

## **DEVELOPMENT CONTROL COMMITTEE**

Monday 9<sup>th</sup> December, 2013 at 6.00 pm  
In Committee Room 2, The Council House, Dudley

### **PRESENT:-**

Councillor Zada (Chair)  
Councillor Casey (Vice-Chair)  
Councillors A Ahmed, J Martin, Perks, Roberts, Mrs Westwood, C Wilson and Wright

### **OFFICERS:-**

Mr I Hunt, Mrs H Martin, Ms J North, Mr P Reed, (all Directorate of the Urban Environment), Mrs G Breakwell and Mrs M Johal (Directorate of Corporate Resources)

## 53 **DECLARATIONS OF INTEREST**

In accordance with the Members' Code of Conduct, Councillor C Wilson declared a non-pecuniary interest in the following:-

Planning Application No P13/1317 (38 Ferndale Park, Pedmore, Stourbridge) as he knew the objector and he took no part in the discussion in considering the application.

Planning Application No P13/1448 (8 Redlake Drive, Pedmore, Stourbridge) as he knew the objector and he withdrew from the meeting during consideration of the application and rejoined the meeting following its consideration.

Planning Application No P13/1453 (36 Swindell Road, Pedmore, Stourbridge) as he knew the objectors and he withdrew from the meeting during consideration of the application and rejoined the meeting following its consideration.

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## 54 **MINUTES**

### **RESOLVED**

That the minutes of the meetings of the Committee held on 18<sup>th</sup> and 25<sup>th</sup> November, 2013, be approved as correct records and signed.

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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. In addition, where appropriate, details of the plans and applications were displayed by electronic means at the meeting. In addition to the report submitted, notes known as Pre-Committee notes had also been circulated updating certain of the information given in the report submitted. The content of the notes were taken into account in respect of the applications to which they referred.

The following persons referred to had indicated that they wished to speak at the meeting and, unless indicated, spoke on the planning applications:-

Plan No P13/1317 – Ms C Taylor – an applicant

Plan No P13/1395 – Mr D Jones – an objector (on behalf of Mr and Mrs Struebig) and Mrs Smith – an applicant

Plan No P13/1443 – Ms V Rotheram – an applicant

Plan No P13/1453 – Mr R Harris – an objector

Plan No P13/1566 – Mr Colwell – an objector and Mr Westwood – an agent/applicant

Plan No P13/1596 – Mr K Taylor – an objector

- (i) Plan No P13/1317 – 38 Ferndale Park, Pedmore, Stourbridge – Part A – Fell 1 Lime Tree; Part B – Fell 2 Pine Trees

Decision:

1. That Part A of the application to fell 1 Lime Tree be refused for the reason as set out in the report submitted.
2. That Part B of the application to fell 2 Pine Trees be approved subject to conditions, numbered 1 and 2, as set out in the report submitted.

- (ii) Plan No P13/1395 – 121 Cotwall End Road, Sedgley, Dudley – Single Storey Front and Rear Extensions

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

- (iii) Plan No P13/1443 – 131 Howley Grange Road, Halesowen – Part A: Front Canopy Roof (Retrospective); Part B: Provision of Decking in Rear Garden (Retrospective)

Members noted the comments made by the applicant in that the reason that the canopy was designed to be so far out was because she used it as a shelter to park two prams and she informed Members that she had received positive comments from neighbours as she had been asked for details of the builder on several occasions.

In considering the application Members were of the view that the design was not incongruous and that there was no demonstrable harm.

Decision: That Part A and Part B of the retrospective application relating to the front canopy roof and provision of decking in the rear garden be approved, subject to conditions to be agreed by the Director of the Urban Environment.

- (iv) Plan No P13/1453 – 36 Swindell Road, Pedmore, Stourbridge – Single Storey Storage Shed in Rear Garden (Retrospective)

Decision: Refused for the reasons as set out in the report submitted and that the Director of the Urban Environment be authorised to take Enforcement Action for the removal/relocation of the structure.

- (v) Plan No P13/1566 – The Albion Inn, 382 Albion Street, Wall Heath, Kingswinford – Erection of 4 No Dwellings on Existing Car Park and Garden to Existing Public House (Resubmission of Withdrawn Planning Application P13/1115)

Decision: Approved, subject to conditions, numbered 1 to 11 (inclusive), as set out in the report submitted.

- (vi) Plan No P13/1596 – Ketley Quarry, Dudley Road, Kingswinford – Variation of Condition 1 of Planning Approval 97/50322/C2 to Revise Phasing of Bund 4 Construction from 2015 to 2014

Decision: That the application be approved.

- (vii) Plan No P13/1182 – Land to Rear of Ashleigh House, 2 Ednam Road, Dudley – Erection of 11 No Apartments

Decision: Approved, subject to conditions, numbered 1 to 4 and 6 to 18 (inclusive), as set out in the report submitted together with the replacement of condition 5 and additional conditions, numbered 19 and 20, as follows:-

5. Notwithstanding the details shown on the submitted plans and stated in the submitted Design and Access Statement, prior to the commencement of development details of the types, colours and textures of all the materials to be used on the external surfaces of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Details/samples of the type, texture, colour and bond of the bricks to be used and a sample panel measuring not less than 1m<sup>2</sup> shall be erected on site and approved in writing by the Local Planning Authority. Key plans to cross reference the materials to the building facades will be required to clearly explain the use and type of material. The panel shall be retained on site for the duration and the development and thereafter new brick work shall only be constructed in accordance with these approved details. The development shall be carried out in complete accordance with the approved details.
19. Notwithstanding the details shown on the submitted plans, prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of the proposed materials to be used in boundary treatments at the site. This should include details of colour, texture and type of external brickwork and details of colour and type of railings and gates. The scheme shall be implemented in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development unless otherwise agreed in writing.
20. Notwithstanding the details shown on the submitted plans and stated in the submitted Design and Access Statement, development shall not begin until full details of all the windows and doors and their material, finish/colour have been submitted to and approved in writing by the Local Planning Authority. Large scale architectural drawings (at 1:1, 1:2 or 1:5) and sections and profiles of jambs, heads, sills, glazing bars and headings together with their relationships to masonry apertures shall be provided.
- (viii) Plan No P13/1194 – 2 The Limes, Lyddington Drive, Halesowen – Part A – Fell 1 Birch Tree (T2); Part B – Fell 2 Birch Trees (T1 and T3)
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Decision:

- (1) That Part A of the application to fell 1 Birch Tree (T2) be refused for the reason as set out in the report submitted.

- (2) That Part B of the application to fell 2 Birch Trees (T1 and T3) be approved subject to conditions, numbered 1 and 2, as set out in the report submitted.
- (ix) Plan No P13/1273 – 4 Stonefield Drive, Pensnett, Brierley Hill – Fell 2 Sycamore Trees
- Decision: Approved, subject to conditions, numbered 1 and 2, as set out in the report submitted.
- (x) Plan No P13/1329 – 41A King Street, Wollaston, Stourbridge – Convert Flat 3 of Existing Building into 2 No Flats
- Decision: Approved, subject to conditions, numbered 1 to 3 (inclusive), as set out in the report submitted, together with an additional condition, numbered 4, as follows:-
4. Within 2 months of the date of this permission, details of the type and location of the retractable barriers to be installed within the two car parking spaces opposite the main car parking area shall be submitted to and agreed in writing by the Local Planning Authority. These two parking spaces shall be allocated for the use of the occupiers of flats 3A and 3B as noted on submitted plans 541/11H for the lifetime of the development. The agreed scheme for the retractable barriers shall be installed prior to the occupation of flats 3A and 3B and then remain in place for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
- (xi) Plan No P13/1343 – Land Adjacent to the Rear of 84/86 Lyde Green, Halesowen – Outline Residential Development (all Matters Reserved)
- Decision: Approved, subject to the following:-
- (1) The applicant entering into a Section 106 Agreement for 25% onsite provision of affordable housing and a management and monitoring fee.
- (2) The completion of the Agreement no later than 3<sup>rd</sup> January, 2014, and in the event of this not happening, the application being refused, if appropriate.
- (3) Conditions, numbered 1 to 18 (inclusive), as set out in the report submitted, together with additional conditions, numbered 19 to 22, as follows:-

19. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority;
- 1) A preliminary risk assessment which has identified all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
  - 2) A site investigation scheme, based on 1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 3) The results of the site investigation and detailed risk assessment referred to in 2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in 3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

20. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
21. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
22. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

and that the Director of the Urban Environment be authorised to amend the foregoing conditions as necessary.

- (xii) Plan No P13/1370 – 14 Brandon Road, Halesowen – Erection of Outbuilding in Rear Garden (Resubmission of Refused Application P13/0560)

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

- (xiii) Plan No P13/1433 – 43 Gospel End Street, Sedgley, Dudley – Fell 1 Blue Cedar Tree

Decision: Approved, subject to conditions, numbered 1 and 2, as set out in the report submitted.

- (xiv) Plan No P13/1448 – 8 Redlake Drive, Pedmore, Stourbridge – Single Storey Front, Side and Rear Extensions (Following Demolition of Existing Utility Room and Carport) with Raising of the Roof and Alterations to the Roof-Space to Create Habitable Rooms at First Floor Level
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Decision: Approved, subject to receipt of no further objections raising additional material planning considerations by the 12<sup>th</sup> December, 2013 and to conditions, numbered 1 to 6 (inclusive), as set out in the report submitted.

- (xv) Plan No P13/1562 – Land on Balds Lane, Lye, Stourbridge – Change of use from B2 (General Industry) to Dismantling and Storage of Cars (Sui-Generis) with Access and Parking and 2.4M High Wire Grill Fencing to Balds Lane Elevation. Erection of Storage/Office Unit and Portable WC (Resubmission of Part Refused Application P13/0620)
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Decision: Approved, subject to conditions, numbered 1 to 16 (inclusive), as set out in the report submitted.

- (xvi) Plan No P13/1567 – The Albion Inn, 382 Albion Street, Wall Heath, Kingswinford – Change of use from Public House (A4) to 1 No Dwelling (C3) with Elevational Changes to Include Door, Window and new Garage Doors
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Decision: Approved, subject to conditions, numbered 1 to 5 (inclusive), as set out in the report submitted.

The meeting ended at 7.45 pm.

CHAIR