

# Minutes of Planning Committee

**Tuesday 15<sup>th</sup> February 2022 at 5.00pm**  
**in the Council Chamber, Sandwell Council House, Oldbury**

**Present:** Councillor Z Hussain (Chair)  
Councillor Webb (Vice-Chair)  
Councillors Allen, Chapman, Chidley, Dhallu, Fenton, S  
S Gill, O Jones, Kaur, Millar, C Padda and Rouf.

John Baker (Service Manager – Development Planning  
and Building Consultancy); Alison Bishop  
(Development Planning Manager) Sian Webb  
(Solicitor); Simon Chadwick (Principal Officer –  
Development, Highways Direct – Traffic and Road  
Safety); Andy Thorpe (Healthy Urban Development  
Officer); Alexander Goddard (Democratic Services  
Officer).

**16/22      Apologies for Absence**

Apologies for absence were received from Councillors  
Allcock and Kalari.

**17/22      Declarations of Interest**

Councillor O Jones declared a personal interest in Planning  
Application DC-21-66233 (Minute No.23/22). She remained  
in the meeting, spoke on the matter but did not vote.

**18/22      Additional Item of Business**

There were no additional items of business to consider.

19/22      **Minutes**

**Resolved** that the minutes of the meeting held on 19 January 2022 were approved as a correct record.

20/22      **Planning Application DC/21/66305 Proposed 2 no. 3 bedroom dormer bungalows with boundary fencing and associated car parking. Land At Hawes Lane/Stanford Drive, Rowley Regis**

It was proposed to hold a site visit for this application to assist the Committee in understanding the issues raised in relation to road safety.

**Resolved** that determination of 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), Land At Hawes Lane/Stanford Drive, Rowley Regis, be deferred to allow a site visit to be undertaken.

21/22      **Planning Application DC/21/66125 Proposed industrial/warehousing development (use classes B2/B8) together with associated access, servicing, parking and landscaping. Newcomen Drive Open Space, Newcomen Drive, Tipton**

It was proposed to hold a site visit for this application to assist the Committee in understanding the issues raised.

The Service Manager – Development Planning and Building Consultancy also requested that the application be deferred due to Highways requiring further monitoring information from the applicant.

Furthermore, it was highlighted that objections had been received from the Urban Wildlife Trust.

**Resolved** that determination of Planning Application DC/21/66125 (Proposed industrial/warehousing

development (use classes B2/ B8) together with associated access, servicing, parking and landscaping, Newcomen Drive Open Space, Newcomen Drive, Tipton, be deferred to allow a site visit to be undertaken.

22/22

**Planning Application DC/21/66122 Proposed 2 no. 3 bedroom dormer bungalows with boundary fencing and associated car parking. Land Adjacent The Bungalow, Corngreaves Road, Cradley Heath**

The Service Manager – Development Planning and Building Consultancy reported that the agenda pack included the previous outline consent for a single dwelling which was granted in January 2020 (DC/19/63555) for members consider. It was highlighted that a further email was received from the applicant outlining why the planning application should be approved.

The applicant was not present.

The Committee sought advice from the solicitor in attendance on how to proceed with the decision. Members were advised that a decision must be based on the information before them and were able to defer the application to allow a further opportunity for the applicant to attend the Committee if they felt they did not have sufficient information to make an unbiased decision.

Councillor Allen proposed a motion to defer the application to allow an opportunity for the applicant to attend the next Committee meeting, however this was not seconded.

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

- An increase in traffic and parking on the road would put pressure on the only entrance which was already serving 13 properties.
- Concerns were raised with regards to the lack of privacy that residents would be subjected to.
- An increased number of vehicles using the driveway could exacerbate the dangers and issues currently experienced.

- The increase in noise and vibration would have a detrimental effect on the residents.
- Concerns were also expressed with how gas, electric and water amenities would be implemented by the developer without disrupting the other residents.

The Principal Officer – Development, Highways Direct – Traffic and Road Safety) reiterated that Highways had objected to the application primarily due to the length of the driveway with no passing places, causing congestion at the vehicular access from Corngreaves Road. This could lead to vehicles queuing on the highway at the entrance to the driveway or even reversing back onto Corngreaves Road and could lead to an increase in injury accidents at this location.

It was highlighted that Highways had also objected outline planning consent (Planning Application DC/19/63555) which had received approval.

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

- It was noted that the development of the site could help remove vermin.
- The site currently served 13 dwellings. The application proposed the development of two further dwellings.
- 13 dwellings were currently being served off the access way with 3 properties having vehicular access off the access way.
- All dwellings had vehicles on their frontages.
- The development sought to build dormer bungalows.
- The residential design guide required a side to rear separation distance of 14 metres and a rear to rear separation distance of 21 metres. The side facing bathroom window of the nearer proposed bungalow would be 22 metres from the nearest existing facing window.
- Following concerns raised regarding drainage, it was highlighted that the drainage and servicing provision for the proposed bungalows would be subject to building regulations approval, should planning permission be granted.

- Furthermore, the planning application included a recommendation on the implementation of a sustainable drainage scheme.
- The planning system could not be used to rectify existing problems.

The Service Manager – Development and Building Consultancy clarified that granting of planning permission would not override other legal considerations. Furthermore, the implementation of road safety markings to assist with traffic calming and give priority to those accessing their front drives would be subject to a traffic regulation order, therefore would need to be considered by Highways and not as a planning condition.

Councillor Fenton proposed a motion to refuse the planning application, in support of objections from Highways which was seconded by Councillor Webb. This motion was unsuccessful.

Councillor Allen proposed a motion to approve the recommendations as set out in the report with an additional condition to remove permitted development rights.

**Resolved** that Planning Application DC/21/66122 Proposed 2 no. 3 bedroom dormer bungalows with boundary fencing and associated car parking (Land Adjacent The Bungalow, Corngreaves Road Cradley Heath), is granted planning permission subject to:

- (i) External Materials;
- (ii) Boundary treatments;
- (iii) Landscaping;
- (iv) Drainage to include SuDS;
- (v) Cycle storage;
- (vi) Method statement for construction;
- (vii) Provision and retention of parking;
- (viii) Compliance with recommendations of ecological report;
- (ix) Electric Vehicle Charging;
- (x) Removal of permitted development rights

**Planning Application DC/21/66233 Retention of use of garage as hair salon (previously refused application DC/21/65576). 1 Hydes Road, Wednesbury, WS10 9SX**

The Service Manager – Development Planning and Building Consultancy highlighted that the retail use by way of its location in a residential area would be contrary to Town Centre Policies CEN4, CEN6 & CEN7 of Sandwell's Black Country Core Strategy. Furthermore, the applicant's agent had identified vacant properties in Wednesbury and concluded that alternative properties were not appropriate options for the applicant.

Furthermore, an email of support was received from a customer of the salon, who stated that the location of the salon made it much easier to travel to, given the customer's disability.

A supporter of the application provided members with a sequential test on properties the applicant had conducted within the town centre, which showed no viable or appropriately sized shops were available.

An supporter of the application was present and addressed the Committee with the following points:-

- The salon was a small business that had built up a loyal customer base over 22 years.
- It was noted that no objections had been received, the proposal is before Committee as the location of the site being outside the town centre boundary and retail core.
- Wednesbury Town Centre currently occupied 26 salons offering similar services.
- A sequential test conducted confirmed there were no suitable shops available for the applicant to move into or convert.
- There was significant cost associated with refurbishing the vacant shops, which would consequently mean the business would be unviable.
- The applicant had not been able to identify a suitably sized or appropriate for disabled accessibility.

- There had been several similar proposals and businesses within close proximity of the site that had received approval without any restrictions imposed.
- There were other examples across the borough where similar applications had been subject to similar policy restrictions and received approval.
- 50m from the application site had historically been a commercial premises but had now been converted to residential properties.
- The application had been supported by Local Ward Councillors from both Wednesbury North and South.
- Applicant sought for the two years temporary consent condition to be not included.

The Service Manager – Development Planning and Building Consultancy highlighted that the starting point for members was to consider the application being incompliant with the provisions of the development plan. Members were reminded that other material considerations may be used to depart from the development plan.

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

- Whilst Highways had no objections to the application, following additional information provided by the agent regarding customer and staff parking arrangements, a subsequent recommendation for temporary consent for a period of 2 years to allow the local planning authority to monitor the use was added.
- The rationale behind the request for a two-year temporary grant was due to Highways concerns on the impact on the highway network. This would allow officers to monitor the impact of the business in the location.
- Signage associated with the premises would be dealt with under separate legislation.
- The proposal would manifest economic benefits in the local area and it was highlighted that the Council should be supporting local businesses.
- Parking issues would not be enforced by Planning.

The Principal Officer – Development, Highways Direct clarified that following additional information received from

the application and agent, regarding providing a disabled parking bay within the site, all staff and customers being asked to use a car park nearby and no more than two customers at the site at any given time, this satisfied Highways concerns. Furthermore, the two-year temporary consent would allow Highways to monitor and ensure those mitigating measures were implemented.

Councillor Fenton proposed a motion to grant the planning application with the inclusion of the two-year temporary consent; restriction of opening hours and days as outlined within the planning application report; and restriction of use to hair salon only, as per the application. This motion was seconded by Councillor Webb.

**Resolved** that Planning Application DC/21/66233 Retention of use of garage as hair salon (previously refused application DC/21/65576) (1 Hydes Road, Wednesbury, WS10 9SX) is granted planning permission subject to:-

- (i) Temporary consent for a period of 2 years to allow the local planning authority to monitor the use;
- (ii) Hours of business be outlined in the report;
- (iii) Restriction of use of the premises as a hair salon, as per applied.

24/22

**Planning Application DC/21/66451 Proposed erection of market stalls. Market Stalls Junction Union Street, Market Place, Wednesbury**

The Service Manager – Development Planning and Building Consultancy reported that there was no additional information for members to consider.

The applicant was present but did not wish to address the Committee with any additional information.

There were no objectors present.



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

**Resolved** that Planning Application DC/21/66451 Proposed erection of market stalls (Market Stalls Junction Union Street, Market Place, Wednesbury), is granted planning permission.

## 25/22      **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.

## 26/22      **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:-

<b>Application Ref</b>	<b>Site Address</b>	<b>Inspectorate</b>
DC/21/65649	Madina Education Trust Walsall Street Wednesbury WS10 9EL	Dismissed
DC/21/65633	Land Adjacent 124 Oldbury Road Rowley Regis B65 0PH	Dismissed

Meeting ended at 6.35pm

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