

## DEVELOPMENT CONTROL COMMITTEE

Monday, 6<sup>th</sup> June, 2005 at 6.00 pm  
in Committee Room 2, The Council House, Dudley

### PRESENT:-

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

### OFFICERS:-

Mr D Holloway, Mr G Isherwood, Mr J Pattinson, Ms A Powell, Mr P Reed  
and Mr S Roach (Directorate of the Urban Environment), Mrs G Breakwell  
and Mr S Griffiths (Directorate of Law and Property).

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### MINUTES

#### RESOLVED

That the minutes of the meeting of the Committee held on 16<sup>th</sup> May  
2005, be approved as a correct record and signed.

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### DECLARATIONS OF INTEREST

No Member made a declaration of interest in accordance with the Members'  
Code of Conduct.

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### APPOINTMENT OF THE DEVELOPMENT CONTROL (SITE VISITING) WORKING PARTY

The Committee considered the re-appointment and membership of the  
Development Control (Site Visiting) Working Party for the 2005/06  
municipal year.

#### RESOLVED

That the Development Control (Site Visiting) Working Party be  
appointed for the 2005/06 municipal year to undertake visits to  
sites where the Committee has resolved that there should be a site  
visit and make recommendations to the Committee and that the  
Working Party comprise the following Members:-

Councillors Banks, Mrs Collins, G H Davies, Donegan, James,  
Southall and Stanley.

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SITE VISIT

Consideration was given to the following planning application in respect of which a site visit had been made on Thursday, 2<sup>nd</sup> June, 2005, by Members of the Committee.

RESOLVED

That the site visit application be dealt with as follows:

- (i) Plan No. P05/0430 - 16 Monument Avenue, Stourbridge - single storey front and rear extensions, first floor side extension.

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

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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 to be dealt with in the following order:-

PO4/1520, PO4/2496, PO5/0461, PO5/0580, PO5/0897, PO4/1817, PO5/0002, PO5/0023, PO5/0224, PO5/0238, PO5/0604, PO5/0695.

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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. P04/1520 - Land at Hampden Close, Quarry Bank - erection of 6 houses and one bungalow – Mr Jones, an objector.
- (ii) Plan no. P04/2496- 281 Hagley Road, Stourbridge - part demolition of existing dwelling and rebuild two storey side extension to create four bedroom dwelling with detached garage. Erection of new four bedroom detached dwelling in adjacent space with associated access – Mrs J Tromans, an objector; Mr P Jinks, the agent/applicant; Councillor C Wilson, Ward Councillor.

- (iii) Plan no. P05/0461 - 114/121 High Street, Lye - Variation of condition number 7 of Planning Approval P02/1149 to increase working hours to 0600 to 1900 Monday to Friday and 0600 to 1700 Saturday and Sunday only – Miss Padfield, an objector; Councillor Vickers, Ward Councillor.
- (iv) Plan no. P05/0580 - Former petrol filling station Moss Grove, Back Row, Kingswinford - 22 flats – Councillor Tyler, Ward Councillor, Mr M Robson agent/applicant.
- (v) Plan no. P05/0897 - Land rear of 116 New Street, Quarry Bank - Erection of a detached 2 bedroomed bungalow – Miss Quinlan-Jones, applicant.
- (vi) P05/0002 - Former gas works site, High Street, Amblecote - residential development of 127 apartments and associated works – Councillor Musk, Ward Councillor.

#### RESOLVED

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

- (i) P04/1520 - Land at Hampden Close, Quarry Bank - erection of six houses and one bungalow.
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Decision: Deferred, pending a site visit to be held prior to the next meeting of the Committee to address issues raised by the Committee.

- (ii) P04/2496 - 281 Hagley Road, Stourbridge - part demolition of existing dwelling and rebuild two storey side extension to create four bedroom dwelling with detached garage. Erection of new four bedroom detached dwelling in adjacent space with associated access.
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Decision: Refused, for the following reason:

The proposed development fails to make a positive contribution to the quality of the environment, and, because of its scale, would have an adverse affect on the character of the area. As such the proposal is contrary to Policies 53 and 85 of the adopted Unitary Development Plan.

- (iii) P05/0461 - 114/121 High Street, Lye - Variation of condition number 7 of Planning Approval P02/1149 to increase working hours to 0600 to 1900 Monday to Friday and 0600 to 1700 Saturday and Sunday only.
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Decision: Refused, for the following reason:

The proposed extended working hours will result in the level of amenity that the occupiers of the dwellings near to the site could be reasonably expected to enjoy, being unduly impacted upon. As such the proposal is contrary to Policy 85 of the adopted Unitary Development Plan.

- (iv) P05/0580 - Former petrol filling station Moss Grove, Back Row, Kingswinford - 22 flats.
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Decision: Refused, for the following reasons:-

1. The proposed development would detract from the architectural appearance of the frontage of which the premises form a part and would adversely affect the visual amenity of the locality because of the scale and appearance of the development which would appear as an incongruous feature in the street scene to the detriment of the character and appearance of the area contrary to Policies 53 – Development Control – Housing and 85 Development Control – Residential Areas of the adopted Dudley Unitary Development Plan.
2. The development fails to provide adequate amenity space in terms of size, location and separation to provide a satisfactory residential environment for the occupants of the development in accordance with Detailed Guidance for Housing Development of the adopted Dudley Unitary Development Plan.
3. Insufficient information has been provided by the applicant in respect of existing contamination of the site and proposals for remediation to render the site suitable for wholly residential use, in accordance with PPS 23.

- (v) P05/0897 - Land rear of 116 New Street, Quarry Bank - Erection of a detached 2 bedroomed bungalow.
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Decision: Deferred, pending a site visit to be held prior to the next meeting of the Committee to address issues raised by the Committee.

- (vi) P04/1817 - Land and buildings at the south west side of Bowling Green Road, Dudley - residential development (outline).

Decision: Approved, subject to the applicant entering into an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) as set out in the report, and to the conditions numbered 1 to 11 and 13 to 14 in the report of the Director of the Urban Environment and to an amended condition number 12, and two additional conditions numbered 15 and 16 as follows:-

12. Noise Protection Scheme to make reference to noise from adjacent industrial uses;
15. CO5A
16. C13D "600mm".

- (vii) P05/0002 - Former gas works site, High Street, Amblecote - residential development of 127 apartments and associated works.

Decision: Refused, for the following reasons:-

1. The development proposed fails to make a positive contribution to the environment by reason of its scale which would leave a detrimental impact upon the street scene, character and amenities of the area contrary to Policies 53 Development Control - Housing and 85 Development Control – Residential Areas of the adopted Dudley Unitary Development Plan.
2. The development proposed is over-intensive and fails to provide an adequate level of private and useable amenity space for the needs of future occupants in accordance with Detailed Guidance for Housing Development, contrary to Policies 53 Development Control – Housing and 85 Development Control – Residential Areas of the adopted Dudley Unitary Development Plan.

- (viii) P05/0023 - Land adjacent to 107 Carol Crescent, Halesowen - Erection of a four bedroom detached dwelling with garage.

Decision: Approved, subject to the conditions numbered 1 to 10 and 13 as set out in the report of the Director of the Urban Environment and amended conditions as follows:-

11 (a) Before development commences:

(i) details of the form and positioning of the protective fencing shall be submitted to the Local Planning Authority for approval;

(ii) the protective fencing shall have been installed in accordance with the approved details.

(b) Prior to, at regular intervals during, and at the end of the construction phase of the development, the Local Planning Authority will be given the opportunity to inspect the approved protective fencing.

12. Unless otherwise agreed in writing by the Local Planning Authority, before development commences, details of a management plan for the enhancement of the hedgerow, including a timescale for implementation, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented in accordance with the approved timescale, with the Local Planning Authority given the opportunity to oversee and monitor the works, prior to, at regular intervals during, and at the end of their implementation.

Prior to the commencement of development and following the completion of the development, a photographic survey of the hedge and protected trees shall be submitted to the Local Planning Authority.

(ix) P05/0224 - Land at former Blowers Green Timber Yard, Halesowen Road, Netherton - Erection of 189 dwellings and associated regrading, access roads and landscaping.

Decision: Approved, subject to conditions numbered 1 to 30, as set out in the report of the Director of the Urban Environment together with additional condition numbered. 31, as set out below, and subject to an agreement being entered into under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:-

1. A pro-rata commuted payment in respect of public open space and children's play provision;
2. Off site highway works to alter the vertical alignment of Halesowen Road, provide right turn lanes and increased footway widths and all associated highway works to be carried out prior to commencement of the development;

3. Towing path and Canal side improvement works between Halesowen Road and Northfield Road;
4. Affordable housing.

Condition 31. CO5A

- (x) P05/0238 - Land at 89/90 King Street, Dudley - Five storey building comprising shop A1/Financial and Professional Services A2 use on ground floor with eight apartments on the upper floors.

Decision: Approved, subject to conditions numbered 1 to 4, 6 to 8 and 10 to 12 set out in the report of the Director of the Urban Environment and subject to the amended conditions set out below and an additional condition numbered 13, as follows:-

5. Noise Protection Scheme to relate to flats from road traffic using King Street, ground floor uses, and nearby commercial uses;
9. The restricted hours for the ground floor commercial use are 8.00am - 9.00pm Monday to Saturday, no opening on Sundays or Bank Holidays.
13. The development shall not commence until the highway works have been submitted and constructed in accordance with details previously submitted and Traffic Regulation Orders have been implemented, as set out below, and including any additional works deemed reasonable by the Highway Authority to implement the scheme, being completed to the satisfaction of the Local Planning Authority:-
  - (a) The physical construction of the build-out including appropriate modifications or provision to the highway drainage, street lighting, road markings, pedestrian guard railing, footway and carriageway.
  - (b) Appropriate traffic management scheme in accordance with Chapter 8 of the Traffic Signs Manual.
  - (c) Replacement/upgrading of pedestrian crossing equipment (controller, signal heads, poles, ducting etc.)
  - (d) New Traffic Regulation Order to create the loading bay.
  - (e) Amending or revoking the existing Traffic Regulation Order in the vicinity of the pedestrian crossing.

- (f) All costs associated with scheme are to be borne by the applicant.
- (g) Prohibition of car parking within the loading bays.

(Councillor Stanley abstained from voting on the above application and asked for his name to be so recorded).

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SUSPENSION OF COUNCIL PROCEDURE RULES

RESOLVED

That Council Procedure Rule 6.2(b) be suspended for the duration of the meeting to enable the Committee to conclude the remaining business on the agenda.

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PLANNING APPLICATIONS TO DEVELOP

- (i) P05/0604 - Stocking Street, Lye - Erection of 4 three bedroomed semi detached dwellings with associated parking.

Decision: Deferred, pending a site visit to be held prior to the next meeting of the Committee to address issues raised by the Committee.

- (ii) P05/0695 - The Dingle, Leys Close, Pedmore - demolition of existing buildings and erection of 4 detached houses.

Decision: Approved, subject to conditions numbered 1 to 8, as set out in the report of the Director of the Urban Environment and to additional condition, numbered 9, as follows:-

- 9. The private drive to be constructed prior to the first occupation of the hereby approved dwellings shall be a minimum of 4.1 metres in width.

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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 pursuit of formal action against those businesses listed below operating outside of the allowed hours and that legal proceedings be instigated in the event of non-compliance:-



Zafrans, 8 Stourbridge Road, Lye  
Eastern Promise, 19 High Street, Lye  
Kumiun Balti, 34 High Street, Lye  
Hot Stuff, 35 High Street, Lye  
Chutney Balti Restaurant, 47 High Street, Lye  
Umar Kebabs, 49 High Street, Lye  
Laxy's of Lye, 53 High Street, Lye  
Margalla Point, 174 High Street, Lye  
Masala Fast Food, 185 High Street, Lye  
Spice of Lyfe, 186-187 High Street, Lye  
Patra Greek & Continental Restaurant, 191 High Street, Lye  
Masala Zone, 204-206 High Street, Lye  
Olympia Fish Bar, 222 High Street, Lye.

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ENFORCEMENT SERVICE

A report of the Director of the Urban Environment was submitted on the work undertaken by the planning enforcement team during the period April, 2004 to March, 2005.

RESOLVED

That the information contained in the report submitted, including the statistical information and the implications for the future of the planning enforcement service, be noted.

The meeting ended at 9.52 pm

CHAIRMAN