

Minutes of the Planning Committee

12 February 2020 at 5.00 pm
at the Sandwell Council House, Oldbury

Present: Councillor Downing (Chair);
Councillor Hevican (Vice-Chair);
Councillors Ahmed, Allen, S Davies, Dhallu,
G Gill, M Hussain, I Jones, Millar, Rouf,
Simms and Trow.

Apologies: Councillors Chidley and P M Hughes.

8/20 **Declaration of Interests**

Councillor Hevican declared a personal interest in planning application DC/19/63440 (Proposed changed of use to part of ground floor and single storey rear extension to create a self-contained flat on the ground floor with HMO on first floor and second floors, together with associated parking. 10-12 Park Hill, Wednesbury) in that she was a resident of Wednesbury and lived near the application site.

9/20 **Minutes**

Resolved that the minutes of the meeting held on 15 January 2020 be approved as a correct record.

10/20 **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/19/63440 (Proposed changed of use to part of ground floor and single storey rear extension to create a self-contained flat on the ground floor with HMO on first floor and

[ILO: UNCLASSIFIED]

Planning Committee – 12 February 2020

second floors, together with associated parking. 10-12 Park Hill, Wednesbury);
DC/18/62409 (Proposed development of 14 dwellings. Brook Road Open Space, Oldbury).

11/20 **DC/19/63522 (Proposed 4 No. retail units at ground floor and 8 No. apartments above with associated parking. Land Adjacent 63 Leabrook Road, Wednesbury)**

The Service Manager – Development Planning and Building Consultancy reported that the applicant had withdrawn the planning application.

12/20 **DC/19/63542 (Retention of 2 No. freezer store units on rear car park. Unit A Kings Hill Business Park, Darlaston Road, Wednesbury)**

Councillors Downing, Hevican, Ahmed, Allen, S Davies, Dhallu, M Hussain, Millar, Rouf and Simms indicated that they had been lobbied on the site visit, that had taken place earlier that day, by the applicant and objectors.

The Service Manager – Development Planning and Building Consultancy informed the Committee that there had been no objections from Environmental Health and the recommendation had been amended to ensure that noise mitigation measures to be put in place were suitably effective.

An objector was present with their ward members, Councillors Costigan, L Giles and P Hughes, and they all addressed the Committee with the following points:-

- A petition with ten signatures had been submitted from neighbours.
- Since July 2017 the noise had been constant during the day and night.
- An independent noise survey carried out in October 2019 had concluded that the noise levels would have an adverse impact on residents.
- Vehicle movements on the site did not stop at 11pm as stated by the applicant.
- The freezer units could be re-positioned further from the

Planning Committee – 12 February 2020

boundary line.

The Director – Public Health confirmed that the independent noise survey had concluded that mitigation was required.

The applicant reported that, whilst there was an off-the-shelf solution that could be implemented to reduce noise levels by around 13decibels, they were exploring the option of a bespoke solution which would reduce noise levels even further. He also indicated that they were happy to plant a border of trees on the site to further mitigate noise. The Service Manager – Development Planning and Building Consultancy advised that he was happy with the principle of these proposals, but further detail was required, hence the additional condition recommended.

The Committee was minded to grant planning permission, subject to the amended conditions recommended by the Director – Regeneration and Growth and an additional condition requiring the planting of appropriate trees along the boundary.

Resolved that planning application DC/19/63542 (Retention of 2 No. freezer store units on rear car park. Unit A Kings Hill Business Park, Darlaston Road, Wednesbury) be approved, subject to:-

- (a) the submission of a detailed drawing and specification which demonstrates that the mitigation measures are sufficient to render the noise from the freezer store units in the rear yard of the premises inaudible over background noise levels at the nearest sensitive receptor, within one month from the date that the planning permission is issued;
- (b) the mitigation measures, once agreed with the local authority, being fully implemented within one month and retained as such;
- (c) the planting of appropriate trees along the boundary to further mitigate noise.

Planning Committee – 12 February 2020

13/20

DC/19/63722 (Retention of two storey side/rear extension; roof enlargements with rear facing gable and dormer window; and single storey front and rear extensions. 188 Farm Road, Oldbury)

Councillors Downing, Hevican, Ahmed, Allen, S Davies, Dhallu, M Hussain, Millar, Rouf and Simms indicated that they had been lobbied on the site visit, that had taken place earlier that day, by the applicant and objectors.

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

- The building work had been going on for two years and caused a lot of noise.
- The building was on the edge of the pavement which impacted on pedestrian safety.
- Tiles were falling off the roof in high winds and putting people in danger.
- The extension was not being built in accordance with the planning permission granted.
- The extension was out of keeping with neighbouring properties.
- The property had been over-developed and was now three storeys.

A photograph was circulated to the Committee from an objector which showed the extension.

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

- The property was on a corner plot and there were many different roof designs along to street scene.
- The design had been agreed with a planning officers and enforcement officers.
- The planning permission was for a 4.6m extension up to the pavement boundary.
- The previous two applications had been publicised and no objections had been received.
- Highways had also been consulted on the plans and had raised no objections.
- The extension was set back 400mm from the boundary.

Planning Committee – 12 February 2020

- Three off street car parking spaces had been created and there were five spaces in total.
- The photographed circulated to members was from November 2018 and did not reflect the current state of the building.
- The extension did not overhang public land and once the works were complete the fencing would improve the appearance.
- He had received contradictory advice from the local authority.
- The 300mm increase in the first-floor extension had not caused a material change and he had worked with the planning team on this.
- Works had stopped when enforcement action commenced, and the roof was not put back on until enforcement officers had agreed the works. It was only at this point that he was advised to submit a retrospective planning application.

The Service Manager – Development Planning and Building Consultancy informed the Committee that the parking provision was satisfactory and the confirmed that extension was in fact narrower than detailed in the existing planning permission. However, other areas of the build were substantially different to the approved plans.

The Committee noted that the enforcement notice issued in February 2019 was still in place.

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

Resolved that planning application DC/19/63722 (Retention of two storey side/rear extension; roof enlargements with rear facing gable and dormer window; and single storey front and rear extensions. 188 Farm Road, Oldbury) be refused on the grounds that the extension presents over-development of the plot due to its extended footprint, the dormer and roof design are out of keeping with the local area and result in a negative impact on the visual amenity of the area, contrary to the National Planning Policy Framework, the Black Country Core Strategy policy ENV3 (Design Quality), the Council's Site Allocations and Delivery Development Plan Document policy ESO9 (Urban Design Principles) and the Council's Supplementary Planning Document (Revised Residential Design Guide).

Planning Committee – 12 February 2020

(Councillor I Jones joined the meeting during consideration of this application and therefore took no part in the debate and did not vote.)

14/20

DC/19/63682 (Proposed demolition of 3 existing bungalows on Albion Road and replace with 2 No. bungalows, and proposed 2 No. 4 Bed houses and 1 No. 2 bed bungalow on land adjacent to 154 Bull lane. 4-6 Albion Road and Land Adjacent to 154 Bull Lane, West Bromwich)

There were no objectors present and the applicant did not wish to address the Committee.

The Service Manager – Development Planning and Building Consultancy advised the Committee that the transportation policy and highways teams had raised no objections to the application.

The Committee welcomed the use of vacant land and was minded to approve the application, subject to the conditions recommended by the Director – Regeneration and Growth.

Resolved that planning application DC/19/63682 (Proposed demolition of 3 existing bungalows on Albion Road and replace with 2 No. bungalows, and proposed 2 No. 4 Bed houses and 1 No. 2 bed bungalow on land adjacent to 154 Bull lane. 4-6 Albion Road and Land Adjacent to 154 Bull Lane, West Bromwich) be approved subject to the conditions recommended by the Director – Regeneration and Growth.

15/20

DC/19/63723 (Proposed 10 No. bungalows, 20 No. 2 Bedrooms flats and 1 No. commercial shop. Vacant Land Off Friardale Close/School Road/Carrington Road, Wednesbury)

There were no objectors present and the applicant did not wish to address the Committee.

The Service Manager – Development Planning and Building Consultancy reported that the statutory consultation period was open until 13 February 2020 and therefore the Committee was unable to determine the application today.

Planning Committee – 12 February 2020

In response to members' questions the Committee as informed that there would be a retail unit as part of the development, which met with residents' views as detailed in the community consultation that had taken place in 2017.

The Committee was minded to delegate determination of the application to the Director – Regeneration and Growth, in consultation with the Chair and Vice-Chair.

Resolved that the determination of planning application C/19/63723 (Proposed 10 No. bungalows, 20 No. 2 Bedrooms flats and 1 No. commercial shop. Vacant Land Off Friardale Close/School Road/Carrington Road, Wednesbury) be delegated to the Director – Regeneration and Growth, in consultation with the Chair and Vice-Chair, upon the close of the statutory consultation period on 13 February 2020.

16/20 **DC/19/63820 (Proposed double storey side extension, single storey front and rear extensions. 69 Europa Avenue, West Bromwich)**

There were no objectors present and the applicant did not wish to address the Committee.

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

Resolved that Planning Application DC/19/63820 (Proposed double storey side extension, single storey front and rear extensions. 69 Europa Avenue, West Bromwich) be approved subject to the conditions recommended by the Director – Regeneration and Growth.

17/20 **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.

Planning Committee – 12 February 2020

18/20 **Decisions of the Planning Inspectorate**

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

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

Application/Ref	Decision
APP/G4620/C/19/3234507 Land at Unit 5 (Oldbury Carpet Centre) Former ERI Building, Oldbury	Dismissed

19/20 **Christine Phillips**

The Committee noted that Planning Officer Christine Phillips was retiring from the Council after 31 years service.

Christine was a highly-respected and knowledgeable member of the planning team and during her time at Sandwell had dealt with a number of high profile planning applications.

Members wished Christine a long and happy retirement.

(The meeting ended at 6.10pm)

*Contact Officer: Chantelle Simms
Democratic Services Unit
0121 569 3736*