

DEVELOPMENT CONTROL COMMITTEE

Monday 10th March, 2014 at 6.00 pm
In Committee Room 2, The Council House, Dudley

PRESENT:-

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

OFFICERS:-

Mr J Butler, Mrs H Martin, Mr D Owen, Mr P Reed, Mrs S Willetts, (all Directorate of the Urban Environment), Mrs G Breakwell and Mrs M Johal (Directorate of Corporate Resources)

72 **APOLOGY FOR ABSENCE**

An apology for absence from the meeting was submitted on behalf of Councillor Mrs Westwood.

73 **APPOINTMENT OF SUBSTITUTE MEMBER**

It was reported that Councillor Caunt had been appointed as a substitute member for Councillor Mrs Westwood for this meeting only.

74 **DECLARATIONS OF INTEREST**

In accordance with the Members' Code of Conduct, Councillor Zada declared non-pecuniary interests in Planning Application Nos P14/0042 and P14/0043 (43 Halesowen Road, Netherton) as he knew the applicant.

75 **MINUTES**

RESOLVED

That the minutes of the meeting of the Committee held on 17th February, 2014, be approved as a correct record and signed.

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 had indicated that they wished to speak at the meeting and spoke on the planning application:-

Plan No P14/0112 – Mr Ali Bakht – an objector and Mr Arif – an agent/applicant

- (i) Plan No P14/0112 – Old Bell Public House, Chapel Street, Lye, Stourbridge – Change of use from a Former Public House (A4) to a Community and Education Centre (D1)

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

- (ii) Plan No P13/0175 – Ashleigh House, 2 Ednam Road, Dudley – Conversion of Existing Office Premises into 5 No Flats

Decision: Approved, subject to conditions, numbered 1 to 5 (inclusive), as set out in the report submitted, together with an amended condition, numbered 6 and additional conditions, numbered 7 to 10, as follows:-

6. The apartments shall not be occupied until details of mitigation measures to protect future occupants of the building from road traffic noise from Ednam Road and noise from adjacent use have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved details and the approved measures retained for the lifetime of the development.
7. Notwithstanding the requirement of condition 6 above, all the existing timber shall be retained and development shall not commence until full details have been submitted to and approved in writing by the Local Planning Authority of the proposed methodology for addressing condition 6 with the use of appropriate secondary glazing. The development shall thereafter take place in accordance with the approved details.

8. Development shall not begin until details of all new joinery (for the windows, doors, etc) to be used in the external elevations and its colour and finish have been submitted to and approved in writing by the Local Planning Authority. Large scale architectural drawings of joinery shall be provided at a large scale (1:1, 1:2 or 1:5) typically indicating profiles and sections of heads, cills, jambs and glazing bars together with their relationships to masonry apertures. The development shall thereafter take place in accordance with the approved details.
9. Development shall not commence until full details have been submitted to and approved in writing by the Local Planning Authority of all the heating appliances, flues, air intake and extraction equipment terminals and soil vent pipes. The development shall thereafter take place in accordance with the approved details.
10. Development shall not commence until full details have been submitted to and approved in writing by the Local Planning Authority of materials to be used in the construction of the bin store at the site. The development shall thereafter take place in accordance with the approved details.

(iii) Plan No P13/1886 – Mucklow Bros Ltd, Narrow Lane, Halesowen – Demolition of Existing Former Factory and Office Buildings and Erection of 39 No Dwellings, New Access from Narrow Lane, Enhancement of Existing Footpath and the Creation of a New Cycle Link to Connect Long Lane with Narrow Lane

Decision: Approved, subject to a Section 106 Agreement and conditions, numbered 1 to 3, 6, 8 and 10 to 19 (inclusive), as set out in the report submitted, together with amended conditions, numbered 4, 5, 7 and 9, as follows:-

4. No dwelling shall be occupied until full details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details must include, where appropriate, planting plans, written specifications, a schedule of plants including species, plant sizes and proposed numbers/densities and a programme of implementation. Plans must also include accurate plotting of all existing landscape features.

The works approved as part of this condition shall be completed within the first planting season following first occupation.

Any trees or shrubs planted in pursuance of this permission including any planting in replacement for it which is removed, uprooted, severely damaged, destroyed or dies within a period of five years from the date of planting shall be replaced by trees or shrubs of the same size and species and in the same place unless otherwise agreed in writing by the Local Planning Authority.

The landscaped areas shall be retained in the form shown on the approved plan and Landscape Plan Strategy throughout the life of the development and shall not be used for any other purpose.

5. No dwelling shall be occupied until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. The details must include existing and proposed finished levels or contours; the position, design and materials of all site enclosures, car parking layout and other vehicular and pedestrian areas; hard surfacing materials, minor artefacts and structures (eg refuse areas, lighting etc)

The works approved as part of this condition shall be completed before the first occupation of any part of the development.

7. No dwelling shall be occupied until details for the provision of external electric vehicle 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.

9. No dwelling shall be occupied until details of public realm works have been submitted to and approved in writing by the Local Planning Authority. The public realm works 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.

- (iv) Plan No P13/1896 – Former Factory Site, Park Lane, Cradley – Outline Application for Residential Development (Access to be Considered)
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Decision: Approved, subject to the following:-

- (1) The applicant entering into a Section 106 Agreement for a contribution towards affordable housing.

(2) The completion of the Agreement by 22nd March, 2014 and, in the event of this not happening, the application being refused, if appropriate.

(3) Conditions numbered 1 to 20 (inclusive), as set out in the report submitted, together with additional conditions, numbered 21 to 25, as follows:-

21. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site (with regard to controlled waters including ground water and associated land contamination) shall each be submitted to and approved, in writing, by the Local Planning Authority:

i A preliminary risk assessment which has identified:

- all previous issues
- 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.

ii 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.

iii The results of the site investigation and the 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.

iv 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.

- v Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.
22. 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.
 23. 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 approved details.
 24. No development shall commence until details of the access roads and Highway structures, including, lines, widths, levels, gradients, form of construction, cross sections, lighting and drainage have been submitted to and approved in writing by the Local Planning Authority.
 25. No dwelling shall be occupied until the access roads have been implemented in accordance with the details approved in condition 1 and shall thereafter be maintained for the life of the development.

and that the Director of the Urban Environment be authorised to make amendments to these as necessary.

Having previously declared non-pecuniary interests in the following two items Councillor Zada vacated the Chair and withdrew from the meeting.

Councillor Casey in the Chair

- (v) Plan No P14/0042 – 43 Halesowen Road, Netherton, Dudley – Conversion of Garage to Form Habitable Room with New Bay Window to Front. Single and Two Storey Rear Extension (Proposed). Erection of Detached Storage Building in Rear Garden (Retrospective)

Decision: Approved, subject to conditions, numbered 1 to 6 (inclusive), as set out in the report submitted, together with an additional condition, numbered 7, as follows:-

7. The outbuilding hereby approved shall be ancillary to the main dwelling for the lifetime of the development and shall not be sold-off or sub-let separately.

- (vi) Plan No P14/0043 – 43 Halesowen Road, Netherton, Dudley – Raise Ground Levels to Rear Garden with Retaining Wall

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

Councillor Zada in the Chair

- (vii) Plan No P14/0073 – Land at Tenlands Road, Halesowen – Erection of 9 No Dwellings (Resubmission of Withdrawn Application P13/1436)

Decision: Approved, subject to conditions, numbered 1 to 13 (inclusive), as set out in the report submitted.

- (viii) Plan No P14/0184 – The Boulevard, Brierley Hill – Installation of a Signalised Bus Gate to Assist Public Transport Flow West-Bound on the Boulevard Approach to the Mill Street Roundabout

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

- (ix) Plan No P14/0185 – A4036 Pedmore Road, Merry Hill, Brierley Hill – Installation of a Pedestrian and Cycle Signalised Crossing off Pedmore Road

Decision: Approved, subject to conditions, numbered 1 and 2, as set out in the report submitted, together with an amended condition, numbered 3, as follows:-

3. The development hereby permitted shall be carried out in accordance with the following approved plans: Project Number 70002332, Drawing Number 2332-GA-001 revision C and the submitted Transport Assessment complied by WSP and dated 11/02/2014.

A report of the Director of the Urban Environment was submitted on the setting of the Council's Building Regulation Fee Scales to take effect from 1st April 2014 and non-statutory Development Control Charges and the intention to continue to use the Consumer Prices Index (CPI) for Planning Obligations in accordance with Council Policy.

Arising from the presentation of the report a Member was of the view that an increase in fees would be detrimental as it would have an impact on potential residential developments in the Borough. In responding the Head of Planning stated that fees were very competitive and were on par or cheaper than neighbouring Local Authorities and the Council were obliged to cover their costs.

RESOLVED

- (1) That the inflationary increase of 2% of the existing Building Control Fee Schedule, as outlined in Appendix B to the report submitted, be endorsed.
- (2) That the continued use of the Consumer Price Index in Planning Obligations costings, as outlined in Appendix C to the report submitted, and in accordance with the adopted SPD "Planning Obligations", be noted.
- (3) That the fee schedule for Development Control Non Statutory Fee Charges, as outlined in Appendix D to the report submitted, be endorsed.

The meeting ended at 6.50 pm.

CHAIR