

**Minutes of the Development Control Committee**

**Tuesday 5<sup>th</sup> March, 2019 at 6.00 pm**  
**in Committee Room 2 at the Council House, Dudley**

**Present:-**

Councillor A Ahmed (Chair)  
Councillor J Cowell (Vice-Chair)  
Councillors P Bradley, R Burston, B Cotterill, A Goddard, M Hanif, C Perks and D Vickers.

**Officers:-**

T Glews – Public Protection Manager, I Hunt – Project Engineer, C Mellor – Planning Manager, P Mountford – Head of Planning and Regeneration, P Reed – Principal Planning Officer, H Yorke – Principal Planning Officer (all Place Directorate); S Ahmed-Aziz – Solicitor and H Shepherd - Democratic Services Officer (Chief Executive's Directorate).

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**57. Apology for absence**

An apology for absence from the meeting was received on behalf of Councillor D Harley.

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**58. Appointment of Substitute Member**

It was noted that Councillor D Vickers had been appointed as a substitute Member for Councillor D Harley for this meeting of the Committee only.

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**59. Declarations of Interest**

Councillor R Burston declared a non-pecuniary interest in respect to Planning Application No. P18/1730 – Dudley Bus Station, Fisher Street, Dudley, due to his employment with West Midlands Combined Authority and confirmed that he would withdraw from the meeting during consideration of the application.

Councillor M Hanif declared a non-pecuniary interest in respect of Planning Application No. P18/1730 – Dudley Bus Station, Fisher Street, Dudley, as he was a Member of the West Midlands Combined Authority - Transport Delivery Committee.

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60. **Minutes**

**Resolved**

That the minutes of the meeting held on 5<sup>th</sup> February, 2019, be approved as a correct record and signed.

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61. **Change in Order of Business**

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

**Resolved**

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

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62. **Plans and Applications to Develop**

A report of the Strategic Director Place 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 report submitted, notes known as Pre-Committee notes had also been circulated updating certain 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 were in attendance at the meeting and spoke on the planning applications as indicated:-

<b><u>Application No.</u></b>	<b><u>Objectors/supporters who wished to speak</u></b>	<b><u>Agent/Applicant who wished to speak</u></b>
P18/1735	Councillor M Mottram	Mr S Gill
P19/0002	Councillor E Taylor Mr M Haddock	Ms B Davis-Coxsell

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(a) **Planning Application No. P18/1735 – Land at rear of 126 and 129 Clifton Street, Coseley – Demolition of existing garages and erection of 5 no. dwellings.**

In considering the report, Members took into account the comments made by the local Ward Councillor and the agent at the meeting in support of the application, in particular in respect to the shortage of bungalows available for residents within the borough. The supporters commented that the development was intended for residents over the age of 55, as they would not necessarily require a large amenity area because of maintenance issues. A precedent had been set with regards to the access road, as a development for the erection of nine properties on the same road had previously been granted. It was also commented that the issue with regards to the removal of two protected trees had been resolved following consultation with the Tree Protection Officer. The Committee were informed that an ecological survey had not been requested of the applicant.

Members acknowledged serious concerns of Officers in respect to highway safety, the lack of visibility and insufficient turning head within the access road, as well as the lack of amenity space proposed and the inadequate separation distances between each development. Although the application was supported in principle, Members considered a Site Visit was necessary to verify the concerns in respect of the access way and it was requested that an ecological survey also be completed in readiness for the site visit if possible.

**Resolved**

- (1) That the application be deferred for a site visit.
- (2) That the Principal Planning Officer consult with the applicant with regards to providing an ecological survey.

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(b) **Planning Application No. P19/0002 – Nethercrest Care Centre, Brewster Street, Netherton – Internal alterations to existing care home providing care and support for people with disabilities. Alterations to external elevations to include new windows and doors. Existing conservatory to building 1 to be rebuilt and the existing structure to building 2 to be rebuilt at roof level to form orangery. New vehicular access from Cinder Bank and re-open other vehicular access which already exists. Provision of additional parking and landscaping works.**

In considering the report, Members took into account the concerns raised by the local Ward Councillor and objectors, as outlined in the report and as reported at the meeting regarding the proposed new access point from Cinder Bank, which would be sited within close proximity to a pedestrian crossing. Objectors expressed concern in respect of the detrimental impact the access way would have on the already congested road and the health and safety of pedestrians and residents in the local area, as well as an increase in pollution within an already poor air quality zone.

Members also noted the comments made on behalf of the applicant in response to the objections raised, in particular that the care centre had previously housed 81 patients and the new proposal was for 26 units, therefore resulting in a reduced traffic flow to the centre.

In discussing the application, Members supported the proposals in principle, however agreed with the concerns expressed with regards to the proposed new accessway from Cinder Bank and questioned whether the new access was necessary for the development. Members requested that Officers be authorised to undertake further discussions and reach an agreement with all parties regarding the accessway from Cinder Bank.

#### **Resolved**

- (1) That Officers be authorised to undertake further discussions with all parties to reach an agreement regarding the access way from Cinder Bank.
- (2) That subject to an agreement being reached between all parties the application be approved subject to conditions number 1 to 7 as set out in the report submitted.

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#### 63. **Confirmation of Tree Preservation Orders**

A report of the Strategic Director Place was submitted requesting consideration as to whether the Tree Preservation Order (TPO), as referred to in the appendix to the report submitted, should be confirmed with or without modification in light of the objections that had been received.

Mrs Banks was in attendance at the meeting and spoke in support of Tree Preservation Order No. TPO/0227/KIS.

#### **Resolved**

That the Borough of Dudley (Land at Ketley Quarry) Tree Preservation Order No. TPO/0227/KIS TPO 2018, be confirmed.

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64. **Plans and Applications to Develop**

- (c) **Planning Application No. P18/1298 – 21 Farlands Road, Oldswinford – Erection of detached double garage (following demolition of existing garage) (Resubmission of P17/1297).**

**Resolved**

Approved, subject to conditions numbered 1 to 11 (inclusive) as set out in the report submitted together with additional conditions, numbered 12 and 13, as set out below:-

**Additional Conditions**

12. Development shall not commence until details/samples of the type, texture, colour and bond of the bricks to be used and a sample panel measuring not less than 1m<sup>2</sup> shall be erected on the site and approved in writing by the Local Planning Authority. The panel shall be retained on site for the duration and the development and thereafter new brickwork shall be constructed in strict accordance with these approved details.

13. **Treework Specification**

Notwithstanding the details on the submitted plans/reports, no tree felling or pruning shall be undertaken until a detailed tree felling/pruning specification has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall commence on site until the approved tree felling and pruning works have been completed. All tree felling and pruning shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 (2010) Recommendations for tree work.

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At this juncture, Councillor R Burston withdrew from the meeting.

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- (d) **Planning Application No. P18/1730 – Dudley Bus Station, Fisher Street, Dudley – Demolition of existing bus station buildings and shelters, Co-operative/Farm Foods building, 3 Birmingham Street, Warehouse rear of 21 to 23 Bourne Street and St Joseph’s Court. Construction of new public transport interchange and associated works. Realignment of St Joseph’s Street and new link road from Trindle Road to Duncan Edwards Way, together with associated highway and junction works including footways and cycle ways. Provision of soft and hard landscaping, with new car parking on the site of 3 Birmingham Street and to the side/rear of Our Blessed Lady and St Thomas of Canterbury RC Church (Outline, all matters reserved).**

**Resolved**

- (1) Approved, subject to conditions numbered 1 to 39 (inclusive) as set out in the report submitted, together with an additional condition, numbered 40, as set out below:-

Additional Condition

40. Details to be submitted at reserved matters stage shall include a scheme for protecting residents living in St Joseph’s Street and Bourne Street from noise from traffic which shall be submitted to and approved in writing by the LPA. All works which form part of the approved scheme shall be completed before operational development commences, unless otherwise agreed in writing by the LPA. The protection measures in the agreed scheme shall be maintained throughout the life of the development.
- (2) That the Strategic Director Place, be authorised to make amendments to the conditions as necessary.
- (3) That the applicant be invited to make an application to the Secretary of State, under Section 247 Town & Country Planning Act 1990, to extinguish or modify the alignment of highways on a plan to be provided to enable development agreed by and authorised by planning permission to take place. The full costs and works to the Local Authorities satisfaction shall be met by the developer.

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- (e) **Planning Application No. P19/0003 – Recreation and garage site to the rear of 82 to 92 The Broadway, Norton – Residential Development for 13 Bungalows.**

**Resolved**

Refused for the following reasons:-

The proposed development would result in the loss of public open space contrary to Policy S29 – Public Open Space of the Dudley Borough Development Strategy and Policy ENV6 - Open Space Sport and Recreation of the Black County Core Strategy.

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The meeting ended at 7.40pm

CHAIR