

# Minutes of Planning Committee

**Wednesday, 26 July 2023 at 5.00 pm  
at Sandwell Council House, Freeth Street, Oldbury, B69 3DB**

**Present:** Councillor Millar (Chair)  
Councillors Chidley (Vice-Chair);  
Chapman, Fenton, Fisher, SS Gill, Kaur, Loan, Pall, Preece,  
N Singh, Tromans, Webb and Younis.

**Officers:** John Baker (Development Planning and Building  
Consultancy Manager); Alison Bishop (Development  
Planning Manager); Barry Ridgeway (Highway Asset and  
Statutory Functions Manager); Andy Thorpe (Healthy Urban  
Development Officer); Rory Stracey (Solicitor) and Stephnie  
Hancock (Deputy Democratic Services Manager).

## 61/21 Apologies for Absence

An apology for absence was received from Councillor Uppal.

## 62/21 Declarations of Interest

There were no declarations of interest made.

## 63/21 Minutes

**Resolved** that the minutes of the meeting held on 28 June  
2023 are approved as a correct record.



**64/21 Planning Application - DC/22/67796 - Proposed single storey detached coffee shop with drive thru, new access, parking, enclosed bin area, landscaping and associated infrastructure. Land at Horner Way Rowley Regis**

The Development Planning and Building Consultancy Manager reported that an additional condition was now recommended, in relation to the provision of a new vehicular crossover.

No objectors were present.

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

- the proposal was adjacent to the town centre and complementary to town centre uses;
- the principle of commercial use was already established on the site;
- detailed surveys had been carried out, taking into account estimated trip rates and the Highways Service ad no objections;
- there would be no environmental impact and controls and conditions had been agreed with Public Health;
- there would be no impact on the amenity of the surrounding properties;
- the site would be well managed and a noise management plan would be in place, as well as a plan for the management of waste;

The Committee was minded to approve the application, subject to the conditions now recommended.

**Resolved** that Planning Application DC/22/67796 (Proposed single storey detached coffee shop with drive thru, new access, parking, enclosed bin area, landscaping and associated infrastructure. Land at Horner Way Rowley Regis) is approved, subject to conditions relating to:-

- i) external materials;
- ii) contamination;
- iii) hours of use (05.00 to 23.00 on any day including Sundays and bank holidays);
- iv) noise management plan;
- iv) construction method statement;

- v) vehicle parking and manoeuvring areas to be installed and retained;
- vi) external lighting scheme;
- vii) air Quality Assessment to include a management plan to protect employees from pollution;
- ix) electric Vehicle Charging points;
- x) hard and soft landscaping to include retention of boundary trees and root protection measures.
- xi) boundary treatments;
- xii) drainage including SUDS.
- xiii) dust Management Plan;
- xiv) low NOx boilers;
- xv) cycle parking;
- xvi) refuse storage;
- xvii) use restriction to a coffee shop;
- xviii) new vehicular crossover.

**65/21 Planning Application - DC/23/67863 - Proposed change of use from general industrial to treatment, remediation and recovery facility for contaminated soils, construction, demolition and excavation of waste with 1 No. soil treatment shed and 4 No. office/meeting rooms, 1 No. mess drying room, toilet block, store, weighbridge unit, picking station, decontamination unit, clean material area and 2 No. holding tanks and covered post treatment areas, oversized processing area, parking and the creation of a new vehicular access - Temporary planning permission for 5 years. Land West of Bridge Street North Smethwick**

Councillors who had attended the site visit that had taken place on 28 June 2023, in relation to this application, indicated that they had been lobbied.

The site was allocated for residential use in the Development Plan, and therefore a temporary permission of five years was recommended. If the Committee was minded to grant planning permission, the Council would need to grant an exception to the Development Plan to enable the application to proceed.

The Development Planning and Building Consultancy Manager reported that an additional condition was now recommended requiring the provision of a dropped kerb.

No objectors were present.

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

- the primary operations would be carried out in the existing high bay warehouse and a covered picking station;
- clean, treated material would be stored in undercover bays, prior to being exported off site;
- extracted contaminated materials would be stored in an enclosed skip;
- over-sized materials would be stored at the western end of the site, before being recycled into aggregate;
- the materials currently stored on site were non-hazardous, related to the permitted demolition of buildings on site, and would be moved off site in a safe and controlled manner to nearby recycling facilities. Whilst the material remained on site, it was sprayed regularly with a dust suppression unit;
- there were dust monitoring apparatus around the perimeter of the site and wind conditions were monitored daily;
- no materials were moved during windy conditions and when removed, materials were covered in dust sheets;
- an updated noise assessment had been submitted and there were no objections from the Council's noise team;
- a drainage scheme had already been sent to Lead Local Flood Authority for review;
- all storm water would be routed to storage tanks on site and tested before being discharged into the public sewer connection;
- an upstand kerb was proposed around the site, to contain any potential contaminated storm water and prevent it from entering the canal;
- the site would operate in the same way as the recently closed facility at Horseley Fields, Tipton, which was located much closer to residential properties;
- no complaints had been received in relation to the previous facility at Horseley Fields;
- the operation would be regulated by the Environment Agency.

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

- the key concerns raised by residents related to noise and dust, and the conditions proposed would address those concerns;
- the site currently had permission for unrestricted industrial use;
- there was currently no activity on the site, pending planning permission;
- the proposed drainage scheme was currently being reviewed by the Lead Local Flood Authority;
- there were no conditions attached to the previous demolition of buildings on the site
- provision of a wheel wash facility was included in the application details so a condition was not necessary;
- Public Health was satisfied with the proposal;
- the operation was moving due to the operating licence for the previous site ending, and the site being sold;
- the facility would be treating waste from the development of HS2;
- there would be a continuous contract for road sweeping and a better wheel washing facility at the new site;
- international environmental and drainage experts had been consulted on the proposal;
- there were many different types of asbestos, and there as minimal fibre release from the type received by the facility;
- there were a range of enforcement powers available to the Council if conditions were not complied with, and the Environment Agency could also take action.

Members mad reference to the industrial history of the area, and the “Black Country” name in recognition of that. The Committee was satisfied that the proposed conditions and reassurances from the application addressed the concerns raised by objectors and was minded to grant planning permission.

**Resolved** that, subject to the Council granting an exception to the Development Plan, Planning Application DC/23/67863 (Proposed change of use from general industrial to treatment, remediation and recovery facility for contaminated soils, construction, demolition and excavation of waste with 1 No. soil treatment shed and 4 No. office/meeting rooms, 1 No. mess drying room, toilet block, store, weighbridge unit, picking station, decontamination unit, clean material area and 2 No. holding tanks and covered post treatment areas, oversized processing area, parking and the creation of a new

vehicular access - Temporary planning permission for 5 years. Land West of Bridge Street North Smethwick) is approved for a temporary period of five years, subject to conditions relating to:-

- i) air quality assessment and mitigation measures;
- ii) submission of noise mitigation measures and calculations to demonstrate noise from the proposed use shall not exceed the background 60-minute LA90 by more than 5 dBA on any day including noise from the operation of the mobile crusher when it is used on site;
- iii) noise management plan;
- iv) dust management plan implementation;
- v) all processing of contaminated materials with the exception of the handpicking asbestos station to be carried out within the existing building;
- vi) no external storage above 4m in height measured from the natural ground level;
- vii) external materials;
  - i) electric vehicle charging points;
  - ii) hours of operation being 8.00 to 16.30 Monday to Friday, 8.00 to 13.30 Saturdays with no working on Sundays and Bank Holidays;
- x) hours of operation of the crushing and screening operation;
- xi) vehicle parking and manoeuvring areas to be provided and retained;
- xii) site entrance to installed in accordance with details shown on plan reference 06223-A-120 REV P0;
- xiii) foul drainage;
- xiv) surface water drainage scheme;
- xv) site investigation;
- xvi) cycle parking;
- xvii) external lighting scheme;
- xviii) provision of new dropped kerb.

**66/21 Planning Application - DC/23/68109 - Retrospective change of use from bank to restaurant/takeaway, new shop front, external extraction ducts and flue to rear (ENF/22/11916). 774 - 776 Hagley Road West Oldbury**

Further to Minute No. 54/23, (of 28<sup>th</sup> June 2023) the Development Planning and Building Consultancy Manager reported that the

applicant had confirmed ownership of the forecourt and that it would be used for parking. Members also noted that the petition submitted at the previous meeting had been considered by planning officers.

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

- the proposal was double the size of the existing premises and would therefore create more problems;
- concerns remained around noise pollution, lighting, waste, and rats;
- the applicant had not followed correct process and had no respect for residents;
- granting permission would give subsequent tenants permission to operate as a takeaway.

Councillor Anandou was also present and addressed the Committee with the following points:-

- there were no measurements on the plan, and it was unclear how delivery vehicles would gain access if there were vehicles parked on the forecourt, or if delivery vehicles would fit through the access way to the rear;
- the rear access was not marked;
- the site was located on a busy road and the proposal would impact on traffic travelling to the city;
- would fat traps be fitted?

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

- there was a bin store at the rear and arrangements were in place for waste management/disposal;
- there was sufficient space to transport waste off the site;
- a full time cleaner would be employed, however some customers would drop litter, despite best efforts to discourage it;
- pest control visited the premises two a quarter and no evidence of rats had been found;
- there would be 15 parking spaces provided;
- the access to the rear was wide enough to accommodate a van;

- the forecourt would be retained for parking, and the “Keep Clear” area would also be retained;
- the premises would be open for business from 8am, but open from 7am for preparation;
- local people welcomed the proposal.

Members noted that there were no concerns from the Police, and the premises appeared to be operating at present with no evidence of anti-social behaviour or vermin. It was also felt that the change from a takeaway to a restaurant would reduce litter.

**Resolved** that Planning Application DC/23/68109 (Retrospective change of use from bank to restaurant/takeaway, new shop front, external extraction ducts and flue to rear (ENF/22/11916). 774 - 776 Hagley Road West Oldbury) is approved, subject to conditions relating to:-

- i) refuse storage/refuse management;
- ii) retention and use of the extraction system;
- iii) implementation and retention of the parking arrangements;
- iv) a noise management plan.

**67/21 Planning Application - DC/23/68117 - Proposed glazed customer seating area extension to frontage (resubmission of refused planning permission DC/22/66636). 204 Lightwoods Road Smethwick**

The Development Planning and Building Consultancy Manager reported that an amended plan showing reduced seating had been received. Two additional conditions were now recommended requiring obscured glazing to the side return panel facing 203 Lightwoods Road, no amplified music in the extension area, and the extension area to be vacated by 10.30pm.

Councillor Piper present and addressed the Committee with the following points:-

- it was not clear what the applicant was seeking to do;
- the applicant had previously breached licensing conditions, playing amplified music beyond the permitted hours;
- clarification was needed on the material of the roof.



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

- the restaurant was a family business and had struggled during the pandemic;
- the extension would provide a waiting area for customers waiting to be seated;
- there were currently 35 covers and it was proposed to double this number;
- the extension would be a solid structure with an electric retractable roof.

The Development Planning and Building Consultancy Manager advised the Committee to defer consideration of the application to enable clarification to be sought on the type of roof.

**Resolved** that consideration of Planning Application DC/23/68117 (Proposed glazed customer seating area extension to frontage (resubmission of refused planning permission DC/22/66636). 204 Lightwoods Road Smethwick) is deferred to enable clarification to be sought on the roof of the proposed extension.

**68/21 Planning Application - DC/23/68282 - Proposed single and two storey side and rear extension. 15 Cedar Road Wednesbury.**

The Development Planning and Building Consultancy Manager recommended an additional condition requiring the provision of a new dropped kerb.

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

- the measurements were unclear and the proposal would encroach over his border;
- the houses in the street were mostly two and three bedroom, and a five bedroom house would exacerbate existing parking issues in a narrow road;
- the applicant frequently parked his car/s across neighbouring driveways;
- the extension would block light to neighbouring properties on both sides;
- the property was council-owned.

The applicant was not present.

The Development Planning and Building Consultancy Manager reported that the applicant had confirmed ownership of the property.

The Committee was minded to defer consideration of the application to enable a site visit to be carried out.

**Resolved** that consideration of Planning Application DC/23/68282 (Proposed single and two storey side and rear extension. 15 Cedar Road Wednesbury.) is deferred to allow a site visit to be varied out by the Committee.

**69/21 Planning Application - DC/23/68304 - Proposed change of use from Methodist church to 9 No. self-contained studio apartments, fenestration alterations, bike shelter and bin store, parking and landscaping. Lawrence Lane Methodist Church Lawrence Lane Cradley Heath**

There was no applicant or objector present.

**Resolved** that Planning Application DC/23/68304 (Proposed change of use from Methodist church to 9 No. self-contained studio apartments, fenestration alterations, bike shelter and bin store, parking and landscaping. Lawrence Lane Methodist Church Lawrence Lane Cradley Heath) is approved, subject to conditions relating to:-

- i) cycle parking, provision and retention;
- ii) waste storage, provision and retention;
- iii) EVC bays, provision and retention;
- iv) low NOx boilers, provision and retention;
- iv) construction method statement; and
- v) provision and retention of car parking.

**70/21 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:-

<b>Application No.</b>	<b>Address</b>	<b>Decision</b>
DC/22/67549	68 Myvod Road	Allowed

	Wednesbury WS10 9QE	
DC/22/67022	Lock up garages to rear of 128 Dog Kennel Lane Oldbury B68 9NA	Allowed

### **71/21 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 6.32 pm

Contact: [democratic\\_services@sandwell.gov.uk](mailto:democratic_services@sandwell.gov.uk)