

Minutes of Planning Committee

10 February 2021 at 5:00pm
Virtual Meeting

Present: Councillor Hevican (Vice-Chair);
Councillors Ahmed, Allen, Chidley, S Davies, Dhallu, P M
Hughes, M Hussain, I Jones, Mabena, Millar and Simms.

Also present: Andy Thorpe [Healthy Urban Development Officer, Public
Health]; John Baker [Service Manager – Development
Planning and Building Consultancy]; Sian Webb [Solicitor];
Simon Chadwick [Principal Officer – Development, Highways
Direct – Traffic and Road Safety] and Stephnie Hancock
[Senior Democratic Services Officer].

01/21 **Apologies for Absence**

Apologies were received from Councillors Downing, G Gill and M
Rouf.

02/21 **Declarations of Interest**

There were no declarations of interest.

03/21 **Minutes**

Agreed that minutes of the meeting held on 9 December
2020 are a correct record.



04/21

Planning Application DC/20/64463 - Proposed change of use from a single dwelling to a House in Multiple Occupation (14 no. bedrooms), external alterations and parking. 113 Dudley Road Tipton DY4 8DJ.

Councillor I Jones indicated that he had been lobbied by objectors.

The Service Manager – Development Planning and Building Consultancy reported that seven off-street parking spaces would be provided as part of the scheme, two spaces at the front and five at the rear. This satisfied the Council’s off-street parking requirements for this particular use.

The Committee was informed that a further letter had been received from Shaun Bailey MP reiterating his objections, which were set out in the report.

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

- The loss of a four-bedroom home in a residential area to facilitate a 14-bedroom commercial venture would significantly impact upon the character of the neighbourhood.
- The increase in noise and associated traffic would have a detrimental effect on the community and place a greater demand on local amenities, such as health and policing.
- There was an increased risk of anti-social behaviour without a landlord on site.
- The proposal was contrary to Sandwell’s 2030 vision, which described creating high quality housing solutions for residents to thrive, building communities based on mutual respect and healthy lives.
- The development would severely impact on Tipton’s ability to attract inward investment for regeneration.
- A large transient demographic would not help community adhesion.
- The potential increase in noise pollution and traffic would be at the expense of mature trees and garden space.



- Highways had previously introduced traffic calming measures following numerous road traffic accidents outside this property. There was a fear of further loss of life due to increased traffic.
- Concerns had been expressed regarding the domestic access rights of way to the service road, which linked the proposed seven bay rear garden car park.
- Houses in Multiple Occupation and Residential Property Licensing Reform required that all houses of multiple occupancy must provide a storage and waste disposal scheme and failure to comply was a breach of the licence and a criminal offence.
- Residents requested a site visit.
- The proposal should be delayed due to the Covid-19 pandemic.

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

- The development aimed to accommodate vulnerable asylum seekers and they were unlikely to own cars.
- Serco had a contract with the Government to maintain the property and conduct regular visits.
- Refuse would also be handled by Serco.
- The development would take three to four months to complete, by which time the covid-19 vaccine would have been rolled out further.
- Electric vehicle charging points would be provided.
- All Housing in Multiple Occupation (HMO), Serco, Council and Covid-19 related regulations would be adhered to.
- The property would house vulnerable people who needed help.

The Health Urban Development Officer – Public Health advised that a balance between providing housing and adhering the regulations to mitigate potential risks needed to be achieved. The Council had provided information for developers, landlords and residents regarding recommended behaviour, in terms of reducing Covid-19 infections. Public Sector Housing had advised that the room sizes and quantity of facilities were appropriate. It was also noted that a license would be required if planning permission was granted.



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

- Highways officers had no objections surrounding the safety of the rear car park and access road.
- The access road was a private right of way and planning permission would not supersede any restrictions in the deeds.
- The rear access was well established and appropriately sized and lit, therefore there were no safety issues.
- The Council required one parking space per two bedrooms, which had been met.
- The location of the bins would be dealt with by condition.
- Concerns around the appropriateness of proceeding with the development in light of the covid-19 pandemic was not a material planning consideration.
- The car parking provision had been amended to remove space, leave two spaces for the front car park, which allowed enough space for cars to enter and exit safely.
- This was an established residential property.
- West Midlands Police had raised no objections to the application.

Following a lengthy debate centring on the appropriateness of proceeding with the application during the covid-19 pandemic, a motion to defer consideration of the application was moved, seconded and lost upon voting.

Following further debate around the appropriateness of such a development in a residential area, along with concerns around parking arrangements, a motion to refuse planning permission was moved, seconded and carried upon voting.

Resolved that Planning Application DC/20/64463 (Proposed change of use from a single dwelling to a House in Multiple Occupation (14no. bedroom), external alterations and parking. 113 Dudley Road, Tipton, DY4 8DJ) is refused, on the following grounds:-

- i it is out of character with the surrounding area;



- ii the development would have an adverse impact on neighbours by means of increased noise, general disturbance and increased comings and goings.

05/21

Planning Application DC/20/64598 - Proposed mixed use development, comprising of 3 No. retail units at ground floor and 6 No. residential apartments at first and second floors (previously withdrawn application DC/19/63522). Land Adj 63 Leabrook Road Wednesbury WS10 7NW.

Councillor I Jones indicated that he had been lobbied by supporters of the application.

There was no objector present.

Councillor O Jones addressed the Committee with the following points:-

- The site was an eyesore and it was positive that plans had been submitted.
- Shops had previously been located on the site.
- The proposal would provide around 2,000 residents with neighbourhood shops.
- A previous planning application for a similar development had been withdrawn.
- The proposal would bring the site back into use for the local community.

Councillor I Jones also spoke in favour of the application and made the following points:-

- Other similar applications had not been refused on the same policy grounds.
- Town centres were dying.
- The development would bring a grot spot back into use and prevent fly tipping on the site.
- Residents wanted shops near to where they lived.
- There was no objection from Highways officers.



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

- This was a sustainable development and would meet demand in the local area, providing amenities that would complement the existing café and newsagent.
- There was a history of fly tipping and public nuisance on the site.
- There would be 24/7 surveillance on the site.
- The apartments would be affordable and high quality.
- There was a precedent set with shops being located near the site.

A motion to approve the application without limitations was moved, seconded and lost upon voting.

The Service Manager – Development Planning and Building Consultancy reported that Sandwell's Development Plan Policy CEN 7 required such developments to be focussed in town centres. In addition, Policy CEN 6 allowed for the applicant to justify the need for shops in a location outside of the centre, however, the applicant had not provided such information to support the application. There were also concerns regarding highway safety and the car park being detached from the main entrance of the shops, making it unlikely that shoppers would use the car park. Therefore, officers had recommended refusal.

A motion to defer consideration of the application to enable the applicant to provide justification for the out of centre location was moved, seconded and lost upon voting.

The Committee was minded to approve the application. The Service Manager – Development Planning and Building Consultancy advised that consideration needed to be given to appropriate and standard conditions for such a development. He requested that, should the application be approved, the determination of conditions be delegated to the Interim Director – Regeneration and Economy, in consultation with the Vice-Chair. However, members expressed concern about further delay and subsequently, the Service Manager – Development Planning and Building Consultancy suggested that conditions relating to the following would be appropriate for such a development:-



- i. cycle storage;
- ii. bin storage;
- iii. delivery hours;
- iv. plant equipment;
- v. electric charging vehicle points;
- vi. CCTV;
- vii. lighting;
- viii. site levels;
- ix. landscaping;
- x. boundary treatments;
- xi. footpath links;
- xii. parking layouts;
- xiii. external materials;
- xiv. submission of a parking, delivery, and servicing management plan;
- xv. drainage;
- xvi. extraction/filtration equipment;
- xvii. hours of opening being limited to 8am-10pm Monday to Saturday, and 8am -2pm on Sundays);
- xviii. use classes being restricted to class E.

Resolved that planning application DC/20/64598 (Proposed mixed use development, comprising of 3 No. retail units at ground floor and 6 No. residential apartments at first and second floors. Land Adj 63 Leabrook Road, Wednesbury, WS10 7NW) is approved, subject to the conditions relating to the following:-

- i. cycle storage;
- ii. bin storage;
- iii. delivery hours;
- iv. plant equipment;
- v. electric charging vehicle points;
- vi. CCTV;
- vii. lighting;
- viii. site levels;
- ix. landscaping;
- x. boundary treatments;
- xi. footpath links;
- xii. parking layouts;
- xiii. external materials;



- xiv. submission of a parking, delivery, and servicing management plan;
- xv. drainage;
- xvi. extraction/filtration equipment;
- xvii. hours of opening being limited to 8am-10pm Monday to Saturday, and 8am -2pm on Sundays);
- xviii use classes being restricted to class E.

06/21

Planning Application DC/20/64706 - Proposed demolition of bungalow and construction of a four bed dwelling. 5 Warstone Drive West Bromwich B71 4BH.

There was no objector present.

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

The Committee was minded to approve the application, subject to the conditions recommended by the Interim Director - Regeneration and Economy.

Resolved that Planning Application DC/20/64706 (Proposed demolition of bungalow and construction of a four bed dwelling. 5 Warstone Drive, West Bromwich) is approved subject conditions relating to:-

- i external materials;
- ii boundary treatment;
- iii landscaping;
- iv drainage;
- v electric vehicle charging point;
- vi method statement of working;
- vii windows in the side elevations to be obscurely glazed;
- viii provision and retention of parking;
- ix removal of PD rights for alterations and enlargements to the dwelling.



07/21

Planning Application DC/20/64964 - Proposed single storey side and rear extension, with raised platform. 71 Richmond Hill Oldbury B68 9TH.

There was no objector present.

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

The Committee was minded to approve the application, subject to materials matching with existing property.

Resolved that Planning Application DC/20/64964 (Proposed single storey side and rear extension. 71 Richmond Hill, Oldbury) is approved, subject to materials matching with existing property.

08/21

Planning Application DC/20/64987 - Proposed two storey side extension with bay windows to front, single storey rear extension and front porch. 72 Chestnut Road Oldbury B68 0AY.

There was no objector present.

The applicant was present. The applicant asked the Committee to uphold the officer's recommendations.

The Committee was minded to approve the application subject to the external materials matching the existing property.

Resolved that Planning Application DC/20/64987 (Proposed two storey side extension with bay windows to front, single storey rear extension and front porch. 72 Chestnut Road, Oldbury) be approved, subject to materials matching with existing property.



09/21

Planning Application DC/20/65023 - Proposed change of use to hot food takeaway with extraction flue to rear. 5 High Street Tipton DY4 8HH.

The Service Manager – Development Planning and Building Consultancy informed the Committee that there was an error in the report and there had in fact been four applications for hot food takeaways refused previously.

The Committee was minded to approve the application subject to the conditions recommended in the officer's report.

Resolved that Planning Application DC/20/65023 (Proposed change of use to hot food takeaway with extraction flue to rear. 5 High Street, Tipton) is approved subject to the following conditions:-

- i details of odour control equipment, noise attenuation and future maintenance to be submitted and thereafter retained;
- ii the premises shall only be open, and shall only take deliveries during the following hours:-:

09:00-2300 Monday to Friday
1000-23:30 Sat & Sun.

10/21

Planning Application DC/20/65051 - Proposed single storey rear extension to the existing crematorium, flower store to front and additional parking spaces. West Bromwich Crematorium Newton Road West Bromwich B71 3SX.

There was no objector present.

The Service Manager – Development Planning and Building Consultancy informed the Committee that West Midlands Police had no objections, however had requested two extra conditions relating to external lighting and the installation of CCTV.



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

- There was a need to invest in the crematorium to upgrade the facilities.
- The proposed extensions to the rear of the crematoria building would offer better staff welfare facilities and storage for plants, tools and equipment.
- The proposals would make the site safer for staff and the public.
- Upgrades to parking facilities would create an additional 11 spaces.
- A florist kiosk would be created as part of the proposals.
- The extension was within the greenbelt but was an acceptable development.

The Committee was minded to approve the application, subject to the conditions recommended in the officer's report.

Resolved that Planning Application DC/20/65051 (Proposed single storey rear extension to the existing crematorium, flower store and additional parking spaces. West Bromwich Crematorium, Newton Road, West Bromwich. B71 3SX) is approved, subject to conditions relating to the following:-

- i details of external materials and implementation,
- ii details of drainage,
- iii electric vehicle charging point details and implementation,
- iv hard and soft landscaping scheme and implementation,
- v archaeological study
- vi external lighting
- vii CCTV.

11/21

Planning Application DC/20/65053 - Proposed change of use to cemetery with parking, lighting, and associated works. Land Adjacent West Bromwich Crematorium Newton Road West Bromwich B71 3SX.

The Service Manager – Development Planning and Building Consultancy informed the Committee that West Midlands Police had no objections, however had requested two extra conditions



relating to external lighting and the installation of CCTV. He also reported that there had been no objections from the Wildlife Trust or the Lead Local Flood Authority.

The Committee was informed that the proposal was a departure from the Local Development Plan due to its substantial intrusion into the greenbelt. Therefore, should the Committee be minded to approve the application, a report would be required to full Council to seek an exception to the Plan.

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

- CCTV and lighting would be provided for both the new Crematorium site and the existing site. Existing systems would also be upgraded.
- There was a recognised need within the borough to increase Sandwell's burial provision and the closure of a cemetery in Birmingham had further increased demand in Sandwell.
- Greenbelt was an appropriate location for a new site, as it did not take up valuable brown field land which was needed for housing and employment type uses.
- The proposed site sat alongside the existing crematorium, so mourners would be able to make use of existing wake facilities at the site.
- The site was of importance for nature conservation in that it was connected to a large area of land in Sandwell Valley. The Wildlife Trust had been engaged with to construct a mitigation strategy in order to improve biodiversity and ecological richness of the site.

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

- There had been 12 months of active ground water management and monitoring across this and the adjoining site. Drill holes had been installed across the site and monitored to a depth of 2.8 meters on.
- The water table was acceptable and had leeway to allow for any excess rainfall.



Resolved that, subject to the Council granting an exception to the Local Development Plan (Policy SAD EOS2 Green Belt), Planning Application DC/20/65053 (Proposed change of use to cemetery with parking, lighting, and other associated works. Land Adjacent West Bromwich Crematorium, Newton Road, West Bromwich) is approved subject to conditions relating to the following:-

- i details of external materials and the implementation
- ii details of drainage and implementation
- iii electric vehicle charging point details and implementation
- iv hard and soft landscaping scheme and implementation
- v archaeological study
- vi dust mitigation plan
- vii local employment and skills plan, implementation
- viii all burials in the cemetery shall be a minimum of 50 metres from a potable groundwater supply source, a minimum of 30 metres from a water course or spring, a minimum of 10 metres distance from field drains, and not in standing water and the base of the grave must have at least one metre of unsaturated zone (the depth to the water table) below the base of any grave. Allowance should also be made to any potential rise in the water table (at least one metre should be maintained)
- ix ground investigation and remediation works
- x external lighting
- xi CCTV.

12/21

Applications Determined Under Delegated Powers.

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.



Decisions of the Planning Inspectorate.

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

Application Ref No.	Site Address	Inspectorate Decision
DC/20/64234	21 Pleasant Street Lyng West Bromwich	Allowed with conditions
DC/20/63929	16 Grove Vale Avenue Great Barr Birmingham	Dismissed
DC/20/64330	26 Waterfall Lane Cradley Heath	Dismissed

Meeting ended at 7:53pm,
following an adjournment between 7.13 and 7.23pm.

Click on the link below to watch the recording of the meeting.

<https://www.youtube.com/watch?v=d1ce1dIm5iY&t=22s>

Contact: democratic_services@sandwell.gov.uk

