

Minutes of Planning Committee

Wednesday 11 May 2022 at 5.00pm
in the Council Chamber, Sandwell Council House, Oldbury

Present: Councillor Z Hussain (Chair);
Councillors Webb (Vice Chair), Allen, Dhallu, Fenton,
Gavan, Kaur, Millar and C Padda.

Also present: Councillors Fisher and Millard.

Tony McGovern (Director of Regeneration and Growth); John Baker (Service Manager Development Planning and Building Consultancy); Barry Ridgway (Highway Services Group Manager - Assets and Maintenance); Sian Webb (Solicitor); and Andy Thorpe (Healthy Urban Development Officer).

57/22 **Apologies for Absence**

Apologies were received from Councillors Allcock, Chapman and S S Gill.

58/22 **Declarations of Interest**

There were no declarations of interest made.

59/22 **Minutes**

Resolved that the minutes of the meeting held on 30 March 2022 are approved as a correct record.

60/22 **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The application was withdrawn from the agenda and would be brought before Committee a future meeting once additional information had been received relating to noise and ecology.

61/22 **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**

This item was withdrawn from the agenda pending further discussions around process.

62/22 **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**

Members were minded to carry out a site visit to assist the Committee in understanding the issues raised by residents in relation to the development.

Resolved that consideration of 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) be deferred to allow a site visit to the be undertaken.

63/22

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

Members were minded to carry out a site visit to help assist the Committee understand the size and impact of the development.

Resolved that consideration of 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) be deferred to allow a site visit to be undertaken.

64/22

Planning Application DC/22/66593 - Proposed two-bedroom bungalow, and associated parking with new vehicle access (previously refused application DC/21/65370). Rear Garden of 39 Pear Tree Drive, Great Barr, Birmingham, B43 6HT

Councillors Allen, Dhallu, Gavan, Z Hussain, Millar, C Padda and Webb declared that they had been lobbied at the site visit by both applicant and objector.

The Service Manager Development Planning and Building Consultancy reported an amendment to proposed condition 5, in relation to landscaping, to include the retention of trees as shown on the submitted plans.

Councillor Fisher was present and addressed the Committee as ward councillor for Charlemont with Grove Vale with the following points:-

- A previous application (DC/21/65370) had been refused due to over-intensification.
- The area was predominantly residential, and the application would be an overdevelopment of the site and cause issues around accessibility.

- The site was located on a narrow road on a bend and there were existing issues with parking and speeding in the area. The proposed development would exacerbate these issues.
- The proposal would result in loss of privacy for several surrounding neighbours.
- The proposal would cause a negative impact on the landscape with loss of mature trees.
- There were concerns that the development would set a precedent in the area for similar developments.

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

- The rear of the proposed property would look into the rear gardens of residents of Pear Tree Drive, impacting on their privacy.
- The development posed constraints in terms of the height of the boundary fences.
- The site was on a blind corner and the proposal would contribute to an increase in traffic.
- Neighbouring residents had suffered stress due to the proposal.
- The development was out of character with the area and would set an unwelcome precedent.

The applicant was not present.

Highway Services Group Manager - Assets and Maintenance reported that all driveways in the street met the minimum requirement in terms of distance from the junction and the addition of one more property would not have a significant impact on the highway network. There had been no injury accidents in the last five years at any of the junctions in proximity to the site and no request for parking restrictions. There was therefore no objection to the application from a highways perspective.

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

- A condition requiring double yellow lines could not be discharged by the applicant and would therefore be unlawful.

- The proposal differed from the previously refused application (DC/21/65370) in terms of overall scale.
- There was an existing hedge between the two properties, however it was not very high. The proposed bungalow did not include dormer windows so there would be no more loss of privacy.
- The proposed conditions included the removal of permitted development rights, preventing any extension to the bungalow at a later date and the addition of dormer windows without formally applying for planning permission.
- The proposal met the minimum separation distances set out in the Councils Residential Design Guide.

Members noted that the Council's Planning Policy team had objected to the proposal on the grounds that it would be over-intensive and erode the character of the original plot structure and street scene. In light of this, members were minded to refuse planning permission.

Resolved that Planning Application DC/22/66593 (Proposed two-bedroom bungalow, and associated parking with new vehicle access (previously refused application DC/21/65370) - Rear Garden of 39 Pear Tree Drive, Great Barr, Birmingham, B43 6HT) is refused on the grounds that the proposal is over-intensive and will erode the character of the original plot structure and street scene.

65/22

Planning Application DC/21/65853 - Part demolition of existing buildings and proposed change of use from foundry to scrap metal recycling centre, comprising of new building and installation of sheer, pre-shredder, shredder and downstreamer and boundary treatment - Ervin Amasteel, George Henry Road, Tipton, DY4 7BZ.

The Service Manager – Development Planning and Building Consultancy reported that an amended plan had been submitted, which confirmed the provision of 108 spaces, as opposed to 22 car parking spaces detailed in the report. Furthermore, proposed condition 4 had been amended to include a noise management plan, and an additional

condition was recommended in relation to parking and manoeuvring being retained, as per the submitted plans.

No objectors were present.

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

- Since acquisition of the site in February 2021, the applicant had begun redeveloping and removing contaminated materials from the yard.
- The applicant sought to create a modern metal recycling facility, using the best available techniques and green technology.
- The proposal was compatible with adjacent uses and would create jobs and bring investment into the local area.
- The applicant proposed to demolish some of the existing buildings on site to facilitate a change of use to scrap metal recycling centre.

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

- The applicant had no intention of removing trees on the site.
- The two existing walls were below the level of neighbouring residences and the main boundary wall was below the tree line.
- Extensive modelling had been completed on mitigation measures to minimise the noise impact on surrounding neighbours.

The Committee noted that the site was earmarked in the Local Development Plan for employment use and therefore, that if it was minded to approve the application, the full Council would be asked to consider a departure from development plan to enable the application to proceed.

The Committee was minded to approve the application, subject to the conditions now recommended by the Director Regeneration and Growth, and a further condition requiring the retention of existing trees.

Resolved that, subject to the Council granting a departure from the Local Development Plan in relation to the use of the land, Planning Application DC/21/65853 (Part demolition of existing buildings and proposed change of use from foundry to scrap metal recycling centre, comprising of new building and installation of sheer, pre-shredder, shredder and downstreamer and boundary treatment) - Ervin Amasteel, George Henry Road, Tipton, DY4 7BZ) is approved, subject to conditions relating to the following:-

- (i) external materials as per submission;
- (ii) surface water and drainage details to be submitted relating to flood risk;
- (iii) submission of method statement relating to dust suppression;
- (iv) implementation of approved noise mitigation measures and a noise management plan.
- (v) implementation of approved walls and boundary treatments;
- (vi) electric vehicle charging points;
- (vii) cycle parking;
- (viii) ground contamination and gas monitoring with mitigation measures;
- (ix) drainage and SUDS;
- (x) 10% Renewable energy provision;
- (xi) method statement relating to apprenticeships and job creation; and
- (xii) restriction on hours of operation – 07:30 – 17:30 (Monday to Friday) and 08:00 to 13:30 (Saturdays), with no operation on Sundays and public holidays.
- (xiii) parking and manoeuvring areas as laid out and retained
- (xiv) retention of trees on site.

Planning Application DC/21/66392 - Retention of storage use at ground floor open to customers and other visitors by appointment only, and 1no. residential dwelling at first floor with dormer windows to side, associated car parking and landscaping. 26 Waterfall Lane, Cradley Heath, B64 6RQ

Councillors Allen, Dhallu, Gavan, Z Hussain, Millar, C Padda and Webb declared that they had been lobbied at the site visit by both applicant

The Service Manager Development Planning and Building Consultancy reported that an amended plan showing an additional second dormer window had been received and publicised with no objections being received.

Councillor Millard was present on behalf of objectors and expressed concern about the appropriateness of the proposed use, given the location in a residential area, and the disturbance to residents.

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

- The building was formerly a church, but in more recent times had operated as a commercial use.
- Objections on the grounds of noise were unfounded.
- Residents adjacent to the site were supportive of the development.
- The applicant was a local employer and was keen to get on with the improvements.
- There would be no increase in pollution as a result of the proposed use.

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

- There were historic structural issues with the building that would be addressed through the Building Regulations framework.
- The conditions proposed would address the concerns of objectors.

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

Resolved that Planning Application DC/21/66392 (Retention of storage use at ground floor open to customers and other visitors by appointment only, and 1no. residential dwelling at first floor with dormer windows to side, associated car parking and landscaping. 26 Waterfall Lane, Cradley Heath, B64 6RQ) is approved, subject to conditions relating to the following:-

- (i) the use is restricted to ground floor storage with visitors by appointment, with first floor residential dwelling;
- (ii) items stored in outdoor areas should not exceed a height of 2.5 metres;
- (iii) the approval of a construction management plan;
- (iv) visitors and deliveries to the site only to be within 09:00 – 18:00 hours Monday to Saturday;
- (v) details of boundary treatments;
- (vi) details of electric vehicle charging;
- (vii) low NOx boiler;
- (viii) air quality mitigation plan;
- (ix) parking to be implemented and retained;
- (x) landscaping;
- (xi) low NOx boiler.
- (xii) no hazardous materials to be stored on site;
- (xiii) outside storage to be restricted to the area marked on the plan;
- (xiv) details of bin storage to be provided, approved and implemented;
- (xv) details of cycle parking to be provided and approved and implemented;
- (xvi) materials.

67/22

Planning Application DC/21/66479 - Proposed first floor rear extension and conversion of flat at first floor to 2 No. 1 bedroom flats and conversion of second floor with dormer windows to front and rear to create 1 No. 1 bed flat (amendment to approved planning permission DC/21/66056). 130 and 132 Sandon Road, Smethwick, B66 4AB

There were no objectors or applicants present.

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

Resolved that Planning Application DC/21/66479 (Proposed first floor rear extension and conversion of flat at first floor to 2 No. 1 bedroom flats and conversion of second floor with dormer windows to front and rear to create 1 No. 1 bed flat (amendment to approved planning permission DC/21/66056) - 130 and 132 Sandon Road, Smethwick, B66 4AB) is approved, subject to the external materials matching those of the existing property.

68/22

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

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

- The applicant had already carried out the work proposed.
- The dormer window looked into all gardens, and residents were concerned about privacy and safeguarding.
- Changes had been made to boundary fences which could not be put back.
- The builders were disruptive and had erected scaffolding on the neighbouring property.
- The extension would be overbearing in nature and cause a loss of privacy and light.
- Drainage was not adequate.

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

- The issues raised by the objectors did not amount to material planning considerations.
- The previous application had received approval from Committee.
- The applicant had attempted to work with neighbours to address concerns.
- The applicant was permitted to undertake the loft conversion under Permitted Development Rights.
- The applicant was happy to put obscured glass in the windows in the side elevation.

The Service Manager Development Planning and Building Consultancy confirmed that the application was retrospective. The majority of the works carried out had planning permission, however some of the works were not in accordance with the approved plans and the ground floor extension exceeded the size permissible under Permitted Development Rights.

Members were minded to hold a site visit for this application to assist the Committee in understanding the issues raised.

Resolved that consideration of 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) be deferred to allow a site visit to be undertaken.

69/22

Planning Application DC/21/66339 - Proposed 13 No. dwellings including amendment to plot 197 approved under planning application DC/20/64152. Land at West Bromwich Street, Oldbury, B69 3AT

There were no objectors or applicants present.

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

As the land was earmarked for mixed use in the Local Development Plan, and this did not include residential use, the Council would be asked to grant an exception to the Plan to allow the application to proceed.

Resolved that, subject to the Council granting a departure from the Local Development Plan in relation to the use of the land, Planning Application DC/21/66339 (Proposed 13 No. dwellings including amendment to plot 197 approved under planning application DC/20/64152 - Land at West Bromwich Street, Oldbury, B69 3AT) is approved, subject to conditions relating to the following:-

- (i) external materials;
- (ii) finished floor levels;
- (iii) contamination;
- (iv) drainage;
- (v) acoustic glazing and ventilation;
- (vi) energy statement;
- (vii) boundary treatments;
- (viii) landscaping;
- (ix) open space management plan;
- (x) electric vehicle charging;
- (xi) construction method statement;
- (xii) removal of permitted development rights; and
- (xiii) retention of parking.

70/22

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.

Meeting ended at 6:55pm

Contact: democratic_services@sandwell.gov.uk