

## Planning Committee

7 October 2020 at 5.00pm  
Virtual Meeting

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

**Officers:** John Baker [Service Manager – Development Planning and Building Consultancy], Sian Webb [Solicitor] and Stephnie Hancock [Senior Democratic Services Officer].

### 75/20 **Apologies for Absence**

An apology was received from Councillor P M Hughes.

### 76/20 **Declarations of Interest**

Councillor Hevican declared an interest in planning application DC/20/64515 (Proposed change of use of ground floor to fish and chip shop (class A5) with shop front, access ramp and associated parking. Adjacent 141 Newbury Lane Post Office, Oldbury) as she had been lobbied by objectors.

### 77/20 **Minutes**

The minutes of the meeting held on 9 September 2020 were agreed as a correct record.



**Planning Application DC/20/64420 – Proposed change of use of existing car park to selling and displaying motor vehicles. 84 Bromford Lane, West Bromwich**

The Service Manager – Development Planning and Building Consultancy reported that an additional condition had been recommended stipulating that no jet washing be permitted on the site. He also reported that recommended condition V (Electric vehicle charging point provision) had been deleted because temporary permission was recommended and it would not be proportionate for the applicant to provide the charging points.

Councillor Edwards addressed the Committee on behalf of objectors with the following points:-

- The added condition of no jet washing on the premise was welcomed, as was condition (iii) (details of staff toilets and had wash facilities).
- A condition prohibiting repairs and spray paint on the premise would also be welcomed.
- The site was located on a busy main road.
- There would be a loss of privacy to residents as well as visual impact and general disturbance.;
- A shelter care scheme is located near to the park car, this would cause unrest to the residents.
- Residents to the north of the site have been impacted upon by the previous jet car wash on the site.
- A one-year temporary permission would be preferred. ;

The applicant was not present in the meeting.

The Service Manager – Development Planning and Building Consultancy advised that some of the recommended conditions been added at the request of Highways, however, he would also be happy to add the conditions recommended by the objector if the Committee was so minded.

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

- The submitted plan showed parking for residents of the nearby House in Multiple Occupation (HMO), however the arrangements needed to be clearer and so a revised parking layout plan was required.

- Highways officers acknowledged that Bromford Lane was a busy road and had therefore recommended a limit on the number of vehicles that could be displayed for sale on the site.
- Public Health had been consulted and had recommended a condition limiting opening hours.

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

**Resolved** that planning application DC/20/64420 (Proposed change of use of existing car park to selling and displaying motor vehicles. 84 Bromford Lane, West Bromwich) is approved, subject to the following conditions:-

- (i) the approval is temporary for one-year;
- (ii) hours of operation being 09:00-17:00 Monday to Saturday (No Sundays or Bank Holidays), also relates to deliveries of vehicles;
- (iii) details of staff toilets and hand wash facilities;
- (iv) acoustic boundary fence, and landscaping;
- (v) no amplified music;
- (vi) security light details and CCTV;
- (vii) parking plan, layout, and retention;
- (viii) no more than 14 vehicles to be displayed for sale on the site;
- (ix) no repairs or spray painting of vehicles on the site;
- (ix) no jet washing of vehicles on the site.

79/20

**Planning Application DC/20/64515 – Proposed change of use of ground floor fish and chip shop (class A5) with shop front, access ramp and associated parking. Adjacent 141 Newbury Lane Post Office, Oldbury**

Councillor Hevican reported that she had been lobbied by objectors.

The Service Manager – Development Planning and Building Consultancy reported that a further petition with 23 signatures had been submitted objecting to the proposal. It was noted that there was also an allegation that some of the signatories on the petition in favour of the proposal had been misled. He also advised the

Committee that the government had amended use class descriptions so the reference to A5 in the description no longer applied.

Councillor Ashman was present and addressed the Committee, on behalf of objectors, with the following points:-

- There were concerns over road safety.
- There was limited parking already at the front of the shop, and double yellow lines on Wallace Road, to the side, and a take-away would lead to increased traffic;
- The site was in a deprived area and was part of the Big Local footprint.
- The site was in a residential area and the smell and increased noise would cause disturbance to residents.;
- A fast food takeaway would increase litter in area.

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

- He had been at the shop for 40 years and was known in the local area by residents.
- He would install proper fans to address concerns about smell.
- There were bins at the front of the shop and he would provide additional bins to address concerns about litter.
- 1500 residents were in support of the application and it was not true that people had been misled.
- He would provide additional car parking spaces.
- Local residents using the existing post-office and off-license would use the takeaway.
- He would be happy with any conditions that would allow the application to be approved.

Members expressed concern that the suggested opening hours were excessive for a chip shop. The Service Manager – Development Planning and Building Consultancy advised that there had been wide consultation on the application and that there had been no objections from Highways, Police, or Public Health on the basis of the recommended conditions. He also advised that the proposal was in accordance with supplementary planning guidance on hot food takeaways. Members remained concerned about opening hours and felt that they should be reduced. The applicant

indicated that he would be willing to reduce opening hours if the Committee was minded to approve the application.

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

- Customers would likely be local residents who would walk to chip shop, instead of using cars.
- The current car parking provision was sufficient from Highways officers' perspective.
- It would be unsafe to create parking spaces on the forecourt of the shops.
- There was potential for overflow parking on Wallace Road and Highways officers would monitor the situation for 12months.

**Resolved** that Planning Application DC/20/64515 (Proposed change of use of ground floor fish and chip shop with shop front, access ramp and associated parking. Adjacent 141 Newbury Lane Post Office, Oldbury) is approved subject to:-

- (1) details of odour control equipment and future maintenance to be submitted and thereafter retained;
- (2) details of noise associated with fixed plant to be submitted and thereafter retained;
- (3) the premises shall only be open from 11.30 to 22.30 Monday to Saturday and 11.30 to 22.00 on Sundays.

80/20

**Planning Application DC/20/64552 – Proposed change of use of first and second floors and part change of ground floor at rear to create 6 No. bedroom HMO (house in multiple occupancy) and rear storage area. 530 Bearwood Road, Smethwick**

The Service Manager – Development Planning and Building Consultancy reported the applicant's agent had submitted a further layout plan that included fire doors.

There was no objector present.

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

- The construction materials provided a 30minute fire retardant from the loft to the ground floor.
- There were many HMOs in the areas and this one would be of a higher standard.
- Many of the objections are on matters that will be addressed.

**Resolved** that planning application DC/ 20/64552 (Proposed change of use of first and second floors and part change of ground floor at rear to create 6 No. bedroom HMO (house in multiple occupancy) and rear storage area. 530 Bearwood Road, Smethwick) is approved subject to:-

- (i) submission of a noise assessment and implementation of recommendations;
- (ii) submission of an air quality mitigation plan and implementation of recommendations;
- (iii) provision and retention of refuse storage area (to include boundary treatment);
- (iv) provision and retention of cycle storage (materials to match existing building);
- (v) submission of an external lighting scheme;
- (vi) no use of staircase or flat roof as external amenity area.

81/20

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

The Committee noted the planning applications determined by the Interim Director - Regeneration and Growth under powers delegated to her as set out in the Council's Constitution.

82/20

### **Decisions of the Planning Inspectorate**

The Committee noted that, following its decision not to grant planning permission, the Planning Inspectorate had made the following decisions on the applicant's appeals:-

<b>Application Ref No.</b>	<b>Site Address</b>	<b>Inspectorate Decision</b>
DC/19/62954	Telecommunication Mast B0097 131 Station Road Cradley Heath	Allowed
ENF/10/7852	BMW Autoparts Pleasant Street West Bromwich B70 7DT	Dismissed
DC/20/64094	15 Reddal Hill Road Cradley Heath B64 5JE	Dismissed

(The meeting ended at 6.16pm)

[Watch the recording of the meeting.](#)