

# Minutes of Planning Committee

**Wednesday 21 February 2024 at 5.00pm  
in the Council Chamber, Sandwell Council House, Oldbury**

**Present:** Councillor Millar (Chair);  
Councillors Chidley (Vice-Chair), J Giles, Kaur, Kordala, Loan,  
N Singh, Pall, Preece, Tromans, Uppal, Webb and Younis.

**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); Simon Smith (Planning Solicitor); David Austin  
(Ecologist); Connor Robinson (Democratic Services Officer)  
and Anthony Lloyd (Democratic Services Officer).

**In Attendance:** Councillors Gavan and Owen.

## 11/24 **Apologies for Absence**

Apologies of absence were received from Councillors Chapman,  
Fenton, and S Gill.

## 12/24 **Declarations of Interest**

Councillor Chidley advised that she would be representing objectors  
for Planning Application - DC/23/68823 - Land To The Rear of 22 to  
56 Francis Ward Close, West Bromwich (Minute No. 17/24).

There were no declarations of interest.



13/24 **Minutes**

**Resolved** that the minutes of the meeting held on 10 January 2024 are approved as a correct record.

14/24 **Planning Application - DC/23/68927 - Land Off Titford Road/ To The Rear Of Asda Wolverhampton Road, Oldbury**

Councillors Chidley, Kaur, N Singh, Tromans, Millar and Webb declared that they had been lobbied by the objectors on the site visit.

The Development Planning and Building Consultancy Manager advised that a technical report on air quality and ecology had been received. The recommendation had been amended as the Environment Agency had not raised any objections to the proposed scheme and condition viii had been removed as the condition was covered under condition ix as part of the ecology appraisal.

An addendum report had been distributed to the committee. The Development Planning and Building Consultancy Manager highlighted a number of points from the report including:

- Pollution Control maintained their objection to the proposal on air quality grounds;
- the Birmingham and Black Country Wildlife Trust reiterated their concerns of the proposed development;
- some dwellings in the development were over 400m from bus stops, which did not meet the Transport for West Midlands' access standard;
- the Environment Agency had confirmed it had no objection to the development.

The objectors were present and addressed the Committee with the following points:

- the applicants had distributed a leaflet to local residents inviting them to a consultation event, scheduled for the week after the committee;



- the proposed development site was part of an Oldbury wildlife corridor and an important local greenspace;
- previous applications had been rejected on grounds of the loss of the habitat;
- the development of the site would result in the loss of native British wildlife;
- the proposed development would be next to the M5 motorway which would increase both air and noise pollution;
- the pollution levels were already too high in the area from the M5;
- the number of proposed dwellings would increase road traffic entering Titford Road which would result in even more road congestion;
- the proposed public thoroughfare through to the nearby supermarket had the potential to increase anti-social behaviour;
- the land was prone to flooding and the development of the land would only increase this;
- the development would not be for local people;
- the proposed development would negatively impact the quality of life for the residents of Titford Road;
- Titford Road would not cope with the increase in traffic which impacted local residents daily;
- the wildlife area was only small and once it was lost it would be gone for good.

The applicants were present and addressed the committee with the following points:

- a consultation leaflet had been distributed to local residents which was part of a wider consultation process which had included an online consultation;
- the proposed development would be an effective and efficient use of an unused site;
- there would be a public thoroughfare to the local supermarket;
- the development would be providing a range of one, two and three bedroom homes with a mix of shared ownership and renting options;



- the site was designated for employment use, however the site had never been used for employment and had not been developed for a considerable amount of time;
- if Sandwell was to meet its housing supply targets it needed to develop suitable sites such as the Titford Road development;
- the development would deliver 60 affordable homes;
- there had been no objection from statutory bodies;
- the impact of pollution was not significant and the site was suitable for development;
- the site was not in public ownership, it was a private site with no public access;
- extensive investigations had been carried out into the wildlife at the site and the development would enable the creation of a green corridor through the site;
- the development would enhance the River Tame, it would reduce the presence of Japanese Knotweed, while the development would result in a modest reduction of wildlife on the site, the development would allow for the enhancement of wildlife provision.

In response to comments and questions by members the following points were made:

- the site was in an area where modelled future PM2.5 levels were not on the trajectory to meet the government's 2028 population exposure reduction targets;
- the target for annual mean of PM2.5 was a concentration of 10 micrograms per metres cubed;
- current Air Quality Assessment demonstrated compliance with current annual PM2.5 standards;
- the effects of PM2.5 pollution were various carcinogenic effects;
- the development of the site would result in 100% of the houses being affordable;
- highways had not objected to the proposal;
- the location of the proposed development did not allow for alternative vehicle access points;
- highways had investigated Titford Road and found road usage was average for the area and the proposed development would not impact the highway;



- there had been no fatality on Titford Road highway in three years;
- West Midlands Police was consulted on the proposed development and had raised no objections;
- the public thoroughfare could be removed or reimagined if necessary;
- tree removal would need to take place to develop the site, the trees on site were regarded as poor quality.

**Resolved** that Planning Application - DC/23/68927 - Proposed 60 No. residential dwellings with new access from Titford Road and associated works. Land Off Titford Road/ To The Rear Of Asda Wolverhampton Road, Oldbury is refused on the following grounds:

- i) the development would expose potential residents to unsafe levels of air pollution that would be detrimental to their health;
- ii) the development would negatively impact the safety of the public highway;
- iii) the development would result in the loss of local wildlife and biodiversity.

15/24

**Planning Application - DC/23/68498 - 2A Franchise Street, Wednesbury, WS10 9RE**

Councillors Chidley, Kaur, N Singh, Tromans, Millar and Webb declared that they had been lobbied by the objectors and applicant on the site visit.

The objector was present and addressed the committee with the following points;

- the proposed development would result in increase traffic and noise which was detrimental to nearby residents;
- a covenant existed on the property and the application was in breach of that covenant;
- the proposed development would impact the privacy of nearby residents properties;



- the proposal was not in keeping with the design and heritage of the property.

The objector further explained how he had contacted the Bishop of Litchfield in relation to the covenant who had advised that the Archdeacon of Walsall would investigate the claim.

The Development Planning and Building Consultancy Manager advised that the issues around the covenant were not a material planning concern and that the granting of planning permission did not override existing legal considerations. It was further stated that despite the historical features of the property it was not listed.

The applicant was not in attendance at the meeting.

**Resolved** that Planning Application - DC/23/68498 - Proposed change of use from existing residential dwelling to 2 apartments 1 no – 1 bed and 1 no - 2 bed. Demolition of existing adjacent ancillary building and replace with 6 no - 2 bed apartments with associated car parking and amenity areas. 2A Franchise Street, Wednesbury, WS10 9RE, is deferred to allow the applicant to be in attendance to present his case.

16/24

**Planning Application - DC/23/68797 - 41 Warwick Road, Oldbury, B68 0NE**

Councillors Chidley, Kaur, N Singh, Tromans, Millar and Webb declared that they had been lobbied by the objectors and applicant on the site visit.

**Resolved** that Planning Application - DC/23/68797 - Retention of outbuilding in rear garden (Resubmission of refused planning permission DC/23/68475) 41 Warwick Road, Oldbury, B68 0NE, is approved subject to conditions relating to the use to remain ancillary to the occupants of 41 Warwick Road.

(Councillor Chidley withdrew from the committee to represent objectors)



## Planning Application - DC/23/68823 - Land To The Rear of 22 to 56 Francis Ward Close, West Bromwich

Councillors Chidley, Loan, N Singh, Tromans, Millar and Webb declared that they had been lobbied by the objectors on the site visit.

The Development Planning and Building Consultancy Manager advised that no objection had been received from Public Health and that three new additional conditions had been proposed including:

- (xiii) submission of a Noise Risk Assessment for the approval of the LPA; implementation thereafter;
- (xiv) no burning of materials on site; and
- (xv) scheme of improvements to be submitted for works to afford access to the highway.

Objectors were present supported by Councillor Chidley and addressed the committee with the following points:

- the proposed development site in relation to the existing properties would result in a detrimental impact on residents, replacing green space with high walls;
- the green space was valued by neighbouring properties;
- the topography of the location would enhance the impact of the development;
- there had been trespassers on nearby properties undertaking works believed to be related to the proposed development;
- the location did not lend itself to easy access to the highway, it was difficult to get out and a number of accidents had occurred in the vicinity;
- the land was not in a derelict state and was well looked after by the community.

The applicant was in attendance and addressed the committee with the following points:

- the land was private land and had been used by the residents without permission;



- the owner was in their rights to fence the area if they wished, the proposed developed included landscaping to enhance the area;
- the minimum separation had been met and was exceeded in every direction;
- it was disappointing that trespassing had taken place, it was believed that this was done by an external company undertaking ordnance works;
- the volume of traffic exiting the site would be minimal;
- the appropriate conditions were in place for the development.

In response to comments and questions by members the following points were made:

- the land in question was private land and was not greenbelt;
- the access road would be for four properties and any potential development was not considered to negatively impact the highway;
- the topography of the site had resulted in the presented application, it had been designed to comply with minimum separation regulations;
- the result of the plans would leave residents faced with a purely brick wall opposite their property.

**Resolved** that Planning Application - DC/23/68823 -Proposed 2 no. pair of semi-detached 3 bedroom houses, with associated parking and private amenity space/gardens, vehicle crossover to pavement, and access road. Land To The Rear Of 22 To 56 Francis Ward Close, West Bromwich, is granted subject to conditions relating to:

- (i) External materials;
- (ii) Ground Contamination;
- (iii) Drainage (surface and foul);
- (iv) Boundary treatments;
- (v) Landscaping;
- (vi) Cycle storage;
- (vii) Low NOx boilers;
- (viii) Electric vehicle charging;
- (ix) Management plan for control of dust;
- (x) Construction Management Plan;





- (xi) Restriction on hours of construction;
- (xii) Parking laid out & retention;
- (xiii) submission of a Noise Risk Assessment for the approval of the LPA; implementation thereafter;
- (xiv) no burning of materials on site; and
- (xv) scheme of improvements to be submitted for works to afford access to the highway.

(Councillor Chidley returned to the Committee)

## 18/24 Proposed Site Visits

The committee noted that site visits would be carried out in relation to the following applications, prior to their being presented to the committee:-

Application No. and Description.	Date received	Reason
DC/23/68374  Retention of use from warehouse to car sales, external alterations to front, and entrance gates at 134 Franchise Street Wednesbury	12.06.2023	Concerns that the development will impact on road safety and the local community, due to the impact of vehicles over spilling onto the road and nearby the junction.
DC/23/68946  First floor side extension, single storey side extension, two/single, , storey rear extensions increase in roof height two rear dormer windows, front porch, reinstatement of verge new boundary fence and frontage parking at 10 Barnfordhill Close Oldbury B68 8ES	14.12.2023	This application has generated objections and is a revision to an existing unauthorized extension to reduce the footprint. Members would therefore benefit from visiting the site to see the existing works and the site surroundings.



<p>DC/23/68948 Victoria Park Victoria Road Tipton</p> <p>Proposed refurbishment of existing MUGA (Multi Use Games Area), installation of floodlights with 4 No. floodlight columns, storage container and new 3m and 4m fencing.</p>	<p>15.12.2023</p>	<p>Objections have been received relating to light pollution, noise and traffic; as such, the visit will give Members the opportunity to view the proposal site and its surroundings</p>
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## 19/24 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/23/68323	4 Huskison Close Oldbury B69 1LZ	Allowed

## 20/24 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 7.18pm

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