

## **Minutes of the Planning Committee**

**10 April, 2019 at 5 pm**  
**at the Sandwell Council House, Oldbury**

**Present:** Councillor Sandars (Chair);  
Councillor Webb (Vice-Chair);  
Councillors Chidley, K Davies, Downing,  
Eaves, Piper, Singh and Taylor.

**Apologies:** Councillors Costigan, E A Giles, L Giles, R  
Horton and P M Hughes.

37/19 **Minutes**

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

38/19/ **DC/18/62165 (Proposed health centre and 6 no. residential dwellings. Site of Former Kingsbury House and Resource Centre, King Street, Wednesbury.)**

The Service Manager - Development Planning and Building Consultancy reported that the applicant had requested that the hours of use be amended. As this would require further consultation with neighbours and highways, he recommended that consideration of the application be deferred.

Members were minded to take the opportunity to visit the site before the application returned to the Committee.

**Resolved** that consideration of planning DC/18/62165 (Proposed health centre and 6 no. residential dwellings. Site of Former Kingsbury House and Resource Centre, King Street, Wednesbury.) be deferred, pending further consultation on the proposed opening hours and a site visit by the Committee and ward representatives.

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39/19 **DC/19/62695 (Proposed 2 No. 3 bedroom dwellings. Land to rear of Churchills, 8 Walsall Street, Wednesbury.)**

The Service Manager - Development Planning and Building Consultancy recommended that the Committee visit the site prior to determining the application.

**Resolved** that consideration of planning application DC/19/62695 (Proposed 2 No. 3 bedroom dwellings. Land to rear of Churchills, 8 Walsall Street, Wednesbury.) be deferred pending a site visit by the Committee and ward representatives.

40/19 **DC/19/62650 (Proposed single storey front, side and rear extension and increase in roof height to create a loft conversion with flat roof rear dormer and 3 skylights to front - (revised application DC/18/61549, to increase ground floor and reduce number of skylights). 45 Halesowen Road, Cradley Heath.)**

The Committee had visited the site prior to the meeting. Councillors Chidley, K Davies, Downing, Eaves, Piper, Sandars, Taylor and Webb indicated that they had been lobbied by both the applicant and objectors on the site visit.

The Service Manager - Development Planning and Building Consultancy informed the Committee that the Service Manager – Highways had confirmed that he had no objection to the proposal. He added that the applicant had confirmed that he could provide three off street parking spaces.

Objectors were present and addressed the Committee with the following points:-

- The application was against the Council's policies for domestic extensions.
- The extension had caused a terracing effect.
- The extension had de-valued the objector's property.
- The extension had resulted in a loss of privacy for neighbours.
- British Gas had declared the boiler at No. 47 unsafe, due to the lack of clearance distance between the flue and the

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extension.

- No. 47 was unable to re-position his boiler flue and was also unable to install a flue management system.
- There was a risk to the objector's health due to the unsafe boiler.
- The Council had made errors in the plans regarding the height of the property.
- The second staircase had not been installed by the applicant.

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

- The extension was to accommodate his growing family.
- All changes made to the extension had been in consultation with planning officers.
- He was keen to address neighbours' concerns and did not wish for any animosity.
- He had made a raft of adjustments to accommodate objections.
- There were no new objections as a result of the changes being proposed.
- The extension did not contravene any Council policies.
- The gap between the extension and the objector's flue (No. 47) was big enough.
- His own flue would be re-positioned once his new boiler was installed, which he was doing to accommodate neighbours.
- He had offered to pay for the re-location of the flue at No. 47.
- Accusations about the use of the property were untrue and it was just a family home.
- He had corrected errors made by the planning department at his own expense.

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

- The changes to the development were minor and had been discussed with the previous case officer, who had now left the Council.
- The applicant had shown the objecting neighbours around the property, inside and out and felt that he had done everything he could to appease them.
- The property was positioned 2m lower than No. 1 Cox's Lane.

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- The staircase had been erected on the left due to the position of the bedrooms above.
- The position of the flue at No. 47 had been discussed at the meeting when planning permission was granted.
- The distance between the flue and the extension wall was 2 inches.
- The Council's Residential Design Guide stated that there should be a minimum distance of 14 metres between properties. The distance between the extension and No. 47 was 15 metres.
- Planning officers were satisfied that there was sufficient amenity (garden) space at the property with the extension erected.
- The applicant was willing to sign a document to confirm that he would help No. 47 with the relocation of the flue.

The Chair moved the recommendation set out within the report, which was to grant retrospective planning permission. The motion was seconded, put to the vote and lost.

The Service Manager - Development Planning and Building Consultancy reminded the Committee that the matter of the flue location at No. 47 was not a material planning consideration. In response to a question from member, he advised that if the Committee did not determine that application within the statutory deadline, the applicant could appeal to the Planning Inspectorate on grounds of non-determination. Following this advice the Committee was minded to approve the application and grant retrospective planning permission.

**Resolved** that planning application DC/19/62650 (Proposed single storey front, side and rear extension and increase in roof height to create a loft conversion with flat roof rear dormer and 3 skylights to front - (revised application DC/18/61549, to increase ground floor and reduce number of skylights). 45 Halesowen Road, Cradley Heath.) be approved.

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41/19

### **Planning Application DC/19/62759 (Proposed change of use from solicitors' offices to place of worship (revised application - DC/18/62030). 409 Bearwood Road Smethwick.)**

The Committee had visited the site prior to the meeting. Councillors Chidley, K Davies, Downing, Eaves, Piper, Sandars, Taylor and Webb indicated that they had been lobbied by both the applicant and objectors on the site visit.

Objectors were present and addressed the Committee with the following points:-

- Parking was already limited in the area.
- Extra traffic would impact on local businesses and residents.
- Bearwood Road was a fast stretch of road and a main route for emergency services.
- Parking provision for the proposal was inadequate.

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

- The original congregation numbers reported were incorrect and there in fact were only around 80 households that would be worshipping at the centre.
- The busiest period would be for Friday prayers between 12.30-2.30pm when around 110 people may be in attendance.
- Parking provision was sufficient, and the centre employed its own parking stewards.
- Most of the congregation lived within walking distance and the centre was also well served by public transport.
- The nearby Hadley Hall had agreed to assist in providing spaces for overflow parking.
- There would be minimum noise from the centre as it was a place of worship.

The Service Manager - Development Planning and Building Consultancy reported that further information had now been received regarding parking provision in and around the site. The Service Manager – Highways advised the Committee that parking was at a premium in Bearwood already. Detailed information on parking available in surrounding streets was not available and,

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based on the maximum capacity of the building being 250, the 16 spaces proposed was insufficient. Hadley Hall had already entered into an agreement with the nearby Shireland Primary School to provide parking spaces for parents to use for park and stride which would limit the spaces available to the Centre. He therefore could not support the application on the grounds of insufficient parking.

A letter in support of the application from John Spellar MP was tabled to the Committee.

Members noted that the proposed parking layout did not provide sufficient space for turning around and vehicles would therefore have to reverse onto Belmont Road. Additionally, the four disabled parking spaces identified would be inaccessible if the other spaces were occupied. The applicant reported that around 45 spaces would be available at Hadley Hall, however the position of the disabled spaces at the application site would be reviewed.

The Committee felt that the proposal did not provide sufficient parking provision, in an area where parking was already at a premium. The Committee was minded to refuse planning permission, as recommended, and for the reasons given by the Director – Regeneration and Growth.

**Resolved** that planning application DC/19/62759 (Proposed change of use from solicitors' offices to place of worship (revised application - DC/18/62030). 409 Bearwood Road Smethwick.) be refused on the grounds that the proposal is contrary to the provisions of Site Allocations Document Policy DM6 'Community Facilities including places of worship and/or religious instruction' on the grounds that:-

- i) the proposal provides insufficient off-street parking facilities which would lead to congestion, highway safety and conflicts over parking outside existing residential property; and
- ii) the proposal would result in undue noise and disturbance to nearby sensitive uses namely existing residential property.

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

The Committee had visited the site prior to the meeting. Councillors Chidley, K Davies, Downing, Eaves, Piper, Sandars, Taylor and Webb indicated that they had been lobbied by both the applicant and objectors on the site visit.

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

- Following the Committee meeting held on 13 March, 2019, trees had been removed from the sight as the Councils' Tree Preservation Officer had understood that the application had been approved.
- The removal of trees had now been suspended until September.
- There is no reference in the report to the previous planning officer's concerns.
- Access to the proposed properties would only be available by crossing the driveway of 17a Meadowside Close.
- It was unclear as to why the development did not meet the threshold for affordable housing.
- More trees were needed to absorb traffic emissions, not less.
- The proposal was over-dominant.
- The proposal would result in residents competing for parking spaces.
- Residents of Meadowside Close were living on a building site.

The applicant was not present.

The Service Manager - Development Planning and Building Consultancy advised the Committee that there was an agreement between the applicant and the occupier of 17a Meadowside Close regarding access to the proposed properties. The Council had previously refused planning permission; however, the Planning Inspectorate had overturned the decision on appeal and this was a material planning consideration. The proposal before the Committee was for three properties and the previous application had been for four properties.

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The Committee was minded to grant planning permission, subject to the conditions now recommended by the Director – Regeneration and Growth.

**Resolved** that planning application DC/18/62304 (Proposed private access way off Meadowside Close and the construction of 3 No. dwellings, parking spaces and associated facilities. Land to rear of 62 and 64 Newton Road, Great Barr, Birmingham.) be approved, subject to the conditions now recommended by the Director – Regeneration and Growth.

43/19

**Planning Application (DC/19/62629 Proposed single storey rear extension and canopy, (revised application - DC/18/61841). Reliable Springs and Manufacturing Company, 4A Nicholls Road, Tipton.)**

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

- 10 objections had been received.
- When he had bought his property, he had been advised by the developer that the land could not be built on.
- Existing trees provided a barrier against noise and pollution.
- The proposal would mean that large vehicles would be closer to his property and he was concerned for the safety of his children in their garden.
- There was anti-social behaviour in the area already and removal of the tree barrier would increase this.
- His property would lose value.

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

- The company had been trading in the Black Country for 130 years.
- The company employed people from the local area and also took on apprentices.
- The proposed extension would allow for better working conditions for employees.
- There had been supply chain issues in recent years and the proposed extension would allow for stock of part in bigger



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quantities, therefore deliveries would only take place every 2-3 months.

- Refusal of the proposal would impact on the viability of the company.
- No existing gateways would be removed.
- There would be no change to operations.

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

- The applicant was prepared to build a bund as part of the landscaping works, to address the objector's concerns about the proximity of vehicles to his property.
- There was only one fork-lift truck operating on the site.

The Service Manager - Development Planning and Building Consultancy advised the Committee that the conditions recommended by the Director – Regeneration and Planning would deal with the landscaping details.

The Committee was minded to grant planning permission subject to the conditions recommended by the Director – Regeneration and Planning.

**Resolved** that planning application DC/19/62629 (Proposed single storey rear extension and canopy, (revised application - DC/18/61841). Reliable Springs and Manufacturing Company, 4A Nicholls Road, Tipton.) be approved, subject to the conditions recommended by the Director – Regeneration and Planning.

44/19

**Planning Application DC/19/62733 (Proposed change of use to residential, demolition of existing structure to rear of property and alterations to existing property and extensions to rear to include 7 No. 1 bed properties and 7 No. 2 bed properties. Tipton Conservative and Unionist Club, 64 Union Street, Tipton)**

The Service Manager - Development Planning and Building Consultancy reported that the Service Manager – Regulatory Services had no objection to the proposal. He also clarified that the proposed 14 flats would be made up of 3 basement flats, 6 ground

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floor flats and 5 first floor flats.

An objector was present and noted that her objections had been addressed within the report. She summarised that her objections centred on the rooftop garden and the adequacy of the privacy screening.

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

- There were no highways concerns.
- The development would be closer to Waterloo Street than the original club.
- The property had been empty for around five years.
- The site was of historical interest so he was working with the Tipton Civic Society and the Council's conservation team on design standards.
- He was open to discussion on the screening to be used.

The Service Manager - Development Planning and Building Consultancy advised that the proposed condition (xi) would address the matter of the screening and that the detail of the screening would be discussed with officers and the applicant. He assured the objector that the condition meant that if the screen was damaged it would have to be repaired or replaced.

The Committee was minded to grant planning permission, subject to the conditions now recommended by the Director – Regeneration and Growth.

**Resolved** that planning application DC/19/62733 (Proposed change of use to residential, demolition of existing structure to rear of property and alterations to existing property and extensions to rear to include 7 No. 1 bed properties and 7 No. 2 bed properties. Tipton Conservative and Unionist Club, 64 Union Street, Tipton) be approved, subject to the conditions now recommended by the Director – Regeneration and Growth.

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45/19

**DC/19/62810 Change of use including engineering works to form extended garden area. Land to rear of 10 Mottram Close, West Bromwich.)**

Councillor Taylor reported that she had been lobbied by objectors.

Councillor Sandars advised that he knew the applicant as they were both on a school governing body together. He stated that he had not seen him for around two years and did not know where he lived. However, he would abstain from voting on the application.

The Committee noted the written objections of the occupier of 183 Oak Road, who was present but did not wish to speak. Another objector present addressed the Committee with the following points:-

- Car sales were continuing and cars were parked at the rear of 10 Mottram Close and adjacent to 70 Gads Lane.
- It was likely that the applicant would tarmac the garden to accommodate the continued car sales business rather than use it as a garden.
- Work had already begun on the site.
- Rubbish on the site had been burned and tyres had been buried under soil.
- His fence posts would rot due to a change in levels.

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

- Issues raised by the objectors had been addressed by officers.
- The site was attracting anti-social behaviour and the change of use to a garden would address this.
- He was addressing the issues around the sale of cars with his tenant.
- The ground levels would not change so there would be no impact on the objector's boundary fence.

The Committee was minded to grant planning permission, subject to the conditions recommended by the Director – Regeneration and Growth.

**Resolved** that planning application DC/19/62810 (Change of use including engineering works to form extended garden

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area. Land to rear of 10 Mottram Close, West Bromwich) be approved, subject to the conditions now recommended by the Director – Regeneration and Growth.

### 46/19 **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.

### 47/19 **Thanks**

The Committee thanked those members that would not be standing in the forthcoming election for their attendance and contribution to the Committee.

(The meeting ended at 7.26 pm)

Contact Officer Stephnie Hancock Democratic Services Unit 0121 569 3189
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