

Council/Committee:	Planning Committee
Date of Meeting	26 November 2025
Application Reference	DC/25/70999
Application Description	Proposed dropped kerb to allow access from Leslie Rise.
Application Received	4 September 2025
Application Address	Highcroft House 51 New Birmingham Road Tividale Oldbury B69 2JQ
Report Author	Carl Mercer Carl_mercer@sandwell.gov.uk
Lead Officer	Tammy Stokes
Ward	Tividale
Appendices (if any)	1. Location plan 2. Site layout BT/25/42-201 A 3. Elevations BT/25/42-202 A

1. Application Summary

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

[Highcroft House, 51 New Birmingham Road, Oldbury](#)

2. Recommendations

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

- i) External materials;
- ii) Compliance with sustainable drainage detail;
- iii) Dropped kerb to be provided; and
- iv) Parking laid out and retained.

3. Reasons for the recommendation and conditions

The proposed development would be acceptable because the alteration to the wall and rear area would cause no wider visual amenity issues and the impact on traffic generation, on-street parking provision and highway safety would be negligible.

4. Key Considerations

4.1 The site is not allocated in the development plan.

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).
- Highways considerations - traffic generation, access, highway safety, parking and servicing.
- Amenity and design concerns – noise, anti-social behaviour, appearance.

5. The Application Site

5.1 The application property is a 20-bedroom house in multiple occupation. The main frontage and access front New Birmingham Road. The character of the surrounding area is residential.

5.2 Planning History

Planning permission was historically granted for a change of use to a 20 bed-HMO in 2014, however works were not implemented before the expiration and the permission and hence a retrospective change of use of a former 24-bedroom care home to a 20-bedroom house in multiple occupation (HMO) was sought and granted in 2023. No objections were received during the consultation period for either application. The relevant planning history is provided below:

DC/23/67922	Retrospective change of use of former 24 No. bedroom care home to 20 No. bedroom house in multiple occupation (HMO).	Approved subject to conditions - 24.03.2023
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DC/13/56558	Proposed alterations and change of use from former 24 bed residential care home to a 20 bedroom house in multiple occupation with shared lounge, kitchen and laundry.	Approved subject to conditions - 09.01.2014
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6. Application Details

The applicant proposes to introduce an access to the rear area of the property from Leslie Rise. This would involve removing a section of an existing wall to the side boundary of the property and surfacing part of the rear garden area to provide three car parking spaces for residents of the HMO. The premises currently has seven spaces available to the frontage and seeks to provide this additional provision to the rear. Amended plans have been received in response to highways comments.

7. Publicity

The application has been publicised by 10 neighbour notification letters. Seven objections have been received, and the material planning considerations are summarised below:

- i) Increased traffic congestion and loss of parking, reduced safety for pedestrians and cyclists, particularly children who currently benefit from the low-traffic environment.
- ii) Loss of the quiet residential character of the street, which was designed and planned as a cul-de-sac.
- iii) Loss of trees.
- iv) Increase in pollution.
- v) Antisocial behaviour concerns.
- vi) Over-intensification of the use.
- vii) Decrease in property values.

The above matters will be considered in paragraph 10 – Material Considerations. It should be noted that the impact on property values is established as not being a material planning consideration.

8. Consultee Responses

8.2 Highways

Concerns raised over displacement of highway parking for no. 43 Leslie Rise. General spatial arrangement concerns, such as the access width and parking bay sizes. Issues raised regarding the ownership of a slither of land which abuts the highway and mention of ‘dedication of land’ under the Highways Act. Whilst the applicant should be aware of highways legislation, this recommendation is made within the confines of the planning remit. Any further

consents which may be required can be noted as advisories on the decision notice if the application is approved. I should point out that the applicant has signed the relevant certificate to state that they are the owner of the land up to the edge of the highway as shown on the submitted location plan. Sufficient information is therefore provided to proceed with the determination.

8.3 **Ecologist**

The proposal is exempt from biodiversity net gain requirements as less than 25 square metres of on-site habitat would be affected.

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. I am of the opinion that the scheme 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. As discussed below, it is unlikely that the development would result in severe detriment or significant inconvenience for highway users within the context of the NPPF.

9.2 **Development Plan Policy**

9.3

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

Black Country Core Strategy (BCCS)

ENV3 – Design Quality - Refers to well-designed schemes that provide quality living environments. The proposed parking layout and design are considered to be acceptable

ENV5 – Flood Risk, Sustainable Drainage Systems / Urban Heat Island – Sustainable drainage proposed to the permeable hardstanding ensures adequate soakaway with limited opportunity for water run-off to the highway.

Site Allocations and Delivery Development Plan Document – (SADD)

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

10. Material Considerations

10.1 Highways considerations - traffic generation, access, highway safety, parking and servicing

Leslie Road is a quiet cul-de-sac which serves two storey semi-detached houses. The majority of properties have off-street parking to the front. The road is narrow and parking vehicles along much of its length would not be feasible as it is barely passable for two cars at certain points. The end of the cul-de-sac to which the access would be provided is wider and has a turning head. Refusal on highway safety/inconvenience would require the council to substantiate an argument that the proposed access which would serve three parking spaces would generate such an increase in vehicle movements as to have an unacceptable impact on highway safety. Three parking spaces for residential use does not appear to me to indicate that vehicle trips would be excessive and, in respect of other safety matters, road users accessing this area would be expected to abide by speed limits and rules of the road. There is no evidence before me that the trip generation would be excessive, and I note that highways do not object on such grounds.

- 10.2 In respect of on-street availability, the end of the road can currently be used for parking two vehicles side by side (refer to Fig 1). The proposal would result in the loss of these available spaces; however, the government's Manual for Streets states that when parking parallel to the street, each vehicle will typically need an area of about 2 metres wide. I note that there would still be an area in width of approximately 1.9 metres immediately in front of the existing pedestrian gate which could be reasonably utilised for parking and still allow access to the rear of the application site. Therefore, this would result in the loss of only one on-street space and is negligible in context.

Fig 1 – Parking at the end of Leslie Rise



- 10.3 I note highway concerns regarding the loss of highway space for the parking of residents of no.43. With reference to Fig 2, the property does have a useable off-street space and as stated above, an off-street space to the front of the property would still be available. Highways have requested that the applicant provide no.43 with a drop kerb; however, it appears frontage parking is achievable to this property, and the space has been used previously. Therefore, it is not the applicant's responsibility to rectify the lack of a drop kerb to the driveway of no.43, especially so as such a request would be unreasonable and not meet the test of a planning condition.

Fig 2 – Frontage parking to no.43



- 10.4 I have considered that the proposed vehicular access could be used for HMO residents to park on street in Leslie Rise and enter the premises through the rear on foot. However, there is an existing pedestrian access gate which could simply be brought back into use and present the same issue, irrespective of this application being approved.
- 10.5 In regard to concerns that the road is a cul-de-sac and its character would change as a result of the proposal, it should be noted that the application does not seek to provide a thoroughfare, and the road would remain a cul-de-sac.

10.6 Amenity and design concerns – noise, anti-social behaviour, appearance

The removal of the existing wall does not raise significant concerns as the impact on the streetscene would be limited. The wall is not of a notable character in itself and is not a prominent feature in the streetscape. I have considered noise in respect of increased comings and goings along Leslie Rise, but this issue is closely related to that of trip generation as discussed above. On this basis, the level of parking proposed is so minor as to be inconsequential in regard to generating excessive noise. In respect of over-intensification, the development does not propose additional HMO rooms and the principle of the HMO use is already established. Thereby, potential issues regarding antisocial behaviour cannot be revisited by this application and there is no evidence to suggest that this would occur as a result of this proposal in any case.

10.7 Other matters

I note concern over loss of trees, however there is no loss proposed as part of the development. The minor nature of comings and goings would not lead to significant levels of pollution, especially as there is no reason that vehicles would idle engines on this quiet residential street untroubled by queuing traffic.

11 Conclusion

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 11 (National Planning Policy Framework).

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.

12. 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.

13. Other Relevant Implications

None.

14. Background Documents

None.

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

Not applicable.

To be completed if you do not need an Equality Impact Assessment. (I do not consider that planning applications would require this, the only factor when it may be applicable would be if it provides additional accommodation for an individual with disabilities.

Relevance Check

Budget Reduction/Service Area:

Service Lead Tammy Stokes

Date: 13 November 2025

In what ways does this Budget reduction have an impact on an outward facing service? How will the service feel different to your customers or potential customers?

N/A

If not, how does it impact on staff e.g. redundancies, pay grades, working conditions? Why are you confident that these staff changes will not affect the service that you provide?

N/A

Is a Customer Impact Assessment needed? No