

Minutes of Planning Committee

**Wednesday 10th November 2021 at 5.00pm
in the Council Chamber, Sandwell Council House, Oldbury**

Present: Councillor Z Hussain (Chair)
Councillor Webb (Vice-Chair)
Councillors Allcock, Allen, Chapman, Chidley, Dhallu,
Fenton, S Gill, Kaur, C Padda, Rouf and K Singh.

John Baker (Service Manager – Development Planning and Building Consultancy); Alison Bishop (Development Planning Manager) Sian Webb (Solicitor); Simon Chadwick (Principal Officer – Development, Highways Direct – Traffic and Road Safety); Andy Thorpe (Healthy Urban Development Officer); Alexander Goddard (Democratic Services Officer).

91/21 Apologies for Absence

Apologies for absence were received from Councillors Kalari and Millar.

92/21 Declarations of Interest

There were no declarations of interest made.

93/21 Additional Item of Business

There were no additional items of business to consider.

94/21

Minutes

The minutes of the previous meeting held on the 6th October 2021 were confirmed as a correct record subject to the inclusion of Councillor Dhallu in the list of members who had submitted apologies.

95/21

Planning Application DC/20/63911 Proposed residential development of up to 84 No. dwellings, associated public open space and infrastructure. (Outline Application for access). The Phoenix Collegiate, Friar Park Road, Wednesbury, WS10 0JS.

The Service Manager – Development Planning and Building Consultancy reported that the proposed condition (xi), which related to the minimum housing density for the site being no less than 35dph, had been removed. This was due to the need for additional landscaping and sustainable draining scheme within the site.

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

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

- The objector expressed concerns over the vehicle access route which would be provided by the existing access off Friar Park road which currently served Pulse Soccer and Fitness Centre, as detailed in the applicant's transport assessment report. The access route had an approximate carriageway width of 5.5 metres, with a pinch point where the road narrowed to 3.7 metres.
- There was a lack of detail to assure viable and acceptable access to the site.
- Under contractual agreements between the Fitness Centre and the applicant, the Centre had a licence to operate the facility. There was also free and

uninterrupted access to the facility using the existing access road from Friar Park road. However, the applicant highlighted that the applicant only held contractual rights to restrict access for maintenance, renovation and repair and this did not include the proposed development.

- The objector raised concerns that there was a lack of clarity of how the proposed access was to be secured.
- The traffic assessment had been conducted in 2018 and the applicant believed it was therefore historic and inaccurate.
- The report lacked analysis on the impact of the development on traffic along the proposed site access whilst considering the interaction between residents and the users of the Fitness Centre.
- The submitted plan showed there would potentially be two blind and dangerous bends on the access road.

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

- The application proposed the redevelopment of the former sports pitch, located at the Phoenix College Friar Park campus, for residential use.
- The proposed had been vacant since the closure of the Friar Park campus in 2019.
- The applicant was seeking to dispose of the site and the proposed development would assist with this process.
- The application site was allocated for residential development and formed part of allocation HOC.8 Friar Park. This advised that the application site and land to the east was allocated for residential led mixed use development.
- The proposed redevelopment of the site for housing purposes was development plan compliant.
- Highways Authority submitted no objections to the proposed access to the site and the robustness of the highway traffic count.
- The viability appraisal demonstrated that the scheme would not be economically viable with 25% affordable housing, however six affordable homes would still be

provided and secured through a Section 106 agreement.

- The funds from the sale of the site would be used to enhance the facilities on the Clarke Lane campus and improve the school offer to pupils.

Highways officers reiterated that the application provided an indicative layout. A further reserved application to agree the details of the development would need to be submitted to secure a full planning permission, therefore all concerns expressed by the objector, including appearance, landscaping, layout and scale of the access road, would be matters for consideration at that stage.

The Committee was minded to approve the application, on the grounds recommended by the Director – Regeneration and Growth.

Resolved that Planning Application DC/20/63911 Proposed residential development of up to 84 No. dwellings, associated public open space and infrastructure. (Outline Application for access)- The Phoenix Collegiate, Friar Park Road, Wednesbury, WS10 0JS- be granted outline planning permission with access for residential development subject to the further approval of Reserved Matters; appearance, landscaping, layout and scale, subject to the execution of a Section 106 agreement in terms of affordable housing and sports pitch replacement/upgrade and subject to the following conditions:

- (i) Ground investigation works;
- (ii) Details of improved access/widening to serve the new development;
- (iii) Drainage (including SUDS);
- (iv) Employment and skills opportunities;
- (v) 10% renewable energy;
- (vi) Ecological enhancement scheme/mitigation measures.
- (vii) Finished floor levels;
- (viii) Low level Nox Boilers;

- (ix) Construction management plan including hours, and dust control;
- (x) Coal Authority investigation;
- (xi) The housing density for the site shall not be less than 35 dph; and
- (xii) The submitted plans are for indicative purposes only,

96/21

Planning Application DC/21/65356 - Proposed demolition of Regis Masonic Hall and construction of 1 No. dwelling, boundary walls/gates and detached garage. Regis Masonic Hall, 395 Halesowen Road Cradley Heath B64 7HX

The Service Manager – Development Planning and Building Consultancy reported that regarding proposed condition (vii), which related boundary treatments (to include screening plants), Highways officers requested for the condition to be expanded to ensure that adequate visibility splay for drivers leaving the site was maintained.

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

- The objector expressed concerns regarding the proposed change of ground level along the boundary between the applicant and objector's properties.
- The boundary between the two properties was approximately 32 metres long and originally consisted of a 1.5 metre retaining wall with a 0.9 metre fence above it.
- The original ground level was 1 metre high. The objector stated it had now been raised 1.7 metres above his ground.
- The objector raised concerns that the applicant had erected a 2.15 metre retaining wall without planning permission.
- The proposal to raise the ground level to the height of the new retaining wall raised overlooking concerns and loss of privacy.
- There was no drainage for the retaining wall.

- The objector requested for an additional condition be added to the planning application for the ground level to be returned to its prior height and to prevent the ground from being increased beyond this in future.

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

- The applicant highlighted that the boundary had been secured by building a retaining wall, which was completed with the objector's consent.
- The retaining wall was erected to prevent any future damage to the property and for maintenance purposes. The infill would be to level off and maintain the applicant's ground.
- The proposed ground level would be a significant reduction to what it was currently.
- The work completed had been done under permitted developments.
- Planning officers and enforcement officers had visited the site and raised no objections to the work completed.

The Service Manager – Development Planning and Building Consultancy reiterated that there was a condition within the application for the boundary walls to be rendered and signed off. The Committee was informed that it was able to impose an additional condition on the application to agree the site levels in terms of the garden and boundary, if it was minded to do so.

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

- The objector was in favour of the additional condition if it prevented overlooking and privacy issues.
- The applicant also agreed to the condition but highlighted that the increase in ground level was consented to by the objector and was for maintenance purposes.

- As under condition (vi) landscaping and (vii) boundary treatments (to include screening), vegetation could be planted to protect the privacy of the objector.
- The objector was in favour of trees being planted but was concerned that it would result in a loss of light and outlook from his property.
- An additional site level condition would ensure that any further work would need to be agreed as a part of planning approval.
- To prevent the landscaping detracting the light into the objector's property, as part of agreeing a landscaping scheme, an appropriate species of trees would be selected.
- The high hedge legislation would control the height of the trees to prevent the impact on the neighbouring property.

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/21/65356 - Proposed demolition of Regis Masonic Hall and construction of 1 No. dwelling, boundary walls/gates and detached garage - Regis Masonic Hall, 395 Halesowen Road Cradley Heath B64 7HX- be approved planning permission subject to conditions relating to:

- (i) External materials;
- (ii) Contamination;
- (iii) Noise;
- (iv) Method statement to control dust and emissions;
- (v) Mining legacy;
- (vi) Landscaping;
- (vii) Boundary treatments (to include screening);
- (viii) Windows in north and south elevation and roof space to be obscurely glazed;
- (ix) Rendering/finishing of boundary walls;
- (x) Drainage;
- (xi) Electric vehicle charging points;

- (xii) Provision and retention of vehicle parking;
- (xiii) Removal of permitted development rights; and
- (xiv) Construction hours - Monday to Friday
8.00am to 6.00pm, Saturdays 8.30am to 1pm,
no work on Sundays or national holidays;
- (xv) Agree the site levels in terms of the garden
and boundary.

97/21

Planning Application DC/21/65491 Proposed 1 No. industrial unit, two storey office block and ground floor showroom with associated access, parking and landscaping. Land To Rear Of Bakshish House, Rood End Road, Oldbury, B69 4HT

The Service Manager – Development Planning and Building Consultancy informed the Committee that the application was a departure from the Development Plan, in which the site was allocated for housing purposes. However, the application proposed an extension to an existing factory. Should the Committee be minded to approve the application, the Council would be asked to make an exception to Plan.

No objectors or applicants were present.

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

Resolved that planning Application DC/21/65491 Proposed 1 No. industrial unit, two storey office block and ground floor showroom with associated access, parking and landscaping - Land To Rear Of Bakshish House, Rood End Road, Oldbury, B69 4HT – is granted planning permission subject to the approval of Full Council as the development is a departure from the development plan being allocated for housing and conditions concerning: -

- (i) External materials.
- (ii) Vehicle parking and manoeuvring areas to be implemented and retained.

- (iii) Drainage to include a surface water drainage scheme and management and maintenance plan.
- (iv) Contaminated Land.
- (v) Levels Plan.
- (vi) Boundary Treatments.
- (vii) Hard and Soft Landscaping to include details of trees to be retained to the north, south and eastern boundaries.
- (viii) Site investigation, construction details and methodology to protect the adjacent canal feeder from damage and water contamination.
- (ix) External Lighting scheme.
- (x) Employment and skills plan.
- (xi) Method Statement for site working.
- (xii) Air quality assessment.
- (xiii) Travel Assessment
- (xiv) Renewable energy.
- (xv) Electric Vehicle Charing points.
- (xvi) Cycle storage details and implementation.
- (xvii) The proposed building shall be used in conjunction with Bakshish House, Rood End Road and shall not be used as a separate planning unit.
- (xviii) Use restriction.

98/21

Planning Application DC/21/65623 - Proposed 3 storey office building and utility yard with associated parking, new vehicle and pedestrian access. Locarno Works, Locarno Road, Tipton, DY4 9AF

The Service Manager – Development Planning and Building Consultancy clarified that, upon receiving no objections to the proposal from highways, the recommendation was to grant planning permission subject to the conditions in the report.

There were no objectors present.

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

- The applicants were expanding quickly and had a series of operational sites across the West Midlands. To facilitate the applicant's expansion plans, these sites needed to be brought together and had selected Sandwell for the location of this development.
- The applicant intended to retain the existing offices but with the addition of new facilities to afford the ambitious expansion plans.
- It was anticipated that 63 new employment positions would be enabled by the development, post competition of the development.
- The construction stage of the development would also promote employment training and investment into the local community.
- Sustainability would be promoted, with solar panels and heat pumps intending to be a part of the development.
- Electric vehicle charge points for office workers and operational vehicles would be installed in the yard as the applicant moved towards more sustainable modes of transport.
- There would be an overprovision of cycle parking at the site.
- The scheme satisfied planning criteria and the proposal would manifest social, economic and environmental benefits in Sandwell.

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

Resolved that Planning Application DC/21/65623 - Proposed 3 storey office building and utility yard with associated parking, new vehicle and pedestrian access - Locarno Works, Locarno Road, Tipton, DY4 9AF is granted planning permission subject to the following conditions:

- (i) External materials;
- (ii) Finished floor levels;
- (iii) Ground investigation and mitigation measures;
- (iv) Hard and soft landscaping;

- (v) External lighting and CCTV;
- (vi) Boundary treatment, including any retaining walls;
- (vii) Provision and retention of parking and manoeuvring spaces;
- (viii) Electric vehicle charging points;
- (ix) Drainage and SuDS;
- (x) Cycle parking;
- (xi) Refuse storage;
- (xii) 10% renewable energy;
- (xiii) Transport Assessment and Travel Plans;
- (xiv) Low NOx Boilers;
- (xv) A Dust Management Plan during the construction period;
- (xvi) Hours of construction are limited (08:00-17:30 weekdays, 08:00 – 13:00 Saturdays, with no working on Sundays or Bank Holidays);
- (xvii) A noise management plan to safeguard nearby residents during the construction phase; and
- (xviii) Job skills/apprentices,

99/21 Planning Application DC/21/65975- Proposed two/single storey side and single storey rear extensions with new front porch. 71 High Haden Road, Cradley Heath, B64 7PJ

The Service Manager – Development Planning and Building Consultancy highlighted that the application was before Committee for transparency purposes as there was involvement of a Council employee in the role as agent.

There were no applicants or objectors present.

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

Resolved that Planning Application DC/21/65975- Proposed two/single storey side and single storey rear extensions with new front porch - 71 High Haden Road, Cradley Heath, B64 7PJ is granted planning permission subject to the external materials matching the existing property.

100/21

Planning Application DC/21/66109 - Proposed single storey side extension, bay windows to front, increase to roof height to include dormer windows to rear and side and detached garage (previously refused application DC/20/65041)- 23 Jill Avenue, Great Barr, Birmingham, B43 6DH

The Service Manager – Development Planning and Building Consultancy highlighted some typing errors within the report. It was clarified that, under paragraph 9.1, four objections were received. Furthermore, paragraph 9.4 (iii) should read as ‘matters of structural stability would be dealt with under building regulations’.

There were no applicants or objectors present.

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

Resolved that Planning Application DC/21/66109 - Proposed single storey side extension, bay windows to front, increase to roof height to include dormer windows to rear and side and detached garage (previously refused application DC/20/65041)- 23 Jill Avenue, Great Barr, Birmingham, B43 6DH be granted planning permission subject to:-

- (i) the external materials matching the existing property; and
- (ii) the retention of approved parking space.

101/21

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 6.11pm

Contact: democratic_services@sandwell.gov.uk