

DEVELOPMENT CONTROL COMMITTEE

Tuesday 2nd April, 2013 at 6.00 pm
in Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Harris (Chair)
Councillor Roberts (Vice-Chair)
Councillors A Ahmed, Casey, S Turner, Mrs Westwood, C Wilson and Wright

OFFICERS:-

Mr J Butler, Mr T Glews, Mrs H Martin, Mr P Reed and Mr R Stevenson (all Directorate of the Urban Environment), Mrs G Breakwell and Mrs M Johal (Directorate of Corporate Resources)

76 **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of Councillors Herbert and Zada.

77 **APPOINTMENT OF SUBSTITUTE MEMBER**

It was reported that Councillor A Ahmed had been appointed as a substitute member for Councillor Zada for this meeting only.

78 **MINUTES**

RESOLVED

That the minutes of the meeting of the Committee held on 11th March, 2013, be approved as a correct record and signed.

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.

The following persons referred to had indicated that they wished to speak at the meeting and, unless indicated, spoke on the planning applications:-

Plan No P12/0304 – Councillor James (Ward Councillor) and Mr Plass – objectors.

Plan No P13/0013 – Mrs N Andreou – an objector and Mr Chana – an agent.

Plan No P13/0041 – Mr Zach Ioannou – an objector (not in attendance) and Mr Clarke – an applicant.

Plan No P13/0173 – Councillor K Turner (Ward Councillor) – an objector and Mrs L Walton and Mr L Adams, Client an agent.

Plan No P13/0206 – Mr Emery – an agent.

- (i) Plan No P12/0304 – Land Adjacent to 1 and 2 Furnace Hill, Halesowen – Outline Application for the Erection of 3 No Dwellings (Access, Layout and Scale to be Considered (Resubmission of Refused Application P11/0338))

Decision: That consideration of this application be deferred pending a site visit to be held prior to the next meeting of the Committee.

- (ii) Plan No P13/0013 – 7 Woodbury Road, Hurst Green Shopping Centre, Halesowen – Change of use of Retail Shop (A1) to Hot Food Takeaway/Delicatessen Facilities (A5/A1) with New Fume Extraction

Decision: Approved, subject to conditions, numbered 1 to 4 (inclusive), as set out in the report submitted.

- (iii) Plan No P13/0041 – 148-152 Hagley Road, Stourbridge – Change of Use from Retail (A1) to Restaurant (A3) with Elevational Changes to Include New Fume Extraction and Creation of a Covered Smoking Area

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

- (iv) Plan No P13/0173 – 15 Briery Road, Halesowen – Erection of First Floor Extension

Decision: That the application be deferred to enable the Officers to provide correct information and plans for this application to enable the Committee to make an informed decision.

- (v) Plan No P13/0206 – 7 Ketley Road, Kingswinford – Erection of 1 No Dwelling with Associated Car Parking (Resubmission of Refused Planning Application P12/0081)

Decision: Refused, for the reason as set out in the report submitted.

At this juncture the Chair adjourned the meeting at 7.20 pm and reconvened at 7.30 pm

- (vi) Plan No P12/1042 – Land Between Birmingham Street, Hall Street, Dudley Southern Bypass, Claughton Road and Portersfield, Dudley – Redevelopment to Provide Retail Superstore (A1) Further Retail, Service and Leisure Accommodation (A1, A3, D2) Conversion, Redevelopment and Alteration of Premises Along Hall Street to Accommodate A1, A2, A3, A4, A5, B1 Uses, Taxi Rank and Filling Station, Highways and Access Works (Outline) (Access to be Considered) (Amended Proposal)

Decision: Approved, subject to the following:-

- (1) Referral to the Secretary of State for consideration in accordance with Section 77 of the Town and Country Planning Act 1990.
- (2) The applicant being invited to make an application to the Secretary of State, under Section 247 of the Town and Country Planning Act 1990 to close, create and improve highways based upon Drawing No 977-104 to enable development authorised by planning permission to take place; the full costs and works to the Local Authorities' satisfaction shall be met by the developer.
- (3) Conditions, numbered 1 and 2, 6 to 13, 15 to 28, 30 to 38, 40 to 42, 44 to 51, 53, 55 to 74 and 76 to 78 (inclusive), as set out in the report submitted, together with amended conditions, numbered 3 to 5, 14, 29, 39, 43, 52, 54 and 75, as follows:-

3. The development shall not commence until a Construction Method Statement for the site has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall then be adhered to throughout the construction period, unless otherwise agreed in writing by the Local Planning Authority. The Statement shall provide for:
 - i. The parking of vehicles of site operatives and visitors
 - ii. Loading and unloading of plant and materials
 - iii. Storage of plant and materials used in constructing the development
 - iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. Wheel washing facilities
 - vi. Measures to control the emission of dust and dirt during construction and demolition
 - vii. A scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii. The position of the site construction compound.
4. The reserved matters proposals for this site shall be in general accordance with the approved design and access statement (Revision B) and Illustrative Scheme Masterplan Proposal – Drawing No 10167/PA04 Revision D' and Drawing No 977-110A submitted in support of this outline application and the Masterplan to be approved under Condition (A5).
5. Prior to the submission of any Reserved Matters applications, a masterplan and public realm strategy for the development shall be submitted to and approved in writing by the Local Planning Authority. The masterplan will identify:
 - i. The location of entrances and exits
 - ii. The street layout including public squares and spaces for which public realm schemes will be provided within reserved matters submissions
 - iii. The public square levels and site general levels
 - iv. The location, scale and nature of public art provision for which public art schemes will be provided within reserved matters submissions
 - v. The location of pedestrian and cycle routes
 - vi. The location of any buildings greater than 2 storeys in height and landmark buildings; and
 - vii. Any phasing of the development or the discharge of conditions.

14. A window display or window providing intervisibility shall be provided at all times within the window(s) forming the frontages of the proposed buildings as annotated by the short blue lines on the periphery of the buildings on the Illustrative Scheme Masterplan Proposal – Drawing No 10167/PA04 Revision D.
29. Prior to their installation, details of any biomass boiler(s) shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include: an air quality assessment addressing the impacts of nitrogen dioxide and PM10 emitted by the boiler on relevant local receptors, and, as necessary, a scheme for protecting local receptors from the effects of such emissions; the height of the chimney serving the boiler, including its scale, materials and any housing. The boiler shall be installed in accordance with the approved details prior to the occupation of the development and shall be retained as such thereafter.
39. No part of the development shall be occupied until details of two interpretation panels to be installed at the site (one at Hall Street and about Hall Street and its environs and one to the public realm frontage adjacent to the Grade II Listed Building St Thomas of Canterbury Church) have been submitted to and approved in writing by the Local Planning Authority. The details shall include design, size, location, artwork and text. The panels shall thereafter be installed in accordance with the approved details, and in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority. The interpretation panels shall thereafter be retained for the life of the development.
43. Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended by Section 49 of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (General Procedural) Order 1995 (as amended) no mezzanine floor(s) shall be provided within the store(s) without the express grant of planning permission.
52. All excavations to be undertaken within 6 metres of the stem of existing trees to be retained on site shall be undertaken in accordance with njug publication number 10 'guidelines for the planning, installation and maintenance of utility services in proximity to trees'.

54. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority technical details of any proposed pathway/hard surfacing/driveway/parking area within 3 metres of the outer canopy spread of any existing tree to be retained on or off the site. The details of the vehicular access and parking areas shall include existing and proposed ground levels, materials to be used and the relative time of construction within the whole development and must be in accordance with appropriate guidelines, namely BS 5837:2005 'trees in relation to construction' and arboricultural advisory and information service practice note 'driveways close to trees' (1996). Any parking areas within 3 metres of existing trees to be retained must be constructed using 'no-dig' techniques incorporating appropriate surfaces to avoid damage to trees and to prevent any potential direct or indirect damage caused by trees.
75. A detailed Ecological Delivery Plan (including establishment and ongoing maintenance programme), taking into account appropriate compensation, mitigation and enhancements for nature conservation should be submitted and approved by the Local Planning Authority prior to the commencement of development. The Plan should encompass the recommendations of the Environmental Statement including:
- Wider landscaping using native/wildlife attracting species
 - Use of landscaping techniques and other recommendations to provide compensatory habitats
 - Artificial bat roost provision
 - Development and implementation of a Habitats Management Plan
 - Sensitive outside lighting to avoid impacts on bat roosting, foraging and commuting
 - Delivering native wildflower grassland and native tree planting in public open spaces
 - Methodology for the protection of nesting birds
 - Methodology for the avoidance of demolition/construction dust harming vegetation
 - Methodology for the avoidance of water pollution

All works must be carried out in accordance to the approved plans and programmes and shall be retained as such thereafter.

- (vii) Plan No P12/1043 – Land Between Birmingham Street, Hall Street, Dudley Southern Bypass, Claughton Road and Portersfield, Dudley – Conservation Area Consent for Demolition of Former Public House, Restaurant, Office, Retail and Service Units with Flats Above, Vacant Building, Other Buildings and Structures

Decision: Approved, subject to conditions, numbered 1 to 5 (inclusive), as set out in the report submitted.

- (viii) Plan No P12/1107 – 22-37 King Street, 4-6 Flood Street and Falcon House, The Minorities, Dudley – Demolition of Existing Office and Retail Accommodation. Erection of Food Store (A1) with Associated Petrol Filling Station, Car Parking, Landscaping, Highway Improvements to Flood Street and Oakeywell Street and the Stopping Up of Public Highway Under Section 247 of the Town and Country Planning Act 1990

Decision: Approved, subject to the following:-

- (1) The applicant being invited to make an application to the Secretary of State, under Section 247 of the Town and Country Planning Act 1990 to close, create and improve highways as shown on Drawing No Mouchel 1044480 SK02 120313 or subsequent revised drawing as agreed under delegated powers by the Director of the Urban Environment, to enable development authorised by planning permission to take place. The full costs and works to the Local Authorities' satisfaction shall be met by the developer.
- (2) Conditions, numbered 1 to 39 (inclusive), all as set out in the Pre-Committee noted circulated at the meeting, together with an additional, condition, numbered 40, as follows:
 40. Prior to its installation, details of the CHP boiler(s) shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include: an air quality assessment addressing the impacts of nitrogen dioxide and PM10 emitted by the boiler on relevant local receptors, and, as necessary, a scheme for protecting local receptors from the effects of such emissions; the height of the chimney serving the boiler, including its scale, materials and any housing. The boiler shall be installed in accordance with the approved details prior to the occupation of the development and shall be retained as such thereafter.

- (ix) Plan No P13/0116 – Land to the Rear of 32 Linnet Close, Halesowen – Fell 5 Sycamore Trees, Crown Reduce 1 Sycamore Tree by 25%; Crown Lift 1 Sycamore Tree to 4 Metres; Crown Lift 2 Sycamore Trees to 4 metres and Crown Thin by 20%

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

- (x) Plan No P13/0168 – 16 Rowan Road, Sedgley, Dudley – Fell 1 Rowan Tree

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

- (xi) Plan No P13/0231 – Highway Verge of Carters Lane, Lapal, Halesowen – Prior Approval Under Part 24 of the Town and Country Planning (GPDO) for a Telecommunications Development Comprising Installation of 15M High Dual User Street Pole and 2 No Radio Equipment Cabinets

Decision: Approved, subject to the condition, numbered 1, as set out in the report submitted.

- (xii) Plan No P12/1623 – 136 Spies Lane, Halesowen – Single and Two Storey Side Extension (Following Demolition of Existing Garage), Single Storey Rear Extension and New Front Canopy Roof

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

80

PLANNING SERVICES FEES – 2013/2014

A report of the Director of the Urban Environment was submitted on the setting of the Council's Building Regulation Fee Scales to take effect from 12th April 2013 and non-statutory Development Control Charges and the intention to continue to use the Consumer Prices 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 A to the report submitted, be endorsed.
- (2) That the use of the Consumer Price Index in Planning Obligations costings, as outlined in Appendix B to the report submitted, and in accordance with the adopted SPD "Planning Obligations", be noted.

- (3) That the retention of the existing fee schedule for Development Control Non Statutory Fee Charges, as outlined in Appendix C to the report submitted, be endorsed.
-

81 DEVELOPMENT CONTROL PERFORMANCE

A report of the Director of the Urban Environment was submitted on decisions made on applications determined under 'delegated powers' by the Director of the Urban Environment and decisions on appeals made against the Council's decision on planning applications.

RESOLVED

That the information contained in the report, and Appendices to the report submitted, on the performance of the Development Control Service with regard to decisions made on applications determined under 'delegated powers' by the Director of the Urban Environment and decisions on appeals made against the Council's decision on planning applications, be noted.

The meeting ended at 8.35 pm.

CHAIR