

# Report to Planning Committee

**15 September 2021**

<b>Application Reference</b>	DC/21/65731
<b>Application Received</b>	27 May 2021
<b>Application Description</b>	Proposed change of use of existing dwelling with two storey side extension to create 2 No. assisted living apartments and construction of new building to land adjacent to create a further 2 No. assisted living apartments (4 No. in total) with associated parking and amenity space.
<b>Application Address</b>	25 Brandhall Road Oldbury B68 8DP
<b>Applicant</b>	Mr Richard Goss
<b>Ward</b>	Bristnall
<b>Contact Officer</b>	Mr Andrew Dean <a href="mailto:andrew_dean@sandwell.gov.uk">andrew_dean@sandwell.gov.uk</a>

## 1 Recommendations

1.1 That planning permission is granted subject to:

- (i) External materials;
- (ii) Car parking;
- (iii) Drainage to include SUDS;
- (iv) Ground conditions;




- (v) The submission and approval of a 24-hour environmental noise survey and noise risk assessment and noise mitigation measures;
- (vi) Site levels plan;
- (vii) Boundary Treatments;
- (viii) Hard and soft landscaping scheme;
- (ix) Specification of cycle and refuse stores;
- (x) Electric vehicle charging points; and
- (xi) Construction method statement.

## 2 Reasons for Recommendations

- 2.1 The proposed extension and new building to create four No. one bedroom apartments are appropriate in scale and design and raises no significant concerns from an amenity or highway safety perspective. The development would contribute to the range and type of accommodation available within the borough.

## 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.
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## 4 Context

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

[25 Brandhall Road, Oldbury](#)

## 5 Key Considerations

- 5.1 The site is unallocated within the development plan.



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

Government policy (NPPF)  
Planning history (including appeal decisions)  
Overlooking/loss of privacy  
Loss of light and/or outlook  
Design, appearance and materials  
Access, highway safety, parking and servicing  
Noise and disturbance from the scheme

## 6. The Application Site

- 6.1 The application site relates to a semi-detached residential dwelling within a large plot located on the eastern side of Brandhall Road, Oldbury at the junction of Brandhall Road and George Road. The character of the surrounding area is mixed use in nature with residential dwellings, a public house and Bristnall Local Centre all within proximity to the site. The site is adjacent to a roundabout junction.
- 6.2 The northern section of the site appears to have been used for the storage of vehicles and has its own drop kerb access off the roundabout junction. The site has been fenced by an approximately 2-metre-high concrete post and wooden close boarded fence.

## 7. Planning History

- 7.1 The property has been subject to a number of applications including a recent application for the construction of a new care home which was withdrawn by the applicant. An outline application for a single dwelling on the site was refused in 2006 due to the development being too intense for the plot and inadequate provision being made for private external amenity space.
- 7.2 Relevant planning applications are as follows:



DC/20/64335	Proposed construction of a new care home and change of use of existing house to care home with two storey side extension.	Withdrawn. 18.08.2020
DC/17/60277	Proposed first floor side extension and front porch.	Grant Permission with External Materials. 20.04.2017
DC/06/45893	Outline application for single dwelling	Refuse Permission. 20.04.2006
DC/17261	Double garage.	Grant Permission with External Materials. 23.03.1984

## 8. Application Details

- 8.1 The applicant is proposing to demolish an existing single storey side extension and to erect a two-storey side extension measuring 6.7 metres (L) by 4.9 metres (W) and have an overall height of 7.1 metres. The property would then be converted into two No. one bedroom apartments, with the ground floor unit measuring 55.2m<sup>2</sup> and the first-floor unit measuring 53.2m<sup>2</sup>.
- 8.2 The applicant is also proposing to erect a two-storey building on the northern section of the site measuring 7.2 metres (L) by a maximum of 15 metres (L) and has an overall height of 7.7 metres. The proposed building would contain two No. one bedroom apartments with the ground floor unit measuring 65m<sup>2</sup> and the first-floor unit measuring 67.9m<sup>2</sup>.
- 8.3 115m<sup>2</sup> of communal private amenity space would be provided for the four units as well as four off street car parking spaces.
- 8.4 The applicant has stated the four units proposed would be assisted living apartments. The applicant has provided a care statement saying that the aim of the proposal is to design and build accommodation suitable for





residents to live independently in the community. It is also stated that residents would receive very little support as they would be living independently and would be mobile, so no site visits are expected from hairdressers, chiropodist, nurses and social works etc.

## 9. Publicity

9.1 The application has been publicised by neighbour notification letter, with seven letters of objection being received.

## 9.2 Objections

Objections have been received on the following grounds:

- i) Highways safety concerns due to the existing high level of on street car parking outside the application property, the number of spaces provided within the site, no parking provided for carers as well the location of the site being in close to a traffic island.
- ii) Double yellow lines near the roundabout are often ignored by residents and vehicles park on the pavement on Brandhall Road outside local businesses and on the junction of Pound Road/ Moat Road causing issues for pedestrians.
- iii) Motorists use the traffic island at excessive and unsafe speeds.
- iv) The driveway to the property is steep and will be difficult for disabled access.
- v) The proposal is out of character with the surrounding area in that it is in a prominent location and over sized in relation to adjacent dwellings.
- vi) The area suffers from noise and disturbance from the existing Plough public house and an existing care home in the area. Residents therefore do not want another development which would cause further problems.
- vii) The proposal would be overdevelopment of the site.
- viii) No information has been provided on the type of people who will be living in these apartments. Will it include people with mental health issues or offenders?

Immaterial objections have been raised regarding loss of property value.



## 9.3 Responses to objections

I respond to the objector's comments in turn:

- (i) The Head of Highways has reviewed the proposal and raised no objections to the application. Each unit would be provided with an off-street car parking space with vehicles being able to enter and leave in forward gear. The proposal would utilise the existing drop kerb to the property with no new site entrance being created.
- (ii) Enforcement of vehicle parking on double yellow lines and adopted pavements which are behind double yellow lines are a matter for the council's highways parking department to enforce. Parking on the pavement without double yellows lines is a police matter.
- (iii) This would be a matter for the police.
- (iv) It is noted the driveway to the property slopes upwards away from the road. A pedestrian entrance is also shown on the plan which due to the levels of the site would have a smaller gradient. The development would require building regulations approval.
- (v) I do not consider the development to be out of character with the surrounding area. The building has been designed to turn the corner and add a feature gable design to a prominent corner location. This is a similar design feature of other buildings found fronting onto the roundabout in this location. The property would be two storeys in nature which is a character of both adjacent properties.
- (vi) The Pollution Control Team (noise) has raised no objections to the proposal subject to conditions contained within the recommendation. I do not consider the proposed residential use would cause significant levels of noise and disturbance to adjacent properties.
- (vii) I do not consider the proposal to be over development of the site. The units proposed comply with the councils Revised Residential Design Guide SPD both in terms of internal and external amenity space as well as car parking provision.
- (viii) The applicant has stated that the units would be used for residents to live independently in the community with little support offered to tenants. The individuals would be mobile, so no site visits are expected from hairdressers, chiropodists, nurses and social workers etc. No staff break out rooms or sleeping facilities have been provided on the site. The proposed use is not as a care home, bail hostel or secure residential institution.



## 10. Consultee responses

### 10.1 Planning Policy

No objections. SAD policy H4 is applicable. Guidance under this policy states that the Council will encourage the provision of housing to cater for the special needs of people. The proposed development meets the guidance set out in the policy in that it is compatible with adjacent uses, the proposal would provide suitable living accommodation and the location of the property is close to the existing facilities of Bristnall local centre.

### 10.2 Highways

The Head of Highways has raised no objections to the application.

No staff are listed on the planning application and no staff facilities are shown on the layout drawings (staff break rooms/bedrooms), care statement says limited support no visits from social services/care providers. Therefore, the application has been assessed as 4 apartments/residential dwellings.

The applicants have provided 4 off street parking spaces.

Trip rates and parking accumulation linked to four apartments would not be classed as excessive or deemed to have a severe impact on the road network in terms of volumes or congestion. The access to the carpark is from a historic/existing drop kerb all vehicles will be able to enter and leave in a forward gear.

### 10.3 Public Health (Air Quality)

No objections subject to electric vehicle charging points being provided and the submission of a construction method statement.



## 10.4 Public Health (Contaminated Land)

No objections subject to a contaminated land condition.

## 10.5 Public Health (Air Pollution and Noise)

No objections. As the proposal would be located close to a traffic island, there are concerns that residents could be affected by noise from passing vehicles as well as from the adjacent public house. It is therefore recommended that a 24 hour environmental noise survey and noise risk assessment for both internal and external areas are carried out by a suitably qualified noise consultant and any mitigation measures proposed shall be submitted to and approved by the local planning authority. Hours of construction have also been recommended.

## 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.

## 12. Local Planning Policy

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

ENV3: Design Quality

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

ENV8: Air Quality

TRAN4: Creating Coherent Networks for Cycling and for Walking

SAD EOS9: Urban Design Principles

SAD H4: Housing for People with Specific Needs

- 12.2 ENV3 and SAD EOS9 refers to well designed schemes that provide quality environments. The scheme is acceptable in appearance and has



been designed to comply with the council's Revised Residential Design Guide SPD in terms of internal and external amenity space.

- 12.3 ENV5 seeks the incorporation of sustainable drainage systems to assist with reducing the impact of flood and surface run-off. A drainage condition to include sustainable drainage has been included within the recommendation.
- 12.4 ENV8 refers to mitigation measures to offset air quality issues. A condition has been included within the recommendation for electric vehicle charging points to be provided and a site management plan to limit dust emissions.
- 12.5 Cycling parking provision (TRAN4) is shown on plan and further detail can be requested via condition.
- 12.6 SAD policy H4 encourages the provision of housing to cater for the special needs to people. The proposed development meets the guidance set out in the policy in that it is compatible with adjacent uses, the proposal would provide suitable living accommodation and the location of the property is close to existing facilities of Bristnall local centre.

### **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 Planning history (including appeal decisions)**

It is noted a previous outline application for a residential dwelling on the site was refused 2006 due to the development being too intense for the plot and inadequate provision being made for private external amenity space. The proposed scheme for four apartments would require a total of 40m<sup>2</sup> of external amenity space (10m<sup>2</sup> per unit). The development would provide 115m<sup>2</sup> of communal external amenity space and each



unit proposed would exceed the minimum 50m<sup>2</sup> of internal amenity space required for a one-bedroom unit. Furthermore, sufficient off-street car parking has been provided within the site as well as bin and cycle storage locations. The development is therefore in accordance with the Revised Residential Design Guide SPD.

### 13.3 **Overlooking/loss of privacy**

Taking into consideration the proposed development would share a boundary at the rear with an existing beer garden for the adjacent public house coupled by the fact there would be no direct overlooking of primary windows of properties at the rear within proximity to the site. I am satisfied no significant loss of privacy or overlooking would occur.

### 13.4 **Loss of light and/or outlook**

Taking into consideration the location of the proposed two storey side extension and proposed two storey detached building, coupled by the fact no breach of the 45-degree code line would occur from the adjacent public houses first floor rear elevation. I am satisfied no significant loss of light or outlook would occur as a result of the proposal.

### 13.6 **Design, appearance and materials**

The proposed two storey side extension to the existing dwelling complies with the council's design guidance in that the extension is set back from the front of the dwelling and the ridgeline is set down. The proposed new building at the junction of Brandhall Road and George Road respects the building line of both streets and has been designed to turn the corner and add a feature gable wall at the front. This is a similar design feature of other buildings found fronting onto the roundabout in this location. All units provided comply the minimum internal and external amenity space standards as stated in the Revised Residential Design Guide SPD. A condition for the external materials proposed to be submitted to and approved by the local planning authority has been included within the recommendation. Furthermore, the existing close boarded fence which is





located at the back of pavement would be removed and replaced with a low-level boundary treatment. This would be a significant improvement in the street scene and improve visibility on the corner.

### 13.7 Access, highway safety, parking and servicing

The Head of Highways has raised no objections to the application. The applicant is providing one off street car parking space per unit and would be making use of an existing drop kerb for the entrance of the site. No staff break out area or sleeping facilities are provided within the site and the applicant has stated the aim of the proposal is to design and build accommodation suitable for residents to live independently. Due to the large driveway area to the front of the property, some double parking by visitors could occur if required. Paragraph 111 of the NPPF states “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”. Taking into consideration the above, coupled by the fact the Head of Highways has raised no objections to the application. I do not consider the proposal would have an unacceptable impact on highway safety to warrant refusal of the application on highways grounds.

### 13.8 Noise and disturbance from the scheme

The Pollution Control Team (noise) has raised no objections to the application. As the proposal is for the creation of four residential apartments, I do not consider a significant amount of noise and disturbance to neighbouring properties would occur as a result of this development. In order to protect residential amenity during the construction process, a condition for a site management plan has been included within the recommendation which will confirm hours of construction.





## 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 of a suitable design, would not significantly harm residential amenity, would not result in significant harm being caused to the safety and convenience of users of the highways and accords with relevant adopted planning policy.

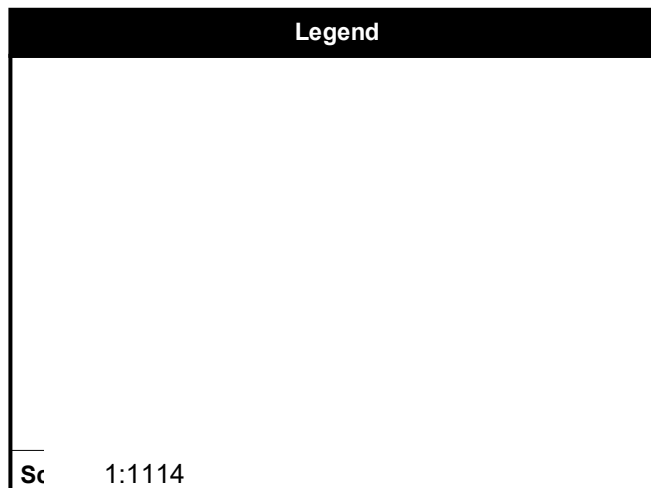
## 15 Implications

<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.

## 16. Appendices

Site Plan  
Context Plan  
11 REV A  
12 REV B  
5 REV B  
10 REV B  
01

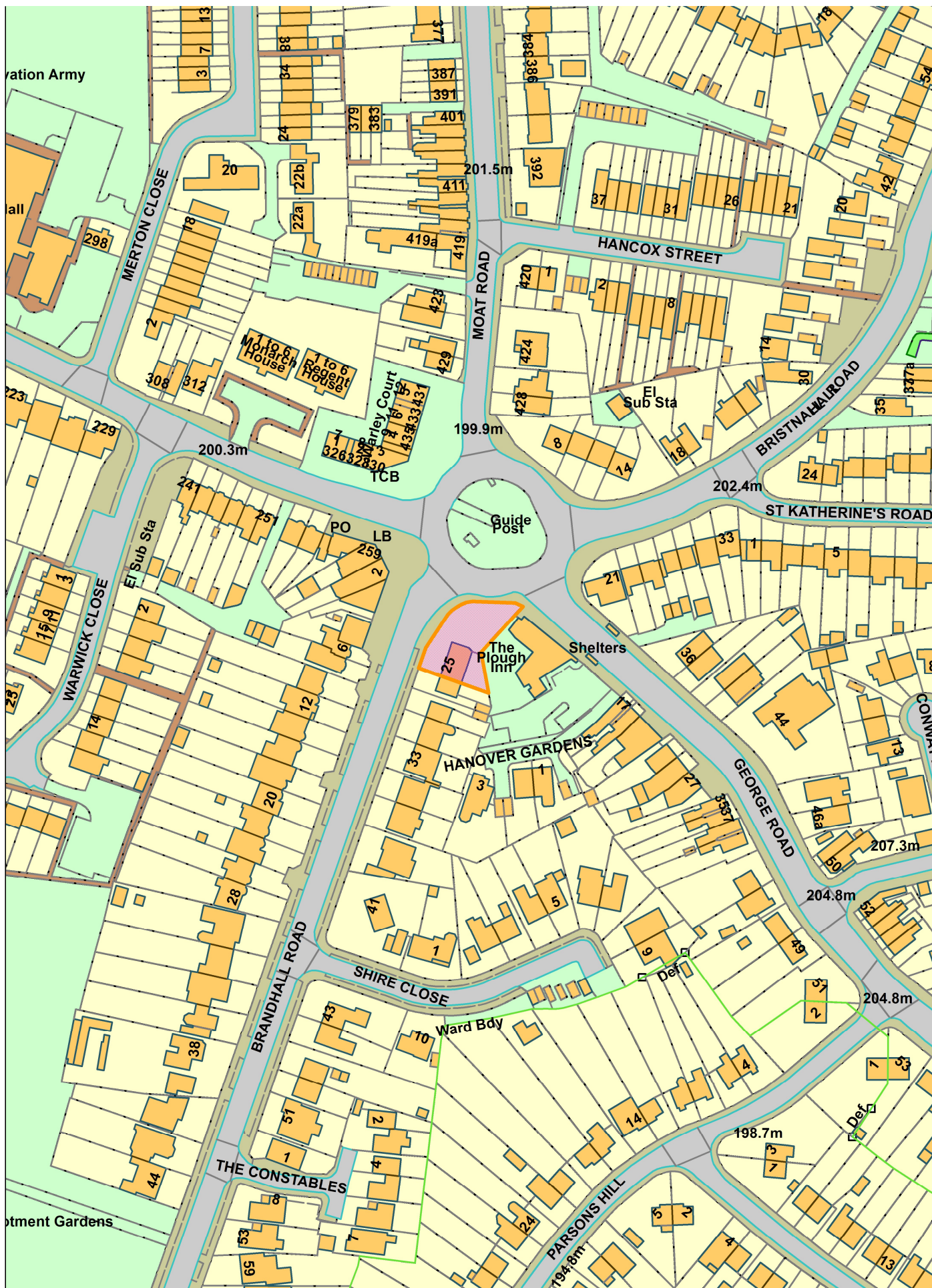




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<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	25 August 2021
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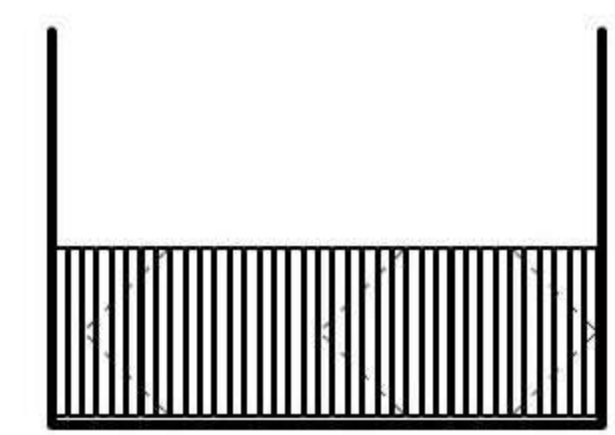




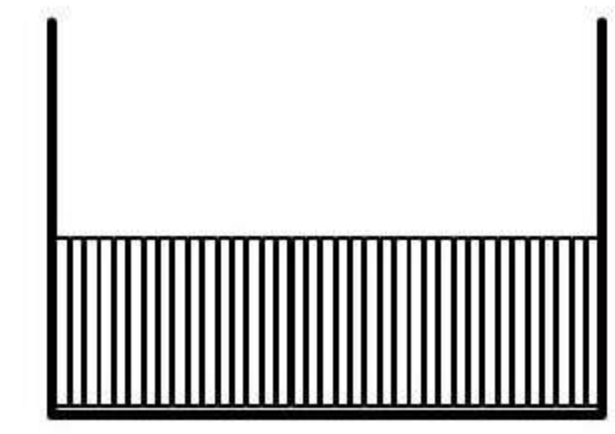


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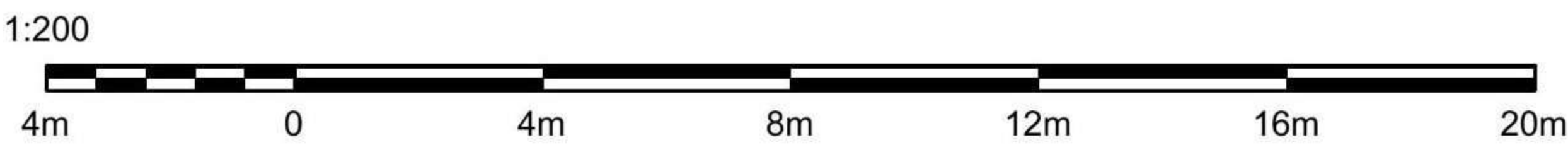


Bin Store Elevation A



Bin Store Elevation B

B	Bin Store Elevations		RG
A	Revised Layouts		RG
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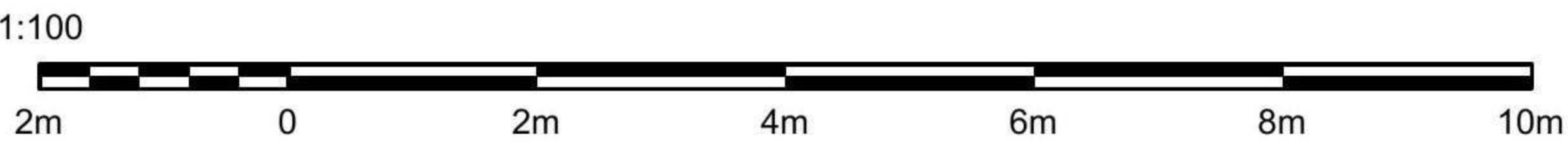




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G E O R G E   S T R E E T



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<b>PAPER</b> A2		
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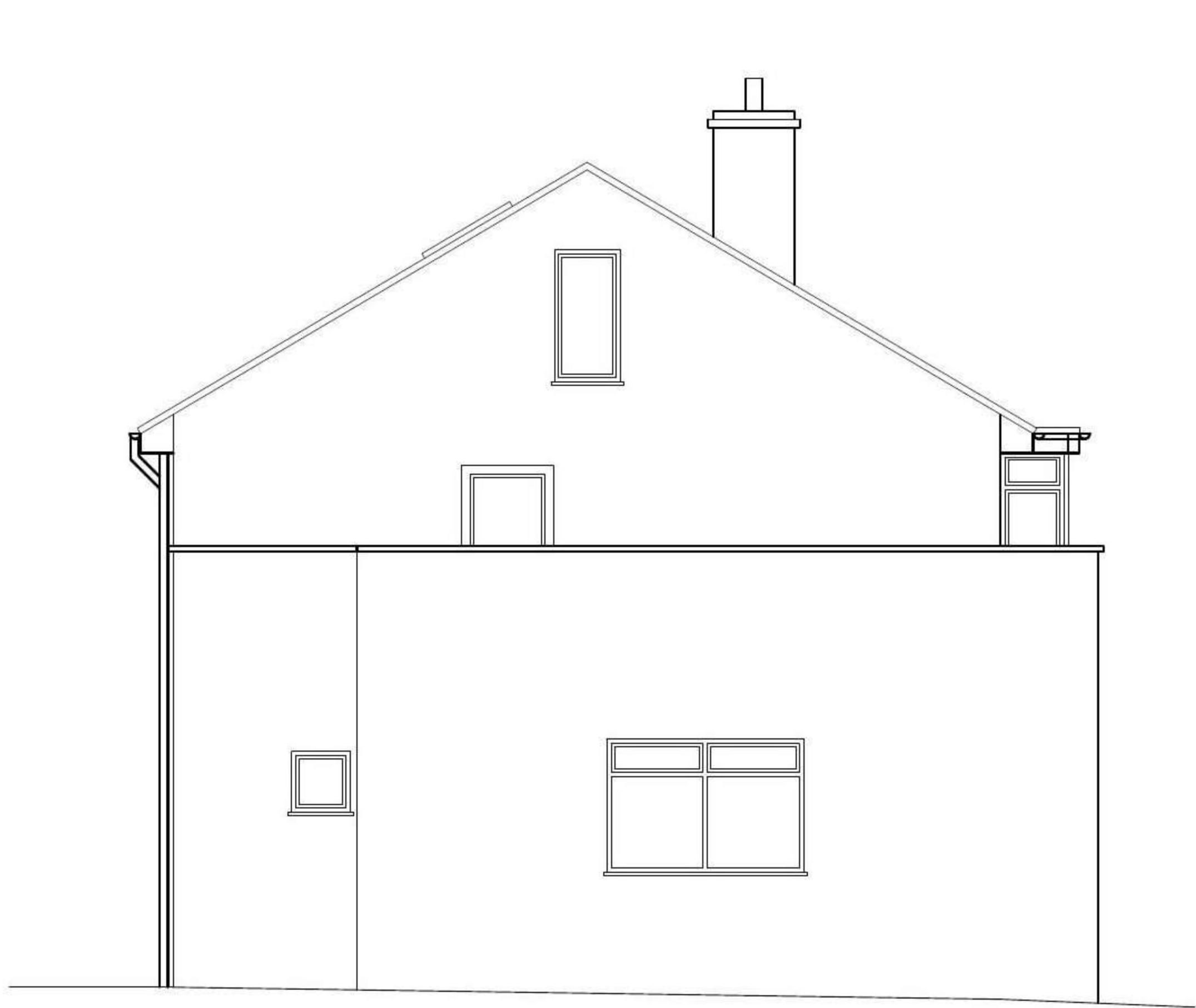




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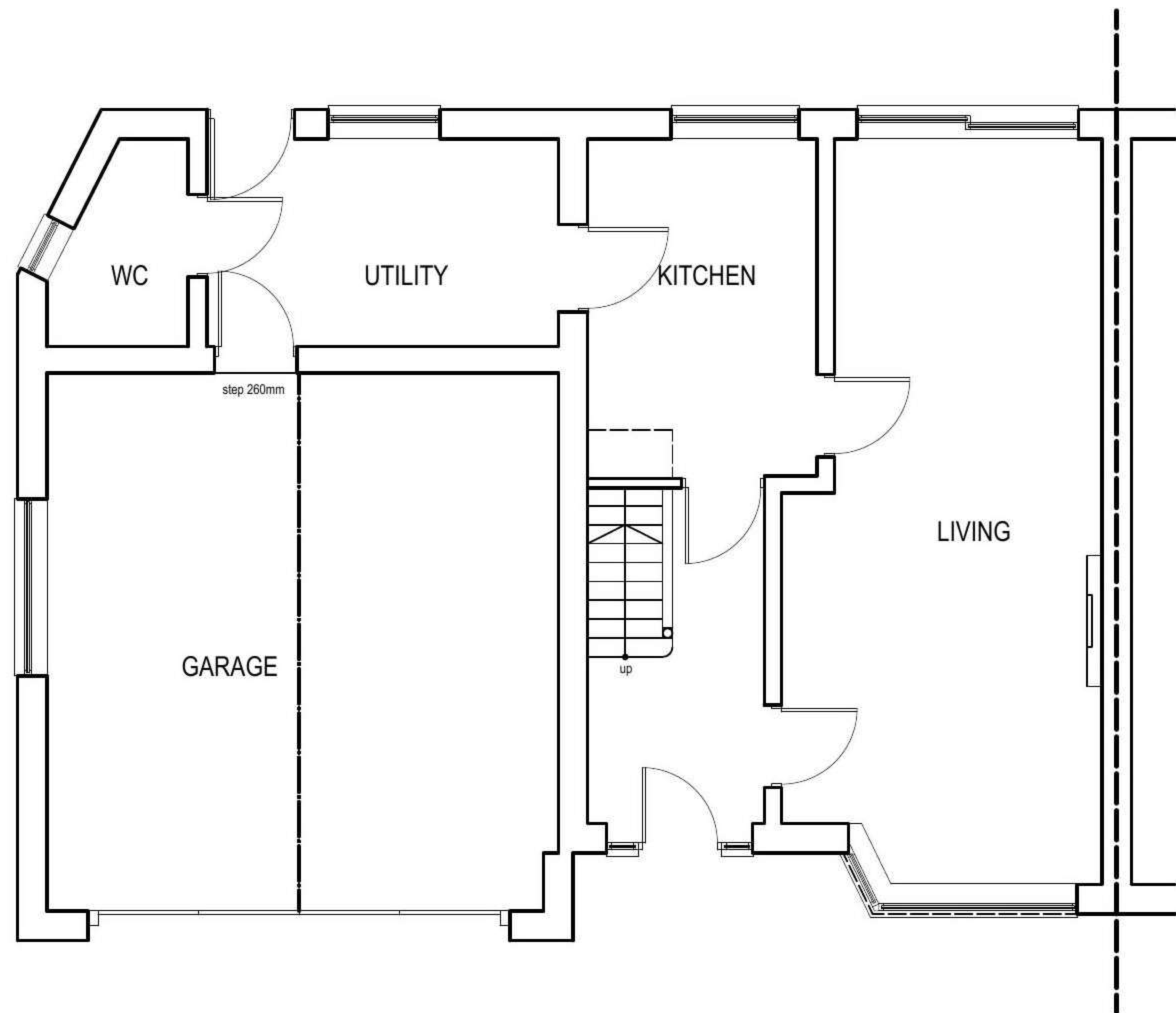
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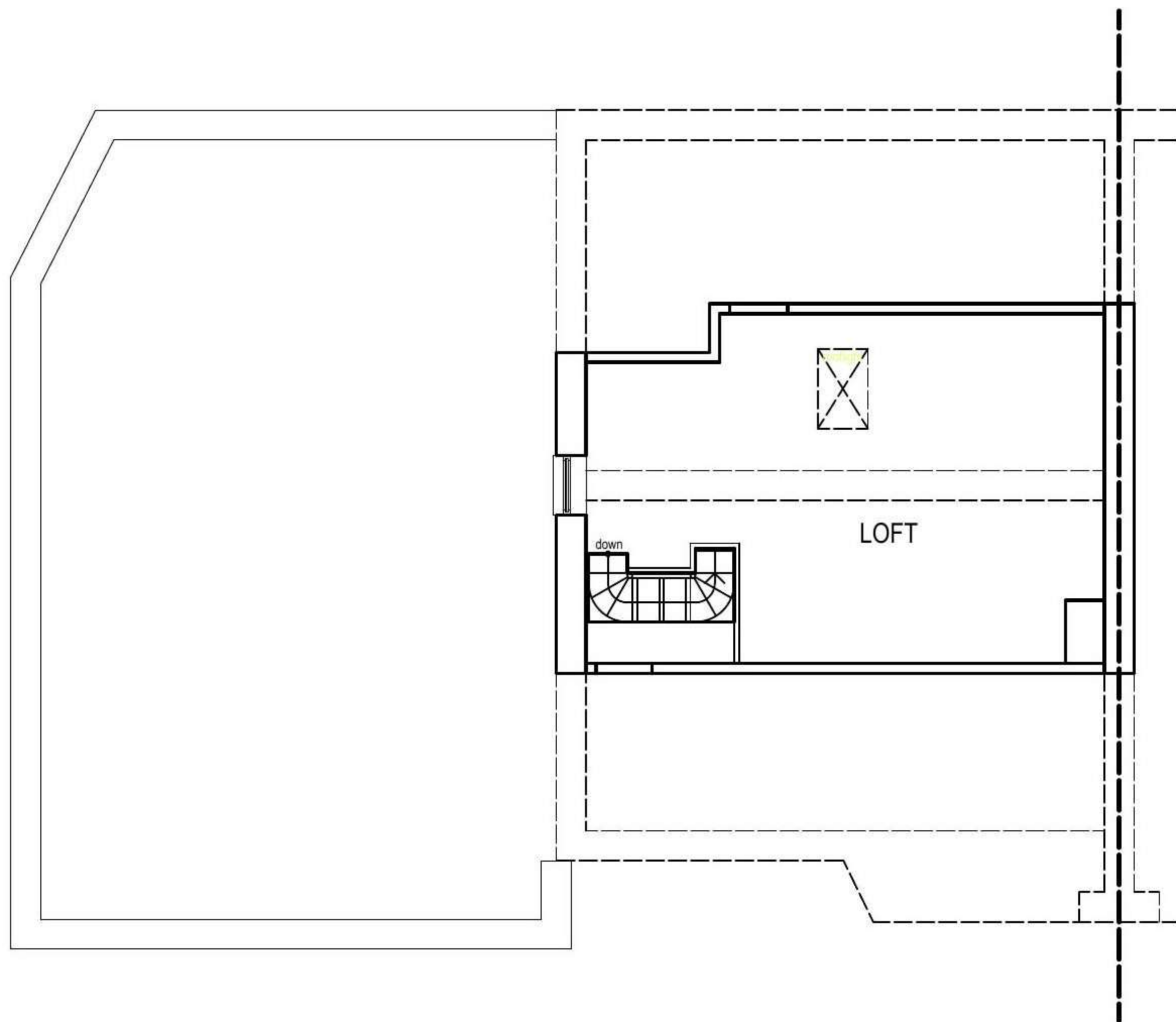
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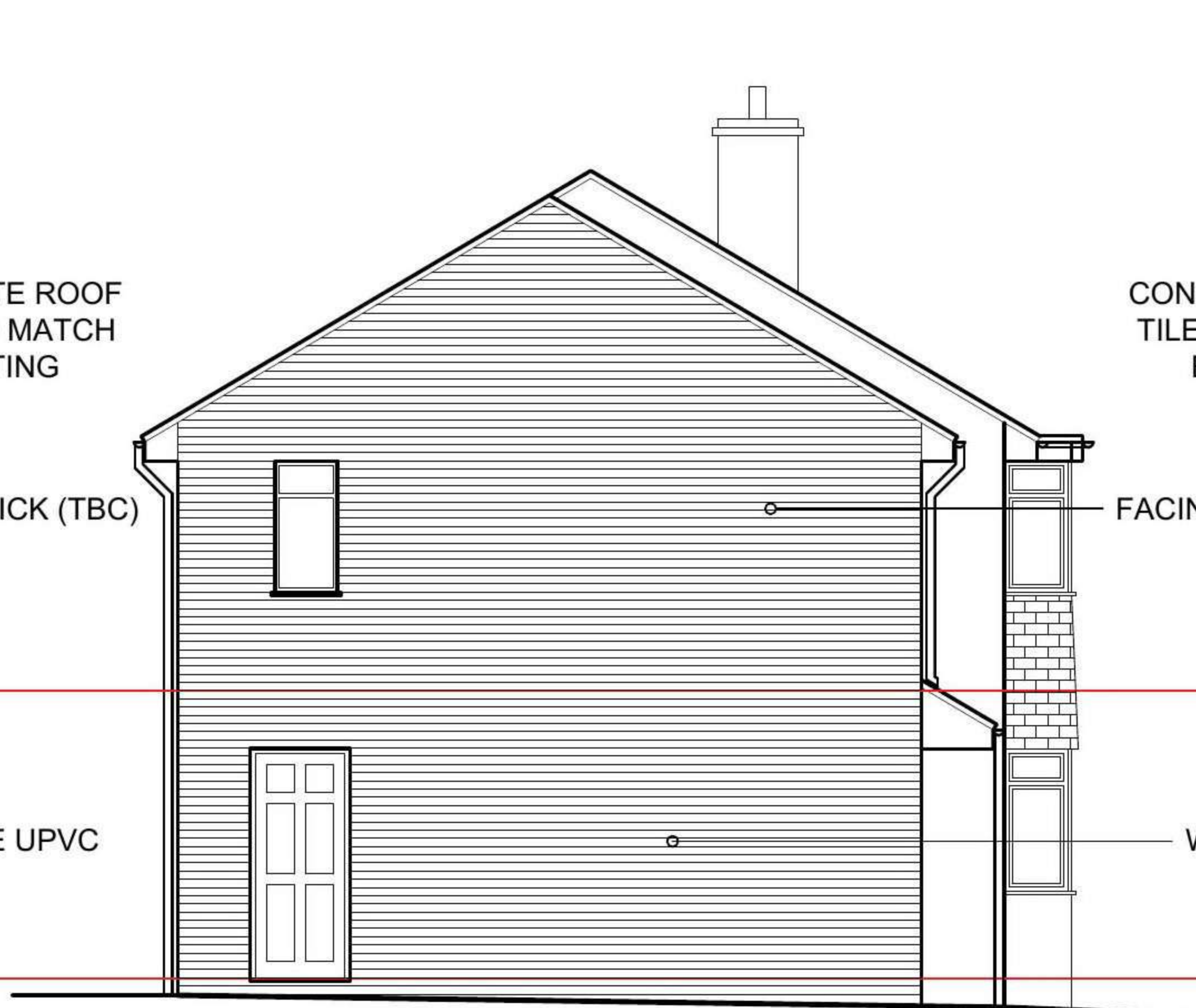


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CONCRETE ROOF  
TILES TO MATCH  
EXISTING

FACING BRICK (TBC)

WHITE UPVC



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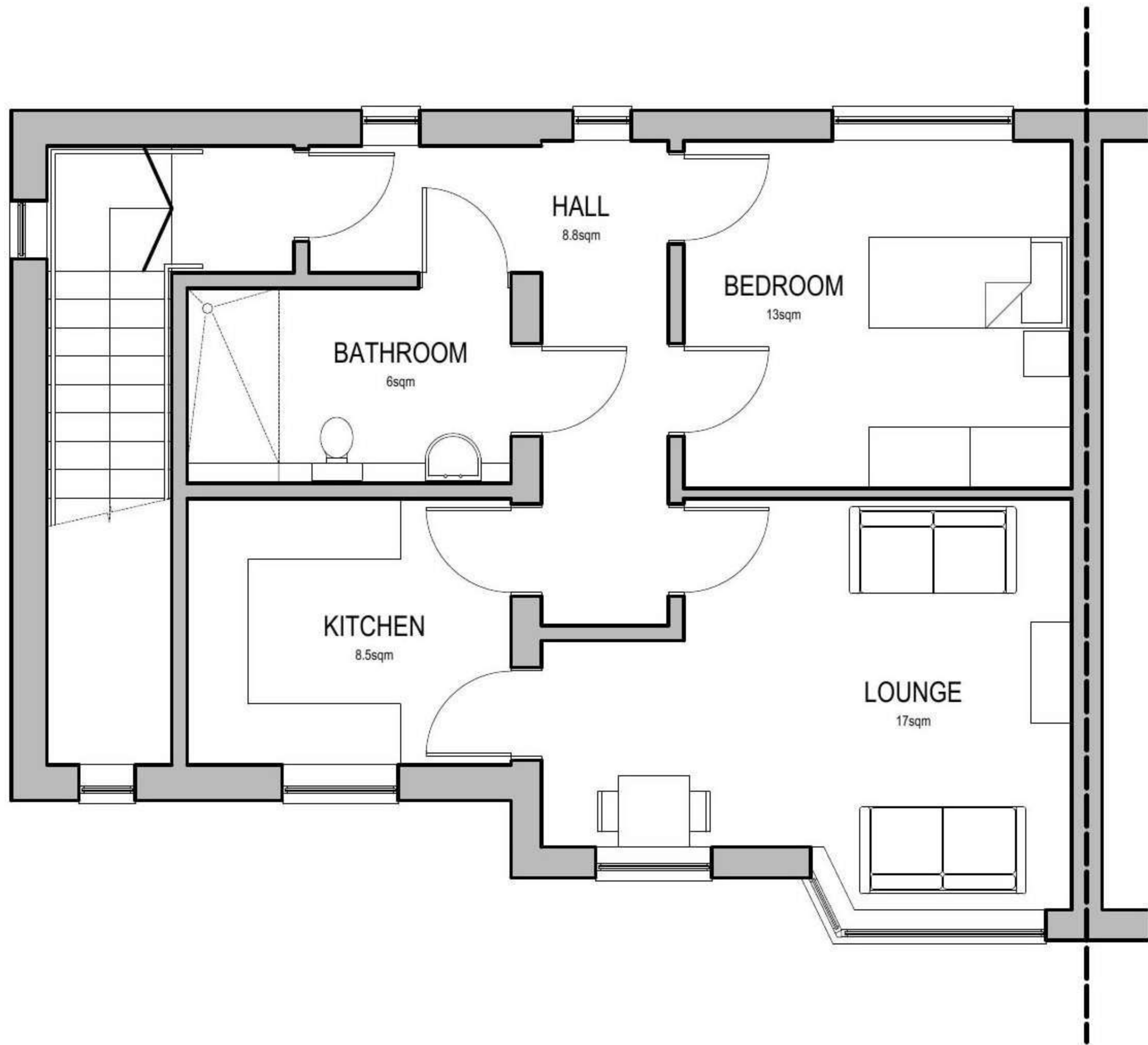
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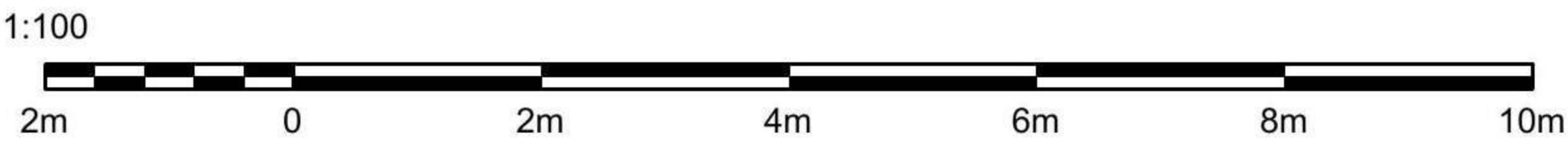


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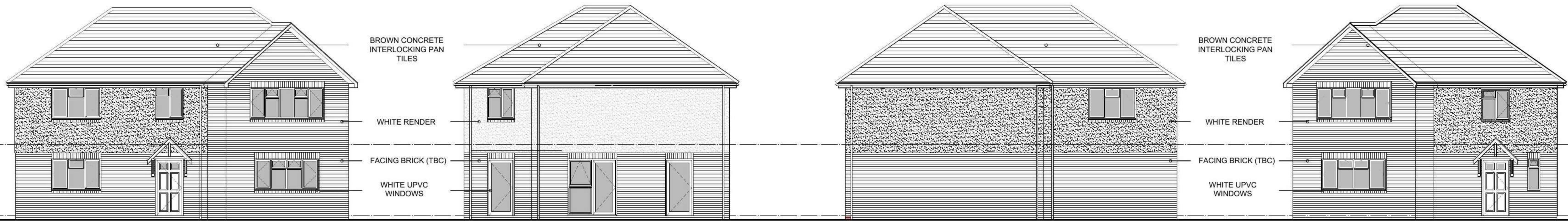


F I R S T   F L O O R   P L A N

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A	Revised Plans	RG
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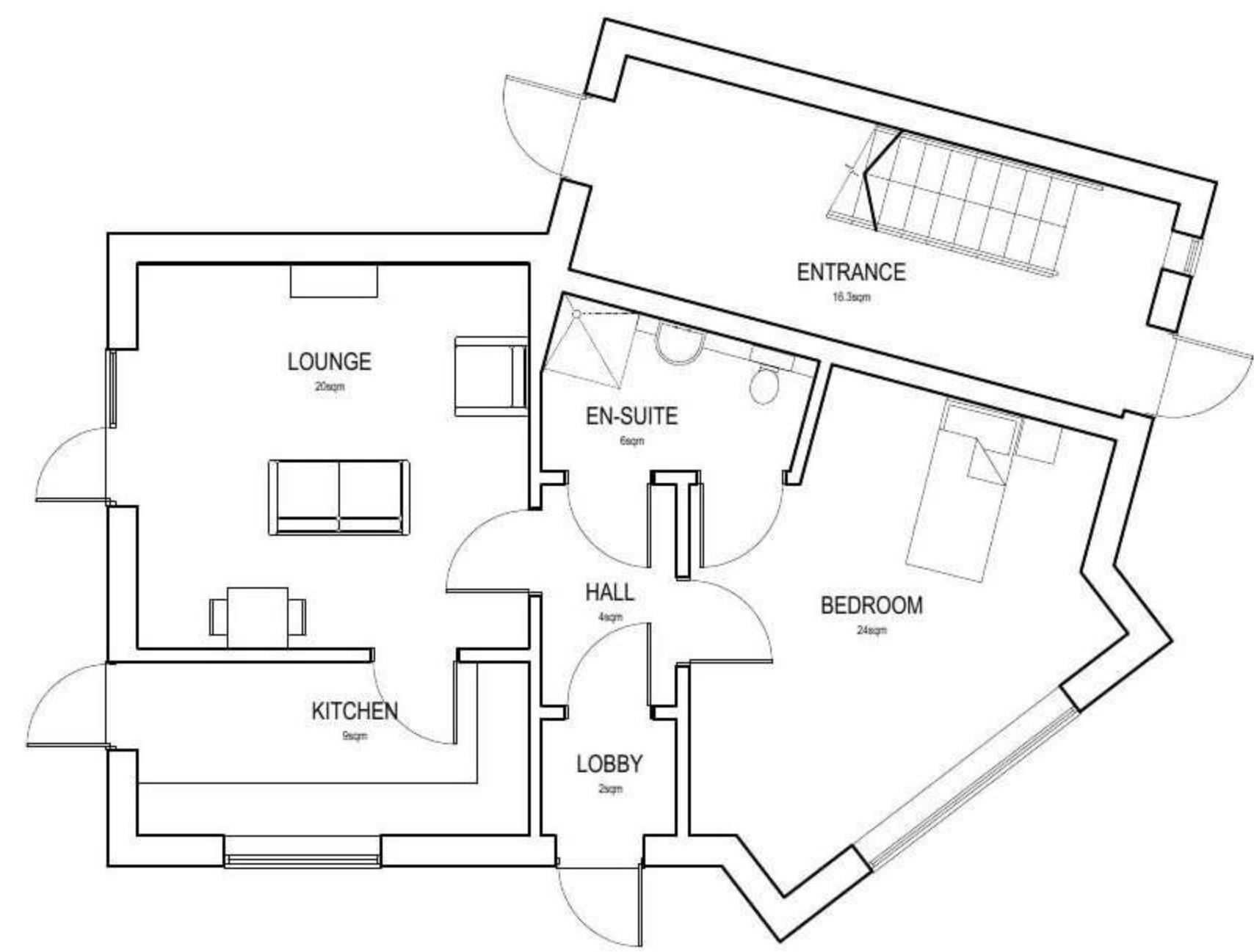


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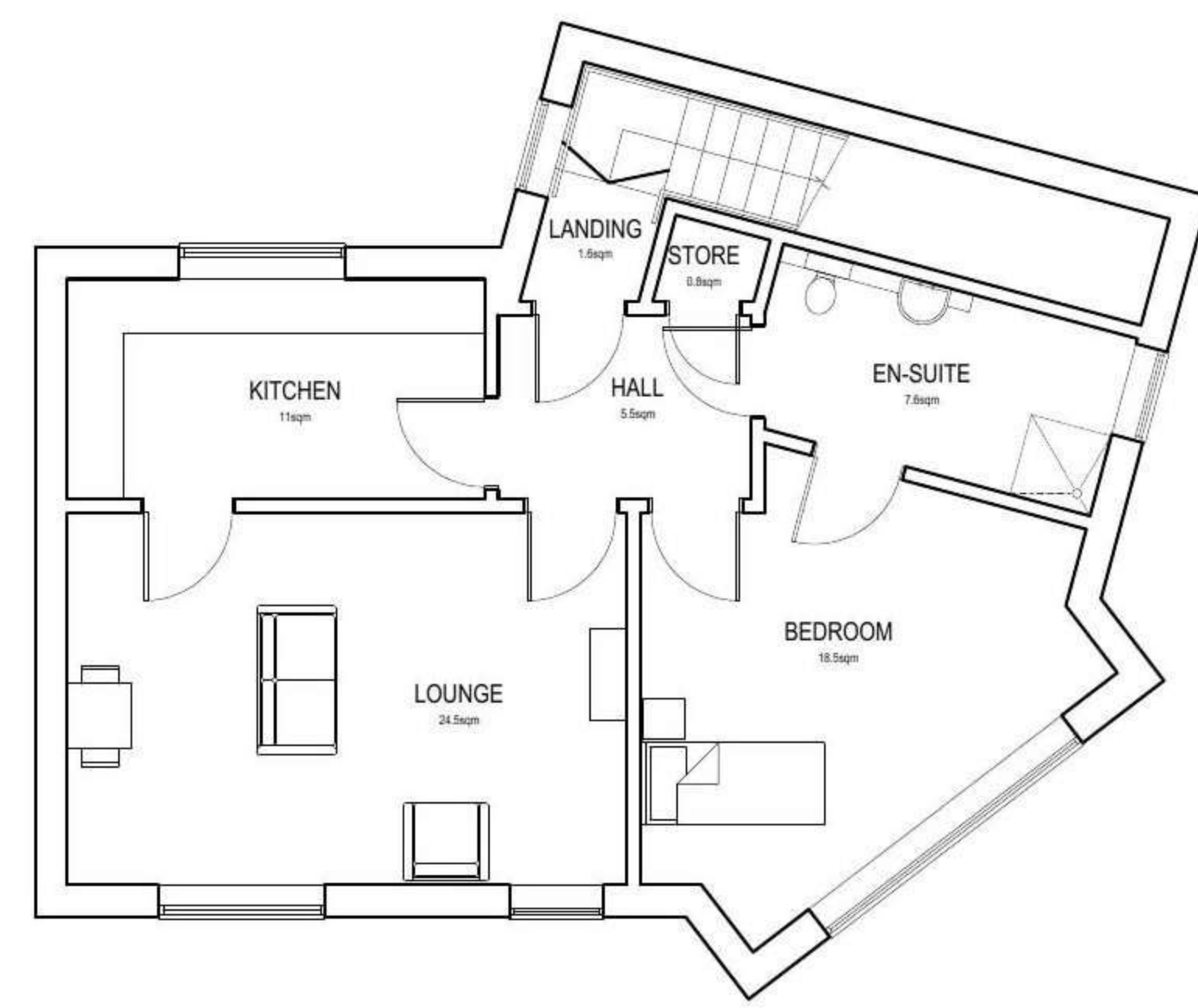
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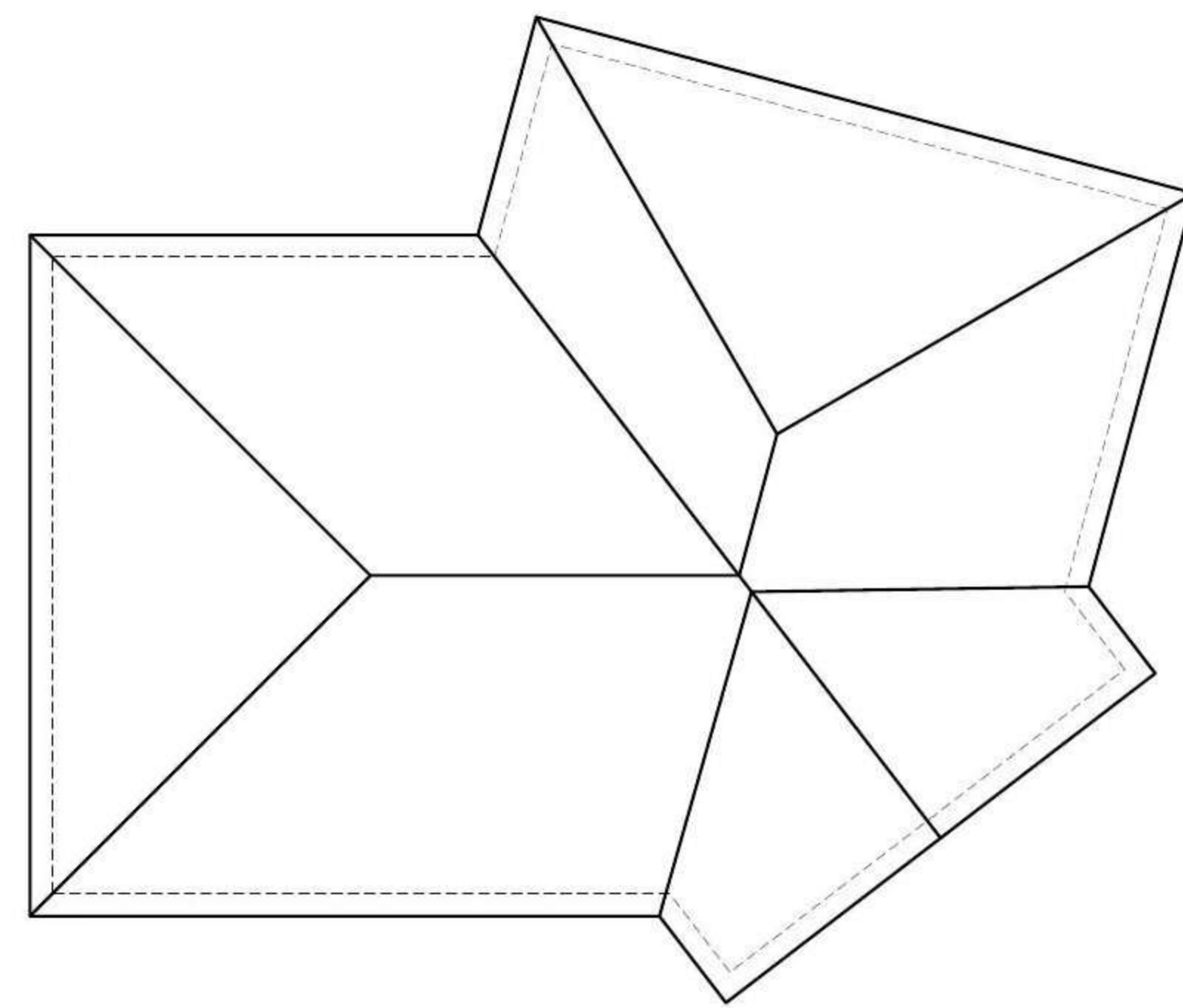
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