

Report to Planning Committee

16 February 2023

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

1 Recommendations

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

- (i) External materials;
- (ii) Finished floor levels;
- (iii) Parking areas laid out and retained;
- (iv) Site investigation in respect of contaminated land;
- (v) Noise mitigation (acoustic fencing and glazing)
- (vi) Drainage;
- (vii) Boundary treatments (visibility splays maintained);




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

2 Reasons for Recommendations

- 2.1 The proposal accords with relevant design policies in terms of scale, massing and parking provision and does not cause any harm to amenity in terms of overlooking, loss of light or highway safety.

3 How does this deliver objectives of the Corporate Plan?

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

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

[Land at the junction of Tippity Green/Dudley Road, Rowley Regis](#)

5 Key Considerations

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



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

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

6. The Application Site

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

7. Planning History

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

7.2 Relevant planning applications are as follows:

DC/22/66936	Proposed 3 storey residential development comprising of 6 No. 2 bedroom apartments with	Refused 24.08.2022
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	car parking, landscaping, charging points, bin and cycle stores.	
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8. Application Details

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

9. Publicity

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



9.2 Objections

Objections have been received on the following grounds:

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

9.3 Responses to objections

In response to the objector's comments:

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





Proposed Streetscene

Viewing from Tippity Green Road - Scale 1:200

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



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

10. Consultee responses

10.1 Planning Policy

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

10.2 Highways

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

10.3 Public Health (Air Quality)

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

10.5 Public Health (Noise)

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

10.6 Public Health (Contaminated Land)

No objection subject to site investigation and remediation measures.

11. National Planning Policy

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



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

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

12. Local Planning Policy

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

HOU2: Housing Density type and Accessibility

ENV3: Design Quality

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

ENV7: Renewable Energy

ENV8: Air Quality

TRAN4: Creating Coherent Networks for Cycling and Walking.

SAD H2: Housing Allocations.

SAD EOS9: Urban Design Principles

SAD HE5: Archaeology & Development Proposals.

12.2 With regard to housing policy HOU2, the proposal is in character with the area and provides good pedestrian and vehicular accessibility. In respect of policy SAD H2, the development site is not allocated for residential development in the Development Plan and therefore it is classed as a housing windfall site. The proposed residential development meets the guidance set out in the policy, would bring an



under-used piece of land into use and for much needed housing within Sandwell.

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



13. Material Considerations

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

13.2 Overlooking/loss of privacy

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

13.3 Loss of light and/or outlook

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

13.4 Layout and density of building

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

13.5 Design, appearance and materials

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



13.6 Access, highway safety, parking and servicing

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

13.7 Traffic generation

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

14 Alternative Options

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

15 Implications

Resources:	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the Council.
Legal and 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	None.
Climate Change	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that



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

16. Appendices

Location plan

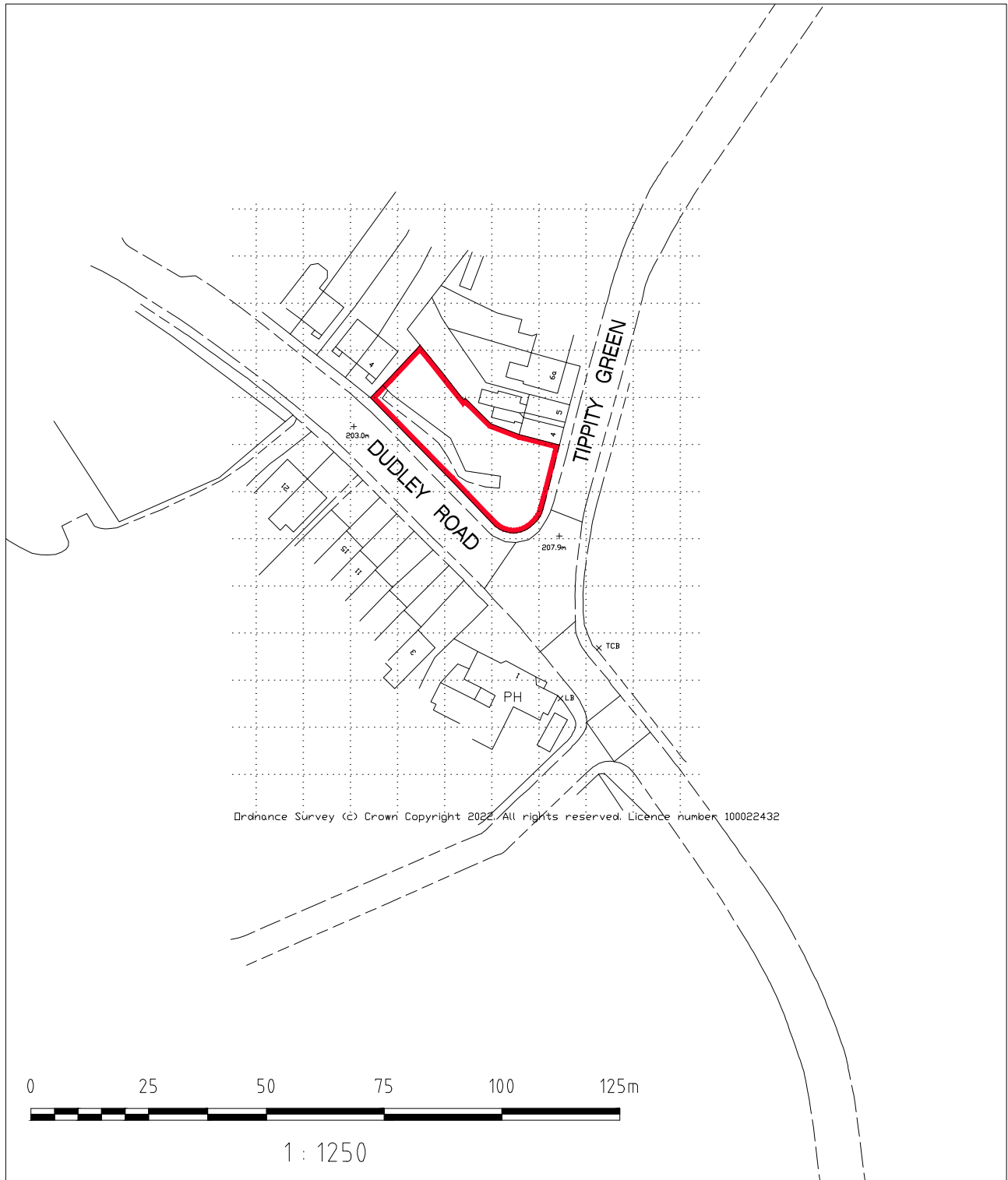
Context plan

Site layout

Proposed floor plans and elevations

Street scene





Scale:
1:1250@A4

Project Number:
21-1874/Loc

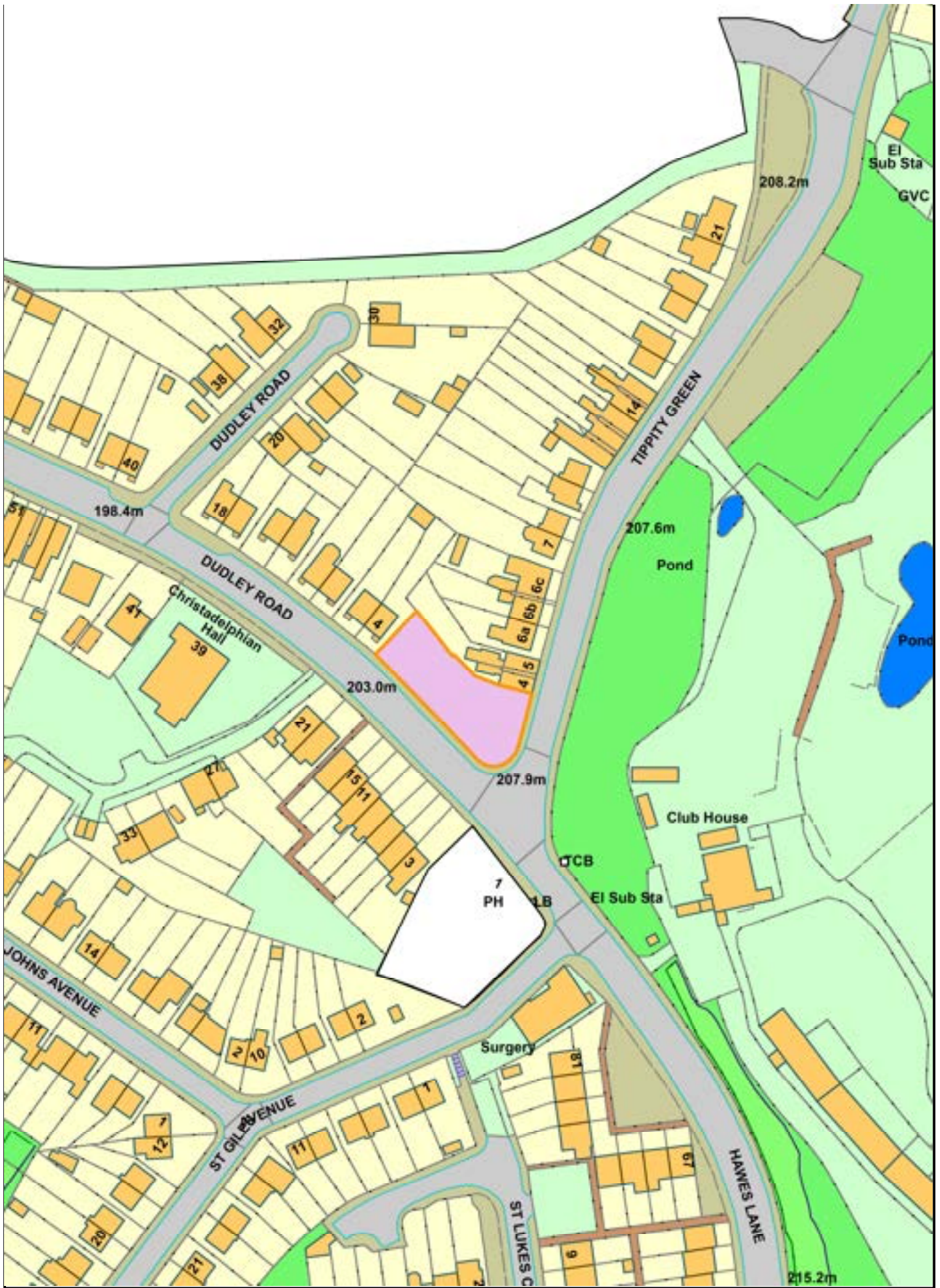
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A2



Proposed Site Plan

Scale 1:200

Legend

- Proposed Residential Dwellings
 - Plot 1 - 3B5P - Approx. GIA 97.4sqm/1048sqft
 - Plot 2 - 3B5P - Approx. GIA 93.4sqm/1005sqft
 - Plot 3 - 3B5P - Approx. GIA 93.4sqm/1005sqft
- Total 3 Units
- Proposed Rear Gardens
- Proposed Grass Areas
- Proposed Paved Surface
- Proposed Tarmac Surface
- Proposed Planting
- Approx. Site Area
706sqm (0.174acres)

<p>G 25.01.23 Plot 1 Bay amended</p> <p>F 24.01.23 Plot 1 floor plan amended</p> <p>E 19.01.23 Car Parking Spaces amended, Visibility Splay indicated Retaining wall cut back & Bin Store size amended</p> <p>D 13.12.22 Updated layouts of dwellings added</p> <p>C 09.12.22 Layout amended</p> <p>B 05.12.22 Parking amended for visitor parking bay / Cycle Stores Shown</p> <p>A 29.11.22 Updated to clients information</p>	<p>DI</p> <p>DI</p> <p>DI</p> <p>JH</p> <p>HC</p> <p>HC</p> <p>JH</p>
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rev.	date	drawn/chk'd

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number drawn	21-1874/02g	date	Oct'22	scales	1:200@A2	Land at Tippity Green and Dudley Road Rowley Regis B65 9AA Proposed Site Plan
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Note:
 - New low level plating shown indicatively, subject to LA Approval



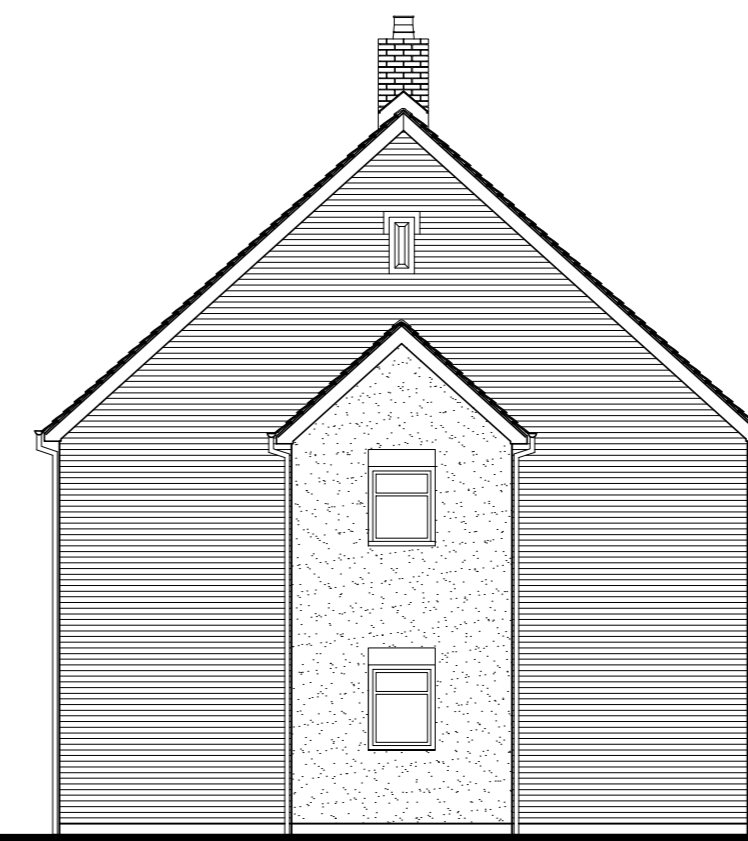
Front Elevation

Scale 1:100



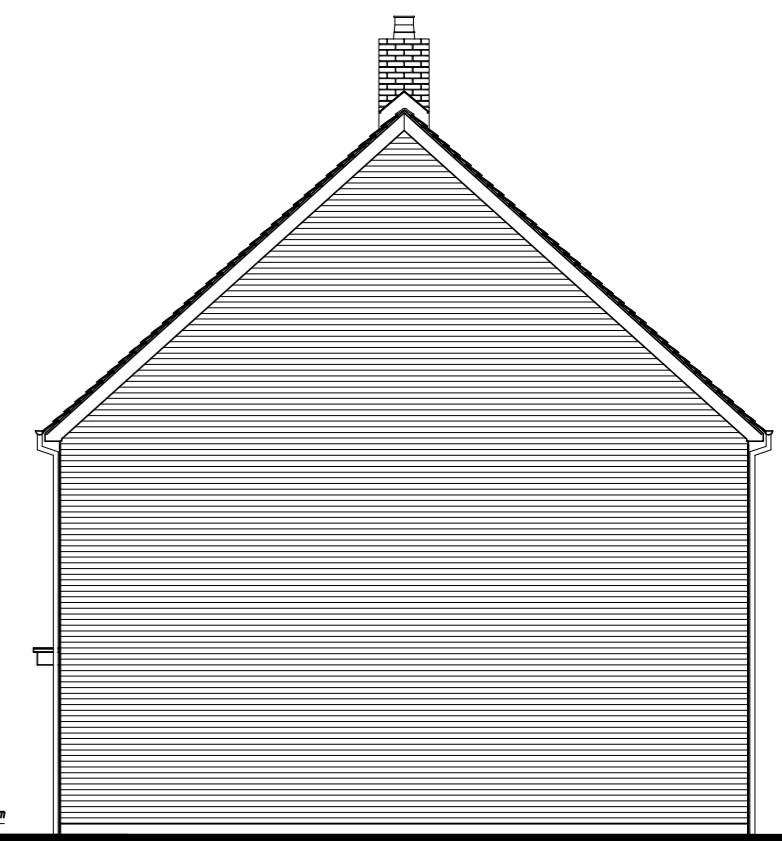
Rear Elevation

Scale 1:100



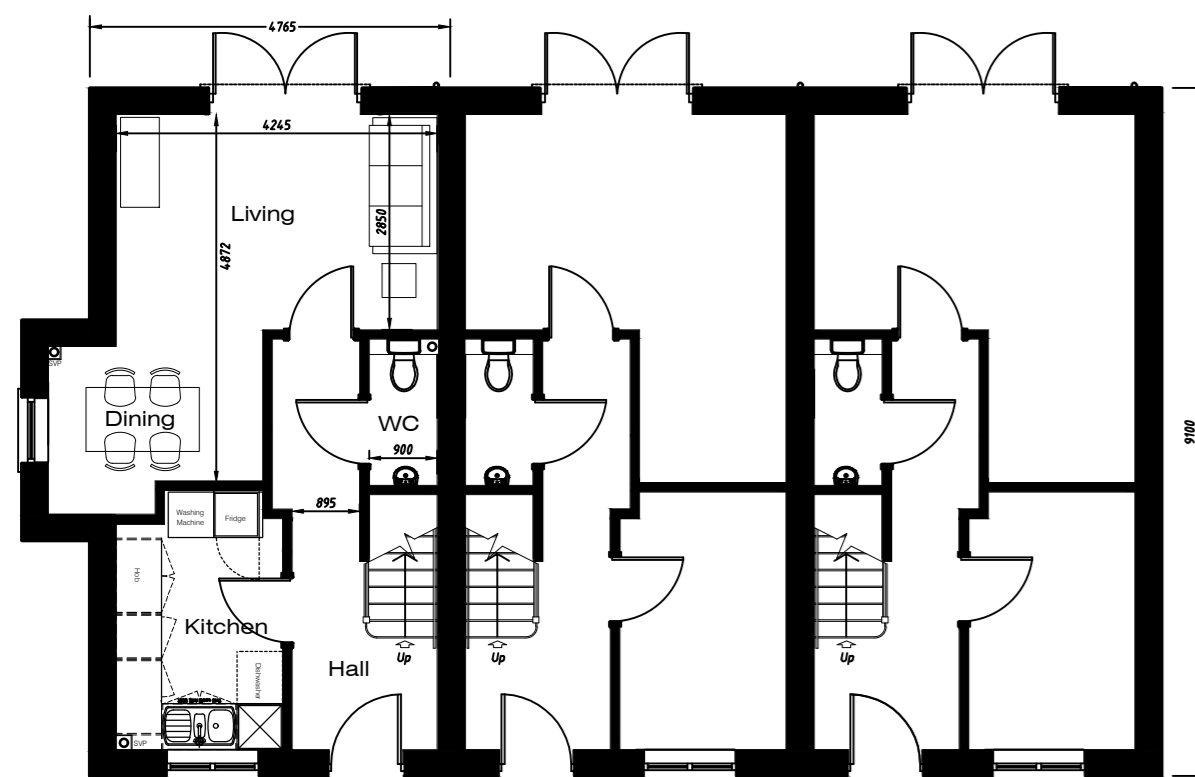
Side Elevation

Scale 1:100



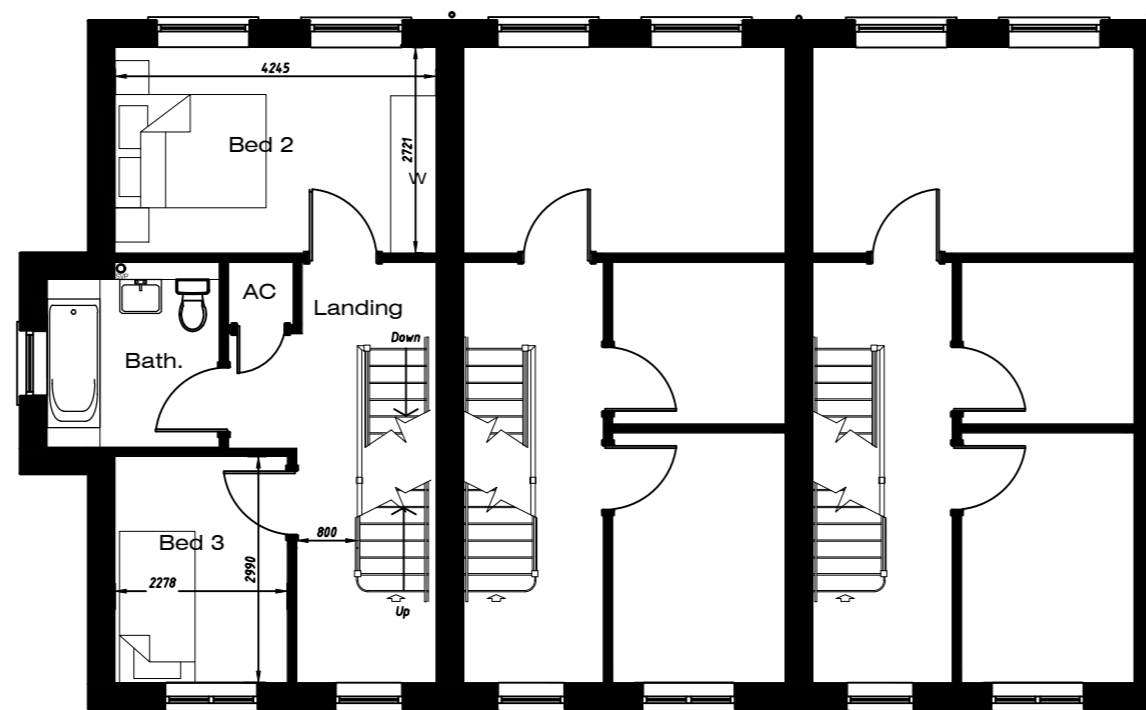
Side Elevation

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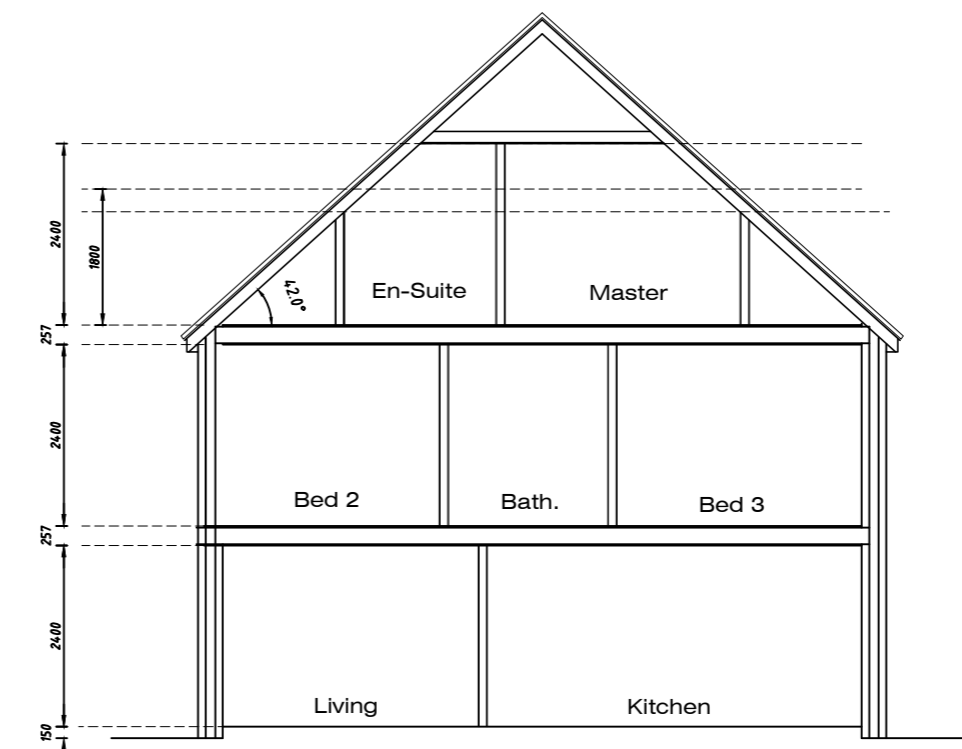
Ground Floor Plan

Scale 1:100



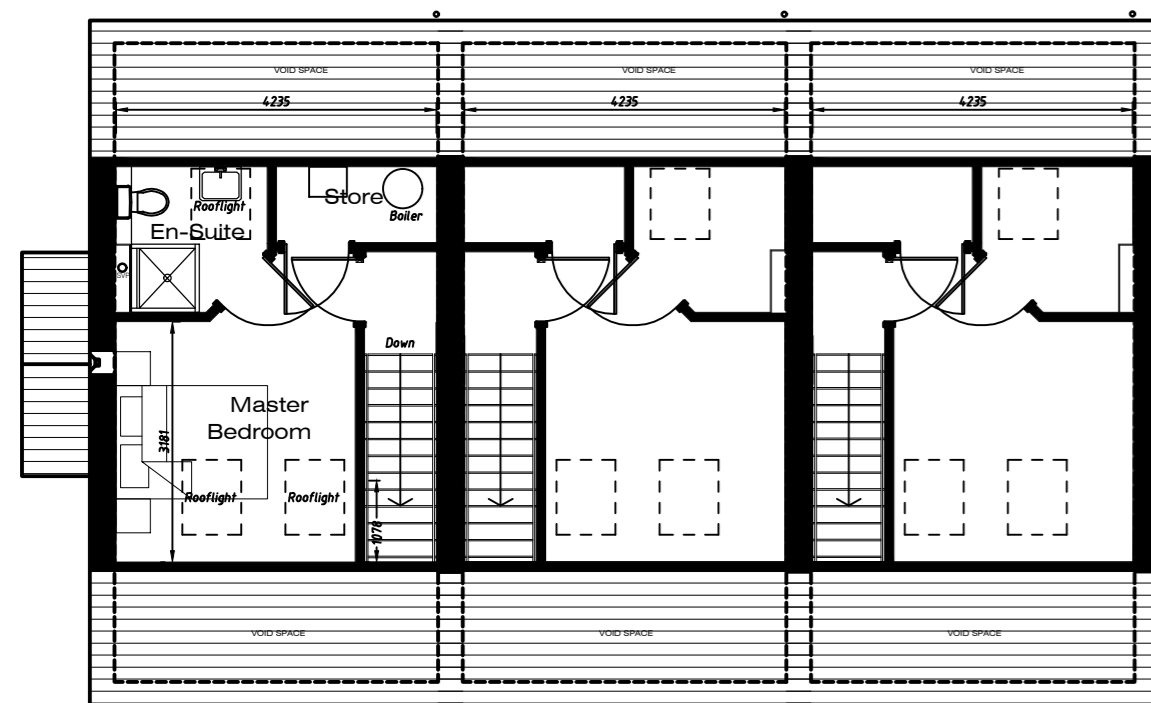
First Floor Plan

Scale 1:100



Section AA

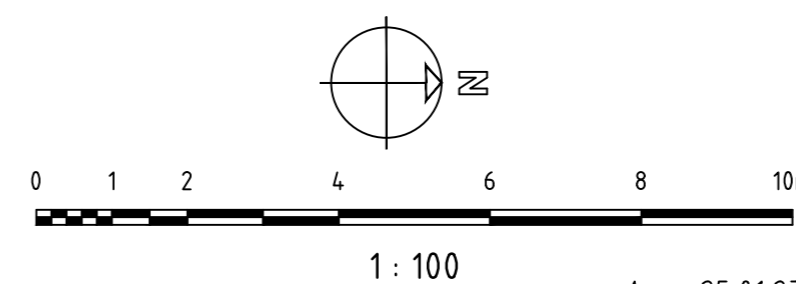
Scale 1:100



Second Floor Plan

Scale 1:100

PLOT 1	
Ground Floor Approx. GIA	- 37.6sqm (404sqft)
First Floor Approx. GIA	- 37.6sqm (404sqft)
Second Floor Approx. GIA	- 22.2sqm (239sqft)
Total Approx. GIA	- 97.4sqm (1048sqft)
PLOT 2&3	
Ground Floor Approx. GIA	- 35.6sqm (383sqft)
First Floor Approx. GIA	- 35.6sqm (383sqft)
Second Floor Approx. GIA	- 22.2sqm (239sqft)
Total Approx. GIA	- 93.4sqm (1005sqft)



Note
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A2

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date	25.01.23		
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rev.	25.01.23	Plot 1 Bay amended	
date			
drawn			
checked			
number			

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

Proposed Plans & Elevations - Feasibility 4

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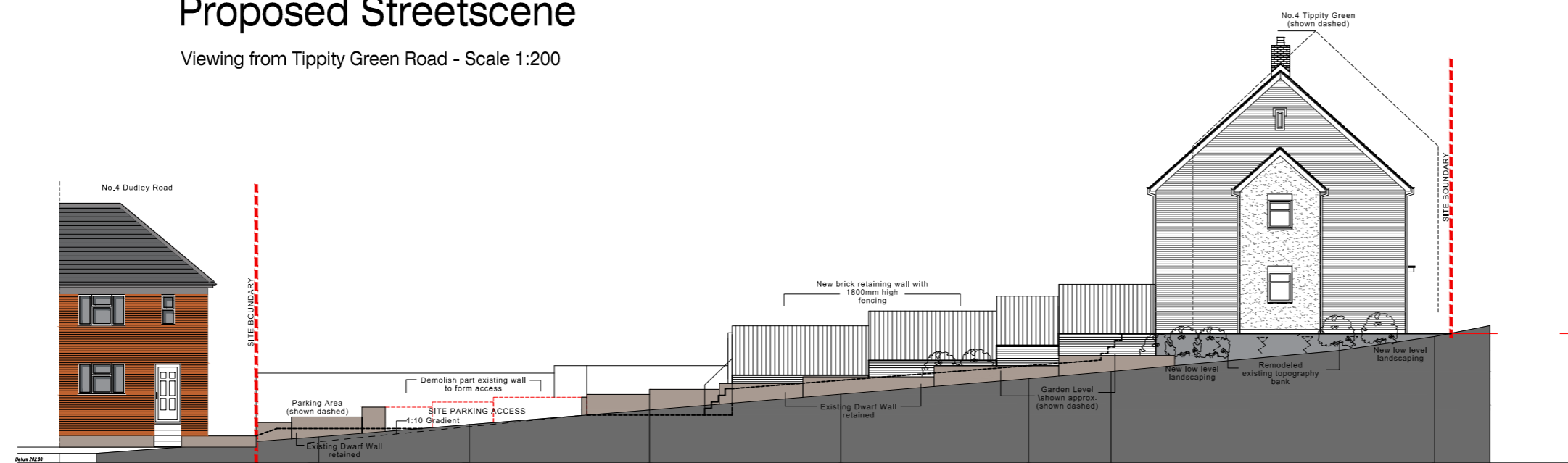
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A2



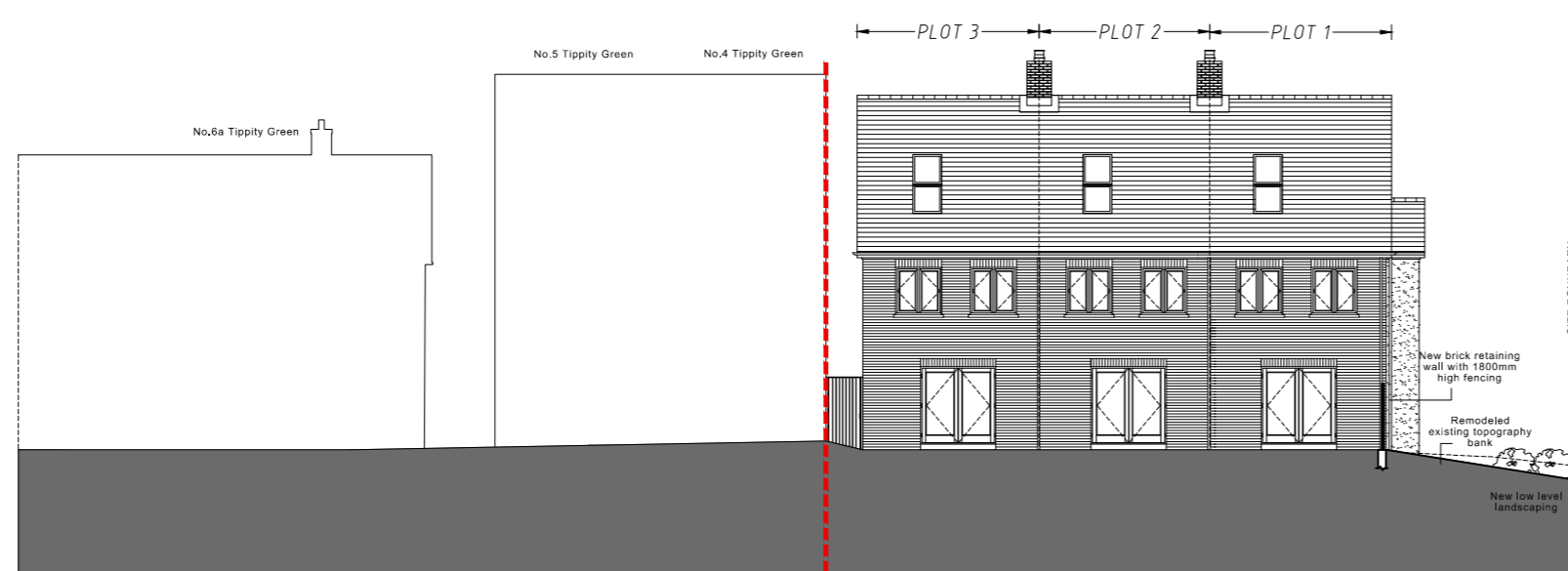
Proposed Streetscene

Viewing from Tippet Green Road - Scale 1:200



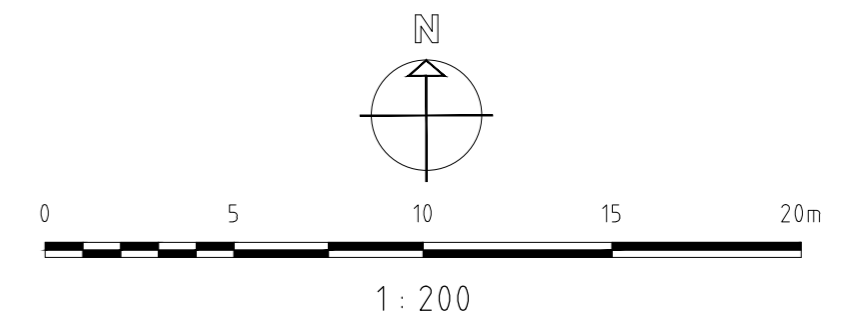
Proposed Streetscene

Viewing from Dudley Road - Scale 1:200



Proposed Rear Elevation

Scale 1:200



G	25.01.23	Plot 1 bay roof amended and walls rendered	DI
F	24.01.23	Plot 1 floor plan amended	DI
E	19.01.23	Retaining Wall cut back to allow visibility and streetscene elevation amended to show Option C	DI
D	19.12.22	Updated scale to LPA comments	JH
C	13.12.22	Updated to revised layouts	JH
B	09.12.22	Updated to revised layouts	HC
A	29.11.22	Updated to clients information	JH

rev.	date	drawn	chk'd
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number drawn HC checked GSA
 Proposed Site Sections

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