



**Minutes of the Planning Committee
Monday, 23rd May 2022 at 6.00 pm
In the Council Chamber, The Council House, Dudley**

Present:

Councillor A Goddard (Vice-Chair in the Chair)
Councillors H Bills, D Corfield, P Drake, P Miller, W Sullivan, D Stanley, E Taylor and M Westwood.

Officers:

H Benbow (Principal Planning Officer), L Benbow (Planning Officer), C Golightly (Senior Planning Officer) and P Reed (Principal Planning Officer), (Directorate of Regeneration and Enterprise); P Evans (Principal Environmental Health Officer) (Directorate of Public Health and Wellbeing), G Breakwell (Solicitor), S Griffiths (Democratic Services Manager) and G Gray (Assistant Democratic Services Officer) (Directorate of Finance and Legal).

Observers:

Councillors K Razzaq, P Lee and J Martin together with approximately 55 members of the public.

1. **Apology for Absence**

An apology for absence from the meeting was submitted on behalf of Councillor D Harley.

2. **Appointment of Substitute Member**

It was reported that Councillor D Stanley had been appointed as a substitute Member for Councillor D Harley, for this meeting of the Committee only.

3. **Declarations of Interest**

Councillor P Drake declared an interest in relation to Planning Application No. P22/0251 – McDonald's Restaurant, Birmingham New Road and would withdraw from the meeting during consideration of this agenda item. It was noted that Councillor P Drake would be speaking in his capacity as Ward Member for this item of business.

4. **Minutes**

Resolved

That the minutes of the meeting held on 13th April, 2022, be approved as a correct record and signed.

5. **Plans and Applications to Develop**

A report of the Director of Regeneration and Enterprise 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 reports submitted, notes known as Pre-Committee notes had also been circulated prior to the meeting updating certain information given in the reports submitted. The content of the notes was taken into account in respect of the applications to which they referred.

The following persons were in attendance at the meeting, and spoke on the planning applications as indicated: -

<u>Application No.</u>	<u>Objectors/Supporters who wished to speak</u>	<u>Agent/Applicant who wished to speak</u>
P21/0006	Councillor P Bradley P Hanley	
P21/1344	Councillor C Bayton	
P21/2252	A Phillips	
P22/0179	A Sankey	J Jowitt
P22/0251	Councillor P Drake M Westwood	B Beckett

(a) **Planning Application No. P21/0006 – Land adjacent to 15 Culverhouse Drive, Brierley Hill – Erection of 3 No. dwellings and garage**

In considering the application, Members took account of the objections raised by the local Ward Councillor and local residents and as outlined in the report and reported at the meeting. In particular, the changes of the Coal Mining Risk Assessment submitted by the Coal Authority and concerns for the potential of land disturbance as well as the damage that may be made to existing properties. Concerns were raised regarding the fundamental loss of Greenspace within the area, which was deemed to be an asset to local residents. The land was ecologically rich and it was considered that greenspaces should be protected.

Members referred to and made comments regarding the change of the Coal Mining Risk Assessment. Concerns were raised regarding the integral loss of Greenspace within the area and whether this might set a precedent for the wider space owned by the applicant. Members were of the view that this greenspace should be safeguarded.

In responding to questions from Members, Officers were of the view that as the Coal Authority had no objections to the development and as further information had been obtained over the years, there was a more comprehensible Risk Assessment, which deemed that the land could be safely developed. It was clarified that the area was classed as greenspace. Although the developers privately owned the wider space, the Planning Application covered only a small portion of the land. Any plans to develop that might be submitted in the future would be assessed under their own individual merits and no further development would be approved should it be detrimental to the area.

Resolved

That the application be refused for the reasons outlined below:-

The proposed development of this privately owned green space, which is sited adjacent to a larger area of privately owned open space would have a harmful impact on the continuity of the green space and the visual amenity of the area and result in the loss of part of the Borough's open space network. As such the proposal is contrary to Policies ENV2, ENV3 and ENV6 of the Black Country Core Strategy and Policies S2, S8, S19, and L1 of the Dudley Borough Development Strategy.

(b) **Planning Application No. P21/1344 – 128 Himley Road, Dudley – Change of use from 5 no. flats (C3) into a 13 no. bedroom HMO (sui generis) and conversion of rear store/garage to flat (C3) to include alterations to elevations. Retrospective consent for new retaining wall to front**

In considering the application, Members took into account the objections raised by the local Ward Councillors to the application as outlined in the report and reported at the meeting, in particular, that there was crime and disorder within the area; an additional House in Multiple Occupation (HMO) might attract anti-social behaviour and additional parking would present a hazard to the existing area.

Members referred to and made comments regarding the potential impact of anti-social behaviour on local residents and a nearby sheltered facility. There were a number of cars parked on the road and Members considered that additional flats would generate further issues for on-road parking causing a concern for highway safety, whether this could be enforceable, and that it would pose a danger.

In responding to questions from Members, it was noted that weight could not be given to the nature of the proposed residents that might occupy the flats as this was not part of the Planning Policy in that this factor was not a material planning consideration. It was reported that it was a matter for the applicant to demonstrate how access and on road parking would be controlled and enforced and that it would be required to discharge the planning condition in this regard. It was advised that an Engineer would need to assess the area to ensure adequate access was put in place.

Resolved

That the application be refused for the reasons outlined below:-

The development would result in the intensification of the use of the access into the site which due to its poor visibility and steep gradient would exacerbate existing problems of pedestrian and vehicular visibility detrimental to highway safety and vulnerable road users. The application is therefore contrary to Black Country Core Policy TRAN2 - Managing Transport Impacts of New Development, and Dudley Borough Development Strategy Policy S17 - Access & Impact of Development on the Transport Network and guidance contained within the National Planning Policy Framework 2021.

- (c) **Planning Application No. P21/2252 – Hampshire House, 434 High Street, Kingswinford – Outline Application for the demolition of existing office building and residential development for up to 31 dwellings (all matters reserved)**

Resolved

That the application be approved, subject to conditions numbered 1 to 31 (inclusive), as set out in the report submitted and additional condition from Severn Trent Water, numbered 32, as set out below: -

- (32) No objections, subject to a condition for drainage plans for foul and surface water flows. Severn Trent Water have suggested there may be a public sewer located within the site and stated that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent.
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- (d) **Planning Application No. P22/0179 – 4 Hamble Close, Pensnett, Brierley Hill – Erection of front porch (retrospective)**

Resolved

That the application be approved, subject to condition numbered 1 outlined in the report submitted.

(At this juncture Councillor P Drake withdrew from the Committee)

- (e) **Planning Application No. P22/0251 – McDonald’s Restaurant, Birmingham New Road, Bilston – Removal of Condition 1 of the Planning Permission P19/0646 (allowed via Appeal Ref: APP/C4615/W/19/3237704) to enable the McDonald’s Restaurant to trade 24 hours a day, seven days a week, on a permanent basis**

Resolved

That the application be approved, subject to conditions numbered 1 to 3 (inclusive), as set out in the report.

(At this juncture Councillor P Drake returned to the Committee)

- (f) **Planning Application No. P22/0335 – 92 Manor Abbey Road, Halesowen – Single front and rear extensions, first floor rear extension, new dormer windows to rear with extension of existing habitable rooms at second floor and garage conversion (resubmission of P21/1974)**

Resolved

That the application be approved, subject to conditions numbered 1 to 3 (inclusive), as outlined in the report submitted.

The meeting ended at 7.50pm.

CHAIR