

**Minutes of the Planning Committee
Monday 12th September, 2022 at 6.00 pm
In the Council Chamber at The Council House, Dudley**

Present:

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

Officers:

K Lowe (Principal Planning Officer), P Reed (Principal Planning Officer), R Bennett (Planning Officer), I Hunt (Project Engineer) (Directorate of Regeneration and Enterprise); I Grove (Principal Environmental Health Officer) (Directorate of Public Health and Wellbeing), G Breakwell (Solicitor) and H Mills (Democratic Services Officer) (Directorate of Finance and Legal).

Observers:

Approximately 10 members of public

17. **Minute Silence**

As a mark of respect, the Committee and all in attendance, observed a minute silence following the death of Her late Majesty Queen Elizabeth II.

18. **Declarations of Interest**

No Member made a declaration of interest in accordance with the Members' Code of Conduct in respect of any matter to be considered at this meeting.

19. **Minutes**

Resolved

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

20. **Site Visit**

Consideration was given to the following planning application in respect of which Members of the Committee had undertaken a site visit earlier that day.

Planning Application No. P22/0546 – Land at Westminister Industrial Estate, Cradley Road, Netherton – Change of use from vacant land to open storage (B8) for temporary use (retrospective)

Resolved

That the application be approved subject to conditions numbered 2 to 4 and 6 (inclusive), as set out in the report submitted and amended conditions numbered 1 and 5, and additional condition numbered 7, as outlined below:-

1. The development hereby permitted shall be carried out in accordance with the following approved plans: PA-01 Rev A and RCA/WIE/001 Rev C.
5. No materials or goods shall be stored, stacked or deposited to a height exceeding 2 metres adjacent to the residential boundaries of the site (north-east) and 3 metres in any other location.

7. Within one month of the date of this approval, details of the continuous acoustic barrier constructed along the north eastern curtilage of the site, of minimum height of 2 metres measured from the ground level and minimum surface density of 10kg/m², shall be submitted to and approved in writing by the Local Planning Authority. Within one month of the approval of the details of the acoustic barrier shall be installed in full accordance with the approved details and shall be maintained and retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

21. **Change in Order of Business**

Pursuant to Council Procedure Rule 1(c), it was:-

Resolved

That the order of business be varied and the agenda items be considered in the order set out in the minutes below.

22. **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>
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P22/0727	C Boyman (Objector) Councillor J Foster - Ward Councillor (Objector) Councillor R Collins - Ward Councillor (Supporter)	S Dudley
P22/0596	R Hopkins (Objector)	S Clark
P22/0937	P Langford (Objector) Councillor J Cowell (Objector)	J Kaur

(a) **Planning Application No. P22/0727 – Wood and Moore Builders Merchants, Wallows Road, Brockmoor, Brierley Hill – Demolition of existing builders merchants yard and erection of 30 no. dwellings with associated works.**

In considering the application, Members took account of the objections raised by a local Ward Councillor and residents in relation to the loss of green space for residents, in particular those who lived in Planet Road; an increase in traffic and parking issues in an already congested area; the loss of privacy to residents of Planet Road, as well as the concerns raised with regards to security, anti-social behaviour and increased drug activity, that was envisaged would occur should the proposal be approved.

The Committee were also mindful of the supporting comments made by the applicant's representative and local Ward Councillor in that the developer had been proactive in their approach and had made numerous revisions to the application prior to submission, to ensure that the application was policy compliant. It was emphasised that the proposed site was brownfield land and therefore considered appropriate for housing development.

In view of all the comments and the suggestion from all parties that Members visit the site prior to a decision being made, it was

Resolved

That the application be deferred for a site visit.

(b) **Planning Application No. P22/0596 – 161 Lower High Street, Stourbridge – Change of use of basement and ground floor from retail (E) to drinking establishment (sui generis)**

In presenting the planning application, the Committee were advised that the application had been submitted by an Elected Member, and as the neighbour consultation period did not expire until 17th September, 2022, should the Committee be minded to approve the application, it was recommended for the decision to be delegated to the Head of Planning, subject to any further additional material planning matters being received.

(In accordance with Paragraph 3 of the Code of Practice for Members and Officers dealing with Planning Matters, S Clark, following his public speaking address, withdrew from the meeting whilst the Committee considered the proposal)

The Committee considered the objections raised by a local resident in relation to the impact the application would have on the residential amenity of Lower High Street, which was considered to be predominately residential and much quieter than the High Street. Members took account of the concerns raised in relation to noise nuisance, particularly as there was no dedicated outdoor smoking area and the proximity of the premises to residents, as well as the concerns in relation to anti-social behaviour and increased crime activity.

Members, however, were mindful that no objections at this stage had been presented by West Midlands Police and that there were other licensed premises within close proximity to the site, suggesting there to be a mix of residential and retail within Lower High Street.

Resolved

That the Head of Planning be authorised to approve the application, subject to conditions numbered 1 to 5 (inclusive), as set out in the report submitted, provided that no further additional material planning matters are received from any objectors within the consultation period, which expires on 17th September, 2022.

(c) **Planning Application No. P22/0937 – Garage site adjacent 15 Belle Vue Road, Quarry Bank, Dudley – Demolition of existing garages and erection of 2 no. dwellings with associated works (Resubmission of P22/0391)**

In considering the application, Members took into account the objections raised by a local Ward Councillor and residents, in that the proposed development would overlook and impact upon the loss of privacy for residents who lived in Birch Coppice; that Belle Vue Road was a narrow road, which lacked turning space and already had limited on-street parking for visitors, which would worsen should the development be approved; the proposed dwellings would not be comparable to the character of the surrounding area and concerns in relation to the maintenance and stability of the 8ft retaining wall, which was of a poor state of repair.

Members were mindful of the concerns raised with regard to the condition and stability of the existing retaining wall, which residents had reported to be leaning. P Reed, Principal Planning Officer advised that planning condition numbered 22, as outlined in the report, stated that no development should commence until details of the existing highway retaining structures had been approved by the Local Planning Authority. Whilst the condition did not directly refer to the retaining wall, the condition could be amended to that effect.

Members were of the view that should the application be approved, it was vital that the retaining wall was repaired or replaced to ensure stability and to avoid any detrimental impact to the premises below. It was also suggested that the wall be covered/screened in an appropriate manner, to ensure that it was not unsightly for local residents.

Resolved

That the application be approved, subject to conditions numbered 1 to 21, 23 to 24 (inclusive) and amended condition numbered 22 as outlined below:-

22. No development shall be commenced (excluding demolition, site clearance and initial ground investigation works) until details of the existing and proposed highway retaining structures and rear retaining walls, including design, materials, sections and calculations to prove the structure is capable of supporting likely future loadings and works to ensure the structure may sustain the future loadings and is of an appropriate appearance have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall thereafter be occupied until such works have been completed in accordance with the approved details.

(d) **Planning Application No. P21/0912 – Former Coseley Baths, Pear Tree Lane, Coseley – Erection of 34 no. dwellings with associated works.**

(At this juncture, Councillor P Drake declared a non-pecuniary interest in relation to the application, as he had made representations as a Ward Councillor, and therefore withdrew from the meeting and had no involvement in the determination of the application.)

Resolved

That the application be approved, subject to:-

- (1) The applicant entering into a Section 106 Legal Agreement to provide affordable dwelling units within the development and the education contributions, with powers delegated to the Director of Regeneration and Enterprise to add, remove or revise such conditions, as necessary.
- (2) That in the event the Section 106 Agreement has not been completed within six months of the resolution to grant approval, the application be refused, if appropriate.
- (3) Conditions numbered 1 to 42 (inclusive), as set out in the report submitted.

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- (e) **Planning Application No. P22/0265 – Land Adjacent to 22 High Street, Wordsley – Erection of a three storey building consisting of 6 No. apartments with associated car parking and works**

Resolved

That the application be approved, subject to conditions numbered 1 to 23 (inclusive), as set out in the report submitted.

- (f) **Planning Application No. P22/0672 – Dudley Bus Station, Dudley Town Centre, East of Castle Street and West of Duncan Edwards Street, Dudley – Demolition of existing Bus Station buildings and shelters, Co-Operative/Farmfoods building, 3 Birmingham Street, the warehouse in the rear grounds of 3 Birmingham Street. Construction of a new Transport Interchange and associated works. Realignment of St Joseph’s Street with associated highway and junction works, including new footways and cycleways. Provision of soft and hard landscaping, with new car parking on the site of 3 Birmingham Street and to the side/rear of Our Blessed Land and St Thomas of Canterbury RC Church**

Resolved

That the application be approved, subject to:-

- (1) The developer being invited to make an application to the Secretary of State for an Order under Section 247 of the Town and Country Planning Act 1990 (as amended) based on Plan D056 Rev E to allow the development to take place. The developer shall pay the full costs of the Order. The new and improved highways shall be supervised by the Council and be maintainable at public expense.
 - (2) Conditions numbered 1 to 35 (inclusive), as set out in the report submitted.
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23. Recommendations for Article 4 Direction for Houses in Multiple Occupation (HMO)

A report of the Director of Regeneration and Enterprise was submitted on the decision agreed by Cabinet in June 2022 in relation to a Borough wide Article 4 direction for Houses in Multiple Occupation (HMO) and the necessary consultation.

K Lowe, Principal Planning Officer, presented the report in detail and in doing so confirmed that following a motion at Council on 11th October, 2021, the Cabinet, at its meeting on 27th June, 2022, authorised the Director of Regeneration and Enterprise to prepare a non-immediate Article 4 direction, which would be applied Borough-wide, to remove the permitted development rights for change of use of dwelling houses (C3) to small houses in multiple occupation (C4).

It was reported that, subject to the Committees approval, notice of the Article 4 direction would be published in the local newspaper and displayed at sites within Dudley, Stourbridge and Halesowen Town Centres, as well as at district centres. All HMO agents who had submitted an application within the last two years and those on the Planning database would also be consulted. It was anticipated that the consultation period would commence on 15th September, 2022 and run for a period of six weeks, closing on 31st October, 2022. The Article 4 direction, however, would not be confirmed or become effective until September, 2023, to eliminate the likelihood of payable compensation to affected landowners.

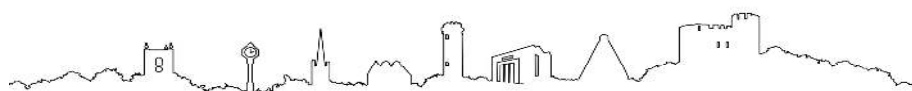
Resolved

- (1) That the decision of the Cabinet, at its meeting on 27th June, 2022, for the Director of Regeneration and Enterprise to be authorised to prepare a non-immediate Article 4 direction, to be applied to the Council's administrative area (borough wide) to remove Permitted Development Rights for the change of use of dwelling houses (C3) to small houses in multiple occupation (C4), be noted and endorsed.
- (2) That notice of the Article 4 direction, be published for a period of at least six weeks, to allow members of the public to submit comments on the proposal.
- (3) That a further report, following completion of the representation period, be submitted to a future meeting of the Planning Committee.

- (4) That the Article 4 notice will not be confirmed until 12 months after the first notice has been made.
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The meeting ended at 7.35pm.

CHAIR



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PC/27