

## **Minutes of the Planning Committee**

**14 August 2019 at 5.00 pm**  
**at the Sandwell Council House, Oldbury**

**Present:** Councillor Downing (Chair);  
Councillor Hevican (Vice-Chair);  
Councillors Allen, Chidley, Dhallu, Mabena,  
Rouf, and Simms.

**Apologies:** Councillors Ahmed, S Davies, G Gill, P M  
Hughes, M Hussain, Millar, Shackleton and  
Trow.

71/19 **Minutes**

**Resolved** that the minutes of the meeting held on 3 July 2019 be approved as a correct record.

72/19 **DC/19/62696 (Proposed 5 No. 3 bed houses and 4 No. 2 bed flats with associated access, landscaping and infrastructure. Land to the rear of Vicarage Road/Ebrington Road/Arlington Road, West Bromwich)**

Councillors Allen, Mabena and Simms indicated that they had been lobbied on the site visit, which had taken place earlier that day, by objectors.

Objectors were present with the ward member, Councillor Preece, who addressed the Committee on the behalf of the objectors with the following points:-

- the site was small with narrow access roads;
- how would construction vehicles navigate the narrow access roads?;
- it was considered that emergency vehicles would find it difficult

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- to navigate the narrow access roads;
- the proposed number of properties was considered unreasonable and could compromise the quality of the homes, which appeared to be packed into a small space;
- there would be loss of privacy for existing homes;
- any level of property would encroach on neighbouring properties due to over development of the site;
- the proposal would exacerbate existing parking and congestion issues;
- it was requested that the application be refused or deferred in order that the applicants and residents could discuss further.

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

- a principle for outlined planning permission for 9 properties on the site had already been established;
- it was proposed to open up a third access point to the site which was wide enough for two vehicles to pass part of the way;
- West Midlands Fire Service had raised no objections, subject to installation of sprinkler systems;
- the site complied with planning policy and was environmentally and socially accepted;
- there had been no objections raised by West Midlands Ambulance Service or the Service Manager - Highways.

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

- there had been cause for concern around access in previous applications, however, the proposed third access was wider and allowed some two-way movement;
- the agent had been in consultation with SERCO in respect of a shared bins compound and residents would contribute to a management company;
- parking provision had been assessed and was adequate for the development;
- the proposals were in accordance with the Council's adopted residential design guide in terms of living standards, spatial separation, amenity space and parking standards;
- obscure glazed windows could be conditional for the elevations that overlooked the existing residential properties;

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- additional landscaping would also assist with privacy;
- the agent had agreed to avoid school opening times when arranging deliveries of materials to site, and large transporters would transfer construction material to smaller vehicles to deliver onto the site.

A motion to approve the application was moved, subject to the conditions recommended by the Director- Regeneration and Growth plus a supplementary condition in respect of obscure glazing on the elevations windows that overlooked the existing residential properties.

The motion was seconded, voted upon and lost.

The Service Manager - Development Planning and Building Consultancy advised the Committee that the application had previously been refused, however the decision had been overturned on appeal by the Planning Inspectorate and costs had been awarded to the applicant.

Members were of the view that the proposal was over development, being too intensive for the site due to the number of units and were minded to refuse planning permission.

**Resolved** that planning application DC/19/62696 (Proposed 5 No. 3 bed houses and 4 No. 2 bed flats with associated landscaping and infrastructure. Land to the Rear Vicarage Road/Ebrington Road/Arlington Road, West Bromwich) be refused on the grounds that the development is over intensive.

73/19

### **DC/19/62842 (Proposed change of use to 8 bed, 8 person HMO (house in multiple occupation) 12 Gibson Drive, Smethwick)**

Councillors Chidley, Rouf and Simms indicated that they had been lobbied on the site visit, which had taken place earlier that day, by the objectors.

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

- a 28-signature petition had been forwarded to the Council objecting to the proposal;
- the proposal would intensify existing parking and congestion

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issues;

- the area was already used as a rat run and residents were concerned that the proposed parking layout would intensify this further increasing the concern of public safety.
- there was a perceived increase in crime and disorder and police had voiced concerns;
- since other HMOs had been created in the area burglaries and antisocial behaviour had increased;
- an increase in number, or a larger bin for the property would be unsightly and poor management of rubbish could increase frequency of collections generating noise and disturbance;
- residents referred to Birmingham City and Wolverhampton City Council's HMO policies.
- there was a need for family accommodation rather than singles accommodation.

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

- the housing department had agreed that room sizes were adequate and a whole floor had been allocated as communal space;
- the development was providing affordable high-quality accommodation and there would be good property management;
- prospective tenants would be vetted to ensure that they were suitable and in full time employment;
- plans had been amended to provide more parking space;
- there would be cycle racks provided, as it was expected that most of the tenants would not have a motor vehicle and would be commuting to work;
- the development was aiming to be a quality shared accommodation in keeping with the local area.

The Service Manager – Development Planning and Building Consultancy advised the Committee that, in addition to the objections received from local residents, a letter of objection had been received from the Right Honourable John Spellar MP and Councillor Bawa Singh.

The Operations Manager – Regulatory Services advised that a HMO licence was required for more than five occupants. The house must be suitable for the number of occupants, the manager of the house must be considered fit and proper, install and maintain smoke

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alarms and provide safety certificates. Any breaches of the conditions would result in enforcement action.

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

- there was higher provision for parking than was normally afforded to this type of property, there were no yellow lines or any residents parking schemes on the road;
- the grassed area provided access to neighbouring houses and could not be altered.

The Committee was minded to refuse planning permission, as it was considered that there was lack of parking and it could lead to an increase in crime and disorder and antisocial behaviour.

**Resolved** that planning application DC/19/62842 (Proposed change of use to 8 bed, 8 person HMO (house in multiple occupation) 12 Gibson Drive, Smethwick) be refused on the grounds of insufficient parking and a fear of crime and disorder.

74/19

### **DC/19/62958 (Proposed dwelling, 59 Compton Road, Cradley Heath)**

The Development Planning Manager reported that the application was at an early stage and recommended that the Committee visit the site.

**Resolved** that consideration of planning application DC/19/62958 (Proposed dwelling, 59 Compton Road, Cradley Heath, B64 5BB) be deferred, pending a site visit by the Committee and ward representatives.

(Councillor Rouf left the meeting.)

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75/19

### **DC/19/62968 (Proposed two storey side extension, ground and first floor rear extensions and porch and canopy to front 19 and 21 Cherry Tree Avenue, Walsall)**

The Service Manager – Development Planning and Building Consultancy advised the Committee that the description of works had been omitted on the report and that the application was for a two-storey side extension, ground and first floor rear extension and porch and canopy to the front of a pair of terraced properties 19 and 21 Cherry Tree Avenue, Walsall.

Four objections had been received, no objectors were present, however the Committee noted their concerns as follows:-

- loss of light to property;
- possible loss of outlook;
- insufficient off-road parking provision;
- the extended property may be changed in future to an educational facility/Madrassa.

The applicant was present informed the Committee that the properties were to be combined into a large single-family dwelling and the extensions would create additional living space for the extended family.

The Service Manager – Development Planning and Building consultancy informed the Committee that there would be no loss of light or outlook. The parking requirement for a seven-bedroom property was four spaces and it was noted that there were already four off road parking spaces and the applicant could also provide additional parking spaces at the front of number 19. There was no evidence to suggest that the properties would be used for anything other than residential purposes.

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

**Resolved** that planning application DC/19/62968 (Proposed two storey side extension, ground and first floor rear extensions and porch and canopy to front 19 and 21 Cherry Tree Avenue, Walsall) be approved subject to the following conditions:-

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- 1) the approval of external materials and implementation thereafter;
- 2) retention of existing off-road parking.

### 76/19 **DC/19/63114 (Proposed single storey rear/side extension, 13 Greenwood Avenue, Oldbury)**

The Service Manager – Development Planning and Building consultancy advised that the application had been brought to Committee as the applicant was an employee of Sandwell MBC.

The application had been published and there had been no objections received.

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

**Resolved** that planning application DC/19/63114 (Proposed single storey rear/side extension, 13 Greenwood Avenue, Oldbury) be approved subject to the external materials matching with the existing property.

### 77/19 **Applications Determined Under Delegated Powers by the Director – Regeneration and Growth**

The Committee noted a report detailing planning applications determined by the Director - Regeneration and Growth under delegated powers.

### 78/19 **Decisions of the Planning Inspectorate**

The Committee noted that the Planning Inspectorate had made decisions appeals as set out below:-

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### Appeal under section 78 of the Town and Country Planning Act 1990:

<b>Application</b>	<b>Decision</b>
DC/18/61760 Scott Arms Shopping Centre Walsall Road, Great Barr, Birmingham	Dismissed and costs refused
DC18/62117 The Sportsman, St Marks Road, Tipton	Allowed with conditions and costs refused
DC/18/62464 29 Seymour Road, Tipton	Dismissed

(The meeting ended at 6.25pm,  
following an adjournment between 5.47 and 5.51pm.)

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