

# Report to Planning Committee

**21 February 2024**

<b>Application Reference</b>	DC/23/68823
<b>Application Received</b>	03 November 2023
<b>Application Description</b>	Proposed 2 no. pair of semi-detached 3 bedroom houses, with associated parking and private amenity space/gardens, vehicle crossover to pavement, and access road.
<b>Application Address</b>	Land To The Rear Of 22 To 56 Francis Ward Close, West Bromwich.
<b>Applicant</b>	Mr Paul Rees, Harper Sperring, The Old School, St Johns Road, Dudley, DY2 7JT.
<b>Ward</b>	Wednesbury South.
<b>Contact Officer</b>	Anjan Dey <a href="mailto:anjan_dey@sandwell.gov.uk">anjan_dey@sandwell.gov.uk</a>

## 1 Recommendations

1.1 That planning permission is granted subject to conditions relating to:

- (i) External materials;
- (ii) Ground Contamination;
- (iii) Drainage (surface and foul);
- (iv) Boundary treatments;
- (v) Landscaping;
- (vi) Cycle storage;
- (vii) Low NOx boilers;



- (viii) Electric vehicle charging;
- (ix) Management plan for control of dust;
- (x) Construction Management Plan;
- (xi) Restriction on hours of construction; and
- (xii) Parking laid out & retention.

## 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 – The proposal raises no significant concerns from a design, amenity or highway perspective and would deliver additional in a sustainable location.
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## 4 Context

- 4.1 At your last meeting members resolved to the visit the site.
- 4.2 The application is being reported to your committee as more than 3 neighbour objections have been received.
- 4.3 To assist members with site context, a link to Google Maps is provided below:

[Land adjacent to 22 to 56 Francis Ward Close, West Bromwich](#)

## 5 Key Considerations

- 5.1 The site is not allocated within 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.

Noise nuisance – additional properties/construction

Environmental concerns – Loss of play space

Design concerns - appearance and materials, layout and density of building, and

Highways considerations - Traffic generation, access, highway safety, parking and servicing.

## 6. The Application Site

6.1 The application site is an irregular shaped piece of land that is to the rear of 22 to 56 Francis Ward Close, West Bromwich. The area is largely residential in character and the land is bounded by residential properties to the north and south-east with residential properties on the other side of Hollowbank to the south. There is a difference in levels across the site with land levels falling towards Holloway Bank, and also from southern part of the land to the north. There is a small electricity sub-station in situ adjacent at the north-eastern part of the site.

6.2 Access to this site is currently unrestricted although the land is privately owned.



## 7. Planning History

7.1 There is no relevant planning history for the site.

## 8. Application Details

- 8.1 It is proposed to construct two pairs of three-bedroom semi-detached dwellings with associated parking and private amenity space/gardens. A new vehicle access road is also to be created from Holloway Bank to frontage parking spaces.
- 8.2 Parking provision for the dwellings would be at the front of each pair of semis with vehicle crossings provided to pavements. Submitted plans show two car parking spaces for each of the houses.
- 8.3 Private gardens are shown at the rear of each of the proposed dwellings with bin and cycle storage area within each individual plot within the private gardens.
- 8.4 House sizes are comfortable, with internal floorspace that complies with the Council's adopted minimum standard of 80 square metres, as well as National Described Standards for new two storey, three-bedroom dwellings.

## 9. Publicity

9.1 The application has been publicised by neighbour notification letter (28 in total) with ten objections received from local residents.

### 9.2 Objections

Objections have been received on the following grounds:

- i) Loss of light, outlook and privacy to surrounding properties along Francis Ward Close.
- ii) Concerns relating to increased traffic and highway safety.
- iii) The dwellings would result in noise disturbance to neighbours;



- iv) The development would result in a loss of play space;
- v) The proposal would affect the environment.

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

Non-material objections have been received relating to devaluation of neighbouring properties.

## 10. Consultee responses

### 10.1 Highways

Highways has no objections to the proposal subject to the parking layout being laid out as shown and dropped kerbs being provided.

### 10.2 Pollution Control (Air Quality)

No overall objections and the provision of a single electric vehicle charging point and of low NOx central heating boilers can be ensured by condition.

The control dust and emissions during the construction process can also be ensured by condition.

### 10.3 Pollution Control (Contaminated Land)

No objection subject to conditions relating to submission of desk-top study relating to on site contamination and also the submission of a validation report.

### 10.4 Pollution Control (Air Pollution and Noise)

At the time of writing comments are yet to be received. It is likely that a construction management plan would have to be submitted to the



planning authority prior to commencement of development. This can be ensured by condition.

## 10.5 The Canal & Rivers Trust

Has no comment to make on the proposal.

## 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 The Framework refers to development adding to the overall quality of the area by achieving high quality design, achieving good architecture and layouts.

11.3 The Framework promotes sustainable transport options for development proposal and paragraph 111 states that developments should 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.

11.4 I am of the opinion that the scheme is of a good design, in accordance with the design aspirations of the NPPF, as 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: Delivery Sustainable Housing Growth

HOU2: Housing Density type and Accessibility

TRAN4: Creating Coherent Networks for Cycling and Walking

ENV3: Design Quality



ENV8: Air Quality

SAD EOS9: Urban Design Principles

SAD H2: Windfalls

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

- 12.2 Infrastructure provision, in this case may be Electric Vehicle Charging points on the recommendation of the Public Health (Air Quality) team, would be ensured by condition. In addition, the Community Infrastructure Levy applies (DEL1).
- 12.3 The proposal meets the requirements of policy HOU2 in that it proposes a range of types and sizes of accommodation which would be accessible by walking and sustainable transport to services. The proposal would also achieve good design with minimal amenity impact.
- 12.4 Sufficient amenity space is provided to allow for cycle parking provision (TRAN4).
- 12.5 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments. The proposal raises no significant concerns in respect of design and is therefore compliant with policy ENV3 and SAD EOS 9.
- 12.6 In respect of air quality (ENV8), electric vehicle charging points and low NOx boilers can be ensured by condition. Again, this would be at the recommendation of the Air Quality Team (Public Health).
- 12.7 The proposed dwellings would be a windfall, subject to SAD H2. The proposal meets the requirement of the policy as it is previously undeveloped 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

With regards to loss of light, outlook and privacy, the interface distance between the rear elevation of properties along the north-eastern part of Francis Ward Close, & the proposed rear elevations of plots 3 & 4 are a minimum of 21 metres. This complies with the recommended 21 metres to ensure against significant loss of outlook and privacy.

It is noted that existing properties to the north of site are at a lower level but the interface distance between the front elevations of existing flanking properties, and proposed side elevations of the new dwellings is 14 metres (plus). The authority's Residential Design SPD recommends a rear elevation to side interface distance of 14 metres, and although a minimum is not specified between front and side elevations, 14 metres is generally considered to be satisfactory to ensure against appreciable loss of outlook and privacy. Furthermore, windows in the proposed side elevations are to serve landing areas, and revised plans have been submitted to show smaller landing windows than originally proposed.

Notwithstanding level differences across the site, having considered that development meets the authority's adopted interface standards, it is my view that the proposal would not result in any in significant loss of light, outlook or privacy to neighbouring properties.

#### 13.3 Noise Nuisance

With regards to noise, the new dwellings would be subject Building Regulations approval, so they would be subject to noise insulation measures. Rear gardens would be enclosed with new fencing but it's not unreasonable to expect a degree of noise from the gardens given that



the these will be family dwellings, however this is unlikely be any more than the noise generated by local residents who have used the land for recreation purposes over the years.

Noise disturbance during the construction process can be controlled by appropriate conditions, for example by a restriction on hours of construction and submission of construction management plan for the approval by the planning department.

#### 13.4 Loss of play space/environment concerns

The land is unallocated in the Council's Development Plan, and is classed as a 'windfall site', as it has not been developed previously. It is understood that local residents have historically enjoyed the use of the land for recreation purposes; dog walking, children playing games etc. but the site is privately owned and is not subject to any restrictive open space or wildlife policies. This had previously been confirmed by colleagues in Planning Policy prior to submission.

Although it is appreciated that local residents have used the land for their own enjoyment over the years, it is noted that this has been allowed by the land owner who could have restricted access to this privately-owned site; for example, by fencing off the site. Therefore, the informal historical use of the site, should not preclude the site coming forward for development.

#### 13.5 Design concerns

Francis Ward Close is characterised by semi-detached properties and in this respect the proposed dwellings are in keeping with the context of the immediate locality.

Design of the proposed dwellings would be in keeping with adjacent properties and they would be of brick construction. However, their satisfactory appearance can be ensured by the approval of external materials; brick and roof tile as well as fenestration details. The



proposed family dwellings are in accordance with the requirements of the Councils design guidance and are considered to comply with related policies ENV3 (Design Quality) & EOS9 (Urban Design Principles).

### 13.6 Highways concerns

The development meets with the approval of the highway authority and parking spaces are in accordance with the requirements of Council design guidance. All parking for the residential properties will be within the curtilage of the site including visitor provision.

With regards to highway safety risk, Highways has confirmed that the appropriate visibility splays out of the proposed vehicular access can be achieved, and vehicles will be able to leave in a forward gear. The trip rates linked to 4 no residential dwellings will be low and therefore the risk of the increase in injury accidents at this location is low. Furthermore, Highways has also confirmed that there has only been one serious accident near to this location in this past five years.

## 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. This essentially means 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 policies and there are no material considerations that would justify refusal.

## 16 Implications

<b>Resources:</b>	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.
<b>Legal and Governance:</b>	This application is submitted under the Town and Country Planning Act 1990.
<b>Risk:</b>	None.
<b>Equality:</b>	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
<b>Health and Wellbeing:</b>	None.
<b>Social Value</b>	None.
<b>Climate Change</b>	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

Location plan 2472/D01

Proposed site plan inc. finished floor levels 2472/D03 REV A

Proposed floor plans & elevation 2472/D05 REV A



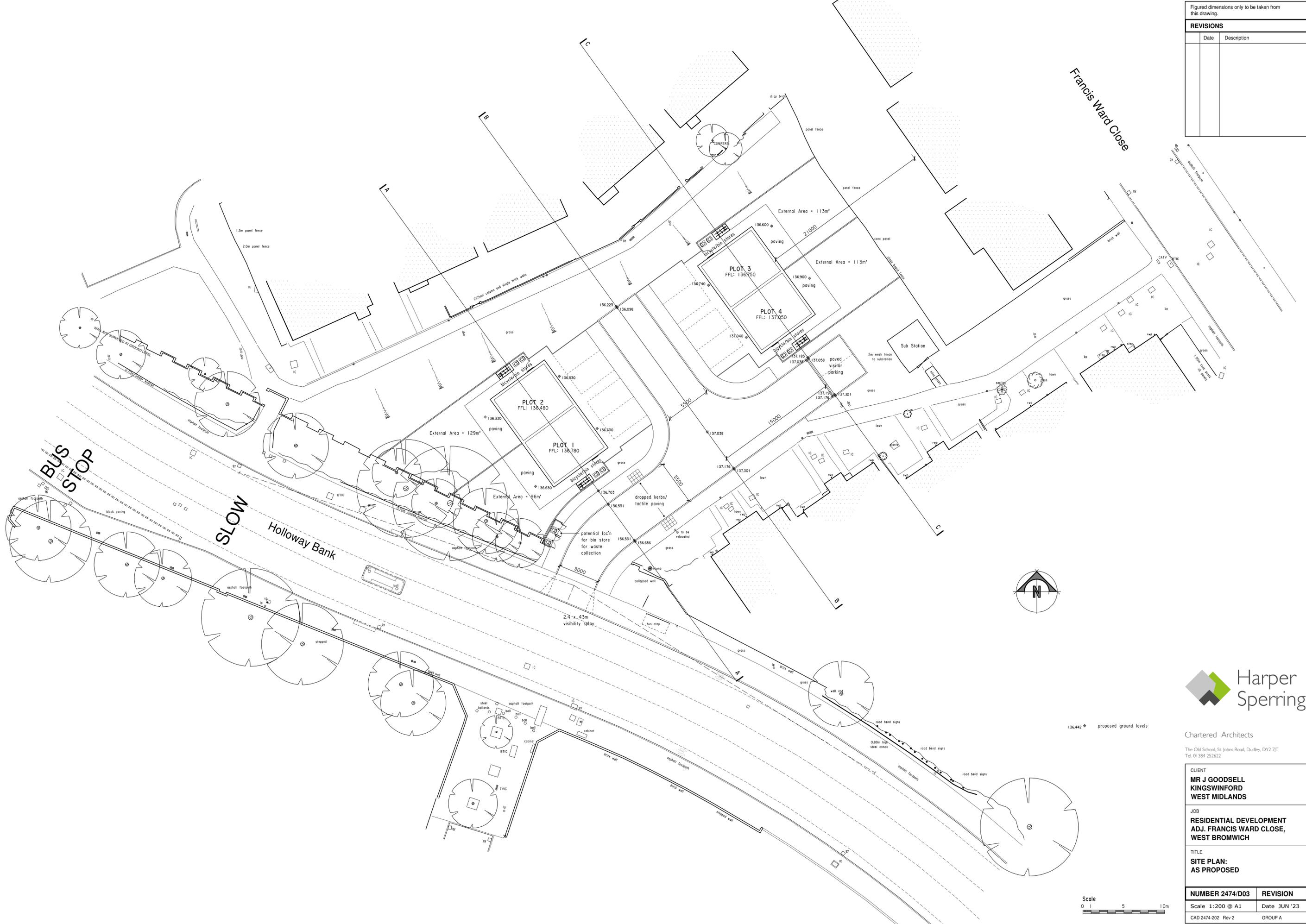
Proposed floor plans & elevations 2472/D06 REV A  
Existing & proposed longitudinal sections 2474 D07





Figured dimensions only to be taken from this drawing.

REVISIONS	
Date	Description



136.442 Ⓢ proposed ground levels

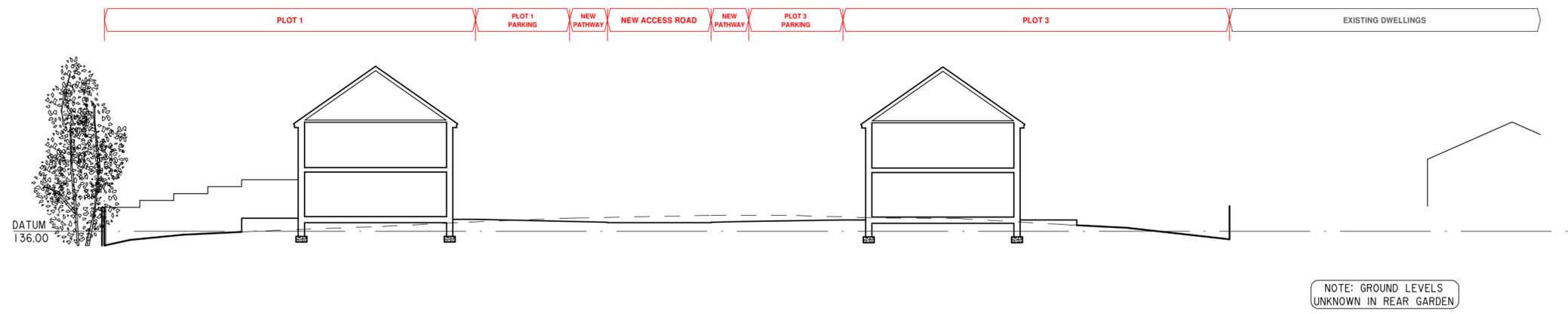


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The Old School, St. Johns Road, Dudley, DY2 7JT  
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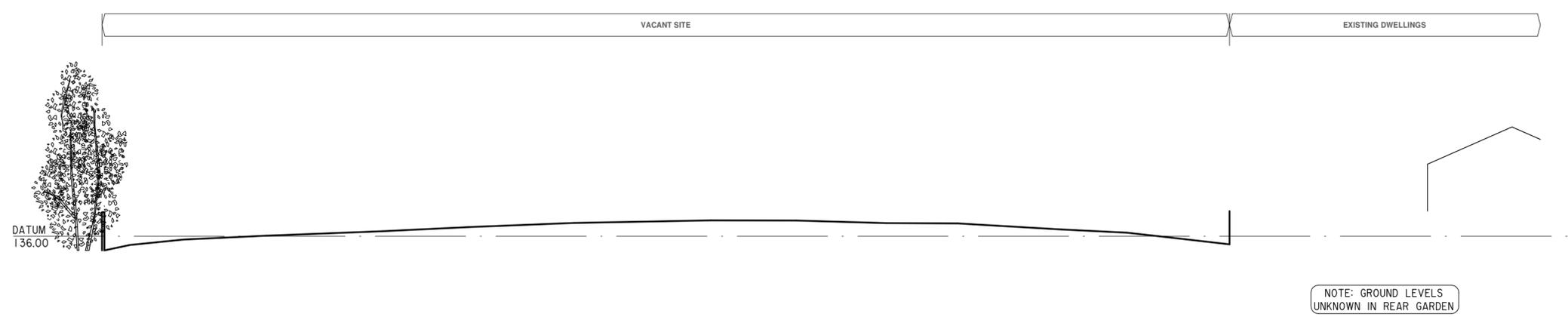
CLIENT <b>MR J GOODSSELL KINGSWINFORD WEST MIDLANDS</b>	
JOB <b>RESIDENTIAL DEVELOPMENT ADJ. FRANCIS WARD CLOSE, WEST BROMWICH</b>	
TITLE <b>SITE PLAN: AS PROPOSED</b>	
<b>NUMBER 2474/D03</b>	<b>REVISION</b>
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CAD 2474-202 Rev 2	GROUP A

Figured dimensions only to be taken from this drawing.

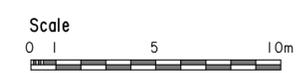
REVISIONS	
Date	Description



SECTION D-D: AS PROPOSED



SECTION D-D: AS EXISTING

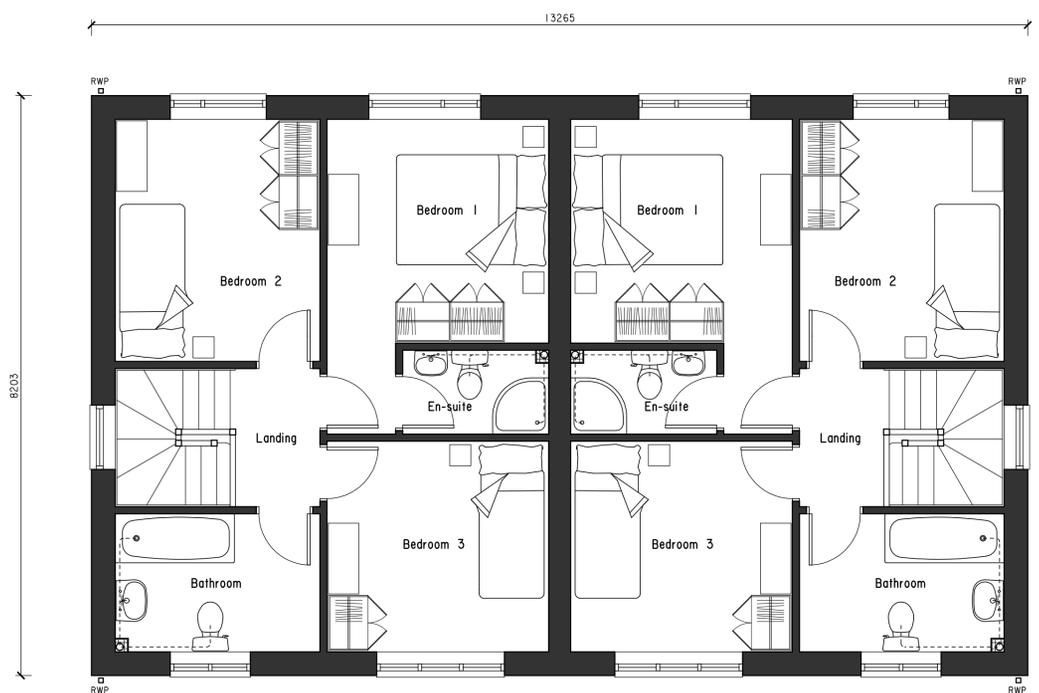


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CLIENT <b>MR J GOODSSELL KINGSWINFORD WEST MIDLANDS</b>	
JOB <b>RESIDENTIAL DEVELOPMENT AT FRANCIS WARD CLOSE, WEST BROMWICH</b>	
TITLE <b>LONGITUDINAL SITE SECTIONS: AS EXISTING &amp; PROPOSED</b>	
<b>NUMBER 2474/D07</b>	<b>REVISION</b>
Scale 1:200 @ A2	Date JAN '24
CAD 2474-206 Rev 0	GROUP A

Figured dimensions only to be taken from this drawing.

REVISIONS		
	Date	Description
A	25/01/24	Window to side elevations reduced in height



FIRST FLOOR PLAN (1:50)



REAR ELEVATION (1:100)

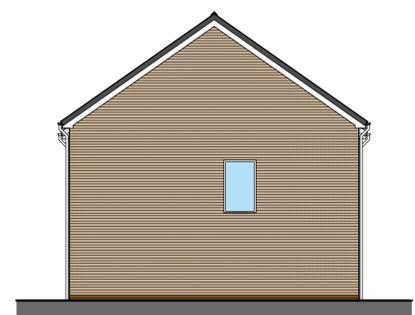
**PROPOSED MATERIALS:-**

WALLS: BUFF FACING BRICKWORK TO ALL ELEVATIONS WITH BROWN TEXTURED CEMENT CLADDING BOARDS TO FRONTS

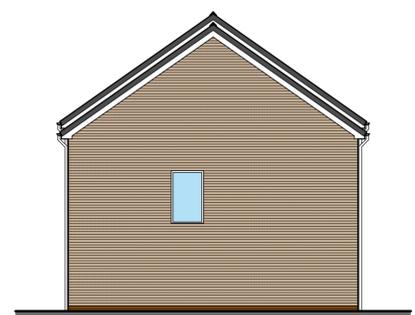
ROOFS: MARLEY "MODERN" GREY CONCRETE ROOF TILES

WINDOWS & DOORS: WHITE UPVC

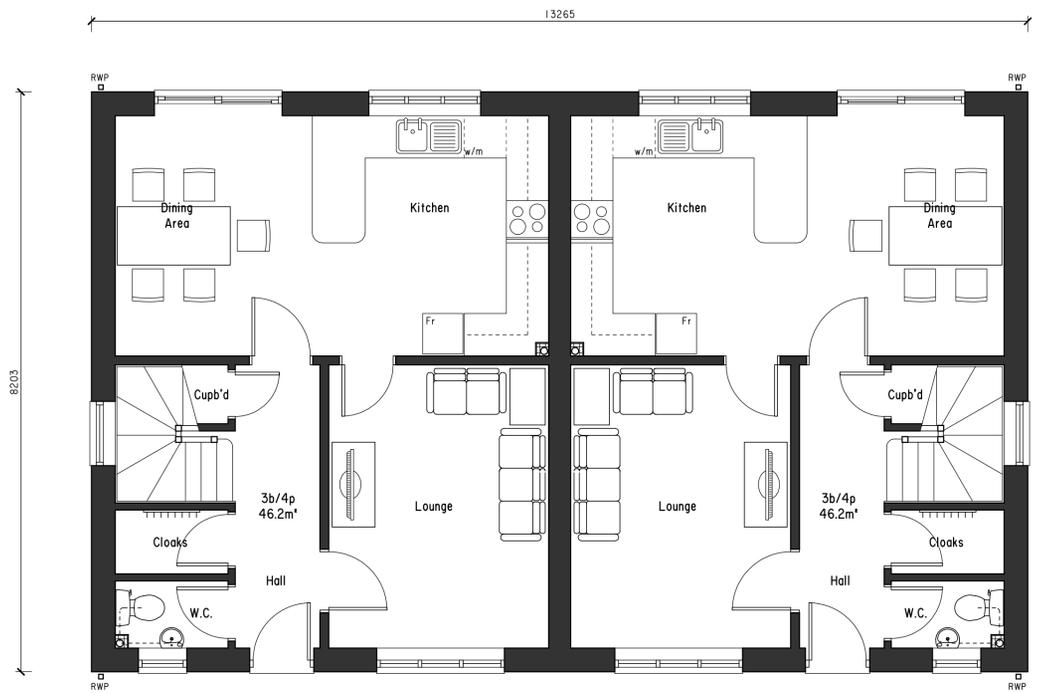
RAINWATER GOODS: WHITE UPVC



SIDE ELEVATION (1:100)



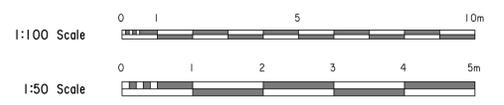
SIDE ELEVATION (1:100)



GROUND FLOOR PLAN (1:50)



FRONT ELEVATION (1:50)



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CLIENT  
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KINGSWINFORD  
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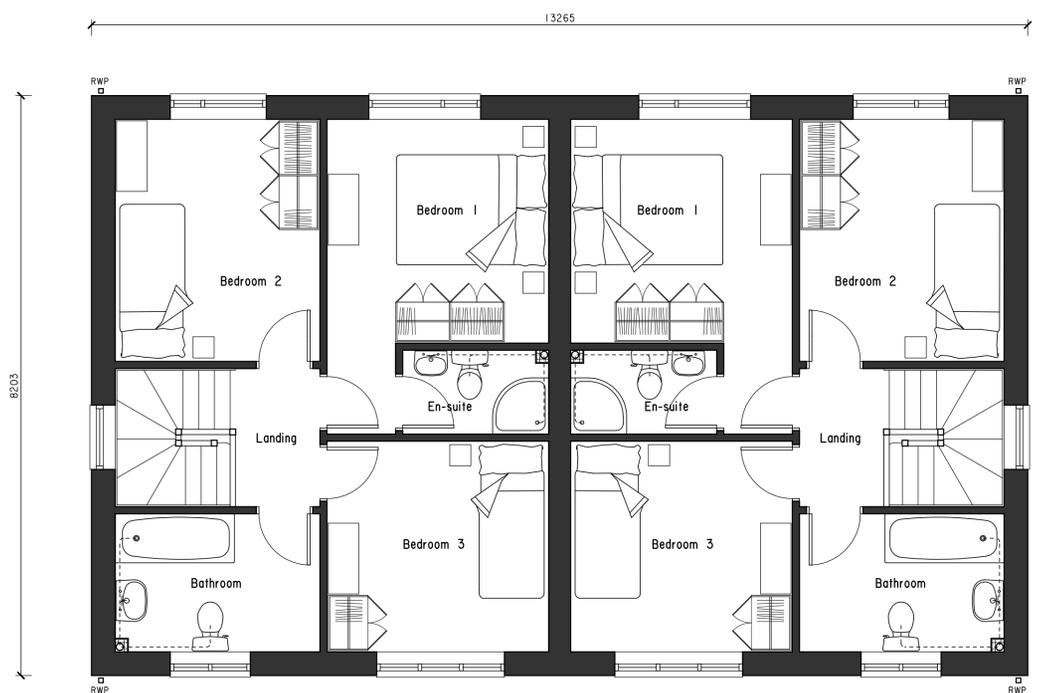
JOB  
**RESIDENTIAL DEVELOPMENT  
ADJ. FRANCIS WARD CLOSE,  
WEST BROMWICH**

TITLE  
**NEW DWELLINGS (PLOTS 1 & 2)  
FLOOR PLANS & ELEVATIONS:  
AS PROPOSED**

<b>NUMBER 2474/D05</b>	<b>REVISION A</b>
Scale 1:50/100 @ A1	Date JUN '23
CAD 2474-204 Rev 3	GROUP A

Figured dimensions only to be taken from this drawing.

REVISIONS		
	Date	Description
A	25/01/24	Window to side elevations reduced in height.



FIRST FLOOR PLAN (1:50)



REAR ELEVATION (1:100)

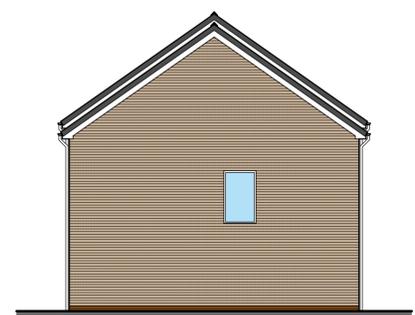
**PROPOSED MATERIALS:-**

WALLS: BUFF FACING BRICKWORK TO ALL ELEVATIONS WITH BROWN TEXTURED CEMENT CLADDING BOARDS TO FRONTS

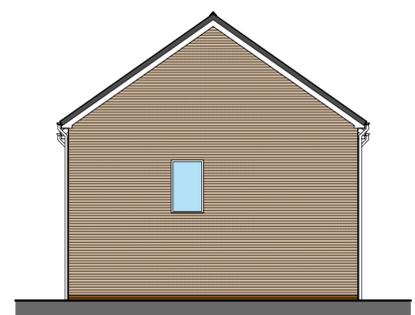
ROOFS: MARLEY "MODERN" GREY CONCRETE ROOF TILES

WINDOWS & DOORS: WHITE UPVC

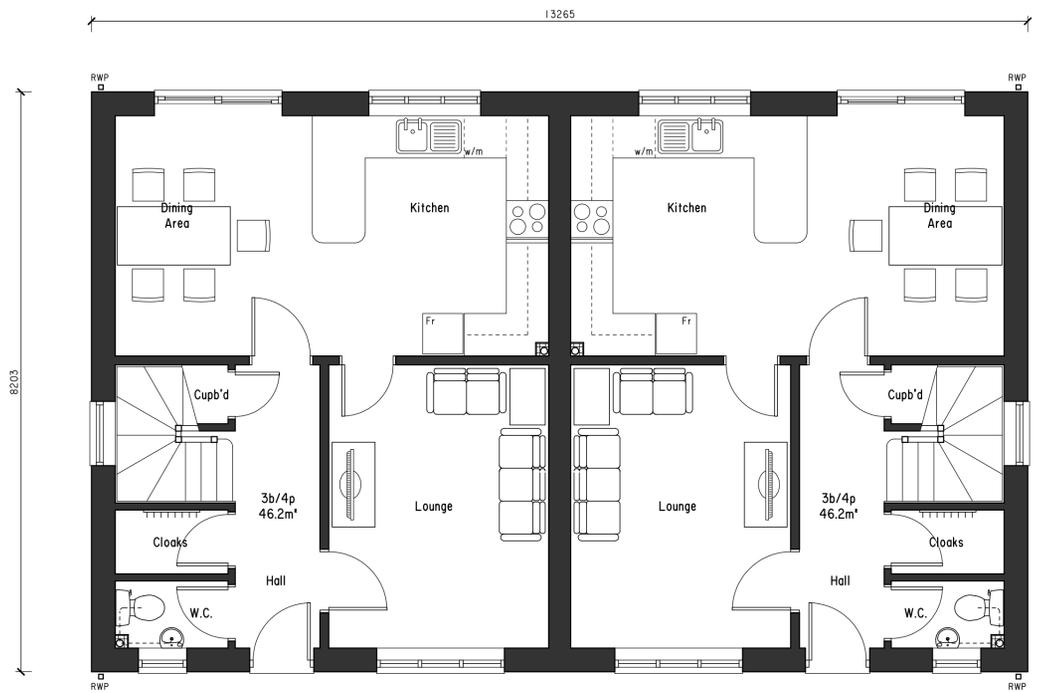
RAINWATER GOODS: WHITE UPVC



SIDE ELEVATION (1:100)



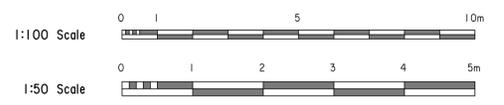
SIDE ELEVATION (1:100)



GROUND FLOOR PLAN (1:50)



FRONT ELEVATION (1:50)



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JOB  
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ADJ. FRANCIS WARD CLOSE,  
WEST BROMWICH**

TITLE  
**NEW DWELLINGS (PLOTS 3 & 4)  
FLOOR PLANS & ELEVATIONS:  
AS PROPOSED**

<b>NUMBER 2474/D06</b>	<b>REVISION A</b>
Scale 1:50/100 @ A1	Date OCT '23
CAD 2474-205 Rev 1	GROUP A