

DEVELOPMENT CONTROL COMMITTEE

Monday, 23rd April, 2007 at 6.00 pm
In Committee Room 2, The Council House, Dudley

PRESENT:-

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

OFFICERS:-

Mr. J. Butler; Mr. C. Cheetham; Mr. J. Pattinson, Mr P. Reed and Mr. S.
Roach (Directorate of the Urban Environment); Mrs. G. Breakwell and Mr.
R. Jewkes (Directorate of Law and Property).

112 **DECLARATION OF INTEREST**

Councillor Wright declared a personal and prejudicial interest in respect of planning application number P07/0470 – Corner of Wood Road and Stickley Lane, Lower Gornal, Dudley – Prior approval under part 24 of the Town and Country Planning Act 1990 (GPDO) for the installation of a 12 metre high monopole supporting 3 antennas, in view of the fact that the Governing Body of Ellowes Hall School, of which he was a member, had submitted a formal objection to the application.

113 **MINUTES**

RESOLVED

That the minutes of the meeting of the Committee held on 2nd April, 2007, be approved as a correct record and signed.

114 **SITE VISITS**

Consideration was given to the following planning applications in respect of which a site visit had been made on Thursday, 19th April 2007, by members of the Committee.

RESOLVED

- (i) 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: Refused, for the following reason: -

The development proposed would be detrimental to the street scene, the character of the area and the amenities of the occupiers of No. 28 Adshead Road by reason of its size and proximity. As such, it would be contrary to Policy DD4 of the adopted Dudley Unitary Development Plan.

- (ii) Plan No. P07/0162 – 76 Caledonia, Brierley Hill – Erection of a pair of semi-detached dwellings with new access to the highway (resubmission of withdrawn application P06/1862).

Decision: Approved, subject to conditions numbered 1 to 11 (inclusive), as set out in the report of the Director of the Urban Environment.

- (iii) Plan No. P07/0141 – 37 Gerald Road, Stourbridge – Loft conversion with rear dormer window.

Decision: Refused, for the following reason: -

The development proposed would be detrimental to the architectural appearance of the property, the street scene and the amenities of the occupiers of neighbouring properties by reason of its design and appearance. As such, it would be contrary to Policy DD4 of the adopted Dudley Unitary Development Plan.

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) P06/2105 – Mr. A. Oakley, an objector.
- (ii) P07/0470 – Mr. R. Owen, an objector, Councillor Stanley (Ward Member), an objector, and Mr. Duffett, for the applicant.
- (iii) P07/0341 – Mr. N Robinson, for the applicant.

RESOLVED

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

- (i) Plan No. P06/2105 – Caparo Aluminium Technologies Limited, Sunrise Business Park, High Street, Wollaston, Stourbridge – Erection of dust filter and fume extraction scrubber and two cooling towers (retrospective)

Decision: Approved, subject to conditions numbered 1 to 2 (inclusive), as set out in the report of the Director of the Urban Environment.

(Having earlier declared a personal and prejudicial interest in the following application, the Chairman left the room during its consideration)

(Councillor Southall (Vice-Chairman) in the Chair)

- (ii) Plan No. P07/0470 – Corner of Wood Road and Stickley Lane, Lower Gornal, Dudley – Prior approval under part 24 of the Town and Country Planning Act 1990 (GPDO) for the installation of a 12 metre high monopole supporting 3 antennas.

Decision: Refused, for the following reason:

The development proposed would be detrimental to the visual amenities of the area, the occupiers of nearby residential properties and pedestrians by reason of its size, appearance and prominent location. As such, it would be contrary to policies DD4 and DD13 of the adopted Dudley Unitary Development Plan.

(at the conclusion of this application Councillor Wright re-assumed the Chairmanship of the meeting)

- (iii) Plan No. P07/0341 – 71 Priory Road, Dudley – Erection of single storey rear extension (retrospective).

Decision: Refused, for the reason set out in the report of the Director of the Urban Environment, with enforcement action being authorised to ensure that the unauthorised works are reversed with three months to comply from the date of service of the enforcement notice.

- (iv) Plan No. P07/0132 – James Grove and Sons Limited, Bloomfield Works, Stourbridge Road, Halesowen – Demolition of remainder of the factory office and erection of a block of 5 terrace dwellings.
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Decision: Approved, subject to: -

- a. The owners entering into an Agreement under Section 106 of the Town and Country Planning Act, 1990, for a contribution to off-site recreational public open space 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.
- b. conditions numbered 1 to 12 (inclusive), as set out in the report of the Director of the Urban Environment, together with an amended condition, numbered 13, as follows: -

13. The demolition works hereby permitted shall not be undertaken until the developer has secured the implementation of a programme of archaeological buildings recording work to include subsequent analysis, reporting and archiving all to be in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the local planning authority. The brief for the work required will be supplied by the local authority on request; and

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

- (v) Plan No. P07/0190 – 25A Brick Kiln Street, Quarry Bank, Brierley Hill – Outline application for erection of 2 semi-detached dwellings, 2 detached dwellings and 2 two-bed flats.
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Decision: Approved, subject to: -

- a. the applicant entering into an Agreement under Section 106 of the Town and Country Planning Act, 1990, for a contribution to off-site recreational public space 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.
- b. conditions numbered 1 to 11 (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. P07/0294 – Vine Inn, 326 Brettell Lane, Brierley Hill – Change of use to hot food take away (A5) with new shop front and flue.

Decision: Refused, for the following reason: -

The proposed use will be detrimental to residential amenities and highway safety due to increased pedestrian and vehicular traffic attracted to the site with limited on-street car parking available in close proximity to a pedestrian crossing contrary to Policies CR11 and DD4 of the adopted Unitary Development Plan.

- (vii) Plan No. P07/0502 – Land to rear of Cradley Road, Cradley Heath – Outline application for the erection of 6 dwellings (appearance and scale reserved for subsequent approval) (resubmission of withdrawn application P06/2004).

Decision: Approved, subject to: -

- a. the applicant entering into an Agreement under Section 106 of the Town and Country Planning Act, 1990, for a management plan for the proposed pool and areas of open space; 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.

- b. conditions numbered 1 to 27 (inclusive) as set out in the report of the Director of the Urban Environment, together with additional conditions, numbered 28 to 31, as follows: -

28. Notwithstanding the details shown on the approved plans no development approved by this permission shall be commenced until a scheme for the restoration (including wetland creation, softening of the river bank and proposed planting regime) of the Mousesweet Brook corridor through the site has been submitted to and approved in writing by the Local Planning Authority.

29. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

30. No development approved by this permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

31. C10C – Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed by the Local Planning Authority), has been submitted to and approved by the Local Planning Authority. Such a strategy shall facilitate the identification of methane and carbon dioxide. Where the investigations identify the presence of methane and/or carbon dioxide the development shall not begin until a scheme to protect the development from the effects of such gases 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 lifetime of the development; and

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

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CHANGES TO THE VALIDATION OF PLANNING APPLICATIONS

A report of the Director of the Urban Environment was submitted on changes in the operation of Development Control with regard to the validation of planning applications which had come into effect from 6th April, 2007. Some of the national statutory guidance in respect of these changes was yet to be issued, and the report was submitted as an interim measure explaining the basic changes, prior to a more comprehensive report being submitted to the Committee at a later date.

RESOLVED

That the information contained in the report submitted, in relation to the changes in the operation of Development Control with regard to the validation of planning applications, which had come into effect from 6th April, 2007, be noted.

The meeting ended at 7.55 p.m.

CHAIRMAN