

Report to Planning Committee

11 January 2023

Application Reference	DC/22/67234
Application Received	4 July 2022
Application Description	Proposed 4 No. storey detached building comprising of 28 No. 2 bedroom flats and 2 No. 1 bedroom flats (30 flats in total) with basement parking (Outline application all matters reserved).
Application Address	Land Adjacent 83 Dudley Port Tipton
Applicant	Sukhmani Ltd
Ward	Oldbury
Contact Officer	Mr Andrew Dean andrew_dean@sandwell.gov.uk

1 Recommendations

1.1 That, subject to the signing of a Section 106 agreement to ensure affordable housing, outline planning permission for a residential development is granted subject to further approval of Reserved Matters relating to; Access, Appearance, Landscaping, Layout and Scale, and subject to the following conditions relating to:

- i) Finished floor levels;
- ii) Ground contamination;
- iii) Noise survey and mitigation measures;



- iv) Odour assessment;
- v) Drainage (foul);
- vi) Drainage (surface);
- vii) 10% renewable energy;
- viii) Electric vehicle charging points;
- ix) Low NOx boilers;
- x) Construction method statement;
- xi) Employment and skills statement;
- xii) The submitted plans are for indicative purposes only.

Other conditions usually associated with residential schemes are covered by a future Reserved Matters application.

2 Reasons for Recommendations

- 2.1 The proposed development would bring a derelict site back into use and provide much needed residential accommodation for Sandwell residents which would assist with meeting the Council's housing targets.

3 How does this deliver objectives of the Corporate Plan?

	Quality homes in thriving neighbourhoods
	A strong and inclusive economy

4 Context

- 4.1 This application is being reported to your committee because the proposal is a major application and a Section 106 agreement is required to secure affordable housing.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[Dudley Port, Tipton](#)



5 Key Considerations

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

Government policy (NPPF)
Planning Gain (affordable housing)
Planning history (including appeal decisions)

6. The Application Site

- 6.1 The application site relates to a vacant piece of land located on the south eastern side of Dudley Port, Tipton. The site is located between a pair of semi-detached dwellings to the north, a petrol station to south and an industrial estate to the east. The opposite side of Dudley Port is residential in nature. The site has an existing drop kerb which is accessed from Dudley Port.

7. Planning History

- 7.1 An outline application for a residential development of up to 8 No. dwellings (access only) was granted planning approval under application reference DC/20/64724.
- 7.2 Relevant planning applications are as follows:

DC/20/64724	Proposed residential development of up to 8 no. dwellings (outline application for access only).	Grant outline permission with conditions.
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8. Application Details

- 8.1 The applicant is applying for outline consent (all matters reserved) for a 4 No. storey detached building comprising of 28 No. 2 bedroom flats and 2 No. 1 bedroom flats (30 flats in total) with basement parking. The applicant has provided an indicative site plan, floor plans and elevations. However, as the applicant has applied for outline consent with all matters reserved, these plans are for illustrative purposes only and are therefore not for your consideration.
- 8.2 In terms of this application, the suitability of the site for a residential development will be assessed and the indicative plans have been used to assess if spatially the site can accommodate the proposed development and number of units.

9. Publicity

- 9.1 The application has been publicised by neighbour notification letter and press notice with one letter of objection being received.

9.2 Objections

Objections have been received on the following grounds:

- i) The 4-storey height of the proposed building would be out of character with the surrounding area.
- ii) The proposal would result in a loss of privacy to the objector.
- iii) The proposal results in a development having 30 cars and 60 people in a small area.

9.3 Responses to objections

I respond to the objector's comments in turn:

- i) Dudley Port contains a number of building types and heights, including flats up to 3 storeys in height with a relatively new



development on Anchor Drive having flats up to 4 storeys in height. Although indicative, the submitted floor plans and elevations show a design which starts at two storey adjacent to the existing neighbour residential dwellings and steps up in height to the final height of 4 storeys which would reduce the overall massing and impact of a development. The Urban Design Officer has raised no objections to the scale and massing of the proposed development shown on the indicative floor plans. However, as the proposal is for outline approval with all matters reserved, appearance, layout and scale are details which would be dealt with via a Reserved Matters application.

- ii) The objector's property is located on the opposite side of Dudley Port approximately 40.8 metres from the application property. This is of a sufficient distance to raise no concerns regarding loss of privacy.
- iii) The indicative plans show 100% car parking for the development can be provided via a basement car park. The Head of Highways has raised no objections the application. However, as the proposal is for outline approval with all matters reserved, access, appearance, layout and scale are details which would be dealt with via a Reserved Matters application.

10. Consultee responses

10.1 Planning Policy

No objection. The application is on land that has been granted consent for a residential development under DC/20/64724 (Proposed residential development of up to 8 No. dwellings (outline application for access only). Therefore, the principle of residential has been established. The proposal triggers affordable housing policy for 25% of the units proposed to be affordable.



10.2 Highways

No objections. Highways would require further detail in terms of the maximum gradient of the access ramp or details of transition lengths to reduce the risk of vehicles grounding and head room height confirmed at 2.5m. This detail can be submitted with the Reserved Matters application.

10.3 Public Health (Air Quality)

No objections subject to the standard conditions for electric vehicle charging points, a construction management plan and low NOx boilers. These have been included within the recommendation.

10.4 Public Health (Contaminated Land)

No objections subject to the standard contaminated land condition.

10.5 Public Health (Air Pollution and Noise)

No objections. The development is situated on a busy road (A461) and will be subject to road traffic noise, including HGVs and buses. As well as from the rear where there is an industrial estate. Public Health have therefore recommended the inclusion of conditions for a noise survey with mitigation measures to protect proposed dwellings from undue noise and disturbance as well as an odour assessment to determine that the proposed development will not be adversely affected by odours from existing industrial premises to the rear that uses solvents.

10.6 West Midlands Police

No objection.



10.7 Lead Local Flood Authority

The Lead Local Flood Authority comments regarding the proposed surface water drainage will be included within the drainage condition (surface) should the committee grant approval of this application,

10.8 Severn Trent

No objections subject to the standard drainage condition.

10.9 Urban Design Officer

No objection. The officer is comfortable with the scale and massing shown on the indicative floor plans and elevations as well as with the proposed levels of external and internal amenity space that can be provided within the development. The proposed units have been measured and comply or exceed with the Council's minimum internal standards stated within the Revised Residential Design Guide SPD (see below), however, as the proposal is for outline only with all matters reserved, floor plans and elevations would be re-assessed as part of a Reserved Matters application for Access, Appearance, Landscaping, Layout and Scale.

1 bed, 2-person unit measuring 50m².

2 bed, 3-person unit measuring 60m².

2 bed, 4-person unit measuring 65m².

10.10 Transportation Planning

No objections subject to additional cycle parking being provided. A condition has been included within the recommendation.



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:

DEL1: Infrastructure Provision

HOU1: Delivering Sustainable Housing Growth

HOU3: Delivering Affordable Housing

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

ENV7: Renewable Energy

ENV8: Air Quality

SAD H2: Housing Windfalls

SAD H1: Housing Allocations

SAD H3: Affordable Housing

SAD EMP4: Relationship between industry and sensitive uses.

2.2 DEL1 aims to ensure that large developments provide appropriate on and off-site infrastructure to serve the development and mitigate impacts of the development. In this instance, a s106 agreement for the provision of affordable housing, electric vehicle charging points and cycle storage conditions complies with this policy together with the community infrastructure levy (CIL) which will be calculated as part of the detailed reserved matters scheme and payable on commencement of the scheme.

12.3 With regards to Housing Policy HOU2, the development would bring forward a residential scheme to add to the range of property types available in the borough. In respect of policy SAD H2, the development site is not allocated for residential development in the local plan (although is directly adjacent to a large site at the rear which is allocated



for residential development) and is therefore classed as a housing windfall site. The proposed residential development meets the guidance set out in this policy and would bring back an under used piece of land back into beneficial use.

- 12.4 HOU3 and SAD H3 sets out the requirement of 25% affordable housing. The applicant is entering into a Section 106 agreement for the affordable housing to be provided.
- 12.5 ENV5 seeks the incorporation of sustainable drainage systems to assist with reducing the impact of flooding and surface water run-off. A condition for a surface water drainage scheme to be submitted and approved has been included within the recommendation.
- 12.7 A condition to ensure that at least 10% of the estimated residual energy demand of the development is generated by energy from renewable sources has been included within the recommendation and therefore accords with policy ENV7.
- 12.8 ENV8 refers to mitigation measures to offset air quality issues, in this instance a condition for electric vehicle charging points has been included within the recommendation.
- 12.9 Proposals that may adversely affect, or be adversely affected by existing industry operating in appropriate locations will not be permitted unless the adverse effects can be reduced to an acceptable level. Public Health have raised no objections to the application and are satisfied the conditions contained in the recommendation can reduced the effects of the adjacent industrial site to acceptable levels. The proposal is therefore compliant with SAD EMP4

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 Gain (affordable housing)

It has been requested by the Housing Investment & Development Officer that seven of the proposed units be affordable. The applicant has provided details of their legal representation and the Councils legal team have been instructed to begin the process of a Section 106 agreement.

13.3 Planning history (including appeal decisions)

The application is on land that has been granted consent a for residential development under DC/20/64724. Therefore, the principle of the use of the site for residential has been established.

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.
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	<p>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.</p>
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16. Appendices

BL-01 – Indicative Block Plan

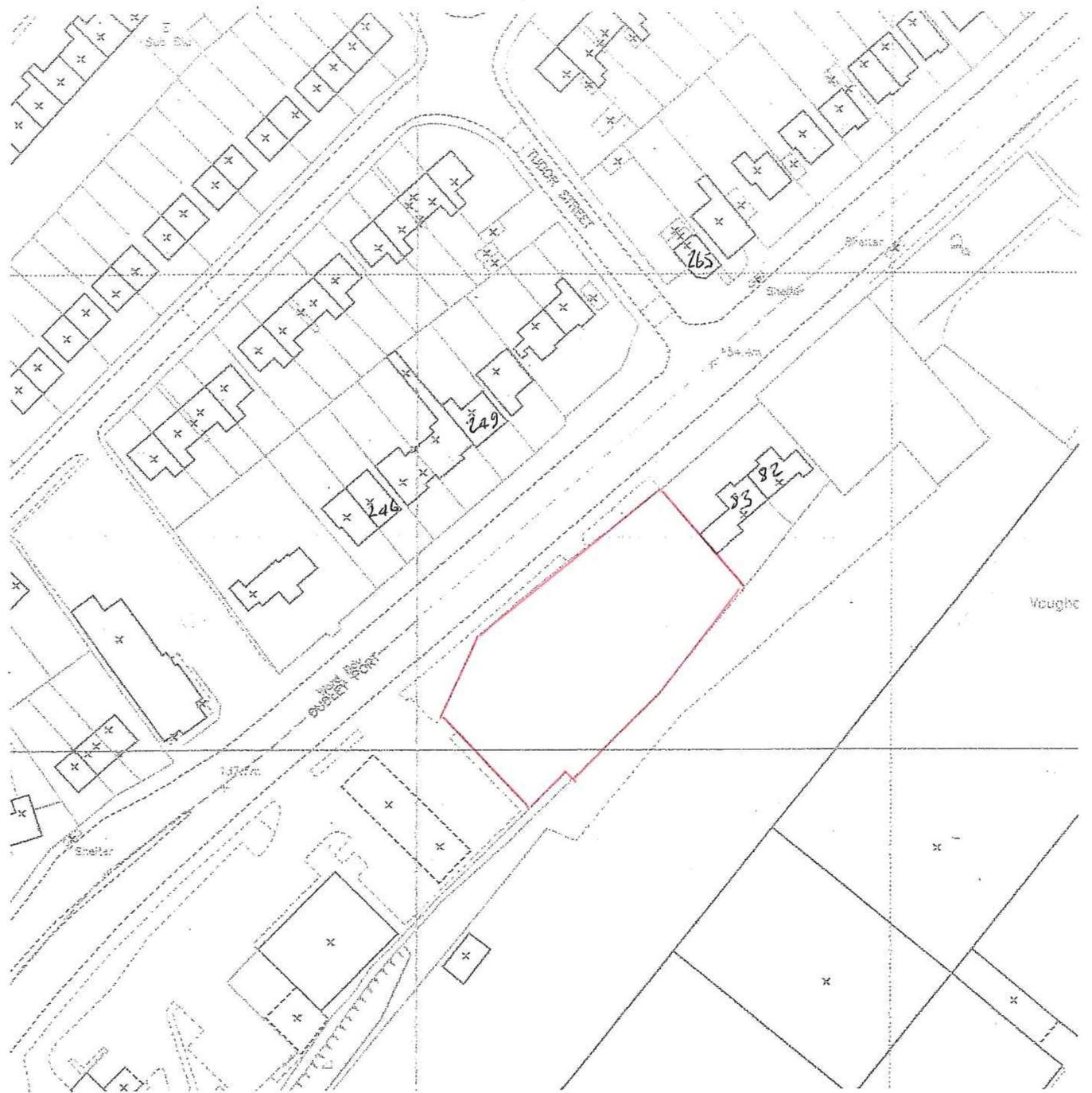
BL-02 – Location Plan

07 REV A – Indicative Front Elevation Plan.

03 – Indicative Proposed Basement Parking Level Plan.

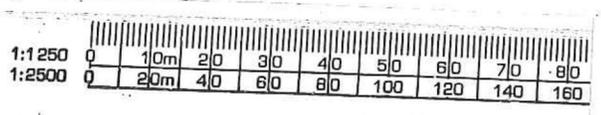
02 – Indicative Proposed Ground Floor Plan.





↑
North

Location Plan
Scale 1:1250



Plan BL-02.



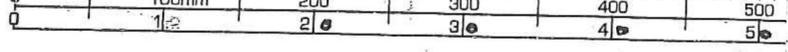
North

Block Plan

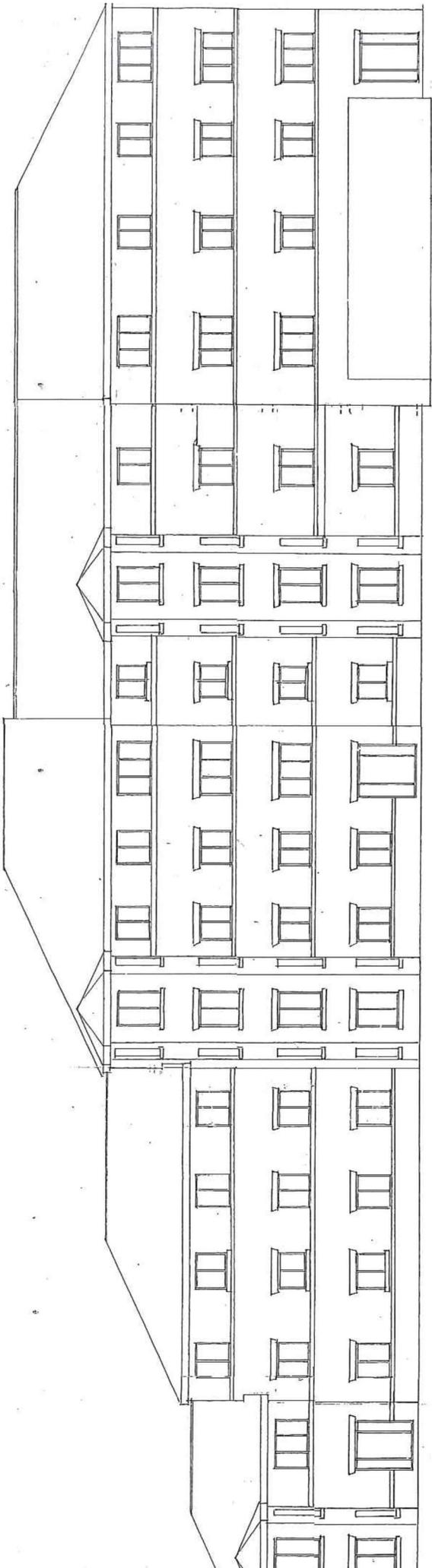
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Plan - B2 - 01



ored Elevation to Dotted Part

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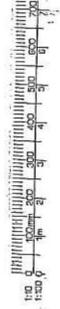
BUILDING DESIGN LTD

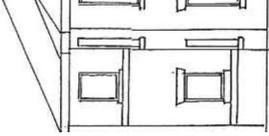
Architectural, Building and Planning Consultants

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 23 Poles Road, 022 168

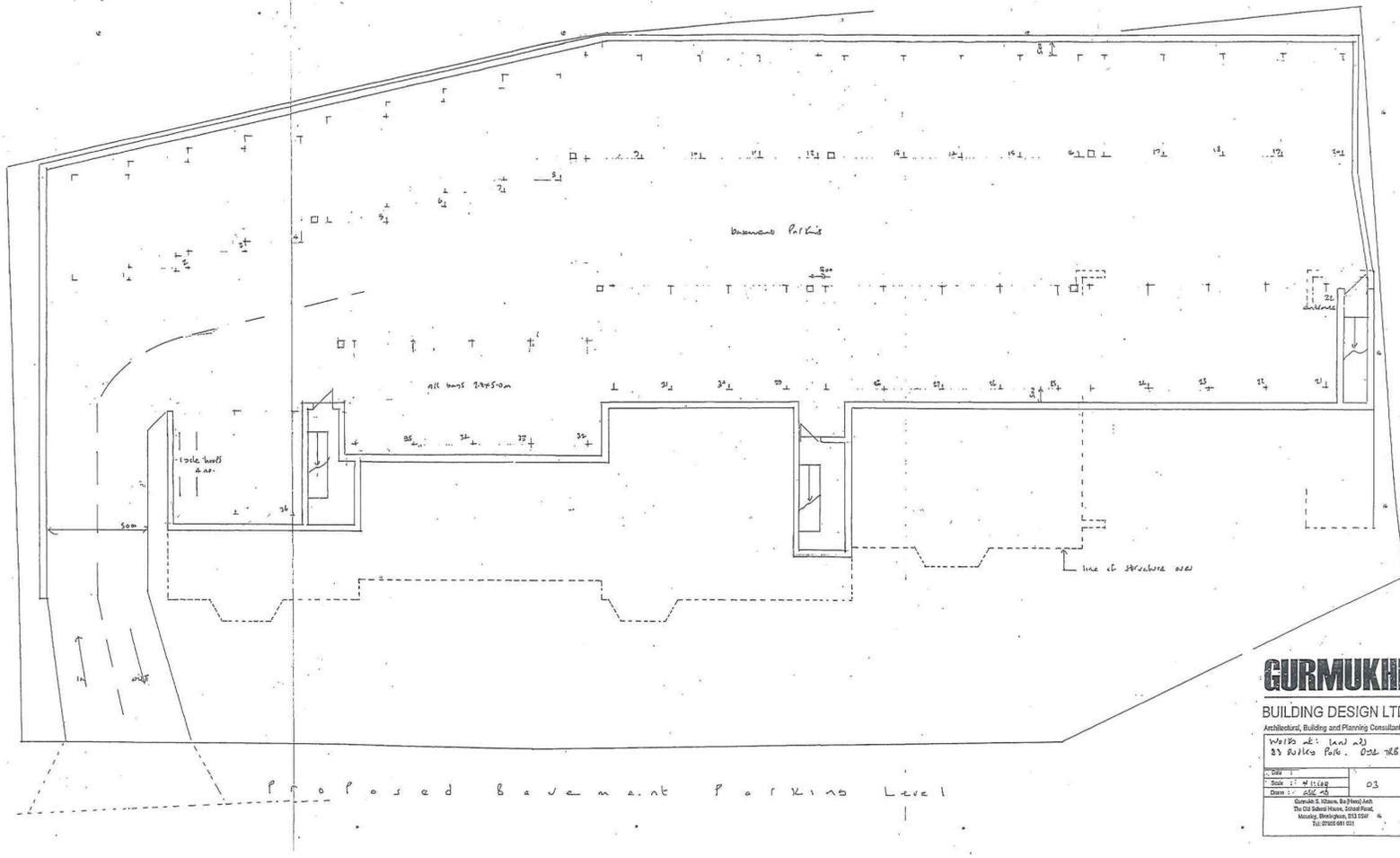
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Prop



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