

WYRE FOREST DISTRICT COUNCIL

Planning Development Control

The Earl Baldwin Suite, Duke House, Clensmore Street, Kidderminster

Tuesday, 6th September 2005 (6PM)

PRESENT:

Councillors: S J Williams (Chairman), M A W Hazlewood (Vice-Chairman), G W Ballinger, J-P Campion, S J M Clee, N J Desmond, Mrs H E Dyke, Mrs J Fairbrother-Millis, P B Harrison, M J Hart, M B Kelly, C D Nicholls, Mrs F M Oborski, M W Partridge, Mrs J L Salter, M J Shellie, K J Stokes and A D Williams.

DC.25 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors: Mrs S M Hayward, J A Shaw and J C Simmonds.

DC.26 APPOINTMENT OF SUBSTITUTES

Councillor G W Ballinger was a substitute for Councillor Mrs S M Hayward. Councillor M B Kelly was a substitute for Councillor J A Shaw.

DC.27 DECLARATION OF INTERESTS

The following interests were declared:

Councillor M A W Hazlewood, WF.689/05 - personal interest, having received correspondence and had communication regarding this application. WF.760/05 - personal interest, having discussed the application at the Parish Council, but came to the meeting with an open mind.

Councillor C D Nicholls, WF.689/05, WF.580/05 - personal interest having spoken to someone connected with the application but came to the meeting with an open mind. He also declared an interest in applications WF.760/06 and WF.804/05 - personal interest, having discussed the applications at the Parish Council but came to the meeting with an open mind.

Councillor M B Kelly, WF.762/05, WF.813/05 and WF.760/05 - personal interest as he had been contacted regarding all 3 applications but he came to the meeting with an open mind.

Councillor Mrs J L Salter, WF.689/05 - personal interest as the applicant had written a letter to her but she came to the meeting with an open mind.

Councillor Mrs F M Oborski, WF.689/05 - personal interest, had telephone conversation, but came to the meeting with an open mind. WF.580/05, prejudicial interest, as she is a Board Member of Wyre Forest Community Housing. WF(T) 109, personal interest as she had spoken to an objector but she came to the meeting with an open mind.

Councillor P B Harrison, WF.689/05 - personal interest, as he had received a telephone call regarding the application but he came to the meeting with an open mind.

Councillor K J Stokes, WF.689/05 - personal interest, he had received a telephone call and correspondence regarding the application but he came to the meeting with an open mind.

Councillor A D Williams, WF.689/05 - personal interest, he had received a telephone call from the applicant but he came to the meeting with an open mind.

Councillor Mrs H E Dyke, WF.689/05 - personal interest, she had received a telephone call from the applicant but she came to the meeting with an open mind. WF.580/05 - prejudicial interest as she is a Board Member of Wyre Forest Community Housing.

Councillor Mrs J Fairbrother-Millis, WF.689/05 - personal interest, she had received a telephone call from the applicant and correspondence but she came to the meeting with an open mind.

Councillor M J Shellie, WF.689/05 - personal interest as he had spoken to the applicant but he came to the meeting with an open mind. WF.(T)109 - prejudicial interest as his sister lives in the vicinity of the site. WF.580/05 - prejudicial interest as he is a Board Member of Wyre Forest Community Housing.

Councillor M W Partridge, WF.689/05 - personal interest as he had received letters and spoken to the applicant but he came to the meeting with an open mind.

Councillor N J Desmond, WF. (T) 109 - personal interest as he had spoken to a number of objectors but came to the meeting with an open mind. WF.689/05 - personal interest as he had spoken to the applicant but he came to the meeting with an open mind.

Councillor A J Buckley, WF.689/05 - personal interest as he had received a telephone call and correspondence but he came to the meeting with an open mind.

Councillor S J M Clee, WF.689/05 - personal interest as he had engaged in conversation regarding the application and had received a telephone call but he came to the meeting with an open mind.

Councillor J-P Campion, WF.689/05 - personal interest as he had contact with the applicant but he came to the meeting with an open mind.

Councillor M J Hart, WF.689/05 - personal but non-prejudicial interest as he had a telephone conversation with the applicant and received correspondence but he came to the meeting with an open mind.

Councillor S J Williams, WF.689/05 - personal interest as he had received a telephone call and correspondence.

DC.28 MINUTES**DECISION:**

The minutes of the meeting held on Tuesday, 2nd August 2005 be confirmed as a correct record and signed by the Chairman.

DC.29 APPLICATIONS TO BE DETERMINED

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 420 attached).

DECISION:

The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No. 420 attached, subject to incorporation of any further conditions or reasons (or variations) thought to be necessary to give full effect to the Authority's wishes about any particular application.

DC.30 APPLICATIONS PENDING DECISION

The Committee received a schedule of planning and related applications that were pending decision.

DECISION:

The schedule be noted.

DC.31 PLANNING AND RELATED APPEALS

The Committee received details of the position with regard to planning and related appeals, still being processed, together with particulars of appeals that had been determined since the date of the last meeting.

DECISION:

The details be noted.

DC.32 TREE PRESERVATION ORDER NUMBER 291 (2005) LAND AT DRAYTON MILL

A report was considered from the Development Control Manager that asked the Committee to determine whether Tree Preservation Order (TPO) No. 291 relating to trees on land at Mill Cottage, Drayton, should be confirmed or not.

The Development Control Manager explained that there had been concern from a member of the public regarding several trees at the site that were considered to be at risk of being removed or inappropriately pruned. The garden of the property contained several trees including a group of three Yew trees and a Beech tree

which were all very prominent within the village location.

However, since the TPO was made the Beech Tree had defoliated and the remaining leaves were discoloured. There was also evidence of 'beech bark disease.' It was therefore recommended by the Arboricultural Officer that the beech tree should be removed from the Tree Preservation Order.

DECISION:

Tree Preservation Order (TPO) No. 291 be confirmed subject to the modification of removal of T1, as the trees contribute to the amenity of the locality and may be under threat of removal.

DC.33

AMENDMENT TO SECTION 106 AGREEMENT RELATING TO PROVISION AND MAINTENANCE OF PUBLIC OPEN SPACE AND PLAY AREA WITHIN RESIDENTIAL DEVELOPMENT AT FORMER KIDDERMINSTER COLLEGE SITE, HOO ROAD, KIDDERMINSTER

A report was considered from the Development Control Manager that advised Members of a request for a variation to the Section 106 Agreement.

The Development Control Manager told Members that due to the siting of the criblock wall adjacent to the areas of public open space and play area, there had been concern from Officers over potential liability claims against the Council in the event of failure of the criblock wall. Lengthy discussions ensued with the developer to see if they would be willing to take on the responsibility of the maintenance and ownership of these areas. Approval was therefore sought to amend the Section 106 agreement to enable the public open space and play area to be retained by the developer and that the landscaping and maintenance of these areas be carried out by a Management Company in accordance with the Landscape Management Plan.

DECISION:

Delegated authority be given to the Head of Legal and Democratic Services in consultation with the Head of Planning, Health and Environment and Head of Cultural, Leisure and Commercial Services to vary clauses 3.7 - 3.8 of the Section 106 agreement dated 9th October 2001 relating to the transfer of the open space and play area at the former Kidderminster College site.

The meeting ended at 8.08 pm.,