

Agenda Planning Committee

Thursday 16 February 2023 at 5.00 pm In the Council Chamber - Sandwell Council House, Oldbury

1 Apologies for Absence

To receive any apologies for absence.

2 **Declarations of Interest**

Members to declare any interests in matters to be discussed at the meeting.

3 **Minutes** 7 - 14

To confirm the minutes of the meeting held on 11 January 2023 as a correct record.

4 Planning Application - DC/21/66125 - Newcomen Drive Open Space, Newcomen Drive, Tipton

Proposed industrial/warehousing development (use classes B2/B8) together with associated access, servicing, parking and landscaping.

















15 - 56



5	Planning Application - DC/22/67234 - Land Adjacent 83 Dudley Port, Tipton	57 - 76
	Proposed 4 No. storey detached building comprising of 28 No. 2 bedroom flats and 2 No. 1 bedroom flats (30 flats in total) with basement parking (Outline application all matters reserved).	
6	Planning Application - DC/22/67752 - 234 Oldbury Road, Rowley Regis, B65 0QG	77 - 88
	Proposed demolition of existing building and installation of 17 No. storage containers for 24hr self storage use with dropped kerb and vehicle access.	
7	Planning Application - DC/22/67817 - Land At The Junction Of Tippity Green/Dudley Road, Rowley Regis	89 - 106
	Proposed 3 No. dwellings with new rear access, retaining wall/fencing to rear, bin/cycle stores, parking and landscaping (Revision to refused planning application DC/22/66936).	
8	Committee Site Visits	107 - 114
9	Decisions of the Planning Inspectorate	115 - 120

Shokat Lal Chief Executive Sandwell Council House Freeth Street Oldbury

Distribution

West Midlands

Councillor Millar (Chair)
Councillors Kaur, Akhtar, Allcock, Allen, Chapman, Dhallu, Fenton, S Gill, A Hussain, O Jones, Mabena, Preece, N Singh, J Webb and Williams

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Minutes of Planning Committee

Wednesday 11 January 2023 at 5.00pm in the Council Chamber, Sandwell Council House, Oldbury

Present: Councillor Millar (Chair);

Councillors Allcock, Allen, Fenton, A Hussain, Kaur,

Mabena, Preece, Singh, and Webb

Officers: John Baker (Service Manager - Development Planning

and Building Consultancy); Alison Bishop

(Development Planning Manager); Simon Chadwick (Highway Network Development and Road Safety Manager); Rory Stracey (Solicitor); Alex Goddard (Democratic Services Officer); Connor Robinson (Democratic Services Officer) and Anthony Lloyd

(Democratic Services Officer).

01/23 Apologies for Absence

Apologies were received from Councillors S S Gill, Chapman and Dhallu.

02/23 **Declarations of Interest**

There were no declarations of interest made.

03/23 **Minutes**

Resolved that the minutes of the meeting held on 23 November 2022 are approved as a correct record.

04/23 Planning Application DC/20/64505 - Proposed development of 13 dwellings - Brook Road Open Space Wolverhampton Road, Oldbury.

The Service Manager for Development Planning and Building Consultancy updated the Committee on a further objection which had been received from a resident.

The site in question was originally designated as community space in the Black Country Development Plan; it had been sold by the Council and was now privately owned. The current allocation of the land was a legacy allocation and would be removed when the new Sandwell Development Plan was progressed. If approved, the application would need to be further approved by Council.

Objectors were present and addressed the Committee. It was highlighted that the site in question was used by residents for recreational activities. The objectors also questioned the plans with respect to affordable housing and the impact of the local environment with respect of the housing being sustainable.

The Service Manager for Development Planning and Building Consultancy reminded members that the land was privately owned, and it was within the right of the owner to prevent trespassing if they wished. It was also noted that Planning was guided by policy and the service worked within sustainable guidelines.

Following discussions by Members, it was agreed that conditions relating to renewable energy, landscaping and cycle storage would be added.

Resolved that Planning Application DC/20/64505 (Proposed development of 13 dwellings - Brook Road Open Space Wolverhampton Road, Oldbury) is approved, subject to conditions relating to the following:-

- (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, to include tree planting;
- (x) Electric vehicle charging provision;
- (xi) Low NOx boilers;
- (xii) Employment and skills plan;
- (xiii) An external lighting scheme;
- (xiv) Removal of permitted development rights to remove extensions:
- (xv) 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;
- (xvi) 10% renewable energy
- (xvii) Adequate cycle storage.
- Planning Application DC/22/67124 Proposed change of use and alteration of public house to create 21no. bedroom house in multiple occupation (HMO), erection of 2no. dwellings, car parking, access, cycle and refuse store and associated works Holly Bush, The Uplands, Smethwick, B67 6BL.

Members of the Committee had been lobbied by both the Objectors and the Applicant(s) on a recent site visit.

The Service Manager for Development Planning and Building Consultancy highlighted to the Committee a Correction to paragraph 10.2 of the report. Parking standards were stated at 1 parking spot per 3 rooms whereas the correct stands were 1 space per 2 rooms. In total, a minimum number of 11 parking spaces were required for the HMO, 15 were proposed.

Objectors were presented and addressed the committee with the following concerns:-

 Occupants of a previous HMO had caused a number of anti-social-behaviour issues.

- Previous HMO occupants had continuously attempted to gain entrance to neighbouring properties.
- The HMO application had been previously rejected.
- The HMO has caused a significant increase in road traffic to and from the area.
- Anti-social-behaviour had increased in the area and residents were afraid to leave their homes.
- Harassment was frequently experienced by those living in the area.
- Postage and parcels had been stolen and local business had suffered from theft.

The Applicants agent was present and addressed the Committee:-

- The vacant state of the site was attracting Anti-Social-Behaviour to the area.
- Although the building was not listed, it was a heritage asset to the area and should therefore be safeguarded.
- Detailed reports had been provided to Councillors to discuss the proposal and how the HMO would be managed.
- The applicant had agreed to the amendments requesting changes to the number of rooms and parking allocation.
- Each room was to a high standard and in-line with the Council's requirement.
- None of the rooms of occupation would be provided to individuals in rehabilitation or recovery.
- Occupants of the building would mainly be single mothers or working adults currently on the Council's waiting list.

Members noted points from both the Objector and the Applicant's agent. Clarification was sought on the licensing procedure for an HMO and if the community could possibly contribute towards discussions and express their concerns during this process. It was highlighted that Planning permission only provides a principal "go-ahead" for use of the site and that the licensing team, through their own processes, would be responsible for granting a licence.

Comments from the West Midlands Police were shared with the Committee. Although no formal objections were made by the Police, it was stated that HMOs can cause conflicts between residents.

Members were minded that assumptions could not be made on any potential residents and that those occupying the HMO would be vetted by the Council.

Following a lengthy discussion by members, it was agreed that the application would be refused on the grounds of "fear of crime and undermining quality of life and community cohesion".

Resolved that consideration of Planning Application DC/22/67124 (Proposed change of use and alteration of public house to create 21no. bedroom house in multiple occupation ((HMO)), erection of 2no. dwellings, car parking, access, cycle and refuse store and associated works - Holly Bush, The Uplands, Smethwick, B67 6BL) is rejected.

Planning Application DC/22/67165 - Proposed erection of a residential led, mixed usebuilding of between 7 and 14 storeys to include 392 dwellings (Use Class C3) and 555sqm (GIA) commercial floorspace (flexible within Use Class E), drinking establishments (sui generis) and hot food takeaway (sui generis), plus associated amenity space, access, parking and demolition of existing buildings - PJ House London Street, Smethwick B66 2SH.

Members of the Committee had been lobbied by Applicants.

The Service Manager for Development Planning and Building Consultancy informed the Committee that the Highways Department had no objection to the application subject to the review of tracking of parking areas, clarification of boundary treatments and conditions related to refuse strategy. In the event that the application be approved, members were minded that an additional condition could be imposed to

ensure that the outstanding matters could be resolved by the Chair of the Planning Committee and any relevant officer.

An amended plan had been table which showed that materials would now be a red brick to reflect the industrial characteristics of the area. Additional conditions were also tabled regarding a revised cycle layout and details of controlled ventilation intakes. Solar panels were also included within the plans.

A parking provision of 87% in respect of the 392 units available was also highlighted. Parking surveys before and after the development would take place to identify any mitigations that may be needed.

Members welcomed the application and underlined the much-needed regeneration to the area.

Resolved that subject to no objections from highways to final tracking details for the car park, subsequent approval with the Chair and Vice Chair and completion of a s106 agreement, that planning application DC/22/67165 – (Proposed erection of a residential led, mixed usebuilding of between 7 and 14 storeys to include 392 dwellings ((Use Class C3)) and 555sqm ((GIA)) commercial floorspace ((flexible within Use Class E)), drinking establishments ((sui generis)) and hot food takeaway ((sui generis)), plus associated amenity space, access, parking and demolition of existing buildings) - PJ House London Street, Smethwick B66 2SH.) is approved, subject to conditions relating to the following

- (i) External materials;
- (ii) Drainage details (LLFA and Severn Trent);
- (iii) Implementation of Air quality measures:
 - a. Travel plan
 - b. Electric charge points
 - c. Dust management plan
 - d. Low NOx boilers
- (iv) Noise mitigation (glazing and mechanical ventilation);
- (v) Ground contamination and remediation;
- (vi) Parking layout and retained;
- (vii) Details of refuse management strategy;

- (viii) Use class order limiting retail element;
- (ix) Secure by design package of measures:
 - a. Lighting
 - b. CCTV
 - c. Security access control
- (x) Hard and soft landscaping details;
- (xi) Employment and skills plan;
- (xii) Implementation of renewable energy solutions
- (xiii) Cycle Layout Revised;
- (xiv) Details of controlled ventilation intakes;
- O7/23 Planning Application DC/22/67234 Proposed 4 No. storey detached building comprising of 28 No. 2 bedroom flats and 2 No. 1 bedroom flats (30 flats in total) with basement parking (Outline application all matters reserved) Land Adjacent 83 Dudley Port Tipton.

The Service Manager – Development Planning and Building Consultancy clarified that this application was an outline application and that a further application would be required in the future.

Members reflected concerns regarding overdevelopment to the area and proposed a site visit.

Resolved that planning application (Proposed 4 No. storey detached building comprising of 28 No. 2 bedroom flats and 2 No. 1 bedroom flats ((30 flats in total)) with basement parking ((Outline application all matters reserved)), Land Adjacent 83 Dudley Port Tipton) be deferred to allow a site visit.

O8/23 Planning Application DC/22/67250 - Proposed single storey side, rear and first floor rear extensions - 31 Lindsey Road West Bromwich B71 1JZ.

The Service Manager for Development Planning and Building Consultancy highlighted to Members that the application in question had been presented to the Committee for transparency. The Applicant was an officer of Sandwell Council.

Resolved that Planning Application DC/22/67250 – (Proposed single storey side, rear and first floor rear extensions - 31 Lindsey Road West Bromwich B71 1JZ) is approved.

09/23 Planning Application DC/22/67532 - Proposed single storey side extension, 23 Dilliars Walk, West Bromwich B70 0BJ

The application was brought to the Committee for transparency; this was due to the Applicant being an officer of Sandwell Council.

Resolved that Planning Application DC/22/67532 (Proposed single storey side extension - 23 Dilliars Walk, West Bromwich B70 0BJ) is approved.

10/23 Planning Application - DC/22/67610 - 19 Beechwood Road, Great Barr, Birmingham, B43 6JN.

The Service Manager for Development Planning and Building Consultancy highlighted to the Committee that the application had been withdrawn following the withdrawal of objections from neighbours.

11/23 **Decisions of the Planning Inspectorate**

The Committee noted the Decisions of the Planning Inspectorate.

132/22 Applications Determined Under Delegated Powers

The Committee noted the application determined under delegated powers by the Director – Regeneration and Growth.

Meeting ended at 6.43pm

Contact: democratic services@sandwell.gov.uk



Addendum Report to Planning Committee

16 February 2023

Application Reference	DC/21/66125	
Application Received	16 September 2021	
Application Description	Proposed industrial/warehousing development	
	(use classes B2/B8) together with associated	
	access, servicing, parking and landscaping.	
Application Address	Newcomen Drive Open Space	
	Newcomen Drive	
	Tipton	
Applicant	Mr J Kelly	
Ward	Tipton Green	
Contact Officer	William Stevens	
	William_stevens@sandwell.gov.uk	

1 Recommendations

- 1.1 That, subsequent to the signing of a Section 106 regarding a wildlife buffer, that planning permission is granted subject to conditions previous approved at planning committee on the 19th July 2022 and at Full Council, with the removal of condition titled:
 - xvi) Ecological survey and mitigation measures.

















2 Reasons for Recommendations

- 2.1 The ecological survey (or bio-diversity net gain) is not currently local or national policy. However, the applicants will be entering into a S106 agreement for £350,000 to enhance a wildlife buffer on the north-eastern side of the site.
- 2.2 By providing the wildlife buffer to the site, this would enhance the biodiversity, allowing plant and wildlife to create local habitats, on the boundary of the site.
- 3 How does this deliver objectives of the Corporate Plan?



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4 Context

- 4.1 Members have previously visited the site and the application was approved at your planning committee of the 19th July 2022. The original committee report is attached.
- 4.2 The original application was also approved at Full Council.
- 4.3 To assist members with site context, links to several Google Map images are provided below:

Aerial View

Street View

View from Newcomen Drive

















5. Application Details

- 5.1 The approved application was to create a new service road from the existing industrial estate, creating five new industrial/warehousing units, (use classes B2/B8) together with associated access, servicing, parking and landscaping.
- 5.2 Units 1 and 2 (nearest to the residential units in Newcomen Drive at 47m) would be 11m high, whereas Unit 5 would stand at 15.6m high and be over 90m from the nearest property in Lindley Avenue.
- 5.3 Access to and operation of the units would be 24/7. In total 270 parking spaces will be available and space for 27 cycles.
- 5.4 This addendum is to grant permission (as before) with condition xvi removed from the original decision.
- 5.5. The application has also already been approved at Full Council.

6 Removal of Condition XVI

- 6.1 On the draft decision notice, it was proposed that condition xvi stated:
 - a) Before the development commences (excluding site investigation works, demolition, site clearance) a scheme for a 10% bio-diversity net gain on site, shall be submitted to and approved by the local planning authority.
 - b) The development hereby approved shall be built in accordance with the approved bio-diversity net gain details.

Reason:

To protect and enhance the sites ecosystem.

















- 6.2 The 10% bio-diversity net gain was originally offered to the Council over and above the £350,000 wildlife buffer zone improvement. Since the resolution to approve this application, viability calculations have resulted in a figure of £1.16million. The applicant has stated that this would make the scheme unviable, and the development wouldn't be built.
- 6.3 The Council currently has no policies requiring the provision of 10% bio-diversity net gain under the current Development Plan, instead the adopted policy ENV1: Nature Conservation is relevant (see point 9.2). In conjunction with this, the relevant sections of the Environment Act which will potentially introduce the requirement, have not yet been enacted, nor has a date been put forward for this to happen. Therefore, the removal of this condition is not against adopted policy, and there are no material planning considerations why the removal of that condition should be refused.

7. Wildlife Improvements/Section 106 Agreement

7.1 The removal of the bio-diversity net gain does not alter the requirement for the developer to contribute £350,000 to the improvement of the existing wildlife buffer on the site, and this legal agreement is currently being prepared, in advance of the permission being issued.

8. Public consultation

8.1 Please see the previous report attached.

9. Planning Policy

- 9.1 Please see the previous report attached.
- 9.2 ENV1: Nature Conservation.
- 9.3 This policy seeks to safeguard nature conservation, the policy specifically refers to Special areas of conservation such as SSSIs and Nature Reserves along with site of local importance for nature conservation,

















wildlife corridors and rare habits. The site itself is not identified as any of the above, however the site has been left vacant for a significant period and left to grow naturally and it is not unreasonable to suggest that there would be nature conservation benefits by creating a wildlife corridor. With this, the contribution of £350,000 to create a designated wildlife zone on site can be achieved by the granting of this permission and securing funding through the S106 process. To this effect, it is considered that the development would accord with the provisions of Policy ENV (Nature Conservation).

10. Alternative Options

10.1 Refusal of the application is an option if there are material planning reasons for doing so, however the site has been undeveloped for a significant amount of time, and council resources are impacted upon by managing fly tipping on the site.

11 Implications

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.	
This application is submitted under the Town and	
Country Planning Act 1990.	
None.	
ality: There are no equality issues arising from this proposa	
and therefore an equality impact assessment has not	
been carried out.	
None	
The proposal would potential provide jobs for the local	
area as well as apprenticeships during the	
construction phase.	

12. Appendices





















Site Plan

Context Plan

19-103-PA-01 A

19-103-PA-02 A

19-103-PA-03 A

19-103-PA-04 A

19-103-PA-05 A

19-103-PA-06 A

19-103-PA-07 A

19-103-PA-08 A

19-103-PA-09 A

19-103-PA-10 A

19-103-PA-11 A

19-103-PA-03 - 1

Planning Committee Report 19/07/2022



















Report to Planning Committee

19 July 2022

Application Reference	DC/21/66125
Application Received	16 September 2021
Application Description	Proposed industrial/warehousing development
	(use classes B2/B8) together with associated
	access, servicing, parking and landscaping.
Application Address	Newcomen Drive Open Space
	Newcomen Drive
	Tipton
Applicant	Mr J Kelly
Ward	Tipton Green
Contact Officer	William Stevens
	William_stevens@sandwell.gov.uk

1 Recommendations

- 1.1 That, subsequent to ratification by Council of the departure from housing, the signing of a Section 106 regarding ecology protection, and no objections Public Health (Noise), planning permission is granted subject to conditions relating to:
 - (i) External materials as per submission;
 - (ii) Hard and soft landscaping;
 - (iii) Finished floor levels;
 - (iv) Boundary treatment (including any retaining walls);
 - (v) Electric vehicle charging points;



















- (vi) Construction management plan (including dust management, hours of construction, wheel cleaning etc as well as additional requirements of the Canal and River Trust);
- (vii) Travel Plan implementation;
- (viii) Low NOx boilers;
- (ix) Ground contamination and gas monitoring watching brief;
- (x) Coal mining investigation and mitigation measures;
- (xi) Risk assessment and method statement (Canal and River Trust);
- (xii) Drainage and SUDS;
- (xiii) CCTV;
- (xiv) Details of proposed external lighting;
- (xv) Desk top based archaeological survey;
- (xvi) Ecological survey and mitigation measures;
- (xvii) Noise mitigation measures;
- (xviii) Jobs and apprentices;
- (xix) Parking laid out, provision and retention;
- (xx) Culvert investigation/diversion/protection; and
- (xxi) 10% renewable energy provision.

2 Reasons for Recommendations

- 2.1 The proposal brings forward a site that has remained undeveloped for a good number of years and which has been used for fly tipping in the past. The proposal would create jobs and bring investment into the local area.
- 3 How does this deliver objectives of the Corporate Plan?



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4 Context

4.1 Members have previously visited the site and at your meeting in March the application was differed for further information and discussions. A

















revised noise report has been submitted and members will be verbally updated.

- 4.2 This application is being reported to Planning Committee because the proposed use is a departure from the council's development plan and objections have also been received.
- 4.3 To assist members with site context, links to several Google Map images are provided below:

Aerial View

Street View

View from Newcomen Drive

5 Key Considerations

- 5.1 The site is allocated for housing and if members were to approve the application, it would have to be considered by Council for ratification.
- 5.2 The material planning considerations which are relevant to this application are: -

Government policy (NPPF)

Proposals in the Development Plan

Planning history (including appeal decisions)

Loss of light and/or outlook

Overshadowing

Public visual amenity

Overbearing nature of proposal

Traffic generation

Contamination by a previous use

Noise and disturbance from the scheme

Nature conservation and loss of ecological habitats

Loss of trees



















6. The Application Site

6.1 The application site is an area of green space sandwiched between industrial units to the west and residential properties to the east. Access to the site would remain as it is now, through Coneygree Road.

7. Planning History

- 7.1 The site has a history of applications being approved; from residential uses to industrial purposes. However, the land has been vacant for a significant period with no development taking place on the site.
- 7.2 The relevant planning applications are as follows:

DA/18345	Infilling of site to plans R/C/BQ/1 & 2.	Grant permission subject to conditions 14/02/1985
BCS0315	Residential development, landscaping and woodland planting and relocated and improved football pitch and clubroom.	Grant Outline Permission with Conditions 07/10/1988
BCS0585	Residential development, landscaping and woodland planting; relocated and improved football pitch and clubroom.	Grant Conditional Reserved Matters 19/06/1989

















BCS0827	General industrial and	Non-Determination
	associated open storage/car	
	parking.	25/11/1992
BCS0828	General industrial and associated open storage/car	Non-Determination
	parking.	25/11/1992
BCS3553	Recycling and waste transfer station	Withdrawn
		23/03/1998
DC/08/49278	Demolition of industrial units to enable vehicular access	Appeal Allowed
	into the site, regrading of the	23/04/2009
	site and stabilisation of the old mine workings, residential	
	development of up to 300	
	dwellings comprising access	
	alterations onto Coneygre	
	Road and Burnt Tree Road	
	and erection of a landscaped acoustic bund (outline	
	application).	
	apphoanory.	
DC/12/54472	Renewal of extant planning	Not determined
	permission DC/08/49278:	
	Demolition of industrial units to enable vehicular access	
	into the site, re-grading of the	
	site and stabilisation of the	
	old mine workings, residential	
	development of up to 300	
	dwellings comprising access	
	alterations onto Coneygre	
	Road and Burnt Tree Road	

















	and erection of a landscaped acoustic bund (outline application).	
DC/21/65676	Screening opinion for proposed industrial and warehouse units with associated access and works.	EIA not required 26/05/2021

7.3 The council has also dealt with two enforcement cases on the site regarding issues with the boundary wall and untidy land (GS/13/9065 and GS/19/10965 respectively). Whilst those issues have been addressed, a further complaint (case GS/21/11567) has recently been received for untidy land.

8. Application Details

- 8.1 The applicant proposes to create a new service road from the existing industrial estate, creating five new industrial/warehousing units, (use classes B2/B8) together with associated access, servicing, parking and landscaping.
- 8.2 Units 1 and 2 (nearest to the residential units in Newcomen Drive at 47m) would be 11m high, whereas Unit 5 would stand at 15.6m high and be over 90m from the nearest property in Lindley Avenue.
- 8.3 Access to and operation of the units would be 24/7. In total 270 parking spaces will be available and space for 27 cycles.

















9. Publicity

9.1 The application has been publicised by 71 neighbour notification letters, site notice and press notice. A total of eight objections have been received along with a 155-signature petition against the proposal.

9.2 **Objections**

Objections have been received on the following grounds:

- i) Concerns over noise given the proximity of the development to residential units, combined with the new metro line bordering the site;
- ii) The proposal is allocated for residential use and not industrial;
- iii) Light pollution from the proposed development would disturb residents' sleep during the night;
- iv) The development would increase traffic in the local area;
- v) The development would increase pollution in the area;
- vi) Concerns over potential poisonous gases on site given the use was a former tar pit;
- vii) The proposed development will impact on the local environment, forcing existing wildlife to move from the site whilst the site is treated and developed and further removal of greenery in Tipton;
- viii) Not all residents in the area have been notified of the application;
- ix) The introduction of a walkway from Newcomen Drive may introduce security issues to local residents and increase anti-social behaviour and criminal offences; and

















The proposed development will potentially increase flooding in the X) area.

Immaterial objections have been raised including promises from developers (of Newcomen Drive housing estate) that nothing will be built on this land when the residents brought the houses on Newcomen Drive, and that the development will impact on the resale value of residential properties.

9.3 Responses to objections

I respond to the objector's comments in turn:

- (i) A revised noise report has been provided and Members will be verbally updated following updated comments from Public Health (noise) officers.
- (ii) The site is allocated for residential use. Despite this, the site remains undeveloped with no indication that the land will come forward for residential use. Given the on-going complaints received over the condition of the site (point 7.3) the scheme would provide jobs and investment into the area.
- (iii) The proposed development is a significant distance away from residential properties and bound by mature vegetation. Whilst it is extremely unlikely that residents would be disturbed by light pollution, a condition can be attached to any approval ensuring details of a lighting scheme.
- (iv) The Council's Highways Department has raised no objections.
- The council's Public Health (air quality) team has raised no (v) objections and suggested conditions such as vehicle charging points to lessen any impact.
- (vi) See point 10.4 below.



















- (vii) The existing vegetation on the boundary of the site would remain and additional planting provided. However, it is important that during the construction phase, wildlife disturbance is kept to a minimum. This can be managed as part of the construction management plan which forms part of the recommended conditions along with a proposed s106 in relation to measures to protect ecology.
- (viii) 71 individual addresses were sent a letter, as well as site notices posted, and the application publicised in the local newspaper.
- (ix) No walkway is proposed, and in between the development and the landscaping border with Newcomen Drive will be an acoustic fence providing additional security and screening.
- (x) Issues over drainage and sustainable drainage systems can be addressed via condition.

10. Consultee responses

10.1 Planning and Transportation Policy

The site of the proposed development is allocated for housing; therefore, the proposed industrial development would be a departure from the development plan allocation, under Black Country Core Strategy (BCCS) policies DEL2, EMP1 and EMP4 (see 12.1).

According to policy EMP4 of the BCCS, the council should have a supply of 70 hectares of readily available employment land. The council has a short fall and the proposed development would go some way help fill this gap.

Taking the above into account there are no policy issues with the proposed industrial/warehouse development of the site, and no objections to the departure.

















10.2 Highways

The highways team do not object to the proposal but recommended a condition is attached for the layout for parking and manoeuvring to be implemented prior to occupation and to be retained as such.

10.3 Public Health (Air Quality)

No objections have been received and it is recommended that conditions are attached to any approval that include electric vehicle charging points, a dust management plan (part of the construction management plan) to protect local residents during the construction phase of the development, as well as the implementation of the submitted travel plan, and the installation of low NOx boilers.

10.4 Public Health (Contaminated Land)

Contamination reports have been submitted as part of the application which conclude that a watching brief is required by a competent person and if contaminates are found, these are reported to Public Health along with the proposed mitigation measures. Further gas monitoring is also required on site and can be conditioned accordingly.

10.5 Public Heath (Air Pollution and Noise)

The conclusion of the noise assessment predicted that for units 1-4, the cumulative impacts (including vehicle movements) would result in noise levels of +2dB in the day time and -1dB at night. For unit 5 it is 0dB above background and -3dB at night. This also assumed that each unit would not exceed their maximum noise output levels used in the assessment as stated above.

Additional mitigation measures will be required if a noise rating level of -5dB at the nearest sensitive properties is to be achieved in respect of all activities on site.

















It is recommended that the updated noise assessment is based on a reasonable worst case scenario as otherwise the council cannot be satisfied that the development will not have a significant observed adverse effect on residents.

Therefore, further information was been requested. This information has now been provided and is with colleagues to review. Members will be verbally updated.

10.6 Urban Design

No objection to the proposal.

10.7 West Midlands Police

No objections have been received, however recommend conditions that cover security measures like CCTV and external lighting.

10.8 Network Rail

No objection.

10.9 Lead local flood authority

It is recommended that the standard drainage and sustainable drainage system conditions are attached to any approval.

10.10 Severn Trent

See point 10.9

10.11 The Coal Authority

















Additional information has been received and the Coal Authority raises no objection subject to suitable site investigation and remediation measures.

10.12 The Canal and River Trust

Raises no objections to the development but wish to protect their asset. Therefore, have requested a condition regarding a risk assessment and method statement being submit to and approved that would include vibration monitoring. Other conditions include, landscaping, drainage, contamination, unexpected contamination, construction management plan, details of external lighting, archaeology, and an informative placed on any approval with contact details of who the developer should contact from the trust. The majority of the above can be incorporated into the council's standard conditions.

10.13 The Wildlife Trust for Birmingham and the Black Country

Further investigations are required, however due to the time of the year, and various issues on the site, i.e. Japanese Knotweed, the applicant has requested these investigations are controlled by condition. Whilst this in theory is acceptable, the applicant is aware that any mitigation measures that fall within the build zone of the development may mean the scheme cannot be built as proposed, and as a result a further application would need to be submitted to reflect the changes needed.

The applicant has also agreed to a Section 106 in terms of protecting measures for the sites ecology.

11. National Planning Policy

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

















12. Local Planning Policy

12.1 The following polices of the council's development plan are relevant:

ENV3: Design Quality

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

Effect

ENV7: Renewable Energy

ENV8: Air Quality

TRAN2: Managing Transport Impacts of New Development

DEL2: Managing the Balance between Employment Land and Housing

EMP1: Providing for Economic Growth and Jobs

EMP4: Canals

SAD H1: Housing Allocations

SAD EOS9: Urban Design Principles

SAD EOS10: Design Quality and Environmental Standards

- 12.2 The site of the proposed development is allocated for residential use, therefore SAD policy H1 is applicable. However, no residential uses are proposed, and the development is classed as a departure from the development plan.
- 12.3 BCCS policy DEL2 states that proposals for new employment development in areas of housing growth will be resisted where it is not consistent with housing led regeneration of the area. It has been over ten years since the adoption of the BCCS and the site remains undeveloped for housing and is unlikely to come forward due to viability issues (contaminated land mitigation measures).
- 12.4 BCCS policy EMP1 aims to provide land for at least 75,000 industrial and warehouse jobs in the Black Country by 2026. For this, there needs to be a ready supply of available land at any one time. Under BCCS Policy EMP4, Sandwell should have 70ha of available employment land available at any one time (the council currently has 23ha). The borough has been well under this level of provision since the adoption of the BCCS in 2011, therefore the proposed industrial development of the site would

















- be welcome as this would bring forward new industrial development that would add to the existing stock of employment land.
- 12.5 Under SAD EOS 10 the design of industrial developments should be of a high standard and should consider the design principles set out in SAD EOS 9 and will be required to pay particular attention to materials and landscaping, pollution and noise control, environmental impact on the site and surrounding area, including wildlife habitats.
- 12.6 Part of the site forms part of a wider wildlife corridor, therefore BCCS policy ENV1 is applicable, guidance set out this this policy states that the movement of wildlife within the Black Country through linear habitat such as wildlife corridors are not impeded by development. When a full planning application is submitted adequate information must be submitted setting out proposed mitigation measures, so that the movement of wildlife through the site is not adversely affected by the development.
- 12.7 Another part of the site is bordered by the Birmingham Canal, therefore BCCS policy ENV4 is applicable, under this policy all development proposals likely to affect the canal network; must protect and enhance it nature conservation value, protect its visual amenity.
- 12.8 The proposed development will have to give regard to both BCCS policy ENV5 relating to the incorporation of sustainable drainage systems to assist with reducing the impact of flooding and surface water run-off.
- 12.9 As the development will be for over 1,000 sqm of new industrial space, BCCS policy ENV7 will be applicable. The guidance under this policy states all industrial developments of 1,000 sqm or more must incorporate the generation of energy from renewable sources sufficient to off-set at least 10% of the estimated residual energy demand.
- 12.10 The proposed development would have to give regard to the guidance contained in BCCS policy ENV8 and the Air Quality SPD.

















13. Material Considerations

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

13.2 Proposals in the Development Plan

The proposal is contrary to the council's development plan; however, the site has remained vacant for a long time, raises viability issues and residential development is unlikely to come forward in the long-term. The proposed development would create jobs in the local area and regenerate the site.

13.3 Planning history

The site has significant planning history and recent enforcement complaints over the untidy condition of the site. This new development should address these issues.

13.4 Loss of light and/or outlook

It is not anticipated that the proposed development would cause any significant loss of light and/or outlook issues to the occupiers of nearby residents given the separation distances (being at least 45m to the nearest residential property) and the mature vegetation on the boundary.

13.5 Overshadowing

For the reasons mentioned in 13.4 above, I do not foresee any overshadowing of residential properties.

13.6 Public visual amenity

Given the mature vegetation, the development is unlikely to be seen from nearby residential properties on Newcomen Drive. Those properties

















on Lindley Avenue, to the north of the site, will be over 90m away from the nearest proposed building, and will be bound by a new landscaping buffer.

13.7 Overbearing nature of proposal

See points 13.4-13.6 above.

13.8 Traffic generation

The council's Highways team has raised no objections.

13.9 Contamination by a previous use

The combination of the existing contamination of the land and mine shafts is one of the barriers why this site has never been developed previously. However, the applicant is preparing to remediate the site and bring it back into use.

13.10 Noise and disturbance from the scheme

See point 10.5 above.

13.11 Nature conservation and loss of ecological habitats

See points 10.13 and 13.12.

13.12 Loss of trees

The existing vegetation on the boundary of the site is to remain with additional planting to increase the overall landscaping of the site.

13.13 Flood risk

This can be controlled via condition to prevent any localised flooding.

















14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so, however the site has been undeveloped for a significant amount of time, and council resources are impacted upon by managing fly tipping on the site.

15 Implications

Resources: When a planning application is refused the applicant		
	has a right of appeal to the Planning Inspectorate, and	
	they can make a claim for costs against the council.	
Legal and	This application is submitted under the Town and	
Governance:	Country Planning Act 1990.	
Risk:	None.	
Equality: There are no equality issues arising from this p		
	and therefore an equality impact assessment has not	
	been carried out.	
Health and	None	
Wellbeing:		
Social Value	The proposal would potential provide jobs for the local	
	area as well as apprenticeships during the	
	construction phase.	

16. Appendices

Site Plan

Context Plan

19-103-PA-01 A

19-103-PA-02 A

19-103-PA-03 A

19-103-PA-04 A

19-103-PA-05 A

19-103-PA-06 A

19-103-PA-07 A

















19-103-PA-08 A 19-103-PA-09 A 19-103-PA-10 A 19-103-PA-11 A

19-103-PA-03 - 1











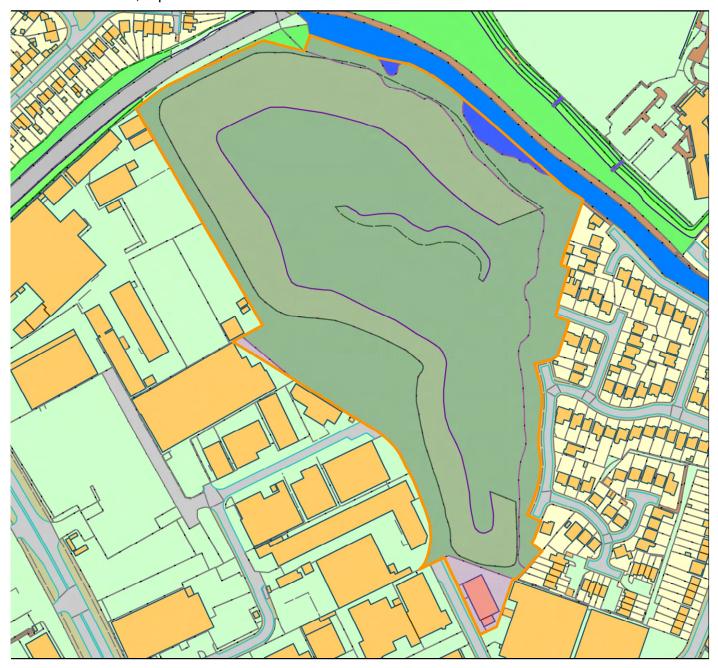


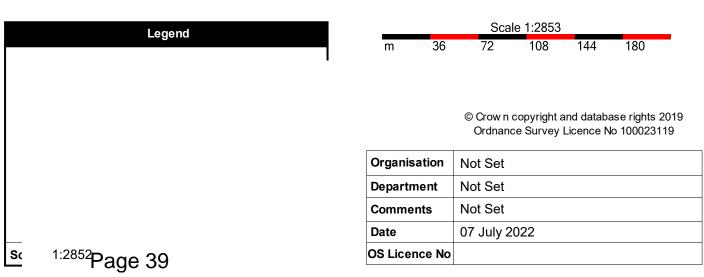


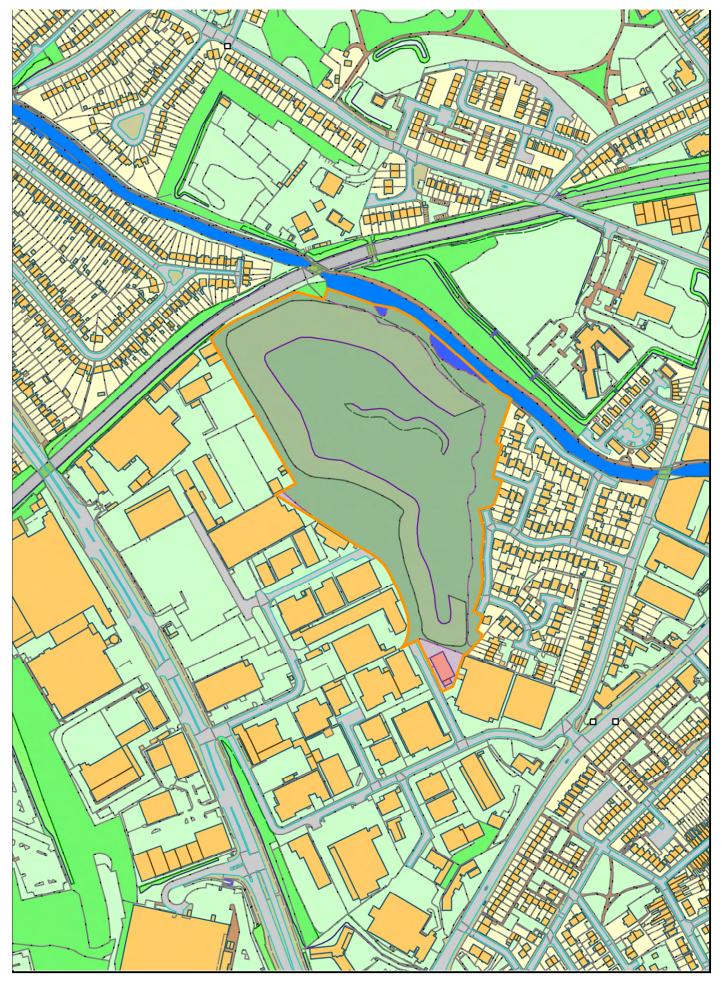




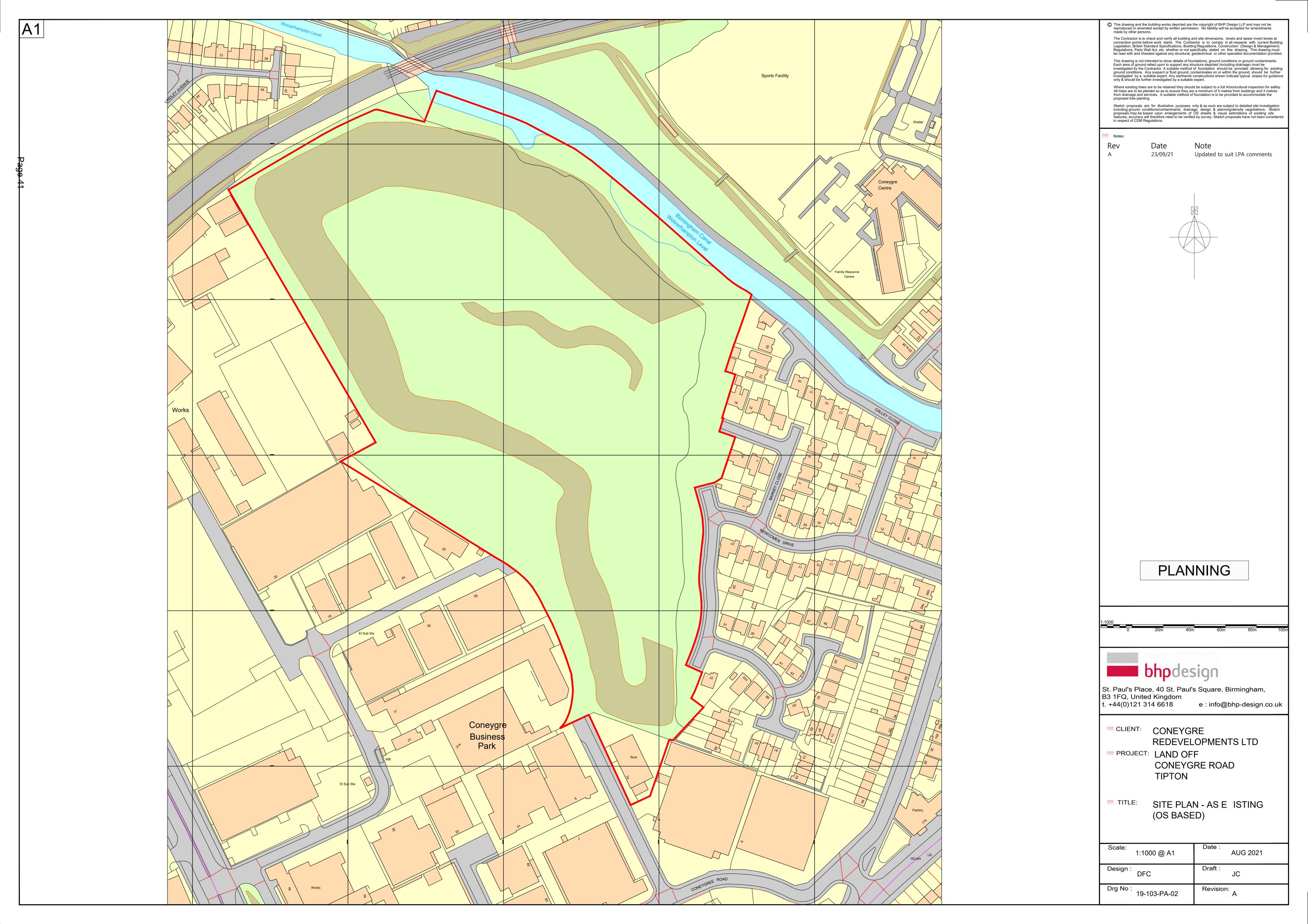
DC/21/66125 Newcomen Drive, Tipton

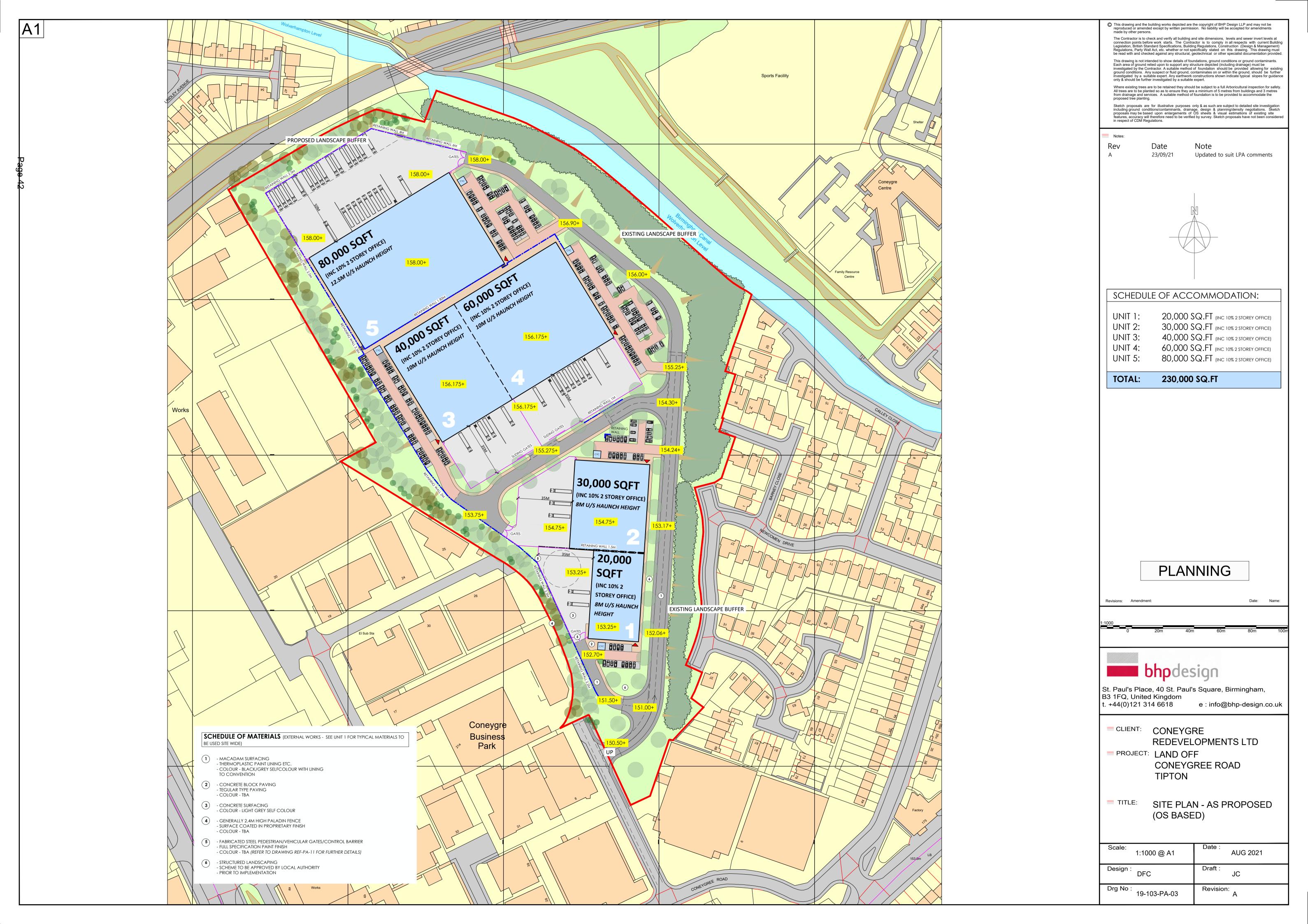




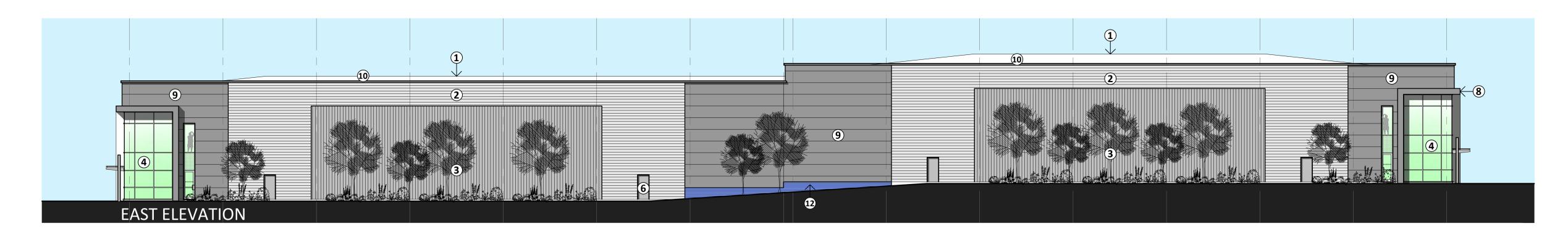


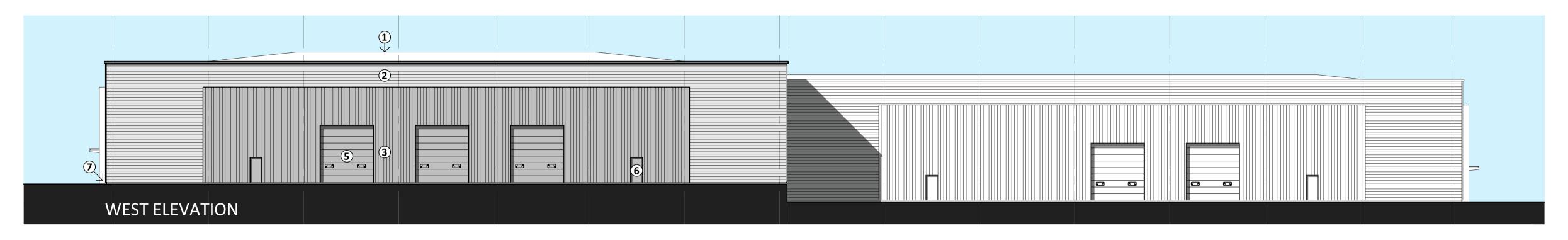


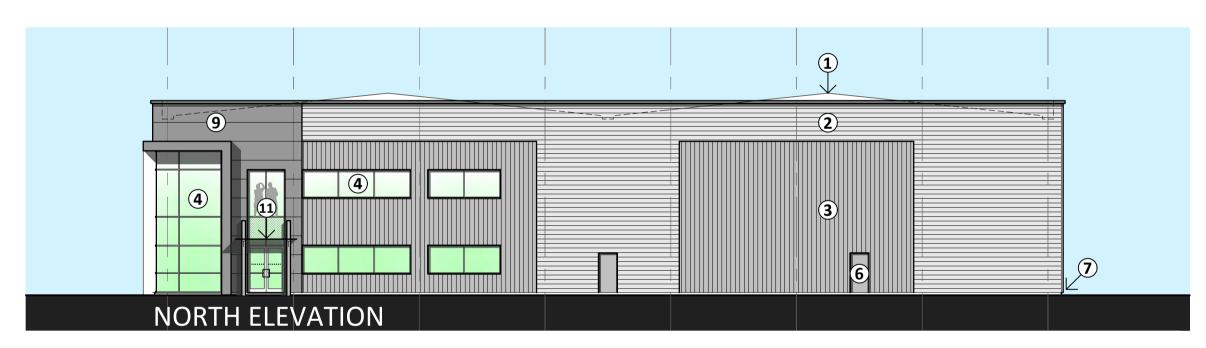


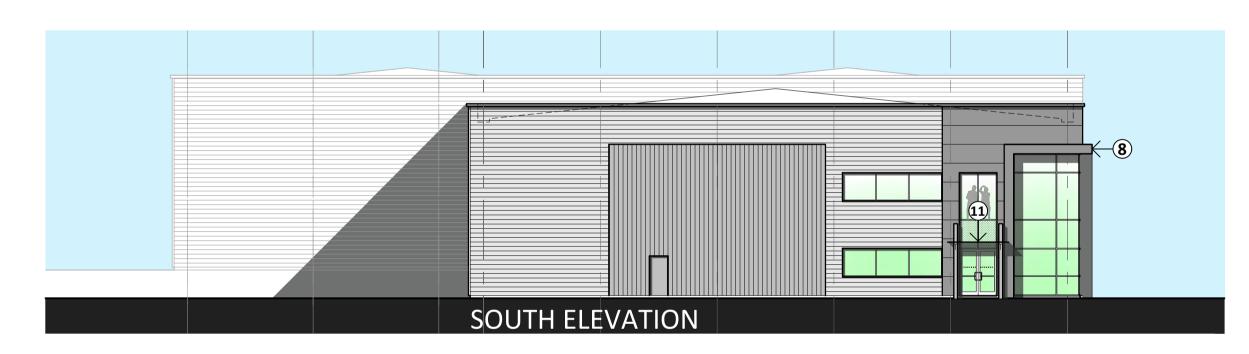


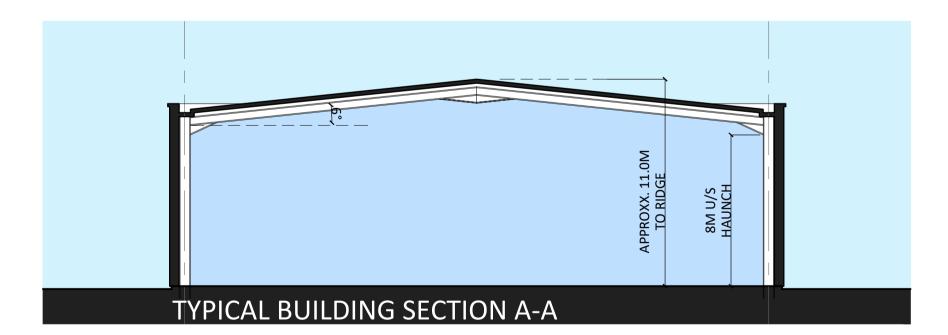


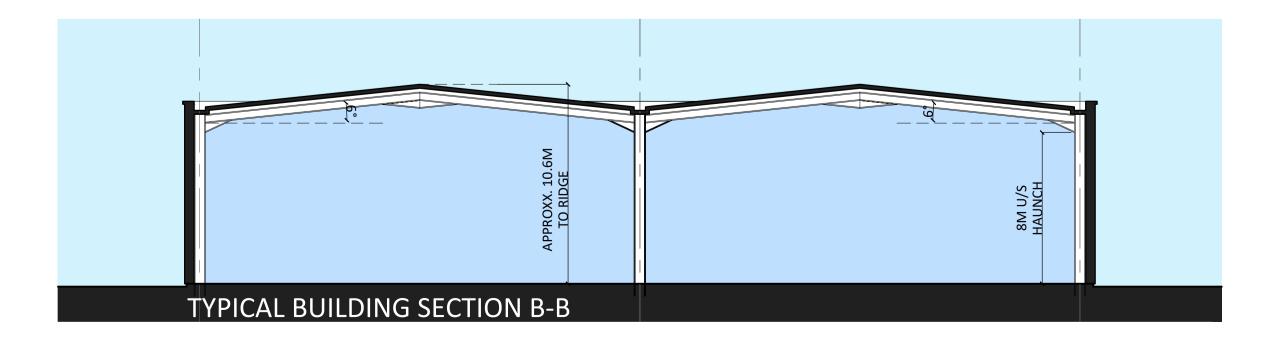












SCHEDULE OF BUILDING MATERIALS:

- (1) KINGSPAN KS1000 RW TRAPEZOIDAL PROFILE INSULATED ROOF PANELS OR SIMILAR APPROVED. COLOUR GOOSEWING GREY
- HALF ROUND PROFILE WALL CLADDING. COLOUR METALLIC SILVER (RAL 9006)
- METAL PROFILED WALL CLADDING. COLOUR BASALT GREY (RAL 7012)
- ALUMINIUM THERMALLY BROKEN CLEAR DOUBLE GLAZED DOORS & WINDOWS. COLOUR RAL 7016
- SECTIONAL DOORS. RAL 7016
- POWDERCOATED STEEL DOORS. COLOUR RAL 7016
- GALVANISED PFC GROUND BEAM. COLOUR TBC
- METTALINE FEATURE BEAM PROFILED EDGE TRIM. COLOUR ANTHRACITE (RAL 7016)
- MICRO RIB CLADDING HORIZONTALLY LAID. COLOUR ANTHRACITE (RAL 7016)
- ROOFLIGHTS (10%) NATURAL DAYLIGHT TO REACH CORNERS OF UNIT.
- STEEL FABRICATED ENTRANCE CANOPY WITH PLANAR GLASS ROOF FULL SPECIFICATION PAINT FINISH. COLOUR: WHITE
- (12) ENGINEERING BRICKWORK TO FORM BUILDING RETENTION. COLOUR BLUE

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Where existing trees are to be retained they should be subject to a full Arboricultural inspection for safety. All trees are to be planted so as to ensure they are a minimum of 5 metres from buildings and 3 metres from drainage and services. A suitable method of foundation is to be provided to accommodate the

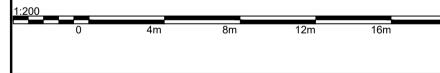
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Rev

Date 23/09/21

Updated to suit LPA comments

PLANNING





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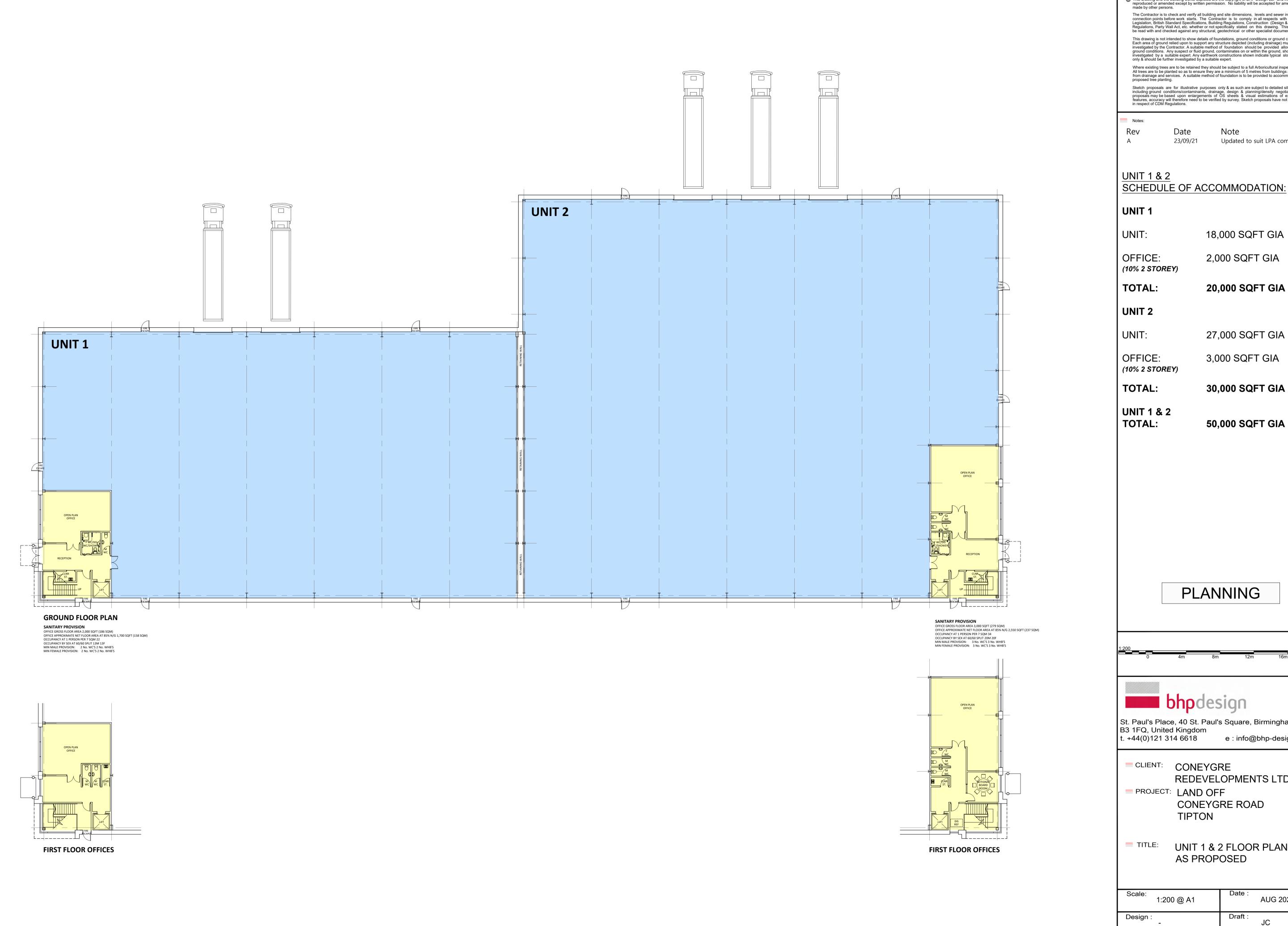
CONEYGRE REDEVELOPMENTS LTD

PROJECT: LAND OFF

CONEYGRE ROAD TIPTON

UNIT 1 & 2 ELEVATIONS & SECTION - AS PROPOSED

1:200 @ A1 AUG 2021 Design : Drg No : 19-103-PA-07 Revision: A



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Sketch proposals are for illustrative purposes only & as such are subject to detailed site investigation including ground conditions/contaminants, drainage, design & planning/density negotiations. Sketch proposals may be based upon enlargements of OS sheets & visual estimations of existing site features, accuracy will therefore need to be verified by survey. Sketch proposals have not been considered in respect of CDM Regulations.

Updated to suit LPA comments

SCHEDULE OF ACCOMMODATION:

18,000 SQFT GIA

2,000 SQFT GIA

20,000 SQFT GIA

27,000 SQFT GIA

50,000 SQFT GIA

PLANNING



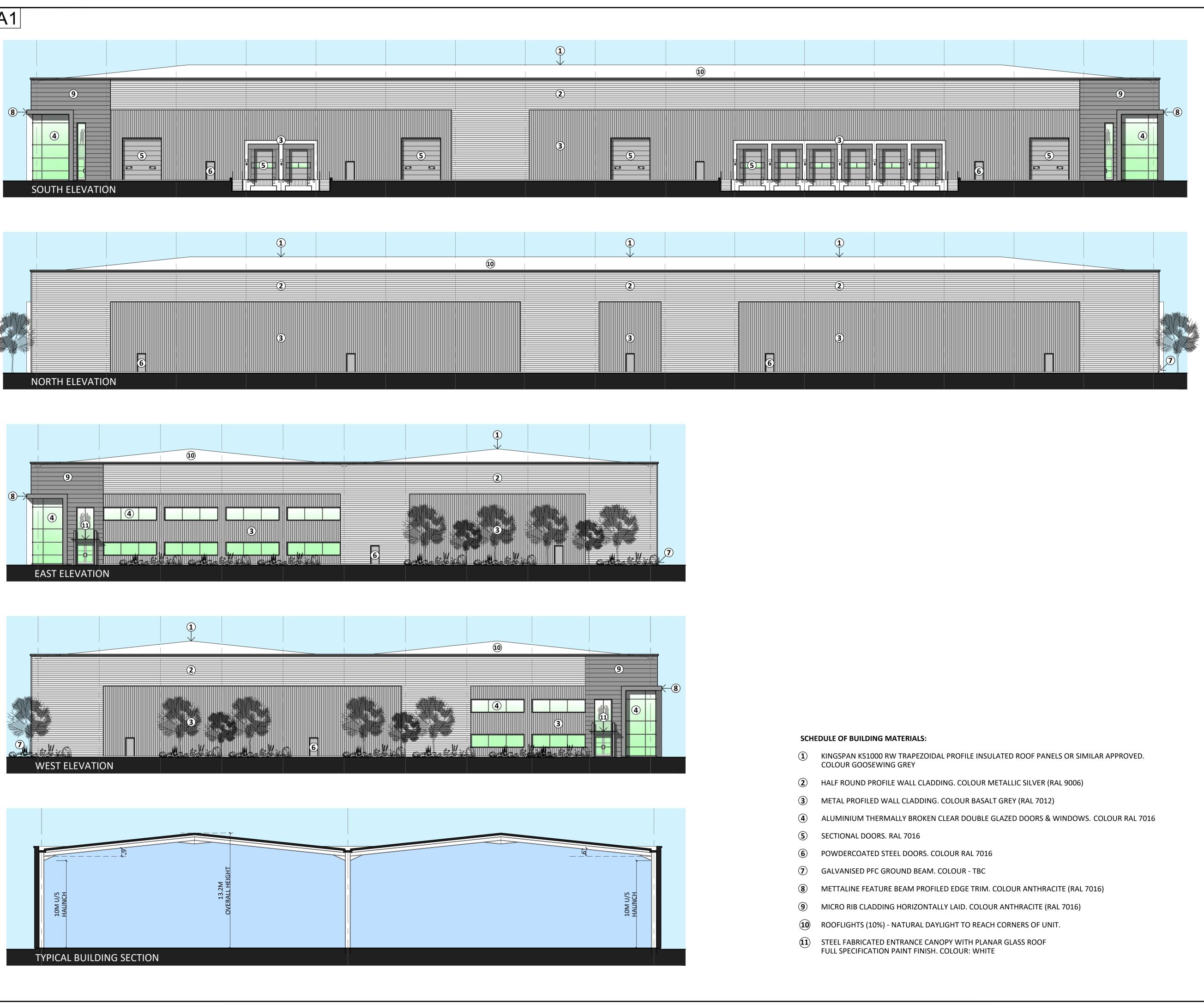
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REDEVELOPMENTS LTD

CONEYGRE ROAD

UNIT 1 & 2 FLOOR PLANS -AS PROPOSED

Scale: 1:200 @ A1	Date : AUG 2021
Design : -	Draft : JC
Drg No : 19-103-PA-04	Revision: A



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Sketch proposals are for illustrative purposes only & as such are subject to detailed site investigation including ground conditions/contaminants, drainage, design & planning/density negotiations. Sketch proposals may be based upon enlargements of OS sheets & visual estimations of existing site features, accuracy will therefore need to be verified by survey. Sketch proposals have not been considered in respect of CDM Regulations.

Rev

Date

23/09/21

Updated to suit LPA comments

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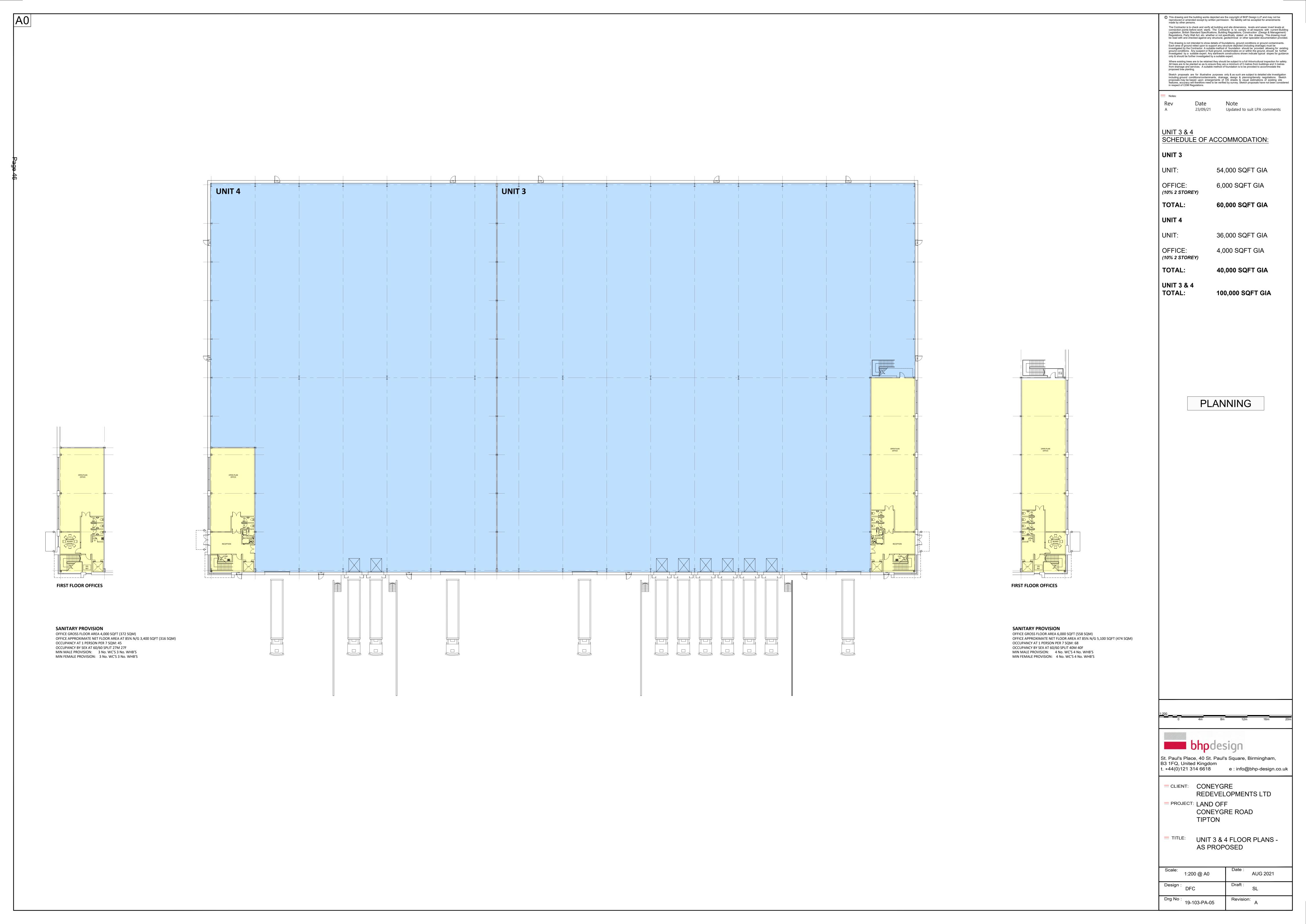
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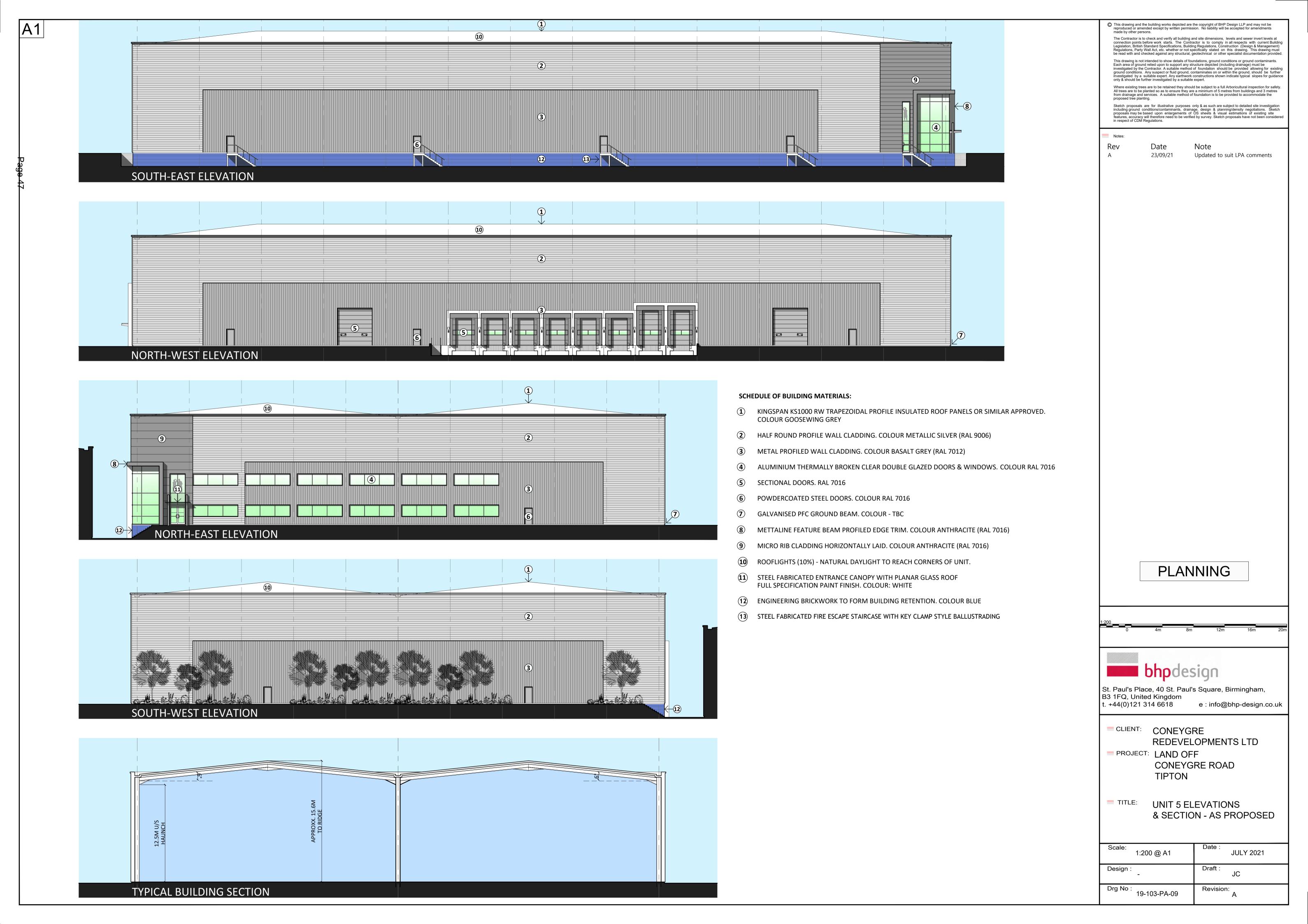
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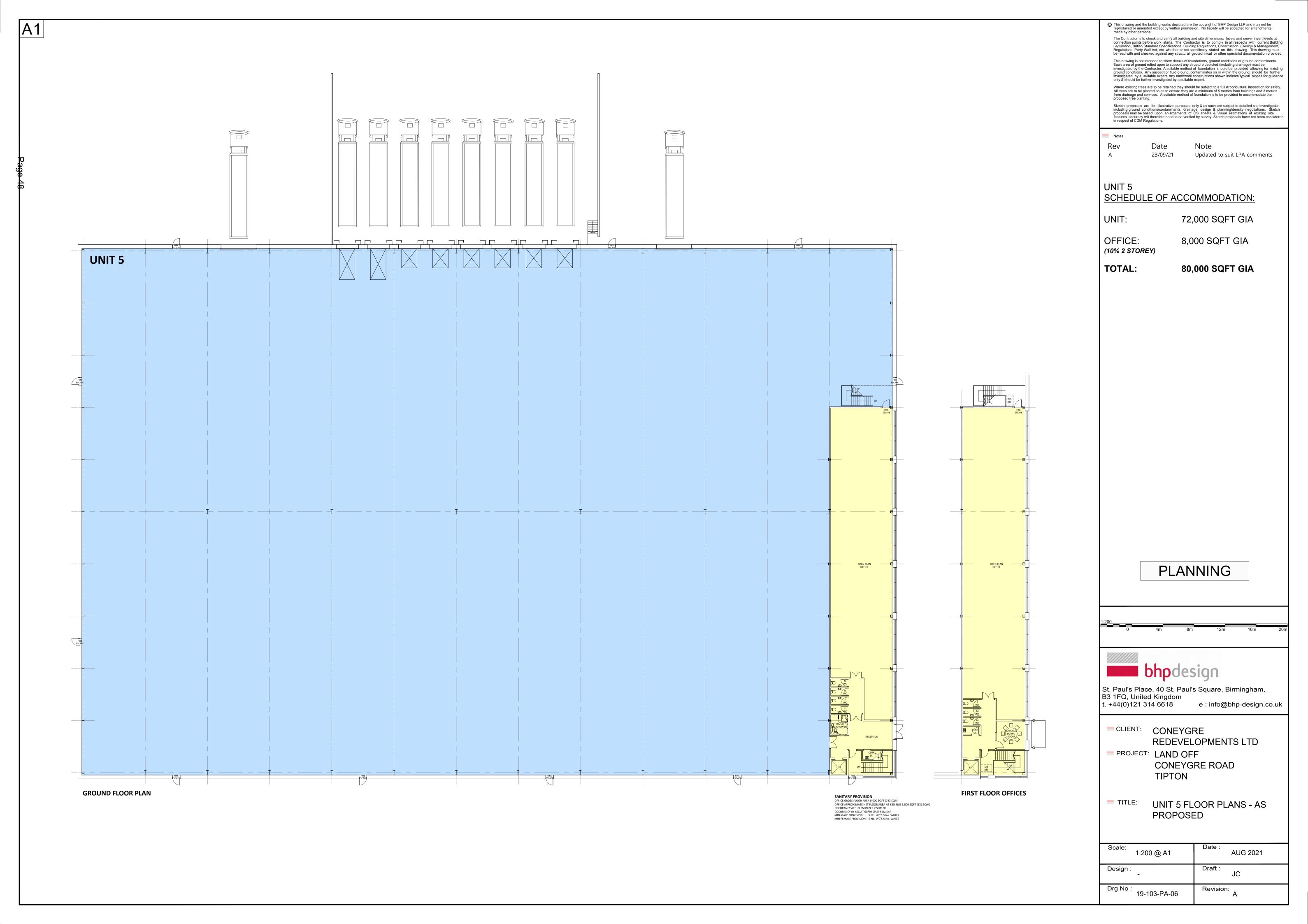
CONEYGRE ROAD **TIPTON**

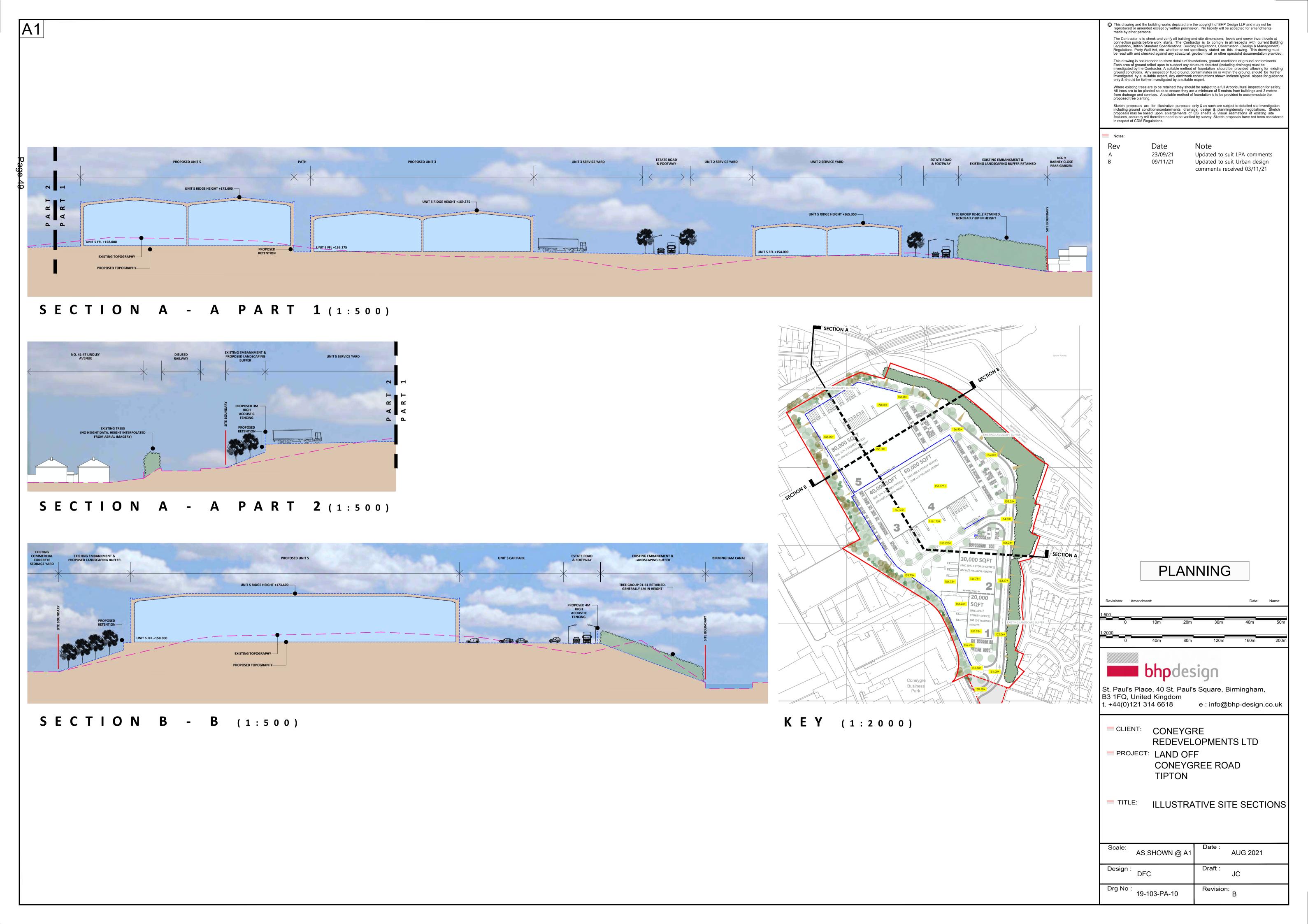
UNIT 3 & 4 ELEVATIONS & SECTION - AS PROPOSED

AUG 2021 1:200 @ A1 Design : Revision: A 19-103-PA-08



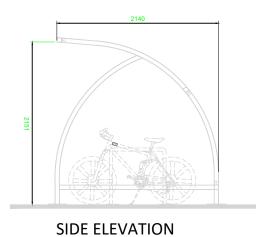




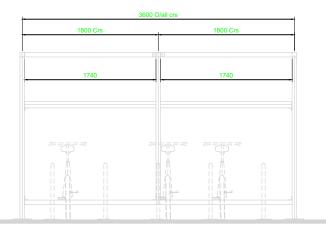


A3 Page 50





FRONT ELEVATION



REAR ELEVATION

CYCLE SHELTER SPECIFICATION.

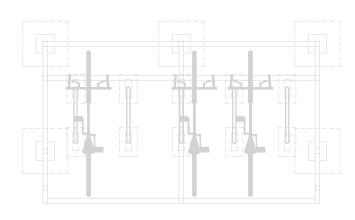
50X50 SHS FRAME WITH 50X50 SHS PURLINS & TRIMMERS. WELDED END FRAMES AND PURLIN SECTION MADE FROM HEAVY-DUTY BOX SECTION ASSEMBLED WITH ANTI-TAMPER HIGH STRENGTH BOLTS.

ALL COMPONENTS TO BE GALVANISED WITH POLYESTER POWDER COAT FINISH

COLOUR BLACK WITH STANDARD CLEAR P.E.T SHEET ROOF PANELS.

CYCLE SHELTER TO BE BROXAP BXMW/SEF/36

EACH SHELTER TO ACCOMMODATE 8 No. CYCLES.



PLAN

PROPOSED CYCLE SHELTER DETAILS







ILLUSTRATIVE PERSPECTIVES

23/09/21

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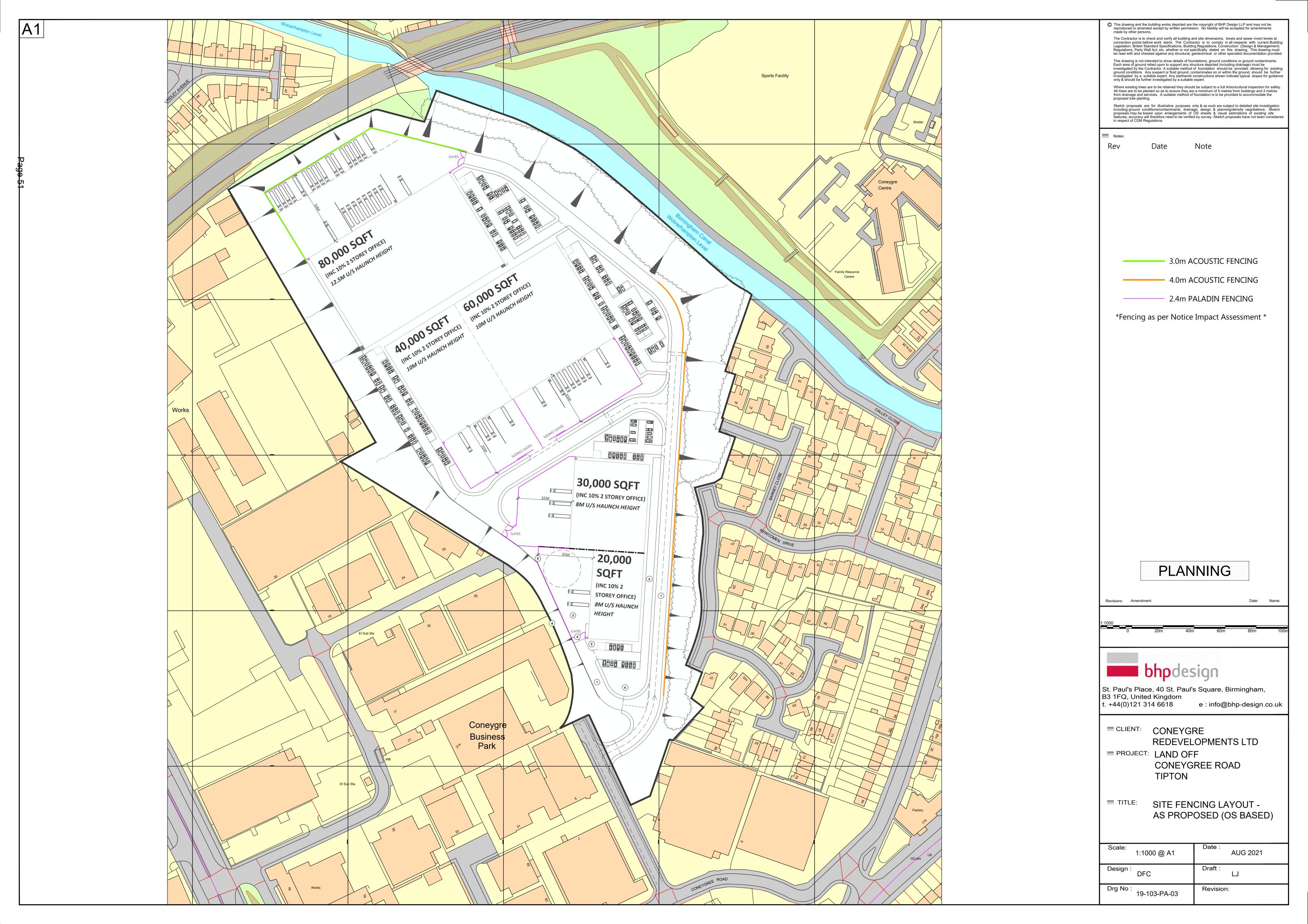
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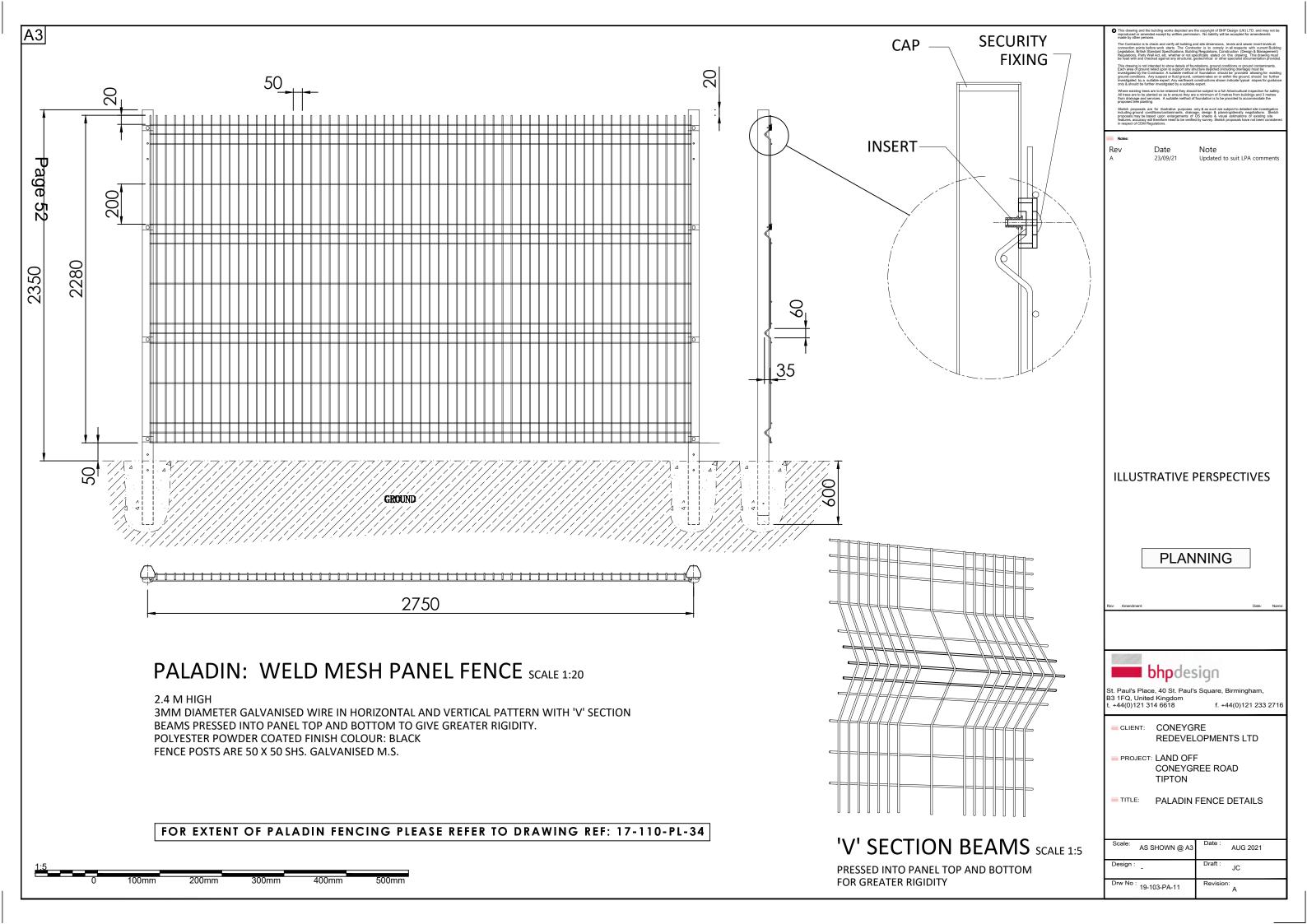
REDEVELOPMENTS LTD

PROJECT: LAND OFF
CONEYGREE ROAD **TIPTON**

TYPICAL CYCLE SHELTER DETAILS

Scale: 1:50 @ A3	Date : AUG 2021
Design: DFC	Drawn: JC
Drw No : 19-103-PA-12	Revision: A











Date 23/09/21 Updated to suit LPA comments

PLANNING



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CONEYGRE
REDEVELOPMENTS LTD

PROJECT: LAND OFF
CONEYGREE ROAD
TIPTON

TITLE: AERIAL CGI

Scale: 1:50 @ A3	Date : AUG 2021
Design : DFC	Drawn: JC
Drw No : 19-103-PA-12	Revision: A



ILLUSTRATIVE GROUND LEVEL CGI

PLANNING



CONEYGRE REDEVELOPMENTS LTD

PROJECT: LAND OFF
CONEYGREE ROAD
TIPTON

■ TITLE: GROUND LEVEL CGI

AUG 2021 Drw No : 19-103-PA-14



Report to Planning Committee

16 February 2023

Application Reference	DC/22/67234
Application Received	4 July 2022
Application Description	Proposed 4 No. storey detached building
	comprising of 28 No. 2 bedroom flats and 2 No.
	1 bedroom flats (30 flats in total) with basement
	parking (Outline application all matters
	reserved).
Application Address	Land Adjacent 83
	Dudley Port
	Tipton
Applicant	Sukhmani Ltd
Ward	Oldbury
Contact Officer	Mr Andrew Dean
	andrew dean@sandwell.gov.uk

1 Recommendations

- 1.1 That, subject to the signing of a Section 106 agreement to ensure affordable housing, outline planning permission for a residential development is granted subject to further approval of Reserved Matters relating to; Access, Appearance, Landscaping, Layout and Scale, and subject to the following conditions relating to:
 - i) Finished floor levels;
 - ii) Ground contamination;
 - iii) Noise survey and mitigation measures;

















- iv) Odour assessment;
- v) Drainage (foul);
- vi) Drainage (surface);
- vii) 10% renewable energy;
- viii) Electric vehicle charging points;
- ix) Low NOx boilers;
- x) Construction method statement;
- xi) Employment and skills statement;
- xii) The submitted plans are for indicative purposes only.

Other conditions usually associated with residential schemes are covered by a future Reserved Matters application.

2 Reasons for Recommendations

2.1 The proposed development would bring a derelict site back into use and provide much needed residential accommodation for Sandwell residents which would assist with meeting the Council's housing targets.

3 How does this deliver objectives of the Corporate Plan?

	Quality homes in thriving neighbourhoods
3	A strong and inclusive economy

4 Context

- 4.1 At the last committee meeting, members resolved to visit the site.
- 4.2 This application is being reported to your committee because the proposal is a major application and a Section 106 agreement is required to secure affordable housing.
- 4.3 To assist members with site context, a link to Google Maps is provided below:

















Dudley Port, Tipton

5 Key Considerations

- 5.1 The site is unallocated in the Development Plan.
- 5.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF)
Planning Gain (affordable housing)
Planning history (including appeal decisions)

6. The Application Site

6.1 The application site relates to a vacant piece of land located on the south eastern side of Dudley Port, Tipton. The site is located between a pair of semi-detached dwellings to the north, a petrol station to south and an industrial estate to the east. The opposite side of Dudley Port is residential in nature. The site has an existing drop kerb which is accessed from Dudley Port.

7. Planning History

- 7.1 An outline application for a residential development of up to 8 No. dwellings (access only) was granted planning approval under application reference DC/20/64724.
- 7.2 Relevant planning applications are as follows:

DC/20/64724	Proposed residential	Grant outline
	development of up to 8 no.	permission with
	dwellings (outline	conditions.
	application for access	
	only).	



















8. Application Details

- 8.1 The applicant is applying for outline consent (all matters reserved) for a 4 No. storey detached building comprising of 28 No. 2 bedroom flats and 2 No. 1 bedroom flats (30 flats in total) with basement parking. The applicant has provided an indicative site plan, floor plans and elevations. However, as the applicant has applied for outline consent with all matters reserved, these plans are for illustrative purposes only and are therefore not for your consideration.
- 8.2 In terms of this application, the suitability of the site for a residential development will be assessed and the indicative plans have been used to assess if spatially the site can accommodate the proposed development and number of units.

9. Publicity

9.1 The application has been publicised by neighbour notification letter and press notice with one letter of objection being received.

9.2 **Objections**

Objections have been received on the following grounds:

- i) The 4-storey height of the proposed building would be out of character with the surrounding area.
- ii) The proposal would result in a loss of privacy to the objector.
- iii) The proposal results in a development having 30 cars and 60 people in a small area.

9.3 Responses to objections

I respond to the objector's comments in turn:

















- i) Dudley Port contains a number of building types and heights, including flats up to 3 storeys in height with a relatively new development on Anchor Drive having flats up to 4 storeys in height. Although indicative, the submitted floor plans and elevations show a design which starts at two storey adjacent to the existing neighbour residential dwellings and steps up in height to the final height of 4 storeys which would reduce the overall massing and impact of a development. The Urban Design Officer has raised no objections to the scale and massing of the proposed development shown on the indicative floor plans. However, as the proposal is for outline approval with all matters reserved, appearance, layout and scale are details which would be dealt with via a Reserved Matters application.
- ii) The objector's property is located on the opposite side of Dudley Port approximately 40.8 metres from the application property. This is of a sufficient distance to raise no concerns regarding loss of privacy.
- iii) The indicative plans show 100% car parking for the development can be provided via a basement car park. The Head of Highways has raised no objections the application. However, as the proposal is for outline approval with all matters reserved, access, appearance, layout and scale are details which would be dealt with via a Reserved Matters application.

10. Consultee responses

10.1 **Planning Policy**

No objection. The application is on land that has been granted consent for a residential development under DC/20/64724 (Proposed residential development of up to 8 No. dwellings (outline application for access only). Therefore, the principle of residential has been established. The proposal triggers affordable housing policy for 25% of the units proposed to be affordable.

















10.2 Highways

No objections. Highways would require further detail in terms of the maximum gradient of the access ramp or details of transition lengths to reduce the risk of vehicles grounding and head room height confirmed at 2.5m. This detail can be submitted with the Reserved Matters application.

10.3 Public Health (Air Quality)

No objections subject to the standard conditions for electric vehicle charging points, a construction management plan and low NOx boilers. These have been included within the recommendation.

10.4 Public Health (Contaminated Land)

No objections subject to the standard contaminated land condition.

10.5 **Public Heath (Air Pollution and Noise)**

No objections. The development is situated on a busy road (A461) and will be subject to road traffic noise, including HGVs and buses. As well as from the rear where there is an industrial estate. Public Health have therefore recommended the inclusion of conditions for a noise survey with mitigation measures to protect proposed dwellings from undue noise and disturbance as well as an odour assessment to determine that the proposed development will not be adversely affected by odours from existing industrial premises to the rear that uses solvents.

10.6 West Midlands Police

No objection.



















10.7 Lead Local Flood Authority

The Lead Local Floor Authority comments regarding the proposed surface water drainage will be included within the drainage condition (surface) should the committee grant approval of this application,

10.8 Severn Trent

No objections subject to the standard drainage condition.

10.9 **Urban Design Officer**

No objection. The officer is comfortable with the scale and massing shown on the indicative floor plans and elevations as well as with the proposed levels of external and internal amenity space that can be provided within the development. The proposed units have been measured and comply or exceed with the Council's minimum internal standards stated within the Revised Residential Design Guide SPD (see below), however, as the proposal is for outline only with all matters reserved, floor plans and elevations would be re-assessed as part of a Reserved Matters application for Access, Appearance, Landscaping, Layout and Scale.

- 1 bed, 2-person unit measuring 50m2.
- 2 bed, 3-person unit measuring 60m2.
- 2 bed, 4-person unit measuring 65m2.

10.10 Transportation Planning

No objections subject to additional cycle parking being provided. A condition has been included within the recommendation.



















11. National Planning Policy

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

12. Local Planning Policy

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

DEL1: Infrastructure Provision

HOU1: Delivering Sustainable Housing Growth

HOU3: Delivering Affordable Housing

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

Effect

ENV7: Renewable Energy

ENV8: Air Quality

SAD H2: Housing Windfalls SAD H1: Housing Allocations SAD H3: Affordable Housing

SAD EMP4: Relationship between industry and sensitive uses.

- 2.2 DEL1 aims to ensure that large developments provide appropriate on and off-site infrastructure to serve the development and mitigate impacts of the development. In this instance, a s106 agreement for the provision of affordable housing, electric vehicle charging points and cycle storage conditions complies with this policy together with the community infrastructure levy (CIL) which will be calculated as part of the detailed reserved matters scheme and payable on commencement of the scheme.
- 12.3 With regards to Housing Policy HOU2, the development would bring forward a residential scheme to 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 (although is directly adjacent to a large site at the rear which is allocated for residential development) and is therefore classed as a housing windfall site. The proposed residential development meets the guidance set out in this policy and would bring back an under used piece of land back into beneficial use.

- 12.4 HOU3 and SAD H3 sets out the requirement of 25% affordable housing. The applicant is entering into a Section 106 agreement for the affordable housing to be provided.
- 12.5 ENV5 seeks the incorporation of sustainable drainage systems to assist with reducing the impact of flooding and surface water run-off. A condition for a surface water drainage scheme to be submitted and approved has been included within the recommendation.
- 12.7 A condition to ensure that at least 10% of the estimated residual energy demand of the development is generated by energy from renewable sources has been included within the recommendation and therefore accords with policy ENV7.
- 12.8 ENV8 refers to mitigation measures to offset air quality issues, in this instance a condition for electric vehicle charging points has been included within the recommendation.
- 12.9 Proposals that may adversely affect, or be adversely affected by existing industry operating in appropriate locations will not be permitted unless the adverse effects can be reduced to an acceptable level. Public Health have raised no objections to the application and are satisfied the conditions contained in the recommendation can reduced the effects of the adjacent industrial site to acceptable levels. The proposal is therefore compliant with SAD EMP4

13. Material Considerations

















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

13.2 Planning Gain (affordable housing)

It has been requested by the Housing Investment & Development Officer that seven of the proposed units be affordable. The applicant has provided details of their legal representation and the Councils legal team have been instructed to begin the process of a Section 106 agreement.

13.3 Planning history (including appeal decisions)

The application is on land that has been granted consent a for residential development under DC/20/64724. Therefore, the principle of the use of the site for residential has been established.

14 Alternative Options

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

15 Implications

Resources:	urces: When a planning application is refused the applicant	
	has a right of appeal to the Planning Inspectorate, and	
	they can make a claim for costs against the Council.	
Legal and	This application is submitted under the Town and	
Governance:	Country Planning Act 1990.	
Risk:	None.	
Equality:	There are no equality issues arising from this proposal	
	and therefore an equality impact assessment has not	
	been carried out.	

















Health and	None.
Wellbeing:	
Social Value	None.
Climate	Sandwell Council supports the transition to a low
Change	carbon future, in a way that takes full account of the
	need to adapt to and mitigate climate change.
	Proposals that help to shape places in ways that
	contribute to radical reductions in greenhouse gas
	emissions, minimise vulnerability and improve
	resilience; encourage the reuse of existing resources,
	including the conversion of existing buildings; and
	support renewable and low carbon energy and
	associated infrastructure, will be welcomed.

Appendices 16.

BL-01 - Indicative Block Plan

BL-02 - Location Plan

07 REV A - Indicative Front Elevation Plan.

03 - Indicative Proposed Basement Parking Level Plan.

02 - Indicative Proposed Ground Floor Plan.



















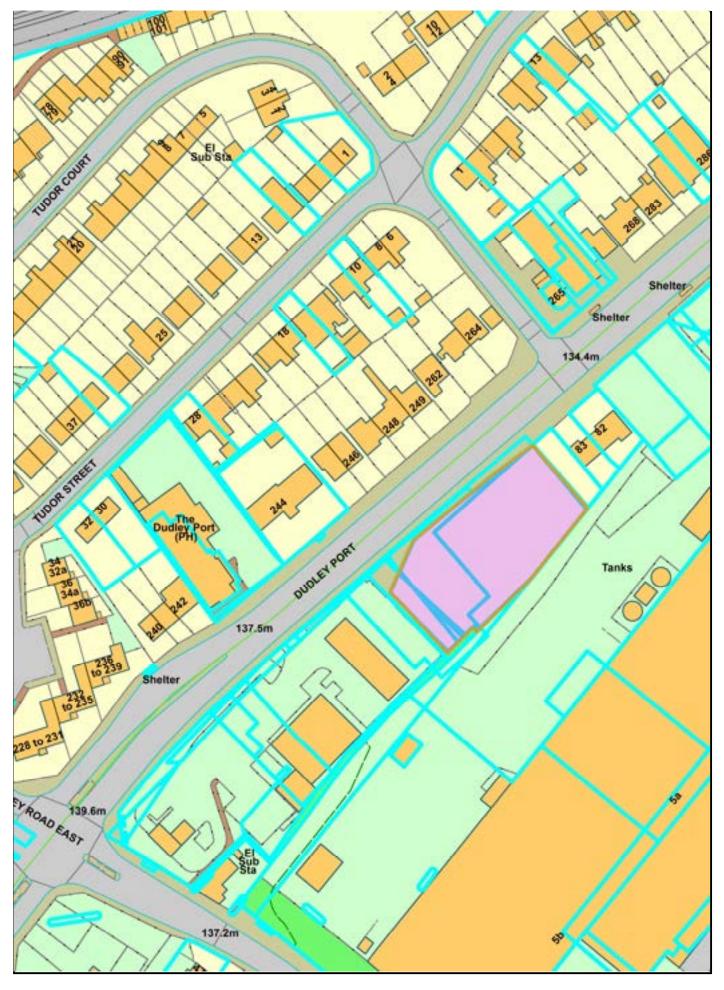




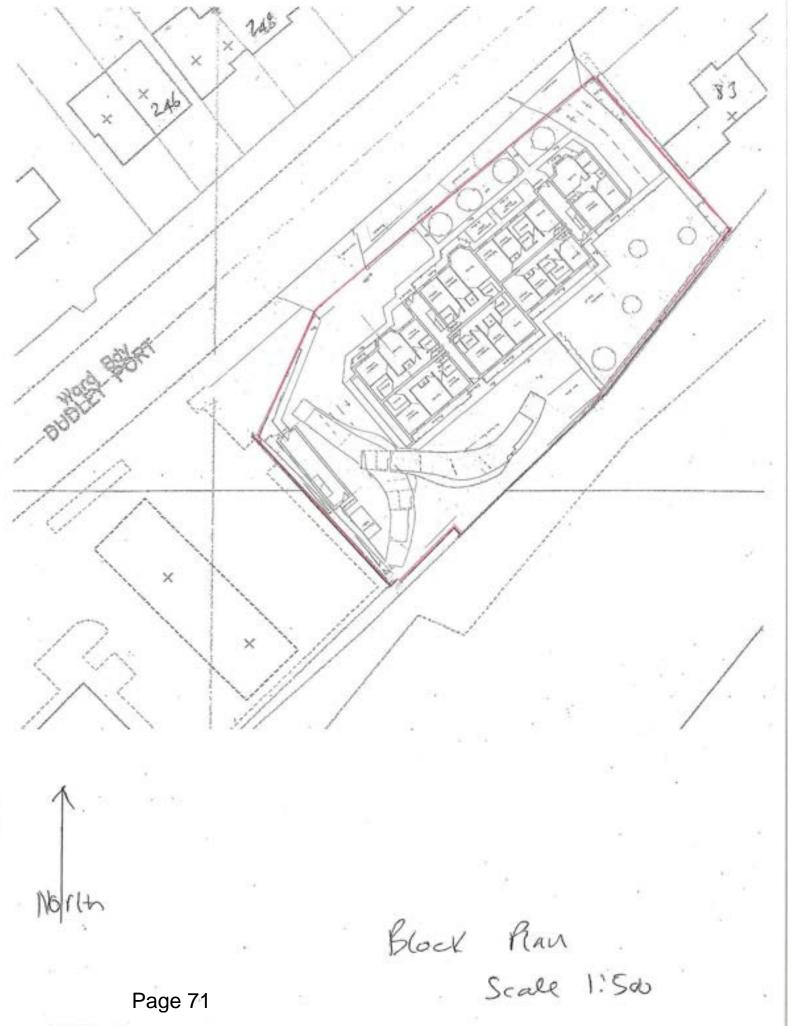
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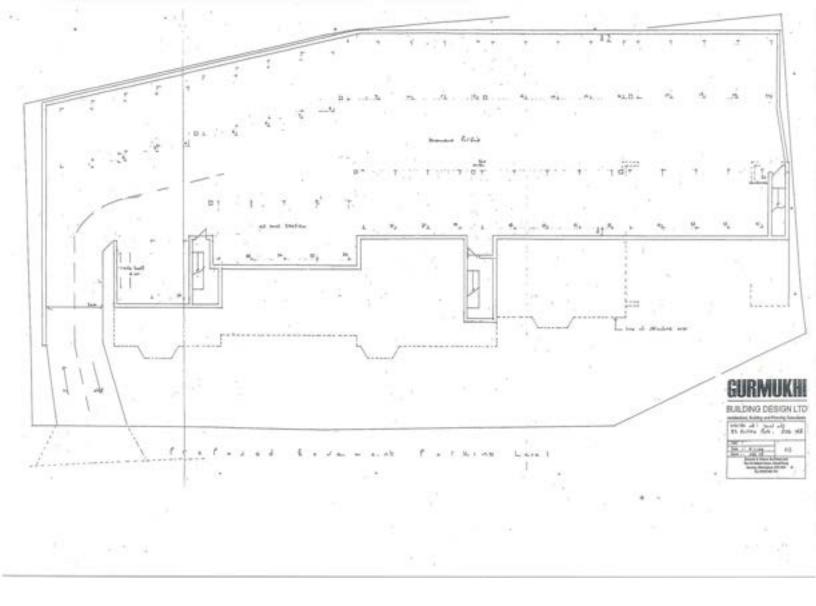


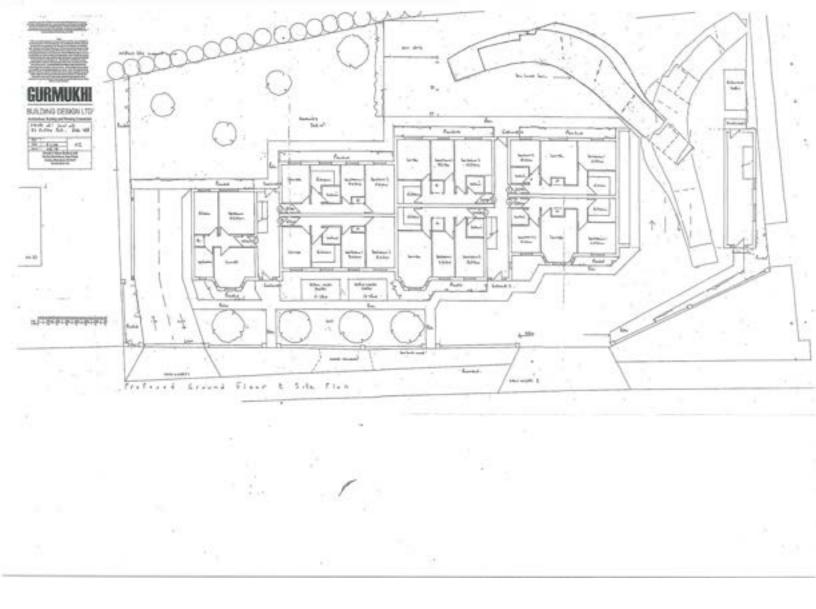


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Plan - BL -01











Report to Planning Committee

16 February 2023

Application Reference	DC/22/67752
Application Received	28 November 2022
Application Description	Proposed demolition of existing building and
	installation of 19 No. storage containers for
	24hr self storage use with dropped kerb and
	vehicle access.
Application Address	234 Oldbury Road
	Rowley Regis
	B65 0QG
Applicant	Mr Onofrio
Ward	Langley
Contact Officer	Name: Dave Paine
	Email: david_paine@sandwell.gov.uk

1 Recommendation

- 1.1 That planning permission is granted subject to conditions relating to:
 - (i) Hours of operation restricted to 08:00-18:00 Monday to Saturday and 10:00-16:00 Sundays and Bank Holidays;
 - (ii) External materials including colour;
 - (iii) Retention of vehicle manoeuvring layout;
 - (iv) Finished ground level;
 - (v) Boundary treatments;
 - (vi) External lighting scheme;
 - (vii) Details of security measures including, a CCTV system, security locks and alarm systems; and

















(viii) Hard landscaping details.

2 Reasons for Recommendations

- 2.1 The primary concern with this proposal is the potential for noise and general nuisance caused to nearby residents. However, consideration should be given to the existing adjacent service station, shop, repair workshop and car wash. The impact caused by this would be relatively minor by comparison. It is noted that was 24 hour access is proposed, however noise and disturbance to neighbours could be controlled via a planning condition restricting hours of operation to 08:00-18:00.
- 3 How does this deliver objectives of the Corporate Plan?



A strong and inclusive economy

4 Context

- 4.1 The application is being reported to your Planning Committee because 8 objections have been received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

234 Oldbury Road

5 Key Considerations

- 5.1 The site is unallocated within the development plan.
- 5.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF)
Access, highway safety, parking and servicing
Traffic generation





















6. The Application Site

- 6.1 The application site is 0.06ha in size and situated on the east side of Oldbury Road. The site is currently generally unoccupied except for adhoc parking of vehicles. There is a small, single-storey brick building on the site which has previously been used for storage and would be demolished as part of the development.
- 6.2 The character of the surrounding area is mixed. There are residential dwellings to the north, east and west of the application site but this is not a quiet area. The application site faces onto the A4034, a busy main road, and is adjacent to a busy petrol filling station, to the south, with associated services. Approximately 50m to the south is the traffic-light-controlled junction with Penncricket Lane and this junction has another retail unit situated on the north-west side.

7. Planning History

- 7.1 Planning permission was granted in 1977 for a retail shop on the site.
- 7.2 Planning permission was granted in 2019 for an extension to the brick building with a change of use to a hairdresser, to include a parking area to the rear.
- 7.3 Relevant planning applications are as follows:

DC/05217	New Retail shop.	Grant permission with conditions. 01.06.1977
DC/19/63375	Proposed single storey rear extension & change of use to A1 shop (Hairdressers).	Grant permission with conditions 12.09.2019

















8. Application Details

- 8.1 The proposal is for the demolition of the existing brick building and the installation of 17 storage containers for the purposes of self-storage.
- 8.2 The storage containers would be of a steel construction and would measure 6.0m long by 2.4m wide by 2.6m high.

9. Publicity

9.1 The application has been publicised by neighbour notification letter with 8 separate objections received.

9.2 **Objections**

Objections have been received on the following grounds:

- i) Increased traffic;
- ii) Jeopardises road safety;
- iii) Noise;
- iv) Pollution including light pollution;
- v) Out of character / unsightly / inappropriate;
- vi) Increase in crime;
- vii) Loss of sunlight;
- viii) 24 hour operation is not suitable; and
- ix) Potential for damage to street furniture / monopole.

Non-material objections have been raised regarding loss of property value, land ownership / right of access / encroachment / boundary matters and potential storage of hazardous items.

9.3 Responses to objections

I respond to the objector's comments in turn:

















- i) Highway did not object on the basis of increased traffic. As this is a major A Road, the overall impact on traffic flows would be insignificant.
- ii) Highways did express road safety concerns relating to queuing traffic on the A Road and the potential for vehicles to reverse out onto the A Road without room to turn. Amended plans were requested and submitted showing 2 fewer containers (19 to 17) which would allow vehicles arriving and leaving to have adequate space within the site. Following this, Highways withdrew their objection.
- iii) As previously stated in paragraph 6.2, this is not a guiet area. However, the potential for night-time disturbance would exist with this proposal, a condition to limit the hours of operation between the hours of 08:00-18:00 has therefore been included within the recommendation. These are shorter hours than the service station next door and would therefore adequately address noise concerns.
- iv) There is no evidence to suggest ground pollution or air pollution would be significantly impacted by the proposal. Light pollution is a concern but can be adequately controlled through a planning condition for an external lighting scheme.
- V) The proposed containers would be 2.6m high which is considerably lower than any of the neighbouring buildings. The existence of the service station next door creates a precedent for non-residential development at this location and therefore these proposed containers are not considered inappropriate.
- vi) The Police commented on this proposal. They did not object but did offer suggestions in regard to outside lighting and CCTV as crime prevention measures. Currently the site is unmonitored. This proposal affords the opportunity to improve the security of the site in order to reduce the risk of crime.
- vii) It is not considered that 2.6m high containers positioned around 12m from the nearest dwelling would have any significant impact on natural light.
- viii) A condition to control hours of operation is recommended.
- ix) While it is noted that a monopole supplying telephone lines to nearby properties is just outside the north-west corner of the site, it



















does not block the proposed access to the site, and there is no evidence to suggest that the proposal would create any significant likelihood of damage.

10. Consultee responses

10.1 Planning Policy

Policy SAD EMP4 - Relationship between Industrial and Sensitive Uses is applicable. This policy states that any industrial development with a potentially adverse effect on neighbours should not be permitted unless those effects can be reduced to an acceptable level. The proposed 24-hour access is therefore of concern.

Policy ENV3 states that the Council will reject poor designs, particularly those that are inappropriate in their locality.

Planning Policy consider that this could be considered an inappropriate use for a residential area and that 24-hour operating times could have an adverse effect and therefore recommend refusal.

10.2 **Highways**

Highways expressed initial concerns regarding vehicles queuing on the Highway for access and then reversing onto the Highway, however following receipt of amended plans, Highways no longer objects to the scheme.

10.3 West Midlands Police

No objection, however observation were made regarding the site as a target for thieves and anti-social behaviour and recommendations were given for mitigation measures, including locking methods, alarms, lighting, and CCTV. These can be conditioned accordingly.

















11. National Planning Policy

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

In particular, paragraph 111 states that developments should be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Highways have no objections and do not consider that the development would have a negative impact on highway safety of road traffic.

12. Local Planning Policy

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

ENV3: Design Quality

SAD EOS9: Urban Design Principles

SAD EMP4: Relationship between Industrial and Sensitive Uses.

- 12.2 SAD EMP4 gives guidance on the relationship between Industrial and Sensitive Uses and requires that any adverse effects should be reduced to an acceptable level. The introduction of a condition to limit hours of use is recommended to protect residential amenity from undue noise and disturbance.
- 12.4 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments. The proposed layout and design are considered to be acceptable, being of limited scale/mass/height and in character with the other commercial development within the area.

















13. Material Considerations

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

13.2 Access, highway safety, parking, layout and traffic generation

Following receipt of amended plans which removed 2 of the containers to create a significantly larger area for vehicles at the entrance to the site, Highways have raised no objections to the proposal.

13.3 Public visual amenity

The proposed containers would be 2.6m high. Currently no boundary treatment has been agreed and a condition relating to boundaries including front gates is recommended. These gates would need to be of a good design quality, screening the site, and would be secure and set back from the entrance to allow clear vehicle access from the highway. These measures would improve the visual amenity of the site.

13.4 Noise and disturbance

The primary focus of both neighbours and other consultees regarding noise and disturbance relates the proposed 24-hour operation. The potential for significant noise nuisance and disturbance exists, affecting nearby occupants' peaceful enjoyment of their property. However, various local noise and disturbance sources are established in the area, including the main road, and the service station and the associated functions on that site. The service station currently operates from 07:00 hours to 23:00hours. A condition to restrict opening of the proposed self-storage from 08:00 hours to 18:00 hours Monday to Saturday and 10:00 hours to 16:00 hours on Sundays and Bank Holidays to ensure no undue levels of noise and disturbance is recommended.



















14 Alternative Options

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

15 Implications

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

16. Appendices

Context Plan

BFG/0620/01 REV B – Site plan, elevations, floor plans, block plan and location plan.













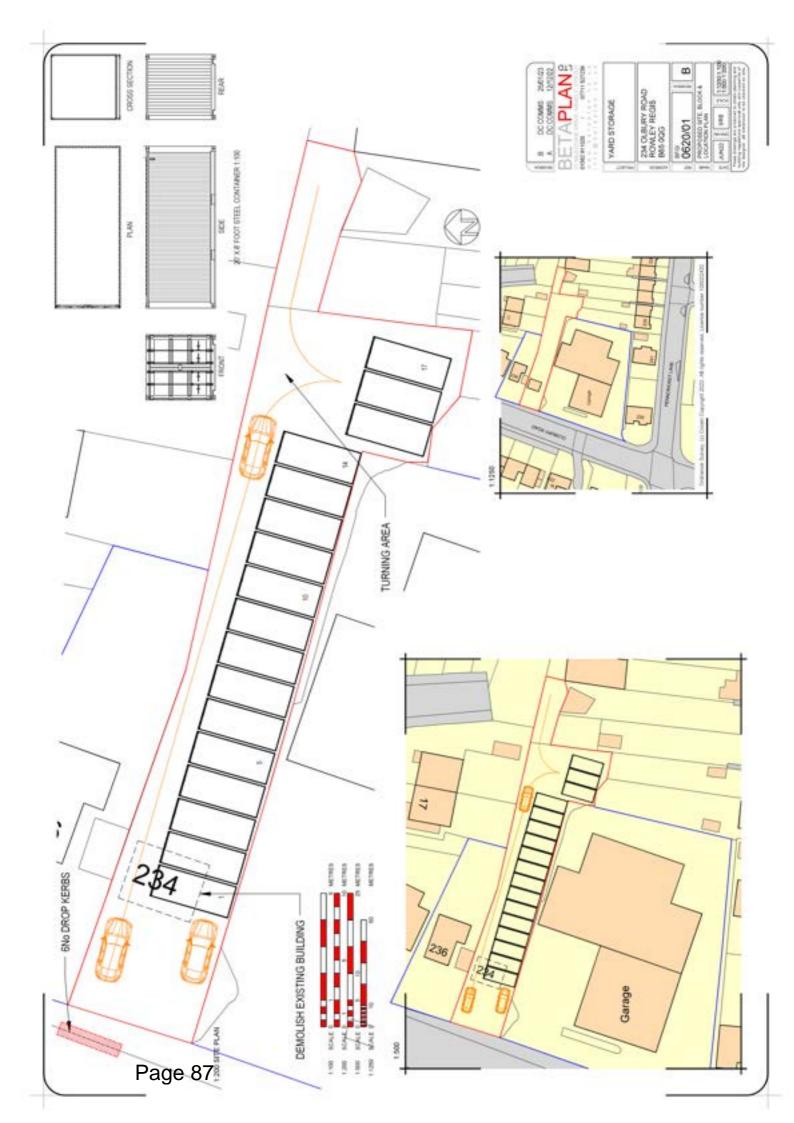
















Report to Planning Committee

16 February 2023

Application Reference	DC/22/67817
Application Received	16 December 2022
Application Description	Proposed 3 No. dwellings with new rear
	access, retaining wall/fencing to rear, bin/cycle
	stores, parking and landscaping (Revision to
	refused planning application DC/22/66936).
Application Address	Land At The Junction Of
	Tippity Green/Dudley Road
	Rowley Regis
Applicant	Mr Avtar Sehmi
Ward	Rowley
Contact Officer	Alison Bishop
	Alison_bishop@sandwell.gov.uk

1 Recommendations

- 1.1 That planning permission is granted subject to conditions relating to:
 - (i) External materials;
 - (ii) Finished floor levels;
 - (iii) Parking areas laid out and retained;
 - (iv) Site investigation in respect of contaminated land;
 - (v) Noise mitigation (acoustic fencing and glazing)
 - (vi) Drainage;
 - (vii) Boundary treatments (visibility splays maintained);

















- (viii) Landscaping;
- (ix) Electric vehicle charging provision;
- (x) Low NOx boilers;
- (xi) Renewable energy details;
- (xii) Site investigation and remediation;
- (xiii) An external lighting scheme;
- (xiv) Construction management plan;
- (xv) Archaeological monitoring.

2 Reasons for Recommendations

- 2.1 The proposal accords with relevant design policies in terms of scale, massing and parking provision and does not cause any harm to amenity in terms of overlooking, loss of light or highway safety.
- 3 How does this deliver objectives of the Corporate Plan?



Quality homes in thriving neighbourhoods – provides much needed new homes within Sandwell

4 Context

- 4.1 This application is being reported to your committee because three material planning objections have been received by local residents.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

Land at the junction of Tippity Green/Dudley Road, Rowley Regis

5 Key Considerations

5.1 The site is not allocated in the Development Plan.

















5.2 The material planning considerations which are relevant to this application are: -

Government policy (NPPF)
Overlooking/loss of privacy
Loss of light and/or outlook
Layout and density of building
Design, appearance and materials
Access, highway safety, parking and servicing
Traffic generation

6. The Application Site

6.1 The application site is a grass verge area formerly used as an advertisement sheet hoarding site which is located at the junction with Tippity Green and Dudley Road, Rowley Regis. The area surrounding the site is predominately residential except for Sandwell Pines Golf on the opposite junction and the Bulls Head Public House situated directly opposite on Dudley Road.

7. Planning History

- 7.1 A planning application for a 3-storey residential development comprising of 6 No. 2 bedroom apartments was refused planning permission in August 2022. This was on the grounds that the design and massing of the proposal would be out of scale with the surrounding and neighbouring properties, overly dominant on this prominent corner plot, would not assimilate into the character of the area and would be an over intensification of the site.
- 7.2 Relevant planning applications are as follows:

DC/22/66936	Proposed 3 storey	Refused
	residential development	24.08.2022
	comprising of 6 No. 2	
	bedroom apartments with	

















car parking, landscaping,	
charging points, bin and	
cycle stores.	

8. Application Details

- 8.1 The applicant is proposing to erect a row of three, 2 storey terraced houses along Tippity Green. The houses would be three bed, having two bedrooms on the first floor and a master bedroom and en-suite in the roof space which would incorporate skylights. The floor areas would be approximately 93sqm excepting the end plot being slightly increased to 97sqm. The end plot provides additional detailing and windows to the side gable.
- 8.2 A parking court would be provided along Dudley Road to the rear of the gardens serving the proposed houses. The parking court would provide 2 spaces for each plot and one visitor space (7 spaces in total). In addition, bin storage is provided in this location and secure cycle storage is shown within the rear garden areas. Rear access is provided to the parking court for each plot.
- 8.3 In terms of energy renewables, the Design and Access Statement states that solar panels or air source heat technology could be introduced into the scheme.
- 8.4 For drainage, attenuation will be provided in accordance with Severn Trent requirements and porous paving is proposed to the car parking area.

9. Publicity

9.1 The application has been publicised by neighbour notification letters. Three objections have been received.





















9.2 **Objections**

Objections have been received on the following grounds:

- i) Out of character with the area;
- ii) The proposal will restrict visibility on a busy road;
- iii) The dwellings are still too large and are going to cause highway issues because residents won't use the car park and will park on the corner which is already dangerous;
- iv) Speeding already occurs this will make matters worse;
- v) Yellow lines are needed at the junction;
- vi) Affect privacy/outlook (albeit better than previous scheme) but will affect their privacy to bedrooms/living rooms;
- vii) Loss of trees and green space; and
- viii) Statement contains errors including the incorrect site address;

9.3 Responses to objections

In response to the objector's comments:

i) Following the previous refusal, this proposal has been significantly scaled down to provide only 3, two storey houses with roof designs that are similar in height and appearance to the existing adjacent properties on Tippity Green. The extract from the section drawing below demonstrates that the scale is largely that of the existing.



















Proposed Streetscene

Viewing from Tippity Green Road - Scale 1:200

- ii) Highways have no objection to the proposal and are satisfied that the scheme does not impact on highway visibility.
- iii) As indicated in (i), the parking court has been provided to create secure parking and is accessible to the properties.
- iv) As indicated in ii) above, no objections have been received from Highways.
- The scheme itself is not the cause of existing problems, it would V) therefore not be reasonable to impose a requirement to contribute towards yellow lines (TROs). This would need to be reviewed as part of the impact on the wider network by Highways.
- vi) The separation distances between existing (Dudley Road) and proposed properties (Tippity Green) is 31 metres at the nearest point (21 metres being the standard), therefore this exceeds standards.
- vii) There are no trees on the site, the site is currently grassed and also was used for the display of advertisement hoardings, in more recent years looking unsightly. The proposed scheme provides a development in keeping with the area and will retain green space to the gardens serving the properties.
- viii) The plans are a correct representation of the existing site and the address is recorded correctly on the forms. The Design and



















Access Statement is supporting information but would not form part of the planning approval.

10. Consultee responses

10.1 Planning Policy

No policy concerns, the site is a housing windfall site, but accords with this policy given its location.

10.2 Highways

No objection subject to the boundary treatments/visibility splays being retained as proposed. This can be conditioned accordingly.

10.3 Public Health (Air Quality)

No objections subject to the standard conditions for electric vehicle charging points, a construction management plan and low NOx boilers. These have been included within the recommendation.

10.5 Public Heath (Noise)

No objections subject to acoustic fencing and glazing specification to be conditioned to protect future residents from road noise.

10.6 Public Health (Contaminated Land)

No objection subject to site investigation and remediation measures.

11. National Planning Policy

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

















In terms of design the guidance refers to development adding to the overall quality of the area by achieving high quality design, achieving good architecture and layouts. The design is in character with the scale, massing and appearance of the wider area and is therefore in accordance with paragraph 124 of the NPPF.

The same guidance promotes sustainable transport options for development proposal and paragraph 111 states that developments should be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The proposal is modest in scale, retains visibility splays at the junction, provides off road parking and cycle provision in accordance with guidance and raises no objections from Highways.

12. Local Planning Policy

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

HOU2: Housing Density type and Accessibility

ENV3: Design Quality

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

Effect

ENV7: Renewable Energy

ENV8: Air Quality

TRAN4: Creating Coherent Networks for Cycling and Walking.

SAD H2: Housing Allocations.

SAD EOS9: Urban Design Principles

SAD HE5: Archaeology & Development Proposals.

12.2 With regard to housing policy HOU2, the proposal is in character with the area and provides good pedestrian and vehicular accessibility. 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, would bring an



















- under-used piece of land into use and for much needed housing within Sandwell.
- 12.3 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments. The layout is considered to be in character with the existing street pattern.
- 12.4 ENV5 seeks the incorporation of sustainable drainage systems to assist with reducing the impact of flooding and surface run-off. The scheme provides porous paving within the parking areas and intends to provide attenuation to address discharge rates required by Severn Trent. This can be conditioned accordingly.
- 12.5 ENV7 concerns the generation of energy from renewable sources sufficient to off-set at least 10% of the estimated residual energy demand. The scheme indicates that solar panels or air heat source technology could be incorporated into the scheme and can be conditioned as such.
- 12.6 ENV8 refers to mitigation measures to offset air quality issues, in this instance, electric vehicle charging infrastructure, low NOx boilers and a construction management plan. All these can be conditioned.
- 12.7 TRAN4 requires schemes to be well connected to aid cycling and walking which the layout of this development seeks to provide. The proposed layout shows secure cycle storage within each garden plot and pedestrian links to the rear (Dudley Road) as well as the frontage (Tippity Green).
- 12.8 As the site is identified as an area of archaeological significant (SAD HE5), a condition is recommended to ensure that the site is monitored during construction to ensure that any archaeological finds would be recorded.

















13. Material Considerations

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

13.2 Overlooking/loss of privacy

It is considered that the privacy of existing residents will be safeguarded given that the separation distances between existing (Dudley Road) and proposed properties (Tippity Green) is 31 metres at the nearest point (21 metres being the standard).

13.3 Loss of light and/or outlook

The proposal is designed to follow the building line and footprint of existing properties along Tippity Green, therefore it will not create shadow to existing neighbouring property.

13.4 Layout and density of building

The development is modest in scale, being of the same storey height as existing properties and provides 3-bedroom homes with parking in accordance with standards.

13.5 Design, appearance and materials

The proposal will incorporate brick with some render and slate roof finish, which mirrors surrounding properties. The end terraced provides a focal point with the introduction of windows and detailing to address it dual aspect frontage. Final materials can be conditioned to ensure the final proposals are acceptable.

















13.6 Access, highway safety, parking and servicing

The proposal provides a dedicated parking court which is a distance from the junction of Tippity Green and Dudley Road, meets required visibility spays and accords with parking standards.

13.7 Traffic generation

The scheme provides three properties therefore traffic generation would be minimal to raise any concerns. Highways have raised no objection to the scheme.

14 Alternative Options

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

15 Implications

Resources:	When a planning application is refused the applicant
	has a right of appeal to the Planning Inspectorate, and
	they can make a claim for costs against the Council.
Legal and	This application is submitted under the Town and
Governance:	Country Planning Act 1990.
Risk:	None.
Equality:	There are no equality issues arising from this proposal
	and therefore an equality impact assessment has not
	been carried out.
Health and	None.
Wellbeing:	
Social Value	None.
Climate	Sandwell Council supports the transition to a low
Change	carbon future, in a way that takes full account of the
	need to adapt to and mitigate climate change.
	Proposals that help to shape places in ways that



















contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.

16. Appendices

Location plan

Context plan

Site layout

Proposed floor plans and elevations

Street scene













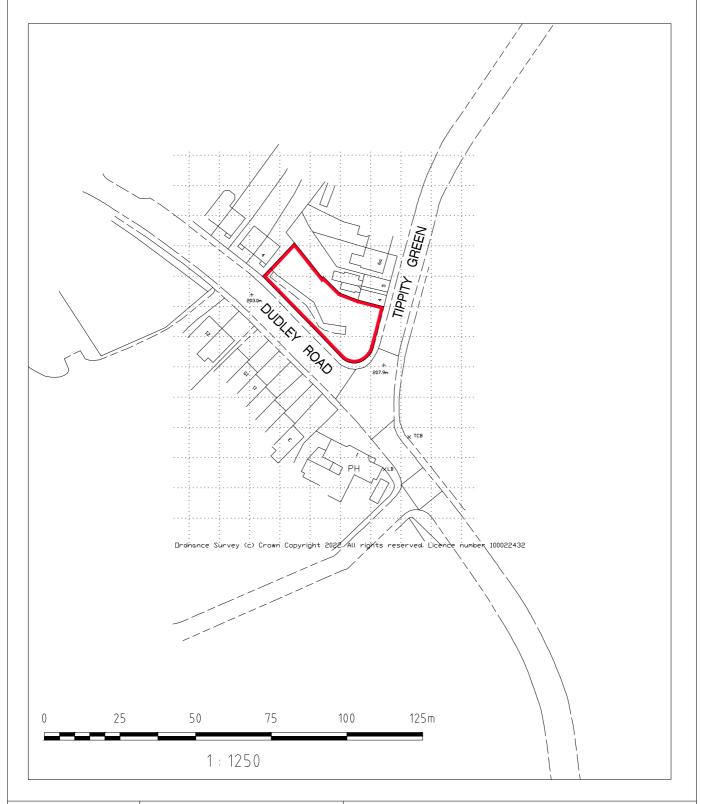






Project: Tippity Green, Rowley Regis, B65 9AA





Scale: 1:1250@A4 Project Number: 21-1874/Loc

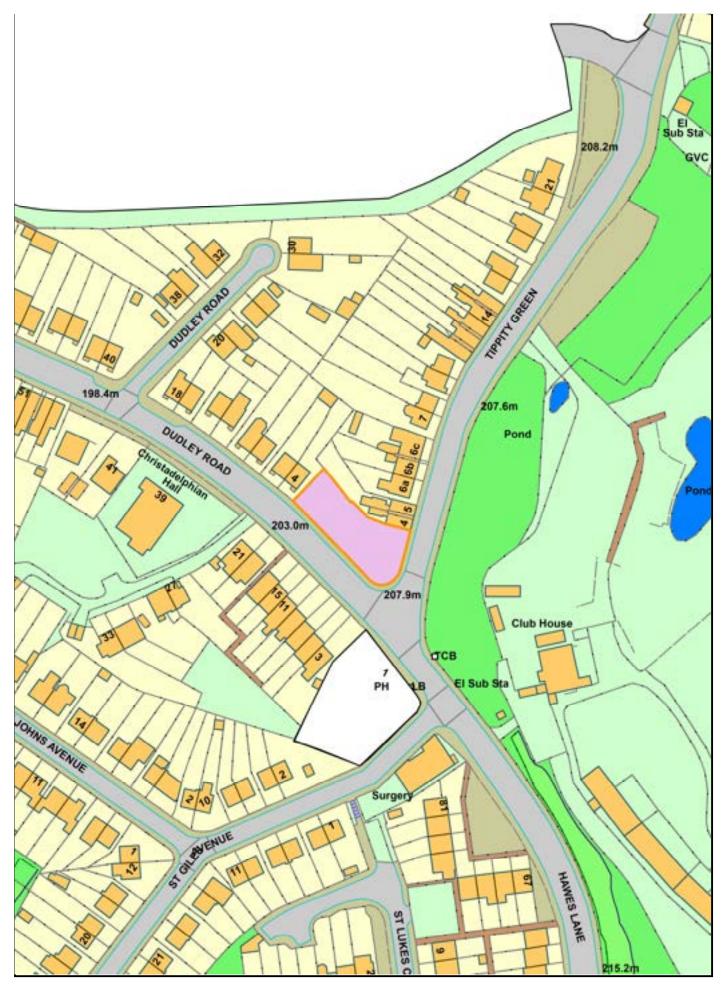
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Tel: 0121 550 0359



Gould Singleton Architects

Earls Way, Halesowen, West Midlands B63 3HR e-mail:info@gould-singleton.co.uk







- New low level plating shown indicatively, subject to LA Approval

All references to the specification of any product, material or system used in the proposed construction, repair, treatment and refurbishment of any building or structure detailed on this drawing, in respect of the performance of combustibility, fire resistance or fire protection shall be fully in accordance with manufacturer's or supplier's specifications and recommendations and in accordance with current applicable regulations. Where specified refer to fire engineer consultant's specific details where appointed.

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Proposed Site Plan

Scale 1:200

Legend

Proposed Residential Dwellings Plot 1 - 3B5P - Approx. GIA 97.4sqm/1048sqft Plot 2 - 3B5P - Approx. GIA 93.4sqm/1005sqft Plot 3 - 3B5P - Approx. GIA 93.4sqm/1005sqft

Total 3 Units

Proposed Rear Gardens

Proposed Grass Areas

Proposed Paved Surface

■ Proposed Tarmac Surface Proposed Planting

— Approx. Site Area 706sqm (0.174acres)

ĩ		Plot 1 Bay amended	DI	
=	24.01.23	Plot 1 floor plan amended	DI	
-	19.01.23	Car Parking Spaces amended, Visibility Splay indicated		
		Retaining wall cut back & Bin Store size amended	DI	
)	13.12.22	Updated layouts of dwellings added Layout amended Parking amended for visitor parking bay / Cycle Stores Shown Updated to clients information	JH	
•	09.12.22	Layout amended	HC	
3	05.12.22	Parking amended for visitor parking bay / Cycle Stores Shown	HC	
	29.11.22	Updated to clients information	JH	
	1		1	I



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Land at Tippity Green ₹1:200@A2 and Dudley Road Rowley Regis Oct'22 B65 9ÁA HC 할 GSA

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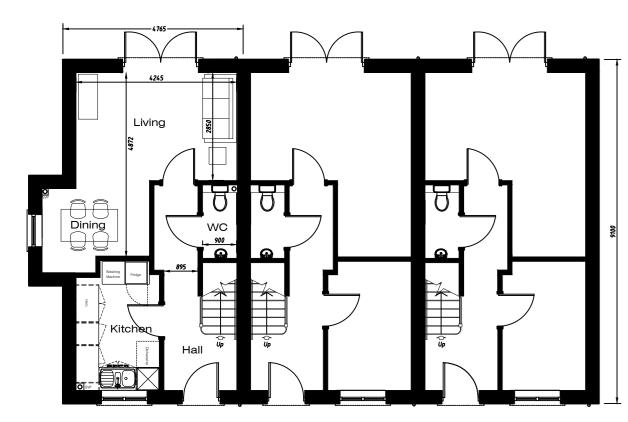
Proposed Site Plan

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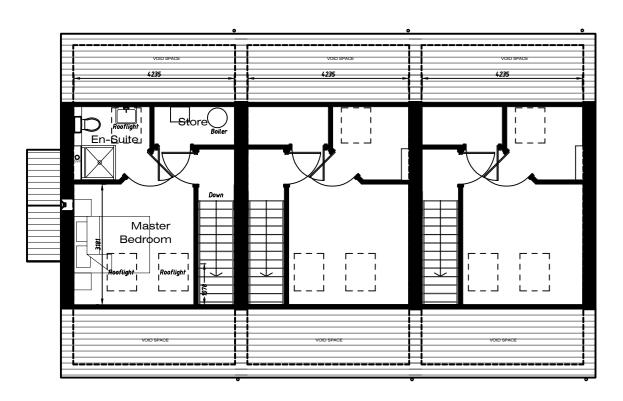
Front Elevation

Scale 1:100



Ground Floor Plan

Scale 1:100

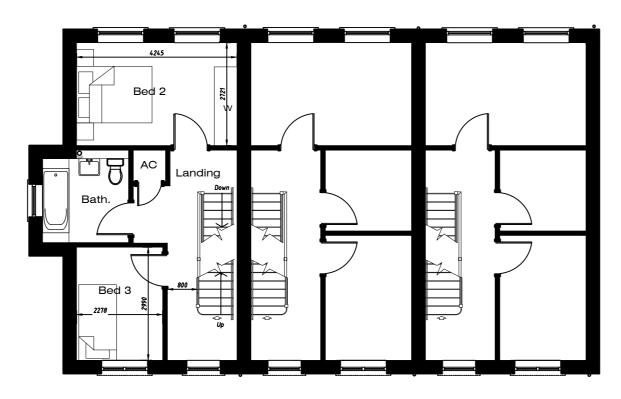


Second Floor Plan

Scale 1:100

Rear Elevation

Scale 1:100



First Floor Plan

Scale 1:100

PLOT 1

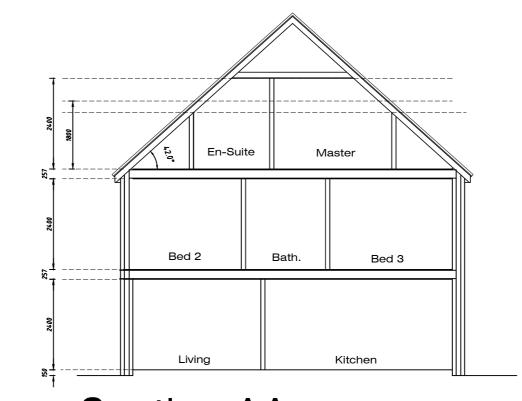
Ground Floor Approx. GIA	- 37.6sqm (404sqft)
First Floor Approx. GIA	- 37.6sqm (404sqft)
Second Floor Approx. GIA	- 22.2sqm (239sqft)
Total Approx. GIA	- 97.4sqm (1048sqft)
PLOT 2&3	
Ground Floor Approx. GIA	- 35.6sqm (383sqft)
First Floor Approx. GIA	- 35.6sqm (383sqft)
Second Floor Approx. GIA	- 22.2sqm (239sqft)
Total Approx. GIA	- 93.4sqm (1005sqft)

Side Elevation

Scale 1:100

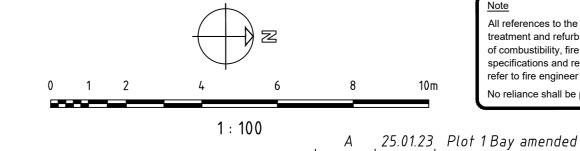
Side Elevation

Scale 1:100



Section AA

Scale 1:100



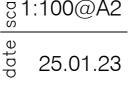
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DΙ

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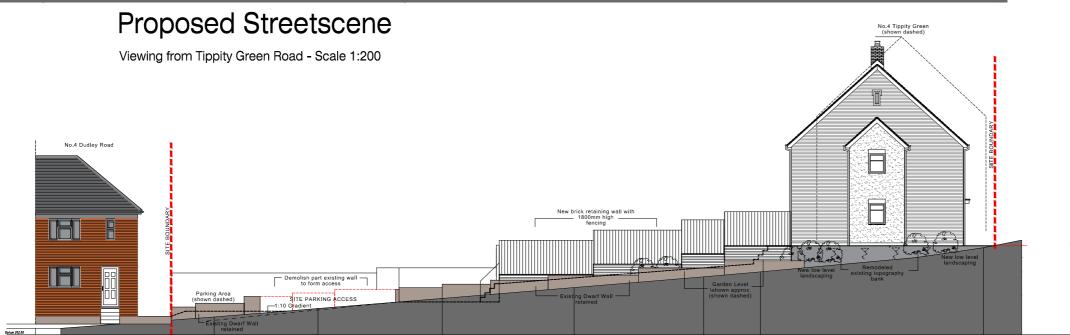
Land at Tippity Green and Dudley Road Rowley Regis B65 9AA

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Proposed Plans & Elevations - Feasibility 4

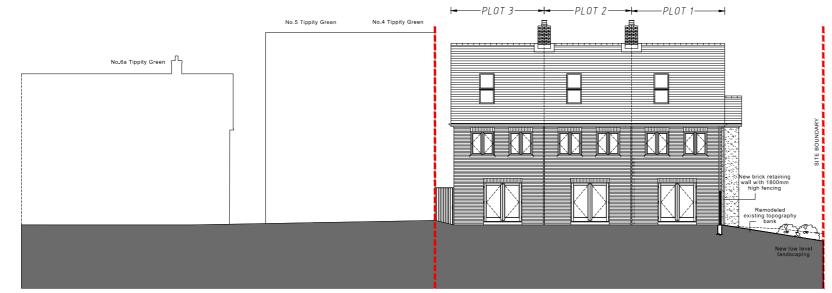
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Proposed Streetscene

Viewing from Dudley Road - Scale 1:200

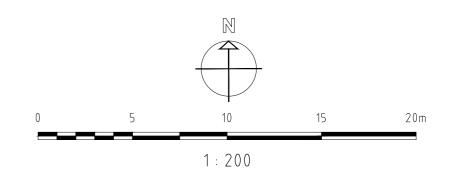


Proposed Rear Elevation

Scale 1:200

All references to the specification of any product, material or system used in the proposed construction, repair, treatment and refurbishment of any building or structure detailed on this drawing, in respect of the performance of combustibility, fire resistance or fire protection shall be fully in accordance with manufacturer's or supplier's specifications and recommendations and in accordance with current applicable regulations. Where specified refer to fire engineer consultant's specific details where appointed.

No reliance shall be placed on such details on this drawing.



G F	25.01.23 24.01.23	Plot 1 bay roof amended and walls rendered Plot 1 floor plan amended	DI DI	
Ε		Retaining Wall cut back to allow visibility and streetscene elevat.	ion	
		amended to show Option C	DI	
D	19.12.22	Updated scale to LPA comments	JH	
\mathcal{C}	13.12.22	Updated to revised layouts	JH	
В	09.12.22	Updated to revised layouts	HC	
Α	29.11.22	Updated to clients information	JH	
rev.	date		ldrawn	lchk'd



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ת כ	Oct'22

Land at Tippity Green and Dudley Road Rowley Regis B65 9ÁA

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Proposed Site Sections

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Report to the Planning Committee

16 February 2023

Subject:	Committee Site Visits		
Director:	Director – Regeneration and Growth		
	Tony McGovern		
Contact Officer:	John Baker		
	Service Manager - Development Planning and		
	Building Consultancy		
	John baker@sandwell.gov.uk		
	Alison Bishop		
	Development Planning Manager		
	Alison bishop@sandwell.gov.uk		

1 Recommendations

That the Committee notes that the following planning application(s) will be visited by the Committee on 23rd March 2023.

3 Reasons for Recommendations

3.1 Planning officers recommend these visit(s) to assist with the timescales set by government for reaching decisions on planning applications and when an application has generated substantial public interest.

4 How does this deliver objectives of the Corporate Plan?



We now have many new homes to meet a full range of housing needs in attractive neighbourhoods and close to key transport routes.



Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose

Page 107





to bring up their families.

Sandwell now has a national reputation for getting things done, where all local partners are focused on what really matters in people's lives and communities.

5 Context and Key Issues

- 5.1 Planning applications can generate considerable public interest and it is considered that in some circumstances a visit to the site by the planning committee will assist them in understanding the proposal in relation to the surrounding area.
- 5.2 Visiting the site earlier in the planning process can assist with the timescales set by government for reaching decisions on planning applications.
- 5.3 In the event that the application <u>does not</u> generate objections, then members will no longer be required to consider the planning application before their committee and instead the application will be decided under delegated powers.
- 5.4 Site visit(s) for the following planning application(s) are reported. A location plan and site layout are attached:-

Application No., description &	Date	Reason
addresss	received	
DC/22/67785 Proposed 3 storey community skills hub building with 2 No. detached outbuildings for storage, substation, plant room, new vehicular access and gates to front, car parking, cycle storage, enclosed skip/refuse bays, boundary fencing, landscaping and associated works.	08.12.2022	The application is a major new educational development and has generated a high volume of objections from local residents.

At Sandwell MBC Public Car Park Lower High Street Cradley Heath	
Proposed Phase 1 - Conversion and change of use of existing barn 1 into cafeteria and natural play area, proposed single storey building containing support facilities (toilets, kitchen, lobby and draft lobby, classroom, stores and plantroom). Phase 2 - Proposed single storey education block containing 2 no. (30/40 students) classrooms and cloakroom area. At Forge Mill Farm Forge Lane West Bromwich	The proposal is a major scheme for works to Forge Mill Farm and an early visit to the site would assist members in reaching a decision within government targets.

6 Alternative Options

6.1 There are no alternative options.

7. Implications

December	There are no directionalisations in terms of the
Resources:	There are no direct implications in terms of the
	Council's strategic resources.
	If the Planning Inspectorate overturns the
	Committee's decision and grants consent, the Council
	may be required to pay the costs of such an appeal,
	for which there is no designated budget.

Legal and Governance:	The Planning Committee has delegated powers to determine planning applications within current Council policy. Section 78 of the Town and Country Planning Act 1990 gives applicants a right to appeal when they disagree with the local authority's decision on their application, or where the local authority has failed to determine the application within the statutory timeframe
Risk:	There are no risks associated with this report.
Equality:	There are no equality implications associated with this report.
Health and Wellbeing:	There are no health and wellbeing implications associated with this report.
Social Value	There are no implications linked to social value with this report.

8. Appendices

Location plans Site layout plans



DC/22/67785 SMBC Public Car Park, Lower High Street, Cradley Heath



	Legend	
		l
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		Sca	le 1:663			
m	8.4	16.8	25.2	33.6	42	

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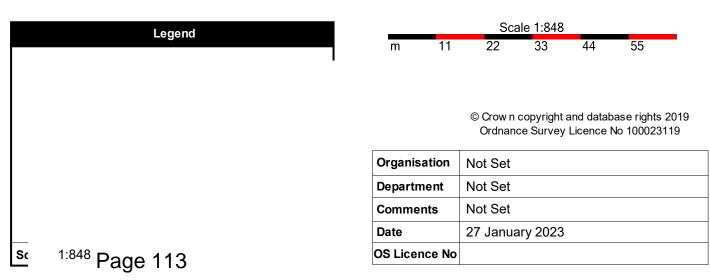
Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	27 January 2023
OS Licence No	

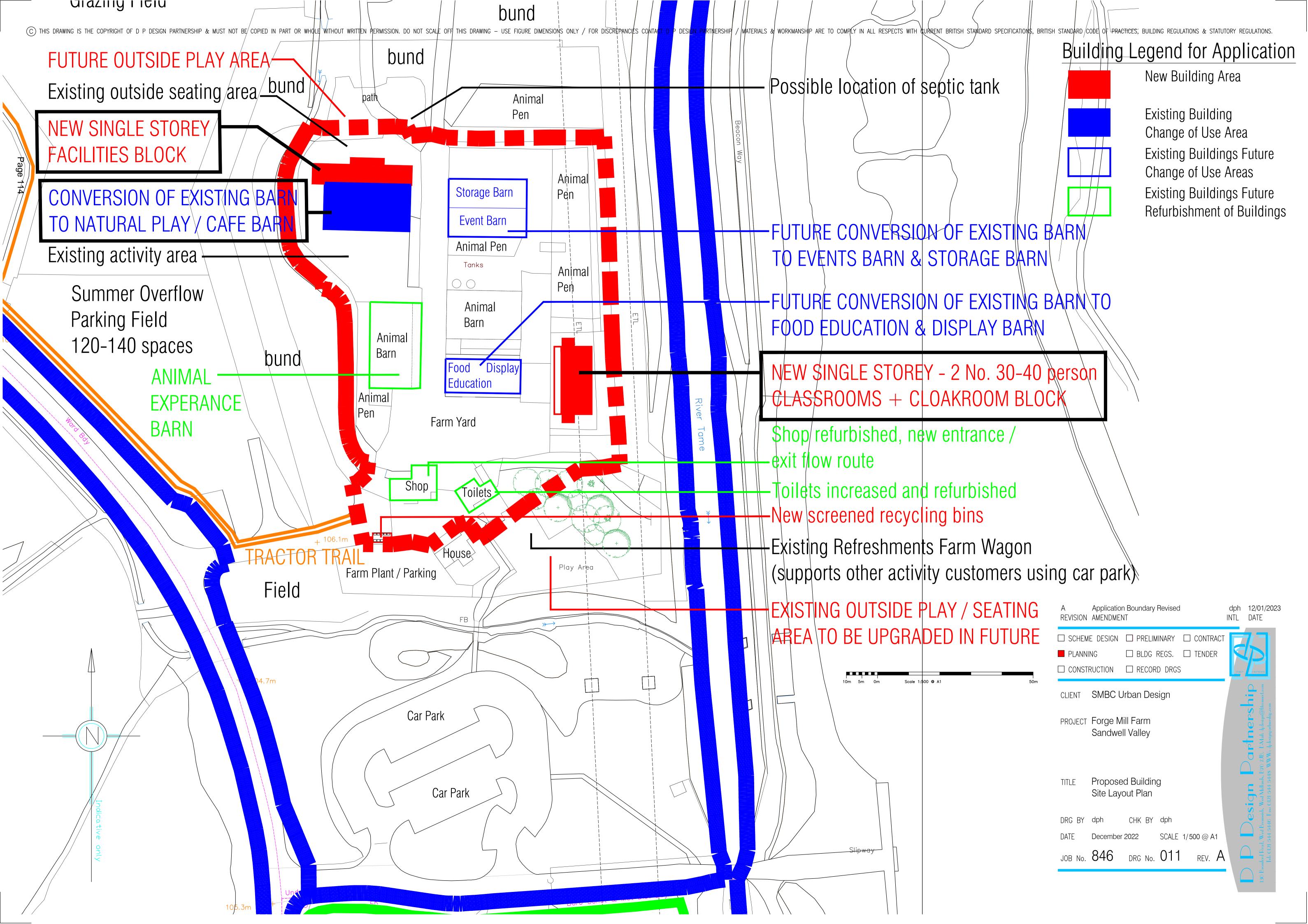




DC/23/67838 Forge Mill Farm, West Bromwich









Report to the Planning Committee

16 February 2023

Subject:	Decisions of the Planning Inspectorate
Director:	Director – Regeneration and Growth
	Tony McGovern
Contact Officer:	John Baker
	Service Manager - Development Planning and
	Building Consultancy
	John baker@sandwell.gov.uk
	ALL DIL
	Alison Bishop
	Development Planning Manager
	Alison bishop@sandwell.gov.uk

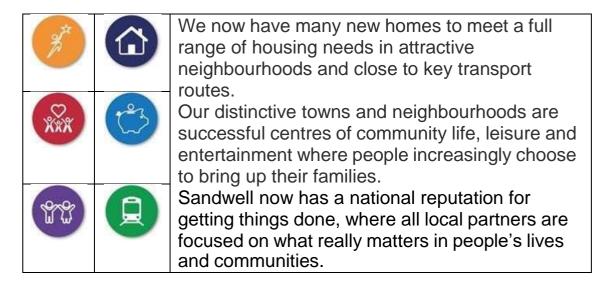
1 Recommendations

1.1 That Planning Committee notes the decisions of the Planning Inspectorate as detailed in the attached appendices.

2 Reasons for Recommendations

2.1 This report is submitted to inform the Committee of the outcomes of appeals that have been made to the Planning Inspectorate by applicants who were unhappy with the Committee's decision on their application.

3 How does this deliver objectives of the Corporate Plan?



4 Context and Key Issues

- 4.1 Applicants who disagree with the local authority's decision on their planning application may submit an appeal to the Planning Inspectorate. An appeal may also be made where the local authority has failed to determine the application within the statutory timeframe.
- 4.2 Appeals must be submitted within 3 months (householder proposals) six months (commercial developments) of the date of the local authority's decision notice.
- 4.3 Decisions on the following appeals are reported, with further detailed set out in the attached decision notice:-

Application Ref	Site Address	Inspectorate
PD/21/01964	Telecommunications	Allowed
	Mast SWL18015	
	Land Fronting The	
	Green	
	Wolverhampton Road	
	Oldbury	

5 Alternative Options

5.1 There are no alternative options.

6 Implications

_	
Resources:	There are no direct implications in terms of the
	Council's strategic resources.
	If the Planning Inspectorate overturns the
	Committee's decision and grants consent, the Council
	may be required to pay the costs of such an appeal,
	for which there is no designated budget.
Legal and	The Planning Committee has delegated powers to
Governance:	determine planning applications within current Council
	policy.
	Section 78 of the Town and Country Planning Act
	1990 gives applicants a right to appeal when they
	disagree with the local authority's decision on their
	application, or where the local authority has failed to
	determine the application within the statutory
	timeframe
Risk:	There are no risks associated with this report.
Equality:	There are no equality implications associated with this
=quanty:	report.
Health and	There are no health and wellbeing implications
Wellbeing:	associated with this report.
Social Value	There are no implications linked to social value with
	this report.
Climate	Sandwell Council supports the transition to a low
Change	carbon future, in a way that takes full account of
	the need to adapt to and mitigate climate change.
	Proposals that help to shape places in ways that
	contribute to radical reductions in greenhouse gas
	emissions, minimise vulnerability and improve
	resilience; encourage the reuse of existing
	resources, including the conversion of existing
	buildings; and support renewable and low carbon
	energy and associated infrastructure, will be
	welcomed.
	110100111001

7. Appendices

Appeal decision Page 117

Appeal Decision

Site visit made on 8 December 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2023

Appeal Ref: APP/G4620/W/22/3299639 Wolverhampton Road, Hilltop, Causeway Green, Sandwell B68 8DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990
 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16,
 Class A of the Town and Country Planning (General Permitted Development) (England)
 Order 2015 (as amended).
- The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Sandwell Metropolitan Borough Council.
- The application Ref DP/PD/21/01964, dated 30 May 2021, was refused by notice dated 7 January 2022.
- The development proposed is 18.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.

Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of 18.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works at land at Wolverhampton Road, Hilltop, Causeway Green, Sandwell B68 8DU in accordance with the terms of the application Ref DP/PD/21/01964, dated 30 May 2021, and the plans submitted with it including plan nos: 002 Site Location Plan; 210 Proposed Site Plan; 260 Proposed Elevation; 302 Proposed Antenna Schedule & Line Configuration; and 305 Equipment Schedule & Support Structure Details.

Procedural Matters

- 2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
- 3. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A do not require regard be had to the development plan. Consequently, I have taken it into account as a material consideration but only insofar as the policies relate to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed installation on the adjacent Major Road Network and a proposed multi-modal cycle route.

Reasons

- 5. The appeal site is adjacent to the Wolverhampton Road (A4123) (the Road). It is located within a wide grass verge that separates the adjacent footpath from the Road. The location of the proposal adjacent to the Road forms part of the Council's reason for refusal. However, the proposed site does not appear to be so close to the Road or nearby junctions that it would be likely to prevent or unduly constrain road maintenance or any improvement works as may reasonably be required in future. No substantive evidence is before me to suggest otherwise.
- 6. The Council's reason for refusal also cites conflict between the proposed appeal site and an intended multi-modal cycle route (the Route). Email correspondence from the Council's highways department indicates that the Route is proposed along the A4123 and would typically require the removal of some existing infrastructure, such as the adjacent bus stop and some trees, in order to create sufficient space.
- 7. However, the correspondence also points to the north east side of the Road (the opposite side to the appeal site) being the intended location for the majority, though not necessarily all, of the Route. Furthermore, details of any development plan policies or other Council reports that commit to provision of the multi-modal route have not been provided. In addition, details of its funding or likely timescales for implementation have not been submitted.
- 8. Also, in the event that the appeal site was to conflict with the Route, details of the likely dimensions that would be required to secure sufficient space for cycling and walking routes have not been put forward. Therefore the implications of the appeal scheme on the installation of the Route are unclear. For these reasons, I can only afford very limited weight to the potential conflict between the appeal proposal and delivery of that Route.
- 9. I note the alternative options considered by the appellant. Clear reasons are given for discounting each of the alternative locations considered. The Council has also not expressed a preference for any of those alternative sites. The Council suggested land at the junction of Brandhall Road and Wolverhampton Road as a possible alternative location for the appeal scheme that would be sufficiently remote from the proposed Route. However it appears that such a location would be considerably more visible from the surrounding area, including from adjacent houses. Accordingly, on the evidence before me I am not persuaded that it would be a less harmful alternative than the appeal site.
- 10. Therefore, in the absence of a suitable alternative, I conclude that the effect of the siting and appearance of the proposed installation on the adjacent Major Road Network and a proposed multi-modal cycle route would be acceptable.

Other Matters

11. I acknowledge the concerns expressed by a local resident. Although there may be other masts in the locality, the appellant has demonstrated that there is a need for the installation as proposed, to improve 5G coverage in this location. The appearance of the mast would be functional, but I see no reason to indicate that it would be of poor quality. The proposed site is not a particular focal point and would appear relatively discreet given the backdrop of trees. It would not impinge on the existing adjacent footpath. No substantive evidence

is before me to indicate that matters of highway safety or flood risk are a concern here.

Conditions

12. The Order does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

13. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

Rachel Hall

INSPECTOR