

Report to Planning Committee

11 May 2021

Application Reference	DC/21/65288
Application Received	4 March 2021
Application Description	Demolition of existing houses and proposed residential development of 1 No. 4 bed house & 2 No. 2 bed bungalows (Renewal of DC/17/60426).
Application Address	3 Brunswick Terrace, Wednesbury, WS10 9DA
Applicant	Mr J Haliburton
Ward	Wednesbury North
Contact Officer	William Stevens William_stevens@sandwell.gov.uk

1 Recommendations

1.1 That, subject to no adverse comments from statutory consultees, planning permission is granted subject to conditions relating to the following:

- (i) External materials;
- (ii) Boundary treatment details (including details of any retaining walls);
- (iii) Levels plan;
- (iv) Drainage and SUDs details;
- (v) Refuse storage details including a refuse strategy;
- (vi) Details of external lighting;
- (vii) Ground investigation and remediation measures;




- (viii) Parking plan implemented, and spaces retained;
- (ix) Details of a construction management plan, including restricting hours of construction to: Monday to Friday, 07:30 to 18:00 hours, Saturdays 07:30 to 14:00 hours and no working on Sundays and bank holidays;
- (x) Landscaping;
- (xi) Permitted development rights removed for extensions, outbuildings and roof alterations; and
- (xii) Details of shared parking space management plan.

2 Reasons for Recommendations

- 2.1 Planning permission was previously granted for the same proposal in 2017 (now expired). Since then, there has been no planning policy changes.

3 How does this deliver objectives of the Corporate Plan?

	Quality homes in thriving neighbourhoods – The scheme would assist with meeting the council’s housing targets and provides good quality homes.
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4 Context

- 4.1 This application is being reported to your Planning Committee at the request of Councillor Peter Hughes who has raised concerns over the development on grounds of over-development in terms of built form and amenity space.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[Aerial view](#)

[3 Brunswick Terrace](#)

5 Key Considerations

- 5.1 The site relates to an existing residential property within a residential area.



5.2 The material planning considerations which are relevant to this application are:

Planning history (including appeal decisions)
Overbearing nature of proposal

6. The Application Site

6.1 The site relates to a pair of semi-detached residential properties within a residential area.

6.2 To access the rear of the site, the existing properties would have to be demolished, with one of the properties then rebuilt.

7. Planning History

7.1 In 2014 and in 2017 planning permission was granted for the same development that is being proposed within this application.

7.2 Relevant planning applications are as follows:

DC/17/60426	Demolition of existing house and proposed residential development of 1 No. 4 bed house & 2 No. 2 bed bungalows.	Grant Permission Subject to Conditions 01/06/2017
APP/G4620/W /17/3170743	Appeal removing condition 11 of DC/16/59629 regarding the change of use to Houses in Multiple Occupation	Appeal Allowed 04/07/2017
DC/16/59629	Proposed conversion of dwelling to 2 houses.	Granted Permission Subject to Conditions 18/10/2016



DC/14/56782	Reserved matters application for access, appearance, landscaping, layout and scale for proposed residential development of 1 No. house & 2 No. bungalows.	Grant Conditional Reserved Matters 17/04/2014
DC/13/56335	Outline application for residential development (all matters reserved).	Grant Outline Permission with Conditions 29/10/2013
DC/07275	Extension to provide billiards room.	Grant Permission Subject to Conditions 21/06/1978

8. Application Details

- 8.1 The applicant proposes to demolish the two existing houses and create a residential development of 1 No. 4 bed house & 2 No. 2 bed bungalows.
- 8.2 The detached, four-bedroom property has a proposed floor area of almost 180sqm, whilst the two bungalows have a floor area of 66sqm, complying with the council's approved residential design guide.
- 8.3 The gardens are of irregular shape with varying lengths less than the minimum 10.5m, however, they do meet the minimum 70sqm of private amenity space and therefore comply with the adopted residential design guide.



9. Publicity

9.1 The application has been publicised by neighbour notification letter with one objection being received.

9.2 Objections

Objections have been received on the following grounds:

- i) The proposed properties could be converted into houses in multiple occupation (HMOs); and
- ii) The proposal is over development in terms of built form and private amenity.

Immaterial objections have been raised regarding loss of property values in the area.

9.3 Responses to objections

I respond to the objector's comments in turn:

- i) The council imposed a condition on the 2016 permission (DC/16/59629) which restricted the conversion of the dwellings to HMOs. The applicant appealed this condition (APP/G4620/W/17/3170743) and the Planning Inspector removed the condition stating that '*conditions restricting the future use of permitted development rights or change of use will rarely pass the test of necessity and should only be used in exceptional circumstances*'.

However, during determination of the 2017 application (DC/17/60426) the above appeal had yet to be determined. A similar condition was imposed which stated that Plot 1 shall not be used for any purpose under Class C4 (HMO). In light of the appeal outcome, this condition is now considered to be unreasonable.



Given the outcome of the 2016 appeal, I do not feel it is necessary to reproduce such a condition restricting HMO use as it is clear that the council would be unsuccessful in a subsequent appeal, taking into account the inspector's stance on the matter.

- ii) The gardens are of an irregular shape and whilst acceptable in terms of floor area, the irregular shape limits the garden lengths. As a result, it is recommended that permitted development rights are removed for extensions and outbuildings. It is also recommended that roof space conversions are removed to ensure the plots are not overdeveloped and for adequate off-street parking spaces to be provided.

In terms of the size of the properties (point 8.2), they are above the council's minimum standards (being 60sqm for a two bedroom property and 100sqm for a four bedroom property). It is worthy of note that the scheme has already once gained planning consent.

10. Consultee responses

10.1 Planning and Transportation Policy

No objections. The application is on land that is unallocated in the adopted Site Allocations and Delivery Plan Document. The site is within an established residential area and is subject to and meets the requirements for SAD H2 Housing Windfalls.

10.2 Highways

No objections subject to parking spaces, provided and retained, a site management plan and Plot 1 permitted development rights being removed in terms of an HMO. However as stated in point 9.3 above, this restriction is not recommended.



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.

12. Local Planning Policy

12.1 The following policies of the council's Development Plan are relevant:

HOU1: Delivering Sustainable Housing Growth

HOU2: Housing Density

ENV3: Design Quality

ENV5: Flood Risk, Sustainable Drainage System and Urban Heat Island Effect

ENV8: Air Quality

SAD EOS9: Urban Design Principles

H2: Housing Windfalls

12.2 With regards to HOU2, this equally promotes good design, providing a range of house type to suit local needs and good transport and local service connections. The proposed house types include a mix of two storey housing and bungalows within proximity of local services and good transport links.

12.3 ENV3 and SAD EOS9 refer to well-designed schemes that provide quality living environments.

12.4 ENV5 seeks the incorporation of sustainable drainage systems to assist with reducing the impact of flooding and surface run-off.



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 Planning history (including appeal decisions)

Planning permission has previously been granted for the same scheme that is before your committee. There has been no alteration of planning policy or appreciable changes to circumstances surrounding the site. Furthermore, the appeal regarding the HMO has condition has been determined and upheld.

13.3 Overbearing nature of proposal

The proposal complies with the council's adopted Revised Residential Design Guide 2014 SPD,

14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so.

15 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



16. Appendices

Location Plan

Context Plan

Proposed Site Plan: PD112/23 Rev F

Plot 1 Floor and Elevations Plan: PD112/24 Rev C

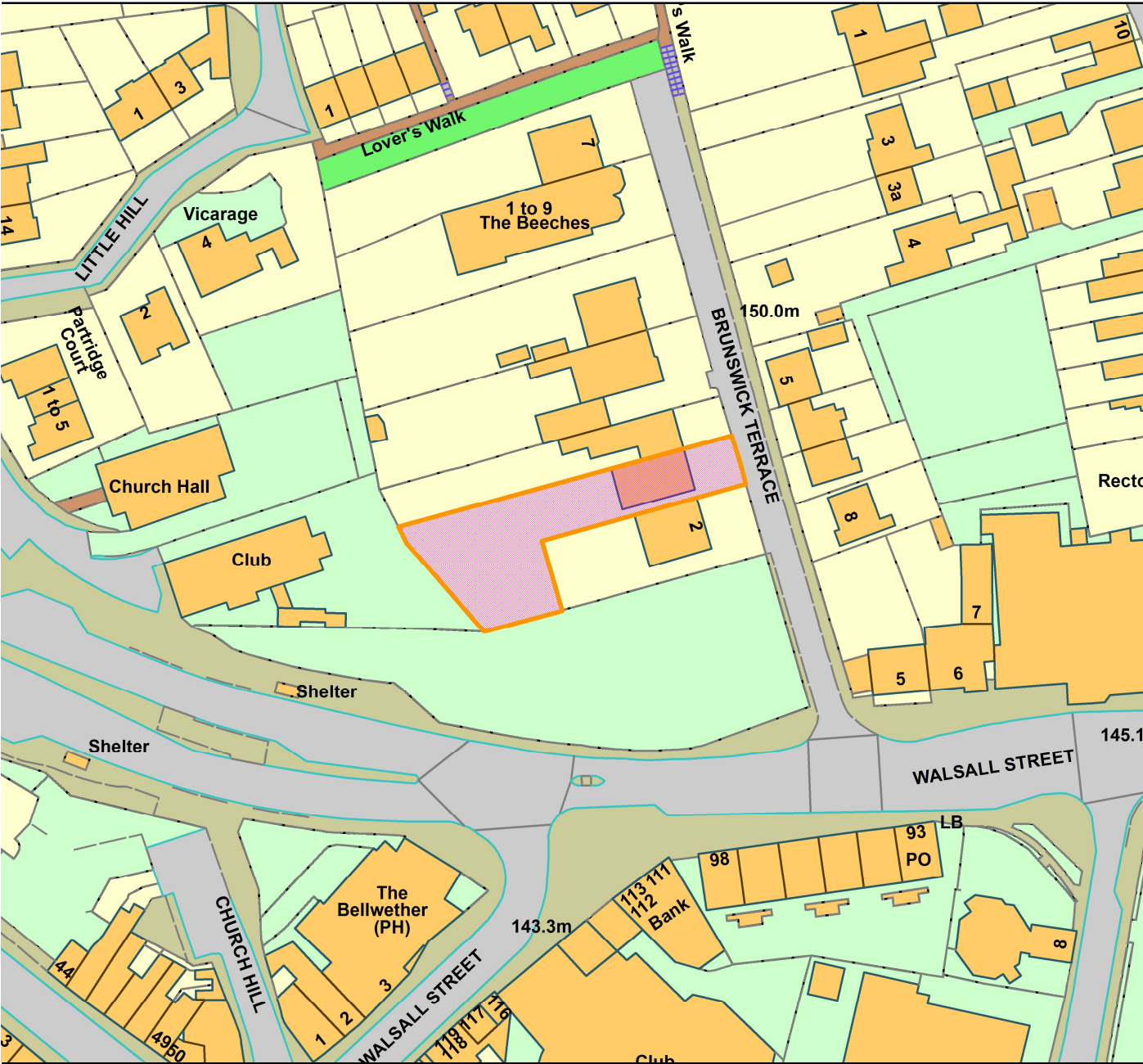
Plot 2 & 3 Floor Plans and Elevations: PD112/25 Rev F

Street Scene: PD112/27 Rev D

Detached Garages: PD112/28 Rev B

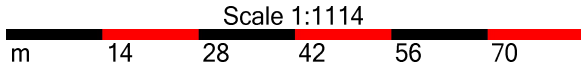


DC/21/65288
 3 Brunswick Terrace



Legend

Scale 1:1114



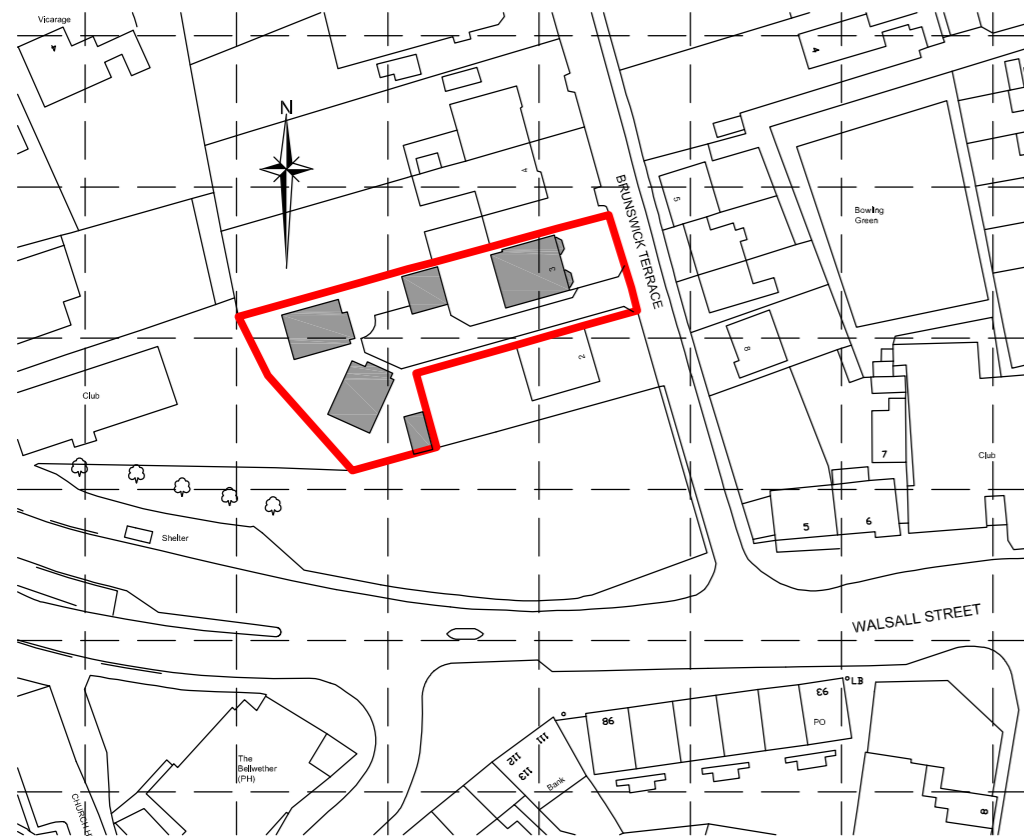
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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	22 April 2021
OS Licence No	

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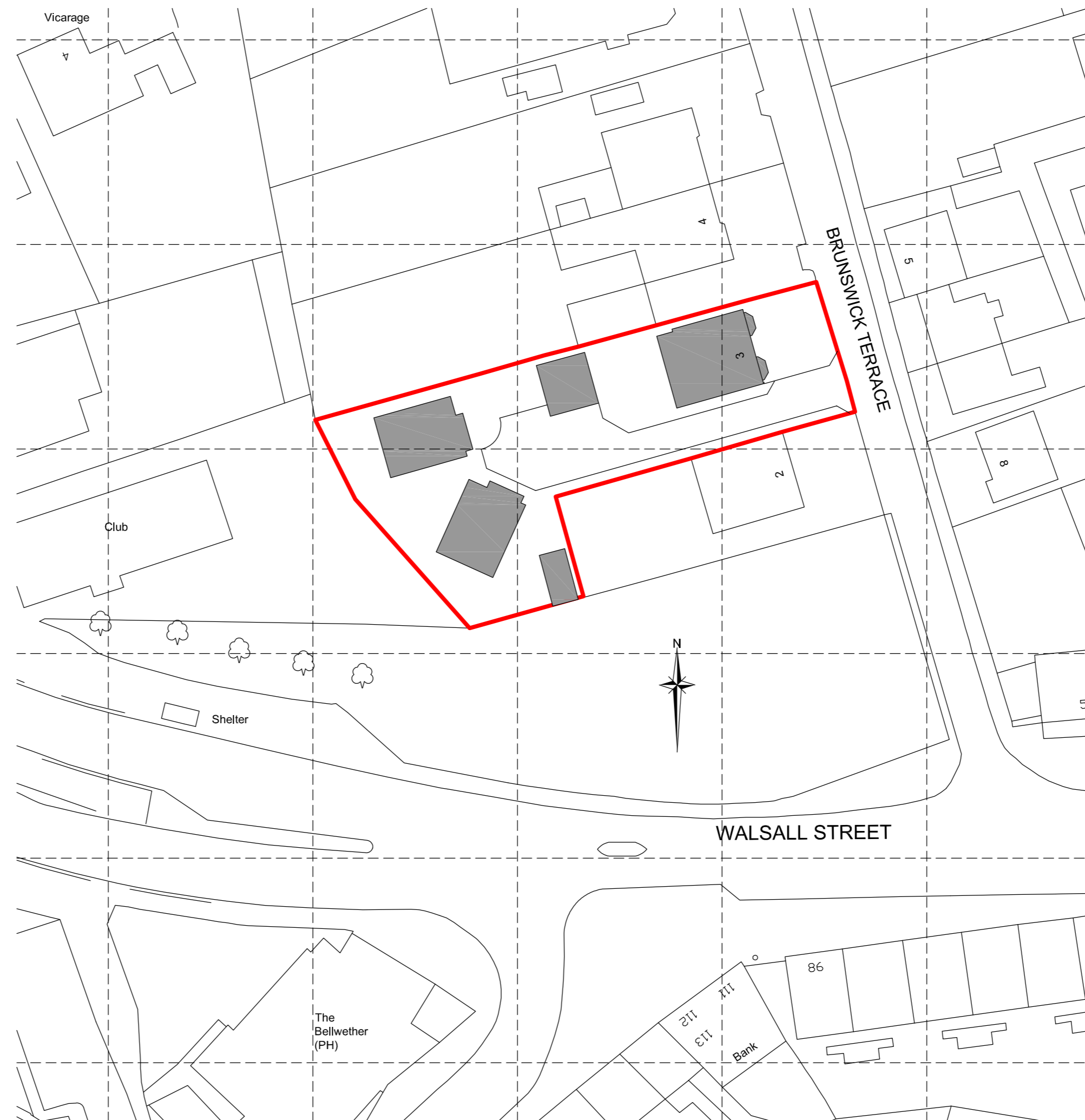
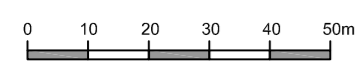
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Location Plan

1:1250



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Block Plan

1:500



Rev	Date	Description	By
C	28.4.14	LAYOUT UPDATED	RP
B	10.4.14	LAYOUT UPDATED	RP
A	31.1.14	PLANNING ISSUE	RP

Bowjangles

Proposed
Development Site at 3 Brunswick
Terrace, Wednesbury.

Location & Block Plans

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Date	Scale	Drawn
1.14	as shown@A2	RP
Dwg No	Rev	
PD112/21	C	



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F	8.5.14	LAYOUT REVISED	RP
E	28.4.14	LAYOUT REVISED	RP
D	10.4.14	LAYOUT REVISED	RP
C	31.3.14	SITE REDESIGNED	RP
B	19.2.14	BIN STORE AREAS ADDED	RP
A	31.1.14	PLANNING ISSUE	RP
Rev	Date	Description	By

Bowjangles

Proposed
Development Site at 3 Brunswick
Terrace, Wednesbury.

Proposed Site Plan

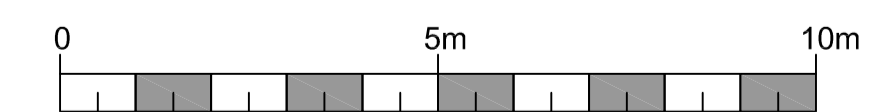
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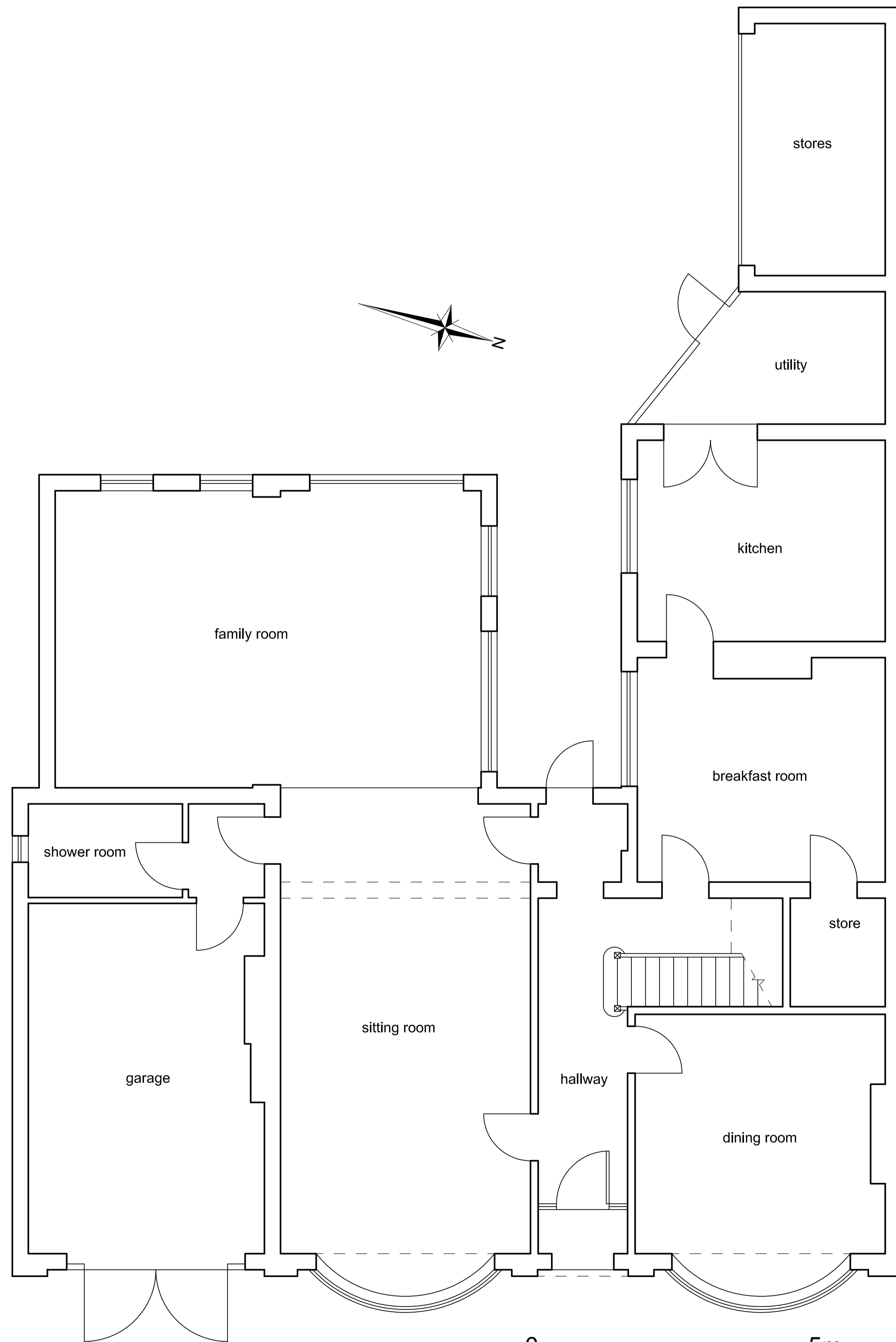
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1.14	as shown@A1	RP
Dwg No	Rev	
PD112/23	F	

Proposed Site Plan
1:100

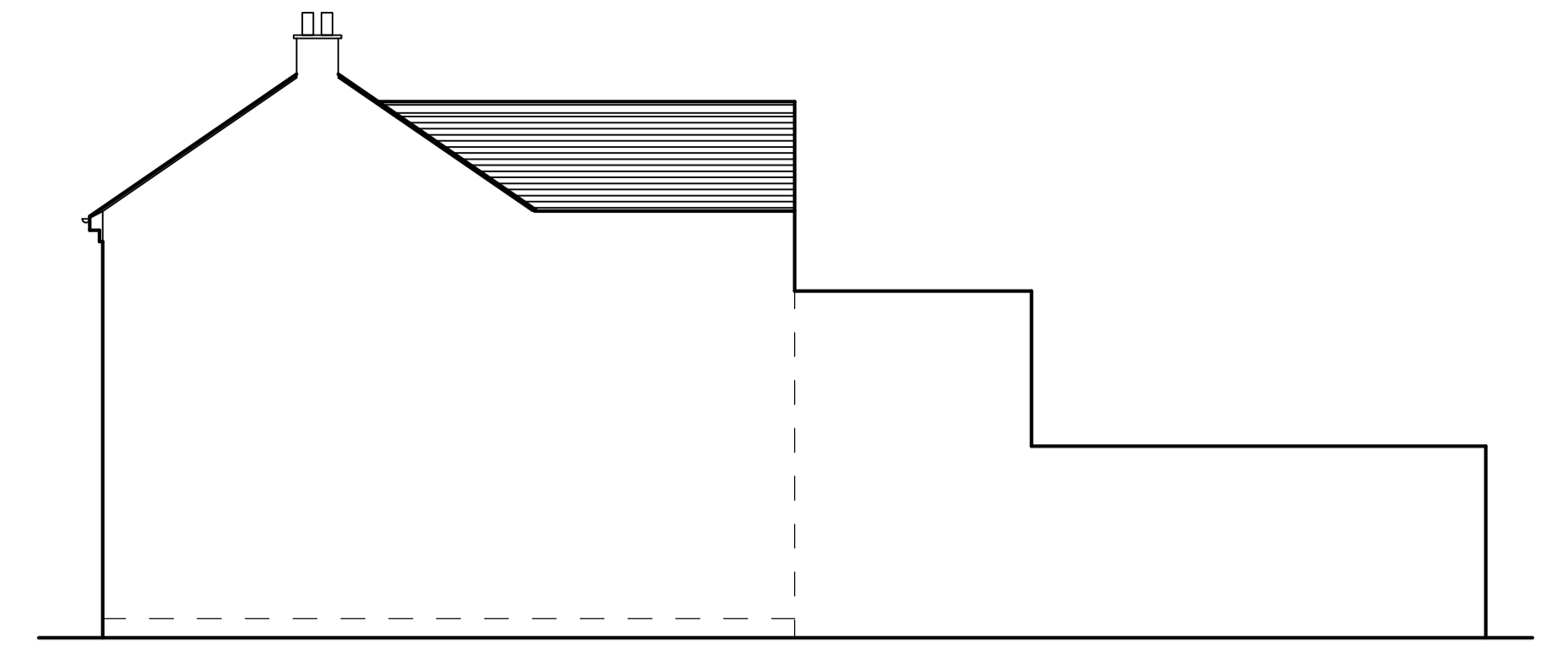




Existing Ground Floor Plan
1:50



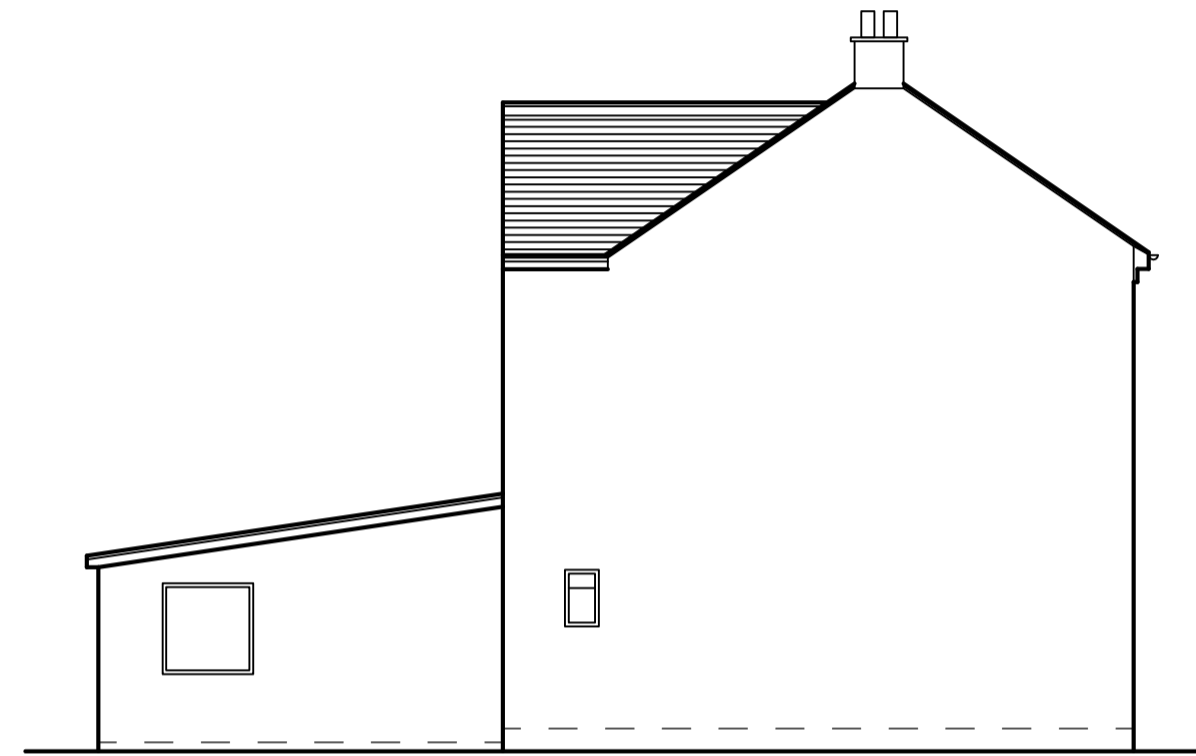
Existing Front Elevation
1:100
0 5m



Existing Side Elevation (North)
1:100



Existing Rear Elevation
1:100



Existing Side Elevation (South)
1:100



Existing First Floor Plan
1:50

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Rev	Date	Description	By
A	31.1.14	PLANNING ISSUE	RP

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Proposed
Development Site at 3 Brunswick
Terrace, Wednesbury.

Existing House
Plans & Elevations

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Dwg No	Rev	
PD112/22	A	



Existing Street Scene

1:100

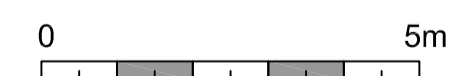


datum 140.00



Proposed Street Scene

1:100



datum 140.00

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Rev	Date	Description	By
D	28.4.14	SCHEME REVISED	RP
C	10.4.14	SCHEME REVISED	RP
B	31.3.14	SCHEME REDESIGNED	RP
A	31.1.14	PLANNING ISSUE	RP

Bowjangles

Proposed
Development Site at 3 Brunswick
Terrace, Wednesbury.

Existing & Proposed
Street Scenes

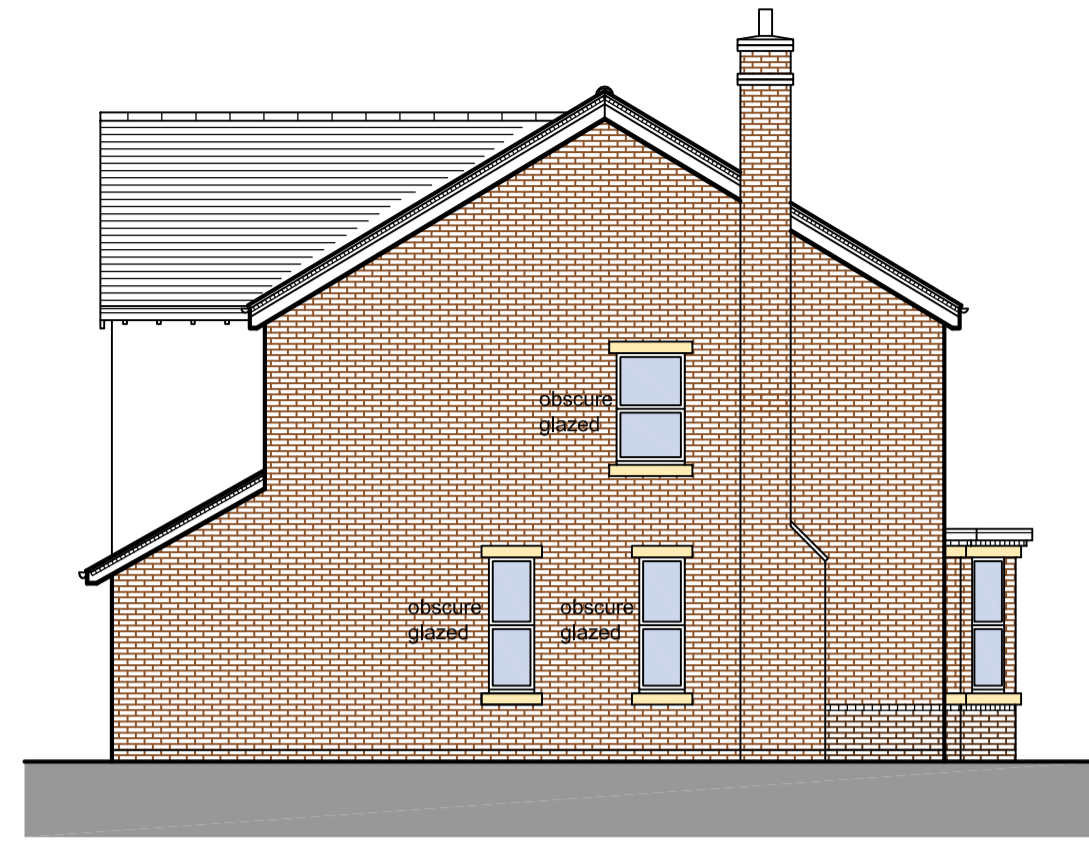
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Dwg No	Rev	
PD112/27	D	



Side (South) Elevation
1:100



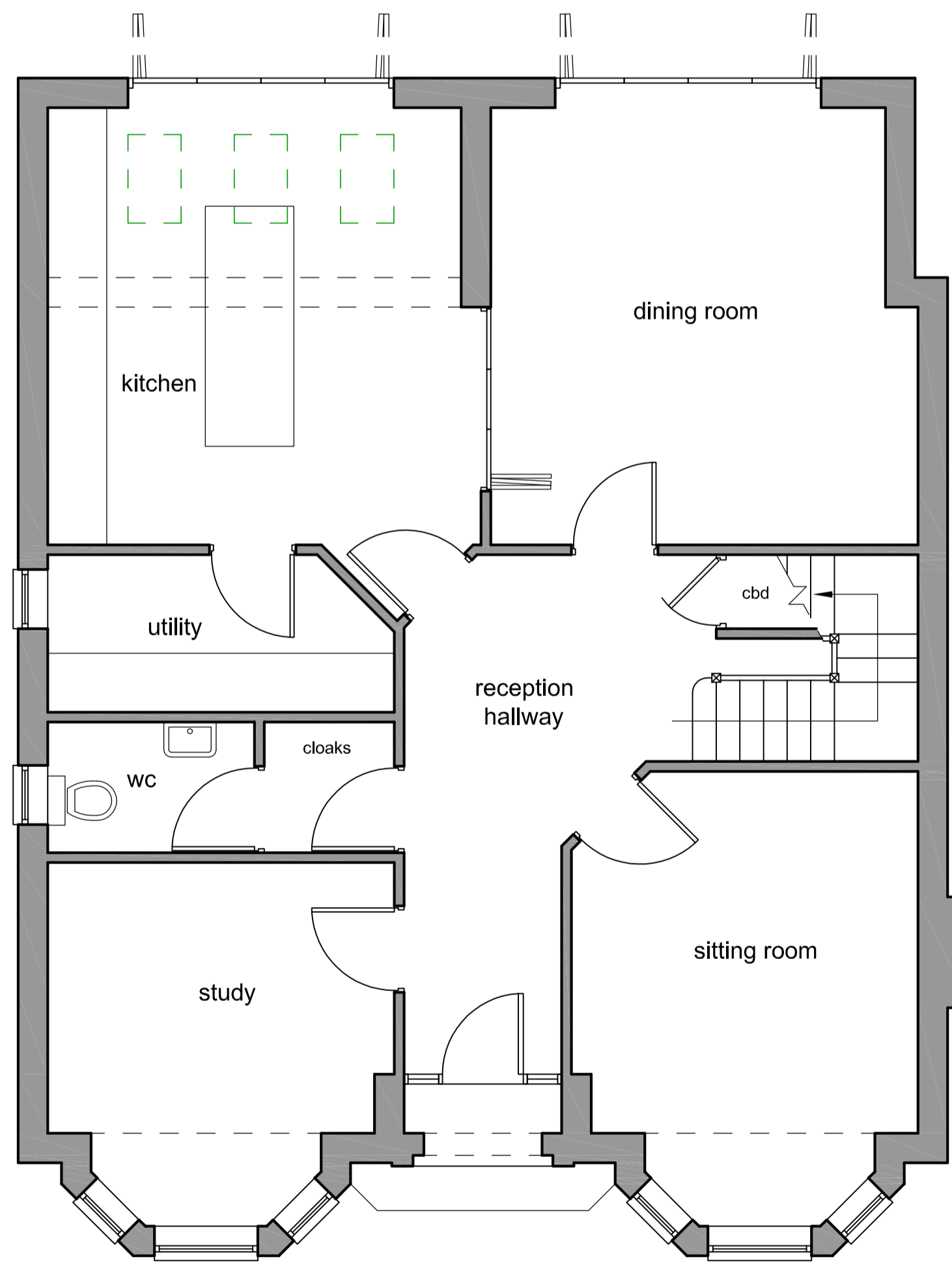
Front (East) Elevation
1:100



Side (North) Elevation
1:100

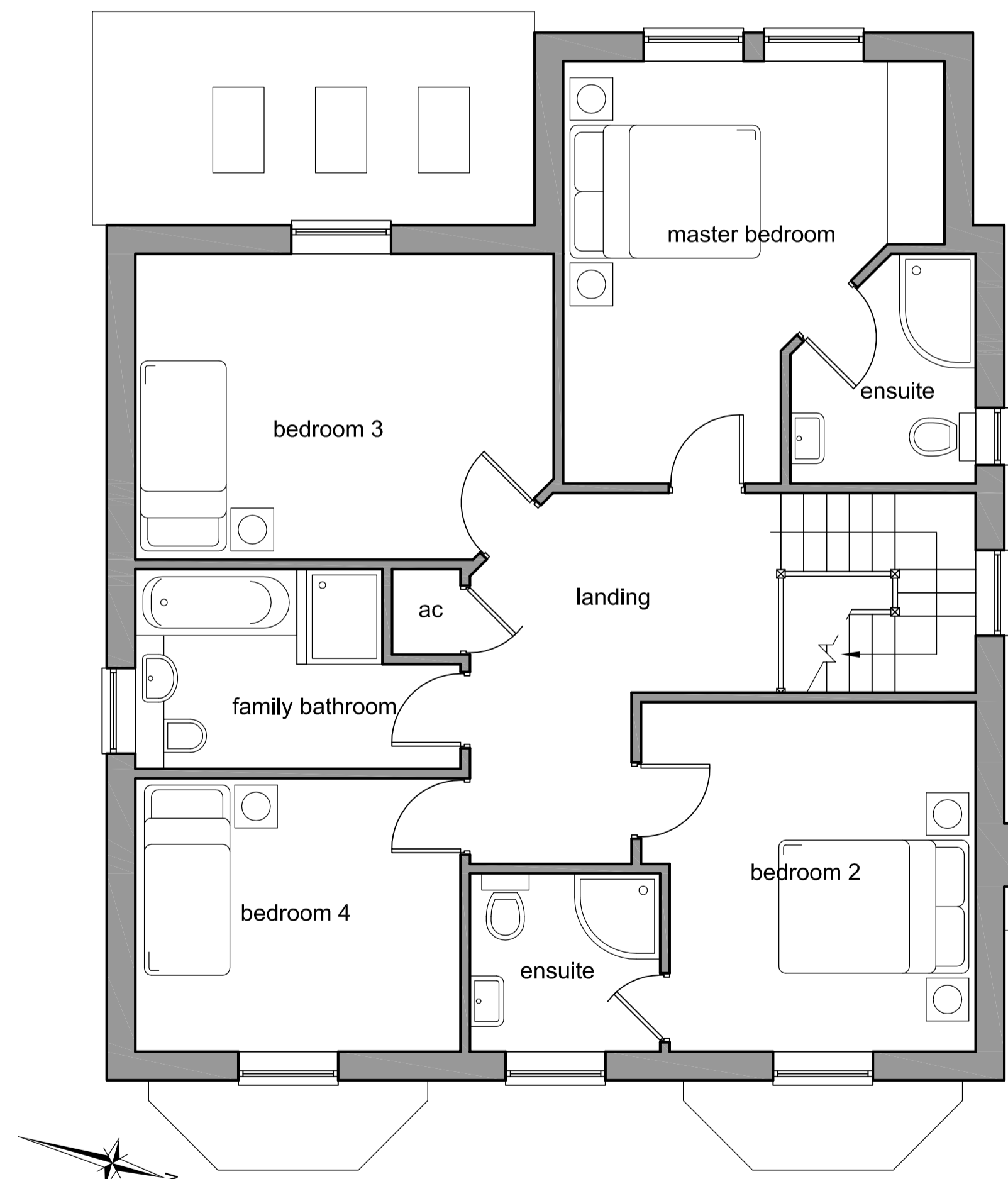


Rear (West) Elevation
1:100

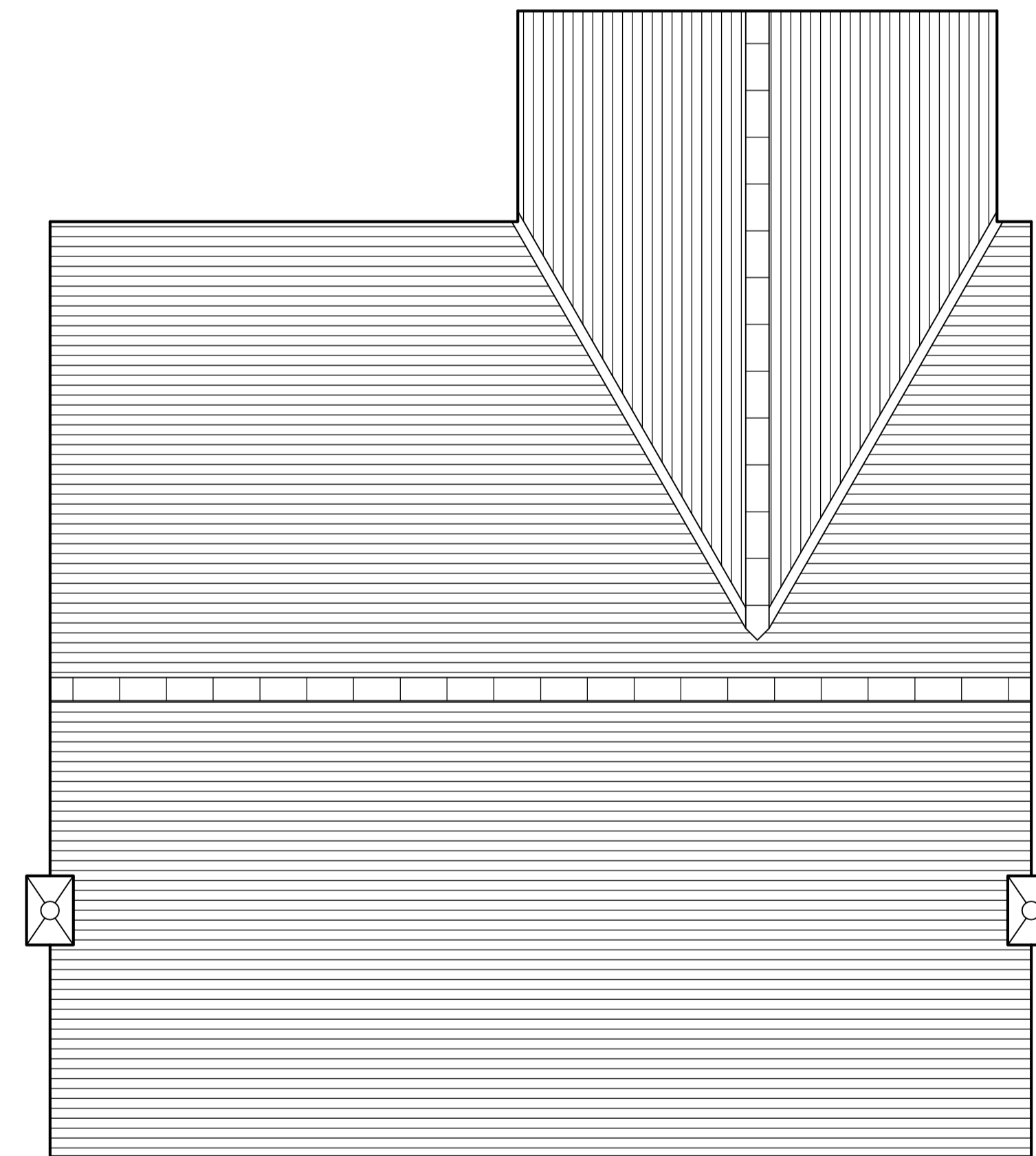


Floor area over two storeys
177m² (1905sq.ft)

Ground Floor Plan
1:50



First Floor Plan
1:50



Roof Plan
1:50

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Rev	Date	Description	By
C	28.4.14	REDESIGNED	RP
B	10.4.14	REDESIGNED	RP
A	31.1.14	PLANNING ISSUE	RP

Bowjangles

Proposed
Development Site at 3 Brunswick
Terrace, Wednesbury.

Plot 1
Floor Plans & Elevations

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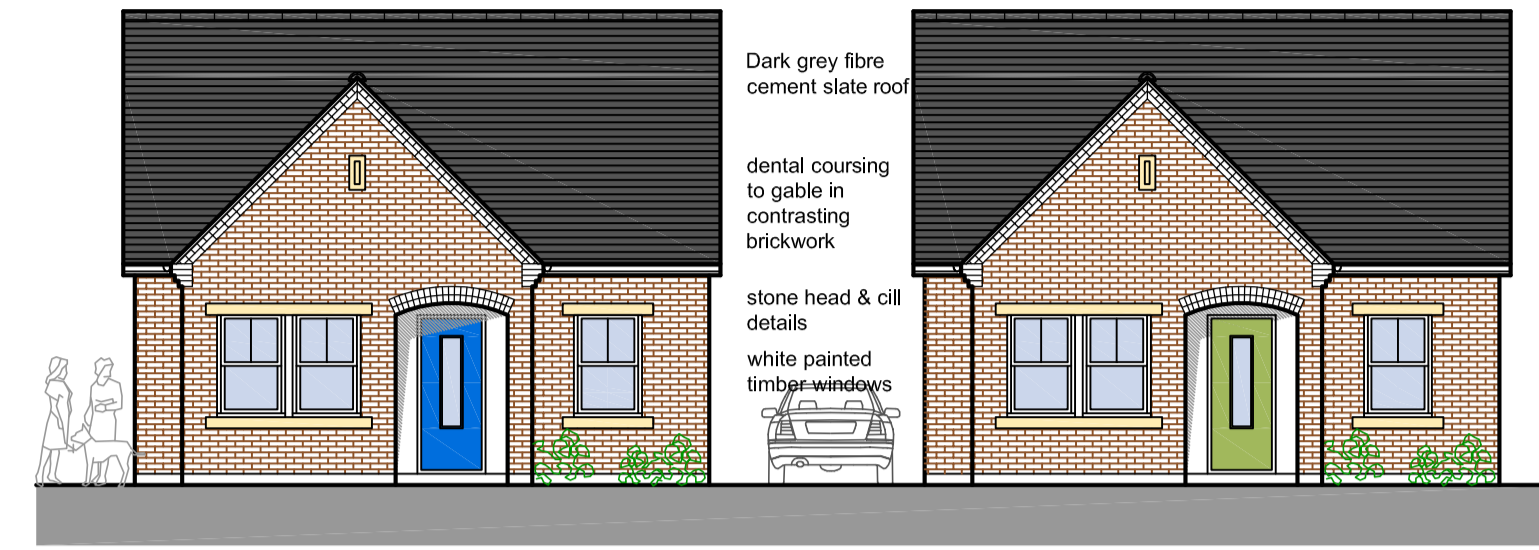
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PD112/24	C	



Side Elevation
1:100

Rear Elevation
1:100

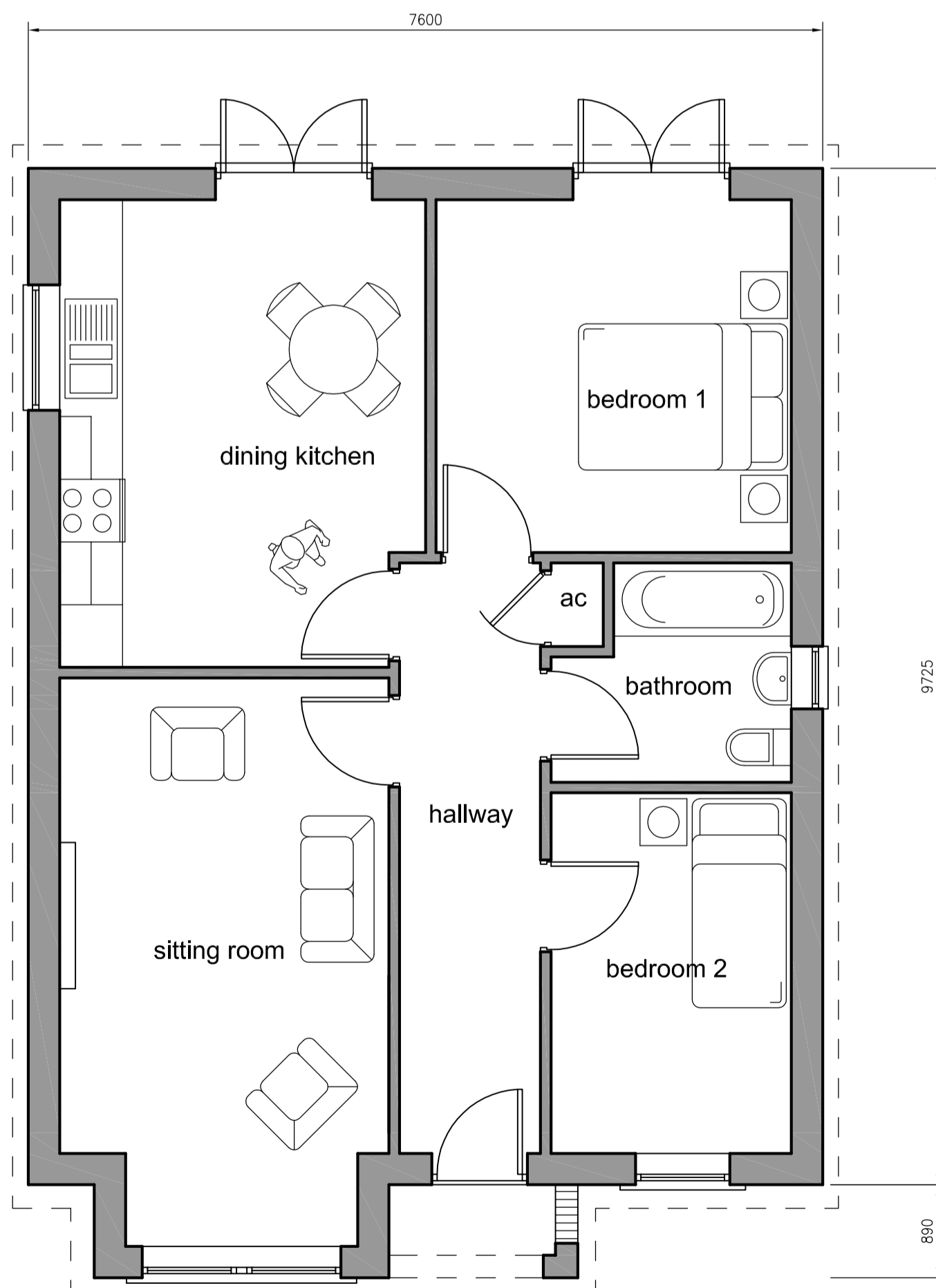
Side Elevation
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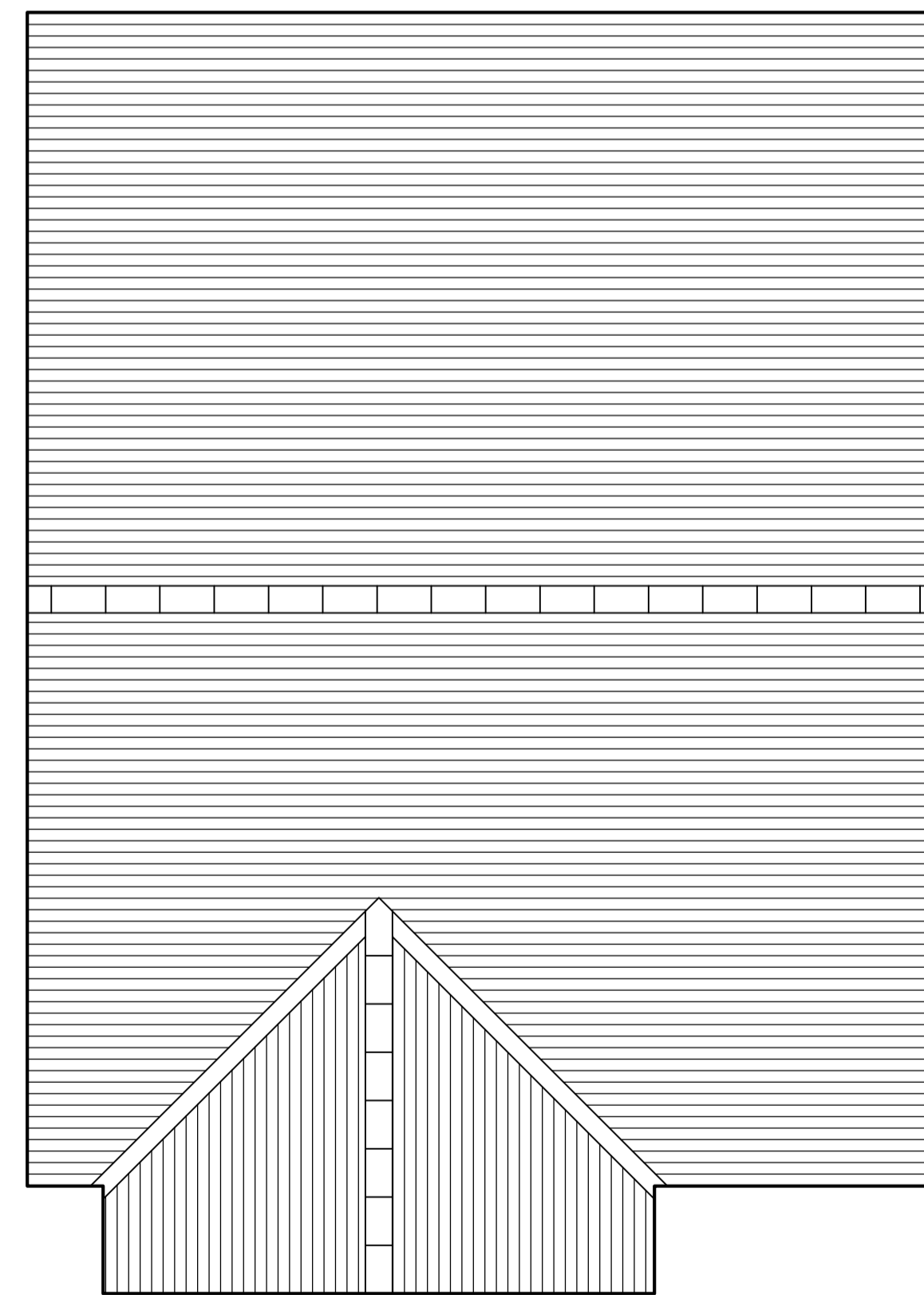
plot 3

plot 2

Front (East) Elevation
1:100



Ground Floor Plan
1:50
Floor area
66m² (710sq.ft)



Roof Plan
1:50

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Rev	Date	Description	By
F	14.5.14	MINOR REVISIONS TO PLOT 3 ELEVATION	RP
E	13.5.14	FURTHER REVISIONS TO ELEVATIONS	RP
D	8.5.14	FURTHER REVISIONS TO ELEVATIONS	RP
C	28.4.14	FURTHER REVISIONS TO LAYOUT AND ELEVATIONS	RP
B	10.4.14	REDESIGNED	RP
A	31.1.14	PLANNING ISSUE	RP

Bowjangles

Proposed
Development Site at 3 Brunswick
Terrace, Wednesbury.

Plot 2 & Plot 3
Floor Plans & Elevations

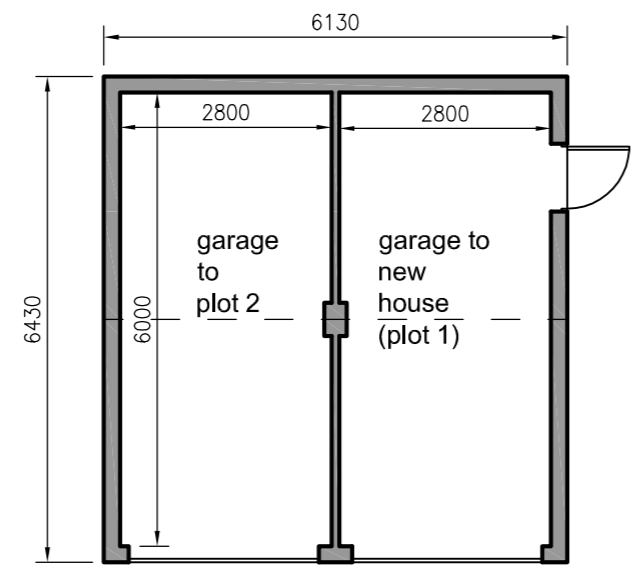
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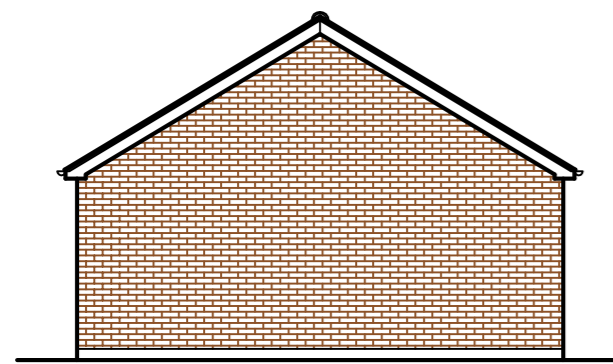
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PD112/25	F	

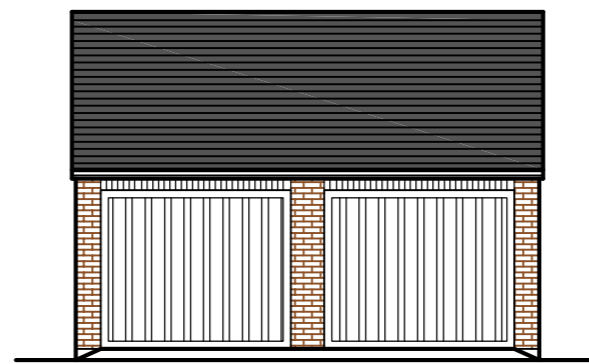


Floor Plan
1:100

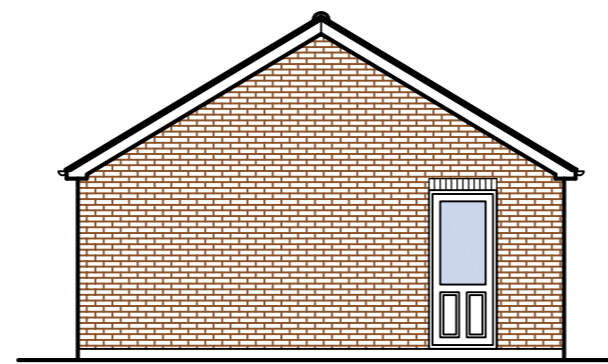
Double garage block for Plots 1 & 2



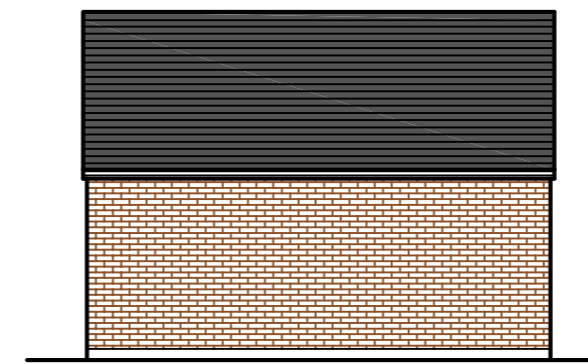
Side (West) Elevation



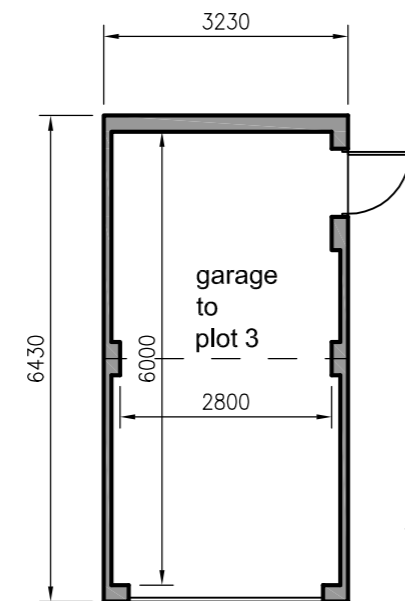
Front (South) Elevation
1:100



Side (East) Elevation

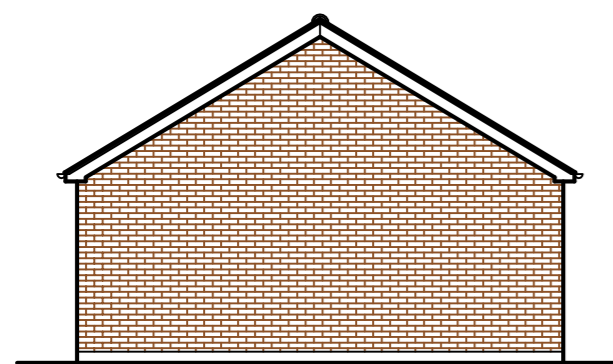


Rear (North) Elevation

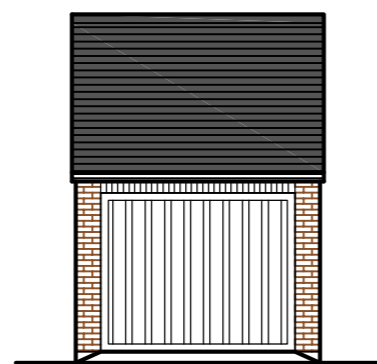


Floor Plan
1:100

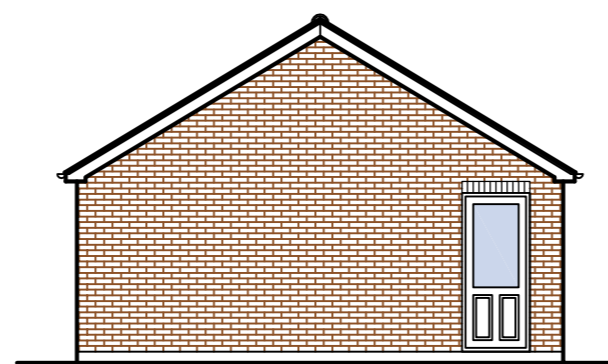
Single garage for Plot 3



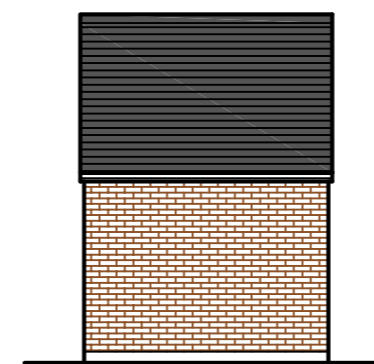
Side (East) Elevation



Front (North) Elevation
1:100



Side (West) Elevation



Rear (South) Elevation



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B	10.4.14	SIZES REVISED	RP
A	19.2.14	PLANNING ISSUE	RP

Bowjangles

Proposed
Development Site at 3 Brunswick
Terrace, Wednesbury.

Detached Garages
Floor Plans & Elevations

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2.14	as shown@A2	RP
Dwg No	Rev	
PD112/28	B	