

**Minutes of the Planning Committee
Wednesday, 22nd June 2022 at 6.00 pm
In the Council Chamber, The Council House, Dudley**

Present:

Councillor D Harley (Chair)
Councillor A Goddard (Vice-Chair)
Councillors H Bills, D Corfield, J Martin, P Miller, D Stanley, W Sullivan and E Taylor.

Officers:

H Benbow (Principal Planning Officer), J Mead (Senior Planning Officer), R Whitehouse (Assistant Planning Officer); I Hunt (Project Engineer), G Breakwell (Solicitor) and K Taylor (Democratic Services Officer).

Observers:

Councillor J Foster and approximately 14 members of the public.

6. **Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillors P Drake and M Westwood.

7. **Appointment of Substitute Members**

It was reported that Councillors J Martin and D Stanley had been appointed to serve as substitute Members for Councillors P Drake and M Westwood, respectively, for this meeting of the Committee only.

8. **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.

9. **Minutes**

Resolved

That the minutes of the meeting held on 23rd May, 2022, be approved as a correct record and signed.

10. **Change in Order of Business**

Pursuant to Council Procedure Rule 13(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.

11. **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>
P21/2073	Councillor A Davies Dr C Skidmore	Miss B Lambourne
P22/0225	Mr P Horsley	

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

Members were informed that the above planning application had been withdrawn.



(b) **Planning Application No. P21/2073 – The Moor Centre, Brierley Hill – External alterations to shopping precinct, including installation of entrance doors (to enable subdivision of retail units); Demolition of unit 1 to allow vehicular ingress / egress from high street; Partial conversion of unit 5 to provide public toilet facilities; Creation of surface car parking; associated public realm, landscaping, cycle parking and highway works**

During the presentation of the report submitted, the Principal Planning Officer referred to the extensive discussions undertaken with the Applicant and, whilst there was a potential negative impact from the loss of public space to the area, the redevelopment of the Moor Centre was deemed, on balance, acceptable in accordance with both national and local planning policy and guidance.

Reference was made to the letter submitted by the Partner at Shakespeare Martineau, on behalf of his client, Alan Warwick Limited, in response to the published officer report. The letter suggested that the officer's report was legally flawed and as a result the recommendation to approve the application was considered to be untenable. A copy of the letter was outlined in the Pre-Committee notes circulated prior to the meeting.

The Principal Planning Officer then read a detailed statement responding to the four key areas raised in the correspondence, and in doing so, reiterated that officers did not consider the recommendation to members to approve the application to be legally flawed and that the report, together with officer's additional comments presented at the meeting, did not have the effect of misleading members.

In considering the application, Members took into account all of the concerns raised by the objector and the Ward Councillor, as outlined in the report and as reported at the meeting, in particular, the loss of public event space, pedestrian and road safety implications and the potential loss of car parking. It was anticipated that the proposed revised access arrangements would further exacerbate existing traffic congestion within the locality, and the potential negative impact to the heritage of the area was mentioned. The existing car park to the rear of the area was considered sufficient and well utilised and therefore there was no demand for additional surface car parking to be developed to the front of the site. It was further suggested that the rear car park would be earmarked for future housing development and should be considered by the Committee in their deliberations. The Committee was strongly urged to refuse the application submitted.

The Committee also took account of the comments made in support of the application, in that the proposed scheme demonstrated an investment into the centre enabling the centre to be more viable to retail occupiers and secure the future of the shopping area and encourage the use of the Centre. The demolition of a retail unit within the designated frontage had been included to allow vehicular access from the High Street together with the provision of public toilets; associated public realm and landscaping enhancements and the re-location of the listed drinking fountain. The concerns raised in relation to the proposed additional car parking had been acknowledged by the applicant however the amended plans submitted was considered to address the highway and amenity issues. It was reported that the applicant acknowledged that the area of public realm within the Moor Centre was considered to be a key feature and it was anticipated that the space would be made available for events during the year.

The Principal Planning Officer advised that in respect of the concerns raised in relation to highway safety, consideration had been given to the relevant policies, guidance and safety assessments undertaken and it was considered that there would be no adverse impact to highway safety should the application be approved. With regard to the comments made in relation to the loss of the rear car park it was confirmed that no reductions had been proposed and that the application before the Committee should be determined only on the basis of the proposal submitted and not potential future plans for the car park.

Members referred to and made comments regarding the detrimental impact to highways and pedestrian safety and the loss of public space and amenity space to the neighbouring conservation. Members also considered that the potential future development of the rear car park was a material consideration in determining the application and raised a number of concerns to the potential for cross flow conflict and congestion at the signalised junction which would exacerbate existing traffic problems. Members also emphasised that pedestrian safety was paramount.

In response to concerns raised by the Committee, the Principal Planning Officer assured Members that pedestrian safety was a key priority in considering access to the site and that the reconfiguration of the Moor Centre and parking arrangements allowed for more convenient shopping provision for customers.

Resolved

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

1. pedestrians contrary to the requirements of Parking Standards Supplementary Planning Document (2017), together with the Black Country Core Strategy Policy TRAN2 - Managing Transport Impacts of New Development and the NPPF (2021).



2. Due to lack of information provided the proposed development, by virtue of the creation of a new vehicle access has the potential to create excessive congestion on the highway network, specifically High Street when vehicles are traveling in a northerly direction contrary to the requirements of Parking Standards Supplementary Planning Document (2017), together with the Black Country Core Strategy Policy TRAN2 - Managing Transport Impacts of New Development and the NPPF (2021).
3. The Moor Centre and the pedestrianized space in-front of it occupies a prominent position adjacent to the Brierley Hill High Street Conservation Area and it positively contributes to the local character and distinctiveness of the Brierley Hill townscape/landscape and views into and out of it. The proposal to remove this pedestrianised space (with the introduction of cars) and the design and materials of the proposed hard and soft landscaping scheme to facilitate this, which includes a car park barrier, would result in a proposal that will negatively impact on the setting and significance of the Brierley Hill High Street Conservation Area, views into and out of the Brierley Hill High Street Conservation Area and result in the loss of a positive part of the borough's townscape. Paragraph 8 of the NPPF advises that to achieve sustainable development, economic, social and environmental objectives should be pursued in mutually supportive ways. The applicant has failed to demonstrate the economic, social and environmental gains of the proposed scheme, particularly in the absence of clear and convincing justification for the harmful development and the negative impact this will have on the local character and distinctiveness of the area and on the setting of the Brierley Hill High Street Conservation Area. The proposal fails to respond adequately to the local character, distinctiveness and context of the local area and as such is considered not to be sustainable development and is contrary to paragraphs 8, 197, 202 and 203 of the NPPF and contrary to Policies CSP3, CSP4, and ENV2 of the Black Country Core Strategy and contrary to Policies S8, S9 and S11 of the adopted Dudley Borough Development Strategy and Policies 2 and Policy 59 of the Brierley Hill AAP.
4. The loss of the public open space as a result of the proposed carpark would significantly impact on the amenity of borough residents due to this important community asset being lost without the prospect of imminent replacement and lack of a justification for its loss. The proposed development is therefore contrary to the requirements of Policies CSP3, CSP4, and ENV2 of the Black Country Core Strategy and contrary to Policies S8, S9 and S11 of the adopted Dudley Borough Development Strategy and Policies within the Brierley Hill AAP.

(c) **Planning Application No. P22/0225 – 42 St James’s Road, Dudley – Conversion of residential care home into 6 no. one bedroom flats to include first floor side extension and lower ground floor and ground floor rear extensions**

In considering the application, Members took into account the concerns raised by the objector as reported at the meeting and as outlined in the report, in particular, the shortfall of car parking spaces for the proposed apartments and the potential for increased on-street parking and traffic congestion in an existing difficult area.

Although it was recognised that the four car parking spaces proposed were below the standard requirements, Officers were of the view that as the proposed development was close to a sustainable town centre location with easy access to both shops and transport options, the car parking constraints could not be a sustainable reason for refusal of the development.

Members referred to and made comments regarding the insufficient number of available car parking spaces and the potential hazard of vehicles obstructing the footway.

Resolved

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

The proposed development would not provide a sufficient level of off road parking and would displace vehicles onto the highway resulting in the increased risk to highway safety, as well as interfering with the free flow of traffic on the highway and unacceptable traffic congestion or inconvenience to other users of the highway. As such the proposed development is contrary to the provisions of Parking Standards Supplementary Planning Document (2017), together with the Black Country Core Strategy Policy TRAN2 - Managing Transport Impacts of New Development and Policy L1 - Housing Development, extensions and alterations to existing Dwellings of the Dudley Borough Development Strategy (2017).

The meeting ended at 7.10pm.

CHAIR

