

DEVELOPMENT CONTROL COMMITTEE

Monday 12th January, 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, Roberts, Southall, Mrs Turner, C Wilson, and
Mrs M Wilson.

OFFICERS: -

Mr J Butler, Mr C Cheetham, Mr T Glews, Mrs L Fawthrop, Mr M. Muston
and Mrs S Willetts (Directorate of the Urban Environment); Mrs G Breakwell,
and Mrs L Jury (Directorate of Law and Property)

61 **DECLARATIONS OF INTEREST**

No member made a declaration of interest in accordance with the Members' Code of Conduct in respect of any matter to be considered at this meeting.

62 **MINUTES**

RESOLVED

That the Minutes of the meeting of the Committee held on 15th December, 2008, be approved as a correct record and signed.

63 **SITE VISITS**

Consideration was given to the following planning applications in respect of which a site visit had been made on Thursday, 8th January, 2009, by members of the Committee.

RESOLVED

- (1) Plan No. P08/1381 – Land off Dreadnought Road, Pensnett Estate, Kingswinford – Temporary use of site as a park and ride car park for staff at Russells Hall Hospital during the hours of 07.00 to 19.00 on Mondays to Friday.

Decision: Approved, subject to conditions numbered 1 to 4 (inclusive), as set out in the report of the Director of the Urban Environment.

(Councillor Southall requested that his vote for refusal of the application be recorded.)

- (2) Plan No. P08/1603 – Kingswinford Public Library, 55 (and front garden of no. 59), Market Street, Kingswinford – Extension to library to provide Adult Learning Centre and formation of car park in front garden of 59 Market Street.

Decision: Approved, subject to

- (1) The agreed sum of £5372.32 for transport infrastructure improvements, required under the SPD, being transferred to the account for such contributions prior to commencement .
- (2) Conditions numbered 1 to 15 (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.

- (3) Plan No. P08/1608 – 43 Norton Crescent, Coseley – Erection of 1, three-bedroom end terraced dwelling (resubmission of withdrawn application no. P08/1231).
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Decision: Approved, subject to

(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 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), as set out in the report of the Director of the Urban Environment, together with the deletion of the conditions numbered 12 and 13;

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

PLANS AND APPLICATIONS TO DEVELOP

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

RESOLVED

That the plans and applications be dealt with as follows:

- (i) Plan no. P08/1409 – Halesowen College, Whittingham Road, Halesowen – Erection of 2, 2/3 storey education buildings (blocks 9, 10 and 11) phase 2 of the redevelopment of block “o” with associated parking and servicing, hard and soft landscape works and provision of an all weather multi games playing surface.

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 financial contribution for enhancement works to the adjoining SINC/SLINC 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 4 (inclusive) and 6 to 21 (inclusive), as set out in the report of the Director of the Urban Environment, together with an amended condition, numbered 5, as follows:

5. Prior to the commencement of development, a timetable for the laying out of the car parking areas shown on the approved layout plan, ensuring such areas are satisfactorily levelled, surfaced and drained, shall be submitted to, and agreed in writing by, the Local Planning Authority. The parking areas shall then be laid out in accordance with the approved timetable. Those areas shall not thereafter be used for any other purpose unless otherwise agreed in writing with the Local Planning Authority: and

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

- (ii) Plan no. P08/1441 – Tesco Superstore, Town Gate Retail Park, Birmingham Road, Dudley – Redevelopment of Town Gate Retail Park and replacement with new Tesco foodstore (A1) relocated petrol filling station. New access arrangements and access from Birmingham New Road and associated parking and landscaping.

Decision: Approved, subject to the following:

- (1) The applicant entering into a Section 106 Legal Agreement for a contribution to two New Showcase standard bus shelters (£25,000), Air Quality Monitoring (£67,225.61), Management and Monitoring Charge (£2,906.50), an employment compact to advertise any construction and operational vacancies, together with air quality improvement commitments.
- (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 33 (inclusive), as set out in the report of the Director of the Urban Environment, together with an additional condition, numbered 34, as follows:

34. The disabled drop off point as shown on the approved plan shall be made available as disabled parking for van sized vehicles. The allocated space shall be made available for the use at all times for disabled customers and shall be retained for the life of the development; and

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

- (4) That the Secretary of State raises no objection to the proposal and/or does not request the application to be 'called in' for her determination.
- (iii) Plan no. P08/1544 – 3, Birmingham Street, Dudley – Conversion of existing offices into 8 apartments and erection of 4 townhouses

Decision: That approval of the application be delegated to the Director of the Urban Environment 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 POS Construction, POS Establishment Play Construction, Libraries, and Public Realm 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), 10 and 11, as set out in the report of the Director of the Urban Environment, together with amended conditions, numbered 8 and 9, and an additional condition, numbered 12, as follows:

8. C09B.

9. Development shall not begin until a scheme for protecting the proposed building from noise from traffic using Birmingham Street has been submitted to and approved in writing by the Local Planning Authority, and all works which form part of the scheme shall be completed before the buildings are occupied **and shall be retained for the life of the development** unless otherwise agreed in writing by the Local Planning Authority.

12. No works of construction, levels changes, regarding or other site clearance or infrastructure works involving ground disturbance shall begin until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority such archaeological work to comprise suitably targeted excavation/watching brief with appropriate provision for archaeological investigation and recording and including subsequent analysis, reporting and archiving; and

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

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

(Councillor M. Davis, Ward Councillor, spoke on behalf of the applicant in favour of the application)

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 members.

- (v) Plan no. P08/1656 – Lakeside Surgery, 3 Rannoch Close, Brierley Hill – Outline application for residential development (all matters reserved for subsequent approval).

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 the maintenance and enhancement of off-site public open space and play provision, an off-site contribution towards transport infrastructure improvements, a contribution towards improvements to libraries and an off-site contribution towards public realm improvements has been submitted to and agreed in writing by the Local Planning Authority.
- (2) Conditions numbered 1 to 6 (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.
- (vi) Plan no. P08/1661 – Land to rear of 53-59 Hurst Green Road, Halesowen – Erection of 1 detached bungalow and double garage to serve plots 3 and 4.

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/Play Improvements = £1715.61
 - Libraries = £179.53
 - Public Realm = £495.30
 - Transport Improvement = £1227
 - Management and Monitoring Charge = £250
 - Total off-site contribution equating to £3867.64
- 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 10 (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. P08/1671 – 31 Alma Street, Cradley – Erection of a pair of semi-detached dwellings (Resubmission of withdrawn application P08/1346).

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 sum of £9878.72 for the provision, maintenance and enhancement of off-site public open space and play provision, library, public realm 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 6 (inclusive), as set out in the report of the Director of the Urban Environment together with the additional condition, numbered 7, as follows:
7. Prior to the commencement of development on site finished floor levels shall have been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be built in accordance with the approved level details and maintained for the life of the development.
- and that the Director of the Urban Environment be authorised to amend the foregoing conditions, as necessary.
- (viii) Plan no. P08/1823 – 33 High Oak, Pensnett – Convert existing 3 bedroom dwelling into 2 self contained flats (resubmission of previously refused application P08/1166).

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 sum of £2640.44 for the provision, maintenance and enhancement of off-site public open space and play provision, library and public realm 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 3 (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.

The meeting ended at 6.50pm

CHAIRMAN