

## **Planning Committee**

**Wednesday 4 September 2019 at 5.00pm  
in the Council Chamber,  
at the Sandwell Council House, Freeth Street, Oldbury.**

### **Agenda**

*(Open to Public and Press)*

1. Apologies for absence.
2. Members to declare any interest in matters to be discussed at the meeting.
3. To confirm the minutes of the meeting held on 14 August, 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 2 October 2019**

**David Stevens**  
**Interim 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, G Gill, P M  
Hughes, M Hussain, Mabena, Millar, Rouf, Shackleton, Simms and  
Trow.

**Agenda prepared by Stephnie Hancock**  
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## **Apologies**

To receive any apologies from members

### **Declarations of Interest**

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

## **Minutes of the Planning Committee**

**14 August 2019 at 5.00 pm**  
**at the Sandwell Council House, Oldbury**

**Present:** Councillor Downing (Chair);  
Councillor Hevican (Vice-Chair);  
Councillors Allen, Chidley, Dhallu, Mabena,  
Rouf, and Simms.

**Apologies:** Councillors Ahmed, S Davies, G Gill, P M  
Hughes, M Hussain, Millar, Shackleton and  
Trow.

71/19 **Minutes**

**Resolved** that the minutes of the meeting held on 3 July 2019 be approved as a correct record.

72/19 **DC/19/62696 (Proposed 5 No. 3 bed houses and 4 No. 2 bed flats with associated access, landscaping and infrastructure. Land to the rear of Vicarage Road/Ebrington Road/Arlington Road, West Bromwich)**

Councillors Allen, Mabena and Simms indicated that they had been lobbied on the site visit, which had taken place earlier that day, by objectors.

Objectors were present with the ward member, Councillor Preece, who addressed the Committee on the behalf of the objectors with the following points:-

- the site was small with narrow access roads;
- how would construction vehicles navigate the narrow access roads?;
- it was considered that emergency vehicles would find it difficult

- to navigate the narrow access roads;
- the proposed number of properties was considered unreasonable and could compromise the quality of the homes, which appeared to be packed into a small space;
- there would be loss of privacy for existing homes;
- any level of property would encroach on neighbouring properties due to over development of the site;
- the proposal would exacerbate existing parking and congestion issues;
- it was requested that the application be refused or deferred in order that the applicants and residents could discuss further.

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

- a principle for outlined planning permission for 9 properties on the site had already been established;
- it was proposed to open up a third access point to the site which was wide enough for two vehicles to pass part of the way;
- West Midlands Fire Service had raised no objections, subject to installation of sprinkler systems;
- the site complied with planning policy and was environmentally and socially accepted;
- there had been no objections raised by West Midlands Ambulance Service or the Service Manager - Highways.

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

- there had been cause for concern around access in previous applications, however, the proposed third access was wider and allowed some two-way movement;
- the agent had been in consultation with SERCO in respect of a shared bins compound and residents would contribute to a management company;
- parking provision had been assessed and was adequate for the development;
- the proposals were in accordance with the Council's adopted residential design guide in terms of living standards, spatial separation, amenity space and parking standards;
- obscure glazed windows could be conditional for the elevations that overlooked the existing residential properties;

- additional landscaping would also assist with privacy;
- the agent had agreed to avoid school opening times when arranging deliveries of materials to site, and large transporters would transfer construction material to smaller vehicles to deliver onto the site.

A motion to approve the application was moved, subject to the conditions recommended by the Director- Regeneration and Growth plus a supplementary condition in respect of obscure glazing on the elevations windows that overlooked the existing residential properties.

The motion was seconded, voted upon and lost.

The Service Manager - Development Planning and Building Consultancy advised the Committee that the application had previously been refused, however the decision had been overturned on appeal by the Planning Inspectorate and costs had been awarded to the applicant.

Members were of the view that the proposal was over development, being too intensive for the site due to the number of units and were minded to refuse planning permission.

**Resolved** that planning application DC/19/62696 (Proposed 5 No. 3 bed houses and 4 No. 2 bed flats with associated landscaping and infrastructure. Land to the Rear Vicarage Road/Ebrington Road/Arlington Road, West Bromwich) be refused on the grounds that the development is over intensive.

73/19

**DC/19/62842 (Proposed change of use to 8 bed, 8 person HMO (house in multiple occupation) 12 Gibson Drive, Smethwick)**

Councillors Chidley, Rouf and Simms indicated that they had been lobbied on the site visit, which had taken place earlier that day, by the objectors.

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

- a 28-signature petition had been forwarded to the Council objecting to the proposal;
- the proposal would intensify existing parking and congestion

issues;

- the area was already used as a rat run and residents were concerned that the proposed parking layout would intensify this further increasing the concern of public safety.
- there was a perceived increase in crime and disorder and police had voiced concerns;
- since other HMOs had been created in the area burglaries and antisocial behaviour had increased;
- an increase in number, or a larger bin for the property would be unsightly and poor management of rubbish could increase frequency of collections generating noise and disturbance;
- residents referred to Birmingham City and Wolverhampton City Council's HMO policies.
- there was a need for family accommodation rather than singles accommodation.

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

- the housing department had agreed that room sizes were adequate and a whole floor had been allocated as communal space;
- the development was providing affordable high-quality accommodation and there would be good property management;
- prospective tenants would be vetted to ensure that they were suitable and in full time employment;
- plans had been amended to provide more parking space;
- there would be cycle racks provided, as it was expected that most of the tenants would not have a motor vehicle and would be commuting to work;
- the development was aiming to be a quality shared accommodation in keeping with the local area.

The Service Manager – Development Planning and Building Consultancy advised the Committee that, in addition to the objections received from local residents, a letter of objection had been received from the Right Honourable John Spellar MP and Councillor Bawa.

The Operations Manager – Regulatory Services advised that a HMO licence was required for more than five occupants. The house must be suitable for the number of occupants, the manager of the house must be considered fit and proper, install and maintain smoke



alarms and provide safety certificates. Any breaches of the conditions would result in enforcement action.

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

- there was higher provision for parking than was normally afforded to this type of property, there were no yellow lines or any residents parking schemes on the road;
- the grassed area provided access to neighbouring houses and could not be altered.

The Committee was minded to refuse planning permission, as it was considered that there was lack of parking and it could lead to an increase in crime and disorder and antisocial behaviour.

**Resolved** that planning application DC/19/62842 (Proposed change of use to 8 bed, 8 person HMO (house in multiple occupation) 12 Gibson Drive, Smethwick) be refused on the grounds of insufficient parking and a fear of crime and disorder.

74/19

**DC/19/62958 (Proposed dwelling, 59 Compton Road, Cradley Heath)**

The Development Planning Manager reported that the application was at an early stage and recommended that the Committee visit the site.

**Resolved** that consideration of planning application DC/19/62958 (Proposed dwelling, 59 Compton Road, Cradley Heath, B64 5BB) be deferred, pending a site visit by the Committee and ward representatives.

(Councillor Rouf left the meeting.)

75/19

**DC/19/62968 (Proposed two storey side extension, ground and first floor rear extensions and porch and canopy to front 19 and 21 Cherry Tree Avenue, Walsall)**

The Service Manager – Development Planning and Building Consultancy advised the Committee that the description of works had been omitted on the report and that the application was for a two-storey side extension, ground and first floor rear extension and porch and canopy to the front of a pair of terraced properties 19 and 21 Cherry Tree Avenue, Walsall.

Four objections had been received, no objectors were present, however the Committee noted their concerns as follows:-

- loss of light to property;
- possible loss of outlook;
- insufficient off-road parking provision;
- the extended property may be changed in future to an educational facility/Madrassa.

The applicant was present informed the Committee that the properties were to be combined into a large single-family dwelling and the extensions would create additional living space for the extended family.

The Service Manager – Development Planning and Building consultancy informed the Committee that there would be no loss of light or outlook. The parking requirement for a seven-bedroom property was four spaces and it was noted that there were already four off road parking spaces and the applicant could also provide additional parking spaces at the front of number 19. There was no evidence to suggest that the properties would be used for anything other than residential purposes.

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

**Resolved** that planning application DC/19/62968 (Proposed two storey side extension, ground and first floor rear extensions and porch and canopy to front 19 and 21 Cherry Tree Avenue, Walsall) be approved subject to the following conditions:-

- 1) the approval of external materials and implementation thereafter;
- 2) retention of existing off-road parking.

76/19      **DC/19/63114 (Proposed single storey rear/side extension, 13 Greenwood Avenue, Oldbury)**

The Service Manager – Development Planning and Building consultancy advised that the application had been brought to Committee as the applicant was an employee of Sandwell MBC.

The application had been published and there had been no objections received.

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

**Resolved** that planning application DC/19/63114 (Proposed single storey rear/side extension, 13 Greenwood Avenue, Oldbury) be approved subject to the external materials matching with the existing property.

77/19      **Applications Determined Under Delegated Powers by the Director – Regeneration and Growth**

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

78/19      **Decisions of the Planning Inspectorate**

The Committee noted that the Planning Inspectorate had made decisions appeals as set out below:-

**Appeal under section 78 of the Town and Country Planning Act 1990:**

<b>Application</b>	<b>Decision</b>
DC/18/61760 Scott Arms Shopping Centre Walsall Road, Great Barr, Birmingham	Dismissed and costs refused
DC18/62117 The Sportsman, St Marks Road, Tipton	Allowed with conditions and costs refused
DC/18/62464 29 Seymour Road, Tipton	Dismissed


(The meeting ended at 6.25pm, following an adjournment between 5.47 and 5.51pm.)

*Contact Officer : Shane Parkes  
Democratic Services Unit  
0121 569 3190*

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

## Planning Committee

**4 September, 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 Development Planning Manager <a href="mailto:Alison_bishop@sandwell.gov.uk">Alison_bishop@sandwell.gov.uk</a></p>

### **DECISION RECOMMENDATIONS**

#### **That Planning Committee:**

Considers the planning applications detailed in the attached appendices.

#### **1 PURPOSE OF THE REPORT**

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

#### **2 IMPLICATIONS FOR SANDWELL'S VISION 2030**

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

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

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

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

### **3 BACKGROUND AND MAIN CONSIDERATIONS**

The applications for consideration are set out in the appendices.

### **4 STRATEGIC RESOURCE IMPLICATIONS**

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

### **5 LEGAL AND GOVERNANCE CONSIDERATIONS**

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

**Amy Harhoff**  
**Director – Regeneration and Growth**

## Sandwell Metropolitan Borough Council

## Planning Committee

4 September 2019

## Index of Applications

Application No & Agenda Page Ref	Premises, Application and Applicant	Recommendation
DC/19/62958  Cradley Heath & Old Hill  <b>VISIT</b> 2.50pm – 3.10pm  Pg. 18	Proposed dwelling. 59 Compton Road, Cradley Heath, B64 5BB Mr C Brookes	Defer for further information.
DC/19/63157  Oldbury          Pg. 22	Proposed community centre, parking and associated works (revised application DC/17/61185), and demolition of existing Gurdwara Guru Hargobind Sahib building on Dudley Road West to provide additional off-site parking. Gurdwara Guru Hargobind Sahib Car Park, Upper Chapel Street; and Gurdwara Guru Hargobind Sahib Building, Dudley Road West, Tividale, Oldbury Mr Singh	Refuse permission



<p>DC/19/6329</p> <p>7 Langley</p> <p>Pg. 34</p>	<p>Proposed development to provide 2 No. units comprising of Industrial process (Class B1c), General Industrial (Class B2), Storage or Distribution (Class B8) with ancillary offices, car parking, landscaping, service yard areas, and associated external works.</p> <p>Land adjacent to Asda, Wolverhampton Road, Oldbury</p>	<p>Defer for Visit</p>
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Mr C Brookes 57, Cole Street, Netherton, DY2 9PA	<b>Proposed dwelling.</b> 59, Compton Road, Cradley Heath, B64 5BB
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**Date Valid Application Received:** 5<sup>th</sup> June 2019

**1. Recommendations**

Defer the application for further information.

**2. Observations**

At your last Planning Committee members resolved to visit the site, however due to further amendments being required and consultation with highways the application is deferred until your next planning committee.

This application has been reported to your Committee to enable Members to visit the site. The application site relates to part of the former Rainbow Upholstery works on the northern side of Compton Road, Cradley Heath. The site currently has an unrestricted business use within a now predominately residential area.

This parcel of land has been subject to numerous enforcement cases over recent years. The applicant proposes to erect a detached dwelling on part of the site, in part, to resolve recent complaints.

This is a summary report and does not seek to assess the proposal. A full report will be prepared for your Committee meeting in October 2019.

The application has been publicised by neighbour notification letters. Consultations have also been carried out with internal consultees.

Whilst a visit to the site will take place before this meeting, a full report will be presented to your next Planning Committee in October 2019.

### **3. Relevant History**

DC/14388 - Profile cutting – Grant Retrospective Approval – 10<sup>th</sup> February 1982

DC/04955 - Extension to Workshop - Grant Permission subject to Conditions – 11<sup>th</sup> May 1977

DC/04954 - Workshop for profile cutting - Grant Permission subject to Conditions – 11<sup>th</sup> May 1977

### **Recent Planning Enforcement Cases**

ENF/11/7977 - second business being operated from property

ENF/12/8617 - Derelict factory and untidy land

GS/16/10201 - Untidy land

ENF/19/10858 - Unauthorised metal fencing

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

National Planning Policy Framework promotes sustainable development

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

To be advised.

### **6. Contact Officer**

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

DC/19/62958  
59 Compton Road, Cradley Heath



**Legend**

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	31 July 2019
<b>OS Licence No</b>	



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<p>Mr Singh Gurdwara Guru Hargobind Sahib Britannia Street Oldbury B69 2PG</p>	<p><b>Proposed community centre, parking and associated works (revised application DC/17/61185), and demolition of existing Gurdwara Guru Hargobind Sahib building on Dudley Road West to provide additional off site parking.</b> Gurdwara Guru Hargobind Sahib Car Park Upper Chapel Street And Gurdwara Guru Hargobind Sahib Building Dudley Road West Tividale Oldbury</p>
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**Date Valid Application Received:** 24<sup>th</sup> May 2019

**1. Recommendations**

Refusal:

- i) The proposal is a departure of the Council's adopted Local Plan
- ii) Insufficient off-street parking having a detrimental impact on highway safety, and
- iii) Contrary to the Council's separation distances, resulting in the loss of light and outlook to residents of Acacia Close.

**2. Observations**

This application is being brought to the attention of your Committee at the request of Councillor Downing.

**The Application Site**

The application site relates to the car park of the Gurdwara Temple located on the northern side of Upper Chapel Street

adjacent to the Birmingham Canal. The area is a mixture of industrial units with residential properties to the west.

The application site is allocated on Local Employment Land, and as such, this application is a Departure from the Council's adopted Local Plan, and if approved would have to be reported to Full Council for consideration.

## **Planning History**

The land to which the application relates was formerly an area of open land and was granted planning permission in 2010 (DC/10/52857) for conversion to a car park alongside an application for the temple.

A further application was submitted in 2012 (DC/12/54554) to alter the car park further by providing additional spaces.

In 2018, Planning Permission was refused by your Committee for a community centre (DC/17/61185) on part of the site for the following reason:

*The proposal would result in insufficient car parking to the detriment of the safety and convenience of the users of the highway.*

The applicant in an attempt to address the reasons for refusal now proposes to demolish the former Gurdwara on Dudley Road East (approximately 300m from the site of the proposal), creating 12 off-street parking spaces.

## **Parking Spaces History**

Putting the issue over parking spaces into perspective;

- i) In 2010 a new Gurdwara (DC/10/52857) was approved with **58** car parking spaces,
- ii) Due to the parking demand, a further application to expand the car park (DC/12/54554) was approved resulting in **93** spaces,
- iii) In 2018 Planning Committee refused a similar proposal before you now based on **68** spaces,
- iv) The current application (DC/19/63157) proposes a total of **90** car park spaces for both the proposed community centre

and the existing Gurdwara. This is a reduction of three spaces since the 2012 application whilst introducing an additional use.

### **Current Application**

The current proposal is for a new community centre with associated works. This would be located on the western side of the car park near to the rear garden boundary of residential properties on Acacia Close. The proposal would measure 35.0m (L), 10.0m (W) with a maximum height of 6.4m.

The proposed opening hours are 09:00 to 18:00 hours Monday to Saturday with no opening on Sundays. The proposed Community Centre would hold up to 150 people.

The Gurdwara that would share the use of the car park, has restricted hours that are limited to;

Monday – Friday; 05:00-21:00 hours

Saturdays; 24 hours

Sundays and Bank Holidays; 12:00 – 21:00 hours

Therefore, both sites have the potential to operate at the same time whilst sharing the same parking provision.

### **Publicity**

The application has been publicised by neighbour notification letters, site and press notices. 18 objections (one of which is a petition of objection containing 186 signatures) and one letter of support has been received. The reasons for either objecting or supporting this application are as follows;

#### Objections

- i) The car park is currently at capacity with cars over spilling on to the highway when the Gurdwara is in use;
- ii) The side roads are constantly busy, with local businesses, parents undertaking the school run and residents parking;
- iii) The Gurdwara and the Community Centre could be open on the same day and time – causing significant highways issues, and potentially causing conflicts between the end users and the existing residents;



- iv) Concerns have been raised that the current tree buffer would be removed and residents would look out onto the roof of the proposed community centre;
- v) The proposal does not look to be for a community use. There is the potential for the site to be used as a banqueting suit, and potential for parties given the large room proposed;
- vi) The building would create an “alleyway” resulting in waste land between the community centre and the rear boundaries of the houses in Acacia Close;
- vii) The building would cause a significant loss of light to properties in Acacia Close,;
- viii) Concerns have been raised over the safety of the building on Dudley Road West as the objector shares the party wall of the building to be demolished, where his business operates;
- ix) The Gurdwara already has a community centre attached, why is there a need for another;
- x) The privacy of residents of Acacia Close will be compromised.

## **Support**

One response has been received in support of the application and states;

*The community Centre will provide tremendous support to all members of the local community from all backgrounds...*

*...The Gurdwara has worked hugely with the neighbouring Primary School. As stated on Tividale Primary Schools' website (newsletter September 2014); When the Gurdwara's current car park is least used; the Gurdwara has offered parking for parents collecting children from the local primary school which helps ease parking problems on the main road and helps deter hazards as well as more safety for Children.*

*If possible, current plans to develop a car park on Dudley Road West can also provide further assistance to neighbouring businesses. The car park can be utilized by neighbouring businesses on Dudley Road West When the car [park] is least used by the applicant...*

## **Responses to objections**

I respond to the objector's comments in turn;

- i) Photographic evidence has been provided by the residents to demonstrate this which has also be corroborated by independent surveys undertaken by Highways which indicated that there would not be sufficient parking;
- ii) Photographic evidence has been provided by residents that nearby roads are already congested;
- iii) It is accepted that the highway issues would occur if both uses operated at the same time;
- iv) The Council's 14m separation distances relates to two-storey buildings. The proposal is single-storey and measures approximately 11m away. However, combined with the size of the building and level changes, the proposal would have the impression of a two-storey building when viewed from the rear of the properties in Acacia Close, and therefore would be contrary to the Council's adopted Residential SPD;
- v) It is the opinion of the Council that a condition preventing banqueting uses would be difficult to monitor and enforce;
- vi) The alternative would be to push the building back towards resident's properties in Acacia Close, further reducing the separation distances;
- vii) The proposal lies east of the properties in Acacia Close, therefore any potential loss of light would only be significant in the morning;
- viii) Noted, however party wall matters are not a material planning consideration;
- ix) It is noted that a community facility already exists but this is not relevant to the proposal and;
- x) There are no windows proposed on the western elevation, therefore I do not consider that the proposal would cause a loss of privacy.

## **Statutory Consultee Responses**

### Environmental Health (Air Quality)

Given the size of the building, there is no requirement for a detailed air quality assessment. However, if approved, details and implementation of electric charging points, a transport assessment and travel plan demonstrating the mitigation of air

quality impacts associated with the development should be conditioned.

#### Environmental Health (Contaminated Land)

Concerns have been raised over the potential historic contamination of the site. As a result, the Council's Environmental Health Team require the standard ground remediation works condition on any approval.

#### Environmental Health (Air Pollution and Noise)

##### Noise

No objections due to no windows on the elevations and the limited hours of use would not impact on the nearby residents.

##### Odour

If approved, conditions regarding extraction equipment details (included plant equipment) and construction/deliveries times are conditioned.

#### Planning Policy

Object as they believe the applicant has not overcome the previous reasons for refusal and that the proposal is still a departure from the adopted Local Plan.

#### Highways

Objections received. A total of 98-113 off-street parking spaces are required. 89 spaces are proposed, meaning there is a shortfall of 9-24 spaces. The Council's Highways Department recommends that the whole of the carpark is retained for the existing use.

The above has been relayed to the applicant's agent who, at the time of writing this report, is yet to dispute the concerns of the Council's Highways Department.

### Transport Policy

Details of cycle parking should be provided and should be located near to the main entrance of the building to encourage sustainable travel.

### Healthy Urban Development Officer

Encourages users to arrive by alternative means other than a motor car.

### Access Alliance

Issues raised are covered by other legislation.

### Canal and Rivers Trust

Concerns have been raised over the potential for littering and anti-social behaviours, impact on the watercourse from traffic and pollution. Conditions have been recommended to address these concerns.

### Cadent

Comments received are not planning related, but these have been passed onto the applicant's agent for information.

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

Planning Permission was refused in 2018 for the following reason;

*The proposal would result in insufficient car parking to the detriment of the safety and convenience of the users of the highway.*

No appeal has been lodged subsequent to this decision.

For the current application, the applicant has slightly moved the location of the proposal and included additional land, and as such, the application is treated as a new scheme.

In the first instance, it is considered that the proposed community centre is of a suitable design and accords with relevant design

policy ENV3 Design Quality and SAD EOS9 Urban Design Principles. However, the proposal does not comply with the Council's adopted 14m separation distance, contained within the Council's adopted Supplementary Planning Document – Revised Residential Design Guide.

SAD DM6 refers to community uses being situated either on main road frontages or on the fringe of commercial areas, particularly district or local centres. The policy also indicates parking provision associated with development is a key consideration. In the first instance, the proposal is situated on the fringe of a residential area, secondly the objectors have provided evidence to suggest that currently the existing car park which serves the Gurdwara is at capacity and vehicles are often parked on the highway. The Head of Highways has also objected on this basis and on their own assessments and knowledge of the site. Paragraph 109 of the adopted National Planning Policy Framework 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.*

Evidence has been provided from residents and Council officers that significant harm would be created, resulting in a severe impact on the road network.

Turning to residential amenity, it is anticipated that the proposal would result in significant harm to neighbouring residential property by reason of loss of light, and outlook.

Furthermore, the applicant has failed to demonstrate why the Council should set aside the Council's Local Plan allocation in this instance, and no alternative sites have been identified or reasons why other sites have been discarded.

## **Conclusion**

The proposal would result in removal of an aspect of the car park which would result in insufficient car parking being provided for the existing temple and the proposed centre. This would be to the detriment of the users of the highway. The proposal is contrary to adopted policy in terms of separation distances, and is a departure of the adopted Local Plan.

Refusal is therefore recommended.

**3. Relevant History**

DC/17/61185 - Proposed community centre and associated works - Refuse permission – 15/06/18

DC/12/54554 - Revised car park layout in association with place of worship (former Britannic House - DC/10/52857) - Grant Permission Subject to Conditions – 26/06/2012

DC/10/52857 - Alterations and change of use to place of worship with associated car parking - Grant Permission Subject to Conditions – 11/02/2011

**4. Central Government Guidance**

National Planning Policy Framework promotes sustainable development

**5. Development Plan Policy**

ENV3: Design Quality

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

ENV8: Air Quality

TRAN2: Managing Transport Impacts of New Dev

SDEOS9: Urban Design Principles

SADDM6: Community Facilities

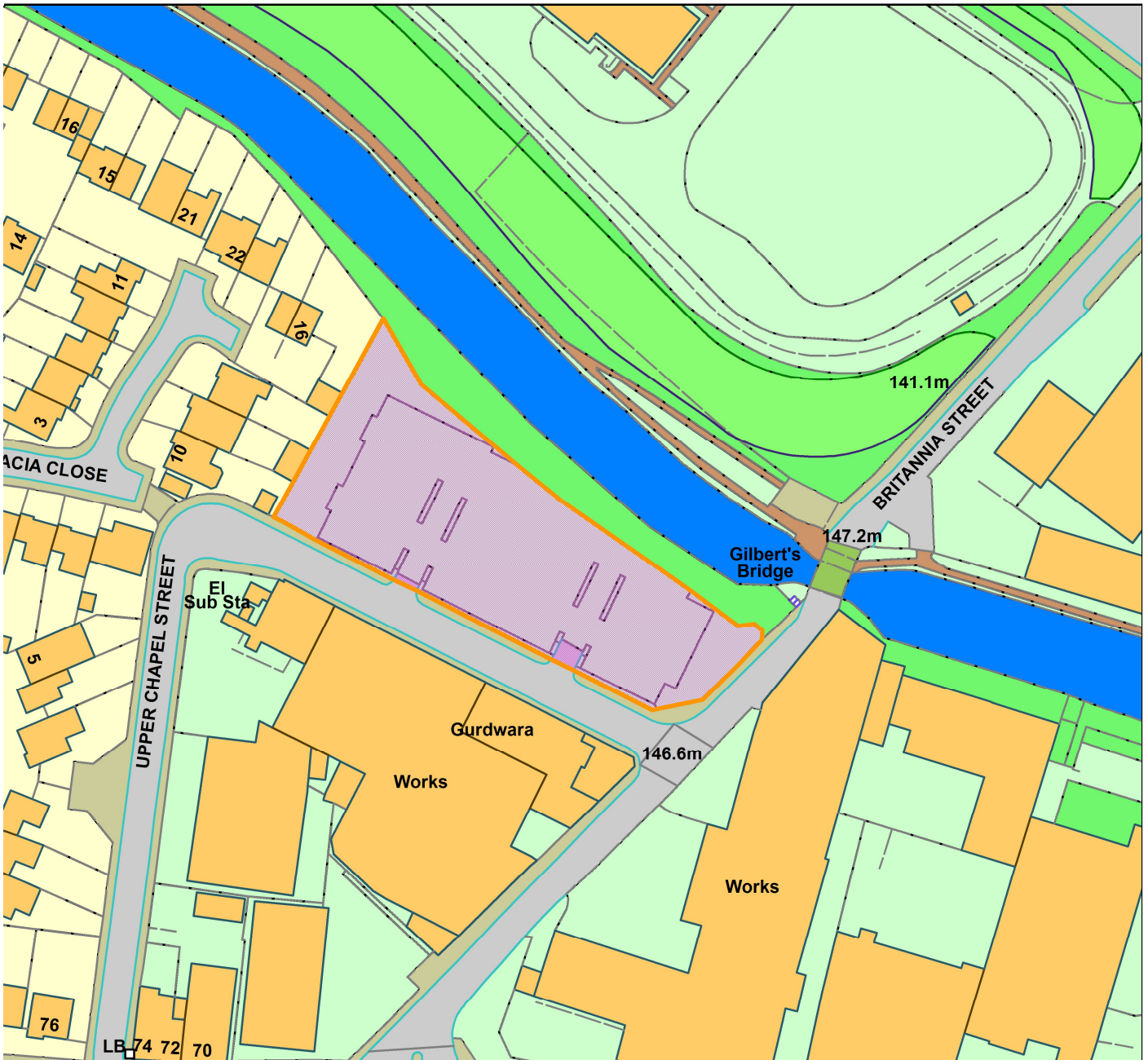
**6. Contact Officer**

Mr. William Stevens

0121 569 4897

William\_stevens@sandwell.gov.uk

DC/19/63157  
Gurdwara Guru Hargobind Sahib Car Park



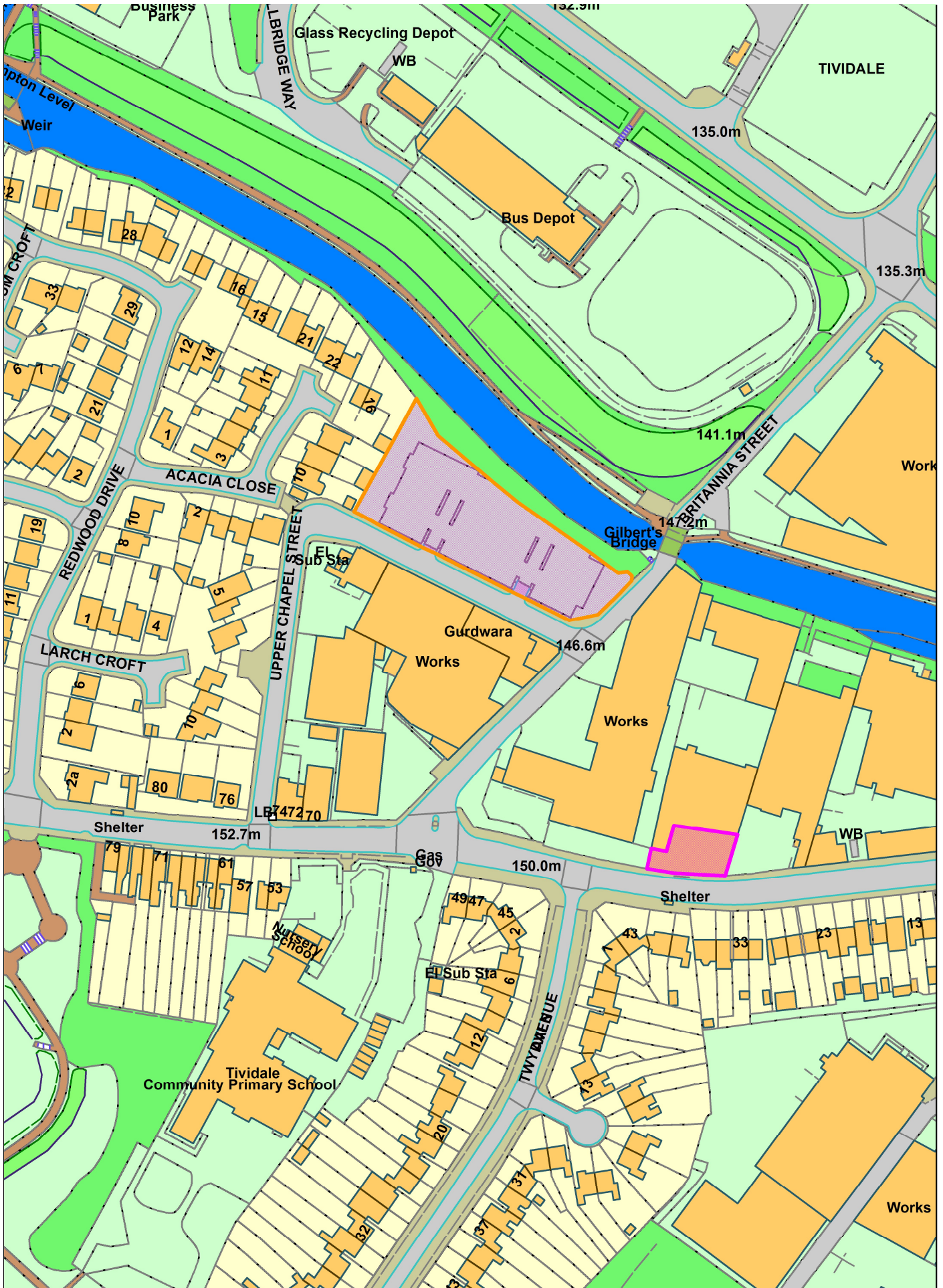
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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	21 August 2019
<b>OS Licence No</b>	

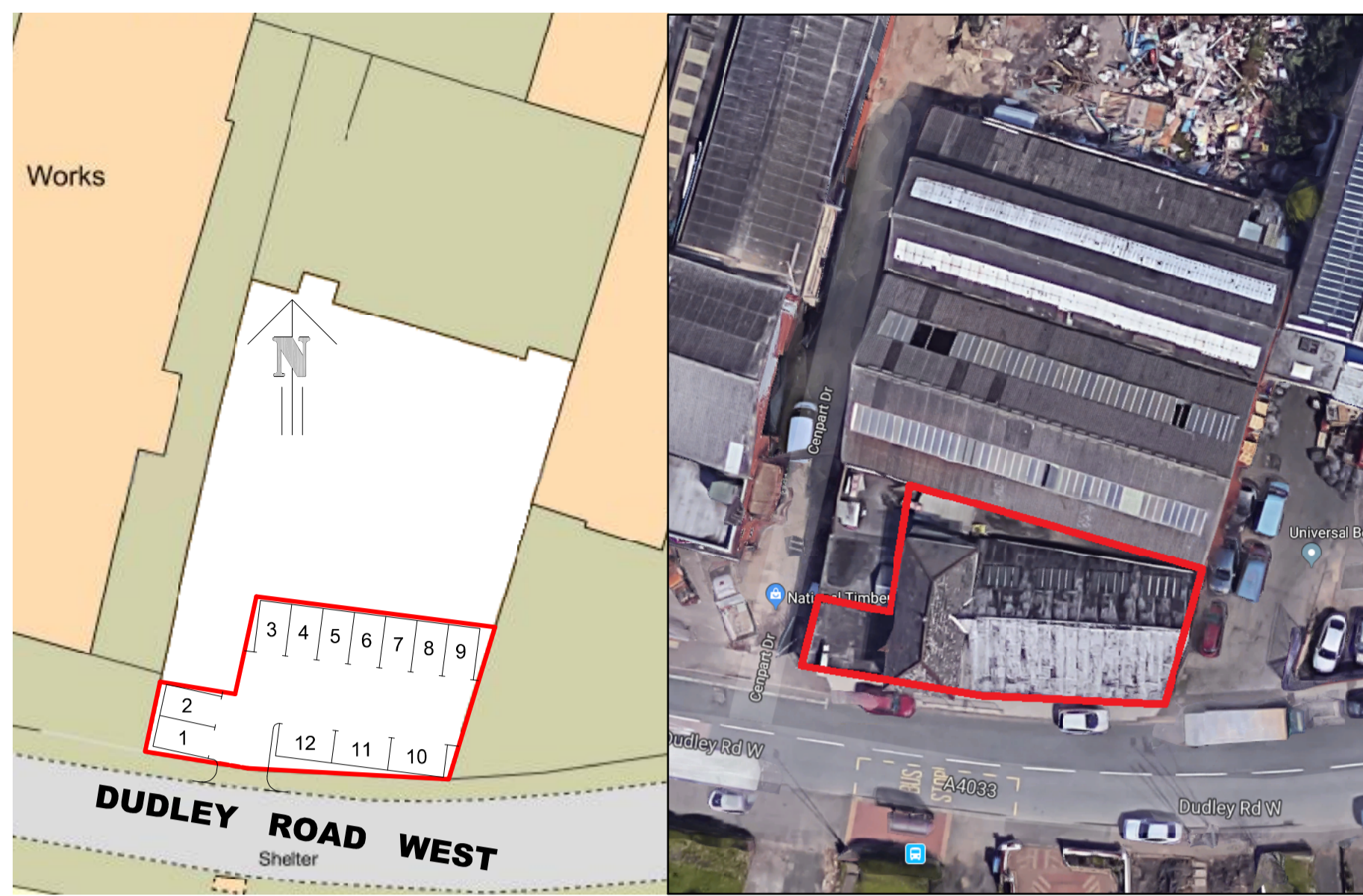


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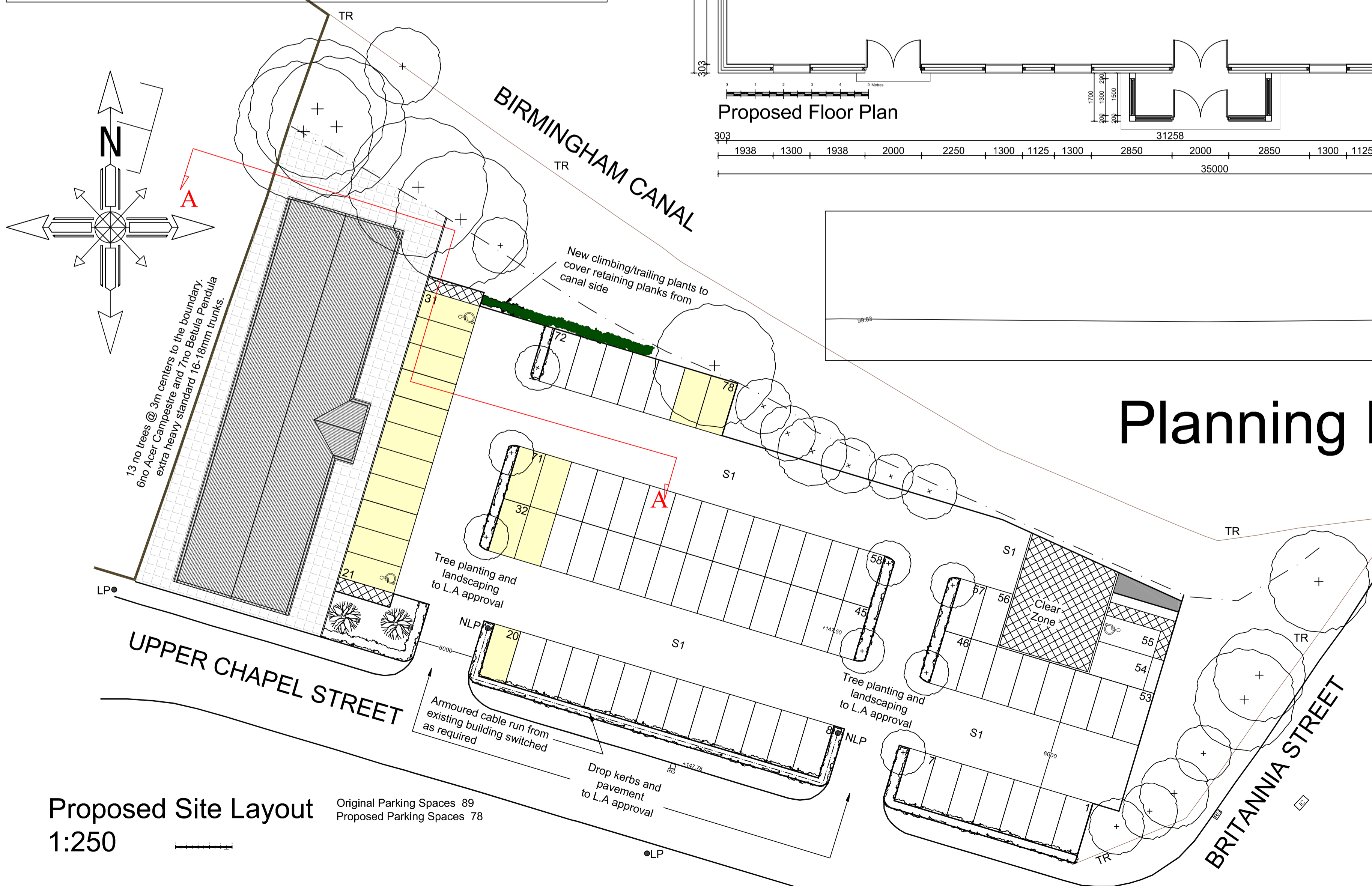




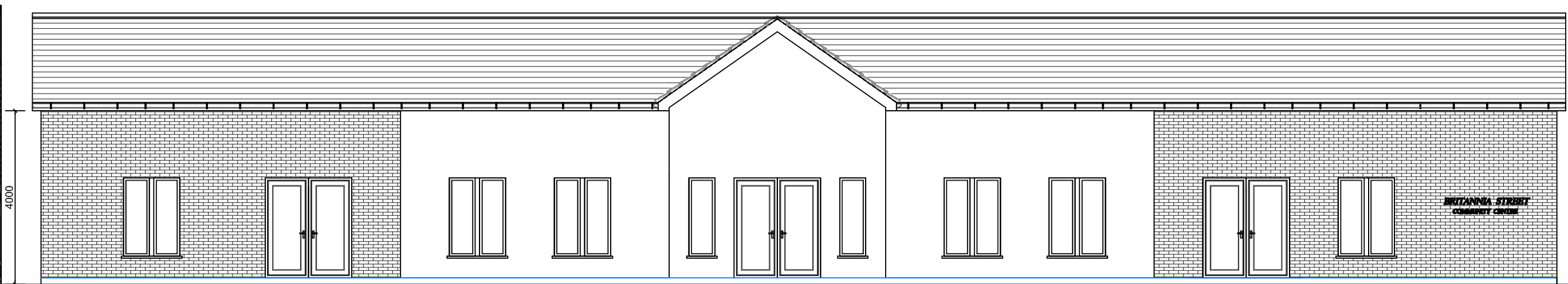


Additional Parking Layout 1:500

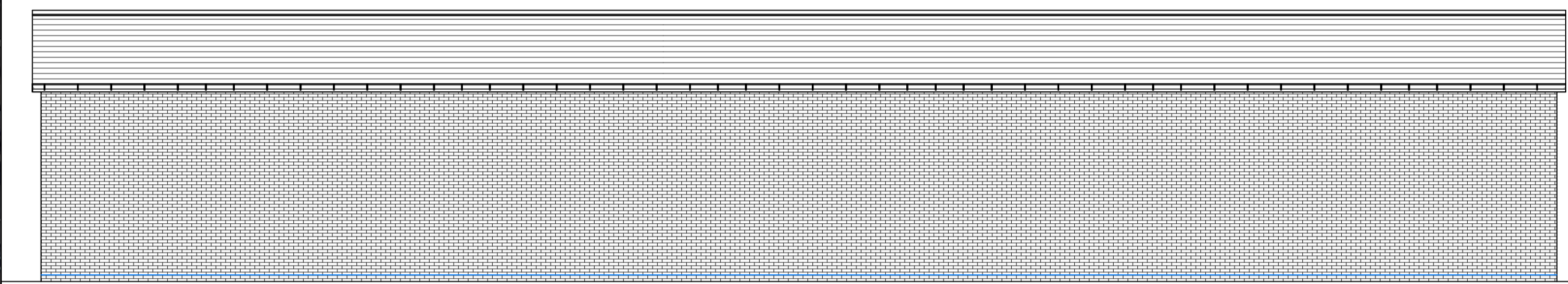
S1 = 30mm thick porous 10mm asphalt top layer on 75mm thick 20mm porous base layer on 150mm thick porous hardcore sub-base.  
 All car park area laid to 1:60 falls with kerb edgings laid level at top surface of tarmac and surrounding grassed areas.  
 All surrounding disturbed grassed areas reinstated.  
 No line markings proposed  
 NLP = New lighting pole galvanised m.s painted black with Abacus Orion 4 LED Asymmetric 3 sides distribution on 3m high post. Lighting switched from main building with optional time controls.  
 --- = New lighting cable buried 450mm below G.L. to feed lighting poles.  
 - - - = Existing timber post mesh fence.



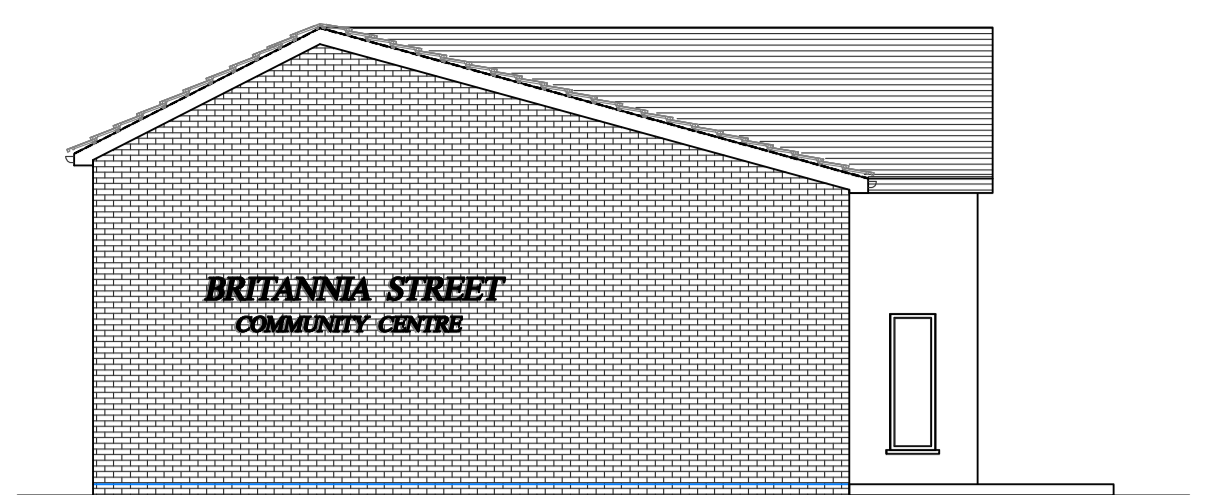
Proposed Site Layout 1:250  
 Original Parking Spaces 89  
 Proposed Parking Spaces 78



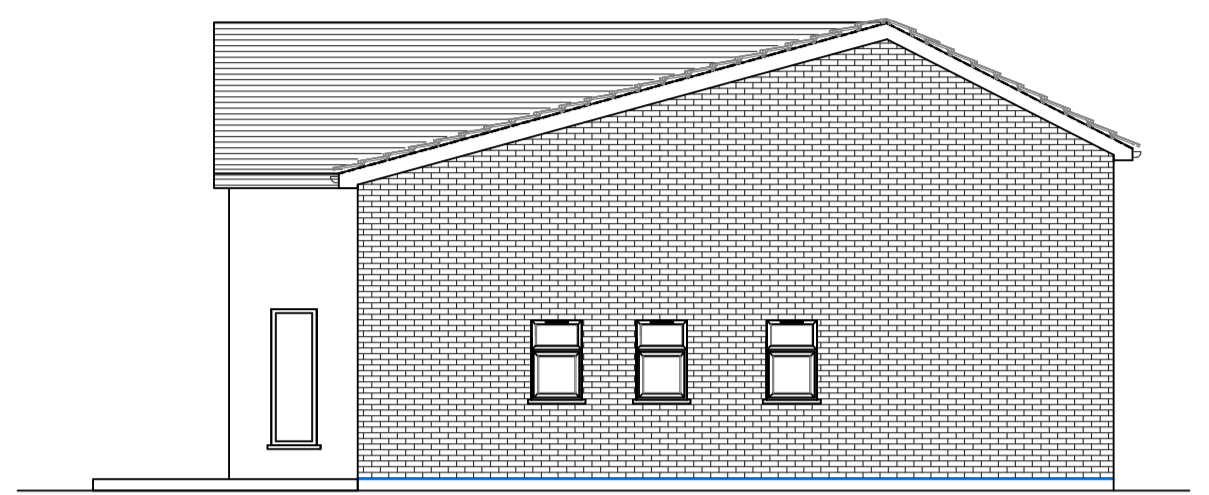
Proposed Front Elevation 1:100



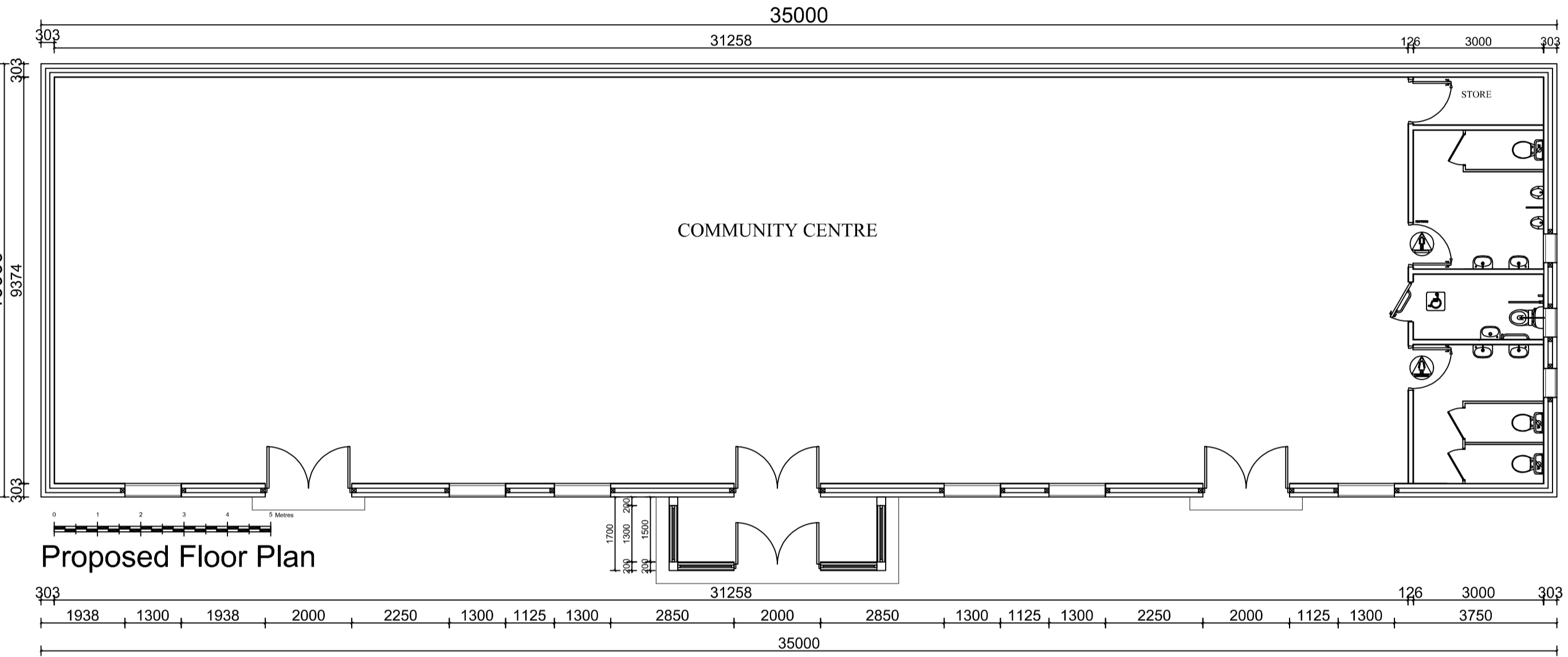
Proposed Rear Elevation



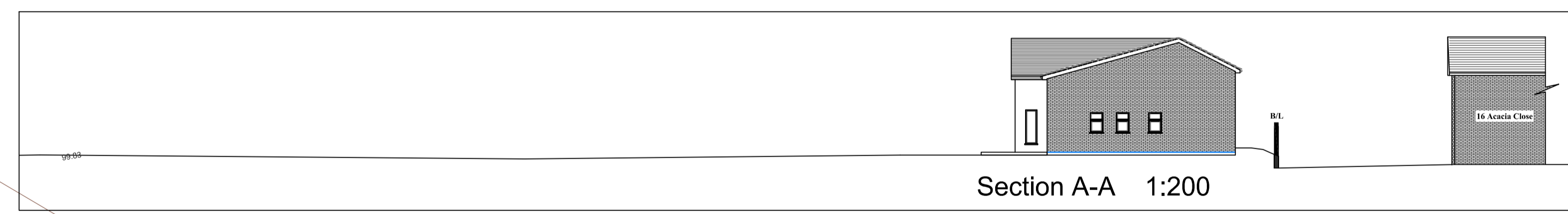
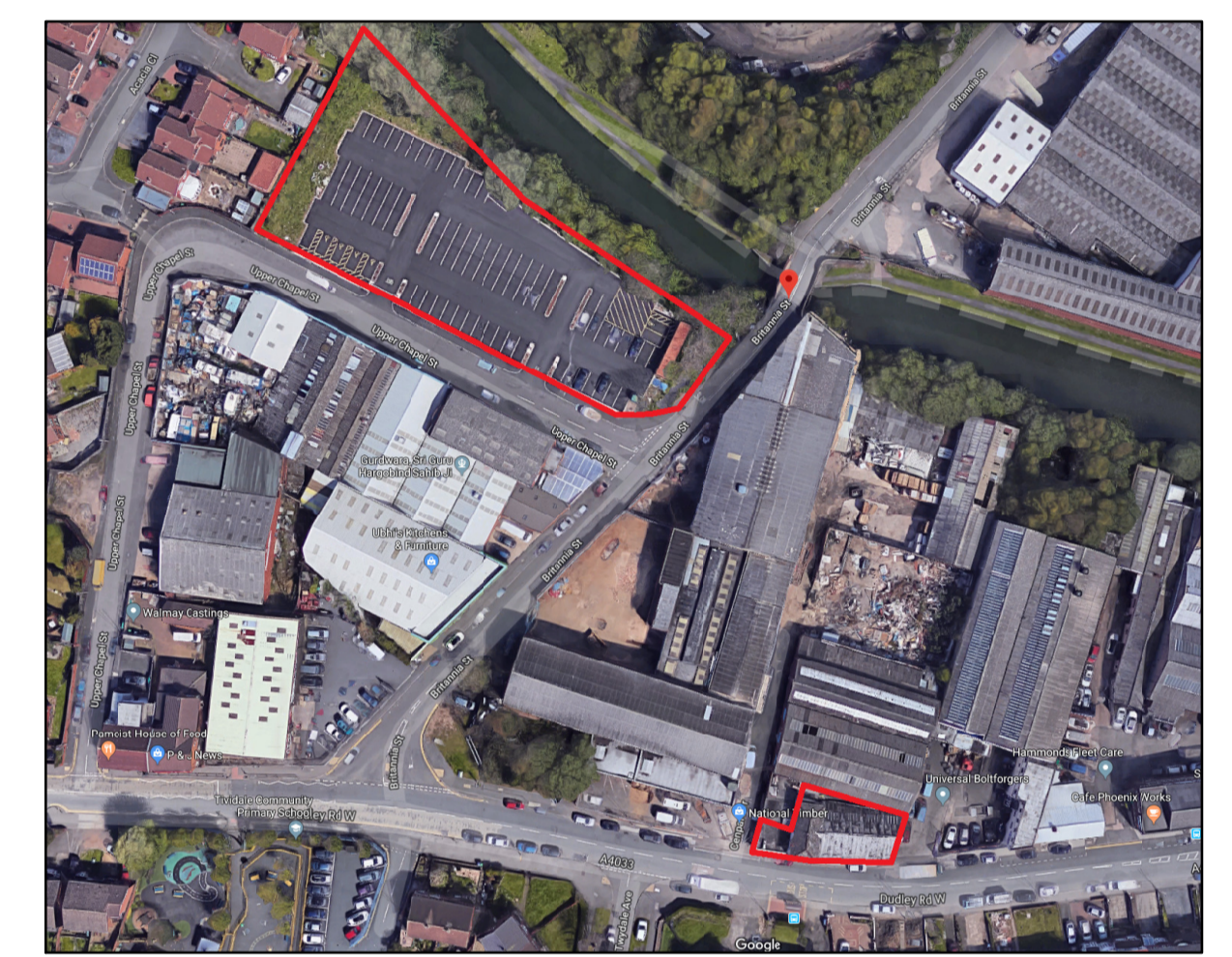
Side Elevation (facing Upper Chapel Street)



Side Elevation (facing the canal)

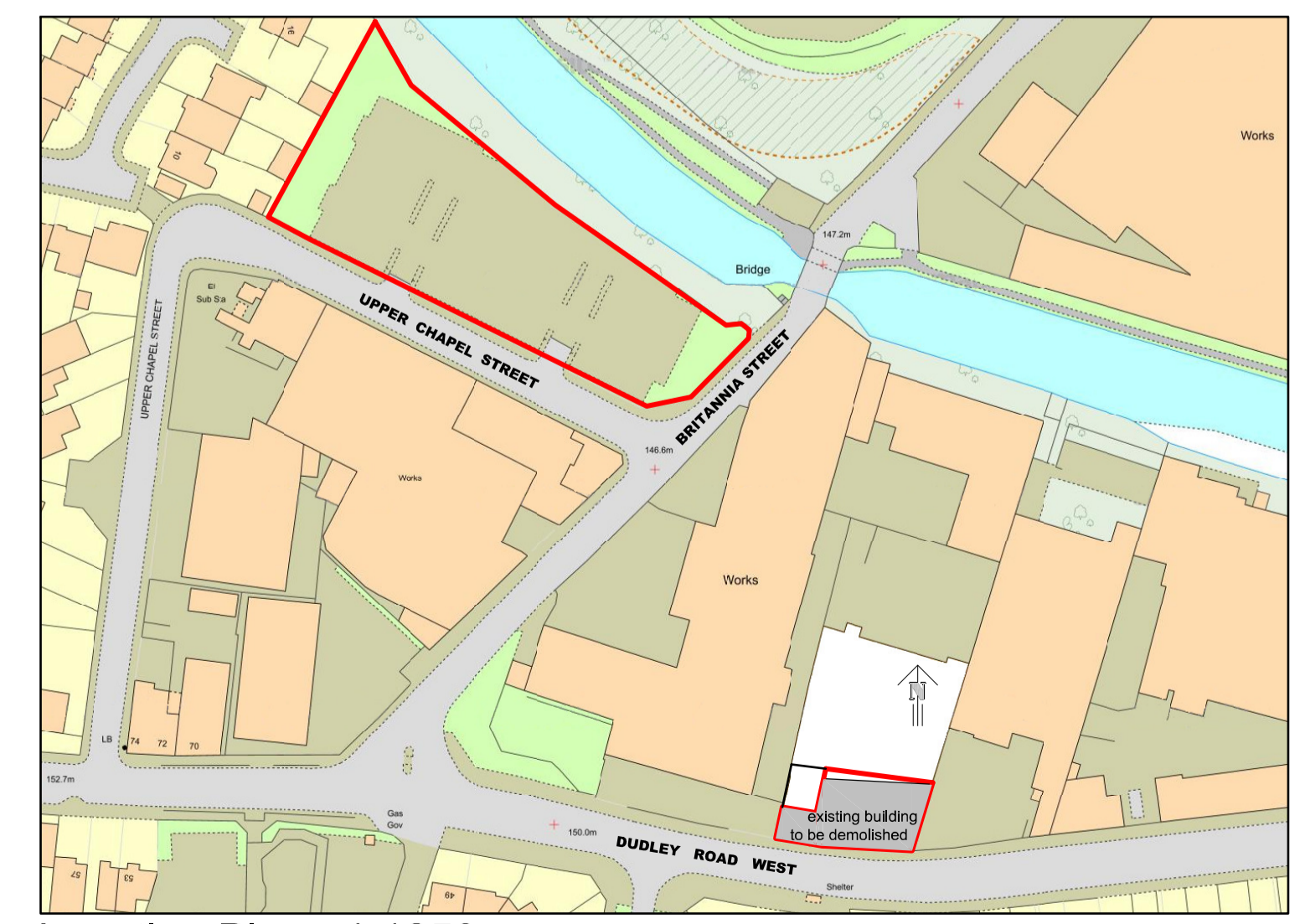


Proposed Floor Plan



Section A-A 1:200

# Planning Refusal DC/17/61185



Location Plan 1:1250



38 Old Walsall Road,  
 Great Barr,  
 Birmingham, B42 1NP  
 Tel: 0121 358 2233  
 Fax: 0121 357 7492  
 Email: contact@integratedesigns.co.uk

Party Wall Act 1996 - The client is the building owner, and as such should take necessary steps to comply with the act where applicable.  
 CDM - It is the client's responsibility to take all necessary steps to fully comply with the CDM regulations 2007. The designer has taken necessary action to avoid injury or incident within the specification and reasonable & practicable steps in the design of the building.  
 These drawings are for Planning and Building Regulations approval only. Figured dimensions must be taken in preference to scaled. All dimensions must be checked on site by the contractor. Advice of any discrepancies before commencing work no liability is taken for any deviation or any unreported variations found on site prior to doing work is in progress.  
 The copyright of this drawing is vested in the Architect and must not be copied or reproduced without consent.

Project:  
 Britannia Street Community Centre  
 Planning Re-submission  
 Location:  
 Britannia Street  
 Tipton  
 Oldbury B69 2PG  
 Client:

Scale:  
 1:100 / 1:250 / 1:500 @ A1  
 Drawing No. TW/182/501 Date 22 May 2019 Checked

Canmoor (Oldbury) Ltd C/o Agent Michael Sparks Associates Units 11 And 12 Plato Place 72-74 St Dionis Road London SW6 4TU	<b>Proposed development to provide 2 No. units comprising of Industrial process (Class B1c), General Industrial (Class B2), Storage or Distribution (Class B8) with ancillary offices, car parking, landscaping, service yard areas, and associated external works</b> Land Adj To Asda Wolverhampton Road Oldbury
---	---

**Date Valid Application Received:** 10<sup>th</sup> July 2019

**1. Recommendations**

That members visit the site.

**2. Observations**

This application has been reported to your Committee at an early stage because the proposal has generated a high volume of objections and to enable Members to visit the site. The application site relates to land between Asda, adjacent to junction 2 of the M5, and the west of Titford Road, Oldbury.

The land is allocated for employment use within the Site Allocations and Delivery Development Plan Document but the land itself is undeveloped land which consists of natural vegetation which includes trees and is known to have protected wildlife within the site.

The applicant proposes to construct two industrial units which would be marketed for Industrial process (Class B1c), General Industrial (Class B2), Storage or Distribution (Class B8). Access would be gained from the roundabout serving Asda and Junction 2 (M5). The units would be situated adjacent to the boundary with the gardens of Titford Road being between 5 metres and 10 metres from this boundary. Trees would be retained and further tree planning would be incorporated along this boundary. The

units would measure 76 metres (W) by 45 metres (L) by 12 metres (H) (Unit 1) and 57 metres (W) by 45 metres (L) by 12 metres (H) (Unit 2). Ancillary offices would be attached to each unit with associated servicing beyond to include HGV parking and 63 car parking spaces.

The proposal is accompanied by a Planning Statement, Design and Access Statement, Tree Survey, Ecology appraisals and a Transport Statement, Travel Plan, Air Quality Assessment, Noise Assessment and Environmental Impact Assessments.

This is a summary report and does not seek to assess the proposal. A full report will be prepared for your Committee meeting in October 2019.

The application has been publicised by neighbour notification letters. Consultations have also been carried out with a variety of organisations.

Whilst a visit to the site will take place before this meeting, a full report will be presented to your next Planning Committee in October 2019.

### **3. Relevant History**

DC/03/41246 - Proposed additional car parking. Refused 29.09.2004

DC/20712 - Change of use to car parking in connection with U.K. Car Auction business. GC 17.11.1986

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

National Planning Policy Framework promotes sustainable development

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

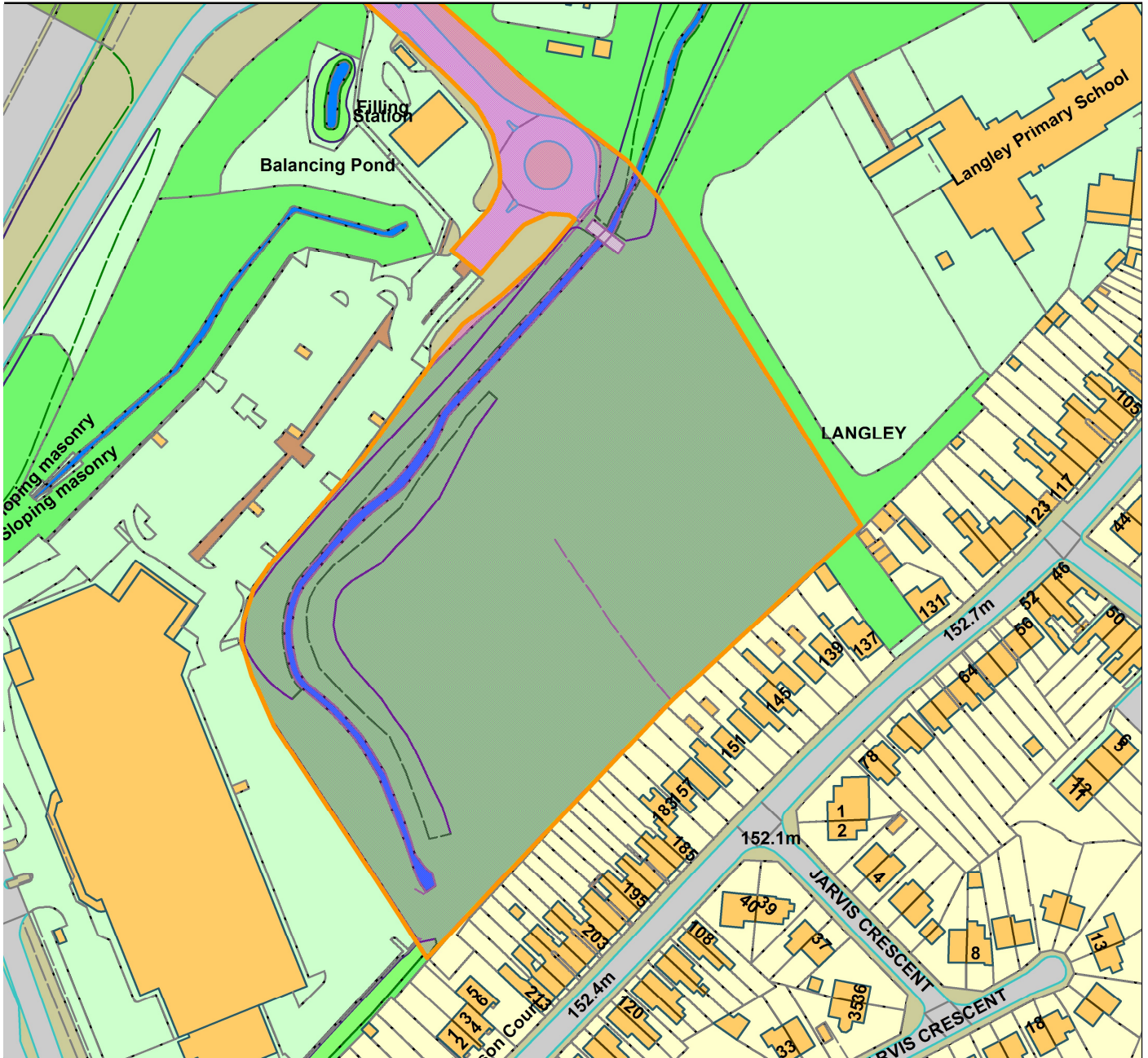
Various policies

### **6. Contact Officer**

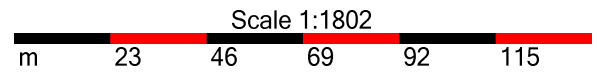
Alison Bishop  
0121 569 4039  
alison\_bishop@sandwell.gov.uk

DC/19/63297

Land Adj to Asda, Wolverhampton Road



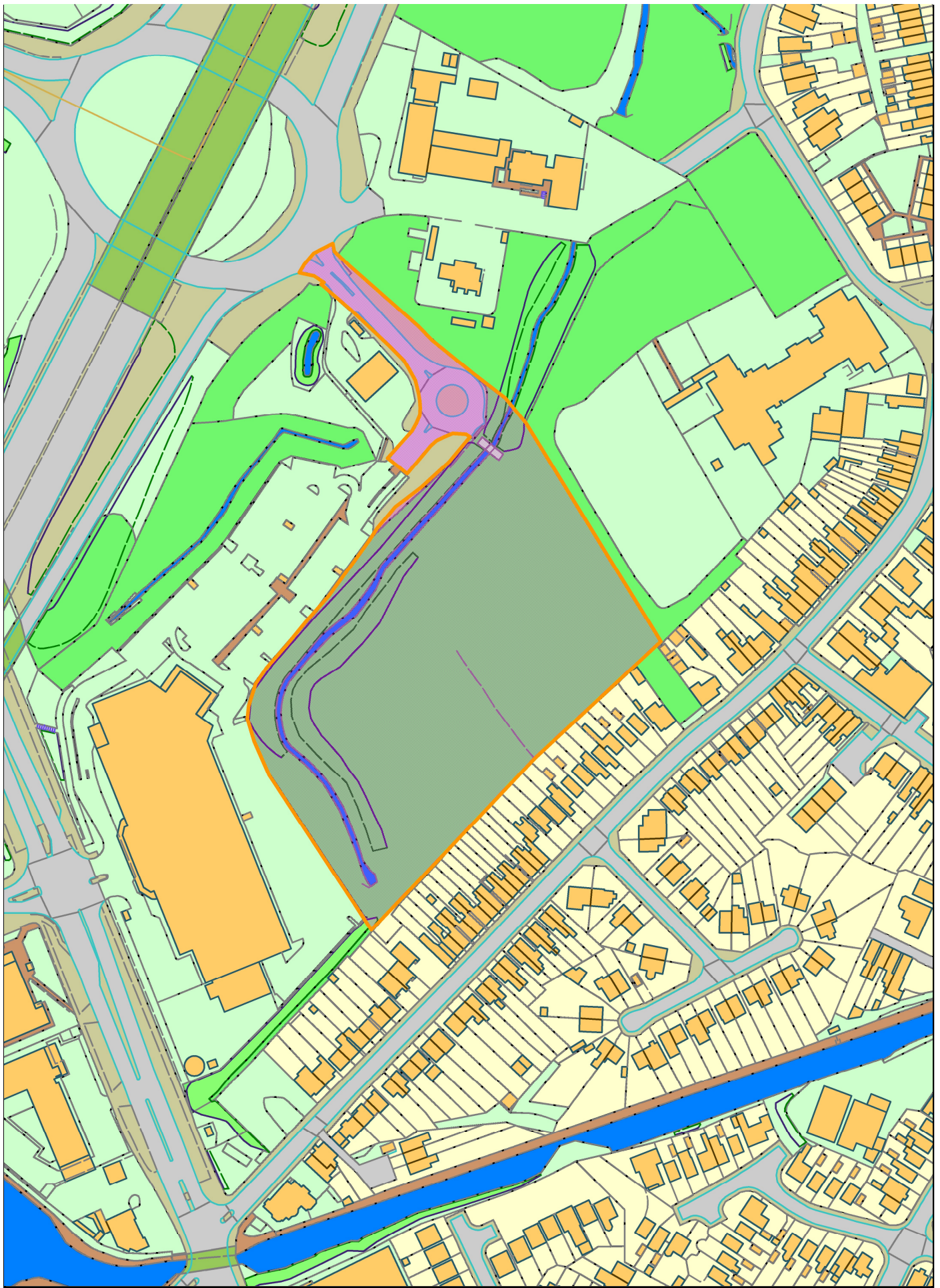
**Legend**



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## Planning Committee

**4 September 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 Development Planning Manager <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/19/63037 West Bromwich Central	Bellagio Ristorante Italiano Seagar Street West Bromwich B71 4AN	Reserved matters application for access, appearance, landscaping, layout and scale for proposed residential development comprising 19 apartments (following outline application DC/18/62437).	Grant Conditional Reserved Matters  13th August 2019
DC/19/63075 Newton	15 Farnham Close Great Barr Birmingham B43 5RN	Proposed first floor rear extension.	Grant Permission with external materials  13th August 2019
DC/19/63121 West Bromwich Central	26 New Square West Bromwich B70 7PP	Proposed change of use from retail (Class A1) to a non-surgical hair removal, skin care and beauty treatment clinic (Class D1).	Grant Permission  5th August 2019



Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63132 Soho & Victoria	434 High Street Smethwick B66 3PJ	Proposed demolition of outbuildings and erection of two storey rear extension to provide office and store room at ground floor and additional bedroom at first floor flat.	Grant Permission with external materials  14th August 2019
DC/19/63151 Charlemont With Grove Vale	29 Pear Tree Drive Great Barr Birmingham B43 6HR	Proposed two storey and first floor rear extensions.	Grant Permission with external materials  7th August 2019
DC/19/63168 Rowley	172 Throne Road Rowley Regis B65 9LD	Proposed first floor rear extension, conservatory to rear and extension of existing roof above porch to front (revised application DC/19/62652).	Grant Permission with external materials  13th August 2019
DC/19/63169 Smethwick	21 South Road Smethwick B67 7BN	Proposed 2 self contained flats on second floor with 3 dormer windows to the front and 1 dormer window to the rear.	Grant Permission with external materials  7th August 2019
DC/19/63186 Bristnall	52 Vicarage Road Oldbury B68 8HL	Proposed 3 No. 1 bedroom flats at first and second floors with new access door at ground floor and external alterations.	Grant Permission  7th August 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63179 Bristnall	221 Pound Road Oldbury B68 8NF	Proposed single and two storey side/rear extension and single storey rear extension (Revised application DC/19/62762).	Grant Permission with external materials  7th August 2019
DC/19/63180 Great Barr With Yew Tree	25 Beechwood Road Great Barr Birmingham B43 6JN	Proposed single and two storey side and single storey rear extension.	Grant Permission with external materials  13th August 2019
DC/19/63182 West Bromwich Central	25 Beeches Road West Bromwich B70 6QE	Proposed change of use and loft conversion to create 8 No. bed house in multiple occupancy (HMO) with alterations to front elevation.	Grant Permission Subject to Conditions  9th August 2019
DC/19/63194 Wednesbury North	Stuart Bathurst Catholic High School College Of Performing Arts Wood Green Road Wednesbury WS10 9QS	Proposed 2.4m high mesh fencing with motorised vehicle and pedestrian gate at boundary front.	Grant Permission Subject to Conditions  7th August 2019
DC/19/63196 Cradley Heath & Old Hill	33 Marquis Drive Halesowen B62 8TE	Proposed single storey side extension.	Grant Permission with external materials  19th August 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63205 Greets Green & Lyng	65 Dawes Avenue West Bromwich B70 7LR	Retention of single storey rear extension/conservatory.	Grant Retrospective Permission  7th August 2019
DC/19/63207 Old Warley	26 Elm Croft Oldbury B68 0BQ	Proposed single and two storey side extension and single storey rear extension (Revised application - DC/19/62920).	Grant Permission with external materials  9th August 2019
DC/19/63214 Soho & Victoria	86 Victoria Park Road Smethwick B66 3QL	Proposed loft conversion with roof alterations and rear dormer to create an additional flat.	Grant Permission with external materials  13th August 2019
PD/19/01204 St Pauls	102 Holly Lane Smethwick B67 7LA	Proposed single storey rear extension measuring: 3.0m L x 3.025m H (2.35m to eaves)	P D Householder not required  7th August 2019
DC/19/63218 Greets Green & Lyng	26 Turner Street West Bromwich B70 9HY	Proposed two storey side extension.	Grant Permission with external materials  9th August 2019
DC/19/63219 Bristnall	8 Landswood Road Oldbury B68 9QE	Proposed single storey front, side and rear extension.	Grant Permission with external materials  9th August 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63223  Wednesbury North	117 Park Lane Wednesbury WS10 9PT	Proposed single storey granny annex to front.	Refuse permission  13th August 2019
DC/19/63224  Langley	280 Throne Road Rowley Regis B65 9JS	Retention of shed in rear garden.	Grant Conditional Retrospective Consent  9th August 2019
DC/19/63227  Old Warley	636 Hagley Road West Oldbury B68 0BS	Proposed single and two storey side extension and single storey rear extension.	Grant Permission with external materials  13th August 2019
DC/19/63228  Cradley Heath & Old Hill	1 Briery Close Cradley Heath B64 7LQ	Demolition of existing outbuildings and proposed single storey side and rear extension with front porch.	Grant Permission Subject to Conditions  13th August 2019
DC/19/6633A  Old Warley	Primesight Advert Hoardings 043101 To 6 And Pole Mounted Hoarding Wolverhampton Road Oldbury	Proposed replacement of an existing 48-sheet advertisement display with an illuminated 48- sheet digital advertisement display and removal of 1 no existing 48-sheet advertisement display.	Refuse Advertisement Consent  8th August 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
PD/19/01208 West Bromwich Central	187 Princess Parade High Street West Bromwich B70 7RD	Proposed change of use from retail (A1) to a restaurant (A3).	Prior Approval is Required and Refused  13th August 2019
PD/19/01209 West Bromwich Central	189 Princess Parade High Street West Bromwich B70 7RD	Proposed change of use from retail (A1) to restaurant (A3).	Prior Approval is Required and Refused  13th August 2019
DC/19/63232 Oldbury	Holmes Electrical 37 Birmingham Street Oldbury B69 4DY	Proposed two storey rear extension to form new enclosed staircase.	Grant Permission with external materials  13th August 2019
DC/19/63233 Wednesbury South	7 York Crescent West Bromwich B70 0JT	Proposed first floor side extension.	Grant Permission with external materials  5th August 2019
DC/19/63234 Friar Park	20 Norfolk Drive Wednesbury WS10 0SW	Proposed single storey rear and side extension.	Grant Permission with external materials  13th August 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63235 Tividale	90 Poplar Avenue Tividale Oldbury B69 1RW	Proposed single storey rear extension and porch with canopy.	Grant Permission Subject to Conditions  14th August 2019
DC/19/63239 West Bromwich Central	Flat 14 Carters Green West Bromwich B70 9LW	Demolition of existing extension and proposed first and second floor rear extension to provide two studio apartments at first and second floor, with external stairwell to rear and associated car parking (revised proposal subsequent to refused application DC/19/62794).	Grant Permission with external materials  19th August 2019
DC/19/63241 Smethwick	78 Hall Road Smethwick B67 6SQ	Proposed single storey side/rear extension.	Grant Permission with external materials  9th August 2019
DC/19/63242 Wednesbury North	74 Wood Green Road Wednesbury WS10 9QW	Proposed change of use of garage to hair salon (class A1) with new shop front.	Grant Permission Subject to Conditions  14th August 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63245 Soho & Victoria	16 Edgbaston Road Smethwick B66 4LA	Proposed single storey rear extension.	Grant Permission with external materials  19th August 2019
DC/19/63246 Hateley Heath	37 Coles Lane West Bromwich B71 2QJ	Proposed single storey rear extension.	Grant Permission with external materials  14th August 2019
DC/19/63249 Cradley Heath & Old Hill	11 Slater Close Cradley Heath B64 6JB	Proposed single storey rear extension and garage conversion.	Grant Permission with external materials  19th August 2019
DC/19/63253 Cradley Heath & Old Hill	115 Timbertree Crescent Cradley Heath B64 7NR	Demolish outbuilding and proposed single storey side and rear extension.	Grant Permission with external materials  14th August 2019
DC/19/63262 Hateley Heath	23 Ely Crescent West Bromwich B71 2SD	Proposed single storey side extension.	Grant Permission with external materials  14th August 2019


Application No. Ward	Site Address	Description of Development	Decision and Date
PD/19/01219 Rowley	5 Highland Road Cradley Heath B64 5NB	Proposed single storey rear extension measuring: 3.2m L x 3.8m H (2.9m to eaves)	P D Householder not required  7th August 2019
DC/19/63259 Great Barr With Yew Tree	60 Peak House Road Great Barr Birmingham B43 7SA	Proposed single storey rear and first floor side extensions.	Grant Permission with external materials  13th August 2019
DC/19/63275 Great Barr With Yew Tree	20 Capener Road Great Barr Birmingham B43 6LA	Retention of single storey rear extension and raised patio (revision to application DC/19/62907).	Grant Retrospective Permission  7th August 2019
DC/19/63271 Smethwick	23 Parkhill Road Smethwick B67 6AS	Retention of single storey side extension.	Grant Retrospective Permission  19th August 2019
PD/19/01222 Old Warley	28 Apsley Road Oldbury B68 0QZ	Proposed single storey rear extension measuring: 4.0m L x 4.0m H (3.0m to eaves)	P D Householder not required  7th August 2019
PD/19/01223 Wednesbury South	6 Adelaide Avenue West Bromwich B70 0SL	Proposed single storey rear extension measuring: 6.0m L x 3.0m H (3.0m to eaves)	P D Householder not required  7th August 2019



Application No. Ward	Site Address	Description of Development	Decision and Date
PD/19/01229 St Pauls	13 Greenwood Avenue Oldbury B68 8JF	Proposed single storey rear extension measuring: 6.0m L x 4.0m H (3.0m to eaves)	P D Householder not required  8th August 2019

## Planning Committee

**4 September, 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 Development Planning Manager <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;">Notes the decisions of the Planning Inspectorate as detailed in the attached appendices.</p>
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#### 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</b>	<b>Site Address</b>	<b>Inspectorate</b>
DC/18/62395	Unit 21 (Former TRAC Heaton Ltd) Pleasant Street West Bromwich	Allowed with conditions  Costs refused
DC/19/62930	70 Phoenix Street West Bromwich B70 0AA	Dismissed
DC/19/6617A	Advertisement Hoarding 574 Bearwood Road Smethwick	Dismissed

## **4 STRATEGIC RESOURCE IMPLICATIONS**

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

## **5 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 5.1 The Planning Committee has delegated powers to determine planning applications within current Council policy.
- 5.2 Section 78 of the Town and Country Planning Act 1990 gives applicants a right to appeal when they disagree with the local authority's decision on their application, or where the local authority has failed to determine the application within the statutory timeframe.

**Amy Harhoff**  
**Director – Regeneration and Growth**



---

# Appeal Decision

Site visit made on 19 July 2019

**by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC**

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

**Decision date: 13 August 2019**

---

**Appeal Ref: APP/G4620/W/19/3227763**

**Unit 21 Mount Pleasant Street, West Bromwich B70 7DP**

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr S Ali against the decision of Sandwell Metropolitan Borough Council.
  - The application, ref. DC/18/62395, dated 8 November 2018, was refused by notice dated 15 February 2019.
  - The development proposed is the change of use of an industrial unit to a snooker hall.
- 

## Decision

1. The appeal is allowed and planning permission is granted for the change of use of an industrial unit to a snooker hall; at Unit 21 Mount Pleasant Street, West Bromwich B70 7DP, subject to conditions attached as an annex to this decision.

## Preliminary Matter

2. As part of the appeals process, the Appellant has submitted correspondence via emails from the West Midlands Police Licensing Unit with regards to crime levels in the area<sup>1</sup>. This further information submitted by the appellant provides additional clarification to a main issue and which does not result in changes to the scheme. The Council have commented upon this information and in accordance with the 'Wheatcroft Principles'<sup>2</sup> I find that the acceptance of this further information would be appropriate and not deprive those who should have been consulted or the opportunity of such consultation. As such, I will accept this further information and will base my decision upon it.

## Main issues

3. The main issues are:
  - The effect of the development upon highway safety, with particular regard to vehicular parking; and
  - Whether the proposed use would cause an unacceptable risk to the locality as a result of crime and anti-social behaviour.

---

<sup>1</sup> Email correspondence between Mohammed Tanveer and PC Nicholas Steventon, dated 5 April 2019, 6 April 2019, 8 April 2019, and 12 April 2019.

<sup>2</sup> Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

## Reasons

### *Highway Safety*

4. The appeal site lies on the corner of Mount Pleasant Street and Pleasant Street, which are both cul-de sacs within an industrial estate, although the opposite side of Mount Pleasant Street backs onto residential properties that front onto Newhall Street. The appeal site contains a single storey industrial building that is setback from Pleasant Street and Mount Pleasant Street, with an informal gravelled area between the footpath along Pleasant Street and the building for vehicular parking. An enclosed open area is to the front of the building along Mount Pleasant Street.
5. I appreciate that the parking and highway conditions that I experienced on my site visit was only a snapshot of the parking at this particular time, however I have also considered the evidence submitted by both main parties and, in the light of this, I am satisfied that what I saw represents typical conditions.
6. Mount Pleasant Street and Pleasant Street have unrestricted parking on both sides and whilst wide, there did appear to be a reasonable amount of on street parking, albeit when this occurs on both sides of the road it impedes simultaneous two-way flow. The result being that vehicles often have to stop momentarily to give way to traffic coming in the opposite direction. However, as the streets are cul-de-sacs, it appeared that traffic volumes are fairly low and driven speeds are under the 30mph speed limit and that many of the uses are industrial in nature and do not operate into the evening. I have not been made aware of a poor accident record for either of the streets and therefore I deduce that despite its deficiencies, both Mount Pleasant Street and Pleasant Street operate satisfactorily without any significant highway safety issues.
7. The site would provide a total of 23 spaces and cater for a maximum of 39 people on site at any one time, including staff. Given that the site has good accessibility to public transport, and an average forecasted occupancy of 60% at any one time, the existing car parking would be able to cater for the likely demand from the proposed use. Whilst I note that comments are made with regards to the appeal site being utilised informally for the parking of vehicles from the surrounding area, the use of the site should enable this informal parking to be brought under control and does not indicate that these cars cannot be catered for within their own industrial sites or within on street parking. Despite this, the assessment is whether the change of use would itself displace vehicles onto the highway, and in this particular circumstance I am not convinced that this would be the case.
8. Given the operation of the facility would typically attract more customers during the afternoon and the evening, the roads at this time would also be free of parked vehicles with the industrial units being closed at this time.
9. That said, I am not convinced that the change of use would displace vehicles onto the road that would result in unacceptable impacts towards highway safety. As such the scheme would be compliant with Paragraph 109 of the National Planning Policy Framework (the Framework) which seeks that applications should prevent unacceptable impacts towards highway safety, or the residual cumulative impacts on the road network would be severe.

### *Crime and anti-social behaviour*

10. Paragraph 91 of the Framework seeks that developments ensure that environments are safe and accessible, so that crime and disorder, and the fear of crime, does not undermine the quality of life or community cohesion.
11. Whilst no detailed reports of incidents have been submitted, the Council note that within this particular area that anti-social behaviour is the second highest crime reported after assaults and is a crime type that is increasing; and that the area of the appeal site is ranked fourth in the Council area in terms of vehicular thefts. During the appeal the Appellant has submitted an email from the West Midlands Police which confirms the area is regularly patrolled and advice with regards to opening hours, whether the premises would be licensed, live music and people leaving the premises which can cause nuisance to surrounding residential dwellings. I also acknowledge comments from residents who express concerns regarding the proposed use likely attracting anti-social behaviour and a potential increase of crime. However, I also note that the proposed use would not sell alcohol (which much of the anti-social behaviour appears to stem from) and hours of opening would be restricted from 9:00 -21:00 Monday to Saturdays and 10:00-16:00 on Sundays.
12. Based on the evidence before me, there is no firm evidence that such occurrences of crime, which are ultimately a matter for the relevant authorities to manage, would be attributed to the proposed change of use. Whilst I note submissions from surrounding residents of newspaper articles of crime at snooker halls, these are isolated incidents which do not represent the typical snooker use or industry as a whole. Crime and disorder does not seem to me to be an inevitable consequence of a snooker use, but is rather a question of individual behaviour and appropriate management.
13. That said, I find that the change of use on its own or cumulatively, in the absence of any compelling evidence, would not likely increase opportunities for crime and anti-social behaviour. It follows that the scheme would not conflict with paragraph 91 of the Framework which seeks that developments ensure that environments are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

### **Other Matters**

14. I note comments from neighbouring residents regarding proposed noise levels and resultant harm caused to living conditions as a result of the new use which were initially objections to an earlier version of the application whereby opening hours were much later and information about the management of the facility was not as detailed. During the course of the application, the opening times have been revised as well as the operation of the venue with customers needing to book, with no sale of alcohol on the premises. These concessions made as part of the application should not result in adverse detriment to living conditions of surrounding residents.

### **Conclusions and Conditions**

15. For these reasons, and having considered all matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be

allowed and planning permission granted, subject to the conditions as detailed in the annex accompanying this decision.

16. I refer to the conditions specified by the Council in their Statement of Case, if the appeal was to be allowed and have considered them in accordance with the Planning Practice Guidance (PPG). It is also noted that each of the proposed pre-commencement conditions were agreed with the Agent for the Appellant in reply to a Regulation 2(4) Notice of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 which was issued by the Planning Inspectorate on 12 August 2019 and responded by the Agent for the Appellant by email dated the 12 August 2019.
17. Suggested Conditions 1 and 2 seek time periods for the decision and the compliance with approved plans. This is necessary for the avoidance of doubt and in the interests of proper planning.
18. Suggested Conditions 3 and 4 seeks to restrict opening hours of the use and also the use of amplified sound which is necessary in the interests of residential living conditions, with some residences being located nearby which could be affected by noise.
19. Suggested Condition 5 seeks the approval of boundary walls and fences. This is necessary to approve suitable boundary treatment which will fit in with the character, privacy and appearance of the area. The condition is necessary as a pre-commencement condition as the parking facilities need to be in place before the use starts.
20. Suggested Condition 6 seeks the laying out of the car parking area which is necessary in that it assists in controlling the movement of cars within the parking area and ensuring that adequate off-street parking facilities are supplied for the safety and convenience of users of the highway. The condition is necessary as a pre-commencement condition as the parking facilities need to be in place before the use starts.
21. Suggested Condition 7 seeks to limit the use of the building to only the snooker use, which is considered necessary as different uses within the use class may need further consideration as to their appropriateness.
22. Suggested Condition 8 seeks to create a formal vehicular dropped kerb in order to facilitate access to the car parking area. This condition is necessary in that it assists in controlling the movement of cars within the parking area and ensuring that adequate off-street parking facilities are supplied for the safety and convenience of users of the highway. The condition is necessary as a pre-commencement condition as the parking facilities need to be in place before the use starts.
23. In order to provide further clarity, I have reordered the conditions in terms of one that require pre-commencement located to the top.

*J Somers*

INSPECTOR



**Annex: Schedule of conditions**

1. The development must conform with the terms of and the plans accompanying the application for permission and must remain in conformity with such terms and plans, save as may be otherwise required by (any of) the following condition(s), or approved amendment(s).
2. The development must be begun not later than the expiration of 3 years from the date of this permission.
3. a) Before the development is commenced details of any walls or fences to be erected on the boundaries of the site shall be submitted to and approved by the local planning authority.  
b) The approved boundary walls or fences shall be constructed in accordance with the approved details and thereafter retained as such.
4. a) Before the use is commenced space shall be provided (including marking out) within the curtilage of the site for the parking and manoeuvring of vehicles in accordance with the approved details.  
b) When provided the approved space for the parking, loading, unloading and manoeuvring of vehicles shall be retained as such.
5. The development shall not be brought into use unless and until a new vehicle crossing has been provided to serve the development hereby approved by this permission in accordance with details submitted in writing to and approved by the local planning authority.
6. The use hereby approved shall be open only between 09.00 - 21.00 hours Mondays to Saturdays, 10.00 - 16.00 hours on Sundays and there shall be no opening on Bank Holidays.
7. There shall be no amplification of sound to a degree that it is audible outside the application premises.
8. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 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 used solely for the use applied for and for no other purposes.

## Costs Decision

Site visit made on 19 July 2019

by **J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC**

an Inspector appointed by the Secretary of State

**Decision date: 13 August 2019**

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### **Costs application in relation to Appeal Ref: APP/G4620/W/19/3227763 Unit 21 Mount Pleasant Street, West Bromwich B70 7DP**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr S Ali for a full award of costs against Sandwell Metropolitan Borough Council.
  - The appeal was against the refusal of planning permission for the change of use of an industrial unit to a snooker hall.
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### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. The National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The PPG makes clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and not on *'vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.'*<sup>1</sup>
4. Whilst the Council is not duty bound to follow the advice of its professional officers, if a different decision is reached, the Council has to clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning. The appellant lists a number of grounds for what, in their opinion, represents unreasonable behaviour by the Council, which are dealt with in turn below.

*Dealing with the application in a proactive manner with an unhelpful approach, with the Council Members deciding against the decision of its professional officers.*

5. It is understood that the application for the change of use was a result of enforcement action carried out by the Council. In this respect it appears to me that the Council's professional officers worked proactively with the appellant in discussing the proposed use and options and amending the application such as via reducing hours, increasing parking, in order for the application to be more appropriate considering its context.
6. Whilst the Council members at their committee decided to make a decision against the advice of its officers, they are entitled to do this, however must have a sound and robust basis for doing so.

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<sup>1</sup> PPG, 049 Reference ID: 16-049-20140306, Dated 06 03 2014

<https://www.gov.uk/planning-inspectorate>

7. In undertaking their assessment, the Council Members applied their own local knowledge which they gave significant weight to in coming to an assessment of the application's acceptability. I do not see evidence that the Council's professional officers were unhelpful, and that an appeal could have been avoided. A valid and robust approach was undertaken by Council Members in the determination of the scheme. I do not feel that the Council has acted unreasonably in this regard.

*Prevent a legitimate development when there have been other recent approvals on the site for the same class use D2.*

8. A historic planning permission<sup>2</sup> approved a D2 use on the site, however this was for an indoor sports facility rather than a snooker hall. Whilst both the previously approved use and the proposed use are within the same D2 use class, they are not identical and require different assessments with regards to their appropriateness based upon the specifics of the use. In the case of the previous approval, the site ran on a membership basis whereby the Council felt that issues regarding parking and crime were different.
9. Whilst of the same use class, the merits of each scheme were significantly different and required different considerations. Accordingly, I find that the Council has not failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. The Council had reasonable concerns about the impact of the proposed development which justified its decision. I do not find that the former approval was analogous to this application and the appellant had to address those concerns and the evidence of third parties in any event. As such, unreasonable behaviour in accordance with the PPG has not been demonstrated.

*Vague, generalized or inaccurate assertions about a proposal impact which are unsupported by any objective analysis. The appellant has produced proof from the WMP, which contradicts the LPA assertions.*

10. Reason for Refusal No2 related to the levels of crime and the proposals impact towards that level of crime. The Council based their findings upon correspondence from the West Midlands Police with regards to the location being the fourth most vulnerable location in the council area which may generate more vehicle crime. This information as well as local knowledge from the council members and views of surrounding residents was taken into account during the planning application.
11. Whilst the Appellant submitted a further email from the West Midlands Police, this was during the appeals process, and after the determination of the application. The email correspondence presented does not contradict the Council's opinion on levels of crime or potential anti-social behaviour, but rather gives advice on appropriate management and ways in which problems can be appropriately managed.
12. That said, the Council's judgement and opinion on the levels of crime was fully justified and I do not believe that unreasonable behaviour in accordance with the PPG has been demonstrated.

*Planning permission on a planning ground capable of being dealt with by conditions.*

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<sup>2</sup> Sandwell Council Planning Ref: DC/15/58037

13. The Appellant has not described in their reasoning of how the reasons for refusal could have adequately been dealt with via conditions, meaning that the appeal could have been avoided. It is unclear how a condition could negate against the fear of crime and would be unlikely to be compliant with the PPG on the necessity of conditions as it would most likely not be able to be enforced. According to the Council, no correspondence from the appellant in the form of a potential condition was presented in order to demonstrate that a condition could be undertaken.
14. I am therefore not convinced that conditions could have overcome the concerns of the Council members and as such, the Council has not behaved unreasonably in this respect.

### **Conclusion**

15. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

*J Somers*

INSPECTOR

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# Appeal Decision

Site visit made on 22 July 2019

by **David Fitzsimon MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 July 2019

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**Appeal Ref: APP/G4620/D/19/3230384**  
**70 Phoenix Street, West Bromwich B70 0AA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Mohammed Islam against the decision of Sandwell Metropolitan Borough Council.
  - The application Ref DC/19/62930, dated 5 March 2018, was refused by notice dated 20 May 2019.
  - The development proposed is a two storey rear extension.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue in this case is the effect of the proposal on the occupiers of No. 68 Phoenix Street with particular regard to outlook and access to natural light.

## Reasons

3. The appeal relates to a semi-detached dwelling. It has a single storey rear extension which spans the full width of the dwelling and projects some 4 metres from its main rear elevation. This extension sits directly on the boundary with the attached dwelling, No. 68 Phoenix Street.
  4. The proposal seeks to add a first floor directly on the footprint of the existing rear extension. Whilst the nearest first floor window of No. 68 serves a bathroom and is fitted with obscured glazing, the nearest ground floor opening is a set of patio doors, which serves a habitable room.
  5. The positioning and rearward projection of the proposed extension in relation to these patio doors does not accord with the 45 degree rule referred to by the appellant. To my mind, the additional height at first floor level would be oppressive when viewed from the rear room at No. 68 which is served by the patio doors. The first floor extension would also be overbearing when viewed from the nearest part of its garden.
  6. Furthermore, No. 68 sits on a narrow plot. The oppressive effect of the proposed extension would be somewhat exacerbated by the position of the dwelling at No. 66 Phoenix Street, which sits close to the boundary with No. 68
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and whose two storey side elevation projects even further than the proposed extension. The result would see the proposed first floor extension having an enclosing effect.

7. In addition, I consider that the increased height and massing of the proposed first floor extension would cast a much greater shadow over the nearest section of the rear elevation of No. 68 at certain times of the day than the existing ground floor extension. The effect would materially reduce the levels of natural light entering the room served by the patio doors I have referred to.
8. For the above reasons, I conclude that the proposed first floor extension would unacceptably harm the outlook for the occupiers of No. 68 Phoenix Street, and it would also reduce the levels of natural light available to this property at certain times of the day. In such terms, it conflicts with policies ENV3 and SAD EOS 9 of the adopted Black Country Core Strategy, which collectively promote high quality design and good place making.
9. In light of the above factors, and having considered all other matters raised, the appeal does not succeed.

*David Fitzsimon*

INSPECTOR



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## Appeal Decision

Site visit made on 16 July 2019

by **M Harris BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 August 2019

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### Appeal Ref: APP/G4620/Z/19/3232320

### 574 Bearwood Road, Smethwick B66 4BW

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Mr Jonathan Chandler (Wildstone Capital Limited) against the decision of Sandwell Metropolitan Borough Council.
  - The application Ref DC/19/6617A, dated 6 March 2019, was refused by notice dated 13 May 2019.
  - The advertisement proposed is the erection of 1no. internally illuminated digital advertisement.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the amenity of the area.

### Reasons

3. The appeal site is the gable end of No 574 Bearwood Road, the end of a terrace of properties forming part of a busy high street in Smethwick. The street is currently host to a number of national and independent stores at ground floor with further accommodation above. At the time of my visit the street was busy with pedestrian and vehicle movements. Beyond Bearwood Road, the streets are typically arranged as residential terraces which from my site visit are largely seen to be in good external condition and appearance.
4. A painted advertisement is currently displayed at the site and the appellant has confirmed that an externally illuminated poster advertisement (a '48 sheet') has previously been displayed; this is acknowledged by the Council within their Delegated Officer Report.
5. During my visit, I observed a single large format, illuminated poster advertisement on the junction of Bearwood Road and Adkins Lane. Other than this and the appeal site, the existing advertisements along Bearwood Road are typical of the types of retail premises which they serve, namely either fascia or projecting signs, some of which are illuminated.
6. Whilst the proposed advertisement has the same dimensions and is in the same position as the existing, a digital advertisement would represent a new format in this immediate locality. The appellant has indicated that the differing

level of illumination between a poster and digital advertisement would not be material and would be within the technical standards set by the Institute of Lighting Professionals (ILP) Technical Note 5; it has been confirmed that a condition to secure this mitigation via a restriction to the luminance would be accepted.

7. Furthermore, they have confirmed further mitigation as follows: the frequency of changes to the displayed advertisement to be not more than once every 10 seconds; the speed of the change to be no greater than 1 second; and there to be no use of moving/apparently moving images.
8. Nonetheless, I find that the digital nature of the proposals, specifically the change from a static advertisement to one that will change frequently, would be at odds with the existing character and appearance of the area. Whilst a static advertisement in this location is established, the proposals would introduce a more intrusive and dominant form of advertising which would result in a level of harm that the proposed mitigation would not adequately address.
9. For this reason, the proposal is contrary to the National Planning Policy Framework (paragraph 132) and the accompanying Planning Practice Guidance insofar as they seek to safeguard the quality and character of place in the interests of amenity.
10. The appeal is dismissed.

*M Harris*

INSPECTOR