

DEVELOPMENT CONTROL COMMITTEE

Tuesday 24th February, 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, J. Martin, Roberts, Southall, Mrs Turner and C Wilson.

OFFICERS: -

Mr J Butler, Mr T Glews, Mr N Howell, Mrs H Martin, Mr R Stevenson and Mrs S Willetts (Directorate of the Urban Environment); Mrs G Breakwell, and Mrs L Jury (Directorate of Law and Property)

72 **APOLOGY FOR ABSENCE**

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

73 **APPOINTMENT OF SUBSTITUTE MEMBER**

It was reported that Councillor J Martin had been appointed as a substitute member for Councillor Mrs Wilson, for this meeting of the committee only.

74 **DECLARATIONS OF INTEREST**

Councillor C Wilson declared a personal and prejudicial interest in respect of planning application number P08/1874 – 35-36 Union Street, Stourbridge – Change of use from residential gardens to school amenity area (part retrospective) in view of his association with Oldswinford Hospital School.

75 **MINUTES**

RESOLVED

That the Minutes of the meeting of the Committee held on 9th February, 2009, be approved as a correct record and signed subject to the following amendment to minute number 70 (vi) Plan no. P08/1041 – 2 Coopers Bank Road, Lower Gornal, on page DC/99:

Decision : That the Director of the Urban Environment, in consultation with the Chairman of the Committee, be authorised to refer the matter to the Government Office for the West Midlands with a recommendation that the application be approved subject to conditions numbered 1 to 10 (inclusive) as follows:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- (2) Prior to the commencement of development, details of the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in complete accordance with the approved details.
- (3) Prior to the commencement of development, details of the landscaping 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.
- (4) Prior to the commencement of development, details of the types, sizes and locations of the boundary treatments around the site and between the proposed plots shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be carried out in complete accordance with the approved details prior to the occupation of the dwellings hereby approved and thereafter retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.
- (5) The building[s] shall not be occupied until the area shown for the access road and car parking on the plan numbered 2CBR/001-2008 has been graded, levelled, surfaced, drained and marked out in accordance with the agreed scheme and that area shall not thereafter be used for any other purpose unless otherwise agreed in writing with the Local Planning Authority.

- (6) No development shall take place until there has been submitted to, 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 is to 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'.
- (7) 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 the 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.
- (8) All excavations to be undertaken within 6 metres of the stem of existing trees on site shall be undertaken in accordance with NJUG publication number 10 'Guidelines for the Planning, Installation and Maintenance of Utility Services in Proximity to Trees' .

- (9) 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 area[s] 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.
- (10) If protected species are found during any stage of the development, all works must stop immediately and Natural England, the projects Ecologist and the Council's Nature Conservation Officer must be contacted immediately. Works should not re-commence until relevant licences have been obtained and written permission is granted by Natural England and the Council.
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SITE VISIT

Consideration was given to the following planning application in respect of which a site visit had been made on Thursday, 19th February, 2009, by members of the Committee.

RESOLVED

- (1) Plan no. P08/1845 – Sutton School and Specialist College, Scotts Green Close, Dudley – Erection of a mobile office.

Decision: Approved, subject to the condition as set out in the report of the Director of the Urban Environment.

77

CHANGE IN ORDER OF BUSINESS

Pursuant to Council Procedure Rule 13 (c) it was

RESOLVED

That planning applications numbered P08/1373, P08/1597, P08/1835, and P09/0022 be considered before the remaining items of business on the agenda.

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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:

- (i) Plan no. P08/1373 – Land off Stewarts Road, Coombs Road, and Olive Hill Primary School, Halesowen – Development of new sports ground and social club at land off Stewarts Road, development of \ new sports field and environmental zone at Olive Hill Primary School and residential redevelopment at land off Coombs Road and Lodgefield Road including a new access off Coombs Road (outline) – Mr Burgess, an objector, and Councillors James and Hill, both as Ward Members and objectors, and Mr Romano, agent/applicant.
- (ii) Plan no. P08/1597 – 44 Bowling Green Road, Stourbridge – Single storey side/rear extension to create enlarged kitchen/dining area and utility – Mr P Raybold, speaking in support of the application and Councillor Knowles, Ward Member speaking in support of the application, and Mr Hackett, agent/applicant.
- (iii) Plan no. P08/1835 - Land rear of 38 High Street, Pensnett- Demolition of domestic garage to provide access road and the erection of 8 new residential dwellings (resubmission) of withdrawn application P08/1512) – Mr Calleia, an objector and Mr Humpherson, agent/applicant
- (iv) Plan no. P09/0022 – Sutton School, Scotts Green Close, Dudley – Single storey infill extension to create classroom – Councillor M Davis, Ward Member and objector, and Mr Lovatt, an objector

RESOLVED

That the plans and applications be dealt with as follows:

- (i) Plan no. P08/1373 – Land off Stewarts Road, Coombs Road, and Olive Hill Primary School, Halesowen – Development of new sports ground and social club at land off Stewarts Road, development of a new sports field and environmental zone at Olive Hill Primary School and residential redevelopment at land off Coombs Road and Lodgefield Road including a new access off Coombs Road (outline)
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Decision: That, in view of the considerable amount of information tabled at the meeting in the pre-committee notes, consideration of the application be deferred pending a site visit to be held prior to the next meeting, and that the application be discussed in full, to include the public who had already expressed a wish to speak, at the next meeting of the committee on 24th March, 2009.

- (ii) Plan no. P08/1597 – 44 Bowling Green Road, Stourbridge – Single storey side/rear extension to create enlarged kitchen/dining area and utility
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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 to address concerns raised in relation to the impact of the proposed extension on the neighbouring property.

- (iii) Plan no. P08/1835 - Land rear of 38 High Street, Pensnett- Demolition of domestic garage to provide access road and the erection of 8 new residential dwellings (resubmission of withdrawn application P08/1512)
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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 to address concerns raised in relation to the width of the access/egress onto the highway.

- (iv) Plan no. P09/0022 – Sutton School, Scotts Green Close, Dudley – Single storey infill extension to create classroom
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Decision: Approved, subject to conditions numbered 1 to 3 (inclusive) as set out in the report of the Director of the Urban Environment.

- (v) Plan no. P08/1146 – Former Washington Arms (demolished), Wrens Nest Road, Dudley – Erection of 14 no. 3 bedroom dwellings, 13 no. 2 bedroom flats and 3 no. 1 bedroom flats with new vehicular access and parking
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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 sum of £5,000 has been submitted to and agreed by the Local Planning Authority.
 - (2) Conditions numbered 1 to 17 (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. P08/1441 – 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 with associated parking and landscaping
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Decision: That the Director of the Urban Environment be authorised to agree modifications to the Planning Obligations Heads of Terms which were agreed at the meeting of this Committee held on 9th February, 2009, which modifications will allow for the applicant to agree to using reasonable endeavours rather than a specific proportion of delivery and home delivery vehicles to be powered by alternative fuel and to acknowledge that the reasonable endeavours shall not include any measure which would require payment of excessive additional costs or which, in the view of the applicant, would not be viable to undertake, as determined solely by the applicant.

- (vii) Plan no. P08/1551 – Former Athro Works, Attwood Street, Lye – Erection of a new industrial unit
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Decision: Approved, subject to the following:

- (1) The development not being commenced until a scheme for the submission and approval of a planning obligation to guarantee the provision of transport infrastructure improvements, to be negotiated in due course, has been submitted to and approved 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 first April each subsequent year, in accordance with the Council's planning obligations policies.
 - (3) Conditions numbered 1 to 7 (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.
- (viii) Plan no. P08/1874 – 35-36 Union Street, Stourbridge – Change of use from residential gardens to school amenity area (part retrospective)
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Decision: Noted, that this application had been withdrawn.

- (ix) Plan no. P08/1905 – Ground floor, 59 Wellington Road, Dudley – Change of use from B8 to sui generis (tyre maintenance and alignment) (retrospective)
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Decision: Refused for the following reason:

The lack of an undertaking to make a contribution towards local transport infrastructure is contrary to the requirements of the UDP Policy DD7 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.

- (x) Plan no. P08/1923 – 225 Spies Lane, Halesowen – Outline application for erection of a detached dwelling and garage (access and layout to be considered)
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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 the provision of contributions towards public realm improvements, library provision and transport infrastructure 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 and that the Director of the Urban Environment be authorised to amend the foregoing conditions, as necessary.
- (xi) Plan no. P08/1926 – The Stockings Rest Home, 25 Lutley Lane, Hayley Green, Halesowen – Change of use from residential care home (C2) to children's day nursery (D1). Resubmission of refused application P08/1461

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 monies for transport infrastructure 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 and that the Director of the Urban Environment be authorised to amend the foregoing conditions, as necessary.

- (xii) Plan no. P09/0012 – Doctors Surgery, 10 Quarry Road, Netherton – Extension and change of use of attached garage to the existing surgery to form a pharmacy

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 monies for transport infrastructure 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 5 (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 7.20pm.

CHAIRMAN