

Report to Planning Committee

11 January 2023

Application Reference	DC/20/64505
Application Received	15 July 2020
Application Description	Proposed development of 13 dwellings.
Application Address	Brook Road Open Space Wolverhampton Road Oldbury
Applicant	Mr Rajesh Kumar Sood
Ward	Langley
Contact Officer	Alison Bishop Alison_bishop@sandwell.gov.uk

1 Recommendations

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

- (i) External materials;
- (ii) Finished floor levels;
- (iii) Site investigation in respect of contaminated land;
- (iv) Noise assessment to identify issues and mitigation;
- (v) Drainage;
- (vi) Retaining wall detail to Wolverhampton Road;
- (vii) Technical detail of access road;
- (viii) Boundary treatments;
- (ix) Landscaping;
- (x) Electric vehicle charging provision;





- (xi) Low NOx boilers;
- (xii) Employment and skills plan;
- (xiii) An external lighting scheme;
- (xiv) Removal of permitted development rights to remove extensions; and,
- (xv) Construction work and deliveries to the site limited to between 7am and 6pm Monday to Friday and 8am and 4pm Saturdays, with no activity on Sundays or National Holidays.

2 Reasons for Recommendations

2.1 The open space, is of low ecology value and adequate open space is provided within the Oldbury area. The proposal provides good quality housing development which will assist in meeting Sandwell’s housing shortfall. The proposal in terms of its design and layout accords with all other policies within the development plan.

3 How does this deliver objectives of the Corporate Plan?

	Quality homes in thriving neighbourhoods – the proposal provide 13 new homes
	A strong and inclusive economy - The proposal will allow for local apprenticeship/jobs during construction phases

4 Context

4.1 This application is being reported to your Planning Committee because the proposal is a departure from the Local Plan.

4.2 To assist members with site context, a link to Google Maps is provided below:

[Brook Road, Oldbury](#)



5 Key Considerations

5.1 The site is allocated as Community Open Space in the Local Plan.

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

Government policy (NPPF);

Proposals in the Local Plan;

Loss of light, outlook or privacy;

Layout and density of building;

Design, appearance and materials;

Access, highway safety, parking and servicing;

Flood risk; and

Planning history.

6. The Application Site

6.1 The site is a grassed open space and rectangular in shape.

Wolverhampton Road lies to the northeast, the site being set at a lower land level than this major A road. The site is bounded from southeast to southwest by terrace housing, and to the north by a veterinary hospital.

The frontages of the houses which face onto the open space are not served by vehicular access; the layout being typical of Radburn design housing.

7. Planning History

7.1 This application is a resubmission following refusal of residential scheme in 2020. The refusal was on the grounds of insufficient parking, flood risk concerns and loss of open space.

7.2 Relevant planning applications are as follows:



DC/18/62409	Proposed development of 13 dwellings.	Refused 17.03.2020
DC/14/56813	Proposed new single storey veterinary surgery with associated car parking, landscaping and fencing.	Approved 12.6.2014

8. Application Details

- 8.1 The applicant proposes to erect 13 detached dwellings comprising of two house types (Type A and Type B). The Type A house type would have five bedrooms and a detached garage. The Type B house type would have four bedrooms and an integral garage.
- 5.2 The dwellings would be accessed from a new circular road which would be constructed around the perimeter of the site, thereby introducing a street frontage to the existing housing.

9. Publicity

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

10. Consultee responses

10.1 Planning Policy

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

10.2 Highways

No objection subject to conditions relating to a supporting wall along the site boundary with the Wolverhampton Road (pertinent, as this is an



embankment which supports the footpath), and the technical detail of the access road (also pertinent, given that the new road would need to assimilate into the existing housing development).

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

10.3 Urban Design

No objection.

10.4 Public Health (Air Quality)

Conditions to ensure electric vehicle charging bays are recommended.

10.5 Public Health (Contaminated Land)

Relevant site investigation and remediation conditions recommended.

10.6 Public Health (Air Pollution and Noise)

Recommend that a comprehensive noise assessment be carried out to identify all likely noise sources and the impact on the proposed development, along with noise mitigation measures. This is due to the proximity of the adjacent dual carriageway and veterinary hospital and can be conditioned accordingly. Furthermore, a condition in respect of construction times is recommended, due to the proximity of existing housing.



10.7 West Midlands Police

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

10.8 Lead Local Flood Authority

No objection subject to condition.

10.9 Severn Trent


No objection subject to condition.

10.10 Environment Agency (EA)

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



Likelihood of flooding in this area

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

► [How to draw a shape](#)

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



Consequently, the EA will only comment on flood risk in such a zone when the application site is within 20 metres of a main river (the site is some 40 metres away from a main river) or is within an area identified as a 'critical drainage area'. Flood risk is therefore considered to be low at this site, and the Council should follow the advice of the Lead Local Flood Authority in an instance such as this. Refer to 10.8 above.

10.11 Tree Preservation Officer

No objection subject to a landscaping condition to ensure new tree planting to enhance the appearance of the development.



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 same guidance, paragraph 111 of the NPPF 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. This scheme provides appropriate parking levels within the site and raises no concerns with Highways in terms of the new road layout or impact on the existing highway network.
- 11.3 In respect of paragraphs 128-130 of the NPPF, the Urban Design officer raises no objections to the scheme. The development would assimilate with the overall form and layout of the site's surroundings.
- 11.4 Paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). This site does not fall in high risk flooding area and the application was accompanied with a drainage strategy which is deemed acceptable together with relevant conditions.

12. Local Planning Policy

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

CSP4: Place-Making

HOU2: Housing Density, Type and Accessibility

EMP5: Improving Access to the Labour Market

TRAN4: Creating Coherent Networks for Cycling and Walk

ENV3: Design Quality

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

ENV6: Open Space, Sport and Recreation



ENV7: Renewable Energy
ENV8: Air Quality
SAD H2: Housing Windfalls
SAD EMP2: Training and Recruitment
SAD EOS 4 - Community Open Space
SAD EOS 9: Urban Design Principles

- 12.2 With regard to housing policy HOU2, the development would bring forward a larger house type into the area and add to the range of property types available in the Borough. In respect of policy SAD H2, the development site is not allocated for residential development in the Development Plan and therefore it is classed as a housing windfall site. The proposed residential development meets the guidance set out in the policy, in that it is considered that the open space is surplus to the Council's requirements and would bring an under-used piece of land back into beneficial use and for much needed housing within Sandwell.
- 12.3 I have considered affordable housing policy; however, the previous application was submitted at a time when the Council trigger for affordable housing provision was 15 units (the trigger is now 10). Given that this development would provide 13 units, and taking into account that affordable housing compliance was not a reason for refusal of the previous application, I consider it unreasonable and unnecessarily onerous on the applicant to require compliance with affordable housing policy in this instance, under these exceptional circumstances.
- 12.4 With regards to the site being Community Open Space, the site was assessed as part of 2013 Green Space Audit and identified as 'high quality/low value'. Under these criteria, the change to a different use should be considered if the value could not be uplifted through change of the primary purpose. The Audit shows that Oldbury has over 60 hectares of amenity open space - the second highest in the Borough after West Bromwich. Oldbury and West Bromwich account for over 73% of outdoor sports provision in the Borough. The loss of the Brook Road open space, would have little impact on the overall provision of amenity space in the local area, as there are other amenity open spaces (Cakemore Playing



Fields and Barnford Hill Park) within proximity. Consequently, the site was not assessed as part of the 2018 Green Space Audit as, following the land sale, the Council did not consider the site as part of its greenspace portfolio. Therefore, I am of the opinion, that the site should come forward for development based on the premise that, as the site was deemed 'high quality/low value' whilst in Council ownership, it is highly unlikely that the quality of the site as open space would be maintained or improved following the Council's disposal of the land. On balance, taking these factors into account, residential development would appear to me to be the most viable option for the site.

- 12.5 TRAN4 requires schemes to be well connected to aid cycling and walking which the layout of this development seeks to provide. The proposed garages would be sufficient to serve as secure cycle storage.
- 12.6 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments. In the main, the layout is considered to be acceptable subject to conditions relating to boundary and landscaping details.
- 12.7 ENV5 seeks the incorporation of sustainable drainage systems to assist with reducing the impact of flooding and surface run-off. The Lead Local Flood Authority has raised no objection subject to condition.
- 12.8 ENV7 concerns the generation of energy from renewable sources sufficient to off-set at least 10% of the estimated residual energy demand. With regards to a development of this size, this can be off-set by the building fabric.
- 12.9 ENV8 refers to mitigation measures to offset air quality issues, in this instance, electric vehicle charging infrastructure and Low NOx boilers has been proposed.
- 12.10 EMP5 Improving Access to the Labour Market Training and Recruitment and SAD EMP2 – Training and Recruitment requires large employment



generating schemes to provide opportunities for training and recruitment. This could be conditioned to secure these opportunities.

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 Loss of light, outlook or privacy

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

10.3 Layout and density / Design, appearance and materials

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

10.6 Access, highway safety, parking and servicing

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

10.7 Flood risk

The agent has provided a suitable drainage strategy to address surface water flooding. This has been approved by the Lead Local Flood Authority and can be ensured by condition. In terms of river flooding, the Environmental Agency maps show that the site falls within a low risk



area (namely Flood Zone 1), where no mitigation is required in relation to river flooding.

10.8 Planning history

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

14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so. In my opinion the proposal is complies with relevant policies namely concerns regarding flood risk have been explored and drainage conditions recommended by condition. Parking provision is met within the site layout and the land is surplus to requirements as open space. There are also no material considerations that would justify refusal.

15 Implications

Resources:	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the Council.
Legal and Governance:	This application is submitted under the Town and Country Planning Act 1990.
Risk:	None.



Equality:	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
Health and Wellbeing:	None.
Social Value	Opportunities for apprenticeships and jobs will arise through the construction phases.
Climate Change	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.

16. Appendices

Location Plan

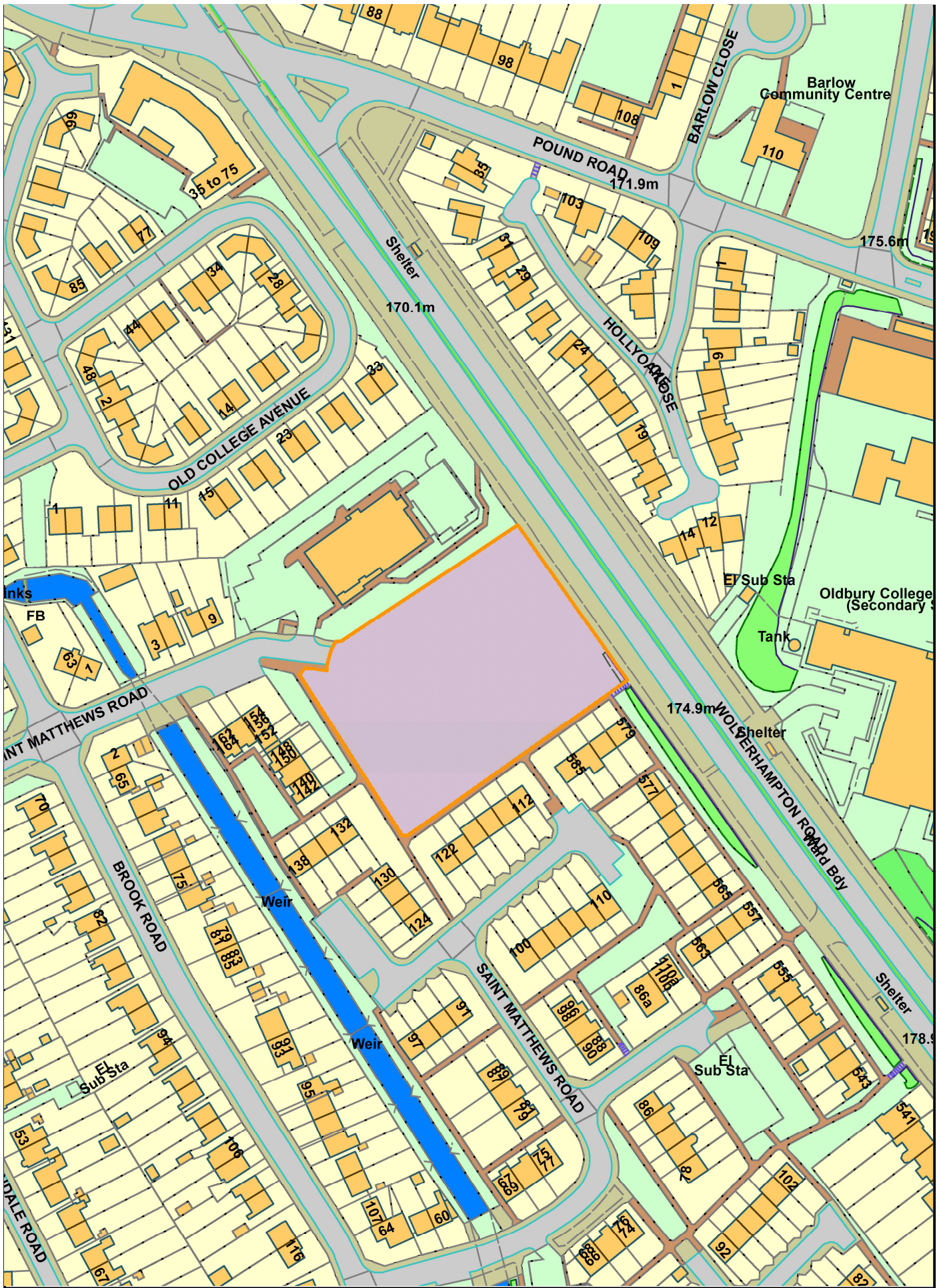
Context Plan

Plan No. Location Plan 1

Plan No. PL/BROOK/2019/001 D

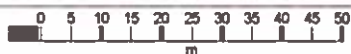
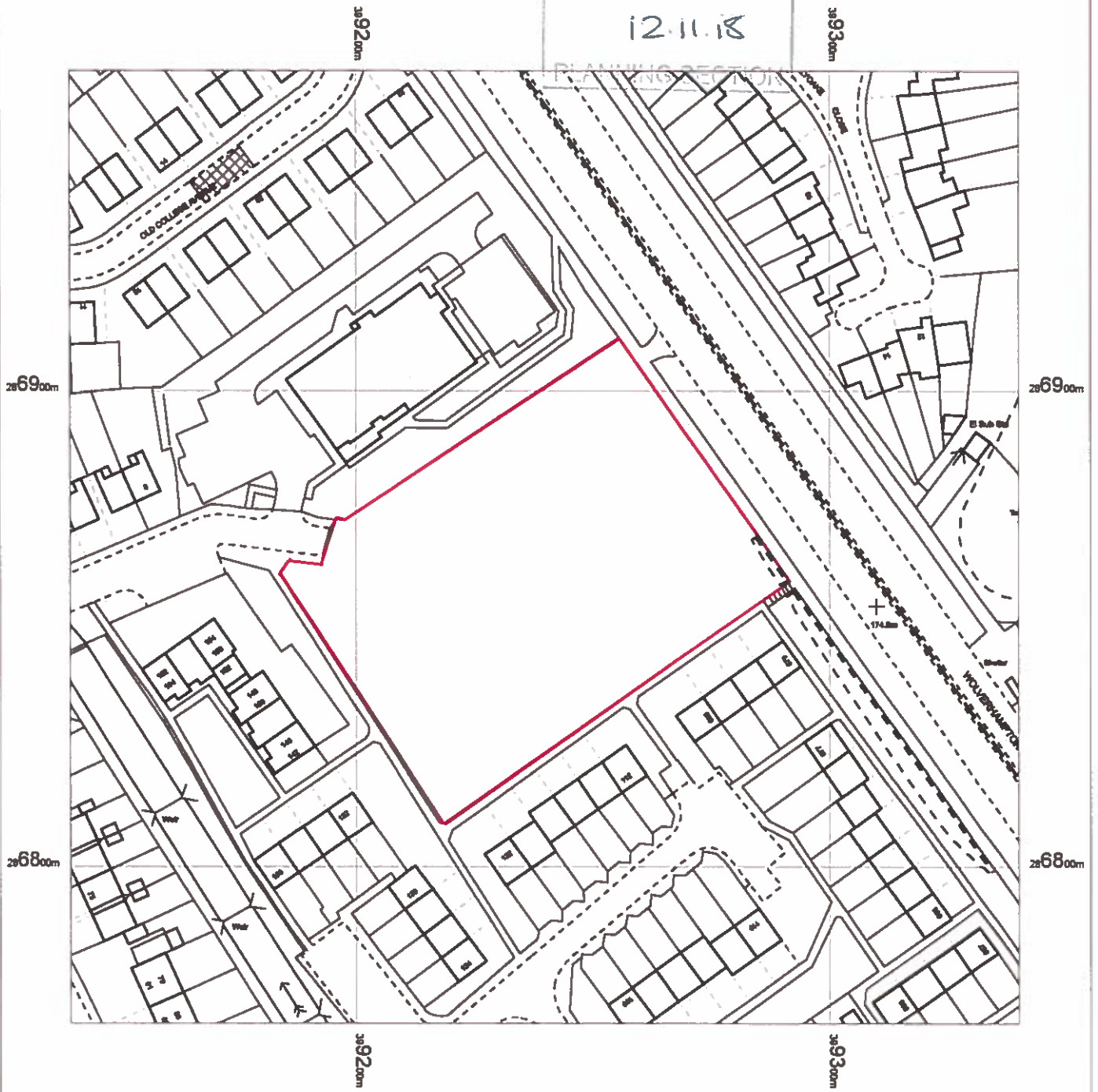
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DC / 18 / 62409

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12.11.18
PLANNING SECTION



BROOK
ROAD/WOLVERHAMPTON
ROAD

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

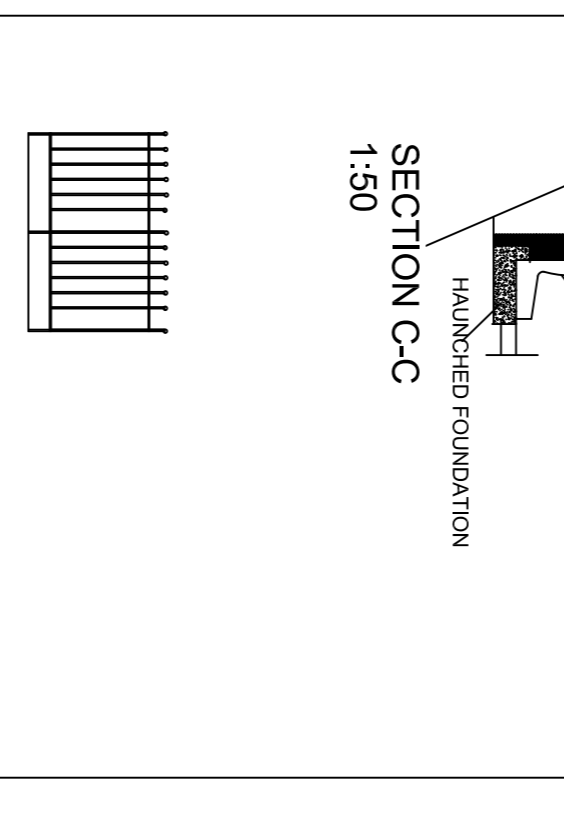
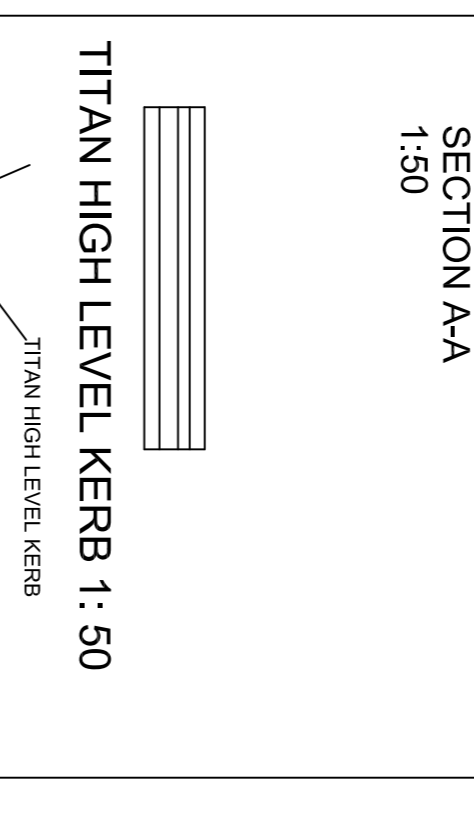
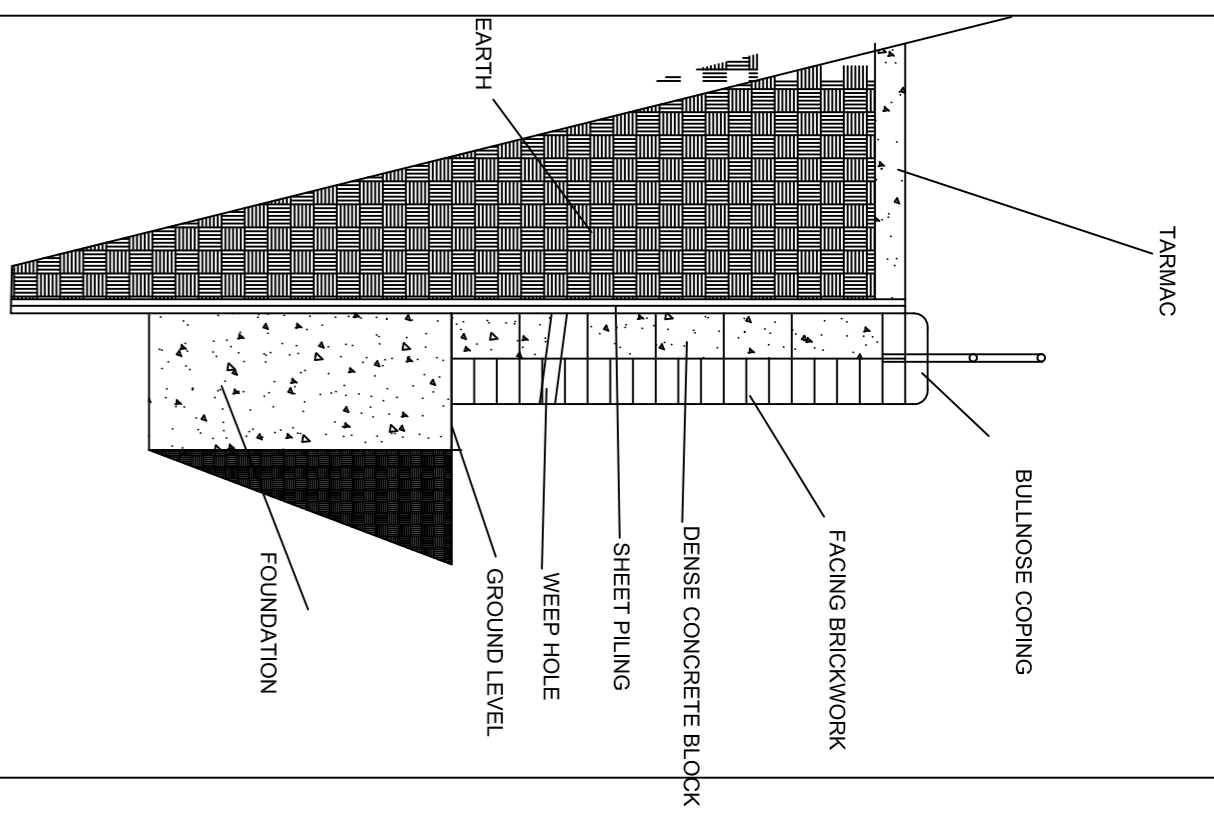
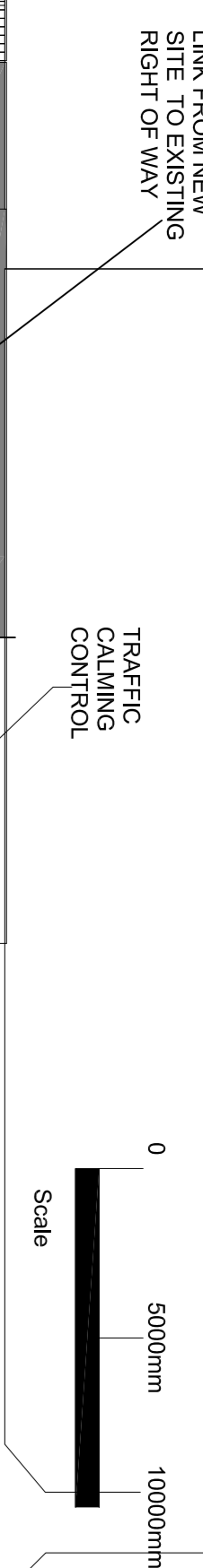
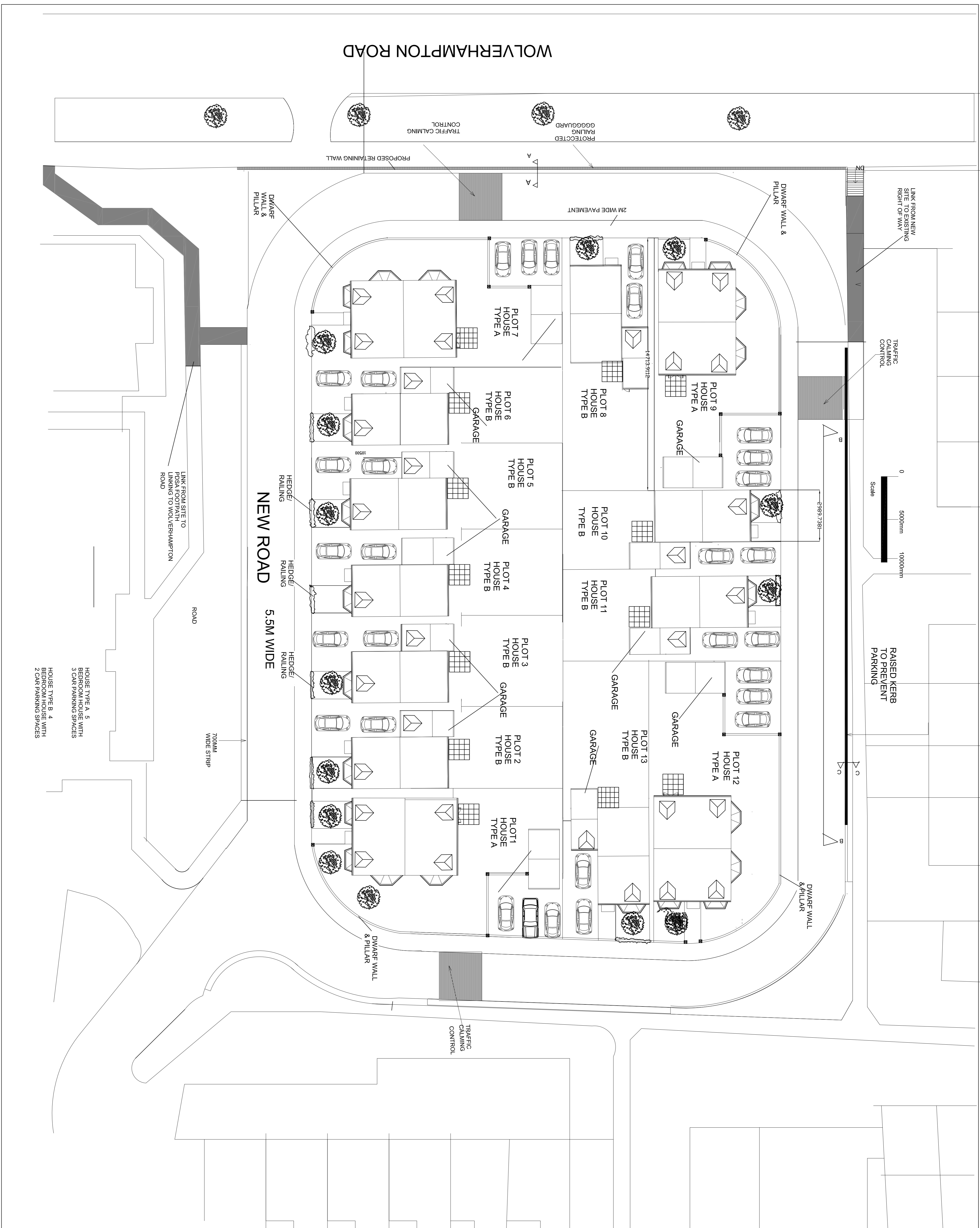
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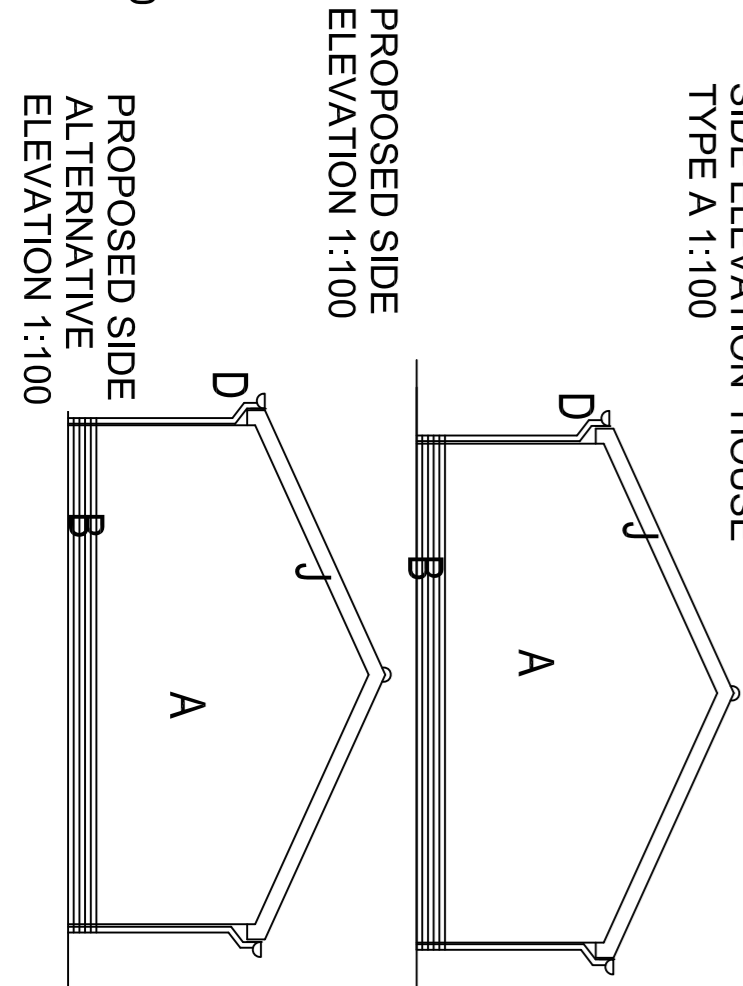
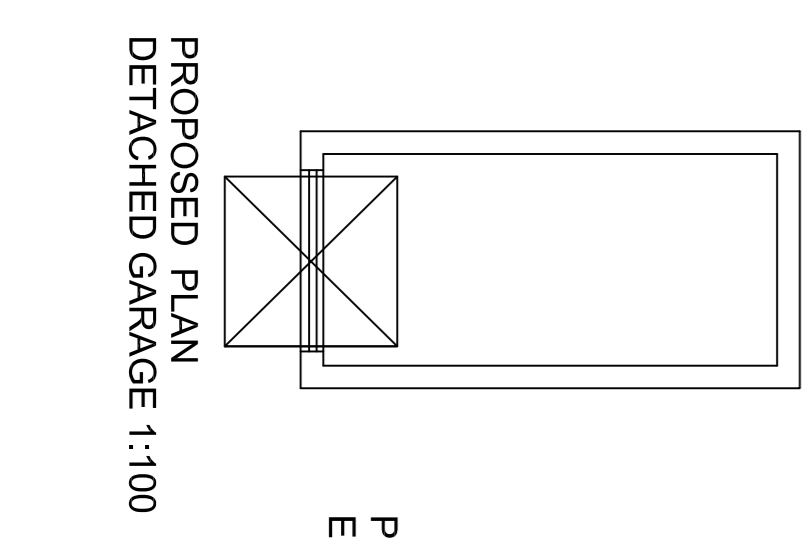
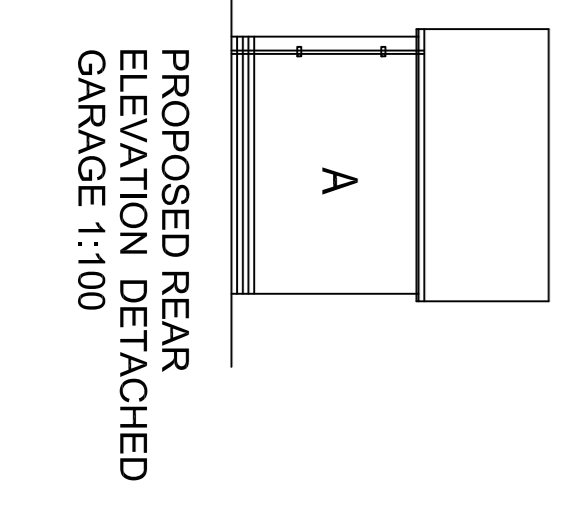
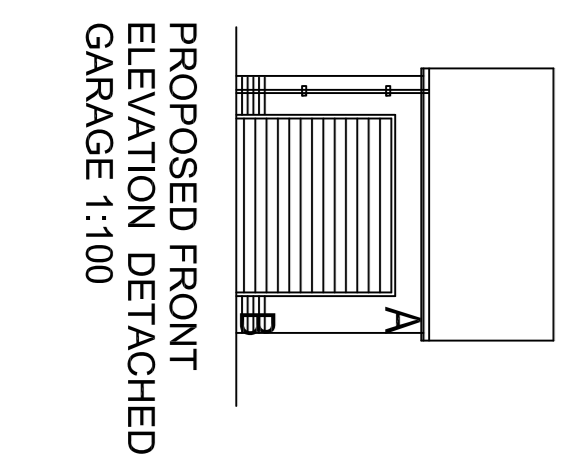
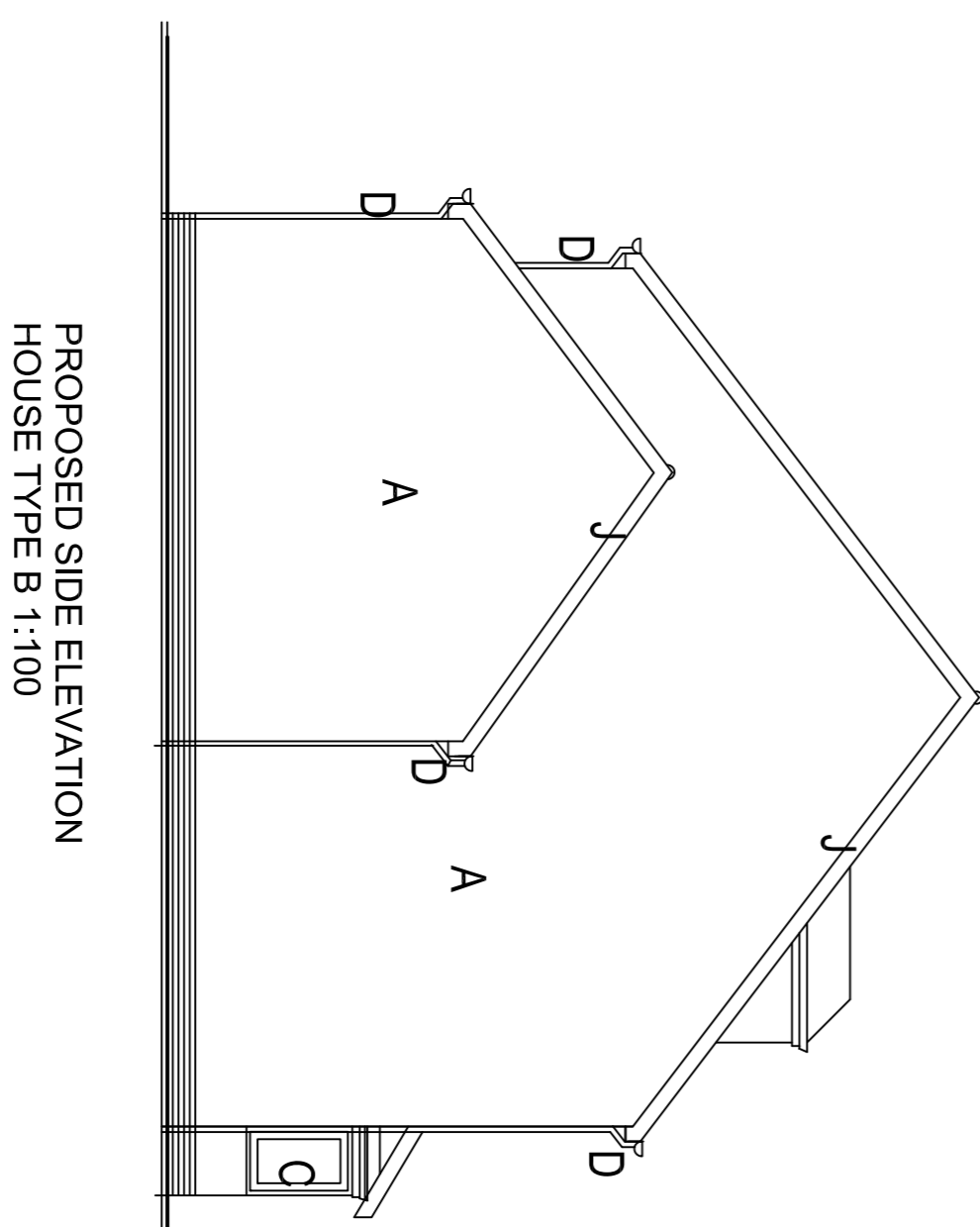
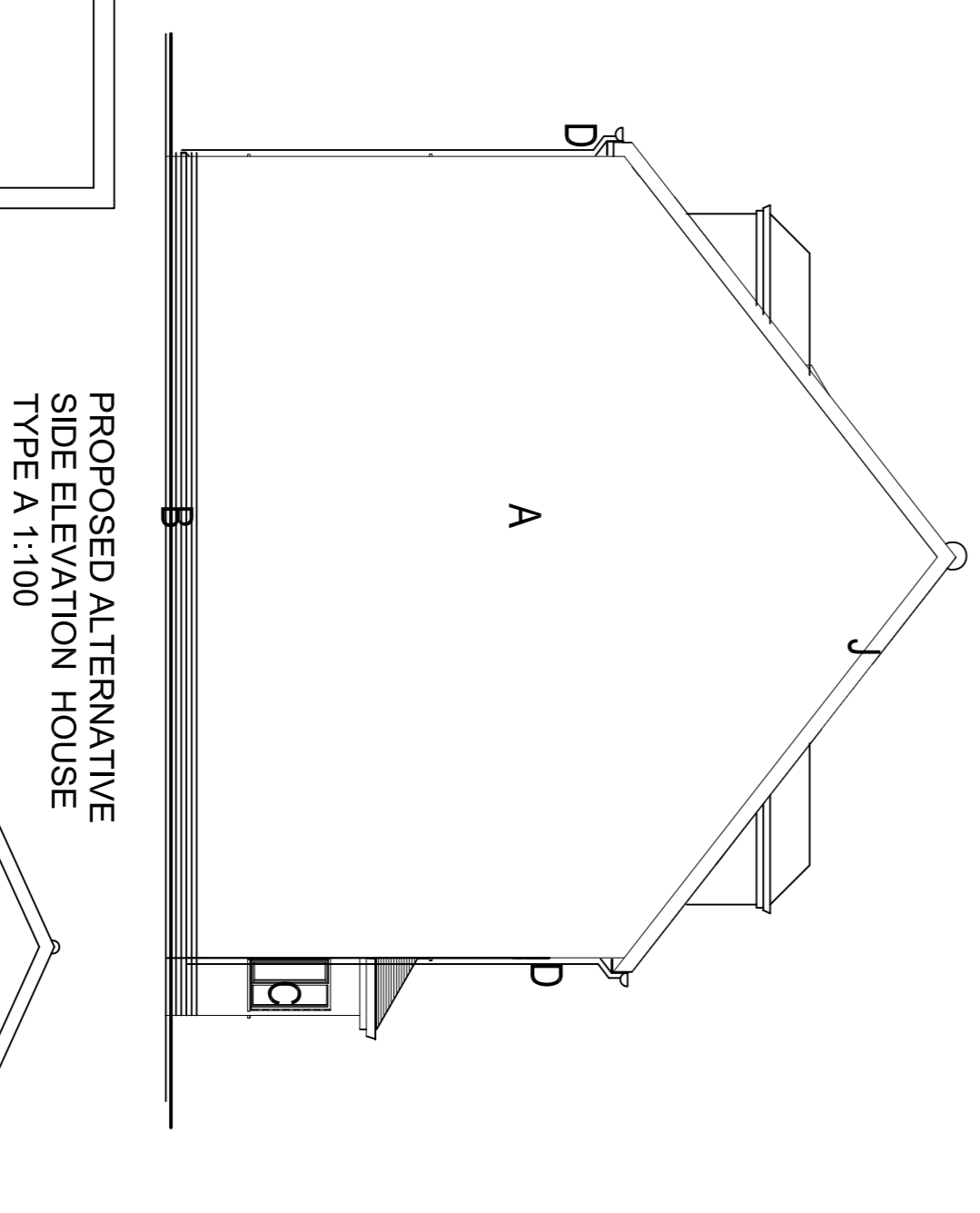
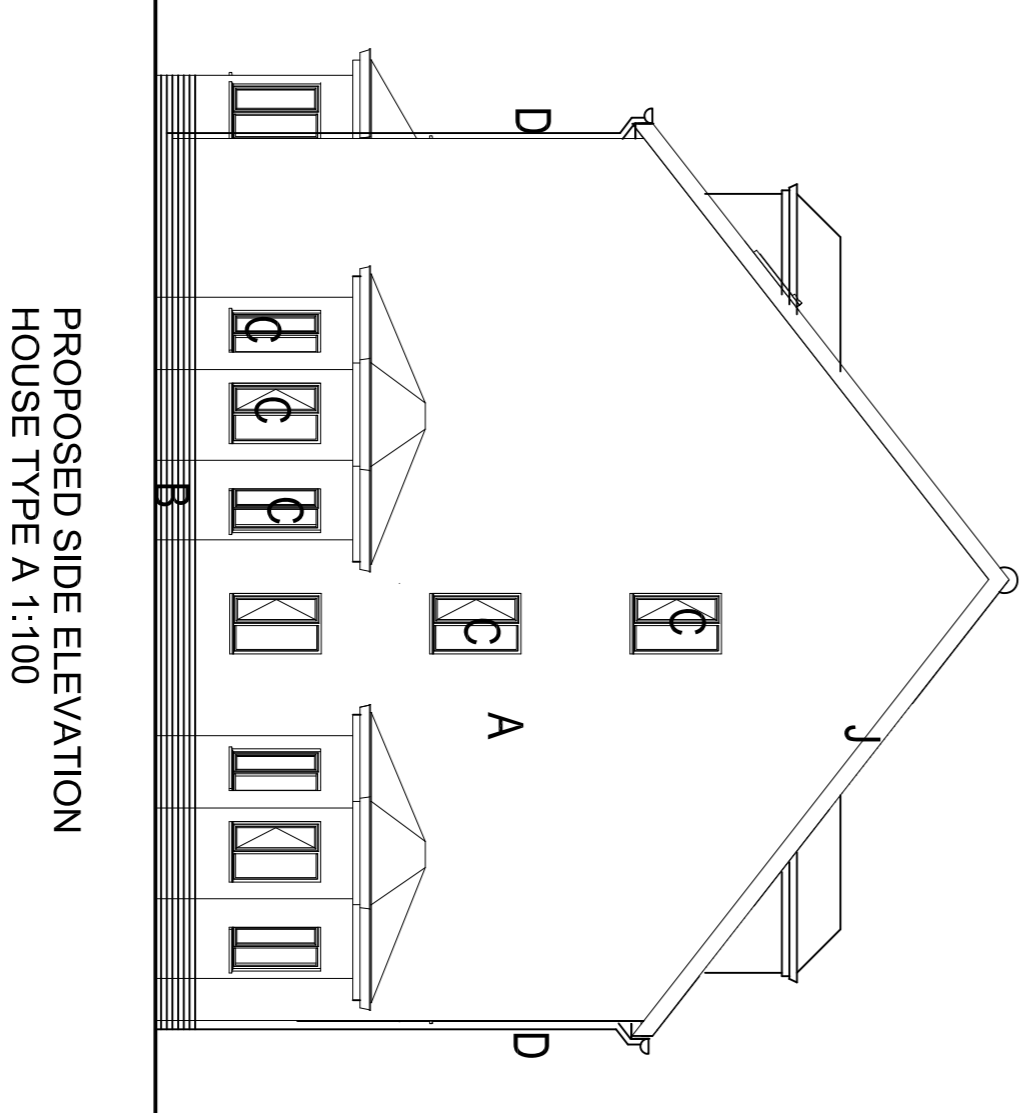
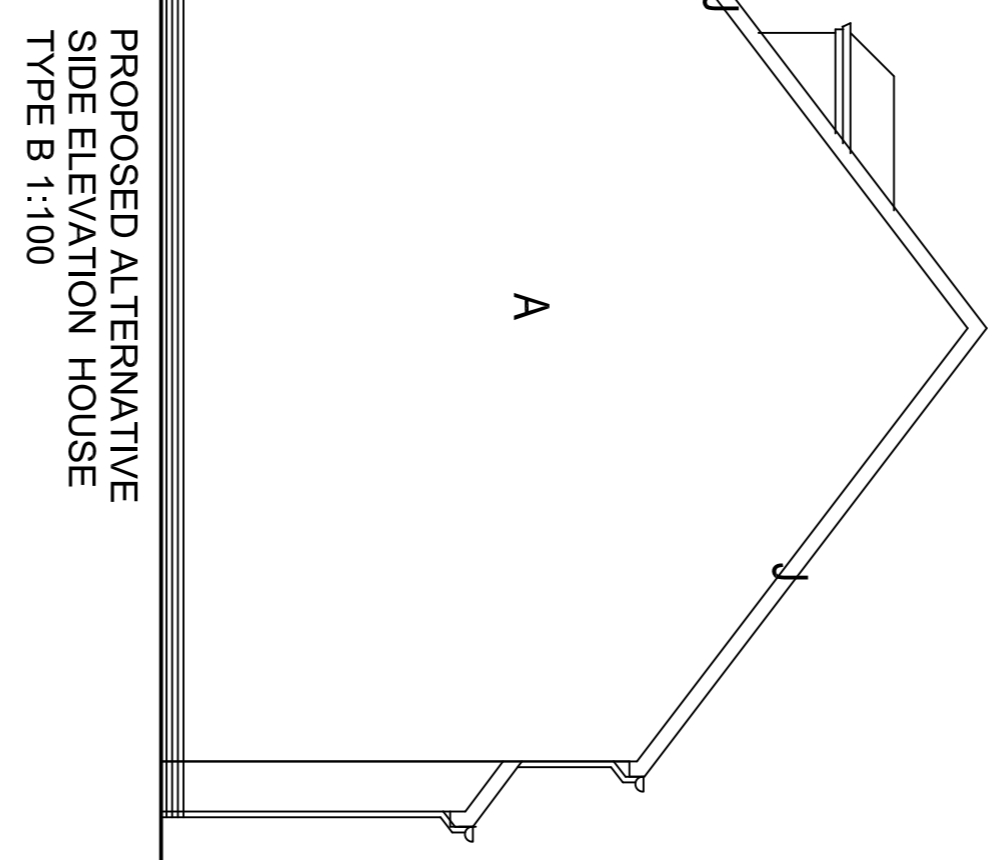
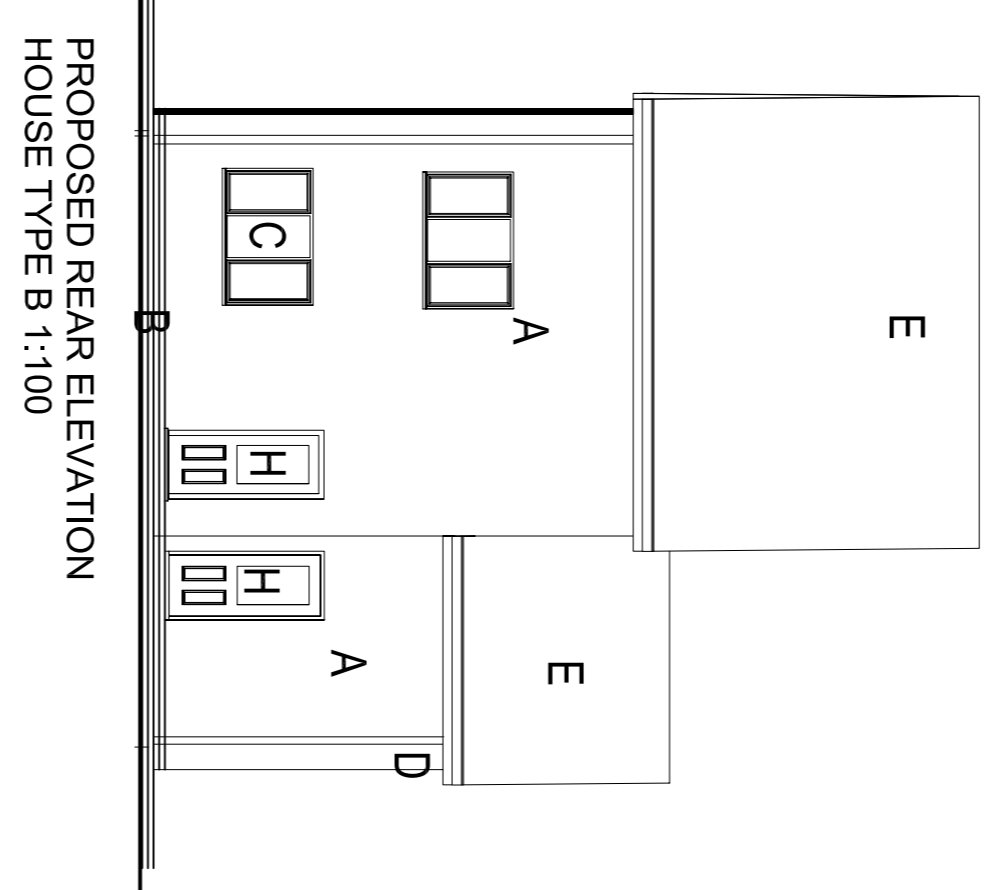
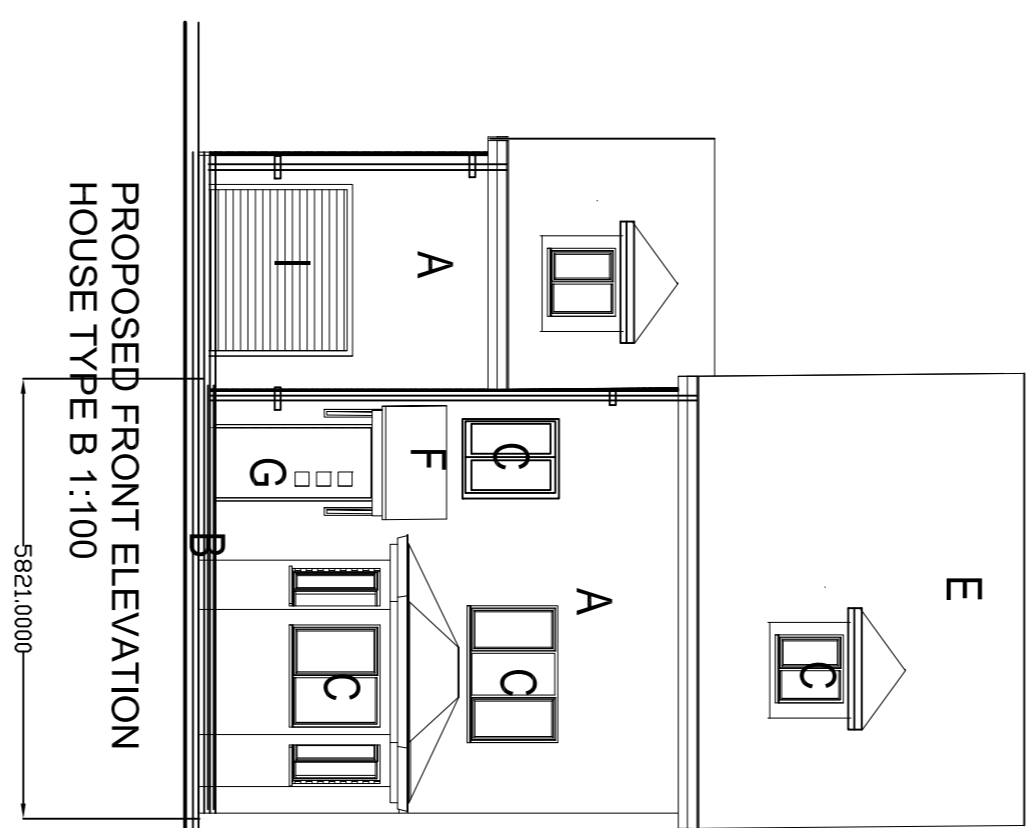
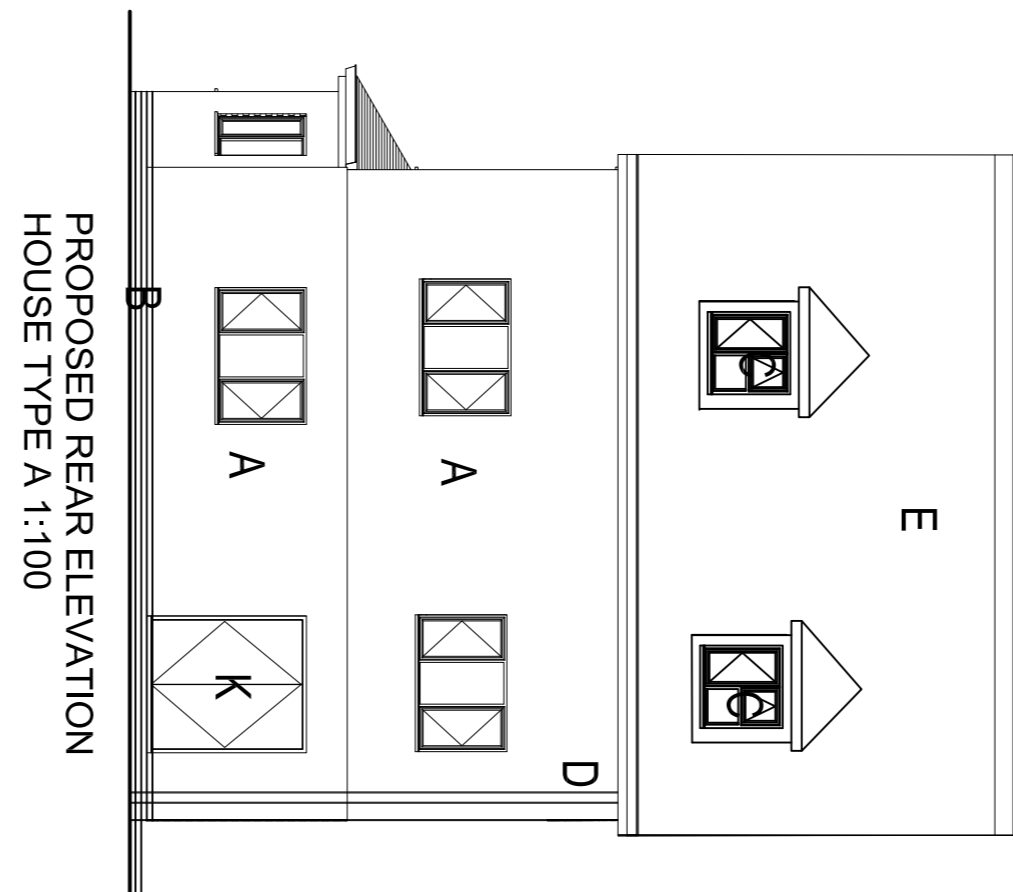
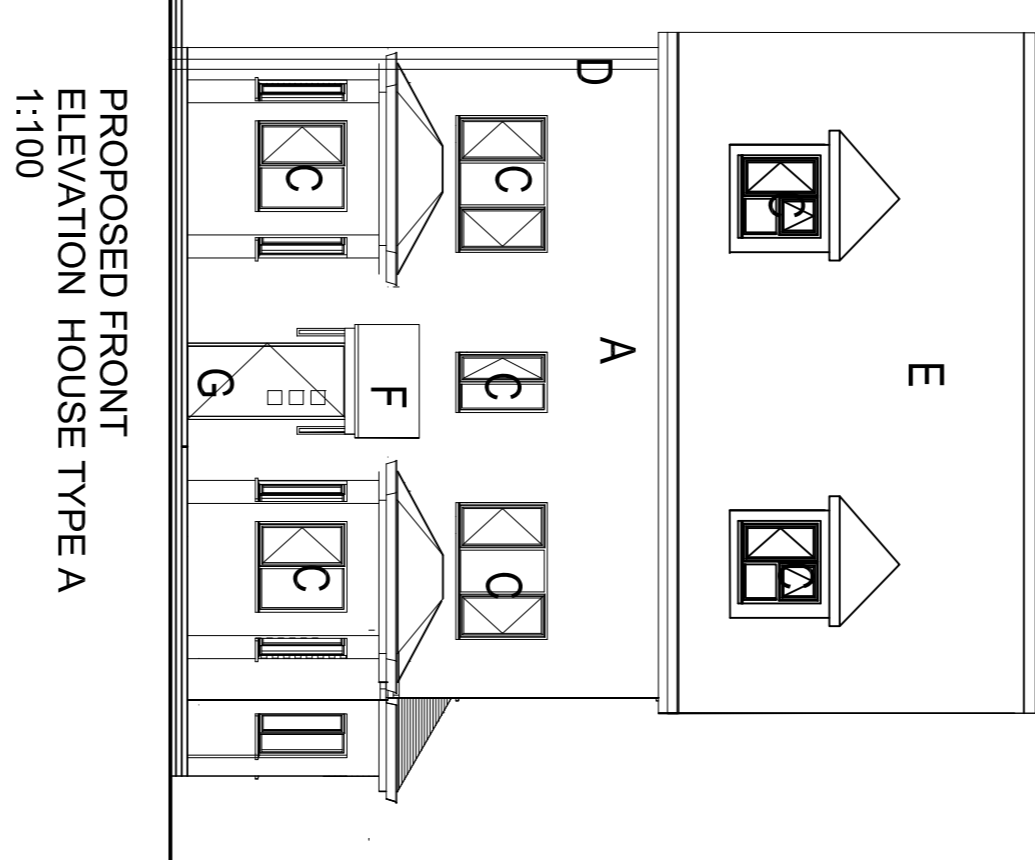
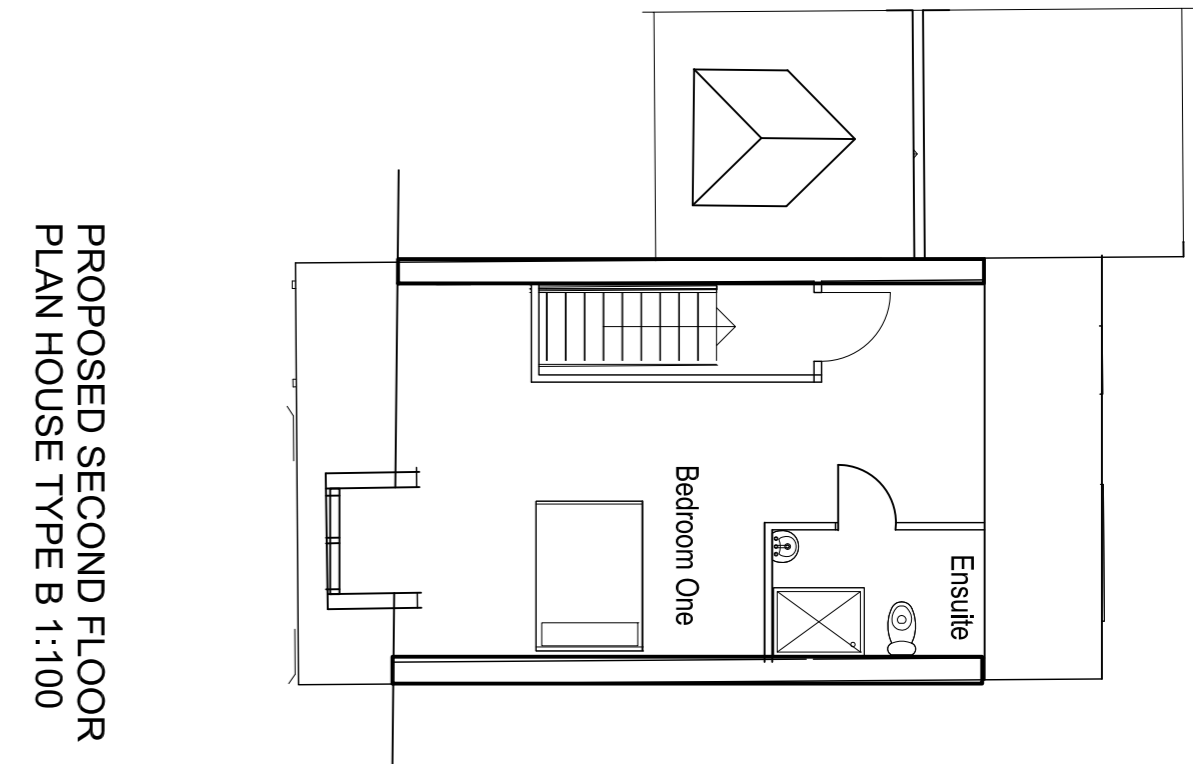
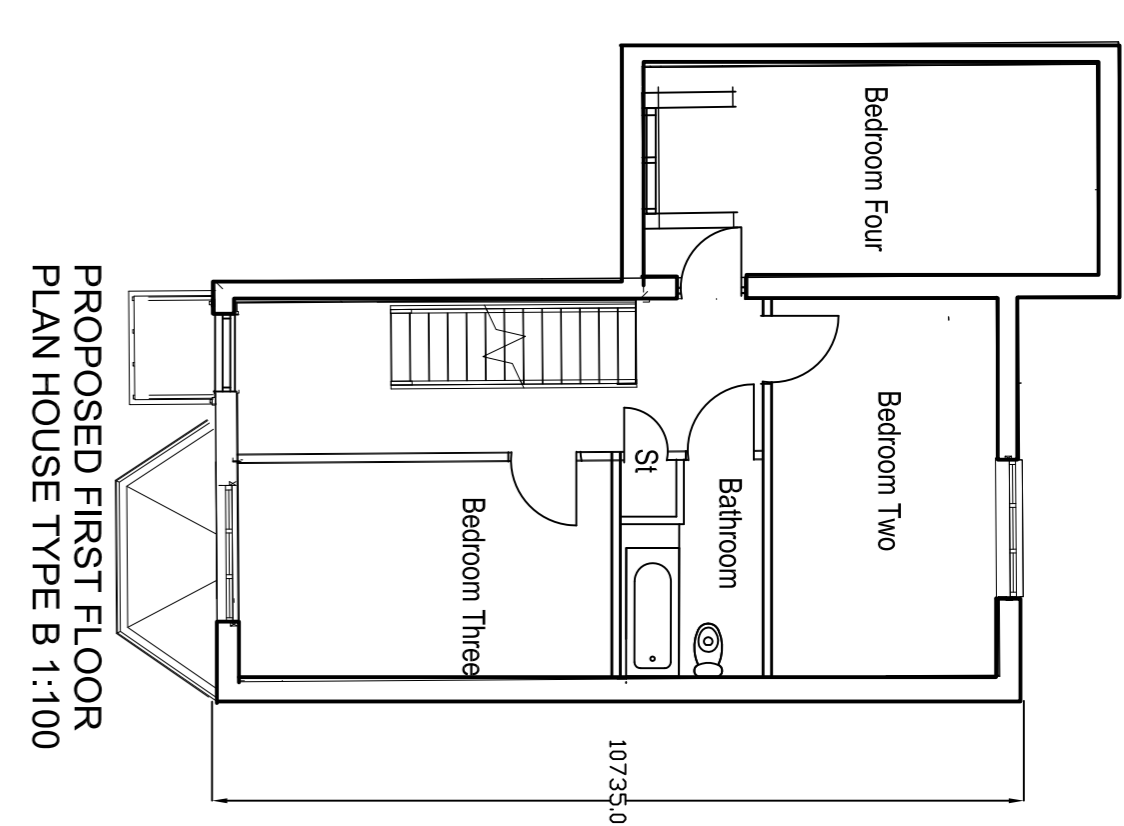
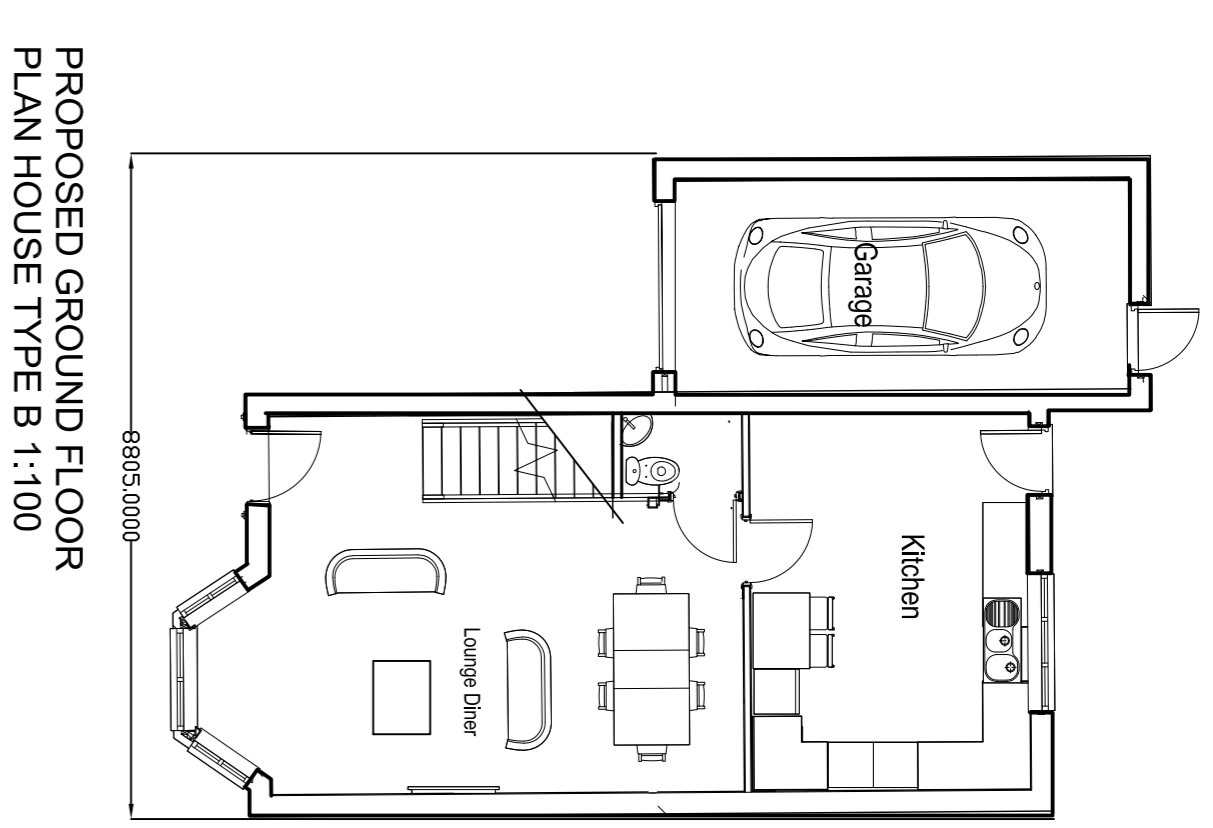
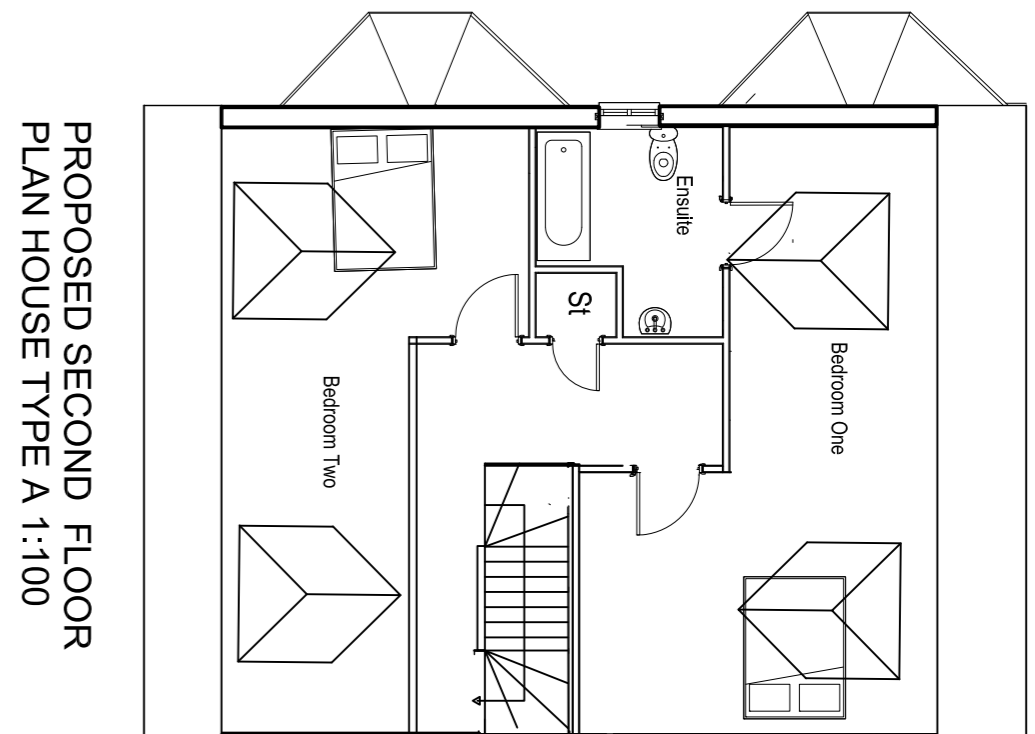
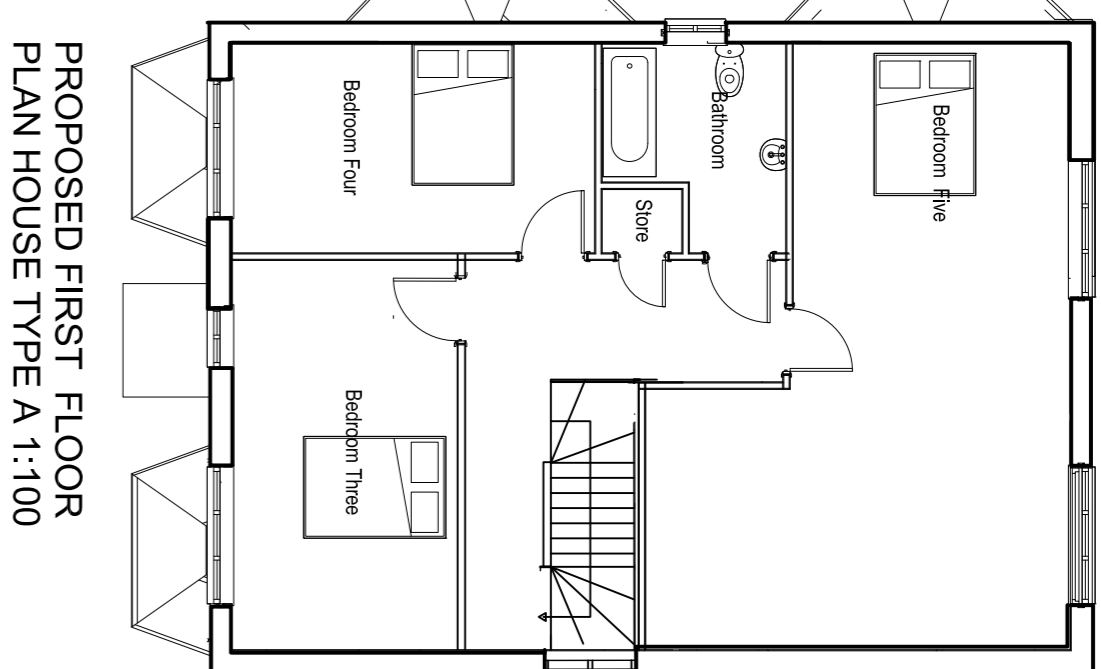
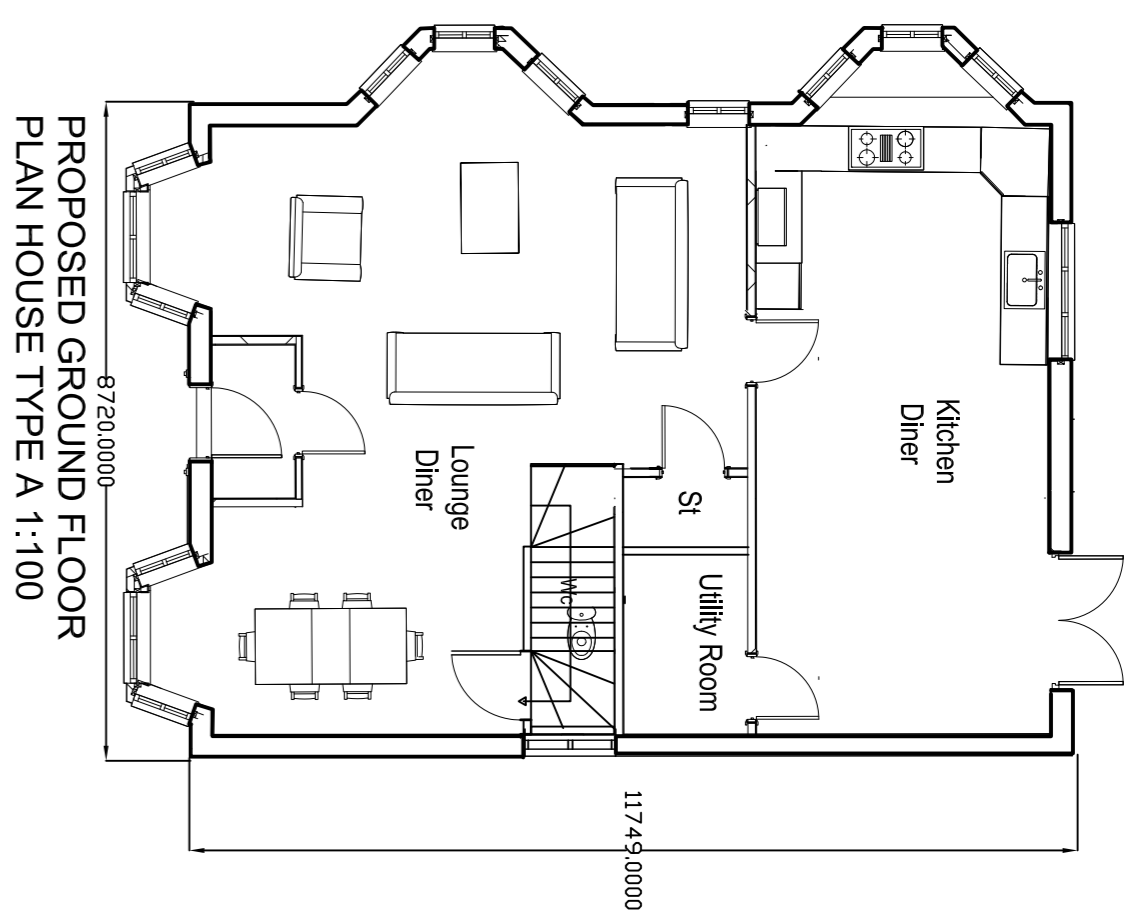


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www.blackwellmapping.co.uk

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



STATUS	PLANNING	PURPOSE OF ISSUE
PROJECT	AMARTEY S A DESIGN BUILD LTD	
TITLE	BROOK OPEN SPACE PROPOSED HOUSING SCHEME	
CLIENT	MR RAJESH SOOD	
DRAWN BY	CHECKED BY	DATE
SCALE	PROJECT NUMBER	REV
DRAWING NUMBER	PLBROOK/2019/001	D



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

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