

Minutes of the Planning Committee

11 March 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.

20/20 **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) (See Minute No. 24/20 below) in that she was a resident of Wednesbury and lived near the application site.

21/20 **Minutes**

Resolved that the minutes of the meeting held on 12 February 2020 be approved as a correct record.

22/20 **Site Visits**

The Director-Regeneration and Growth recommended that site visits be carried out in respect of the following planning applications to allow members to view the site in the context of the area:-

- DC/19/63045 (Proposed erection of a multi-storey car park (sui generis) and a mixed-use building of between 6 and 9 storeys to include 201 dwellings (Use Class C3) and

Planning Committee – 11 March 2020

commercial floorspace (flexible within Use Classes A1 (shops), A2 (financial and professional), A3 (restaurants), A4 (drinking establishments), A5 (hot food takeaways), D2 (assembly and leisure) or mix thereof), office (Use Class B1) plus associated amenity space and demolition of existing buildings. PJ House, London Street, Smethwick.);

- DC/19/63409 (Retention of proposed loft extension with dormer windows to front and rear to create 1 No retail unit, and 13 No bed HMO with external alterations and side wall with railings. Royal Oak Inn, 1 Causeway Green Road, Oldbury.);
- DC/19/63753 (Proposed demolition of hospital accommodation block, erection of a multi-storey car park, reconfiguration of surface parking spaces and associated access alterations, drainage, landscaping, infrastructure and associated works. Sandwell and West Birmingham NHS Trust, Sandwell General. Hospital, Lyndon.)

The Committee was also minded to carry out a site visit in relation to planning application no. DC/19/63818 (Retention of single storey rear extension and new staff and visitor parking area. 121 Witton Lane, West Bromwich.) in light of the history of the site detailed in the planning officer's report.

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

- (1) DC/19/63045 (Proposed erection of a multi-storey car park (sui generis) and a mixed-use building of between 6 and 9 storeys to include 201 dwellings (Use Class C3) and commercial floorspace (flexible within Use Classes A1 (shops), A2 (financial and professional), A3 (restaurants), A4 (drinking establishments), A5 (hot food takeaways), D2 (assembly and leisure) or mix thereof), office (Use Class B1) plus associated amenity space and demolition of existing buildings. PJ House, London Street, Smethwick.);
- (2) DC/19/63409 (Retention of proposed loft extension with dormer windows to front and rear to create 1 No retail unit, and 13 No bed HMO with external alterations and

Planning Committee – 11 March 2020

side wall with railings. Royal Oak Inn, 1 Causeway Green Road, Oldbury.);

- (3) DC/19/63753 (Proposed demolition of hospital accommodation block, erection of a multi-storey car park, reconfiguration of surface parking spaces and associated access alterations, drainage, landscaping, infrastructure and associated works. Sandwell and West Birmingham NHS Trust, Sandwell General. Hospital, Lyndon.)
- (4) DC/19/63818 (Retention of single storey rear extension and new staff and visitor parking area. 121 Witton Lane, West Bromwich.)

23/20

DC/18/62409 (Proposed development of 14 dwellings. Brook Road Open Space, Wolverhampton Road, Oldbury)

Councillors Downing, Hevican, Ahmed, Allen, S Davies, G Gill, Mabena, Millar, Rouf and Simms indicated that they had been lobbied by the applicant on the site visit, which had taken place earlier that day.

The Service Manager – Development Planning and Building Consultancy reported that the Council had sold the land in 2016 for residential development, however, it was still allocated for community open space within the Local Plan and therefore the Council would need to grant an exception to the Plan before the development could proceed.

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

Members expressed concerns in relation to parking provision, flood risk, lack of affordable housing and loss of open space.

With regards to parking, the Service Manager – Development Planning and Building Consultancy reported that, of the 14 dwellings proposed, 10 would be four-bedroom and four would be five-bedroom so some houses would require two parking spaces, and some required three. A garage counted as a parking space and in response to members concerns about enforcement of use of garages, he advised that the condition recommending the removal of Permitted Development Rights could be extended to prevent

Planning Committee – 11 March 2020

garage conversions to preserve parking provision.

The Service Manager – Highways advised members that the Council's Residential Design Guide required one parking space per two bedrooms. It was also borne in mind that not everyone living in each property would own a car. Therefore, the proposed parking provision exceeded requirements.

With regards to flood risk assessment, the Service Manager – Development Planning and Building Consultancy reported that the recent flood attenuation works undertaken at Brandhall Golf Course would prevent flooding on the development site. A Flood Risk Assessment had been carried out, which had initially identified concerns, however, the applicant had put measures in place to address them. Therefore, there was no objection from the lead flood risk authority. In addition, he reassured members that Building Regulations Approval would be required for the development, and so drainage would be looked at again.

With regards to affordable housing provision, the application had been submitted in November 2018 at which point the threshold was 15 properties. The policy had changed in September 2019 and the threshold was now 10, however, the application had to be evaluated on the policy that was in place at the time of submission. The sizes of the proposed properties compiled with the Council's Residential Design Guide.

With regards to members concerns about the loss of open space, the Service Manager – Development Planning and Building Consultancy re-iterated that the Council had sold the land for housing purposes in 2016 and therefore could not control what proposals the land owner put forward.

Councillor Ahmed moved refusal of the application, in the grounds of inadequate parking provision, over-development and flood risk.

Councillor Jones seconded the motion and added loss of open space to the reasons for refusal, which was agreed by Councillor Ahmed.

The Service Manager – Development Planning and Building Consultancy advised the Committee the application was in accordance with the Council's Residential Design Guide and there were no objections from the Council's highways service, or the lead

Planning Committee – 11 March 2020

flood risk authority.

The Committee was minded to refuse planning permission.

Resolved that planning application DC/18/62409 (Proposed development of 14 dwellings. Brook Road Open Space, Wolverhampton Road, Oldbury) be refused, on the following grounds:-

- Inadequate parking provision;
- Over-development;
- Flood risk;
- Loss of open space.

(Councillor G Gill left the room during the consideration of this application and therefore took no part in the debate and did not vote.)

24/20

Planning Application DC/19/3440 (Proposed change of use to part of ground floor 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)

Councillors Downing, Hevican, Ahmed, Allen, S Davies, G Gill, Mabena, Millar, Rouf and Simms indicated that they had been lobbied by objectors on the site visit, which had taken place earlier that day.

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

- Parking provision was already limited, and the proposal would reduce this.
- The proposal would exacerbate existing anti-social behaviour problems.
- There was no external fire escape.
- The area was already over-developed and the site should remain a shop.
- Consultation with local residents had been inadequate.
- The proposal did not meet the Council's ambition to provide quality housing under its Vision 2030.
- Loss of privacy

[ILO: UNCLASSIFIED]

Planning Committee – 11 March 2020

In response to the objector's views about consultation, the Service Manager – Development Planning and Building Consultancy reported that the Council had written to 14 properties in the vicinity but had only been required to write to the five properties adjoining the site. The letters had been sent out in September and October 2019 so residents moving in after this would not have received a letter.

The Service Manager – Development Planning and Building Consultancy advised the Committee that, as a result of issues that had been highlighted on the site visit and discrepancies in the plans that required further consideration, he now recommended deferral of the application. Furthermore, the applicant was not present to answer questions that may resolve some of the issues.

Members expressed disappointment that the applicant was not present at the site visit or the meeting and discussed the merits of determining the application, based on the information now before the Committee. Councillor Jones moved refusal of the application on the grounds of inadequate parking provision.

The Service Manager – Highways advised the Committee that the proposal did not require an increase in parking provision and that the four spaces provided in front of the shop, plus on street parking was sufficient. He added that there was no evidence of existing parking problems or any accidents records for the road.

The Service Manager – Development Planning and Building Consultancy reported that the existing shop had been taken into account.

Councillor Allen moved deferral of the application for further information. Councillor S Davies seconded the motion.

The Service Manager – Development Planning and Building Consultancy added that Building Regulations approval would also be required before the proposals flats could be let.

Councillor Jones withdraw his motion to refuse planning permission (which had not been seconded).

Planning Committee – 11 March 2020

Resolved that consideration of planning application DC/19/3440 (Proposed change of use to part of ground floor to create a self-contained flat on the ground floor with HMO on first floor and second floors, together with associated parking.) be deferred for further information .

(Councillor Hevican declared an interest in this item and left the room during its consideration.)

(Councillors Gill and Mabena left the meeting.)

25/20 **Planning Application DC/19/63739 (Retention of single storey side and two storey side/rear extensions (revised application - DC/18/62254.) 60 Sundial Lane, Great Barr, Birmingham.)**

The applicant was present but did not wish to address the Committee.

The Service Manager – Development Planning and Building Consultancy reported that the application was before the Committee because the applicant was an employee of the Council.

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

Resolved that planning application DC/19/63739 (Retention of single storey side and two storey side/rear extensions (revised application - DC/18/62254.)) be approved, subject to the garage space being retained for the parking of motor vehicles.

26/20 **Planning Application DC/19/63873 (Proposed erection of 2 No. semi-detached houses (outline application for access only) Land adjacent 136 Regis Heath Road, Rowley Regis.)**

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

- There would be a loss of green space that had been there for over 50 years.
- There was a surface sewer pipe running underneath the land

Planning Committee – 11 March 2020

and the objector's driveway covered the access point.

- Severn Trent had advised that the sewer pipe could not be built over without a 7.7m protection strip around it and the applicant would not be able to accommodate this with the land available.
- The objector's driveway would be opposite a sharp bend.
- Oldbury Road was continually congested, and the proposal would prevent the widening of the road.
- The proposals did not meet Building Regulations.

The Service Manager – Development Planning and Building Consultancy advised that Severn Trent would need to give approval under Building Regulations for the pipe to be built over, and that was not a matter for the Committee. In light of the conflicting information before the Committee regarding the sewer pipe, he recommended that consideration of the application be deferred to enable matters to be clarified.

Resolved that consideration of planning application DC/19/63873 (Proposed erection of 2 No. semi-detached houses (outline application for access only) be deferred for further information.

27/20

Planning Application DC/19/63949 (Proposed first floor rear extension. 61 Park Avenue, Rowley Regis)

There was no applicant or objector present.

The Service Manager – Development Planning and Building Consultancy reported that the application was before the Committee because the applicants' agent was a Council employee.

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

Resolved that planning application DC/19/63949 (Proposed first floor rear extension. 61 Park Avenue, Rowley Regis) be approved, subject to the conditions recommended by the Director – Regeneration and Growth.

Planning Committee – 11 March 2020

28/20

Planning Application DC/19/63824 (Retention of sub division of shop into two units with new shop fronts, change of use of first and second floors from shop storage to 4 No. self-contained flats with dormer windows to front and rear, alterations to rear to include installation of roller shutters. 584-586 Bearwood Road, Smethwick.)

There was no applicant or objector present.

The Service Manager – Development Planning and Building Consultancy advised the Committee that condition 2 within the Director – Regeneration and Growth’s recommendation had been amended to require the installation of roof lights before the occupation of the flats.

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

Resolved that planning application DC/19/63824 (Retention of sub division of shop into two units with new shop fronts, change of use of first and second floors from shop storage to 4 No. self-contained flats with dormer windows to front and rear, alterations to rear to include installation of roller shutters. 584-586 Bearwood Road, Smethwick.) be approved, subject to the following conditions:-

- (i) the windows on the rear elevation being obscurely glazed and retained as such;
- (ii) before the development is occupied, the roof lights shall be installed;
- (iii) air quality and noise mitigation measures.

Planning Committee – 11 March 2020

29/20 **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.)**

There was no applicant or objector present.

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

Resolved that 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 approved, submitted to the conditions recommended by the Director – Regeneration and Growth.

30/20 **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.

31/20 **Decisions of the Planning Inspectorate**

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

Planning Committee – 11 March 2020

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

Application Ref No.	Site Address	Inspectorate Decision
DC/19/62906	54 Surfeit Hill Road Cradley Heath B64 7EB	Dismissed
DC/19/62759	409 Bearwood Road Smethwick B66 4DJ	Dismissed
DC/19/62922	Bowketts Butchers 686 Wolverhampton Road Oldbury B68 8DB	Dismissed

32/20

Annual Report of the Planning Committee 2019

The Committee received its draft Annual Report for 2019 for consideration.

Resolved that the Annual Report of the Planning Committee 2019 is approved for submission to the Council at its meeting on 7 April 2020.

(The meeting ended at 6.33pm,
following an adjournment between 6.07 and 6.12pm)

*Contact Officer: Stephnie Hancock
Democratic Services Unit
0121 569 3189*