Ground Floor from Offices (B1) to Hairdressers (A1) with First Floor Rear Extension (Retrospective)
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The Committee noted that the first floor of the property had been confirmed to have previously existed as a flat and notwithstanding this issue, the formation of a flat above a shop was permitted development by virtue of Class F of The Town and Country Planning (General Permitted Development) Order 1995 as amended. Planning obligations arising from this development would therefore relate only to transport improvements and the management and monitoring charge.

Decision: Approved, subject to the following:-

- (1) The development shall not be commenced until a scheme for the submission and approval of a planning obligation to guarantee a sum for transport improvements and a management and monitoring charge has been submitted to and agreed in writing by the Local Planning Authority.
- (2) The scheme shall include the method, timing and arrangements including a means to guarantee a financial payment, increased through index linking from the first April of each subsequent year, in accordance with the Council's planning obligations policies.
- (3) Conditions numbered 1 and 3 to 5 (inclusive) as set out in the report submitted, together with a revised condition, numbered 2, as follows:-



2. The development not beginning until a scheme for the provision of transport improvements and the management and monitoring charge has been submitted to and approved in writing by the Local Planning Authority.

and that the Director of the Urban Environment be authorised to amend the foregoing conditions as necessary.

- (xiii) Plan No P09/1548 – Land Rear of 232-240 Hagley Road, Pedmore, Stourbridge – Substitution of House Types of Previously Approved Application P06/1924 and Minor Amendment to Private Access Road
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Decision: Approved, subject to conditions numbered 1 to 8 and 10 (inclusive) as set out in the report submitted, together with an amended condition, numbered 9, as follows:-

9. Prior to commencement of the development, a scheme for a continuous acoustic barrier constructed along the boundary of plots 1 and 2 and the railway line, of minimum height of 2 metres measured from the ground level of plot 1 and minimum surface density of 10kg/m<sup>2</sup> shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before first residential occupation. The barrier shall be retained throughout the life of the development.

- (xiv) Plan No P09/1565 – Lakeside Surgery, 3 Rannoch Close, Brierley Hill – Demolition of Existing Doctors Surgery and Erection of 1 No Dwelling (Resubmission of Refused Application P09/0730)
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Decision: Approved, subject to the following: -

- (1) The development shall not be commenced until a scheme for the submission and approval of a planning obligation to guarantee the open space sport and recreation, libraries, public realm, nature conservation and management and monitoring charge has been submitted to and agreed in writing by the Local Planning Authority.
- (2) The scheme shall include the method, timing and arrangements including a means to guarantee a financial payment, increased through index linking from the first April of each subsequent year, in accordance with the Council's planning obligations policies.
- (3) Conditions numbered 1 to 7 (inclusive) as set out in the report submitted;

and that the Director of the Urban Environment be authorised to amend the foregoing conditions as necessary.

- (xv) Plan No P09/1619 – Shop, 205 Priory Road, Dudley – Change of Use from Café (A3) to Hot Food Takeaway (A5) with Fume Extraction and Extended Hours (Resubmission of Approved Application P09/1619)
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Decision: Approved, subject to the following: -

- (1) The development shall not be commenced until a scheme for the submission and approval of a planning obligation to guarantee the payment of contributions towards transport infrastructure improvements and a management and monitoring charge has been submitted to and agreed in writing by the Local Planning Authority.
- (2) The scheme shall include the method, timing and arrangements including a means to guarantee a financial payment, increased through index linking from the first April of each subsequent year, in accordance with the Council's planning obligations policies.
- (3) Conditions numbered 1 to 4 (inclusive) as set out in the report submitted;

and that the Director of the Urban Environment be authorised to amend the foregoing conditions as necessary.

- (xvi) Plan No P09/1627 – Land at Worcester Lane, Opposite 20 Wimbledon Drive, Stourbridge – Prior Approval Under Part 24 of The Town and Country Planning (GPDO) for the Installation of a 12.5M High Monopole Supporting 6 Antennas and Radio Equipment at Ground Level
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Decision: Approved, subject to the condition numbered 1 as set out in the report submitted, together with an additional condition, numbered 2, as follows:-

2. The operation of fixed plant associated with the development shall not cause background noise levels at any nearby dwelling to be exceeded by a Noise Rating Level of more than 5 dB(A), as assessed under the methodology of BS 4142 (1997) (Method for rating industrial noise affecting mixed residential and industrial areas) and/or its subsequent amendment.

- (xvii) Plan No P09/1647 – 127 Barnett Lane, Kingswinford – Part Demolition of Existing Property and Erection of 1 No Dwelling
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Decision: Noted that the application was withdrawn from consideration.

- (xviii) Plan No P09/1337 – 116 Manor Abbey Road, Halesowen – Erection of Garage (Retrospective)
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Decision: That consideration of this application be deferred pending a site visit to be held prior to the next meeting of the Committee.

- (xix) Plan No P09/1413 – 47 Summercourt Drive, Kingswinford – Single Storey Front and Rear and Two Storey Side Extensions (Resubmission of Refused Application P09/0112)
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Decision: Approved, subject to conditions numbered 1 and 2 as set out in the report submitted.

- (xx) Plan No P09/1511 – 34 Lyndhurst Drive, Stourbridge – Two Storey Rear Extension
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Decision: Approved, subject to conditions numbered 1 and 2 as set out in the report submitted.

The meeting ended at 7.35 pm.

CHAIRMAN