

Minutes of the Planning Committee

8th June, 2016 at 5.00 pm
at the Sandwell Council House, Oldbury

Present: Councillor Frear (Chair);
Councillor Downing (Vice Chair);
Councillors Allen, Costigan, S Davies, Dhallu,
Garrett, P M Hughes, B Price, Rouf and Webb.

83/16

Declaration of Interests

Councillor	Application	Interest
PM Hughes	DC/16/59407 Storage and Distribution (Use Class B8). Storage Land Robins Business Park Bagnall Street Golds Hill Tipton.	Declared an interest, as she was lobbied by the objector and was the ward councillor.

84/16

Minutes

Resolved that the minutes of the meeting held on 11th May, 2016 be confirmed as a correct record.

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Matters Delegated to the Committee

85/16 **Additional Information Received in Connection with the Applications to be determined**

The Committee received additional information and documents, which had been received following the publication of the agenda, in connection with the planning applications to be determined, as set out in the Appendix.

Applications Determined

86/16 **DC/16/59118 Proposed two storey side extension. 14 Priory Close, West Bromwich, B70 6TB.**

In accordance with Minute No. 71/16 on 11th May, 2016, the Committee had visited the site.

Councillor Dhallu confirmed he had been lobbied by an objector in relation to this application.

Having considered all of the information before them, the Committee was minded to approve the application, subject to conditions, as recommended by the Director – Regeneration and Economy.

Resolved that planning application DC/16/59118 proposed two storey side extension, 14 Priory Close, West Bromwich, B70 6TB be approved subject to the conditions recommended by the Director – Regeneration and Economy.

87/16 **DC/16/59180 Retention of use for a further 11 years for use as a household skip hire and sorting business, associated portable buildings, sorting shelter, perimeter fencing and skip lorry parking spaces. No 1 Skip Hire Limited, Palace Drive, Smethwick, B66 1NZ.**

In accordance with Minute No. 72/16 on 11th May, 2016, the Committee had visited the site.

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The Development Management and Regulatory Services Manager advised that the officer recommendation in relation to this application was for the Committee to defer consideration as officers were in consultation with the applicant to clarify a number of points.

Having considered all of the information before them, the Committee was minded to defer consideration of the application as recommended by the Director – Regeneration and Economy.

The motion was moved and seconded, put to the vote and carried.

Resolved that consideration of planning application DC/16/59180 retention of use for a further 11 years for use as a household skip hire and sorting business, associated portable buildings, sorting shelter, perimeter fencing and skip lorry parking spaces, No 1 Skip Hire Limited, Palace Drive, Smethwick, B66 1NZ be deferred.

88/16

DC/16/59238 proposed detached playroom at rear, 36A Birmingham Road, Great Barr, Birmingham, B43 6NS.

In accordance with Minute No. 76/16 on 11th May, 2016, the Committee had visited the site. Members on the site visit had been lobbied by the applicant and objectors.

Objectors were present at the meeting and addressed the Committee, the following point was noted:-

- i) the height and size of the proposed building seemed out of proportion with the proposed use.
- ii) the playhouse would cause noise and nuisance.

The applicant spoke, clarifying that the structure would be a playroom and would not be used for business purposes.

The Committee asked if the applicant would consider reducing the height of the roof, or altering it to a flat or mono-pitch roof. The applicant declined to make a decision on the on altering the structure.

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Having considered all of the information before them, the Committee was minded to defer consideration of the application to allow for further consultation with the applicant.

The motion was moved and seconded, put to the vote and carried.

Resolved that planning application DC/16/59238 proposed detached playroom at rear 36A Birmingham Road, Great Barr Birmingham B43 6NS be deferred to allow for further consultation to take place with the applicant.

89/16

DC/16/59270 Retention of outbuilding with pitched roof at rear. 40 Londonderry Grove Smethwick B67 7EX

In accordance with Minute No. 74/16 on 11th May, 2016, the Committee had visited the site. Members present on the site visit had been lobbied by the applicant. Councillor R Horton had also been lobbied by objectors

Having considered all of the information before them, the Committee was minded to approve the application, subject to conditions, as recommended by the Director – Regeneration and Economy.

The motion was moved and seconded, put to the vote and carried.

Resolved that planning application DC/16/59270 retention of outbuilding with pitched roof at rear 40 Londonderry Grove, Smethwick, B67 7EX be approved, subject to the condition recommended by the Director – Regeneration and Economy.

90/16

DC/16/59290 Proposed two storey extension to side and rear to create 2 No. additional commercial units on the ground floor, and conversion of first and second floors into 7 No. self-contained flats (amendment to application DC/15/58769). 80 - 82 High Street Smethwick B66 1AQ

In accordance with Minute No. 75/16 on 11th May, 2016, the Committee had visited the site.

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Having considered all of the information before them, the Committee was minded to approve the application, subject to conditions, as recommended by the Director – Regeneration and Economy.

The motion was moved and seconded, put to the vote and carried.

Resolved that planning application DC/16/59290 proposed two storey extension to side and rear to create 2 no. additional commercial units on the ground floor, and conversion of first and second floors into 7 no. self-contained flats (amendment to application DC/15/58769), 80 - 82 High Street, Smethwick, B66 1AQ be approved, subject to the conditions recommended by the Director – Regeneration and Economy.

91/16

DC/16/59407 Storage and distribution (Use Class B8). Storage Land Robins Business Park Bagnall Street Golds Hill Tipton

Tabled papers were circulated at the meeting which recommended refusal of the application. In addition, objectors also supplied papers to the Committee outlining their case and supporting evidence.

The Committee was asked to consider an application for a Certificate of Lawfulness in relation to a site occupied by two businesses, a car sales business and a portable toilet hire business. In relation to the toilet hire business, members noted that units were cleaned and stored on the site.

The Development Management and Regulatory Services Manager advised the Committee that this was not a planning application and that the usage of the site applied for (B8) was not the use planning officers would apply as the site was used for more than storage given that cleaning of portable toilets took place on site. In addition, the Car Sales Business was classed as sui generis.

It was noted that the applicant had requested consideration of the application be deferred.

Objectors were present at the meeting and put forward the

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following points:-

- i) the elevated part of the site could be seen from their homes;
- ii) movement of vehicles was a disturbance to residents;
- iii) the applicant was putting down an access road to the rear of the residential properties;
- iv) given the level of the site, when customers were walking round Sky Motors they were level with bedroom windows of residential properties;

As the local ward Councillor, Councillor Lloyd reminded the Committee that between 1996 and 2006 residents had objected to every application that had been submitted for the site because of the impact it would have on their homes.

The Development Management and Regulatory Services Manager reminded the Committee that this was an application for a Lawful Development Certificate and as such the Committee was required to consider the evidence submitted and determine whether, on the balance of probability, they were satisfied that the proposed use of the site would be lawful and not require formal planning approval.

The applicants' agent was present at the meeting and addressed the Committee. The following points were noted:-

- i) the use of the site was split between a car sales business and the portable toilet hire business, therefore if the Committee was minded it could make a split decision;
- ii) the primary use of the site in relation to the portable toilet hire business was storage, despite cleaning taking place, therefore it was considered that B8 use was appropriate.

Having considered all of the information before them, the Committee was minded to refuse the application, as recommended by the Director – Regeneration and Economy.

The motion was moved and seconded, put to the vote and carried.

Resolved that the application for a Certificate of Lawfulness DC/16/59407 storage and distribution (use class B8), Storage Land, Robins Business Park, Bagnall Street, Golds Hill, Tipton be refused.

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92/16 Applications Determined under Delegated Powers by the Director – Regeneration and Economy

The Committee noted a report on planning applications that had been determined by the Director – Regeneration and Economy under delegated powers.

93/16 Decision of the Planning Inspectorate

The Committee noted that the Planning Inspectorate had made a decision on the following appeals:-

Appeal made under Section 78 of the Town and Country Planning Act 1990:

Application Ref No.	Site Address	Inspectorate Decision
DC/15/58347	12 Pennant Road Cradley Heath B64 6BA	Dismissed
DC/15/6197A	Land at Rear of Units 10-12 Albion Business Park Spring Road Smethwick B66 1LY	Dismissed

(The meeting ended at 5.51 pm)

(In accordance with the protocol adopted under Minute No. 15/00, instances where members of the Committee left the meeting during the consideration of applications are set out in the minutes)

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Index of Applications

Application No & Ward	Recommendation
DC/16/59118 West Bromwich Central	Grant Permission with external materials
DC/16/59180 St Paul's	Defer for further information
DC/16/59238 Great Barr with Yew Tree	Grant Permission Subject to Conditions
DC/16/59270 Smethwick	Grant Permission Subject to Conditions
DC/16/59290 Smethwick	Grant Permission Subject to Conditions
DC/16/59407 Wednesbury South	Verbal Recommendation