

Minutes of Planning Committee

**Wednesday 9 March 2022 at 5.00pm
in the Council Chamber, Sandwell Council House, Oldbury**

Present: Councillor Z Hussain (Chair);
Councillor Webb (Vice-Chair);
Councillors Allcock, Allen, Chidley, Dhallu, Fenton,
Gavan, S S Gill, Kalari, Kaur, Millar and C Padda.

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); Mark Stretton (Conservation Officer); and Andy Thorpe (Healthy Urban Development Officer).

27/22 Apologies for Absence

An apology for absence was received from Councillor Chapman.

28/22 Declarations of Interest

There were no declarations of interest made.

29/22 Minutes

Resolved that the minutes of the meeting held on 15 February 2022 were approved as a correct record.

30/22

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

The planning application was withdrawn from the agenda to allow for further discussion following consultation with Public Health.

31/22

Planning Application DC/21/65872 and Listed Building Consent Application DC/21/65873 - Proposed residential development comprising of 46 no. 1 and 2 bed apartments, and conversion of boat gauging house (listed building) to 4 no. 2 bed residential units, together with associated car parking and landscaping. Land Adjacent to the Boat Gauging House, Tipton

Councillor Allen indicated that he had been lobbied by objectors.

The Service Manager – Development Planning and Building Consultancy highlighted that a decision was required on both application numbers - the planning application for 46 no. 1 and 2 bed apartments, and the listed building consent application for the conversion. Satisfactory amended plans had now been received in respect of both applications, showing revised fenestration.

Public Health had raised no objections to the applications, subject to additional conditions relating to noise.

Members noted that, as the Health and Safety Executive (HSE) had objected to the proposal, should the Committee be minded to grant planning permission, the HSE would have 21 days to consider whether to refer the applications to the Secretary of State for determination.

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

- The Tipton Civic Society had objected to the application on the grounds that the design failed to achieve the

design quality required in a conservation area on a nationally important site.

- The development would have a negative impact on the conservation area/canal and whole area.
- Previous planning applications were more appropriate schemes due to the involvement of a respected local architect.
- Many of the proposed dwellings would be single aspect.
- The subdivision of the Boat Gauging House would be detrimental to its historic character
- The Canal and River Trust had also objected to the design of the scheme.

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

- The site was allocated for residential purposes in the Council's local development plan.
- Previous applications for residential developments had been approved on the site, therefore there was a strong precedent.
- The scheme proposed was for the same footprint as the previous applications and the positions of the buildings were identical to those that were previously approved.
- The proposed scheme enhanced the setting of the listed building and the conservation area and would regenerate the derelict site.
- The proposals also utilised and provided a viable use for the listed building in the long term.

The Council's Conservation Officer was present and advised the Committee that the site had remained vacant and derelict for some decades and was unlikely to be brought back into use as a boat gauging house. Therefore, identifying a viable use for heritage buildings was the most proactive way of conserving it.

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

- The updated drawings related to Block C and the amended design included arched windows to reflect the canalside vernacular.
- The proposed application site boundary included the boat gauging house and the land adjacent to it.

Councillor Allen proposed a motion to defer determination of the planning application to allow for a site visit by the Committee. This motion was seconded and carried upon the vote. In light of this, listed building consent application DC/21/65873 was also deferred.

Resolved that determination of Planning Application DC/21/65872 and Listed Building Consent application DC/21/65873 (Proposed residential development comprising of 46 no. 1 and 2 bed apartments, and conversion of boat gauging house (listed building) to 4 no. 2 bed residential units, together with associated car parking and landscaping, (Land Adjacent to the Boat Gauging House, Tipton)) be deferred to allow a site visit to be undertaken.

32/22 **Planning Application DC/21/66003 - Proposed change of use from dwelling to 7 No. bedroom HMO (House in multiple occupation) with single storey side/ rear extension and rear dormer window. 8 Anderson Road, Smethwick, B66 4AR**

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

There was no objector present.

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

- The tenant market for this property was young, white collar professionals.
- The property would be refurbished to a high standard, with structural improvements, fire prevention measures, and improvements to support energy efficiency.
- The properties external appearance would be in line with the street character.
- The applicants had experience of managing several house share projects and the quality of the developments had been recognised through industry awards and surveyor feedback.

- The applicants also had a track record of zero complaints across all projects. However, measures were in place to manage any escalating issues, if necessary.
- The scheme intended to create a community with a sense of ownership, respect, accountability to all residents within the shared home and in the local community.
- Sustainable living would be promoted through cycling and public transport therefore the proposed site was in an appropriate location to benefit from local amenities and transport links.
- A HMO management plan had been submitted.
- The applicant could convert the property into a 6-person HMO under permitted development rights.
- The development also included attractive indoor and outdoor amenities, spacious rooms with desk, bike storage for all 7 occupants and two off street parking spaces.

The Highways Network Development and Road Safety Manager confirmed that there should be one parking space per two bedrooms. Anderson Road already had a Resident's Parking Scheme in place, so two parking permits would be issued. This was in addition to two off road parking spaces at the rear. Additionally, the site was located next to Bearwood High street.

The Service Manager – Development Planning and Building Consultancy reminded members that issues around private rights of way were not for the Committee to consider, but for the application to address separately.

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

Resolved that Planning Application DC/21/66003 (Proposed change of use from dwelling to 7 No. bedroom HMO (House in multiple occupation) with single storey side/ rear extension and rear dormer window (8 Anderson Road, Smethwick, B66 4AR)) is approved, subject to conditions relating to:-

- (i) External Materials;

- (ii) Car parking to be implemented and retained;
- (iii) Cycle storage to be implemented;
- (iv) Details of bin storage;
- (v) Electric Vehicle Charging point;
- (vi) Low NOx boilers;
- (vii) Construction management plan;
- (viii) Details of security measures; and
- (ix) No burning of waste on the site.

33/22

Planning Application DC/21/66143 - Proposed 1 No. dwelling (Outline application for access only) - Land to the Rear, St Michaels Crescent, Oldbury

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

There was no objector present.

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

- This was a windfall housing site.
- The site had been unused and overgrown for some years and had been subject to flytipping, anti-social behaviour and vandalism.
- The proposed development would provide natural surveillance of the area to the benefit of all surrounding properties.
- The house would be positioned at a right angle to neighbouring properties to ensure there was no loss of privacy or amenity.
- There was sufficient space within the site for vehicles.
- No objections had been raised by Highways.
- The design of the proposal was acceptable in respect of the national planning policy framework.
- This was a sustainable development and would provide residential accommodation that aligned with the character of the area and provided significantly enhanced access and security for neighbouring residents.

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

- Plans had already been amended to show rights of access for properties on Wolverhampton Road.
- Building on a private of way would become a private legal matter.

The Service Manager – Development Planning and Building Consultancy reminded members that issues around private rights of way were not for the Committee to consider, but for the application to address separately. He also highlighted that application sought outline planning consent to establish the principle of residential development on the site, and a further application on the detail would be required.

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

Resolved that in respect of Planning Application DC/21/66143 (Proposed 1 No. dwelling (Outline application for access only) (Land to the Rear, St Michaels Crescent, Oldbury)) outline planning permission is granted with access for a residential development, subject to the further approval of Reserved Matters (appearance, landscaping, layout and scale) and subject conditions relating to: -

- (i) Ground conditions;
- (ii) Drainage including sustainable drainage;
- (iii) Finished floor levels plan;
- (iv) Noise assessment and mitigation measures;
- (v) Comprehensive vibration assessment;
- (vi) Electric Vehicle Charging point;
- (vii) Low NOx boiler;
- (viii) Construction management plan;
- (ix) Refuse management plan;
- (x) The submitted plan is for indicative purposes only.

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 and Stanford Drive, Rowley Regis

Councillors Allen, Chidley, Dhallu, Fenton, Z Hussain, Millar, C Padda and Webb indicated that they had been lobbied by objectors on the Committee's site visit.

The Service Manager – Development Planning and Building Consultancy reported that objectors had submitted a photograph of a road traffic incident that happened on 9 February 2022. A further letter of objection had also been received citing highway concerns and seeking evidence from the applicant that the risks had been considered.

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

- The application had not addressed resident's objections and provided no further evidence to explain how important matters of highway safety had been considered.
- The scheme would potentially double the number of vehicles using the junction which was located on a blind spot and had a history of accidents.
- The police had not objected due to the lack of reported incidents. However, there were many near misses that did not get reported.
- The site was close to a school, which generated extra pedestrians as well as traffic.
- A thorough risk assessment was needed to properly assess the likelihood of a serious accident occurring due to the significant increase in the volume of cars using the Hawes Lane/Stanford Drive junction.
- The development would exacerbate existing issues with the blind corner and the speed at which road users exit the bend on Stanford Drive.

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

- The scheme would provide Council accommodation for rent.
- The design of the proposed development had been developed with the Council's Urban Design Team and Highways officers.
- A number of suggestions from residents were incorporated into the planning application, this included a reprofiling of the junction between Stanford Drive and Hawes Lane.
- Along Hawes Lane, a raised kerb would be implemented to prevent any parking on the grass verge in front of the proposed flats.
- The parking areas that were accessible from Hawes Lane allowed for entry and exit in a forward gear.

The Highways Network Development and Road Safety Manager, reiterated that the development was acceptable in highways terms, as the provision of new vehicle access off Hawes Lane was in keeping with what was currently in place both opposite and adjacent to the site. A recent five year casualty analysis for Hawes Lane/ Stanford Drive showed no reported injury collisions involving vehicles entering or leaving driveways or entering and leaving Stanford Drive. There had been a fatal incident in 2019, however this had involved a motorcyclist travelling at excessive speed on a wet road in the early hours of the morning. The accident that had occurred in February 2022 had involved a stolen vehicle and the driver driving at excessive speeds, again in the early hours of the morning on a wet road. Therefore, both accidents had occurred as a result of the driver's behaviour. Around 12,500 vehicles a day passed along Hawes Lane and it was felt that the impact of the proposed development would be negligible in terms of generated traffic.

Members remained concerned about the impact of the proposed development on traffic and road safety and were minded to explore options to address those concerns. The Service Manager – Development Planning and Building Consultancy highlighted that conditions could not be used to address existing issues.

The Committee was minded to defer determination of the application to allow further discussions to take place on suitable options to address traffic and road safety concerns.

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 and Stanford Drive, Rowley Regis) is deferred to allow further discussions to take place to determine if viable options are available to address traffic and road safety concerns.

35/22

Planning Application DC/22/66564 - Proposed single storey front and side and two storey side extension with canopy to front. 18 Goldicroft Road, Wednesbury, WS10 9BN

The Service Manager – Development Planning and Building Consultancy reported that this application was before the Committee as the applicant's agent was a Council employee. It was also reported that a late objection had now been received from the neighbouring property, relating to the party wall and loss of light. The Committee was reminded that that issues around private rights of way were not for the Committee to consider, but for the application to address separately. Concerns about loss of light were only material if they related to a habitable room, which was not the case for this application.

There was no objector or applicant 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/22/66564 – (Proposed single storey front and side and two storey side extension with canopy to front, 18 Goldicroft Road, Wednesbury, WS10 9BN) is approved, subject to the external materials matching those of the existing dwelling unless otherwise agreed by the Local Planning Authority.

Councillors Kaur and Webb left the meeting at 6:44pm

36/22

Planning Application DC/21/66365 - Proposed hybrid planning application for the development of 13,975 sq. m. of floorspace (7,045 sq. m. 'full' and 6,930 sq. m. outline) for Use Classes E(g)(iii) Industrial Processes, B2 - General Industrial and B8 Storage and Distribution, with associated car parking and infrastructure (outline application for access).- Land At Brandon Way, West Bromwich, B70 8JL

The Service Manager – Development Planning and Building Consultancy recommended that members visit the site, prior to a full report on the application being brought to the Committee.

Resolved that determination of Planning Application DC/21/66365 (Proposed hybrid planning application for the development of 13,975 sq. m. of floorspace (7,045 sq. m. 'full' and 6,930 sq. m. outline) for Use Classes E(g)(iii) Industrial Processes, B2 - General Industrial and B8 Storage and Distribution, with associated car parking and infrastructure (outline application for access)- Land At Brandon Way, West Bromwich, B70 8JL) is deferred to allow a site visit to be undertaken.

37/22

Planning Application DC/21/66443 - Proposed development of 9 dwellings and associated parking (previously refused application DC/20/64367). Land Adjacent 63 Oxford Way, Tipton

The Service Manager – Development Planning and Building Consultancy recommended that members visit the site, prior to a full report on the application being brought to the Committee.

Resolved that determination of Planning Application DC/21/66443 (Proposed development of 9 dwellings and associated parking (previously refused application DC/20/64367) - Land Adjacent 63 Oxford Way, Tipton) is deferred to allow a site visit to be undertaken.

38/22 **Planning Application DC/22/66482 - Proposed 2 No. units for Industrial Processes (Use Class E(g)(iii)), General Industrial (Use Class B2), and Storage and Distribution (Use Class B8) and associated car parking and infrastructure. Land At Brandon Way, West Bromwich, B70 8JL**

The Service Manager – Development Planning and Building Consultancy recommended that members visit the site, prior to a full report on the application being brought to the Committee.

Resolved that determination of Planning Application DC/22/66482 (Proposed 2 No. units for Industrial Processes (Use Class E(g)(iii)), General Industrial (Use Class B2), and Storage and Distribution (Use Class B8) and associated car parking and infrastructure. Land at Brandon Way, West Bromwich, B70 8JL) is deferred to allow a site visit to be undertaken.

39/22 **Planning Application DC-22-66501 - Proposed change of use of existing 5 storey office block (Providence Place) to education, with external alterations, and new sprinkler tanks; and erection of an associated school sports building and hard surfaced sports court (Sandwell Road), with car parking, boundary treatment and landscaping.1 Providence Place and Land off Sandwell Road, West Bromwich**

The Service Manager – Development Planning and Building Consultancy recommended that members visit the site, prior to a full report on the application being brought to the Committee.

Resolved that determination of Planning Application DC-22-66501 (Proposed change of use of existing 5 storey office block (Providence Place) to education, with external alterations, and new sprinkler tanks; and erection of an associated school sports building and hard surfaced sports court (Sandwell Road), with car parking, boundary treatment and landscaping.1

Providence Place and Land off Sandwell Road, West Bromwich) is deferred to allow a site visit to be undertaken.

40/22 **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.

41/22 **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:-

Application Ref	Site Address	Inspectorate
DC/20/64188	Site Of 220 221 Toll End Road Tipton	Dismissed
DC/20/65080	920 - 922 Walsall Road Great Barr Birmingham	Dismissed
PD/21/01753	Telecommunications Mast SWL 12205 Land At Corner Of Crankhall Lane/Friar Park Road/Freeman Road/Coronation Road Wednesbury WS10 0EY	Allowed

42/22 **Annual Report of the Planning Committee**

The Committee received the annual report of the Planning Committee.

Members congratulated planning officers for the excellent performance.

Resolved that the Annual Report of the Planning Committee 2021/22 is approved for submission to the Council.

Meeting ended at 6.52pm

Contact: democratic_services@sandwell.gov.uk