

# Report to Council

**31 January 2023**

<b>Subject:</b>	Proposed departure from the Development Plan at London Street, Smethwick
<b>Director:</b>	Tony McGovern Director of Regeneration & Growth - Neighbourhoods
<b>Contact Officer:</b>	Development Planning Manager Alison Bishop alison_bishop@sandwell.gov.uk

## 1 Recommendations

- 1.1 That approval be given to an exception to the Development Plan in respect of planning application ref: DC/22/67165, erection of a residential led, mixed use building of between 7 and 14 storeys to include 392 dwellings (Use Class C3) and 555sqm (GIA) commercial floorspace (flexible within Use Class E, drinking establishments (sui generis) and hot food takeaway (sui generis), plus associated amenity space, access, parking and demolition of existing buildings, at London Street, Smethwick.




## 2 Reasons for Recommendations

- 2.1 The site is allocated for employment use; however, it is acknowledged that the Council cannot currently demonstrate a five-year housing land supply. The development plan cannot therefore be considered as being up to date. Paragraph 11d of the NPPF and the presumption in favour of sustainable development is engaged and 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. The site forms part of the Grove Lane Masterplan and other residential development is located nearby. Therefore, it is considered that the site, with appropriate mitigation, is a suitable location for new housing. Furthermore, the use of conditions and planning obligations will ensure that the scheme is acceptable in all other respects.

### 3 How does this deliver objectives of the Corporate Plan? (select relevant category and inc narrative how deliver)

	Quality homes in thriving neighbourhoods – the proposal will provide much needed housing within Sandwell
	A strong and inclusive economy – the proposal will provide opportunities for apprenticeships/local employment during construction and post construction.
	A connected and accessible Sandwell – the applicant has agreed to make a financial contribution towards public transport infrastructure improvements.

## 4 Context and Key Issues

- 4.1 At the planning committee of 11<sup>th</sup> January 2023, consideration was given to planning application DC/22/67165, which sought approval
- 4.2 At the meeting, the Committee were minded to approve the planning application with conditions subject to final details being reviewed by highways and then final delegated authority to approve in conjunction with the Chair and Vice Chair of Planning Committee and that the application be referred to Full Council as a departure from the Development Plan.
- 4.3 The proposal is a predominately residential scheme over 15 floors which provides a total of 392 apartments, namely 240 (2 beds) and 152 (1 beds) and would be an 'E' shape in its footprint. Vehicular access would be provided from Cranford Street and pedestrian access from London Street. The scheme also includes some commercial office and retail space on the ground floor along with two floors for parking.



- 4.4. The application was publicised by neighbour notification and one objection was received raising concerns about competition from the retail element to their existing retail businesses. Such matters are material planning considerations and the objector was advised as such.
- 4.6 The Councils Planning Policy, Highways and Public Health, Lead Local Flood Authority, Severn Trent, Police, Canals and River Trust and Urban Design have been consulted. No objections were received from all the consultees, which could not be overcome by conditions.
- 4.7 From a policy perspective, the site is allocated within the Black Country Core Strategy for employment uses, however subsequent to this allocation a more recent study known as the Grove Lane masterplan has indicated that the area and its surrounding could accommodate new residential development. Furthermore, the Council cannot currently demonstrate a five-year housing land supply. Whilst the allocation envisaged that this part of Grove Lane/London Street would be employment led, the surrounding area is changing and a recently completed residential development is immediately to the west and existing residential is to the east of the site. It is therefore considered that more recent studies of this area recognise that residential uses are appropriate within this area.

## 5 Alternative Options

- 5.1 Refusing the departure is an option, in doing so clear planning justification would have to be provided as any refusal of planning permission could result in an appeal and costs being awarded against the Council.



## 6 Implications

<b>Resources:</b>	Financial, staffing, land/building implications
<b>Legal and Governance:</b>	Legal implications including regulations/law under which proposals are required/permitted and constitutional provisions
<b>Risk:</b>	Risk implications, including any mitigating measures planned/taken, health and safety, insurance implications
<b>Equality:</b>	Implications for equality (all aspects and characteristics) including how meeting Equality Duty, equality impact assessments
<b>Health and Wellbeing:</b>	Implications of the proposals on health and wellbeing of our communities
<b>Social Value</b>	Implications for social value and how the proposals are meeting this (for e.g. employment of local traders, young people)
<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

Location plan

## 8. Background Papers

Planning application reference - DC/22/67165

