

Committee:	Planning Committee
Date of Meeting	1 April 2026
Application Reference	DC/25/71072
Application Description	Proposed 18 dwellings, public open space and infrastructure.
Application Received	1 October 2025
Application Address	Land To Rear High Point Academy Friar Park Road Wednesbury
Report Author	William Stevens William_stevens@sandwell.gov.uk
Lead Officer	Tammy Stokes
Ward	Friar Park
Appendices (if any)	<ol style="list-style-type: none"> 1. Location Plan 2. Layout Plan 3. Boundary Plan 4. Parking Plan 5. Private Garden Plan 6. Refuse Plan 7. Separation Distance Plan 8. Affordable Housing Plan 9. House Type Plan 10. House Type Plan 11. Maisonette Elevations 12. Maisonette Elevations 13. Maisonette Floor Plan 14. Maisonette Floor Plan 15. Street Scene

1. Application Summary

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

[Aerial view of site](#)

2. Recommendations

Subject to a s106 agreement to secure affordable housing and BNG compliance and monitoring, that planning permission is granted subject to the following conditions relating to:

- i) Comply with plans
- ii) Commence within 3 years
- iii) Finished Floor Levels
- iv) Estate Road to remain unadopted,
- v) Boundary treatment,
- vi) Hard and soft landscaping,
- vii) Drainage works, SUDs, including Management and maintenance (during and post construction) and exceedance.
- viii) Waste storage,
- ix) Renewable energy,
- x) Apprentices,
- xi) External lighting,
- xii) Parking laid out and retained,
- xiii) Construction management plan,
- xiv) PD removal – extensions
- xv) Landscape and Ecological Management Plan,
- xvi) Contaminated land
- xvii) External materials,
- xviii) BNG.

3. Reasons for the recommendation and conditions

- 3.1 The proposed development would be acceptable because it accords with policy does not cause significant harm to private amenity, is not detrimental to highway safety and provides much needed homes for the local area.

4. Key Considerations

- 4.1 The application site relates to a triangular shape of land in the southwest corner of a wider housing site (currently under construction approved under ref: DC/23/68742). This part of the wider site was originally earmarked for small scale recreation. The applicant proposes to move this further towards the main housing site, and it is proposed to accommodate an additional 18 dwellings on that land. This land falls outside the current residential allocation and is designated as a SLINC (Site of Local Importance for Nature Conservation) known as *Manor High School SLINC*. The residential allocation is proposed to increase in area in the emerging Sandwell Local Plan to also include the triangular shape land proposed for the additional 18 dwellings. The SLINC designation is proposed to remain in its current coverage.

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),
- Planning history,
- Amenity concerns – overlooking/loss of privacy,
- Highways considerations - traffic generation,
- Loss of trees,
- Change in character of the area,
- Air Quality concerns,
- Issues over flood risk,
- Lack of open space,
- Over development, and
- Strain on local infrastructure.

5. The Application Site

5.1 The application site relates to open land that was originally set aside for play provision in the site's adjacent application site for 105 dwellings (DC/23/68742). The surrounding area is predominantly residential with a primary school adjacent and sports centre in proximity.

5.2 Planning History

The adjacent site has planning permission was granted for 105 dwellings which is currently under construction. A full list of the planning history is provided below:

DC/25/71065	Proposed variation of conditions 1, 3, 4, 5, 6, 7, 8, 9, 10, 13, 15, 16, 17 and 18 of planning application DC/23/68742 (Proposed 105 dwellings with associated public open space) to facilitate a change in the red line boundary to accommodate a second phase of development.	Grant Permission subject to Conditions 28.11.2025
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DC/23/68742	Proposed 105 dwellings with associated public open space.	Grant Permission Subject to Conditions 11.10.2024
DC/20/63911	Proposed residential development of up to 84 No. dwellings, associated public open space and infrastructure. (Outline Application for access).	Grant Outline Permission with Conditions 28.10.2022
DC/19/62758	Request for a screening opinion for proposed outline application (access) for residential development of up to 100 units with associated public open space and infrastructure.	Screening opinion - EIA not required 05.03.2019

6. Application Details

6.1 The application is for 18 new dwellings, public open space and infrastructure including a Local Area for Play (LAP). These 18 plots have been labelled 106 – 123, as it is an *extension* to the wide site approved previously under DC/23/68742.

6.2 The site would be made up of:

- Six, one-bedroom (two person) maisonettes over two floors
- Seven, two-bedroom (three person) homes, and
- Five, three-bedroom (five person) homes (these will be two and a half stories high).

6.3 All buildings will be two-storeys in height except plots 106 to 110 which will be two and a half storeys. The separation distances from the proposed development to the existing surrounding properties on Kent Road and Cornwall Close ranges from 25m to 40m.

6.4 All units will have at least one-off street parking space, whereas plots 106-110 and plot 115 will have two spaces.

7. Publicity

7.1 The application has been publicised by 67 neighbour notification letters and by site and press notice. Three objections have been received and are summarised below:

- i) Loss of established trees and green space - leading to significant habitat loss for local wildlife and a reduction in biodiversity, as well as providing a natural sound barrier for occupiers of surrounding homes. The replacement does not provide equivalent value.
- ii) Overlooking and loss of privacy – concerns have been raised that the new dwellings will directly overlook the objector's home and garden, affecting privacy.
- iii) Visual impact and change in character – a factor when the objector was buying their property was the semi-rural nature of the area. The addition of 18 new dwellings will affect that character.
- iv) Noise, disturbance, and pollution – There will be noise generated during construction and concerns over noise generated by the end users.
- v) Planning history – previous permissions safeguarded this area for tree retention and recreation.
- vi) Concerns have been raised over highway safety.
- vii) Concerns over the combined effect of development, traffic and vegetation loss is likely to worsen noise and air quality conditions for both new and existing residents.
 - a. There are flood risk concerns to the development that the objector believes have not been addressed.
- viii) Lack of community green space and reduction in play provision – the area is now proposed for housing with the LAP now moved outside this area to the rear of the existing school and reduced in size.
- ix) Over development in that the gardens are non-compliant with space standards.
- x) Strain on local infrastructure – the area is already experiencing pressures in terms of traffic, parking, school places, GP services,

drainage. The increase of 18 new dwellings will make the situation worse.

Other concerns have been raised which are not material planning considerations include loss of property value, and the type of planning application used.

8. Consultee Responses

8.1 Planning Policy

Whilst the development would impact on the SLINC, which is situated to the rear of plots 106- 108, therefore conflicting with policy ENV1 of BCCS. This policy does, in exceptional circumstances, allow for development with strategic benefits to come forward where this would outweigh the importance of a local nature conservation site, and that any reduction in area must be fully mitigated. This requires a mitigation strategy, and a condition is recommended as such.

It is accepted that due to the lack of a five-year housing land supply in Sandwell and the borough's performance against the Housing Delivery Test that the provision of new housing in this case outweighs the strategic benefit of the SLINC. The applicant has provided a revised Landscape and Ecological Management Plan as part of application DC/25/71065. Furthermore, the proposals would not substantially contradict SAD policy H2 which relates to housing windfalls.

This along with the provision of four affordable homes out of the 18 proposed makes the scheme policy compliant, and there are no objections subject to conditions and that the applicant enters into a Section 106 legal agreement to secure the affordable homes.

8.2 Highways

Amended plans have been received which address previous concerns, therefore highways do not object to the proposal.

8.3 Public Health (Contaminated land)

The department has recommended ground investigation works to be covered by condition.

8.4 Public Health (Noise)

The noise report submitted is accepted in that the scheme is further away from noise generating uses, therefore the impact on future residents will be less than those already accepted for the larger development.

However, to safeguard existing residents of Kent Road, and Cornwall Close, it is recommended that any approval is conditioned that no development shall

take place, including any works of demolition or site preparation, until a construction and environmental management plan has been submitted to, and approved in writing by the local planning authority. The management plan shall provide for but not limited to, 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; noise abatement measures; the erection and maintenance of security hoarding; wheel washing facilities; measures to control the emission of dust and dirt during construction; a scheme for recycling/disposing of waste resulting from demolition and construction works; delivery, demolition and construction working hours of 0800 to 1800 hours on Monday to Friday, 0800 to 1400 hours on Saturday, with no work at any other time including Sundays and public holidays.

8.5 Public Health (Air Quality)

The proposed residential site would be categorised as a 'Minor Development' in accordance with the Black Country Air Quality SPD which uses the Department for Transport (DfT) threshold criteria for Transport Assessments, however the applicant provided an Air Quality Assessment with the application and mitigation measures would be in the form of a Construction and Environmental Management Plan, by way of condition. This would need to include a detailed method statement. This statement must set out the specific measures that will be implemented to control dust and emissions throughout all phases of the works. All controls must align with the approved scheme and remain in place for the full duration of the project.

This approach is required to ensure that dust and emissions are managed responsibly, that impacts on local air quality are minimised and to safeguard public health during the construction process. This can be integrated into the recommended condition for 8.4 above.

8.6 Lead Local Flood Authority

Additional information has been requested relating hydraulic calculations, infiltration systems, permeable materials, finished floor levels, management and maintenance of the SuDS (both during and after construction); these matters can be controlled via condition should Members be minded to approve the application.

8.7 West Midlands Police

West Midlands Police have commented on the application, which referred to lack of active frontages, too many communal areas leading to concerns about potential vehicle crime and burglary and ASB. Amendments have been made to the scheme, with slight changes to the orientation of units.

8.8 **Urban Design**

The majority of concerns have been addressed within the latest set of amended plans. Therefore, there is no objection to the scheme.

8.9 **Transport Planner**

Details of secure cycle parking are required and can be conditioned as such.

8.10 **Bio-Diversity Net Gain (BNG)**

The Council's ecologist has stated that the baseline BNG value of the site was 4.65 units or habitat, and they are delivering approximately 60% on site (2.77 units) and purchasing 40% (2.34 units) off site.

There were minimal hedgerow units on site, which they are delivering onsite.

Conditions requiring the 10% BNG uplift will be attached to any approval as well as a S106 compliance and monitoring will be required.

8.11 **Sport England**

No objections

8.12 **School Place Planning**

The Council's methodology for pupil forecasts for new housing developments is based upon a pupil yield of approximately 3 children per year group for every 100 houses being built. Housing figures are built into projections for the academic year two years after planning permission is approved.

For the original 105 houses approved previously, they would expect the development to create 33 places. If the additional 18 units were approved, the school team has stated that the scheme is unlikely to create more than a handful of places. The team has worked through the previous 10 plus years of providing additional school places, and the Council has been experiencing a fall in school rolls. In Friar Park and the surrounding areas there is sufficient pupil place capacity to absorb any new housing without the need at present to create additional school places. For those schools experiencing a falling roll they have been discussing with them the need to protect those surplus places to pick up children who may relocate to the new housing.

With regards to SEN places there is high demand for places across the borough. However, a special school doesn't serve a particular local area. The Education Directorate along with all school stakeholders is developing a long-term strategy to provide places for SEND pupils in their local communities. The important point to note is that all schools are being encouraged to be fully inclusive which doesn't always necessitate a special school place for every child, and schools within the immediate vicinity to Friar Park are fully aware as to the direction of travel this strategy is taking.

9.0 Relevant Planning Policy Considerations

The following policies and guidance are relevant to the determination of this application.

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.

Highway safety

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.

9.2 Development Plan Policy

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

Black Country Core Strategy (BCCS) (2011)

CSP4 - place making promotes good design, requiring a bespoke approach to place-making and a high quality of design of the built and natural environment. It is considered that the proposal meets the requirements of the policy.

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

HOU2 - housing density, type and accessibility 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 and two and a half storey housing/flats, which is predominate in the surrounding area, the principle of housing and the proposed house types is acceptable in this location and provides a mixture of house types within proximity of local services and good transport links.

HOU3 - Delivering Affordable Housing - The applicant states that the proposal would provide four affordable housing units. The application therefore accords with policy HOU3 which requires provision of 25% affordable housing on schemes of 15 dwellings or more. The developer is required to enter into a section 106 agreement to ensure this affordable housing which is ongoing.

TRAN2 - managing transport impacts of new development seeks to manage the transport impacts of new development. Highways raise no objection on traffic and accessibility matters and therefore it is considered that the proposal accords with the policies.

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, SUDS and urban heat island seeks the incorporation of sustainable drainage systems to assist with reducing the impact of flooding and surface run-off. The Lead Local Flood Authority has requested additional information which can be conditioned accordingly.

ENV6 - open space, sport and recreations states that in some cases, a loss in quantity or facilities of open space may be acceptable if compensatory gains in quality and/or accessibility which are of a greater value can be secured. It is noted that the proposal will add to the overall quality and value of the remaining open space area by adding natural surveillance via an active frontage overlooking the LAP from the existing approved development.

ENV7 - renewable energy requires 10% of a qualifying development's energy to be generated by renewable means and can be controlled by condition.

ENV8 - air quality refers to mitigation measures to offset air quality issues, in this instance, electric vehicle charging infrastructure and low NOx boilers are covered by other legislation.

Site Allocations and Delivery Development Plan Document – (SAD)

SAD H2 – Housing Windfalls - The proposal accords with the policy as the site is acceptable for residential use; being within easy reach of existing facilities, services, and transport options.

SAD H3 – Affordable Housing – The development provides affordable provision which is compliant with policy.

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

10. Material Considerations

10.1 Planning history

This part of the site was reserved for open space and play provision within the “phase one” part of the wider development (DC/23/68742). This has now been moved to another location within the site, and this has resulted in the site being able to accommodate 18 additional dwellings.

10.2 Amenity concerns – overlooking, loss of privacy

The development will not result in loss of privacy or light due to its orientation and design in that the proposal exceeds adopted separation distances (21 metres). Instead ranging from 25m to 40m to existing properties on Kent Road and Cornwall Close.

10.4 Highways considerations

Highways have reviewed the application the development provides adequate parking, and highways have raised no objections to the application.

10.5 Loss of Trees

The development will result in several trees being lost, however none of which are protected by Tree Preservation Orders. Those remaining trees will be outside the curtilage of gardens and will be protected as part of the landscape and ecological management plan which would include a management company, giving a greater protection than what currently exists. Any trees lost will be uplifted via the BNG requirements.

10.6 Change of character in the area

Whilst the site is currently undeveloped, the surrounding area is residential. Therefore, the introduction of residential properties within a residential area is acceptable.

10.7 Air Quality Concerns

No objections have been received however to safeguard residents during the construction phase, a *Construction and Environmental Management Plan* has been requested which is designed to deal with any dust arising from the construction phase, as well as hours of construction and wheel washing facilities for vehicles, which will control mud and dirt on the public highway.

10.8 **Issues over flood risk**

Details of drainage and SUDs will be required as part of the application to prevent localised flooding. Additional information has been requested but can be controlled via condition.

10.9 **Lack of open space**

The open space provision has been provided elsewhere on site and is arguably better situated as it provides a more central access to the development as a whole.

10.10 **Over development**

Concerns have been raised over the site's overdevelopment, however, in my opinion, the introduction of 18 additional units adjacent to the larger site of 105 homes would not result in the site being over developed, spatial standards and parking provision has been complied with along with soft landscaping and the introduction of play space.

10.11 **Strain on local infrastructure**

The additional 18 homes will not have a determinantal impact on school places (see point 8.12 above), and Friar Park schools has capacity to meet current and projected future demands. In addition no objections have been received by highways in relation to additional vehicle movement associated with the development.

10.12 **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.

11. **Conclusion**

11.1 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).

11.2 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.

- 11.3 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.

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?

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.