

Minutes of Planning Committee

**Wednesday 19 July 2022 at 5.40pm
in the Council Chamber, Sandwell Council House, Oldbury**

Present: Councillor Millar (Chair);
Councillors Kaur (Vice Chair), Akhtar, Allen, Allcock,
Chapman, Dhallu, Fenton, Preece, N Singh, Webb and
Williams.

Also present: John Baker Service Manager Development Planning
and Building Consultancy); Andy Thorpe (Healthy
Urban Development Officer) and Simon Chadwick
(Principal Officer – Development).

The Chair opened the meeting at 5.40pm, following a delayed start as a result of IT issues that prevented members of the Committee and officers from accessing the meeting documentation. It had not been possible to rectify the issues and therefore the meeting was unable to proceed. The Committee therefore **resolved** to adjourn the meeting until Wednesday 20 July 2022 at 6pm.

Meeting adjourned at 5.46pm.

**Meeting reconvened on 20 July 2022 at 6pm,
at Sandwell Council House, Oldbury**

84/22 **Apologies for Absence**

Apologies were received from Councillors SS Gill and A Hussain.

85/22 **Declarations of Interest**

There were no declarations of interest made.

86/22

Minutes

Resolved that the minutes of the meeting held on 22 June 2022 are approved as a correct record.

87/22

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.

Councillors, Allen, Chidley, Dhallu, Fenton, Millar and Webb indicated that they had been lobbied by the applicant and objectors on the Committee's site visit, which had taken place on 30 March 2022.

The Service Manager for Development Planning and Building Consultancy reported that the site was allocated for residential use, and there if the Committee was minded to grant planning permission, the Council would need to approve a departure the Development Plan to allow the application to proceed. After considering both a recent ecology report and comments from Public Health, the additional conditions were now recommended in relating to the following:-

- (xxi) Biodiversity net gain
- (xxiii) Noise management plan (limiting noise around the site HGVs/operation)
- (xxiv) Background noise not exceeding 5dbA between night time hours

The Chair also highlighted to the committee that a petition had been submitted in relation to this application; this was also reflected in the officer's report. A large-scale plan of the site was presented to the committee for viewing.

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

- The concerns raised were detailed in paragraph 9.2 of the report.

- The land was designated for residential use and not industrial.
- The land was contaminated.
- How would planning conditions be monitored?
- The site was surrounded by residential areas and a school and the proposal would cause disturbance.
- The proposal would increase traffic.
- If the land was not fit for housing, how could it be fit for employees to enter the site for work?
- There were mines underneath the site.

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

- The site had been vacant for 30 years and was in dire need of development.
- There were mines and limestone shafts beneath the site, so the costs to prepare the land for housing would make a housing development unviable.
- There were no government grants to support the decontamination of the land for housing, however, grants were available from the West Midlands Combined Authority to make the lane viable for employment use.
- Acoustic fences would be erected to protect surrounding residential areas from noise disturbance, which would not be visible to residents.
- A bespoke traffic count ad found that traffic levels were lower than expected.
- 450 Jobs would be created as a result of the proposed site being developed for industrial use; this was in line with the Council's employment strategy.

The Healthy Urban Development Officer clarified that the site would be monitored by the applicants. A noise impact assessment had been carried out; the noise mitigation measures in place would ensure that sound levels remained under the thresholds agreed with the applicant.

The Service Manager for Development Planning and Building Consultancy assured the Committee that the conditions recommended in the report provided a summary only, and further detail would be set out in the Decision Notice, should approval be granted. It was also highlighted that since the

applicant was proposing to build a new structure, Building Regulations would also need to be adhered to.

The Service Manager for Development Planning and Building Consultancy advised that targets around renewable energy, as set out in the proposed conditions, were in line with current Council policy and could not therefore be increased. The Committee was minded however, to seek a minimum of 10%. The applicant assured members that this was more than achievable as occupiers of the site would be looking to keep costs to a minimum.

Resolved 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 relating to the following: -

- (i) External materials as per submission;
- (ii) Hard and soft landscaping;
- (iii) Finished floor levels;
- (iv) Boundary treatment (including any retaining walls);
- (v) Electric vehicle charging points;
- (vi) Construction management plan (including dust management, hours of construction, wheel cleaning etc as well as additional requirements of the Canal and River Trust);
- (vii) Travel Plan implementation;
- (viii) Low NOx boilers;
- (ix) Ground contamination and gas monitoring watching brief;
- (x) Coal mining investigation and mitigation measures;
- (xi) Risk assessment and method statement (Canal and River Trust);
- (xii) Drainage and SUDS;
- (xiii) CCTV;
- (xiv) Details of proposed external lighting;
- (xv) Desk top based archaeological survey;
- (xvi) Ecological survey and mitigation measures;
- (xvii) Noise mitigation measures;
- (xviii) Jobs and apprentices;
- (xix) Parking laid out, provision and retention;

- (xx) Culvert investigation/diversion/protection; and
- (xxi) Minimum 10% renewable energy provision.
- (xxii) Biodiversity net gain condition
- (xxiii) Noise management plan (limiting noise around the site HGVs/operation
- (xxiv) Background noise exceeding 5dbA between night time hours

88/22

Planning Application DC/22/66532 - Proposed 147 dwelling houses (65 houses and 82 apartments) with associated highway, parking, landscaping, and drainage works. Former Gas Works Swan Lane West Bromwich.

The Service Manager for Development Planning and Building Consultancy highlighted that this application was to approve a legal agreement to support the provision of affordable housing on the site. Amended plans had been received which addressed minor highway and design issues, however, as the plans had arrived late officers had not been afforded time to assess them. The Committee was therefore recommended to delegate the determination of the application to the Director of Regeneration and Growth, in consultation with the Chair and Vice-Chair.

The Committee indicated its support for the application and was minded to delegate the final determination of the application to the Director of Regeneration and Growth, in consultation with the Chair and Vice-Chair.

Resolved that the determination of Planning Application DC/22/66532 (Proposed 147 dwelling houses (65 houses and 82 apartments) with associated highway, parking, landscaping, and drainage works. Former Gas Works Swan Lane West Bromwich)) is delegated to the Director Regeneration and Growth, in consultation with the Chair and Vice-Chair.

89/22

Planning Application DC/22/66623 - Proposed 1 No. detached two bedroom dwelling. Land Adj 54 Park Avenue, Rowley Regis B65 9ET

There were no objectors or applicants present.

Resolved that planning application DC/22/66623 (Proposed 1 No. detached two bedroom dwelling. Land Adj 54 Park Avenue, Rowley Regis B65 9ET) is approved, subject to conditions relating to the following:-

- (i) External materials;
- (ii) Parking to be implemented and retained;
- (iii) New drop kerb and re-location of lighting column
- (iv) Finished floor levels;
- (v) Boundary treatments to be implemented
- (vi) Electric vehicle charging points;
- (vii) Hard and soft landscaping scheme;
- (viii) Drainage to include surface water and foul;
- (ix) Method of working statement;
- (x) Removal of permitted development rights for enlargements to both 54 and the new dwelling;
- (xi) Refuse storage; and
- (xii) Low NOx boilers.

90/22

Planning Application DC/22/66915 - Proposed 6 No. 4 bedroom dwellings with associated parking and landscaping. Land Corner of Highams Close/Moor Lane/Pennant Road, Rowley Regis

Councillor Akhtar indicated that she had been lobbied by an objector.

The Service Manager for Development Planning and Building Consultancy confirmed that no legal requirements for renewable energy would apply to a development of this size. The applicant's agent confirmed however that council houses were all designed to use 10% less energy than required by Building Regulations. It was also confirmed that two off road parking spaces would be provided for all properties.

Resolved that Planning Application DC/22/66915 (Proposed 6 No. 4 bedroom dwellings with associated parking and landscaping. Land Corner of Highams Close/Moor Lane/Pennant Road, Rowley Regis) is approved, subject to conditions relating to the following:-

- (i) External materials;
- (ii) Contamination;
- (iii) Drainage;
- (iv) Boundary treatments;
- (v) Landscaping;
- (vi) Electric vehicle charging
- (vii) Construction method statement
- (viii) Working hours - Monday to Friday 08.00 to 17.30; Saturday 9.00 to 13.00; and no work on Sundays or public holidays
- (ix) Removal of permitted development rights;
- (x) Retention of parking

91/22

Planning Application DC/22/66962- Proposed two storey rear extension, first floor side and single storey side/rear extensions with new front porch. (Revision to refused planning permission DC/21/66455). 284 Wolverhampton Road Oldbury B68 0TF

Councillor Fenton indicated that she had been lobbied by an objector.

The Service Manager for Development Planning and Building Consultancy reported that drawings provided with the application showed a fifth bedroom, which would have an impact on the number of parking spaces required. A revised plan had been submitted and was circulated to the Committee.

Resolved that consideration of Planning Application DC/22/66962 (Proposed two storey rear extension, first floor side and single storey side/rear extensions with new front porch. (Revision to refused planning permission DC/21/66455). 284 Wolverhampton Road

Oldbury B68 0TF)) is deferred to allow a site visit to be undertaken.

92/22

Planning Application DC/22/66976- Proposed conversion of dwelling into 3 apartments with external alterations (previously withdrawn application DC/22/66617). 31 Constance Avenue West Bromwich B70 6ED

Councillors Chapman and Dhallu had been lobbied by an objector.

The Service Manager for Development Planning and Building Consultancy reported that amended plans had been received, showing a revised layout of the property. It was clarified that the application was note for a House of Multiple Occupation.

There were no applicants or objectors present.

A further objection via email had been received shortly before the meeting which raised concerns around parking arrangements. Pictures contained within the email were circulated to the Committee. Written representations from Councillor W Gill were also presented to the Committee.

Members expressed concern about the impact of the proposal on the character of the street scene, and the potential for over-development and were therefore minded to carry out a site visit.

Resolved that consideration of Planning Application DC/22/66976 ((Proposed conversion of dwelling into 3 apartments with external alterations (previously withdrawn application DC/22/66617). 31 Constance Avenue West Bromwich B70 6ED)) is deferred to allow a site visit to be undertaken.

Planning Application DC/22/66996- Proposed outbuilding to rear for storage. 75 Brandhall Road, Oldbury B68 8DT

The Service Manager for Development Planning and Building Consultancy circulated photographs that had been submitted by an objector.

An objector was present addressed the Committee with the follow points:-

- The arrangement and design of the building did not match with the intended use listed in the application (Storage).
- Several trees had been removed.
- The building was out of keeping with the character of the area and created a “boxed in” feeling.
- The value of the objector’s property would fall.
- The building was extremely close to the boundary line.

The Service Manager for Development Planning and Building Consultancy reported that there were no Tree Preservation Orders on the trees that had been removed and therefore no enforcement could be taken. It was also confirmed that property value was not a material planning consideration under the Town and Country Planning Act 1990, and therefore could not be taken into account.

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

- There was a large garden between the two properties and minimum separation distances had been met in the plans.
- The proposal was similar to a neighbouring outbuilding and therefore, would not be out of character for the area.
- The height of the proposed building could be reduced to alleviate objectors’ concerns.

The Service Manager for Development Planning and Building Consultancy clarified that this was not a retrospective application and the photographs circulated showed an example of the proposal. He further advised that the applicant had stated that the building would be used for storage, however a condition could be added to restrict use of the building as such.

The applicant advised that he would look at reducing the height of the proposed building to address objections. The Service Manager for Development Planning and Building Consultancy advise that this would require amended plans.

Members were minded to defer determination of the application pending he submission of amended plans showing the proposed building at a reduced height.

Resolved that the determination of Planning Application DC/22/66996- (Proposed outbuilding to rear for storage. 75 Brandhall Road, Oldbury B68 8DT) is deferred, pending the receipt of amended plans showing the proposed building at a reduced height.

94/22

Planning Application PD/22/02153- Proposed 15m high monopole, 6 no. antennas, 4 no. cabinets and associated works. Telecommunications Mast SWL20346 Land Fronting. The Hamstead Green Lane Great Barr Birmingham

There were no objectors or applicants present.

The Service Manager for Development Planning reported that the height of the proposed monopole had been reduced from 20m to 15m.

Resolved that in respect of Planning Application PD/22/02153 (Proposed 15m high monopole, 6 no. antennas, 4 no. cabinets and associated works. Telecommunications Mast SWL20346 Land Fronting. The Hamstead Green Lane Great Barr Birmingham) Prior Approval in respect of siting and appearance is granted.

95/22 **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.

96/22 **Planning applications to visited by the Planning Committee**

Members noted that the Director Regeneration and Growth had determined that a site visit was required prior to the following applications being presented to the Committee, due to objections received relating to highways and parking issues:-

- DC/22/67014 - Proposed 7 No. 2 bedroom and 4 No. 4 bedroom dwellings (11 dwellings in total) including associated parking and landscaping. Site of Former 34-88 West End Avenue, Smethwick
- DC/22/67090 – Proposed 33 No. dwellings with parking and landscaping. Land Between Stanhope Road/Dale Street/Dale Close, Smethwick.

The site visit would be undertaken on 7 September 2022

Meeting ended at 7:59pm

Contact: democratic_services@sandwell.gov.uk