

## **DEVELOPMENT CONTROL COMMITTEE**

Tuesday, 27<sup>th</sup> April, 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, Mrs Roberts, Ryder, Southall, C Wilson and  
Mrs Wilson

### **OFFICERS:-**

Mr C Cheetham, Mr T Glews, Mr M Holloway, Mrs H Martin, Mr P Reed, Mr  
D Owen and Mrs S Willetts (Directorate of the Urban Environment), Mrs G  
Breakwell and Mrs M Johal (Directorate of Law, Property and Human  
Resources)

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92                    **APOLOGY FOR ABSENCE**

An apology for absence from the meeting was received on behalf of  
Councillor Mrs Turner.

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93                    **APPOINTMENT OF SUBSTITUTE MEMBER**

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

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94                    **DECLARATION OF INTEREST**

Councillor Southall declared a personal and prejudicial interest in planning  
application number P10/0226 (Land to Rear of 15 Ashwood Avenue,  
Wordsley) as the applicant had contacted him in the past regarding issues  
with the site, he had been copied into correspondence with the Planning  
Section and he also knew certain residents of Ascott Gardens. Councillor  
Southall left the meeting during consideration of this application.

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95                    **MINUTES**

RESOLVED

That the minutes of the meeting of the Committee held on 6<sup>th</sup> April,  
2010, be approved as a correct record and signed.

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SITE VISITS

Consideration was given to the following planning applications in respect of which a site visit had been made on Thursday, 22<sup>nd</sup> April, 2010, by Members of the Committee.

- (i) Plan No P10/0196 – 109 Seymour Road, Wollescote, Stourbridge – Single Storey Side/Rear Extensions with New Pitched Roof (Resubmission of Refused Planning Application P09/1516)

Decision: Approved, subject to conditions numbered 1 and 2 (inclusive) as set out in the report submitted.

- (ii) Plan No P10/0025 – Land Adjacent to 99 Brook Street and 6 Park Street, Lye, Stourbridge – Erection of 11 No Dwellings

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 contributions towards open space, sport and recreation improvements, library improvements, public realm improvements, transport infrastructure improvements, nature conservation improvements, public art 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 11 (inclusive) as set out in the report submitted, together with revised conditions, numbered 12 and 13, as follows:-
  12. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed with the Local Planning Authority), has been submitted to and approved by the Local Planning Authority. Such a strategy shall facilitate the identification of contaminants and permit the risk-based assessment of the development site.

Where the investigations identify the presence of contamination, development shall not begin until a scheme to protect the development from the effects of such contamination has been submitted to and approved by the Local Planning Authority. The scheme shall include provisions for validation monitoring and sampling.

Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall be implemented before the development is first occupied, and be retained throughout the lifetime of the development.

13. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed with the Local Planning Authority), has been submitted to and approved by the Local Planning Authority. Such a strategy shall facilitate the identification of ground gases and vapours that have the potential to pose a risk to human health and the wider environment.

Where the investigations identify the presence of ground gases and vapours, development shall not begin until a scheme to protect the development from the effects of such gases and vapours has been submitted to and approved by the Local Planning Authority. The scheme shall include provisions for validation monitoring and sampling.

Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall be implemented before the development is first occupied, and be retained throughout the lifetime of the development.

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

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 person referred to had indicated that he wished to speak at the meeting and, unless indicated, was in attendance at the meeting and spoke on the planning application indicated:-

- (i) Plan No P10/0149 – Mr P Tolley – an objector and Mr Michael Lay – an agent/applicant (It was noted that Councillor Liz Walker – an objector was not in attendance to speak on the matter)
- (i) Plan No P10/0149 – Land Adjacent, 2 Lorrainer Avenue, Clockfields, Brierley Hill – Demolition of Detached Garage and Erection of 1 No Dwelling and Detached Garage

Mr Tolley circulated photographs and substantial detailed information as part of his evidence, as an objector. The Committee were of the view that the application should be deferred to allow Members time to consider the information submitted.

Decision: That consideration of this application be deferred to the next meeting to enable Members of the Committee to consider the information submitted at the meeting.

- (ii) Plan No P10/0115 – 131 Enville Street, Stourbridge – Change of Use of Ground Floor Area from Hot Food Takeaway (A5) to 2 No Flats (C3)

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 off-site public open space and play provision, public realm improvements, improvements to library facilities and nature conservation enhancements 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, together with an additional condition, numbered 4, as follows:-
  - 4. Notwithstanding details indicated on drawing LP5/14, this permission does not authorise or approve the indicated extended footpath crossing or car parking layout shown for the frontage of the site.

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

(iii) Plan No P10/0226 – Land to Rear of 15 Ashwood Avenue, Wordsley – Erection of 1 No Dwelling

The Committee noted that an amended plan (Drawing No 09:72:04B – Sketch Scheme 3) had been received illustrating a change in roof type and height. The plan showed a hipped roof instead of the previously submitted pitched roof type and a reduced ridge height of 7.6M. The alignment of the windows on the front and rear elevation had also been improved.

The amended design would relate better to the surrounding properties on Ashwood Avenue and would serve to reduce the impact upon the area by a reduction in mass and bulk.

Decision: Approved, subject to conditions numbered 1 to 9 (inclusive) as set out in the report submitted.

(iv) Plan No P10/0338 – Priory Park, Priory Road, Dudley – Restoration and Development to Include Extension of Existing Pavilion to be used as a Toilet Block and Education Centre, Erection of Family Shelter, Mini Soccer Pitch with New Disabled Ramp/Gates, New Artwork, New Lighting to Abbey, New Entrance and All Other Works

Decision: That, on expiry of the neighbour consultation period on 29<sup>th</sup> April, 2010, the Director of the Urban Environment be authorised to determine the application, and that any approval be subject to conditions, numbered 1 to 3 (inclusive), as set out in the report submitted, together with an additional, condition, numbered 4, as follows:-

4. Notwithstanding the details shown on the approved plans, the internal layout of the proposed external disabled toilet shall be laid out to accommodate a left hand transfer on to the toilet, to provide an alternative to the right hand transfer toilet inside the Pavilion, as not all wheelchair users can transfer from both sides of their wheelchairs.

(v) Plan No P10/0341 – Beechwood Audi Autos, Manor Lane, Halesowen – Erection of Vanguard Rota-Spike to Existing Palisade Fencing (Retrospective)

Decision: Refused, for the reason as set out in the report of the Director of the Urban Environment and that enforcement action be authorised for the removal of the unauthorised Vanguard rota-spike.

- (vi) Plan No P10/0343 – 157 Wolverhampton Street, Dudley – Change of use of Ground Floor Barbers Shop (A1) to Hot Food Takeaway (A5) with Fume Extraction

The Committee expressed concerns about parking on the road and were of the view that further disruption and obstruction would be caused by vehicles parking on double yellow lines.

Decision: Refused, for the following reason:-

The development proposed would be likely to result in short-term parking on the highway, which would be detrimental to traffic flow and highway safety. As such, it would be contrary to Policy DD6 of the adopted Dudley Unitary Development Plan.

- (vii) Plan No P10/0357 – The Sycamore Centre, Sycamore Green, Dudley – Construction of 14.2M High Timber Pyramid Play Tower with Associated Slides and Bridge Link

Decision: Approved, subject to conditions numbered 1 and 2 (inclusive) as set out in the report submitted.

- (viii) Plan No P10/0390 – Lakeside Surgery, 3 Rannoch Close, Brierley Hill – Demolition of Doctor's Surgery and 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 off-site provision of public open space, libraries, public realm and nature conservation 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.

- (ix) Plan No P10/0392 – The Sycamore Centre, Sycamore Green, Dudley – Display Non-Illuminated Individual Lettering

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

- (x) Plan No P10/0414 – 151 Stourbridge Road, Dudley – Change of use from Dwelling House (C3) to Respite Care Home (C2) and Day Care Centre (D1)

Decision: Approved, subject to the following: -

- (1) That, subject to the expiration of the public consultation period, on 29<sup>th</sup> April, 2010, and to no new material planning issues raised, the Director of the Urban Environment be authorised to determine the application.
- (2) Subject to resolution (1) above any approval be also subject to:-
  - (a) 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 of transport infrastructure improvements, nature conservation enhancements and a management and monitoring charge has been submitted to and agreed in writing by the Local Planning Authority.
  - (b) 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.
  - (c) Conditions numbered 1 to 5 (inclusive) as set out in the report submitted;

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REMARKS OF CHAIRMAN AND COMMITTEE

The Chairman thanked Members and Officers for their continued support and the Committee, in turn, thanked the Chairman for the able manner in which he had conducted Committee meetings.

The meeting ended at 7 pm.

CHAIRMAN