

**Minutes of the Planning Committee
Monday 13th November 2023 at 6.00pm
in the Council Chamber, The Council House,
Dudley**

Present:

Councillor D Harley (Chair)

Councillor M Webb (Vice-Chair)

Councillors H Bills, S Bothul, B Challenor, P Drake, P Miller, K Razzaq and E Taylor.

Officers:

P Evans (Public Protection Officer), I Grove (Principle Environmental Health Officer), - Both Directorate of Public Health and Wellbeing, P Reed (Principal Planning Officers), J Todd (Development Manager) – Both Directorate of Regeneration and Enterprise, G Breakwell (Solicitor) and L Jury (Democratic Services Officer) - Both Directorate of Finance and Legal Services.

29. **Apologies for Absence**

There were no apologies for absence submitted to the Committee.

30. **Appointment of Substitute Members**

There were no substitute members appointment for this meeting of the Committee.

31. **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.

32. **Minutes**

Resolved

That the minutes of the meeting held on 18th October 2023, be approved as a correct record, and signed.

33. **Plan and Application to Develop**

A report of the Director of Regeneration and Enterprise was submitted on the following plan and application to develop. Details of the plans and application were displayed by electronic means at the meeting. In addition to the report submitted, notes known as Pre-Committee notes had also been circulated prior to the meeting updating Members on certain information given in the report submitted. The content of the notes was taken into account in respect of the application.

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

<u>Application No.</u>	<u>Objectors/Supporters who wished to speak</u>	<u>Agent/Applicant who wished to speak</u>
P22/1180	Councillor P Lowe	Rawdon Gascoigne

Planning Application No. P22/1180 – Pegasus Grab Hire, Bott Lane, Lye, Stourbridge, DY6 7AW – Section 73 application for the variation of condition 5 (to amend the hours of operation up to 1730 on Saturdays) and variation of condition 6 (to amend aggregate processing hours to between 0630 and 1800 Monday to Friday, and between 0700 and 1730 Saturdays) Planning Permission P20/1801 and an additional condition in relation to the management of dust and dirt on the public highway.

In considering the application, Members considered speakers comments both for and against the application.

A local Ward Councillor speaking against the proposal reported a significant number of concerns that had been raised by local residents regarding noise, dust and lack of adherence to current opening hours. Concerns were also raised with regard the alleged lack of engagement of the operating company with the local community.

In support, Mr R Gascoigne addressed the Committee and in doing so, advised that his client welcomed the recommendation. Whilst he expressed concerns that he believed some of the conditions were unnecessary as information had already been provided.

The client advised that he did not object to the conditions referred to in respect of dust management and advised that details had been submitted to address this and advised that a wheel wash was now on site. Further he noted that the dust suppression system had been in place since the site had started operating.

Notwithstanding this, he emphasised that he was not seeking to undermine the need for appropriate conditions but needed to ensure that the site could operate sufficiently alongside the neighbouring users within the area. In regard to the principals of the extended conditions, the client considered that these aligned with how other commercial operators operated in the local area, and reference was made to confusion that may have arisen in relation to a number of other sites the client operated within the local area, under the same name, however, these sites were not covered by limitations in terms of when they could operate. It was advised that various consultees had acknowledged this point as set out in the report.

Following the speakers, members raised questions with answers provided by both the Principal Planning Officer and Principal Environmental Health Officer. Members could not support Officers recommendation and proposed an alternative reason for refusal.

Resolved

That the application be refused for reasons of:

The extension of operational hours for deliveries and despatches and for the movement and processing of aggregates may lead to additional unacceptable noise and disturbance to the detriment of residential amenity for the occupiers of properties in the vicinity of the site, contrary to Policies D2, D5 and D6 of the Dudley Borough Development Strategy.

34. **Questions Under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

The meeting ended at 6.20pm.

CHAIR