

Report to Planning Committee

11 May 2022

Application Reference	DC/21/66339
Application Received	17 November 2021
Application Description	Proposed 13 No. dwellings including amendment to plot 197 approved under planning application DC/20/64152.
Application Address	Land At West Bromwich Street Oldbury B69 3AT
Applicant	Taylor Grange (Oldbury) Ltd and Lovell Partnerships Ltd
Ward	Oldbury
Contact Officer	Carl Mercer carl_mercer@sandwell.gov.uk

1 Recommendations

1.1 That, subsequent to ratification by Council of the departure from 'mixed-use', planning permission is granted subject to the following conditions relating to:

- (i) External materials;
- (ii) Finished floor levels;
- (iii) Contamination;
- (iv) Drainage;
- (v) Acoustic glazing and ventilation;




- (vi) Energy statement;
- (vii) Boundary treatments;
- (viii) Landscaping;
- (ix) Open space management plan;
- (x) Electric vehicle charging;
- (xi) Construction method statement;
- (xii) Removal of permitted development rights; and
- (xiii) Retention of parking.

2 Reasons for Recommendations

- 2.1 The proposal raises no significant concerns from a policy, design or highway perspective and would deliver housing in a sustainable location, in conjunction with the adjacent housing site currently under construction.

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 The application is being reported to your Planning Committee because the site is part of a mixed-use allocation in the development plan which does not include residential use. As such, the proposal is a departure from the development plan and requires the further approval of Council, should Planning Committee resolve to approve.
- 4.2 Additionally, in the interests of transparency, the agent for the application is a former Director of Regeneration and Economy at Sandwell Council.



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

[West Bromwich Street, Oldbury](#)

5 Key Considerations

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

Government policy (NPPF);
Layout and density of buildings;
Design, appearance and materials;
Access, highway safety, parking and servicing;
Contamination by a previous use;
Noise;
Coal mining legacy (stability); and
Flood risk.

6. The Application Site

6.1 The application relates to a parcel of land in the northwest corner of a larger development site bounded by West Bromwich Street. Two storey dwellings are situated across the road to the north, industrial units to the west and an associated major housing scheme is currently under construction on the adjacent site to the east and southeast.

7. Planning History

7.1

DC/20/64152	Proposed Development of 152 No.2,3,4 bedroom dwellings and 82 No.1 and 2 bedroom apartments together with associated roads, car parking, open	Approved - 10.02.2021
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	space and associated works.	
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8. Application Details

- 8.1 The development proposes 13 dwellings inclusive of an amendment to plot 197 approved under planning application DC/20/64152. Plot 197 was approved as a detached dwelling and this application proposes its removal in place of a pair of semi-detached dwellings (plots 246 and 247). Supporting documentation states that the application is for 12 additional dwellings in acknowledgment that the one dwelling has already been approved as part of the larger site. However, the plot to be amended is part of the site area of this planning application and has accordingly been included in the description of development for completeness.
- 8.2 The development proposes a mix of two, three and four bed house types, of semi-detached and terrace design and of two and two and a half storeys in height.
- 8.3 Amended plans have been received which address minor layout issues raised by Urban Design.

9. Publicity

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

10. Consultee responses

10.1 Planning and Transportation Policy

No objection. The policy officer has stated that, at 13 units, the site triggers the NPPF requirement for affordable home ownership. However, this requirement has not been adopted into development plan policy by



way of a plan review; and therefore, I am of the understanding that, in this circumstance, it is not appropriate to enforce compliance with NPPF policy if it has not been formally adopted into the development plan. The development is liable for Community Infrastructure Levy (CIL).

10.2 Highways

No objection.

10.3 Urban Design

No objection. The long-term maintenance of the open space to the north of the site has been questioned. The developer has confirmed that the open space and associated landscaping would be privately managed areas. A management plan for the larger site has been submitted which would be expanded to include the additional plots if the application is approved. This can be requested by condition.

10.4 Lead local flood authority

Further detail required. It is considered that surface flood matters are not insurmountable and will be addressed by the submission of further detail before the decision is issued or can be ensured by condition. The larger scheme addressed this matter, so it is evident that the issue can be resolved.

10.5 Severn Trent

No objection subject to condition.

10.6 Public Health (Air Quality)

No objection. Electric vehicle charging, low NOx boilers and construction method statement required by condition. However, low NOx boilers have not been ensured on the larger site, and therefore I do not think it is appropriate to ensure them in this instance.



10.7 Public Health (Contaminated Land)

No objection subject to condition.

10.8 Public Health (Noise)

No objection subject to a similar condition being imposed as with the consent for the larger site; namely, submission of a specification for acoustic glazing and acoustic ventilation for properties fronting onto West Bromwich Street to safeguard residents of the proposed dwellings from road traffic noise.

10.9 West Midlands Police

No objection.

10.10 Coal Authority

No objection. The Coal Authority is satisfied with documentation received from the developer informing it that mine entries affecting the site and associated shallow workings have been stabilised.

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:

BCCS

CSP4 – Place Making



DEL1 – Infrastructure Provision

HOU1 - Delivering Sustainable Housing Growth

HOU2 – Housing Density, Type and Accessibility

EMP5 - Improving Access to the Labour Market

TRAN2 – Managing Transport Impacts of New Developments

TRAN4 - Creating Coherent Networks for Cycling and for Walking

ENV3 – Design Quality

ENV5 – Flood Risk, Sustainable Drainage Systems / Urban Heat Island

ENV7 – Renewable Energy

ENV8 – Air Quality

SADD –

SAD H2 - Housing Windfalls

SAD EMP 2 - Training and Recruitment

SAD EOS 9 - Urban Design Principles

SAD DC 6 - Contaminants, Ground Instability, Mining Legacy

- 12.2 In respect of CSP4 the design of the development is influenced by the context of the local area and would enhance the attributes the area offers in terms of its local character.
- 12.3 Infrastructure provision, in this case EVC bays, would be ensured by condition (DEL1). The proposal is CIL liable.
- 12.4 Whilst land is identified and allocated in the development plan to meet the borough's sustainable housing growth, under policy HOU1 additional housing capacity will also be sought elsewhere through planning permissions on suitable sites. As such, this proposal would assist with providing much needed housing within the borough.
- 12.5 The proposal meets the requirements of policy HOU2 in that it proposes a range of types and sizes of accommodation which would be accessible by sustainable transport to residential services. The proposal would also achieve high quality design with minimal amenity impact.



- 12.6 Training and recruitment opportunities should be provided as part of any new development (EMP5 and SAD EMP 2). The Employment and Skills officer has confirmed that, due to the commitments made by the developer on the larger site, a further condition would not be required.
- 12.7 Highways raise no objection to the traffic generation attributed to this development (TRAN2).
- 12.8 Sufficient amenity space is provided to allow for cycle parking provision (TRAN4).
- 12.9 The proposal raises no significant concerns in respect of design and is therefore compliant with policy ENV3 and SAD EOS 9.
- 12.10 Drainage can be addressed by the submission of further information and/or a compliance condition (ENV5).
- 12.11 It is likely that the requirements of policy ENV7 can be met by a 'fabric first' approach, which aims to minimise the need for energy consumption through building design and is generally considered to be more sustainable than relying on energy saving technology, or renewable energy generation. A statement is required by condition to this effect.
- 12.12 In respect of air quality (ENV8), electric vehicle charging points can be ensured by condition.
- 12.13 The proposed dwellings would be a windfall, subject to SAD H2. The proposal meets the requirement of the policy as it is previously developed land, suitable for residential development, and capable of meeting other plan policies.
- 12.14 Contamination can be addressed by condition; the Coal Authority has no objection in respect of stability (SAD DC 6).



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 **Layout and density of buildings / Design, appearance and materials**

The Urban Design officer has confirmed that the layout of the proposal is broadly in line with the council's residential design guidance. The scale of the development would be two storeys, and the proposal continues the style and appearance of the adjacent site.

13.3 **Access, highway safety, parking and servicing**

The development meets with the approval of the highway authority and parking spaces are in accordance with the requirements of council design guidance.

13.4 **Contamination by a previous use**

No significant issues anticipated. The matter can be addressed by condition.

13.5 **Noise**

Matters raised can be addressed by condition.

13.6 **Coal mining legacy (stability)**

No objection from the Coal Authority.

13.7 **Flood risk**

Further information awaited but can be addressed by condition.



14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so. Given that no significant objections are raised to the proposal, it is considered that refusal of the application would not be easily defensible at appeal.

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	Jobs and apprenticeships ensured by previous consent.

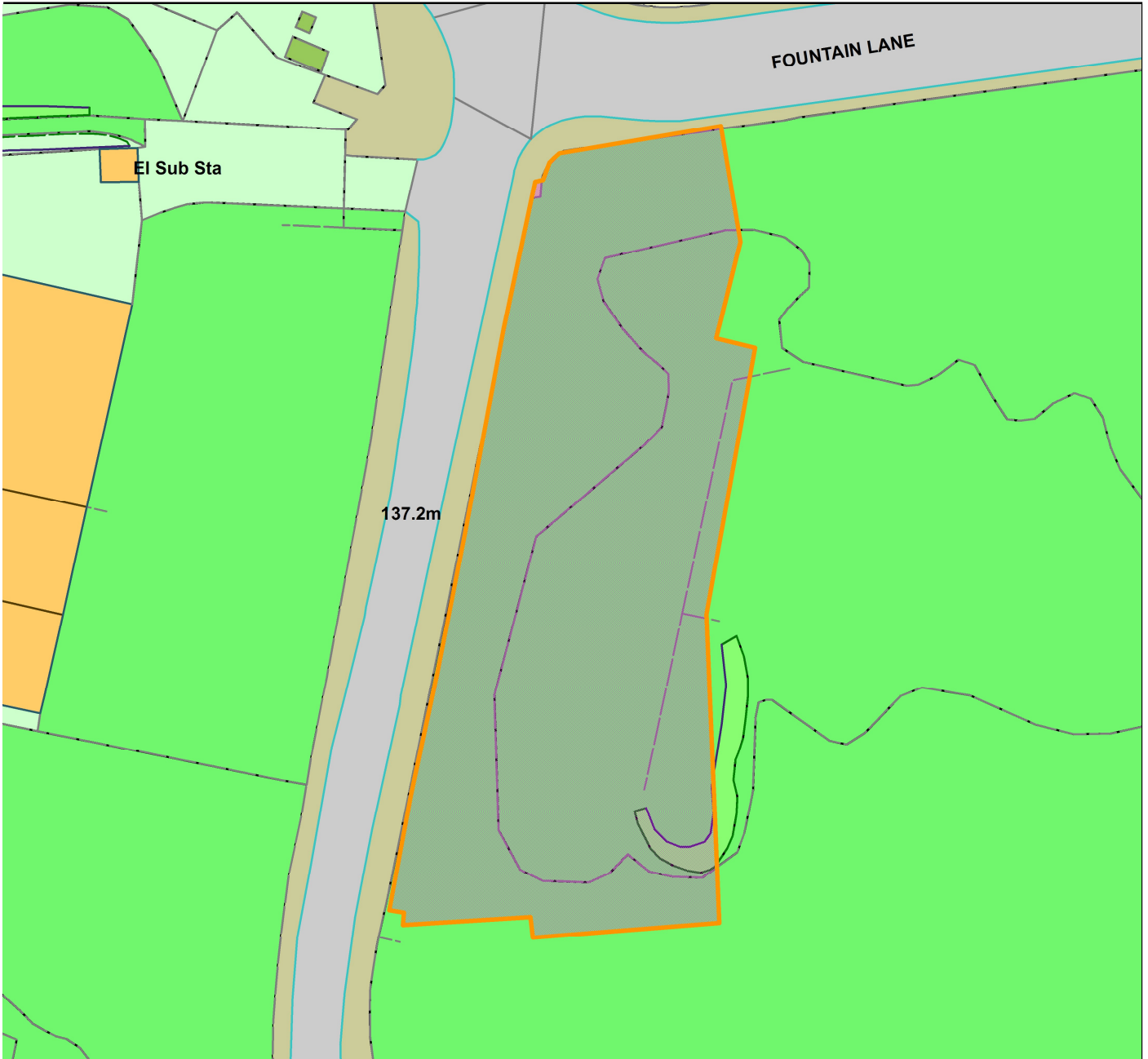
16. Appendices

Site Plan
Context Plan
401 Rev 06
410 Rev 02



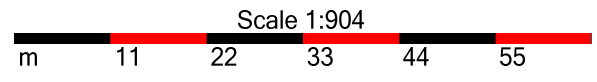
DC/21/66339

Land At West Bromwich Street, Oldbury



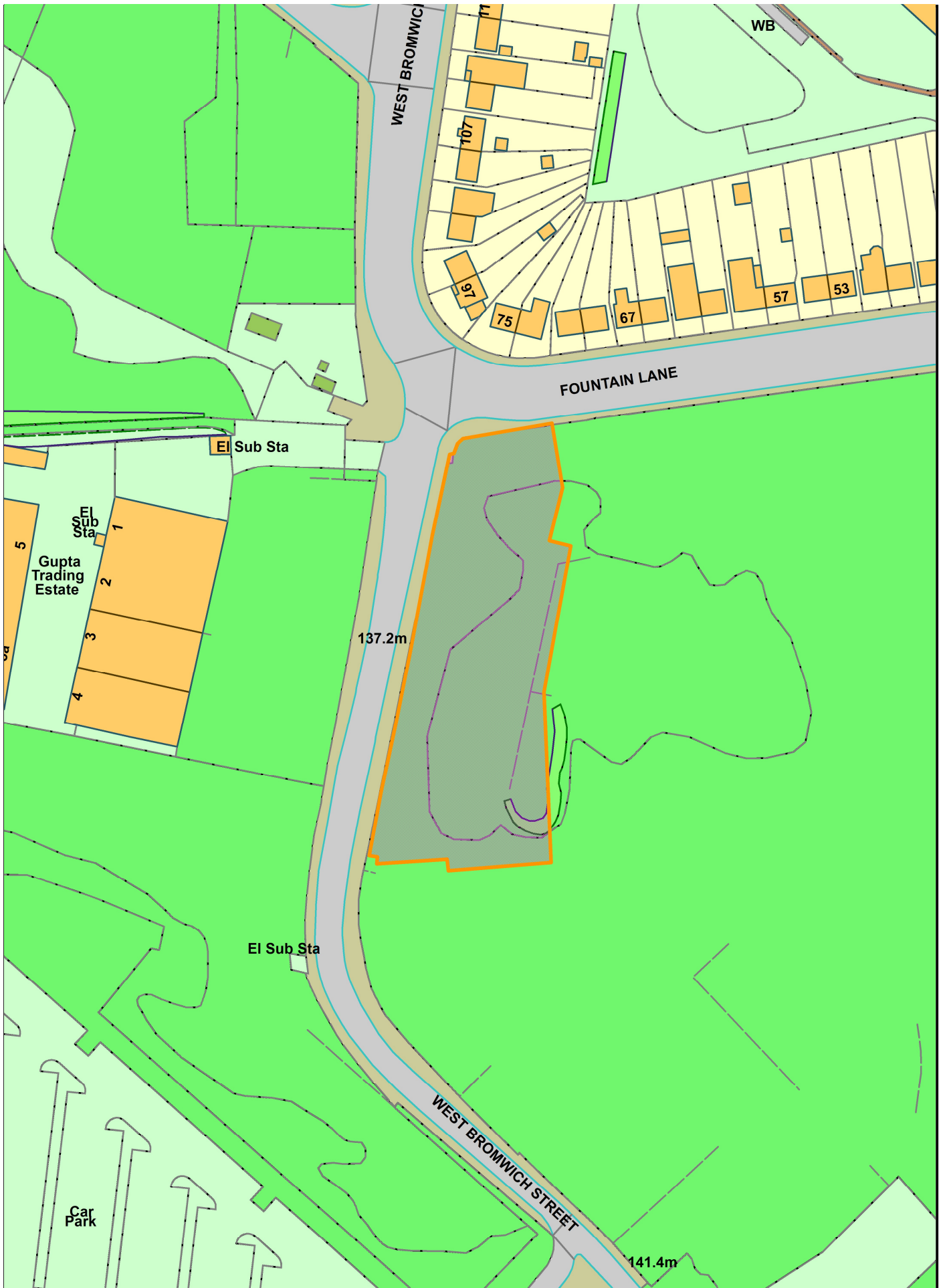
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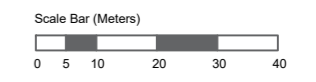
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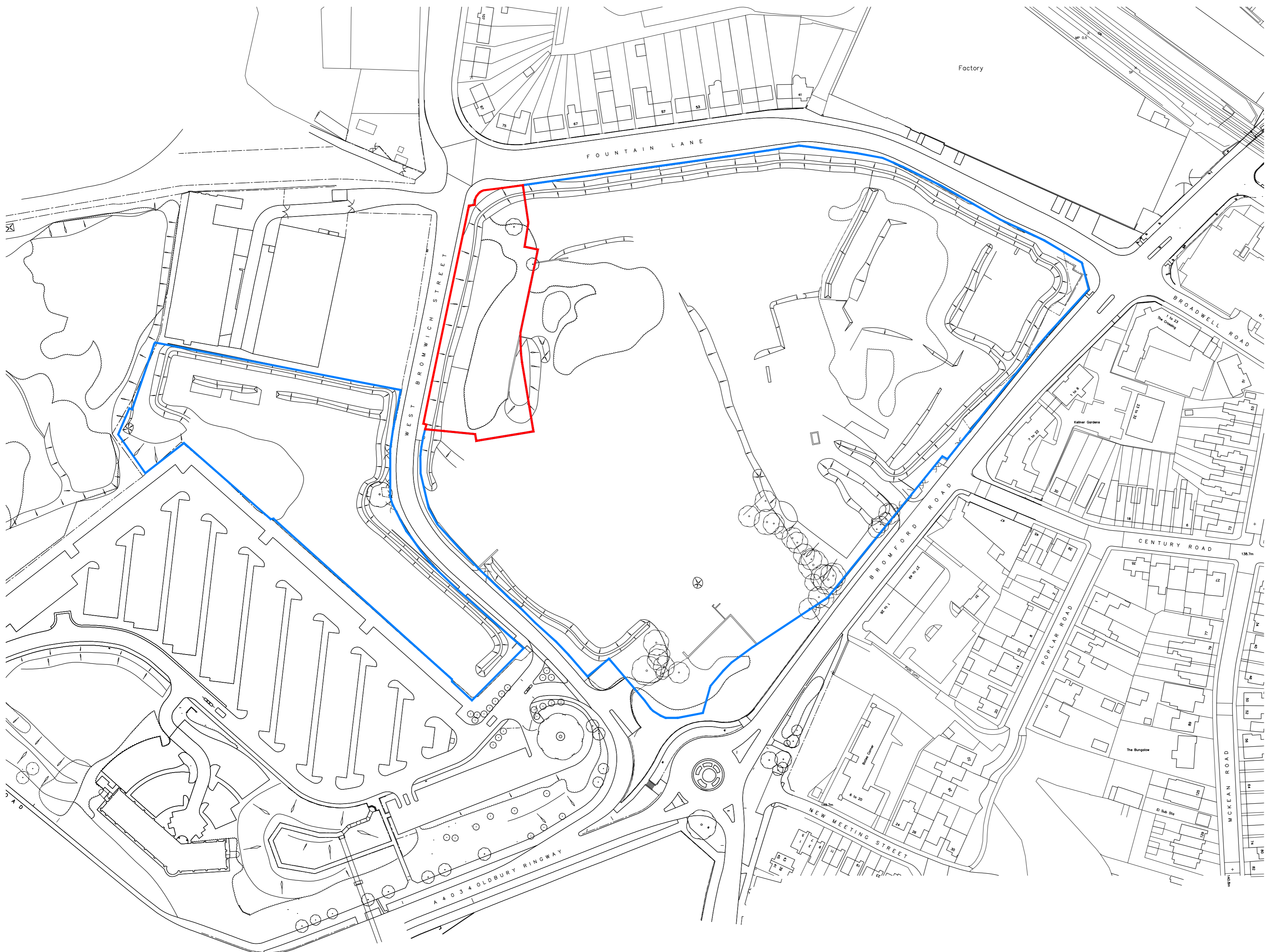
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NOTES:



- KEY
- Site application area - 0.42ha
 - Approved 'Full' application scheme (ref no. DC/20/64152)



REV	DATE	NOTES	CHK
03	27.10.21	Amended in line with Client's comments	SP
02	26.10.21	Amended in line with Client's comments	SP
01	01.07.21	Red line boundary amended following Client comments.	SP

Client

LOVELL

Project

**FOUNTAIN LANE, OLDBURY
ADDITIONAL LAND**

Drawing Title

LOCATION PLAN

Drawn	Checked	Paper Size	Scale	Date
TS	LL	A2	1:1250	APRIL 2021

Project No.	Drawing No.	Revision
18644	400	03

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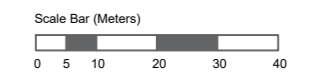
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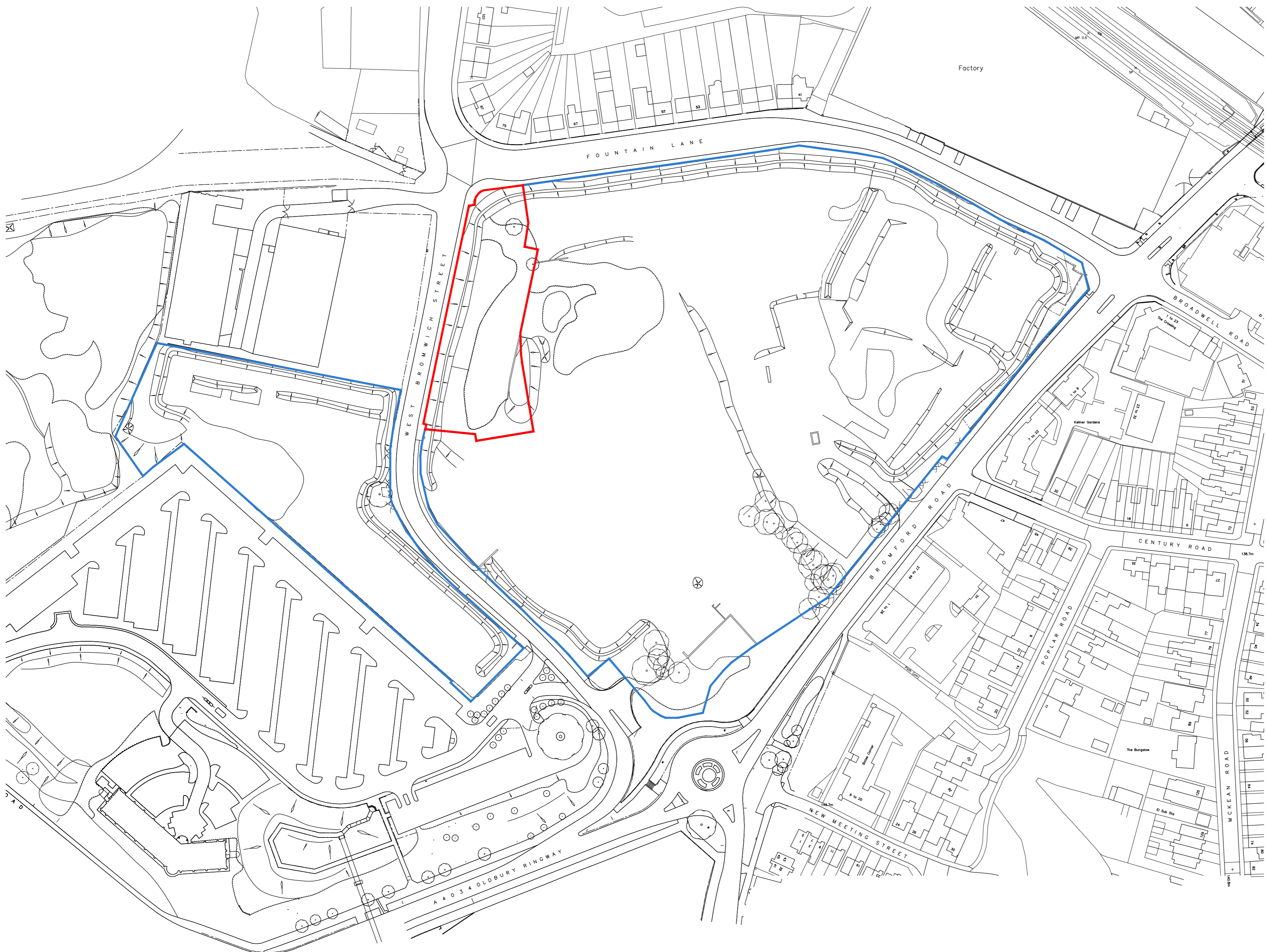
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NOTES:



KEY
— Site Boundary - Application Site
— Site Boundary - Consented Parcels



03	27.10.21	Amended in line with Client's comments	SP
02	27.10.21	Amended in line with Client's comments	SP
01	01.07.21	Red line boundary amended following Client comments.	SP
REV	DATE	NOTES	CHK

Client

LOVELL

Project

**FOUNTAIN LANE, OLDBURY
ADDITIONAL LAND**

Drawing Title

COMPOSITE LOCATION PLAN

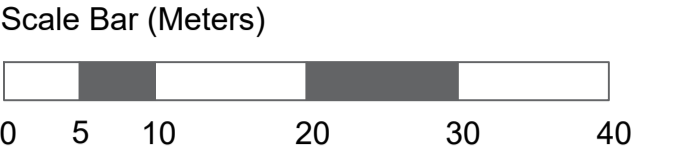
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Project No.	Drawing No.	Revision
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SCHEDULE OF ACCOMMODATION			
	Area	N°	Total Area (ft²)
703 - 2 bed, 2 storey	703	3	2,109
789 - 2 bed, 2 storey	789	2	1,578
871 - 3 bed, 2 storey	871	4	3,484
912 - 3 bed, 2 storey	912	2	1,824
1173 - 4 bed, 2.5 storey	1209	2	2,418
Total:		13	11,413
	Hectares	Acres	
Site Area (gross):	0.42	1.04	
Site Area (net):	0.29	0.72	
Public Open Space:	0.13	0.32	
Density (plots/net area):	44.8	18.06	

- KEY**
- Site Boundary - Application Area
 - - - Existing dense planting to be removed
 - Indicative mineshaft locations with 20m no build stand off
 - - - 900mm high railings to front defensible spaces
 - 1.8m high brick screen walls to enclose private spaces
 - - - Estate railings to public open spaces

REV	DATE	NOTES	CHK
04	27.10.21	Amended in line with Client's comments	SP
03	27.10.21	Amended in line with Client's comments	SP
02	01.07.21	Slight amendment to the red line boundary and plot 236's parking.	SP
01	22.06.21	Minor amendment to Schedule of Accommodation.	SP

Client
LOVELL

Project
**FOUNTAIN LANE, OLDBURY
ADDITIONAL LAND**

Drawing Title
PROPOSED SITE PLAN

Drawn	Checked	Paper Size	Scale	Date
TS	LL	A1	1:500	APRIL 2021
Project No.	Drawing No.	Revision		
18644	401	04		

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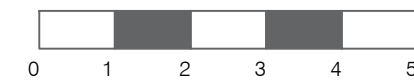
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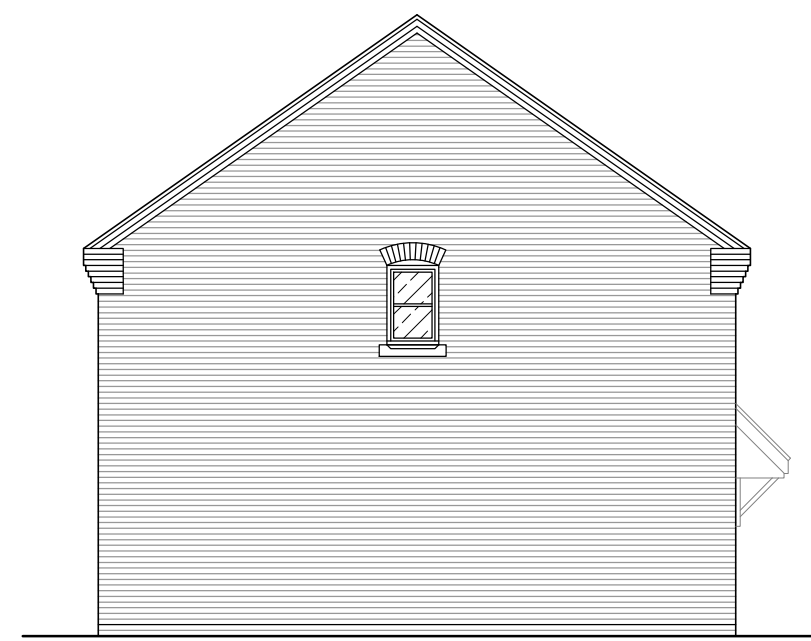
NOTES:

Plot Numbers:
Semi-detached - 235 & 237

Scale Bar (Meters)



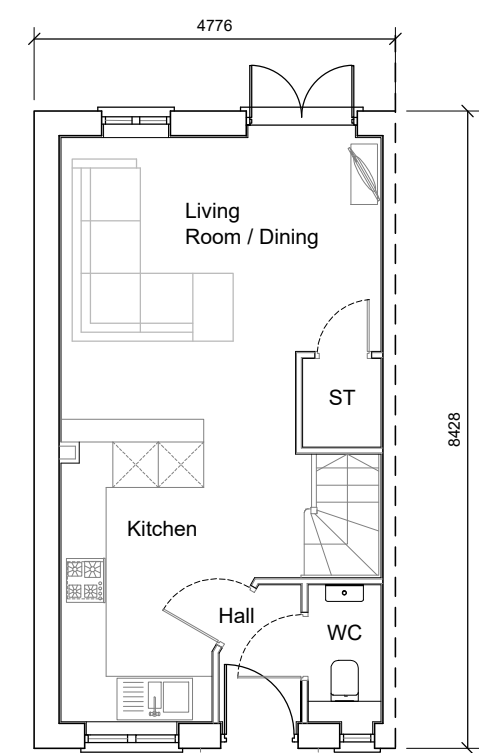
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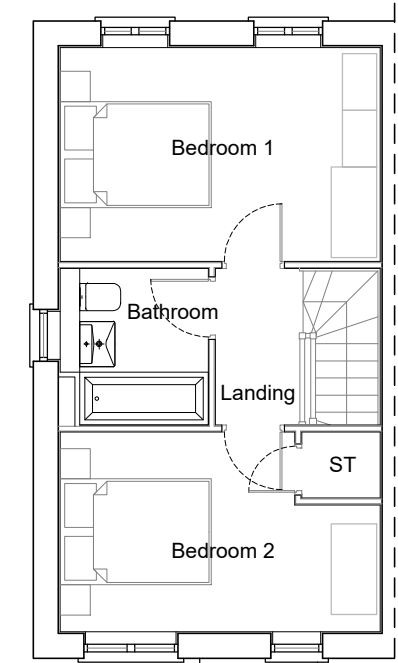
Side Elevation



Rear Elevation



Ground Floor



First Floor

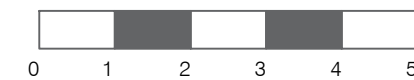
For plot specific materials please refer to the Materials Plan (dwg no. 18644 / 411)

REV	DATE	NOTES	CHK
Client			
LOVELL			
Project			
FOUNTAIN LANE OLDBURY			
Drawing Title			
HOUSE TYPE 703 OPEN PLAN ARRANGEMENT			
Drawn	Checked	Paper Size	Scale
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Date		APRIL 2021	
Project No.		Drawing No.	Revision
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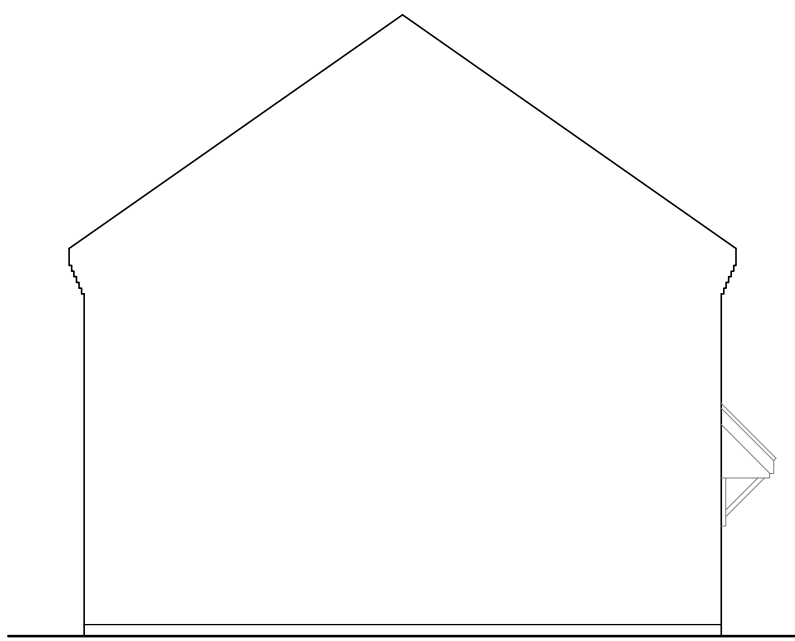
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Plot Numbers:
Mid terrace - 236

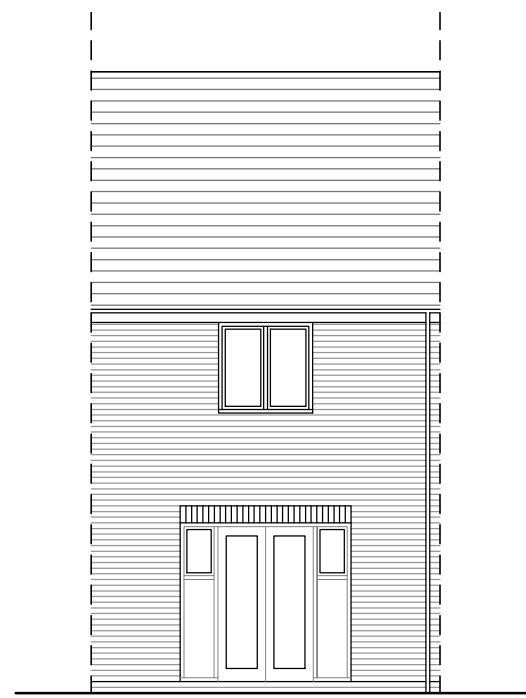
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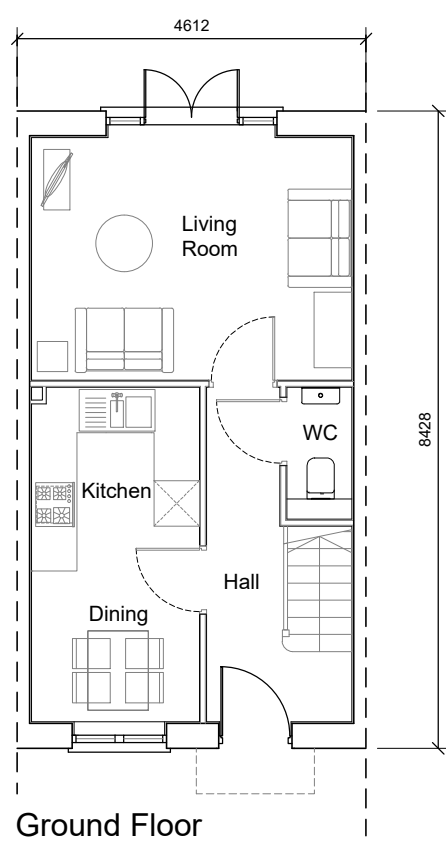
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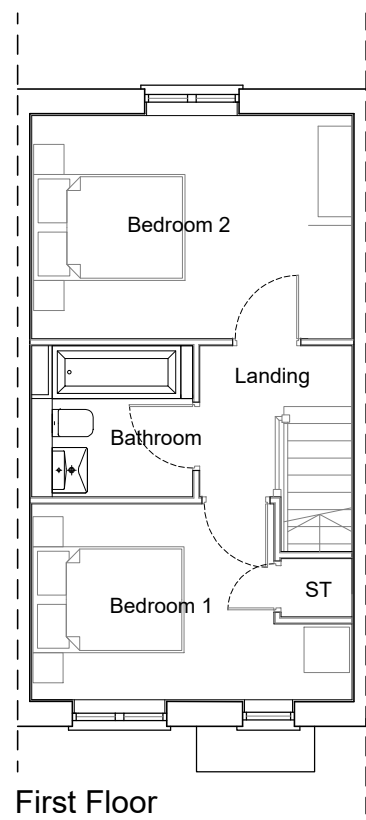
Side Elevation



Rear Elevation



Ground Floor



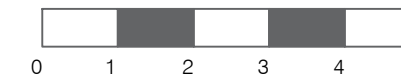
First Floor

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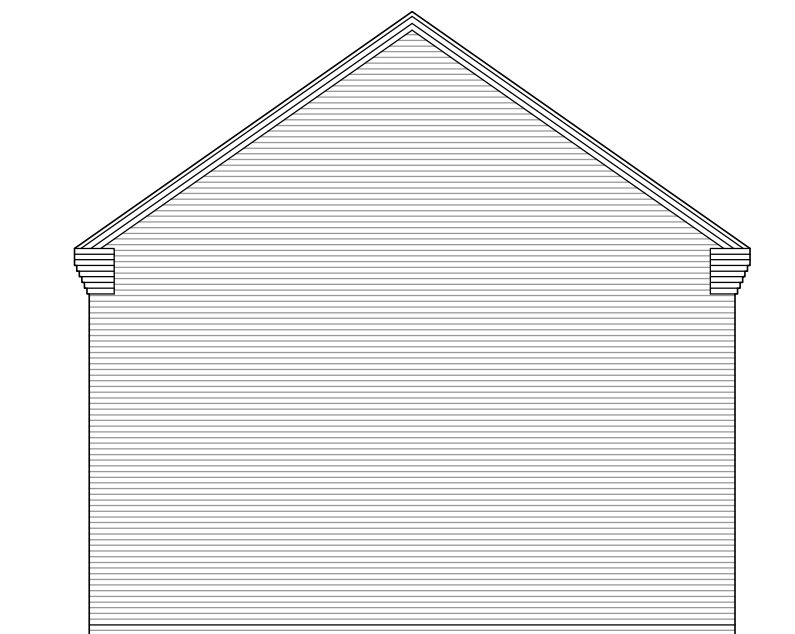
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18644	402	00		

Plot Numbers:
Semi-detached - 241 & 242

Scale Bar (Meters)



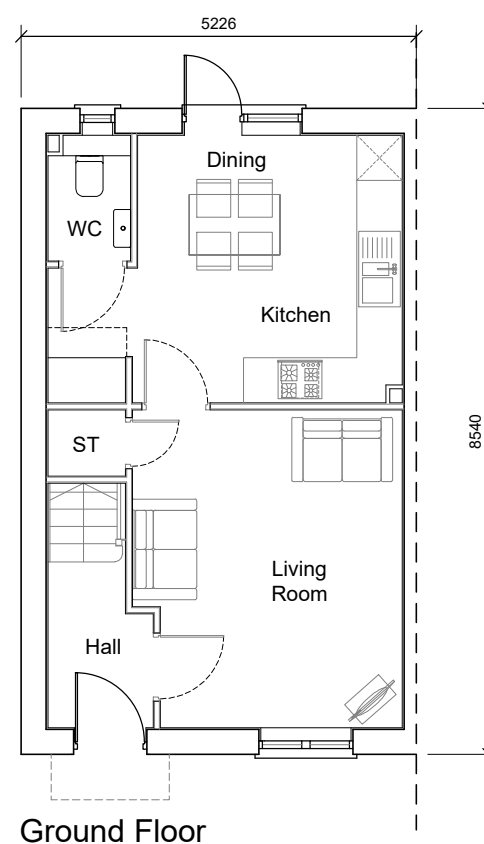
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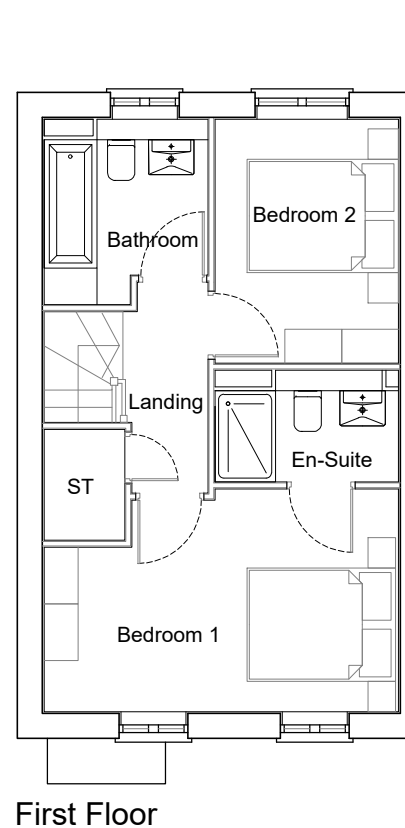
Side Elevation



Rear Elevation



Ground Floor



First Floor

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Project				
FOUNTAIN LANE OLDBURY				
Drawing Title				
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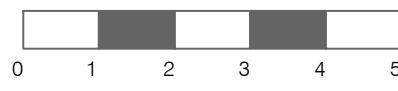
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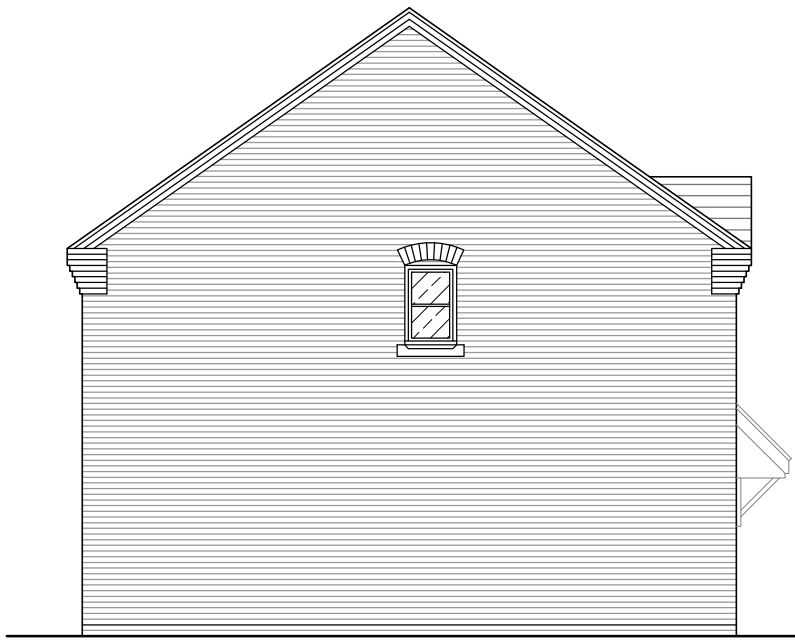
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Plot Numbers:
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Scale Bar (Meters)



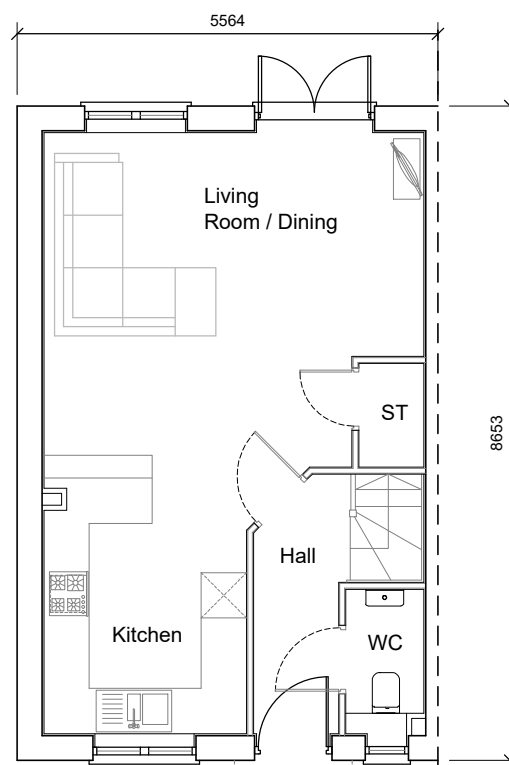
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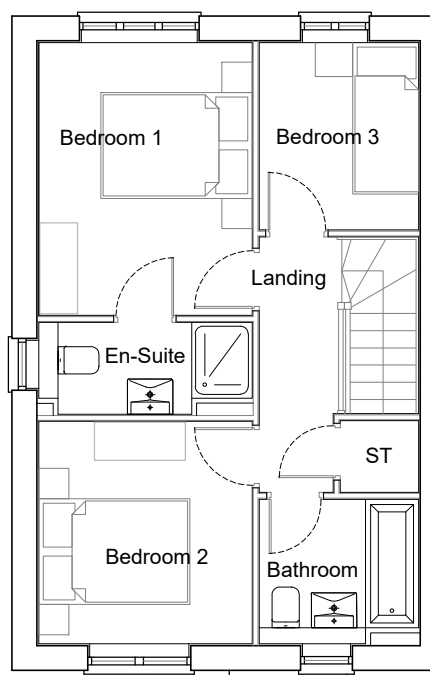
Side Elevation



Rear Elevation



Ground Floor



First Floor

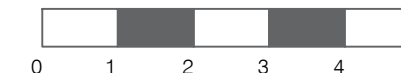
For plot specific materials please refer to the Materials Plan (dwg no. 18644 / 411)

REV	DATE	NOTES	CHK	
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LOVELL				
Project				
FOUNTAIN LANE OLDBURY				
Drawing Title				
HOUSE TYPE 871 OPEN PLAN ARRANGEMENT				
Drawn	Checked	Paper Size	Scale	Date
TS	LL	A3	1:100	APRIL 2021
Project No.	Drawing No.	Revision		
18644	406	00		

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Plot Numbers:
Semi-detached - 240 & 243

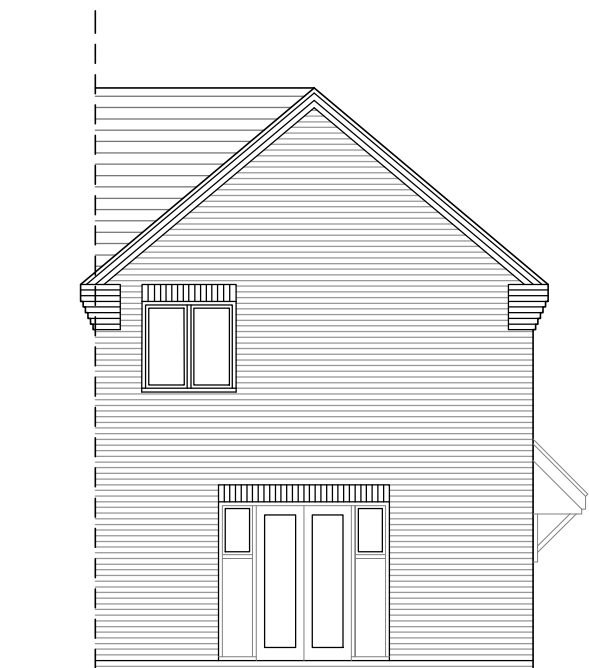
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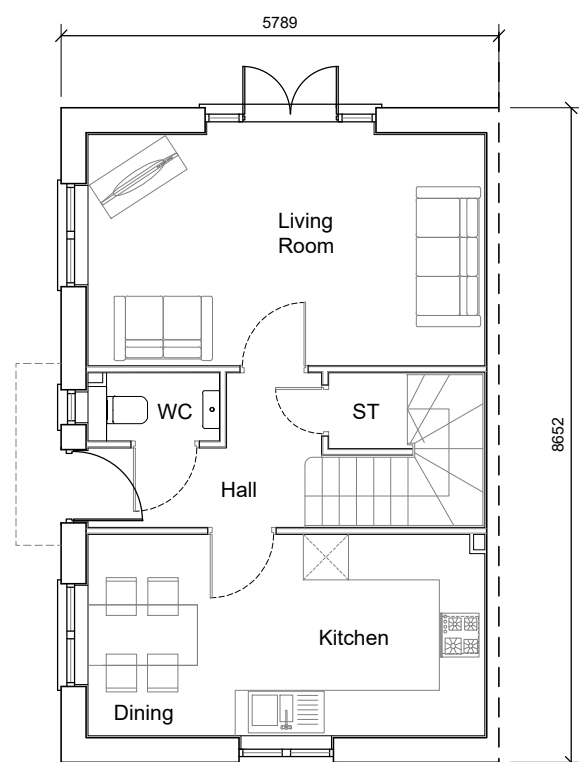
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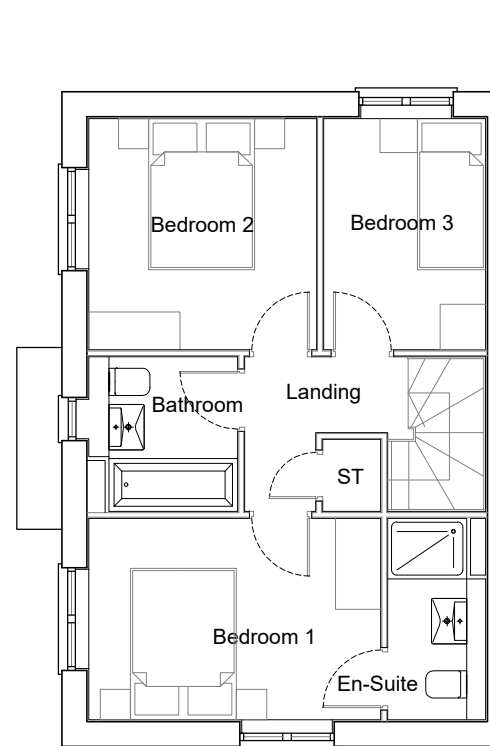
Front / Side Elevation



Rear / Side Elevation



Ground Floor



First Floor

For plot specific materials please refer to the Materials Plan (dwg no. 18644 / 411)

REV	DATE	NOTES	CHK	
Client				
LOVELL				
Project				
FOUNTAIN LANE OLDBURY				
Drawing Title				
HOUSE TYPE 912				
Drawn	Checked	Paper Size	Scale	Date
TS	LL	A3	1:100	APRIL 2021
Project No.	Drawing No.	Revision		
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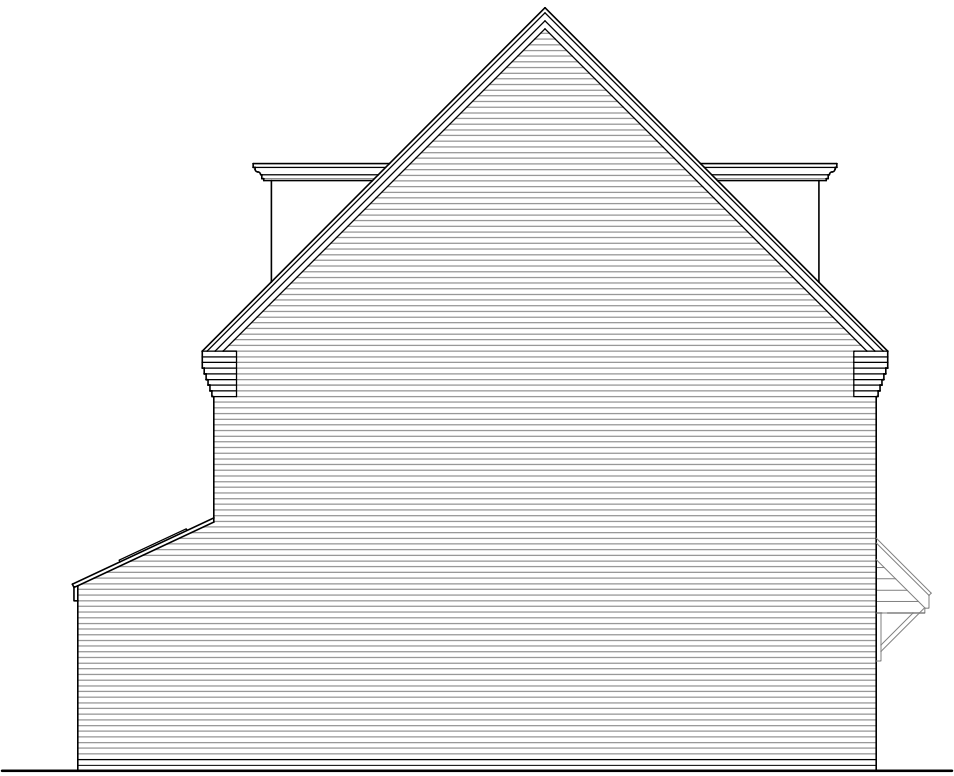
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Plot Numbers:
Semi-detached - 246 & 247

Scale Bar (Meters)



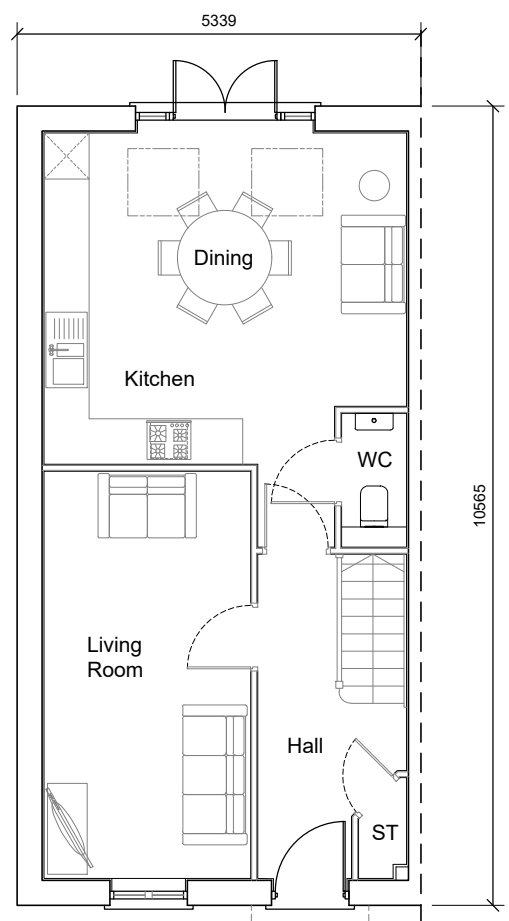
Front Elevation



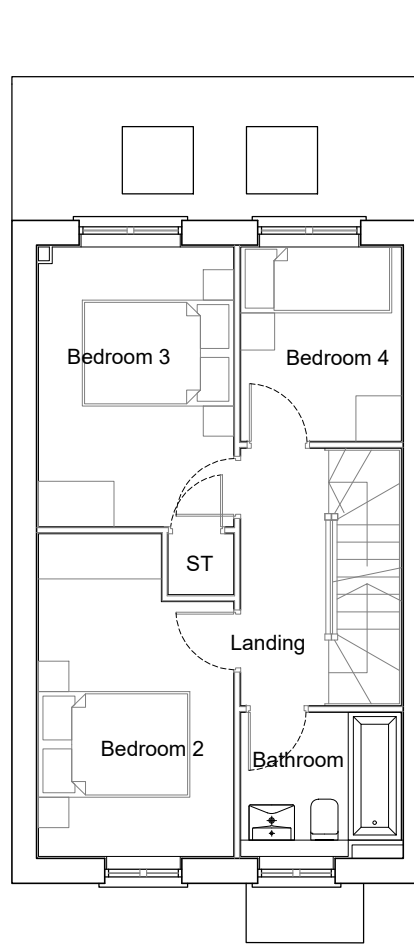
Side Elevation



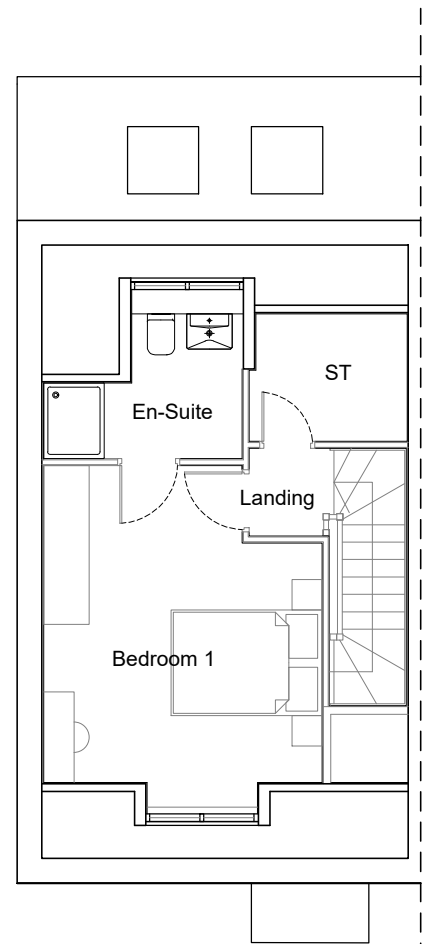
Rear Elevation



Ground Floor



First Floor



Second Floor

For plot specific materials please refer to the Materials Plan (dwg no. 18644 / 411)

REV	DATE	NOTES	CHK	
Client				
LOVELL				
Project				
FOUNTAIN LANE OLDBURY				
Drawing Title				
HOUSE TYPE 1173				
Drawn	Checked	Paper Size	Scale	Date
TS	LL	A3	1:100	APRIL 2021
Project No.	Drawing No.	Revision		
18644	408	00		

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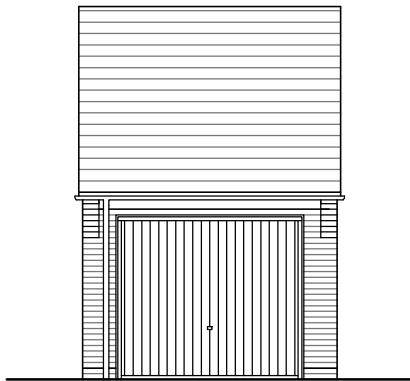
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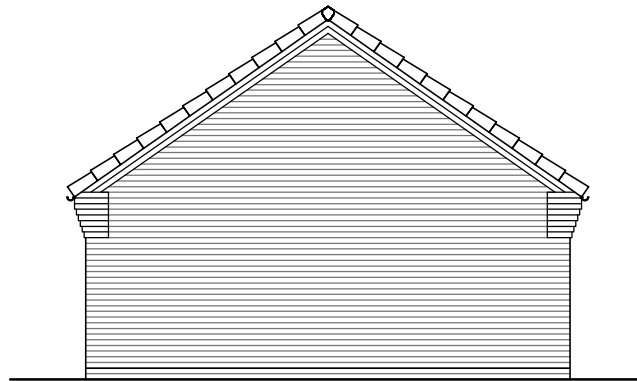
NOTES:

Plot Numbers:
246 & 247

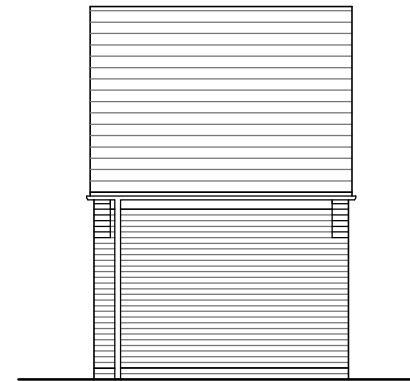
Scale Bar (Meters)



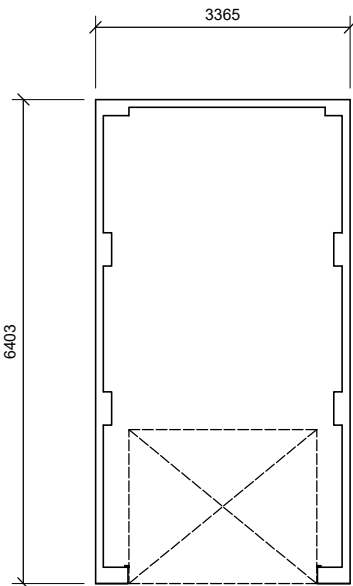
Front Elevation



Side Elevation



Rear Elevation



Floor Plan

REV	DATE	NOTES	CHK
Client			
LOVELL			
Project			
FOUNTAIN LANE OLDBURY			
Drawing Title			
SINGLE GARAGE FLOOR PLANS AND ELEVATIONS			
Drawn	Checked	Paper Size	Scale
TS	LL	A4	1:100
Date			APRIL 2021
Project No.		Drawing No.	Revision
18644		409	00

Client

LOVELL

Project

FOUNTAIN LANE
OLDBURY

Drawing Title

SINGLE GARAGE
FLOOR PLANS AND ELEVATIONS

Drawn	Checked	Paper Size	Scale	Date
TS	LL	A4	1:100	APRIL 2021

Project No.	Drawing No.	Revision
18644	409	00

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the Materials Plan (dwg no. 18644 / 411)

