

Minutes of Planning Committee

**Wednesday, 29 November 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, S Gill, Kaur, Kordala, Loan, Pall, Preece, N Singh, Tromans and Webb.

Officers: John Baker (Development Planning and Building Consultancy Manager); Alison Bishop (Development Planning Manager); Simon Chadwick (Development and Road Safety Manager); Andy Thorpe (Healthy Development and Building Control Lead); Sophie Emerson (Solicitor); Jasmine Andrews (Solicitor); Johane Gandiwa (Committee and Constitutional Services Lead Officer); and Connor Robinson (Democratic Services Officer).

In attendance/: Councillors M Allcock and Lewis.
Observing

101/23 Apologies for Absence

An apology for absence was received from Councillor Uppal.

102/23 Declarations of Interest



Councillor Fenton indicated that she would be leaving the meeting temporarily, during the consideration of Planning Application DC/23/68367 (Proposed two storey side and single storey front/side/rear extensions. 57 Valentine Road Oldbury B68 9AH) as she would be speaking on behalf of objectors.

103/23

Minutes

Resolved that the minutes of the meeting held on 25 October 2023 are approved as a correct record.

104/23

Planning Application DC/23/68497 - Retention of replacement boundary treatment, removal of external rear wall, single storey rear extension, and raising of existing roof height. 10 Jowetts Lane West Bromwich B71 2RA

Resolved that consideration of Planning Application DC/23/68497 (Retention of replacement boundary treatment, removal of external rear wall, single storey rear extension, and raising of existing roof height, 10 Jowetts Lane West Bromwich B71 2RA) is deferred pending a site visit by the Committee.

105/23

Planning Application DC/22/67240 - Proposed demolition of former van and car sales garage, and construction of 30 No. two-bedroom apartments (outline application for layout). Land Formerly Wednesbury Motors 110 Holyhead Road Wednesbury, SAP Developments

The Development Planning and Building Consultancy Manager clarified that the application was an outline proposal. The applicant was also requesting that access and layout be agreed.

The applicant and objectors were not present at the meeting.

Resolved that Planning Application DC/22/67240 (Proposed demolition of former van and car sales garage, and construction of 30 No. two-bedroom apartments (outline application for layout). Land Formerly Wednesbury Motors 110 Holyhead Road Wednesbury) is approved, subject to a section 106 agreement to ensure affordable housing, and to conditions relating to:-

- (i) external materials;
- (ii) site investigation and remediation;
- (iii) drainage;
- (iv) electric vehicle charging provision and retention;
- (v) construction environmental management plan;
- (vi) low NOx boilers, provision and retention;
- (vii) policy ENV7 – Energy Statement;
- (viii) secure cycle storage;
- (ix) waste storage;
- (x) provision of name, address and contact details of the maintenance body/ies responsible for the maintenance of the drainage system;
- (xi) existing footway is reinstated;
- (xii) height restriction to apartments - the configuration of the blocks will present a stepped elevation rising from Block ONE (three storey) to Block TWO (four storey) and down in steps along the width of Block THREE to end in no greater than three storeys at the Access point off Monway Terrace;
- (xiii) Highways Management Plan;
- (xiv) provision and retention of car parking;
- (xv) external Lighting scheme;
- (xvi) finished floor levels;
- (xvii) boundary treatments;
- (xviii) landscaping;
- (xix) 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;
- (xx) Coal Authority – Intrusive site investigations/remediation works;
- (xxi) noise assessment;
- (xxii) no burning of waste materials to be allowed on site during the construction phase, and;
- (xxiii) construction times.

106/23

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 B66 2BJ

Councillors Chidley, Fenton, Kaur, Loan, Millar, Pall, N Singh, Tromans and Webb indicated that had been lobbied by the applicant during the site visit, which had taken place in July 2023.

The Development Planning and Building Consultancy Manager advised the Committee that this was a re-submission of a previously approved application (Minute No 65/23 of the meeting held on 26 July 2023 refers). Whilst a five year approval had been granted previously, it had subsequently been brought to the attention of the local planning authority that operations relating to the treatment of hazardous waste exceeded 30,000 tonnes per annum and therefore required a Development Consent Order. The applicant had therefore submitted a revised application, limiting treatment of hazardous waste to under 30,000 tonnes. Officers were now recommending a three year temporary permission.

As the site was allocated for housing in the Development Plan, full Council would need to grant an exception to the Plan to allow the application to proceed.

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

- the development was unsightly and created a lot of noise and dust;
- noise from the heavy vehicle traffic was very loud, even through the double-glazed windows, and would be disturbing to residents' peace in the summer months, preventing them from having windows and doors open;
- there were unsightly barriers around the site;
- the site had been subject to arson.

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

- the revised proposal was a significant decrease in the tonnage of hazardous waste;
- the proposed site would be an ancillary site to the larger operations in Wolverhampton.

The Development Planning and Building Consultancy Manager confirmed that there had been no proposals submitted for

residential development on the site. It was also clarified that the site currently had permission for unrestricted industrial uses and the proposal, and proposed conditions would provide the Council with a degree of control over the site. Objectors were also assured that, should the application be approved, conditions would control the use of the site and enforcement action could be taken against the applicant.

Resolved that, subject to full Council approving an exception to the Development Plan to enable the application to proceed, 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 B66 2BJ) is approved, for a temporary period of three years, subject to conditions relating to the following:-

- 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;
- viii) electric vehicle charging points;
- ix) 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 be 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) boundary treatments;
- xix) further retaining wall inspection;
- xx) low NOx boilers;
- xxi) no more than 29,999 tonnes of hazardous waste to be received at the site per annum;
- xxii) submission of a revised Environment Agency permit prior to works starting to demonstrate the waste limit has been reduced in accordance with the limit stated in (xxi) above;
- xxiii) submission of a yearly report to the local planning authority to demonstrate the hazardous waste limit has not been breached.

107/23

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

Councillors Chidley, Fenton, Kaur, Loan, Millar, Pall, N Singh, Tromans and Webb indicated that they had been lobbied by both objectors and applicants during the site visit, which had taken place earlier the same day.

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

- noise associated with the construction works would disturb those working from home;
- there was no sufficient access for the skip to be put on the site, which would impact on parking and the trade of the shops;
- there was limited parking for shopping on the High Street and construction and delivery vehicles would add to the traffic challenges;
- scaffolding would create a security risk and obstruct the living room window, which was a means of escape in the event of a fire;
- existing businesses would have their trade affected;
- emergency vehicle access would be restricted;
- the map submitted was inaccurate.

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

- the proposal was compliant with all relevant policies;
- the map submitted was accurate, as per Land Registry records;
- the proposal would improve a derelict building and regenerate the high street.

The Development Planning and Building Consultancy Manager advised that issues relating to land ownership were beyond the remit of the Planning Committee and the granting of planning application would not override other legal requirements. Highway officers advised that, as a high street location, there were existing measures in place to manage deliveries.

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 approved, subject to conditions relating to:-

- i) external materials;
- ii) external lighting scheme;
- iii) privacy glazing scheme for the rear facing lounge window;
- iv) hard and Soft landscaping;
- v) bin storage;

- vi) cycle Storage;
- vii) low NOx boilers;
- viii) construction environmental management plan;
- ix) contamination;
- x) hours of construction;
- xi) sound proofing scheme for the first floor;
- xii) no burning of waste materials on site.

(Councillor Fenton left the meeting.)

108/23

Planning Application DC/23/68367 - Proposed two storey side and single storey front/side/rear extensions. 57 Valentine Road Oldbury B68 9AH

Councillors Chidley, Kaur, Loan, Millar, Pall, N Singh, Tromans and Webb indicated that they had been lobbied by both the applicant and objectors during the site visit, which had taken place earlier the same day.

The Development Planning and Building Consultancy Manager clarified that the property would remain a three-bedroom semi-detached house.

Councillor Fenton, on behalf of the objectors, stated that the second storey element of the extension would block sunlight to the neighbour's house and limited back garden space.

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

- the existing bedrooms were too small and there was need to extend the property to accommodate a growing family;
- the neighbouring property already had a similar extension;
- the neighbour had been assured that they would be compensated for any damage that may occur to their property during the proposed extension of his property.

The Committee was concerned about the second storey element of the extension and felt that it would be prejudicial to the interests of the neighbouring property by way of loss of natural light caused by the overbearing nature of the proposed extension.

Resolved that Planning Application DC/23/68367 (Proposed two storey side and single storey front/side/rear extensions.

57 Valentine Road, Oldbury B68 9AH) is refused, on the grounds that the proposal would have a detrimental impact on the neighbouring property by way of its overbearing nature, which would result in loss of light and outlook.

(Councillor Kaur left the meeting.)

(Councillor Fenton returned to the meeting.)

109/23

Planning Application DC/23/68420 - Proposed 11 No. houses and 9 No. self-contained apartments with car parking, enclosed bin store, cycle store and landscaping. Site of Former 3 and 4 Cardale Street, Rowley Regis

The Development Planning and Building Consultancy Manager reported that two additional conditions were now recommended, relating to noise assessment and external lighting.

There were no objectors present.

The applicant's agent was present but did not wish to address the Committee.

Resolved that Planning Application DC/23/68420 (Proposed 11 No. houses and 9 No. self-contained apartments with car parking, enclosed bin store, cycle store and landscaping. Site of Former 3 and 4 Cardale Street, Rowley Regis), is approved, subject to conditions relating to:-

- (i) external materials;
- (ii) finished floor levels;
- (iii) employment and skills plan;
- (iv) contamination;
- (v) drainage (surface and foul);
- (vi) energy statement (compliance with submitted info);
- (vii) boundary treatments (compliance with submitted info);
- (viii) landscaping (compliance with submitted info);
- (ix) waste storage (compliance with submitted info);
- (x) cycle storage (compliance with submitted info);
- (xi) low NOx boilers;
- (xii) electric vehicle charging;
- (xiii) construction environmental management plan;
- (xiv) removal of permitted development rights;
- (xv) retention of parking and manoeuvring areas.
- (xvi) noise assessment;

(xvii) external lighting.

110/23

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

The Development Planning and Building Consultancy Manager reported that reference to light industrial use in the application description should be deleted. An additional objection had been received, expressing concern about noise disturbance and positioning of flood lights.

The Committee was advised that the access road to the site served other units and it was not therefore clear whether noise disturbances could be attributed to the applicant's operations.

Members were of the view that a further condition requiring boundary treatment was required to attempt to mitigate the impact of the proposal on neighbouring properties.

Resolved that Planning Application DC/23/68518 (Retention of storage use, vehicular access, car and vehicle parking, lighting and CCTV. Locarno Works, Locarno Road, Tipton, DY4 9AF, is approved, subject to conditions relating to:-

- i) noise impact assessment and mitigation measures;
- ii) parking layout provided, and retained, - area behind residential properties for car park only;
- ii) dust management plan including resurfacing works;
- iv) lighting scheme;
- v) CCTV;
- vi) electric vehicle charging points;
- vii) boundary Treatment and any retaining walls;
- viii) revised Transport Statement;
- ix) site management plan – vehicle movement during sensitive hours;
- x) drainage/SUDs details;
- xi) details of secure cycle parking;
- xii) landscaping scheme and boundary treatment

Planning Application DC/23/68524 - Demolition of existing buildings, and proposed 11-storey building comprising up to 60 no. residential apartments, with associated landscaping, cycle parking, car parking and access from Green Street (Outline application for access). 51 Green Street, West Bromwich, B70 6DL

The Development Planning and Building Consultancy Manager reported that the objection in relation to the gas pipeline had now been withdrawn. Highways officers had recommended an additional condition requiring a revised transport assessment. A further objection had been received relating to pollution, and the visual impact that an additional high-rise block would have on the area in terms of the visual impact, environmental factors and crime and anti-social behaviour.

There were no objectors present.

The applicant was present and addressed the Committee on the following matters:-

- the proposal would improve the housing situation through affordable accommodation;
- there were existing high-rise blocks nearby;
- the building would be energy efficient, with 90% of energy being from renewable sources;
- the proposal would make the best use of the existing public transport network, but would also provide parking for a small number of cars;
- the proposal would make best use of a brownfield site, delivering a mix of affordable homes;
- there would be 25% affordable housing;
- usable on site amenity space was part of the design.

Members welcomed the proposal, noting that there was an existing precedent for high-rise accommodation in the area, and felt that it would contribute to resolving the Council's housing deficit. It was also noted that the site was close to a Metro station.

Resolved that Planning Application DC/23/68524 (Demolition of existing buildings and proposed 11-storey building comprising up to 60 no. residential apartments, with associated landscaping, cycle parking, car parking and access from Green Street (Outline application for access). 51

Green Street, West Bromwich, B70 6DL is approved, subject to conditions relating to:-

- (i) ground investigation works;
- (ii) drainage (including SUDS);
- (iii) employment and skills opportunities;
- (iv) 10% renewable energy;
- (v) finished floor levels;
- (vi) low level NOx Boilers;
- (vii) no burning of materials on site,
- (viii) cycle parking,
- (ix) waste storage,
- (x) air quality impact assessment,
- (xi) adoption of residential travel plan,
- (xii) electric Vehicle Charging points,
- (xiii) foundation details/pipeline protection,
- (xiv) utilities from Green Street only,
- (xv) construction management plan including hours (see point 10.5),and dust control;
- (xvi) construction Surface Water Management Plan;
- (xvii) the submitted plans being for indicative purposes only.

112/23

Planning Application DC/23/68559 - Proposed variation of condition 12 of DC/13/56229 (Proposed variation of condition 12 of DC/31470 to extend opening hours from 07:00 to 23:00 on any day to 05:00 to midnight Monday to Saturday and 7.00 to 23.00 on Sundays and Bank Holidays) to extend opening hours to 24 hours any day. Gateway Service Station, 76 Birmingham Road, Great Barr, Birmingham, B43 6NT

The Development Planning and Building Consultancy Manager clarified that the proposal was seeking an extension of opening hours to 24hrs.

Councillor M Allcock, on behalf of the objectors, addressed the Committee with the following points:-

- 24-hour trading would increase noise and light pollution;
- extension of trading hours would increase the volume of customers and traffic during unsociable hours;
- the site was located at one of the business junctions in the West Midlands.

The applicant was not present at the meeting.

It was clarified that the applicant would only be able to sell petrol and diesel during the extended opening hours.

Members were minded to refuse planning permission, on the grounds that the proposal would lead to elevated noise levels, and light disturbance to neighbouring residential properties.

Resolved that consideration of Planning Application DC/23/68559 (Proposed variation of condition 12 of DC/13/56229 (Proposed variation of condition 12 of DC/31470 to extend opening hours from 07:00 to 23:00 on any day to 05:00 to midnight Monday to Saturday and 7.00 to 23.00 on Sundays and Bank Holidays) to extend opening hours to 24 hours any day. Gateway Service Station, 76 Birmingham Road, Great Barr, Birmingham, B43 6N) is deferred, pending additional information on measures that could be put in place to mitigate light disturbance.

(Councillors Kordala and Preece left the meeting)

113/23

Duration of meeting

Resolved that Standing Order 4(5) is set aside to enable the meeting to continue beyond three hours.

114/23

Planning Application DC/23/68578- Retention of outbuilding at rear for garden room, storage and gym. 180 Walsall Road, West Bromwich, B71 3LH

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

- the structure was over-bearing;
- the height of the building allowed the applicant to see into the objector's daughter's bedroom and this was having an impact on her mental health due to loss of privacy;
- lights at the front of the building caused a glare;
- there appeared to be a utility supply to the building, suggesting that it would be used for living rather than storage;
- the applicant is developing beyond his boundary and encroaching on neighbouring properties;
- the applicant has been dishonest.

The Committee was minded to defer consideration of the application to conduct a site visit.

Resolved that consideration of Planning Application DC/23/68578 (Retention of outbuilding at rear for garden room, storage and gym. 180 Walsall Road, West Bromwich, B71 3LH) is deferred to pending a site visit by the Committee.

115/23

Planning Application DC/23/68624 - Proposed 2 No. detached light industrial units with new access, parking, landscaping and new retaining wall with railings to rear. Land at Corner of Cleton Street and Sedgley Road East/Tipton Road, Tipton, DY4 7TR

The Development Planning and Building Consultancy Manager clarified that no objections had been received. The proposed units would be next to an existing industrial estate. The site was allocated for housing in the Development Plan, however, there were no residential schemes proposed currently.

There was no objector or applicant present.

Resolved that, subject to the Council granting an exception to the Development Plan to enable the application to proceed, Planning Application DC/23/686249 (Proposed 2 No. detached light industrial units with new access, parking, landscaping and new retaining wall with railings to rear. Land at Corner of Cleton Street and Sedgley Road East/Tipton Road, Tipton, DY4 7TR, is approved, subject to conditions relating to:-

- (i) external materials;
- (ii) ground contamination;
- (iii) finished floor levels;
- (iv) provision and retention of electric vehicle charging points;
- (v) construction management plan (including dust management, hours of construction, wheel cleaning etc;

- (vi) low NOx boilers;
- (vii) hard and soft landscaping;
- (viii) drainage and SUDS;
- (ix) restriction on hours of opening;
- (x) parking laid out, provision and retention.

116/23

Planning Application DC/23/68690 - Proposed renewal of temporary traveller site (planning permission DC/17/60410 and DC/20/63956) for up to 34 caravans, together with associated toilet/washroom facilities and boundary fencing (three-year permission requested). Travellers Transit Site Wellington Street Smethwick

There were no objectors or applicants present.

Resolved that Planning Application DC/23/68690 (Proposed renewal of temporary traveller site (planning permission DC/17/60410 and DC/20/63956) for up to 34 caravans, together with associated toilet/washroom facilities and boundary fencing (three-year permission requested). Travellers Transit Site, Wellington Street, Smethwick) is approved, for a temporary period of three years.

117/23

Planning Application PD/23/02530 - Proposed replacement of existing lattice tower with an 25.0m high swann CS5S lattice tower with 12 No. antennas, 2 No. GPS modules, 4 No. 300 dishes, 2 No. cabinets, 2 No. racks, 2 No. future racks and associated ancillary works. Telecommunication Mast 1694 Haden Park Road, Cradley Heath

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

- the site was no longer suitable for the proposed larger mast;
- the size of the mast had a significant detrimental visual impact;
- there had been insufficient investigations for an alternate site;
- the site was next to a park and a children's playground;
- the mast was high above the tree line;

- there were concerns about the health impact;
- the size of the base would impede the footpath.

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

- the mast is an existing structure;
- the height of the mast would increase by 2.5 meters;
- the visual impact was minimal as the mast would be painted green;
- the application was proposed to increase capacity;
- the proposed upgrades were away from residential areas;
- preference was given to upgrading existing masts as opposed to looking for new sites to negate the need for an additional mast in the area;
- robust pre-consultation activity was carried out;
- all sites had an ICNRP Certificate and health considerations not a matter for the Planning Committee.

The applicant clarified that the antennae was excluded from the height of the mast. Applicants had prior approval, under Permitted Development Rights to increase the height of masts to 25 metres without planning permission. The application was before the Committee due to the mast's headframe width exceeding that allowed under legislation.

The Development Planning and Building Consultancy Manager clarified that the Committee was only permitted to consider siting and appearance of the mast. It was clarified that the width of the headframe on the proposed mast was 5.5m.

Members concurred with concerns about the appearance of the proposed mast, given the proposed increase in both the height of the mast and width, and its proximity to residential properties and Haden Hill House.

Resolved that Planning Application PD/23/02530 (Proposed replacement of existing lattice tower with an 25.0m high swann CS5S lattice tower with 12 No. antennas, 2 No. GPS modules, 4 No. 300 dishes, 2 No. cabinets, 2 No. racks, 2 No. future racks and associated ancillary works. Telecommunication Mast 1694 Haden Park Road, Cradley Heath, is refused on the grounds that that the siting and appearance of the mast was unsatisfactory.

118/23

Planning Delegations Agreement

The Committee was asked to consider a revised Planning Delegations Agreement.

The purpose of the Agreement was to ensure that planning applications were determined in an open and transparent manner. The current Agreement was last reviewed in 2012 and had been updated to align with new legislation and Council structures, clarify the reasons for reporting a planning application the Committee and remove the need to report certain applications that were not controversial.

The Agreement would be presented to the full Council for approval.

Resolved that Full Council is recommended to approve the Revised Planning Delegations Agreement.

119/23

Proposed Site Visits

The Committee noted that a site visit would be carried out in relation to the following application, prior to it being presented to the Committee:-

Application No. and Description.	Date received	Reason
DC/23/68738 Proposed single storey outbuilding to rear 50 Chatsworth Avenue, Great Barr, Birmingham, B43 6QH	6.10.23	To consider the site context in relation to the proposal and surrounding property.

120/23**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
DC/23/68081	85 Walsall Road West Bromwich B71 3 HH	Dismissed

121/23**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 8.19pm, following an adjournment between 6.25 and 6.30pm.)

Contact: democratic_services@sandwell.gov.uk