

DEVELOPMENT CONTROL COMMITTEE

Monday 9th February, 2009 at 6.00 pm
in Committee Room 2, The Council House, Dudley

PRESENT: -

Councillor Wright (Chairman)
Councillor Banks (Vice Chairman)
Councillors Barlow, K. Finch, Martin, Roberts, Ryder, and Southall

OFFICERS: -

Mr J Butler, Mr C Cheetham, Mrs H Martin, Mr P Reed, Mr S Roach, and
Mrs S Willetts (Directorate of the Urban Environment); Mrs G Breakwell, and
Mrs L Jury (Directorate of Law and Property)

APOLOGIES FOR ABSENCE

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

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APPOINTMENT OF SUBSTITUTE MEMBERS

It was reported that Councillor Ryder had been appointed to substitute for
Councillor Mrs Turner and Councillor J Martin had been appointed to
substitute for Councillor Mrs Wilson, for this meeting only.

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DECLARATIONS OF INTEREST

Councillor Ryder declared a prejudicial interest in plan no. P08/1850 – Cross
Inn, Glasshouse Hill, Stourbridge – Erection of 2 no. marquees on car park
to provide temporary overspill accommodation for customers during special
events (retrospective) – in that he is the Chair of the Licensing Committee.

Councillor Southall declared a personal and prejudicial interest in plan no.
P08/1691 – Peters Hill Primary School, Peters Hill Road, Quarry Bank –
Construction of new Children's Centre and nursery building, extension of
existing car park, construction of new play areas, paths and nature area.
Erection of security fencing to enclose existing car park and site boundary.
Installation of external lighting – in that his son lives close to the site.

Councillor Wright declared a personal and prejudicial interest in plan no. P08/1564 – Land to rear of Middlepark Road, Dudley – Development of 132 retirement village units with associated communal facilities, car parking and new access arrangements – in that he is a tenant of the applicant, Midland Heart Developments Ltd.

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MINUTES

RESOLVED

That the Minutes of the meeting of the Committee held on 12th January, 2009, be approved as a correct record and signed.

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SITE VISIT

Consideration was given to the following planning application in respect of which a site visit had been made on Thursday, 29th January, 2009, by members of the Committee.

RESOLVED

- (1) Plan no. P08/1610 – 10 Wellington Road, Dudley – Change of use of land for the siting of a mobile catering trailer
(retrospective)
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Decision:

1. Refused, for the reason set out in the report of the Director of the Urban Environment.
 2. That enforcement action be authorised to secure the removal of the mobile catering trailer.
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CHANGE IN ORDER OF BUSINESS

Pursuant to Council Procedure Rule 13 (c) it was

RESOLVED

That planning applications numbered P08/0421, P08/1564, P08/1722, P08/1845 and P08/1850 be considered before the remaining items of business on the agenda.

PLANS AND APPLICATIONS TO DEVELOP

A report of the Director of the Urban Environment was submitted on the following plans and applications to develop. The 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 application indicated:

- (i) Plan no. P08/0421 – Rolling Mills site, Bradley Road, Stourbridge – Residential development of 86 dwellings and associated parking – Councillor Knowles as both an objector and Ward Member.
- (ii) Plan no. P08/1564 – Land to rear of Middlepark Road, Dudley – Development of 132 retirement village units with associated communal facilities, car parking and new access arrangements – Tina Boothroyd, an objector and Councillor M Davis, Ward Member speaking in support of the application, and Mr M Robson, agent/applicant.
- (iii) Plan no. P08/1722 – 108 Brettell Lane, Amblecote, Stourbridge – Sub-division of existing retail unit to two units. Single storey rear extension to provide office. Car park to rear to provide 3 no. vehicle spaces – Mr Chandler, an objector.
- (iv) Plan no. P08/1845 – Sutton School and Specialist College, Scotts Green Close, Dudley – Erection of a mobile office – Councillor M Davis, as both an objector and Ward Member.
- (v) Plan no. P08/1850 – Cross Inn, Glasshouse Hill, Stourbridge – Erection of 2 no. marquees on car park to provide temporary overspill and accommodation for customers during special events (retrospective) – Mr W Etheridge, agent/applicant.

RESOLVED

That the plans and applications be dealt with as follows:

- (i) Plan no. P08/0421 – Rolling Mills site, Bradley Road, Stourbridge – Residential development of 86 dwellings and associated parking

Decision: That had the Committee the authority to determine this application, permission would have been refused for the reason numbered 3, as set out in the report of the Director of the Urban Environment, together with the amended reasons, numbered 1 and 2, as follows:

- (1) The proposed canal side development fails to address the historic canal side positively because of a poor site layout which would result in unattractive views of the site from Canal Street, and is of an inappropriate scale in the context of existing nearby buildings on Canal Street. The development would therefore have a detrimental effect on the character of the Conservation Area and the setting of the listed buildings on Canal Street, contrary to Policies HE4, HE5, HE6 and HE7 of the Unitary Development Plan.
- (2) The ecological reports submitted by the applicant are out of date as, at the time of submission of the application, the field work contained within them was between three and four years old. In addition, no detailed information has been submitted to show how the proposed flood mitigation works for the site would affect nature conservation interests, including protected species, both on and off site. In the absence of any up to date information relating to ecological issues, it is considered that the effect of the development on wildlife species cannot be fully assessed as habitat and species distribution at and within the vicinity of the site may have changed in the intervening period, and relevant policy legislation and much best practice guidance on nature conservation issues has changed in the period of time between the field work and the submission of the planning application. As such the proposal conflicts with Policies DD10, NC5 and NC6 of the Unitary Development Plan, the Council's Nature Conservation SPD, and the advice given in PPS9.

- (ii) Plan no. P08/1564 – Land to rear of Middlepark Road, Dudley – Development of 132 retirement village units with associated communal facilities, car parking and new access arrangements
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(Having previously declared a personal and prejudicial interest Councillor Wright left the room during the consideration of this application).

Councillor Banks (Vice Chairman) (in the Chair)

Councillor Banks declared that as he knew Mrs Boothroyd through her work with Access in Dudley, he would abstain from voting on this application.

Decision: Approved, subject to the following:

- (1) The applicant entering into a Section 106 agreement for a contribution towards improvements to Open Space, Sport and Recreation, Transport Infrastructure Improvements, Ecological Mitigation and Public Realm being a total of £287,920.58, the preparation and implementation of a Landscape Management and Remediation Plan, measures to facilitate economic and community development, and the inclusion of an acceptable form of public art within the proposed development.
- (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 each subsequent year, in accordance with the Council's planning obligations policies.
- (3) In the event that the Section 106 agreement has not been completed within two months of the resolution to grant approval, the application will be refused if appropriate.
- (4) Conditions numbered 1 to 20 (inclusive) as set out in the report of the Director of the Urban Environment, together with an additional condition, numbered 21, as follows:
 21. Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of the existing and proposed levels between the built development and fenced boundaries within the north-western part of the site and the retained footpath as shown on Drawing No. B4548 PL 01 C. The scheme shall then be implemented in accordance with the approved plans.
- (5) that the Director of the Urban Environment be authorised to amend the foregoing conditions, as necessary.

(At the conclusion of this matter Councillor Wright resumed the Chair).

- (iii) Plan no. P08/1722 – 108 Brettell Lane, Amblecote, Stourbridge – Sub-division of existing retail unit to two units. Single storey rear extension to provide office. Car park to rear to provide 3 no. vehicle spaces
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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 an off site contribution towards transport infrastructure improvements has been submitted to and agreed in writing by the Local Planning Authority.
- (2) Conditions numbered 1 to 5 (inclusive) as set out in the report of the Director of the Urban Environment and that the Director of the Urban Environment be authorised to amend the foregoing conditions, as necessary.
- (iv) Plan no. P08/1845 – Sutton School and Specialist College, Scotts Green Close, Dudley – Erection of a mobile office.
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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 to address concerns raised by objectors.

- (v) Plan no. P08/1850 – Cross Inn, Glasshouse Hill, Stourbridge – Erection of 2 no. marquees on car park to provide temporary overspill and accommodation for customers during special events (retrospective)
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(Having previously declared a prejudicial interest Councillor Ryder left the room during consideration of this application).

1. Decision: Refused for the reasons numbered 1 to 2 as set out in the report of the Director of the Urban Environment, together with additional reasons, numbered 3 and 4, as follows:
3. The development has resulted in a significant shortfall in off street parking available at the site which has lead to an increase in on street parking creating a road safety hazard contrary to Policy DD6 (Access and Transport Infrastructure) of the Adopted Dudley Unitary Development Plan (2005).

4. No agreement has been made by the applicant/developer to a means to contribute towards transport infrastructure improvements. The Local Planning Authority is not satisfied that such necessary infrastructure improvements would be provided. The proposal is therefore considered to be contrary to Policies DD7 (Planning Obligations) of the adopted Dudley Unitary Development Plan (2005) and the adopted Planning Obligations Supplementary Planning Document.
2. That enforcement action be authorised as appropriate.
- (vi) Plan no. P08/1041 – 2 Coopers Bank Road, Lower Gornal – Demolition of existing dwellings and erection of 2 no. 4 bedroom detached dwellings

Decision: That the Director of the Urban Environment, in consultation with the Chairman of the Committee, be authorised to determine this application following referral of the matter to the Government Office for the West Midlands in view of the location of the site in the Green Belt.

- (vii) Plan no. P08/1618 – Land adjacent to 57 Eve Lane, Upper Gornal – Erection of 1 no. split level bungalow (resubmission of withdrawn application P08/1313)

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, maintenance and enhancement of off-site public open space sport and recreation improvements, libraries improvements, public realm and transport improvements has been submitted to and approved 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 each subsequent year, in accordance with the Council's planning obligations policies.

- (3) Conditions numbered 1 to 11 (inclusive) as set out in the report of the Director of the Urban Environment and that the Director of the Urban Environment be authorised to amend the foregoing conditions, as necessary.
- (vii) Plan no. P08/1660 – Broadway Hall of Residence, The Broadway, Dudley – Demolition of existing student hall of residence building and erection of nursing home with associated parking and landscaping
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Decision: Approved, subject to the following:

- (1) The development shall not be beginning until a scheme for the submission and approval of a planning obligation to guarantee the payment of £50,972.33 for transport infrastructure improvements as well as monitoring, management and implementation costs has been submitted to 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 each subsequent year, in accordance with the Council's planning obligations policies.
- (3) Conditions numbered 1 to 11 (inclusive), 13 and 14 as set out in the report of the Director of the Urban Environment, together with amended conditions, numbered 12 and 15, and additional conditions, numbered 16 and 17, as follows:
12. The building shall not be occupied until details have been submitted to and approved in writing showing how the parking and turning areas would be graded, levelled, surfaced, drained, and marked out as shown on Drawing No. AL(90)900 Rev F. The car park should include sustainable drainage techniques, shall not thereafter be used for any other purpose and shall be implemented in accordance with the approved details.

15. The building shall not be occupied until details have been submitted to and approved in writing of the four benches and Phoenix sculpture to be erected. The four benches and Phoenix sculpture shall then be erected on site in accordance with the approved plan (Drawing No. AL(9)900 Rev F) and the submitted details, prior to the first occupation of the building.
16. The development hereby approved shall accord with and be operated in accordance with the details submitted in the travel plan (reference 5208/SB/001/03), dated 20th January 2009 and approved by the Local Planning Authority and shall remain operational for the life of the development unless otherwise agreed in writing by the Local Planning Authority.
17. The development shall not begin until a scheme for the provision of off site transport infrastructure improvements has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the method, timing and arrangements to comply with the Council's policies for the provision of the infrastructure required in connection with the proposed development.

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

- (ix) Plan no. P08/1663 – Land South of Cottage Street, Brierley Hill – Development of new Further Education College with associated access, car park, including public library

Decision: Approved, subject to the applicant entering into an agreement Under Section 106 of the Town and Country Planning Act 1990 and a highways payment, in accordance with paragraph 84 of the report of the Director of the Urban Environment, to be agreed by the Head of Planning, and conditions numbered, 1 to 26 (inclusive) as set out in the report of the Director of the Urban Environment.

- (x) Plan no. P08/1691 – Peters Hill Primary School, Peters Hill Road, Quarry Bank – Construction of new Children's Centre and nursery building, extension of existing car park, construction of new play areas, paths and nature area. Erection of security fencing to enclose existing car park and site boundary. Installation of external lighting

(Having previously declared a personal and prejudicial interest Councillor Southall left the room during the consideration of this application).

Decision: Approved, subject to conditions numbered 1 to 7 (inclusive) as set out in the report of the Director of the Urban Environment.

- (xi) Plan no. P08/1852 – Mary Stevens Park, Worcester Lane, Stourbridge – Application under Section 73 for non-compliance with condition numbered 1 of planning approval P04/0191 to retain building until 31st March 2014

Decision: Approved, subject to the condition as set out in the report of the Director of the Urban Environment.

- (xii) Plan no. P08/1856 – 80 Coppice Lane, Quarry Bank, Dudley – Erection of a detached two bedroom bungalow (resubmission of refused application P08/1362)

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 a contribution of £4599.37 towards the provision of off site public open space and play area, 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 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 of the Director of the Urban Environment and that the Director of the Urban Environment be authorised to amend the foregoing conditions, as necessary.
- (xiii) Plan no. P08/1871 – Land adjacent to 16 Mullberry Green, Dudley – Erection of 2 no. two bedroom detached bungalows and erection of a detached garage
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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 payment of £12,163.67 for off site public open space/play provision and enhancement; library transport improvements and public realm as well as monitoring, management and implementation costs 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 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 of the Director of the Urban Environment and that the Director of the Urban Environment be authorised to amend the foregoing conditions, as necessary.
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ENFORCEMENT REPORT

A joint report of the Interim Director of Law and Property and the Director of the Urban Environment was submitted informing members of the legal position with regards to the building, know as 11 Anchor Hill, Brierley Hill, and it's residential use, having immunity from formal enforcement action, due to the time period that the building has been in place and the period of time the building has been used for residential purposes.

RESOLVED

That enforcement action be not authorised due to the time period that the building has been in place and the period of time the building has been used for residential purposes, in accordance with Planning Policy Guidance Note 18: 'Enforcing Planning Control'.

The meeting ended at 8.10pm

CHAIRMAN