

Minutes of Planning Committee

**Wednesday 4 September 2024 at 5.13pm
in the Council Chamber, Sandwell Council House, Oldbury**

Present: Councillor Millar (Chair);
Councillors Bhamra, Cotterill, Kaur, Piper, Preece, N Singh,
Tromans, Uppal and Webb.

Officers: John Baker (Assistant Director for Development Planning and Building Consultancy), Alison Bishop (Development Planning Manager), Simon Smith (Planning Solicitor), Simon Chadwick (Highways Network Development and Road Safety Manager), Andy Thorpe (Healthy Urban Development Officer), William Stevens (Principal Planner), Connor Robinson (Democratic Services Officer) and Anthony Lloyd (Democratic Services Officer).

59/24 **Apologies for Absence**

Apologies for absence were received from Councillors Loan and Hussain.

60/24 **Declarations of Interest**

| Minute No. | Subject | Member | Interest |
|------------|-------------------------------------|-------------------|---|
| 63/24 | Planning Application - DC/24/68966- | Councillor Preece | Represented the objectors at a recent Planning meeting. |

Planning Application - DC/24/69520 - 42 Pool Lane, Oldbury B69 4QX - Proposed change of use to a residential home for a maximum of 3 No. young people aged 7 to 18 years old (revision to refused planning permission DC/23/67975).

The Assistant Director for Development Planning and Building Consultancy summarised the application for members. Seven objections and a petition carrying 31 signatures against the proposal had been received.

Objectors were present and presented the following concerns to the Committee:-

- a planning application for the site had been refused previously;
- doubts were raised in relation to the standard of care that would be provided by the facility; and
- the presence of a residential care home could result in anti-social behaviour.

The applicant was present and highlighted the following points:-

- The applicant's parents had fostered at the property for over 25 years;
- the applicant was a foster carer and had become concerned with the immense pressures that young children were forced to live with;
- the applicant had a genuine interest in helping the community and had had several other successful projects in Sandwell including a day care centre;
- the application would assist in Sandwell Children's Trust's statement of providing safe and secure accommodation for young people and children; and
- the application would assist in reducing the amount of children that would need to be placed outside of the borough.

Following further discussion, the board agreed that further information was required.

Resolved that consideration of planning application DC/24/69520 - 42 Pool Lane, Oldbury B69 4QX (Proposed change of use to a residential home for a maximum of 3 No. young people aged 7 to 18 years old ((revision to refused planning permission DC/23/67975)) is deferred pending a site visit by the Committee.

62/24

Planning Application – DC/23/68527 – 340 Thimblemill Road, Smethwick B67 6PU – Proposed two storey side and single storey front and rear extensions.

The Assistant Director for Development Planning and Building Consultancy summarised the application and highlighted that the application had been reported to the Committee for transparency as the agent was an employee of the Council's Urban Design and Building Services.

Resolved that Planning Application - DC/23/68527 – 340 Thimblemill Road, Smethwick B67 6PU (Proposed two storey side and single storey front and rear extensions.) is granted subject to conditions relating to:

- i) External material; and
- ii) Provision and retention of parking.

63/24

Planning Application - DC/24/68966 – 57 to 59 Dartmouth Street and land adjacent 1a Duke Street, West Bromwich B70 8BY– Demolition of existing building and construction of new mosque and community centre with associated parking and boundary treatment.

(Councillor Preece withdrew from the meeting)

Councillors Webb, Tromans, N Singh, Kaur, Bhamra, Cotterill and Piper had been lobbied by both the objectors and the applicant during a site visit.

The Assistant Director for Development Planning and Building Consultancy summarised the application and reminded members that the application had been deferred at the meeting of the Planning Committee on 24 July 2024 (Minute 52/24 refers).

Since the meeting on 24 July 2024, officers had suggested three additional conditions which included the production of a travel plan, assessment of highway improve works and a site management plan.

Objectors were present and expressed that further incidents had occurred with visitors to the current mosque, blocking the driveways of residents. Residents also felt that the application did not consider the impact on the quality of life of residents living adjacent to the site. A meeting had also been held between local residents and the applicant in a bid to address concerns raised at the previous

meeting, the short notice of the meeting however, had meant a number of local residents were not able to attend.

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

- the number of attendees to the new site would be similar to the number attending the existing mosque;
- the existing mosque did not have adequate facilities;
- building heights would be maintained in line with the surrounding area;
- the width of pavements would be increased;
- the building on the site would be set back by an additional metre to improve visibility on the road; and
- the existing mosque would be discontinued.

Following comments and questions from members it was noted that the current mosque would no longer be used as a mosque once the new development was completed. A traffic management plan had been received which had satisfied any concerns highways had, and it was further noted that issues and incidents that had occurred around parking in nearby streets was a matter for parking enforcement.

Resolved that Planning Application - DC/24/68966 – 57 to 59 Dartmouth Street and land adjacent 1a Duke Street, West Bromwich B70 8BY (Demolition of existing building and construction of new mosque and community centre with associated parking and boundary treatment) is granted subject to conditions relating to:-

- i) External materials;
- ii) Contamination;
- iii) Boundary treatments;
- iv) Landscaping;
- v) Drainage (surface and foul);
- vi) Energy statement;
- vii) Lighting scheme;
- viii) Full details of any fixed plant;
- ix) Air quality assessment;
- x) Employment and skills plan;
- xi) Construction environmental management plan (CEMP);
- xii) Restriction on construction and associated delivery hours;
- xiii) Cycle storage;
- xiv) Waste storage;
- xv) Discontinuation of use of existing mosque premises;

- xvi) Obscured glazing to northwest elevation;
- xvii) No additional windows to the northwest elevation;
- xviii) Provision and retention of car parking;
- xix) No amplification of sound outside of the application premises;
- xx) Travel plan;
- xxi) Assessment of highway improvement works; and
- xxii) Community events will not take place at the same time as peak prayer times such as Friday prayer and evenings during the month of Ramadan.

64/24

Planning Application – DC/24/69248 – Land Adjacent 76 Brades Road, Oldbury – Proposed residential development (outline application with all matters reserved).

(Councillor Preece re-entered the meeting)

The Assistant Director for Development Planning and Building Consultancy reminded members that the application had been reported to the Committee as the site was part of the Local Employment Land allocation in the development plan. As such, the proposal was a departure from the development plan which required further approval of Council if the Committee had resolved to approve.

Resolved that Planning Application - DC/24/69248 – Land Adjacent 76 Brades Road, Oldbury (Proposed residential development ((outline application with all matters reserved))).is granted subject to conditions relating to:

- i) Submission of a reserved matters application;
- ii) Indicative plan is non-binding;
- iii) Contamination;
- iv) Drainage;
- v) Noise;
- vi) Ecology survey;
- vii) Cycle storage;
- viii) Waste storage;
- ix) Lighting;
- x) Construction environmental management plan (CEMP);
- xi) Restriction of construction hours;
- xii) Removal of permitted development rights; and
- xiii) Retention of parking.

65/24

Planning Application – DC/24/69368 - 255 Bristnall Hall Road Oldbury B68 9NF - Proposed two and single storey rear extension.

The Assistant Director for Development Planning and Building Consultancy summarised details in relation to the application and highlighted to members that the application had been reported to the Planning Committee because the agent was an employee of Sandwell Council.

Resolved that Planning Application - DC/24/69368 - 255 Bristnall Hall Road Oldbury B68 9NF (Proposed two and single storey rear extension) is granted subject to conditions relating to;-

- i) External materials; and
- ii) Glazing to be inserted into the south facing side elevation of the single and two storey rear extension shall be half be obscurely glazed and non-opening up to a height of 1.7m above the internal finished floor level and retained as such. No additional glazing shall be inserted into this elevation and
- iii) New drop kerb.

66/24

Planning Application – DC/24/69385 - 32 Addington Way, Oldbury B69 3LZ - Proposed change of use from residential dwelling to care home for up to 3 No. young people aged between 8-17 years old and garage conversion into habitable room.

Councillor Bhamra indicated that he had been lobbied by an objector in relation to the application.

The Assistant Director for Development Planning and Building Consultancy summarised the details of the application and highlighted that following consultation with the Council's Highways Department, an additional condition was suggested for the installation of a dropped kerb on McDonald Close. No objections had been received from the Highways Department, Public Health or West Midlands Police. It was also confirmed that condition iv) within the report contained an error and should have specified that the application was for a residential home for three children and not two children as initially stated.

The committee received the following concerns from objectors:-

- approval of the application would increase parking issues on Addington Way;
- the size of the rear of the garden was not sufficient for children to play in;
- health and safety issues, especially in regards to fire hazards and emergency exits, were thought to be present;
- that the care home would be operating as a business and not for the purpose of providing a home to children and young people; and
- children attending the home would not be receiving the highest standard of care.

In response, the applicant disagreed with the objections and stated that qualified personnel would be employed to run the home. It was also stated that children attending the care home would be of similar age and that no substantial evidence had been presented to indicate that anti-social behaviour would increase. The size of the garden was over ten metres and therefore met the residential design guide. There was a shortage of care homes within Sandwell and the development would go towards providing provision locally.

Following further discussion, the Assistant Director for Development Planning and Building Consultancy confirmed that potential care homes were inspected by Ofsted as the overseeing body, who would address any concerns raised with regards to health and safety and safeguarding and licence the care home prior and during its operation.

Resolved that consideration of planning application DC/24/69385 - 32 Addington Way, Oldbury B69 3LZ (Proposed change of use from residential dwelling to care home for up to 3 No. young people aged between 8-17 years old and garage conversion into habitable room) is deferred pending a site visit by the Committee.

67/24

Planning Application – DC/24/69391 - Rear garden of 39 Pear Tree Drive, Great Barr, Birmingham, B43 6HT - Proposed dormer bungalow, with associated parking and new vehicle access (amendment to application DC/22/66593).

Councillors Millar, Webb and Kaur declared that they had been lobbied by the objectors on a previous visit to the site.

The Assistant Director for Development Planning and Building Consultancy summarised the details of the application. The application was an amendment to application DC/22/66593. An appeal had been submitted against the original decision made by the Planning Committee at its meeting on 11 May 2022 (Minute 64/22 refers) which was subsequently allowed by The Planning Inspectorate.

Objectors were present and provided the following concerns to the committee:-

- approval of the application would be overdevelopment;
- the change in landscape would not be worth the increase in living space;
- the works could impact the surrounding wildlife and nearby water course;
- the works would cause high levels of noise and disturbance for neighbours; and
- the privacy of existing neighbours would be infringed.

In response, the applicant expressed that they had worked with planning officers at the Council to try and alleviate some of the concerns raised by objectors. The design had met the residential design guide standards and off-street parking was in accordance with the standards set out by the Highways Department. It was also confirmed that all windows at the rear of the dormers would be glazed in obscure glass and only openable if at a height of 1.7 metres above floor level.

In response to a number of questions, the Assistant Director for Development Planning and Building Consultancy addressed the Committee, stating that the Planning Inspectorate decision had established the principal of a bungalow development at the site.

Resolved that Planning Application - DC/24/69391 - Rear garden of 39 Pear Tree Drive, Great Barr, Birmingham B43 6HT (Proposed dormer bungalow, with associated parking and new vehicle access ((amendment to application DC/22/66593)) is granted subject to conditions relating to;-

- i) External materials;
- ii) Construction management plan & implementation thereafter;
- iii) Details of finished floor levels;
- iv) Drainage – foul and surface water & implementation thereafter;

- v) Details of new boundary walls or fences/no boundary treatment above 900mm in height adjacent to front parking spaces;
- vi) Implementation of approved landscaping and planting scheme before the development is first occupied and replacement/retention thereafter;
- vii) Implementation of approved parking spaces and retained thereafter;
- viii) All windows at the rear of the dormers shall be glazed in obscure glass and openable at a height of 1.7 metres above floor level & retention thereafter;
- ix) Removal of Permitted Development Rights – Class B (dormer windows/loft conversions); and
- x) New drop kerb to be provided.

68/24 Planning Application – DC/24/69432 - 63-65 Rood End Road Oldbury B68 8SJ - Proposed change of use from existing 8 No. self-contained flats to 17 No. bedroom care home for elderly with fenestration alterations and parking to rear.

(Councillor Preece withdrew from the meeting)

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

- the families living in the accommodation would be displaced and forced to move elsewhere;
- the site was small in size and residents felt that it would not be adequate to support a 17 bedroom care home for elderly residents;
- the parking spaces allocated would not be enough to accommodate staff, visits and residents;
- fire safety issues may arise from the removal of one of the staircases to make way for an elevator;
- the layout of the building would make it difficult for emergency vehicles, in particular fire trucks, to access the rear of the building;
- the dining area only accommodated six people at any given time;
- proposed rooms would be small and would not be able to accommodate all personal belongings;
- no separate toilet facilities were present for staff and visitors;
- the laundry arrangements would be inadequate to serve all 17 residents;

- no separate kitchen for staff was included within the plans; and
- not all living rooms had separate wet room facilities.

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

- little to no impact would have been made on the street scene;
- the application would not constitute an overdevelopment;
- the highways department had not objected to the plans;
- existing drain infrastructure would be utilised so no additional works would have been required;
- the application met the space standards guide; and
- the home would be for senior citizens who did not require nursing care.

Members questioned the proposed space available for residents at care home and the facilities available to them. A site visit was suggested to enable members to better understand the proposed development and its layout.

Resolved that consideration of planning application DC/24/69432 - 63-65 Rood End Road, Oldbury B68 8SJ (Proposed change of use from existing 8 No. self-contained flats to 17 No. bedroom care home for elderly with fenestration alterations and parking to rear) is deferred pending a site visit by the Committee.

69/24 Planning Application – DC/24/69462 - 57 Wallace Road Oldbury, B69 1HL - Proposed change of use of house (Class C3) to children's home (Class C2) for two children.

(Councillors Chidley and Horton withdrew from the meeting)

The Assistant Director for Development Planning and Building Consultancy summarised the details of the application. Objections received had been received in relation to potential noise and disturbance, highway issues and concerns around too many such uses in the area.

No objectors were present.

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

- the applicant had supported children in Sandwell in the past including social care;
- the children's home would have assisted children with building confidence, mental health and self esteem; and
- additional care homes in Sandwell would have enabled children to stay within the borough and remain close to their families.

Resolved that Planning Application - DC/24/69462 - 57 Wallace Road Oldbury, B69 1HL (Proposed change of use of house ((Class C3)) to children's home ((Class C2)) for two children) is granted subject to conditions relating to;-

- (i) External Car parking to be provided and retained;
- (ii) Management plan;
- (iii) The premises shall be used only as a residential home for two children and for no other purpose (including any other use falling within Class C2 of the Order) but may revert back to C3 (dwellinghouses) on cessation of the C2 use;
- (iv) Surface water drainage for car parking area; and
- (v) New drop kerb to be provided.

70/24

Planning Application – DC/24/69530 - Former Doctors Surgery, Sundial Lane, Great Barr, Birmingham B43 6PA - Change of use from doctor's surgery to residential dwelling.

The Assistant Director for Development Planning and Building Consultancy summarised the details of the application. Objections had been received from neighbours around concerns for previous un-authorised uses of the site. Objections were also received regarding anti-social behaviour issues, fear of crime and access to the rear gardens of neighbouring properties.

No objectors or the applicant were present at the meeting.

Resolved that Planning Application - DC/24/69530 - Former Doctors Surgery, Sundial Lane, Great Barr, Birmingham B43 6PA (Change of use from doctor's surgery to residential dwelling) is granted subject to conditions relating to;-

- (i) Details of any new walls or fences & implementation thereafter;
- (ii) Additional amenity space shall be provided before the dwelling is first occupied;
- (iii) Retention of approved parking spaces; and

- (iv) Removal of Permitted Development Rights; Class B (Roof extensions/dormer windows).

71/24

Planning Application – DC/24/69599 - 62 Hall Road, Smethwick B67 6SQ - Proposed change of use from residential dwelling to residential care home for up to 2 No. young people aged 7 to 17 years old.

(Councillor Kaur withdrew from the committee to represent the objectors for this application)

The objectors addressed the committee with the following concerns:-

- the planning application was not in character with the surrounding area;
- further applications for residential care homes could have arisen as a result;
- increased traffic and parking issues could have been experienced by residents if the application was approved;
- operation of the care home could have caused a rise in noise and disturbance to neighbouring residents; and
- the care home could have caused anti-social behaviour in the area.

In response, the applicant addressed members with the following points:-

- the applicant had already established many children's care homes;
- previous care home operated by the applicant had no experienced anti-social behaviour and no children had held criminal records;
- local care homes would mean that less children would need to be placed outside of the borough away from their families;
- shift patterns would consist of a 48-hour cycle so changes in traffic behaviour would be minimal and no different from a normal residential property;
- no objections had been received from West Midlands Police
- all children placed within the care home would be risk assessed; and
- a maximum capacity of two staff members and two children would be in place.

Resolved that Planning Application - DC/24/69599 - 62 Hall Road, Smethwick B67 6SQ - Proposed change of use from

residential dwelling to residential care home for up to 2 No. young people aged 7 to 17 years old is granted subject to conditions relating to:-

- i) Management plan; and
- ii) Only two children residing at the premises at any time; and
- iii) The premises shall be used only as a residential home for two children and for no other purpose (including any other use falling within Class C2 of the Order) but may revert back to C3 (dwellinghouses) on cessation of the C2 use.

72/24 **Minutes**

Resolved that the minutes of the meeting held on 24 July 2024 is approved as a correct record.

73/24 **Decisions of the Planning Inspectorate**

The committee noted the decisions of the Planning Inspectorate in relation to appeals against refusal of planning permission as follows: -

| Application Ref | Site Address | Inspectorate |
|------------------------|---|---|
| DC/23/68822 | Land North of Wilderness Lane Great Barr B43 7AJ | Dismissed Costs application is refused. |

74/24 **Applications Determined Under Delegated Powers**

The committee noted the applications determined under delegated powers by the Executive Director – Place, under powers delegated to them, as set out in the Council’s Constitution.

75/24

John Baker - Retirement

The Planning Committee wished John Baker a very long and happy retirement. John had worked in Planning at Sandwell for 35 years and was well respected by colleagues and councillors. John had always provided the Committee with the information and advice needed to enable the Committee to act and work efficiently. John had been a great asset to the Council and the Committee wished him all the best for the future.

Meeting ended at 8.10pm

Contact: democratic_services@sandwell.gov.uk