

## DEVELOPMENT CONTROL COMMITTEE

Monday, 10<sup>th</sup> January, 2011 at 6.00 pm  
in Committee Room 2, The Council House, Dudley

### PRESENT:-

Councillor Wright (Chairman)  
Councillor Banks (Vice-Chairman)  
Councillors Ahmed, Barlow, J Martin, Mrs Roberts, Southall, Mrs Turner  
and C Wilson.

### OFFICERS:-

Mr C Cheetham, Mr J Butler, Mr T Glews, Mrs H Martin, Mrs S Willetts  
(Directorate of the Urban Environment), Mrs G Breakwell and Mrs M Johal  
(Directorate of Corporate Resources)

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58                    APOLOGY FOR ABSENCE

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

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59                    APPOINTMENT OF SUBSTITUTE MEMBER

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

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60                    DECLARATIONS OF INTEREST

Councillor Southall declared a personal interest in planning application  
number P10/0914 (College Campus, Dudley College, Castle View Campus,  
The Parade, Dudley) as his daughter was employed by Dudley College.

Councillor Mrs Turner declared a personal and prejudicial interest in  
planning application number P10/1627 (Proposed Housing Development,  
Prospect Row, Dudley), as she knew the developer.

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61                    MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 13<sup>th</sup>  
December, 2010, be approved as a correct record and signed.

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## SITE VISITS

Consideration was given to the following planning applications in respect of which a site visit had been made on Thursday, 6<sup>th</sup> January, 2011, by Members of the Committee.

- (i) Plan No P10/1459 – 63 Brompton Drive, Brierley Hill – Demolition of existing garage and erection of 1 No dwelling (resubmission of withdrawn application P10/1270)

Decision: Refused, for the following reasons:-

1. The proposal would result in cramped form of development that would have a detrimental impact on the character of the area and the street scene. The proposal would therefore be contrary to UDP Policy DD4.
2. The proposed development would not leave sufficient parking and manoeuvring space at No 63 Brompton Drive for two vehicles. The proposal is therefore contrary to UDP Policy DD4.
3. 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 around the site, contrary to Policy DD7 of the adopted Unitary Development Plan (2005) and the Council's Planning Obligations SPD.

- (ii) Plan No P10/1325 – Wordsley Manor, Meadowfields Close, Wordsley, Stourbridge – Erection of 14 No dwellings with associated access (resubmission of withdrawn application P09/1335)

Decision: That the application be deferred to enable the applicant to explore revisions to the submitted scheme to incorporate mitigation for protected species.

- (iii) Plan No P10/1235 – Clee View Barn, Edge Hill Drive, Sedgley, Dudley – Installation of 8 No Solar PV Panels

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

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63                    CHANGE IN ORDER OF BUSINESS

Pursuant to Council Procedure Rule 13(c), it was

RESOLVED

That agenda item Number 7 be considered as the next item of business.

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64                    ENFORCEMENT ACTION

A joint report of the Director of Corporate Resources and the Director of the Urban Environment was submitted on proposed enforcement action in respect of Alterego, 843b High Street, Kingswinford.

RESOLVED

That approval be given to the taking of enforcement action in respect of the property at 843b High Street, Kingswinford in respect of both planning breaches and that separate enforcement notices be issued against the first floor use and against the provision of the rear platform area and that the compliance period be reduced to one month after the Notice takes effect.

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65                    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, were in attendance at the meeting and spoke on the planning application indicated:-

Plan No P10/0914 – Mr D Green – an agent/applicant and Ruth Hucklesby – an objector

- (i)            Plan No P10/0914 – College Campus, Dudley College, Castle View Campus, The Parade, Dudley – Residential Development (Outline) (Access to be Considered)

The Head of Planning reported that the applicant had approached the Council with a view to re-negotiating the previously agreed planning obligations due to incurring a shortfall of £1.2 million and that a reduction in affordable housing by 20% had been proposed.

Decision: That the Director of the Urban Environment, in consultation with the Chairman of the Committee, be authorised to approve the application subject to further negotiations taking place with regard to planning obligations, conditions numbered 1 to 33 (inclusive), as set out in the report submitted and subject to no further adverse representations being received, the Director of the Urban Environment be also authorised to negotiate the proposed access arrangements into the site with the applicant, and that the Director of the Urban Environment be authorised to amend the foregoing conditions as necessary.

- (ii) Plan No P07/1120/E1 – 140 Thorns Road, Brierley Hill – Extension of Time of Previously Approved Application P07/1120 for 'Erection of 3 No 2 Bedroom Town Houses and 6 No 1 Bedroom Apartments

Members considered the information contained in the report and in the Pre-Committee notes and raised concerns about the lack of car parking.

Decision: Refused, for the following reason: -

In accordance with PPS3 Housing requiring Local Authorities to take account of the expected levels of car ownership in residential developments and the Governments revision to national residential parking guidance announced in January 2011, the Local Planning Authority has gathered a substantial evidence base to determine the level of car ownership across the Borough to inform the development of residential parking policy. As a result of this new evidence the Local Planning Authority considers that the proposed development would fail to provide the required level of on-site car parking and as a consequence would result in on-street parking to the detriment of highway safety. The proposal would therefore be contrary to the requirements of PPS3 and UDP Policy DD4 Development in Residential Areas.

- (iii) Plan No P10/1095 – Hill Tavern Public House, Watsons Green Road, Dudley – Demolition of Existing Public House and Erection of 8 No Dwellings with Detached Garage Block and Associated Parking and Access

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 libraries, public open space, public realm improvement and a monitoring and management charge 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 of each subsequent year, in accordance with the Council's planning obligations policies.
- (3) Conditions numbered 1 to 13 (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.

- (iv) Plan No P10/1582 – Brockwood Animal Sanctuary, Catholic Lane, Sedgley, Dudley – Change of use of Part of Building from Store to Teaching Unit with Elevational Changes to Include New Windows and Entrance Door with Ramp

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 transport infrastructure and a management and monitoring charge 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 of each subsequent year, in accordance with the Council's planning obligations policies.
- (3) Conditions numbered 1 to 5 (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.

- (v) Plan No P10/1627 – Proposed Housing Development, Prospect Row, Dudley – Demolition of Existing Public House and Erection of 14 No Dwellings and Associated Car Parking and External Works (Resubmission of Approved Application P09/1614)

(Having previously declared a personal and prejudicial interest in this application Councillor Mrs Turner withdrew from the meeting and rejoined the meeting following its consideration).

Decision: Approved, subject to the following: -

- (1) The applicant signing a Section 106 Legal Agreement for the provision of a sum for the provision, maintenance and enhancement of off-site public open space and play provision, nature conservation, transport improvements, library and public realm 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 of each subsequent year, in accordance with the Council's planning obligations policies.
- (3) Conditions numbered 1 to 21 (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.

- (4) In the event that the Section 106 agreement has not been completed within two months of the resolution to grant approval, the application will be refused if appropriate.
- (vi) Plan No P10/1640 – G&M Industrial Services, Shaw Road, Dudley – Erection of Single Storey Office Building

Decision: Approved, subject to conditions, numbered 1 to 6 (inclusive) as set out in the report submitted, together with additional conditions, numbered 7 and 8, as follows:-

7. An investigation of contamination must be completed in accordance with the following requirements:
  - a. Risk Assessment  
No development shall begin until an assessment of the risks posed by any contamination has been submitted to and approved by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.

- b. **Submission of Remediation Scheme**  
Where the approved risk assessment identifies contamination posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the local planning authority.
  - c. **Implementation of Approved Remediation Scheme**  
Unless otherwise agreed in writing with the local planning authority, the approved scheme shall be implemented and a verification report submitted to and approved by the local planning authority, before the development (or relevant phase of the development) is first occupied/brought into use.
8. An investigation of ground gases and vapours must be completed in accordance with the following requirements:
- a. **Risk Assessment**  
No development shall begin until an assessment of the risks posed by any ground gases or vapours has been submitted to and approved by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.
  - b. **Submission of Remediation Scheme**  
Where the approved risk assessment identifies ground gases or vapours posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the local planning authority.
  - c. **Implementation of Approved Remediation Scheme**  
Unless otherwise agreed in writing with the local planning authority, the approved scheme shall be implemented and a verification report submitted to and approved by the local planning authority, before the development (or relevant phase of the development) is first occupied/brought into use.

(vii) Plan No P10/1649 – Land Adjacent to 64 Seymour Road, Seymour Road, Wollescote, Lye, Stourbridge – Demolition of Existing Factory Unit and Erection of 5 No Dwellings (Resubmission of Withdrawn Application P10/0583)

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 libraries, off-site public open space and play provision, public realm, enhancement and a management and monitoring charge 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 of each subsequent year, in accordance with the Council's planning obligations policies.
- (3) Conditions numbered 1 to 14 (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.

The meeting ended at 7.10 pm.

CHAIRMAN