

## **Minutes of the Development Control Committee**

**Monday 12<sup>th</sup> January, 2015 at 6.00 pm**  
**in Committee Room 2 at the Council House, Dudley**

### **Present:-**

Councillor Q Zada (Chair)  
Councillor K Casey (Vice-Chair)  
Councillors A Ahmed, D Caunt, A Goddard, J Martin, C Perks, R Scott-Dow and D Vickers

### **Officers:-**

H Martin (Head of Planning), J North (Development Control Officer), P Reed (Principal Development Control Officer) and S Willetts (Planning Control Manager) (All Directorate of the Urban Environment); G Breakwell (Senior Solicitor) and H Shepherd (Democratic Services Officer) (Directorate of Corporate Resources).

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#### 58 **Declarations of Interest**

In accordance with the Members' Code of Conduct Councillor K Casey declared a non-pecuniary interest in relation to agenda item no. 8 Tree Preservation Order TPO/0110/SED (Northway/Eversley Grove) as he was employed by the Constituency Member of Parliament who had written to object to the order on behalf of residents.

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#### 59 **Minutes**

Resolved

That the minutes of the Committee held on 22<sup>nd</sup> December, 2014, be approved as a correct record and signed.

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#### 60 **Informal Site Visit (Confirmation Report for The Borough of Dudley (Land in Quarry Road, Netherton (TPO/0091/QBD))**

Consideration was given to the confirmation report for the Borough of Dudley (Land in Quarry Road, Netherton (TPO/0091/QBD)) in respect of which Members of the Committee had undertaken an informal site visit earlier that day.

Mr Wood, objector, was in attendance at the meeting and spoke on the order.

<b><u>TPO No</u></b>	<b><u>Location/Proposal</u></b>	<b><u>Decision</u></b>
TPO/0091/QBD	Land in Quarry Road, Netherton	Confirmed, subject to the following modifications:  That the area subject to the objection W1 and identified in Appendix 1.3 of the report submitted, be removed from the order.

In considering the order, Members considered the land to be scrub land which was unmanaged with unwanted species taking over. It was further considered that the trees situated on the site were not in a good condition and did not warrant a tree preservation order and that the potential factory expansion and the creation of further jobs overrode the need for the tree preservation order to be made on the area subject to the objection.

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61 **Change in Order of Business**

Pursuant to Council Procedure Rule 13(c) it was:-

Resolved

That agenda item no. 8 Confirmation of Tree Preservation Orders be the next item of business.

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62 **Confirmation of Tree Preservation Orders**

A report of the Director of the Urban Environment was submitted requesting consideration as to whether the following Tree Preservation Orders (TPO) should be confirmed with or without modification in light of the objections that had been received.

The following person was in attendance at the meeting and spoke on the order indicated:-

<b><u>TPO No</u></b>	<b><u>Objectors/supporters who wishes to speak</u></b>	<b><u>Agent/Applicant who wishes to speak</u></b>
TPO/0110/SED	Mr Cox	
<b><u>TPO No</u></b>	<b><u>Location/Proposal</u></b>	<b><u>Decision</u></b>
TPO/0110/SED	Northway/Eversley Grove, Sedgley	Confirmed, subject to the following modifications:  Trees 10 and 11 to be deleted from the order.

In considering the order Members commented on the size and age of tree 11 and referred to Mr Cox's suggestion that replanting a similar tree would be easier to maintain if tree 11 was not included in the order and removed in the future.

TPO/0105/QBD	Mushroom Green No. 2, Netherton	Confirmed, subject to the following modification:
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The position of Tree 6 be amended.

## 63 **Plans and Applications to Develop**

A report of the Director of the Urban Environment was submitted on the following plans and applications to develop. 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 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 person was in attendance at the meeting and spoke on the planning application indicated:-

<b><u>Application No</u></b>	<b><u>Objectors/supporters who wishes to speak</u></b>	<b><u>Agent/Applicant who wishes to speak</u></b>
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P14/1591	Ms Kim Hyde	
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<b><u>Application No</u></b>	<b><u>Location/Proposal</u></b>	<b><u>Decision</u></b>
P14/1591	Blakesley House, Moden Hill, Sedgley – Single storey rear extension, first floor side extension and extend existing roof over to create habitable room in roofspace with rear dormers.	Approved, subject to conditions, numbered 1 to 3 (inclusive), as set out in the report submitted.

P14/1498	<p>The Woodside Liberal Club, 278 Stourbridge Road, Dudley – Outline Application for demolition of existing building and erection 11 no. residential units (Access and layout to be considered) (Resubmission of withdrawn application P14/0967)</p>	<p>Approved, subject to:-</p> <ul style="list-style-type: none"> <li>(a) The applicant entering into a Section 106 Agreement for a contribution towards improvements to pathways at Woodside Park totalling £21,253.45 and a management and monitoring charge of £1000.</li> <li>(b) The completion of the Agreement by 22<sup>nd</sup> February 2015 and in the event of this not happening, the application being refused if appropriate.</li> <li>(c) Conditions numbered 1 to 25 (inclusive) as set out in the report submitted and that the Director of the Urban Environment be authorised to make amendments to these as necessary.</li> </ul>
P14/1542	<p>Dudley College, Mons Hill Campus, Wrens Hill Road, Dudley – Approval of reserved matters for erection of 43 Dwellings (Following outline Approval P11/0652)</p>	<p>Approved, subject to conditions numbered 1 and 4 to 9 (inclusive) as set out in the report submitted, amended conditions numbered 2 and 3, as set out below and additional conditions numbered 10 and 11 as set out below:-</p> <ul style="list-style-type: none"> <li>2. The development hereby permitted shall be carried out in accordance with the following approved plans: B5851 (PL) 01 Rev C, B5851 PL 02 Rev A, B5851 (PL) 03 Rev C, B5851 PL 05 Rev A, B5851 PL 06 B, B5851 PL 07B, B5851 PL 10, B5851 PL 1, B5851 PL 12, B5851 PL 13, B5851 PL 14, B5851 PL 15, B5851 PL 16, B5851 PL 17, B5851 PL 18, B5851 PL 19, B5851 PL 20, B5851 PL 21, B5851 PL 30, AE1431-01 Rev B and unreferenced TamLite Plan unless otherwise agreed in writing by the Local Planning Authority, or otherwise required by any other condition attached to this permission.</li> </ul>

3. The facing materials to the dwellings, walls, other boundary details and areas of hard standing and paving shall be provided in accordance with Plan B5851 PL 06 Rev B unless otherwise agreed in writing by the Local Planning Authority.
10. Development shall not begin on phase 1 (excluding demolition) until a scheme for protecting residents in the proposed phase 1 dwellings (plots 32-43) from noise from extraction equipment at Dudley College has been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed before occupation of the permitted dwellings, unless otherwise agreed in writing by the Local Planning Authority.
11. No development shall commence until details for the provision of an external electric charging points have been submitted to and approved in writing by the Local Planning Authority. The Electric Charging point(s) shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.

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64      **Questions from Members to the Chair under Council Procedure Rule 11.8**

Pursuant to Council Procedure Rule 11.8 a question was asked by Councillor Caunt and responded to by the Head of Planning as follows:-

### Question

At the meeting of the full Council on 1<sup>st</sup> December 2014 an amended motion was unanimously adopted requiring the preparation of an urgent report on the planning aspects of the closure of Public Houses. Prior to the meeting of the Development Control Committee on 22<sup>nd</sup> December, 2014 I was assured by a senior Officer of the Council that the report would be presented to the Development Control Committee on 12<sup>th</sup> January, 2015 (this evening).

- (1) On what date was the report referred to above prepared and signed off by Officers?
- (2) What efforts were taken to arrange to present the report to the Cabinet Member referred to in the Council adopted resolution?
- (3) When did the Cabinet member consider the report?
- (4) In view of the urgency that the Council expressed, why is the report not on the agenda this evening? On previous occasions we have received amended agendas and agenda items, even after the deadline of a Committee, why has this not occurred on this occasion?
- (5) Is it considered to be satisfactory that a Council resolution requiring urgent action should take two months to come to the Development Control Committee?

### Response

- (1) Following Full Council on Monday 1<sup>st</sup> December we were notified to prepare on 2<sup>nd</sup> December, 2014.

We immediately undertook the research and review in the following 11 working days with an initial scope prepared by 18<sup>th</sup> December for discussion with the Cabinet Member.

Following that briefing further work was requested, a report was drafted and discussed again with the Cabinet Member on 5<sup>th</sup> January, 7 working days later.

Due to diary commitments this could not be brought forward before the Christmas break and in any event the closing date for the January Committee was 22<sup>nd</sup> December, 2014.

The final report was signed off on 9<sup>th</sup> January, 2015.

- (2) As stated above the Cabinet Member was initially briefed and taken through the scope of the research on 18<sup>th</sup> December, 2014. Additional work was requested and the Cabinet Member was briefed again on 5<sup>th</sup> January, 2015 and following that discussion the report was finalised and issued for final sign off.

- (3) As above.
- (4) The resolution from Full Council stated "...and that a report is submitted to
- and the Cabinet Member for Regeneration for consideration and then to be
- (5) reported back to the next available Development Control Committee".

Following notification of the motion, officers immediately undertook a detailed review of national legislation, national and local policy and looked at the approach other Local Planning Authorities had taken on this issue.

Action was taken promptly and immediately, however the deadline for the DC committee for 12<sup>th</sup> January, 2015 was 22<sup>nd</sup> December, 2014.

Although the Cabinet Member was initially briefed on 18<sup>th</sup> December further work had to be undertaken and the final sign off of the report was not achievable within this 3 day period.

However, the report was prepared to be presented "to the next available Development Control Committee", i.e. the 2<sup>nd</sup> February, 2015.

The review has indicated that to meet the requirements of the motion would mean a change in national legislation (outside of the gift of the Council) and the inclusion of a new policy in the emerging Dudley Borough Development Strategy which is not due for adoption until Spring 2016. Therefore the report was not considered to constitute an emergency item justifying late inclusion on the agenda.

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The meeting ended at 7pm.

CHAIR