

## **Planning Committee**

**Wednesday 5 June 2019 at 5.30pm  
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 8 May 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 3 July, 2019.**

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

**Distribution: –**

Councillor Downing (Chair);  
Councillor Hevican (Vice-Chair);  
Councillors Ahmed, Allen, Chidley, S Davies, Dhallu, M Hussain,  
Mabena, Millar, Rouf, Shackleton, Simms, Taylor, Trow and White.

**Agenda prepared by Stephnie Hancock**  
**Democratic Services Unit**  
**Tel No: 0121 569 3189**  
**E-mail: [stephnie\\_hancock@sandwell.gov.uk](mailto:stephnie_hancock@sandwell.gov.uk)**

This document is available in large print on request to the above telephone number. The document is also available electronically on the Committee Management Information System which can be accessed from the Council's web site on [www.sandwell.gov.uk](http://www.sandwell.gov.uk)

## **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**

**8 May, 2019 at 5 pm**  
**at the Sandwell Council House, Oldbury**

**Present:** Councillor Sandars (Chair);  
Councillor Webb (Vice-Chair);  
Councillors Chidley, Downing, P M Hughes,  
and Piper.

**Apology:** Councillor L Giles.

**Observers:** Councillors Costigan and P Hughes.

48/19 **Minutes**

**Resolved** that the minutes of the meeting held on 10 April, 2019 be approved as a correct record.

49/19 **Applications Deferred Pending a Site Visit by Members of the Committee and Ward Representatives**

**Resolved** that consideration of the following planning applications be deferred, pending a site visit by the Committee and ward representatives:-

DC/19/62695 (Proposed 2 No. 3 bedroom dwellings. Land to the rear of Churchills, 8 Walsall Street, Wednesbury, WS10 9BZ.)

DC/19/62906 (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.)

## Planning Committee – 8 May 2019

DC/19/62949 (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.)

50/19

### **DC/18/62165 (Proposed health centre and 5 no. residential dwellings. Site of Former Kingsbury House and Resource Centre, King Street, Wednesbury.)**

This application had been deferred at the meeting held on 10 April 2019 to enable further consultation on revised opening hours proposed by the applicant. (Minute No. 38/19 refers.)

Councillors Chidley, Downing, Sandars and Webb indicated that they had been lobbied on the site visit, that had taken place earlier that day, by the applicant and objectors.

The Service Manager Service Manager - Development Planning and Building Consultancy reported that the Service Manager – Regulatory Services (Environmental Health) had concerns regarding the impact that the proposed increase in opening hours would have on residential amenity. It was also reported that the Service Manager – Highways had concerns that there would be insufficient parking without the provision of additional parking at the neighbouring Wednesbury Leisure Centre. To accommodate these concerns, conditions v) and xxii) had been amended.

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

- There was insufficient parking allocated.
- The proposed to paint double yellow lines on one side of King Street meant that users of the centre would be parking on the side of the road that residents use.
- Users of the centre would not use the leisure centre car park due to the distance.
- A residents' parking bay could be provided.

Photographs submitted by the objector showing parking issues were circulated to the Committee and the applicant.

## Planning Committee – 8 May 2019

Councillor Peter Hughes was present and addressed the Committee with the following points. He declared that he was a member of Sandwell Leisure Trust Board and a patient at the Spire surgery:-

- Wednesbury had been in need of a new health centre for many years.
- This was a flagship project in partnership with the NHS.
- The concerns around parking were understandable, however there was sufficient parking provided for on the site, as well as provision for overflow parking.
- The leisure centre car park was unlikely to be full during the daytime.
- Re-introduction of a one-way street, or a residents' parking scheme could be considered in King Street.
- The objector could be eligible to have a disabled parking bay outside of his property.
- There was previously an old people's home on the site which would have had visitors in cars
- The proposal would bring a derelict site back into use.
- Ward members would work with local residents to try and address their concerns.

The Service Manager – Highways advised the Committee that the proposed conditions would address many of the concerns raised about parking. Hours of operation would be within the opening hours of the leisure centre car park and a management plan was required for the joint use of the car park. Directional signs and a pedestrian link would also be installed to encourage visitors to use the leisure centre car park. A review of parking restrictions on King Street would be undertaken following occupation to consider the narrow width of the road and the possible obstruction that could be caused if vehicles were parked on both sides. He also advised that a residents' parking scheme was unlikely to be approved as properties on King Street had off road parking at both the front and rear.

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

- Staff working at the proposed centre would be encouraged to use the upper level of the leisure centre car park.

## Planning Committee – 8 May 2019

- A secure parking area of six spaces would be created for doctors and district nurses who were likely to be coming and going out of hours and carrying medical supplies.

The Committee was unanimously minded to approve the application, subject to the conditions now recommended by the Director – Regeneration and Growth.

**Resolved** that planning application DC/18/62165 (Proposed health centre and 5 no. residential dwellings. Site of Former Kingsbury House and Resource Centre, King Street, Wednesbury.) be approved, subject to the conditions as now recommended by the Director – Regeneration and Growth.

51/19 **Planning Application DC/19/62695 (Proposed 2 No. 3 bedroom dwellings. Land to the rear of Churchills, 8 Walsall Street, Wednesbury, WS10 9BZ.)**

Councillors Chidley, Downing, Sandars and Webb indicated that they had been lobbied on the site visit, that had taken place earlier that day, by the applicant and objectors.

The Service Manager Service Manager - Development Planning and Building Consultancy reported that there were no objections from the Service Manager - Regulatory Services (Environmental Health).

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

- Hollies Drive, which was where the proposed access to the site would be from, was already very narrow and residents were forced to park on the pavement.
- The access driveway off Hollies Drive was the only point of access residents of Hollies Drive had to the rear of their properties and was so narrow that vehicles were unable to turn around in it.
- The proposed access driveway was around 20ft higher than the development site so it would be very difficult to create an access ramp at an appropriate gradient.
- The proposal would result in a loss of light, privacy and outlook for existing residents.
- The proposal was not in keeping with the Victorian design of existing properties.

[ILO: UNCLASSIFIED]



## Planning Committee – 8 May 2019

- Emergency vehicles would struggle to access properties on the site.

Photographs submitted by the objector showing parking issues were circulated to the Committee.

The applicant was not present.

Having visited, and having local knowledge of the site, the Committee shared the concerns expressed by the objector and was minded to refuse planning permission, as recommended by the Director – Regeneration and Growth.

Five members voted in favour of the recommendation to refuse permission and one abstained.

**Resolved** that planning application DC/19/62695 (Proposed 2 No. 3 bedroom dwellings. Land to the rear of Churchills, 8 Walsall Street, Wednesbury, WS10 9BZ.) be refused on the 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 Adopted Revised Residential Design 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) the proposed parking spaces are below recommended standard sizes, and (d) visibility on exit from the drive is unsatisfactory.

## Planning Committee – 8 May 2019

52/19 **Planning Application DC/19/62885 (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.)**

There was no applicant or objector present.

The Service Manager Service Manager - Development Planning and Building Consultancy reported that recommended condition (v) had been amended.

The site was currently allocated as Open Space in the Council's Site Allocations Document and therefore the Council would need to grant an exception to this policy to enable the development to proceed.

The Committee was unanimously minded to grant planning permission, subject to the conditions now recommended by the

**Resolved** that planning application DC/19/62885 (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.) be approved, subject to the conditions now recommended by the Director – Regeneration and Growth.

53/19 **Applications Determined Under Delegated Powers by the Director – Regeneration and Growth**

The Committee noted those planning applications determined by the Director - Regeneration and Growth under delegated powers.

54/19 **Decisions of the Planning Inspectorate**

The Committee noted that the Planning Inspectorate had made decisions on appeals made under section 78 of the Town and Country Planning Act 1990, as set out below:-

## Planning Committee – 8 May 2019

<b>Application Ref No.</b>	<b>Site Address</b>	<b>Inspectorate Decision</b>
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

## Planning Committee – 8 May 2019

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

55/19

### **Vote of Thanks**

The Committee placed on record its congratulations to Planning Officer Jenna Langford, who had won the Town and Country Planning Institute's 2019 Young Planner of the Year award.

The Chair thanked members, officers and the public for their participation in the work of the Committee in the 2018/19 municipal year.

(The meeting ended at 5.42 pm)


*Contact Officer: Stephnie Hancock  
Democratic Services Unit  
0121 569 3189*

[ILO: UNCLASSIFIED]

The Committee will consider whether a site visit would be beneficial to the determination of any of the applications for consideration.

## Planning Committee

**5 June, 2019**

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

### DECISION RECOMMENDATIONS

<b>That Planning Committee:</b>	<p style="text-align: center;">Considers the planning applications detailed in the attached appendices.</p>
---------------------------------	---

#### 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

5th June 2019

### Index of Applications

<b>Application No &amp; Agenda Page Ref</b>	<b>Premises, Application and Applicant</b>	<b>Recommendation</b>
DC/18/62394  Great Bridge  Pg. 18	Proposed 1 No. four bedroom detached dwelling with detached garage. Land Adjacent to 27 Sheepwash Lane, Tipton DY4 7JE Mr Sunny Aujlha	Grant Permission Subject to Conditions
DC/18/62530  Smethwick  Pg. 30	Demolition of existing building and replacement with proposed place of religious worship. 15 - 18 South Road, Smethwick, B67 7BN Mr Aman Laffire	Defer for Visit
DC/19/62665  Cradley Heath & Old Hill  Pg. 34  <b>VISIT</b> <b>2.40pm – 3.00pm</b>	Proposed 19 No. apartments and 2 No. houses (outline application for access, appearance, layout and scale). Land Adjacent to Compton Grange, Whitehall Road/St Annes Road, Cradley Heath Mr Jason Shaw	Refuse permission
DC/19/62842  St Pauls  Pg. 48	Proposed change of use to 8 bed, 8 person HMO (house in multiple occupation). 12 Gibson Drive, Smethwick B66 1RW c/o Anjum Design Ltd	Defer for Visit



<p>DC/19/62906</p> <p>Cradley Heath &amp; Old Hill</p> <p>Pg. 52</p> <p><b>VISIT</b> <b>3.05pm – 3.25pm</b></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>Refuse permission</p>
<p>DC/19/62949</p> <p>West Bromwich Central</p> <p>Pg. 68</p> <p><b>VISIT</b> <b>3.50pm – 4.10pm</b></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>Grant Conditional Retrospective Consent</p>

Mr Sunny Aujlha 27 Sheepwash Lane Tipton DY4 7JE	Proposed 1 No. four bedroom detached dwelling with detached garage. <b>At land adjacent To 27 Sheepwash Lane Tipton DY4 7JE</b>
---	--

**Date Valid Application Received:** 11th January 2019

**1. Recommendations**

Subject to the receipt of satisfactory amended plans relating to fenestration of the side gable wall, internal layout clarification, provision of adequate private rear amenity space, and to parking being repositioned at the rear of the site, approval is recommended subject to the following conditions: -

- i) Approval of external materials;
- ii) Drainage including SUDs;
- iii) Boundary treatment;
- iv) Landscaping;
- v) Provision and retention of parking;
- vi) Removal of permitted development rights in relation to loft extensions, loft alterations and hard standings;
- vii) Installation of drop kerbs;
- viii) Reinstatement of footpath where appropriate;
- ix) Maintenance of visibility splays; and
- x) Provision of an electric vehicle charging point.

**2. Observations**

This application is being brought to the attention of your Committee because three material objections have been received and the application is recommended for approval.

**The Application Site**

The application refers to vacant land adjacent to 27 Sheepwash Lane on the corner of Beddoe Close, within a residential area.

The site has a frontage to Sheepwash Lane of 10m and a depth of 35m and is relatively flat.

## **Planning History**

In 2014 planning consent was granted for the erection of 2 dwellings on the application site and adjoining land (DC/13/55650 refers). Only one of the dwellings (no. 27 Sheepwash Lane) was constructed.

## **Current Application**

This application seeks to develop the site independently of the earlier approved development (DC/13/55650).

Following receipt of amended plans changing the house from a 3-storey design to 2-storey, the house now comprises of a basement with a games room, lounge and terrace, 3 bedrooms and a bathroom on the ground floor and an en-suite bedroom with cinema room on the first floor.

The house would be the same height (8.3m) as no. 27 with a footprint of 11.4m x 7.5m. It would be built on the same building line as no. 27. When the application was originally submitted two off-street parking spaces were to be provided within a double length garage at the rear of the proposed garden accessed off Beddoe Close. However, amended plans now show two parking spaces at the front of the site accessed off Sheepwash Lane, close to the junction with Beddoe Close.

## **Publicity**

Both the original and amended submissions have been publicised by neighbour notification. I have received three objections to the application, summarised as follows: -

- i) Problems with parking as Beddoe Close is a narrow road.
- ii) No details of the proposed garage.
- iii) Overlooking of houses in Beddoe Close.
- iv) Loss of light to houses in Beddoe Close.
- v) The unsightly fencing around the perimeter of the site should be removed.
- vi) There is no current vehicular access/drop kerb off Beddoe Close for access purposes.

- vii) In respect of the original submission, the size and height of the dwelling was over powering and out of keeping with properties nearby.

## **Consultee Responses**

**Highways** - Object to the relocated parking at the front of the site because of its proximity to the junction with Beddoe Close and the risk that parked cars within the drive would obscure visibility. Also, there is concern that the dwelling could accommodate more than 4 bedrooms if the games room and cinema room were used as bedrooms. The applicant has been asked to clarify this matter because the recently submitted amended plan does not provide any notation to show that the additional first floor room would be used as a cinema room whereas this was noted on the originally submitted layout plans. However, the description of development clearly specifies that a 4-bed dwelling is proposed.

**Planning Policy** – The application site is unallocated in the adopted development plan and is therefore assessed as Windfall Site (Policy SADH2). The proposal is compliant with this policy given the residential nature of the area and the previous consent for residential development. The proposal should incorporate sustainable drainage in accordance with ENV5 and an electric vehicle charging point in line with ENV8. The development is liable to the Community Infrastructure Levy (CIL).

**Urban Design** – In relation to the amended submission, although the reduction in height of the house and its design in relation to no. 27 is acceptable, there are concerns that insufficient fenestration has been provided on the gable wall facing Beddoe Close to enliven the street scene. Also, that the front drive/hardstanding covering the entire frontage is contrary to the Revised Residential Design Guide, and that the amended plans do not demonstrate that adequate private rear amenity space has been provided. Amended plans have therefore been requested to address these points including relocating the parking to the originally proposed position at the rear of the site.

## **Responses to objections**

Responding to each point raised I comment as follows:-

- i) Highways has raised concerns regarding parking and access issues. Amended plans have been requested.
- ii) Details of the garage will be required should this form part of the proposal. At this stage of the application process parking is currently identified at the front of the site, although, from highway safety and design perspective, it would be better sited at the rear either on a drive way or in a garage. Your Committee will be verbally updated on this matter and detailed plans will be requested if a garage is proposed.
- iii) The side gable wall of the proposed house would contain a bathroom window at ground level and a shower room at first floor level. Therefore, it is not considered that an appreciable loss of privacy from overlooking would occur.
- iv) The distance between the proposed side elevation and the front elevations of houses in Beddoe Close would range between 18m-20m. A material loss of light is unlikely to occur on this basis. As a general guideline a reasonable distance between a primary and secondary elevation is 14m.
- v) It is anticipated that new boundary treatment would be provided which can be controlled by planning condition.
- vi) There would be a requirement to install a drop kerb with the formal agreement of Highways should your Committee be minded to approve the application.
- vii) The height of the original dwelling has been reduced from 11.6m to 8.3m to match that of the existing dwelling no. 27.

## **Planning Policy and Other Material Considerations**

National planning policy promotes sustainable development. The application site is in a residential area close to Great Bridge Centre in a highly sustainable location and is therefore supported by national policy. The proposal is also supported by locally adopted planning policies and it is recognised that the principle of residential development of the site was established when planning consent DC/13/55650 was approved and partially implemented.

As mentioned earlier in this report there are issues relating to the material considerations of design and highway matters. Amended plans have been requested to address these concerns.

## **Conclusion**

Residential development of the site is acceptable in principle and is welcomed as it would complete an unfinished and somewhat unsightly plot of land bringing it into beneficial use. However, this is subject to the receipt of satisfactory amended plans addressing highway and design issues.

### **3. Relevant History**

DC/13/55650	Proposed 2 No. Dwellings (revised application - DC/12/54838).	Approved 24/4/2014
-------------	---	-----------------------

### **4. Central Government Guidance**

National Planning Policy Framework promotes sustainable development

### **5. Development Plan Policy**

SADH2 – Housing Windfalls

ENV5 – Flood Risk, Sustainable Drainage Systems and Urban Heat Island.

ENV3 – Design Quality

SADEOS9 – Urban Design Quality

ENV8 – Air Quality

### **6. Contact Officer**

Mrs Christine Phillips

0121 569 4040

christine\_phillips@sandwell.gov.uk

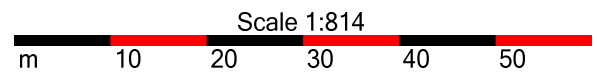
DC/18/62394

Land adj 27 Sheepwash Lane



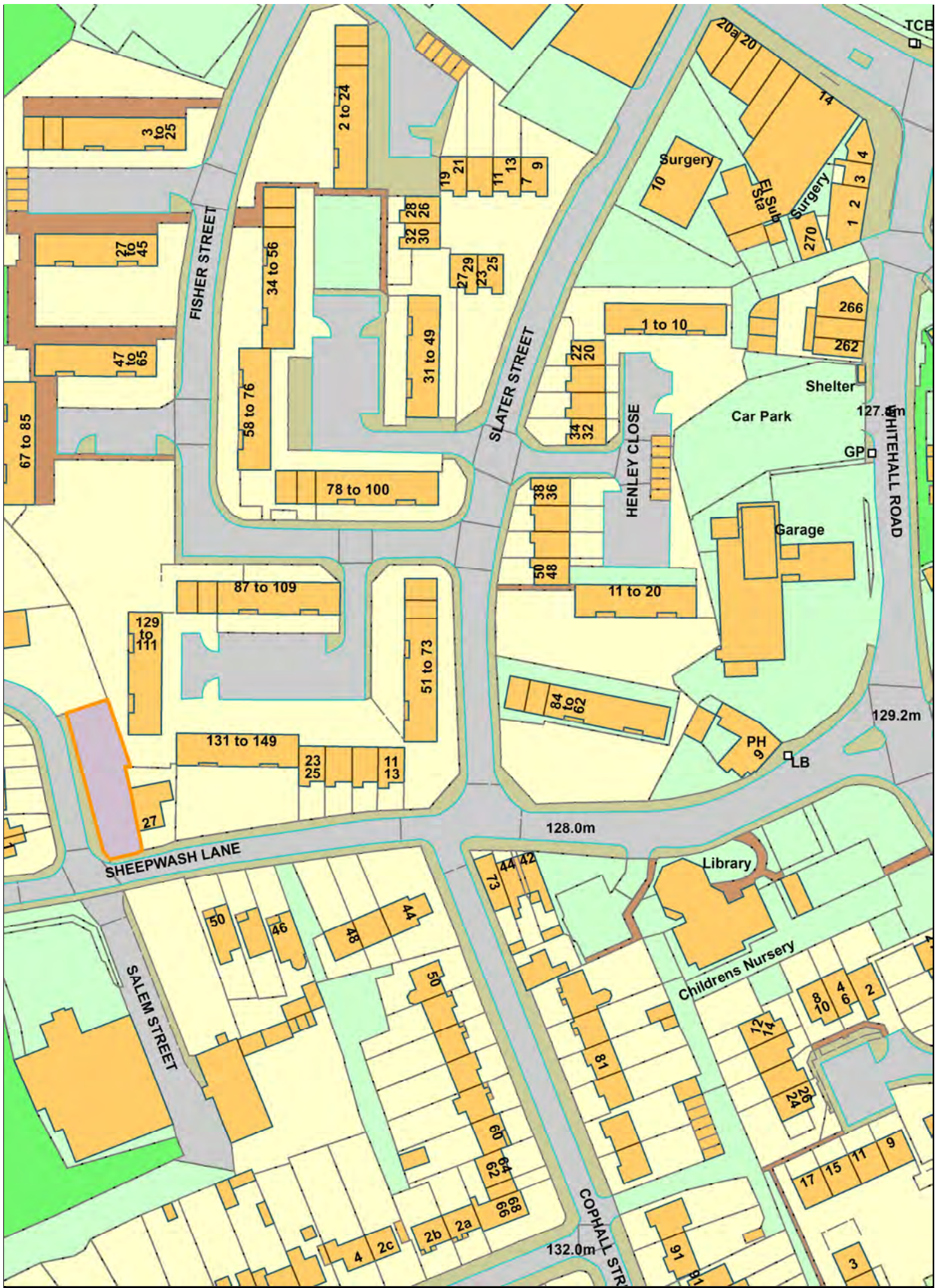
**Legend**

Sc 1:814



© Crown copyright and database rights 2019  
Ordnance Survey Licence No 100023119

<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	20 May 2019
<b>OS Licence No</b>	

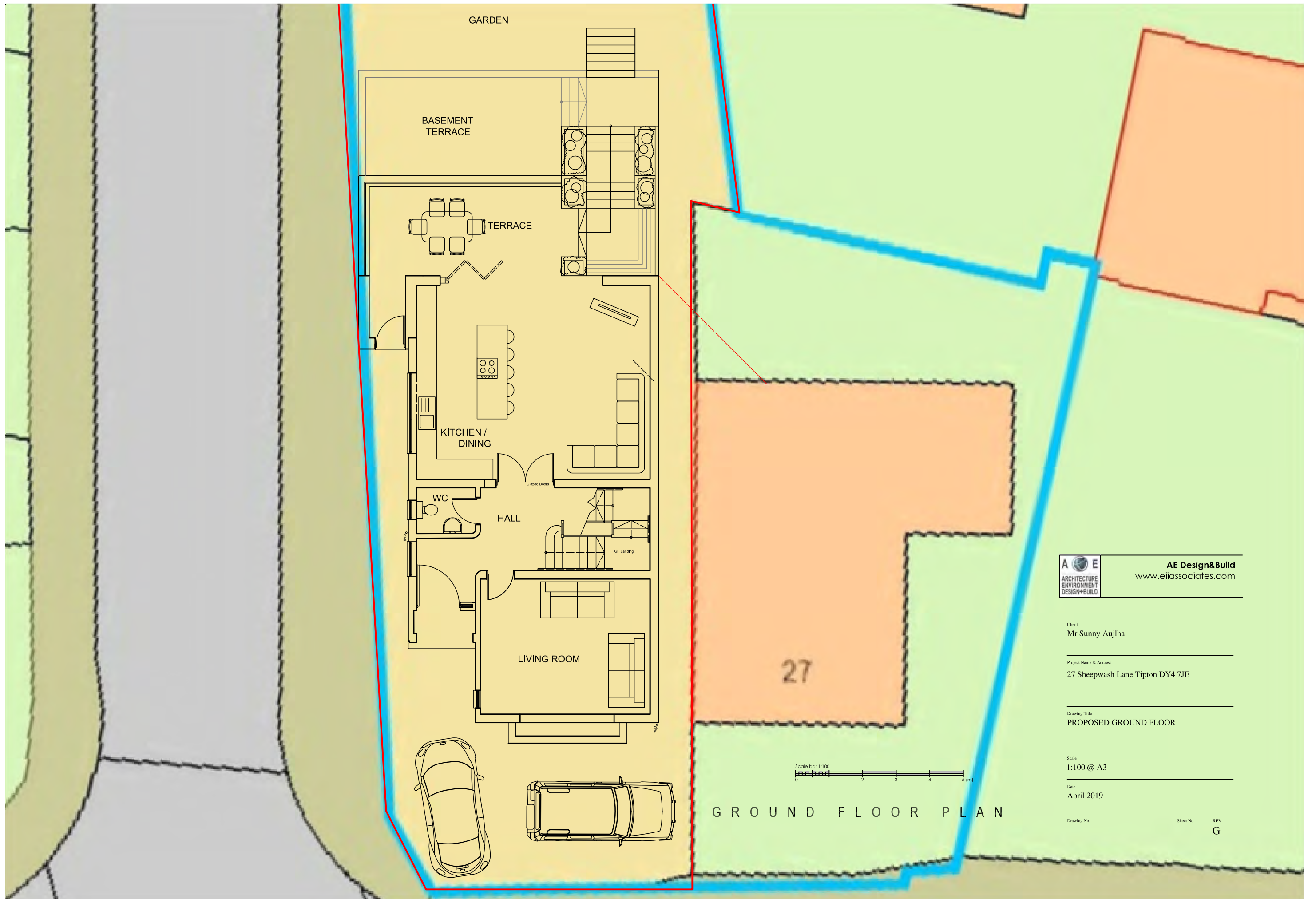


This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Sandwell MBC Licence No LA 076309 2013 2016








**AE Design&Build**  
 ARCHITECTURE  
 ENVIRONMENT  
 DESIGN+BUILD  
[www.eiassociates.com](http://www.eiassociates.com)

Client  
Mr Sunny Aujha

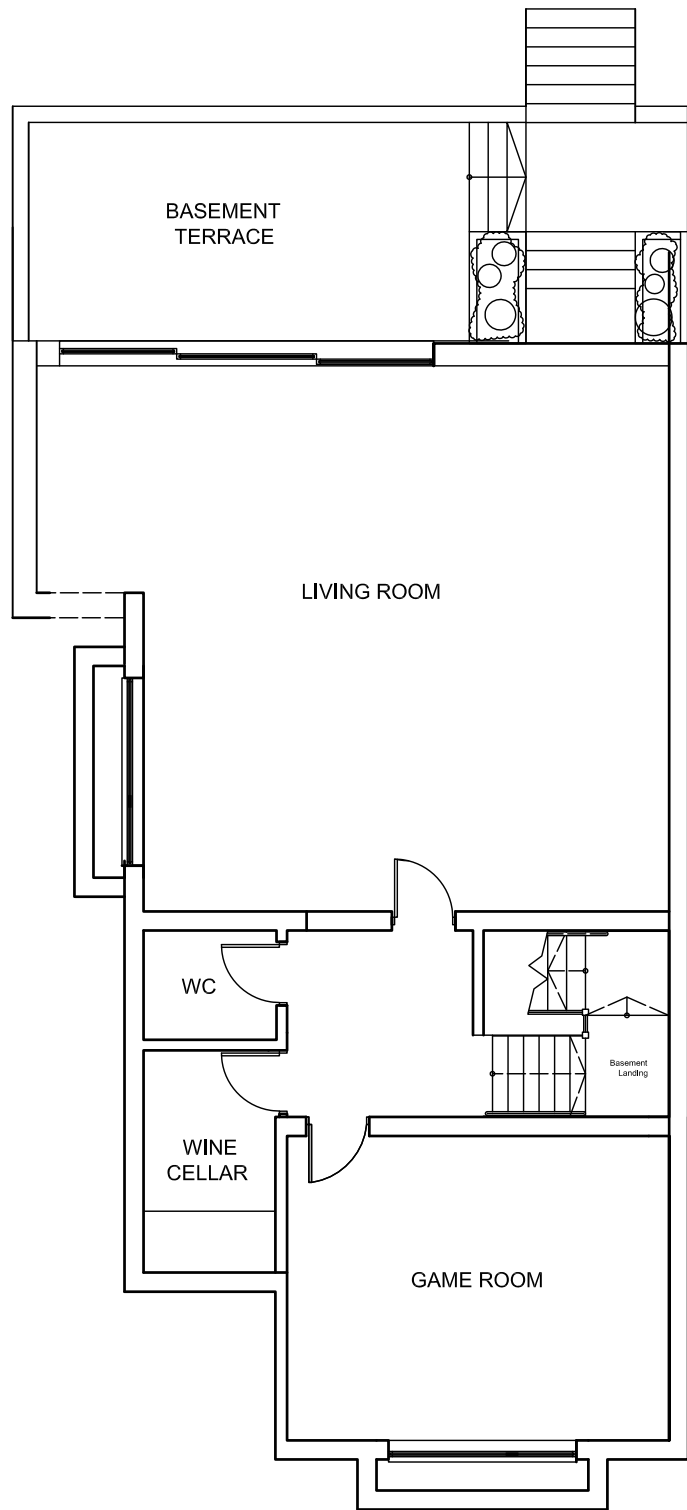
Project Name & Address  
27 Sheepwash Lane Tipton DY4 7JE

Drawing Title  
PROPOSED GROUND FLOOR

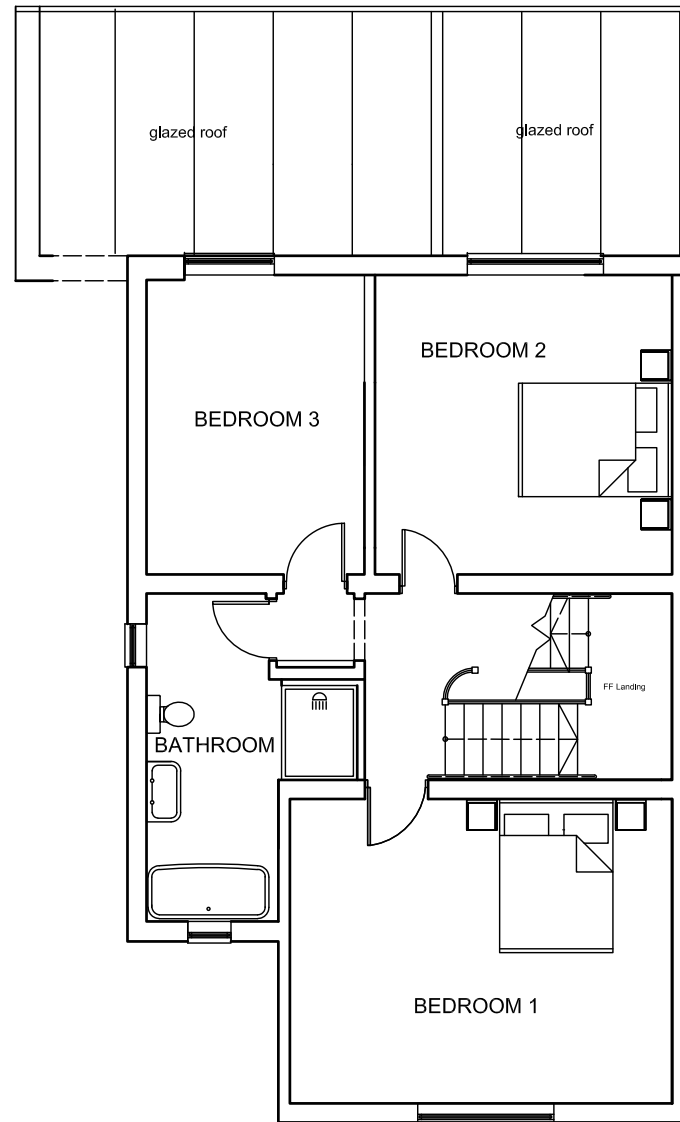
Scale  
1:100 @ A3

Date  
April 2019

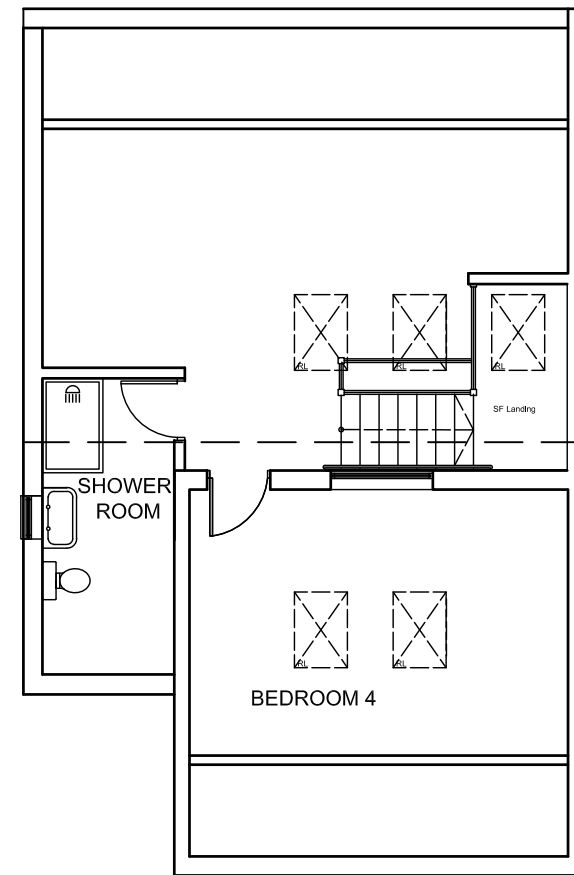
Drawing No. \_\_\_\_\_ Sheet No. \_\_\_\_\_ REV. **G**



B A S E M E N T



F I R S T F L O O R P L A N



S E C O N D F L O O R P L A N



**AE Design&Build**  
www.eiassociates.com

Client  
Mr Sunny Aujha

Project Name & Address  
27 Sheepwash Lane Tipton DY4 7JE

Drawing Title  
PROPOSED FLOOR PLANS

Scale  
1:100 @ A3

Date  
April 2019

Drawing No.

Sheet No.

REV.  
H




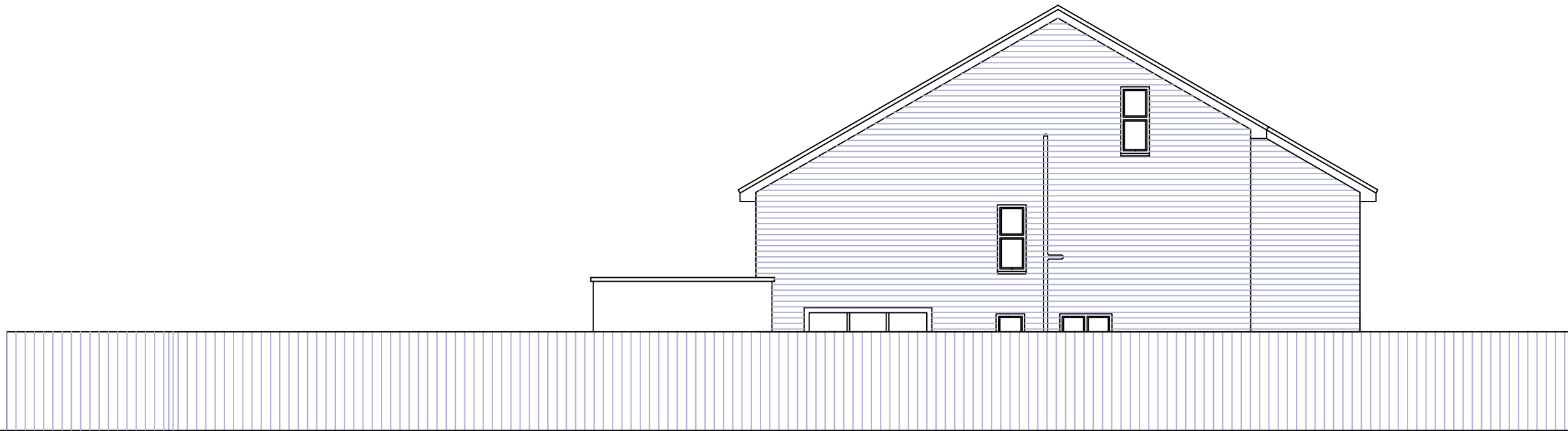
PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION



	<b>AE Design&amp;Build</b> www.eiassociates.com
Client Mr Sunny Aujha	
Project Name & Address 27 Sheepwash Lane Tipton DY4 7JE	
Drawing Title PROPOSED ELEVATIONS	
Scale 1:100 @ A3	
Date April 2019	
Drawing No.	Sheet No. REV. D



PROPOSED SIDE ELEVATION



**AE Design&Build**  
www.aeassociates.com

Client  
**Mr Sunny Aujha**

Project Name & Address  
**27 Sheepwash Lane Tipton DY4 7JE**

Drawing Title  
**PROPOSED SIDE ELEVATION**

Scale  
**1:100 @ A3**

Date  
**April 2019**

Drawing No.

Sheet No.

REV.  
**D**



NO 27 SHEEPWASH LANE



**AE Design&Build**  
www.eiassociates.com

Client  
Mr Sunny Aujha

Project Name & Address  
27 Sheepwash Lane Tipton DY4 7JE

Drawing Title  
STREET SCENE

Scale  
1:100 @ A3

Date  
April 2019

Drawing No.

Sheet No.

REV.  
C

**Committee:** 5<sup>th</sup> June 2019  
DC/19/62530

**Ward:** Smethwick

Mr Aman Laffire Afghan Sikh Ekta Charitable FND 15-18 South Road Smethwick B67 7BN	<b>Demolition of existing building and replacement with proposed place of religious worship.</b> 15-18 South Road Smethwick B67 7BN
--	--

**Date Valid Application Received** 19<sup>th</sup> December 2018

**1. Recommendations**

That your Committee visit the site.

**2. Observations**

This application is being brought to your committee at the request of Councillor Linda Horton who has raised concerns regarding the historic nature of the building and insufficient parking. In addition, three objections have been received.

**The Application and Site**

The application site is situated on the edge of the Smethwick Town Centre Conservation Area and opposite the Grade II Listed Holy Trinity Church. The site currently houses an office building which was initially built as a terrace of three houses, probably built in the late 19<sup>th</sup> Century.

The applicant proposes to demolish the existing building and replace it with a two-storey structure for the purposes of a place of worship. 24 off road car parking spaces will be provided to the side and rear. The overall dimensions of the new building would be 27.3m wide by 12.6m deep by 11.2m high.

The application has been publicised by neighbour notification letters, site notice and press notice and three objections have been received which will be summarised for your July Committee.

Statutory consultations have been undertaken and will be reported in full at your July Committee.

If your Committee are so minded, a visit by members to the site may be appropriate with a full report being made to your next Committee meeting on 3<sup>rd</sup> July 2019.

**3. Relevant History**

DC/99/35921 - Change of use to Travel Agents office with living accommodation for staff and external alterations.

DC/23892 - Convert part of loft area into offices.

DC/06/46497 - Erection of 18 apartments (12 No. 1 Bed & 6 No. 2 Bed) & alterations to existing highway access.

**4. Central Government Guidance**

National Planning Policy Framework (NPPF)

**5. Development Plan Policy**

Relevant policies

**6. Contact Officer**

Mr David Paine  
0121 569 4865  
david\_paine@sandwell.gov.uk

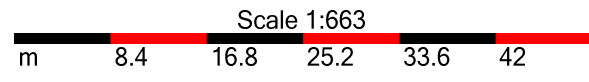
---

DC/18/62530  
15-18 South Road



**Legend**

--

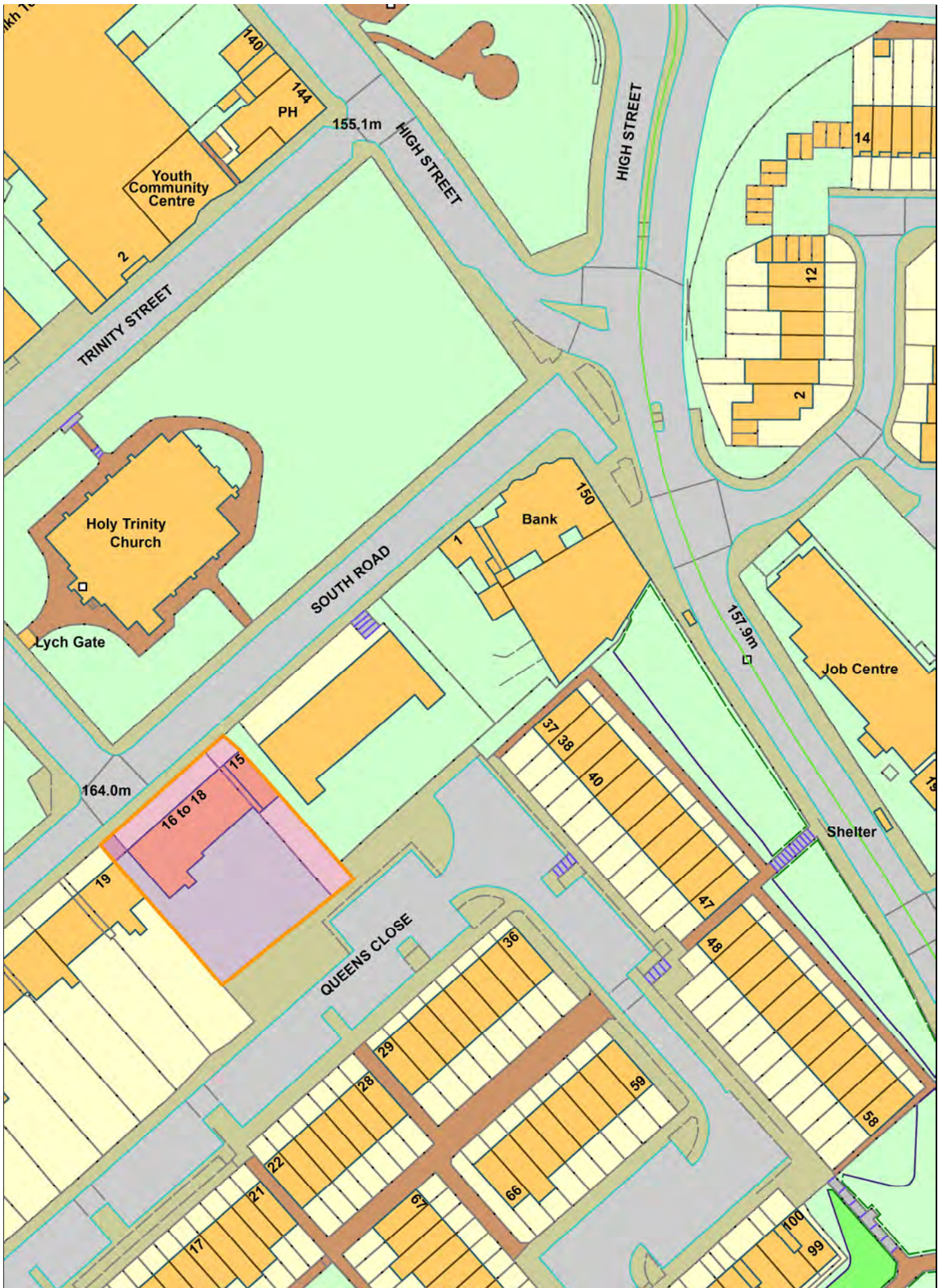


© Crown copyright and database rights 2019  
Ordnance Survey Licence No 100023119

<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	21 May 2019
<b>OS Licence No</b>	

Sc 1:662





This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Sandwell MBC Licence No LA 076309 2013 2016



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

**Date Valid Application Received:** 5<sup>th</sup> March 2019

**1. Recommendations**

Refusal

- i) The proposal is of poor design, being out of scale and appearance with the existing area which forms part of an area of Townscape Value, and
- ii) The proposal due to its height and massing would have a detrimental effect on the amenities of adjacent residential properties by reason of loss of light and outlook,

**2. Observations**

This application has been brought to the attention of your Committee as the proposed scheme has received significant interest from residents, and at your last Committee, Members resolved to visit the site.

**The Application Site**

The application refers to a landscaping area immediately adjacent to the Cradley Heath By Pass at the junction with St. Annes Road. The former Cradley Heath Neighbourhood office (now a Day Nursery) is to the immediate north. Cradley Heath Town Centre also part bounds the site. The application site area is approximately 0.44 hectares.

The site is linear in nature, which has a close relationship to development behind. There are significant level changes across the whole site, with the land dropping significantly from the pavement edge towards Crompton Grange.

The site was marketed by the Council in conjunction with the adjacent neighbourhood office and a Development Brief was prepared indicating that elements of the site would be suitable for residential development with access being served from the neighbourhood office.

## **Planning History**

In 2015 a planning application (DC/15/58467) was submitted for 20 No. apartments and 2 No. houses (outline application with access, appearance, layout and scale). This application was withdrawn. However, the recommendation at the time was for refusal for the following reasons;

- a) The proposal is of poor design, being out of scale and appearance with the existing area which forms part of an area of Townscape Value,
- b) The proposal due to its height and massing would have a detrimental effect on the amenities of adjacent residential properties by reason of loss of light and outlook, and
- c) The development would detract from the safety and convenience of users of the highway in that insufficient access, manoeuvring and parking provision has been provided within the development.

## **Current Application**

This is a further outline application which includes access, appearance, layout and scale for the construction of 19 apartments and two houses. Only landscaping is reserved for later approval.

The apartment block would be a maximum four storeys tall (ground floor parking, with residential above). However, due to the level changes the scheme would have the impression of being only two stories in height when viewed from the five ways junction, and three to four stories when viewed from Compton Grange and Whitehall Road respectively.

The main changes from this application to the previously withdrawn one is that the number of apartments has been reduced from 20 to 19 (the top floor removed), parking and

manoeuvring has been resolved and the building has been sunk into the ground. The height of the building adjacent to the footpath would see a reduction in height of approximately 1.5m when compared to the 2015 application. However, by doing so, the proposed development is now 1.0m closer to Compton Grange.

### **Affordable housing**

The applicant's agent has confirmed that the development will provided the 25% of affordable housing in line with the Council's adopted affordable housing policy.

### **Publicity**

The application has been publicised by neighbour notification letters, and by site and press notice. In total, 14 objections have been received. The objections to the application are summarised below:-

- i) The proposal would increase parking demand within the area, where parking and access to properties is already a problem;
- ii) The site would generate extra vehicle movements that would add to the noise and pollution within the local area;
- iii) Increase in litter and refuse collections;
- iv) The height of the building would be an eye sore, especially when viewed from Crompton Grange;
- v) The size of the development would block views from Compton Grange and Macarthur Gardens, and would cause a significant amount of loss of light, and would be overlooked;
- vi) The removal of this space would erode what is left of the greenery in Cradley Heath Town Centre;
- vii) No outdoor space is provided for the two-bedroom flats,
- viii) Reduction in house prices;
- ix) Nothing has changed since the last application;
- x) Construction vehicles would have to use the already congested street;
- xi) The removal of trees in the area would have a detrimental impact on the existing wildlife, reports of foxes, badgers and birdlife have been seen, and
- xii) Over development of the site with 19 apartments proposed.

## **Statutory Consultee Responses**

The Council's Transport Planner requires the applicant to provide cycle parking in line with the Council's adopted SPD.

The Council's Highways Department has raised no objections.

Environmental Health (Air Quality) requires that the developer provides electric vehicle charging points in line with policy requirements namely one point per house, and one space per ten parking spaces for flats.

Environmental Health (Air Pollution and Noise) team notes the submitted noise assessment report. Given the noise levels would be over the British Standards (noise exceeds 55db), they recommend the removal of the balconies that face onto Lower High Street.

The Council's Healthy Urban Development Officer has raised comments similar to some of those above.

The Council's Urban Design Team have raised concerns and these are summarised as;

- i) The proposal is over intensive for what is a highly constrained site, and it should be questioned whether the site is suitable for development at all,
- ii) The proposal would create a poor outlook to those residents of Compton Grange, this is exacerbated due to the changes in levels,
- iii) The roofline of the proposed building will be visible from Whitehall Lane which may create an inappropriate impact on the street scene,
- iv) The building fails to meet minimum separation distances between the proposed development and Crompton Grange,
- v) The flat roofs of the proposed houses are not characteristics of the street,

The Council's Planning Policy Team have confirmed that the site is CIL liable. Further information over SUDS, renewable energy, and archaeological surveys need to be submitted. The applicant's agent has been made aware of this, and this could potentially be covered by condition.

Severn Trent Water have raised no objections and recommended their standard conditions are attached to any approval.

The Lead Local Flood Authority has stated that the site has a low risk of flooding.

## **Responses to objections**

Responses to the reasons for objecting to the application are addressed in turn;

- i) The Council's Highway Officer has raised no objections to the proposal,
- ii) Environmental Health have only raised concerns over the noise that the existing highway network would have on any future occupiers of the flats;
- iii) Adequate provision has been provided on site for the storage of waste associated with the development. The collection of said waste is a matter for the developer;
- iv) Whilst the applicant's agent has tried to break up the building by using different materials and architectural design, there is no escaping the size of the development that would have a negative impact on the residents of Compton Grange;
- v) The development has the potential to cause a loss of light to residents of Compton Grange during the early part of the day only;
- vi) A landscaping scheme would need to be submitted, however, the size of development would erode a large green space within Cradley Heath Town Centre;
- vii) The applicant has provided balconies where possible, for amenity purposes, however these conflict with advice received from Environmental Health;
- viii) The reduction in house prices is not a material planning consideration;
- ix) See the paragraph above titled "Current Application";
- x) The hours of construction can be conditioned to try and limit the congestion in the street;
- xi) As part of this development, the removal of any trees would require a habitat survey (which can be conditioned). However, as none of these trees have any TPO's they can be removed without any planning permission but maybe protected by other legislation;
- xii) The number of apartments proposed does not automatically mean the development is over-intensive,

however; in terms of the massing of the development and the proximity to Compton Grange and Lower High Street, there would be a sense of over-intensification in the area.

### **Planning Policy and Other Material Considerations**

The principle of residential development in this location is clear, however; the scale and type of development needs to be carefully designed. Both national and local policy states that proposals should be refused when they do not achieve good design and are out of scale or incompatible with the area. The proposal as submitted shows a very dominant apartment block which will be situated on significantly higher ground than the existing residential properties in Whitehall Road, furthermore given that the area falls within an area of townscape value, the architectural language of the building does not respond to the local vernacular in terms of its appearance and building heights. In addition, limited cross sections have been provided that demonstrate that the outlook from existing residents would not be compromised. In the instance of this site, where such extreme changes in levels occur, it is considered that residential amenity of existing residents would be detrimentally affected.

In terms of noise, whilst a noise assessment has been provided, the design of the building has not been designed to reflect the findings of the report. For instance, balconies still open out onto Lower High Street. Therefore, this needs careful consideration and I consider it is too premature to accept the current layout.

### **Conclusion**

Whilst the developer has address the parking issues on site, the two other reasons for recommending the application for refusal in 2015 remain.

The scheme as outlined is too intensive, does not respond to the local characteristics of the area and would have a detrimental effect on the amenity of existing residents by virtue of loss of light and outlook.

I therefore recommend this application for refusal.

### **3. Relevant History**

DD/02/38945 - Construction of Cradley Heath by-pass and associated works – GC – 30.08.2002

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**

HOU1 Delivering Sustainable Housing Growth,  
CEN4 Regeneration of Town Centres,  
ENV5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island,  
ENV7 Renewable Energy,  
SAD H2 Housing Windfalls,  
SAD H3 Affordable Housing,  
SAD HE6 Area of Townscape Value,  
SAD DM5 The Borough's Gateways,  
SAD EOS 9 Urban Design Principles,  
SAD HE 5 Areas of Potential Archaeological Importance,  
SAD HE6 Area of Townscape Value.

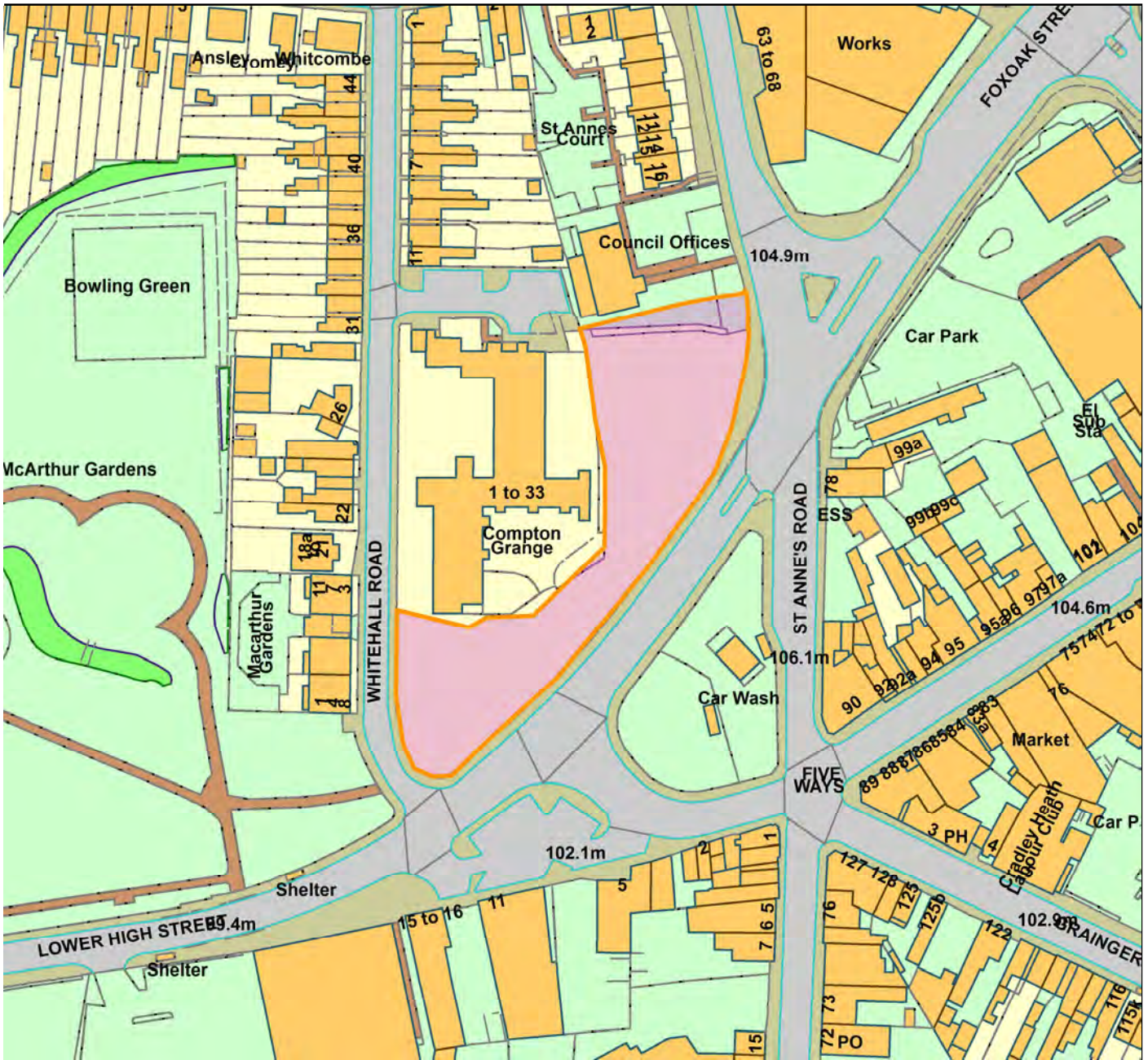
### **6. Contact Officer**

William Stevens  
0121 569 4897  
william\_stevens@sandwell.gov.uk



DC/19/62665

Land adjacent Compton Grange Whitehall Road



Legend

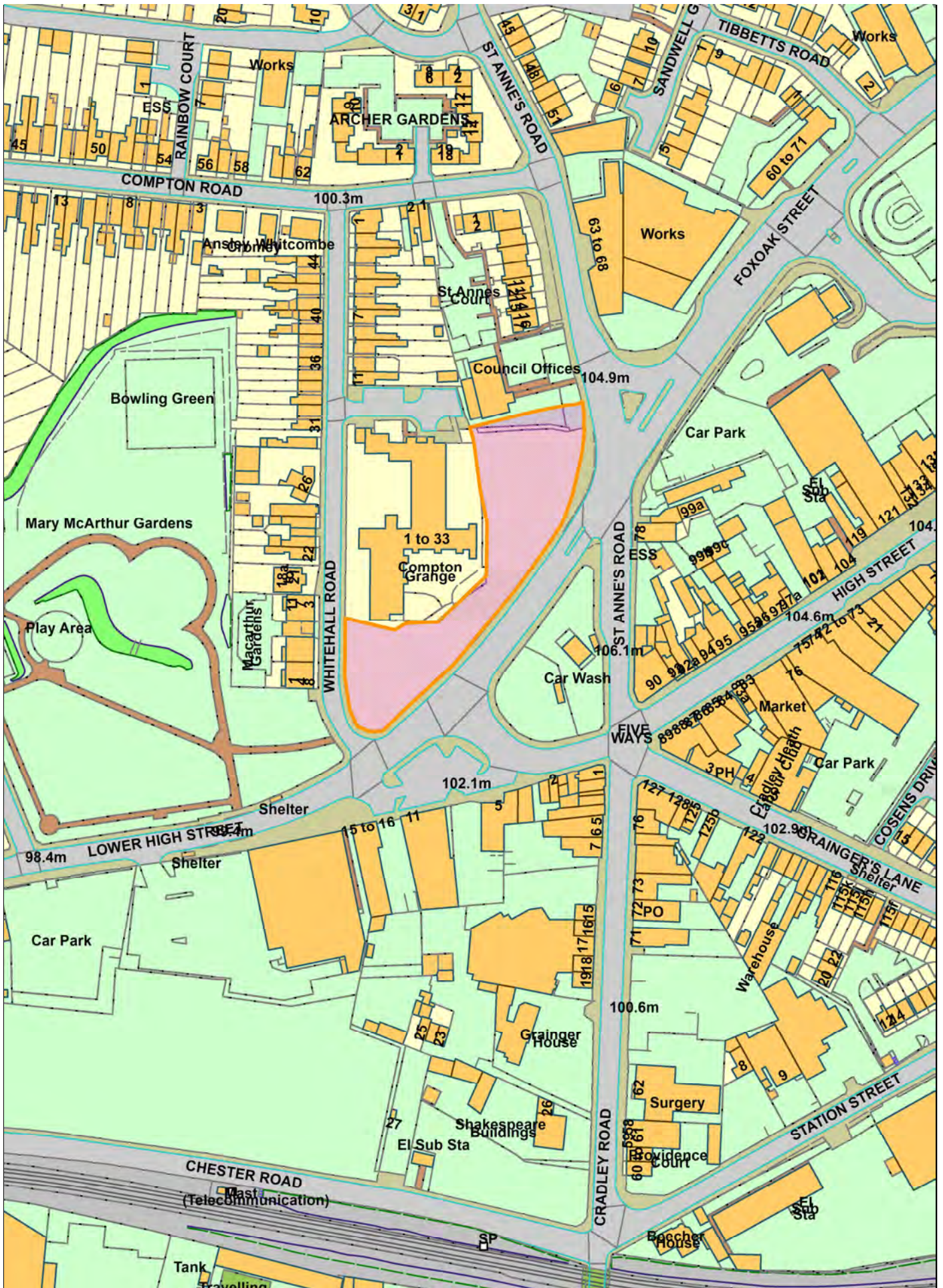
Scale 1:1537



© Crown copyright and database rights 2019  
Ordnance Survey Licence No 100023119

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

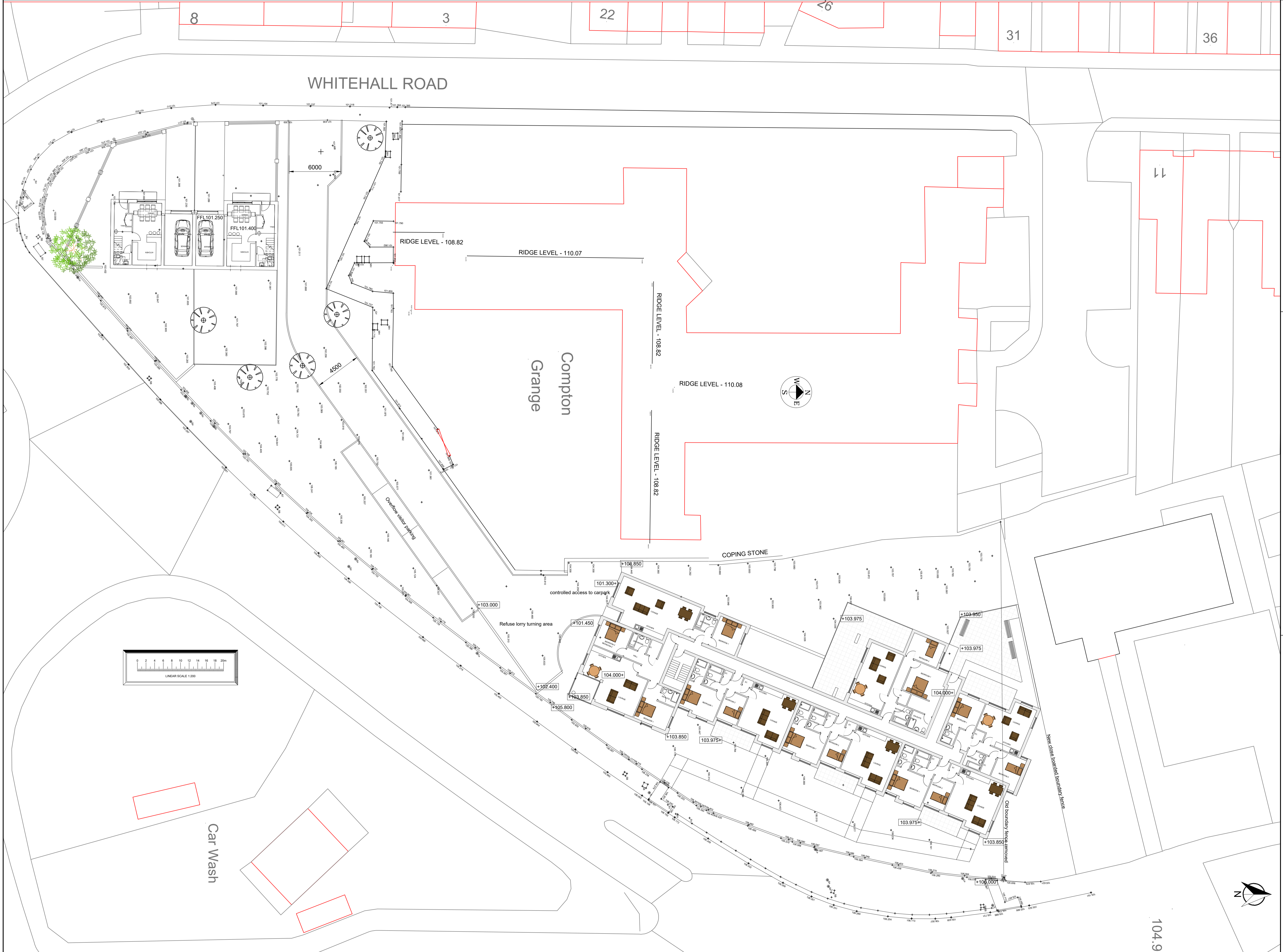
Sc 1:1536



This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Sandwell MBC Licence No LA 076309 2013 2016





Drawing Title: Proposed Site Plan

**Anthony Hope**  
MCIAT

Chartered Institute of  
Architectural Technologists

- Architectural Consultation
- Space Planning
- Photo Realistic Visualisations

Drawing No: 1.14.117

Scales @ A1: 1:200

Project: St Annes Road, Cradley Heath

Client: Mr Jason Shaw

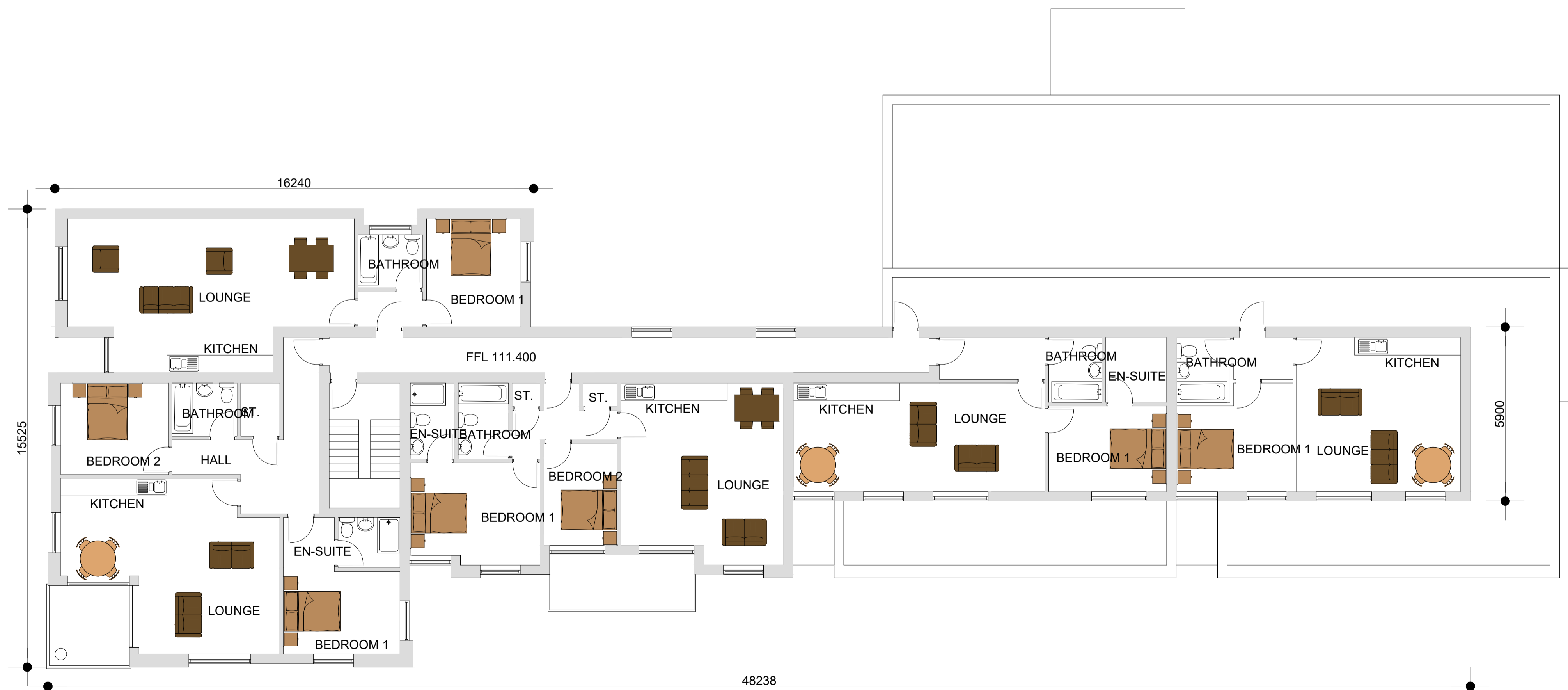
13A Randall Close Kingswinford West Midlands DY6 8QJ  
T: 01384 404057 m: 07966405087 e: enquiries@anthony-hope.com

Rev: Date: Drawn: Check: Description:

All dimensions to be checked on site and not scaled from drawing. Report any conflicts before commencing works on site.



1:100 Proposed First Floor Plan



1:100 Proposed Second Floor Plan

<p>Drawing Title: Proposed First and Second Floor Plans</p>	<p>Project: St Annes Road, Cradley Heath</p>	<p>Client: Mr Jason Shaw</p>
<p>13A Randall Close Kingswinford West Midlands DY6 8QJ T: 01384 404057 m: 07966405087 e: enquiries@anthony-hope.com</p>	<p>Anthony Hope MCIAT Chartered Institute of Architectural Technicians • Architectural Consultation • • Space Planning • • Photo Realistic Visualisations •</p>	<p>Rev: A Date:  Drawn:  Check:  Description: Windows added to corridors to suit elevations</p>
<p>Drawing No: 1.14.119 Scales @ A1: 1:100 All dimensions to be checked on site and not scaled from drawing. Report any conflicts before commencing works on site.</p>		



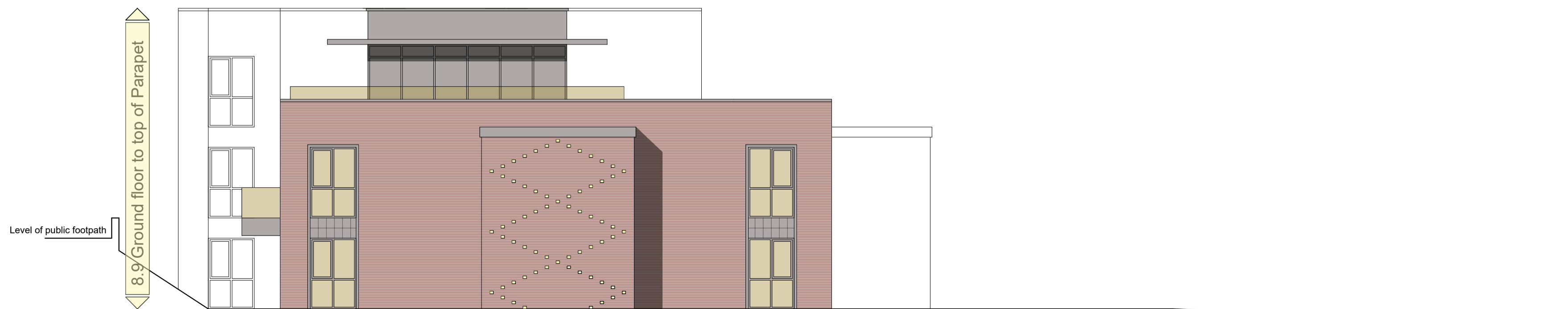
1:100 Proposed East Elevation



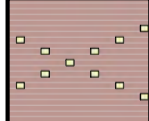
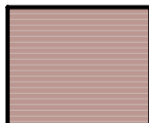
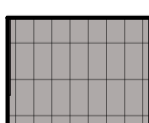




1:100 Proposed South Elevation



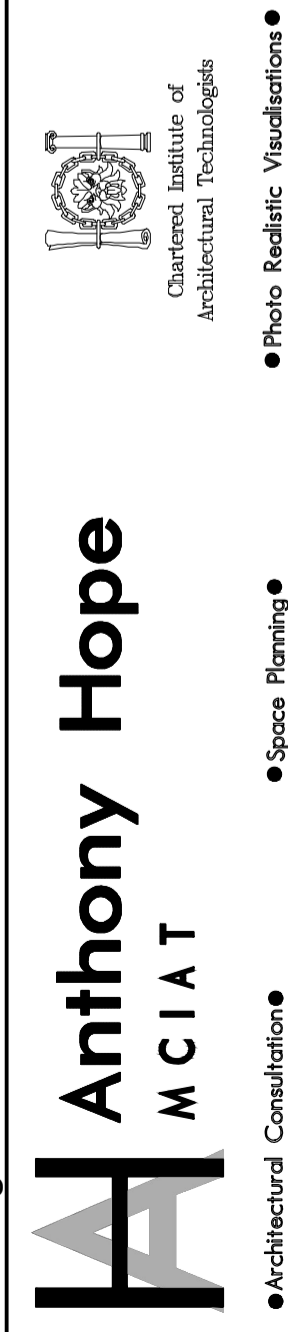
1:100 Proposed West Elevation



1:100 Proposed North Elevation

-  BUFF/CREAM BRICK HEADERS TO FORM FEATURE. BRICKS TO BE PROUD OF SURROUNDING BRICKWORK
-  RED BRICKWORK WITH RECESSED MORTAR JOINTS LAID STRETCHER PATTERN
-  TERRACOTTA RAINSCREEN FACADE CLADDING IN GREY COLOUR TO MATCH CURTAIN WALLING
-  TERRACEAREAS WALLS TO HAVE METAL COPINGS TO MATCH ALL CLADDINGS AND GLASS BALUSTRADING TO MATCH BALCONIES
-  BALCONIES CLAD TO MATCH CURTAIN WALLING AND HAVING BRONZE TINTED BALCONY GLAZED BALUSTRADING.
-  CURTAIN WALLING SYSTEM WITH BRISE SOLEIL TO MATCH HAVING WINDOWS AND DOORS INCORPORATED
-  ALUMINIUM WINDOWS WITH BRONZED TINT SOLAR GLASS. DEEP APERTURES TO INCORPORATE EDGE TRIM AS SHOWN COLOURED TO MATCH FRAMES AND CLADDINGS

Drawing Title: Proposed Elevations



Project: St Annes Road, Cradley Heath

13A Randall Close Kingswinford West Midlands DY6 8QJ  
 T: 01384 404057 m: 07966405087 e: enquiries@anthony-hope.com

Client: Mr Jason Shaw

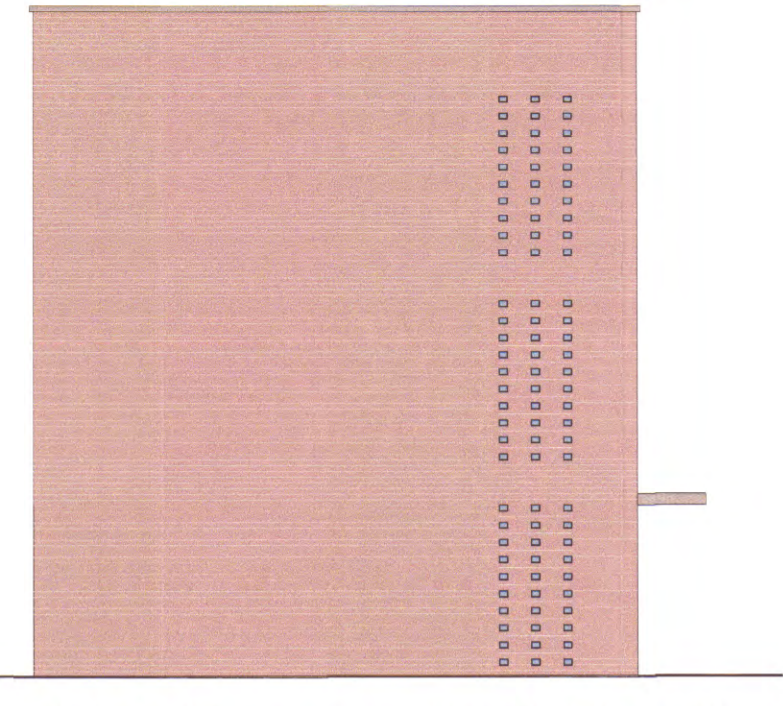
Architectural Consultation • Space Planning • Photo Realistic Visualisations •  
 Scales @ A1: 1:100  
 Drawing No: 1.14.120

Rev: Date: Drawn: Check: Description:

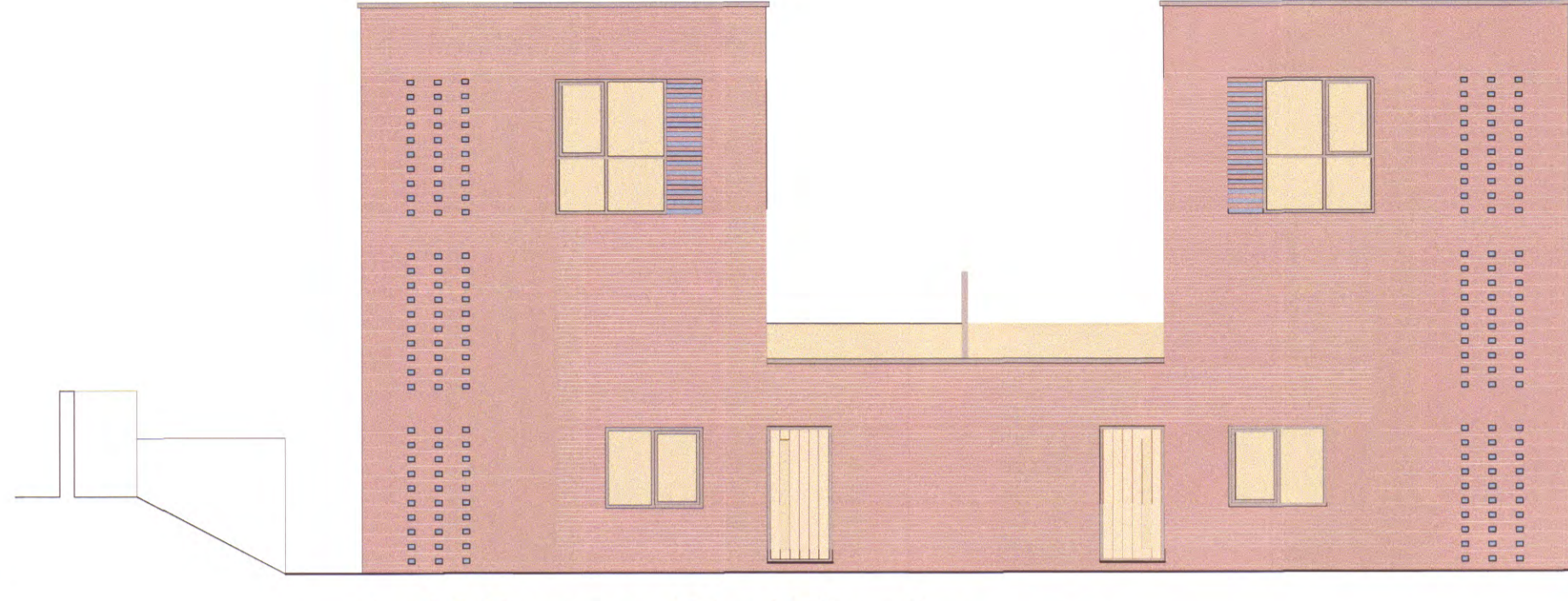
All dimensions to be checked on site and not scaled from drawing. Report any conflicts before commencing works on site.



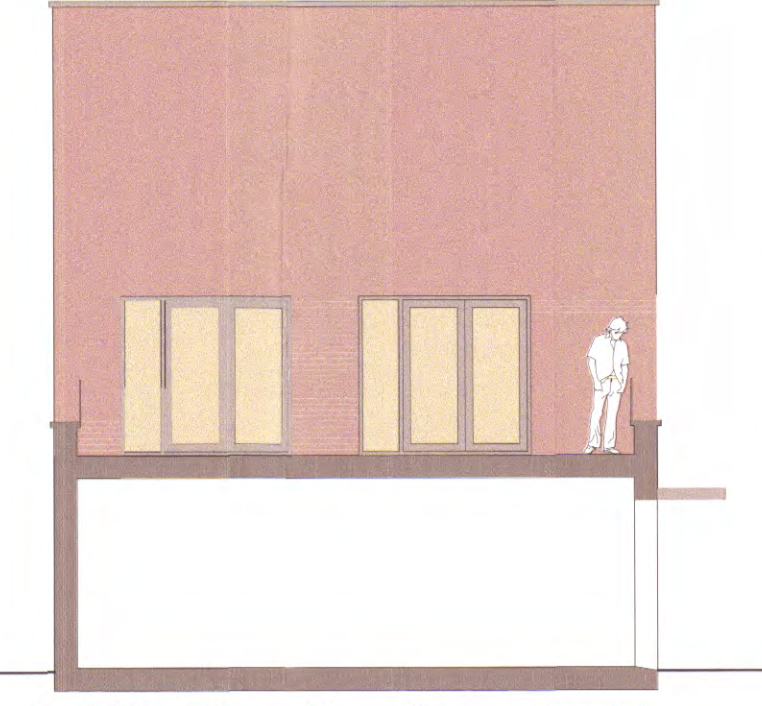
1:100 Proposed West Elevation



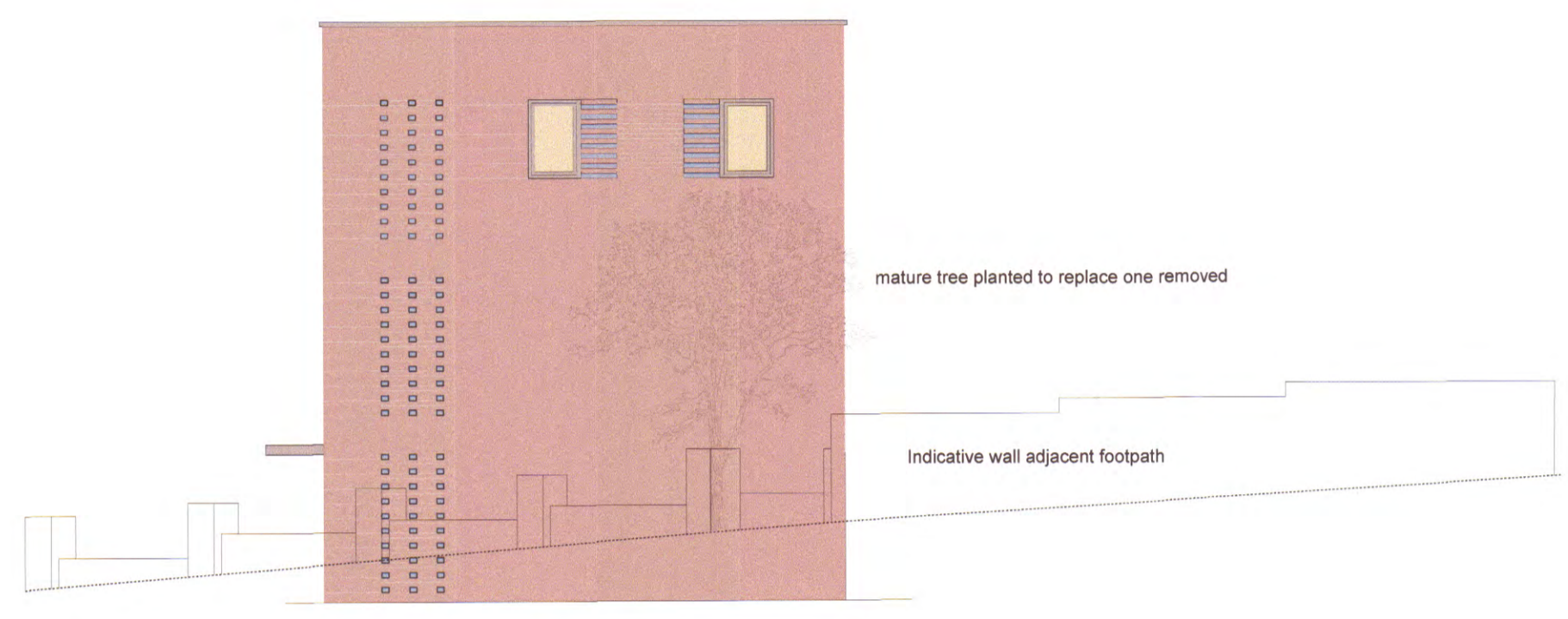
1:100 Proposed North Elevation



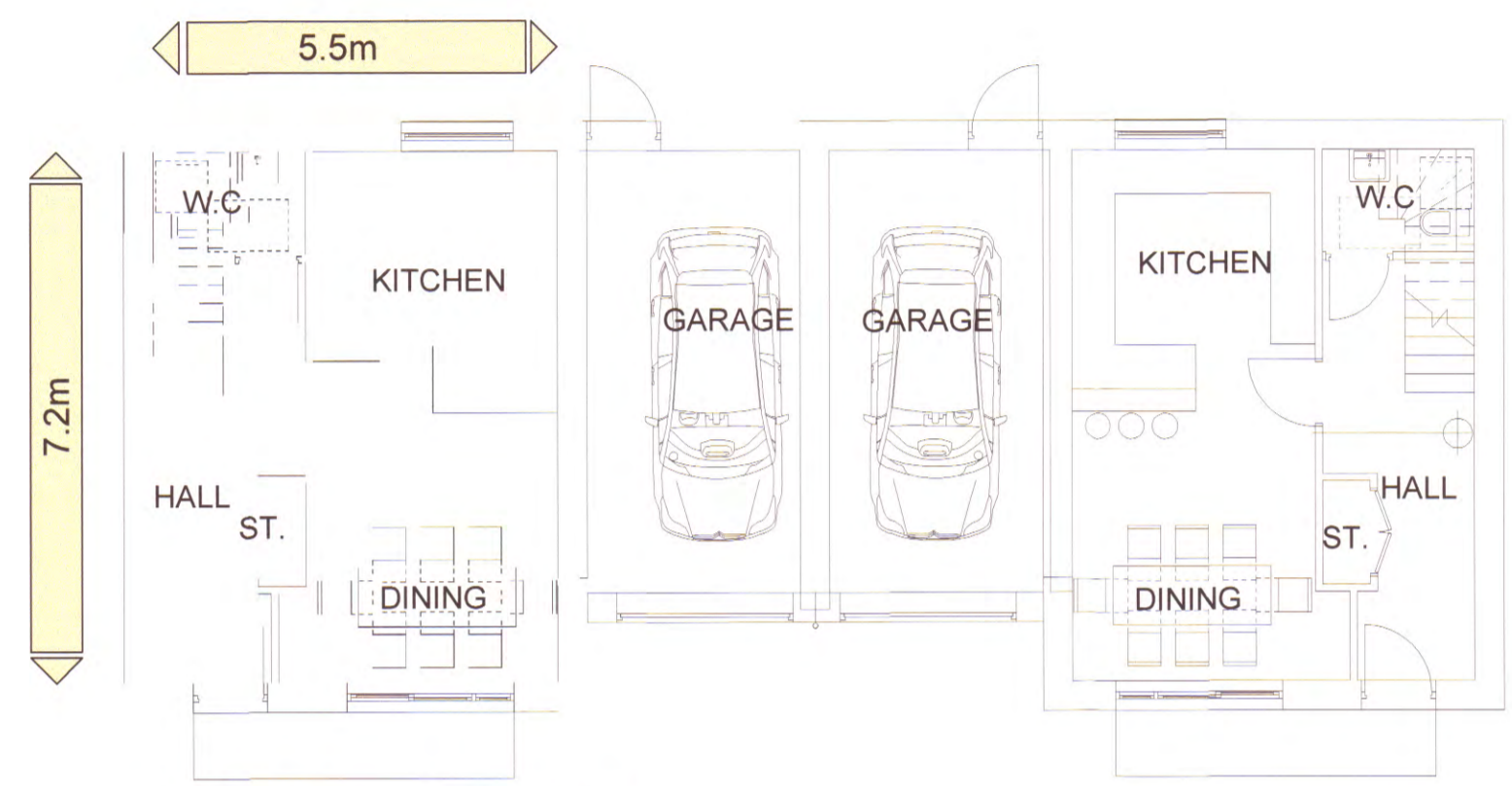
1:100 Proposed East Elevation



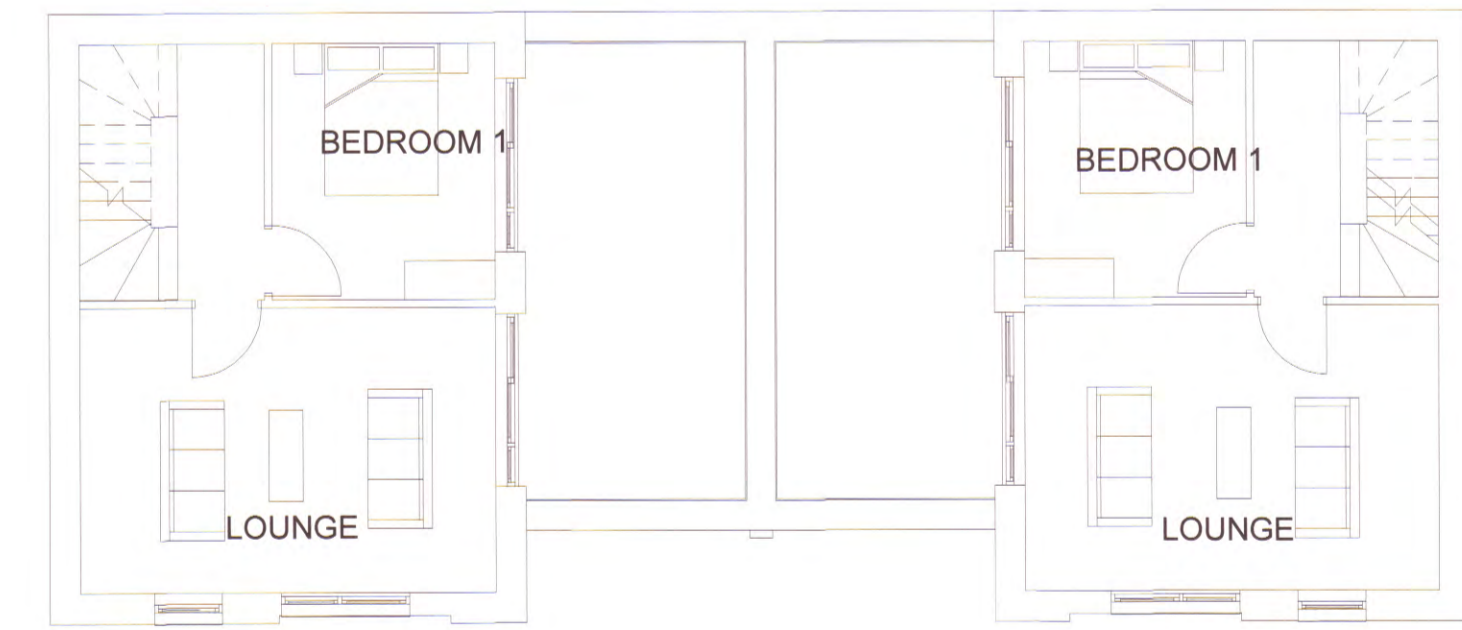
1:100 Elevation from decking



1:100 Proposed South Elevation



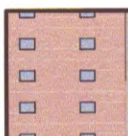

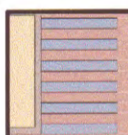
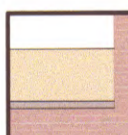

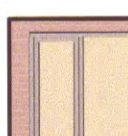
1:100 Ground Floor Plan



1:100 First Floor Plan



1:100 Second Floor Plan

-  BLUE ENGINEERING BRICK HEADERS TO FORM FEATURE. BRICKS TO BE PROUD OF SURROUNDING BRICKWORK
-  RED BRICKWORK WITH RECESSED MORTAR JOINTS LAID STRETCHER PATTERN
-  BLUE ENGINEERING BRICK COURSES TO FORM FEATURE. BRICKS TO BE PROUD OF SURROUNDING BRICKWORK
-  TERRACE AREAS WALLS TO HAVE METAL COPINGS TO MATCH ALL CLADDINGS AND GLASS BALUSTRADING TO MATCH
-  CANOPY TO FRONTAGE IN FINISH TO MATCH WINDOW FRAMES
-  ALUMINIUM WINDOWS WITH BRONZED TINT SOLAR GLASS.

Client: Mr Jason Shaw

Project: St Annes Road, Cradley Heath

Drawing Title: Proposed House Plan and Elevations

13A Randall Close Kingswinford West Midlands DY6 8QJ  
 T: 01384 404057 m: 07966405087 e: enquiries@anthony-hope.com

**Anthony Hope**  
 M C I A T

Chartered Institute of Architectural Technologists

Architectural Consultation • Space Planning • Photo Realistic Visualisations •

Rev. Date: Drawn: Check: Description:

Scales @ A1: 1:100

Drawing No: 1.14.121 A

All dimensions to be checked on site and not scaled from drawing. Report any conflicts before commencing works on site.



KEY

4 BEDROOM DWELLING	x 3
3 BEDROOM DWELLING	x 4
2 BEDROOM DWELLING	x 3
2 BEDROOM FLAT ABOVE GARAGE	x 1
<b>TOTAL NUMBER OF DWELLINGS</b>	<b>11</b>

NOT TO SCALE

NORTH

**Indicative Layout for development with houses.**



KEY

23 X 2 BEDROOM APARTMENTS	
---------------------------	--

NOT TO SCALE

NORTH

**Indicative Layout for development with apartments.**

**Committee:** 5<sup>th</sup> June 2019 **Ward:** St Pauls  
DC/19/62842

Mr Anjum Mehmood Anjum Design Ltd 435 Stratford Road Shirley B90 4AA	<b>Proposed change of use to 8 bed, 8 person HMO (house in multiple occupation).</b> 12 Gibson Drive Smethwick B66 1RW
--	---

**Date Valid Application Received** 4<sup>th</sup> March 2019

**1. Recommendations**

That your Committee visit the site.

**2. Observations**

The application is being reported to your Committee at an early stage to enable Members to visit the site. The application has received four objections from neighbours. This is a summary report only and does not seek to assess the proposals. A full report will be prepared for your Committee meeting on 3rd July 2019.

The proposal is for the change of use to an eight bedroom HMO at 12 Gibson Drive, Smethwick B66 1RW.

The application has been publicised by neighbour notification and the responses will be summarised in your next report.

The required statutory consultations have been undertaken and will be reported in full at your July Committee.

If your Committee are so minded, a visit by members to the site may be appropriate with a full report being made to your next Committee meeting on 3<sup>rd</sup> July 2019.



**3. Relevant History**

DD/96/32443 - Residential development (outline consent). GOC - 30.07.1996

DC/98/34284 - The construction of 156 new dwellings, roads, sewers and associated works and new public open space. GC 11.08.1999

**4. Central Government Guidance**

National Planning Policy Framework (NPPF)

**5. Development Plan Policy**

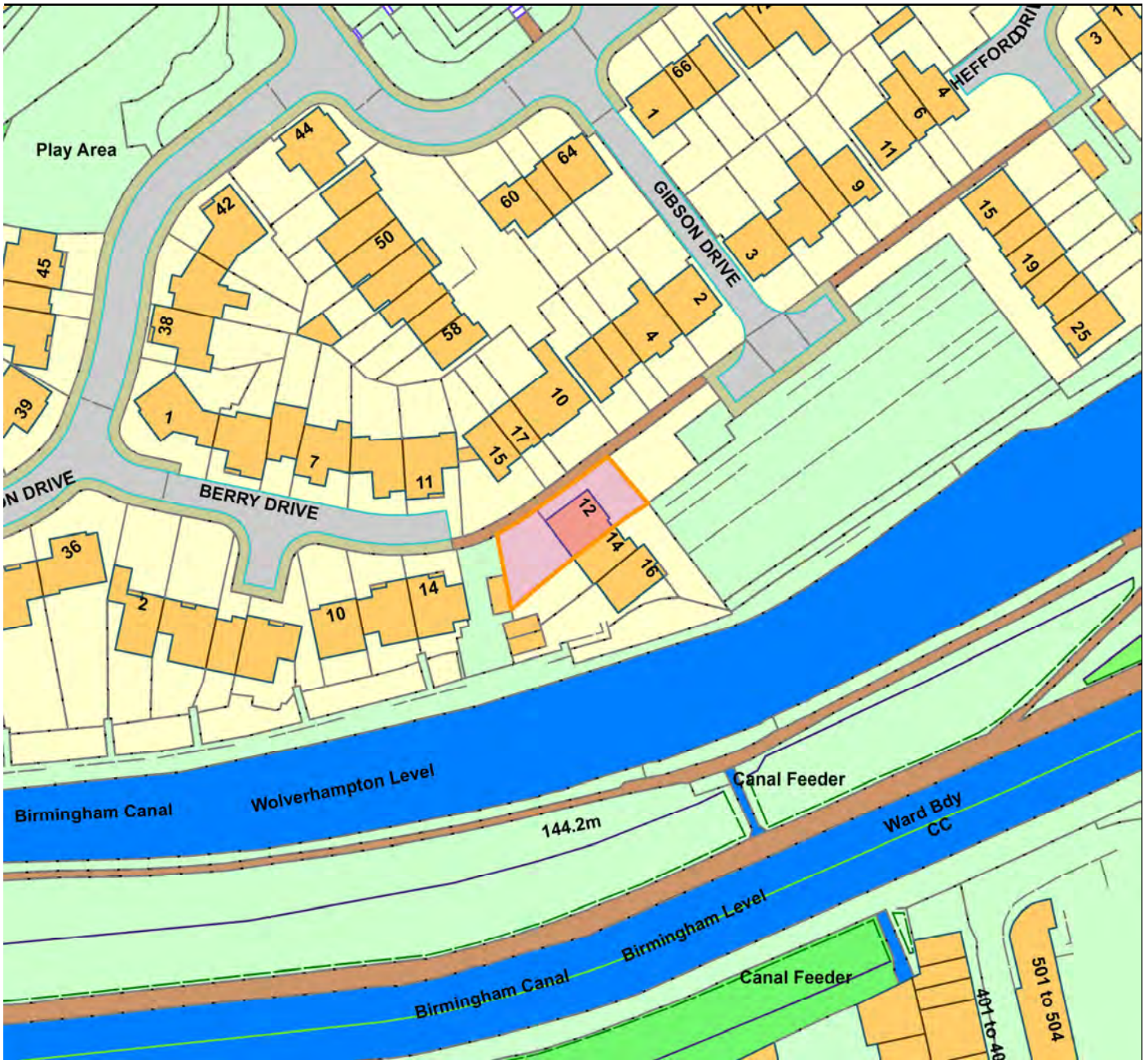
Relevant policies.

**6. Contact Officer**

Mr David Paine  
0121 569 4865  
david\_paine@sandwell.gov.uk

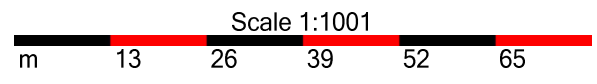
---

DC/19/62842  
12 Gibson Drive



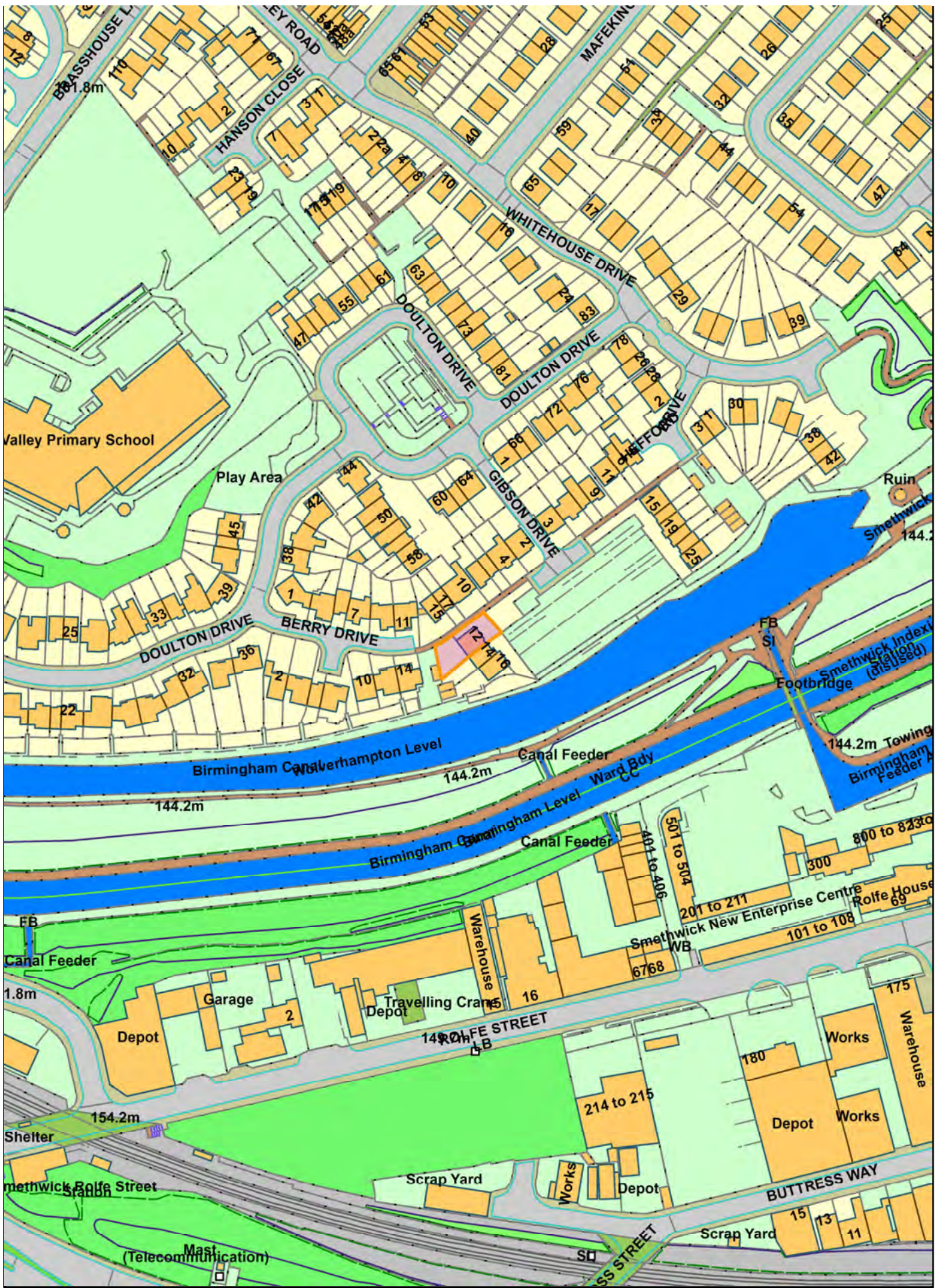
**Legend**

Scale 1:1001



© Crown copyright and database rights 2019  
Ordnance Survey Licence No 100023119

Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	22 May 2019
OS Licence No	



This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Sandwell MBC Licence No LA 076309 2013 2016



<p>Mr Singh 54 Surfeit Hill Road Cradley Heath B64 7EB</p>	<p><b>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).</b> 54 Surfeit Hill Road Cradley Heath B64 7EB</p>
--	---

**Date Valid Application Received:** 13<sup>th</sup> March 2019

**1. Recommendations**

Refusal

The proposed development is over intensive and contrary to the National Planning Policy Framework in that the increased demand for the parking of vehicles associated with the proposed developments cannot be provided on site.

**2. Observations**

At your last Committee, Members resolved to visit the site. This application has been brought to the attention of your Committee as the proposed scheme has received significant interest from residents.

**The Application Site**

The application site is situated on the eastern side of Surfeit Hill Road, Cradley Heath. The application relates to the former Bull Terrier Public House, now a retail unit known as The Happy Shopper. The surrounding area is residential.

## **Planning History**

In 2015 the former public house changed to a retail shop. Since then, various uses have been applied for and refused due to highway safety issues or due to the impact on the private amenity of residents.

## **Current Application**

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

The extension would be of irregular shape and measure a maximum width of 27.8m, a maximum depth of 13.1m with a maximum height of 8.8m. The proposed opening times of the shop are Monday till Sunday 07:00 – 22:00 hours (including bank holidays).

The internal size of the flats complies with the Council's minimum standards.

## **Publicity**

The application has been publicised by neighbour notification letters with objections and one neither objecting or supporting the application being received. These comments can be summarised as;

- i) Any removal of trees would have a negative impact on the privacy of the bungalows behind the shop, the trees support wildlife such as bats;
- ii) The proposal would increase the noise and activity in the area from users of the new retail unit and from the occupiers of the proposed flats;
- iii) The number of flats for the site is excessive and is over intensive;
- iv) Can the existing drainage cope with the intended change of use?
- v) The proposed uses would lead to the increased in the demand for parking and concerns have been raised over the amount of onsite parking that can realistically be

achieved. This will potentially lead to residents and customers parking on the street;

- vi) Yellow lines and speed humps outside the shop and opposite number 39 and 41 are requested to ensure the safety of pedestrians attempting to cross the road;
- vii) Customers from the existing site throw rubbish on the ground, and by having another shop this would make the situation worse; and
- viii) Concerns that if the shop is granted, a further application will be submitted for a hot food takeaway as per the 2015 refused application.

Comments in support;

- i) The proposal would offer affordable housing within the local area;
- ii) A further retail shop in the area would be useful to the residents; and
- iii) No hot food takeaway is not being applied for.

### **Statutory Consultee Responses**

The Council's Highways Department do not consider that the number of spaces shown on the plan can be accommodated on site. They have suggested a survey be carried out to assess if the site can cope with the extra demand for parking. At the time of writing this report no survey has been carried out.

Environmental Health (Air Quality Team) have recommended a condition be attached to any approval requiring the provision of electrical vehicle charging points that would serve the residents of the proposed flats.

Environmental Health (Air Pollution and Noise) requires further information by way of condition. They require a comprehensive noise impact assessment with any mitigation measures including upgraded glazing and ventilation to be provided and retained, in order to protect future residents from noise derived from the commercial premises below.

Environmental Health (Contaminated Land) have recommended the condition, that, if contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Planning Authority. An investigation and risk assessment must be undertaken, and where remediation

is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

The Council's Transport Planner states the site should provide cycle parking where currently none exists on site.

Planning Policy have raised no objections and stated that the proposal will be CIL liable.

The Access Alliance comments relates to matters concerning Building Regulations.

### **Responses to objections**

The responses to the objections received are as follows;

- i) There are many trees that bound the site. None of these are covered by a Tree Preservation Order nevertheless it is accepted that they provide a good screen from the existing premises and would do with the current proposal;
- ii) The increase in the number of flats and the creation of a new store is bound to increase the activity on the site,
- iii) Increasing the number of flats on the site will (as per submitted drawing no: 101/8) require half of the site's parking provision to be provided for the flats. This could potentially lead to conflicts between occupiers of the flats, shoppers and the existing residents on Surfeit Hill Road all seeking parking spaces,
- iv) This is a building regulations matter,
- v) See reason iii) above;
- vi) Residents need to raise this with the Council's Highway Department for investigation;
- vii) A condition could be attached to any approval requiring the provision of extra bins on the site to encourage customers to use them before leaving the site. However, the control of what people do with their rubbish is out of the applicant's control; and
- viii) Any proposal for a hot food takeaway on site will need a further planning application.

### **Planning Policy and Other Material Considerations**

The Council's Site Allocations Document policy H2 classes the site as a housing windfall as the application is on a site of previously developed land. However, whilst compliant with the

above policy, the proposal would create an additional three flats meaning the number of bedrooms on site rises from three to nine, thus, increasing the demand for parking. The addition of the extra shop will also intensify the need for off-street parking.

The submitted plan (101/8) demonstrates how the two existing car parks on either side of the building would be shared. The plans have tried to demonstrate how the site can operate, yet these plans are not to scale, and when counting the existing spaces on site to that of what is proposed, there is a significant difference, which raises concern over the provisions within the National Planning Policy Framework.

Paragraph 109 of The National Planning Policy Framework 2018 states that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

A parking demand survey has been requested to demonstrate the existing and future parking requirements. No such survey has been provided.

### **Conclusion**

Therefore, based on the current information provided there is a potential for the development to have a significant highway safety impact on the road network.

I therefore recommend this application for refusal.

### **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**

ENV3 – Design Quality

ENV5 – Flood Risk, Sustainable Drainage Systems and Urban Heat Island

ENV7 – Renewable Energy

ENV8 – Air Quality

H2 – Housing Windfalls

EOS9 – Urban Design Principles

**6. Contact Officer**

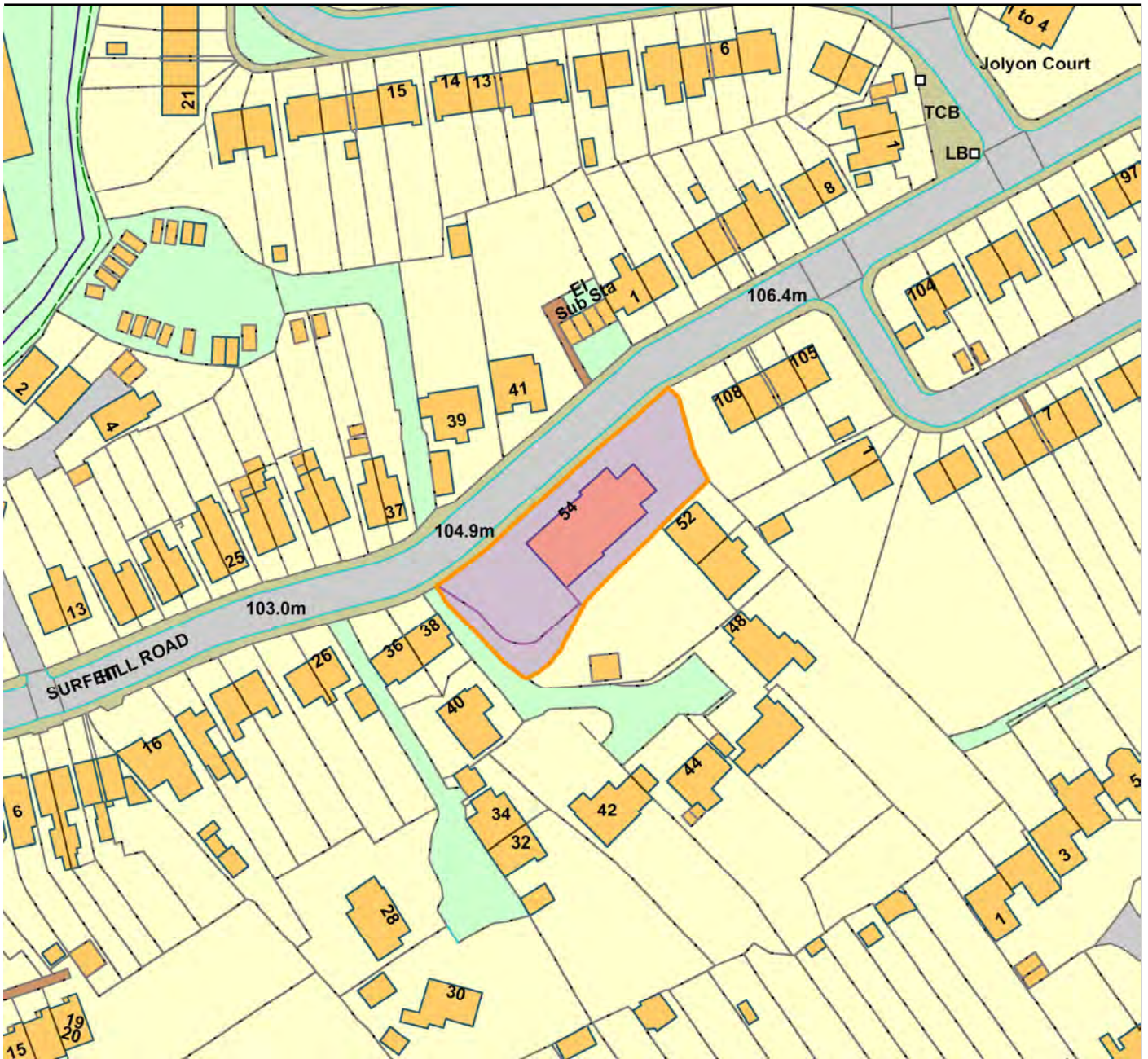
William Stevens

0121 569 4897

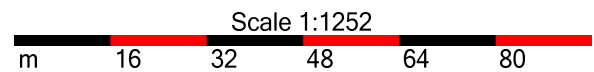
[william\\_stevens@sandwell.gov.uk](mailto:william_stevens@sandwell.gov.uk)

DC/19/62906

54 Surfbit Hill Road, Cradley Heath



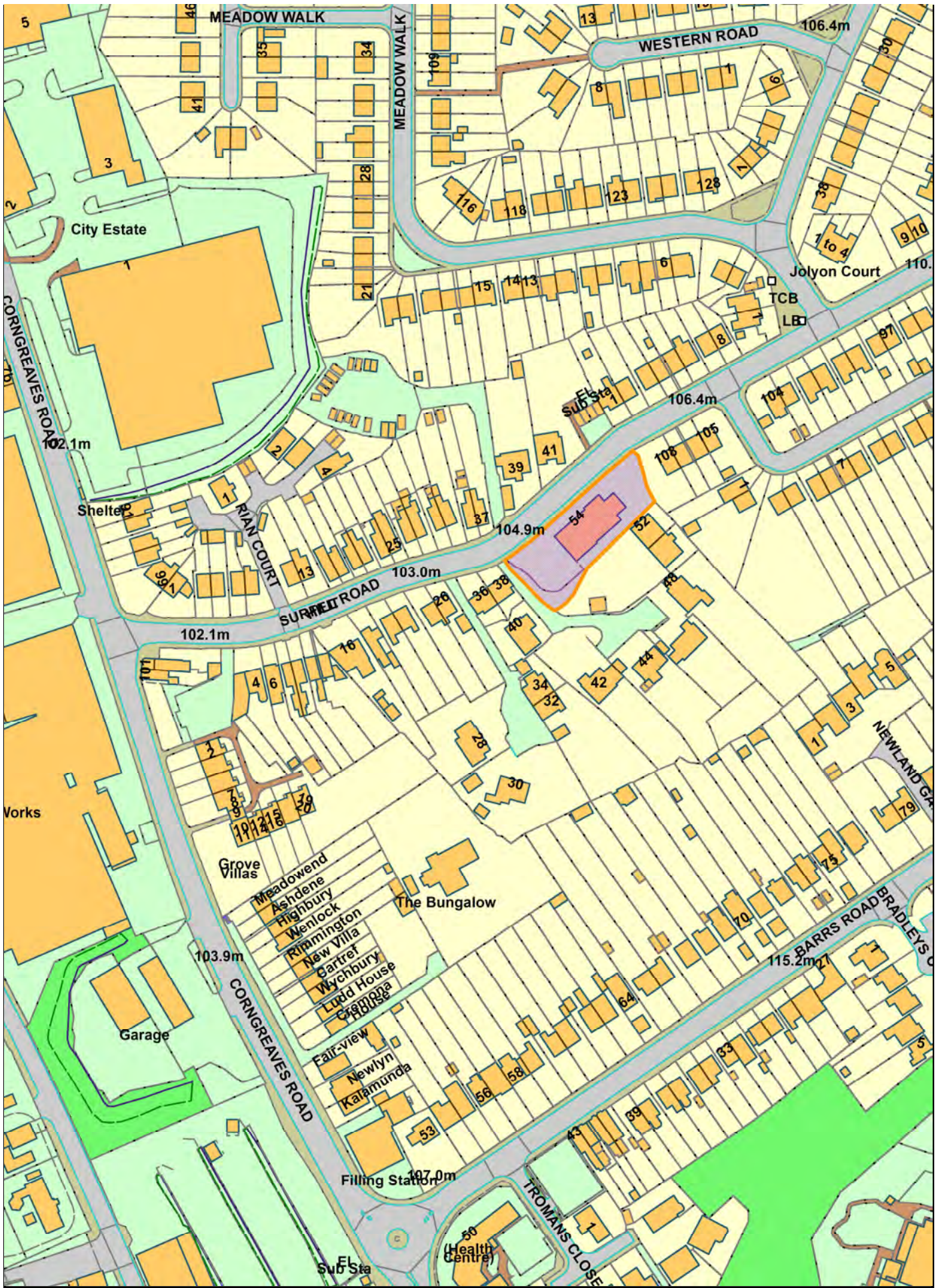
**Legend**



© Crown copyright and database rights 2019  
Ordnance Survey Licence No 100023119

<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	24 April 2019
<b>OS Licence No</b>	

Sc 1:1251



This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.

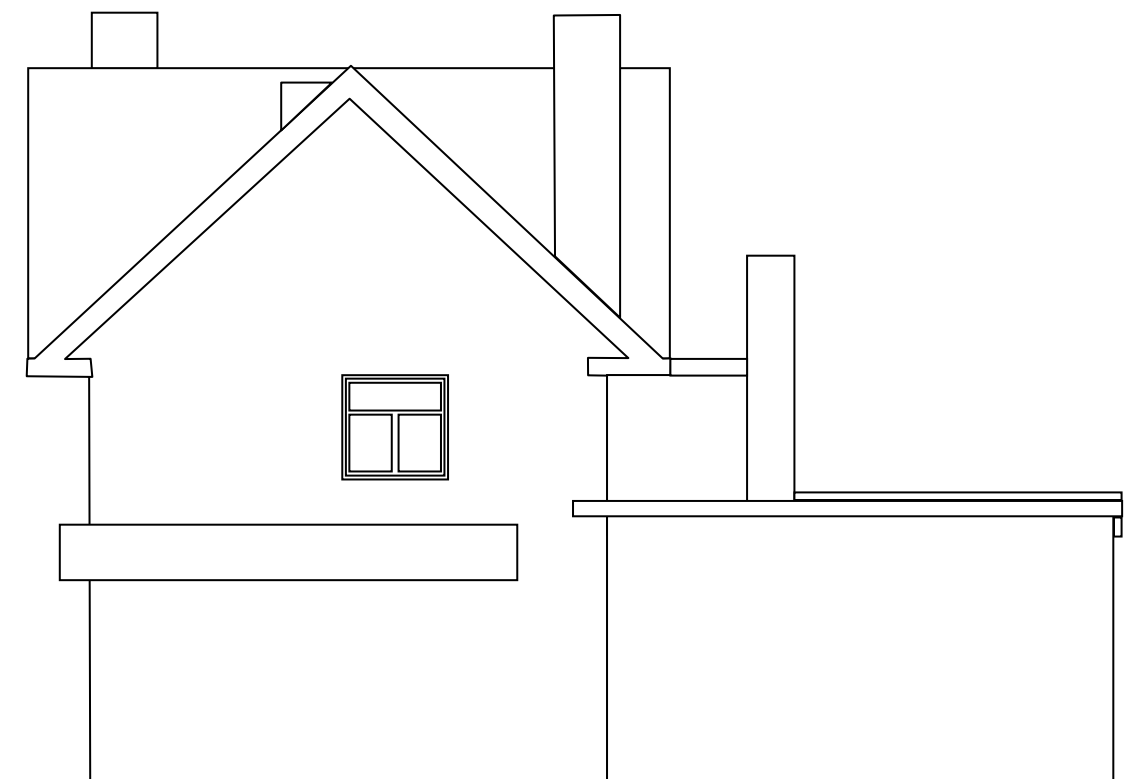
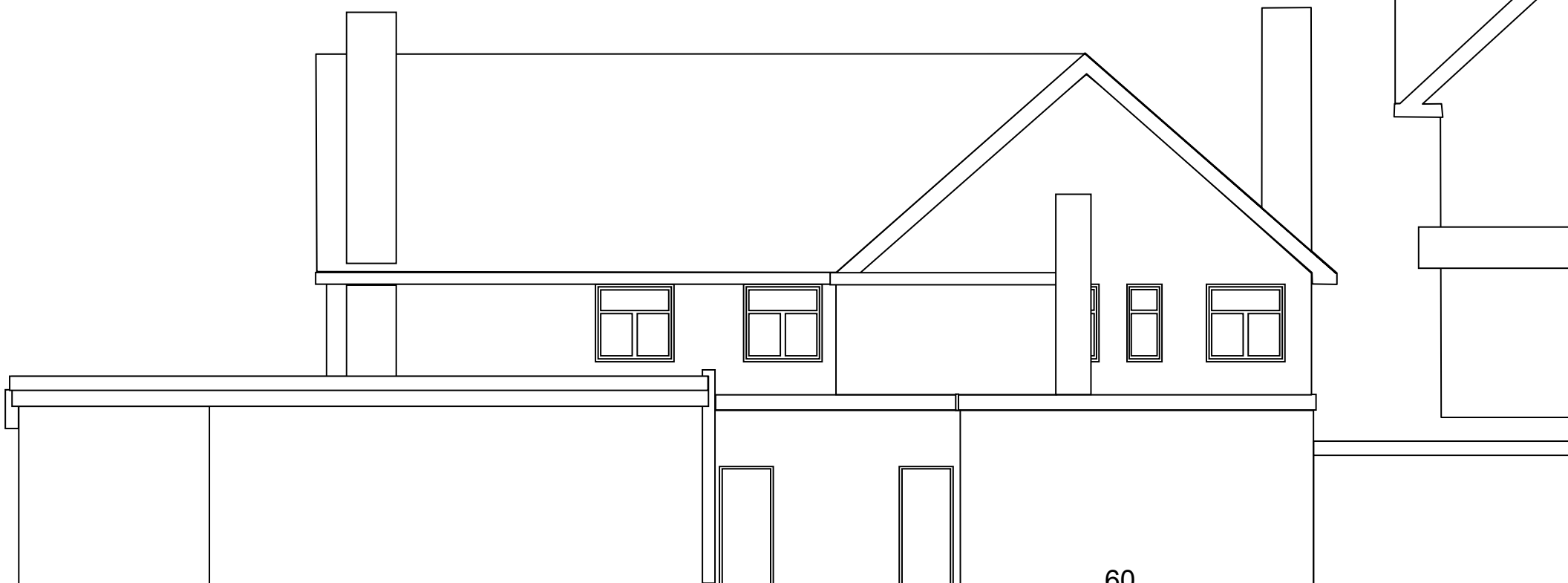
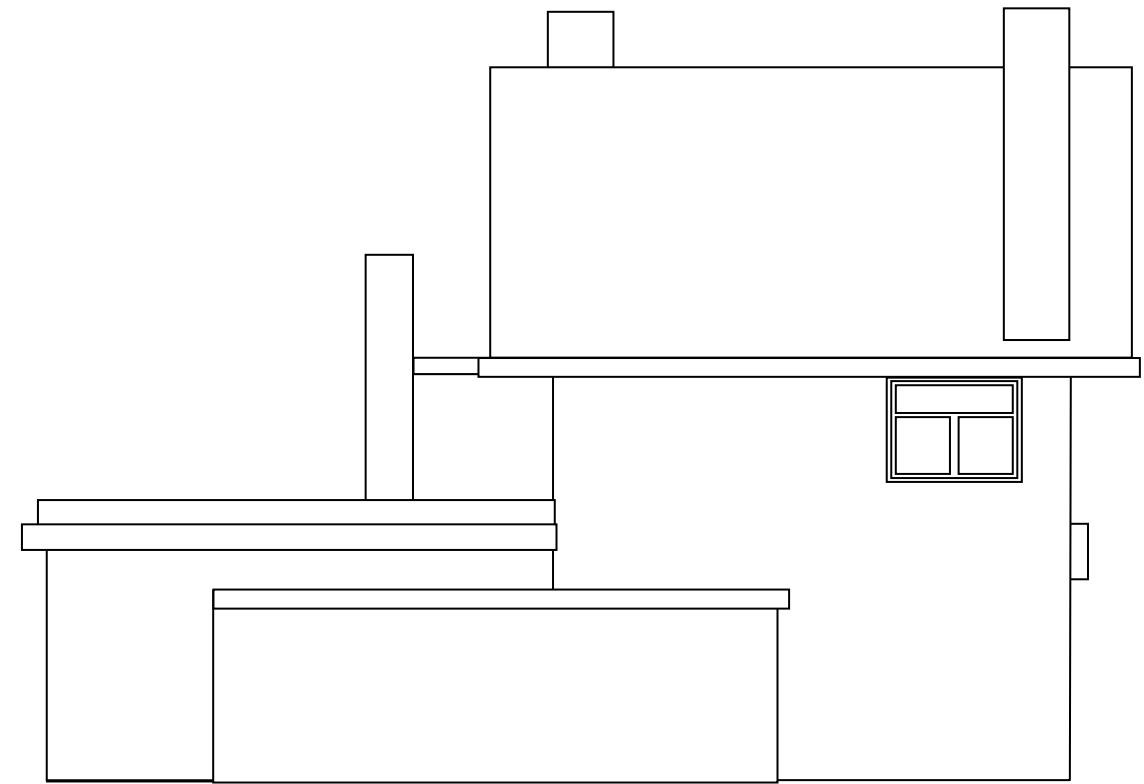
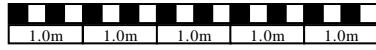
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Sandwell MBC Licence No LA 076309 2013 2016

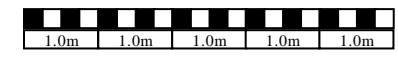
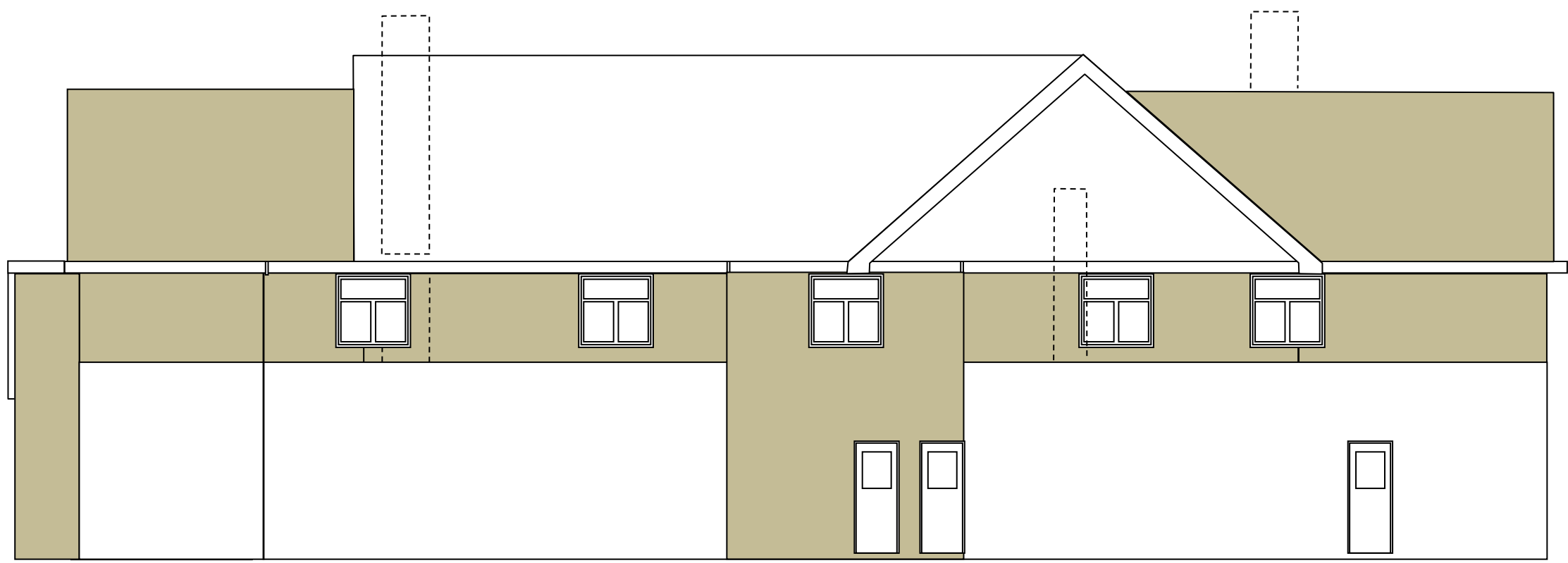


# EXISTING ELEVATIONS

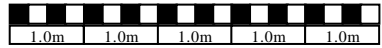
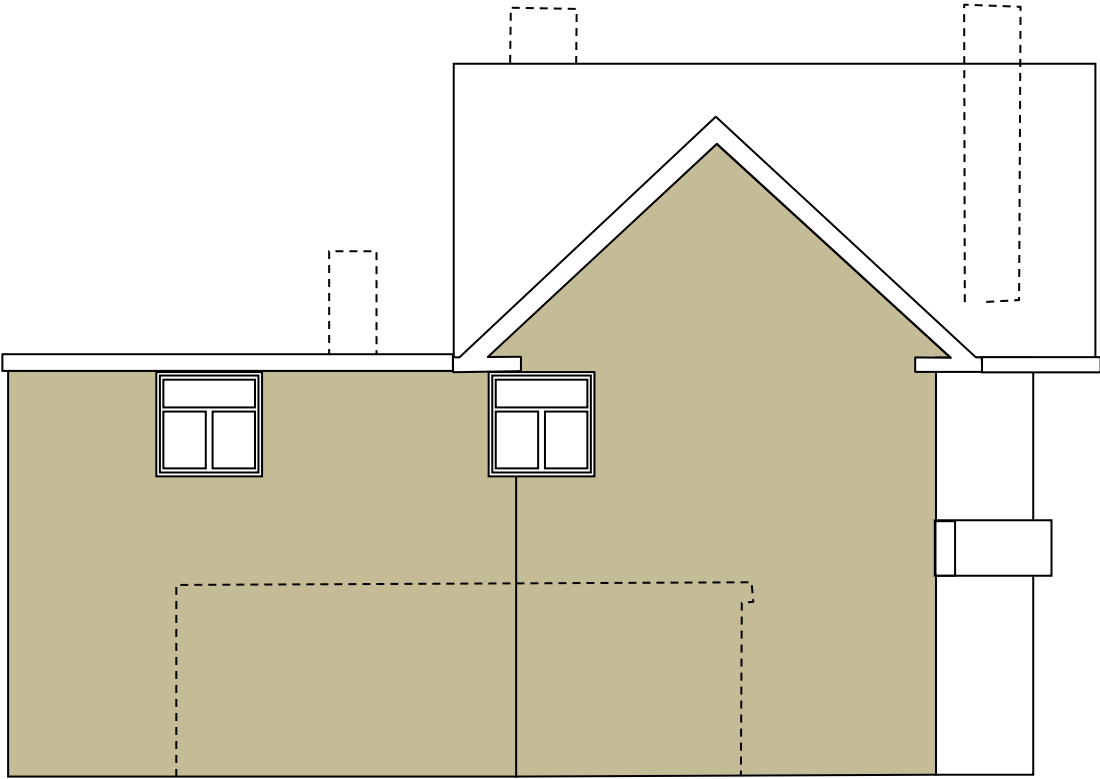
54 Surfeit Hill Road, Cradley Heath, B64 7EB

Scale 1:100    May18    dwg no 101/5

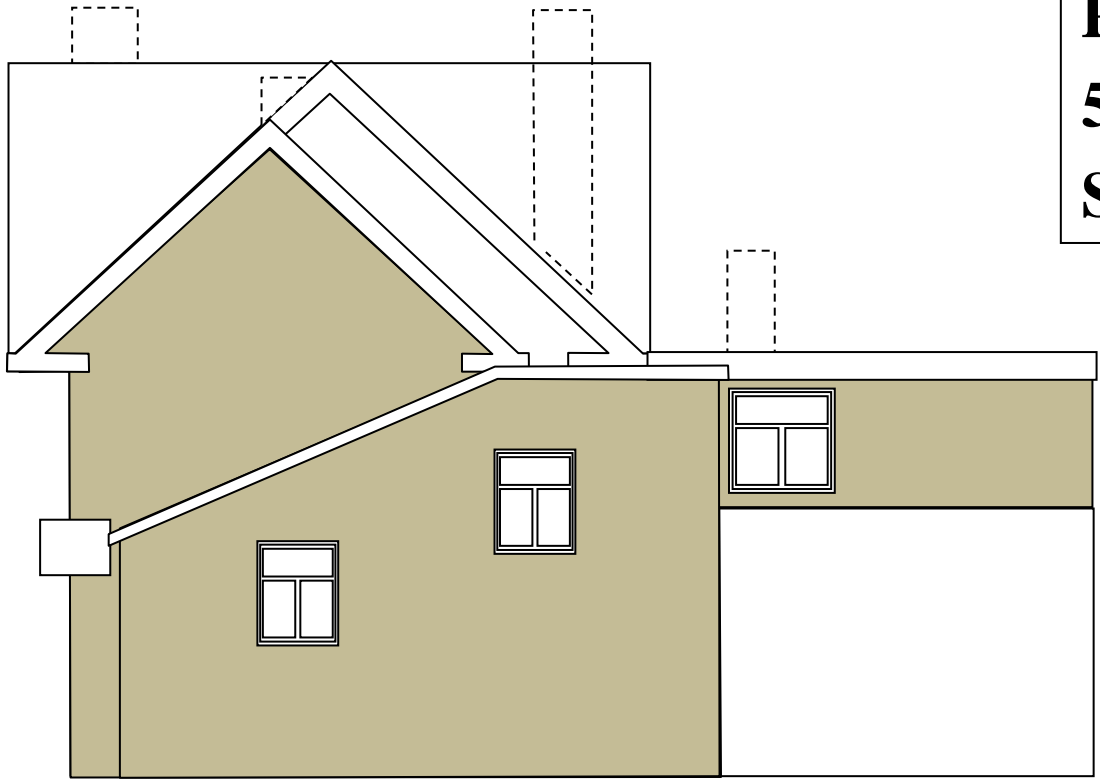


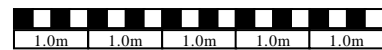
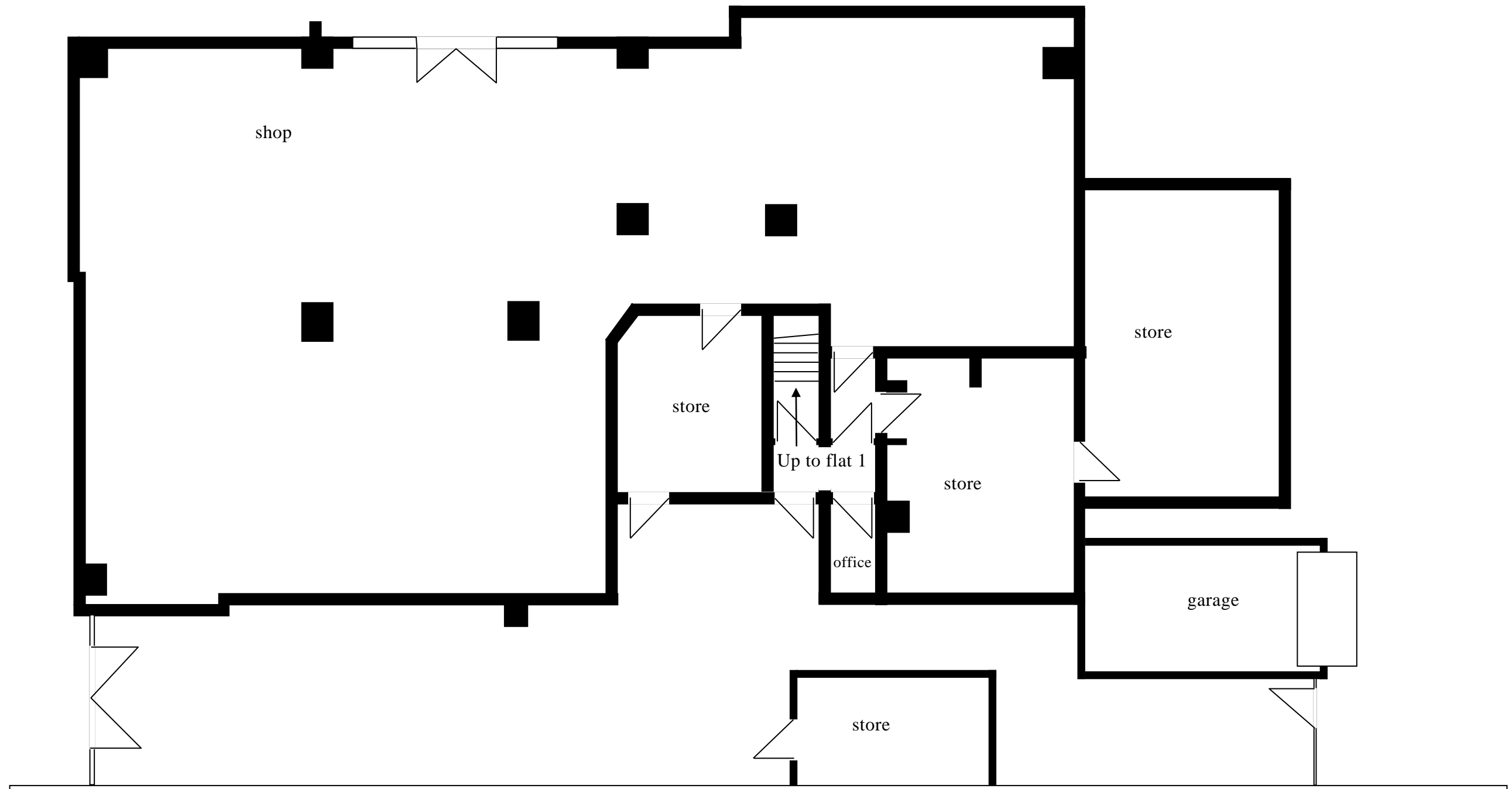


**PROPOSED  
ELEVATIONS**  
**54 Surfeit Hill  
Road, Cradley  
Heath, B64 7EB**  
**Scale 1:100**  
**May18      dwg no**  
**101/6**

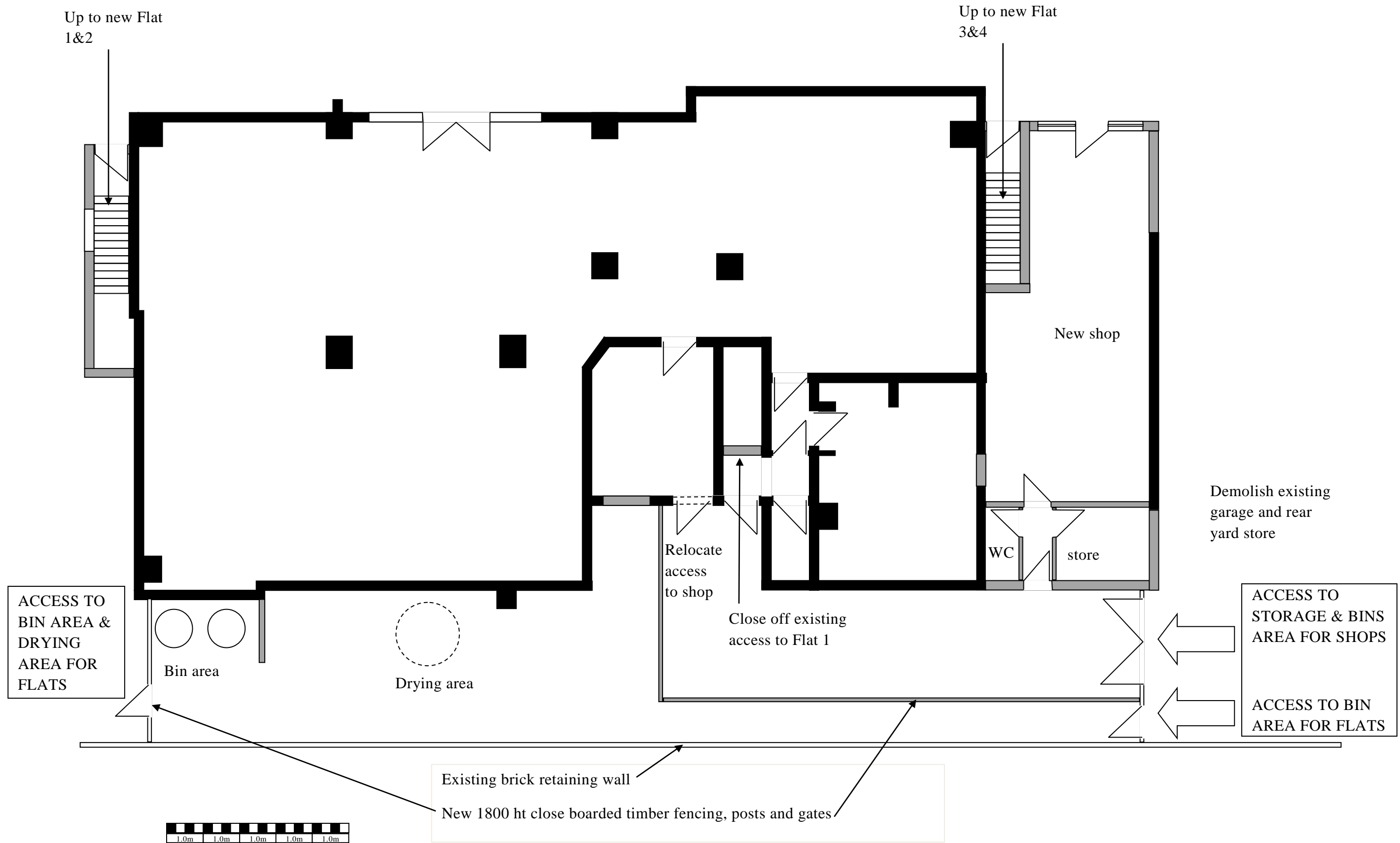


**PROPOSED SIDE ELEVATIONS**  
**54 Surfeit Hill Road, Cradley Heath, B64 7EB**  
**Scale 1:100    May18    dwg no 101/7**



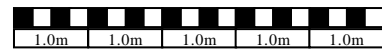
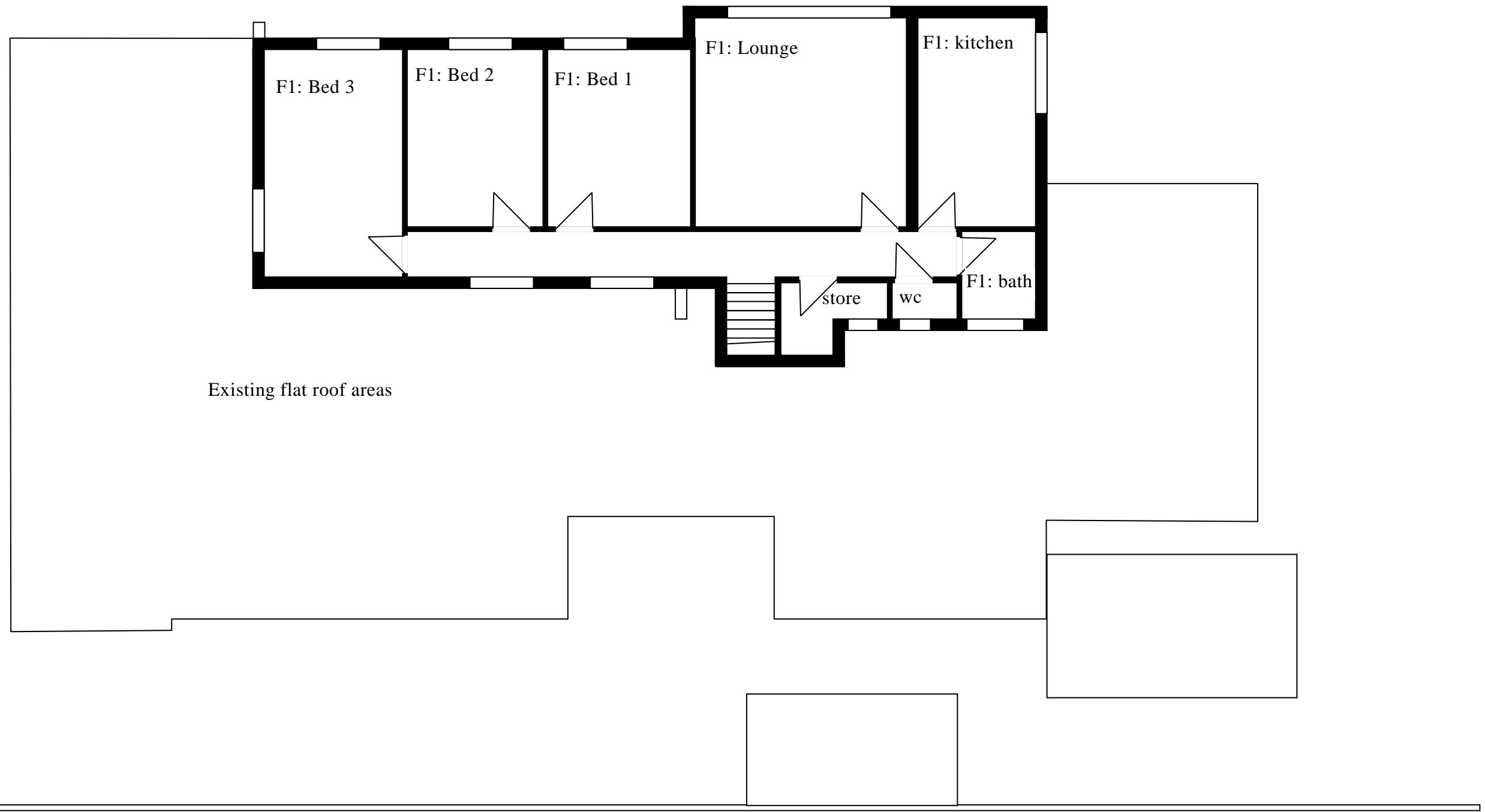


**EXISTING GROUND FLOOR**  
**54 Surfeit Hill Road, Cradley Heath, B64 7EB**  
**Scale 1:100    May18    dwg no 101/1**

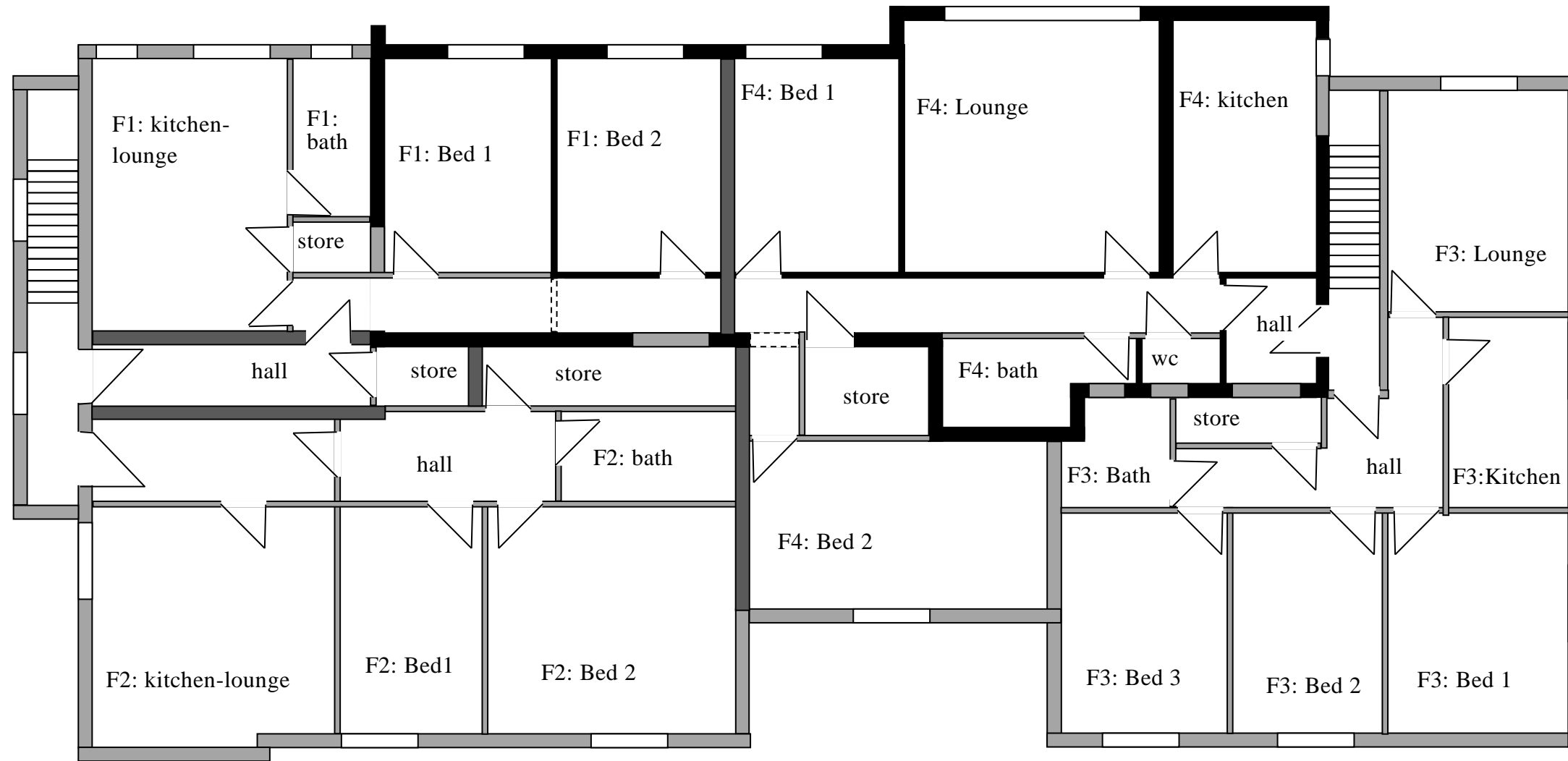


**PROPOSED GROUND FLOOR**  
**54 Surfeit Hill Road, Cradley Heath, B64 7EB**  
**Scale 1:100    May18    dwg no 101/3**



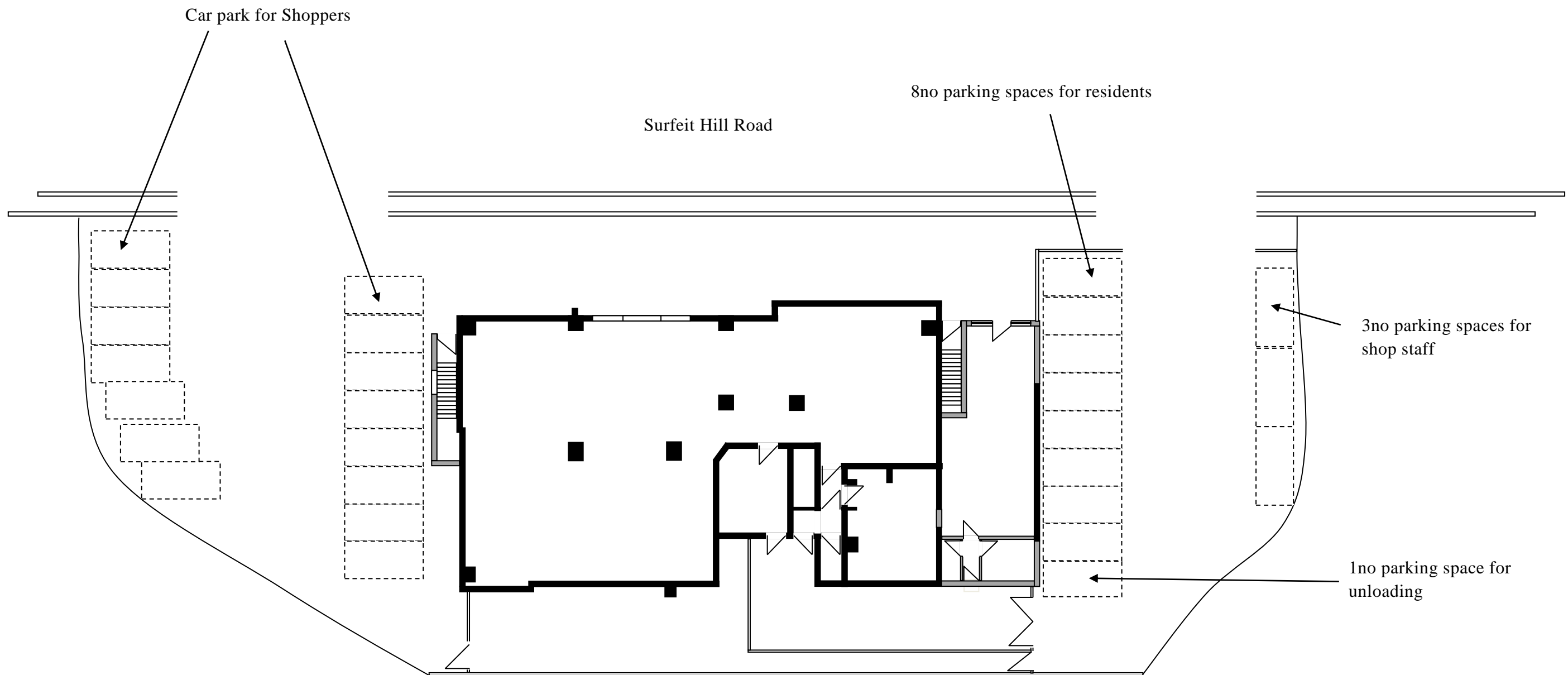


**EXISTING FIRST FLOOR**  
**54 Surfeit Hill Road, Cradley Heath, B64 7EB**  
**Scale 1:100    May18    dwg no 101/2**



**PROPOSED FIRST FLOOR**  
**54 Surfeit Hill Road, Cradley Heath, B64 7EB**  
**Scale 1:100    May18    dwg no 101/4**

**PROPOSED SITE & PARKING LAYOUT**  
**54 Surfeit Hill Road, Cradley Heath, B64 7EB**  
**Scale 1:500 May18 dwg no 101/8**



Mr M S Thandi 1 Birmingham Road West Bromwich B71 4JH	<b>Retention of building for a coach workshop and use of adjoining land for coach and staff parking (3 office staff in first floor of office building).</b> 1 Birmingham Road West Bromwich B71 4JH
--	--

**Date Valid Application Received:** 25<sup>th</sup> March 2019

**1. Recommendations**

Subject to approval by Full Council, as the proposal is a departure from the development plan, retrospective approval is recommended.

**2. Observations**

This is a retrospective application.

At your last Committee, Members resolved to visit the site. This application is brought to the attention of your Committee as it is a departure from the local plan and if retrospective approval is granted the application will need to be referred to Full Council.

**The Application Site**

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.

**Planning History**

There is no relevant history that relates to this application.

**Current Application**

The applicant proposes to retain the building for a coach workshop and the use of the adjoining land for coach and staff

parking. The storage building measures 13.4m (W), a depth of 17.0m with a maximum height of 7.0m.

The agent has indicated that there are 27 coaches and 14 staff parking spaces. The site would employ a total of 42 staff (three of which will be in the existing offices) on a shift pattern basis.

### **Publicity**

The application has been publicised by site notice, neighbour notification letters, and by a press notice. No objections have been received.

### **Statutory Consultee Responses**

The Council's Highways Department has received no complaints about the site and therefore raise no objections. They do however recommend a condition is attached to any approval that retains the layout as shown on the submitted plans.

Environmental Health's Air Pollution and Noise Team have raised no objections.

The Council's Planning Policy Team object to the application and recommend refusal. They state that the retention of a storage building and coach parking is contrary to the guidance set out in policies contained in both the BCCS and SAD document relating to; development in a Borough Gateway, industrial development within an area of potential strategic high-quality employment land, and the design of an industrial building.

West Midlands Police has not raised any objections. They have however recommended further security measures and the applicant has been informed.

### **Planning Policy and Other Material Considerations**

The site is in an area the Black Country Core Strategy Policy EMP2 states as being an area of high quality employment land. Whilst the Council's planning Policy Team object to the application I consider that the outside storage of coaches within this industrial estate will not stifle any future redevelopment as most of the site remains unchanged from before the coach company occupied the site. The policy team believe the use would be best suited in local quality employment land (EMP3).

It can be argued that the site is on one of the Borough's Gateways (DM5). However, the workshop is set significantly back from the road adjacent to the prominent McDonalds Restaurant (which is built forward of the workshop) and the West Bromwich Football Ground opposite.

In my opinion, the proposal complies with design policies ENV3 and ESO9 in that the architectural design of the workshop is designed to blend in with the existing area, whilst reducing the size of the shed at the eaves.

### **Conclusion**

In my opinion, the proposal is of satisfactory design within an industrial context, there is no foreseeable highways issues, and use would not prejudice future redevelopment of the site for high quality employment uses.

I therefore recommend the granted of retrospective planning approval subject to the layout as shown on plan no: 1728.03 being retained.

### **3. Relevant History**

None relevant to this application.

### **4. Central Government Guidance**

National Planning Policy Framework promotes sustainable development

### **5. Development Plan Policy**

#### Black Country Core Strategy

EMP2 – Actual and Potential Strategic High-Quality Employment Areas

ENV3 – Design Quality

ENV5 - Flood Risk, Drainage Systems and Urban Heat Island

#### Sandwell Site Allocations and Delivery Development Plan Document

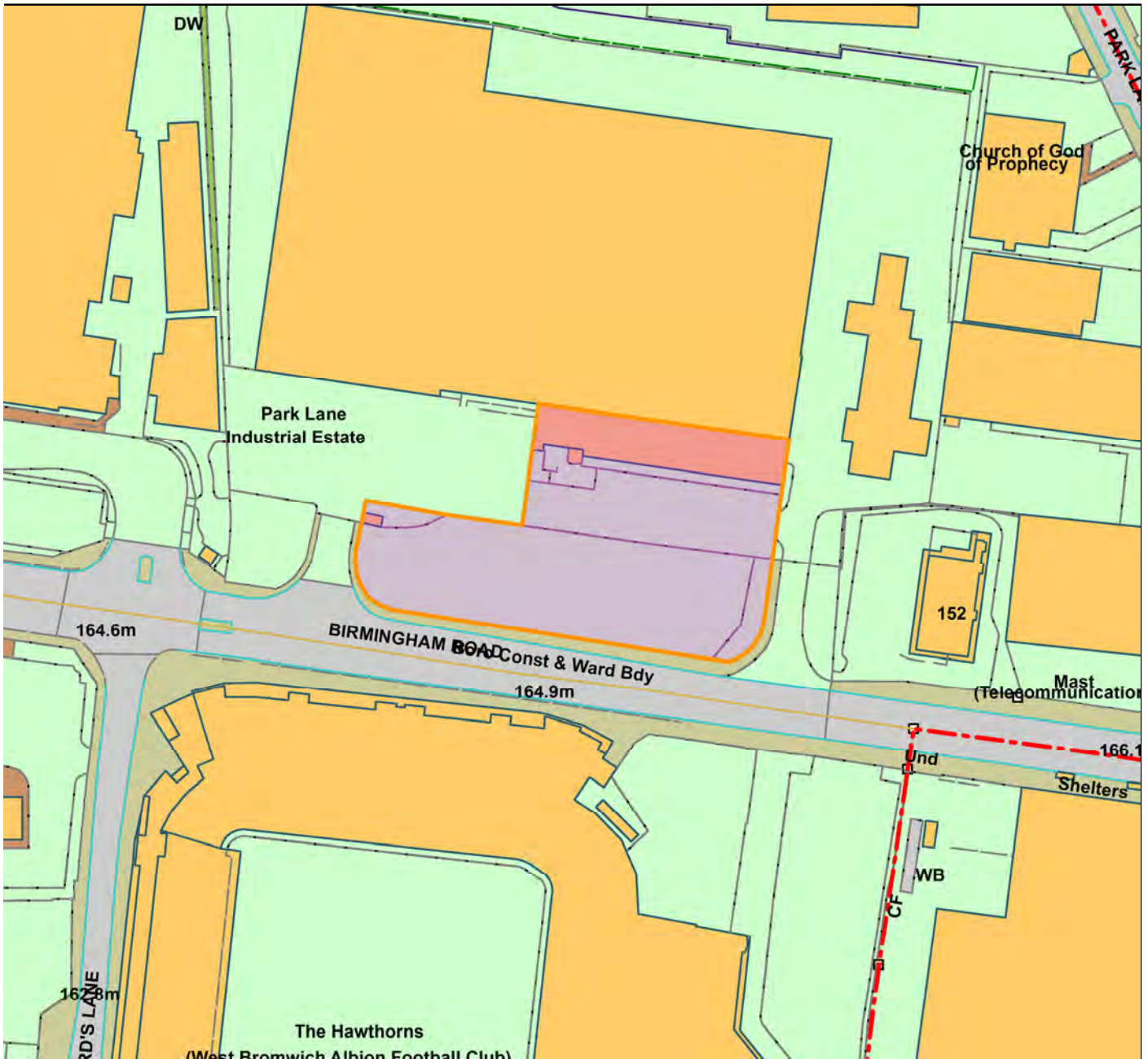
DM5 – The Borough's Gateways

EOS9 – Urban Design Principles  
EOS10 – Design Quality & Environmental Standards

**6. Contact Officer**

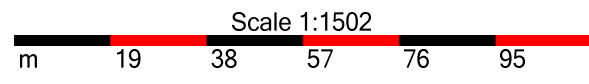
William Stevens  
0121 569 4897  
william\_stevens@sandwell.gov.uk

DC/19/62949  
1 Birmingham Road



**Legend**

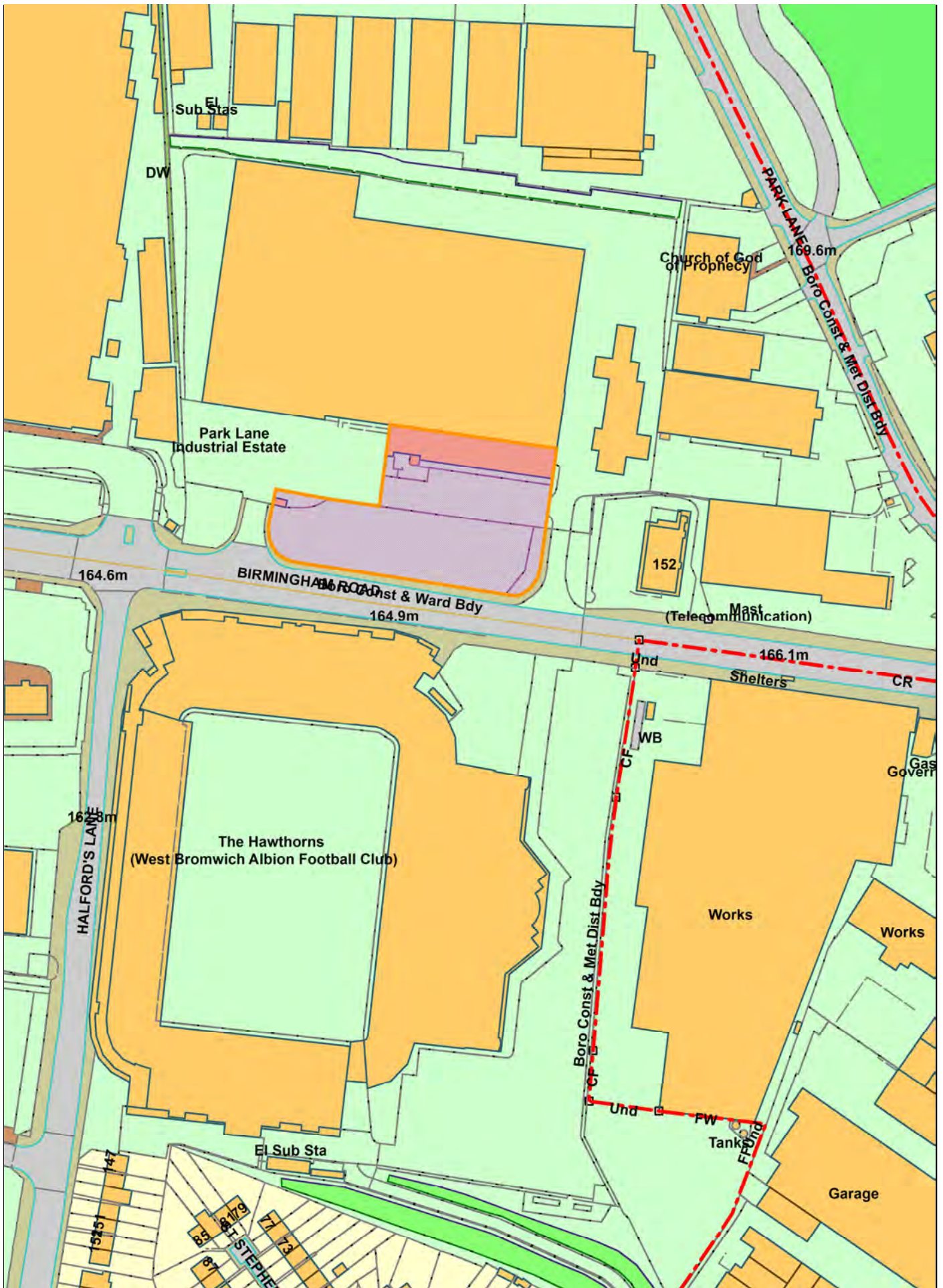
Sc 1:1501



© Crown copyright and database rights 2019  
Ordnance Survey Licence No 100023119

Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	22 May 2019
OS Licence No	





This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Contoller of Her Majesty's Stationery Office © Crown copyright.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Sandwell MBC Licence No LA 076309 2013 2016





GF-Ground Floor  
1:200

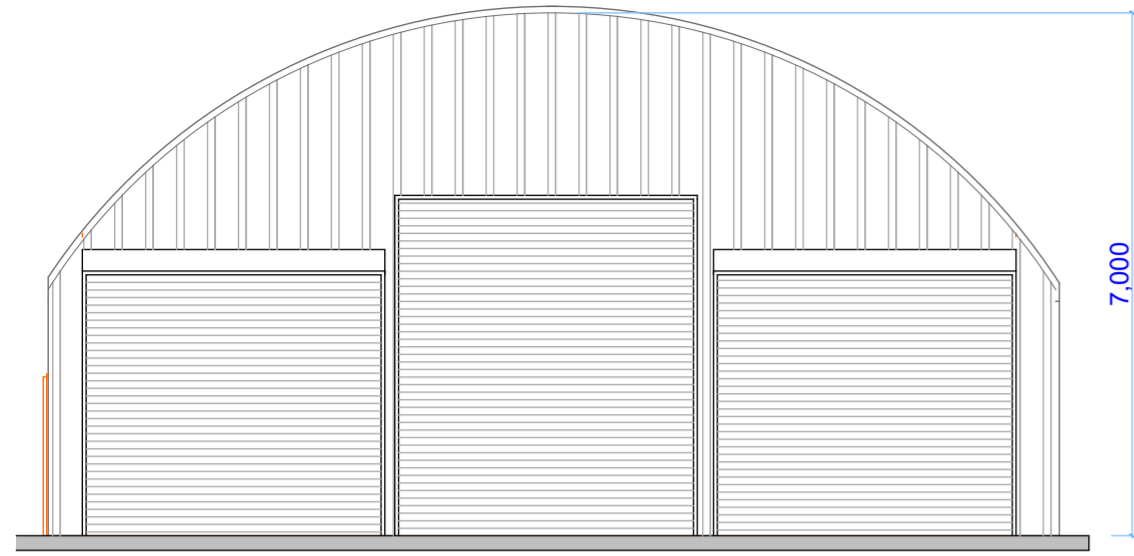
REV	B	staff and coach parking shown	22-3-19
REV	A	Entrance shown, red line removed	26-9-18

This drawing is the sole copyright of TDF Design Limited and should not be reproduced in part or whole without permission  
This drawing is for Planning and/or Building Regulations submissions only unless stated otherwise  
This drawing is not to be scaled. Use drawing dimensions only, if not shown ask for confirmation

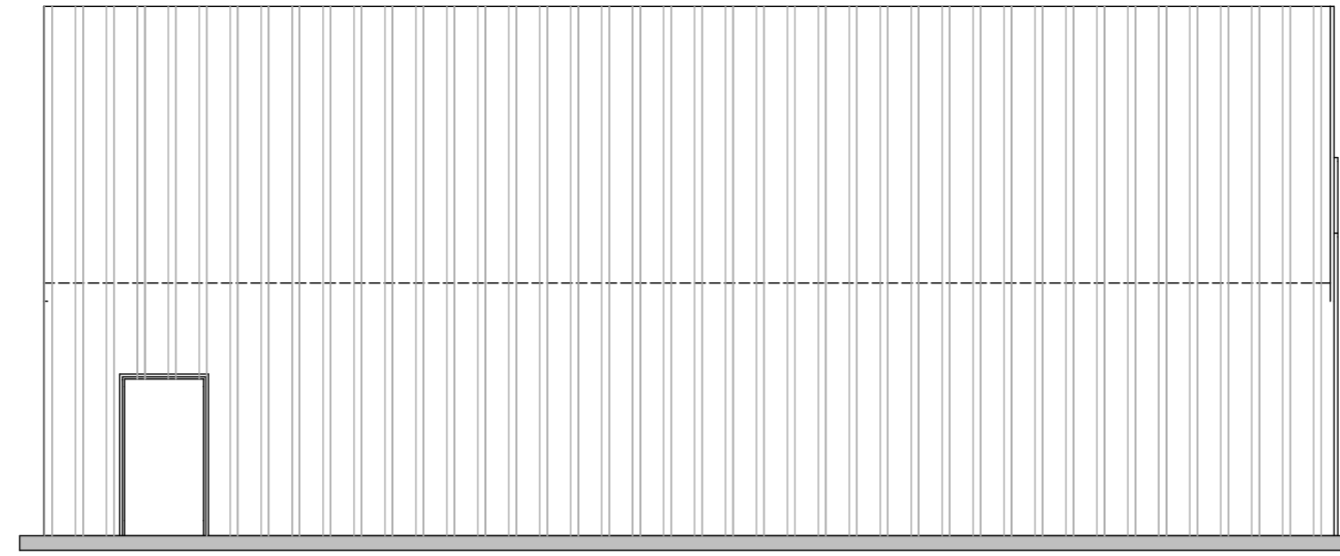

 202 Spies Lane, Halesowen, West Midlands, B62 9SW  
 Tel: 0121 602 6581  
 Fax: 0121 602 6586 Mobile: 07973 663290  
 Email: tdfdesign@aol.com

**PROPOSED NEW GARAGE**  
 1 BIRMINGHAM ROAD  
 WEST BROMWICH  
 B71 4JH

Drawing No	1728.03	A1	Date	sept 2018	Scale	1:200	Drawn	MF
------------	---------	----	------	-----------	-------	-------	-------	----



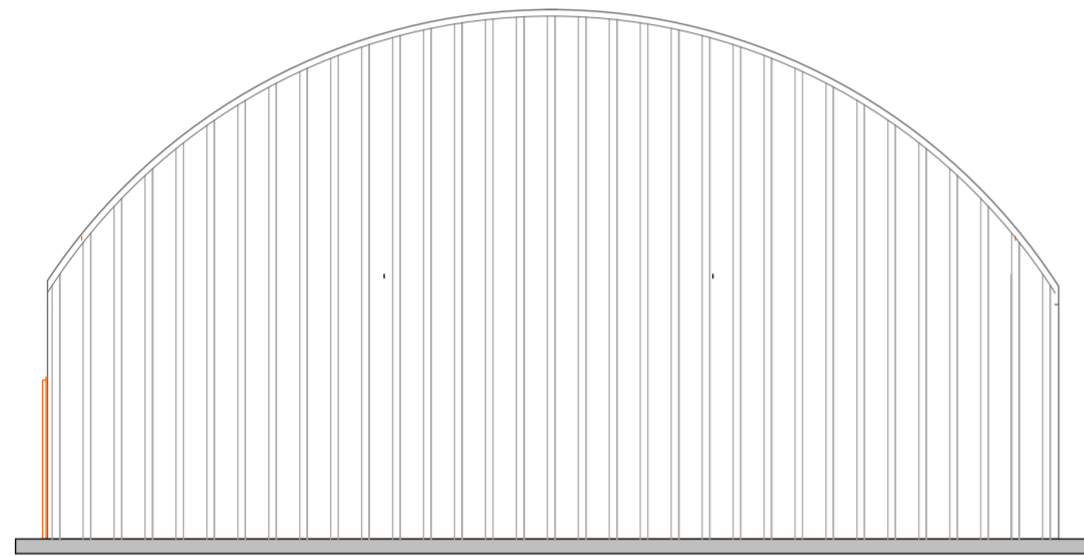
PROPOSED FRONT ELEVATION



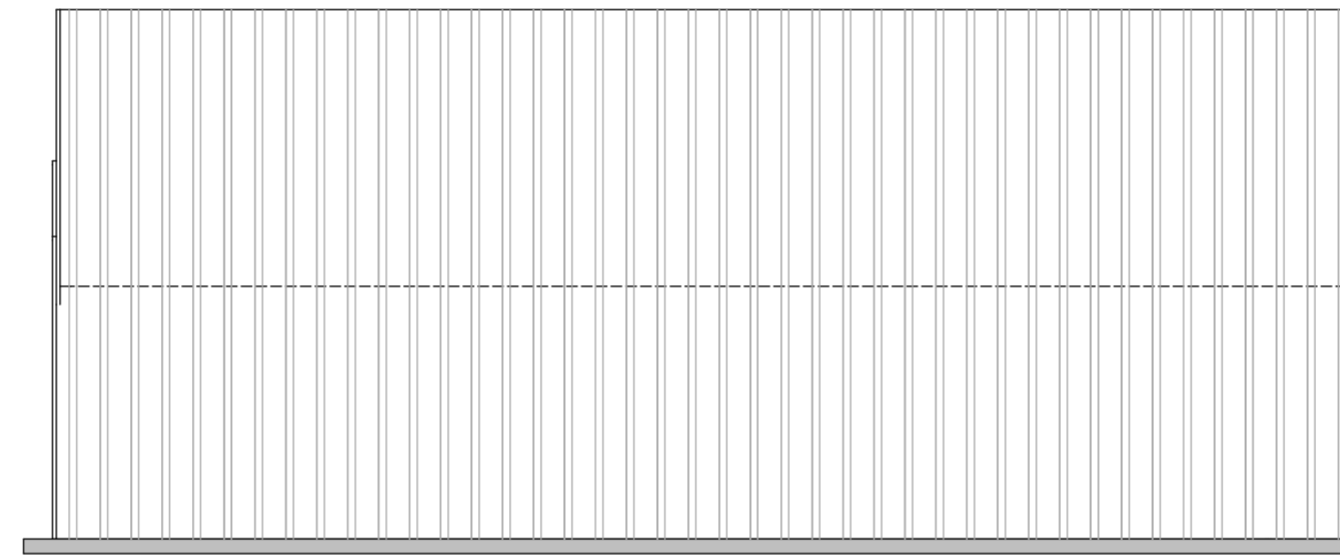
PROPOSED SIDE ELEVATION

2  
-

Elevation  
1:100



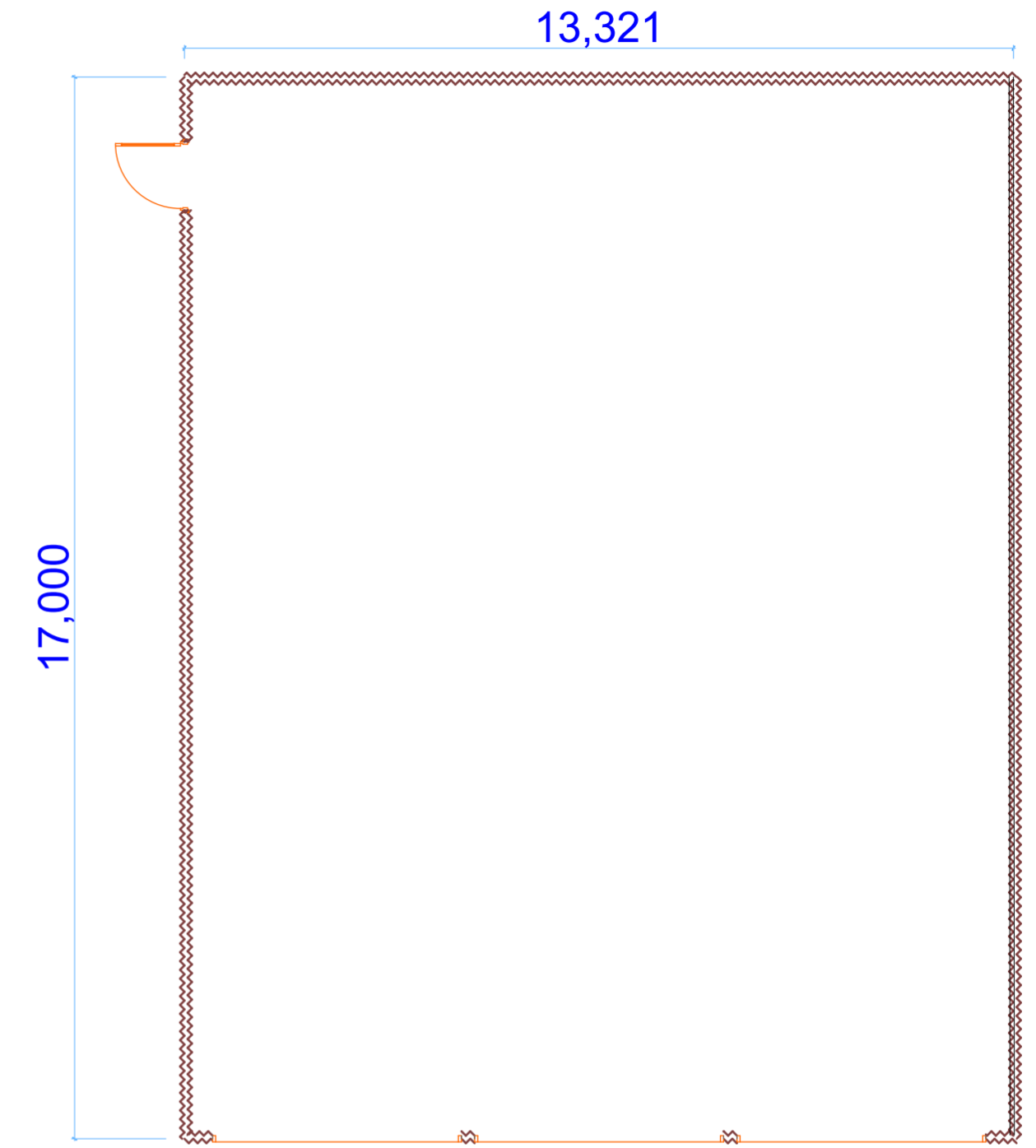
PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION

3  
-


Elevation  
1:100



PROPOSED GARAGE PLAN


1  
-

GF-Ground Floor  
1:100

<p>This drawing is the sole copyright of TDF Design Limited and should not be reproduced in part or whole without permission          This drawing is for Planning and or Building Regulations submissions only unless stated otherwise          This drawing is not to be scaled. Use drawing dimensions only; if not shown ask for confirmation</p>									
		<p>202 Spies Lane, Halesowen, West Midlands, B62 9SW          Tel: 0121 602 6581          Fax : 0121 602 6586 Mobile: 07973 663290          Email: tdfdesign@aol.com</p>							
<p><b>PROPOSED NEW GARAGE</b>  <b>1 BIRMINGHAM ROAD</b>  <b>WEST BROMWICH</b>  <b>B71 4JH</b></p>									
Drawing No	1728.02	A1	Date	<DATEOFISSUE>	Scale	1:100	Drawn	MF	

## Planning Committee

**5 June 2019**

<b>Subject:</b>	Applications Determined Under Delegated Powers
<b>Director:</b>	Director – Regeneration and Growth Amy Harhoff
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s):</b>	<p>John Baker Service Manager - Development Planning and Building Consultancy <a href="mailto:John_baker@sandwell.gov.uk">John_baker@sandwell.gov.uk</a></p> <p>Alison Bishop Principal Planner <a href="mailto:Alison_bishop@sandwell.gov.uk">Alison_bishop@sandwell.gov.uk</a></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/19/62562 Oldbury	39 Princes Road Tivdale Oldbury B69 2LR	Proposed two storey side and single storey rear extensions.	Grant Permission with external materials  26th April 2019
DC/19/62578 Langley	Chartwells House 1 - 2 Langley High Street Oldbury B69 4SN	Proposed variation of condition 5 of planning permission - DC/16/59203. Proposed opening hours of restaurant to be extended from 17:00-23:00 to 11:00-23:00, 7 days a week.	Refuse permission  9th May 2019
DC/19/62572 Wednesbury North	Land Adjacent 20 Spring Head Wednesbury	Proposed erection of 3.5 storey building comprising of 2no. commercial units and 12no. 1, 2 & 3 bedroom apartments and associated external works.	Grant Permission Subject to Conditions  16th May 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/62597  Oldbury	The Yard Judge Close Oldbury B69 2RL	Renewal of expired planning permission DC/16/60042, for car sales, and car parking for taxi booking office at 31B Birmingham Street.	Grant Conditional Retrospective Consent  30th April 2019
DC/19/62617  Smethwick	38 Londonderry Grove Smethwick B67 7EX	Proposed erection of single storey rear extension.	Grant Permission with external materials  26th April 2019
DC/19/62625  Greets Green & Lyng	155 Lodge Road West Bromwich B70 8PJ	Proposed change of use of ground floor to 2 No. studio flats.	Grant Permission  14th May 2019
DC/19/62634  St Pauls	118 Basons Lane Oldbury B68 9SL	Proposed first floor rear/side extension.	Grant Permission Subject to Conditions  29th April 2019
DC/19/62648  West Bromwich Central	54 Sandwell Road West Bromwich B70 8TG	Variation of condition 1 of planning permission DC/17/60781 to amend positioning of garages for plots 1-4, relocation of bin storage, amendment to parking for plots 5-10, and replacement of dormer windows with roof lights to all plots.	Grant Permission Subject to Conditions  3rd May 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/62656  Oldbury	42 Temple Way Tividale Oldbury B69 3JN	Proposed two storey side extension and change to original roof pitch.	Grant Permission with external materials  15th May 2019
DC/19/62730  Cradley Heath & Old Hill	Block S Applewood Grove Cradley Heath B64 6EW	Proposed change of use to 18 No. self contained flats for temporary accommodation purposes.	Grant Permission Subject to Conditions  15th May 2019
DC/19/62790  Tipton Green	5 William Barrows Way Tipton DY4 9ED	Proposed two storey rear/side extension.	Grant Permission with external materials  15th May 2019
DC/19/62792  Greets Green & Lyng	Units 1 And 2 Hammec Industrial Estate Brandon Way West Bromwich B70 8JB	Proposed demolition of some existing buildings and proposed extension to remaining warehouse (Class B2).	Grant Permission Subject to Conditions  16th May 2019
DC/19/62794  West Bromwich Central	Flat 14 Carters Green West Bromwich B70 9LW	Extension of existing residential property and conversion into two one-bed apartments, and erection of external stairwell.	Refuse permission  30th April 2019
DC/19/62798  Charlemont With Grove Vale	19 Monksfield Avenue Great Barr Birmingham B43 6AP	Proposed two storey front, side and rear extension and single storey front and side extension.	Grant Permission Subject to Conditions  30th April 2019



Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/62800 Old Warley	20 Sunnybank Road Oldbury B68 0DD	Proposed first floor extension over existing garage, single storey porch and garage extension and new pitched roof to existing single storey side extension.	Grant Permission with external materials  9th May 2019
DOC/19/00048 Soho & Victoria	Unit 1 James Watt Industrial Park Steel Bright Road Smethwick B66 2NW	Discharge of condition 3a of planning permission DC/18/62316.	Discharged  25th April 2019
DC/19/62815 Newton	18 Allendale Grove Great Barr Birmingham B43 5RY	Retention of single storey covered area to side.	Grant Retrospective Permission  8th May 2019
DC/19/62834 West Bromwich Central	30 Jesson Street West Bromwich B70 6PR	Proposed change of use to a 7 bed house in multiple occupation (HMO)	Grant Permission  16th May 2019
DC/19/62835 Soho & Victoria	Car Park Junction Piddock Road Crocketts Lane Smethwick	Proposed development of existing car park to build 9 dwellings with garages and access drive.	Grant Permission Subject to Conditions  29th April 2019
DC/19/62833 Charlemont With Grove Vale	84 Charlemont Avenue West Bromwich B71 3BZ	Proposed first floor side extension.	Grant Permission with external materials  30th April 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/62848 West Bromwich Central	The Sportsman 13 - 15 High Street West Bromwich B70 6PP	Retention of smoking shelter to rear (amended application - DC/18/62059).	Grant Temporary Retrospective Consent  26th April 2019
DC/19/62843 Hateley Heath	56 Garratt Street West Bromwich B71 1NE	Proposed single storey rear extension.	Grant Permission with external materials  30th April 2019
DC/19/62845 Cradley Heath & Old Hill	58 Timbertree Road Cradley Heath B64 7LF	Proposed single and two storey rear extension, single storey side extension, single storey front extension and garage conversion to bedroom	Refuse permission  30th April 2019
DC/19/62847 Friar Park	121 Coronation Road Wednesbury WS10 0TW	Proposed bay window and tiled canopy to front.	Grant Permission with external materials  9th May 2019
DC/19/62849 St Pauls	110 St Pauls Road Smethwick B66 1EY	Proposed single and two storey side extension and two storey rear extension.	Grant Permission with external materials  15th May 2019
DC/19/62868 Great Bridge	87 - 109 (odds) Fisher Street Great Bridge Tipton DY4 7ES	Replacement of hanging wall tiles with insulated external render (cladding).	Grant Permission  30th April 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/62869 Great Bridge	111 - 129 (odds) Fiisher Street Great Bridge Tipton DY4 7ES	Replacement of hanging wall tiles with insulated external render (cladding).	Grant Permission  30th April 2019
DC/19/62870 Great Bridge	131 - 149 (odds) Fisher Street Great Bridge Tipton DY4 7ES	Replacement of hanging wall tiles with insulated external render (cladding).	Grant Permission  30th April 2019
DC/19/62852 West Bromwich Central	HSBC 328 High Street West Bromwich B70 8DJ	Proposed security fence at rear.	Grant Permission Subject to Conditions  30th April 2019
DC/19/62853 Charlemont With Grove Vale	133 Newton Road Great Barr Birmingham B43 6BE	Proposed single storey rear extension and first floor rear and side extensions.	Grant Permission with external materials  17th May 2019
DC/19/6616A West Bromwich Central	HSBC 328 High Street West Bromwich B70 8DJ	Proposed replacement of signage comprising of 2 No. Internally-illuminated fascia signs, 2 No. Internally-illuminated hanging signs, 1 No. non-illuminated panel sign, 1 No. non- illuminated welcome sign and 2 No. non- illuminated ATM signs.	Grant Advertisement Consent  30th April 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/62871 St Pauls	Jayplas Dartmouth Road Smethwick B66 1AS	Proposed single storey portal framed building and pit/conveyor cover to house baling equipment.	Grant Permission  8th May 2019
DC/19/62874 Oldbury	Camden Electrical Wholesalers Ltd 37 Lower City Road Tividale Oldbury B69 2HA	Proposed demolition of existing works and construction of 6No. 3bed two storey semi- detached houses.	Grant Permission Subject to Conditions  10th May 2019
DC/19/6617A Abbey	Advertisement Hoarding 574 Bearwood Road Smethwick	Proposed erection of 1no. internally illuminated digital advertisement.	Refuse permission  13th May 2019
DC/19/62884 Soho & Victoria	Former Public Car Park Crocketts Lane Smethwick	Amendment to plot 4 of planning permission DC/17/61260 - proposed alternative house type.	Grant Permission Subject to Conditions  13th May 2019
DC/19/62896 Great Bridge	1-10 Henley Close Tipton DY4 7ET	Replacement of hanging wall tiles with insulated external render (cladding).	Grant Permission  30th April 2019
DC/19/62897 Great Bridge	11-20 Henley Close Tipton DY4 7EU	Replacement of hanging wall tiles with insulated external render (cladding).	Grant Permission  30th April 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/62886 Great Bridge	Baby Einsteins Nursery Great Bridge Street West Bromwich B70 0DE	Proposed change of use of the existing building to create 5 additional residential flats which comprise 4 No. 1 bedroom and 1 No. 2 bedroom flats with minor alterations and demolition of part single storey rear extension.	Refuse permission  16th May 2019
DC/19/62889 St Pauls	64 Devonshire Road Smethwick B67 7QG	Proposed extension to ground floor shop area and formation of a new separate access to and extension to existing first floor flat.	Grant Permission with external materials  7th May 2019
DC/19/62890 Great Barr With Yew Tree	57 Poole House Road Great Barr Birmingham B43 7SL	Proposed 2 storey side extension and tiled canopy to front.	Grant Permission with external materials  3rd May 2019
DC/19/62891 Soho & Victoria	Queens Arms 286 Heath Street Smethwick B66 2QY	Proposed change of use from a public house to a sandwich takeout bar at ground floor.	Grant Permission  17th May 2019
DC/19/62893 Great Barr With Yew Tree	4 Snapdragon Drive Walsall WS5 4RE	Proposed two storey side extension.	Grant Permission with external materials  7th May 2019
DC/19/62894 Great Barr With Yew Tree	14 Queslett Road Great Barr Birmingham B43 6PL	Proposed two storey rear and side extension.	Grant Permission with external materials  7th May 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/62901 Newton	174 Hamstead Road Great Barr Birmingham B43 5BJ	Lawful development certificate for proposed rear dormer window.	Grant Lawful Use Certificate  7th May 2019
DC/19/62905 Princes End	1 Catherton Close Tipton DY4 0DQ	Proposed 1.82m high fence.	Grant Permission  16th May 2019
DC/19/6618A Soho & Victoria	Queens Arms 286 Heath Street Smethwick B66 2QY	Proposed 1 No. non- illuminated fascia sign and 1 No. window vinyl sign.	Grant Advertisement Consent  17th May 2019
DC/19/62904 Old Warley	288 Wolverhampton Road Oldbury B68 0TF	Proposed single storey side/rear extension.	Grant Permission with external materials  9th May 2019
DC/19/62910 St Pauls	5 Narel Sharpe Close Smethwick B66 1TU	Proposed porch, garage conversion, and single storey rear extension with increased roof height to existing kitchen.	Grant Permission with external materials  9th May 2019
DC/19/62911 Wednesbury North	Old Park Primary School Old Park Road Wednesbury WS10 9LX	Proposed extension to form entrance lobby and offices.	Grant Permission Subject to Conditions  13th May 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/6619A West Bromwich Central	Rear Of 75 Union Street West Bromwich B70 6BZ	Proposed two-sided freestanding digital adverts measuring 6m x 9m with associated digital logo boxes.	Grant Conditional Advertisement Consent  14th May 2019
DC/19/62912 Wednesbury South	40 Lemox Road West Bromwich B70 0QT	Retention of pitched roof over existing front extension.	Grant Retrospective Permission  9th May 2019
DC/19/62914 Smethwick	272 Londonderry Lane Smethwick B67 7EW	Proposed change of use of former shop to create 2 additional flats and two storey side extension to create a dwelling.	Grant Permission Subject to Conditions  17th May 2019
DC/19/62915 Tividale	143 New Birmingham Road Tividale Oldbury B69 2JE	Proposed loft conversion to include dormer window at rear and balcony to front.	Grant Permission with external materials  8th May 2019
DC/19/62918 Langley	87 Harrold Road Rowley Regis B65 0RL	Proposed single and two storey side extension and single storey front and rear extensions (revised application - DC/18/62038)	Grant Permission with external materials  9th May 2019
DC/19/62920 Old Warley	26 Elm Croft Oldbury B68 0BQ	Proposed single storey rear extension and two storey side extension.	Refuse permission  14th May 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/62921 Tividale	27 Trafalgar Road Tividale Oldbury B69 1RF	Retention of single and two storey side/rear extension, single storey side and rear extensions, rear dormer window and front porch (Revised application).	Grant Retrospective Permission  14th May 2019
DC/19/62923 Hateley Heath	12 Okehampton Drive West Bromwich B71 1DE	Proposed ground and first floor front extensions, front porch, bay windows and canopy (Revised application - DC/18/61715).	Grant Permission with external materials  9th May 2019
DC/19/6620A Oldbury	Magistrates Court Oldbury Ringway Oldbury B69 4JN	Proposed 3 no. non-illuminated fascia signs, 2 no. internally-illuminated totem signs, 2 no. internally-illuminated flexface box sign and 1 no. internally-illuminated entrance sign.	Grant Advertisement Consent  2nd May 2019
DC/19/62927 St Pauls	37 Albion Road West Bromwich B71 4LJ	Proposed single storey front extension.	Grant Permission with external materials  13th May 2019
DC/19/62929 Cradley Heath & Old Hill	20 Bishops Walk Cradley Heath B64 7RH	Proposed front extension and new windows to sides.	Grant Permission with external materials  9th May 2019
DC/19/62931 West Bromwich Central	Tesco Car Park 46 New Square West Bromwich B70 7PR	Proposed 5 panelled perspex screen to the rear of the dry valeting area.	Grant Permission  9th May 2019




Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/6621A West Bromwich Central	Tesco Car Park 46 New Square West Bromwich B70 7PR	Proposed 5 no. non-illuminated panel signs.	Grant Advertisement Consent  9th May 2019
DC/19/62935 Oldbury	METSEC Plc Broadwell Road Oldbury B69 4HF	Proposed new boundary treatment.	Grant Permission  16th May 2019
DC/19/62940 St Pauls	144 Great Arthur Street Smethwick B66 1DG	Proposed single storey front and rear extension.	Grant Permission with external materials  15th May 2019
DC/19/62943 Blackheath	64 Birmingham Road Rowley Regis B65 0HS	Proposed change of use to existing A1 retail unit to A3 food and drink at ground floor with new shop front and separate entrance to first floor flat, and extension to existing flat at first floor.	Grant Permission  17th May 2019
DC/19/62944 Cradley Heath & Old Hill	457 Halesowen Road Cradley Heath B64 7JD	Proposed vehicular access.	Refuse permission  3rd May 2019
DC/19/62947 Great Bridge	59 Oakley Avenue Tipton DY4 0PP	Proposed two storey side extension.	Grant Permission with external materials  14th May 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/62961 Hateley Heath	2 Salop Close West Bromwich B71 2SB	Proposed single storey rear extension.	Grant Permission with external materials  15th May 2019
DC/19/62975 Greets Green & Lyng	Car Park Adj 84 Bromford Lane West Bromwich B70 7HW	Retention of hand car wash and associated canopy and office.	Refuse permission  16th May 2019
DC/19/63039 Soho & Victoria	PJ Commercials Limited PJ House London Street Smethwick B66 2SH	Request for a screening opinion in respect of proposed multi-storey car park (sui-generis) and a mixed-use building of between 7 and 10 storeys to include 159 dwellings (Use Class C3) and commercial floorspace (flexible within Use Classes A1, A2, A3, A4, A5, D2) plus associated amenity space and demolition of existing buildings.	Screening opinion - EIA not required  8th May 2019

## Planning Committee

**5 June, 2019**

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

<b>Application Ref No.</b>	<b>Site Address</b>	<b>Inspectorate Decision</b>
DC/18/62086	Proposed variation of condition 2 of planning permission DC/14/57714 to extend	Allowed with conditions.

### **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 9 April 2019

**by Stuart Willis BA Hons MSc PGCE MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 May 2019**

---

### **Appeal Ref: APP/G4620/W/19/3219921**

### **240 Queens Road, Smethwick, West Midlands B67 6PF**

- 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 Khalid Hussain against the decision of Sandwell Metropolitan Borough Council.
  - The application Ref DC/18/62086, dated 30 July 2018, was refused by notice dated 24 September 2018.
  - The application sought planning permission for retention of use of garage as barber shop and shopfront without complying with a condition attached to planning permission Ref DC/14/57714, dated 21 January 2015.
  - The condition in dispute is No 2 which states that: The use hereby permitted shall only operate between the hours of 10am and 5pm on any day.
  - The reason given for the condition is: In the interest of highway safety.
- 

### **Decision**

1. The appeal is allowed, and planning permission is granted for the use of a garage as barber shop and shopfront at 240 Queens Road, Smethwick, West Midlands B67 6PF in accordance with the application Ref DC/18/62086 dated 30 July 2018, and subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1.
  - 2) The use hereby permitted shall only operate between the hours of 1000 and 2000 on any day.
  - 3) Notwithstanding the provision of the Town and Country Planning (Use Classes) Order and the Town and Country Planning (General Permitted Development) Order 1995 (Or any Order revoking and re-enacting those orders with or without modification), the approved use shall be solely as a barber's shop and for no other purpose.
  - 4) The permission hereby granted shall enure for the benefit of the applicant, Khalid Hussain and not for the benefit of the land.

## **Background and Main Issues**

2. A barber shop is currently trading at the appeal site. The appellant wishes to extend the opening hours from those originally imposed to between 1000 and 2000 hours every day of the week. Although the appellant's appeal statement refers to 7pm (1900), the description given on both the application form and the appeal form refer to 8pm (2000). This was also the basis upon which consultation took place. I have therefore considered the proposal in the same way.
3. At the time of my site visit the barber shop was open past 1700 and I note comments from local residents regarding late opening at the premises. However, it is not clear from the application form or officer report whether the existing condition had been breached and that the scheme was considered as retrospective. As I cannot be sure that a breach occurred prior to the application being made, I have dealt with the appeal under Section 73 of the Town and Country Planning Act 1990.
4. The reason for imposing the original condition was in the interest of highway safety. However, the Council's refusal reasons also include impacts on the living conditions of occupiers of nearby residential properties.
5. Therefore, the main issues are whether the restriction of opening hours in the condition is necessary and reasonable, having regard to the effect that varying it would have on:
  - The living conditions of occupiers of nearby residential properties, with particular regard to noise and disturbance, and
  - The safety of users of the nearby highway and pedestrian walkway.

## **Reasons**

### *Living Conditions*

6. Neighbouring residents have referred to issues arising from both the takeaway and the barber shop. Considering the likely duration of visits to the barber shop compared to the takeaway, I consider it doubtful that barber shop customers would leave their engines running or play loud music from their cars while visiting the site. Despite the issues raised by the nearby residents, the Council indicate that there have not been any noise complaints relating to the barber shop. At my visits I did not observe any loud noise from, or associated with visits to, the barber shop.
7. While I note residents' concerns over erratic and late-night opening hours, the scheme before me is to extend the opening hours to 2000 on any day. There is no compelling evidence that allowing the barber shop to open until that time would result in loud noise late at night.
8. The later opening times would lead to additional vehicle and customer comings and goings from the site. The size of the barber shop limits the number of customers and therefore visits to the premises. Moreover, the expected duration of visits would result in a lower number of vehicle movements than other uses, such as the take away. Given the location of the site along a busy road, the effect of any additional noise or disturbance would not be significant.

9. Therefore, although extending the opening hours would be likely to result in some additional noise and disturbance, it would not cause material harm to the living conditions of the occupiers of the nearby residential properties. In the absence of any development plan policies being highlighted by the Council, I have again considered the issue with reference to the Framework. The proposal would accord with the Framework where it seeks to provide a high standard of amenity for existing and future users.

### *Highway Safety*

10. While the appeal site is located in a primarily residential area, there is a takeaway adjacent to it and a cluster of commercial properties nearby. There is no designated parking for the appeal premises. Nonetheless, outside the site, opposite it, and in much of the surrounding streets there are no restrictions to on-street parking. Furthermore, there are parking areas at the nearby cluster of commercial properties and bus stops close to the appeal site. These factors, along with the pedestrian footways and residential properties nearby, mean customers could easily access the site by modes of transport other than car.
11. I visited the site during and after the current opening times. At these visits, which I appreciate are only a snapshot in time, there was parking taking place outside the appeal site, near the junction with Wall Close and within the cul-de-sac itself. Nonetheless, there were still spaces along the nearby streets to park and the frequent residential driveways were not obstructed.
12. At times parked vehicles did reduce visibility at the junction with Wall Close and the road was relatively busy. However, any short-term limitations did not appear to create any obvious highway safety concerns with traffic flowing freely. Moreover, the wide pavement in front of the site meant there was sufficient space for pedestrians to pass. This was the case when I visited during the current permitted opening hours and in the proposed extended opening hours when residents are more likely to be at home. There has been limited evidence presented to me to the contrary or to demonstrate how extending the opening hours as sought would make it difficult for residents to put their bins out.
13. Furthermore, there has been no substantive information presented to me that any issues associated with parking in the area are related to the barber shop. I note that comments from nearby residents refer to activities at both the barber shop and the adjacent takeaway. The dwell time for visitors to the barber shop is likely to be longer than the take away. Moreover, the scale of the use at the barber shop would limit the number of customers and as a result reduce the traffic generated and demand for parking arising from the business. From my observations there were more frequent vehicle movements associated with the takeaway than the barber shop.
14. Therefore, the extension of the opening hours would not give rise to material harm to the safety of users of the nearby highway and pedestrian walkway. As the Council have not identified any specific development plan policy that the proposal conflicts with, I have assessed the issue with reference to the requirements of the National Planning Policy Framework (Framework). The proposal would accord with the Framework, where it states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.



## **Conclusion**

15. I therefore allow the appeal, varying condition 2 to extend the opening hours of the barber shop to between 1000 and 2000 on any day. There is insufficient information before me as to whether or not the other conditions originally imposed remain relevant. The guidance in the Planning Practice Guidance makes it clear that decision notices for the grant of planning permission under section 73 should repeat the relevant conditions from the original planning permission in these circumstances. Therefore, I have re-imposed the other conditions, amending the condition in relation to compliance with the submitted plans to better reflect the relevant guidance. As the development has been started there is no need to impose a time limit condition.
16. For the reasons given above I conclude that planning permission should be granted subject to the conditions as set out in the formal decision above.

*Stuart Willis*

INSPECTOR