

# Report to Planning Committee

**7 September 2022**

<b>Application Reference</b>	DC/22/67014
<b>Application Received</b>	4 May 2022
<b>Application Description</b>	Proposed 7 No. 2 bedroom and 4 No. 4 bedroom dwellings (11 dwellings in total) including associated parking and landscaping.
<b>Application Address</b>	Site of Former 34-88 West End Avenue, Smethwick
<b>Applicant</b>	Mr Alan Martin
<b>Ward</b>	St Pauls
<b>Contact Officer</b>	Alison Bishop Alison_bishop@sandwell.gov.uk

## 1 Recommendations

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

- i) External materials in accordance with schedule;
- ii) Drainage including foul and surface water (including SuDS);
- iii) Detailed soft landscaping scheme;
- iv) Hard landscaping in accordance with details;
- v) Parking and access road laid out;
- vi) Detailed foundation design (adjacent canal);
- vii) Lighting in accordance with lighting plan;
- viii) Noise assessment and mitigation to protect properties from road traffic noise;





- ix) Construction Management Plan (including hours);
- x) No burning of materials during construction;
- xi) Electric Charge points;
- xii) Low NOx boilers;
- xiii) Details of remediation strategy and implementation;
- xiv) Details of renewable energy to off set 10% of the estimated residual energy demand from the development; and
- xv) Method statement to comply with local jobs and apprenticeships to be implemented.

## 2 Reasons for Recommendations

2.1 The proposal is of good design, provides affordable homes, raises no concerns in relation to highway safety and does not impact on the amenity of adjoining residents in terms of loss of light, privacy or outlook.

## 3 How does this deliver objectives of the Corporate Plan?

	Quality homes in thriving neighbourhoods – provides good quality affordable homes
	A strong and inclusive economy

## 4 Context

- 4.1 At your last meeting members resolved to visit the site given concerns that have been raised by residents.
- 4.2 The application is being reported to your meeting because the proposal has generated a significant number of objections.
- 4.3 To assist members with site context, a link to Google Maps is provided below:

[West End Avenue, Smethwick](#)



## 5 Key Considerations

- 5.1 The site is allocated for housing in the Development Plan.
- 5.2 The material planning considerations which are relevant to this application are: -

Government policy (NPPF)  
Proposals in the Development Plan  
Planning history  
Overlooking/loss of privacy  
Access, highway safety, parking and servicing  
Traffic generation

## 6. The Application Site

- 6.1 The application site is situated to the north of West End Avenue at the end of an existing row of residential properties. The site itself is a piece of disused overgrown land. To the immediate west is George Betts Primary School which is situated at the head of the cul-de-sac.

## 7. Planning History

- 7.1 The site had formerly housed maisonettes which were demolished in 2002. Subsequent to the demolition, planning consent was granted for 11 new homes in 2006. This permission has now lapsed.
- 7.2 Relevant planning applications are as follows:

DD/02/38812	Demolition of maisonettes	Approval 06.03.2002
DC/06/46689	Erection of 11 dwellings (for rental).	Grant Permission Subject to Conditions 20.06.2006



## 8. Application Details

- 8.1 The applicant proposes to erect 11 affordable homes. The dwellings would be two storeys in height. Seven of the dwellings would be two bed (each having one parking space) and four of the dwellings would be four bed (each having two parking spaces). In addition, three visitor spaces are provided within the parking layout.
- 8.2 The access road serving the site would be adopted and the parking bays block paved. An indicative landscape plan shows that the areas around the plots would be grass verged and incorporate tree planting.
- 8.3 Each plot has garden amenity ranging from 50sqm to 112sqm. Internal space standards for two bed plots is 74sqm and for four bed plots is 110 sqm in areas.
- 8.4 Lighting details show lighting columns on the new adopted highway.
- 8.5 Boundary treatments include a solid brick wall at 1.8m height along the boundary with the existing property and to the rear garden boundaries of plots 6 and 7 which face the road frontages. All other rear garden plots would have 1.8m height timber fencing. Existing paladin to the rear of the site (adjacent industrial buildings) would be retained and backed with timber fencing. Black hoop railings at 1m height would be provided to the frontages of the plots with a combination of brick and black hoop railing to a height of 1.2 metres to the frontage of West End Avenue.
- 8.6 The materials for the properties would include a black/grey roof tile, grey windows, cedar panelling to part of the first floor and red facing brick at ground/part first floor.
- 8.7 It is understood that a public consultation event took place with residents on 27 July to hear their views and concerns. The concerns raised were about current ASB, parking difficulties and damage to fencing. Firstly, Neighbourhood Services will be working with the Police and Wardens



and the ASB team about drug issues and criminal damage to fencing. Secondly, a commitment was given to review parking/road safety concerns which included inviting residents to sign up to a resident's parking scheme. In addition, consideration is being given to a scheme called 'school streets', which would include temporary traffic orders to prevent access to the road during drop off/collection times, but this is at the very early stages. Another option is to liaise with the Road Safety Education Officer to carry out work with the school and students, who will in turn share their learning with parents and guardians. These comments have been fed back to residents.

## 9. Publicity

9.1 The application has been publicised by press, site notice and neighbour notification letters. 21 objections have been received.

## 9.2 Objections

Objections have been received on the following grounds:

### i) Highway factors

- a. Traffic generation – already congested next to the school, vehicles already park on the pavement.
- b. Traffic generation – Already horrendous especially during school times
- c. Highway safety – due to the above, concerns about pedestrian safety, particularly children.
- d. Highway safety – Given that is only a one-way street, concerns about construction traffic during school times/pedestrian safety
- e. Parking – concerns about parking accumulation, on street parking already an issue, whilst the new homes provide one parking space, what about when residents own more than one car.

### ii) Environmental factors

- a. Air pollution – due to increase traffic/congestion/construction traffic
- b. Noise nuisance/dust and mess (presumably during construction)



- iii) Loss of light/privacy
- iv) Loss of site
- v) Health and Safety
- vi) Loss of trees
- vii) Poor design
- viii) Question publicity of the planning application – more residents should have been notified
- ix) Site should be used for school car park
- x) Why was the site not developed sooner following the demolition of the maisonettes?

### 9.3 Responses to objections

I respond to the objector's comments in turn:

i) Highway concerns

a-c. It is acknowledged that residents currently experience difficulty resulting from inappropriate behaviours of parents collecting children from school, however this is unrelated to the current proposal. This is a common problem around schools. Transportation Policy have commented that the Council's strategy regarding school travel, is to dissuade parents from bringing children to school by car as this increases air pollution and does not promote healthy lifestyles for children. As referred to in point 8.8 above other options are being explored to reduce congestion for residents around schools and other strategies have been used previously such as walking buses where children are supervised when they walk to school from a destination point away from the school premises. These strategies would reduce pollution and congestion at school sites. If the site were to be used as a school car park this would be contrary to the Council's strategy and would increase congestion and pollution in the residential area.



- d. Highways have also confirmed that the proposal for 11 new dwellings would generate very low vehicle trip rates and so this would not cause significant traffic congestion.
- ii) Environmental factors
- a. As indicated above, the trip rates associated with the development would be low and so would not result in excessive levels of pollution.
- b. Recommendations such as a construction management plan (to control dust, odour, noise nuisance during construction) can be conditioned. Other mitigation would be the introduction of electric charge points and low NOx boilers to reduce emissions.
- iii) The scheme as designed, would not result in any direct overlooking to adjacent residential property.
- iv) The site is currently vacant and serves no purpose except that it creates ASB and is untidy land, the introduction of affordable homes would make good use of the site.
- v) Health and Safety is regulated by the Health and Safety Executive; nevertheless, the recommended inclusion of a condition relating to a construction management plan would also regulate the construction phases of the development.
- vi) The site does not benefit from any protective tree species; however, the development would provide landscaping as part of the development which would introduce new trees.
- vii) The design of the proposal is in scale with the existing residential area and proposes high quality materials.
- viii) The publicity extended to residents which surround the development, in addition a press notice was published in The Chronicle. Furthermore, the applicant has carried out a consultation event with residents to invite comments and clarify any questions raised.
- ix) As referred to in i) above, encouraging vehicle trips by parents would be against Council policy and give rise to further pollution. Furthermore, there would be ongoing issues of maintenance and management of the car park.



- x) Reasons regarding the timescales for redevelopment of the site are not material to the proposal under consideration.

## 10. Consultee responses

### 10.1 Policy

The proposal raises no policy concerns given the proposed layout and design, complies with affordable housing policy and conditions can be attached to secure relevant policy compliance.

### 10.2 Highways

No objections subject to parking and access road being laid out.

### 10.3 Urban Design

They consider that the proposal would provide an attractive infill development in this location. Whilst they note that the setback and appearance is not necessarily characteristic of the rest of the street, the development forms the end of street and so does allow for a bespoke layout.

### 10.4 Canals and River Trust

They have requested a construction management plan and detailed foundation design to include cross sections. These can be conditioned.

### 10.5 Severn Trent

No objections subject to standard foul and surface water conditions.

### 10.6 Lead Local Flood Authority (LLFA)

No objections subject to conditions to include details surface water drainage design.



## 10.7 Public Health (noise)

No objection subject to conditions regarding a noise assessment due to proximity of the Oldbury Road and subsequent mitigation, a construction management plan (to include hours) and no bonfires.

## 10.8 Public Health (air quality)

No objection subject to conditions to mitigate air pollution such as electric vehicle charge points, a construction management plan and low NOx boilers.

## 10.9 Public Health (Contaminated Land)

The phase II ground investigation is deemed acceptable, conditions are therefore recommended in relation to a detailed remediation strategy and subsequent implementation.

## 10.10 Transportation Policy

No objections subject to secure cycle provision. I am mindful that the development comprises of houses with gardens, I am also advised that residents will be given rights under their tenancy agreement to erect garden sheds which in turn can be used for bike storage if they so choose.

## 10.11 Employment & Skills

No objections subject to conditions relating to jobs and apprenticeships.



## 10.12 Police

No objections raised general observations about the parking to frontage have good natural surveillance and provide recommendations regarding lighting and security to residential plots.

## 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.
- 11.2 Considering the views of the Council's Urban Design officer, I am of the opinion that the scheme is of a good design, in accordance with paragraph 124 of the NPPF.
- 11.3 Paragraph 111 also refers to refusal on highway grounds and states that refusal would be due to an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe. The scheme is modest, only serving 11 units, and highways have indicated that the trip rates would be low, hence this proposal would not cause significant highway concerns in terms of road safety or the road network.

## 12. Local Planning Policy

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

DEL1 – Infrastructure Provision

CPS4 - Place making

HOU1 – Delivering Sustainable Housing Growth

HOU2 - Housing Density, Type and Accessibility

HOU3 – Delivering Affordable Housing

TRAN4 – Creating Coherent Networks for Cycling and Walking

ENV3 – Design Quality

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



ENV7 – Renewable Energy  
ENV8 – Air Quality  
EMP5 – Improving Access to the Labour Market

H1 – Housing Allocations  
H3 – Affordable Housing  
EOS9 – Urban Design Principles  
SAD EMP2: Training and Recruitment.

- 12.2 HOU1 sets out the Council's targets for delivering new homes within the plan period of 2006 to 2026, this site is allocated for such a purpose and would assist with meeting these targets (Policy SAD H1)
- 12.3 CPS4, ENV3 and SAD EOS9 refers to well-designed schemes that respect the characteristics of the area and provide quality living environments. The proposed layout and design are considered to be acceptable with no concerns being raised from Urban Design.
- 12.4 HOU2 then refers to create a range of housing accommodation to meet local needs. This scheme provides a mix of 2 and 4 bed units with a suitable layout and offers affordable homes. The latter also complies with affordable housing policy (HOU3 and SAD H3)
- 12.5 TRAN 4 refers to ensuring schemes provide good quality access for cycling and walking. The scheme provides pedestrians routes to afford good access by walking and cycling.
- 12.6 ENV5 seeks the provision of sustainable drainage to reduce surface water flooding, this is recommended by condition.
- 12.7 ENV7 refers to renewable energy which will offset 10% of the residual energy demand of the development. In most instances, this can be achieved by a fabric first approached controlled through the building regulations process which ensures that new homes are suitably insulated. This can be controlled by condition.



12.8 ENV8 and the Air Quality SPD refers to mitigation to offset air pollution/improve air quality. Mitigation includes electric charge points, Low NOx boilers and construction management plans, all are recommended conditions.

12.9 EMP5 and SAD EMP2 refer to providing local jobs and apprenticeships during the construction phases. A detailed method statement has been provided which 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 Proposals in the Development Plan

The site is allocated for housing within the development and assists in meeting the Council's housing needs.

#### 13.3 Planning history

The site has historically been residential and a planning consent (2006) also granted permission for the same number of units. Therefore, the site is shown to be suitable for residential use.

#### 13.4 Access, highway safety, parking, servicing and traffic generation

As indicated above, it is accepted that the residents suffer considerable inconvenience from existing road trips associated with drop off and collection of school children. There are potential solutions to resolve these issues such as a resident parking schemes, liaising with the school to dissuade parental drop off or introducing other sustainable measures. The scheme itself would have little bearing on the current situation which exists, only having modest trip rates/traffic generation, and cannot be



used as tool to offset existing problems. In addition, parking and servicing has been designed to be managed wholly within the development site and raises no concerns from highways.

### 13.5 Loss of light and/or outlook, overshadowing and loss of privacy.

The proposal is largely self-contained with industrial property to the rear fronting Oldbury Road and would have little impact on existing residential property. When considering the relationship with this property I am satisfied that there would not be a significant impact in terms of residential amenity.

### 13.6 Anti-Social Behaviour

It is noted that there are currently issues in relation to anti-social behaviour, the scheme would remove an open area of ground and increase natural surveillance within the area which is welcomed by the police. This, in my opinion, can only benefit the area and assist with reducing such incidences.

## 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 policies and provides much needed affordable homes which are of a high quality. Concerns that have raised regarding traffic nuisance are a separate matter and are not attributed to the proposed development, which would not exacerbate matters as it addresses its own parking need.

## 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.
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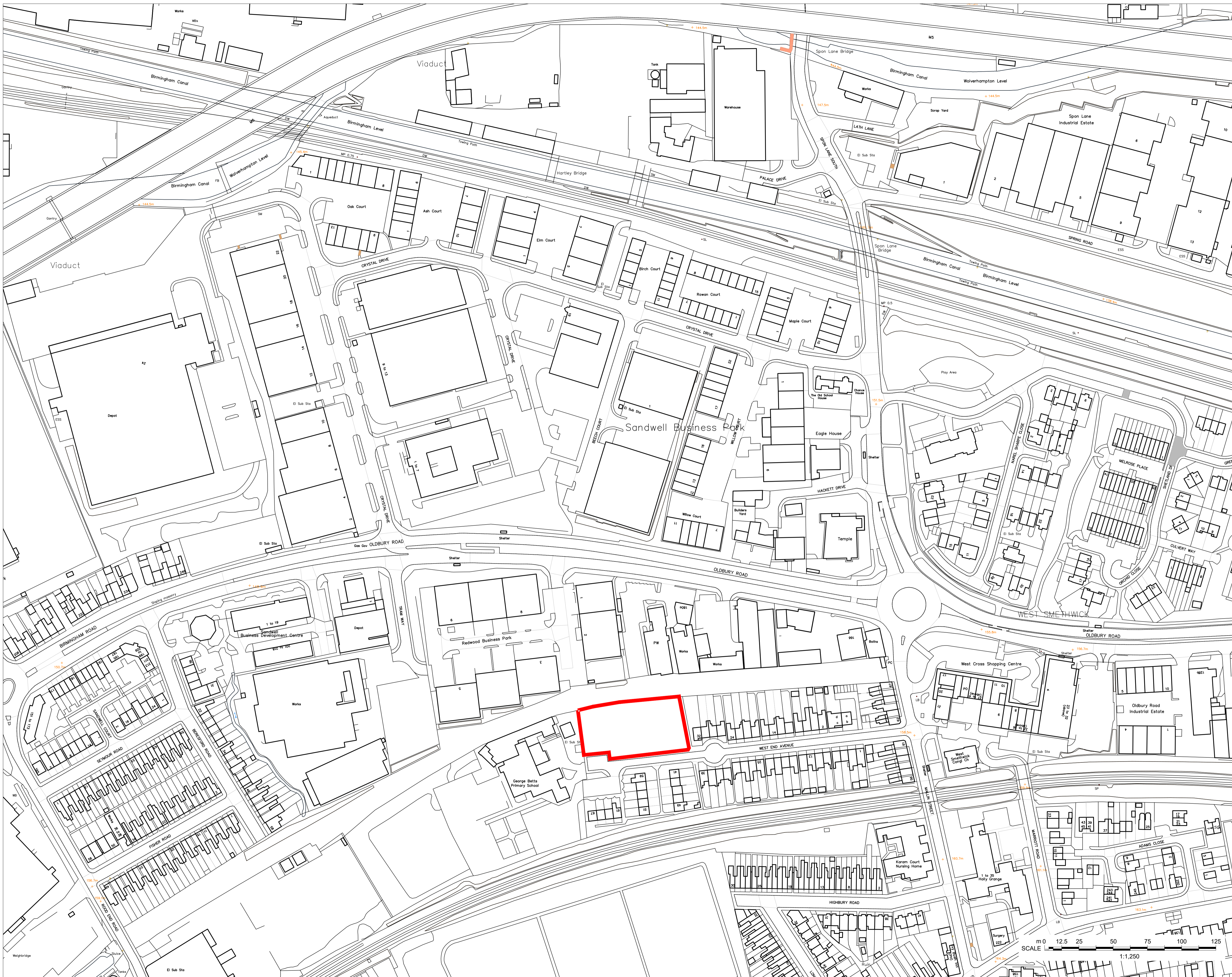


<b>Legal and Governance:</b>	This application is submitted under the Town and Country Planning Act 1990.
<b>Risk:</b>	None.
<b>Equality:</b>	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
<b>Health and Wellbeing:</b>	None.
<b>Social Value</b>	Opportunities for providing local jobs and apprenticeships during construction phases.

## 16. Appendices

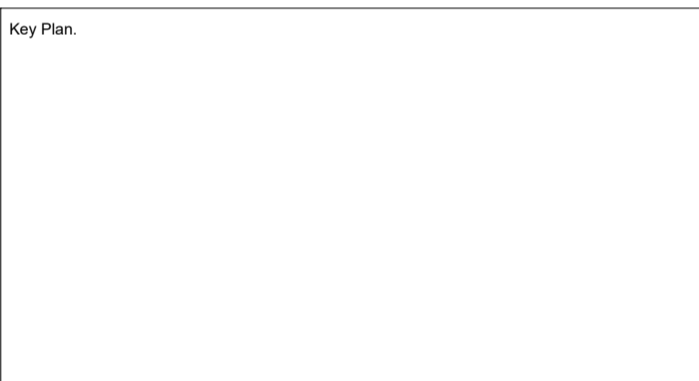
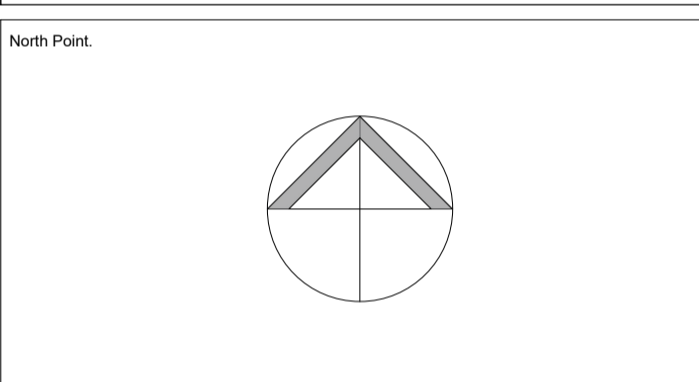
Location Plan  
Context Plan  
Site Layout  
Street scene  
3D plans





Notes  
 The Contractor will be responsible for setting out the work.  
 All dimensions must be obtained or checked on the site.  
 Figured dimensions to be used in preference to scale.

Site Legend  
 ■ Site Boundary



Rev	Date	Revision Note	By	Check



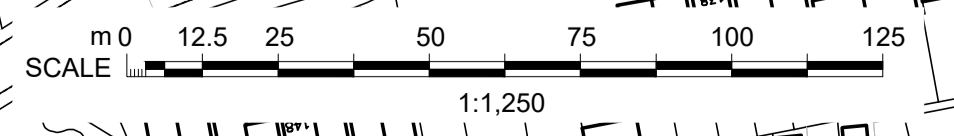
Project  
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 Location  
**West End Avenue Smethwick**  
 Sheet title  
**Existing Site Location Plan**

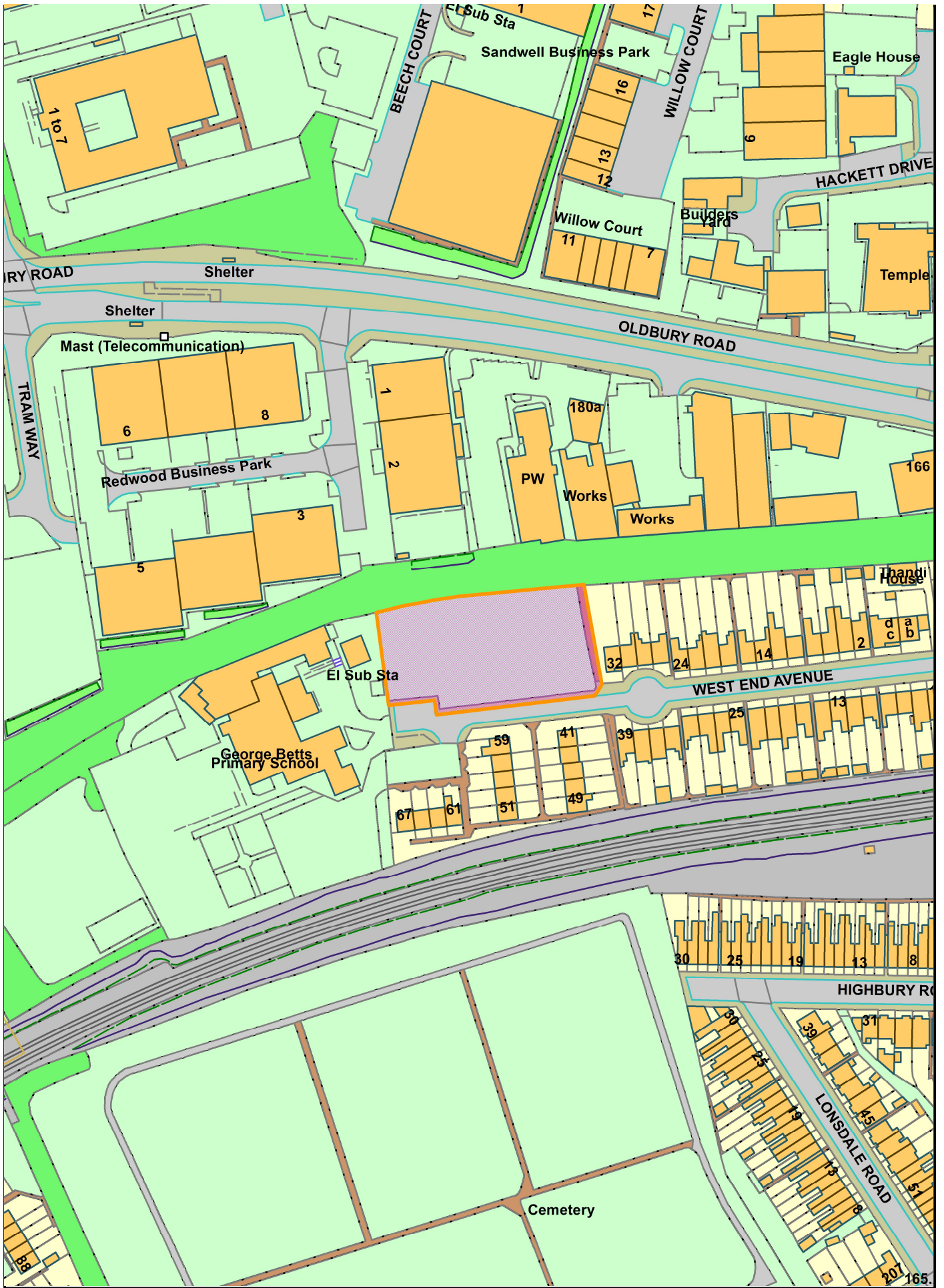
Status  
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 Drawn by: CDL  
 Date: MAY 20  
 Scale at A1: 1:1250  
 Checked: [ ]  
 Scale at A3: [ ]

Sheet Identifier	Level	Classification	Sheet No.	Subality	Ver/Rev
00	XX	AE(04)	01		

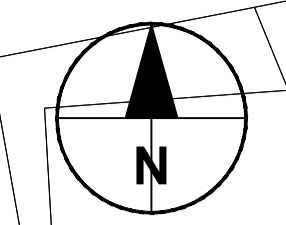
Job No:  
**Q19049**  
 Contractors Drawing No. (if required)

Urban Design & Building Services  
 Sandwell Council House  
 Fresh Street, Oldbury.  
 B69 3DE.  
 Tel: 0121 969 4541





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 Ordnance Survey 0100031673



- KEY**
- RETAINING WALL WITH 1800mm HIGH CLOSE BOARD FENCING WITH TRELLIS ON TOP. TOTAL HEIGHT 2100mm
  - 1800mm CLOSE BOARD FENCING WITH TRELLIS ON TOP. TOTAL HEIGHT (INCLUDING TRELLIS) 2100mm
  - RETAINING WALL WITH 1800mm HIGH BRICK WALL ON TOP. REFER TO AECOM DRAWING EW/01 FOR RETAINED HEIGHTS
  - RETAINING WALL WITH 1000mm HIGH BLACK HOOP TOP RAILINGS. REFER TO AECOM DRAWING EW/01 FOR RETAINED HEIGHTS
  - RETAINING WALL WITH 1800mm TIMBER CLOSE BOARD FENCING ON TOP. REFER TO AECOM DRAWING EW/01 FOR RETAINED HEIGHTS
  - RETAINING WALL REFER TO AECOM DRAWING EW/01 FOR RETAINED HEIGHTS
  - 1800mm TIMBER CLOSE BOARD FENCING WITH CONCRETE GRAVEL BOARDS
  - 550mm BRICK WALL WITH 500mm RAILING ON TOP WITH 1200mm BRICK PIERS. BRICKWORK TO MATCH PLOTS
  - 900mm HIGH TIMBER BIRDSMOUTH 'V' POSTS AND RAIL
  - 1800mm HIGH BRICK WALL WITH BRICK PIERS AT 1500mm CENTRES
  - RETAIN EXISTING PALISADE FENCING (SUBJECT TO CONDITION) AND BACK WITH TIMBER FENCE
  - 1000mm HIGH BLACK HOOP TOP RAILINGS
  - PLOTS DOOR LOCATIONS
  - GRASS
  - CARRIAGEWAY TO ADOPTABLE STANDARDS
  - FOOTWAY TO ADOPTABLE STANDARDS
  - TRADITIONAL TEGULA BLOCK PAVING WITH EDGING KERBS
  - GREY TEGULA BLOCK PAVING WITH EDGING KERBS
  - 400 x 400 x 65mm PRECAST CONCRETE PAVING SLABS
  - 400 x 400 x 40mm PRECAST CONCRETE PAVING SLABS
  - BRICK BIN STORE WITH PERFORATED METAL DOORS TO FRONTS. BRICKS TO MATCH FINISHED FACES OF PLOTS
  - INDICATIVE ORNAMENTAL PLANTING. LANDSCAPING PROPOSALS TO BE UNDERTAKEN BY SMBC
  - INDICATIVE TREE PLANTING. LANDSCAPING PROPOSALS TO BE UNDERTAKEN BY SMBC
  - TREES TO BE RETAINED

**AECOM**

**PROJECT**

**WEST END AVENUE  
 SMETHWICK  
 SANDWELL**

**CLIENT**

Sandwell  
 Metropolitan Borough Council

**CONSULTANT**

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- NOTES**
- PROPOSED LAYOUT IS BASED UPON DRAWING Q19049-00-XX-AP(04)-02 PROPOSED LANDSCAPE PLAN PROVIDED BY SMBC.
  - PROPOSED LAYOUT HAS BEEN COORDINATED TO TOPOGRAPHICAL SURVEY PROVIDED TO AECOM BY SMBC WHICH WAS UNDERTAKEN BY INTERLOCUS SURVEYS LTD, REF: 190720WA3D/NO REV. DATED 27/09/19.
  - PROPOSED LANDSCAPING SHOWN IS INDICATIVE AND SUBJECT TO A DETAILED DESIGN BY OTHERS. PROPOSED LANDSCAPING SCHEME TO TAKE DUE REGARD OF PROPOSED DRAINAGE DESIGN.

**ISSUE/REVISION**

I/R	DATE	DESCRIPTION
02	10.08.2020	AMENDED TO CLIENT COMMENTS
01	18.06.2020	FIRST ISSUE

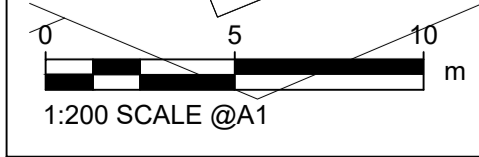
**DRAWING STATUS**

PRELIMINARY

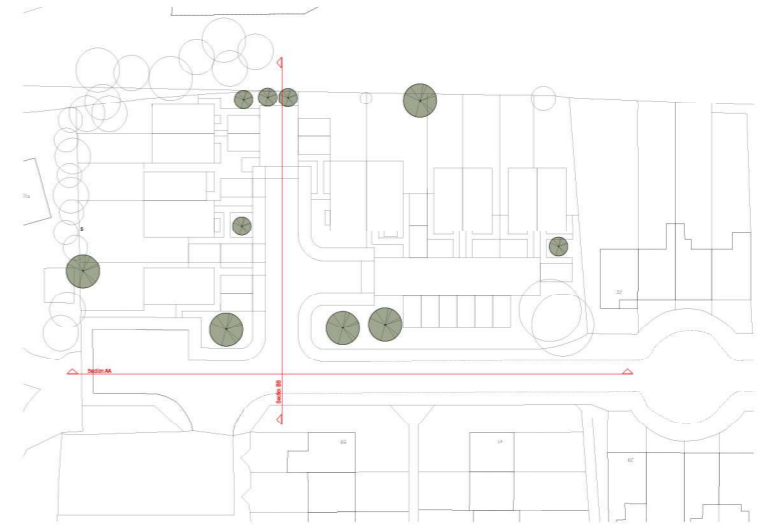
**PROJECT NUMBER**  
 60638077

**SHEET TITLE**  
 PROPOSED SITE  
 GENERAL ARRANGEMENT

**SHEET NUMBER**  
 P 60638077/PM/01



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Section BB  
 Scale 1:100 @ A0



Section AA  
 Scale 1:100 @ A0



North Point

Key Plan

Rev	Date	Revised Note	By	Check



Project: New Housing Development  
 Location: West End Avenue, Smethwick

Drawn by: Street Elevations

Status: Planning

Drawn by: CDL	Date: Jun 28	Checked:
Scale @ A0: 1:100	Scale @ A1: 1:200	

Project number: 00 XX AP(05) 07

Job No: Q19049



View towards plots 7-11





View towards plots 1-6

