

## **DEVELOPMENT CONTROL COMMITTEE**

Monday, 14th February, 2005 at 6.00 pm  
in Committee Room 2, The Council House, Dudley

### **PRESENT:-**

Councillor Stanley (Chairman)  
Councillor James (Vice-Chairman)  
Councillors Banks, G Davies, M Davis, Debney, Donegan, Southall and  
Mrs Wilson

### **OFFICERS:-**

Mr T Glews, Mr G Isherwood, Mr C Mellor, Mr P Reed and Ms A Roberts  
(Directorate of the Urban Environment), Mrs G Breakwell and Miss L Turner  
(Directorate of Law and Property).

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### **MINUTES**

#### **RESOLVED**

That the minutes of the meeting of the Committee held on 24<sup>th</sup>  
January, 2005, be approved as a correct record and signed subject  
to the following amendment to Minute No. 66.

Councillor M Davis declared a personal interest in respect of  
Planning Application No. P04/1880 - 41 Breamore Crescent, Dudley  
- Fell 1 Sycamore tree and prune various other trees, insofar as he  
had previously visited the site as a Ward Councillor.

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### **DECLARATIONS OF INTEREST**

Councillor James declared a prejudicial interest in respect of Planning  
Application No. P04/2020 - first floor side extension to create bedroom (re-  
submission of refused application P04/0590) - 125 Huntingtree Road,  
Halesowen - insofar as the applicants are councillor colleagues and friends.

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### **SITE VISITS**

Consideration was given to the following planning applications in respect of  
which a site visit had been made on Thursday, 10<sup>th</sup> February 2005, by the  
Development Control (Site Visiting) Working Party.

#### **RESOLVED**

That the site visit application be dealt with as follows:

- (i) Plan No. P04/1880 – 41 Breamore Crescent, Dudley - Fell 1 Sycamore tree and prune various other trees

Decision:

1. That subject to conditions numbered 1 and 2, as set out in the report of the Director of the Urban Environment, approval be given to the carrying out of works to trees T2, T3 and T4.
2. That tree T1 be felled subject to the planting of a suitable replacement.
3. That the application to fell tree T5 be refused.

- (ii) Plan No. P04/2193 - 68 Gospel End Road, Dudley - Fell 1 Eucalyptus tree

Decision: Approved, subject to conditions numbered 1 to 5 (inclusive) as set out in the report of the Director of the Urban Environment.

- (iii) Plan No. P04/2590 - 97 Bridgnorth Road, Wollaston, Stourbridge - change of use from retail (A1) to sale of food and drink for consumption on the premises (A3) (re-submission of withdrawn application P04/2263)

Decision: That this application be deferred for details of the proposed extraction system to be submitted for consideration by officers and that the application be submitted to a future meeting of the Committee.

- (iv) Plan No. P04/2316 - rear of 121 High Street, Brierley Hill - change of use to 2 no. 2 bedroom flats

Decision: Approved, subject to conditions numbered 1 to 7 (inclusive) as set out in the report of the Director of the Urban Environment.

## CHANGE IN ORDER OF BUSINESS

Pursuant to Council Procedure Rule 13 (c) it was

RESOLVED

That the order of business at agenda item no. 6 be varied in order to enable item no. 7 and planning applications numbered P04/1683 and P04/2648 to be dealt with prior to the remaining planning applications in agenda item no. 6.

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## CONSULTATION DRAFT REVISED CIRCULAR ON PLANNING OBLIGATIONS

A report of the Director of the Urban Environment was submitted advising members of the publication of the consultation on draft revised circular on planning obligations and to seek approval of the Council's response to the consultation.

### RESOLVED

That the information contained in the report submitted, in respect of the publication of the consultation on draft revised circular on planning obligations, be received and noted and that the detailed comments set out in Appendix 1 to the report submitted, be submitted as the Council's response to the Office of the Deputy Prime Minister.

## PLANS AND APPLICATIONS TO DEVELOP

A report of the Director of the Urban Environment was submitted on the following plans and applications to develop and the following persons were in attendance at the meeting and spoke on the planning applications indicated:

- (i) Plan No. P04/1683 - 122-126 Colley Gate, Halesowen - single storey rear extension, roof extension to incorporate new staircase, new shop front and roller shutters. Demolition of rear garages and formation of car park and loading bay and unloading bays. Change of use of first floor as ancillary to restaurant, takeaway (amendment to approved application P01/0365) - Mrs Adams, an objector and Mr Hussain, the applicant).
- (ii) Plan No. P04/2648 - 15 Coalbourn Lane, Stourbridge - conversion of existing garage into kitchen with installation of bay window - canopy roof to front (re-submission of refused application P04/1917) - Mr Walker, an objector and Ms Jennings, the applicant.

### RESOLVED

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

- (i) Plan No. P04/1683 - 122-126 Colley Gate, Halesowen - single storey rear extension, roof extension to incorporate new staircase, new shop front and roller shutters. Demolition of rear garages and formation of car park and loading bay and unloading bays. Change of use of first floor as ancillary to restaurant, takeaway (amendment to approved application P01/0365)

Councillor Crumpton (Ward Councillor), spoke in objection to this application.

Decision: That consideration of the above application be deferred pending a site visit to be held prior to the next meeting of the Committee to address the concerns raised by the objectors regarding odour and car parking.

- (ii) Plan No. P04/2648 - 15 Coalbourn Lane, Stourbridge - conversion of existing garage into kitchen with installation of bay window - canopy roof to front (re-submission of refused application P04/1917)

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

- (iii) Plan No. P04/0652 - 2F Brinley Way, Kingswinford - Fell 1 Sycamore tree and prune 2 sycamore trees

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

- (iv) Plan No. P04/1877 - Leasowes Park, Leasowes Lane, Halesowen - Recreation of historic dam, cascade and associated works

Decision: Approved, subject to conditions numbered 1 to 4 (inclusive) as set out in the report of the Director of the Urban Environment, together with an additional condition, numbered 5, as follows:-

5. K11A - The development shall afford access at all reasonable times to an archaeological organisation nominated by the Local Planning Authority and shall allow them to observe the excavations and record archaeological evidence that may be uncovered as a result of the development.

- (v) Plan No. P04/1957 - Innovate Logistics, Pedmore Road, Brierley Hill - various extensions to existing warehouse to create enlarged warehouse/distribution area, enlarged maintenance area and amenity block. Erection of single storey building to create Gate House

Decision: Approved, subject to the applicant entering into an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) not to commence the development until a Traffic Regulation Order prohibiting 'U' turning at the junction of Pedmore Road and Level Street has been made and implemented with all costs associated with the Order being borne by the applicant, and subject to conditions numbered 1 to 11 (inclusive) as set out in the report of the Director of the Urban Environment, together with additional conditions, numbered 12, 13 and 14, as follows:-

12. C10C - Contaminated Land (Soil Gases).
  13. L02A - Sound Insulation of plant and machinery.
  14. L02B - Mounting of plant and machinery.
- (vi) Plan No. P04/2020 - 125 Huntingtree Road, Halesowen - first floor side extension to create bedroom (re-submission of refused application P04/0590).
- Decision: That consideration of this application be deferred pending a site visit to be held prior to the next meeting of the Committee to address concerns raised by Members regarding the height of the extension.
- (vii) Plan No. P04/2047 - Earls High Playing Fields, Whittingham Road, Halesowen - spread of dredgins from pools at the Leasowes onto rough ground adjacent to playing fields
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- Decision: Approved, subject to conditions numbered 1 to 5 (inclusive) as set out in the report of the Director of the Urban Environment.
- (viii) Plan No. P04/2158 - Samson and Lion, Stourbridge Road, Halesowen - installation of new ATM machine
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- Decision: Approved, subject to conditions numbered 1 and 2, as set out in the report of the Director of the Urban Environment, together with an additional condition, numbered 3, as follows:-
3. The ATM hereby approved shall not be open for customers outside of 0600 and 2300 hours on Mondays to Saturdays inclusive nor outside the hours of 0800 to 2200 hours on Sundays.
- (ix) Plan No. P04/2319 - land adjacent to 32 Wilson Road, Brierley Hill - outline application for a detached house with garage (siting and means of access included)
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- Decision: Approved, subject to conditions numbered 1 to 10 (inclusive) as set out in the report of the Director of the Urban Environment and the following information:-
- The applicant should be aware of the comments made by Severn Trent Water in their letter dated 30th November, 2004 attached to this decision.
- (x) Plan No. P04/2417 - Land at Pantiles/Allan Bank, Love Lane, Stourbridge - demolition of 2 no. existing dwellings and erection of 10 no. apartments and 5 no. town houses with garages, access and landscaping
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Councillor Rogers, Ward Councillor, spoke in objection to this application.

Decision: Refused, for the following reasons:-

1. The development would be detrimental to the character and appearance of the locality by virtue of its scale siting and appearance in the streetscene contrary to Policy 85 of the adopted Dudley Unitary Development Plan.
2. The proposed development is over intensive and would result in additional traffic generation of a scale which would be inappropriate to the infrastructure of the area contrary to Policy 99 of the Dudley Unitary Development Plan.

- (xi) Plan No. P04/2702 - Rockrippers/Bulldozers Kingswinford Limited, Dibdale Road, Dudley - application under Section 73 for non-compliance with condition no. 7 (children's play area) and condition no. 8 (public open space) of planning approval P03/1133

Decision: Approved, subject to the applicant entering into an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure an off-site contribution towards improvements to public open space and children's play area within proximity to the site and subject to no objections being received by the end of the public consultation period (15th February 2005) and conditions numbered 1 to 6 (inclusive) as set out in the report of the Director of the Urban Environment.

- (xii) Plan No. P04/2714 - 65 Vicar Street, Dudley - Demolition of existing factory and erection of two and three storey block of 10 flats with associated parking

Decision: Approved, subject to conditions numbered 1 to 3 (inclusive) and 5 to 25 (inclusive), as set out in the report of the Director of the Urban Environment, together with an amended condition, numbered 4, and additional conditions, numbered 26, 27, 28 and 29 as follows:-

4. Notwithstanding the details shown on the approved drawings, prior to the commencement of the development, details of the type, texture and colour of the stone cills and brickwork to be used in the construction of the external walls and the roofing tiles must be submitted to and approved in writing by the Local Planning Authority.
26. The following drawing numbers relate to the approved scheme: 115: 03 Rev B; 115: 04 Rev A; 115: 05 Rev A; 115: 006 Rev A; 115: 007 Rev B.
27. C09B - Contaminated Land.

28. C10C - Contaminated Land (Soil Gases).
29. Details of the proposed access shall be submitted to and approved by the Local Planning Authority and the access created in accordance with those details before development is commenced.
- (xiii) Plan No. P05/0008 - Corner of Platts Road, High Street, Amblecote, Stourbridge - residential development to create 16 no. apartments with associated parking
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Councillor Mrs Martin, Ward Councillor, spoke in objection to this application.

Decision: Refused, for the following reasons:

1. The proposed development fails to make a positive contribution to the quality of the environment and would be detrimental to the character and appearance of the Area of Special Townscape Value, contrary to policies 39, 40 and 53 of the adopted unitary development plan and PPG3-Housing.
  2. The development fails to provide sufficient off-street car parking to serve the level of demand likely to be generated contrary to policies 98 and 99 of the adopted unitary development plan.
- (xiv) Plan No. P05/0021 - Formerly 9-12 Hill Road, Lye - Sure Start Children's Centre
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Decision: Approved, subject to conditions numbered 1 to 6 (inclusive) as set out in the report of the Director of the Urban Environment, together with additional conditions, numbered 7, 8, 9 and 10, as follows:-

7. C12A: Details of visibility splays - development shall not begin until details of the visibility splay to be provided at the junction between the proposed means of access and the highway have been submitted to and approved by the Local Planning Authority and no building shall be occupied until the visibility splays have been provided in accordance with the approved details.
8. C09B - Contaminated Land.
9. C10C - Contaminated Land (Soil Gases).
10. No air handling plant of any description shall be installed on the façade of this building, which faces residential property located in High Street, Lye.

- (xv) Plan No. P04/2400 - The Venue, 171-173 High Street, Dudley - various extensions to create open plan office, bar and seating area

Decision: Approved, subject to conditions numbered 1 to 5 (inclusive) as set out in the report of the Director of the Urban Environment.

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### PLANNING APPEALS

A report of the Director of the Urban Environment was submitted informing Members of decisions made by the Planning Inspectorate on Planning Appeals over the period January, 2004 – December, 2004.

#### RESOLVED

That the information contained in the report submitted, regarding decisions made by the Planning Inspectorate on Planning Appeals over the period January, 2004 – December, 2004, be received and noted.

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### ENFORCEMENT ACTION

A joint report of the Director of Law and Property and the Director of the Urban Environment was submitted on proposed enforcement action.

#### RESOLVED

That the Local Planning Authority, having regard to all the provisions of the adopted Dudley Unitary Development Plan and all other material considerations before them, authorises the discontinuation of the storage of a large commercial vehicle on land known as 4 Firmstone Street, Wollescote, Stourbridge.

The meeting ended at 9.29pm.

CHAIRMAN