

## **DEVELOPMENT CONTROL COMMITTEE**

Monday 12<sup>th</sup> March, 2012 at 6.00 pm  
in Committee Room 2, The Council House, Dudley

### **PRESENT:-**

Councillor C Wilson (Chairman)  
Councillor Banks (Vice-Chairman)  
Councillors Barlow, J Jones, Mrs Roberts, Southall, Mrs Turner, S Turner and Mrs Wilson.

### **OFFICERS:-**

Mr J Butler, Mr T Glews, Mrs H Martin, Mr D Owen, Mr P Reed, Mrs A Roberts (all Directorate of the Urban Environment), Mrs G Breakwell and Mrs M Johal (Directorate of Corporate Resources)

#### **67      APOLOGY FOR ABSENCE**

An apology for absence from the meeting was submitted on behalf of Councillor Ms Harris.

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#### **68      APPOINTMENT OF SUBSTITUTE MEMBER**

It was reported that Councillor S Turner had been appointed as a substitute member for Councillor Ms Harris for this meeting only.

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#### **69      DECLARATIONS OF INTEREST**

Councillor C Wilson declared a personal and prejudicial interest in planning application number P11/1603 (Unit 17A Gainsborough Trading Estate, Rufford Road, Oldswinford) as he had worked for the applicant in the past.

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#### **70      MINUTES**

##### **RESOLVED**

That the minutes of the meeting of the Committee held on 21<sup>st</sup> February, 2012, be approved as a correct record and signed.

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## PLANS AND APPLICATIONS TO DEVELOP

A report of the Director of the Urban Environment was submitted on the following plans and applications to develop. In addition, 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 of the 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 referred to had indicated that they wished to speak at the meeting and spoke on the planning applications indicated:-

Plan No P11/1554 – Councillor M Davis and Marion Smith – objectors and Tarquin Millican – an agent

Plan No P12/0029 – Mr John Jowitt – an objector and Mr Andrew Denham – an agent

Plan No P12/0052 – Mr Martin Jones – an objector and Mr Chris Pearson – an applicant

Plan No P12/0021 – Mr Keith Lowe – an objector and Mr Peter Hunt – an agent

- (i) Plan No P11/1554 – Old Park Inn, 102 Middlepark Road, Dudley – Demolition of Existing Public House and Erection of 10 No Dwellings

Decision: Approved, subject to conditions, numbered 1 to 3 and 5 to 15 (inclusive), as set out in the report submitted, together with an amended condition, numbered 4, as follows:-

4. Prior to the commencement of development, details of the types, sizes and locations of the boundary treatments and access gates around the site and between the proposed plots shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall include details of how the primary access gates to all plots shall be secured. The development shall be carried out in full accordance with the approved details prior to the first occupation of any of the dwellings hereby approved and shall thereafter be maintained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

- (ii) Plan No P12/0029 – 128 Level Street, Brierley Hill – Use of Land for Car Sales and Hand Car Wash (Sui-Generis) with New Access to Highway (Resubmission of Previously Refused Application P11/0131)

The Committee considered representations made by Mr Jowitt, the objector, in that he was of the view that the proposed development would not be of a temporary measure, particularly because the drainage works that would be undertaken were relatively extensive, more expensive than originally quoted and works were of a permanent nature. The Committee also considered comments made by Mr Denham, the agent, in that two quotes of approximately £2000 had been obtained for the drainage works and it was pointed out that there was an existing drain which could be connected and utilised which the Council may not know about, which could have resulted in the higher quote of £4000 being estimated by the Council.

Arising from the representations made Members commented that the location was not appropriate for a car wash facility, particularly as efforts were being made to develop the area and to connect Brierley Hill High Street to Merry Hill, there would be water everywhere and nearby roads would be spoilt, that employees working on the site needed proper toilet facilities and that the public foul sewer would need to be maintained to ensure that silt was properly cleared out.

Decision: Refused, for the following reason:-

The proposed use would be acceptable in principle for a temporary period only. The effect of the proposed use on drainage is an important amenity matter and whilst it is considered likely that works could be undertaken to ensure that the proposal would not result in a detrimental impact upon amenity it is not considered that securing such works through planning conditions would be reasonable for a temporary form of development as advised in Circular 11/95.

- (iii) Plan No P12/0052 – 63 Brompton Drive, Brierley Hill – Following Demolition of Existing Garage, Erection of 1 No Dwelling

The Committee considered representations made by Mr Jones mainly about the inadequate parking and arising problems of vehicles obstructing the highway and from Mr Pearson in that all concerns had been addressed and Officers supported the application.

Arising from the representations made Members were of the view that the proposed dwelling would create cramped conditions and that there was insufficient parking that would result in the overcrowding of vehicles.

Decision: Refused, for the following reason:-

The over-dominance of the required hard surfacing and the limited plot for the proposed dwelling would combine with the crowding of vehicles and parking spaces to create an overall impression of cramping at a key location immediately alongside an otherwise pleasant through-route for pedestrians. The proposal would therefore harm the character and amenity of the area contrary to the provisions of Saved UDP Policy DD4.

- (iv) Plan No P12/0021 – 8 Blithfield Drive, Brierley Hill – Two Storey Rear Extension

Decision: Approved, subject to conditions, numbered 1 to 3 (inclusive), as set out in the report submitted.

- (v) Plan No P11/1437 – 39 Manor Abbey Road, Halesowen – Two Storey Side/Rear and Single Storey Rear Extension. Loft Conversion with Side and Rear Dormers. Erection of Double Garage in Rear Garden (Following Demolition of Existing Garage and Shed) (Resubmission of Withdrawn Application P11/1184)

Decision: Approved, subject to conditions, numbered 1, 3 and 4 (inclusive), as set out in the report submitted, together with an amended condition, numbered 2, as follows:-

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No's MC/324/01 Rev c, MC/324/02 Rev c and MC/324/03 Rev.

- (vi) Plan No P11/1511 – Building 12, Former Wordsley Hospital, Stream Road, Wordsley – Conversion of Existing Building to 11 Apartments with Associated Parking (Resubmission of Withdrawn Planning Application P11/0727)

Decision: Approved, subject to conditions, numbered 1 to 16 (inclusive), as set out in the report submitted.

- (vii) Plan No P11/1603 – Unit 17A Gainsborough Trading Estate, Rufford Road, Oldswinford, Stourbridge – New Pitched Roof with Additional Cladding (Resubmission of Approved Planning Application P11/0375) (Retrospective)

(Having previously declared a personal and prejudicial interest in this application, Councillor C Wilson, the Chairman, left the meeting whilst the application was being considered.)

Councillor Banks (Vice-Chairman – in the Chair)

The Committee noted that the application should be deferred to allow further neighbour consultation and it was suggested, and agreed, that a Site Visit should take place prior to the application being considered so that the application was not delayed.

Decision: That consideration of this application be deferred pending further neighbour consultation and a site visit to be held prior to the consideration of the application.

Councillor C Wilson then returned to the meeting

(Councillor C Wilson – in the Chair)

- (viii) Plan No P11/1628 – 258 Brettell Lane, Brierley Hill – Lower Kerb for Vehicular Access

Decision: Approved, subject to conditions, numbered 1 and 2 (inclusive), as set out in the report submitted.

- (ix) Plan No P12/0118 – Shell Woodsetton, Sedgley Road, Woodsetton, Dudley – Relocation and Replacement of Existing Fuel Storage Tanks. Construction of New Tank Vents and Petrol Inceptor. Alterations and Refurbishment Including New Canopy Roof, Safety Bollards and Retaining Wall (Resubmission of Previously Withdrawn Application P11/1405)

Decision: Approved, subject to conditions, numbered 1 to 3, 5 and 6 (inclusive), as set out in the report submitted, together with the replacement of condition, numbered 4, as follows:-

4. Land contamination

4a: Risk assessment

No development shall begin until an assessment of the risks posed by any contamination has been submitted to and approved by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.

4b: Submission of remediation scheme

Where the approved risk assessment (required by 4a above) identifies contamination posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the Local Planning Authority.

4c: Implementation of approved remediation scheme  
Unless otherwise agreed in writing with the Local Planning Authority, the approved scheme (required by 4b above) shall be implemented and a verification report submitted to and approved by the Local Planning Authority, before the development (or relevant phase of the development) is first occupied/brought into use.

- (x) Plan No P12/0065 – Masdaq Mortgages and Property Services, 124 Nimmings Road, Halesowen – Part A – External Roller Shutter to Side Extension (Retrospective) Part B – Front Extension to Existing Side Flat Roof Extension Incorporating New Shop Front (Retrospective)
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Decision: That approval be given to both Part A external roller shutter to the side extension (retrospective) and Part B front extension to existing side flat roof extension incorporating new shop front (retrospective).

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72

## ENFORCEMENT REPORT

A joint report of the Director of Corporate Resources and the Director of the Urban Environment was submitted on proposed enforcement action regarding development at 44, Gospel End Road, Sedgley.

### RESOLVED

That approval be given not to take enforcement action against the property at 44, Gospel End Road, Sedgley due to the lack of demonstrable harm for the reasons set out in the report submitted.

The meeting ended at 7.45 pm.

CHAIRMAN