

DEVELOPMENT CONTROL COMMITTEE

Monday, 6th February, 2006 at 6.00 pm
in the Council Chamber, The Council House, Dudley

PRESENT:-

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

OFFICERS:-

Mr J Butler, Mr J Pattinson, Mr P Reed, Mr Roach, Mrs Rutt (Directorate of the Urban Environment), Assistant Director (Legal and Democratic Services), Mrs G Breakwell and Mrs L Jury (Directorate of Law and Property).

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CHAIRMAN'S REMARKS

The Chair conveyed his congratulations, on behalf of the Committee, on the achievement of Mrs Brookes-Martins in becoming the Royal Town Planning Institute 'Young Planner of the Year'.

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MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 16th January, 2006, be approved as a correct record and signed.

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DECLARATIONS OF INTEREST

Councillor G Davis declared a personal interest in respect of Planning Application P05/2664 – Former Fire Station, Tower Street, Dudley – Conversion of Fire Station building to 22 no. self-contained flats and associated parking, insofar as he was previously a Member of the Fire Authority.

SITE VISITS

Consideration was given to the following planning applications in respect of which a site visit had been made on Thursday 2nd February, 2006 by members of the Development Control (Site Visiting) Working Party.

RESOLVED

- (i) Plan no. P05/2393 – Land adjacent to Parkinson House, Jews Lane, Dudley – Residential development (outline) (siting, design, external appearance and landscaping reserved for subsequent approval)
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Decision: Refused, for the following reasons:

1. The development proposed would not be sufficiently separated from nearby industrial premises, the activities at which are capable of adversely affecting the amenities of future residents by way of noise. In addition, the introduction of residential development in close proximity to industrial premises would be likely to lead to an adverse effect upon the industrial uses in those premises by way of pressure to curtail the industrial activities. Therefore, the proposed development would be contrary to policies DD5 Development in Industrial Areas and EE3 Existing Employment Uses of the adopted Dudley Unitary Development Plan (2005), PPG4 Industrial and Commercial Development and Small Firms and PPG24 Planning and Noise.
2. The development proposed would result in increased use of the existing access to the private road serving the Sovereign Works Industrial Estate, which would be likely to lead to conflict with other traffic which would be prejudicial to the safe and effective operation of the access. As such, the development would be contrary to policy DD6 Access and Transport Infrastructure of the adopted Dudley Unitary Development Plan (2005).

- (ii) Plan no. P05/2512 – Land at Burton Road/Jews Lane, Upper Gornal – Industrial development (outline) access to be considered. All other matters reserved for subsequent approval (resubmission of refused application P05/2035).

Decision: Approved, subject to conditions numbered 1 to 8 (inclusive), as set out in the report of the Director of the Urban Environment.

- (iii) Plan no. P05/2481 - Land at 1 Hampton Street, Coseley – Outline application for extension to 1 Hampton Street to create a bungalow (site and access to be considered) (Resubmission of refused application P05/1579)

Decision: Refused, for the following reason:

The proposal represents a cramped form of development which would cause harm to the amenities of surrounding residents and have an overbearing impact due to its proximity to them. Further, the proposal would provide insufficient amenity space for the residents of the proposed and the existing dwellings contrary to policies DD1 and DD4 of the adopted Dudley Unitary Development Plan and SPG PGN3 New Housing Development.

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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 enable planning applications numbered P05/2517 and P05/2604, to be considered prior to the remaining planning applications in agenda item no 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 applications indicated:

- (i) Plan no. P05/2517 – Former Himley Road Service Station, Himley Road, Lower Gornal – Demolition of existing service station and provision of unmanned car wash (Resubmission of withdrawn application P05/1937) – Mr Hale, an objector and Mr Betteridge, the agent.

Councillor Wright, Ward Member, also spoke on this matter.

- (ii) Plan no. P05/2604 – Fish 4 Dogs, Units 8 and 17 Saltbrook Trading Estate, Saltbrook Road, Halesowen – Retrospective application for refrigeration unit and security fencing. Proposed chimney – Mr Gough, an objector and Mr Bellamy, the agent.

Councillor Crumpton, Ward Member, also spoke on this matter.

RESOLVED

That the plans and applications be dealt with as follows:

- (i) Plan no. P05/2517 – Former Himley Road Service Station, Himley Road, Lower Gornal – demolition of existing service station and provision of unmanned car wash (Resubmission of withdrawn application P05/1937)

Decision: That consideration of the 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 light pollution at night and the impact on the green belt.

- (ii) Plan no. P05/2604 – Fish 4 Dogs, Units 8 and 17 Saltbrook Trading Estate, Saltbrook Road, Halesowen – Retrospective application for refrigeration unit and security fencing. Proposed chimney

Decision: Deferred, to enable Environmental Health Officers to produce a report with regard to potential and existing odour problems for submission to a future meeting of the Committee .

- (iii) Plan no. P05/1146 – Land off Highfield Road, Dudley – Outline application for erection of 12 apartments (design, external appearance and landscaping reserved for subsequent approval)

Decision: Refused, for the following reasons:

The proposed development would be too high in density and out of character with the surrounding area – DD4 streetscene and exceeding PPG3 guidance.

- (iv) Plan no. P05/2238 – Kingfisher Works – 35-39 Dudley Road, Halesowen – Demolition of existing workshop and erection of 3 no. 3 bedroom town houses and 2 no. 2 bedroomed apartments with associated parking _____

Decision: Approved, subject to the applicant entering into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the enhancement of children's play and open space provision in accordance with the adopted Dudley Unitary Development Plan and conditions numbered 1 to 23 (inclusive) as set out in the report of the Director of the Urban Environment.

- (v) Plan no. P05/2407 – Former garage site, Moss Grove, Back Road, Kingswinford – Erection of 9 houses and 1 bridge apartment with associated parking _____

Decision: Approved, subject to the applicant entering into an Agreement under Section 106 of the Town and Country Planning Act 1990 for a contribution to off-site recreational public open space enhancement and highway junction improvements; any modifications to the application, as may be requested being dealt with by the Director of the Urban Environment, and that in the event that the Section 106 Agreement has not been completed within two months of the resolution to grant approval, the application be refused if appropriate, and subject to conditions numbered 1 to 20 (inclusive) as set out in the report of the Director of the Urban Environment.

- (vi) Plan no. P05/2423 – Land adjacent to Squires Court, Withymoor, Brierley Hill – New two storey Medical Centre together with access, car parking and car parking lighting, fencing with A1 pharmacy use _____

Decision: Approved, subject to conditions numbered 1 to 10 (inclusive), as set out in the report of the Director of the Urban Environment.

- (vii) Plan no. P05/2474 – 174-176 Delph Road, Brierley Hill – Erection of 3 no. 2 bedroomed apartments with garage _____

Decision: That consideration of the 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 levels, character of the surrounding area and parking.

- (viii) Plan no. P05/2578 – Plot numbers 55 to 89 inclusive and 238 to 244 inclusive, land off Salop Street/Nith Place, Dudley – Erection of 42 no. 2 and 1 bedroomed apartment block (substitution of apartment block)

Decision: That consideration of the 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 parking within the vicinity.

- (ix) Plan no. P05/2614 – AJ's Fish and Chips, 180 High Street, Lye – Variation of condition no. 3 of planning approval 93/51967 to vary opening hours to 17:00– 23:00 on Monday-Saturday and 18:00-23:00 on Sundays

Decision: That planning permission be granted to vary condition 3 of planning permission 93/51967 as indicated in the application proposal.

- (x) Plan no. P05/2664 – Former Fire Station, Tower Street, Dudley – Conversion of Fire Station building to 22 self-contained flats and associated parking

Decision: Refused, for the following reason:

Insufficient information has been submitted to assess the risk to future residents from the fuel tank beneath the building and any other contaminative sources associated with the former use as a Fire Station – in accordance with PPS 23 (Planning and Pollution Control).

- (xi) Plan no. P05/2485 – Rear of 26/28 Banners Street, Halesowen – Change of use from Nail Makers Workshop to residential

Decision: That consideration of the 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 road safety and parking.

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:

- (a) To remove a conservatory, in its entirety within two months from the service of notice on land know as 31 Woodland Road, Halesowen.
- (b) To remove the balustrading from the flat roof of the rear of 105 Lynbrook Close, Netherton, in its entirety within one month from the service of notice.
- (c) To remove the fence along the highway at 29 Charles Road, Stourbridge, in its entirety within one month from the service of notice.
- (d) To remove the conservatory, patio and garden store in their entirety, from the land know as 40 Grange Lane, Stourbridge, within two months from the service of notice.

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OUTLINE APPLICATION FOR RESIDENTIAL REDEVELOPMENT AT THE FORMER HENLEY FOUNDRIES SITE, BANNERS LAND, HALESOWEN (P04/1829)

A report of the Director of the Urban Environment was submitted on an outline application for residential redevelopment at the former Henley Foundries Site, Banners Lane, Halesowen (P04/1829).

RESOLVED

That further consideration of the information contained in the report, and Appendix one to the report, submitted regarding the proposed redevelopment of the former Henley Foundries Site, Banners Lane, Halesowen, for residential purposes (reference. P04/1829), be deferred pending a meeting between the developers, the Chairman and Vice-Chairman of this Committee and appropriate officers so as to discuss concerns raised by the Committee with a view to a further report being submitted to a future meeting of the Committee.

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PLANNING APPEALS

A report of the Director of the Urban Environment was submitted on decisions made by the Planning Inspectorate on planning appeals over the period October 2005 – December 2005.

RESOLVED

That the information contained in the report, and Appendix to the report, submitted be noted.

The meeting ended at 9.15pm.

CHAIRMAN