

Report to Planning Committee

28 June 2023

Application Reference	DC/23/67869
Application Received	10 January 2023
Application Description	Proposed 5 No. 2 bedroom terraced houses with associated car parking.
Application Address	Land to the rear of 120 Dudley Road Poplar Avenue Tipton
Applicant	Mr Amrik Sehmi C/o agent.
Ward	Tipton Green
Contact Officer	Mr Anjan Dey Anjan_dey@sandwell.gov.uk

1 Recommendations

1.1 That planning permission is granted subject to conditions relating to (check) :

- (i) External materials;
- (ii) Parking areas laid out and retained;
- (iii) Coal authority;
- (iv) Contaminated land (if required);
- (v) Drainage;
- (vi) Boundary treatments (not exceeding 900mm at the front of the property);
- (vii) Bin storage details;




- (viii) Landscaping;
- (ix) Electric vehicle charging provision;
- (x) Low NOx boilers;
- (xi) Construction management plan; and
- (xii) Removal of Permitted Development Rights to remove any extensions including the roof alterations and garden buildings without applying for planning permission.

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 rear of 120 Dudley Road, Tipton](#)

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 an irregular shaped piece of land that is to the rear of commercial premises along Dudley Road, Tipton. The area surrounding the site is predominately residential in nature with a motor vehicles garage located on the opposite side of Poplar Road. There is a difference in land levels along Poplar Avenue with levels rising along Poplar Avenue.

7. Planning History

7.1 There have been a numbers of planning approvals at this site for residential development with an application for 6 no 2 bedroom terraced houses approved in 2004.

7.2 Relevant planning applications are as follows:

DC/04/42345	Proposed six, 2 Bedroom Terraced Houses.	Approved with Conditions. 04.06.2004
DC/07/47704	Proposed 12no. 2 bed flats.	Refused 25.05.2007.



8. Application Details

- 8.1 The applicant is now proposing to erect a row of five, 2 storey terraced houses along Poplar Avenue. Six houses were originally proposed. The houses would be two bed, having two bedrooms on the first floor and front kitchens at ground floor level with lounges at the rear. The floor areas for each of the houses would be 65 square metres.
- 8.2 Parking for each of the house would be provided in the form of front driveways. Ground floor plans show that the houses would have front kitchens and rear lounges, with a typical layout at first floor level – bedrooms and bathrooms. Private amenity space for each of the dwellings would be in the form of rear gardens, with the end dwelling at the east have some side garden.
- 8.3 For drainage, attenuation will be provided in accordance with Severn Trent requirements.

9. Publicity

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

9.2 Objections

Objections have been received on the following grounds:

- i) The development would displace visitor parking for customers using the nearby commercial properties along Dudley Road.

9.3 Responses to objections

In response to the objector's comments:



- i) Highways have no objection to the proposal. The site layout has been revised so that parking spaces comply with the adopted standard and the proposed front boundary walls have been reduced to 900mm in height to ensure adequate visibility.

It is also noted that any customers parking outside this parcel of land are doing so on the public highway, so the proposal does not displace customer parking as such.

Objectors have been reconsulted in regards to reduced number of dwellings without further response.

10.1 The Coal Authority

Following the submission of a revised plans showing a reduced number of dwellings from six to five, The Coal Authority has now withdrawn their objection. They have recommended conditions relating to the treatment of mineshafts.

10.2 Planning Policy

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

10.3 Highways

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

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, provides off road parking 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

ENV8: Air Quality

SAD H2: Housing Allocations.

SAD EOS9: Urban Design Principles

DEL1: Infrastructure Provision

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. Proposed roof heights are staggered due to the rise in levels to Poplar Avenue.

12.4 ENV5 seeks the incorporation of sustainable drainage systems to assist with reducing the impact of flooding and surface run-off. It is envisaged that 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 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.

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 (Sedley Road West) and proposed properties (Poplar Avenue) is around 31 metres (21 metres being the standard).

13.3 Loss of light and/or outlook

There would be a sizeable gap between the development and the nearest property along Poplar Avenue (no 2) and it is noted there are retail/commercial properties to north and east. The end property at the east of the site would have a sizeable side/rear garden, and the houses would not result in any significant overshadowing to neighbouring properties. Furthermore, outlook would not



13.4 Design, appearance and materials

The proposal will incorporate brick and slate roof finish, which mirrors surrounding properties. Final materials can be conditioned to ensure the final proposals are acceptable.

The submitted site layout shows shared bin storage arrangements; separated between plots 1 to 3 and 4 to 5. A more practical arrangement has been sought with bin storage better integrated into individual plots, and at the time of writing these details are awaited. However, details regarding bin storage can also be conditioned to ensure the final proposals are acceptable.

13.6 Access, highway safety, parking and servicing

Access would be from Poplar Avenue and low-level boundary walls at the front of the houses would ensure visibility splays, and the proposal complies with parking standards.

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.
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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

Context plan

Location and site layout - 2579/P20 Rev B

Proposed elevations – 2579/P14 Rev B

Proposed ground floor plans – 2579/P10 Rev A

Proposed first floor plan – 2579/P11 Rev A

Proposed levels plan – 2579/P12



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Not Set



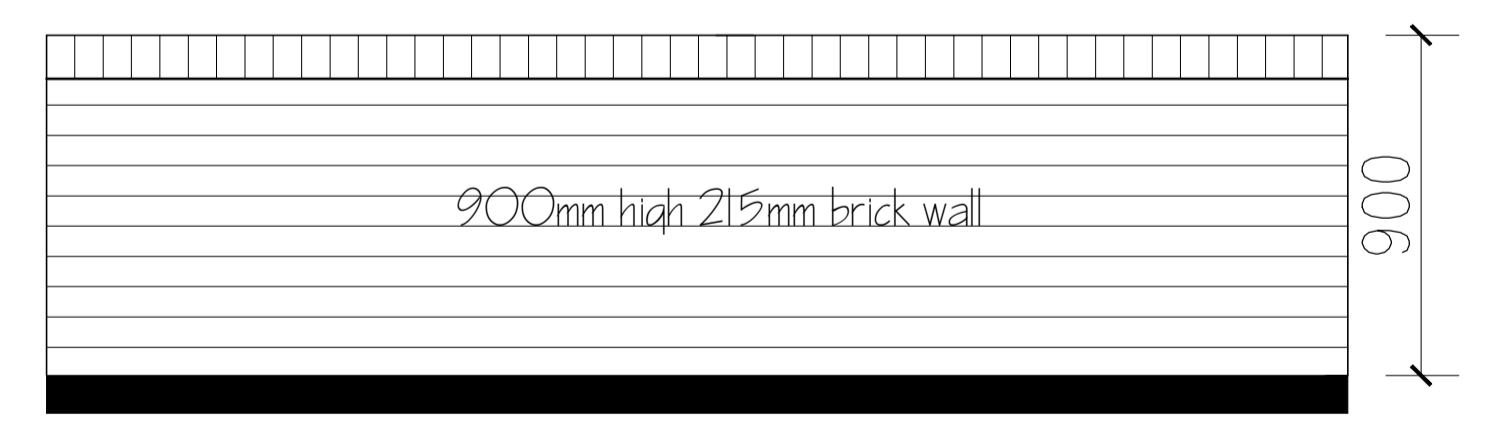
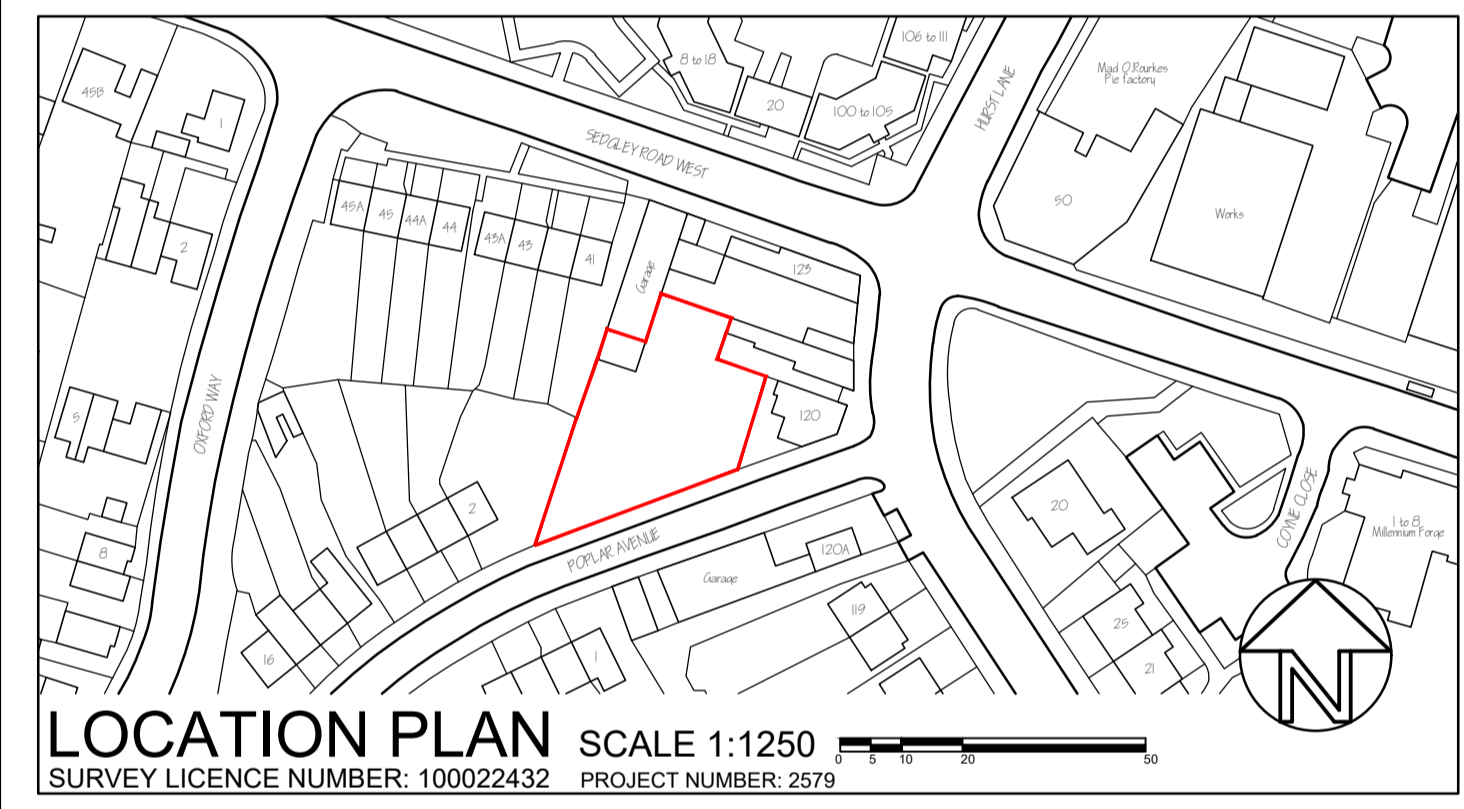
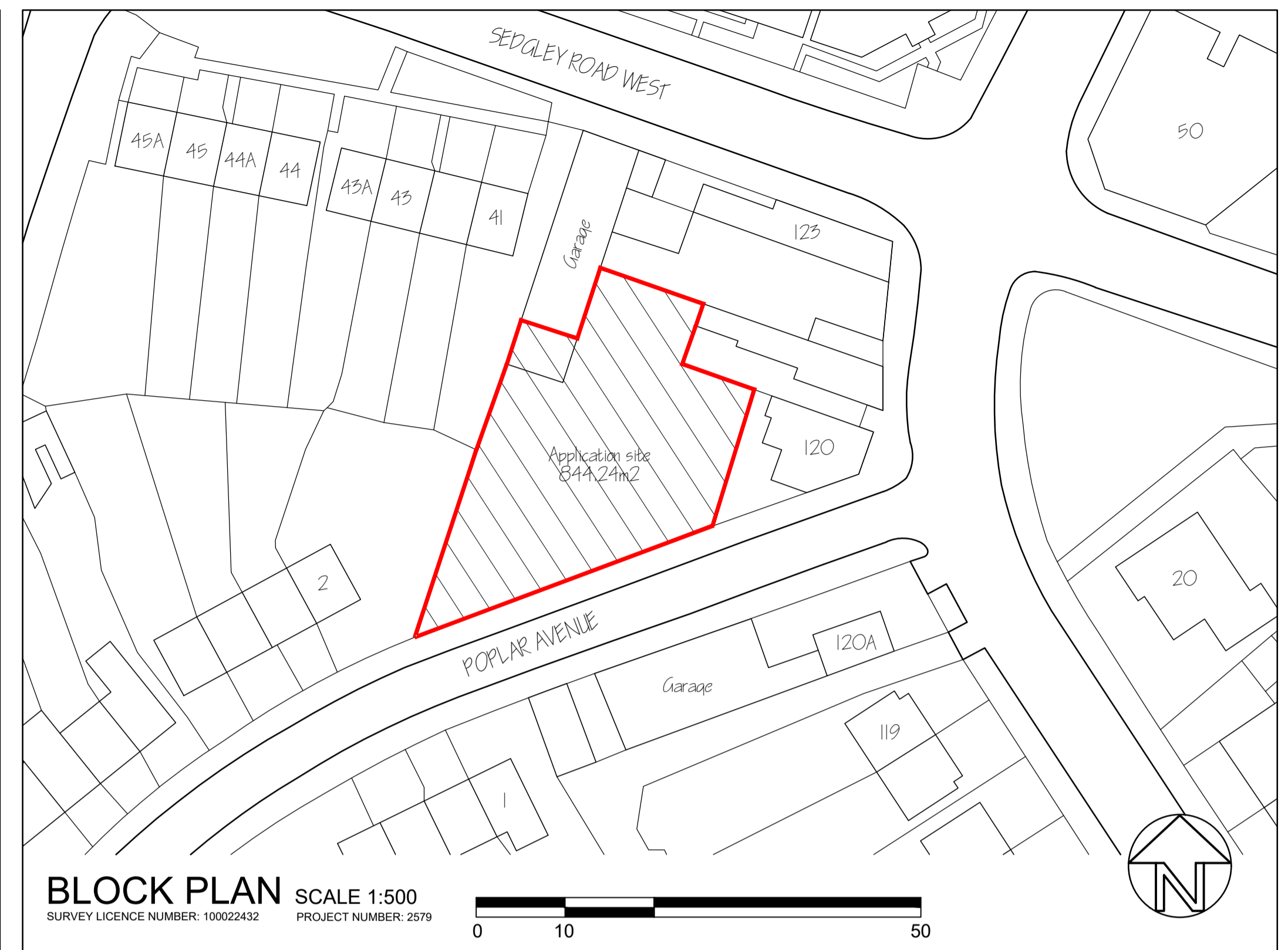
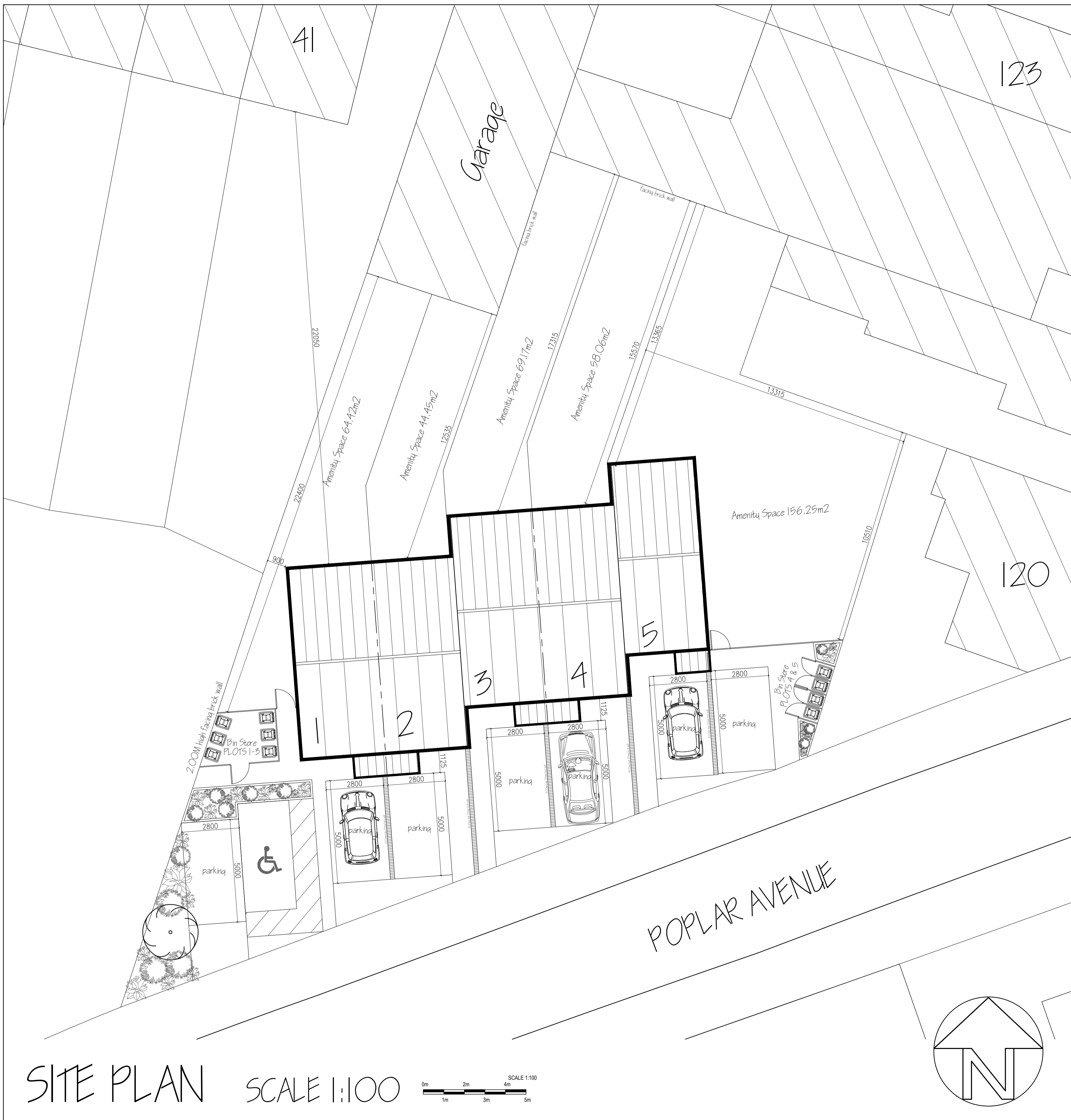
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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	13 June 2023
OS Licence No	



BOUNDARY TREATMENT IN-BETWEEN PLOTS scale 1:20

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C		12.4.23	
REV	DRAWN	DATE	REPAIRS AMENDMENTS
P		12.05.23	
REV	DRAWN	DATE	REPAIRS AMENDMENTS
A		12.05.23	

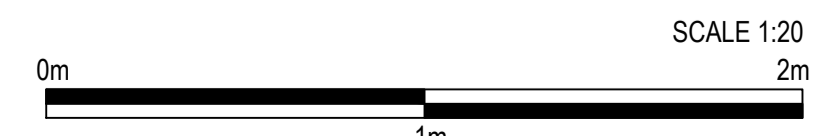
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 DESIGN, PLANNING & PROJECT MANAGEMENT
 20 Bridgnorth Road, Wombourne, Staffs, WV5 6AA
 Tel: 01902 894517 Mob: 07866454194 Email: petyler@sevendesignbuild.com

PROJECT
 PROPOSED RESIDENTIAL DEVELOPMENT
 LAND TO THE REAR OF 120 DUDLEY ROAD/
 POPLAR AVE, TIPTON
 DY4 8DJ

CLIENT
 MR A.S. SAMI

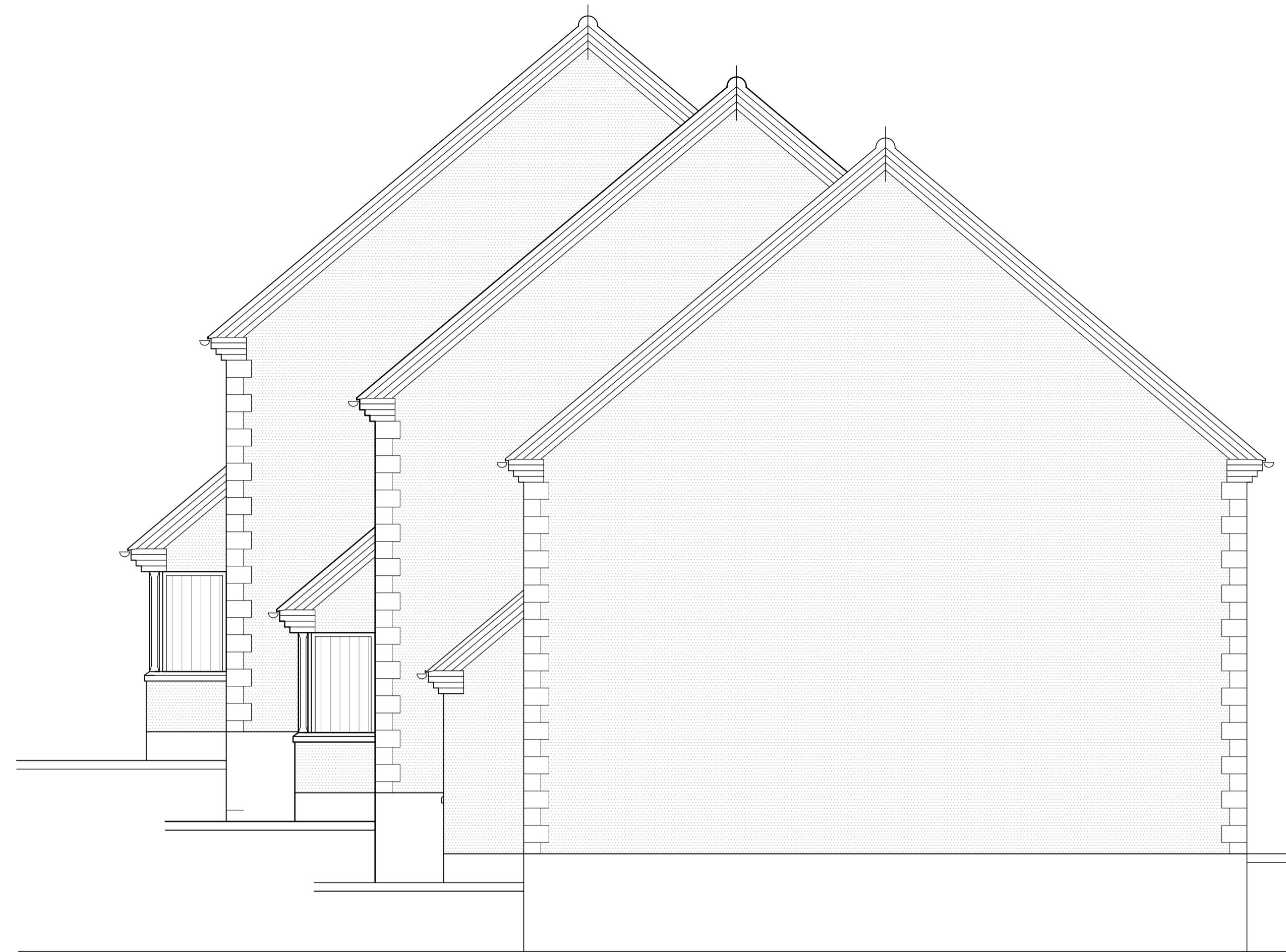
DRAWING
 PROPOSAL DRAWING
 LOCATION, BLOCK & SITE PLAN

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DRAWING No:	DATE	19.12.22
2579/P20	REV	C





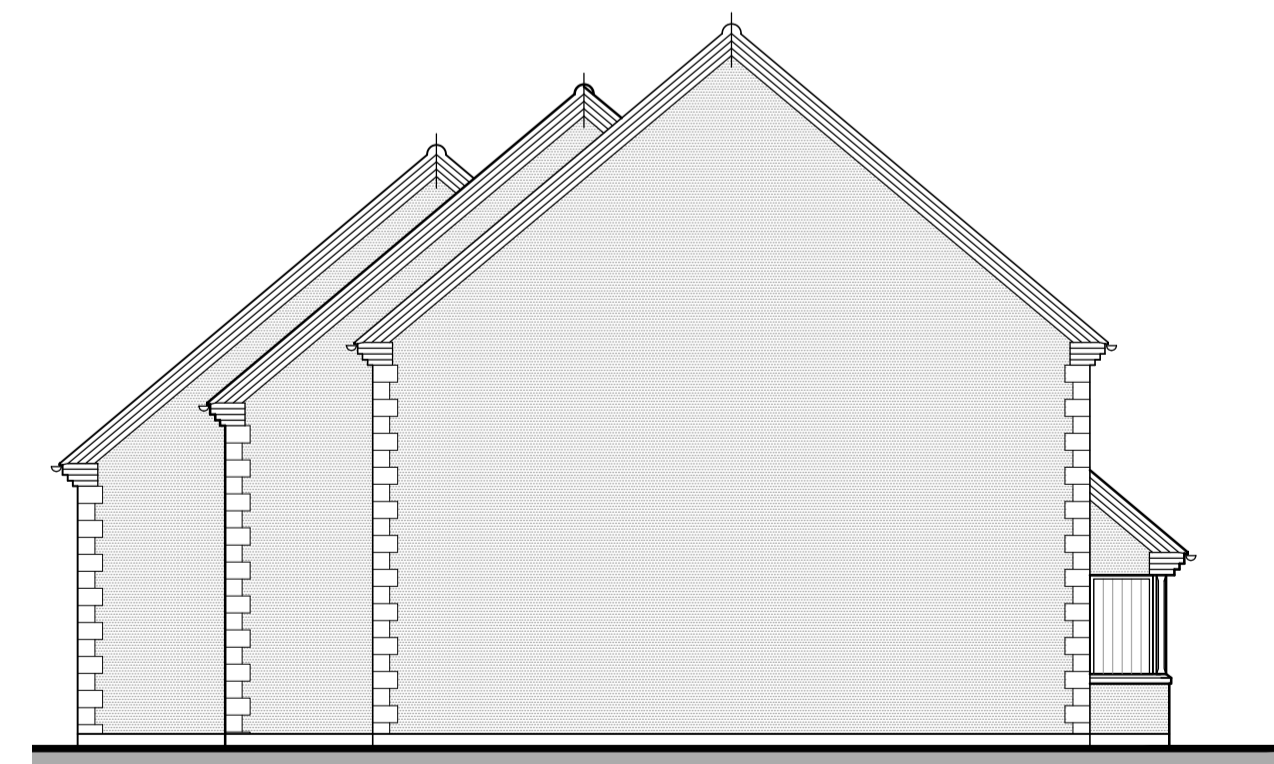
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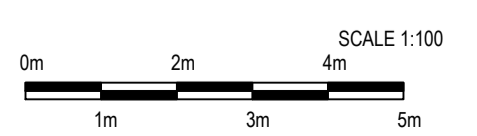
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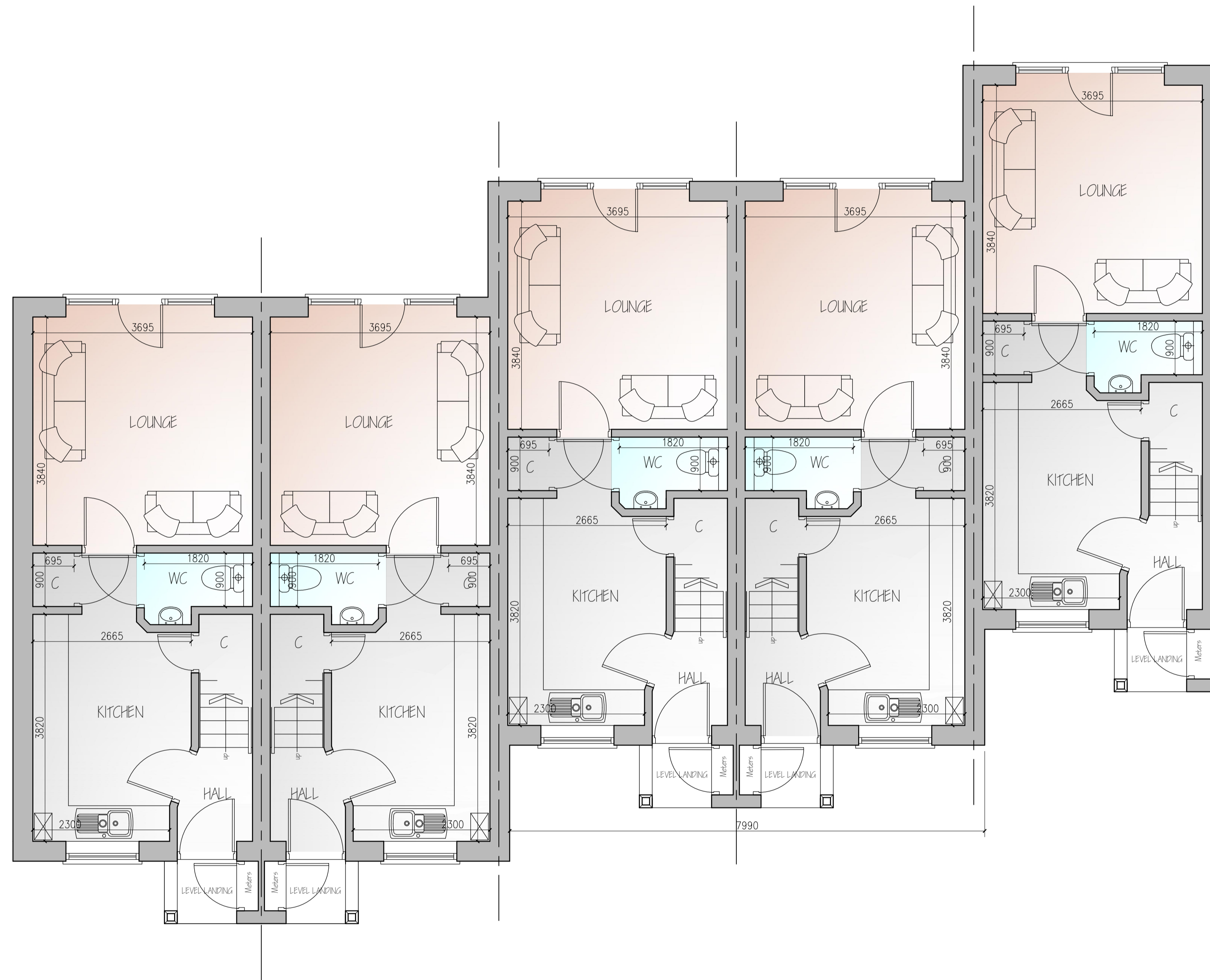
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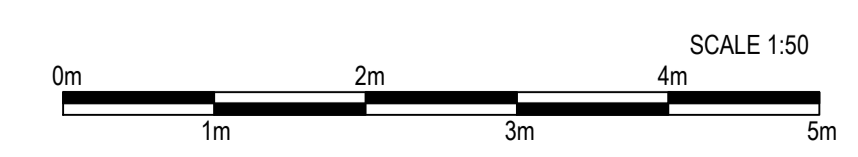
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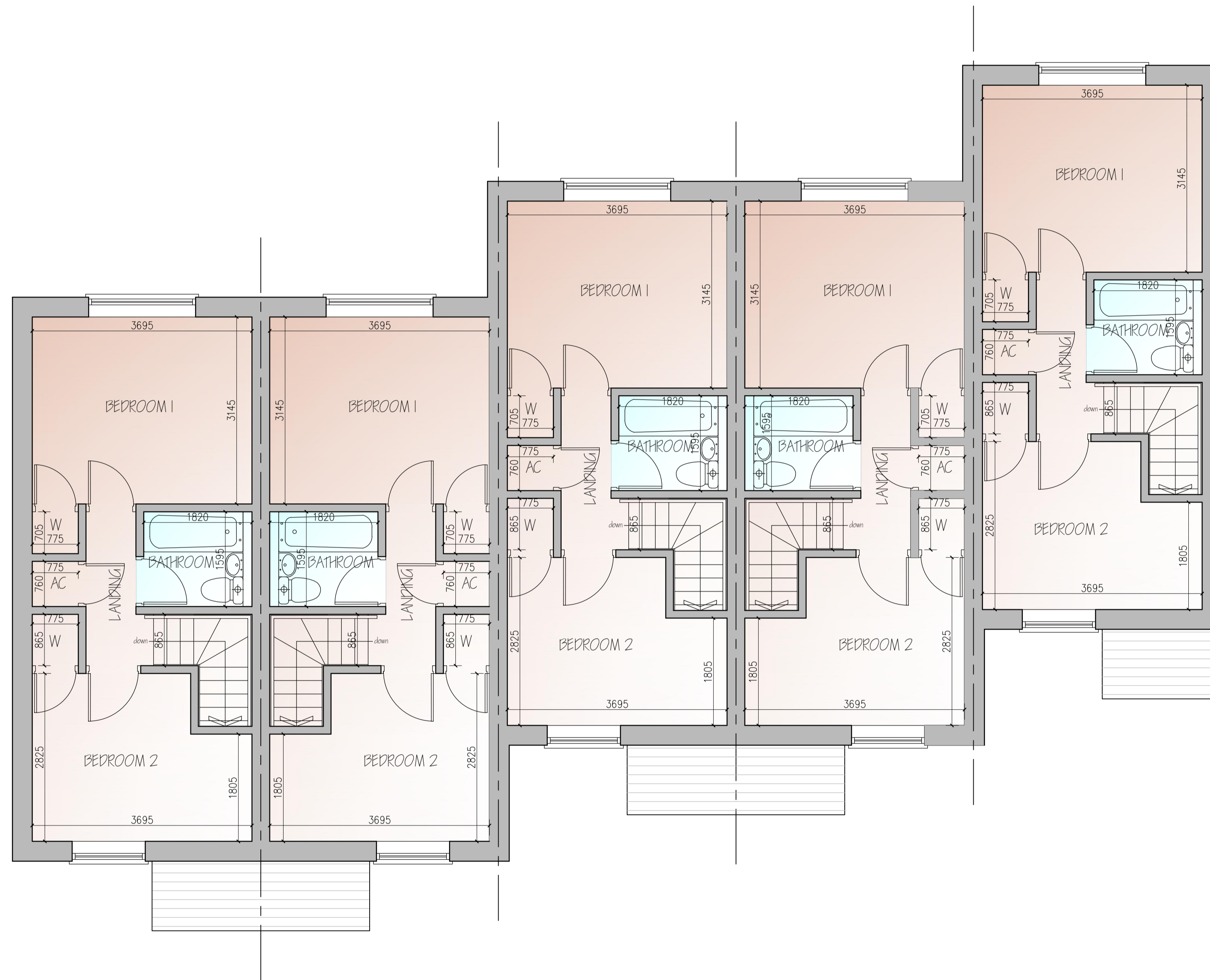
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PROJECT PROPOSED RESIDENTIAL DEVELOPMENT LAND TO THE REAR OF 120 DUDLEY ROAD/ POPLAR AVE, TIPTON DY4 8DJ			
CLIENT MR A.S. SAMI			
DRAWING PROPOSED ELEVATIONS WITHOUT LEVELS			
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2579/P14			



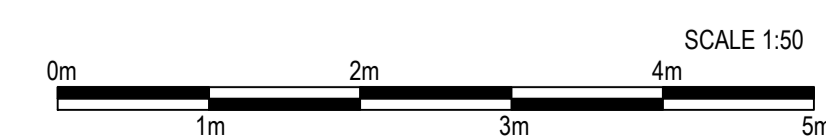
GROUND FLOOR PLAN
Ground floor area 33.10m²




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A		12/12/22	
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<p>PROJECT PROPOSED RESIDENTIAL DEVELOPMENT LAND TO THE REAR OF 120 DUDLEY ROAD/ POPLAR AVE, TIPTON DY4 8DJ</p>			
<p>CLIENT MR A.S. SAMI</p>			
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FIRST FLOOR PLAN
 first floor area 32.59m²



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REV	DRAWN	DATE	LOCAL AUTHORITY AMENDMENTS - PLOT 6 OMITTED
A		12/12/22	


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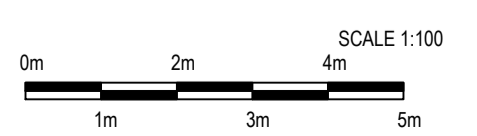
PROJECT
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 POPLAR AVE, TIPTON
 DY4 8DJ


CLIENT
 MR A.S. SAMI

DRAWING
 PROPOSED FIRST FLOOR
 PLANS

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DRAWING No: 2579/P11



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PROJECT			
PROPOSED RESIDENTIAL DEVELOPMENT LAND TO THE REAR OF 120 DUDLEY ROAD/ POPLAR AVE, TIPTON DY4 8DJ			
CLIENT			
MR A.S. SAMI			
DRAWING			
PROPOSED ELEVATIONS			
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