

## DEVELOPMENT CONTROL COMMITTEE

Monday 24<sup>th</sup> April 2006 at 6.00 pm  
in the Committee Room 2, The Council House, Dudley

### PRESENT:-

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

### OFFICERS: -

Mrs H Brookes-Martin, Mr T Glews, Mr G Isherwood, Mr C Mellor, Mr J  
Pattinson, Mr P Reed, (Directorate of the Urban Environment), Assistant  
Director of Legal and Democratic Services, Mrs G Breakwell and Mr R  
Jewkes (Directorate of Law and Property).

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### CHAIRMAN'S REMARKS

In opening the meeting, the Chairman informed members that a special meeting of the Committee would be held on Monday 15<sup>th</sup> May, 2006, in order to reduce the amount of time between meetings of the Committee, thus reducing the possibility of a number of planning applications not being dealt with within the six week target employed by the Directorate of the Urban Environment.

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### DECLARATIONS OF INTEREST

Councillor Donegan declared a Personal and Prejudicial interest in Agenda Item 7a – Enforcement Action – Lynwood House, Tenter Drive, Halesowen, in view of his Governorship of Tenterfields Primary School, which was adjacent to the property recommended for enforcement action.

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### MINUTES

#### RESOLVED

That the minutes of the meeting of the Committee held on 11<sup>th</sup> April 2006, be approved as a correct record and signed.

SITE VISITS

Consideration was given to the following planning applications in respect of which a site visit had been made on Thursday 16<sup>th</sup> March, 2006 by members of the Development Control (Site Visiting) Working Party.

## RESOLVED

- (i) Plan no. P06/0025 – Land at School Drive, Amblecote, Stourbridge – Outline (residential) (all matters reserved)

Decision: Refused, for the following reason:

The proposed development would result in a significant impact on car parking within the area to the detriment of highway safety and residential amenity, contrary to Policy DD4 of the adopted Dudley Unitary Development Plan.

- (ii) Plan no. P06/0243 – Rear of property, 45 Yardley Street, Stourbridge – Rear fencing and gates (Retrospective).

Decision:

1. Refused, for the following reason:

The development does not provide adequate or safe provision for access or egress by vehicles to the detriment of highway safety, contrary to Policies DD4 and DD6 of the adopted Dudley Unitary Development Plan.

2. That enforcement action to secure the removal of the unauthorised structures within two months of the service of notice, be authorised.

- (iii) P06/0210 – 57 Addison Road, Brierley Hill – First floor extension to side and rear to create bedrooms, en-suites 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.

(Councillor Mrs Wilson requested that her vote for refusal of the application be recorded)

CHANGE IN ORDER OF BUSINESS

Pursuant to Council Procedure Rule 13 (c) it was

RESOLVED

That the order of business be varied in order to allow planning applications P05/2037, P05/2667 and P06/0372 to be considered prior to the remaining applications in agenda item 6.

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PLANNING 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 application indicated:

Plan no. P05/2037 – Ashmore site, Tipton Road, Dudley – Redevelopment of industrial site with 104 residential units and ancillary works with access off Tipton Road – Mr Murphy on behalf of the applicant and Mr Dudley as an objector.

Plan no. P05/2667 – Land adjacent to 17 Hurst Green Road, Halesowen – Erection of 1 no. two bedroom detached dwelling with associated access – Mr Edge as the applicant.

Plan no. P06/0372 – The Straits Public House, Tennyson Road, Lower Gornal – Conversion of Straits public house and new build development to provide 24 apartments – Mr Burn on behalf of the applicant and Mr Dutton as an objector.

RESOLVED

That the plans and applications be dealt with as follows:

- (i) Plan no. P05/2037 – Ashmore site, Tipton Road, Dudley – Redevelopment of industrial site with 104 residential units and ancillary works with access off Tipton Road.

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Decision: That consideration of the application be deferred pending a site visit to be held prior to the next meeting of the Committee, in the light of concerns raised at the meeting.

- (ii) Plan no. P05/2667 – Land adjacent to 17 Hurst Green Road, Halesowen – Erection of 1 no. two bedroom detached dwelling with associated access.

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Decision: Refused, for the following reason:

The siting of the proposed dwelling, markedly forward of the established building line towards the highway, together with its massing, will result in development which would form a

visual intrusion into what is a relatively open suburban street, with the proposal failing to integrate successfully into the streetscape. The proposal would therefore appear incongruous within the street scene, and is consequently contrary to Policy DD4 of the Unitary Development Plan.

- (iii) Plan no. P06/0372 – The Straits Public House, Tennyson Road, Lower Gornal – Conversion of Straits public house and new build development to provide 24 apartments.
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(Councillor Wright, ward Member, spoke against the proposal)

Decision: Refused, for the following reason:

The design and appearance of the development would be out of character with the surrounding area, representing an incongruous feature in the street scene. It is therefore contrary to Policy DD4 of the adopted Dudley Borough Unitary Development Plan.

- (iv) Plan no. P04/1089 – 4 St. James's Road, Dudley – Creation of 13 one and two-bed apartments with associated parking (by converting and extending existing building and erecting a detached block at the rear).
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Decision: Approved, subject to conditions numbered 1 to 21 (inclusive) as set out in the report of the Director of the Urban Environment and an additional condition, numbered 22, as follows:

- 22. The development shall not begin until details of the 2.4 metre (m) by 70m vehicular visibility splay and the 2.4m by 3.4m pedestrian visibility splay to be provided at the junction of the site access and St James's Road, have been submitted to and approved in writing by the local planning authority and no building shall be occupied until both of the visibility splays have been provided in accordance with the approved details.

- (v) Plan no. P06/0274 – The Fir Tree former public house, 6 St. Johns Road, Kates Hill, Dudley – Demolition of existing public house and erection of 7 no. 1 bed apartments with new access and car parking at rear of site.
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Decision:

1. Refused, for the following reason:

The development, if approved, would, by reason of its scale, have an overbearing impact to the detriment of the amenity of adjacent residents. Furthermore, the increase in the number of units on the site represents an over-intensive form of development which would be out of keeping with the character of the area. As such the development is contrary to Policy DD4 of the adopted Dudley Unitary Development Plan.

- (vi) Plan no. P06/0295 – 63 Ruiton Street, Lower Gornal – Erection of a detached building to create garden store and gym in rear garden (retrospective).
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Decision:

1. Refused, for the following reasons:

(a) The scale of the building results in a reduction of rear garden area to a level 39% lower than the minimum standard required by Planning Guidance Note 3 - New Housing development, resulting a loss of amenity to the present and future occupiers of the property contrary to Policy DD4 - Development in Residential Areas, of the Dudley Unitary Development Plan.

(b) The building crosses a line drawn at 45 degrees with regard to the centre points of nearest habitable room windows of both the neighbouring properties, thereby having an overbearing impact upon No. 61 and 65 Ruiton Street, thereby causing a loss of amenity to the occupants of those properties contrary to Planning Guidance Note 12 - The 45 Degree Code and Policy DD4 - Development in Residential Areas of the Dudley Unitary Development Plan.

2. That enforcement action to secure the removal of the unauthorised structure within three months of the service of notice, be authorised.

- (vii) Plan no. P06/0505 – Children’s Outside Play Area, St. Francis Parish Centre, Poplar Crescent, Dudley – Removal of turf in play area and installation of all weather safe rubber surface.
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Decision: Approved, subject to condition number 1 as set out in the report of the Director of the Urban Environment.

- (viii) Plan no. P06/0238 – 31 William Street, Brierley Hill – Single storey side extension to create kitchen and WC. Two storey detached extension to create garage with gymnasium over.
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Decision: That consideration of the application be deferred pending a site visit to be held prior to the next meeting of the Committee in order to address concerns expressed by Members regarding the proposal.

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### ENFORCEMENT REPORT

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 to remove, in it’s entirety, the four metre high fencing erected at Lynwood House, Tenter Drive, Halesowen, within one month of the service of notice.

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### APPLICATION NO: P04/2619 – CHANGE OF USE OF FIRST FLOOR FROM CLASS B1 AND B8 TO 13 APARTMENTS OVER GROUND FLOOR B1 AND B8 UNITS AT FORMER WYKO OFFICES, QUEENS CROSS/HIGH STREET, DUDLEY

A report of the Director of the Urban Environment was submitted on planning application P04/2619 relating to the former WYKO offices at Queens Cross/High Street, Dudley, which had previously been refused under powers delegated to officers in the Council’s Constitution.

It was reported that shortly after the refusal of the application, the reasons for which were set out in the report, further adverse comments concerning the proposals had been received from the Head of Traffic and Road Safety. As the applicant had since lodged an appeal against the decision, it was now requested that the Committee retrospectively approve the addition of a further reason for refusal of the application, thus incorporating the objections expressed by the Head of Traffic and Road Safety in the

evidence to be submitted by the local authority at the pending public enquiry.

RESOLVED

That the following reason be added to the Council's decision notice in respect of planning application P04/2619: -

The proposed development would be detrimental to the safety of occupiers of the development and users of the highway by reason of excessive gradients and inadequate visibility at the junction of the access drive and the highway, and conflict between residential and industrial traffic. As such, the development would be contrary to Policy DD4 of the adopted Dudley Unitary Development Plan.

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ENFORCEMENT SERVICE BETWEEN 1<sup>ST</sup> OCTOBER 2005 AND 31<sup>ST</sup> MARCH 2006

A report of the Director of the Urban Environment was submitted on the work undertaken by the planning enforcement team over the period 1<sup>st</sup> November to 2005 to 31<sup>st</sup> March 2006.

It was reported that enforcement team had dealt with 212 cases in the six month period covered by the report, an increase of 174 compared with the equivalent period in 2004/2005.

In commenting on the report, the Vice-Chairman drew particular attention to the enforcement action it had authorised previously in respect of the King Edward VII Public House, Stourbridge Road, Halesowen, noting that an appeal against the decision had been dismissed and the enforcement notice upheld.

RESOLVED

That the report be noted.

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STOP NOTICE POWERS

A report of the Director of the Urban Environment was submitted on a proposal regarding the delegation of certain enforcement powers relating to the issuing of stop notices be delegated from the Committee to appropriate officers of the Council.

It was reported that under the Council's Constitution members of the Development Control Committee possessed powers to serve stop notices. These powers were not currently delegated to officers, meaning that the Local Planning Authority was unable to act quickly to stop unauthorised

development as it was necessary to acquire the authorisation of the Development Control Committee prior to a stop notice being issued.

In order to enable the local planning authority to take action against unauthorised development without delay, it was proposed that the Constitution be amended to delegate powers to issue and enforce stop notices to the Director of the Urban Environment, and to delegate powers to institute prosecution proceedings where temporary stop notices were breached, to the Director of Law and Property.

RESOLVED

That the Leader of the Council be recommended to take appropriate steps to achieve the amendments to the Scheme of Delegation contained in the Constitution set out in paragraphs 4 and 5 of the report now submitted.

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#### MEMBERS' CODE OF PLANNING GOOD PRACTICE

A joint report of the Director of the Urban Environment and the Director of Law and Property was submitted on a draft Members' Planning Code of Good Practice.

It was reported that the Code of Practice for Members and Officers dealing with Planning Matters which currently formed part of the Council's Constitution had become outdated and that a new model Members' Planning Code of Good Practice had been published by the Association of Council Secretaries and Solicitors, in consultation with relevant organisations. This national model had been adapted in consultation with the Cabinet Member for Economic Regeneration and the Chairman of the Development Control Committee in order to accommodate local preferences. Members were requested to consider the draft code, a copy of which was appended to the report.

RESOLVED

- (i) That the draft Members' Planning Code of Good Practice, as appended to the report now submitted, be endorsed.
- (ii) That the Standards Committee and the Council be recommended to take the necessary action to facilitate the adoption of the Member's Planning Code of Good Practice as part of the Constitution in the place of the existing Code of Practice for Members and Officer Dealing with Planning Matters.

The meeting ended at 9.30pm

CHAIRMAN