

DEVELOPMENT CONTROL COMMITTEE

Monday, 31st January, 2011 at 6.00 pm
in Committee Room 2, The Council House, Dudley

PRESENT:-

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

OFFICERS:-

Mr C Cheetham, Mr J Butler, Mrs H Martin, Mr D Owen, Mr P Reed, Mr S Roach, Mrs S Willetts (Directorate of the Urban Environment), Mrs G Breakwell and Mrs M Johal (Directorate of Corporate Resources)

66 **APOLOGIES FOR ABSENCE**

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

67 **APPOINTMENT OF SUBSTITUTE MEMBER**

It was reported that Councillor Ahmed had been appointed as a substitute member for Councillor Mrs Roberts for this meeting only.

68 **DECLARATIONS OF INTEREST**

Councillor Southall declared a personal and prejudicial interest in planning application number P10/1695 (18 Lawnswood Road, Wordsley, Stourbridge) as he was acquainted with the applicant and his wife and daughter were patrons of a hairdressing salon currently operated by the applicant.

Councillor Wright declared a personal interest in planning application number P10/1535 (Land to the Rear of 43-77 Middlepark Road, Dudley), as he was a resident of Midland Heart, which was mentioned in the report.

Mr S Roach declared a personal and prejudicial interest in planning application number P07/1407/E1 (Cornerways, The Drive, Cradley, Halesowen) as he lived in close proximity and was on speaking terms with the occupant.

RESOLVED

That the minutes of the meeting of the Committee held on 10th January, 2011, be approved as a correct record and signed.

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 P10/1535 – Councillor M Davis – an objector and Kat La-Tzar – an agent/applicant.
- (ii) Plan No P10/1709 – Councillor P Harley – an objector and Mr Singh – an agent/applicant.
- (iii) Plan No P10/1720 – Mr G Smith – an objector.
- (iv) Plan No P10/1721 – Councillor K Shakespeare and Caroline Fitter –objectors.
- (i) Plan No P10/1535 – Land to the Rear of 43-77 Middlepark Road, Dudley – Erection of 22 No Dwellings and 14 Bed Sheltered Accommodation Unit

Decision: Approved, subject to the following: -

- (1) The applicant entering into a Section 106 Legal Agreement for a contribution towards off-site Ecological Mitigation and a management and monitoring charge plus measures to facilitate economic and community 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 of each subsequent year, in accordance with the Council's planning obligations policies.

(3) Conditions, numbered 1 to 2 and 4 to 7 (inclusive) as set out in the report submitted, together with revised conditions, numbered 3 and 8 and an additional condition, numbered 9, as follows:-

3. Prior to the first occupation of the development, details of the landscaping, ecological enhancement and public art scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following initial occupation of the development.
8. The details relating to the design of the new traffic-calming feature, timescale for the removal of the existing speed cushions and provision of the emergency access shall be submitted to and agreed in writing and implemented prior to first occupation of the development.
9. No development shall take place unless an obligation under Section 106 of the Town and Country Planning Act 1990 between the Local Planning Authority and all persons interested in the land within the application site has been executed, such obligation to secure a payment for offsite Ecological Mitigation, measures to facilitate economic and community development and a management and monitoring charge and implementation of the above obligations.

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

(ii) Plan No P10/1709 – Shop 14, Granville Drive, Kingswinford – Change of use of Off-Licence (A1) to Hot Food Takeaway (A5) with New Ramped Access and Metal Balustrade (Resubmission of Refused Application P10/1188)

Decision: Refused, for the reasons as set out in the report submitted.

(iii) Plan No P10/1720 – Netherton Park, Greaves Road, Netherton, Dudley – New Lighting to Outdoor Gym Equipment and Pathway

Decision: Approved, subject to conditions, numbered 1 to 2 and 4 to 6 (inclusive) as set out in the report submitted, together with a revised condition, numbered 3, as follows:-

3. This permission shall only relate to the provision of flat glass lantern heads and with the use of 70 watt ASR5070G or equivalent heads on double units. Prior to the commencement of development details of the direction and main beam angle of all the lights shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be erected in accordance with the approved details and maintained for the life of the development unless otherwise approved in writing by the Local Planning Authority.

- (iv) Plan No P10/1721 – 1 First Models Co UK, Clarage House, Long Lane, Halesowen – Change of use of Vacant Retail Unit (A1) to Restaurant (A3)
-

Members considered concerns expressed by the objectors relating to there being a lack of car parking spaces in the vicinity, that vehicles parked in front of residents' private properties resulting in them not being able to park their vehicles and that the restaurant would exacerbate the problem. It was also pointed out that if the nighttime economy continued to grow this would have an adverse impact on the daytime economy.

Decision: Refused, for the following reason:-

The proposed restaurant use would have an adverse impact upon the residential amenities of the area due to the additional disruption caused by the lack of off street car parking for customers vehicles and indiscriminate parking on the highway to the detriment of public and highway safety which is contrary to Policies DD4, AM14 and CR11 of the adopted Unitary Development Plan (2005).

- (v) Plan No P07/1407/E1 – Cornerways, The Drive, Cradley, Halesowen – Extension of Time of Previously Approved Application P07/1407 (Demolition of Existing Dwelling and Erection of 4 No Detached Houses)
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(Having previously declared a personal and prejudicial interest in this application Mr S Roach withdrew from the meeting and rejoined the meeting following its consideration).

Decision: Approved, subject to the following: -

- (1) No development shall take place unless an obligation under Section 106 of the Town and Country Planning Act 1990 between the Local Planning Authority and all persons interested in the land within the application site has been executed, such obligation to secure a payment to library facilities, transport contributions, open space, sport and recreation, public realm improvements, nature conservation improvements, a monitoring and management charge and implementation of the obligations.
- (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 14 (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.

- (vi) Plan No P07/2236/E1 – 75 Northfield Road, Netherton, Dudley – Extension of Time of Previously Approved Application P07/2236 for Demolition of Existing Building and Erection of 54 Dwellings (Outline) (Access, Layout and Scale to be Considered)

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, libraries, open space, sport and recreation, public realm, nature conservation, education, the provision of affordable housing, public art, economic and community, public realm and a monitoring and management 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 25 (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.

- (vii) Plan No P10/1388 – 1AA Timmis Road, Lye, Stourbridge – Change of use to Scout Headquarters

Members considered that the application should be approved in view of the fact that the Scouts were not a business and that the site they currently used was unsafe. Members were also of the view that it was inappropriate to seek funding in the form of Section 106 contributions from the Scouts as they were already financially constrained.

Decision: That the application be approved; that no formal Section 106 agreement apply to the application and that the Director of the Urban Environment be authorised to set out any necessary conditions.

- (viii) Plan No P10/1584 – Unit 9, 17 Lawnswood Road, Wordsley, Stourbridge – Change of use of Ground Floor from Offices (B1) to Personal Training Studio (D2) (Retrospective)

Decision: Approved, subject to the following: -

- (1) Within 3 months of the date of this permission a scheme for the submission and approval of a planning obligation to guarantee the off site provision of 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 and 2, 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 P10/1609 – 3 Summercourt Drive, Kingswinford – Two Storey Front, Rear and Side Extension with Rear Dormer Window and Single Storey Front Extension (Resubmission of Refused Application P10/0459)

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

- (x) Plan No P10/1670 – 190 Barnett Lane, Kingswinford – Demolition of Existing Dwelling and Erection of 6 No Dwellings, Detached Garages and New Access Road (Resubmission of Withdrawn Application P10/0950)
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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 provision of libraries, public open space, public realm, transport infrastructure 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 16 (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.

- (xi) Plan No P10/1671 – Former M&J Drilling Works, Holloway Street, Lower Gornal, Dudley – Residential Development of 74 Dwellings with Associated Access and Parking (Resubmission of Refused Application P10/0812)
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Decision: Approved, subject to the following: -

- (1) The applicant entering into a Section 106 Legal Agreement for a contribution towards the provision of open space, sport and recreation facilities, public realm, library and transport infrastructure improvements, affordable housing, management and monitoring charge and economic and community development.
- (2) The completion of the Agreement by 9th March, 2011 and, in the event of this not happening, the application being refused, if appropriate.
- (3) 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.

- (4) Conditions numbered 1 to 5 and 9 (inclusive) as set out in the report submitted, together with the deletion of the condition, numbered 10, amended conditions numbered 6 to 8 and additional conditions, numbered 11 to 13, as follows:-

6. No development approved by this permission, including the construction of any building, shall be commenced until a scheme to deal with contamination of land (including ground gases and vapours) has been submitted to and approved by the Local Planning Authority (LPA). Furthermore, no part of the development shall be occupied until the LPA has been satisfied that the agreed scheme has been fully implemented and completed.

The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically in writing:-

- i) A desk-top study to formulate a conceptual model of the site. The requirements of the LPA shall be fully established before the desk-study is commenced;
- ii) Once the desk study has been approved by the LPA, a site investigation shall be carried out to identify and evaluate all potential sources and impacts of identified contamination in accordance with the conceptual model. The findings of site investigation shall be presented in report format for approval by the LPA and shall include a risk-based interpretation of any identified contaminants in line with UK guidance.
- iii) Following the approval of both desk-top study and site investigation reports, a written remediation scheme and method statement (the contamination proposals) shall be agreed in writing with the LPA prior to commencement of the development. The contamination proposals shall include provisions for validation, monitoring and sampling, including a scheme and criteria for both the use of imported materials and reuse of site-won materials, and be retained throughout the lifetime of the development.
- iv) The contamination proposals shall be implemented in full and no deviation shall be made from the contamination proposals without the express written agreement of the LPA.

- v) If during development works any contamination should be encountered which was not previously identified or is derived from a different source and/or of a different type to those considered under the contamination proposals then the LPA shall be notified immediately and remediation proposals formulated/amended for consideration.
 - vi) If during development work, contaminants are found in areas previously expected to be acceptable, then the LPA shall be notified immediately and remediation proposals formulated/amended for consideration.
 - vii) A completion report confirming the objectives, methods, results and conclusions and demonstrating that the contamination proposals have been fully implemented and completed shall be submitted to the LPA for approval.
7. Prior to the commencement of development, details of the finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved levels.
 8. Prior to the occupation of the dwellings hereby approved, the parking and turning areas shown on the approved layout plan numbered B5024/PL02/Rev H shall be provided and thereafter maintained for these purposes for the lifetime of the development.
 11. The development hereby permitted shall be carried out in accordance with the following approved plans: 4945/EM/01A; B5024/PL02/Rev H, PL01, PL07D, PL08D, PL10A, PL11A, PL12B, PL13A, PL14D, PL15A, PL16A, PL18B, PL21A, PL22A, PL23, PL24B, PL25A.
 12. A plan detailing appropriate onsite nature conservation enhancements, in line with the requirements of the adopted Planning Obligations SPD, shall be submitted to and approved in writing by the Council before any works proceed. All works must be carried out in accordance with the approved plan and programme and shall be maintained throughout the life of the development.

13. A plan detailing appropriate onsite public art in line with the requirements of the adopted Planning Obligations SPD, shall be submitted to and approved in writing by the Council before any works proceed. All works must be carried out in accordance with the approved plan and shall be maintained throughout the life of the development.

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

- (xii) Plan No P10/1695 – 18 Lawnswood Road, Wordsley, Stourbridge – Change of use of Dwelling House (C3) to Hairdressers (A1)

(Having previously declared a personal and prejudicial interest in this application Councillor Southall withdrew from the meeting and rejoined the meeting following its consideration).

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 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 3 (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.

- (xiii) Plan No P10/1697 – Former Wordsley Hospital, Stream Road, Auckland Road, Stourbridge – Amendment to Approved Application P10/0206 to Create 4 No Apartments in the Basement of Block 2 (The Clock Tower) by Subdividing 1 No Large Apartment into 2 No Apartments (Resubmission of Refused Application P10/1359)

Decision: Approved, subject to conditions, numbered 1 to 9, 11, 12 and 15 as set out in the report submitted, together with amended conditions, numbered 10, 13 and 14 and an additional condition, numbered 16, as follows:-

10. No development shall take place unless an obligation under Section 106 of the Town and Country Planning Act 1990 between the Local Planning Authority and all persons interested in the land within the application site has been executed, such obligation to secure public open space construction, public open space establishment, transport, libraries, public realm, a management and monitoring charge and implementation of the above obligations.
13. Where the approved risk assessment (required by condition 12) identifies ground gases or vapours posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the Local Planning Authority.
14. Unless otherwise agreed in writing with the LPA, the approved scheme (required by Condition 13) shall be implemented and a verification report submitted to and approved by the LPA, before the development (or relevant phase of the development) is first occupied/brought into use.
16. Prior to the commencement of development, and within three months of the consent hereby granted, a deed of variation linking this application with that previously approved under reference P06/1460 shall be completed in agreement with the Local Planning Authority in order that the planning obligations related to this development are met satisfactorily.

(xiv) Plan No P10/1702 – Land Adjacent to 104 Whittingham Road, Halesowen – Erection of 1 No Dwelling

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 for off site contributions towards improvements to libraries, open space, sport and recreation, transport infrastructure, nature conservation enhancement, public realm 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 11 (inclusive) as set out in the report submitted, together with an amended condition, numbered 2, as follows:-

2. No development shall take place unless an obligation under Section 106 of the Town and Country Planning Act 1990 between the Local Planning Authority and all persons interested in the land within the application site has been executed, such obligation to secure a payment towards libraries, open space, sport and recreation, transport infrastructure improvements, nature conservation enhancement, public realm, a management and monitoring charge and implementation of the above obligations.

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

(xv) Plan No P10/1521 – 53 Barnett Lane, Wordsley, Stourbridge – Conversion and Roof Alterations to Detached Garage in Rear Garden to Create Annexe Accommodation

Decision: Approved, subject to conditions numbered 1 to 6 (inclusive) as set out in the report submitted.

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ENFORCEMENT ACTION

A joint report of the Director of Corporate Resources and the Director of the Urban Environment was submitted on proposed enforcement action in respect of French Connection, 201 High Street, Dudley.

RESOLVED

That approval be given to the taking of enforcement action in respect of the property at 201 High Street, Dudley against the current ground floor for A3 and A5 use of the premises.

The meeting ended at 8.05 pm.

CHAIRMAN