

# Report to Planning Committee

**22 June 2022**

<b>Application Reference</b>	DC/22/67130
<b>Application Received</b>	6 June 2022
<b>Application Description</b>	Variation of condition 1 of planning permissions DC/20/64152 and DC/21/65595 (development of 152 No.2,3,4 bedroom dwellings and 82 No.1 and 2 bedroom apartments together with associated roads, car parking, open space and associated works) to provide First Homes to plots 223, 224, 225, 226 and 227.
<b>Application Address</b>	West Bromwich Street Oldbury B69 3AT
<b>Applicant</b>	Lovell Partnerships Limited
<b>Ward</b>	Oldbury
<b>Contact Officer</b>	Carl Mercer carl_mercer@sandwell.gov.uk

## 1 Recommendations


- 1.1 That, subsequent to the signing of a s106 agreement to ensure First Homes, planning permission is granted subject to the same conditions applicable to planning permissions DC/20/64152 and DC/21/65595.



## 2 Reasons for Recommendations

- 2.1 The introduction of First Homes to the development raises no significant concerns and would assist in delivering affordable home ownership 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 The site already benefits from planning permissions for 152 dwellings. The purpose of this application is to introduce First Homes to the approved development. The unit number and design across the site would not alter; simply, the tenure of five of the dwellings would become First Homes.
- 4.2 First Homes are a specific kind of discounted market sale housing and should be considered to meet the definition of 'affordable housing' for planning purposes. Specifically, First Homes are discounted market sale units which must be discounted by a minimum of 30% against the market value; are sold to a person or persons meeting the First Homes eligibility criteria; on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and, after the discount has been applied, the first sale must be at a price no higher than £250,000 (<https://www.gov.uk/guidance/first-homes>).
- 4.3 The application is being reported to your Planning Committee as a s106 agreement is required to ensure First Homes on the site, and for the developer to secure funding from Homes England to provide this housing type.



- 4.4 It should be noted that the original consent has no associated s106 agreement for affordable housing. This is because the affordable housing which is being delivered on site has been secured by Combined Authority funding and conditions imposed on the original consent ensured compliance with the development plan on this basis. Consequently, the developer must now enter into a s106 agreement to ensure the delivery of First Homes in accordance with Government guidance and the funding requirements of Homes England.
- 4.5 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 merits of this major development have previously been considered and approved by Planning Committee and should not be revisited as part of the current application. Therefore, the only consideration in this case is Government policy regarding First Homes.

## **6. The Application Site**

- 6.1 The application site is split into two sites located on either side of West Bromwich Street, Oldbury. The sites have a combined site area of approximately 5.7 hectares. It is bounded by Bromford Road to the east and Fountain Lane to the north.
- 6.2 Construction on the residential development site is currently underway.



## 7. Planning History

### 7.1

DC/21/65595	Proposed variation of conditions 1 and 6 of planning permission 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 space and associated works) to include proposed internal alterations and reconfiguration of room layouts on house types 763, 897, 912, 1080, 1173, 1180, 1220, 703 - (plots 118, 119, 207, 208, 215, 216, 229, 230), house type 871 (plots 189, 190, 195, 219, 220), external alterations to doors and windows (plot 910), alterations to finished floor levels of apartments (plots 1-33 and 55-77), including approved road junction alignment for new site access off Fountain Lane and new cycleway off Bromford Road.	Approved - 23.07.2021
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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 space and associated works.	Approved - 10.02.2021
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## 8. Application Details

- 8.1 The applicant proposes to vary condition 1 of planning permissions DC/20/64152 and DC/21/65595 to amend the tenure plan to show First Homes to plots 223, 224, 225, 226 and 227.
- 8.2 No material changes are proposed to the layout and therefore there would be no impact than that already approved.

## 9. Publicity

- 9.1 The application has been publicised by site and press notice. Any responses to the consultation will be reported verbally to the committee.

## 10. Consultee responses

- 10.1 As there is no material change proposed to the development as previously approved, consultation has not been carried out as consultees would effectively be providing responses on an approved development which has been determined to be acceptable subject to conditions.

## 11. National Planning Policy

- 11.1 The landowner should enter into a planning obligation under section 106 of the Town and Country Planning Act 1990 enforceable by the local planning authority that secures the delivery of the First Homes and



ensures that a legal restriction is registered onto a First Home's title on its first sale.

## 12. Local Planning Policy

12.1 The following policies of the council's development plan are relevant:

### BCCS

CSP3: Environmental Infrastructure

CSP4: Place Making

DEL1: Infrastructure Provision

EMP5: Improving Access to the Labour Market

HOU2: Housing Density, Type and Accessibility

HOU3: Delivering Affordable housing

TRAN2: Managing Transport Impacts of New Development

TRAN4: Creating Coherent Networks for Cycling and for Walking

ENV3: Design Quality

ENV5: Flood Risk, Sustainable Drainage Systems and UHI

ENV6: Open Space, Sport and recreation

ENV7: Renewable Energy

ENV8: Air Quality

### SADD

SAD H3: Affordable Housing

SAD EOS4: Community Open Space

SAD EOS5: Environmental Infrastructure

SAD EOS9: Urban Design Principles

SAD EMP2: Training and Recruitment

12.2 The development plan policy against which the previous applications were determined is included above for completeness; however, this application only concerns the introduction of First Homes.



12.3 Whilst there is no current development plan policy that requires First Homes at the site, the applicant is proposing this voluntarily with the incentive of Homes England funding. The requirement for First Homes is proposed in the emerging Black Country Plan.

### 13. Material Considerations

13.1 The proposal to introduce First Homes would be compliant with Government policy, subject to the agreement of a s106.

### 14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so; however, there is no valid planning reason for refusal and the proposal would help deliver a route to affordable home ownership within the borough.

### 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>	Jobs and apprenticeships ensured by previous consent.

### 16. Appendices

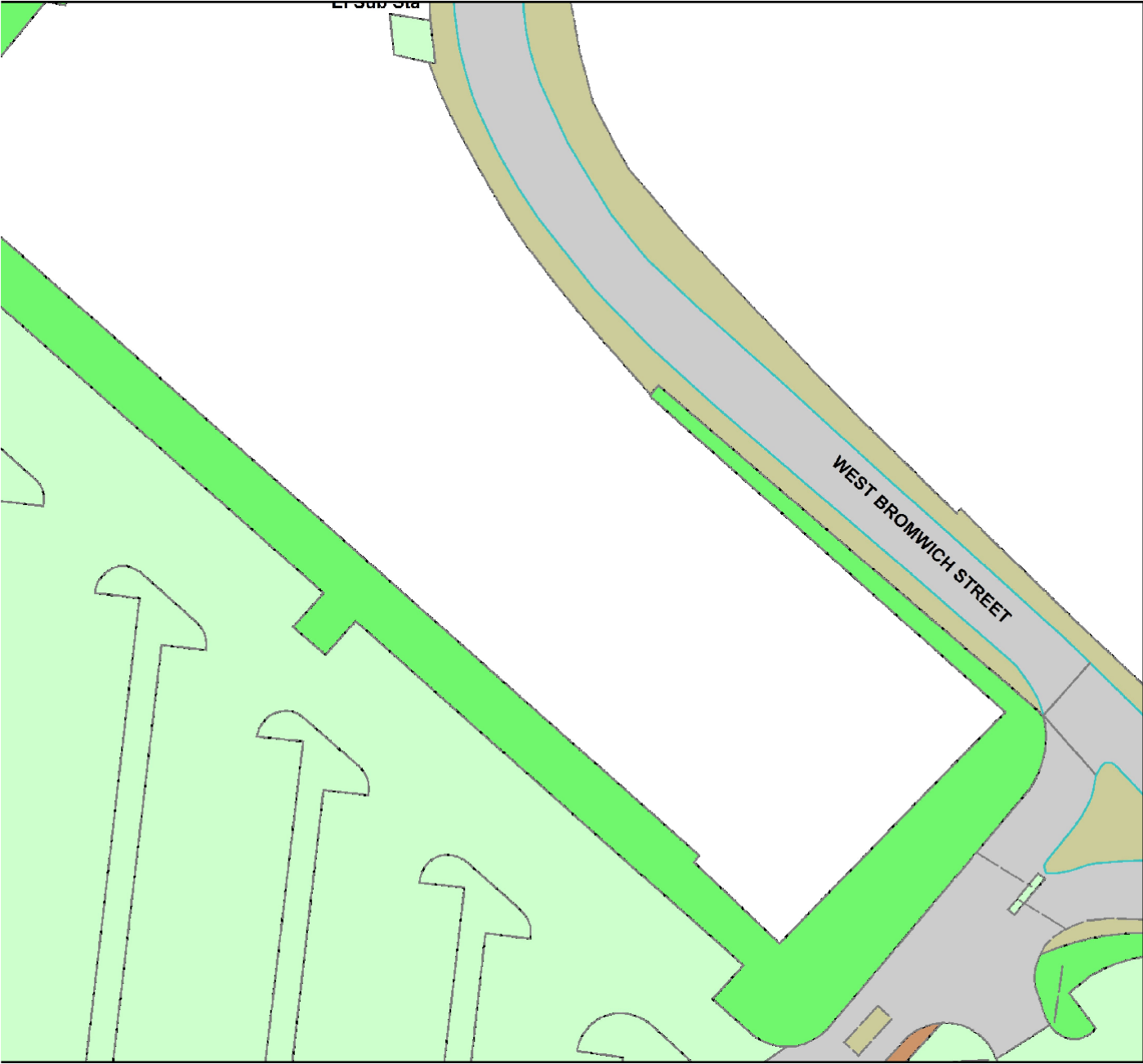
Site Plan  
Context Plan  
SK100 05





DC/22/67130

Land At West Bromwich Street, Oldbury



Legend

Sc

1:662



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 Ordnance Survey Licence No 100023119

Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	07 June 2022
OS Licence No	







Open Market Units		
542 - 1 bed apartment	542	12
559 - 2 bed apartment	559	6
561 - 2 bed apartment	561	6
703 - 2 bed, 2 storey	703	2
706 - 2 bed, 2 storey	706	2
789 - 2 bed, 2 storey	789	7
871 - 3 bed, 2 storey	871	6
872 - 3 bed, 2 storey	887	11
913 - 3 bed, 2 storey	913	2
1015 - 3 bed, 2 storey	1015	11
1134 - 4 bed, 2 storey	1134	6
1173 - 4 bed, 2.5 storey	1173	8
1209 - 4 bed, 2 storey	1209	5
<b>Total</b>	<b>87</b>	<b>78,656</b>

Parcel 8			
Open Market Units			
703 - 2 bed, 2 storey (to be stretched to 700ft <sup>2</sup> )	703	18	10,543
706 - 2 bed, 2 storey (to be stretched to 700ft <sup>2</sup> )	706	7	4,362
871 - 3 bed, 2 storey (to be stretched to 861ft <sup>2</sup> )	871	4	1,484
897 - 3 bed, 2 storey	897	2	1,794
912 - 3 bed, 2 storey	912	2	2,356
1173 - 4 bed, 2.5 storey	1173	2	2,346

OVERALL TOTAL :	234	193,282
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Parcel A - Affordable Provision

Parcel A - Open Market Provision

Parcel B - Open Market Provision

Shared Ownership

Affordable Rent

NPfI Shared Ownership Affordable Housing Units - 12 no.

NPfI Affordable Rent Affordable Housing Units - 12 no.

REV	DATE	NOTES	CR
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Project \_\_\_\_\_

Drawing Title

Year	1990	1995	2000
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warwick  
London  
Birmingham  
Manchester  
Leeds  
Canterbury  
Glasgow