

Report to Planning Committee

26 June 2024

Application reference	DC/23/68928.
Application address	Land To The Rear Of 33 High Street, West Bromwich.
Application description	Proposed 4 No. 1 bedroom flats.
Application received	7 December 2023
Ward	West Bromwich Central
Contact officer	Mr Anjan Dey anjan_dey@sandwell.gov.uk

1 Recommendations

1.1 That planning permission is granted subject to the following conditions:

- i) Details of the external materials;
- ii) Details of drainage works (including SUDs);
- iii) A detailed construction method statement;
- iv) Contamination and remediation measures (if required);
- v) Details of plot boundary walls or fences;
- vi) Refuse management plan and storage details;
- vii) First floor window in the western side elevation shall be obscurely glazed and top opening only and shall be retained as such;
- viii) 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 holiday; and




- ix) There shall be no burning of waste materials during construction works.

2 Reasons for Recommendations

- 2.1 The proposal raises no significant concerns from a design, amenity or highway perspective and would deliver additional housing in a sustainable location.

3 How does this deliver objectives of the Corporate Plan?

	Quality homes in thriving neighbourhoods
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4 Context

- 4.1 The application is being reported to Planning Committee as the agent is employed by Sandwell MBC.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[Land to rear of 33 High Street, West Bromwich](#)

5 Key Considerations

- 5.1 The site is not allocated in the development plan.
- 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, loss of light and/or outlook and overshadowing;
- Design concerns - appearance and materials, layout and density of building, wider visual amenity and overdevelopment;
- Noise disturbance.

6. The Application Site

6.1 The application site is situated on the east side of the High Street, West Bromwich, at the corner with Thynne Street and is close to the town centre. The surrounding area is characterised by a mixture of uses; from residential to commercial and retail.

7. Planning History

7.1 In August 2021 a Law Development Certificate was granted for the retention of 8 bedsits at 33 High Street.

7.2 Relevant planning applications are as follows:

DC/21/65848	Description: Retention of use for 8 bedsits (Lawful Development Certificate).	Decision and date 19.08.2021
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8. Application Details

8.1 It is proposed to construct 4 no 1-bedroom flats on the land at the rear of 33 High Street and the associated outbuildings. A two-storey building would front Thynne Street which also provides access. Refuse storage is proposed at the front elevations enclosed by a boundary wall and access gate.



8.2 Amended plans have been received which update the proposed site plan to show rear to side interface distances from the rear aspect of no 33 and the proposed side elevation of the new building. Furthermore, the ground floor layout plans have been revised so that the ground floor flats have internal space that complies with the national minimum technical standard of 39 square metres.

9. Publicity

9.1 The application has been publicised by 22 neighbour notification letters. One objection has been received.

9.2 Objections have been received on the following grounds:

- i) Concerns relating to the construction process.
- ii) Parking concerns.

Non-material objections have been raised regarding potential damage to their property.

10. Consultee responses

10.1 Highways

Highways has no objections after reviewing parking survey data provided by the agent/applicant. The site is also close to West Bromwich town centre and benefits from excellent sustainable transport links and the occupants are less likely to be car owners.

10.2 Pollution Control (Contamination)

No objections but if any contamination is found on site during the construction process it should be reported to the planning department. This can be ensured by way of a related condition.



Pollution Control (Noise)

No objections subject to the submission of a construction management plan and a restriction on hours of construction. Furthermore, there shall be no burning of waste materials at the site. These matters can be addressed by way of condition.

11. National Planning Policy Framework (NPPF)

- 11.1 The NPPF sets out government's planning policies for England and how these are expected to be applied.
- 11.2 The framework promotes sustainable transport options for development proposal and 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. Development Plan Policy

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

ENV3: Design Quality;
SAD H2 – Housing Windfalls
SAD EOS9: Urban Design Principles

- 12.2 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments. The proposed layout and design are considered to be acceptable. Although private amenity space has not been provided within the site, it considered that the site is in proximity of the town centre and there is access to local parks and recreation areas; for example Dartmouth park is within walking distance. Flat sizes are comfortable and comply with national standards. Internal space for both ground floor flats is now shown at 39 square metres, and both first floor flats measure 40 square metres internally. The proposed bin storage



arrangement would however appear to be insufficient and as such a condition has been included requiring the submission of a refuse management plan and further storage details associated with the whole application site.

- 12.3 The proposed new building to comprise flats would be a windfall, subject to SAD H2. The proposal meets the requirement of the policy as it is previously un-developed land, suitable for residential development, and capable of meeting other plan 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 – overlooking/loss of privacy, loss of light and/or outlook and overshadowing;**

Beeches Road passage separates the site from the nearest properties to the east along Thynne Street; furthermore, these are terraced houses with rear wings and the proposed new building would not result in any appreciable loss of amenity to those properties. With regards to bedsits at number 33 High Street, the agent has annotated the site plan to show that the outlook and privacy from rear windows at 33 would not be appreciably affected. The proposed interface distance between windowed rear elevations and the proposed side elevation measures 14.8 metres exceeds the adopted standard of 14 metres. Furthermore, the plans have been annotated to show that the first-floor window in the western side elevation to the rear of no 33 High Street would be obscurely glazed to further safeguard privacy.

13.3 **Noise concerns**

The objector has stated that in principle they do not object to the proposal, and that their concerns relate to disturbance during the



construction process. It is considered that disturbance to neighbouring properties during the construction process can be minimised by the conditions recommended by the Public Health (Noise) Officer. Specifically, through the submission of a Construction Management Plan for the approval of the planning authority, and a restriction on hours of construction to daytime hours. When approved details within the construction management plan would have to implemented as such.

13.4 **Parking concerns**

The scheme could potentially generate additional parking demand. As indicated above a parking survey has been undertaken and reviewed by Highways and this indicated that there was sufficient on street parking along Thynne Street.

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. In my opinion the design is acceptable and accords with relevant policy, in addition parking matters have been addressed and deemed acceptable in this location.

13.6 **Biodiversity Net Gain (BNG)**

The application was submitted prior to BNG being required. Therefore, the developer is not required to provide a 10% increase across the site.



14. Conclusion and planning balance

14.1 All decisions on planning applications should be based on an objective balancing exercise. This is known as applying the “planning balance”. It is established by law that planning applications should be refused if they conflict with the development plan unless material considerations indicate otherwise. The development provides 4 additional residential properties which are broadly acceptable in terms of design and highway matters and hence the titled balance in favour of planning permission is merited given that the positive impacts of a development should be balanced against its negative impacts.

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 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

List of conditions

Location Plan 2023-01 01

Proposed general layout/elevation/roof plan – 2024-03 REV 03



NOTES:
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 Any discrepancy between drawings, specifications and site conditions must be brought to the attention of the architect.
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REVISIONS



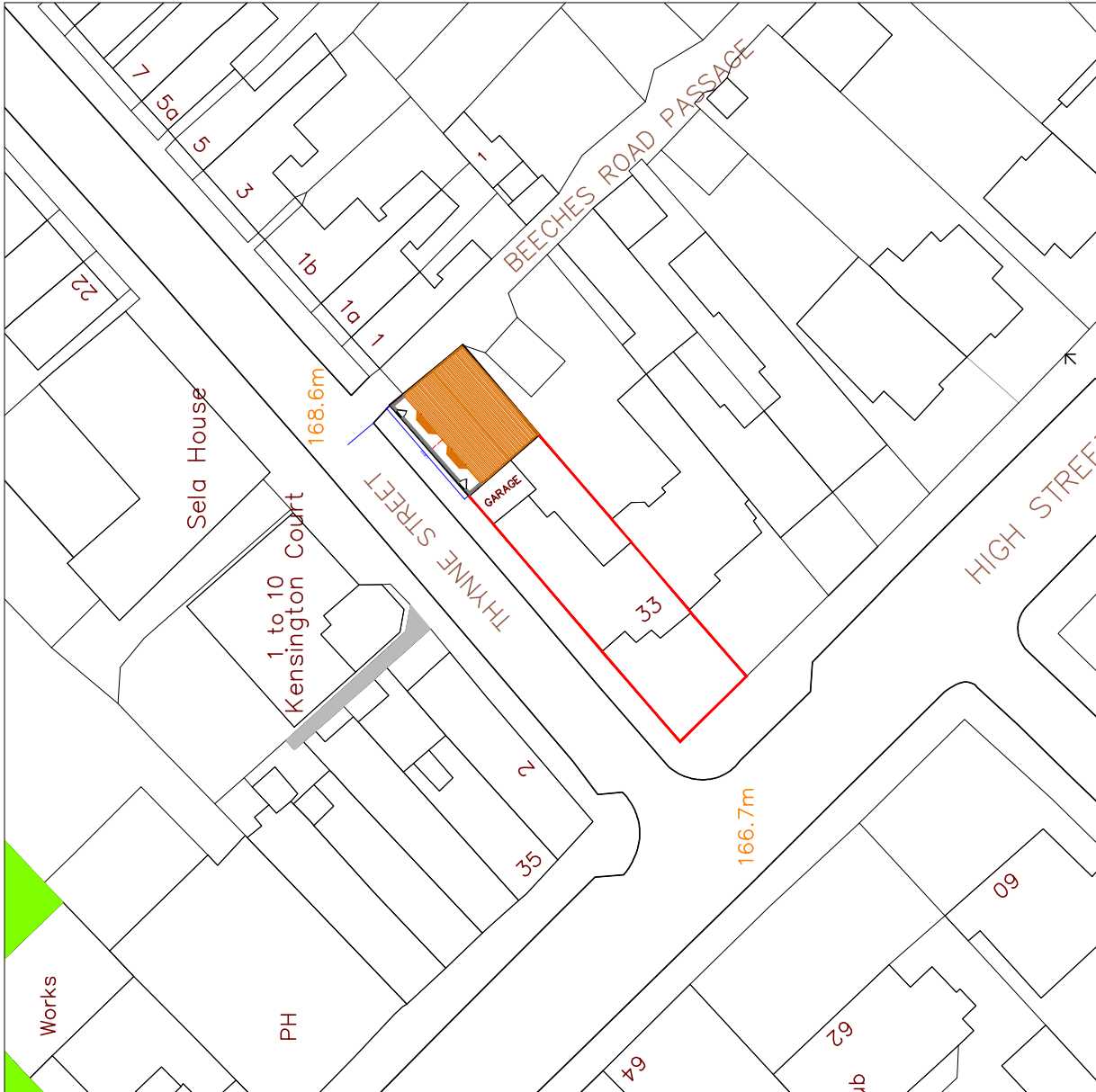
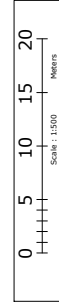
CLIENT: Mr Shankar Lal	
JOB: Land to rear of 33 High Street, West Bromwich, B70 6PJ	
DRG TITLE: Site & Location Plan	
DRG NO.	REV.
2024-01/	01
DATE: Jan 2024	SCALE: Varies

Location Plan



Scale 1:1250

Site Plan

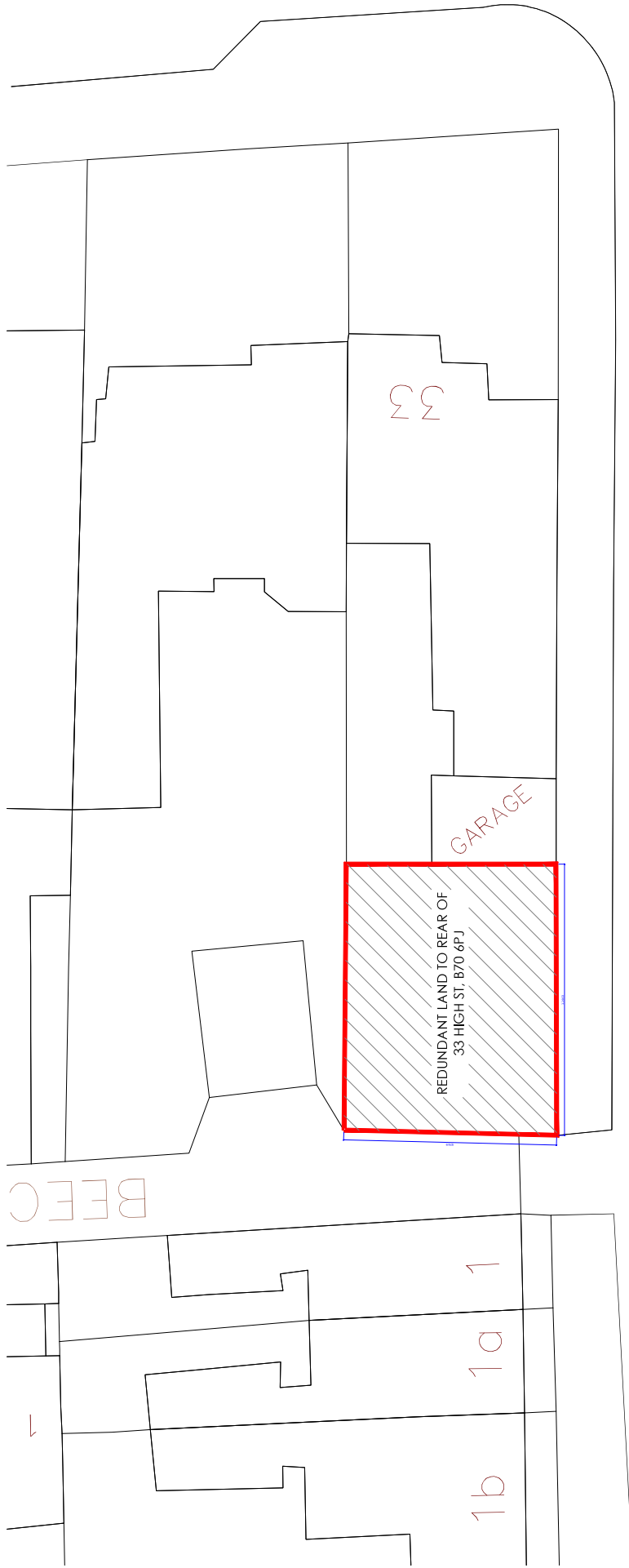
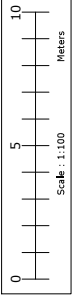


Scale 1:500

Existing Floor Plan @ 1:100

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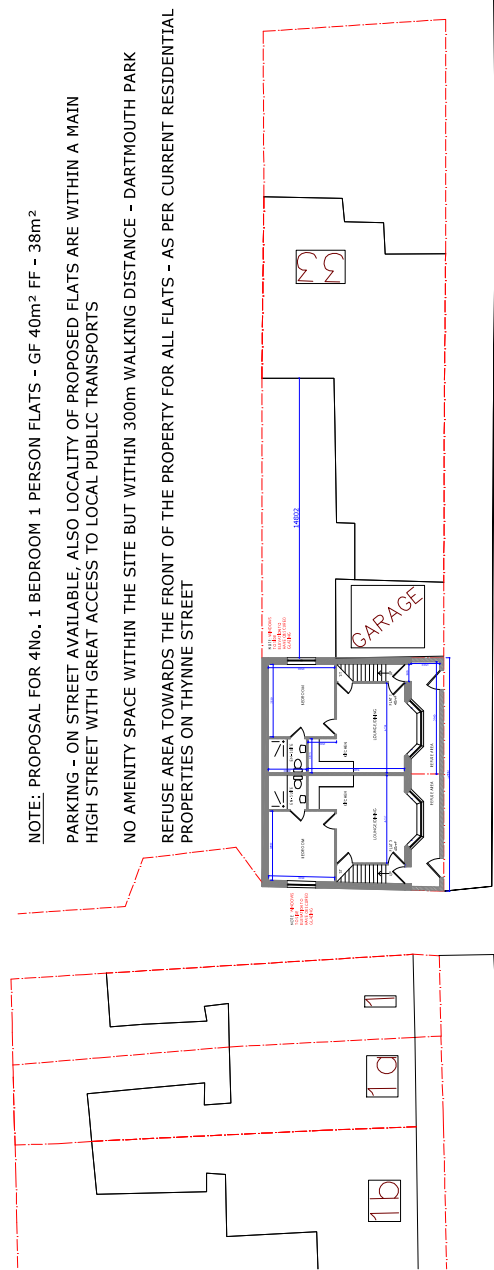


CLIENT:	Mr. [Name] Ltd
JOB:	Used to rear of 33 High Street, West Bromwich, B70 6PJ
DRG TITLE:	Existing Plan
DRG NO.:	7824-637
REV.:	01
REVISED BY:	AJ
DATE:	14/02/2024
SCALE:	1:100

Proposed Floor Plans @ 1:100

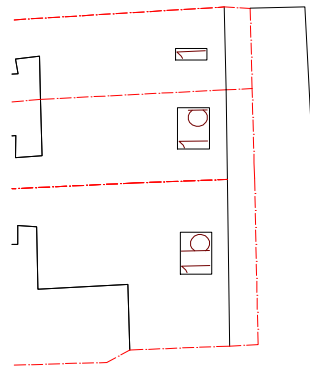


NOTE: PROPOSAL FOR 4NO. 1 BEDROOM 1 PERSON FLATS - GF 40m² FF - 38m²
 PARKING - ON STREET AVAILABLE, ALSO LOCALITY OF PROPOSED FLATS ARE WITHIN A MAIN HIGH STREET WITH GREAT ACCESS TO LOCAL PUBLIC TRANSPORTS
 NO AMENITY SPACE WITHIN THE SITE BUT WITHIN 300m WALKING DISTANCE - DARTMOUTH PARK
 REFUSE AREA TOWARDS THE FRONT OF THE PROPERTY FOR ALL FLATS - AS PER CURRENT RESIDENTIAL PROPERTIES ON THYNNIE STREET

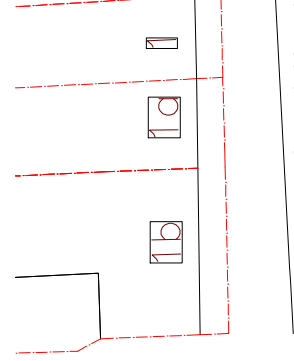


NOTE: PROPOSED DESIGN HAS BEEN STEPPED BACK TO KEEP IN LINE WITH EXISTING TERRACED PROPERTIES ON THYNNIE STREET.
 FRONT GARDEN AREA BY BAY WINDOW TO ALLOW FOR REFUSE STORAGE

Ground Floor



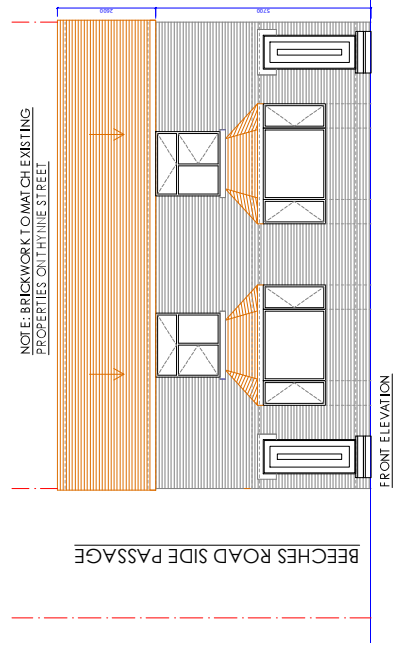
First Floor



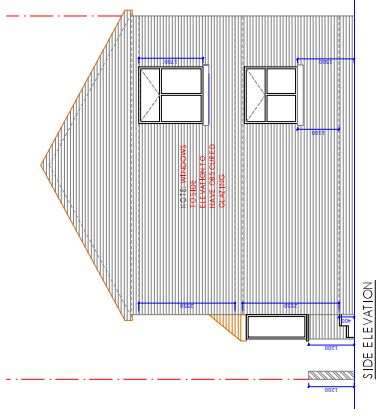
NOTE: PROPOSED ROOF DESIGN AS PER EXISTING, PITCHED ROOF WITH GABLE FACING TO EACH SIDE.

Roof Plan

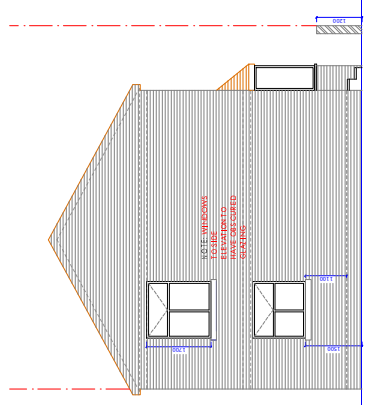
Proposed Floor Plans @ 1:50



FRONT ELEVATION



SIDE ELEVATION



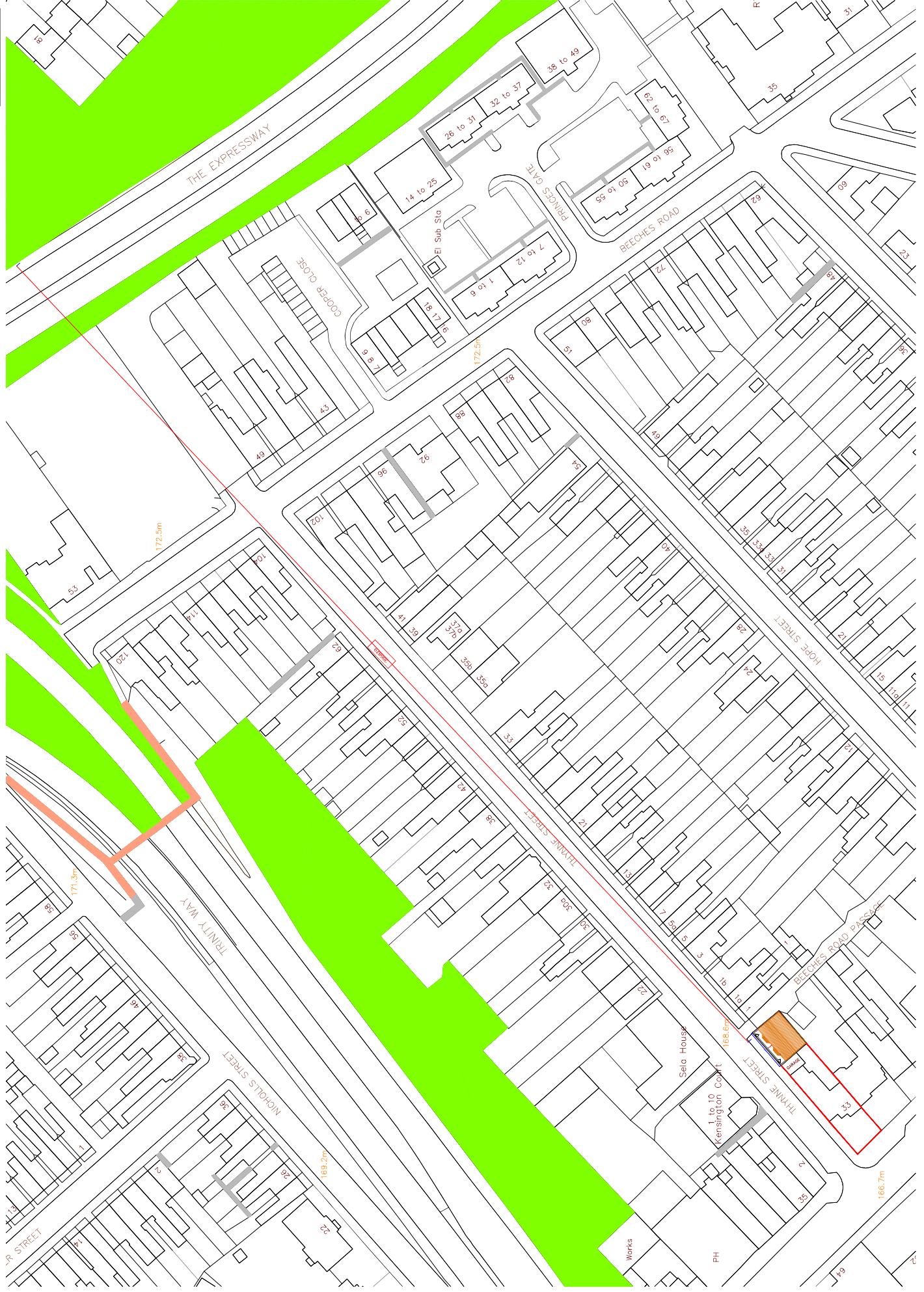
SIDE ELEVATION

NOTES:
 1. All contractors must visit the site and check the drawings for any discrepancies before starting work.
 2. Any discrepancy between drawings, specifications and the conditions of contract shall be referred to the architect.
 3. This drawing and the works are the property of the architect.
 4. The architect's liability is limited to the design of the works.

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CLIENT:	
JOB:	Proposed Floor Plans & Elevations - New Bedroom Flat
DRG TITLE:	Proposed Floor Plans & Elevations - New Bedroom Flat
DRG NO.:	2024-037
REV.:	03
DATE:	10/03/2024
SCALE:	1:50
DATE:	10/03/2024
SCALE:	1:50

Proposed Site Plan - Distance to local Park @ 1:500



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CLIENT:	Mr. Stephen Lal
JOB:	Land to rear of 31 High Street, West Bromwich, B70 6PJ
DRG TITLE:	Distance to nearest park
DRG NO.:	01
REV.:	01
PAGE:	A1
DATE (MM/YY):	2024
SCALE:	1:500

List of conditions - DC/23/68928

- i) The development must conform with the terms of and the plans accompanying the application for permission and must remain in conformity with such terms and plans, save as may be otherwise required by (any of) the following condition(s), or approved amendment(s).
- ii) The development must be begun not later than the expiration of 3 years from the date of this permission.
- iii) No construction above slab level shall commence before details of the materials to be used for the external surfaces of the development shall be submitted to and approved in writing by the local planning authority.

The development shall be constructed in accordance with the approved schedule of materials.

- iv) Before the development is commenced details of drainage works (including SUDs) for the disposal of both surface water and foul sewage shall be submitted to and approved in writing by the local planning authority.

The approved drainage works shall be implemented before the development is brought into use and thereafter retained as such.

- v) Before the development is commenced, including any works of demolition or site preparation, a detailed construction method statement shall be submitted to, and approved in writing by the local planning authority. The statement shall provide for the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding; wheel washing facilities;

measures to control the emission of dust, dirt and emissions arising from any demolition, construction and/or refurbishment works; a scheme for recycling/disposing of waste resulting from demolition and construction works; delivery, demolition and construction working hours.

The approved construction method statement shall be adhered to throughout the construction period for the development.

- vi) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority.

Where remediation works have been carried out in pursuance with the preceding conditions, a post remediation report shall be submitted in writing to and approved by the local planning authority before the development is first occupied. The post remediation verification report should detail the remedial works undertaken and demonstrate their compliance. The report should be produced in accordance with Land Contamination Risk Management (LCRM) 2020 (EA, 2020).

- vii) Before the development is brought into use a scheme showing details of the height, type and position of all site and plot boundary walls or fences to be erected on the site shall be submitted in writing to and approved by the local planning authority.

The approved boundary walls or fences shall be erected before each flat is first occupied.

- viii) Before the development is brought into use a detailed refuse management plan and details of refuse storage associated with

the application site shall be submitted in writing to and approved by the local planning authority.

The approved details shall be implemented before the development is first occupied and thereafter retained as such.

- ix) The approved first floor window in the western side elevation shall be obscurely glazed and top opening only and shall be retained as such thereafter.
- x) 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.
- xi) There shall be no burning of waste materials during construction works.