

Report to Planning Committee

29 November 2023

Application Reference	DC/22/67240
Application Received	27 June 2022
Application Description	Proposed construction of 30 No. two-bedroom apartments (outline application for access and layout).
Application Address	Land Formerly Wednesbury Motors, 110 Holyhead Road, Wednesbury
Applicant	SAP Developments
Ward	Wednesbury North
Contact Officer	Douglas Eardley douglas_eardley@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 access and layout) is granted subject to the further approval of reserved matters, concerning appearance, landscaping and scale, and to the following conditions relating to:

- (i) External materials;
- (ii) Site investigation and remediation;
- (iii) Drainage;
- (iv) Electric vehicle charging provision and retention;
- (v) Construction environmental management plan;
- (vi) Low NOx boilers, provision and retention;



- (vii) Policy ENV7 – Energy Statement;
- (viii) Secure cycle storage;
- (ix) Waste storage;
- (x) Provision of name, address and contact details of the maintenance body/-ies responsible for the maintenance of the drainage system;
- (xi) Existing footway is reinstated;
- (xii) Height restriction to apartments - The configuration of the blocks will present a stepped elevation rising from Block ONE (three storey) to Block TWO (four storey) and down in steps along the width of Block THREE to end in no greater than three storeys at the Access point off Monway Terrace;
- (xiii) Highways Management Plan;
- (xiv) Provision and retention of car parking;
- (xv) External Lighting scheme;
- (xvi) Finished floor levels;
- (xvii) Boundary treatments;
- (xviii) Landscaping;
- (xix) Detailed method statement setting out job and apprenticeship opportunities which may arise during the construction of the development and/or when the development is brought into use;
- (xx) Coal Authority – Intrusive site investigations/remediation works;
- (xxi) Noise assessment;
- (xxii) No burning of waste materials to be allowed on site during the construction phase, and;
- (xxiii) Construction times.

2 Reasons for Recommendations

- 2.1 The proposal would provide much needed residential accommodation, 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
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4 Context

- 4.1 This application is being reported to your Planning Committee because the proposal is a major application, a section 106 is required to secure affordable housing and two objections have been received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[Land Formerly Wednesbury Motors, 110 Holyhead Road, Wednesbury](#)

5 Key Considerations

- 5.1 The site is identified as a 'Long Term Residential Site' in the adopted Site Allocations and Delivery Development Plan Document Policies Map.
- 5.2 Material planning considerations (MPCs) are matters that can and should be taken into account when making planning decisions. By law, planning decisions should be made in accordance with the development plan unless MPCs indicate otherwise. This means that if enough MPCs weigh in favour of a development, it should be approved even if it conflicts with a local planning policy.
- 5.3 The material planning considerations which are relevant to this application are: -

Government policy (NPPF)
Proposals in the Development Plan
Amenity concerns – Loss of light
Highways considerations
Presumption and the 'titled balance'

6. The Application Site

- 6.1 The application relates to a site on the south-western side of Holyhedge Road, Wednesbury. To the northern and eastern aspects of the site are



residential properties and to the southern and western aspects of the site are industrial premises.

7. Planning History

7.1 Relevant planning applications are as follows:

PD/21/01768	Proposed demolition of single storey kiosk, workshop and washroom facilities.	Prior Approval is Required and Granted – 26.05.2021
DC/06/46823	MOT bay extension.	Grant Permission Subject to Conditions – 20.11.2006
DC/03/4723A	2 x 48 sheet panels.	Refuse Advertisement Consent – 06.05.2003
DC/00/37269	Autogas installation together with increase in height of boundary wall.	Grant Permission Subject to Conditions – 23.01.2001
BCS2894	Demolition of existing shop/ petrol kiosk. New shop front and alterations to form new shop area.	Grant Permission – 16.12.1994
BCS1622A	Various signs.	Grant Advertisement Consent – 23.12.1991
BCS0612	Form combined fascia to both properties with extension to No.83 forming reception area.	Grant Permission Subject to Conditions – 10.05.1989
BCS0611	Form new fascia to garage forecourt.	Grant Permission Subject to Conditions – 10.05.1989
DC/10876	Fit new 8000 gallon underground storage tank.	Grant Permission – 09.04.1980



8. Application Details

- 8.1 This is an outline application for layout of the site only. The applicant has indicated that they intend to construct 30 No. two-bedroom apartments on the site.
- 8.2 Members are reminded that full details of the proposal will have to follow at the subsequent reserved matters application stage, as this application (DC/22/67240) is purely for the layout of the site only.

9. Publicity

- 9.1 The application has been publicised by neighbour notification letters and by press notice with two objections being received.

9.2 Objections

Objections have been received on the following grounds:

- i) Loss of light;
- ii) Concerned that there would not be sufficient parking for owners and visitors to the proposed development leading to parking problems in Meeting Street.
- iii) The van and car sales building has already been demolished.

Non-material objections have been raised regarding loss of property value.

These objections will be addressed in section 13 (Material considerations).



10. Consultee responses

10.1 Planning Policy

They have stated that the site is identified as a 'Long Term Residential Site' in the adopted Site Allocations and Delivery Development Plan Document Policies Map. In general, Planning Policy do not raise any significant concerns with the proposal and it is considered that in the main their comments can either be covered by conditions, the execution of a Section 106 agreement in terms of affordable housing and the subsequent reserved matters application.

10.2 Highways

Following the receipt of a satisfactory amended plan to indicate a car parking layout and the number of parking spaces, Highways has no objection. They have requested the imposition of conditions relating to the existing footway is reinstated, and a management plan (A management plan will be required with the reserved matters application to confirm how shared areas will be managed and maintained, particularly from a highways perspective the layout/maintenance of the car park, surface and lining and the management/operation of the proposed gates and the additional access to provide the one way system for refuse vehicles).

10.3 Pollution Control (Air Quality)

They have requested the imposition of conditions relating to electric vehicle charging provision, low NOx boilers and a construction environmental management plan.

10.4 Pollution Control (Contaminated Land)

They have requested the imposition of standard conditions relating to site investigation/remediation.



10.5 Pollution Control (Air Pollution and Noise)

The proposed development would be exposed to road traffic noise from Holyhedge Road on its north-east boundary, and to noise from the Monway Industrial Estate and the Sustainable Energy small waste incinerator plant on Portway Road to the south-west. Therefore, they recommend that an environmental noise survey and noise risk assessment is carried out, including acoustic design/glazing. It is also recommended that construction working hours (including deliveries) are limited to Mondays to Fridays 08.30 to 18.00, Saturdays 08.30 to 14.00 and no work on Sundays and Bank Holidays. Furthermore, no burning of waste materials to be allowed on site during the construction phase. All these matters can be covered by the imposition of conditions.

10.6 West Midlands Police

No objection.

10.7 Lead Local Flood Authority

They have recommended the imposition of a condition to ensure that the name, address and contact details of the maintenance body/-ies responsible for the maintenance of the drainage system is provided.

10.8 Severn Trent Water

They have recommended the imposition of their standard drainage conditions.

10.9 Urban Design Officer

They recognise that as DC/22/67240 is an outline application for layout only, that the detailed matters pertaining to access, appearance, landscaping and scale would be achieved through the subsequent reserved matters application. They welcome the reduction in two-bedroom apartments from 32 to 30.



10.10 Employment and Skills

The proposed development would provide opportunities for apprentices during the construction phase and as such, can be conditioned accordingly.

10.11 The Coal Authority

They have requested a condition requiring a scheme of intrusive site investigations to be carried out to establish the risks posed to the development by coal mining activity with remediation works and/or mitigation. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration confirming that the site is/or has been made safe and stable for the proposed development shall be submitted to the local planning authority.

10.12 Strategic Planning and Transportation

They have requested that cycle storage be provided, this can be conditioned.

11. National Planning Policy

11.1 National Planning Policy Framework promotes sustainable development but states that local circumstances should be considered to reflect the character, needs and opportunities for each area. The Framework refers to development adding to the overall quality of the area by achieving high quality design, achieving good architecture and layouts. It also states that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.



12. Local Planning Policy

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

CPS4: Place Making

DEL1: Infrastructure Provision

HOU1: Delivering Sustainable Housing Growth

HOU2: Housing Density type and Accessibility

HOU3: Delivering Affordable Housing

EMP5: Improving Access to the Labour Market

TRAN2: Managing Transport Impacts of New Development

TRAN4: Creating Coherent Networks for Cycling and Walking

ENV3: Design Quality

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

ENV7: Renewable Energy

ENV8: Air Quality

SAD DM 5 - The Borough's Gateways

SAD H1: Housing Allocations

SAD H3: Affordable Housing

SAD EMP2: Training and Recruitment

SAD EMP4: Relationship between Industry and Sensitive Uses

SAD TRAN3: Car Parking

SAD EOS9: Urban Design Principles

SAD DC6: Land Affected by Contamination, Ground Instability, Mining Legacy, Land of unsatisfactory Load Bearing Capacity or Other Constraints

12.2 Low NOx boilers would be required by condition (DEL1).

12.3 The proposal would contribute to the housing targets identified in policy HOU1 by providing housing on previously developed land to meet local housing need.

12.4 In regard to policy HOU2 the proposal generally meets the aspirations of this policy by meeting the needs of the local populace and would provide



apartments, which are accessible by not only vehicles, but also pedestrians.

- 12.5 The provision of cycle storage would make the proposal compliant with TRAN4; this would be conditioned to ensure that satisfactory cycle storage is provided.
- 12.6 Policies CSP4, ENV3 and SAD EOS9 refer to well-designed schemes that provide quality living environments. It is noted that DC/22/67240 is an outline planning application for layout only, therefore the design would be determined in any subsequent reserved matters application.
- 12.7 Air quality mitigation (boilers and electric vehicle charging) can be ensured by condition, in accordance with ENV8.
- 12.8 The requirements of policies HOU3 and SAD H3 would be covered by the requirement for the execution of a Section 106 agreement in terms of affordable housing.
- 12.9 The requirements of policies EMP5 and SAD EMP2 can be satisfied through the impositions of relevant conditions pertaining to the submission of a detailed method statement setting out job and apprenticeship opportunities which may arise during the construction of the development and/or when the development is brought into use.
- 12.10 In regard to policies TRAN2 and SAD TRAN3, it is noted that following the submission of an amended layout plan, the Council's Highways team has no objection; therefore, it is considered that the amended proposal would be compliant with these policies.
- 12.11 A condition would be imposed upon DC/22/67240 to ensure that the proposal is compliant with policy ENV7.
- 12.12 In regard to the comments from Pollution Control (Air Pollution and Noise) above in section 10.5 of this report, it is considered that through the imposition of conditions to ensure that an environmental noise



survey and noise risk assessment is carried out, that the amended proposal would be compliant with the provisions of policy SAD EMP4.

- 12.13 The comments and requirements of the Coal Authority, as mentioned in section 10.11 of this report above, would ensure that the amended proposal would be compliant with the provisions of policy SAD DC6.
- 12.14 Following the requirement for the imposition of conditions from the Lead Local Flood Authority (section 10.7 above) and Severn Trent Water (section 10.8 above), the amended proposal would be compliant with the provisions of policy ENV5.
- 12.15 The site is identified as a 'Long Term Residential Site' on the adopted Site Allocations and Delivery Development Plan Document Policies Map, so as the proposal is for residential, it would be compliant with the provisions of policy SAD H1.
- 12.16 Regarding Policy SAD DM 5 (The Borough's Gateways), it is noted that the proposal site is situated at a 'Borough Gateway' where high quality design and materials are required. Given that DC/22/67240 is an outline planning application for layout only, the design and materials would be determined in any subsequent reserved matters application.

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 Amenity concerns – Loss of light

The proposal is for layout of the site only. Therefore, officers at this juncture cannot comment on this matter and Members are reminded that the application is for outline, layout only. Equally there is no evidence to suggest that this development would have a detrimental impact on the amenities of neighbouring properties by way of loss of light, as this



would be adjudged in any subsequent required Reserved Matters application for access, appearance, landscaping and scale.

13.3 Highways concerns - Concerned that there would not be sufficient parking for owners and visitors to the proposed development leading to parking problems in Meeting Street

The Council's highways department accept the level of parking on site, however they do require on-site parking details (Management Plan) that would accompany a Reserved Matters application.

13.4 The van and car sales building has already been demolished.

This was noted on my site visit and is also evident on the link to Google Maps for the site within section 4.2 of this report that the van and car sales building has already been demolished. As such, the aspect of the proposal for DC/22/67240 which previously referred to the 'demolition of former van and car sales garage' has now been removed from the description of development for DC/22/67240. This building received prior approval for demolition under application PD/21/01768.

13.5 Presumption and the 'tilted balance'

The 'tilted balance' is similar to the normal planning balance but it is only engaged in exceptional circumstances. As the council has less than a five-year housing land supply, relevant local policies are out-of-date. In the most basic sense, the tilted balance is a version of the planning balance that is already tilted in an applicant's favour. If the tilted balance applies, planning permission should normally be granted unless the negative impacts 'significantly and demonstrably' outweigh the positive impacts.

14. Conclusion and planning balance

14.1 Conflict with development plan policies will always be a negative impact. If the policies are up-to-date, that negative impact will be given greater



weight. However, if they're out-of-date, the weight given to the negative impact will be seriously reduced. No matter what the negative impacts are, if a proposal manages to secure sufficient positive impacts (of sufficient weight) to tilt the planning balance in its favour, planning permission should be granted.

14.2 On balance the amended proposal accords with the provisions of relevant development plan policies and there are no significant material considerations which warrant refusal that could not be controlled by conditions.

15 Alternative Options

15.1 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.

16 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	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.

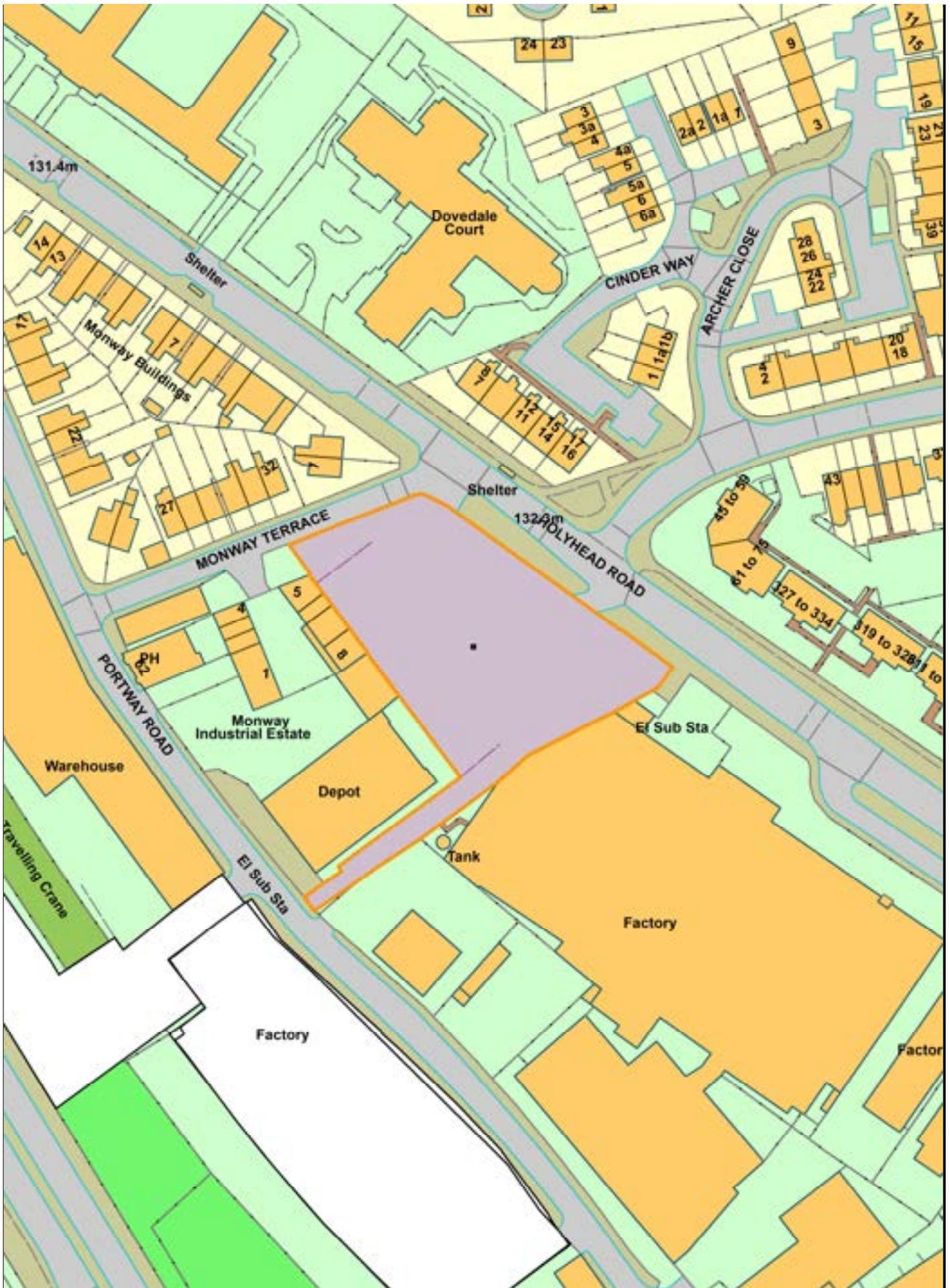
17. Appendices

Context plan

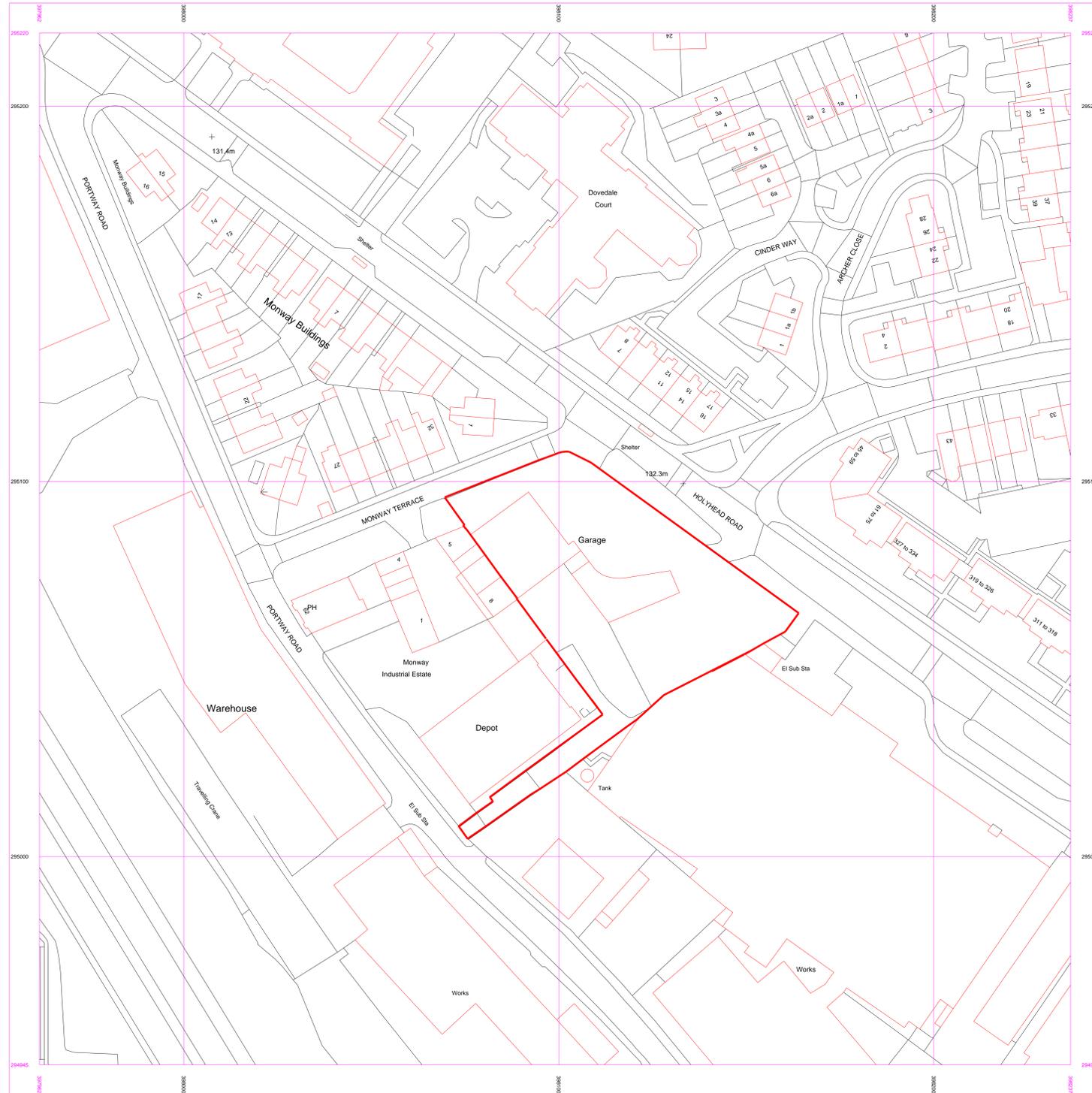
Location Plan - ATC.1139.49C

Block/Site Plan - ATC.1139.51D

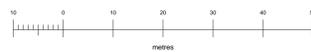




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Existing
LOCATION PLAN

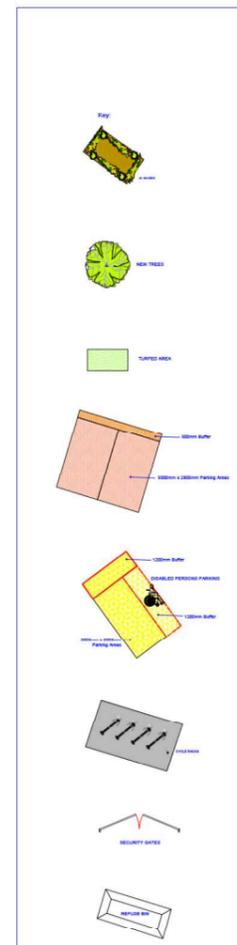
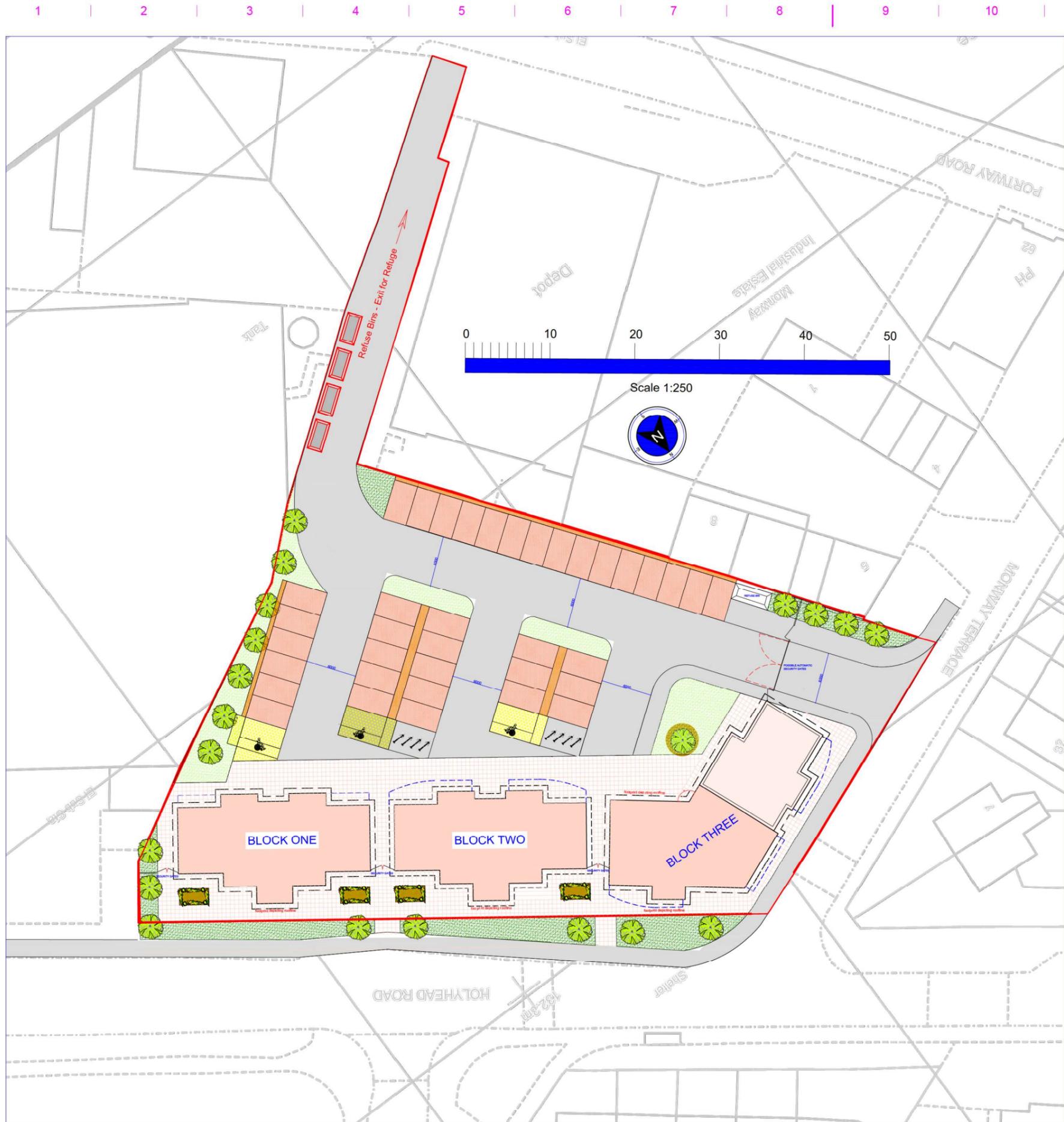


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Revision (c):
Boundary Line highlighted

Applicant: SAP Investments Ltd		Proposal: Redevelopment of Land for Residential Use	
Location: Land at Former Vehicle Showroom and Workshop 110 Holyhead Road Wednesbury WS10 7PA		Drawing Title: Existing LOCATION PLAN	
Drawn by: Alan Crossley	Date: April 2023	Scale: 1:500 at AO	
A.T.C. Design and Build Ltd., Design and Build Consultants The Design Studios, Lower Drayton, Brimfield, Ludlow, Shropshire SY8 4NX		Job No. ATC.1139	Drp No. ATC.1139.49c
Mobile:	Status:	Planning Application:	



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Notes of Clarification to Support the Application for Outline Planning Consent

1.0 Massing and Amenity Space

1.1 The Application seeks an Outline Planning Consent for the following:

(a) Block ONE 8 x 2-Bed Apartments, each with 7.65 square metres of external balcony amenity space
 (b) Block TWO 10 x 2-Bed Apartments, each with 11.60 square metres external balcony amenity space
 (c) Block THREE 12 x 2-Bed Apartments,
 Four with 18.50 square metres external balcony amenity space
 Four with 8.50 square metres external balcony amenity space
 Four with 11.60 square metres external balcony amenity space

1.2 In addition to the above amenity space dedicated to each individual apartment, there will also be a provision for a roof garden on each block to provide amenity space for each block. All well in excess of the standards expected, and listed by the Urban Design Team

1.3 There will also be external amenity space as shown at Ground Floor level on this plan Drawing Number ATC 1139.51d

2.0 **Urban Design**

2.1 Comments made by the Urban Design Team have been taken into account and this application now seeks Outline Planning Consent for the following:

(a) The original proposals have been amended and the massing has been reduced as detailed in Item 1.1 above. The total is now 30 apartments (one less than recommended by the Urban Design Team)
 (b) Amenity space proposals have been increased over and above the recommendations of the Urban Design Team, all as described in Item 1.1(a), (b), (c); and Item 1.2 and 1.3 above
 (c) At Detailed Planning Application stage, the final proposals that will be submitted will incorporate the following facilities all in accordance with the recommendations made by the Urban Design Team:

There will be full front and rear pedestrian access through each block
 A security gate will be located at the entrance to the rear car parking area to give access for all vehicles
 There will be pedestrian access to the rear parking and amenity area via security personnel gate
 Between each Block there will be security fencing to maintain the security of the rear parking and amenity space

3.0 **Conditions Proposed by the Urban Design Team**

3.1 The following points made by the Urban Design Team will be incorporated into the proposals at the Detailed Planning Application stage:

(a) The configuration of the blocks will present a stepped elevation rising from Block ONE to Block TWO and down in steps along the width of Block THREE to end in no greater than three storey at the Access point off Monway Terrace. The side gable would be dual active providing surveillance and architectural detailing
 (b) Boundary Treatments will be dealt with at the Detailed Planning Application stage taking due notice of the Urban Design Team to include both hard and soft landscaping, and to ensure that public/private and defensible space is maintained particularly around the street frontage and for all ground floor room interfaces

4.0 **Refuse Collection**

4.1 Refuse collection will be via Refuse Collection services entering the rear parking and amenity area from Monway Terrace and operating a one-way system to exit onto Portway Road.

4.2 The aim of the original application proposals was to locate all refuse bins in one location on the small road leading to Portway Road. However, in accordance with the recommendations made by the Urban Design Team, additional refuse storage facilities will be located closer to Block Three as shown on the revised Drawing Number ATC 1139.51d

5.0 **Highways**

5.1 The Highways Officer has commented upon the requirement for a 6m manoeuvring space behind each parking bay. Drawing Number ATC 1139.51d now shows this requirement

5.2 The present proposal now relates to 30 apartments. The proposed parking provision therefore exceeds the minimum requirement and the concerns of the Highways Officer have been noted and actioned accordingly.

5.3 Conditions will be attached to any Outline Planning Consent granted, that will take into account the following points made by the Highways Officer:

(a) A management plan will be required within the Reserved Matters application to confirm how shared areas will be managed and maintained, particularly from a Highways perspective - the layout maintenance of the car park, surface and lining and the management and operation of the proposed entrance gates, and the additional access to provide the one-way system for refuse vehicles
 (b) A Condition will be added to ensure that the existing footway is reinstated where the present drop kerbs exist

6.0 **Staffordshire County Council Flood Risk Management Team**

6.1 There will be a requirement for the maintenance and management of the drainage system on site after the development is occupied. Within the Reserved Matters submission will be the full details of the Maintenance and management Specialist Company with who the Applicant will enter into a Contract for the provision of all such maintenance and management

Revision (d): August 2023
 Parking Layout revised
 Notes Added

Applicant: SAP Investments Ltd Heath Road Darlaston Wednesbury West Midlands		Proposal: Redevelopment of Land for Residential Use	
Location: Land at Former Vehicle Showroom and Workshop 110 Holyhead Road Wednesbury WS10 7PA		Drawing Title: Proposed BLOCK PLAN	
Drawn by: Alan Crossley	Date: August 2023	Scales: 1:250 at A1 Job No. ATC.1139 Drg No. ATC.1139.51d	
A.T.C. Design and Build Ltd., Design and Build Consultants  The Design Studios, Lower Drayton, Brimfield, Ludlow, Shropshire SY8 4NX		Mobile: [REDACTED] [REDACTED] Email: [REDACTED] [REDACTED] Status: Planning Application:	

