

## **Minutes of the Planning Committee**

**4<sup>th</sup> December 2019 at 5.00 pm**  
**at the Sandwell Council House, Oldbury**

**Present:** Councillor Downing (Chair);  
Councillors Ahmed, Allen, Chidley, S Davies,  
Dhallu, M Hussain, Mabena, Millar, Rouf and  
Simms.

**Apologies:** Councillors Hevican (Vice-Chair), P M Hughes  
and Trow.

101/19 **Minutes**

**Resolved** that the minutes of the meeting held on 6  
November 2019 be approved as a correct record.

102/19 **Applications Deferred Pending a Site Visit by Members of the  
Committee and Ward Representatives**

**Resolved** that consideration of planning application  
DC/19/63633 (Proposed 4 No. additional fourth floor  
flats to 5 No. existing blocks with a new pitched roof, two  
main entrance extensions and lift, new car parking area  
and accessible pathways. Proposed new pitched roof,  
new shop fronts, roller shutters, front canopies and re-  
cladding of existing Lion Farm shops and flats. Coniston,  
Derwent, Rydal, Ullswater & Windermere Houses,  
Badsey Road & Lion Farm Shops and Flats, Hartlebury  
Road, Oldbury.) be deferred, pending a site visit by the  
Committee and ward representatives.

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### 103/19 **Planning Application DC/19/63392 - Proposed 20 No. dwellings. Former Resource Centre, Lowry Close, Smethwick.**

The Director -Regeneration and Economy recommended that consideration of the application be deferred, pending the receipt of additional information from the applicant on the design of the proposed dwellings.

**Resolved** that consideration of planning application DC/19/63392 (Proposed 20 No. dwellings. Former Resource Centre, Lowry Close, Smethwick) be deferred, pending the receipt of additional information from the applicant on the design of the proposed dwellings.

### 104/19 **Planning Application DC/19/63297 - Proposed development to provide 2 No. units comprising of Industrial process (Class B1c), General Industrial (Class B2), Storage or Distribution (Class B8) with ancillary offices, car parking, landscaping, service yard areas, and associated external works. Land adjacent Asda, Wolverhampton Road, Oldbury.**

The Service Manager – Development Planning and Building Consultancy reported that Highways England had confirmed that it had no objections to the proposal. It was also reported that the applicant had requested that consideration of the application be deferred.

Three objectors were present and addressed the Committee with the following points:-

- The proposed footpath/cycling link would create a place for potential anti-social behaviour.
- Frequent use of the proposed footpath link would lead to damage to property.
- There would be disruption to residents of Titford Road during the development.
- An area of natural ecology would be lost.
- The proposal would make existing traffic problems on Titford Road worse.
- Junction 2 of the M5 motorway was already congested and the proposal would make this worse.
- There were proposals for other developments in the local area

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that would also impact on traffic congestion.

- Pollution would be made worse by the additional traffic generated.
- Over 22,000 people had signed a petition objecting to the proposal.

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

- The proposal would provide modern employment units to meet demand in the area.
- The land was allocated for employment use in the Council's Development Plan.
- The site would provide easy access to the M5 motorway.
- A range of surveys had been undertaken (noise, flood risk, ecology), which concluded that the site was appropriate for the proposed use.
- The proposal had been amended and reduced in size following advice from planning officers and any further changes would not meet the applicant's business needs .
- The layout of the proposed development had been informed by market leads for modern employment units.
- The impact of the proposed B2 use had been assessed and accepted by Highways England. Also, the traffic island at junction 2 of the M5 would be most affected by the proposal, however Highways England had not objected. Traffic impact was therefore not an appropriate reason for refusing permission.
- If permission was granted a condition could be included to limit the use to B8. A Section 106 Agreement or appropriate boundary treatment could also be required by condition.
- The proposed footpath link would only be for use by employees and would not provide access to the adjacent Asda store.
- The proposal represented an efficient use of an allocated employment site to meet market demand.

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

- Due to the speculative nature of the development and the lack of detailed information on the proposed use, highways officers had based their views on a worst-case scenario.
- The link between Birchley Island and the traffic island at

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Junction two of the M5 was critical to the operation of the road network. Because the link road between the two was short, queues built up quickly, which then had an impact on the surrounding roads.

- The highways assessment had estimated a need for 209 parking spaces and there was only provision for 160 in the application, leaving a shortfall of 49 spaces.
- The Transport Assessment submitted by the applicant was not adequate because the end use of the site had not been specified and did not provide for any upgrades to the Birchley roundabout to accommodate the worst case scenario.

Based on the information and representation to the Committee, members were minded to refuse planning permission, for the reasons outlined by the Director – Regeneration and Growth.

**Resolved** that planning application DC/19/63297 (Proposed development to provide 2 No. units comprising of Industrial process (Class B1c), General Industrial (Class B2), Storage or Distribution (Class B8) with ancillary offices, car parking, landscaping, service yard areas, and associated external works. Land adjacent Asda, Wolverhampton Road, Oldbury.) be refused on the grounds set out by the Director – Regeneration and Growth.

105/19

### **Planning Application DC/19/63417 – Retention of Pergola at rear. Wood Green Nursing Home, 27 Wood Green Road, Wednesbury**

Councillors Chidley, Downing, S Davies, M Hussain, Millar, Rouf and Simms indicated that they had been lobbied on the site visit by both applicant and objector.

The Service Manager – Development Planning and Building Consultancy circulated photograph to the Committee, which had been submitted by objectors.

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

- The planning officer's report did not accurately represent the facts.

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- The pergola was currently used as a smoking shelter – how would the proposed condition preventing this use be enforced?
- The applicant had previously disregarded conditions in relation to other planning approvals.
- The pergola was used as an area for residents to congregate, creating noise.
- The pergola was not essential as there was already a patio and conservatory.
- Land levels had been increased to build the pergola, which had caused damage to the neighbour's fence.
- All trees along the boundary needed to be removed to replace the fence and there would be a significant cost to the neighbour as well as a loss of privacy.
- Landscaping has been neglected.
- There was rubble and bricks piled up next to the neighbour's fence.
- Building work was still going on.

The applicant was not present.

In response to a question from the Committee the Service Manager – Development Planning and Building Consultancy advised that the allegations of criminal damage that the objector was making against the applicant was a matter for the Police. The planning officer's report was not intended to outline the entire history of the site but to focus on the application before the Committee. The applicant had stated that the pergola was for use as a sun shelter and any changes to its structure or use would have to be re-assessed to establish whether planning permission was required.

Based on the information and representation to the Committee, members were minded to approve the application, subject to recommendations put forward by the Director – Regeneration and Growth.

**Resolved** that Planning Application DC/19/63417 (Retention of Pergola at rear. Wood Green Nursing Home, 27 Wood Green Road, Wednesbury) be approved, subject to:-

- (1) the pergola not being used as a smoking shelter;
- (2) the planting of a conifer tree along the boundary.

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106/19

### **Planning Application DC/19/63465 – Proposed two storey side/rear extension to form staff living accommodation. 1 Ray Hall Lane, Great Barr, Birmingham**

The Service Manager – Development Planning and Building Consultancy reported that Councillor Preece had now withdrawn his objection to the application.

There was no objector present.

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

- They worked from home.
- The extension was to provide more living space for their family and was not for staff accommodation.
- There was only one other property in Ray Hall Lane that did not have an extension and many of those that did had much larger extensions than the one proposed.
- Parking concerns had been discussed with neighbours and they had no objections.

Members noted that all houses in Ray Hall Lane were different in character and therefore the proposal could not be out of keeping with the street scene. 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/19/63465 (Proposed two storey side/rear extension to form staff living accommodation. 1 Ray Hall Lane, Great Barr, Birmingham) be approved, subject to:-

- (1) the approval of external materials;
- (2) the building being used as ancillary accommodation to the main dwelling and not as a separate dwelling;
- (3) construction hours limitations.

107/19

### **Planning Application DC/19/63520 - Proposed garage in rear garden. 77 Hill Top, West Bromwich**

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

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

**Resolved** that Planning Application DC/19/63520 (Proposed garage in rear garden. 77 Hill Top, West Bromwich) be approved, subject to:-

- (1) approval of external materials;
- (2) the building being used for vehicle parking and storage

108/19      **Planning Application DC/19/63521 - Proposed part change of use from a garage to a barbers shop. 92 St Pauls Road, Smethwick**

Councillors Chidley, Downing, S Davies, M Hussain, Millar, Rouf and Simms indicated that they had been lobbied on the site visit by both applicant and objector.

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

- The Committee had previously rejected a planning application for a barbers shop and this was the same.
- The proposal would cause traffic congestion.
- The proposal would encourage youths to gather and create anti-social behaviour.
- Approval would set a precedent for the street.

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

- The application was different to the previous one and a booking system would be in place for customers now.
- The barbers would operate between 9am and 5pm.
- There would only be one or two customers waiting at a time.
- Three or four parking spaces would be provided for staff.
- The shop would be closed on Sundays during church services and the exit from the church was on the opposite side, on St Paul's Road.

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The Service Manager – Development Planning and Building Consultancy advised the Committee that Sandwell's Development Plan policy stated that retail uses should be directed to vacant town centre premises.

The Service Manager – Highways highlighted that the existing 11 bedroom house in multiple occupation required at least five parking spaces so the proposal for an additional three off road spaces would only meet the requirements for the existing use and not the barber's shop as well. As such, the applicant was recommended for refusal.

Members were minded to grant a temporary permission in order to assess the traffic impact. The Service Manager – Development Planning and Building Consultancy advised that a two-year temporary permission would be a compromise to be fair to local residents and also taking into account the applicant's investment. He advised that the additional two parking spaces proposed by the applicant at the side of the garage would need to be available before the shop opened and the kerb would also need to be dropped. The Committee was minded to delegate the consideration of appropriate conditions to the Service Manager – Development Planning and Building Consultancy, in consultation with the Chair.

**Resolved** that planning application DC/19/63521 (Proposed part change of use from a garage to a barbers shop. 92 St Pauls Road, Smethwick) be approved for two years, subject to conditions to be determined by the Director – Regeneration and Growth, in consultation with the Chair.

109/19

### **Planning Application DC/19/63546 – Proposed 2 no. 4 bed and 4 no. 3 bed properties with associated car parking. Land adjacent 8a Castle Road West, Oldbury**

The Service Manager – Development Planning and Building Consultancy reported to the Committee that the Police had no objections to the proposal, however, representations around boundary treatment and external lighting had been covered in the conditions recommended.

An objector was present but did not wish to address the Committee.

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

- The Council supported development of the site and pre-application discussions had taken place.
- All properties would be to a high specification.
- The development would provide a mix of properties from starter homes to large family homes.
- Separation distances exceeded the Council's requirements and the proposal was in accordance with the residential design guides.
- There would not be an increase in noise.
- There were no objections from highways.
- Electric vehicle charging points would be installed.

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

**Resolved** that planning application DC/19/63546 (Proposed 2 no. 4 bed and 4 no. 3 bed properties with associated car parking. Land adjacent 8a Castle Road West, Oldbury) be approved, subject to the conditions now recommended by the Director – Regeneration and Growth.

### 110/19 **Planning Application DC/19/635414 – Proposed first floor side extension. 26 Heather Road, Smethwick**

There was no objector or applicant present.

The Committee was minded to approve the application, subject to the conditions now recommended by the Director – Regeneration and Growth.

**Resolved** that planning application DC/19/635414 (Proposed first floor side extension. 26 Heather Road, Smethwick) be approved, subject to the conditions now recommended by the Director – Regeneration and Growth.

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### 111/19 Decisions of the Planning Inspectorate

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

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

| <b>Application Ref No.</b> | <b>Site Address</b>                                       | <b>Inspectorate Decision</b> |
|----------------------------|---|------------------------------|
| DC/19/62966                | Rear of 30 Horseley Heath<br>Tipton<br>DY4 7PA            | Dismissed                    |
| DC/19/6633A                | Primesight<br>Advert Hoardings<br>043101 to 6 and<br>Pole | Dismissed                    |

(The meeting ended at 6.28 pm)

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