

DEVELOPMENT CONTROL COMMITTEE

Monday 4th February 2008, at 6.00 pm
in Committee Room 2, The Council House, Dudley

PRESENT: -

Councillor Wright (Chairman)
Councillors Banks, Mrs Collins, G. Davies, K. Finch, Southall, Mrs Turner,
C. Wilson and Mrs Wilson.

OFFICERS: -

Mrs H. Brookes-Martin, Mr J. Butler, Mr C. Cheetham, Mr T. Glews and Mr
P. Reed (Directorate of the Urban Environment); Mrs G. Breakwell and Mr
R. Jewkes (Directorate of Law and Property).

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DECLARATIONS OF INTEREST

No Member declared an interest in accordance with the Members' Code of
Conduct in respect of any matter on the agenda for the meeting.

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MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 14th
January, 2008, be approved as a correct record and signed.

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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. In addition, a letter from Mr A. Denham, the agent/applicant in
respect of planning application P07/1478, was read out at the meeting
responding to the points raised previously by the objectors to that
application: -

- (i) P07/1478 – Councillor Miller, an objector and Ward Member.
- (ii) P07/1660 – Mrs Jewes, an objector.
- (iii) P07/2160 – Honourary Alderman J. Simpson, an objector.

- (iv) P07/2216 – Mr Hickman, an objector, and Councillor Miller, an objector and Ward Member.

RESOLVED

That the plans and applications be dealt with as follows: -

- (i) Plan No. P07/1478 – Mount Pleasant Inn, Cot Lane, Kingswinford – Erection of 2 houses and 1 bungalow with new access road and car parking to public house (resubmission of refused application P06/1824).
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Decision: Refused, for the following reason: -

It is considered that the siting and number of proposed dwellings on the Mount Pleasant P.H. car park would adversely impact upon residential amenity and result in insufficient parking facilities for the users of the public house. As such the proposed development is contrary to Policy DD4 of the adopted UDP (2005).

- (ii) Plan No. P07/1660 – Coppins, 105 Stream Road, Kingswinford – Single storey front extension to create an enlarged garage and first floor side extension to create en-suite bedroom (resubmission of previously refused application P06/1351).
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Decision: Refused, for the reasons set out in the report of the Director of the Urban Environment.

- (iii) Plan No. P07/2160 – Corbett Hospital, off Vicarage Road, Amblecote, Stourbridge – Reserved matters approval for erection of 83 dwellings (following outline approval P04/1865).
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Decision: Approved, subject to the following:

1. Conditions attached to outline approval P04/1865.
2. Conditions, numbered 1 to 4 (inclusive), as set out in the report of the Director of the Urban Environment, together with additional conditions, numbered 5 to 10, as follows: -
 5. No development shall take place until there has been submitted, and approved in writing by the local planning authority details of the tree protection measures on site. The details shall include:
 - a. A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.

- b. A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.
- c. A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected will be calculated in accordance with Clause 5.2 of British Standard BS: 5837 – 2005 “Trees in Relation to Construction – Recommendations”.
- d. Design details of the proposed protective barriers to be erected around the trees during development. Any protection barriers should be designed and constructed in accordance with the provisions set out in section 9.2 of British Standard BS:5837 –2005 “Trees in Relation to Construction – Recommendations”.

6. No development or other operations shall commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall include full detail of the following:

- Implementation, supervision and monitoring of the approved Tree Protection Plan.
- Implementation, supervision and monitoring of the approved Treework Specification.
- Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Plan.
- Timing and phasing of arboricultural works in relation to the approved development.

7. No development or other operations shall commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall commence on site until the approved tree felling and pruning works have been completed. All tree felling and pruning shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 (1989) Recommendations for Tree Work.

8. All the existing trees and hedges indicated on the approved drawings to be retained shall be protected by suitable fencing and at a suitable distance as outlined in BS:5837 – 2005 - “Trees in Relation to Construction“, or such alternatives as may be agreed in writing by the Local Planning Authority. Such fences shall be erected before any materials are brought onto site or development commences. No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence(s), nor shall any changes in ground level be made within the fence(s) unless previously agreed in writing by the Local Planning authority.

9. The existing trees shown on the approved plans to be retained shall not be damaged or destroyed, uprooted, felled, lopped or topped during the construction period of the development without prior written consent of the local planning authority. Any trees removed without such consent or dying or being seriously damaged or diseased during that period shall be replaced with healthy trees of such size and species as may be agreed in writing by the local planning authority.

10. No development shall take place until there has been submitted to and approved in writing by the local planning authority technical details of any proposed driveway / parking area within 3 metres of the outer canopy spread of any existing tree situated on or off the site. The details of the vehicular access and parking areas shall include existing and proposed ground levels, materials to be used and the relative time of construction within the whole development and must be in accordance with appropriate guidelines, namely BS 5837:2005 “Trees in Relation to Construction” and Arboricultural Advisory & Information Service Practice

Note “Driveways Close to Trees” (1996). Any driveway / parking areas within 3 metres of existing trees must be constructed using minimum excavation techniques incorporating appropriate surfaces to avoid damage to trees and to prevent any potential direct or indirect damage caused by trees; and

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

- (iv) Plan No. P07/2216 – Selwford, Broadfield Close, Kingswinford – Demolition of bungalow and erection of 3 detached dwellings (resubmission of withdrawn application P07/1274).

Decision: Refused, for the following reason: -

The proposed development by virtue of its excessive density, plot width and depth and the built form coming forward of the established building line would be detrimental to the character of the area appearing out of context with the design and layout of the existing development within the area contrary to Policy DD4 (Development in Residential Areas) of the Adopted Dudley Unitary Development Plan (2005).

- (v) Plan No. P07/1853 – 12 The Paddock, Coseley, Bilston – Creation of upper storey erection of external cavity wall and new roof to existing bungalow and single storey rear extension (resubmission of withdrawn application P07/1533).

Decision: Refused, for the reason set out in the report of the Director of the Urban Environment.

- (vi) Plan No. P07/1889 – Land adjacent to and including Osprey Fabrications Limited and Chris Sturges Plant Hire Limited, Lyde Green, Halesowen – Residential development of 18 one and two-bedroom apartments and 20 two and three-bedroom houses (resubmission of withdrawn application P07/0753).

Decision: 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, maintenance and enhancement of off site public open space and play provision, and affordable housing, has been submitted to and approved in writing by the Local Planning Authority.
2. Conditions, numbered 1 to 19 (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. P07/2100 – Ashton Lodge, Quarry Park Road, Stourbridge – Demolition of bungalow and garages and erection of 2 detached dwellings and garages (outline) (access and layout to be considered) (resubmission of withdrawn application P07/1532).

Decision: Refused, for the following reason: -

The development within the streetscene would appear as cramped and over-intensive relative to the width of the site to the detriment of the character and appearance of the surrounding area. As such it is contrary to Policy DD4 – Development in Residential Areas of the Adopted Dudley Unitary Development Plan (2005).

- (viii) Plan No. P07/2278 – 9 Platts Crescent, Stourbridge – Erection of detached garage.

Decision: Approved, subject to conditions numbered 1 to 3 (inclusive), as set out in the report of the Director of the Urban Environment.

- (ix) Plan No. P07/2288 – 9/10 Yates Lane, Rowley Regis – Demolition of existing buildings and erection of 8 two-bedroom apartments in two blocks (resubmission of withdrawn application P07/2054).

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 off-site public open space and play provision has been submitted to and agreed in writing by the Local Planning Authority.
2. Conditions numbered 1 to 13 (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.

A report of the Director of Law and Property was submitted on proposed amendments to the Members' Planning Code of Good Practice, as indicated in Appendix 1 to the report submitted. It was noted that the Council would consider the proposed revised Code, subject to the comments of the Committee, on 25th February, 2008.

In addition to the amendments to the Code proposed in the report, the Committee considered a further alteration on the advice of officers. This related to a long-standing practice within the Authority where when the Council was recommending the refusal of a planning application, the applicant was offered the opportunity to speak in defence of their application at a meeting of the Development Control Committee, irrespective of whether or not an objector wished to speak. It was reported that although this practice had been followed for many years, it had not been formalised in the Members' Planning Code of Good Practice. Therefore, Members were advised that unless the existing practice was to be discontinued, the Code would need to be amended to formalise the current arrangements.

RESOLVED

That, subject to the inclusion of reference to the right of applicants to speak at a meeting of Development Control Committee in defence of their application when refusal is being proposed, irrespective of whether or not an objector wishes to speak, as referred to above, the Council be recommended to approve the revised Members' Planning Code of Good Practice, as indicated in Appendix 1 to the report submitted.

The meeting ended at 7. 40pm

CHAIRMAN