

# Minutes of Planning Committee

**Wednesday 6 October 2021 at 5.00pm  
in the Council Chamber, Sandwell Council House, Oldbury**

**Present:** Councillor Z Hussain (Chair)  
Councillor Webb (Vice-Chair)  
Councillors Allcock, Allen, Chidley, Fenton, S Gill, Kalari,  
Millar, C Padda and Rouf

**Also present:** John Baker (Service Manager – Development Planning and Building Consultancy);  
Alison Bishop (Development Planning Manager)  
Sian Webb (Solicitor);  
Simon Chadwick (Principal Officer – Development, Highways Direct – Traffic and Road Safety);  
Andy Millar (Strategic Planning & Transportation Manager)  
Andy Thorp (Healthy Urban Development Officer)  
Carl Mercer (Principal Planner – Development Planning);  
Alexander Goddard (Democratic Services Officer).

## 81/21 **Apologies for Absence**

Apologies for absence were received from Councillors Chapman, Kaur and K Singh.

## 82/21 **Declarations of Interest**

There were no declarations of interest made.

## 83/21 **Additional Item of Business**

There were no additional items of business to consider.



84/21

## Minutes

Minutes of the previous meeting held on the 15 September 2021 were confirmed as a correct record subject to the inclusion of Councillor Millar in the list of members who had submitted apologies.

85/21

**Planning Application DC/19/63045 – Proposed erection of a multi-storey car park (sui generis) and a mixed-use building of between 6 and 9 storeys to include 201 dwellings (Use Class C3) and commercial floorspace (flexible within Use Classes A1 (shops), A2 (financial and professional), A3 (restaurants), A4 (drinking establishments), A5 (hot food takeaways ), D2 (assembly and leisure) or mix thereof), office (Use Class B1) plus associated amenity space and demolition of existing buildings.**

Members of the Committee indicated that they had undertaken a site visit of the property earlier on the day of the meeting.

The Service Manager – Development Planning and Building Consultancy reported that there was no additional information for members to consider.

There were no objections received for the application.

The applicant and applicants agents were present and addressed the Committee with the following points:-

- On the committee meeting on the 11 May 2021 the committee members had welcomed the proposed dwelling and retail floor space and several members indicated they were minded to approve the application with a reduction in proposed car parking spaces.
- They had met with officers on 29 June 2021, who had made clear that they would not support additional parking that was not associated with the proposed dwellings, offices and retail floor space. This was a different view to what the applicant had understood the Committee in May 2021 to have proposed when it asked the applicant and the officers to meet.



- The applicant believed that inadequate levels of parking would be provided by the hospital causing additional traffic and parking problems in the area.
- A compromise solution had been sought by the applicant. The car park could not be built in phases, it would have to be built as a single phase development – the applicant offered to restrict the use of the car park to the first 6 floors and monitor the use of the car park over the period until the hospital opened; only if it was shown that following the hospital opening there was a car parking issue would the upper floors be opened. If there were no issues the applicant would intend to repurpose the upper floors through a further planning application.
- The applicant had taken on the comments of the Committee and issued a compromise that was requested.
- The development will be an £80million investment into the Borough. The project would be a regeneration project in a derelict site.
- It was estimated that the project would create 350 construction jobs during the building phase.
- The development would provide 201 dwellings, including affordable accommodation for the local community.
- The development would provide high quality office work space, bio-diversity enhancements and significant electric vehicle infrastructure.
- The development would be policy compliant.

The Strategic Planning & Transportation Manager provided the committee with a brief explanation of the wider context:-

- The Local Authority had adopted a Local Transport Plan – Movement for Growth and a climate change strategy had been adopted in August 2020. These policies had a wider aim of reducing the number of car journeys within the Borough and the wider West Midlands to reduce congestion and carbon emissions, improve health and air quality and improve road safety.
- Traffic pollution was a major cause of pollution and climate change.
- The Local Authority aimed to increase walking, cycling and the use of public transport. The Authority also had policies to manage the location and amount of car parking within the Borough.



In relation to the application the following points were raised by officers:

- The officer concerns with the application were the multi-story car park; the residential and commercial developments fitted well with the aspirations for the regeneration of the area which would be reflected in the Black Country Plan.
- The concerns with the size of the multi-story car park outweighed the benefits of the residential and commercial developments.
- The Council's adopted car parking standards when applied to the residential and retail provision in the application were 242 car parking spaces.
- The applicant proposed 1323 car parking spaces, which was five times the amount required to meet the needs of the development.
- The application referenced the insufficient parking on the hospital – the hospital application, supported by a transport assessment and travel plan, were assessed by officers and the conclusion drawn was that the parking provision, public transport, pedestrian and cycle facilities met the objective to cater for all essential car based trips, whilst offering genuine alternative transport options, and it was on this basis that the Committee had granted the application.
- The hospital would be an acute hospital that would operate differently to a normal general hospital. There would be no time restrictions on visiting hours so parking demand would be spread across the day and peak demand would be lower.
- The application had argued that there would be an under provision of parking at the hospital due to changes in the plans following Committee approval, however officers believed there was no evidence of any under provision of parking and advised the Committee that the NHS Trust did not recognise the proposed short fall in spaces and did not envisage a demand for more offsite parking.
- No trip generation plans had been submitted in support of the need for additional car parking.
- The applicant's offer to open the car park in a limited way in a bid to establish demand was set out by the applicant in a unilateral legal undertaking which the Council could not accept.



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

- The application was based on an assessment of the documentation provided by the hospital when the application was approved. It was on this point that the applicant and the officers disagreed. The parking for the hospital had been consistently reduced as the development had progressed. The initial statement of 800 car parking spaces for visitors had been reduced significantly.
- The original application had an estimated 1,800 car parking spaces at the hospital, it had now been reduced to 1,595 of which 1,200 would be for staff. Current projections would see the car park at over capacity throughout the day.
- If car parking spaces were not readily available there would be an increase in drivers looking for alternative spaces which would contribute to greater vehicles in the vicinity of the hospital site.
- The applicant believed that the application was policy compliant with national guidance. The use of the car park would be 24hours and car parks would need to accommodate multiple shift patterns. The use of public transport could not be counted on as those who were sick would not necessarily use public transport.
- The car park would be built in a manner that would allow for easy repurposing in the event of the upper floors not being viable car parking spaces.
- Documents considered by the applicant indicated that the hospital, for a period of six hours of the day, would have a shortfall of 200 staff car parking spaces.
- It was stated that best practice indicated that car parks should aim for 85% capacity.
- The Council's Solicitor stated that the unilateral undertaking provided by the applicant could not be agreed as it would put obligations onto the Council. It would be possible to enter into a Section 106 agreement however the terms of the S106 Agreement would need to be agreed by both the Council and the applicant. The applicant indicated they would be willing to take that course of action.
- Originally the application in 2019 had set out 1,800 car parking spaces. Through consultation with the Council the applicant



had reduced the car park to 1,323 spaces and increased the residential spaces from 157 to 201 apartments.

- Originally the applicant had had the support of the Chief Executive of the NHS Trust. The applicant advised Committee that they were liaising with the provider of the hospital car park as to not undercut the hospital car park.
- The area was a focus of regeneration and the proposed development would create 350 construction jobs during the building phase with 70 to 90 retail/commercial jobs once the site was completed.
- The car park would be equipped with the necessary infrastructure to accommodate electric vehicles.
- The hospital would open in 2022; the proposed opening date of the development would not be until 2024, at this point it would be clear if additional spaces on the hospital car park were needed and thus incorporated into the live development.

The Committee was minded to refuse the application, on the grounds recommended by the Director – Regeneration and Growth.

**Resolved** that planning application DC/19/63045 – Proposed erection of a multi-storey car park (sui generis) and a mixed-use building of between 6 and 9 storeys to include 201 dwellings (Use Class C3) and commercial floorspace (flexible within Use Classes A1 (shops), A2 (financial and professional), A3 (restaurants), A4 (drinking establishments), A5 (hot food takeaways), D2 (assembly and leisure) or mix thereof), office (Use Class B1) plus associated amenity space and demolition of existing buildings be refused on the following grounds:

- (i) The application proposes excessive and unjustified levels of parking, contrary to the sustainable travel objectives of paragraph 124 of the NPPF and TRAN2 of the BCCS. In addition, SAD TRAN 3 sets maximum standards for parking which this development considerably exceeds. Furthermore, supporting information fails to adequately demonstrate that the impact on the surrounding highway network would not be severe with regard to safe and effective movement within the highway network for all users; contrary to the provisions of paragraphs 110 and 111 of the NPPF and TRAN2 of the BCCS. The proposal would therefore be an unsustainable development, would encourage the use of the car and would



give rise to congestion and resultant unacceptable impacts on highway safety, and a loss of amenity, without commensurate mitigation.

86/21 **Planning Application DC/21/65723 – Proposed installation of air source heat pump system, extension and raising the height of the existing brick compound. Sandwell MBC, Sandwell Council House, Freeth Street, Oldbury, B69 3DE**

The Service Manager – Development Planning and Building Consultancy reported that there was no additional information for members to consider.

The applicant and objectors were not present at the meeting.

The Committee was minded to approve the application, subject to the conditions now recommended by the Director – Regeneration and Growth.

**Resolved** that planning application DC/21/65723 – Proposed installation of air source heat pump system, extension and raising the height of the existing brick compound. Sandwell MBC, Sandwell Council House, Freeth Street, Oldbury, B69 3DE is approved subject to External Materials to match the existing.

87/21 **Planning Application DC/21/65829 – Proposed variation of condition 2 of DC/19/62696 (Proposed 5 No. 3 bed houses and 4 No. 2 bed flats with associated access, landscaping and infrastructure) to amend access arrangements and plots 1-5 (5 houses) to incorporate a fourth bedroom in each loft and minor alterations to the layout and elevations of Plots 6-9 (4 flats)**

The Service Manager – Development Planning and Building Consultancy reported that there was no additional information for members to consider.

The objectors were not present at the meeting.



The applicants and agent were present and addressed the Committee with the following points:-

- The applicant endorsed and supported the officer's report to the Committee and the recommendation for approval. In the applicant's view it fairly and robustly addressed the objections and concerns of the proposal.
- With regards to the planning conditions recommended, the applicant had already provided this information to the Council and would wish to avoid having to resubmit to the officers. The additional time to confirm the additions would contribute to an 8-12 week delay in the delivery of the development.
- The applicant was willing to actively help and support officers in getting the conditions sorted.
- The applicant wanted to avoid any additional time in starting development and would therefore appreciate reducing the discharged conditions, as in the view of the applicant the information had already been submitted.

The Service Manager – Development Planning and Building Consultancy noted that the application before Committee was a Section 73 application. With Section 73 applications the Committee could only vary a condition, not remove any.

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

- It had been a really difficult site to develop; the access routes to the site limited vehicular access. A new access point that was opened last year had now allowed development to be viable.
- If permission was granted for the application, work would begin as soon as possible.
- The applicant hoped to be on site by November however pre-commencement planning conditions would delay the start date.
- Information had already been submitted and the applicant did not understand why they needed to submit information again.
- The Council's Solicitor stated that the application was a new planning permission with conditions on it and they would need to be discharged in line with statutory process.
- The design reflected accommodating extra space within the house for home working.



- The refuse management for the site had two options; a communal bin storage onsite, or households could have their own individual bins. Applicant prefers the communal bin store managed by a management company.
- There would be 17 car parking spaces for residents, this was in accordance with council parking standards.

The Committee was minded to approve the application, subject to the conditions recommended by the Director – Regeneration and Growth.

**Resolved** that planning application DC/21/65829 – Proposed variation of condition 2 of DC/19/62696 (Proposed 5 No. 3 bed houses and 4 No. 2 bed flats with associated access, landscaping and infrastructure) to amend access arrangements and plots 1-5 (5 houses) to incorporate a fourth bedroom in each loft and minor alterations to the layout and elevations of Plots 6-9 (4 flats) is approved with the following conditions:

- (i) Drainage (including SuDS) details;
- (ii) Site investigation and remediation;
- (iii) External materials details;
- (iv) External lighting details;
- (v) Fire safety measures for each dwelling;
- (vi) Bin storage and bin management details;
- (vii) Boundary treatment details;
- (viii) Electric vehicle charging points;
- (ix) Secure cycle parking provision;
- (x) Hard and soft landscaping details implemented;
- (xi) Surfacing and parking laid out and retained;
- (xii) Construction management plan to include hours of work and deliveries as follows:  
 08:00-18:00 (Monday to Friday) – construction work  
 08:00-14:00 (Saturday) – construction work  
 09:30-14:30 (Monday to Friday) – Deliveries  
 08:00-14:00 (Saturday) – Deliveries  
 No construction work or deliveries on Sundays and public holidays;
- (xiii) Removal of permitted development rights for extensions (Class A);



- (xiv) Details of secure gated access and its management and maintenance.

88/21 **Planning Application DC/21/65887 – Proposed first floor rear extension. 81 Throne Crescent, Rowley Regis, B65 9JE**

The Service Manager – Development Planning and Building Consultancy reported that there was no additional information for members to consider.

The applicant was not present at the meeting.

The Committee was minded to approve the application, subject to the conditions recommended by the Director – Regeneration and Growth.

**Resolved** that planning application DC/21/65887 – Proposed first floor rear extension. 81 Throne Crescent, Rowley Regis, B65 9JE is approved subject to the external materials matching the existing property.

89/21 **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.

90/21 **Decisions of the Planning Inspectorate**

The Committee noted that the Planning Inspectorate had made the following decisions in relation to appeals against refusal of planning permission:-



Application Ref No.	Site Address	Inspectorate Decision
DC/20/64463	113 Dudley Road Tipton DY4 8DJ	Allowed with conditions Cost application refused

Meeting ended 6.38pm

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

