

Planning Committee

**Wednesday 8 May 2019 at 5.00pm
in the Council Chamber,
at the Sandwell Council House, Freeth Street, Oldbury.**

Agenda

(Open to Public and Press)

1. Apologies for absence.
2. Members to declare any interest in matters to be discussed at the meeting.
3. To confirm the minutes of the meeting held on 10 April, 2019 as a correct record.

Matters Delegated to the Committee

Items for Decision

4. To consider whether site visits are necessary and relevant to the determination of any applications.
5. Planning Applications for Consideration.
6. Applications determined under powers delegated to the Director – Regeneration and Growth.
7. Decisions of the Planning Inspectorate.

Date of Next Meeting: Wednesday 5 June 2019.

J Britton
Chief Executive
Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution: –

Councillor Sandars (Chair);
Councillor Webb (Vice-Chair);
Councillors Chidley, Costigan, K Davies, Downing, Eaves, E A
Giles, L Giles, P M Hughes, Piper, Singh, Taylor and Tranter.

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Apologies

To receive any apologies from members

Declarations of Interest

Members to declare any interests in matters to be discussed at the meeting.

Minutes of the Planning Committee

10 April, 2019 at 5 pm
at the Sandwell Council House, Oldbury

Present: Councillor Sandars (Chair);
Councillor Webb (Vice-Chair);
Councillors Chidley, K Davies, Downing,
Eaves, Piper, Singh and Taylor.

Apologies: Councillors Costigan, E A Giles, L Giles, R
Horton and P M Hughes.

37/19 **Minutes**

Resolved that the minutes of the meeting held on 13 March 2019 be approved as a correct record.

38/19 **DC/18/62165 (Proposed health centre and 6 no. residential dwellings. Site of Former Kingsbury House and Resource Centre, King Street, Wednesbury.)**

The Service Manager - Development Planning and Building Consultancy reported that the applicant had requested that the hours of use be amended. As this would require further consultation with neighbours and highways, he recommended that consideration of the application be deferred.

Members were minded to take the opportunity to visit the site before the application returned to the Committee.

Resolved that consideration of planning DC/18/62165 (Proposed health centre and 6 no. residential dwellings. Site of Former Kingsbury House and Resource Centre, King Street, Wednesbury.) be deferred, pending further consultation on the proposed opening hours and a site visit by the Committee and ward representatives.

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39/19 **DC/19/62695 (Proposed 2 No. 3 bedroom dwellings. Land to rear of Churchills, 8 Walsall Street, Wednesbury.)**

The Service Manager - Development Planning and Building Consultancy recommended that the Committee visit the site prior to determining the application.

Resolved that consideration of planning application DC/19/62695 (Proposed 2 No. 3 bedroom dwellings. Land to rear of Churchills, 8 Walsall Street, Wednesbury.) be deferred pending a site visit by the Committee and ward representatives.

40/19 **DC/19/62650 (Proposed single storey front, side and rear extension and increase in roof height to create a loft conversion with flat roof rear dormer and 3 skylights to front - (revised application DC/18/61549, to increase ground floor and reduce number of skylights). 45 Halesowen Road, Cradley Heath.)**

The Committee had visited the site prior to the meeting. Councillors Chidley, K Davies, Downing, Eaves, Piper, Sandars, Taylor and Webb indicated that they had been lobbied by both the applicant and objectors on the site visit.

The Service Manager - Development Planning and Building Consultancy informed the Committee that the Service Manager – Highways had confirmed that he had no objection to the proposal. He added that the applicant had confirmed that he could provide three off street parking spaces.

Objectors were present and addressed the Committee with the following points:-

- The application was against the Council's policies for domestic extensions.
- The extension had caused a terracing effect.
- The extension had de-valued the objector's property.
- The extension had resulted in a loss of privacy for neighbours.
- British Gas had declared the boiler at No. 47 unsafe, due to the lack of clearance distance between the flue and the

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extension.

- No. 47 was unable to re-position his boiler flue and was also unable to install a flue management system.
- There was a risk to the objector's health due to the unsafe boiler.
- The Council had made errors in the plans regarding the height of the property.
- The second staircase had not been installed by the applicant.

The applicant was present and addressed the Committee with the following points:-

- The extension was to accommodate his growing family.
- All changes made to the extension had been in consultation with planning officers.
- He was keen to address neighbours' concerns and did not wish for any animosity.
- He had made a raft of adjustments to accommodate objections.
- There were no new objections as a result of the changes being proposed.
- The extension did not contravene any Council policies.
- The gap between the extension and the objector's flue (No. 47) was big enough.
- His own flue would be re-positioned once his new boiler was installed, which he was doing to accommodate neighbours.
- He had offered to pay for the re-location of the flue at No. 47.
- Accusations about the use of the property were untrue and it was just a family home.
- He had corrected errors made by the planning department at his own expense.

In response to members' questions of the applicant, objector and the officers present, the Committee noted the following:-

- The changes to the development were minor and had been discussed with the previous case officer, who had now left the Council.
- The applicant had shown the objecting neighbours around the property, inside and out and felt that he had done everything he could to appease them.
- The property was positioned 2m lower than No. 1 Cox's Lane.

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- The staircase had been erected on the left due to the position of the bedrooms above.
- The position of the flue at No. 47 had been discussed at the meeting when planning permission was granted.
- The distance between the flue and the extension wall was 2 inches.
- The Council's Residential Design Guide stated that there should be a minimum distance of 14 metres between properties. The distance between the extension and No. 47 was 15 metres.
- Planning officers were satisfied that there was sufficient amenity (garden) space at the property with the extension erected.
- The applicant was willing to sign a document to confirm that he would help No. 47 with the relocation of the flue.

The Chair moved the recommendation set out within the report, which was to grant retrospective planning permission. The motion was seconded, put to the vote and lost.

The Service Manager - Development Planning and Building Consultancy reminded the Committee that the matter of the flue location at No. 47 was not a material planning consideration. In response to a question from member, he advised that if the Committee did not determine that application within the statutory deadline, the applicant could appeal to the Planning Inspectorate on grounds of non-determination. Following this advice the Committee was minded to approve the application and grant retrospective planning permission.

Resolved that planning application DC/19/62650 (Proposed single storey front, side and rear extension and increase in roof height to create a loft conversion with flat roof rear dormer and 3 skylights to front - (revised application DC/18/61549, to increase ground floor and reduce number of skylights). 45 Halesowen Road, Cradley Heath.) be approved.

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41/19

Planning Application DC/19/62759 (Proposed change of use from solicitors' offices to place of worship (revised application - DC/18/62030). 409 Bearwood Road Smethwick.)

The Committee had visited the site prior to the meeting. Councillors Chidley, K Davies, Downing, Eaves, Piper, Sandars, Taylor and Webb indicated that they had been lobbied by both the applicant and objectors on the site visit.

Objectors were present and addressed the Committee with the following points:-

- Parking was already limited in the area.
- Extra traffic would impact on local businesses and residents.
- Bearwood Road was a fast stretch of road and a main route for emergency services.
- Parking provision for the proposal was inadequate.

The applicant was present and addressed the Committee with the following points:-

- The original congregation numbers reported were incorrect and there in fact were only around 80 households that would be worshipping at the centre.
- The busiest period would be for Friday prayers between 12.30-2.30pm when around 110 people may be in attendance.
- Parking provision was sufficient, and the centre employed its own parking stewards.
- Most of the congregation lived within walking distance and the centre was also well served by public transport.
- The nearby Hadley Hall had agreed to assist in providing spaces for overflow parking.
- There would be minimum noise from the centre as it was a place of worship.

The Service Manager - Development Planning and Building Consultancy reported that further information had now been received regarding parking provision in and around the site. The Service Manager – Highways advised the Committee that parking was at a premium in Bearwood already. Detailed information on parking available in surrounding streets was not available and,

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based on the maximum capacity of the building being 250, the 16 spaces proposed was insufficient. Hadley Hall had already entered into an agreement with the nearby Shireland Primary School to provide parking spaces for parents to use for park and stride which would limit the spaces available to the Centre. He therefore could not support the application on the grounds of insufficient parking.

A letter in support of the application from John Spellar MP was tabled to the Committee.

Members noted that the proposed parking layout did not provide sufficient space for turning around and vehicles would therefore have to reverse onto Belmont Road. Additionally, the four disabled parking spaces identified would be inaccessible if the other spaces were occupied. The applicant reported that around 45 spaces would be available at Hadley Hall, however the position of the disabled spaces at the application site would be reviewed.

The Committee felt that the proposal did not provide sufficient parking provision, in an area where parking was already at a premium. The Committee was minded to refuse planning permission, as recommended, and for the reasons given by the Director – Regeneration and Growth.

Resolved that planning application DC/19/62759 (Proposed change of use from solicitors' offices to place of worship (revised application - DC/18/62030). 409 Bearwood Road Smethwick.) be refused on the grounds that the proposal is contrary to the provisions of Site Allocations Document Policy DM6 'Community Facilities including places of worship and/or religious instruction' on the grounds that:-

- i) the proposal provides insufficient off-street parking facilities which would lead to congestion, highway safety and conflicts over parking outside existing residential property; and
- ii) the proposal would result in undue noise and disturbance to nearby sensitive uses namely existing residential property.

42/19

Planning Application DC/18/62304 (Proposed private access way off Meadowside Close and the construction of 3 No. dwellings, parking spaces and associated facilities. Land to rear of 62 and 64 Newton Road, Great Barr, Birmingham.)

The Committee had visited the site prior to the meeting. Councillors Chidley, K Davies, Downing, Eaves, Piper, Sandars, Taylor and Webb indicated that they had been lobbied by both the applicant and objectors on the site visit.

An objector was present and addressed the Committee with the following points:-

- Following the Committee meeting held on 13 March, 2019, trees had been removed from the sight as the Councils' Tree Preservation Officer had understood that the application had been approved.
- The removal of trees had now been suspended until September.
- There is no reference in the report to the previous planning officer's concerns.
- Access to the proposed properties would only be available by crossing the driveway of 17a Meadowside Close.
- It was unclear as to why the development did not meet the threshold for affordable housing.
- More trees were needed to absorb traffic emissions, not less.
- The proposal was over-dominant.
- The proposal would result in residents competing for parking spaces.
- Residents of Meadowside Close were living on a building site.

The applicant was not present.

The Service Manager - Development Planning and Building Consultancy advised the Committee that there was an agreement between the applicant and the occupier of 17a Meadowside Close regarding access to the proposed properties. The Council had previously refused planning permission; however, the Planning Inspectorate had overturned the decision on appeal and this was a material planning consideration. The proposal before the Committee was for three properties and the previous application had been for four properties.

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The Committee was minded to grant planning permission, subject to the conditions now recommended by the Director – Regeneration and Growth.

Resolved that planning application DC/18/62304 (Proposed private access way off Meadowside Close and the construction of 3 No. dwellings, parking spaces and associated facilities. Land to rear of 62 and 64 Newton Road, Great Barr, Birmingham.) be approved, subject to the conditions now recommended by the Director – Regeneration and Growth.

43/19 **Planning Application (DC/19/62629 Proposed single storey rear extension and canopy, (revised application - DC/18/61841). Reliable Springs and Manufacturing Company, 4A Nicholls Road, Tipton.)**

An objector was present and addressed the Committee with the following points:-

- 10 objections had been received.
- When he had bought his property, he had been advised by the developer that the land could not be built on.
- Existing trees provided a barrier against noise and pollution.
- The proposal would mean that large vehicles would be closer to his property and he was concerned for the safety of his children in their garden.
- There was anti-social behaviour in the area already and removal of the tree barrier would increase this.
- His property would lose value.

The applicant was present and addressed the Committee with the following points:-

- The company had been trading in the Black Country for 130 years.
- The company employed people from the local area and also took on apprentices.
- The proposed extension would allow for better working conditions for employees.
- There had been supply chain issues in recent years and the proposed extension would allow for stock of part in bigger

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quantities, therefore deliveries would only take place every 2-3 months.

- Refusal of the proposal would impact on the viability of the company.
- No existing gateways would be removed.
- There would be no change to operations.

In response to members' questions of the applicant, objector and the officers present, the Committee noted the following:-

- The applicant was prepared to build a bund as part of the landscaping works, to address the objector's concerns about the proximity of vehicles to his property.
- There was only one fork-lift truck operating on the site.

The Service Manager - Development Planning and Building Consultancy advised the Committee that the conditions recommended by the Director – Regeneration and Planning would deal with the landscaping details.

The Committee was minded to grant planning permission subject to the conditions recommended by the Director – Regeneration and Planning.

Resolved that planning application DC/19/62629 (Proposed single storey rear extension and canopy, (revised application - DC/18/61841). Reliable Springs and Manufacturing Company, 4A Nicholls Road, Tipton.) be approved, subject to the conditions recommended by the Director – Regeneration and Planning.

44/19

Planning Application DC/19/62733 (Proposed change of use to residential, demolition of existing structure to rear of property and alterations to existing property and extensions to rear to include 7 No. 1 bed properties and 7 No. 2 bed properties. Tipton Conservative and Unionist Club, 64 Union Street, Tipton)

The Service Manager - Development Planning and Building Consultancy reported that the Service Manager – Regulatory Services had no objection to the proposal. He also clarified that the proposed 14 flats would be made up of 3 basement flats, 6 ground

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floor flats and 5 first floor flats.

An objector was present and noted that her objections had been addressed within the report. She summarised that her objections centred on the rooftop garden and the adequacy of the privacy screening.

The applicant's agent was present and addressed the Committee with the following points:-

- There were no highways concerns.
- The development would be closer to Waterloo Street than the original club.
- The property had been empty for around five years.
- The site was of historical interest so he was working with the Tipton Civic Society and the Council's conservation team on design standards.
- He was open to discussion on the screening to be used.

The Service Manager - Development Planning and Building Consultancy advised that the proposed condition (xi) would address the matter of the screening and that the detail of the screening would be discussed with officers and the applicant. He assured the objector that the condition meant that if the screen was damaged it would have to be repaired or replaced.

The Committee was minded to grant planning permission, subject to the conditions now recommended by the Director – Regeneration and Growth.

Resolved that planning application DC/19/62733 (Proposed change of use to residential, demolition of existing structure to rear of property and alterations to existing property and extensions to rear to include 7 No. 1 bed properties and 7 No. 2 bed properties. Tipton Conservative and Unionist Club, 64 Union Street, Tipton) be approved, subject to the conditions now recommended by the Director – Regeneration and Growth.

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45/19

DC/19/62810 Change of use including engineering works to form extended garden area. Land to rear of 10 Mottram Close, West Bromwich.)

Councillor Taylor reported that she had been lobbied by objectors.

Councillor Sandars advised that he knew the applicant as they were both on a school governing body together. He stated that he had not seen him for around two years and did not know where he lived. However, he would abstain from voting on the application.

The Committee noted the written objections of the occupier of 183 Oak Road, who was present but did not wish to speak. Another objector present addressed the Committee with the following points:-

- Car sales were continuing and cars were parked at the rear of 10 Mottram Close and adjacent to 70 Gads Lane.
- It was likely that the applicant would tarmac the garden to accommodate the continued car sales business rather than use it as a garden.
- Work had already begun on the site.
- Rubbish on the site had been burned and tyres had been buried under soil.
- His fence posts would rot due to a change in levels.

The applicant was present and addressed the Committee with the following points:-

- Issues raised by the objectors had been addressed by officers.
- The site was attracting anti-social behaviour and the change of use to a garden would address this.
- He was addressing the issues around the sale of cars with his tenant.
- The ground levels would not change so there would be no impact on the objector's boundary fence.

The Committee was minded to grant planning permission, subject to the conditions recommended by the Director – Regeneration and Growth.

Resolved that planning application DC/19/62810 (Change of use including engineering works to form extended garden

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area. Land to rear of 10 Mottram Close, West Bromwich) be approved, subject to the conditions now recommended by the Director – Regeneration and Growth.

46/19 **Applications Determined Under Delegated Powers by the Director – Regeneration and Growth**

The Committee received a report for information on planning applications determined by the Director - Regeneration and Growth under delegated powers.

47/19 **Thanks**

The Committee thanked those members that would not be standing in the forthcoming election for their attendance and contribution to the Committee.


(The meeting ended at 7.26 pm)

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| Contact Officer Stephnie Hancock Democratic Services Unit 0121 569 3189 |
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The Committee will consider whether a site visit would be beneficial to the determination of any of the applications for consideration.

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| Subject: | Planning Applications for Consideration |
| Director: | Director – Regeneration and Growth Amy Harhoff |
| Contribution towards Vision 2030: |  |
| Contact Officer(s): | <p>John Baker Service Manager - Development Planning and Building Consultancy John_baker@sandwell.gov.uk</p> <p>Alison Bishop Principal Planner Alison_bishop@sandwell.gov.uk</p> |

DECISION RECOMMENDATIONS

That Planning Committee:

Considers the planning applications detailed in the attached appendices.

1 PURPOSE OF THE REPORT

This report is submitted to inform the Committee of the detail of planning applications for determination.

2 IMPLICATIONS FOR SANDWELL'S VISION 2030

The planning process contributes to the following ambitions of the Vision 2030 –

Ambition 7 – We now have many new homes to meet a full range of housing needs in attractive neighbourhoods and close to key transport routes.

Ambition 8 - Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families.

Ambition 10 - Sandwell now has a national reputation for getting things done, where all local partners are focused on what really matters in people's lives and communities.

3 BACKGROUND AND MAIN CONSIDERATIONS

The applications for consideration are set out in the appendices.

4 STRATEGIC RESOURCE IMPLICATIONS

- 4.1 There are no direct implications in terms of the Council's strategic resources.
- 4.2 When planning consent is refused, the applicant may appeal to the Planning Inspectorate. If the Planning Inspectorate overturns the Committee's decision and grants consent, the Council may be required to pay the costs of such an appeal, for which there is no designated budget.

5 LEGAL AND GOVERNANCE CONSIDERATIONS

The Planning Committee has delegated powers to determine planning applications within current Council policy.

Amy Harhoff
Director – Regeneration and Growth

Sandwell Metropolitan Borough Council

Planning Committee

8 May 2019

Index of Applications

| Application No & Agenda Page Ref | Premises, Application and Applicant | Recommendation |
|--|--|--|
| DC/18/62165 Wednesbury North Pg. 22 VISIT 2.50pm – 3.10pm | Proposed health centre and 5 no. residential dwellings. Site of Former Kingsbury House and Resource Centre, King Street, Wednesbury Mr Paul Evans | Grant Permission Subject to Conditions |
| DC/19/62665 Cradley Heath & Old Hill Pg. 45 | Proposed 19 No. apartments and 2 No. houses (outline application for access, appearance, layout and scale). Land adjacent Compton Grange, Whitehall Road/St Anne's Road, Cradley Heath Mr Jason Shaw | Defer for Site Visit |
| DC/19/62695 Wednesbury North Pg. 49 VISIT 3.15pm – 3.35pm | Proposed 2 No. 3 bedroom dwellings. Land to the rear of Churchills, 8 Walsall Street, Wednesbury, WS10 9BZ Mr Chris Wardle | Refuse permission |

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| <p>DC/19/62906 Cradley Heath & Old Hill</p> <p>Pg. 63</p> | <p>Proposed external alterations, ground and first floor extensions to create 3 self-contained flats, and conversion and extension of existing ground floor shop storage room into separate self contained shop (Use Class A1). 54 Surfeit Hill Road, Cradley Heath, B64 7EB Mr Singh</p> | <p>Defer for Site Visit</p> |
| <p>DC/19/62949 West Bromwich Central</p> <p>Pg. 67</p> | <p>Retention of building for coach storage and use of adjoining land for coach and staff parking, (3 office staff in first floor of office building). 1 Birmingham Road, West Bromwich, B71 4JH Mr M S Thandi</p> | <p>Defer for Site Visit</p> |
| <p>DC/19/62885 Tividale</p> <p>Pg. 71</p> | <p>Proposed demolition of existing structures and erection of 3 x 4 bed houses. Land Adjacent to Dudley Golf Club Turners Hill Rowley Regis, B65 9DP</p> | <p>Grant Permission Subject to Conditions</p> |

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| Mr Paul Evans Sandwell Council House Freeth Street Oldbury B69 3DQ | Proposed health centre and 5 no. residential dwellings Site Of Former Kingsbury House And Resource Centre King Street, Wednesbury |
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Date Valid Application Received: 21st August 2018

1. Recommendations

Subject to comments from Environmental Health relating to the extended opening hours; approval is recommended subject the following conditions: -

- i) Implementation of drainage including SUDS;
- ii) Site investigations and remedial measures where appropriate;
- iii) External materials;
- iv) Review of parking restrictions along King Street following occupation;
- v) Details of additional parking on the Leisure Centre;
- vi) Details of directional signage to all parking facilities;
- vii) Provision and retention of parking;
- viii) Implementation of boundary treatment;
- ix) Implementation of landscaping;
- x) External lighting;
- xi) Refuse storage;
- xii) CCTV;
- xiii) Implementation of secure cycle parking;
- xiv) Method of working statement including hours of work limitations;
- xv) Details of fixed plant and plant room ventilation measures;
- xvi) Submission of a noise assessment;
- xvii) Details of electric vehicle charging points;
- xviii) Amendment to the Travel Plan and its subsequent implementation;
- xix) Installation of link between the site and Leisure centre prior to occupation;

- xx) Reduce height of retaining wall adjacent to drive of plot 1 prior to occupation;
- xxi) Removal of PD rights in relation to the dwellings;
- xxii) Apprenticeship opportunities; and
- xxiii) Restrictions on opening hours of the health centre from 07.15-20.00 hours Monday to Friday and 08.30-16.30 hours on Saturdays with no Sunday or Bank Holiday opening.

2. Observations

At your last meeting Committee resolved to visit the site, following a late request from the applicant to increase the originally proposed opening hours of the health centre from those suggested in condition (xxiii) above to 22.00 hours every day. Environmental Health as well as neighbouring residents have been re-consulted regarding the proposed increase in opening hours since your last meeting.

This application is being brought to the attention of your Committee because both the applicant and agent are Council employees and there have been objections to the proposal.

The Application Site

The application refers to a vacant plot of land on the east side of King Street, a residential area. The site was formally occupied by Kingsbury House and Resource Centre but is now clear of all buildings. It is relatively flat with two large unprotected trees and other natural vegetation. The site is adjoined by housing to the north, south and to the opposite side of King Street. Wednesbury Leisure Centre and its associated car park lies to the east at an elevated level from the application site by approximately 2-3m. There is an existing vehicular access point into the site that is roughly centrally located along King Street.

Planning History

The former resource centre was demolished in 2008. In 2012 outline planning consent was granted (DC/12/54180) for the construction of a health centre but this was not implemented. The proposal for a health centre has been the subject of significant pre-application discussions in subsequent years. However, more recently pre-application discussions have centred

around dual use of the site for a health centre and residential development.

Proposal

During the processing of the application amendments have been sought and the proposal now seeks the construction of a health centre as well as 5 dwellings (6 originally proposed).

The purpose of the proposal is to relocate the existing Spires GP Practice from its current temporary location in Victoria Street, Wednesbury, along with District Nurses and Podiatry services currently run from Mesty Croft Clinic in Alma Street, Wednesbury, into a single purpose built permanent accommodation.

The health centre would be sited along the southern boundary of the site. It would be largely single-storey, of contemporary construction with two-storey feature elements. There would be 13 consulting/treatment rooms, a large reception area and associated offices. Two pedestrian entrances are proposed from the north and south sides of the building.

Vehicular access would be off King Street in approximately the same location as the current vehicular access point. 32 parking spaces would be provided comprising 22 patient spaces, 4 disabled access bays, and 6 secure staff spaces. However, the secure spaces would be for drop-off and pick-ups by staff (not for long stay parking). There would also be a drop-off/ambulance bay. In addition, it is anticipated that the Leisure Centre car park would provide additional parking. Although, outside the application site boundary, the Leisure Centre car park is owned and controlled by the Council and there appears to be capacity within it, to accommodate shared parking. There is a pedestrian link to the site from the Leisure Centre but a full ramped and stepped footpath/cycle route would be formed between the two sites to provide access from Wednesbury Town Centre.

When the application was submitted the proposed opening hours were 07.15-20.00 Monday to Friday and 08.30-16.30 on Saturdays with no Sunday or Bank Holiday opening. However, the applicant now wishes to open from 07.15-22.00 hours every day including Sundays and Bank Holidays. It is anticipated that there would be 10 full-time and 20 part-time staff employed at the centre.

The proposed residential element would be constructed on the northern half of the site, separated from the health centre by the access road. It would comprise of 5 two-storey dwellings, including two pairs of 2-bed semis facing King Street and one detached 3-bed dwelling at the rear of the semis facing the health centre. Each 2-bed dwelling would have one off-street parking space with the 3-bed having two off-street parking spaces. All dwellings would have private external amenity space.

The application is accompanied by a Design and Access Statement, Transport Statement, a Coal Mining Risk Assessment and Geotechnical site investigation report.

Publicity

The originally submitted application was publicised by neighbour notification. The proposals were also displayed at Wednesbury Health Centre and Wednesbury Library at the request of Councillor Costigan. One objection letter has been received from a resident in King Street. The grounds of objection are summarised as:-

- (i) King Street is narrow and visibility on exiting the objector's drive is difficult already. Photographic evidence of problems with parking have been supplied.
- (ii) Concern that there would be insufficient parking to meet the demand of staff and patient parking resulting in parking on King Street, unsuitable to cope with the increased demands from this proposal.
- (iii) The proposed entrance and exit directly opposite the drive raises major concerns over safety particularly when the objector and his family are manoeuvring off the drive. Also, the objector has a disabled Son and there is a critical need for the objector to park close to the house.
- (iv) There is a query as to whether parked vehicles opposite the entrance would contravene the Highway Code.
- (v) Need for a residents parking scheme. Also, existing traffic calming measures need reviewing because the current speed bumps do not slow cars down.
- (vi) The drives/car ports serving the proposed dwellings would be positioned directly opposite existing residential drives causing a hazard.
- (vii) The proposed new homes should be reduced in number as they are being squeezed onto the site and more room

- should be made available for staff/patient parking and an improved site entrance.
- (viii) There is insufficient parking for the new dwellings resulting in further parking along King Street.
 - (ix) During construction of the Leisure Centre, contractors caused a nuisance to residents because their working hours exceeded those that were agreed. There is concern that this will occur once more.
 - (x) The health centre and associated development should not compromise existing parking and manoeuvring arrangements of King Street residents.

Following the late proposal to increase the opening hours I have received two additional letters both from residents in King Street, one of which is from the original objector. In this regard concern is raised about loss of amenity from the increased opening hours from one of the residents. The other resident raises concerns about parking problems.

Statutory Consultee Responses

The Coal Authority – The site falls within a high risk coal mining referral area with two recorded mine shafts in the site boundary. Remediation of the shafts will be required and can be controlled by planning conditions.

Severn Trent – No objections subject to satisfactory drainage.

Cadent Gas – No objections but wish to make the applicant aware of gas apparatus near the application site. Observations have been forwarded to the applicant.

Highways – There will be a requirement to provide additional parking on the Leisure Centre car park, the details of which will require assessment and approval. Also, King Street is considered too narrow to accommodate parking on both sides of the carriageway and therefore a review of parking restrictions in the area will be required to ensure highway safety for drivers and pedestrians alike. In addition, the boundary wall adjacent to plot 1 will require lowering in height to ensure adequate driver visibility on exit. The boundary wall is in the ownership of the applicant and can be controlled by planning condition.

Environmental Health

(Contaminated Land Team) – No objection subject to a desk top study in relation to ground contamination with appropriate remedial measures.

(Air Quality Team) – No objections subject to installation of electric vehicle charging points.

(Noise Team) – No objections subject to conditions relating to external plant, ventilation of plant room details, external lighting, construction hours limitations and method of working statement. In addition, there is concern that the residential element may be unduly affected by the Leisure Centre and traffic noise from Trowse Lane and High Bullen. It is recommended that a noise report is submitted. Comments are awaited regarding the proposed increase in opening hours.

Planning Policy – The site is unallocated in the adopted development plans. SAD Policy H2 (Housing Windfalls) would be relevant and in this case the proposed housing is acceptable in that it is previously developed land in a sustainable location and compatible with other adopted policies. As regards the health centre, the proposal is sustainably located close to Wednesbury bus Station and therefore accords with Sustainable Communities part of the BCCS 'Vision' seeking a range of quality community services that reduce the need to travel by car. Furthermore, it generally accords to Policy HOU5 (Education and Health Care Facilities) in that it is well related to public transport infrastructure and Wednesbury Town Centre. Policies relating to sustainable drainage (ENV7) and Air Quality (ENV8) can be controlled by planning conditions. In addition, there is an opportunity to meet Policy EMP2 (Training and recruitment) through apprentices during the construction phase and in association with the use of the health centre. Finally, the development is liable to the Community Infrastructure Levy (CIL).

Urban Design – Following the receipt of amended plans addressing design issues relating to both the health centre and residential units, the proposals are now considered satisfactory when assessed against urban design policy ENV3, SAD EOS9 and the Council's Adopted Residential Design Guide. The number of dwellings has been reduced from 6 to 5 to ensure sufficient amenity space per dwelling, the corner plot being repositioned further away from the back edge of footpath to provide additional defensible space and the use of additional fenestration to enliven the appearance of the development.

Healthy Urban Development Officer – Requests a widening (from 1.5m to 2.5m) of the proposed pedestrian link between the development and High Bullen to ensure that it is actively used and safe for both pedestrians and cyclists. The submitted Travel Plan requires amendment to include Modeshift STARS and this can be controlled by planning condition.

Responses to objections

I sympathise with the objections raised by the neighbouring residents. In addressing each point raised I comment as follows:-

- (i) The Head of Highways recognises that King Street is narrow and recommends a review of the traffic parking restrictions along the road to assess whether existing arrangements should be amended or new measures introduced.
- (ii) There will be a requirement for the applicant to provide additional parking within the Leisure Centre car park to ensure that the proposed health centre would have sufficient off-street parking. It is also considered necessary to provide directional signage to direct drivers to the appropriate car parks.
- (iii) Highways have not raised objections in terms of safety matters in relation to the proximity of the objectors drive to the access/egress point of the development. The objector has advised that he is hoping to be able to have provision for a disabled parking bay outside his property. However, it is noted that the objector already has the benefit of an off-street parking space within the curtilage of his house on his drive.
- (iv) Highways has confirmed that the Highway Code would not be contravened by this proposal.
- (v) With reference to a residents parking scheme and the problems with the existing traffic calming measures, as residents already have off-street spaces, King Street would not meet the criteria to introduce a resident parking scheme. In this location it appears that while some residents have rear parking courts, some choose to park on the adopted highway. As regards the speed humps, a Street Scene Inspector will visit the site and the findings will be reported back to your Committee verbally.
- (vi) Highways has raised no objections to the location of the drives associated with the new dwellings and their

relationship with existing dwelling on the opposite side of King Street. Residential trip rates are low and therefore the conflict between vehicles is not appreciably high.

- (vii) The number of dwellings has been reduced from 6 to 5.
- (viii) Sufficient parking is provided for the proposed dwellings (2 off-street spaces per property) in accordance with the adopted Residential Design Guide.
- (ix) A condition can be imposed relating to a method of working statement and construction hours limitations. Should these be exceeded then the local planning authority can take appropriate enforcement action.
- (x) It is agreed that the proposed development should contain sufficient parking within its curtilage and within the adjacent Leisure Centre car park to ensure that there is no overspill parking on King Street. Appropriate planning conditions seek to achieve this aim.

Planning Policy and Other Material Considerations

The principle of establishing a health centre on this site has been supported for a number of years with outline planning consent being granted in 2012. The proposal now presented for a dual use of the site is generally supported by adopted development plan policies as outlined above. It is not considered that the health centre would have an appreciable detrimental impact on the new dwellings that would sit alongside it, nor on nearby dwellings in King Street. However, this is assuming that there is sufficient car parking and parking management (via the appropriate use of the Travel Plan), to accommodate numbers of staff employed and patients from combining the two health centres. It is anticipated that there would be significant vehicle movements associated with the health centre and this activity must be controlled given the narrowness and residential nature of King Street. The conditions suggested in the recommendation to this report should mitigate any highway safety issues raised by the objector and by the Head of Highways.

Conclusion

The design and external appearance of the proposed development is considered acceptable and complementary to the area. Overall the proposal will bring this vacant site into beneficial use. The health centre will undoubtedly be a busy practice, but any perceived parking issues can be mitigated against.

My main issue with the proposal is the extended opening hours until 22.00 hours every day. I am concerned about the impact this will have on residential amenity of residents in King Street as well as the occupants of the new dwellings that form part of this development. In my opinion the originally proposed opening hours until 20.00 hours Mondays to Fridays and 16.30 on Saturdays were both reasonable and appropriate given the proximity of residential property and should not be extended further. If the development were to be accessed wholly off the Leisure Centre (High Bullen) and the residential element completely disconnected from the proposal then the request for extended opening hours could be considered but it is not. I therefore recommend that the originally proposed opening hours be conditioned.

3. Relevant History

| | | |
|-------------|--|---------------------------------|
| DC/08/49638 | Demolition of 2 storey residential home for elderly. | Prior Approval granted 21.07.08 |
| DC/12/54180 | Outline application with all matters reserved for proposed health centre to contain facilities for GP services, consult, treatment rooms, pharmacy, minor treatment, out-patient care, community services, x-ray, physio and community services with support admin facilities. | Outline Consent granted 3.4.12 |

4. Central Government Guidance

National Planning Policy Framework promotes sustainable development.

5. Development Plan Policy

BCCS (p20) Sustainable Communities Vision - seeking a range of quality community services that reduce the need to travel by car.

SAD H2 - Housing Windfalls

BCCS - ENV3: Design Quality

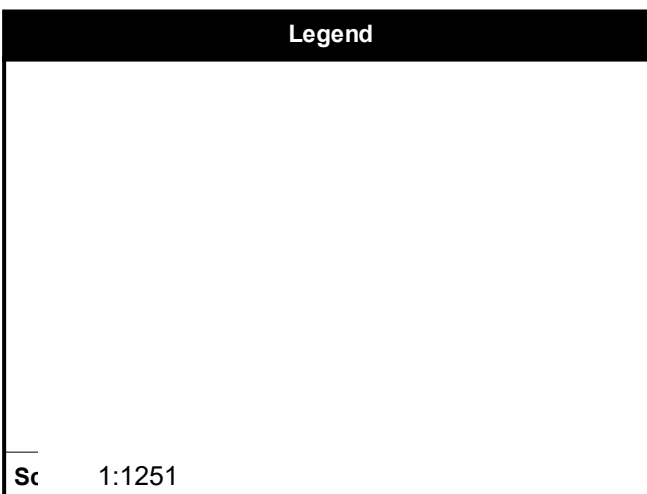
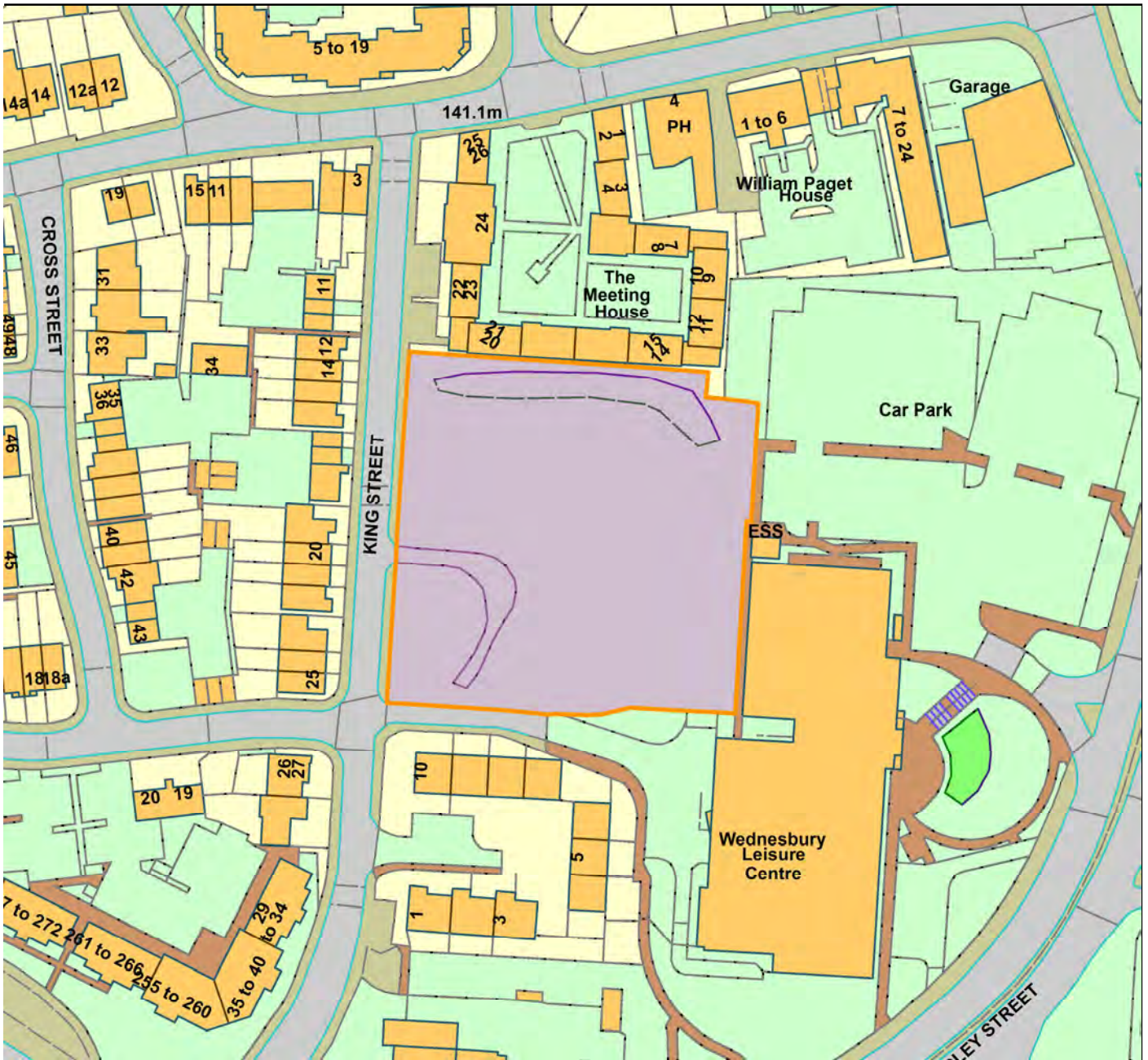
SADD - EOS9: Urban Design Principles
ENV5 - Flood Risk, Sustainable Drainage Systems and Urban
Heat Island
ENV8 – Air Quality.
HOU5 - Education and Health Care Facilities

6. Contact Officer

Mrs Christine Phillips
0121 569 4040
christine_phillips@sandwell.gov.uk

DC/18/62165

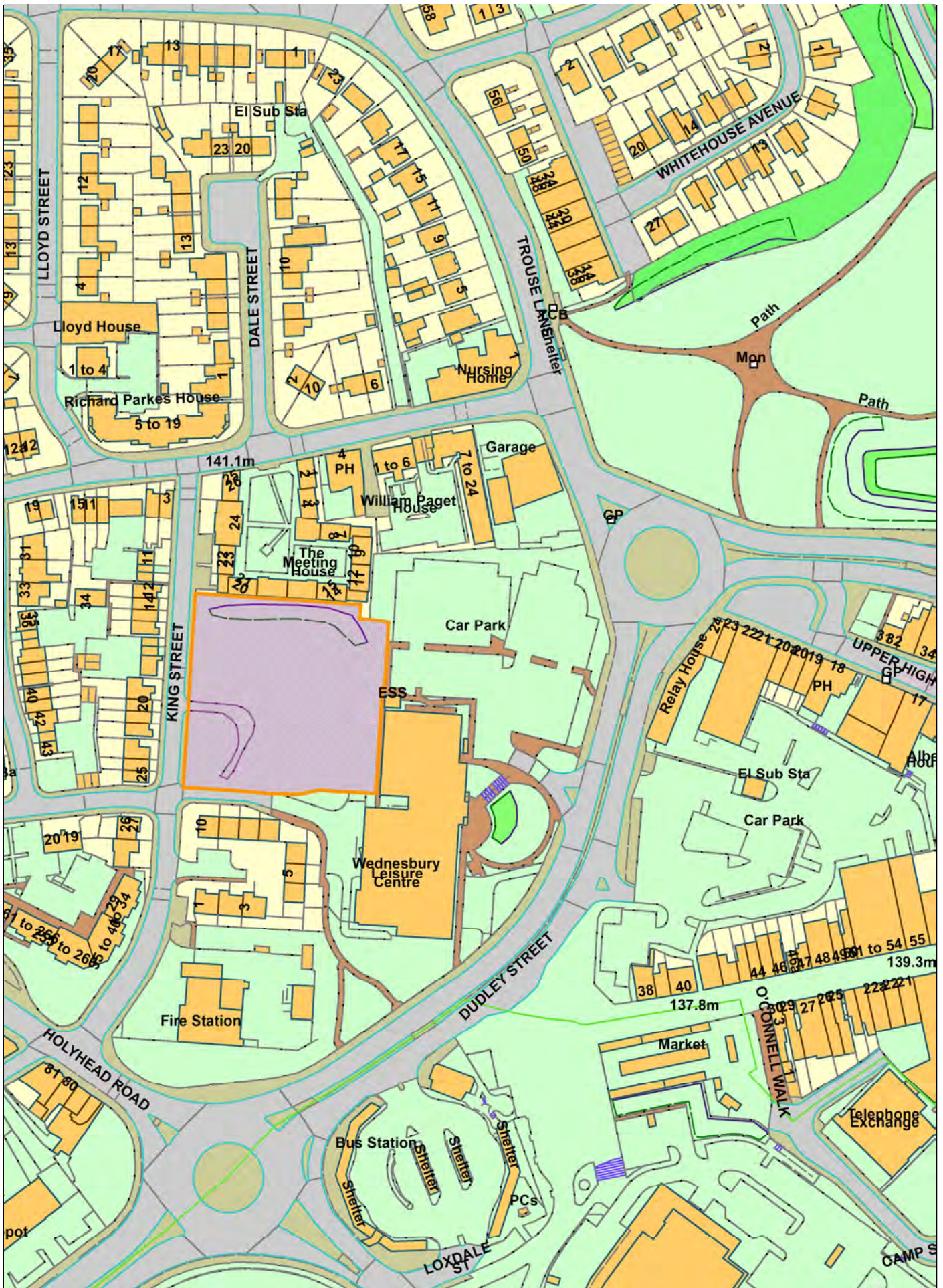
Site of Former Kingsbury House and Resource Centre



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Ordnance Survey Licence No 100023119

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| Organisation | Not Set |
| Department | Not Set |
| Comments | Not Set |
| Date | 27 March 2019 |
| OS Licence No | |

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The Client shall be responsible for utility mark outs. All dimensions must be checked on existing on the day. Please refer to the site plan for reference on site.

- Site boundary
- Steel boundary railings (black) with mowing trim beneath
- Retaining wall - varying heights
- Retaining wall with stainless steel hand
- 1.8m high close board timber fence
- 1.05m high close board timber fence
- Free standing wall 2.4m high
- Low retaining wall approx 700mm high
- Tree to be removed
- Proposed Extra heavy standard tree
- Dropped kerbs
- Grass
- Ornamental planting
- Metrolina style paving
- Tarmac footpath or access road
- Tegula block paving buff colour paving slabs
- Wheelie bin store (residential)
- Hazard warning slabs (blister)
- Hazard warning slabs (ribbed)
- Weldmesh fence & gates 2.4m high
- Hit & Miss fence 1.8m high
- Cross fall
- Proposed level
- Existing level



01 Underground services

| Rw | Date | Revision No. | By | Check |
|----|------|--------------|----|-------|
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Wedsbury Health Centre - Site Redevelopment
 King Street, Wednesbury

Project No:
 Proposed Site Plan
 FOR PLANNING

| CD | Issue | Date | By | Check |
|------|------------|------------|------------|------------|
| 1300 | 14/02/2019 | 14/02/2019 | 14/02/2019 | 14/02/2019 |

XX XX L-P(9-) 01 S2 P2
 Q17004

Urban Design & Building Services



Notes:
 The client shall be responsible for obtaining all permits.
 All dimensions must be obtained or checked on the site.
 Figures of materials to be used in construction to scale.



1 East Side (From Leisure Centre) Elevation
 1 : 100



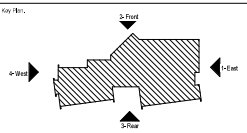
2 Front Elevation
 1 : 100



3 Rear Elevation
 1 : 100



4 West Side (Facing King Street) Elevation
 1 : 100



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Project No: **Wednesbury Health Centre**
 Location: **King Street, Wednesbury**

Client: **GA Proposed (Coloured) Elevations**
 Planning

| Version | Date | Drawn by | Checked by |
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| Issue | Date | Issue Note | By | Check |
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Project No: **Q17004** Construction Services (Proposed)
 Urban Design & Building Services
 100-102, Canal Street, Birmingham, B2 4DP
 Tel: 0121 625 4545

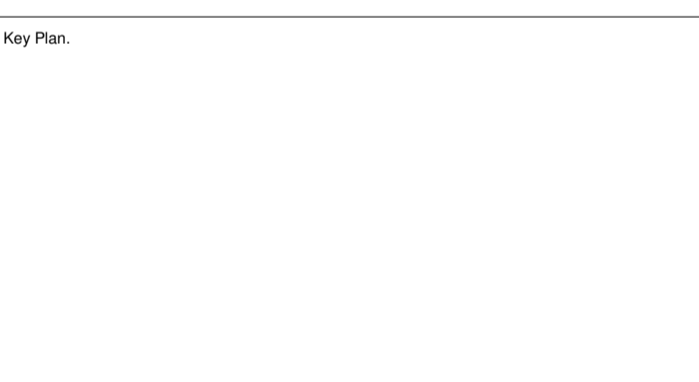
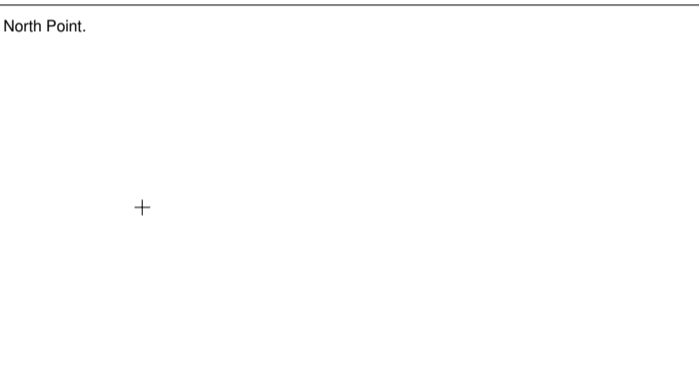


Wednesbury Health Centre - Room Schedule

| Number | Name | Area |
|--------|-----------------------|-----------------------|
| 0.001 | Entrance Lobby | 11.85 m ² |
| 0.002 | Interview Room | 9.14 m ² |
| 0.003 | Reception | 14.25 m ² |
| 0.004 | Waiting Area | 145.38 m ² |
| 0.005 | AWC | 3.15 m ² |
| 0.006 | Baby Feed | 4.18 m ² |
| 0.007 | Baby Change | 4.89 m ² |
| 0.008 | AWC | 3.37 m ² |
| 0.009 | Circulation | 26.23 m ² |
| 0.010 | Consulting Room | 16.28 m ² |
| 0.011 | Consulting Room | 16.34 m ² |
| 0.012 | Consulting Room | 16.34 m ² |
| 0.013 | Consulting Room | 16.34 m ² |
| 0.014 | Consulting Room | 16.34 m ² |
| 0.015 | Consulting Room | 16.74 m ² |
| 0.016 | Dirty Utility | 9.11 m ² |
| 0.017 | Clean Utility | 8.82 m ² |
| 0.018 | District Nurses Store | 18.19 m ² |
| 0.019 | Admin Office | 155.89 m ² |
| 0.020 | Records Store | 13.93 m ² |
| 0.021 | Circulation | 34.55 m ² |
| 0.022 | Podiatry | 16.01 m ² |
| 0.023 | Podiatry | 16.03 m ² |
| 0.024 | District Nurse | 16.19 m ² |
| 0.025 | District Nurse | 16.03 m ² |
| 0.026 | Treatment | 16.34 m ² |
| 0.027 | Treatment | 16.06 m ² |
| 0.028 | Treatment | 16.06 m ² |
| 0.029 | Clean Utility | 11.02 m ² |
| 0.030 | Dirty Utility | 11.02 m ² |
| 0.031 | Podiatry Store | 6.51 m ² |
| 0.032 | AWC | 3.56 m ² |
| 0.033 | AWC | 3.56 m ² |
| 0.034 | Meeting Room | 22.46 m ² |
| 0.035 | Plant Room | 9.93 m ² |
| 0.036 | Sub-Waiting Area | 33.72 m ² |
| 0.037 | Sub-Waiting Area | 36.22 m ² |
| 0.039 | Staff Area | 40.28 m ² |
| 0.040 | WC/Shower | 4.6 m ² |
| 0.041 | Cloaks | 3.9 m ² |
| 0.042 | WC | 1.98 m ² |
| 0.043 | WC | 1.98 m ² |
| 0.044 | Electrical Intake | 1.57 m ² |
| 0.045 | Practice Manager | 6.23 m ² |
| 0.046 | GP Store | 5.73 m ² |
| 0.047 | Cleaner | 3.26 m ² |
| 0.048 | D.N Manager | 6.31 m ² |
| 0.049 | Hub Room | 8 m ² |



Notes
The Contractor will be responsible for setting out the work.
All Dimensions must be obtained or checked on the site.
Figured dimensions to be used in preference to scale.



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Project Title
Wednesbury Health Centre
Location
King Street, Wednesbury

Sheet Title
GA Proposed Plan

Status
Planning

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| Drawn by JAA | Date 31/05/18 | Checked by |
| Scale at A1 1:100 | Scale at A3 | |

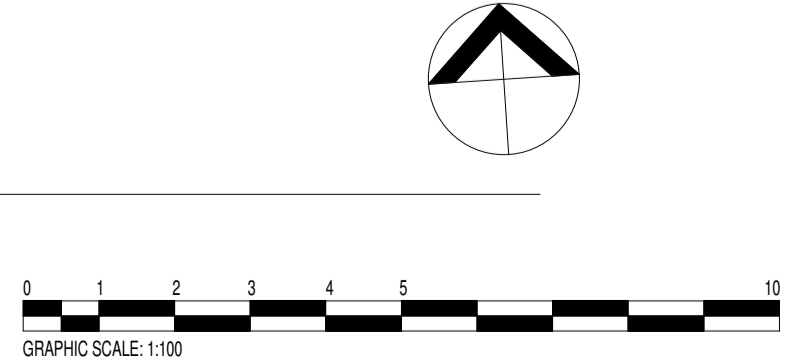
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Job No.
Q17004

Contractors Drawing No. (if required)

Urban Design & Building Services
Sandwell Council House
Fleeth Street,
Osbury
B69 3DE
Tel: 0121 569 4541

1 Floor Plan
1 : 100





① Front View from King Street Site Access



② Rear View from Leisure Centre Service Yard



③ Rear View from King Street / Leisure Centre Service Road



④ Front View from Carpark



⑤ Front Elevation

Notes:
 This document will be replaced by a final set of drawings.
 All dimensions must be checked or double checked on the drawings or variations to be used in construction works.



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Sandwell
Metropolitan Borough Council

Project No:
Wednesbury Health Centre

Location:
King Street, Wednesbury

Project No:
Building 3D Views 1

Phase:
Planning

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| Originator | JAL | 15/03/20 | 09/03/20 | 09/03/20 | 09/03/20 |
| Checked By | | | | | |

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| XX | XX | A-P(09) | 01 | S2 | P1 |

Job No:
Q17004 Construction No: []

Urban Design & Building Services
 0161 273 3333



1 View Showing Main Entrance



2 View from Carpark Area



3 View Showing Secure Staff Entrance Points

Notes:
 The views shown are for illustrative purposes only. All dimensions must be checked or double-checked on the drawings or in consultation with the contractor.

North Point
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Key View

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Project Name: **Wednesbury Health Centre**
 Location: **King Street, Wednesbury**

Project ID: **Building 3D External Views**

Phase: **Planning**

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Project No: **Q17004** | Construction No: []

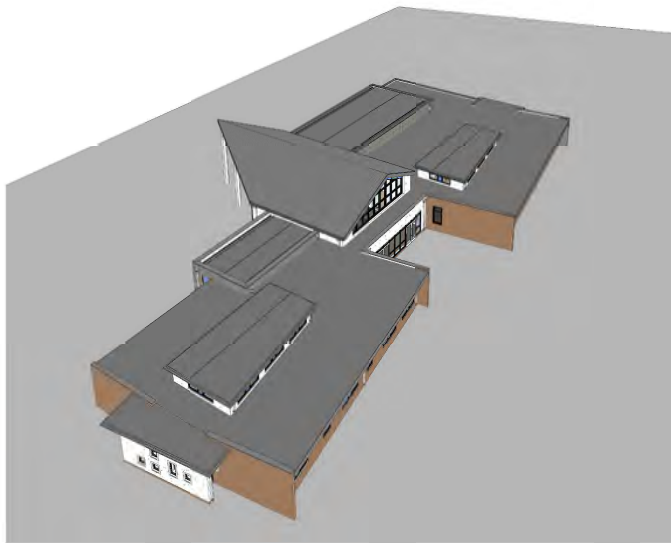
Urban Design & Building Services
 100-104, Church Street, Birmingham, B4 7DQ
 Tel: 0121 551 4500



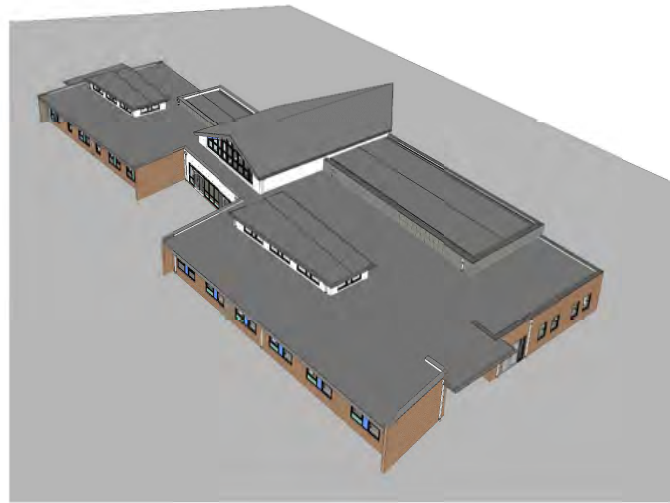
1 North-West



2 North-East



3 South-West



4 South-East

Notes:
 This document is the responsibility of the architect. All dimensions must be approved or checked on the drawings of variations to be used in construction works.

North Point
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Key View

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Sandwell
 Metropolitan Borough Council

Project No: **Wednesbury Health Centre**
 Location: **King Street, Wednesbury**
 Description: **Isometric Building Views**

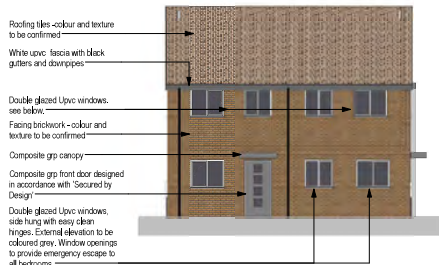
Planning

Project No: P170004
 Date: 20/08/2019
 Drawn by: J.S.
 Checked by: J.S.
 Date: 20/08/2019

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| Issue No: | XX | Issue No: | XX | Revision: | A-P(09) 03 | Sheet No: | S2 | Version: | P1 |
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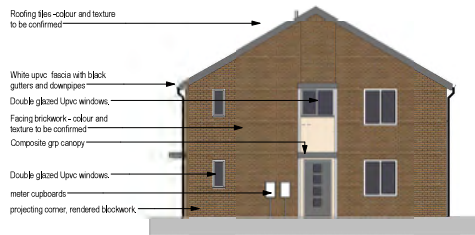
Project No: **Q17004** Construction No: P17004

Urban Design & Building Services
 100-102 King Street, Wednesbury, B70 4DL
 Tel: 01827 531 454



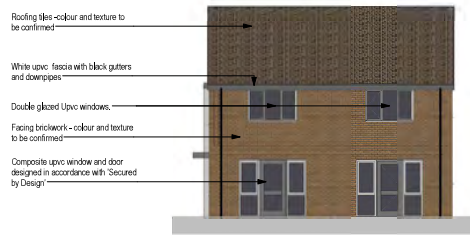
3 Front Elevation
1:100

- Roofing tiles - colour and texture to be confirmed
- White upvc fascia with black gutters and downpipes
- Double glazed UPVC windows, see below.
- Facing brickwork - colour and texture to be confirmed
- Composite grp canopy
- Composite grp front door designed in accordance with 'Secured by Design'
- Double glazed UPVC windows, side hung with easy clean hinges. External elevation to be coloured grey. Window openings to provide emergency escape to all bedrooms.



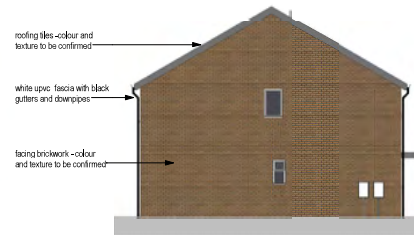
4 Side Elevation A
1:100

- Roofing tiles - colour and texture to be confirmed
- White upvc fascia with black gutters and downpipes
- Double glazed UPVC windows.
- Facing brickwork - colour and texture to be confirmed
- Composite grp canopy
- Double glazed UPVC windows.
- meter cupboards
- projecting corner, rendered blockwork



5 Rear Elevation
1:100

- Roofing tiles - colour and texture to be confirmed
- White upvc fascia with black gutters and downpipes
- Double glazed UPVC windows.
- Facing brickwork - colour and texture to be confirmed
- Composite upvc window and door designed in accordance with 'Secured by Design'

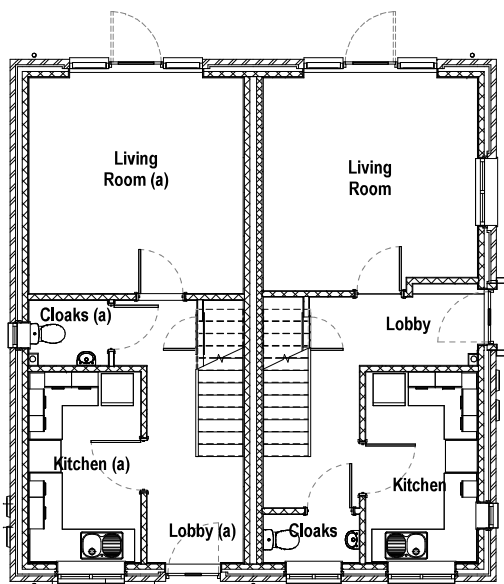


6 Side Elevation B
1:100

- Roofing tiles - colour and texture to be confirmed
- White upvc fascia with black gutters and downpipes
- facing brickwork - colour and texture to be confirmed

NOTE: Refer to Landscape GA drawing & Drainage Engineers details for exact number & position of rain water down pipes.

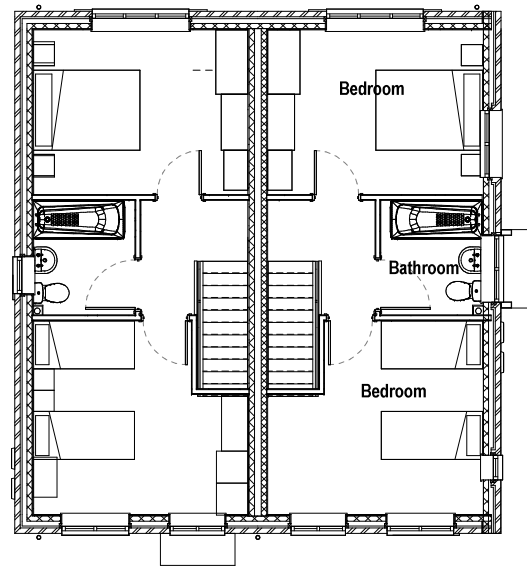
0 1 2 3 4 5 metres
1:100



1 Ground Floor Plan
1:50

NOTE: Refer to Landscape GA drawing & Drainage Engineers details for exact number & position of rain water down pipes.

0 0.5 1 1.5 2 2.5 3 3.5 4 4.5 5 metres
1:50



2 First Floor Plan
1:50

Notes:
The client remains all responsible for getting planning permission.
All dimensions must be obtained or checked on the site.
All figures are to be used in preference to words.

North Point

Key/Rev.

| Issue | Date | Issue Note | By | Check |
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Project No:
Housing Development
Location:
Wednesbury Health Centre

Client No:
Plans & Elevations - H1_2 bed_semi_corner detail

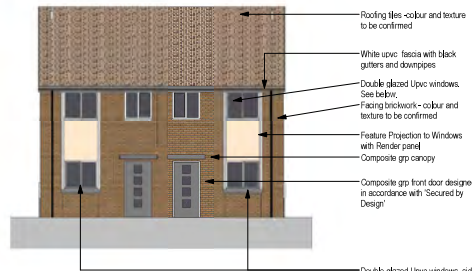
for Planning

| Category | Date | Quantity | Location / Use |
|----------|----------|----------|----------------|
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| CP | 16/10/17 | 1 | 100% submitted |
| CP | 16/10/17 | 1 | 100% submitted |

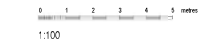
| Plan No | Level | Revision | Issue No | Issue Date | Issue By | Checked By |
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Project No: **Q17004** Construction Services No: **Q17004**

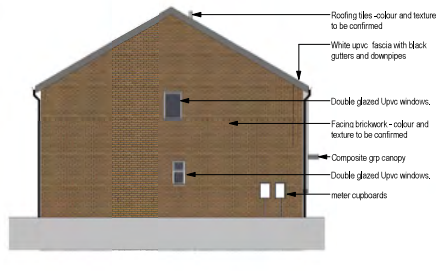
Urban Design & Building Services
Sandwell Council
0191 639 3000
0191 639 3001
0191 639 3002
0191 639 3003
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3 Front Elevation
1:100

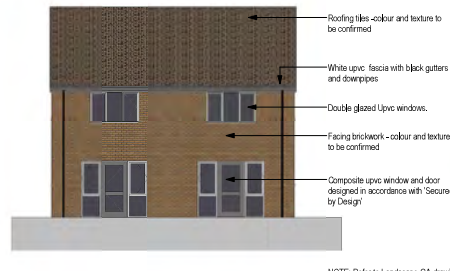


- Roofing tiles - colour and texture to be confirmed
- White upvc fascia with black gutters and downpipes
- Double glazed Upvc windows. See below, Facing brickwork - colour and texture to be confirmed
- Feature Projection to Windows with Render panel
- Composite gpp canopy
- Composite gpp front door designed in accordance with 'Secured by Design'
- Double glazed Upvc windows, side hung with easy clean hinges. External elevation to be coloured grey. Window coverings to provide emergency escape to all bedrooms.



4 Side Elevation A
1:100

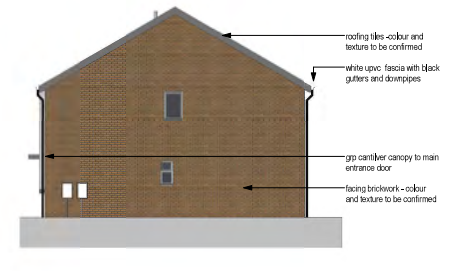
- Roofing tiles - colour and texture to be confirmed
- White upvc fascia with black gutters and downpipes
- Double glazed Upvc windows.
- Facing brickwork - colour and texture to be confirmed
- Composite gpp canopy
- Double glazed Upvc windows.
- meter cupboards



5 Rear Elevation
1:100

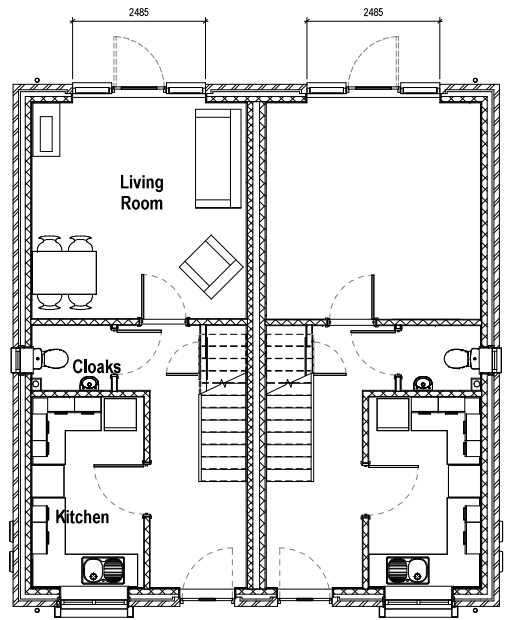
- Roofing tiles - colour and texture to be confirmed
- White upvc fascia with black gutters and downpipes
- Double glazed Upvc windows.
- Facing brickwork - colour and texture to be confirmed
- Composite upvc window and door designed in accordance with 'Secured by Design'

NOTE: Refer to Landscape GA drawing & Drainage Engineers details for exact number & position of rain water down pipes.

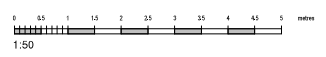


6 Side Elevation B
1:100

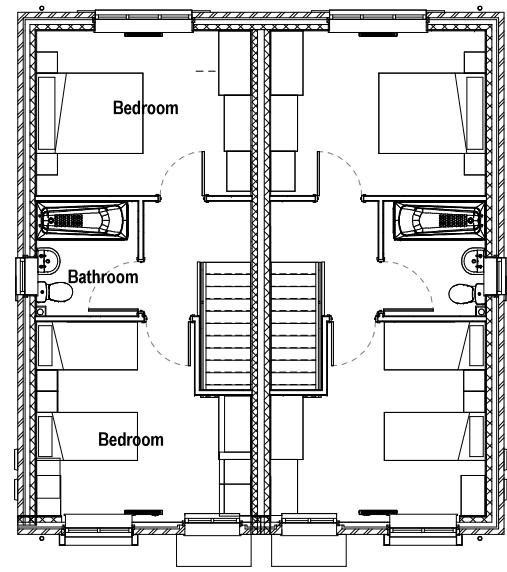
- Roofing tiles - colour and texture to be confirmed
- White upvc fascia with black gutters and downpipes
- gpp canopy over main entrance door
- facing brickwork - colour and texture to be confirmed



1 Ground Floor Plan
1:50



NOTE: Refer to Landscape GA drawing & Drainage Engineers details for exact number & position of rain water down pipes.



2 First Floor Plan
1:50

Notes:
The client will be responsible for obtaining all permits.
All dimensions must be obtained or checked on the site.
Figures of area are to be used as a guide only.



| Issue | Date | Issue Note | By | Check |
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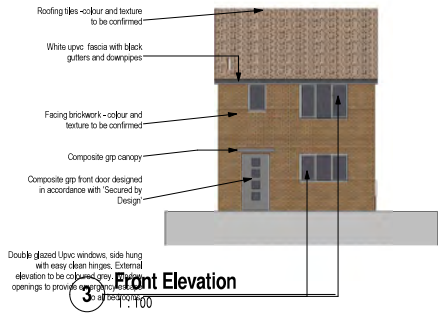
Project No:
H1_2Bed_Semi
Location:
Wednesbury Health Centre

Plans & Elevations - H1_2 bed
for Planning

| | | | | | | | | | | | |
|---------|-----|------|----|-------------|--------|--------|----|------|----|---------|----|
| Project | H1s | Zone | ZZ | Application | AP(0-) | Street | 01 | Grid | S2 | Version | P1 |
|---------|-----|------|----|-------------|--------|--------|----|------|----|---------|----|

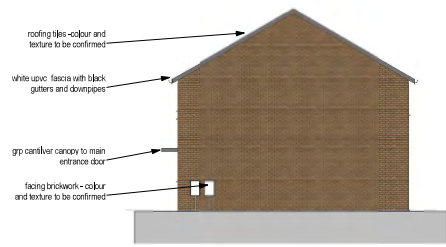
Project No:
Q17004

Urban Design & Building Services
100-102, The Quadrant, Wednesbury, West Midlands, B70 6JQ
Tel: 0121 551 4545



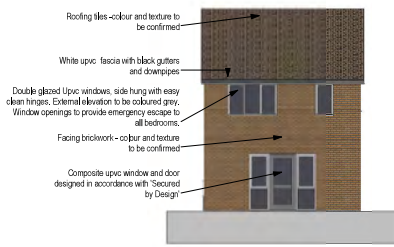
3 Front Elevation

1:100



4 Side Elevation A

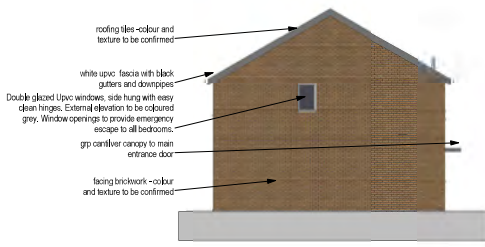
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5 Rear Elevation

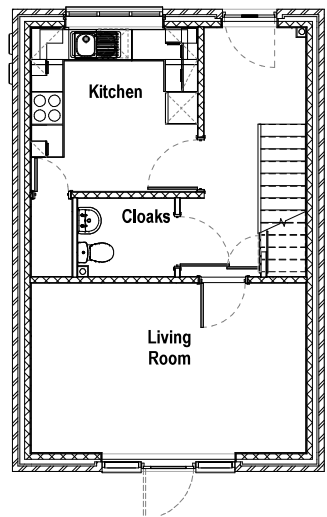
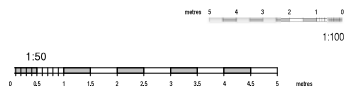
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NOTE: Refer to Landscape GA drawing for exact details for exact number & position of rain water down pipes.



6 Side Elevation B

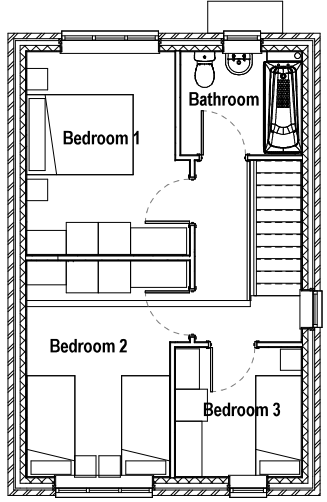
1:100



1 Ground Floor Plan

1:50

NOTE: Refer to Landscape GA drawing & Drainage Engineers details for exact number & position of rain water down pipes.



2 First Floor Plan

1:50

Notes
The client will be responsible for obtaining all consents.
All dimensions must be obtained or checked on the day.
Changes to be made in consultation with the architect.

North Point

Key/Rev.

| Issue | Date | Issue Note | By | Check |
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Project: Housing Development
Location: Wednesbury Health Centre
Drawn: Plans & Elevations - H2_3 Bed
Title: Plans & Elevations - H2_3 Bed
For Planning

| | | | | |
|--------|----------|----------|-------------|----------|
| Client | Arch | Quantity | Scale | Date |
| CP | 06/03/22 | | 1:50, 1:100 | 06/03/22 |

| Rev | Level | Description | Rev | Rev | Rev |
|-----|-------|-------------|-----|-----|-----|
| H2d | ZZ | AP(0-) | 03 | S2 | |

Project No: Q17004

Urban Design & Building Services
Sandwell Borough Council
0191 222 4400



1 Elevated View from Pedestrian Link



2 Elevated View from King Street



3 Elevated View from Carpark



4 Elevated View from King Street/Service Rd Corner



5 Elevated View from Top of King Street



4/3/6 Elevated View from Leisure Centre Service Area

Notes
 The data provided will be responsible for setting out the work.
 All dimensions must be obtained or checked on the site.
 All figures are in metres unless otherwise stated.

North Point

Key Plan

| Issue No. | Date | Updated Drawing | By | Check |
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Project: Wednesbury Health Centre
 Location: Kings Street, Wednesbury
 Drawing: Elevated 3D Perspective Site Views

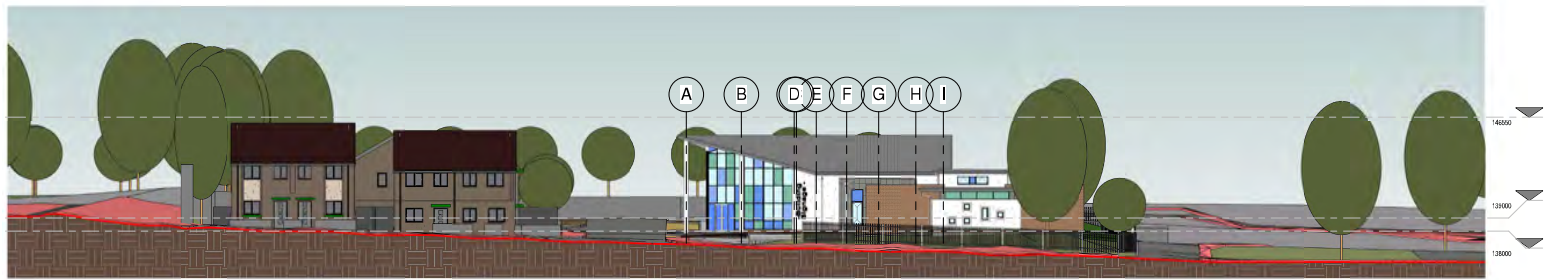
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| Planning | | | | | |
| Drawn by: | Checked by: | Quantity: | Scale: | Drawn on: | Drawn at: |
| XX | XX | AP(09) | 12 | S2 | P1 |
| Drawing No: Q17004 | | Construction Drawing No/Revision: | | | |

Urban Design & Building Services
 100-102 Kings Street, Wednesbury, B70 7AT
 Tel: 0121 353 4540

Notes:
 The client and architect will be responsible for obtaining all relevant permissions.
 All dimensions must be obtained or checked on the day of construction to avoid incompletion or delay.



1 Site Section through South of Site
 1 : 200



2 Site Section through King Street
 1 : 200



3 Site Section through the Site looking South
 1 : 200



4 Site Section through Site looking North
 1 : 200

North Point

Key/Rev.

| Rev | Date | Issue | By |
|-----|------------|------------------------|-------|
| 1 | 14/11/2020 | Issue for consultation | 22/22 |
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Project No: **Wedgesbury Health Centre**
 Location: **Kings Street Wednesbury**
 Section: **Proposed Site Sections**

Planning

| Application No | Phase | Discretion | Decision Authority |
|----------------|-------|------------|---------------------------------------|
| JAK 19/0418 | XX | XX | Sandwell Metropolitan Borough Council |
| 1/200 | | | |

| Drawn By | Check | Reviewed | Scale | Grid | Version |
|----------|-------|----------|-------|------|---------|
| XX | XX | A-P(9-) | 10 | S2 | P1 |

Sheet No: **Q17004**

Urban Design & Building Services
 0121 353 4000
 0121 353 4001
 0121 353 4002
 0121 353 4003

| | |
|---|---|
| Mr Jason Shaw C/o Anthony Hope MCIAT | Proposed 19 No. apartments and 2 No. houses (outline application for access, appearance, layout and scale). Land Adjacent Compton Grange Whitehall Road/St Annes Road Cradley Heath |
|---|---|

Date Valid Application Received: 5th March 2019

1. Recommendations

That Members visit the site.

2. Observations

This application is being reported to your Committee at an early stage to enable Members to visit the site and for the Council to determine the application within the timeframe set by Government. Significant interest has already been received from residents. This is a summary report only and does not seek to assess the proposal.

The application site is situated adjacent to the boundary of Cradley Heath Town centre to the north of the Cradley Heath by pass/Lower High Street. Compton Grange and residential properties are situated to the immediate north of the site accessed from Whitehall Road.

This is an outline application (access, appearance, layout and scale) to erect 19 apartments and two houses. Only landscaping is reserved for later approval.

The application has been publicised by neighbour notification. Consultations have been carried with external and internal consultees.

As stated, this application has yet to be properly assessed. If Committee are so minded, a visit by members to the site may be appropriate which would enable a full report to be made to the next committee meeting in June.

3. Relevant History

DC/15/58467 – Proposed 20 no. apartments and 2 no. houses (outline application with access, appearance, layout and scale) – Withdrawn 10.11.2015

4. Central Government Guidance

National Planning Policy Framework promotes sustainable development

5. Development Plan Policy

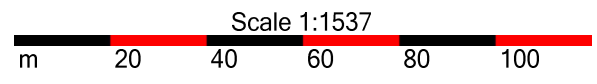
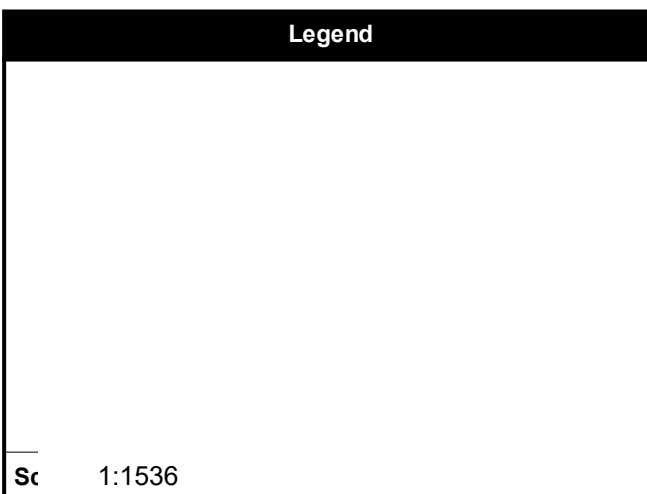
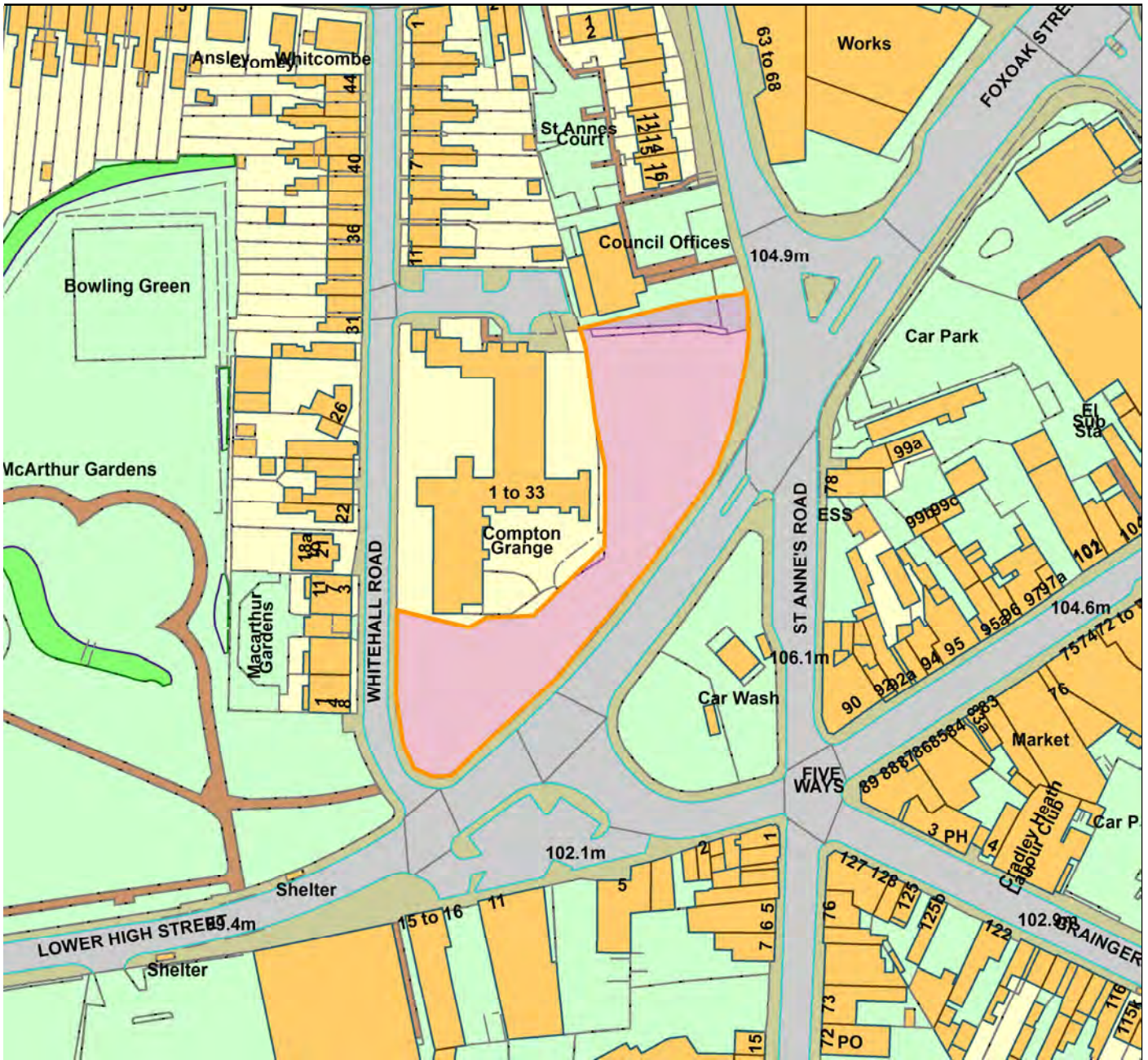
Various policies

6. Contact Officer

William Stevens
0121 569 4897
william_stevens@sandwell.gov.uk

DC/19/62665

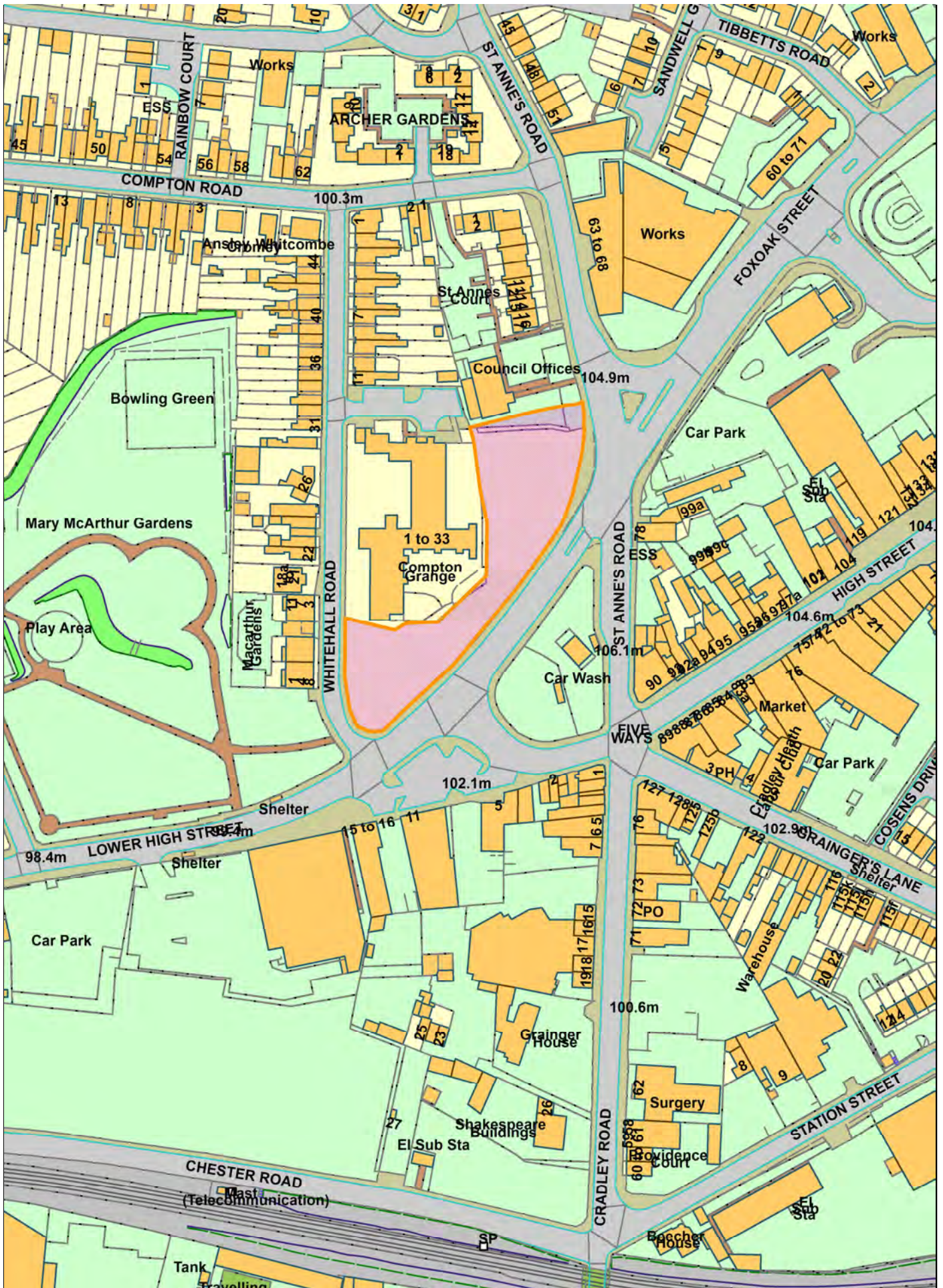
Land adjacent Compton Grange Whitehall Road



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|----------------------|---------------|
| Organisation | Not Set |
| Department | Not Set |
| Comments | Not Set |
| Date | 24 April 2019 |
| OS Licence No | |

Sc 1:1536



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| | |
|---|---|
| Mr Chris Wardle 8 Walsall Street Wednesbury | 2 No. 3 bedroom dwellings. Land to the rear of Churchills 8 Walsall Street Wednesbury WS10 9BZ |
|---|---|

Date Valid Application Received: 8th March 2019

1. Recommendations

Refusal is recommended on the following grounds that:-

- i) The development would be out of character with surrounding historic street scene by reason of its modern design, contrary to the Adopted Revised Residential Design Guide.
- ii) The development would be Detrimental to the amenities of neighbouring residential property by reason of loss of light, outlook and privacy.
- iii) The development would be contrary to the provisions of the Adopted Revised Residential Design Guide (Appendix 3 – Highways Guide) and therefore would be detrimental to highway safety on the grounds that it would (a) exceed the number of dwellings that can be served off a private drive; (b) the private drive is insufficient in width to allow two vehicles to pass, (c) that the proposed parking spaces are below recommended standard sizes, and (d) visibility on exit/egress from the drive is unsatisfactory.

2. Observations

At your last meeting Committee resolved to visit the site.

Planning History

The application is being reported to your Committee at the request of Councillor Peter Hughes due to objections raised by residents.

The application site (disused bowling green), and adjacent club premises, known as “Churchills”, has been the subject of complaints in recent years in connection with the unauthorised use of the former bowling green as a beer garden. Members may recall refusing a retrospective application in 2017 (DC/17/60987) in relation to Churchills and its associated land.

I am advised that it has been more than 5 years since the bowling green was last in use for its original purpose.

Application site and surroundings

Churchills is located on the north side of Walsall Street, close to Wednesbury Town Centre. Its former bowling green, located at the rear of the club building, is surrounded by housing off Squires Walk and Hollies Drive. Only pedestrian access exists to the application site via the existing club premises. However, there is an existing private un-adopted drive serving as a vehicular access to 5 houses in Hollies Drive and Squires Walk which extends along the northern boundary of the former bowling green. There is a pedestrian gate into the application site from the private drive but no vehicular access into the site. There is a significant (2-3m) drop in levels from the access drive down to the level of the former bowling green and the embankment is covered in existing self-setting shrub and tree planting.

Proposal

This is a full planning application for the construction of 2 x 3-bed two-storey detached modern houses with access and parking proposed via the un-adopted drive off Hollies Drive. Each 3-bed house would front the existing access drive, with 2 elevated off-street parking spaces and provide larger than average private rear amenity space. Most of the self-setting tree and shrub planting along the un-adopted road would be removed to gain access to the development. A landscaped buffer would be provided between the rear gardens of the houses and the existing club.

The application is accompanied by a coal mining risk assessment.

Publicity and consultation responses

The application has been publicised by neighbour notification. I have received 14 objection letters together with a petition of objection signed by 20 residents in Hollies Drive, Squires Walk and one resident of Crankhall Lane. The grounds of objection are summarised as follows :-

- i) Inadequate access, narrowness and inadequate visibility;
- ii) Insufficient parking causing parking problems;
- iii) Noise;
- iv) Loss of light;
- v) Loss of privacy;
- vi) Over-shadowing and loss of outlook;
- vii) Problems with drainage and other service provision;
- viii) Loss of greenspace;
- ix) The land should only be used for recreational purposes as identified in the deeds;
- x) Residents do not believe that the applicant has a right of vehicular access over the private drive;
- xi) Concern that any new occupants would be eligible for the residents parking scheme, already at capacity;
- xii) Removal of established tree/hedge planting would damage the character of the area;
- xiii) The development would detract from this old and historical part of Wednesbury as the surrounding property are Victorian in character;
- xiv) Damage to the private access drive, particularly during construction;
- xv) Difficulty for emergency vehicles to gain access;
- xvi) The development does not constitute affordable housing;

West Midlands Fire Service – Neither support nor object to the proposal. The comments received state “Water supplies for firefighting should be in accordance with "National Guidance Document on the Provision for Fire Fighting" published by Local Government Association and WaterUK”.

West Midlands Ambulance Service – has not responded.

Coal Authority – No objections subject to a condition relating to site investigations.

Highways – Objection. The proposal would contravene the standards set out in Appendix 3 of the Council’s Adopted

Residential Design Guide in that no more than 5 dwellings can be served off a private drive and this proposal would introduce a further two dwellings which is unacceptable. In addition, the width of the drive is too narrow to allow two-way traffic at its entrance and vehicular visibility is poor due to the existence of existing development built to the back of the footpath. Also, the proposed parking spaces are too small. In addition, there is a residents parking scheme on Hollies Drive where parking permits are restricted due to the limited amount of road space available. Current parking levels already cause some servicing and delivery issues for existing residents and it is considered that this proposal could worsen the situation.

Environmental Health – (Air Quality Team) Recommends the installation of electric vehicle charging points per house. (Noise Team) has no objections subject to construction hours limitations.

Planning Policy – The site is unallocated within the development plan and would therefore be assessed as Windfall Development (Policy SAD H2) and is considered acceptable from this policy context. The development is liable to the Community Infrastructure Levy.

Urban Design – Although there is space to accommodate the development, the units would be isolated, some 35m away from the highway.

Healthy Urban Living – Recommends the installation of electric vehicle charging points and that consideration of bin storage should be incorporated into the development.

Responses to objections received

In addressing objections received I comment as follows:-

- i) Highways share these concerns.
- ii) The development as proposed provides two off-street spaces per dwelling which accords to adopted standards. However, the spaces are substandard in size and this has been raised by Highways.
- iii) It is not considered that a small residential redevelopment of the site would cause undue noise in the long term. There would undoubtedly be some disruption during construction, but this would be temporary.

- iv) It is agreed that the proposals would adversely impact on light and this is discussed later in the report.
- v) As iv above.
- vi) As iv above.
- vii) Drainage of the development would be dealt with by planning condition and via Building Regulations should your Committee be minded to approve the application. Any other issues arising with other underground services fall outside the remit of the determination of this application.
- viii) Whilst the loss of the bowling green is unfortunate it is not a publicly accessible or designated green space. It was a private bowling green linked to the Churchills and has become overgrown due to lack of use. There is no requirement for Sport England to be consulted on the matter given that it has been out of use for 5 years. The owner is attempting to find a suitable alternative use/development for the land as would be expected.
- ix) Specific clauses contained in private property deeds cannot be challenged by the local planning authority. This would be a matter for the objectors to pursue with the applicant from a legal perspective.
- x) Refer to response ix above.
- xi) Addressed by Highways.
- xii) The self-setting hedging/trees within the application site are unprotected. They do support wildlife, but the applicant could remove this landscaping without prior planning consent. The proposal does show that some planting would be retained and could be enhanced with a landscaping condition if Committee were minded to approve.
- xiii) I share these concerns relating to character and this issue is addressed later in this report.
- xiv) Any damage caused to the private access drive during construction phase would be a private matter for the applicant and residents concerned to resolve.
- xv) Emergency Services have been consulted on the application.
- xvi) This development does not constitute affordable housing. Affordable Housing policy applies where the development proposed is 15 dwellings or more.

Comments and conclusions

I have several issues with this proposal and consider that it should be resisted.

Firstly, I am concerned about character. This part of Wednesbury has a unique and special character made up of Victorian buildings with a design code that characterises the area. It is not considered that the proposed modern houses would complement the positive historic distinctiveness that this locality presents, and the houses would appear incongruous in the street scene, notwithstanding the fact that they would sit at the rear of nearby houses. I therefore conclude that the proposal would be contrary to the provisions of the Residential Design Guide in this regard.

Secondly, the development would have an adverse impact on the light, outlook and privacy of nearby residents. 4 Hollies Drive would suffer from loss of outlook and light due to the position and height of plot 2 in relation to it and the existence of a main habitable room on the rear wing of no. 4 Hollies Drive at ground level. Furthermore, the gap between plot 2 and a kitchen window at no. 4 Squires Walk is deficient thus causing a loss of privacy. I am also generally concerned about overlooking of nearby residential property even with the oblique angles shown on the submitted plans and this is due to the height of the proposed buildings, land levels and proximity of the dwellings to neighbouring property.

Finally, there are a number serious highway issues with the proposal, all of which contravene standards set out in the Residential Design Guide.

To conclude, although in principle, residential development of this site could be supported by adopted development plan policy contained in SAD H2 (Windfalls), this specific proposal falls in relation to the Council's Adopted Revised Residential Design Guide in terms of its general impact on the street scene, on loss of neighbouring residential amenity and on highway safety and should therefore be resisted.

3. Relevant History

| | | |
|-------------|--|------------------------------------|
| DC/17/60987 | Retention of 2 bed flat, storage shed, decking and fencing at first floor, and of part of former bowling green as a beer garden/play area with play equipment at rear. | Refused 25/1/2018 No appeal. |
|-------------|--|------------------------------------|

4. Central Government Guidance

National Planning Policy Framework promotes sustainable development.

5. Development Plan Policy

ENV3 – Design Principles
SADEOS9 – Urban Design Principles
SADH2 – Housing Windfalls

6. Contact Officer

Mrs Christine Phillips
0121 569 4040
christine_phillips@sandwell.gov.uk

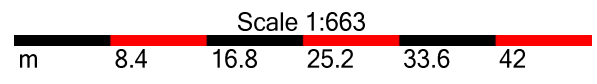
DC/19/62695

Land to the rear of Churchills, 8 Walsall Street



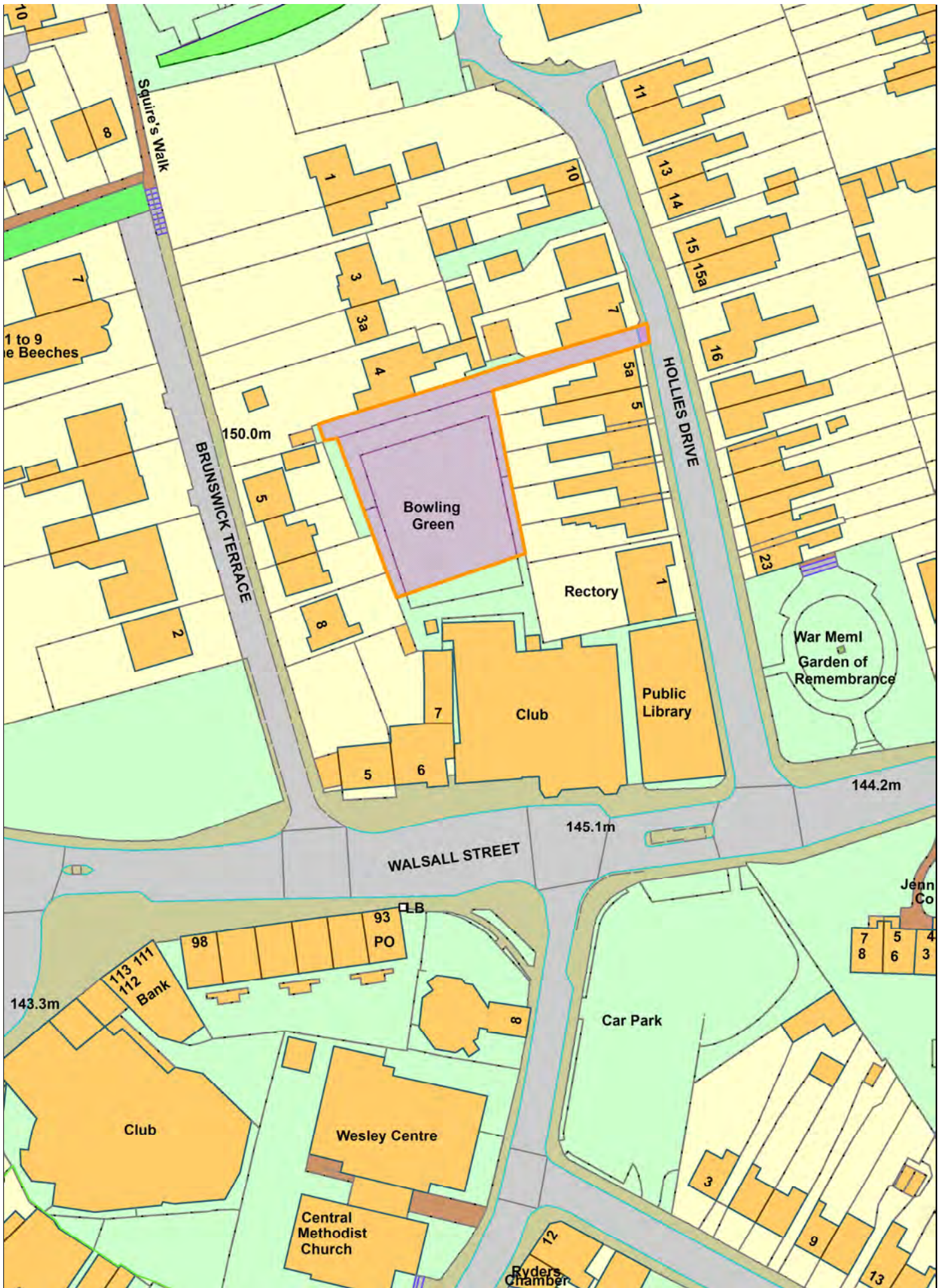
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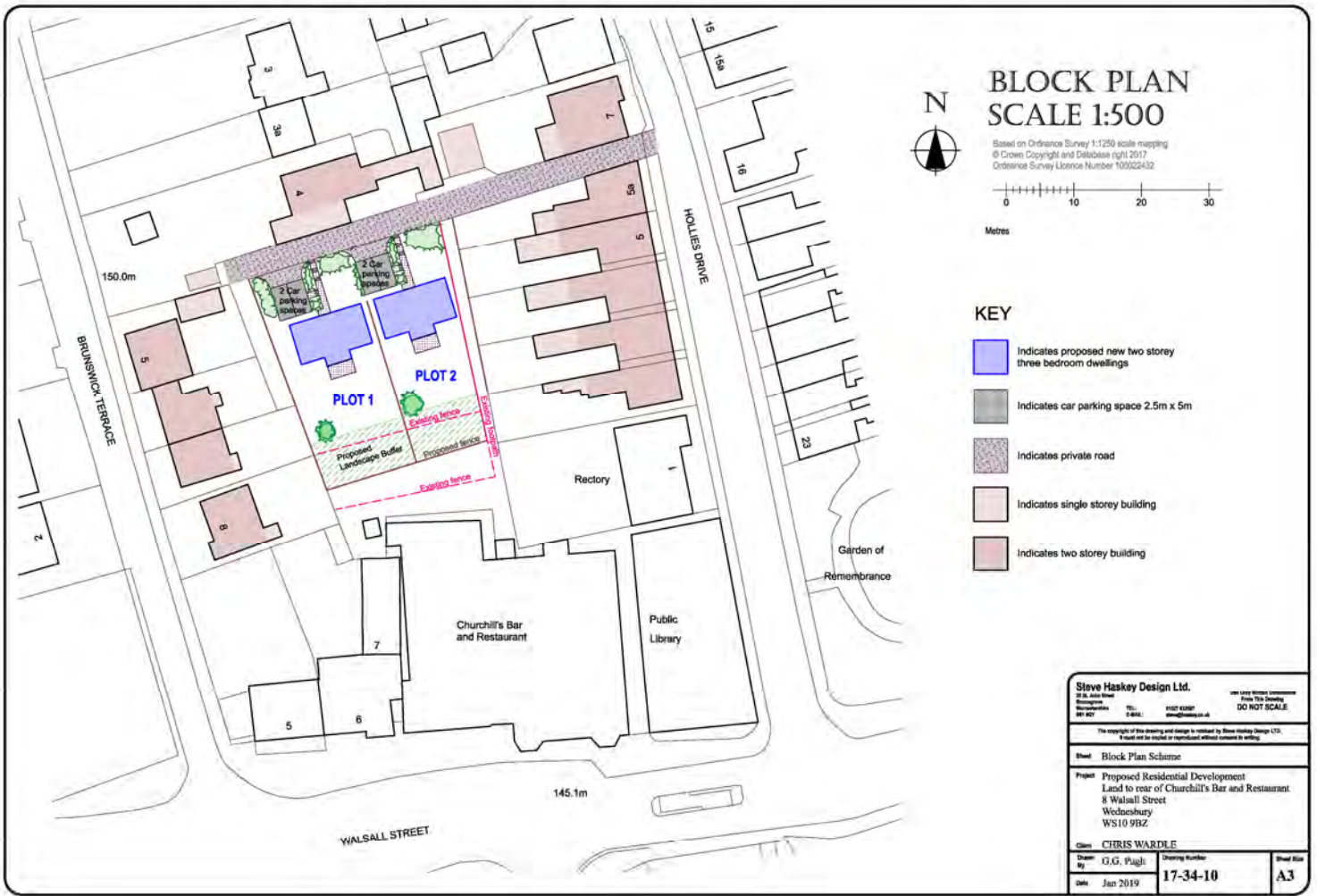
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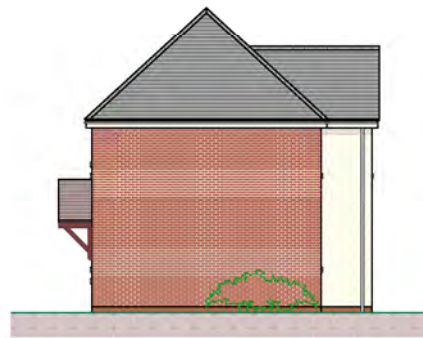
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SOUTH ELEVATION
SCALE 1:100

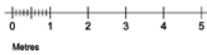


WEST ELEVATION
SCALE 1:100

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| The copyright of this drawing and design is retained by Steve Haskey Design Ltd. It must not be copied or reproduced without consent in writing. | | |
| Sheet | Elevations 2 | |
| Project | Proposed Residential Development Land to rear of Churchill's Bar and Restaurant 8 Walsall Street Wolverhampton WS10 9BZ | |
| Client | CHRIS WARDLE | |
| Drawn By | G.G. Pugh | Drawing Number |
| Date | Jan 2019 | 17-34-14 |
| | | Sheet Size |
| | | A3 |



NORTH ELEVATION
SCALE 1:100



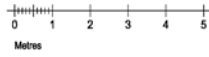
Meters



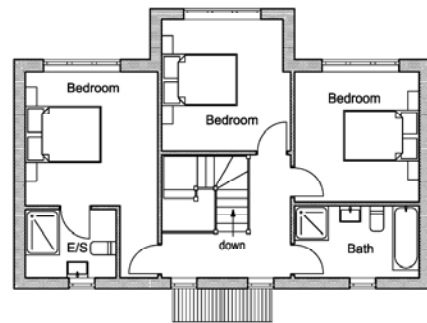
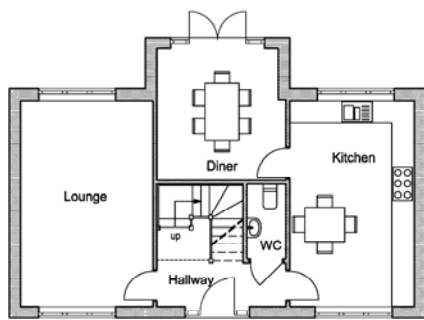
EAST ELEVATION
SCALE 1:100

| | | |
|---|---|--|
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| Sheet Elevations 1 | | |
| Project Proposed Residential Development Land to rear of Churchill's Bar and Restaurant 8 Walsall Street Wolverhampton WV1 1JF | | |
| Client CHRIS WARDLE | | |
| Drawn By G.G. Pugh | Drawing Number 17-34-13 | Sheet Size A3 |
| Date Jan 2019 | | |

**GROUND FLOOR PLAN
SCALE 1:100**



**FIRST FLOOR PLAN
SCALE 1:100**



| | | |
|---|---|--|
| Steve Haskey Design Ltd. | | <small>Use Only Where Dimensioned From This Drawing DO NOT SCALE</small> |
| <small>25 St. John Street Wolverhampton BIP 10Y</small> | <small>TEL: 01927 52287 EMAIL: s.haskay@shd.co.uk</small> | |
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| Sheet Floor Plans | | |
| Project Proposed Residential Development Land to rear of Churchill's Bar and Restaurant 8 Walsall Street Wednesbury WS10 9BZ | | |
| Client CHRIS WARDLE | | |
| Drawn By G.G. Pugh | Drawing Number 17-34-12 | Sheet Size A3 |
| Date Jan 2019 | | |

| | |
|--|---|
| <p>Mr Singh 54 Surfeit Hill Road Cradley Heath B64 7EB</p> | <p>Proposed external alterations, ground and first floor extensions to create 3 self-contained flats, and conversion and extension of existing ground floor shop storage room into separate self-contained shop (Use Class A1). 54 Surfeit Hill Road Cradley Heath B64 7EB</p> |
|--|---|

Date Valid Application Received: 13th March 2019

1. Recommendations

That Members visit the site.

2. Observations

This application is being reported to your Committee at an early stage to enable Members to visit the site and for the Council to determine the application within the timeframe set by Government. Significant interest has already been received from residents. This is a summary report only and does not seek to assess the proposal.

The application site is situated on the eastern side of Surfeit Hill Road, Cradley Heath. The application relates to a shop on the site of the former Bull Terrier Public House. The surrounding area is residential.

The applicant proposes some external alterations, including ground and first floor extensions to create 3 self-contained flats, and conversion and extension of the existing shop storage into a separate self-contained shop (use class A1 (shops))

The application has been publicised by neighbour notification. Consultations have been carried with external and internal consultees.

As stated, this application has yet to be properly assessed. If Committee are so minded, a visit by members to the site may be appropriate which would enable a full report to be made to the next committee meeting in June.

3. Relevant History

DC/17/61125 - Retention of self-service launderette facility to rear of car park. Refused 15.01.2018

DC/17/60451- Proposed single storey side extensions/conversion to create hot food takeaway (A5 use) with ancillary extraction equipment. Refused 26.05.2017

DC/15/58846 - Proposed single storey side extension to create a hot food take-away (A5 use), with additional parking. Refused 16.09.2016

DC/15/57862 - Proposed conversion to retail shop, installation of new shop front with roller shutters and ramped access, and single storey side extension, and 3 No. refrigeration units to rear. GC 11.06.2015

4. Central Government Guidance

National Planning Policy Framework promotes sustainable development

5. Development Plan Policy

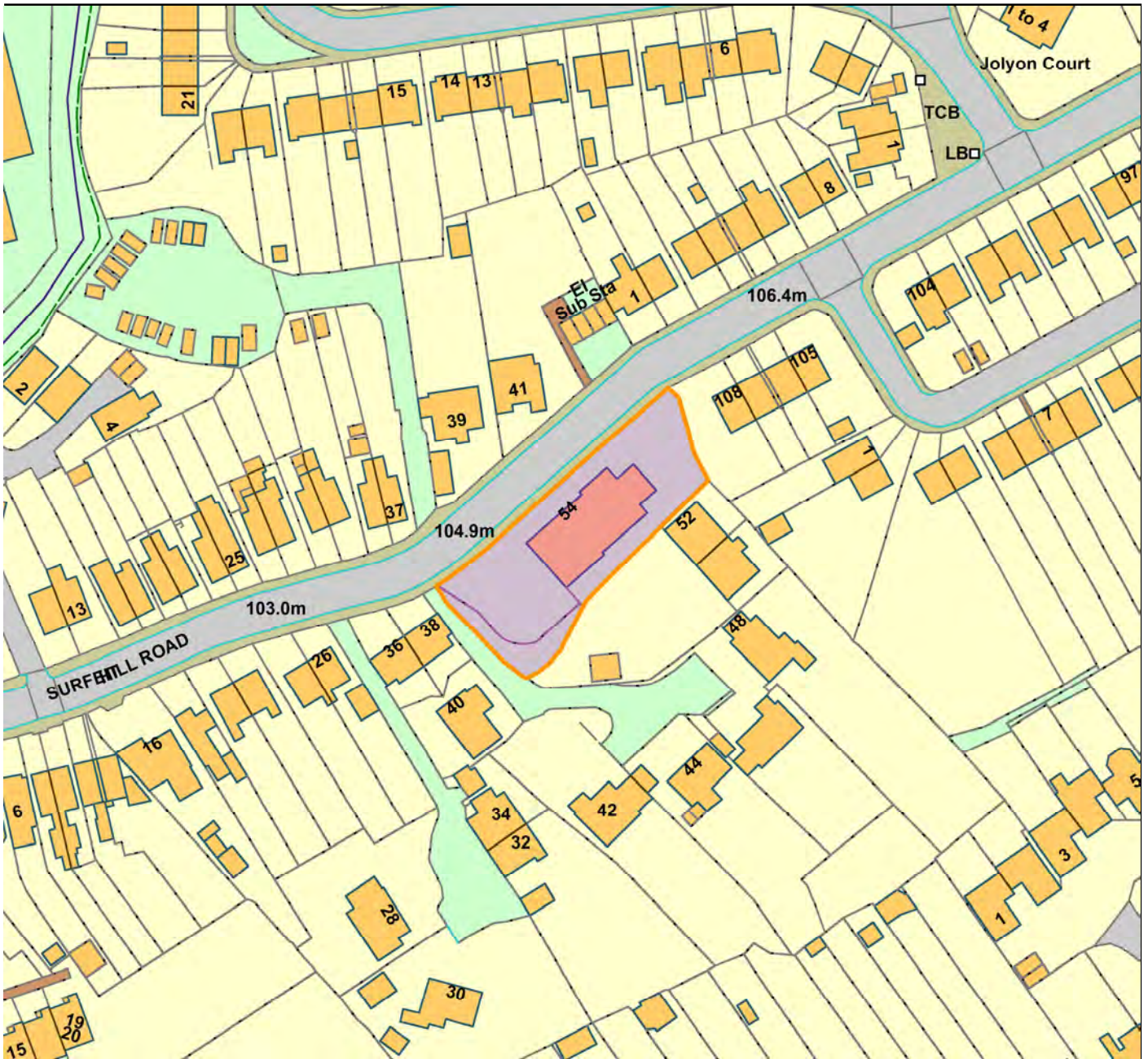
Various policies

6. Contact Officer

William Stevens
0121 569 4897
william_stevens@sandwell.gov.uk

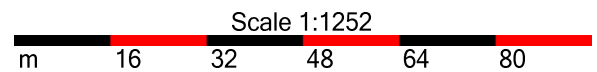
DC/19/62906

54 Surfbit Hill Road, Cradley Heath



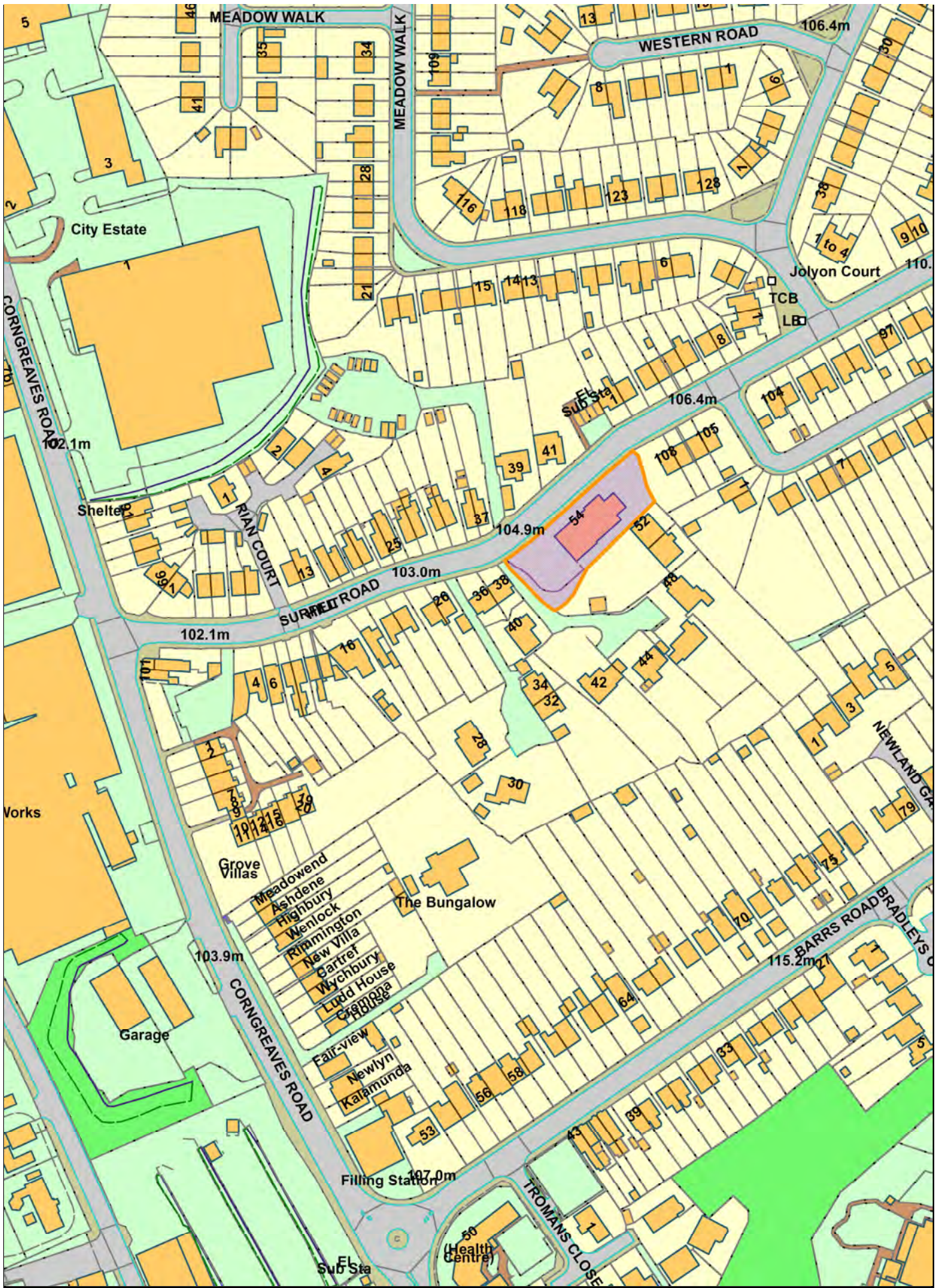
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| Organisation | Not Set |
| Department | Not Set |
| Comments | Not Set |
| Date | 24 April 2019 |
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| | |
|--|---|
| Mr M S Thandi 1 Birmingham Road West Bromwich B71 4JH | Retention of building for coach storage and use of adjoining land for coach and staff parking (3 office staff in first floor of office building). 1 Birmingham Road West Bromwich B71 4JH |
|--|---|

Date Valid Application Received: 25th March 2019

1. Recommendations

That members visit the site.

2. Observations

This is a retrospective application.

This application is being reported to your Committee at an early stage to enable Members to visit the site and for the Council to determine the application within the timeframe set by Government. Whilst no objections have been received to date, this application is a departure from the development plan and will need to be reported to Full Council. This is a summary report only and does not seek to access the proposal.

The application site is situated on the northern side of Birmingham Road, West Bromwich. The area is predominantly industrial with West Bromwich Albion Football Club to the south of the site.

The applicant proposes to retain the building for coach storage and the use of the adjoining land for coach and staff parking.

The application has been publicised by neighbour notification. Consultations have been carried with external and internal consultees.

As stated, this application has yet to be properly assessed. If Committee are so minded, a visit by members to the site may be appropriate which would enable a full report to be made to the next committee meeting in June.

3. Relevant History

The site has significant history, however none is relevant to this application.

4. Central Government Guidance

National Planning Policy Framework promotes sustainable development

5. Development Plan Policy

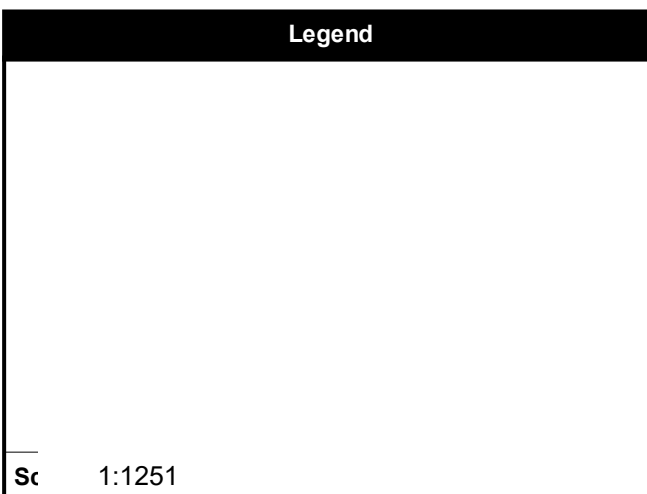
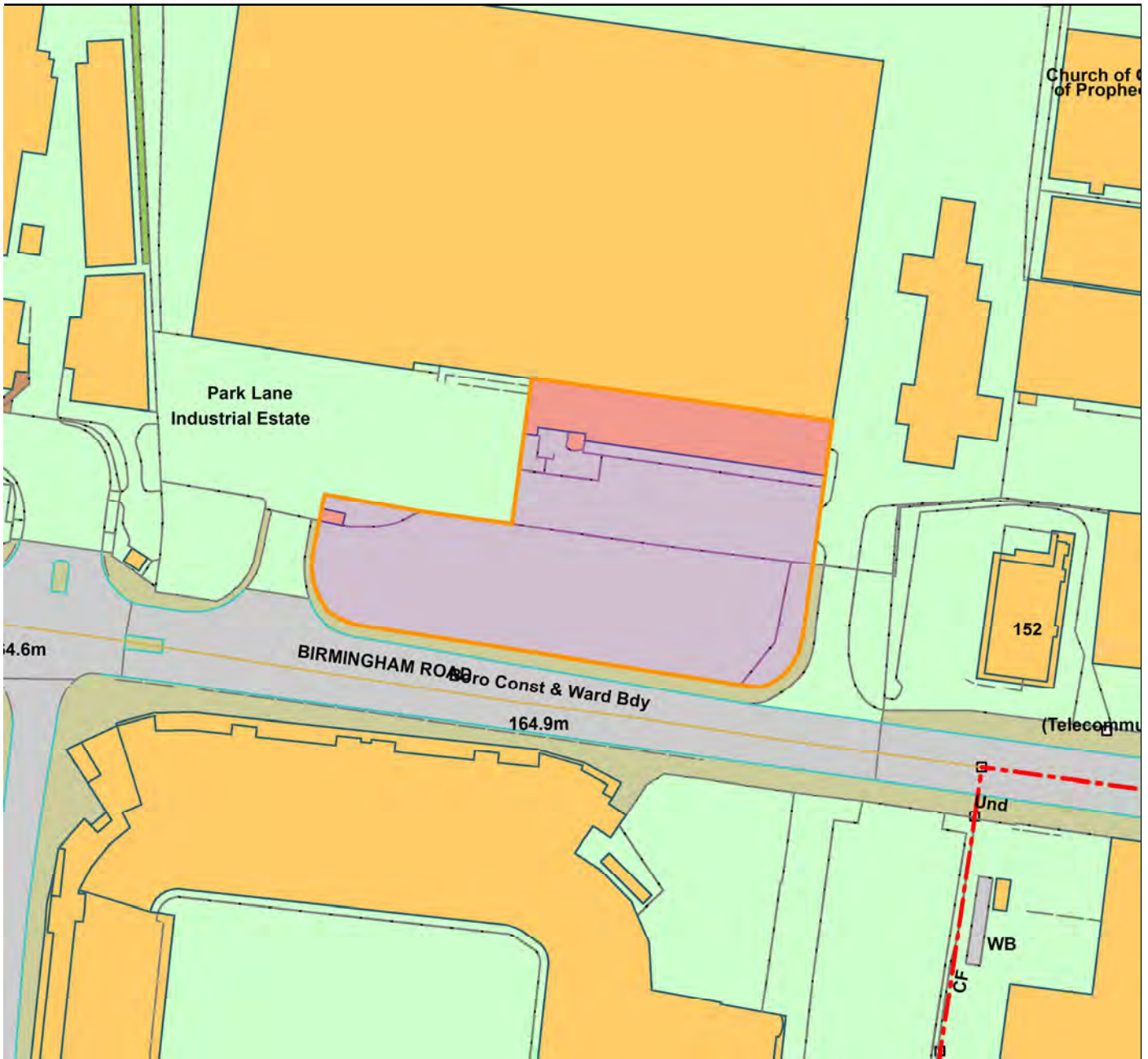
Various policies

6. Contact Officer

William Stevens
0121 569 4897
william_stevens@sandwell.gov.uk

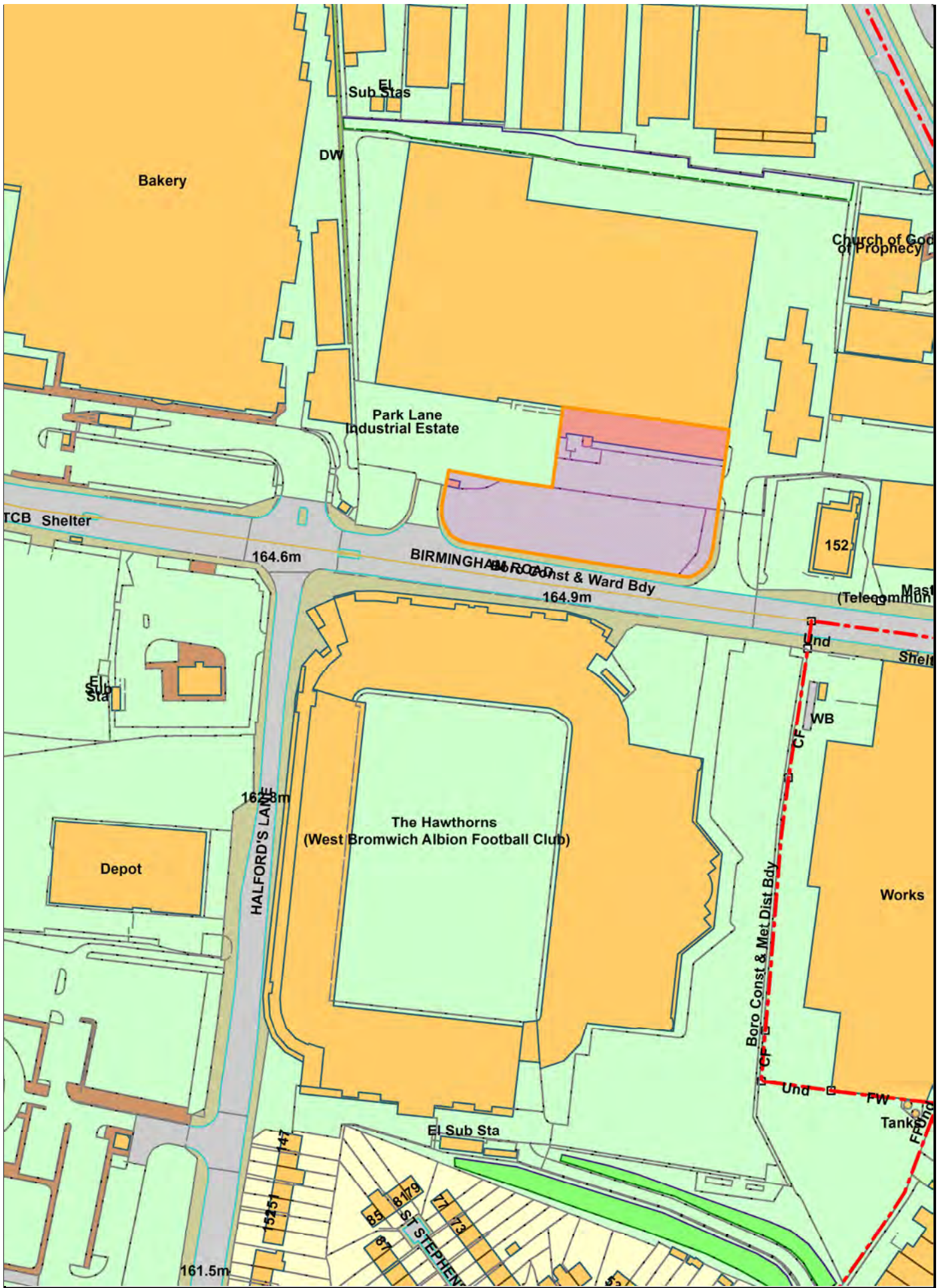
DC/19/62949

1 Birmingham Road, West Bromwich



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|--|---|
| Dudley Golf Club Turner's Hill Rowley Regis B65 9DP | Proposed demolition of existing structures and erection of 3 x 4 bed houses. Land Adjacent to Dudley Golf Club Turners Hill Rowley Regis B65 9DP |
|--|---|

Date Valid Application Received: 11th March 2019

1. Recommendations

Subject to receipt of satisfactory amended plans and approval by Full Council, as the proposal is a departure from the development plan, approval is recommended subject to:-

- (i) External materials;
- (ii) Boundary details;
- (iii) Landscaping details;
- (iv) The gating order serving Turners Hill shall be amended;
- (v) Parking and serving provision laid and retained as such;
- (vi) Electric vehicle charging points;
- (vii) Finished floor levels and
- (viii) Provision of bird and bat boxes

2. Observations

This application is being brought to the attention of your Committee as the site forms part of the Rowley Hills Strategic Open Space (SAD Policy EOS3) and is therefore a departure from the development plan.

The Application Site

The site is situated off Turners Hill immediately adjacent to the Golf Club and forms part of the club's servicing yard. Whilst being part of the Rowley Hills Strategic Open space, the site itself is already hard surfaced. It is bounded by trees to the rear joining the golf course, with a hedgerow to the frontage of Turners Hill. Turners Hill is gated to prevent vehicular access beyond the vehicular entrance to the golf club car park.

Current Application

The applicant proposes to erect three 4, bed detached properties with associated parking and landscaping. In particular, the scheme would incorporate new hedging to the frontages and also to the sides of Plot 1 and 3 and indicates that the existing trees to the rear of the site will remain in situ. A Planning Statement and Preliminary Ecological Appraisal accompany the application. The planning statement refers to the site forming previously developed land, given that it formed a hardstanding area for the existing golf club, and that development would not harm the existing character of the Rowley Regis Strategic Open space. The preliminary ecological appraisal found no habitat features of importance and merely recommended the introduction of bat and bird boxes within the scheme.

Publicity

The application has been publicised by press and site notice and at the time of writing the report no responses had been received. An update will be provided at your meeting.

Statutory Consultee Responses

Highways

Comments are awaited.

Urban Design

The layout is broadly acceptable and meets the spatial standards, however further detailing to the elevations have been requested to improve their appearance and natural surveillance along with more robust boundary treatments to the side and rear of the site.

Planning Policy

Comments are awaited.

Birmingham and Black Country Wildlife Trust

Comments are awaited.

Planning Policy and Other Material Considerations

As indicated the key issue relates to the allocation of the site as part of the Rowley Hills Strategic Open space (SAD Policy EOS3). This policy states that the proposal should not prejudice the character of the area or its function in:

- (i) Providing a major area of continuous and wide open space;
- (ii) Preventing the merging of urban areas;
- (iii) Providing an open, natural skyline;
- (iv) Providing for outdoor recreational opportunities in neighbouring urban areas;
- (v) Providing a range of wildlife habitats and a wildlife corridor;
- (vi) Providing extensive views out over the surrounding areas;

When considering the current proposal in context to the above it is considered that:-

- (i) The application site is a small area when seen in context to the overall strategic open space;
- (ii) The application site is on previously developed land forming part of the golf club maintenance area and is already hard surfaced;
- (iii) The photographs submitted with the application, demonstrate that given the enclosure of the service yard as current, the proposal would not impact on the open skyline and could potentially improve it;
- (iv) Given (ii) above, this does not affect the existing outdoor recreation facility;
- (v) The preliminary ecological survey findings have stated that there are no protected species within the site and include recommendations for the provision of bat and bird boxes within new development site. This can be conditioned;
- (vi) As indicated in (iii) above the proposal does not harm extensive views of the open space from this area of the golf course.

Conclusion

To conclude, the scheme is modest in scale, being only three dwellings it is considered given the above that it would not prejudice the function and character of the Rowley Hills Strategic Open Space. Approval is therefore recommended.

3. Relevant History

None.

4. Central Government Guidance

National Planning Policy Framework promotes sustainable development

5. Development Plan Policy

Policy ENV3 – Design Quality

Policy ENV5 – Sustainable Drainage

Policy ENV6 – Open Space, Sport and Recreation

Policy ENV8 – Air Quality

SAD Policy EOS3 – Rowley Hills Strategic Open Space

SAD Policy EOS9 – Urban Design Principles

6. Contact Officer

Alison Bishop

0121 569 4030

alison_bishop@sandwell.gov.uk

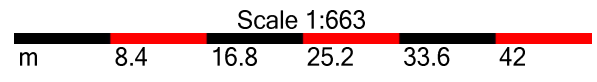
DC/19/62885

Land adj to Dudley Golf Club, Turners Hill



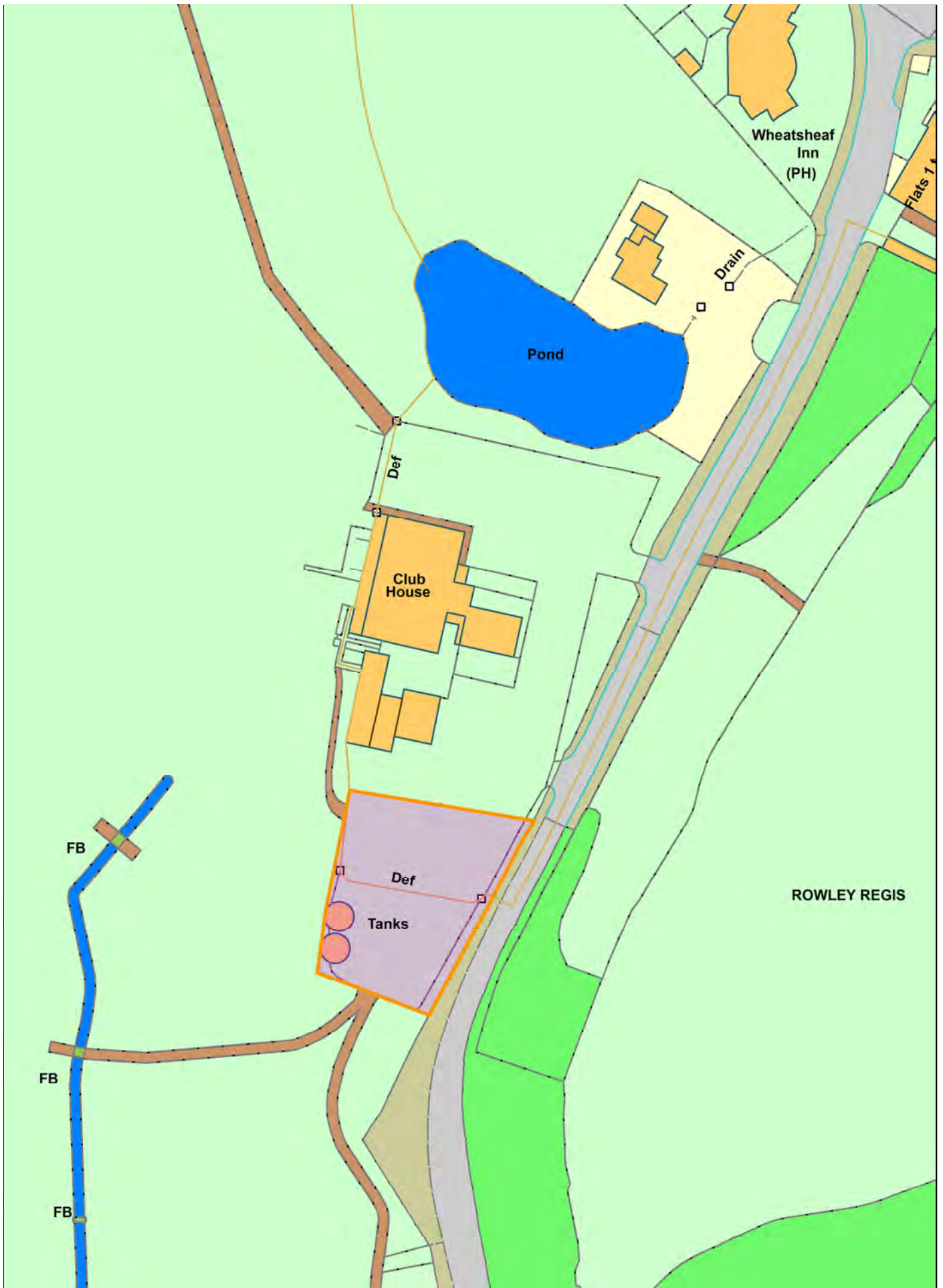
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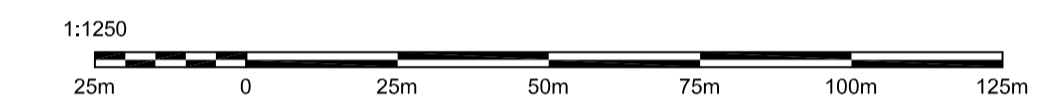
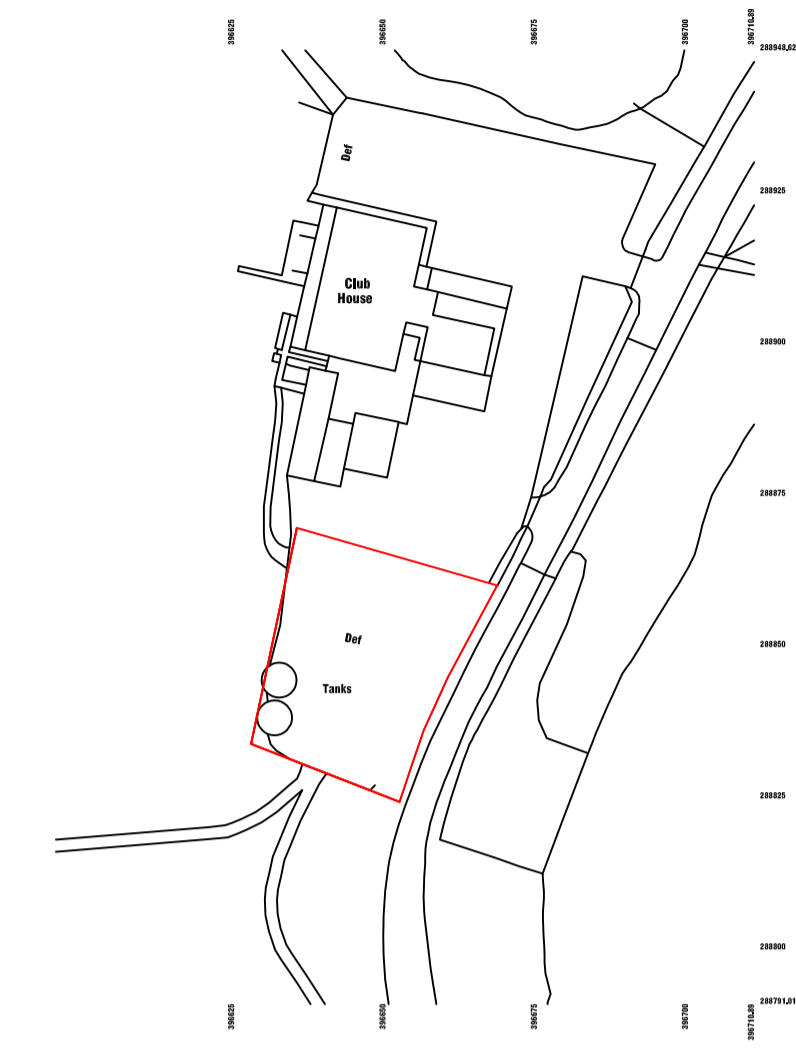
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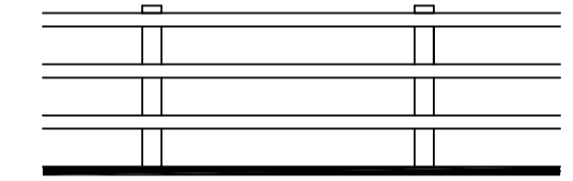
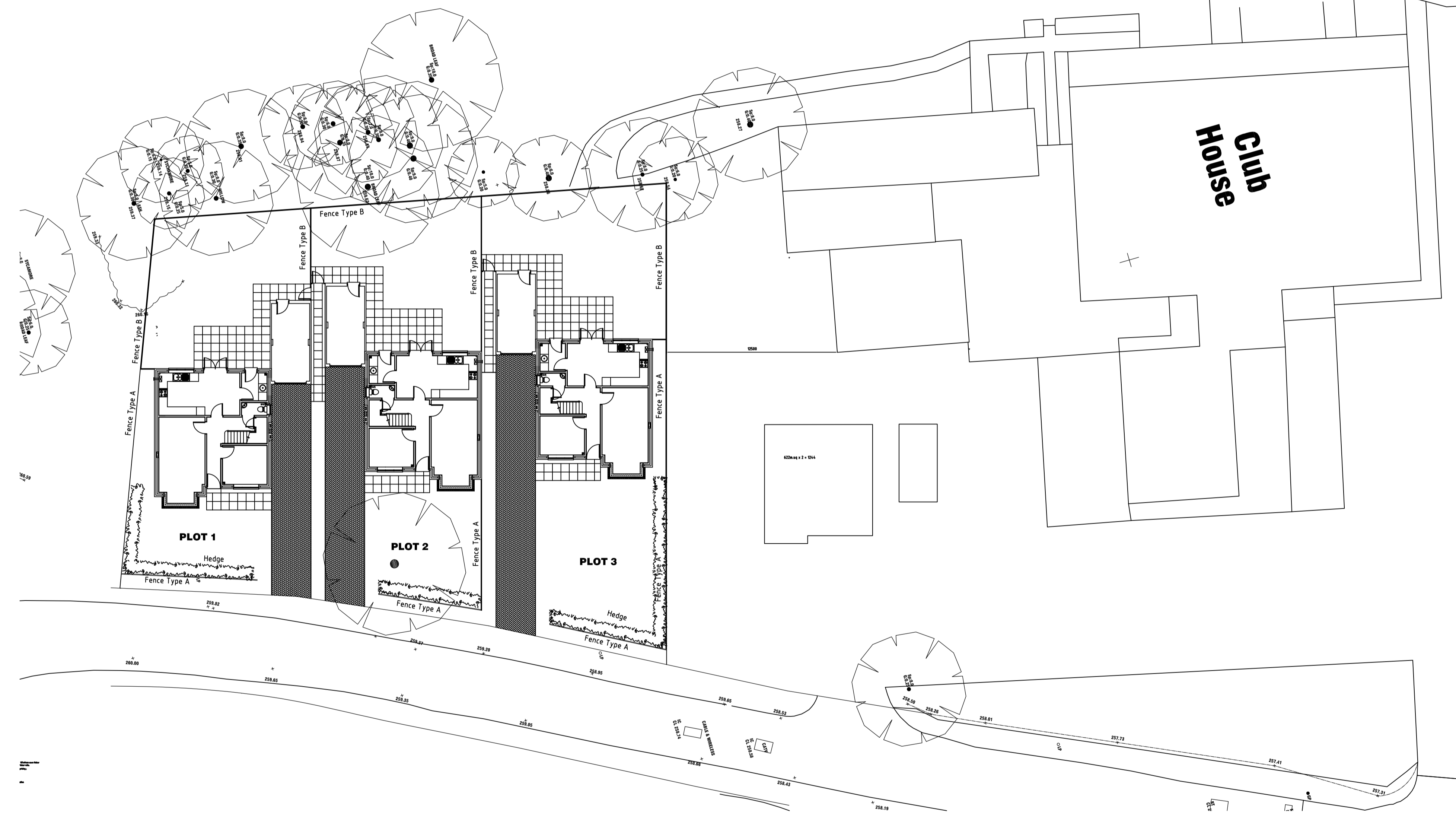


STREET SCENE

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- 25.00

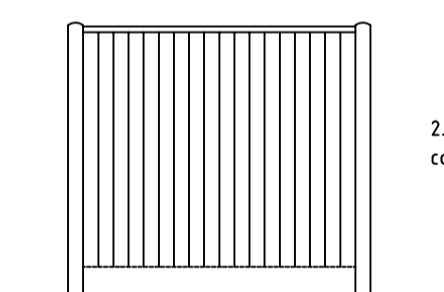


LOCATION PLAN 1-1250



FENCE TYPE A

1.2m high post and rail fence comprising 127x64mm sawn timber posts at 1.8m ctrs with 88x38mm sawn timber rails.
 Provide new hedge where indicated comprising:
 Hawthorn 60%
 Blackthorn 20%
 Field Maple 10%
 Hazel 10%
 Planted in accordance with the specification of the Woodland Trust.



FENCE TYPE B

2.0m high close boarded timber fence with concrete posts and gravel boards.

| Rev | Amendment | Date | Drn | Chk |
|-----|-----------|------|-----|-----|
| | | | | |



ECLIPSE ARCHITECTURE

1991 - 2016 CELEBRATING 25 YEARS

14 HIGH STREET, PENSRETT
 KINGSWINFORD WEST MIDLANDS DY6 8XD
 TEL: 01827 834740
 DESIGN@ECLIPSEARCHITECTURE.CO.UK

Site:
**Dudley Golf Club, Turners Hill
 Rowley Regis B65 9DP**
 Title:
Site Plan & Street Scene

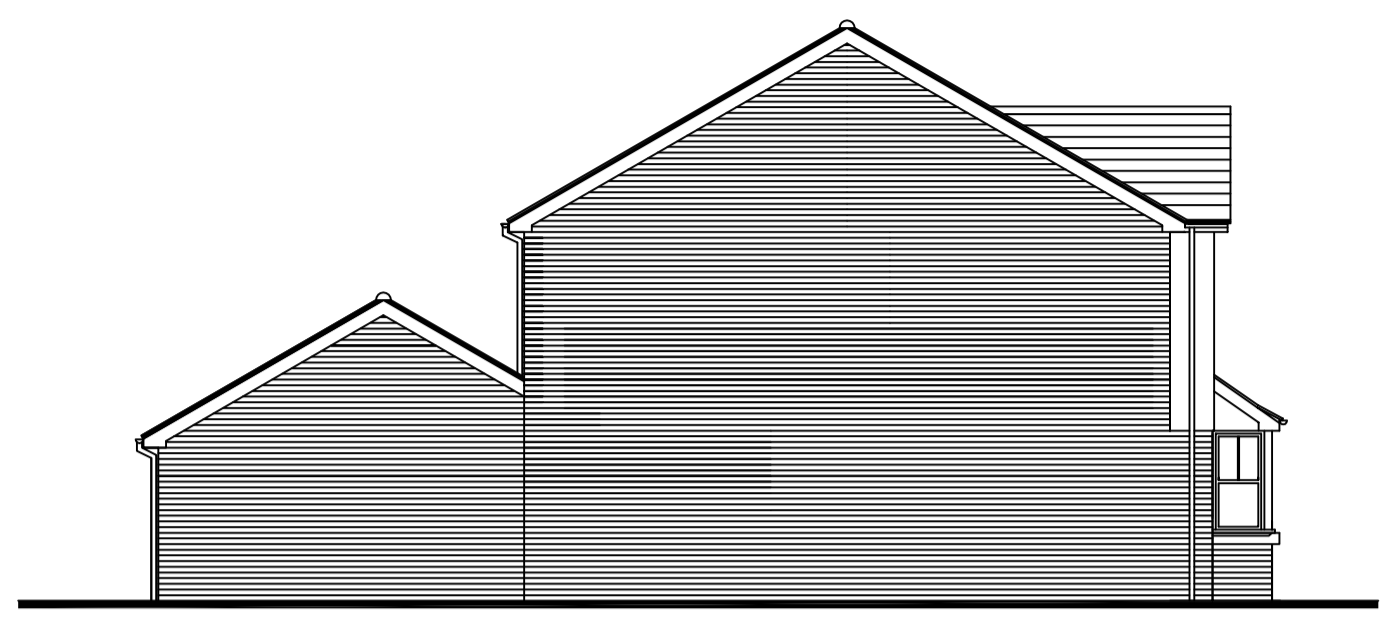
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1/200, 1/1250
 Date:
July 2018
 Dwg No.:
1765/PL003

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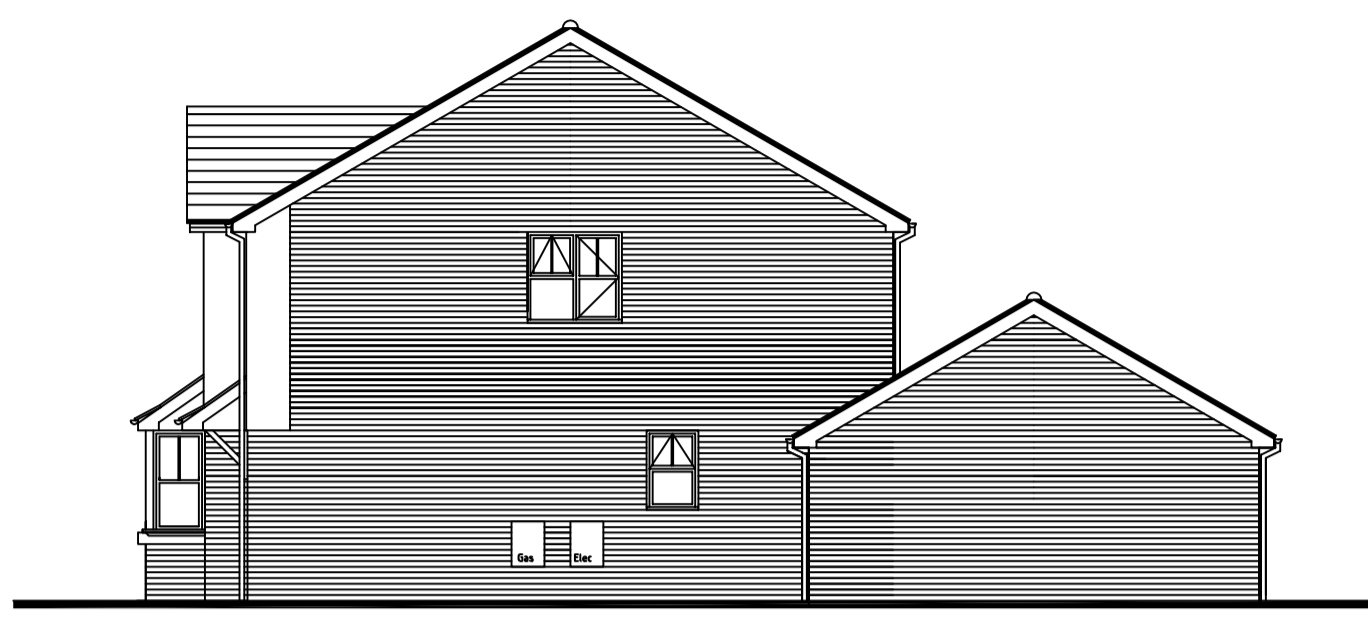
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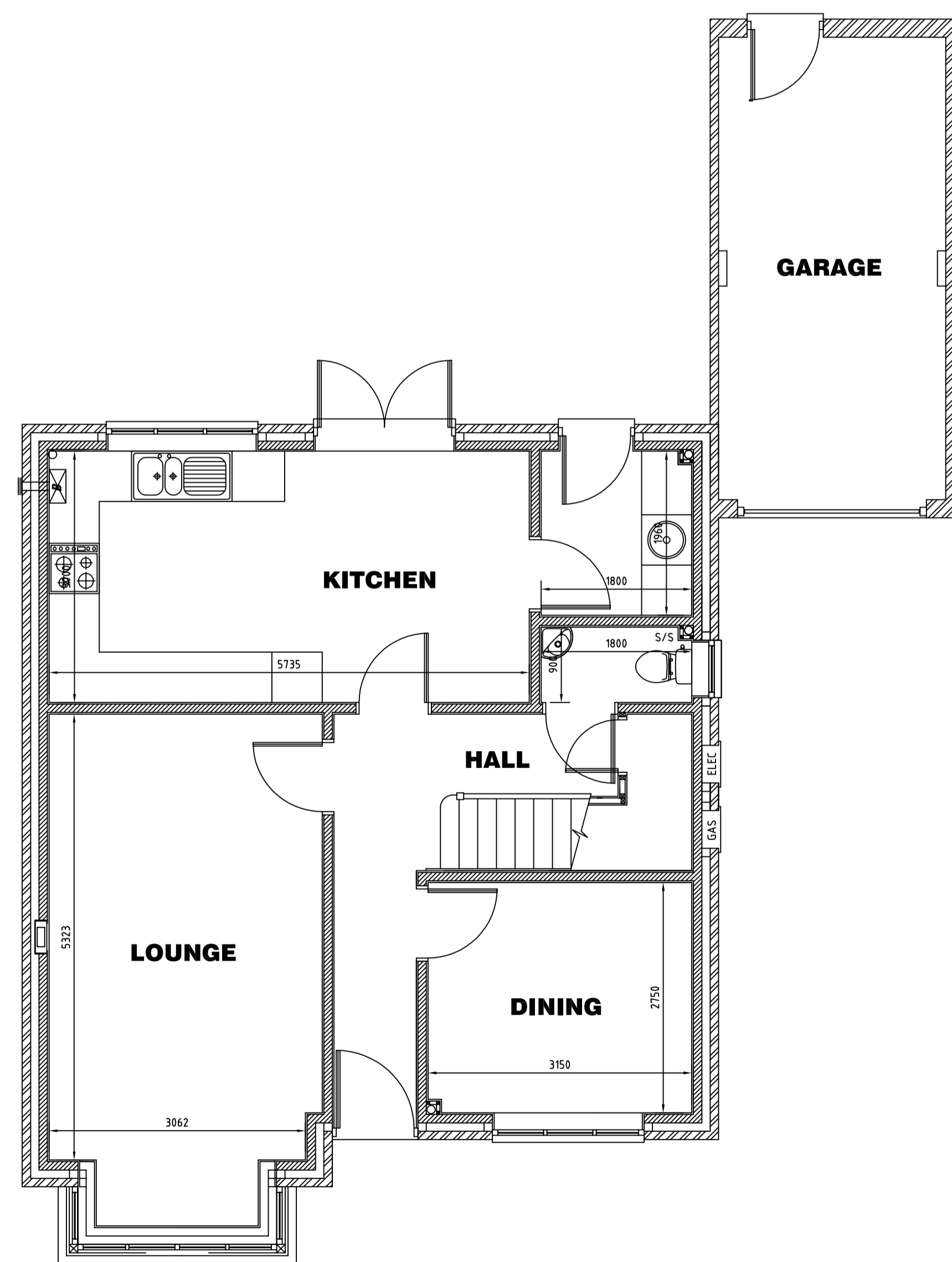
SIDE ELEVATION



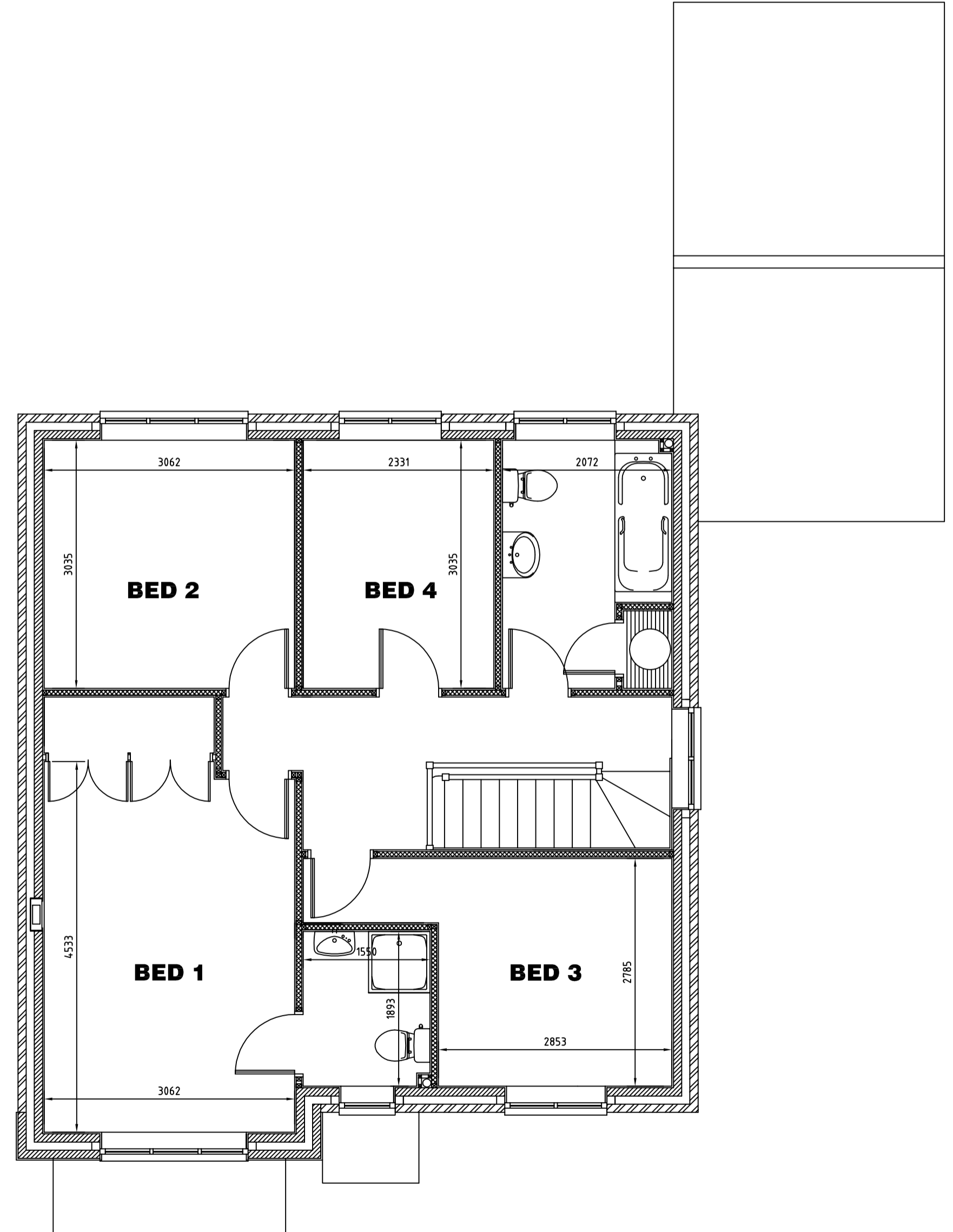
REAR ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

| Rev | Amendment | Date | Drn | Chk |
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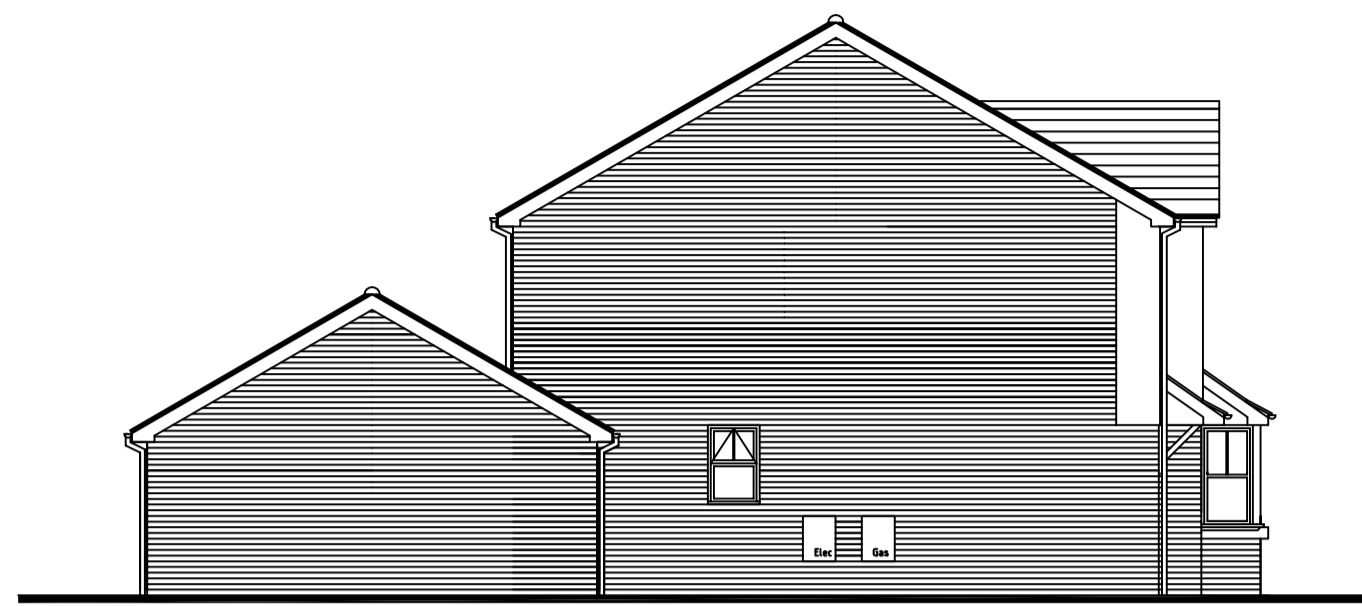
Site: **Dudley Golf Club, Turners Hill
Rowley Regis B65 9DP**
Title: **4 Bed Detached House
Plot 1**

Scale: **1/100, 1/50** Date: **July 2018**
Dwg No.: **1765/PL002** Rev:

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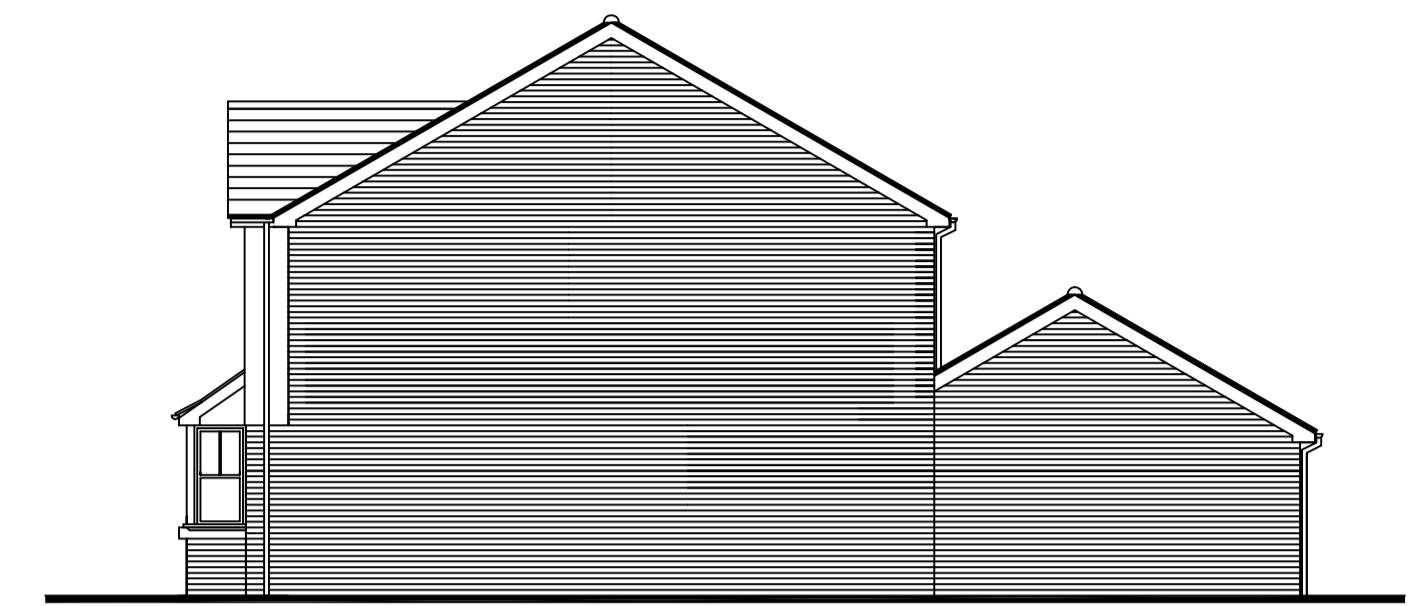
FRONT ELEVATION



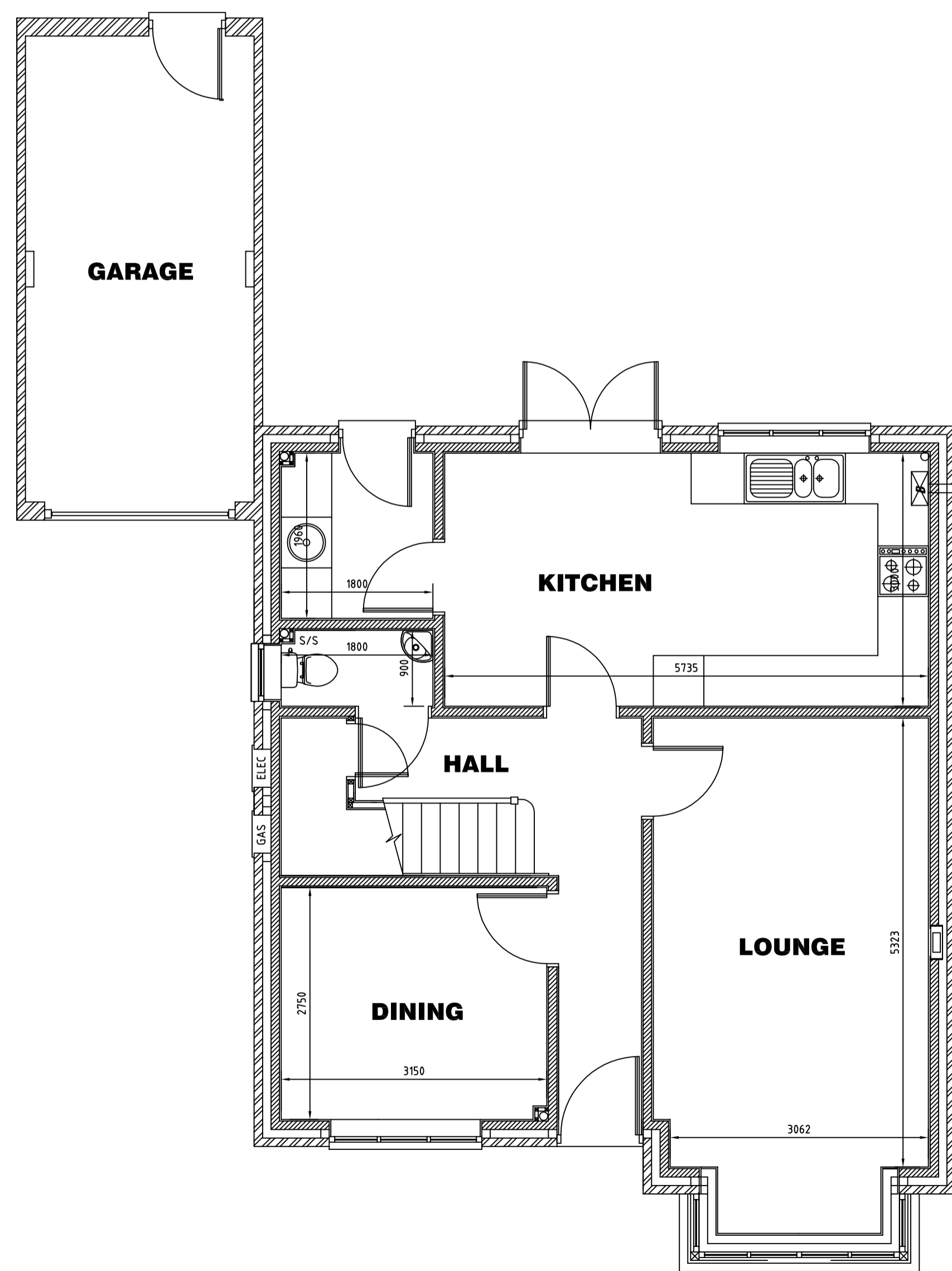
SIDE ELEVATION



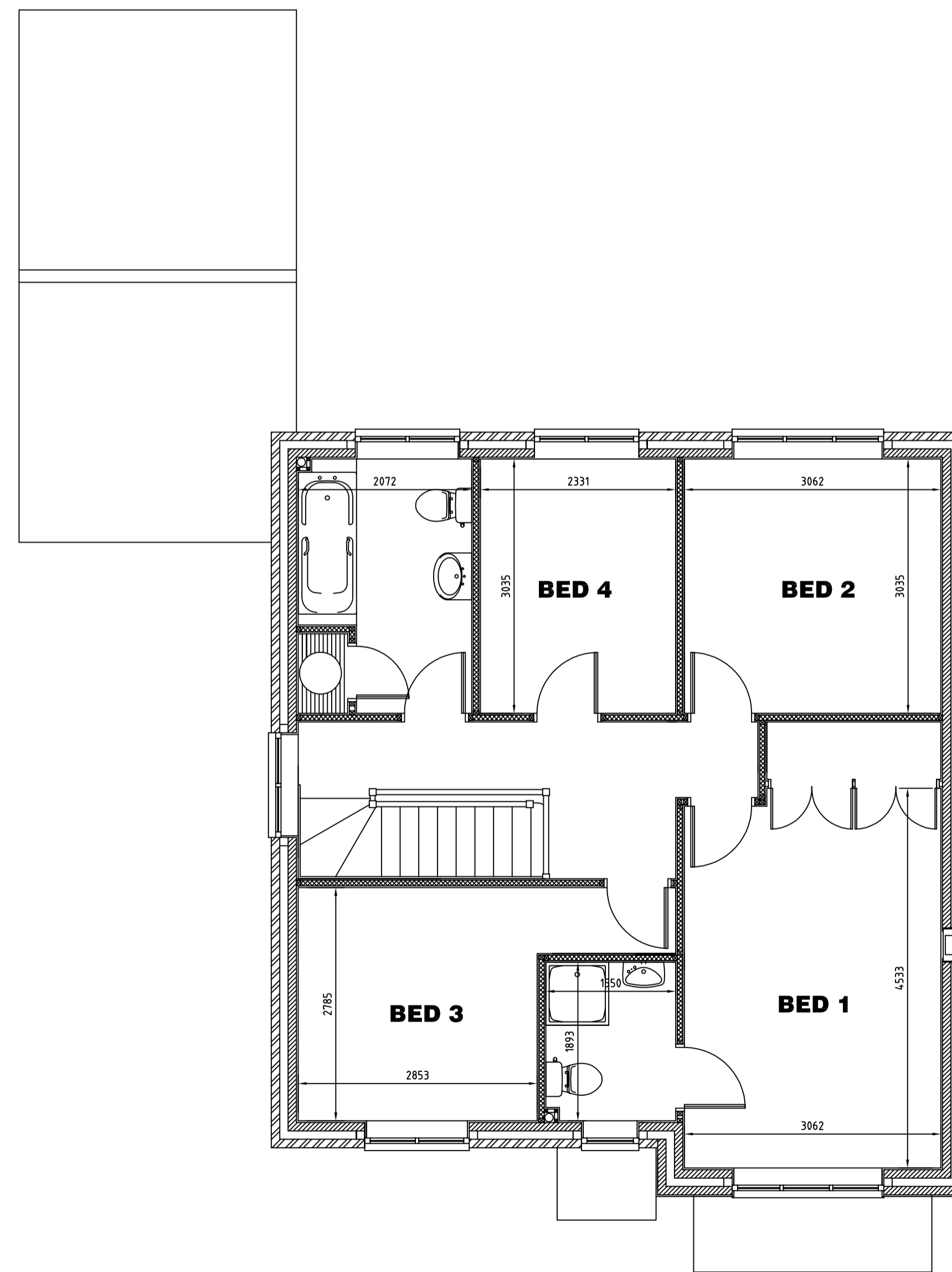
REAR ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

| Rev | Amendment | Date | Drn | Chk |
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ARCHITECTURE

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KINGSWINFORD WEST MIDLANDS DY6 8XD
TEL: 01827 837740
DESIGN@ECLIPSEARCHITECTURE.CO.UK

Site: **Dudley Golf Club, Turners Hill
Rowley Regis B65 9DP**

Title: **4 Bed Detached House
Plot 2 & 3**


Scale: **1/100, 1/50** Date: **July 2018**

Drw No.: **1765/PL001**

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Planning Committee

8 May, 2019

| | |
|--|--|
| Subject: | Applications Determined Under Delegated Powers |
| Director: | Director – Regeneration and Growth Amy Harhoff |
| Contribution towards Vision 2030: |  |
| Contact Officer(s): | <p>John Baker Service Manager - Development Planning and Building Consultancy John_baker@sandwell.gov.uk</p> <p>Alison Bishop Principal Planner Alison_bishop@sandwell.gov.uk</p> |

DECISION RECOMMENDATIONS

That Planning Committee:

Notes the applications determined under delegated powers by the Director – Regeneration and Growth set out in the attached Appendix.

1 PURPOSE OF THE REPORT

This report is submitted to inform the Committee of the decisions on applications determined under delegated powers by the Director – Regeneration and Growth.

2 IMPLICATIONS FOR SANDWELL'S VISION 2030

The planning process contributes to the following ambitions of the Vision 2030 –

Ambition 7 – We now have many new homes to meet a full range of housing needs in attractive neighbourhoods and close to key transport routes.

Ambition 8 - Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families.

Ambition 10 - Sandwell now has a national reputation for getting things done, where all local partners are focused on what really matters in people's lives and communities.

3 BACKGROUND AND MAIN CONSIDERATIONS

The applications determined under delegated powers are set out in the Appendix.

4 STRATEGIC RESOURCE IMPLICATIONS

There are no implications in terms of the Council's strategic resources.

5 LEGAL AND GOVERNANCE CONSIDERATIONS

The Director – Regeneration and Growth has taken decisions in accordance with powers delegated under Part 3 (Appendix 5) of the Council's Constitution.

Amy Harhoff
Director – Regeneration and Growth

SANDWELL METROPOLITAN BOROUGH COUNCIL
PLANNING COMMITTEE

Applications determined under delegated powers by the Director – Regeneration and Growth since your last Committee Meeting

REPORT FOR INFORMATION PURPOSES ONLY

| Application No. Ward | Site Address | Description of Development | Decision and Date |
|--|---|---|---|
| DC/18/62438 St Pauls | 143 Perry Street Smethwick B66 1DJ | Proposed single storey side/rear extension and porch. | Grant Permission with external materials 3rd April 2019 |
| DC/18/62535 Cradley Heath & Old Hill | Land At Woods Lane/Cradley Road Cradley Heath | Reserved matters application for access, appearance, landscaping, layout and scale for proposed 135 dwellings with associated roads, parking and landscaping. | Grant Conditional Reserved Matters 5th April 2019 |
| DC/19/62557 Smethwick | 20 - 21 Green Street Smethwick B67 7EB | Proposed front, side and rear extension, and porch to front. | Grant Permission with external materials 5th April 2019 |
| DC/19/62587 West Bromwich Central | 25 Warstone Drive West Bromwich B71 4BH | Proposed two storey side extension, single storey rear extension and increase in height of main dwelling roof. | Grant Permission with external materials 9th April 2019 |

| Application No. Ward | Site Address | Description of Development | Decision and Date |
|------------------------------|---|--|--|
| DC/19/62607 Great Bridge | 21 Galton Close Tipton DY4 7NN | Proposed first floor side extension. | Grant Permission with external materials 29th March 2019 |
| DC/19/62612 Great Bridge | 1 Near High Drive Tipton DY4 7NJ | Proposed extended garden area and erection of boundary fencing. | Grant Permission Subject to Conditions 29th March 2019 |
| DC/19/62614 Hateley Heath | Telecommunications Mast Adjacent Giles Machine Tools Vector Industrial Park Whites Road West Bromwich B71 1AR | Proposed replacement of the existing multi-operator 23.5m monopole for a 30m Lattice tower, additional cabinets and ancillary works. | Prior Approval is Required and Granted 2nd April 2019 |
| DC/19/62620 St Pauls | 85 Hugh Road Smethwick B67 7JT | Retention of single storey rear extension. | Grant Retrospective Permission 5th April 2019 |
| DC/19/62640 Bristnall | 34 Leahouse Road Oldbury B68 8PD | Proposed single and two storey rear extension. | Refuse permission 12th April 2019 |
| DC/19/62643 Abbey | 11 - 12 Three Shires Oak Road Smethwick B67 5BA | Retention of 1 No. flat at first floor. | Grant Permission 2nd April 2019 |
| | | | |

| Application No. Ward | Site Address | Description of Development | Decision and Date |
|---|--|---|--|
| DC/19/62644 Blackheath | 18 Ruskin Avenue Rowley Regis B65 9QW | Proposed first floor side extension. | Grant Permission with external materials 5th April 2019 |
| DC/19/62649 Abbey | 584 - 586 Bearwood Road Smethwick B66 4BW | Proposed sub division of shop into two units with new shop fronts, change of use of first and second floors from shop storage to 2 no. self contained flats with dormer windows to front and rear, alterations to rear to include installation of roller shutters and parking area. | Grant Permission Subject to Conditions 9th April 2019 |
| DC/19/62652 Rowley | 172 Throne Road Rowley Regis B65 9LD | Proposed first floor rear extension, conservatory to rear and extension of existing roof above porch to front. | Grant Permission with external materials 15th April 2019 |
| DC/19/62658 Tividale | 195 Newbury Lane Oldbury B69 1JA | Proposed two storey side extension, single storey rear extension, and retention of boundary fence/wall to side and rear. | Grant Permission with external materials 15th April 2019 |
| DC/19/62666 West Bromwich Central | 214 Birmingham Road West Bromwich B70 6QJ | Proposed change of use of ground floor and garages at rear to 2 No. self contained flats. | Grant Permission Subject to Conditions 4th April 2019 |

| Application No. Ward | Site Address | Description of Development | Decision and Date |
|--|---|---|---|
| DC/19/62671 Smethwick | 151 Queens Road Smethwick B67 7HG | Retention of use as car wash, canopy and single storey building for tyre changing/storage and valet area. | Refuse permission 4th April 2019 |
| DC/19/62699 Wednesbury South | 7 Winchester Road West Bromwich B71 2NZ | Proposed garage in rear garden. | Grant Permission with external materials 4th April 2019 |
| DC/19/62715 Cradley Heath & Old Hill | 21 And 23 Blossom Grove Cradley Heath B64 6SA | Replacement of hanging tiles with insulated render (cladding). | Grant Permission 4th April 2019 |
| DC/19/62717 Cradley Heath & Old Hill | 37 And 39 Blossom Grove Cradley Heath B64 6SA | Replacement of hanging tiles with insulated render (cladding). | Grant Permission 4th April 2019 |
| DC/19/62723 Soho & Victoria | 7 Bideford Road Smethwick B66 3HT | External wall insulation (cladding). | Grant Permission 5th April 2019 |
| DC/19/62724 Soho & Victoria | 24 Bideford Road Smethwick B66 3HT | External wall insulation (cladding). | Grant Permission 5th April 2019 |
| DC/19/62728 Bristnall | 1A Pryor Road Oldbury B68 9QH | Proposed two storey side/rear and single storey front and rear extensions. | Grant Permission with external materials 29th March 2019 |

| Application No. Ward | Site Address | Description of Development | Decision and Date |
|--|--|---|--|
| DC/19/62729 Old Warley | Site Of Former Lockup Garages Adjacent 37 And 39 Cornwall Avenue Oldbury | Proposed 5 No. dwellings (revised application - DC/18/61805). | Grant Permission Subject to Conditions 12th April 2019 |
| DC/19/62732 Great Barr With Yew Tree | 26 Arran Close Great Barr Birmingham B43 7AD | Proposed single storey side extension. | Grant Permission with external materials 15th April 2019 |
| DC/19/62736 Soho & Victoria | 78 Cape Hill Smethwick B66 4PB | Retention of dormer windows to front and rear. | Grant Retrospective Permission 5th April 2019 |
| DC/19/62735 Wednesbury South | 9 Old College Drive Wednesbury WS10 0DD | Proposed front porch and conversion of garage into habitable room with new flat window to front. | Grant Permission with external materials 5th April 2019 |
| DC/19/62740 Tipton Green | 8 Colbourne Road Tipton DY4 8RU | Proposed porch and tiled canopy to front, and single storey rear extension. | Grant Permission with external materials 5th April 2019 |
| DC/19/62742 Abbey | 76 Beakes Road Smethwick B67 5RU | Proposed single storey rear extension. | Grant Permission with external materials 9th April 2019 |

| Application No. Ward | Site Address | Description of Development | Decision and Date |
|---------------------------------------|---|--|---|
| DC/19/62743 Greets Green & Lyng | 101 Hilton Street West Bromwich B70 9TW | Proposed single storey extension at rear. | Grant Permission with external materials 4th April 2019 |
| DC/19/62744 Smethwick | 68 The Uplands Smethwick B67 6BZ | Retention of rear extension. | Grant Retrospective Permission 9th April 2019 |
| DC/19/62737 Abbey | 92 Devon Road Smethwick B67 5EJ | Proposed single and two storey rear extension, single storey side extension and loft conversion with dormer windows to the front. | Grant Permission with external materials 9th April 2019 |
| DC/19/62739 Abbey | 93 Gladys Road Smethwick B67 5AN | Retention of rear extension. | Grant Permission Subject to Conditions 11th April 2019 |
| DC/19/62749 Wednesbury North | 85 Walsall Street Wednesbury WS10 9EN | Retention of use as 3 bed dwelling. | Grant Retrospective Permission 3rd April 2019 |
| DC/19/62746 Tipton Green | 1 Keyworth Close Tipton DY4 8GA | Proposed two storey side and single storey rear extension. | Grant Permission with external materials 5th April 2019 |

| Application No. Ward | Site Address | Description of Development | Decision and Date |
|---|---|--|--|
| DC/19/62750 West Bromwich Central | 35 Springfield Crescent West Bromwich B70 6LL | Proposed change of use to mother and baby assessment unit. | Grant Conditional Temporary Permission 5th April 2019 |
| DC/19/62754 Newton | 12 Rousdon Grove Great Barr Birmingham B43 5HN | Proposed single storey front extension. | Grant Permission with external materials 4th April 2019 |
| DC/19/62755 Wednesbury North | 33 Vimy Road Wednesbury WS10 9BQ | Proposed single and two storey rear extension. | Grant Permission with external materials 11th April 2019 |
| DC/19/62761 Oldbury | 4 Lower City Road Tividale Oldbury B69 2HA | Proposed single storey rear extension. | Grant Permission with external materials 12th April 2019 |
| DC/19/62766 Hateley Heath | 104 Hargate Lane West Bromwich B71 1PL | Retention of green house, canopy with columns with covered side area. | Grant Retrospective Permission 12th April 2019 |
| DC/19/62765 St Pauls | 1 White Road Smethwick B67 7PG | Retention of two 1 bed flats. | Grant Retrospective Permission 15th April 2019 |

| Application No. Ward | Site Address | Description of Development | Decision and Date |
|---|--|---|--|
| DC/19/62767 Great Bridge | 7-9A Ballfields Tipton DY4 7DZ | Replacement of hanging wall tiles with insulated external render (cladding). | Grant Permission 11th April 2019 |
| DC/19/62768 Great Bridge | 148-153 Horseley Heath Tipton DY4 7EA | Replacement of hanging tiles with insulated render (cladding). | Grant Permission 9th April 2019 |
| DC/19/62769 Great Bridge | 154-159 Horseley Heath Tipton DY4 7DS | Replacement of hanging tiles with insulated render (cladding). | Grant Permission 9th April 2019 |
| DC/19/62770 Great Bridge | 160-165 Horseley Heath Tipton DY4 7DS | Replacement of hanging tiles with insulated render (cladding). | Grant Permission 4th April 2019 |
| DC/19/62773 Wednesbury North | 95 Crew Road Wednesbury WS10 9QG | Proposed first floor side extension. | Grant Permission with external materials 11th April 2019 |
| DC/19/62781 West Bromwich Central | 44 Church Vale West Bromwich B71 4DB | Replacement of hanging tiles with insulated render (cladding). | Grant Permission 4th April 2019 |
| DC/19/62782 Tipton Green | 1-6 Howard Street Tipton DY4 8UF | Replacement of hanging wall tiles with insulated external render (cladding). | Grant Permission 11th April 2019 |

| Application No. Ward | Site Address | Description of Development | Decision and Date |
|---|---|--|---|
| DC/19/62783 Tipton Green | 7-12 Howard Street Tipton DY4 8UF | Replacement of hanging wall tiles with insulated external render (cladding). | Grant Permission 11th April 2019 |
| DC/19/62784 Tipton Green | 13-18 Howard Street Tipton DY4 8UF | Replacement of hanging wall tiles with insulated external render (cladding). | Grant Permission 11th April 2019 |
| DC/19/62785 Tipton Green | 19-24 Howard Street Tipton DY4 8UF | Replacement of hanging wall tiles with insulated external render (cladding). | Grant Permission 11th April 2019 |
| DC/19/62779 St Pauls | Units 3 And 6 Albion Business Park Spring Road Smethwick B66 1LY | Proposed installation of 2no. louvres to aid internal air handling units. | Grant Permission 2nd April 2019 |
| DC/19/6613A West Bromwich Central | NatWest 309 High Street West Bromwich B70 8LX | Proposed 1 No. non- illuminated acrylic signage panel to cover redundant ATM. | Grant Advertisement Consent 2nd April 2019 |
| DC/19/62795 Old Warley | Lloyds Pharmacy 518 Hagley Road West Oldbury B68 0BZ | Proposed installation of prescription vending machine to front elevation. | Grant Permission 5th April 2019 |
| DC/19/62801 West Bromwich Central | 3 Withers Way West Bromwich B71 4HW | Replacement of hanging wall tiles with insulated external render (cladding). | Grant Permission 12th April 2019 |

| Application No. Ward | Site Address | Description of Development | Decision and Date |
|---|---|---|---|
| DC/19/62803 Langley | 338, 340, 342, 344, 346, 348, 350 & 352 Birchfield Lane Oldbury B69 1AE | Proposed external wall insulation (cladding). | Grant Permission 2nd April 2019 |
| DC/19/62807 St Pauls | 90 Bertram Road Smethwick B67 7NZ | Proposed single storey rear extension. | Grant Permission with external materials 2nd April 2019 |
| DC/19/6615A Old Warley | Lloyds Pharmacy 518 Hagley Road West Oldbury B68 0BZ | Proposed illuminated signage around prescription vending machine. | Grant Advertisement Consent 5th April 2019 |
| DC/19/62820 Charlemont With Grove Vale | 1, 3 & 5 Austen Walk West Bromwich B71 1RD | Replacement of hanging wall tiles with insulated external render (cladding). | Grant Permission 12th April 2019 |
| DC/19/62821 Charlemont With Grove Vale | 15 & 17 Austen Walk West Bromwich B71 1RD | Replacement of hanging wall tiles with insulated render (cladding). | Grant Permission 12th April 2019 |
| DC/19/62823 Charlemont With Grove Vale | 2,4, 6, 8, 10, 12, 14 & 16 Austen Walk West Bromwich B71 1RD | Proposed external wall insulation (cladding). | Grant Permission 5th April 2019 |

| Application No. Ward | Site Address | Description of Development | Decision and Date |
|---|--|--|---|
| DC/19/62824 Charlemont With Grove Vale | 18, 20, 22, 24, 26 & 28 Austen Walk West Bromwich B71 1RD | Proposed external wall insulation (cladding). | Grant Permission 5th April 2019 |
| DC/19/62825 Charlemont With Grove Vale | 37 & 39 Austen Walk West Bromwich B71 1RD | Proposed external wall insulation (cladding). | Grant Permission 5th April 2019 |
| DC/19/62826 Charlemont With Grove Vale | 33 & 35 Austen Walk West Bromwich B71 1RD | Proposed external wall insulation (cladding). | Grant Permission 5th April 2019 |
| DC/19/62827 Charlemont With Grove Vale | 34 & 36 Austen Walk West Bromwich B71 1RD | Replacement of hanging tiles with insulated render (cladding). | Grant Permission 9th April 2019 |
| DC/19/62828 Charlemont With Grove Vale | 30 & 32 Austen Walk West Bromwich B71 1RD | Replacement of hanging tiles with insulated render (cladding). | Grant Permission 9th April 2019 |
| DC/19/62836 Hateley Heath | 3 Kent Close West Bromwich B71 2SL | Proposed porch extension. | Grant Permission with external materials 9th April 2019 |
| DC/19/62838 Charlemont With Grove Vale | 41 & 43 Austen Walk West Bromwich B71 1RD | Replacement of hanging tiles with insulated render (cladding). | Grant Permission 9th April 2019 |


| Application No. Ward | Site Address | Description of Development | Decision and Date |
|---|---|--|--|
| DC/19/62839 Charlemont With Grove Vale | 45, 47, 49 & 51 Austen Walk West Bromwich B71 1RD | Replacement of hanging tiles with insulated render (cladding). | Grant Permission 9th April 2019 |
| DC/19/62856 Princes End | 34 St Marks Road Tipton DY4 0XD | Proposed single storey front extension. | Grant Permission with external materials 11th April 2019 |
| DC/19/62860 Great Bridge | 2 - 24 (evens) Fisher Street Great Bridge Tipton DY4 7ER | Replacement of hanging tiles with insulated render (cladding). | Grant Permission 9th April 2019 |
| DC/19/62861 Great Bridge | 3 - 25 (odds) Fisher Street Great Bridge Tipton DY4 7ER | Replacement of hanging tiles with insulated render (cladding). | Grant Permission 9th April 2019 |
| DC/19/62862 Great Bridge | 27 - 45 (odds) Fisher Street Great Bridge Tipton DY4 7ER | Replacement of hanging tiles with insulated render (cladding). | Grant Permission 9th April 2019 |
| DC/19/62863 Great Bridge | 34 - 56 (evens) Fisher Street Great Bridge Tipton DY4 7ER | Replacement of hanging tiles with insulated render (cladding). | Grant Permission 9th April 2019 |

| Application No. Ward | Site Address | Description of Development | Decision and Date |
|--|---|--|---|
| DC/19/62864 Great Bridge | 47 - 65 (odds) Fisher Street Great Bridge Tipton DY4 7ER | Replacement of hanging tiles with insulated render (cladding). | Grant Permission 9th April 2019 |
| DC/19/62865 Great Bridge | 58 - 76 (evens) Fisher Street Great Bridge Tipton DY4 7ES | Replacement of hanging tiles with insulated render (cladding). | Grant Permission 9th April 2019 |
| DC/19/62866 Great Bridge | 67 - 85 (odds) Fisher Street Great Bridge Tipton DY4 7ES | Replacement of hanging tiles with insulated render (cladding). | Grant Permission 9th April 2019 |
| DC/19/62867 Great Bridge | 78 - 100 Fisher Street Great Bridge Tipton DY4 7ES | Replacement of hanging tiles with insulated render (cladding). | Grant Permission 9th April 2019 |
| DC/19/62876 Cradley Heath & Old Hill | 60 Clifton Street Cradley Heath B64 6QP | Proposed loft conversion with dormer window to front. | Grant Permission with external materials 9th April 2019 |
| DC/19/62898 Great Bridge | 31, 33, 35, 37, 39, 41,43, 45, 47 & 49 Slater Street Great Bridge Tipton DY4 7EY | Replacement of hanging tiles with insulated render (cladding). | Grant Permission 11th April 2019 |

| Application No. Ward | Site Address | Description of Development | Decision and Date |
|-----------------------------|---|---|---|
| DC/19/62899 Great Bridge | 51, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71 & 73 Slater Street Great Bridge Tipton DY4 7EZ | Replacement of hanging tiles with insulated render (cladding). | Grant Permission 11th April 2019 |
| DC/19/62900 Great Bridge | 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82 & 84 Slater Street Great Bridge Tipton DY4 7EZ | Replacement of hanging tiles with insulated render (cladding). | Grant Permission 11th April 2019 |
| DC/19/62924 Old Warley | 72 Edinburgh Road Oldbury B68 0SR | Lawful development certificate for rear dormer and loft conversion. | Grant Lawful Use Certificate 4th April 2019 |
| DC/19/6622A St Pauls | West Midlands Hire And Haulage Dartmouth Road Smethwick B66 1BG | Proposed 3 illuminated fascia signs and 1 x illuminated totem sign. | Grant Advertisement Consent 5th April 2019 |
| PD/19/01171 Old Warley | 182 Castle Road West Oldbury B68 0EJ | Proposed single storey rear extension: measuring 3.6m L x 3.8m H (2.8m to eaves) | P D Householder not required 18th April 2019 |

Planning Committee

8 May, 2019

| | |
|--|--|
| Subject: | Decisions of the Planning Inspectorate |
| Director: | Director – Regeneration and Growth Amy Harhoff |
| Contribution towards Vision 2030: |  |
| Contact Officer(s): | <p>John Baker Service Manager - Development Planning and Building Consultancy John_baker@sandwell.gov.uk</p> <p>Alison Bishop Principal Planner Alison_bishop@sandwell.gov.uk</p> |

DECISION RECOMMENDATIONS

That Planning Committee:

Notes the decisions of the Planning Inspectorate as detailed in the attached appendices.

1 PURPOSE OF THE REPORT

This report is submitted to inform the Committee of the outcomes of appeals that have been made to the Planning Inspectorate by applicants who were unhappy with the Committee's decision on their application.

2 IMPLICATIONS FOR SANDWELL'S VISION 2030

The planning process contributes to the following ambitions of the Vision 2030 –

Ambition 7 – We now have many new homes to meet a full range of housing needs in attractive neighbourhoods and close to key transport routes.

Ambition 8 - Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families.

Ambition 10 - Sandwell now has a national reputation for getting things done, where all local partners are focused on what really matters in people’s lives and communities.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 Applicants who disagree with the local authority’s decision on their planning application may submit an appeal to the Planning Inspectorate. An appeal may also be made where the local authority has failed to determine the application within the statutory timeframe.
- 3.2 Appeals must be submitted within six months of the date of the local authority’s decision notice.
- 3.3 Decisions on the following appeals are reported, with further detailed set out in the attached decision notices:-

| Application Ref | Site Address | Inspectorate |
|------------------------|---|---|
| DC/17/61365 | Matharu's Wedding and Event Specialists 10 Roebuck Lane West Bromwich | Allowed with conditions |
| DC/18/61477 | Shoe Zone 618 - 620 Bearwood Road Smethwick B66 4BW | Allowed with conditions and costs awarded |
| DC/18/61844 | 574 Bearwood Road Smethwick B66 4BW | Allowed with conditions and costs awarded |
| DC/18/61845 | 576 Bearwood Road Smethwick B66 4BW | Allowed with conditions and costs awarded |

| | | |
|-------------|--|---|
| DC/18/61846 | 578 Bearwood Road Smethwick B66 4BW | Allowed with conditions and costs awarded |
| DC/18/61847 | 588 Bearwood Road Smethwick B66 4BW | Allowed with conditions and costs awarded |
| DC/18/61848 | 590 Bearwood Road Smethwick B66 4BW | Allowed with conditions and costs awarded |
| DC/18/61849 | 596 Bearwood Road Smethwick B66 4BW | Allowed with conditions and costs awarded |
| DC/18/61850 | 598 - 600 Bearwood Road Smethwick B66 4BW | Allowed with conditions and costs awarded |
| DC/18/61919 | 602 Bearwood Road Smethwick B66 4BW | Allowed with conditions and costs awarded |
| DC/18/61851 | 608 Bearwood Road Smethwick B66 4BW | Allowed with conditions and costs awarded |
| DC/18/61852 | 616 Bearwood Road Smethwick B66 4BW | Allowed with conditions and costs awarded |
| DC/18/61853 | 624 Bearwood Road Smethwick B66 4BW | Allowed with conditions and costs awarded |
| DC/18/61916 | 90 Waterfall Lane Cradley Heath B64 6RJ | Dismissed |

4 STRATEGIC RESOURCE IMPLICATIONS

- 4.1 There are no direct implications in terms of the Council's strategic resources.
- 4.2 If the Planning Inspectorate overturns the Committee's decision and grants consent, the Council may be required to pay the costs of such an appeal, for which there is no designated budget.

5 LEGAL AND GOVERNANCE CONSIDERATIONS

- 5.1 The Planning Committee has delegated powers to determine planning applications within current Council policy.
- 5.2 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.

Amy Harhoff
Director – Regeneration and Growth



Appeal Decision

Site visit made on 18 March 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th April 2019

Appeal Ref: APP/G4620/W/18/3210131

Matharus Wedding and Event Specialists, 10 Roebuck Lane, West Bromwich B70 6QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Harpreet Singh Matharu on behalf of Matharus against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/17/61365, dated 18 December 2017, was refused by notice dated 16 March 2018.
 - The application sought planning permission for the change of use of buildings to a conferencing and banqueting suite and improvements to external facades; development of new two storey B1 (Business Units) to the rear, to include some demolition of outbuildings; development of associated car park and infrastructure works without complying with a condition attached to planning permission Ref APP/G4620/A/09/2115265, dated 2 July 2010.
 - The condition in dispute is No 4 which states that:
The use hereby permitted shall not be open to customers outside the following times: 18.30 – 22.00 hours Monday to Friday; 12.00 -23.00 hours on Saturdays, Sundays and Bank holidays, and the car park shall be closed by 23.30 hours on any day that the facilities are open to the public.
 - The reason given for the condition is:
...to ensure that as far as possible the facilities are used in such a way as to be neighbourly to nearby residential occupiers.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of buildings to a conferencing and banqueting suite and improvements to external facades; development of new two storey B1 (Business Units) to the rear, to include some demolition of outbuildings; development of associated car park and infrastructure works at Matharus Wedding and Event Specialists, 10 Roebuck Lane, West Bromwich B70 6QP in accordance with the application Ref DC/17/61365 dated 18 December 2017, without compliance with condition number 4 previously imposed on planning permission Ref APP/G4620/A/09/2115265 dated 2 July 2010 and subject to the conditions contained in the attached Schedule.

Application for costs

2. An application for costs was made by Mr Harpreet Singh Matharu on behalf of Matharus against Sandwell Metropolitan Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. Planning permission was granted in 2013¹ **to vary the subject condition to 'For a TEMPORARY TWO YEAR PERIOD, the use of the premises for conferencing and the B1 (Business Units) shall be within the following hours: 08.00-18.30 hours Monday to Fridays and not at all on Saturdays and Sundays; that the use of the premises as a banqueting suite shall be within the following hours 18.30-22.00 Mondays to Thursdays, 18.30-23.00 hours on Fridays, 08.00-23.00 hours on Saturdays and 10.00-23.00 hours on Sundays and Bank Holidays and the car parks shall be closed to the public by 23.30 hours on any day.'** **The two-year period has now lapsed. The reasons for imposing this condition was 'To allow the extended hours of operation to be assessed in light of any adverse impacts on the amenity of local residents by reason of noise and general disturbance.'**
4. The Council refer to the current proposal as separating the opening hours for the individual uses, as per the planning permission granted in 2013. However, as set out in the planning application form, the proposal seeks to vary the subject condition to read:

The use hereby permitted shall not be open to customers outside the following times: 08.00 - 22.00 Monday - Thursday, 08.00 - 23.00 - Fridays, Saturdays, Sundays and Bank Holidays, and the car park shall be closed by 23.30 to the public.
5. There is no distinction made between the individual uses. I have determined the appeal on this basis.

Main Issue

6. The main issue is the effect of the proposed change in opening hours on the living conditions of the occupants of neighbouring residential properties, with regard to noise and disturbance.

Reasons

7. The proposed opening hours would enable the use of the building for the public during the daytime. The building would not be open to the public any later than is already permitted, with the exception of a Friday when it would be open until 23.00 instead of 22.00 hours, similar to Saturdays, Sundays and Bank Holidays.
8. Local residents raise concern that loud music and people loitering around the site causes noise disturbance. However, as it is only Fridays where the building would be open later, by just one hour, I do not consider that this would have a significantly material effect on noise disturbance or anti-social behaviour. The noise impact assessment carried out by Hoare Lea, dated 1 June 2018 supports this view. It is unlikely that such behaviour would take place during the remaining proposed changes to the opening hours as these would be much earlier in the day.
9. I acknowledge that when events are held at the site on-street parking provision would likely be limited and some residents may not be able to park outside their homes. However, the surrounding roads have unrestricted parking and there is no substantive evidence before me of any traffic accidents that have

¹ LPA Ref DC/12/54450

been a direct result of the proposed use since it has been in operation. The proposed opening hours would cover parts of the day when people are likely to be at work when the demand for on street parking is likely to be less than during the already permitted opening hours. Therefore, whilst I accept that local residents are already inconvenienced by the lack of on street parking, I do not consider that the proposed development would significantly exacerbate this.

10. I note that local residents confirm that the existing opening hours have been breached. Notwithstanding this, I am satisfied that an appropriately worded condition restricting the opening hours would be enforceable. Accordingly, any breaches of existing conditions have had very little bearing on my consideration of the planning merits of the proposal.
11. Notwithstanding the above, in order to minimise any potential harm to the living conditions of neighbouring residents, the separation of the individual uses and their opening hours, as suggested by the Council, would prevent all of the uses taking place simultaneously and therefore reduce the potential number of people attending the site at the same time. This would reduce the demand for on street parking. Moreover, given the proximity of the site to residential properties, I consider that the opening hours of 10.00 – 23.00 hours on a Sunday and Bank Holidays to be more suitable than the 08.00 – 23.00 hours applied for. I note that the appellant raises no **objection to the Council's** suggested condition.
12. I therefore find that the proposed changes to the opening hours, as set out in **the Council's suggested condition**, would not significantly harm the living conditions of the occupants of neighbouring residential properties, with regard to noise and disturbance. As such, I find no conflict with Policy TRAN2 of the Black Country Core Strategy 2011, which states that planning permission will not be granted for development proposals that are likely to have significant transport implications.
13. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.

Conclusion

14. For the reasons given above I conclude that the appeal should succeed. I grant a new planning permission substituting the disputed condition and restating those undisputed conditions that are still subsisting and capable of taking effect.

Alexander Walker

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance **with the approved plans listed in the schedule marked 'PLANS' at the end** of this decision.
- 3) The use of the premises for conferencing and the B1 (Business Units) shall be within the following hours: 08.00 - 18.30 hours Mondays to Fridays and not at all on Saturdays or Sundays; that the use of the premises as a banqueting suite shall be within the following hours: 18.30 - 22.00 hours Mondays to Thursdays, 18.30 - 23.00 hours on Fridays, 08.00 - 23.00 hours on Saturdays and 10.00 -23.00 hours on Sundays and Bank Holidays and the car park shall be closed to the public by 23.30 hours on any day.
- 4) Before the development has commenced a detailed acoustic scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with those approved details before the use is implemented and shall therefore be retained.
- 5) All external windows and doors to the conferencing and banqueting suite when it is in use shall remain closed at all times, except in the case of the doors in an emergency and to allow normal ingress and egress to the building. Ingress and egress to the building for visitors to the conferencing and banqueting facilities shall at all times, other than during an emergency, be restricted to the doors in the eastern elevation annotated 'Main Entrance' on the submitted plan.
- 6) Before the development is commenced or use implemented, details of all fixed plans including calculated noise levels at the nearest affected dwellings shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before the use is implemented and shall thereafter be retained.
- 7) Before the development is commenced, details of ventilation and odour control equipment shall be submitted to and approved in writing by the local planning authority. The equipment to be installed in accordance with the approved details before the use is implemented and thereafter maintained in accordance with the manufacturer's instructions.
- 8) Before the development has commenced an events management scheme shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the approved details and shall include measures to (i) manage the car park and ensure that it closes no later than the time specified in condition 4) above, and (ii) Ensure that no event is attended by more than 650 persons at anyone time and that the timing of events does not lead to this figure being exceeded during any period of overlap.
- 9) The details set out in a Travel Plan approved as part of the planning application shall be carried out upon implementation of this permission and thereafter retained for the duration of the approved use.

PLANS

- A Application plans: Ordnance Survey Site Plan; Drawing No. 2026 02 Existing Elevations; 2026 03 Proposed Ground Floor Plan & Parking Layout; 2026 04 Proposed Elevations; 2026 25A Elevations & Sections of Proposed Business Units.



Appeal Decision

Site visit made on 15 January 2019

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th March 2019

Appeal Ref: APP/G4620/W/18/3206616

618-620 Bearwood Road, Smethwick B66 4BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Green Room Properties Limited against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/18/61477, dated 31 January 2018, was refused by notice dated 30 April 2018.
 - The development proposed is change of use and refurbishment of part-ground floor and upper floors and single storey rear extension to accommodate eleven-bedroom house in multiple occupation (Sui Generis), together with bicycle parking facilities and refuse and recycling storage.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use and refurbishment of part-ground floor and upper floors and single storey rear extension to accommodate eleven-bedroom house in multiple occupation (Sui Generis), together with bicycle parking facilities and refuse and recycling storage at 618-620 Bearwood Road, Smethwick B66 4BW in accordance with the terms of the application, Ref DC/18/61477, dated 31 January 2018, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Green Room Properties Limited against Sandwell Metropolitan Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. An updated revised National Planning Policy Framework (the Framework) was published on 19 February 2019. As this pre-dates the determination of the appeal, in reaching my decision I have had regard to the revised Framework. However, as the amendments to it have not had a significant bearing on my decision, I have not re-consulted the main parties on the revised Framework.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether adequate provision has been made for parking;

- the effect of the proposal on the living conditions of the occupiers of neighbouring residential property having regard to privacy;
- whether future occupiers of the proposal would have satisfactory living conditions having regard to external amenity space and pedestrian access.

Reasons

Character and appearance

5. The appeal site comprises a mid-terraced building located within a row of similar buildings on Bearwood Road. The host building and other buildings within the terrace have two storey outriggers to the rear and a number also have large single storey rear extensions of varying scale and design. There are rear yard areas to the rear of the buildings and these back onto a private rear access way and the rear elevations and rear gardens of properties on Herbert Road.
6. The proposal includes the demolition of an existing detached outbuilding within the rear yard and the construction of a single storey pitched roofed extension. The extension would be the same width as the existing outrigger and it would have the same roof pitch. It would be constructed from brickwork to match the host building. Whilst the length of the extension would be similar to that of the outrigger, its overall size and height nevertheless means that it would appear subservient to the host building and would not be out of character with it or with existing properties in the immediate vicinity of the site. The extension would be set away from the side boundaries of the site and an area of rear yard would remain. Consequently, I do not consider that it would be over-development of the site or that it would be a cramped or intrusive form of development.
7. Taking the above matters into consideration, I conclude that the proposal would not have an adverse effect on the character and appearance of the area.

Parking

8. No on-site parking is proposed as part of the proposal. However covered cycle storage for 12 bikes would be provided within the rear yard. The appellant argues that the accessible location of the site together with the nature of the accommodation and likely tenants means that future occupiers are unlikely to be car owners.
9. It appears from the evidence that the Highway Authority gave verbal advice that no on-site parking was required for the proposal due to the nature of the **accommodation and the site's town centre location**.
10. Whilst there is no guarantee that future occupiers of the proposed accommodation would not be car owners, at my site visit I noted that the site has good access to a range of services and facilities and is very close to the bus station. In addition, I noted that unrestricted on-street parking is available on nearby streets, although I acknowledge that demand for this parking appeared to be reasonably high and that significant additional parking on these streets would therefore have the potential to cause parking problems for existing and future residents. Nevertheless, in the absence of any substantive evidence regarding parking and having regard to the nature and location of the

accommodation proposed, I consider that a lack of on-site parking would be unlikely to lead to any adverse impact on highway safety.

11. Taking the above matters into consideration, I conclude that there is no requirement for on-site parking to be provided for use by future occupiers of the proposed accommodation.

Living conditions (existing)

12. The host building has existing residential accommodation at first floor and this is accessed via an existing rear stairwell. The existing rear stairwell would be removed as part of the proposal to be replaced by another stairwell on the opposite side of the rear outrigger. The proposed rear stairwell would be no nearer to neighbouring residential properties to the rear of the site on Herbert Road and in any event would be located some distance away from these properties. The use of the neighbouring property at No 616 is the subject of another appeal that I am dealing with and is also proposed to be changed to a house in multiple occupation (HMO) with a rear stairwell adjacent to the one proposed at the appeal site (Ref APP/G4620/W/18/3212761). I am therefore satisfied that there would be no significant loss of privacy to the future occupiers of No 616.
13. Taking the above matters into consideration, I conclude that the proposal would not have a significant adverse effect on the living conditions of the occupiers of neighbouring residential property having regard to privacy.

Living conditions (future)

14. A reasonable sized rear yard would be retained for use by future occupiers of the accommodation and I am not aware of any minimum standards for garden areas for HMOs. In the apparent absence of such standards, noting that some outside space would be provided and the proximity of the appeal site to open space at Lightwoods Park and Warley Woods, I consider that future occupiers of the proposal would have a satisfactory amount of external amenity space.
15. As stated, pedestrian access to the accommodation would be via a re-located rear stairwell accessed via the rear yard and private rear access way. With the exception of the stairwell, the route would be the same as the existing route for pedestrians. It is not clear from the evidence why the Council considers that the proposal would result in an unsatisfactory and hazardous form of access for pedestrians and in the absence of any specific evidence in relation to this issue, I am satisfied that the proposed access for pedestrians is acceptable. I note that concerns have been raised by interested parties regarding the fact that the access way is unlit and that there are no pavements. However, I do not consider that the lack of a pavement along the access way would be detrimental to pedestrian safety given the nature of it and the likely level of vehicular traffic which would be using it.
16. With regard to lighting, though I note that the appellant states that he intends to provide lighting along the rear access way, such measures could not be required by condition as the access way falls outside of the application site boundary. However, a condition could be imposed requiring lighting along the pedestrian routes within the site and I note that the appeal site is relatively close to the end of the access way junction with Adkins Lane.

17. Taking the above matters into consideration, I conclude that future occupiers of the proposal would have satisfactory living conditions having regard to external amenity space and pedestrian access.

Other Matters

18. In reaching my decision I have had regard to a number of other matters raised by interested parties.
19. The character of the area is mixed commercial and residential and I do not consider that the proposal together with other proposed HMOs nearby would adversely affect the character of the area, particularly given that there have been previous residential uses above the ground floor commercial units in this part of Bearwood Road. Whilst there is no guarantee as to who future tenants would be, similarly there is no substantive evidence that the proposal would result in any anti-social behaviour or security issues.
20. I note the concerns regarding the cramped level of accommodation proposed but the Council has raised no specific objections to the proposal on this basis **and I have seen no evidence to suggest that it does not meet the Council's** standards for this type of accommodation.
21. The only extension proposed is at ground floor and its scale and position means that it would not adversely affect the outlook from any nearby properties. Whilst the proposal would likely increase the number of residents at the site, I do not consider that this would result in any significant increase in noise and disturbance or that it would materially affect the living conditions of occupiers of nearby properties on Herbert Road. It seems from the evidence that any concerns raised regarding access to the proposed accommodation by the emergency services and in particular the fire service are not determinative and could be overcome by liaison with the fire service to ensure that sprinkler systems are put in place where considered necessary.
22. Interested parties allege a lack of collaboration from the appellant on the proposal. However, whilst this is unfortunate if it is the case, it is not a reason to withhold planning permission for the proposal. Finally, I am satisfied that approval of the proposal would not set an undesirable precedent for similar proposals, all of which would need to be assessed on their own merits and based on the submitted evidence.

Conditions

23. I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the approved plans as this provides certainty. I have also imposed a condition requiring the submission and approval of a noise impact assessment (NIA). Whilst I note that the property has previously been in residential use, the intensity of the residential use would increase, and such **a condition has been recommended by the Council's Environmental Health** department. The condition is required to ensure that future occupiers of the HMO have satisfactory living conditions. However, I have amended the suggested wording slightly to require the submission to and approval of the NIA by the Council. I have also imposed conditions requiring the proposed bin storage and cycle storage areas to be provided prior to occupation of the HMO. This is to ensure adequate bin storage and cycle storage having regard to the site location and the nature of the proposed use.

24. In addition, I have imposed a condition requiring a lighting scheme to be submitted and implemented for the rear access. This is to ensure enhanced safety and security for future occupiers and to ensure adequate pedestrian access. The appellant has been consulted on the imposition of this condition and has raised no objection to it.

Conclusion

25. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: 17098 – 153, 17098 – 103 and 17098 – 203E.
- 3) Before the development is brought into use a comprehensive noise impact assessment shall be carried out by a suitably qualified noise consultant and shall be submitted to and approved in writing by the Council, to quantify the impact of noise from existing commercial operations and traffic and shall include mitigation measures. The report shall consider whether sound levels meet the indoor ambient noise levels for dwelling set out in table 4 of BSC 8233:2014 and also the L_{amax} inside threshold value of 42dB given in the WHO Night Noise Guidelines for Europe. If a glazing/ventilation scheme is to form part of any proposed mitigation, then the report should also include a full and marked up set of plans showing the glazing/ventilation specifications for each façade. The approved mitigation measures shall be carried out before the development is brought into use and thereafter retained as such.
- 4) Before the development is brought into use the approved cycle storage shall be implemented and thereafter retained as such.
- 5) Before the development is brought into use the approved bin storage shall be implemented and thereafter retained as such.
- 6) Before the development is brought into use, a lighting scheme within the site for the proposed rear access shall be implemented and thereafter retained as such having first been submitted to and approved in writing by the local planning authority.



Appeal Decisions

Site visit made on 15 January 2019

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th March 2019

Appeal A Ref: APP/G4620/W/18/3212730

574 Bearwood Road, Smethwick B66 4BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Green Room Properties Limited against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/18/61844, dated 16 May 2018, was refused by notice dated 28 August 2018.
 - The development proposed is change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage.
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Appeal B Ref: APP/G4620/W/18/3212732

576 Bearwood Road, Smethwick B66 4BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Green Room Properties Limited against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/18/61845, dated 16 May 2018, was refused by notice dated 28 August 2018.
 - The development proposed is change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage.
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Appeal C Ref: APP/G4620/W/18/3212736

578 Bearwood Road, Smethwick B66 4BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Green Room Properties Limited against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/18/61846, dated 16 May 2018, was refused by notice dated 28 August 2018.
 - The development proposed is change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage.
-

Appeal D Ref: APP/G4620/W/18/3212743

588 Bearwood Road, Smethwick B66 4BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Green Room Properties Limited against the decision of Sandwell Metropolitan Borough Council.

- The application Ref DC/18/61847, dated 16 May 2018, was refused by notice dated 28 August 2018.
 - The development proposed is change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage.
-

Appeal E Ref: APP/G4620/W/18/3212744
590 Bearwood Road, Smethwick B66 4BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Green Room Properties Limited against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/18/61848, dated 16 May 2018, was refused by notice dated 28 August 2018.
 - The development proposed is change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage.
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Appeal F Ref: APP/G4620/W/18/3212747
596 Bearwood Road, Smethwick B66 4BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Green Room Properties Limited against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/18/61849, dated 16 May 2018, was refused by notice dated 28 August 2018.
 - The development proposed is change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage.
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Appeal G Ref: APP/G4620/W/18/3212753
602 Bearwood Road, Smethwick B66 4BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Green Room Properties Limited against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/18/61919, dated 6 June 2018, was refused by notice dated 28 August 2018.
 - The development proposed is change of use and refurbishment of first and second floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities, refuse and recycling storage and external staircase to rear.
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Appeal H Ref: APP/G4620/W/18/3212756
608 Bearwood Road, Smethwick B66 4BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Green Room Properties Limited against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/18/61851, dated 16 May 2018, was refused by notice dated 28 August 2018.
-

- The development proposed is change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage.
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Appeal I Ref: APP/G4620/W/18/3212761
616 Bearwood Road, Smethwick B66 4BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Green Room Properties Limited against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/18/61852, dated 16 May 2018, was refused by notice dated 28 August 2018.
 - The development proposed is change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage.
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Appeal J Ref: APP/G4620/W/18/3212765
624 Bearwood Road, Smethwick B66 4BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Green Room Properties Limited against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/18/61853, dated 16 May 2018, was refused by notice dated 28 August 2018.
 - The development proposed is change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage.
-

Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage at 574 Bearwood Road, Smethwick B66 4BW in accordance with the terms of the application, Ref DC/18/61844, dated 16 May 2018, subject to the conditions set out in the attached schedule.

Appeal B

2. The appeal is allowed and planning permission is granted for change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage at 576 Bearwood Road, Smethwick B66 4BW in accordance with the terms of the application, Ref DC/18/61845, dated 16 May 2018, subject to the conditions set out in the attached schedule.

Appeal C

3. The appeal is allowed and planning permission is granted for change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation

(Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage at 578 Bearwood Road, Smethwick B66 4BW in accordance with the terms of the application, Ref DC/18/61846, dated 16 May 2018, subject to the conditions set out in the attached schedule.

Appeal D

4. The appeal is allowed and planning permission is granted for change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage at 588 Bearwood Road, Smethwick B66 4BW in accordance with the terms of the application, Ref DC/18/61847, dated 16 May 2018, subject to the conditions set out in the attached schedule.

Appeal E

5. The appeal is allowed and planning permission is granted for change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage at 590 Bearwood Road, Smethwick B66 4BW in accordance with the terms of the application, Ref DC/18/61848, dated 16 May 2018, subject to the conditions set out in the attached schedule.

Appeal F

6. The appeal is allowed and planning permission is granted for change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage at 596 Bearwood Road, Smethwick B66 4BW in accordance with the terms of the application, Ref DC/18/61849, dated 16 May 2018, subject to the conditions set out in the attached schedule.

Appeal G

7. The appeal is allowed and planning permission is granted for change of use and refurbishment of first and second floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities, refuse and recycling storage and external staircase to rear at 602 Bearwood Road, Smethwick B66 4BW in accordance with the terms of the application, Ref DC/18/61919, dated 6 June 2018, subject to the conditions set out in the attached schedule.

Appeal H

8. The appeal is allowed and planning permission is granted for change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage at 608 Bearwood Road, Smethwick B66 4BW in accordance with the terms of the application, Ref DC/18/61851, dated 16 May 2018, subject to the conditions set out in the attached schedule.

Appeal I

9. The appeal is allowed and planning permission is granted for change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage at 616 Bearwood Road, Smethwick B66 4BW in accordance with the terms of the application, Ref DC/18/61852, dated 16 May 2018, subject to the conditions set out in the attached schedule.

Appeal J

10. The appeal is allowed and planning permission is granted for change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage at 624 Bearwood Road, Smethwick B66 4BW in accordance with the terms of the application, Ref DC/18/61853, dated 16 May 2018, subject to the conditions set out in the attached schedule.

Application for costs

11. Applications for costs were made by Green Room Properties Limited against Sandwell Metropolitan Borough Council. These applications are the subject of a separate Decision.

Procedural Matter

12. An updated revised National Planning Policy Framework (the Framework) was published on 19 February 2019. As this pre-dates the determination of the appeals, in reaching my decisions I have had regard to the revised Framework. However, as the amendments to it have not had a significant bearing on my decisions, I have not re-consulted the main parties on the revised Framework.

Main Issues

13. The main issues are:

- the effect of the proposals on the character of the area;
- the effect of the proposals on highway safety having particular regard to car parking;
- the effect of the proposals on the fear of crime;
- the effect of the proposals on the living conditions of occupiers of residential properties on Herbert Road having regard to privacy and outlook;
- whether future occupiers of the proposed houses in multiple occupation (HMOs) would have sufficient amenity space.

Reasons

Effect on the character of the area

14. The appeal sites comprise properties located within a terraced block of buildings between Nos 574 & 624 Bearwood Road. The ground floors of properties within the block are in commercial use, though a number of the

commercial units were vacant at the time of my visit. This part of the road is commercial in nature and the appeal sites are located within the retail core of Bearwood Town Centre. There are residential streets to the rear of the site including Herbert Road. A private rear access way is located between the rear boundaries of rear gardens of dwellings on Herbert Road and the rear elevations and rear yard areas of properties on Bearwood Road.

15. It is clear from the evidence and from my site visit that the upper floors of a number of the properties the subject of these appeals have previously been in residential use. Whilst the proposed uses as 4 bedroomed HMOs may result in a more intensive form of residential use than the previous uses, having regard to the commercial character of this particular part of Bearwood Road and relative position of the HMOs and nearby residential properties, I do not consider that the proposals together with others submitted by the appellant would be out of character with the area. As stated, the area is not predominantly residential but rather is a mixed commercial/residential area and there is no evidence of any existing over intensification of HMO uses in the immediate vicinity of the appeal sites.
16. Taking the above matters into account, I conclude that the proposals would not have an adverse effect on the character of the area.

Highway safety and car parking

17. No off street parking is proposed to serve the proposed 4 bedroom HMOs. The appellant argues that the accessible location of the sites together with the nature of the accommodation and likely tenants means that future occupiers are unlikely to be car owners.
18. It does not appear from the evidence that the Highway Authority (HA) was consulted regarding the proposals. However the **Council's officer reports states** that there is no requirement for off street parking due to the town centre location of the appeal sites and the appellant states that the HA did not object to another proposal for a larger HMO with no parking at No 618 – 620 (Ref DC/18/61477).
19. Whilst there is no guarantee that future occupiers of the proposed HMOs would not be car owners, at my site visit I noted that the sites have good access to a range of services and facilities and are very close to the bus station. In addition I noted that unrestricted on-street parking is available on nearby streets, although I acknowledge that demand for this parking appeared to be reasonably high and that significant additional parking on these streets would therefore have the potential to cause parking problems for existing and future residents. Nevertheless, in the absence of any substantive evidence regarding parking and having regard to the nature and location of the accommodation proposed, I consider that a lack of on-site parking would be unlikely to lead to any adverse impact on highway safety. Similarly there is no substantive evidence that any increase in vehicle movements associated with the proposals would be harmful to highway safety.
20. Taking the above matters into consideration, I conclude that the proposals would be unlikely to have a significant adverse effect on highway safety having particular regard to parking. They therefore accord with paragraph 109 of the

Framework which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

Fear of crime

21. West Midlands Police were consulted on the applications and objected to the proposals due to concerns regarding the nature of the proposed accommodation and future occupiers and the likely impact on local residents. **The Council's concerns make specific reference to insufficient infrastructure in respect of car parking and rear access.**
22. As stated, there is no substantive evidence to suggest that the proposals would lead to a significant increase in on-street parking in the vicinity of the sites. Even if parking were to significantly increase, despite the concerns raised by the police, there is no evidence that such an increase in parking would result in an actual or perceived increase in car crime.
23. There is an existing access way to the rear of the appeal sites with access from Anderson Road and Adkins Lane. Whilst it appears that this access is private and that it is currently used by occupiers of businesses and residential units within the terrace between Nos 574 & 624, it is currently open and accessible to any vehicles and pedestrians. The appellant states that he intends to install access gates to each end of the access way meaning that it would only be accessible by business operators and residential occupiers of the terrace. In addition lighting is proposed to the access way and to the rear accesses to the HMOs. Whilst I agree with the appellant that these measures would serve to improve security and safety at the rear of the site and that occupation of the HMOs would provide increased passive surveillance of the area, such measures could not be required by condition as the access way falls outside of the application site boundaries. However a condition could be imposed requiring lighting along the pedestrian routes within the sites and this would also serve to improve security.
24. **Whilst I note the appellant's comments in relation to the nature of future tenants and the management of the HMOs, having regard to the nature of the applications, it is not possible to control these matters by the use of conditions or legal agreements.** However notwithstanding this and despite comments made by the police, there is no substantive evidence that the proposed HMOs would attract or be likely to be occupied by persons more likely to commit crimes or to carry out anti-social behaviour.
25. Taking the above matters into consideration, I conclude that the proposals would not be likely to significantly increase the fear of crime in the area. **The Council's reason for refusal relating to crime referred to paragraphs 91 & 97 of the Framework, however paragraph 97 is not relevant to this issue.** The proposals would accord with paragraph 91 which states, amongst other things, that planning decisions should aim to achieve safe places which are safe and accessible so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.

Living conditions (existing)

26. The rear elevations of the appeal buildings face towards the rear elevations and rear gardens of residential properties on Herbert Road with the rear elevations containing ground and first floor windows. Properties on Herbert Road have reasonably large rear gardens bounded at the rear by a brick wall with a number of properties also having soft landscaping to the rear.
27. The proposed HMOs would include a number of rear first floor windows and doors serving living accommodation. However it appears that in most cases these openings are existing and already serve residential rooms, albeit largely currently vacant, within the appeal buildings. Consequently whilst the proposals would result in a more intensive residential use than existing, having regard to the relative position of the buildings, gardens and openings and to existing boundary treatments and landscaping, they would not result in any significant overlooking of properties on Herbert Road.
28. A number of the appeal buildings have ground floor rear extensions and pedestrian access to all of the HMOs would be from the rear via steps up to the first floor of the buildings. Concerns have been raised about the potential for future occupiers of the HMOs to congregate on the rear steps and on flat roofs and the consequent impact of this on the privacy of Herbert Road residents. A number of the appeal buildings have existing rear accesses and a number have large ground floor extensions positioned near to the rear site boundaries and closer to the properties on Herbert Road than the main body of the terrace. In relation to Nos 574, 578, 596, 602 and 608 I consider that the rear access arrangements are such that in the absence of controls regarding the use of the rear steps and flat roofed areas, there would be the potential for increased and harmful overlooking of properties at the rear. I therefore consider that any permission granted in relation to these properties would need to include a condition restricting the use of the rear accesses and existing flat roofs to prevent them being used as amenity areas. Subject to this I am satisfied that there would be no significant loss of privacy resulting from the proposals.
29. Having regard to the fact that no extensions or significant alterations are proposed to the buildings, I am satisfied that there would be no loss of outlook from nearby residential properties including on Herbert Road.
30. Taking the above matters into consideration, I conclude that the proposals would not have an adverse effect on the living conditions of occupiers of residential properties on Herbert Road having regard to privacy and outlook.

Living conditions (future)

31. In all cases the proposed HMOs would have a rear yard area though due to the size of existing rear extensions, the yard areas for Nos 578 & 596 would be very small. Nevertheless I am not aware of any minimum standards for garden areas for HMOs. In the apparent absence of such standards, noting that all would have some outside space and the proximity of the appeal sites to open space at Lightwoods Park and Warley Woods, I consider that future occupiers of the proposed HMOs would have sufficient amenity space.

Other Matters

32. In reaching my decisions I have had regard to a number of other matters raised in relation to the proposals.
33. I note the concerns regarding the cramped level of accommodation proposed but the Council has raised no specific objections to the proposal on this basis and I have seen no evidence to suggest that they **do not meet the Council's** standards for this type of accommodation.
34. Whilst the proposals would likely increase the number of residents at the site, I do not consider that this would result in any significant increase in noise and disturbance. In many cases the upper floors of the buildings have previously been in residential use, having regard to this and to the nature of the proposals and the relative position of the accommodation and accesses to nearby residential properties, I do not consider that any increase in activity would materially affect the living conditions of occupiers of nearby properties including on Herbert Road.
35. It seems from the evidence that any concerns raised with regard to access to the proposed accommodation by the emergency services and in particular the fire service are not determinative and could be overcome by liaison with the fire service to ensure that sprinkler systems are put in place where considered necessary.
36. Interested parties allege a lack of collaboration from the appellant on the proposals. However whilst this is unfortunate if it is the case, it is not a reason to withhold planning permission for the proposals. Finally I am satisfied that approval of the proposals would not set an undesirable precedent for similar proposals, all of which would need to be assessed on their own merits and based on the submitted evidence.

Conditions

37. I have had regard to the conditions suggested by the Council. I have imposed a condition on all of the permissions specifying the approved plans as this provides certainty. I have also imposed a condition requiring the submission and approval of a noise impact assessment (NIA). Whilst I note that at least some of the properties have had previous residential uses, the intensity of the residential use would increase and such a condition has been recommended by the **Council's Environmental Health department**. The condition is required in order to ensure that future occupiers of the HMOs have satisfactory living conditions. However I have amended the suggested wording slightly in order to require the submission to and approval of the NIA by the Council.
38. I have also imposed conditions requiring the proposed bin storage and cycle storage areas to be provided prior to occupation of the HMOs. This is to ensure adequate bin storage and cycle storage having regard to the location of the sites and the nature of the proposed uses.
39. In addition I have imposed a condition requiring a lighting scheme to be submitted and implemented for the rear accesses. This is in order to ensure

enhanced safety and security for future occupiers and to ensure adequate pedestrian access. In relation to Nos 574, 578, 596, 602 and 608 I have imposed a condition restricting the use of the rear access stairways and flat roofed areas. This is in order to protect the living conditions of the occupiers of nearby residential properties having regard to privacy. The appellant has been consulted on the imposition of both of these conditions and has raised no objections to them.

Conclusion

40. For the above reasons and having regard to all matters raised, I conclude that the appeals should be allowed.

Beverley Wilders

INSPECTOR

SCHEDULE OF CONDITIONS

Appeal A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: 17098 – 163, 17098 – 120, 17098 – 220A and 17098 - 250.
- 3) Before the development is brought into use a comprehensive noise impact assessment shall be carried out by a suitably qualified noise consultant and shall be submitted to and approved in writing by the Council, to quantify the impact of noise from existing commercial operations and traffic and shall include mitigation measures. The report shall consider whether sound levels meet the indoor ambient noise levels for dwelling set out in table 4 of BSC 8233:2014 and also the I_{amax} inside threshold value of 42dB given in the WHO Night Noise Guidelines for Europe. If a glazing/ventilation scheme is to form part of any proposed mitigation, then the report should also include a full and marked up set of plans showing the glazing/ventilation specifications for each façade. The approved mitigation measures shall be carried out before the development is brought into use and thereafter retained as such.
- 4) Before the development is brought into use the approved cycle storage shall be implemented and thereafter retained as such.
- 5) Before the development is brought into use the approved bin storage shall be implemented and thereafter retained as such.
- 6) Before the development is brought into use, a lighting scheme within the site for the proposed rear access shall be implemented and thereafter retained as such having first been submitted to and approved in writing by the local planning authority.
- 7) No part of the rear access stairway or the existing flat roof shall be used as a balcony, roof garden or similar amenity area.

Appeal B

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: 17098 – 162, 17098 – 119, 17098 – 219A and 17098 – 250.
- 3) Before the development is brought into use a comprehensive noise impact assessment shall be carried out by a suitably qualified noise consultant and shall be submitted to and approved in writing by the Council, to quantify the impact of noise from existing commercial operations and traffic and shall include mitigation measures. The report shall consider whether sound levels meet the indoor ambient noise levels for dwelling set out in table 4 of BSC

8233:2014 and also the l_{amax} inside threshold value of 42dB given in the WHO Night Noise Guidelines for Europe. If a glazing/ventilation scheme is to form part of any proposed mitigation, then the report should also include a full and marked up set of plans showing the glazing/ventilation specifications for each façade. The approved mitigation measures shall be carried out before the development is brought into use and thereafter retained as such.

- 4) Before the development is brought into use the approved cycle storage shall be implemented and thereafter retained as such.
- 5) Before the development is brought into use the approved bin storage shall be implemented and thereafter retained as such.
- 6) Before the development is brought into use, a lighting scheme within the site for the proposed rear access shall be implemented and thereafter retained as such having first been submitted to and approved in writing by the local planning authority.

Appeal C

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: 17098 – 161, 17098 – 118, 17098 – 218A and 17098 – 250.
- 3) Before the development is brought into use a comprehensive noise impact assessment shall be carried out by a suitably qualified noise consultant and shall be submitted to and approved in writing by the Council, to quantify the impact of noise from existing commercial operations and traffic and shall include mitigation measures. The report shall consider whether sound levels meet the indoor ambient noise levels for dwelling set out in table 4 of BSC 8233:2014 and also the l_{amax} inside threshold value of 42dB given in the WHO Night Noise Guidelines for Europe. If a glazing/ventilation scheme is to form part of any proposed mitigation, then the report should also include a full and marked up set of plans showing the glazing/ventilation specifications for each façade. The approved mitigation measures shall be carried out before the development is brought into use and thereafter retained as such.
- 4) Before the development is brought into use the approved cycle storage shall be implemented and thereafter retained as such.
- 5) Before the development is brought into use the approved bin storage shall be implemented and thereafter retained as such.
- 6) Before the development is brought into use, a lighting scheme within the site for the proposed rear access shall be implemented and thereafter retained as such having first been submitted to and approved in writing by the local planning authority.

- 7) No part of the rear access stairway or the existing flat roof shall be used as a balcony, roof garden or similar amenity area.

Appeal D

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: 17098 – 160, 17098 – 115, 17098 – 215A and 17098 – 250.
- 3) Before the development is brought into use a comprehensive noise impact assessment shall be carried out by a suitably qualified noise consultant and shall be submitted to and approved in writing by the Council, to quantify the impact of noise from existing commercial operations and traffic and shall include mitigation measures. The report shall consider whether sound levels meet the indoor ambient noise levels for dwelling set out in table 4 of BSC 8233:2014 and also the I_{amax} inside threshold value of 42dB given in the WHO Night Noise Guidelines for Europe. If a glazing/ventilation scheme is to form part of any proposed mitigation, then the report should also include a full and marked up set of plans showing the glazing/ventilation specifications for each façade. The approved mitigation measures shall be carried out before the development is brought into use and thereafter retained as such.
- 4) Before the development is brought into use the approved cycle storage shall be implemented and thereafter retained as such.
- 5) Before the development is brought into use the approved bin storage shall be implemented and thereafter retained as such.
- 6) Before the development is brought into use, a lighting scheme within the site for the proposed rear access shall be implemented and thereafter retained as such having first been submitted to and approved in writing by the local planning authority.

Appeal E

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: 17098 – 159, 17098 – 114, 17098 – 214A and 17098 – 250.
- 3) Before the development is brought into use a comprehensive noise impact assessment shall be carried out by a suitably qualified noise consultant and shall be submitted to and approved in writing by the Council, to quantify the impact of noise from existing commercial operations and traffic and shall include mitigation measures. The report shall consider whether sound levels meet the indoor ambient noise levels for dwelling set out in table 4 of BSC 8233:2014 and also the I_{amax} inside threshold value of 42dB given in the WHO Night Noise Guidelines for Europe. If a glazing/ventilation scheme is to form

part of any proposed mitigation, then the report should also include a full and marked up set of plans showing the glazing/ventilation specifications for each façade. The approved mitigation measures shall be carried out before the development is brought into use and thereafter retained as such.

- 4) Before the development is brought into use the approved cycle storage shall be implemented and thereafter retained as such.
- 5) Before the development is brought into use the approved bin storage shall be implemented and thereafter retained as such.
- 6) Before the development is brought into use, a lighting scheme within the site for the proposed rear access shall be implemented and thereafter retained as such having first been submitted to and approved in writing by the local planning authority.

Appeal F

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: 17098 – 158, 17098 – 112, 17098 – 212A and 17098 – 250.
- 3) Before the development is brought into use a comprehensive noise impact assessment shall be carried out by a suitably qualified noise consultant and shall be submitted to and approved in writing by the Council, to quantify the impact of noise from existing commercial operations and traffic and shall include mitigation measures. The report shall consider whether sound levels meet the indoor ambient noise levels for dwelling set out in table 4 of BSC 8233:2014 and also the L_{amax} inside threshold value of 42dB given in the WHO Night Noise Guidelines for Europe. If a glazing/ventilation scheme is to form part of any proposed mitigation, then the report should also include a full and marked up set of plans showing the glazing/ventilation specifications for each façade. The approved mitigation measures shall be carried out before the development is brought into use and thereafter retained as such.
- 4) Before the development is brought into use the approved cycle storage shall be implemented and thereafter retained as such.
- 5) Before the development is brought into use the approved bin storage shall be implemented and thereafter retained as such.
- 6) Before the development is brought into use, a lighting scheme within the site for the proposed rear access shall be implemented and thereafter retained as such having first been submitted to and approved in writing by the local planning authority.
- 7) No part of the rear access stairway or the existing flat roof shall be used as a balcony, roof garden or similar amenity area.

Appeal G

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: 17098 – 165, 17098 – 110, 17098 – 210A and 17098 – 250.
- 3) Before the development is brought into use a comprehensive noise impact assessment shall be carried out by a suitably qualified noise consultant and shall be submitted to and approved in writing by the Council, to quantify the impact of noise from existing commercial operations and traffic and shall include mitigation measures. The report shall consider whether sound levels meet the indoor ambient noise levels for dwelling set out in table 4 of BSC 8233:2014 and also the l_{amax} inside threshold value of 42dB given in the WHO Night Noise Guidelines for Europe. If a glazing/ventilation scheme is to form part of any proposed mitigation, then the report should also include a full and marked up set of plans showing the glazing/ventilation specifications for each façade. The approved mitigation measures shall be carried out before the development is brought into use and thereafter retained as such.
- 4) Before the development is brought into use the approved cycle storage shall be implemented and thereafter retained as such.
- 5) Before the development is brought into use the approved bin storage shall be implemented and thereafter retained as such.
- 6) Before the development is brought into use, a lighting scheme within the site for the proposed rear access shall be implemented and thereafter retained as such having first been submitted to and approved in writing by the local planning authority.
- 7) No part of the rear access stairway or the existing flat roof shall be used as a balcony, roof garden or similar amenity area.

Appeal H

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: 17098 – 156, 17098 – 107, 17098 – 207A and 17098 – 250.
- 3) Before the development is brought into use a comprehensive noise impact assessment shall be carried out by a suitably qualified noise consultant and shall be submitted to and approved in writing by the Council, to quantify the impact of noise from existing commercial operations and traffic and shall include mitigation measures. The report shall consider whether sound levels meet the indoor ambient noise levels for dwelling set out in table 4 of BSC 8233:2014 and also the l_{amax} inside threshold value of 42dB given in the WHO

Night Noise Guidelines for Europe. If a glazing/ventilation scheme is to form part of any proposed mitigation, then the report should also include a full and marked up set of plans showing the glazing/ventilation specifications for each façade. The approved mitigation measures shall be carried out before the development is brought into use and thereafter retained as such.

- 4) Before the development is brought into use the approved cycle storage shall be implemented and thereafter retained as such.
- 5) Before the development is brought into use the approved bin storage shall be implemented and thereafter retained as such.
- 6) Before the development is brought into use, a lighting scheme within the site for the proposed rear access shall be implemented and thereafter retained as such having first been submitted to and approved in writing by the local planning authority.
- 7) No part of the rear access stairway or the existing flat roof shall be used as a balcony, roof garden or similar amenity area.

Appeal I

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: 17098 – 155, 17098 – 104, 17098 204A and 17098 – 250.
- 3) Before the development is brought into use a comprehensive noise impact assessment shall be carried out by a suitably qualified noise consultant and shall be submitted to and approved in writing by the Council, to quantify the impact of noise from existing commercial operations and traffic and shall include mitigation measures. The report shall consider whether sound levels meet the indoor ambient noise levels for dwelling set out in table 4 of BSC 8233:2014 and also the I_{amax} inside threshold value of 42dB given in the WHO Night Noise Guidelines for Europe. If a glazing/ventilation scheme is to form part of any proposed mitigation, then the report should also include a full and marked up set of plans showing the glazing/ventilation specifications for each façade. The approved mitigation measures shall be carried out before the development is brought into use and thereafter retained as such.
- 4) Before the development is brought into use the approved cycle storage shall be implemented and thereafter retained as such.
- 5) Before the development is brought into use the approved bin storage shall be implemented and thereafter retained as such.
- 6) Before the development is brought into use, a lighting scheme within the site for the proposed rear access shall be implemented and thereafter retained as such having first been submitted to and approved in writing by the local planning authority.

Appeal J

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: 17098 – 154, 17098 – 101, 17098 – 201A and 17098 – 250.
- 3) Before the development is brought into use a comprehensive noise impact assessment shall be carried out by a suitably qualified noise consultant and shall be submitted to and approved in writing by the Council, to quantify the impact of noise from existing commercial operations and traffic and shall include mitigation measures. The report shall consider whether sound levels meet the indoor ambient noise levels for dwelling set out in table 4 of BSC 8233:2014 and also the l_{max} inside threshold value of 42dB given in the WHO Night Noise Guidelines for Europe. If a glazing/ventilation scheme is to form part of any proposed mitigation, then the report should also include a full and marked up set of plans showing the glazing/ventilation specifications for each façade. The approved mitigation measures shall be carried out before the development is brought into use and thereafter retained as such.
- 4) Before the development is brought into use the approved cycle storage shall be implemented and thereafter retained as such.
- 5) Before the development is brought into use the approved bin storage shall be implemented and thereafter retained as such.
- 6) Before the development is brought into use, a lighting scheme within the site for the proposed rear access shall be implemented and thereafter retained as such having first been submitted to and approved in writing by the local planning authority.



Appeal Decision

Site visit made on 15 January 2019

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th March 2019

Appeal Ref: APP/G4620/W/18/3212750

598-600 Bearwood Road, Smethwick B66 4BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Green Room Properties Limited against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/18/61850, dated 16 May 2018, was refused by notice dated 28 August 2018.
 - The development proposed is change of use and refurbishment of upper floors to accommodate a house in multiple occupation (Class C4) with five single occupancy bedrooms, together with refuse and recycling storage.
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Decision

1. The appeal is allowed and planning permission is granted for change of use and refurbishment of upper floors to accommodate a house in multiple occupation (Class C4) with five single occupancy bedrooms, together with refuse and recycling storage at 598-600 Bearwood Road, Smethwick B66 4BW in accordance with the terms of the application, Ref DC/18/61850, dated 16 May 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: 17098 – 157, 17098 – 111 and 17098 – 211A.
 - 3) Before the development is brought into use a comprehensive noise impact assessment shall be carried out by a suitably qualified noise consultant and shall be submitted to and approved in writing by the Council, to quantify the impact of noise from existing commercial operations and traffic and shall include mitigation measures. The report shall consider whether sound levels meet the indoor ambient noise levels for dwelling set out in table 4 of BSC 8233:2014 and also the $I_{a\max}$ inside threshold value of 42dB given in the WHO Night Noise Guidelines for Europe. If a glazing/ventilation scheme is to form part of any proposed mitigation, then the report should also include a full and marked up set of plans showing the glazing/ventilation specifications for each façade. The approved mitigation measures shall be carried out before the development is brought into use and thereafter retained as such.
 - 4) Before the development is brought into use the approved bin storage shall be implemented and thereafter retained as such.

Application for costs

2. An application for costs was made by Green Room Properties Limited against Sandwell Metropolitan Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. An updated revised National Planning Policy Framework (the Framework) was published on 19 February 2019. As this pre-dates the determination of the appeal, in reaching my decision I have had regard to the revised Framework. However, as the amendments to it have not had a significant bearing on my decision, I have not re-consulted the main parties on the revised Framework.

Main Issues

4. The main issues are the effect of the proposal on:
 - highway safety having particular regard to car parking;
 - the fear of crime.

Reasons

Highway safety and car parking

5. The appeal site comprises a mid-terraced building located within a row of similar buildings on Bearwood Road. The building is in commercial use at ground floor and this is the case with other buildings within the row, all of which are located within the retail core of Bearwood Town Centre. There are residential streets to the rear of the site including Herbert Road.
6. No off street parking is proposed to serve the proposed 5 bedroom house in multiple occupation (HMO). The appellant argues that the accessible location of the site together with the nature of the accommodation and likely tenants means that future occupiers are unlikely to be car owners.
7. It does not appear from the evidence that the Highway Authority (HA) was **consulted regarding the proposal**. However the Council's officer reports states that there is no requirement for off street parking due to the town centre location of the appeal site and the appellant states that the HA did not object to another proposal for a larger HMO with no parking at No 618 – 620 (Ref DC/18/61477).
8. Whilst there is no guarantee that future occupiers of the proposed HMO would not be car owners, at my site visit I noted that the site has good access to a range of services and facilities and is very close to the bus station. In addition I noted that unrestricted on-street parking is available on nearby streets, although I acknowledge that demand for this parking appeared to be reasonably high and that significant additional parking on these streets would therefore have the potential to cause parking problems for existing and future residents. Nevertheless, in the absence of any substantive evidence regarding parking and having regard to the nature and location of the accommodation proposed, I consider that a lack of on-site parking would be unlikely to lead to any adverse impact on highway safety.

9. Taking the above matters into consideration, I conclude that the proposal would be unlikely to have a significant adverse effect on highway safety having particular regard to parking. It therefore accords with paragraph 109 of the Framework which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

Fear of crime

10. West Midlands Police were consulted on the application and objected to the proposal due to concerns regarding the nature of the proposed accommodation **and future occupiers and the likely impact on local residents**. The Council's concerns make specific reference to insufficient infrastructure in respect of car parking and rear access.
11. As stated above, there is no substantive evidence to suggest that the proposal would lead to a significant increase in on-street parking in the vicinity of the site. Even if parking were to significantly increase, despite the concerns raised by the police, there is no evidence that such an increase in parking would result in an actual or perceived increase in car crime.
12. Access to the HMO would be from Bearwood Road to the front of the appeal site and therefore there would be no rear access associated with the proposal, unlike other proposals within the row submitted by the appellant.
13. **Whilst I note the appellant's comments in relation to the nature of future tenants and the management of the HMO**, having regard to the nature of the application, it is not possible to control these matters by the use of conditions or legal agreements. However notwithstanding this and despite comments made by the police, there is no substantive evidence that the proposed HMO would attract or be likely to be occupied by persons more likely to commit crimes or to carry out anti-social behaviour.
14. Taking the above matters into consideration, I conclude that the proposal would not be likely to significantly increase the fear of crime in the area. The **Council's reason for refusal relating to crime referred to paragraphs 91 & 97 of the Framework**, however paragraph 97 is not relevant to this issue. The proposal would accord with paragraph 91 which states, amongst other things, that planning decisions should aim to achieve safe places which are safe and accessible so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.

Other Matters

15. In reaching my decision I have had regard to a number of other matters raised by interested parties.
16. The character of the area is mixed commercial and residential and I do not consider that the proposal together with other proposed HMOs nearby would adversely affect the character of the area, particularly given that there have been previous residential uses above the ground floor commercial units in this part of Bearwood Road. Whilst there is no guarantee as to who future tenants would be, similarly there is no substantive evidence that the proposal would result in any anti-social behaviour or security issues.

17. I note the concerns regarding the cramped level of accommodation proposed but the Council has raised no specific objections to the proposal on this basis **and I have seen no evidence to suggest that it does not meet the Council's standards for this type of accommodation.**
18. No extensions are proposed and access to the accommodation would be from the front. Therefore whilst the proposal would likely increase the number of residents at the site, I do not consider that this would result in any significant increase in noise and disturbance, overlooking or loss of outlook or that it would materially affect the living conditions of occupiers of nearby properties on Herbert Road.
19. It seems from the evidence that any concerns raised with regard to access to the proposed accommodation by the emergency services and in particular the fire service are not determinative and could be overcome by liaison with the fire service to ensure that sprinkler systems are put in place where considered necessary.
20. Interested parties allege a lack of collaboration from the appellant on the proposal. However whilst this is unfortunate if it is the case, it is not a reason to withhold planning permission for the proposal. Finally I am satisfied that approval of the proposal would not set an undesirable precedent for similar proposals, all of which would need to be assessed on their own merits and based on the submitted evidence.

Conditions

21. I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the approved plans as this provides certainty. I have also imposed a condition requiring the submission and approval of a noise impact assessment (NIA). Whilst I note that the property has previously been in residential use, the intensity of the residential use would increase and such a **condition has been recommended by the Council's Environmental Health** department. The condition is required in order to ensure that future occupiers of the HMO have satisfactory living conditions. However I have amended the suggested wording slightly in order to require the submission to and approval of the NIA by the Council. I have also imposed a condition requiring the proposed bin storage area to be provided prior to occupation of the HMO. This is to ensure adequate bin storage having regard to the site location and the nature of the proposed use. I have not imposed a condition regarding cycle storage as none is proposed as part of the proposal and having regard to the site limitations.

Conclusion

22. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR



Appeal Decision

Site visit made on 18 March 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th April 2019

Appeal Ref: APP/G4620/W/18/3210002

90 Waterfall Lane, Cradley Heath, West Midlands B64 6RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Zaireb Hussain against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/18/61916, dated 20 May 2018, was refused by notice dated 1 August 2018.
 - The development proposed is tyre sales and fitting in addition to current site use of car valeting.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my site visit the proposed use had already commenced. I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the development on the **Council's housing** strategy; the effect of the development on the living conditions of neighbouring residents, with regard to noise and disturbance; and, the effect of the development on highway safety.

Reasons

Housing Strategy

4. The appeal site comprises a commercial building with a forecourt accessed directly off Waterfall Lane. It is located within a mixed commercial/industrial/residential use area.
5. There is no dispute between the parties that the site is allocated for housing in the Sandwell Metropolitan Borough Council Site Allocations and Delivery Development Plan Document (SADDP) 2012. Policy SAD H1 of the SADDP **states that 'other ancillary uses appropriate for residential areas, such as health facilities, community facilities and local shops, may be acceptable where there is a gap in service provision and where they can be integrated successfully into the residential environment. Other uses will not be acceptable on these sites.'** Accordingly, as the proposed use is not an ancillary use for residential areas it therefore conflicts with Policy SAD H1.

6. **I have had regard to the Inspector's Report on the examination into the SADDP**, in particular paragraphs 25 and 26, as referred to me by the appellant. Whilst concerns were made regarding the loss of employment land to housing, the Inspector also noted that the re-use of employment areas provides the only realistic way to meet future housing needs. As a housing allocation, the appeal **site makes an important contribution to the Council's housing strategy** and the ability to meet housing needs.
7. The National Planning Policy Framework (the Framework) seeks to achieve sustainable development and support economic growth. The proposal provides jobs for three people and therefore makes a small, but positive, contribution to the local economy. However, the Framework **also states that 'to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.'**¹
8. I note that the Black Country Urban Capacity Review 2018 identifies that there is emerging evidence that there is a need to increase employment land due to such land being given over for housing. However, the status of the review is not before me and therefore I do not consider that it attracts greater weight than the SADDP.
9. Section 38 (6) of the Planning and Compulsory Purchase Act, 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for the decision and its primacy in the determination of planning applications. I find no conflict between the objectives of the Framework and the SADDP and there is no evidence presented to me to demonstrate that the most important policies for determining the proposal are out-of-date.
10. I find therefore that as a result of being in conflict with Policy SAD H1 of the SADDP **the proposal would unacceptably undermine the Council's housing strategy.**

Living Conditions

11. The appeal site is within proximity of residential properties to the north east of the site and therefore the residents of these properties would be sensitive to noise generated from the proposed use.
12. The appellant confirms that the compressor unit used for tyre changing would be housed within the building to minimise noise levels. However, there is no substantive evidence before me that this would adequately reduce any potential harmful disturbance to the neighbouring residents. Moreover, the removal of the wheels from cars would likely involve the use of power tools. There is no indication of how noise generated by these would be mitigated.
13. I have had regard to the condition suggested that would restrict all tyre fitting activities to within the building. However, if doors are left open, which is a reasonable proposition, particularly in the summer, then this would negate the mitigating effect of containing the activities within the building. Accordingly, I am not satisfied that such a condition would be reasonable.

¹ Paragraph 59

14. I acknowledge that there is a boundary fence that would provide some mitigation. However, I am not satisfied that this would be sufficiently effective at reducing the effect of noise on the neighbouring residents.
15. I have also had regard to comments received regarding a residential development that is about to commence which abuts three sides of the appeal site. Whilst the details of this scheme are not before me, based on the evidence before me, there is a reasonable likelihood that noise generated by the proposal would significantly harm the living conditions of the future residents of these dwellings.
16. I find therefore that the proposal would significantly harm the living conditions of neighbouring residents with regard to noise and disturbance. In their reasons for refusal, the Council have not cited any development plan policies. However, the proposal would be contrary to the objectives of the Framework, which seek to protect residential amenity.

Highway Safety

17. The drawings submitted do not indicate any designated parking areas for staff or customers. The appellant states that cars being valeted park within the valeting area on site next to the building and cars for tyre changes are parked within the building.
18. The current valeting use operates on a contracting basis with a local business and only one car is valeted at any one time. Nevertheless, there is nothing preventing the general public from using the valeting services. I have considered the proposal on this basis.
19. There is no indication as to where customers that are waiting for either of these services park. The Council state that the car wash element should provide 5 spaces for waiting and that this is already the maximum capacity for the site. There would be no additional space for cars waiting for tyre fitting services. Consequently, it is likely that on-street parking would be required.
20. Waterfall Lane a relatively straight road with good visibility. There are no parking restrictions outside the appeal site and at the time of my site visit there did not appear to be any demand for on-street parking. Therefore, should the need arise for additional parking provision than what is available on site, I am satisfied that the small number of cars that would park on-street for what would likely be a short period of time would not cause any significantly harmful effect on highway safety.
21. I therefore find that the proposal would not significantly harm highway safety. In their reasons for refusal, the Council have not cited any development plan policies. However, the proposal would comply with the Framework, which seeks to ensure that development does not have an unacceptable impact on highway safety.

Other Matters

22. There is an extensive planning history to the appeal site and the appellant contends that the existing lawful use is for a hand car wash and jet wash facility. However, this has had very little bearing on my consideration of the proposal before me.

Conclusion

23. I have found that the proposal would not result in any significant harm to highway safety. However, this is a neutral effect and does not outweigh the **harm it would have with regard to the Council's housing strategy and the living conditions of neighbouring residents.**

24. For the reasons given above, the appeal is dismissed.

Alexander Walker

INSPECTOR