

DEVELOPMENT CONTROL COMMITTEE

Monday 17th February, 2014 at 6.00 pm
In Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Zada (Chair)
Councillor Casey (Vice-Chair)
Councillors A Ahmed, J Martin, Perks, Roberts, Mrs Westwood,
C Wilson and Wright

OFFICERS:-

Mr J Butler, N Howell, Mrs A Roberts, Mr D Owen, Mrs S Willetts, Mr J Dunn
(all Directorate of the Urban Environment), Mrs G Breakwell and Mrs M Johal
(Directorate of Corporate Resources)

65 **DECLARATIONS OF INTEREST**

No Member made a declaration of interest in accordance with the Members' Code of Conduct.

66 **MINUTES**

RESOLVED

That the minutes of the meeting of the Committee held on 27th January, 2014, be approved as a correct record and signed.

67 **CHANGE IN ORDER OF BUSINESS**

Pursuant to Council Procedure Rule 13(c) it was:-

RESOLVED

That Agenda Item No 7 (Confirmation of Tree Preservation Order) be considered as the next item of business.

CONFIRMATION OF TREE PRESERVATION ORDER

A report of the Director of the Urban Environment was submitted requesting consideration on whether Tree Preservation Order (TPO/0055/NOR, King Edward VI Sports Ground, Swinford Road) should be confirmed with or without modification in light of the objections that had been received.

Mrs Zglinski, an objector was in attendance at the meeting and made representations against confirmation of the Tree Preservation Order and comments made included that there were safety concerns about T4 because it was leaning and the branches could fall onto the playing fields and cause injury; that the owners of a property on Willow Park Drive were concerned about the damage T3 would cause if it were to fall onto their property and she also informed the Committee that it was intended to seek independent expert advice and she urged that the decision for confirmation be deferred pending the outcome.

In responding to Members' comments, Mr Dunn reported that he was of the opinion that T3 and T4 were structurally good and that there were no defects and that the leaning of T4 had corrected itself and would not get any worse.

RESOLVED

That the Tree Preservation Order (TPO/0055/NOR, King Edward VI Sports Ground, Swinford Road), be confirmed subject to the following modifications:

- T7 and T8 are removed from the order
- The plan is corrected to show the accurate locations of the trees.

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.

- (i) Plan No P13/1648 – Land at Saltwells Wood, Brierley Hill – Construction of Single Storey Wardens/Education Facility and 5 No Dwellings with Garages and Associated Works to Existing Access Road from Pedmore Road
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Decision: Approved, subject to conditions, numbered 1 to 27 (inclusive), as set out in the report submitted.

- (ii) Plan No P13/1706 – 54 Kirkpatrick Drive, Wordsley, Stourbridge – Erection of Detached Outbuilding in Rear Garden (Retrospective)

Decision: That the application be approved.

- (iii) Plan No P13/1750 – Land Adjacent to 32 Meeting Street, Netherton, Dudley – Erection of Two Storey Building to Create 6 No Apartments with Associated Parking

Decision: Approved, subject to conditions, numbered 1 to 5 and 7 (inclusive), as set out in the report submitted, together with a revised condition, numbered 6 and additional conditions, numbered 8 and 9, as follows:-

6. The development hereby permitted shall be carried out in accordance with the following approved plan: 0721/01/Rev G.
8. No development shall commence until an amended site layout plan showing a 2m wide footpath in front of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved plan.
9. No development shall commence until details of the height and materials of the proposed boundary walls has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved details.

- (iv) Plan No P13/1844 – 6 Clifton Road, Halesowen – Erection of Outbuilding in Rear Garden (Retrospective)

Decision: That the application be approved.

- (v) Plan No P14/0008 – 14 Brandon Road, Halesowen – One and Two Storey Rear Extension and New Roof to Existing Garage

Decision: Approved, subject to conditions, numbered 1 to 3 (inclusive), as set out in the report submitted.

- (vi) Plan No P14/0012 – A461 Birmingham Road, Dudley – Display of Non-Illuminated Lamp Post Banner Signs

Decision: Approved, subject to conditions, numbered 1 to 7 (inclusive), as set out in the report submitted.

- (vii) Plan No P14/0013 – A4123 Birmingham New Road, Dudley – Display of Non-Illuminated Lamp Post Banner Signs

Decision: Approved, subject to conditions, numbered 1 to 7 (inclusive), as set out in the report submitted.

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- 70 PROPOSAL TO APPLY AN ARTICLE 4(1) DIRECTION TO THE WATERFRONT, BRIERLEY HILL, WEST MIDLANDS TO WITHDRAW PERMITTED DEVELOPMENT RIGHTS GIVEN UNDER PART 31, CLASS A (ANY BUILDING OPERATION CONSISTING THE DEMOLITION OF A BUILDING) OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 (AS AMENDED) AND PERMITTED DEVELOPMENT RIGHTS FOR CHANGE OF USE FROM OFFICES (CLASS B1a) TO RESIDENTIAL (CLASS C3)
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A report of the Director of the Urban Environment was submitted requesting consideration for the making of a Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 so that at The Waterfront, Brierley Hill (as identified in Figure 1 appended to the report submitted):- (a) the change of use of the office accommodation (Class B1a) to residential accommodation (Class C3) in respect of all of the area edged black but excluding the area edged red on the plan; and (b) the demolition of the accommodation in respect of the areas edged red and black on the plan comes under the control of the Local Planning Authority.

Arising from the presentation of the report a Member was of the opinion that regeneration was being stifled by applying restrictions and expressed concerns that stumbling blocks could undo the good work already done in regenerating Dudley. Reference was also made to paragraph 13 of the report and it was questioned whether the Committee were being consulted or whether decisions had already been made. Another Member referred to the office accommodation and indicated that the block had been vacant for a considerable period of time and as it had not been occupied he could not see any reason why it should not be used for residential purposes.

RESOLVED

That the comments made by Members of the Committee, as indicated above, be conveyed to the Cabinet Member for Regeneration for consideration when considering the proposal to apply an Article 4(1) Direction to the Waterfront, Brierley Hill.

REVOCATION OF TREE PRESERVATION ORDERS

A report of the Director of the Urban Environment was submitted on whether the Tree Preservation Orders, as indicated in Appendix 1 of the report submitted, should be revoked due to a change in circumstances since they were originally confirmed.

RESOLVED

That approval be given to the revocation of the Tree Preservation Orders indicated in Appendix 1 of the report submitted, namely: The Borough of Dudley (Land at High Street, Sedgley) (D464) Tree Preservation Order 1996; The Borough of Dudley (Land at High Street, Sedgley No 2) (D484) Tree Preservation Order 1996; The Borough of Dudley (Land at Beacon Passage, Sedgley) (D511) Tree Preservation Order 1997; The Borough of Dudley (Kettlesbank Road, Lower Gornal) (D598) Tree Preservation Order 2000; The Borough of Dudley (Priory Close, Oldswinford) (D616) Tree Preservation Order 2000; The Borough of Dudley (Priory Close, Oldswinford) (D617) Tree Preservation Order 2000 and The Borough of Dudley (Westdean Close, Halesowen) Tree Preservation Order 2003.

The meeting ended at 7.20 pm.

CHAIR