

Minutes of Planning Committee

**Thursday, 16 February 2023 at 5.00 pm
at Council Chamber - Sandwell Council House, Oldbury**

Present: Councillor Millar (Chair);
Councillors Allen, Chapman, S Gill, Kaur, Preece, N Singh,
and Webb.

Officers: John Baker (Service Manager - Development Planning and Building Consultancy); Simon Chadwick (Highway Network Development and Road Safety Manager); William Stevens (Principal Planning Officer); Andy Thorpe (Urban Development Officer) Rory Stracey (Solicitor); Imogen Anderson (Assistant Solicitor); Alex Goddard (Democratic Services Officer); Connor Robinson (Democratic Services Officer) and Anthony Lloyd (Democratic Services Officer).

13/21 Apologies for Absence

Apologies were received from Councillors Allcock, Fenton and A Hussain.

14/21 Declarations of Interest

There were no declarations of interest made.

15/21 Minutes

Resolved that the minutes of the meeting held on 18 January 2023 are approved as a correct record.



16/21 Committee Site Visits

The Committee noted the scheduled planning application site visits.

The Committee was informed that the item Planning Application DC/22/67752: proposed demolition of existing building and installation of 19 No. storage containers for 24hr self-storage use with dropped kerb and vehicle access had attracted a lot of public interest, and Public Health had raised concerns around the proposed use. Planning had therefore decided to recommend a site visit on the grounds of the considerable public interest.

Resolved that planning application DC/22/67752 (Proposed demolition of existing building and installation of 19 No. storage containers for 24hr self storage use with dropped kerb and vehicle access - 234 Oldbury Road, Rowley Regis, B65 0QG.) be deferred to allow a site visit.

17/21 Planning Application - DC/21/66125 - Newcomen Drive Open Space, Newcomen Drive, Tipton

The Service Manager for Development Planning and Building Consultancy informed the Committee that the application had previously been before the Committee and Council (due to it been a departure from the Development Plan). The application in both instances had been approved. The applicant sought to remove the condition around the contribution towards the ecological survey and mitigation methods. The applicant had proposed an alternative condition which would replace the previous condition with a Section 106 Agreement that would secure a substantial financial contribution to enhance the ecological environment around the development.

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

- On approving the application previously members had imposed an additional condition requiring the applicant to demonstrate a 10% bio-diversity net gain prior to the start of development;

- Since the application was approved detailed surveys had been undertaken on the ecology and wildlife of the site and schemes developed to protect and mitigate the impact on those species found;
- The site had been vacant for 35 years which had resulted in a build-up of grassland, its development would result in a net loss of '36.39 units';
- The surveys undertaken indicated that due to the nature of the development, under the draft conditions it would not be possible to satisfy the requirements under the draft conditions to provide a 10% net gain on the site itself;
- Best practice indicated that where mitigation methods cannot be accommodated on site a financial contribution can be made in lieu of the proposed works;
- The Natural England assessment indicated that a contribution of £1.165 million would be required to mitigate the assessed loss of the grassland habitat;
- Due to the nature of the constraints on the site such as mineshafts, topography and access, grants had been sought from the West Midlands Combined Authority to meet the shortfall for the development which had been agreed in principal;
- Value for money and the economic impact of the project are two key features of Sandwell's assessment for supporting projects and use a maximum threshold of £5,700 per full time job created;
- The initial viability exercise confirm that the required gap funding could be accommodated within the West Midlands Combined Authority model – following the completion of the impact assessment the grant application figures had been re-run to include the 10% net gain and contribution of £1.165 million, adding this sum would have increased the viability gap for the development to £10.6 million equating to an intervention rate of nearly £18,000 per job created which was 3,000 per job over the maximum threshold which West Midlands Combined Authority could or would support;
- Members were asked to support the request to remove the requirement for the 10% net gain on site which would enable the site to come forward for development;
- There was no relevant policy that required the Councils position and the applicant was committed to developing a wildlife zone on the site with the proposed Section 106 Agreement contribution of £350,000;

- Just under six acres would be set aside for developing the ecological zone. Landscape architects had developed a proposal to be submitted;
- There were considerable amounts of Japanese Knotweed present on the site, 13,000 sqm land was impacted by the invasive species and the cost of removal would be around £250,000 (or up to £1 million if the plant was required to be disposed off-site);
- The removal of the Knotweed was a legal obligation which was further complicated due to the Knotweeds presence in the grassland;
- With the noted condition in place the development of the brownfield site was not viable;
- Removal of the condition would allow the scheme to meet the grant parameters for the development.

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

- The Section 106 Agreement funding towards the ecological development would be communicated to the Assistant Director of Green Spaces to ensure it was included in any future green space strategy;
- The £350,000 for the Section 106 was reached through negotiation between the planning officers and the applicant as the amount of spend that was appropriate for the biodiversity habitat. The applicant would have submitted a scheme for approval to the planning officer to demonstrate how that money would be spent within the site. Once the development was completed the applicant would need to demonstrate how the money was spent;
- You cannot quantify the amount of the contribution until you have done the detailed survey, unfortunately when the applicant came to the committee previously the ultimate contribution was not known leading to the present application;
- The money to remove the Knotweed was an additional sum and not included in the Section 106 agreement which was ringfenced for the ecological work.

Resolved that, subsequent to the signing of a Section 106 regarding a wildlife buffer, that Planning Application DC/21/66125 (Proposed industrial/warehousing development ((use classes B2/ B8)) together with associated access, servicing, parking and landscaping - Newcomen Drive Open

Space, Newcomen Drive, Tipton) is approved, subject to conditions previously approved at planning committee on the 19 July 2022 and at Full Council, with the removal of condition titled:

xvi) Ecological survey and mitigation measures.

18/21 Planning Application - DC/22/67234 - Land Adjacent 83 Dudley Port, Tipton

Members of the Committee had been lobbied by Applicants.

The Service Manager for Development Planning and Building Consultancy informed the Committee that there were no updates. However, the Committee was reminded that the application was only an outline application, and the applicant, or any subsequent owner of the land, would be required to come back to Planning with a full reserved matters application to proceed with the plans.

No objectors or the applicant was present at the meeting.

Resolved that, subject to the signing of a section 106 agreement to ensure affordable housing, Planning Application DC/22/67234 (Proposed 4 No. storey detached building comprising of 28 No. 2 bedroom flats and 2 No. 1 bedroom flats ((30 flats in total)) with basement parking ((Outline application all matters reserved)) - Land Adjacent 83 Dudley Port, Tipton) is approved, subject to conditions relating to the following:

- i) Finished floor levels;
- ii) Ground contamination;
- iii) Noise survey and mitigation measures;
- iv) Odour assessment;
- v) Drainage (foul);
- vi) Drainage (surface);
- vii) 10% renewable energy;
- viii) Electric vehicle charging points;
- ix) Low NOx boilers;
- x) Construction method statement;
- xi) Employment and skills statement;
- xii) The submitted plans are for indicative purposes only.

19/21 Planning Application - DC/22/67817 - Land At The Junction Of Tippity Green/Dudley Road, Rowley Regis

The Service Manager for Development Planning and Building Consultancy informed the Committee that there were no updates regarding the application.

There were no objectors present at the meeting.

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

- Quoting the report officers had stated that the application accords with relevant design policies in terms of scale, massing and parking provision and does not cause any harm to amenity in terms of overlooking, loss of light or highway safety;
- The site was not allocated in any Sandwell Local Plan and therefore any development would be a windfall gain for the authority;
- The site was an area of wasteland and had not previously been developed;
- Concerns raised at a previously refused application had been taken on board;
- The application had ensured dwellings were in character to the area, that it respected the viability and safety of the junction on the highway and ensured secure off-road parking;
- The development would provide local family housing;
- Not developing the site would leave the site dormant and undeveloped.

The Committee were happy that concerns that had previously been raised had been addressed.

In response to questions from the Committee, the Highway Network Development and Road Safety Manager confirmed that the nature of the development of the site did not raise any concerns, however, parking restrictions on the corner of the junction was under consideration in order to prevent obstructions to traffic flow.

It was confirmed that renewable energy conditions would be met as was the Councils Policy.

Resolved that planning application DC/22/67817 (Proposed 3 No. dwellings with new rear access, retaining wall/fencing to rear, bin/cycle stores, parking and landscaping (Revision to refused planning application DC/22/66936 - Land At The Junction Of Tippity Green/Dudley Road, Rowley Regis) is approved, subject to conditions relating to the following:

- (i) External materials;
- (ii) Finished floor levels;
- (iii) Parking areas laid out and retained;
- (iv) Site investigation in respect of contaminated land;
- (v) Noise mitigation (acoustic fencing and glazing)
- (vi) Drainage;
- (vii) Boundary treatments (visibility splays maintained);
- (viii) Landscaping;
- (ix) Electric vehicle charging provision;
- (x) Low NOx boilers;
- (xi) Renewable energy details;
- (xii) Site investigation and remediation;
- (xiii) An external lighting scheme;
- (xiv) Construction management plan;
- (xv) Archaeological monitoring.

20/21 Decisions of the Planning Inspectorate

The Committee noted the Decisions of the Planning Inspectorate.

Meeting ended at 5.40pm

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