

# Agenda Planning Committee

**Wednesday 21 February 2024 at 5.00 pm**  
**in the Council Chamber, Sandwell Council House, Freeth Street,**  
**Oldbury, B69 3DB**

- |          |   |                |
|----------|---|----------------|
| <b>1</b> | <b>Apologies for Absence</b>  | <b>7 - 8</b>   |
|          | To receive any apologies for absence.   |                |
| <b>2</b> | <b>Declarations of Interest</b>   | <b>9 - 10</b>  |
|          | Members to declare any interests in matters to be discussed at the meeting.   |                |
| <b>3</b> | <b>Minutes</b>  | <b>11 - 18</b> |
|          | To confirm the minutes of the meeting held on 10 January 2024 as a correct record.  |                |
| <b>4</b> | <b>Planning Application - DC/23/68498 - 2A<br/>Franchise Street, Wednesbury, WS10 9RE</b>   | <b>19 - 38</b> |
|          | Proposed change of use from existing residential dwelling to 2 apartments 1 no - 1 bed and 1 no - 2 bed. Demolition of existing adjacent ancillary building and replace with 6 no - 2 bed apartments with associated car parking and amenity areas. |                |



5	<b>Planning Application - DC/23/68797 - 41 Warwick Road, Oldbury, B68 0NE</b>	39 - 50
	Retention of outbuilding in rear garden (Re-submission of refused planning permission DC/23/68475).	
6	<b>Planning Application - DC/23/68823 - Land To The Rear of 22 to 56 Francis Ward Close, West Bromwich</b>	51 - 68
	Proposed 2 no. pair of semi-detached 3 bedroom houses, with associated parking and private amenity space/gardens, vehicle crossover to pavement, and access road.	
7	<b>Planning Application - DC/23/68927 - Land Off Titford Road/ To The Rear Of Asda Wolverhampton Road, Oldbury</b>	69 - 106
	Proposed 60 No. residential dwellings with new access from Titford Road and associated works.	
8	<b>Proposed Site Visits</b>	107 - 116
	To consider and note the planning applications to be visited by the Committee on 27 March 2024.	
9	<b>Decisions of the Planning Inspectorate</b>	117 - 124
	To consider and note the Decisions of the Planning Inspectorate.	
10	<b>Applications Determined Under Delegated Powers</b>	125 - 154
	To consider and note the Applications Determined Under Delegated Powers.	

**Shokat Lal**  
**Chief Executive**  
Sandwell Council House  
Freeth Street  
Oldbury  
West Midlands

**Distribution**

Councillor Millar (Chair)  
Councillors Chidley, Chapman, Fenton, J Giles, S Gill, Kaur, Kordala, Loan,  
Pall, Preece, N Singh, Tromans, Uppal, J Webb and Younis

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## Planning Committee

### Apologies for Absence

To receive any apologies for absence from the members of the Committee.



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## Planning Committee

### Declarations of Interest

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



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## Minutes of Planning Committee

**Wednesday 10 January 2024 at 5.00pm  
in the Council Chamber, Sandwell Council House, Oldbury**

**Present:** Councillor Millar (Chair);  
Councillors Chidley (Vice-Chair), Fenton, Kaur, Loan, N  
Singh, Pall, Preece, Tromans and Webb

**Officers:** John Baker (Development Planning and Building Consultancy  
Manager); Alison Bishop (Development Planning Manager);  
Simon Chadwick (Development and Road Safety Manager);  
Andy Thorpe (Healthy Development and Building Control  
Lead); Rory Stracey (Solicitor); Connor Robinson (Democratic  
Services Officer) and Anthony Lloyd (Democratic Services  
Officer).

### 1/24 **Apologies for Absence**

Apologies of absence were received from Councillors Chapman,  
Fisher, S Gill, Kordala and Uppal

### 2/24 **Declarations of Interest**

There were no declarations of interest.

### 3/24 **Minutes**

**Resolved** that the minutes of the meeting held on 29  
November 2023 are approved as a correct record.



4/24

**Planning Application DC/23/68497 - Retention of replacement boundary treatment, removal of external rear wall, single storey rear extension, and raising of existing roof height. 10 Jowetts Lane West Bromwich B71 2RA**

The Development Planning and Building Consultancy Manager highlighted to members that there were discrepancies between the published drawing plans and the actual design and therefore, minded members that a deferral of the item would be prudent to ensure that drawings were updated and confirmed as accurate before being re-considered by the Committee.

**Resolved** that consideration of Planning Application DC/23/68497 (Retention of replacement boundary treatment, removal of external rear wall, single storey rear extension, and raising of existing roof height, 10 Jowetts Lane West Bromwich B71 2RA) is deferred to seek correct plans regarding works already carried out on site.

5/24

**Planning Application DC/23/68498 - Proposed change of use from existing residential dwelling to 2 apartments 1 no - 1 bed and 1 no - 2 bed. Demolition of existing adjacent ancillary building and replace with 6 no - 2 bed apartments with associated car parking and amenity areas. 2A Franchise Street, Wednesbury, WS10 9RE.**

An objector was present and addressed the Committee with the following concerns:-

- technical drawings were inaccurate as they did not show that the front elevation had actually extended onto the objectors property;
- the building was of historical significance to the area and was a former vicarage;
- a covenant was in place that stated that the property in question would not be used for any other reason than that of a dwelling or two dwellings.



The applicant was present and addressed the Committee with the following points:-

- willing to address any concerns in relation to site plans;
- no information could be sought that implied that the building was listed or a non-designated heritage property.

The Development Planning and Building Consultancy Manager advised the Committee that title deeds and covenants were not a matter that the Committee could consider as the local planning authority. Any further legal concerns would need to be investigated by the applicants separately outside of the planning process.

**Resolved** that consideration of Planning Application DC/23/68498 (Proposed change of use from existing residential dwelling to 2 apartments 1 no - 1 bed and 1 no - 2 bed. Demolition of existing adjacent ancillary building and replace with 6 no - 2 bed apartments with associated car parking and amenity areas. 2A Franchise Street, Wednesbury, WS10 9RE) is deferred pending a site visit by the Committee.

6/23

**Planning Application DC/23/68578 - Retention of outbuilding at rear for garden room, storage and gym. 180 Walsall Road West Bromwich B71 3LH.**

At its meeting on 29 November 2023 (Minute No 114/23 refers), the Committee resolved to attend a site visit before giving further consideration to the planning application.

Councillors Chidley, Fenton, Loan, N Singh, Tromans, Millar and Webb declared that they had been lobbied by the applicant on the site visit.

The Development Planning and Building Consultancy Manager advised members that the windows on the outside of the building were now obscure glazed. Photographs were also circulated to the Committee which had been presented by the objector.



An objector was present and addressed the Committee. Issues with light pollution and speculation around land encroachment were raised by the objector along with issues over privacy and overlooking into neighbouring proprieties.

In response, it was confirmed by the Development Planning and Building Consultancy Manager that no visible land encroachment had taken place. Members were also minded that if the building was to be lowered to under 2.5m in height, then the works could instead be completed via permitted developments rights.

Members discussed the feasibility of a condition on the use of blinds on the property however, it was deemed that this condition would be difficult to enforce and therefore, on that basis, using it as a condition would not be viable. Members were also reminded that a building that was assigned as “residential” encompassed many activities.

The objector had been notified that other legislation, such as environmental health laws, could be pursued if problems persisted.

**Resolved** that, Planning Application DC/23/68578 (Retention of outbuilding at rear for garden room, storage and gym. 180 Walsall Road West Bromwich B71 3LH.) is approved subject to conditions relating to the following:-

- i) Within 3 months of permission being granted the windows and doors located on the front elevation to be obscurely glazed and retained as such; and
- ii) The outbuilding is not to be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 180 Walsall Road



**Planning Application DC/23/68738 - Proposed single storey outbuilding to rear with associated excavation and retaining wall. 50 Chatsworth Avenue, Great Barr, Birmingham, B43 6QH.**

Councillors Chidley, Fenton, Loan, N Singh, Tromans, Millar and Webb declared that they had been lobbied by both the applicant and objector on the site visit.

Neither the applicant or objector was present at the meeting.

The Development Planning and Building Consultancy Manager provided clarification on permitted development rights in relation to extensions to properties. It was noted that extensions and other buildings must not exceed 50% of the curtilage. The 50% limit covered all buildings so would also include existing and proposed outbuildings as well as any existing or proposed new extensions to a house. The extension that was considered on this planning application did not exceed the 50% limit.

Members were also advised that any concerns around change of use could be dealt by planning enforcement as and when required.

**Resolved** that Planning Application DC/23/68738 (Proposed single storey outbuilding to rear with associated excavation and retaining wall. 50 Chatsworth Avenue, Great Barr, Birmingham, B43 6QH) is approved, subject to conditions relating to:-

- i) External Materials;
- ii) The gymnasium shall be solely for the enjoyment of the residents of 50 Chatsworth Avenue and for no other purposes.



8/23

**Planning Application DC/23/68797 - Retention of outbuilding in rear garden (Resubmission of refused planning permission DC/23/68475). 41 Warwick Road, Oldbury, B68 0NE.**

The Development Planning and Building Consultancy Manager highlighted to the Committee that the original report had incorrectly stated that the highways department had objected to the proposal. It was confirmed that no objections had been made by the highway department. The previous applicant had been refused due to insufficient information on the planned works or the building’s proposed use.

No objectors were present for the meeting.

The applicant was present and highlighted the following:-

- the rear building would be used to accommodate a family member with autism;
- the applicant was happy to consider any further conditions as required by the committee.

**Resolved** that consideration of Planning Application DC/23/68797 (Retention of outbuilding in rear garden ((Resubmission of refused planning permission DC/23/68475)). 41 Warwick Road, Oldbury, B68 0NE) is deferred pending a site visit by the Committee.

9/23

**Proposed Site Visits**

The Committee noted the site visits that would be carried out in relation to the following applications in addition to those agreed at the meeting, prior to it being presented to the Committee:-

Application No. and Description.	Reason
DC/23/68823 Proposed 2 no. pair of semi-detached 3 bedroom houses, with associated parking and private amenity	To review the site location in terms of highway safety due to the location of the application site and the





space/gardens, vehicle crossover to pavement, and access road. At Land To The Rear Of 22 To 56 Francis Ward Close West Bromwich	proposed development's relationship to existing residential properties (outlook/privacy/sunlight)
DC/23/68819 Demolition of former public house and proposed construction of 4 storey mixed-use building comprising of 2 No. ground floor retail units, 12 No. self-contained apartments with first and third floor amenity areas with balustrades, plant room enclosure with acoustic timber fencing, boundary walls and railings, new access from Thornwood Close, parking, cycle store, refuse/recycling facilities and landscaping. At The Merrivale Vicarage Road Oldbury	To review the context of the area in relation to the proposed development in terms of design, scale and massing and the retail element at ground floor.
DC/23/68927 proposal of 60 dwellings at Titford Road, Oldbury	Application for 60 dwellings which had attracted considerable local interest.

10/23 **Applications Determined Under Delegated Powers**

The Committee noted the applications determined under delegated powers by the Director – Regeneration and Growth, under powers delegated to him, as set out in the Council's Constitution.

(Meeting ended at 6.29pm)

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## Report to Planning Committee

21 February 2024

<b>Application Reference</b>	DC/23/68498
<b>Application Received</b>	17 July 2023
<b>Application Description</b>	Proposed change of use from existing residential dwelling to 2 apartments 1 no - 1 bed and 1 no - 2 bed. Demolition of existing adjacent ancillary building and replace with 6 no - 2 bed apartments with associated car parking and amenity areas.
<b>Application Address</b>	2A Franchise Street, Wednesbury, WS10 9RE.
<b>Applicant</b>	Mr Asif c/o Lucci House, The Old Tennis Courts, Tennial Grove, Harborne, B32 2HP.
<b>Ward</b>	Wednesbury North.
<b>Contact Officer</b>	Anjan Dey <a href="mailto:anjan_dey@sandwell.gov.uk">anjan_dey@sandwell.gov.uk</a>

### 1 Recommendations

1.1 That planning permission is granted subject to conditions relating to:

- (i) External materials;
- (ii) Finished floor levels;
- (iii) Ground Contamination;
- (iv) Drainage (surface and foul);
- (v) Lighting;




- (vi) Boundary treatments;
- (vii) Landscaping;
- (viii) Cycle storage;
- (ix) Low NOx boilers;
- (x) Electric vehicle charging;
- (xi) Management plan for control of dust;
- (xii) Construction Management Plan;
- (xiii) Coal Authority Investigation,
- (xiv) Restriction on hours of construction; and
- (xv) Parking laid out & retention.

## 2 Reasons for Recommendations

- 2.1 The proposal raises no significant concerns from a design, amenity or highway perspective and would deliver additional housing in a sustainable location.

## 3 How does this deliver objectives of the Corporate Plan?

	Quality homes in thriving neighbourhoods – The proposal raises no significant concerns from a design, amenity or highway perspective and would deliver additional in a sustainable location.
--	--

## 4 Context

- 4.1 At the last meeting your Committee resolved to visit the site and details regarding land ownership and restrictive covenants were to be investigated. **Refer to section 13.4 and 13.5 which updates members in relation to these matters.**
- 4.2 The application is being reported to your committee as more than 3 neighbour objections have been received.
- 4.3 To assist members with site context, a link to Google Maps is provided below:

[2A Franchise Street, Wednesbury.](#)



## 5 Key Considerations

- 5.1 The site is not allocated within the Development Plan.
- 5.2 Material planning considerations (MPCs) are matters that can and should be taken into account when making planning decisions. By law, planning decisions should be made in accordance with the development plan unless MPCs indicate otherwise. This means that if enough MPCs weigh in favour of a development, it should be approved even if it conflicts with a local planning policy.
- 5.3 The material planning considerations which are relevant to this application are:-

Government policy (NPPF)

Planning history (including appeal decisions)

Amenity concerns – Overlooking/loss of privacy, loss of light and/or outlook.

Design concerns - appearance and materials, layout and density of building, and

Highways considerations - Traffic generation, access, highway safety, parking and servicing.

## 6. The Application Site

- 6.1 The application site is a rectangular shaped parcel of land to the side of 2A Franchise Street, Wednesbury. The area is largely residential in character and Franchise Street consists of a variety of house types with industrial units along the street further to the east. The site is adjoined by allotment gardens to the south.

## 7. Planning History

- 7.1 There is no relevant planning history for the site.



## 8. Application Details

- 8.1 It is proposed to convert no 2A Franchise Street into two apartments, comprising of a one and two-bedroom units. An existing ancillary building is to be demolished to facilitate the construction of a new two storey apartment block at the western side of the site; to comprise six no two-bedroom apartments. The apartment block would be physically attached to no 2A Franchise Street at first floor level.
- 8.2 Floor plans show that no 2A Franchise Street would have lounge and kitchens at ground floor level with bedrooms above. The new block would comprise of a central entrance hall with three apartments either side of the hall; totalling six apartments including roof level.
- 8.3 Parking provision for the apartments would be at the rear and front of the site. Submitted plans show an under-croft arrangement with access from Franchise Street to a parking area showing six spaces at the rear of the site and two spaces at the front.
- 8.4 Communal gardens/areas of amenity are shown at the rear of the site; two separate gardens – one at either side of the site each measuring over 50 square metres in area.
- 8.5 Apartment sizes are comfortable, and the agent has confirmed that internal floorspace now complies with the Council's adopted minimum standards, as well as National Described Standards for one and two-bedroom flats; 50 and 70 square metres respectively.

## 9. Publicity

- 9.1 The application has been publicised by neighbour notification letter (11 in total) with five objections received from local residents.

### 9.2 Objections

Objections have been received on the following grounds:



- i) Loss of light and privacy to properties along Franchise Street and Old Park Road;
- ii) Design and that the proposed new block is out of character with the locality and the proposals constitute over-development of the site;
- iii) 2A Franchise Street was a former Vicarage and therefore has historical value;
- iv) Insufficient parking and concerns relating to highway safety;
- v) The accuracy of the plans; specifically, that they include property not within the ownership of the applicant.

These objections will be addressed in section 13 (Material considerations).

Non-material objections have been received relating to a restrictive legal covenant imposed by the Bishop of Lichfield.

## 10. Consultee responses

### 10.1 Highways

Amended plans have been provided altering the proposed layout, as a result, highways has no objections to the proposal.

### 10.2 Pollution Control (Air Quality)

No overall objections and the provision of a single electric vehicle charging point and of low NOx central heating boilers can be ensured by condition.

The control dust and emissions during the demolition and construction process can also be ensured by condition.



### 10.3 **Pollution Control (Contaminated Land)**

No objection subject to conditions relating to submission of desk-top study relating to on site contamination and the submission of a validation report.

### 10.4 **Pollution Control (Air Pollution and Noise)**

No subject to the submission of a construction management plan and restriction on hours of construction. These matters are usually dealt with by way of pre-commencement condition.

### 10.5 **The Coal Authority**

No overall objections subject to the submission of a scheme of intrusive investigations relating to coal mining legacy, and mitigation measures if required. The Coal Authority has recommended a suitable condition to deal with these matters.

### 10.6 **West Midlands Police**

No objection.

### 10.7 **Walsall MBC**

The site is close to the borough boundary with Walsall and that authority has been consulted but has declined to comment on the application.

## 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.





- 11.2 The Framework refers to development adding to the overall quality of the area by achieving high quality design, achieving good architecture and layouts.
- 11.3 The Framework 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.
- 11.4 I am of the opinion that the scheme is of a good design, in accordance with the design aspirations of the NPPF, as the development would assimilate with the overall form and layout of the site's surroundings.

## 12. Local Planning Policy

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

DEL1: Infrastructure Provision

HOU1: Delivery Sustainable Housing Growth

HOU2: Housing Density type and Accessibility

TRAN4: Creating Coherent Networks for Cycling and Walking

ENV3: Design Quality

ENV8: Air Quality

SAD EOS9: Urban Design Principles

SAD H2: Windfalls

SAD DC6: Land Affected by Contamination, Ground Instability, Mining Legacy, Land of unsatisfactory Load Bearing Capacity or Other Constraints

- 12.2 Infrastructure provision, in this case Electric Vehicle Charging bays, would be ensured by condition, in addition, the Community Infrastructure Levy applies (DEL1).
- 12.3 The proposal meets the requirements of policy HOU2 in that it proposes a range of types and sizes of accommodation which would be accessible



by walking and sustainable transport to services. The proposal would also achieve good design with minimal amenity impact.

- 12.4 Sufficient amenity space is provided to allow for cycle parking provision (TRAN4).
- 12.5 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments. The proposal raises no significant concerns in respect of design and is therefore compliant with policy ENV3 and SAD EOS 9.
- 12.6 In respect of air quality (ENV8), electric vehicle charging points and low NOx boilers can be ensured by condition.
- 12.7 The proposed dwellings would be a windfall, subject to SAD H2. The proposal meets the requirement of the policy as it is previously undeveloped land, suitable for residential development, and capable of meeting other plan policies.
- 12.8 The site has a history of coal mining legacy but the assessment and mitigation of coal mining workings (SAD DC6) can be ensured by condition.

### 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 Amenity concerns

The site plans show that no 2A Franchise Street would only be extended at first floor level at its western side to provide a link to the new apartment block. The extension would be away from the adjoining property, and it is also considered that the rear elevation of no 2A already extends beyond that of the adjoining dwelling. However, the site



plan has been annotated to show that rear elevation complies with the 45-degree code that is used for guidance.

With regards to loss of privacy, the interface distance between the rear elevation of properties along Old Park Road and the western side elevation of the apartment block is around 23 metres, which substantially exceeds the recommended 14 metres. Dormer windows facing Franchise Street would serve some of the flats in the roof space with only roof lights in the roof plane to Old Park Road. It is therefore my view that the apartment block would not result in any loss of privacy to the occupiers of those properties.

### 13.3 Design concerns

Franchise Street is mainly characterised by terraced dwellings but also includes semi-detached and detached houses; dwellings vary in appearance and there is no uniform design code. By its nature an apartment block would differ from the existing house types but it is considered that the agent has considered the existing design code and tried to ensure that the appearance of the apartment block reflects that of no 2A Franchise Street – gable features, stone cills etc. It is noted that there is housing development further along Franchise Street that comprises of an apartment block at the corner with the junction.

Although 2A Franchise Street was a former vicarage the property is not a listed building, or within a Conservation Area. Furthermore, 2A is to be converted with minimal alterations or changes to its external appearance.

Apartment sizes are comfortable, and the agent has confirmed that internal floorspace now complies with the National Described Standards for one and two-bedroom flats.

The scale of the development would be two storeys, and the proposal would assimilate into the surrounding area. The following images shows the existing and proposed elevation to Franchise Street:





1. Street view along Franchise Street from west to east





2. Street view to Old Park Rd from Franchise Street



3. Street view to apartment block at corner of Franchise Street and The Junction

### 13.4 Highways concerns

The development meets with the approval of the highway authority and parking spaces are in accordance with the requirements of Council design guidance.



## 13.4 Submitted plans

Following the last meeting the agent has confirmed that the submitted plans do include a small part of no 2 Franchise Street. The agent has now corrected the red outline boundary and amended all relevant plans. Copies of the revised drawings have been sent to the adjoining neighbour without further response.

## 13.5 Legal covenant (Non-material)

This matter is a private one and isn't material to the decision. The agent also understands that his client may have a legal obligation to send the copies of the plans to the Bishop's office, but this is ultimately a private matter as stated (the covenant also refers to the dwelling house not being used as drinking establishment or 'amusement hotel tavern Inn').

However, the Bishop of Lichfield has been consulted by the planning department on the application without response. The agent has advised that his client has met with his solicitor and intends to progress this pending the planning decision.

## 14. Conclusion and planning balance

14.1 All decisions on planning applications should be based on an objective balancing exercise. This is known as applying the "planning balance". It is established by law that planning applications should be refused if they conflict with the development plan unless material considerations indicate otherwise. This essentially means that the positive impacts of a development should be balanced against its negative impacts.

14.2 On balance the proposal accords with the provisions of relevant development plan policies and there are no significant material considerations which warrant refusal that could not be controlled by conditions.



## 15 Alternative Options

15.1 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 policies and there are no material considerations that would justify refusal.

## 16 Implications

<b>Resources:</b>	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.
<b>Legal and Governance:</b>	This application is submitted under the Town and Country Planning Act 1990.
<b>Risk:</b>	None.
<b>Equality:</b>	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
<b>Health and Wellbeing:</b>	None.
<b>Social Value</b>	None.
<b>Climate Change</b>	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.

## 17. Appendices

Location plan SAP FS 22 05 LP 01

Amended site plan inc. parking SAP FS 23 03 GA 01 REV D

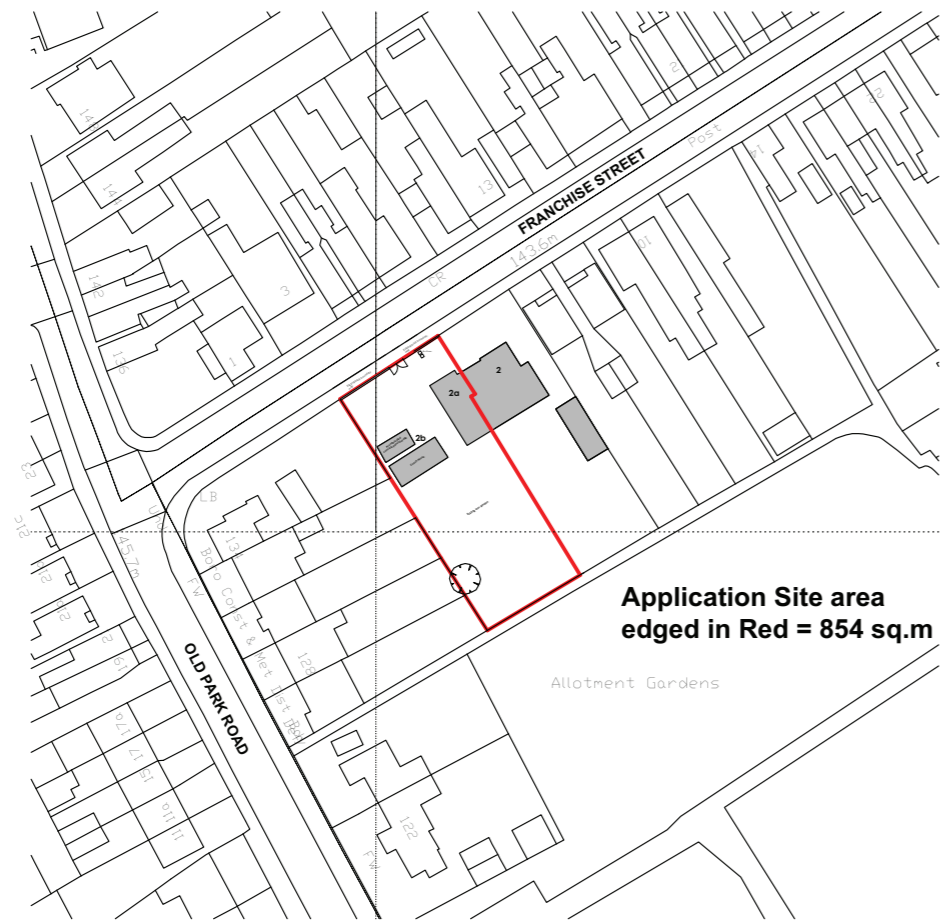
Proposed elevations SAP FS 23 03 GA 04 REV A



Proposed rear elevation SAP FS 23 03 GA 05  
Proposed floor plans SAP FS 23 03 GA 06 REV B  
Proposed floor plans SAP FS 23 03 GA 07 REV A

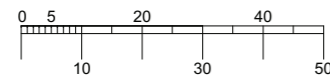






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Location plan - Existing  
Scale 1 : 1250



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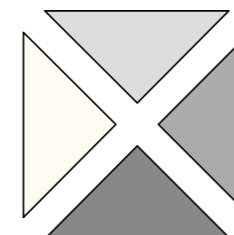
House Design  
Listed Building Consent  
Retail and Commercial  
development  
3D Visual Concepts

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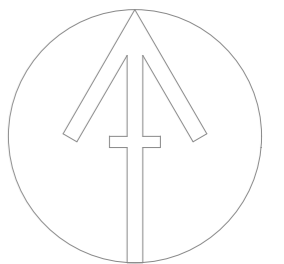
## 2a and 2b Franchise Street, Wednesbury. WV4

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Client: <b>Private Client</b>			
Project: <b>Planning</b>		Title: <b>Existing Location Plan</b>	
Date: <b>May 2022</b>	Scale: <b>1 : 1250 @ A2</b>	Dwg No: <b>SAP.FS.22.05.LP.01</b>	Rev: <b>A</b>

North



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# SCHEDULE OF ACCOMMODATION


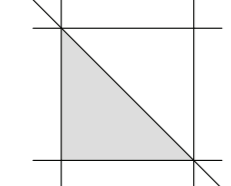
- Unit A1 : 2 bed - 70sqm / 752sq.ft
- Unit A2 : 1 bed - 56sqm / 602sq.ft
- Units A3, A4, : 2 bed Duplex - 63sqm / 677sq.ft
- Unit A5, A6 : 2 bed - 63sqm / 677sq.ft
- Unit A7 : 1 bed Duplex- 70sqm / 752sq.ft
- Unit A8 : 2 bed Duplex- 90sqm / 967sq.ft

Total: 8 units

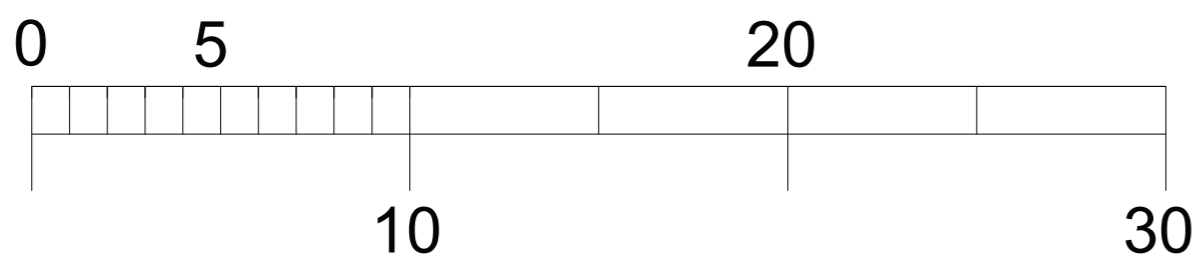
Parking Provisions:

- 1 space per unit (8)
- Cycle parking with 4no. hoops (space for 8 bikes)

## Legend

-  Red Line Application Boundary  
Area 868 sqm / 0.086 Ha.  
Subject to Client Confirmation
-  Existing Buildings

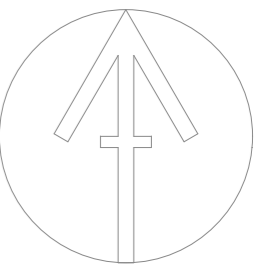
Site plan  
Scale 1 : 200



2a and 2b Franchise Street, Wednesbury. WV4



North



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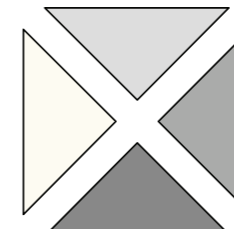
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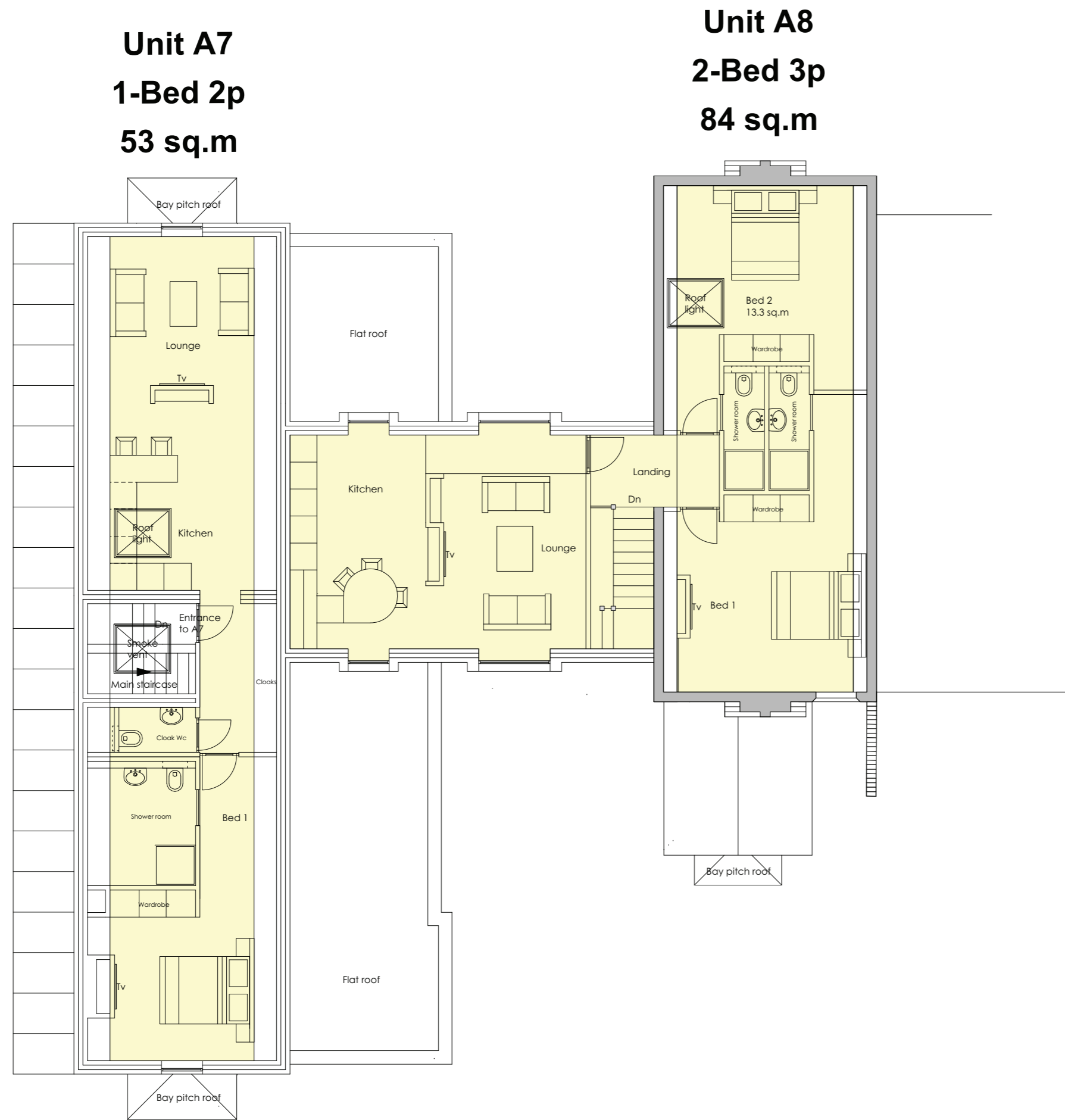
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- Rev D Jan 2024 Minor amendments Highway request
- Rev C Nov 2023 Minor amendments Highway request
- Rev B Aug 2023 Minor amendments Planning request
- Rev A July 2023 Minor amendments Planning request

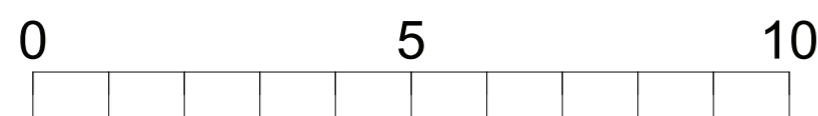


Client: <b>Private Client</b>			
Project: <b>Planning</b>		Title: <b>Proposed Site Plan</b>	
Date: <b>March 2023</b>	Scale: <b>1 : 200 @ A2</b>	Dwg No: <b>SAP.FS.23.03.GA.01</b>	Rev: <b>D</b>



Second floor plan  
Scale 1 : 100

Proposed floor layout  
Scale 1 : 100 @A2



2a and 2b Franchise Street, Wednesbury. WV4



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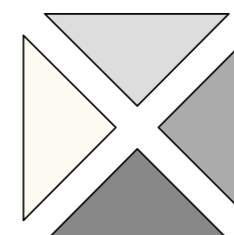
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Dec 2023 Minor amendments Planning request  
Aug 2023 Minor amendments Planning request  
July 2023 Minor amendments Planning request



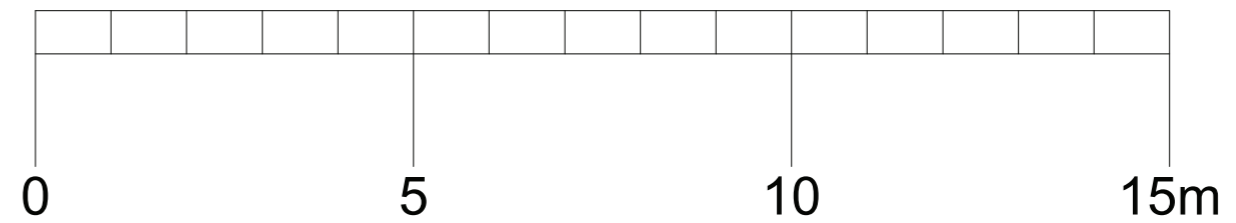
Client: Private Client			
Project: Planning		Title: Proposed Second floor Plan	
Date: March 2023	Scale: 1 : 100 @ A2	Doc No: SAP.FS.23.03.GA.07	Rev: A



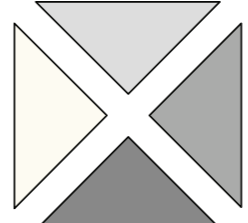
Elevation to rear  
Scale 1 : 100



Elevations  
Scale 1 : 100



Sept 2023 Minor amendments Planning request  
Aug 2023 Minor amendments Planning request  
July 2023 Minor amendments Planning request



Client: <b>Private Client</b>			
Project: <b>Planning</b>		Title: <b>Proposed Elevation - rear</b>	
Date: <b>March 2023</b>	Scale: <b>1 : 100 @ A2</b>	Dwg No: <b>SAP.FS.23.03.GA.05</b>	Rev:



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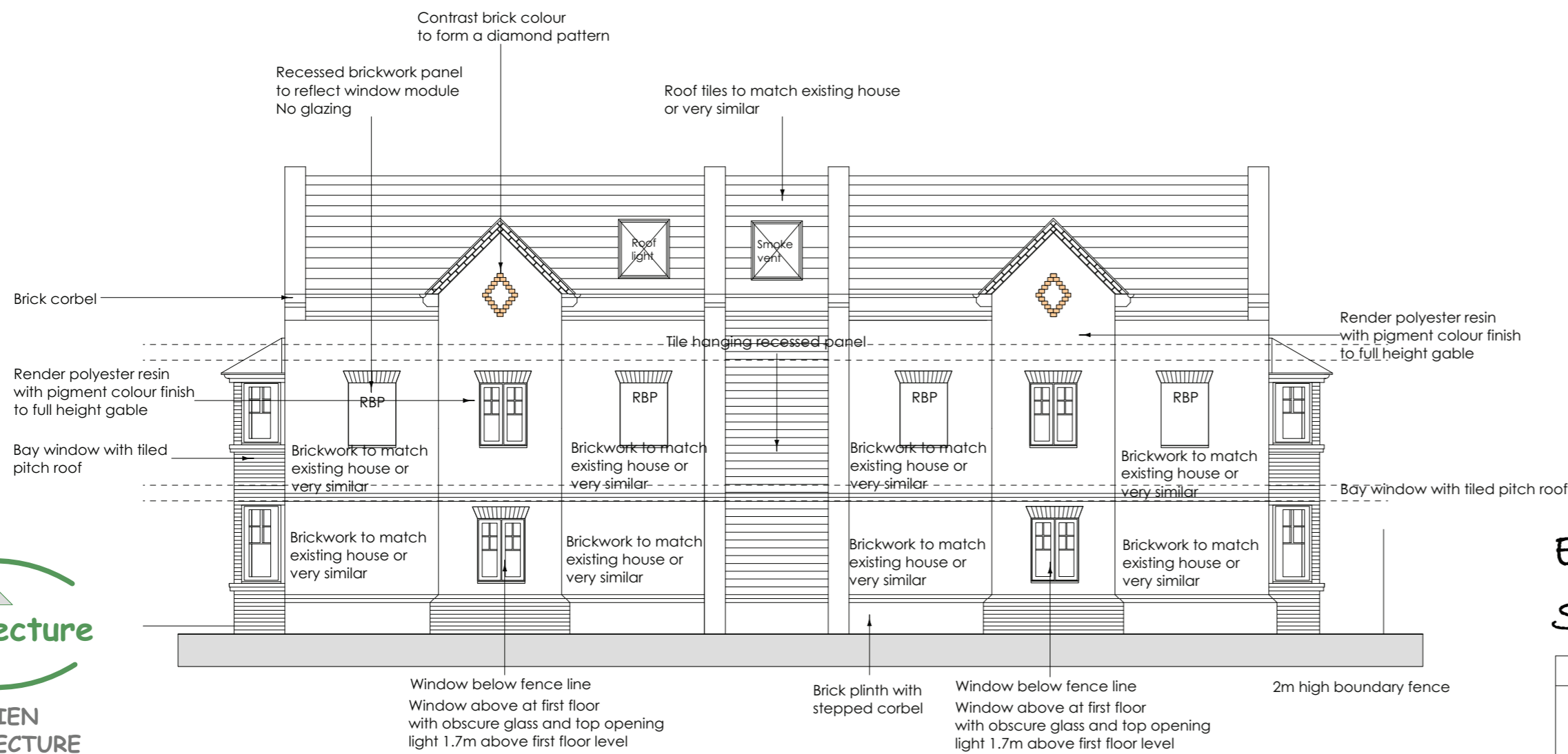
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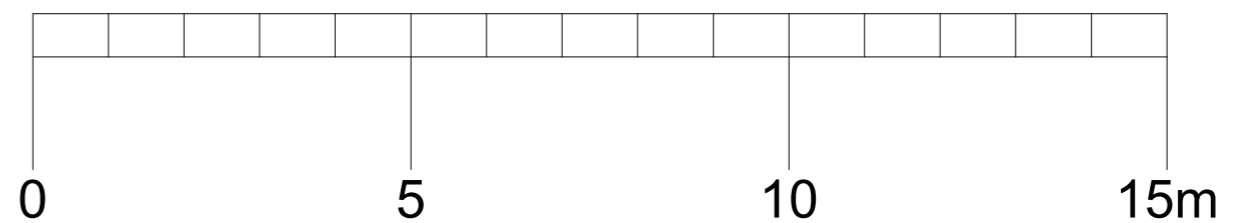
Elevation to Franchise Street  
Scale 1 : 100



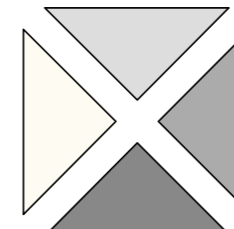
Elevation to Old Park Road  
Scale 1 : 100

2a and 2b Franchise Street, Wednesbury. WV4

Elevations  
Scale 1 : 100



Jan 2024 Minor amendments Planning request  
Aug 2023 Minor amendments Planning request  
July 2023 Minor amendments Planning request



Client: <b>Private Client</b>			
Project: <b>Planning</b>		Title: <b>Proposed Elevations</b>	
Date: <b>March 2023</b>	Scale: <b>1 : 100 @ A2</b>	Dwg No: <b>SAP.FS.23.03.GA.04</b>	Rev: <b>A</b>



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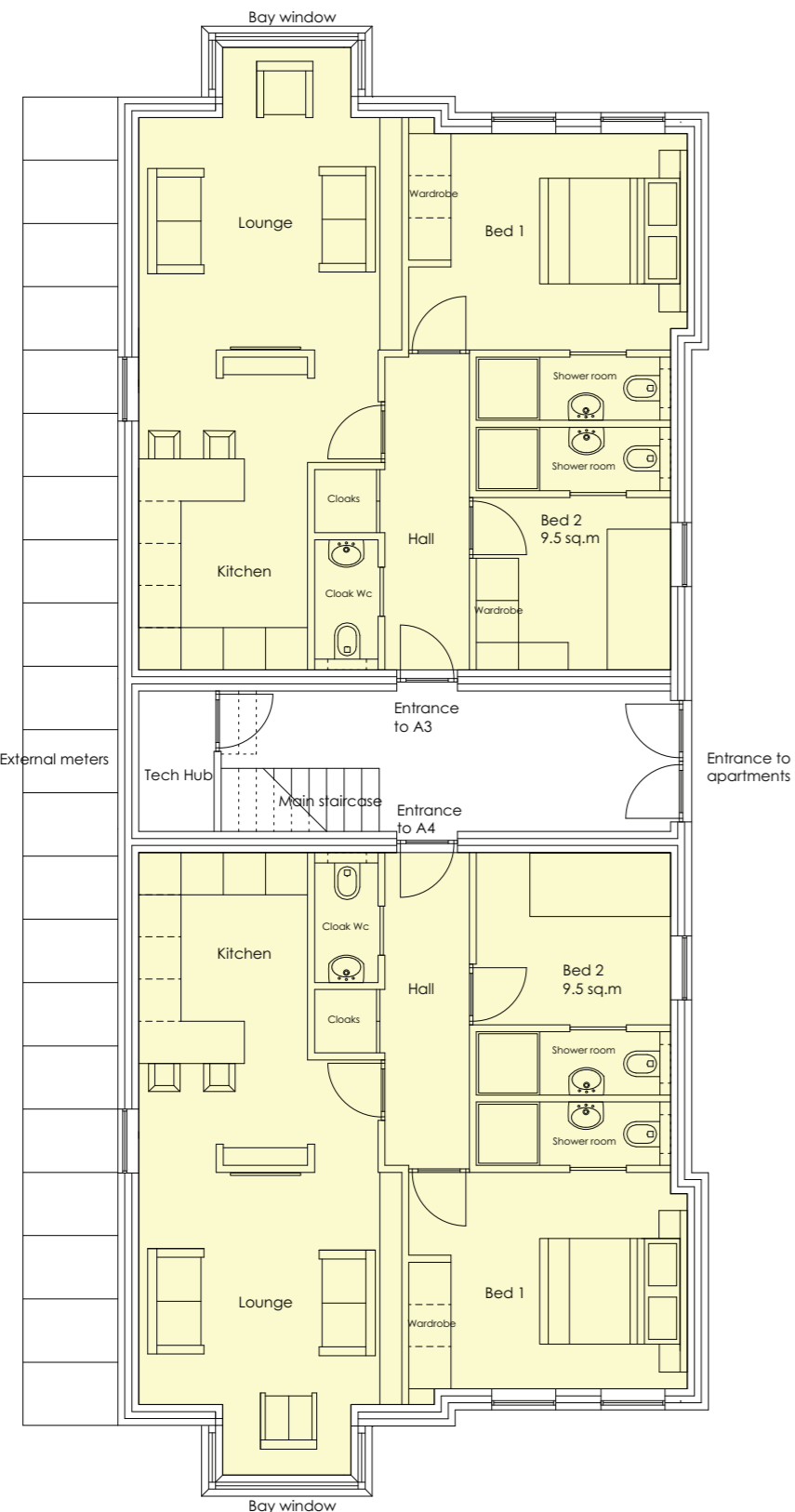


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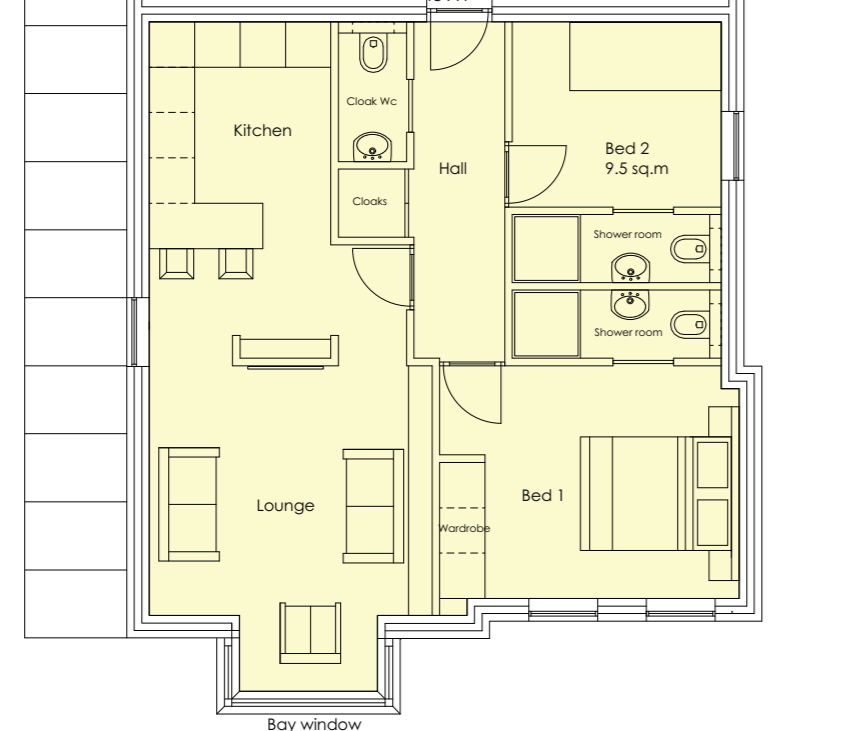
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**Unit A3**  
2-Bed 3p  
63 sq.m



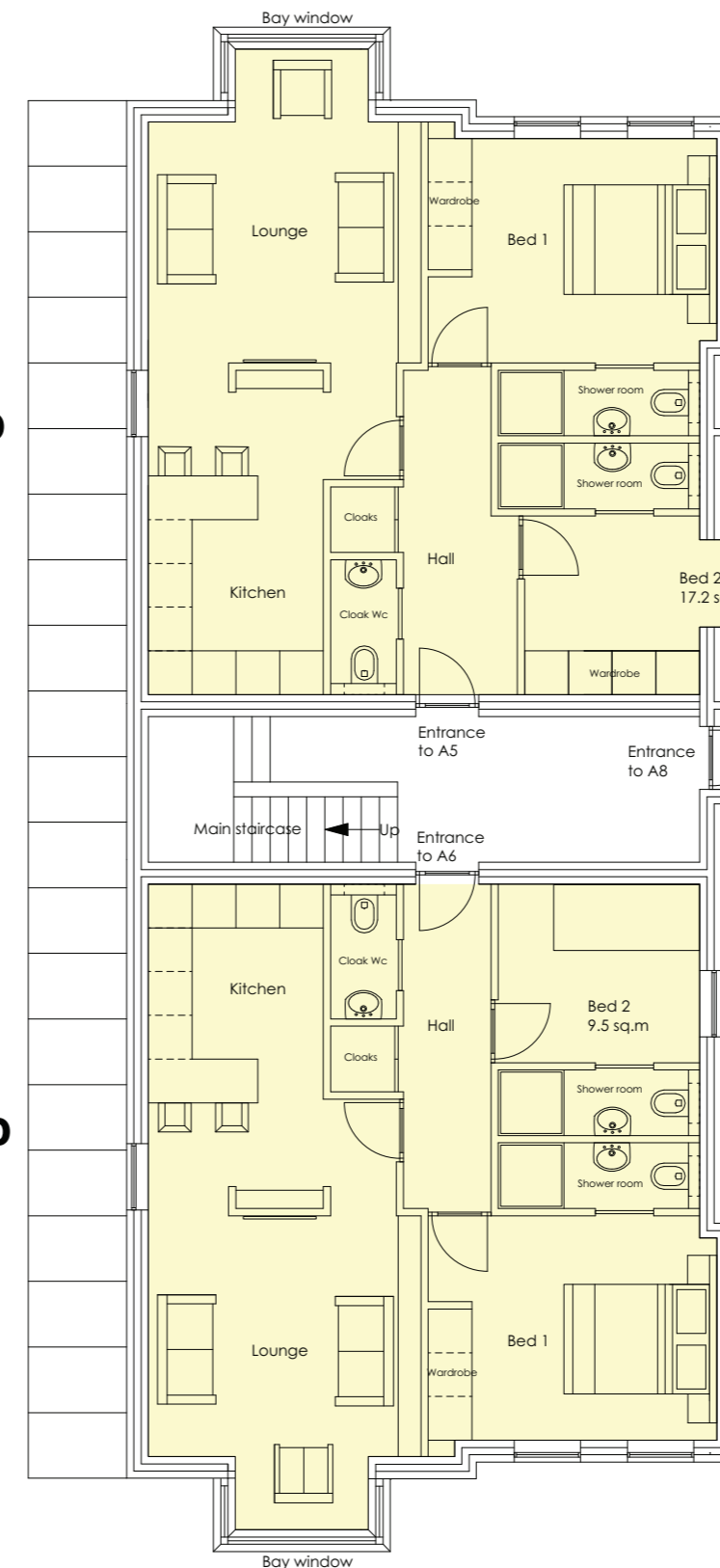
**Unit A4**  
2-Bed 3p  
63 sq.m



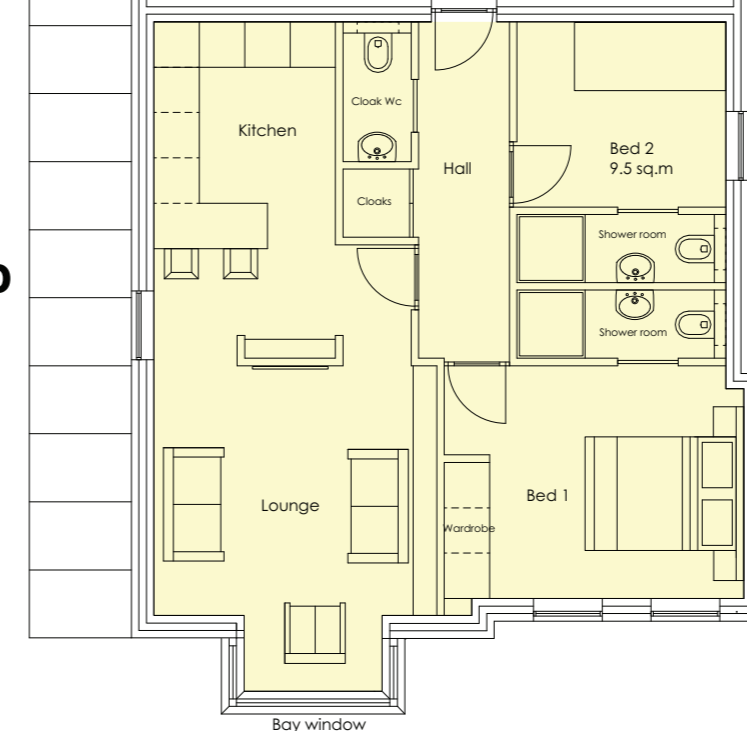
**Unit A1**  
2-Bed  
3p Duplex  
Ground  
35 sq.m



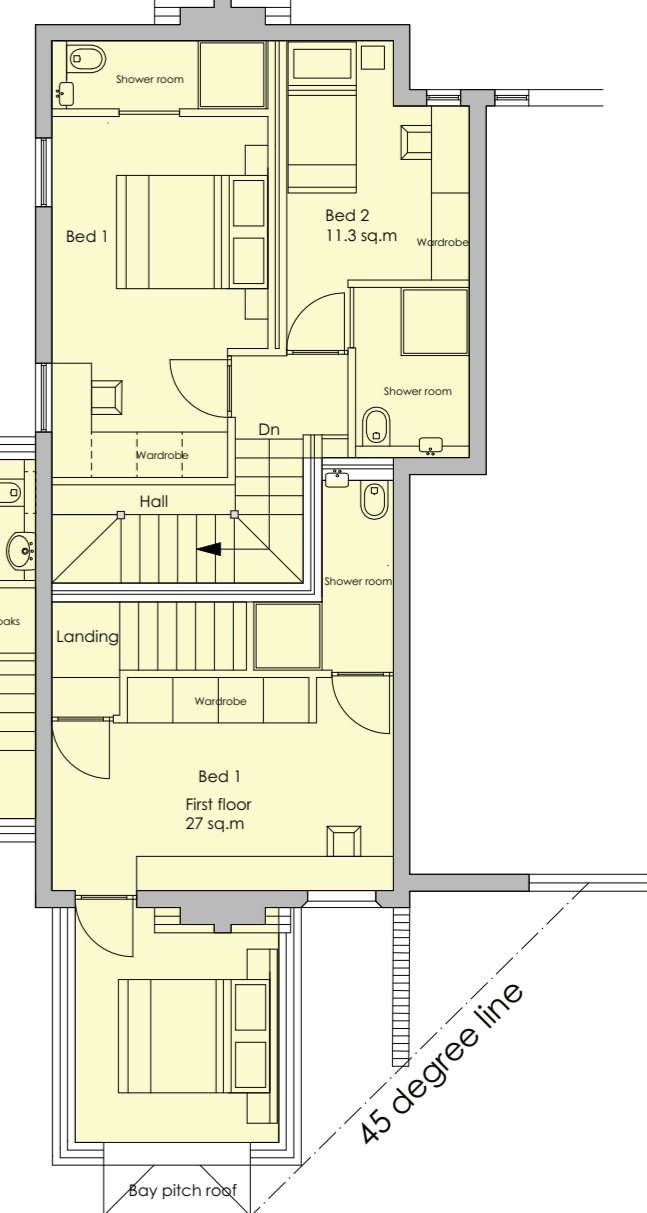
**Unit A5**  
2-Bed 3p  
69 sq.m



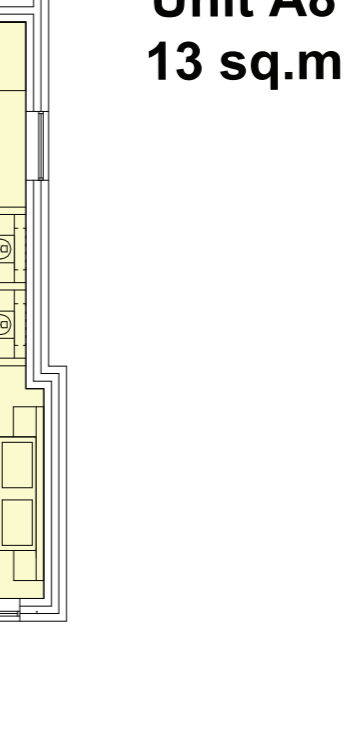
**Unit A6**  
2-Bed 3p  
63 sq.m



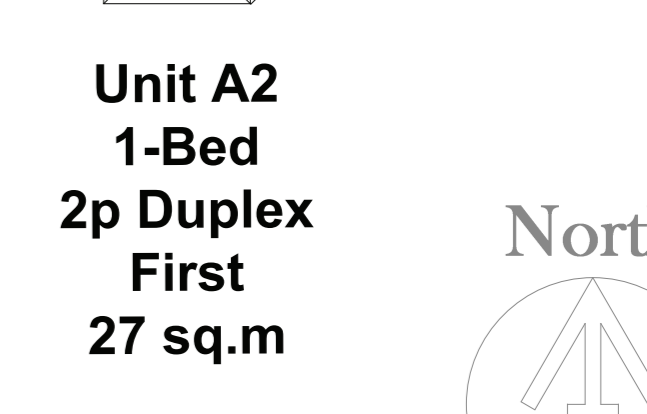
**Unit A1**  
2-Bed  
3p Duplex  
First  
35 sq.m



**Unit A8**  
13 sq.m



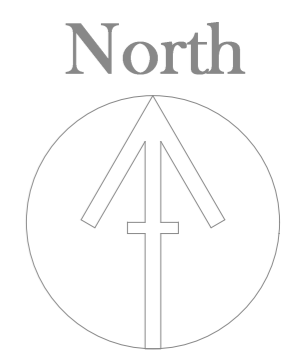
**Unit A2**  
1-Bed  
2p Duplex  
First  
27 sq.m



Ground floor plan  
Scale 1 : 100

First floor plan  
Scale 1 : 100

Proposed floor layouts  
Scale 1 : 100 @A2



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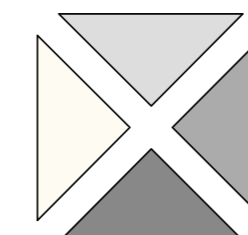
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Sept 2023 Minor amendments Planning request  
Aug 2023 Minor amendments Planning request  
July 2023 Minor amendments Planning request

Client: Private Client			
Project: Planning		Title: Proposed Ground and First floor Plan	
Date: March 2023	Scale: 1 : 100 @ A2	Dwg No: SAP.FS.23.03.GA.06	Rev: B



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## Report to Planning Committee

**21 February 2024**

<b>Application Reference</b>	DC/23/68797
<b>Application Received</b>	25 October 2023
<b>Application Description</b>	Retention of outbuilding in rear garden (Re-submission of refused planning permission DC/23/68475).
<b>Application Address</b>	41 Warwick Road, Oldbury, B68 0NE
<b>Applicant</b>	Mr Enver Bajrami
<b>Ward</b>	Old Warley
<b>Contact Officer</b>	Lucinda McKee lucinda_mckee@sandwell.gov.uk

### 1 Recommendations


- 1.1 That planning permission is granted subject to conditions relating to:
- i) Use to remain ancillary to the occupants of 41 Warwick Road.

### 2 Reasons for Recommendations

- 2.1 The outbuilding is acceptable for retention as it has no significant impact on the amenity of surrounding residents and the design and scale assimilates into the surrounding area. Furthermore, the vehicular access is existing and therefore its presence cannot be factored into the suitability of the outbuilding.



### 3 How does this deliver objectives of the Corporate Plan?

	Quality homes in thriving neighbourhoods
---	--

#### 4 Context

- 4.1 At its last meeting the committee resolved to visit the site.
- 4.2 The application is being reported to your committee as three objections have been received.
- 4.3 To assist members with site context, a link to Google Maps is provided below:

[41 Warwick Road, Oldbury, B68 0NE](#)

#### 5 Key Considerations

- 5.1 The site is not allocated within the Development Plan.
- 5.2 Material planning considerations (MPCs) are matters that can and should be taken into account when making planning decisions. By law, planning decisions should be made in accordance with the development plan unless MPCs indicate otherwise. This means that if enough MPCs weigh in favour of a development, it should be approved even if it conflicts with a local planning policy.
- 5.3 The material planning considerations which are relevant to this application are:-

Government policy (NPPF)

Amenity concerns – Overlooking/loss of privacy, loss of light and/or outlook.





Design concerns - appearance and materials, layout and density of building and wider visual amenity

Highways considerations - access

## 6. The Application Site

6.1 The application relates to a semi-detached property situated on the north east side of Warwick Road, Oldbury. The character of the surrounding area is residential.

## 7. Planning History

7.1 A previous application for retention of the outbuilding was refused. The reasons for refusal were that insufficient information had been provided in the application form with regards to the property owner, and access could not be gained by officers into the outbuilding to make a full determination. The ownership of the property has now been clarified and the outbuilding was accessed by officers on 12 December 2023.

7.2 Relevant planning applications are as follows:

DC/23/68475	Retention of outbuilding in rear garden.	Refused 18.09.2023
-------------	--	--------------------

## 8. Application Details

8.1 The application is for the retention of an outbuilding in the rear garden. The outbuilding measures 7.5 metres in length, 8.2 metres in width and 4 metres in height at normal ground level/4.7 metres into lowered ground.

8.2 The outbuilding consists of two floors. Whilst the submitted plans show that the use is as a gym at ground floor and games room at first floor, the site visit revealed that the ground floor contains a kitchen/living area and shower room with a vacant but carpeted first floor room served by skylights.



8.3 Officers accessed the outbuilding through the main dwelling but there is an existing vehicular access to the rear garden with one parking space. The rear access serves several properties along Wolverhampton Road.

8.4 Amended plans have been received which seek to clarify the use of the outbuilding. A gym/shower room/kitchenette is now shown at ground floor with a games room at first floor.

## 9. **Publicity**

9.1 The application has been publicised by 10 neighbour notification letters. Three objections and two representations of support have been received.

## 9.2 **Objections**

Objections have been received on the following grounds:

- i) Loss of light, privacy and outlook;
- ii) Design;
- iii) Access – including emergency vehicles;
- iv) Use; and
- v) Loss of trees.

These objections will be addressed in section 13 (Material considerations).

## 10. **Consultee responses**

### 10.1 **Highways**

Highways have stated that the parking provision should comply with the Council's design guidance and the use of the outbuilding should be ancillary to the dwelling. Parking and access are discussed further under 'Material Considerations'.



## 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.
- 11.2 Paragraph 111 states that developments should only 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. This is not the case with this application.

## 12. Local Planning Policy

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

ENV3: Design Quality

SAD EOS9: Urban Design Principles

- 12.2 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments. The proposed layout and design are discussed under material considerations.

## 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 **Amenity concerns – Overlooking/loss of privacy, loss of light and/or outlook**

It is important to note that the rear garden has been excavated to keep the building as low as possible; mindful that it is a two-storey structure. This results in a lowered land level by approximately 700 mm on the area that the outbuilding occupies. As such, the impact of the massing and scale is limited. There are no windows in elevations facing



southwest or northeast; and only skylights at first floor, which are difficult to look out of when in the loft space as they are waist height when standing. Furthermore, properties along Wolverhampton Road are at a higher land level, the separation distance to the closest property is 27 metres and the property to the south has its rear elevation at an obscure angle so occupiers do not directly look onto the building. Occupiers of the attached neighbouring property would clearly see the upper part of the outbuilding, but the rear aspect of that property does not directly overlook it.

### 13.3 Design concerns - appearance and materials, layout and density of building and wider visual amenity

As stated above, the impact of the height of the outbuilding has been lessened due to the land level change. The plot is large enough to accommodate the outbuilding and, as it is not visible from the street, the impact on wider visual amenity is not significant.

### 13.4 Highway considerations – access

Whilst Highways have raised no concerns, the matters they have raised were considered during the site visit. The property already has a vehicular right of access to the rear and, consequently, I have no significant concerns from an access or highway safety perspective. Whilst the access does serve the rear of several properties, it does not appear to be well-used and visibility on to the main road is good. Highways also raise concerns over access for emergency service vehicles. Manual for Streets (the Government's guidance on street design) states that 'the requirements for emergency vehicles are generally dictated by the fire service requirements'. Paragraph 6.7.3 goes on to state 'Simply to reach a fire, the access route could be reduced to 2.75 m over short distances, provided the pump appliance can get to within 45 m of dwelling entrances'. The accessway is approximately 3.5 metres wide and the distance from the rear boundary of the property to the footpath is approximately 45 metres. Furthermore, access for the fire service is a requirement of building regulations and I



see no reason to impose conditions which would replicate requirements under that legislation.

13.5 In respect of parking requirements, the property is a three bed, with the outbuilding having the potential to make this four. Two parking spaces are evident at the property; one to the front and one to the rear, which complies with the Council's design guidance. Additionally, with reference to the NPPF, I do not anticipate any highway impact to be severe based on the above assessment.

### 13.6 Other matters – use of outbuilding and loss of trees

The plans show that the use of the outbuilding is ancillary to the main house. It is a matter of law that the creation of a separate dwellinghouse requires planning permission and any application for a separate unit would need to comply with the relevant design guidance. Discussing the meaning of 'ancillary' further, this application concerns the retention of an outbuilding. Ancillary in this context means that the outbuilding would have to have a purpose incidental to the enjoyment of the main house. Nonetheless, the outbuilding could be used as additional residential accommodation in association with the main house. However, the use of the outbuilding by persons who are not part of the household and/or live independently of the main house would constitute an unauthorised use. Continued ancillary use of the outbuilding can be ensured by condition. In the event that the outbuilding is used as separate accommodation, where it can be demonstrated that a standalone C3 dwellinghouse use has commenced, enforcement action can be taken.

13.7 In respect of the loss of the trees, the trees did not warrant specific protection and the owner is entitled to remove them from their own land.

## 14. Conclusion and planning balance

14.1 All decisions on planning applications should be based on an objective balancing exercise. This is known as applying the "planning balance".



It is established by law that planning applications should be refused if they conflict with the development plan unless material considerations indicate otherwise. This essentially means that the positive impacts of a development should be balanced against its negative impacts.

14.2 On balance the proposal accords with the provisions of relevant development plan policies and there are no significant material considerations which warrant refusal that could not be controlled by conditions.

## 15 Alternative Options

15.1 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.

## 16 Implications

<b>Resources:</b>	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.
<b>Legal and Governance:</b>	This application is submitted under the Town and Country Planning Act 1990.
<b>Risk:</b>	None.
<b>Equality:</b>	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
<b>Health and Wellbeing:</b>	None.
<b>Social Value</b>	None.
<b>Climate Change</b>	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

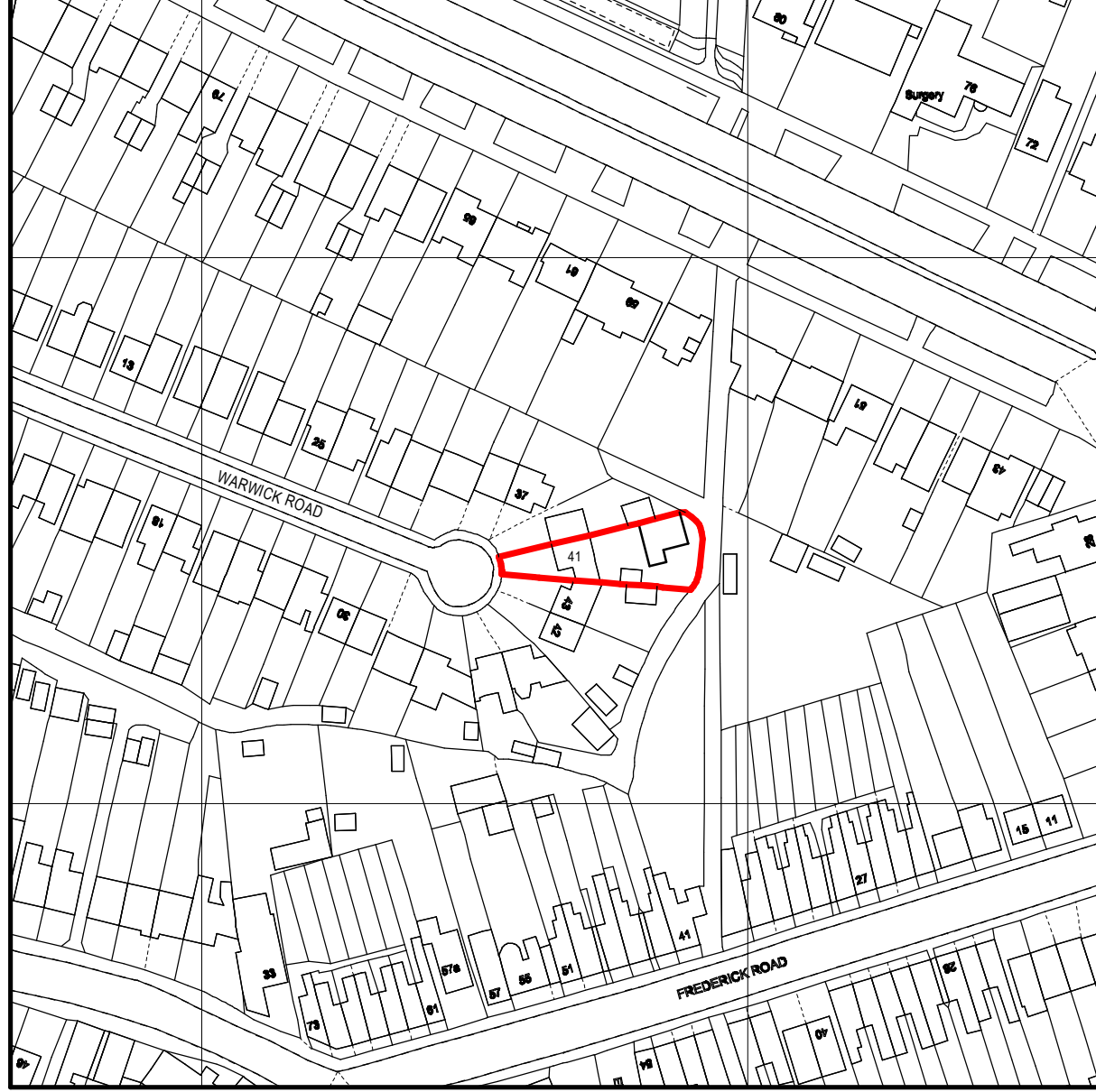


emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.

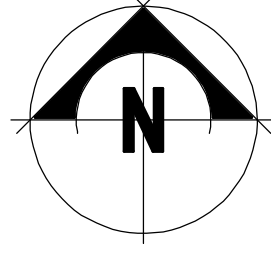
## 17. Appendices

Context plan  
GD2538/02  
GD2538/03 A





LOCATION PLAN Scale 1:1250



**GD Designs**  
Architectural Services

49, The Crescent,  
Cradley Heath,  
West Midlands,  
B64 7JS  
Tel 0121 602 6233  
Mob 07939 436557

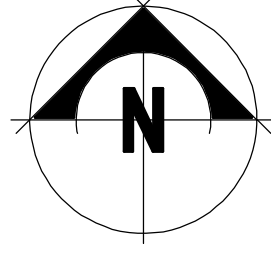
client **MR ENVER BAJRAMI**  
drawing **LOCATION PLAN**  
contract **41, WARWICK ROAD, OLDBURY. B68 ONE**

date **JULY 2023**  
scale **1:1250**  
drawing no **GD2538/01**





BLOCK PLAN Scale 1:500

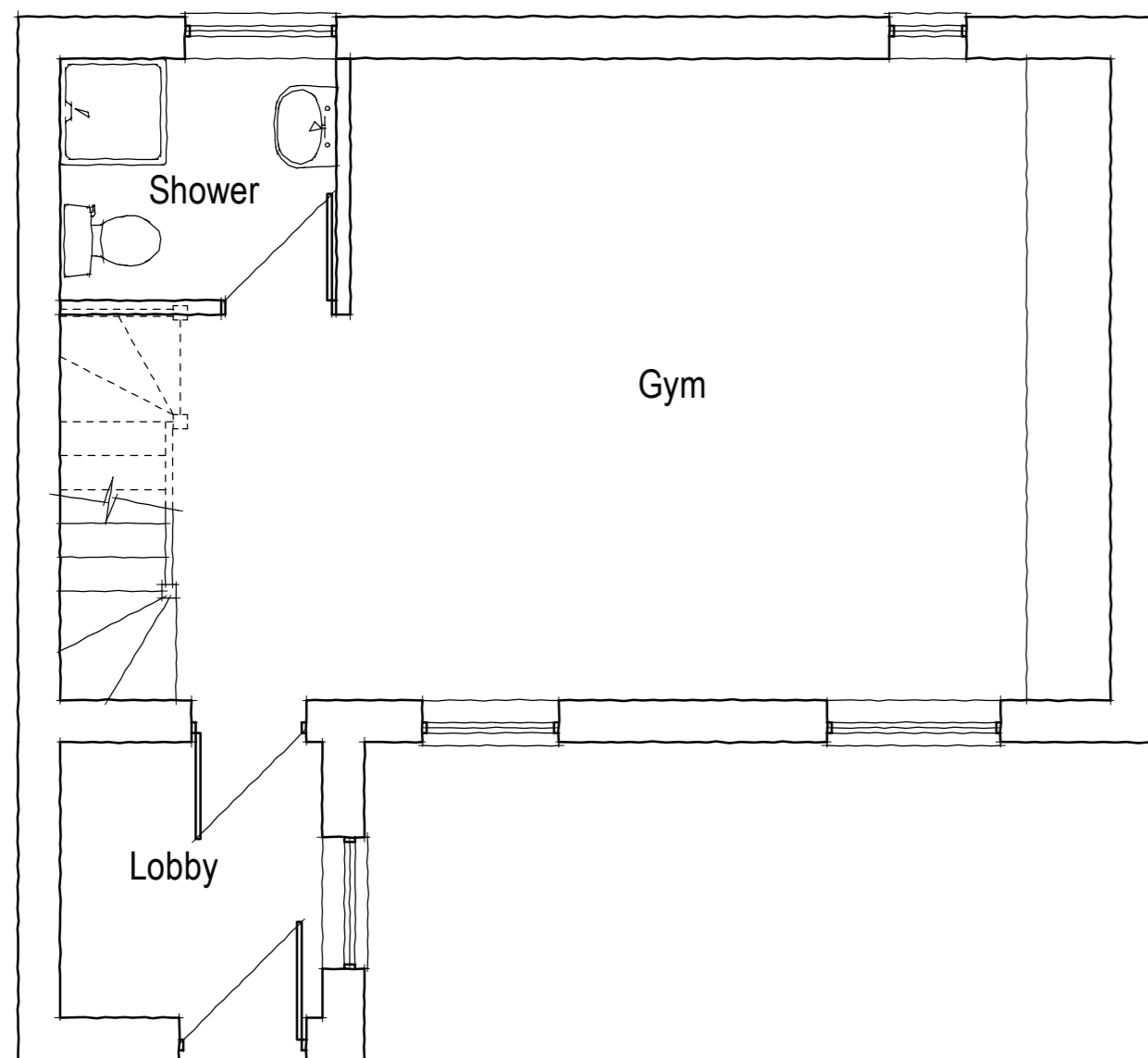
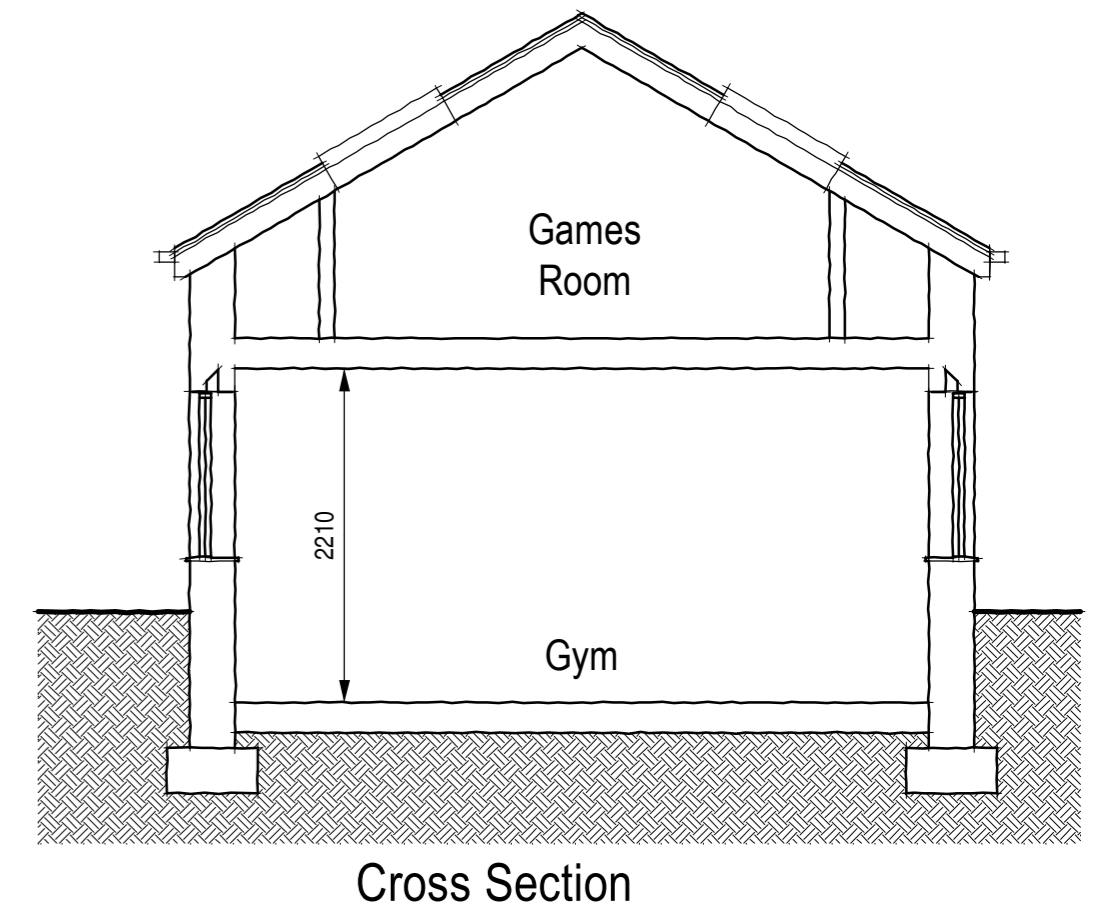
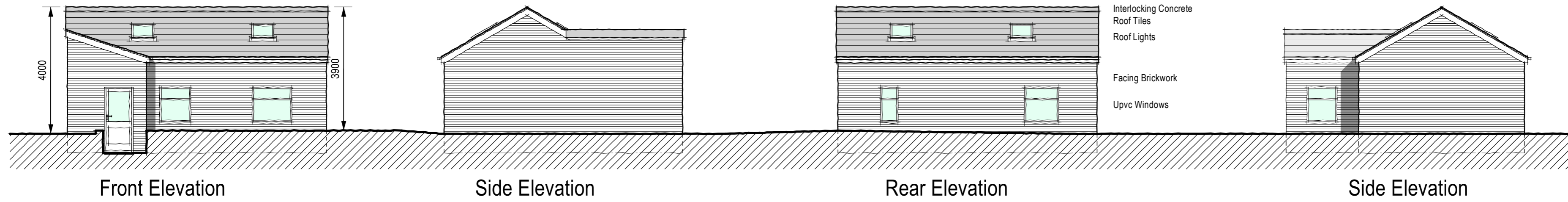


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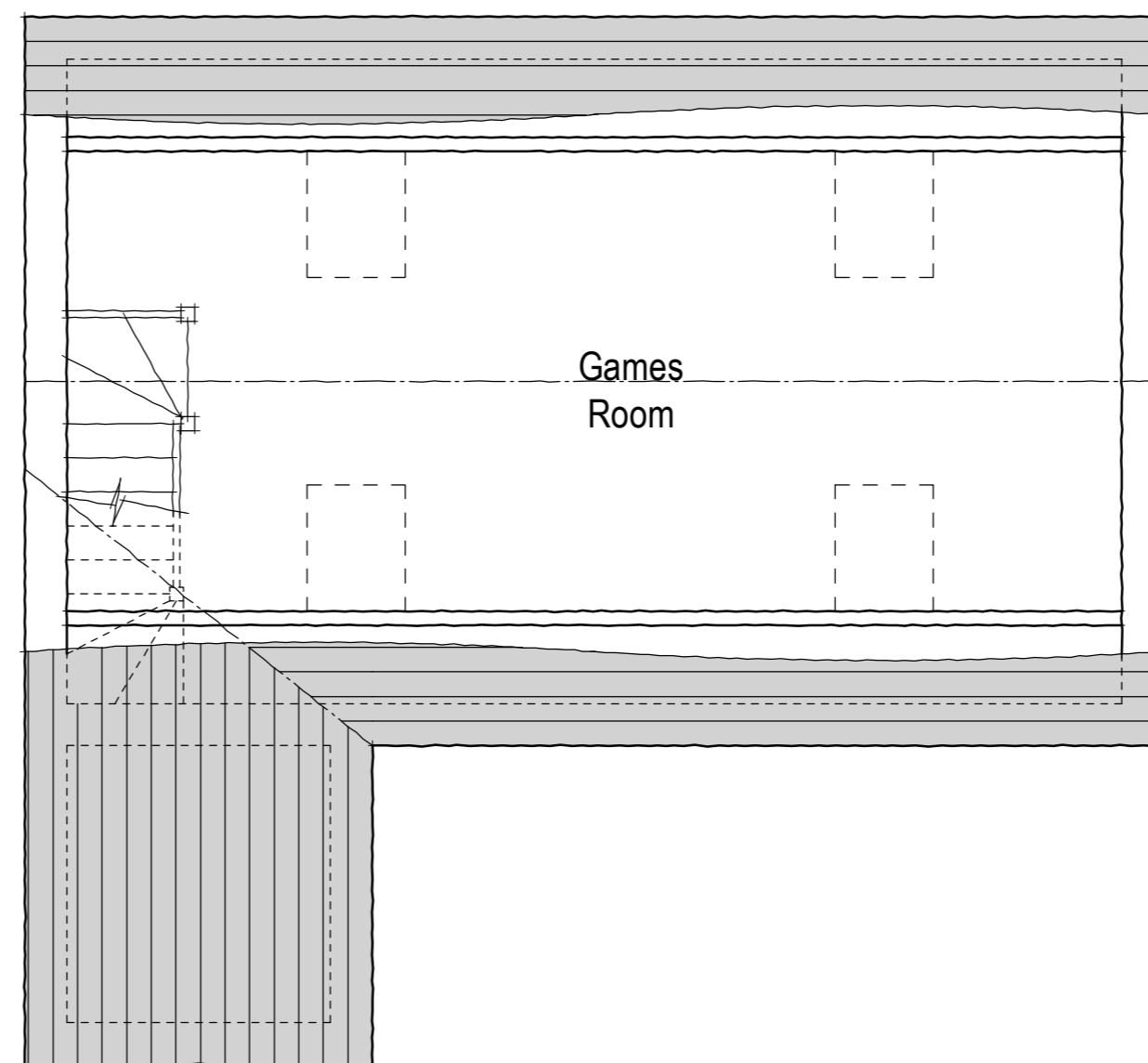
client MR ENVER BAJRAMI  
drawing BLOCK PLAN  
contract 41, WARWICK ROAD, OLDBURY. B68 ONE

**GD Designs**  
Architectural Services

49, The Crescent,  
Cradley Heath,  
West Midlands.  
B64 7JG  
Tel 0121 602 6233  
Mob 07939 436557



As Built Ground Floor Plan



As Built Roof Space Plan



REV.	DATE	DESCRIPTION	BY
<p><b>GD Designs</b> Architectural Services</p> <p>49, The Crescent, Cradley Heath, West Midlands. B64 7JS Tel: [REDACTED] Mob: [REDACTED]</p> <p>contract DETACHED ANCILLARY BUILDING 41, WARWICK ROAD, OLDBURY. B68 ONE</p> <p>drawing AS BUILT PLANS &amp; ELEVATIONS</p> <p>client [REDACTED]</p> <p>scale 1:50/1:100@A2</p> <p>date JULY 2023</p> <p>drawn by GCD</p> <p>drawing no GD2538/03</p> <p>rev 1</p> <p>plot 1:45/1:16 D &amp; T E 14/07/2023</p> <p>cad lines</p>			

## Report to Planning Committee

21 February 2024

<b>Application Reference</b>	DC/23/68823
<b>Application Received</b>	03 November 2023
<b>Application Description</b>	Proposed 2 no. pair of semi-detached 3 bedroom houses, with associated parking and private amenity space/gardens, vehicle crossover to pavement, and access road.
<b>Application Address</b>	Land To The Rear Of 22 To 56 Francis Ward Close, West Bromwich.
<b>Applicant</b>	Mr Paul Rees, Harper Sperring, The Old School, St Johns Road, Dudley, DY2 7JT.
<b>Ward</b>	Wednesbury South.
<b>Contact Officer</b>	Anjan Dey <a href="mailto:anjan_dey@sandwell.gov.uk">anjan_dey@sandwell.gov.uk</a>

### 1 Recommendations

1.1 That planning permission is granted subject to conditions relating to:

- (i) External materials;
- (ii) Ground Contamination;
- (iii) Drainage (surface and foul);
- (iv) Boundary treatments;
- (v) Landscaping;
- (vi) Cycle storage;
- (vii) Low NOx boilers;




- (viii) Electric vehicle charging;
- (ix) Management plan for control of dust;
- (x) Construction Management Plan;
- (xi) Restriction on hours of construction; and
- (xii) Parking laid out & retention.

## 2 Reasons for Recommendations

- 2.1 The proposal raises no significant concerns from a design, amenity or highway perspective and would deliver additional housing in a sustainable location.

## 3 How does this deliver objectives of the Corporate Plan?

	<p>Quality homes in thriving neighbourhoods – The proposal raises no significant concerns from a design, amenity or highway perspective and would deliver additional in a sustainable location.</p>
---	---

## 4 Context

- 4.1 At your last meeting members resolved to the visit the site.
- 4.2 The application is being reported to your committee as more than 3 neighbour objections have been received.
- 4.3 To assist members with site context, a link to Google Maps is provided below:

[Land adjacent to 22 to 56 Francis Ward Close, West Bromwich](#)

## 5 Key Considerations

- 5.1 The site is not allocated within the Development Plan.



5.2 Material planning considerations (MPCs) are matters that can and should be taken into account when making planning decisions. By law, planning decisions should be made in accordance with the development plan unless MPCs indicate otherwise. This means that if enough MPCs weigh in favour of a development, it should be approved even if it conflicts with a local planning policy.

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

Government policy (NPPF)

Amenity concerns – Overlooking/loss of privacy, loss of light and/or outlook.

Noise nuisance – additional properties/construction

Environmental concerns – Loss of play space

Design concerns - appearance and materials, layout and density of building, and

Highways considerations - Traffic generation, access, highway safety, parking and servicing.

## 6. The Application Site

6.1 The application site is an irregular shaped piece of land that is to the rear of 22 to 56 Francis Ward Close, West Bromwich. The area is largely residential in character and the land is bounded by residential properties to the north and south-east with residential properties on the other side of Hollowbank to the south. There is a difference in levels across the site with land levels falling towards Holloway Bank, and also from southern part of the land to the north. There is a small electricity sub-station in situ adjacent at the north-eastern part of the site.

6.2 Access to this site is currently unrestricted although the land is privately owned.



## 7. Planning History

7.1 There is no relevant planning history for the site.

## 8. Application Details

- 8.1 It is proposed to construct two pairs of three-bedroom semi-detached dwellings with associated parking and private amenity space/gardens. A new vehicle access road is also to be created from Holloway Bank to frontage parking spaces.
- 8.2 Parking provision for the dwellings would be at the front of each pair of semis with vehicle crossings provided to pavements. Submitted plans show two car parking spaces for each of the houses.
- 8.3 Private gardens are shown at the rear of each of the proposed dwellings with bin and cycle storage area within each individual plot within the private gardens.
- 8.4 House sizes are comfortable, with internal floorspace that complies with the Council's adopted minimum standard of 80 square metres, as well as National Described Standards for new two storey, three-bedroom dwellings.

## 9. Publicity

9.1 The application has been publicised by neighbour notification letter (28 in total) with ten objections received from local residents.

### 9.2 Objections

Objections have been received on the following grounds:

- i) Loss of light, outlook and privacy to surrounding properties along Francis Ward Close.
- ii) Concerns relating to increased traffic and highway safety.
- iii) The dwellings would result in noise disturbance to neighbours;



- iv) The development would result in a loss of play space;
- v) The proposal would affect the environment.

These objections will be addressed in section 13 (Material considerations).

Non-material objections have been received relating to devaluation of neighbouring properties.

## 10. Consultee responses

### 10.1 Highways

Highways has no objections to the proposal subject to the parking layout being laid out as shown and dropped kerbs being provided.

### 10.2 Pollution Control (Air Quality)

No overall objections and the provision of a single electric vehicle charging point and of low NOx central heating boilers can be ensured by condition.

The control dust and emissions during the construction process can also be ensured by condition.

### 10.3 Pollution Control (Contaminated Land)

No objection subject to conditions relating to submission of desk-top study relating to on site contamination and also the submission of a validation report.

### 10.4 Pollution Control (Air Pollution and Noise)

At the time of writing comments are yet to be received. It is likely that a construction management plan would have to be submitted to the



planning authority prior to commencement of development. This can be ensured by condition.

## 10.5 The Canal & Rivers Trust

Has no comment to make on the proposal.

## 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.

11.2 The Framework refers to development adding to the overall quality of the area by achieving high quality design, achieving good architecture and layouts.

11.3 The Framework 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.

11.4 I am of the opinion that the scheme is of a good design, in accordance with the design aspirations of the NPPF, as the development would assimilate with the overall form and layout of the site's surroundings.

## 12. Local Planning Policy

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

DEL1: Infrastructure Provision

HOU1: Delivery Sustainable Housing Growth

HOU2: Housing Density type and Accessibility

TRAN4: Creating Coherent Networks for Cycling and Walking

ENV3: Design Quality





ENV8: Air Quality

SAD EOS9: Urban Design Principles

SAD H2: Windfalls

SAD DC6: Land Affected by Contamination, Ground Instability, Mining Legacy, Land of unsatisfactory Load Bearing Capacity or Other Constraints

- 12.2 Infrastructure provision, in this case may be Electric Vehicle Charging points on the recommendation of the Public Health (Air Quality) team, would be ensured by condition. In addition, the Community Infrastructure Levy applies (DEL1).
- 12.3 The proposal meets the requirements of policy HOU2 in that it proposes a range of types and sizes of accommodation which would be accessible by walking and sustainable transport to services. The proposal would also achieve good design with minimal amenity impact.
- 12.4 Sufficient amenity space is provided to allow for cycle parking provision (TRAN4).
- 12.5 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments. The proposal raises no significant concerns in respect of design and is therefore compliant with policy ENV3 and SAD EOS 9.
- 12.6 In respect of air quality (ENV8), electric vehicle charging points and low NOx boilers can be ensured by condition. Again, this would be at the recommendation of the Air Quality Team (Public Health).
- 12.7 The proposed dwellings would be a windfall, subject to SAD H2. The proposal meets the requirement of the policy as it is previously undeveloped land, suitable for residential development, and capable of meeting other plan policies.



### 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 Amenity concerns

With regards to loss of light, outlook and privacy, the interface distance between the rear elevation of properties along the north-eastern part of Francis Ward Close, & the proposed rear elevations of plots 3 & 4 are a minimum of 21 metres. This complies with the recommended 21 metres to ensure against significant loss of outlook and privacy.

It is noted that existing properties to the north of site are at a lower level but the interface distance between the front elevations of existing flanking properties, and proposed side elevations of the new dwellings is 14 metres (plus). The authority's Residential Design SPD recommends a rear elevation to side interface distance of 14 metres, and although a minimum is not specified between front and side elevations, 14 metres is generally considered to be satisfactory to ensure against appreciable loss of outlook and privacy. Furthermore, windows in the proposed side elevations are to serve landing areas, and revised plans have been submitted to show smaller landing windows than originally proposed.

Notwithstanding level differences across the site, having considered that development meets the authority's adopted interface standards, it is my view that the proposal would not result in any in significant loss of light, outlook or privacy to neighbouring properties.

#### 13.3 Noise Nuisance

With regards to noise, the new dwellings would be subject Building Regulations approval, so they would be subject to noise insulation measures. Rear gardens would be enclosed with new fencing but it's not unreasonable to expect a degree of noise from the gardens given that



the these will be family dwellings, however this is unlikely be any more than the noise generated by local residents who have used the land for recreation purposes over the years.

Noise disturbance during the construction process can be controlled by appropriate conditions, for example by a restriction on hours of construction and submission of construction management plan for the approval by the planning department.

#### 13.4 Loss of play space/environment concerns

The land is unallocated in the Council's Development Plan, and is classed as a 'windfall site', as it has not been developed previously. It is understood that local residents have historically enjoyed the use of the land for recreation purposes; dog walking, children playing games etc. but the site is privately owned and is not subject to any restrictive open space or wildlife policies. This had previously been confirmed by colleagues in Planning Policy prior to submission.

Although it is appreciated that local residents have used the land for their own enjoyment over the years, it is noted that this has been allowed by the land owner who could have restricted access to this privately-owned site; for example, by fencing off the site. Therefore, the informal historical use of the site, should not preclude the site coming forward for development.

#### 13.5 Design concerns

Francis Ward Close is characterised by semi-detached properties and in this respect the proposed dwellings are in keeping with the context of the immediate locality.

Design of the proposed dwellings would be in keeping with adjacent properties and they would be of brick construction. However, their satisfactory appearance can be ensured by the approval of external materials; brick and roof tile as well as fenestration details. The



proposed family dwellings are in accordance with the requirements of the Councils design guidance and are considered to comply with related policies ENV3 (Design Quality) & EOS9 (Urban Design Principles).

### 13.6 Highways concerns

The development meets with the approval of the highway authority and parking spaces are in accordance with the requirements of Council design guidance. All parking for the residential properties will be within the curtilage of the site including visitor provision.

With regards to highway safety risk, Highways has confirmed that the appropriate visibility splays out of the proposed vehicular access can be achieved, and vehicles will be able to leave in a forward gear. The trip rates linked to 4 no residential dwellings will be low and therefore the risk of the increase in injury accidents at this location is low. Furthermore, Highways has also confirmed that there has only been one serious accident near to this location in this past five years.

## 14. Conclusion and planning balance

14.1 All decisions on planning applications should be based on an objective balancing exercise. This is known as applying the “planning balance”. It is established by law that planning applications should be refused if they conflict with the development plan unless material considerations indicate otherwise. This essentially means that the positive impacts of a development should be balanced against its negative impacts.

14.2 On balance the proposal accords with the provisions of relevant development plan policies and there are no significant material considerations which warrant refusal that could not be controlled by conditions.



## 15 Alternative Options

15.1 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 policies and there are no material considerations that would justify refusal.

## 16 Implications

<b>Resources:</b>	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.
<b>Legal and Governance:</b>	This application is submitted under the Town and Country Planning Act 1990.
<b>Risk:</b>	None.
<b>Equality:</b>	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
<b>Health and Wellbeing:</b>	None.
<b>Social Value</b>	None.
<b>Climate Change</b>	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.

## 17. Appendices

Location plan 2472/D01

Proposed site plan inc. finished floor levels 2472/D03 REV A

Proposed floor plans & elevation 2472/D05 REV A







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SITE LOCATION PLAN (1:1250)



RIGHTS OF WAY PLAN (N.T.S.)

NOTE: Area on site shown tinted represents land subject to a public right of way.

Scale  
0 5 10m

Figured dimensions only to be taken from this drawing.

REVISIONS	
Date	Description



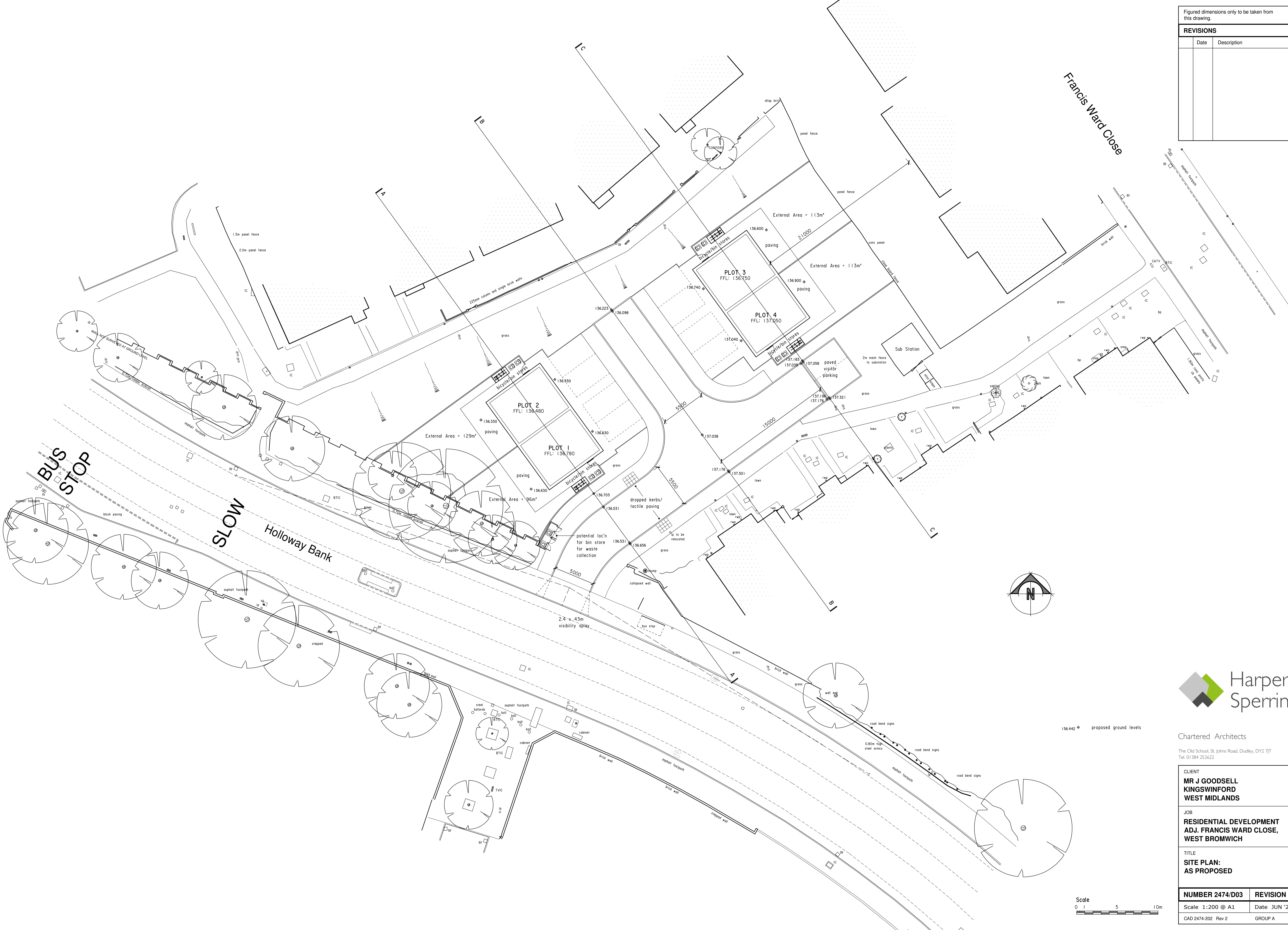
Chartered Architects

The Old School, St. Johns Road, Dudley, DY2 7JT  
Tel. 01384 252622

CLIENT <b>MR J GOODSSELL KINGSWINFORD WEST MIDLANDS</b>	
JOB <b>RESIDENTIAL DEVELOPMENT ADJ. FRANCIS WARD CLOSE WEST BROMWICH</b>	
TITLE <b>SITE LOCATION PLAN &amp; RIGHTS OF WAY PLAN</b>	
NUMBER 2472/D01	REVISION
Scale 1:1250 @ A3	Date OCT '23
CAD 2474-200 Rev 0	Group A

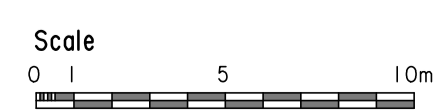
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Date	Description

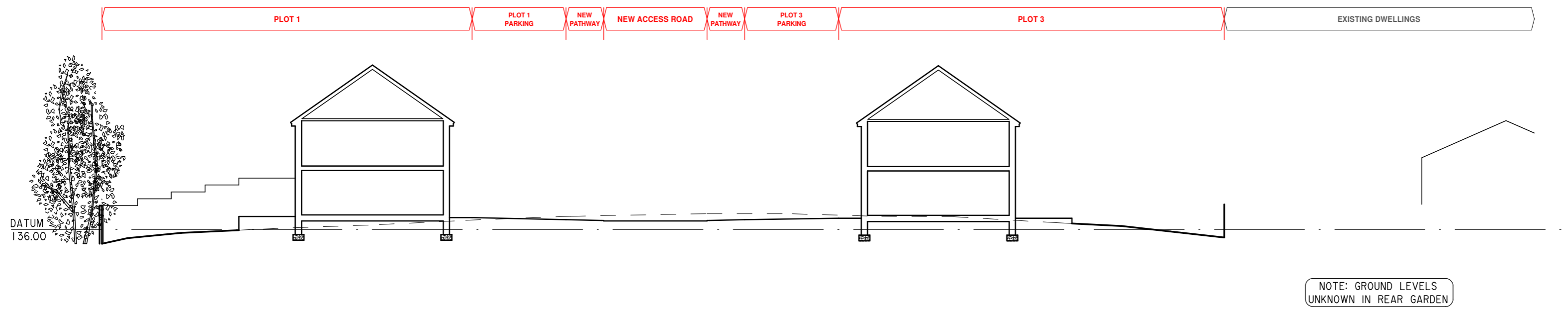


Chartered Architects  
 The Old School, St. Johns Road, Dudley, DY2 7JT  
 Tel: 01384 252622

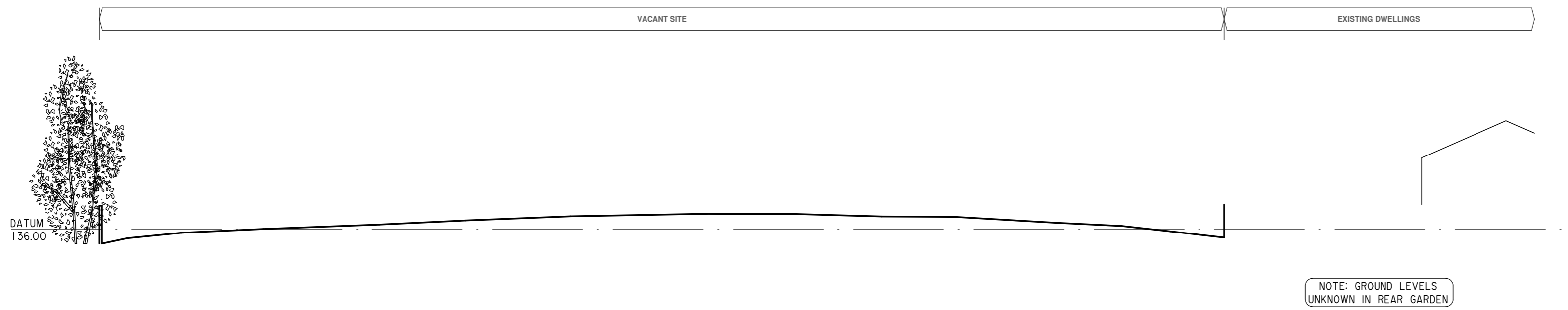
CLIENT <b>MR J GOODSSELL KINGSWINFORD WEST MIDLANDS</b>	
JOB <b>RESIDENTIAL DEVELOPMENT ADJ. FRANCIS WARD CLOSE, WEST BROMWICH</b>	
TITLE <b>SITE PLAN: AS PROPOSED</b>	
<b>NUMBER 2474/D03</b>	<b>REVISION</b>
Scale 1:200 @ A1	Date JUN '23
CAD 2474-202 Rev 2	GROUP A



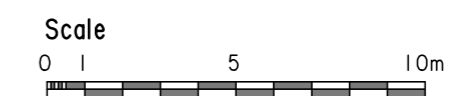




SECTION D-D: AS PROPOSED



SECTION D-D: AS EXISTING



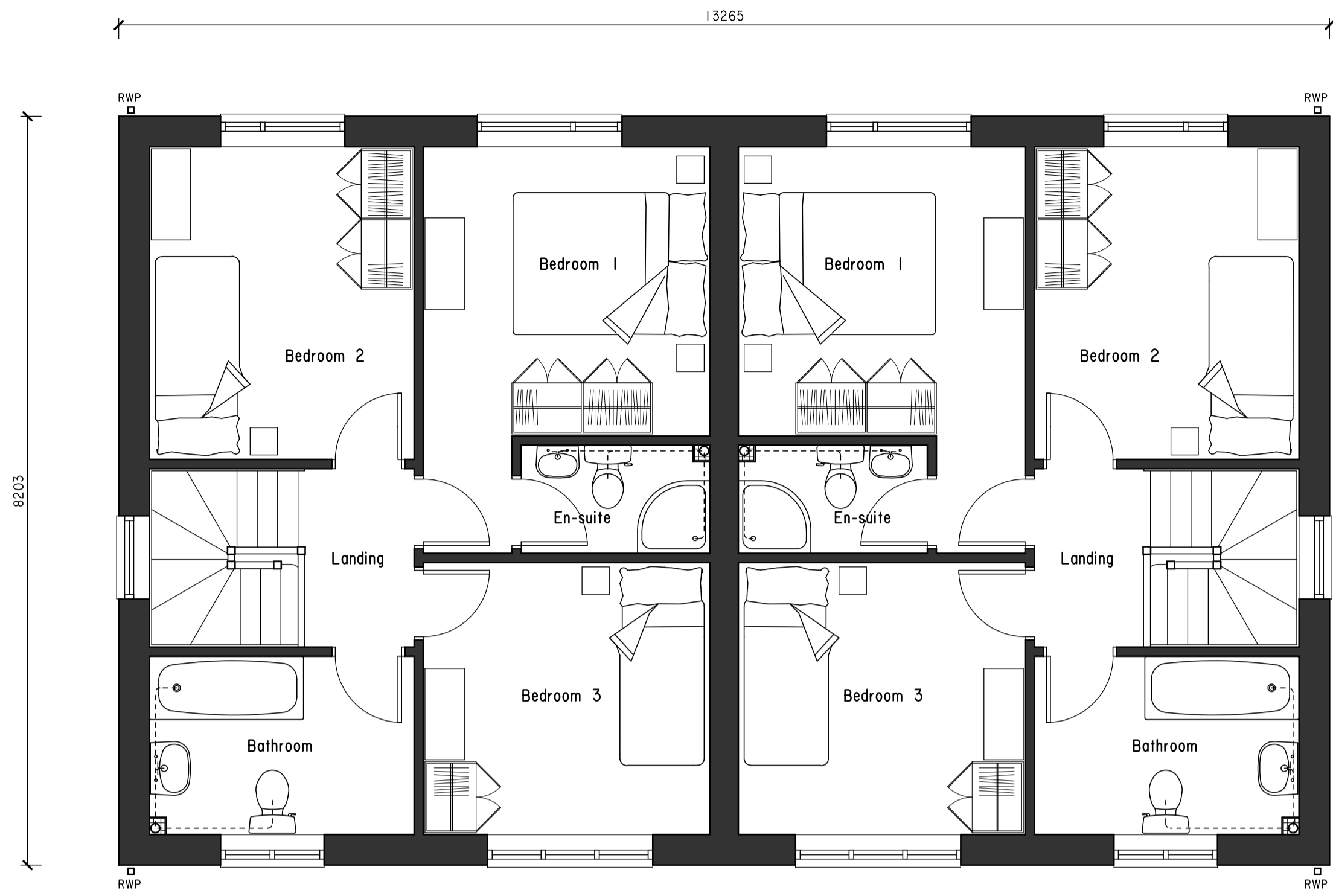
Figured dimensions only to be taken from this drawing.

REVISIONS	
Date	Description



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 Tel. 01384 252622

CLIENT <b>MR J GOODSSELL KINGSWINFORD WEST MIDLANDS</b>	
JOB <b>RESIDENTIAL DEVELOPMENT AT FRANCIS WARD CLOSE, WEST BROMWICH</b>	
TITLE <b>LONGITUDINAL SITE SECTIONS: AS EXISTING &amp; PROPOSED</b>	
<b>NUMBER 2474/D07</b>	<b>REVISION</b>
Scale 1:200 @ A2	Date JAN '24
CAD 2474-206 Rev 0	GROUP A



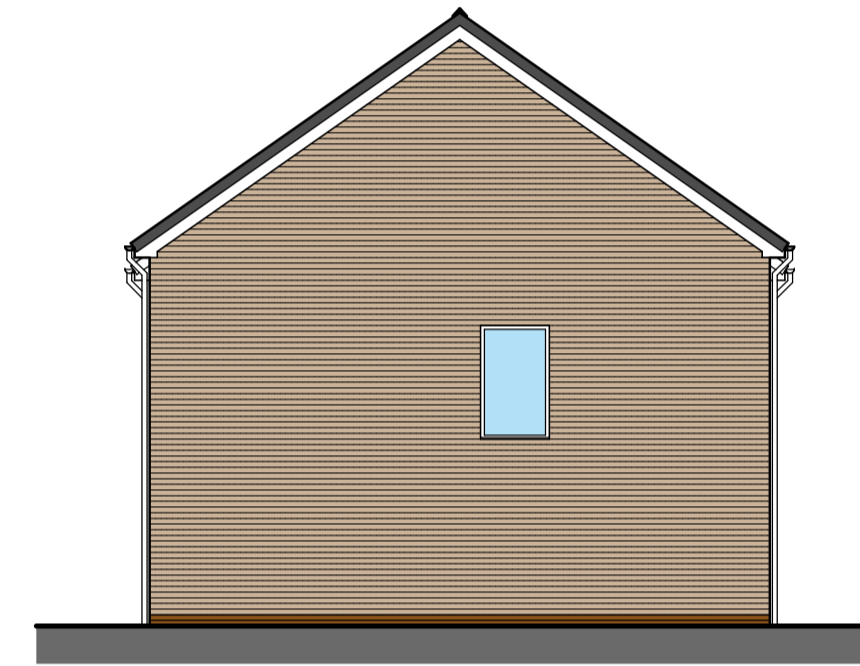
FIRST FLOOR PLAN (1:50)



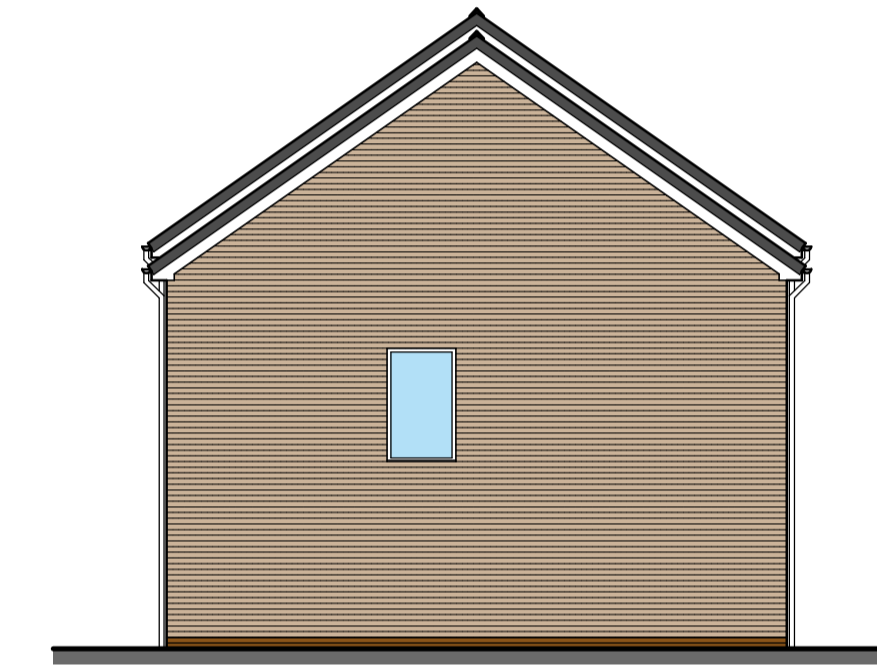
REAR ELEVATION (1:100)

**PROPOSED MATERIALS:-**

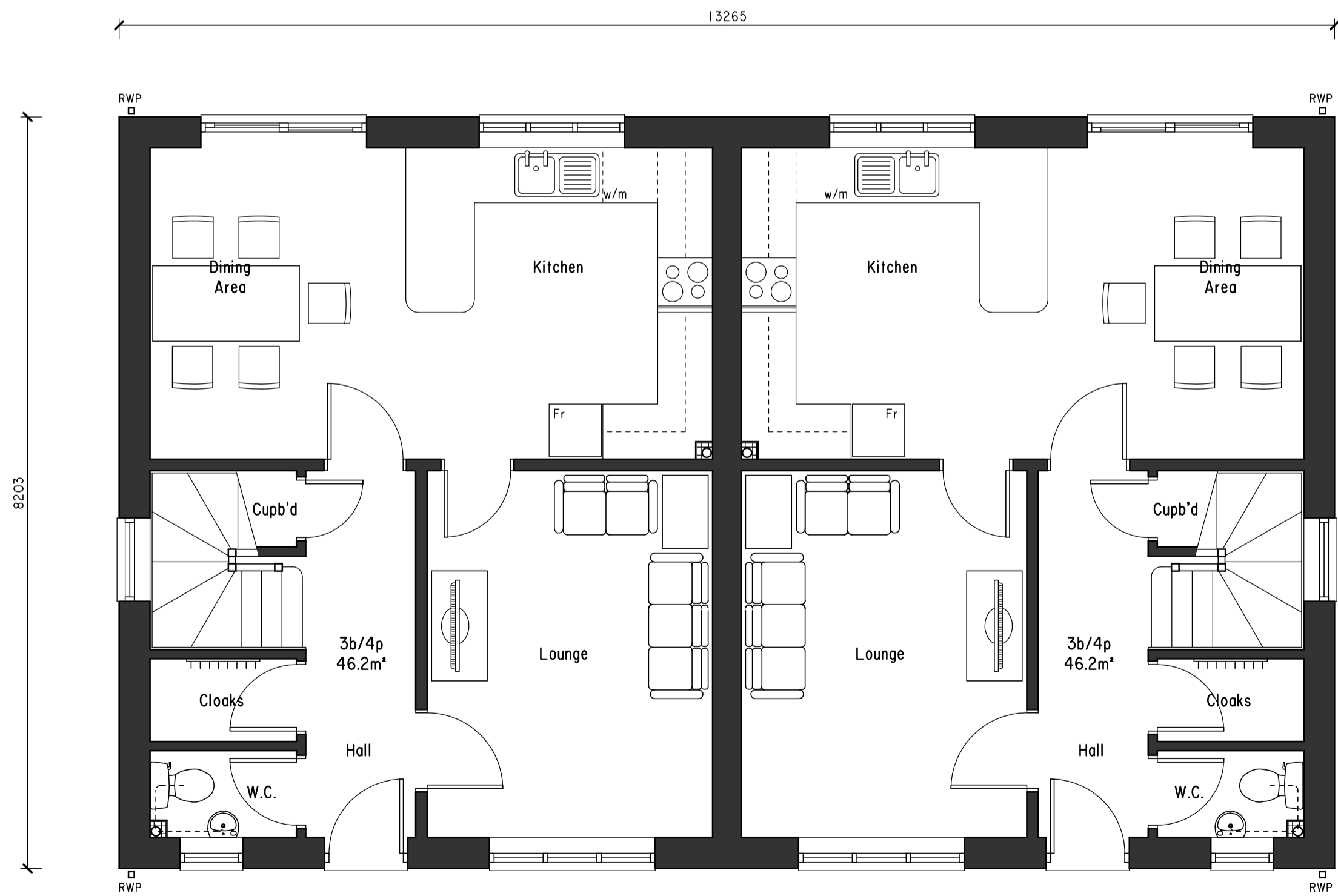
- WALLS: BUFF FACING BRICKWORK TO ALL ELEVATIONS WITH BROWN TEXTURED CEMENT CLADDING BOARDS TO FRONTS
- ROOFS: MARLEY "MODERN" GREY CONCRETE ROOF TILES
- WINDOWS & DOORS: WHITE UPVC
- RAINWATER GOODS: WHITE UPVC



SIDE ELEVATION (1:100)



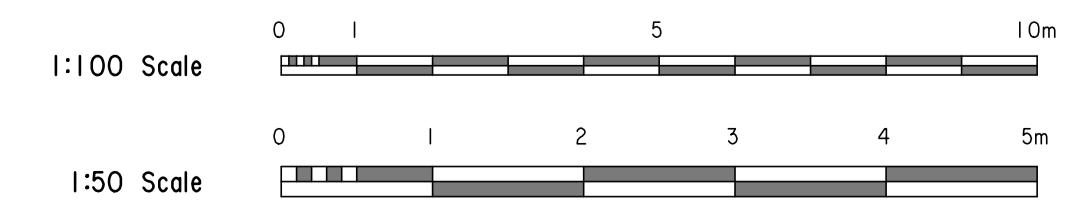
SIDE ELEVATION (1:100)



GROUND FLOOR PLAN (1:50)



FRONT ELEVATION (1:50)



Figured dimensions only to be taken from this drawing.

REVISIONS		
	Date	Description
A	25/01/24	Window to side elevations reduced in height



Chartered Architects

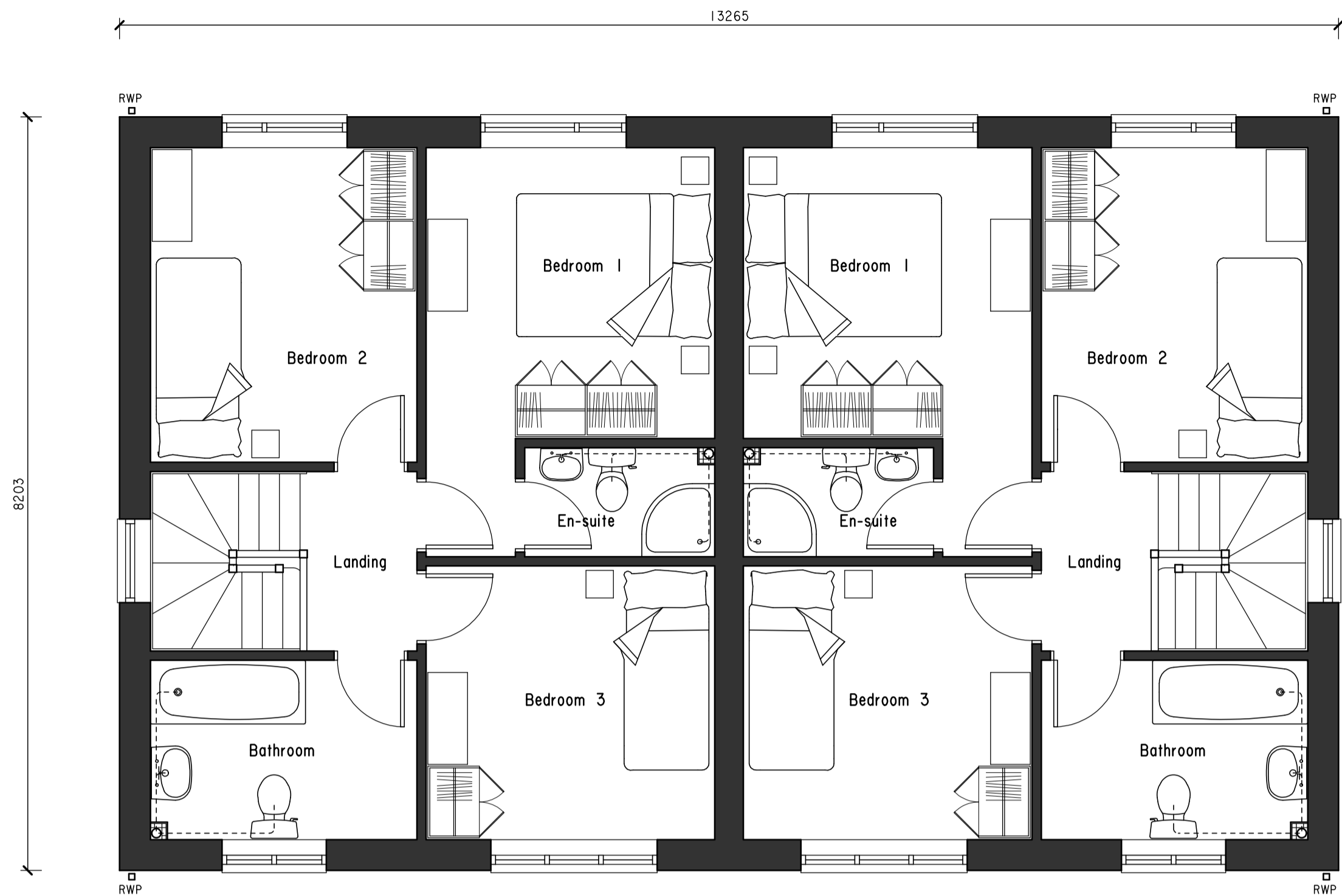
The Old School, St. Johns Road, Dudley, DY2 7JT  
Tel. 01384 252622

CLIENT  
**MR J GOODSSELL  
KINGSWINFORD  
WEST MIDLANDS**

JOB  
**RESIDENTIAL DEVELOPMENT  
ADJ. FRANCIS WARD CLOSE,  
WEST BROMWICH**

TITLE  
**NEW DWELLINGS (PLOTS 1 & 2)  
FLOOR PLANS & ELEVATIONS:  
AS PROPOSED**

NUMBER 2474/D05	REVISION A
Scale 1:50/100 @ A1	Date JUN '23
CAD 2474-204 Rev 3	GROUP A



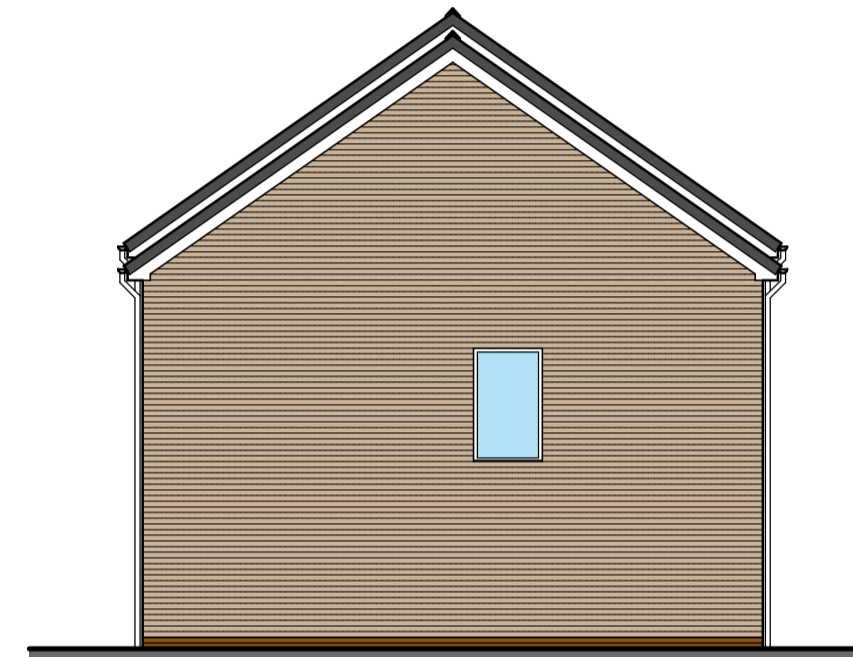
FIRST FLOOR PLAN (1:50)



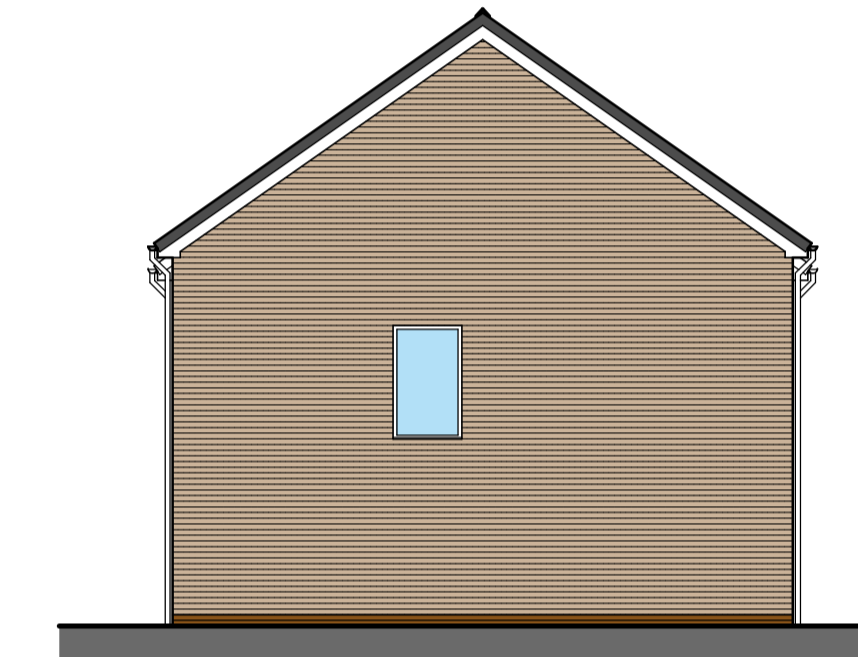
REAR ELEVATION (1:100)

**PROPOSED MATERIALS:-**

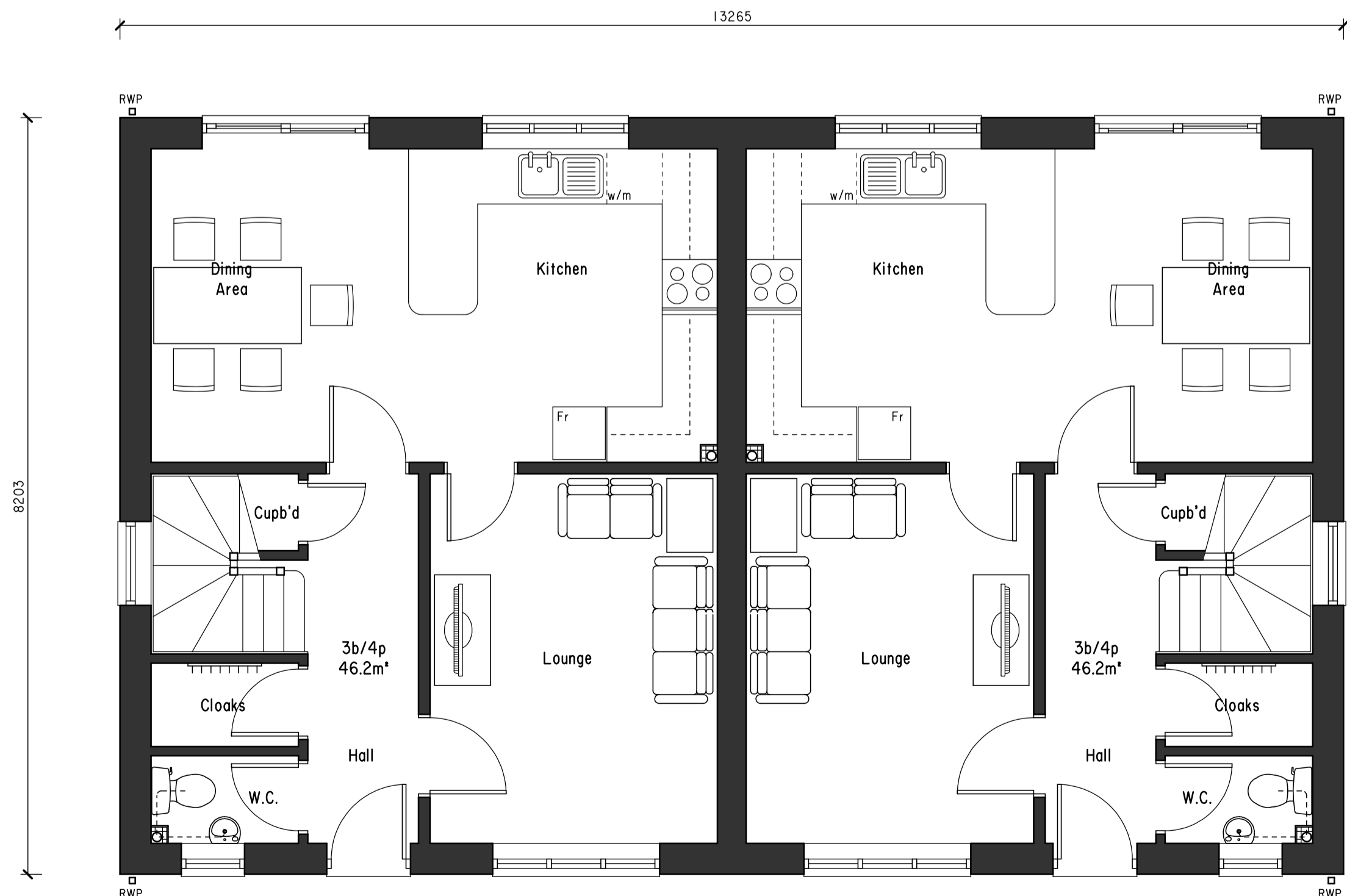
- WALLS: BUFF FACING BRICKWORK TO ALL ELEVATIONS WITH BROWN TEXTURED CEMENT CLADDING BOARDS TO FRONTS
- ROOFS: MARLEY "MODERN" GREY CONCRETE ROOF TILES
- WINDOWS & DOORS: WHITE UPVC
- RAINWATER GOODS: WHITE UPVC



SIDE ELEVATION (1:100)



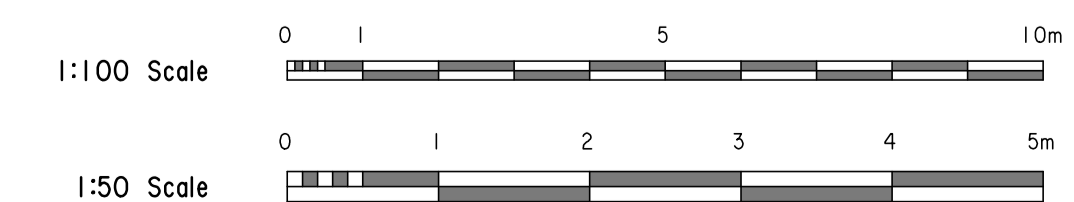
SIDE ELEVATION (1:100)



GROUND FLOOR PLAN (1:50)



FRONT ELEVATION (1:50)



Figured dimensions only to be taken from this drawing.

REVISIONS		
	Date	Description
A	25/01/24	Window to side elevations reduced in height.



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Tel. 01384 252622

CLIENT  
**MR J GOODSSELL  
KINGSWINFORD  
WEST MIDLANDS**

JOB  
**RESIDENTIAL DEVELOPMENT  
ADJ. FRANCIS WARD CLOSE,  
WEST BROMWICH**

TITLE  
**NEW DWELLINGS (PLOTS 3 & 4)  
FLOOR PLANS & ELEVATIONS:  
AS PROPOSED**

<b>NUMBER 2474/D06</b>	<b>REVISION A</b>
Scale 1:50/100 @ A1	Date OCT '23
CAD 2474-205 Rev 1	GROUP A

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## Report to Planning Committee

**21 February 2024**

<b>Application Reference</b>	DC/23/68927
<b>Application Received</b>	2 December 2023
<b>Application Description</b>	Proposed 60 No. residential dwellings with new access from Titford Road and associated works.
<b>Application Address</b>	Land Off Titford Road/ To The Rear Of Asda Wolverhampton Road Oldbury
<b>Applicant</b>	Countryside Partnerships, Asda and McLagan Investments Ltd
<b>Ward</b>	Langley
<b>Contact Officer</b>	Carl Mercer carl_mercer@sandwell.gov.uk

### 1 Recommendations

1.1 That planning permission is granted subject to final comments from the Environment Agency, the signing of a section 106 agreement to ensure affordable housing, approval at Council and conditions relating to:

- (i) External materials;
- (ii) Contamination;
- (iii) Landscaping (to include ecology mitigation);




- (iv) Boundary treatments;
- (v) Further surface water drainage detail;
- (vi) Further foul water drainage detail;
- (vii) Submission of energy assessment and compliance with its recommendations;
- (viii) Further evaluation/mitigation of impact on areas of Potential Site of Importance (PSI);
- (ix) Implementation of mitigation (MM1 - MM12 and EE1 - EE8) as identified in the submitted Ecology Appraisal;
- (x) A scheme to limit the spread of Japanese knotweed along the watercourse;
- (xi) Additional air quality modelling and requisite mitigation if required;
- (xii) Further details and installation of glazing, ventilation and acoustic fence as recommended by the noise report;
- (xiii) Lighting scheme;
- (xiv) Cycle parking for flats;
- (xv) Electric vehicle charging;
- (xvi) Low NOx boilers;
- (xvii) Construction environmental management plan (CEMP) to include working hours and ecology;
- (xviii) Employment and skills plan;
- (xix) Removal of permitted development rights for extensions/enlargements; and
- (xx) Provision and retention of parking.

## 2 Reasons for Recommendations

- 2.1 The application proposes an appropriate reuse of brownfield land which would deliver a much-needed mix of affordable housing. The potential for any significant impact on the amenity of the local area and ecology would be addressed by appropriate mitigation.

## 3 How does this deliver objectives of the Corporate Plan?

	Quality homes in thriving neighbourhoods – The design of the proposal is acceptable in respect of national and local planning policy.
---	---



## 4. Context

- 4.1 The application is being reported to your Planning Committee as 28 objections have been received and the proposal constitutes a departure from the development plan land allocation.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[Land off Titford Road, Oldbury](#)

## 5 Key Considerations

- 5.1 Material planning considerations (MPCs) are matters that can and should be taken into account when making planning decisions. By law, planning decisions should be made in accordance with the development plan unless MPCs indicate otherwise. This means that if enough MPCs weigh in favour of a development, it should be approved even if it conflicts with a local planning policy.
- 5.2 The material planning considerations which are relevant to this application are:

Government policy (NPPF);

Proposals in the development plan;

Highway considerations - traffic generation, access, and highway safety;

Environmental concerns – air quality and pollution;

Ecology concerns – loss of wildlife, habitats and trees;

Flood risk;

Contamination;

Anti-social behaviour; and

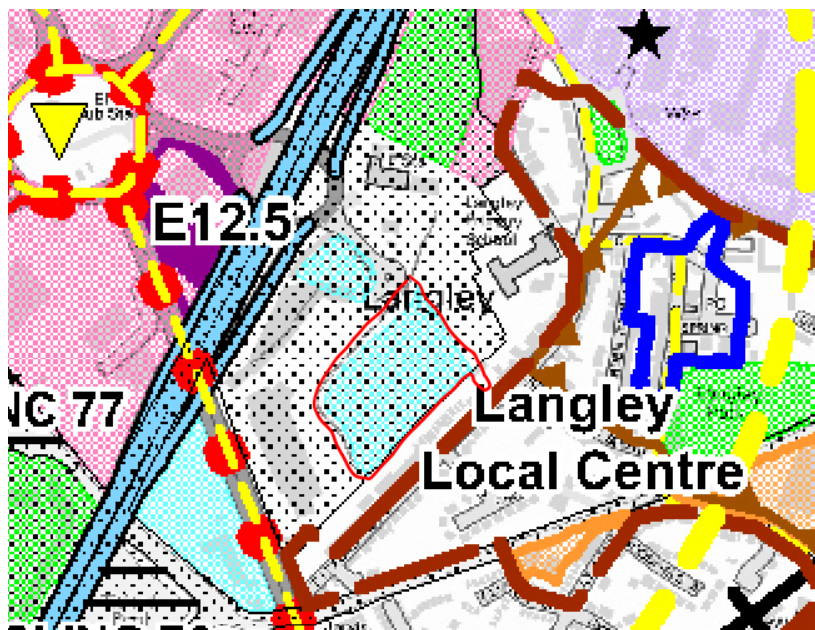
‘Presumption’ and the ‘tilted balance’.



## 6. The Application Site

- 6.1 The site is a 1.92ha parcel of land covered within dense vegetation and trees situated northwest of Titford Road. The site is bound by an Asda supermarket to the west, with its car park adjoining the application site to the northwest and Langley Primary School to the east. The site backs on to residential gardens of properties along Titford Road, which comprise of a mix of terrace and detached two storey houses.
- 6.2 What is proposed to be the site access from Titford Road is currently fenced off. This access is between 131 and 137 Titford Road.
- 6.3 The site is identified as a wildlife corridor and Local Employment Land in the Council's Development Plan (refer to Fig 1).

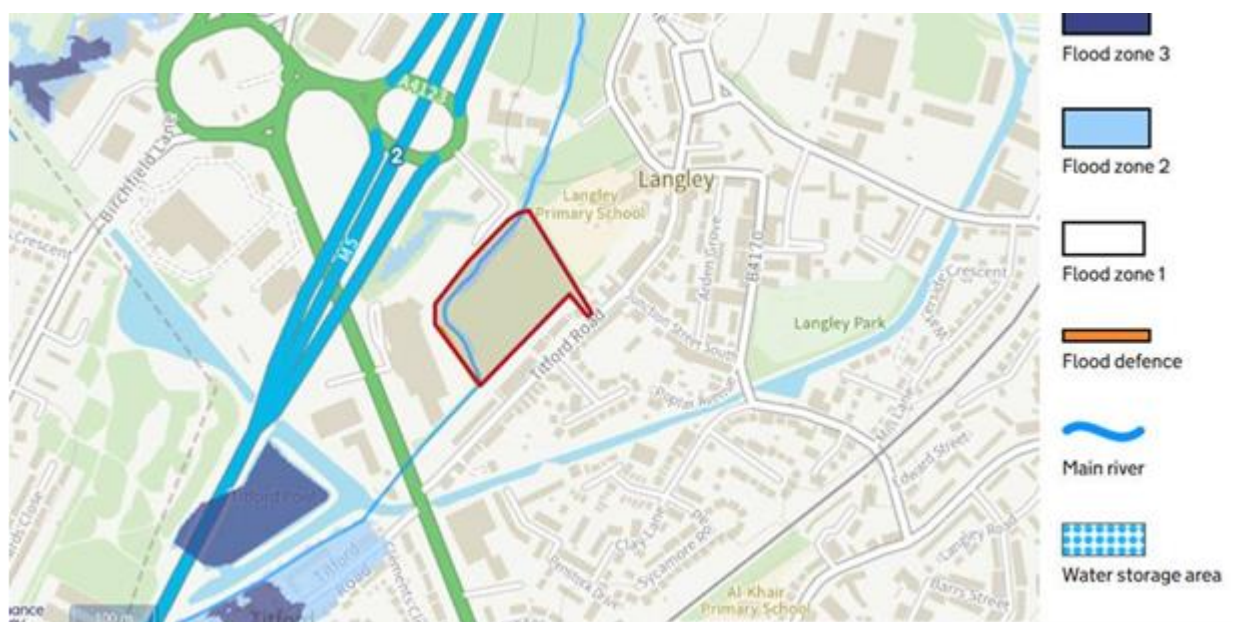
**Fig 1 – The approximate outline of the development site is shown in red; the wildlife corridor in hatched grey and the employment land in blue**





- 6.4 In respect of ecology, the site includes scrub, tall ruderal, recolonising ground, rough grassland and hardstanding. The proposal would retain the watercourse and an area of woodland.
- 6.5 The Environment Agency’s planning flood map indicates that the site is partially located in Flood Zone 2 associated with River Tame (classified as a main river) which runs from northeast to southwest at the north of the site (refer to Fig 2).

**Fig 2 – Environment Agency flood map showing Flood Zone 2 and ‘main river’**



## 7. Planning History

- 7.1 The most recent planning history for the site involves an application for two commercial units which was refused due to concerns over traffic generation (the access was then proposed from the Asda site) and outlook and noise impact on residents of Titford Road.
- 7.2 An earlier application for car parking associated with the Asda store was refused as it was not compliant with the employment allocation.



7.3 The relevant history is as follows:

DC/19/63297	Proposed development to provide 2 No. units comprising of Industrial process (Class B1c), General Industrial (Class B2), Storage or Distribution (Class B8) with ancillary offices, car parking, landscaping, service yard areas, and associated external works.	Refused 09.12.2019
DC/03/41246	Proposed additional car parking.	Refused 06.10.2004

8. Application Details

Fig 2 – Proposed site plan



- 8.1 The development proposes 100% affordable housing, comprising 60 dwellings, landscaping and associated works. A variety of house types are proposed, with the majority arranged in rows of terraces and pairs of semi-detached two and two and a half storey dwellings to front on to the access road within two perimeter blocks.
- 8.2 The house types consist of: 10x one bed flats; 20x two bed houses; 18x three bed houses and 12x four bed houses.
- 8.3 Each dwellinghouse would be provided with allocated car parking, either to the front or side of the property with additional on-street visitor spaces also proposed. Private rear gardens are proposed for each property.
- 8.4 In respect of the affordable housing mix, 43 Social Rented dwellings and 17 Shared Ownership dwellings are proposed.
- 8.5 The landscaping scheme has been designed to respond to the ecology of the site and includes a 10m stand-off from the River Tame, incorporating the retention of some existing trees where possible and the planting of appropriate species to best suit the ecology of the site. The access road would feature street trees as part of the overall development.
- 8.6 In addition to the submitted drawings the application is accompanied by the following documentation:
- i) Planning Statement;
  - ii) Design and Access Statement;
  - iii) Transport Statement;
  - iv) Flood Risk Assessment;
  - v) Ecological Appraisal;
  - vi) Landscape Strategy;
  - vii) Arboriculture Report;
  - viii) Noise Assessment;
  - ix) Air Quality Assessment;



- x) Affordable Housing Statement;
- xi) Phase I Environmental Site Assessment and Coal Mining Risk Assessment; and
- xii) Phase II Geo-Environmental Site Assessment.

8.7 Amended plans has been received which were submitted to address design and highway matters.

## 9. Publicity

9.1 The application has been publicised by 106 neighbour notification letters, four site notices and a press notice posted in The Chronicle newspaper. At the time of writing the report 28 objections have been received to the public consultation.

## 9.2 Objections

The main material points of objection to the planning application may be summarised as follows:

- i) Increase in road traffic from the development and concerns over highway safety;
- ii) Loss of greenspace;
- iii) Loss of trees, habitat and wildlife;
- iv) Impact of the development on air quality/pollution;
- v) Increase in noise;
- vi) Loss of wildlife corridor - contrary to policy;
- vii) Flood risk; and
- viii) Anti-social behaviour and break ins.

9.3 Non-material objections have also been raised regarding the impact on school places. Given the relatively modest nature of the amount of housing provided, this would be a matter for the Council's education department who monitor the submission and approval of housing sites. Education has confirmed that the number of school places required for



60 dwellings is 14 primary and six secondary – which is not considered to unduly impact on provision.

9.4 With regards to the objections raised above, the comments of consultees will be discussed further below, and the points listed above will be addressed in section 13 (Material Considerations) when the context of the recommendation can be considered in light of consultee responses.

## 10. Consultee responses

### 10.1 Planning and Transportation Policy

No objection. The proposals are for residential development on land allocated as Local Employment Land in the adopted development plan. The proposals are a departure from the plan. Planning Policy consider that sufficient evidence has been provided to demonstrate that the quality of the site is unattractive for employment use and any conflict with Policies BCCS EMP3 and DEL2 is outweighed by the benefits of the scheme including affordable housing delivery. Furthermore, the proposals are considered to accord with the general principles of SAD H2 which allows windfall housing development on unallocated greenfield land where this will bring an under-used piece of land back into beneficial use. Policies BCCS CSP3 and ENV1 seek to ensure that the movement of wildlife within wildlife corridors is not impeded by development. The applicant has submitted an Ecological Appraisal which recommends a series of mitigation measures and biodiversity gains that should be secured as part of the proposals. The Proposed Site Plan shows a buffer to be maintained along the watercourse with retained planting. The site was surveyed on behalf of the Council in 2023 to determine whether it meets the threshold to be designated a Site of Local Importance for Nature Conservation (SLINC). The results of the survey indicate that the site does not meet the threshold. Despite the departure, the proposals would comply with the development plan as a whole and the principle of residential development is accepted in policy



terms. It would increase the supply of housing land in the borough and assist with delivering new homes.

## 10.2 Highways

No objection subject to amendments to the site layout to reflect the Council's design guidance. Amendments have now been received which address highways concerns.

## 10.3 Urban Design

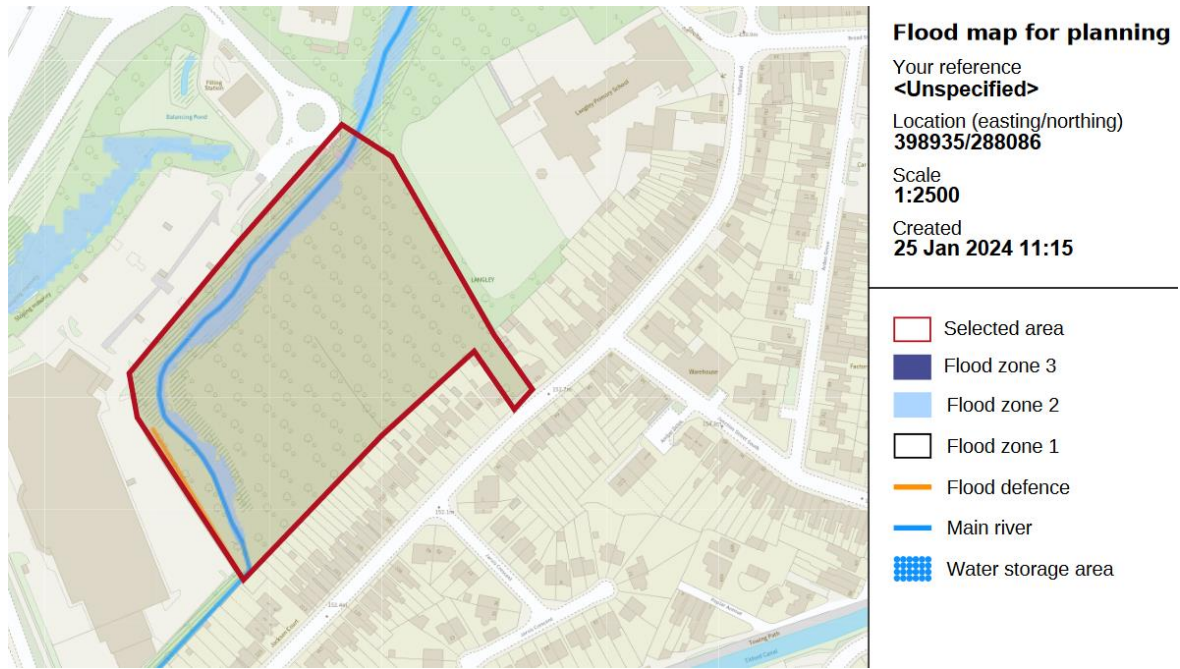
No overall objection. Design points raised have been discussed with the consultant and amended plans have been submitted. Whilst these do not address all of the points raised by Urban Design, I am of the opinion that sufficient alterations have been made which make the design acceptable and a balance between highway requirements and spatial design and appearance has been achieved.

## 10.4 Environment Agency

The EA has been contacted for comment and do not have significant concerns regarding flood risk. Only a small part of the site area is within Flood Zone 2 (refer to Fig 3), but any built development should be more than 8 metres from the 'top of bank'. The development appears to be in accordance with this stand-off distance (refer to Fig 4); however, the EA will provide its response in writing in due course.



**Fig 3 – Flood map for planning showing Flood Zone 2**



**Fig 4 – Compliance with stand-off distance (buffer shown in green)**



## 10.5 Lead local flood authority (Staffordshire County Council)

Staffordshire act as consultant for Sandwell as lead local flood authority. Staffordshire objects on grounds that insufficient detail has been submitted to fully demonstrate that an acceptable drainage strategy is proposed. This detail relates to hydraulic calculations, maintenance of the surface water system, exceedance and consents from the EA (discussed above). However, these details are technical in nature, do not compromise the principle of development at the site and can be ensured by condition.

## 10.6 Severn Trent

A condition regarding the submission of foul drainage plans is recommended.

## 10.7 Public Health (Air Quality)

Objection. The officer notes that the submitted Air Quality Assessment demonstrates compliance with current annual particulate matter 2.5 (PM<sub>2.5</sub>) standards and suggests that air pollution is 'not significant' now and therefore this location is suitable for residential use. The comments go to state that as a local authority we have a duty under the Environment Act 2021 to make planning decisions that ensure compliance with our legal future PM<sub>2.5</sub> targets (as highlighted in section 2.2.27 of the AQ assessment). The PM<sub>2.5</sub> targets are set at 10 µg/m<sup>3</sup> by 2040, with an interim target of 12 µg/m<sup>3</sup> by January 2028 as well as demonstrating a population exposure reduction of 22% by 2028 and 35% population exposure by 2040 from the 2018 baseline. There is no modelling to suggest that air pollution exposure levels for future receptors, are likely to decrease significantly at this site by 2028. Without evidence that this site is likely to meet the 2028 target values for PM<sub>2.5</sub>, or propose measures that would sufficiently mitigate the impact of poor local air quality exposure on future residents, the officer recommends that the application is refused. In respect of the local impact of the





scheme on air pollution, the officer notes that mitigation such as electric vehicle charging bays and low NOx boilers would be sufficient.

### 10.8 Public Health (Contaminated Land)

No objection subject to a condition requiring submission of a further detailed site investigation and mitigation measures.

### 10.9 Public Health (Noise)

No objection subject to conditions requiring approval of glazing and trickle vents to mitigate the levels of noise within the future residential dwellings. Furthermore, there has been an addition for acoustic fencing to be included within plots facing the primary school to aid in the mitigation of noise from this source. This may also have limited mitigating effects from the fire station as the mentioned dwellings are also the closest towards the fire station. This fencing option is seen as satisfactory and properties of the prospective acoustic fencing should be forward for review. Submission of a construction environmental management plan (CEMP) to include an appropriate restriction on construction hours is also recommended by condition.

### 10.10 West Midlands Police

No objection. General observations regarding Secure By Design principles are raised. Whilst some design features which intend to increase access and permeability through a site can be viewed as creating potential escape routes and cause conflict from a crime prevention perspective, I am of the opinion that movement through the site is generally a positive and have no significant concerns in this instance.



## 10.11 Birmingham and Black Country Wildlife Trust

The trust raises several concerns. Namely that the impacts of the development on Important (Priority) Habitats to have not fully been assessed in the submitted Ecological Appraisal. They also state that it is confusing to refer to 'enhancements' as 'biodiversity net gains' (BNG), as this provides the impression that a full biodiversity net gain assessment has been carried out. I must point out that the requirement for BNG to be applied to major sites was not applicable at the time of submission and therefore is not required for this proposal. I acknowledge the difference between enhancements and BNGs. As such, I have only considered the mitigation suggested in the Ecological Appraisals as enhancements and not BNG. The issue of ecology is discussed further in paragraphs 12.3 and 13.4 onwards.

## 10.12 Natural England

Natural England is the Government's adviser for the natural environment in England. They have not been consulted as there is no statutory requirement for the LPA to do so unless a site is of special scientific interest or otherwise protected (the site is locally protected but not nationally recognised). However, they do offer 'standing advice' to councils and developers, which is appropriate to mention here given the wildlife and habitat concerns raised:

*'If the proposal is likely to affect a protected species you can grant planning permission where:*

- *a qualified ecologist has carried out an appropriate survey (where needed) at the correct time of year;*
- *there's enough information to assess the impact on protected species;*
- *all appropriate avoidance and mitigation measures have been incorporated into the development and appropriately secured;*
- *any compensation measures are acceptable and can be put in place; and*



- *monitoring and review plans are in place, where appropriate.*

<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#assess-the-information-provided-with-the-planning-application>

#### 10.14 **NHS Black Country Integrated Care Board**

The ICB has stated that a commuted sum towards healthcare infrastructure should be provided. National guidance distinguishes between the purpose of s106 obligations to mitigate site-specific impacts and Community Infrastructure Levy (CIL) which can be used to address the cumulative impact on infrastructure in an area. In practice, the use of s106 obligations to mitigate site-specific impacts will tend to apply to larger, strategic developments which generate a critical mass of demand for new or improved infrastructure, where there is insufficient existing capacity to accommodate the additional demand. Government guidance recognises that CIL is the most appropriate mechanism for capturing developer contributions from smaller developments.

10.15 Development plan policies and supporting guidance will set out the types and sizes of development from which s106 planning obligations will be sought. Although this was considered as part of the Black Country Plan, the Council's current development plan does not include such policies to enable sums for healthcare infrastructure. As such, CIL provision is still the appropriate mechanism for obligations under the existing policy framework.

#### 10.16 **Health and Safety Executive**

The site is within a consultation zone of the HSE due to the proximity of the Solvay site. The application has been assessed against the consultation criteria and the HSE is not required to comment on the proposal in this instance.



## 10.17 Canal and River Trust

Confirmed no objection to the proposal.

## 11. National Planning Policy

- 11.1 The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. Key paragraphs which are relevant to the application include:
- 11.2 Paragraph 2 of the National Planning Policy Framework states that: *'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.'*
- 11.3 *'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'* (paragraph 60, NPPF).
- 11.4 The Council cannot demonstrate a five-year housing land supply. Therefore, paragraph 11d of the NPPF and the presumption in favour of sustainable development is engaged. It follows that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

## 12. Local Planning Policy

- 12.1 The following policies of the Council's development plan are relevant:



## **Black Country Core Strategy (BCCS)**

CSP1 - The Growth Network

CSP3 - Environmental Infrastructure

CSP4 – Place Making

DEL1 – Infrastructure Provision

DEL2 – Managing the Balance Between Employment Land and Housing

HOU1 - Delivering Sustainable Housing Growth

HOU2 – Housing Density, Type and Accessibility

HOU3 - Delivering Affordable Housing

EMP3 – Local Quality Employment Areas

EMP4 – Maintaining a Supply of Readily Available Employment Land

EMP5 - Improving Access to the Labour Market

TRAN2 – Managing Transport Impacts of New Developments

TRAN4 - Creating Coherent Networks for Cycling and for Walking

TRAN5 - Influencing the Demand for Travel and Travel Choices

ENV1 - Nature Conservation

ENV3 – Design Quality

ENV5 – Flood Risk, Sustainable Drainage Systems / Urban Heat Island

ENV7 – Renewable Energy

ENV8 – Air Quality

WM5 - Resource Management and New Development

## **Site Allocations and Delivery Development Plan Document – (SADD)**

SAD H2 - Housing Windfalls

SAD H3 – Affordable Housing

SAD EMP 2 - Training and Recruitment

SAD EOS 5 - Environmental Infrastructure

SAD EOS 9 - Urban Design Principles

SAD DC2 – Zones Around Hazardous Installations

SAD DC4 – Pollution Control

SAD DC 6 - Contaminants, Ground Instability, Mining Legacy



12.2 The site lies within a Regeneration Corridor and relevant policy CSP1 seeks to secure housing within the corridors built on redundant employment land and other brownfield sites. The proposal is therefore compliant with this policy.

### 12.3 Ecology - CSP3, ENV1 and SAD EOS5

Policies CSP3 and ENV1 seek to ensure that the movement of wildlife within wildlife corridors is not impeded by development. The applicant has submitted an Ecological Appraisal which recommends a series of mitigation measures and biodiversity gains that should be secured as part of the proposals. The proposed site plan shows a buffer to be maintained along the watercourse with retained planting. Additionally, as noted above, the site was surveyed on behalf of the Council in 2023 to determine whether it meets the threshold to be designated a Site of Local Importance for Nature Conservation (SLINC). The results of the survey indicate that the site does not meet the threshold.

12.4 Whilst residents' concern for the site's ecology is acknowledged, the value of ecology on site is considered to be limited. Furthermore, with no public access to the site the wider public benefit of the land is restricted. In accordance with SAD EOS 5, environmental infrastructure has been considered by way of mitigation which can be ensured by condition. This mitigation includes tree protection, replacement planting and enhancement, pollution prevention to watercourses, updated bat surveys, sensitive lighting and timing of works (See Appendix 1). It should also be acknowledged that the developer must comply with the Wildlife and Countryside Act 1981, which ensures wildlife protection beyond the Council's remit.

### 12.5 Design - CSP4, ENV3 and SAD EOS 9

In respect of the design, the development is influenced by the context of the local area and would enhance the attributes the area offers in terms



of its local character. With regards to policies ENV3 and SAD EOS 9, the development should comply with the Council's Residential Design Guide 2014 which aims to secure high-design quality and sustainable living environments for new development in the borough. The applicant has submitted a Design and Access Statement and provided revisions to the design which I consider to be acceptable, reasonable and achievable within the development. As per Urban Design's request, the design would also incorporate street trees and parking bays would be blocked paved.

## 12.6 Planning gain – DEL1

Onsite infrastructure provision, for example, electric vehicle charging (EVC) bays, would be ensured by condition. The proposals are liable for Community Infrastructure Levy (CIL).

## 12.7 Housing – HOU1, HOU2, HOU3, SAD H2 and SAD H3

Whilst land is identified and allocated in the development plan to meet the borough's sustainable housing growth, under policy HOU1 additional housing capacity will also be sought elsewhere through planning permissions on suitable sites. The Council's latest Housing Delivery Test indicates that less than 75% of its housing requirement was delivered in the proceeding period and it cannot demonstrate a five-year housing land supply. As such, this proposal would assist with providing much needed housing in the borough.

12.8 Policy HOU2 relates to housing type and density, a mix of which the development is proposing.

12.9 In respect of policies HOU3 and SAD H3, the application form states that the proposal would provide 100% affordable housing to be managed by a registered provider. The application therefore more than accords with policy HOU3 which requires provision of 25% affordable housing on



schemes of 15 dwellings or more. The developer is required to enter into a section 106 agreement to ensure this affordable housing.

12.10 The proposed dwellings would be a windfall, subject to SAD H2. On balance the proposal is considered to accord with the general principles of SAD H2 which encourages housing on previously developed land that is suitable for residential development and will not lead to an unacceptable reduction in the supply of employment land.

### 12.11 **Departure – EMP3, EMP4 and DEL2**

Policy EMP3 sets out a range of employment generating uses that Local Quality Employment Land will be safeguarded for, whilst policy DEL2 states that an adequate supply of occupied and available employment land should be secured prior to releasing an employment site and that the availability of employment land within the area, the quality of the site and its geographical market will be taken into account when determining planning applications. The site remains vacant and has never been built out for employment use.

12.12 The Planning Statement argues that an employment scheme would be difficult to deliver on the site due to its small size, together with other constraints including being within a wildlife corridor, 8 metre clearance from the watercourse and proximity to adjoining residential uses. In addition, the site was assessed for development potential as part of evidence-base work to inform the preparation of the draft Sandwell Local Plan. The site was considered to have moderate suitability for either residential or employment development subject to issues of access, amenity, traffic generation and congestion, and biodiversity being overcome or mitigated. On balance the site was recommended for residential allocation in the draft plan to reflect the landowner's intentions to promote the site for residential development.

12.13 Planning Policy is of the view that sufficient evidence has been provided to demonstrate that the quality of the site is unattractive for employment





use and any conflict with EMP3 and DEL2 is outweighed by the benefits of the scheme including affordable housing delivery.

#### 12.14 Training and recruitment - EMP5 and SAD EMP 2

Training and recruitment opportunities should be provided as part of any new development (EMP5 and SAD EMP 2). This can be ensured by condition.

#### 12.15 Highways/Transportation – TRAN2 and TRAN4

TRAN2 seeks to manage the transport impacts of new development. Highways raise no objection on traffic and accessibility matters. Whilst it is noted that the surrounding road network can become congested, the site would function adequately with limited vehicle movements on to the local network. In regard to the NPPF, paragraph 115 states that *‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’* The impact would not be so severe as to warrant refusal within the context of national policy.

#### 12.16 Flood risk - ENV5

Policy ENV5 seeks to reduce flood risk and secure sustainable drainage solutions. As stated above taking into account the comments of Staffordshire and the EA, no significant concerns arise subject to conditions.

#### 12.17 Renewable energy – ENV7

Policy ENV7 requires developments of 10 dwellings or more to incorporate at least 10% renewable energy generation. Further information will be required by condition to confirm that the requirement



to secure at least 10% renewable energy generation onsite will be met. This is likely to be achieved in the building fabric.

## 12.18 Air quality and pollution – ENV8 and SAD DC4

Policy ENV8 and SAD DC4 seek to protect new residential development from poor air quality. The applicant has submitted an Air Quality Assessment which concludes that the impact on local air quality is assessed to be not significant. Whilst an objection has been received from the Council's Pollution Control team, it is noted in the submitted AQ Assessment that: *'The anticipated NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations at the **future** residential receptors are within the **current** air quality standards, with NO<sub>2</sub> and PM<sub>10</sub> concentrations expected to fall within the exposure criteria'* (Section 8.4.1). Whilst officers have raised concerns that the long-term suitability of the site is questionable, paragraph 192 of the NPPF states that *'Planning policies and decisions should sustain and contribute towards **compliance with relevant limit values** or national objectives for pollutants...'* Furthermore, paragraph 194 of the NPPF states: *'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.'* ENV8 also requires compliance with 'national air quality objectives' – of which the proposal is currently compliant.

12.19 Consequently, I find insufficient weight to condemn the development on future air quality targets. Notwithstanding this opinion, the applicant has been asked to provide revised modelling and to suggest mitigation to address air quality concerns. This can be ensured by condition.

12.20 In respect of the development's own impact on air quality, Pollution Control officers have confirmed the requirement for electric vehicle charging points, low NO<sub>x</sub> boilers and submission of a CEMP to address



air quality during construction, by condition. Additional measures, as stated above, can be ensured by condition.

- 12.21 In respect of WM5 (Resource Management and New Development), a scheme for recycling/disposing of waste resulting from demolition and construction works would be required as part of a CEMP.

### 12.22 Contamination - SAD DC 6

Land contamination issues can be addressed by the imposition of suitably worded conditions requiring further intrusive investigation, reporting of any unpredicted contamination and submission of a validation certificate following any required mitigation.

## 13. Material Considerations

- 13.1 National and local planning policy considerations have been referred to above in sections 11 and 12. The following section discusses material considerations raised in objections to the development:

### 13.2 Environmental concerns – Noise, air quality and pollution

No objection has been received from Pollution Control in respect of the impact of the development on noise. Noise is not expected this to be any more unreasonable than from any other residential estate. In discussing the public objection to air and pollution, the main concern raised by Pollution Control is the living conditions of proposed residents due to air quality. In response to the Pollution Control team, the applicant's air consultant has provided a technical note and has stated: *'Under the Local Air Quality Management (LAQM) framework (which is underpinned by the Environment Act 1995) local authorities are required to consider a multitude of pollutants but, the pollutant which has been raised as a concern is PM2.5 which is not part of this regime. Central government long term and interim targets have been set, and local authorities, have*



been tasked in aiding to achieve these targets. The original air quality assessment complies with the standards (in line with the LAQM) for the pollutants which were considered, and through the further modelling undertaken as part of the Technical Note demonstrates that the application site is anticipated to also achieve the interim target of an overall concentration for 2028. It is noted that the application site does not see a 22% reduction from 2018 to 2028, but it is positive to see that concentrations have dropped by just under 10%, so things are going in the right direction.' Whilst the technical note is still under review by Pollution Control and comments will be reported verbally to the committee, I refer to the opinion stated in paragraph 12.18 above; that the development would not be compromised by the issue of air quality. Additionally, Pollution Control raise no objection regarding the impact of the development on the surrounding area.

### 13.3 Highway considerations - Traffic generation, access, and highway safety

The Council as local highway authority do not object to the application. Whilst local concerns are noted, the proposal would be of limited impact and certainly not severe within the meaning of the NPPF.

### 13.4 Ecology concerns – loss of wildlife, habitat and trees

Whilst I am mindful of the concerns of residents and the comments of the Birmingham and Black Country Wildlife Trust (BBWT), I refer to the local site assessment of the application site which was conducted by the trust on behalf of the Council in June 2023. Following on-site assessment by a senior planning and biodiversity officer of the trust, the report summarises: *'The site is of a good size and well positioned for access by the general public. However, limited access and a general overgrown and unappealing character limit its current value as a local wildlife site. For a site of its size and urban position, it supports a low diversity of habitats, all of which are limited in their biodiversity value. None of these habitat types are considered particularly notable, even in*



*a local context.’ The assessment goes on to recommend: ‘Management of the site should prioritise improving the structural diversity of woodland scrub parcels. Scrub and mature trees should be reduced near the River Tame to allow light to more readily reach the watercourse. Re-profiling and re-naturalisation measures should be undertaken in order to enhance this stretch of the River Tame.’*

13.5 However, I note that certain areas of the site could not be accessed at the time of the above assessment and the BBWT advise that these areas be maintained as Potential Site of Importance (PSI) until they can be surveyed directly. These comments relate to the southern extent of the site which could not be directly accessed during the site assessment survey and was only observed from adjacent accessible space. The submitted Ecology Appraisal does provide an assessment of the entire site and is based on a thorough on-site investigation. The appraisal states that the habitats within the site support several protected species and mitigation measures are put forward to protect and minimise the risk of harm. The woodland and watercourse are identified as important local ecological features and, whilst it would not be practicable to avoid the loss of habitats on developable areas, attempts have been made to offset the loss, particularly in the landscaping proposals.

13.6 What can be gained from both reports is that the site is highly unlikely to warrant any specific protection. The retained river course and woodland would continue to function as a wildlife corridor; the purpose of which is to safeguard linear habitats to facilitate the movement and connection of wildlife. Given the Council’s position of presumption, as discussed below, it can be argued that if the strategic benefits of a development clearly outweigh the importance of local nature conservation, as alluded to in policy ENV1, then development may proceed with appropriate mitigation. Therefore, mindful of local opposition to the proposal on these grounds, neither the applicant’s assessment or the Council’s own assessment of the site reveal sufficient evidence to protect the site and, in my opinion, refusal on these grounds would not carry sufficient weight. Conditions should seek further evaluation of residual development



impacts on areas of PSI taking into mitigation, compensation and enhancement.

### 13.7 Flood risk

Whilst Staffordshire object to the proposal, the content relates to technical detail, not to the principle of development on the site. Therefore, the required detail can be ensured by condition. The condition can be tailored to be specific to Staffordshire's requirements and development would not be allowed to commence unless they are satisfied with this further detail.

13.8 Moving to the strategic management of flooding and the principle of development in relation to the flood risk associated with the site, the Environment Agency has alluded to having no objection to the proposal. Their comments will be reported verbally to the committee; however, I do not consider this issue to carry sufficient weight as to delay determination.

### 13.9 Contamination

As stated above, the Council's contamination officer raises no significant concerns. The submitted reports consider ground conditions, especially in relation to the potential for any ground contamination. Risk from contamination is considered low and can be further addressed by condition.

### 13.10 Anti-social behaviour and break ins

The police raise no objection to the proposal and there is no evidence before me that crime would rise because of the development. To the contrary, there would clearly be a greater level of presence and surveillance to deter such occurrences.

### 13.11 Presumption and the 'titled balance'



The 'tilted balance' is similar to the normal planning balance but it is only engaged in exceptional circumstances. As the Council has less than a five-year housing land supply, relevant local policies are out-of-date. In the most basic sense, the tilted balance is a version of the planning balance that is already tilted in an applicant's favour. If the tilted balance applies, planning permission should normally be granted unless the negative impacts 'significantly and demonstrably' outweigh the positive impacts.

## 14. Conclusion and planning balance

- 14.1 All decisions on planning applications should be based on an objective balancing exercise. This is known as applying the 'planning balance'. It is established by law that planning applications should be refused if they conflict with the development plan unless material considerations indicate otherwise. This essentially means that the positive impacts of a development should be balanced against its negative impacts. Conflict with development plan policies will always be a negative impact. If the policies are up-to-date, that negative impact will be given greater weight. However, if they are out-of-date, the weight given to the negative impact will be seriously reduced. No matter what the negative impacts are, if a proposal manages to secure sufficient positive impacts (of sufficient weight) to tilt the planning balance in its favour, planning permission should be granted
- 14.2 I note the matters raised regarding ecological concerns; however, the matter is one of balance, and if appropriate mitigation can be provided, then a development may proceed. Conditions can ensure the suggested mitigation is carried out.
- 14.3 With regards to the impact of the development on residential amenity, there is little evidence before me that the impact would be sufficient to warrant refusal of the application. Additionally, Highways raise no overall



objection to the development in respect of an increase in traffic, access or highway safety.

14.4 The Council's development plan policies relating to the supply and distribution of housing are out-of-date and the presumption in favour of sustainable development in the NPPF is engaged due to its inability to meet its housing land supply. Notwithstanding this fact, policy SAD H3 allows for windfall residential development on brownfield sites and the principle of residential development would be considered acceptable here in planning policy terms even if the Council could demonstrate a five-year land housing land supply.

14.5 It is therefore considered that, given the land constraints which exist in the borough, the development proposes an appropriate and responsible reuse of land which would bring an opportunity for a mix of new affordable housing. In my opinion, the planning balance in respect of the benefits of the development outweigh the harm and the application should be approved subject to the signing of a section 106 agreement to ensure the affordable housing and subject to appropriately worded conditions.

## 15. Alternative Options

15.1 Refusal of the application is an option if there are material planning reasons for doing so. In my opinion, the benefits of the proposal outweigh the harm and it is therefore considered that refusal of the application would not be warranted; especially as the development would aspire to the Council's Corporate Plan and Vision 2030 in providing quality housing.

## 16. Implications

<b>Resources:</b>	None.
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<b>Legal and Governance:</b>	This application is submitted under the Town and Country Planning Act 1990.
<b>Risk:</b>	None.
<b>Equality:</b>	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
<b>Health and Wellbeing:</b>	New affordable housing.
<b>Social Value</b>	Opportunities for education, recreation and employment during the build.
<b>Climate Change</b>	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.

## 17. Appendices

Appendix 1 – Mitigation measures  
Context Plan  
PL02 Rev M – Site plan  
SS-01 Rev A – Street scenes



# Appendix 1 – Mitigation measures

## 6.1 Mitigation

6.1.1 Based on the habitats, ecological features and associated fauna identified within / adjacent to the site, it is proposed that the following mitigation measures (MM1 – MM12) are implemented under the proposals. Further, detailed mitigation strategies or method statements can be secured via suitably-worded planning conditions, as recommended by relevant best practice guidance (BS 42020:2019).

### Trees and Woodland

6.1.2 **MM1 – Tree Protection.** All trees and areas of woodland to be retained within the proposed development shall be protected during construction in line with standard arboriculturalist best practice (BS5837:2012) or as otherwise directed by a suitably competent arboriculturalist. This will involve the use of protective fencing or other methods appropriate to safeguard the root protection areas of retained trees / woodland.

### Replacement Habitat Provision and Enhancement

6.1.3 **MM2 – Replacement Planting and Enhancement.** The majority of on-site habitats are to be removed under the proposals including woodland W1, dense and scattered scrub, rough grassland, recolonising ground and the majority of tall ruderal. As such, to partially mitigate for the loss of these habitats, new native tree planting and wildflower grassland creation is proposed at the site, with the majority of wildflower grassland proposed in proximity of the watercourse to enhance the ecological value of this feature.

6.1.4 To further partially mitigate for the loss of ecologically valuable habitat at the site, it is recommended that the retained areas of woodland and the watercourse are enhanced.

6.1.5 Measures to enhance the woodland could include the removal of invasive species such as Japanese Knotweed and Himalayan Balsam, the removal of other non-native species, the removal of fly-tipped waste, and the provision of additional woodland understorey planting comprising native woodland and scrub species, planted at varying densities to improve the structure and diversity. In addition, where the ground flora is sparser or bare ground is present, provision of shade tolerant woodland ground flora species could be provided. Any deadwood within the woodland should be retained for the benefit of invertebrates.

6.1.6 Measures to enhance the watercourse could include the removal of invasive species such as Floating Pennywort and Himalayan Balsam, the removal of fly-tipped waste, the removal of some areas of overshading vegetation, in addition to planting native marginal and in-channel vegetation.

6.1.7 To ensure the ecological value of these habitats is delivered, it is recommended that they be subject to long-term ecologically sensitive management.

### Watercourses

6.1.8 **MM3 – Pollution Prevention.** In order to safeguard the watercourse from excess siltation that may occur during the construction works, it is recommended that consideration be given to temporary use of the below methods, as appropriate, depending upon local conditions at the time of works;



- Sedi-mats: These are products that can be placed on the bed of a watercourse downstream of works to trap sediment as water flows through them.
- Straw bales (with cages as required): A barrier of straw bales is placed downstream of works to help trap suspended sediment whilst allowing water through the bales. These will need to be anchored and regularly checked and as such may benefit from being placed in a cage to keep them together and securely placed. The use of this method will follow the below steps:
  - Straw bales will be installed in the channel before works commence;
  - Regular monitoring of the water quality downstream of the straw bales will be carried out;
  - Straw bales will be replaced as required before they become ineffective and a supply of these will always be kept on site;
  - Once the works are complete and no excess silt remains, straw bales can be removed from the channel.

6.1.9 In addition to the above, in order to safeguard the watercourse against any potential run-off or pollution events during construction, the following safeguards will be implemented:

- Storage areas for chemicals, fuels, etc. will be sited well away from the watercourse (minimum 10m), and stored on an impervious base within an oil-tight bund with no drainage outlet. Spill kits with sand, earth or commercial products approved for the stored materials shall be kept close to storage areas for use in case of spillages;
- Where possible, and with prior agreement of the sewage undertaker, silty water should be disposed of to the foul sewer or via another suitable form of disposal, e.g. tanker off-site;
- Water washing of tools, vehicles, etc. will be carried out in a contained area as far from the watercourse as practicable (minimum 10m), to avoid contamination; and
- Refuelling of plant will take place in a designated area, on an impermeable surface, away from the watercourse (minimum 10m).

#### Bats

- 6.1.10 **MM4 – Update Survey.** Should any considerable time (e.g. >2 years) elapse between the survey work detailed above and any development works, a further survey of the trees and structures with potential to support roosting bats should be undertaken prior to the commencement of works to confirm that the suitability of these features has not changed.
- 6.1.11 **MM5 – Felling of Trees Supporting Bat Roosting Potential.** Tree T2, T3 & T11-T13, which will be lost to the proposals, have been identified as providing low suitability to support roosting bats. Felling of these trees will therefore be undertaken under an ecological watching brief, and immediately preceded by detailed inspections using endoscopes / torches as necessary to inspect any potential roosting features. Should no evidence be recorded, felling will be carried out using the 'soft-felling' technique, whereby sections of the trees will be cut and lowered to the ground, followed by leaving the felled sections on the ground for a period of at least 24 hours.
- 6.1.12 If any evidence for the presence of roosting bats is recorded, works on that tree will be suspended and consideration will be given to the need to undertake works under a



European Protected Species (EPS) development licence, and a licence application will be made to Natural England as required.

6.1.13 **MM6 – Culvert Safeguards.** The culvert present at the south-west of the site has been assessed to provide high suitability to support roosting bats in addition to being of elevated suitability to support hibernating bats. This feature is understood to be fully retained such that should any roosting or hibernating bats be present, they will not be directly impacted by the proposals, albeit a number of measures are recommended to ensure that should any roosting bats be present, they will remain unaffected during the construction and operational phases of the proposed development;

- **Sensitive timing of works** – No percussive works will take place within 20m of the culvert during the maternity (May – August inclusive) or hibernation seasons and (November – February inclusive) to avoid disturbing bats when they are at their most sensitive;
- **Sensitive construction lighting** – No lighting shall be directed at the culvert or associated watercourse; and
- **Access** – The entrance to the culvert will remain unobstructed to allow any bats which may be roosting within to continue to access this feature.

6.1.14 **MM7 – Sensitive Lighting.** Light-spill onto retained and newly created habitat, in particular the retained culvert, watercourse, woodland, trees and wildflower grassland (especially along the south-western and north-western boundary and at the culvert), will be minimised in accordance with good practice guidance<sup>28</sup> to reduce potential impacts on light-sensitive bats (and other nocturnal fauna). This may be achieved through the implementation of a sensitively designed lighting strategy, with consideration given to the following key factors:

- **Light exclusion zones** – ideally no lighting should be used in areas likely to be used by bats. Light exclusion zones or ‘dark buffers’ may be used to provide interconnected areas free of artificial illumination to allow bats to move around the site;
- **Appropriate luminaire specifications** – consideration should be given to the type of luminaires used, in particular luminaries should lack UV elements and metal halide and fluorescent sources should be avoided in preference for LED luminaries. A warm white spectrum (ideally <2,700K) should be adopted to reduce the blue light component;
- **Light barriers / screening** – new planting (e.g. hedgerows and trees) or fences, walls and buildings can be strategically positioned to reduce light spill;
- **Spacing and height of lighting units** – increasing spacing between lighting units will minimise the area illuminated and allow bats to fly in the dark refuges between lights. Reducing the height of lighting will also help decrease the volume of illuminated space and give bats a chance to fly over lighting units (providing the light does not spill above the vertical plane). Low level lighting options should be considered for any parking areas and pedestrian / cycle routes, e.g. bollard lighting, handrail lighting or LED footpath lighting;



- **Light intensity** – light intensity (i.e. lux levels) should be kept as low as possible to reduce the overall amount and spread of illumination;
- **Directionality** – to avoid light spill lighting should be directed only to where it is needed. Particular attention should be paid to avoid the upward spread of light so as to minimise trespass and sky glow;
- **Dimming and part-night lighting** – lighting control management systems can be used, which involves switching off / dimming lights for periods during the night, for example when human activity is generally low (e.g. 12.30 – 5.30am). The use of such control systems may be particularly beneficial during the active bat season (April to October). Motion sensors can also be used to limit the time lighting is operational.

#### Hedgehogs

6.1.15 **MM8 – Hedgehog Safeguards.** In order to safeguard Hedgehogs and other small mammals should they enter the site during construction works, the following measures will be implemented:

- A watching brief should be maintained for Hedgehog and other small mammals throughout any clearance works;
- Any piles of material already present on site, particularly vegetation / leaves, etc. and any areas of dense scrub or hedgerows, shall be dismantled / removed by hand and checked for Hedgehog prior to the use of any machinery / disposal;
- Any trenches left open overnight should be provided with a means of escape, e.g. gently graded ramp or a roughened plank, in order to allow animals to escape should they enter the trench. This is particularly important if the trench fills with water.
- Any material to be disposed of by burning, particularly waste from vegetation clearance and tree works, should not be left piled on site for more than 24 hours in order to minimise the risk of Hedgehogs occupying the pile. If this cannot be avoided, material should be stored within a container such as a skip to prevent animals from gaining access. Any material which has been stored on the ground overnight should be moved prior to burning to allow a thorough check for any animals which may have been occupying the pile;
- Any temporarily exposed open pipes or open drains should be blanked off at the end of each working day so as to prevent Hedgehogs gaining access as may happen when contractors are off-site;
- In the event that an injured Hedgehog is found, the animal should be wrapped carefully in a towel, the British Hedgehog Preservation Society (BHPS) phoned (01584 890 801) and the Hedgehog taken to a local vet immediately;
- To maintain connectivity throughout the site for Hedgehog and to allow access to suitable foraging habitat contained within residential gardens, small holes (13cm x 13cm minimum) should be created within garden fences or under gates.

#### Amphibians and Reptiles

6.1.16 **MM9 – Unexpected Discovery of Great Crested Newt.** In the unlikely event that Great Crested Newt are encountered, works will cease immediately and Aspect Ecology be



contacted for further advice. This is likely to involve an ecologist visiting the site and assessing the requirement for a Natural England mitigation licence to be in place.

- 6.1.17 **MM10 – Destructive Search.** The results of the survey results have not recorded the presence of reptiles within the site, whilst no records were returned from the wider landscape. Nevertheless, as a precautionary measure to minimise the risk of harm to reptiles should they colonise the site, a destructive search is proposed. The destructive search should be preceded by a toolbox talk by a suitably qualified ecologist and would involve cutting the grassland and tall ruderal habitats within the development footprint to a short height (~15cm) so as to encourage reptiles to disperse to suitable areas of retained / nearby habitat. This exercise should be carried out under a contractor watching brief during the active reptile season where practicable (generally March / April to September / October, depending on prevailing weather). Any potential refuge features, e.g. piles of rubble, heavy logs, brash piles, will be carefully disassembled. In the unlikely event that any reptiles are encountered, works will cease immediately and Aspect Ecology be contacted for further advice. This is likely to involve an ecologist visiting the site and assessing the requirement for the remainder of the works to be carried out under ecological supervision.

#### Nesting Birds

- 6.1.18 **MM11 – Timing of Works.** To avoid a potential offence under the relevant legislation, no clearance of suitable vegetation should be undertaken during the bird-nesting season (1<sup>st</sup> March to 31<sup>st</sup> August inclusive). If this is not practicable, any potential nesting habitat to be removed should first be checked by a competent ecologist in order to determine the location of any active nests. Any active nests identified would then need to be cordoned off (minimum 5m buffer) and protected until the birds have fledged. These checking surveys would need to be carried out no more than three days in advance of vegetation clearance.

#### Invasive Species

- 6.1.19 **MM12 – Invasive Species Safeguards.** Japanese Knotweed, Three-cornered Garlic, Floating Pennywort and Himalayan Balsam, which are listed on Schedule 9 Part II of the Wildlife and Countryside Act 1981, were recorded within the site. It is an offence to cause to grow in the wild, any plant listed on the schedule. As such, all relevant precautions should be taken when carrying out actions that could potentially spread these plants. The government has set out guidance on what can be considered 'causing to grow in the wild' within a response to the Schedule 9 review which states:

*'We would expect that where plants listed in Schedule 9 are grown in private gardens, amenity areas etc., reasonable measures will be taken to confine them to the cultivated area so as to prevent their spreading to the wider environment and beyond the landowner's control. It is our view that any failure to do so, which in turn results in the plant spreading to the wild, could be considered as 'causing to grow in the wild' and as such would constitute an offence...Additionally, negligent or reckless behaviour such as inappropriate disposal of garden waste, where this results in Schedule 9 species becoming established in the wild would also constitute an offence.'*

- 6.1.20 As such, it is recommended that a remediation strategy is sought from an invasive species specialist to ensure appropriate safeguards are put in place to eradicate these species from the site and prevent the spread their spread during the proposed development works.



### Habitat Creation

- 6.2.2 **EE1 – New Planting.** It is recommended that where practicable, new planting within the site be comprised of native species of local provenance, including trees and shrubs appropriate to the local area. Suitable species for inclusion within the planting could include native trees such as Oak, Birch and Field Maple, whilst native shrub species of particular benefit would likely include fruit and nut bearing species which would provide additional food for wildlife, such as Blackthorn *Prunus spinosa*, Hawthorn, Crab Apple *Malus sylvestris*, Hazel and Elder. Where non-native species are proposed, these should include species of value to wildlife, such as varieties listed on the RHS' 'Plants for Pollinators' database, providing a nectar source for bees and other pollinating insects.

### Off-site Invasive Species

- 6.2.3 **EE2 – Aquatic Invasive Species.** Floating Pennywort and Himalayan Balsam, which are listed on Schedule 9 Part II of the Wildlife and Countryside Act 1981, were recorded within the watercourse at the site, such that it is likely that these species are present downstream.
- 6.2.4 As such, it is recommended that where this watercourse enters council owned land located immediately downstream of the watercourse, and where access is available, that measures be put in place in line with MM12 to eradicate these species and enhance the watercourse within the local landscape.

### Bats

- 6.2.5 **EE3 – Bat Boxes.** A number of bat boxes will be incorporated within the proposed development. The provision of bat boxes will provide new roosting opportunities for bats in the area such as Soprano Pipistrelle (Priority Species). So as to maximise their potential use, the bat boxes should ideally be situated on suitable retained trees, erected as high up as possible and sited in sheltered wind-free areas that are exposed to the sun for part of the day, facing a south-east, south or south-westerly direction. In addition, where architectural design allows, a number of integrated bat boxes / roost features should be incorporated into a proportion of the new build. The precise number and locations of boxes / roost features should be determined by a competent ecologist, post-planning once the relevant final development design details have been approved.

### Hedgehog

- 6.2.6 **EE4 – Hedgehog Nest Domes.** It is recommended that Hedgehog nest domes be installed within sheltered areas, such as the existing or newly created hedgerows to provide suitable nesting and hibernation sites for this species. The Hedgehog nest domes should be positioned out of direct sunlight, in areas of dense vegetation.



## Birds

- 6.2.7 **EE5 – Bird Boxes.** A number of bird nesting boxes are to be incorporated within the proposed development, thereby increasing nesting opportunities for birds at the site. Ideally, the bird boxes will have greater potential for use if sited on suitable, retained trees, situated as high up as possible. In addition, where architectural design allows, a number of integrated bird boxes should be incorporated into a proportion of the new build. The precise number and locations of boxes should be determined by a competent ecologist, post-planning once the relevant final development design details have been approved.

## Invertebrates

- 6.2.8 **EE6 – Habitat Piles.** A proportion of any deadwood arising from vegetation clearance works should be retained within the site in a number of wood piles located within areas of new planting or areas of wildflower grassland in order to provide potential habitat opportunities for invertebrate species, which in turn could provide a prey source for a range of other wildlife. In addition, the provision and management of new native landscape planting will likely provide additional opportunities for invertebrates at the site in the long term.
- 6.2.9 **EE7 – Nectar Source.** The wildflower mix will include Fescues *Festuca* spp. Bents *Agrostis* spp. and Meadow Grasses *Poa* spp., which will provide a larval food source for Small Heath and Wall butterflies (Priority Species).
- 6.2.10 **EE8 – Invertebrate Hotels.** It is recommended that a number of invertebrate hotels be incorporated within the proposed development thereby increasing nesting opportunities for declining populations of non-swarmed solitary bee populations and to benefit other invertebrates. Ideally, invertebrate hotels should be sited on the southern aspect of suitable trees / posts and located at least 1m off the ground. The invertebrate hotels should be unobstructed by vegetation, though within close vicinity of nectar and pollen sources.







STREETSCENE A Plot 4 Plots 5-7 Plots 8-9 Plots 10-12 Plots 13-15 Plot 20



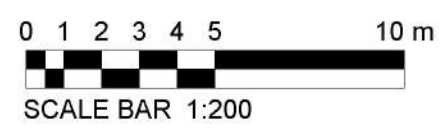
SITE LAYOUT KEY - NTS



STREETSCENE B Plot 21 Plots 35-36 Plots 33-34 Plots 37-38 Plots 39-41 Plots 42-43 Plots 44-45 Plots 46-47



STREETSCENE C Plot 52 Plots 53-54 Plots 55-56 Plots 57-58 Plots 59-60 Plots 28-29 Plot 27

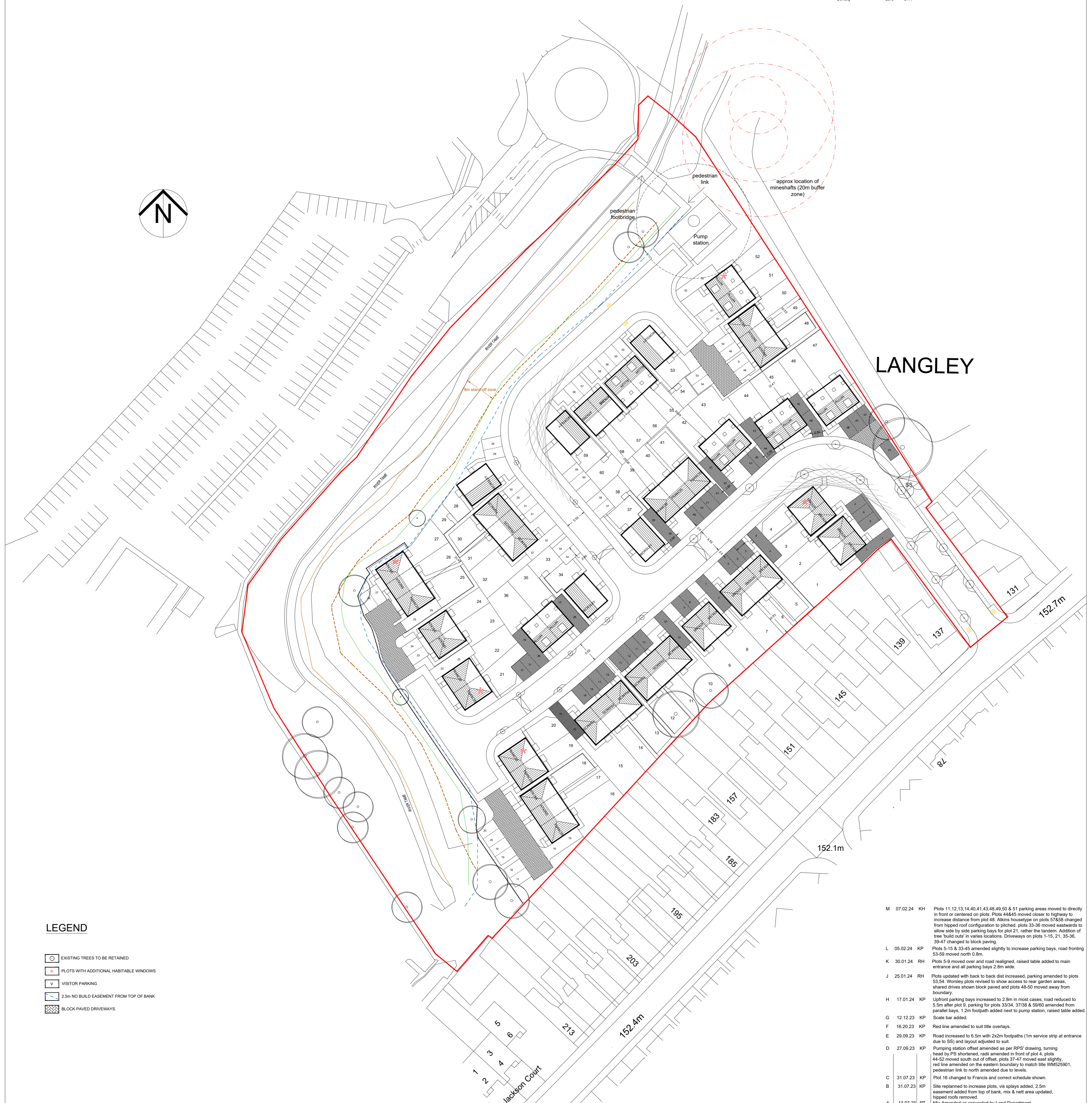
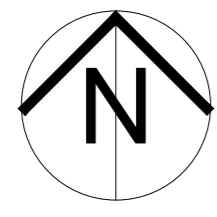


SCALE BAR 1:200  
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<p><b>COUNTRYSIDE</b> Places People Love</p> <p><small>Countryside Properties (UK) Limited Registered Office: 381 Brighthelm Park, Brighton, BN1 3RQ Tel: 01323 448888 Fax: 01323 248887 www.countryside-properties.com</small></p>	<p>PROJECT: <b>TITFORD ROAD OLDBURY</b></p> <p>DESCRIPTION: <b>PROPOSED STREETSCENES</b></p>	<p>DATE: 12.12.23</p> <p>SCALE: 1:200</p> <p>DATE: 05.10.23</p> <p>REVISION: A</p>
	<p>drawn by: KP</p> <p>checked: -</p> <p>scale: @A1</p> <p>date: 05.10.23</p> <p>sheet no: -</p> <p>revision: A</p>	<p>SKM241-SS-01</p>

h:\wolverhampton1\_wolverhampton\p&ds\sales\feasibilities\skm241 - titford road, oldbury\1\_cad drawings\2\_planning\5\_street scenes\01\_proposed streetscenes rev b.dwg

ACCOMMODATION SCHEDULE								
House type	Number	SqFt	Bed Nos.	Total SqFt	Mid	End	Det	Total
Worsley GF	5	538	1	2690			5	5
Worsley FF	5	667	1	3335			5	5
Adins	20	753	2	15060	4		19	20
Francis	18	862	3	15516	4		14	18
Alum	12	1117	4	13404			12	12
<b>TOTAL</b>	<b>60</b>			<b>50205</b>				<b>60</b>
Nett Area	2.89	Acre						
Coverage	17,372	SqFt/Acre						
Density	20.9	U/A						



LANGLEY

**LEGEND**

- EXISTING TREES TO BE RETAINED
- PLOTS WITH ADDITIONAL HABITABLE WINDOWS
- VISITOR PARKING
- 2.5m NO BUILD EASEMENT FROM TOP OF BANK
- BLOCK PAVED DRIVEWAYS

- M 07.02.24 KH Plots 11, 12, 13, 14, 40, 41, 43, 46, 49, 50 & 51 parking areas moved to directly in front or centered on plots. Plots 44&45 moved closer to highway to increase distance from plot 48. Adins house type on plots 57&58 changed from hipped roof configuration to pitched; plots 33-36 moved eastwards to allow side by side parking bays for plot 21, rather the tandem. Addition of tree 'build outs' in various locations. Driveways on plots 1-15, 21, 35-36, 39-47 changed to block paving.
- L 05.02.24 KP Plots 5-15 & 33-45 amended slightly to increase parking bays, road fronting 53-59 moved north 0.8m.
- K 30.01.24 RH Plots 5-9 moved over and road realigned, raised table added to main entrance and all parking bays 2.8m wide.
- J 25.01.24 RH Plots updated with back to back dist increased, parking amended to plots 53,54. Worsley plots revised to show access to rear garden areas, shared drives shown block paved and plots 48-50 moved away from boundary.
- H 17.01.24 KP Upfront parking bays increased to 2.8m in most cases, road reduced to 5.5m after plot 9, parking for plots 33/34, 37/38 & 59/60 amended from parallel bays, 1.2m footpath added next to pump station, raised table added.
- G 12.12.23 KP Scale bar added.
- F 16.20.23 KP Red line amended to suit title overlays.
- E 29.09.23 KP Road increased to 6.5m with 2x2m footpaths (1m service strip at entrance due to SS) and layout adjusted to suit.
- D 27.09.23 KP Pumping station offset amended as per RPS' drawing, turning head by PS shortened, radii amended in front of plot 4, plots 44-52 moved south out of offset, plots 37-47 moved east slightly, red line amended on the eastern boundary to match the WMS25901, pedestrian link to north amended due to levels.
- C 31.07.23 KP Plot 16 changed to Francis and correct schedule shown.
- B 31.07.23 KP Site replanned to increase plots, vis splay added, 2.5m easement added from top of bank, mix & nett area updated, hipped roofs removed.
- A 13.07.23 PT Mix Amended as requested by Land Department



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site:  
**Tiford Road, Oldbury**

title:  
**Proposed Layout**

scale: @A1	<b>1:500</b>	drawn by:	<b>PT</b>
date:	<b>JULY2023</b>	checked:	<b>RB/DF</b>
drawing no:	<b>PL-02</b>		
sheet no:		revision:	<b>M</b>

## Report to the Planning Committee

**21 February 2024**

<b>Subject:</b>	Proposed Site Visits
<b>Contact Officer:</b>	<p>John Baker Service Manager - Development Planning and Building Consultancy <a href="mailto:John_baker@sandwell.gov.uk">John_baker@sandwell.gov.uk</a></p> <p>Alison Bishop Development Planning Manager <a href="mailto:Alison_bishop@sandwell.gov.uk">Alison_bishop@sandwell.gov.uk</a></p>





### 1 Recommendations

- 2 That the Committee notes that the following planning application(s) will be visited by the Committee on 27th March 2024.

### 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?

		<p>We now have many new homes to meet a full range of housing needs in attractive neighbourhoods and close to key transport routes.</p> <p>Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose</p>
		



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 does not generate objections or it is refused in line with objector’s concerns, 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. and Description.	Date received	Reason
DC/23/68374  Retention of use from warehouse to car sales, external alterations to front, and entrance gates at 134 Franchise Street Wednesbury	12.06.2023	Concerns that the development will impact on road safety and the local community, due to the impact of vehicles over spilling onto the road and nearby the junction.
DC/23/68946  First floor side extension, single storey side extension, two/single, ,	14.12.2023	This application has generated objections and is a revision to an existing unauthorized extension to reduce the footprint. Members would therefore benefit from visiting the site to see the

<p>storey rear extensions increase in roof height two rear dormer windows, front porch, reinstatement of verge new boundary fence and frontage parking at 10 Barnfordhill Close Oldbury B68 8ES</p> <p>DC/23/68948 Victoria Park Victoria Road Tipton</p> <p>Proposed refurbishment of existing MUGA (Multi Use Games Area), installation of floodlights with 4 No. floodlight columns, storage container and new 3m and 4m fencing.</p>	<p>15.12.2023</p>	<p>existing works and the site surroundings.</p> <p>Objections have been received relating to light pollution, noise and traffic; as such, the visit will give Members the opportunity to view the proposal site and its surroundings</p>
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## 6 Alternative Options

6.1 There are no alternative options.

## 7. Implications

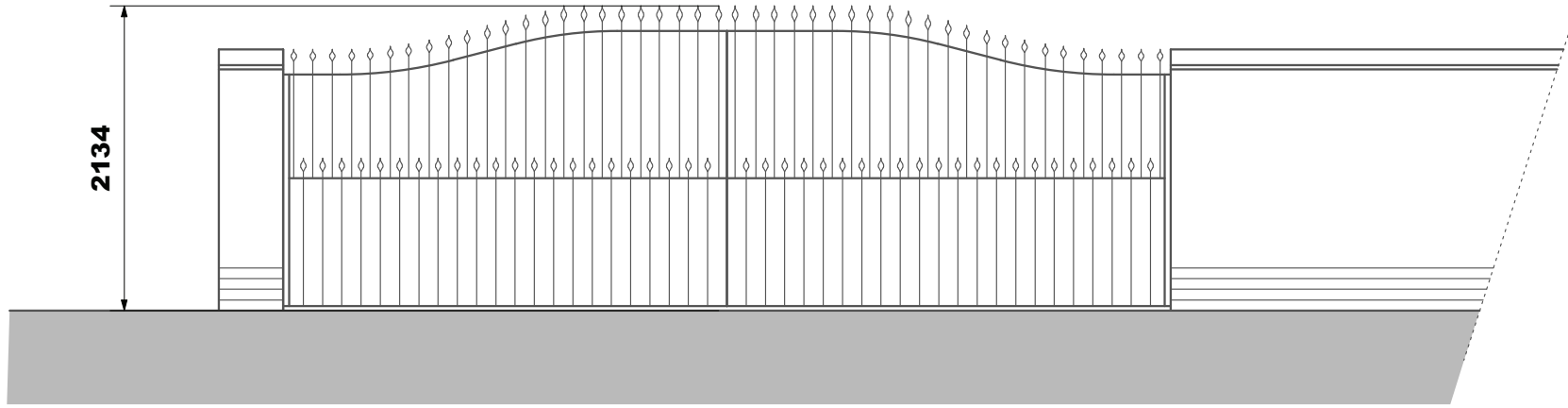
<p><b>Resources:</b></p>	<p>There are no direct implications in terms of the Council's strategic resources. If the Planning Inspectorate overturns the Committee's decision and grants consent, the Council may be required to pay the costs of such an appeal, for which there is no designated budget.</p>
<p><b>Legal and Governance:</b></p> <p>Page 109</p>	<p>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</p>

<b>Risk:</b>	There are no risks associated with this report.
<b>Equality:</b>	There are no equality implications associated with this report.
<b>Health and Wellbeing:</b>	There are no health and wellbeing implications associated with this report.
<b>Social Value</b>	There are no implications linked to social value with this report.

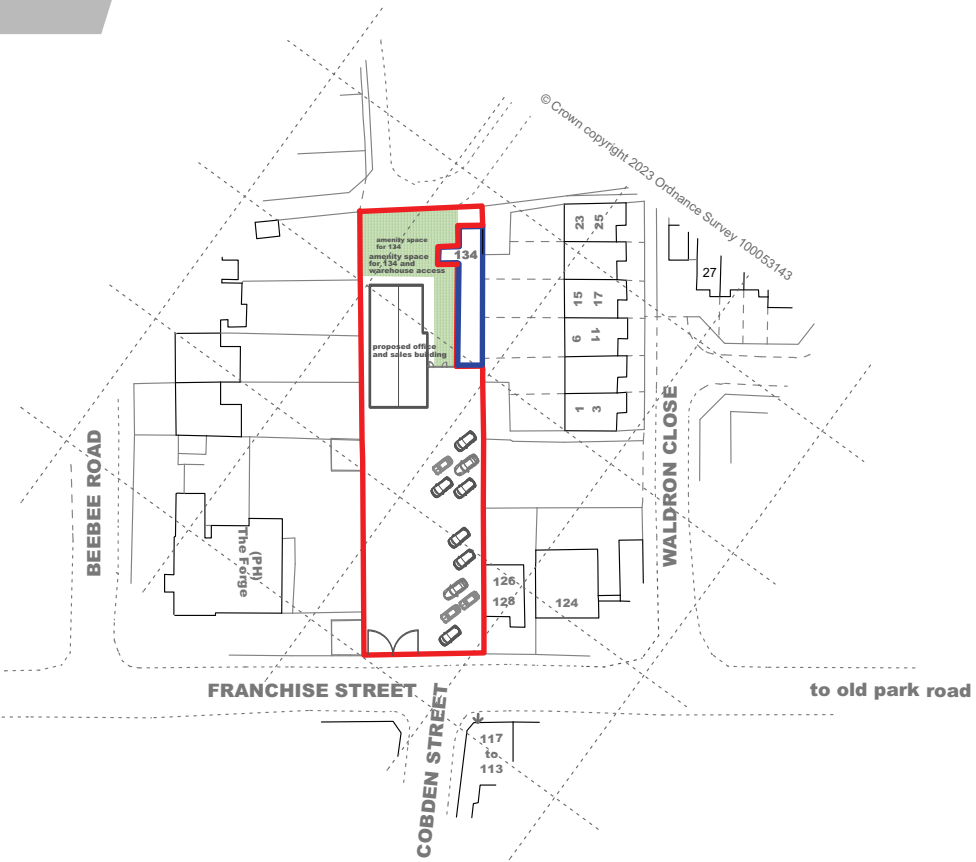
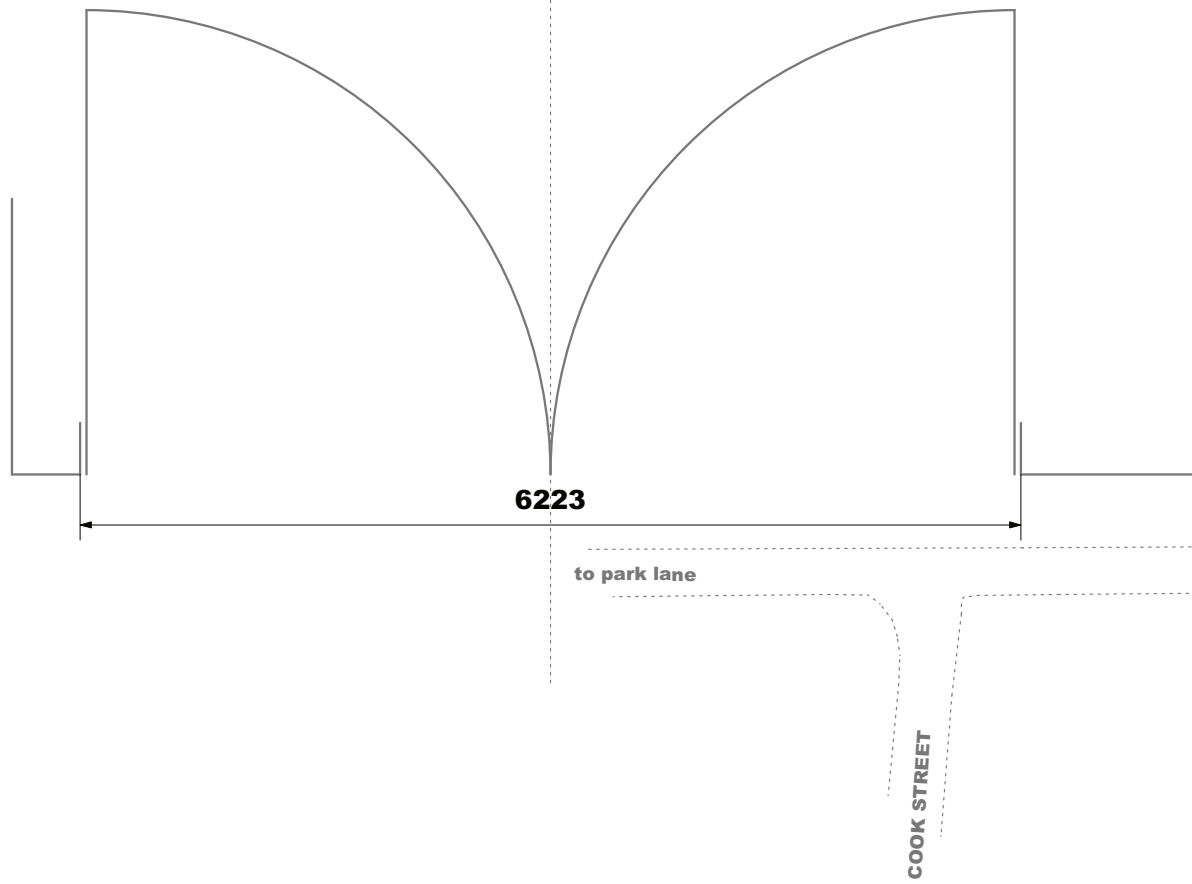
## 8. Appendices

Location plans  
Site layout plans





**ENTRANCE GATES 1:50**

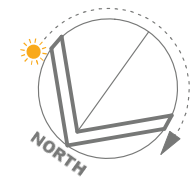


ARCHITECTS SPOONER ARCHITECTS NUMBER 2 THE GUILDHALL LICHFIELD ROAD, SUTTON COLDFIELD WEST MIDLANDS, B74 2JN T: 0121 355 0295 F: 0121 355 0515	SERVICES CONSULTANT	REVISIONS	REV	BY	QWD
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CONTRACTOR	STRUCTURAL ENGINEER
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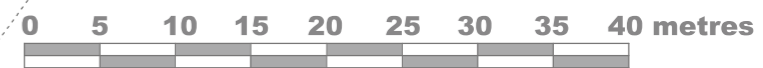
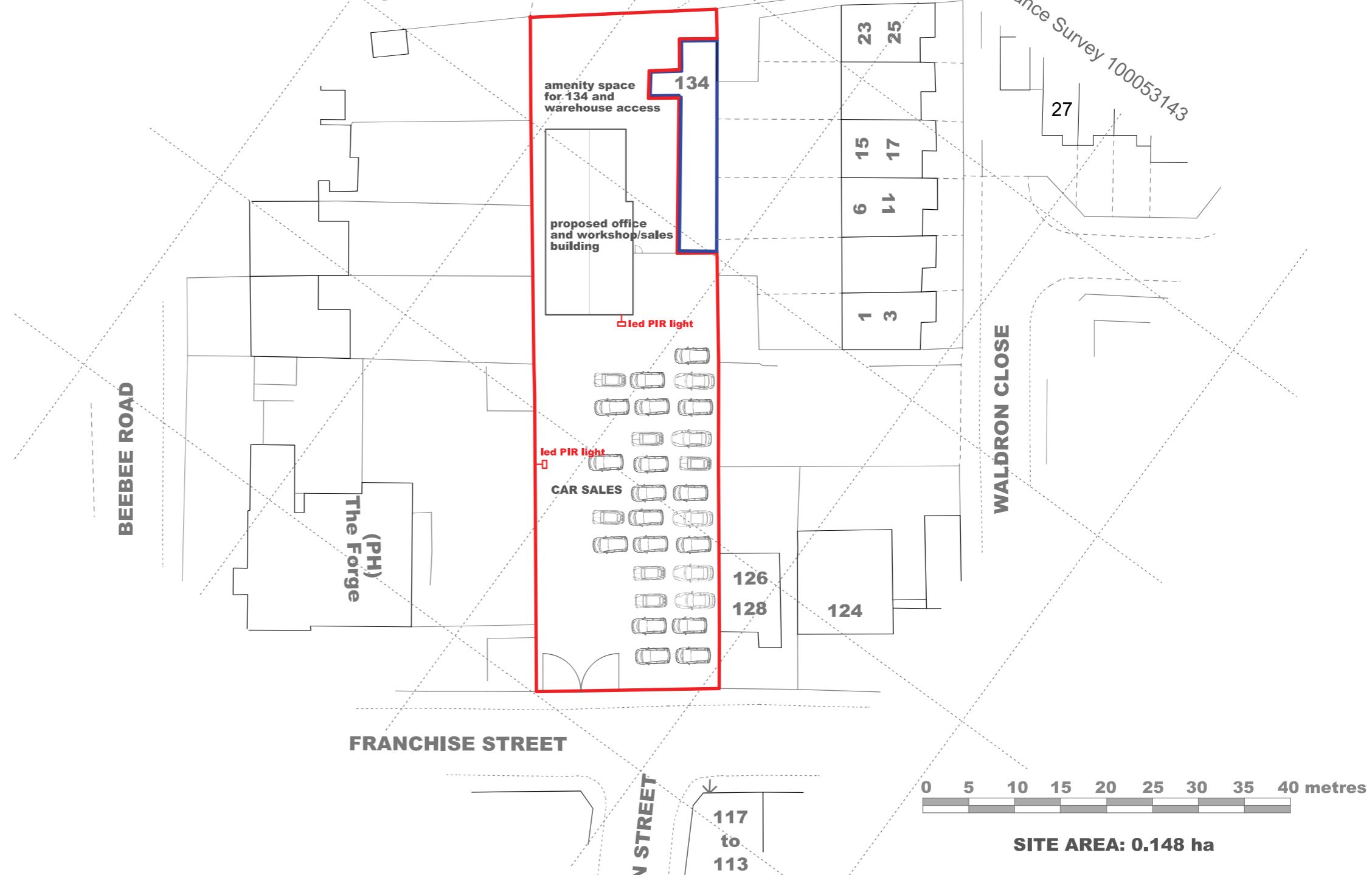
addition of scale bar - june'23	A			
addition of entrance gates - june'23	B			

CLIENT <b>WEST MIDLANDS CARS LTD.</b>	ORIGINAL SIZE <b>A3</b>	DRAWN
PROJECT <b>134 FRANCHISE STREET, WS10 9RG</b>	DATE <b>APRIL 2023</b>	CHECKED
DRAWING <b>LOCATION PLAN AND ENTRANCE GATES</b>	SCALE <b>1:1250</b>	REV <b>B</b>
NUMBER <b>2307:04</b>	CAD REF p1teek/prj/westmidlandscarsltd	





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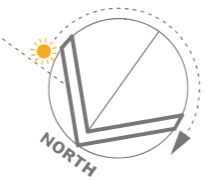


SITE AREA: 0.148 ha

ARCHITECTS SPOONER ARCHITECTS NUMBER 2 THE GUILDHALL LICHFIELD ROAD, BUTTON COLDFIELD WEST MIDLANDS, B74 2JL T: 0121 355 0295, F: 0121 355 0515	SERVICES CONSULTANT
CONTRACTOR	
STRUCTURAL ENGINEER	

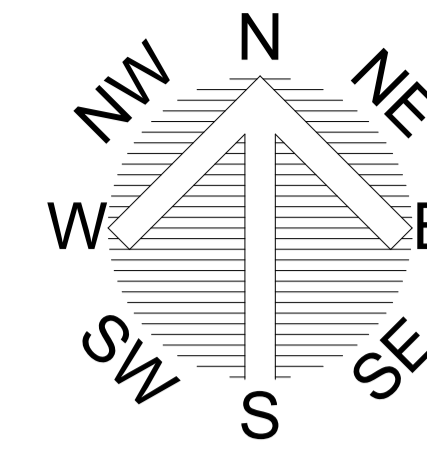
REVISIONS	REV	BY	CHKD
addition of scale bar - june'23	A		
amended red line - june'23	B		
sales area changed to workshop/sales, car sales area amended, external lights added - oct'23	C		

CLIENT <b>WEST MIDLANDS CARS LTD.</b>	ORIGINAL SIZE <b>A3</b>	DRAWN
PROJECT <b>134 FRANCHISE STREET, WS10 9RG</b>	DATE <b>APRIL 2023</b>	CHECKED
DRAWING <b>PROPOSED SITE LAYOUT</b>	SCALE <b>1:500</b>	NUMBER <b>2307:03</b>
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<b>C</b>	p06skprj@westmidlandsca...@	

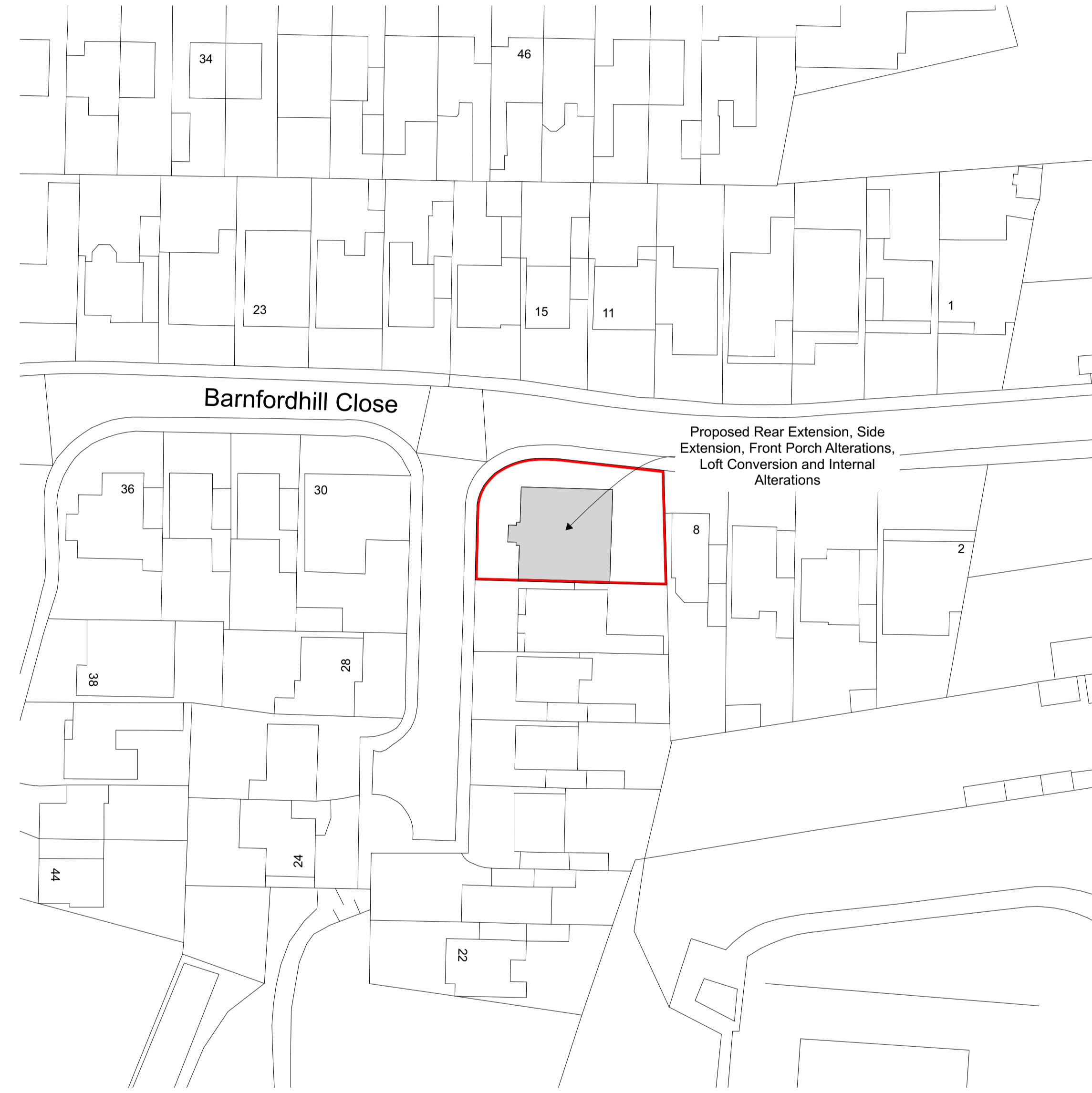


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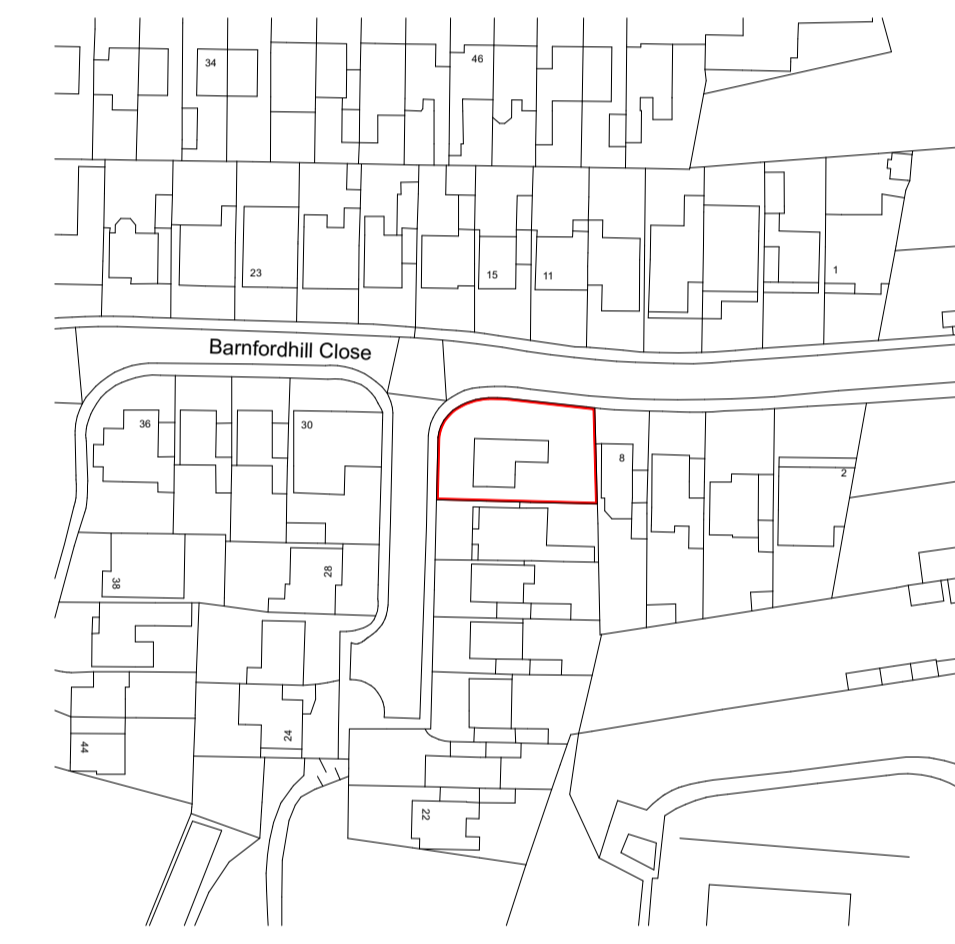
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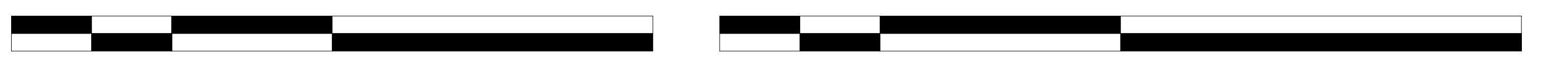
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Block Plan at 1:500



Location Plan at 1:1250



Scale Bar 1:1250

Scale Bar 1:500

Rev: Date: Comment(s): Name: Check:



ARCHITECTURE | DESIGN | MANAGEMENT

Status: **Planning**

Client: Mr Harminder Singh Reehal

Job: 10 Barnfordhill Close, Oldbury, West Midlands, B68 8ES

Title: Block and Location Plan

Drawn: EK Date: 12.2023

Checked: GM Scale @ A1: 1:500 & 1:1250

Job no: 23.21 Drg no: P06

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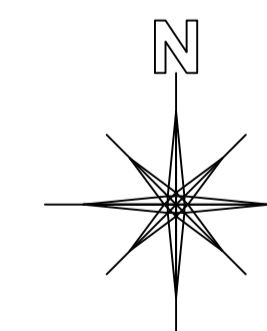
# SITE PLAN

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REQUIRED = 980m2
-  LAND AREA UNDER OWNERSHIP OF CLIENT



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AUTHOR: THE FOOTBALL FOUNDATION  
 CLIENT: VICTORIA PARK TIPTON  
 PROJECT: PLAYZONE FACILITY DEVELOPMENT

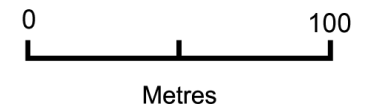
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Planning Portal Reference: PP-12677688v1



## Report to the Planning Committee

**21 February 2024**

<b>Subject:</b>	Decisions of the Planning Inspectorate
<b>Contact Officer:</b>	John Baker Service Manager - Development Planning and Building Consultancy <a href="mailto:John_baker@sandwell.gov.uk">John_baker@sandwell.gov.uk</a>  Alison Bishop Development Planning Manager <a href="mailto:Alison_bishop@sandwell.gov.uk">Alison_bishop@sandwell.gov.uk</a>







### **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?

		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 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.

### 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
DC/23/68323	4 Huskison Close Oldbury B69 1LZ	Allowed

## 5 Alternative Options

5.1 There are no alternative options.

## 6 Implications

<b>Resources:</b>	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.
<b>Legal and Governance:</b>	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
<b>Risk:</b>	There are no risks associated with this report.
<b>Equality:</b>	There are no equality implications associated with this report.
<b>Health and Wellbeing:</b>	There are no health and wellbeing implications associated with this report.
<b>Social Value</b>	There are no implications linked to social value with this report.
<b>Climate Change</b>	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.

## 7. Appendices



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# Appeal Decision

Site visit made on 9 January 2024

by **L C Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 1 February 2024**

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**Appeal Ref: APP/G4620/W/23/3328400**

**4 Huskison Close, Sandwell, Oldbury B69 1LZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Harpreet Singh of KDB Care Ltd T/A Right Steps against the decision of Sandwell Metropolitan Borough Council.
  - The application Ref DC/23/68323, dated 25 May 2023, was refused by notice dated 21 July 2023.
  - The development proposed is change of use from a C3 dwelling house to a C2 use for a children's residential home for young people aged 7-18.
- 

## Decision

1. The appeal is allowed and planning permission is granted for proposed change of use from a C3 dwelling house to a C2 use for a children's residential home for young people aged 7-18 at 4 Huskison Close, Sandwell, Oldbury B69 1LZ in accordance with the terms of the application, Ref DC/23/68323, dated 25 May 2023, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing floor plans – Drawing ref A01500-P1; Proposed floor plans – Drawing ref A01600-P1; and Location and site layout plan – Drawing ref A0750-P2.
  - 3) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification) the premises shall be used only as a children's residential home for up to three children aged 7-18 and for no other purpose (including any other use falling within Class C2 of the Order, but may revert back to C3 (dwellinghouse) on cessation of the use).
  - 4) Prior to the building's first use hereby permitted, the vehicular parking space shown on the submitted location and site layout plan drawing ref A0750- P2 shall be provided, and shall be retained as a parking space thereafter.

## Preliminary Matters

2. On the 19 December 2023 the Government published a revised National Planning Policy Framework (the Framework) later updated on 20th December 2023, together with a written ministerial statement (WMS). The revised Framework is a material consideration which should be taken into account from



the day of publication. I have familiarised myself with the content of the revised Framework and the accompanying WMS. Having considered the parties' respective cases and the nature of the revisions, in light of the principles of natural justice, I have not considered it necessary to invite any submissions from the parties on the revised Framework.

### **Main Issues**

3. The main issues are the effect of the proposed development on:
  - a) the living conditions of occupiers of neighbouring properties, with particular regard to traffic movements and disturbance; and
  - b) highway safety.

### **Reasons**

#### *Living conditions*

4. No 4 Huskison Close is a detached four-bedroom dwelling house on a pleasant modern housing estate within the residential area of Oldbury. The proposed use is for a residential home for three young people aged 7-18 years old, which would provide a bedroom for each child and a staff bedroom with an integrated office. There would be 24 hour care provision by staff with a shift pattern of 13.00pm and 22.30pm and 07.00am and 13.30pm during weekdays and term time and 10.00am -22.30pm and 08.00am -11pm.
5. The home would be managed by 5 therapeutic residential workers, 3 senior therapeutic residential workers, one manager and a deputy manager. During the day there would be one carer allocated to each child, and during the evenings there would be a maximum of two. All staff members would attend a meeting on Monday for two hours.
6. There would be comings and goings to and from school and at staff handover times, plus social, recreational and other outings. It is therefore likely that there would be some limited additional noise and disturbance, over and above that associated with a four bedroomed house, particularly connected to the changeover of staff. However, such movements would not be disproportionately large or significantly above what could reasonably be expected for a family with three children in a four-bedroom dwelling carrying out their day to day activities.
7. The area is relatively well-served by public transport and fairly close to local facilities. As a result, a number of the comings and goings in relation to the proposed development could be by foot, which would limit the amount of vehicular movements to and from the site. However, as the shift patterns would result in staff leaving work late in the evening, I anticipate it likely that some staff members would use a car to travel to and from work. However, I do not consider it particularly unusual to hear comings and goings and vehicular movements during the evenings in residential areas, due to peoples' work patterns and social activities.
8. The property is located within a cul-de-sac where residents are less likely to experience passing traffic noise. However, the appeal property is located near the start of the cul-de-sac, and so any vehicular movements resulting from the

development would be unlikely to generate passing traffic noise for properties further along the cul-de-sac.

9. Given the limited change in traffic movements anticipated, I consider that the situation would not be materially different to that expected if the property was retained as a four-bedroomed family dwelling. I conclude that the proposed development would not harm the living conditions of neighbouring occupiers, with particular regard to traffic movements and disturbance. The proposal would therefore accord with Policy SAD H4 of Sandwell's Site Allocations and Delivery Development Plan Document 2012 which seeks to ensure that proposals for housing for people with specific needs are compatible with adjacent uses.

#### *Highway safety*

10. The Council's highways department have recommended that care homes provide one off-street parking space per four bedrooms for visitor provision, one off-street parking space for a manager, and one additional off-street parking space per three full time equivalent other staff members. The proposed development would therefore require three off-street parking spaces.
11. The proposed development has two off-street parking spaces, and the appellant has indicated that part of the grassed frontage at the property could be removed to provide a further parking space. I have imposed a condition to ensure that this parking space is provided prior to the building's first use as a children's residential home.
12. The highways department have expressed concern that the two existing off-street parking spaces are not sufficiently deep to accommodate larger vehicles due to the position of a porch at the property, and would cause vehicles to overhang the footpath so as not to block the property entrance.
13. However, the appellant has submitted photographs showing that two vehicles can be safely parked in front of the porch without encroaching on to the pavement. Indeed, on my site visit there was a reasonably large car comfortably parked in front of the porch which was not overhanging the pavement. I therefore consider that with the addition of a further parking space, which I have conditioned, three vehicles could safely be parked off-street at the appeal property.
14. Additionally, I noted from my site visit that there were opportunities for on-street parking without blocking residents' drives should there be occasions when more than three spaces may be required. For example, there is a long blank fence and pavement at nearby Mallen Drive which would allow for on-street parking for vehicles at its side without impacting residents.
15. I conclude that the proposal would not have a detrimental impact on highway safety and that sufficient parking can be provided within the curtilage of the development. The proposal would accord with the Framework which requires development to function well and add to the overall quality of the area.

#### **Other Matters**

16. I have carefully considered the many concerns raised by interested parties, including those relating to noise and disturbance, and parking issues, which I have dealt with in the main issues. I have also noted concerns regarding

privacy. However, this matter was considered at the planning application stage and found to be acceptable and I have no substantive evidence that would lead me to conclude differently.

17. I have noted concerns that the proposed development would be an inappropriate business use and out of character with the residential area. However, the proposed use falls into a residential use in the Use Classes Order 1987 (as amended). It does not fall into a commercial, business or service use. As such, the proposed use would be compatible with a residential area. I do not consider that the proposal would generate activities that would be significantly different to a family home, nor would the visual appearance of the property be altered to such a degree that would harm the character of the area.
18. Concerns have been raised regarding the potential for anti-social behaviour and criminal activity. Whilst these concerns can be viewed as a material consideration, in this case there is no substantiated evidence that the proposal would give rise to anti-social behaviour or criminal activity. I have also noted that West Midlands Police have not objected to the proposal.
19. I have noted concerns regarding the impact on house prices, insurance premiums, breach of covenants and the fact that the appellant is a new care provider. However, these are not matters that affect my consideration of the main issues.
20. Whilst I recognise concerns regarding the possibility that this proposal may set a precedent for similar developments, a generalised concern of this nature does not justify withholding permission in this case. Furthermore it is necessary for me to consider the appeal on its own merits and I have found it to be acceptable and in accordance with policy.

### **Conditions**

21. I have considered the conditions suggested by the Council, having regard to the Planning Practice Guidance on conditions. I have slightly amended and amalgamated the conditions in the interest of clarity. In addition to the standard time limit on the commencement of development (condition 1), it is necessary to list the relevant plans (condition 2) to provide certainty. Given that use Class C2 includes other uses, a condition to restrict the use to a children's home within Use Class C2 for up to three children is necessary in the interests of residents' living conditions and to adequately control the use of the site to protect the amenity of the area given the potential of other uses within the class to give rise to other planning harms (condition 3). It is necessary to attach a condition requiring the provision of a further parking space, in the interests of highway safety (condition 4).

### **Conclusion**

22. For the reasons given above, I conclude that the development would comply with the development plan as a whole and there are no other material considerations to lead me to find otherwise than in accordance with it. As a result, the appeal is allowed.

*L C Hughes*

INSPECTOR

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# Report to the Planning Committee

**21 February 2024**

<b>Subject:</b>	Applications Determined Under Delegated Powers
<b>Contact Officer:</b>	<p>John Baker Service Manager – Development Planning and Building Consultancy <a href="mailto:John_Baker@sandwell.gov.uk">John_Baker@sandwell.gov.uk</a></p> <p>Alison Bishop Development Planning Manager <a href="mailto:Alison_Bishop@sandwell.gov.uk">Alison_Bishop@sandwell.gov.uk</a></p>

## 1 Recommendations







- 1.1 That the Planning Committee notes the applications determined under delegated powers by the Director – Regeneration and Growth set out in the attached Appendix.

## 2 Reasons for Recommendations

- 2.1 This report is submitted to inform the Committee of the decisions on applications determined under delegated powers by the Director – Regeneration and Growth.



### 3 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 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.

### 4 Context and Key Issues

4.1 The applications determined under delegated powers are set out in the Appendix.

### 5 Alternative Options

There are no alternative options.

### 6 Implications

<b>Resources:</b>	There are no implications in terms of the Council's strategic resources.
<b>Legal and Governance:</b>	The Director – Regeneration and Growth has taken decisions in accordance with powers delegated under Part 3 (Appendix 5) of the Council's Constitution.
<b>Risk:</b>	There are no risk implications associated with this report.
<b>Equality:</b>	There are no equality implications associated with this report.



<b>Health and Wellbeing:</b>	There are no health and wellbeing implications associated with this report.
<b>Social Value</b>	There are no implications linked to social value with this report.
<b>Climate Change</b>	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.

## 7 Appendices

Appendix 1 - Applications determined under delegated powers by the Director – Regeneration and Growth.

SANDWELL METROPOLITAN BOROUGH COUNCIL  
PLANNING COMMITTEE

Applications determined under delegated powers by the Director – Regeneration and Growth since your last Committee Meeting

REPORT FOR INFORMATION PURPOSES ONLY

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/67924 Rowley	Edwin Richards Quarry Portway Road Rowley Regis	Proposed residential development comprising of 278 No. dwellings (Reserved matters application for appearance, landscaping, layout and scale) - Pursuant to outline planning application DC/14/57745.	Grant Conditional Reserved Matters  21st December 2023
DC/23/68704 St Pauls	Land Adj No 2 St Albans Road Smethwick B66 1EG	Proposed 1 No. residential dwelling.	Grant Permission Subject to Conditions  10th January 2024
DC/23/68717 Charlemont With Grove Vale	Birmingham County Football Association Ray Hall Lane Great Barr Birmingham B43 6JF	Proposed 3G Artificial Grass Pitch (AGP) with perimeter fencing, hardstanding areas, storage container, floodlights, access footpath and topsoil bunds	Grant Permission Subject to Conditions  20th December 2023



Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68807  Old Warley	10 Oak Road Oldbury B68 0BE	Proposed two storey side/rear and single storey rear extensions (Revision to approved planning application DC/22/67697).	Grant Permission with external materials  8th January 2024
DC/23/68803  Charlemont With Grove Vale	68 Grove Vale Avenue Great Barr Birmingham B43 6BZ	Proposed two/single storey side and single storey rear extensions, garage conversion into habitable room, fenestration alterations and render/cladding to front/side/rear (Revision to withdrawn application DC/23/68349).	Grant Permission with external materials  5th January 2024
DC/23/68818  Wednesbury North	4 Arundel Avenue Wednesbury WS10 9EU	Proposed single and two storey side and single storey front and rear extensions.	Grant Permission with external materials  20th December 2023
DC/23/68842  Great Barr With Yew Tree	52 Queslett Road Great Barr Birmingham B43 6PH	Proposed single storey rear and first floor side extension.	Grant Permission Subject to Conditions  8th January 2024
DC/23/68873  Newton	134 Newton Road Great Barr Birmingham B43 6BT	Proposed two 4 bedroom detached dwellings (previous application DC/22/67155).	Grant Permission Subject to Conditions  24th January 2024

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68882 Greets Green & Lyng	Victoria Inn 32 Lyng Lane West Bromwich B70 7RP	Proposed external rendering to all elevations.	Grant Permission  29th January 2024
DC/23/68883 Oldbury	26-28 Birmingham Street Oldbury	Proposed change of use from offices to 1 No. retail unit at ground floor and 2 No. self-contained flats with work spaces to ground floor rear and first floor.	Grant Permission Subject to Conditions  22nd January 2024
DC/23/68915 Rowley	44A Garratts Lane Cradley Heath B64 5RG	Demolition of existing building and proposed car park with palisade fencing and sliding gate.	Grant Permission Subject to Conditions  2nd February 2024
DC/23/68932 Tividale	4 Stokesay Close Tividale Oldbury B69 1XG	Proposed single storey side and rear extension with raised patio, retaining walls and steps to rear.	Grant Permission with external materials  2nd February 2024
DC/23/68941 Rowley	49 Best Street Cradley Heath B64 5PA	Proposed raising of roof height to existing single storey rear elevation, single storey rear infill extension and fenestration alterations.	Grant Permission with external materials  5th February 2024

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68691  Oldbury	Shri Venkateswara Balaji Temple UK 101 Dudley Road East Tividale Oldbury B69 3DU	Proposed two storey detached dining hall with external staircase, fenced plant compound and landscaping.	Grant Permission Subject to Conditions  5th January 2024
DC/23/6872A  Blackheath	Land At Horner Way Rowley Regis	Proposed 3 No. internally-illuminated fascia signs, 1 No. non- illuminated fascia sign, 1 No. internally-illuminated projecting sign, 1 No. internally-illuminated double-sided pole sign, 1 No. Single & 1 No. Triple Digital Menu, 1 No. internally-illuminated double-sided cantilever LH post height barrier sign, 2 No. non illuminated banner frames, 1 No. internally- illuminated freestanding sign, 1 No. non- illuminated freestanding sign and 3 No. non- illuminated panel (lamppost) signs in connection with the use of the site as a coffee shop with drive through facility (Revision to approved planning permission DC/23/6840A).	Grant Advertisement Consent  20th December 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68795 Blackheath	Land At Horner Way Rowley Regis	Proposed variation of condition 1 of planning permission DC/22/67796 (Proposed single storey detached coffee shop with drive thru, new access, parking, enclosed bin area, landscaping and associated infrastructure) Reposition of coffee shop and drive thru and amendment to car park layout and vehicular route.	Grant Permission Subject to Conditions  21st December 2023
DC/23/68809 Rowley	Four Ways Inn Portway Hill Rowley Regis B65 9DD	Proposed raised detached platform with helicopter display on first floor with seating for 10 No. customers, 2 No. external staircases and balustrades to upper deck and seating for 60 No. customers within the lower deck in rear garden.	Refuse permission  21st December 2023
DC/23/68847 Old Warley	Land To The Rear Of 2, 4 & 10 Hadzor Road Oldbury B68 9LA	Proposed detached two storey dwelling.	Grant Permission Subject to Conditions  10th January 2024

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68865 Old Warley	Lightwoods Primary School Wolverhampton Road Oldbury B68 0LP	Proposed 155 No. solar panel modules on 2 No. existing pitched roof buildings and 1 No. existing flat roof building.	Grant Permission Subject to Conditions  19th January 2024
DC/23/68870 Blackheath	61 Perry Park Road Rowley Regis B65 0BT	Proposed single storey side extension.	Grant Permission with external materials  21st December 2023
DC/23/68887 Oldbury	81 Theodore Close Oldbury B69 3EF	Proposed change of use from dwelling to residential care home for up to 2 No. young people aged 7 to 17 years old (Lawful Development Certificate).	Grant Lawful Use Certificate  22nd January 2024
DC/23/68919 Soho & Victoria	8 Messenger Road Smethwick B66 3DX	Retrospective change of use from shop to 1 No. 2 bedroom self-contained flat with fenestration alterations to front/side.	Grant Conditional Retrospective Consent  24th January 2024

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68922  St Pauls	Land Rear Of 1 Chance Drive Smethwick B66 1TU	Proposed variation of condition 1 of planning permission DC/22/66779 (Proposed new care home facility and creation of new access, car parking, boundary fencing, bin store enclosure and landscaping) Proposed internal alterations to create an additional flat with 7 No. flats in total, air source heat pumps with acoustic fencing to rear, new front boundary wall, front canopy and fenestration alterations.	Grant Permission Subject to Conditions  5th February 2024
DC/23/68589  West Bromwich Central	54 Overend Street West Bromwich B70 6AT	Proposed two storey side and single and two storey rear extensions.	Grant Permission with external materials  5th January 2024
DC/23/68667  Tipton Green	1A Sedgley Road East Tipton DY4 8XA	Proposed two storey side extension.	Grant Permission Subject to Conditions  29th January 2024
DC/23/68739  Friar Park	The Priory Primary School Dorsett Road Wednesbury WS10 0JG	Proposed 2 No. 10m high wooden poles at rear entrance to upgrade the broadband.	Grant Permission  20th December 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68804  Wednesbury South	Unit 15 Potters Lane Wednesbury WS10 0AT	Proposed change of use from industrial/warehouse unit to gymnastics academy.	Grant Permission Subject to Conditions  21st December 2023
DC/23/68835  Friar Park	18 Norfolk Drive Wednesbury WS10 0SW	Proposed single storey side extension.	Grant Permission Subject to Conditions  2nd January 2024
DC/23/68840  Charlemont With Grove Vale	93 Bustleholme Lane West Bromwich B71 3AT	Proposed single storey rear extension.	Grant Permission Subject to Conditions  23rd January 2024
DC/23/68848  Great Bridge	St Lukes Centre New Road Tipton DY4 7BX	Proposed change of use of the existing first floor to HMO with 2 No. proposed windows at rear.	Grant Permission Subject to Conditions  17th January 2024
DC/23/68849  Great Barr With Yew Tree	36 Maple Drive Walsall WS5 4JJ	Proposed single and two storey side extension.	Grant Permission Subject to Conditions  16th January 2024

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68861 Wednesbury South	45 York Crescent West Bromwich B70 0JU	Proposed loft conversion with dormer window to side (Lawful Development Certificate).	Grant Lawful Use Certificate  5th January 2024
DC/23/68874 West Bromwich Central	69 Roebuck Lane West Bromwich B70 6QP	Proposed first floor side/rear extension, raising of roof height of existing single storey side elevation, single storey front/side extension and canopy to front.	Grant Permission Subject to Conditions  12th January 2024
DC/23/68872 Hateley Heath	19 Haig Street West Bromwich B71 1ES	Proposed single storey side extension.	Grant Permission Subject to Conditions  19th January 2024
DC/23/68878 Newton	44 James Road Great Barr Birmingham B43 5ES	Single storey rear extension.	Grant Permission with external materials  31st January 2024
DC/23/68897 Friar Park	64 Moor Street Wednesbury WS10 0QU	Proposed level access platform lift with retaining walls and handrails to front.	Grant Permission with external materials  17th January 2024



Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68886  Wednesbury South	42 Bagnall Street Ocker Hill Tipton DY4 0EF	Proposed single storey side/rear extension.	Grant Permission Subject to Conditions  19th January 2024
PD/23/02566  Hateley Heath	98 Princess Grove West Bromwich B71 2DS	Proposed single storey rear extension measuring: 3.60m L x 3.49m H (2.56m to eaves)	P D Householder not required  16th January 2024
DC/23/68895  Princes End	99 And 101 Gospel Oak Road Tipton DY4 0DN	Retention of boundary wall.	Grant Retrospective Permission  29th January 2024
DC/23/68906  Soho & Victoria	Units 1-3 Halberton Street Smethwick B66 2QP	Proposed variation of condition 1 of planning permission DC/22/67199 (Proposed single storey side extension to existing unit and raising of roof height) Revised symmetrical roof structure, internal alterations and enlargement to 1 No. front roller shutter.	Grant Permission Subject to Conditions  26th January 2024
DC/23/68924  West Bromwich Central	32 - 36 Carters Green West Bromwich B70 9LW	Retention of two storey rear extension, extension to internal mezzanine floor and canopy to front.	Grant Permission with external materials  2nd February 2024

Application No. Ward	Site Address	Description of Development	Decision and Date
PD/23/02574  Wednesbury South	Units 1 And 2 Cliff Drive Tipton DY4 0PZ	Proposed solar PV mounted across 7 pitched roofs, together with all associated works, equipment and necessary infrastructure.	P D Solar Panels Required and Granted  26th January 2024
DC/23/68929  Tipton Green	25 Kirkham Way Tipton DY4 8TW	Proposed first floor rear extension.	Grant Permission Subject to Conditions  2nd February 2024
PD/23/02580  Newton	80 Tanhouse Avenue Great Barr Birmingham B43 5AG	Proposed single storey rear extension measuring: 5.00m L x 2.85m H (2.85m to eaves).	P D Householder not required  17th January 2024
PD/23/02581  Greets Green & Lyng	106 Oldbury Road West Bromwich B70 9DZ	Proposed single storey rear extension measuring: 6.00m L x 3.50m H (2.40m to eaves).	P D Householder not required  17th January 2024
PD/23/02583  West Bromwich Central	5 Ida Road West Bromwich B70 6EQ	Proposed single storey rear extension measuring: 5.50m L x 2.95m H (2.75m to eaves).	P D Householder not required  19th January 2024
PD/23/02584  Wednesbury South	38 Windsor Road West Bromwich B71 2NT	Proposed single storey rear extension measuring: 5.9m L x 2.9m H (2.9m to eaves).	P D Householder not required  17th January 2024

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68701 Cradley Heath & Old Hill	Riddins Tavern 33 Mossvale Close Cradley Heath B64 6DP	Proposed change of use from public house to 5 No. self-contained flats with two storey rear extension, rear dormer window and detached annex to rear with additional 1 No. self-contained flat and cycle shelter.	Grant Permission Subject to Conditions  22nd December 2023
DC/23/68810 Oldbury	18 Roway Lane Oldbury B69 3EG	Proposed change of use from 6 No. bedroom HMO (house in multiple occupation) to children's residential home for up to maximum 3 No. young people (Lawful Development Certificate).	Grant Lawful Use Certificate  21st December 2023
DC/23/68817 Abbey	Hagley Road Service Station 477 Hagley Road Smethwick B66 4AU	Demolition of existing jet wash and proposed 2 No. charging bays with 1 No. EV charger, canopy with internal lighting, detached LV Panel/GRP enclosure and associated forecourt works.	Grant Permission  21st December 2023
DC/23/68805 Charlemont With Grove Vale	129A Vicarage Road West Bromwich B71 1AE	Proposed new garage to rear.	Grant Permission Subject to Conditions  19th December 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/6874A West Bromwich Central	Site Of Former Shaftesbury House High Street West Bromwich	Proposed 3 No. non- illuminated fascia signs.	Grant Advertisement Consent  24th January 2024
DC/23/68900 Charlemont With Grove Vale	85 Walsall Road West Bromwich B71 3HH	Proposed two storey side and rear extension.	Refuse permission  22nd January 2024
DC/23/68910 Greets Green & Lyng	Midland House Bell Street West Bromwich B70 7BT	Retention of use as General industrial (Class B2) (Lawful Development Certificate).	Grant Lawful Use Certificate  24th January 2024
PD/23/02576 West Bromwich Central	388 High Street West Bromwich B70 9LB	Proposed conversion of first and second floor offices into 3 No. flats.	P D Change of Use required and granted  24th January 2024
DC/23/68620 St Pauls	213 St Pauls Road Smethwick B66 1QS	Proposed single and two storey rear/side extension.	Grant Permission with external materials  22nd December 2023
DC/23/68791 Soho & Victoria	Windmill Centre Multiuse Games Area Corner Of Soho Close/Oakfield Road Smethwick	Proposed refurbishment of existing multi use games area (MUGA) with new LED lighting system on 4 No. columns, 3m and 4m high fencing and storage container.	Grant Permission Subject to Conditions  26th January 2024

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68796 Soho & Victoria	71 Edgbaston Road Smethwick B66 4LF	Retention of external wall insulation and render to front/side/rear of property.	Refuse permission  5th January 2024
DC/23/68799 Old Warley	34 Hadzor Road Oldbury B68 9LA	Demolition of existing garage and proposed single storey side and rear extension, raised patio with storage area below, steps and balustrades to rear.	Grant Permission with external materials  20th December 2023
DC/23/68800 Rowley	46 Hanover Road Rowley Regis B65 9DZ	Proposed single storey rear extension, conservatory and front porch.	Grant Permission with external materials  22nd December 2023
DC/23/68829 Tividale	22 Speakers Close Tividale Oldbury B69 1UX	Proposed single storey rear extension.	Grant Permission with external materials  10th January 2024
PD/23/02556 Soho & Victoria	Ash And Lacy Limited Alma Street Smethwick B66 2RL	Proposed installation of photovoltaic solar panels to existing pitched factory roof.	Grant Permission  3rd January 2024
DC/23/68863 Langley	329 Birchfield Lane Oldbury B69 1AG	Proposed driveway and dropped kerb at front.	Grant Permission  17th January 2024

Application No. Ward	Site Address	Description of Development	Decision and Date
PD/23/02563 Langley	29 Oakdale Road Oldbury B68 8AZ	Proposed single storey rear extension measuring: 6.00m L x 3.00m H (2.725m to eaves).	P D Householder not required  20th December 2023
PD/23/02565 Abbey	13 Beakes Road Smethwick B67 5RS	Proposed single storey rear extension measuring: 4.50m L x 4.00m H (3.00m to eaves).	P D Householder not required  20th December 2023
DC/23/68877 Smethwick	7 Green Street Smethwick B67 7BX	Proposed loft conversion and rear dormer window (Lawful Development Certificate).	Grant Lawful Use Certificate  17th January 2024
DC/23/68889 Tividale	84 Poplar Avenue Tividale Oldbury B69 1RW	Proposed two storey side and single storey front/side/rear extensions, front canopy and detached outbuilding in rear garden.	Grant Permission with external materials  17th January 2024
DC/23/68898 Bristnall	22 Elizabeth Crescent Oldbury B68 9PS	Proposed single storey side and rear extension and front porch.	Grant Permission with external materials  22nd January 2024
PD/23/02573 Bristnall	232 Bristnall Hall Road Oldbury B68 9NJ	Proposed single storey rear extension measuring: 5.95m L x 3.0m H (3.0m to eaves)	P D Householder not required  8th January 2024

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/6879A  Cradley Heath & Old Hill	Haden House Waterfall Lane Trading Estate Cradley Heath B64 6PU	Proposed 1 No. externally illuminated fascia sign and 1 No. non-illuminated fascia sign.	Grant Advertisement Consent  24th January 2024
PD/23/02582  St Pauls	33 Cambridge Road Smethwick B66 2HS	Proposed single storey rear extension measuring: 6.0m L x 3.9m H (2.8m to eaves).	P D Householder not required  17th January 2024
DC/23/68605  Langley	77 Pool Lane Oldbury B69 4QX	Proposed single storey rear extension (renewal of planning permission DC/08/49089).	Grant Permission with external materials  5th January 2024
DC/23/68682  Rowley	19 Blackberry Lane Rowley Regis B65 8NF	Proposed two storey side extension.	Grant Permission with external materials  22nd December 2023
DC/23/68724  Tividale	85 Newbury Lane Oldbury B69 1HE	Proposed two storey side/rear and single storey front/side extensions and pitched roof to existing front porch.	Refuse permission  24th January 2024

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68758 Soho & Victoria	5 Boniface Road Smethwick B66 4SZ	Proposed single storey rear extension.	Grant Permission with external materials  26th January 2024
DC/23/68816 Smethwick	7 Bartleet Road Smethwick B67 7RD	Proposed single storey side extension.	Grant Permission with external materials  12th January 2024
DC/23/68820 St Pauls	120 Lewisham Road Smethwick B66 2DH	Proposed single storey rear extension.	Grant Permission with external materials  22nd December 2023
DC/23/68825 Old Warley	8 Warley Croft Oldbury B68 9JQ	Proposed two storey side and single storey rear extensions and front canopy extension.	Grant Permission with external materials  2nd January 2024
DC/23/68828 Blackheath	113 Birmingham Road Rowley Regis B65 9AX	Proposed two storey rear extension.	Grant Permission with external materials  22nd December 2023



Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68837 Oldbury	32 Callaghan Drive Tividale Oldbury B69 3NG	Proposed conservatory to rear (Lawful Development Certificate).	Grant Lawful Use Certificate  22nd December 2023
PD/23/02554 St Pauls	211 Tat Bank Road Oldbury B68 8NP	Proposed single storey rear extension measuring: 5.963m L x 3.33m H (2.19m to eaves).	P D Householder not required  19th December 2023
PD/23/02555 Abbey	91 Milcote Road Smethwick B67 5BG	Proposed single storey rear extension measuring: 6.0m L x 4.00m H (3.00m to eaves).	P D Householder not required  20th December 2023
DC/23/68841 St Pauls	61 Mafeking Road Smethwick B66 2BT	Proposed single storey side extension.	Grant Permission Subject to Conditions  5th January 2024
DC/23/68851 Rowley	18 Hickmans Avenue Cradley Heath B64 5ND	Proposed two storey side and rear and single storey front/side/rear extensions.	Grant Permission with external materials  11th January 2024
DC/23/68859 Bristnall	48 Bristnall Hall Lane Oldbury B68 9PB	Proposed two and single storey rear extension.	Grant Permission with external materials  18th January 2024

Application No. Ward	Site Address	Description of Development	Decision and Date
PD/23/02562 Abbey	67 Devon Road Smethwick B67 5EL	Proposed single storey rear extension measuring: 5.00m L x 3.705m H (2.995m to eaves).	Permitted Development Refused  12th January 2024
DC/23/68864 Old Warley	32 Kenilworth Road Oldbury B68 0ND	Proposed single and two storey rear extension, hip to gable roof extension, loft conversion, rear dormer window and rendering to front, side and rear (Revision to refused applications DC/22/67715 and DC/23/68038).	Refuse permission  23rd January 2024
PD/23/02564 Blackheath	118 Ross Rowley Regis B65 8DZ	Proposed single storey rear extension measuring: 6.0m L x 3.0m H (2.8m to eaves).	P D Householder not required  20th December 2023
PD/23/02568 St Pauls	215 St Pauls Road Smethwick B66 1QS	Proposed single storey rear extension measuring: 6.00m L x 3.60m H (2.70m to eaves).	P D Householder not required  5th January 2024
DC/23/68904 St Pauls	94 White Road Smethwick B67 7PQ	Proposed outbuilding in rear garden.	Grant Permission with external materials  26th January 2024

Application No. Ward	Site Address	Description of Development	Decision and Date
PD/23/02571 St Pauls	72 Bertram Road Smethwick B67 7NZ	Proposed single storey rear extension measuring: 5.2m L x 3.7m H (2.7m to eaves).	P D Householder not required  5th January 2024
PD/23/02577 Tividale	12 Grace Road Oldbury B69 1LW	Proposed single storey rear extension measuring: 6.0m L x 4.0m H (2.40m to eaves).	P D Householder not required  17th January 2024
PD/23/02579 Smethwick	15 Laburnum Avenue Smethwick B67 6PL	Proposed single storey rear extension measuring: 4.5m L x 4.00m H (3.00m to eaves).	P D Householder not required  17th January 2024
PD/24/02592 Tividale	89 Ivy House Road Oldbury B69 1HQ	Proposed single storey rear extension measuring: 6.00m L x 3.00m H (3.00m to eaves).	P D Householder not required  5th February 2024
PD/24/02598 Bristnall	25 Highbury Road Oldbury B68 8QF	Proposed single storey rear extension measuring: 6.00m L x 3.90m H (2.90m to eaves)	P D Householder not required  5th February 2024
DC/23/68891 Abbey	Lightwoods House 2 Adkins Lane Smethwick	Proposed creation of an internal archway and bar area within the tea room of Lightwoods House (Listed Building Consent).	Grant Conditional Listed Building Consent  17th January 2024

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68655 Great Barr With Yew Tree	47 Peak House Road Great Barr Birmingham B43 7RY	Proposed single storey side extension, single and two storey front and rear extensions with extension to porch, loft conversion, rear dormer, and roof light to front.	Refuse permission  10th January 2024
DC/23/68665 Newton	252 Appleton Avenue Great Barr Birmingham B43 5QD	Proposed single storey rear extension, and garage to rear.	Grant Permission Subject to Conditions  12th January 2024
DC/23/68680 Great Barr With Yew Tree	112 Cherry Tree Avenue Walsall WS5 4JL	Proposed garage conversion with extension to rear.	Grant Permission Subject to Conditions  22nd December 2023
DC/23/68713 Great Barr With Yew Tree	21 George Road Great Barr Birmingham B43 6LG	Proposed single storey rear/side extension (amendment to previous application DC/23/68305).	Grant Permission with external materials  19th January 2024
DC/23/68764 Greets Green & Lyng	4 Turton Road West Bromwich B70 8LA	Proposed two storey side/rear extension.	Grant Permission with external materials  20th December 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68769 Great Bridge	2 Hempole Lane Tipton DY4 0HQ	Proposed single storey rear and front extensions and canopy to rear.	Grant Permission with external materials  19th December 2023
DC/23/68790 Wednesbury South	11 Perry Place West Bromwich B70 0PE	Proposed single storey rear extension, front porch, and garage conversion.	Grant Permission with external materials  20th December 2023
DC/23/68811 Wednesbury South	10 Chester Road West Bromwich B71 2PE	Retention of outbuilding in rear garden.	Grant Retrospective Permission  22nd December 2023
DC/23/68813 Great Bridge	34 Hudson Road Tipton DY4 7PY	Retention of single storey side and rear extension.	Grant Retrospective Permission  22nd December 2023
PD/23/02553 West Bromwich Central	77 Greswold Street West Bromwich B71 1NS	Proposed single storey rear extension measuring: 4.50m L x 4.00m H (2.60m to eaves)	P D Householder not required  19th December 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68836  Wednesbury North	55 Delville Road Wednesbury WS10 9EA	Proposed demolition and replacement of existing single storey rear extension.	Grant Permission with external materials  24th January 2024
DC/23/68833  Newton	27 Greenfield Road Great Barr Birmingham B43 5AR	Proposed level access platform, ramp, retaining wall, steps and handrails to front of property.	Grant Permission  5th January 2024
DC/23/68845  Charlemont With Grove Vale	41 Ingestre Drive Great Barr Birmingham B43 6QW	Retention of garage extension with front extension.	Grant Conditional Retrospective Consent  24th January 2024
PD/23/02559  Greets Green & Lyng	110 Wood Lane West Bromwich B70 9PX	Proposed single storey rear extension measuring: 6.00m L x 3.95m H (2.90m to eaves)	P D Householder not required  20th December 2023
DC/23/68850  Wednesbury North	8 Park Street Wednesbury WS10 9EE	Proposed single storey rear/side and front extension, and tiled canopy to front.	Grant Permission with external materials  17th January 2024

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68853 Wednesbury South	3 Lakeside Road West Bromwich B70 0PN	Proposed single and two storey side and rear extensions and porch to front.	Grant Permission with external materials  17th January 2024
DC/23/68856 Wednesbury North	56 Lime Road Wednesbury WS10 9NG	Proposed single storey side/rear extension.	Grant Permission with external materials  5th January 2024
PD/23/02561 Greets Green & Lyng	96 Dawes Avenue West Bromwich B70 7LS	Proposed single storey rear extension measuring: 6.0m L x 4.0m H (3.0m to eaves)	P D Householder not required  20th December 2023
DC/23/68890 Hateley Heath	17 Caldwell Street West Bromwich B71 2DN	Proposed first floor rear extension (Revision to approved planning permission DC/23/68463).	Refuse permission  19th January 2024
DC/23/68914 Wednesbury North	23 Wood Green Road Wednesbury WS10 9AX	Proposed single storey rear/side extension.	Refuse permission  26th January 2024
PD/23/02575 Newton	48 Langdale Road Great Barr Birmingham B43 5RB	Proposed single storey rear extension measuring: 6.00m L x 4.00m H (3.00m to eaves)	P D Householder not required  16th January 2024

Application No. Ward	Site Address	Description of Development	Decision and Date
PD/23/02587  Charlemont With Grove Vale	4 Sheldon Road West Bromwich B71 3JB	Proposed single storey rear extension measuring: 5.0m L x 3.0m H (3.0m to eaves)	P D Householder not required  26th January 2024
DC/23/68676  Wednesbury South	Land Adjacent Tame Valley Canal Golds Hill Way Tipton	Proposed SUDS scheme for the approved Storage Facility (planning application reference: DC/21/65690).	Grant Permission Subject to Conditions  5th January 2024
DC/23/68748  Wednesbury South	Dalair Limited Birmingham Technical Centre Blakeley Wood Road Tipton DY4 0QA	Proposed 8 no. additional car parking spaces.	Grant Permission  20th December 2023
DC/23/68822  Great Barr With Yew Tree	Land Adjacent To Q3 Academy Wilderness Lane Great Barr Birmingham B43 7SD	Proposed 150 dwellings, a countryside park and associated works (Outline application for access only).	Refuse permission  17th January 2024
DC/23/68824  Wednesbury North	3 Rooth Street Wednesbury WS10 9QP	Retention of use from a dwelling house (Class C3) to serviced accommodation (Class C1).	Grant Temporary Retrospective Consent  10th January 2024



Application No. Ward	Site Address	Description of Development	Decision and Date
PD/23/02560 Greets Green & Lyng	Canal Arm Underbridge Near To Footbridge Over New Main Line Bromford Junction Birmingham Canal Birmingham Level	Proposed works to 2 no. decks at Johnson & Co canal arm underbridge which is located at 5 miles and 251 yards on the RBS2 line near Oldbury.	Prior Approval Required Grant Conditions  10th January 2024
DC/23/6877A Greets Green & Lyng	Former Delta House Greets Green Road West Bromwich	Proposed 2 no. non- illuminated fascia signs.	Grant Advertisement Consent  22nd December 2023
DC/23/68912 Great Bridge	2 Gordon Drive Tipton DY4 7LZ	Proposed single and two storey side extension, and tiled canopy to front.	Refuse permission  17th January 2024
DC/23/68920 Princes End	24 Elizabeth Walk Tipton DY4 0AZ	Proposed garage conversion, and single storey side/rear extension.	Grant Permission with external materials  31st January 2024
DC/23/68944 Great Barr With Yew Tree	Land Adjacent To Q3 Academy Wilderness Lane Great Barr Birmingham B43 7SD	Request for a screening opinion in respect of whether an Environmental Impact Assessment (EIA) is required.	Screening opinion - EIA not required  21st December 2023
PD/23/02590 Hateley Heath	60 Jubilee Street West Bromwich B71 2DQ	Proposed single storey rear extension measuring: 6.00m L x 3.00m H (2.40m to eaves)	P D Householder not required  26th January 2024

Application No. Ward	Site Address	Description of Development	Decision and Date
PD/24/02594  Greets Green & Lyng	212 Greets Green Road West Bromwich B70 9EP	Proposed single storey rear extension measuring: 6.00m L x 3.00m H (2.80m to eaves)	P D Householder not required  5th February 2024