

## **DEVELOPMENT CONTROL COMMITTEE**

Monday 16<sup>th</sup> March, 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, Mr T Cowley, Mrs H Martin, Mr P Reed, Mr S Roach and Mrs S Willetts (Directorate of the Urban Environment); Mrs G Breakwell, and Mrs L Jury (Directorate of Law and Property)

### 79           **APOLOGY FOR ABSENCE**

An apology for absence from the meeting was submitted on behalf of Councillor Mrs Wilson.

---

### 80           **APPOINTMENT OF SUBSTITUTE MEMBER**

It was reported that Councillor J Martin had been appointed as a substitute member for Councillor Mrs Wilson, for this meeting of the committee only.

---

### 81           **DECLARATIONS OF INTEREST**

Councillor Wright declared a personal and prejudicial interest in respect of planning application number P08/1910 – Land adjacent to Broad Street, Old Meeting Road and Whitehouse Street, Coseley – Demolition of Wallbrook House and Youth Centre and redevelopment to form 72 apartment retirement village with communal facilities and associated car parking – in that he is a tenant of the applicant, Midland Heart Developments Ltd.

---

### 82           **MINUTES**

RESOLVED

That the Minutes of the meeting of the Committee held on 24<sup>th</sup> February, 2009, be approved as a correct record and signed.

---

83

CHANGE IN ORDER OF BUSINESS

Pursuant to Council Procedure Rule 13 (c) it was

RESOLVED

That planning applications numbered P08/1597, P08/1835, agenda item number 7, P09/0099 and P08/1373 be considered before the remaining items of business on the agenda.

---

84

SITE VISITS

Consideration was given to the following planning applications in respect of which a site visit had been made on Thursday, 12<sup>th</sup> March, 2009, by members of the Committee.

RESOLVED

- (1) Plan no. P08/1597 – 44 Bowling Green Road, Stourbridge – Single storey side/rear extension to create enlarged kitchen/dining area and utility.

Decision: Approved, for the following reason:

1. The proposed development would not have any adverse effect on the character of the area or residential amenity.

- (2) Plan no. P08/1835 – Land rear of 38 High Street, Pensnett – Demolition of domestic garage to provide access road and the erection of 8 no. new residential dwellings (resubmission of withdrawn application P08/1512).

Decision: Refused, for the following reasons:

1. The design, scale and siting of the development proposed would have an adverse impact upon the amenities, privacy and character of the local area by appearing as overly large and overbearing features in the outlook from existing residential dwellings relative to the existing context of built development, contrary to policy DD4 of the adopted Unitary Development Plan (2005).

2. The lack of a completed undertaking to make a contribution towards planning obligations would result in the proposed development increasing the demand on local facilities with no compensation or enhancement, thus resulting in harm to the wider community, contrary to policies DD7, DD8 and LR1 of the adopted Unitary Development Plan (2005) and the Council's Planning Obligations SPD.

---

85

BUILDING CONTROL FEES 2009/2010 – DEVELOPMENT CONTROL  
NON-STATUTORY FEES 2009/2010

A report of the Director of the Urban Environment was submitted on the Council's Building Regulation Fee Scale to accommodate an increase in charges for 2009/2010 equivalent to 2.5%, and on a scale of charges for the non-statutory supply of services provided by Development Control.

RESOLVED

That the information contained in the report and appendices submitted, on the Council's Building Regulation Fee Scale to accommodate an increase in charges for 2009/2010 equivalent to 2.5% and on a scale of charges for the non-statutory supply of services provided by Development Control, be approved.

---

86

PLANS AND APPLICATIONS TO DEVELOP

A report of the Director of the Urban Environment was submitted on the following plans and applications to develop. The 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. P09/0099 – 48, 49 Long Lane, Halesowen – Variation of condition no. 1 of planning application P03/1864 to be revised to 'no more than 600 live chickens shall be kept on the premises at any one time, and there shall be no more than one delivery of live chickens to the premises per day. In any event, no live poultry shall be delivered before 08.00 hours or after 17.30 hours on Mondays to Saturdays inclusive or at any time on Sundays or Bank Holidays – Councillor Mrs Shakespeare, Ward Member, speaking in objection, and Mr Parker, agent/applicant.

- (ii) Plan no. P08/1373 – Land off Stewarts Road, Coombs Road and Olive Hill Primary School, Halesowen – Development of new sports ground and social club at land off Stewarts Road, development of a new sports field and environmental zone at Olive Hill Primary School and residential redevelopment at land off Coombs Road and Lodgefield Road including a new access off Coombs Road (outline) – Councillors J Hill and James, Ward Members speaking in objection to the application, Mr Roberts, an objector, and Mr Romano, agent/applicant.

## RESOLVED

That the plans and applications be dealt with as follows:

- (i) Plan no. P09/0099 – 48, 49 Long Lane, Halesowen – Variation of condition no. 1 of planning application P03/1864 to be revised to ‘no more than 600 live chickens shall be kept on the premises at any one time, and there shall be no more than one delivery of live chickens to the premises per day. In any event no live poultry shall be delivered before 08.00 hours or after 17.30 hours on Mondays to Saturdays inclusive or at any time on Sundays or Bank Holidays.’

Decision: Refused, for the following reason:

1. The Local Planning Authority consider that the significant increase in throughput of poultry at the planning unit represented by the proposal could result in a situation where 600 chickens are delivered and slaughtered on a daily basis, giving rise to a materially injurious impact upon the amenities of residents living in close proximity to the premises as a result of the noise and disturbance associated with such a substantial increase in activity on the site. This impact is exacerbated by the close and sensitive spatial relationship between the premises and the surrounding dwellings. The proposal is thereby detrimental to the amenities of the area, contrary to Policy DD4 (development in residential areas) of the adopted Unitary Development Plan.

- (ii) Plan no. P08/1373 – Land off Stewarts Road, Coombs Road and Olive Hill Primary School, Halesowen – Development of new sports ground and social club at land off Stewarts Road, development of a new sports field and environmental zone at Olive Hill Primary School and residential redevelopment at land off Coombs Road and Lodgefield Road including a new access off Coombs Road (outline).

Decision: Approved, subject to the following:

- (1) The applicant entering into a planning obligation for the lease transfer of land indicated on drawing number 506006/001 Rev D to the Council for fifty years and the payment of £60,000 for the provision of warden services together with the delivery of affordable housing, transport infrastructure improvements, public open space, play area, public realm, public art and library improvements.
- (2) Conditions numbered 1 to 25 (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.

(Councillors Barlow and Southall requested that their votes for refusal of the application be recorded).

- (iii) Plan no. P08/1910 – Land adjacent to Broad Street, Old Meeting Road and Whitehouse Street, Coseley – Demolition of Wallbrook House and Youth Centre and redevelopment to form 72 apartment retirement village with communal facilities and associated car parking.

(Having previously declared a personal and prejudicial interest in this application, the Chairman left the room during the consideration of this application).

Councillor Banks (Vice Chairman) (in the Chair).

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, maintenance and enhancement of off-site public open space, transport infrastructure improvements, public realm improvements and a management and monitoring charge totalling £110,417.89 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. The Stopping Up of the highway identified on the Stopping Up plan (Drawing no. 530-10 Rev.A) attached to the report.
4. The widening of the public footpath between Old Meeting Road and Broad Street by the developer and at the developer's expense.
5. The provision of a turning facility at the end of Whitehouse Street and its subsequent adoption as public highway.
6. The improvement of the areas of highway shown on the highway improvement plan (Drawing no. 530-10 Rev.A).
7. Conditions numbered 1 to 12 (inclusive) as set out in the report of the Director of the Urban Environment, together with an additional condition, numbered 13, as follows:

13. The development shall be constructed at the finished floor levels shown on the plans hereby approved; and

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

- (iv) Plan no. P09/0061 – 38 Lutley Avenue, Halesowen – Retrospective planning permission for a Dormer window and 2 no. window lights at the rear of the property.

Decision: Approved, for the reason as set out in the report of the Director of the Urban Environment.

- (v) Plan no. P09/0087 – Grand Junction Inn, High Holborn, Sedgley – Change of use from public house (A4) to Dental Practice (D1), with replacement windows and door, associated car parking and internal refurbishment.

Decision: Approved, subject to the following:

1. The development not beginning until a scheme for the submission and approval of a planning obligation to guarantee the provision of off-site public open space and play area and library improvements has been submitted to and agreed in writing by the Local Planning Authority.

2. 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.

(vi) Plan no. P09/0124 – Garratts Angling, 2 High Street, Wollaston, Stourbridge – Change of use from retail (A1) to Osteopathic Practice (D1).

Decision: Noted, that this application had been withdrawn.

(vii) Plan no. P08/1735 – 45A (Land adjacent 45), Crossgate Road, Holly Hall, Dudley – Erection of 1 no. 4 bedroom detached dwelling and associated parking (amendment to Plot 2 of approved application P02/0551) (retrospective).

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

The meeting ended at 7.45pm.

CHAIRMAN