


REPORT TO PLANNING COMMITTEE

4th December 2019

Application Reference	DC/19/63546
Application Received	17 th September 2019
Application Description	Proposed 2 no. 4 bed and 4 no. 3 bed properties with associated car parking.
Application Address	Land Adjacent 8A Castle Road West Oldbury B68 0EW
Applicant	Mr Sheath
Ward	Old Warley
Contribution towards Vision 2030:	
Contact Officer(s)	Andrew Dean 0121 569 4056 andrew_dean@sandwell.gov.uk

RECOMMENDATION

That planning permission is granted subject to:-

- (i) External materials.
- (ii) Ground conditions.
- (iii) Hard and soft landscaping.
- (iv) Drainage to include sustainable drainage.
- (v) Car parking to be implemented and retained.
- (vi) Boundary treatments.
- (vii) Finished floor levels.
- (viii) Method of working statement to include hours of construction, delivery times, site access points and road cleaning.
- (ix) External lighting scheme.
- (x) Electric vehicle charging points.
- (xi) Removal of Permitted Development Rights to roof (B and C);
- (xii) Drop kerbs to be installed and highway re-instated.
- (xiii) No burning of waste.
- (xiv) Roof lights in plot 6 (facing Kenilworth Road) shall be obscurely glazed and retained as such.
- (xv) Management plan for landscaping areas.

1. BACKGROUND

- 1.1 This application is being reported to your Planning Committee because five material planning objections have been received.

2. SUMMARY OF KEY CONSIDERATIONS

- 2.1 The site is unallocated in the development plan.
- 2.2 The material planning considerations which are relevant to this application are:

Government policy (NPPF)
Proposals in the Local Plan
Overlooking/loss of privacy
Loss of light and/or outlook
Overshadowing
Public visual amenity
Overbearing nature of proposal
Layout and density of building
Design, appearance and materials
Access, highway safety, parking and servicing
Traffic generation
Noise and disturbance from the scheme
Nature conservation and loss of ecological habitats
Loss of trees
Flood risk

3. The APPLICATION SITE

- 3.1 The application site is the former garden area of 8A Castle Road West, Oldbury. The site can be accessed off Castle Road West and Birch Grove.

4. PLANNING HISTORY

- 4.1 There is no relevant planning history.

5. APPLICATION DETAILS

- 5.1 The applicant is proposing to erect 2 no. 4 bed properties and 4 no. 3 bed properties. The proposed 4 bed properties would be accessed from Castle Road West and would be two storeys in height with a master bedroom located in the roof space. The proposed 3 bed properties would be accessed from Birch Grove via an access road. The properties would

comprise of one pair of one and half storey semi-detached properties, one detached one and half storey property and one dormer bungalow.

6. PUBLICITY

6.1 The application has been publicised by neighbour notification letter, with four letters of objection and one neutral comment being received.

6.2 Objections

Objections have been received on the following grounds: -

- (i) Plot 6 would cause a loss of privacy, light and outlook to properties on Kenilworth Road.
- (ii) Overlooking caused by plot 6 to No. 11 Birch Grove.
- (iii) The site has suffered a loss of trees.
- (iv) The proposal would impact on wildlife.
- (v) The proposal would be overdevelopment of the site.
- (vi) The development would increase noise levels from construction work and residents' vehicles.
- (vii) The development would increase pollution levels.
- (viii) The development would be a health and safety hazard.
- (ix) The proposal is of a poor design and should be bungalows in design.
- (x) Site access concerns and confirmation as to where the access will be located.
- (xi) Concerns with regards light pollution from street lighting.
- (xii) Would there be a turning circle for delivery and refuse vehicles?
- (xiii) Would the trees lost in the site clearance be replaced?
- (xiv) The height of the proposed dwellings is a concern, would the height of the dwellings be increased in the future?
- (xv) Site drainage/ flooding concerns.
- (xvi) Ground conditions concerns with regards potential property damage from construction of foundations.
- (xvii) Concerns with regards the use of the land adjacent to the site access. Confirmation is required this land would not be used for car parking or a children's play area.
- (xviii) Concerns with regards increased traffic using Birch Grove.
- (xix) Conservation of existing trees.
- (xx) The design and access statement makes reference to a notice being served upon Solihull Metropolitan Borough Council.
- (xxi) Would a pedestrian pavement be installed to access the proposed properties?

Immaterial planning consideration relate to loss of light to garden areas.

6.3 Responses to objections

I respond to the objector's comments in turn;

- (i) The separation distance to rear of the properties on Kenilworth Road exceeds the separation distance of 21 metres set out in the revised residential design guide SPD. Furthermore, the windows in question are roof lights which serve a bathroom and hallway. Therefore I do not consider that a significant loss of privacy would occur, however a condition for these windows to be obscurely glazed has been included within the recommendation.
- (ii) The proposed separation distance from the rear elevation of the proposed dormer bungalow and the rear elevation of the objector's property is 20.4 metres at its nearest point. This would increase to 22.8 metres at the furthest point (these measurements are taken from the proposed front facing dormer windows). The shortest distance is slightly below the required separation distance of 21 metres as stated in the revised residential design guide SPD. However, the objector has a large evergreen trees at the rear of their garden which would provide a screen to the proposed property to the rear. Coupled with the fact that the proposed site cross section shows the bungalow would be set down into the site, I do not consider that a significant loss of privacy/overlooking would occur.
- (iii) The applicant has cleared a number of trees from the site. Unfortunately, none of the trees were subject to tree preservation orders and hence the local planning authority (lpa) had no powers to prevent their removal.
- (iv) As stated above, the lpa are powerless to prevent the loss of trees due to no preservation orders being present. A landscaping condition has been recommended to improve the soft landscaping of the site.
- (v) I do not consider the proposal is over development of the site. The site complies with guidance contained within the revised residential design guide SPD in terms of internal and external amenity space and separation distances.
- (vi) Given the number of properties, I do not consider that a significant increase in noise levels would occur as a result of this proposal.
- (vii) Given the number of properties, I do not consider that a significant increase in pollution levels would occur as a result of this proposal. Furthermore in accordance with adopted policy ENV8 (Air Quality), electric vehicle charging points have been included as a condition within the recommendation.
- (viii) I do not consider the development would be a health and safety hazard, however a Method of Working Statement is conditioned as

- part of the recommendation. Other matters would be controlled by the Health and Safety Executive.
- (ix) I do not consider that the proposal is of a poor design, the developer has complied in full with guidance contained within the revised residential design guide SPD. With regards to the design of the properties via the access from Birch Grove, concerns have been raised that the proposed properties would not be bungalows as per the design of the properties on Birch Grove. However, the properties would be accessed off a separate access road where a mixture of dwelling types can be viewed in the immediate area. Furthermore, the property which will be most visible off Birch Grove (plot 6) would be a dormer bungalow in design. Therefore, the proposal would not be out of character with the surrounding area.
 - (x) A revised plan has been received to add colour to the proposed site plan to identify more clearly the site access road and landscaping areas.
 - (xi) A condition has been included within the recommendation for an external lighting scheme.
 - (xii) The Head of Highways has raised no objections to the proposal. A turning area has been provided within the site.
 - (xiii) A landscaping condition has been included within the recommendation.
 - (xiv) Should the property owners wish to increase the height of a dwelling, planning approval would be required, however conditions removing certain permitted development rights relating to extensions in the roof have also been recommended.
 - (xv) A drainage condition has been included within the recommendation.
 - (xvi) A ground condition has been included within the recommendation. Any damage caused from building works would be a civil matter between private land owners.
 - (xvii) The agent has confirmed this area of land would be used for landscaping. A condition for the management of landscaping areas has been included within the recommendation.
 - (xviii) The Head of Highways has raised no objections to the application. As only four dwellings will be accessed off Birch Grove and no through access from Castle Road West is proposed, I am satisfied no significant harm to highways safety would occur as a result of this proposal.
 - (xix) The issue regarding the landscaping of the site will be addressed by a landscaping condition.
 - (xx) The agent has confirmed this is a typographical error and an amended design and access statement has been received.
 - (xxi) Creating a pavement on the public highway would be outside of the control of the applicant. The Head of Highways has raised no objections to the proposed site access from a highways safety perspective.

6.4 **Support**

No comments have been received which support the application.

7. **STATUTORY CONSULTATION**

7.2 Highways – no objections subject to a condition to ensure that before the properties are occupied new dropped kerbs are installed and reinstatement of footway is completed where necessary (where there are existing drop kerbs that are not used in the proposed development/installation of boundary treatment at the back of footway).

7.3 Environmental Health (Air Quality) – No objections subject to a condition for electric vehicle charging points being included within the recommendation.

7.4 Environmental Health (Contaminated Land) – No objections subject the standard contaminated land ground condition being included within the recommendation.

7.5 Planning Policy – The proposal is liable for CIL.

8. **GOVERNMENT GUIDANCE/NATIONAL PLANNING POLICY**

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

9. **LOCAL PLANNING POLICY**

9.1 The following sections of the Council's Development Plan are relevant:-

HOU2: Delivering Sustainable Housing Growth

CSP4: Place Making

ENV3: Design Quality

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

ENV8: Air Quality

SAD H2: Housing Windfalls

SAD EOS9: Urban Design Principles

9.2 HOU2: Delivering sustainable Housing Growth seeks to achieve sufficient land to provide sustainable housing growth. The proposal would provide a mix of house types which would contribute to the range of types and sizes of accommodation that are available in Borough.

- 9.3 CSP4: Place making seek to achieve place making with high quality urban design. The proposal is of a high-quality design, compatible with its surroundings as well as contributing to the range of types and sizes of accommodation that are available in Borough.
- 9.4 ENV3 Design Quality seeks to achieve high quality design which introduces measures that achieve crime prevention through secured by design principles. The proposal complies with these principles.
- 9.5 ENV5 Flood Risk, Sustainable Drainage System and Urban Heat Island Effect refers to ensuring that schemes do not exacerbate flooding using sustainable drainage systems. A drainage condition to include such measures has been included within the recommendation.
- 9.6 ENV8: Air Quality refers to reducing exposure to poor quality air. A condition for electric vehicle charging points has been included within the recommendation.
- 9.7 SAD H2: Housing Windfalls refers to proposals for residential development on unallocated land. The proposal complies with this policy as the development will bring an under used piece of land back into beneficial use and meets the requirements of other development plan policies.
- 9.8 SAD EOS9: Urban Design Principles refers to new development being of appropriate scale and compatible with their surroundings. The proposed development complies with this policy.

10. MATERIAL CONSIDERATIONS

- 10.1 The key material considerations with this proposal are design referred to above (9.2), the impact on adjoining properties in terms of loss of light, outlook and privacy, highways matters, nature conservation and drainage. As indicated in 6.3 above (response to objections):-
- 10.2 Loss of light, outlook and privacy to neighbouring properties. As indicated in 6.3 (i) and (ii), I am satisfied no significant loss of light, outlook or privacy would occur to neighbouring properties as a result of this development.
- 10.3 Design. It is considered the design of the proposed development is acceptable and accords with relevant policy.
- 10.4 Traffic and highways concerns. The Head of Highways has raised no objections to the proposal. The dwellings would have sufficient off-street

car parking to meet the councils adopted standards for 3 and 4 bed properties.

- 10.5 Nature conservation. Objectors have raised concerns mature trees have been removed from the site. This is unfortunate, however, none of the trees in question were subject to a tree preservation order. To improve the remaining green space, a landscaping condition has been included within the recommendation for a hard and soft landscaping scheme.
- 10.6 Drainage. A condition for a drainage plan has been included within the recommendation.

11. IMPLICATIONS FOR SANDWELL'S VISION

- 11.1 The proposal supports Ambitions 7, 8 and 10 of the Sandwell Vision 2030:-
- 11.2 Ambition 7 – We now have many new homes to meet a full range of housing needs in attractive neighbourhoods and close to key transport routes.
- 11.4 Ambition 8 – Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families.
- 11.5 Ambition 10 – Sandwell has a national reputation for getting things done, where all local partners are focussed on what really matters in people's lives and communities.

12. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 12.1 In terms of national and local policy, the application is compatible with policy HOU2 and CSP4 of the Black Country Core Strategy, as the proposal would provide house types which would contribute to the range of types and sizes of accommodation that is available in the Borough. In addition, the proposed dwellings are of a suitable appearance which accords with policies ENV3 Design Quality and SAD EOS9 Urban Design Principles. Furthermore, adequate provision has also been made for internal living accommodation, external amenity space and car parking provision which accords with the Councils SPD: Revised Residential Design Guide 2014.
- 12.2 The proposed dwellings would not significantly impact on the light, outlook or privacy of neighbouring dwellings.

12.3 On balance, it is considered that the proposed development meets the requirements of national and local policy, whilst having a limited impact on the amenity of neighbouring properties.

13. STRATEGIC RESOURCE IMPLICATIONS

13.1 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.

14. LEGAL AND GOVERNANCE CONSIDERATIONS

14.1 This application is submitted under the Town and Country Planning Act 1990.

15. EQUALITY IMPACT ASSESSMENT

15.1 There are no equalities issues arising from this proposal and therefore an equality impact assessment has not been carried out.

16. DATA PROTECTION IMPACT ASSESSMENT

16.1 The planning application and accompanying documentation is a public document.

17. CRIME AND DISORDER AND RISK ASSESSMENT

17.1 There are no crime and disorder issues with this application.

18. SUSTAINABILITY OF PROPOSALS

18.1 Refer to the national planning framework (8) and local plan policies (9) and material considerations (10).

19. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

19.1 Refer to the summary of the report (12).

20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

20.1 There will be no impact.

21. APPENDICES:

Site Plan

Context Plan

Plan No. 01

Plan No. 02 rev B

Plan No. 03

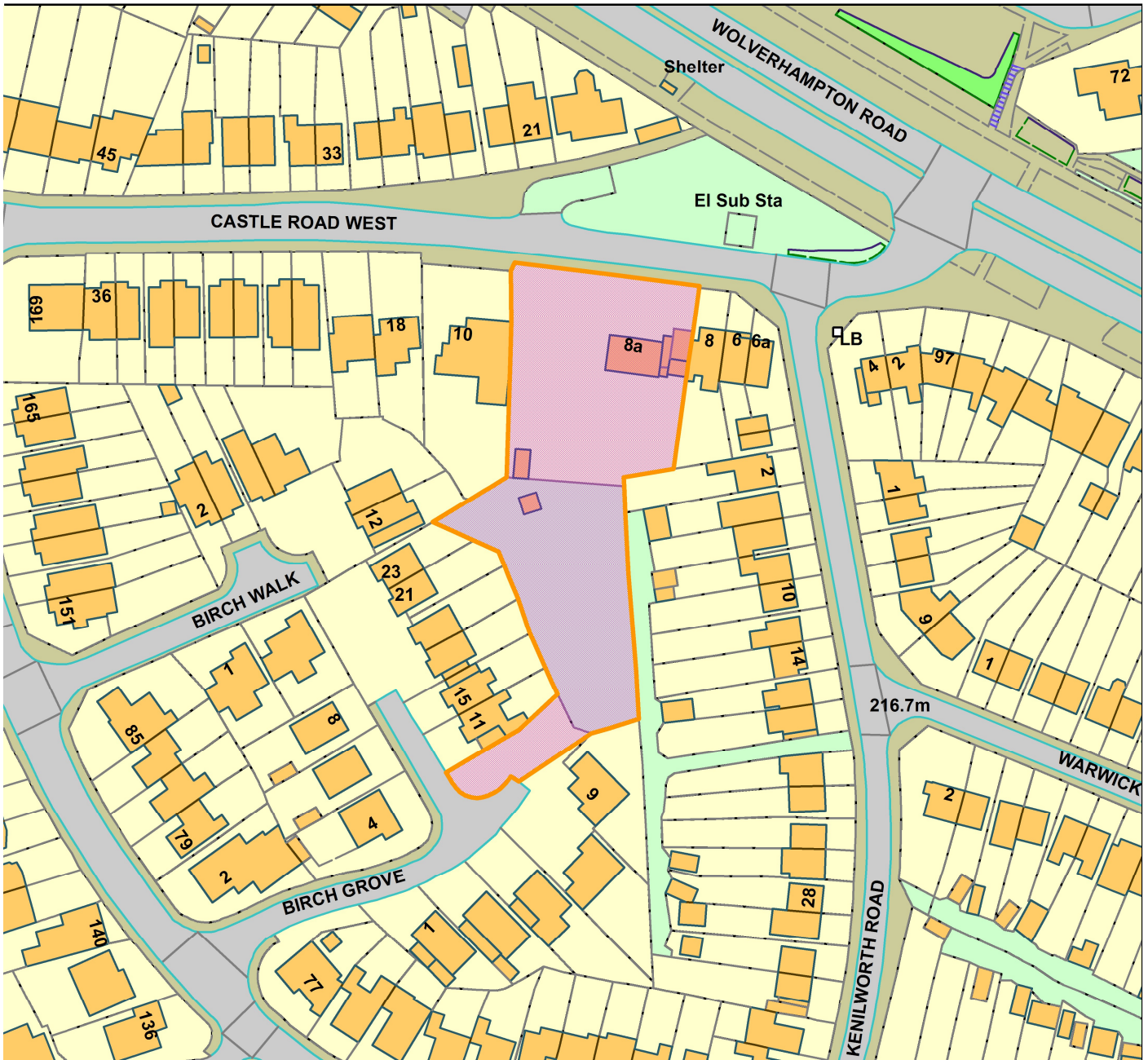
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Plan No. 06

Plan No. 06 – sections

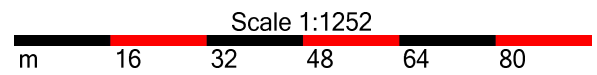
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DC/19/63546
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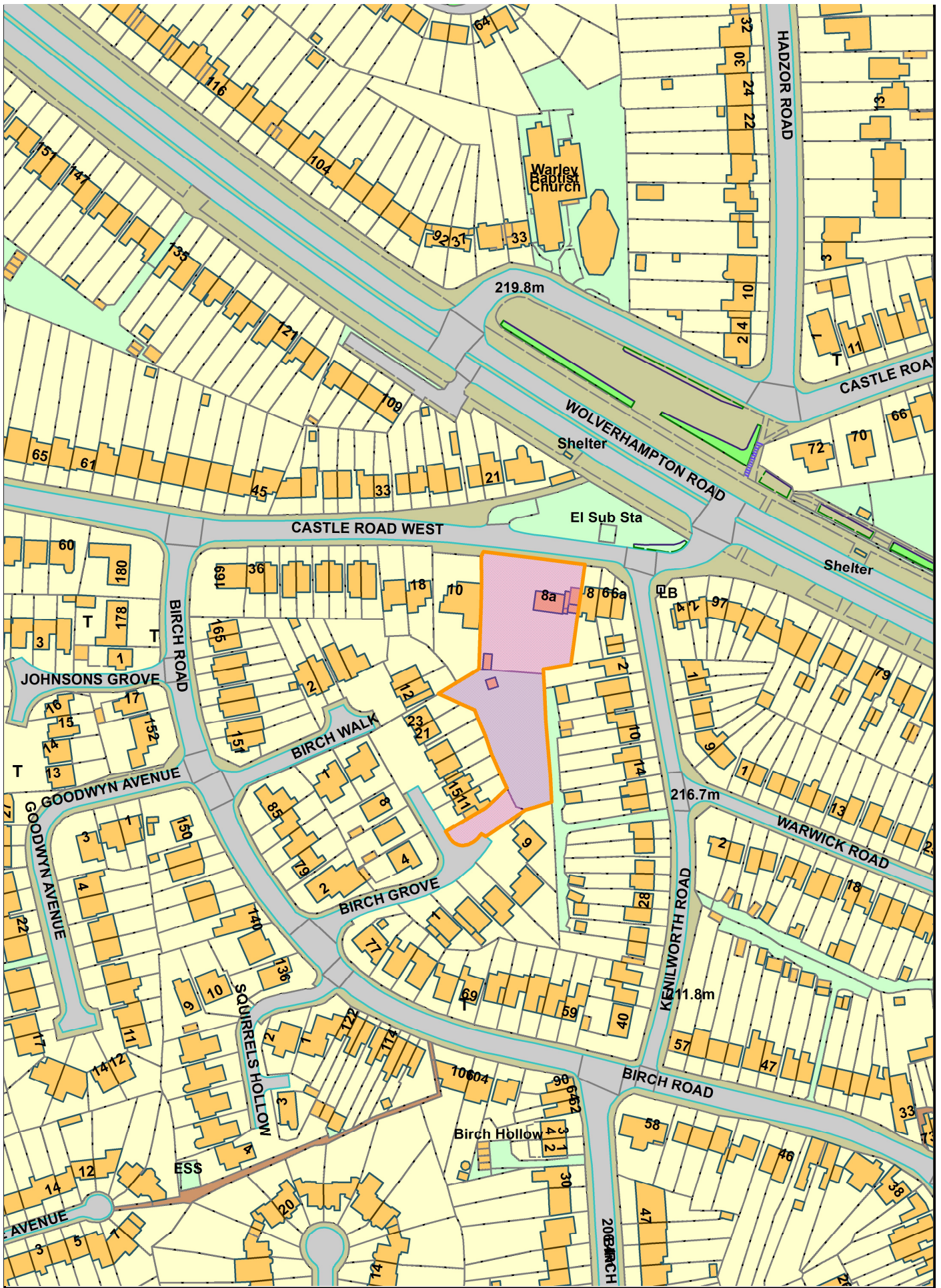
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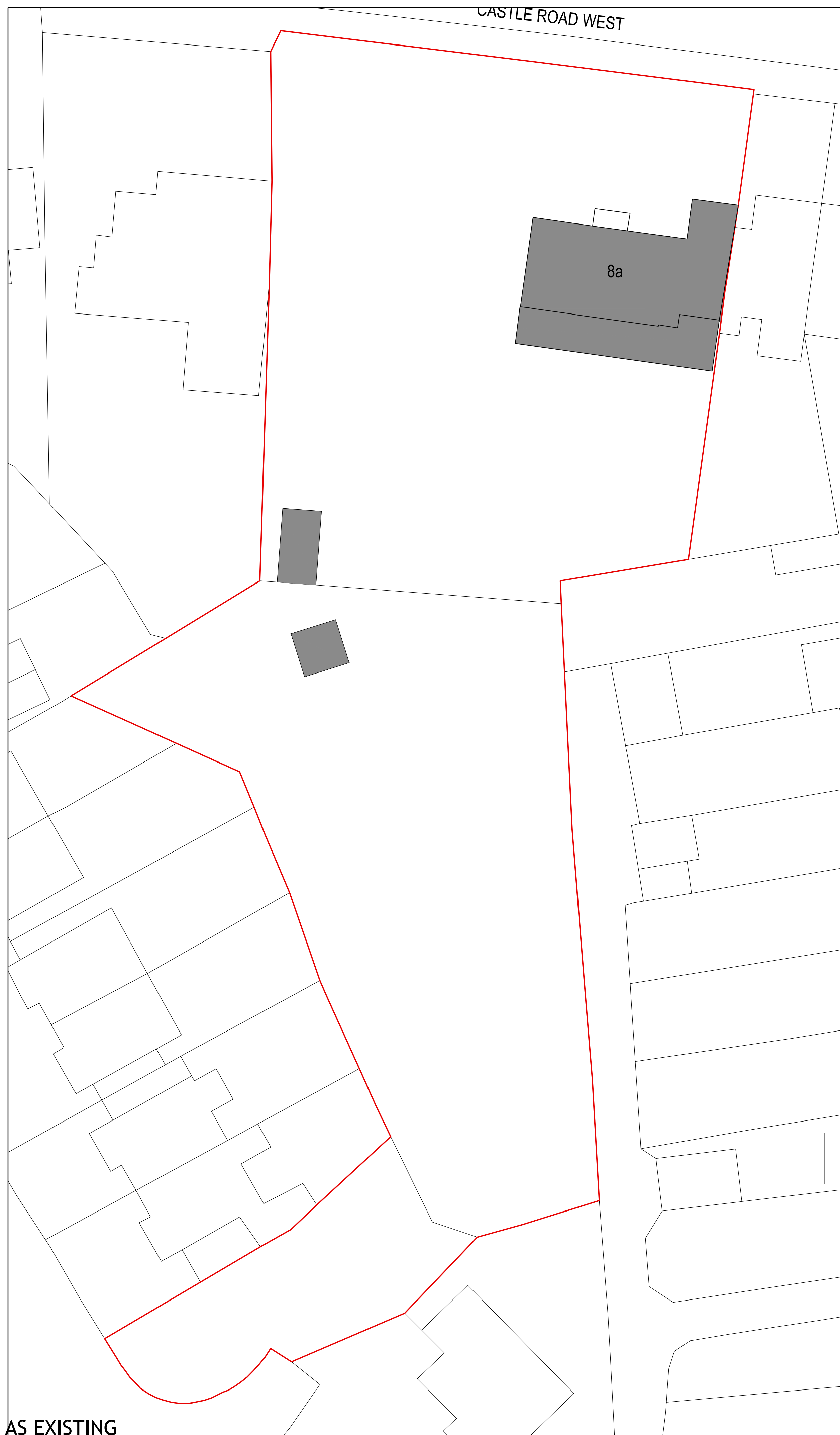
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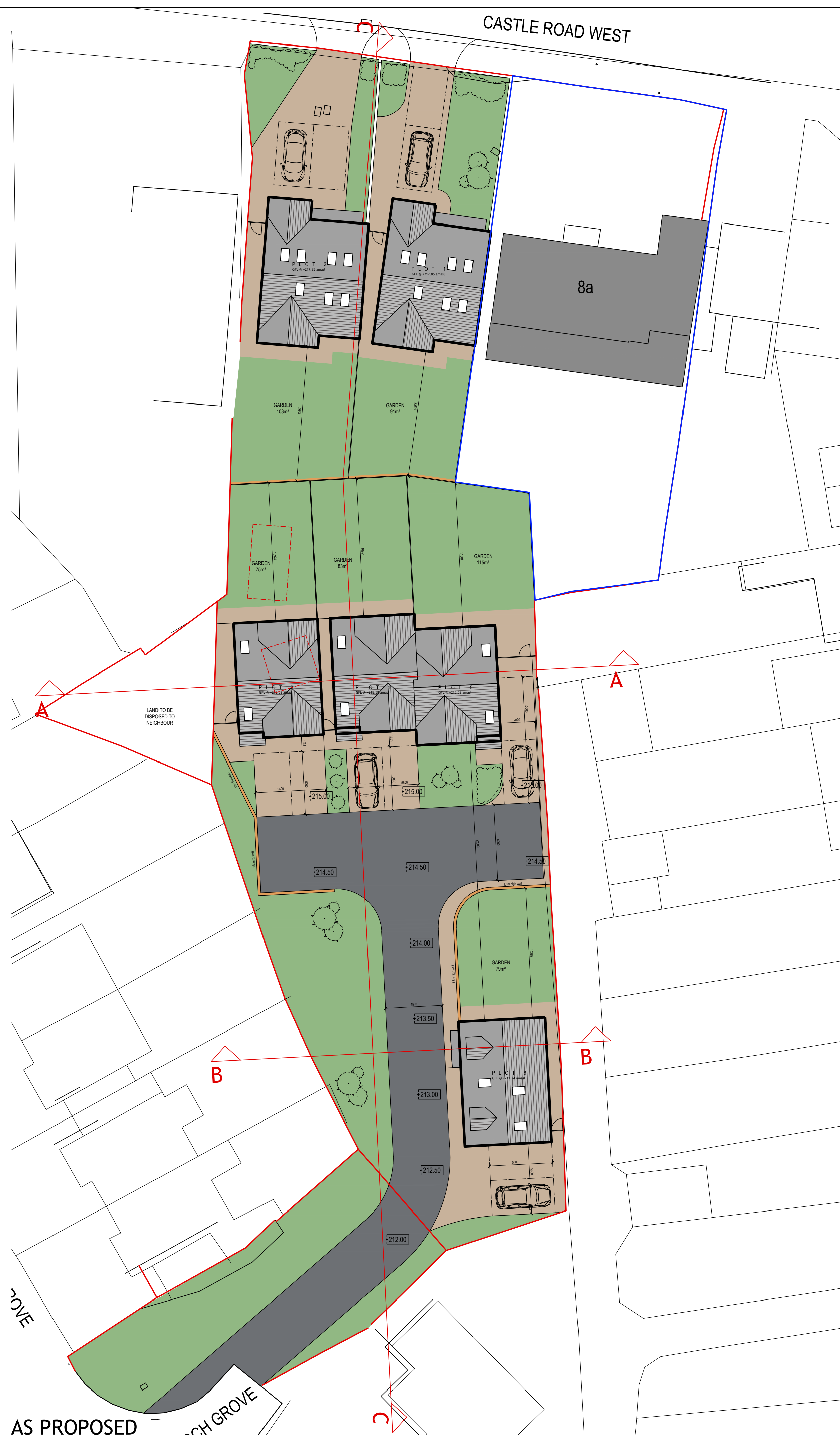
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Organisation	Not Set
Department	Not Set
Comments	
Date	22 November 2019
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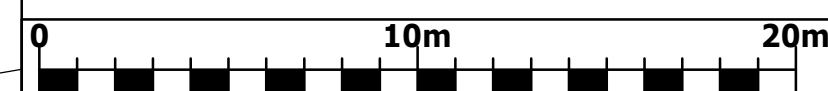
AS EXISTING



AS PROPOSED

- SITE PLAN KEY**
- Site Boundary
 - Disposable Land Boundary
 - Existing Property
 - Existing Structure To Be Demolished
 - Proposed Level

- Roof
- Solar Panels
- Tarmacadam
- Block Paving
- Grassed Area



SCALE 1:200 @ A1

NOTE

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Rev	Date	Comments
B	20.11.19	Hatches
A	14.10.19	Plots 1 & 2 roof lights
-	17/09/19	Issued for planning application

Job
 Land adjacent to 8A Castle Road West, Oldbury, B68 0EW

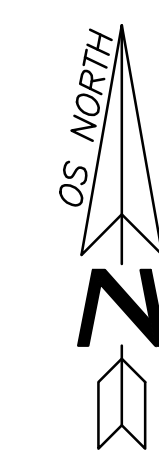
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 SITE PLAN AS EXISTING & PROPOSED

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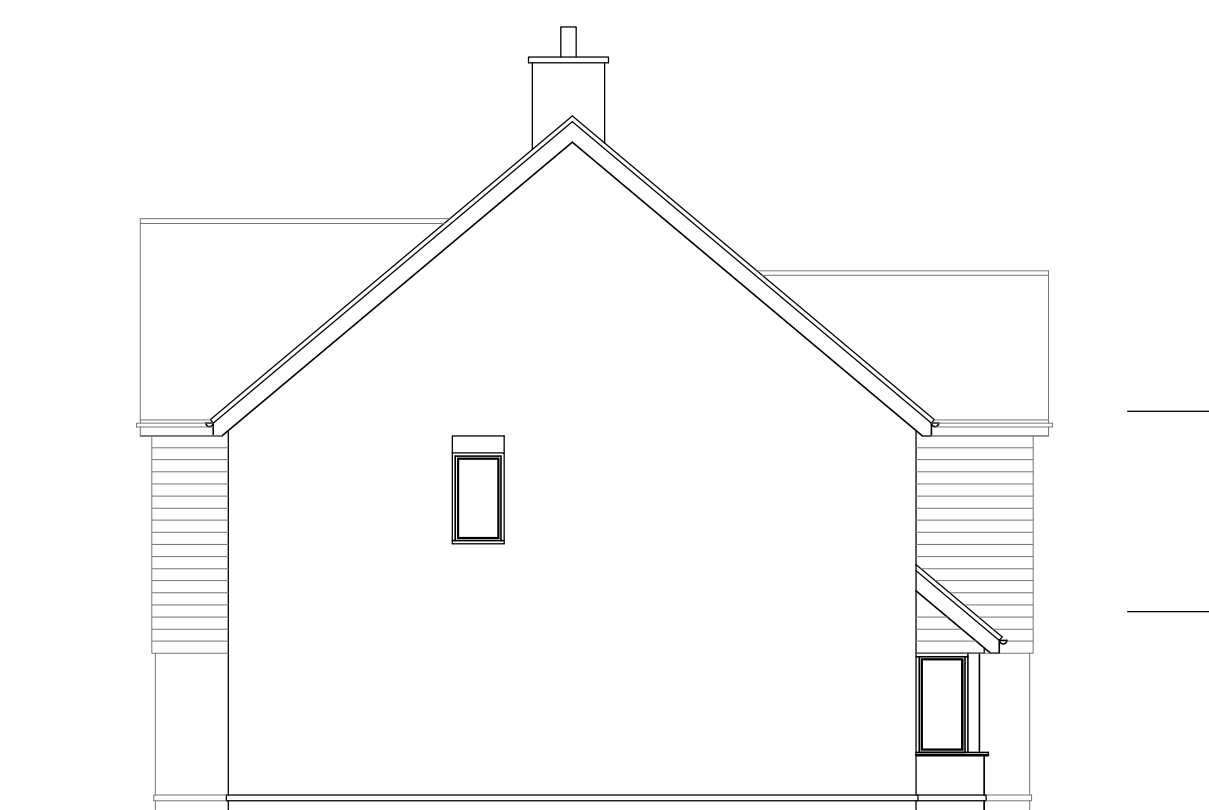
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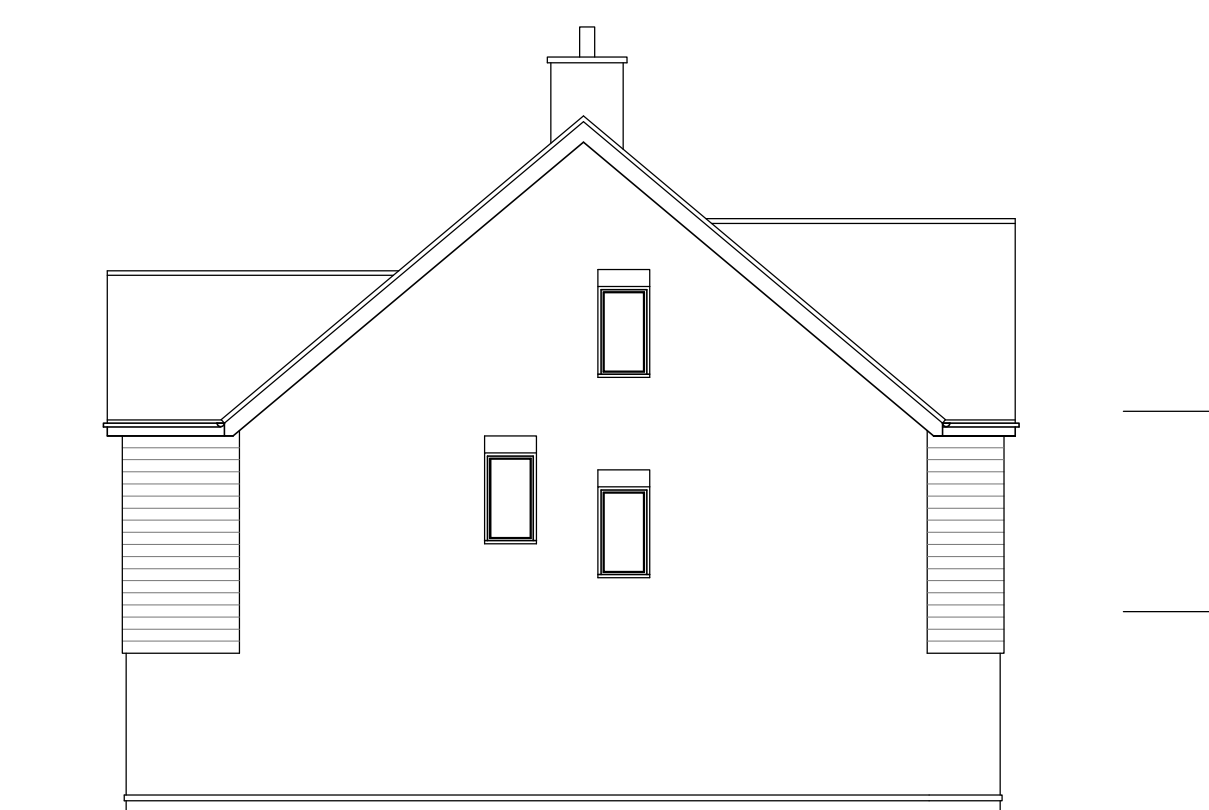




PLOT 1+2
FRONT ELEVATION



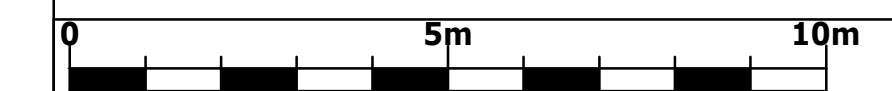
PLOT 1+2
SIDE ELEVATION



PLOT 1+2
SIDE ELEVATION



PLOT 1+2
REAR ELEVATION



SCALE 1:100 @ A1

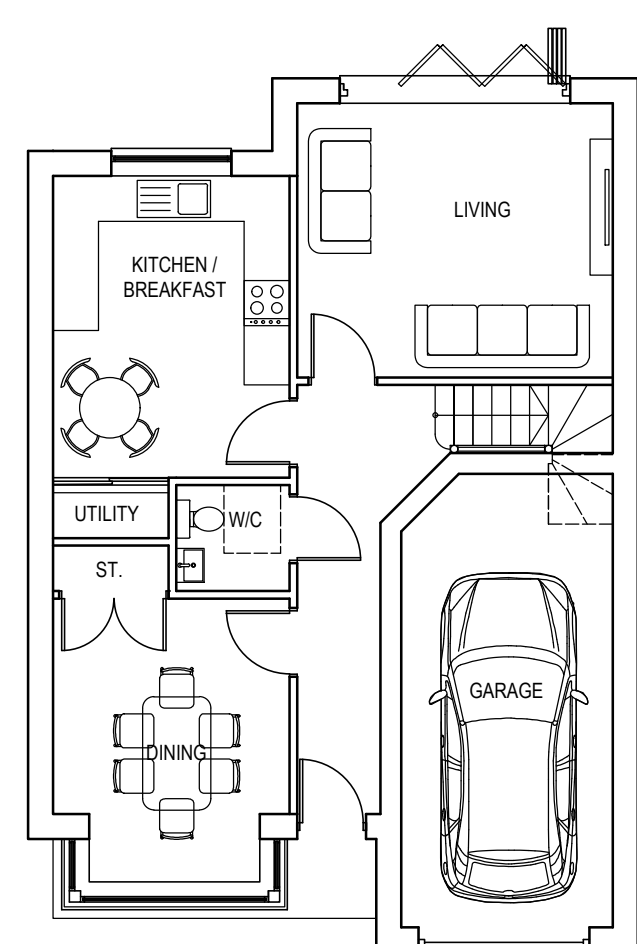
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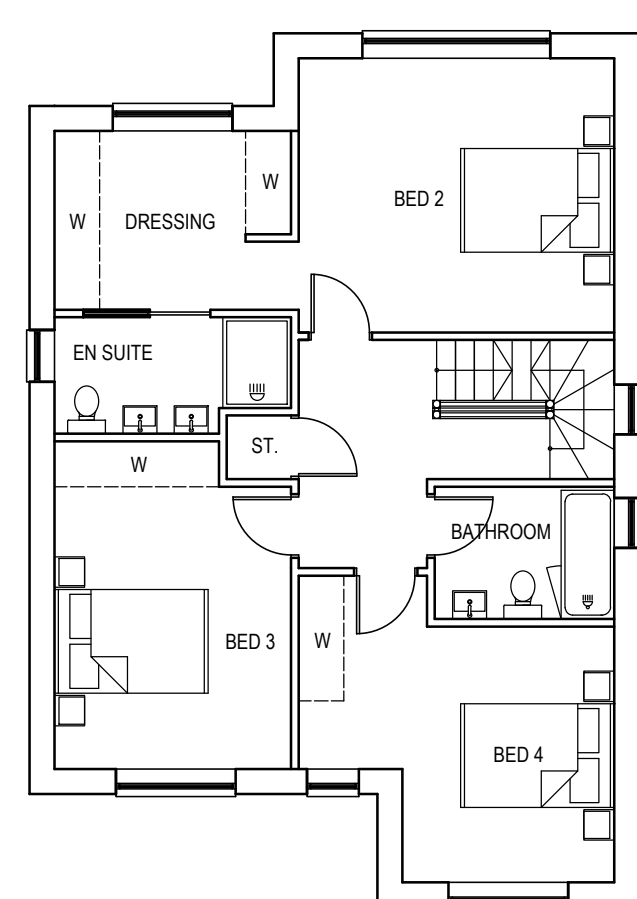
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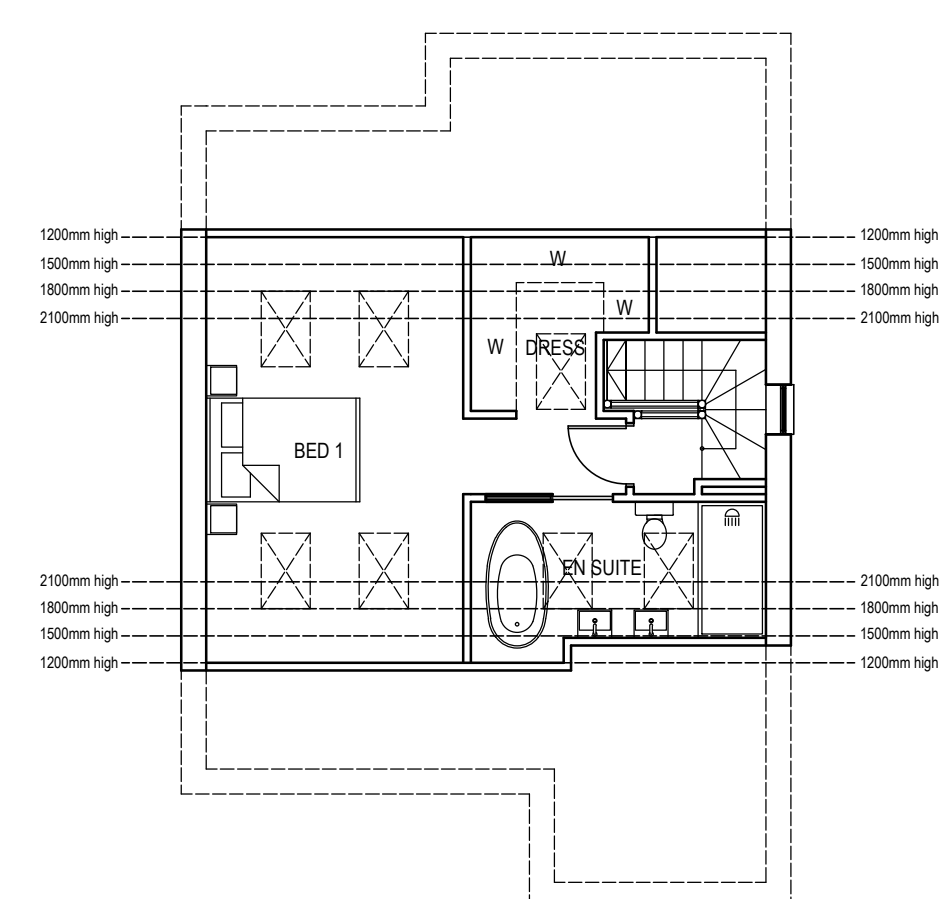
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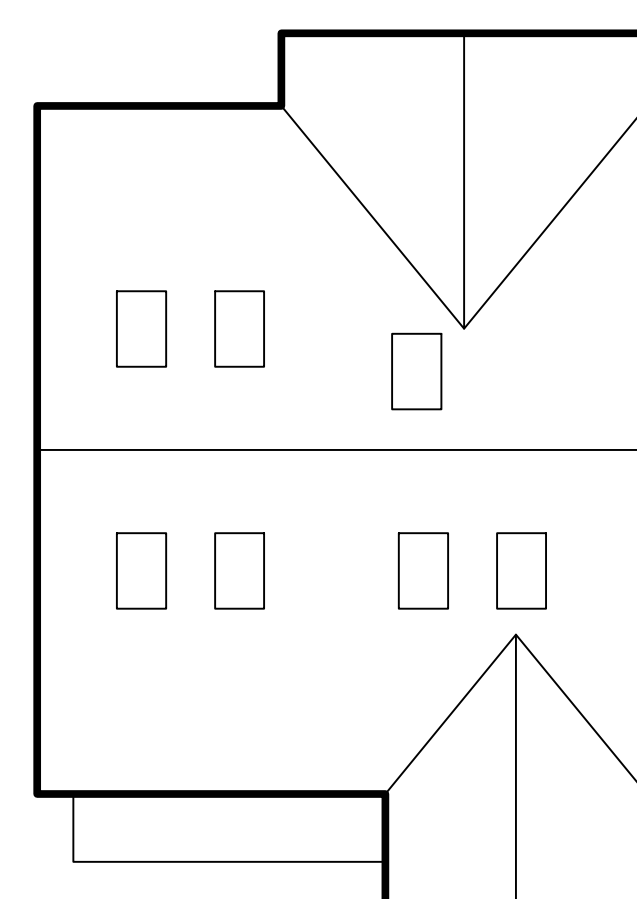
PLOT 1+2
GROUND FLOOR PLAN



PLOT 1+2
FIRST FLOOR PLAN



PLOT 1+2
SECOND FLOOR PLAN



PLOT 1+2
ROOF PLAN

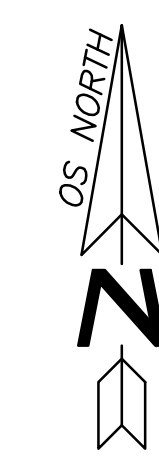
Rev	Date	Comments
A	14.10.19	Roof lights
-	17/09/19	Issued for planning application

Job
Land adjacent to 8A Castle Road West, Oldbury,
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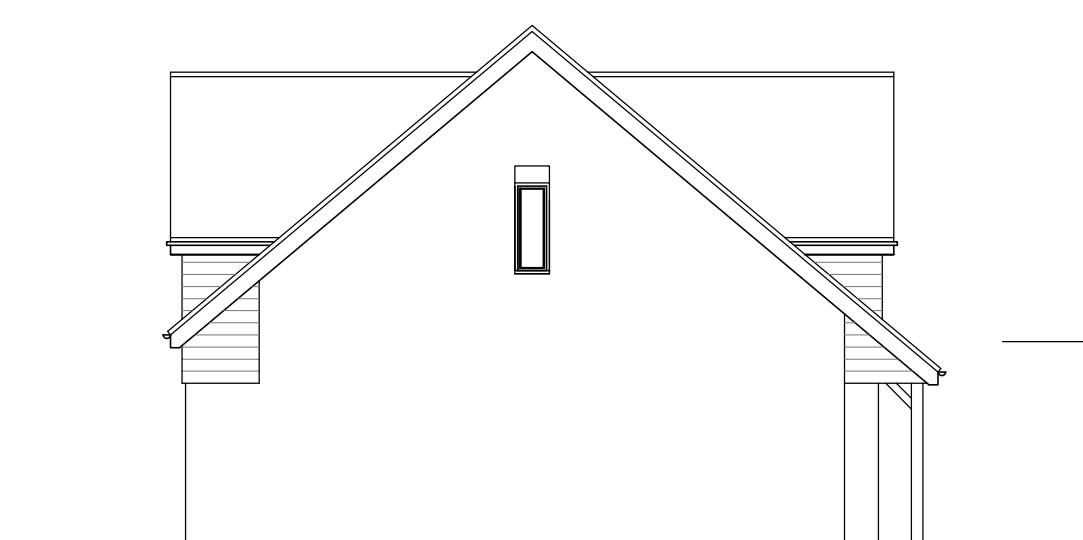
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FLOOR PLANS & ELEVATIONS AS PROPOSED

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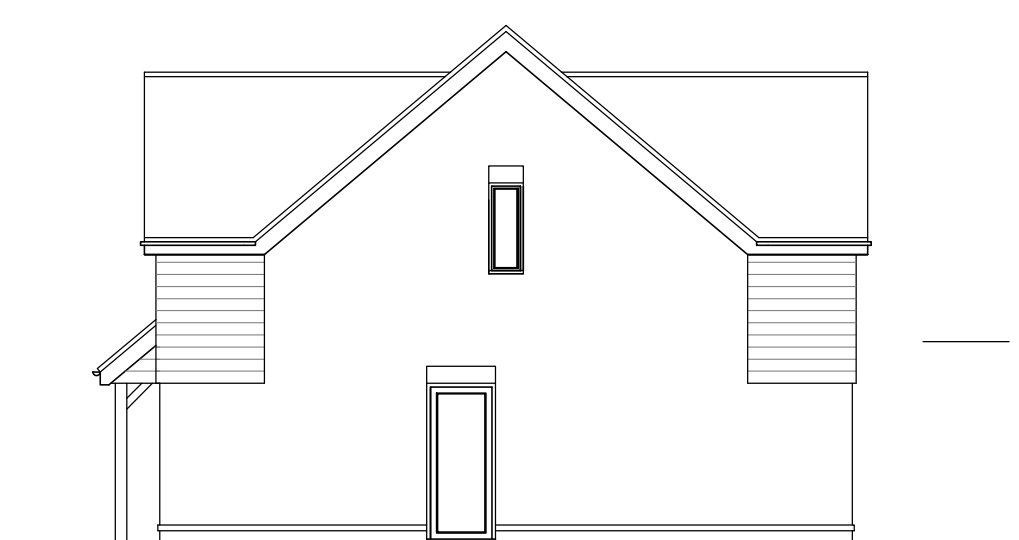
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PLOT 3
FRONT ELEVATION



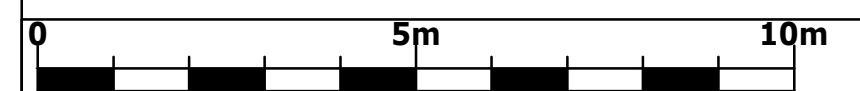
PLOT 3
SIDE ELEVATION



PLOT 3
SIDE ELEVATION



PLOT 3
REAR ELEVATION



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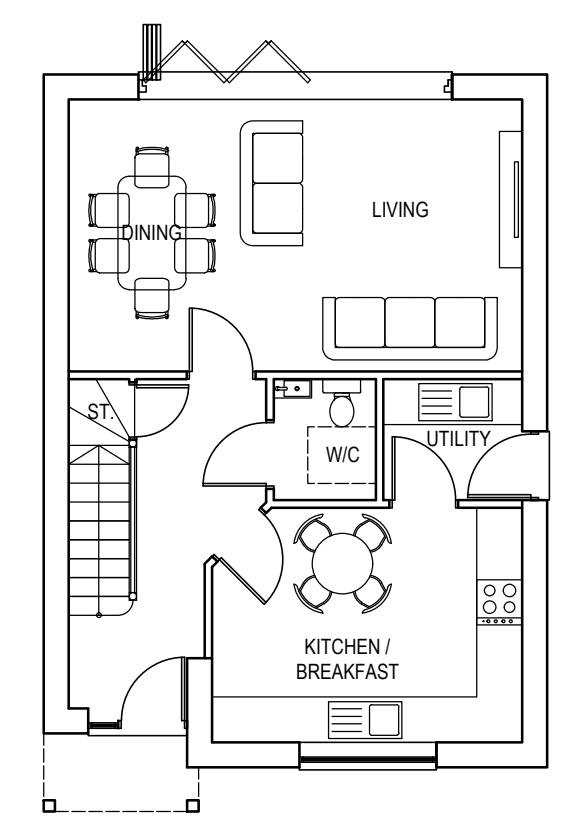
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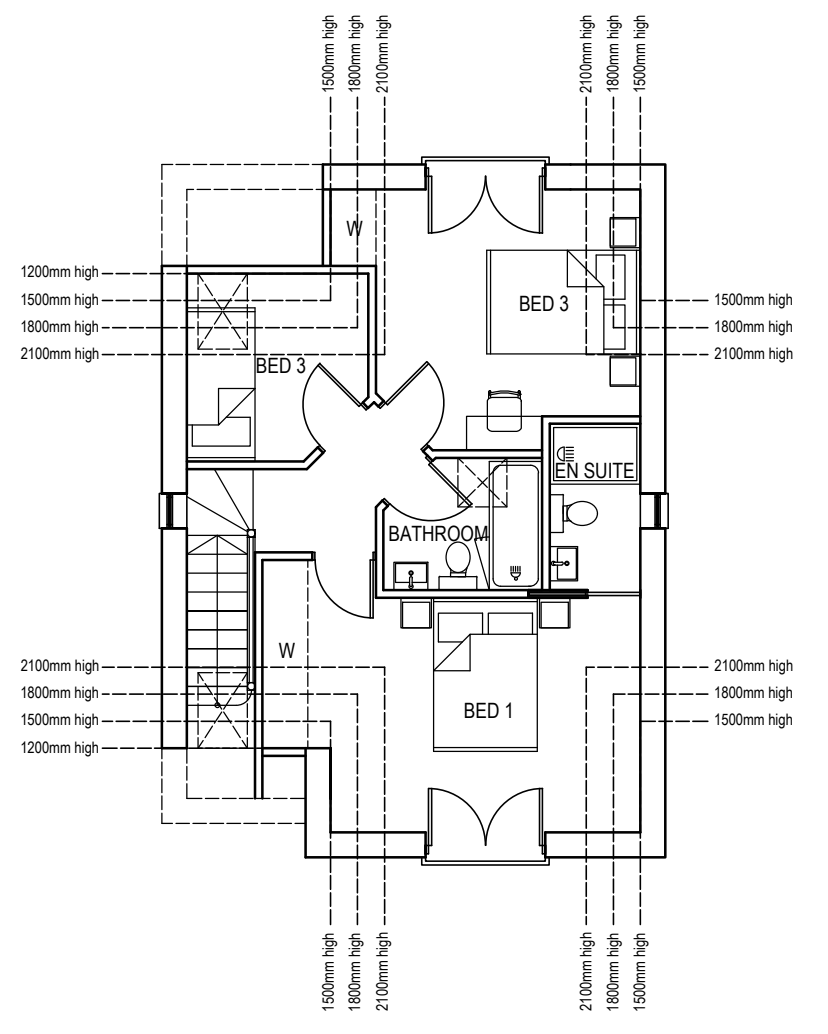
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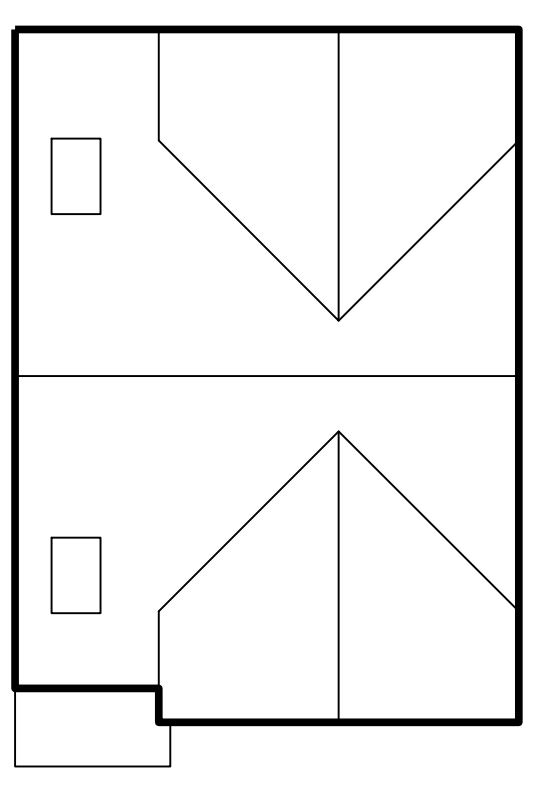
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PLOT 3
GROUND FLOOR PLAN



PLOT 3
FIRST FLOOR PLAN



PLOT 3
ROOF PLAN

Rev	Date	Comments

Job

Land adjacent to 8A Castle Road West, Oldbury, B68 0EW

Dwg Title

FLOOR PLANS & ELEVATIONS AS PROPOSED

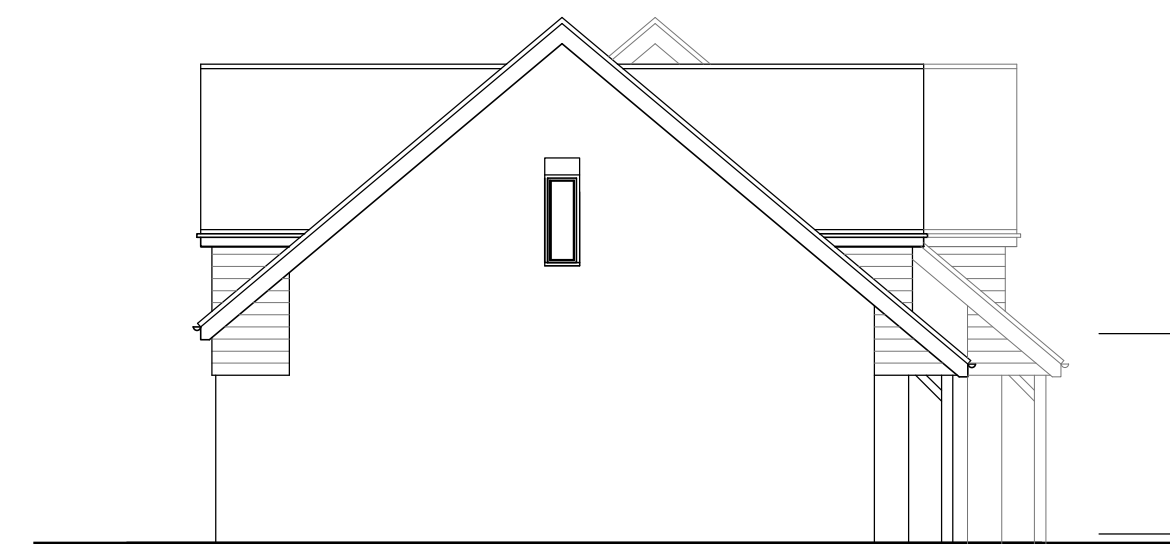
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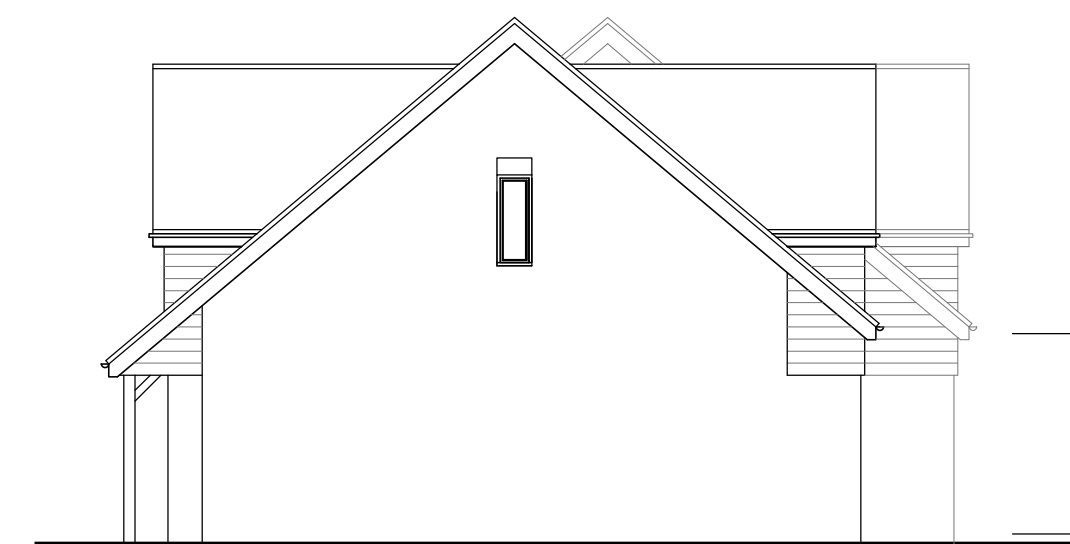
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PLOT 4 PLOT 5
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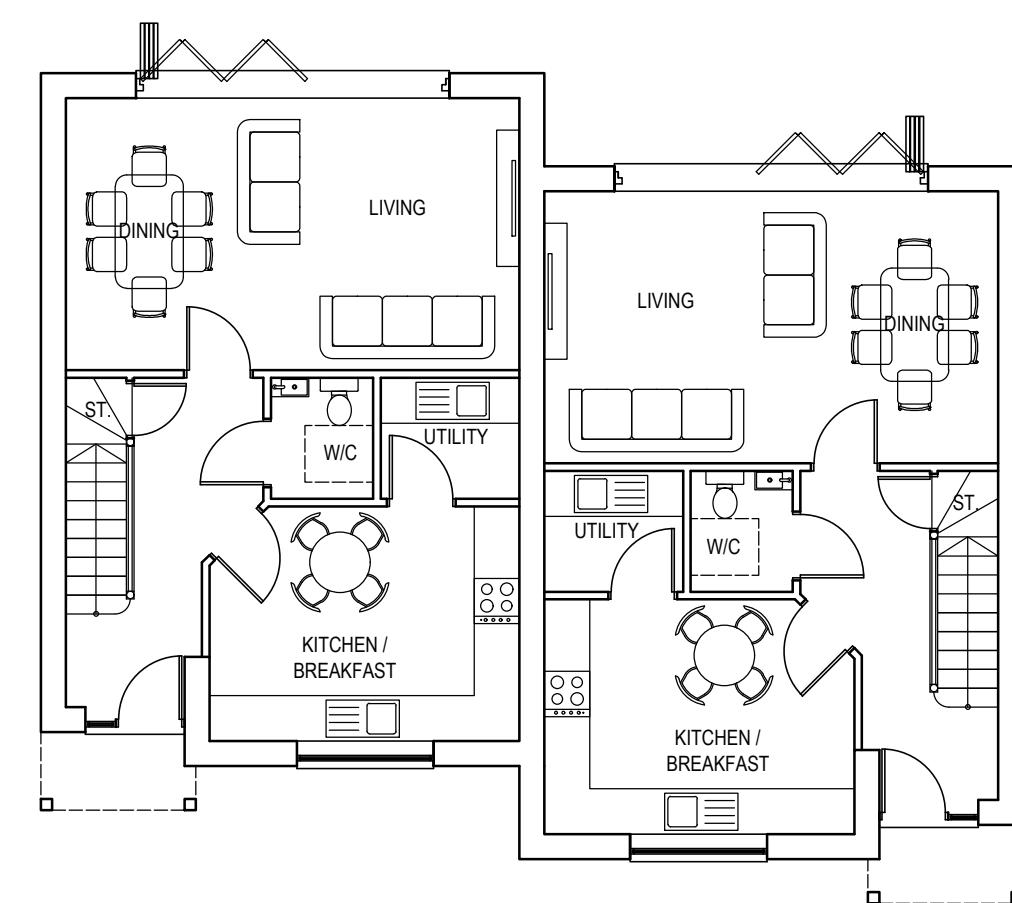
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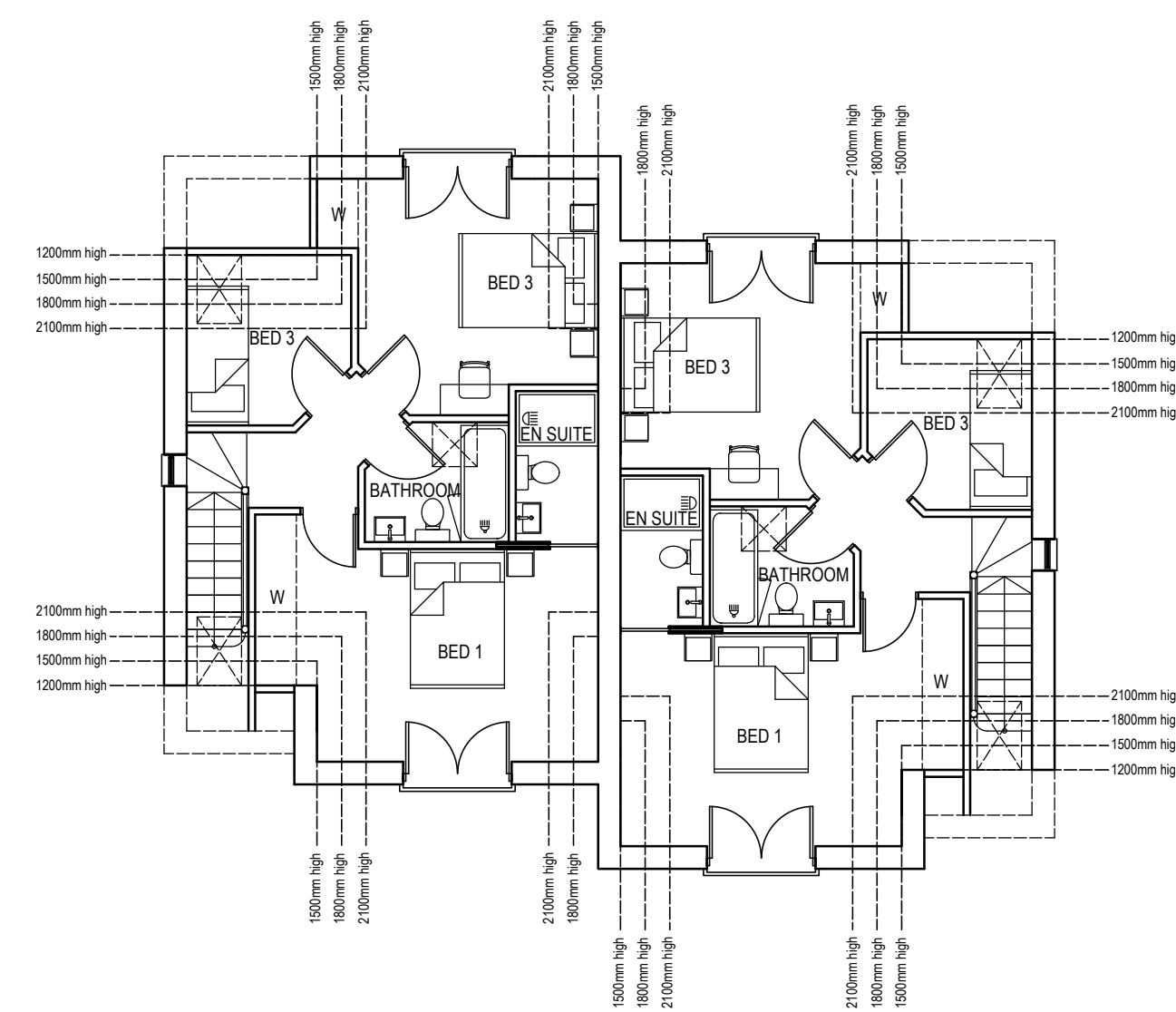
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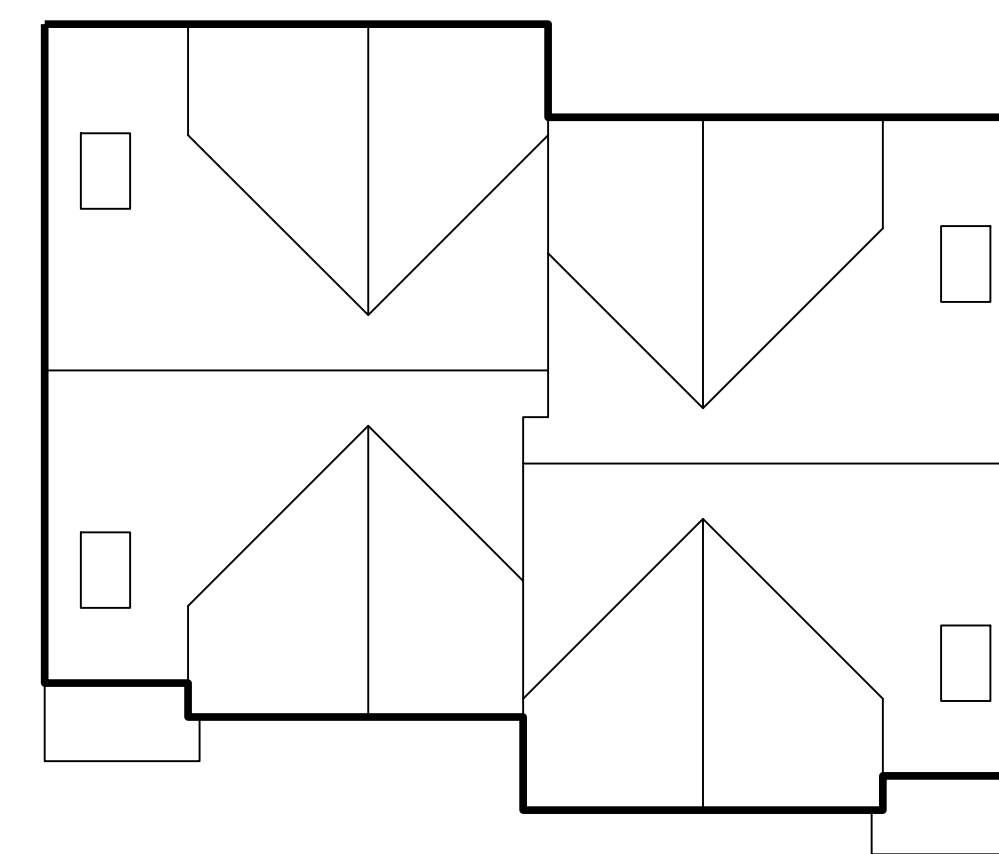
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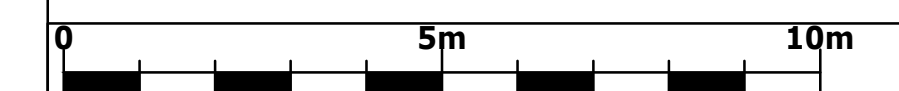
PLOT 4 PLOT 5
GROUND FLOOR PLAN



PLOT 4 PLOT 5
FIRST FLOOR PLAN



PLOT 4 PLOT 5
ROOF PLAN



SCALE 1:100 @ A1

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Rev	Date	Comments

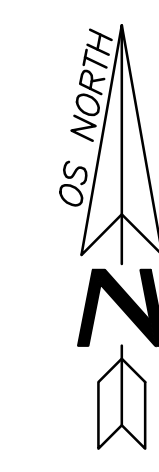
Job
Land adjacent to 8A Castle Road West, Oldbury, B68 0EW

Dwg Title
FLOOR PLANS & ELEVATIONS AS PROPOSED

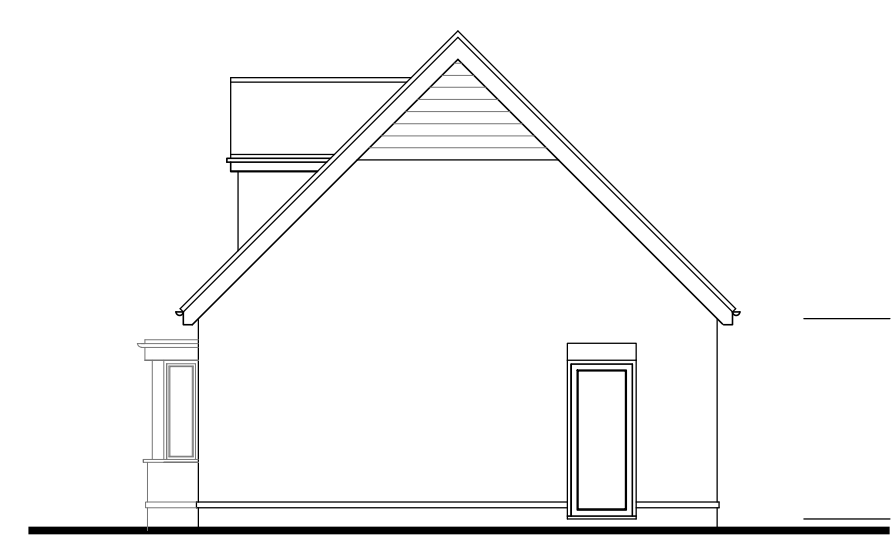
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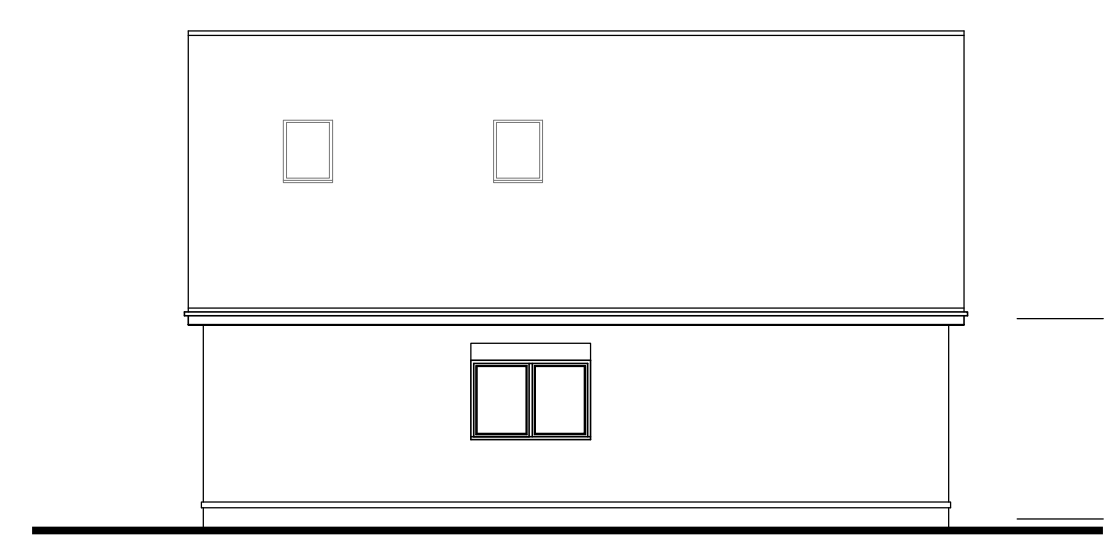
PLOT 6
FRONT ELEVATION



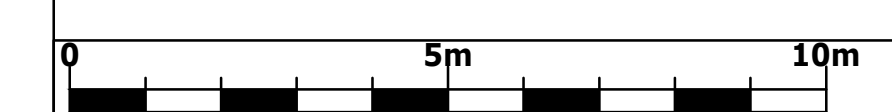
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SIDE ELEVATION



PLOT 6
SIDE ELEVATION



PLOT 6
REAR ELEVATION



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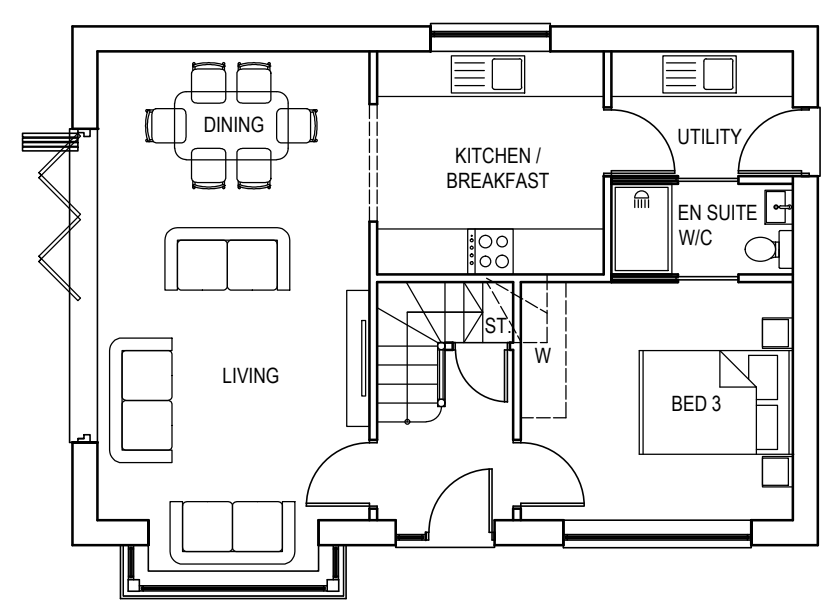
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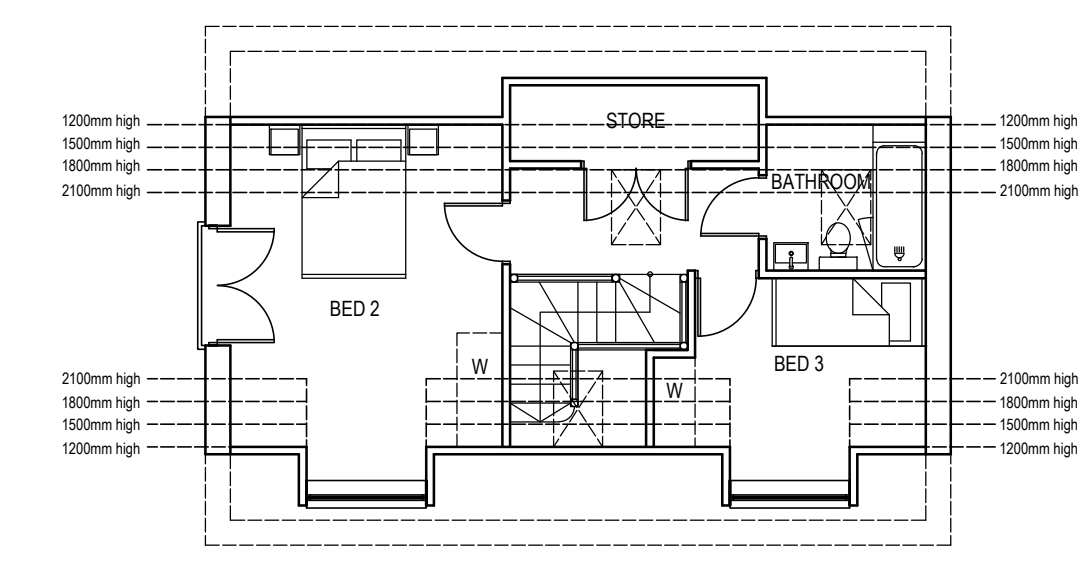
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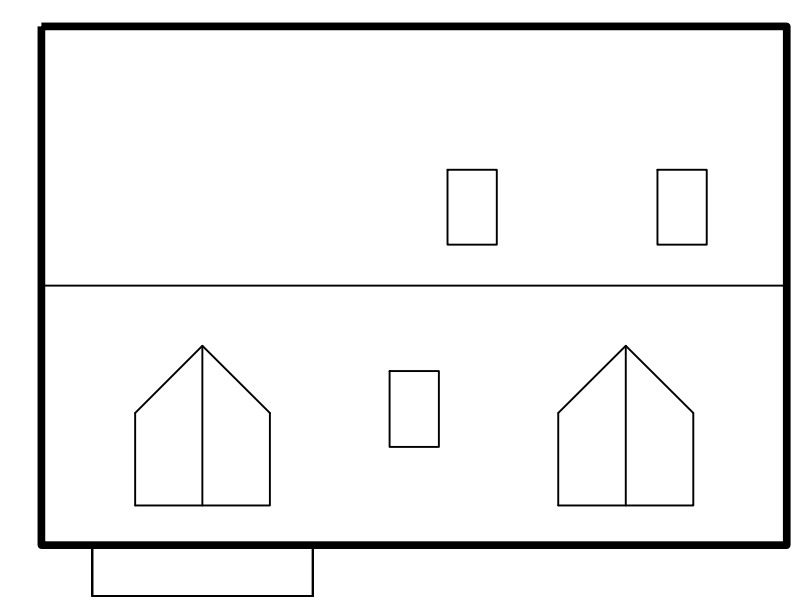
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PLOT 6
GROUND FLOOR PLAN



PLOT 6
FIRST FLOOR PLAN



PLOT 6
ROOF PLAN

Rev	Date	Comments

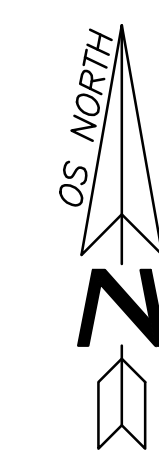
Job
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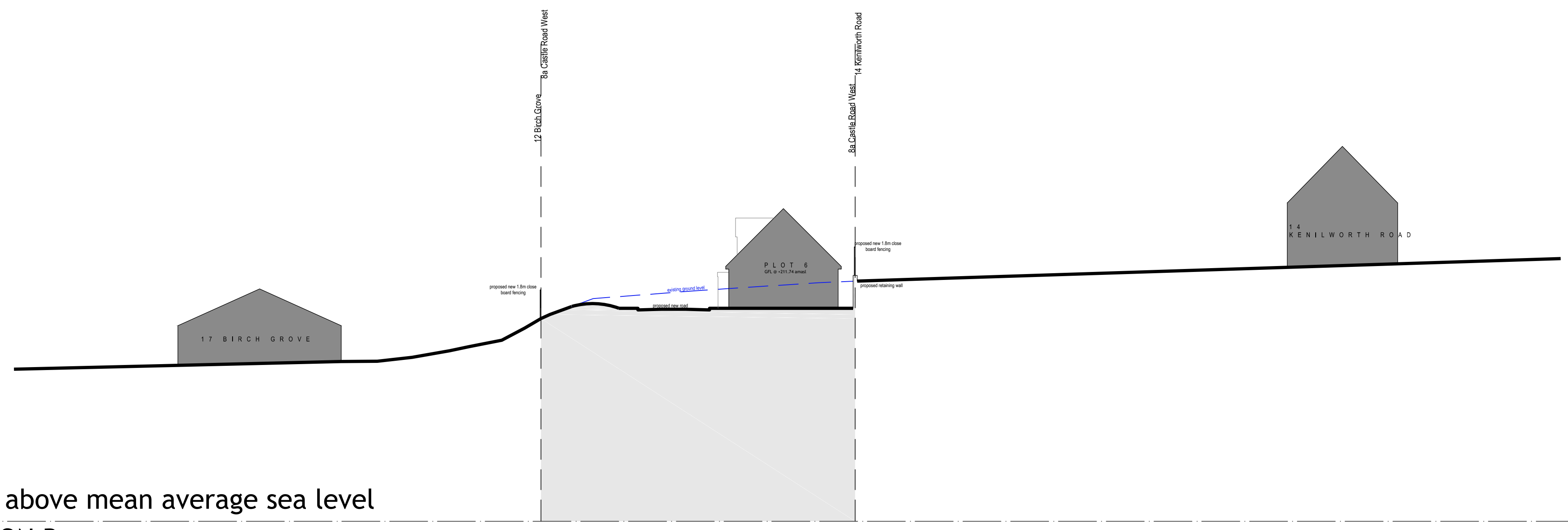
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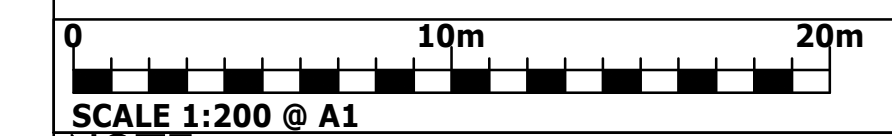
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1:100 @ A1	AUG 2019	
Job no.	Dwg no.	Revision
2463	06	-



200m above mean average sea level
SECTION A



200m above mean average sea level
SECTION B



SCALE 1:200 @ A1

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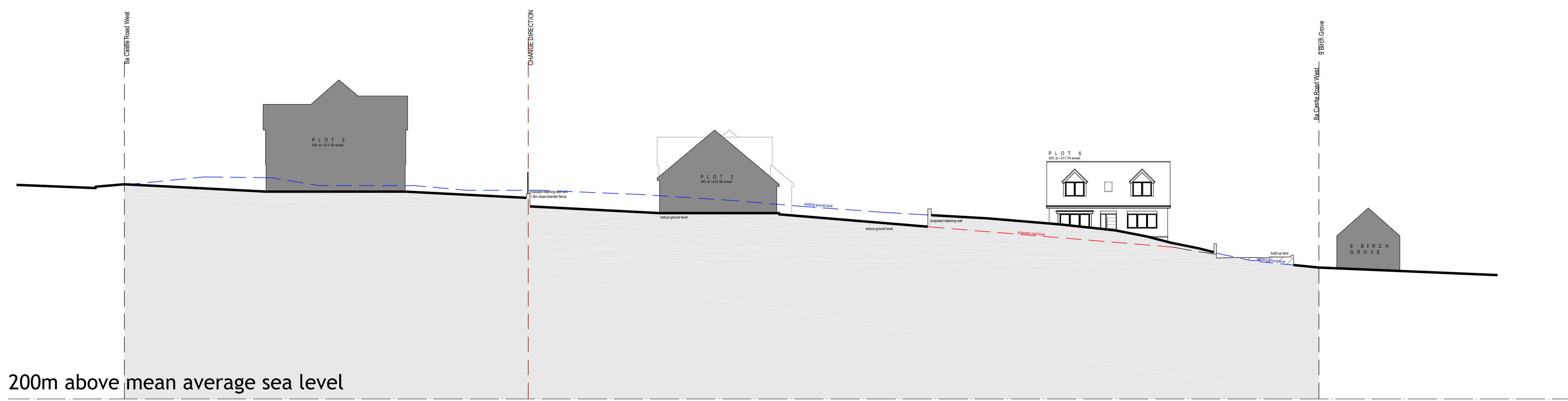
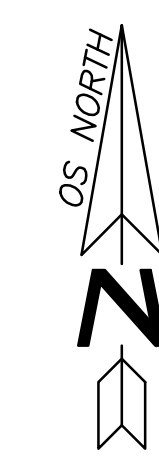
Job
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Dwg Title
SITE SECTIONS AS PROPOSED

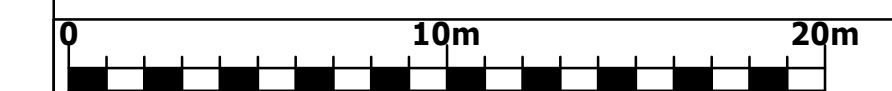
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200m above mean average sea level
SECTION C



SCALE 1:200 @ A1

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200m above mean average sea level
STREETSCAPE ELEVATION

Rev	Date	Comments

Job

Land adjacent to 8A Castle Road West, Oldbury, B68 0EW

Dwg Title

SITE SECTIONS AS PROPOSED

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2463	08	-