

DEVELOPMENT CONTROL COMMITTEE

Monday, 4th April, 2005 at 6.00 pm
in Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Stanley (Chairman)
Councillors Banks, Mrs Collins, G Davies, Debney, Donegan, James,
Southall and Mrs Wilson

OFFICERS:-

Mrs H Brookes-Martin, Mr C Cheetham, Mr G Isherwood, Mr S Roach,
(Directorate of the Urban Environment), Mr G Collins 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 14th
March, 2005, be approved as a correct record and signed.

93

DECLARATIONS OF INTEREST

Councillor Debney declared a prejudicial interest in respect of Planning Application No. P05/0275 – Morrisons PLC, Charterfield Shopping Centre, Kingswinford – Erection of 3m high galvanised metal fencing and gates to enclose service yard. New covered trolley shelters (retrospective) – in view of him having discussed this application previously with a resident and expressed an opinion and accordingly left the meeting during consideration of this item.

94

SITE VISITS

Consideration was given to the following planning applications in respect of which a site visit had been made on Thursday, 31st March 2005, by the Development Control (Site Visiting) Working Party.

RESOLVED

That the site visit applications be dealt with as follows:

- (i) Plan No. P04/2368 – 59 Andersleigh Drive, Bilston – Fell four Sycamore trees.

Decision: Refused for the reasons set out in the report of the Director of the Urban Environment.

- (ii) Plan No. P05/0047 – Redhill School, Junction Road, Stourbridge – Construction of artificial grass football pitch with pavilion building. Erection of 15m high flood lighting and new mesh fencing around football pitch. Extension to existing car park to incorporate 6 no. additional spaces. Alterations to route of public footpath

Decision:

1. Approved, subject to conditions numbered 1 to 8 (inclusive) as set out in the report of the Director of the Urban Environment.
2. That an Order be made under Section 257 of the Town and Country Planning Act, 1990, to divert that length of public footpath S33, as shown on plan drawing no. D/CP/233/A, to enable development authorised by planning permission to take place and that the making of the Order be subject to the costs involved being borne by the developer.

- (iii) Plan No. P04/1767 – Site of Crown Works, 50A Cemetery Road, Lye – Residential development of 19 no. Houses (application for approval of reserved matters following the grant of outline permission P03/1462).

Decision: That the Director of the Urban Environment be authorised to determine the application following receipt of satisfactorily amended plans, and subject to conditions numbered 1 to 11 (inclusive) as set out in the report of the Director of the Urban Environment.

- (iv) Plan No. P04/2430 – King Edward V11, 88 Stourbridge Road, Halesowen – Extension to provide dining room, disabled WC and garage. Creation of 1 no. Self-contained flat.

Decision:

1. Refused, owing to inadequate parking provision and to the proposed development being contrary to Policy 99.

2. That enforcement action be authorised for the removal of the extension.
- (v) Plan No. P05/0035 – 1-5 Hagley Road, Halesowen – Residential development of 18 units and associated car parking (resubmission of withdrawn application P04/1158).

Decision: Refused for the following reason:

The proposed scheme, by reason of its scale and density, would be an over-intensive form of development at this site thereby having an adverse impact on the street scene. Additionally the scheme fails to make adequate and safe provision for access and egress by vehicles. As such the proposal is contrary to Policies 39, 53, 85 and 98 of the adopted Dudley Unitary Development Plan.

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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 planning applications numbered P03/1923, P04/1323, P04/2389, P04/2508 and P04/2229 and agenda item no. 7 to be dealt with prior to the remaining planning applications in agenda item no. 6.

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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. The persons referred to were in attendance at the meeting and spoke on the planning applications indicated:

- (i) Plan No. P03/1923 – Land at Birch Terrace, Netherton – Erection of 2 no. 3 bedroom detached dwellings with new access to highway – Mrs Billingham, an objector.
- (ii) Plan no. P04/1323 – Land off Richardson Drive, Amblecote – Erection of 20 dwelling houses with associated garages, access road, drainage and ancillary works – Mrs Hubble, an objector and Ms Bave, on behalf of the agent.

- (iii) Plan no. P04/2389 – 89A Norton Road, Stourbridge – Fell 1 no. Deodar Cedar – Mr Hadley, the applicant.
- (iv) Plan no. P04/2508 – 35 Cedarwood Road, Dudley – Fell one Lime tree – Mr Lane, the applicant.
- (v) Plan no. P04/2229 – Henry Boot Training Ltd, 280 Stourbridge Road, Dudley – Outline application for 22 flats in 3 three storey blocks and 1 two storey block (siting, design and access included for determination) – Mr Marsh, an objector.

RESOLVED

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

- (i) Plan No. P03/1923 – Land at Birch Terrace, Netherton – Erection of 2 no. 3 bedroom detached dwellings with new access to highway.

Decision: Refused, for the reason as set out in the report of the Director of the Urban Environment.

- (ii) Plan no. P04/1323 – Land off Richardson Drive, Amblecote – Erection of 20 dwelling houses with associated garages, access road, drainage and ancillary works.

Decision: Approved, subject to the applicant entering into an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) for the provision of noise attenuation works at Palace Furnishings and future retention thereof in accordance with details to be agreed with the Local Planning Authority and a scheme of riverside enhancement works that shall provide for unrestricted public access and future maintenance works in accordance with details to be submitted to and agreed in writing by the Local Planning Authority, and conditions numbered 1 to 18 (inclusive) as set out in the report of the Director of the Urban Environment.

- (iii) Plan no. P04/2389 – 89A Norton Road, Stourbridge – Fell 1 no. Deodar Cedar.

Decision: Refused, for the reasons numbered 1 and 2 as set out in the report of the Director of the Urban Environment.

- (iv) Plan no. P04/2508 – 35 Cedarwood Road, Dudley – Fell one Lime tree.

Decision: Refused, for the reasons numbered 1 and 2 as set out in the report of the Director of the Urban Environment.

- (v) Plan no. P04/2229 – Henry Boot Training Ltd, 280 Stourbridge Road, Dudley – Outline application for 22 flats in 3 three storey blocks and 1 two storey block (siting, design and access included for determination).
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Decision: Refused, for the following reason:

The proposed development of 3 no. storey flats would constitute an over-intensive form of development that would be out of keeping with the established built form of the area where single and 2 no. storey houses predominate. The proposal is therefore contrary to policies 39 'Townscape', 53 – 'Development Control – Housing' and 85 – 'Development Control' – 'Residential Areas' of the Dudley Unitary Development Plan.

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DECLARATION OF BARROW HILL LOCAL NATURE RESERVE

A report of the Director of the Urban Environment was submitted seeking support for the declaration of Barrow Hill as a Local Nature Reserve.

RESOLVED

That the declaration of Barrow Hill as a Local Nature Reserve be supported and that support also be given to the securing of further external funding for Local Nature Reserve management and enhancement.

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PLANS AND APPLICATIONS TO DEVELOP

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

- (i) Plan no. P04/0735 – Castle Wellan House, 41 Moss Grove, Kingswinford – Demolition of existing nursing home and erection of 9 no. Two bedroom apartments with associated parking.
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Decision: It was noted that this application had been withdrawn.

- (ii) Plan no. P04/1423 – Automobile Association, Fanum House, Dogkennel Lane, Halesowen – Erection of 108 Apartments.
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Decision: It was noted that this application had been withdrawn.

- (iii) Plan no. P04/1816 – 13-16 Rose Hill, Quarry Bank, Brierley Hill – Demolition and rebuilding of 4 no. Two bedroom terraced dwellings.
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Decision: Approved, subject to the conditions numbered 1 to 10 (inclusive) as set out in the report of the Director of the Urban Environment, together with an additional condition, numbered 11, as follows:

11. A minimum distance of 11 metres between the end of parking spaces and far side of the Rose Hill carriageway should be maintained. This distance is required to ensure that vehicles leaving the parking spaces can perform the egress manoeuvre from the site within the boundary of the carriageway and not impinge on the opposite property. This scheme maintains 10 metres from the end of the parking space and the far side of the carriageway and will need to be amended to ensure the parking spaces can be used.

- (iv) Plan no. P04/2146 – 220 Cot Lane, Kingswinford – Fell one Silver Birch tree and one Hornbeam tree to front of property, prune and reduce height of 2 Birch tree and 2 Hornbeam trees to side of property.
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Decision: That consideration of this application be deferred pending a site visit to be held prior to the next meeting of the Committee as detailed photographs of the condition of the trees were not available to address concerns raised by Members.

- (v) Plan no. P04/2235 – Former Stourbridge Steelholders Site, High Street, Wollaston – Outline: Residential development to form houses and apartments.
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Decision: Refused, for the reasons numbered 1 to 3 (inclusive), as set out in the report of the Director of the Urban Environment, together with an additional condition to be numbered 1, therefore, conditions numbered 1 to 3 to be renumbered 2 to 4. New condition 1, as follows:

1. The development is contrary to Policy EE1 of the Revised Deposit Unitary Development Plan in that it proposes residential development on an employment site, the loss of which is to be resisted as it falls within a Key Industrial Area and contributes towards the Borough's balanced portfolio of employment land.

- (vi) Plan no. P04/2340 – 47E Moss Grove, Kingswinford – Fell 1 no. Silver Birch tree.
- Decision: That consideration of this application be deferred pending a site visit to be held prior to the next meeting of the Committee as detailed photographs of the condition of the tree were not available to address concerns raised by Members.
- (vii) Plan no. P04/2435 - 6 Sandmeadow Place, Kingswinford – Fell 9 no. Sycamore trees and prune 2 no. Beech trees.
- Decision: Approved, subject to conditions numbered 1 to 4 (inclusive) as set out in the report of the Director of the Urban Environment.
- (viii) Plan no. P04/2511 – 6 Rowan Road, Sedgley – Fell one Lime tree.
- Decision: Approved, subject to conditions numbered 1 to 6 (inclusive) as set out in the report of the Director of the Urban Environment.
- (ix) Plan no. P04/2625 – Rear of 43 Andersleigh Drive, Bilston – Felling of 2 no. Oak trees.
- Decision: Refused, for the reasons numbered 1 and 2 as set out in the report of the Director of the Urban Environment.
- (x) Plan no. P04/2626 - 7 Ettymore Road, Dudley – Felling of 2 no. Lime trees and pruning of 2 no. Lime trees.
- Decision
1. That, subject to conditions numbered 1 to 3 (inclusive), as set out in the report of the Director of the Urban Environment, approval be given to the carrying out of works to trees T1 and T2.
 2. That the application to fell trees T3 and T4 be refused.
- (xi) Plan no. P04/2649 – 45 Andersleigh Drive, Bilston – Fell three Poplar trees.
- Decision: Refused, for the reasons numbered 1 and 2 as set out in the report of the Director of the Urban Environment.

- (xii) Plan no. P04/2657 – 73 Ragees Road, Kingswinford –
Various tree work to include felling of eight trees and pruning
of remainder.
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Decision: Approved, subject to conditions numbered 1 to 4
(inclusive) as set out in the report of the Director of the Urban
Environment.

- (xiii) Plan no. P05/0096 – 2 Hinsford Close, Kingswinford – Conversion of existing garage to study room. Side extension to create new garage and re-alignment of 2m high garden boundary wall.
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Decision: Approved, subject to the applicant entering into a Agreement under Section 247 of the Town and Country Planning Act 1990 (as amended) so as to stop up the public highway, in accordance with the approved drawing, in order to facilitate the implementation of the planning permission hereby granted, and conditions numbered 1 to 3 (inclusive) as set out in the report of the Director of the Urban Environment.

- (xiv) Plan no. P05/0114 – Unit A-E, Central Block, Westminster Industrial Estate, Cradley Road, Netherton – Demolition of existing warehouse and erection of a building comprising eight industrial/storage units (B1, B2, B8).
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Decision: That the Director of the Urban Environment be authorised to determine the application upon satisfactorily receipt of the outstanding matters as stated in the report and subject to conditions numbered 1 to 3 (inclusive) and 5 to 16 (inclusive) as set out in the report of the Director of the Urban Environment, together with the deletion of the condition numbered 4 in the report and to an additional condition, numbered 17, as follows:

17. The development shall not be occupied until satisfactory loading and unloading facilities have been submitted to and approved by the Highway Authority for each of the individual units.

- (xv) Plan no. P05/0130 – Land off High Street/Piper Place, Amblecote – Residential development of 21 flats with associated car parking.
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Decision: Approved, subject to conditions numbered 1 to 3 (inclusive) as set out in the report of the Director of the Urban Environment, together with the additional conditions numbered 4, 5 and 6 as follows:

4. Noise protection scheme.
5. C09B.
6. C10C.

- (xvi) Plan no. P05/0275 – Morrisons PLC, Charterfield Shopping Centre, Kingswinford – Erection of 3m galvanised metal fencing and gates to enclose service yard. New covered trolley shelters (retrospective).

Decision:

1. Refused, for the reason as set out in the report of the Director of the Urban Environment.
2. That enforcement action be authorised to secure the removal of the gates and fencing.

- (xvii) Plan no. P05/0280 – 55 Adshead Road, Dudley – Single storey side and rear extensions to create enlarged kitchen and bathroom and garage to side elevation.

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

- (xviii) Plan no. P05/0286 – 15 Swindell Road, Stourbridge – Two storey rear extension to create enlarged dining room and bathroom.

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

- (xix) Plan no. P05/0298 – Philip Duncan Transport, Peartree Lane, Brierley Hill – Erection of new building for the repair of lorries (general industrial use – B2) (amendment to approved application P04/2325).

Decision: Approved, subject to conditions numbered 1 to 13 (inclusive), as set out in the report of the Director of the Urban Environment.

- (xx) Plan no. P05/0308 – Land adjacent to 31 Thorns Road, Quarry Bank, Brierley Hill – Approval of reserved matters for the erection of 54 residential dwellings with associated access following outline approval P02/1523.

Decision:

Approved, subject to the applicant entering into an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) for the provision of affordable housing and for the payment of a commuted sum of £78,116.29 for the enhancement of off-site open space and children's play facilities in accordance with development plan requirements, conditions numbered 1 to 13 (inclusive), as set out in the report of the Director of the Urban Environment, and to the addition of the following informative note:-

"The noise protection measures need to be capable of meeting the recommended internal noise levels of 40dBA in living rooms and 35dBA in bedrooms in the plots which face Thorns Road or the proposed internal road to this development. The same habitable rooms also need to be provided with acoustic mechanical ventilation which is capable of meeting the background ventilation requirements of the current Building Regulations while the windows to the rooms are closed for noise protection purposes."

- (xxi) Plan no. P05/0336 – Charlies Fish and Chips, 14 Jews Lane, Upper Gornal, Dudley – Erection of brick store room (retrospective).
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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.

- (xxii) Plan no. P05/0349 – 7 Brook Street, Coseley – Change of use of ground floor from Doctors Surgery (d1) to 2 no. one bedroom flats (C3).
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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. A close-boarded fence shall be provided on the boundary of the application site and adjacent to the public house (no. 9). The fence shall be 2m high and shall have a minimum density of 10kg/m².

- (xxiii) Plan no. P05/0351 – Cawney Hill Reservoir, Hill Top Road, Dudley – Erection of additional headframe and 2 Antenna on existing 20 metre high telecommunications mast.
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Decision: That prior approval be sought and refused for the following reason:

The proposed development would have an adverse impact on residential amenity by virtue of the perceived health and safety risks associated with the close proximity of residential dwellings and a school to the application site being contrary to Policy 85 (Development Control: Residential Areas) of the adopted Dudley Unitary Development Plan and DD13 (Telecommunications) of the Revised Deposit Plan.

- (xxiv) Plan no. P05/0176 – Land between 75B and 76 Maughan Street, Quarry Bank – Erection of 1 no. two bedroom dwellings with associated parking and access. _____

Decision: Approved, subject to the conditions numbered 1 to 6 (inclusive) as set out in the report of the Director of the Urban Environment.

The meeting ended at 8.55 pm.

CHAIRMAN