

## Minutes of Planning Committee

**7 April 2021 at 5:00pm  
Virtual Meeting**

**Present:** Councillor Downing (Chair);  
Councillors Ahmed, Allen, Chidley, Dhallu, P M  
Hughes, M Hussain, I Jones, Millar, Piper, Rouf and  
Simms.

**Also present:** John Baker [Service Manager – Development Planning  
and Building Consultancy]; Richard Norton  
[Environmental Health Officer – Public Health]; Robin  
Weare [Service Manager – Highways, Urban  
Regeneration, Major Works]; Sian Webb [Solicitor] and  
Stephnie Hancock [Senior Democratic Services  
Officer].

**25/21 Apologies for Absence**

An apology for absence was received from Councillor G Gill.

**26/21 Minute's Silence**

The Committee observed a minute's silence in memory of the late Councillor Sandra Hevican, who had sadly passed away in March 2021.

**27/21 Declarations of Interest**

There were no declarations of interest.

28/21 **Minutes**

**Resolved** that the minutes of the meeting held on 10 March 2021 are a correct record.

29/21 **Planning Application DC/18/62510 - Proposed change of use of ground floor from public house to tuition centre (Class D1) (revised application DC/18/61939). The Forge, 144 Franchise Street, Wednesbury, WS10 9RG**

Councillor Piper indicated that he had been lobbied on the previous application whilst attending a site visit.

The Service Manager – Development Planning and Building Consultancy reported that further objections had been received from residents regarding the untidiness of the site, highways issues and the lack of need for the facility in the area.

Councillor Peter Hughes addressed the Committee, on behalf of objectors, with the following points:-

- The site had been vacant for several years and had become derelict, therefore development was welcomed, however, the proposed facility was not a good use of the site.
- The site was located on a busy, narrow road, and the proposal would exacerbate existing traffic and safety concerns.
- There were three other Mosques and tuition centres within close proximity to the proposal . Consequently, the facility was not required.
- The proposal was not in accordance with the Council's Development Plan.
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The applicant was not present.

The Committee was minded to refuse the application, as recommended by the Interim Director – Regeneration and Economy.

**Resolved** that planning application DC/18/62510 (Proposed change of use of ground floor from public house to tuition centre (Class D1) (revised application DC/18/61939). The Forge, 144 Franchise Street, Wednesbury, WS10 9RG) is refused on the grounds that:-

- (i) the proposal does not meet an identified shortfall of education facilities in this location and it does not fall within a sustainable location hence this does not meet the aspirations of Policy HOU5 (Education and Health Care Facilities) and TRAN2 (Managing Transport Impacts of New Developments);
- (ii) the applicant has provided insufficient information to determine whether the traffic generation associated with the use would have a detrimental effect on highway safety.

30/21

**Planning Application DC/20/64966 - Proposed two storey/first floor front extension with 1 No. large centre dome, 5 No. corner roof domes and front entrance steps. Gurdwara Guru Hargobind Sahib, Britannia Street, Oldbury, B69 2PG**

There was no objector present.

The applicant's agent was present. The agent asked the Committee to uphold the officer's recommendation to approve the application.

The Committee was minded to approve the application, subject to the conditions now recommended by the Interim Director - Regeneration and Economy.

**Resolved** that Planning Application DC/20/64966 (Proposed two storey/first floor front extension with 1 No. large centre dome, 5 No. corner roof domes and front entrance steps. Gurdwara Guru Hargobind Sahib, Britannia Street, Oldbury, B69 2PG) is

approved, subject to conditions relating to the following:-

- (i) external Materials;
- (ii) ground investigation and remediation works;
- (iii) details and implementation of the proposed new drop crossing;
- (iv) reinstatement of footway where necessary.

31/21

**Planning Application DC/20/65059 - Proposed residential development comprising of 223 dwellings with associated car parking, boundary treatment, landscaping, improvement of the existing access and play area. Land at Hall Green Road, Hall Green Road, West Bromwich**

Councillor Millar indicated that she had been lobbied and would be speaking on behalf of objectors, and therefore would not be engaging in the debate and vote.

Councillor I Jones stated that he was Cabinet Member at the time of the previous planning application (DC/12/54434).

The Service Manager – Development Planning and Building Consultancy reported that an amended plan had been received, which annotated the adopted highway and the private road/drives within the development.

He also reported that the District Valuer had confirmed that the scheme would not be viable for the developer to incorporate the 25% affordable housing required for a site of this size. However, it was not clear to what extent so planning officers would continue discussions with the developer.

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

- Developments of this size should consider social housing, therefore developers should work alongside officers to arrive at a suitable agreement.

- Local people should be employed for the development, including apprentices.
- The site had been in the early stages of development since 2012 and required significant remediation. This had had an adverse impact on neighbours by means of pollution, general disturbance, drainage, noise and dust and resulted in various complaints. This would be greatly increased if the application was approved.
- A condition was required to ensure that disruption to nearby residents during evenings and weekends was minimal.
- Remediation and construction works would have an impact on adjacent businesses.
- The increase in associated traffic would add to existing issues and c traffic lights should be considered at the entrance of the development.
- The car parking provision was insufficient and there were not enough electric vehicle charging points.
- There was a need to consider a cycling and walking provision and pedestrian access points.
- There would be a loss of green space and there were not enough trees being planted in the development.
- Deterrents were needed to stop bikes from using pedestrian access points.
- The play area was welcomed but required further development.

The applicant and the applicant's agent were present.

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

- The site was allocated for residential development; therefore approval ensured the site was brought back into use and benefitted the local area.
- The developers had worked closely with officers to reach an agreeable position in respect to the proposed layout and development of the site, which had previously been subject to anti-social behaviour.
- 228 homes would be built on what was currently a brownfield site.

- The financial viability appraisal had concluded that a 25% affordable housing provision was not feasible, therefore was unlikely that any Section 106 contributions could be made.
- The development would attract a Community Infrastructure Levy (CIL) payment of approximately £400,000, which the Council could allocate to off-site improvements within the locality.
- The scheme would greatly assist the local authority in meeting its housing targets.
- There would be a mix of 2, 3, 4-bedroom homes both for sale on the open market and for private rent.
- There would be employment opportunities for local people.
- An additional pedestrian link to the canal would be provided.
- In line with previous application, the development also provided pedestrian footways to Hall Green Road and Needwood Grove and Campville Crescent, including barriers to prevent motorbikes and similar from entering.
- The development also introduced rear access to properties for residents on Campville Crescent
- Prior to the submission of the application, the applicants engaged in a large public consultation exercise. Positive feedback was received from those who responded. Together with extensive planning history of the site, there was a suggestion of acceptance amongst local people.
- The developers had a strong record of successfully developing high quality residential schemes on brownfield and heavily contaminated sites.
- Remediation of the site would proceed in accordance with specific details to be approved by the Council alongside the construction and environmental management plan to ensure minimal disruption to nearby residents.
- A high quality landscaping scheme would be implemented to replace the lost trees.
- There would be 1.8ha of public open space, which included a play area.
- Protected species would be safeguarded throughout the development.

- The applicant had engaged consultants to look at the provision of traffic lights.
- An acoustic bund would be installed to protect nearby properties from industrial noise during development.

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

- The developers were happy to address the conditions recommended in the report.
- It was anticipated that remediation work would take six months to complete. The development was forecasted to be completed within three to four years.
- The previous planning permission related to the former owners of the site. The developers were entitled to utilise this permission if their application was refused. However, the current developers do not wish to implement the previous scheme due to differences in the design and layout.
- The 10% renewable energy provision was a core strategy policy required from all developments across the Black Country. The developers complied with this policy via the 'fabric first' construction approach.
- The scheme had exceeded the 10% renewable energy provision, with some properties achieving 15-20% renewable energy.
- Objectors had acknowledged that the current planning application addressed main concerns, in comparison to the previous application.

The Committee was minded to approve the application, subject to the conditions now recommended by the Interim Director - Regeneration and Economy.

**Resolved** that Planning Application DC/20/65059 (Proposed residential development comprising of 223 dwellings with associated car parking, boundary treatment, landscaping, improvement of the existing access and play area. Land at Hall Green Road, Hall Green Road, West Bromwich), subject to a S106 agreement regarding public open space maintenance,

and any potential affordable housing contributions, is approved, subject to conditions relating to the following:

- i) site investigation and remediation strategy – to include phasing and timetable;
- ii) external materials;
- iii) boundary treatment, provision and retention;
- iv) levels;
- v) construction environmental management plan;
- vi) details of noise mitigation, including landscaping and noise attenuation buffer between existing industrial units and proposed residential development;
- vii) drainage – standard conditions as requested by Lead Local Flood Authority (LLFA);
- viii) social value and skills plan (Job opportunities and Apprenticeships);
- ix) phasing plan regarding construction;
- x) additional junction monitoring and details of proposed mitigation if necessary;
- xi) details of proposed traffic calming around the site;
- xii) maintenance/management details for private drives to be agreed;
- xiii) cross-sections of turning heads adjacent to the canal and appropriate vehicle restraints to be agreed;
- xiv) details of footpath link to canal to be agreed prior to first occupation;
- xv) external lighting scheme details to be agreed prior to first occupation;
- xvi) residential travel plan in accordance with Framework Travel Plan to be approved prior to first occupation;
- xvii) hard and soft landscaping scheme; implemented prior to 50% occupation
- xviii) local equipment area for play (LEAP) details to be agreed and to be provided by 50% occupation;
- xix) footpath links to Hall Green Road and Needwood Grove to be implemented prior to 50% occupation;



- xx) roads, access, driveways, parking to be laid out prior to occupation of dwellings they serve;
- xxi) noise mitigation scheme implemented before occupation of affected plots;
- xxii) electric vehicle charging specifications and the points to be installed as per approved layout and specification and prior to occupation of effected dwellings;
- xxiii) permitted development rights being removed for all extensions and outbuildings;
- xxiv) public open space to remain as such in perpetuity;
- xxv) parking spaces to remain as such;
- xxvi) low NOx boilers;
- xxvii) details of how the canal is protected from any contamination arising from ground remediation works and drainage;
- xxviii) 10% renewable energy provision;
- xxix) cycle parking statement, provision;
- xxx) bird boxes provisions, and
- xxxi) Construction working hours to be agreed.

32/21

**Planning Application DC/20/65088 - Proposed variation of condition 1 and removal of conditions 12 and 14 of planning permission DC/18/61392 (Proposed 4 No. semi-detached bungalows and 1 No. 3 bedroom detached bungalow). Condition 1 - Installation of roof lights to all plots and obscured side window to plot 1. Condition 12 and 14 Servicing & delivery arrangements and entrance gates. Land Off, James Watt Drive, Wednesbury**

Councillor I Jones stated that he was Cabinet Member at the time of the previous planning application (DC/18/61392).

Councillor Peter Hughes addressed the Committee, on behalf of objectors, with the following points:-

- The proposal would bring the site back into use for the local community.
- However, there was a longstanding issue between the applicant and local residents regarding communication and

previous developments in the area, resulting in the submission of various objections.

The applicant addressed the Committee with the following points:-

- The Covid-19 pandemic had led to delays to the process and the application being submitted retrospectively.
- The developers had worked closely with officers to arrive at an appropriate agreement and address any concerns raised.
- The height in which the windows would be installed ranged from 1.9m to 2.3m (6ft 2 to 7ft 8)) above the floor level so there would be no overlooking, however, obscured glazing would be installed .
- The separation distances between the bungalows and the existing properties met the Council's standards (i.e. 21 metres).

The Committee was minded to approve the application, subject to the conditions now recommended by the Interim Director - Regeneration and Economy.

**Resolved** that Planning Application DC/20/65088 (Proposed variation of condition 1 and removal of conditions 12 and 14 of planning permission DC/18/61392 (Proposed 4 No. semi-detached bungalows and 1 No. 3 bedroom detached bungalow). Condition 1 - Installation of roof lights to all plots and obscured side window to plot 1. Condition 12 and 14 Servicing & delivery arrangements and entrance gates. Land Off, James Watt Drive, Wednesbury) is approved, subject to the conditions of DC/18/61392 (removing conditions 12 and 14) with the inclusion of an additional condition:

- (i) Prior to the bungalows being first occupied, the roof lights shall be obscurely glazed to the satisfaction of the local planning authority and retained as such.

**Planning Application DC/21/65144 - Proposed first floor extensions and loft conversion including rear dormer to form 4 No. self-contained flats. The Sow and Pigs, 26 Hill Top, West Bromwich, B70 0PS**

The Service Manager – Development Planning and Building Consultancy informed the Committee that Highways Officers had requested an extra condition relating to the submission of a parking management plan, allocating spaces to each of the proposed flats.

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

- The boundary wall of the public house had been built as part of an extension to the original building.
- The boundary wall impacted the visual aspect of neighbouring properties.
- There was a loss of privacy as neighbouring properties would be overlooked.
- The development would have an adverse impact on neighbours by means of increased noise and general disturbance.
- The car parking provision for the proposed flats was insufficient and would contribute to pollution, safety and traffic issues associated with the road.
- It was not realistic to assume that occupiers of the flats would not own vehicles .
- A parking management plan would not mitigate parking issues at the site.
- There were several similar developments near to the site.
- Due to the size of the pub, an additional four flats was not feasible.

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

- Highways had no objections to the proposed parking arrangement. Off-street parking spaces would be allocated to residents initially and then allocated to the staff of the pub if residents did not own a vehicle. Additionally, three

spaces would be available on the bays marked out on the street.

- The site also benefitted from good public transport links.
- There were concerns that issues with parking provision would be exacerbated when pubs reopened after lockdown restrictions were eased.
- The development adhered to minimum separation distance requirement as provided in the Residential Design Guide, providing a distance of 30 metres from the proposed flat to the nearest house.

The Committee was minded to defer consideration of the application to allow further exploration of the parking concerns raised. The Service Manager – Development Planning and Building Consultancy Concurred with members and undertook to provide up to date photographs to the Committee.

**Resolved** that Planning DC/21/65144 (Proposed first floor extensions and loft conversion including rear dormer to form 4 No. self-contained flats. The Sow and Pigs, 26 Hill Top, West Bromwich, B70 0PS) is deferred pending further information regarding the traffic management plan.

34/21

**Planning Application PD/21/01697 - Proposed 15m phase 8 monopole, c/w wrapround cabinet at base and associated ancillary works. Woden Road North, Wednesbury**

Councillor I Jones indicated that he had been lobbied by the objectors.

The Service Manager – Development Planning and Building Consultancy reported that further objections from local residents had been received relating to health concerns. The Committee was reminded however, that health was not a material planning consideration.

Councillor Peter Hughes addressed the Committee, on behalf of objectors, with the following points:-

- Whilst health was not a planning consideration, the risk to public health should not be discounted.
- The World Health Organisation (WHO) had not made a definitive decision as to the safety of 5G.
- There were concerns around the appropriateness of such a development in a residential area and in close proximity to three nearby schools.
- There was a 74-person petition.
- The mast would be placed on the boundary of a residential property and would tower over the rear garden. .
- While the height of the monopole had been reduced, it would still be excessively high and incongruous with the surrounding area.
- The applicant should liaise with the Local Authority to establish suitable location for the monopole that was not detrimental to residents.

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

- 5G would become more relevant in future, therefore it was important for Sandwell to keep up to date with changes.
- The development would provide valuable internet connectivity and networks for its residents.
- The proposal complied with the International Commission on Non-Ionizing Radiation Protection and the National Planning Policy Framework, therefore health grounds were not material to the determination of this application.

The Committee was minded to grant prior approval.

**Resolved** that Planning Application PD/21/01697 (Proposed 15m phase 8 monopole, c/w wrapround cabinet at base and associated ancillary works. Woden Road North, Wednesbury) is granted Prior Approval, in respect of sitting and appearance.

35/21

### **Applications Determined Under Delegated Powers**

The Committee noted the planning applications determined by the Interim Director - Regeneration and Growth under

powers delegated to her as set out in the Council's Constitution.

Meeting ended at 7:25pm

Click on the link below to watch the recording of the meeting.

[Planning Committee - 7th April 2021](#)

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