

Report to Planning Committee

25 October 2023

Application Reference	DC/23/67924
Application Received	27 January 2023
Application Description	Proposed residential development comprising of 278 No. dwellings (Reserved matters application for appearance, landscaping, layout and scale) - Pursuant to outline planning application DC/14/57745.
Application Address	Edwin Richards Quarry Portway Road Rowley Regis
Applicant	Waste Recycling Group (Central) Ltd
Ward	Rowley
Contact Officer	Alison Bishop Alison_bishop@sandwell.gov.uk

1 Recommendations

1.1 That planning permission is granted subject to the following conditions:

- i) Air Quality Assessment and mitigation plan;
- ii) Low NOx Boilers;
- iii) Travel Plan measures;
- iv) Monitoring of boreholes and their management;
- v) Noise Assessment and subsequent mitigation;
- vi) Footpath link to Dudley Road;



- vii) Renewable energy;
- viii) Recommendations of the Extended phase 1 habitat survey carried out; and
- ix) Employment and skills

2 Reasons for Recommendations

2.1 The proposal provides a good quality housing development with a mix of house types and integrates well into the existing environment offering opportunities to respond to climate change, enhance biodiversity and regenerate a brownfield site.

3 How does this deliver objectives of the Corporate Plan?

	Strong resilient communities
	Quality homes in thriving neighbourhoods
	A strong and inclusive economy

4 Context

- 4.1 The application is being reported to your committee as four material planning objections have been received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[Edwin Richards Quarry, Portway Road, Rowley Regis](#)

[Vehicular access to the site](#)



5 Key Considerations

- 5.1 A small section of the site forms part of the Rowley Hills Strategic Open Space in the Development Plan. The remainder is unallocated; however long-term aspiration of the Council is for the site to come forward for housing.
- 5.2 The material planning considerations which are relevant to this application are: -

Government policy (NPPF)

Proposals in the Development Plan

Planning history

Amenity concerns – privacy, outlook and light

Design concerns - appearance and materials, layout and density of building, wider visual amenity and overdevelopment

Highways considerations - Traffic generation, access, highway safety, parking and servicing

Environmental concerns – Ground contamination/gas migration, noise, air quality, pollution and general disturbance

Ecology concerns – loss of wildlife, habitats and trees

6. The Application Site

- 6.1 The application site comprises 10.81 hectares (26.71 acres) which forms part of the Edwin Richards Quarry on the western boundary, rising to the north (Hailstone residential estate) and south (Portway Road). Edwin Richards Quarry is situated in a predominantly residential area of Rowley Regis. The site in its entirety is approximately 56.6ha in size and comprises an extensive former dolerite quarry, part of which has been infilled with municipal, commercial and industrial wastes. The land to the east of the site forms part of the restored landfill and beyond the soil treatment site which continues to operate as part of the restoration of the quarry.





Aerial view of the quarry with proposed residential area located on the western tranche of the site.

The site is bordered to the north by Turners Hill and Dudley Golf Course, to the east by Portway Road, to the south by the B4171 Dudley Road, with pony paddocks and extensive areas of housing to the south east (Portway Road) and further housing to the south west (Dudley Road)

7. Planning History

- 7.1 The application site - and indeed the wider locality - has a long history of quarrying for dolerite, a material also known as “Rowley Rag” and which is used extensively in road construction. The site, which is actually a combination of a number of quarries (Edwin Richards, Hailstone and Central) was quarried for over 100 years until blasting/extraction ceased in 2008 when the available rock supply became exhausted. Some relatively limited landfilling operations have taken place to the south of the site (with a mix of household, commercial and industrial waste) but this area has been clay capped.
- 7.2 The outline planning application (including means of access via the existing entrance on Portway Road) for up to 281 dwellings was granted for the western part of the quarry in February 2018 (DC/14/57745). As part of this development a s106 agreement was signed to secure 4% affordable housing and a financial contribution for off-site highway works (to include new signals and traffic calming). Furthermore, conditions were attached to this consent which included phased plans for materials, boundary treatment and landscaping, finished floor levels along with



ground contamination and remediation, drainage (to include SuDs), electric vehicle charging, streetlighting, construction management plan, ecological mitigation measures and electric vehicle charging. Two further planning applications relating to ongoing operations for the soil treatment plant (east of the quarry) and infilling of the quarry (central area of the site) were also granted in August 2016 (DC/14/57743 and DC/14/57744).

7.3 Relevant planning applications are as follows:

DC/14/57745	Outline planning application (for access) for up to 281 residential dwellings (Use Class C3), amended access from Portway Road, open space, landscaping, drainage works and ancillary works.	Grant conditional outline permission 6.2.2018
DC/14/57744	Development of a waste management facility comprising a 150,000 tonnes per annum soil treatment; a 150,000 tonnes per annum waste recycle facility; a repositioned landfill gas utilisation plant; a relocated leachate treatment plant; and a waste vehicle depot and associated workshop, office, parking and welfare facilities.	Grant conditional planning permission 3.8.2016



DC/14/57743	Variation of condition 20 of planning permission DA/10465 - proposed replacement infilling and progressive restoration scheme for infilling of the quarry void with non-hazardous soils, clays and excavation materials.	Grant conditional planning permission 03.08.2016
DC/09/50463	Proposed Leachate treatment plant.	Grant conditional planning permission 1.4.2009
DC/98/34817	Establishment of construction and demolition waste reclamation facility within quarry workings.	Refused 21.01.1999. Appeal allowed 20.3.2000
DC/97/33882	Extension of quarrying and restoration by landfilling and variation of conditions 4, 5 & 6 of planning permission DA/10465	Grant conditional planning permission 9.3.1999
DA/10465	quarrying of stone beneath the common boundary of Hailstone & Edwin Richards Quarries, beneath Turners Hill Road, including backfilling and landscaping.	Grant conditional planning permission 5.4.1984



8. Application Details

- 8.1 This application is the reserved matters application subsequent to the granting of conditional outline consent in 2018 and seeks approval of the detailed matters for appearance, layout, scale and landscaping.
- 8.2 The scheme comprises a total of 276 dwellings which would come forward in 4 phases ranging from circa 52 dwellings to 89 dwellings per phase. The affordable housing component would consist of 11 properties. The phasing seeks to deliver the vehicular access from Portway Road and the eastern section of the site as a first phase with construction moving west to north across the site.
- 8.3 The 278 dwellings will include the following housing mix: -
- 11, 1 bed apartments
 - 28, 2 bed apartments (7 will be affordable homes)
 - 74, 2 bed houses (4 will be affordable homes)
 - 111, 3 bed houses
 - 54, 4 bed houses
- 8.4 The properties are predominately two or two and half storey height with some three-storey development and comprises a mix of house types and material choices. The development in the main retains a large buffer of planting to the edge of the site where it abuts with existing residential and the Rowley Hills open space. In part this is due to levels (topography of the site) and to retain a green screen between existing and proposed properties. The masterplan indicates open spaces and LEAP (Local Equipment Area for Plan) to the south east tip of the site, a swale (SuDs feature) to the boundary adjacent Dudley Road and a further open space feature at the access entrance of the site and within a central part of the site as feature walkway. Landscaping details indicate a mix of woodland planting to the boundaries, wildflower meadow mix within open space areas and a combination of shrubs and hedging around the site.



- 8.5 A Phase 1 habitat survey has been carried out which states that the plantation and woodland surrounding the site is of moderate to low ecological importance; however, it recommends that where planting falls outside the building footprint trees should be retained. The survey recommends the introduction of street trees. In respect of protected species, the survey found that no great crested newts were present and that bats were not present in existing buildings on the site. Recommendations include the introduction of bird/bat boxes within the development and that buildings demolished should have a further nocturnal/dawn survey to ensure that no bats are roosting before demolition takes place. Badger surveys were carried out to establish whether well-used, partially used or disused badger setts were present. If further mitigation is required, it would need to be licensed through Natural England.
- 8.6 Pedestrian links have been identified around the site linking to Portway Road, the existing open space to the northern tip and toward Dudley Road. An existing gas governor compound exists for a section of the eastern boundary which must be retained, and hence acoustic fencing is proposed to protect future occupiers from noise nuisance. It is however anticipated that the scale of the compound would be reduced over time.



Existing Gas Compound



Parking provision would include driveways to side and front of properties, and parking courts. Parking accommodation ranges from 1 space for 1 and 2 bed apartments/houses to 2 spaces for 3 and 4 bed houses.

9. Publicity

9.1 The application has been publicised by press, site notice and 248 neighbour notification letters. Four material planning objections have been received.

9.2 Objections

Objections have been received on the following grounds:

- i) The primary objection relates to highway concerns given that only a single access point is proposed and the traffic congestion this could cause. Reference is made to queueing traffic at the junction of Dudley Road/Portway Road at peak times and at other times speeding along Portway Road.

Non-material objections have been raised regarding loss of property value.

These objections will be addressed in section 13 (Material considerations).

10. Consultee responses

10.1 Planning Policy

No objection to the principle of residential development. A very small area to the westerly part of the site falls within the Rowley Hill Strategic Open Space and the scheme was advertised as a departure from the Development Plan as such. However, the element in question is not being developed and is retained as open space, therefore, in this



instance, it is considered that the scheme does not need to be reported to Council. It should also be noted that the red line does not differ from the outline consent, in fact, being marginally smaller, so the principle of the site for housing has been granted by virtue of that permission

10.2 Highways

No objection to proposed scheme. The access to the site was established at the outline stage and s106 monies will be provided towards signals and traffic calming. The internal layout of development provides an acceptable road layout and suitable parking provision to serve each plot. Whilst at this stage further details relating to the retaining walls associated with the highway are under consideration, these details would require technical approval under highway legislation.

10.3 Pollution Control (Air Quality)

An updated Air Quality Assessment and subsequent mitigation plan is requested given that the original document was reviewed in 2014 and subsequent conditions are recommended to include electric vehicle charge points, travel plan measures, low NOx boilers and a construction environmental management plan.

10.4 Pollution Control (Contaminated Land)

Whilst it is recognised that further ground investigation works have been carried out as part of this application, conditions attached to the outline consent should remain, until a detailed site investigation and remediation strategy has been submitted. In addition, a further condition has been requested in relation to the monitoring of boreholes and their management for the duration of the environmental permit associated with the site.

10.5 Pollution Control (Air Pollution and Noise)

No objection subject to a detailed Noise Assessment and mitigation given the proximity of the gas governor, continuing operations at the



quarry (soil treatment plant/infilling the quarry) and subsequent HGV trips associated with this.

10.6 Environment Agency

The Environment Agency has objected to the scheme due to a lack of information regarding landfill gas migration and that boreholes are located with the curtilage of private properties.

The applicant has been working very closely with the Environment Agency in relation to gas monitoring as part of their Environmental Permit and further discussions have taken place to assure the Environment Agency that the layout and future monitoring will not cause harm to future occupiers. Furthermore, an application has been submitted in September 2023 to discharge the condition associated with landfill gas/remediation (ref: DOC/23/00656). Whilst this remains outstanding the report states that the development will require gas protection measures to be built into the scheme to include foundations designs for the properties.

An update will be provided at your meeting as such.

10.7 Lead Local Flood Authority

Further details are required in relation to the drainage strategy and is already conditioned as part of the outline consent.

10.8 Severn Trent

As above, they also request that the applicants enter into a dialogue with Severn Trent before the development commences. This would form part of the normal process for a new residential scheme along with technical matters associated with the highway.



10.9 Urban Design Officer

Several amendments have taken place during the application process to ensure that levels, separation distances, street scenes, building heights and the quality of the elevations of the plots are acceptable. In the main these details have addressed key concerns, and matters relating to final detail of materials, levels, boundary treatments and landscaping for each phase are conditioned as part of the original outline permission.

10.10 NHS

The NHS have referred to requirements for financial contributions towards health care, however there are no such policy requirements either nationally or locally to secure this at present.

10.11 Birmingham and Black Country Wildlife Trust

No comment.

11. National Planning Policy

11.1 National Planning Policy Framework promotes sustainable development but states that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

11.2 Chapter 5 of the NPPF refers to meeting a suitable housing supply for each local authority. The outline consent granted and any subsequent approval at reserved matters contributes towards the introduction of new homes within Sandwell. In addition to this, Chapter 11 refers to making effective use of land to meet the needs of new homes. This site is a brownfield site that is now surplus to its former use as a quarry and so meets these aspirations.

11.3 Chapter 14 refers to tackling climate change through the use of low carbon energy or renewable energy. The scheme as proposed is designed to provide good pedestrian links with a new link provided



towards Dudley Road and electric vehicle charging to encourage low emission vehicles. Other measures which are conditioned include low NOx boilers, travel plan measures and renewable energy.

11.4 The Framework promotes sustainable transport options for development proposals and paragraph 111 states that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Access was established during the outline permission, so cannot be re-visited. Whilst the development would have only one single access point, off-site measures via s106 would provide improved signals and traffic calming as part of this development.

11.2 Paragraph 124-126 seeks to achieve well-designed places. The proposed development provides a variety of house types, achieves appropriate separation distances, parking provision, open space and pedestrian routes. As such the scheme is deemed to be of a good standard of design.

12. Local Planning Policy

12.1 The following policies of the council's Development Plan are relevant:

CPS3: Environmental Infrastructure

CPS4: Place Making

DEL1: Infrastructure Provision

HOU2: Housing Density type and Accessibility

HOU3: Delivering Affordable Housing

EMP5: Improving Access to the Labour Market

TRAN2: Managing Transport Impacts of New Development

TRAN4: Creating Coherent Networks for Cycling and Walking

ENV2: Nature Conservation

ENV3: Design Quality

ENV5: Flood Risk, Sustainable Drainage System and Urban Heat Island Effect



ENV7: Renewable Energy

ENV8: Air Quality

SAD H3: Affordable Housing

SAD EMP2: Training and Recruitment

SAD EOS3: Rowley Hills Strategic Open Space

SAD EOS9: Urban Design Principles

SAD DC6: Land Affected by Contamination, Ground Instability, Mining Legacy, Land of unsatisfactory Load Bearing Capacity or Other Constraints

12.2 The site is not allocated within the Development Plan.

12.3 CSP3, DEL1, ENV5, ENV7, and ENV8 all relate to providing appropriate infrastructure to enhance, protect and improve the environment. The scheme incorporates open space, pedestrian/cycle routes and conditions are proposed to provide other air quality and harness renewable energy. In addition, the development is CIL liable so would provide opportunities to deliver community benefits to both the local area and the borough as a whole.

12.4 CPS4, HOU2, ENV3 and SAD EOS9 refers to creating well-designed schemes that provide quality living environments with a variety of house types to meet local demand. The proposed layout and design are considered to be acceptable meeting relevant spatial standards with the Sandwell's Residential Design Guide.

12.5 HOU3 and SAD H3 refer to affordable housing provision. Whilst only 4% affordable housing is provided this nevertheless complies with the policy as the applicant has demonstrated that due to the significant remediation costs associated with the development the site would not be viable with the standard 25% affordable provision.

12.6 TRAN2 and TRAN4 relate to managing the impacts of new development through off site mitigation and new opportunities for cycling and walking. New off-road infrastructure has also been secured through a s106 agreement and road layouts within the development provide



opportunities for both pedestrian and cycle connections through and on to the wider network.

- 12.7 EMP5 and EMP2 refers to creating opportunities for apprenticeships and employment associated with the development. Given the four phases of development a condition is proposed to ensure that an employment and skills plan to deliver these opportunities is secured.
- 12.7 DC6 refers to development being accompanied with information in relation to ground conditions. As indicated above, the quarry is an historic landfill site and hence the remediation of the site as part a new housing scheme is essential. Conditions have been attached to the outline and further detail is already under review to determine the remediation design required to safeguard against risk to human health.
- 12.8 ENV1 refers to safeguarding nature conservation inside and outside boundaries. The recommendations of the Phase 1 habitat survey are incorporated as conditions. The landscape proposals have incorporated these recommendations, with the retention of trees/shrubs to the boundaries, wild flower meadow mixes in the open space areas including a swale (drainage and biodiversity) and street trees have been incorporated into the development.
- 12.8 SAD ESO3 refers to the Rowley Hills Open Space, which should be safeguarded to protect its openness, opportunities for recreation, wildlife and views of the surrounding areas. The development provides opportunities for the open space to be enjoyed by future residents, through new footpaths links and incorporating open space within the development itself which will enhance and protect of wildlife.

13. Material Considerations

- 13.1 National and local planning policy considerations have been referred to above in Sections 11 and 12. With regards to the other material considerations, these are highlighted below:



13.2 Planning history

As indicated above, the principle of residential development has been established through the outline consent already granted and the quantum of housing proposed complies with the limit set as part of this permission

13.3 Amenity concerns

There have been no concerns raised from residents in relation to impact on outlook, light or privacy. The development is sufficiently separate from existing dwellings to safeguard amenity and is enhanced by the retention of trees and steep banking that surrounds the site. Turning to noise, a condition is recommended to ensure that future residents are protected from noise nuisance associated with the continued operations taking place to the east of the application site.

13.4 Design concerns

As indicated above, the scheme has been developed as part of a collaborative process with officers and the applicant with matters relating to scale, appearance, layout and landscaping now designed to ensure that the proposal provides a good quality living environment for future occupiers.

13.5 Highways concerns

The key concerns raised by residents relates to the single access point serving the development and the impact this will have on the existing highway network. In the first instance, the single access point was agreed as part of the outline consent and so cannot be re-visited. At this time a s106 agreement secured highway improvements to the existing road network to mitigate against concerns of traffic generation. These included new signals at the junction of Dudley Road/Portway Road and also traffic calming on Portway Road. These will be delivered as part of the development of the site. Turning to road layout within the



development, the highway service is satisfied that this provides a safe environment and subject to technical details relating to the retaining structures is satisfied with the development.

13.6 Environmental concerns

No concerns have been raised by residents, however it is acknowledged that a scheme of this size must be designed to ensure that the development mitigates against climate change. As such the proposal would be conditioned to incorporate such measures (i.e. renewable energy, electric charge points etc)

13.7. Ecology concerns

No concerns have been raised by residents, however consideration has been afforded to the enhancement and protection of wildlife through the design of new open space and the safeguarding and enhancement of flora and fauna through the landscaping proposed within the development.

14. Conclusion

On balance the proposal accords with the provisions of relevant development plan policies and there are no significant material considerations which warrant refusal that could not be addressed by conditions.

15 Alternative Options

15.1 Refusal of the application is an option if there are material planning reasons for doing so. In my opinion the proposal is compliant with relevant polices and there are no material considerations that would justify refusal.



16 Implications

Resources:	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the Council.
Legal and Governance:	This application is submitted under the Town and Country Planning Act 1990.
Risk:	None.
Equality:	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
Health and Wellbeing:	None.
Social Value	None.
Climate Change	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.

17. Appendices

Context plan

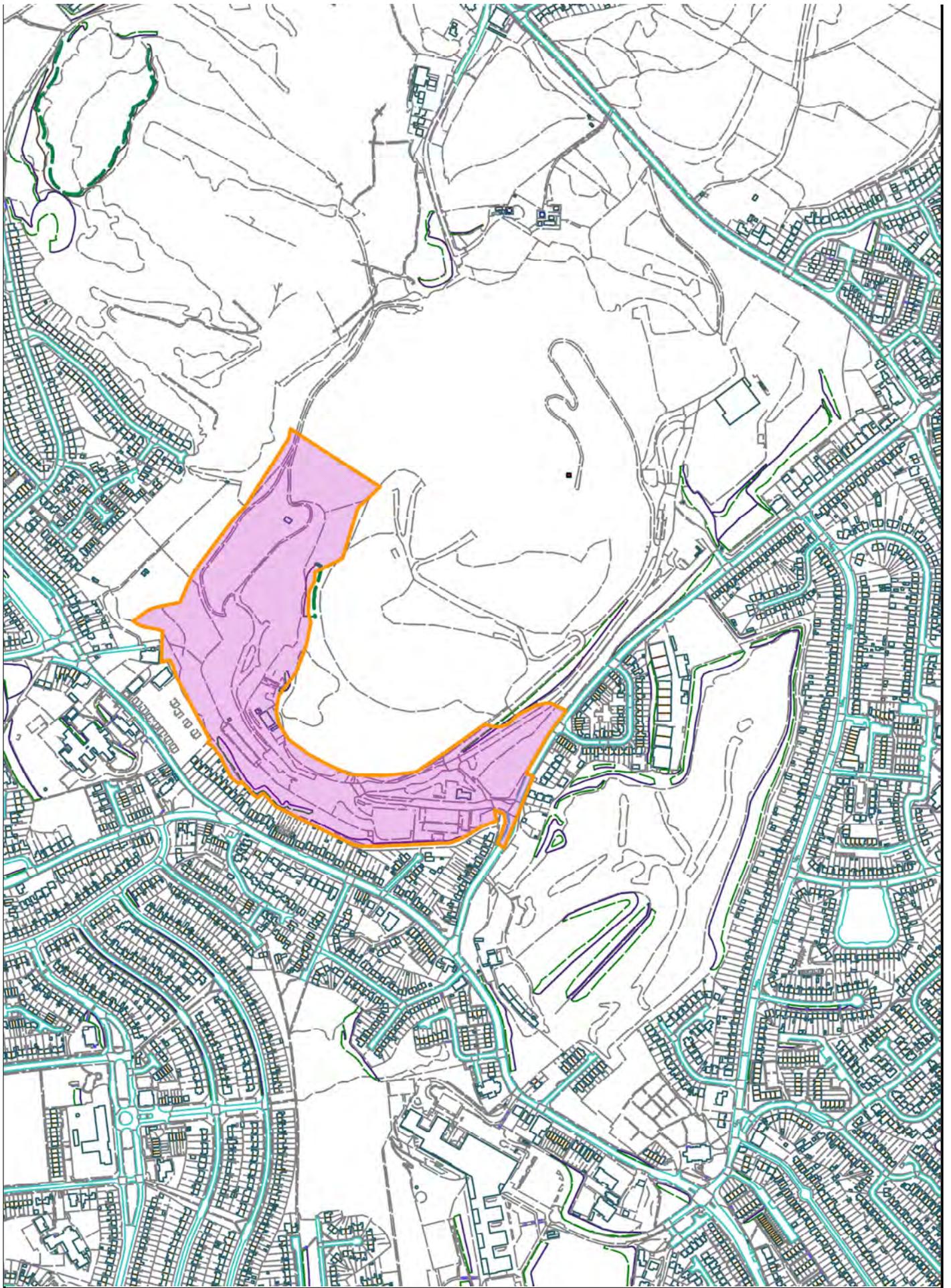
Masterplan of the site

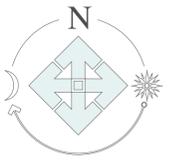
Layouts for phase 1, 2, 3 and 4

Street scenes

Example of materials palette



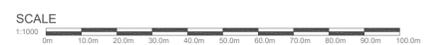


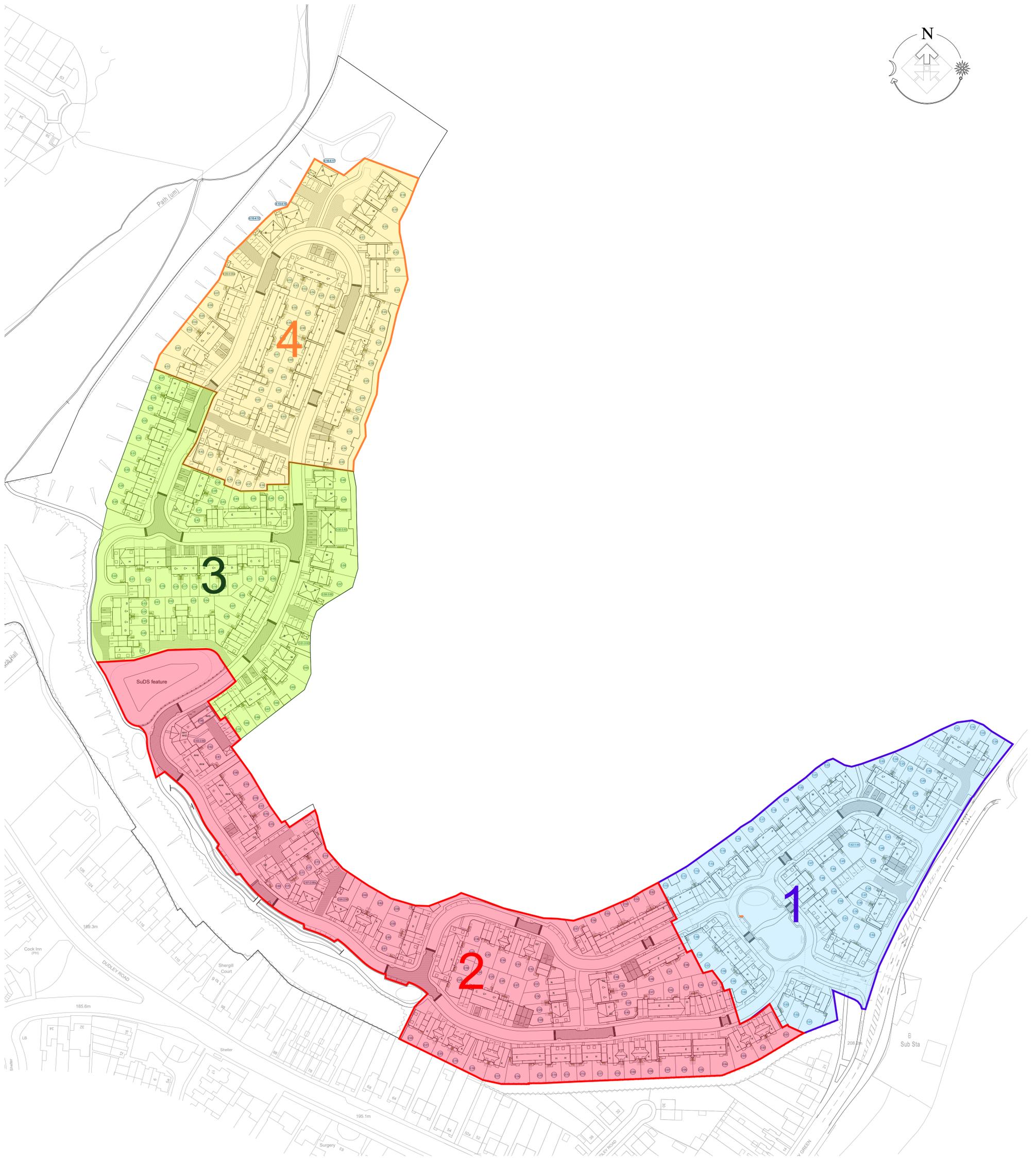
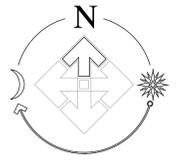


Schedule of Accommodation

Ref:	Type:	No.	Sq.ft.	Sq.m	Sq.ft.	Sq.m.
Affordable						
AH1	2 Bed apartment	2	722	67.10	1,444	134.20
AH2	2 Bed apartment	4	753	70.00	3,012	280.00
AH3	2 Bed apartment	1	819	76.06	819	76.06
AH4	2 Bed house	4	861	79.96	3,444	319.84
	Total 11				8,719	810.10
Open Market						
A	1 Bed apartment	11	573	53.26	6,303	585.86
B	2 Bed apartment	21	713	66.22	14,973	1,390.62
C	2 Bed house	18	754	70.08	13,572	1,261.44
CPlus	2 Bed house	34	884	82.10	30,056	2,791.40
D	2 Bed house	18	831	77.28	14,958	1,391.04
E	3 Bed house	35	1050	97.55	36,750	3,414.25
F	3 Bed house	16	1014	94.23	16,224	1,507.68
G1	3 Bed house	1	1014	94.23	1,014	94.23
G2	3 Bed house	12	1014	94.23	12,168	1,130.76
H	3 Bed townhouse	21	1127	104.72	23,667	2,199.12
J	4 Bed townhouse	24	1505	139.80	36,120	3,355.20
K	4 Bed house	24	1694	157.36	40,656	3,776.64
L	3 Bed house	4	1074	99.80	4,296	399.20
M	4 Bed house	6	1538	142.88	9,228	857.28
N	3 Bed house	22	1392	129.32	30,624	2,845.04
	Total =267				290,609	26,999.76
	Grand total = 278				299,328	27,809.86

- Planning application boundary
- Proposed development boundary
- Existing landscaping
- Indicative new landscaping
- Plot number
- Denotes affordable housing
- Dual Aspect units
- Local Area for Play (Pocket Park)
- Local Equipped Area for Play
- Water/SuDS Feature
- Borehole monitoring access corridor
- Private drive turning areas





	Construction Phase 1	53 units
	Construction Phase 2	90 units
	Construction Phase 3	70 units
	Construction Phase 4	65 units





Potential future pedestrian link to reclaimed quarry site

New pedestrian access to provide direct link to Portway Road

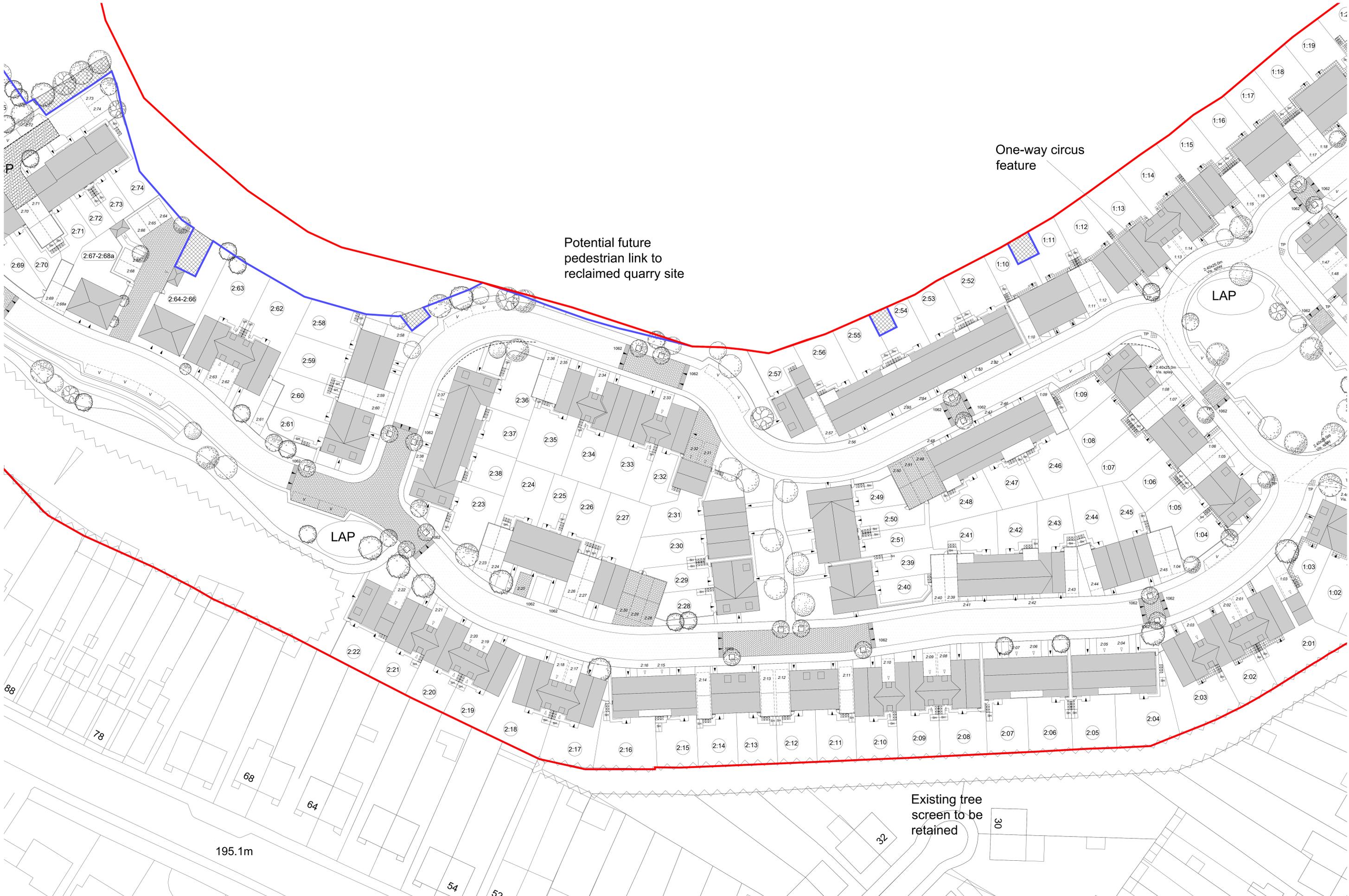
One-way circus feature

New pedestrian access to provide direct link to Portway Road

New site access - approved as part of outline consent

Sub Sta

208.2m

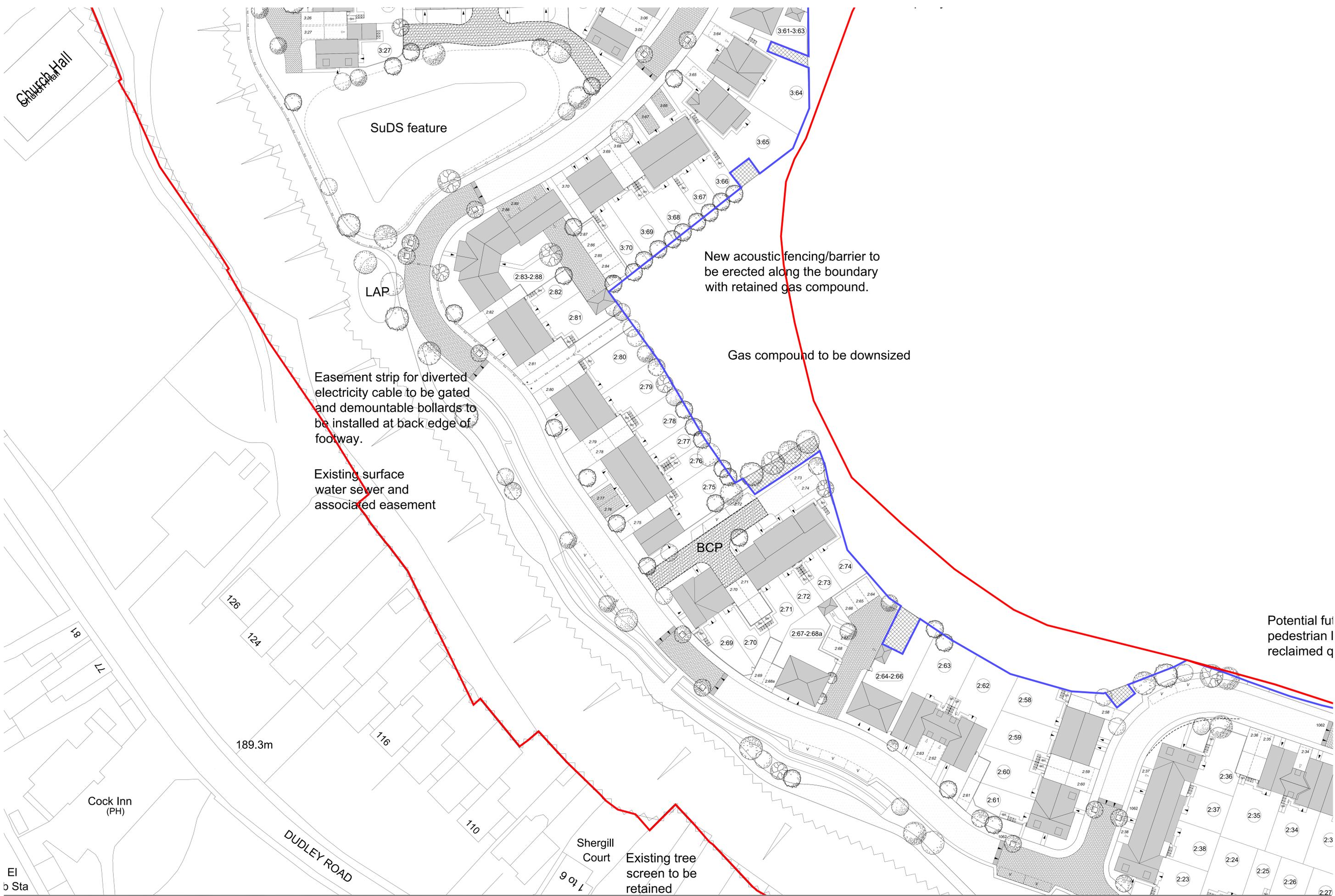


Potential future pedestrian link to reclaimed quarry site

One-way circus feature

Existing tree screen to be retained

195.1m



Church Hall

SuDS feature

LAP

New acoustic fencing/barrier to be erected along the boundary with retained gas compound.

Gas compound to be downsized

Easement strip for diverted electricity cable to be gated and demountable bollards to be installed at back edge of footway.

Existing surface water sewer and associated easement

BCP

Potential full pedestrian I reclaimed q

189.3m

Cock Inn (PH)

DUDLEY ROAD

Shergill Court

Existing tree screen to be retained

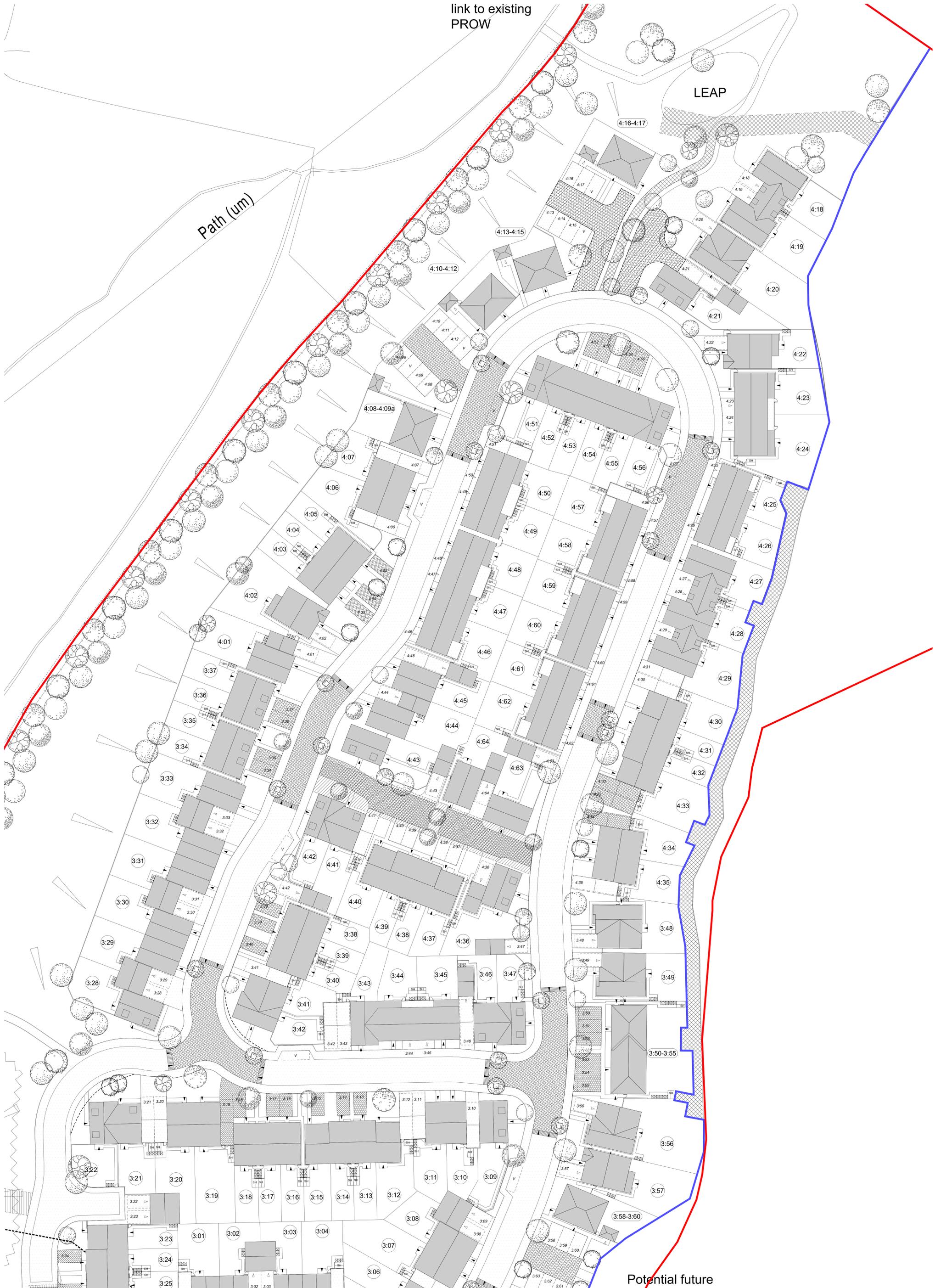
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New pedestrian link to existing PROW

New route for existing electricity cable from gas compound

Potential future pedestrian link to reclaimed quarry site

New acoustic fencing/barrier to be erected along the boundary with retained gas compound.



link to existing PROW

LEAP

Path (um)

Potential future



ELEVATION TO PORTWAY ROAD



ELEVATION A-A



ELEVATION B-B



ELEVATION C-C



ELEVATION D-D



ELEVATION E-E



ELEVATION F-F



ELEVATION G-G



ELEVATION H-H



ELEVATION J-J

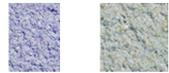


ELEVATION K-K

Decorative Brickwork Panel



Render surrounds



Powder Blue Polar White



Roof: Russell concrete interlocking tiles



Slate Grey



Cottage Red

Red or buff facing bricks



Solus Cadeby Red Multi



Blockleys Dark Red



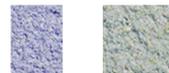
Solus Welford Buff

FRONT ELEVATION

Decorative Brickwork Panel



KRender Render surrounds



Powder Blue Polar White

JH Hardie Plank Wetherboard



Soft Green



Khaki Brown



Roof: Russell concrete interlocking tiles



Slate Grey



Cottage Red

JH Hardie Plank Weatherboard - Natural



KRender Main render - White



FRONT ELEVATION