

Minutes of Planning Committee

**Wednesday, 25 October 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,
Loan, Pall, Preece, N Singh, Uppal and Webb.

Officers: John Baker (Development Planning and Building
Consultancy Manager); Alison Bishop (Development
Planning Manager); Simon Chadwick (Highway Network
Development and Road Safety Manager); Andy Thorpe
(Healthy Urban Development Officer); Sophie Anderson
(Solicitor); Trisha Newton (Deputy Democratic Services
Manager); and Connor Robinson (Democratic Services
Officer).

In attendance/: Councillors Anandou, Bhullar, Hughes, Kalebe-
Observing Nyamongo and Piper

84/21 Apologies for Absence

Apologies for absence were received from Councillors S Gill, and
Tromans.

85/21 Declarations of Interest



Minute No.	Subject	Member	Interest
86/23	Planning Application - DC/23/68540 - Proposed demolition of existing buildings and erection of 1 No. primary school, 190 No. dwellings, public open space, landscaping and associated works (outline application with all matters reserved). Former Brandhall Golf Course, Heron Road, Oldbury.	Councillor Fenton	Had called in the Cabinet Decision as Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board.
90/23	Planning Application - DC/23/68367 - Proposed two storey side and single storey front/side/rear extensions, roof extension, loft conversion and rear dormer window. 57 Valentine Road, Oldbury, B68 9AH	Councillor Fenton	Supporting a resident in their objection to the Planning Application.

tion - DC/23/68540 - Former Brandhall Golf Course, Heron Road, Oldbury

(Councillor Fenton withdrew from deliberations)

The Development Planning and Building Consultancy Manager reported that three further representations had been received and circulated to members. The first was from Sport England who objected to the recommended condition related to the submission of a viability assessment to address any requirement for the Council to fund improvements to off-site golf facilities. In addition, a letter had been received from a concerned local resident along with a framed picture emphasising the Brandhall green space and what would be lost if any development went ahead. Lastly an organisation called the Hive Effect had submitted an objection emphasising the loss green space and the impact any development would have on local ecosystems.

In view of the ongoing objectors campaign to the proposed Brandhall development Councillor Preece, with the agreement of

the Committee, stated that all members had been lobbied on behalf of the objectors.

Objectors were present and addressed the Committee with the following points:

- the previous leader of the Council had assured residents that a public consultation would be held on the future of Brandhall;
- a majority of residents had rejected any proposed development;
- ;the residents felt that the Council had not listened to them;;
- the Black Country and Birmingham Wildlife Trust had asked the Council to undertake and submit a wildlife assessment and had stated that previous investigations had not been sufficient;
- it was considered that the proposed development would negatively impact the local highway infrastructure and safety;
- Staffordshire Country Council, who acted as a lead consultant for Sandwell as a lead local flood authority, had objected to the proposals on grounds of insufficient detail on the proposed draining strategy;
- it was not clear what walking and cycling provisions the proposed development would create;
- the development on green space was being used as a quick fix for Sandwell's housing shortage;
- if the green space was lost it would be lost forever;
- the land proposed for the development had been green space for a long time and its loss would result in the loss of local biodiversity;
- what future would be left for Sandwell's children if their green space could not be protected;
- the loss of green space would continue to decline for local communities;
- developments around Brandhall had resulted in serious flooding issues within the Brandhall site that posed a severe risk to public safety;
- Sandwell should change the way it thinks about the environment.

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

- the proposed development would provide a unique opportunity to improve public open space, education and housing provision;
- the proposal would deliver a substantial public park, a new school, and high-quality housing;
- the outline application with all matters reserved would seek to establish the development in principal;

- the outline application, supported by a landscape led masterplan, would supply almost 30 hectares of new public park and covered almost 80% of the site;
- the green space would not be lost forever, but be enhanced, it would increase biodiversity and public accessibility;
- despite two existing public rights of way the former golf course had not been publicly accessible;
- the proposed development would establish new footways and cycleways and create a number of recreation and leisure opportunities;
- the proposed development would allow the green space to be attractive and open to a wider audience locally;
- a Brandhall working group had been established to bring together community groups, councillors and stakeholders to contribute and inform the designs of the proposed park space;
- the proposed new primary school would replace the existing one which was in poor physical condition;
- Sandwell had a shortfall in housing land supply. The delivery of 190 new homes would contribute towards meeting the unmet housing need;
- the proposed development would be socially inclusive, providing 25% affordable housing;
- the application did not meet the thresholds for an environmental impact assessment, the application was supported by a range of technical and environmental reports which had assessed the impact of any development and set out mitigation measures where appropriate;
- Sandwell Highways department had raised no overall objections to the proposed development, as part of the application there was improvements proposed to the Wolverhampton Road Queensway Junction;
- the masterplan had been designed to ensure as many trees would be retained as possible, some trees would be lost, and mitigation measures would be in place in these circumstances;
- the ecology of the site was understood, and surveys had been undertaken to identify species on the site;
- a biodiversity net gain assessment had been included within the application, demonstrating a 10% net gain improvement on the existing biodiversity on the site;
- the proposed development would not make flooding matters any worse and betterment would be provided and was detailed in the proposed draining strategy;

- the Environment Agency had not objected to the application owing to the development areas being located outside of the identified flood zone;
- there had been a lot of air quality monitoring to understand the hotspots around the site which would be used to identify the best place for the proposed development;
- it was an exciting opportunity for Sandwell, and the proposed development had been designed to be high-quality and sustainable.

(Councillor Fisher withdrew from deliberations)

The Development Planning and Building Consultancy Manager clarified the question around the Environmental Impact Assessment regulations. The regulations did apply to the application under schedule two of the regulations. Under the schedule the applicant had submitted what was called a screening opinion to determine if a full Environmental Impact Assessment was required. Planning had determined that a full Environmental Impact Assessment was not required. That decision however, was not to be dismissive of environmental issues and concerns which had been considered as part of the application.

Further to whether the applicant could provide an Environmental Impact Assessment independently of what was required under the planning application, it was determined that nothing more could be added that was not already contained within the supporting information accompanying the application.

In response to questions from members, the objectors stressed that the proposed development was not enhancing the local community or environment and possible alternatives were not being considered in favour of large developments.

The Development Planning and Building Consultancy Manager stressed that the application was an outline application and there was a considerable number of conditions attached to the application to address concerns and allow for further clarity.

The applicants agent clarified that a tree survey had been undertaken, which had looked at all of the trees on the site and had assessed their size, quality and species. The survey had helped inform the illustrative masterplan which had aimed to avoid if possible the loss of valuable and biodiverse trees. There were no veteran trees onsite and no tree with a protection order was

planned to be affected by any proposed development. The applicant would be working with the Wildlife Trust to establish the needs of any replacement trees if trees were required to be removed for any potential future development.

Objectors stated that they believed there was a lack of understanding of the site both from the applicant and the applicant's agent and the information presented to the Committee was insufficient.

It was understood that while the Environment Agency had originally objected to the application, following further information regarding an overlay of key flood zones across the Brandhall site and the proposed development being away from those sites, the objection was withdrawn.

The Development Planning and Building Consultancy Manager clarified that the application was an outline application and the drawings provided were only indicative. If the outline application was successful, the applicant would be required to submit a further application detailing the ultimate proposal. It was at that stage that confirmation detail would be required on matters such as flood prevention.

The applicant's agent noted how the proposed development would work to be sustainable and take advantage of heat-pumps, solar panels and electric vehicle charging points. It was envisaged that the proposal would set a standard for future developments across the Borough.

Resolved that Outline Planning Application - DC/23/68540 - Proposed demolition of existing buildings and erection of 1 No. primary school, 190 No. dwellings, public open space, landscaping and associated works (outline application with all matters reserved) - Former Brandhall Golf Course, Heron Road, Oldbury is granted subject to the following conditions:

- (i) Reserved matters (full details of access, appearance, landscaping, layout and scale);
- (ii) Time limit of 3 years for submission of reserved matters;
- (iii) Time limit of 2 years for commencement from date of approval of final reserved matters;

- (iv) Compliance with approved plans;
- (v) Submission of a viability assessment to address any requirement for the Council to fund improvements to off-site golf facilities;
- (vi) Contamination;
- (vii) Further surface water drainage detail;
- (viii) Further foul water drainage detail;
- (ix) Further detail of traffic impact at Wolverhampton Road/Queensway junction together with mitigation and implementation of highway improvements;
- (x) Revision of Transport Assessment to include a wider assessment of the impact of residential development on the highway network with mitigation and implementation of any required highway improvements;
- (xi) Revision of Transport Assessment to include further detail of vehicle movements associated with the school and delivery of required road safety measures;
- (xii) Revision of Transport Assessment to include multi-modal trip generation data to inform active and sustainable travel need with mitigation and implementation of any required improvements;
- (xiii) Written scheme of investigation for archaeology;
- (xiv) Ecological Impact Assessment and implementation of mitigation;
- (xv) Revision of Energy and Sustainability Statement;
- (xvi) Revision of Arboricultural Impact Assessment;
- (xvii) Cycle parking;
- (xviii) Further schedule of mitigation regarding air quality;

- (xix) Details of controlled ventilation intakes in respect of air quality;
- (xx) Electric vehicle charging;
- (xxi) Low NOx boilers;
- (xxii) Residential units shall meet the internal ambient noise levels of the relevant British Standard;
- (xxiii) The school shall meet the internal ambient noise levels of the relevant standard;
- (xxiv) Construction environmental management plan (CEMP);
- (xxv) Employment and skills plan;
- (xxvi) Detailed assessment of ground conditions (including drainage and topography) of the land proposed for the school playing field;
- (xxvii) Schedule of playing field maintenance;
- (xxviii) Community use agreement for school sports facilities (or assessment of need for);
- (xxix) Implementation of recommendations of Biodiversity Net Gain Assessment;
- (xxx) Implementation of Travel Plans;
- (xxxi) Indicative access points are not agreed as part of this outline consent;
- (xxxii) Compliance with recommendations of the Air Quality Assessment;
- (xxxiii) Demolition or construction restricted to 8:00 to 17:30 Monday to Friday and 8:30 to 13:00 hours on Saturdays. There will be no working on Sundays or bank holidays; and
- (xxxiv) Provision and retention of parking.

(Councillors Fisher and Fenton returned to the meeting)

(Councillor Pall left the meeting)

87/21 Planning Application - DC/23/67924 - Edwin Richards Quarry, Portway Road, Rowley Regis

Councillor Webb indicated she had been lobbied on a previous site visit.

The Development Planning and Building Consultancy Manager confirmed that the application was a reserved matters application, the Committee had previously granted outline permission on the quarry. The Committee was updated on additional conditions to the recommendation, with the addition of a retaining wall on Portway Road, along with details on parking/manoeuvring, hard landscaping and corner plots incorporating windowed elevation details. It was also noted that condition (iv) within the report regarding the monitoring and management of boreholes, be removed due to duplication from the original outline report and ongoing work.

No objectors had registered to speak.

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

- the proposed development was a product of extensive joint working between the Council and the applicants;
- the input from officers had helped shape the layout of the application which would aim to create a high-quality environment for residents;
- the proposal encompassed both public and private open space along with hard and soft landscaping;
- the proposed development would incorporate a housing mix, from one bed flats to four bed houses;
- the approval of the application would help address Sandwell's housing need;
- the location of the proposed housing was not on landfill and had never been landfill, but adjacent to where the landfill was;
- a considerable amount of work had been undertaken between the Council and the Environment Agency to ensure any impact on the proposed housing from the nearby landfill site was managed effectively;

- in addition to the proposed development the adjacent side of the site operated a soil processing and infill site that was seeking to restore the quarry;
- it was anticipated that the infill would be in operation for another 20 to 25 years;
- the soil processing and infill operation would not impact the residential development, the access to the site was from different routes.

The applicant clarified that the affordable housing provision was set as part of the outline application and Section 106 agreement. The decision on affordable housing provision was reached through viability testing owing to the difficulties of developing the site. The residential and quarry site would be separated by a security fence and would be secure.

The applicant clarified that the soil processing and infill site at the far end of the site was assessed separately and a considerable distance from the residential development and it was projected that there would be no impact from the soil processing facilities.

Concern was raised about potential subsidence of the proposed development owing to the significant contours of the land in question and the nature of the site being infilled. The applicant reassured the Committee that the land proposed for the development had not previously been quarried and was instead used for buildings associated with the quarry. The land was virgin land and the developer was confident there would be no settlement issue. The Development Planning and Building Consultancy Manager also confirmed that Building Regulations approval would be required to approve the development prior to any works been undertaken.

(Councillor Preece left the meeting)

Resolved that Planning Application - DC/23/67924 - Proposed residential development comprising of 278 No. dwellings (Reserved matters application for appearance, landscaping, layout and scale) - Pursuant to outline planning application DC/14/57745. Edwin Richards Quarry, Portway Road, Rowley Regis, subject to details of retaining wall approval is granted subject to the following conditions:

- (i) Air Quality Assessment and mitigation plan;

- (ii) Low NOx Boilers;
- (iii) Travel Plan measures;
- (iv) Noise Assessment and subsequent mitigation;
- (v) Footpath link to Dudley Road;
- (vi) Renewable energy;
- (vii) Recommendations of the Extended phase 1 habitat survey carried out; and
- (viii) Employment and skills;
- (ix) parking/ manoeuvring to be provided and retained;
- (x) Additional condition details of hard landscaping to parking areas and open spaces;
- (xi) All corner plots within the development to incorporate windowed elevation detail.

88/21 Duration of meeting

Under Standing Orders 4(5) a motion was proposed and seconded to suspend the standing order to extend the meeting prior to the expiration at 3 hours.

Resolved that the meeting be extended until the remaining business had been considered.

89/21 Planning Application - DC/23/68288 - 38 High Street, Cradley Heath, B64 5HL

Resolved that Planning Application - DC/23/68288 - Proposed part change of use of ground floor and conversion of first/second floors with single storey rear extension to create 2 No. self-contained apartments, rear loft dormer window, new shop front, landscaping and parking to rear. 38 High Street, Cradley Heath, B64 5HL, is deferred to allow for a site visit to be undertaken.

90/21 Planning Application - DC/23/68367 - 57 Valentine Road, Oldbury, B68 9AH

Resolved that Planning Application - DC/23/68367 - Proposed two storey side and single storey front/side/rear extensions, roof extension, loft conversion and rear dormer window. 57 Valentine Road, Oldbury, B68 9AH is deferred to allow for a site visit to be undertaken.

(Councillor Fenton withdrew from the meeting)

91/21 Planning Application - DC/23/68220 - Land At Midland Metro University Hospital, Grove Lane, Smethwick, B66 2QT

The Development Planning and Building Consultancy Manager advised the Committee that the applicant was unable to attend the Committee and had asked for a statement to be read out that stated:

- the application was part of a Towns Fund project working in collaboration with Sandwell Council, Sandwell College, University of Wolverhampton and Aston University;
- the proposed development would be a purpose built learning campus at the gateway to the Midland Metropolitan Hospital;
- it would benefit from close direct links to the new hospital and would provide training and pathways into employment in healthcare;
- the development would increase local spend and opportunities;
- the design and development would look to be carbon neutral.

The Committee was further advised on cycling provision for the proposed site. It was understood that a stand alone cycling storage area was proposed to the side of the building which was included as part of the sustainable offer of the proposed development.

No objectors had registered to speak.

(Councillor Fenton returned to the meeting)

Resolved that Planning Application - DC/23/68220 - Proposed learning campus comprising of education (Class F1(a)), medical or health services (Class E(e)), food and drink (Class E(b)), and professional services (Class E(c)) with hard and soft landscaping. Land At Midland Metro University Hospital, Grove Lane, Smethwick, B66 2QT,

subject to a s106 agreement to secure monitoring of off-road parking before and post development, planning permission is granted subject to conditions relating to:

- i) Parking, loading/unloading laid out and retained;
- ii) Detailed travel plan;
- iii) Dust management plan during construction;
- iv) Construction management plan;
- v) Site investigation, remediation and validation;
- vi) Details of odour extraction from cooking smells and maintenance thereafter;
- vii) Lighting details;
- viii) CCTV proposals;
- ix) Implementation of drainage strategy (LLFA);
- x) Surface water management plan (during construction)
- xi) Details of disposal of surface and foul water (Severn Trent);
- xii) Finished floor levels;
- xiii) Details of external materials (to include a colour to the Dudley Road elevation)
- xiv) No vinyl's to be incorporated into the glazed areas of the building;
- xv) Details of hard and soft landscaping;
- xvi) Details of Bin storage and Refuse management plan;
- xvii) Details of street furniture and public art within the external spaces; and
- xviii) Employment Skill plan;

92/21 Planning Application - DC/23/68252 - 576-578 Bearwood Road, Smethwick, B66 4BW

Councillors Millar, Chidley, Fenton, Loan, N Singh and Webb indicated they had been lobbied by the applicant on the recent site visit.

No objectors or applicants had registered to speak.

The Development Planning and Building Consultancy Manager confirmed that the applicant had stated that there would be increased bin storage on site and if approved the provision and retention of waste storage would be conditioned.

(Councillor Uppal left the meeting)

Resolved that Planning Application - DC/23/68252 - Proposed change of use of part-ground floor, first and second floors and two-storey rear extension to accommodate 19 No. bedsits (house in multiple occupation - HMO) with 2 No. rear dormer windows, 2 No. external staircases, bicycle parking and bin store. 576-578 Bearwood Road, Smethwick, B66 4BW is granted subject to conditions relating to:

- i) Materials to match existing building;
- ii) Noise assessment and implementation of recommendations;
- iii) Detailed air quality mitigation plan to include glazing, mechanical ventilation, maintenance and retention thereafter;
- iv) Construction management plan;
- v) Low NOx boilers;
- vi) Provision and retention of waste storage area;
- vii) Provision and retention of cycle storage (materials to match existing building);
- viii) External lighting scheme;

- ix) No use of staircase or flat roof as external amenity area;
- x) Communal areas to be provided and retained; and
- xi) To be used as HMO accommodation only – not individual dwelling houses.

93/21 Planning Application - DC/23/68347 - 574 Hagley Road West, Oldbury, B68 0BS

Councillors Millar, Chidley, Fenton, Loan, N Singh and Webb indicated they had been lobbied by the objectors on the recent site visit.

No objectors or applicant had registered to speak.

The Committee indicated that following the site visit it was apparent that a number of the objectors had not fully understood the details of the proposed development and when informed were far more comfortable with what was proposed.

Objectors had expressed their concern over the potential loss of trees on the boundary, to which the Development Planning and Building Consultancy Manager advised the Committee that a condition could be imposed but it would depend on whether the trees fell within the applicant's premises.

Resolved that Planning Application - DC/23/68347 - Proposed single storey rear extension to create 1 No. self-contained flat. 574 Hagley Road West, Oldbury, B68 0BS is granted subject to conditions relating to:

- i) External Materials;
- ii) Car parking implementation and retention;
- iii) Noise assessment and mitigation measures;
- iv) Drainage;
- v) Low NOx Boiler;

- vi) Refuse Storage;
- vii) Cycle Storage;
- viii) Construction environmental management plan;
- ix) Obscure glazing to side elevation (east facing);
- x) Highway signage to entrance/ exit;
- xi) External lighting scheme; and
- xii) Retention of trees if applicable.

94/21 Planning Application - DC/23/68467 - West Midlands Foundry Co Limited, Blakemore Road, West Bromwich, B70 8JF

The Development Planning and Building Consultancy Manager advised that no objections had been received in relation to the application, the matter was before the Committee as the proposed development was a departure from the development plan and hence the departure would be subject to approval by Full Council.

The applicant had not registered to speak.

The Healthy Urban Development Officer advised that the proposed development may relate to storage that was regulated by the Council through Environmental Health industrial permitting or depending on what was ultimately stored the Environment Agency.

Resolved that Planning Application - DC/23/68467 - Proposed 2 No. portal framed buildings to house 7 No. small units for general industrial/storage and distribution use with associated vehicle access, substation, sliding front gates, parking and covered cycle shelter. West Midlands Foundry Co Limited, Blakemore Road, West Bromwich, B70 8JF subject to approval by Full Council as departure from the development plan, that planning permission is granted subject to conditions relating to:

- i) External materials;
- ii) Secure cycle shelter;

- iii) Electric vehicle charging points;
- iv) Details of front sliding gates;
- v) Levels;
- vi) Substation details;
- vii) Construction and environmental management plan;
- viii) Ground investigation/remediation works;
- ix) Foundation design detail adjacent the canal;
- x) Landscaping facing the canal frontage, and site hard surface; details;
- xi) Apprentice training in construction,
- xii) measures to prevent runoff;

95/21 Planning Application - DC/23/68518 - Locarno Works, Locarno Road, Tipton, DY4 9AF

No objectors or applicants had registered to speak.

Resolved that Planning Application - DC/23/68518 - Retention of light industrial and storage use, vehicular access, car and vehicle parking, lighting and CCTV. Locarno Works, Locarno Road, Tipton, DY4 9AF is deferred to allow a site visit to be undertaken.

96/21 Planning Application - DC/22/67797 - Site Of 30-144 Mounts Road, Wednesbury

No objectors had registered to speak.

The applicant's agents were in attendance and addressed the Committee with the following points:

- the site was part of a large housing allocation;
- the site was covered with disused coal shafts and the previous scheme was undeliverable;

- the proposed development would be deliverable taking into account the coal shafts;
- the development would deliver much needed housing, and it was anticipated they would be delivered by a local developer;
- sustainability requirements would be a focus and 10% of the proposed development would receive their energy from renewables;
- the scheme would deliver 45 new homes on a brownfield site, the housing would be mixed, providing apartments and family homes;

The Development Planning and Building Consultancy Manager advised that the Coal Authority had recommended more intrusive site investigations across the proposed site and conditions had been crafted to address the concerns.

The applicant confirmed that work had already begun to address the Japanese Knotweed prevalent across the site through chemical treatment and removal.

Resolved that Planning Application - DC/22/67797 - Proposed residential development comprising of 45 dwellings, landscaping and car parking. Site of 30-144 Mounts Road, Wednesbury is granted subject to conditions relating to:

- i) External materials in accordance with submitted details;
- ii) Electric vehicle charging provision and retention;
- iii) Construction environmental management plan;
- iv) Low NOx boilers, provision and retention;
- v) Provision and retention of car parking;
- vi) Drainage;
- vii) Site investigation and remediation;
- viii) External Lighting scheme;
- ix) Finished floor levels;

- x) Boundary treatments;
- xi) Landscaping in accordance with submitted details;
- xii) Electric vehicle charging;
- xiii) Detailed method statement setting out job and apprenticeship opportunities which may arise during the construction of the development and/or when the development is brought into use;
- xiv) Coal Authority – Intrusive site investigations/remediation works;
- xv) Noise assessment;
- xvi) Construction times;
- xvii) Construction Surface Water Management Plan; and
- xviii) Permitted development removal.

97/21 Planning Application - DC/22/67520 - Tata Cargo Ltd, Rigby Street, Wednesbury, WS10 0NP

The Development Planning and Building Consultancy Manager advised that no objections had been received and the recommendation should have specified that the application was subject to approval by Full Council as it was a departure from the local development plan.

Resolved that retrospective Planning Application - DC/22/67520 - Retention of heavy goods lorry and trailer parking area with portable office. Tata Cargo Ltd, Rigby Street, Wednesbury, WS10 0NP subject to approval by Full Council as departure from the development plan, is granted subject to conditions relating to:

- i) The areas shown for manoeuvring and parking of vehicles is provided and retained as such; and
- ii) Site drainage implemented in accordance with submitted Drainage Strategy Statement.

98/21 Planning Application - DC/23/68505 - 418 Wolverhampton Road, Oldbury, B68 0TE

Resolved that Planning Application - DC/23/68505 - Proposed single and two storey rear and single storey front extensions. 418 Wolverhampton Road, Oldbury, B68 0TE is granted subject to conditions relating to external materials shall match the existing property.

99/21 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: -

Application Ref	Site Address	Inspectorate
PD/22/02269	29 Seymour Road Tipton DY4 0EP	Dismissed

100/21 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 8.05pm
(following adjournment between 6.21pm and 6.33pm)

Contact: democratic_services@sandwell.gov.uk