

## **Planning Committee**

**Wednesday 12 February 2020 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 15 February 2020 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 Application DC/18/62409 – Proposed development of 14 dwellings. Brook Road Open Space. Wolverhampton Road, Oldbury.
6. Planning Application DC/19/63440 – Proposed change of use to part of ground floor and single storey rear extension to create a self-contained flat on the ground floor with HMO on first floor and second floors, together with associated parking. 10 – 12 Park Hill, Wednesbury.

7. Planning Application DC/19/63522 – Proposed 4 No. retail units at ground floor and 8 No. apartments above with associated parking. Land Adjacent 63 Leabrook Road, Wednesbury.
8. Planning Application DC/19/63542 – Retention of 2 No. freezer store units on rear car park. Unit A Kings Hill Business Park, Darlaston Road, Wednesbury.
9. Planning Application DC/19/63682 – Proposed demolition of 3 existing bungalows on Albion Road and replace with 2 No. bungalows and proposed 2 No. 4 bed houses and 1 No. 2 bed bungalow on land adjacent to 154 Bull Lane, West Bromwich.
10. Planning Application DC/19/63722 – Retention of two storey side/rear extension; roof enlargements with rear facing gable and dormer window; and single storey front and rear extensions. 188 Farm Road, Oldbury.
11. Planning Application DC/19/63723 – Proposed 10 No. bungalows, 20 No. 2 bedrooms flats and 1 No. commercial shop. Vacant Land Off Friardale Close/School Road/Carrington Road, Wednesbury.
12. Planning Application DC/19/63820 – Proposed double storey Side extension, single storey front and rear extensions. 69 Europa Avenue, West Bromwich.
13. Applications determined under powers delegated to the Director – Regeneration and Growth.
14. Decisions of the Planning Inspectorate.

Date of Next Meeting: **Wednesday 11 March, 2020.**

**David Stevens**  
**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, I Jones, Mabena, Millar, Rouf, Simms and Trow.

**Agenda prepared by Chantelle Simms**  
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## **Minutes of the Planning Committee**

**15 January 2020 at 5.00 pm**  
**at the Sandwell Council House, Oldbury**

**Present:** Councillor Downing (Chair);  
Councillor Hevican (Vice-Chair);  
Councillors Ahmed, Allen, Chidley, S Davies,  
Dhallu, I Jones, Mabena, Millar, Rouf, Simms  
and Trow.

**Apologies:** Councillors G Gill, P M Hughes and  
M Hussain.

1/20 **Minutes**

**Resolved** that the minutes of the meetings held on 4 December 2019 and 17 December 2019 be approved as a correct record.

2/20 **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/19/63542 (Retention of 2 No. freezer store units on rear car park. Unit A Kings Hill Business Park, Darlaston Road, Wednesbury);

DC/19/63722 (Retention of two storey side/rear extension; roof enlargements with rear facing gable and dormer window; and single storey front and rear extensions. 188 Farm Road, Oldbury).



3/20

**DC/19/63392 (Proposed 20 No. dwellings. Former Resource Centre Lowry Close, Smethwick)**

The Service Manager – Development Planning and Building Consultancy reported that amended plans were awaited, which would resolve a number of outstanding issues, including the boundary treatment and drainage systems.

There were no objector present and the applicant did not wish to address the Committee.

**Resolved** that subject to the receipt of satisfactory amended plans, determination of Planning Application DC/19/63392 (Proposed 20 No. dwellings. Former Resource Centre Lowry Close, Smethwick) be delegated to the Director – Regeneration and Growth, in consultation with the Chair and Vice-Chair.

4/20

**DC/19/63414 (Proposed residential development of 27 dwellings. Land at Reservoir Road/Maer Close, Rowley Regis)**

There were no objectors present and the applicant did not wish to address the Committee.

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

**Resolved** that Planning Application DC/19/63414 (Proposed residential development of 27 dwellings. Land at Reservoir Road/Maer Close, Rowley Regis) be approved subject to the conditions recommended by the Director – Regeneration and Growth.

5/20

**DC/19/63467 (Proposed 3 No. terraced houses. Land between 101 and 109 Barclay Road, Smethwick)**

There were no objectors present and the applicant did not wish to address the Committee.

The Committee was minded to approve the planning application, subject to the conditions recommended by the Director –

Regeneration and Growth.

**Resolved** that Planning Application DC/19/63467 (Proposed 3 No. terraced houses. Land between 101 and 109 Barclay Road, Smethwick) be approved subject to the conditions recommended by the Director – Regeneration and Growth.

6/20

**Planning Application DC/19/63633 (Proposed 4 No. additional fourth floor flats to 5 No. existing blocks with a new pitched roof, two main entrance extensions and lift, new car parking area and accessible pathways. Proposed new pitched roof, new shop fronts, roller shutters, front canopies and recladding of existing Lion Farm shops and flats. Coniston, Derwent, Rydal, Ullswater and Windermere Houses, Badsey Road and Lion Farm Shops and Flats, Hartlebury Road, Oldbury)**

The Service Manager - Development Planning and Building Consultancy informed the Committee that significant amendments to the scheme were required and recommended that consideration of the application be deferred.

**Resolved** that consideration of planning application DC/19/63633 (Proposed 4 No. additional fourth floor flats to 5 No. existing blocks with a new pitched roof, two main entrance extensions and lift, new car parking area and accessible pathways. Proposed new pitched roof, new shop fronts, roller shutters, front canopies and recladding of existing Lion Farm shops and flats. Coniston, Derwent, Rydal, Ullswater and Windermere Houses, Badsey Road and Lion Farm Shops and Flats, Hartlebury Road, Oldbury) be deferred.

7/20

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

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


(The meeting ended at 5.22 pm)

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

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

## REPORT TO PLANNING COMMITTEE

12 February 2020

<b>Application Reference</b>	DC/18/62409
<b>Application Received</b>	12 November 2018
<b>Application Description</b>	Proposed development of 14 dwellings.
<b>Application Address</b>	Brook Road Open Space, Wolverhampton Road Oldbury
<b>Applicant</b>	Mr Rajesh Kumar Sood
<b>Ward</b>	Langley
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s)</b>	Carl Mercer 0121 569 4048 <a href="mailto:carl_mercer@sandwell.gov.uk">carl_mercer@sandwell.gov.uk</a>

### **RECOMMENDATION**

That planning permission is granted subject to the approval of Full Council and conditions concerning:

- (i) External materials;
- (ii) Finished floor levels;
- (iii) Site investigation in respect of contaminated land;
- (iv) Noise assessment to identify issues and mitigation;
- (v) Drainage;
- (vi) Retaining wall detail to Wolverhampton Road;
- (vii) Technical detail of access road;
- (viii) Boundary treatments;
- (ix) Landscaping;
- (x) Electric vehicle charging provision;
- (xi) Employment and skills plan;
- (xii) Removal of permitted development rights; and,
- (xiii) Construction work and deliveries to the site limited to between 7am and 6pm Monday to Friday and 8am and 4pm Saturdays, with no activity on Sundays or National Holidays.

## **1. BACKGROUND**

- 1.1 This application is being reported to your Planning Committee because the proposal is a departure from the Local Plan.

## **2. SUMMARY OF KEY CONSIDERATIONS**

- 2.1 The site is allocated as Community Open Space in the Local Plan.
- 2.2 The material planning considerations which are relevant to this application are:

Government policy (NPPF);  
Proposals in the Local Plan;  
Loss of light, outlook or privacy;  
Layout and density of building;  
Design, appearance and materials;  
Access, highway safety, parking and servicing; and  
Flood risk.

## **3. THE APPLICATION SITE**

- 3.1 The site is a grassed open space and rectangular in shape. Wolverhampton Road lies to the northeast, the site being set at a lower land level than this major A road. The site is bounded from southeast to southwest by terrace housing, and to the north by a veterinary hospital. The frontages of the houses which face onto the open space are not served by vehicular access; the layout being typical of Radburn design housing.

## **4. PLANNING HISTORY**

- 4.1 There is some relevant planning history:

- |     |             |   |                          |
|-----|-------------|---|--------------------------|
| 4.2 | DC/14/56813 | Proposed new single storey veterinary surgery with associated car parking, landscaping and fencing. | Approved<br>12 June 2014 |
|-----|-------------|---|--------------------------|

## **5. APPLICATION DETAILS**

- 5.1 The applicant proposes to erect 14 detached dwellings comprising of two house types (Type A and Type B). The Type A house type would have five bedrooms and a detached garage. The Type B house type would have four bedrooms and an integral garage.

- 5.2 The dwellings would be accessed from a new circular road which would be constructed around the perimeter of the site, thereby introducing a street frontage to the existing housing.
- 5.3 The application was originally submitted in November 2018. The delay in recommendation has come about because the initial design of the scheme was unacceptable and required much input and redesign from the Council's Urban Design and Highways departments. Furthermore, the Lead Local Flood Authority has only recently lifted its objection to the scheme, due to inadequacies in the drainage strategy.

## **6. PUBLICITY**

- 6.1 The application has been publicised by neighbour notification letter and by site notice, without response. Additionally, due to the time it has taken to reach a recommendation, all neighbours who were originally consulted have received a Committee notification letter.

## **7. STATUTORY CONSULTATION**

- 7.1 **Planning Policy** – No objection.

### **7.2 Highways**

No objection subject to suggested conditions in relation to a supporting wall along the site boundary with the Wolverhampton Road (pertinent as this is an embankment which supports the footpath), and the technical detail of the access road (also pertinent, given that the new road would need to assimilate into the existing housing development).

### **7.3 Urban Design**

No objection.

### **7.4 Environmental Health (Air Quality)**

Conditions to ensure electric vehicle charging bays are recommended.

- 7.5 **Environmental Health (Contaminated Land)** – Relevant conditions recommended.

### **7.6 Environmental Health (Noise)**

Recommend that a comprehensive noise assessment be carried out to identify all likely noise sources and the impact on the proposed development, along with noise mitigation measures. This is due to the

proximity of the adjacent dual carriageway and veterinary hospital. Light ingress from the hospital has also been raised, but I do not consider it reasonable to impose a condition as I did not note any significant external lighting installations – and no evidence of lighting problems from existing residents has been brought to my attention. I agree to a condition in respect of construction times, due to the proximity of existing housing.

7.7 **West Midlands Police** – No comment.

7.8 **Lead Local Flood Authority** – No objection subject to condition.

7.9 **Severn Trent** - No objection subject to condition.

7.10 **Tree Preservation Officer** – No objection subject to landscaping condition.

## **8. GOVERNMENT GUIDANCE/NATIONAL PLANNING POLICY**

8.1 National Planning Policy Framework promotes sustainable development but states that that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

## **9. LOCAL PLANNING POLICY**

9.1 The following policies of the Council's Local Plan are relevant:-

CSP4: Place-Making

HOU2: Housing Density, Type and Accessibility

EMP5: Improving Access to the Labour Market

TRAN4: Creating Coherent Networks for Cycling and Walk

ENV3: Design Quality

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

ENV6: Open Space, Sport and Recreation

ENV7: Renewable Energy

ENV8: Air Quality

SAD H2: Housing Windfalls

SAD EMP2: Training and Recruitment

SAD EOS 4 - Community Open Space

SAD EOS 9: Urban Design Principles

9.2 With regard to housing policy HOU2, the development would bring forward a larger house type into the area and add to the range of property types available in the borough. In respect of policy SAD H2, the development site is not allocated for residential development in the Local Plan and therefore it is classed as a housing windfall site. The proposed residential development meets the guidance set out in the policy, in that it



is considered that the open space is surplus to the Council's requirements and would bring an under used piece of land back into beneficial use.

- 9.3 I have considered affordable housing policy; however, the application was first submitted at a time when the Council trigger for affordable housing provision was 15 units. Given that this development would provide 14 units, and taking into account the time it has taken to reach a recommendation, I consider it unreasonable and unnecessarily onerous on the applicant to require compliance with affordable housing policy in this instance and under these exceptional circumstances.
- 9.4 The site of the proposal is allocated in the Local Plan as Community Open Space. In the Green Space Audit of 2013 the site was audited as 'high quality/low value'. The site has since been sold to the applicant and the Council is no longer responsible for its maintenance. Consequently, the site was not assessed as part of the 2018 Green Space Audit. Therefore, I am of the opinion, that the site could come forward for development based on the premise that, as the site was deemed 'high quality/low value' whilst in Council ownership, it is unlikely that the quality of the site would be maintained or improved following the Council's disposal of the land. On balance, taking these factors into account, residential development would appear to me to be the most viable option for the site.
- 9.5 TRAN4 requires schemes to be well connected to aid cycling and walking which the layout of this development seeks to provide. The proposed garages would be sufficient to serve as secure cycle storage.
- 9.6 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments. In the main, the layout is considered to be acceptable subject to conditions relating to boundary and landscaping details.
- 9.7 ENV5 seeks the incorporation of sustainable drainage systems to assist with reducing the impact of flooding and surface run-off. The Lead Local Flood Authority has raised no objection subject to condition.
- 9.8 ENV8 refers to mitigation measures to offset air quality issues, in this instance, electric vehicle charging infrastructure has been proposed.
- 9.9 EMP5 Improving Access to the Labour Market Training and Recruitment and SAD EMP2 – Training and Recruitment requires large employment generating schemes to provide opportunities for training and recruitment. This could be conditioned to secure these opportunities.

## **10. MATERIAL CONSIDERATIONS**

10.1 The material considerations relating to Government policy (NPPF) and proposals with the local plan have been referred to above in Sections 8 and 9. With regard to the other considerations these are highlighted below:

### **10.2 Loss of light, outlook or privacy**

With regards to residential amenity, I am of the opinion that the dwellings would be of a sufficient distance from existing dwellings as to cause no harm to the residential amenity of surrounding residents by way of a loss of light, outlook or privacy.

### **10.3 Layout and design**

The appearance and layout of the scheme is broadly satisfactory and the scheme meets the aspirations of design policy. The Urban Design team has been integral in ensuring that design quality is ingrained in the proposal and as a consequence of their involvement, it is my opinion that the layout and design achieve the aspirations of national and local design policy.

### **10.6 Access, highway safety, parking and servicing**

Following amendments, no objection has been received from Highways subject to a condition relating to the retaining wall and highway technical detail.

### **10.7 Flood risk.**

The agent has now provided a suitable drainage strategy to reduce surface water flooding. This would be ensured by condition.

### **10.8 Security and safety**

No concerns have been raised by Urban Design with regards to the layout.

## **11. IMPLICATIONS FOR SANDWELL'S VISION**

11.1 The proposal supports Ambitions 3, 7, 8 and 10 of the Sandwell Vision 2030:-

11.2 Ambition 3 – Our workforce and young people are skilled and talented, geared up to respond to changing business needs and to win rewarding jobs in a growing economy.

- 11.3 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.
- 11.4 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.
- 11.5 Ambition 10 – Sandwell has a national reputation for getting things done, where all local partners are focussed on what really matters in people’s lives and communities.

## **12. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

- 12.1 The proposal offers a housing scheme within the context of an established residential area.
- 12.2 Despite the open space allocation, on balance, the quality of the design of the scheme and the provision of housing would outweigh the loss of the open space. The proposal is considered to be acceptable and is recommended for approval subject to conditions.

## **13. STRATEGIC RESOURCE IMPLICATIONS**

- 13.1 When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the Council.

## **14. LEGAL AND GOVERNANCE CONSIDERATIONS**

- 14.1 This application is submitted under the Town and Country Planning Act 1990.

## **15. EQUALITY IMPACT ASSESSMENT**

- 15.1 There are no equalities issues arising from this proposal and therefore an equality impact assessment has not been carried out.

## **16. DATA PROTECTION IMPACT ASSESSMENT**

- 16.1 The planning application and accompanying documentation is a public document.

**17. CRIME AND DISORDER AND RISK ASSESSMENT**

17.1 There are no crime and disorder issues with this application.

**18. SUSTAINABILITY OF PROPOSALS**

18.1 Refer to the national planning framework (8) and local plan policies (9) and material considerations (10).

**19. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)**

19.1 Conditions would ensure local jobs and apprenticeships would be available during construction phase.

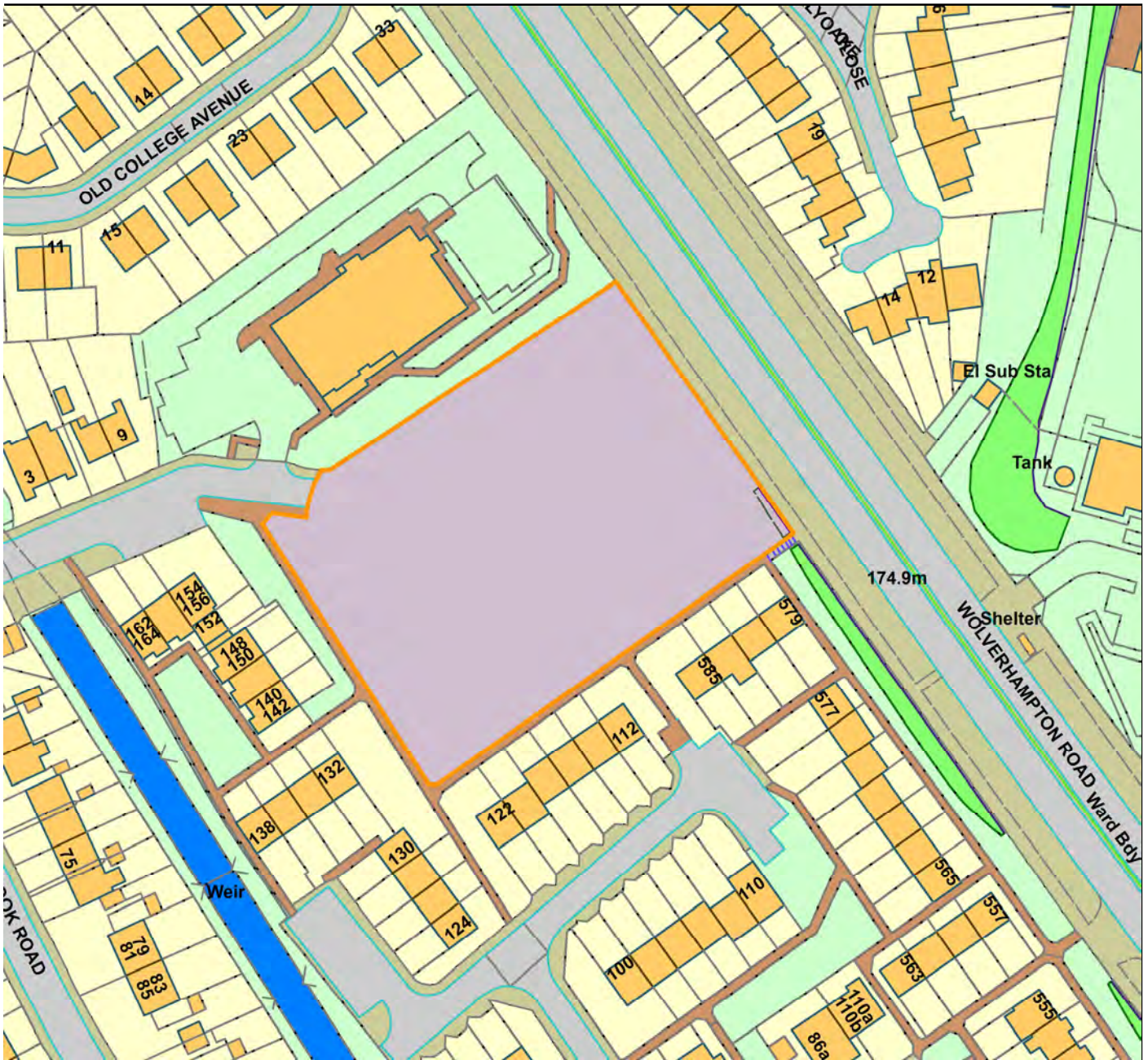
**20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

20.1 None.

**21. APPENDICES:**

Location Plan 1  
PL/BROOK/2019/001 D  
PL/BROOK/2019/002 D

DC/18/62409  
Brook Road Open Space, Wolverhampton Road



**Legend**

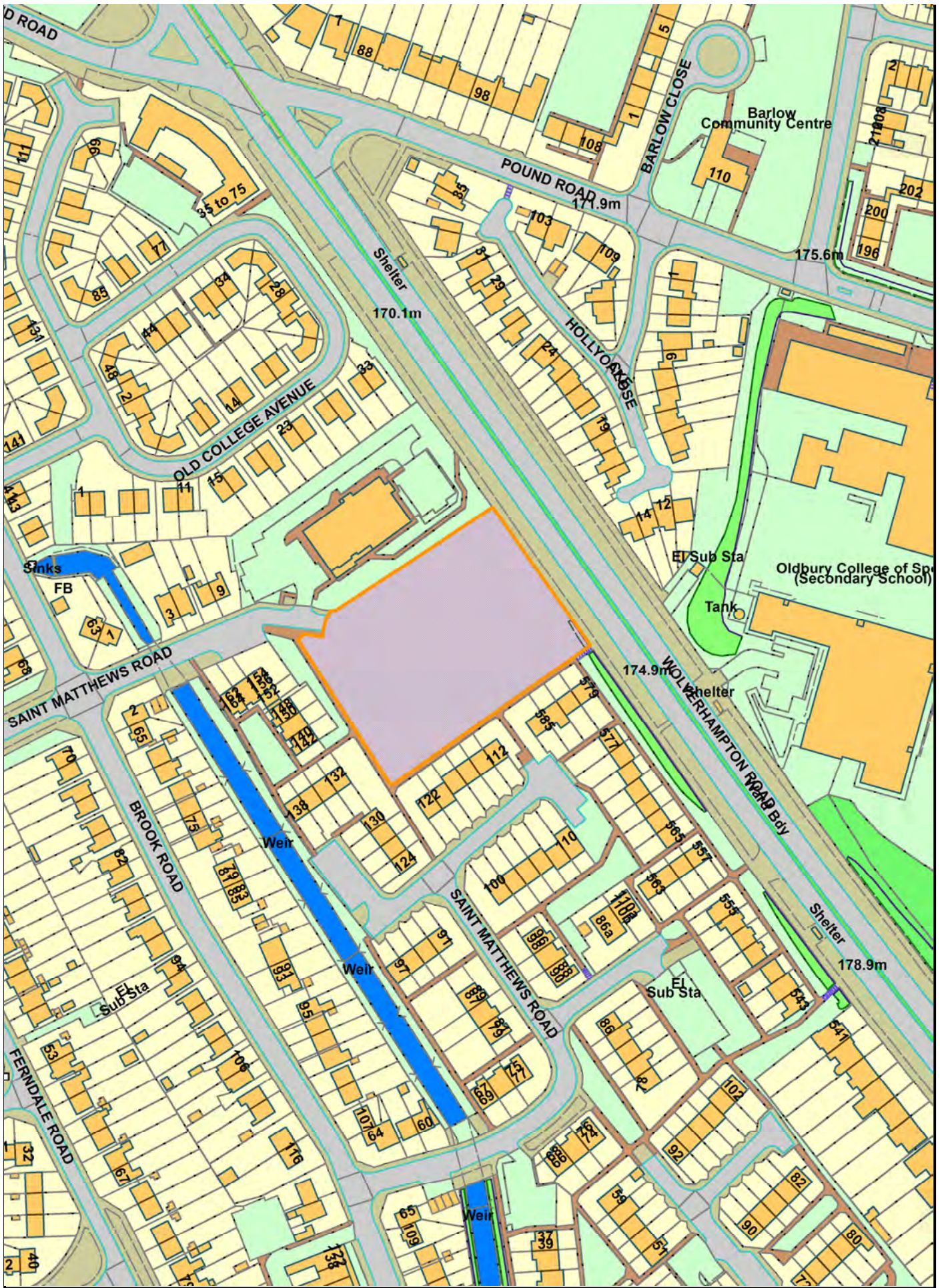
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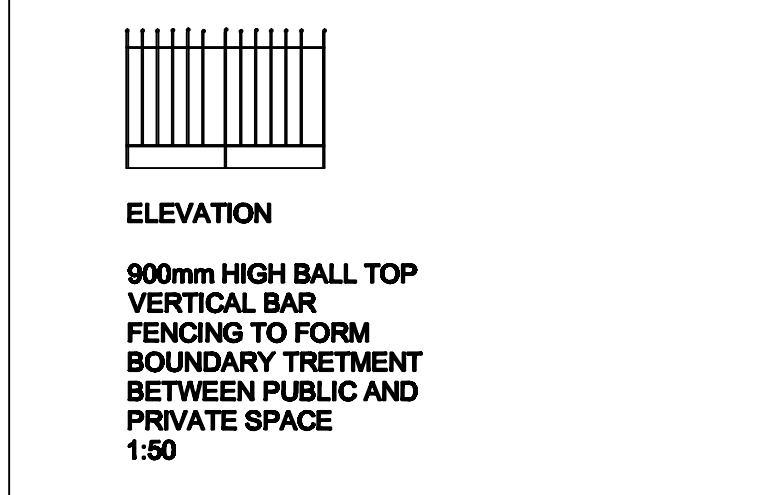
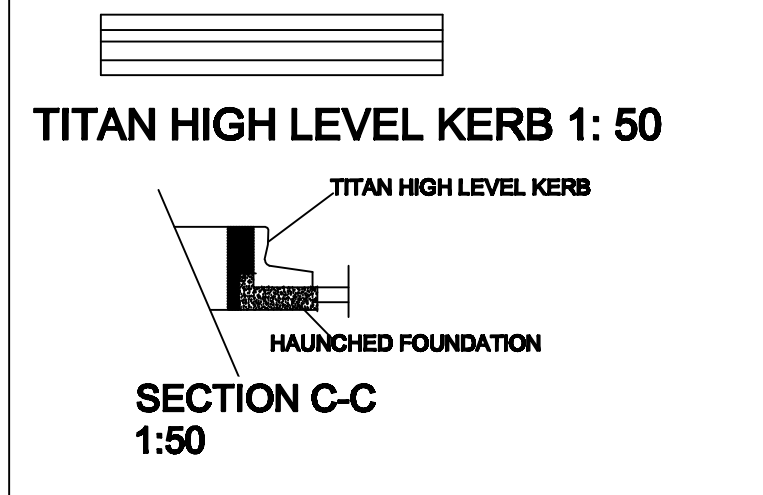
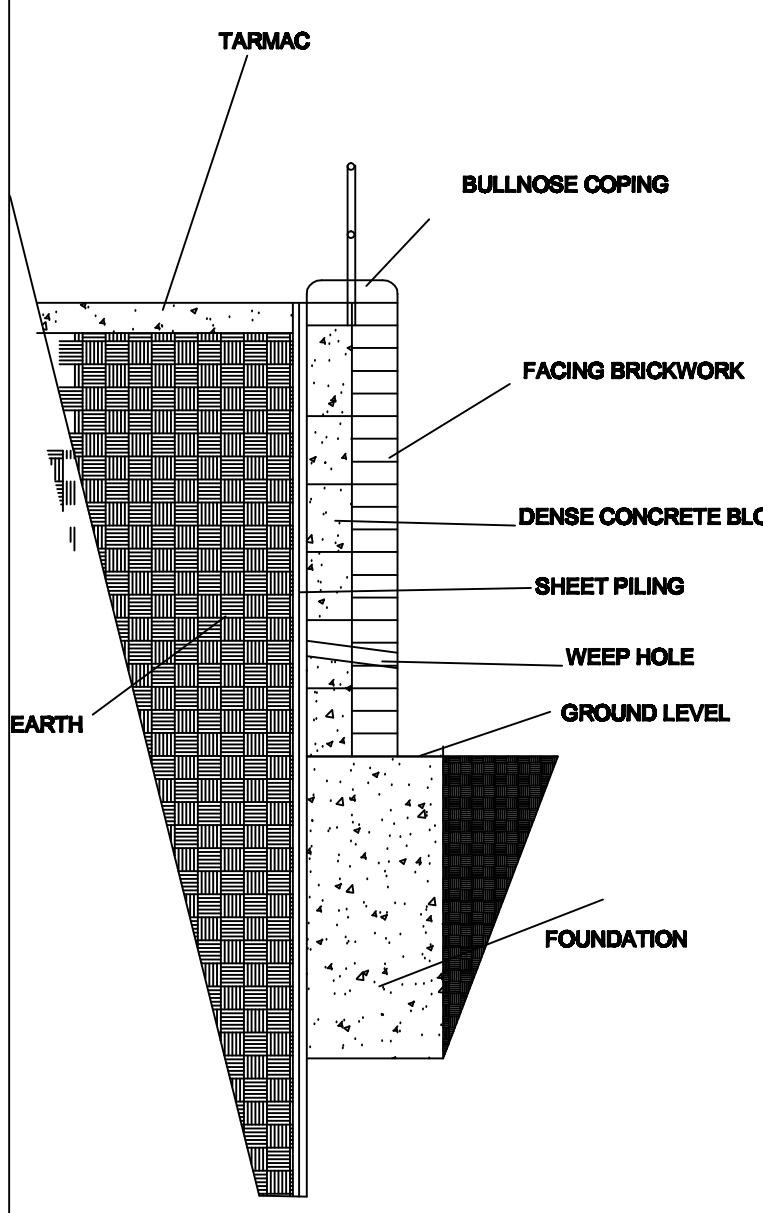
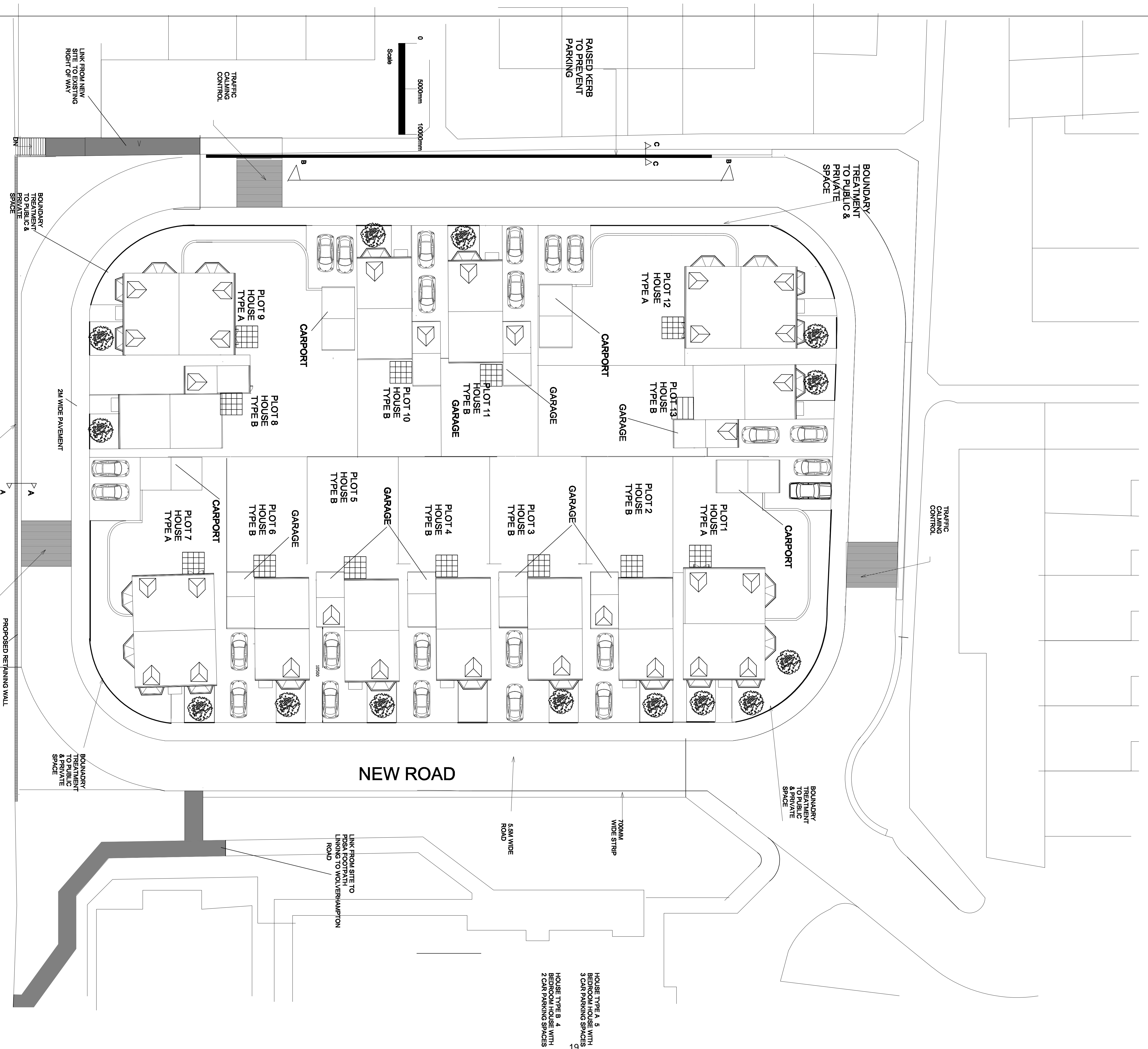
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<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	29 January 2020
<b>OS Licence No</b>	





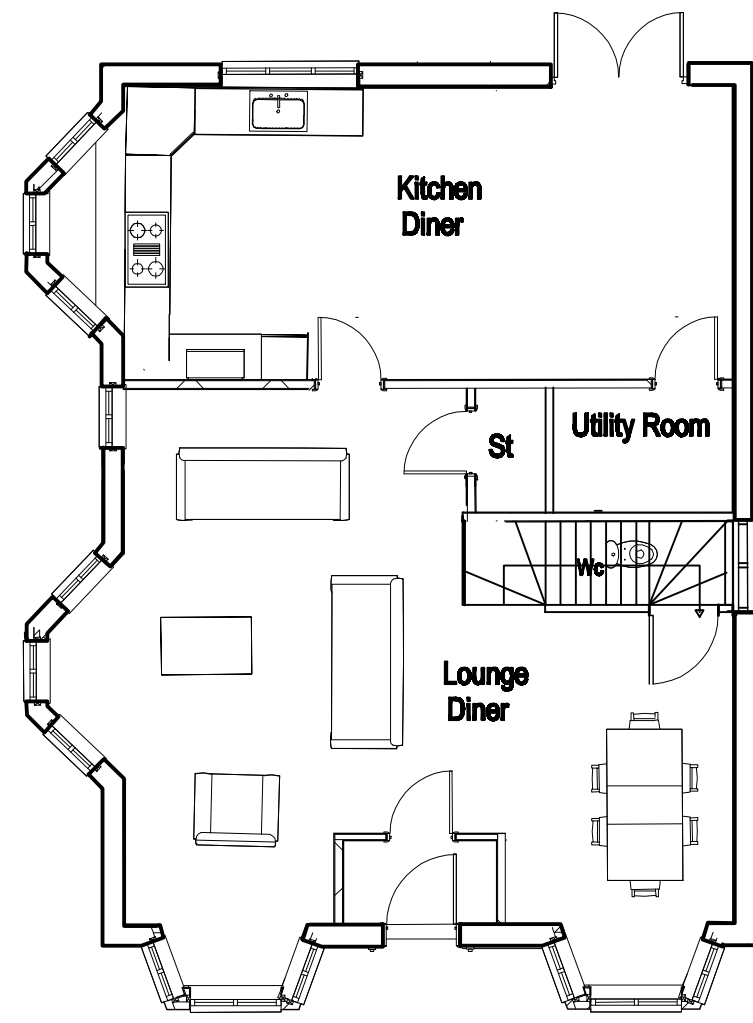


WOLVERHAMPTON ROAD

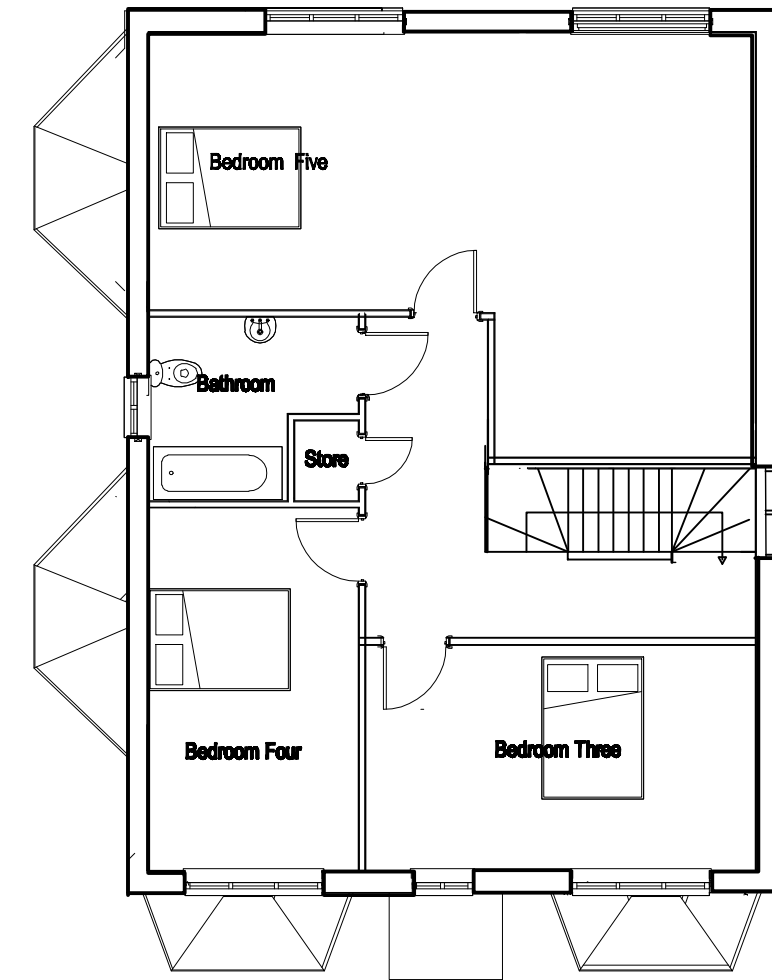


STATUS	PURPOSE OF ISSUE
	PLANNING
AMARTEY S A DESIGN BUILD LTD	
PROJECT	
BROOK OPEN SPACE PROPOSED HOUSING SCHEME	
TITLE	
PROPOSED SITE PLAN & DETAIL SECTIONS	
CLIENT	
MR RAJESH SOOD	
DRAWN BY	CHECKED BY
	DATE
SCALE	PROJECT NUMBER
1:200 1:50	
DRAWING NUMBER	REV
PL/BROOK/2019/001	D

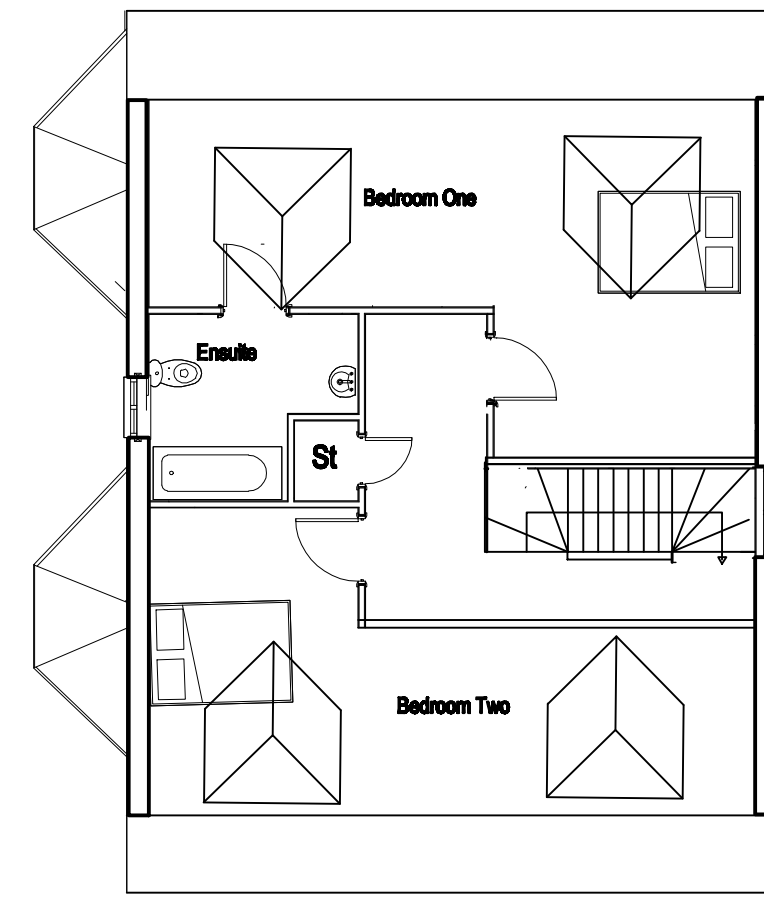
HOUSE TYPE A, 3 BEDROOM HOUSES WITH 3 CAR PARKING SPACES  
HOUSE TYPE B, 4 BEDROOM HOUSE WITH 2 CAR PARKING SPACES



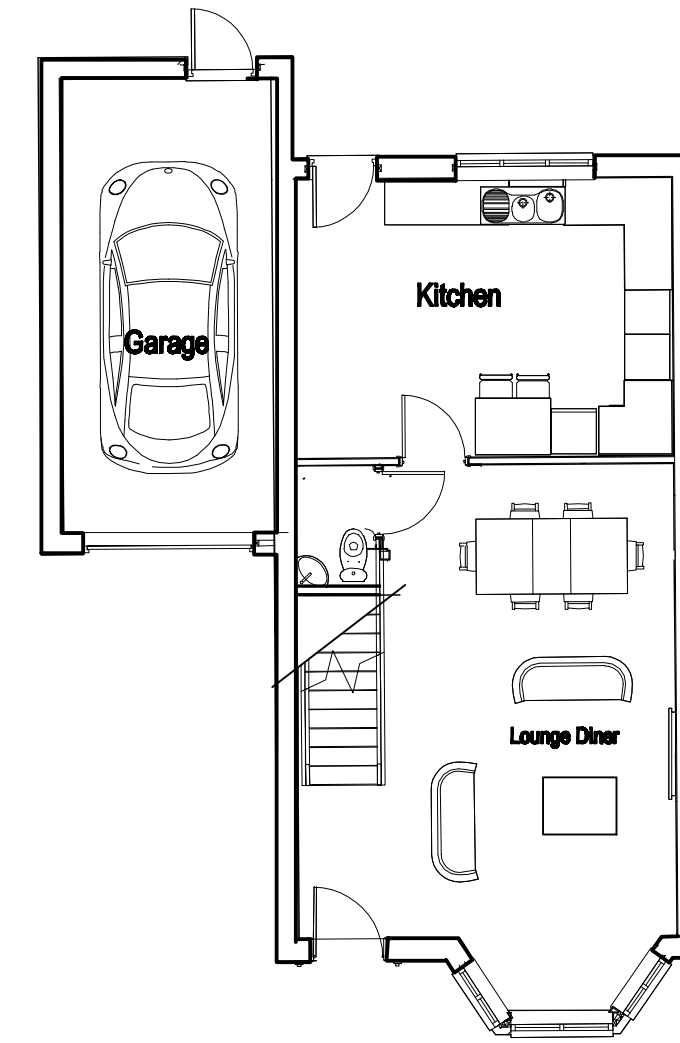
PROPOSED GROUND FLOOR  
PLAN HOUSE TYPE A 1:100



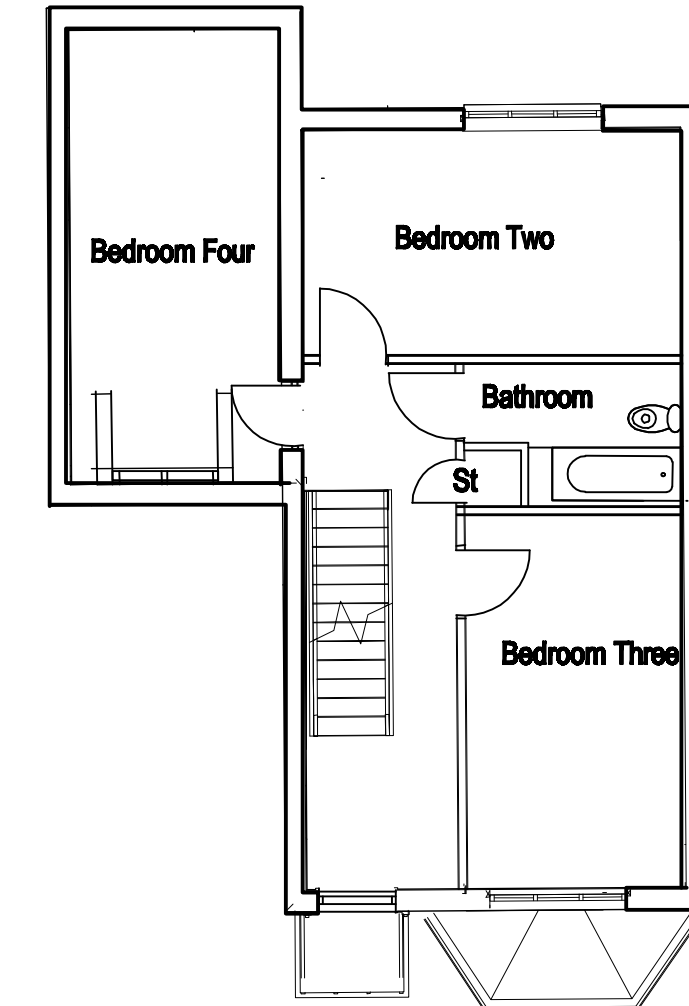
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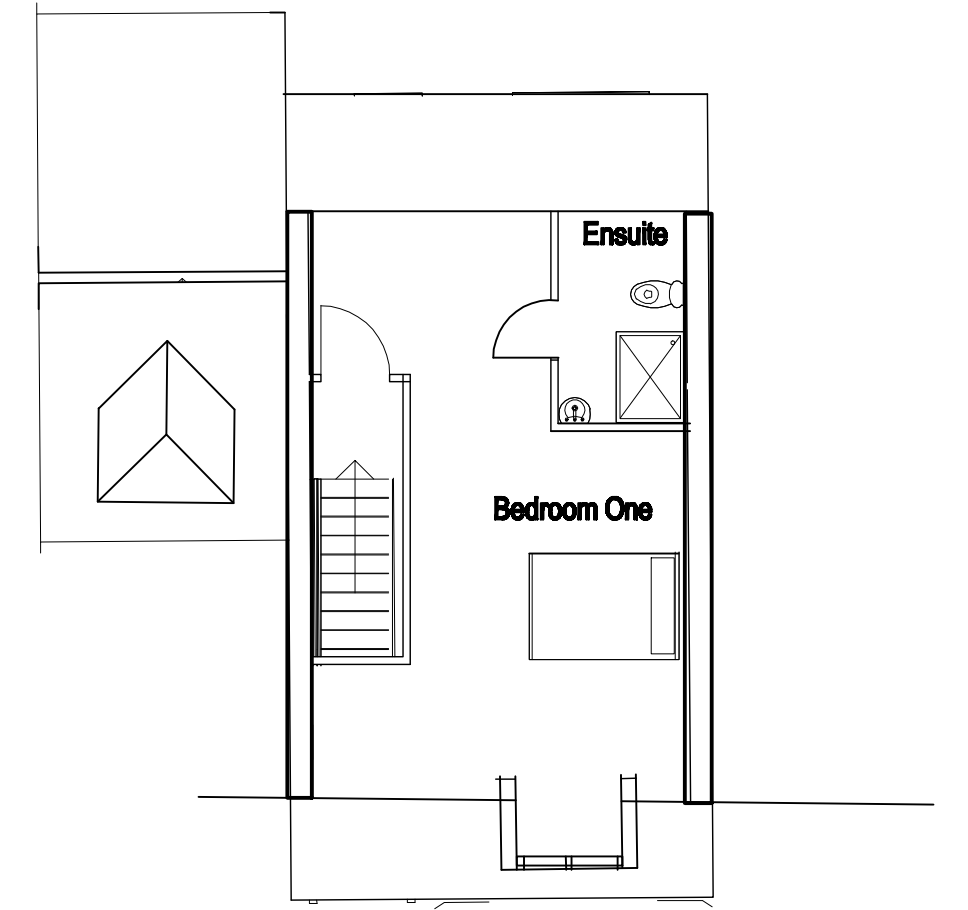
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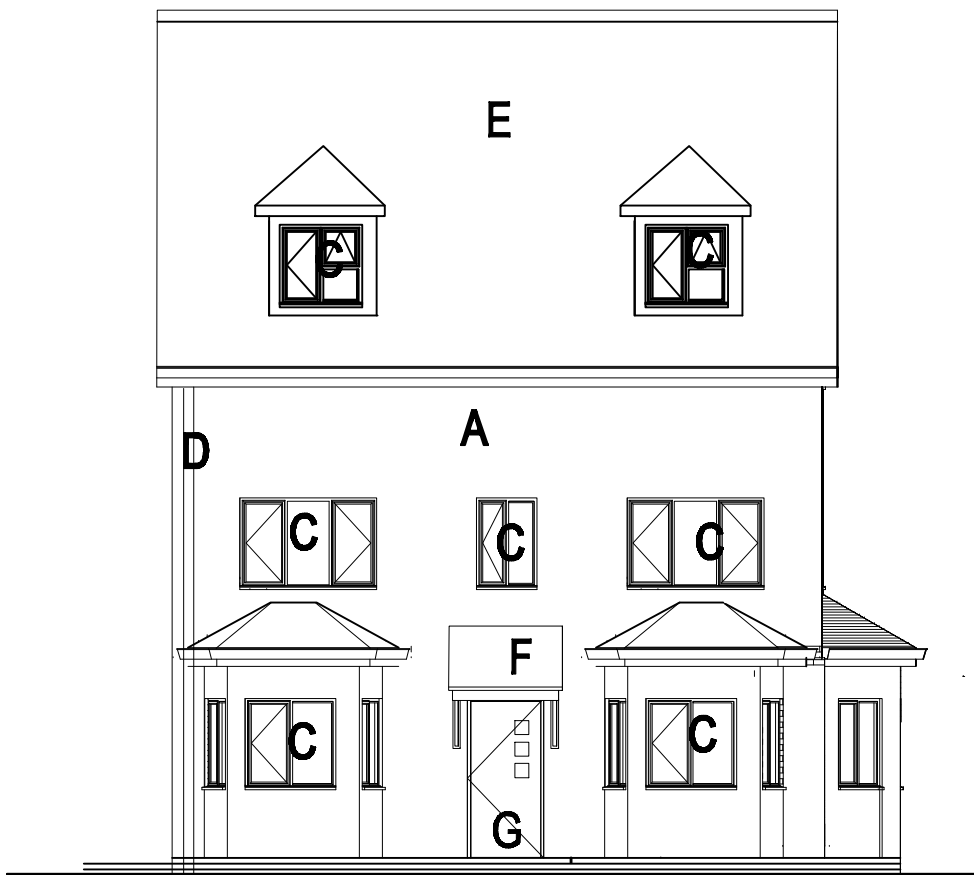
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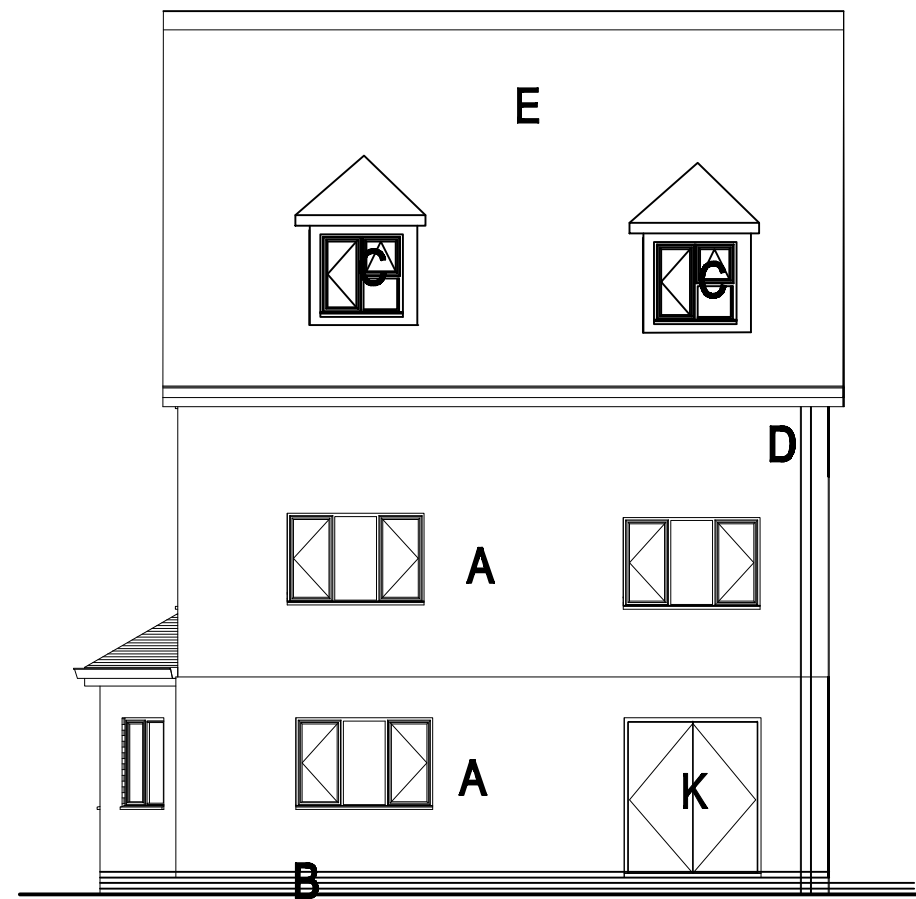
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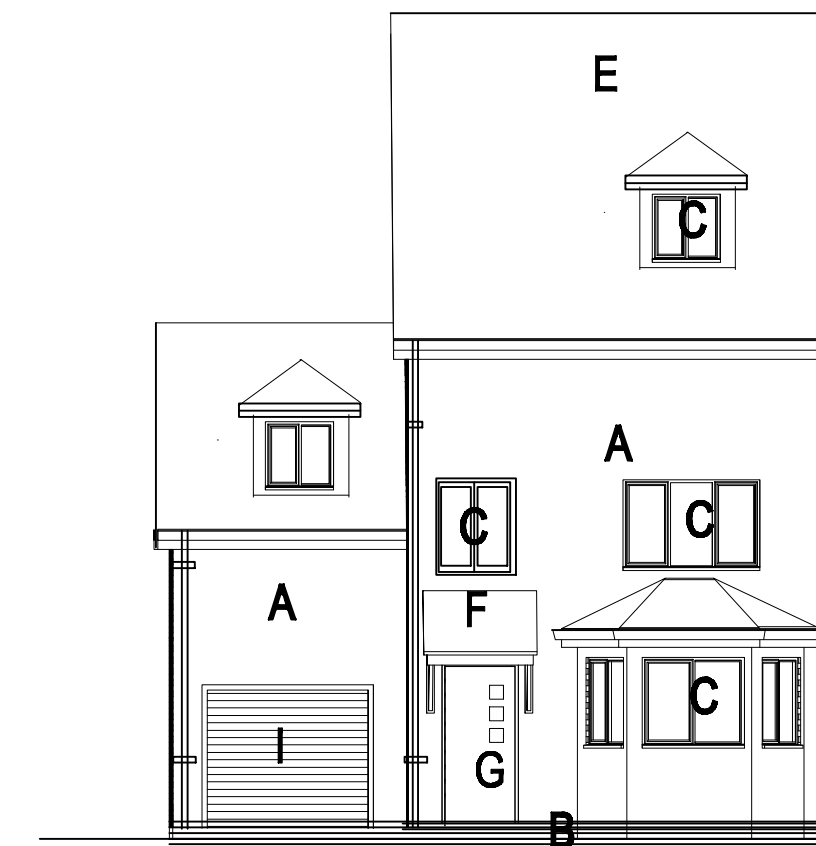
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PLAN HOUSE TYPE B 1:100



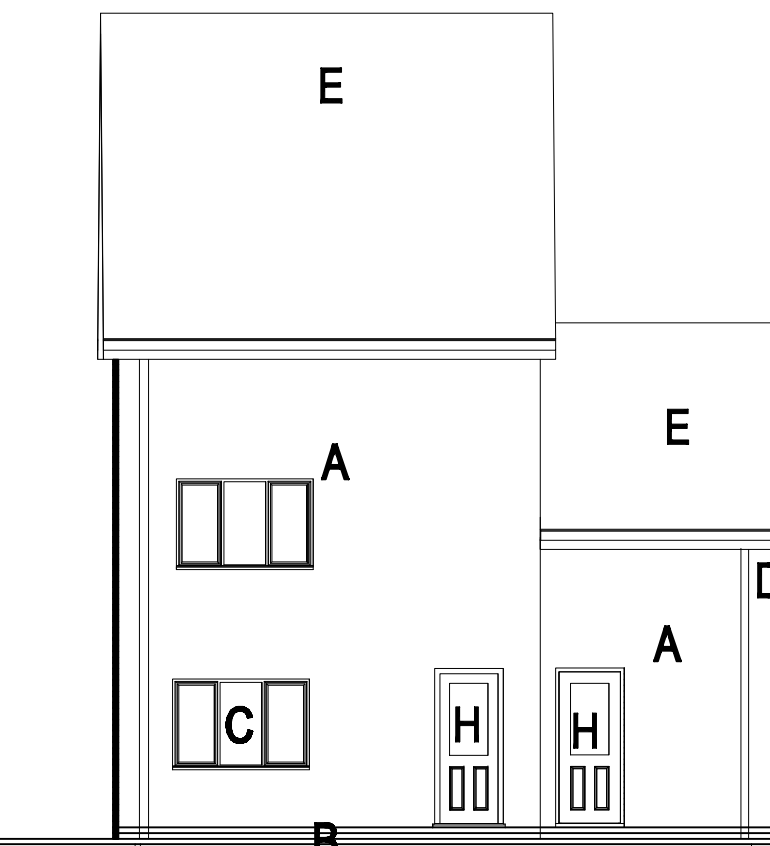
PROPOSED FRONT  
ELEVATION HOUSE TYPE A  
1:100



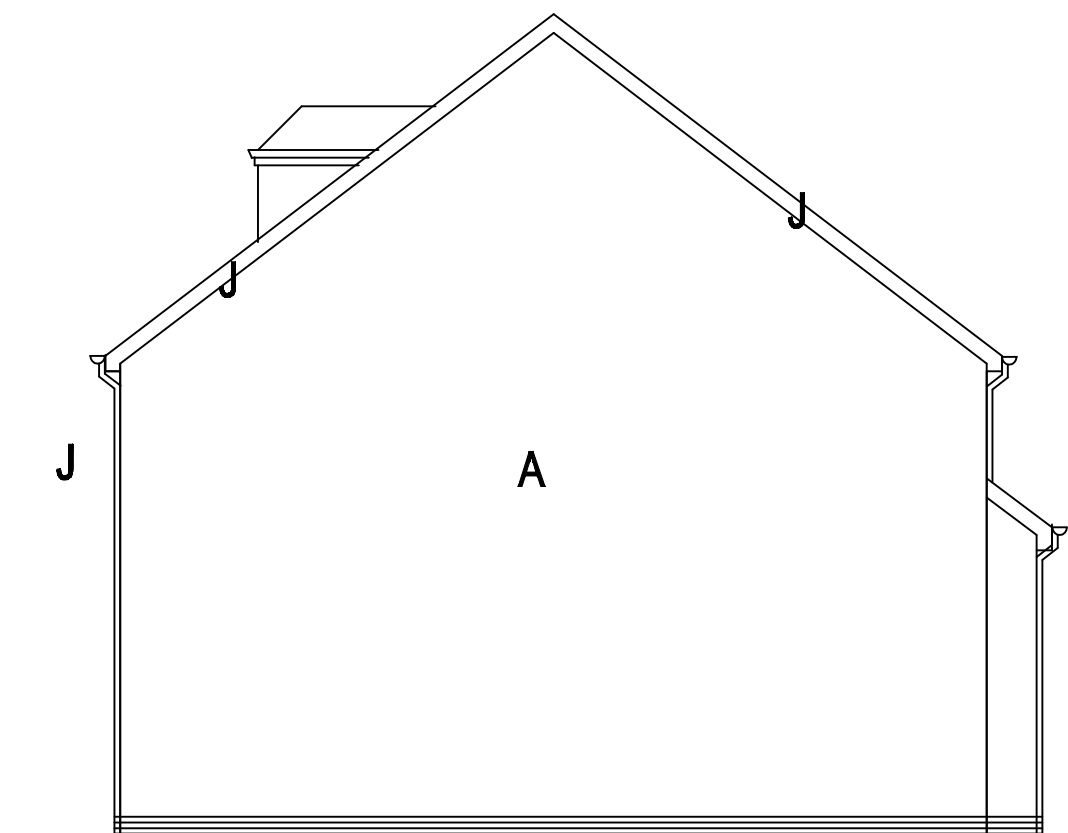
PROPOSED REAR ELEVATION  
HOUSE TYPE A 1:100



PROPOSED FRONT ELEVATION  
HOUSE TYPE B 1:100



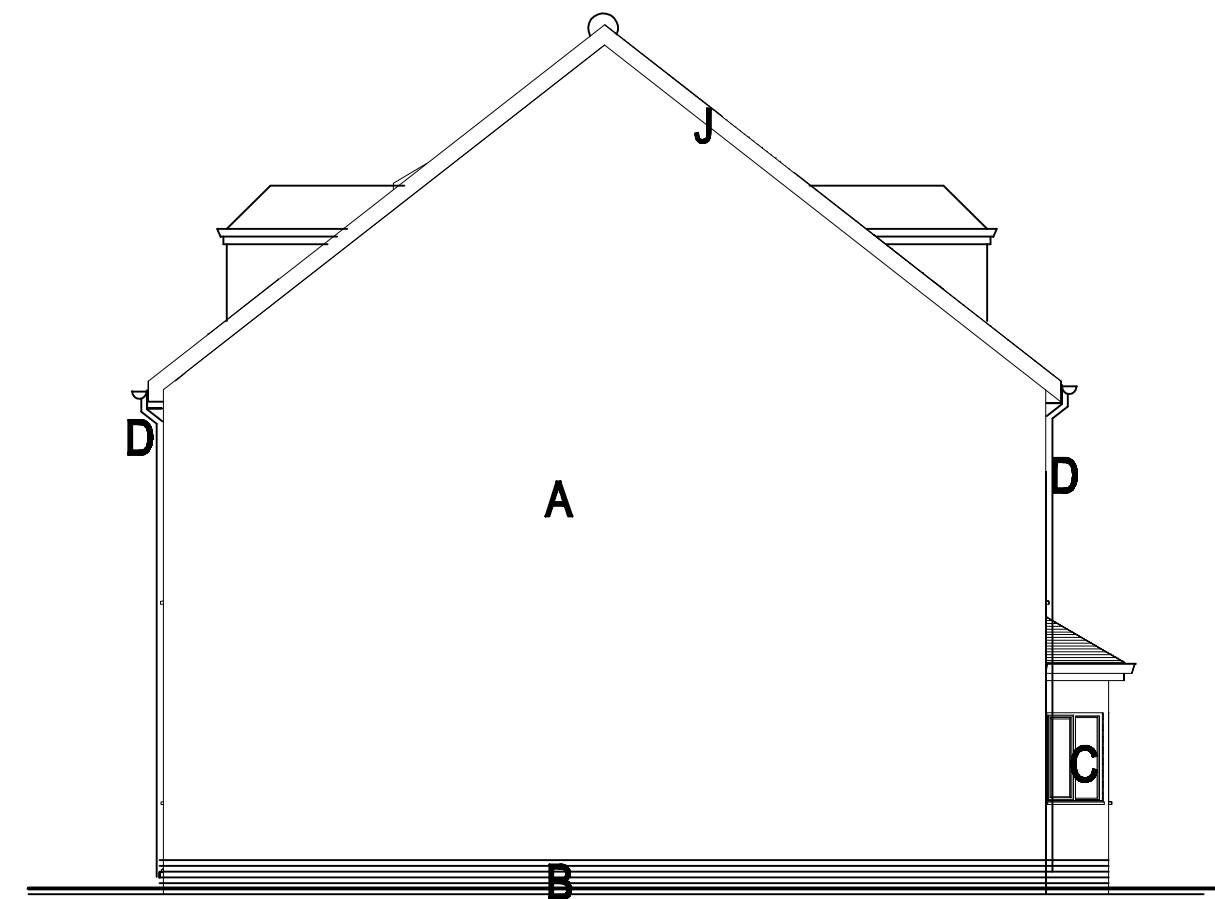
PROPOSED REAR ELEVATION  
HOUSE TYPE B 1:100



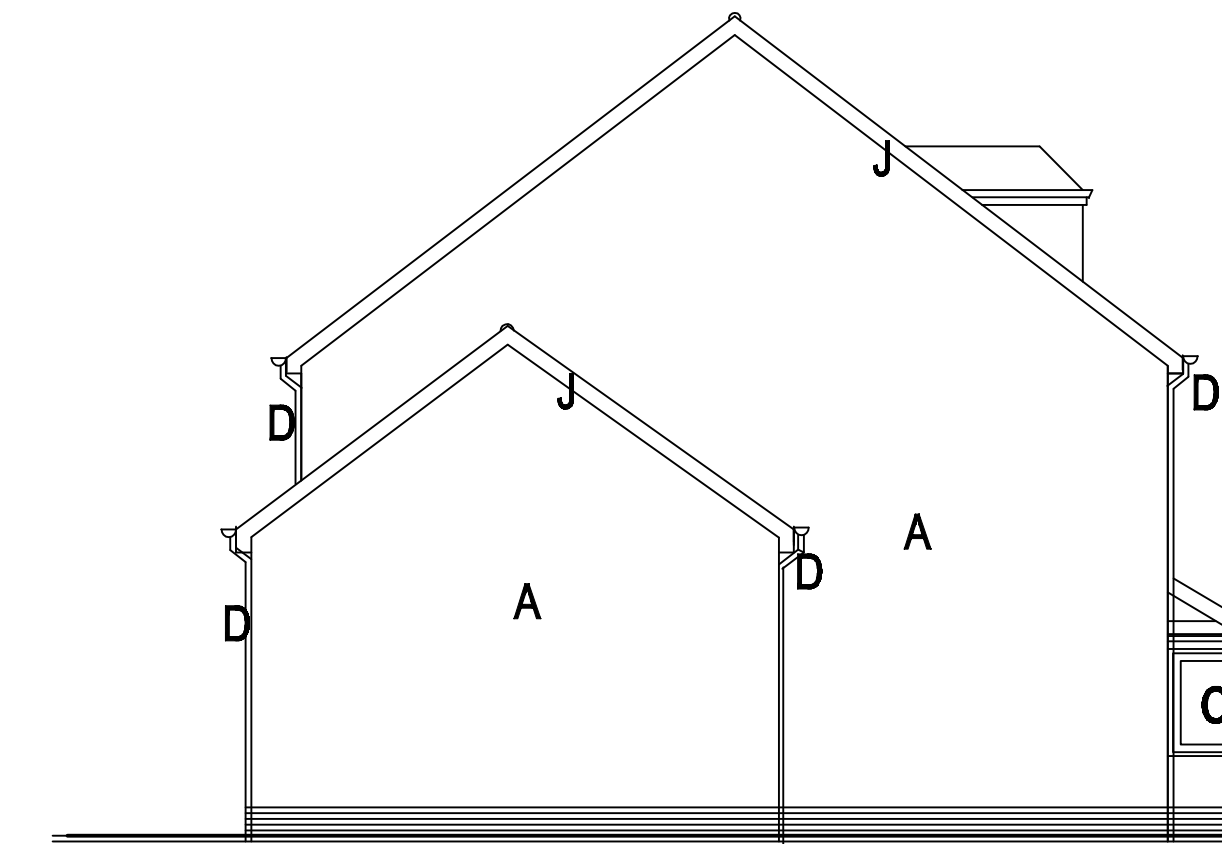
PROPOSED ALTERNATIVE  
SIDE ELEVATION HOUSE  
TYPE B 1:100



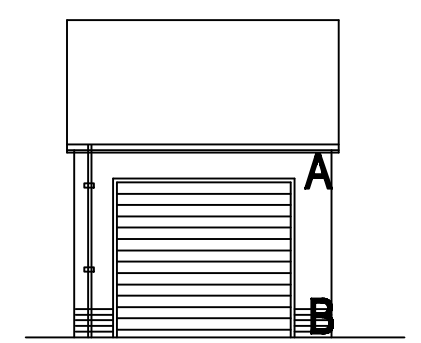
PROPOSED SIDE ELEVATION  
HOUSE TYPE A 1:100



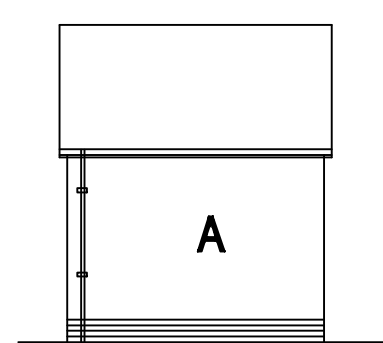
PROPOSED ALTERNATIVE  
SIDE ELEVATION HOUSE  
TYPE A 1:100



PROPOSED SIDE ELEVATION  
HOUSE TYPE B 1:100

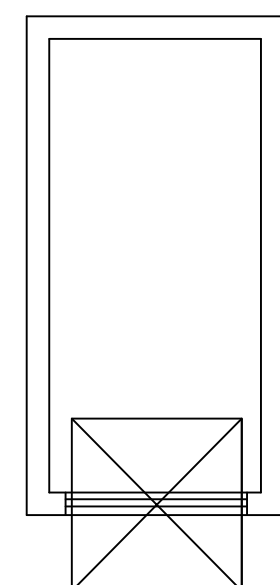


PROPOSED FRONT  
ELEVATION DETACHED  
GARAGE 1:100



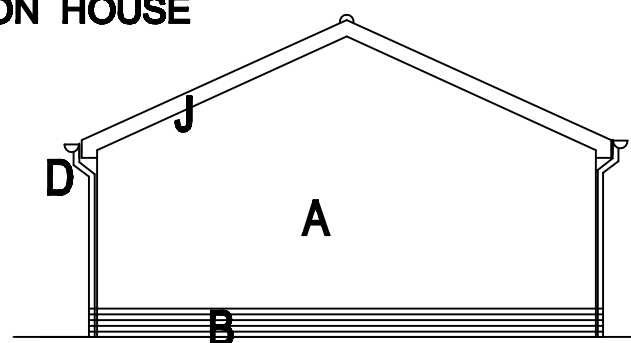
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ELEVATION DETACHED  
GARAGE 1:100

B

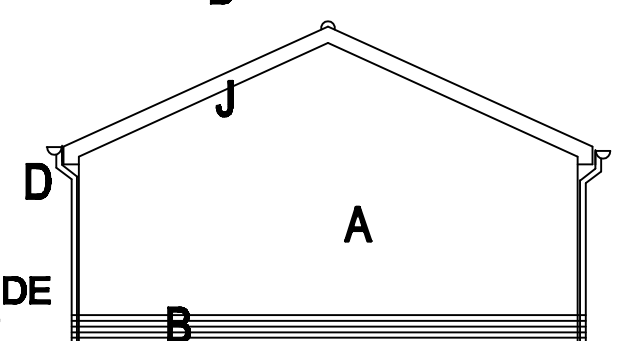


PROPOSED PLAN  
DETACHED GARAGE 1:100

PROPOSED SIDE  
ELEVATION 1:100



PROPOSED SIDE  
ALTERNATIVE  
ELEVATION 1:100



**MATERIALS SCHEDULE**


- A IBSTOCK BRICK
- B BLUE ENGINEERING BRICKS
- C GREY PVC -U WINDOWS / DOUBLE DOOR
- D BLACK GUTTER & DOWNPIPES
- E GREY CEMBRIT SLATE TILES
- F CANOPY
- G FRONT DOOR
- H 2 X G REAR DOOR
- I UP & OVER GARAGE DOOR
- J GREY PLASTIC SOFFIT & FACIA
- K GREY FRENCH DOORS

STATUS	PURPOSE OF ISSUE
PLANNING	
AMARTEY S A DESIGN BUILD LTD	
PROJECT	
BROOK OPEN SPACE PROPOSED HOUSING SCHEME	
TITLE	
PROPOSED SITE PLANS & ELEVATIONS	
CLIENT	
MR RAJESH SOOD	
DRAWN BY	CHECKED BY
	DATE
	APRIL 2019
SCALE	PROJECT NUMBER
1:200 1:50	
DRAWING NUMBER	REV
PL/BROOK/2019/002	D



## REPORT TO PLANNING COMMITTEE

12<sup>th</sup> February 2020

<b>Application Reference</b>	DC/19/63440
<b>Application Received</b>	9 <sup>th</sup> September 2019
<b>Application Description</b>	Proposed change of use to part of ground floor to create a self-contained flat on the ground floor with HMO on first floor and second floors, together with associated parking.
<b>Application Address</b>	10 - 12 Park Hill Wednesbury WS10 0PL
<b>Applicant</b>	Mr Balachandran Thiyagrajah
<b>Ward</b>	Friar Park
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s)</b>	Mrs Christine Phillips 0121 569 4040 christine_phillips@sandwell.gov.uk

### **RECOMMENDATION**

That planning permission is granted subject to: -

- (i) The approval of external materials;
- (ii) Provision and retention of parking;
- (iii) Refuse storage enclosure details, implementation and retention of approved details; and
- (iv) Provision of secure cycle storage.

#### **1. BACKGROUND**

- 1.1 This application is being reported to your Planning Committee because it has generated several objections and is recommended for approval.

#### **2. SUMMARY OF KEY CONSIDERATIONS**

- 2.1 The site is unallocated in the adopted development plans.

2.2 The material planning considerations which are relevant to this application are: -

Government policy (NPPF)

Policies in the adopted development plans BCCS and SAD

Planning history

Living space standards

Overlooking/loss of privacy

Parking, highway safety and traffic generation.

Noise and disturbance

### **3. THE APPLICATION SITE**

3.1 The application refers to an existing retail convenience store with living accommodation on the south side of Park Hill close to the junction with Woden Road East, in a residential area.

3.2 The application building comprises of a two and a half storey property combining retail and residential use. The residential element is one dwelling (9 bedrooms). The existing ground floor has a shop and storage areas together with a lounge, dining room and kitchen for the dwelling. The first floor has 6 bedrooms (4 with en-suites) and a family bathroom. The loft contains 3 bedrooms and a bathroom. There is a hard-surfaced yard (81.5sq.m) at the rear with a detached garden room and store. At the front of the property there is a forecourt parking area.

### **4. PLANNING HISTORY**

4.1 The property has been substantially extended in the past to maximise the floor space of what was originally two semi-detached properties.

4.2 Relevant planning applications are as follows: -

4.3	DC/15/58184	Proposed door and window to existing shop front elevation and veranda to the rear for storage.	Approved 26/6/15
	DC/13/56272	Proposed revision to DC/12/54776 To increase size of rear dormer	Refused 24/10/13 Appeal Dismissed.
	DC/12/55146	Proposed conservatory, and new shed.	Approved 7/11/12

DC/12/54776	Retention of rear dormer window (revisions to planning approval DC/09/51689)	Refused 07/06/12 Appeal Allowed 18/12/12
DC/12/54714	Variation of condition 1 of DC/09/51689 - Proposed flat roofed garage/store, and a higher eaves height to allow appropriate internal access.	Approved 27/7/12
DC/09/51689	Proposed ground floor extension, First floor extension with loft Conversion.	Approved 05/07/10

## 5. APPLICATION DETAILS

- 5.1 The existing ground floor dining, kitchen and lounge would be converted to a 1-bed flat (88sq.m). When the application was originally submitted it was proposed to convert part of the existing ground floor storage area into a hairdressing salon. However, during the processing of the application this has been deleted from the proposal as has a small single-storey extension along the boundary with number 8 Park Hill.
- 5.2 The first and second floors would be converted into an 8 bedroomed HMO, accessed off a separate entrance at the front of the building. There would be shared lounge and kitchen facilities. Each of the rooms would be single occupancy and range in size between 10 and 18sq.m. No other external alterations to the building are proposed.
- 5.3 Parking for 4 cars would be provided on the forecourt along with enclosed refuse storage areas.

## 6. PUBLICITY

- 6.1 The application has been publicised by neighbour notification. I have received 5 objections from nearby residents.

### 6.2 Objections

Objections have been received on the following grounds: -

- (i) Concern about the proposed hairdressing salon and increased parking problems from staff, residents and customers;
- (ii) There are too many salons already in the area;
- (iii) Concern about the type of clientele living in the HMO;

- (iv) Loss of privacy from additional residents overlooking nearby gardens and houses;
- (v) Increased noise;
- (vi) Increased refuse and dust;

### 6.3 Responses to objections

I respond to the objector's comments in turn;

- (i) The originally proposed hairdressing salon has been deleted from the proposal to reduce demands on parking. Highways has no further objections.
- (ii) The fact that there are several salons in the area is not a material reason to refuse a planning application. The salon element of this proposal has been deleted.
- (iii) The local planning authority has no control over the prospective occupants of the HMO. West Midlands Police has raised no objections. Furthermore, private sector housing would control the premises via the licencing of the HMO.
- (iv) It could be argued that the property would be more intensively used than currently because individuals would reside in the property rather than a single family. However, the number of bedrooms would be reduced from 9 to 8 and there are no new rooms being introduced that would create additional overlooking. Therefore, it is not considered that nearby properties would be overlooked any more than they are at present.
- (v) Given that the proposed salon has been deleted and that the development would be in residential use, I do not consider that there would be an appreciable noise impact.
- (vi) Refuse storage is proposed as part of the planning submission and can be controlled by planning conditions. I do not consider that this proposal would generate any dust. Environmental Health has raised no objection in this regard.

### 6.4 Support

No comments have been received which support the application.

## 7. STATUTORY CONSULTATION

- 7.1 The Coal Authority – No objections. The originally proposed extension to the building has been deleted from the scheme.
- 7.2 Highways – No objections following the deletion of the proposed hairdressing salon from the proposal.
- 7.3 Environmental Health (Air Quality) - No objections.

- 7.4 Private Sector Housing – No objections but point out that the HMO would require Building Regulations Approval. Comments have been forwarded to the applicant as this would be dealt with under separate legislation.
- 7.5 West Midlands Police – No objections subject to secured by design measures being employed. The advice has been forwarded to the applicant.
- 7.6 Public Health – No objections subject to secure cycle storage for the HMO occupants.

## **8. GOVERNMENT GUIDANCE/NATIONAL PLANNING POLICY**

- 8.1 National Planning Policy Framework promotes sustainable development but states that that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

## **9. LOCAL PLANNING POLICY**

- 9.1 The following policies of the Council's Local Plan are relevant:-

BCCS policy ENV3

SADD policy SADEOS9

Sandwell's Supplementary Revised Residential Design Guide (HMO Annex)

- 9.2 ENV3 and SAD EOS9 refers to well designed schemes that provide quality living environments. In the main the layout is considered to be acceptable, subject to conditions relating parking layout, refuse storage and secure cycle storage.
- 9.3 The application site is unallocated in the adopted development plan. The provision of a HMO is therefore considered in accordance with adopted supplementary guidance set out in paragraph 9.1 above. The internal space standards and provisions set out in the HMO Annex (minimum 10sq.m for a single occupancy room with separate shared kitchen facilities) have been met by the applicant in this case.

## **10. MATERIAL CONSIDERATIONS**

- 10.1 The material considerations relating to Government policy (NPPF) and proposals with the local plan have been referred to above in Sections 8 and 9. With regard to the other considerations these are highlighted below:

## 10.2 **Planning history**

There is extensive planning history relating to the site and the property has been extended significantly. The current proposal has been amended following original submission to reduce the intensity of the proposal (deletion of the salon and of the small extension).

## 10.3 **Living space standards**

Minimum internal living space standards have been met (paragraph 9.2 above).

## 10.4 **Overlooking/loss of privacy**

Refer to paragraph 6.3 (iv) above. No issues arising.

## 10.5 **Parking, highway safety and traffic generation**

The proposed parking provision is deemed appropriate following the deletion of the hair salon from the proposal resulting in no objections from Highways.

## 10.6 **Noise and disturbance**

Refer to paragraph 6.3 (vi) above. No issues arising.

## 11. **IMPLICATIONS FOR SANDWELL'S VISION**

11.1 The proposal supports Ambitions 7, 8 and 10 of the Sandwell Vision 2030: -

11.2 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

11.3 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.

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

## **12. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

12.1 The proposal is policy compliant and there are no other unsatisfactory material considerations to warrant refusal of the application.

## **13. STRATEGIC RESOURCE IMPLICATIONS**

13.1 When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the council.

## **14. LEGAL AND GOVERNANCE CONSIDERATIONS**

14.1 This application is submitted under the Town and Country Planning Act 1990.

## **15. EQUALITY IMPACT ASSESSMENT**

15.1 There are no equalities issues arising from this proposal and therefore an equality impact assessment has not been carried out.

## **16. DATA PROTECTION IMPACT ASSESSMENT**

16.1 The planning application and accompanying documentation is a public document.

## **17. CRIME AND DISORDER AND RISK ASSESSMENT**

17.1 Objections have been received regarding the clientele of the proposed HMO. West Midlands Police has raised no objections.

## **18. SUSTAINABILITY OF PROPOSALS**

18.1 Refer to the national planning framework (8) and local plan policies (9) and material considerations (10).

## **19. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)**

19.1 Refer to the summary of the report (12).

## **20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

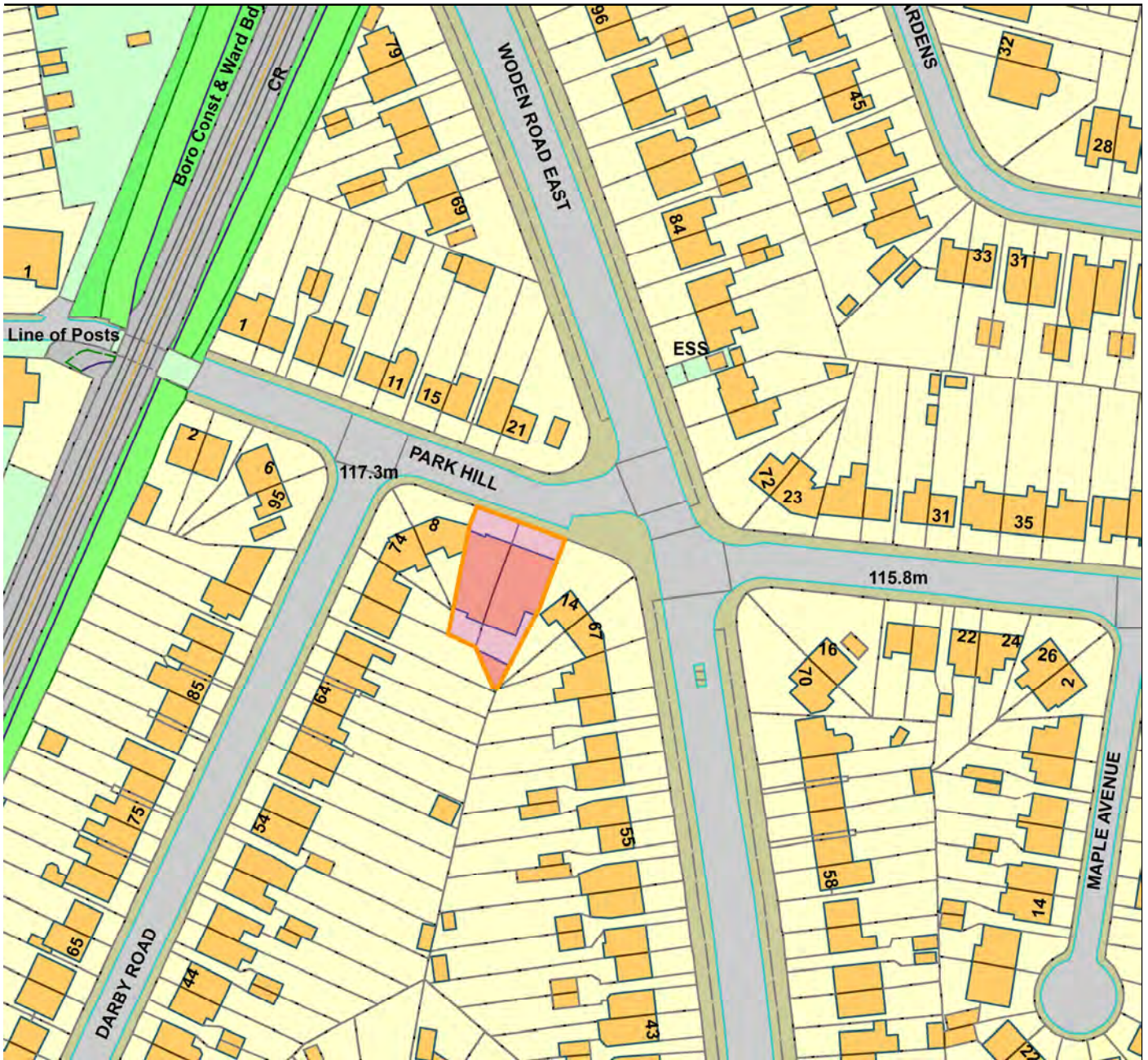
20.1 There will be no impact.

## **21. APPENDICES:**

Site Plan  
Context Plan  
Plan No. 2155/S1 & 2155/P10 RevB

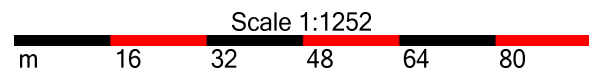


DC/19/63440  
10 - 12 Park Hill, Wednesbury, WS10 0PL



**Legend**

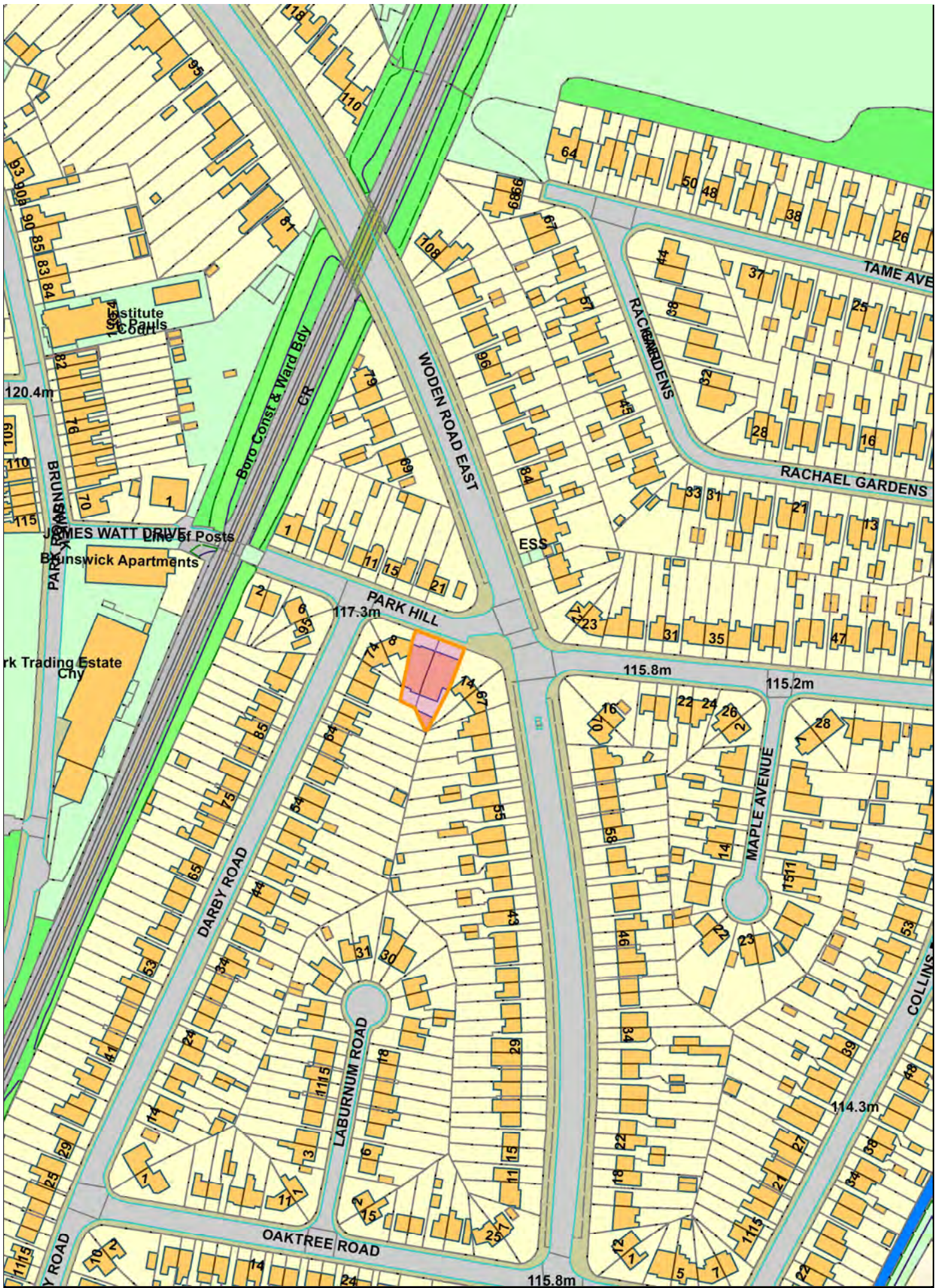
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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	29 January 2020
<b>OS Licence No</b>	



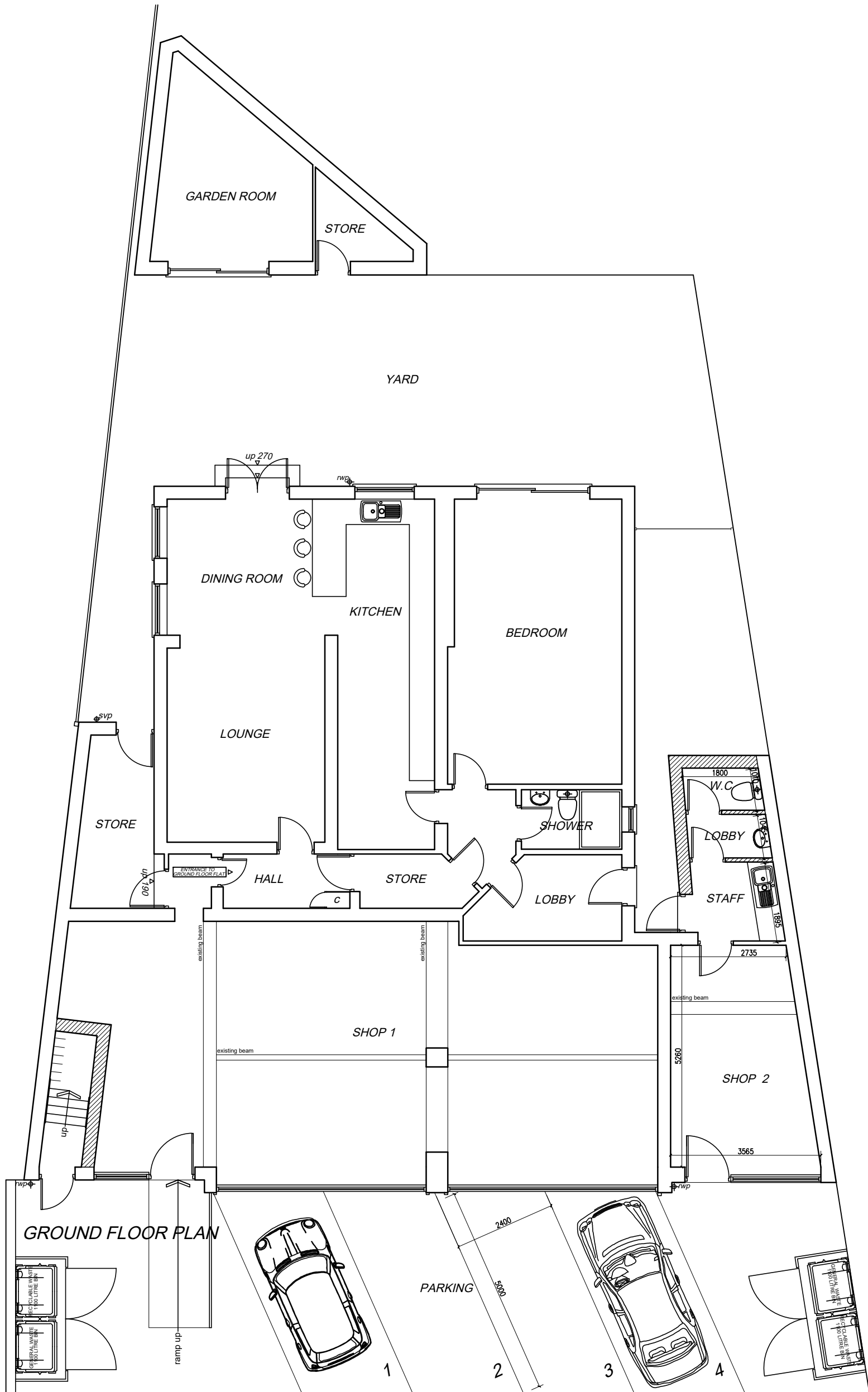


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GROUND FLOOR PLAN

FOOTPATH

○ LAMP POST

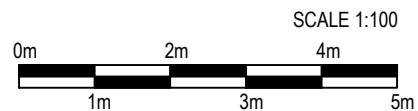
existing drop curb

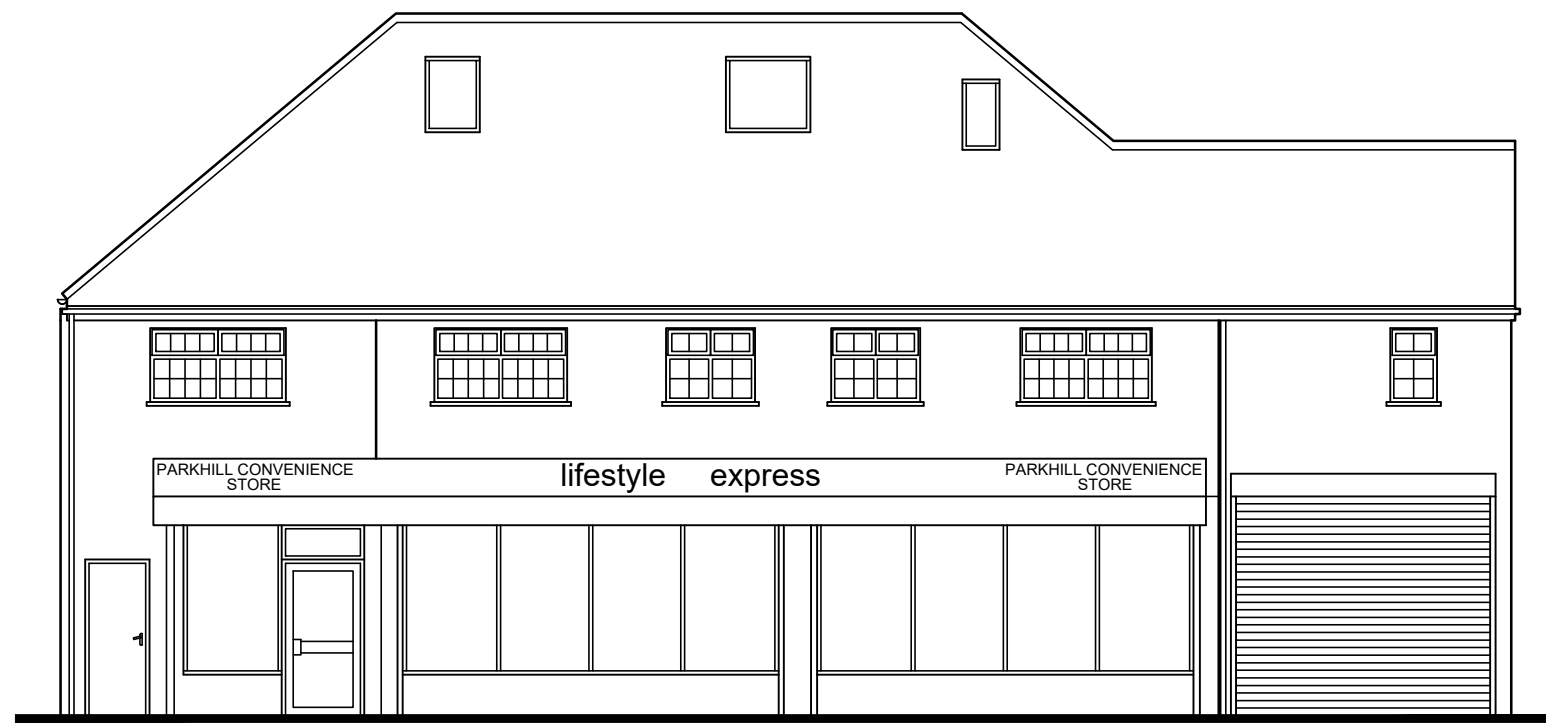
proposed drop curb

existing drop curb

PARK HILL

# SITE PLAN SCALE 1:100

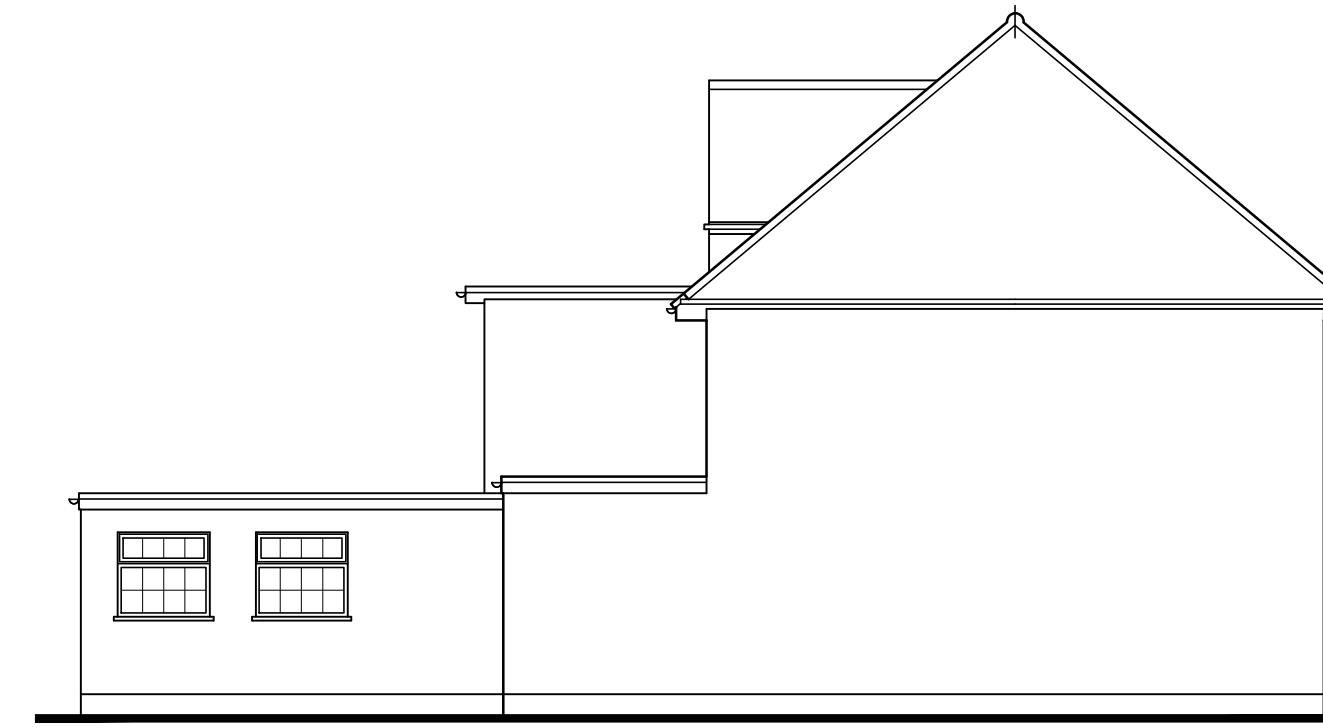




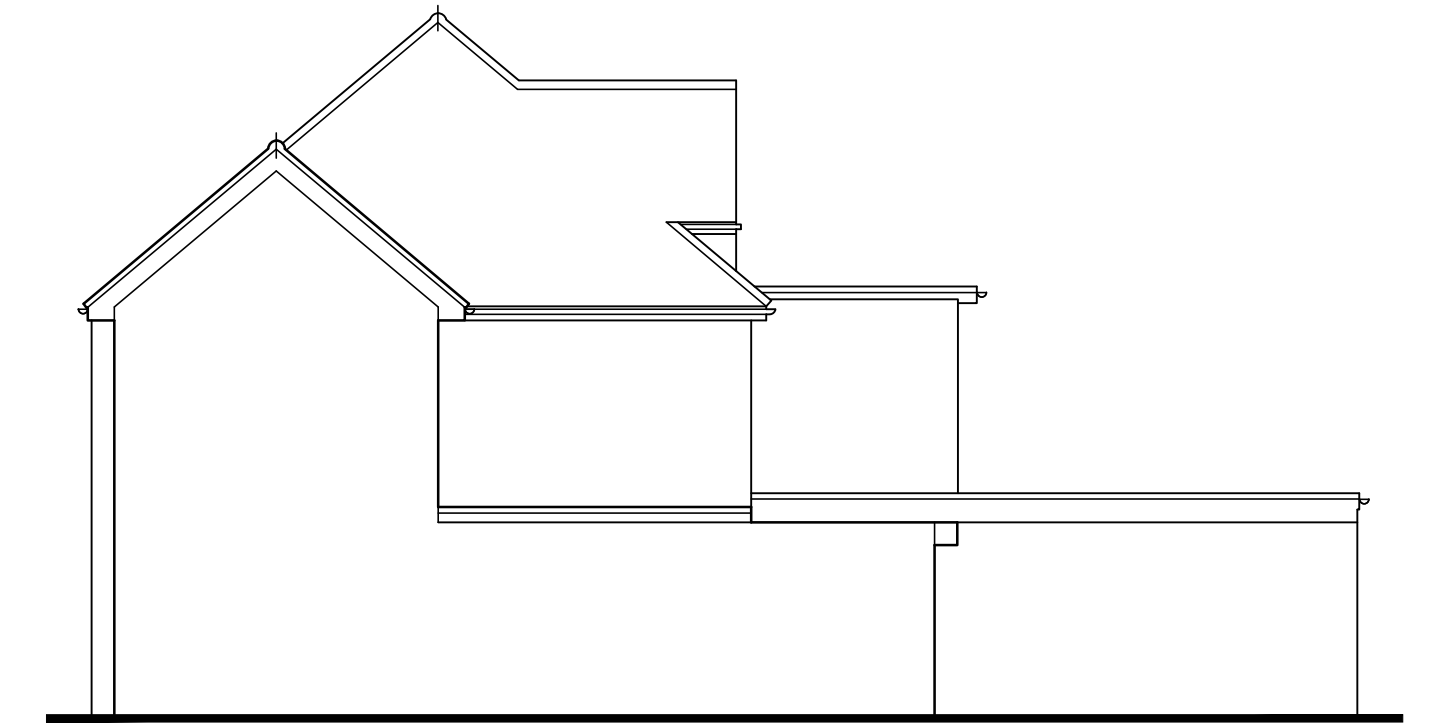
FRONT ELEVATION



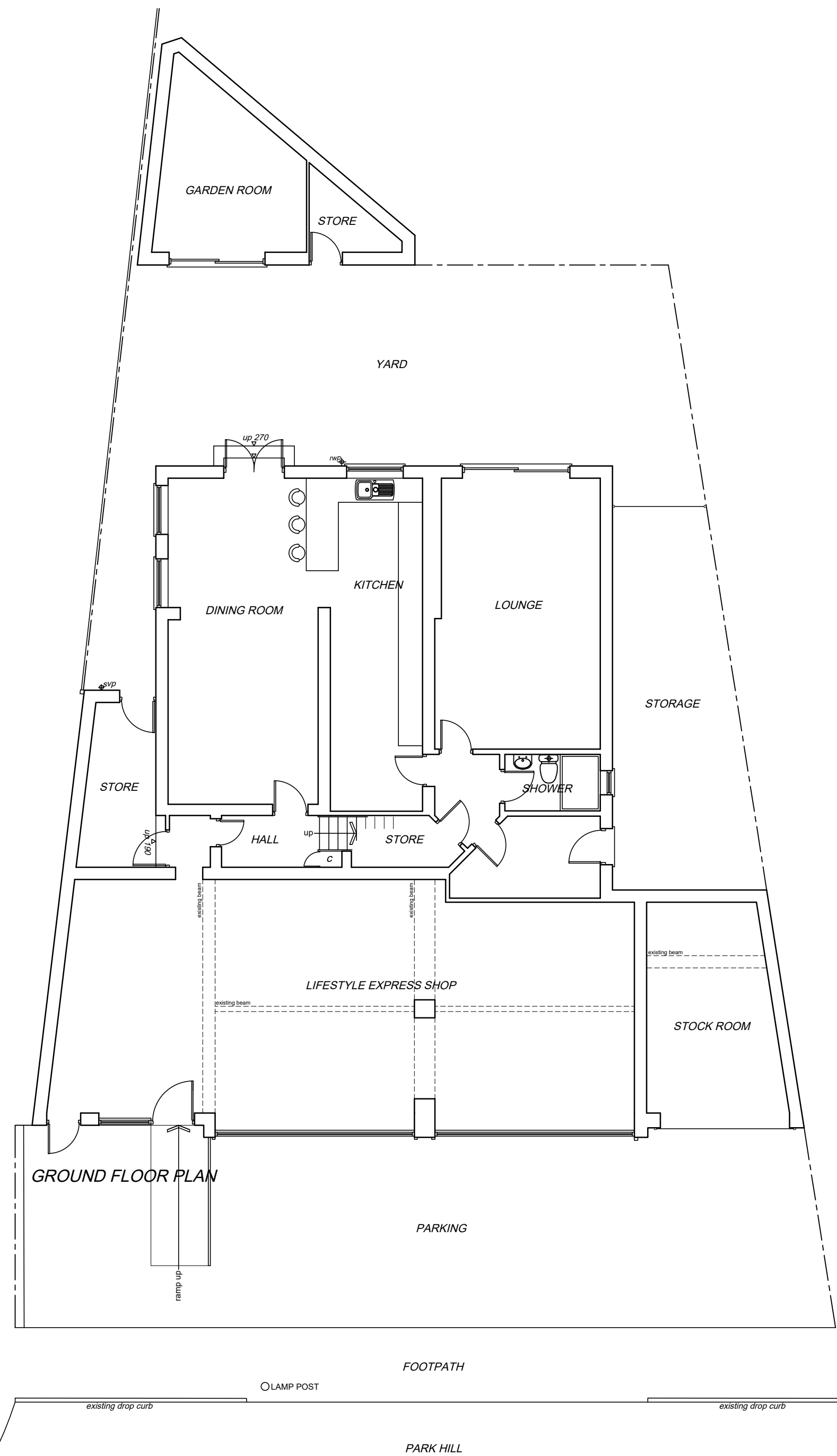
REAR ELEVATION



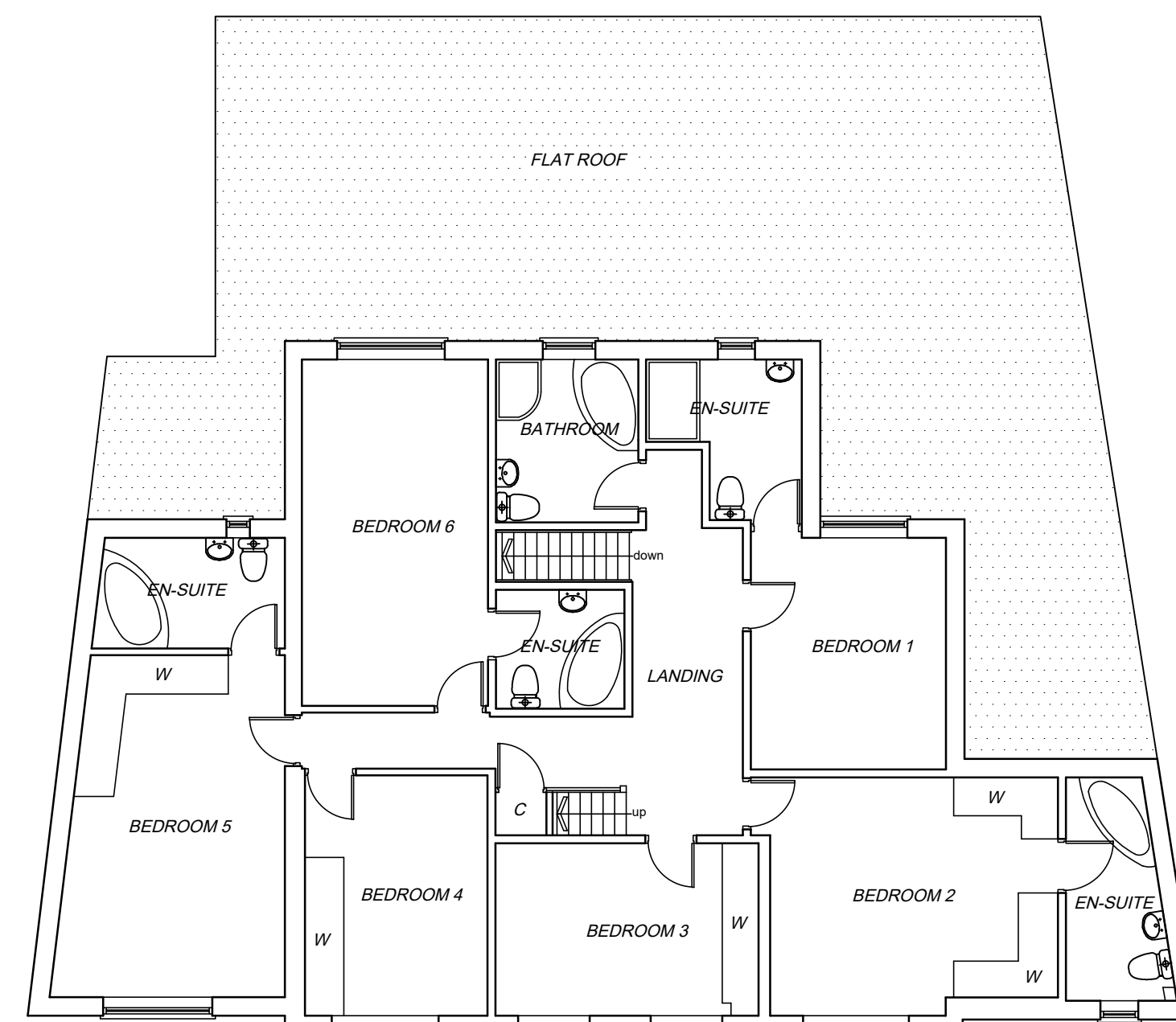
SIDE ELEVATION



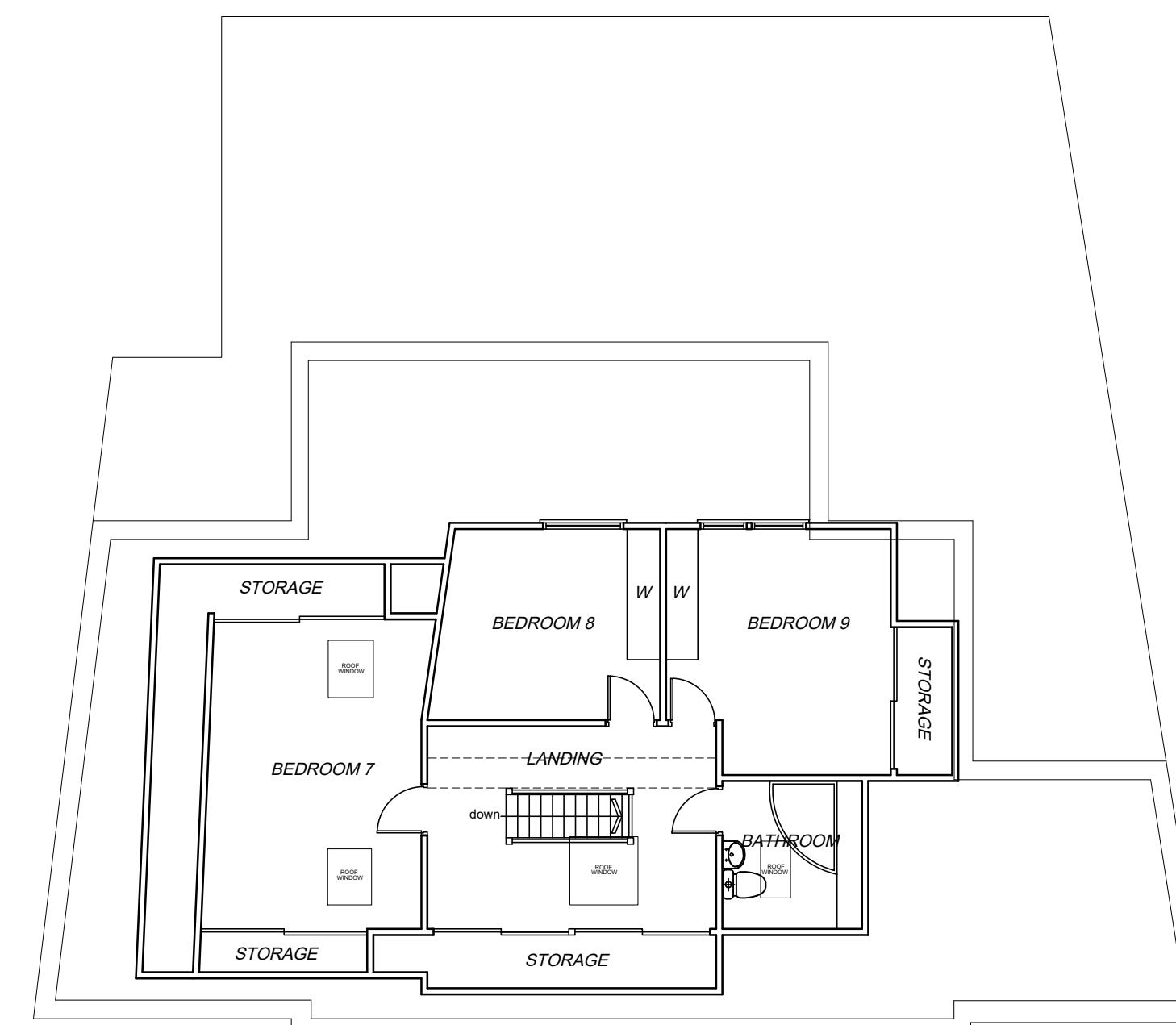
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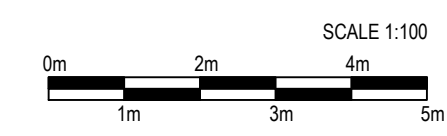
GROUND FLOOR PLAN




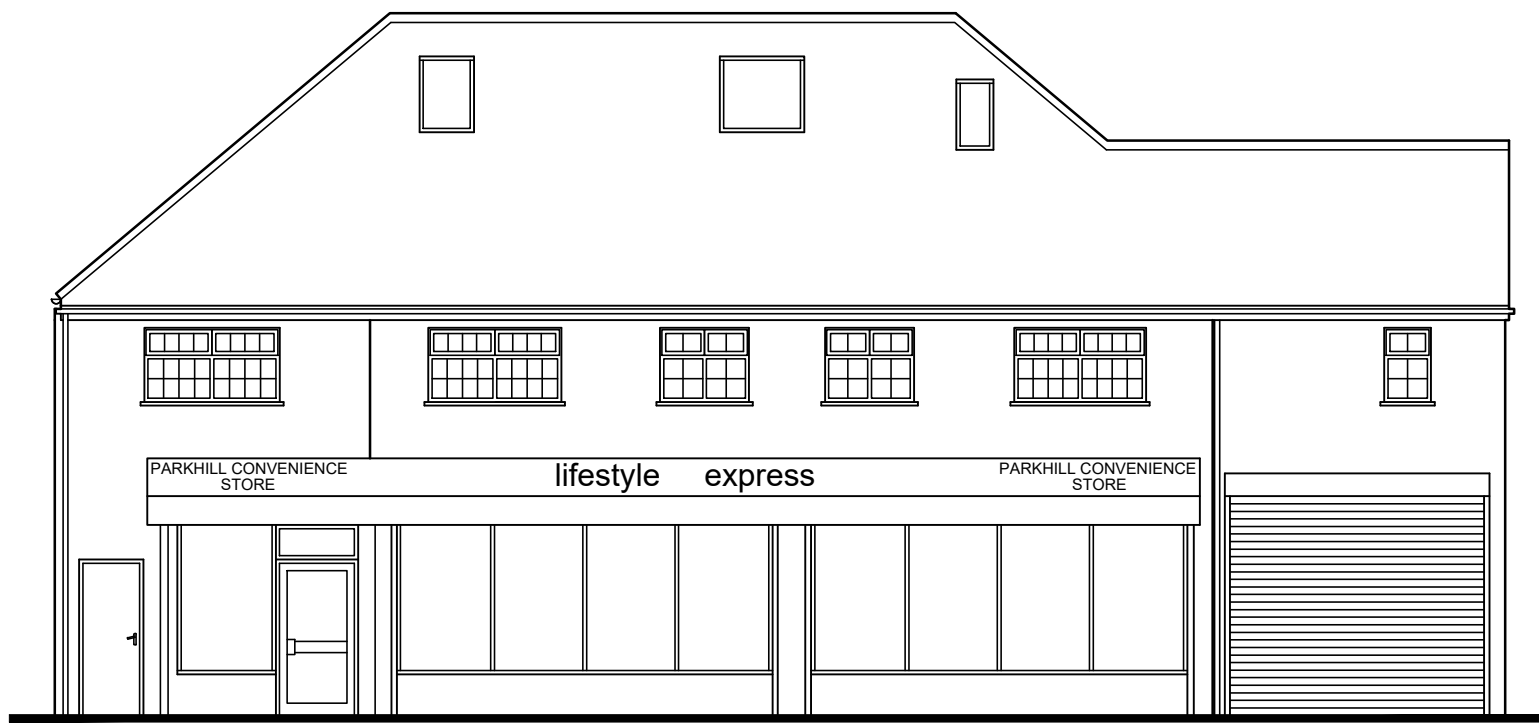
FIRST FLOOR PLAN



SECOND FLOOR PLAN



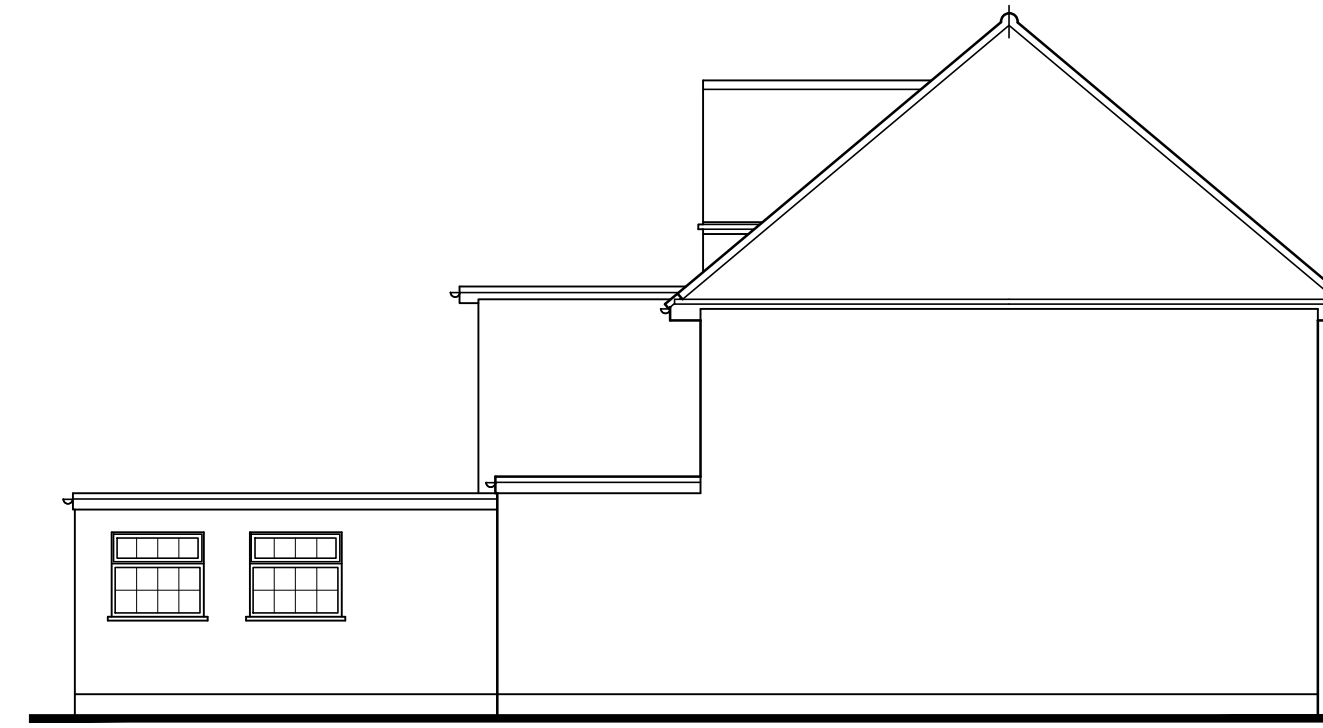
REV	DRAWN	DATE
 <b>Sdb architecture</b> DESIGN, PLANNING & PROJECT MANAGEMENT 20 B&Ignorth Road, Wombourne, Staffs. WV5 0AA Tel: 01902 894517 Mob: 07866454194 Email: petertyle@sevendesignbuild.com		
PROJECT PROPOSED GROUND FLOOR SALON & HMO ON FIRST AND SECOND FLOORS PARK HILL CONVENIENCE STORE, 10-12 PARK HILL, WEDNESBURY, WS10 0PL		
CLIENT MR BALACHANDRAN THIYAGARAJAH		
DRAWING SURVEY		
DRAWN	CHECKED	APPROVED
CAD	SCALE 1/100/BA1	DATE 12.06.19
DRAWING No:	2155/S1	
		REV



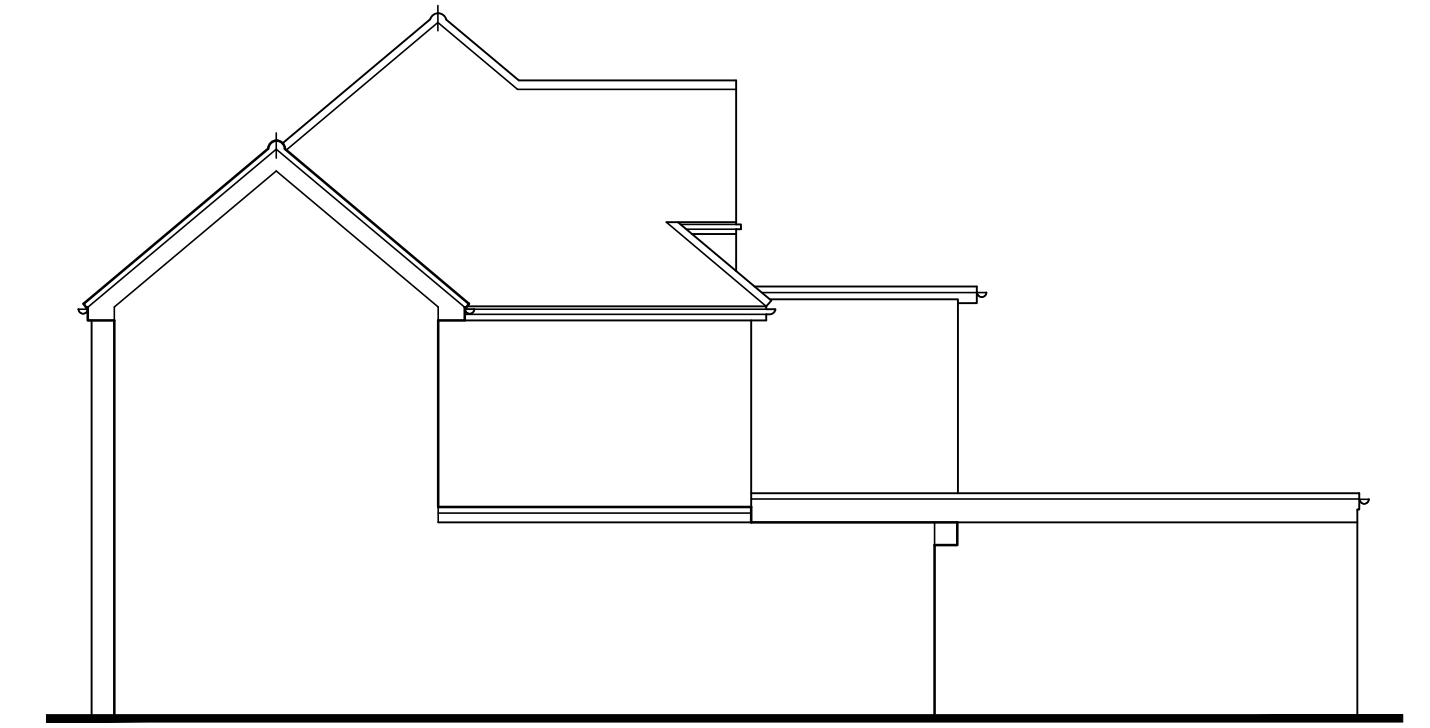
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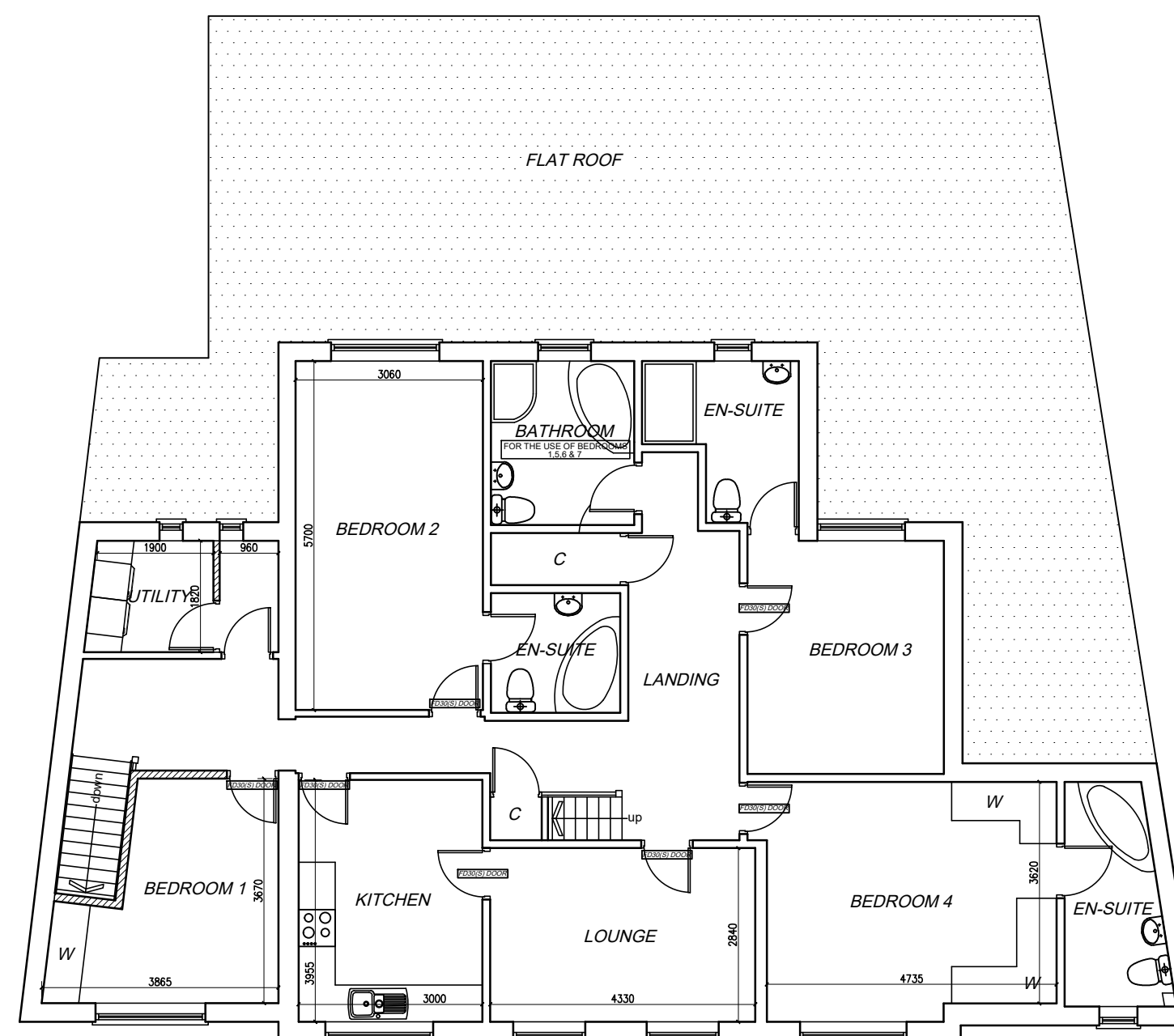
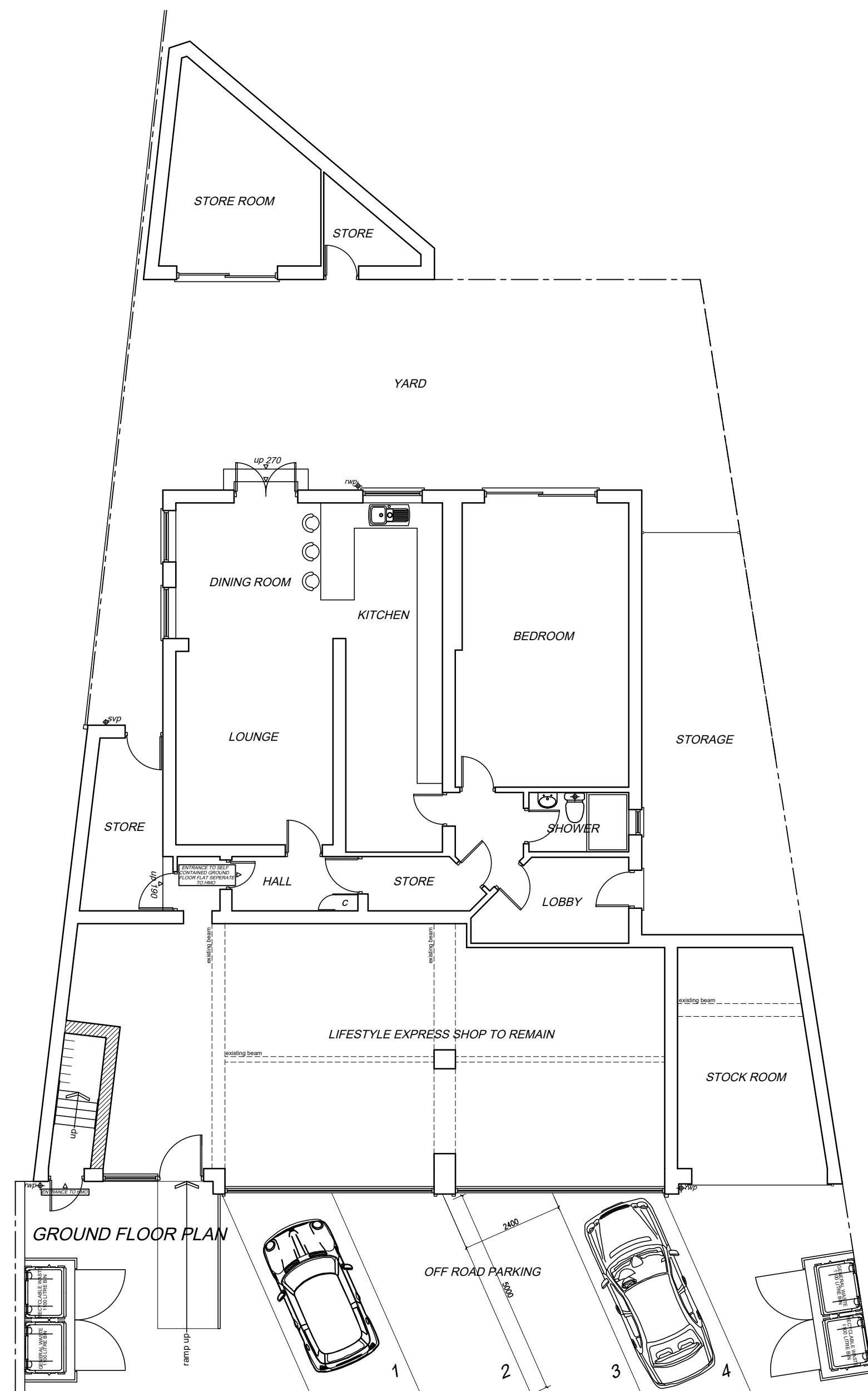
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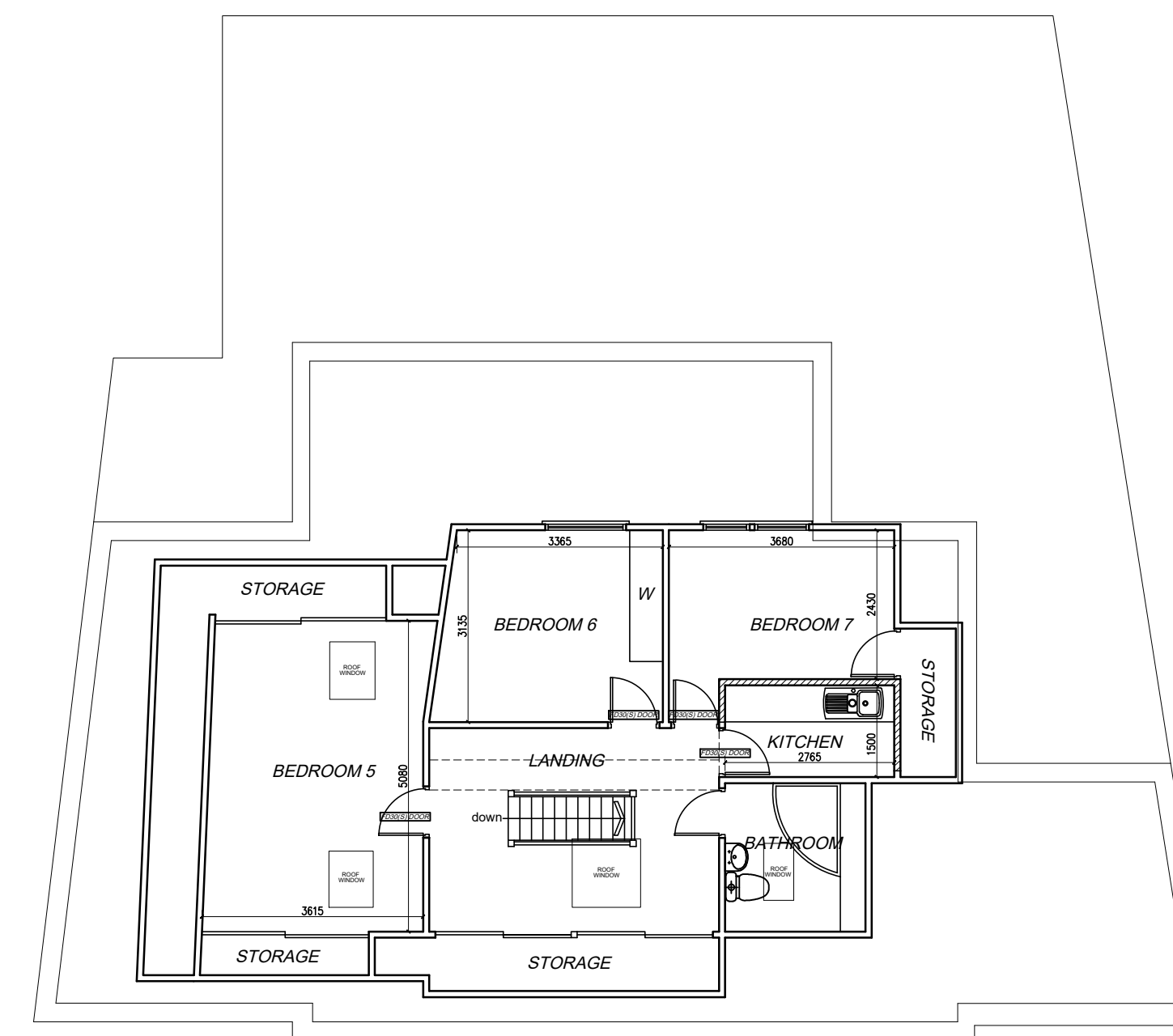
SIDE ELEVATION



SIDE ELEVATION



FIRST FLOOR PLAN



SECOND FLOOR PLAN

**FLOOR AREAS:**

<b>GROUND FLOOR</b>	<b>SHOP 1</b>	<b>88.10 sq.m</b>
	<b>FLAT</b>	<b>99.80 sq.m</b>
<b>HMO</b>		
<b>FIRST FLOOR</b>	<b>BEDROOM 1</b>	<b>11.00 sq.m</b>
	<b>BEDROOM 2</b>	<b>17.44 sq.m</b>
	<b>BEDROOM 3</b>	<b>12.23 sq.m</b>
	<b>BEDROOM 4</b>	<b>18.31 sq.m</b>
	<b>KITCHEN</b>	<b>11.90 sq.m</b>
	<b>LOUNGE</b>	<b>12.30 sq.m</b>
	<b>UTILITY</b>	<b>5.60 sq.m</b>
<b>HMO</b>		
<b>SECOND FLOOR</b>	<b>BEDROOM 5</b>	<b>18.00 sq.m</b>
	<b>BEDROOM 6</b>	<b>11.30 sq.m</b>
	<b>BEDROOM 7</b>	<b>9.53 sq.m</b>
	<b>KITCHEN</b>	<b>4.14 sq.m</b>

**Notes for the Client and Contractor:**

**sdb Architecture**  
 (Seven Design Build) take no responsibility for checking any building works on site.  
 The contractor must check and verify all building and site dimensions, levels, a drain/sewer and IC locations.  
 The contractor must check that they are working from the latest drawing revisions.  
 Prior to commencement of the work on site, the client must ensure that Planning Approval where necessary has been obtained and has not expired.  
 Planning Conditions ( listed on planning approval) which are required to be discharged prior to commencement of work must be dealt with otherwise the planning approval could be lost and a fresh application required.  
 Where the building is listed then the Local Authority Conservation officer must be informed of the commencement of the works, and kept fully informed of progress.  
 Facing materials must be approved by the Local Planning Authority ie facing bricks, roof tiles, window frames etc.  
 Written approval to the materials must be obtained from the Local Authority prior to commencement.  
**THE PARTY WALL ACT:**  
 It is a legal requirement (of the Party wall act) that home owners give the required notice to their neighbours when intending to build on or adjacent to the site boundary.  
**BUILDING REGULATIONS:**  
 The contractor must comply with the current Building Regulations whether specifically stated on this drawing or not. All necessary stage Building Inspections must be requested at the appropriate times. On completion, a Completion Certificate must be requested from building control, and supplied to the Building owner.

REV	DRAWN	Local authority amendments - GF Salon removed
B	DATE	12/11/19

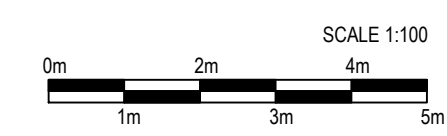
**Sdb architecture**  
 DESIGN, PLANNING & PROJECT MANAGEMENT  
 20 B&Igroth Road, Wombourne, Staffs. WV5 0AA  
 Tel: 01902 894517 Mob: 07866454194 Email: petertyle@seven-design-build.com

**PROJECT**  
 PROPOSED HMO  
 ON FIRST & SECOND FLOORS  
 PARK HILL CONVENIENCE STORE,  
 10-12 PARK HILL, WEDNESBURY, WS10 0PL

**CLIENT**  
 MR BALACHANDRAN THIYAGARAJAH


**DRAWING**  
 PLANNING DRAWING

DRAWN	CHECKED	APPROVED
CAD	SCALE 1/100@A1	DATE 12/06/19
DRAWING No:	2155/P10	REV B



## REPORT TO PLANNING COMMITTEE

12<sup>th</sup> February 2020

<b>Application Reference</b>	DC/19/63522
<b>Application Received</b>	3 <sup>rd</sup> October 2020
<b>Application Description</b>	Proposed 4 No. retail units at ground floor and 8 No. apartments above with associated parking.
<b>Application Address</b>	Land Adjacent to 63 Leabrook Road Wednesbury WS10 7NW
<b>Applicant</b>	Mr Jagpal Singh
<b>Ward</b>	Wednesbury South
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s)</b>	Mrs Christine Phillips 0121 569 4040 christine_phillips@sandwell.gov.uk

### **RECOMMENDATION**

That planning permission be refused on grounds that: -

- (i) The retail element is contrary to BCCS Policies CEN6 and CEN7 and would therefore undermine the vitality and viability of Wednesbury Town Centre in that no justification has been submitted to demonstrate that the retail units cannot be located within the Town Centre and the local need for convenience shopping is already met.
- (ii) The retail element is contrary to BCCS Policy HOU1 and SAD Policy H1 in that it presents a non-conforming use with no consideration given to the separation of, and relationship between the retail and residential uses. The proposal would therefore be detrimental to the amenity of the occupants of the flats as well as nearby residential property.
- (iii) Inadequate provision has been made for the parking of vehicles in connection with both the retail and residential elements, or for the servicing of the retail units, to the detriment of highway safety and contrary to the provisions Sandwell's Adopted Supplementary Residential Design Guide.

- (iv) The development would be contrary to the provisions of Sandwell's Adopted Supplementary Residential design guide in that no provision for private external amenity space has been provide in relation to the proposed flats and would therefore be detrimental to the residential amenity of the flat occupants.

## **1. BACKGROUND**

- 1.1 This application is being reported to your Planning Committee because it has generated several objections along with a petition in support of the proposal.

## **2. SUMMARY OF KEY CONSIDERATIONS**

- 2.1 The Site is allocated for Housing development in the Black Country Core Strategy and the Site Allocations and Delivery Document.
- 2.2 The material planning considerations which are relevant to this application are: -
- Government policy (NPPF)
  - Proposals in the Local Plan
  - Planning history
  - Overlooking/loss of privacy
  - Loss of light and/or outlook/overshadowing
  - Layout and density of building
  - Design, appearance and materials
  - Access, highway safety, parking and servicing
  - Noise and disturbance from the scheme

## **3. THE APPLICATION SITE**

- 3.1 The application refers to vacant land on the corner of Leabrook Road and Willingsworth Road. The site is flat, bounded by open fencing and has been vacant for about 20 years. It is adjoined by a convenience store immediately to the south-west. To the north and on the opposite side of Willingsworth Road it is bounded by residential property. On the opposite side of Leabrook Road are industrial premises.

## **4. PLANNING HISTORY**

- 4.1 Planning consent for a car park was approved in 1998 but not implemented. There have been two enforcement cases in 2009 and 2017 relating to the untidiness of the site, dealt with under the planning enforcement process. The site was not untidy upon my site visit in connection with this current application.

4.2 Relevant planning applications are as follows: -

DC/98/34085	Proposed Car park together with boundary fencing.	Approved 30/4/1998
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## 5. APPLICATION DETAILS

5.1 This is a full planning application for the construction of a three-storey development of 4 retail units on the ground floor with 8 apartments above.

5.2 The proposed 'L'-shaped block on the eastern corner of the site, would be set 1.4m back from the footpath with Leabrook Road and, at its closest point, be positioned 0.2m from the back edge of footpath with Willingsworth Road. It would be of a traditional brick design to complement the general area. Three of the proposed retail units would front Leabrook Road (floorspace 2 x 70sq.m and 1 x 80. 5sq.m). The fourth unit (94. 5sq.m) would face Willingsworth Road. There are no details of proposed occupancy of the retail units, so it is assumed this is a speculative development. However, the application specifies that the retail units would be open from 07.00-23.00 hours every day and that there would be 8 employees. There are no details of how the shops would be serviced or any information relating to refuse collections. A total of 8 parking spaces are proposed at the rear of the building accessed off Willingsworth Road, adjacent to no. 2 and utilising a shared private access drive. Cycle storage would be provided at the rear but there is no provision for private amenity space for the flats.

5.3 The two upper floors would each contain 3 1-bed flats and 1, 2-bed flat (making 8 flats in total). The 1, bed flats would be 68sq.m and the 2-bed 85sq.m.

5.4 A Design & Access statement has been submitted with the application. The applicant points out that the site has been vacant for over 20 years and that the proposals would provide a sustainable solution, bring employment and amenity to the area with affordable accommodation.

## 6. PUBLICITY

6.1 The application has been publicised by neighbour notification resulting in 7 individual objection letters being received. A 51-signature petition in support has also been submitted.

### 6.2 Objections

Objections are summarised as follows: -



- (i) Concern that the proposed shops would be hot food take-aways with associated problems of litter and anti-social behaviour.
- (ii) There are already parking problems along Willingsworth Road with drivers ignoring double-yellow line restrictions, particularly local fishermen parking. Parking problems would be worsened along Willingsworth Road, a residential street.
- (iii) The site is more suitable for bungalows.
- (iv) Wednesbury Town Centre is close where there are plenty of retail units. Great Bridge Centre is also close.
- (v) Loss of privacy from occupants of the flats overlooking houses.
- (vi) A neighbouring resident has queried the site location plan, indicating the access to the site would be over a shared access drive. There is concern about access arrangements.
- (vii) Increased general noise from deliveries and noise during construction.
- (viii) Concern about air quality levels from HGV fumes visiting the site.
- (ix) Loss of light to houses in Willingsworth due to the height of the development.
- (x) The site is constantly littered with rubbish.

Immaterial issues have been raised regarding devaluation of house prices.

### 6.3 Responses to objections

I respond to the objector's comments in turn;

- (i) There is no indication in the application as to the specific use of the retail units. It is believed they would be speculative units. If retail were to be considered appropriate they would be restricted to A1 general retail and any subsequently proposals for hot food take-aways would be subject to separate planning applications. However, the retail element under consideration now is considered inappropriate and contrary to policy as will be demonstrated further in this report. I share the objectors concerns regarding possible detriment to residential amenity from the commercial element and its proximity to homes.
- (ii) Highways object to the proposal (see paragraph 7, 7.2 below).
- (iii) The site is allocated for residential redevelopment and the Council would consider all types of dwellings. The site is bounded by a mixture of houses and flats and this proposal is for flats (with retail). A bungalow development may be appropriate but does not form the basis of this current application by this applicant.
- (iv) The concerns are shared and addressed in the policy comments (paragraph 9, 9.1 below).
- (v) The proposed position of windows, relationship between primary/secondary elevations of the proposed development and

- existing development would ensure that there is no appreciable overlooking from the new development.
- (vi) The shared access issue is a private matter to be addressed by both parties separately from this planning application. However, the issues would have implications for the layout of the site and joint access arrangements. Therefore, the matter has been raised with the applicant.
  - (vii) Additional noise and comings and goings associated with the commercial element of the proposal could have a serious impact on both the occupants of the proposed flats as well as neighbouring residents, particularly given that insufficient parking is proposed and there would be displacement of vehicles, including delivery vehicles, on nearby streets. I share the concerns of the residents in this regard.
  - (viii) Environmental Health (Air Quality Team) has no objections subject to the installation of electric vehicle charging points.
  - (ix) The narrowest part of the development would be 12m away from the side elevation of no. 2 Willingsworth Road. The widest section of the development would be 26m away from the side elevation of no. 2. The side elevation of new no. is a secondary elevation where the minimum recommended distance would be 14m under the Residential Guidance. Therefore, in this regard it is not considered that there would be a material loss of light.
  - (x) Development of the site would bring a vacant and untidy piece of land back into use and should overcome issues with littering if developed appropriately.

## **6.4 Support**

6.4.1 The petition in support is based on grounds that it will bring employment to the area, bring low affordable accommodation and will transform this eyesore vacant land into use. Residents of Willingsworth Road, Callear Road, Charlotte Road, Maple Leaf Road, Bagnalls Wharf, Bannister Road, Leabrook Road and Seymour Road have signed the petition.

## **7. STATUTORY CONSULTATION**

### **7.1 Planning Policy**

Objection. While there are no policy concerns with the residential element of the scheme, the retail element is contrary to Policies CEN6 and CEN7 of the BCCS. No justification has been provided as to why the retail units cannot be in Wednesbury Town Centre, less than 1 kilometre away and with several vacant units. In addition, there are already local convenience stores in proximity to the application site that meet day to day local needs. Further information on policy factors are set out at paragraph 9 below.

## 7.2 Highways

Objection. The retail element requires a minimum of 36 and a maximum of 51 off-street parking spaces depending on the nature of the retail element, which is unspecified in the application. Taking the minimum requirement into consideration, the proposals are wholly inadequate. Furthermore, there are no clear details as to the location of bin storage/refuse collection arrangements or servicing of the retail elements. In addition, there should be a total of 10 parking spaces for the residential element (including 2 visitor spaces). The parking spaces shown on the submitted plan are both wholly inadequate in terms of overall numbers and do not meet space requirements (2.8m x 5 with 6m manoeuvring) as set out in Sandwell's Adopted Residential Design Guide.

Furthermore, Highways point out that the existing bus shelter along Leabrook Road would need to be repositioned with the agreement of Transport for West Midlands.

## 7.3 Environmental Health (Air Quality)

No objections subject to the installation of electric vehicle charging points.

## 7.4 Environmental Health (Contaminated Land)

No objections subject to conditions related to a desk top site investigation to assess the risk of potential on-site contamination from historic land uses together with remediation where appropriate.

## 7.5 Environmental Health (Air Pollution and Noise) - No comments received.

## 7.6 West Midlands Police

No objections subject to adopting the principles of Secured by Design.

## 7.7 Canal and River Trust

No objections subject to secure cycle storage to encourage connectivity and sustainable travel close to the canal network. Also, subject to appropriate landscape planting to encourage biodiversity close to the canal network.

## **8. GOVERNMENT GUIDANCE/NATIONAL PLANNING POLICY**

- 8.1 National Planning Policy Framework promotes sustainable development but states that that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

## **9. LOCAL PLANNING POLICY**

- 9.1 The following policies of the Council's Local Plan are relevant:-

HOU1 – Delivering Sustainable Housing Growth

CEN6 – Meeting Local needs for Shopping and Services

CEN7 – Controlling Out-of-Centre Development

ENV3 - Design Quality

DEL1 - Infrastructure Provision

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

ENV7 – Renewable Energy

ENV8 - Air Quality

H1 – Housing Allocations

SAD EOS9: Urban Design Principles

- 9.2 Detailed local policy considerations

The site is allocated for residential redevelopment in both the BCCS and SAD documents (HOU1 and H1 respectively). The residential element would therefore be supported by these policies were it not combined with retail. Both policies do not support the introduction of a non-conforming use such as retail.

Policy CEN7 adopts a town centre first approach, whereby there is a clear presumption in favour of focussing retail development in the centre. In this case there are vacancies in Wednesbury Town Centre where the proposed retail units should be located. Also, in terms of Policy CEN6 the convenience day-to-day needs are already met in this locality and therefore the proposal for 4 additional retail units is contrary to policy.

In terms of design policies ENV3 and SADEOS9 the design of the building is considered appropriate and complementary to the surrounding buildings.

Policy DEL1 advises that all new development should be supported by on and off-site infrastructure to ensure the development is sustainable and contributes to the proper planning of the wider area. In this case the development would be liable for the Community Infrastructure Levy (CIL).

As regards drainage (Policy ENV3, Policy ENV7 Renewable Energy and Policy ENV8 Air Quality), these items can be controlled by planning conditions.

## **10. MATERIAL CONSIDERATIONS**

10.1 The material considerations relating to Government policy (NPPF) and proposals with the local plan have been referred to above in Sections 8 and 9. With regard to the other considerations these are highlighted below:

### **10.2 Planning history**

The site has been vacant for many years and suffered fly tipping that has been subject to previous enforcement action. Appropriate redevelopment of the site is welcomed.

### **10.3 Overlooking/loss of privacy**

It is not considered that there would be an appreciable loss of privacy due to the distances and orientation of the development. Refer to paragraph 6.3 (vi).

### **10.4 Loss of light and/or outlook/overshadowing**

There would be no material impact to warrant refusal. Refer to paragraph 6.3 (x).

### **10.5 Layout and density of building**

The development is considered too intensive and does not provide sufficient parking, amenity space, servicing arrangements.

### **10.6 Design, appearance and materials**

The traditional design and external appearance is considered appropriate in the locality.

### **10.7 Access, highway safety, parking and servicing**

Inadequate provision has been made.

### **10.8 Noise and disturbance from the scheme**

The retail element would have an adverse impact on the residential occupants along with existing nearby residential occupiers particularly late into the evening.

## **11. IMPLICATIONS FOR SANDWELL'S VISION**

- 11.1 The proposal supports Ambitions 3, 7, 8 and 10 of the Sandwell Vision 2030: -
- 11.2 Ambition 3 – Our workforce and young people are skilled and talented, geared up to respond to changing business needs and to win rewarding jobs in a growing economy.
- 11.3 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.
- 11.4 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.
- 11.5 Ambition 10 – Sandwell has a national reputation for getting things done, where all local partners are focussed on what really matters in people's lives and communities.

## **12. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

- 12.1 Bringing this site back into use is welcomed as it has been troubled by fly-tipping in the past. However, the proposal for retail and residential combined are un-complimentary, would be contrary to adopted policy given that the site is allocated for residential use, would have an adverse impact on highway safety, residential amenity and would not accord to the standards set out in the Council's Adopted Residential Design Guide. The proposal should therefore be resisted.
- 12.2 The applicant has been given the opportunity to amend the scheme by deleting the retail element but has declined to do so.

## **13. STRATEGIC RESOURCE IMPLICATIONS**

- 13.1 When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the council.

## **14. LEGAL AND GOVERNANCE CONSIDERATIONS**

- 14.1 This application is submitted under the Town and Country Planning Act 1990.

## **15. EQUALITY IMPACT ASSESSMENT**

15.1 There are no equalities issues arising from this proposal and therefore an equality impact assessment has not been carried out.

## **16. DATA PROTECTION IMPACT ASSESSMENT**

16.1 The planning application and accompanying documentation is a public document.

## **17. CRIME AND DISORDER AND RISK ASSESSMENT**

17.1 Objections have been received regarding anti-social behaviour.

## **18. SUSTAINABILITY OF PROPOSALS**

18.1 Refer to the national planning framework (8) and local plan policies (9) and material considerations (10).

## **19. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)**

19.1 Refer to the summary of the report (12).

## **20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

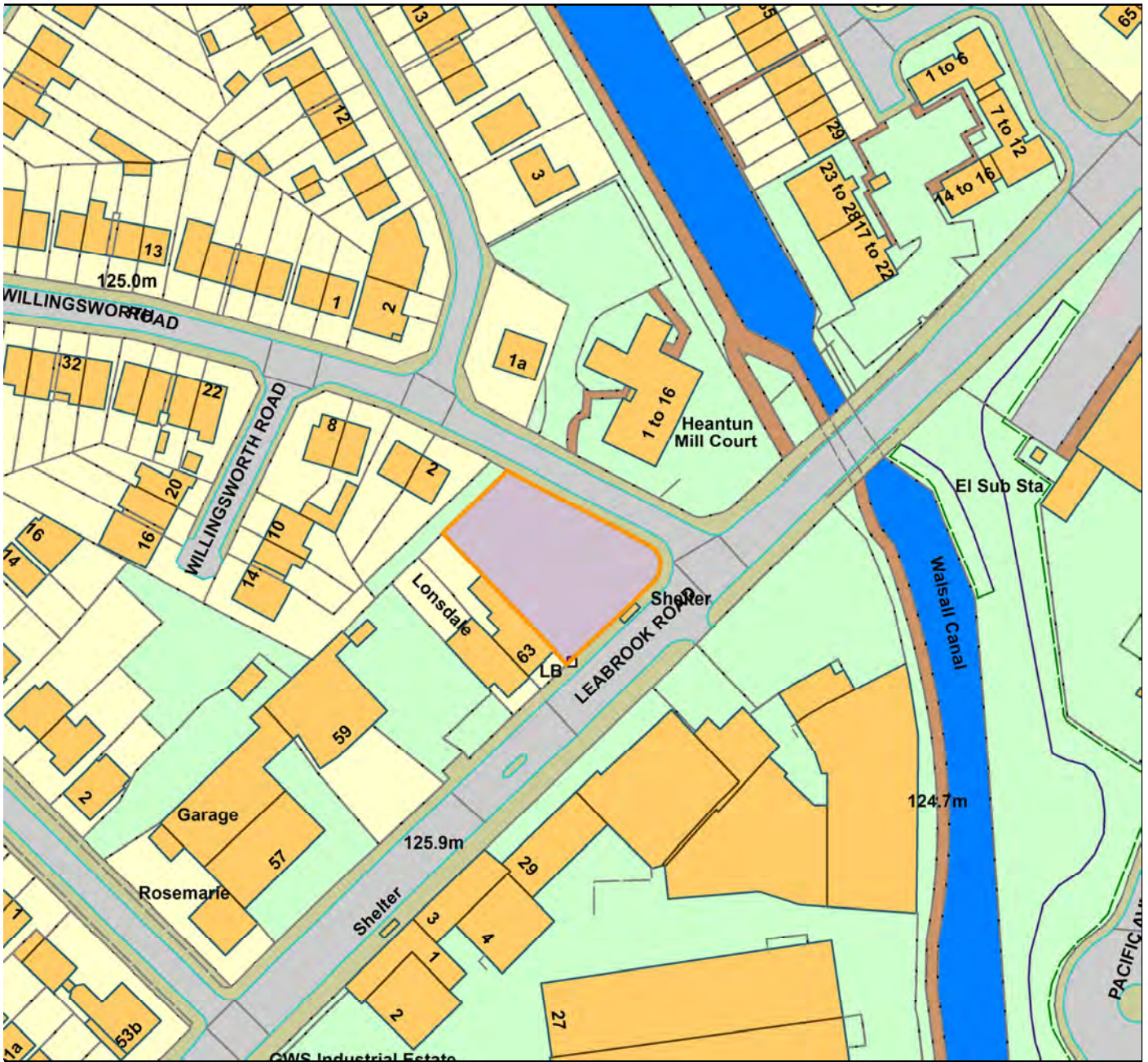
20.1 There will be no impact.

## **21. APPENDICES:**

Site Plan  
Context Plan  
Plan No. 3500\_004 & 005

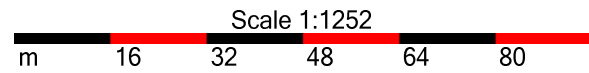


DC/19/63522  
Land Adj 63 leabrook Road, Wednesbury



**Legend**

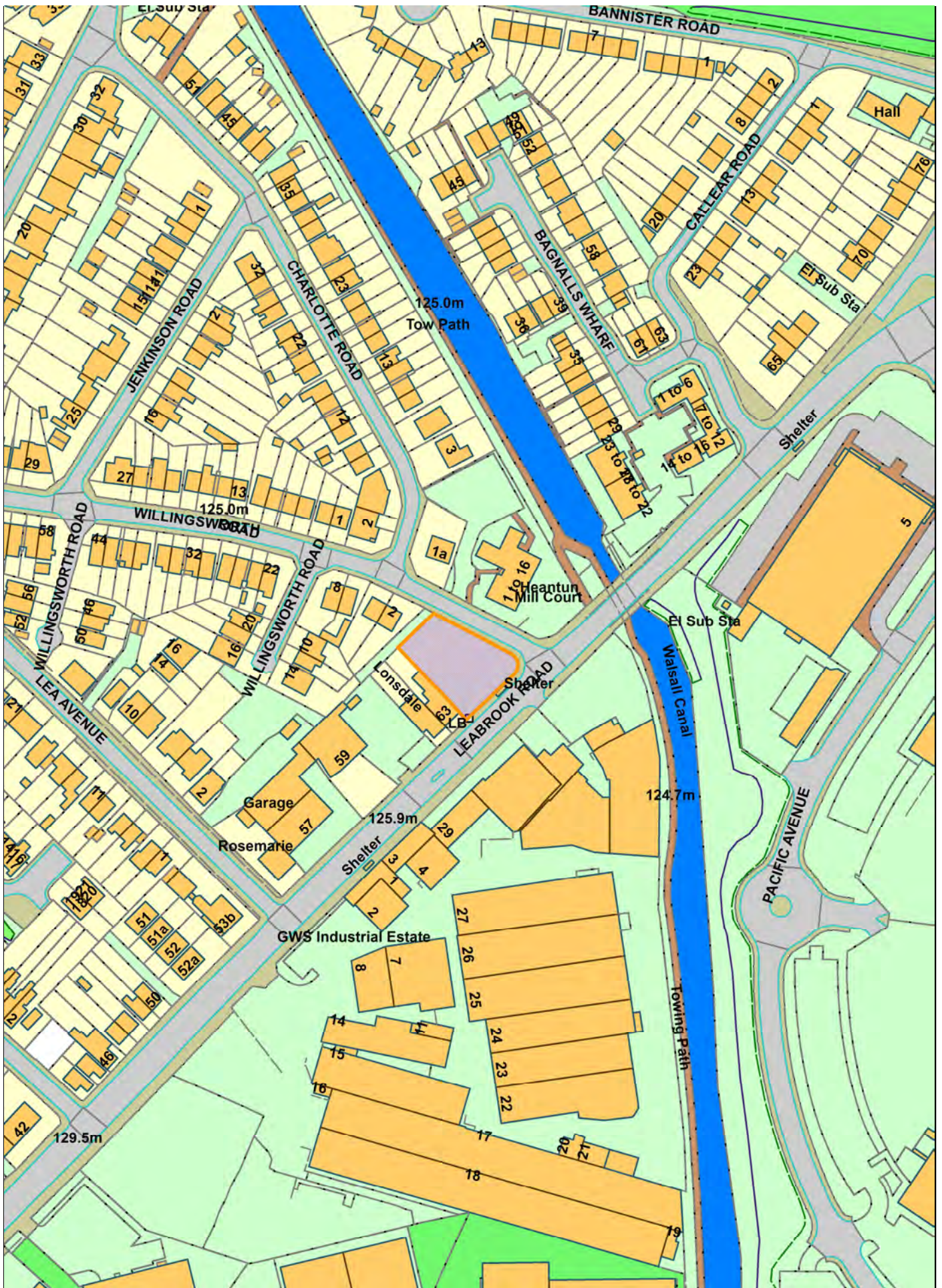
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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	29 January 2020
<b>OS Licence No</b>	





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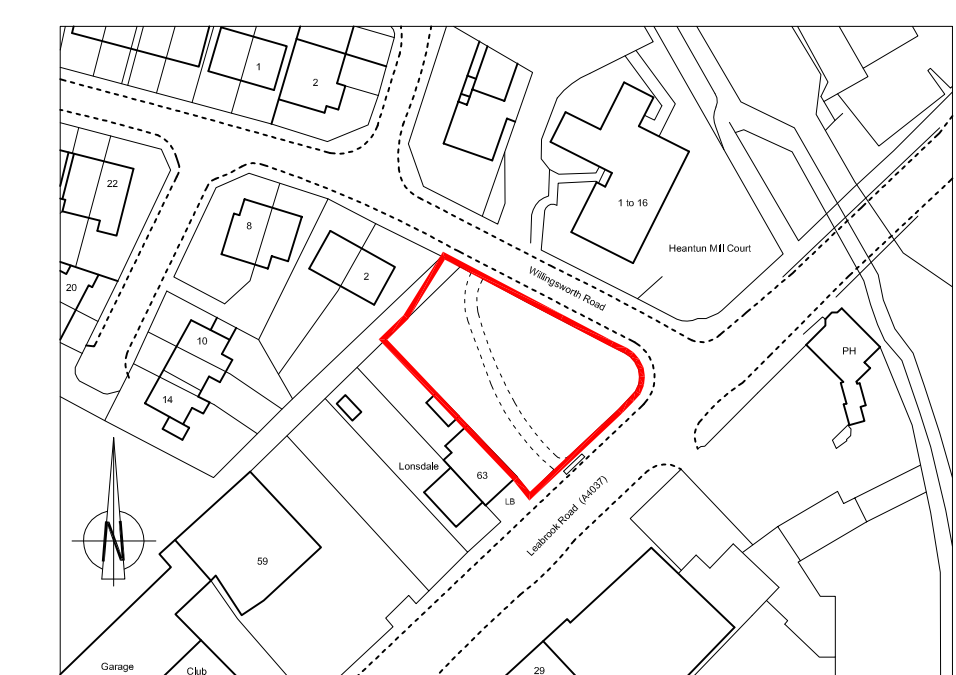
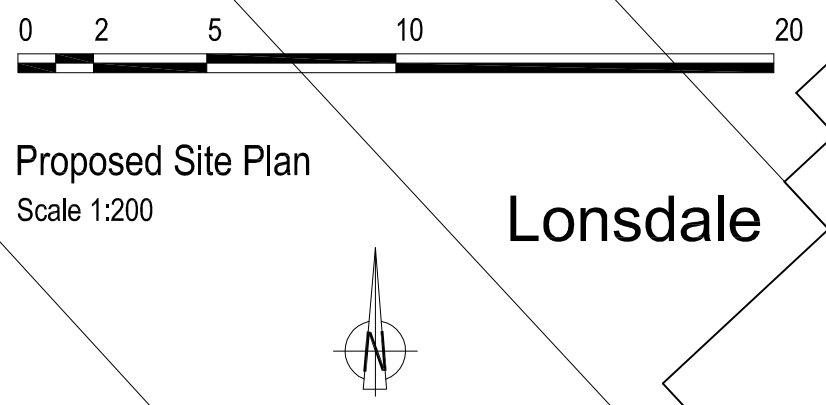
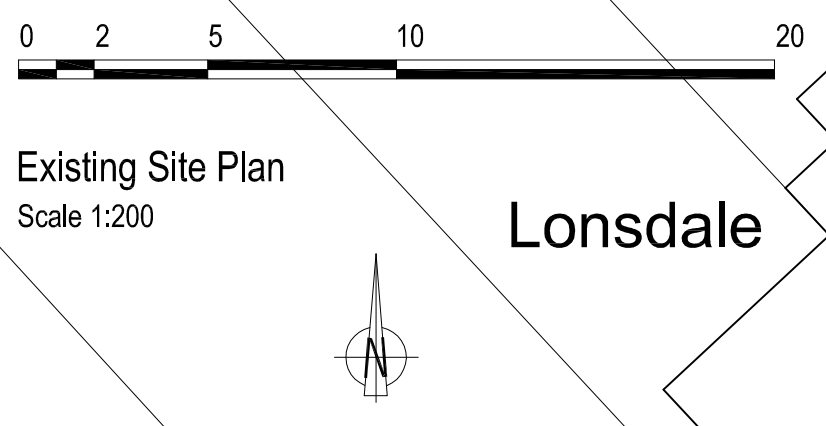




ALL DIMENSIONS ARE TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION.  
THE CONTRACTOR IS TO NOTIFY THE ARCHITECT OF ANY DISCREPANCY BETWEEN  
DRAWINGS, SPECIFICATION AND SITE DIMENSIONS.

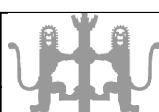
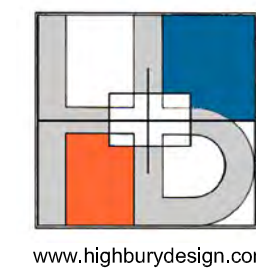
THE CLIENT IS ADVISED OF THEIR DUTY UNDER THE PARTY WALL E.T.C ACT 1996  
TO SERVE THE REQUIRED NOTICE UPON THEIR NEIGHBOUR(S) WITHIN THE  
MINIMUM PRESCRIBED TIME PERIOD

THE CONTRACTOR IS REQUIRED TO HAVE READ AND UNDERSTOOD ALL CONDITIONS  
AND NOTES ATTACHED TO THE PLANNING "NOTICE OF DECISION" AND SERVE ANY  
NOTICES REQUIRED THEREIN, BEFORE COMMENCING THE WORKS

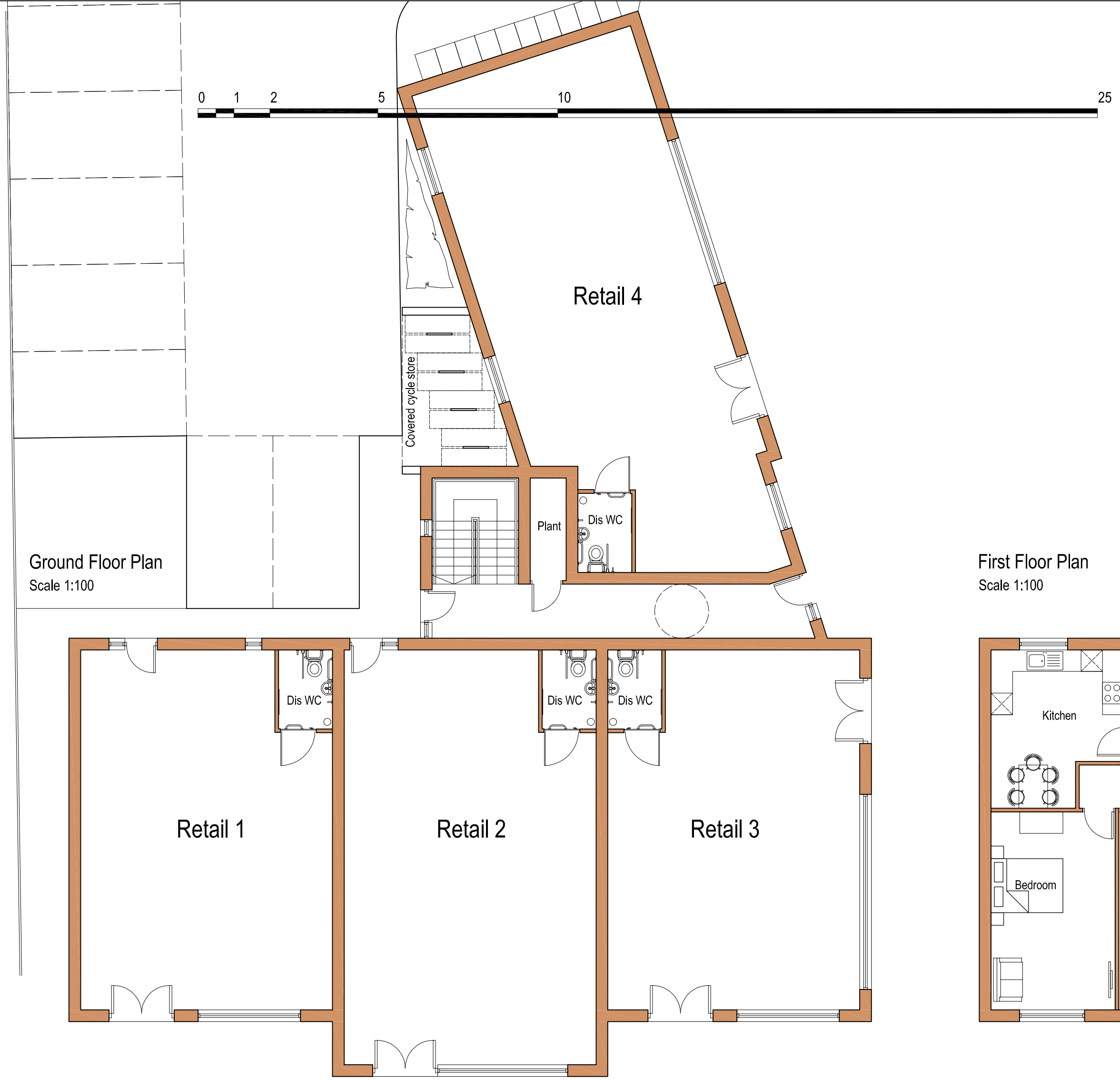


Location Plan  
Scale 1:1250

REVISION	DESCRIPTION	DATE	BY	CHECK
<p><b>HIGHBURY DESIGN</b> Chartered Architects Project Managers CDM Co-ordinators</p> <p>HIGHBURY HOUSE 11 HOLT ROAD STUDLEY WARWICKSHIRE B80 7NX</p> <p>Tel: (01527) 857092 Email: info@highburymdesign.com</p>				
<p>CLIENT <b>Leabrook Developments</b></p>				
<p>PROJECT <b>New Flats &amp; Retail Units, Adjacent to 63 Leabrook Road, Wednesbury, WS10 7NW</b></p>				
<p>TITLE <b>Proposed And Existing Site Plans</b></p>				
Date	Scale	Drawn	Drawing No	Rev
19.06.19	1:100	LCF	3500_004	
			Verified by	GP



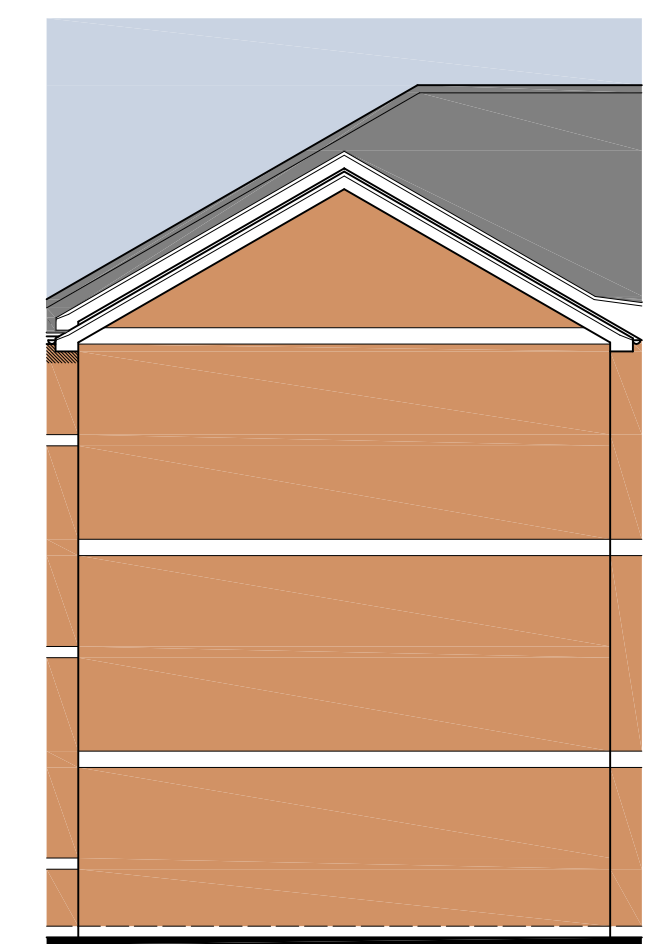




ALL DIMENSIONS ARE TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION. THE CONTRACTOR IS TO NOTIFY THE ARCHITECT OF ANY DISCREPANCY BETWEEN DRAWINGS, SPECIFICATION AND SITE DIMENSIONS.

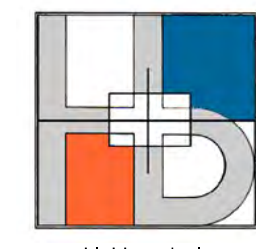
THE CLIENT IS ADVISED OF THEIR DUTY UNDER THE PARTY WALL E.T.C ACT 1996 TO SERVE THE REQUIRED NOTICE UPON THEIR NEIGHBOUR(S) WITHIN THE MINIMUM PRESCRIBED TIME PERIOD

THE CONTRACTOR IS REQUIRED TO HAVE READ AND UNDERSTOOD ALL CONDITIONS AND NOTES ATTACHED TO THE PLANNING "NOTICE OF DECISION" AND SERVE ANY NOTICES REQUIRED THEREIN, BEFORE COMMENCING THE WORKS



A	Balcony doors amended	07.10.19	LCF	GP
REVISION	DESCRIPTION	DATE	BY	CHECK

**HIGHBURY DESIGN**  
Chartered Architects Project Managers CDM Co-ordinators  
HIGHBURY HOUSE  
11 HOLT ROAD STUDLEY  
WARWICKSHIRE B80 7NX  
Tel: (01527) 857092  
Email: info@highburydesign.com



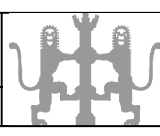
www.highburydesign.com

**CLIENT**  
Leabrook Developments

**PROJECT**  
New Flats & Retail Units,  
Adjacent to 63 Leabrook Road,  
Wednesbury, WS10 7NW



**TITLE**  
Proposed Plans And Elevations

Date	Scale	Drawn	Drawing No	Rev
19.06.19	1:100	LCF	3500_005	A
			Verified by	GP



## REPORT TO PLANNING COMMITTEE

**12<sup>th</sup> February 2020**

<b>Application Reference</b>	DC/19/63542
<b>Application Received</b>	16 <sup>th</sup> September 2019
<b>Application Description</b>	Retention of 2 No. freezer store units on rear car park.
<b>Application Address</b>	Unit A Kings Hill Business Park Darlaston Road Wednesbury WS10 7SH
<b>Applicant</b>	Mr Daniel Kyle Unit A Kings Hill Business Park Darlaston Road Wednesbury WS10 7SH
<b>Ward</b>	Wednesbury North
<b>Contribution towards Vision 2030:</b>	 
<b>Contact Officer(s)</b>	Douglas Eardley 0121 569 4892 <a href="mailto:douglas_eardley@sandwell.gov.uk">douglas_eardley@sandwell.gov.uk</a>

### **RECOMMENDATION**

Subject to no objection from Environmental Health; planning permission is granted subject to:

- (i) a) The approved noise mitigation measures shall be carried out within 1 month from the date of this permission;
- b) When provided the noise mitigation measures shall be retained as such

## **1. BACKGROUND**

1.1 At your last meeting members resolved to visit the site.

- 1.2 This application is being reported to your Planning Committee because it has generated an objection petition with 10 signatures. Furthermore, Councillor Peter Hughes had also requested that the application be determined at Planning Committee and that a site visit was undertaken.

## **2. SUMMARY OF KEY CONSIDERATIONS**

- 2.1 The material planning considerations which are relevant to this application are: -

Government policy (NPPF)  
Proposals in the Local Plan  
Noise and disturbance

## **3. The APPLICATION SITE**

- 3.1 The application relates to an existing site on the north-eastern side of Darlaston Road, Wednesbury. The site is currently occupied by Oliver Kay Produce who are wholesalers for fruit and vegetable produce.

## **4. PLANNING HISTORY**

- 4.1 The site has benefited from numerous planning consent relating to industrial development and associated work.

- 4.2 Relevant planning applications are as follows: -

DC/29559	Erection of site security fencing and gates.	Approved 30.09.1993
DC/25762	Industrial/warehouse development in two blocks with associated access road & parking area.	Approved 21.05.1990
DC/24779	Industrial/warehouse development with associated access road and parking areas.	Approved 10.01.1990
DC/16670	Change of use of part of Kings Hill Works (4.2 hectares) to residential purposes & erection of dwellings.	Approved 03.05.1984
DC/11597	Industrial/warehouse development (50,000 sq.ft. Class IV industrial & 154,445 sq.ft. Class X warehousing).	Approved 15.10.1980



DC/05518 Development of site with 34 units comprising 14,400 sq.ft. of industrial and 51,900 sq.ft. of warehousing with 8,500 sq.ft. of offices.

Approved  
31.08.1977

## **5. APPLICATION DETAILS**

5.1 The applicant seeks the retention of 2 No. freezer store units on the rear car park of their site.

## **6. PUBLICITY**

6.1 The application has been publicised by neighbour notification, with an objection petition with 10 signatures being received.

### **6.2 Objections**

Objections have been received on the following grounds: -

- (i) Noise and disturbance from the 2 No. freezer store units
- (ii) Historic issues with the site causing noise and disturbance

### **6.3 Responses to objections**

I respond to the objector's comments in turn: -

- (i) Environmental Health has requested that the Applicant undertake a noise assessment in relation to the retention of 2 No. freezer store units on the rear car park of their site. The noise assessment will be reviewed by my colleagues in Environmental Health and their comments will be reported verbally to Members at Planning Committee on the 12<sup>th</sup> February 2020.
- (ii) The Councils Environmental Health section are aware of the historic issues on this site and are carrying out their own investigations.

### **6.4 Support**

No comments have been received which support the application.

## **7. STATUTORY CONSULTATION**

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

They have requested that a noise assessment be carried out by the Applicant and then submitted to them for review. If they consider the mitigation measures to be acceptable, then they have requested that the

mitigation measures are implemented within one month from the date of the decision; and then retained as such.

## **7.2 Planning Policy**

They have no significant concerns with the proposal and they have highlighted the relevant policies applicable to this application, which are referred to in section 9 of this report.

## **8. GOVERNMENT GUIDANCE/NATIONAL PLANNING POLICY**

- 8.1 National Planning Policy Framework promotes sustainable development but states that that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

## **9. LOCAL PLANNING POLICY**

- 9.1 The following policies of the Council's Local Plan are relevant:

DEL2: Managing the Balance between Employment Land and Housing  
SAD EMP4: Relationship between Industry and Sensitive Uses  
SAD EOS10: Design Quality & Environmental Standards  
SAD H1: Housing Allocations

- 9.2 With regard to SAD H1 it is noted that the site is allocated for housing. However, my colleague in Planning Policy has confirmed that this application would not constitute a departure. They note that the businesses in Kings Hill Business Park are lawfully operating businesses within a current housing allocation (SAD H8.5); and that there is no current proposal for the comprehensive change of use of the area to residential in the near or medium future. As such, DEL2, supports this specifically in the written justification (para 2.71, page 60 of the Black Country Core Strategy) in that "...it will be particularly important not to undermine viable businesses on land proposed for housing".
- 9.3 Concerning SAD EOS10, this policy requires industrial development to pay particular attention to pollution and noise control; and environmental impact on the site and surrounding area. Furthermore, in consideration of SAD EMP4 it states that industrial development that are likely to have an adverse impact on neighbouring uses will not be permitted, unless the adverse effects can be reduced to an acceptable level. In consideration of these policies, it is noted that the Applicant has been requested to submit a noise assessment for consideration by the Councils Environmental Health section. If the mitigation measures are deemed acceptable by Environmental Health, then it is considered that any noise and disturbance effects on adjacent residential dwellings could be controlled to an acceptable level.

## **10. MATERIAL CONSIDERATIONS**

10.1 The material considerations relating to Government policy (NPPF) and proposals within the local plan have been referred to above in Sections 8 and 9. With regards to the other considerations these are highlighted below:

10.2 **Noise and disturbance** – Refer to paragraphs 6.3 (i & ii) above.

## **11. IMPLICATIONS FOR SANDWELL'S VISION**

11.1 The proposal supports Ambitions 9 and 10 of the Sandwell Vision 2030: -

11.2 Ambition 9 – Sandwell has become a location of choice for industries of the future where the local economy and high performing companies continue to grow.

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

## **12. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

12.1 Subject to no objection from Environmental Health, the proposal would be policy compliant and is considered to be acceptable and is recommended for approval subject to conditions.

## **13. STRATEGIC RESOURCE IMPLICATIONS**

13.1 When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the council.

## **14. LEGAL AND GOVERNANCE CONSIDERATIONS**

14.1 This application is submitted under the Town and Country Planning Act 1990.

## **15. EQUALITY IMPACT ASSESSMENT**

15.1 There are no equalities issues arising from this proposal and therefore an equality impact assessment has not been carried out.



## **16. DATA PROTECTION IMPACT ASSESSMENT**

16.1 The planning application and accompanying documentation is a public document.

## **17. CRIME AND DISORDER AND RISK ASSESSMENT**

17.1 There are no crime and disorder issues with this application.

## **18. SUSTAINABILITY OF PROPOSALS**

18.1 Refer to the Government guidance/national planning policy (8), local planning policy (9) and material considerations (10).

## **19. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)**

19.1 Refer to the summary of the report (12)

## **20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

20.1 There will be no impact.

## **21. APPENDICES:**

Site Plan

Context Plan

Location Plan

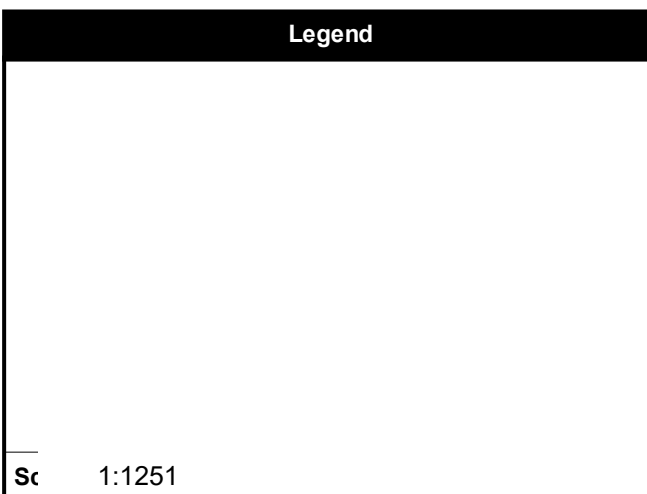
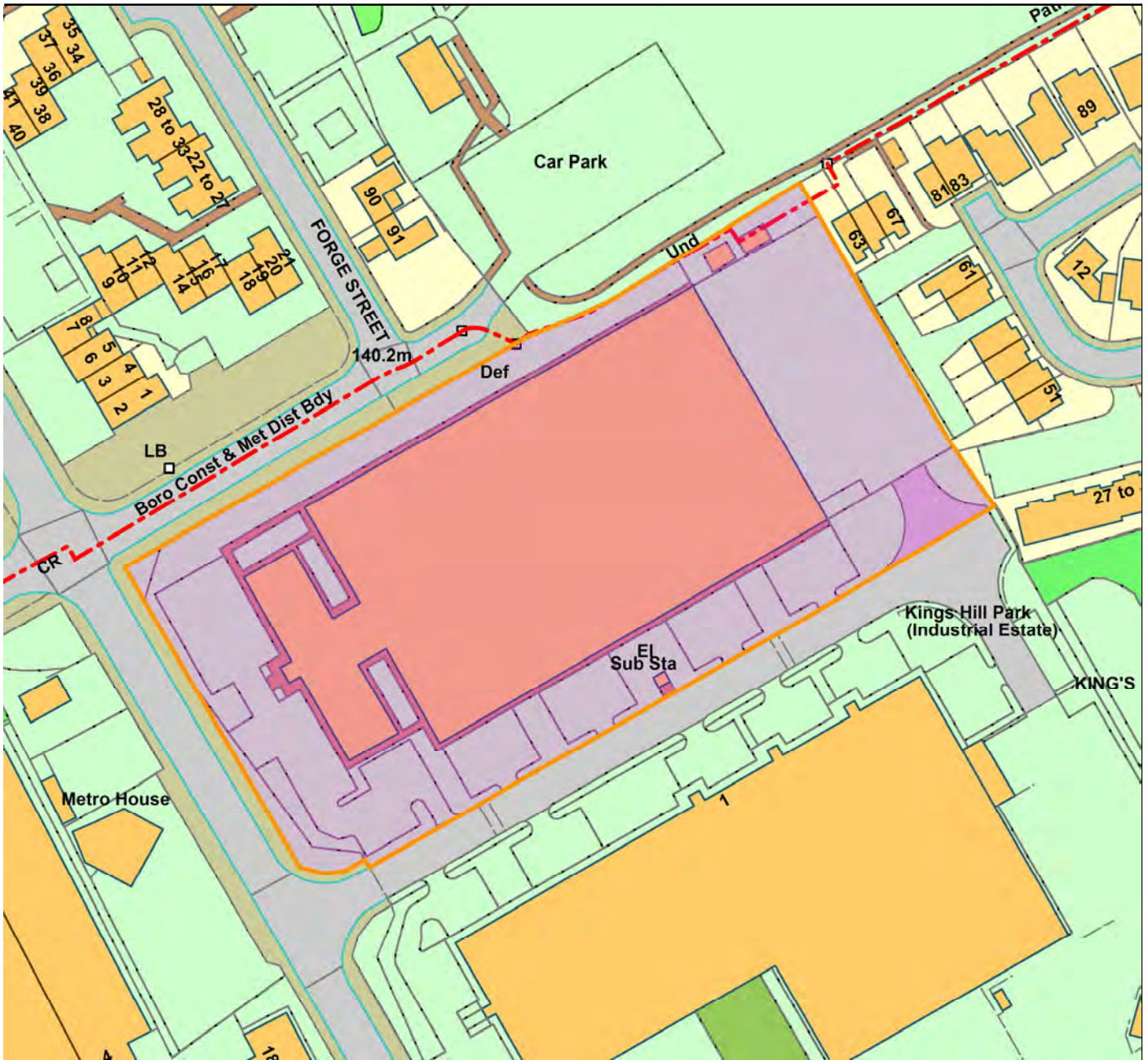
Proposed Yard Plan

Freezer Dimensions/Floor Plans

Photograph – dated 07.08.2019

Photograph – dated 07.08.2019

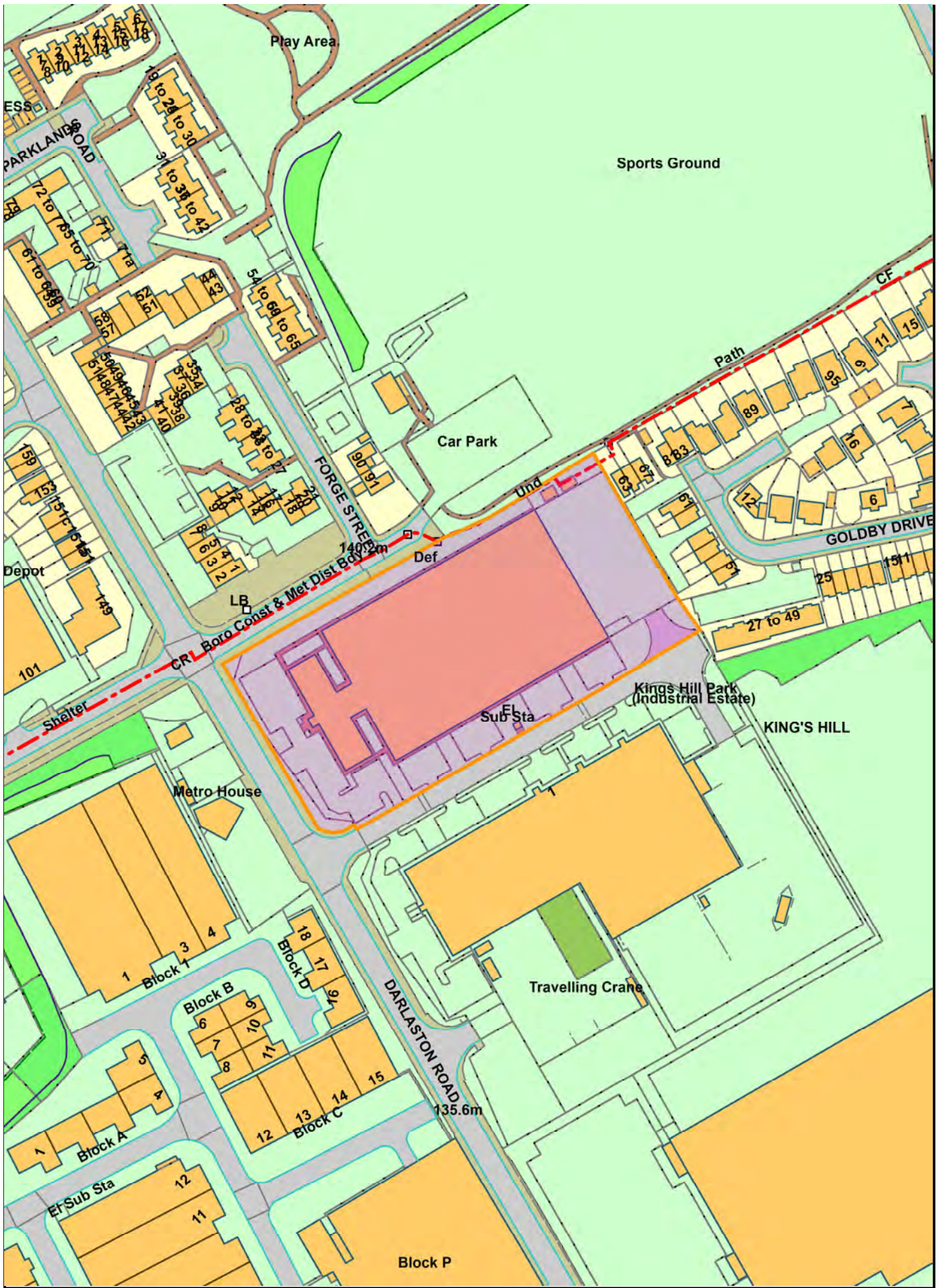
DC/19/63542  
Unit A, Kings Hill Business Park, Darlaston Road



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	29 January 2020
<b>OS Licence No</b>	





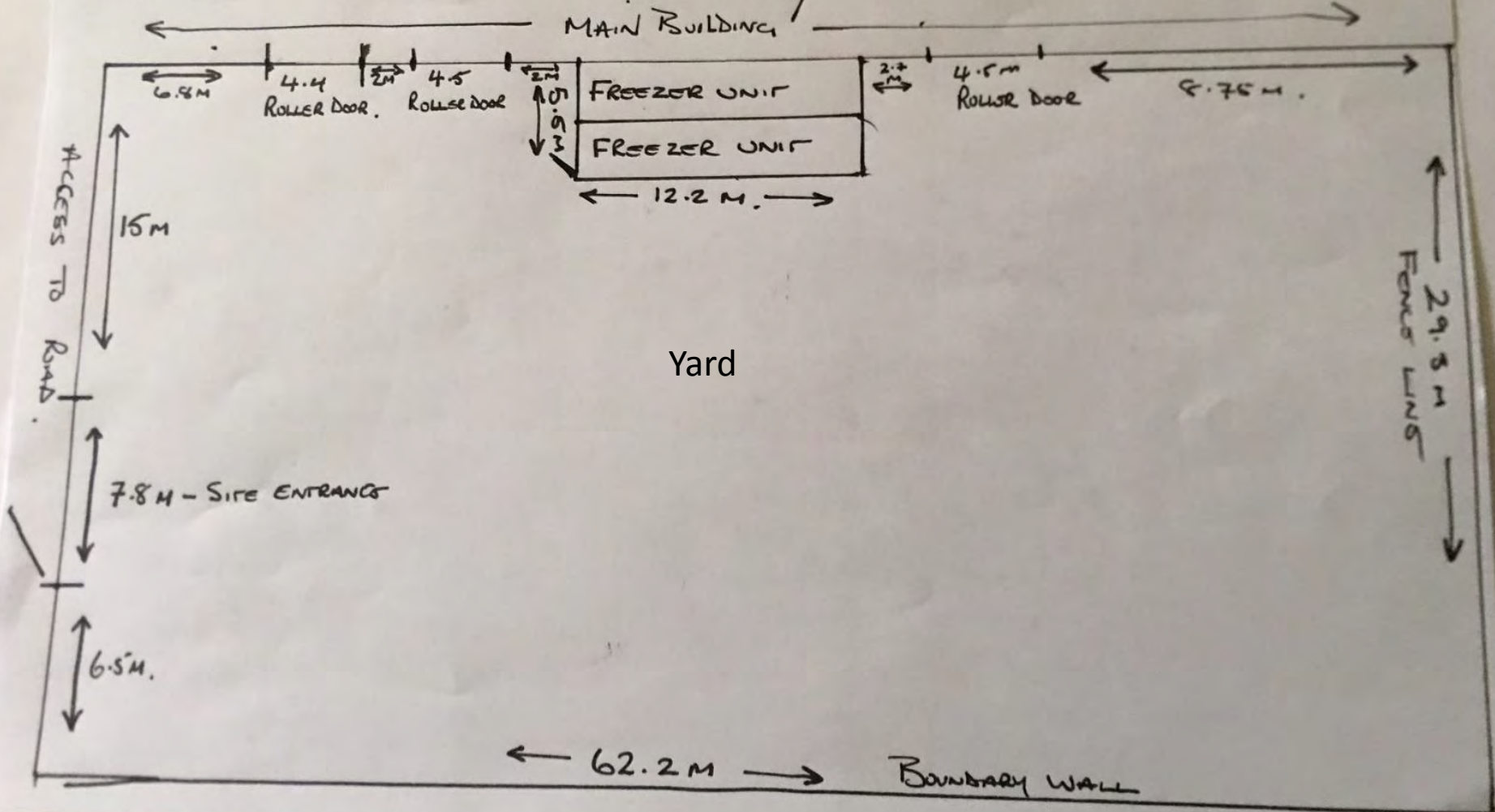


FREEZER PLANS -

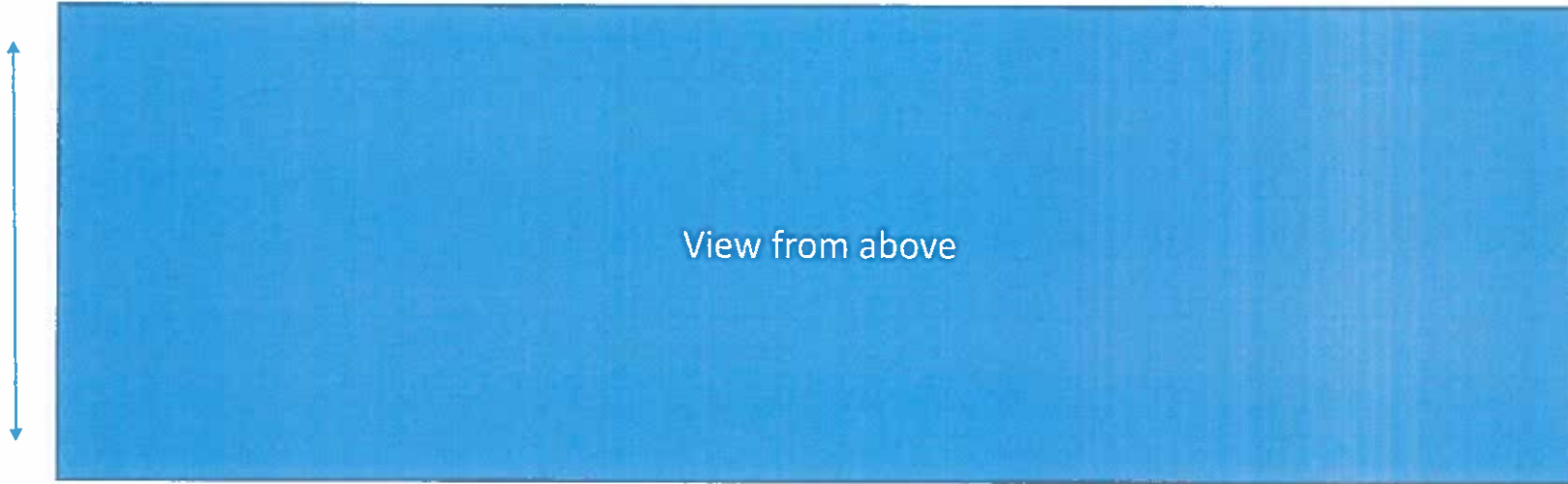
OLIVER KAY PRODUCTS  
UNIT A KINGS HILL PARK  
DARLSTON ROAD  
WODENBURG  
WS10-7SH.

16<sup>th</sup> SEPTEMBER 2019  
DANIEL KILNE

North.



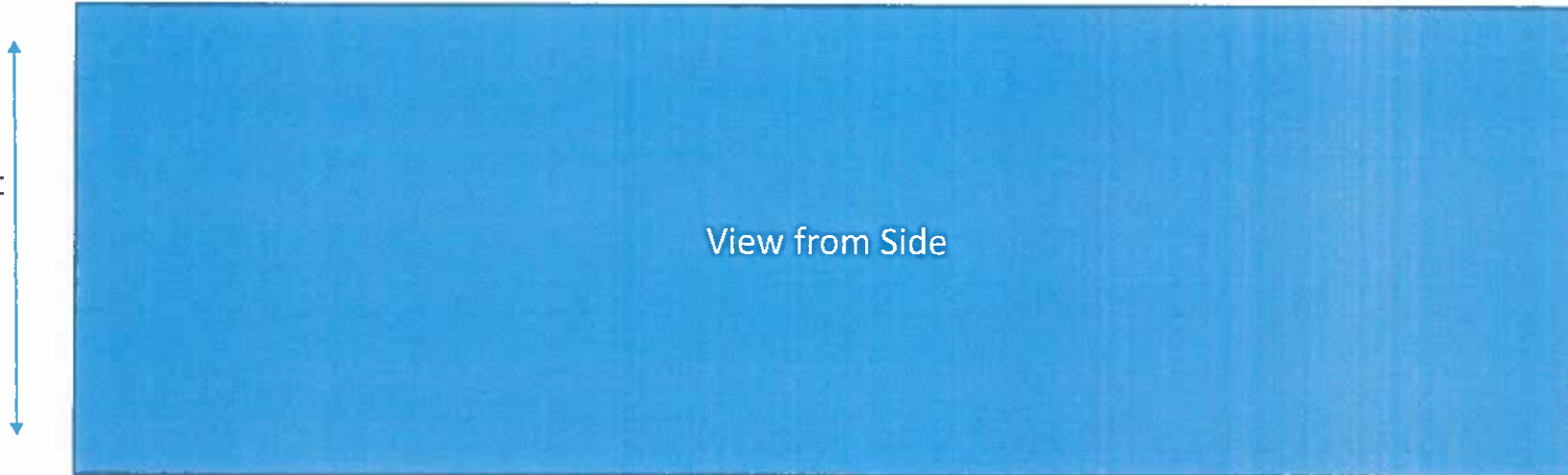
5.6 m



12.2 M



Height  
3.1 m













## REPORT TO PLANNING COMMITTEE

12<sup>th</sup> February 2020

<b>Application Reference</b>	DC/19/63682
<b>Application Received</b>	17 <sup>th</sup> December 2019
<b>Application Description</b>	Proposed demolition of 3 existing bungalows on Albion Road and replace with 2 No. bungalows, and proposed 2 No. 4 bed houses and 1 No. 2 bed bungalow on land adjacent to 154 Bull Lane.
<b>Application Address</b>	4-6 Albion Road & Land Adjacent 154 Bull Lane West Bromwich
<b>Applicant</b>	Mr Mark Drake – Sandwell MBC
<b>Ward</b>	Greets Green & Lyng
<b>Contribution towards Vision 2030:</b>	 
<b>Contact Officer(s)</b>	William Stevens 0121 569 4897 <a href="mailto:William_stevens@sandwell.gov.uk">William_stevens@sandwell.gov.uk</a>

### **RECOMMENDATION**

Subject to no adverse comments from the Council's planning and transportation policy and highways teams, planning permission is granted subject to;

- i) Finished floor levels;
- ii) External materials;
- iii) Hard and soft landscaping;
- iv) Drainage details; and
- v) Electric vehicle charging point infrastructure being installed.

### **1. BACKGROUND**

- 1.1 This application is being reported to your Planning Committee because the applicant is Director of Housing.



## **2. SUMMARY OF KEY CONSIDERATIONS**

- 2.1 The sites are unallocated but within a residential area.
- 2.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF),  
Design, appearance and materials,  
Layout and density of building,  
Access, highway safety, and parking, and  
Drainage.

## **3. THE APPLICATION SITE**

- 3.1 The application site is split into two sites within a residential area. Industrial premises occupy the other side of Brandon Way, West Bromwich.
- 3.2 The northern site relates to a piece of open space adjacent to 154 Bull Lane, West Bromwich. The second site is to the south currently houses bungalows that will be demolished to make way for the proposals (point 5.1).

## **4. PLANNING HISTORY**

- 4.1 There is no relevant planning history.

## **5. APPLICATION DETAILS**

- 5.1 The applicant proposes the following:-
- Site on Albion Road - to demolish the three existing bungalows and replace with two bungalows.
  - Site on land adjacent to 154 Bull Lane - to construct two No. 4 bed houses and one No. 2 bed bungalow.

## **6. PUBLICITY**

- 6.1 The application has been publicised by neighbour notification letters without response.

## **7. STATUTORY CONSULTATION**

- 7.1 Comments from Planning and Transportation Policy and Highways are awaited but will be provided at your meeting.

## **8. GOVERNMENT GUIDANCE/NATIONAL PLANNING POLICY**

- 8.1 National Planning Policy Framework promotes sustainable development but states that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

## **9. LOCAL PLANNING POLICY**

- 9.1 The following policies of the Council's Local Plan are relevant:-

HOU1: Delivering sustainable Housing Growth

HOU2: Housing Density, Type and Accessibility

ENV3: Design Quality

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

ENV8: Air Quality

SAD EOS9: Urban Design Principles

SAD H2: Windfalls

- 9.2 HOU1 supports the requirement of the Council to provide new homes in Borough.
- 9.3 HOU2 advises that new housing schemes provide a mixture of different house types, and in an area close to public transport. It is my opinion, that this development complements the existing housing styles within the locality.
- 9.4 ENV3 and EOS9 seeks to achieve good design and refers to new developments being of appropriate scale and compatible with their surroundings. The proposal would provide a satisfactory residential development which follows the character of the area.
- 9.5 ENV5 seeks the incorporation of sustainable drainage systems to assist with reducing the impact of flooding and surface run-off. A drainage condition is recommended to address this.
- 9.6 H2 housing windfalls refers to unallocated site and states that they should be on previously developed land and housing being compatible to the surrounding area. The area is residential and the land to the south is previously developed hence this site is suitable for residential development.

## **10. MATERIAL CONSIDERATIONS**

10.1 The material considerations relating to Government policy (NPPF) and proposals with the local plan have been referred to above in Sections 8 and 9. With regard to the other considerations these are highlighted below:

### **10.2 Layout and density of building**

The proposed properties follow the same architectural style and building lines of the properties adjacent.

### **10.3 Design, appearance and materials**

The proposal provides adequate garden and internal spaces. All external materials can be conditioned.

### **10.5 Access, highway safety, and parking**

In the context of this area and the small-scale nature of the development, some on street parking (in this instance) is considered to be acceptable, however Highways comments are awaited and will be reported to your meeting.

### **10.6 Drainage**

Drainage details are to be requested by condition to mitigate surface water flooding.

## **11. IMPLICATIONS FOR SANDWELL'S VISION**

11.1 The proposal supports Ambitions 7 and 10 of the Sandwell Vision 2030:-

11.2 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.

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

## **12. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

12.1 Subject to no adverse comments from Highways or Planning and Transportation Policy, conditional approval is recommended. It is considered that the proposal complies with relevant design policies and

would provide good sized family homes which are compatible with the surroundings.

### **13. STRATEGIC RESOURCE IMPLICATIONS**

13.1 When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the council.

### **14. LEGAL AND GOVERNANCE CONSIDERATIONS**

14.1 This application is submitted under the Town and Country Planning Act 1990.

### **15. EQUALITY IMPACT ASSESSMENT**

15.1 There are no equalities issues arising from this proposal and therefore an equality impact assessment has not been carried out.

### **16. DATA PROTECTION IMPACT ASSESSMENT**

16.1 The planning application and accompanying documentation is a public document.

### **17. CRIME AND DISORDER AND RISK ASSESSMENT**

17.1 There are no crime and disorder issues with this application.

### **18. SUSTAINABILITY OF PROPOSALS**

18.1 Refer to the national planning framework (8) and local plan policies (9) and material considerations (10).

### **19. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)**

19.1 Refer to the summary of the report (12).

### **20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

20.1 The proposal is on Council owned land.

## 21. APPENDICES:

Site Plan

Context Plan

00 ZZ AP (04) S2

00 ZZ AP (92) S2

01 XX AP (05) S2

00 ZZ AP (05) 61 S2

00 ZZ AP (05) 62 S2

00 ZZ AP (05) 63 S2

01 00 AP (04) 02 S2

01 01 AP (04) 03 S2

02 XX AP (05) 02 S2

00 ZZ AP (05) 64 S2

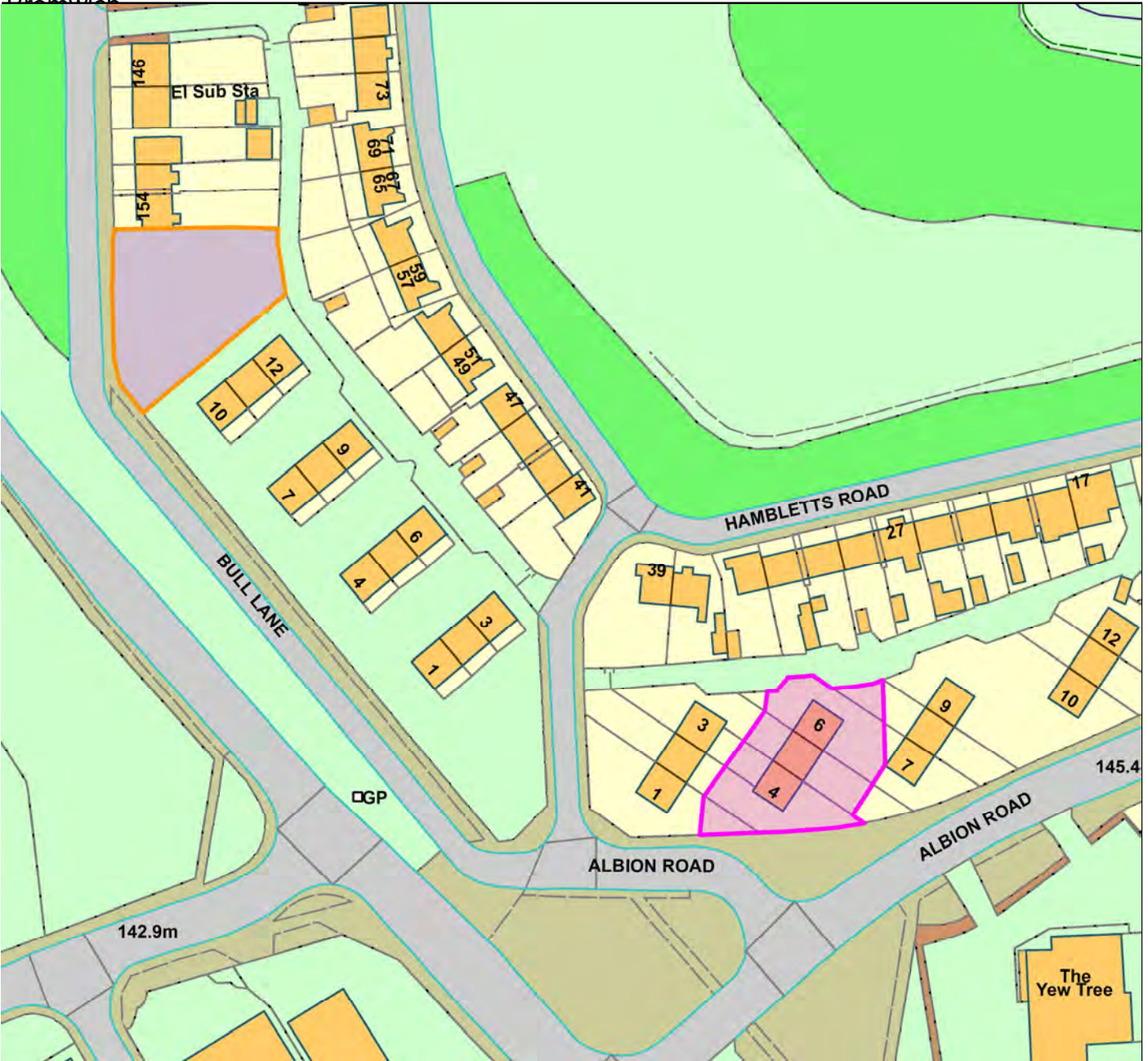
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02 00 AP (04) 04 S2



DC/19/63682

4-6 Albion Road & Land Adjacent 154 Bull Lane, West Bromwich



**Legend**

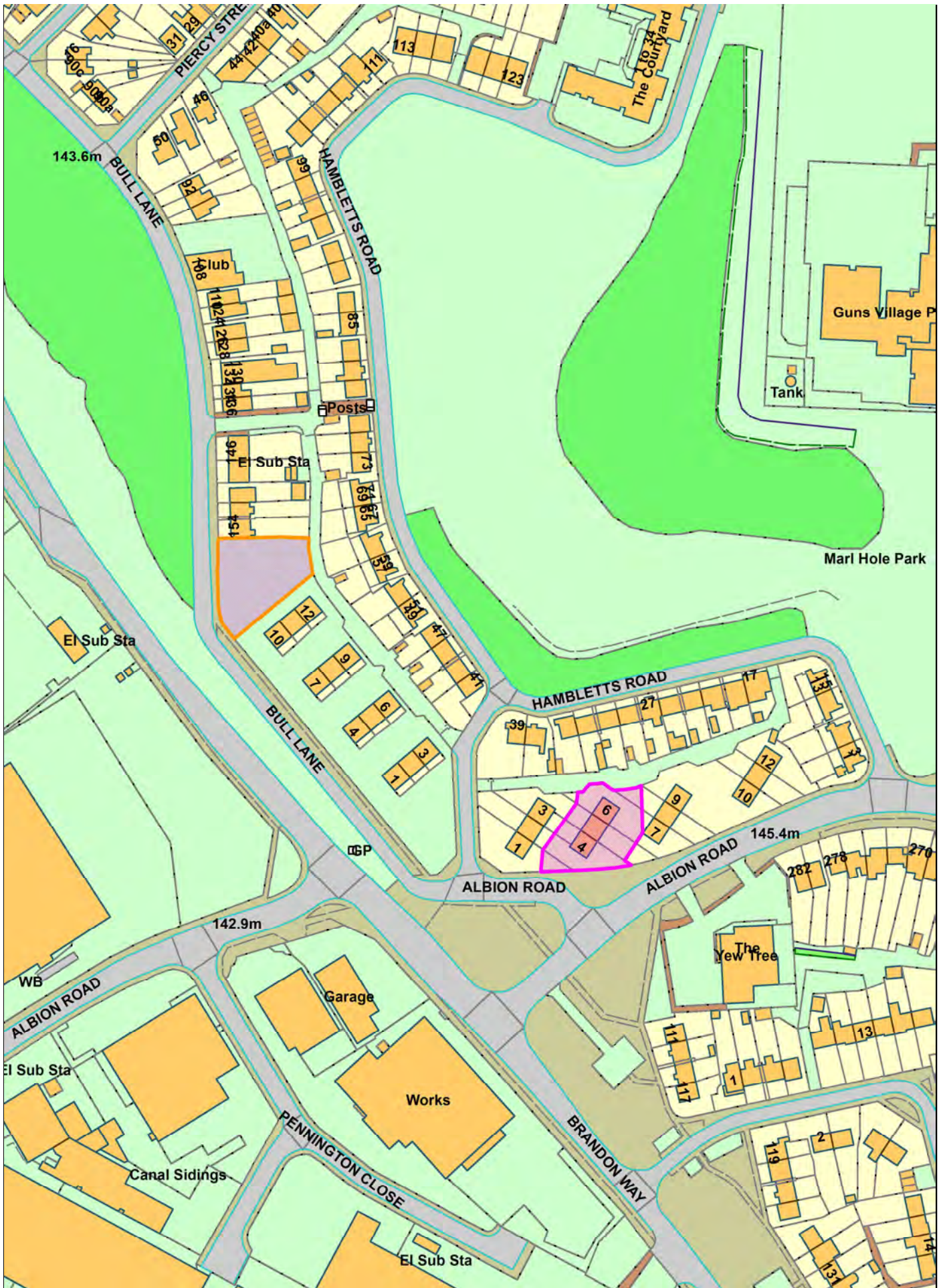
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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	29 January 2020
<b>OS Licence No</b>	



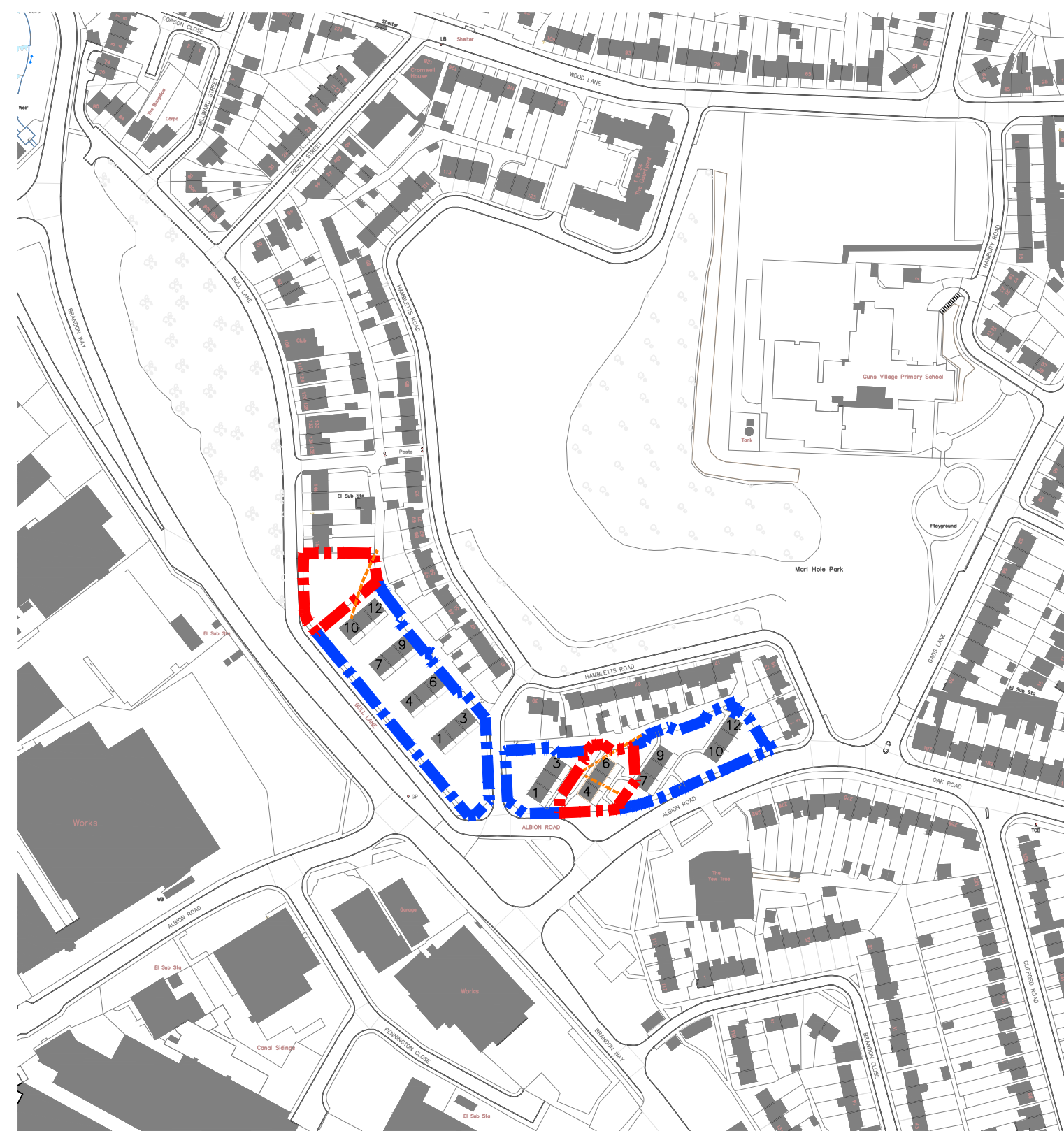


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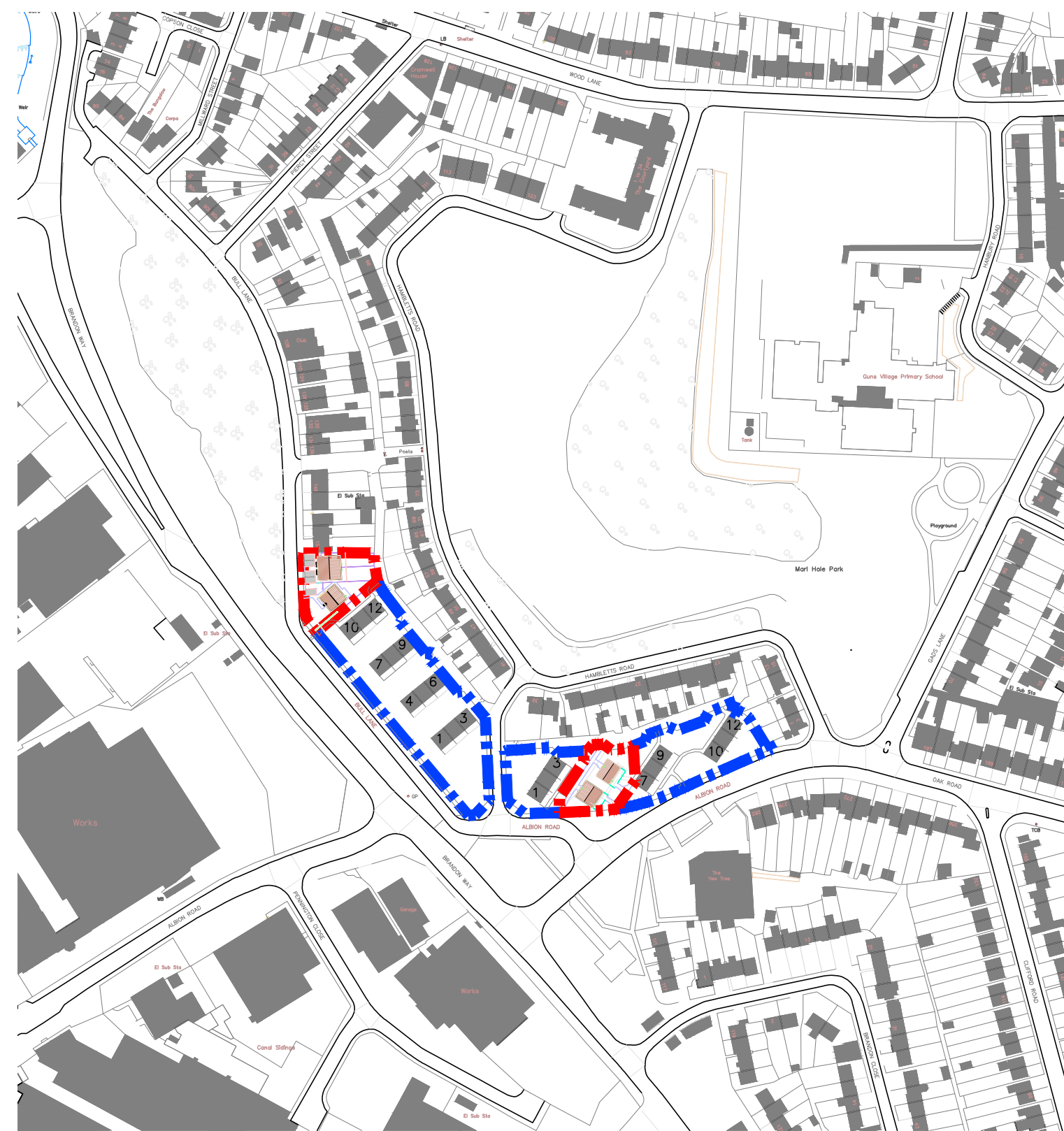
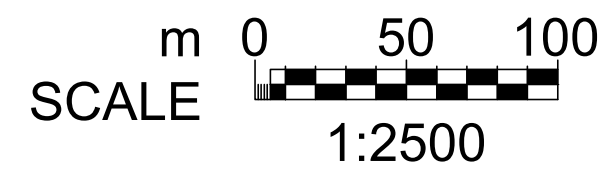
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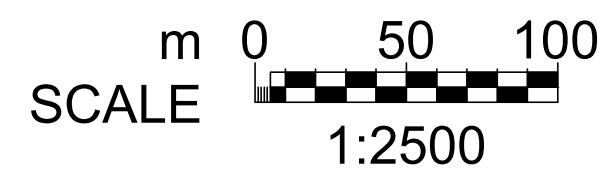




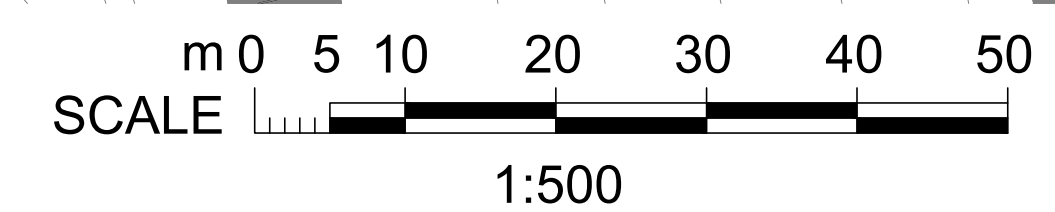
Existing Locations Plan  
Scale 1:2500



Proposed Locations Plan  
Scale 1:2500

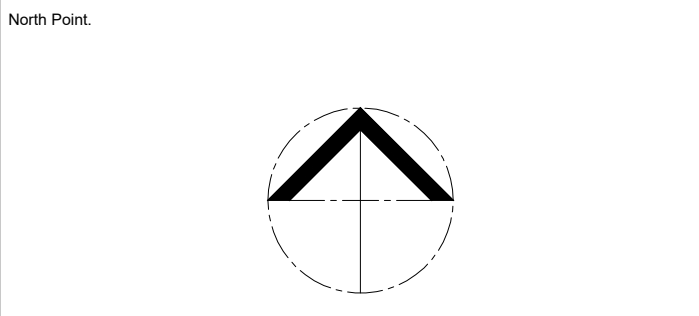


Proposed Site Plan  
Scale 1:500



Key  
 - - - - - Line of HIGH WALL  
 (Border between different soil densities)

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



Key Plan

Rev	Date	Revision Note	By	Check



Project  
**New Build Dwellings**  
 Location  
**Bull Lane & Albion Street**  
**West Bromwich, B70 9PA & B70 8QX**  
 Sheet title  
**Existing & Proposed Site & Location Plan**  
 Status

Drawn by	Date	Checked
pm	01/10/19/19	

Zone	Level	Classification	Sheet No.	Stability	Ver/Rev
00	ZZ	AP(04)	01	S2	

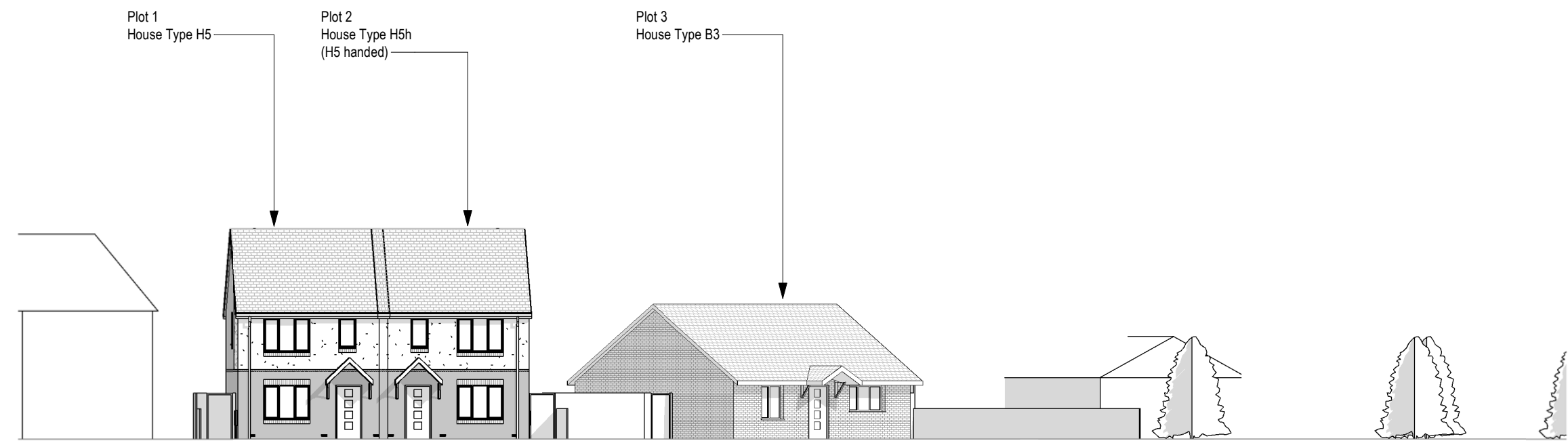
Job No:  
**Q18046**

Urban Design & Building Services  
 Sandwell Council House  
 Freeth Street, Oldbury  
 B69 3DE  
 Tel: 0121 969 4541

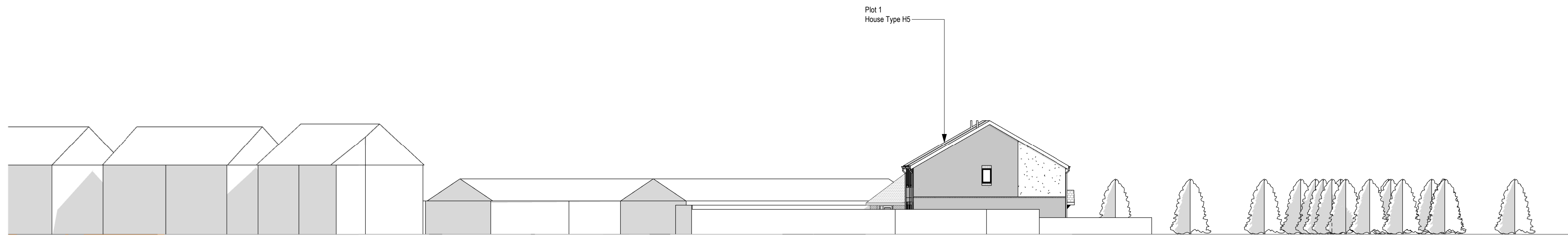




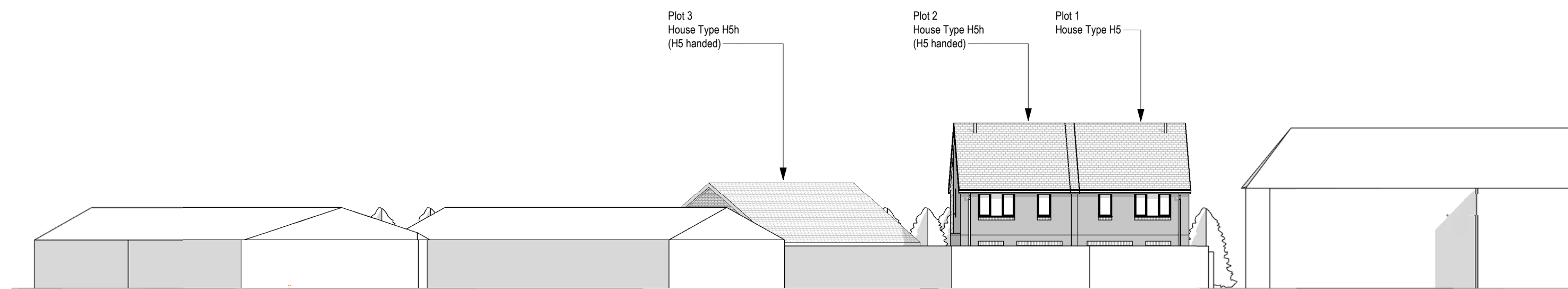




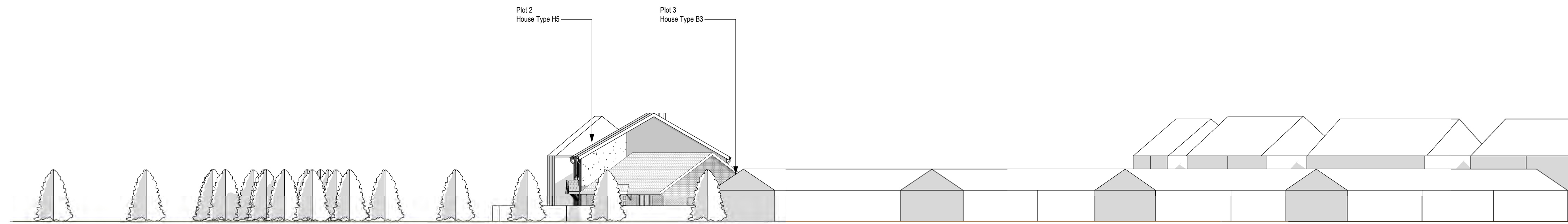
**1 Bull Lane - Proposed West Elevation**  
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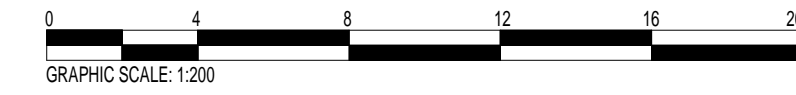
**2 Bull Lane - Proposed North Elevation**  
1 : 200



**3 Bull Lane - Proposed East Elevation**  
1 : 200



**4 Bull Lane - Proposed South Elevation**  
1 : 200



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

North Point.  
+

Key Plan.

Issue	Date	Issue Note	By	Check



**Project Title**  
Bull Lane - Albion Road  
**Location**  
Bull Lane, Albion Street  
West Bromwich  
**Sheet Title**  
Proposed Elevations - Bull Lane

**Scale**  
As Shown  
**For Comment**  
Drawn by: EDC  
07/03/15  
Checked by:  
pm  
1:100  
Scale at A1  
1:200

Sheet No.	Classification	Sheet No.	Subs.	Ver/Rev
01	XX	AP(05)	01	S2

**JOB No.**  
Q18046  
**Contractors Drawing No. (if required)**

**Urban Design & Building Services**  
Sandwell Council House  
Fourth Street,  
Ouburn,  
B69 3DE  
Tel: 0121 569 4541













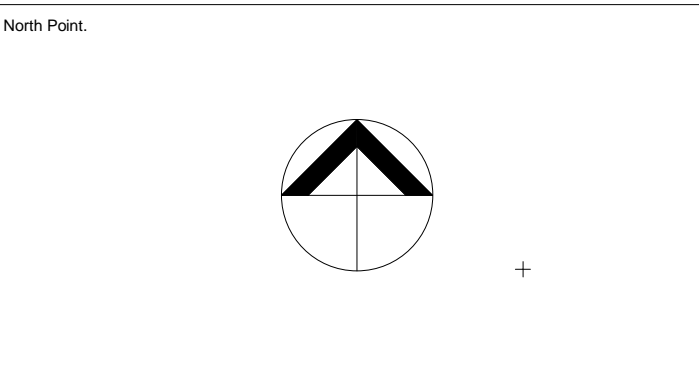
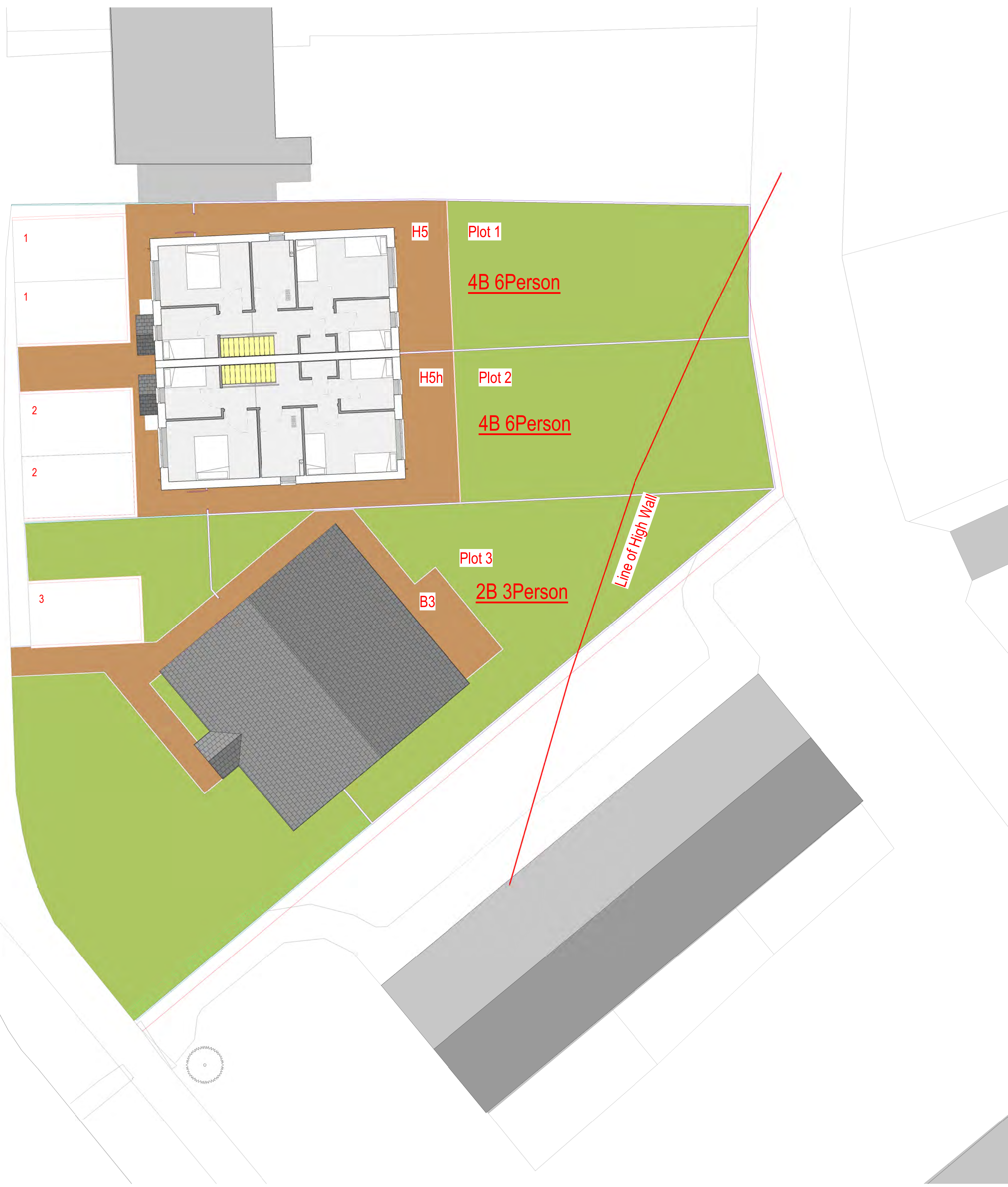








**Notes**  
 The Contractor will be responsible for setting out the work.  
 All Dimensions must be obtained or checked on the site.  
 Figured dimensions to be used in preference to scale.



Issue	Date	Issue Note	By	Check



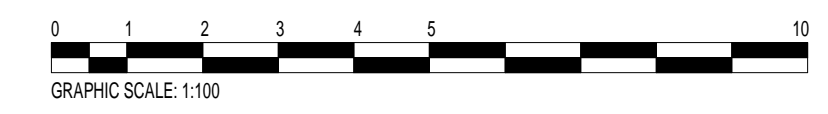
Project Title  
 Bull Lane - Albion Road  
 Location  
 Bull Lane, Albion Street  
 West Bromwich  
 Sheet Title  
 Bull Lane First Floor

Status  
 For Comment  
 Drawn by  
 CF  
 08/2015  
 Scale at A1  
 1:100  
 200

Classification	Sheet No.	Subsidiary	Ver/Rev
AP(04)	03	S2	

Contractors Drawing No. (if required)  
 Q18046

Urban Design & Building Services  
 Sandwell Council House  
 Fresh Street,  
 Oldbury,  
 B89 3DE  
 Tel: 0121 569 4541



**1 Bull Lane - Proposed First Floor Plans**  
 1 : 100




















## REPORT TO PLANNING COMMITTEE

12<sup>th</sup> February 2020

<b>Application Reference</b>	DC/19/63722
<b>Application Received</b>	14 <sup>th</sup> November 2019
<b>Application Description</b>	Retention of two storey side/rear extension; roof enlargements with rear facing gable and dormer window; and single storey front and rear extensions.
<b>Application Address</b>	188 Farm Road, Oldbury, B68 8PN
<b>Applicant</b>	Miss S Arif
<b>Ward</b>	Bristnall
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s)</b>	William Stevens 0121 569 4897 William_stevens@sandwell.gov.uk

### **RECOMMENDATION**

Retrospective Permission is refused on the grounds that:

- (i) The extension presents over-development of the plot due to its extended footprint, the dormer and roof design are out of keeping with the local area and result in a negative impact on the visual amenity of the area, contrary to the National Planning Policy Framework, the Black Country Core Strategy policy ENV3 (Design Quality), the Council's Site Allocations and Delivery Development Plan Document policy ESO9 (Urban Design Principles) and the Council's Supplementary Planning Document (Revised Residential Design Guide).

### **1. BACKGROUND**

- 1.1 This is a retrospective application and at your last committee, Members resolved to visit the site.



- 1.2 This application was originally reported to your Planning Committee because the application has generated significant neighbour interest.

## **2. SUMMARY OF KEY CONSIDERATIONS**

- 2.1 The planning application site is unallocated and relates to various extensions to a residential property.
- 2.2 The material planning considerations which are relevant to this application are;

Planning history,  
Overlooking/loss of privacy,  
Loss of light and/or outlook,  
Overshadowing,  
Public visual amenity,  
Overbearing nature of proposal,  
Design, appearance and materials, and  
Highway safety, and parking.

## **3. THE APPLICATION SITE**

- 3.1 The application site is situated on the corner of Farm Road and Farm Avenue, Oldbury.
- 3.2 The application site relates to a semi-detached property within a residential area.

## **4. PLANNING HISTORY**

- 4.1 Two Planning Applications were granted in 2018 (DC/18/61468 and DC/18/61776) for various extension works. The builder however, strayed from the approved plans and an enforcement notice was served on 20<sup>th</sup> February 2019 seeking compliance with the approved planning permission. The proposal was larger in width than approved plans and incorporated an increase height in roof and dormer.
- 4.2 The applicant was asked to regularise various elements of the development as per the enforcement notice, which included the rear dormer. The elements that have been regularised relate to the roof height, however, the applicant has argued that the dormer is Permitted Development (if he clads the dormer in roof tiles (or equivalent) and reinstates the eaves of the existing house). These works have not been done, hence the “dormer” is not Permitted Development. Furthermore, the width of the extension at first floor is still not in accordance with the approved permission (see 5.2 below).

4.5 The applicant employed a private building inspector, and hence the deviation from the plans was not brought to the Council's attention during the initial build process and only following complaints from residents. The enforcement team then investigated the matter resulting in the serving of the enforcement notice. This current application is seeking to retain parts of the unauthorised works.

4.2 Relevant planning applications are as follows: -

4.3	DC/18/61468	Proposed single/two-storey side extension, single storey rear extension, rear dormer window and porch/canopy to front.	Approved: 13.03.2018
	DC/18/61776	Proposed single and two-storey extensions to front side and rear, porch/canopy to front and loft conversion with dormer window to rear (amendment to DC/18/61468).	Approved: 15.06.2018
	ENF/18/10754	Extension not built in accordance with the approval plans.	Planning enforcement served: 20/02/2019

## 5. APPLICATION DETAILS

5.1 The applicant proposes to retain the two-storey side/rear extension; roof enlargements with rear facing gable and dormer window; and single storey front and rear extensions.

5.2 The differences between the approved application and the one before your committee are;

### Front elevation

- i) The width of the first floor was originally set back from the ground floor extension by 0.3m along Farm Avenue. This is now flush with the ground floor extension, approved under DC/18/61468. This results in the extension being directly to the back of pavement.
- ii) The windows on the porch have been increased in length.

## Rear elevation

- i) The originally approved dormer window had a width of 3.1m, this has almost doubled in size to 6.0m (W), built off the main wall of the house, and in brick. The developer has tried to argue this is permitted development and that the eaves would be reinstated, and the dormer clad. At my last visit, these works had not been carried out,
- ii) The two-storey rear roof originally had a pitched roof however, the height of the eaves has been increased and a flat roof created in order to create a sixth bedroom where the original plans show storage,
- iii) Changes to window location and sizes.

## Side elevation (facing Farm Avenue)

- i) Roof light inserted where not originally approved.
- ii) The first floor is no longer set back from Farm Avenue, resulting in the single storey element being removed, and issues raised by the highways department (7.1).

## **6. PUBLICITY**

6.1 The application has been publicised by neighbour notification letters and by site notice. Eleven objection letters, a twenty-eight signature petition of objection, and one letter of representation has been received.

### **6.2 Objections**

Objections have been received on the following grounds: -

- (i) The development is an eyesore, especially when viewed from Farm Avenue;
- (ii) The area currently suffers from parking problems, this development would contribute to making the issues worse, due to the number of proposed bedrooms and the associated parking demands;
- (iii) The rear extension overlooks properties on Farm Avenue to an unacceptable level;
- (iv) The guttering overhangs onto the public pavement, and due to the workmanship, there is potential for tiles to fall off onto the public highway;
- (v) The proposal is over-intensive in terms of height and proximity to the public footpath, causing overlooking and over shadowing issues;
- (vi) There is potential for the property to be used as a hostel;



- (vii) The dormer window is not a traditional dormer, as it is not set back into the roof. The dormer has been built to resemble a three-storey block to the rear; and
- (viii) The Council/developer has misused planning powers by allowing works to go ahead and allow the submission of a revised planning application.

Other objections/concerns relating to the blocking of the pavement during the construction period, property values, water pressure concerns and issues with the builder have been raised, however these are not planning related and residents have been made aware of the appropriate authorities to contact.

### 6.3 Response to objections

I respond to the objector's comments in turn;

- (i) This large corner plot can accommodate a substantial sized extension. However, the finish of the "dormer" window and the roof shape of the two-storey rear extension does compromise the appearance of the development;
- (ii) The plans indicate that the development has five bedrooms, however the applicant has confirmed that the "storage" area as shown is another bedroom. A six-bedroom property requires three off-street parking spaces; two at least can be provided at the front, and the applicant benefits from a dropped kerb serving the rear garden providing a third space if required;
- (iii) The enlarged rear extension overlooks the front of the properties in Farm Avenue. If Members are minded to approve the application, it is recommended that the windows in the rear elevation are obscurely glazed;
- (iv) The workmanship is being inspected by a private inspector and falls outside the jurisdiction of planning. The issue of overhanging the public highway has been investigated by the highways department (see point 7.1),
- (v) The development is of substantial scale, however, any loss of light to private amenity space would be minimal,
- (vi) Any change to a hostel would require a further planning application,
- (vii) The dormer is out of keeping with properties in the street, and is highly visible,
- (viii) The Council has served a Planning Enforcement Notice, to which the applicant has partially complied, however the applicant is within their rights to make a retrospective application to regularise the remaining unauthorised development.

## 6.4 Support

No comments have been received which support the application.

## 7. STATUTORY CONSULTATION

### 7.1 Highways

Object to the proposal. They request that the extension should be set back 1.0m from the back of footway and no roof or canopy etc should be erected over the adopted highway. Furthermore, three off-street parking spaces should be provided.

## 8. GOVERNMENT GUIDANCE/NATIONAL PLANNING POLICY

8.1 National Planning Policy Framework promotes sustainable development but states that that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

8.2 Paragraph 130 of the adopted National Planning Policy Framework states:

*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.*

## 9. LOCAL PLANNING POLICY

9.1 The following sections of the Council's Development Plan are relevant: -

ENV3: Design Quality and SAD EOS9: Urban Design Principles states that development should be of high quality and that the Council will reject poor designs, particularly those that are inappropriate in their locality, for example, those clearly out of scale with or incompatible with their surroundings.

9.2 The Council's adopted Supplementary Planning Document – Revised Residential Design Guide (SPD) states;

- Poor quality domestic extensions which require planning consent that do not fit in visually or are clearly out of keeping with their surroundings, by virtue of their scale, architectural design, proposed materials and impact on neighbouring properties will be resisted. For example;

- Extensions must be in proportion to the scale of the existing dwelling and street scene,
- The over intensification of individual dwellings where it is proposed to extend then to a scale that is considered unreasonable will be resisted,
- The appearance and size of roof designs...must respect established design codes, and
- Dormer extension that require planning consent will need to be designed so that their scale and appearance fits into the architectural language of the original dwelling, neighbouring properties and street scene.

## **10. MATERIAL CONSIDERATIONS**

10.1 The material considerations relating to Government Policy (NPPF), and proposals within the local plan, have been referred to above in Sections 8 and 9. Other considerations are highlighted below: -

### **10.2 Planning history**

Previous approval was given for a substantial extension however, the developer has made significant changes that are material considerations.

### **10.2 Overlooking/loss of privacy**

The enlarged rear extension and dormer window overlooks onto properties in Farm Avenue. If minded to approve, it is recommended that conditions regarding obscurely glazed windows are sought.

### **10.3 Loss of light and/or outlook**

I do not foresee the proposal causing any significant loss of light or outlook to the private amenities of neighbouring properties.

### **10.4 Overshadowing**

The development may cause overshadowing of the public highway, but not to private properties.

### **10.5 Public visual amenity**

The front view (Farm Road) is a typical two-storey side extension, set back at first floor level, in keeping with the Council's adopted Residential Design Guide. The side element, now results in the first floor extension being directly to back of pavement along Farm Road and when combined with the rear, viewed from Farm Avenue, is completely out of character



with the area, and in my opinion, harms the visual amenity of the area by reason of its size and relationship to the highway.

## **10.6 Overbearing nature of proposal**

Originally, the first floor was stepped in from the ground floor along Farm Avenue, however; the applicant has built this extension flush, with a raised eaves height, and flat roof, creating an overbearing, and dominant structure when view along Farm Avenue.

## **10.7 Design, appearance and materials**

The build has not been designed, yet evolved to maximise the internal space, resulting in a development that is out of character with other properties in the area. This over development of the plot is compounded further by the poor choice of external materials, where focus on the internal arrangements over the visual amenity have been prioritised.

## **10.8 Highway safety, and parking**

Complaints have been received over the parking of construction vehicles (the developer has been made aware of this). However, the site can accommodate three off-street parking spaces, with a mixture of front and rear garden parking.

## **11. IMPLICATIONS FOR SANDWELL'S VISION**

11.1 The proposed development supports Ambition 10 of the Sandwell Vision 2030: -

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

## **12. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

12.1 The key determining issue relates to the increased size and scale of the development which has deviated from the original approved permission, which at the time, granted permission for a generous extension to create an enlarged family home. The major concern is the impact that the built extension has on the visual amenity of the area. The flat roof rear extension and large "dormer" window, is significantly out of keeping with the area and has an over bearing impact on the visual amenity of the local area.

- 12.2 Whilst not material to the determination of this application, the Council's Highways Department object to the application, not on parking grounds, but as the roof of the side extension overhangs the public footpath, questioning the validity of the application.
- 12.3 To conclude, it is considered that the unauthorised extension works are contrary to the Council's adopted SPD (see 9.2) in that the extension is over-development of the plot due to its extended footprint, the dormer and roof design which is out of keeping with the local area and results in a negative impact on the visual amenity of the area.

### **13. STRATEGIC RESOURCE IMPLICATIONS**

- 13.1 When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the council.

### **14. LEGAL AND GOVERNANCE CONSIDERATIONS**

- 14.1 This application is submitted under the Town and Country Planning Act 1990.

### **15. EQUALITY IMPACT ASSESSMENT**

- 15.1 There are no equalities issues arising from this proposal and therefore an equality impact assessment has not been carried out.

### **16. DATA PROTECTION IMPACT ASSESSMENT**

- 16.1 The planning application and accompanying documentation is a public document.

### **17. CRIME AND DISORDER AND RISK ASSESSMENT**

- 17.1 There are no crime and disorder issues with this application.

### **18. SUSTAINABILITY OF PROPOSALS**

- 18.1 Refer to the national planning framework (8) and local plan policies (9) and material considerations (10).

### **19. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)**

- 19.1 Refer to the summary of the report (12).

### **20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

20.1 There will be no impact.

**21. APPENDICES:**

Site Plan

Context Plan

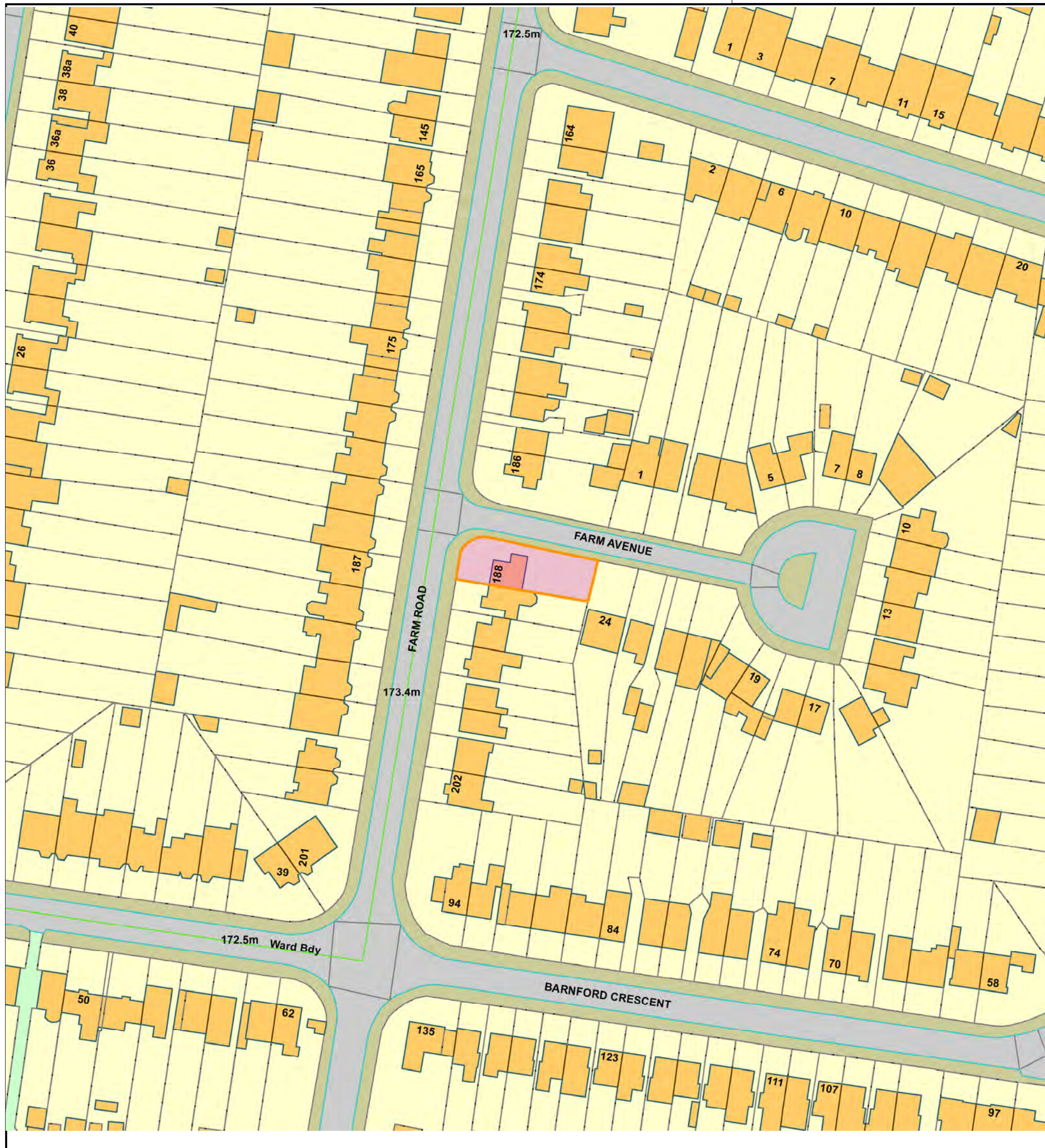
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Proposed plan

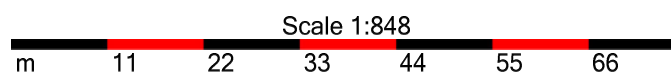
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Photograph





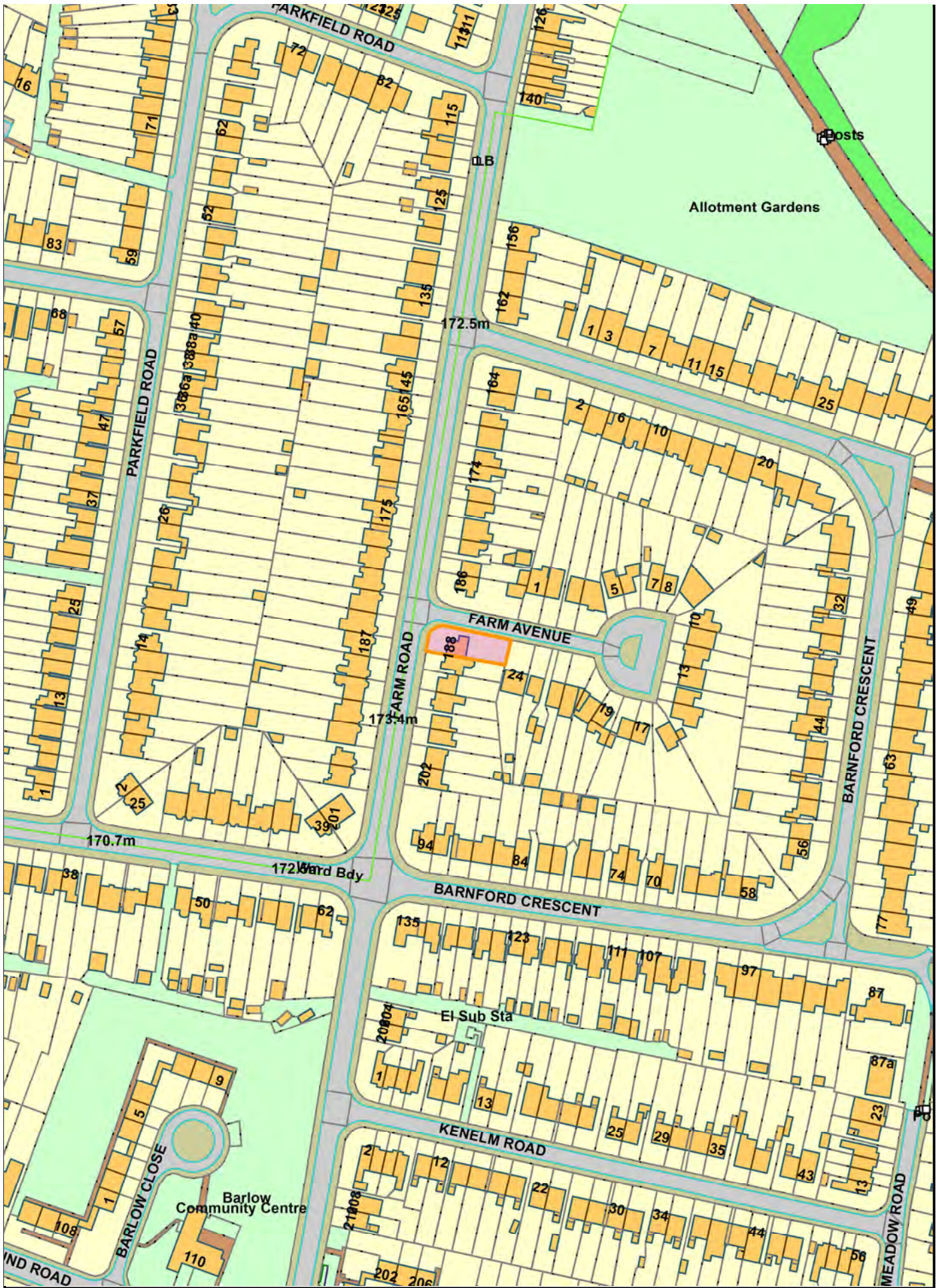
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Date 29 January 2020

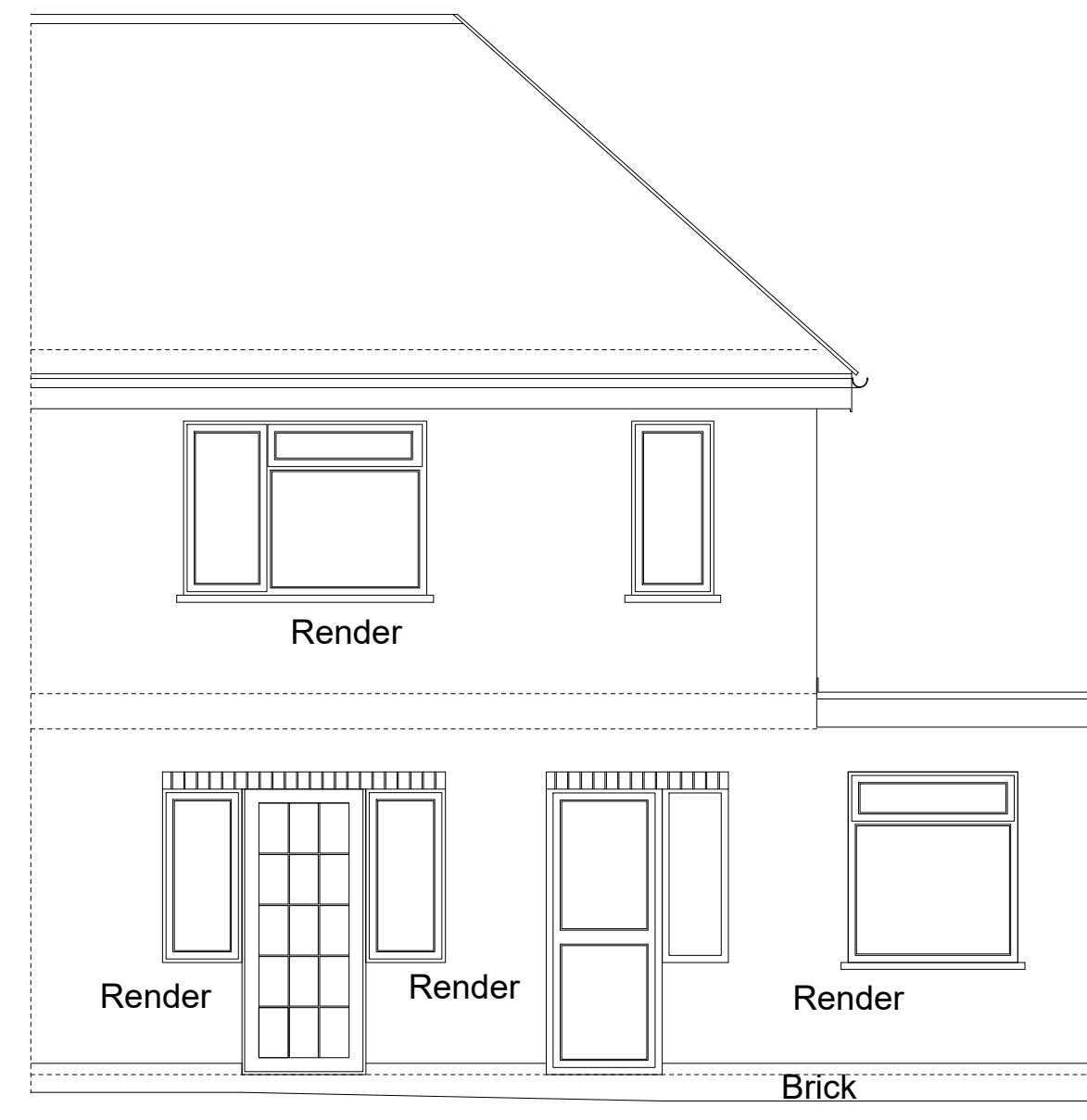




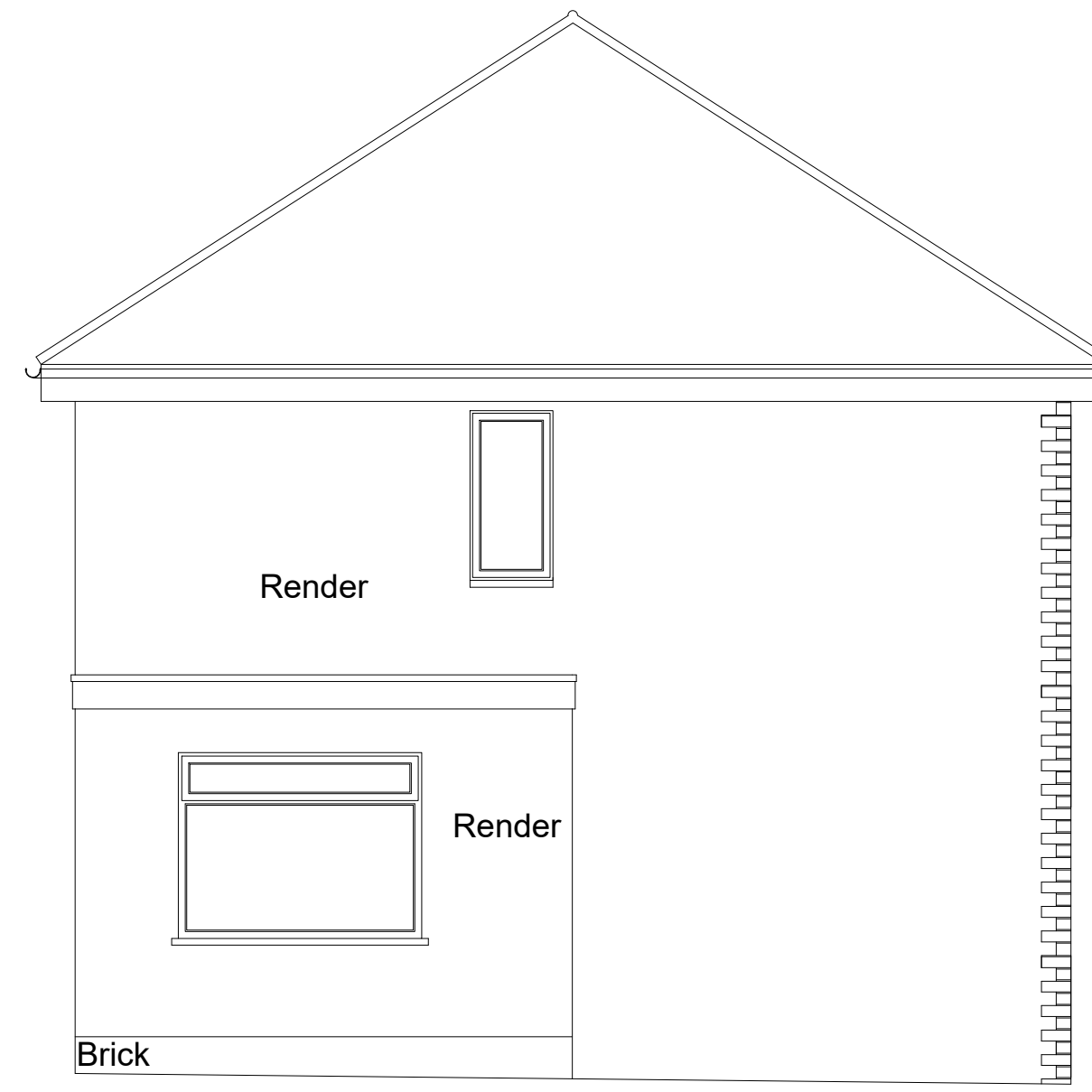




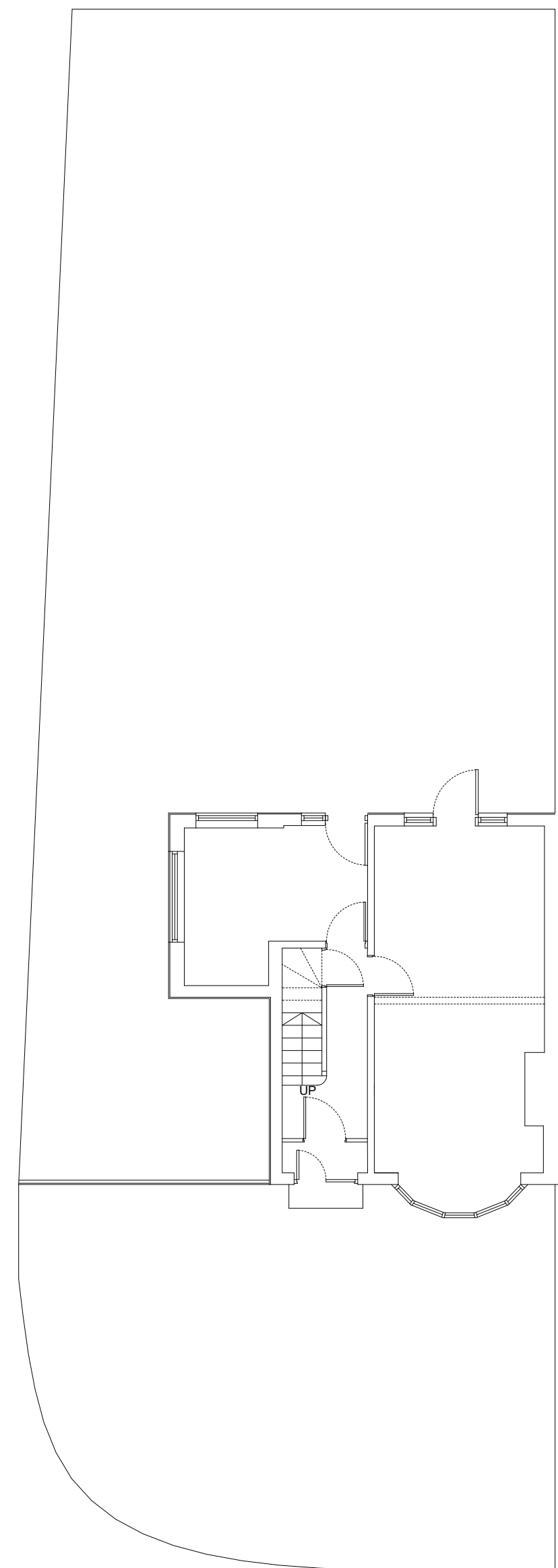
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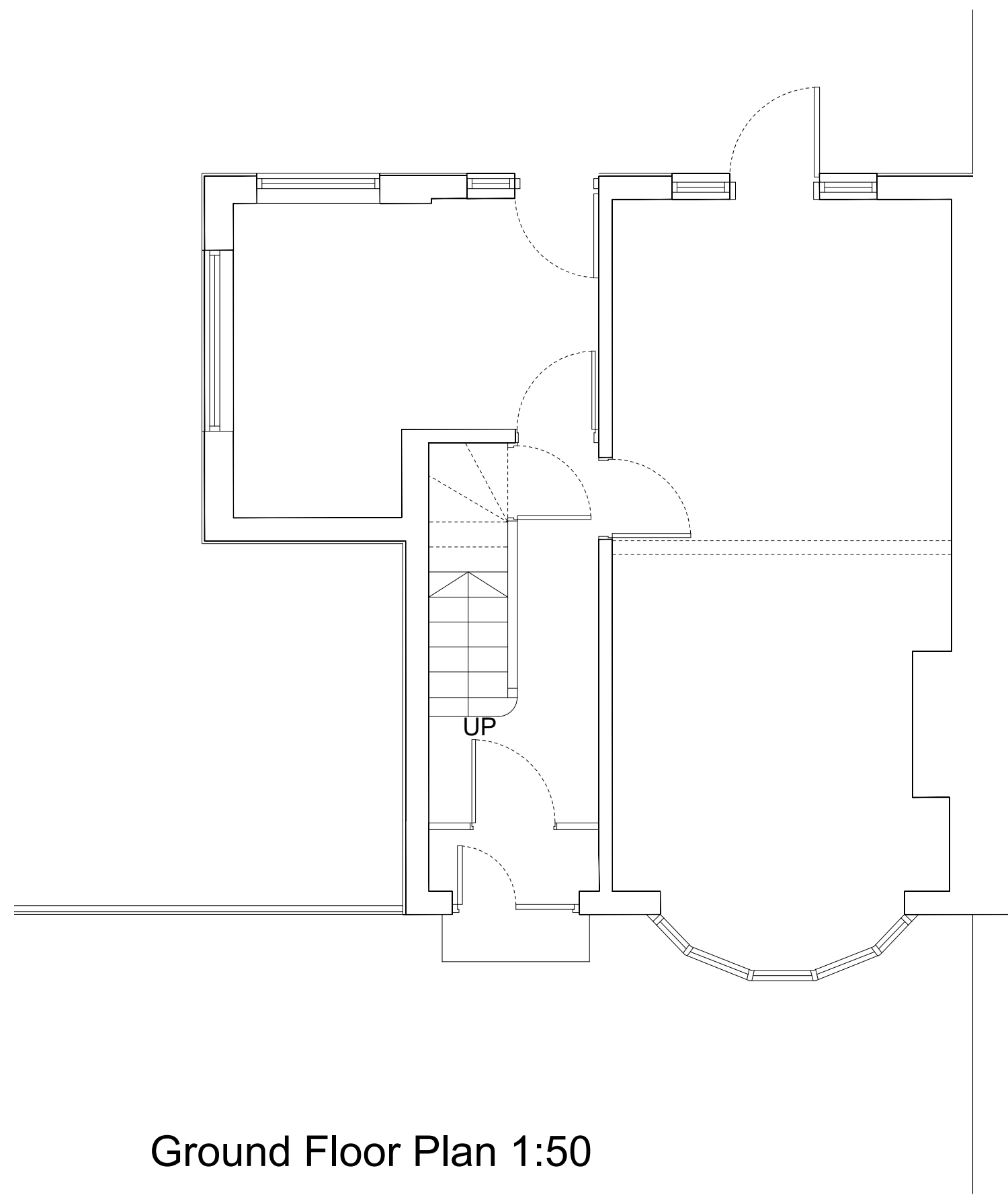
Rear Elevation 1:50



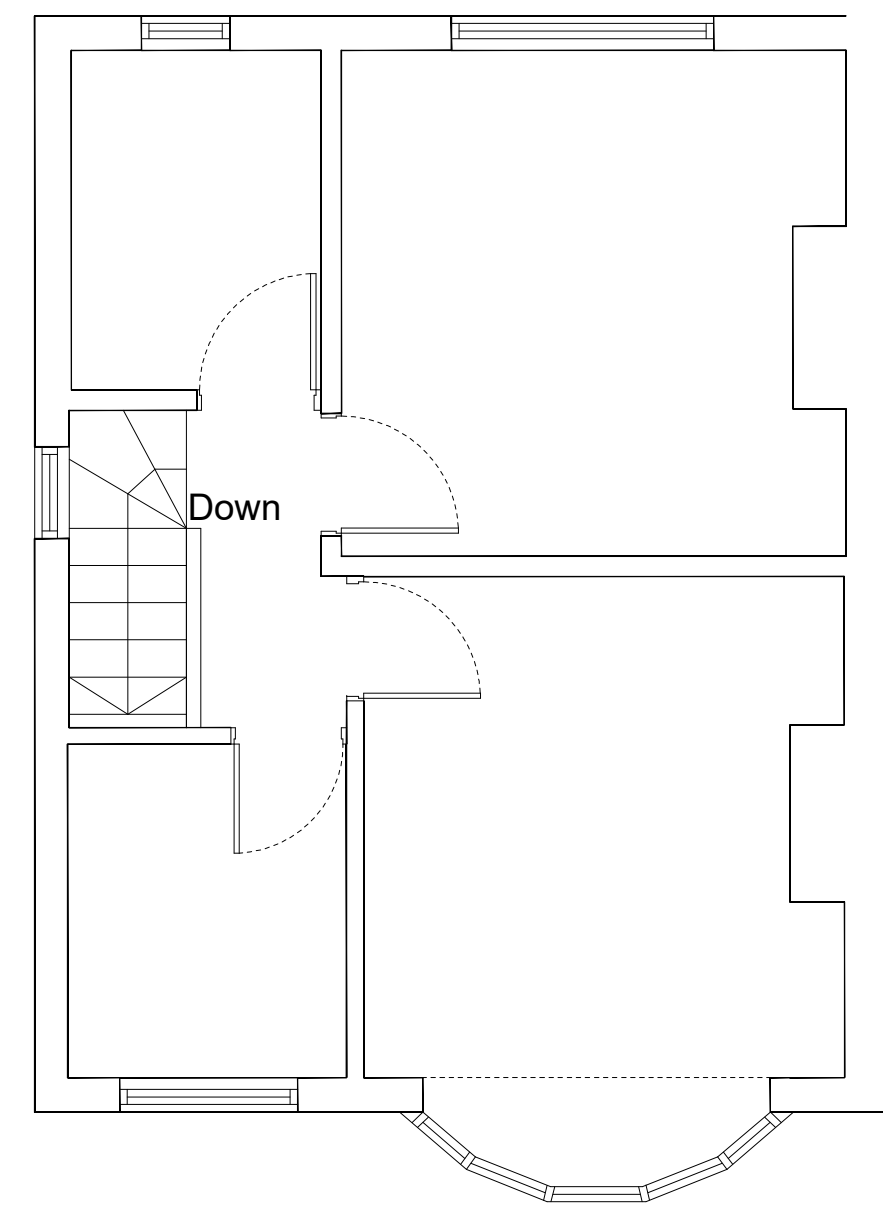
Side Elevation 1:50



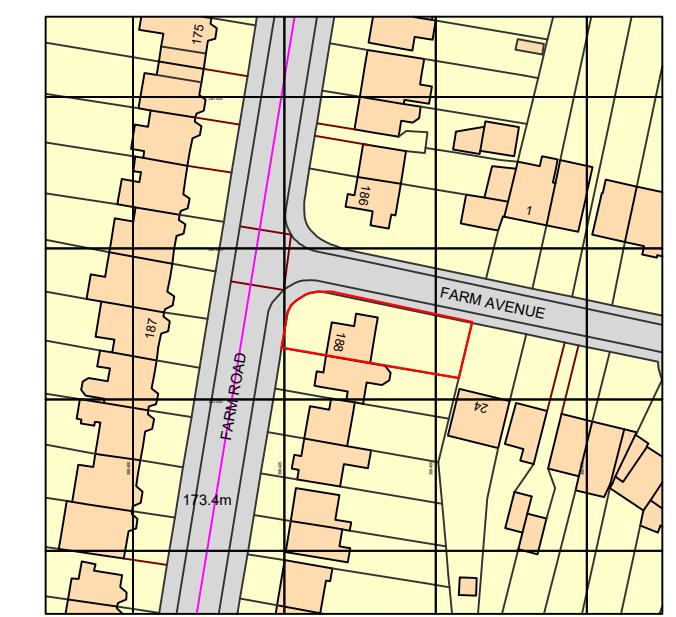
Boundary plan 1:100



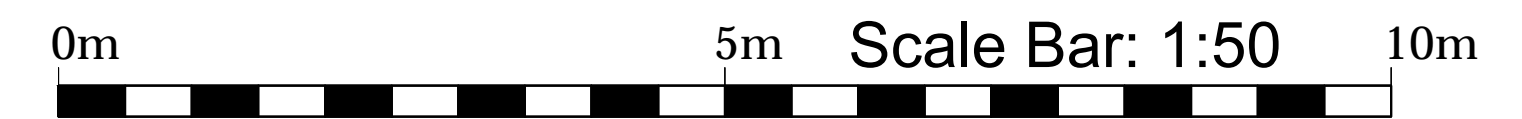
Ground Floor Plan 1:50



First Floor Plan 1:50



Location Plan 1:1250



<p>Drawing Title: Existing Plans and Elevations</p>	<p>Project: 188 Farm Road</p>	<p>Client: Miss S Arif</p>
<p>13A Randall Close Kingswinford West Midlands DY6 8QJ T: 01384 404057 m: 07966405087 e: enquiries@anthony-hope.com</p>	<p>13A Randall Close Kingswinford West Midlands DY6 8QJ T: 01384 404057 m: 07966405087 e: enquiries@anthony-hope.com</p>	<p>Rev: Date: Drawn: Check: Description:</p>
<p>Architectural Consultation • Space Planning • Photo Realistic Visualisations •</p>	<p>Chartered Institute of Architectural Technicians</p>	<p>Scales @ A1:1:50 / 1:1250</p>
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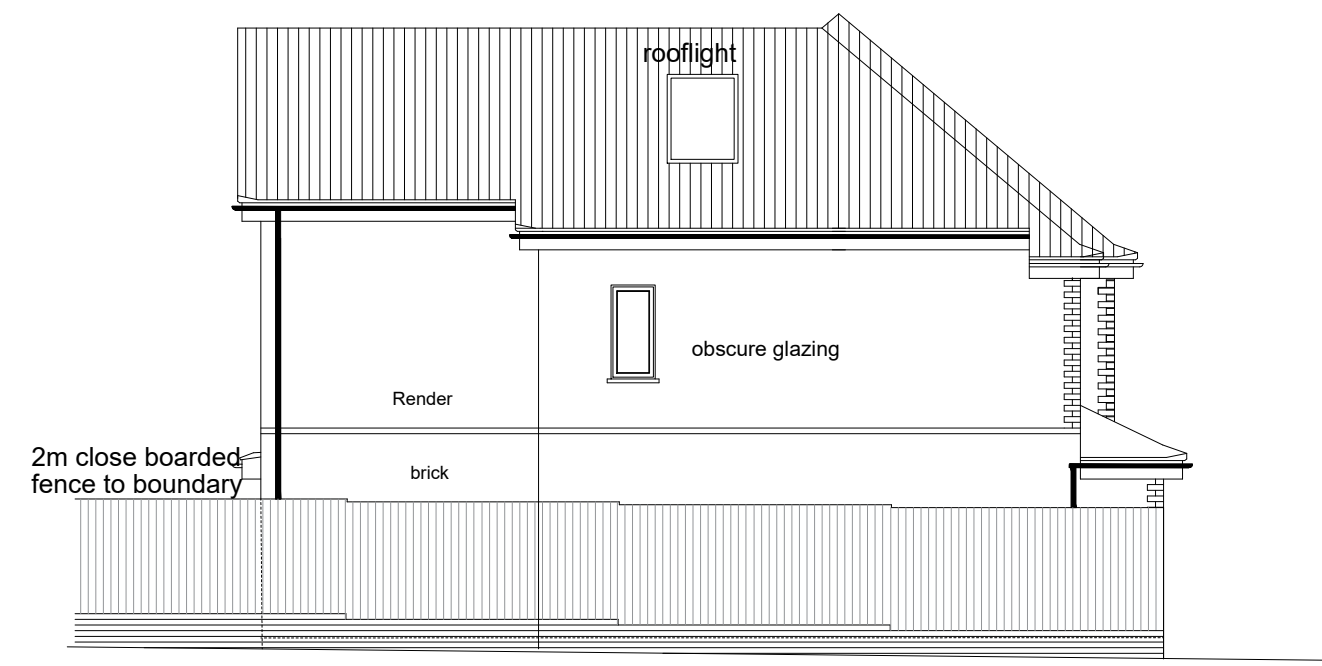




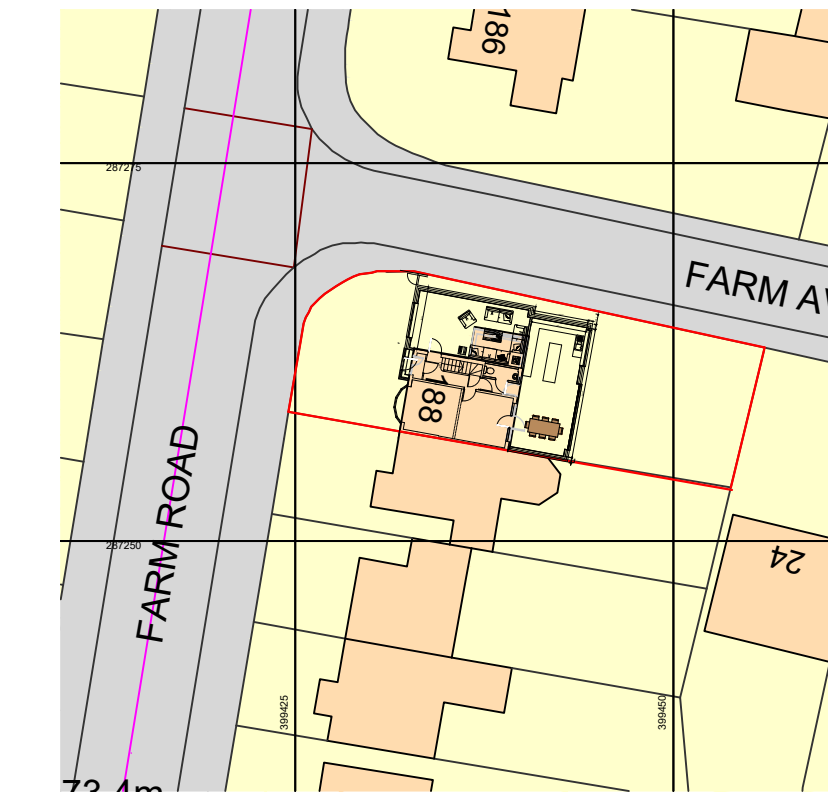
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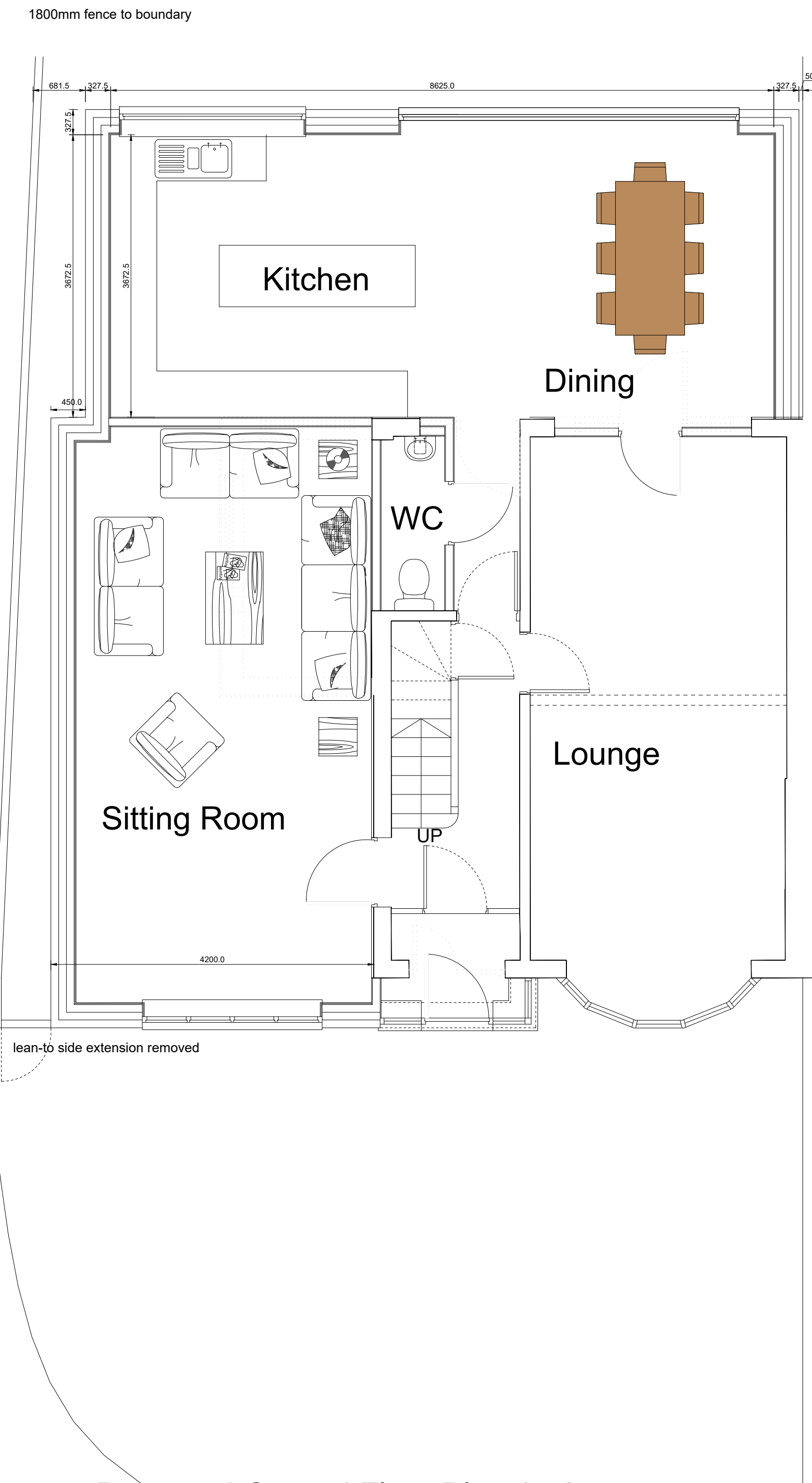
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Side Elevation 1:100



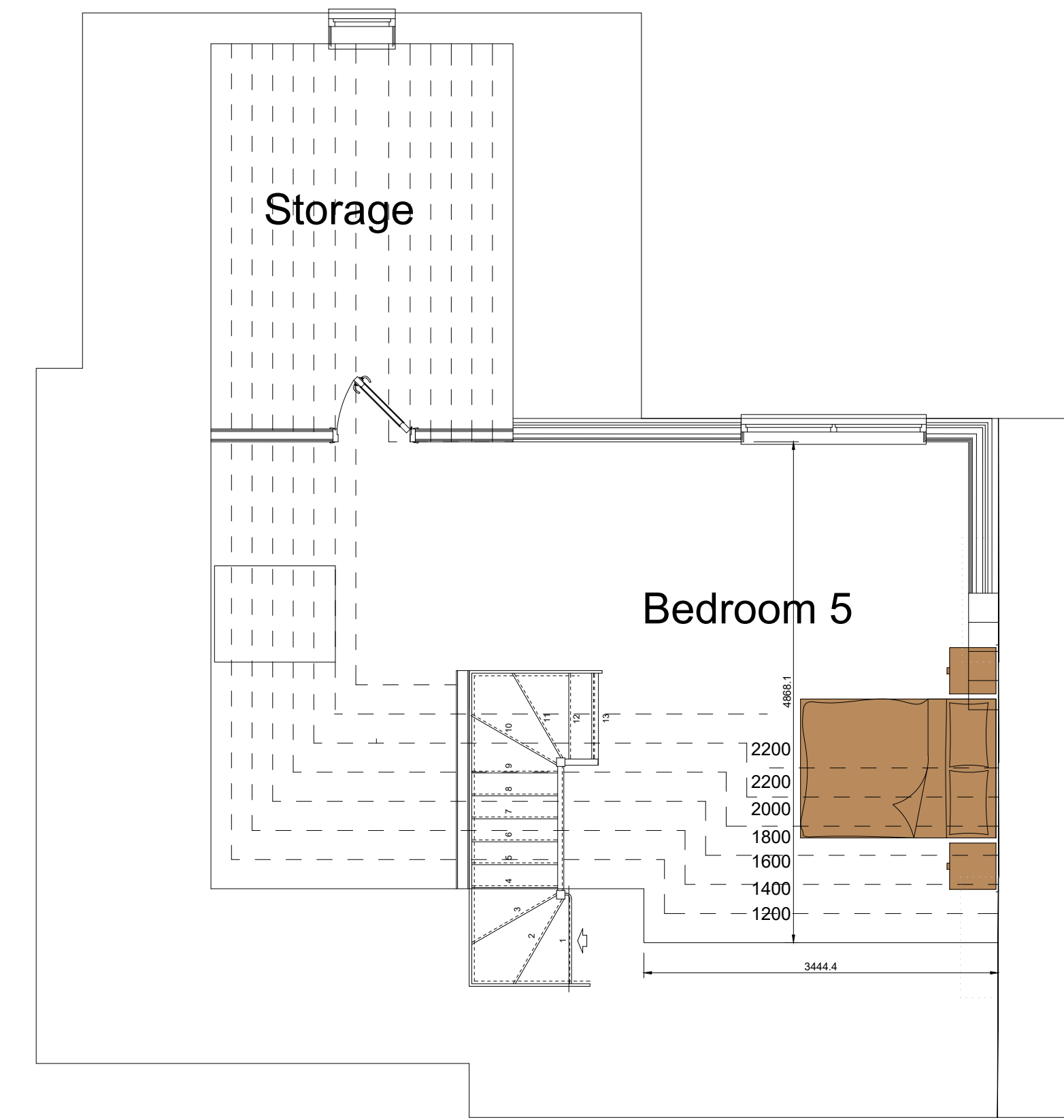
block plan 1:500



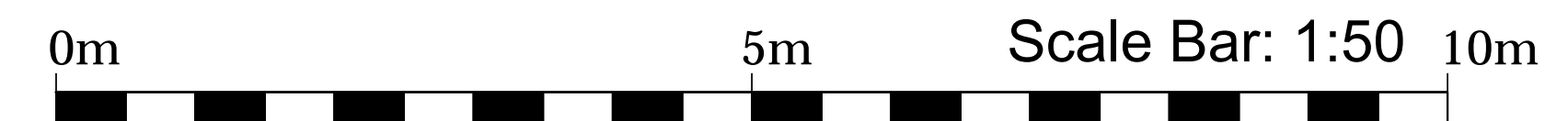
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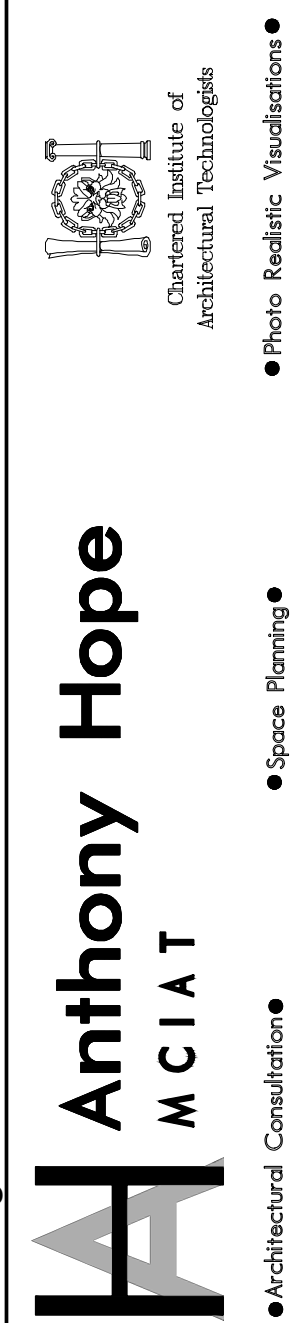
Proposed First Floor Plan 1:50



Proposed Loft Plan 1:50



Drawing Title: Proposed Plans and Elevations



Dwg No: 1.18.102 Rev F

Scales @ A1:1:50

Project: Farm Road

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

Client: Miss S Arif

Rev: Date: Drawn: Check: Description:  
 A Apr 18 ABH Extension taken over kitchen and modified at ground level  
 B Nov 18 ABH Roof amended and lean to removed from side.  
 C Jun 19 ABH Roof amended  
 D Jun 19 ABH Block plan & rear window amended  
 E Sep 19 ABH Rooflight relocated  
 F Sep 19 ABH Client

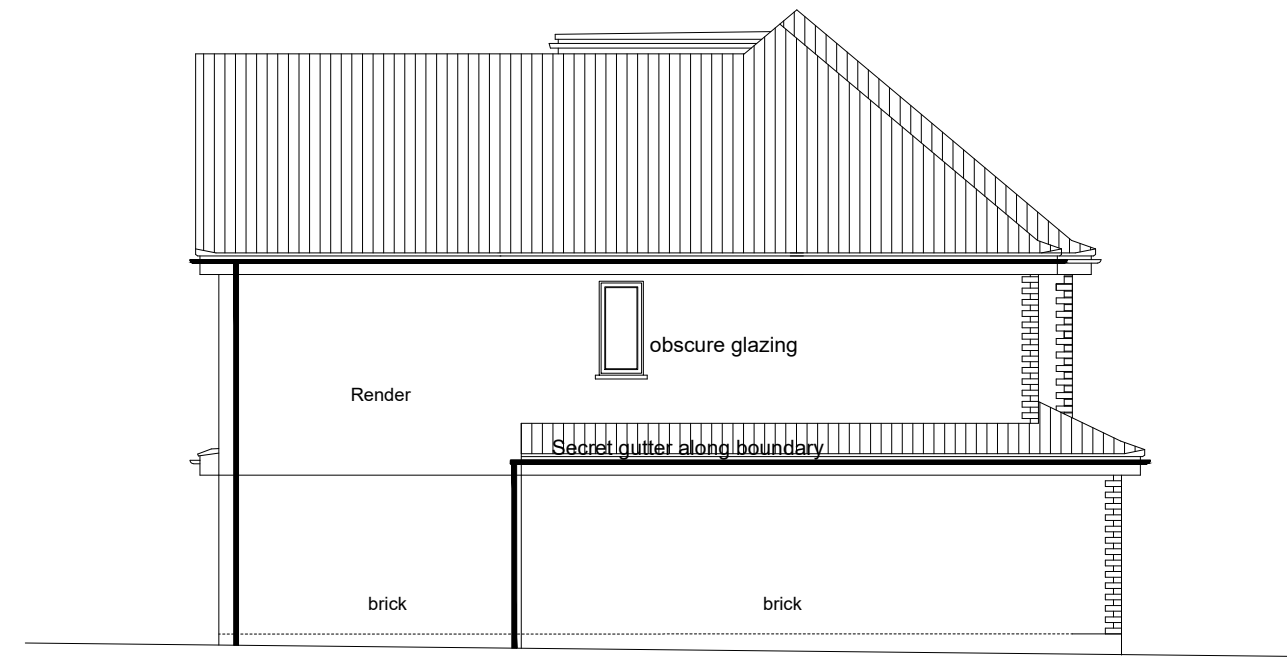
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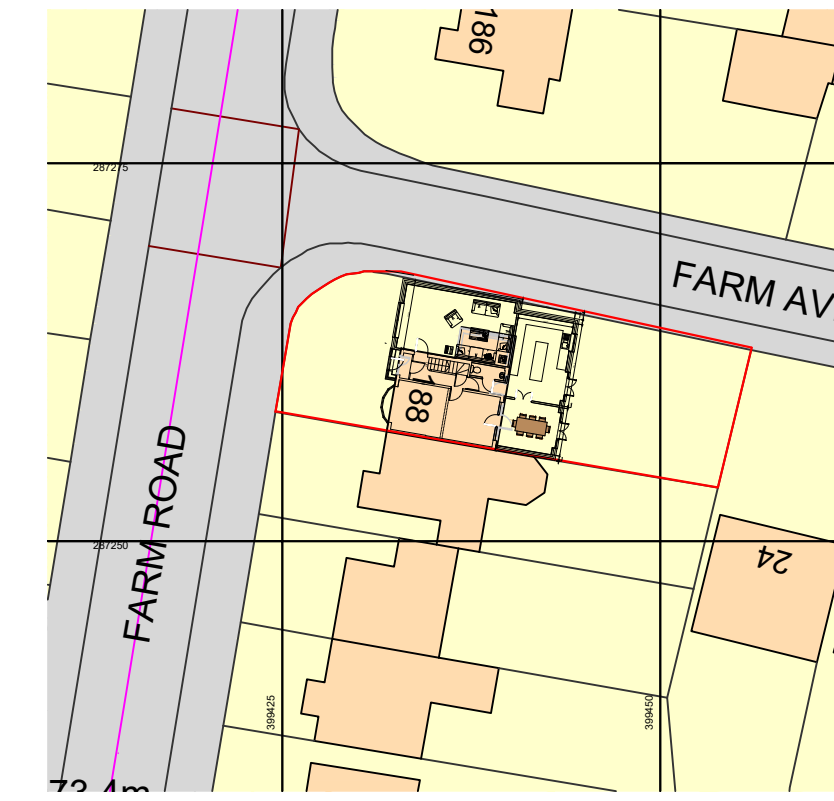
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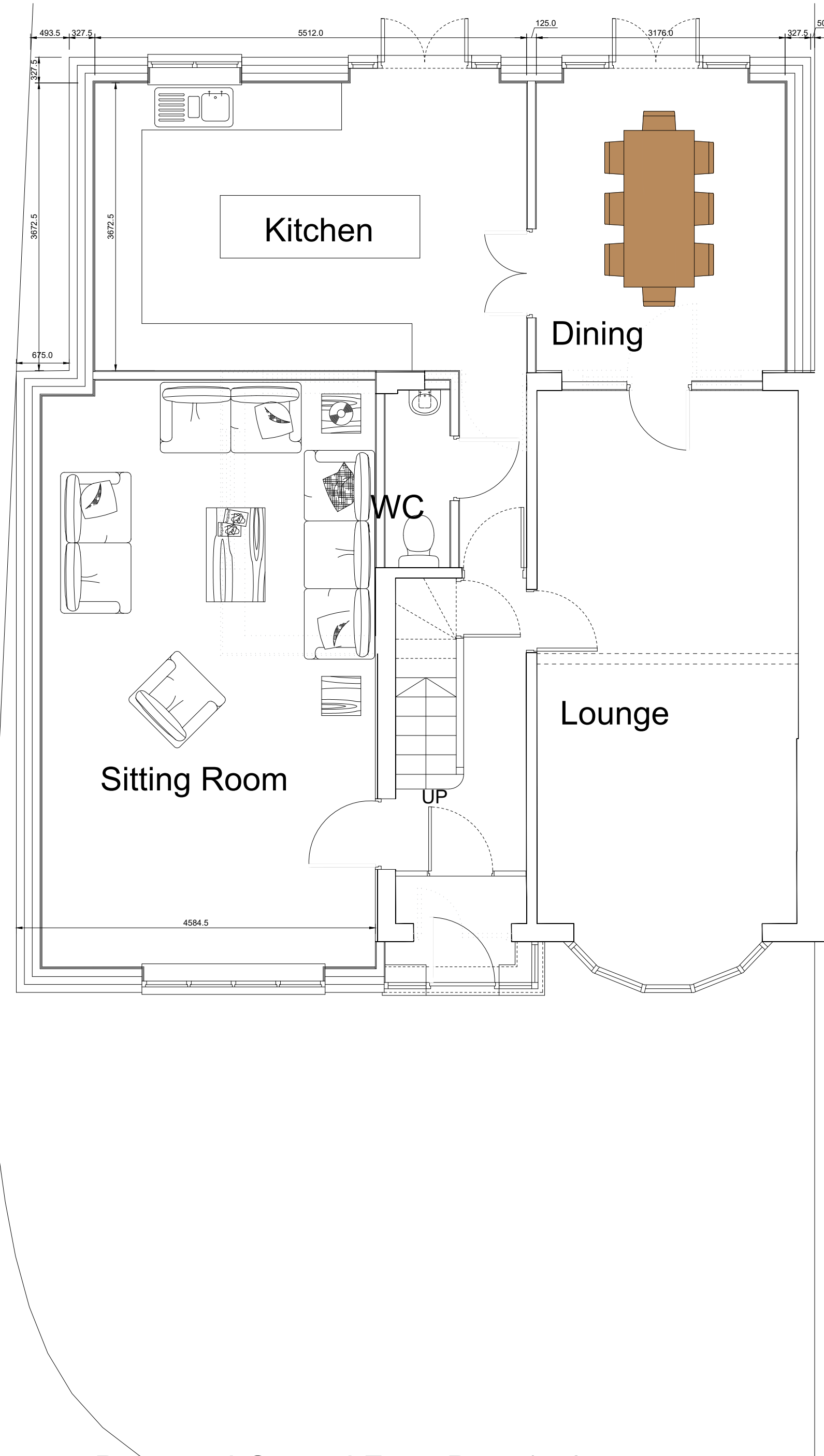
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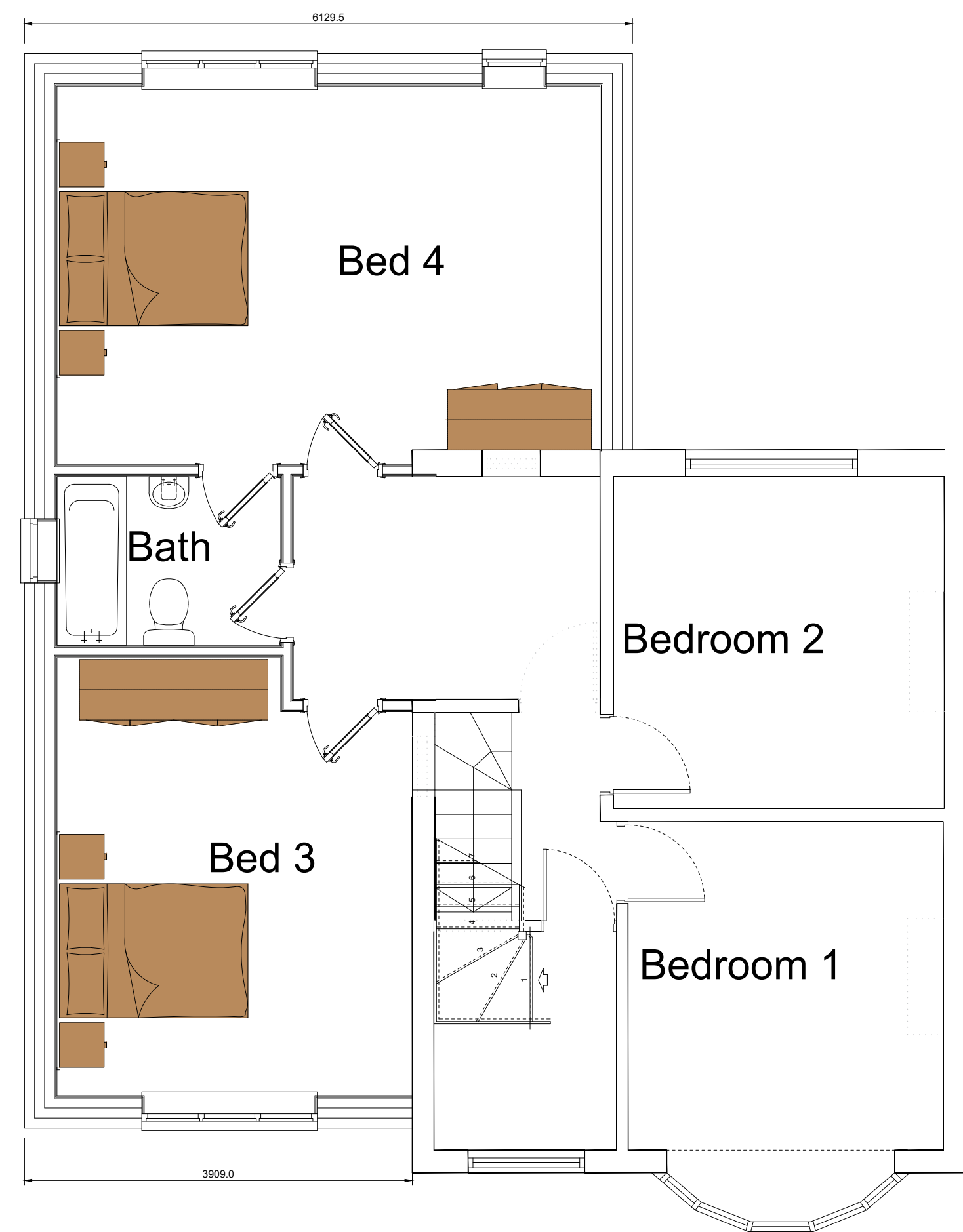
Side Elevation 1:100



block plan 1:500



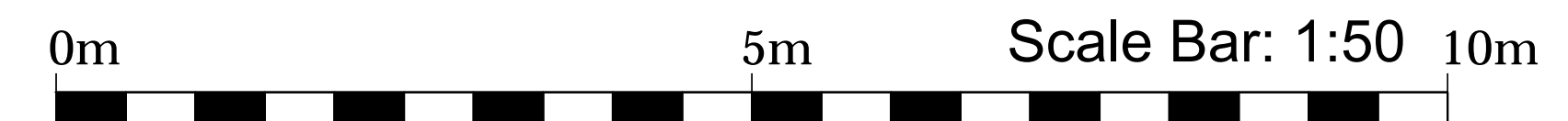
Proposed Ground Floor Plan 1:50



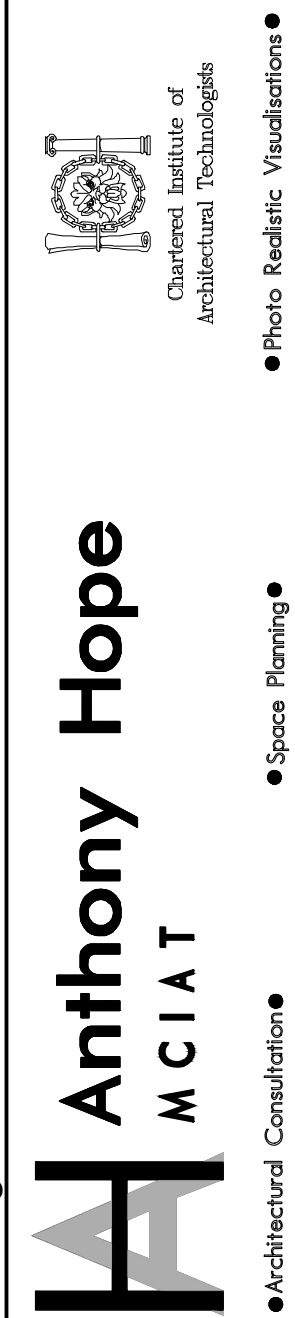
Proposed First Floor Plan 1:50



Proposed Loft Plan 1:50



Drawing Title: Proposed Plans and Elevations



Dwg No: 1.18.102 Rev A

Scales @ A1:1:50

Project: Farm Road

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


Client: Miss S Arif

Rev: A Date: Apr 18 ABH  
Description: Extension taken over kitchen and modified at ground level  
Check: Drawn: Drawn: Check: Description:

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

## REPORT TO PLANNING COMMITTEE

12<sup>th</sup> February 2020

<b>Application Reference</b>	DC/19/63723
<b>Application Received</b>	14 <sup>th</sup> November 2019.
<b>Application Description</b>	Proposed 10 No. bungalows, 20 No. 2 bedrooms flats and 1 No. commercial shop.
<b>Application Address</b>	Vacant land off Friardale Close/Carrington Road, Wednesbury.
<b>Applicant</b>	Mr Alan Martin, Sandwell MBC, Sandwell Council House, Freeth Street, Oldbury, B69 3DE.
<b>Ward</b>	Friar Park
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s)</b>	Anjan Dey 0121 569 4896 <a href="mailto:anjan_dey@sandwell.gov.uk">anjan_dey@sandwell.gov.uk</a>

### **RECOMMENDATION**

Subject to the receipt of satisfactory amended plans, approval is recommended subject to;

- (i) External materials;
- (ii) Details of boundary walls and fences;
- (iii) Finished floor levels;
- (iv) Ground remediation validation report;
- (v) Highway Improvements;
- (vi) Drainage details;
- (vii) Details of Renewable Energy & implementation thereafter;
- (viii) Details of electric vehicle charging points & implementation thereafter;
- (ix) Affordable Housing;
- (x) Construction management plan including hours of working;
- (xi) Skill and employment details;
- (xii) Commercial unit restricted to A1 (retail) use.



## **1. BACKGROUND**

- 1.1 This application is being reported to your Planning Committee because this is a major application and the applicant is Director of Regeneration and Economy.
- 1.2 At the time of writing this report, amended plans addressing minor design issues are awaited.

## **2. SUMMARY OF KEY CONSIDERATIONS**

- 2.1 The site is unallocated in the adopted development plan.
- 2.2 The material planning considerations which are relevant to this application are:-

Local and Government policy (NPPF);  
Public visual amenity;  
Layout and density of building;  
Design, appearance and materials;  
Access, highway safety, parking and servicing;  
Contamination by a previous use;  
Affordable housing; and  
Drainage.

## **3. THE APPLICATION SITE**

- 3.1 The application site an irregular-shaped parcel of land with access from Bassett Road, extending to the corner of Carrington Road and School Road. The land in Friardale Close previously formed part of a residential street. The land at Carrington Road and School Road is occupied by a number of buildings which are in various states of repair and there is an area of derelict land where previous buildings have been demolished. Levels throughout the site are relatively even.
- 3.2 The surrounding area is predominantly residential in character with a small parade of shops at the corner of Carrington Road and School Road. Carrington Social Club is located to the immediate west of the shops.

## **4. PLANNING HISTORY**

- 4.1 Consent was granted in 2004 (DC/04/43103) to demolish residential dwellings along Friardale Close.

4.2 Relevant planning applications are as follows:-

DC/04/43103. Demolition of nos 1 to 25 Friardale Close, Wednesbury.

## **5. APPLICATION DETAILS**

5.1 The applicant proposes to construct 10 bungalows along Friardale Close, and two separate apartment blocks comprising of 20 no. 2 bedroom flats and a retail shop at the east of the site to School and Carrington Roads. All of the bungalows would have 2 bedrooms. The submitted location and existing site plans included a telecommunications box that is not Council owned, and the red outline has now been amended to reflect this.

Currently there are 3 no. commercial properties still in use serving local residents a fish and chip shop, a news-agents, and a small children clothes retailer.,. All of these, apart from the fish and chip shop, are to be demolished to make way for the proposed development. It is proposed that a new retail unit (supermarket) will be provided within the new block adjacent to the fish and chip shop. There is also a meat packing company within the existing building that is proposed to be demolished.

5.2 Existing access from Bassett Road is to be used to access the bungalows with access to the shop and flats from School Road.

5.3 All of the residential properties are to be socially rented and managed by the Council.

## **6. PUBLICITY**

6.1 The application has been publicised by neighbour notification letter and site notice.

### **6.2 Objections**

Neighbour consultation has not generated any objections.

### **6.3 Responses to objections**

Not applicable.

### **6.4 Support**

No comments have been submitted which support the application.

## **7. STATUTORY CONSULTATION**

### **7.1 Planning and Transportation Policy**

The site is unallocated but meets the guidance for new housing under windfall policy (SAD H2) being previously developed land and housing being compatible with the surrounding area. The residential elements also provide affordable housing with a mixture types i.e. bungalows & flats (HOU3, SAD H3 and HOU2). The scheme should seek to provide good quality design, address drainage (ENV5), renewable energy (ENV7) and air quality (ENV8).

The retail element does not comprise Core Strategy Policies (CEN6 & CEN7) which focusses the majority of retail development within the borough's centres. Crankhall Lane local centre is within 400m of the proposal site and Planning Policy has requested that the commercial unit should be restricted to a retail use to meet day to day shopping needs.

### **7.2 Highways**

They raise no objections to parking arrangements, access and egress subject to the imposition of appropriate planning conditions.

### **7.3 Environmental Health (Air Quality)**

They raise no objections subject to electric vehicle charging points being installed. However, it has been agreed with the applicant that this will be dealt with by way of a relevant planning condition.

### **7.4 Environmental Health (Contaminated Land)**

The site has potential for ground contamination and Environmental Health recommends that site investigations are carried out, and comments submitted along with details of remediation works, prior to development commencing on site. It is considered that a condition requesting that the applicant provides a validation report once any remediation works have been carried out would satisfy this requirement.

### **7.5 Severn Trent Water**

Has no objections to the proposal however they have requested that a standard drainage condition to be attached to any approval.



## 7.6 Health Urban Development Officer

The Health Urban Development officer recommends that Electric Vehicle Charging points are provided as well as cycle storage for the bungalows along Friardale Close.. The applicant has provided secure cycle storage to the apartment block, but is not proposing to install individual cycle storage at for each bungalow. It is considered that future tenants will be encouraged to provide their own cycle storage within their gardens on an as required basis. Transport Planners has not raised any concerns with the proposed cycle storage for the apartment block.

## 7.7 Landscaping

The Council's Tree Officer welcomes the planting of new trees to replace any that may be lost through the development of the site.

## 8. GOVERNMENT GUIDANCE/NATIONAL PLANNING POLICY

- 8.1 National Planning Policy Framework promotes sustainable development but states that that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

## 9. LOCAL PLANNING POLICY

- 9.1 The following polices of the Council's Local Plan are relevant:-

HOU1: Delivering Sustainable Housing Growth

HOU2: Housing Density, Type and Accessibility

HOU3: Delivering Affordable Housing

ENV3: Design Quality

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

ENV8: Air Quality

EMP5: Improving Access to the Labour Market

SAD H2: Housing Windfalls

SAD H3: Affordable Housing

SAD EOS9: Urban Design Principles

SAD EMP2: Training and Recruitment

- 9.2 With regards to policies HOU1, HOU2 and SAD H2, the site is unallocated for housing and therefore consideration has been given to the need to provide additional housing within the borough, to meet future needs. These houses and apartments would be built on previously developed land, and would be compatible with their surroundings, in area with good public transport links. Furthermore, the development will provide much needed affordable homes in the locality.

- 9.3 HOU3 and SAD H3 set out the requirement of 25% affordable housing on major developments of this nature. This development would provide 100% affordable homes.
- 9.4 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments. The department's Urban Design planner was involved in extensive pre-application discussions prior to submission, and overall the scheme is considered acceptable. Minor amendments to improve the overall design and appearance of the scheme have been requested, and at the time of writing these are awaited.
- 9.5 ENV5 seeks the incorporation of sustainable drainage systems to assist with reducing the impact of flooding and surface water run-off. This can be dealt with by way of an appropriate condition.
- 9.6 ENV8 refers to mitigation measures to offset air quality issues; in this instance, electric vehicle charging points are to be installed within the curtilage of the apartment block. Furthermore electric vehicle infrastructure is to be incorporated into each of the bungalows, with the exact details to be dealt with through condition.
- 9.7 EMP5 (Improving Access to the Labour Market Training) and SAD EMP2 (Training & Recruitment) requires larger developments to provide opportunities for training and recruitment. Such opportunities are normally secured through an appropriate condition.

## **10. MATERIAL CONSIDERATIONS**

- 10.1 The material considerations relating to Government Policy (NPPF), and proposals within the local plan, have been referred to above in Sections 8 and 9. Other considerations are highlighted below:

### **10.2 Public Visual Amenity**

It is not anticipated that the proposed development will cause any significant amenity issues to existing surrounding occupiers. .

### **10.3 Access, highway safety and parking**

The Council's highways engineers raise no objections subject to the imposition of relevant conditions.

### **10.4 Ground contamination by a previous use**

A condition can be attached to any approval requiring the investigation and remediation of any existing ground contamination.

## 10.5 **Loss of trees**

Any trees to be felled during the development of the site are to be replaced.

## 10.6 **Affordable housing**

All properties will be affordable homes and a relevant condition can be attached to control this in the event of the scheme not coming forward, and the land being sold to a private developer.

## 11. **IMPLICATIONS FOR SANDWELL'S VISION**

11.1 The proposal supports Ambitions 3,7,5, 8 and 10 of the Sandwell Vision 2030:-

11.2 Ambition 3 – Our workforce and young people are skilled and talented, geared up to respond to changing business needs and to win rewarding jobs in a growing economy

The development of this scheme will support people and jobs through the creation of apprenticeships and training opportunities within the contractual arrangements and the council's social value policy for new construction projects.

11.3 Ambition 5 – Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local neighbourhoods

The re-use of underutilised land and the rebuilding of new council homes at this location of Friar Park will address longstanding anti-social behaviour issues would remain if left as they are currently.

Redevelopment here, as proposed, would have a positive impact on the social, economic and environmental well-being of this deprived neighbourhood. The visual transformation will also create a new sense of place which has been lacking for many years from Carrington Road area thus offering a better environment for local residents and remove the opportunities for the anti-social behaviour attributed to dereliction and vacant land.

11.4 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.

The redevelopment of this under-utilised site with modern residential accommodation will improve the immediate area, public realm, street



scene and the asset base of the borough by providing much needed affordable housing.

- 11.5 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.

The transformation of Carrington Road, part of the Friar Park neighbourhood, through this redevelopment proposal will contribute to creating a more sustainable community. The removal of the long-term eyesore that is created by the current buildings and vacant land in this location will deliver a more vibrant area for the local residents and offer an improved environment to local residents. A new retail unit will also enhance local facilities within the neighbourhood and contribute to delivering an inclusive local economy and social environment.

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

## **12. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

- 12.1 The principle of residential development is supported by relevant policies and provides an opportunity for new, affordable homes. Extensive pre-application has been undertaken prior to the submission of the application, and further details are to be submitted to ensure high quality design and appearance throughout the development.
- 12.2 Subject to the receipt of satisfactory amended plans and no further concerns relating to design, conditional approval is recommended.

## **13. STRATEGIC RESOURCE IMPLICATIONS**

- 13.1 When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the council.

## **14. LEGAL AND GOVERNANCE CONSIDERATIONS**

- 14.1 This application is submitted under the Town and Country Planning Act 1990.

## **15. EQUALITY IMPACT ASSESSMENT**

- 15.1 There are no equalities issues arising from this proposal and therefore an equality impact assessment has not been carried out.

## **16. DATA PROTECTION IMPACT ASSESSMENT**

16.1 The planning application and accompanying documentation is a public document.

## **17. CRIME AND DISORDER AND RISK ASSESSMENT**

17.1 There are no crime and disorder issues with this application.

## **18. SUSTAINABILITY OF PROPOSALS**

18.1 Refer to the national planning framework (8) and local plan policies (9) and material considerations (10).

## **19. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)**

19.1 Refer to the summary of the report (12) in particular the scheme can be conditioned to provide opportunities for training and recruitment in accordance with SAD EMP2.

## **20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

20.1 The proposal is on Council owned land.

## **21. APPENDICES:**

Site Plan

Context Plan

00XXAP(04)01 (A1) (P01)

00XXAP(04)02 (A1) (P01)

00XXAP(04)03 (A1)

00XXAP(04)04 (A1)

00XXAP(04)05 (A1)

00XXAP(04)06 (A1)

BG00AP(04)10 (A1)

BG00AP(04)11 (A1)

BG00AP(04)12 (A1)

BGXXAP(05)03 (A1)

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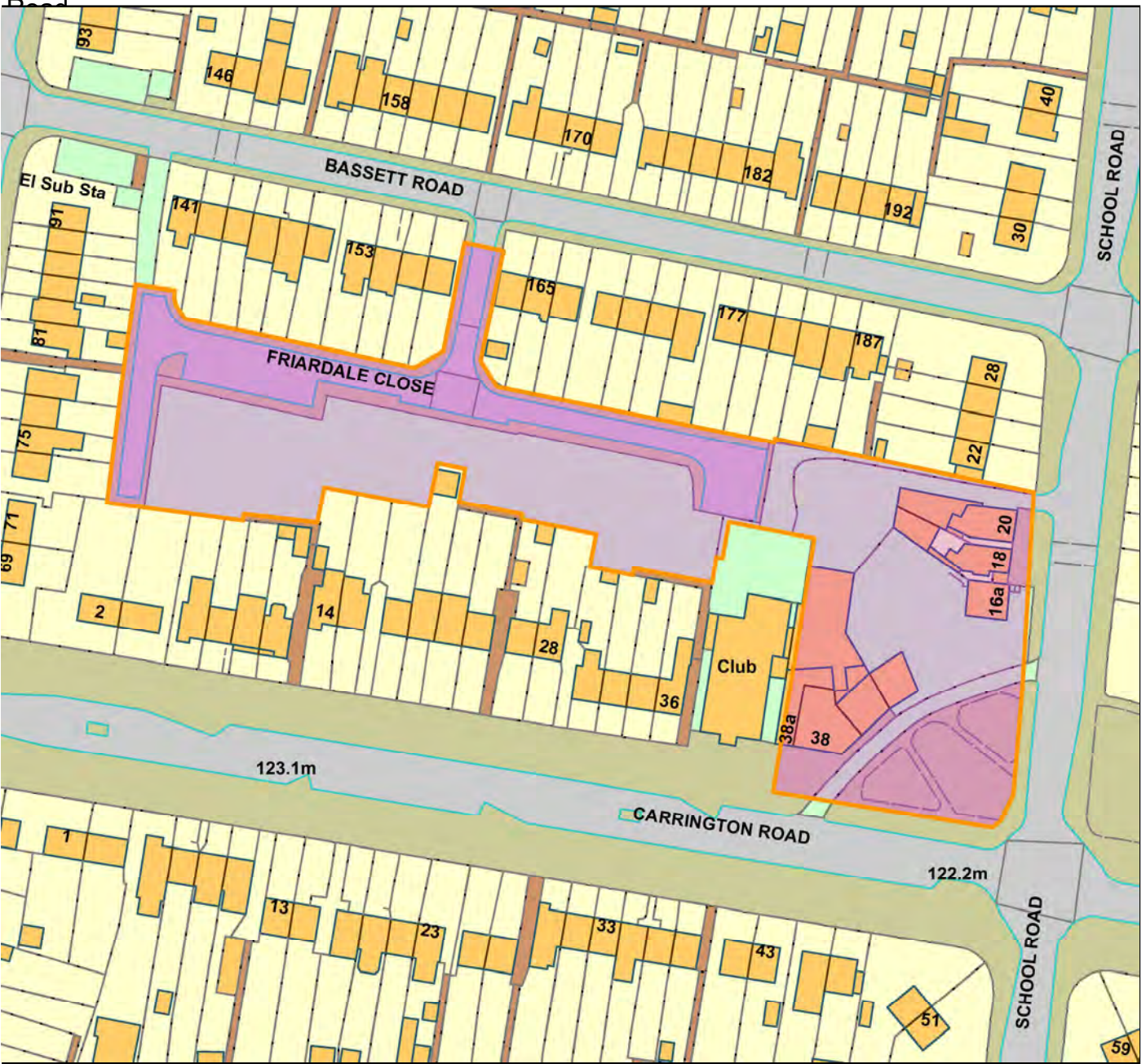
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Proposed elevations Plots 5 & 6  
Proposed first floor layout  
Proposed second floor layout



**Finished? [Click here to remove buttons and surplus icons](#)**

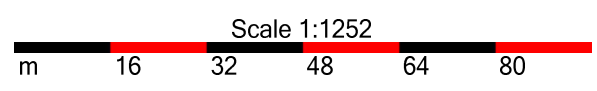
DC/19/63723

Vacant Land off Friardale Close/School Road/Carrington



**Legend**

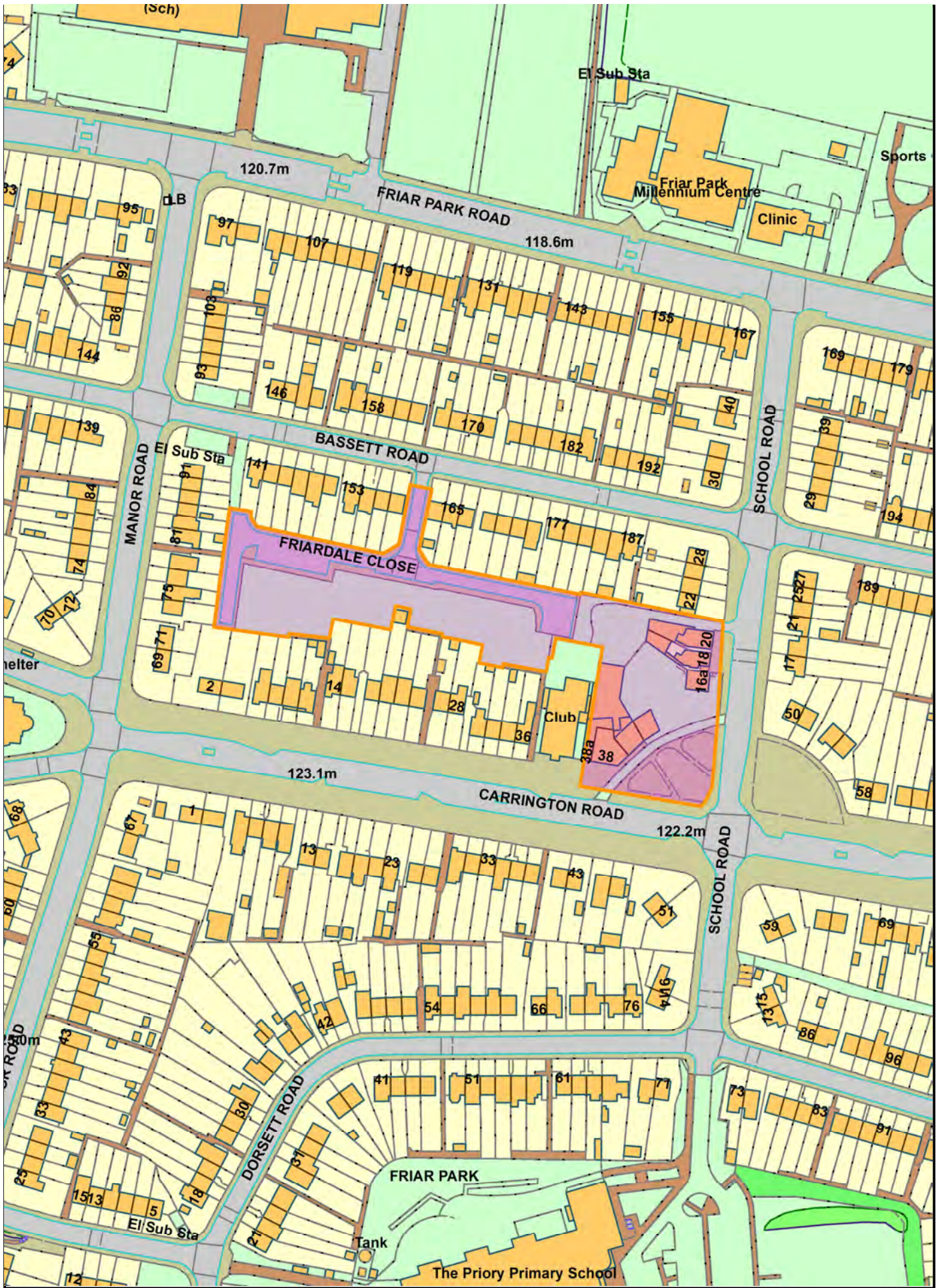
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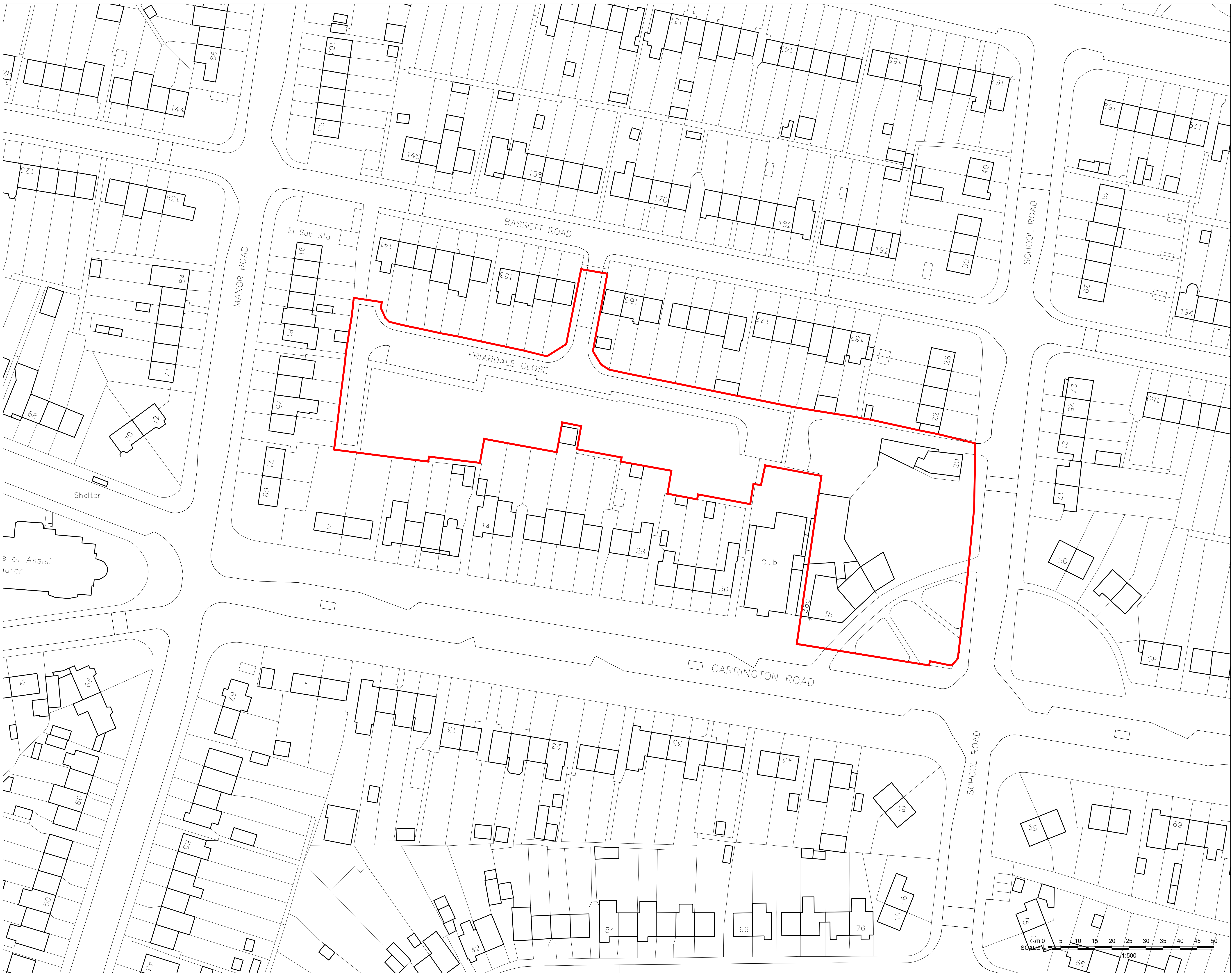
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Ordnance Survey Licence No 100023119

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<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	29 January 2020
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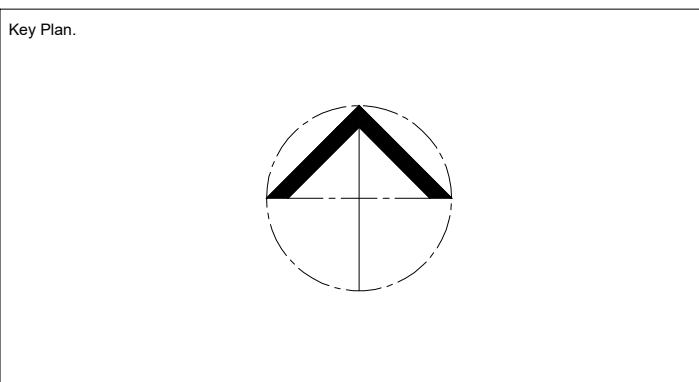




Notes  
 The Contractor will be responsible for setting out the work.  
 All dimensions must be obtained or checked on the site.  
 Figured dimensions to be used in preference to scale.

Site Key  
 Indicative Site Boundary

North Point  

Rev	Date	Revision Note	CDL	By	Check
01	20/01/20	Red Line Boundary Revised	CDL		



Project  
 Proposed Development of Bungalows and Flats  
 Location  
 Carrington Road/Friar Park Close  
 Wednesbury  
 Sheet title  
 Existing Site Plan

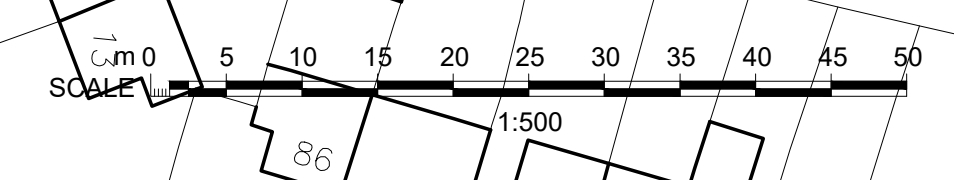
Status  
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Drawn by	Date	Checked
CDL	NOV 19	
Scale at A1	Scale at A3	
1:500	1:1000	

Date	Level	Classification	Sheet No.	Scale	Version
00	XX	AP(04)	02	S0	P01

Job No:  
**H16705**

Urban Design & Building Services  
 Sandwell Council House  
 Freeth Street, Oldbury,  
 B69 3DE  
 Tel: 0121 969 4541





**Notes**  
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**Bungalow Key**

- Bungalow Type 1, 2 Bed Property  
GIA: 75m<sup>2</sup> / 807sq ft  
Quantity: 2
- Bungalow Type 2, 2 Bed Property  
GIA: 61m<sup>2</sup> / 657 sq ft  
Quantity: 4
- Bungalow Type 3, 2 Bed Property  
GIA: 61m<sup>2</sup> / 657 sq ft  
Quantity: 4

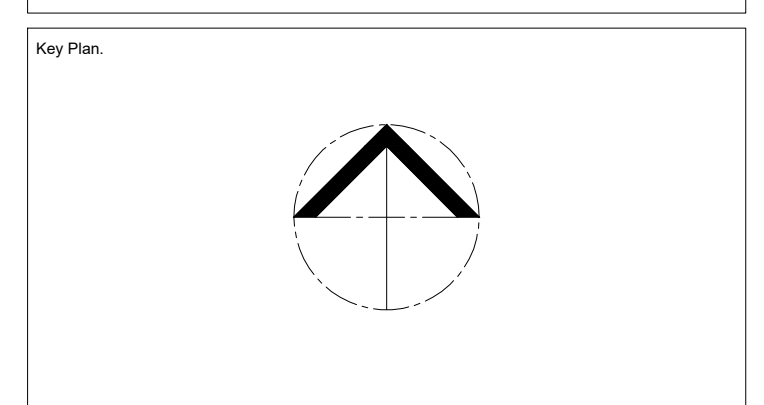
**Apartment Key**

Ground Floor		First Floor	
Flat 01	66m <sup>2</sup>	Flat 08	73m <sup>2</sup>
Flat 02	60m <sup>2</sup>	Flat 09	60m <sup>2</sup>
Flat 03	60m <sup>2</sup>	Flat 10	60m <sup>2</sup>
Flat 04	60m <sup>2</sup>	Flat 11	60m <sup>2</sup>
Flat 05	66m <sup>2</sup>	Flat 12	73m <sup>2</sup>
Flat 06	60m <sup>2</sup>	Flat 13	60m <sup>2</sup>
Flat 07	89m <sup>2</sup>	Flat 14	89m <sup>2</sup>
		Flat 15	76m <sup>2</sup>
		Flat 16	79m <sup>2</sup>
		Flat 17	60m <sup>2</sup>
Second Floor			
Flat 18	73m <sup>2</sup>		
Flat 19	60m <sup>2</sup>		
Flat 20	89m <sup>2</sup>		

**Amenity Space**

20no flats @ 10m<sup>2</sup> amenity space per flat  
Balconies = 2.7m<sup>2</sup> per balcony, 10no balconies total

2.7m <sup>2</sup> per balcony (balcony total)	27m <sup>2</sup>
Amenity 01	77.7m <sup>2</sup>
Amenity 02	48.5m <sup>2</sup>
Flat 02	23.0m <sup>2</sup>
Flat 04	17.2m <sup>2</sup>
Flat 06	20.5m <sup>2</sup>
Flat 07	21.7m <sup>2</sup>
<b>Total -</b>	<b>235.6m<sup>2</sup></b>



Rev	Date	Revision Note	By	Check



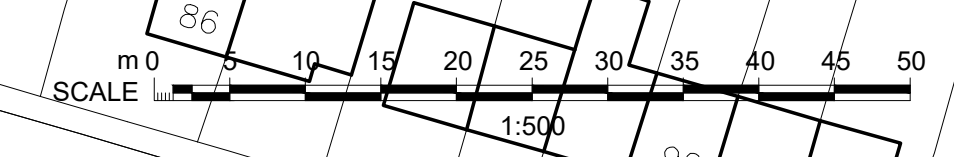
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 Location: Carrington Road/Friar Park Close, Wednesbury  
 Sheet title: Proposed Site Plan  
 Status: Planning

Drawn by: C.D.	Date: NOV 19	Checked:
Scale at A1: 1:500	Scale at A3: 1:1000	<i>Bulman</i>

Zone	Level	Classification	Sheet No.	Subsidiary	Ver/Rev
00	XX	AP(04)	03	S0	

Job No. H16705  
 Contractors Drawing No. (if required)

**Urban Design & Building Services**  
 Sandwell Council House  
 Fresh Street, Oldbury  
 B69 3DE  
 Tel: 0121 569 4541





Notes  
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North Point:

Key Plan:

Rev	Date	Revision Note	By	Check



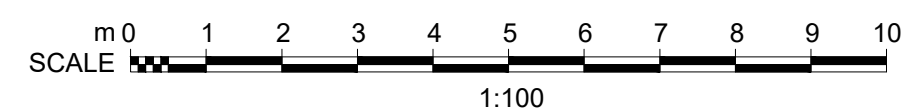
Project  
 Proposed Development of Bungalows and Flats  
 Location  
 Carrington Road/Friar Park Close  
 Wednesbury  
 Sheet title  
 Bungalow elevations in context

Status  
 Planning  
 Drawn by: C.D. Date: NOV19 Checked: *Bullock*  
 Scale at A1: 1:100 Scale at A3: 1:200

Zone	Level	Classification	Sheet No.	Subsidiary	Ver/Rev
BG	XX	AP(05)	06	S0	

Job No.  
 H16705  
 Contractors Drawing No. (if required)

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



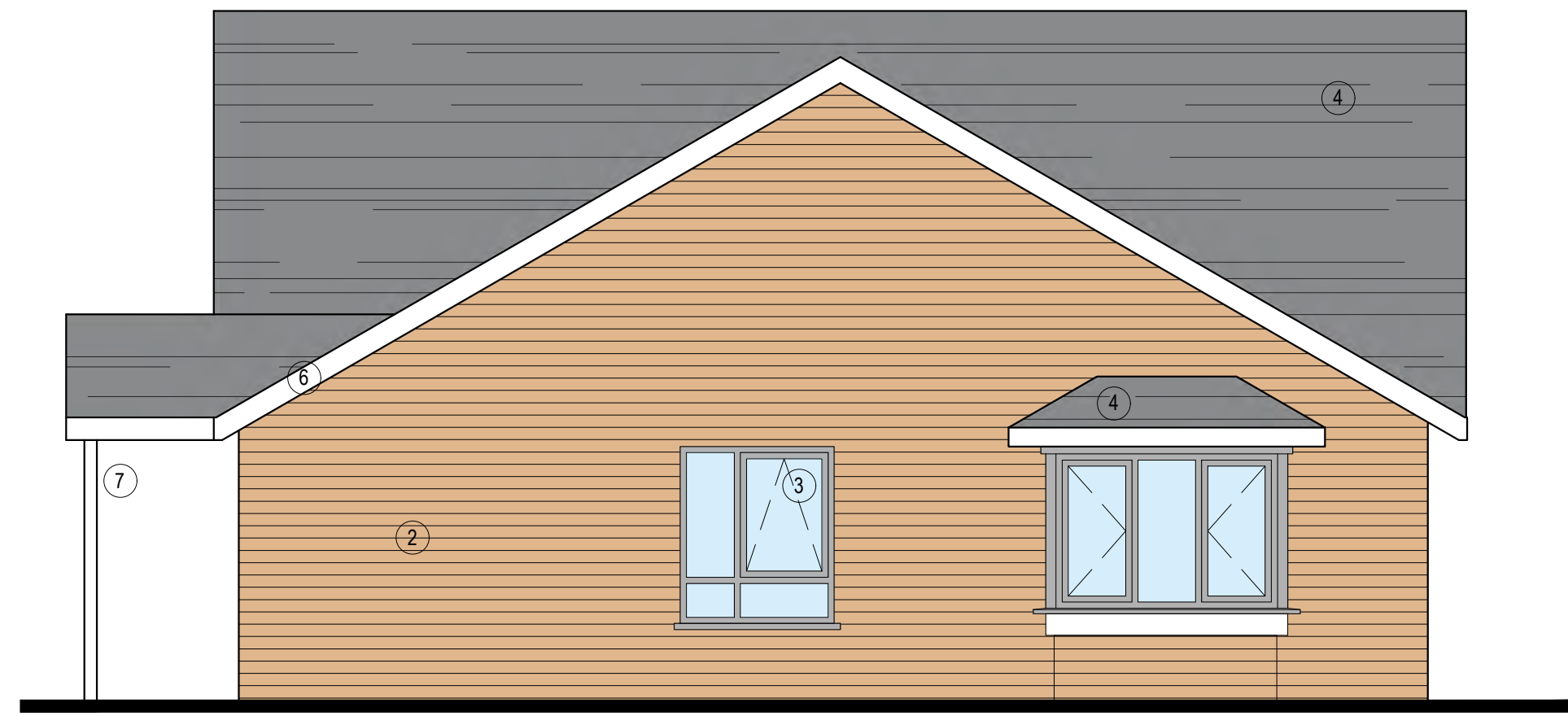


Notes  
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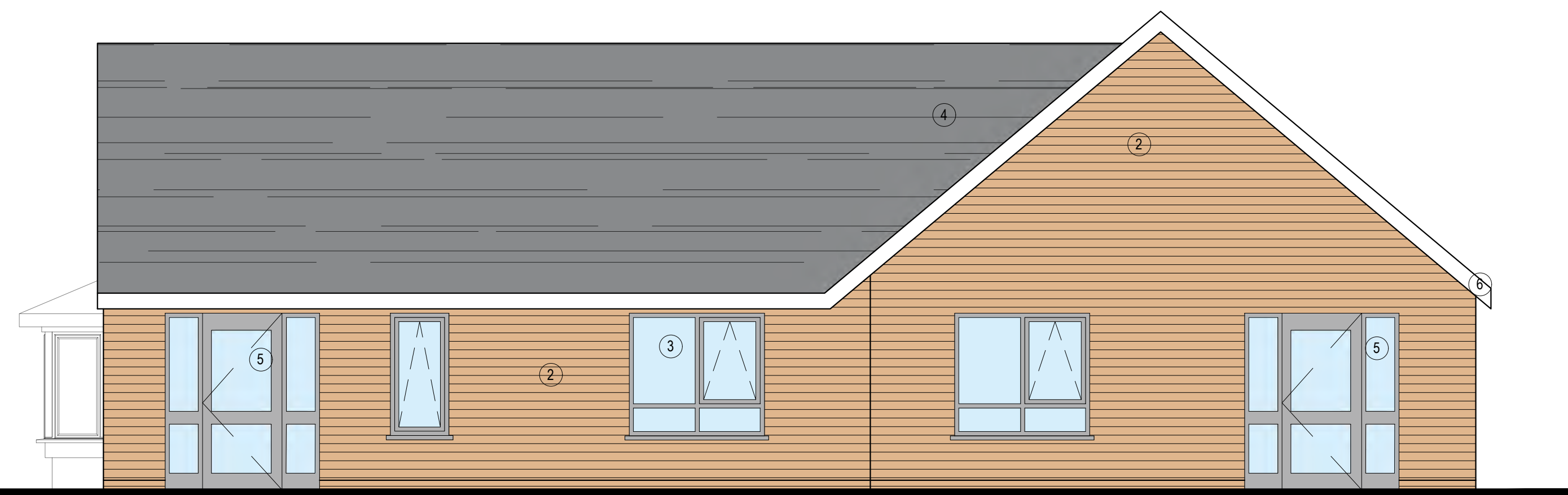
- Finishes Key
1. Off white smooth render
  2. Red Multi brick - Type TBC
  3. Grey uPVC double glazed windows
  4. Grey concrete roof tiles to suite surrounding dwellings aesthetic
  5. Grey uPVC access doorset
  6. White fascia and soffits
  7. Timber support for canopy



Front Elevation  
 Scale 1:50



Side Elevation  
 Scale 1:50



Rear Elevation  
 Scale 1:50



Side Elevation  
 Scale 1:50

North Point:

Key Plan:

Rev	Date	Revision Note	By	Check



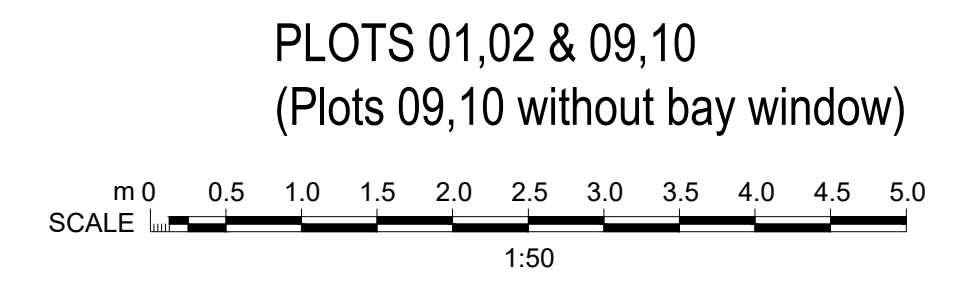
Project  
 Proposed Development of Bungalows and Flats  
 Location  
 Carrington Road/Friar Park Close  
 Wednesbury  
 Sheet Title  
 Plots 01,02,09,10 Elevations

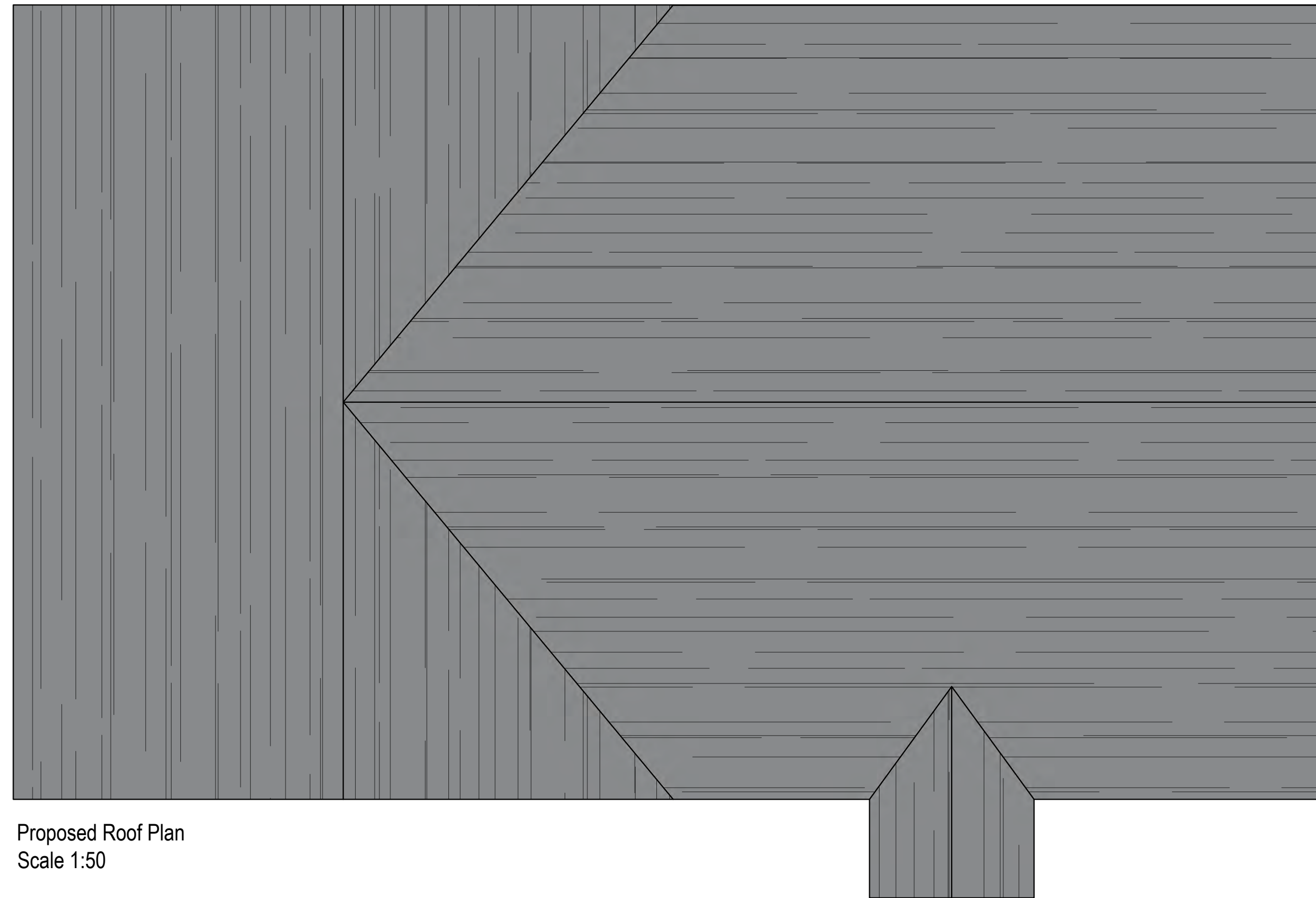
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BG	XX	AP(05)	03	S0	

Job No.  
 H16705

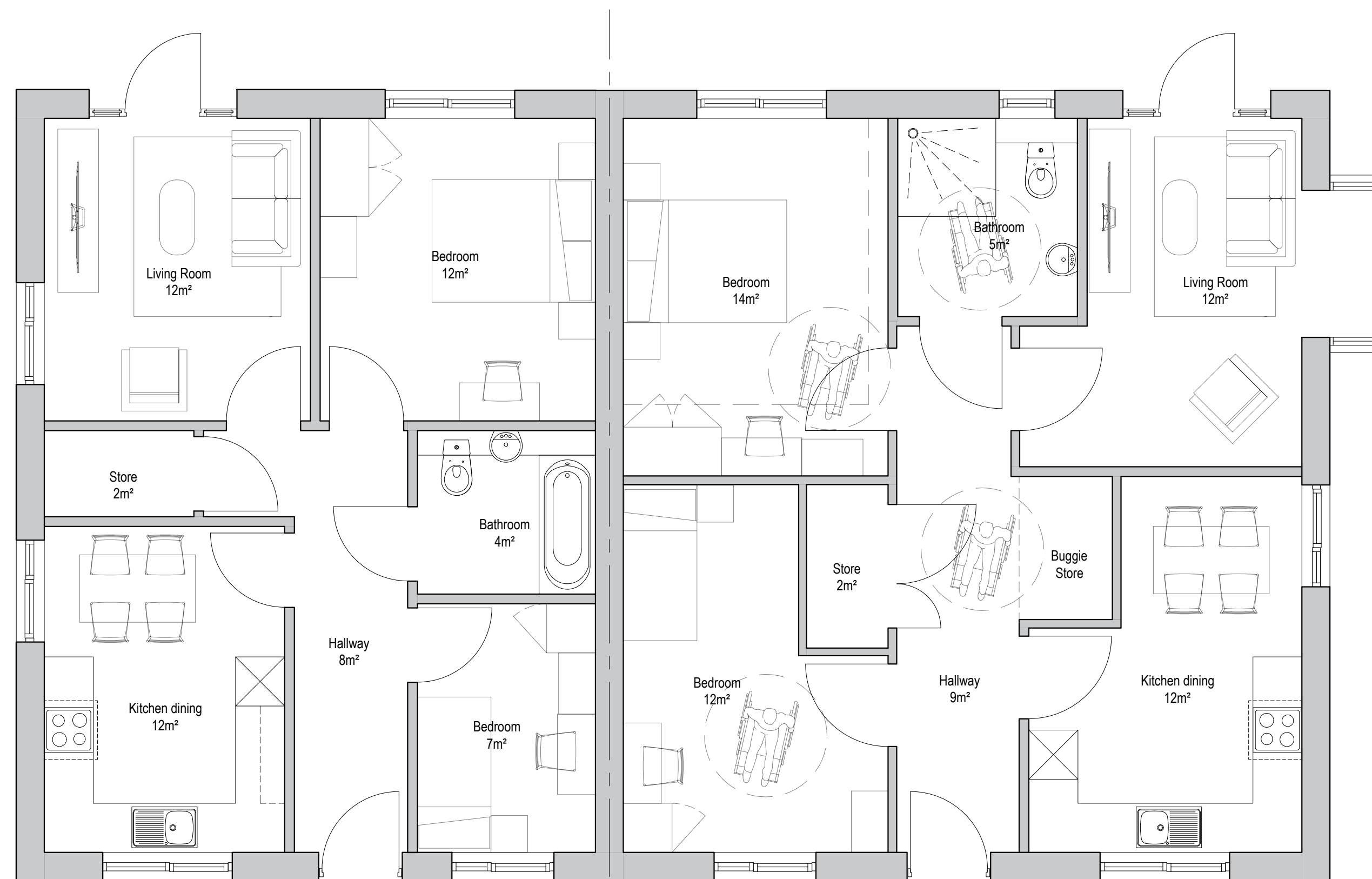
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Urban Design & Building Services  
 Sandwell Council House  
 Fresh Street, Oldbury  
 B69 3DE  
 Tel: 0121 569 4541

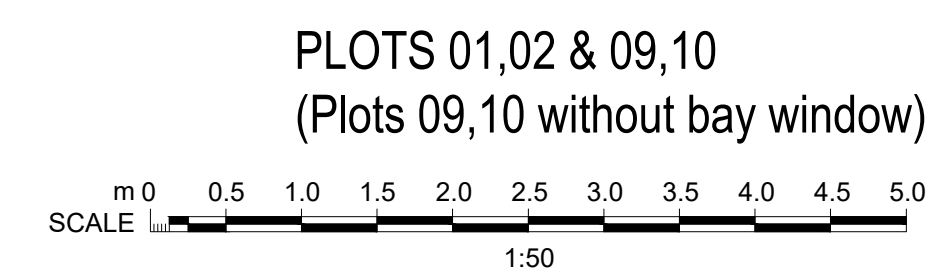




Proposed Roof Plan  
Scale 1:50



Proposed Ground Floor Plan  
Scale 1:50



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North Point:

Key Plan:

Rev	Date	Revision Note	By	Check



Project  
Proposed Development of Bungalows and Flats  
Location  
Carrington Road/Friar Park Close  
Wednesbury  
Sheet Title  
Plots 01,02,09,10 Plans

Status  
Planning  
Drawn by  
C.D.  
Scale at A1  
1:50  
Date  
NOV19  
Scale at A3  
1:100  
Checked  
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Zone	Level	Classification	Sheet No.	Subsidiary	Ver/Rev
BG	00	AP(04)	10	S0	

Job No.  
H16705  
Contractors Drawing No. (if required)

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



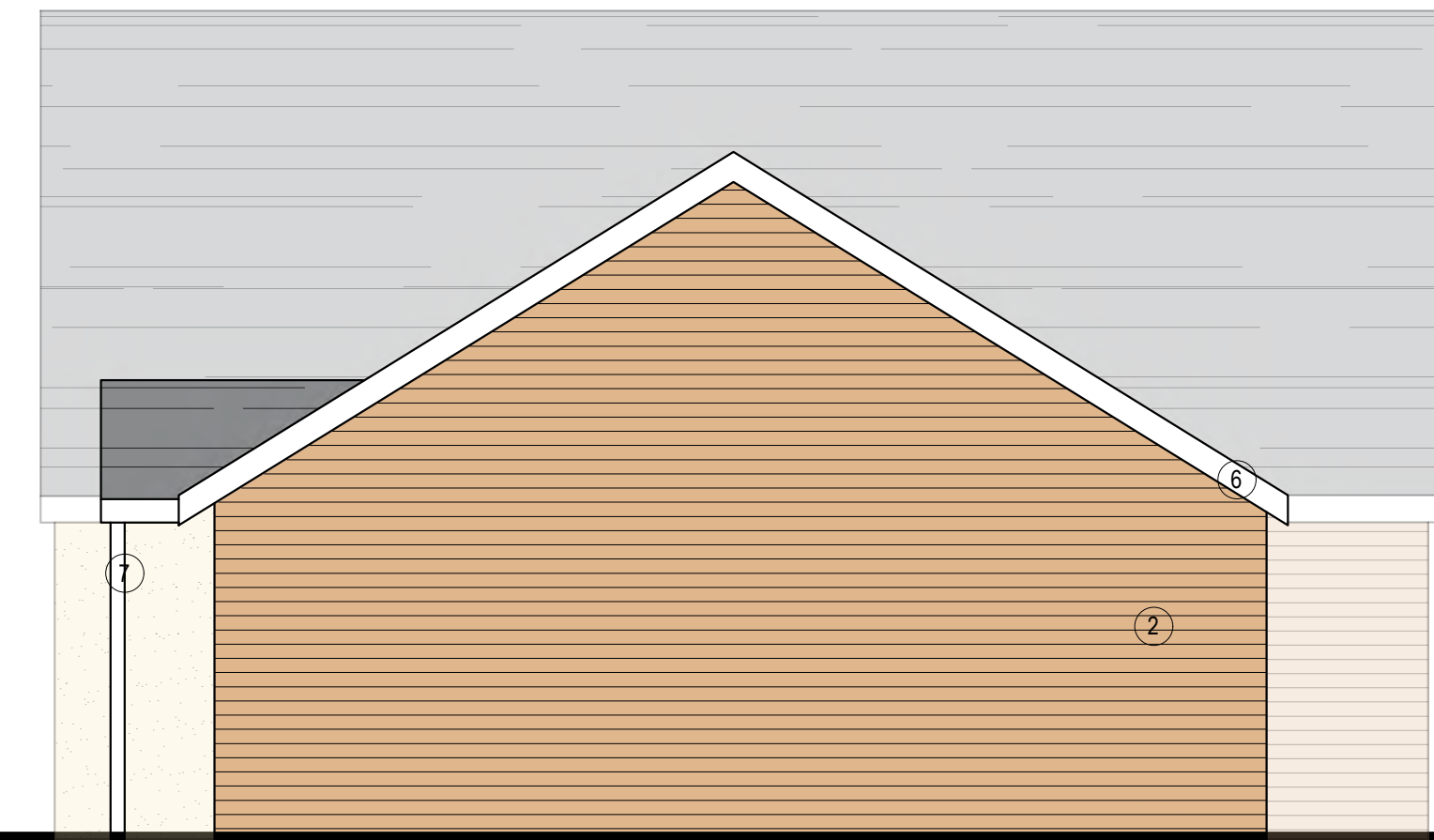
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Finishes Key

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7. Timber support for canopy



Front Elevation  
 Scale 1:50



Side Elevation  
 Scale 1:50



Rear Elevation  
 Scale 1:50



Side Elevation  
 Scale 1:50

North Point:

Key Plan:

Rev	Date	Revision Note	By	Check



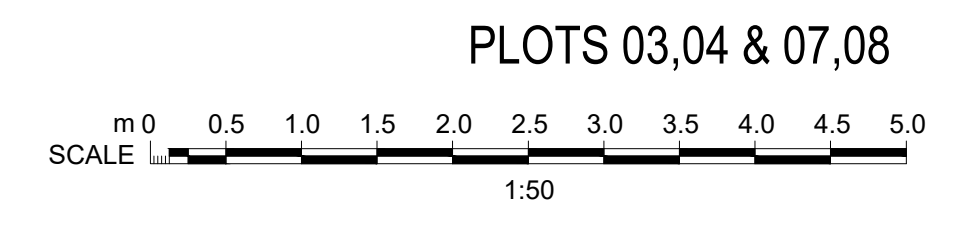
Project  
 Proposed Development of Bungalows and Flats  
 Location  
 Carrington Road/Friar Park Close  
 Wednesbury  
 Sheet Title  
 Plots 03,04,07,08 Elevations

Status  
 Planning  
 Drawn by  
 C.D.  
 Scale at A1  
 1:50  
 Date  
 NOV19  
 Scale at A3  
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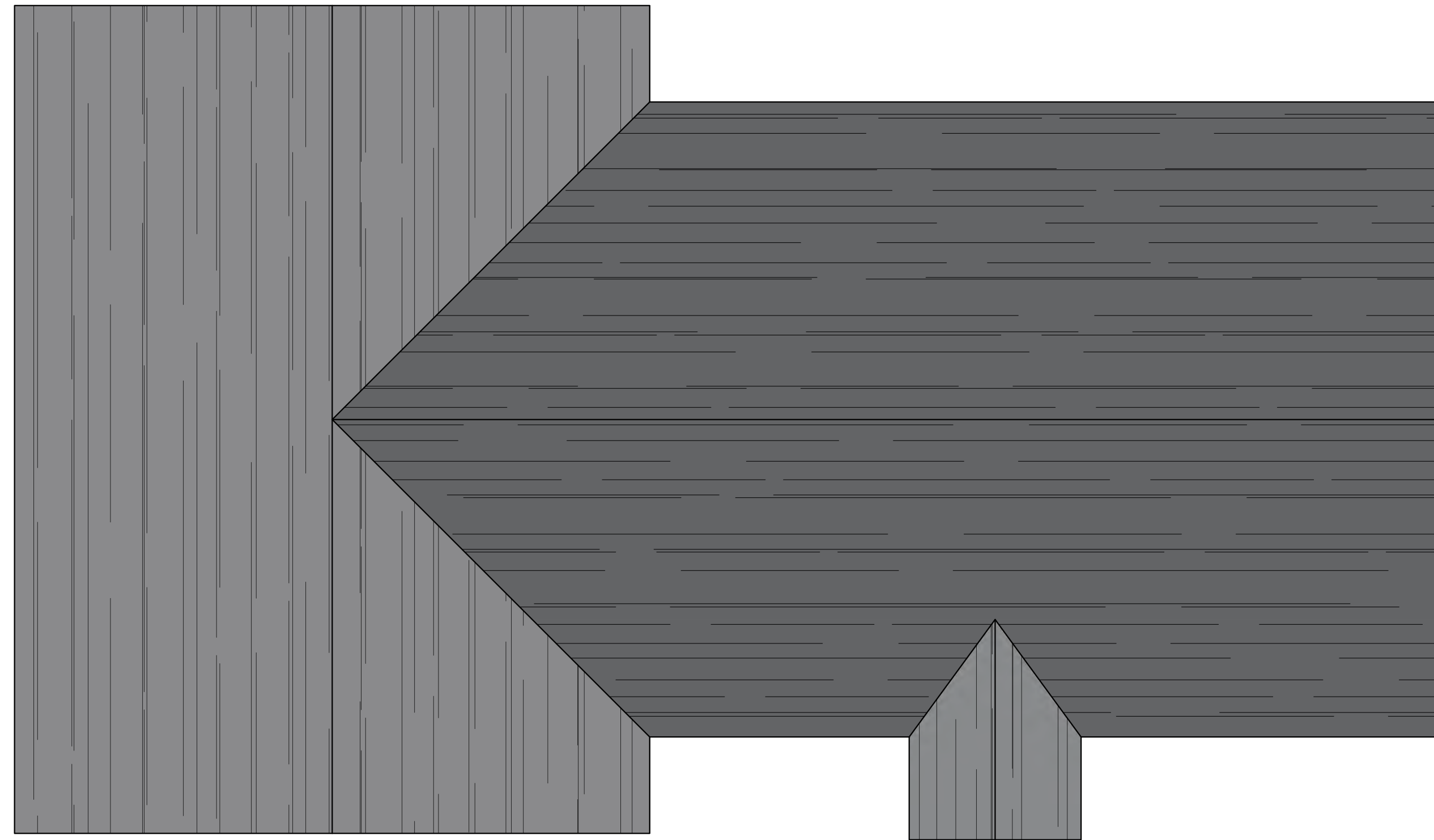
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Job No.  
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 Contractors Drawing No. (if required)

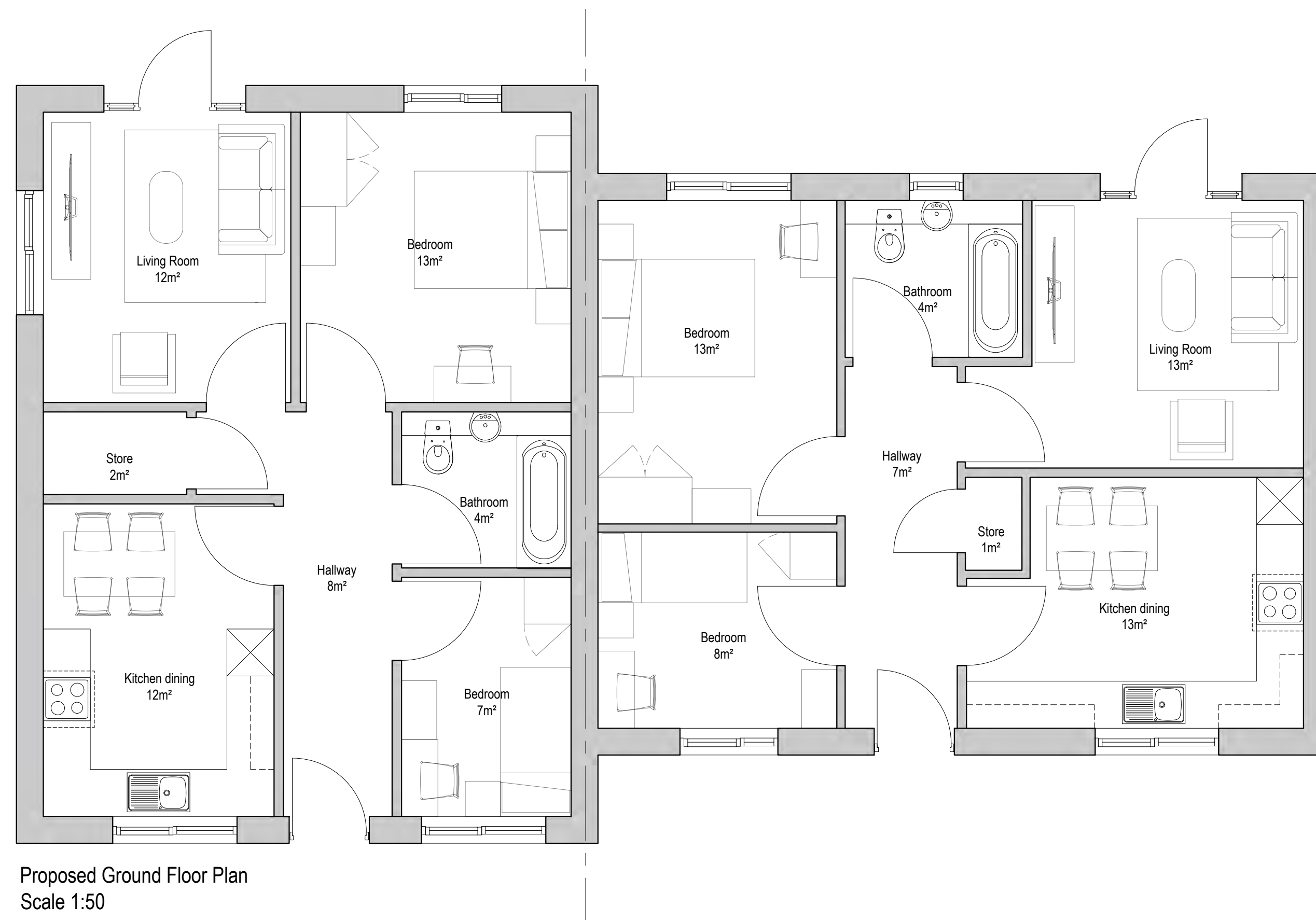
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 Sandwell Council House  
 Friar Street, Oldbury  
 B69 3DE  
 Tel: 0121 569 4541

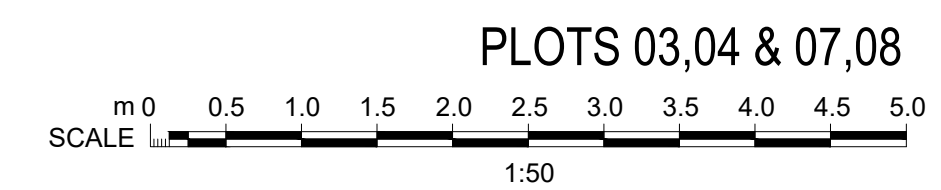




Proposed Roof Plan  
Scale 1:50



Proposed Ground Floor Plan  
Scale 1:50



Notes  
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North Point:

Key Plan:

Rev	Date	Revision Note	By	Check



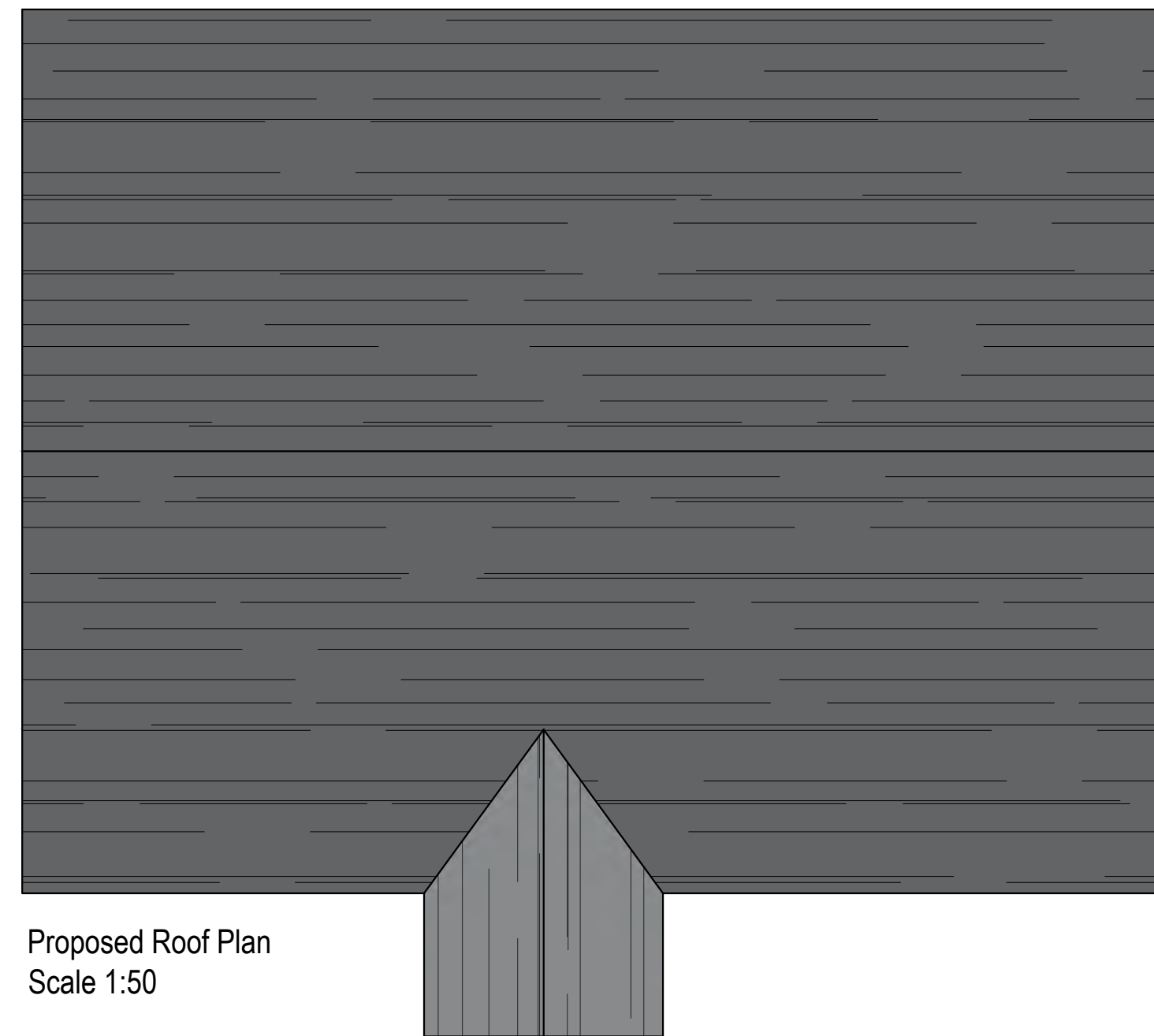
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Location  
Carrington Road/Friar Park Close  
Wednesbury  
Sheet Title  
Plots 03,04,07,08 Plans

Status  
Planning  
Drawn by  
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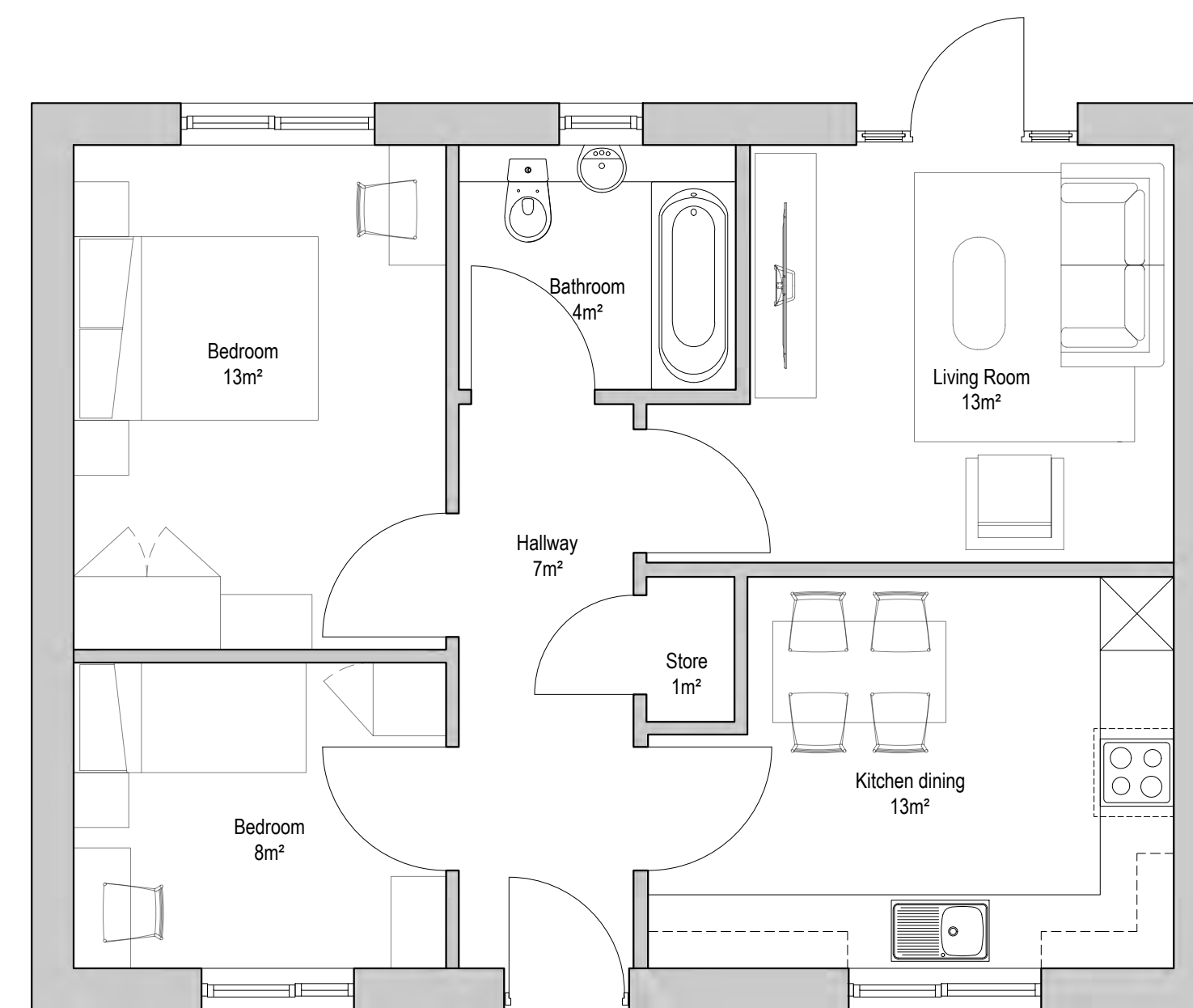
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BG	00	AP(04)	11	S0	

Job No.  
H16705  
Contractors Drawing No. (if required)

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



Proposed Roof Plan  
Scale 1:50



Proposed Ground Floor Plan  
Scale 1:50

Notes  
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North Point:

Key Plan:

Rev	Date	Revision Note	By	Check



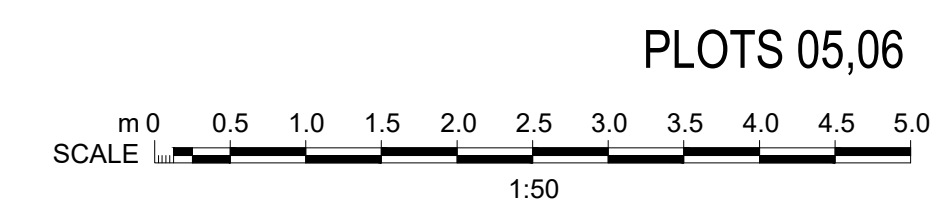
Project  
Proposed Development of Bungalows and Flats  
Location  
Carrington Road/Friar Park Close  
Wednesbury  
Sheet Title  
Plots 05,06 Plans

Status  
Planning  
Drawn by  
C.D.  
Scale at A1  
1:50  
Date  
NOV 19  
Scale at A3  
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Checked  
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Zone	Level	Classification	Sheet No.	Subsidiary	Ver/Rev
BG	00	AG(04)	12	S0	

Job No.  
H16705  
Contractors Drawing No. (if required)

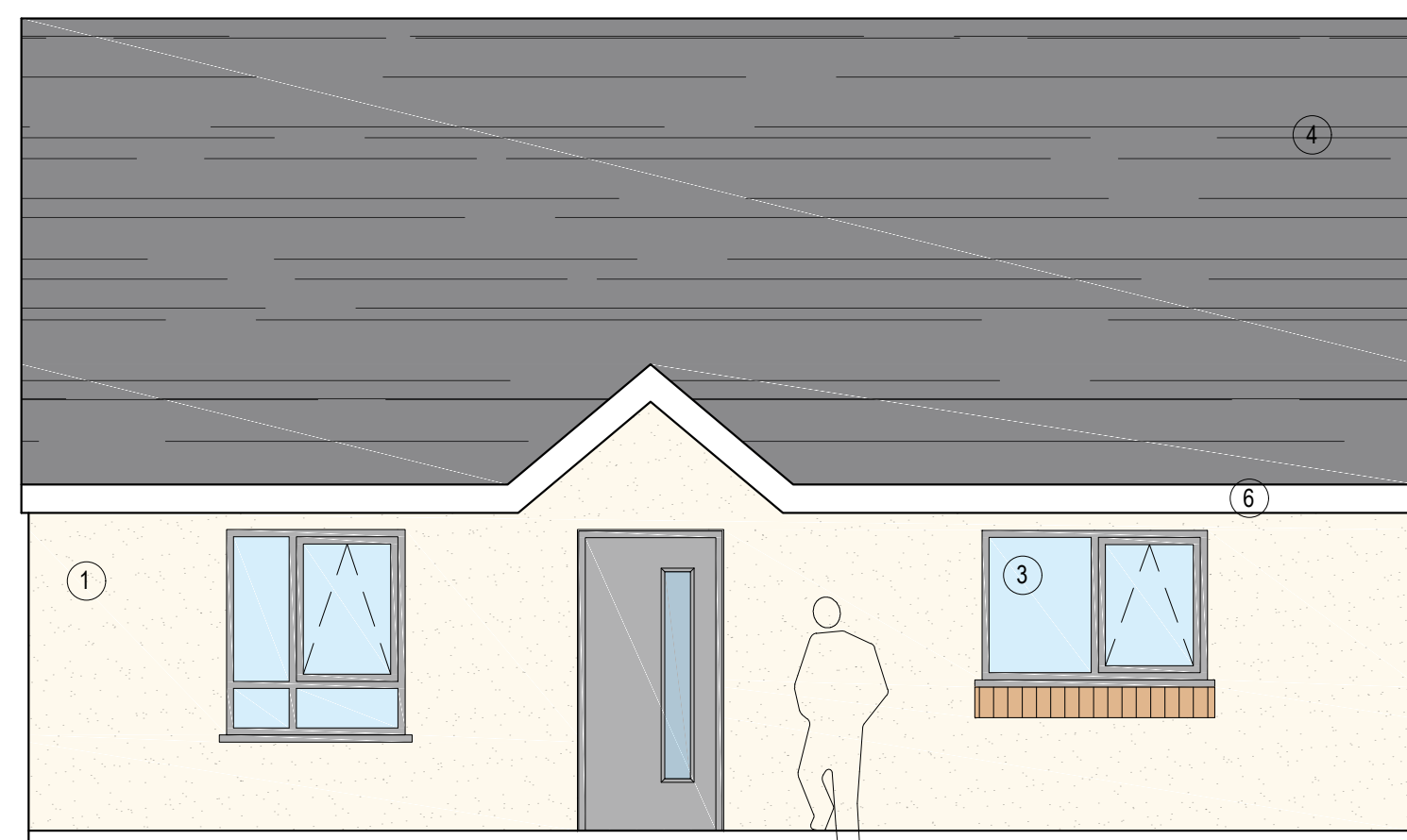
Urban Design & Building Services  
Sandwell Council House  
Frooth Street, Oldbury  
B69 3DE  
Tel: 0121 569 4541



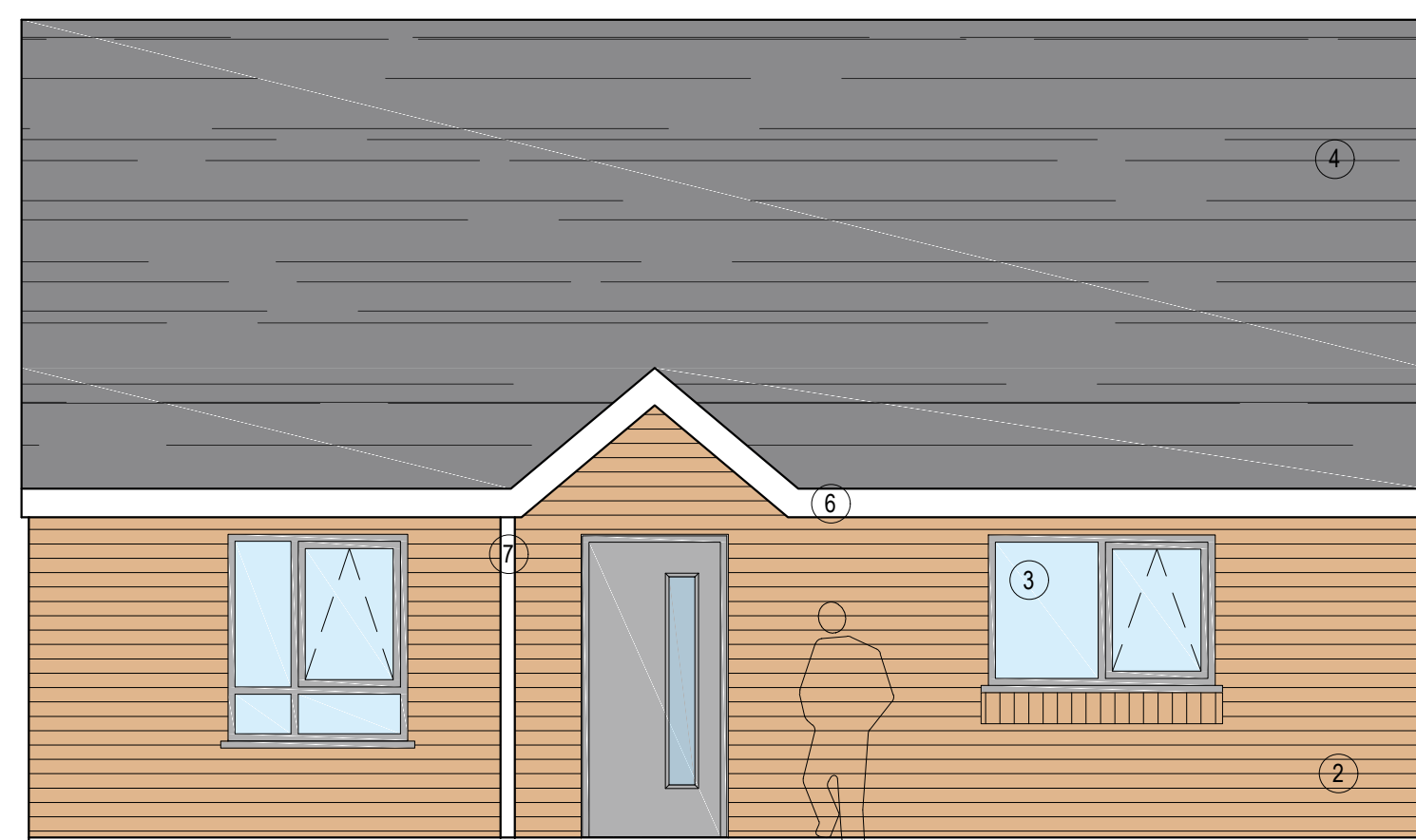
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All dimensions must be obtained or checked on the site.  
Figured dimensions to be used in preference to scale.

Finishes Key

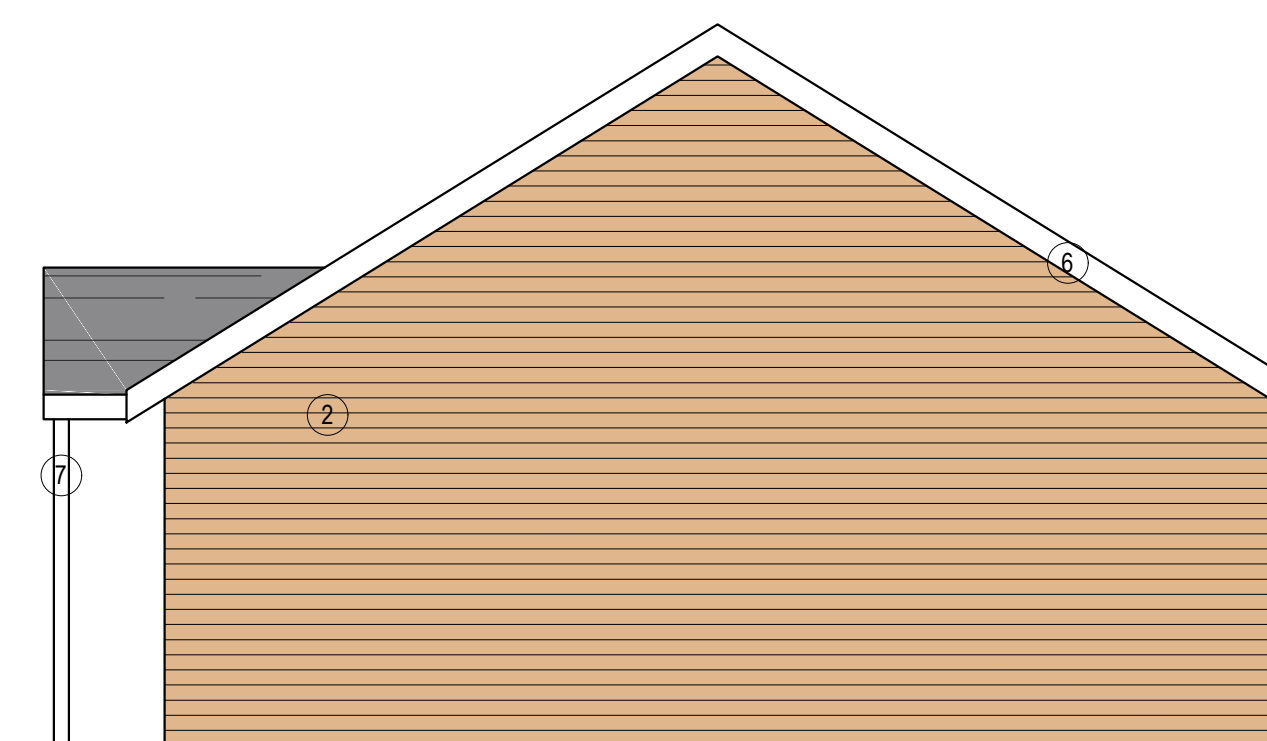
1. Off white smooth render
2. Red Multi brick - Type TBC
3. Grey uPVC double glazed windows
4. Grey concrete roof tiles to suite surrounding dwellings aesthetic
5. Grey uPVC access doorset
6. White fascia and soffits
7. Timber support for canopy



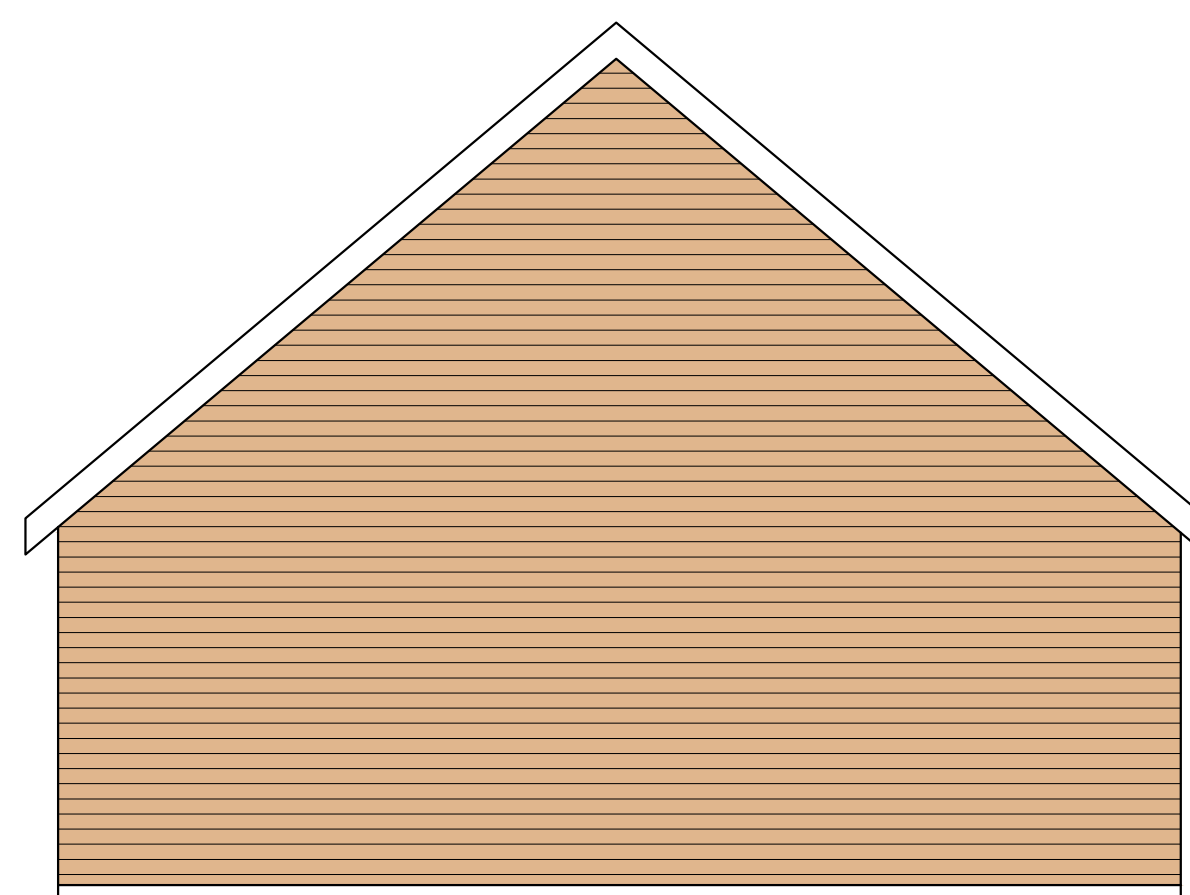
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Scale 1:50



Front Elevation  
Scale 1:50



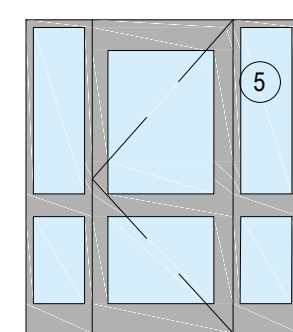
Side Elevation  
Scale 1:50



Rear Elevation  
Scale 1:50



Side Elevation  
Scale 1:50



North Point

Key Plan

Rev	Date	Revision Note	By	Check



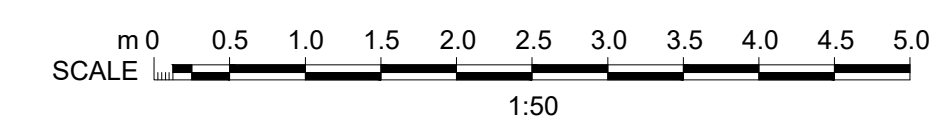
Project  
Proposed Development of Bungalows and Flats  
Location  
Carrington Road/Friar Park Close  
Wednesbury  
Street No  
Plots 05,06 Plans

Drawn by	Date	Checked
CDL	NOV 19	
Scale at A1 1:50	Scale at A3 1:100	

Zone	Level	Classification	Sheet No.	Subsidiary	VerRev
BG	00	AG(04)	12	S0	P.01

Job No.  
H16705  
Contractors Drawing No. (if required)

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





Notes  
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Finishes Key

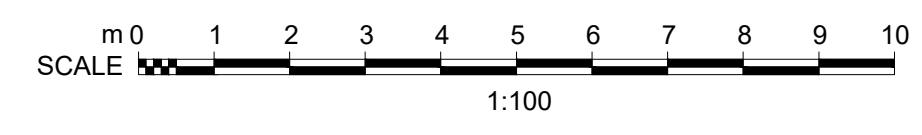
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2. Red Multi brick - Type TBC
3. Grey uPVC double glazed windows
4. Aluminium balcony framing with glazed inserts. Colour to match windows
5. Grey concrete roof tiles to suite surrounding dwellings aesthetic
6. Concrete cladding board laid horizontally in blue
7. Grey aluminium access doorset with access control/intercom. 1000mm deep grp canopy with supports over Colour to match windows
8. Level wall/retaining wall (subject to levels) with flat top black railings over with brick piers or 1800mm high. See boundary treatment for further information
9. Trees to be planted to external as buffer from streetscape
10. White fascia and soffits



01 Proposed Carrington Road Elevation



02 Proposed School Road Elevation



North Point:

Key Plan:

Rev	Date	Revision Note	By	Check




Project  
 Proposed Development of Bungalows and Flats  
 Location  
 Carrington Road/Friar Park Close  
 Wednesbury  
 Sheet title  
 Proposed Elevations

Status  
 Planning  
 Drawn by: C.D. Date: NOV19 Checked: [Signature]  
 Scale at A1: 1:100 Scale at A3: 1:200

Zone	Level	Classification	Sheet No.	Subsidiary	Ver/Rev
FL	XX	AP(05)	01	S0	

Job No.  
 H16705  
 Contractors Drawing No. (if required)

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



Notes  
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Finishes Key

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8. Level wall/retaining wall (subject to levels) with flat top black railings over with brick piers or 1800mm high. See boundary treatment for further information
9. Trees to be planted to external as buffer from streetscape
10. White fascia and soffits



03 Proposed Inner Courtyard Elevation



03 Proposed Inner Courtyard Elevation

North Point:

Key Plan:

Rev	Date	Revision Note	By	Check



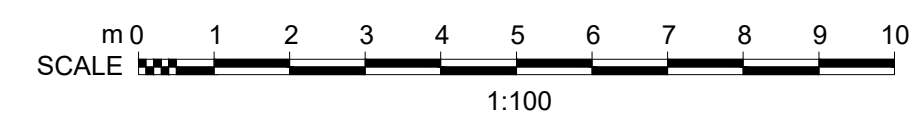
Project  
 Proposed Development of Bungalows and Flats  
 Location  
 Carrington Road/Friar Park Close  
 Wednesbury  
 Sheet title  
 Proposed Elevations

Status  
 Planning  
 Drawn by  
 C.D.L. NOV19  
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 Date  
 NOV19  
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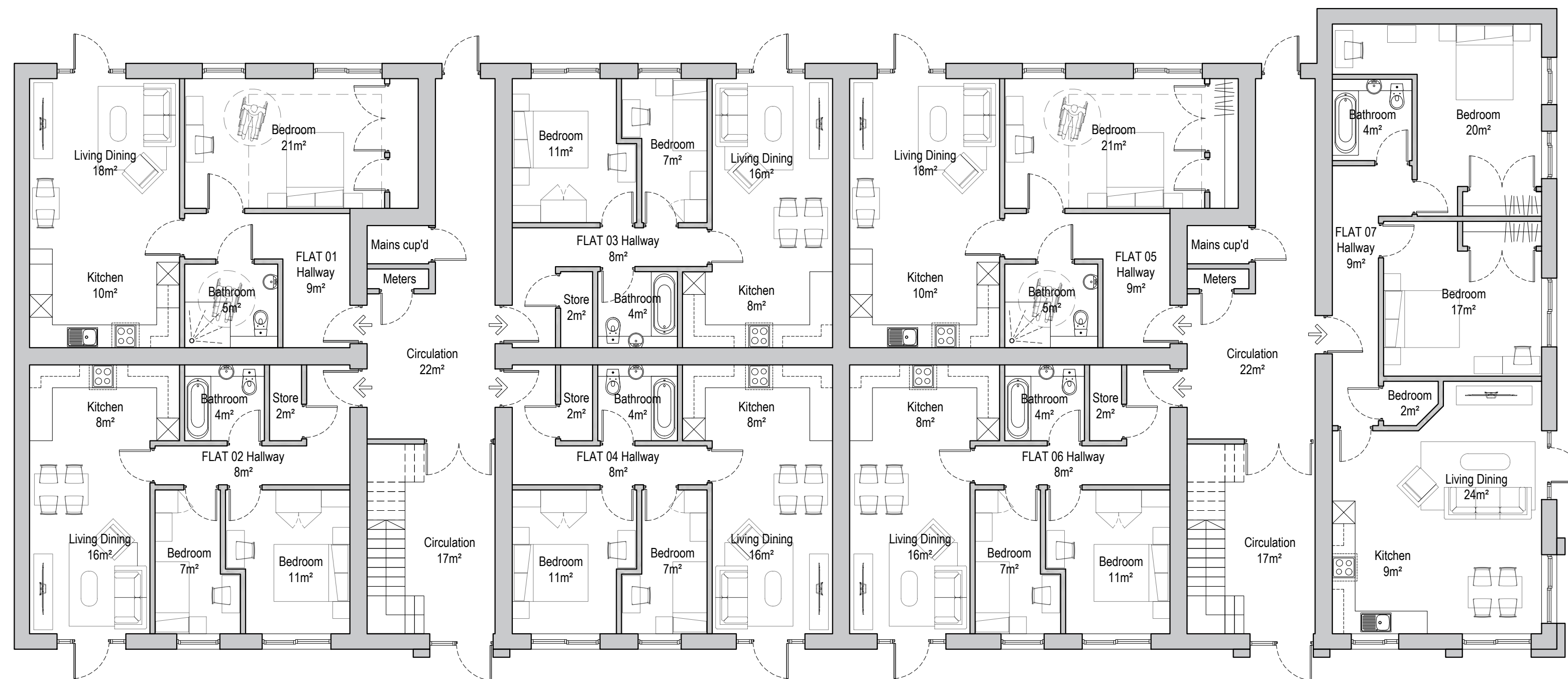
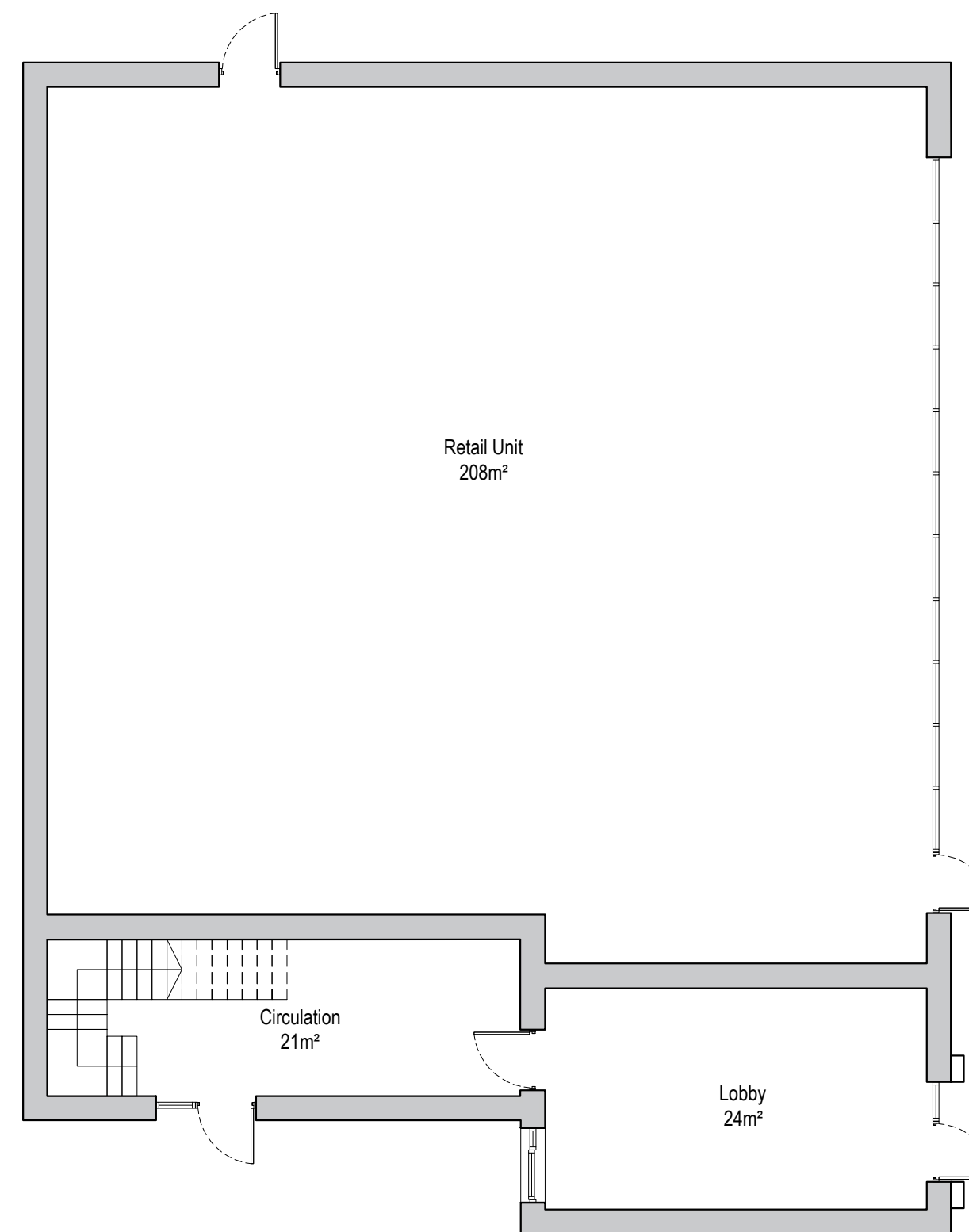
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FL	XX	AP(05)	02	S0	

Job No.  
 H16705  
 Contractors Drawing No. (if required)

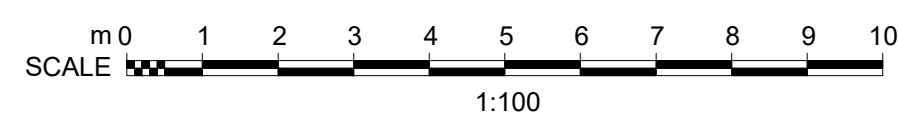
Urban Design & Building Services  
 Sandwell Council House  
 Fresh Street, Oldbury  
 B69 3DE  
 Tel: 0121 569 4541







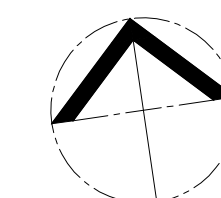
Ground Floor Plan  
Scale 1:100



Notes  
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North Point.

Key Plan.



Rev	Date	Revision Note	By	Check



Project  
Proposed Development of Bungalows and Flats  
Location  
Carrington Road/Friar Park Close  
Wednesbury  
Sheet title  
Proposed Ground Floor Plan

Status  
Planning  
Drawn by  
C.D.  
Scale at A1  
1:100  
Date  
NOV 19  
Checked  
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Zone	Level	Classification	Sheet No.	Subsidiary	Ver/Rev
FL	00	AP(04)	07	S0	

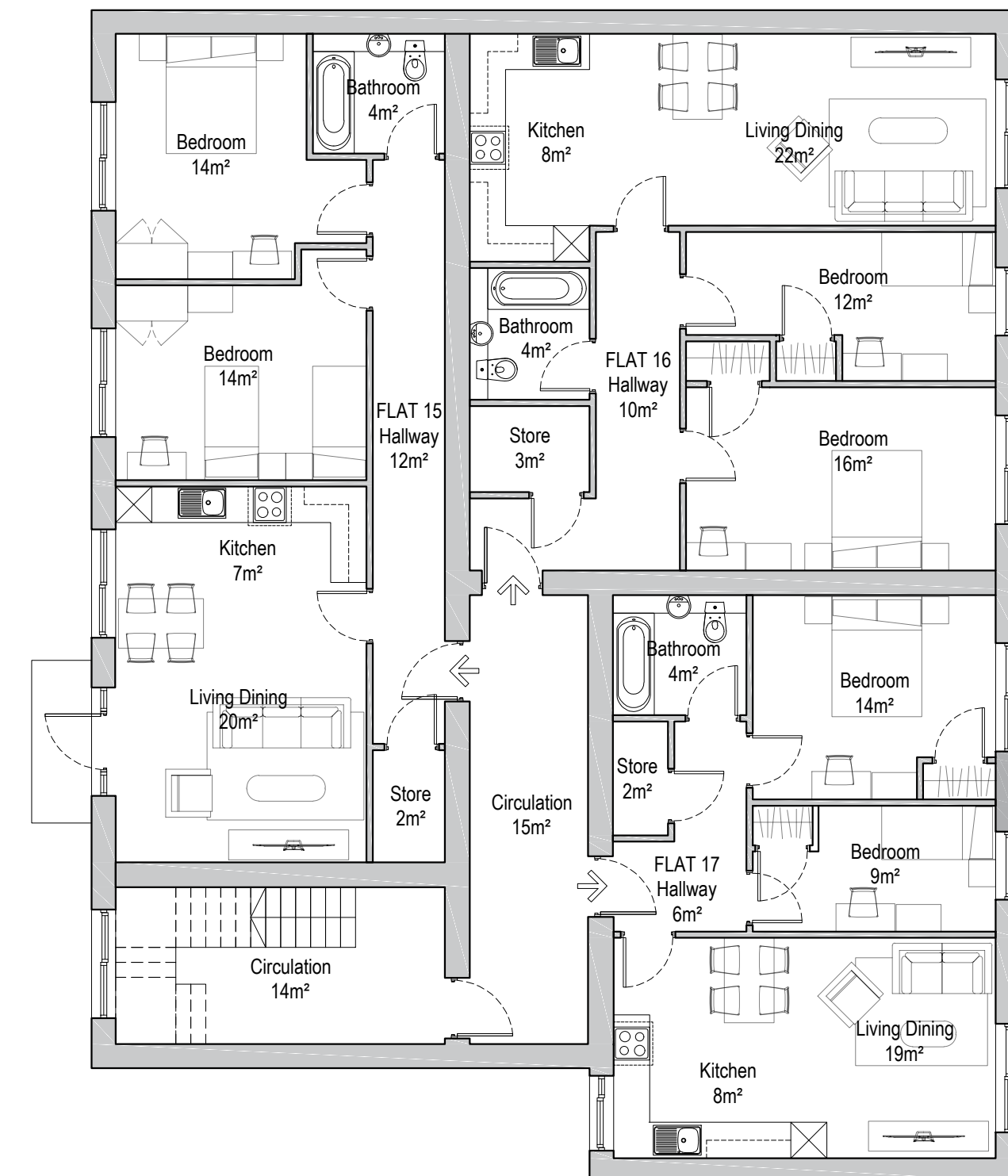
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H16705  
Contractors Drawing No. (if required)

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



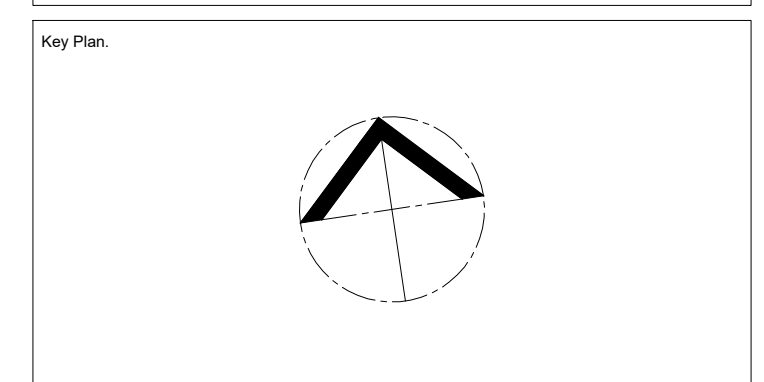


Notes  
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 Figured dimensions to be used in preference to scale.



First Floor Plan  
 Scale 1:100  
 m 0 1 2 3 4 5 6 7 8 9 10  
 SCALE 1:100

North Point



Rev	Date	Revision Note	By	Check




Project: Proposed Development of Bungalows and Flats  
 Location: Carrington Road/Friar Park Close  
 Wednesbury  
 Street Use: Proposed First Floor Plan

Status: Planning  
 Drawn by: CDL Date: NOV19 Checked: [ ]  
 Scale at A1: 1:100 Scale at A3: 1:200

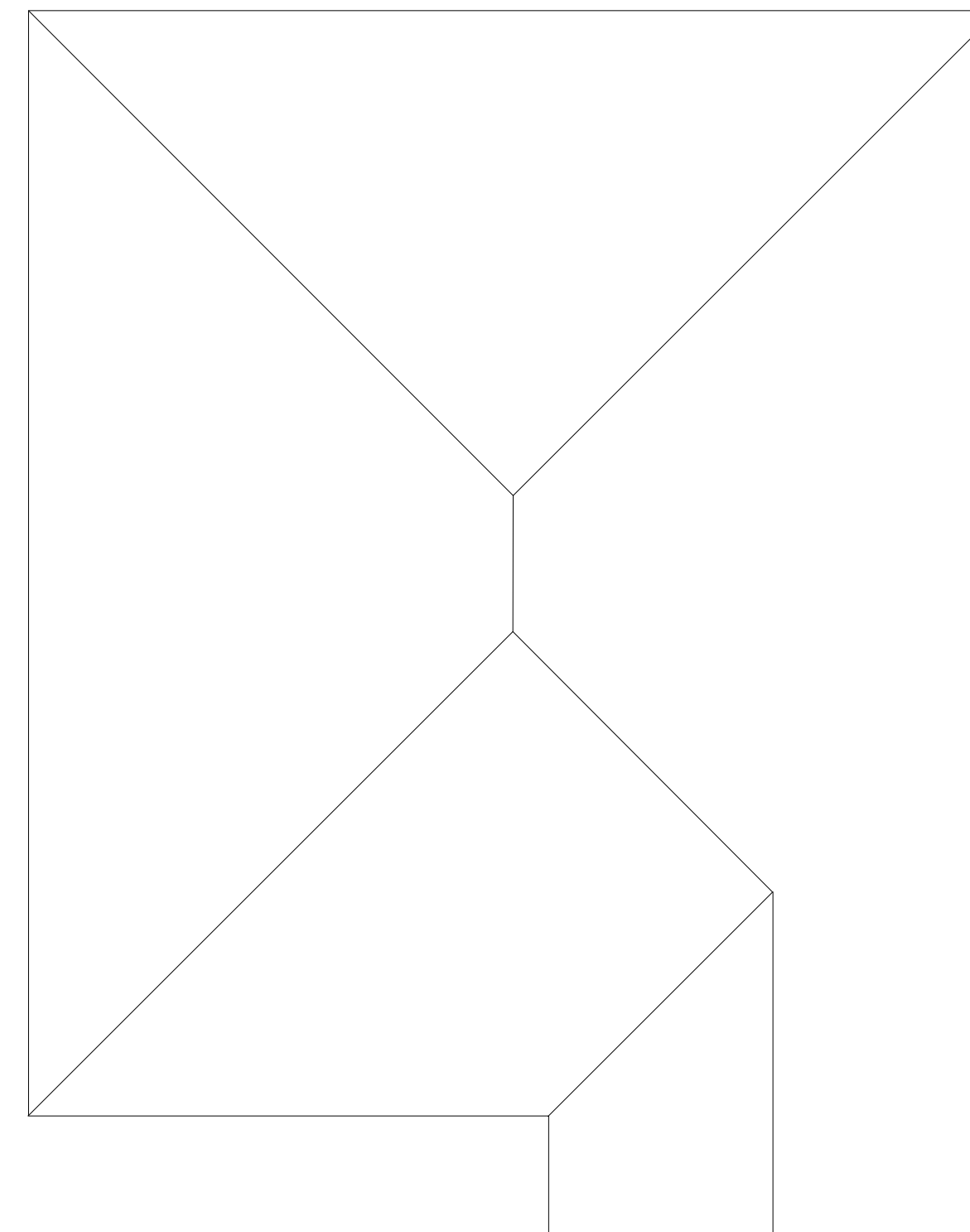
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FL	01	AP(04)	07	S0	P.01

Job No: H16705  
 Contractors Drawing No. (if required):

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

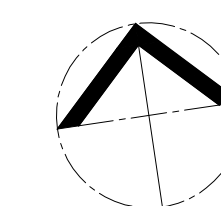


Notes  
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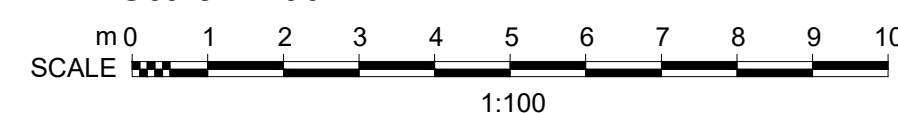


North Point

Key Plan



Second Floor Plan  
 Scale 1:100



Rev	Date	Revision Note	By	Check
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Project  
 Proposed Development of Bungalows and Flats  
 Location  
 Carrington Road/Friar Park Close  
 Wednesbury  
 Street No.  
 Proposed Second Floor Plan

Drawn by	Date	Checked
CDL	NOV19	
Scale at A1	Scale at A3	
1:100	1:200	

Zone	Level	Classification	Sheet No.	Subsidiary	VerRev
FL	02	AP(04)	09	S0	P.01


Job No.  
 H16705  
 Contractors Drawing No. (if required)

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



## REPORT TO PLANNING COMMITTEE

12<sup>th</sup> February 2020

<b>Application Reference</b>	DC/19/63820
<b>Application Received</b>	17 <sup>th</sup> December 2019
<b>Application Description</b>	Proposed double storey side extension, single storey front and rear extensions.
<b>Application Address</b>	69 Europa Avenue West Bromwich B70 6TS
<b>Applicant</b>	Mr Pawan Dhillon
<b>Ward</b>	West Bromwich Central
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s)</b>	Alison Bishop 0121 569 4039 alison_bishop@sandwell.gov.uk

### **RECOMMENDATION**

That planning permission is granted subject to:-

- (i) Approval of external materials

### **1. BACKGROUND**

- 1.1 This application is being reported to your Planning Committee because the Agent is employed by Sandwell Council within the Directorate of Regeneration and Growth

### **2. SUMMARY OF KEY CONSIDERATIONS**

- 2.1 The Site is unallocated with the development plan.
- 2.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF)  
Proposals in the Local Plan



Overlooking/loss of privacy  
Loss of light and/or outlook  
Design, appearance and materials

### **3. THE APPLICATION SITE**

- 3.1 The site is situated within the Europa Estate which is a residential estate which incorporates a variety of house styles ranging from bungalows, semi-detached and detached properties.
- 3.2 The application site relates to a corner detached property at the junction of Europa Avenue and St James Close.

### **4. PLANNING HISTORY**

- 4.1 Relevant planning applications are as follows:-

DC/19/62563	Retention of boundary wall with new railings and gates.	Approve 26.03.2019
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### **5. APPLICATION DETAILS**

- 5.1 The applicant proposes to construct:-
- (i) a two storey extension to the side of the property measuring 3.7 metres (W) by 7.2 metres (L) with a maximum height of 6.2 metres;
  - (ii) a further single storey extension beyond would measure 3 metres (L) by 4 metres (W) with a mono pitched roof to 3.4 metres; and
  - (iii) a single storey front extension adjoining the existing porch measuring 3.9 m (W) by 1.8 m (L) with a hipped roof to a maximum height of 3.3 metres.

### **6. PUBLICITY**

- 6.1 The application has been publicised by neighbour notification without response.

### **7. STATUTORY CONSULTATION**

There are no statutory consultation responses to report for this application.

### **8. GOVERNMENT GUIDANCE/NATIONAL PLANNING POLICY**

- 8.1 National Planning Policy Framework promotes sustainable development but states that that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

## **9. LOCAL PLANNING POLICY**

9.1 The following policies of the Council's Local Plan are relevant:-

ENV3: Design Quality  
SAD EOS9: Urban Design Principles

9.2 ENV3: Design Quality and SAD EOS9: Urban Design Principles states that development should be of high quality and that the Council will reject poor designs, particularly those that are inappropriate in their locality, for example, those clearly out of scale with or incompatible with their surroundings. With regard to the proposal, it is considered that the extensions are in proportion to the property with the side extension being set in 1 metre from the boundary. Whilst the proposed side extension is positioned forward of the building line of the bungalow on St James Close, given the irregular building line of properties on this road, it is considered that this is not out of character with the area.

## **10. MATERIAL CONSIDERATIONS**

10.1 The material considerations relating to Government Policy (NPPF), and proposals within the local plan, have been referred to above in Sections 8 and 9. Other considerations are highlighted below:-

### **10.2 Overlooking/loss of privacy**

The separation distances between the two storey side and existing bungalow do not result in any harm to the neighbouring bungalow on St James Close.

### **10.3 Loss of light and/or outlook**

The orientation of the sun will not result in any harm to the neighbouring bungalow.

### **10.4 Design, appearance and materials**

The proposed design is in keeping with the original property and the surrounding area.

## **11. IMPLICATIONS FOR SANDWELL'S VISION**

11.1 The proposal supports Ambition 10 of the Sandwell Vision 2030:-

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

## **12. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

12.1 The proposal is of an acceptable design and will not result in harm to neighbouring properties. Approval is therefore recommended.

## **13. STRATEGIC RESOURCE IMPLICATIONS**

13.1 When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the council.

## **14. LEGAL AND GOVERNANCE CONSIDERATIONS**

14.1 This application is submitted under the Town and Country Planning Act 1990.

## **15. EQUALITY IMPACT ASSESSMENT**

15.1 There are no equalities issues arising from this proposal and therefore an equality impact assessment has not been carried out.

## **16. DATA PROTECTION IMPACT ASSESSMENT**

16.1 The planning application and accompanying documentation is a public document.

## **17. CRIME AND DISORDER AND RISK ASSESSMENT**

17.1 There are no crime and disorder issues with this application.

## **18. SUSTAINABILITY OF PROPOSALS**

18.1 Refer to the national planning framework (8) and local plan policies (9) and material considerations (10).

## **19. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)**

19.1 Refer to the summary of the report (12).



**20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

20.1 There will be no impact.

**21. APPENDICES:**

Site Plan

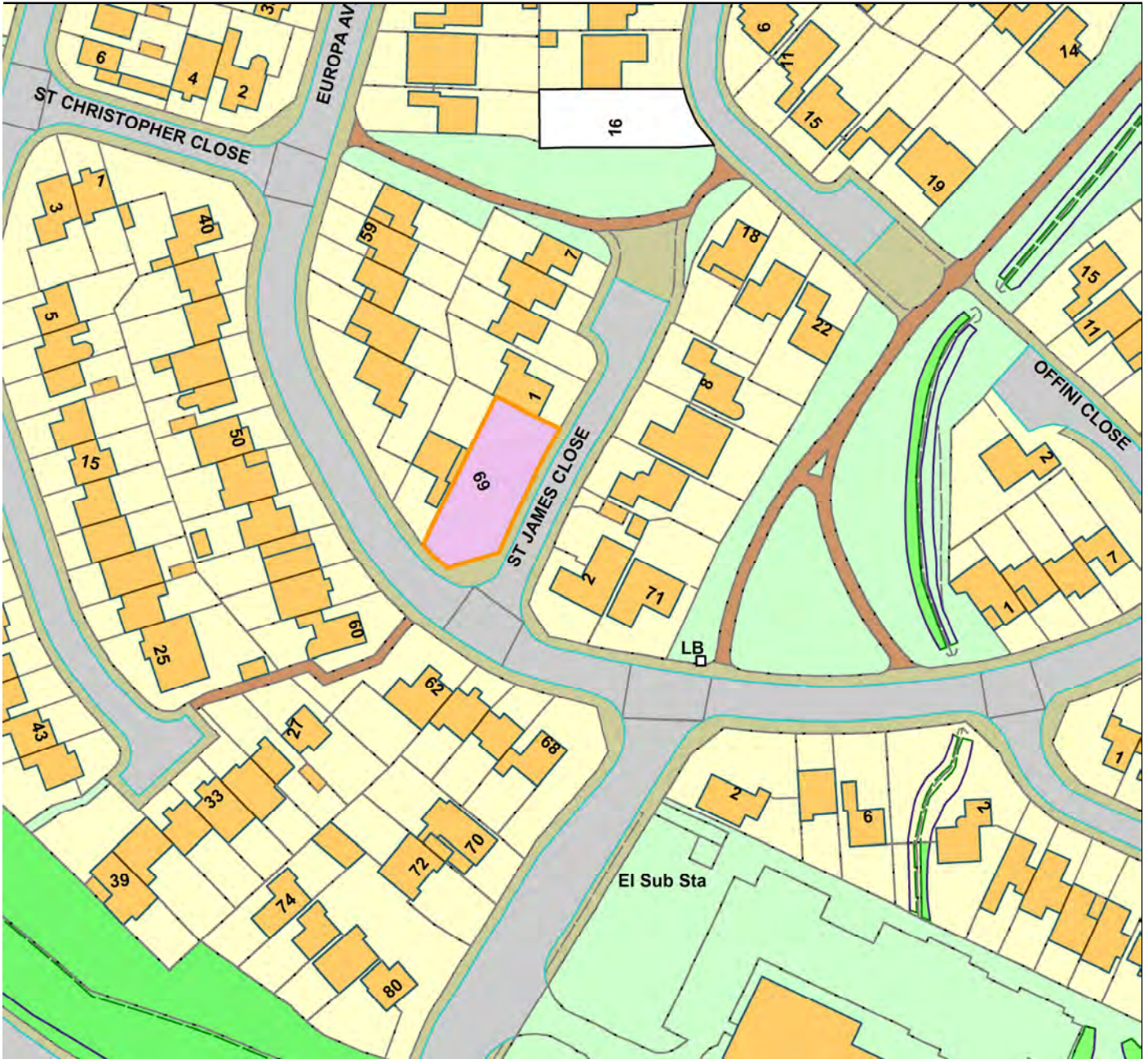
Context Plan

2019-01/ Rev 01

2019-02/ Rev 01

2019-03/ Rev 01

DC/19/63820  
69 Europa Avenue



**Legend**

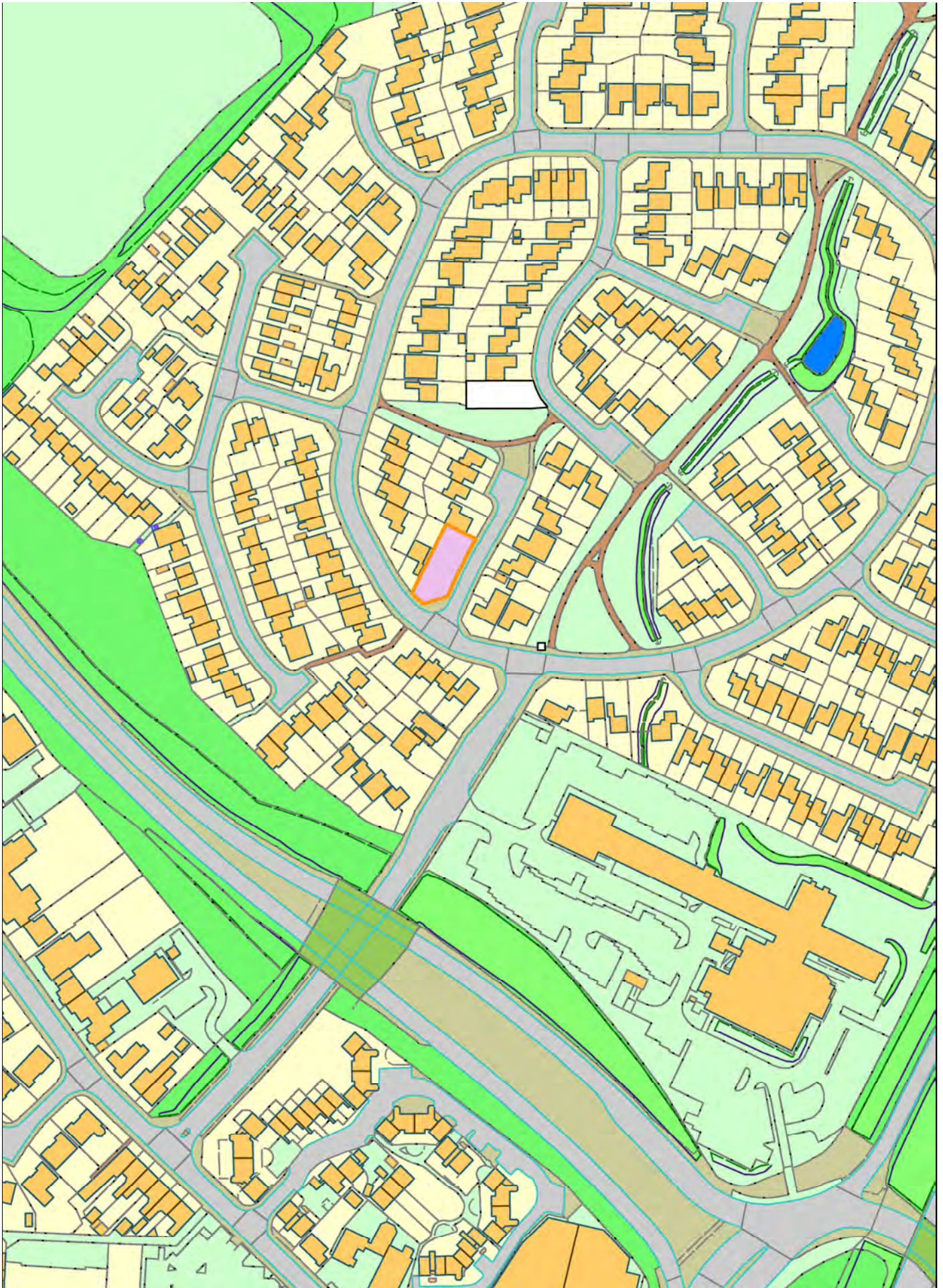
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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	03 February 2020
<b>OS Licence No</b>	





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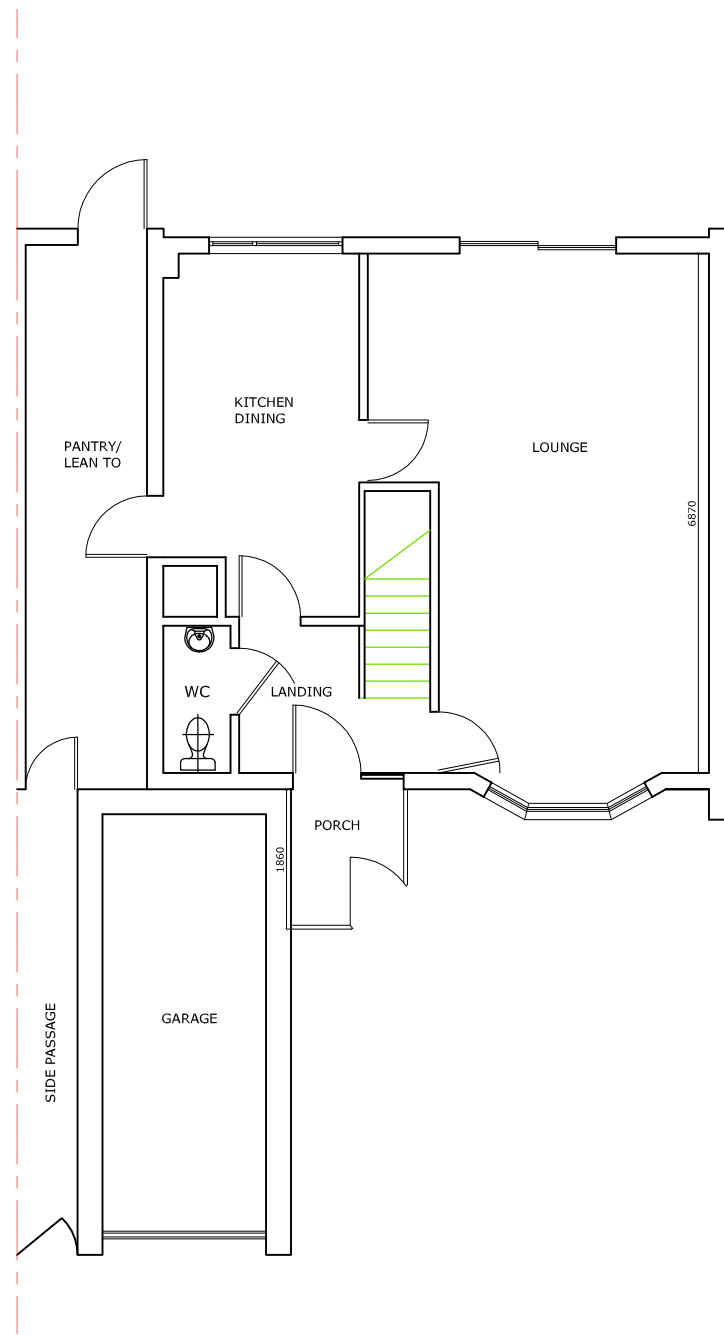
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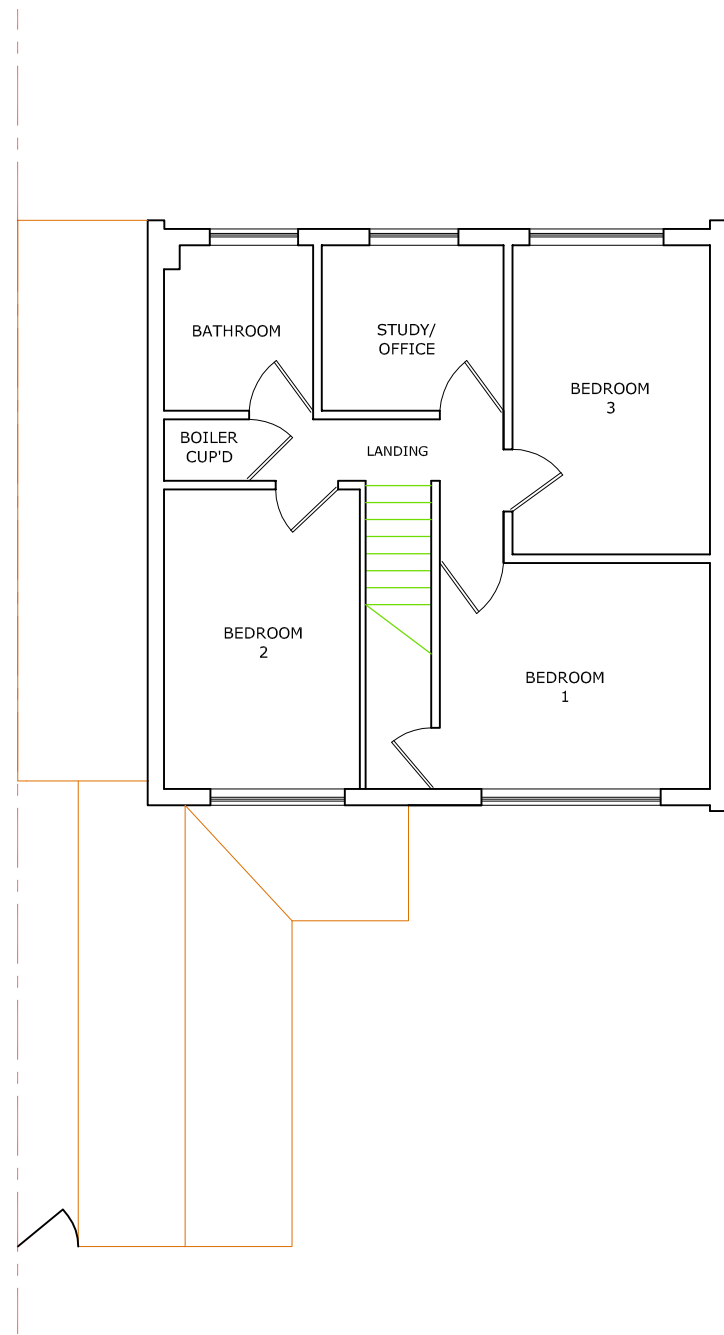


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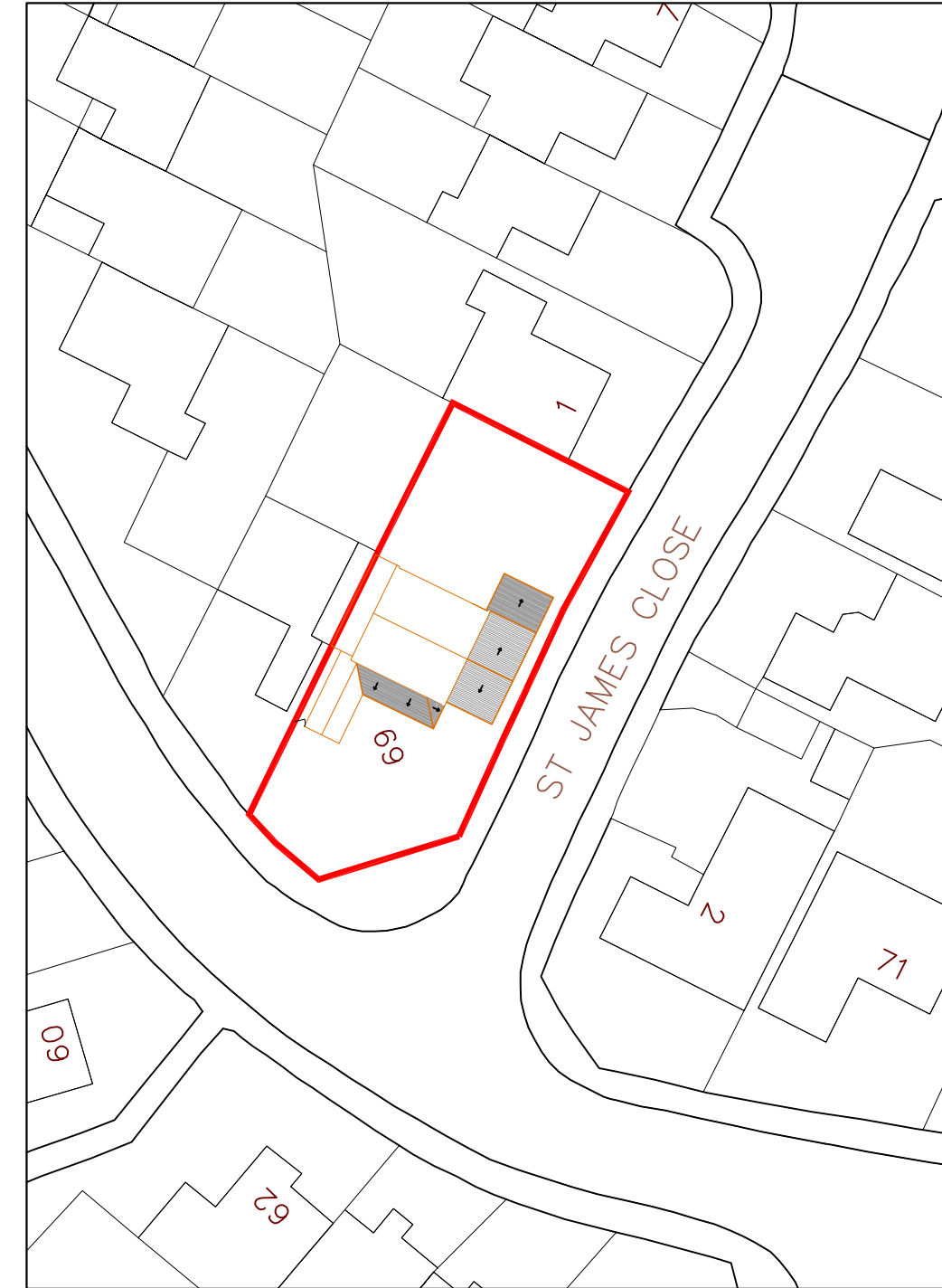
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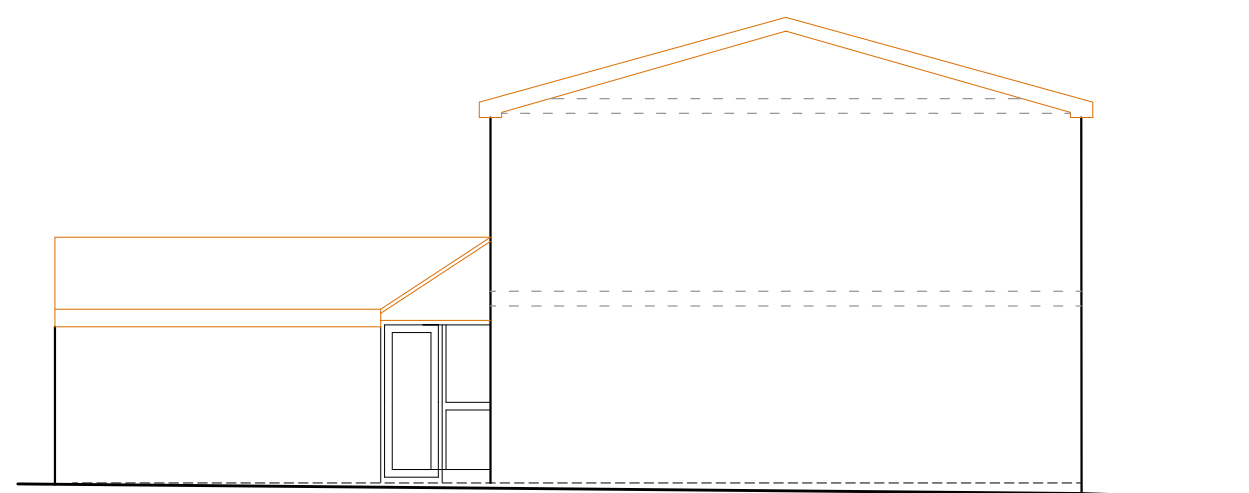
**First Floor Plan**  
**1.100**



**Location Plan**  
**1.1250**



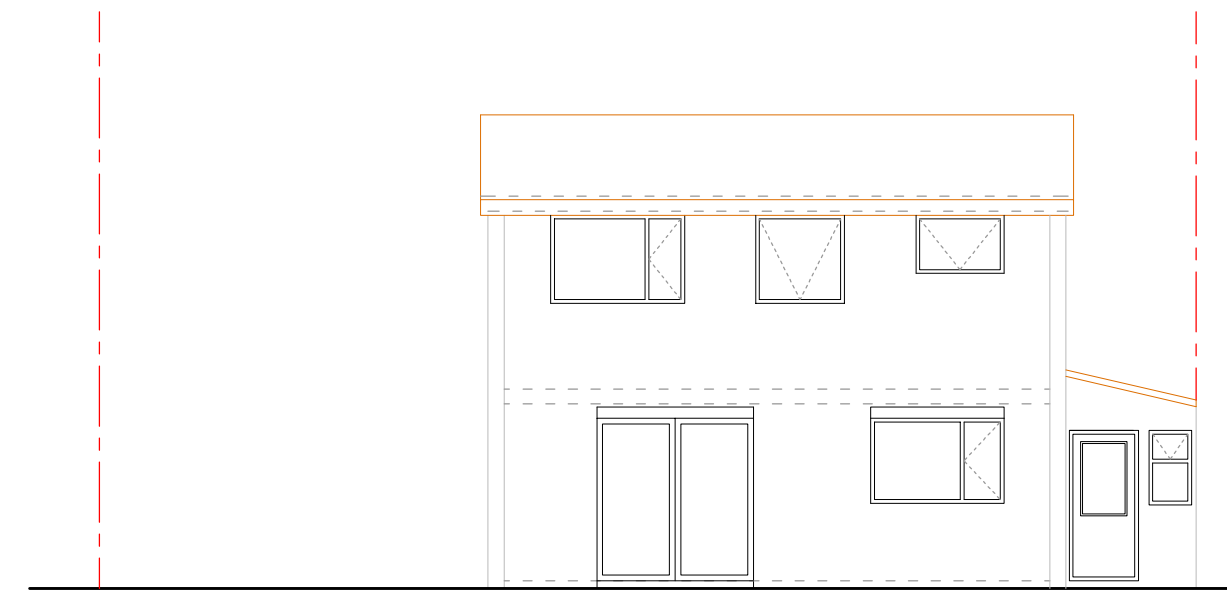
**Site Plan**  
**1.500**



**Side Elevation -**  
**1.100**



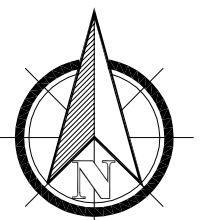
**Front Elevation -**  
**1.100**



**Rear Elevation -**  
**1.100**

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**REVISIONS**



**CLIENT:**  
Mr Pawan Dhillon

**JOB:**  
69 Europa Avenue,  
West Bromwich

**DRG TITLE:**  
Existing Plans and  
Elevations

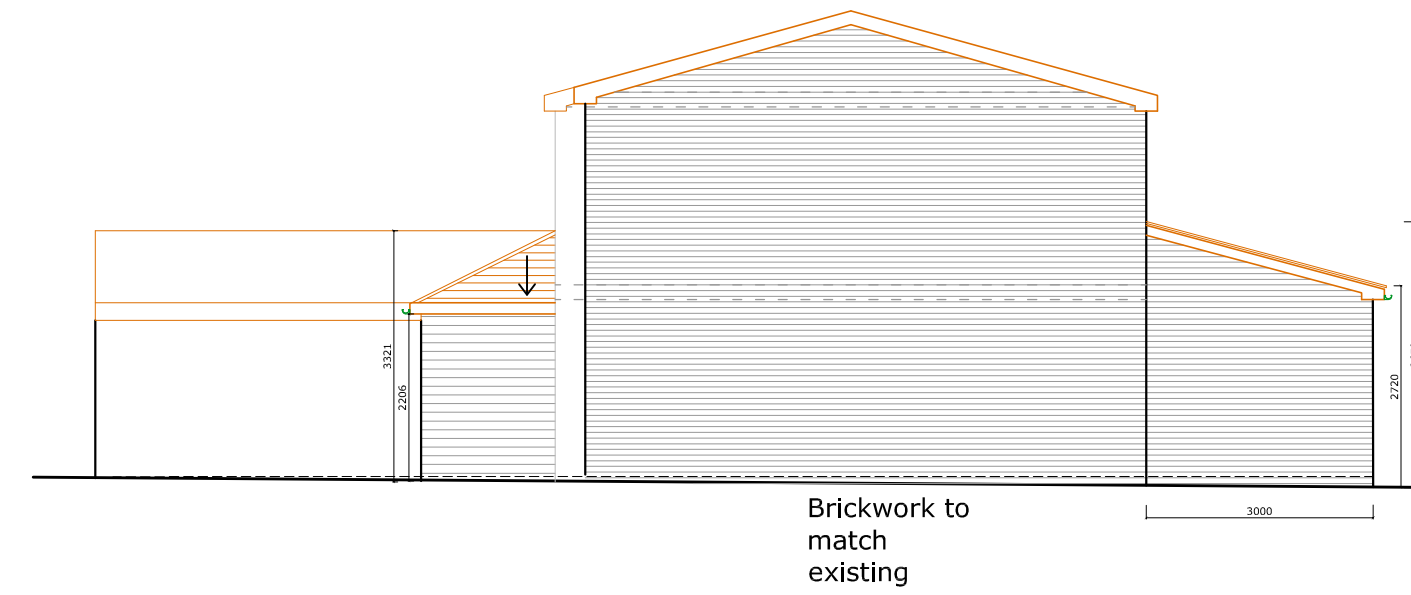
DRG NO.	REV.	Paper
2019-01/	01	A2
DATE: Dec' 2019		SCALE: Various

# PROPOSED

Front Elevation -  
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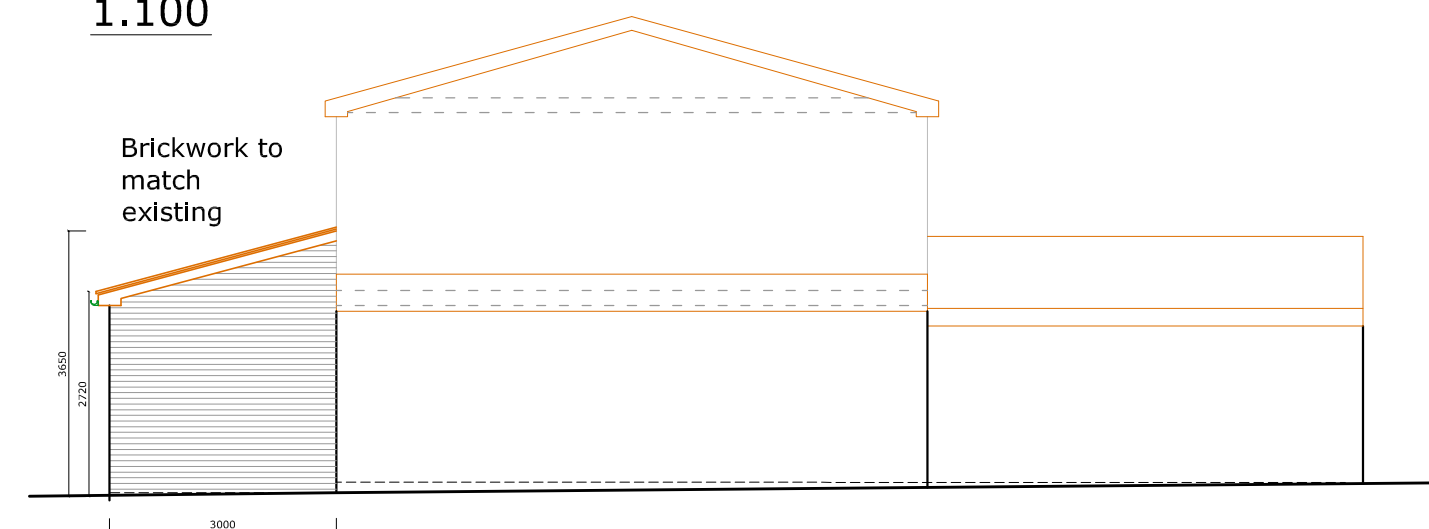
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1.100



Rear Elevation -  
1.50



Side Elevation -  
1.100

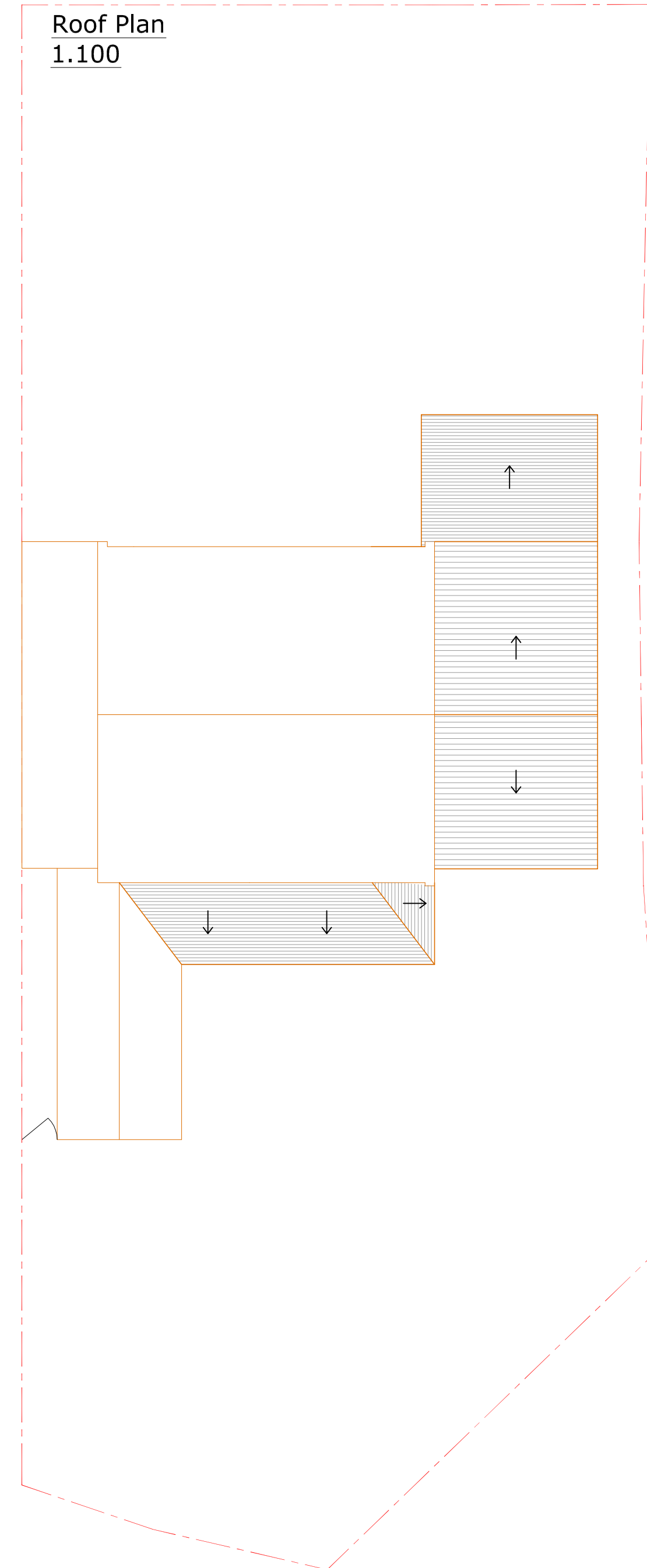
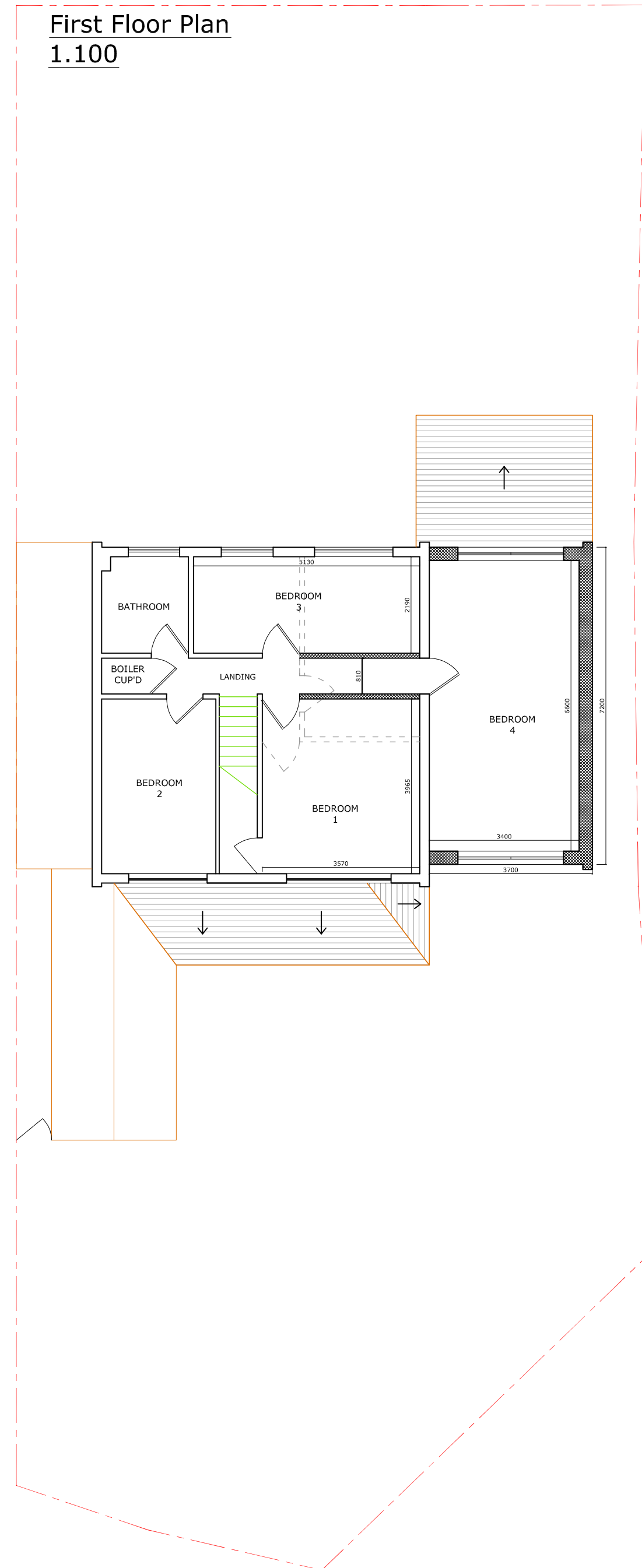
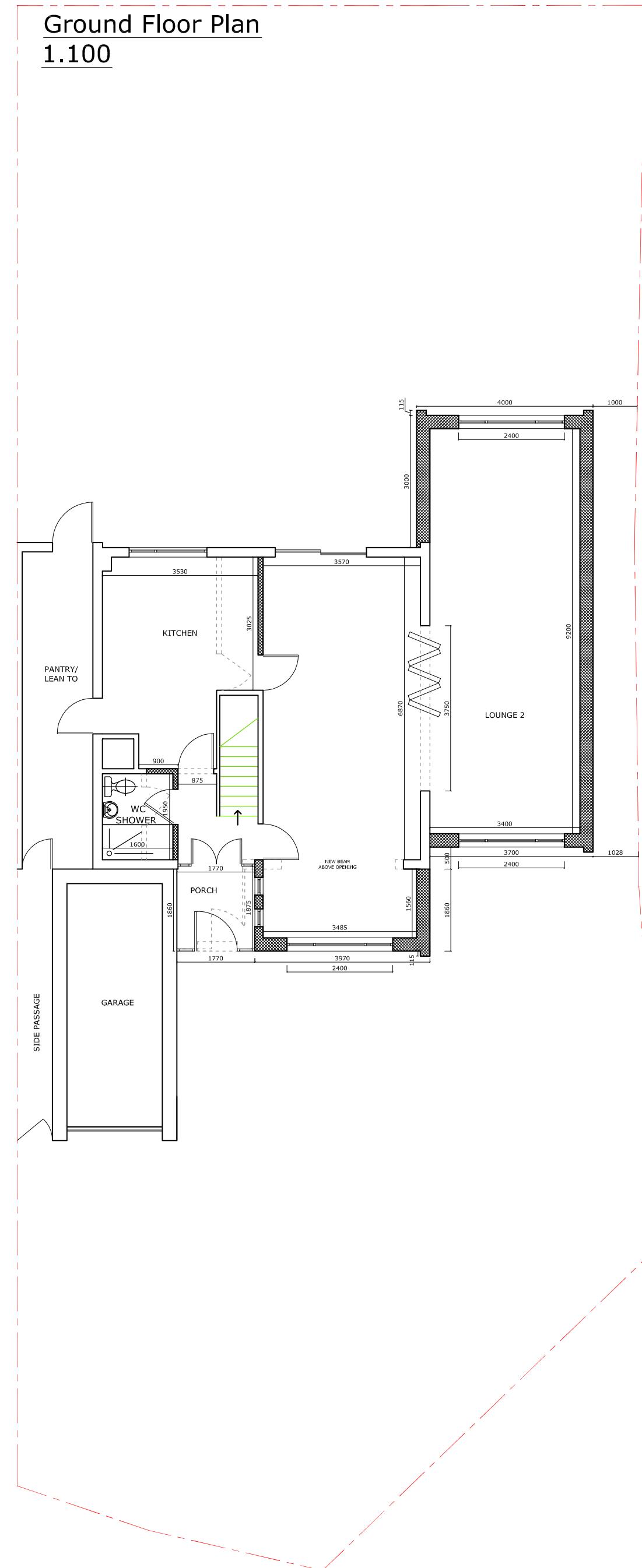


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**REVISIONS**

<b>CLIENT:</b> Mr Pawan Dhillon		
<b>JOB:</b> 69 Europa Avenue, West Bromwich		
<b>DRG TITLE:</b> Proposed Plans & Elevations		
<b>DRG NO.</b> 2019-03/	<b>REV.</b> 01	<b>Paper</b> A2
<b>DATE:</b> Dec' 2019 <b>SCALE:</b> Various		

# PROPOSED



**NOTES:**  
Do not scale from this drawing.  
All contractors must visit the site and be responsible for taking and checking dimensions  
Any discrepancy between drawings, specifications and site conditions must be brought to the attention of the architect.  
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**REVISIONS**


**CLIENT:**  
Mr Pawan Dhillon  
**JOB:**  
69 Europa Avenue,  
West Bromwich  
**DRG TITLE:**  
Proposed Plans

DRG NO.	REV.	Paper
2019-02/	01	A2
DATE: Dec' 2019		SCALE: Various



## Planning Committee

**12<sup>th</sup> February 2020**

<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/19/63424 West Bromwich Central	Archibald Kenrick House Hall Street South West Bromwich B70 6BN	Proposed change of use at first and second floors to a 42-bed HMO (Sui Generis).	Refuse permission  9th January 2020
DC/19/63450 Langley	9 And 9A Langley High Street Oldbury B69 4SN	Proposed creation of first floor with front and rear dormer windows to loft space to accommodate 5 apartments above existing retail units, with proposed access and first floor amenity space to rear.	Grant Permission Subject to Conditions  24th January 2020
DC/19/63454 Friar Park	The Phoenix Collegiate Friar Park Road Wednesbury WS10 0JS	Proposed erection of a new SEND school, car parking, amenity space and associated facilities.	Grant Permission Subject to Conditions  22nd January 2020
DC/19/63470 West Bromwich Central	Archibald Kenrick House Hall Street South West Bromwich B70 6BN	Proposed change of use at first and second floors to a hotel (Class C1 - Hotels).	Refuse permission  9th January 2020



Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63479 Abbey	Pheasant Inn 273 Abbey Road Smethwick B67 5NQ	Proposed 14 No. 3 bed dwellings with associated access works and landscaping to include alterations of existing pub car park.	Grant Permission Subject to Conditions  10th January 2020
DC/19/63555 Cradley Heath & Old Hill	Land Adjacent The Bungalow Corngreaves Road Cradley Heath	Proposed erection of 1 No. dwelling (outline application for access).	Grant Outline Permission with Conditions  8th January 2020
DC/19/63575 West Bromwich Central	Unit 3D Astle Park High Street West Bromwich B70 8NS	Proposed installation of security roller shutters, refurbishment of shopfront and install new air conditioning unit.	Grant Permission  21st January 2020
DC/19/63589 Greets Green & Lyng	72 Great Bridge Street West Bromwich B70 0BP	Proposed single and two storey side and rear extension and extension of rear outbuilding for the storage of classic cars.	Grant Permission Subject to Conditions  16th January 2020
DC/19/63605 St Pauls	45 - 46 Marshall Street Smethwick B67 7NA	Proposed change of use from doctors surgery (class D1) to dwelling houses (class C3).	Grant Permission Subject to Conditions  21st January 2020

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63642 Princes End	1 Graham Close Tipton DY4 0BB	Proposed garage conversion into a gym.	Grant Permission Subject to Conditions  9th January 2020
DC/19/63640 Wednesbury North	Marks And Spencer Plc 4C Gallagher Retail Park Axletree Way Wednesbury WS10 9QY	Proposed 1 No. refrigerated storage container at side/rear of unit between November to January annually.	Grant Permission  8th January 2020
DC/19/63660 Old Warley	9 Clent Road Oldbury B68 9EU	Retention of canopy and porch to front.	Grant Permission with external materials  22nd January 2020
DC/19/63662 West Bromwich Central	89 High Street West Bromwich B70 6NZ	Proposed change of use of first floor to bed and breakfast accommodation.	Grant Permission  8th January 2020
DC/19/63671 Oldbury	14 Macmillan Close Tividale Oldbury B69 3JT	Proposed two storey and first floor side extensions and single storey rear extensions.	Grant Permission with external materials  22nd January 2020

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63676 Oldbury	Oldbury Green Retail Park Oldbury Ringway Oldbury	Proposed single storey building for restaurant (Class A3) and takeaway (Class A5), incorporating a 'drive-thru', installation of plant and associated works.	Grant Permission Subject to Conditions  7th January 2020
DC/19/63693 Great Barr With Yew Tree	16 Ladbury Grove Walsall WS5 4EZ	Proposed single storey side and rear extension.	Grant Permission with external materials  14th January 2020
DC/19/63702 West Bromwich Central	16 St Cuthberts Close West Bromwich B70 6TP	Proposed single storey front extension and single/two storey rear extensions.	Grant Permission with external materials  6th January 2020
DC/19/63706 Oldbury	56 Peel Way Tividale Oldbury B69 3JX	Proposed two storey side extension and tiled canopy to front.	Refuse permission  24th January 2020
DC/19/63707 Tipton Green	12 Keyworth Close Tipton DY4 8GA	Proposed two storey side extension.	Grant Permission with external materials  8th January 2020



Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63708 Oldbury	114 Ashtree Road Oldbury B69 2HB	Proposed single storey rear extension and outbuilding at rear.	Grant Permission Subject to Conditions  15th January 2020
DC/19/63710 Old Warley	155 Wolverhampton Road Oldbury B68 0NB	Proposed single storey side and rear extension with raised decking to rear.	Grant Permission Subject to Conditions  21st January 2020
DC/19/63711 Tividale	Dudley Golf Club Turners Hill Rowley Regis B65 9DP	Proposed single storey rear extension to existing storage building.	Grant Permission with external materials  16th January 2020
DC/19/63716 Langley	8 Mount Road Rowley Regis B65 0RW	Proposed two storey side and single storey rear extension.	Grant Permission with external materials  27th January 2020
DC/19/63717 Great Barr With Yew Tree	2 Redwood Road Walsall WS5 4LE	Proposed two storey rear extension.	Grant Permission with external materials  10th January 2020

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63720  Cradley Heath & Old Hill	45 Timbertree Road Cradley Heath B64 7LF	Proposed front dormer window and handrail reinstated to front balcony.	Grant Permission with external materials  6th January 2020
DC/19/63724  Wednesbury South	45 York Crescent West Bromwich B70 0JU	Proposed first floor side extension, and single and two storey rear extension.	Grant Permission with external materials  8th January 2020
DC/19/63725  Hateley Heath	50 Jowetts Lane West Bromwich B71 2QU	Proposed conservatory at rear.	Grant Permission  10th January 2020
DC/19/63726  Blackheath	72 - 76 Oldbury Road Rowley Regis B65 0JS	Proposed single and two storey side extension and conversion of 2 No. new flats above existing retail shops.	Grant Permission Subject to Conditions  28th January 2020
DC/19/63729  Abbey	22 Beechwood Road Smethwick B67 5EP	Proposed single storey rear extension, front porch and pitched roof extension.	Grant Permission with external materials  13th January 2020

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63731  Wednesbury North	78 Barlow Road Wednesbury WS10 9QB	Proposed bay window to front.	Grant Permission with external materials  28th January 2020
DC/19/63735  Blackheath	78 Halesowen Street Rowley Regis B65 0EU	Proposed single storey side/rear extension and part change of use of existing ground floor into Financial and Professional Services, (Class A2) and external alterations to rear.	Grant Permission Subject to Conditions  22nd January 2020
DC/19/63736  Abbey	4 Wigorn Road Smethwick B67 5HN	Proposed single storey side and rear extension.	Grant Permission with external materials  16th January 2020
DC/19/63737  Charlemont With Grove Vale	30 Hollyhedge Road West Bromwich B71 3AA	Proposed single storey rear extension.	Grant Permission with external materials  13th January 2020
DC/19/63740  Wednesbury South	74 Holloway Bank West Bromwich B70 0QH	Retention of garage conversion to granny annex with pitched roof and single storey rear extension to link granny annex to house.	Grant Permission Subject to Conditions  13th January 2020



Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63749 St Pauls	39 Albion Road West Bromwich B71 4LJ	Retention of rear conservatory.	Grant Retrospective Permission  21st January 2020
DC/19/63755 Newton	275 Old Walsall Road Birmingham B42 1HY	Proposed single storey front, side and rear extension.	Grant Permission with external materials  8th January 2020
DC/19/63757 Langley	870B Wolverhampton Road Oldbury B69 4RS	Retention of change of use from hairdressers to personal training studio.	Grant Permission Subject to Conditions  21st January 2020
DC/19/63760 Charlemont With Grove Vale	341 Walsall Road West Bromwich B71 3LT	Proposed single storey side and front extension.	Grant Permission with external materials  22nd January 2020
PD/19/01339 Tipton Green	37 Robert Road Tipton DY4 9BJ	Proposed single storey rear extension measuring: 3.825 m L x 2.904m H (2.586 m to eaves)	P D Householder not required  6th January 2020

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63759  Charlemont With Grove Vale	43 Pear Tree Road Great Barr Birmingham B43 6HX	Proposed first floor rear extension, roof enlargements with dormer window to rear.	Grant Permission with external materials  22nd January 2020
DC/19/63762  Great Bridge	19 Walker Street Tipton DY4 0LH	Proposed single storey rear extension and ramp with handrails to front and rear.	Grant Permission with external materials  13th January 2020
DC/19/63763  Langley	1 Penn Road Rowley Regis B65 0PQ	Proposed single storey side extension.	Grant Permission with external materials  23rd January 2020
DC/19/63766  Wednesbury South	39 Lower High Street Wednesbury WS10 7AQ	Proposed alterations to shop front.	Grant Permission  6th January 2020
DC/19/63767  Great Barr With Yew Tree	70 Brackendale Drive Walsall WS5 4BU	Proposed single storey rear extension.	Grant Permission with external materials  28th January 2020
DC/19/63768  Smethwick	30 - 32 High Street Smethwick B66 1DT	Retention of metal canopy.	Refuse permission  23rd January 2020

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/6664A Old Warley	McDonald's 6 Wolverhampton Road Oldbury B68 0HL	Proposed installation of 4 No. New digital freestanding signs and 1 No. 15" digital booth screen.	Grant Advertisement Consent  16th January 2020
DC/19/6665A Great Bridge	McDonalds Restaurants Limited Brickhouse Lane South Tipton DY4 7HJ	Proposed installation of 4 No. new digital freestanding signs and 1 No. 15" digital booth screen.	Grant Advertisement Consent  14th January 2020
DC/19/6666A Langley	McDonalds Restaurants Limited Wolverhampton Road Oldbury B69 4RJ	Proposed installation of 4 No. new digital freestanding signs and 1 No. 15" digital booth screen.	Grant Advertisement Consent  16th January 2020
DC/19/63769 Cradley Heath & Old Hill	121 Graingers Lane Cradley Heath B64 6AH	Proposed change of use from part commercial and part residential to dwelling (Class C3).	Grant Permission  10th January 2020
DC/19/63772 Wednesbury North	72 Park Lane Wednesbury WS10 9PT	Proposed two storey and single storey side extension and two storey and single storey rear extension.	Grant Permission with external materials  24th January 2020



Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63754 West Bromwich Central	23 Constance Avenue West Bromwich B70 6ED	Proposed single storey side and rear extension.	Grant Permission with external materials  28th January 2020
DC/19/63773 St Pauls	136 Hugh Road Smethwick B67 7JR	Proposed single storey front and rear extensions and two storey side/rear extensions.	Grant Permission with external materials  27th January 2020
DC/19/63775 Old Warley	164 Harborne Road Oldbury B68 9JJ	Proposed two storey side and rear extensions, single storey side extension.	Grant Permission with external materials  21st January 2020
DC/19/63776 Hateley Heath	106 Marsh Lane West Bromwich B71 2DL	Proposed single storey rear extension, bay window and canopy to front of property.	Grant Permission with external materials  8th January 2020
DC/19/63779 Greets Green & Lyng	81 Claypit Lane West Bromwich B70 9UL	Proposed outbuilding in rear garden (Revised application DC/19/63044).	Grant Permission Subject to Conditions  27th January 2020


Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/6668A Soho & Victoria	Mc Donalds Grove Lane Smethwick B66 2SF	Proposed installation of 4 No. new digital freestanding signs and 1 No. 15" digital booth screen.	Grant Advertisement Consent  21st January 2020
PD/19/01344 St Pauls	51 St Stephens Road West Bromwich B71 4LR	Proposed single storey rear extension measuring 6m L x 3m H (2.3m to eaves)	P D Householder not required  6th January 2020
DC/19/63791 Bristnall	30 Siskin Close Oldbury B68 9LT	Proposed single storey side and rear extension.	Grant Permission with external materials  28th January 2020
PD/19/01347 Tividale	22 Aston Road Oldbury B69 1TN	Proposed single storey rear extension measuring: 6.0m L x 4.0m H (2.5m to eaves)	P D Householder required and refused  6th January 2020
DC/19/63796 Abbey	51 Barclay Road Smethwick B67 5JY	Proposed single storey rear extension.	Grant Permission with external materials  28th January 2020

Application No. Ward	Site Address	Description of Development	Decision and Date
PD/19/01352 Friar Park	42 Shaftesbury Road Wednesbury WS10 0DJ	Proposed single storey rear extension measuring: 4.0m L x 3.674 H (2.681 to eaves)	P D Householder not required  24th January 2020
PD/19/01356 Newton	35 Waddington Avenue Great Barr Birmingham B43 5JF	Proposed single storey rear extension measuring: 6.0m L x 3.1m H (2.95m to eaves)	P D Householder not required  27th January 2020



## Planning Committee

**12<sup>th</sup> February 2020**

<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

**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</b>	<b>Site Address</b>	<b>Inspectorate</b>
EN/19/20984	Land at Unit 5 (Oldbury Carpet Centre) Former ERI Building, Oldbury B69 3DE	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**





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# Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 28 January 2020

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Appeal ref: APP/G4620/C/19/3234507

Land at Unit 6 (Oldbury Carpet Centre), Former ER1 Building, Bromford Road, Oldbury, West Midlands, B69 3DE

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeal is brought Harkeet Kaur against an enforcement notice issued by Rossendale Borough Council.
- The notice was issued on 22 July 2019.
- The breach of planning control as alleged in the **notice** is "Without planning permission, the material change of use of the Land from use classes B1, B2, B8 to use as class A1 (Retail) ("the Unauthorised use").
- The requirements of the notice are: "5.1. Cease the Unauthorised Use at the Land. 5.2. Remove from the Land all materials and debris arising from compliance with the aforementioned requirement of the Notice".
- The period for compliance with the requirements of the notice is: "60 days after this notice takes effect".
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld without variation.

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## Reasons for the decision

1. The basis of the appellant's case is that he would like the compliance period extended as he intends to submit a planning application for the material change of use. However, I note that over 5 months have elapsed since the appeal was submitted with enforcement action effectively suspended. It is reasonable to assume that in that time an application has been submitted and determined. As the compliance period will begin again from the date of this decision, the appellant will effectively have had some 7 months in which to comply with the requirements of the notice. In these circumstances, I see no good reason to extend the compliance period further and consider the 60 days given in the notice to be adequate. The ground (g) appeal fails accordingly.

## Formal decision

2. For the reasons given above, the appeal is dismissed and the enforcement notice is upheld.

*K McEntee*