

Minutes of Planning Committee

**Wednesday 23 November 2022 at 5.00pm
in the Council Chamber, Sandwell Council House, Oldbury**

Present: Councillor Millar (Chair);
Councillors Akhtar, Allcock, Allen, Chapman, Dhallu,
Fenton, A Hussain, Kaur, Mabena, Preece, Singh,
Webb and Williams.

Officers: John Baker (Service Manager - Development Planning
and Building Consultancy); Alison Bishop
(Development Planning Manager); Simon Chadwick
(Highway Network Development and Road Safety
Manager); David Elliott (Solicitor); Rory Stracey
(Solicitor); Alex Goddard (Democratic Services Officer);
Connor Robinson (Democratic Services Officer) and
Anthony Lloyd (Democratic Services Officer).

121/22 **Apologies for Absence**

Apologies were received from Councillor S S Gill.

122/22 **Declarations of Interest**

There were no declarations of interest made.

123/22 **Minutes**

Resolved that the minutes of the meeting held on 5
October 2022 are approved as a correct record.

Planning Application DC/22/66716 - Retrospective change of use from police station to non-residential education centre (Use Class F1) with new boundary fencing to rear - Impact Education and Training, 240 Halesowen Road, Cradley Heath, B64 6JA.

Members of the Committee had been lobbied by both the Objectors and the Applicant(s) on a recent site visit.

The Service Manager for Development Planning and Building Consultancy updated the Committee on further objections which had been received from residents, which had re-iterated those concerns already found in the report regarding parking and anti-social behaviour (ASB). Photographs of damaged property shared by a resident had been distributed to members of the Committee.

An Objector was present and addressed the Committee with the following concerns:

- Damaged had been received to their property; allegedly as a result of students of the school climbing on the roof.
- Parking for residents in the area was troublesome.
- Constant Police involvement was required due to ASB.
- The school was seeking retrospective planning permission and had not sought planning permission before opening.
- School mini-buses had been blocking pavements causing unsafe passage for pedestrians, especially those with disabilities.
- Asbestos was present at the site.

The Applicant was invited to address the Committee and presented the following points:

- Any property deemed to be damaged by students of the School was replaced out of goodwill.
- Many of the students were local to the School.
- Asbestos was no longer a problem and all the relevant checks had been completed.
- Further measures had been taken to reduce ASB at lunch times such as the hiring of a sports centre for students to attend during breaktime.

- Boundary walls were now in place.
- If permission was granted, further measures could be taken if required.
- Parking issues in the area were already prevalent before the opening of the school.
- The Applicant had been proactive in trying to prevent any further issues by allowing residents to visit and express their concerns; this had resulted in several remedies such as the introduction of trees and introduction of netting.

Members acknowledged that the pupils who attended the school often did so as a means of reintegrating them back into mainstream education. It was recognised that the school was focused on improving the outcomes for those pupils who often required additional support.

The Committee noted the issues raised with regards to material planning concerns. With regards to highways it had been argued that the concerns had been addressed with the use of mini-buses to bring the pupils to-and-from the school. The reports of ASB, it was noted that the Police had not made any formal representation to either Planning or the school. The applicant stated that he had a working relationship with the Police and was confident that any issue would be reported and dealt with.

The Applicant stated that he was happy for residents to talk with him and the school and that his door was always open for issues and concerns to be raised and resolved.

It was clarified that a condition was in place to limit the number of pupils attending the school to 60. The Committee also noted the conditioning of additional padding on the walls and the introduction of higher netting in the play areas as a means to address residents' concerns. It was confirmed that students were instructed on the behaviour expected from them while attending the school and interacting with the wider community and staff were present after school to address any ASB concerns.

Resolved that retrospective planning permission for Planning Application DC/22/66716 (Retrospective change of use from police station to non-residential education centre ((Use Class F1)) with new boundary fencing to rear - Impact Education and Training Impact Education and Training, 240 Halesowen Road, Cradley Heath, B64 6JA) is approved, subject to conditions relating to the following:-

- (i) The maximum number of pupils shall not exceed 60.
- (ii) The school shall operate in accordance with the submitted School Travel Plan.
- (iii) Applicant only permission.
- (iv) Hours of use to be restricted to 8.00 to 17.00 Monday to Friday.
- (v) Details of padding to be added to the south western boundary wall.
- (vi) Details of further netting to be added above the playground.

125/22

Planning Application DC/22/67124 - Proposed change of use and alteration of public house to create 21no. bedroom house in multiple occupation (HMO), erection of 2no. dwellings, car parking, access, cycle and refuse store and associated works - Holly Bush, The Uplands, Smethwick, B67 6BL.

Members of the Committee had been lobbied by both the Objectors and the Applicant(s) on a recent site visit.

The Service Manager for Development Planning and Building Consultancy informed the Committee that amended plans addressing the rearrangement of amenity space and waste storage had been accepted, and no additional comments had been received from Highways, the recommendation was therefore approval subject to conditions set out in the report.

To the following conditions had been amended:

- Amend condition (v) Boundary details to include visibility splays retained.

- Extra condition (xviii) layout being retained as approved.

The Committee also noted the submission of a 63-signature petition received in support of the application. The petition noted that the development, would retain the building as a historic asset to the area, address housing need, reduce vandalism, encourage investment in the area and brings back an empty property into use.

Members noted that they understood that there had been two petitions circulating amongst the community that were objecting to the HMO. Officers confirmed that the two petitions objecting had been noted in the report. It was also requested that the Committee view the petitions that was in favour and those objecting to the application.

Members proposed a motion for a site visit highlighting their concerns around highway safety and parking, the appropriate use of the property, the potential for over development of the property and the potential for an increase in ASB within the community

Resolved that consideration of Planning Application DC/22/67124 (Proposed change of use and alteration of public house to create 21no. bedroom house in multiple occupation ((HMO)), erection of 2no. dwellings, car parking, access, cycle and refuse store and associated works - Holly Bush, The Uplands, Smethwick, B67 6BL) be deferred to allow a site visit.

126/22

Planning Application DC/22/67209 - Proposed variation of condition 2 of DC/20/64781 (Proposed taproom/bar for the serving of alcohol on Fridays, Saturdays and Sundays and tours of the distillery) to extend permission for further 2 years - Unit 1, 153 Powke Lane, Rowley Regis B65 0AD75

Members of the Committee had been lobbied by both the Objectors and the Applicant(s).

The Service Manager for Development Planning and Building Consultancy informed the Committee of the Highways Department decision to object to the tabled planning application due to the parking layout not meeting the standards required by the Council.

An Objector was present and addressed the Committee with the following concerns:

- An alleged illegal connection had been made to the Objector's private drain by the business.
- The Objector had experienced trespassing; workmen had also been recorded looking into the Objector's home.
- Lights from the Applicant's property had gotten so bright that the Objector's family had difficulty sleeping.
- Cameras owned by the Applicant were directly pointing to the Objector's property.

The Service Manager for Development Planning and Building Consultancy reminded the Committee that the drainage issues were a civil matter and could not be considered by the Planning Committee. It was also highlighted that the lighting concerns were a matter for Public Health who were investigating further, but this was not for consideration by the Planning Committee. The issues around parking however, remained a material concern.

The Applicant was invited to address the Committee and presented the following points:

- The Applicant had been operating at the site since December 2020.
- Drainage issues were now resolved.
- The application would create three new jobs.
- Similar businesses were operating efficiently in the area with even less parking space.
- The majority of customers would be travelling on foot due to the nature of the business.

After a further discussion and the noting of comments from the Highway Network Development and Road Safety Manager, members agreed to reject the application on the

basis of the reduced number of parking spaces available to serve the business.

Resolved that planning application DC/22/67209 (Proposed variation of condition 2 of DC/20/64781 ((Proposed taproom/bar for the serving of alcohol on Fridays, Saturdays and Sundays and tours of the distillery)) to extend permission for further 2 years - Unit 1, 153 Powke Lane, Rowley Regis B65 0AD75) is rejected.

127/22 **Planning Application DC/22/67364 - Proposed change of use from church to preschool nursery – temporary permission for three years - Macefields Mission Hall, Claremont Street, Cradley Heath**

Members of the Committee had been lobbied by both the Objectors and the Applicant(s).

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

Councillor Smith on behalf of objectors was present and addressed the Committee. Concerns were raised regarding the severe impact that could be had on the surrounding road network as a result of staff and parents parking in the road, arguing that this would only exacerbate issues in the area.

The Applicant was invited to address the Committee and presented the following points:

- No impact should be felt from the application when compared to the previous religious usage of the building.
- The Nursery would only operate during working hours and most of the activity would be taking place indoors which would negate any noise concerns.
- The majority of children attending the nursery would be from the local area had therefore, the requirements for parking should have been lower.
- Staff would patrol the adjacent roads during busy times to alleviate any parking problems.

The Highway Network Development and Road Safety Manager highlighted that sufficient parking spaces had been included in the application. A three-day parking survey had been carried out by the highways department between the hours of 7am-10am and 3pm-6pm to analyse and address any issues. It was stated that there were upwards of 30-50 parking spaces with 150m in all directions throughout the survey times which was adequate to accommodate staff and parent parking during these times.

The Service Manager for Development Planning and Building Consultancy reminded members that this application was for a temporary order and therefore, if approved, these conditions would be confirmed for the whole period. However, other departments could enforce their own policies respectively.

The Committee sought clarification on the possibility of reducing the temporary order from three years to two years. In response, it was stated that this would vastly change the original application and therefore, would require a different planning application. Instead, it was agreed that a two year temporary order would be imposed from when the site was first occupied which would enable the Applicant to carry out any required works.

Resolved that planning application DC/22/67364 (Proposed change of use from church to preschool nursery – temporary permission for two years from the date of first occupation - Macefields Mission Hall, Claremont Street, Cradley Heath) is approved subject to conditions relating to the following:-

- (i) the external materials shall match those of the existing dwelling; and
- (ii) Obscured glazed windows to be retained as such.

128/22

Planning Application DC/22/67373 - Proposed two storey side/rear and single storey rear extensions, new front porch, roof alterations, loft conversion and rear dormer window - 10 Grove Road, Oldbury B68 9JL

Members of the Committee had been lobbied by both the Objectors and the Applicant(s).

The Service Manager for Development Planning and Building Consultancy presented the amended plans and recommendations to the Committee which now removed the rear dormer and included a parking layout. The design of the roof had been changed to better fit the character of the area. It was highlighted that lofts and rear-dormer windows did not require planning commission under permitted development rights.

An Objector was present and addressed the Committee. It was noted that concerns were still present regarding the loss of light and over-shadowing and further objections were made to the window to the side of the property due to privacy concerns. Clarification was also sought on what would prevent the Applicant from reverting designs back to the original proposals at a future date.

The Applicant was present and stated that properties in the area had undergone similar conversions.

Members were minded, with the agreement of both parties, to defer the application for further discussion to take place between the Applicant and the Objector.

Resolved that Planning Application DC/22/67373 (Proposed two storey side/rear and single storey rear extensions, new front porch, roof alterations, loft conversion and rear dormer window - 10 Grove Road, Oldbury B68 9JL) be deferred.

129/22

Planning Application DC/22/67608 - Proposed single storey front/side extension - 14 Hancox Street, Oldbury B68 9LQ

The application was brought to the Committee for transparency; this was due to the Applicant being an architect who worked for Sandwell Metropolitan Borough Council.

Resolved that Planning Application DC/22/67608 (Proposed single storey front/side extension - 14 Hancox Street, Oldbury B68 9LQ) is approved.

130/22 **Committee Site Visits**

The Committee noted the planning application site visits that would take place on 11 January 2023.

131/22 **Decisions of the Planning Inspectorate**

The Committee noted the Decisions of the Planning Inspectorate.

132/22 **Applications Determined Under Delegated Powers**

The Committee noted the application determined under delegated powers by the Director – Regeneration and Growth.

Meeting ended at 7.16pm

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