


REPORT TO PLANNING COMMITTEE

9 September 2020

Application Reference	DC/20/64505
Application Received	15 July 2020
Application Description	Proposed development of 13 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 and traffic calming measures;
- (viii) Boundary treatments;
- (ix) Landscaping;
- (x) Electric vehicle charging provision;
- (xi) Employment and skills plan;
- (xii) An external lighting scheme;
- (xiii) Removal of permitted development rights; and,
- (xiv) Construction work and deliveries to the site limited to between 8am and 6pm Monday to Friday and 8.30am and 4pm Saturdays, with no activity on Sundays or national holidays.

1. BACKGROUND

- 1.1 This application is being reported to your Planning Committee because the proposal is a departure from the Development Plan.
- 1.2 The application is a resubmission of a residential scheme previously refused by Planning Committee in March 2020.
- 1.3 Planning Committee refused the previous application on grounds of insufficient parking provision, flood risk and loss of open space.

2. SUMMARY OF KEY CONSIDERATIONS

- 2.1 The site is allocated as Community Open Space in the Development Plan.
- 2.2 The material planning considerations which are relevant to this application are:

Government policy (NPPF);
Proposals in the Development Plan;
Loss of light, outlook or privacy;
Layout and density;
Design, appearance and materials;
Access, highway safety, parking and servicing;
Flood risk; and
Planning history.

3. THE APPLICATION SITE

- 3.1 The site is a grassed open space and rectangular in shape. Wolverhampton Road lies to the northeast, the site being set at a lower land level than this major A road. The site is bounded from southeast to southwest by terrace housing, and to the north by a veterinary hospital. The frontages of the houses which face on to the open space are not served by vehicular access; the layout being typical of Radburn style housing.

4. PLANNING HISTORY

- 4.1 There is some relevant planning history:
- 4.2 DC/18/62409 Proposed development of 13 dwellings. Refused
17 March 2020

- 4.3 DC/14/56813 Proposed new single storey veterinary surgery with associated car parking, landscaping and fencing. Approved 12 June 2014

5. APPLICATION DETAILS

- 5.1 The applicant proposes to erect 13 detached dwellings, comprising of two house types (Type A and Type B). The Type A house type would have 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.

6. PUBLICITY

- 6.1 The application has been publicised by neighbour notification letter and by site and press notice, without response.

7. STATUTORY CONSULTATION

- 7.1 **Planning Policy** – No objection. A change of use from open space can be considered if the quality of the site cannot be ensured. Planning policy will be elaborated upon further in the report.

7.2 Highways

No objection subject to conditions relating 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).

With regard to parking considerations, Highways have confirmed that ***'The applicant has provided three off-street spaces for the four bed properties and four off-street spaces for the five bed properties, therefore, each plot has an additional space above our recommendations', and 'All of the off-street spaces meet the required dimensions/sizes.'*** Additionally, the proposed carriageway width would be 5.5m, allowing for some visitor parking to be on-street and for two-way traffic to be safely maintained.

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 and can be conditioned accordingly. Furthermore a condition in respect of construction times is recommended, due to the proximity of existing housing.

7.7 **West Midlands Police**


Whilst no comment was received regarding the previous scheme, the Police have commented on the current proposal. Comment has been made in respect of the circular road and the potential for vehicles to speed around it; however, Highways have raised no such concerns, and traffic calming measures should ease any significant issues. Security, lighting and layout have also been referred to, but as the properties would all back on to one another, the opportunity for movement through the site is significantly limited, and as such, is the opportunity for crime and anti-social behaviour. External lighting can be imposed by condition. Overall, the Police raise no objection to the proposal.

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

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

7.10 **Environment Agency** – The EA has been consulted in respect of flood risk, but they have not commented on the application. The application falls within a 'flood zone 1', as shown on the map below:

Likelihood of flooding in this area

You can move the marker  on the map to identify a specific location. Alternatively draw a shape to identify an approximate site boundary.

[How to draw a shape](#)

[Download printable map \(PDF\)](#)



Consequently, the EA will only comment on flood risk in such a zone when the application site is within 20 metres of a main river (the site is some 40 metres away from a main river) or is within an area identified as a 'critical drainage area'. Flood risk is therefore considered to be low at this site, and the Council should follow the advice of the Lead Local Flood Authority in an instance such as this. Refer to 7.8 above.

7.11 **Tree Preservation Officer** – No objection subject to a landscaping condition to ensure new tree planting to enhance the appearance of the development.

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 Development 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 previous application was submitted at a time when the Council trigger for affordable housing provision was 15 units (the trigger is now 10). Given that this development would provide 13 units, and taking into account that affordable housing compliance was not a reason for refusal of the previous application, I consider it unreasonable and unnecessarily onerous on the applicant to require compliance with affordable housing policy in this instance, under these exceptional circumstances.
- 9.4 With regards to the site being Community Open Space, the site was assessed as part of 2013 Green Space Audit and identified as 'high quality/low value'. Under these criteria, the change to a different use should be considered if the value could not be uplifted through change of the primary purpose. The Audit shows that Oldbury has over 60 hectares of amenity open space - the second highest in the Borough after West Bromwich. Oldbury and West Bromwich account for over 73% of outdoor sports provision in the Borough. The loss of the Brook Road, would have little impact on the overall provision of amenity space in the local area, as there are other amenity open spaces (Cakemore Playing Fields and Barnford Hill Park) within proximity. Consequently, the site was not assessed as part of the 2018 Green Space Audit as, following the land sale, the Council did not consider the site as part of its greenspace portfolio. Therefore, I am of the opinion, that the site should come forward for development based on the premise that, as the site was deemed 'high quality/low value' whilst in Council ownership, it is highly unlikely that the quality of the site as open space 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 ENV7 concerns the generation of energy from renewable sources sufficient to off-set at least 10% of the estimated residual energy demand. With regards to a development of this size, this can be off-set by the building fabric.
- 9.9 ENV8 refers to mitigation measures to offset air quality issues, in this instance, electric vehicle charging infrastructure has been proposed.
- 9.10 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 Development 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 density / Design, appearance and materials

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 was ingrained in the previous proposal and as a consequence of their previous 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

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 provided a suitable drainage strategy to address surface water flooding. This has been approved by the Lead Local Flood Authority and can be ensured by condition. In terms of river flooding, the Environmental Agency maps show that the site falls within a low risk area (namely Flood Zone 1), where no mitigation is required in relation to river flooding.

10.8 Planning history

Given the refusal of the previous residential proposal on the grounds of highway matters, flood risk and loss open space, comments from the relevant professionals above highlight that there are no grounds on which to refuse the current application. Highways have stated that parking provision is plentiful and have raised no concerns in regards to highway safety; the Lead Local Flood Authority has raised no objection in respect of flood risk (furthermore, the site does not meet the criteria for comment by the Environment Agency); and the loss of open space cannot be credibly upheld as a reason for refusal, due to the site being long identified as surplus to the Council's open space requirements.

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 which will assist in contributing toward the shortfall of housing identified within Sandwell.

12.2 Considering the comments of consultees, there are no robust planning grounds to withhold planning permission. The proposal is acceptable from a planning perspective 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

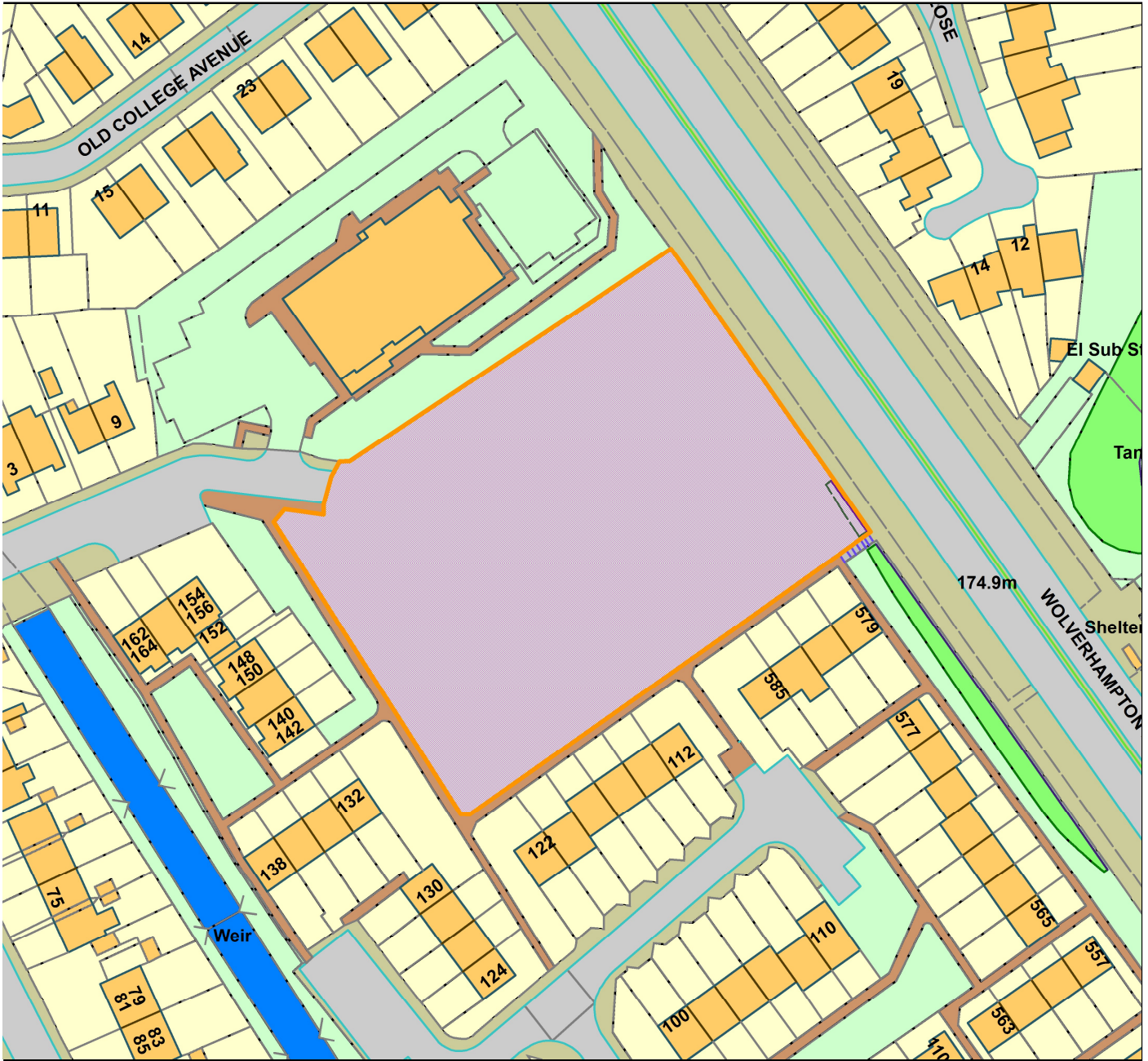
Context Plan

Plan No. Location Plan 1

Plan No. PL/BROOK/2019/001 D

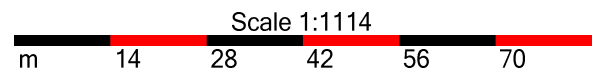
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DC/20/64505
Brook Road Open Space, Wolverhampton Road



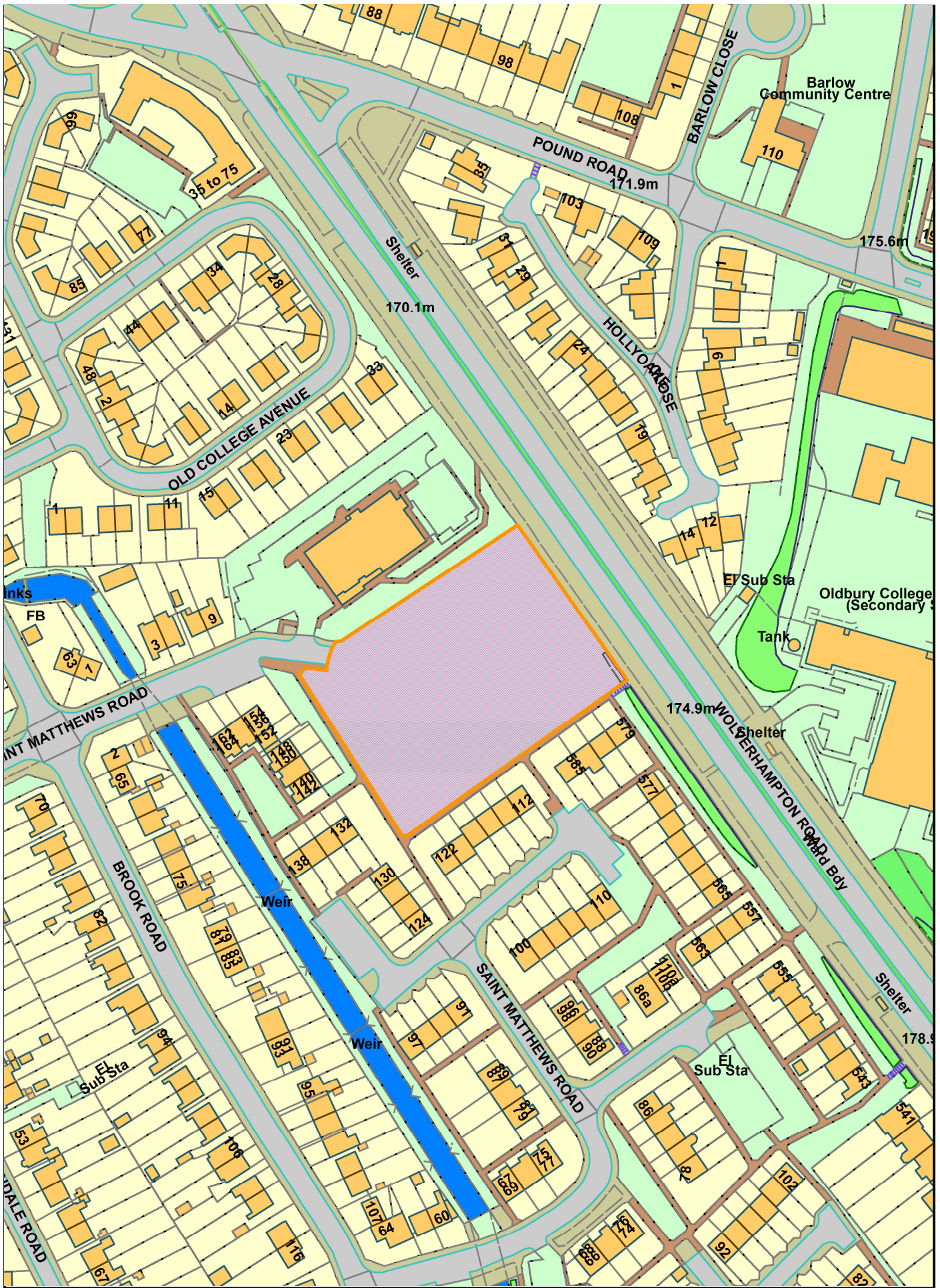
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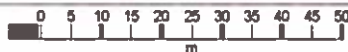
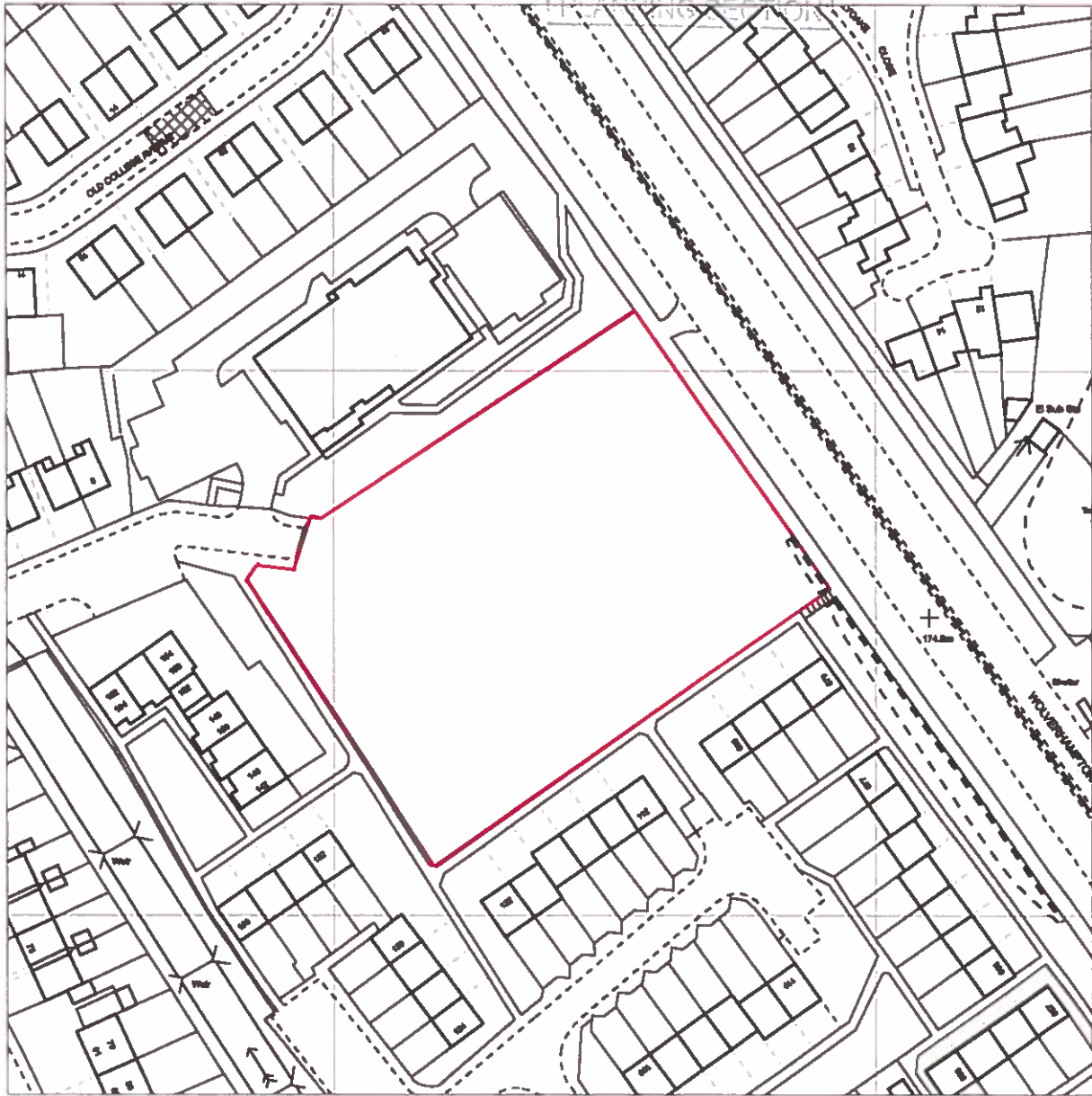
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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	26 August 2020
OS Licence No	



DC / 18 / 62409

RECEIVED
12.11.18
PLANNING SECTION



BROOK ROAD/WOLVERHAMPTON ROAD

OS MasterMap 1250/2500/10000 scale
30 January 2017, ID: BW1-00595019
www.blackwellmapping.co.uk

1:1250 scale print at A4, Centre: 399240 E, 286867 N

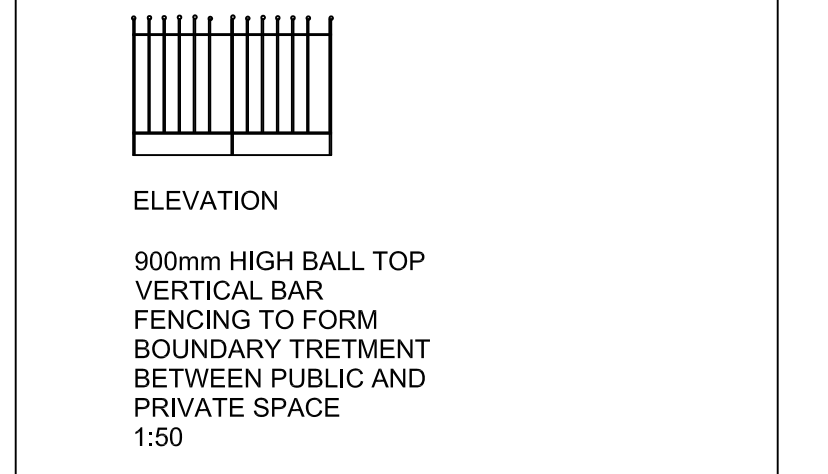
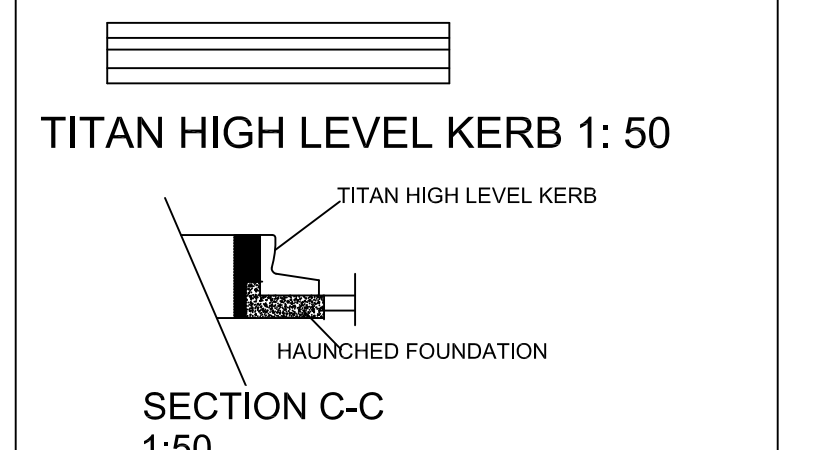
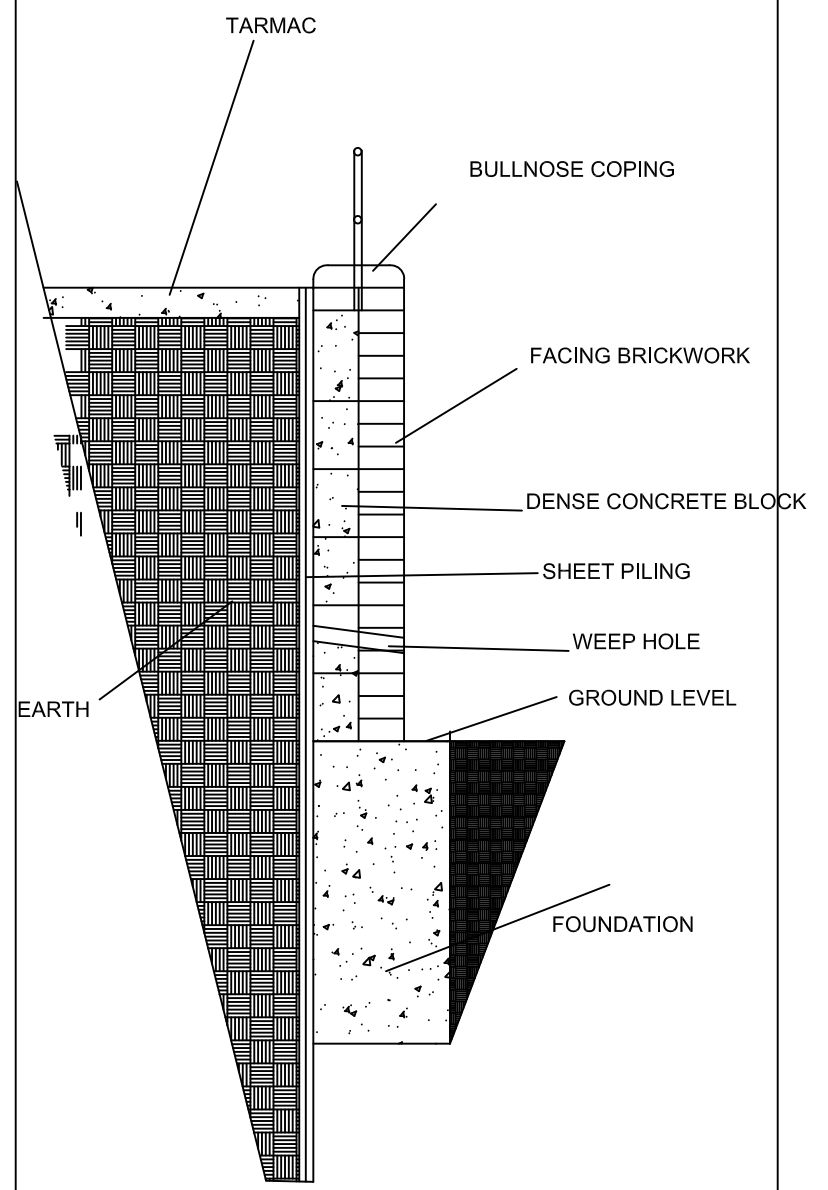
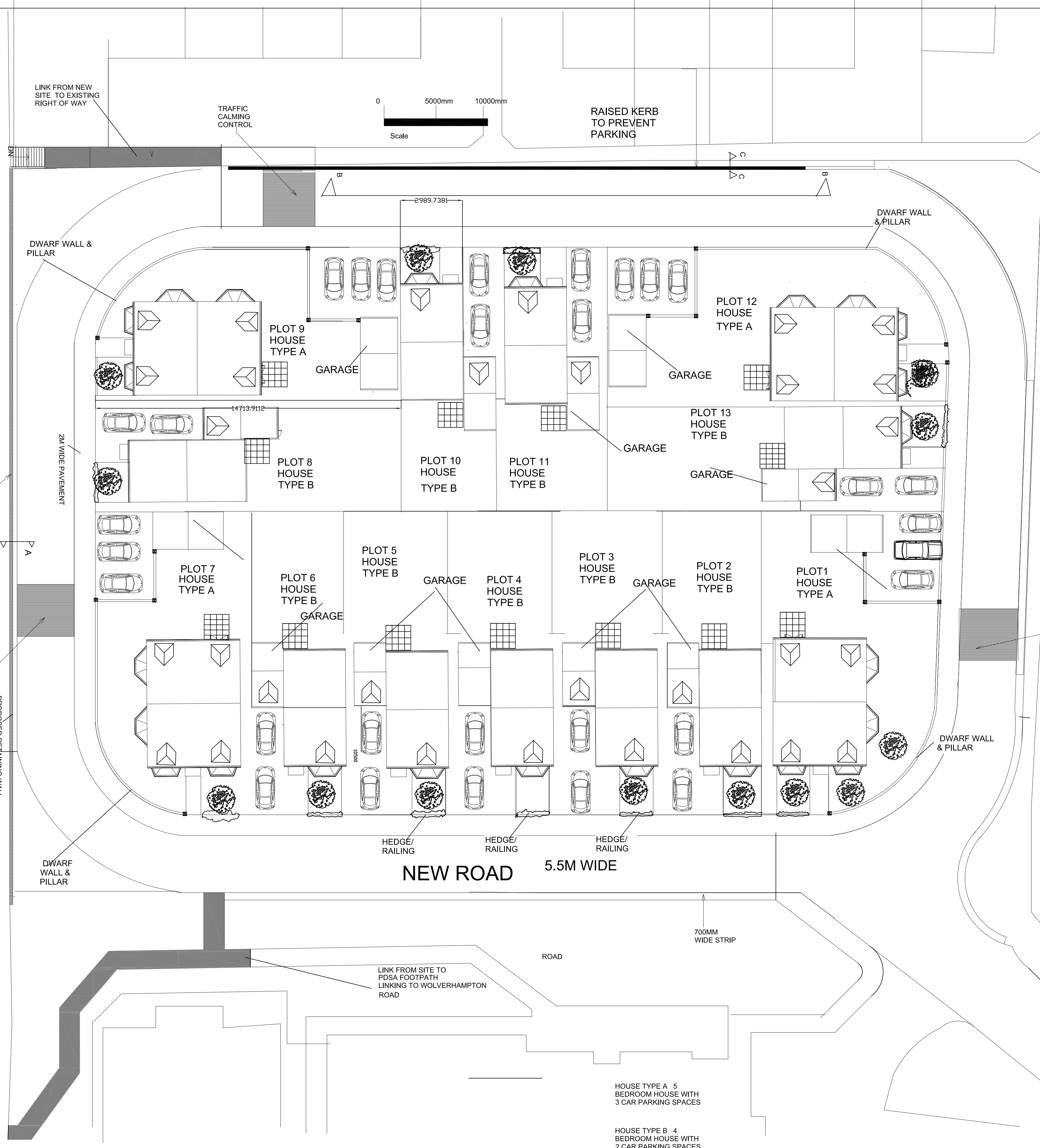
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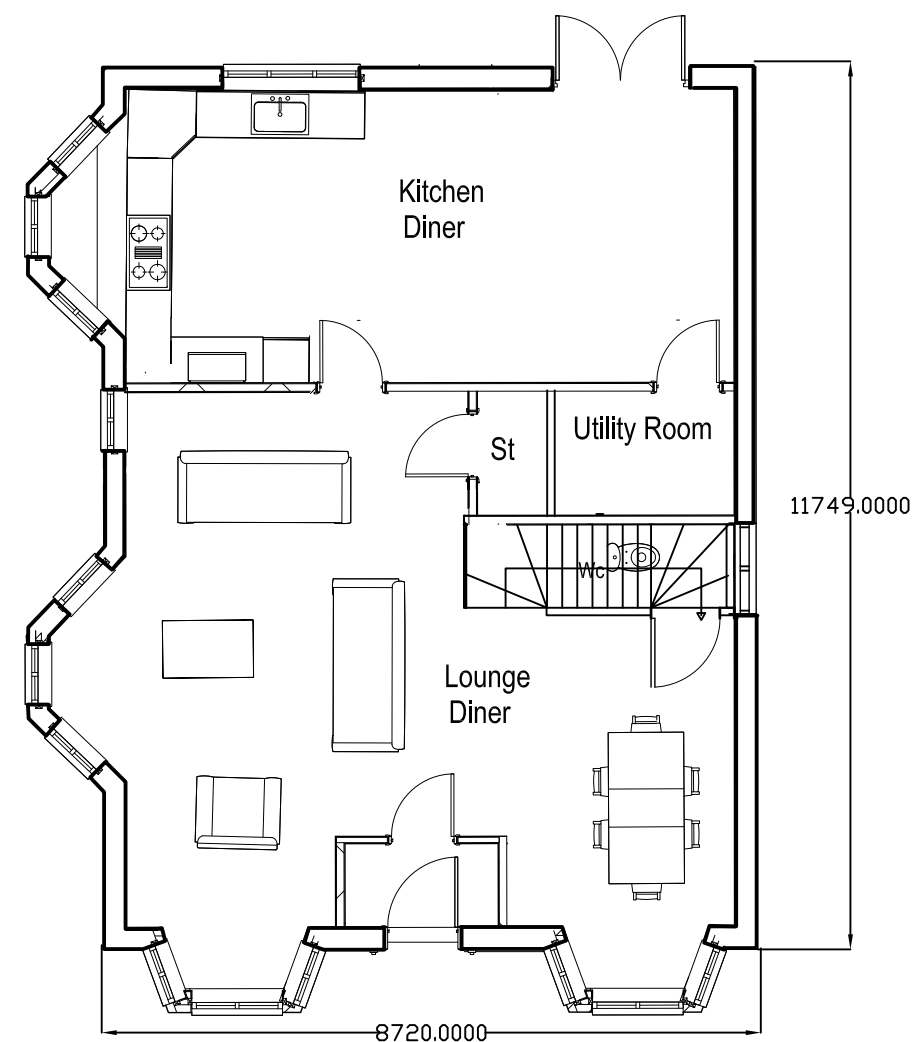
BLACKWELL'S
www.blackwellmapping.co.uk

TEL: 0114 288 7658
maps.sheffield@blackwell.co.uk

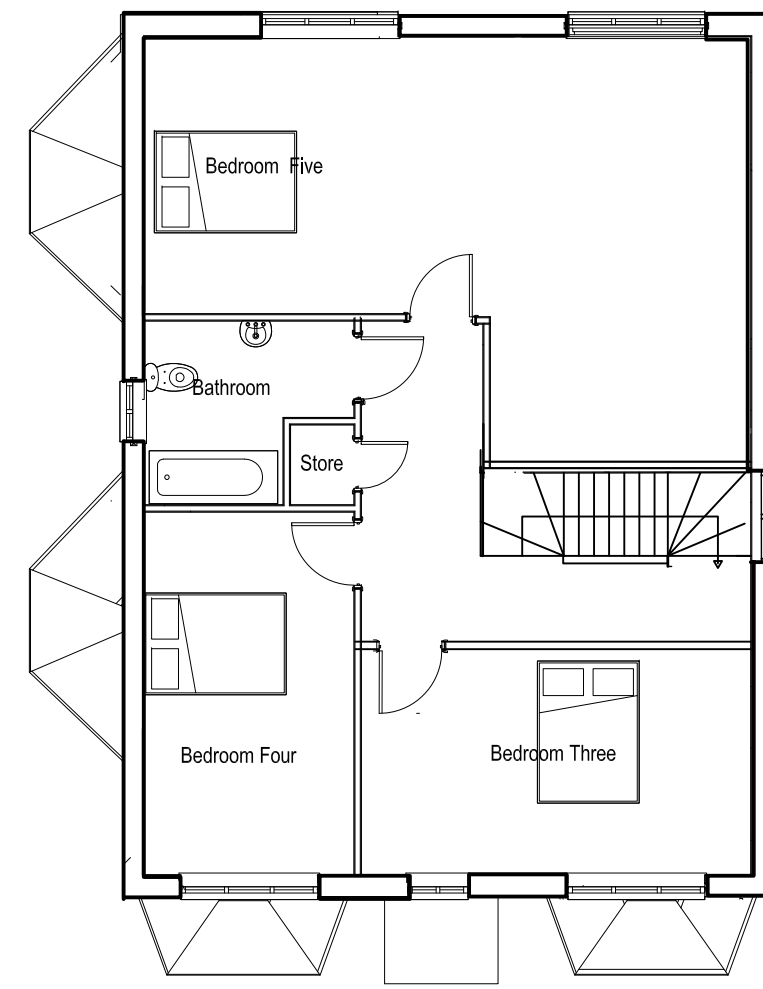
WOLVERHAMPTON ROAD



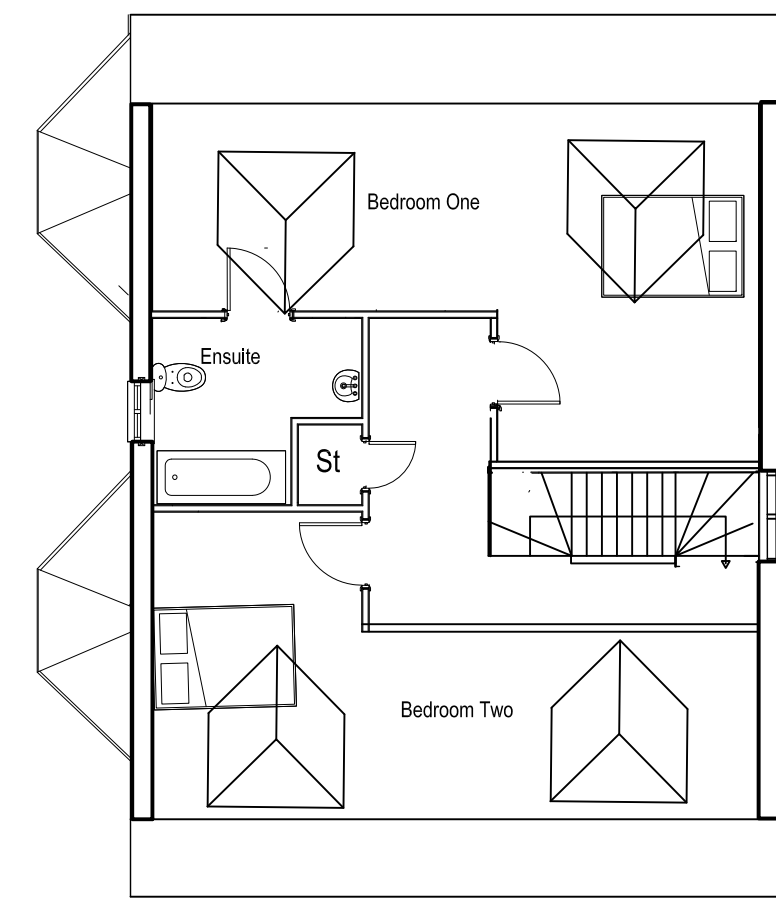
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	PLANNING	
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<p>PROJECT</p> <p>BROOK OPEN SPACE PROPOSED HOUSING SCHEME</p>		
<p>TITLE</p> <p>PROPOSED SITE PLAN & DETAIL SECTIONS</p>		
<p>CLIENT</p> <p>MR RAJESH SOOD</p>		
DRAWN BY	CHECKED BY	DATE
		APRIL 2019
SCALE	PROJECT NUMBER	
1:200 1:50		
DRAWING NUMBER	REV	
PL/BROOK/2019/001	D	



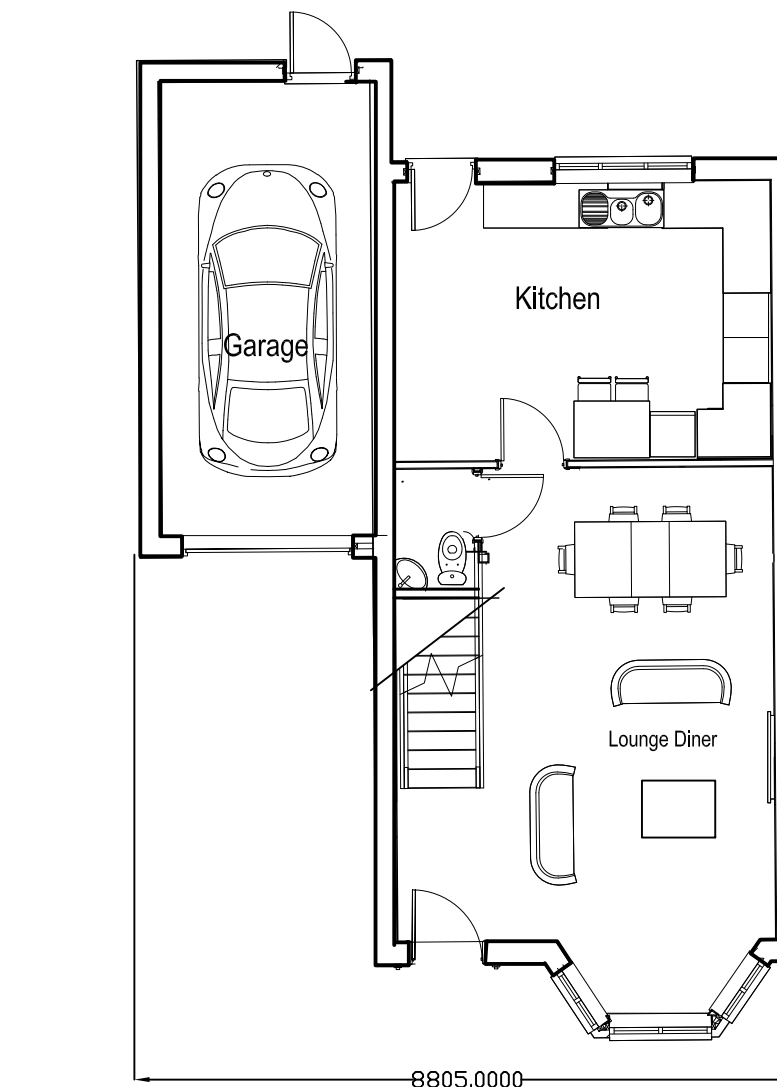
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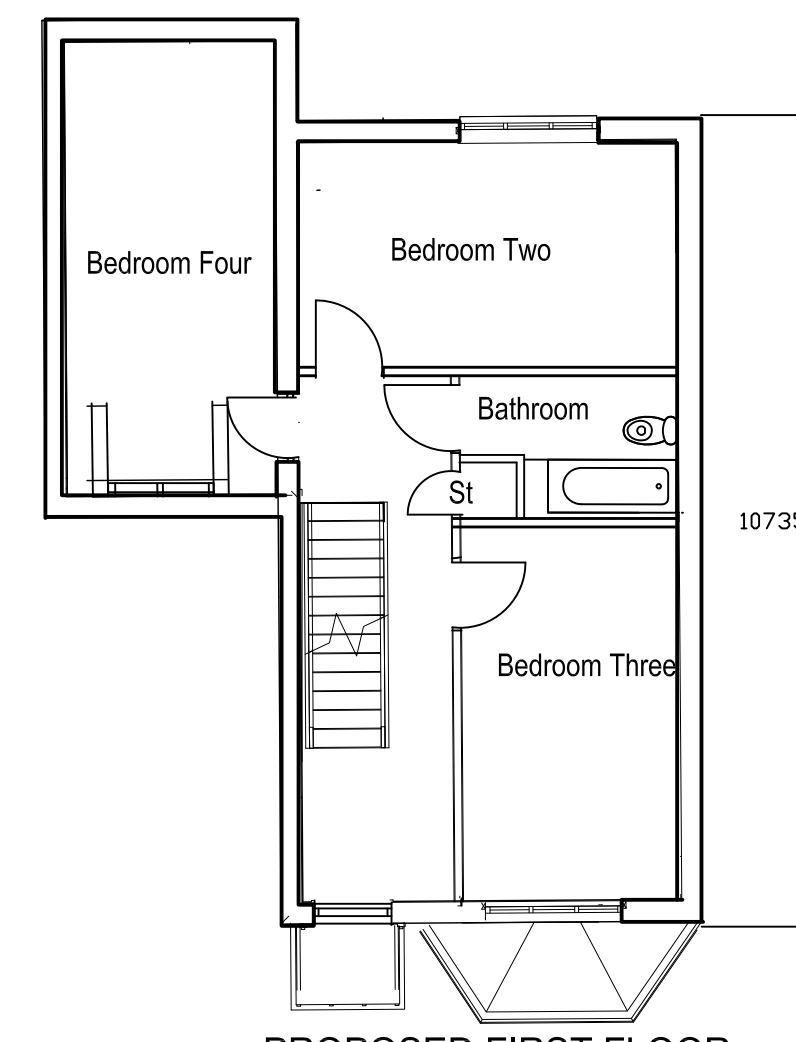
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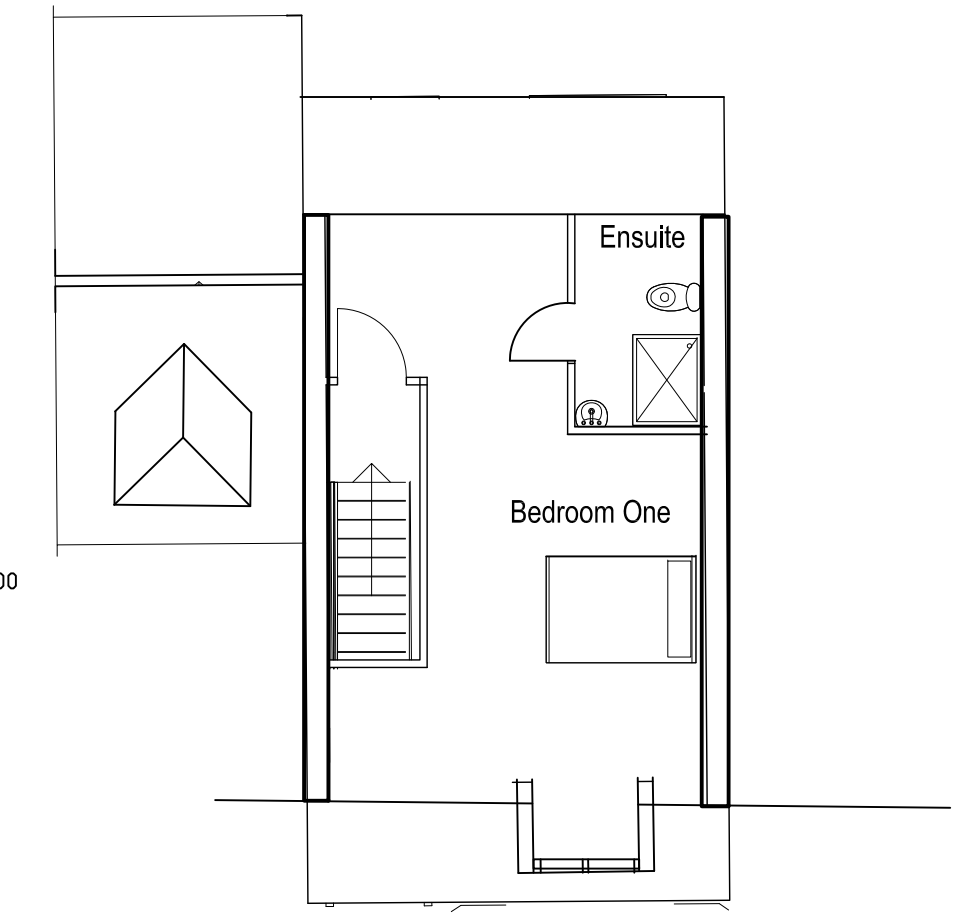
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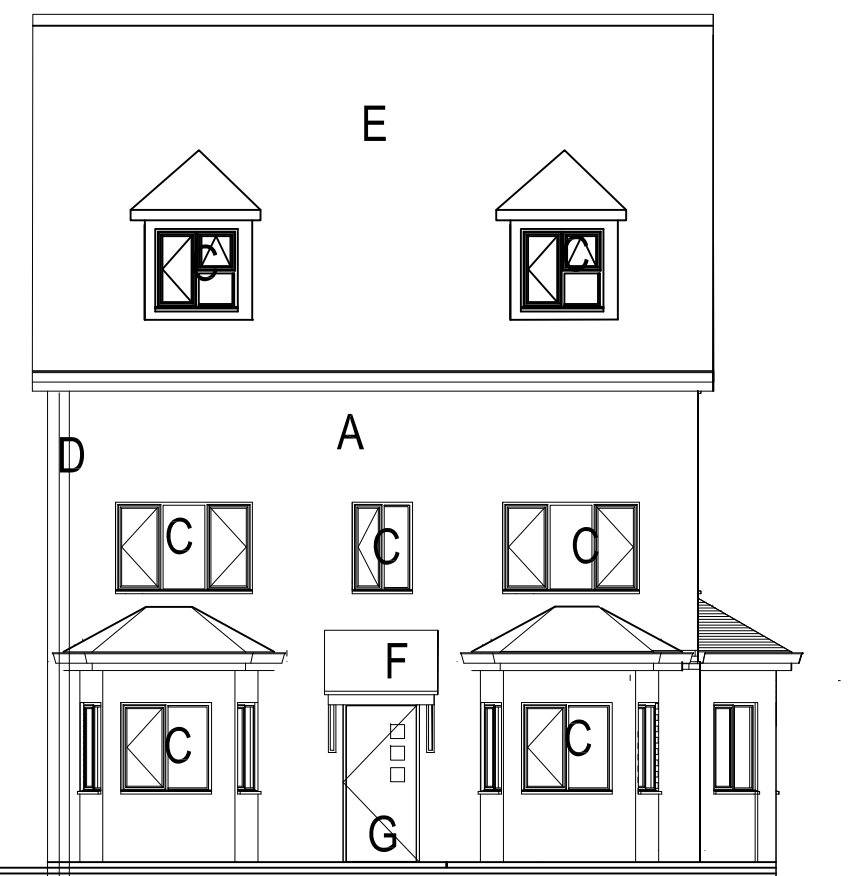
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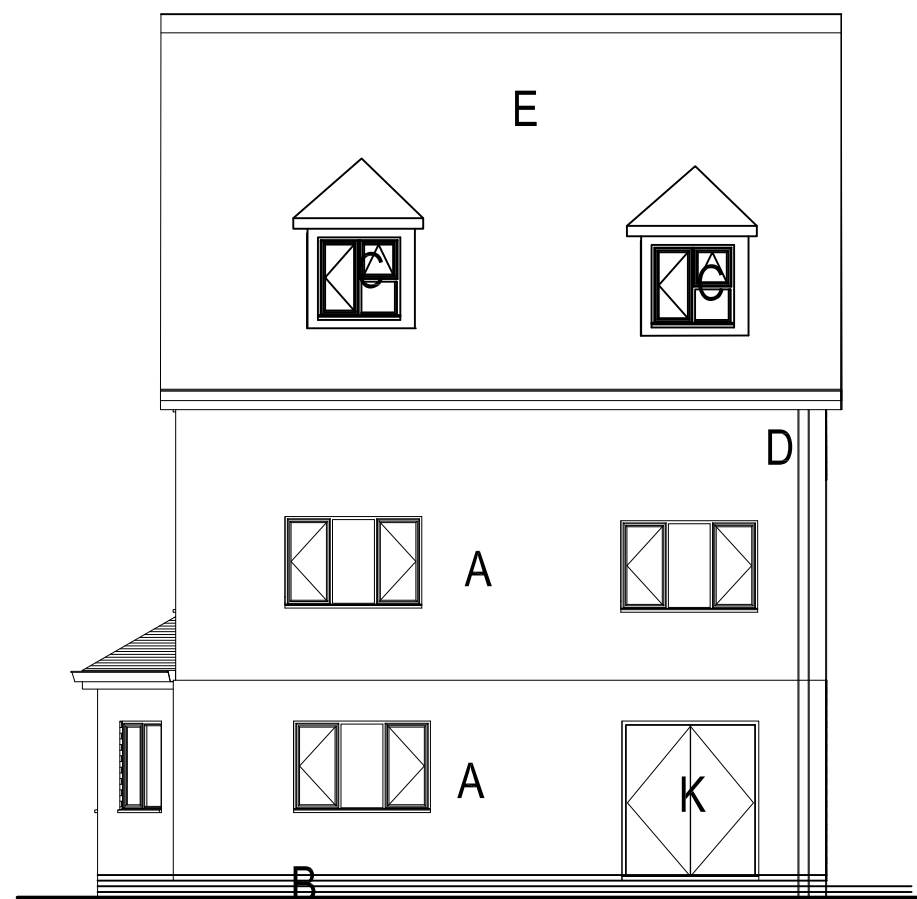
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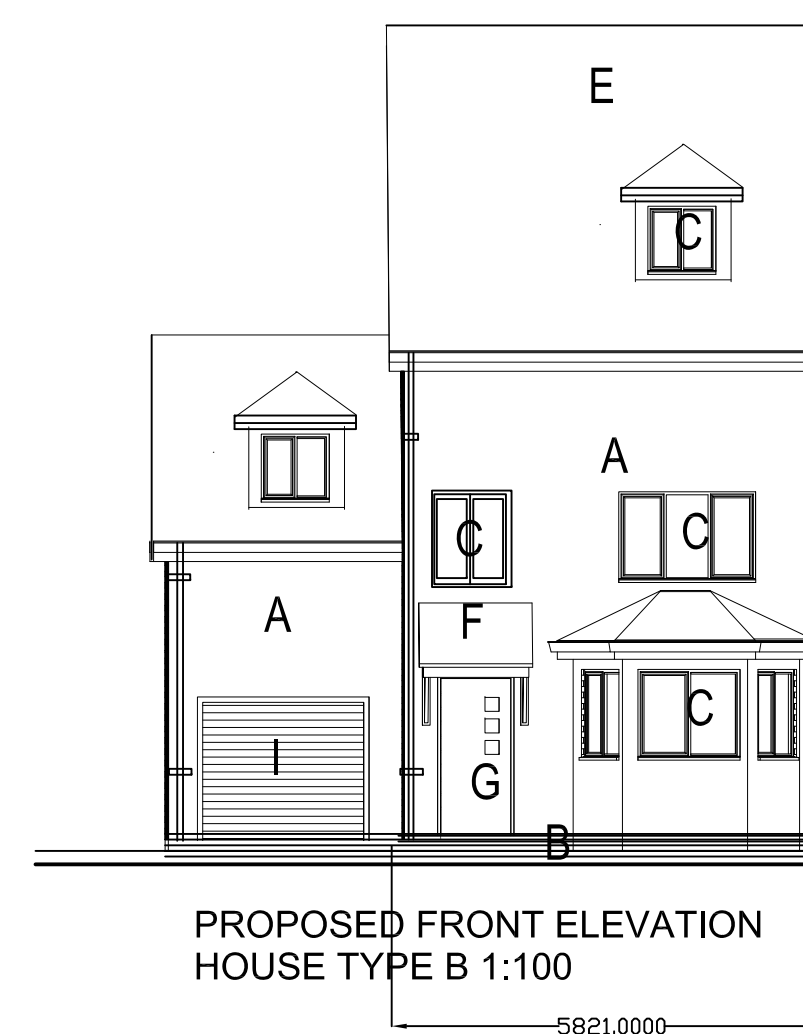
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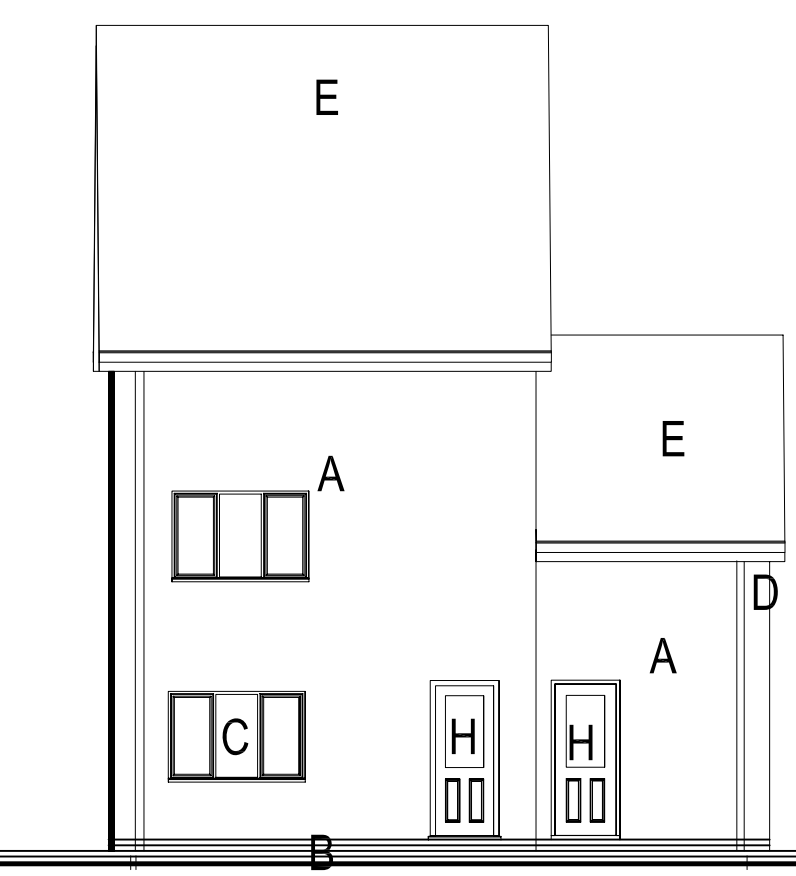
PROPOSED FRONT
ELEVATION HOUSE TYPE A
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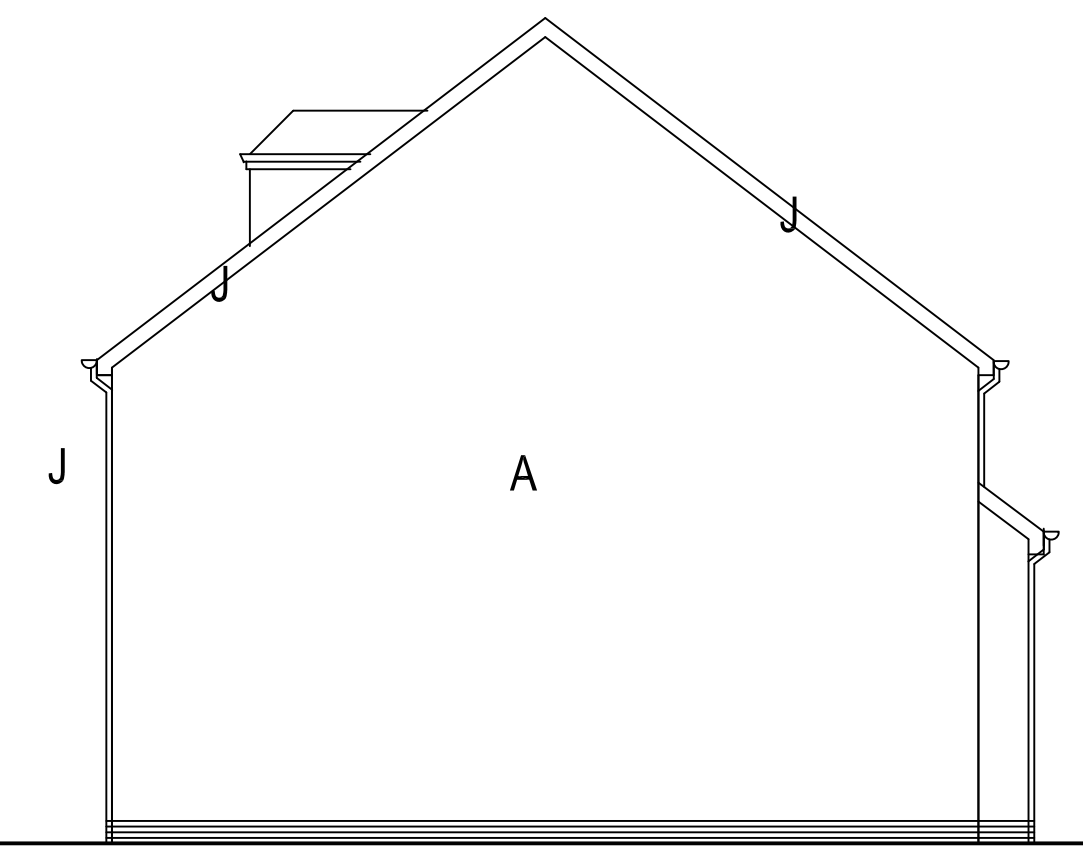
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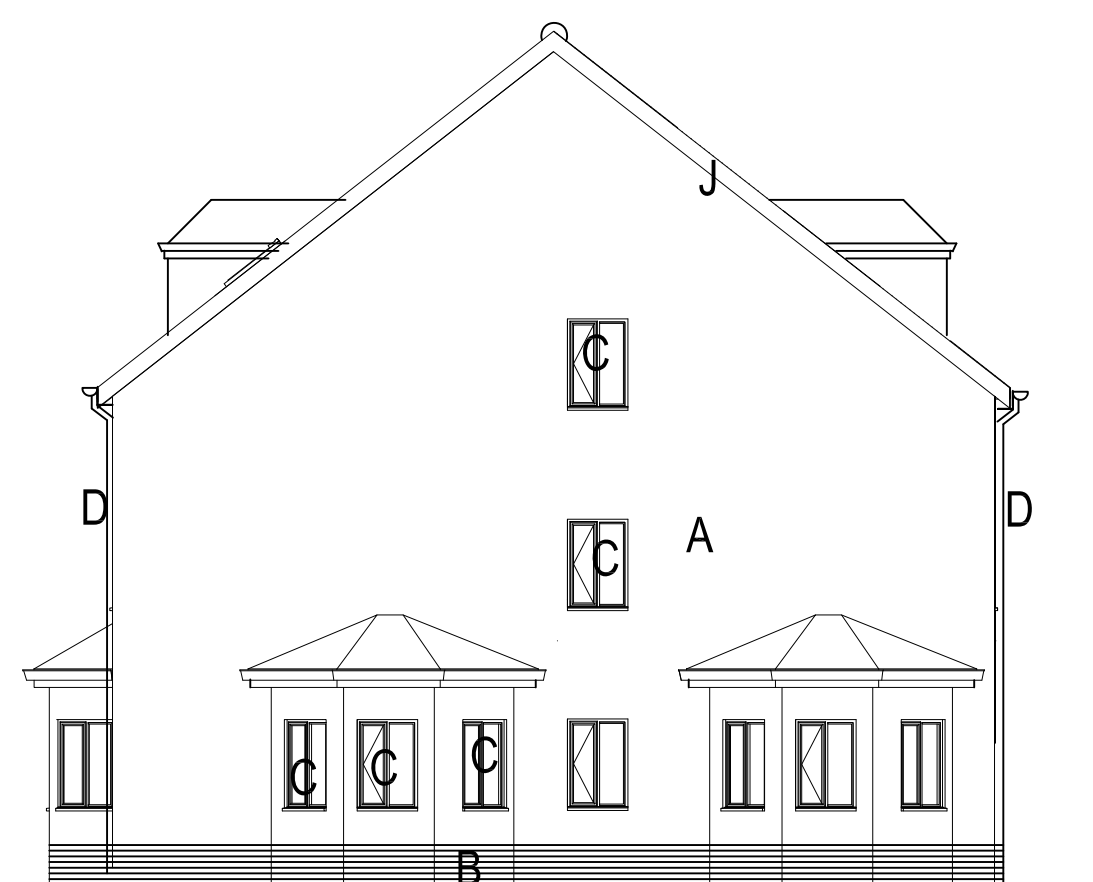
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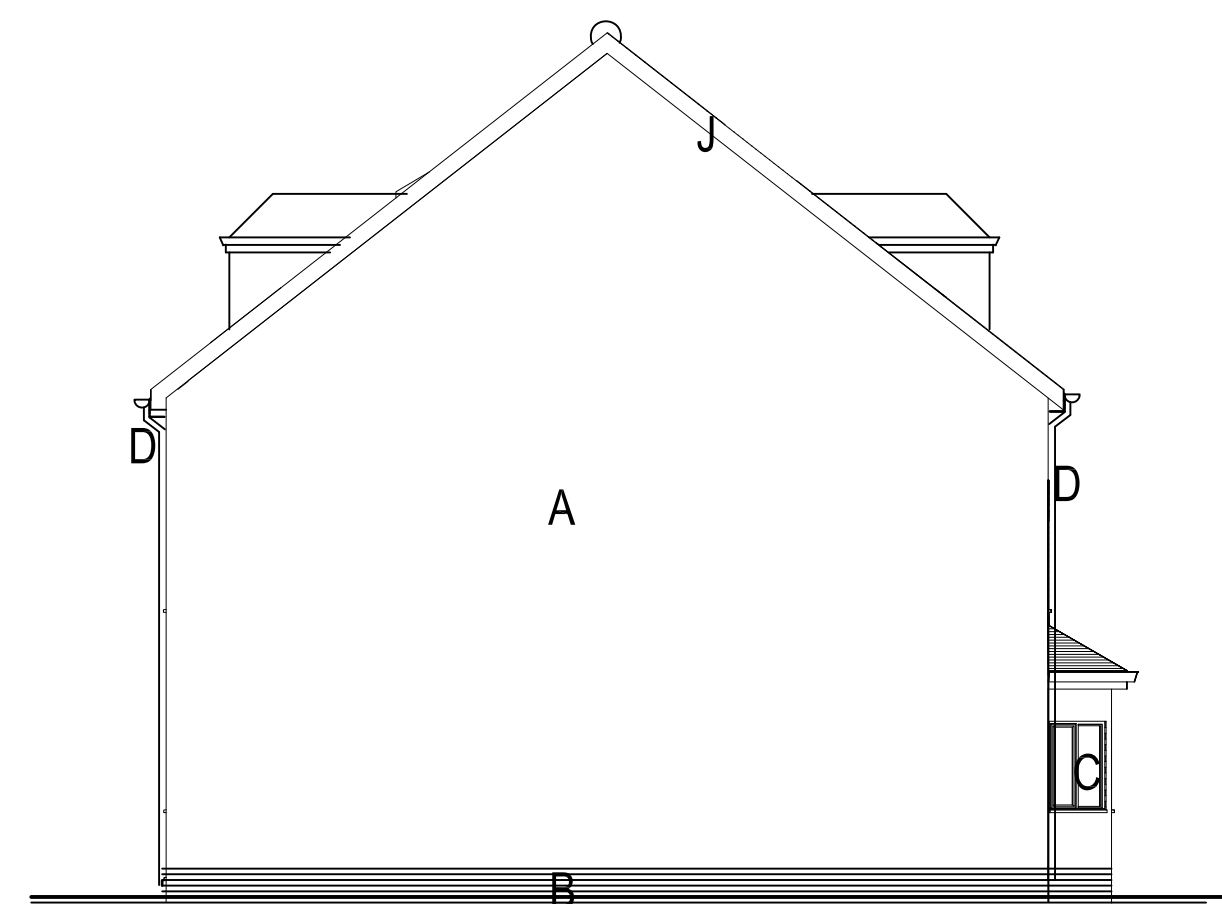
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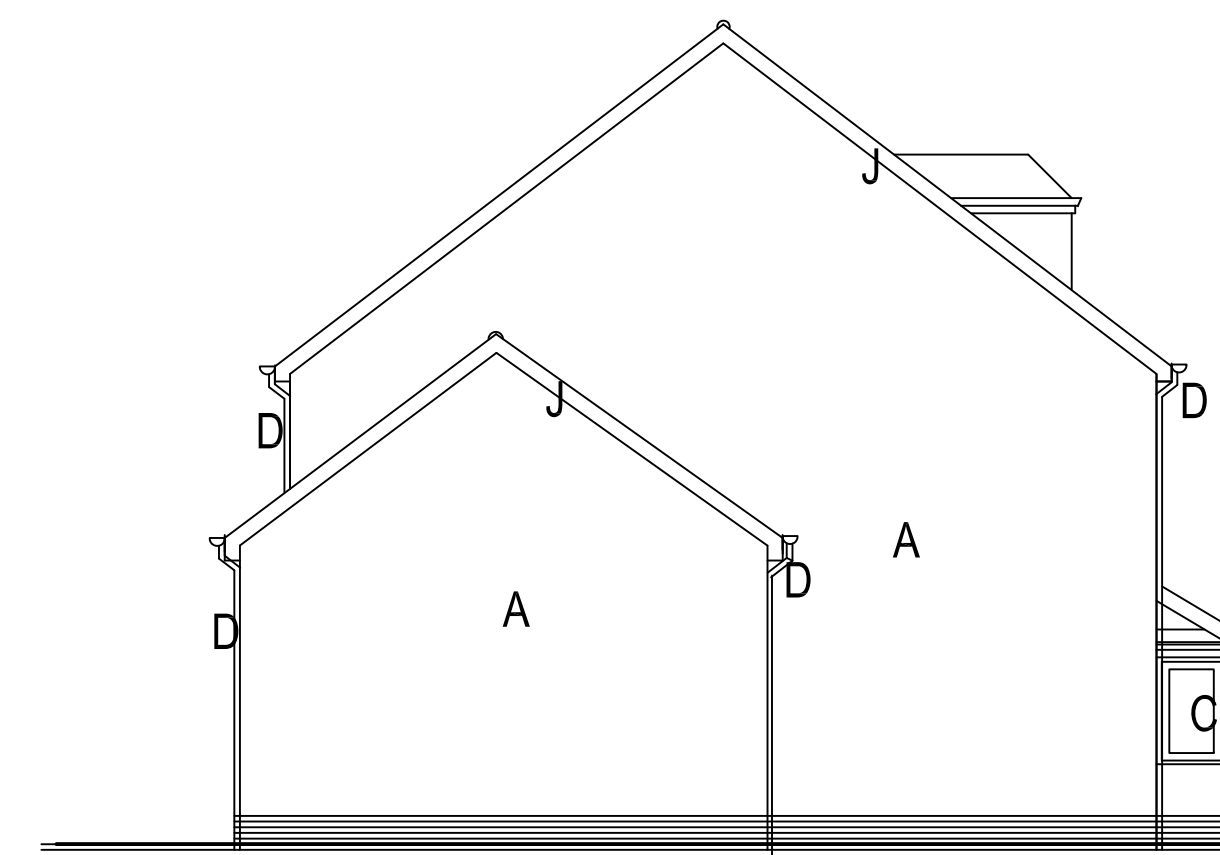
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SIDE ELEVATION HOUSE
TYPE B 1:100



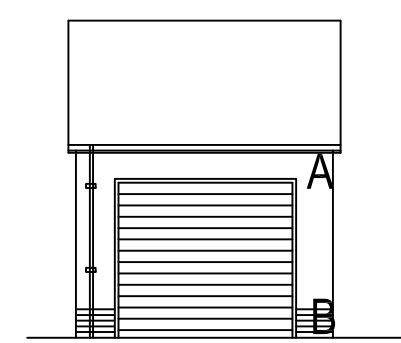
PROPOSED SIDE ELEVATION
HOUSE TYPE A 1:100



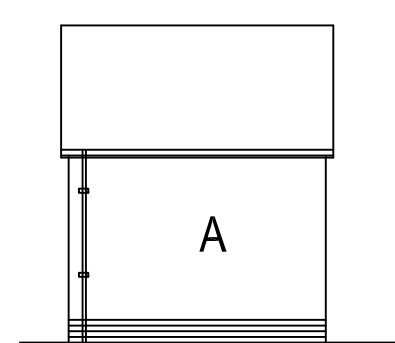
PROPOSED ALTERNATIVE
SIDE ELEVATION HOUSE
TYPE A 1:100



PROPOSED SIDE ELEVATION
HOUSE TYPE B 1:100

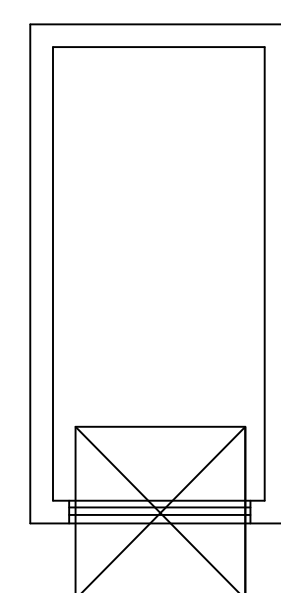


PROPOSED FRONT
ELEVATION DETACHED
GARAGE 1:100



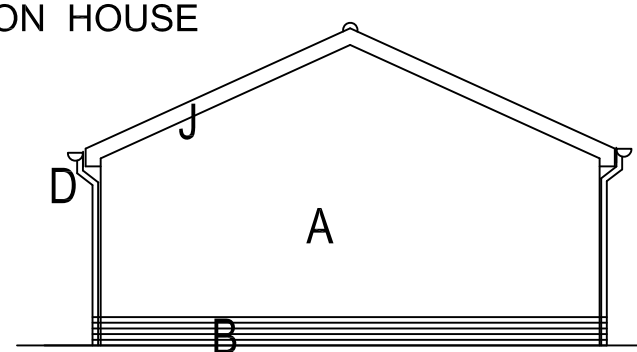
PROPOSED REAR
ELEVATION DETACHED
GARAGE 1:100

B

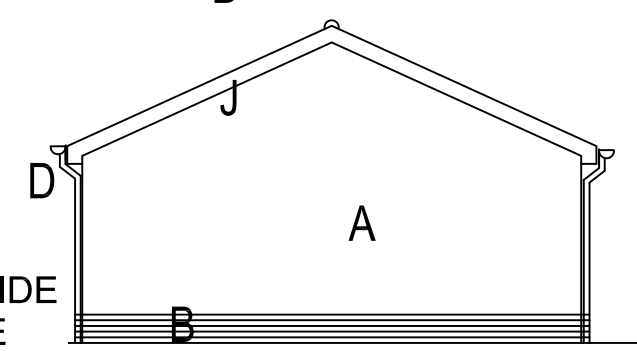


PROPOSED PLAN
DETACHED GARAGE 1:100

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 1:200 1:50	PROJECT NUMBER	
DRAWING NUMBER PL/BROOK/2019/002	REV D	