

Council/Committee:	Planning Committee
Date of Meeting	10 June 2026
Application Reference	DC/25/70460
Application Description	Proposed residential development comprising of No. 82 dwelling houses and 1 No. apartment block with No.10 maisonettes and No.5 duplex apartments with associated works.
Application Received	27 March 2025
Application Address	Former F And L Smout And Sons, Woods Lane Cradley Heath
Report Author	Alison Bishop alison_bishop@sandwell.gov.uk
Lead Officer	Tammy Stokes
Ward	Cradley Heath & Old Hill
Appendices (if any)	<ol style="list-style-type: none"> 1. Location Plan - D00A 2. Site Plan – D01K 3. House Type 2 – 72230 4. House Type 3A – 72230 5. House Type 3B (semi-detached) – 72230 6. House Type 3B (detached) -72230 7. Apartment Elevations - 72230 8. Streetscenes – D30 9. Streetscenes - D31A 10. Streetscenes – D32A

1. Application Summary

- 1.1 The application is being reported to Planning Committee because three material planning objections have been received.
- 1.2 To assist members with site context, a link to Google Maps is provided below:

[Woods Lane, Cradley Heath](#)

2. Recommendations

- 2.1 That planning permission is granted subject to the following conditions relating to:
 - i) Means of compliance to secure affordable housing;

- ii) External materials;
- iii) Contamination;
- iv) Finished floor levels;
- v) Boundary treatments;
- vi) Landscaping;
- vii) Foul drainage
- viii) Surface water drainage;
- ix) Estate roads construction details;
- x) Cycle storage;
- xi) Waste storage;
- xii) Noise mitigation;
- xiii) Energy compliance;
- xiv) Employment and Skills Plan;
- xv) Lighting – wildlife friendly to the south of the site;
- xvi) Parking retention;
- xvii) Construction Environmental Management Plan;
- xviii) Permitted development right removal;
- xix) Ecology – BNG and Phase 1 Habitat Survey
- xx) Historic building recording;
- xxi) Biodiversity net gain to include monitoring;
- xxii) Swift nesting bricks;
- xxiii) Air Quality Assessment;
- xxiv) Travel plan and travel assessment; and
- xxv) Tree Protection and removal compliance.

3. Reasons for the recommendation and conditions

The design of the development is of good quality and proposes a notable number of affordable homes which, on balance, offsets the loss of non-designated heritage assets and the partial loss of land designated as a Site of Local Importance for Nature Conservation (SLINC).

4. Key Considerations

- 4.1 The site is allocated in the development plan for residential use.
- 4.2 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.
- 4.3 The material planning considerations which are relevant to this application are:
 - Government policy (NPPF)
 - Proposals in the development plan
 - Design and appearance of the development

- Overlooking/loss of privacy
- Loss of locally listed buildings
- Highways considerations - traffic generation, access, highway safety, parking and servicing
- Noise
- Flood risk/drainage
- Ecology

5. The Application Site

5.1 The application site area is an industrial site to the west side of Woods Lane with a site area of 2.8ha. The site also includes land on the opposite side of Woods Lane to the northeast. The main site is bounded by a railway line to the northwest. The site also includes land to the south designated as a SLINC and wildlife corridor. The River Stour bounds the southern edge of the site. Businesses still operate out of the some of the units although the Planning Statement states that 50% of the buildings on site are currently unused. Further east of the site lies a recent housing estate which was the first permission to realise the housing allocation on which this permission seeks to continue.

5.2 Planning History

DC/17/60885	Proposed demolition of units.	Approved 25.08.2017
DC/15/58907	Hybrid planning application - outline application (all matters reserved) for proposed residential development, and a full application for access link road from MacArthur Road to Woods Lane.	Approved 23.03.2016

6. Application Details

The applicant proposes a residential development comprising of 82 houses, one apartment block with 10 maisonettes and five duplex apartments. The development would be generally two storeys in height, with some houses rising to 2.5 storey in height and the apartment block increasing to three storey height. The development also seeks to retain the green corridor alongside southern boundary adjacent to the River Stour (SLINC). The materials will be predominately red brick with blue brick accents to replicate the existing historic vernacular of the area.

The submission included a Planning Statement, Design and Access Statement, Tree Survey and protection plans, BNG metrics, Affordable

Fig 1 Site plan



Street scene example



7. **Publicity**

The application has been publicised by 62 neighbour notification letters and by site and press notice. Three objections have been received and are summarised below:

- i) Loss of site for business use and impact on a local employment. Objection cites, amongst other things, lack of suitable alternative premises; impact on local employment; contradiction with the council's economic strategy and the development plan.

- ii) Massing of the apartment block, loss of view and overlooking.
- iii) The development would increase the chance of flooding on an unstable riverbank.

8. Consultee Responses

8.1 Planning Policy

The development is broadly policy compliant. The only issue relates to the proposed development seeks to demolish the two locally listed buildings situated on the site. It is considered that the applicant has not sufficiently considered the significance of the two locally listed buildings in the supporting Heritage Statement and the effect the demolition would have on the heritage of Cradley Heath and Sandwell under both the NPPF and BCCS policy ENV2 and SAD policy HE3. Further analysis and consideration of this is provided in section 9.2 below.

8.2 Highways

No objection. Highways ask the developer to show a give way road marking on the new entrance onto Wood Lane and to ensure that the estate road is designed to a suitable standard. This can be ensured by condition. The latest amended plan annotates this.

8.3 Public Health (Contaminated land)

No objection subject to site investigation and remediation conditions.

8.4 Public Health (Noise)

No objection subject to submission of a noise mitigation plan and a construction management plan, required by condition.

8.5 Public Health (Air Quality)

No objections subject to the following requirements:

- a) Air quality assessment to be conditioned to set out the baseline air quality conditions and appropriate mitigation.
- b) Travel plan/travel assessment required by condition.

8.6 Lead Local Flood Authority

All submitted drainage plans and reports have been reviewed and raise no objections. Outstanding details can be controlled by condition which include surface water management plans, adopted and private drainage details, finish floor levels and future management and maintenance details post completion.

8.7 Severn Trent Water

No objection subject to condition.

8.8 West Midlands Police

Concerns raised regarding placement of some parking spaces without surveillance and the presence of rear alleys to serve some properties. Whilst these issues relate to parts of the site, the development does not fail overall, and I note that the council's urban design officer has deemed the layout to be acceptable.

8.9 Network Rail

Has commented due to the proximity of the train line from the development and must agree and supervise this proposal. An advisory can be added to the notice stating that no works are to take place until agreed with Network Rail.

8.10 Birmingham and Black Country Wildlife Trust

Concerns were raised by the Trust in relation to the effects of the proposed development on the Stour Valley SINC and SLINC. An additional report was prepared which highlighted both mitigation and enhancement works post development. These will be conditioned along with a phase 2 Habitat survey.

8.11 Biodiversity net gain/SLINC – Ecology officer

The ecology officer has confirmed that the scheme is BNG compliant, which can be secured by condition along with further compliance in relation to monitoring fees due to the scale of the development. Furthermore, the Ecologist has reviewed the Preliminary Ecology Assessment along with the additional report and is satisfied that the applicant has demonstrated that the proposed mitigation measures during construction will not cause harm and that the final uplift will enhance the SLINC and river corridor. The Ecologist has requested that lighting fronting the southern area of the site, is 'wildlife friendly' which is included in the recommended conditions.

8.12 The Victorian Society

The locally listed buildings have considerable merit and are important survivors of the heritage of Cradley Heath and its chain making industry, which has tragically been much depleted by demolitions over the past 25 years. The Victorian Society object to the demolition and urge that these locally listed buildings are retained and incorporated as part of the proposed residential development.

8.13 Conservation Officer

Objects to the loss of the heritage assets.

9. Relevant Planning Policy Considerations

9.1 National Planning Policy Framework (NPPF)

The NPPF sets out government's planning policies for England and how these are expected to be applied.

Design

The framework refers to development adding to the overall quality of the area by achieving high quality design, achieving good architecture and layouts. Taking into account the views of the council's urban design officer, I am of the opinion that the scheme is of a good design and would assimilate into the overall form and layout of the site's surroundings in accordance with the design principles of the NPPF

Highway safety

The framework promotes sustainable transport options for development proposals 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. In this instance design scheme raises no concerns from Highways and the site is accessible to public transport, particularly the Cradley Heath Railway Station.

Heritage

The framework requires that *'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'* The applicant has provided a Heritage Statement which states that the buildings are unfit for re-use and has argued that the wider benefits of regeneration of this area for new homes, in this instance outweigh the loss of these buildings.

10.1 Development Plan Policy

The following policies of the council's development plan are relevant:

Black Country Core Strategy (BCCS)

CSP4 – Place Making – The development is appropriate in scale proportions, design and materials to the local vernacular, it is however acknowledged that the scheme would result in the buildings of historic significance in Cradley Heath. Further assessment is provided under policy ENV2 below.

DEL1 – Infrastructure Provision – The development is liable for the community infrastructure levy which will support infrastructure and community projects in the borough.

HOU1 - Delivering Sustainable Housing Growth – This policy identifies land for the purpose of delivering new housing, the site is allocated for this purpose. The grant of permission would support the delivery of homes in Sandwell.

HOU2 – Housing Density, Type and Accessibility - Relates to housing type and density, a mix of which the development is proposing.

HOU3 - Delivering Affordable Housing - As the proposed development is 100% affordable housing, it is above the required level of 25% on sites of 15 or more dwellings set out in BCCS policy HOU3. The tenure and type of affordable should be determined on a site-to-site basis, based on the best available information regarding housing need. The compliance of this policy will be ensured by condition in this instance due to the complications of the land ownership.

TRAN4 - Creating Coherent Networks for Cycling and for Walking – The scheme as designed will support this and cycle provision within the development can be ensured by condition.

ENV1 – Nature Conservation – This policy aims to safeguard nature conservation particularly when areas are defined as sites of importance for nature conservation. The south-western part of the application site is allocated as both a Site of Local Importance for Nature Conservation (SLINC) and a Wildlife Corridor, therefore BCCS policy ENV1 is applicable. The proposed layout plan for the development incorporates a 10m wide green corridor that would allow the continued movement of wildlife along the River Stour.

ENV2 - Historic Character and Local Distinctiveness – The emphasis of this policy is to protect historic characteristics. It argues that proposals should aim to sustain and reinforce special character in particular given particular attention to historic assets such as locally listed historic buildings. It is recognised that the locally listed buildings currently situated within the site are of historic importance in relation to Cradley Heath chain making and arguably their integration into the development would be preferred. In this instance the buildings would not be retained and so despite the argument that the loss of these buildings is outweighed by the benefits of regeneration of the land for new housing, then as a minimum, a historic recording of these buildings should be carried out prior to demolition and can be ensured by condition.

ENV3 – Design Quality - Refers to well-designed schemes that provide quality living environments. The proposed layout and design are considered to be acceptable with no concerns being raised from the urban design team.

ENV5 – Flood Risk, Sustainable Drainage Systems / Urban Heat Island - The site is situated adjacent to the River Stour; however, the Environment Agency Flood Map indicates that the site generally falls within flood zone 1, those areas within flood zone 3 near to the river course and will not be developed. The scheme has been designed to have a 10-metre-wide green corridor between the river and any new development, and a retaining wall is proposed. In addition, the scheme is required to consider sustainable drainage features, and these can be ensured by condition.

ENV7 – Renewable Energy - As the development will be for over 10 dwellings BCCS policy ENV7 will be applicable. The guidance under this policy states all residential developments of 10 or more units must incorporate the generation of energy from renewable sources sufficient to off-set at least 10% of the estimated residual energy demand. This can be ensured by condition.

ENV8 – Air Quality - The proposed development would have to give regard to the guidance contained in BCCS policy ENV8 and the Air Quality SPD which in this instance would require conditions relating to an air quality assessment and travel plan.

Site Allocations and Delivery Development Plan Document – (SADD)

SAD H1 - Housing Allocation – The site is an allocated housing site.

SAD H3 – Affordable Housing – The development provides 100% affordable provision, this in excess of the 25% set out within this policy. To ensure compliance of with affordable housing, a s106 agreement is required. In normal circumstances, such agreements are fully negotiated and signed before permission is granted. In this instance, a condition is recommended and is justified because at this time the site is in several ownerships, a small part owned by the council. As part of the land sale negotiations, a grant of permission is required. The council cannot be party to a s106 agreement with themselves and hence the disposal of the site must take place before a s106 agreement can be formally signed. A draft has been prepared, and the condition will ensure enforceability of the compliance with this affordable housing policy. Whilst this is unusual, given the above circumstances, I consider that this is the most suitable mechanism to ensure compliance.

SAD EMP 2 - Training and Recruitment – As part of the construction associated with the development the applicant will provide opportunities for local skills and employment opportunities which can be ensured by condition.

SAD HE 5 - Archaeology & Development Proposals – The applicant has submitted a desk-based assessment in relation to archaeological significance for this site which satisfies compliance with this policy.

SAD EOS 9 - Urban Design Principles – The proposal is appropriate to the location in terms of scale and design.

SAD DC 6 - Contaminants, Ground Instability, Mining Legacy - Land contamination issues can be addressed by the imposition of suitably worded conditions requiring further intrusive investigation, reporting of any unpredicted contamination and submission of a validation certificate following any required mitigation.

11. Material Considerations

11.1 Design and appearance of the development

The scheme provides a mix of accommodation which complies with Sandwell's residential design guidance and final iterations have raised no objections from the Council's urban design officer.

11.2 Loss of business

The site has been allocated for housing since being adopted in the Sandwell Development and Delivery Plan Document in 2012 and is also within the emerging Sandwell Plan. In addition, areas in Woods Lane have already been redeveloped for housing. Whilst sites for employment land are still of importance and as such are allocated within the development plan, given that this site does not form part of an employment allocation, I am satisfied that it has been considered as part of both past and the more recent plan-making process and is still deemed to be appropriate as a housing allocation.

11.3 Amenity concerns

The scheme provides a mix of accommodation, and it is noted that concerns have been expressed about overlooking to existing residential properties. On reviewing the scheme, the development is separated by the River Stour to the south and residential properties on the other side of the river are more than 70 metres from any new development (27 metres being the standard for privacy between existing and proposed developments). Furthermore, the scheme intends to retain trees along the river boundary along with additional biodiversity gain. It is therefore considered that given these factors that the scheme would not result in excessive loss of privacy or overlooking to existing residential properties.

11.4 Highways considerations

Highways have reviewed the application and have raised no objections to the application. The development provides adequate parking provision, and the road layouts are deemed acceptable subject to conditions.

11.5 Loss of locally listed buildings

While the buildings proposed for demolition have some historic or architectural interest, their significance is limited and they are not designated. The Heritage Statement stated that the buildings are unsuitable for retention or conversion to residential use which was reinforced by a structural survey.

Moreover, demolition could be carried out under permitted development rights, subject to prior approval. As such, the weight given to their loss is limited. The provision of 100 new homes in a district where the local authority cannot demonstrate a five-year housing land supply carries significant weight. Applying the presumption in favour of sustainable development, the benefits of the scheme significantly and demonstrably outweigh the limited harm arising from the loss of these non-designated heritage assets.

11.6 Flooding

A Flood Risk Assessment was submitted with the planning submission. This assessment states that most of the site falls within Flood Zone 1 (low risk). There are some minor areas within the site boundary identified as Flood Zone 3 (high risk), however, all the proposed development is within the Flood Zone 1 area. The Environment Agency's 'Reduction in Risk of Flooding from Rivers and Sea due to defences' dataset indicates that the site does not benefit from any existing formal flood defences. However, the applicant proposes to construct a significant retaining wall within the main site level being several metres above any potential flood level. In addition, the detailed surface water flooding proposal will ensure that surface water drainage is managed as part of the new development. Therefore, I am satisfied that flooding has been considered and the scheme as proposed will enhance flooding mitigation.

11.7 Ecology

A Preliminary Ecological Report was undertaken which detailed that the Stour Valley SINC and SLINC is within the southern area of the site boundary and therefore could be impacted by the proposed works. Correspondence with Wildlife Trust in June 2024 indicated that the SINC (Site of Importance for Nature Conservation) had not yet been designated and that the boundary was undergoing a review, with the likelihood that it would be reduced to exclude areas of low habitat value (which occur within the development area of the planning application). The scheme as proposed first provides a 10% uplift in terms of biodiversity net gain. Also, a construction management plan is conditioned to ensure that appropriate ecology mitigation measures are in place during construction phases adjacent to the river/SLINC and a habitat survey is conditioned. Furthermore, tree protection recommendations will be conditioned, and other tree work will be agreed with the local planning authority.

11.8 Noise

A noise and vibration assessment was included in the application, given the relation of the site to the railway line to the north boundary. The submission and the recommendations of this report was that noise mitigation measures for boundary treatment and window glazing to protect future occupiers, the full details of the mitigation plan will be required by condition. In addition, a construction management plan is recommended to control noise along with other environmental nuisance (i.e. dust) is required by condition.

11.9. 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. As has been indicated above in paragraph 10.5, part of this relates to historic assets, but in this instance given that these assets are not of national significance less weight has been attached and so the benefits of providing new homes outweighs their loss.

12. Conclusion

12.1 All decisions on planning applications should be based on an objective balancing exercise. This is known as applying the 'planning balance'. To summarise: the proposal should be approved unless any adverse impacts of granting the permission would significantly and demonstrably outweigh the benefits when assessed against development plan policies or, where those policies are out of date, the NPPF as a whole. Where national policy takes precedence over the development plan, this has been highlighted in paragraph 9 (National Planning Policy Framework).

12.2 With the above in mind, the council cannot currently meet its five-year housing need as it has a shortfall of deliverable housing sites. With reference to the NPPF, this means that all local policies concerned with the supply and location of new housing must be considered out-of-date and the 'tilted balance' is engaged. If the tilted balance applies, planning permission should normally be granted unless the negative impacts 'significantly and demonstrably' outweigh the positive impacts.

12.3 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.

13. Legal and Governance Implications

The Planning Committee has delegated powers to determine planning applications within current Council policy. Section 78 of the Town and Country Planning Act 1990 gives applicants a right to appeal when they disagree with the local authority's decision on their application, or where the local authority has failed to determine the application within the statutory timeframe.

14. Other Relevant Implications

- a. **Climate change** – Implications for climate change outcomes and any potential impact on the environment (for example, impact on emissions, resource use, or the natural environment.)
- b. **Social Value** – Implications for social value and how the proposals are meeting this (for example, employment of local traders/young people.).

15. Background Documents

None.

16. How does this deliver the objectives of the Strategic Themes?

- a. The development will provide good homes that are well connected and will contribute towards improving the local environment with a focus on cleanliness, ensuring that the community takes pride in its surroundings. (new residential accommodation)
- b. All of our residents, including our children and young people, are active participants in influencing change – through being listened to, their opinions are heard and valued. (Householder applications)