

## **DEVELOPMENT CONTROL COMMITTEE**

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

### **PRESENT:-**

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

### **OFFICERS:-**

Mrs H Brookes-Martin, Mr T Cowley, Mr T Glews, Mr G Isherwood, Mr  
C Mellor, (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 14<sup>th</sup>  
February, 2005, be approved as a correct record and signed.

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### **DECLARATIONS OF INTEREST**

Councillor Southall declared a personal interest in respect of Planning  
Application No. P05/0047 – Redhill School, 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, due to his membership of  
Birmingham County Football Association.

Councillor Tyler declared a prejudicial interest in respect of Planning  
Application No. P04/2689 – 37 and 37A Moss Grove, Kingswinford –  
Demolition of house and bungalow and erection of a two storey block  
of 12 flats (resubmission of withdrawn application P04/1824) – insofar  
as he had previously stated an objected to this application as a Ward  
Councillor.

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### **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of  
Councillor Mrs Collins and Councillor James.

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SUBSTITUTE MEMBERS

It was reported that Councillor Tyler had been appointed to serve as a substitute for Councillor Mrs Collins and Councillor Burston had been appointed to serve as a substitute for Councillor James for this meeting only.

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MEMBERSHIP OF THE DEVELOPMENT CONTROL (SITE VISITING) WORKING PARTY

Arising from the review of Committee Memberships carried out by the Council, in the light of Councillor M Davis's resignation from the Liberal Democratic Group, it was:

RESOLVED

That Councillor Mrs Collins be appointed to serve as a member of the Development Control (Site Visiting) Working Party for the 2004/5 municipal year.

The Chair, on behalf of the Committee, welcomed Councillor Mrs Collins to the Committee and expressed his thanks to Councillor Davis for his contribution to the Committee.

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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> March 2005, by the Development Control (Site Visiting) Working Party.

RESOLVED

That the site visit applications be dealt with as follows:

- (i) Plan No. P04/2020 – 125 Huntingtree Road, Halesowen – First floor side extension to create bedroom (resubmission of refused application P04/0590)
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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.

- (ii) 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 and unloading bays. Change of use of first floor as ancillary to restaurant, takeaway (amendment to approved application P01/0365)

Decision: Refused for the following reason:

That the proposal is contrary to Policy 99 of the adopted Dudley Unitary Development Plan due to inadequate parking facilities and inadequate vehicular access to the site.

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85 CHANGE IN ORDER OF BUSINESS

Pursuant to Council Procedure Rule 13 (c) it was

RESOLVED

That the order of business at agenda item no. 7 be varied in order to enable planning application numbered P04/1767 and agenda item no. 9 to be dealt with prior to the remaining planning applications in agenda item no. 7.

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86 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. P04/1767 – Site of Crown Works, 50A Cemetery Road, Lye – Residential development of 19 no. houses. (Application for approval or reserved matters following the grant of outline permission P03/1462) (Mrs Guise, an objector, Councillor Vickers, Ward Councillor and Mr Stafford, the agent)

RESOLVED

That Plan No. P04/1767 be dealt with as follows:-

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 the objector and Members regarding inadequate sewerage, ground levels and access.

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BUILDING CONTROL FEES 2005/06

A report of the Director of the Urban Environment was submitted seeking approval to amend the Council's Building Regulation Fee Scale to accommodate an increase in charges, equivalent to inflation, for 2005/06.

## RESOLVED

That an increase in Building Regulation fee charges, equivalent to inflation, for applications during 2005/06 in accordance with the information contained in the report now submitted, be approved.

PLANS AND APPLICATIONS TO DEVELOP (CONTINUED)

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

- (ii) Plan no. P04/0040 – Former Thorns Industrial Estate, Thorns Road, Quarry Bank, Brierley Hill – Development of 54 no. residential, dwellings and associated parking areas

## Decision:

1. Approved, subject to the applicant entering into an Agreement under Section 106 of the Town and Country Planning Act (as amended) for the provision of affordable housing and for the payment of a commuted sum £78,116.29 for the enhancement of off-site open space and children's play facilities in accordance with development plan requirements and subject to conditions numbered 1 to 15 (inclusive), as set out in the report of the Director of the Urban Environment together with an additional condition, numbered 16, as follows:
  16. Notwithstanding indicated boundary treatments indicated on drawing number 8070-18-02-001 revJ, the Thorns Road site frontage boundary treatment shall consist of a combination of a dwarf wall and railings to be erected prior to the first occupation of the hereby approved development in accordance with a design and in materials that shall first have been submitted to and approved in writing by the Local Planning Authority.

2. 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 requirements of the current building regulations while the windows to the rooms are closed for noise protection purposes. Air intakes for the ventilation shall not be located on the front façade of these buildings.

- (iii) Plan no. P04/2239 - 5A Marsh Crescent, Wordsley,  
Stourbridge – Fell one Oak tree and fell one Red Maple tree

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

- (iv) Plan no. P04/2247 – 101 Longmeadow Drive, Dudley, Fell  
one Great Sallow Tree and fell one Lawsons Cypress

Decision: Approved, subject to conditions numbered 1 to 4 (inclusive) as set out in the report of the Director of the Urban Environment.

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

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.

- (vi) Plan no. P04/2689 – 37 and 37A Moss Grove, Kingswinford –  
Demolition of house and bungalow and erection of a two  
storey block of 12 flats (resubmission of withdrawn application  
P04/1824)

Decision:

1. Refused, for the reasons numbered 1 to 4 (inclusive) as set out in the report of the Director of the Urban Environment.
2. That 37 Moss Grove, Kingswinford be included on the Local List.

- (vii) Plan no. P05/0015 – Land at Wrens Nest Road, Dudley – 62 dwellings (55 houses, 6 bungalows and 1 apartment)

It was reported that a request had been received from the developer that the application be deferred in order that further discussions be held between the developer and the Council to resolve outstanding planning issues.

Decision: That this application be deferred for officers to negotiate amendments with the applicant and the Director of the Urban Environment be authorised to determine the application under the authority delegated to him.

- (viii) 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: 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 possible over-intensive development of the site.

- (ix) 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 of existing car park to incorporate 6 no. additional spaces. Alterations to route of public footpath

Councillor Kettle, Ward Councillor, spoke in objection to this application.

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 possible encroachment onto neighbouring properties.

- (x) Plan no. P05/0115 – Land at Stourbridge Road, Halesowen – Demolition of existing factory premises and erect new factory for James Grove (B2) and 3 no. business units (B1/B8 use) (resubmission of approved application P03/2182)

Decision: Approved, subject to conditions numbered 1-16 (inclusive) and 18-19, as set out in the report of the Director of the Urban Environment, together with an amended condition, numbered 17, and additional conditions, numbered 20-22, as follows:

17. The buildings shall not be occupied until the new means of access has been completed and the area shown for loading, unloading, parking and manoeuvring of vehicles on the plan attached hereto has been graded, paved, drained and marked out, and that area shall not thereafter be used for any other purpose.
20. No part of the development shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority, such travel plan to include details of Travel Plan Co-ordinator, Staff Travel Survey, Car Parking Management, Walking & Cycling Initiatives, Publicity & Marketing, Set Targets and Monitoring and to join Company TravelWise in Dudley together with a timetable for the implementation of each such element and shall continue to be implemented as long as any part of the development is occupied.
21. The existing redundant means of vehicular access to Stourbridge Road be removed and the footway reinstated prior to first occupation in accordance with details to be submitted to and approved by Local Planning Authority.
22. L04A – Limit on noise levels.

- (xi) Plan no. P05/0164 – Ground floor Car Park, Bell Street, Stourbridge – Non-compliance with condition no. 4 of planning approval P03/2166 (the development hereby permitted shall be discontinued on or before 22 February 2005) to allow skate park to continue use beyond this date
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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.

- (xii) Plan no. P05/0185 – Land off Dandy Bank Road, Pensnett Estate, Kingswinford – Prior approval under Part 24 of the Town and Country Planning Act for installation of a 12m monopole mast with 6 no. antennas, radio equipment housing and ancillary development
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Decision: That the prior approval sought be approved.

(Councillors Debney, Tyler and Mrs Wilson requested that their names be recorded as having voted against the foregoing decision).

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

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.

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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 enforcement action:

- (1) To remove or reduce to more than 1 metre the height of the structure on land known as 66 Lydgate Road, Kingswinford, within one month.
- (2)
  - (i) To restore the ground levels in the rear garden of 7 Bedcote Place, Stourbridge or submit an application with details of proposed boundaries' treatment to prevent subsidence to the railway embankment and the adjacent gardens, to the satisfaction of the Local Planning Authority within two months.  
  
(Councillors Debney and Mrs Wilson requested that their names be recorded as having voted against the foregoing decision).
  - (ii) That the Director of the Urban Environment contact Network Rail to inform them of the situation and advise them to visit the site as a matter of urgency and undertake any necessary action to ensure the stability of the bank.
- (3) To remove the unauthorised railings from the boundary wall at the rear of 851 Birmingham New Road, Dudley within one month.
- (4) To remove the unauthorised retaining wall on land known as 8 Meadow View, Sedgley, and restore the land to its previous level within two months.

EXCLUSION OF THE PUBLIC

## RESOLVED

That, under Section 100A of the Local Government Act, 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12 of the Act, in particular the paragraph of Part 1 of that Schedule indicated below:

<u>Description of Item</u>	<u>Relevant Paragraph of Part 1 of Schedule 12A</u>
Ombudsman Ruling	7

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OMBUDSMAN RULING

A report of the Director of the Urban Environment was submitted on the outcome of an Ombudsman Ruling.

## RESOLVED

That the report now submitted be noted and that local settlement be approved for the reasons and in the sum indicated in the paragraph 3.1 of the report.

The meeting ended at 8.50 pm.

CHAIRMAN