

DEVELOPMENT CONTROL COMMITTEE

Monday, 14th May, 2007 at 6.00 pm
In Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Wright (In the Chair)
Councillor Southall (Vice-Chairman)
Councillors Banks, Mrs. Collins, G. Davies, Mottram, Ryder and Mrs. Turner.

OFFICERS:-

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

117 **APOLOGY FOR ABSENCE**

An apology for absence from the meeting was submitted on behalf of Councillor Mrs. Wilson.

It was also noted that Councillor Ryder was filling a vacancy on the Committee, which had arisen as a result of the recent local elections, for this meeting of the Committee only.

118 **DECLARATION OF INTEREST**

Councillor Mrs. Turner declared a personal and prejudicial interest in respect of planning application number P07/0442 - Hickton Steels, corner of George Road and Stourbridge Road, Halesowen – demolition of existing industrial unit and erection of 23 dwellings with associated access and car parking, in view of the fact that the applicant was known to her.

119 **MINUTES**

RESOLVED

That the minutes of the meeting of the Committee held on 23rd April, 2007, be approved as a correct record and signed.

120 **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) P07/0459 – Mrs. M. Barker, an objector, and Mr. D. Gauley, for the applicant.

RESOLVED

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

- (i) Plan No. P07/0459 – 113 Abbey Road, Halesowen –
Erection of a 9.5 metre high radio mast (Resubmission of
refused application P07/0016).

Decision: Approved, subject to conditions numbered 1 and 2, as set out in the report of the Director of the Urban Environment.

- (ii) Plan No. P06/1555 – Land adjacent to 49 Highfields Road, Coseley – Erection of 4 two-bedroom houses and 33 flats with associated parking and landscaping.

Decision: Approved, subject to the following: -

- a. the applicant entering into an Agreement under Section 106 of the Town and Country Planning Act, 1990, for a contribution to off-site recreational public open space enhancement, and to the provision of affordable housing; and that in the event that the Section 106 Agreement is not completed within a two month period of the resolution to grant approval, the application be refused if appropriate.
- b. conditions numbered 1 to 12, as set out in the report of the Director of the Urban Environment, together with and amended condition, numbered 13, and additional conditions, numbered 14 and 15, as follows: -

- i. an amended condition, numbered 13, as follows:-

13. Development shall not begin until a scheme for protecting the proposed dwellings from noise from traffic noise and the haulage yard opposite has been submitted to and approved by the Local Planning Authority, and all works which form part of the scheme shall be completed before any of the permitted dwellings is occupied, and to be retained for the life of

the development.

14. Prior to the commencement of development, details of the means of pedestrian access from parking areas to the rear gardens of houses fronting Highfields Road shall be submitted to and agreed in writing by the Local Planning Authority. Such access shall be provided prior to the first occupation of dwellings permitted and shall be maintained for the life of the development.

15. Prior to the commencement of development, details of visibility splays from the development to Highfields Road shall be submitted to and agreed in writing by the Local Planning Authority. Such splays shall thereafter be implemented prior to first occupation of the approved dwellings and shall be maintained for the life of the development; and

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

- (iii) Plan No. P07/0051 – Griffiths Land, Tipton Road, Dudley –
Erection of a block of 8 apartments with ancillary works
and associated access.

Decision: Approved, subject to the following: -

- a. 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 has been submitted to and agreed in writing by the Local Planning Authority.
- b. conditions numbered 1 and 3 to 10 (inclusive), as set out in the report of the Director of the Urban Environment, together with an amended condition, numbered 2, and an additional condition, numbered 11, as follows: -

2. Development shall not begin until a scheme for protecting the proposed dwellings from noise from Tipton Road has been submitted to and approved by the Local Planning Authority, and all works

which form part of the scheme shall be completed before any of the permitted dwellings is occupied, and to be retained for the life of the development.

11. The development shall not be begun until an arrangement for the submission and approval of a means to guarantee the financial payment of a total sum of £8,996.14 to the Council together with the timing of the payment for the provision of off site public open space and play area improvement and the managing and monitoring of the spend of those monies has been submitted to and agreed in writing with the Council; and

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

- (iv) Plan No. P07/0361 – The Limes, Dudley Road/Catholic Lane, Sedgley – Part demolition and conversion of existing building with alterations and an extension to provide 18 one and two bedroom apartments with associated parking and infrastructure and the stopping up of a public right of way.
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Decision: Approved, subject to the following: -

- a. the development not beginning until a scheme for the submission and approval of a planning obligation to guarantee a contribution towards the improvement and enhancement of off site public open space and play provision within close proximity to the site has been submitted to and agreed in writing by the Local Planning Authority. The amount is £19,556.26 and has been determined in accordance with the Council's adopted policy and published Supplementary Planning Document.
- b. an administrative charge for the drafting of the legal agreement. This is on the basis of time spent by the Council's Solicitors, though for a very simple straightforward obligation £200.00 may be sufficient.

- c. a charge for the monitoring, management and implementation of the Section 106 Agreement (£1000 or 10% of the planning fee, whichever is the greater).
- d. the developer agreeing to pay the costs, an Order be made under Section 257 of the Town and Country Planning Act 1990 to stop up that length of public footpath, as shown on plan 006/5171/01H, to enable development authorised by planning permission, to take place.
- e. conditions numbered 1 to 31 (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.

- (v) Plan No. P07/0362 – Next to 28 Abberley Street, situated between Abberley Street, Brooke Street and connecting road, Dudley – Erection of 6 two-bedroom and 2 one-bedroom apartments (Resubmission of withdrawn application P06/1788).
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It was noted that this item had been withdrawn, and that the application would be considered at a future meeting of the Committee.

- (vi) Plan No. P07/0410 – 53-65 Enville Street, Stourbridge – Demolition of 53-65 Enville Street, erection of 44 sheltered housing apartments for the elderly with ancillary lodge manager's accommodation, communal facilities, car parking, access and landscaping.
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Decision: Approved, subject to: -

- a. the development not beginning until a scheme for the submission and approval of a planning obligation to guarantee the provision of off-site and affordable housing has been submitted to and agreed in writing with the Local Planning Authority.
- b. conditions numbered 1 to 9 (inclusive), as set out in the report of the Director of the Urban Environment, together with an amended condition, numbered 10, and an additional condition, numbered 11, as follows:

10. Development shall not commence until an arrangement for the submission and approval of a means to guarantee the financial payment of a total sum of £359,752.06 to the Council together with the timing of the payment for the:

- provision of off-site public open space and play area improvements and their future maintenance;
- provision of an off-site affordable housing contribution;
- the managing and monitoring of the spend of these monies has been submitted to and agreed in writing by the Local Planning Authority

11. Development shall not commence until a scheme for providing sound insulation between the common walls to the owner's lounge and residential accommodation has been submitted to and approved by the Local Planning Authority. All works which form part of the approved scheme shall be complete before any of the permitted dwellings are occupied. The sound insulation measures shall be retained for the life of the development and shall include the provision of self-closing doors to the owner's lounge; and

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

- (vii) Plan No. P07/0434 – Former Hodge Hill Methodist Church, Wassell Road, Stourbridge – Demolition of former Methodist Church and erection of 3 detached and 2 semi detached dwellings.
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Decision: Approved, subject to the following: -

- a. 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 by the Local Planning Authority.

- b. conditions numbered 1 to 2, and 4 to 14 (inclusive), as set out in the report of the Director of the Urban Environment, together with an amended condition, numbered 3, as follows: -

3. No development shall take place until the existing bus shelter in front of Plots 1 and 2 on Oakfield Road has been relocated to a position agreed in writing with the Local Planning Authority. The re-location of the said bus shelter shall be completed before the dwellings are occupied and shall be carried out in accordance with the approved details; and

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

- (viii) Plan No. P07/0442 – Hickton Steels, corner of George Road and Stourbridge Road, Halesowen – Demolition of existing industrial unit and erection of 23 dwellings with associated access and car parking.

(Having earlier declared a personal and prejudicial interest in respect of this application, Councillor Mrs. Turner left the room during its consideration)

Decision: Approved, subject to: -

- a. 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 has been submitted to and agreed in writing by the Local Planning Authority.
- b. conditions numbered 1 to 15 (inclusive), as set out in the report of the Director of the Urban Environment, together with additional conditions, numbered 16 to 18, as follows: -

16.C05A.

17. Full details of the highway improvements between George Road and Stourbridge Road as indicated on revised plan 02B shall be submitted prior to the commencement of development for the consideration and approval in writing by the Local Planning

Authority and such details shall thereafter be implemented prior to first occupation of the development hereby approved.

18. G02C – revised plans numbered 02B, 03A and 05A; and

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

(At the conclusion of this item Councillor Mrs. Turner rejoined the meeting)

- (ix) Plan No. P07/0545 – Land to the east of Blowers Green Road (known as Yorks Park), Dudley – Application under Section 73 for variation of conditions 5, 8 and 10 of application P06/1577, relating to provision of pedestrian access, restriction of movement of goods vehicles and hours of operation of machinery.

Decision: Approved, subject to the revised conditions, and other conditions numbered 1 to 11 (inclusive) as set out in the report of the Director of the Urban Environment.

- (x) Plan No. P07/0552 – To the rear of 49 Grange Road, Halesowen – Erection of 1 detached bungalow.

Decision: Approved, subject to conditions numbered 1 to 6 (inclusive), as set out in the report of the Director of the Urban Environment, together with an additional condition, numbered 7, as follows: -

7. Prior to commencement of development, details of the means of access and parking should be submitted to and approved by the Local Planning Authority in writing.

- (xi) Plan No. P07/0574 – 41/42 Hall Street, Dudley – Erection of 19 apartments (15 two-bedroom and 4 one-bedroom), 2 shops and associated access and infrastructure.

Decision: Refused, for the following reasons:

1. The lack of an undertaking to make a contribution towards public open space is contrary to the requirements of UDP Policies DD7, DD8 and LR1 and would result in an increase in the demand on local facilities with no compensation or enhancement, thus resulting in harm to the wider community around the site.

2. The proposal does not provide any on site car parking spaces, and as such would be likely to result in the displacement of vehicles onto the surrounding highway network to the detriment of highway safety and contrary to UDP Policies DD6, AM14 and the adopted SPD 'Parking standards and travel plans'. No information has been submitted by the applicants to justify such a departure from local policy.

- (xii) Plan No. P07/0245 – McDonalds Restaurants Limited, Kent Street, Dudley – Installation of ATM machine (Resubmission of withdrawn application P06/0545).

Decision:

1. Refused, for the following reason:

The development if approved would by reason of its colour, size and free standing nature form an incongruous feature out of keeping with and detrimental to the street scene. Furthermore, its location would create noise nuisance to local residents and the lack of natural surveillance raises crime and security issues to an unacceptable level for potential users of the ATM machine. The development is therefore considered to be contrary to Policies DD1 and DD4 of the adopted Dudley Unitary Development Plan and to Supplementary Planning Guidance 'Design for Community Safety' adopted March 2002.

2. That enforcement action be authorised to secure the removal of the ATM machine on site.

- (xiii) Plan No. P07/0440 – Land at rear of 38 High Street, Brierley Hill – Erection of a building for student accommodation with five bedrooms/shower rooms and kitchen (Outline) (Access and layout to be considered) (Resubmission of withdrawn application P06/1559).

Decision: Refused, for the following reasons:

1. The proposed use of the building for residential purposes would be subject to unacceptable levels of noise and odour generated from adjacent commercial uses. As such it is contrary to Policy CR13 – Residential Development in Centres of the Adopted Dudley Unitary Development Plan (2005).

2. The proposal does not make any suitable provision within the curtilage of the site for the parking of vehicles in connection with the use of the site. As such it is contrary to Policies AM14 – Parking and DD6 – Access and Transport Infrastructure of the Adopted Dudley Unitary Development Plan (2005), and Supplementary Planning Document - Parking Standards and Travel Plans.

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CHAIRMAN'S REMARKS

As this was the last meeting of the Committee in the current municipal year, the Chairman expressed his thanks to the Vice-Chairman and Members of the Committee, and to the officers who had serviced meetings, for their help over the preceding year.

The meeting ended at 7.40p.m.

CHAIRMAN