

**Minutes of the Development Control Committee
Wednesday 17th November, 2021 at 6.05 pm
In Dudley Town Hall, St James's Road, Dudley**

Present:

Councillor A Goddard (Chair)
Councillor D Harley (Vice-Chair)
Councillors R Ahmed, D Corfield, S Mughal, C Neale, W Sullivan, E Taylor and M Westwood.

Officers: -

H Benbow (Principal Planning Officer), T Glews (Public Protection Manager), J Hindley (Highway Officer), C Mellor (Planning Manager), P Mountford (Head of Planning and Regeneration), P Reed (Principal Planning Officer), G Breakwell (Solicitor) and H Mills (Democratic Services Officer).

Also in Attendance: -

73 members of the public

35 **Apology for Absence**

An apology for absence from the meeting was submitted on behalf of Councillor M Hanif.

36 **Appointment of Substitute Members**

It was reported that Councillor R Ahmed had been appointed to serve as a substitute member for Councillor M Hanif, for this meeting of the Committee only.

37 **Declarations of Interest**

Councillor R Ahmed declared an interest in Planning Application No. P21/1819 – Land at the junction of Steppingstone Street and Greystone Passage, Dudley – Erection of 1 No. Dwelling with Associated Works (Resubmission of P21/1063), in that the applicant was a family member. In accordance with Council Procedure Rule 24.1.4 she took no part in the discussion or voting on this application as the interest related to the disclosable pecuniary interests in respect of a member of her family.

38 **Minutes**

Resolved

That the minutes of the meeting held on 13th October, 2021, be approved as a correct record and signed.

39 **Change in Order of Business**

Pursuant to Council Procedure Rule 13(c) it was: -

Resolved

That the order of business be varied and the agenda items be considered in the order set out in the minutes below.

40 **Plans and Applications to Develop**

A report of the Director of Regeneration and Enterprise was submitted on the following plans and applications to develop. Where appropriate, details of the plans and applications were displayed by electronic means at the meeting. In addition to the reports submitted, notes known as Pre-Committee notes had also been circulated prior to the meeting updating certain information given in the reports submitted. The content of the notes were taken into account in respect of the applications to which they referred.

The following persons were in attendance at the meeting, and spoke on the planning applications as indicated: -

| <u>Application No.</u> | <u>Objectors/Supporters who wished to speak</u> | <u>Agent/Applicant who wished to speak</u> |
|-------------------------------|--|---|
| P21/0123 | Councillor P Lee L Allen | B Flippance |
| P21/1402 | Councillor K Lewis | C Smith |
| P21/1505 | T Clarke | K Hartley |
| P21/1568 | T Lee | |

(a) **Planning Application No. P21/1423 – 148 Wolverhampton Street, Dudley – Variation of Conditions 2 and 9 of Planning Permission P19/1312 in relation to First Floor Windows to eastern elevation**

Resolved

That the application be approved, subject to conditions numbered 1 to 13 (inclusive), as set out in the report submitted.

(b) Planning Application No. P21/1505 – Former Hippodrome and adjacent land and buildings, Castle Hill, Dudley – Demolition of existing buildings and redevelopment for a higher education facility together with associated access, car parking and landscaping

It was emphasised during the presentation that, if the Committee was minded to approve the application, the decision would be subject to referral to the Secretary of State for Levelling Up, Housing and Communities.

In considering the application, Members took into account all of the concerns raised by the objectors, as outlined in the report and as reported at the meeting, in that it was considered the demolition of the historic building would be to the detriment of the area, and the restoration of the building was a significant opportunity and would support the regeneration of Dudley Town Centre.

The Committee also took account of the comments made in support of the application in that the proposals would provide a higher education provision, support the delivery of training for the health care sector and that the proposed building design would provide improved views of Dudley Castle.

The views of all consultees were considered. In particular it was noted that no objections had been raised by Historic England, who considered that the proposal would enhance the significance of Dudley Castle, the listed zoo buildings and the appearance of the Castle Hill Conservation Area. It was considered that this outweighed the harm caused by the proposed demolition.

Resolved

That subject to the referral to the Secretary of State for Levelling Up, Housing and Communities, the application be approved, subject to conditions numbered 1 to 11 (inclusive) as set out in the report submitted, together with amended conditions 12 to 40 (inclusive) as outlined below:-

12. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.
REASON: In the interests of sustainability, reducing flood risk and run off and to comply with Adopted BCCS Policy ENV5 - Flood Risk, Sustainable Drainage Systems and Urban Heat Island (STWA).

13. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- A timetable for its implementation
 - A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime of the development. None of the development shall be occupied until surface water drainage works have been implemented in accordance with the approved details.
- REASON: In the interests of sustainability, reducing flood risk and run off and to comply with Adopted BCCS Policy ENV5 - Flood Risk, Sustainable Drainage Systems and Urban Heat Island.
- INFORMATIVE - The Applicant should supply information showing arrangements to provide adequate long term maintenance, including an appropriate legal agreement to ensure maintenance in perpetuity, before any approval is granted. It is essential that the responsibility for future maintenance, repairs or improvements to the balancing device is ascertained at an early stage of negotiations. The use of Sustainable Drainage techniques such as Green Roofs, Tree Pits and Rainwater Harvesting, for example, should be seriously considered as options for this type of development proposal and form part of the Sustainability Statement.
14. No development shall commence (excluding demolition, site clearance and initial ground works) until full details of soft and hard landscaping works together with public realm enhancement works have been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details must include, where appropriate, planting plans, written specifications, a schedule of plants including species, plant sizes and proposed numbers/densities and a programme of implementation. Plans must also include accurate plotting of all existing landscape features. The hard landscaping details shall include existing and proposed finished levels or contours; the position, types, colours and textures of the materials of all site enclosures, car parking layout and other vehicular (including driveways) and pedestrian areas; hard surfacing areas, minor artefacts and structures (e.g. street furniture, refuse storage areas, cycle stores etc). The works approved as part of this condition shall be completed in accordance with approved details and a timetable which has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details within the first planting season following the first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

Any trees or shrubs planted in pursuance of this permission including any planting in replacement for it which is removed, uprooted, severely damaged, destroyed or dies within a period of five years from the date of planting shall be replaced by trees or shrubs of the same size and species and in the same place unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to make a positive contribution to place-making and provide a high quality landscaping and to ensure that the approved landscaping is properly maintained in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part).

15. No above ground development shall commence until details of the positions, design, materials and type of boundary treatment or means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be carried out in complete accordance with the approved details prior to the occupation of the dwellings hereby approved and shall thereafter retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

REASON: To safeguard the character, appearance and setting of the Dudley Town Centre Conservation Area and Castle Hill Conservation Area in accordance with Policy S9 (Conservation Areas) of the adopted Dudley Borough Development Strategy and Policy 22 (Dudley Town Centre Conservation Area), Policy 23 (Castle Hill Conservation Area) and Policy 21 (Conservation and enhancement of local character and distinctiveness in Dudley) of the Dudley Area Action Plan and Policy ENV 2 (Historic Character and Local Distinctiveness) of the Black Country Core Strategy (2011).

16. No development shall commence until details of the design, materials and colour(s), of the retaining walls to the car park and service area hereby approved on the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details prior to occupation and the walls shall be retained and maintained as approved for the lifetime of the development.

REASON: In the interests of the visual amenities of the site and the surrounding area and to comply with Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part).

17. No development (excluding demolition, site clearance and initial ground works) shall commence until details of works of public art have been submitted to and approved in writing by the Local Planning Authority. The works of public art shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.

REASON: In order to enhance the cultural and social development and identity of the area and make a positive contribution to place-making in accordance with BCCS Policies CSP4 - Place-Making, ENV2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part). This detail is required pre commencement (excluding demolition, site clearance and initial ground works) in that the required works may need to be incorporated into buildings on the site.

18. No above ground development shall commence until an Economic and Community Development Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall address as a minimum, measures to increase the number of jobs available to local people at the site and the development of initiatives that support activities which will up skill local unemployed people of working age so as to support them into sustained employment. The development shall be implemented in accordance with the approved Statement and operated in accordance with the Statement for the lifetime of the construction project.

REASON: In order to facilitate the creation of local jobs for local people in the interests of economic and community development in accordance with BCCS Policy EMP5 - Improving Access to the Labour Market.

19. Prior to occupation details of how the development shall incorporate the generation of energy from renewable and low carbon sources sufficient to off-set at least 10% of estimated residual energy demand of the development on completion, shall be submitted to and approved in writing by the Local Planning Authority. The development shall accord with the details approved.

REASON: To reduce the environmental impact of the development and to comply with BCCS policy ENV7.



20. The development hereby approved shall not be occupied until the nature conservation enhancement and/or mitigation works which are recommended within the submitted nature conservation report/assessment have been undertaken and completed. The nature conservation enhancement and/or mitigation works shall thereafter be retained and maintained in accordance with the recommendations of the nature conservation report/assessment / or for the lifetime of the development.

REASON: To ensure the provision, protection and maintenance of the site's ecology and comply with BCCS Policies ENV1 - Nature Conservation, CSP3 Environmental Infrastructure and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S21 Nature Conservation Enhancement, Mitigation and Compensation Policy S5 - Minimising Flood Risk and Sustainable Drainage Systems (in part) and Policy S21 Nature Conservation Enhancement, Mitigation and Compensation Policy S20 The Borough's Geology (in part) Policy S1 Presumption in favour of Sustainable Development (in part).

21. No development shall commence (INCLUDING demolition, site clearance and initial ground works) until a scheme detailing how any trenches, including foundations, created on the site at any point during development shall be protected whilst there are no humans on site in order to minimise the risk of harm to badgers and other wildlife has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site throughout development in accordance with the agreed details.

REASON: In order to enhance, encourage and protect the nature conservation value of the site and in accordance with BCCS Policies ENV1 - Nature Conservation, CSP3 Environmental Infrastructure and DEL1 - Infrastructure Provision Borough Development Strategy 2017 Policy S21 Nature Conservation Enhancement, Mitigation and Compensation Policy S20 The Borough's Geology (in part) Policy S1 Presumption in favour of Sustainable Development (in part) and Policy S21 Nature Conservation Enhancement, Mitigation and Compensation (in part) Policy S19 Dudley Borough's Green Network (in part) Black Country Core Strategy Policy ENV1 Nature Conservation (in part). This detail is required prior to the commencement of development in case species which are legally protected are present.

22. A) Prior to the commencement of the development hereby permitted, a written scheme of investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of historic building recording works to be carried out within the site, including post-fieldwork reporting and appropriate publication.

B) The historic building recording site work shall thereafter be implemented in full in accordance with the written scheme of investigation approved under condition (A).

C) The development shall not be occupied until the historic building recording has been completed in accordance with the written scheme of investigation approved under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

REASON: The development impacts upon heritage/archaeological assets and preservation by record is required, this is in full accordance with the Council's Historic Environment SPD but also in accordance with Policy S15 (Heritage Assets of archaeological interest, Scheduled Ancient Monuments and Archaeological Priority Areas) of the adopted Dudley Borough Development Strategy and ENV2 of the BCCS and Para 205 of the NPPF.

23. The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and planning condition 22 has been fully discharged for the redevelopment for which the contract provides. Evidence that a contract has been executed shall be submitted in writing to the Local Planning Authority 14 days prior to any demolition works commencing.

REASON: To preserve the established character of (Name of Conservation Area) Conservation Area pending redevelopment in conformity with Borough Development Strategy 2017 Policy S9 Conservation Areas. Details are required prior to the commencement of works due to the sensitive nature of the site.

24. The development shall not be occupied until details of the design, size, location, artwork and text for an Interpretation Panel (which should have regard of the site's historic context) have been submitted to and approved in writing by the Local Planning Authority. The Interpretation Panel shall thereafter be installed in accordance with the approved details prior to the first occupation of the development and shall be retained for the life of the development.

REASON: In order to illustrate the historical and archaeological background to the site and enhance historic character and local distinctiveness in accordance with BCCS Policies ENV2 - Historic Character and Local Distinctiveness and DEL1 Infrastructure Provision and Borough Development Strategy 2017 Policy S9 Conservations Areas, Policy S10 Listed Buildings and Policy S15 Heritage Assets of Archaeological Interest, Scheduled Ancient Monuments and Archaeological Priority Areas.

25. No above ground development shall commence until details of the types, colours and textures of all the materials to be used on the external surfaces of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

Details/samples of the type, texture, colour and bond of all facing materials and masonry to be used and a sample panel measuring not less than 1m² shall be erected on site and approved in writing by the Local Planning Authority. Key plans to cross reference the

materials to the building facades will be required to clearly explain the use and type of material. The panel shall be retained on site for the duration of the construction and thereafter new brick work shall only be constructed in accordance with these approved details and the details shall follow as closely as possible the details provided in the submitted Design and Access Statement. The development shall be carried out in complete accordance with the approved details.

REASON: To safeguard the character, appearance and setting of the Dudley Town Centre Conservation Area and Castle Hill Conservation Area in accordance with Policy S9 (Conservation Areas) of the adopted Dudley Borough Development Strategy and Policy 22 (Dudley Town Centre Conservation Area), Policy 23 (Castle Hill Conservation Area) and Policy 21 (Conservation and enhancement of local character and distinctiveness in Dudley) of the Dudley Area Action Plan and Policy ENV2 (Historic Character and Local Distinctiveness) of the Black Country Core Strategy (2011).

26. No development shall commence (excluding demolition, site clearance and initial ground works) until detailed plans and sections showing existing site levels and proposed ground floor levels of the building has been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in complete accordance with the approved details.

REASON: In the interests of the visual amenities of the area and to safeguard the amenities of occupants of neighbouring properties and to comply with BCCS Policies CSP4 - Place-Making and ENV2 - Historic Character and Local Distinctiveness and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part).

27. No above ground development shall commence until details of the materials to be used in the external fenestration (windows, doors) and their colour and finish have been submitted to and approved in writing by the Local Planning Authority. Large scale architectural drawings at 1:1, 1:2 or 1:5 and samples of the sections and profiles of jambs, heads, cills and glazing bars together with their relationships to masonry apertures. Development/works shall proceed in accordance with the agreed details and be retained for the lifetime of the development.

REASON: To safeguard the architectural and historic integrity of the listed structure in accordance with BCCS Policy ENV2 - Historic Character and Distinctiveness and Borough Development Strategy 2017.

28. No development (excluding demolition) shall take place until a written scheme of investigation (WSI) to secure the implementation of a programme of archaeological works has been submitted to and approved in writing by the Local Planning Authority. The WSI shall include details of the archaeological investigations and timing, subsequent analysis, reporting and archiving. The programme of archaeological work shall be fully implemented in accordance with the approved WSI.
REASON: The site is of archaeological significance and it is important that in accordance with BCCS Policy ENV2 - Historic Character Distinctiveness and Borough Development Strategy 2017 Policy S15 Heritage Assets of Archaeological Interest, Scheduled Ancient Monuments and Archaeological Priority Areas. Details are required prior to the commencement of development/works due to the statutory protection / sensitive nature of the site. NOTE: A brief outlining the work required can be supplied by the Local Planning Authority on request.
29. Notwithstanding the details shown on the approved plans no above ground development shall commence until precise details of modifications to the existing zoo offices car park have been submitted to and approved in writing by the Local Planning Authority. The modified car park shall thereafter be laid out in accordance with the approved plans and shall be provided prior to the first opening of the development unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure there is no conflict with pedestrians and to comply with BCCS Policy TRAN2.
30. The development shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority, including details of a Travel Plan Co-ordinator, mode of travel surveys (including staff and students) details of Car Parking Management, Public Transport, Walking and Cycling initiatives, Publicity and Marketing, Set targets and monitoring, together with a timetable for the implementation of each such element. The Travel Plan shall be implemented in accordance with the details approved by the Local Planning Authority and remain operational for the life of the development.
REASON: In the interests of highway safety and to comply with BCCS Policy TRAN2.

31. No development shall be commenced (excluding demolition, site clearance and initial ground investigation works) until details of the existing highway retaining structures, including sections and calculations to prove the structure is capable of supporting likely future loadings and works to ensure the structure may sustain the future loading have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall thereafter be occupied until such works have been completed in accordance with the approved details.
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.
32. Prior to the first occupation of the development, and where required, details of road restraint systems shall be submitted to and agreed in writing by the Local Planning Authority. Such road restraint systems shall be installed where required in accordance with the approved details and thereafter maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.
33. The development shall not be occupied/used until details of secure and covered staff, student and visitor cycle storage and shower facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details prior to the first use/occupation of the development and shall thereafter be retained and maintained for no other purpose for the life of the development.
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.
34. The development shall not be first occupied/used until details of the bin stores have been submitted to and approved in writing by the Local Planning Authority. The bin stores shall be provided in accordance with the approved details prior to the first use/occupation of the development and shall thereafter be retained and maintained for no other purpose for the life of the development.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

35. No development shall commence (excluding demolition, site clearance and initial ground works) until details of the Highway Works as indicated on the approved plans including, details of the proposed Public Right of Way, forming a 6m wide Cycleway / Footway between the proposal and metro track on Station Street (including details of lines, widths, levels, gradients, cross sections, drainage and lighting street furniture, signage and lighting) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the agreed Highway Works have been completed in accordance with the approved details and under the Supervision of the Highway Authority unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

36. Prior to first occupation all redundant dropped kerbs should be replaced with matching full height kerbs and the adjacent Highway made good.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

37. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the access(es) into the site, together with parking and turning area(s) (including details of lines, widths, levels, gradients, cross sections, drainage and lighting) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the access(es) into the site, together with parking and turning area(s) within the site have been laid out in accordance with the approved details. These area(s) shall thereafter be retained and not be used for any other purpose for the life of the development.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.



38. No development shall be commenced (excluding demolition, site clearance and initial ground investigation works) until details of a Service Vehicle Management Plan, including details of out of opening servicing times, rear camera systems, a banksman and an off Public Highway area for HGV reversing has been submitted and approved by the Local Planning Authority. No part of the development shall thereafter be occupied until the Service Vehicle Management Plan has been implemented in accordance with the approved details.
REASON: In the interests of highway safety and to comply with BCCS Policy TRAN2.
39. Prior to the occupation of the development a Parking Management Plan, including details of agreed parking capacity on the Zoo car parks, staggered class start and finish times, alternative public parking arrangements and advice on none car travel modes, shall be submitted and approved in writing by the Local Planning Authority.
REASON: In the interests of highway safety and to comply with BCCS Policy TRAN2.
INFORMATIVE: This should also cater for any disabled parking which cannot be provided on site.
40. Prior to first occupation details of the relocation of the lighting columns / signs / bus stops/ bus shelters if required shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the lighting column have been relocated in accordance with the approved details.
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

(At this juncture the meeting adjourned at 6.55pm and reconvened at 7pm)

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- (c) **Planning Application No. P21/0123 – Land off Old Wharf Road, Stourbridge – Approval of Reserved Matters (Appearance, Landscaping, Layout and Scale to be considered) for the erection of 256 No. Dwellings (Following outline approval P18/0921)**

Resolved

That the application be approved, subject to amended conditions numbered 1 to 18 (inclusive) as outlined below:-



1. The development hereby permitted shall be carried out in accordance with the following approved plans: Development Layout C5139/001_02 Rev D; Development Layout C5139/001_03; Housetypes: BRAXTON A/A(R)/B/CON Rev A; BYFORD A/A(G)/A(R)/B/B(G)/CON; CANFORD B; EASDALE A/B/B(C)/CON; GOSFORD A/B/B(G)/CON; HUXFORD A/A(G)/A(R)/B/B(G)/CON; LYDFORD A/A(R)/B/B(G)/CON; MANFORD B; MIDFORD A/A(G)/A(R)/B/B(G)/CON; TRUSDALE A/A(C)/A(R)/B(C)/CON; Double Garage B/CON/G; Single Garage CON/G; APARTMENT BLOCK A - C5139/400_00 Rev A; C5139/400_01 Rev A; C5139/400_02 Rev A; C5139/400_05; C5139/410_01 Rev A; C5139/410_02 Rev A; C5139/410_03 Rev A; C5139/410_04 Rev A; APARTMENT BLOCK B: C5139/430_00 Rev A; C5139/430_01 Rev A; C5139/430_02 Rev A; C5139/430_05; C5139/440_01 Rev A; C5139/440_02 Rev A; C5139/440_03 Rev A; C5139/440_04 Rev A; APARTMENT BLOCK C; C5139/460_00 Rev A; C5139/460_01 Rev A; C5139/460_02 Rev A; C5139/460_05; C5139/470_01 Rev A; C5139/470_02 Rev A; C5139/470_03 Rev A; C5139/470_04 Rev A; Location Plan LP-01; Landscape Masterplans LA5330 001A. Build Phasing Layout LPE-01.

REASON: For the avoidance of doubt and in the interests of proper planning.

2. Unless the residential development of the haulage yard shown on Development Layout C5139/001_02 can be assured or its lawful use as a haulage yard has been extinguished or otherwise no longer exists, the development shall be carried out in full accordance with the submitted Build Phasing Layout (Drawing LPE-01), unless otherwise agreed in writing by the Local Planning Authority.

REASON: To minimise operational conflicts during the construction phase of the site and provide an extended period for the potential relocation of the haulage yard in accordance with Borough Development Strategy Policies L1, D2 and D5.

3. The development shall be carried out in complete accordance with the Materials Distribution Plan C5139/100_01 Rev B unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the visual amenities of the area and to comply with BCCS Policies CSP4 - Place-Making and ENV2 - Historic Character and Local Distinctiveness and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part).

4. Notwithstanding the details on Boundary Treatments Plan C5139/100_02 Rev D no above ground development shall commence until details of the materials to be used in the construction the boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Such details shall also show specific boundary types, construction and materials of the boundary treatment to be provided between the southern boundary of the development site and the canalside moorings. The boundary treatment shall be erected in full accordance with the approved details and shall be maintained as such for the life of the development.

REASON: In the interests of the visual amenities of the area and to comply with BCCS Policies CSP4 - Place-Making and ENV2 - Historic Character and Local Distinctiveness and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part).

5. Unless the residential development of the haulage yard shown on Development Layout C5139/001_02 can be assured or its lawful use as a haulage yard has been extinguished or otherwise no longer exists, prior to the occupation of plots 158; 163; 164 and 176 the acoustic barrier of 3m in height and surface density of not less than 10kg/m² along the northern and southern boundaries of the haulage yard shall be installed and retained and maintained for the life of the development, as necessary.

REASON: To safeguard the amenities of the future occupants of the dwellings at the site in accordance with Borough Development Strategy Policies L1, D2 and D5.

6. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- A timetable for its implementation, and
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime of the development. None of the development shall be occupied until surface water drainage works have been implemented in accordance with the approved details.

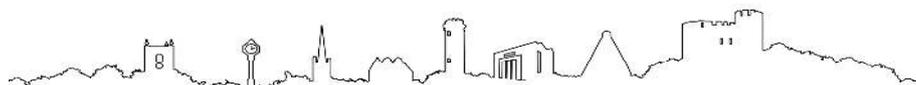
REASON: In the interests of sustainability, reducing flood risk and run off and to comply with Adopted BCCS Policy ENV5 - Flood Risk, Sustainable Drainage Systems and Urban Heat Island.

7. Notwithstanding the details on the Landscape Masterplan (LA5330 001A); development shall not commence (excluding demolition, site clearance and initial ground works) until full details of phased soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details must include, where appropriate, existing and proposed site levels, planting plans, written specifications, a schedule of plants including species, plant sizes and proposed numbers/densities and a programme of implementation. Plans must also include accurate plotting of all existing landscape features and trees. The agreed scheme shall be implemented in accordance with the approved details and in accordance with the Landscape Phasing following the first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority. Any trees or shrubs planted in pursuance of this permission including any planting in replacement for it which is removed, uprooted, severely damaged, destroyed or dies within a period of five years from the date of planting shall be replaced by trees or shrubs of the same size and species and in the same place unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to make a positive contribution to place-making and provide a high quality landscaping and to ensure that the approved landscaping is properly maintained in accordance with BCCS Policies CSP4 - Place-Making, ENV2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part). This detail is required pre commencement (excluding demolition, site clearance and initial ground works) as landscaping is integral to providing a high quality and sustainable development.

8. The development hereby approved shall be undertaken in complete accordance with the details contained within the submitted Arboricultural Method Statement. Any variation or amendment of the submitted Arboricultural Method Statement shall be approved in writing with the Local Planning Authority before implementation on site.

REASON: To ensure that existing trees are not damaged through the loss of roots, to maintain the visual and environmental quality of the site and surrounding area in accordance with Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part).



9. No above ground development shall commence until details of the position, layout, programme for the construction, construction details (including lines, widths, levels, gradients, cross sections, drainage, lighting and structures) and bringing into use of the access to Stamford Street to form a public access has been submitted to and agreed in writing by the Local Planning Authority. The access shall be constructed in accordance with details submitted and shall be brought into use as soon as any residential development on the land north of Old Wharf Road is occupied and the access is able to link safely and conveniently to roads or footways which have been constructed to at least base course level with an ability to link to Old Wharf Road.

REASON: To facilitate access into and out of the development by sustainable modes of transport and to ensure that residents are not put at risk by travel through a construction site.

10. The development shall not commence until a highways agreement has been submitted to the Highway Authority which provides details of the accesses into the site, together with parking and turning areas (including details of lines, widths, levels, gradients, cross sections, traffic calming, footways, highway trees, bollards, kerbing, drainage, safety barrier systems and lighting) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the accesses into the site, together with parking and turning area(s) within the site have been laid out in accordance with the approved details. These area(s) shall thereafter be retained and not be used for any other purpose for the life of the development.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

11. No part of the development shall be occupied until visibility splays from an access road onto Old Wharf Road or up to its extension (to Plot 170 on Site Layout Plan D) with the Highway have been provided at the junction between the proposed means of access and the highway with an 'x' set back distance of 2.4 metres and a 'y' distance of 59 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

12. No part of the development shall be occupied until visibility splays from a private access road onto Old Wharf Road or up to its extension (to Plot 170 on Site Layout Plan D) with the Highway have been provided at the junction between the proposed means of access and the highway with an 'x' set back distance of 2 metres and a 'y' distance of 59 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

13. No part of the development shall be occupied until visibility splays from an access road onto an access road other than Old Wharf Road or up to its extension (to Plot 170 on Site Layout Plan D) with the Highway have been provided at the junction between the proposed means of access and the access road with an 'x' set back distance of 2.4 metres and a 'y' distance of 33 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

14. No part of the development shall be occupied until visibility splays from a private access onto an access road other than Old Wharf Road or up to its extension (to Plot 170 on Site Layout Plan D) with the Highway have been provided at the junction between the proposed means of access and the access road with an 'x' set back distance of 2 metres and a 'y' distance of 33 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.



15. No part of the development shall be occupied until visibility splays from a private access onto a footway have been provided at the junction between the proposed means of access and the footway with an 'x' set back distance of 2.4 metres and a 'y' distance of 2.4 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.
16. The development shall not be first occupied until details of a scheme to implement (1) a Prohibition of Waiting Order along Old Wharf Road and into the development site to a point level with plot 158 and (2) a 7.5 Tonne Environmental Weight Restriction Traffic Regulation Order for all estate roads outside of (1), has been submitted to and approved in writing by the Local Planning Authority, including any fees which may be due to the Highway Authority. The development shall not thereafter be occupied until the agreed Traffic Regulation Orders have been completed in accordance with the approved details, unless Allens Transport have relocated and the use has been extinguished.
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.
17. The dwelling(s) shall not be occupied until details of a Parking Management Plan for the apartments parking area has been submitted to and approved in writing by the Local Planning Authority (The Parking Management Plan will ensure that no parking spaces are allocated for the sole use of any apartment). This Parking Management Plan shall be provided in accordance with the approved details prior to the first occupation of the dwelling(s) and shall thereafter be retained and maintained for no other purpose, for the life of the development.
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (England) (or any order revoking or re-enacting that order with or without modification); the parking areas identified as garages shall be maintained as such and used for no other purpose for the lifetime of the development. REASON: To ensure the development is provided with appropriate parking and in the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings; Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

(d) **Planning Application No. P21/1402 – 3 Guardians Walk, Wordsley, Stourbridge – Change of use of residential property to a mixed use of residential and childminding (retrospective)**

In considering the application, Members took into account the objections as outlined in the report submitted, together with the comments of support made at the meeting, in that the business played a vital role within the community, that there was no evidence of traffic and parking issues within the vicinity and that the noise from children playing outside should be supported.

The Committee were mindful of the concerns raised by Officers in relation to the reduced off-road car parking available at the premises and noted that the Local Authority would be willing to continue to work with the applicant to identify a suitable venue for the business. Officers advised that a timeframe in which enforcement action could be imposed may be specified by the Committee should they be minded to refuse the application, to avoid disadvantage to the families and children in which the business supported. The Committee noted that no evidence had been submitted or objections raised by Environmental Health in relation to noise or parking issues.

Resolved

- (1) That the application be approved as there had been no formal complaints made or representations from Environmental Health to evidence that there was an issue at the property.
- (2) That the Director of Regeneration and Enterprise be authorised to attach conditions, as deemed appropriate.

(e) **Planning application No. P21/1568 – Old New Inn, 17 High Street, Brierley Hill – Demolition and Conservation of existing building and erection of new building to create 5 bed HMO and 6 No. 1 Bedroom flats with associated works.**

Resolved

That the application be approved, subject to conditions numbered 1 to 16 (inclusive), as set out in the report submitted.

(As Councillor R Ahmed had declared a pecuniary interest in the following matter she took no part in the consideration of the application)

(f) **Planning application No. P21/1819 – Land at the junction of Steppingstone Street and Greystone Passage, Dudley – Erection of 1 No. Dwelling with Associated Works (Resubmission of P21/1063)**

Resolved

That the application be approved, subject to conditions numbered 1 to 19 (inclusive), as set out in the report submitted.

41 **Planning Enforcement – Enforcement Plan Review 2021**

At the request of Officers, this item of business was deferred to a future meeting.

42 **Planning Services Fees 2022**

A report of the Director of Regeneration and Enterprise was submitted on the proposals setting of the Council's Building Regulation Fee Scales to take effect from 1st January 2022, non-statutory Development Management Charges, and the intention to continue to use the Consumer Prices Index (CPI) for Planning Obligations in accordance with the Council Policy. Following adoption of the Community Infrastructure Levy (CIL) Charging Schedule during 2015/16, regulations require any CIL charges to be index linked to the nation All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors. The report also referred to the fees for the Local Development Order (LDO) and charges for Pre-Application advice to customers.

Resolved

- (1) That the inflationary increase of 2% of the existing Building Control Fee Schedule, as outlined in Appendix B, be endorsed.
- (2) That the continued use of Consumer Price Index in Planning Obligations costings, as outlined in Appendix C, and in accordance with the adopted Supplementary Planning Document (SPD) "Planning Obligations", be noted.
- (3) That the use for Community Infrastructure Levy (CIL) charges, following adoption of the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors, be noted.
- (4) That the proposed fees for the Local Development Order (LDO), as outlined in Appendix D, be approved.

- (5) That the new proposed/amended fees for Pre-Application charges, as outlined in Appendix E, be approved.
- (6) That the fee schedule for Development Management Non-Statutory Charges, as outlined in Appendix F, be endorsed.

The meeting ended at 8.20pm

CHAIR