

Minutes of Planning Committee

**Wednesday 22 June 2022 at 5.30pm
in the Council Chamber, Sandwell Council House, Oldbury**

Present: Councillor Millar (Chair);
Councillors Kaur (Vice Chair), Akhtar, Allen, Allcock,
Chapman, Dhallu, Fenton, SS Gill, A Hussain, O
Jones, Mabena, Preece N Singh and Webb.

Also present: Councillors Kalari and Mayo.

William Stevens (Principal Planner), Andy Thorpe
(Healthy Urban Development Officer), Sian Webb
(Solicitor Planning, CPO & Highways), Simon
Chadwick (Principal Officer – Development).

71/22 **Apologies for Absence**

There were no apologies for absence.

72/22 **Declarations of Interest**

There were no declarations of interest made.

73/22 **Minutes**

Resolved that the minutes of the meeting held on 11
May 2022 are approved as a correct record.

Planning Application DC/22/66735 - Proposed creation of first floor with two storey front and single storey rear extensions - 31 Timbertree Road, Cradley Heath, B64 7LF

Councillors Allen, Allcock, Dhallu, A Hussain, Kaur, Millar, N Singh, and Webb indicated that they had been lobbied by objectors during the site visit earlier that day.

The Principal Planner reported the following amendments within the report presented to the committee:

- Section 6.2 should read 4 bedrooms and not 5 bedrooms
- Section 13.5 should read “can” and not “cannot”.
- 7 further objections

It was also reported that an 85 signature petition had been received along with a further 7 letters of objection, however no additional reasons for objection had been cited.

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

- The proposal would be overshadowing and imposing and cause a loss of light to neighbouring dwellings.
- The proposal would cause a loss of privacy.
- Additional occupiers would increase car parking demand on an already narrow road; this may potentially make it more dangerous for children due to reduced visibility.
- With 5 double en-suite rooms, there were fears that the property would be used as a House of Multiple Occupation (HMO).

The applicant’s agent was present and addressed the committee with the following points:-

- Architects had complied with all guidelines and the applicant had applied for what he was within his rights to apply for.
- It was personal preference et have all bedrooms as en suite.
- The applicant was willing to prune trees to the rear to reduce loss of light.

In response to the Committee's questions of the objectors, applicant's agent and officers present, the following points were noted:-

- The sky lights in the rear living room had been assessed as a secondary source of light.
- The proposal met with the guideline that an extension should not exceed a line taken at 45 degrees from the centre of the nearest ground floor window of a habitable room in an adjoining property.
- A previous proposal had sought a downstairs bedroom but this had now been changed to a lounge.
- Allegations of a plan to use the property as an HMO were not a matter for the Committee. HMOs with less than six persons did not require planning permission.
- Parking provision was sufficient and there were no highways concerns.
- There were only two bungalows in the street, the other properties were two storey so there would be no change to the street scene.

The objector circulated photos showing the view she would have and loss of light she would suffer if the extension went ahead.

Members noted that a bathroom was not a habitable room and therefore loss of light was not a material planning consideration. The Committee as minded to approve the application.

Resolved that Planning Application DC/22/66735- (Proposed creation of first floor with two storey front and single storey rear extensions - 31 Timbertree Road, Cradley Heath, B64 7LF) is approved, subject to conditions relating to the following: -

- (i) proposed windows on the first floor side elevations are to be obscure glazed;
- (ii) external materials shall match those of the existing dwelling; and
- (iii) parking to be laid out and retained as such.

Planning Application DC/21/66305 - Proposed development of 7 No. houses, 2 No. bungalows and 2 No. two storey apartment blocks comprising of 6 No. self-contained flats with associated parking and landscaping

Councillors Allen, Dhallu, Fenton, Millar and Webb indicated that they had been lobbied by objectors on the Committee's site visit, which had taken place on 9 March, 2022.

It was reported that a further objection had been received regarding highway safety, however this did not change the officer's recommendation. Following deferral of the application at the meeting on 9th March 2022 (Minute No. 34/22 refers), discussions had taken place between the applicant and the Highways team. The scheme had been designed in consultation with highways officers and urban design officers and the outcome of those discussions was therefore that all necessary mitigation measures had already been taken.

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

- Residents had not seen the road safety report.
- A previous planning application in the area had been refused by the planning committee for the same road safety concerns presented by the objectors.
- The increased number of road users as a result of the proposed new homes would increase the risk of accidents on an already dangerous stretch of road.
- Cars parked along the road would increase the number of potential hazards and reduce visibility.
- Some residents of Hawes Lane required help to exit their drives already.
- Several residents in the area, as well as 3 ward Councillors, had all expressed their objections to the planning application.

Councillors Kalari and Mayo (ward representatives) were present and addressed the Committee with the following points, on behalf of objectors:-

- Whilst the highways report was thorough, it was felt that it minimised the risks.
- Whilst the proposed development would only create an additional 12 journeys on the road, it was a high risk road and an unsafe junction.
- The site was near the entrance to a special school.
- While the needs for housing was acknowledged, this was not a suitable location.
- Local councillors had not been asked for their views on the proposal.

The Highways Network Development and Road Safety Manager addressed the Committee with the following points:-

- Although the Planning Committee had refused a previous application on highway safety grounds, Highways had not objected to the application.
- The access relating to the special school was only supposed to be used as an exit, as per the school's planning permission.
- The application had been considered in the context of the surrounding road network, which had around 12,000 road users a day. The proposal would generate around 10-15 additional vehicles a day at peak times so the impact was considered minimal.
- Parking areas in the proposed development allowed vehicles to enter and leave in a forward gear, with the road wide enough for two cars to pass.
- Double yellow lines had been painted on the junction of Hawes Lane and Stanford Drive in 2019.
- There had been no recorded accident injuries in the last five years.
- The fatalities that had occurred in 2019 and 2022 were a result of reckless driving, one of which was a stolen vehicle and the risk of such incident occurring was not affected by the proposed development.
- It was not possible to add a condition requiring additional double yellow lines as it was not within the gift of the developer to implement such a condition.

Members sympathised with of residents and ward representatives, however, acknowledged that there were no material highways grounds upon which to refuse planning permission. Those ward representatives present were

advised to refer to the Road Safety Review report and explore options for match funding for the erection of digital signage.

Resolved that Planning Application DC/21/66305 ((Development of 7 No. houses, 2 No. bungalows and 2 No. two storey apartment blocks comprising of 6 No. self-contained flats with associated parking and landscaping – Hawes Lane/Stanford Drive, Rowley Regis)) is approved, subject to conditions relating to the following:-

- (i) External materials;
- (ii) Parking to be implemented and retained;
- (iii) Contaminated land;
- (iv) Finished floor levels;
- (v) Boundary treatments;
- (vi) Noise assessment and mitigation measures;
- (vii) Electric vehicle charging points;
- (viii) Renewable energy;
- (ix) Hard and soft landscaping scheme to be implemented;
- (x) Surface water drainage scheme to be implemented, retained and maintained;
- (xi) Foul sewage drainage scheme;
- (xii) External lighting scheme;
- (xiii) Method of working statement;
- (xiv) Removal of permitted development rights for enlargements;
- (xv) Employment and skills plan;
- (xvi) Refuse and cycle storage to be implemented and retained'
- (xvii) Low NOx boilers; and
- (xviii) Garages to be retained for parking.

Planning Application DC/21/66444 - Proposed demolition of existing industrial buildings and development of 34 No. dwellings with access, parking and landscaping. - Land North of Woods Lane/Cradley Road, Cradley Heath, B64 7AW

The principal planner reported that, following the receipt of satisfactory amended plans conditions (iii) (Finished floor levels) and (vii) (Boundary treatments) set out in the officer's recommendation were no longer required.

There were no objectors present.

The agent was present and confirmed that the development would be 100% affordable housing.

Resolved that Planning Application DC/21/66444 (Proposed demolition of existing industrial buildings and development of 34 No. dwellings with access, parking and landscaping.- Land North of Woods Lane/Cradley Road, Cradley Heath B64 7AW) is approved, subject to the signing of a section 106 agreement to ensure affordable housing, and conditions relating to the following:-

- (i) External materials;
- (ii) Desk-based archaeological assessment;
- (iii) Contamination;
- (iv) Updated noise survey/implementation of mitigation measures;
- (v) Drainage;
- (vi) Landscaping;
- (vii) Refuse storage;
- (viii) Electric vehicle charging
- (x) Low NOx boilers;
- (xi) External lighting;
- (xii) Construction method statement;
- (xiii) Restriction on construction hours (8am – 6pm weekdays, 8am – 2pm Saturdays, no working on Sundays or bank holidays);
- (xiv) Employment and skills plan.
- (xv) Removal of permitted development rights; and
- (xvi) Retention of parking.

Planning Application DC/22/66646- Proposed two storey side extension, rear dormer, single and two storey rear extension and porch and canopy to front - 1 Stanley Road, West Bromwich B71 3JH

Councillors Allen, Allcock, Dhallu, A Hussain, Kaur, Millar, N Singh, and Webb indicated that they had been lobbied by objectors during the site visit earlier that day.

The Principal Planner reported that an amended plan had been received, showing that the rear extension projected 3.03m from the main property.

Objectors were present and raised the following concerns: -

- The applicant had built right up to the boundary line, which left no space to install a drainage pipe from the bathroom.
- The objector's bathroom window was not frosted so there was a loss of privacy from the dormer window.
- A manhole cover had been removed without permission from Severn Trent and it was not clear where it had been moved to.
- The proposal had changed a lot from the original plans.
- That they had been informed by workers at the site that the finished building would be used as a House of Multiple Occupation (HMO).

No applicants were present at the meeting.

The Principal Planner responded to the objector's points/concerns as follows:-

- The applicant was permitted to build right up to the boundary line.
- As the applicant had used a private inspector for Building Regulation approval, the council could not intervene and the matter around drainage would have to be addressed with the private inspectors.
- The removal of the manhole cover was a matter for Severn Trent and not the Local Authority.
- HMOs with less than six rooms did not require planning permission.
- Obscured glazing was recommended as a condition, should the Committee be minded to grant approval.

Members expressed concerns about the appearance of the extension. The Principal Planner advised that the applicant was required to render the extension, as per the conditions attached to the previous planning permission (DC/20/64152).

Members were reminded that this current application was to regularise work that had taken place that diverted from the previously approved application (DC/20/64152). Should this application be refused, the applicant would be required to rectify works that did not have approval or face enforcement action. The Principal Planner advised that the applicant's failure to adhere to planning conditions attached to the previous application was not a material planning reason upon which this application could be refused.

A motion to approve the application, as per the officer's recommendation and with additional conditions, was put, seconded and lost upon the vote.

A further motion to refuse planning permission on the grounds of loss of privacy to neighbouring properties, loss of light and outlook on the northern boundary side, and the design and appearance not being in keeping with the character of the surrounding properties, was put, seconded and carried upon the vote.

Resolved that Planning Application DC/22/66646- (Proposed two storey side extension, rear dormer, single and two storey rear extension and porch and canopy to front - 1 Stanley Road, West Bromwich B71 3JH) is refused on the following grounds: -

- Loss of privacy to neighbouring properties
- Loss of light and outlook on the northern side
- Design and appearance not in keeping with the character of the surrounding area.

77/22

Planning Application DC/21/66668- Retention of outbuilding at rear - 17 Beverley Road, West Bromwich B71 2LP

There were no applicants or objectors present.

Resolved that Planning Application DC/21/66668- (Retention of outbuilding at rear - 17 Beverley Road, West Bromwich B71 2LP) is approved, subject to conditions relating to the following:-

- (i) Areas of exposed block work at the side elevations shall be painted in the agreed colour within 3 months of the permission.
- (ii) The approved outbuilding shall be used for purposes that remain ancillary to the main dwelling house of 17 Beverley Road.

79/22

Planning Application DC/22/66860- Continued use of hand car wash (pursuant to temporary consent DC/18/61474) – permanent consent requested and proposed acoustic fencing to car washing bays. (Amendment to refused planning application DC/21/66229) - Shine Bubbles Car Wash, 90 Rood End Road, Oldbury

There were no applicants or objectors present.

Resolved that planning application DC/22/66860- (Continued use of hand car wash (pursuant to temporary consent DC/18/61474) – permanent consent requested and proposed acoustic fencing to car washing bays. (Amendment to refused planning application DC/21/66229) - Shine Bubbles Car Wash, 90 Rood End Road, Oldbury) is approved, subject to conditions relating to the following:-

- (i) Temporary consent for two years;
- (ii) Hours restricted to Monday to Saturday 09:00 to 18:00 with no working Sundays/Public Holidays;
- (iii) Erection of the acoustic fence
- (iv) No external storage of materials; and

- (v) Drainage shall be maintained and retained at all times.

80/22

Planning Application DC/22/66919- Delegation of decision-making authority to Birmingham City Council to determine cross-boundary planning application for proposed demolition of structures at site and erection of two-storey building to provide 17 assisted living units with associated car parking and landscaping - Land to the rear of 6 6A 6B and 6C Anderson Road, Smethwick

The Committee was consulted on a proposal to give authority to Birmingham City Council to determine a planning application that crossed both authorities' boundaries. 93% of the application site sat within Birmingham, with the remaining 7% sitting in Sandwell.

An objector was present and raised the following concerns: -

- The majority of the residents impacted by the application were Sandwell residents.
- A full consultation with the residents of the area was required.
- A recent licensing approval, by Sandwell Council, for a restaurant near the site would be detrimental due to potential noise and Birmingham City Council were not aware of this.
- Badgers had been identified on the site.

The Principal Planner reported that Birmingham City Council had consulted with Sandwell residents affected by the development. Birmingham City Council had already granted planning permission for the 93% of the site that sat within its area.

The Committee's views were sought on whether Sandwell Council should be recommended to give Birmingham City Council authority to determine the remaining 7% of the site.

Resolved that the Council is recommended to grant Birmingham City Council authority to determine cross-boundary Planning Application DC/22/66919 for proposed demolition of structures at site and

erection of two-storey building to provide 17 assisted living units with associated car parking and landscaping - Land to the rear of 6 6A 6B and 6C Anderson Road, Smethwick).

81/22

Planning Application DC/22/67130- Variation of condition 1 of planning permissions DC/20/64152 and DC/21/65595 (development of 152 No.2,3,4 bedroom dwellings and 82 No.1 and 2 bedroom apartments together with associated roads, car parking, open space and associated works) to provide First Homes to plots 223, 224, 225, 226 and 227 - West Bromwich Street, Oldbury B69 3AT

There were no objectors or applicants present.

The Principal Planner highlighted to the committee that planning permission had already been granted for the development. The purpose of this application was to introduce First Homes to the approved development. The unit number and design across the site would not alter; simply, the tenure of five of the dwellings would become First Homes.

First Homes was a specific kind of discounted market sale housing and met the definition of an 'affordable housing' provider for planning purposes. The application was being reported to the Committee as a s106 agreement was required to ensure First Homes on the site, and for the developer to secure funding from Homes England to provide this housing type.

Resolved that subsequent to the signing of a s106 agreement to ensure First Homes, planning application DC/22/67130 (Variation of condition 1 of planning permissions DC/20/64152 and DC/21/65595 (development of 152 No.2,3,4 bedroom dwellings and 82 No.1 and 2 bedroom apartments together with associated roads, car parking, open space and associated works) to provide First Homes to plots 223, 224, 225, 226 and 227 - West Bromwich Street, Oldbury B69 3AT) is approved.

82/22

Applications Determined Under Delegated Powers

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

83/22

Decisions of the Planning Inspectorate

The Committee noted decisions of the planning inspectorate by the Director - Regeneration and Growth under powers delegated to him as set out in the Council's Constitution.

Meeting ended at 7:32pm

Contact: democratic_services@sandwell.gov.uk