

## Planning Committee

**4 November 2020 at 5.25pm  
Virtual Meeting**

- Present:** Councillor Downing (Chair);  
Councillor Hevican (Vice-Chair);  
Councillors Ahmed, Allen, Chidley, Dhallu, P M Hughes,  
M Hussain, I Jones, 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].

83/20 **Apologies for Absence**

Apologies were received from Councillors S Davies and Gill.

84/20 **Declarations of Interest**

Councillor Hevican declared an interest in planning application DC/20/64469 (Retention of use as Storage or Distribution (Class B8) and small scale car repairs and servicing (Class B2). Old Water Works Unit 12, Block B Brunswick Park, Trading Estate Brunswick, Park Road, Wednesbury) as she was a resident.

85/20 **Minutes**

**Agreed** that minutes of the meeting held on 7 October 2020 are agreed as a correct record.



**Planning Application DC/20/64517 – Proposed demolition of existing entrance, sub-division of existing retail unit (Class A1) together with external alterations, new shop frontage and cladding, mezzanine floor in Unit 1, creation of ancillary external garden centre area for Unit 2, construction of extension to form new unit for assembly and leisure use (Class D2), and construction of a standalone café/drive-thru restaurant, with associated landscaping and alterations to existing car park and internal vehicle circulation. Former Toys R Us, Wolverhampton Road, Oldbury**

The Service Manager – Development Planning and Building Consultancy reported that Public Health had requested an additional condition requiring details of acoustic fencing on the southern boundary.

There was no objector present.

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

- The site had been unoccupied for two years.
- The proposal would re-invigorate a gateway site.
- There would be a mix of retail and leisure use on the site and discussions were taking place with a number of businesses.
- 75 new jobs would be created.
- Consent had previously been given for a 7,000ft development, however the current site only contained 4,000ft. The proposal would increase this to 6,000ft.

The Service Manager – Development Planning and Building Consultancy notified the Committee that there had been no objections from Highways. He further advised that, as the site was allocated for employment land in the Adopted Development Plan, should the Committee approve the application, the Council would be asked to make an exception to the Plan.

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

- There would be no impact on the re-development of nearby Birchley Island as entrances and exists to the premises would remain the same.
- There was still a promising market for such developments, despite the decline of the high street.
- The proposal would create an additional 2,000 of floor space, bring the total to 6,000.

**Resolved** that planning application DC/20/64517 – Proposed demolition of existing entrance, sub-division of existing retail unit (Class A1) together with external alterations, new shop frontage and cladding, mezzanine floor in Unit 1, creation of ancillary external garden centre area for Unit 2, construction of extension to form new unit for assembly and leisure use (Class D2), and construction of a standalone café/drive-thru restaurant, with associated landscaping and alterations to existing car park and internal vehicle circulation. Former Toys R Us, Wolverhampton Road, Oldbury is approved, subject to the following conditions:-

- (i) External materials;
- (ii) Cycling provision;
- (iii) Electric vehicle charging provision;
- (iv) Drainage;
- (v) Landscaping;
- (vi) Contamination;
- (vii) Coal mining legacy;
- (viii) Details of extraction and filtration equipment
- (x) Lighting scheme
- (xi) Construction method statement;
- (xii) Employment and skills plans; and
- (xiii) Details of acoustic performance of close board fence to southern boundary (adjacent the hotel) to be provided.

87/20

**Planning Application DC/20/64469 – Retention of use as Storage or Distribution (Class B8) and small scale car repairs and servicing (Class B2). Old Water Works Unit 12, Block B Brunswick Park, Trading Estate Brunswick, Park Road, Wednesbury.**

Councillor Hevican declared an interest and left the meeting during the consideration of this planning application.

The Chair and Councillors Ahmed, Allen, Dhallu, M Hussain, I Jones, Mabena, Millar, Rouf and Simms indicated that they were lobbied by the objector

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

- The site entrance faced residents of Darby Road.
- The Planning Inspectorate had previously refused planning permission 30 years ago due to insufficient parking and these issues had since been exacerbated by the removal of garages.
- Residents had made a number of complaints about the site.
- There had been a previous planning application for a taxi rank, with conditions.
- Neither Unit 12 or the trading estate had Class B2 permission.
- Nearby businesses had also raised concerns about the number of garages on the site
- The applicant had failed to respond to a Stop Notice.
- The site caused noise pollution, which could be heard in nearby houses.
- The site was open seven days a week, 12 hours a day.
- Residents could often hear cars racing on road and car alarms.
- Members had been sent some additional information, however the same had not been sent to planning officers.

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

- There was no evidence of the objector's grievances.
- Unit 12 had not previously been an office.
- Enforcement officers had been to the site on 15 occasions and found no issues.
- The premises closed at 6pm.
- Complaints about the premises had been posted on social media by the objector on several occasions.
- The applicant was not in control of the cars driving on the road and there were lots of motorbike users in the Friar Park area.
- The application only related to Unit 12.

The Service Manager – Development Planning and Building Consultancy reported that the case officer had requested the information that the objector had sent to members, however this had not been forthcoming.

The Head of Highways advised that the use of the unit was personal and not business and there was sufficient space within the site to store vehicles off the public highway. In addition there were double yellow lines on Brunswick Park Road. He advised that temporary permission would allow the use of the site to be monitored.

Members expressed concern that the objector had submitted a substantial amount of additional information in recent days which had not been shared with all members of the Committee, planning officers or the applicant.

The Service Manager – Development Planning and Building Consultancy advised that, whilst the additional information sent to some members may not actually raise any new issues, officers could not be sure without examining it. The applicant also had a right to see the information and he had not.

The Committee was minded to defer the application, to allow sufficient time for the additional information to be shared with all members of the Committee, the applicant and planning officers and to enable the case officer to review the information and evaluate its impact on the recommendation.

The Committee was advised that, as the deadline for determining the application had now passed, should the Committee defer the application, the applicant had a right to appeal to the Planning Inspectorate for non-determination. However, the applicant indicated that he would be content with deferral to allow the additional information to be seen by all parties.

**Resolved** that consideration of Planning Application DC/20/64469 (Retention of use as Storage or Distribution (Class B8) and small scale car repairs and servicing (Class B2). Old Water Works Unit 12, Block B Brunswick Park, Trading Estate Brunswick, Park Road, Wednesbury) is deferred in light of the significant amount of new information

submitted by the objector and to allow such to be shared with all parties and evaluated by planning officers.

88/20 **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.

89/20 **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/19/63496	Land Adjacent 38 Clay Lane, Oldbury.	Dismissed
DC/19/63768	30-32 High Street, Smethwick.	Dismissed

(The meeting ended at 6.09pm)

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