



REPORT TO PLANNING COMMITTEE

8th July 2020

Application Reference	DC/19/63652
Application Received	18 th October 2019
Application Description	Proposed 13 two bedrooms apartments and and 2 No. houses (outline application for access, layout, appearance and scale) (Amendment to previously refused application DC/19/62665).
Application Address	Land Adjacent Compton Grange Whitehall Road/St Annes Road Cradley Heath
Applicant	Mr Jason Shaw
Ward	Cradley Heath & Old Hill
Contribution towards Vision 2030:	 
Contact Officer(s)	Alison Bishop 0121 569 4039 Alison_bishop@sandwell.gov.uk

RECOMMENDATION

That planning permission is granted subject to:

- (i) Details of external materials
- (ii) Landscaping details (as part of the reserved matter) to include native trees to replace those lost;
- (iii) Details of sustainable drainage;
- (iv) Details of vehicle electric charging points;
- (v) Details of cycle storage (preferably within the building);
- (vi) Ground investigation and remediation;
- (vii) Parking provision to be provided and retained as such;
- (viii) Details of window specifications to protect new residents from noise nuisance as per the submitted noise assessment;
- (ix) The apartment block shall be no more than 3 storey height and the two dwelling no more than 2 storey height;
- (x) Details of a lighting scheme to the access road and parking court;
- (xi) Compliance with renewable energy; and
- (xii) Compliance with jobs and apprenticeships.

1. BACKGROUND

- 1.1 This application is being reported to your Planning Committee because three material objections have been received.
- 1.2 To assist members with site context, a link to google maps is provided below:

[Land adjacent Compton Grange, Cradley Heath](#)

2. SUMMARY OF KEY CONSIDERATIONS

- 2.1 The Site is unallocated with 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
Overbearing nature of proposal
Layout and density of building
Design, appearance and materials
Traffic generation
Highway safety, parking and servicing

3. THE APPLICATION SITE

- 3.1 The application refers to a landscaping area immediately adjacent to the Cradley Heath By Pass at the junction with St. Annes Road. The former Cradley Heath Neighbourhood office (now a Day Nursery) is to the immediate north. Cradley Heath Town Centre also part bounds the site, with Whitehall Road situated to the west. The application site area is approximately 0.44 hectares.
- 3.2 The site is linear in nature, which has a close relationship to development behind. There are significant level changes across the whole site, with the land dropping significantly from the pavement edge towards Compton Grange.

4. PLANNING HISTORY

- 4.1 The site was marketed by the Council and a Development Brief was prepared in 2015. The brief indicated that elements of the site would be suitable for residential development.
- 4.2 Two planning applications have been submitted seeking approval for the principal of residential development. Both schemes were considered to be inappropriate and the first, in 2015 was withdrawn by the applicant and the second more recent application, in 2019 was refused by your committee following a site visit.
- 4.3 List relevant applications are as follows:-

DD/02/38945	Construction of Cradley Heath by-pass and associated works	Grant with conditions 30.08.2002
DC/15/58467	Proposed 20 no. apartments and 2 no. houses (outline application with access, appearance, layout and scale)	Withdrawn 10.11.2015
DC/19/62665	Proposed 19 No. apartments and 2 No. houses (outline application for access, appearance, layout and scale).	Refused 12.06.2019

5. APPLICATION DETAILS

This is a further outline application which includes access, layout, appearance and scale for the construction of 13 apartments and two houses. Landscaping is reserved for later approval.

Two three bed houses would front Whitehall Road, both would have driveways which provide tandem parking for two vehicles which would be accessed off Whitehall Road. Materials would be largely brick.

The apartment block would be a maximum three storeys in height. The ground floor would primarily serve parking but one, 2-bedroom flat is proposed at this level also. The two storeys above would accommodate a further twelve, 2 bedroom flats. The apartment block would include brick and cladding materials and permeable tarmac to parking areas. The apartment block would also be accessed off Whitehall Road. A total of 14 spaces would be provided within the apartment block courtyard with an additional 4 visitor spaces provided off the access road. See layout.

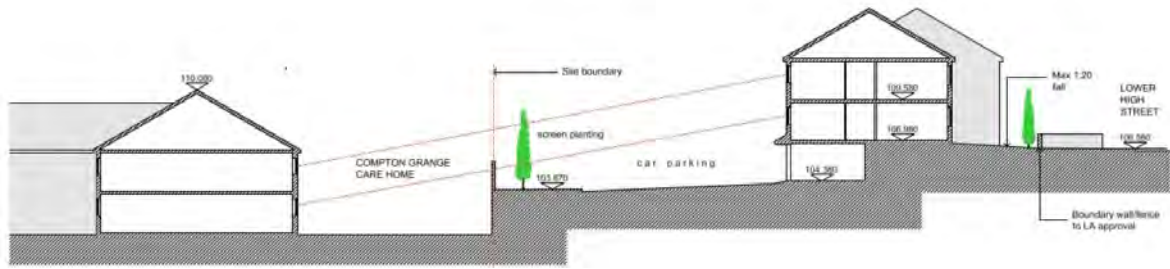


Due to the level changes the scheme would have the impression of being only two storeys in height when viewed from Lower High Street/Cradley by pass (a maximum height of 8.3 metres to the apex of the roof). See extract below:-



Elevation to Lower High Street (indicative to show levels)
Scale 1:200

The scheme would however read as three storeys (a maximum of height of 11 metres to the apex of the roof) when viewed from Compton Grange. See the section overleaf:-



The key changes from this application to the previous two applications are that the scale of the building has been reduced by one storey and the number of apartments has been reduced from 19 to 13.

6. PUBLICITY

6.1 The planning application was publicised by 52 neighbour letters. At the time of the original publicity period in November 2019 three objections were received. Following revisions to the scheme which include the addition of the two houses and further information regarding site levels the application was re-publicised to the original 52 neighbours. Two of the previous objectors re-affirmed their objections and comments on the inclusion of the two houses.

6.2 Objections

Objections have been received on the following grounds: -

- (i) Increase in traffic generation – all traffic will have to use the one-way system, raising concerns about highway and pedestrian safety;
- (ii) Parking concerns – Whitehall Road is already heavily parked up. The development will result in new residents parking on Whitehall Road;
- (iii) Loss of mature trees;
- (iv) Impact on existing wildlife birds and badgers;
- (v) Loss of privacy to residents of Compton Grange;
- (vi) The height of the proposed flats would overshadow the gardens of Compton Grange
- (vii) Loss of outlook; and
- (viii) No solar panels are shown on the drawings

Immaterial objections have been raised regarding loss of a view.

6.3 Responses to objections

I respond to the objector's comments in turn;

- (i) Increase in traffic generation – Highways have no objection to the proposal. The proposal is for 15 units in total which would not put significant pressure on the junctions.
- (ii) The proposal provides off road parking for both residents and visitors and would not lead to parking pressures on Whitehall Road.
- (iii) It not disputed that some trees would be lost as part of the development, none are protected by tree preservation, and many are self-setting. Any future scheme would include new landscaping (as part of the reserved matter) to include native trees along with the retention of trees indicated on the proposed drawings.
- (iv) The area is not designated as site of local importance for nature conservation, however it is accepted that any green space will benefit from wildlife. Wildlife is protected under the Wildlife & Countryside Act 1981 and it is an offence which can be prosecuted by the police to harm protected schemes. Therefore, any removal of trees would need to be undertaken in consideration of this legislation and the nesting season.
- (v) Loss of privacy – the scheme is 33 metres away from the windowed elevations of Compton Grange. The Council’s separation distances within the Council’s residential design guidance for three storey buildings is 27 metres, however an additional 1 metre for every 1 metre of higher ground is also required when level changes occur between existing and new proposals. The change in ground levels is 2.8 metres, so the separation distance for this proposal should be a maximum of 30 metres. Therefore, the distances in this instance, namely 33 metres complies with design guidance. The nearest point (namely flat 12 and 13) being over the parking entrance has no windows serving this elevation.
- (vi) The orientation of the sun is east to west, the reduction in the height of building and the distance from Compton Grange would ensure that any overshadowing in the morning only affected the car park of the new development.
- (vii) The outlook for residents facing the proposed development is already facing a large retaining wall with trees above. The proposal does not remove the retaining wall and the indicative plans indicate that some trees will be retained on this boundary. Landscaping, as indicated above can be conditioned. Therefore, I consider that the outlook of residents will largely remain unchanged.
- (viii) The Council’s policy ENV7, Renewable energy seeks to incorporate renewables as part any new development. Therefore, details such as solar panels can be conditioned to comply with this policy.

7. STATUTORY CONSULTATION

- 7.1 Planning and Transportation Policy** – No policy objections, the scheme is compatible with nearby uses and is located within a sustainable location.

- 7.2 **Highways** - No objections
- 7.3 **Public Health (Air Quality)** – No objection subject to the provision of electric vehicle charging points.
- 7.4 **Public Health (Contaminated Land)** – No objection subject to ground conditions.
- 7.5 **Public Health (Air Pollution and Noise)** - No objection subject to details of the glazing specification to protect residents from external noise.
- 7.6 **Public Health (Health Urban Development Officer)** – Undercover cycle provision should be provided.
- 7.7 **West Midlands Police** – They have recommended the scheme complies with secure by design measures such as appropriate lighting to the car parking areas.
- 7.8 **Severn Trent**- No objections.
- 7.9 **Lead Local Flood Authority** – no objections.

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:-

HOU1 Delivering Sustainable Housing Growth,
ENV3 Design Quality
ENV5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island,
ENV7 Renewable Energy,
ENV8 Air Quality
TRAN4 Creating Coherent Networks for Cycling and for Walking
EMP5 – Improving Access to the Labour Market
SAD H2 Housing Windfalls
SAD EOS9 Urban Design Principles
SAD EMP2 – Training and Recruitment

- 9.2 HOU1 refers to delivering new housing in the right locations, namely within sustainable locations. This is reinforced by Policy H2 Windfalls which states that sites should have good public transport links and be

compatible with their surroundings. In this instance the site meets this criterion and would assist with Sandwell's shortfall of housing supply.

- 9.3 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments. In the main the layout is acceptable, subject to conditions relating to materials and landscaping.
- 9.3 ENV5 states that sustainable drainage should be provided in order to reduce surface water flooding. Permeable tarmac has been proposed and this can be conditioned.
- 9.4 ENV7 refers to incorporating renewable sources sufficient to off-set at least 10% of the estimated residual energy demand upon completion of the development. This can be conditioned.
- 9.5 ENV8 refers to air quality mitigations measures as part of new development, in this instance electric vehicle charging is required and can be conditioned.
- 9.6 TRAN4 promotes sustainable transport and that development should be safe with direct links to the town centre for both pedestrian, cycle and by car. In addition, secure cycle provision should be provided within developments. The scheme has good connections to the town centre with the satisfactory proposals for vehicle access and parking. Cycle provision can be conditioned.
- 9.7 EMP5 and SAD EMP2 refer to securing initiatives for apprenticeship and job opportunities for local people. Opportunities will be available for apprenticeships as part of the construction phase which can be conditioned accordingly.

10. MATERIAL CONSIDERATIONS

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

10.2 Overlooking/loss of privacy

The proposal has been reduced by one storey from the previous refusal, in doing so, this has reduced its dominance in relation to Compton Grange and the proposal now complies with the separation distances to opposing windowed elevations. Therefore, it is considered that the proposal would not result in inappropriate overlooking or loss of privacy to the residents of Compton Grange.

10.3 Loss of light and/or outlook/overshadowing

The orientation of the sun, namely easterly towards Compton Grange, reduces the harm from the new proposal which combined with the separation distances and the existing retaining walls servicing Compton Grange would not result in a significant amount of loss of light, outlook or overshadowing.

10.4 Overbearing nature of proposal

It is considered that the reduction in scale of the current proposal from the previous refusal, namely from a four-storey development to a three storey development, coupled with the footprint of the proposal is now appropriate in scale and size when viewed from both Compton Grange and Lower High Street/Cradley Heath by pass.

10.5 Layout and density of building

The proposal, provides 13, 2 bed flats all complying with floor areas within the residential design guidance, namely 60-65 square metres and as indicated in 10.4 above it has been reduced in storey height. The two houses fronting Whitehall Road are in keeping with the building heights of the existing buildings. Furthermore, the proposal is situated within a town centre where increase densities are welcomed due to good links to public transport.

10.6 Design, appearance and materials

The proposal incorporates brick and cladding materials which would reflect the vernacular of the area and details of the palette of materials can be conditioned to ensure that colours complement the existing historic characteristics of Cradley Heath town centre and the surrounding area.

10.7 Traffic generation

As indicated above [6.3 (i)], the proposal is modest in scale and would not have significant impact on traffic generation when compared to the current vehicle trip rates in the area.

10.8 Highway safety, parking and servicing

The Highways Section has no objection to the parking and servicing layout for the site.

11. IMPLICATIONS FOR SANDWELL'S VISION

- 11.1 The proposal supports Ambitions 3,7 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. This proposal provides opportunities to generate jobs/apprenticeships and has been conditioned accordingly.
- 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. This proposal of suitable scale and layout in relation to the existing built form and its proximity to the town centre.
- 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 revised proposal for a three-storey apartment block and two houses which is compliant with the council's spatial standards for floorspace, separation distances and parking and servicing. The reserved matter relating to landscaping can be conditioned to secure suitable replacement trees along with other conditions such as materials, drainage and lighting.
- 12.2 The proposal by virtue of the reduction in scale, will not result in unacceptable overlooking, loss of privacy, outlook or light.
- 12.3 To conclude the scheme is welcomed providing a good quality scheme within Cradley Town centre which will assist with providing much needed affordable homes.

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 equality 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 No objections have been received from the Police subject to suitable lighting and security measures being incorporated into the scheme in accordance with Secure by Design guidance.

18. SUSTAINABILITY OF PROPOSALS

18.1 Refer to the National Planning Policy Framework (8), Local Plan policies (9) and material considerations (10).

19. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

19.1 The proposal provides opportunity for apprenticeships during the construction phases and is conditioned accordingly. Refer also to the summary of the report (12).

20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

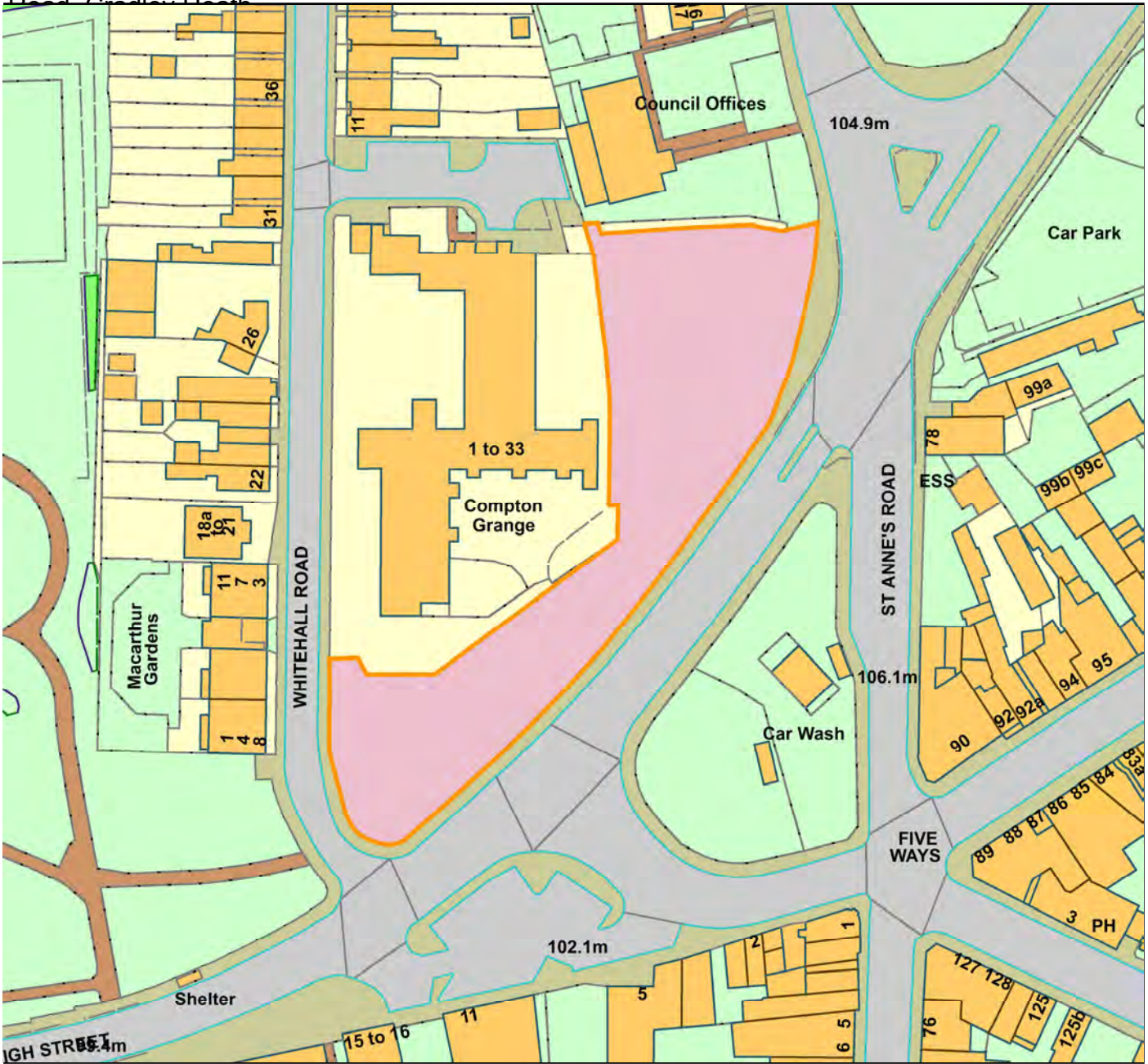
20.1 There will be no impact.

21. APPENDICES:

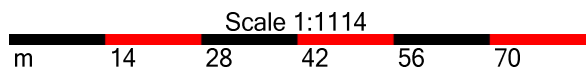
Site Plan
Context Plan
002 Rev B
001 Rev A
04

DC/19/63652

Land Adjacent Compton Garage, Whitehall Road/Stannes Road, Cuddepho Heath

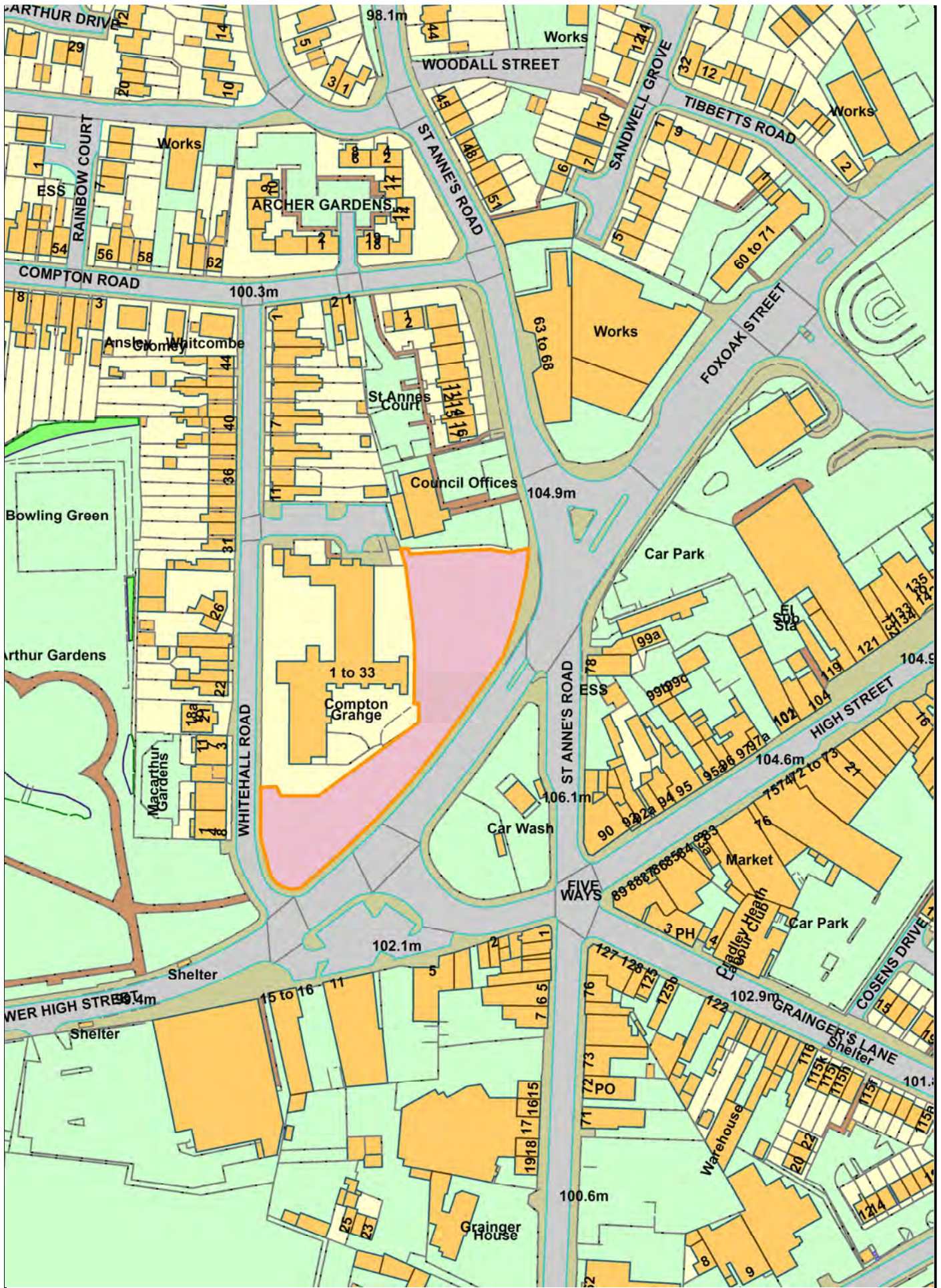


Legend



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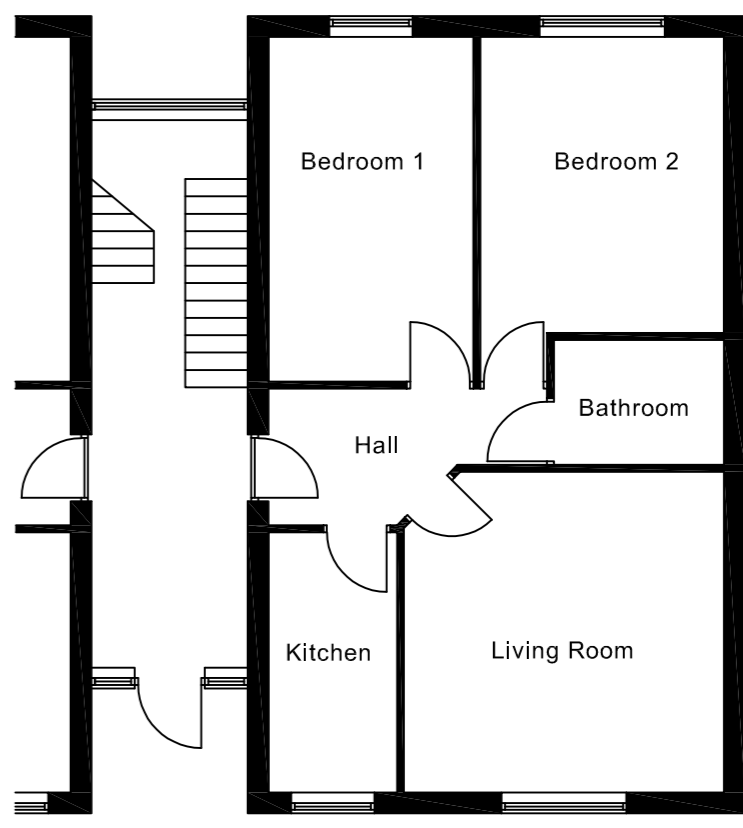
Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	21 May 2020





Accommodation Schedule
 The development to consist of 13no 2-bed apartments with a floor area of 60m² per unit.

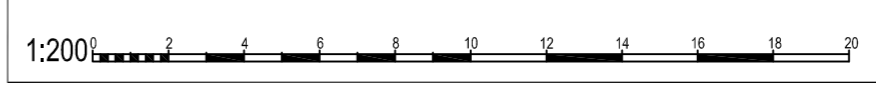
Lower Ground - Parking/Plant/Bins
 Accessible Flat
 Upper/First - Apartments/Communal



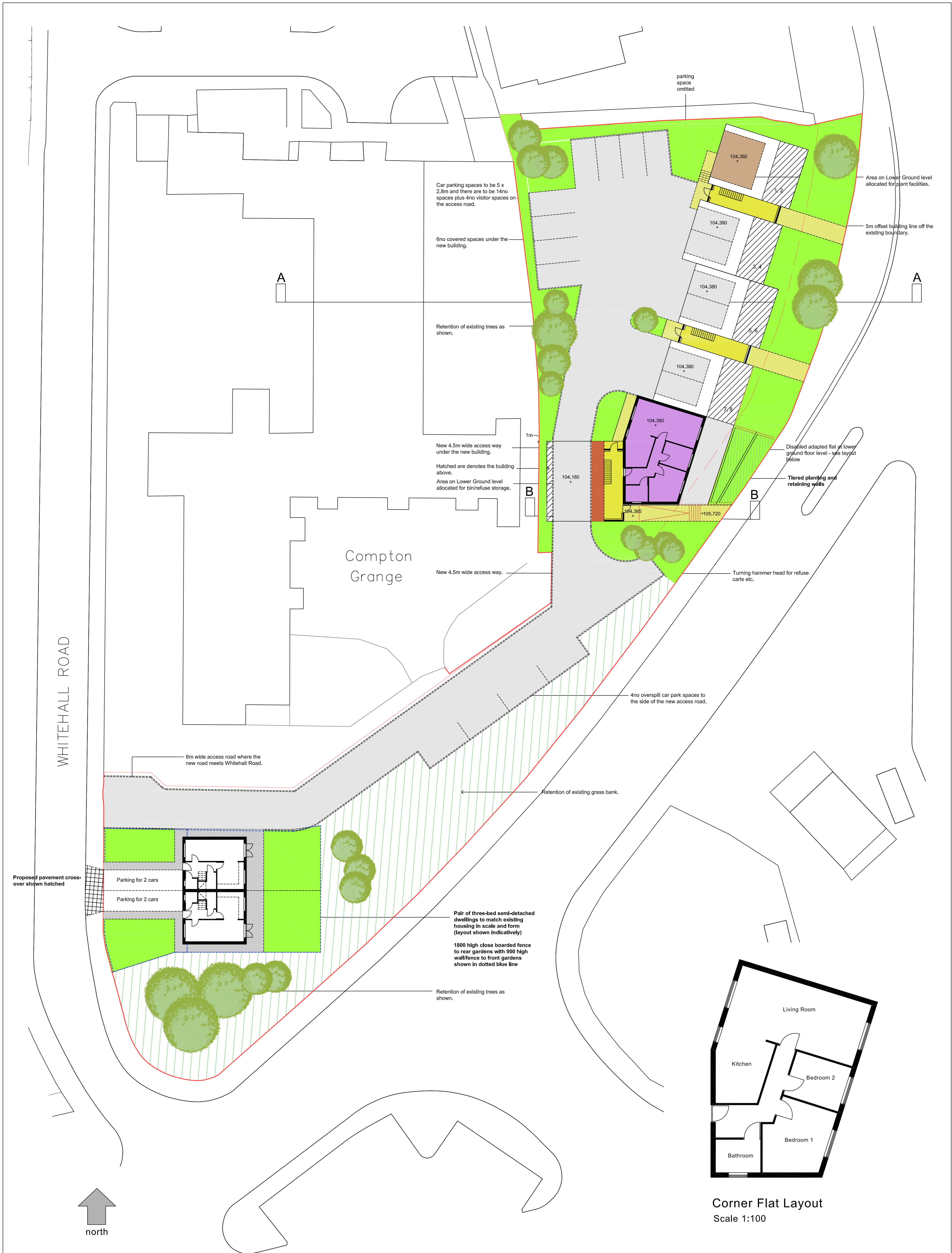
Typical Flat Layout
 Scale 1:100

**Proposed Site Plan
 Upper Ground Level - Oct 2019**

Rev B. Parking length to houses increased to 10m with 1m offset 29/5/20
 Rev A. Houses reinstated, disabled flat indicated, flats 12 and 13 inset 1m from boundary, parking space omitted adjacent Flats 1 and 2, levels noted. 11/5/20

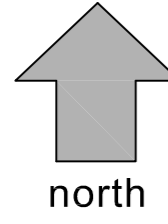


Location		St Anne's Road, Cradley Heath, West Midlands.	
Drawing Title		Proposed Site Plan Lower Ground Level - Oct 2019	
Rev	Date	B	Oct 2019
Scale	Size	1:200	A1
Drp No			002

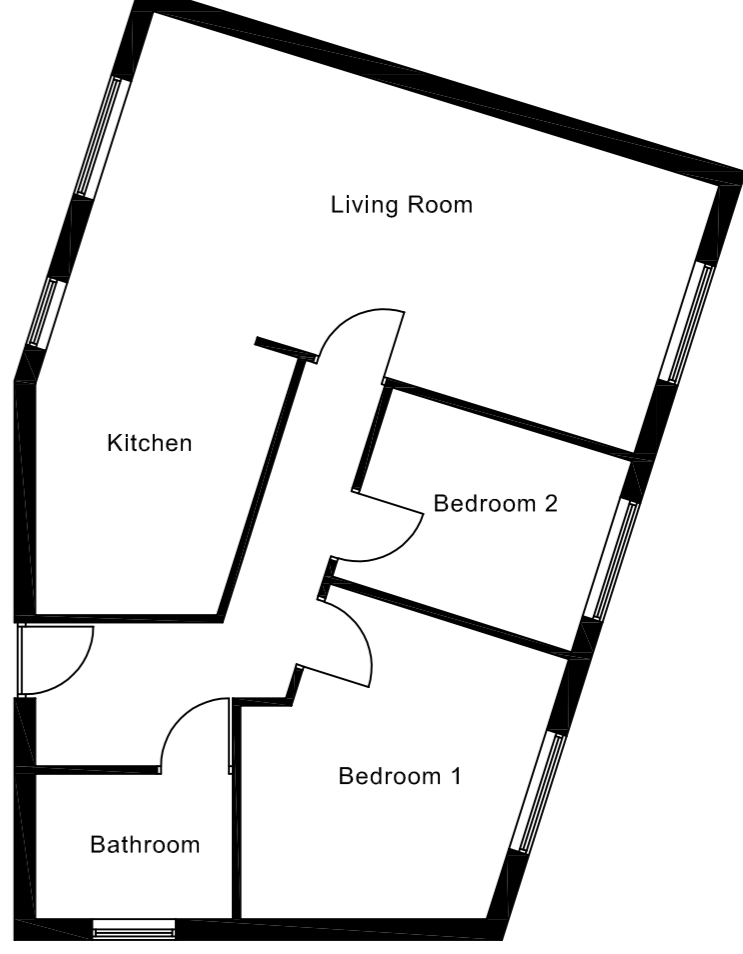


WHITEHALL ROAD

Compton Grange

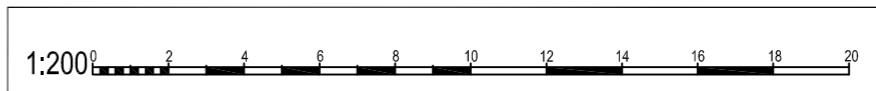


**Proposed Site Plan
Lower Ground Level - Oct 2019**



**Corner Flat Layout
Scale 1:100**

Rev A. Houses reinstated, disabled flat indicated, flats 12 and 13 inset 1m from boundary, parking space omitted adjacent Flats 1 and 2, levels noted. 11/5/20

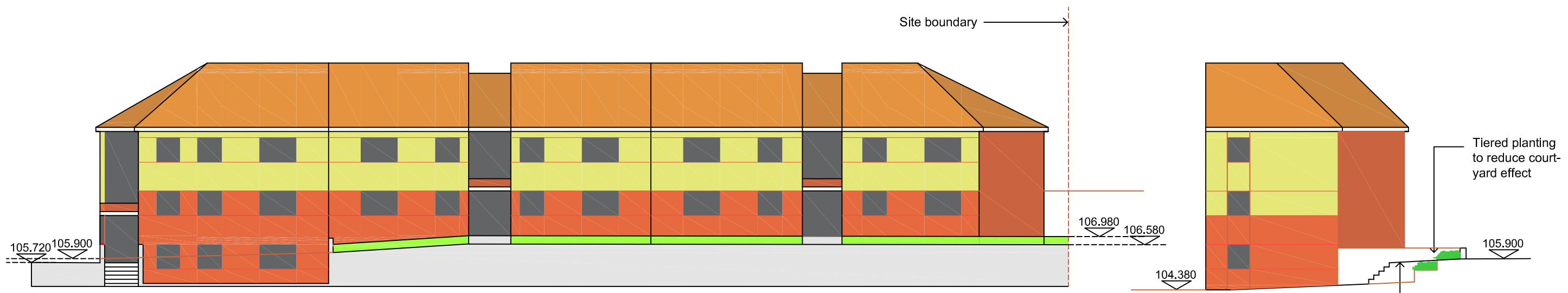


Location
St Anne's Road,
Cradley Heath,
West Midlands.

Drawing Title
**Proposed Site Plan
Lower Ground Level - Oct 2019**

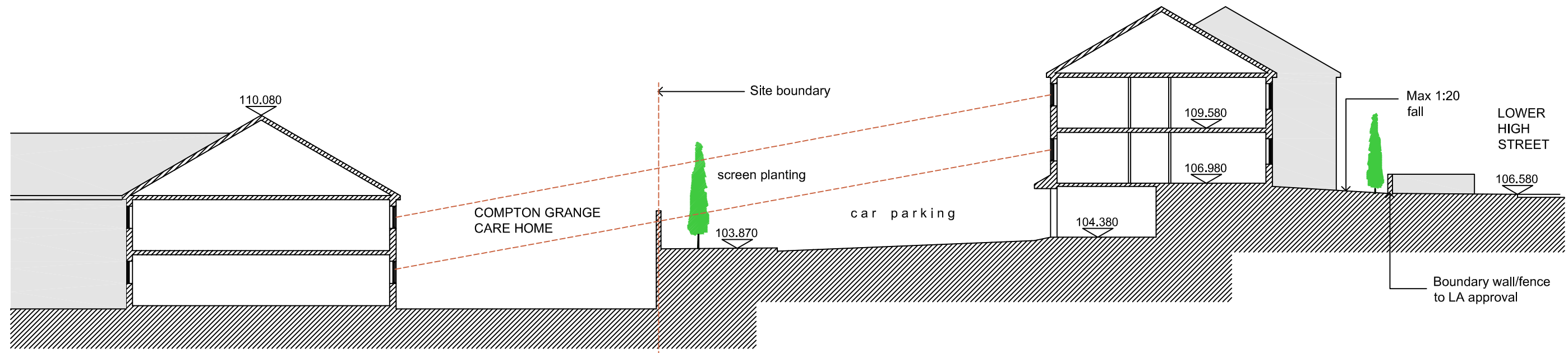
Rev	Date
A	Oct 2019

Scale	Size	Orig No
1:200	A1	001



Elevation to Lower High Street (indicative to show levels)
Scale 1:200

Section B-B Scale 1:200



Section A-A Scale 1:200



DATE Oct 19	OWNER	LOCATION Land to rear of Compton Grange Whitehall Road/St Anne's Road Cradley Heath	TITLE Section A-A and Elevation to Lower High Street	DRAWINGS PREPARED FOR LOCAL AUTHORITY APPROVALS ONLY. FIGURED DIMENSIONS TO BE USED IN PREFERENCE TO SCALE. THE WORKS MAY BE SUBJECT TO THE PARTY WALL ACT 1996. IT IS THE RESPONSIBILITY OF THE OWNER TO ENSURE ALL NECESSARY STEPS ARE TAKEN TO COMPLY WITH THE ACT IF REQUIRED.	NUMBER 04	REVISION
SCALE 1:1250 @ A3	PROJECT Proposed Development of 13 Apartments and 2 Houses					