

DEVELOPMENT CONTROL COMMITTEE

Monday, 1st February, 2010 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, Ryder, Southall, Mrs Turner and Mrs Wilson.

OFFICERS:-

Mr P Boland, Mr J Butler, Mr C Cheetham, Mr P Reed, Mr S Roach and Mrs S Willetts (Directorate of the Urban Environment), Mrs G Breakwell and Mrs M Johal (Directorate of Law, Property and Human Resources)

72 **APOLOGY FOR ABSENCE**

An apology for absence from the meeting was received on behalf of Councillor C Wilson.

73 **APPOINTMENT OF SUBSTITUTE MEMBER**

It was reported that Councillor Ryder had been appointed as a substitute member for Councillor C Wilson for this meeting only.

74 **DECLARATIONS OF INTEREST**

Councillor Barlow declared a personal and prejudicial interest in respect of planning application numbers P09/1070 and P09/1785 (Foster and Rastrick, Lowndes Road, Stourbridge), as he was a patient of Worcester Street Surgery. Councillor Barlow left the meeting during consideration of these applications.

Councillor Mrs Turner declared a personal and prejudicial interest in planning application number P09/1614 (Struggling Man, Prospect Row, Dudley), as she knew the developer. Councillor Mrs Turner left the meeting during consideration of this application.

Councillor Southall declared a personal interest in planning application number P09/1533 (Swindon Road/Kidderminster Road, Wall Heath, Kingswinford) as he was a Council Member of the Birmingham County Football Association.

Mrs S Willetts declared a personal and prejudicial interest in planning application number P09/1533 (Swindon Road/Kidderminster Road, Wall Heath, Kingswinford), as she knew the agent. Mrs Willetts left the meeting during consideration of this application.

75

MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 11th January, 2010, be approved as a correct record and signed.

76

SITE VISITS

Consideration was given to the following planning applications in respect of which a site visit had been made on Thursday, 28th January, 2010, by Members of the Committee.

- (i) Plan No P09/1337 – 116 Manor Abbey Road, Halesowen – Erection of Garage (Retrospective)

Decision: Refused, for the following reason:-

- (1) The development detracts from the appearance of the property and the street scene by reason of the bricks used in its construction, the treatment of the front and rear corners, the amount of roofing felt visible, the poor alignment of the fascia boarding at the front, and its prominent elevated position. As such, it is detrimental to the visual amenities of the area and contrary to Policy DD4 of the adopted Dudley UDP.
- (2) That the Director of the Urban Environment be authorised to take enforcement action to secure removal of the building.
- (ii) Plan No P09/1215 – Gable End, Quarry Park Road, Stourbridge – Revision of Planning Permission Approval P07/1803 to House Type on Plot 1 with Revised Garage Design and Repositioning of Driveway

An amended plan had been received showing the removal of the silver birch tree at the site to facilitate the provision of a 3.7m wide access drive. The removal of the silver birch and the widening of the driveway northwards would result in the retention of all of the conifer trees along the site's southern boundary with Broadfield.

Decision: Approved subject to the following conditions:-

- 1 Details of the layout and construction of the private drive shall be submitted to and approved in writing by the Local Planning Authority. The private drive shall be constructed in accordance with the approval details before the dwelling is first occupied.
- 2 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.
- 3 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 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.
- 4 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 pathway/hard surfacing/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 and Information Service Practice Note 'Driveways Close to Trees' (1996). Any driveway/parking areas within 3 metres of existing trees must be constructed using "no-dig" techniques incorporating appropriate surfaces to avoid damage to trees and to prevent any potential direct or indirect damage caused by trees.

- (iii) Plan No P09/1644 – The Rectory, 17 Penzer Street, Kingswinford – Erection of Eco Vicarage (Resubmission of Withdrawn Application P09/0843)
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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, maintenance and enhancement of off-site site public open space sport and recreation improvements, libraries improvements, public realm, nature conservation and transport improvements and the 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 15 (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.

- (iv) Plan No P09/1414 – 91 Grenville Road, Dudley – Two Storey Side Extension and Rear Conservatory (Resubmission of Refused Application P09/1005)
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Decision: Approved, subject to conditions numbered 1 to 3 (inclusive) as set out in the report submitted.

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 P08/1785 – Councillor M Knowles – an objector and Dr Carol Griffiths – an agent/applicant
 - (ii) Plan No P09/1070 – Councillor M Knowles – an objector and Dr Carol Griffiths – an agent/applicant
 - (iii) Plan No P09/1676 – Councillor P Lowe – an objector and Mr Ali – an agent/applicant
- (i) Plan No P08/1785 – Foster and Rastrick (Former Foundry Site), Lowndes Road, Stourbridge – Listed Building Consent for Conversion and Extension of Grade II* Listed Foundry Building and Demolition of Listed Curtilage Buildings

Decision: Approved, subject to Structures A and B marked on the plans accompanying the application not being demolished until (in relation to the sister planning application P09/1070), a scheme including the submission and approval of a planning obligation to guarantee a Conservation Plan taking into consideration the whole historic ironworks site has been submitted to and agreed in writing by the Local Planning Authority and, to conditions numbered 1 to 5 (inclusive) as set out in the report of the Director of the Urban Environment.

- (ii) Plan No P09/1070 – Foster and Rastrick (Former Foundry Site), Lowndes Road, Stourbridge – Conversion and Extensions to Existing Foundry Building to Provide Medical Centre and Associated Parking (Resubmission of Refused Application P08/1784)

Decision: Approved, subject to the following: -

- (1) The development not commencing until a scheme for the submission and approval of a planning obligation to guarantee the provision of the following has been submitted to and agreed in writing by the Local Planning Authority:-
 - (a) The pre-demolition commissioning by the landowner of a Conservation Plan covering the wider historic ironworks site;
 - (b) The land transfer by the landowner to the Council of land under their ownership to enable the required improvements to the footway/cycleway to the west of the site;

- (c) The developer entering into a Local Employment Statement with the Council in order to provide for economic and community development benefits. This could be in the form commitments to sourcing building materials locally and the provision of jobs for local people in both the construction and end-use phases.
- (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 20 and 22 to 25 (inclusive) as set out in the report submitted and the deletion of condition numbered 21;

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

- (iii) Plan No P09/1676 – Harry's of Lye, 178-179 High Street, Stourbridge – Repositioning of Extraction Flue
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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.

- (iv) Plan No P09/1506 – Unit 3, Little Cottage Street, Brierley Hill – Change of Use from B8 to Martial Arts Centre (D2), New Glazed Entrance Doors with Access Ramp and Handrails and New Fire Escape
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The Committee noted the extensive Pre-Committee notes in relation to the application.

Members commented that there was adequate parking at the site, the building had been empty for a number of years and that the venture would generate some employment opportunities. Martial Arts was a disciplined sport and young people in the area would benefit from the activity and it was highly likely that facility users would use public transport or walk. It was also queried whether temporary permission could be granted so that the situation could be assessed in that period of time.

In responding Mr J Butler indicated that discussions had been held with the applicant and that Traffic and Transportation were concerned about the scale of the development and the number of activities that would be taking place. In the absence of a Transport Statement it was not possible to assess the potential impact of the scheme on the highway network or to determine whether the proposed development would trigger an increase in trips from the previous use to generate a contribution towards transport infrastructure improvements. With regard to granting temporary permission, Mr Butler advised that there were associated costs to the applicant in making alterations to the building, which could result in a loss to the applicant, if planning approval was not eventually granted. Mr Butler reiterated advice given with regard to ensuring a consistent approach.

Decision: That approval be given to the application for a period of 3 years.

- (v) Plan No P09/1533 – Swindon Road/Kidderminster Road, Wall Heath, Kingswinford – Formation of New Means of Vehicle Access into New Community Football Facility and Construction of New Footway

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

3. The access hereby approved shall not be brought into use until ball-stop fencing has been erected along the A449 Kidderminster Road.

- (vi) Plan No P09/1552 – 44, County Park Avenue, Halesowen – Change of use of Amenity Area to Residential Garden (C3) with 2M High Close Boarded Fence (Retrospective)

The Committee noted that a further objection had been received stating that the fence made the pathway into a corridor and was unsightly.

Decision: Approved, subject to the condition, numbered 1, as set out in the report submitted.

- (vii) Plan No P09/1575 – Junction of Tipton Road and Aldeney Close, Dudley – Provision of New Signalised Access and Pedestrian Crossing Facility

Decision: Approved, subject to conditions numbered 1 to 5 (inclusive) as set out in the report submitted.

- (viii) Plan No P09/1614 – Struggling Man, Prospect Row, Dudley – Demolition of Existing Public House and Erection of 14 No Dwellings with Associated Car Parking and External Works

An amended site plan had been received that incorporated additional car parking spaces added to the rear of plots 3 and 4, a strip of footway along Prospect Row following the line of the visibility splay and an enlarged turning head.

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 sum for the provision, maintenance and enhancement of site public open space and play provision, nature conservation, transport improvements, library 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 of each subsequent year, in accordance with the Council's planning obligations policies.
- (3) Conditions numbered 1 to 28 (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.

- (ix) Plan No P09/1652 – 65 Highfield Road, Dudley – Demolition of Existing Dwelling and Erection of 4 No Dwellings (Resubmission of Refused Application P09/1249)

Decision: Noted that this application had been withdrawn from consideration at this meeting.

- (x) Plan No P09/1655 – Land Adjacent to Furlong Court, Furlong Lane, Halesowen – Erection of 3 No Dwellings (Resubmission of Refused Planning Application P09/1101)

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 sum for the provision, maintenance and enhancement of site public open space and play provision, nature conservation, transport improvements, library 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 of 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 submitted;

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

- (xi) Plan No P09/1656 – Aldi Stores Ltd, Bridgnorth Road, Wollaston, Stourbridge – Change of use from Domestic Gardens (C3) to Additional Car Parking Area for Retail Shop (A1)

Decision: Noted that this application had been withdrawn from consideration at this meeting.

- (xii) Plan No P09/1661 – Former Sandylea, Green Lane, Kingswinford – Erection of 4 No Semi-Detached Dwellings

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 payment for libraries, open space, sport and recreation, transport infrastructure improvements, public realm, nature conservation 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 9 (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 P09/1679 – 9/10 Yates Lane, Cakemore, Rowley Regis – Erection of 1 No Block of 4 No Apartments and 3 No Terraced Dwellings
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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, maintenance and enhancement of off-site public open space and play provision 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 10 and 12 to 13 (inclusive) as set out in the report submitted, together with a revised condition, numbered 11, as follows:-
 11. Development shall not begin until a scheme for protecting residents in the proposed dwellings from noise from the adjacent motorway has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before occupation of the permitted dwellings, unless otherwise agreed in writing by the Local Planning Authority.

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

- (xiv) Plan No P09/1681 – Rose and Crown, Hagley Road, Halesowen – Erection of Smoking Shelter (Retrospective) (Resubmission of Refused Application P09/0863)
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Decision: Approved, subject to conditions numbered 1 and 2 as set out in the report submitted.

- (xv) Plan No P09/1741 – Asia Works, Junction Road, Wordsley, Stourbridge – Demolition of Derelict Factory and Erection of 6 No Dwellings (Resubmission of Withdrawn Application P09/1609)
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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 off site contributions towards improvements to public open space, sport and recreation 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) Agreement by the applicant to the payment of off site planning obligations.
- (4) The Director of the Urban Environment be authorised to issue planning permission subject to no objections being received upon the expiry of the public consultation period raising new material planning considerations.
- (3) Conditions numbered 1 to 8 and 10 and 11 (inclusive) as set out in the report submitted, together with the replacement of the condition, numbered 9, with the following:-
 9. Prior to commencement of the permitted use, a scheme for a continuous acoustic barrier constructed along the boundary of the amenity areas of dwellings which directly face the neighbouring industrial premises, of minimum height of 2 metres measured from the ground level of the development site, and minimum surface density of 10 kg/m², shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before first residential occupation. The barrier shall be retained throughout the life of the development.

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

The meeting ended at 7.35 pm.

CHAIRMAN