


REPORT TO PLANNING COMMITTEE

11 March 2020

Application Reference	DC/18/62409
Application Received	12 November 2018
Application Description	Proposed development of 14 dwellings.
Application Address	Brook Road Open Space, Wolverhampton Road Oldbury
Applicant	Mr Rajesh Kumar Sood
Ward	Langley
Contribution towards Vision 2030:	
Contact Officer(s)	Carl Mercer 0121 569 4048 carl_mercer@sandwell.gov.uk

RECOMMENDATION

That planning permission is granted subject to the approval of Full Council and conditions concerning:

- (i) External materials;
- (ii) Finished floor levels;
- (iii) Site investigation in respect of contaminated land;
- (iv) Noise assessment to identify issues and mitigation;
- (v) Drainage;
- (vi) Retaining wall detail to Wolverhampton Road;
- (vii) Technical detail of access road;
- (viii) Boundary treatments;
- (ix) Landscaping;
- (x) Electric vehicle charging provision;
- (xi) Employment and skills plan;
- (xii) Removal of permitted development rights; and,
- (xiii) Construction work and deliveries to the site limited to between 7am and 6pm Monday to Friday and 8am and 4pm Saturdays, with no activity on Sundays or National Holidays.

five bedrooms and a detached garage. The Type B house type would have four bedrooms and an integral garage.

- 5.2 The dwellings would be accessed from a new circular road which would be constructed around the perimeter of the site, thereby introducing a street frontage to the existing housing.
- 5.3 The application was originally submitted in November 2018. The delay in recommendation has come about because the initial design of the scheme was unacceptable and required much input and redesign from the Council's Urban Design and Highways departments. Furthermore, the Lead Local Flood Authority has only recently lifted its objection to the scheme, due to inadequacies in the drainage strategy.

6. PUBLICITY

- 6.1 The application has been publicised by neighbour notification letter and by site notice, without response. Additionally, due to the time it has taken to reach a recommendation, all neighbours who were originally consulted have received a Committee notification letter.

7. STATUTORY CONSULTATION

- 7.1 **Planning Policy** – No objection.

7.2 **Highways**

No objection subject to suggested conditions in relation to a supporting wall along the site boundary with the Wolverhampton Road (pertinent as this is an embankment which supports the footpath), and the technical detail of the access road (also pertinent, given that the new road would need to assimilate into the existing housing development).

7.3 **Urban Design**

No objection.

7.4 **Environmental Health (Air Quality)**

Conditions to ensure electric vehicle charging bays are recommended.

7.5 **Environmental Health (Contaminated Land)** – Relevant conditions recommended.

7.6 **Environmental Health (Noise)**

Recommend that a comprehensive noise assessment be carried out to identify all likely noise sources and the impact on the proposed development, along with noise mitigation measures. This is due to the proximity of the adjacent dual carriageway and veterinary hospital. Light ingress from the hospital has also been raised, but I do not consider it reasonable to impose a condition as I did not note any significant external lighting installations – and no evidence of lighting problems from existing residents has been brought to my attention. I agree to a condition in respect of construction times, due to the proximity of existing housing.

7.7 **West Midlands Police** – No comment.

7.8 **Lead Local Flood Authority** – No objection subject to condition.

7.9 **Severn Trent** - No objection subject to condition.

7.10 **Tree Preservation Officer** – No objection subject to landscaping condition.

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 policies of the Council's Local Plan are relevant:-

CSP4: Place-Making

HOU2: Housing Density, Type and Accessibility

EMP5: Improving Access to the Labour Market

TRAN4: Creating Coherent Networks for Cycling and Walk

ENV3: Design Quality

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

ENV6: Open Space, Sport and Recreation

ENV7: Renewable Energy

ENV8: Air Quality

SAD H2: Housing Windfalls

SAD EMP2: Training and Recruitment

SAD EOS 4 - Community Open Space

SAD EOS 9: Urban Design Principles

9.2 With regard to housing policy HOU2, the development would bring forward a larger house type into the area and add to the range of property types available in the borough. In respect of policy SAD H2, the

development site is not allocated for residential development in the Local Plan and therefore it is classed as a housing windfall site. The proposed residential development meets the guidance set out in the policy, in that it is considered that the open space is surplus to the Council's requirements and would bring an under used piece of land back into beneficial use.

- 9.3 I have considered affordable housing policy; however, the application was first submitted at a time when the Council trigger for affordable housing provision was 15 units. Given that this development would provide 14 units, and taking into account the time it has taken to reach a recommendation, I consider it unreasonable and unnecessarily onerous on the applicant to require compliance with affordable housing policy in this instance and under these exceptional circumstances.
- 9.4 The site of the proposal is allocated in the Local Plan as Community Open Space. In the Green Space Audit of 2013 the site was audited as 'high quality/low value'. The site has since been sold to the applicant and the Council is no longer responsible for its maintenance. Consequently, the site was not assessed as part of the 2018 Green Space Audit. Therefore, I am of the opinion, that the site could come forward for development based on the premise that, as the site was deemed 'high quality/low value' whilst in Council ownership, it is unlikely that the quality of the site would be maintained or improved following the Council's disposal of the land. On balance, taking these factors into account, residential development would appear to me to be the most viable option for the site.
- 9.5 TRAN4 requires schemes to be well connected to aid cycling and walking which the layout of this development seeks to provide. The proposed garages would be sufficient to serve as secure cycle storage.
- 9.6 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments. In the main, the layout is considered to be acceptable subject to conditions relating to boundary and landscaping details.
- 9.7 ENV5 seeks the incorporation of sustainable drainage systems to assist with reducing the impact of flooding and surface run-off. The Lead Local Flood Authority has raised no objection subject to condition.
- 9.8 ENV8 refers to mitigation measures to offset air quality issues, in this instance, electric vehicle charging infrastructure has been proposed.
- 9.9 EMP5 Improving Access to the Labour Market Training and Recruitment and SAD EMP2 – Training and Recruitment requires large employment generating schemes to provide opportunities for training and recruitment. This could be conditioned to secure these opportunities.

10. MATERIAL CONSIDERATIONS

10.1 The material considerations relating to Government policy (NPPF) and proposals with the local plan have been referred to above in Sections 8 and 9. With regard to the other considerations these are highlighted below:

10.2 Loss of light, outlook or privacy

With regards to residential amenity, I am of the opinion that the dwellings would be of a sufficient distance from existing dwellings as to cause no harm to the residential amenity of surrounding residents by way of a loss of light, outlook or privacy.

10.3 Layout and design

The appearance and layout of the scheme is broadly satisfactory and the scheme meets the aspirations of design policy. The Urban Design team has been integral in ensuring that design quality is ingrained in the proposal and as a consequence of their involvement, it is my opinion that the layout and design achieve the aspirations of national and local design policy.

10.6 Access, highway safety, parking and servicing

Following amendments, no objection has been received from Highways subject to a condition relating to the retaining wall and highway technical detail.

10.7 Flood risk.

The agent has now provided a suitable drainage strategy to reduce surface water flooding. This would be ensured by condition.

10.8 Security and safety

No concerns have been raised by Urban Design with regards to the layout.

11. IMPLICATIONS FOR SANDWELL'S VISION

11.1 The proposal supports Ambitions 3, 7, 8 and 10 of the Sandwell Vision 2030:-

- 11.2 Ambition 3 – Our workforce and young people are skilled and talented, geared up to respond to changing business needs and to win rewarding jobs in a growing economy.
- 11.3 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 The proposal offers a housing scheme within the context of an established residential area.
- 12.2 Despite the open space allocation, on balance, the quality of the design of the scheme and the provision of housing would outweigh the loss of the open space. The proposal is considered to be acceptable and is recommended for approval subject to conditions.

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 Conditions would ensure local jobs and apprenticeships would be available during construction phase.

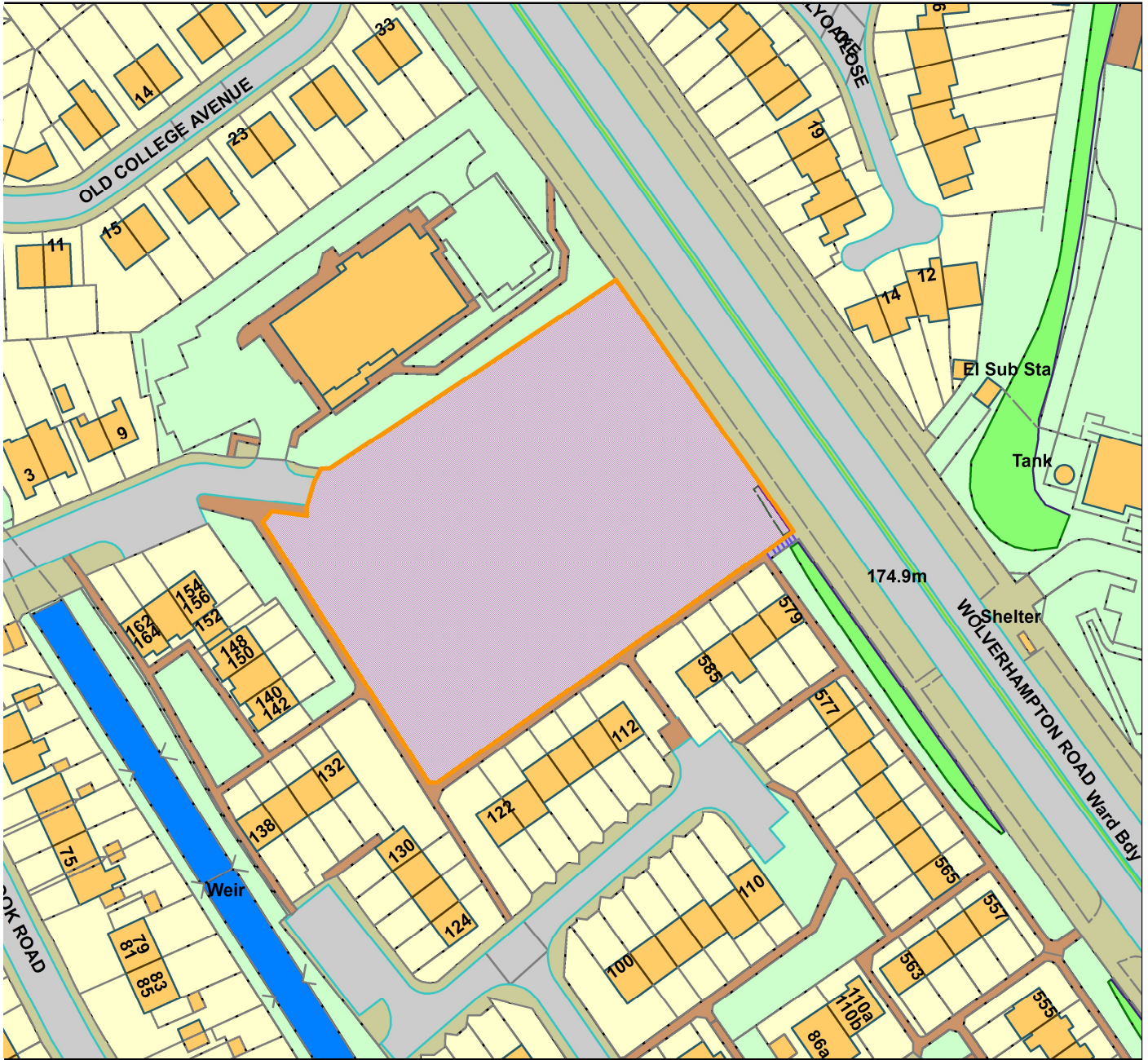
20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

20.1 None.

21. APPENDICES:

Location Plan 1
PL/BROOK/2019/001 D
PL/BROOK/2019/002 D

DC/18/62409
Brook Road Open Space, Wolverhampton Road



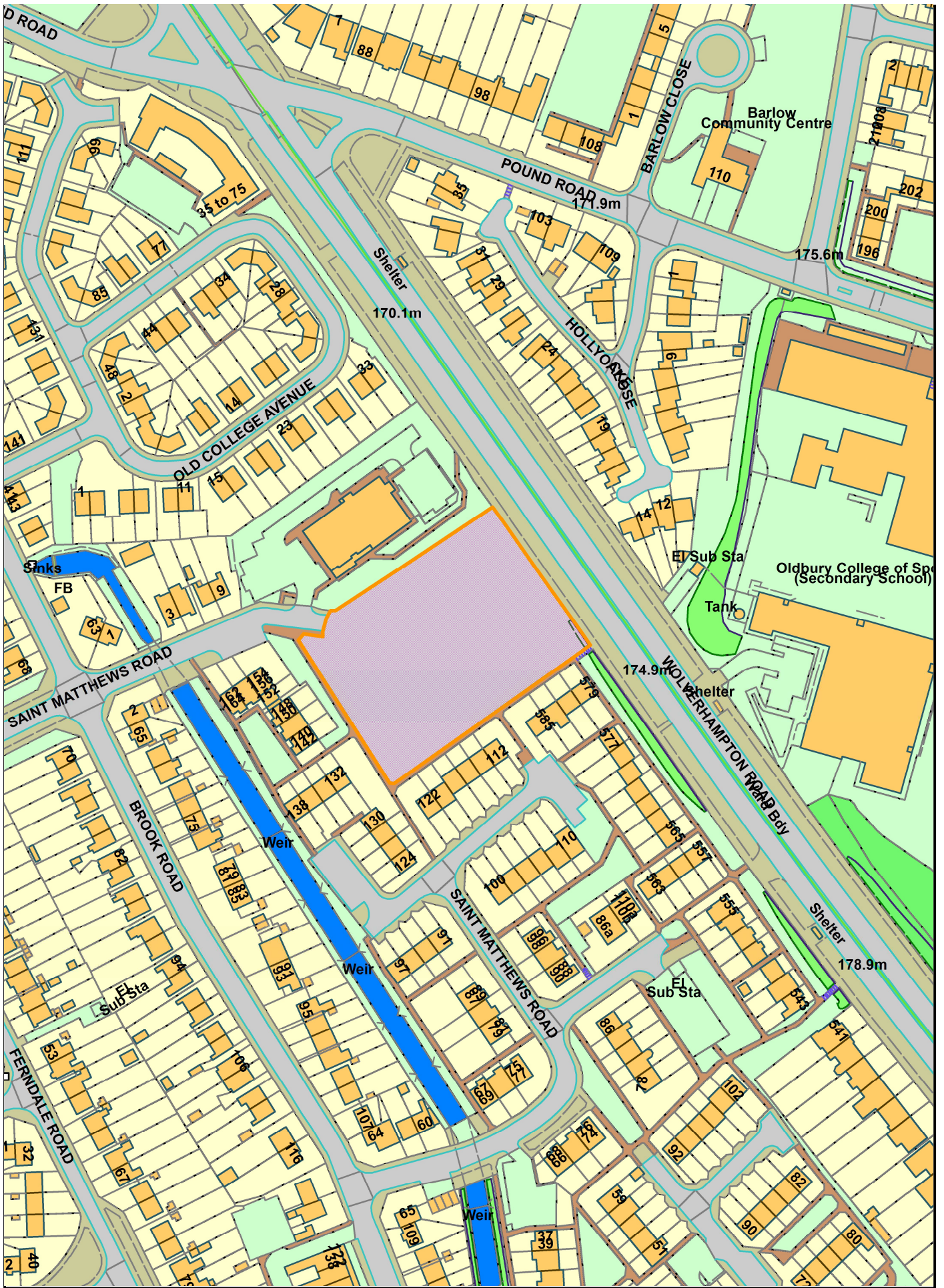
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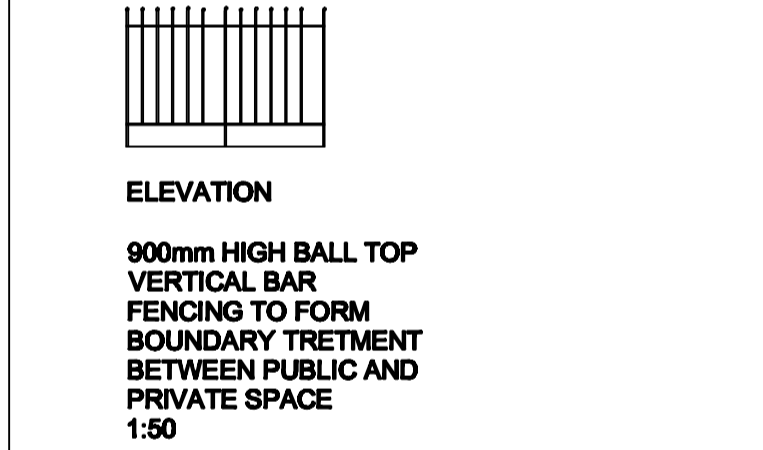
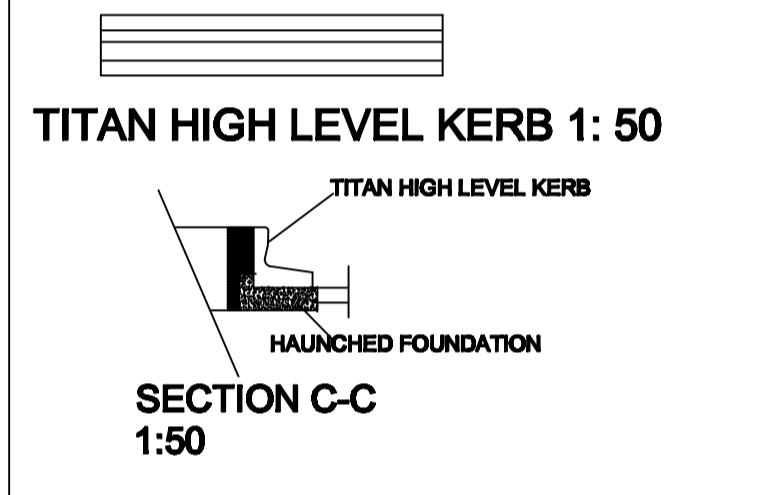
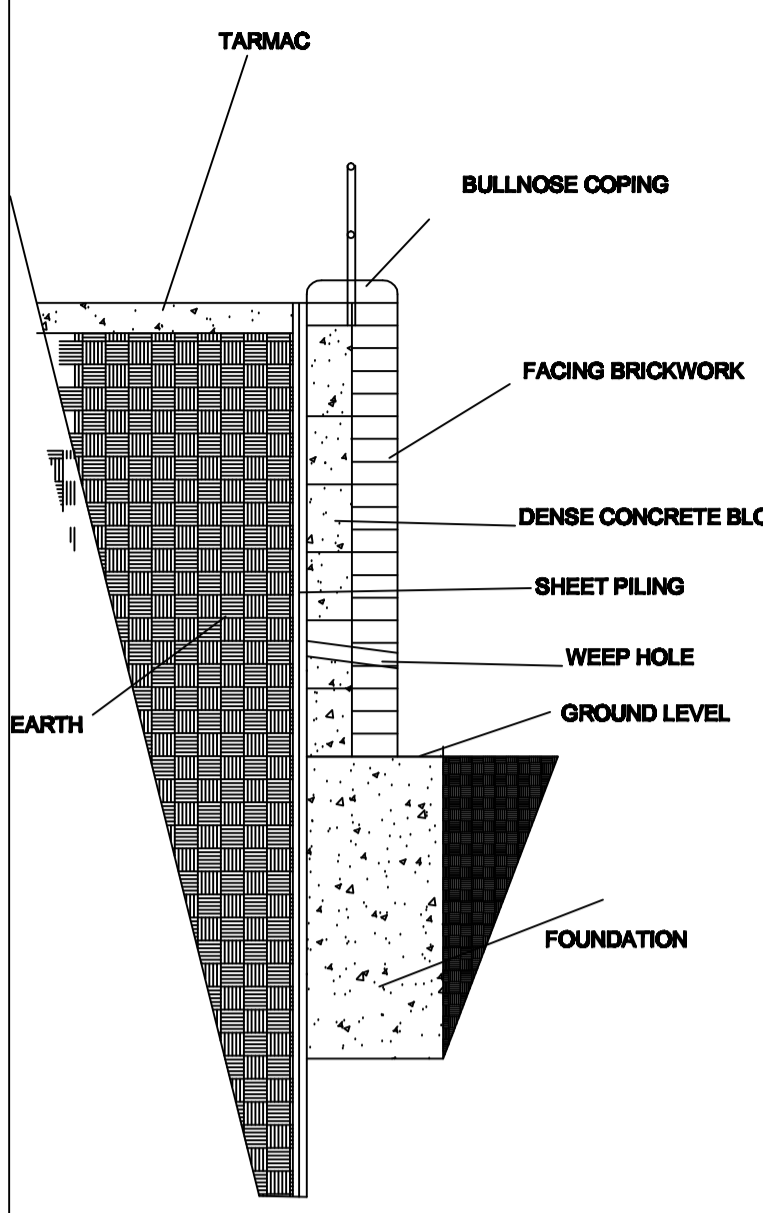
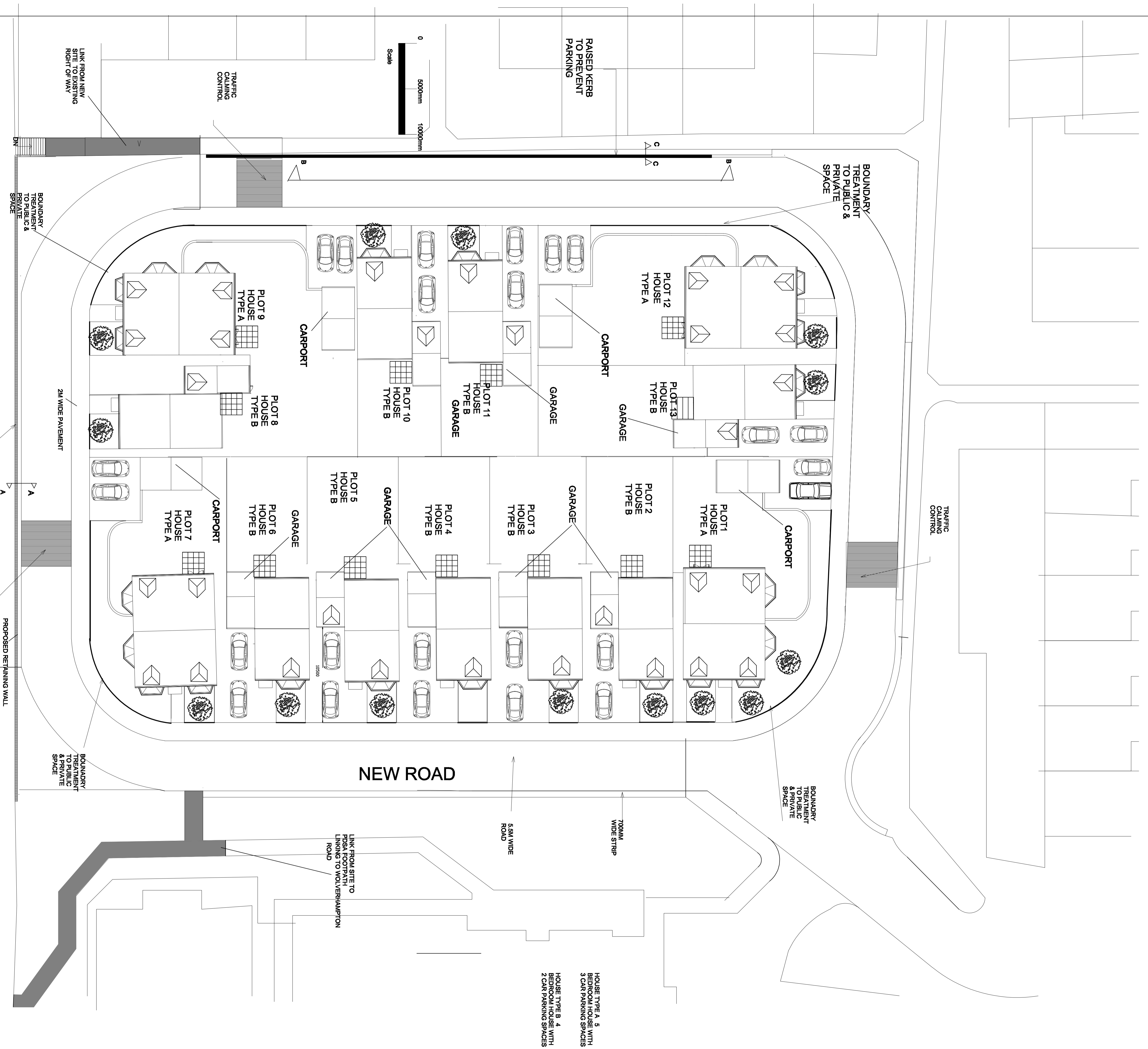


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Organisation	Not Set
Department	Not Set
Comments	
Date	29 January 2020
OS Licence No	

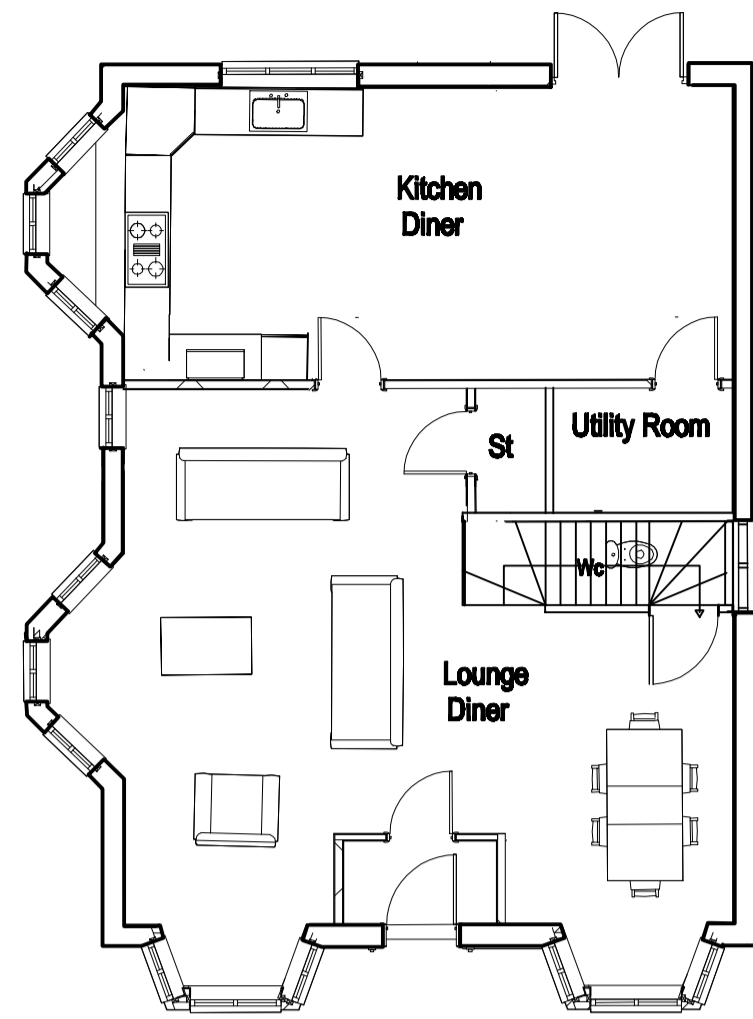


WOLVERHAMPTON ROAD

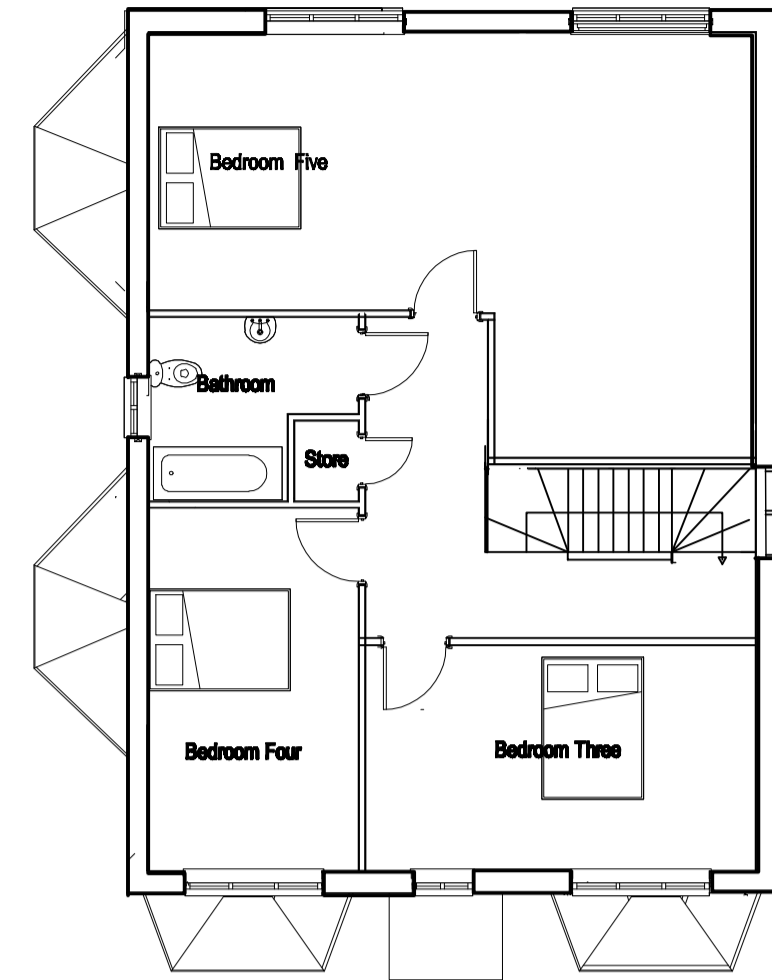


STATUS	PURPOSE OF ISSUE
	PLANNING
AMARTEY S A DESIGN BUILD LTD	
PROJECT	
BROOK OPEN SPACE PROPOSED HOUSING SCHEME	
TITLE	
PROPOSED SITE PLAN & DETAIL SECTIONS	
CLIENT	
MR RAJESH SOOD	
DRAWN BY	CHECKED BY
	DATE
	APRIL 2019
SCALE	PROJECT NUMBER
1:200 1:50	
DRAWING NUMBER	REV
PL/BROOK/2019/001	D

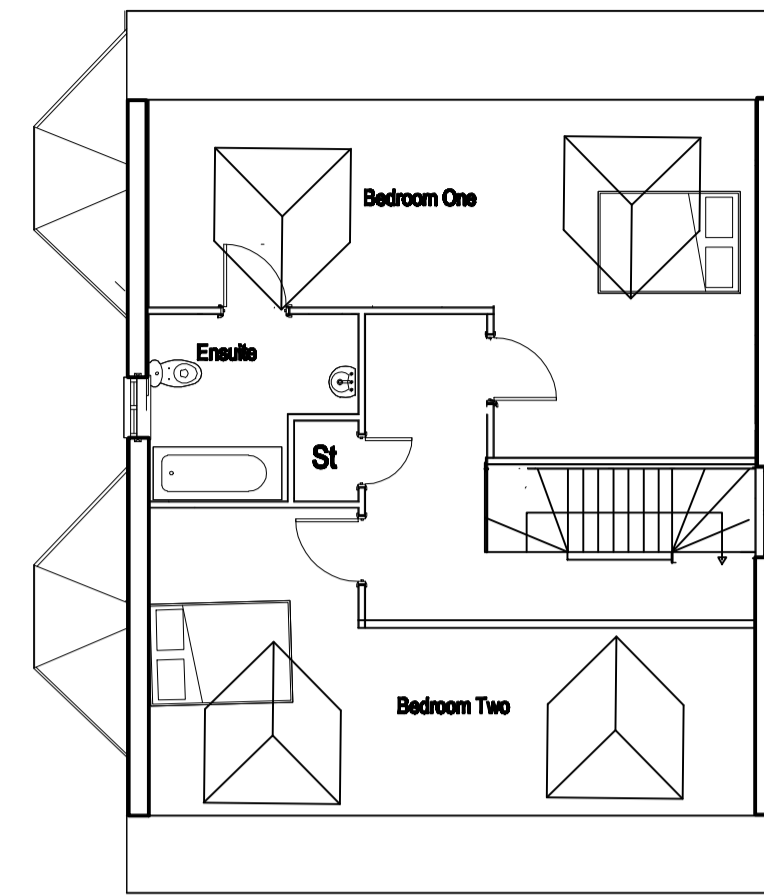
HOUSE TYPE A, 3 BEDROOM HOUSES WITH 3 CAR PARKING SPACES
HOUSE TYPE B, 4 BEDROOM HOUSE WITH 2 CAR PARKING SPACES



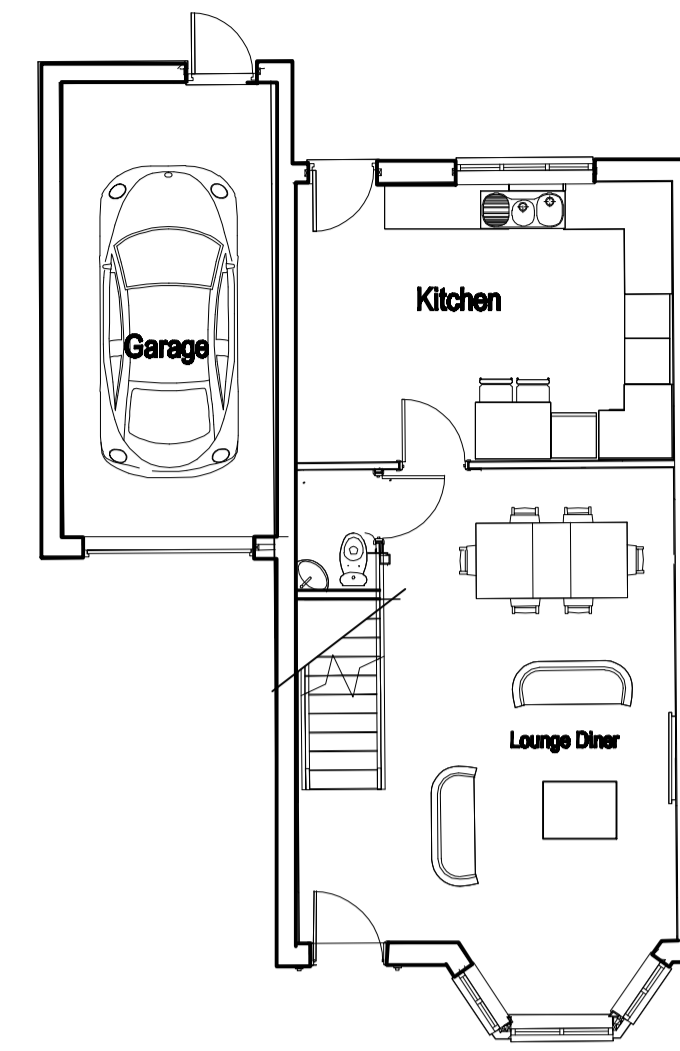
PROPOSED GROUND FLOOR
PLAN HOUSE TYPE A 1:100



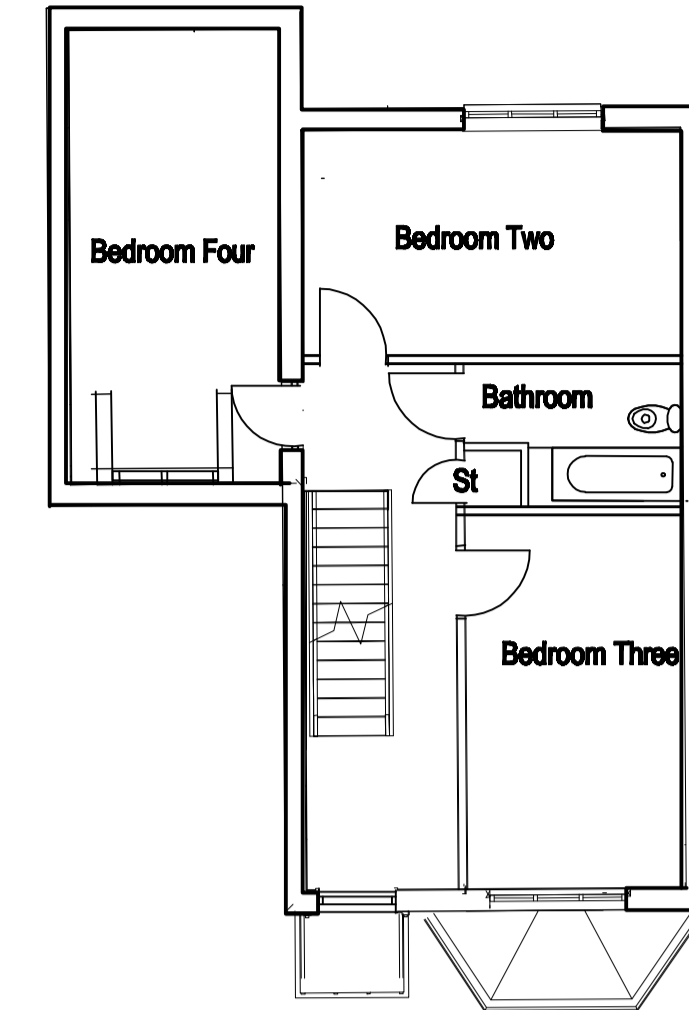
PROPOSED FIRST FLOOR
PLAN HOUSE TYPE A 1:100



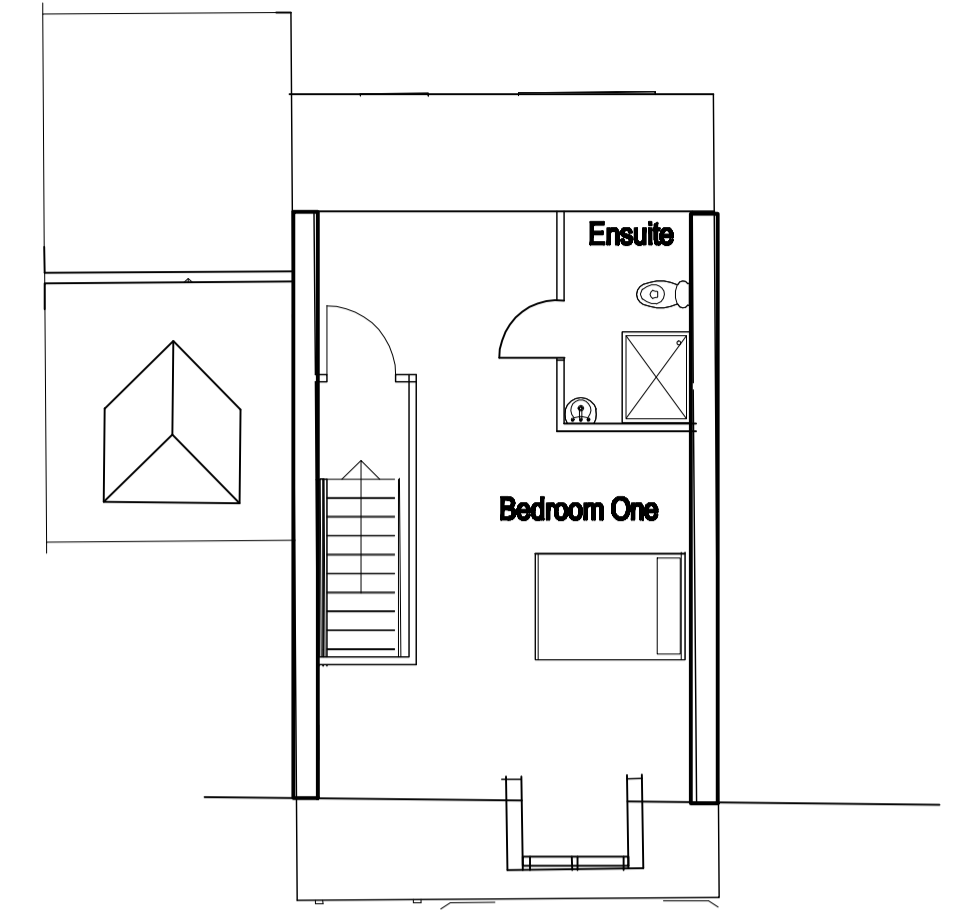
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PLAN HOUSE TYPE A 1:100



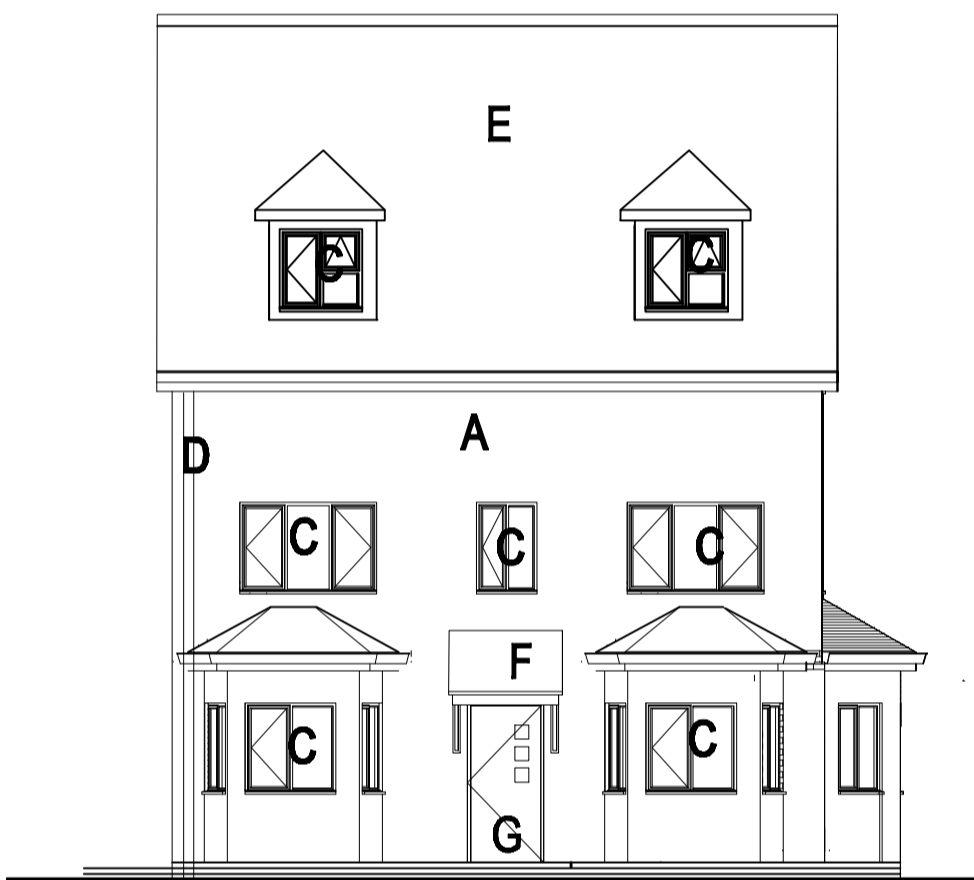
PROPOSED GROUND FLOOR
PLAN HOUSE TYPE B 1:100



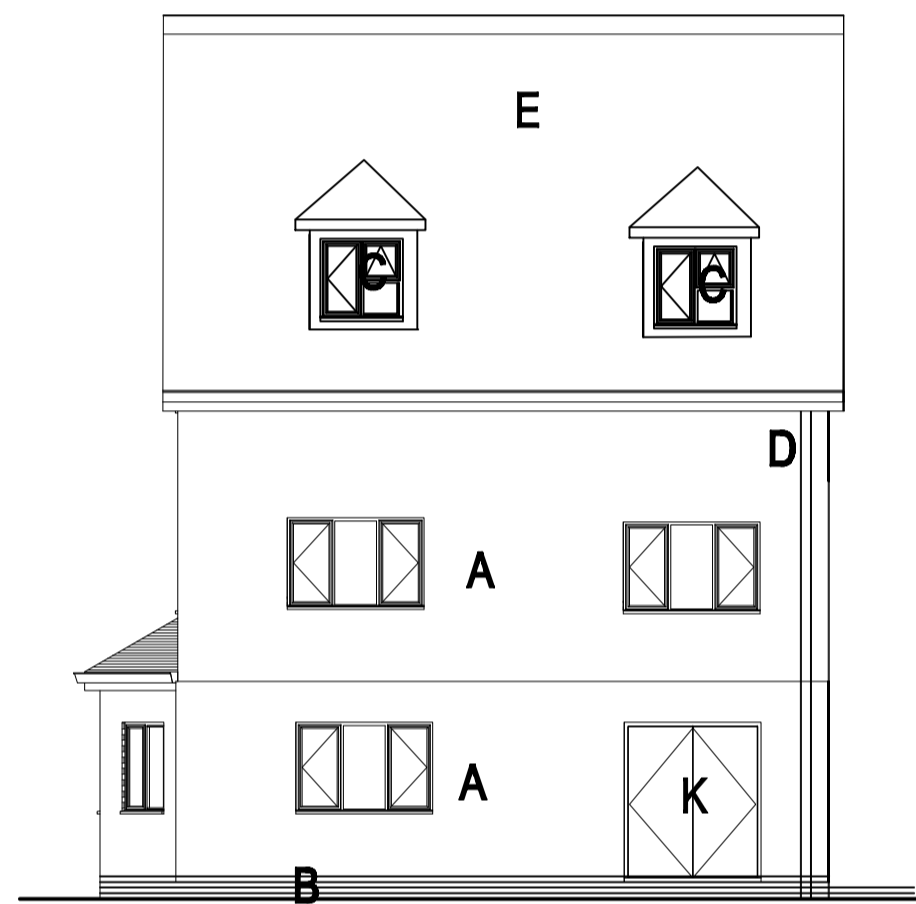
PROPOSED FIRST FLOOR
PLAN HOUSE TYPE B 1:100



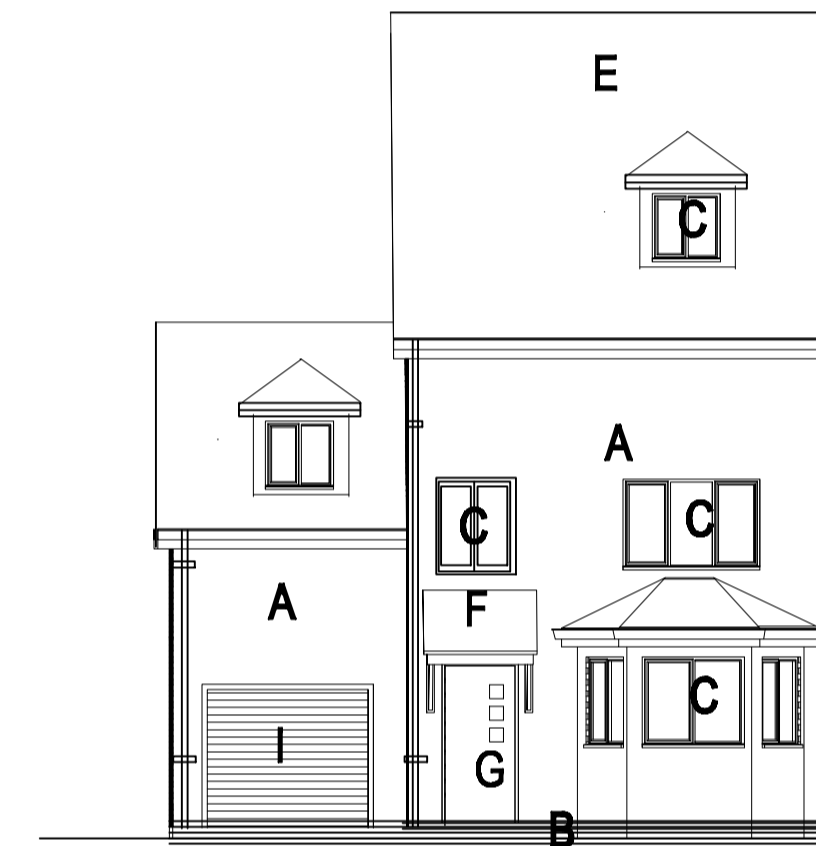
PROPOSED SECOND FLOOR
PLAN HOUSE TYPE B 1:100



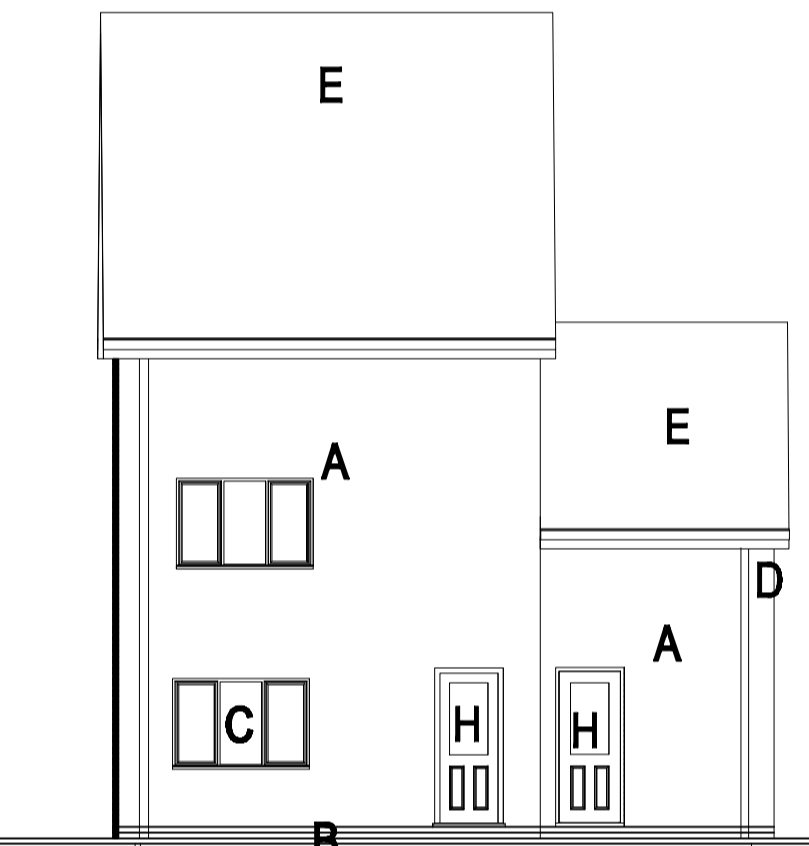
PROPOSED FRONT
ELEVATION HOUSE TYPE A
1:100



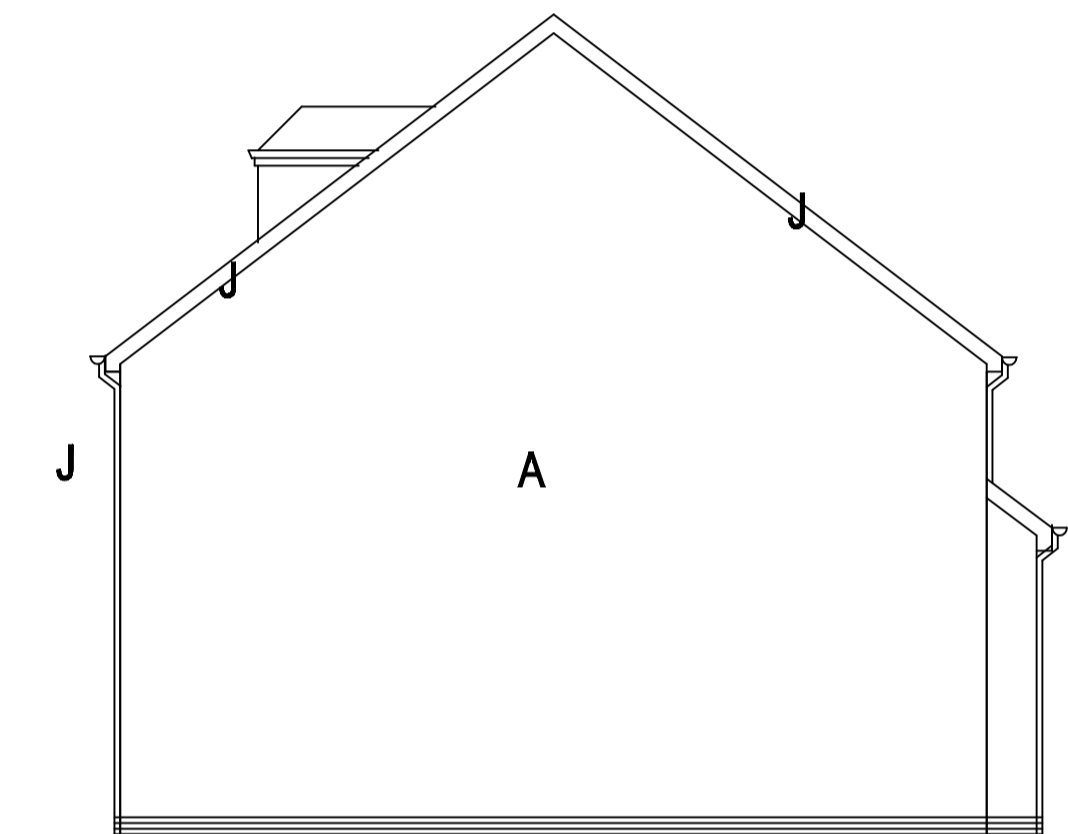
PROPOSED REAR ELEVATION
HOUSE TYPE A 1:100



PROPOSED FRONT ELEVATION
HOUSE TYPE B 1:100



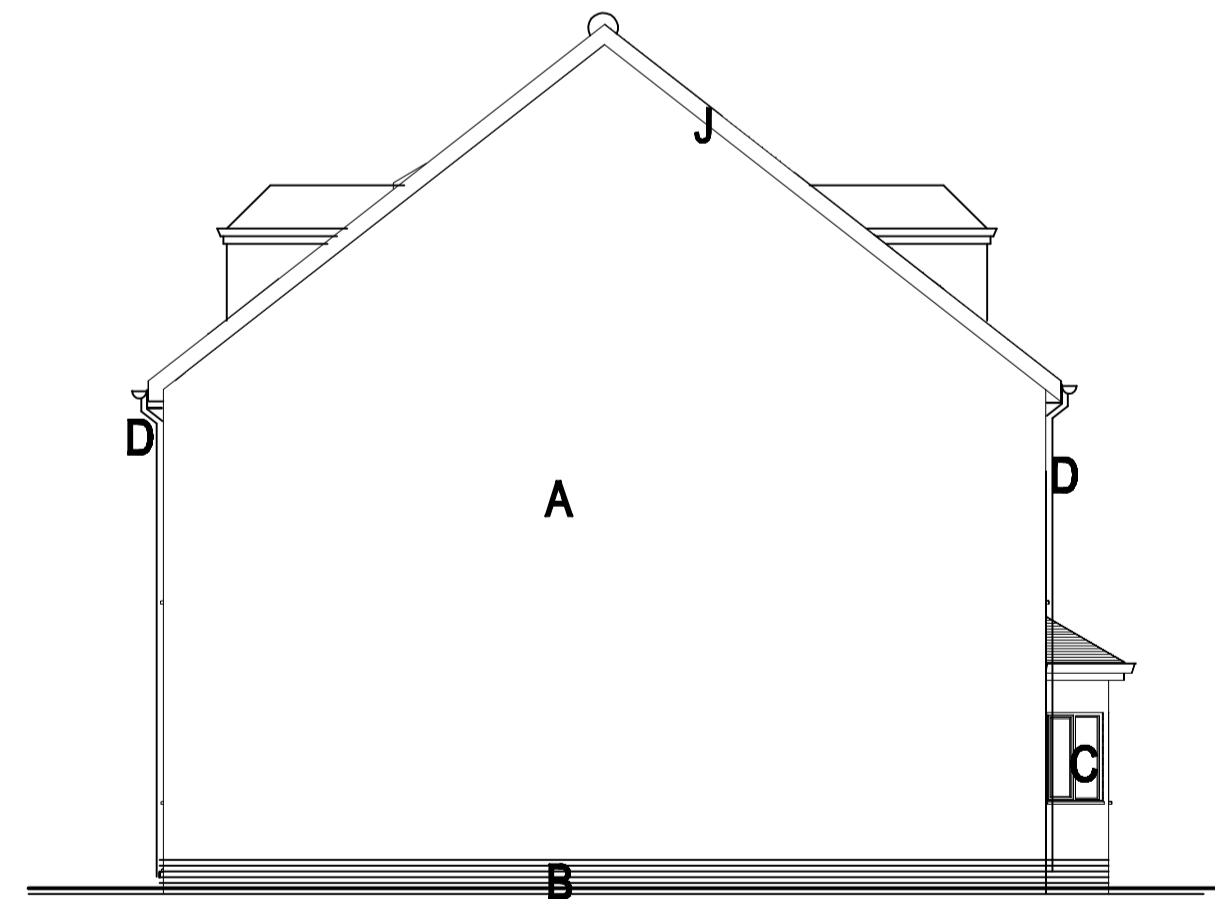
PROPOSED REAR ELEVATION
HOUSE TYPE B 1:100



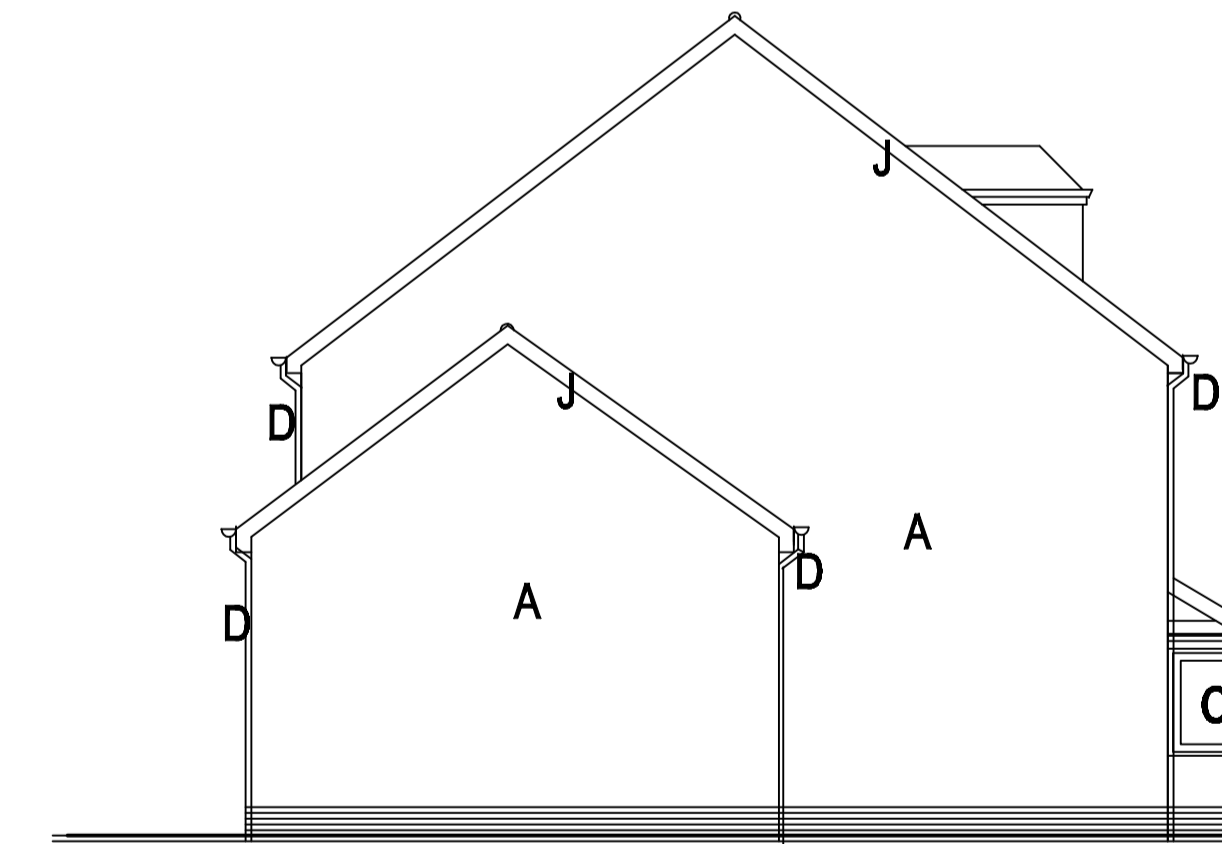
PROPOSED ALTERNATIVE
SIDE ELEVATION HOUSE
TYPE B 1:100



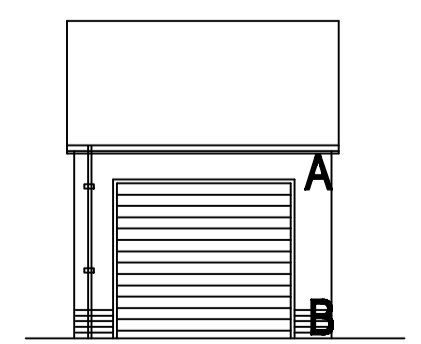
PROPOSED SIDE ELEVATION
HOUSE TYPE A 1:100



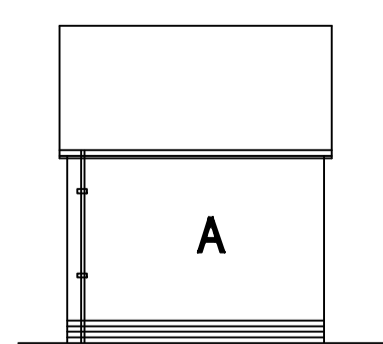
PROPOSED ALTERNATIVE
SIDE ELEVATION HOUSE
TYPE A 1:100



PROPOSED SIDE ELEVATION
HOUSE TYPE B 1:100

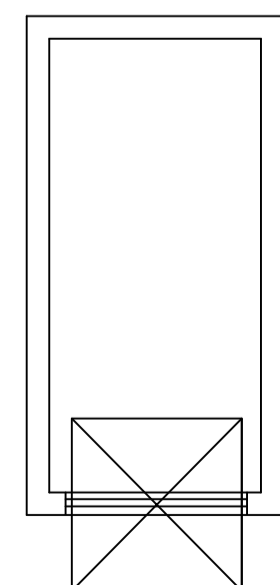


PROPOSED FRONT
ELEVATION DETACHED
GARAGE 1:100



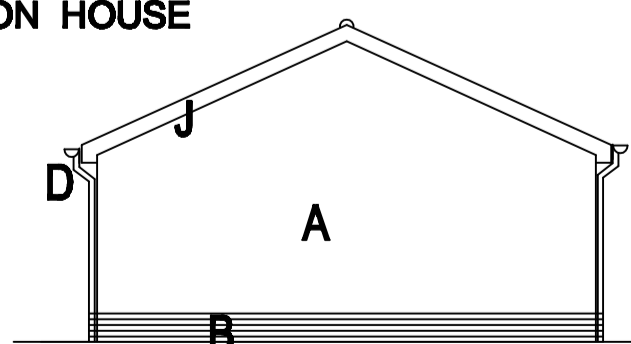
PROPOSED REAR
ELEVATION DETACHED
GARAGE 1:100

B

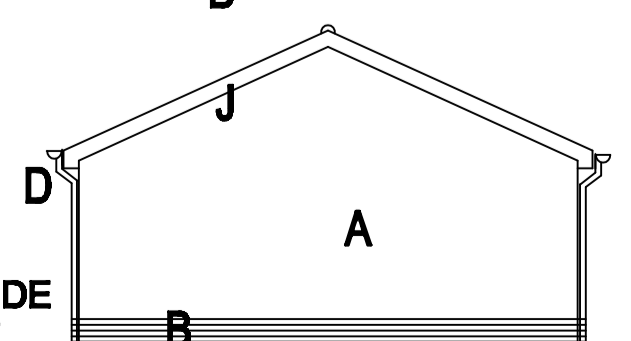


PROPOSED PLAN
DETACHED GARAGE 1:100

PROPOSED SIDE
ELEVATION 1:100



PROPOSED SIDE
ALTERNATIVE
ELEVATION 1:100



MATERIALS SCHEDULE

- A IBSTOCK BRICK
- B BLUE ENGINEERING BRICKS
- C GREY PVC -U WINDOWS / DOUBLE DOOR
- D BLACK GUTTER & DOWNPIPES
- E GREY CEMBRIT SLATE TILES
- F CANOPY
- G FRONT DOOR
- H 2 X G REAR DOOR
- I UP & OVER GARAGE DOOR
- J GREY PLASTIC SOFFIT & FACIA
- K GREY FRENCH DOORS

STATUS	PURPOSE OF ISSUE
	PLANNING
AMARTEY S A DESIGN BUILD LTD	
PROJECT	
BROOK OPEN SPACE PROPOSED HOUSING SCHEME	
TITLE	
PROPOSED SITE PLANS & ELEVATIONS	
CLIENT	
MR RAJESH SOOD	
DRAWN BY	CHECKED BY DATE
	APRIL 2019
SCALE	PROJECT NUMBER
1:200 1:50	
DRAWING NUMBER	REV
PL/BROOK/2019/002	D