

Minutes of Planning Committee

**Thursday, 8 July 2021 at 5.00 pm
at Sandwell Council House, Freeth Street, Oldbury, B69 3DB**

Present: Councillor Hussain (Chair)
Councillors J Webb (Vice-Chair), Allen, Chapman, Dhallu,
Fenton, S Gill, Kaur, Kalari, Millar, C Padda, Rouf and Singh

Officers: John Baker [Service Manager – Development Planning and
Building Consultancy];
Sian Webb [Solicitor];
Simon Chadwick [Principal Officer – Development, Highways
Direct – Traffic and Road Safety].

1 Apologies for Absence

Apologies were received from Councillors Allcock, Chidley and O Jones.

2 Declarations of Interest

There were no declarations of interest made at the meeting.

3 Minutes

Resolved that minutes of the meeting held on 11 May 2021
are a correct record.

4 Planning Application DC/21/65185

The Service Manager – Development Planning and Building Consultancy
reported that, due to a small part of the application site being allocated for



community open space in the Development Plan, should the Committee be minded to grant planning permission, the Full Council would be asked to make an exception to the Plan to enable the application to proceed.

There were no objectors present.

The applicant was present and reported that he had purchased the site several year ago for housing, which the Council had been aware of at the time of the sale.

In response to member questions of those present, the Committee noted the following:-

- Despite being labelled 'public open space' prior to the sale, it was not clear whether the land had ever been open to the public.
- Parking provision would be just under 100% with 53 units having access to 50 spaces.

The Committee was minded approve the application, subject to the conditions now recommended by the Interim Director - Regeneration and Economy, and subject to the Council granting an exception to the Development Plan.

Resolved that, subject to the Full Council granting an exception to the Development Plan in respect of planning application DC/21/65185 – Demolition of existing building at rear. Proposed building comprising of 18 No. residential dwellings along with 8 No. residential dwellings in existing building with associated car parking. John Dando House, 235 Hamstead Road, Great Barr, Birmingham, B43 5EL is approved, subject to conditions relating to the following:-

- (i) Personal permission only (given the specific housing layout).
- (ii) Details of levels, and any retaining walls.
- (iii) Detail of external materials.
 - (iv) Hard and soft landscaping.
- (iv) Details, provision and retention of at least five electric vehicle charging points.
- (v) NOx boilers.
- (vi) Construction management plan, including hours of construction, dust management and no bonfires.
- (vii) Drainage and SUDs details.
 - (ix) Details of improved noise attenuation of rear windows on Block B.
- (x) Ground investigation and mitigation measures.

- (xi) Affordable housing statement.
- (xii) 10% renewable energy.
- (xiii) Parking layout, graded, retention.
- (xiv) Employment skills.

5 Planning Application DC/21/65449

The Service Manager – Development Planning and Building Consultancy reported that in addition to the objections set out in the report, three more objections had been received, which reiterated the same concerns. A point of clarification was also made in respect of section 9.3 (point vi) in the report with respect to a tree on the property boundary. It was clarified that the tree did not sit within the application property and therefore the applicant could not remove the tree.

No objectors or applicants were present.

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

Resolved that planning application DC/21/65449 – Proposed two storey side and single storey rear extensions. 24 Maypole Close, Cradley Heath, B64 5AS is approved, subject to external materials matching those of the existing property

6 Planning Application DC/21/65475

Objectors were present and circulated photographs of the site. They addressed the Committee with the following points:-

- The conditions of the previous planning permission had been broken more than three times.
- The raising of the land/patio area by two feet was subject to planning permission.
- A surveyor had been engaged to resolve issues with the adjoining (party) wall and had found in the objector's favour.
- The applicant had caused damage to one side of the objector's property, which caused rainwater to leak in.
- Foundations had been found to be unsafe and ordered to be redone following a surveyor inspection.
- Planning officers had not been to inspect the works.
- The roof was not in keeping with the area and was unsafe.

The applicant and his representative were present and addressed the Committee with the following points:-

- The applicant had been through all the correct channels and had approval for the extension.
- Nothing had been done that contradicted planning law.
- He had attempted to speak to the objectors to resolve their concerns.
- A small portion of the works had been completed without planning permission, however this had had no impact on their neighbours.
- The application had taken a significant amount of time to deal with and many issues could have been resolved by talking.
- The applicant had paid for a new fence on the objector's side.

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

- There was a disagreement between the objectors and applicant on the raised patio and the loss of privacy that this created.
- Building control records showed a series of inspections and the work had been found to comply with Building Regulations. The planning case officer had also visited the site numerous times.
- Disputes relating to the boundary wall were to be addressed under the Party Wall Act 1996.

The Committee was minded to grant retrospective planning permission.

Resolved that Planning Application DC/21/65475 – Retention of two storey side extension and single storey front and rear extensions with oversailing soffit/canopy and patio. 76 Pottery Road, Oldbury, B68 9HA is approved.

7 Planning Application DC/21/65517

There was no applicant or objector present.

It was noted that the application had been presented to Committee at the request of Cllr Kaur.

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

Resolved that Planning Application DC/21/65517 – Proposed first floor front and single/two storey rear extensions, front porch alterations and extensions to roof including raising the height. 48 William Road, Smethwick, B67 6LW is approved, subject to external materials matching those of the existing property.

8 Planning Application DC/21/65543

The Committee received some photographs that had been submitted by objectors.

Objectors were present and addressed the Committee with the following points:-

- The proposed extension would result in a loss of light, privacy and amenities for the surrounding properties.
- The design guide promoted excellence in design, the proposal however was designed to reduce cost.
- Neighbouring properties had achieved the applicants aims of four bedrooms without the overbearing nature of the current proposal.
- The proposal did not meet the minimum 21 metre distance for privacy, with only 18 metres being achieved at one point.
- There was a large number of material objections.

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

- The separation distance had been met, as shown in the plans.
- The only window that would be below the 21-meter limit was not a principal window.
- The design complied with the policy guidelines, both locally and nationally.
- He had agreed to include mature fir trees as part of the landscaping.
- The extension would provide space for a growing family.
- Photographs presented by the objector included unofficial measurements, measurements and designs.

The Service Manager – Development Planning and Building Consultancy informed the Committee that the Residential Design Guide recommended a projection angle of minimum 45 degrees to the neighbouring property to avoid loss of light. This was however a guide only. A minimum separation distance of 21 metres was also recommended, however, this was measured from the original rear change in levels of the two properties.

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

- The Residential Design Guide recommended a minimum separation distance of 21 metres – the plans showed a separation distance of 18.8 metres to an extension at the rear of the objector's property.
- A number of the neighbouring properties had similar extensions.
- There was a change in levels of around ½ a metre between nos. 27 and 29.
- The applicant was willing to plant trees to ensure privacy to neighbouring properties.
- No amended plans had been received.
- The policies of neighbouring local authorities were not relevant in Sandwell.

The Committee was minded to defer determination of the application to undertake a site visit.

Resolved that determination of planning application DC/21/65543 – Proposed single and two storey rear extension. 27 Monksfield Avenue, Great Barr, Birmingham, B43 6AP be deferred, until a site visit has been undertaken by the Committee.

9 Planning Application DC/21/65562

The Service Manager – Development Planning and Building Consultancy reported that the application had been present to the Committee because the applicant's agent was an employee of the Council.

No objectors or applicants were present.

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

Resolved that Planning Application DC/21/65562 – Proposed front loft dormer window. 186 Pool Lane, Oldbury, B69 4QS, is approved, subject to external materials matching those of the existing roof.

10 Planning Application DC/21/65575

The application had been withdrawn by the applicant.

11 Planning Application DC/21/65603

The Service Manager – Development Planning and Building Consultancy reported that the application had been present to the Committee because the applicant’s agent was an employee of the Council.

No objectors or applicants were present.

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

Resolved that Planning Application DC/21/65603 – Proposed first floor side and single storey rear extensions. 75 Packwood Road, Tividale, Oldbury, B69 1UL is approved, subject external materials matching those of the existing property.

12 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.

13 Decisions of the Planning Inspectorate.

The Committee noted that the Planning Inspectorate had made the following decisions in relation to appeals against refusal of planning permission:-

Application Ref No.	Site Address	Inspectorate Decision
DC/20/6704A	Casa Mia 74 Wood Green Road Wednesbury WS10 9QW	Dismissed
DC/20/65041	23 Jill Avenue Great Barr Birmingham B43 6DH	Dismissed

Meeting ended at 6.32 pm

Contact: Democratic Services
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