

Minutes of the Planning Committee

13 March, 2019 at 5.00pm
at the Sandwell Council House, Oldbury

Present: Councillor Sandars (Chair);
Councillor Webb (Vice-Chair);
Councillors K Davies, Downing, Eaves, Edis,
E A Giles, L Giles, Piper, Singh and Taylor.

Apologies: Councillors Chidley, Costigan, R Horton and P
M Hughes.

Observers: Councillors Melia and Preece.

28/19 **Minutes**

Resolved that the minutes of the meeting held on 13 February 2019 be approved as a correct record.

29/19 **Applications Deferred Pending a Site Visit by Members of the Committee and Ward Representatives**

Resolved that consideration of the following planning applications be deferred, pending a site visit by the Committee and ward representatives: -

DC/19/62759 (Proposed change of use from solicitor's offices to place of worship (revised application - DC/18/62030). 409 Bearwood Road, Smethwick);

DC/18/62304 (Proposed private access way off Meadowside Close and the construction of 3 No. dwellings, parking spaces and associated facilities. Land to the rear of 62 and 64 Newton Road, Great Barr, Birmingham.)

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- 30/19 **DC/18/62510 (Proposed change of use of ground floor from public house to tuition centre (Class D1) (revised application DC/18/61939). The Forge, 144 Franchise Street, Wednesbury) be deferred, pending the receipt of additional information)**

The Service Manager - Development Planning and Building Consultancy recommended that consideration of the application be deferred, as additional information was awaited from the applicant to enable a recommendation to be formulated.

Resolved that consideration of planning application DC/18/62510 (Proposed change of use of ground floor from public house to tuition centre (Class D1) (revised application DC/18/61939). The Forge, 144 Franchise Street, Wednesbury) be deferred, pending the receipt of additional information.

- 31/19 **DC/19/62642 (Demolition of existing freestanding changing room building and proposed erection of leisure centre (Class D2) including a 10 lane competition 50m swimming pool, competition diving pool, community pool, spectator seating, sports hall(s), fitness suite, studios and other complementary uses, with associated outdoor football pitch and informal play space, parking, utilities and landscaping provisions, together with temporary works to enable the site to first serve as a venue for the Birmingham Commonwealth Games. Londonderry Playing Fields, Londonderry Lane, Smethwick)**

Councillor Sandars declared that he had been lobbied extensively on the application and took the decision to leave the room during its consideration. Councillor Webb therefore took the Chair during consideration of this application.

Councillors Chidley, Downing, E A Giles, Piper, Taylor and Webb, also indicated that they had been lobbied by applicant and objector at the site visit, which had taken place earlier in the day.

The Service Manager - Development Planning and Building Consultancy reported that the proposal represented a departure from the Site Allocations and Delivery Development Plan and therefore, if the Committee was minded to approve the application,

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the Council would need to consider granting an exception to the Plan.

The Committee was informed that a 240-signature petition had been received prior to the planning application being submitted, which had been considered by the Cabinet Petitions Committee. The Committee was also informed that three further letters of objection had been received in connection with the application. Responses from West Midlands Police's Counter Terrorism Unit were circulated to the Committee. The Director – Regeneration and Growth had recommended that the following additional conditions be added to those previously recommended:-

- (xxv) submission of an events management plan post games mode;
- (xxvi) review of parking restrictions following 12 months of occupation to identify any TRO measures required;
- (xxvii) provision and retention of car parking;
- (xxviii) substation details;
- (xxix) public realm details;
- (xxx) drainage and SuDs management system;
- (xxxi) CCTV details;
- (xxxii) bin storage details.

An objector was present and addressed the Committee with the following points:-

- An additional three letters of objection had been submitted.
- The proposal did not comply with the Development Plan.
- The proposal would reduce the amount of green space available, in a ward where it was already limited.
- There had been a lack of consultation on the proposals.
- An Environmental Impact Assessment was required.
- Wildlife surveys had been done at the wrong time of year.
- Air quality reports were questionable, given the reduction in trees.
- More time should be allowed for additional objections.

The applicant addressed the Committee with the following points:-

- The Centre was being built for the Commonwealth Games in 2022 and would showcase Sandwell.

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- There was an unmet need in Smethwick for a sports facility and this would meet that need.
- The centre had been sensitively designed.
- There had been extensive community engagement, which had informed the proposals.
- 80% of feedback was positive.
- Through assessments had been undertaken on all possible sites and there was no other site available that was suitable.
- The proposal included off-site improvements to the local transport network.
- There would be enhancements to the remaining open space.
- Trees were being retained.
- Maximum permitted distances to site boundaries had been adhered to.
- The building had been designed to ensure that elevations were in keeping with the surrounding buildings.
- Measures would be put in place to mitigate noise emissions.
- There would be social, community and health benefits to Sandwell.
- The proposal would generate jobs both during its construction and afterwards.
- The building would be energy efficient.

In response to members' questions of the applicant, objector and the officers present, the Committee noted the following:-

- Leaflets had been distributed in October 2018 seeking feedback on the design principles.
- Consultation had taken place December 2018 – January 2019, which had included hand delivered letters to 775 properties, an online survey and six drop-in events at locations close to Londonderry Lane, taking place at different times of day.
- Best practice guidance was followed in terms of consulting with people with disabilities.
- There were 326 parking spaces, which had been based on best practice modelling data.
- The formal planning application had been received on 29 January 2019, which had triggered statutory processes around consultation.
- Event management plans would be in place during the Commonwealth Games to manage the expected volume of people and vehicles.

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- A detailed air quality assessment was not required as the site was not a known hotspot for poor air quality. However, electric vehicle charging points had been recommended, as well as travel plans.
- A construction management plan would be in place to manage traffic and minimise disturbance during the construction period.
- The centre would be fully a fully functional community leisure facility after the Commonwealth Games 2022.

The Committee was minded to approve the application, but felt that a detailed air quality assessment was required, looking at air quality before, during and after construction.

Resolved:-

- (1) that planning application DC/19/62642 (Demolition of existing freestanding changing room building and proposed erection of leisure centre (Class D2) including a 10 lane competition 50m swimming pool, competition diving pool, community pool, spectator seating, sports hall(s), fitness suite, studios and other complementary uses, with associated outdoor football pitch and informal play space, parking, utilities and landscaping provisions, together with temporary works to enable the site to first serve as a venue for the Birmingham Commonwealth Games. Londonderry Playing Fields, Londonderry Lane, Smethwick) be approved, subject to the conditions now recommended by the Director – Regeneration and Growth, and a further condition requiring a detailed Air Quality Assessment, assessing air quality before, during and after construction;
- (2) that the Council be requested to consider granting an exception to the Site Allocations and Delivery Development Plan to enable the course of action outlined in (1) (above) to proceed.

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32/19

DC/18/62160 (Proposed two storey side extension, garage conversion, and loft conversion with dormer to rear. 40 Grove Vale Avenue, Great Barr, Birmingham)

Councillors Chidley, Downing, E A Giles, Piper, Sandars, Taylor and Webb, indicated that they had been lobbied by applicant and objector, on the site visit, which had taken place earlier the same day.

The Service Manager - Development Planning and Building Consultancy informed the Committee that the proposed dormer window would be allowed under Permitted Development Rights.

An objector was present and addressed the Committee with the following points:-

- The gap between the two gable walls would be just one brick wide, creating a terraced effect.
- The Council's Residential Design Guide stated that there must be a minimum of one metre width between gable walls.
- The proposed extension was too close to his property and would create a feeling of enclosure.
- There would be a loss of light to his property because the design of the extension contravened the 45 degree code.
- The design was of poor quality.
- There would be no access to the rear of objector's property for servicing.

The applicant addressed the Committee with the following points:-

- The matter of the 45 degree code had been addressed in the planning officer's report.
- The Residential Design Guide related to new build properties and this was an extension.
- Access to the rear of the objector's property was already blocked by the applicant's garage.
- Planning permission had been granted for similar developments in the same street.
- Properties in the street were staggered so there would not be a terracing effect.
- The plans had been revised on the advice of planning officers.
- The proposal was in accordance with planning policy.

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- The proposed extension was to accommodate his growing family.

In response to members' questions of the applicant, objector and the officers present, the Committee noted the following:-

- There would be no window serving the rear of the proposed new bedroom.
- The ground floor extension would contravene the 45degree rule, however, it was guidance only.
- The applicant would be able to erect a 2m high fence without planning permission, which would affect the objector's light.
- The right to light was important to consider, however, the applicant also had to be mindful of other relevant legislation regarding the proposed development as whole.

Resolved that planning application DC/18/62160 (Proposed two storey side extension, garage conversion, and loft conversion with dormer to rear. 40 Grove Vale Avenue, Great Barr, Birmingham) be approved, subject to the conditions now recommended by the Director – Regeneration and Growth.

33/19

DC/18/62397 (Proposed partial change of use at ground floor, and change of use at first floor with extension to create a Karate centre (D2 use class, assembly and leisure). Unit 8, Powke Lane Industrial Estate, Powke Lane, Rowley Regis)

Councillors Chidley, Downing, E A Giles, Piper, Sandars, Taylor and Webb, indicated that they had been lobbied by the applicant on the site visit, which had taken place earlier the same day.

There was no objector present.

The applicant was present and addressed the Committee with the following points:-

- The centre would be only be open four evenings a week, 6-8pm, and on Saturday mornings.
- Classes would only accommodate 50 people.
- The car park would be re-surfaced and lighting erected to improve safety.
- The centre would cater for disabled athletes.

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The Director – Regeneration and Growth had recommended that planning permission be refused, on the grounds that the proposal did not comply with the Site Allocations and Delivery Development Plan, in that it would introduce a leisure use into an area allocated as local employment land.

The Committee was minded to grant planning permission, subject to any conditions that the Director – Regeneration and Growth felt necessary.

Resolved:-

- (1) that planning application DC/18/62397 (Proposed partial change of use at ground floor and change of use at first floor with extension to create a Karate centre (D2 use class, assembly and leisure). Unit 8, Powke Lane Industrial Estate, Powke Lane, Rowley Regis) be approved;
- (2) that, in connection with (1) (above) the Director – Regeneration and Growth be authorised to determine the conditions necessary to enable the application to proceed;
- (3) that the Council be requested to grant an exception to the Site Allocations and Delivery Development Plan to enable the course of action outlined in (1) and (2) (above) to proceed.

34/19

DC/18/62516 (Proposed industrial/warehouse development for B1(c), B2 and B8 with ancillary office space, landscaping, associated parking and external works. Former Site Used by Car Disposable Co Limited, Seven Stars Road, Oldbury)

The Service Manager - Development Planning and Building Consultancy informed the Committee that the description of development had been amended to remove B1 uses and the recommended conditions had been updated in light of this. A sunlight analysis report had been submitted by the applicant, which demonstrated that the proposal would not result in any significant loss of light to the adjacent residential property.

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Comments had been received from the Policy and Urban Design team, however, comments were still awaited from the Canal and River Trust and the lead local flood authority.

An additional condition was now recommended by the Director – Regeneration and Growth requiring the provision of electric vehicle charging points.

The Committee noted that the proposal was not in accordance with the Site Allocations and Delivery Development Plan in that the site was currently allocated for residential uses. However, given the location and proximity to the M5 motorway it was not felt to be a viable site and approval was therefore recommended, subject to conditions.

There was no objector present and the applicant did not wish to speak.

The Committee felt that the proposal would improve the appearance of the area and was therefore minded to grant planning permission.

Resolved:-

- (1) that planning application DC/18/62516 (Proposed industrial/warehouse development for B1(c), B2 and B8 with ancillary office space, landscaping, associated parking and external works. Former Site Used by Car Disposable Co Limited, Seven Stars Road, Oldbury) be approved, subject to the conditions now recommended by the Director – Regeneration and Growth;
- (2) that the Council be requested to grant an exception to the Site Allocations and Delivery Development Plan to enable the course of action outlined in (1) (above) to proceed.

35/19

DC/19/62563 (Retention of boundary wall with new railings and gates. 69 Europa Avenue, West Bromwich)

The Service Manager - Development Planning and Building Consultancy reported that an amended plan was awaited.

There was no objector or applicant present.

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Resolved that the Director – Regeneration and Growth be authorised to determine planning application DC/19/62563 (Retention of boundary wall with new railings and gates. 69 Europa Avenue, West Bromwich) following the receipt of an amended plan.

36/19

Applications Determined Under Delegated Powers by the Director – Regeneration and Growth

The Committee received a report for information on planning applications determined by the Director - Regeneration and Growth under delegated powers.

(Meeting ended at 7.01 pm)

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