

DEVELOPMENT CONTROL COMMITTEE

Monday, 2nd April, 2007 at 6.00 pm
In Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Wright (In the Chair)
Councillors Banks, Mrs. Collins, G. Davies, Donegan, James, Mottram, Mrs. Turner and Mrs. Wilson.

OFFICERS:-

Mrs. H. Brookes-Martin; Mr. J. Butler; Mr C. Cheetham; Mr T Cowley; Mr T. Glews and Mr P. Reed (Directorate of the Urban Environment); Mrs. G. Breakwell and Mr. J. Jablonski (Directorate of Law and Property).

105 APOLOGY FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Southall.

106 APPOINTMENT OF SUBSTITUTE MEMBER

It was reported that Councillor James had been appointed as a substitute member for Councillor Southall for this meeting of the Committee only.

107 DECLARATIONS OF INTEREST

No member made a declaration of interest in accordance with Members' Code of Conduct.

108 MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 19th March, 2007, be approved as a correct record and signed.

109 CHANGE IN ORDER OF BUSINESS

Pursuant to Council Procedure Rule 13 (c) it was

RESOLVED

That the order of business be varied to allow agenda item number 6 and planning application PO7/0162 to be considered prior to the remaining applications at agenda item number 5.

110

BUILDING CONTROL FEES – 2007/08

A report of the Director of the Urban Environment was submitted on a proposal to amend the Council's Building Regulation Fee Scale to accommodate an increase in charges, equivalent to inflation, for 2007/08.

RESOLVED

That approval be given to an increase in the Council's Building Regulation Fee Scale to accommodate an increase in charges, equivalent to inflation, for 2007/2008 as set out in Appendix A, and the Schedules attached thereto, to the report submitted.

111

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 application indicated:-

- (i) P07/0162 – Miss L Parkes an objector and Mr R Stringer the applicant.

RESOLVED

That the plans and applications be dealt with as follows:-

- (i) Plan no. PO7/0162 – 76 Caledonia, Brierley Hill – erection of a pair of semi-detached dwellings with new access to the highway (re-submission of withdrawn application PO6/1862)

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

- (ii) Plan no. PO6/2112 – G Clancy Limited, Belle Vale, Halesowen – erection of 87 dwellings with associated access
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Decision: Approved, subject to:-

- (a) Referral to the Government Office of the West Midlands under the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999 (and Circular 07/1999) as a potential call in application;
- (b) The owners entering into an Agreement under Section 106 of the Town and Country Planning Act, 1990, for (i) a contribution to off-site recreational public open space enhancement and (ii) affordable housing provision; and that in the event that the Section 106 Agreement has not been completed within a reasonable period of the resolution to grant approval, the application be refused if appropriate; and
- (c) Conditions numbered 1 and 3 to 24 as set out in the report of the Director of the Urban Environment and to the deletion of condition 2 as set out in the report of the Director of the Urban Environment, an amended condition, numbered 25, and an additional condition, numbered 26, as follows:-
 - 25. Prior to the first occupation of the development a safety audit shall have been undertaken with specific reference to highway safety features and structures with such findings implemented in accordance with the audit recommendations.
 - 26. Unless otherwise agreed in writing, prior to the commencement of development, details shall be submitted to and approved by the Local Planning Authority for the leisure pedestrian and cycle path through the application site from Belle Vale to north west corner of the site with the approved details to be implemented prior to the occupation of the development or an alternative timescale to have been previously agreed in writing by the Local Planning Authority. Thereafter this link shall remain open and free for pedestrians and cyclists to pass and re-pass for the life of the development; and

that the Director of the Urban Environment be authorised to amend the foregoing conditions as necessary and include additional conditions addressing the contamination on the site including specific reference to the monitoring of contamination and of methane gas, as discussed at this meeting.

- (iii) Plan no. P07/0126 – land at corner of Nimmins Road and Clement Road, Halesowen – erection of two two storey blocks of one bed roomed flats (ten units in total) (re-submission of withdrawn application PO6/1878)

Decision: Approved, subject to the applicant entering into an Agreement under Section 106 of the Town and Country Planning Act, 1990, for a contribution to off-site public open space maintenance and enhancement; and that in the event that the Section 106 Agreement has not been completed within two months of the resolution to grant approval, the application be refused if appropriate; and

subject to conditions numbered 1 to 6, 8 to 11 and 13 to 15 as set out in the report of the Director of the Urban Environment together with amended conditions, numbered 7 and 12, and an additional condition, numbered 16, as follows:-

7. No development shall commence until a comprehensive site investigation (in a form to be agreed by the Local Planning Authority), has been submitted to and approved by the Local Planning Authority. Such investigation shall facilitate the identification of contaminants and permit the risk-based assessment of the development site to establish if the site is suitable for the purposes of residential development. Where the investigations identify the presence of contamination, no development shall commence until the scheme to protect the development from the effects of such contamination has been submitted to and approved by the Local Planning Authority. Such a scheme shall: include provisions for validation monitoring and sampling; be implemented in accordance with the approved details before the development is first occupied; and be retained throughout the life time of the development and implemented prior to the commencement of development after planning authority and before such a scheme.

12. No development shall commence until a detailed assessment and analysis of the impacts of electro magnetic fields emanating from the electricity sub-station upon human health has been undertaken to prove that the proposed development can be safely implemented with, if necessary, the building in of safeguarding measures and such has been submitted to and agreed in writing by the Local Planning Authority. Any required works shall be implemented prior to the first occupation of the development and shall be maintained for the life of the development.

16. No development shall commence until a detailed noise assessment has been undertaken to measure noise from nearby industrial premises and road traffic in accordance with the scheme to be submitted to and agreed in writing by the Local Planning Authority to prove that the site is capable of accommodating the proposed development. Such scheme shall include details of acoustic glazing and mechanical ventilation as necessary and shall be implemented prior to the first occupation and be maintained for the life of the development; and

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

- (iv) Plan no. P07/0301 – Noah’s Ark (Redundant Church), Cradley Road, Dudley – change of use of vacant church and Sunday School to eleven apartments to include part demolition and alterations to the building (re-submission of withdrawn application PO6/0894)

Decision: Approved, subject to the applicant entering into an Agreement under Section 106 of the Town and Country Planning Act, 1990, for

(a) a contribution to off-site recreational public open space enhancement and

(b) a fixed sum of £2000 in relation to the introduction at the developers expense of a Traffic Regulation Order that would prohibit on street waiting at the junction of Cradley Road and Griffin Street; and that in the event that the Section 106 Agreement has not been completed by 8th May, 2007, the Director of the Urban Environment be authorised to refuse the application; and

subject to conditions numbered 1 to 9 (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.

- (v) Plan no. P07/0133 – 26 Adshead Road, Dudley – single storey rear/side extension to create lobby and shower room. First floor side/rear extension to create bathroom, landing and bedrooms

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

- (vi) Plan no. P07/0141 – 37 Gerald Road, Stourbridge – loft conversion with rear dormer window

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

- (vii) Plan no. P07/0157 – land adjacent to 172 Vicarage Road, Wollaston – reserved matters approval following outline approval PO5/1367 for erection of one dwelling

Decision: Approved, subject to conditions numbered 1 to 8 (inclusive) as set out in the report of the Director of the Urban Environment.

The meeting ended at 6.50 p.m.

CHAIRMAN