

DEVELOPMENT CONTROL COMMITTEE

Tuesday, 28th April, 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 C Cheetham, Mrs H Martin, Mr P Reed, Ms C Reeve, Mr S
Roach and Mrs S Willetts (Directorate of the Urban Environment); Mrs G
Breakwell and Mr J Jablonski (Directorate of Law, Property and Human
Resources)

88

DECLARATION OF INTEREST

Councillor C. Wilson declared a personal and prejudicial interest in respect
of planning application no. P09/0172 - Dean Court, Chapel Street, Brierley
Hill - installation of two antennae to replace existing and one IP-to-IP link
receiver on separate pole - in his capacity as a Ward Councillor representing
the interest of objectors at the flats at Dobbins Oak Road.

89

MINUTES

RESOLVED

That the minutes of the meetings of the Committee held on the 16th
March and the 6th April, 2009, be approved as correct records and
signed.

Arising from consideration of the Minutes of the meeting held on the
16th March, 2009, it was noted that there should have been a
correction to the date given in paragraph 76 of the report in respect
of application no. P08/1373 - land off Stewarts Road, Coombs Road
and Olive Hill Primary School, Halesowen - in that the date on which
the application to amend the definitive map was received should
have read 16th September, 2008 and not 26th September, 2008, as
reported.

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 to the report submitted, notes known as pre-Committee notes had also been circulated, updating certain of the information given in the reports submitted. In addition, where appropriate, details of the plans and applications were displayed by electronic means at the meeting.

In respect of planning application no. P09/0235, the applicant - a Mrs. L. Stanley - had indicated a wish to speak at the meeting and was present at the meeting to do so.

Consideration was then given to the following applications in turn, starting with application P09/0235, given the wish of the applicant to speak, as follows:-

- (i) Plan No. P09/0235 - 83 Charterfield Drive, Kingswinford - erection of brick boundary wall and railings to the front elevation and part side elevation of the property (retrospective)

Although recommended for approval in the report submitted, the pre-committee notes set out a changed recommendation that of refusal based on highway safety grounds. The reason for refusal was set out in those notes.

Mr. Butler in commenting on the aspect of highway safety referred to an indicative sketch displayed at the meeting, highlighting the need for a visibility splay of 2.4 metres by 59 metres and clear above 1.05 metres above the carriageway measured at the junction. The current visibility splay was significantly below the road standard and, therefore, was considered to represent a road safety hazard.

Mrs. Stanley in her representations cited the reasons for the proposal and a request made that negotiations be entered into to see whether a compromise could be reached.

Arising from the representations made, Members commented on the application and indicated support for deferment of the application so that further negotiations could be carried out between the officers concerned and the applicant.

Decision: That consideration of the application be deferred to enable negotiations to be entered into between the relevant officers and the applicant in respect of the application submitted and that, following such negotiations, the Director of the Urban Environment, in consultation with the Chairman, be authorised to determine the application.

- (ii) Plan No. P08/1797 - land adjacent to 21 Pale Street, Dudley - demolition of existing domestic garage and erection of one detached dwelling

Although this application was recommended for approval, subject to a Section 106 Agreement, the pre-committee notes indicated that the applicant was unwilling to enter into such an agreement and as unwillingness to enter into a Section 106 Agreement was a material ground for refusal, the application was now recommended for refusal.

Decision: That the application be refused for the following reason:-

The lack of an undertaking to make contributions towards local transport infrastructure, public open space, public realm and libraries is contrary to the requirements of UDP policies, DD7 and DD8 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.

- (iii) Plan No. P09/0029 - adjacent to 14 Somerset Drive, Wollaston, to erect a marquee for temporary use (3 years)

It was noted that the agent had withdrawn this application.

- (iv) Plan No. P09/0063 - Transco Depot, Church Avenue, Amblecote - substitution of apartment block on Plots 11-34 with 14 semi-detached dwellings of previous approval P06/1236

Decision: As indicated in the pre-committee notes, this application was deferred to enable the Nature Conservation Officer to properly consider the proposals set out in the Ecological Badger Survey that had now been submitted in the past few days so that an updated recommendation based on observations in respect of the survey might be submitted to the Committee.

- (v) Plan No. P09/0095 - Thorns Community College, Stockwell Avenue, Quarry Bank - erection of multi-use games areas with associated floodlighting and fencing (re-submission of P08/1214)

Decision: Approved, subject to conditions numbered 1 to 4 and 6 to 9 (inclusive) as set out in the report submitted, together with an amended condition, numbered 5, and additional conditions numbered 10 to 13, as follows:-

5. The MUGA's shall not be open to the public before the hours of 0900 nor after 2100 Monday to Friday, or before 1000 and 1700 on Saturdays, Sundays and Bank Holidays.

10. Prior to the commencement of development on site, a plan detailing the methods of moving and establishing the trees (as shown on Drawing A151) must be submitted and approved in writing by the Council before any works proceed. All works must be carried out in accordance to the approved plan and programme.
11. The proposed outside lighting should conform to the Bat Conservation Trust and Institute for Lighting Engineers' Guidance "Bats and Lighting in the UK". The lighting should be designed to be as close to the ground as possible, directed downwards and away from wildlife habitat. To minimise impacts, the lighting must be limited by a timer and not illuminated after 9.00 p.m. Within these hours of use, there should not be light if the MUGA is not occupied. Movement sensors should, therefore, be installed. A plan detailing the control of lighting will be submitted and approved in writing by the Council before any works proceed. All works to be carried out in accordance with the approved plan.
12. Prior to the commencement of development on site A plan detailing how the recommendations of the Ecological Reports by SLR (dated December, 2007 and July, 2008) will be carried out must be submitted and approved in writing by the Council before any works proceed. All works must be carried out in accordance with the approved and programme.
13. The proposed floodlights shall not be in operation before the hours of 0900 nor after 2100 Monday to Friday or before 1000 and 1700 on Saturdays, Sundays and Bank Holidays.

(vi) Plan No. P09/0172 - Dean Court, Chapel Street, Brierley Hill - installation of two antennae to replace existing and one IP-to-IP link receiver on separate pole

(Having previously declared a personal and prejudicial interest in this application, Councillor C. Wilson left the meeting for the consideration of the application).

This application had been recommended for approval, subject to conditions, as set out in the report submitted.

Reference was made in the presentation of this application to the comments made by a Ward Member, which were read out at the meeting, objecting the proposal on the grounds of potential interference associated with the mast on the resident's electrical equipment, specifically televisions, radios and pace-makers; with reference also being made to health worries with regard to, not only the residents of the high rise block, but children on the nearby primary school.

Members of the Committee also expressed their concerns, in particular, as to the impact of the application not only on the visual amenity of the area, but also to its residential amenity and certain members suggested that the application be not approved.

Decision: Refused, for the following reason:-

The proposed antennae, by virtue of its siting on the roof of a high rise block, would constitute an incongruous and prominent addition to the detriment of residential amenity by way of immediate outlook from neighbouring high rise buildings and visual amenity when viewed from the surrounding area.

(vii) Plan No. P09/0035 - 130 Ham Lane, Pedmore - installation of front dormer window

This application was recommended for approval, subject to conditions. Arising from the presentation given, on the content of the report and visual information displayed, Members expressed concerns that the proposal would produce an incongruous feature on the street scene.

Decision: Refused, for the following reason:-

The proposed front dormer window would, by reason of its design and fenestration, constitute an incongruous addition to the host property, to the detriment of its architectural appearance and therefore to the character and visual amenity of the area, in contravention of Policy DD4 (Development in Residential Areas) of the adopted Dudley Unitary Development Plan (2005) and Planning Guidance Note17(House Extension Design Guide)

(viii) Plan No. P08/1049 - former Lomond Vale Nursing Home, Church Street, Lower Gornal - demolition of existing building and erection of 2/3 storey block of ten apartments

The application had been recommended for approval, subject to a Section 106 Agreement. Arising from the presentation given, of the content of the report and as visually displayed at the meeting, certain members queried, in particular, the building to be constructed, given the details referred to in paragraph 5 of the report as to the design and materials to be used and also considered that the proposal would adversely affect the setting of the listed St. James's Church on the other side of the road. It was considered, therefore, that a building more in keeping with the character of the area should be proposed.

Decision: Refused, for the following reason:-

The development proposed would be detrimental to the setting of the listed St James Church and not in keeping with the prominent stone wall enclosing the site or the street scene by reason of its design and appearance. As such, it would be contrary to policies DD1 and DD4 of the adopted Dudley Unitary Development Plan.

- (ix) Plan No. P08/1342 - land at Bald's Lane, Lye - erection of new B2 to B8 unit with associated service area, parking and landscaping

Decision: That, as the determination of this application rests with the Planning Inspectorate, the Committee resolve that it would have refused the proposal for the three reasons as set out in the report submitted.

- (x) Plan No. P08/1433 - L93 and L94, Merry Hill Centre, Brierley Hill - erection of mezzanine to create additional retail and stock space

Decision: Approved, subject to the following:-

- (i) the development not beginning until a scheme for the submission and approval of a planning obligation to guarantee the provision of an off-site contribution towards transport infrastructure improvements and an obligation to off-set existing retail space has been submitted to and agreed in writing by the Local Planning Authority;
- (ii) conditions numbered 1 and 2, as set out in the report of the Director of the Environment and that the Director of the Urban Environment be authorised to amend the foregoing conditions, as necessary.
- (xi) Plan No. P08/1541 - shop 38, Beech Green, Dudley - change of use from retail (A1) to hot food takeaway (A5) with proposed fume extraction. First floor rear extension to create a one bedroomed apartment with access from new separate staircase. New shop front (resubmission of withdrawn application P08/1077)

This application previously granted planning permission at the meeting of the Committee held on the 9th February, 2009, had been resubmitted following adoption of the revised Planning Obligations Supplementary Planning Document at the full Council meeting held on 18th March, 2009, and the subsequent request by the applicant that the transport contribution based on the newly adopted document be renegotiated. This has led to a reduction in the transport infrastructure contribution and to a reduction in the management and monitoring charge, as set out in the report submitted.

Decision: Approved, subject to the following:-

- (i) the Development not beginning until a scheme for the submission and approval of a planning obligation to guarantee the payment of £2,657.56 for off-site public open space/play provision and enhancement; library and transport improvements as well as monitoring, management and implementation cost has been submitted to and agreed in writing by the Local Planning Authority.
 - (ii) 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.
 - (iii) 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. P08/1660 - Broadway Hall of Residence, The Broadway, Dudley - demolition of existing Student Hall of Residence Building and erection of Nursing Home with associated parking and landscaping

This application previously granted planning permission at the meeting of the Committee held on the 9th February, 2009, had been resubmitted following adoption of the revised Planning Obligations Supplementary Planning Document at the full Council meeting held on 18th March, 2009, and the subsequent request by the applicant that the transport contribution based on the newly adopted document be renegotiated. This has led to a reduction in the transport infrastructure contribution and to a reduction in the management and monitoring charge, as set out in the report submitted.

Decision: Approved, subject to the following:-

- (i) the development not beginning until a scheme for the submission and approval of a planning obligation to guarantee the payment of £7,834.71 for transport infrastructure improvements as well as monitoring, management and implementation costs has been submitted to and agreed in writing by the Local Planning Authority.
- (ii) 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 in each subsequent year, in accordance with the Council's planning obligations policies.
- (iii) conditions numbered 1 to 18 (inclusive) as set out in the report of the Director of the Urban Environment submitted and;

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

- (xiii) Plan No. P09/0304 - Gornal Crematorium, Chase Road, Lower Gornal - New Remembrance Wall

Decision: Approved, subject to conditions numbered 1 and 3 and to an amended condition, numbered 2, as follows:-

- 2. Prior to the commencement of development, the details of the metal sculpture/artwork to be placed within the centre of the remembrance wall, shall be submitted to and approved in writing by, the Local Planning Authority. Such approved details shall be implemented with and maintained for the life of the development

- (xiv) Plan No. P09/0306 - The Flower Girl, 100 Wolverhampton Street, Dudley - erection of single storey rear extension

Arising from the presentation of the report submitted, it was noted, as set out in the pre-Committee notes, that the applicant had submitted a Unilateral Section 106 Agreement, covering the planning obligations outlined at paragraph 12 of the report. The recommendation was, therefore, now amended to read "The application is approved subject to the following conditions".

Decision: Approved, subject to conditions numbered 1, 3 and 4, as set out in the report of the Director of the Urban Environment submitted and to the deletion of condition 2 in that report.

- (xv) Plan No. P09/0366 - Garratts Angling, 2 High Street, Wollaston - change of use from retail (A1) to osteopathic practice (D1) (re-submission of withdrawn application P09/0124)

Decision: Approved, subject to the following :-

- (i) the development not beginning until a scheme for the submission and approval of a planning obligation to guarantee the provision of an off-site contribution towards transport infrastructure improvements in the sum of £271.66 for this aspect, as reported at the meeting, and for other sums, has been submitted to, and agreed in writing, by the Local Planning Authority.
- (ii) conditions numbered 1 and 2 as set out in the report of the Director of the Urban Environment submitted; and

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

The meeting ended at 7.10 p.m.

CHAIRMAN