

Minutes of Planning Committee

**Wednesday 10 January 2024 at 5.00pm
in the Council Chamber, Sandwell Council House, Oldbury**

Present: Councillor Millar (Chair);
Councillors Chidley (Vice-Chair), Fenton, Kaur, Loan, N
Singh, Pall, Preece, Tromans and Webb

Officers: John Baker (Development Planning and Building Consultancy
Manager); Alison Bishop (Development Planning Manager);
Simon Chadwick (Development and Road Safety Manager);
Andy Thorpe (Healthy Development and Building Control
Lead); Rory Stracey (Solicitor); Connor Robinson (Democratic
Services Officer) and Anthony Lloyd (Democratic Services
Officer).

1/24 **Apologies for Absence**

Apologies of absence were received from Councillors Chapman,
Fisher, S Gill, Kordala and Uppal

2/24 **Declarations of Interest**

There were no declarations of interest.

3/24 **Minutes**

Resolved that the minutes of the meeting held on 29
November 2023 are approved as a correct record.



4/24

Planning Application DC/23/68497 - Retention of replacement boundary treatment, removal of external rear wall, single storey rear extension, and raising of existing roof height. 10 Jowetts Lane West Bromwich B71 2RA

The Development Planning and Building Consultancy Manager highlighted to members that there were discrepancies between the published drawing plans and the actual design and therefore, minded members that a deferral of the item would be prudent to ensure that drawings were updated and confirmed as accurate before being re-considered by the Committee.

Resolved that consideration of Planning Application DC/23/68497 (Retention of replacement boundary treatment, removal of external rear wall, single storey rear extension, and raising of existing roof height, 10 Jowetts Lane West Bromwich B71 2RA) is deferred to seek correct plans regarding works already carried out on site.

5/24

Planning Application DC/23/68498 - Proposed change of use from existing residential dwelling to 2 apartments 1 no - 1 bed and 1 no - 2 bed. Demolition of existing adjacent ancillary building and replace with 6 no - 2 bed apartments with associated car parking and amenity areas. 2A Franchise Street, Wednesbury, WS10 9RE.

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

- technical drawings were inaccurate as they did not show that the front elevation had actually extended onto the objectors property;
- the building was of historical significance to the area and was a former vicarage;
- a covenant was in place that stated that the property in question would not be used for any other reason than that of a dwelling or two dwellings.



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

- willing to address any concerns in relation to site plans;
- no information could be sought that implied that the building was listed or a non-designated heritage property.

The Development Planning and Building Consultancy Manager advised the Committee that title deeds and covenants were not a matter that the Committee could consider as the local planning authority. Any further legal concerns would need to be investigated by the applicants separately outside of the planning process.

Resolved that consideration of Planning Application DC/23/68498 (Proposed change of use from existing residential dwelling to 2 apartments 1 no - 1 bed and 1 no - 2 bed. Demolition of existing adjacent ancillary building and replace with 6 no - 2 bed apartments with associated car parking and amenity areas. 2A Franchise Street, Wednesbury, WS10 9RE) is deferred pending a site visit by the Committee.

6/23

Planning Application DC/23/68578 - Retention of outbuilding at rear for garden room, storage and gym. 180 Walsall Road West Bromwich B71 3LH.

At its meeting on 29 November 2023 (Minute No 114/23 refers), the Committee resolved to attend a site visit before giving further consideration to the planning application.

Councillors Chidley, Fenton, Loan, N Singh, Tromans, Millar and Webb declared that they had been lobbied by the applicant on the site visit.

The Development Planning and Building Consultancy Manager advised members that the windows on the outside of the building were now obscure glazed. Photographs were also circulated to the Committee which had been presented by the objector.



An objector was present and addressed the Committee. Issues with light pollution and speculation around land encroachment were raised by the objector along with issues over privacy and overlooking into neighbouring properties.

In response, it was confirmed by the Development Planning and Building Consultancy Manager that no visible land encroachment had taken place. Members were also minded that if the building was to be lowered to under 2.5m in height, then the works could instead be completed via permitted developments rights.

Members discussed the feasibility of a condition on the use of blinds on the property however, it was deemed that this condition would be difficult to enforce and therefore, on that basis, using it as a condition would not be viable. Members were also reminded that a building that was assigned as “residential” encompassed many activities.

The objector had been notified that other legislation, such as environmental health laws, could be pursued if problems persisted.

Resolved that, Planning Application DC/23/68578 (Retention of outbuilding at rear for garden room, storage and gym. 180 Walsall Road West Bromwich B71 3LH.) is approved subject to conditions relating to the following:-

- i) Within 3 months of permission being granted the windows and doors located on the front elevation to be obscurely glazed and retained as such; and
- ii) The outbuilding is not to be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 180 Walsall Road



Planning Application DC/23/68738 - Proposed single storey outbuilding to rear with associated excavation and retaining wall. 50 Chatsworth Avenue, Great Barr, Birmingham, B43 6QH.

Councillors Chidley, Fenton, Loan, N Singh, Tromans, Millar and Webb declared that they had been lobbied by both the applicant and objector on the site visit.

Neither the applicant or objector was present at the meeting.

The Development Planning and Building Consultancy Manager provided clarification on permitted development rights in relation to extensions to properties. It was noted that extensions and other buildings must not exceed 50% of the curtilage. The 50% limit covered all buildings so would also include existing and proposed outbuildings as well as any existing or proposed new extensions to a house. The extension that was considered on this planning application did not exceed the 50% limit.

Members were also advised that any concerns around change of use could be dealt by planning enforcement as and when required.

Resolved that Planning Application DC/23/68738 (Proposed single storey outbuilding to rear with associated excavation and retaining wall. 50 Chatsworth Avenue, Great Barr, Birmingham, B43 6QH) is approved, subject to conditions relating to:-

- i) External Materials;
- ii) The gymnasium shall be solely for the enjoyment of the residents of 50 Chatsworth Avenue and for no other purposes.



8/23

Planning Application DC/23/68797 - Retention of outbuilding in rear garden (Resubmission of refused planning permission DC/23/68475). 41 Warwick Road, Oldbury, B68 0NE.

The Development Planning and Building Consultancy Manager highlighted to the Committee that the original report had incorrectly stated that the highways department had objected to the proposal. It was confirmed that no objections had been made by the highway department. The previous applicant had been refused due to insufficient information on the planned works or the building's proposed use.

No objectors were present for the meeting.

The applicant was present and highlighted the following:-

- the rear building would be used to accommodate a family member with autism;
- the applicant was happy to consider any further conditions as required by the committee.

Resolved that consideration of Planning Application DC/23/68797 (Retention of outbuilding in rear garden ((Resubmission of refused planning permission DC/23/68475)). 41 Warwick Road, Oldbury, B68 0NE) is deferred pending a site visit by the Committee.

9/23

Proposed Site Visits

The Committee noted the site visits that would be carried out in relation to the following applications in addition to those agreed at the meeting, prior to it being presented to the Committee:-

Application No. and Description.	Reason
DC/23/68823 Proposed 2 no. pair of semi-detached 3 bedroom houses, with associated parking and private amenity	To review the site location in terms of highway safety due to the location of the application site and the



space/gardens, vehicle crossover to pavement, and access road. At Land To The Rear Of 22 To 56 Francis Ward Close West Bromwich	proposed development's relationship to existing residential properties (outlook/privacy/sunlight)
DC/23/68819 Demolition of former public house and proposed construction of 4 storey mixed-use building comprising of 2 No. ground floor retail units, 12 No. self-contained apartments with first and third floor amenity areas with balustrades, plant room enclosure with acoustic timber fencing, boundary walls and railings, new access from Thornwood Close, parking, cycle store, refuse/recycling facilities and landscaping. At The Merrivale Vicarage Road Oldbury	To review the context of the area in relation to the proposed development in terms of design, scale and massing and the retail element at ground floor.
DC/23/68927 proposal of 60 dwellings at Titford Road, Oldbury	Application for 60 dwellings which had attracted considerable local interest.

10/23

Applications Determined Under Delegated Powers

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

(Meeting ended at 6.29pm)

Contact: democratic_services@sandwell.gov.uk

