

DEVELOPMENT CONTROL COMMITTEE

Monday, 11th May, 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, Roberts, Southall, Mrs Turner, C Wilson and Mrs Wilson.

OFFICERS: -

Mr J Butler, Mr T Glews, Mr D Holloway, Mr P Reed and Mrs S Willetts (Directorate of the Urban Environment); Mrs G Breakwell and Mrs M Johal (Directorate of Law, Property and Human Resources)

91 REMARKS OF CHAIRMAN

The Chairman welcomed Councillor Mrs Wilson back to the meeting, following her recent illness.

92 DECLARATION OF INTEREST

No member made a declaration of interest in accordance with the Members' Code of Conduct in respect of any matter to be considered at this meeting.

93 MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 28th April, 2009, be approved as a correct record subject to the addition of the following reason for refusal to Minute No 90(vi) in respect of Plan No P09/0172:-

“The siting of the proposed relocated antennae may have a direct and adverse impact on the residential amenity of the properties of Dean Court by way of the perceived disruption to the reception of electromagnetic waves (Television/Radio Reception). This adverse impact is considered contrary to the advice and guidance contained in policy DD4”.

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, 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.

The following 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 applications indicated:-

- (i) Plan No P09/0161 – Mr Tony Wood – an objector
 - (ii) Plan No P09/0200 – Mr J Tristram – an objector and Mr Keith Sorrell – Applicant
 - (iii) Plan No P09/0239 – Mrs Carole-Ann Rushton – an objector
 - (i) Plan No P09/0161 – Former Royal Brierley Crystal Works, North Street/Moor Street, Brierley Hill – Substitution of plots 1-27 (approved under Application No P06/0182) with 16 No houses and 4 No flats
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Decision: Approved, subject to conditions numbered 1 to 9 (inclusive) as set out in the report submitted, together with an additional condition, numbered 10, as follows:-

- 10. The development hereby approved shall not be occupied until the developer has entered into an agreement that seeks to implement a Traffic Regulation Order that restricts waiting at any time in the vicinity of the junction of the new estate road with Moor Street.
 - (ii) Plan No P09/0200 – Windsor High School, Richmond Street, Halesowen – Construction of a new sixth form centre, sports hall and associated facilities
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The Committee noted that the figure for the Transport Infrastructure Improvement monies should be £17,672.19 and not the lower figure of £12,819.42 as set out in the report. The revised total had been agreed by the applicants. Amended layout, landscaping and cross sectional plans were submitted which showed an increase in the number of parking spaces, from 24 to 31 spaces on the site and a proposed increase of a further 5 spaces in the main school car park.

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 financial contribution 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, 3 to 6 and 8 to 12 (inclusive) as set out in the report submitted, together with amended conditions Numbered 2 and 7, and additional conditions, numbered 13 and 14, as follows: -
 2. The Rating Level of noise arising from fixed plant/machinery within the boundary of the proposed development, when measured or calculated, as a 60 minute LAeq (between 07:00 and 23:00 hours) shall not exceed the background noise level (LA90) of the same period by more than +5dB on any day at the boundary with the closest residential property. The rating level of noise arising from fixed plant/machinery within the boundary of the proposed development, when measured or calculated, as a 5 minute LAeq (between 23.00 – 07.00 hours) shall not exceed the background noise level (LA90) of the same period by more than +5dB on any day at the boundary with the closest residential property. The LA90 background level referred to above is the background noise level representative of the local area, measured when the plant/machinery at the proposed development site is not in operation. All measurements and assessments are to be made in accordance with the main procedural requirement of BS4142:1997 "Method of rating industrial noise affecting mixed residential and industrial areas".

7. Prior to the commencement of development, a detailed landscape scheme for the site and the wooded embankment adjoining the site to the west shall be submitted to, and approved in writing by the Local Planning Authority. This scheme shall include the provision of measures to enhance the nature conservation value of the site and wider area, and shall include a timetable for the implementation of the works and their ongoing maintenance. The scheme shall be implemented in accordance with the approved details.

13. Before the development is brought into use, the parking and manoeuvring areas and access thereto, shown on the approved layout plan [3032 AI (0) 000A] shall be hard surfaced and made available for use, with the parking spaces clearly marked out, and that area shall not thereafter be used for any other purpose unless otherwise agreed in writing by the Local Planning Authority.

14. Prior to the commencement of development details of the additional parking spaces to be made available within the main car park on the wider school site shall be submitted to and approved in writing the Local Planning Authority. The approved spaces shall be made available prior to the development hereby approved being brought into use, with those spaces hard surfaced as necessary and clearly marked out. These parking spaces shall not thereafter be used for any other purpose unless agreed in writing by the Local Planning Authority; and

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

- (iii) Plan No P09/0239 – 13, Cider Avenue, Brierley Hill, - Provision of 4 car parking spaces

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

- (iv) Plan No P09/0336 – Cromwell Plastics Ltd Rear of 53 to 54, New Street, Quarry Bank, Brierley Hill – Erection of steel security gates with wooden cladding (retrospective)

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

- (v) Plan No P09/0359 – 19, Enville Road, Wall Heath, Kingswinford – Change of use from self contained flat (C3) to hairdressing salon (A1) with new shop front

Decision: Approved, subject to the following: -

- (1) The development shall not begin until a scheme for the submission and approval of a planning obligation to guarantee the provision of off site transport infrastructure improvements has been submitted to and agreed in writing by the Local Planning Authority.
- (2) Conditions numbered 1 to 4 (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.

- (vi) Plan No P09/0367 – 156, Halesowen Road, Netherton – Change of use to taxi booking office (re-submission of refused Application P08/1867 (retrospective))

Decision: Approved, subject to the condition numbered 1 as set out in the report submitted, together with amended condition, Numbered 2, as follows:-

- (2) Within one month of the date of this planning permission the area shown for parking on the approved 1:200 site plan shall be marked out in accordance with the agreed scheme and shall not thereafter be used for any other purpose unless otherwise agreed in writing by the Local Planning Authority.

- (vii) Plan No P09/0374 – Unit 25, Pedmore Trading Estate, Pedmore Road, Brierley Hill – Erection of first floor extension, recladding of industrial unit with new retail entrance

The Committee noted that paragraph 27 of the report submitted relating to offsite contributions should be amended to replace the figure of £500 in respect of the Management and Monitoring Charge to £250 and that the Total Offsite Contribution equates to £1301. It was also noted that the paragraph relating to informative should be amended to read “For the avoidance of doubt, this permission relates to drawing numbers PM2492: 002/RevB, 004 and 005/RevA and shall be implemented in strict accordance with these plans unless otherwise agreed in writing with the Local Planning Authority”. An amended Plan No PM2492-005a was appended to the pre-Committee notes.

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 4 (inclusive) as set out in the report submitted, together with an amended condition, numbered 5, as follows:-
 5. Prior to its erection on site the palisade fencing hereby approved shall be powder coated slate grey or black in colour and shall be maintained in that colour for the life of the development, unless otherwise agreed in writing by the Local Planning Authority; and

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

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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 7.10 p.m.

CHAIRMAN