

Minutes of the Development Control Committee
Thursday 19th March, 2015 at 6.00 pm
in Committee Room 2 at the Council House, Dudley

Present:-

Councillor Q Zada (Chair)
Councillors A Ahmed, D Caunt, A Goddard, J Martin, C Perks, R Scott-Dow and D Vickers

Officers:-

J Butler – Group Engineer, T Glews – Environmental Protection Manager, H Martin - Head of Planning, C Mellor – Principal Planning Officer, P Reed – Principal Planning Officer (Directorate of Environment, Economy and Housing); S Ahmed-Aziz – Solicitor and H Shepherd – Democratic Services Officer (Directorate of Resources and Transformation).

81 **Declarations of Interest**

Councillor A Ahmed did not declare an interest in accordance with the Members' Code of Conduct, but for transparency purposes confirmed that he did live within close proximity to Unit 2, 100 Dock Lane, Dudley. He did not consider that this would affect his ability to consider Planning Application P15/0059 impartially and with an open mind.

82 **Minutes**

Resolved

That the minutes of the Committee held on 24th February, 2015, be approved as a correct record and signed.

83 **Site Visit**

Consideration was given to the confirmation report for the Borough of Dudley (Sunningdale Road/Gower Road, Sedgley (TPO/0126/SED)) in respect of which Members of the Committee had undertaken a site visit earlier that day.

Members that had attended the site visit were of the opinion that T9 was a considerably large tree that would continue to grow. There was evidence that the tree had already caused damage to the surrounding pavement, which would inevitably continue to worsen.

Resolved

<u>TPO No</u>	<u>Location/Proposal</u>	<u>Decision</u>
TPO/0126/SED	Sunningdale Road/Gower Road, Sedgley	Trees T10, T16 and T17 be confirmed. Tree T9 be deleted from the Order.

84 **Plans and Applications to Develop**

A report of the Strategic Director (Environment, Economy and Housing) was submitted on the following plans and applications to develop. 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 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 were in attendance at the meeting and spoke on the planning applications as indicated:-

<u>Application No</u>	<u>Objectors/supporters who wished to speak</u>	<u>Agent/Applicant who wished to speak</u>
P15/0015	Mr Steven Nash	
P15/0104	Mrs B Hall	Mr Craig Parkes
Resolved		

That the applications be determined as set out below:-

<u>Application No</u>	<u>Location/Proposal</u>	<u>Decision</u>
P15/0015	118 Oakham Road, Dudley – Fell 1 Sycamore Tree.	Approved, subject to the following condition:- 1. The tree works subject of this consent shall be carried out in accordance with British Standard BS 3998:2010 'Recommendations for Treework'.

2. A replacement tree shall be planted between the beginning of November and the end of March, within 1 year of felling (and replanted if necessary) and maintained until satisfactorily established. The replacement tree shall be located within the upper terrace of the rear garden. The species, size and location of the tree shall not be planted until formally approved in writing by the Local Planning Authority.

In considering the above application, Members commented on the large size of the tree and the damage that it had caused to the nearby walls. They also referred to suggestions of potential maladministration when the order was originally implemented, as neighbouring properties had not been notified of the application and would have had opportunity to appeal at that time if they had been advised.

P15/0104	28-30 Mount Street, Halesowen – Change of use from B1 to B2 (Servicing/Repairs and Storage of cars) (Retrospective).	Approved, subject to the following conditions:- <ol style="list-style-type: none"> 1. The use hereby permitted shall be limited for a period of 12 months from the date of this notice. When the premises cease to be occupied or at the end of 12 months, whichever shall first occur, the use hereby permitted shall cease and all materials, buildings and equipment brought on to the premises in connection with the use shall be removed. 2. The premises shall be used for the servicing and repair of motor vehicles and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order).
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3. The premises shall not be open to the public before the hours of 0800 nor after 1800 Monday to Friday, before the hours of 0900 nor after 1200 on Saturdays, nor at any time on Sundays and Public Holidays.
4. The washing of motor vehicles shall not take place anywhere on the site unless run-off drains to on-site gullies or drainage channels which are connected to the foul system via a petrol interceptor, to separate detergents, chemicals and/or any oil petrol spillages. Make, model and specification of any proposed interceptor should be agreed in writing with the Planning Authority prior to installation.
5. The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels by more than 5dB(A) between the hours of 0700-2300 (taken as a 15 minute LA90 at the nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the nearest sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.

6. All doors at the use hereby permitted shall be kept closed at all times during operational hours except for access and egress.
7. No deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen), before the hours of 0800 nor after 1800 Monday to Friday, before the hours of 0900 nor after 1200 on Saturdays, and not at all on Sundays and Public Holidays.

In considering the above application, Members took into account local residents' comments in support of the business, but raised concerns of possible obstructions to residents if the business expanded in the future. It was recommended that additional environmental conditions and a temporary 12 months licence be applied to the application so that the situation could be monitored during this period. Members authorised Officers to draft a list of conditions to be applied, which would be circulated to Members of the Committee for information.

P14/1622	9 Royal Close, Brierley Hill – Part A: Retrospective Side and Rear Boundary Treatment. Part B: Retrospective Outbuilding.	Part A, refused for the reason as set out in the report submitted. Part B, Approved subject to conditions, numbered 1 and 2 (inclusive), as set out in the report submitted. Enforcement Action be taken against the erected boundary wall positioned to the side and rear of the site.
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P14/1821	<p>Site of Former Duncan Edwards Public House, Priory Road, Dudley – Hybrid Application for Part A: Erection of 3 No. Retail units with car parking and associated works. Part B: Outline Application for Erection of 12 No. Dwellings (Access and layout to be considered).</p>	<p>Approved, subject to conditions, numbered 1 to 4 (inclusive), 6 to 23 (inclusive), 25 to 45 (inclusive), as set out in the report submitted and amended conditions , numbered 5 and 24, as set out below:-</p> <p>(5) None of the development hereby approved shall be first commenced until plans showing the repositioning of the bus shelter outside the visibility splay of 2.4 x 59m of the adjacent access points have been submitted to and approved in writing by the Local Planning Authority. The shelter shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.</p> <p>(24) No development shall commence until details for the relocation of the tactile paving due to the provision of the new vehicular access in Limes Road have been submitted to and approved in writing by the Local Planning Authority. The tactile paving shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.</p>
P15/0059	<p>Unit 2, 100, Dock Lane, Dudley – Change of use from B8 to Social Club with photographic studio and new smoking shelter (Sui generis) (Resubmission of refused application P14/1592).</p>	<p>Refused for the following reason:-</p> <p>The proposed use (and ancillary external activity) is considered to be detrimental to the residential and associated amenities of the locality in terms of noise and disturbance, contrary to saved policies DD1, DD4 and DD5 of the Unitary Development Plan 2005.</p>

In considering the application, Members expressed their support in facilitating a private members social club in Dudley, but considered that this particular venue was in an unsuitable location. Concerns were raised with regards to the insufficient car parking spaces available at the venue, the visual amenity impact having a smoking shelter located directly at the entrance of the property and in close proximity to the Leisure Centre and the impact that the licensed operating times would have on the surrounding residential community.

A Member suggested that the letter of support submitted on behalf of Dudley Leisure Centre should not be taken into consideration as this was a Council operated service.

P15/0060	72 Queens Road, Dudley – Single Storey Rear/Side Extension.	Approved, subject to conditions 1 to 3 (inclusive), as set out in the report submitted.
P15/0079	32 High Street, Pensnett, Brierley Hill – Fell 1 Sycamore Tree	Refused, for the reason, as set out in the report submitted.
P15/0137	The Old Apleyard, 26B, Gladstone Road, Wollaston, Stourbridge – Fell 1 Sycamore Tree	Approved, subject to the condition, as set out in the report submitted.

85 **Planning Services Fees – 2015/2016**

A report of the Strategic Director (Environment, Economy and Housing) was submitted on the setting of the Council's Building Regulation Fee Scales to take effect from 1st April 2015 and non-statutory Development Control Charges, and the intention to continue to use the Consumer Price Index (CPI) for Planning Obligations in accordance with Council Policy.

Resolved

- (1) That the inflationary increase of 2% of the existing Building Control Fee Schedule, as outlined in Appendix B to the report submitted, be endorsed.
- (2) That the continued use of Consumer Price Index in Planning Obligations costings, as outlined in Appendix C to the report submitted, and in accordance with the adopted Supplementary Planned Document "Planning Obligations", be noted.
- (3) That the use for CIL charges following adoption of the national All-In Tender Price Index of construction costs published by the Building Cost Information (BCIS) of the Royal Institute of Chartered Surveyors, be noted.

- (4) That the fee schedule for Development Control Non Statutory Fee Charges, as outlined in Appendix D to the report submitted, be endorsed.

The meeting ended at 7.40pm.

CHAIR