

Report to Planning Committee

29 November 2023

Application Reference	DC/23/68524
Application Received	31 July 2023
Application Description	Demolition of existing buildings and proposed 11-storey building comprising up to 60 no. residential apartments, with associated landscaping, cycle parking, car parking and access from Green Street (Outline application for access).
Application Address	51 Green Street, West Bromwich, B70 6DL
Applicant	Mr Iqubal Singh
Ward	West Bromwich Central
Contact Officer	William Stevens William_stevens@sandwell.gov.uk

1 Recommendations

1.1 Subject to Fisher German withdrawing their objections in relation to the gas pipeline and subject to the execution of a Section 106 agreement in terms of affordable housing, that outline planning permission (with access) is granted subject to the further approval of Reserved Matters; appearance, landscaping, layout and scale, and subject to the following conditions:

- (i) Ground investigation works;
- (ii) Drainage (including SUDS);




- (iii) Employment and skills opportunities;
- (iv) 10% renewable energy;
- (v) Finished floor levels;
- (vi) Low level NOx Boilers;
- (vii) No burning of materials on site,
- (viii) Cycle parking,
- (ix) Waste storage,
- (x) Air quality impact assessment,
- (xi) Adoption of residential travel plan,
- (xii) Electric Vehicle Charging points,
- (xiii) Foundation details/pipeline protection,
- (xiv) Utilities from Green Street only,
- (xv) Construction management plan including hours (see point 10.5), and dust control;
- (xvi) Construction Surface Water Management Plan and
- (xvii) The submitted plans are for indicative purposes only.

1.2 Other conditions usually associated with residential scheme would be covered by any following Reserved Matters application.

2 Reasons for Recommendations

2.1 The proposal would 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?

	<p>Quality homes in thriving neighbourhoods – The site will assist with meeting the Council's housing targets within the Borough.</p>
---	---

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 three objections have been received.



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

[51 Green Street, West Bromwich, Street View](#)

[51, Green Street, West Bromwich, Aerial View](#)

5 Key Considerations

5.1 The site is not allocated within the Development Plan however a residential property does currently occupy the site.

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)

Amenity concerns – Overlooking/loss of privacy,

Highways considerations - Traffic generation, access, highway safety, parking,

Presumption and the ‘titled balance’

6. The Application Site

6.1 The application site is situated on the corner of Green Street and Kenrick Way, West Bromwich. The application site relates to a detached property within a predominately residential area with industry on the opposite side of Kenrick Way.



6.2 The area is known for high rise residential buildings with Kenrick House adjacent to the site and Lissimore, Mountford and Greenford Houses in close proximity.

7. Planning History

7.1 There is no relevant planning history associated with this site.

8. Application Details

8.1 This is an outline application including only access to the site. The applicant has indicated that they intend to demolish the existing buildings and erect a 11-storey building comprising up to 60 no. residential apartments, with associated landscaping, cycle parking, car parking and access from Green Street.

8.2 Members are reminded that full details of the proposal will have to follow, and this is purely to seek the principle of new residential use to include access into the site.

9. Publicity

9.1 The application has been publicised by neighbour notification letters and by site and press notice with three objections and one in support of the proposal being received.

9.2 Objections

Objections have been received on the following grounds:

- i) There is a safety concern over a buried gas pipeline that runs across the site,
- ii) The site does not have enough off-street parking,
- iii) The proposed building locality would make Kenrick House's small car park susceptible to car break ins,
- iv) Residents of Kenrick House will be overlooked, and



- v) Concerns over the impact this development would have on residents during the construction phase,

Non-material objections have been raised regarding water pressure issues.

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

9.3 Support

One response in support of the proposal has been submitted, however the resident has given no reasons as to why they support the scheme.

10. Consultee responses

10.1 Planning Policy

The proposal site is opposite an industrial area but is itself within a residential area, which comprises tall apartment blocks. As the location of the proposal site itself is unallocated within the Local Plan, the principles of SAD H2 (Housing Windfalls) would apply. As the proposal site would not impact on the employment land and falls within a predominantly residential area of buildings of a similar height, the principles of policy SAD H2 would have been adhered to and the principle of a residential scheme should be permitted in policy terms. The site is also adjacent a bus showcase route, which would add to the scheme's sustainability.

Policy therefore have no policy concerns with the principle of an apartment block style residential scheme in this location, as it remains in-keeping with use and is on a sustainable, public transport route.



10.2 Highways

Highways are concerned about a high-pressure gas pipe line that runs across the site, however the applicant has confirmed that there is no such pipe. The applicant is in talks with the gas company separately (see point 10.12).

Based on the information provided in the Transport Assessment, 57% parking provision for residents is accepted.

Indicative plans have been provided for the car parking layout which raises some concern, but this can be reviewed as part of a subsequent reserved matters application for layout.

10.3 Pollution Control (Air Quality)

No objections have been received subject to an air quality impact assessment, a dust management plan, adoption of the residential travel plan, electric vehicle charging points, and low NOx boilers.

10.4 Pollution Control (Contaminated Land)

The standard ground contamination conditions are recommended.

10.5 Pollution Control (Air Pollution and Noise)

The Council's Air Pollution and Noise team agree with the consultants' observation that it is unlikely that measures other than façade mitigation in the form of glazing and ventilation would be effective in achieving acceptable acoustic conditions.

An acoustic design should be developed to ensure that sound levels within the apartments meet the recommended indoor ambient noise levels for dwellings set out in Table 4 of BS8233:2014 - Guidance on sound insulation and noise reduction for buildings.



With regard to the construction phase, the air pollution and noise team recommends that the following conditions be applied:

- i) Construction works, and all activities associated with the development of the site shall be between 0730 to 1800 hours on Monday to Friday, 0730 to 1400 hours on Saturday, with no work at any other time including Sundays and public holidays.
- ii) (a) Before the development is commenced a detailed method statement of working on the application site in connection with the approved development shall be submitted to and approved in writing by the local planning authority. The method statement of working on the application site shall include details of hours of operation, noise mitigation, wheel cleaning and dust suppression measures to be implemented during the site preparation and construction phases and shall include details of parking for all site operatives.

(b) The method of working statement scheme shall be implemented as approved in writing by the local planning authority.
- iii) There shall be no burning of materials in the open at the application premises.

10.6 Lead Local Flood Authority

Drainage details have been provided and the LLFA have no objections subject to the implementation of those plans as well as a construction surface water management plan being conditioned.

10.7 Severn Trent

The standard drainage and foul water works conditions are required.



10.8 Transport Planner

Further details of cycling parking are required which can be conditioned.

10.9 Urban Design Officer

No objections to the scale of the building subject to no adverse comments from highways. However, further detail is required and would be part of any Reserved Matters application.

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 Canal and Rivers Trust

No objections.

10.12 Fisher German (Pipeline)

There is a gas mainline pipelines that is routed in Kenrick Way which is 11m from the site boundary. There were originally concerns of the location and the potential impact the development could have on this.

The applicant has provided foundation details including vibration less piling methods which do not impact on the pipeline. Fisher German has no objections to this.

Clarification that all services/utilities would access the site via Green Street has been requested, and whilst the application has confirmed this will be the case, at the time of writing this report, Fisher German has yet to formally withdraw their objection.

Members will be verbally updated.



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 In respect of paragraphs 128-130 of the NPPF, the Urban Design officer raises no objections to the scheme. The development would assimilate with the overall form and layout of the site's surroundings.

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 H3: Affordable Housing

- 12.2 DEL 1 aims to ensure that large development provide appropriate on and off-site infrastructure to serve the development and mitigate impacts of the development.
- 12.3 In this instance, in respect of the above and policies HOU3 and SAD H3, a S106 agreement for the provision of affordable housing has been agreed, namely 25% which equates to 15 properties (9, one - bedroom and 6, two-bedroom).



- 12.3 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments – however this would be dealt with under the Reserved Matters application.
- 12.4 Severn Trent state that outstanding drainage matters can be addressed by condition (ENV5).
- 12.5 Renewable energy (ENV7) requirements can be dealt with by condition and further information as part of the Reserved Matters application(s).
- 12.6 SAD H2 refers to residential proposal which are not specifically on allocated sites and sets test for their suitability. In this instance, the site forms previously development land being suitable for residential use; is not allocated for employment land and would be compatible with other policies.

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

Members are reminded that the application is for outline planning permission for access only. Indicative plans have been provided but carry no weight to the determining of this application.

Equally there is no evidence to suggest that this development would have a detrimental impact on the site security of adjacent car parks, but could provide an opportunity for increased natural surveillance, which would improve security. However, this would be subject to any Reserved Matters application.



13.3 Highways concerns

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

13.4 Gas Pipeline

See point 10.12 above.

13.5 Disturbance during construction

A construction management plan would be required to prevent working on site during unsocial hours and reducing potential impacts through dust suppression and construction vehicle wheel cleaning, to prevent mud being transferred to the highway network. The above can be conditioned.

13.6 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 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 policies 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.

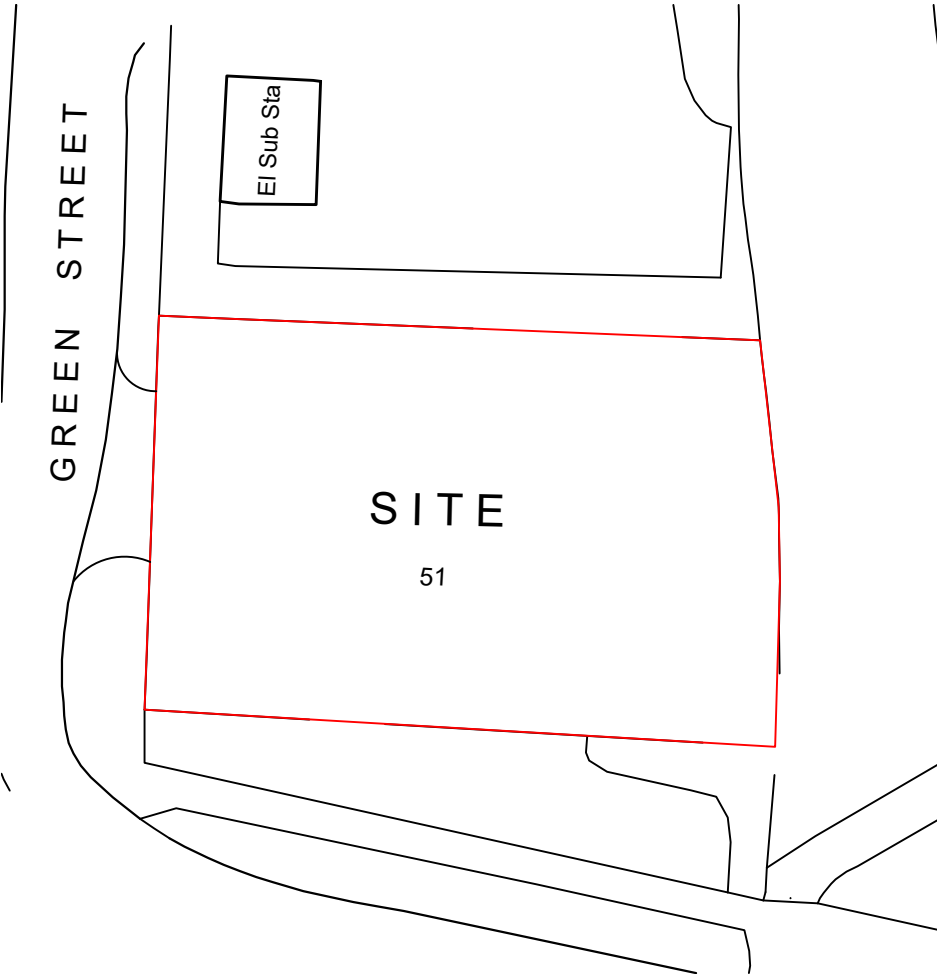
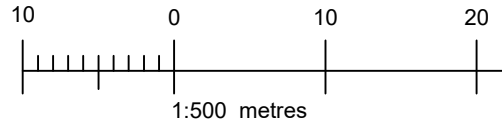
17. Appendices

Context plan

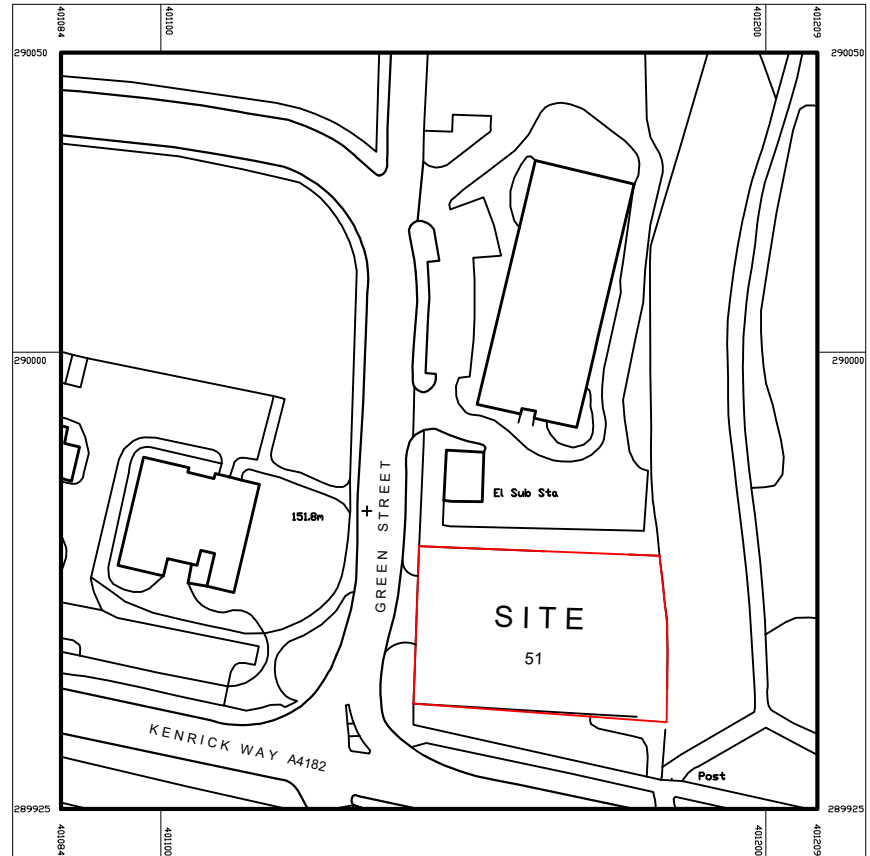
Block Plan 422/P/01 B



PROPOSED DEVELOPMENT AT : 51 GREEN STREET, WEST BROMWICH. B70 6DL



BLOCK PLAN - 1:500



LOCATION PLAN - 1:1250



Serial number: 262091
© Crown copyright and database right 2023
Ordnance Survey licence 100048957
Reproduction in whole or in part is prohibited
without the prior permission of Ordnance Survey



PRINT TO FIT

A4

REV B Proposed access added to plans 10.10.2023
REV A 1:1250 SCALE BAR ADDED 9.8.2023

Rev	Amendment	Date
	Mr I Singh	

CLIENT: Mr I Singh

PROPOSAL: Proposed Development at:

SITE ADDRESS: 51 Green Street,
WEST BROMWICH
West Midlands.
B70 6DL

SITE PLANS

SCALE: 1:1250, 1:500

DATE: May 2023

DRAWING No: 422/P/01
B

Keepers Cottage
Orlson
Nr Newport,
Staffordshire,
TF10 9BL
DOVEARCHDESIGN@GMAIL.COM
Mobile : 07967 216955

Architectural Design Limited
Architectural & Building Design Consultants

Dove

Written dimensions to be taken only.
Minor inaccuracies may occur due to printing processes.