

## **Planning Committee**

**Wednesday 11 March 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 12 February 2020 as a correct record.

### **Matters Delegated to the Committee**

#### **Items for Decision**

4. Determination of Site Visits.
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, Wednesday.

7. 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 re-cladding of existing Lion Farm shops and flats. Coniston, Derwent, Rydal, Ullswater & Windermere Houses. Badsey Road & Lion Farm Shops and Flats, Hartlebury Road, Oldbury.
8. Planning Application DC/19/63739 – Retention of single storey side and two side/rear extensions (revised application – DC/18/62254). 60 Sundial Lane, Great Barr.
9. Planning Application DC/19/63818 – Retention of single storey rear extension and new staff and visitor parking area. 121 Witton Lane, West Bromwich.
10. Planning Application DC/19/63824 – Retention of sub division of shop into two units with shop fronts, change of use of first and second floors from shop storage to 4 No. self contained flats with former winders to front and rear, alterations to rear to include installation of roller shutters. 584 – 586 Bearwood Road, Smethwick.
11. Planning Application DC/20/63873 – Proposed erection of 2 No. semi detached houses (outline application for access only). Land Adjacent 136 Regis Heath Road, Rowley Regis.
12. Planning Application DC/20/63949 – Proposed first floor rear extension. 61 Park Avenue, Rowley Regis.
13. Applications determined under powers delegated to the Director – Regeneration and Growth.
14. Decisions of the Planning Inspectorate.
15. Annual Report of the Planning Committee 2019.

Date of Next Meeting: **Wednesday 8<sup>th</sup> April 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 Stephnie Hancock**  
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## **Minutes of the Planning Committee**

**12 February 2020 at 5.00 pm**  
**at the Sandwell Council House, Oldbury**

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

**Apologies:** Councillors Chidley and P M Hughes.

### 8/20 **Declaration of Interests**

Councillor Hevican declared a personal interest in planning application DC/19/63440 (Proposed changed 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) in that she was a resident of Wednesbury and lived near the application site.

### 9/20 **Minutes**

**Resolved** that the minutes of the meeting held on 15 January 2020 be approved as a correct record.

### 10/20 **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/19/63440 (Proposed changed 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

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## Planning Committee – 12 February 2020

second floors, together with associated parking. 10-12 Park Hill, Wednesbury);  
DC/18/62409 (Proposed development of 14 dwellings. Brook Road Open Space, Oldbury).

11/20      **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)**

The Service Manager – Development Planning and Building Consultancy reported that the applicant had withdrawn the planning application.

12/20      **DC/19/63542 (Retention of 2 No. freezer store units on rear car park. Unit A Kings Hill Business Park, Darlaston Road, Wednesbury)**

Councillors Downing, Hevican, Ahmed, Allen, S Davies, Dhallu, M Hussain, Millar, Rouf and Simms indicated that they had been lobbied on the site visit, that had taken place earlier that day, by the applicant and objectors.

The Service Manager – Development Planning and Building Consultancy informed the Committee that there had been no objections from Environmental Health and the recommendation had been amended to ensure that noise mitigation measures to be put in place were suitably effective.

An objector was present with their ward members, Councillors Costigan, L Giles and P Hughes, and they all addressed the Committee with the following points:-

- A petition with ten signatures had been submitted from neighbours.
- Since July 2017 the noise had been constant during the day and night.
- An independent noise survey carried out in October 2019 had concluded that the noise levels would have an adverse impact on residents.
- Vehicle movements on the site did not stop at 11pm as stated by the applicant.
- The freezer units could be re-positioned further from the

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boundary line.

The Director – Public Health confirmed that the independent noise survey had concluded that mitigation was required.

The applicant reported that, whilst there was an off-the-shelf solution that could be implemented to reduce noise levels by around 13decibels, they were exploring the option of a bespoke solution which would reduce noise levels even further. He also indicated that they were happy to plant a border of trees on the site to further mitigate noise. The Service Manager – Development Planning and Building Consultancy advised that he was happy with the principle of these proposals, but further detail was required, hence the additional condition recommended.

The Committee was minded to grant planning permission, subject to the amended conditions recommended by the Director – Regeneration and Growth and an additional condition requiring the planting of appropriate trees along the boundary.

**Resolved** that 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) be approved, subject to:-

- (a) the submission of a detailed drawing and specification which demonstrates that the mitigation measures are sufficient to render the noise from the freezer store units in the rear yard of the premises inaudible over background noise levels at the nearest sensitive receptor, within one month from the date that the planning permission is issued;
- (b) the mitigation measures, once agreed with the local authority, being fully implemented within one month and retained as such;
- (c) the planting of appropriate trees along the boundary to further mitigate noise.

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13/20

**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)**

Councillors Downing, Hevican, Ahmed, Allen, S Davies, Dhallu, M Hussain, Millar, Rouf and Simms indicated that they had been lobbied on the site visit, that had taken place earlier that day, by the applicant and objectors.

Two objectors were present and addressed the Committee with the following points:-

- The building work had been going on for two years and caused a lot of noise.
- The building was on the edge of the pavement which impacted on pedestrian safety.
- Tiles were falling off the roof in high winds and putting people in danger.
- The extension was not being built in accordance with the planning permission granted.
- The extension was out of keeping with neighbouring properties.
- The property had been over-developed and was now three storeys.

A photograph was circulated to the Committee from an objector which showed the extension.

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

- The property was on a corner plot and there were many different roof designs along to street scene.
- The design had been agreed with a planning officers and enforcement officers.
- The planning permission was for a 4.6m extension up to the pavement boundary.
- The previous two applications had been publicised and no objections had been received.
- Highways had also been consulted on the plans and had raised no objections.
- The extension was set back 400mm from the boundary.

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- Three off street car parking spaces had been created and there were five spaces in total.
- The photographed circulated to members was from November 2018 and did not reflect the current state of the building.
- The extension did not overhang public land and once the works were complete the fencing would improve the appearance.
- He had received contradictory advice from the local authority.
- The 300mm increase in the first-floor extension had not caused a material change and he had worked with the planning team on this.
- Works had stopped when enforcement action commenced, and the roof was not put back on until enforcement officers had agreed the works. It was only at this point that he was advised to submit a retrospective planning application.

The Service Manager – Development Planning and Building Consultancy informed the Committee that the parking provision was satisfactory and the confirmed that extension was in fact narrower than detailed in the existing planning permission. However, other areas of the build were substantially different to the approved plans.

The Committee noted that the enforcement notice issued in February 2019 was still in place.

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

**Resolved** that 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) be refused on the grounds that 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).



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(Councillor I Jones joined the meeting during consideration of this application and therefore took no part in the debate and did not vote.)

14/20

**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. 4-6 Albion Road and Land Adjacent to 154 Bull Lane, West Bromwich)**

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

The Service Manager – Development Planning and Building Consultancy advised the Committee that the transportation policy and highways teams had raised no objections to the application.

The Committee welcomed the use of vacant land and was minded to approve the application, subject to the conditions recommended by the Director – Regeneration and Growth.

**Resolved** that 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. 4-6 Albion Road and Land Adjacent to 154 Bull Lane, West Bromwich) be approved subject to the conditions recommended by the Director – Regeneration and Growth.

15/20

**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)**

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

The Service Manager – Development Planning and Building Consultancy reported that the statutory consultation period was open until 13 February 2020 and therefore the Committee was unable to determine the application today.

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In response to members' questions the Committee as informed that there would be a retail unit as part of the development, which met with residents' views as detailed in the community consultation that had taken place in 2017.

The Committee was minded to delegate determination of the application to the Director – Regeneration and Growth, in consultation with the Chair and Vice-Chair.

**Resolved** that the determination of planning application C/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) be delegated to the Director – Regeneration and Growth, in consultation with the Chair and Vice-Chair, upon the close of the statutory consultation period on 13 February 2020.

### 16/20 **DC/19/63820 (Proposed double storey side extension, single storey front and rear extensions. 69 Europa Avenue, West Bromwich)**

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/19/63820 (Proposed double storey side extension, single storey front and rear extensions. 69 Europa Avenue, West Bromwich) be approved subject to the conditions recommended by the Director – Regeneration and Growth.

### 17/20 **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.

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### 18/20 **Decisions of the Planning Inspectorate**

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

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

<b>Application/Ref</b>	<b>Decision</b>
APP/G4620/C/19/3234507 Land at Unit 5 (Oldbury Carpet Centre) Former ERI Building, Oldbury	Dismissed

### 19/20 **Christine Phillips**

The Committee noted that Planning Officer Christine Phillips was retiring from the Council after 31 years service.

Christine was a highly-respected and knowledgeable member of the planning team and during her time at Sandwell had dealt with a number of high profile planning applications.


Members wished Christine a long and happy retirement.

(The meeting ended at 6.10pm)

*Contact Officer: Chantelle Simms  
Democratic Services Unit  
0121 569 3736*

## Planning Committee

**11 March, 2020**

<b>Subject:</b>	Determination of Site Visits
<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 approval is given to carry out site visits in respect of the following planning applications:-**

- a) DC/19/63045 (Proposed erection of a multi-storey car park (sui generis) and a mixed-use building of between 6 and 9 storeys to include 201 dwellings (Use Class C3) and commercial floorspace (flexible within Use Classes A1 (shops), A2 (financial and professional), A3 (restaurants), A4 (drinking establishments), A5 (hot food takeaways ), D2 (assembly and leisure) or mix thereof), office (Use Class B1) plus associated amenity space and demolition of existing buildings. PJ House, London Street, Smethwick.)
- b) DC/19/63409 (Retention of proposed loft extension with dormer windows to front and rear to create 1 No retail unit, and 13 No bed HMO with external alterations and side wall with railings. Royal Oak Inn, 1 Causeway Green Road, Oldbury.)

- c) DC/19/63753 (Proposed demolition of hospital accommodation block, erection of a multi-storey car park, reconfiguration of surface parking spaces and associated access alterations, drainage, landscaping, infrastructure and associated works. Sandwell and West Birmingham NHS Trust, Sandwell General. Hospital, Lyndon.)

## 1 PURPOSE OF THE REPORT

This report is submitted to seek the Committee's approval to carry out site visits in connection with planning applications that are due to be considered by the Committee at future meetings.

## 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 The Committee may decide to carry out site visits when it feels that the visit will provide additional information in connection with the planning application.
- 3.2 The Director – Regeneration and Growth may also recommend that the Committee carries out a site visit where she feels that it will assist the Committee in determining the application.
- 3.3 The following planning applications are due to be considered by the Committee at a future meeting. The Director – Regeneration and Growth is of the view that site visits will assist the Committee in determining then following applications:-

<b>Application No. and Address</b>	<b>Proposal</b>	<b>Reason for Site Visit</b>
<p>DC/19/63045</p> <p>PJ House London Street Smethwick</p>	<p>Proposed erection of a multi-storey car park (sui generis) and a mixed-use building of between 6 and 9 storeys to include 201 dwellings (Use Class C3) and commercial floorspace (flexible within Use Classes A1 (shops), A2 (financial and professional), A3 (restaurants), A4 (drinking establishments), A5 (hot food takeaways ), D2 (assembly and leisure) or mix thereof), office (Use Class B1) plus associated amenity space and demolition of existing buildings.</p>	<p>To allow members to view the site in context to the existing area which includes new Midland Metropolitan Hospital</p>
<p>DC/19/63409</p> <p>Royal Oak Inn 1 Causeway Green Road Oldbury</p>	<p>(Retention of proposed loft extension with dormer windows to front and rear to create 1 No retail unit, and 13 No bed HMO with external alterations and side wall with railings</p>	<p>To allow members to view the site in context to the area</p>
<p>DC/19/63753</p> <p>Sandwell and West Birmingham NHS Trust, Sandwell General. Hospital, Lyndon</p>	<p>Proposed demolition of hospital accommodation block, erection of a multi-storey car park, reconfiguration of surface parking spaces and associated access alterations, drainage, landscaping, infrastructure and associated works.</p>	<p>To allow members to view the site in context to the area</p>

#### **4 STRATEGIC RESOURCE IMPLICATIONS**

Costs associated with site visits are met from Regeneration and Growth budgets.


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

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

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

## REPORT TO PLANNING COMMITTEE

11 March 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.





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.

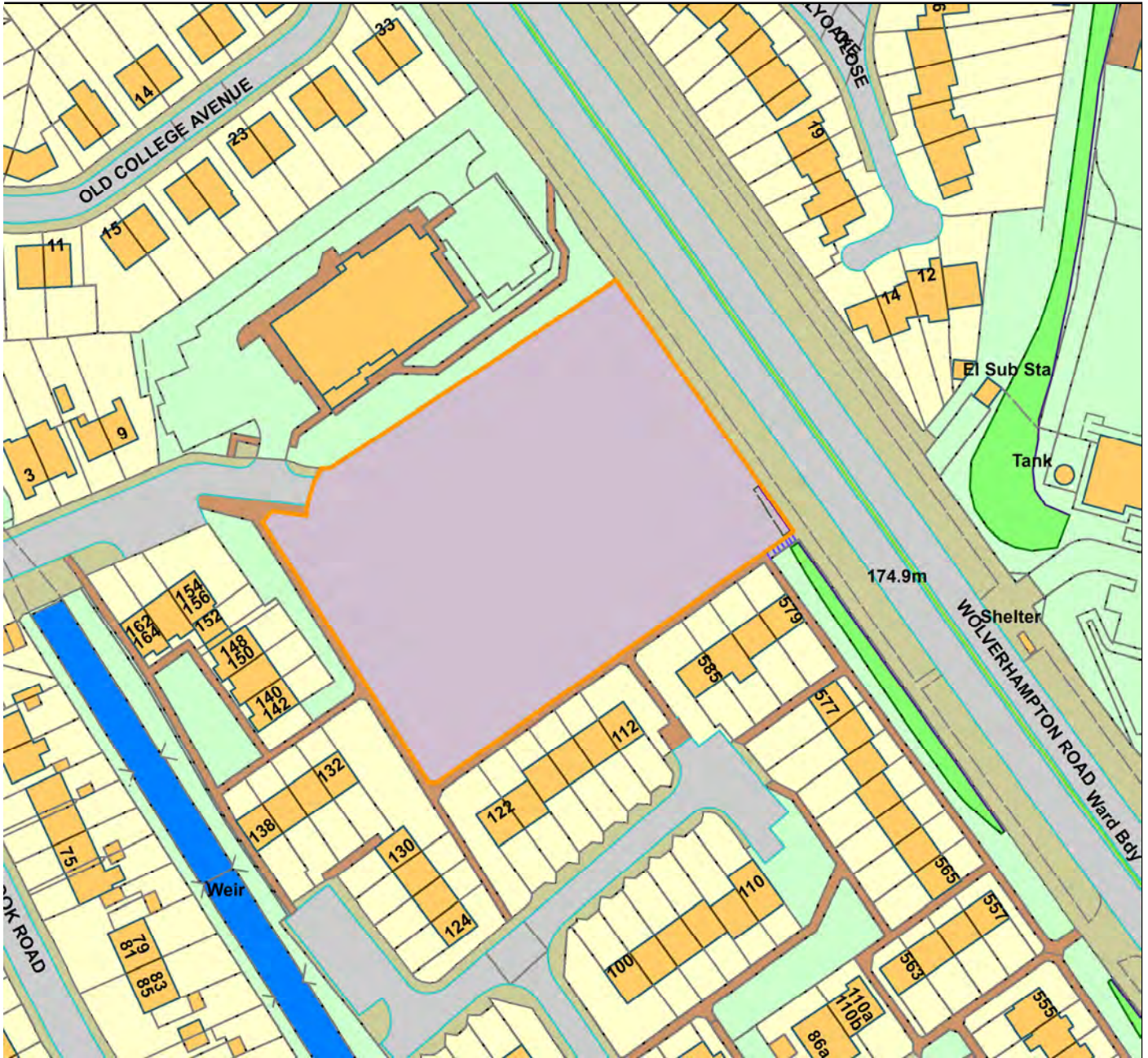
**20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

20.1 None.

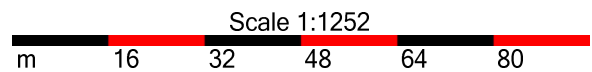
**21. APPENDICES:**

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

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



**Legend**

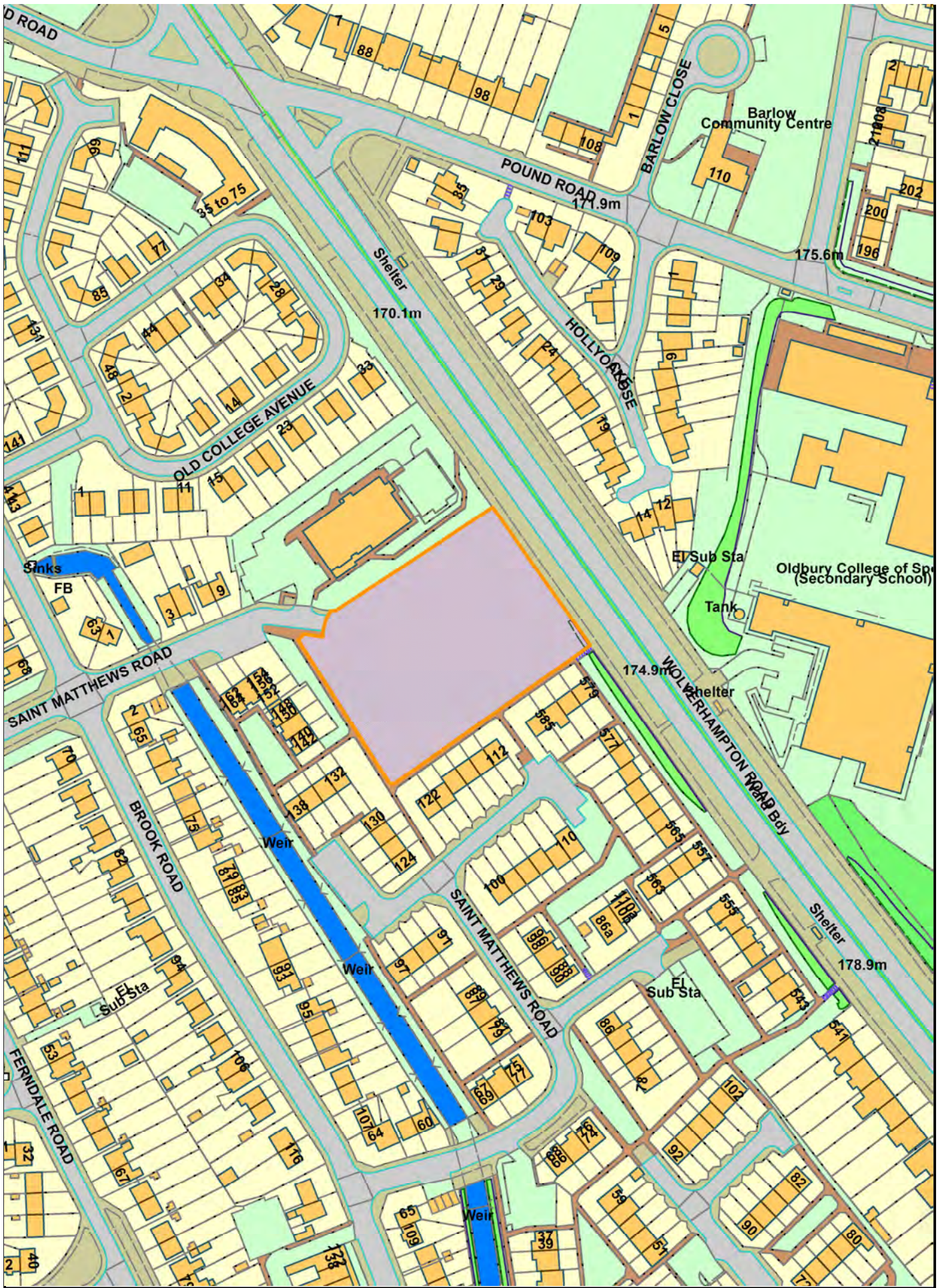


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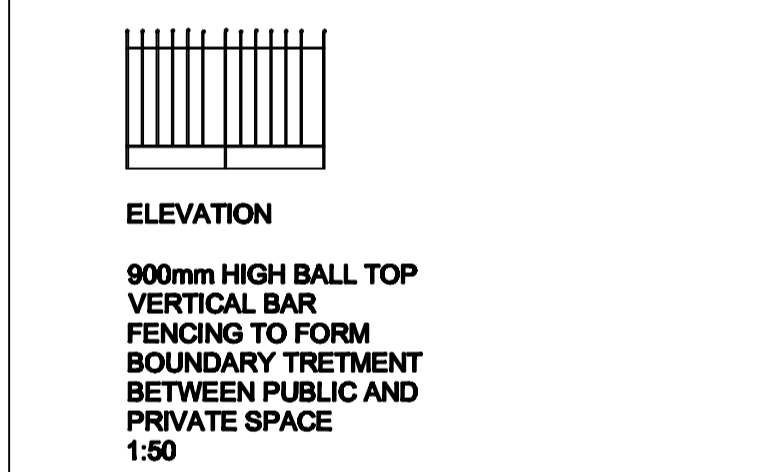
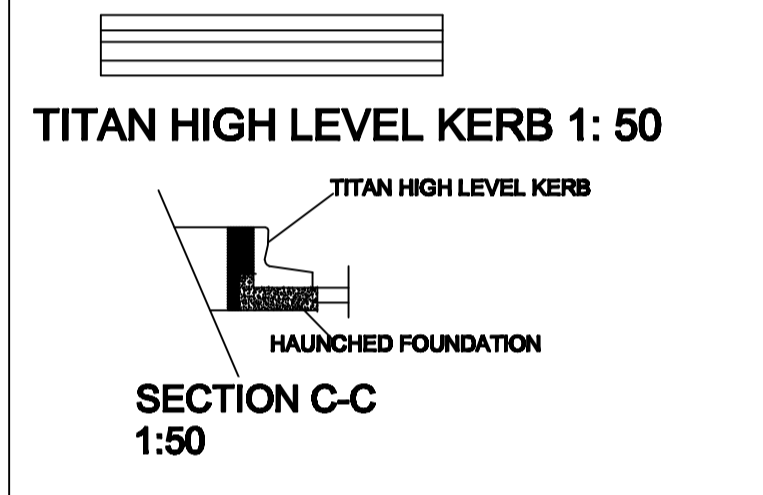
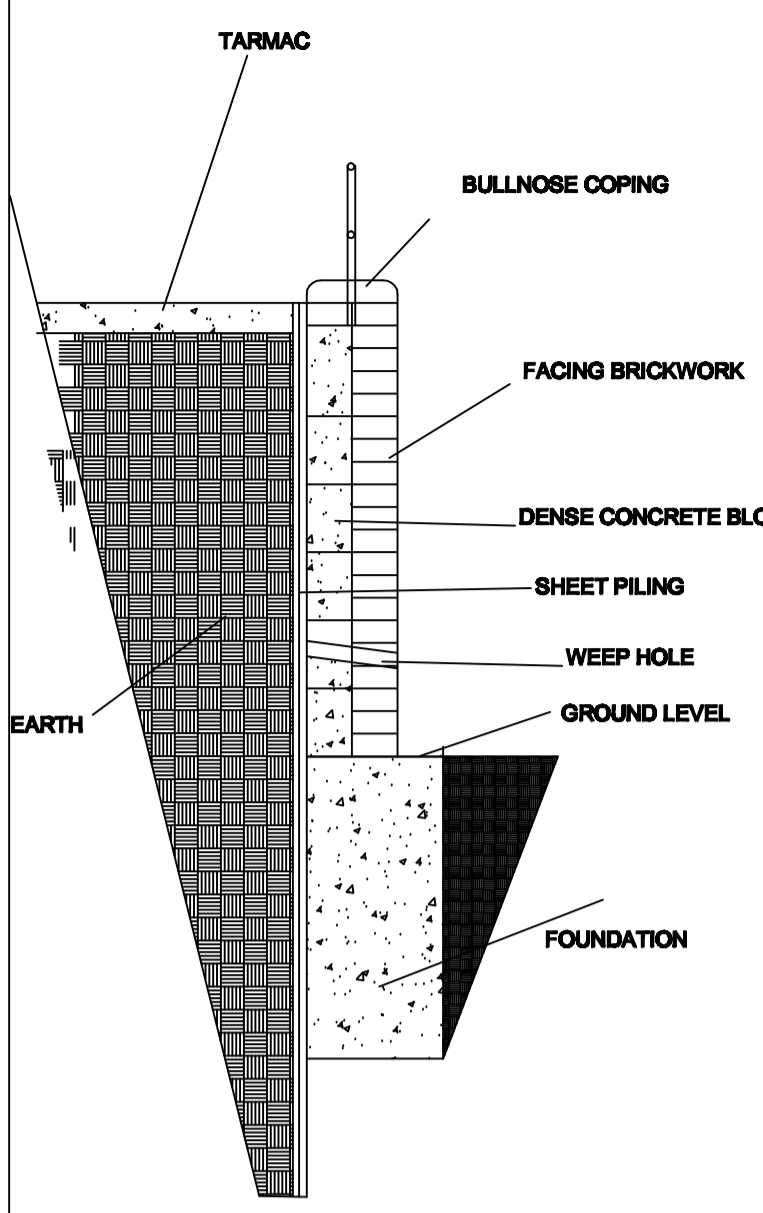
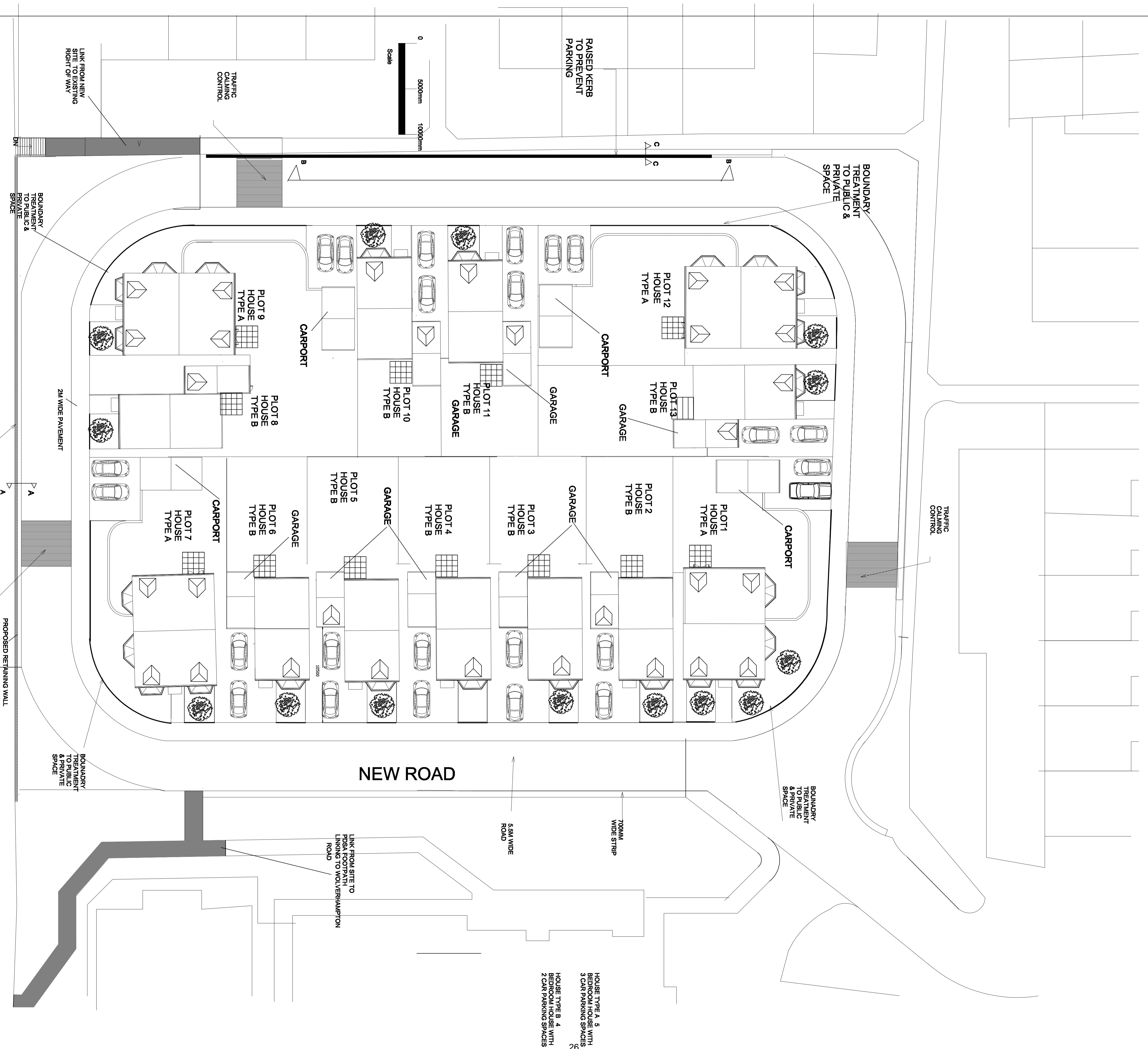
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<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	29 January 2020
<b>OS Licence No</b>	

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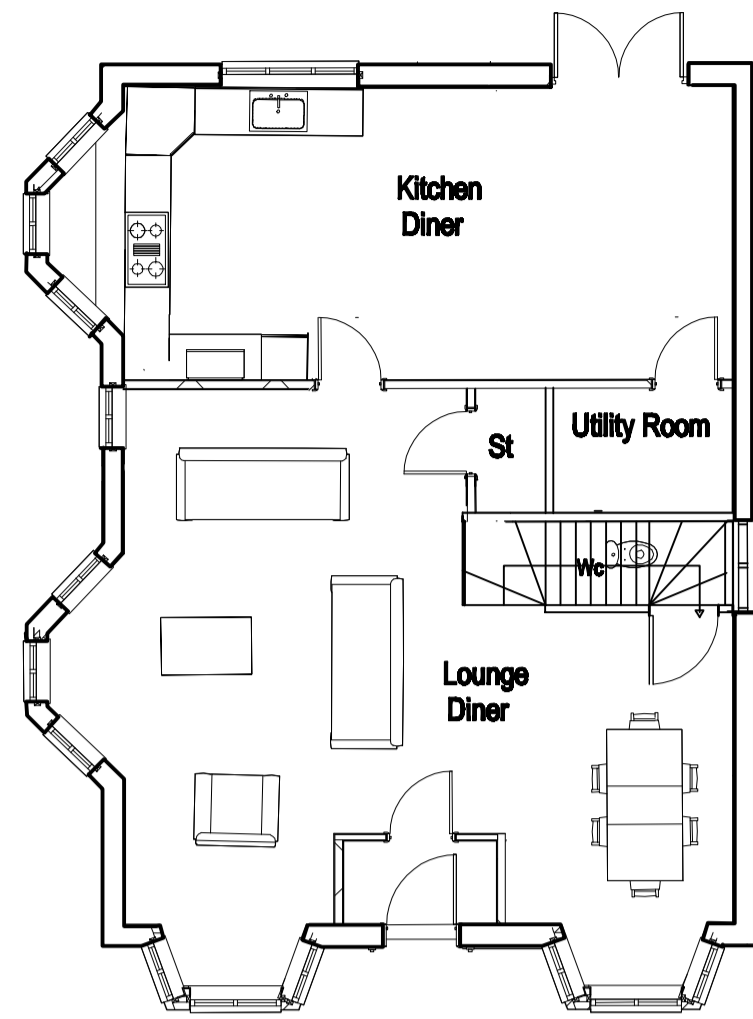
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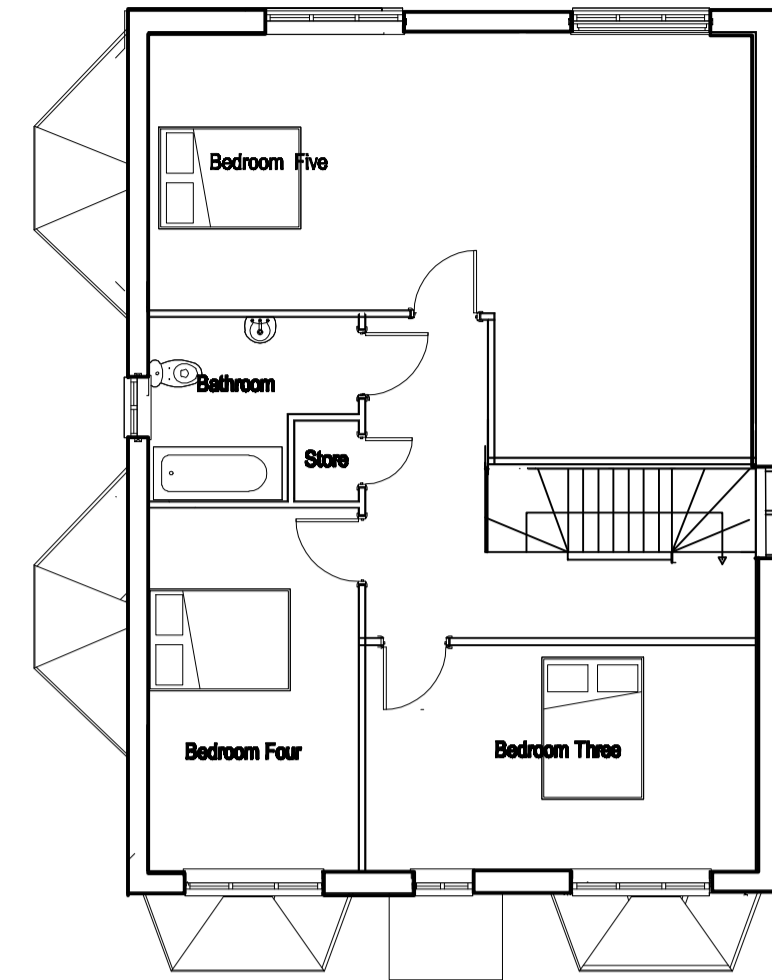
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	PLANNING	
AMARTEY S A DESIGN BUILD LTD		
PROJECT		
BROOK OPEN SPACE PROPOSED HOUSING SCHEME		
TITLE		
PROPOSED SITE PLAN & DETAIL SECTIONS		
CLIENT		
MR RAJESH SOOD		
DRAWN BY	CHECKED BY	DATE
		APRIL 2019
SCALE	PROJECT NUMBER	
1:200 1:50		
DRAWING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

HOUSE TYPE A 3  
BEDROOM HOUSES WITH  
3 CAR PARKING SPACES

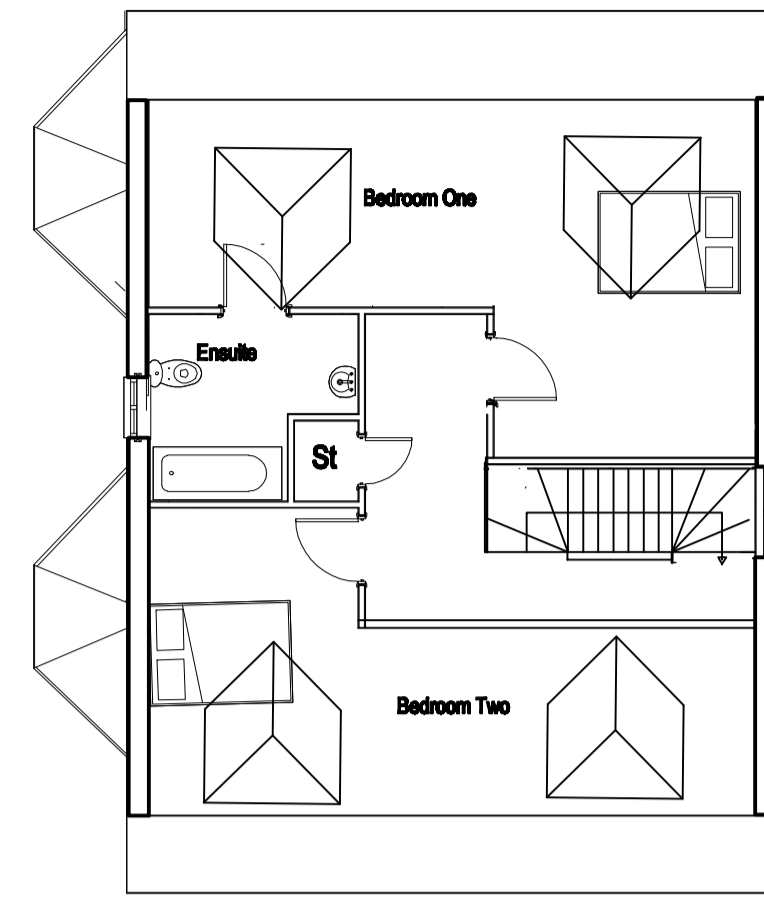
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BEDROOM HOUSES WITH  
2 CAR PARKING SPACES



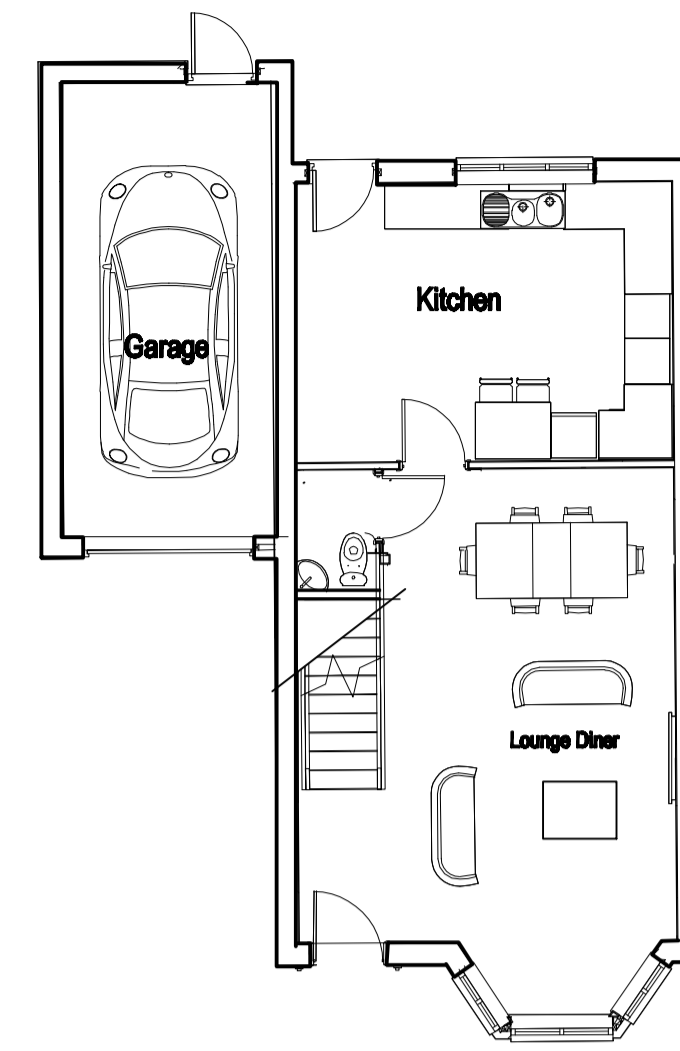
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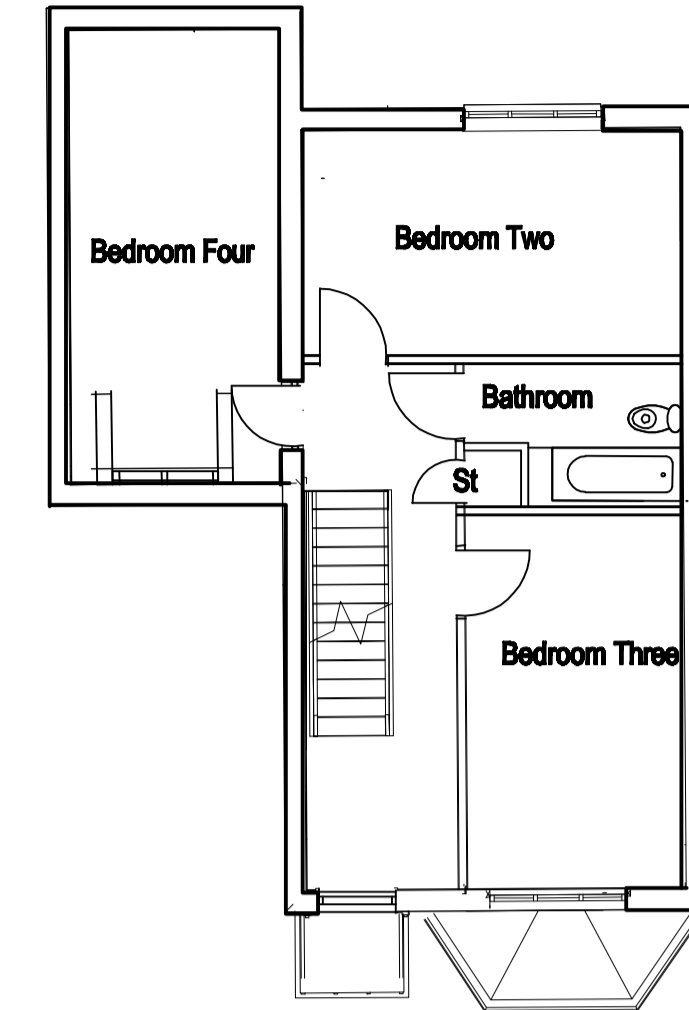
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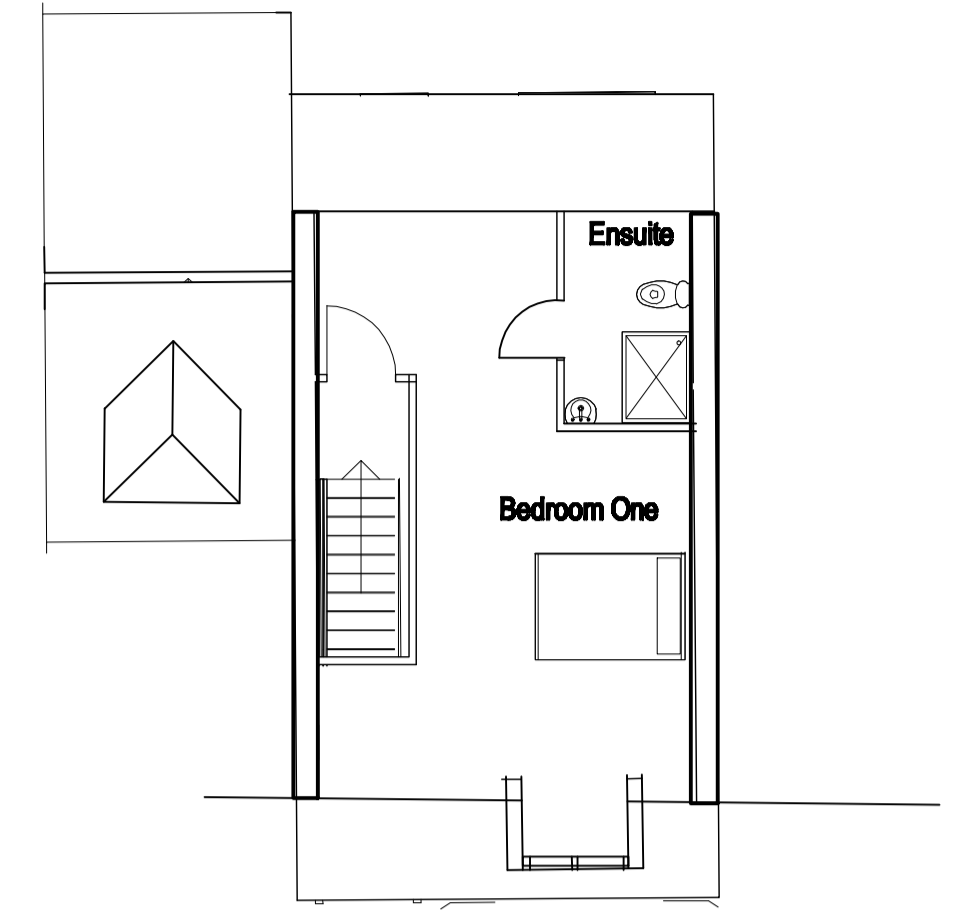
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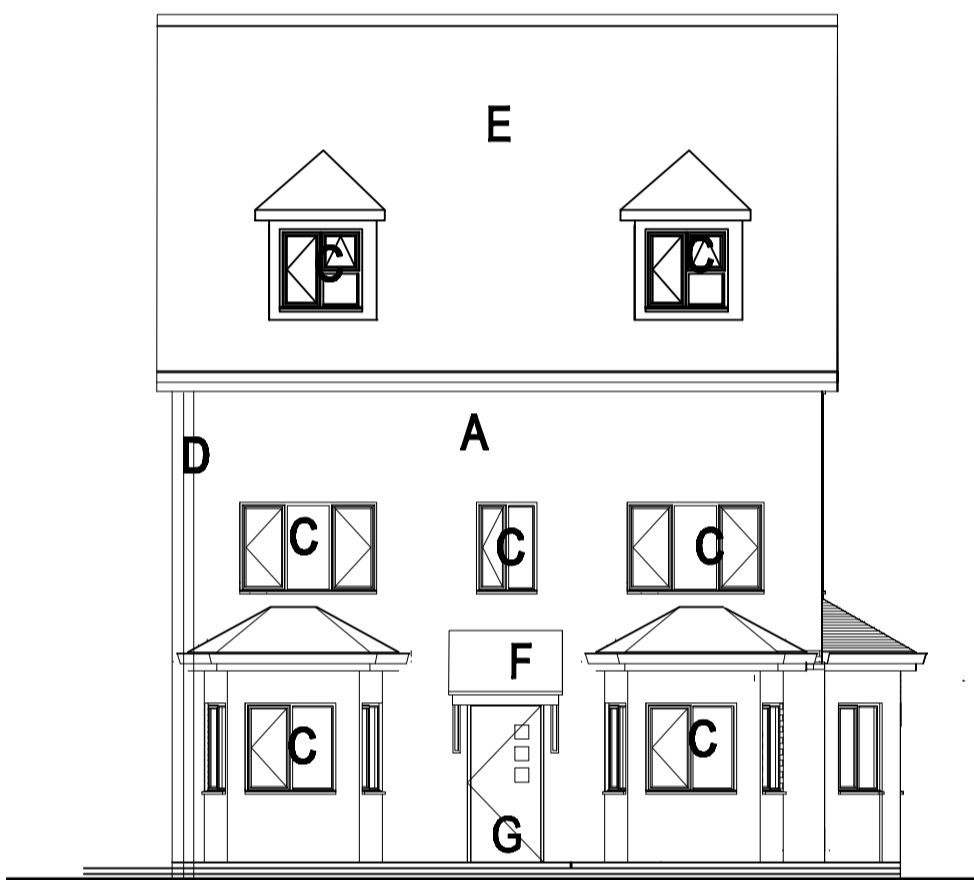
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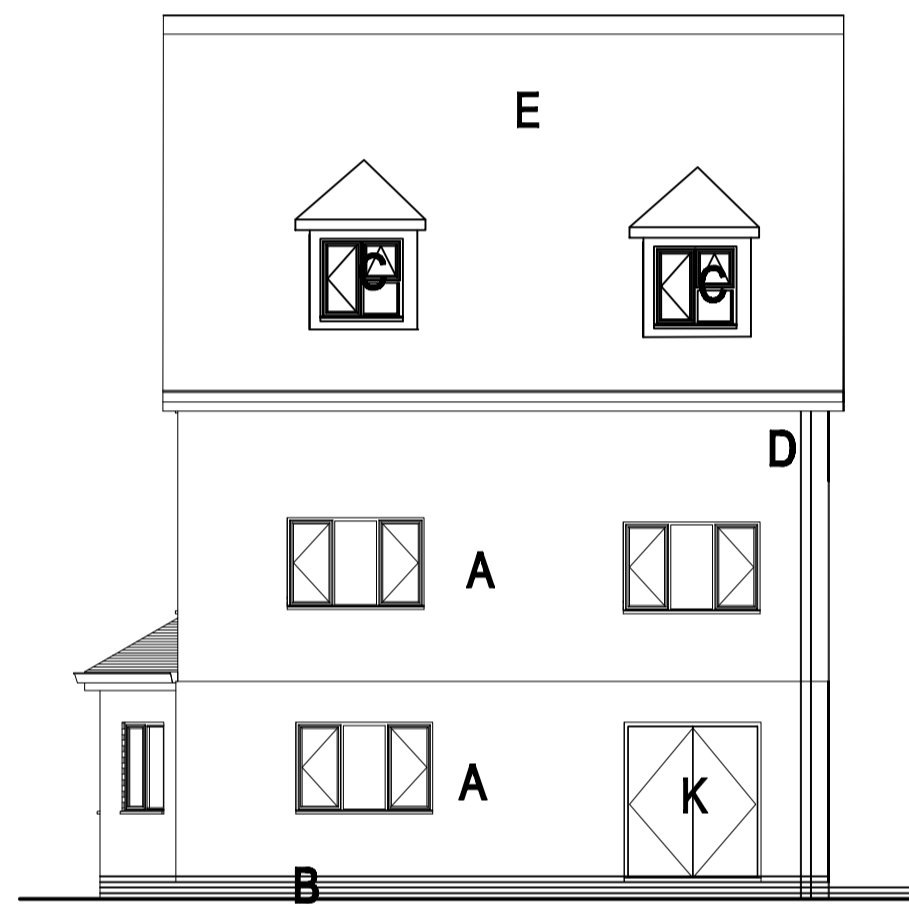
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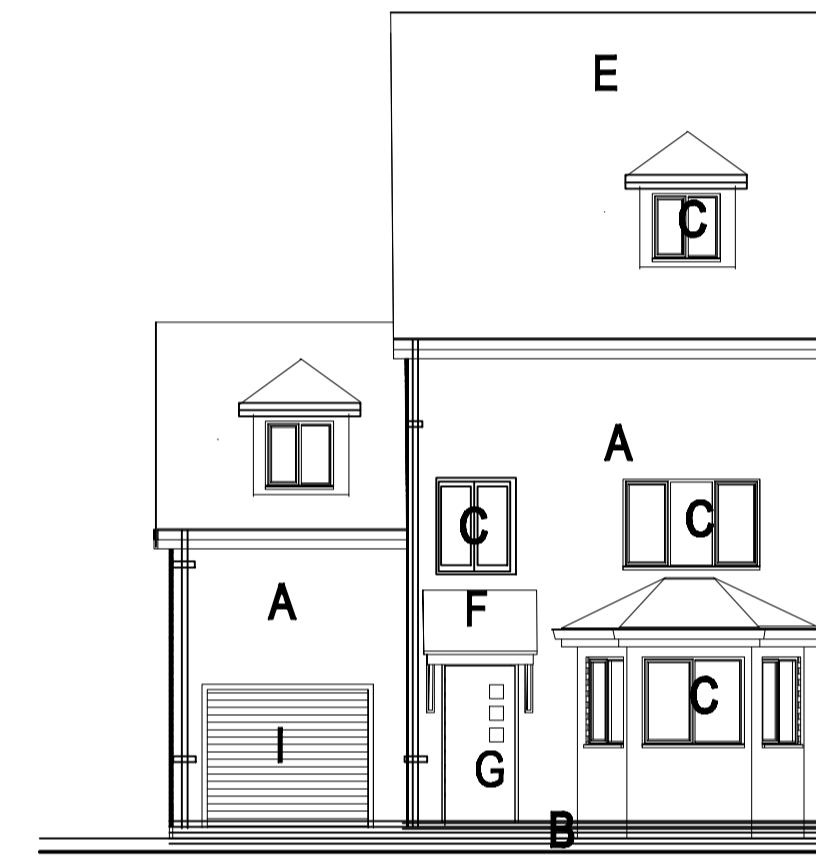
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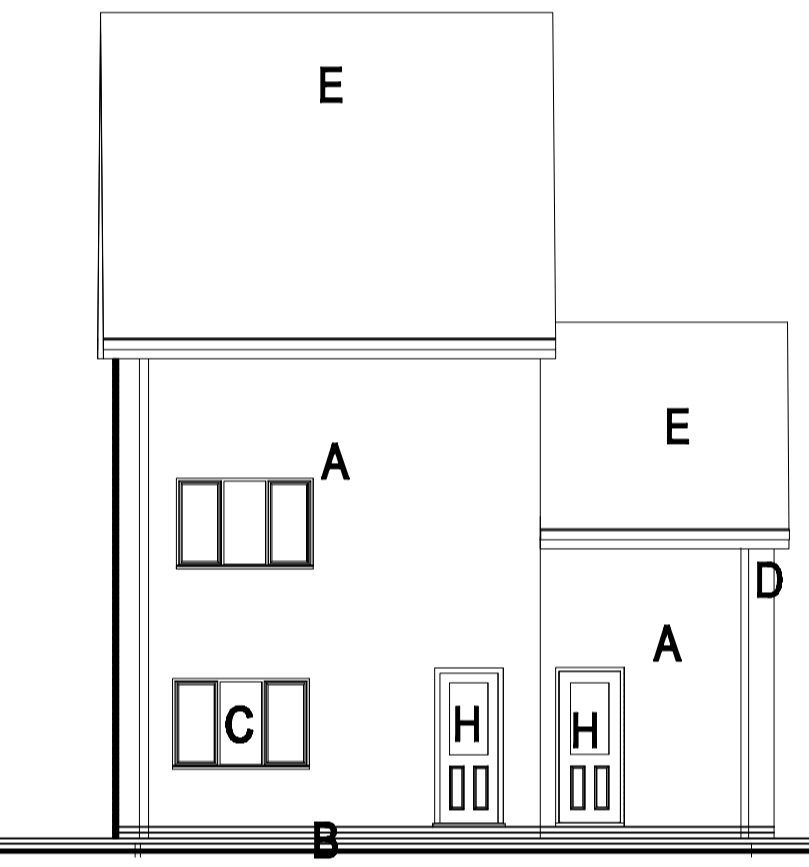
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ELEVATION HOUSE TYPE A  
1:100



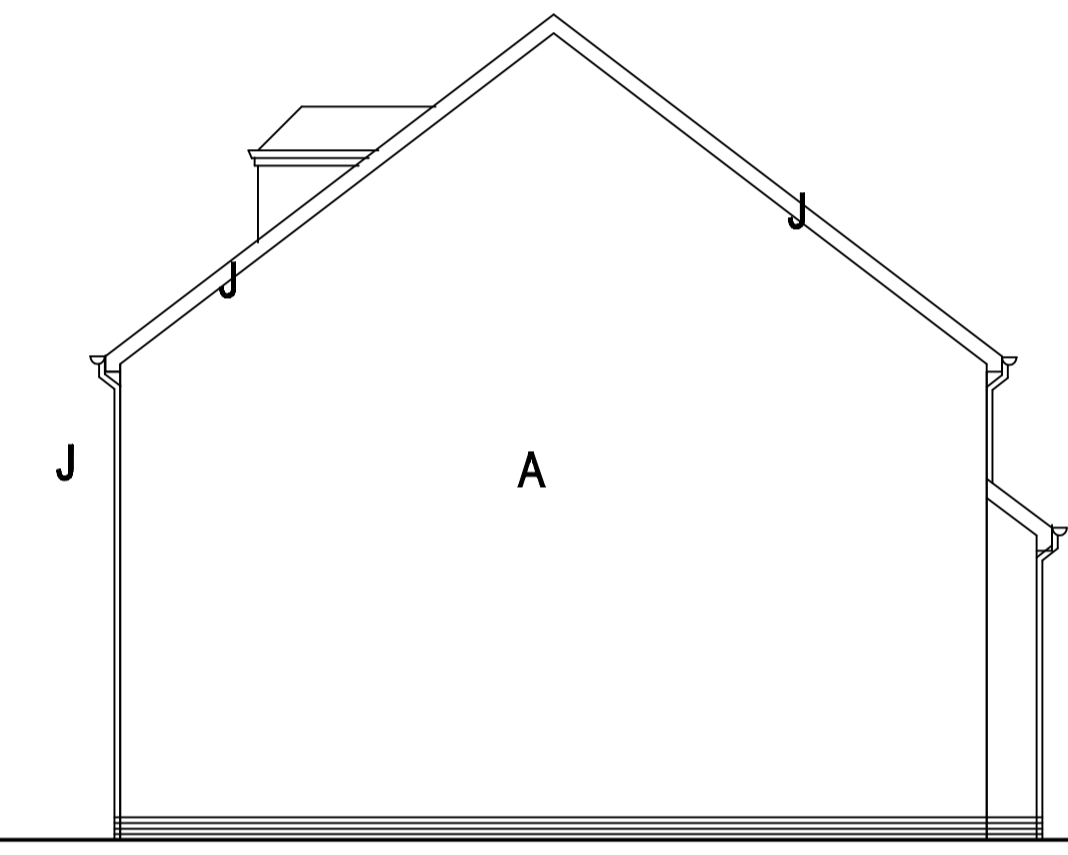
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HOUSE TYPE A 1:100



PROPOSED FRONT ELEVATION  
HOUSE TYPE B 1:100



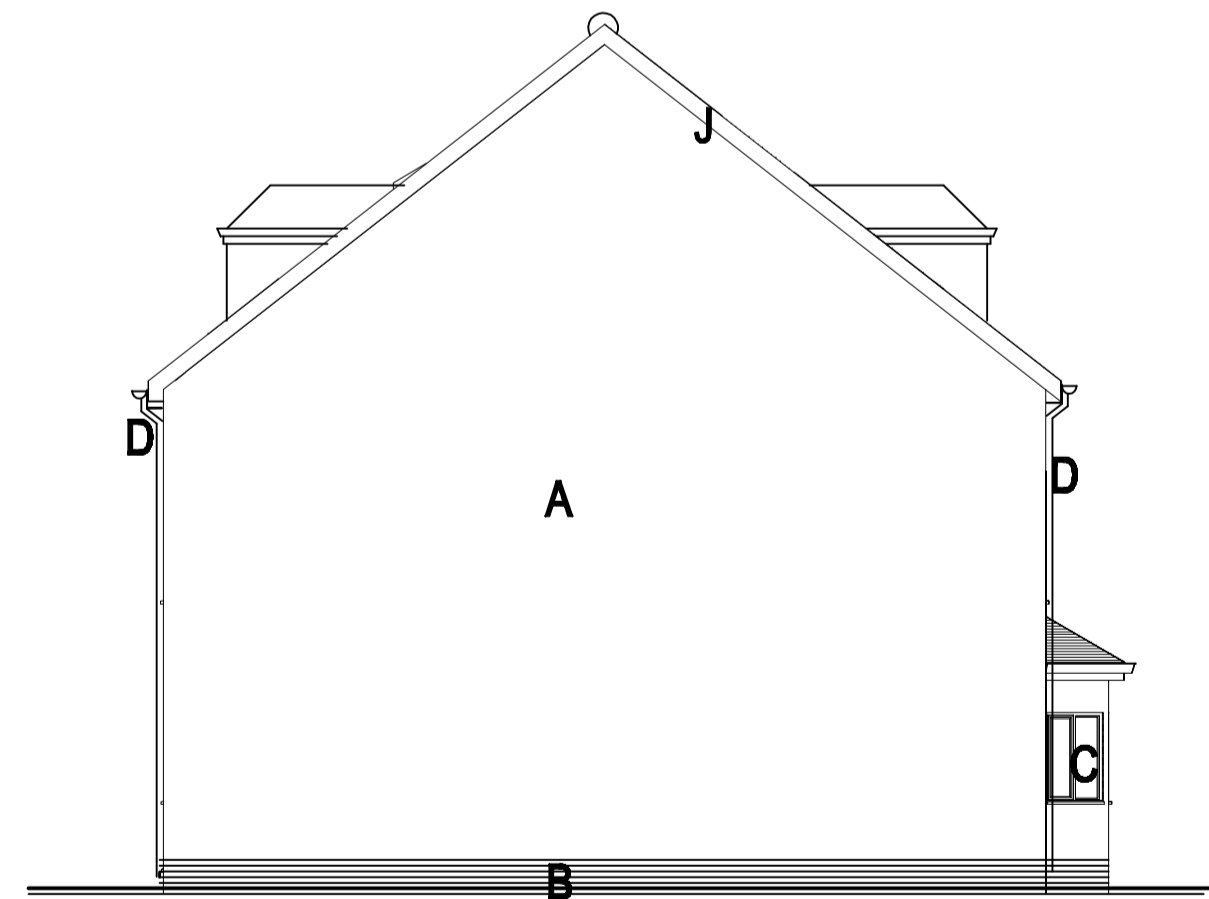
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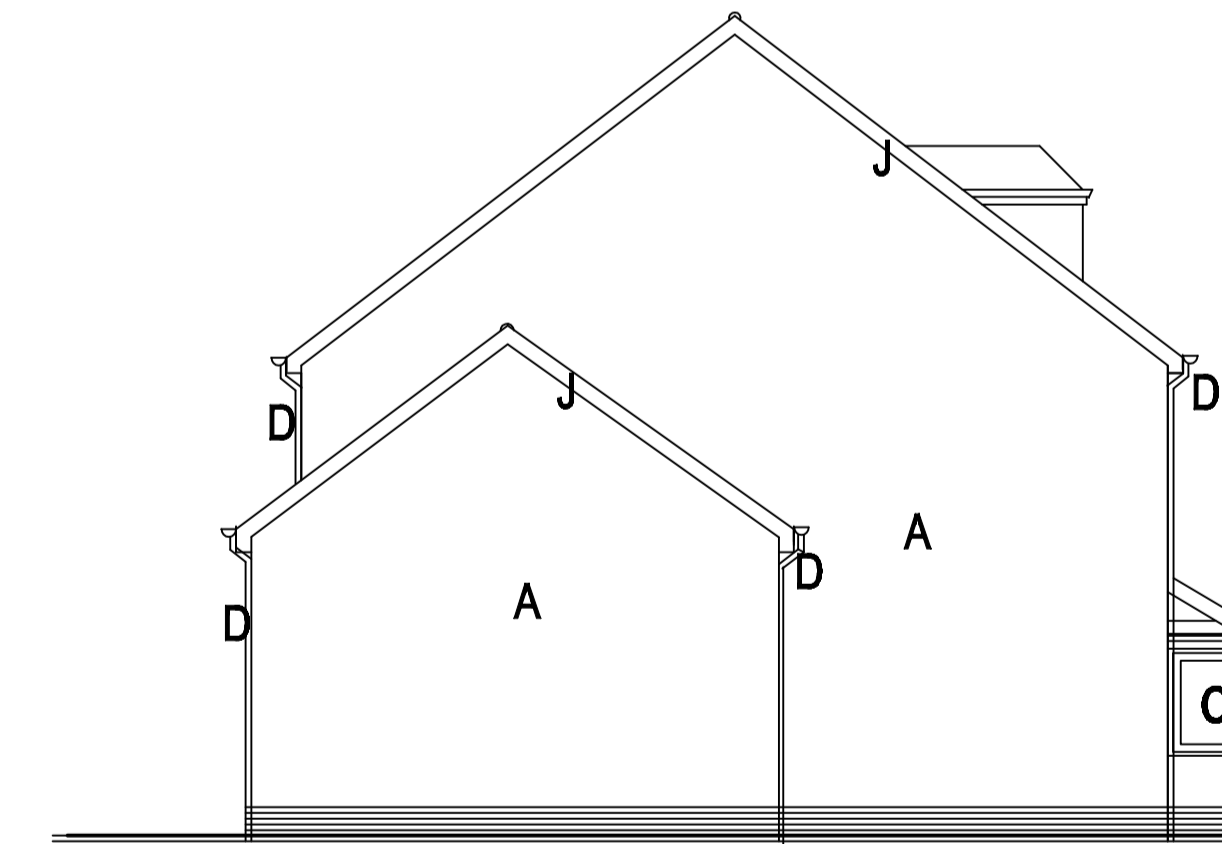
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SIDE ELEVATION HOUSE  
TYPE B 1:100



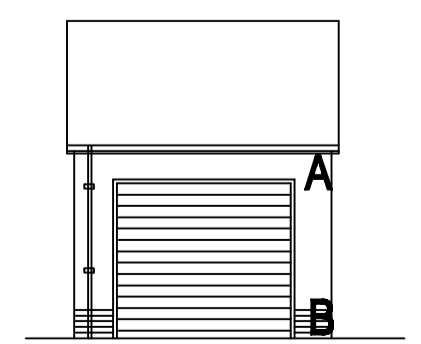
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HOUSE TYPE A 1:100



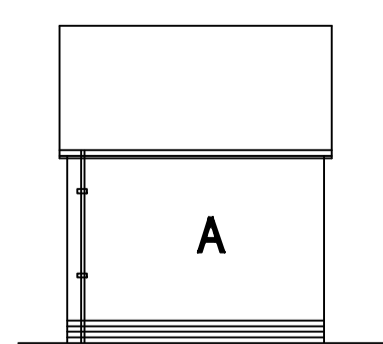
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SIDE ELEVATION HOUSE  
TYPE A 1:100



PROPOSED SIDE ELEVATION  
HOUSE TYPE B 1:100

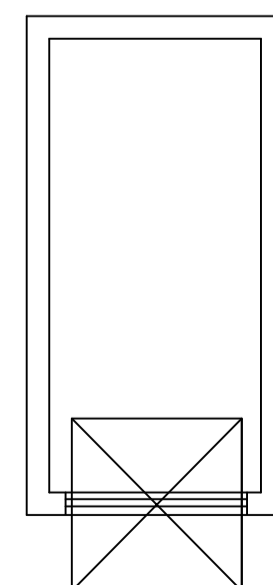


PROPOSED FRONT  
ELEVATION DETACHED  
GARAGE 1:100



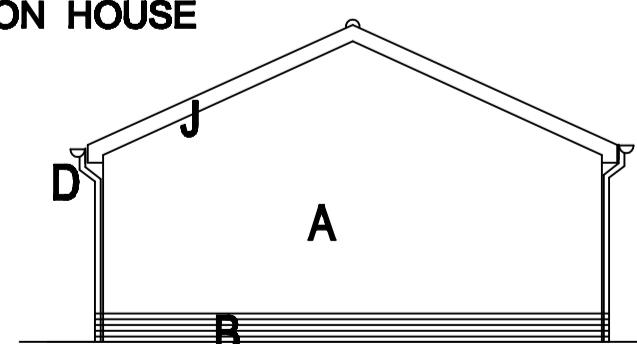
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ELEVATION DETACHED  
GARAGE 1:100

B

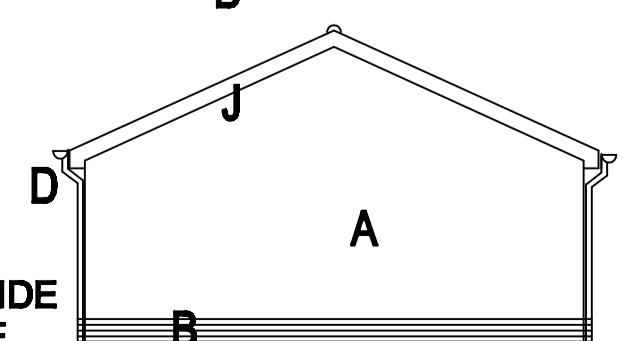


PROPOSED PLAN  
DETACHED GARAGE 1:100

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

11 March 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 At your last meeting Committee resolved to visit the site.
- 1.2 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<br>26/6/15                         |
|     | DC/13/56272 | Proposed revision to DC/12/54776<br>To increase size of rear dormer                            | Refused<br>24/10/13<br>Appeal<br>Dismissed. |
|     | DC/12/55146 | Proposed conservatory, and new shed.   | Approved                                    |

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 6 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 overall number of bedrooms would remain the same at 9. 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).

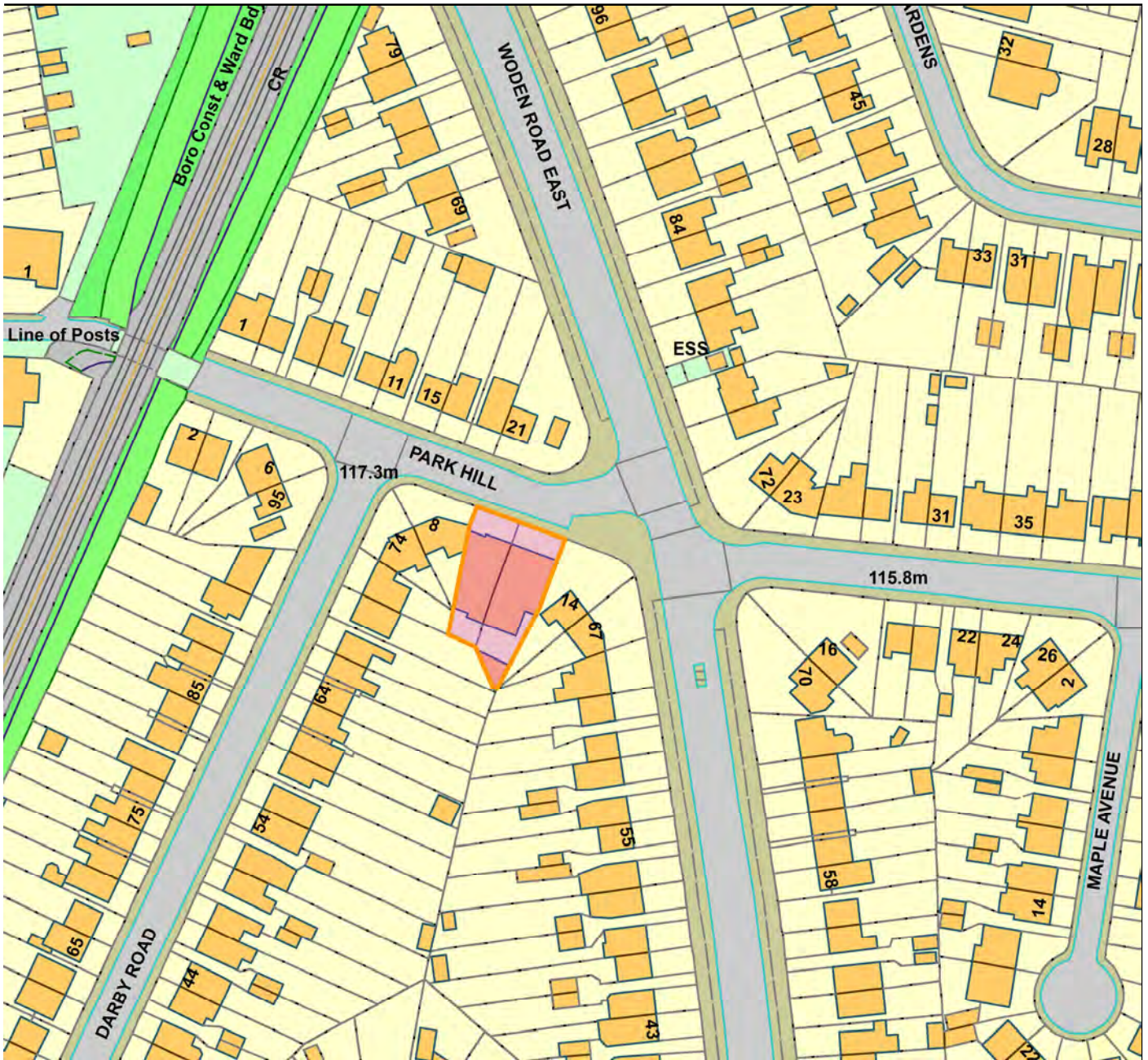
## **20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

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



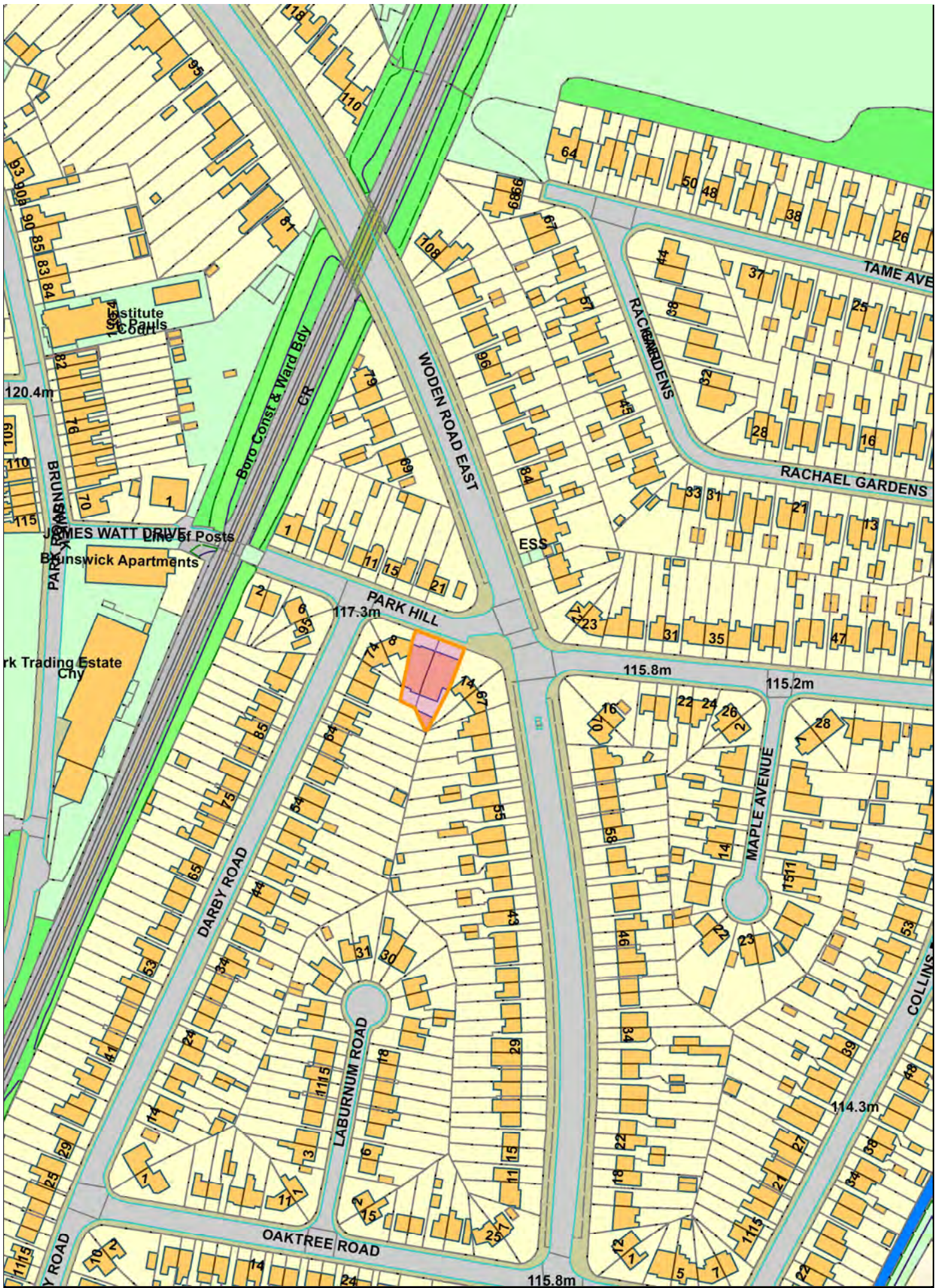
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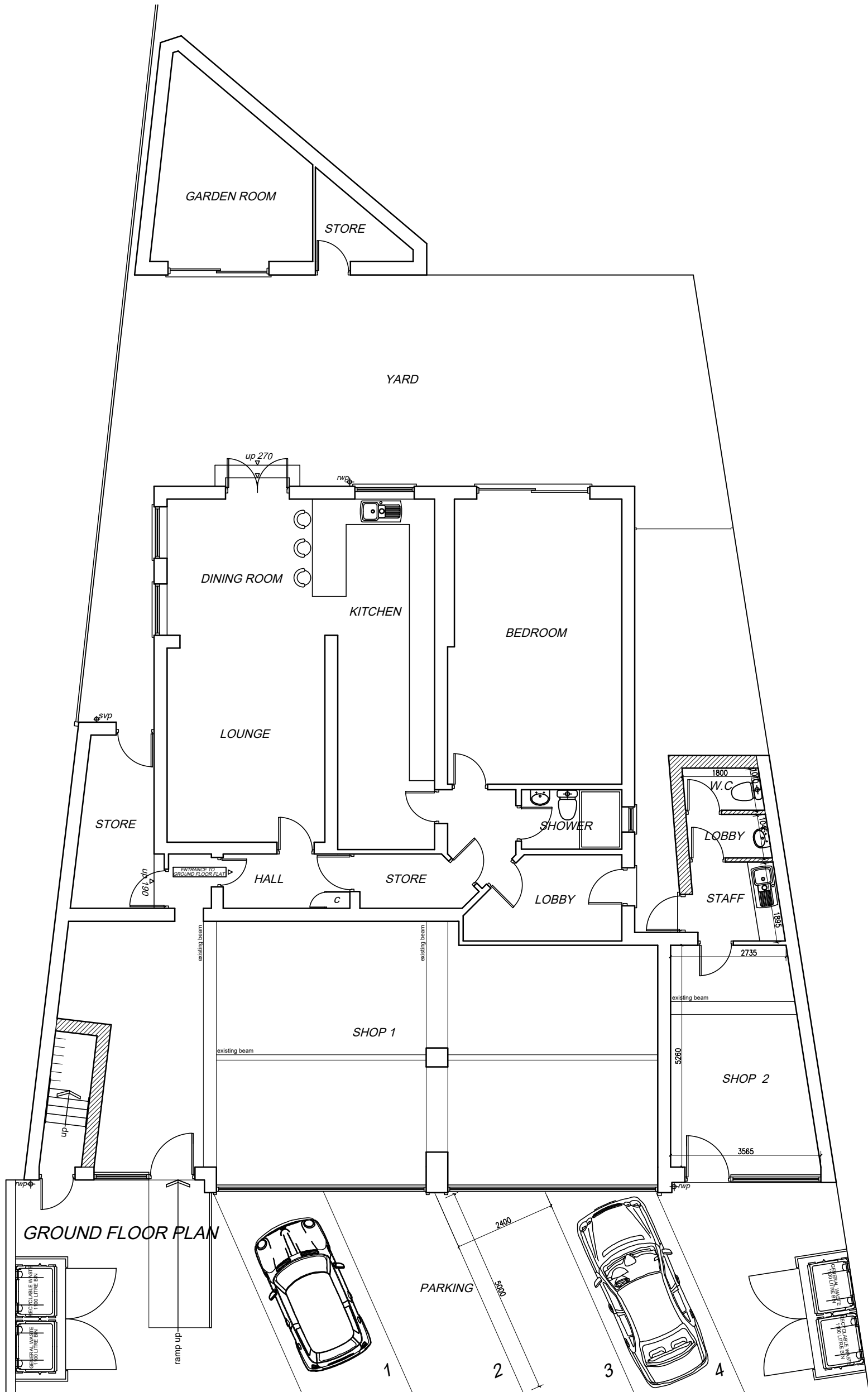
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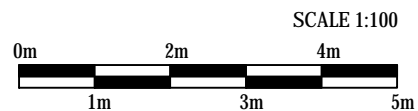
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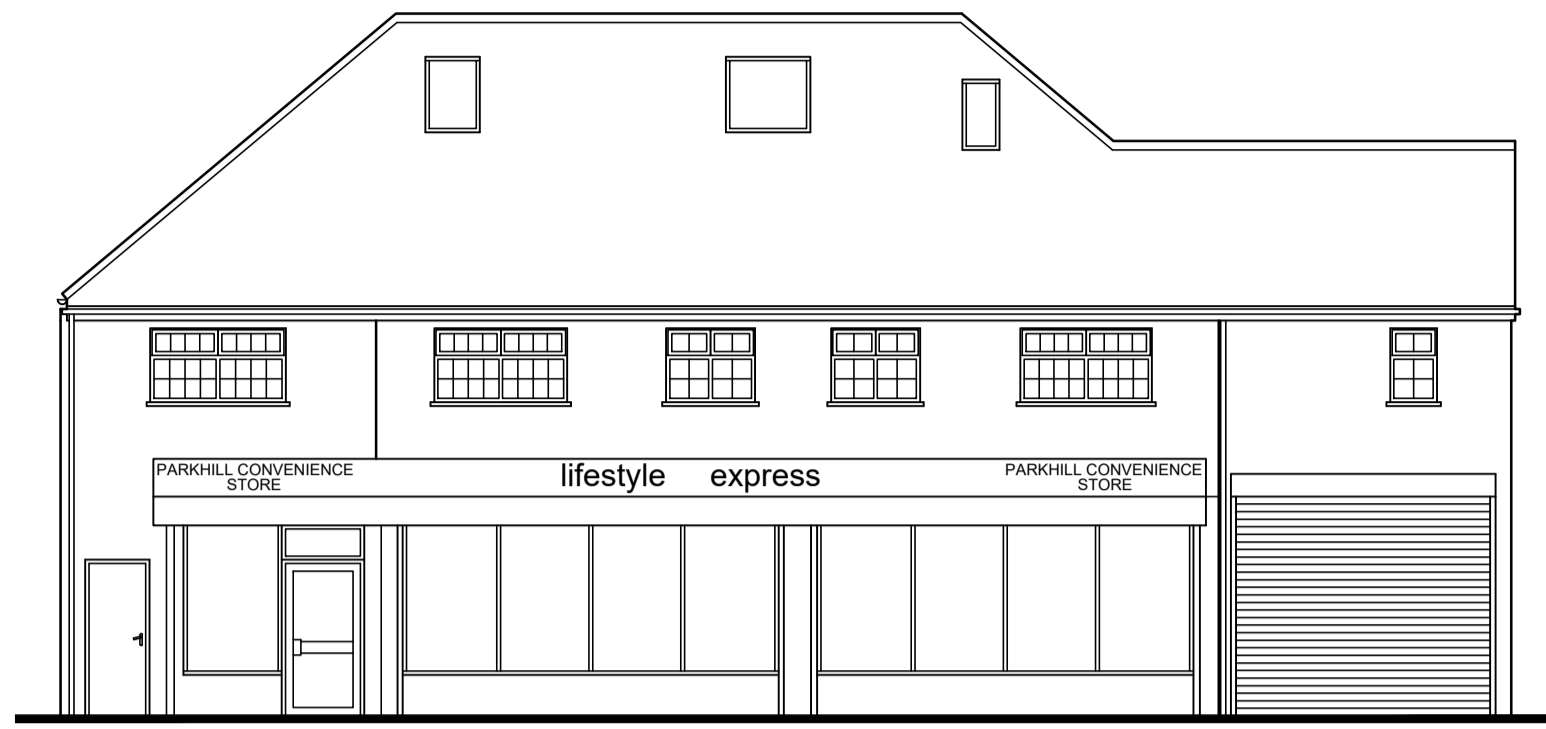
FOOTPATH

○ LAMP POST

PARK HILL

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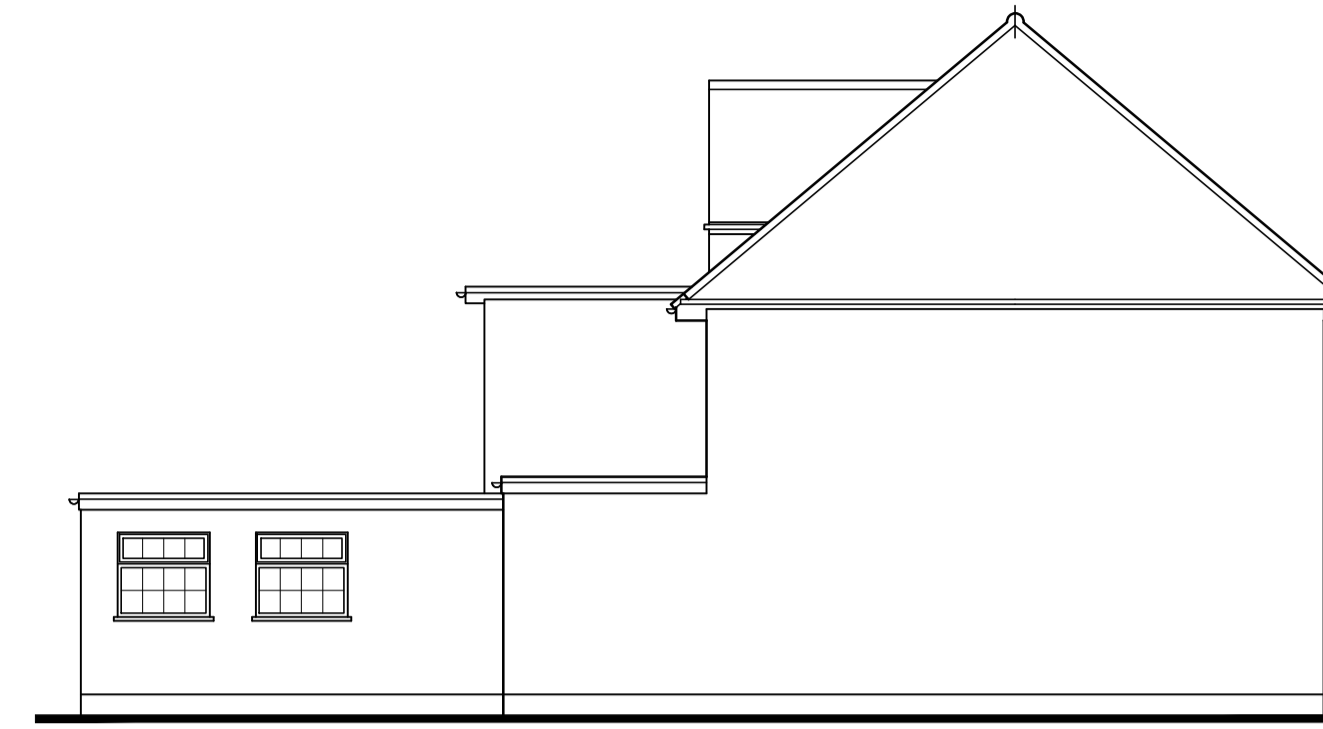




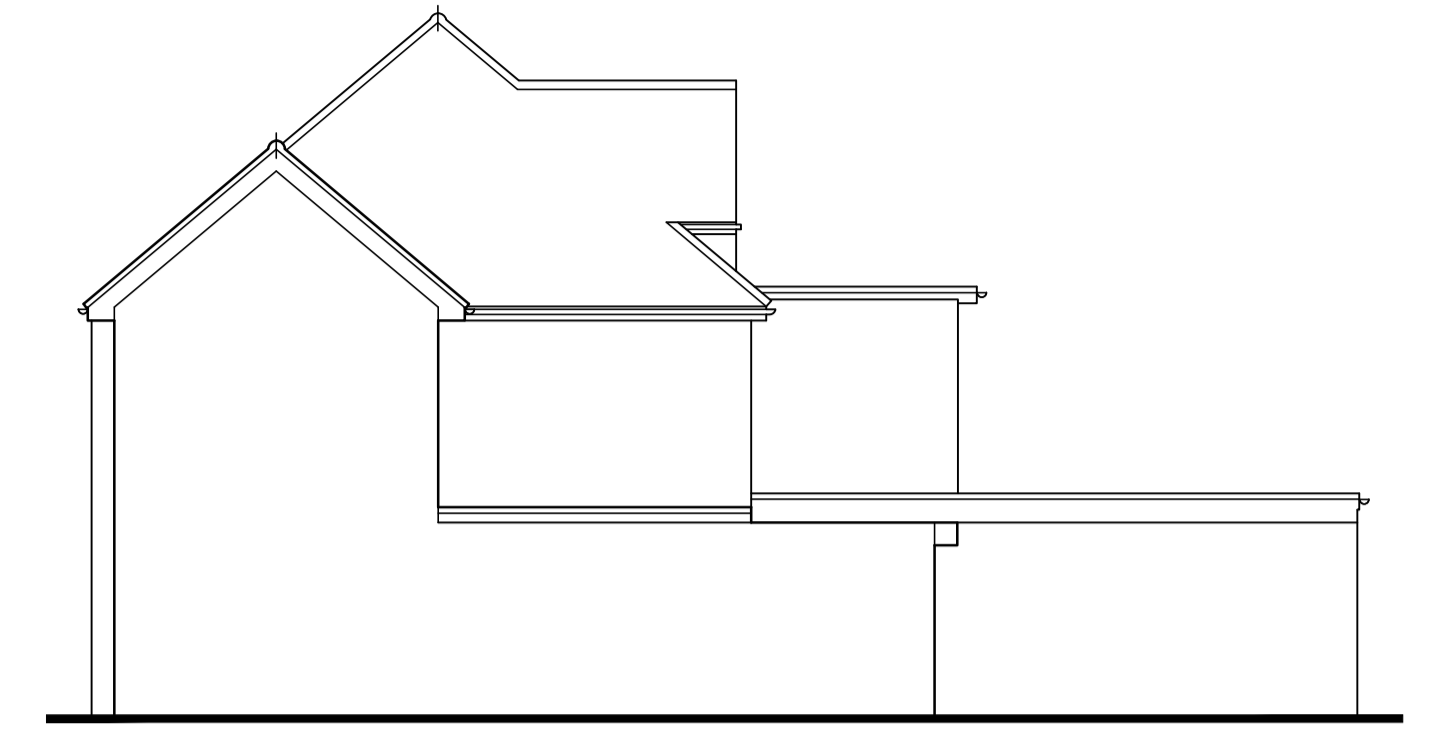
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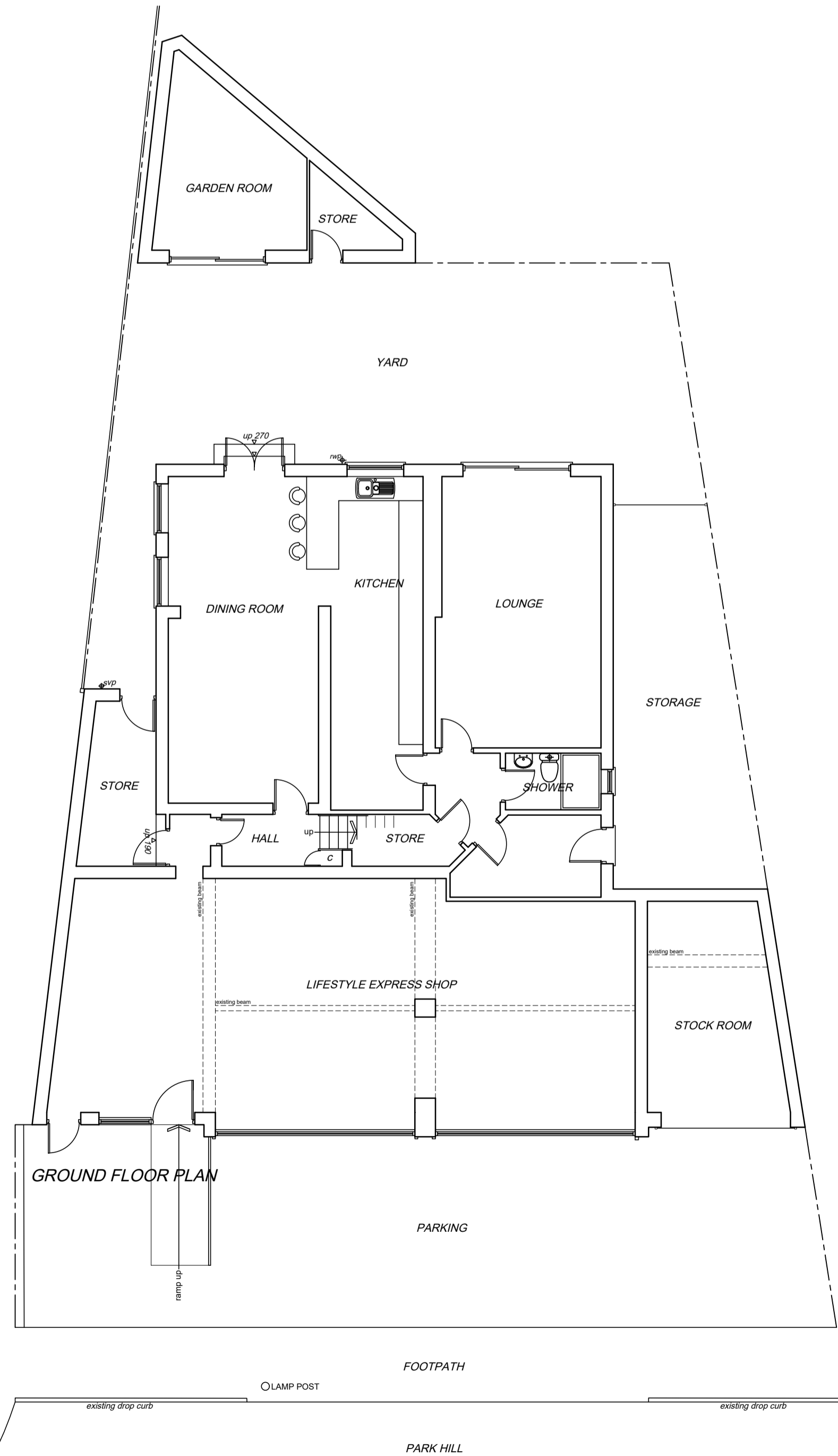
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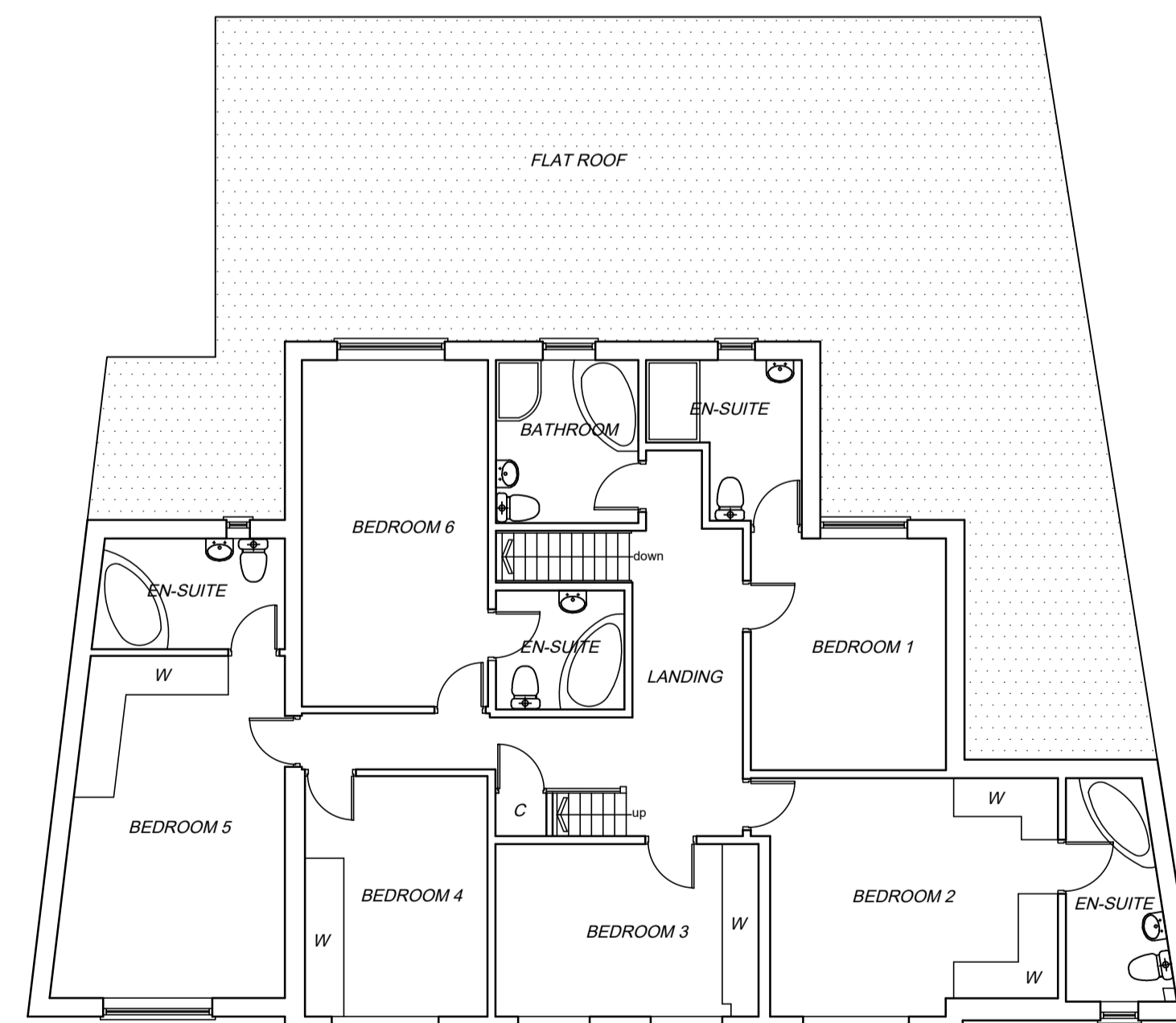
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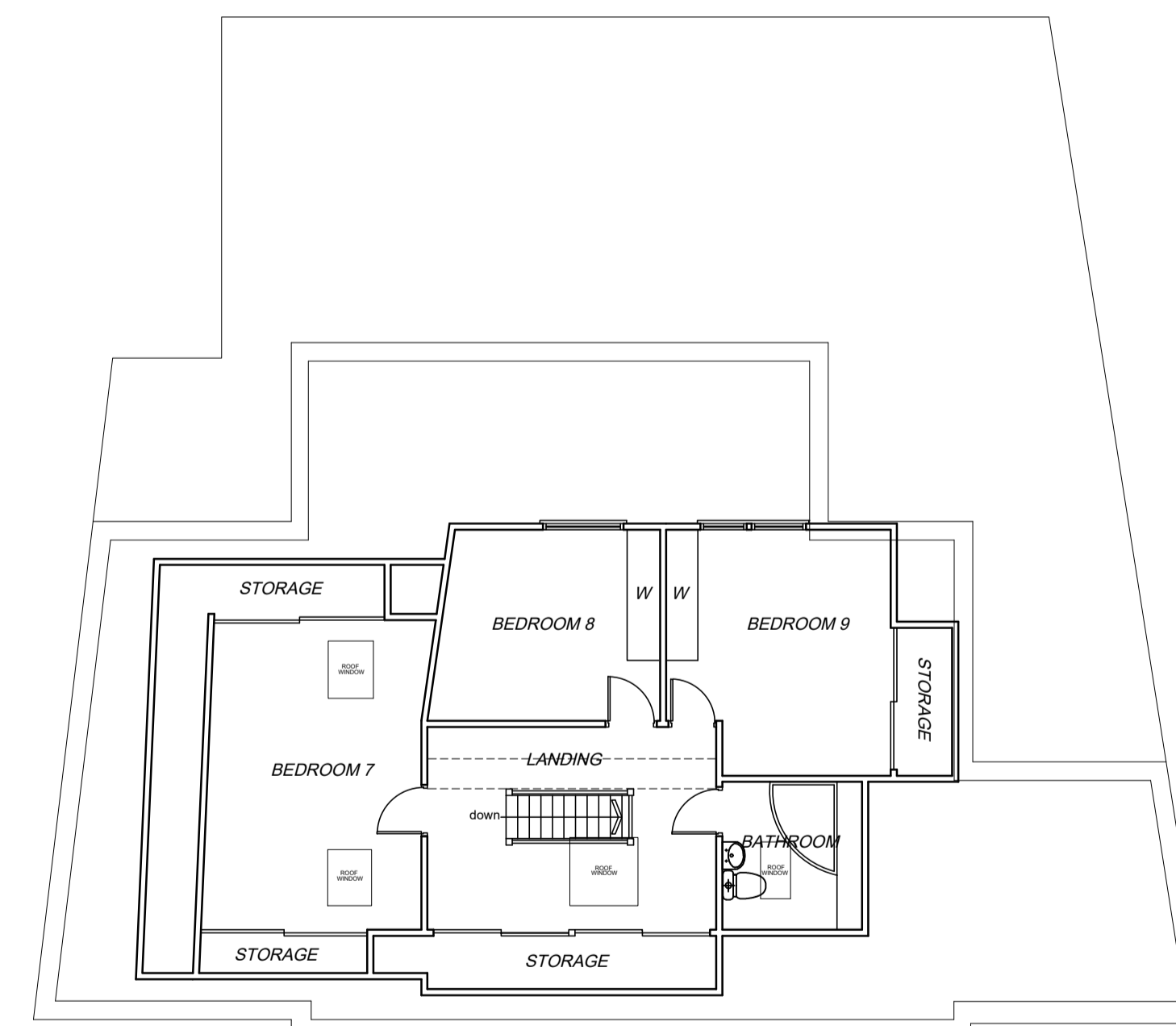
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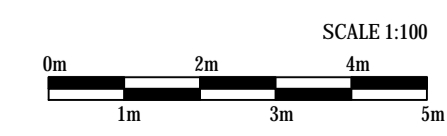
GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN



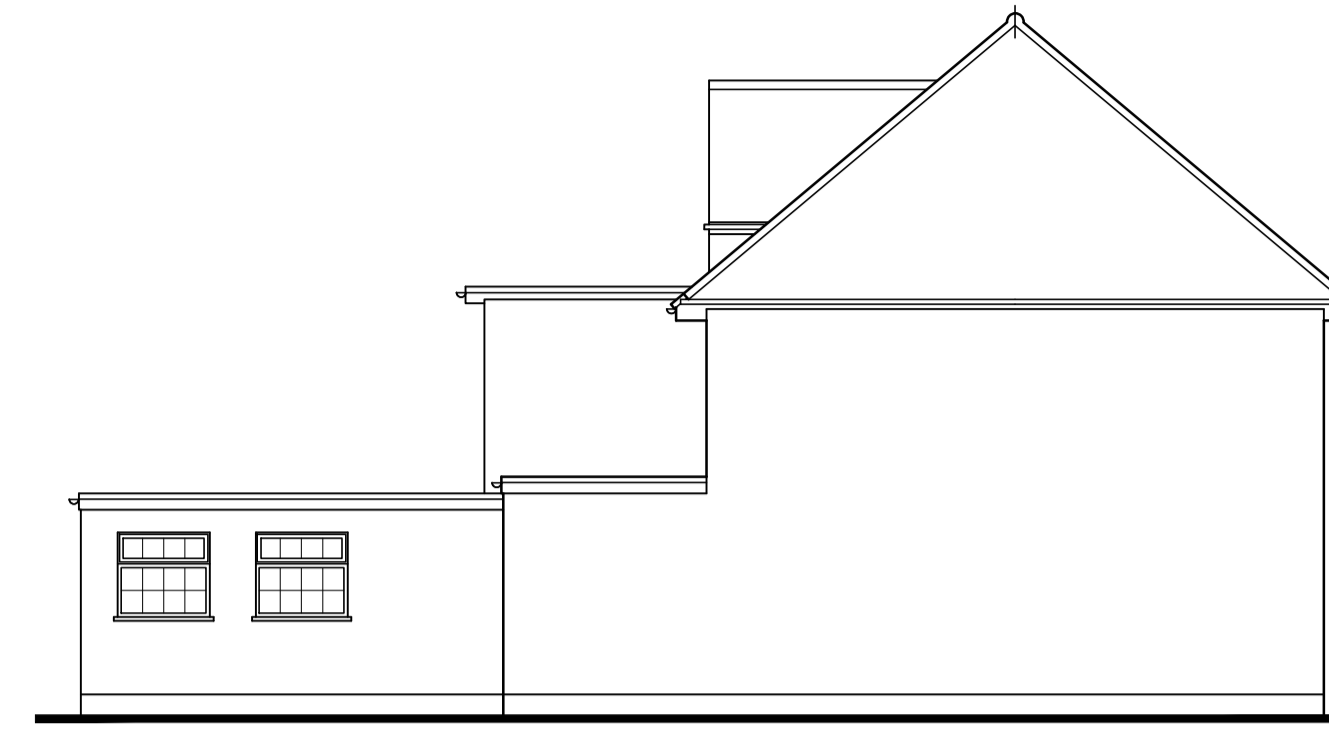
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<p><b>Sdb architecture</b> DESIGN, PLANNING &amp; PROJECT MANAGEMENT 20 B&amp;Ignorth Road, Wombourne, Staffs. WVS 0AA Tel: 01902 894517 Mob: 07866454194 Email: petertyle@sevendesignbuild.com</p>		
PROJECT		
PROPOSED GROUND FLOOR SALON & HMO ON FIRST 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@A1	DATE 12.06.19
DRAWING No:	2155/S1	
		REV



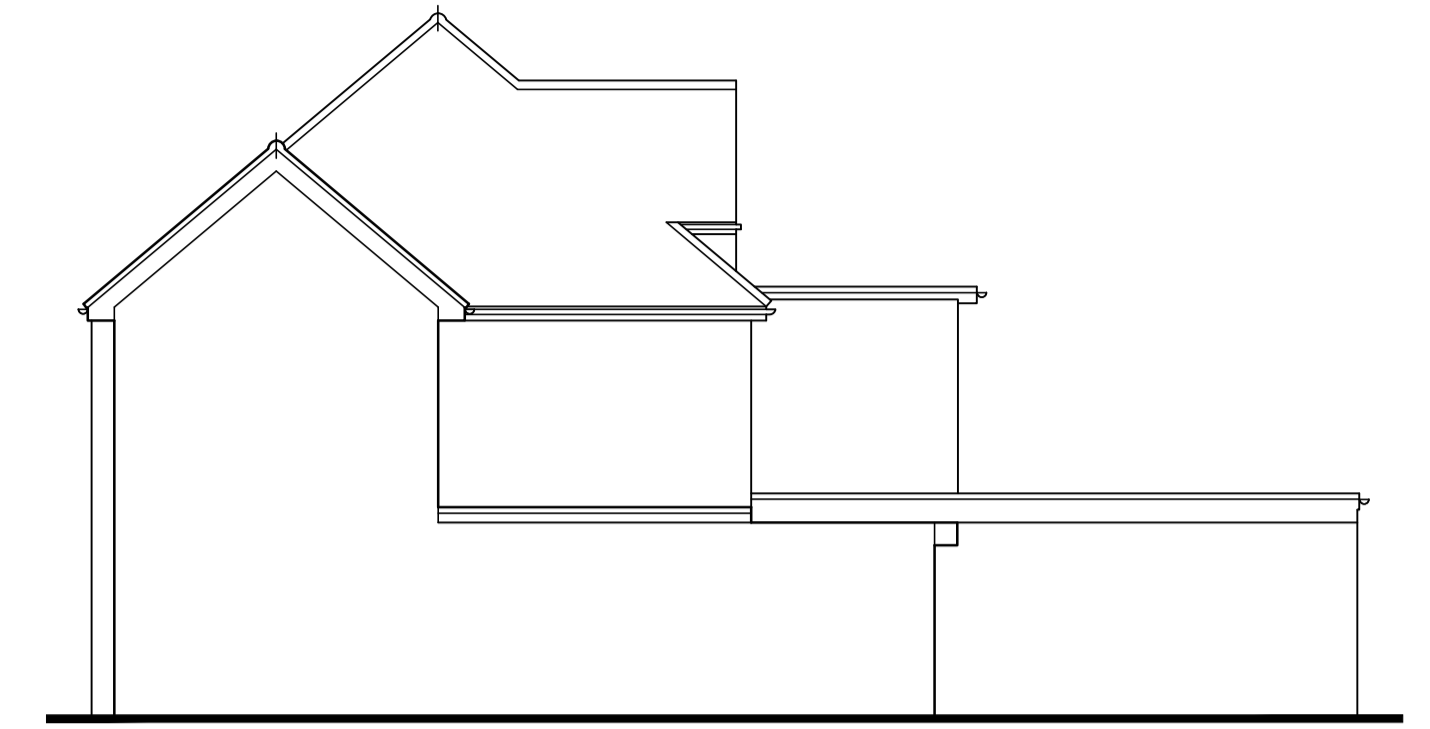
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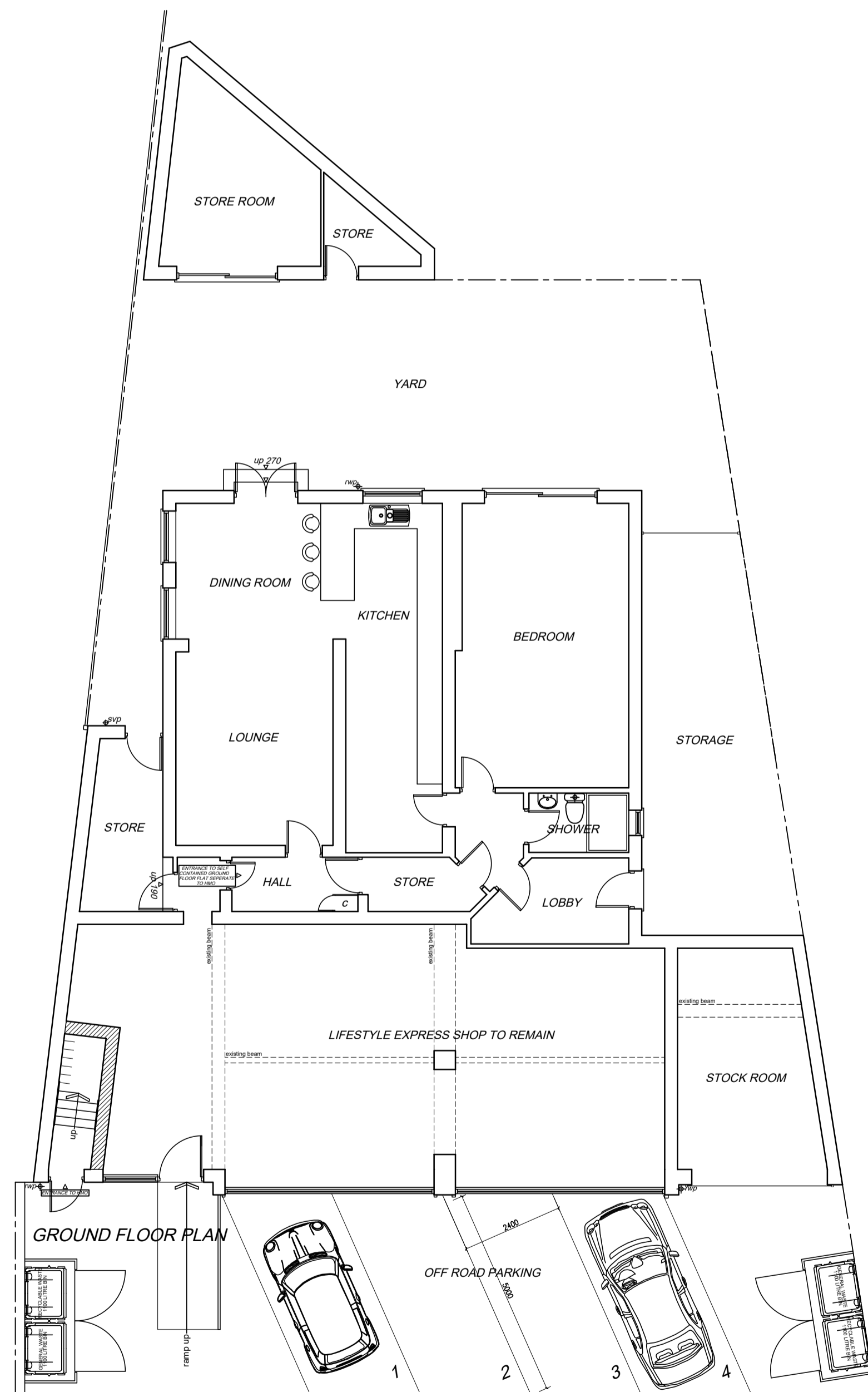
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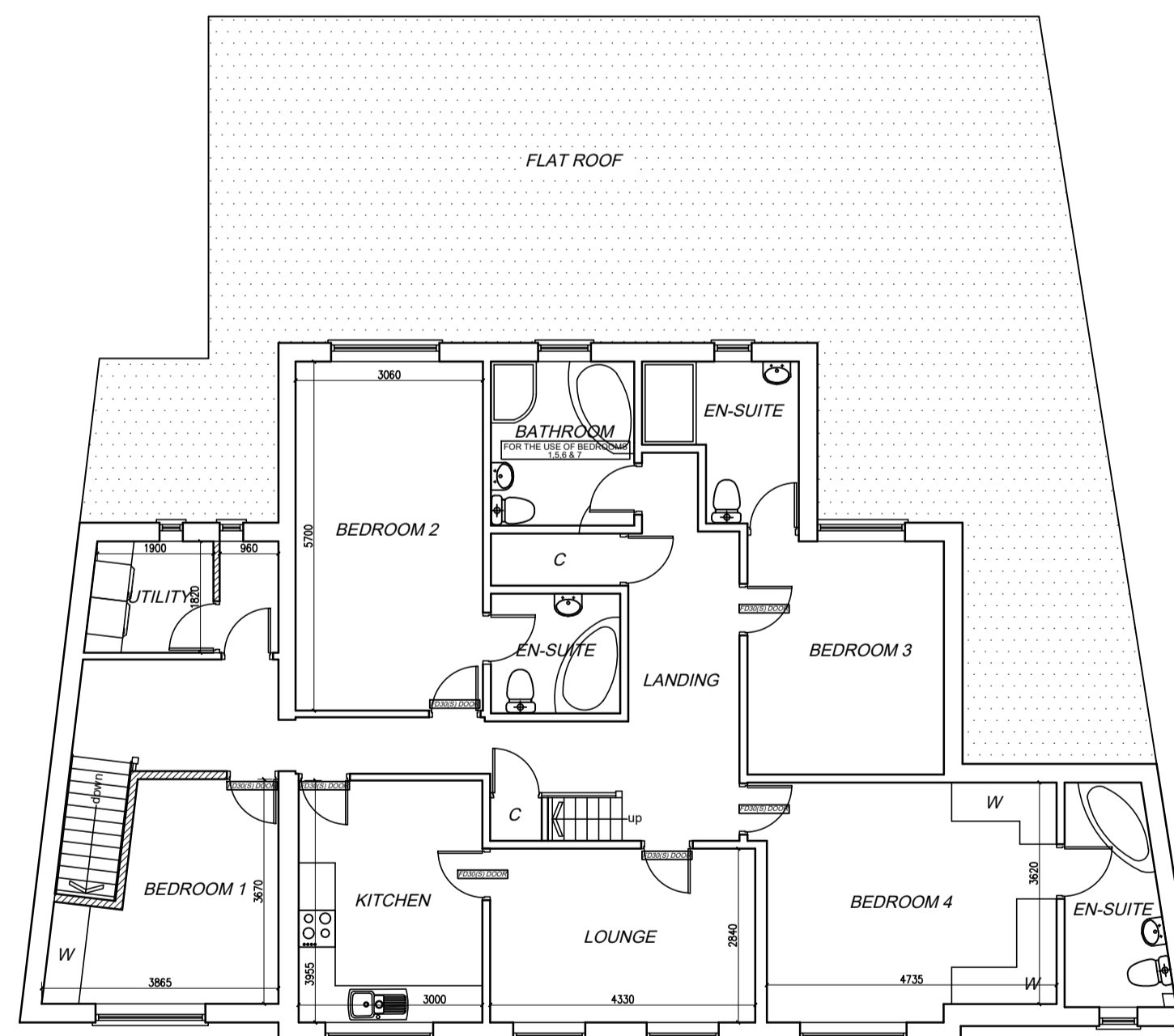
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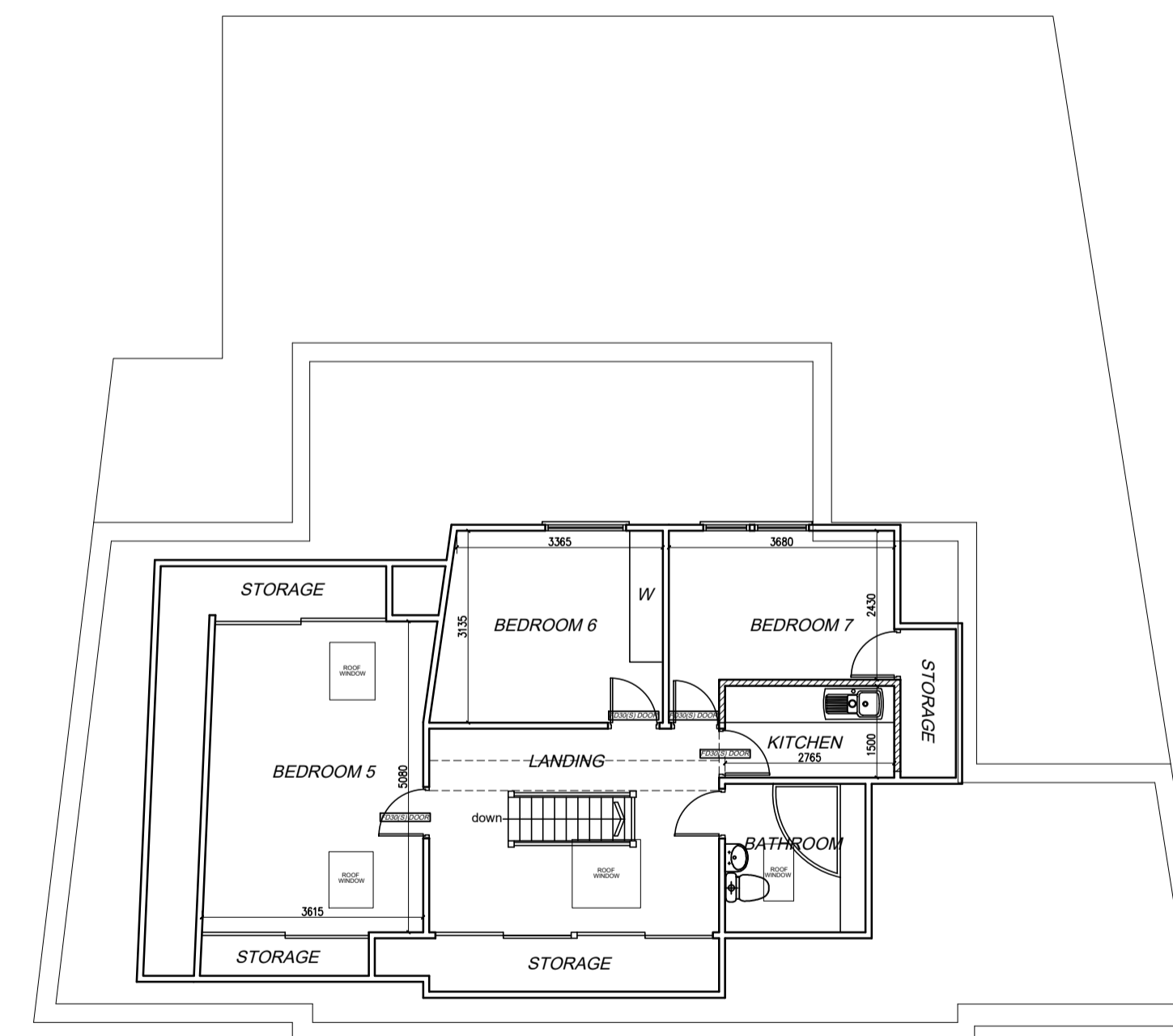
SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN

**FLOOR AREAS:**

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

**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

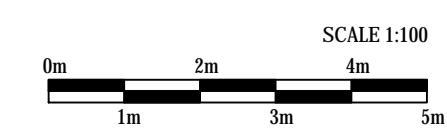
**Sdb architecture**  
 DESIGN, PLANNING & PROJECT MANAGEMENT  
 20 B&Igroth Road, Wombourne, Staffs. WV5 0AA  
 Tel: 01902 894517 Mob: 07866454194 Email: petertyle@seven-design-build.com

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

**11 March 2020**

<b>Application Reference</b>	DC/19/63633
<b>Application Received</b>	11 <sup>th</sup> October 2019
<b>Application Description</b>	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 re-cladding of existing Lion Farm shops and flats.
<b>Application Address</b>	Coniston, Derwent, Rydal, Ullswater & Windermere Houses, Badsey Road & Lion Farm Shops And Flats, Hartlebury Road, Oldbury
<b>Applicant</b>	Mr Phil Deery, Sandwell MBC, Sandwell Council House, Freeth Street, Oldbury, B69 3DE
<b>Ward</b>	Langley
<b>Contribution towards Vision 2030:</b>	 
<b>Contact Officer</b>	William Stevens 0121 569 4897 <a href="mailto:William_stevens@sandwell.gov.uk">William_stevens@sandwell.gov.uk</a>

### **RECOMMENDATION**

Grant approval subject to:

- i) Materials including colour of the proposed cladding panels,
- ii) Affordable Housing

## **1. BACKGROUND**

- 1.1 This application was originally reported to your Planning Committee because the Council is the applicant and landowner, and the proposal has generated local interest.

1.2 At the last meeting, Members resolved to visit the site.

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

2.1 The site relates to an existing flatted development. The material planning considerations which are relevant to this application are:

Government (NPPF) and local policy  
Loss of light, outlook and privacy  
Layout and density of building  
Design, appearance and materials  
Access, highway safety, and parking

## **3. THE APPLICATION SITE**

3.1 The application site is split over several blocks of flats in two locations.

3.2 The larger of the two sites relates to five, three-storey, individual blocks of flats on the north-western side of Badsey Road, Oldbury on the Lion Farm Estate. These blocks of flats are known as Windermere House, Coniston House, Rydal house, Derwent House and Ullswater House.

3.3 The second site is contained with the Lion Farm shops themselves, which is within a local centre on the northern side of Hartlebury Road, Oldbury.

## **4. PLANNING HISTORY**

4.2 There is no relevant planning history.

## **5. APPLICATION DETAILS**

5.1 The applicant proposes to erect four additional flats by creating a fourth floor to each of the five existing blocks (Windermere House, Coniston House, Rydal house, Derwent House and Ullswater House), totalling 20 new flats.

5.2 The level roof of the flats would be replaced by a new pitched roof, the façade of the flats would be re-clad, and the two main entrances to each block of flats will be extended, where an internal lift and modified staircase would be fitted.

5.3 Externally, an additional 25 car parking spaces will be provided, and external spaces, including pathways, updated.

- 5.4 With regards to the Lion Farm shops and flats; the applicant proposes a new pitched roof, new shop fronts with roller shutters and front canopies, and the whole building will be re-clad.
- 5.5 This is a Council application, and the properties will be socially rented. However, some of the existing residential units are privately owned.

## **6. PUBLICITY**

- 6.1 The application has been publicised by 374 neighbour notification letters, by site notice and press notice. Out of these, four objections have been received.

### **6.2 Objections**

Objections have been received on the following grounds: -

- (i) The creation of a new flat above the objector's property would affect the right to quiet enjoyment;
- (ii) The objector brought the flat knowing it was a top floor flat in a low-rise development;
- (iii) The planning application was the first time that residents were notified about the scheme; and
- (iv) The front garden to flat 7 Rydal House will be lost.

Immaterial issues have been raised regarding loss of the value of the flats, increase in service charges and the cost and inconvenience of relocation whilst the works are being carried out.

### **6.3 Responses to objections**

- (i) Noise attenuation between flats is covered by Building Regulations;
- (ii) The comments are noted and the concerns of the owner/occupier have been passed onto the applicant;
- (iii) The local planning authority always encourages developers to carry out their own public consultations prior to the submission of a planning application. It seems that whilst this is a Council application, no consultations with residents was carried out prior to the application being received. Again, this has been brought to the attention of the applicant; and

- (iv) The areas outside the front of the flats are communal spaces, and are not for solely enjoy one flat to enjoy.

## 6.4 **Support**

One email of support has been received stating that the properties are currently in a very poor state, and that work is needed to bring the block of flats back to an acceptable standard.

## 7. **STATUTORY CONSULTATION**

### 7.1 **Severn Trent**

No objection subject to their standard conditions being attached to any approval.

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

The Environmental Health Team have recommended that electric vehicle charging points should be installed on the newly created car parking spaces. However, these spaces are disconnected from the residents they would serve and the remote location would make them a target for vandalism. Therefore, in this instance I do not consider that the it would be reasonable to condition this requirement.

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

Conditions have been recommended regarding opening times, odour and noise control of the existing hot food takeaway on the Lion farm shops. However, as this application only relates to the cladding of the premises and not the actual use of the unit, conditions cannot be enforced on historic permissions.

### 7.4 **West Midlands Police**

No objections have been received. The comments received relates to the improvement of security, and these comments have been passed on to the applicant.

### 7.5 **Healthy Urban Development Officer**

Conditions regards electric vehicle charging points have also been recommended. See point 7.2

### 7.6 **Highways** - No objections

### 7.7 **Cadent** - Their standard advice has been sent to the applicant.

## 7.8 Access Alliance

Has requested that the entrance door to the extended new entrances have a doors width of 1.0m. These comments are not planning related but have been passed onto the applicant.

## 7.9 Planning Policy - No objection

## 7.10 Urban Design

Concerns have been raised over the size of the proposed flats. The Council's minimum size of flats for a two-bedroom property is 60sqm, whereas the proposed flats internal space ranges from 55sqm to 60sqm, mirroring those units below. Therefore, I have little concern.

The Council's Urban Design Team are uneasy about the colour of the proposed cladding however final colour details can be conditioned.

Concerns has also been raised over the height of the development in relation to the adjacent two-storey residential units on Badsey Road, Oldbury. In my opinion, the properties are angled from each other which would not cause any significant loss of light, outlook or privacy issues, and furthermore, no objections were received from the occupiers of the nearest properties.

## 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:-

- 9.2 HOU1: Delivering sustainable Housing Growth  
HOU2: Housing Density, Type and Accessibility  
HOU3: Delivering Affordable Housing  
ENV3: Design Quality  
SAD EOS9: Urban Design Principles

- 9.3 With regard to policies HOU1 and HOU2 the site already provides housing but this proposal will provide additional homes to meet future needs.

- 9.4 HOU3 sets out the requirement of 25% affordable housing. This development would provide 100% socially rented homes and can be conditioned accordingly.
- 9.5 ENV3 and SAD EOS9 refers to well designed schemes that provide quality living environments. The proposal is broadly considered to be acceptable in spatial standards and will enhance the tired appearance of the existing flats and shops.

## **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:

### **10.3 Loss of light, outlook and privacy**

As indicated in 7.10 above the relationship of the existing two-storey residential units on Badsey Road to the proposed development have been considered, but as they are angle away from each other it is considered that existing residents will not be significantly affected.

### **10.4 Design, appearance and materials, layout and density of building**

It is my opinion, that the proposal would enhance the design of the blocks of flats, whilst providing quality new homes.

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

The Council's highways Department have raised no issues.

### **10.8 Affordable housing**

The scheme provides 100% Council housing provision and conditions can be imposed to ensure that the affordable housing policy is complied with.

## **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 It is understood that occupiers of the privately-owned flats may have reservations, as there are significant questions that need to be answered by the applicant in terms of practicalities, but these are not material planning considerations.

12.2 In terms of the development itself, the proposal is of satisfactory design, that enhances the appearance of the blocks of flats (and those of Lion Farm shops), updating them, and providing lifts to the flats, making them more accessible to a wider range of tenants.

12.3 The 20 new properties will be Council owned, and increase much-needed affordable homes within the Borough.

12.4 Conditional grant of planning permission 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 The proposal is on Council owned land.

## **21. APPENDICES:**

Site Plan

Context Plan

00 ZZ AP(04) 01 S2

00 XX L-P(9-) 01 S2

00 ZZ AP(09) 01 S2

00 ZZ AP(06) 11 S2

00 ZZ AP(05) 12 S2

00 ZZ AP (04) 11 S2

00 ZZ AP (04) 12 S2

00 ZZ AP(04) 02 S2

SH ZZ AP(05) 01 S2

SH ZZ AP(05) 02 S2

SH ZZ AP(05) 03 S2

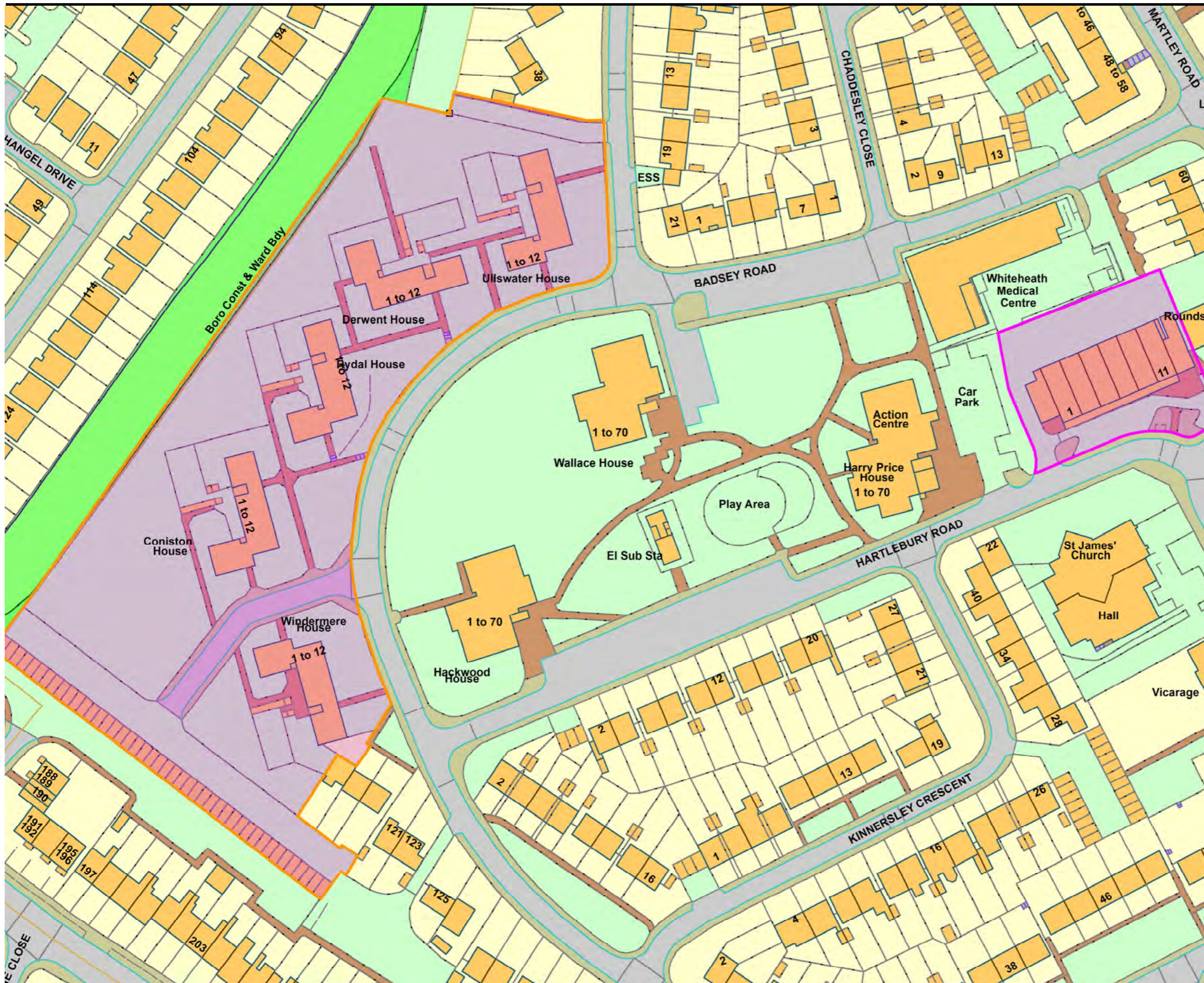
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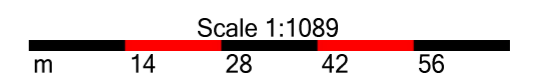
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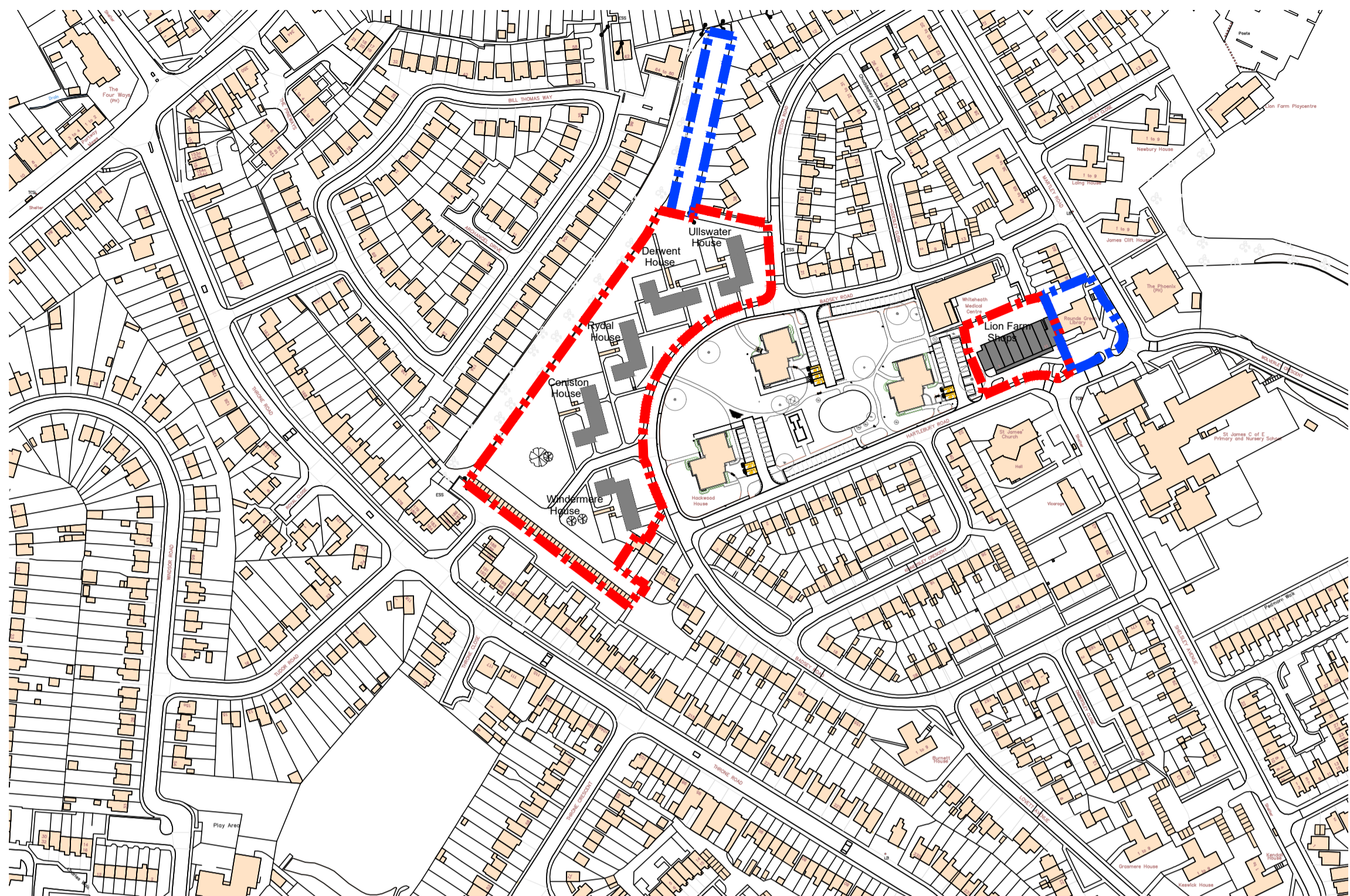
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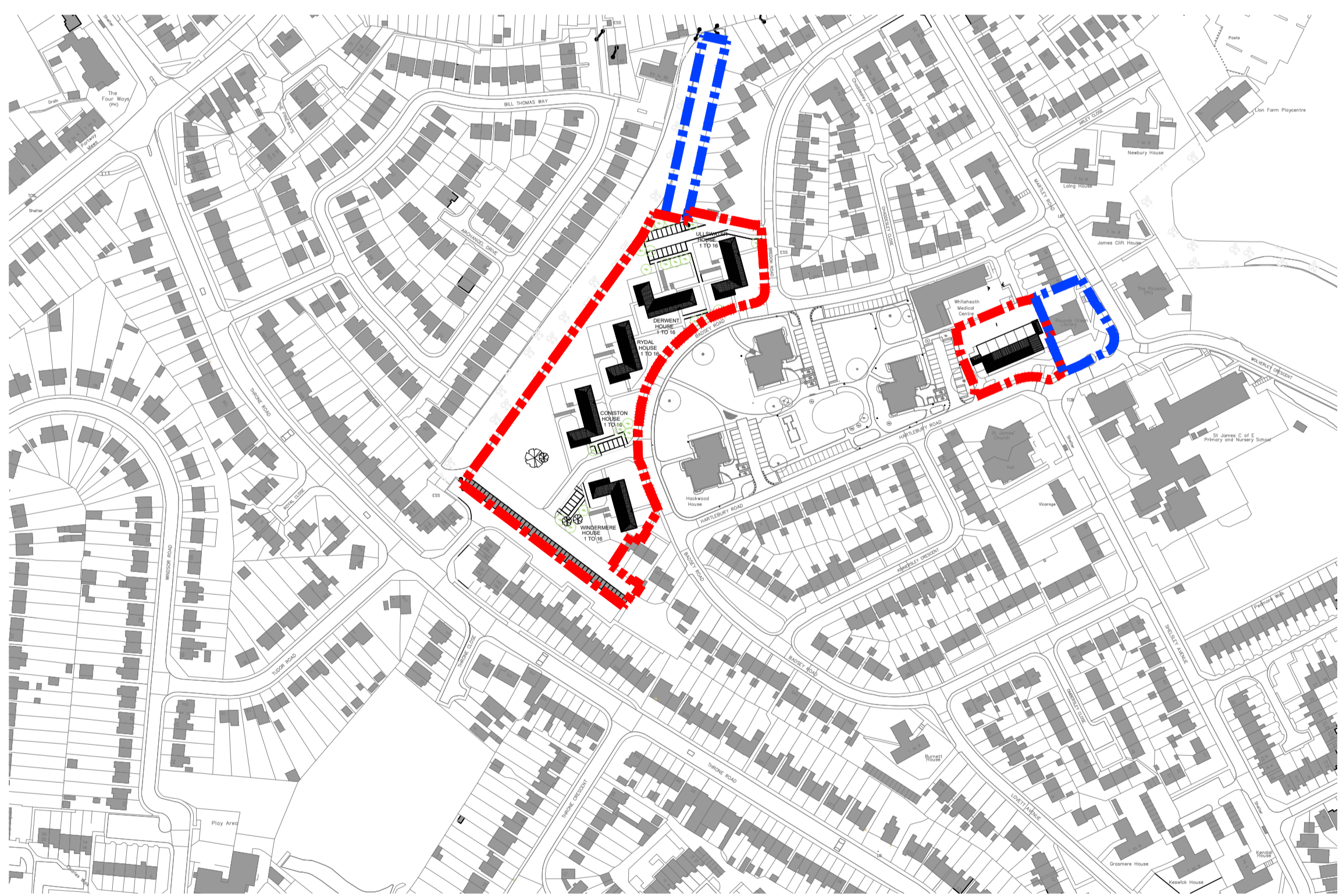
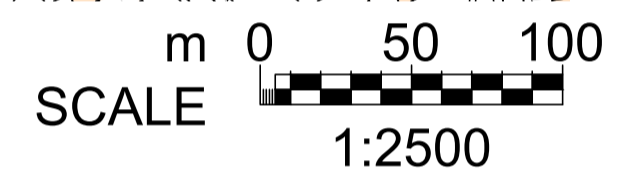
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Department	Not Set
Comments	Not Set
Date	22 November 2019

DC/19/63633

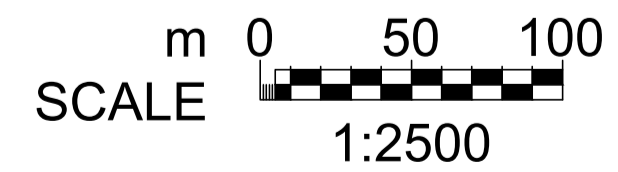




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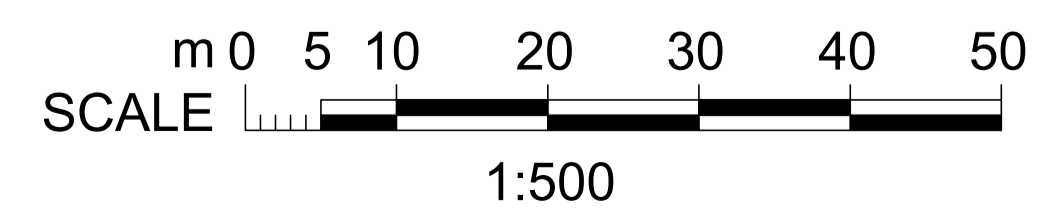
PROPOSED LOCATIONS PLAN  
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FOR 'LION FARM SHOPS' SITE PLAN  
REFER TO DRAWING Q17043 AP(04)02

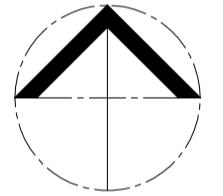


PROPOSED 'THE LAKES' SITE PLAN  
Scale 1:500



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

North Point:



Key Plan:

Rev	Date	Revision Note	By	Check



Project: Low Rise Refurbishment  
Location: The Lakes (All Blocks (5 No.))  
Badsey Road, Oldbury, B69  
Sheet title: The Lakes Existing & Proposed Site & Location Plan  
Status:

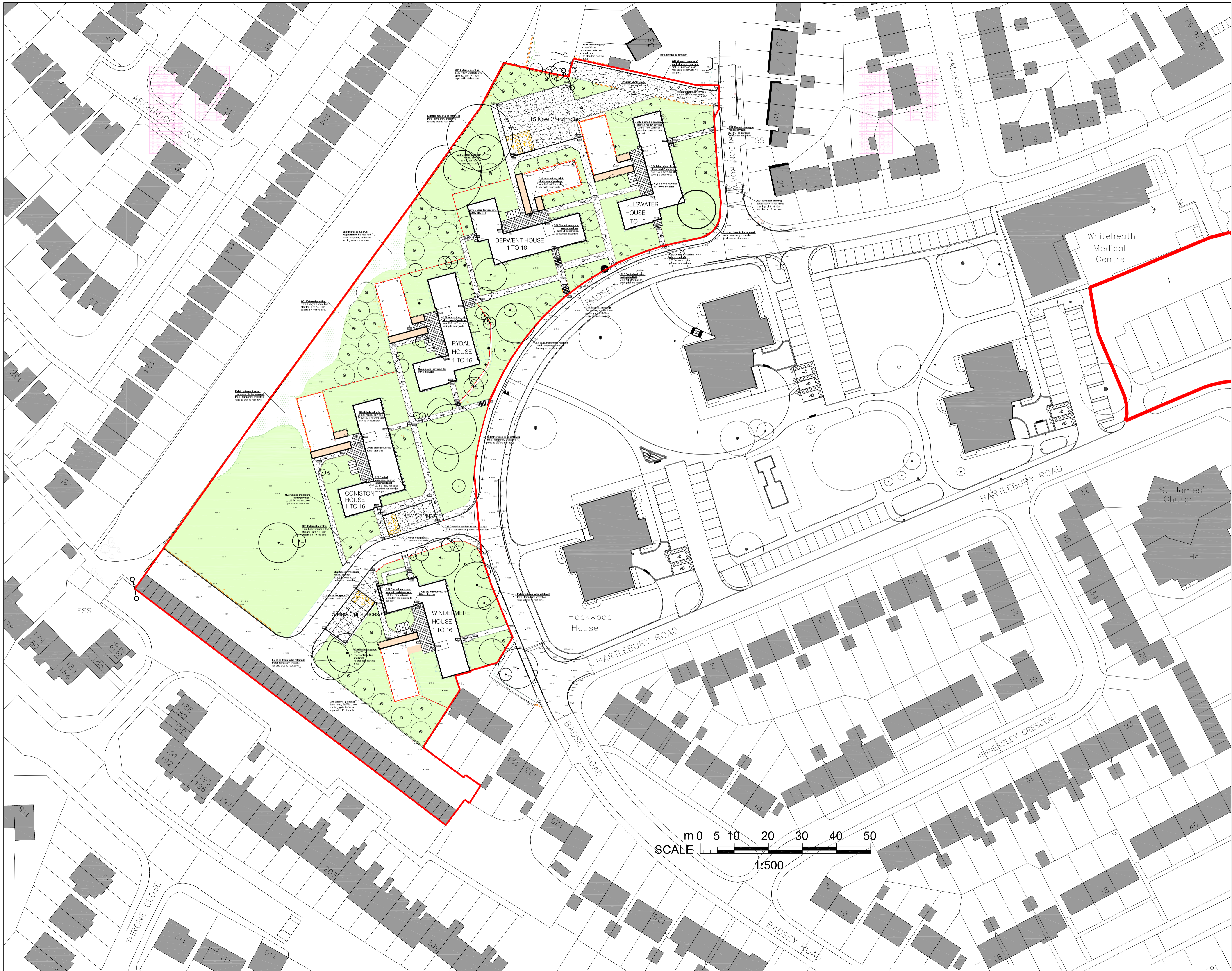
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pm	12/08/19	
Scale at A1	Scale at A3	
500/2500	1000/5000	

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

Job No: Q17043  
Contractors Drawing No. (if required):

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

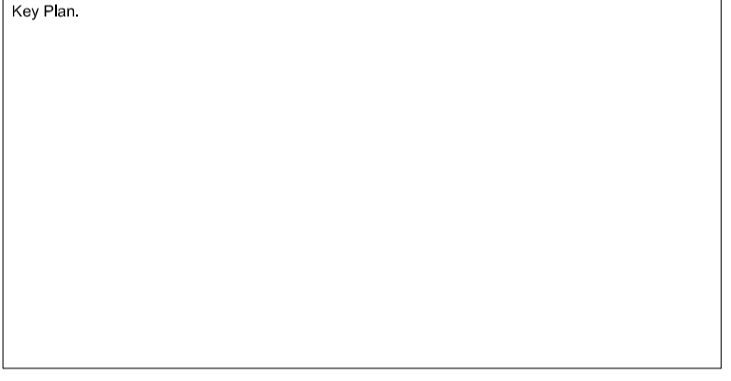
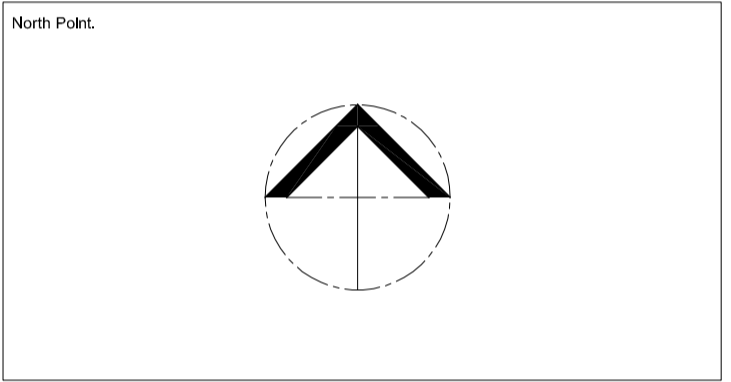




Notes  
The Contractor will be responsible for setting out the work.  
All dimensions must be obtained or checked on the site.  
Figure dimensions to be used in preference to scale.

**LEGEND**

- Site boundary
- Existing tree to be retained with protective fence surrounding Drip line
- Proposed extra Heavy Standard tree 14-16cms girth
- +164.38 Existing levels
- +164.38 Proposed levels
- Existing grass retained (Make good)
- Existing vegetation to be retained
- New Tarmac path
- New conc. slab paving
- New cycle shelter
- Drop kerb
- Proposed timber palisade to enclose gardens
- Retained timber palisade fence



Rev	Date	Revision Note	By	Check



Project: **Low Rise Refurbishment**  
 Location: **The Lakes (All 5No. blocks)**  
 Sheet title: **General Arrangement - Planning**  
 Status:

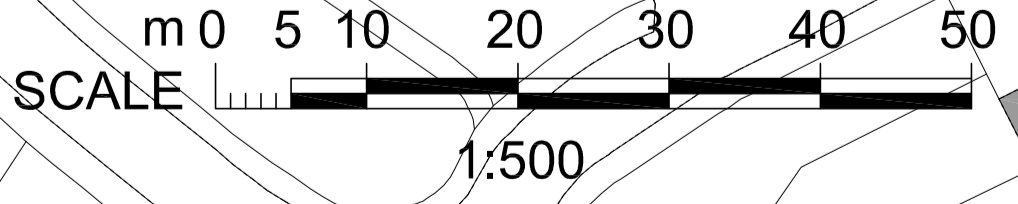
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G. Davis	04-10-2019	

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Zone	Level	Classification	Sheet No.	Subsidiary	Ver/Rev
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Job No: **Q17043**  
 Contractors Drawing No. (if required):

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



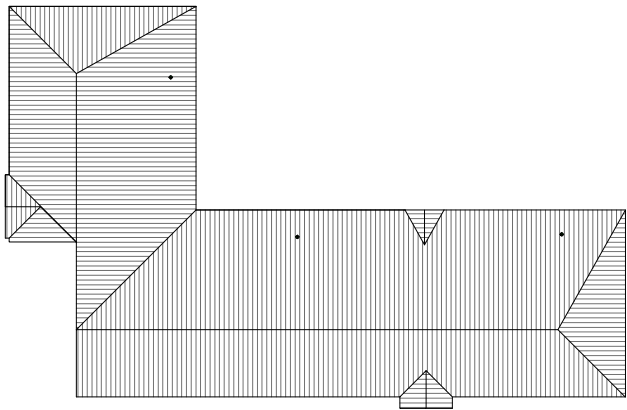








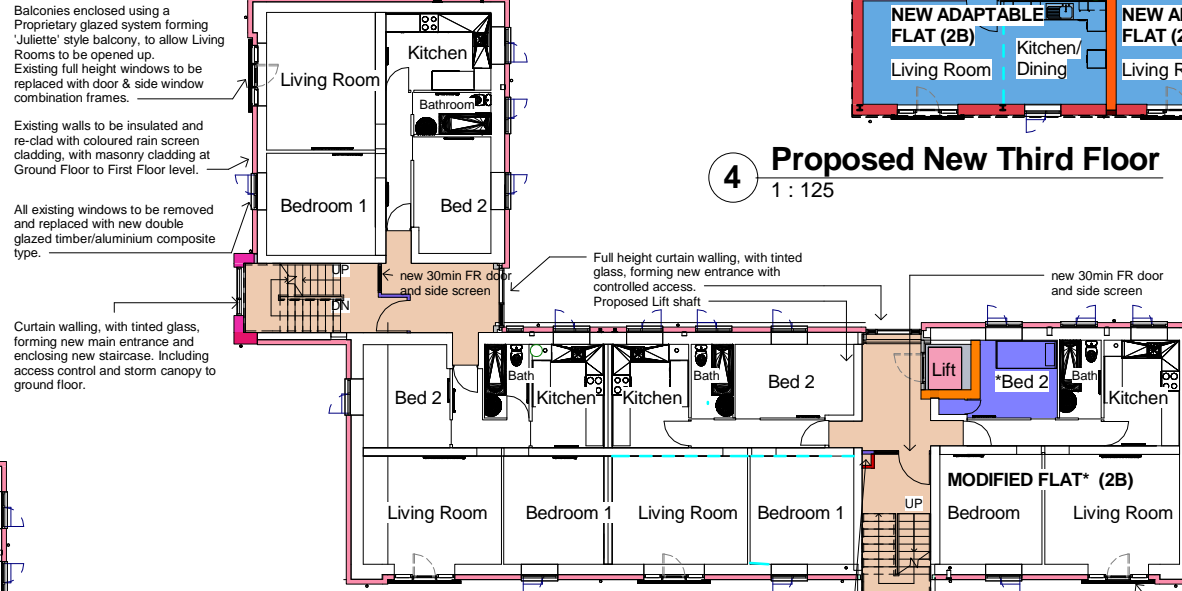




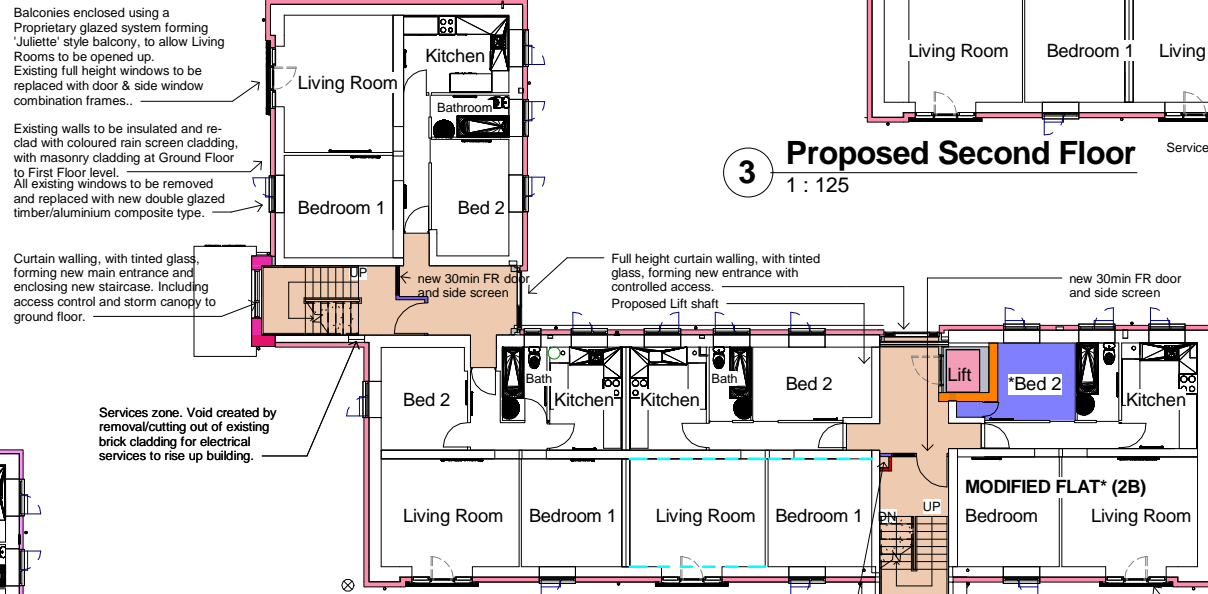
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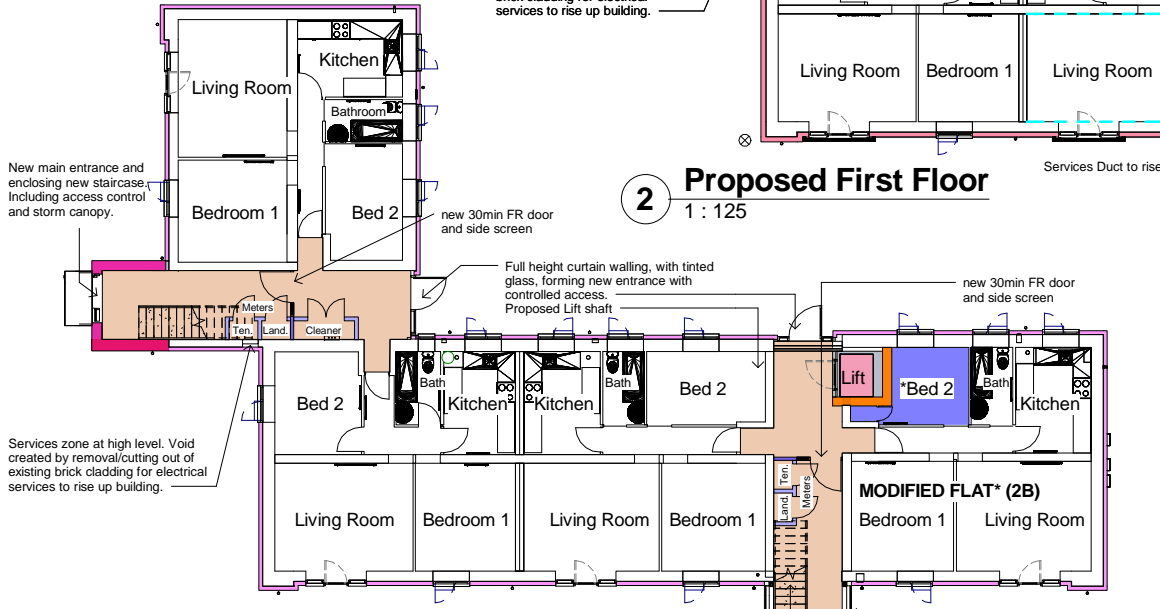
4 Proposed New Third Floor  
1 : 125



3 Proposed Second Floor  
1 : 125



2 Proposed First Floor  
1 : 125



1 Proposed Ground Floor  
1 : 125

**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.  
Details indicated are from DERWENT HOUSE (B69 1DP). They are relevant to all other blocks:- CONISTON HOUSE (B69 1BZ), RYDAL HOUSE (B69 1DA), ULLSWATER HOUSE (B69 1DD), and for WINDERMERE HOUSE\* (B69 1BY). \*WINDERMERE HOUSE BUILDING LAYOUT IS HANDED. Any discrepancies found on site are to be notified to the C.A.  
NOTE - ALL EXISTING FLOOR LEVELS TO EACH BLOCK ARE TO BE SURVEYED/CONFIRMED PRIOR TO ANY DESIGN/DETAILING OF THE NEW STAIR FLIGHTS.  
For Sanitary Setting-out refer to drawing series 'AG(73) & AG(74)'.



Key Plan

Issue | Date | Issue Note | By | Check



Project Title  
**Low Rise Refurbishment**  
Location  
**The Lakes, Badsley Road, Lion Farm.**  
4 New Adaptable, Lift in Flats 1,5,9&13  
Sheet Title  
**Proposed Typ. Floor Plans-All blocks, Windermere handed**

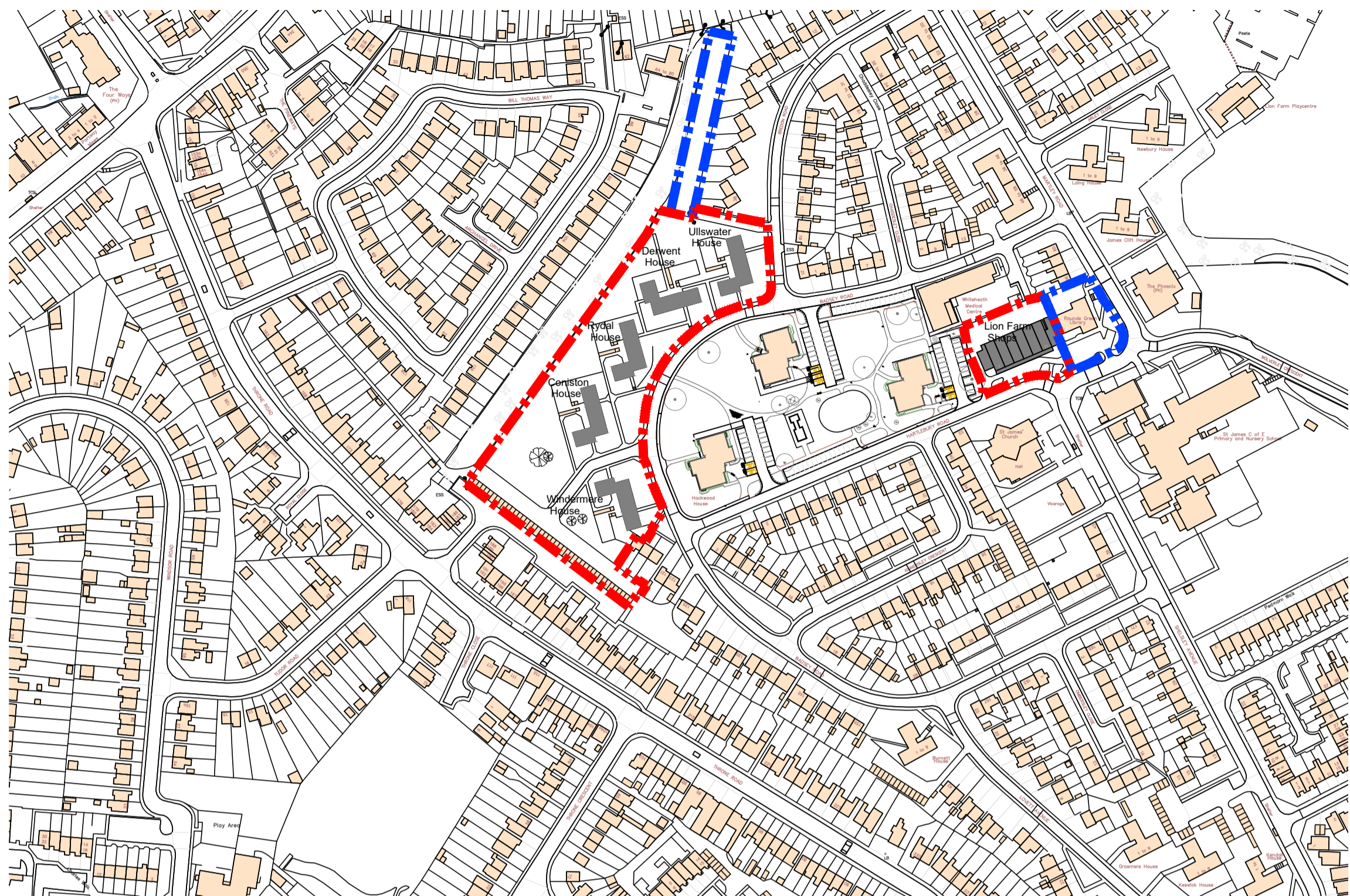
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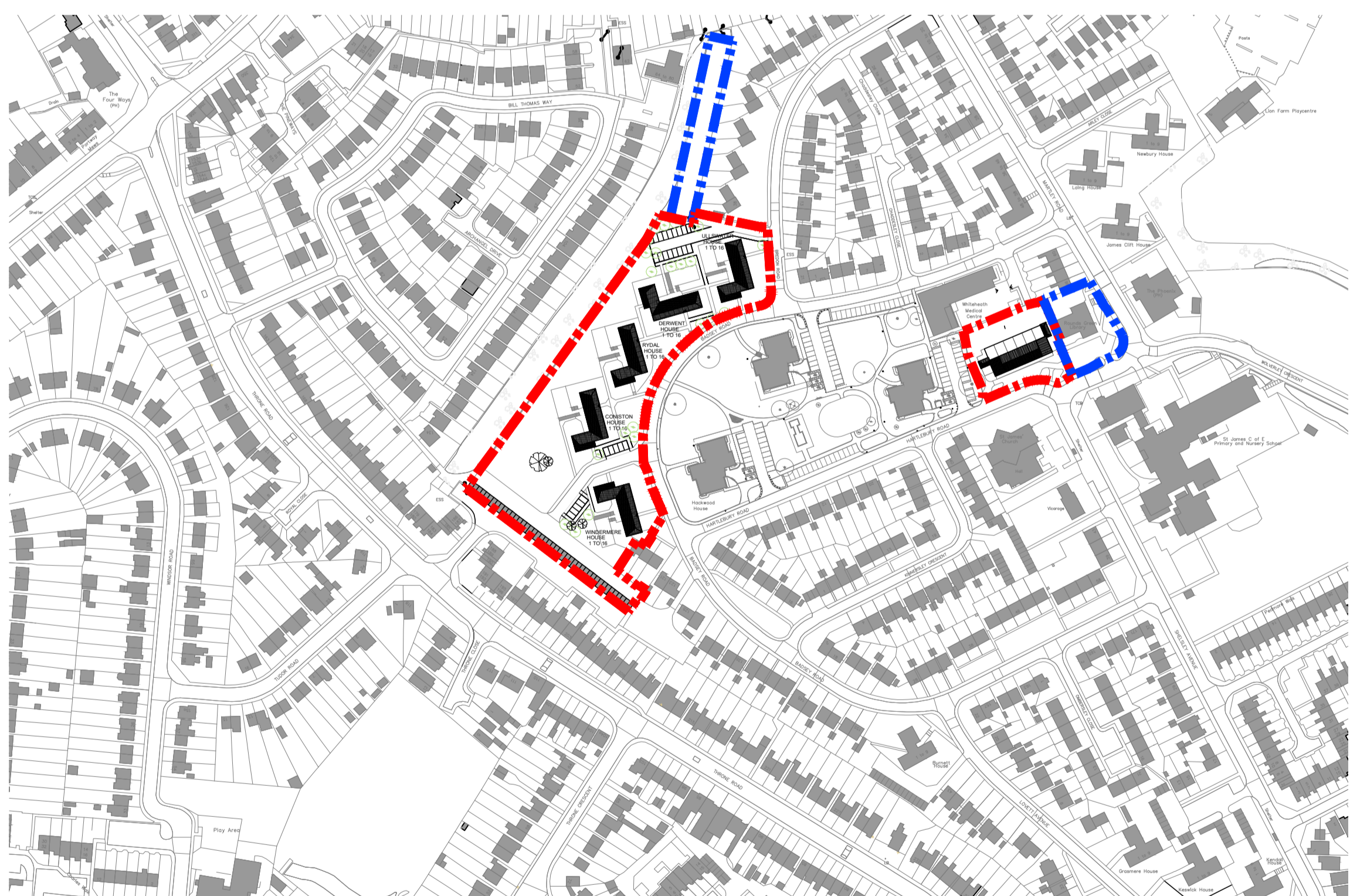
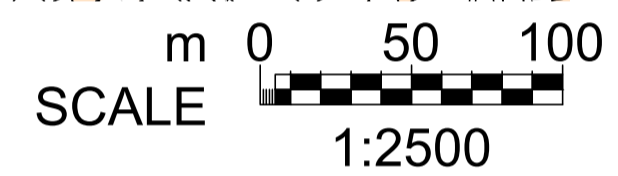
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Contractors Drawing No. (if required)

Urban Design & Building Services  
Sandwell Council House  
Heath Street,  
Oldbury,  
B89 3DE  
Tel: 0121 699 4541

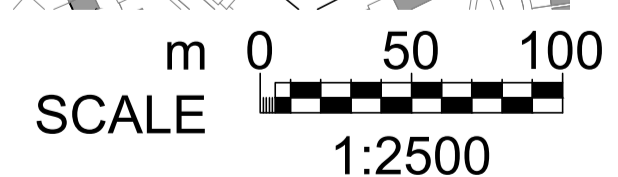




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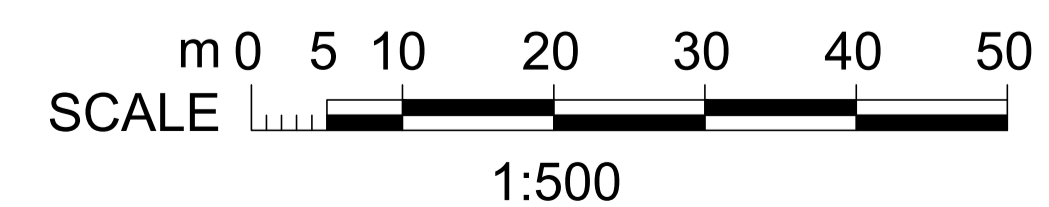
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FOR 'THE LAKES' SITE PLAN  
REFER TO DRAWING Q17043 AP(04)01

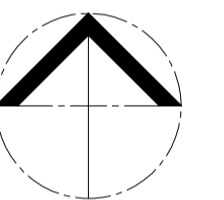


PROPOSED SITE 'LION FARM SHOP' PLAN  
Scale 1:500



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:

Rev	Date	Revision Note	By	Check



Project  
Lion Farm Refurbishment  
Location  
Lion Farm Shops  
Hartlebury Road, Oldbury, B69  
Sheet title  
Lion Farm Shops Site & Location Plan  
Status

Drawn by	Date	Checked
pm	12/08/19	
Scale at A1	Scale at A3	
500/2500	1000/5000	

Zone	Level	Classification	Sheet No.	Scale	Ver/Rev
00	ZZ	AP(04)	02	S2	

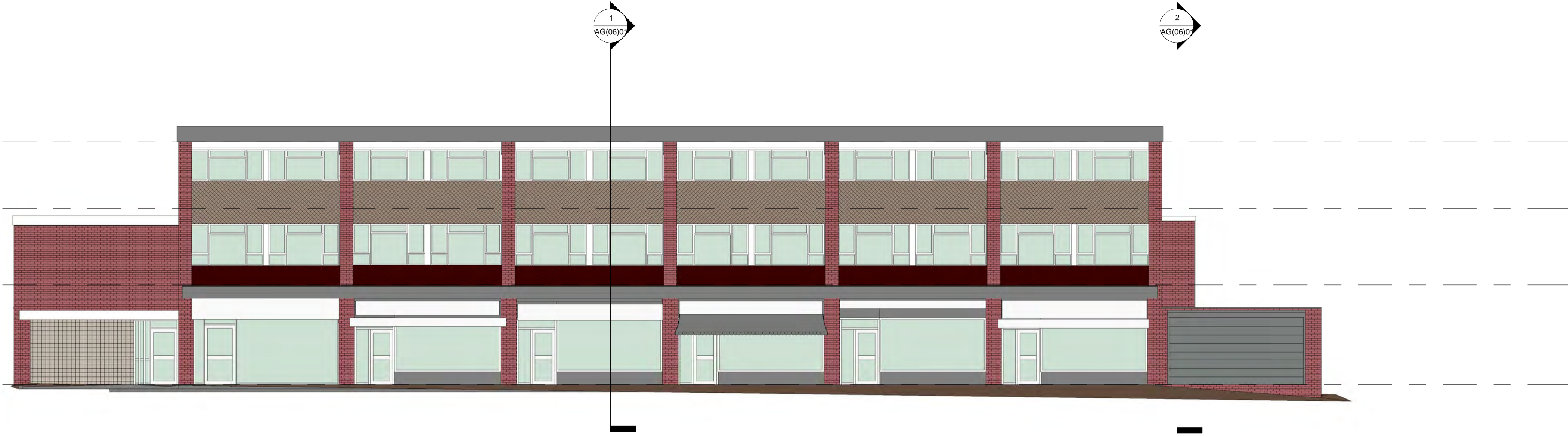
Job No:  
Q17043  
Contractors Drawing No. (if required)

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



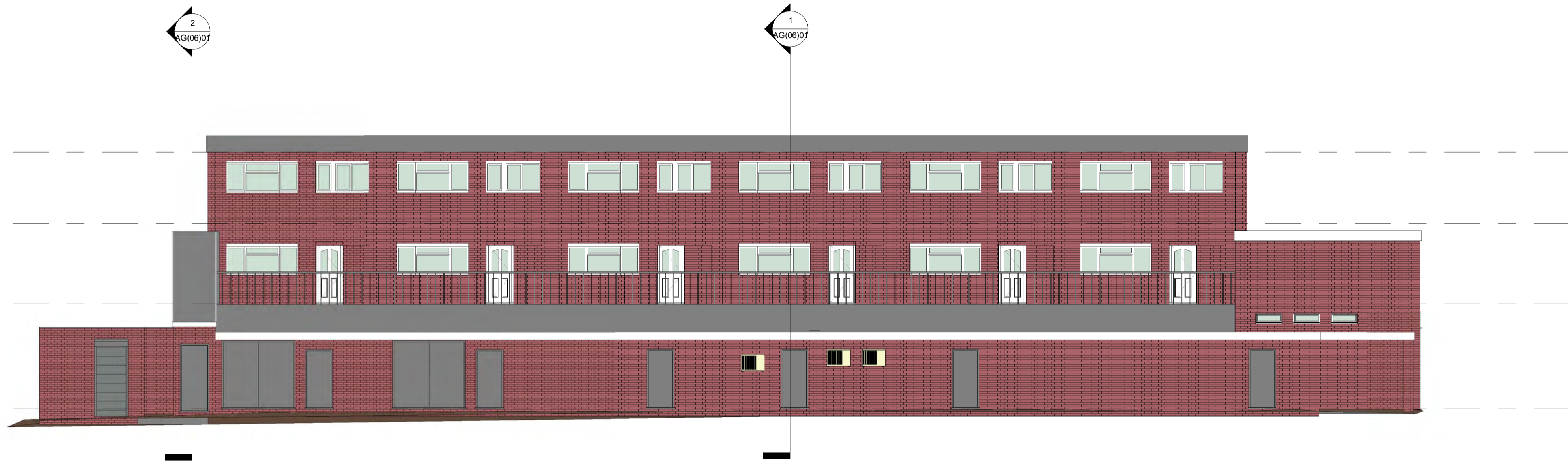
**Notes**  
 The Contractor will be responsible for setting out the work.  
 All Dimensions must be obtained or checked on the site.  
 Figured dimensions to be used in preference to scale.

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- 03 SECOND FLOOR  
167950.00 mm
- 02 FIRST FLOOR  
165250.00 mm
- 01 GROUND FLOOR  
161730.00 mm



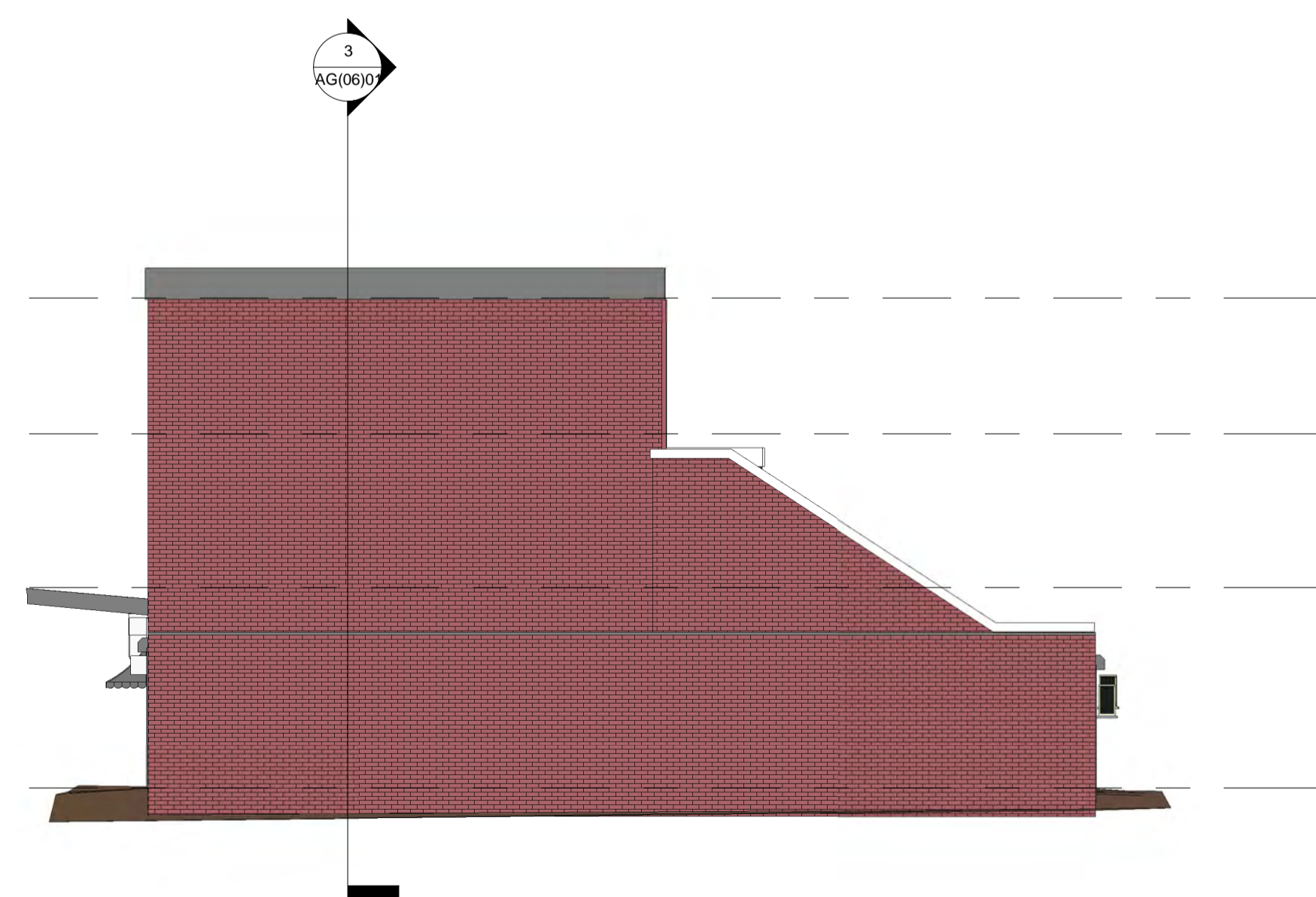
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- 02 FIRST FLOOR  
165250.00 mm
- 01 GROUND FLOOR  
161730.00 mm



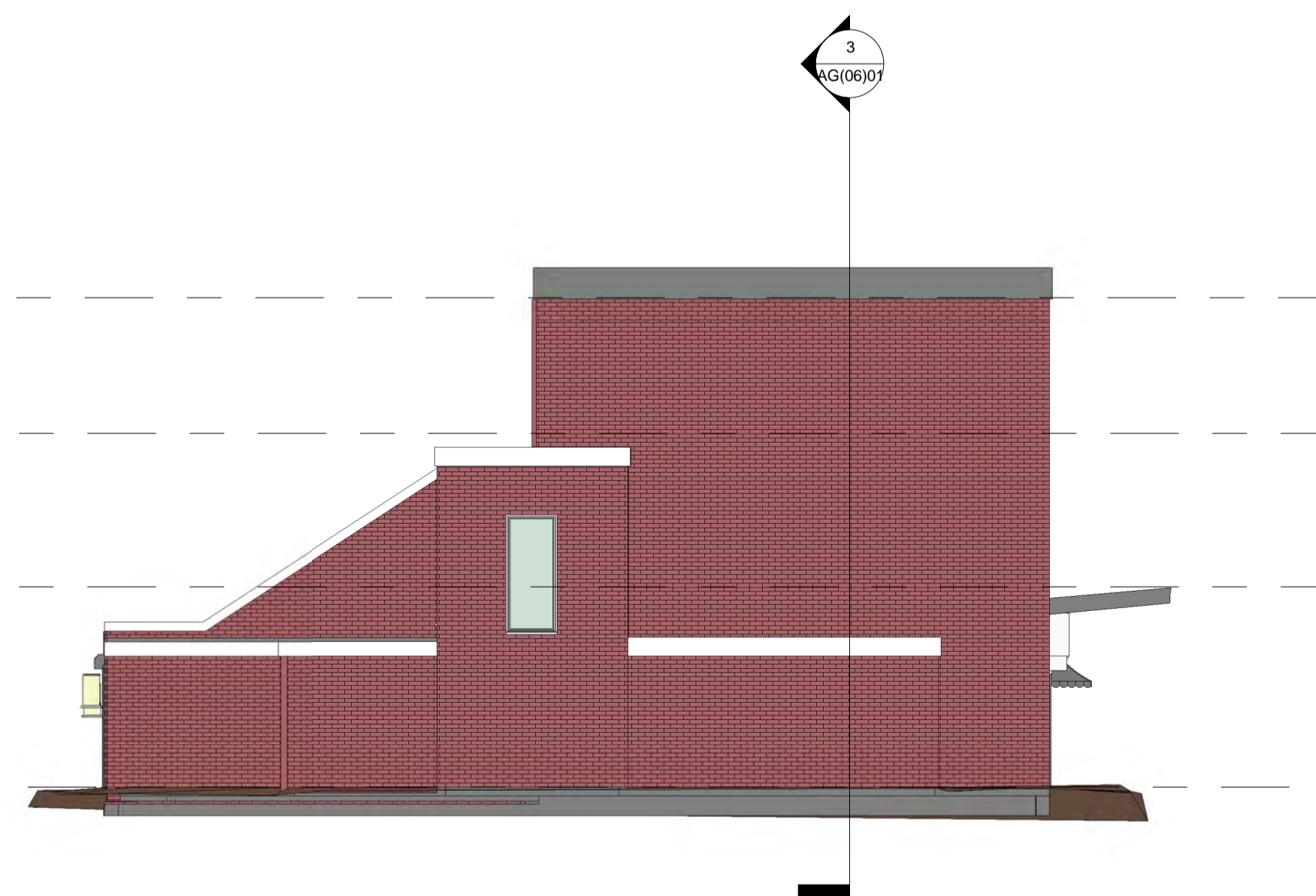
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- 01 GROUND FLOOR  
161730.00 mm

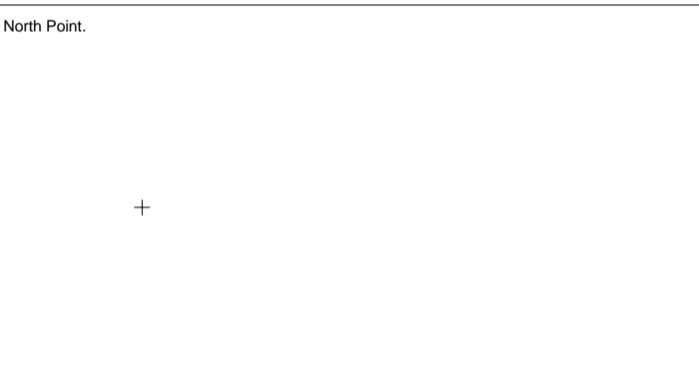
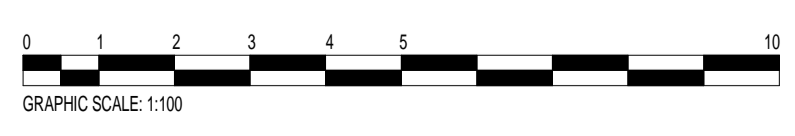


**3 Side Elevation A**  
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- 03 SECOND FLOOR  
167950.00 mm
- 02 FIRST FLOOR  
165250.00 mm
- 01 GROUND FLOOR  
161730.00 mm



**4 Side Elevation B**  
1 : 100



Issue	Date	Issue Note	By	Check



Project Title  
**Lion Farm Shops**  
 Location  
 Hartlebury Road, Lion Farm,  
 Rowley Regis, West Mids.  
 Sheet Title  
**Existing Elevations**

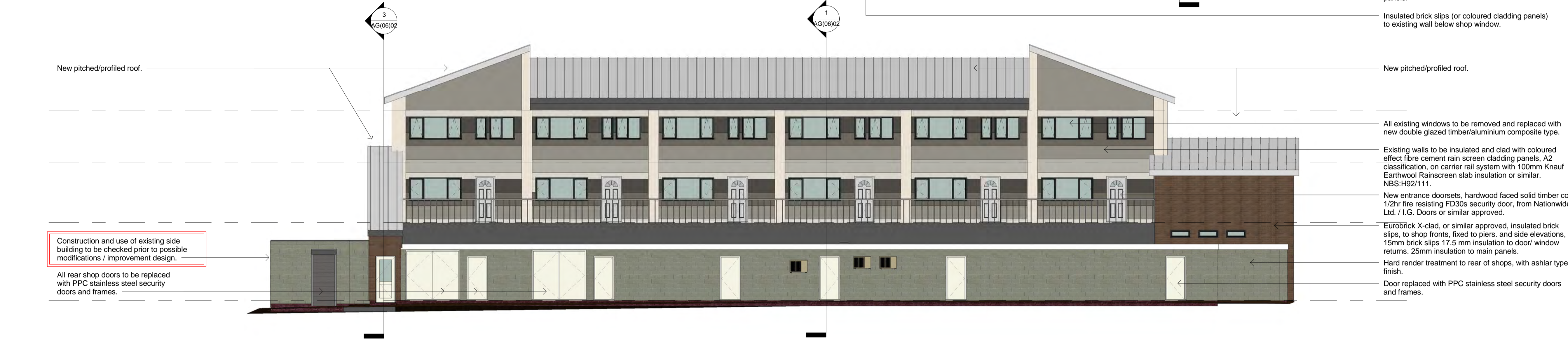
Drawn by  
 MKSpd  
 Scale at A1  
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 Date  
 12/21/18  
 Checked by

Zone	Level	Classification	Sheet No.	Subsidiary	Ver/Rev
SH	ZZ	AP(05)	01	S2	

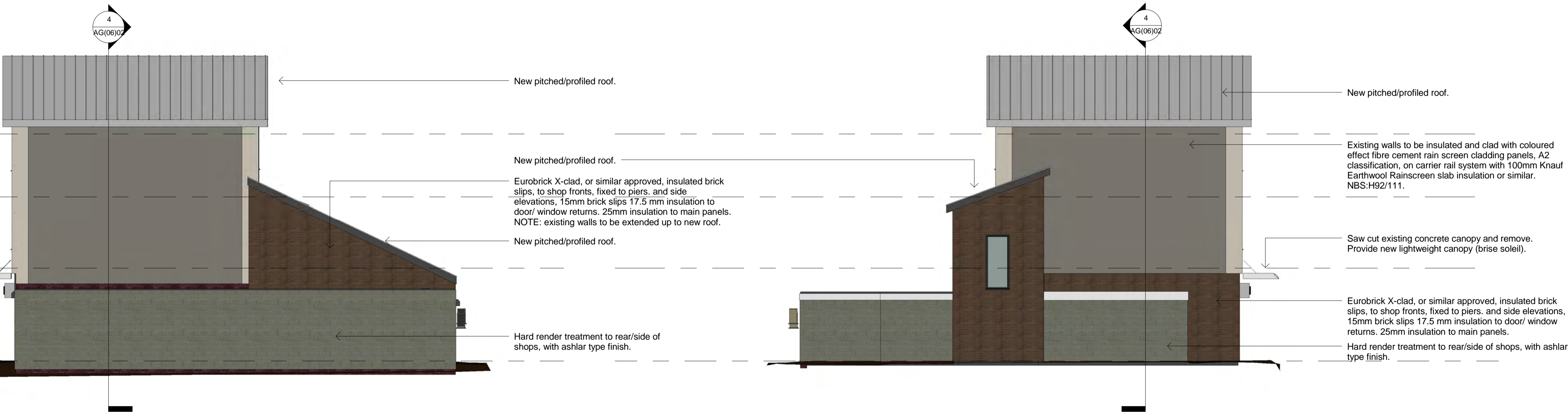
Job No.  
**Q17043**  
 Contractors Drawing No. (if required)

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

## 1 Front Elevation 1:100

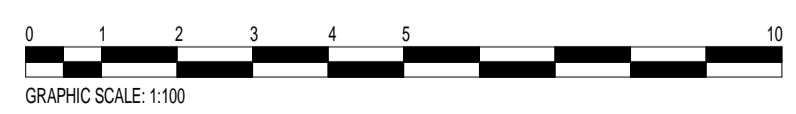


## 2 Rear Elevation 1:100



## 3 Side Elevation A 1:100

## 4 Side Elevation B 1:100



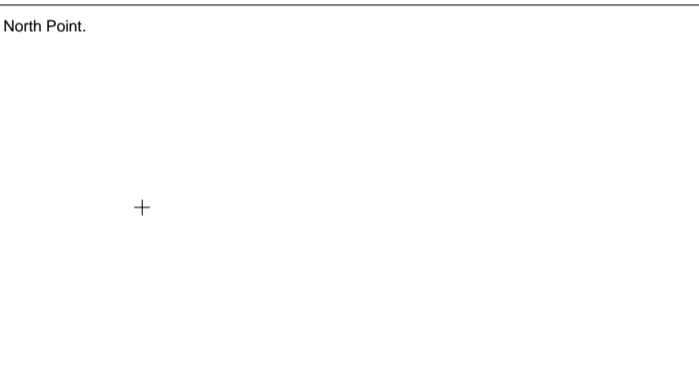
**Notes**  
The Contractor will be responsible for setting out the work.  
All Dimensions must be obtained or checked on the site.  
Figured dimensions to be used in preference to scale.

RAL 7022  
 RAL 7039  
 RAL 7030  
 RAL 7038  
 RAL 9002  
 RAL 9001-Cream

**CLADDING**

**BRICKWORK** - Ibstock Cheddar Brown

**High Polymer Render** - Ashlar effect - Grey



Key Plan:

Issue	Date	Issue Note	By	Check



Project Title: Lion Farm Shops  
 Location: Hartlebury Road, Lion Farm, Rowley Regis, West Mids.  
 Sheet Title: Proposed Elevations

Drawn by pd	Date 01/04/19	Checked by <i>[Signature]</i>
Scale at A1 1:100	Scale at A3	
Zone SH	Level ZZ	Classification AP(05)
Sheet No. 02	Subsidiary S2	Ver/Rev

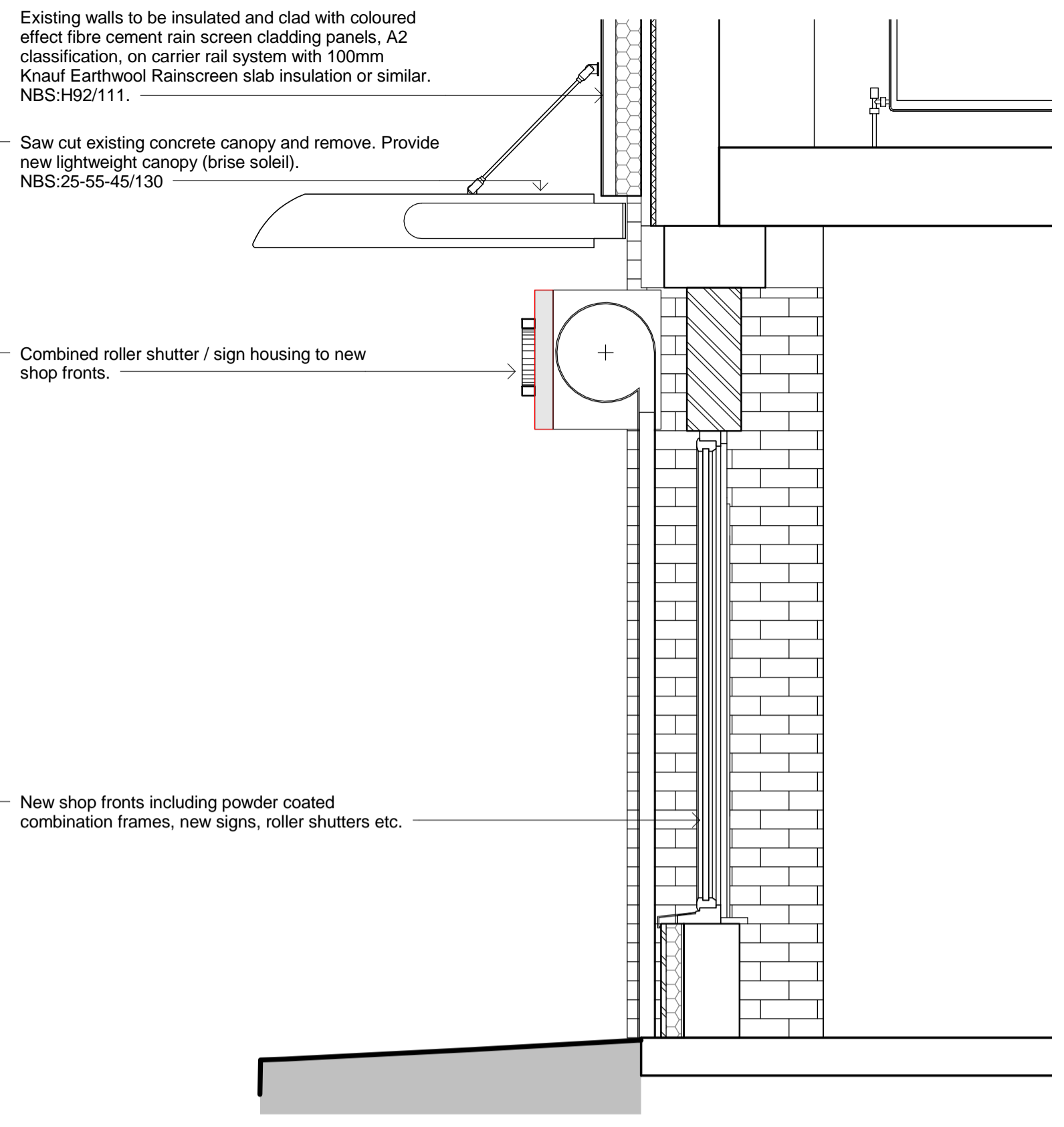
Job No.  
Q17043

Contractors Drawing No. (if required)

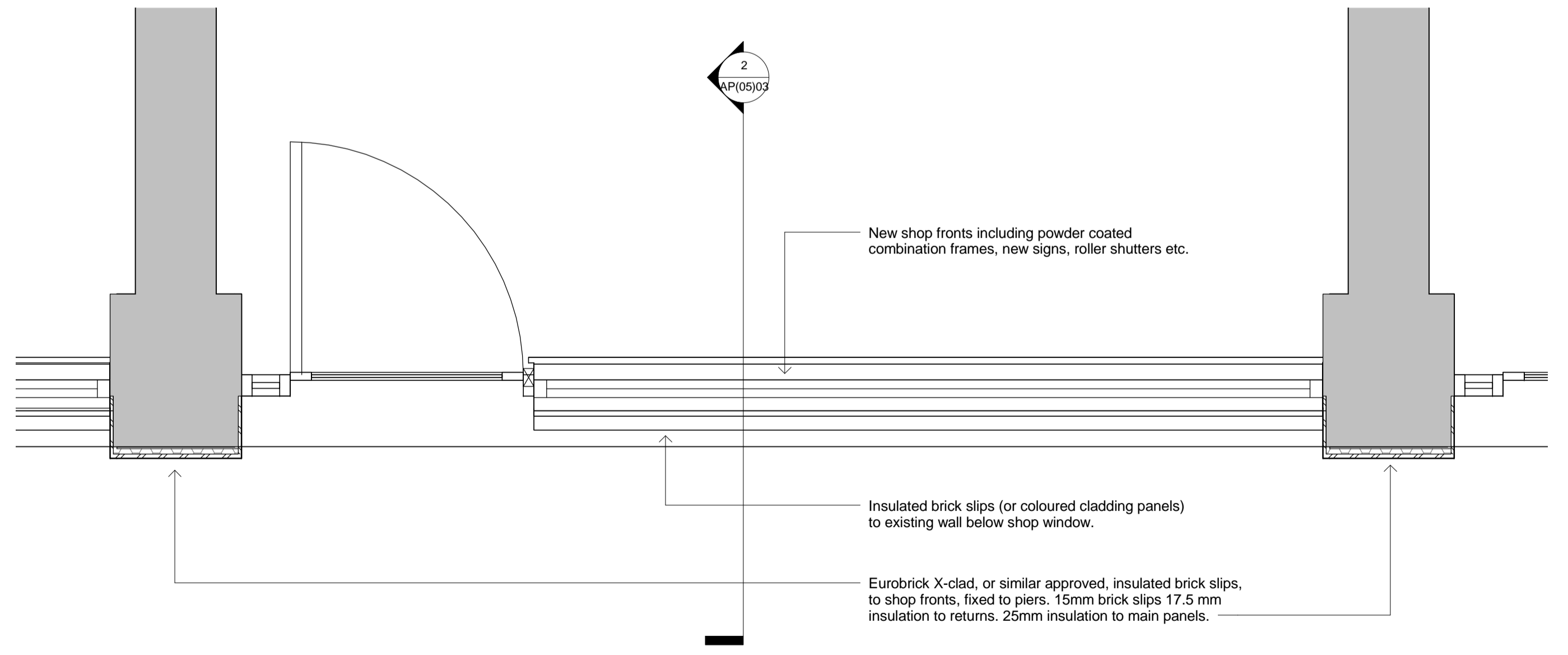
Urban Design & Building Services  
 Sandwell Council House  
 Fresh Street,  
 Oldbury,  
 B69 3DE  
 Tel: 0121 569 4541



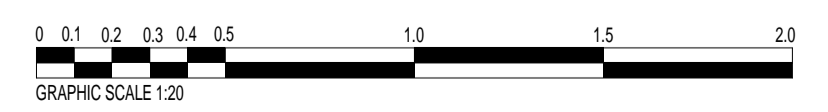
**1 Front Elevation**  
1 : 20



**2 Section 1**  
1 : 20

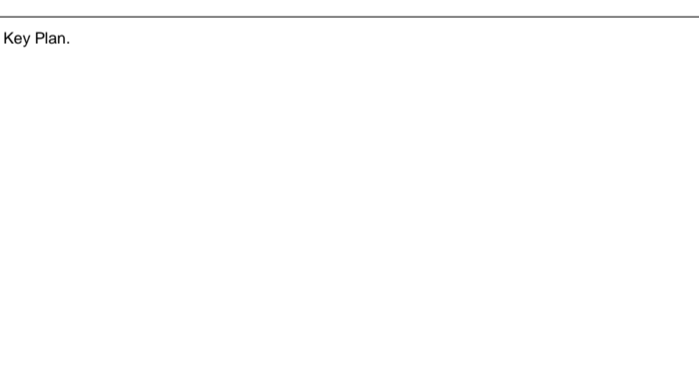
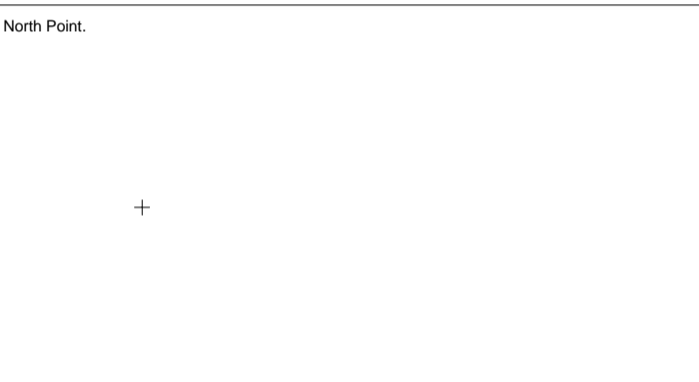


**3 Proposed Ground Floor Layout**  
1 : 20



**4 shop canopy**

**Note**  
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  
**Lion Farm Shops**

Location  
Hartlebury Road, Lion Farm,  
Rowley Regis, West Mids.

Sheet Title  
**Shop Fronts**

Status

Drawn by  
pd

Date  
01/31/19

Checked by  
*[Signature]*

Scale at A1  
1:20

Scale at A3

Sheet Identifier

Zone	Level	Classification	Sheet No.	Subsidiary	Ver/Rev
SH	ZZ	AP(05)	03	S2	

Job No.  
**Q17043**

Contractors Drawing No. (if required)

Urban Design & Building Services  
Sandwell Council House  
Frooth Street,  
Oldbury,  
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.

North Point.

+

Key Plan.


Issue	Date	Issue Note	By	Check
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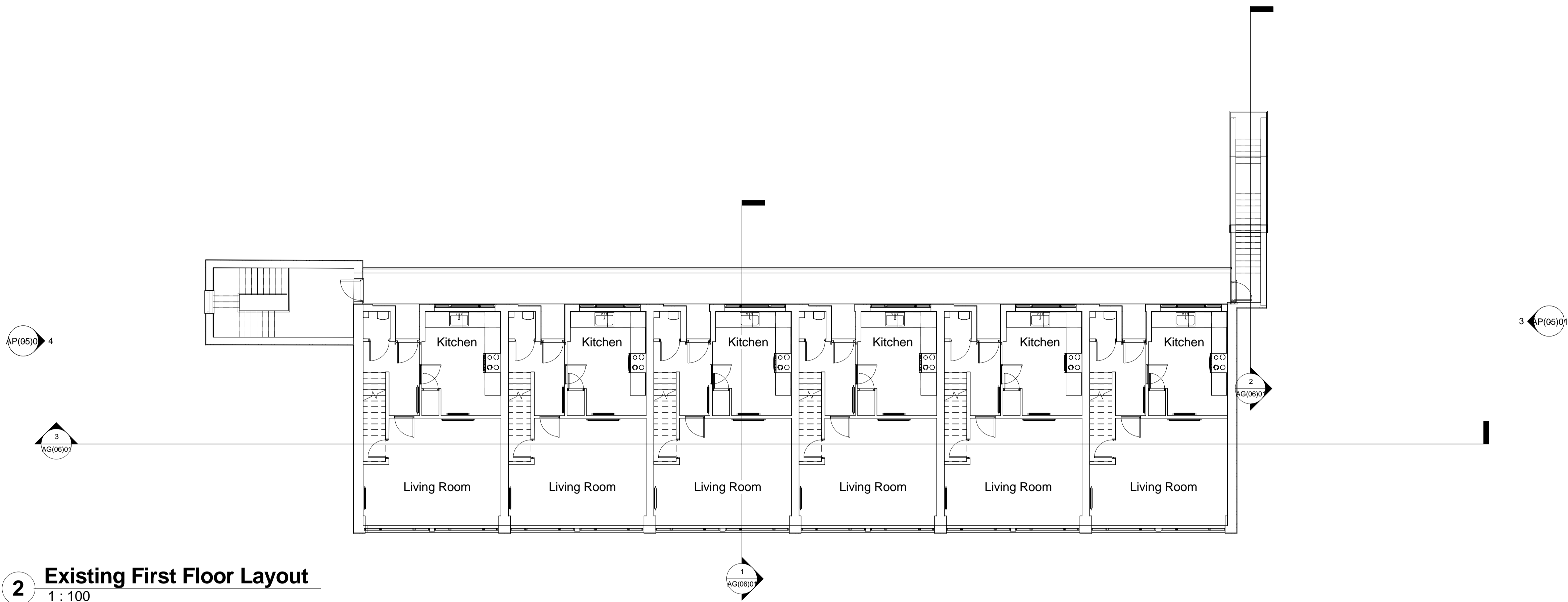
Project Title  
 Lion Farm Shops  
 Location  
 Hartlebury Road, Lion Farm,  
 Rowley Regis, West Mids.  
 Sheet Title  
 Existing Ground & First Floors  
 Status

Drawn by MKS/pd	Date 12/21/18	Checked by 
Scale at A1 1:100	Scale at A3	

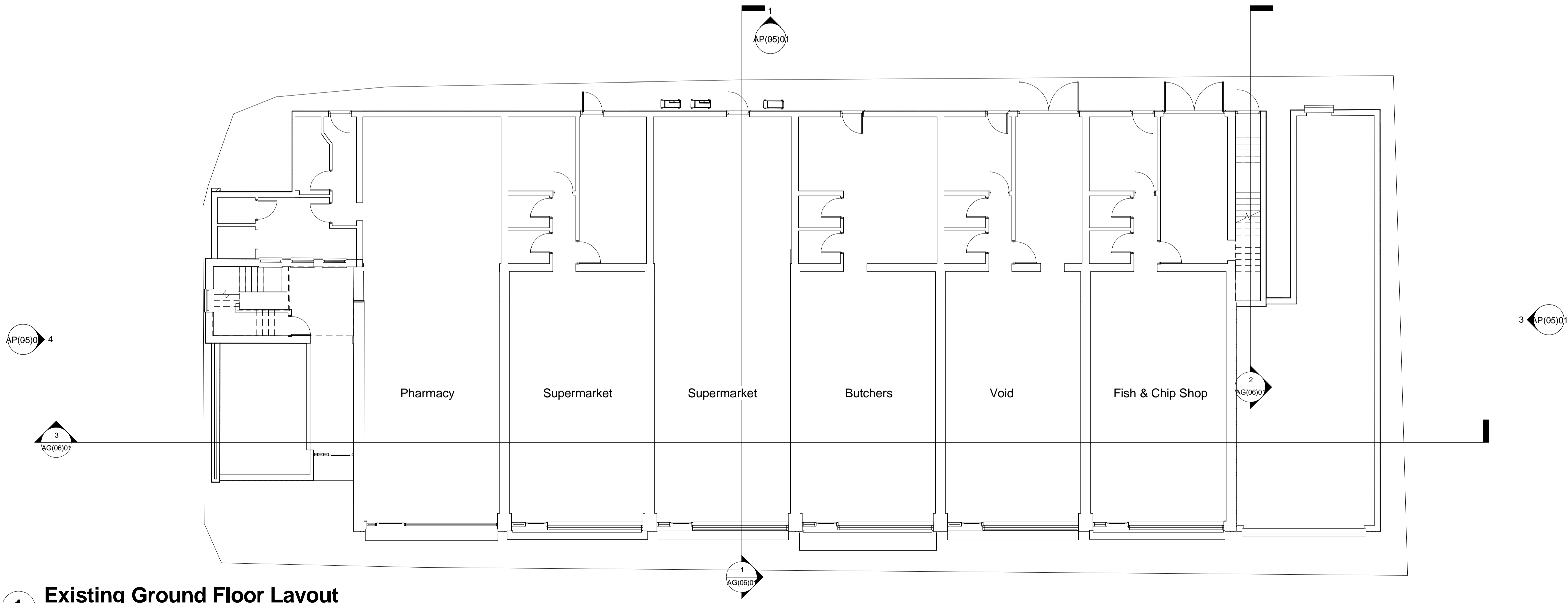
Zone	Level	Classification	Sheet No.	Suitability	Ver/Rev
SH	ZZ	AP(04)	01	S2	

Job No.  
**Q17043**  
 Contractors Drawing No. (if required)

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



**2 Existing First Floor Layout**  
 1 : 100

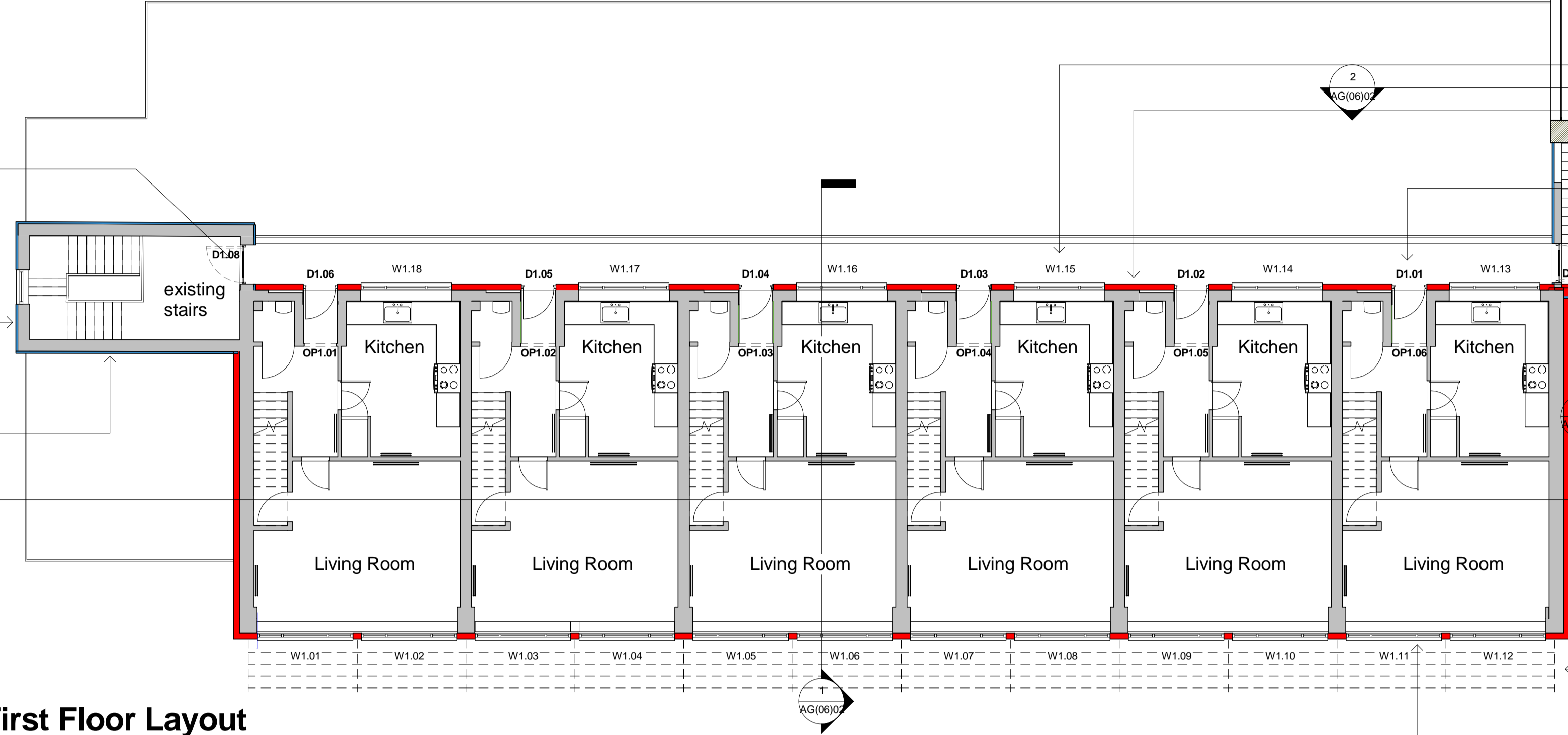


**1 Existing Ground Floor Layout**  
 1 : 100



Door to be repositioned due to new cladding to main walls.

Eurobrick X-clad, or similar approved, insulated brick slips, to shop fronts, fixed to piers, and side elevations, 15mm brick slips 17.5 mm insulation to door/ window returns. 25mm insulation to main panels.



**2 Proposed First Floor Layout**  
1 : 100

New pitched/profiled roof to existing stair enclosure.

All existing windows to be removed and replaced with new double glazed timber/aluminium composite type.

Existing walls to be insulated and clad with coloured effect fibre cement rain screen cladding panels, A2 classification, on carrier rail system with 100mm Knauf Earthwool Rainscreen slab insulation or similar. NBS:H92/111.

New entrance doorsets, hardwood faced solid timber core, 1/2hr fire resisting FD30s security door, from Nationwide Ltd. / I.G. Doore or similar approved.

Door to be repositioned due to new cladding to main walls.

Eurobrick X-clad, or similar approved, insulated brick slips, to shop fronts, fixed to piers, and side elevations, 15mm brick slips 17.5 mm insulation to door/ window returns. 25mm insulation to main panels. NOTE: existing walls to be extended up to new roof.

Existing walls to be insulated and clad with coloured effect fibre cement rain screen cladding panels, A2 classification, on carrier rail system with 100mm Knauf Earthwool Rainscreen slab insulation or similar. NBS:H92/111.

Saw cut existing concrete canopy and remove. Provide new lightweight canopy (brise soleil). NBS:25-55-45/130.

All existing windows to be removed and replaced with new double glazed timber/aluminium composite type.

Hard render treatment to rear/side of shops, with ashlar type finish.

Eurobrick X-clad, or similar approved, insulated brick slips, to shop fronts, fixed to piers, and side elevations, 15mm brick slips 17.5 mm insulation to door/ window returns. 25mm insulation to main panels.

Hard render treatment to rear/side of shops, with ashlar type finish.

Eurobrick X-clad, or similar approved, insulated brick slips, to shop fronts, fixed to piers, and side elevation, 15mm brick slips 17.5 mm insulation to door/ window returns. 25mm insulation to main panels.



**1 Proposed Ground Floor Layout**  
1 : 100

Hard render treatment to rear of shops, with ashlar type finish.

Doors replaced with PPC stainless steel security doors and frames.

Construction and use of existing side building to be checked prior to possible modifications / improvement design.

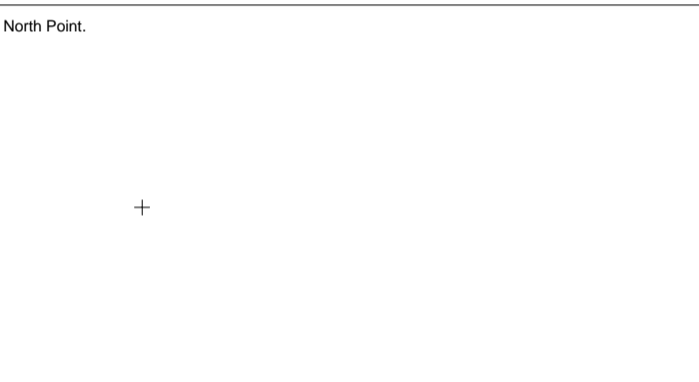
Hard render treatment to rear/side of shops, with ashlar type finish.

New shop fronts including powder coated combination frames, new signs, roller shutters etc.

Eurobrick X-clad, or similar approved, insulated brick slips, to shop fronts, fixed to piers. 15mm brick slips 17.5 mm insulation to returns. 25mm insulation to main panels.

Insulated brick slips (or coloured cladding panels) to existing wall below shop window.

**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:

Issue	Date	Issue Note	By	Check



**Project Title**  
Lion Farm Shops

**Location**  
Hartlebury Road, Lion Farm,  
Rowley Regis, West Mids.

**Sheet Title**  
Proposed Ground & First Floors

**Status**

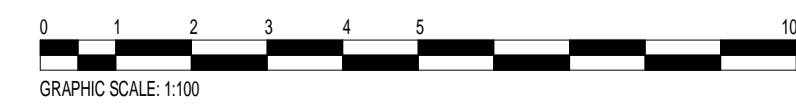
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Scale at A1 1:100	Scale at A3	

**Sheet Identifier**

Zone SH	Level ZZ	Classification AP(04)	Sheet No. 03	Suitability S2	Ver/Rev
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**Job No.**  
Q17043

**Urban Design & Building Services**  
Sandwell Council House  
Fresh Street,  
Oldbury,  
B68 3DE  
Tel: 0121 569 4541



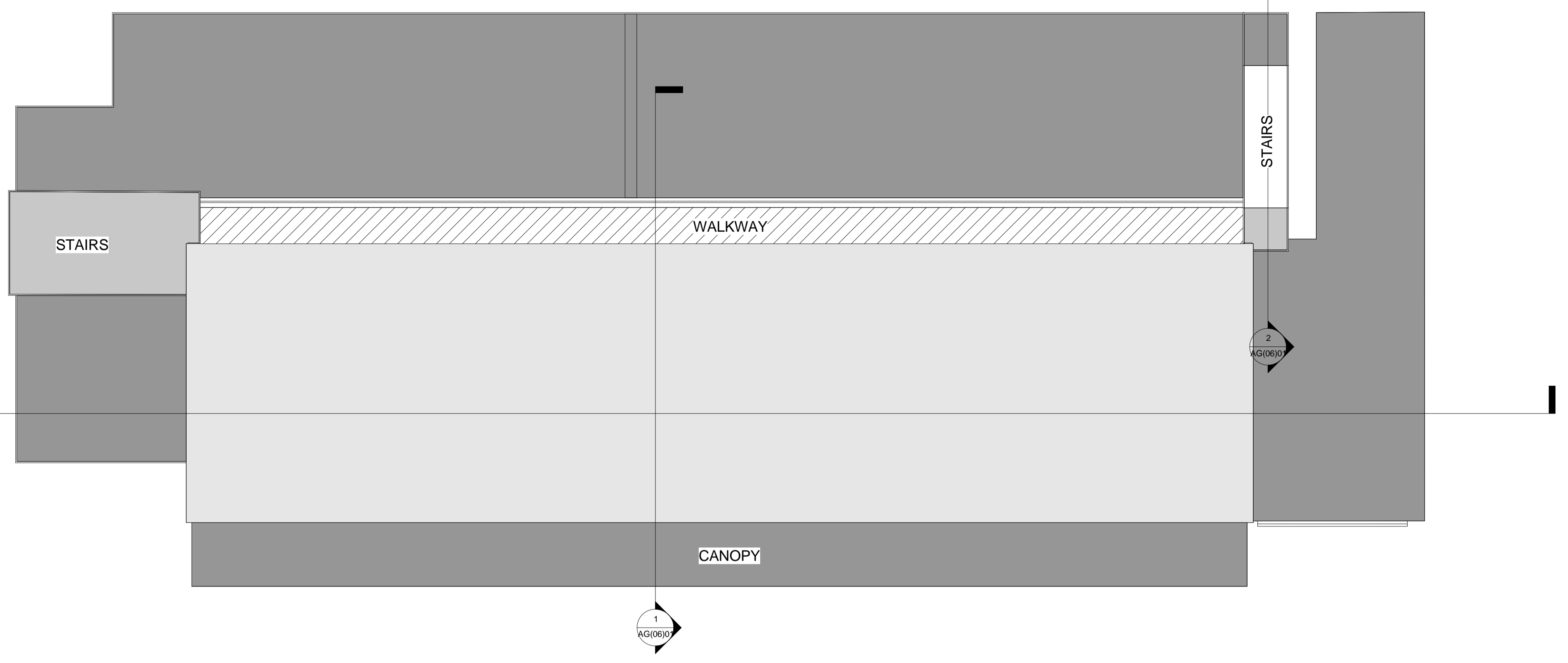
AP(05)01 4

3 AG(06)01

2 AG(06)01

3 AP(05)01

**2 Existing Roof Layout**  
1 : 100



1 AG(06)01

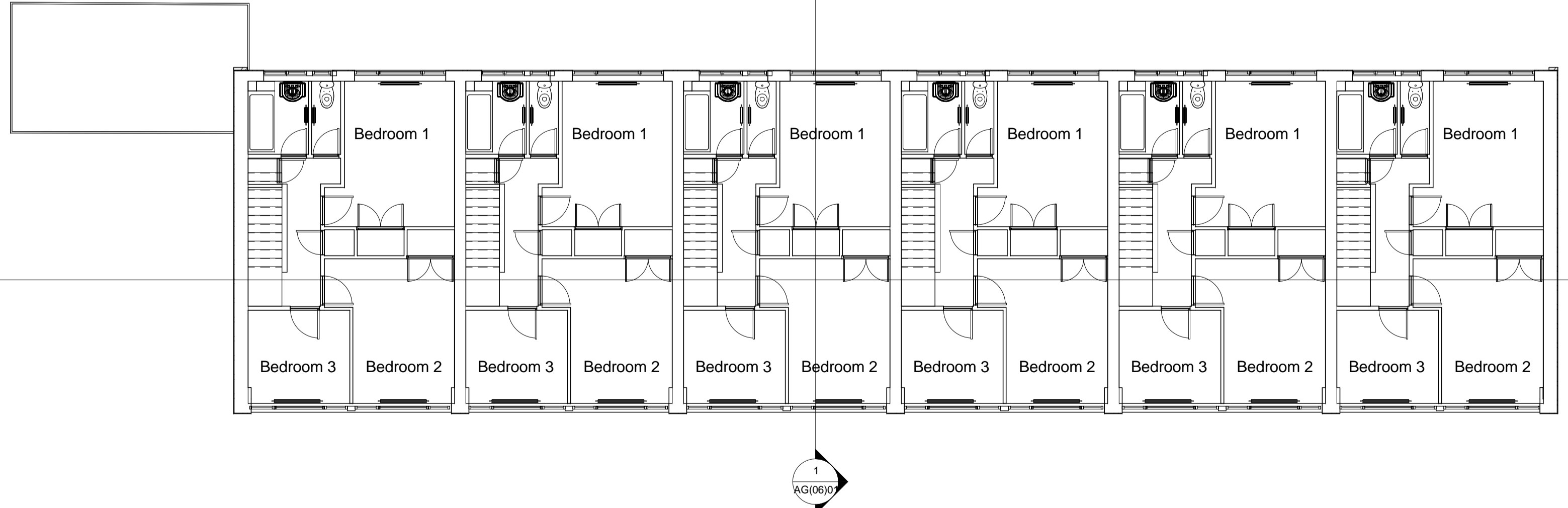
1 AP(05)01

AP(05)01 4

3 AG(06)01

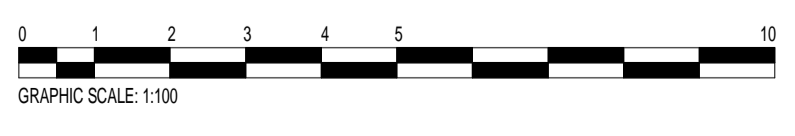
3 AP(05)01

**1 Existing Second Floor Layout**  
1 : 100



1 AG(06)01

1 AP(05)01



**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  
**Lion Farm Shops**

Location  
Hartlebury Road, Lion Farm,  
Rowley Regis, West Mids.

Sheet Title  
**Existing Second & Roof Level**

Status

Drawn by MKS/ptd	Date 12/21/18	Checked by <i>Bullock</i>
Scale at A1 1:100	Scale at A3	

Zone	Level	Classification	Sheet No.	Subsidiary	Ver/Rev
SH	00	AP(04)	02	S2	

Job No.  
**Q17043**


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





## REPORT TO PLANNING COMMITTEE

**11 March 2020**

<b>Application Reference</b>	DC/19/63739
<b>Application Received</b>	22 November 2019
<b>Application Description</b>	Retention of single storey side and two storey side/rear extensions (revised application - DC/18/62254).
<b>Application Address</b>	60 Sundial Lane, Great Barr, Birmingham, B43 6PE
<b>Applicant</b>	Mr Sandeep Birdie
<b>Ward</b>	Great Barr With Yew Tree
<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

That retrospective planning permission is granted subject to:

- i) The garage space retained for the parking of motor vehicles.

## 1. BACKGROUND

- 1.1 This is a retrospective application.
- 1.2 The application is being reported to your Planning Committee because the agent works for the local authority.

## 2. SUMMARY OF KEY CONSIDERATIONS

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

Government policy (NPPF),  
Planning history,  
Overlooking/loss of privacy,  
Loss of light and/or outlook,  
Public visual amenity,  
Overbearing nature of proposal,  
Design, appearance and materials, and  
Parking.

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

3.1 The application site is situated on the corner of Sundial Lane, and Beacon Close, Great Barr. The application site relates to a semi-detached property within a residential area.

### **4. PLANNING HISTORY**

4.1 Planning permission was granted in 2018 (DC/18/62254) for a single and two storey side/front/rear extensions to include double garage, and porch to front. Following complaints by residents, the site was investigated, and it was found that the applicant had deviated from their approved permission.

4.2 Relevant planning applications are as follows:-

4.3	DC/18/62254	Proposed single and two storey side/front/rear extensions to include double garage, and porch to front.	Approved: 27.11.2018
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### **5. APPLICATION DETAILS**

5.1 The applicant proposes to retain the single storey side and two storey side/rear extensions (revised application - DC/18/62254).

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

#### Front elevation

- i) The first-floor side extension had differing widths. The front part facing Sundial Lane has been enlarged to match the width of the rear elevation;
- ii) The front porch roof has changed from a hipped to gable end.

### Rear elevation

- i) The roof of the two-storey rear extension was originally hipped, however the applicant has built a gable roof;
- ii) The single-storey rear extension originally had a pitched roof, a flat roof has been created lowering the overall height of this extension;
- iii) Window and door alterations.

### Side elevation (facing Beacon Close)

- i) Roof alterations;
- ii) Detailing and a window inserted into the garage.

### Internal changes to the extension

- i) The garage has been reduced in size and would just about fit two medium sized cars.

## **6. PUBLICITY**

6.1 The application has been publicised by neighbour notification letters with two letters of response from the same objector.

### **6.2 Objections**

Objections have been received on the following grounds: -

- (i) The development is of greater scale than the original property;
- (ii) The plans do not reflect what has been built;
  - a. The garage is built much larger than the original approval,
  - b. the roof has been changed from red clay tiles to grey slate,
  - c. the height of the roof of the two-storey side extension has increased;
- (iii) The built porch is not in keeping with the local area; and
- (iv) The originally approved hipped roof has been replaced with a gable end which, when viewed from the street, is completely out of character with the local area.

### **6.3 Responses to objections**

I respond to the objector's comments in turn:

- (i) The footprint of the extension remains unchanged; however, part of the first-floor extension has been widened to match that of the rear.
- (ii) Following my site visit, amended plans were requested, and received, showing the changes as built, however the objector still has concerns. The changes in materials and the structure are not

- as approved and the applicant is seeking to regularise the development with this new application. However, in my opinion, the materials used are satisfactory.
- (iii) In my opinion, the porch is of satisfactory design, and in keeping with the local area.
  - (iv) The hipped roof originally approved on the application was in keeping with the local area. I am sympathetic to the objector's comments, however, in context to the wider area, there are a variety of roof designs and therefore I consider that this would not be wholly out of character with the area. Whilst the hipped roof on the two-storey rear extension would have reduced the 'massing' of the structure, given the width of the applicant's property and the orientation of surrounding properties, in my opinion this allows for a larger than normal extension.

## **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 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, and
- The appearance and size of roof designs...must respect established design codes.

9.3 When referring to the above, despite the alterations to the approved scheme, the proposal remains in scale with the application site and respects the residential vernacular of the area.

## **10. MATERIAL CONSIDERATIONS**

10.1 Government policy (NPPF),  
 Planning history,  
 Overlooking/loss of privacy,  
 Loss of light and/or outlook,  
 Public visual amenity,  
 Overbearing nature of proposal,  
 Design, appearance and materials, and  
 Parking.

10.2 The material considerations relating to Government Policy (NPPF), and proposals within the local plan, have been referred to above in Sections 8 and 9. However, it is considered that on balance the proposal complies with local and national planning policy. Other considerations are highlighted below:

### **10.3 Planning history**

Planning permission has been granted for the majority of works carried out. However, the applicant has amended the development.

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

With regards to residential amenity, the changes do not cause loss of light, privacy or outlook to neighbouring properties.

### **10.5 Public visual amenity/Overbearing nature of proposal**

The roof design to the side/rear of the property is arguably the most significant change. The application site sits on the corner of Sundial Road and Beacon Close where the style of house types changes on the opposite corner. Therefore, the roof design is less discernible and would not be sufficient to warrant refusal.

## **10.8 Design, appearance and materials**

The materials whilst differing from the approved permission, when seen in context to the area, it is considered that they are complementary to the vernacular of the area.

## **10.9 Parking**

In the absence of the garage being provided for parking of vehicles, the driveway can accommodate off street parking.

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

11.1 The proposal supports Ambitions 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 changes to the approved application are acceptable being generally those of a standard domestic extension, the key determining issue relates to the changes to roof design from a hip to gable roof to the side/rear which does not follow the design of the original house. However, as indicated in 10.3 above, the residential vernacular of the area does vary along Beacon Close and Sundial Lane and hence in context to the wider area it is considered that the roof is not significantly out of character.

12.2 Retrospective approval is recommended subject to the retention of the garage for the parking of vehicles.

## **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

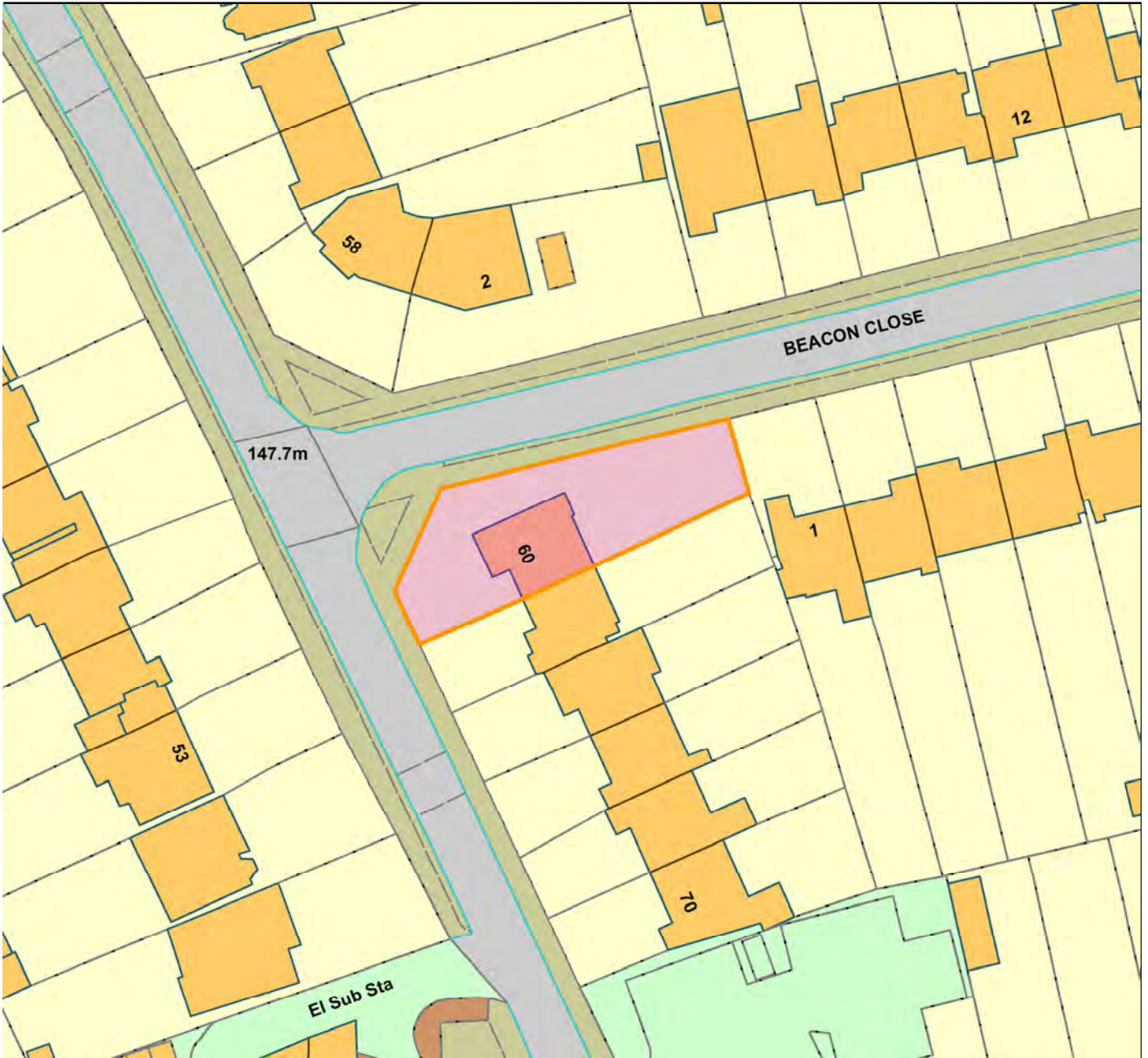
1003 – 02 – Site plan

02 F – Current application

1003 04 – Approved application



DC/19/63739  
60 Sundial Lane



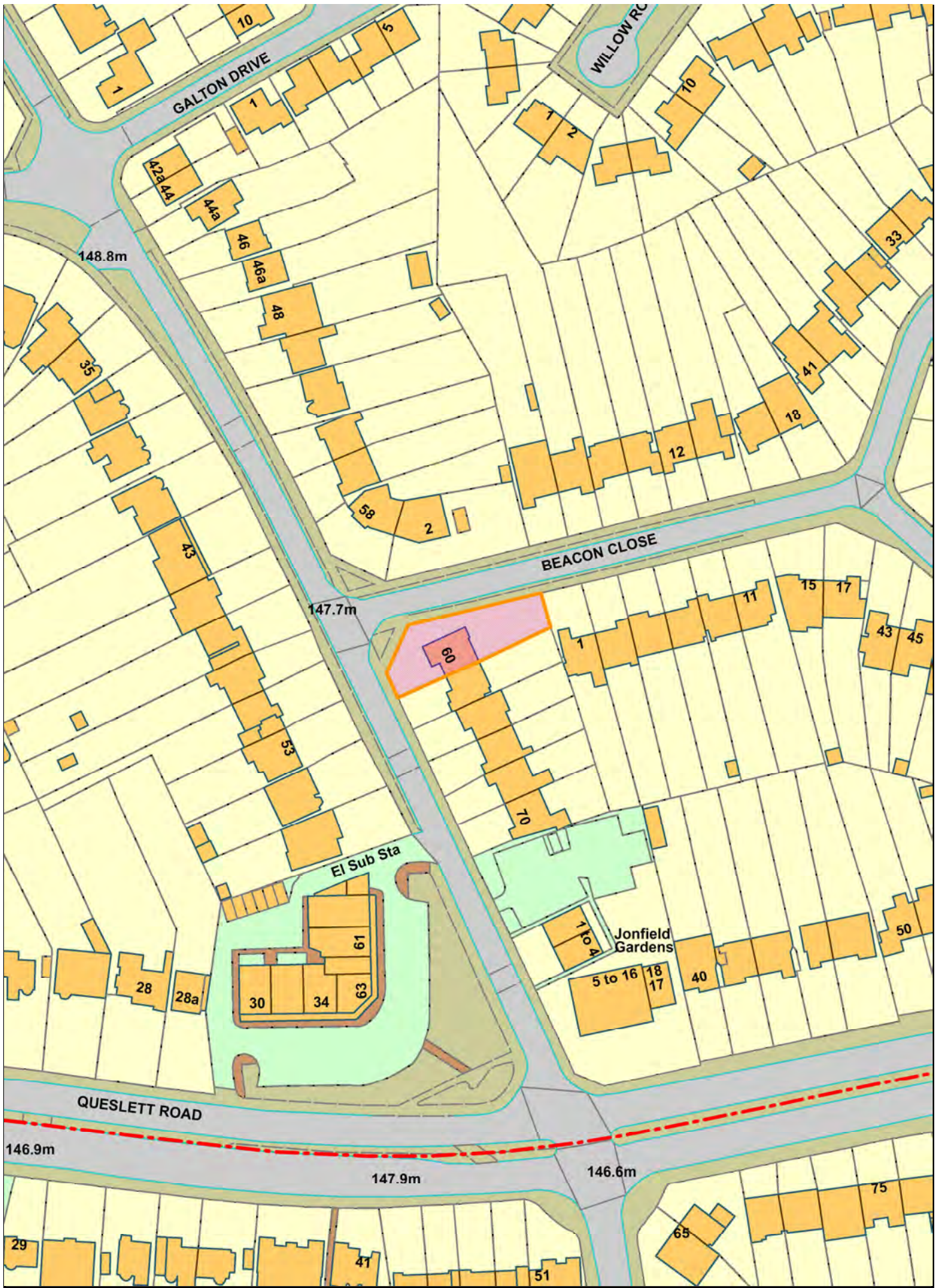
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<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	29 January 2020
<b>OS Licence No</b>	



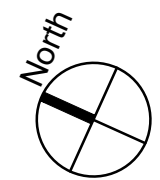
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SUNDIAL LANE





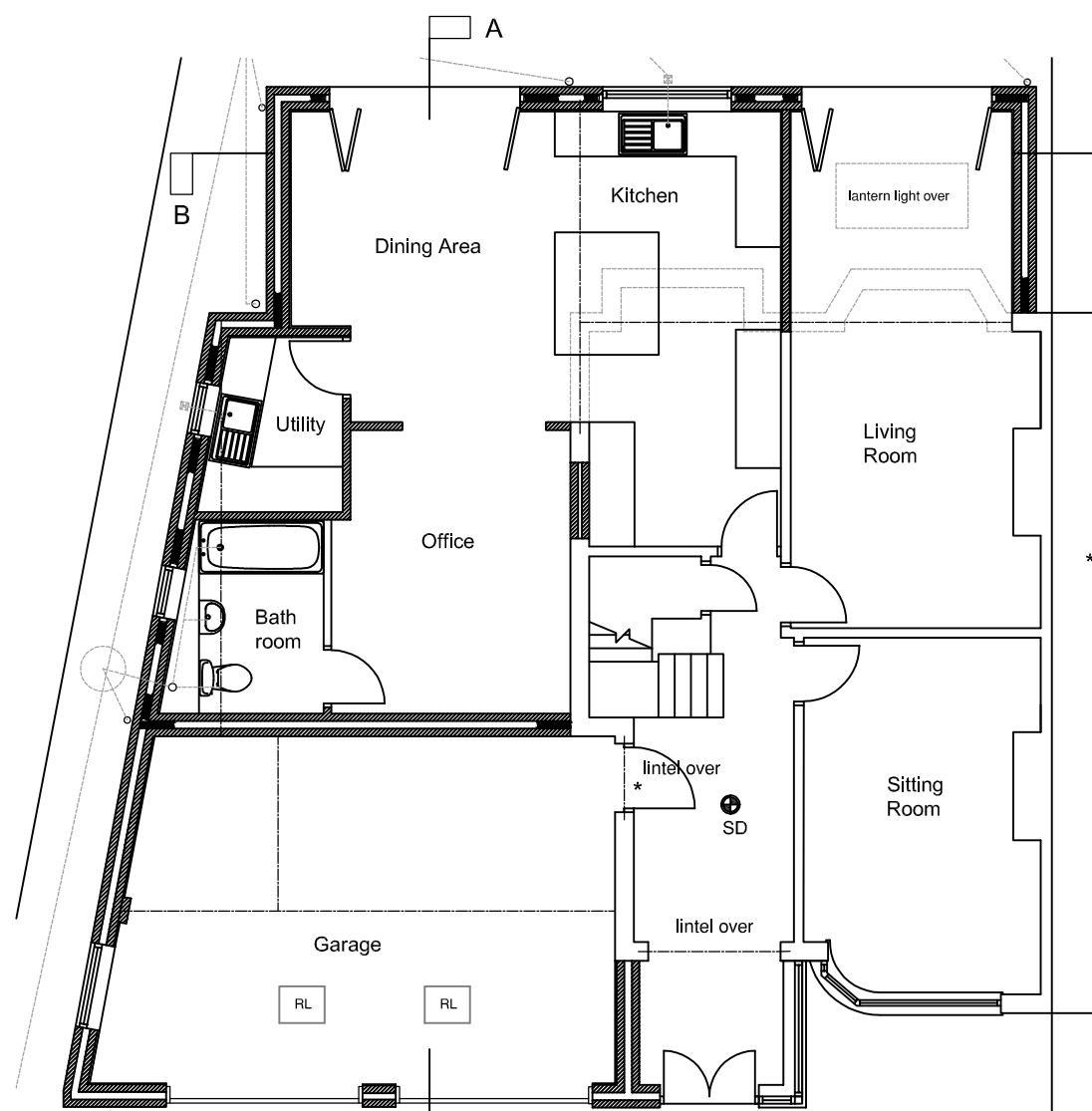
Proposed Front Elevation



Proposed Side Elevation

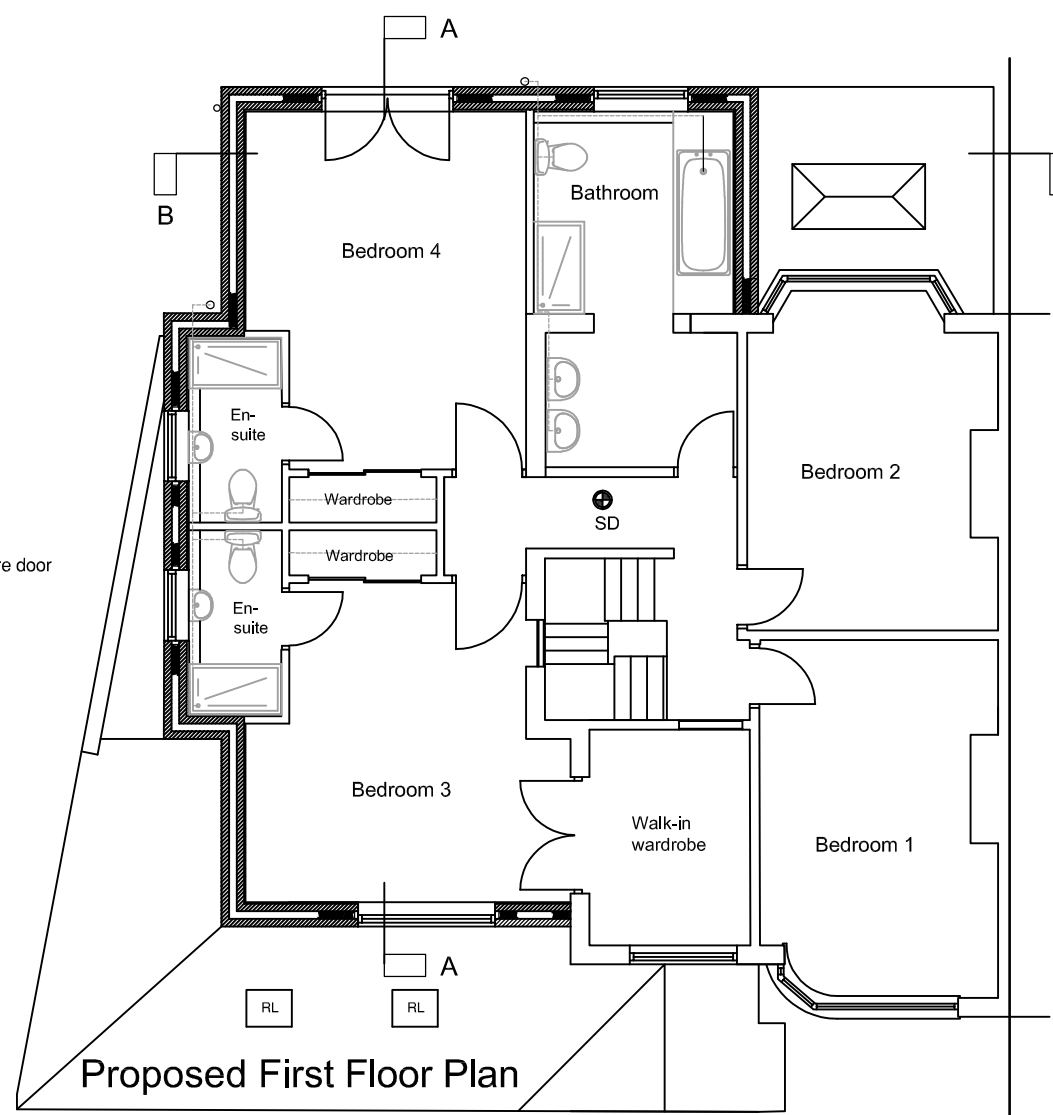


Proposed Rear Elevation



Proposed Ground Floor Plan

\* Denotes FD30 fire door with self-closer



Proposed First Floor Plan

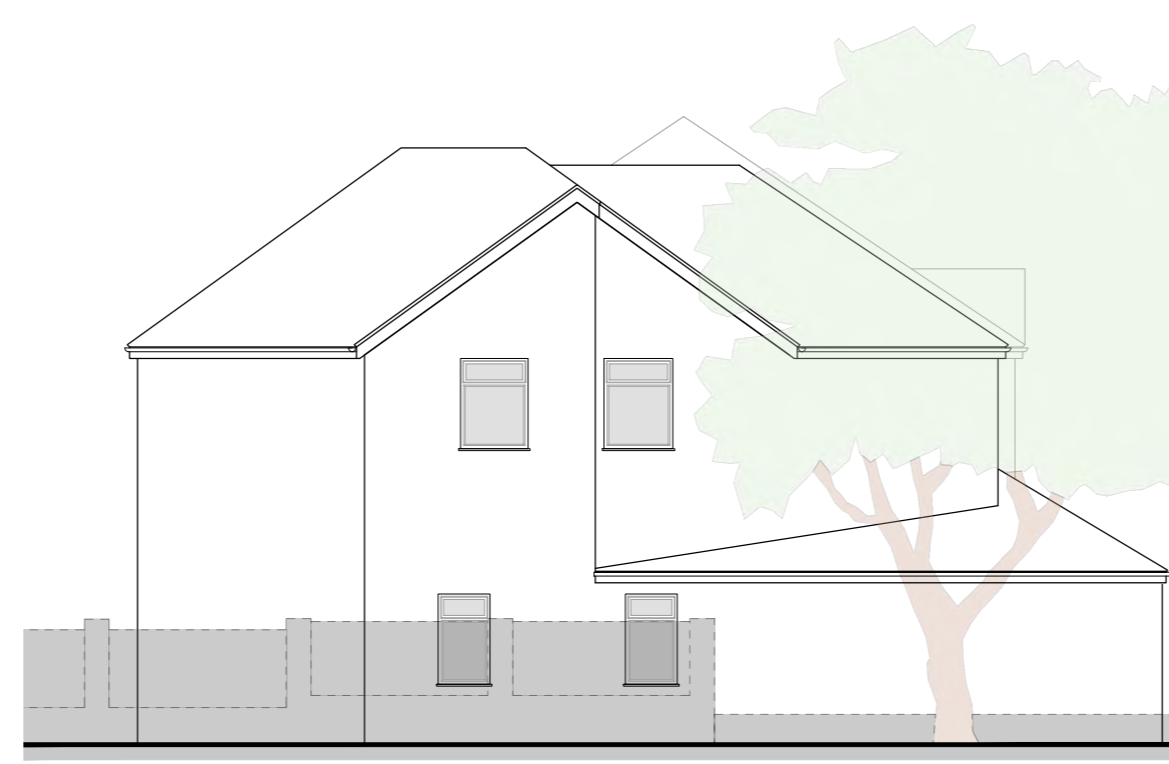


- Rev F - Plans and elevations updated as built 15/11/19
- Rev E - Pitched roof omitted over rear single-storey 15/11/19
- Rev D - Wall removed in garage 21/10/19
- Rev C - Elevations updated porch reconfigured 23/9/19
- Rev B - Building Regulations amendments added 30/3/19
- Rev A. External finishes revised 15/3/19

DATE Jan 19	OWNER	LOCATION 60 Sundial Lane Great Barr B43 6PE	TITLE Proposed Plans & Elevations	DRAWINGS PREPARED FOR LOCAL AUTHORITY APPROVALS ONLY. FIGURED DIMENSIONS TO BE USED IN PREFERENCE TO SCALE. THE WORKS MAY BE SUBJECT TO THE PARTY WALL ACT 1996. IT IS THE RESPONSIBILITY OF THE OWNER TO ENSURE ALL NECESSARY STEPS ARE TAKEN TO COMPLY WITH THE ACT IF REQUIRED.	NUMBER <b>02 F</b>	REVISION
SCALE 1:100 @ A3	PROJECT Proposed Side/Rear Extension					



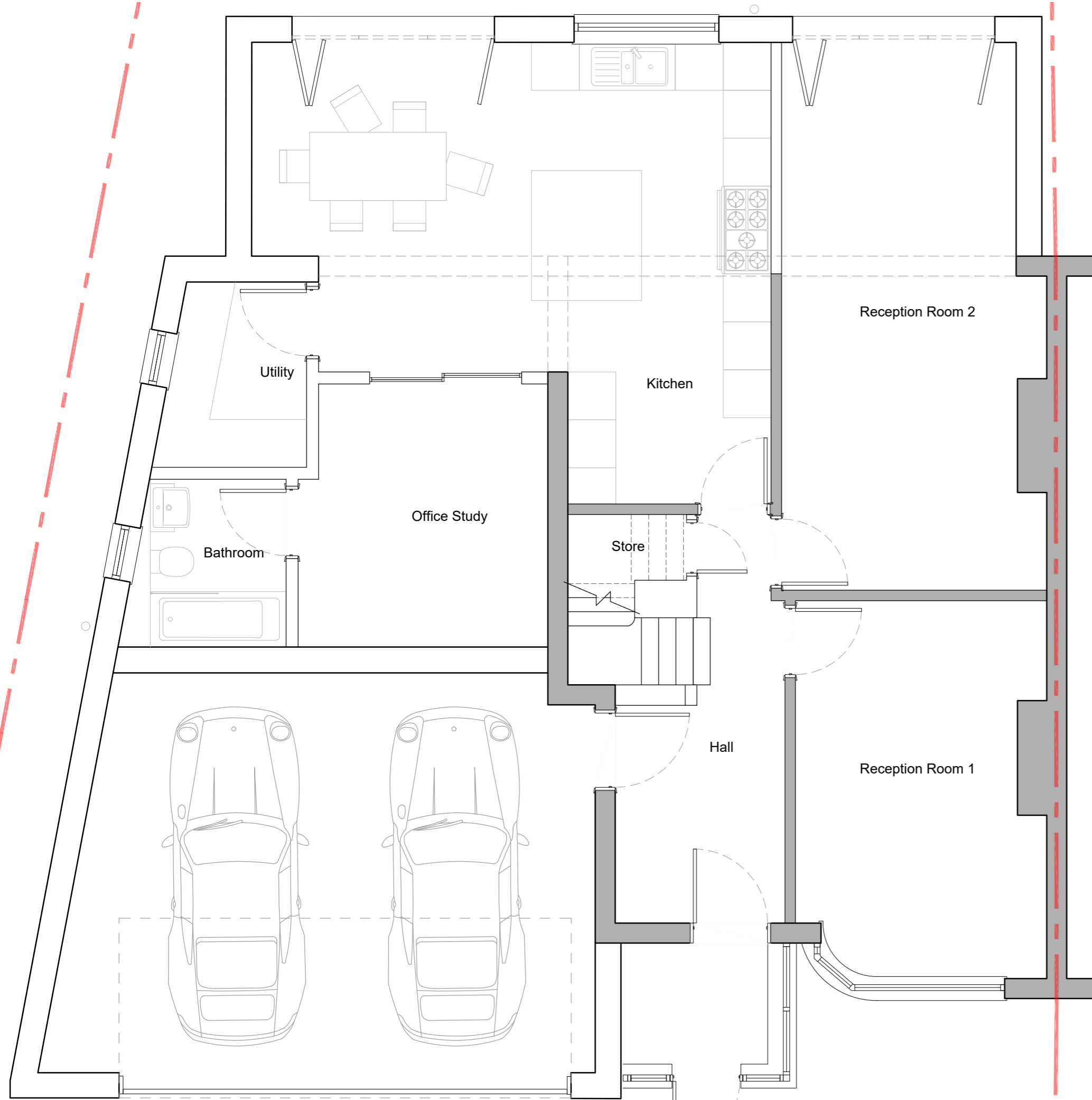
1. Proposed Front Elevation



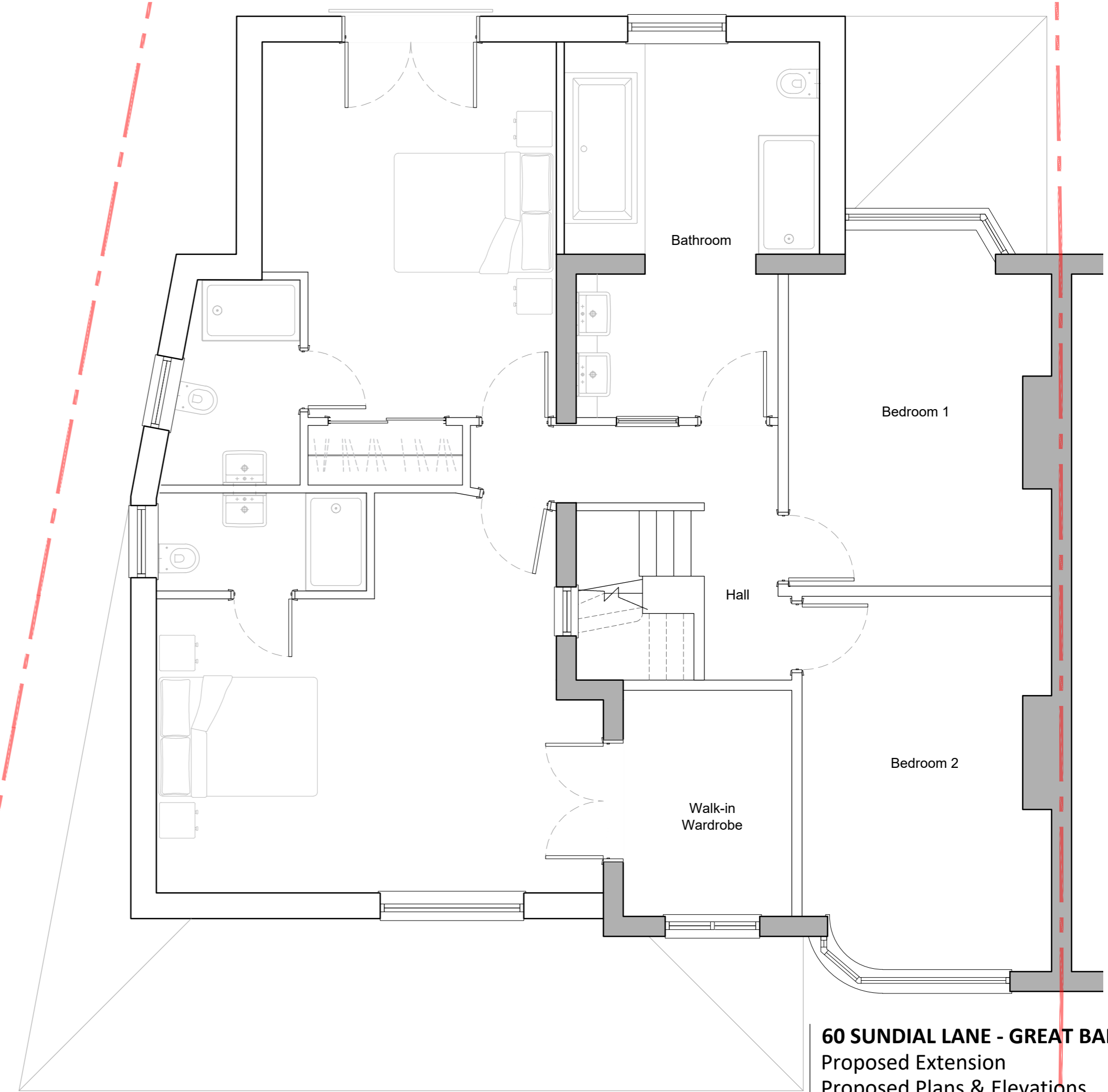
2. Proposed Side Elevation



3. Proposed Rear Elevation



4. Proposed Ground Floor Plan




77 5. Proposed First Floor Plan



## REPORT TO PLANNING COMMITTEE

11 March 2020

<b>Application Reference</b>	DC/19/63818
<b>Application Received</b>	14 January 2020
<b>Application Description</b>	Retention of single storey rear extension and new staff and visitor parking area.
<b>Application Address</b>	121 Witton Lane West Bromwich B71 2AE
<b>Applicant</b>	Eurobrass
<b>Ward</b>	Wednesbury South
<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.

#### **1. BACKGROUND**

- 1.1 This application is being reported to your Planning Committee because the proposal has received four neighbour objections.

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

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

Government policy (NPPF);  
Overlooking/loss of privacy;  
Loss of light and/or outlook;  
Overshadowing;

Overbearing nature of proposal;  
Layout and density of building;  
Design, appearance and materials;  
Access, highway safety, parking and servicing;  
Traffic generation;  
Contamination by a previous use;  
Land instability;  
Noise and disturbance from the scheme; and  
Loss of trees.

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

- 3.1 The application site is situated on the south side of Witton Lane, West Bromwich and is bounded to the east, south and west by residential development. A public house and more dwellings are located across the road from the site.
- 3.2 The premises are occupied by Eurobrass, stockists of brass rods, profiles, wires, strips and hollow bar and is effectively a storage and distribution use.
- 3.3 The Witton Lane frontage consists of a red brick boundary wall and a sliding metal access gate, and the buildings within the site are largely obscured from public view from the highway; however, some of the blue metal cladding of the building is visible. The building extends back into site and is overlooked by residential properties on Edwin Phillips Drive and Rydding Square, which mainly sit at higher land level than the application site.

### **4. PLANNING HISTORY**

- 4.1 There is some relevant planning history:
- 4.2 ENF/18/10741 Alterations to ground levels - Case closed 03.10.2019
- ENF/17/10445 Engineering works - Case closed 06.03.2018
- DC/02/38702 Residential Development -Approved 06.03.2002
- DC/32292 Extension to assembly work - Approved 28.06.1996
- DC/22516 Single-storey extension - Approved 19.02.1988
- 4.3 As objectors have made reference to enforcement matters, it is worth discussing these issues in greater detail. Within the rear of the site is an embankment which the applicant has, over the course of some two and a half years, been removing soil from. The embankment was previously

covered in trees which were removed by the applicant at the start of the process.

- 4.4 Planning officers explored the need for enforcement action, as the embankment did not appear to constitute an established land level, rather it seemed to be made up of 'spoil' which had been deposited years ago in the rear yard area of the premises (the high boundary walls being reminiscent of a coal yard or similar). This was corroborated by a local resident.
- 4.5 Enforcement action was considered on the premise that the works constituted an 'engineering operation', but an enforcement notice would only have required the applicant to return the soils, which was neither practical or desirable.
- 4.6 Once a large part of the embankment had been cleared, the applicant then proceeded to construct the unauthorised extension and was instructed to submit a planning application by the local planning authority.

## **5. APPLICATION DETAILS**

- 5.1 The applicant proposes to retain a single storey extension to the premises and a new staff and visitor parking area. The extension serves to expand the stockholder use.
- 5.2 The extension measures 15.1m in length by 12.3m in width by 5.4m in height with an approximate floor area of 186m<sup>2</sup>.
- 5.3 The car parking area provides a total of four staff and visitor spaces.

## **6. PUBLICITY**

- 6.1 The application has been publicised by neighbour notification letter with four objections being received.

### **6.2 Objections**

Objections have been received on the following grounds:

- (i) The proposal would increase the number of delivery vehicles;
- (ii) Manoeuvring/vehicle movements already compromise highway safety;
- (iii) Loss of outlook;
- (iv) Proximity to residential property – fire safety concerns;
- (v) Noise from lorries and forklifts;
- (vi) Large tank and containers now visible;
- (vii) Impact on property value;



- (viii) Land stability/damage to property;
- (ix) Loss of trees/wildlife;
- (x) Contamination; and,
- (xi) Dirt and dust

### 6.3 Responses to objections

In addressing the objector's comments in turn:

- (i) Many of the concerns raised relate to the existing operation of the site. However, the site has an established Business use and is a legacy parcel site of a former industrial area. The application is for an extension to the business and does not provide an opportunity to reassess the stockholder use. What is material is whether or not the increased floor area would exacerbate these concerns. In respect of this matter, while the extension would certainly not improve the situation in respect of the HGV manoeuvrability into the site, I cannot confidently state that the extension would significantly worsen matters from a highway safety perspective. Furthermore, Highways have not forwarded an objection in this regard.
- (ii) As above.
- (iii) With regards to loss of outlook, the extension is set at a much lower land level than adjacent properties and the extension does not have an appreciable impact in respect of a loss of outlook.
- (iv) I note the proximity of the extension to neighbouring properties, however, the extension is no closer to the side boundary of the site than the existing building. Furthermore, fire safety is not within the planning remit and, as the business is predominantly a brass stockholder, the likelihood of an extraordinary fire risk is not expected.
- (v) Noise from lorries and forklifts is associated with the existing use and the extension should not appreciably worsen the current noise climate.
- (vi) The tank and containers are not subject to this planning application.
- (vii) The impact on property value is not a material planning consideration.
- (viii) The applicant is liable for any works which have caused damage to neighbouring property. While soils have been removed to enable this development, land stability is not a significant consideration of the application. In my opinion, the applicant is liable for works within

the site which may affect neighbouring property in this regard. This includes the excavation of the embankment.

- (ix) The applicant removed trees on site before any development work commenced and the matter cannot retrospectively be addressed as an issue during the determination of this application.
- (x) With regards to contamination, it is not usual practice to consult the Council's contaminated land team on extensions to existing premises. I note that the objector raises the issue of the soil which was excavated. As I am not a relevant professional in respect of contamination, I cannot comment further in this regard, but the applicant should have ensured all necessary environmental protections were agreed and ensured.
- (xi) Dirt and dust was an issue during the removal of the embankment, but the retention of the extension raises no such concerns.

## **7. STATUTORY CONSULTATION**

### **7.1 Highways**

While no objection has been received from Highways, the officer has brought some existing matters to my attention concerning HGV manoeuvring into the site. These matters relate to the existing operation and not specifically in respect of this application. My opinion on these matters has already been set out above.

## **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. Paragraph 109 of the NPPF, in respect of refusal on highways grounds is relevant to this application and is quoted in paragraph 10.3 below.

## **9. LOCAL PLANNING POLICY**

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

ENV3: Design Quality

SAD EOS 9: Urban Design Principles

SAD EOS 10: Design Quality & Environmental Standards

- 9.2 With regard to design policies ENV3, EOS9 and EOS 10, the development raises no significant concerns in respect of its appearance.

The massing and scale of the extension corresponds to the existing building and respects its existing appearance.

## **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 extension is of a sufficient distance from surrounding dwellings, with its impact lessened by the lower land level, as to have no significant impact on light, outlook or privacy.

### **10.3 Layout and design**

The extension is a continuation of the existing built form into the site, and the materials used in its construction are of a similar appearance to the existing building.

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

As referred to above, the NPPF states that:

*'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

On balance, taking into account the existing use and in acknowledgement of the issues raised, I am of the opinion that the extension does not present an unacceptable impact on highway safety.

### **10.7 Flood risk**

Not relevant due to the minor nature of the proposal.

### **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 Ambition 9 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.

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

12.1 Taking into account that the extension is of an appropriate size and appearance in the context of the existing site, and that no significant highway implications would occur due to the increased floor area, I am of the opinion that the application should be approved.

## **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 Not relevant.

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

20.1 None.

**21. APPENDICES:**

Site Plan

Context Plan

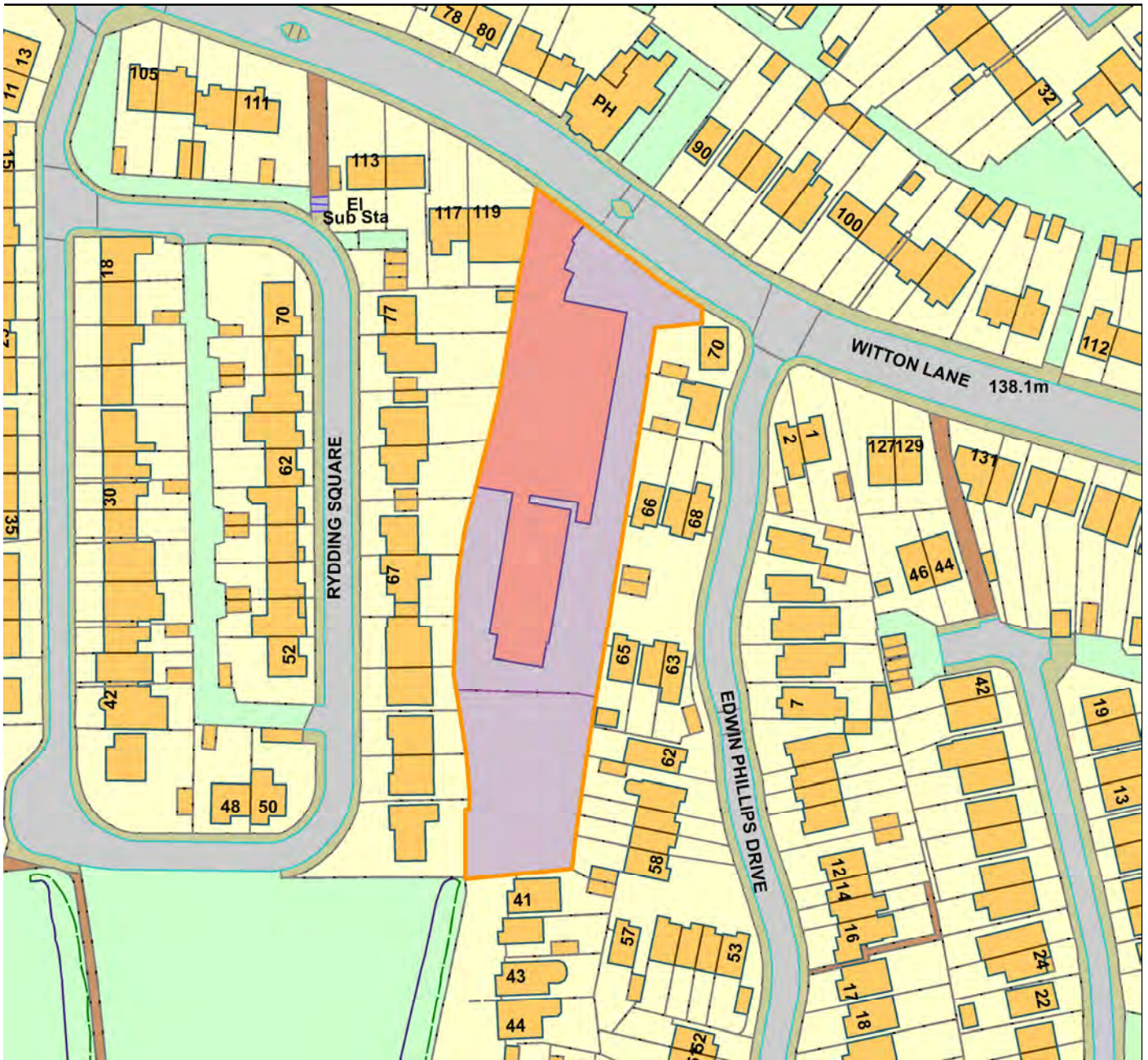
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INC-SA[20] 0002 P00

INC-MA[21]0002 P01

DC/19/63818  
121 Witton Lane, West Bromwich



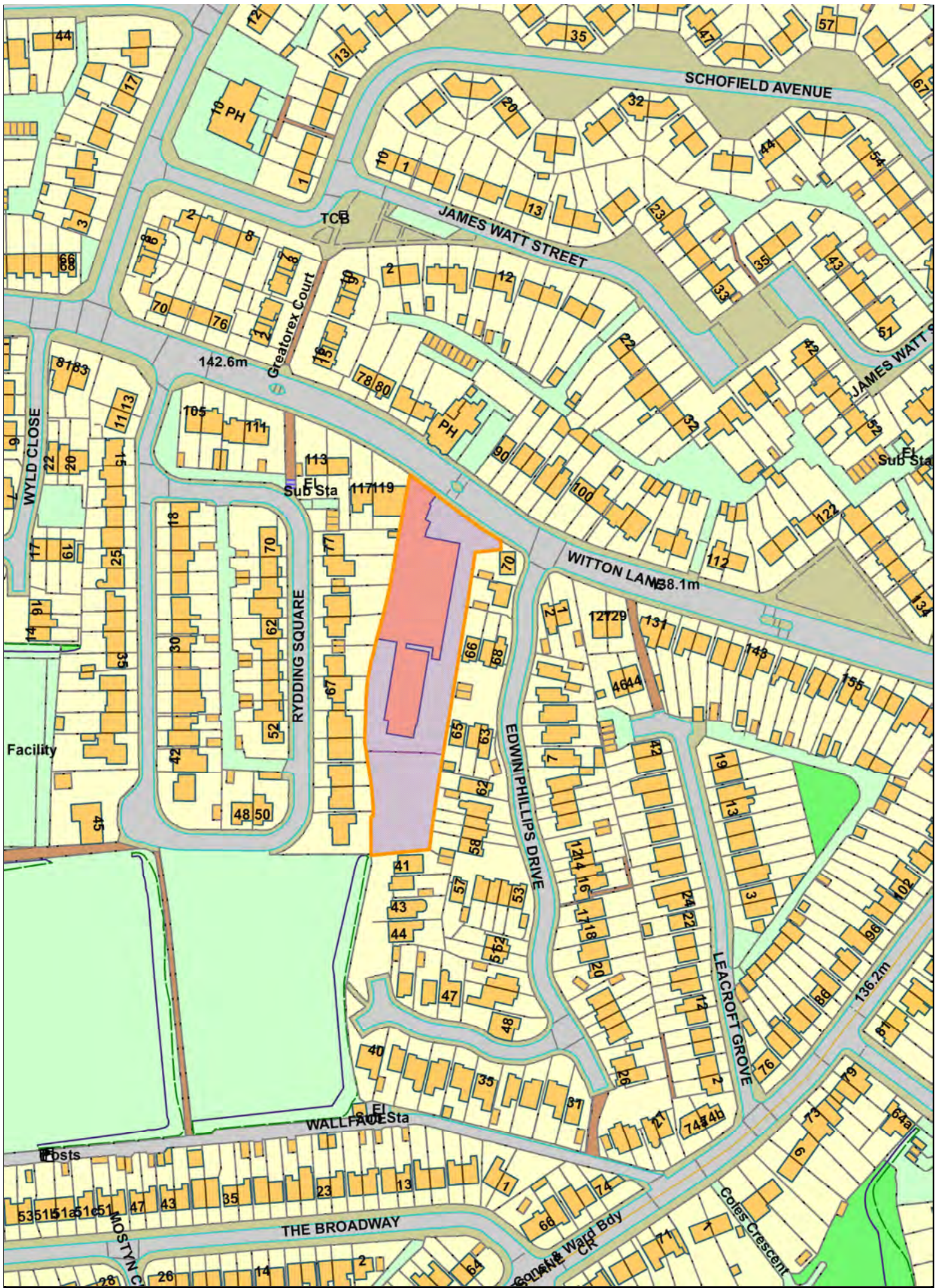
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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	26 February 2020
<b>OS Licence No</b>	



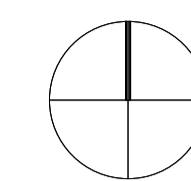
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Orientation



Schedule of Areas



Rev	Description	Date
P01	Parking bays added to plan	13.01.20
P00	Preliminary issue	12.12.19



ASSOCIATES LTD  
 1 Dudley Court North, Waterfront East  
 Level Street, Brierley Hill  
 West Midlands, DY5 1XP  
 T: 01384 571330 F: 01384 575644  
 E: incdesign@incdesign.net

Client



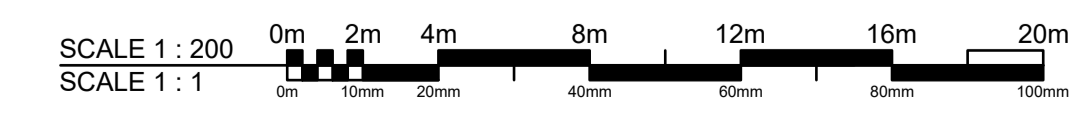
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 121 WITTON LANE, HILL TOP  
 WEST BROMWICH, B71 2AE

Drawing Title  
 SITE PLAN AS PROPOSED

Project No.	Drawing No.	Revision
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Scale	Date	Drawn by
1:200@A1	12.12.19	CJ

PLANNING

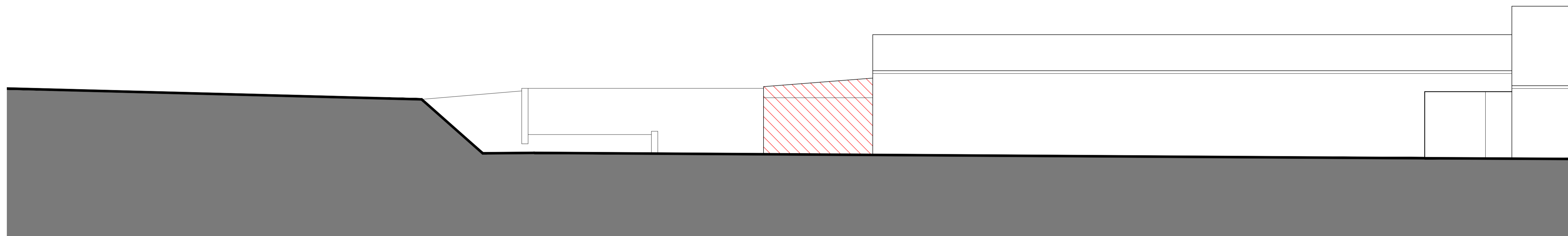
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 1:200



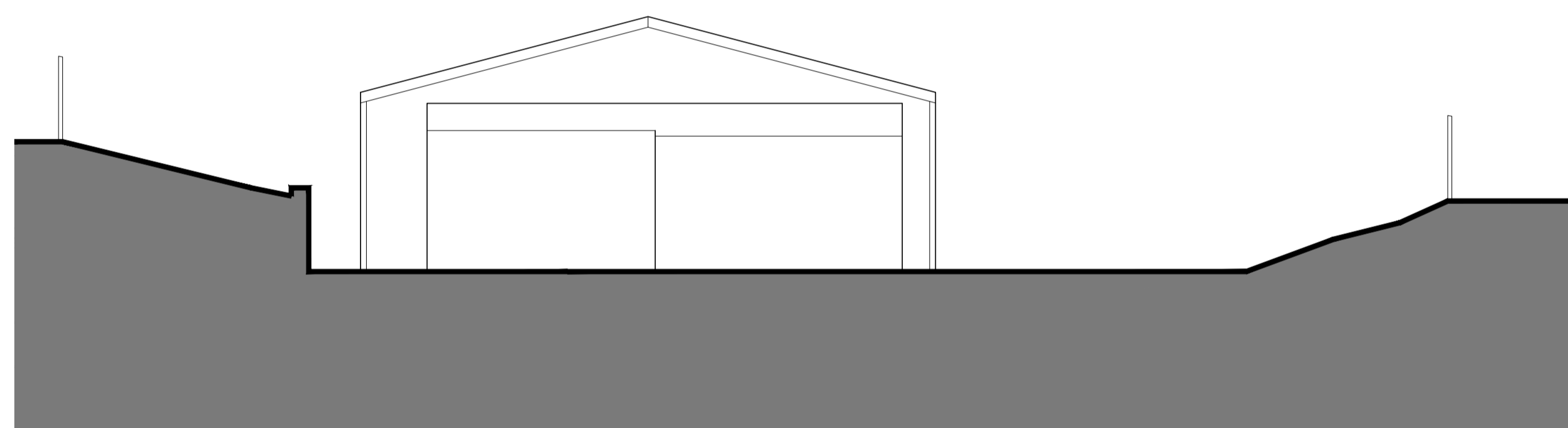


Orientation

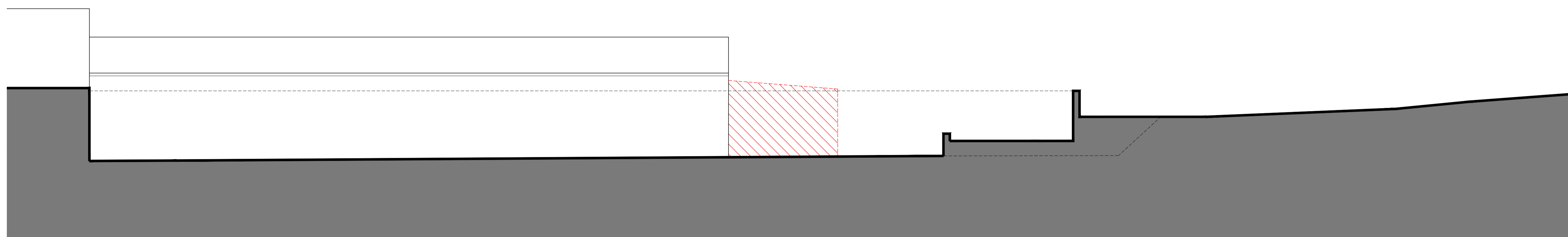
Schedule of Areas



**01** EAST ELEVATION AS EXISTING  
1:100



**02** SOUTH ELEVATION AS EXISTING  
1:100



**03** WEST ELEVATION AS EXISTING  
1:100

Rev	Description	Date
P00	Preliminary issue	12.12.19



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T: 01384 571330 F: 01384 575644  
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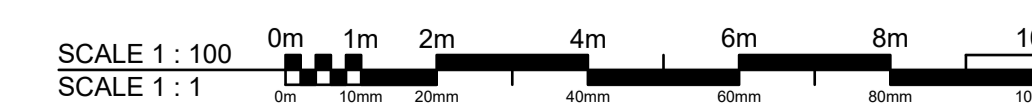
Client



Project  
121 WITTON LANE, HILL TOP  
WEST BROMWICH, B71 2AE

Drawing Title  
ELEVATIONS AS EXISTING

Project No.	Drawing No.	Revision
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Scale	Date	Drawn by
1:100@A1	12.12.19	CJ



PLANNING

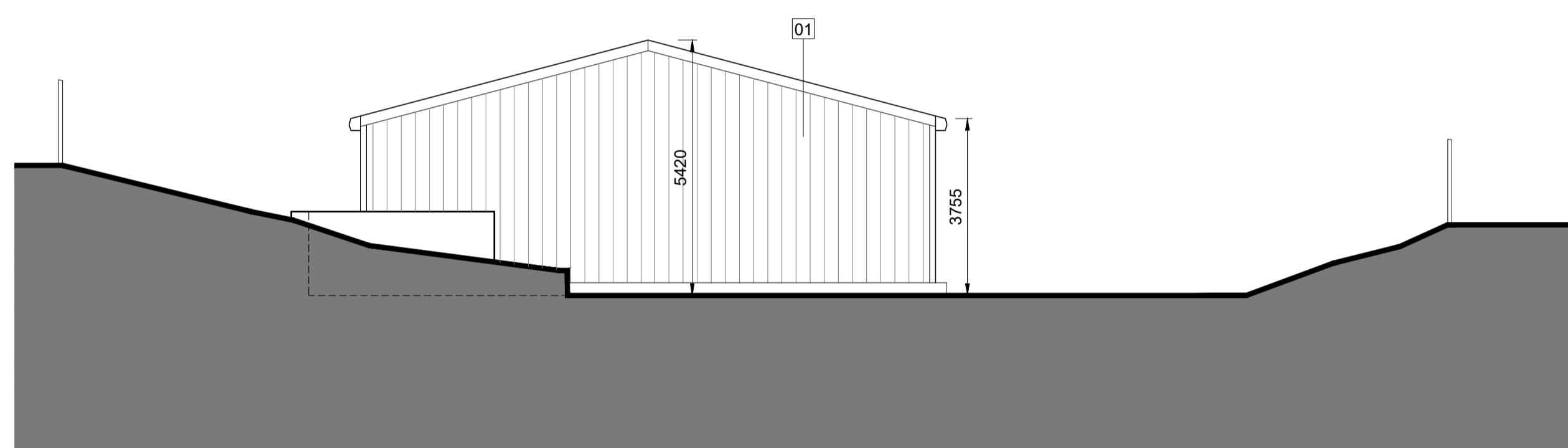
Orientation

Materials Key

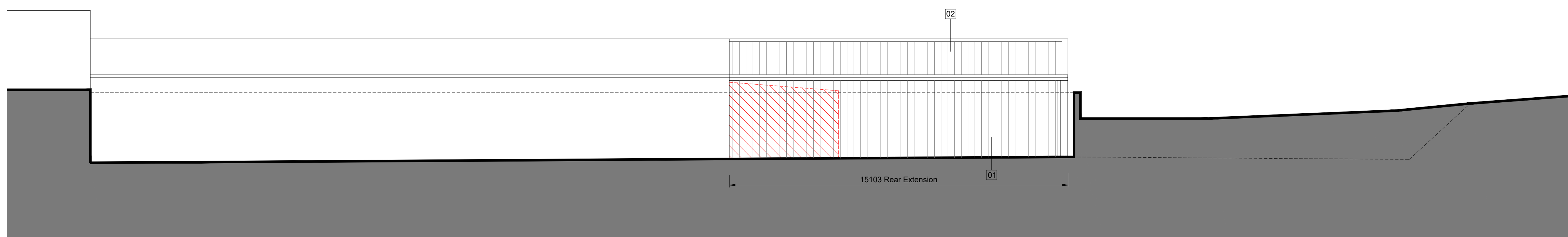
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2. New profiled metal roofing to match existing.
3. New roller shutter door to match existing.



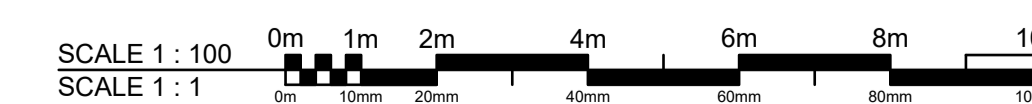
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**02 SOUTH ELEVATION AS PROPOSED**  
1:100



**03 WEST ELEVATION AS PROPOSED**  
1:100



Rev	Description	Date
P00	Preliminary issue	12.12.19



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Client



Project  
121 WITTON LANE, HILL TOP  
WEST BROMWICH, B71 2AE


Drawing Title  
ELEVATIONS AS PROPOSED

Project No.	Drawing No.	Revision
2825	INC-MA[2]0002	P00
Scale	Date	Drawn by
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PLANNING

## REPORT TO PLANNING COMMITTEE

11 March 2020

<b>Application Reference</b>	DC/19/63824
<b>Application Received</b>	18 December 2019
<b>Application Description</b>	Retention of sub division of shop into two units with new shop fronts, change of use of first and second floors from shop storage to 4 No. self contained flats with dormer windows to front and rear, alterations to rear to include installation of roller shutters.
<b>Application Address</b>	584 - 586 Bearwood Road, Smethwick, B66 4BW
<b>Applicant</b>	Veema (UK) Ltd
<b>Ward</b>	Abbey
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s)</b>	William Stevens <a href="mailto:William_stevens@sandwell.gov.uk">William_stevens@sandwell.gov.uk</a> 0121 569 4897

### **RECOMMENDATION**

That planning permission is granted subject to:

- (i) The windows on the rear elevation being obscurely glazed, and retained as such;
- (ii) Additional roof lights to serve the first floor living rooms; and
- (iii) Air quality and noise mitigation measures.

### **1. BACKGROUND**

1.1 This is a part retrospective application.

1.2 This application is being reported to your Planning Committee because three objections have been received.

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

- 2.1 The site is allocated as part of the retail core within Bearwood Town Centre.
- 2.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF)  
Planning history  
Overlooking/loss of privacy  
Loss of light and/or outlook  
Public visual amenity  
Overbearing nature of proposal  
Access, highway safety, and parking  
Noise and disturbance from the scheme  
Disturbance from smells

## **3. THE APPLICATION SITE**

- 3.1 The application site is situated on the western side of Bearwood Road, Smethwick. The application site relates to retail units within a retail area, with residential properties to the side (at first floor level) and to the rear in Herbert Road.

## **4. PLANNING HISTORY**

- 4.1 The site benefits from planning permission for a similar use to that proposed. However, the permission differs from this proposal as part of the existing first floor was to be demolished, and the residential properties set back from the rear gardens of properties on Herbert Road. The applicant proposes to make use of the existing building, providing additional living space to two of the previously approved flats.

- 4.2 There is one relevant planning application: -

- |     |             |   |                        |
|-----|-------------|---|------------------------|
| 4.3 | DC/19/62649 | Proposed sub division of shop into two units with new shop fronts, change of use of first and second floors from shop storage to 2 no. self-contained flats with dormer windows to front and rear, alterations to rear to include installation of roller shutters and parking area. | Approved<br>09/04/2019 |
|-----|-------------|---|------------------------|

## **5. APPLICATION DETAILS**

- 5.1 The applicant proposes to retain the use of the subdivision of the one shop into two units with new shop fronts, change of use of first and second floors from shop storage to 4 No. self-contained flats with dormer windows to front and rear (for clarity, DC/19/62649 was for an additional two flats, totalling four on site). Alterations to the rear include the installation of roller shutters.
- 5.2 The majority of the works can be considered permitted development (i.e. the number of flats) however, as the four flats share the same entrance and internal landing, planning permission is required.
- 5.3 The applicant is aware of the concerns raised by the objectors with the potential overlooking issue (Point 6.2(i)) therefore the applicant has agreed to obscurely glaze the windows to the rear and provide an additional two roof lights to introduce more light to living areas.

## **6. PUBLICITY**

- 6.1 The application has been publicised by neighbour notification letter with three objections received.

### **6.2 Objections**

Objections have been received on the following grounds:

- (i) Privacy – the future occupiers will overlook the gardens and living areas of Herbert Road and the interface distances are less than is allowed;
- (ii) Light - natural light has already reduced due to this development;
- (iii) Noise nuisance - given the depth of the living space, the windows in the rear will be open for a significant time to try to vent these rooms and will be a significant source of noise nuisance;
- (iv) Noise/air pollution - the garage access will increase both noise and air pollution to both the objector's gardens and houses;
- (v) Light pollution - resulting from the additional lighting to the building impacting on the properties in Herbert Road;
- (vi) Parking concerns – no parking provision for residents and the loading bay area is not adequate for manoeuvring

### **6.3 Responses to objections**

I respond to the objector's comments in turn;

- (i) Privacy - The building already exists, however the residential use would intensify the current use. Nevertheless, the distance

- between the rear of the properties in Herbert Road and the application site ranges from 18m to 25m (the Council's separation distance guidelines is 21m). Furthermore, the applicant has agreed to obscurely glaze the windows and any approval can be conditioned accordingly.
- (ii) Light - No substantial new build is proposed, therefore there would be no additional loss of light.
  - (iii) Noise nuisance – As indicated in (i) above, the proposal broadly complies with separation distances, however the applicant has agreed to additional skylights which will aid ventilation. The proposal should omit no more noise than would be expected from any other residential property.
  - (iv) Noise/air pollution - A service road would separate the proposed dwellings and those gardens of properties on Herbert Road. In my opinion, I do not foresee that the commercial activities would cause a significant disturbance to the objector's property, and is already accessible for such purposes.
  - (v) Light pollution – whilst being sympathetic to the residents' concerns, the proposal relates to an existing commercial activity and hence a degree of light pollution is inevitable, however I do not consider that this is significant enough to warrant refusal.
  - (vi) Parking concerns – Highways have no objections to lack of residents parking given the town centre location and previous appeal decisions. With regard to the commercial parking and manoeuvring area, approval has previously been granted for this element of the proposal.

## **7. STATUTORY CONSULTATION**

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

Additional cycle parking has been requested. At present, two spaces have been provided, however, additional cycle parking could be accommodated within the flats themselves if required.

### **7.2 Highways**

There is no objection to the residential element (given the planning history of adjacent properties in Bearwood Town Centre) yet concerns are raised regarding the manoeuvring space of commercial vehicles. These parking spaces however were approved under the previous permission DC/19/62649.

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

They have stated that due the poor air quality recorded on the Bearwood Road, they consider that future residents should be adequately protected

and hence they have recommended that an air quality mitigation measures plan is submitted to include glazing specifications, non-openable windows on the front façade and a detailed specification of mechanical ventilation to provide clean air to the residential flats. This was conditioned on the previous approval and can be conditioned as part of the revised application. In addition, they have requested details of electric vehicle charging points. However no parking provision for residents is proposed and hence this is not a reasonable condition to impose on this application.

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

As with the above concerns, it is considered that noise from the Bearwood Road should also be mitigated and similar conditions have been requested. These can be conditioned accordingly.

#### **7.6 West Midlands Police**

No objections.

#### **7.7 Private Sector Housing**

The comments received are not material planning considerations and this is covered by other legislation, primarily building regulations.

### **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  
HOU2: Housing Density, Type and Accessibility  
ENV3: Design Quality  
ENV8: Air Quality  
SAD EOS9: Urban Design Principles

9.2 With regard to policies HOU1 and HOU2 the site already provides housing but this proposal will provide additional homes to meet future needs.

9.3 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments. Subject to appropriate noise and air quality

mitigation measures, I am satisfied the layout of the flats complies with the Council's residential design guidance and provides a good quality living environment.

- 9.4 ENV8 refers to air quality, and conditions have been recommended in order for the development to comply with this policy.

## **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 Overlooking/loss of privacy**

The proposal complies with the Council's separation distance guidelines (Point 6.3(i)).

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

The main body of the building remains unchanged from what has been on site for several years. The proposal is to reuse the existing premises.

### **10.4 Public visual amenity**

The rear of the site is out of view from the main street, therefore there is little impact on visual amenity.

### **10.5 Overbearing nature of proposal**

As indicated in 10.3 above, the footprint of the building already exists.

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

The site has permission to use the rear of the site for parking of commercial vehicles under the previous application and access is via a long-established service road.

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

Environmental Health have not raised any concerns regarding noise break out to existing residents, merely that future occupiers of the flats should be protected from noise emanating from the Bearwood Road. In addition, the service road separates the site from residential properties in Herbert Road, and the rear elevation of the existing premises meets the Council's separation distance guidelines.



## **10.8 Disturbance from smells**

Environment Health have raised no objections and, given the separation distances from the proposal to residential properties on Herbert Road, I do not foresee that the development would cause any significant odour issue.

## **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 Whilst the development meets the Council's separation distance guidelines, the concerns of residents over the potential for overlooking have been noted. Therefore, the applicant has agreed to obscurely glaze the windows that face the gardens of Herbert Road.
- 12.2 Additionally, it has also been agreed that extra roof lights will be installed, providing a better quality of living space to future residents.
- 12.3 The additional homes the development would provide would provide much needed living accommodation within the Borough.
- 12.4 The granting of conditional planning permission 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**

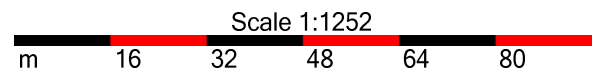
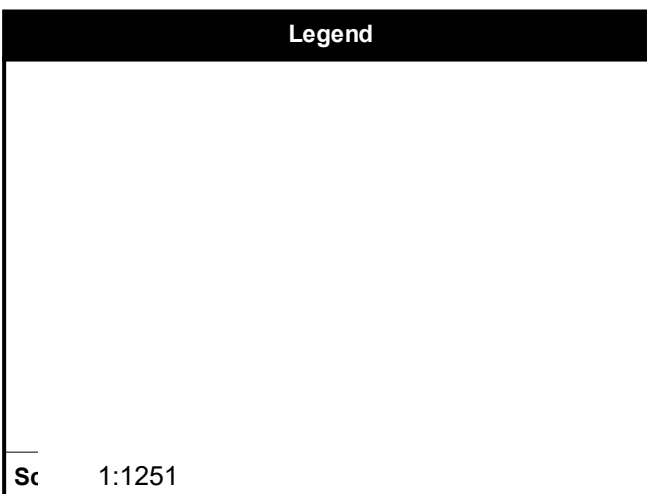
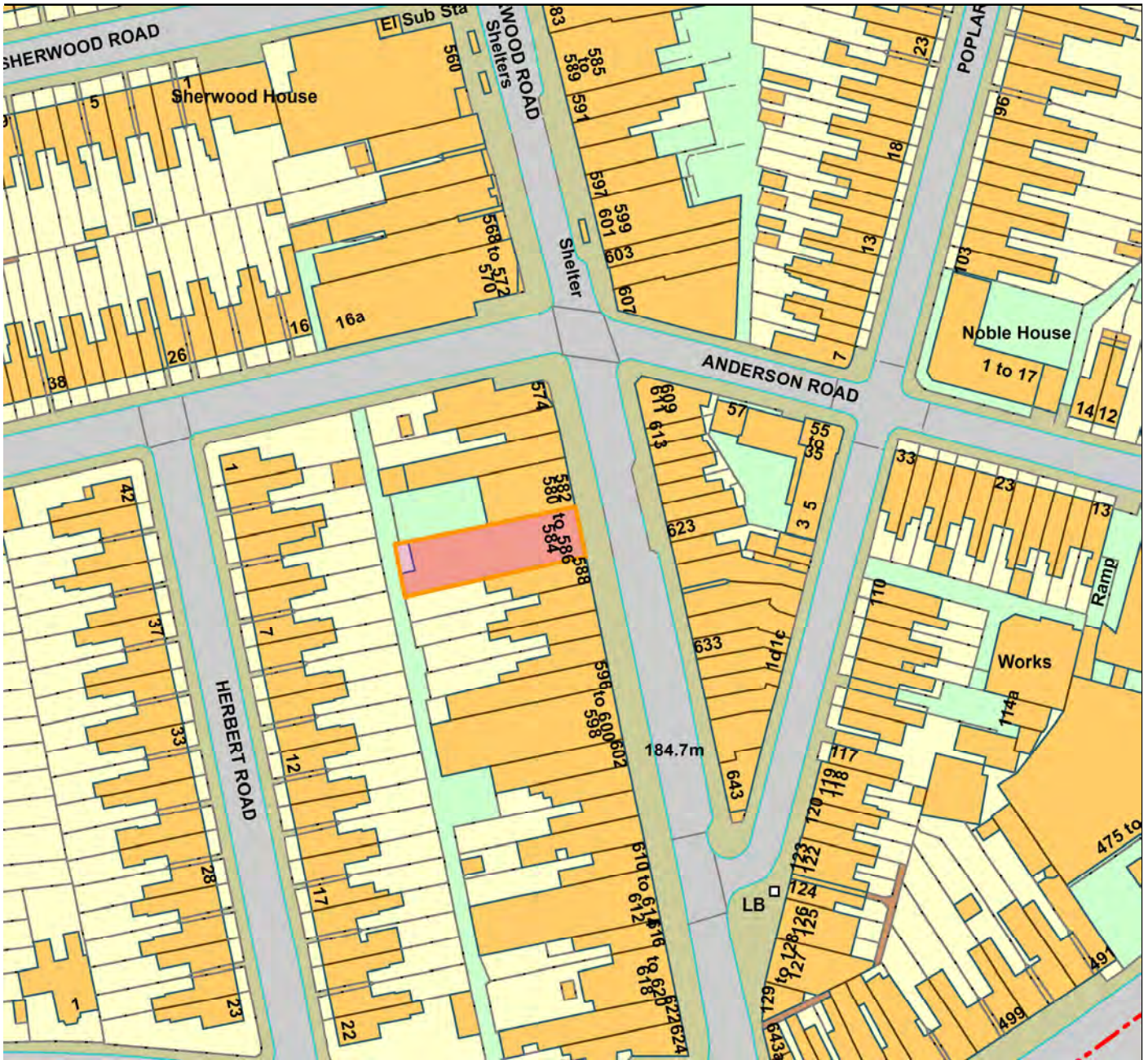
20.1 There will be no impact.

## **21. APPENDICES:**

Site Plan  
Context Plan  
03 REV I  
04 REV D  
05 REV E

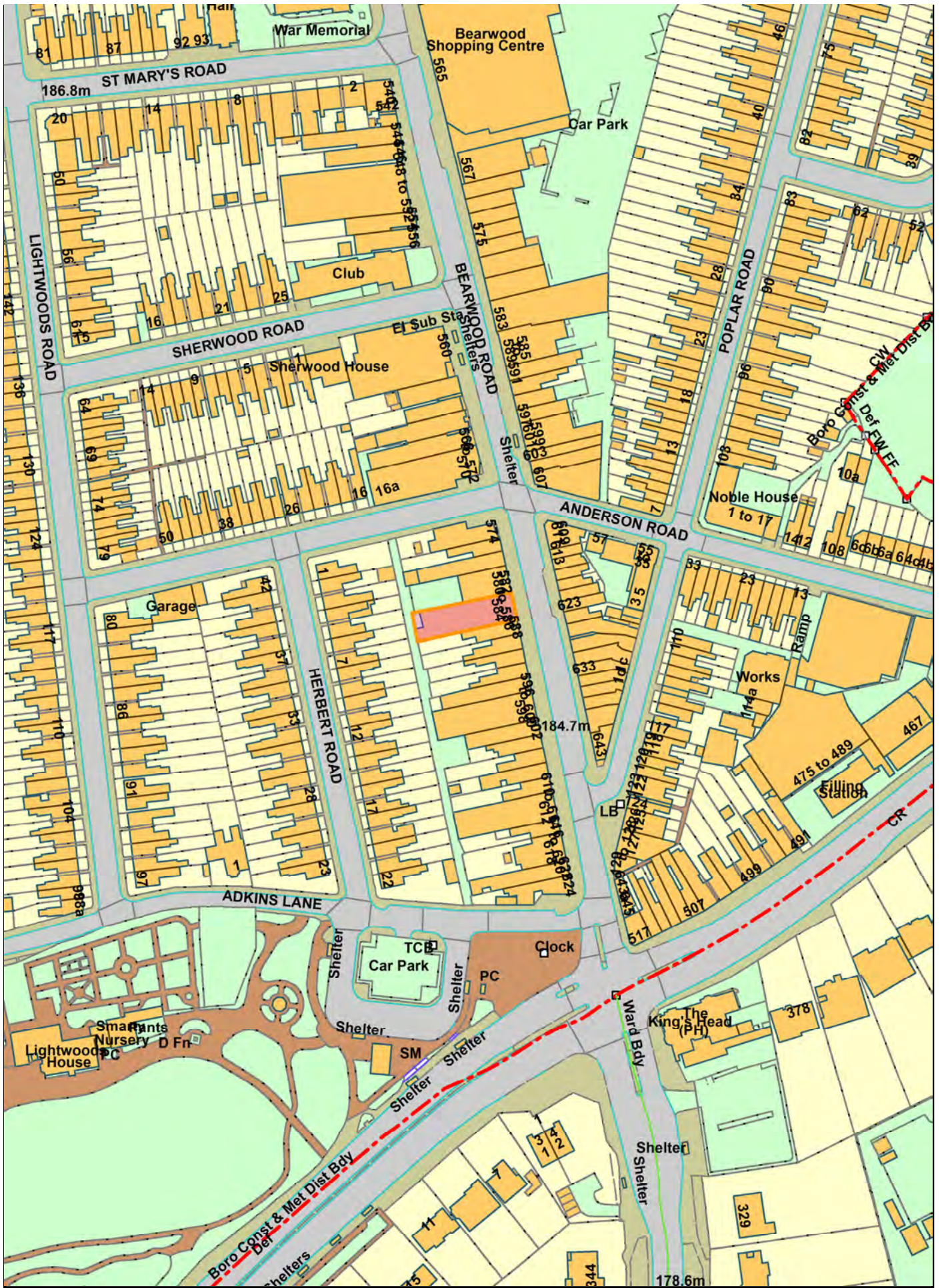
DC/19/63824

584 - 586 Bearwood Road, Smethwick



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Organisation	Not Set
Department	Not Set
Comments	
Date	26 February 2020
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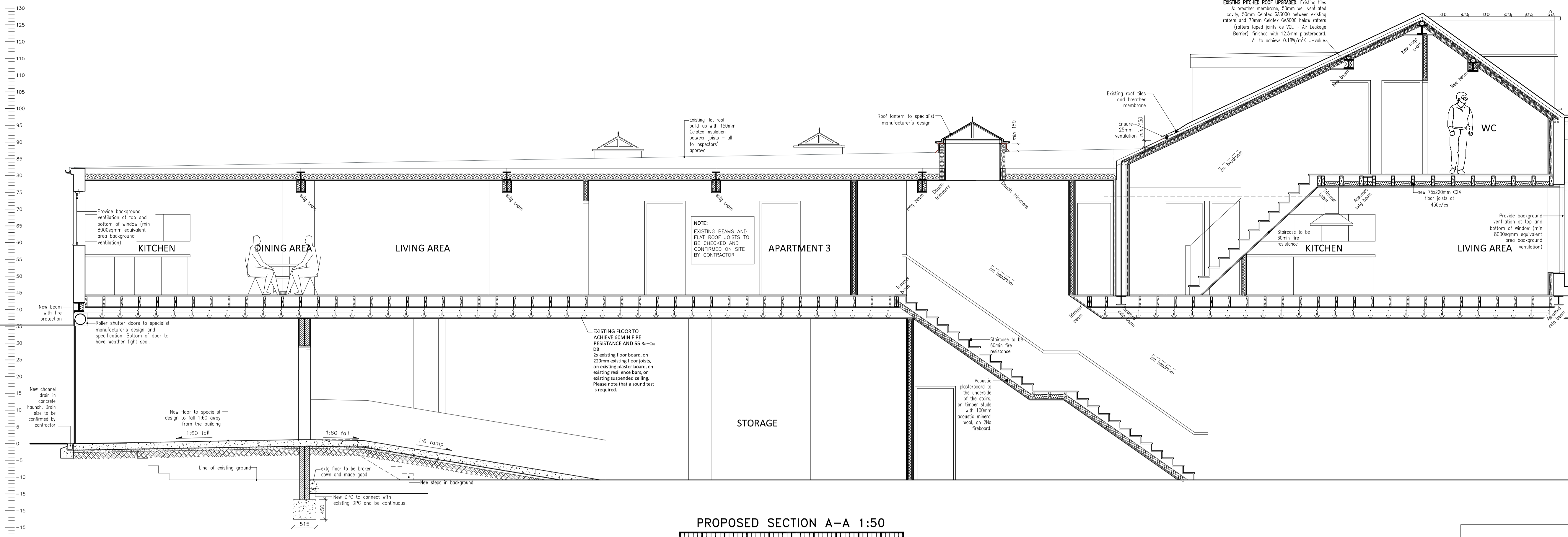


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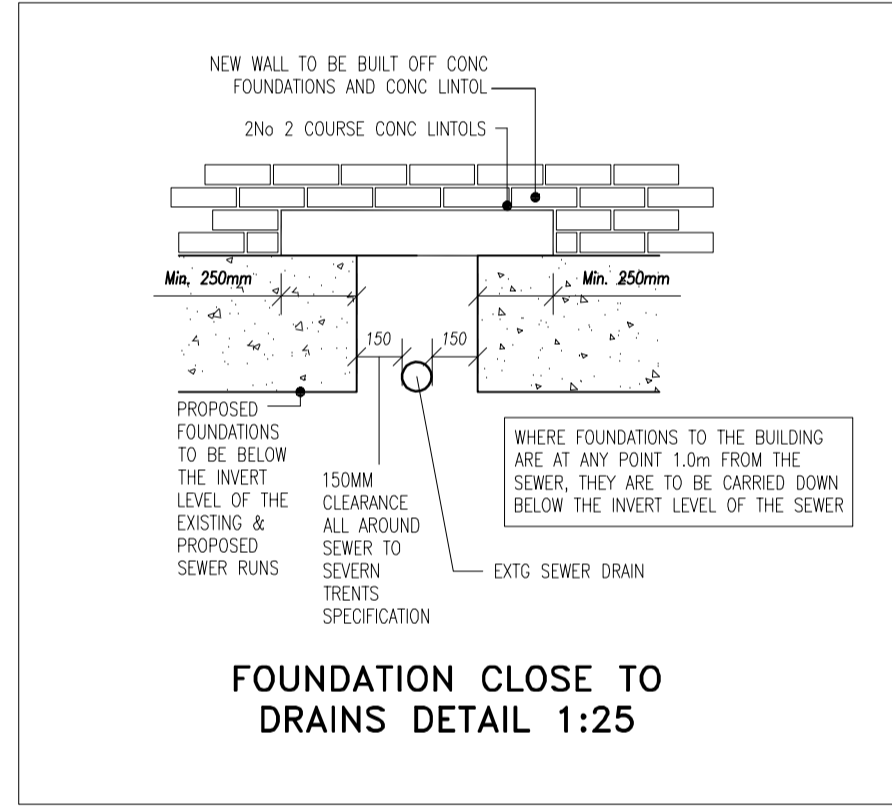


**EXISTING PITCHED ROOF UPGRADE:** Existing tiles & breather membrane, 50mm well ventilated cavity, 50mm Celotex G4300 between existing rafters and 70mm Celotex G4300 below rafters (rafters spaced joints as VCL + Air Leakage Barrier), finished with 12.5mm plasterboard. All to achieve 0.198/m<sup>2</sup> U-value.



Provide continuous 10mm ridge ventilation  
Provide continuous 25mm eaves ventilation  
New roof tiles to match exty  
Cavity trays and associated weep holes to discharge above eaves and flashing level at junctions where flat roof / pitched roof abuts external wall, all in accordance with manufacturer's instructions. Stepped cavity trays to junctions of pitched roof and cavity wall.  
Lintels over external openings to have cavity trays discharging to outside with weep holes.  
Weep holes should be provided spaced at maximum 450mm intervals. Each opening should have at least two weep holes. Cavity tray to have stop ends.  
code 4 lead flashing abutments  
New brickwork to match exty  
New DPC to connect with existing DPC and be continuous.

**PROPOSED SECTION A-A 1:50**  
0 1 2 3 4 5m



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4. Clients to commence with construction work only upon receipt of Full and unconditional building regulations approval.

Rear staircase and door added	E	05.09.19
Staircase position altered+ other amendments	D	19.07.19
Elevations updated	C	25.06.19
Scheme revised	B	04.06.19
Showing 50% of the shop as retail and 50% storage	A	09.04.19
Revision:	Issue:	Date:

Drawn By: **FM** Scale: **AS SHOWN @A1** Date: **MARCH 19**

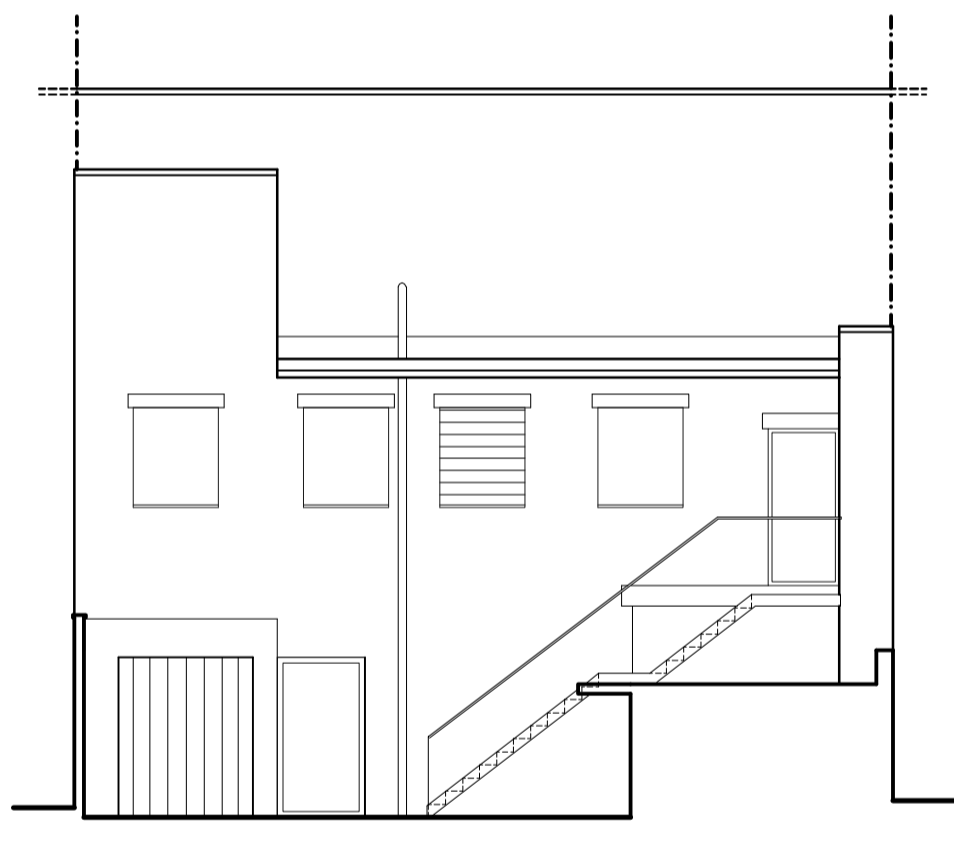
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TEL:0121-507-1616 FAX:0121-507-1177  
e-mail: info @ brp.uk.net

client:  
**MR SANDEEP DOSHI**

job:  
**584-586 BEARWOOD ROAD**  
**SMETHWICK**  
**B66 4BL**

drawing:  
**BUILDING REGULATIONS: FIRST & SECOND FLOOR PLANS**

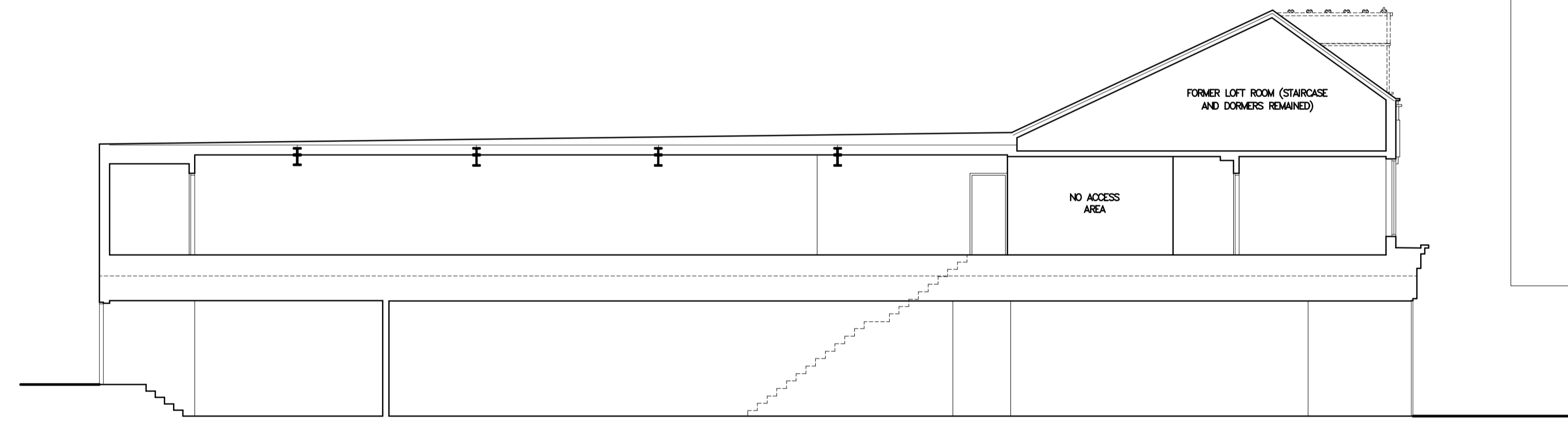
Job No:	Drq No:	Issue:
<b>3290</b>	<b>05</b>	<b>E</b>



**EXISTING REAR ELEVATION 1:100**  
SCALE 1:100 0 1 2 3 4 5m



**EXISTING FRONT ELEVATION 1:100**  
SCALE 1:100 0 1 2 3 4 5m



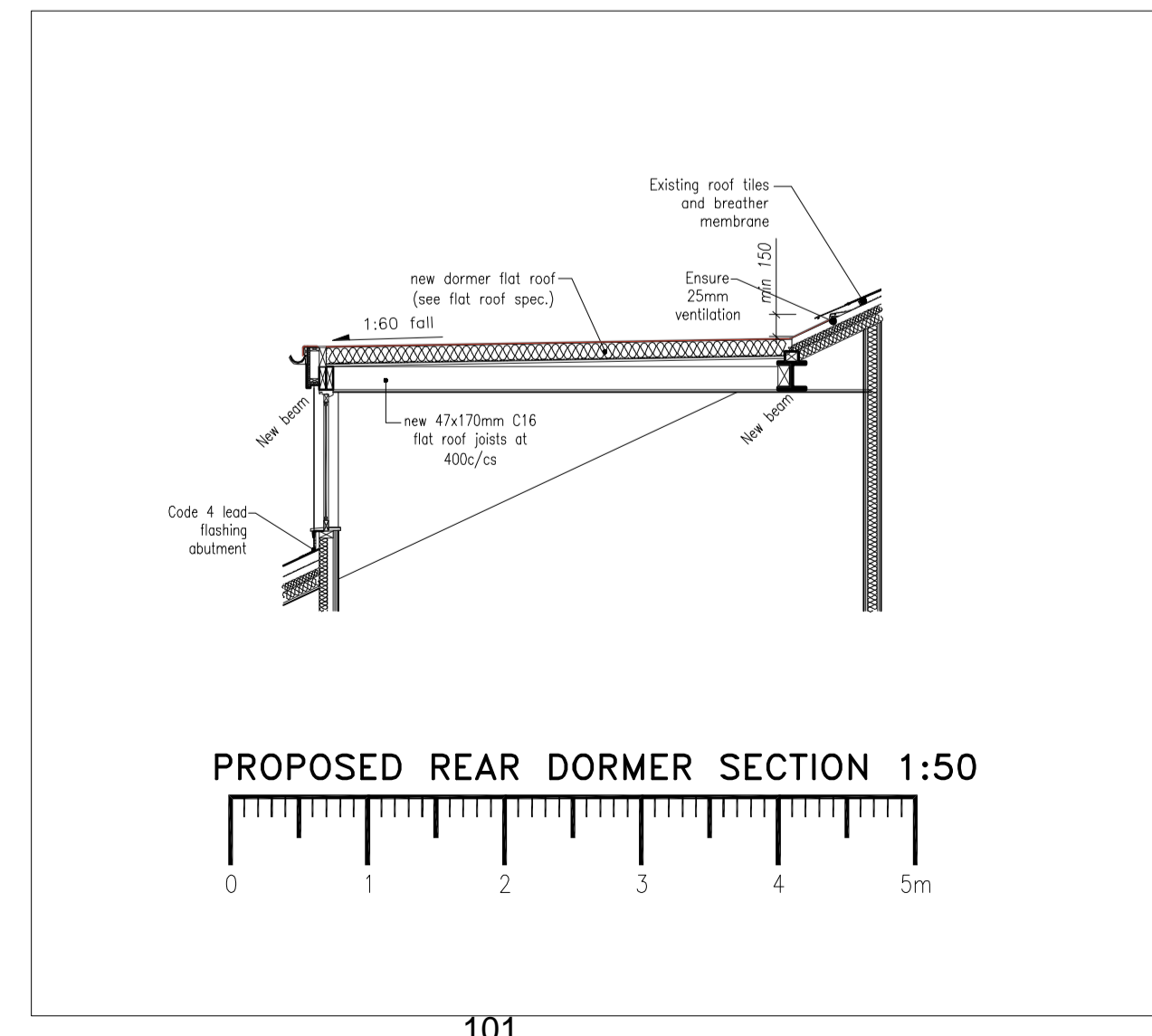
**EXISTING SECTION A-A 1:100**  
SCALE 1:100 0 1 2 3 4 5m



**PROPOSED REAR ELEVATION 1:100**  
SCALE 1:100 0 1 2 3 4 5m



**PROPOSED FRONT ELEVATION 1:100**  
SCALE 1:100 0 1 2 3 4 5m



**PROPOSED REAR DORMER SECTION 1:50**  
0 1 2 3 4 5m

# Specification

**FOUNDATIONS:**  
Concrete strip foundations, size as shown, depth 1m – or down to load bearing sub-soil and below invert of any adjacent drains – to the satisfaction of the Building Inspector.

**DRAINAGE:**  
New drains to be 100mm flexible jointed Superseal laid to fall 1 in 40 surrounded and bedded in pea-gravel. Any drains that pass below new building to be protected by concrete linings through foundation walls (and, if within 500mm of floor slab, surrounded by 150mm of concrete). All connections to be to the satisfaction of the Building Inspector.

**SERVICES:**  
Plumbing heating and electrical installations to be carried out as instructed by client by suitably qualified installers to all current relevant standards & regulations.

**PLUMBING:**  
New appliances to be fitted with deepseal traps with the following waste sizes: basins 32mm; baths 40mm; showers 40mm. New SVP's to terminate min 900mm above any opening window within 3m and to be fitted with bird mesh.

**SECOND FLOOR:**  
21mm tongue & groove boarding, on 19mm Gyproc Plank on SIF channels, on 75x220mm C24 floor joists at 450c/c with 100mm Isover Spacesever Ready-Cut insulation between joists, on 19mm Gyproc Plank and 12.5mm SoundBloc. All to achieve a 60min fire insulation.

**WALLS:**  
100mm facing brickwork with 215mm piers. As to d.p.c. min 150mm above finished ground level. Class B engineering brickwork below d.p.c. to min 2 courses below ground level. New walls 50% bonded to existing.

Joints to be 10mm, with compressible strip (to 50% thickness) facefilled with polysulphide compressible filler.

**EXISTING STRUCTURE:**  
Any items of existing structure that are affected by the alterations (including foundations) to be exposed at the request of the Building Inspector to determine the suitability to take additional loads.

**STUD PARTITIONS:**  
75x50mm timber studs (100x50 stud at left floor), sills heads and noggins faced both sides with 12.5mm plasterboard & 3mm skim, built off double joists where parallel to partition. Voids to be filled with Rockwool.

**STUD PARTITIONS (APARTMENTS' FIRE ESCAPE ROUTE):**  
Two layers of 12.5mm Gyproc Fireline Board each side of 75x50mm timber stud @600c/c. Voids to be filled with 25mm Isover Acoustic Partition Roll (APR 1200) insulation.

**SEPARATING STUD PARTITIONS (APARTMENTS' LANDING ESCAPE ROUTE):**  
Two layers of 12.5mm Gyproc SoundBloc board on each side of 75x38mm timber stud @600mm c/c with Gyproc R81 Resilience Bars fixed horizontally to both sides @600mm c/c. 50mm Isover Acoustic Partition Roll (APR 1200) in the cavity and 2x12.5mm Lining-System reference A046006.

All to achieve sound insulation 51Rw+10dB and 60min fire resistance.

**ELECTRICAL INSTALLATION:**  
All electrical installation must be in accordance with BS 7671:2001 and must be undertaken by a competent electrician certified by the IAEA or any other scheme authorized by the Secretary of State.

**GLAZING:**  
Glazed doors, and any windows within 300mm of doors or with sill height lower than 800mm, to be fitted with toughened or laminated glass to BS5206:1981. (Does not apply to panes with width less than 250mm). 24mm unit of 4mm K glass 16mm air gap and 4mm spiglit clear or similar to give 1.8 W/m<sup>2</sup>K U value.

**WINDOWS:**  
All new windows to be double-glazed. Outside edge of frames to be sealed with mastic. Drought seals to be fitted to all openings. All habitable rooms above ground floor level to have a clear opening area of at least 0.33sqm (min dim to be 0.45 high and wide).

**VENTILATION:**  
Windows to habitable rooms to have opening vents not less than 5X floor area of room plus 8000mm<sup>2</sup>, controllable trickle ventilation. Kitchen and bathroom to have 4000mm<sup>2</sup> controllable trickle ventilation.

**LINTELS:**  
Provide Cnic lintels (C/N7 up to 1800mm span, C/N8 above 1800mm span) over external openings. R.C. lintels over internal openings. Or as shown.

**MECHANICAL VENTILATION:**  
Mechanical ventilation ducted to outside air to be provided to give the following extraction rate:  
Kitchen – 60/s intermittent or 30/s cooker hood.  
W.C. – 6/s with 15 min overrun.  
Bathroom – 15/s intermittent.

**PITCHED ROOF:**  
Tiles to match existing, on 38x25mm pre-treated timber battens, on Tyvek breathable membrane, on C16 timber rafters (see plans, sections for sizes and spacing). Tile fixing, spacing, ventilation, headings & batten size to manufacturer's instructions.

Insulation between and below rafter level to achieve U-value 0.18w/m<sup>2</sup>K:  
Celotex G4300 50mm between rafters and Celotex G4300 70mm below rafters. Rafters faced joints as VCL + Air Leakage Barrier. Finished with 12.5mm plasterboard and skim.

**LATERAL RESTRAINT (FLAT ROOFS, CEILINGS, FLOORS):**  
Perpendicular to the span of the new flat roof joists. Use 30x6mm galv m.s. straps at max 1.5m centers to strap wall to line joists. Strap fully supported on 38mm wide x 1/2 joist depth noggings between joists.

Longitudinally, joists to have min 90mm bearing on supported wall at each end. Or where joists on hangers longitudinally against joists min 1200mm long 30x6mm galv m.s. straps at max 1.5m centers. Straps to hold tight against masonry wall (see Approved Document A – Diagram 15).

**VERTICAL HOLDING DOWN STRAPS (FLAT ROOF):**  
At eaves level, wall plate strapped vertically to wall using 30x2.5mm galv m.s. straps 1m long, at 2m centers.

**VERTICAL HOLDING DOWN STRAPS (PITCHED ROOF):**  
Foot of each rafter strapped vertically to wall using 30x2.5mm galv m.s. straps min 1m long.

**ROOF VENTILATION:**  
Provide continuous 25mm air gap to all eaves, filled with insect mesh. Provide vent tiles equivalent to continuous 5mm air gap at high level of all roofs and at low level where necessary.

**RAINWATER:**  
Gullies 112mm half round. RWP's 63mm to connect into drains via trapped gullies.

**TIMBER & SEALER:**  
All external and structural timber to be treated timber. Once treated timber (C16 – C24) are cut, then the cut ends should be treated with end grain sealer.

**END-GRAIN SEALER:**  
A purpose formulated sealer for sawn and grain timbers where the potential ingress of moisture will lead to dimensional instability of the timber. SHELLO-GAL is a highly effective sealer and water repellent which maintains a high degree of micro porosity allowing entrapped moisture to escape.

**DORMER WALL:**  
U value of 0.27w/m<sup>2</sup>K.  
1.8mm Code 4 Lead on 12mm plywood on cavity ventilated space between 25mm battens, 60mm Celotex G4300 between 100mm timber studs, 40mm cavity between studs – low emissivity then 37.5mm Celotex FL3025 (25 +12.5mm), board joints sealed as VCL + air leakage barrier & 3mm skim to finish.  
It to manufacturer's recommendations.

**FIRE PROTECTION:**  
Steel beam to be encased in layer of 15mm fireline board with staggered joints, and 3mm plaster.

**FIRE STOPPING: ENCLOSURE FOR DRAINAGE OR WATER SUPPLY PIPES**  
Provide fire stopping between stock pipes and floor to compartment floor. Refer to Marley Sanitary Fitting Schedule.

**FIRE DAMPERS:**  
Fire dampers required to duct work passing through fire compartment. (Connected to fire detection system)

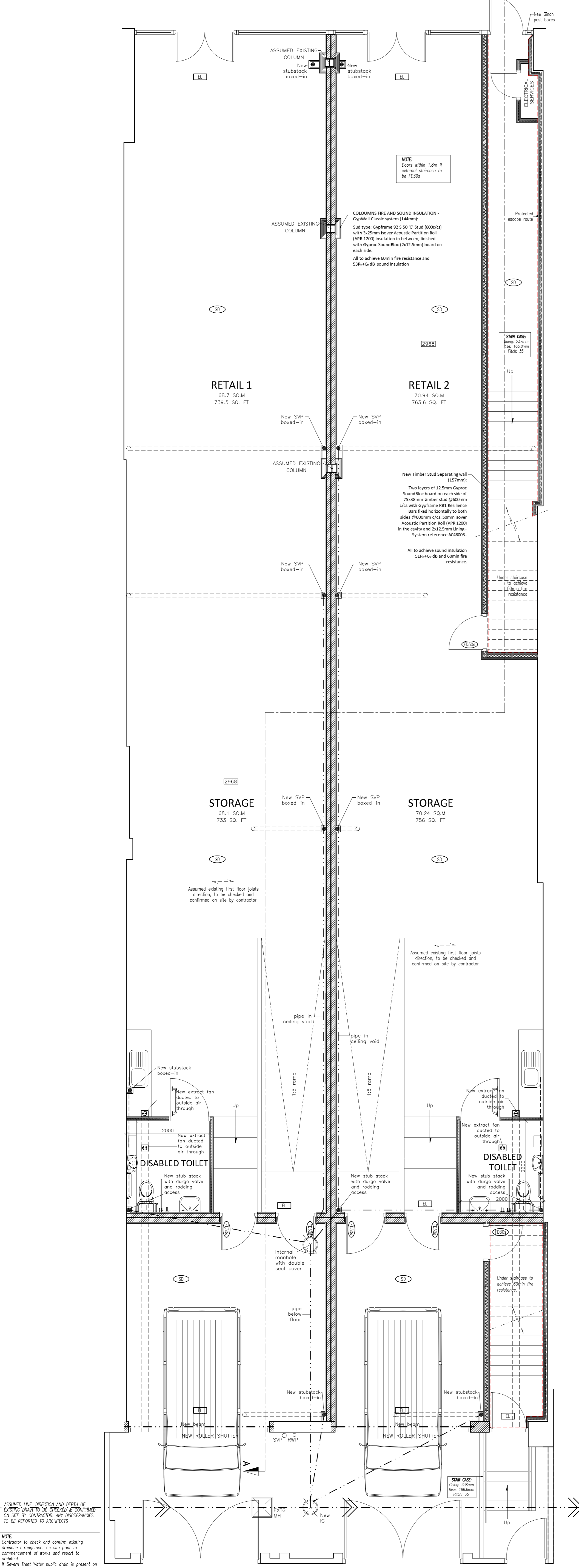
**FD30S – FIRE DOOR:**  
Fire door to be half-hour fire-resisting in fire-check frame with 25mm rebates and fitted with self-closer. Existing door noted thus to have perko self-closing device fitted.

**HEATING:**  
Existing c.h. system to be extended – new double radiator(s) in extension all fitted with TRVs.

**DECORATIONS:**  
New plastered walls & ceilings – prepare surfaces, carefully scrape off plaster splashes. Remove dirt, grease and loose deposits and dust off. Spot prime any metal fixings etc., using an appropriate metal primer and then a thinned coat of Dulux Trade Vinyl Matt emulsion over the whole area. Apply two finishing coats of Dulux Vinyl Matt Emulsion – colour to be confirmed. Woodwork – Clean to ensure all areas are free from dirt & grease. Abrade sharp edges and any raised grain etc., working in the direction of the grain. Treat knots and resinous areas by removing resin and applying a thin coat of Dulux Knotting solution. Apply one coat of Dulux Wood Primer white. Finishing coats – two coats Dulux Trade gloss, colour to be specified.

**STAIRCASE:**  
See plans for Goings, Risers & pitch dimensions. Minimum headroom 2000mm.

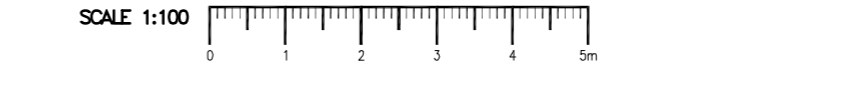
**HANDRAIL:**  
Handrail to be 1100mm high guarding to have vertical balusters with no voids that will allow passage of 100mm sphere.



PROPOSED GROUND FLOOR PLAN 1:50



EXISTING GROUND FLOOR PLAN 1:100



## SMOKE ALARMS:

**FLATS:**  
All flats should be provided with a fire detection and fire alarm system in accordance with the relevant recommendations of BS 5839-6:2004 Code of practice or the design, installation and maintenance of fire detection and fire alarm system in dwellings to at least a Grade D Category LD3 standard.

The power supply for a smoke alarm system should be derived from the flat's mains electricity supply. The mains supply to the smoke alarms should comprise a single independent circuit of the flat's main distribution board – consumer unit – or a single regularly used local lighting circuit. THE ELECTRICAL INSTALLATION TO COMPLY WITH APPROVED DOCUMENT P.

The smoke and heat alarms should be main-operated and conform to BS EN 14604:2005. Smoke alarm devices or BS 5446-2:2003, Fire detection and fire alarm devices for dwellings, PART 2 specification for heat alarms, respectively. They should have a standby power supply such as a battery (either rechargeable or non-rechargeable) or capacitor.

Smoke alarms should be positioned in the circulation spaces between sleeping spaces and places where fires are most likely to start (e.g. kitchen and living rooms) – at least one smoke alarm in every flat.

Where more than one alarm is installed, they should be linked so that the detection of smoke by one unit operates the alarm signal in all of them – maximum number of units to manufacturer's instructions.

Smoke alarms in circulation space should be within 7.5m of the door to every habitable room; they should be ceiling mounted and at least 300mm from walls and light fittings (unless compliance of proximity is proved otherwise by test of light fittings).

Units to be fitted in accordance with manufacturers instructions and wall-mounted units should be above doorway levels opening into the space.

Sensors in ceiling-mounted devices to be between 25mm and 600mm below the ceiling and 25-150mm in the case of heat detectors/alarms.

Devices should be easily accessible for maintenance.

Devices should not be fitted in any rooms or areas which may compromise their performance, e.g. in bathrooms, garages, near heaters and airconditioners or areas with high smoke and fume emittance.

**SHOP:**  
Provide a suitable electrically operated fire warning system (to comply with BS 5839-1:2002 Fire Detection and alarm systems for buildings, Code of practice for system design, installation and commissioning and maintenance) with manual call points sited adjacent to exit doors and sufficient sounders to be clearly audible throughout the building. Call points should comply with BS 5839-2:1983, or type A of BS EN 54-11:2001 and these should be installed in accordance with BS 5839-1

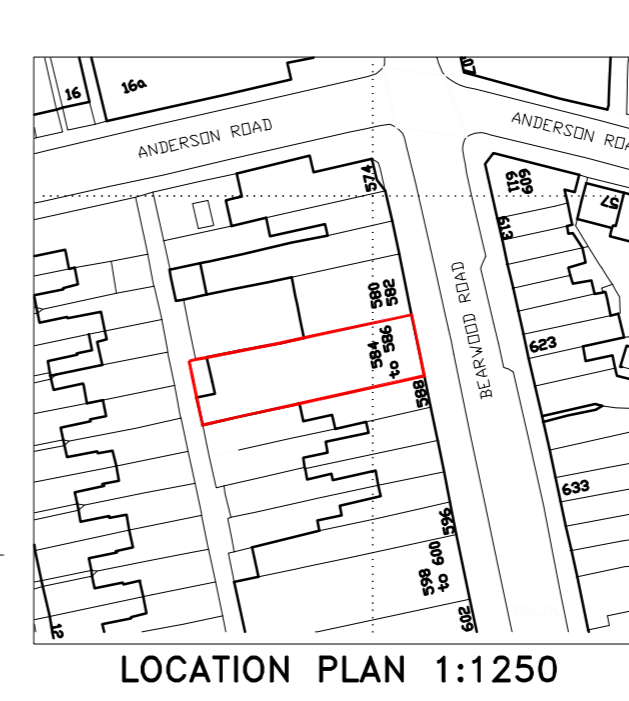
## PROTECTED ESCAPE ROUTE

Protected escape route enclosure (left, first floor, ground floor & stairs) to have minimum 60 minutes fire resistance.

Walls & first floor ceiling to be checked by contractor and upgraded to building control approval.

All openings into the protected route to be of fire resisting construction (min 60mins) and install fire cavity barriers where necessary.

- KEY:**
- SD SMOKE ALARM
  - 0.30M 30MIN FIRE DOOR
  - PROTECTED ESCAPE ROUTE
  - EL EMERGENCY LIGHTING



LOCATION PLAN 1:1250



SITE PLAN 1:500

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Redline added	Date
Minor amendments	18.12.19
Rear staircase added+ other amendments	29.11.19
Staircase position altered+ other amendments	05.09.19
Further info. added+other minor amendments	19.07.19
GF toilets updated	25.06.19
GF toilets updated	06.06.19
Scheme revised	05.06.19
Showing 50% of the shop as retail and 50% storage	04.06.19
	A 09.04.19

Revision:	Issue:	Date:
Drawn By: FM	Scale: AS SHOWN	01 MARCH 19

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e-mail: info @ brp.uk.net

client:  
**MR SANDEEP DOSHI**

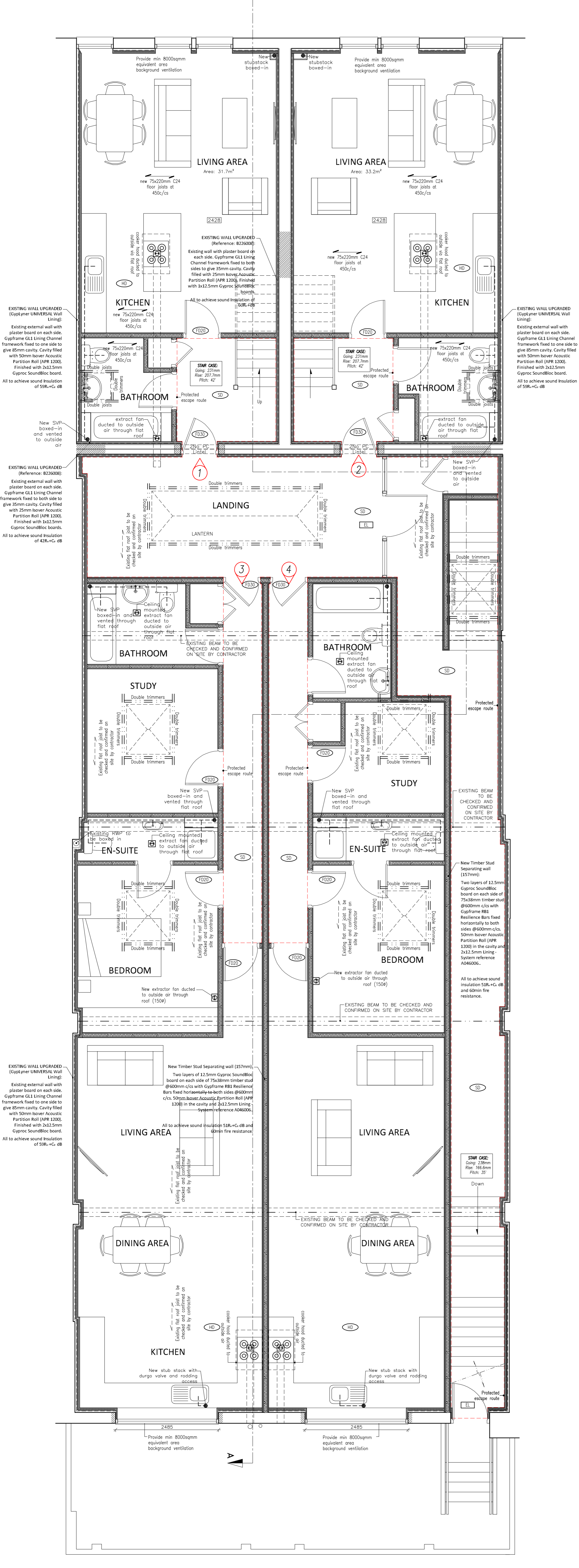
job:  
**584-586 BEARWOOD ROAD SMETHWICK B66 4BL**

drawing:  
**BUILDING REGULATIONS: PLAN AND SPECIFICATIONS**

Job No:	Dra No:	Issue:
3290	03	1

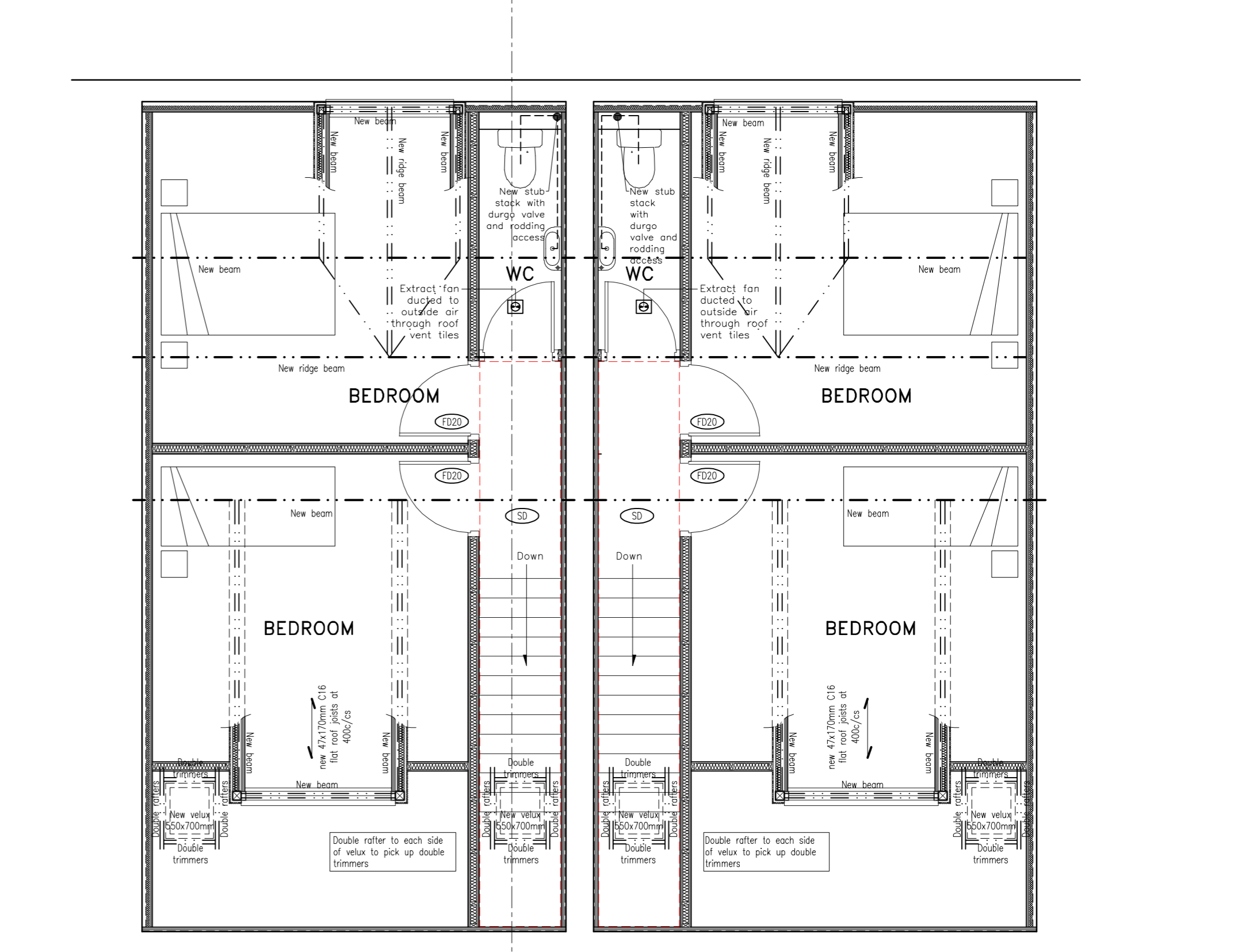
**NOTE: ALL DRAINAGE ON SITE TO BE REPLACED TO THE APPROVAL OF THE BUILDING CONTROL OFFICER.**

**AFTER COMPLETION CCTV SURVEY TO BE CARRIED OUT AND REPORT TO BE ISSUED TO SEVEN TRENT**



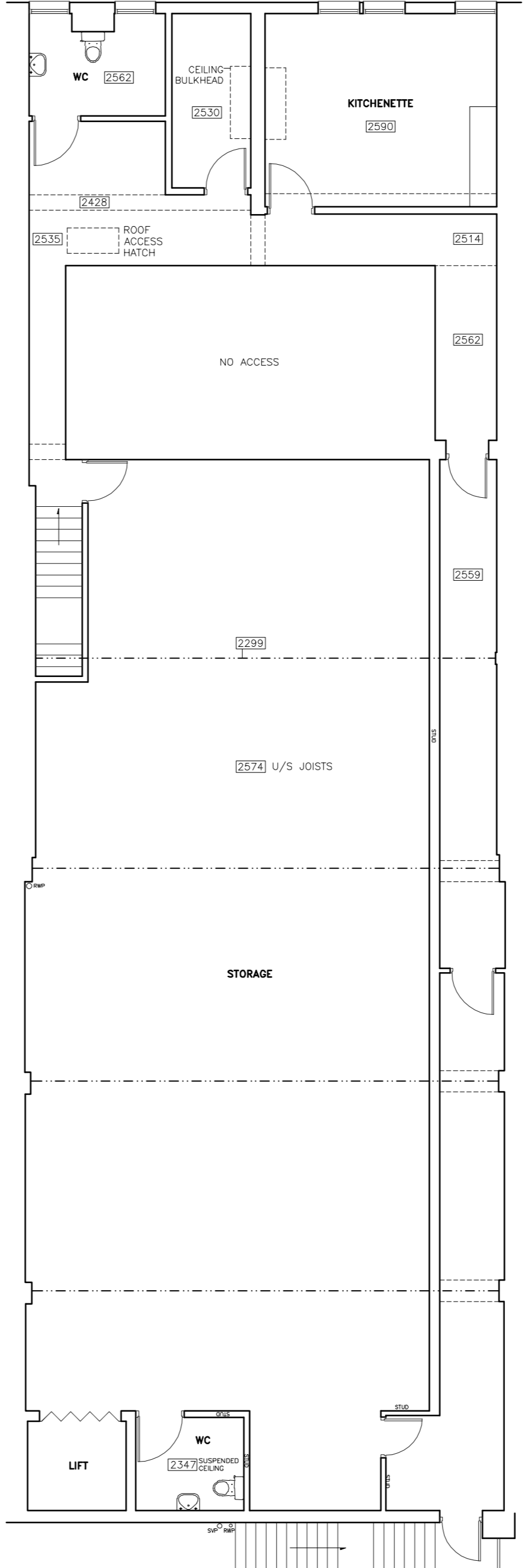
**PROPOSED FIRST FLOOR PLAN 1:50**

Scale: 1:50



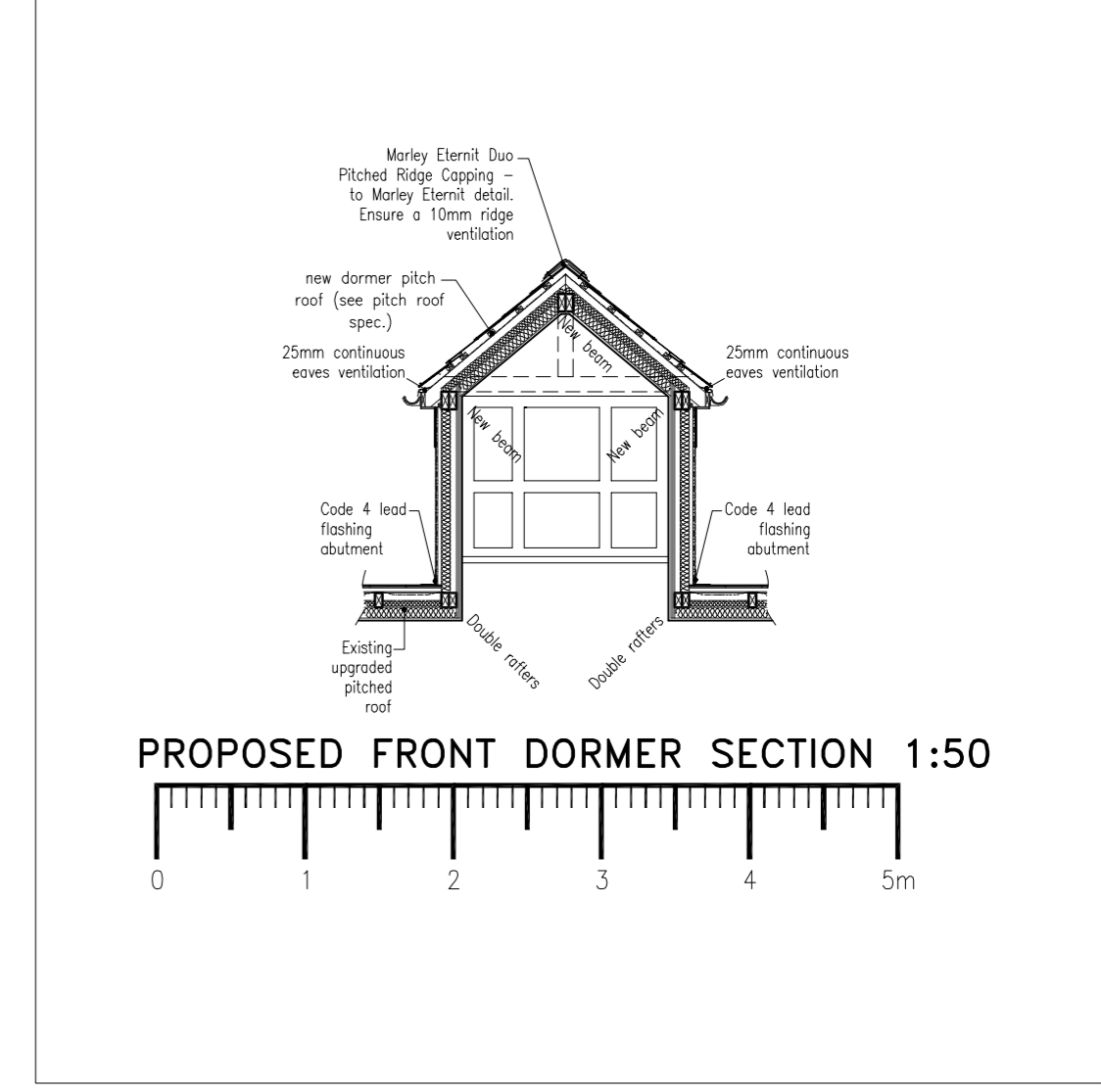
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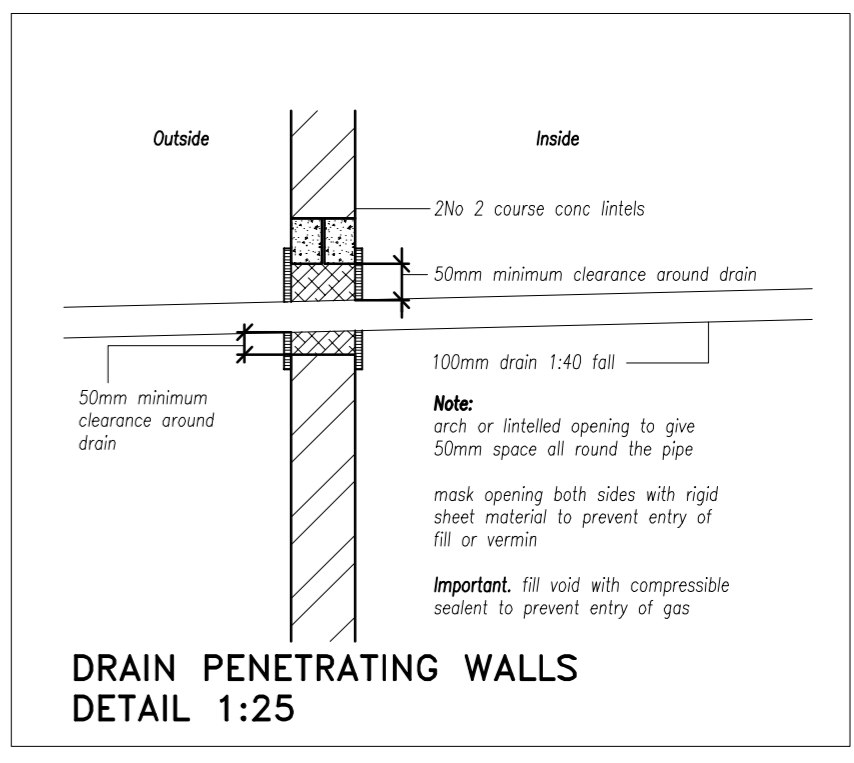
**EXISTING FIRST FLOOR PLAN 1:100**

Scale: 1:100



**PROPOSED FRONT DORMER SECTION 1:50**

Scale: 1:50



**PROTECTED ESCAPE ROUTE**

Protected escape route enclosure (loft, first floor, ground floor & stairs) to have minimum 60 minutes fire resistance

Walls & first floor ceiling to be checked by contractor and upgraded to building control approval

All openings into the protected route to be of fire resisting construction (min 60mins) and install fire cavity barriers where necessary.

- KEY:**
- SD SMOKE ALARM
  - FD30 30MIN FIRE DOOR
  - FD20 20MIN FIRE DOOR
  - PRD PROTECTED ESCAPE ROUTE
  - HD HEAT DETECTOR
  - EL EMERGENCY LIGHTING

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Rear staircase added + other amendments	D	05.09.19
Staircase position altered + other amendments	C	19.07.19
Further info, added + other minor amendments	B	25.06.19
Scheme revised	A	04.06.19

Revision: \_\_\_\_\_ Issue: \_\_\_\_\_ Date: \_\_\_\_\_

Drawn By: **FM** Scale: **AS SHOWN @A1** Date: **MARCH 19**

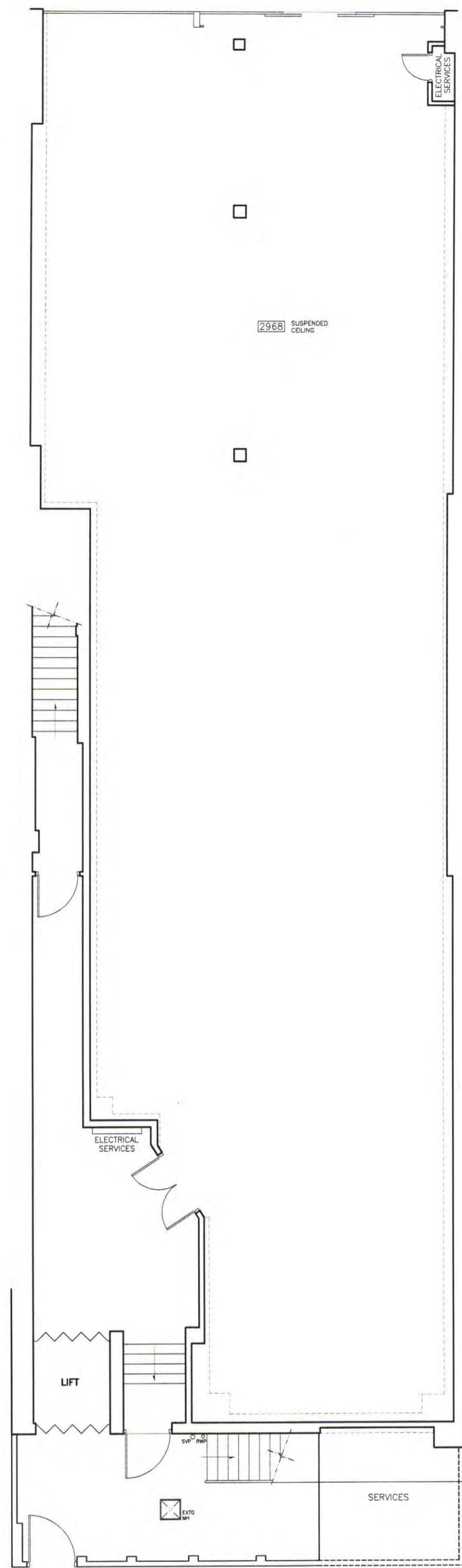
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 TEL:0121-507-1616 FAX:0121-507-1177  
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client: **MR SANDEEP DOSHI**

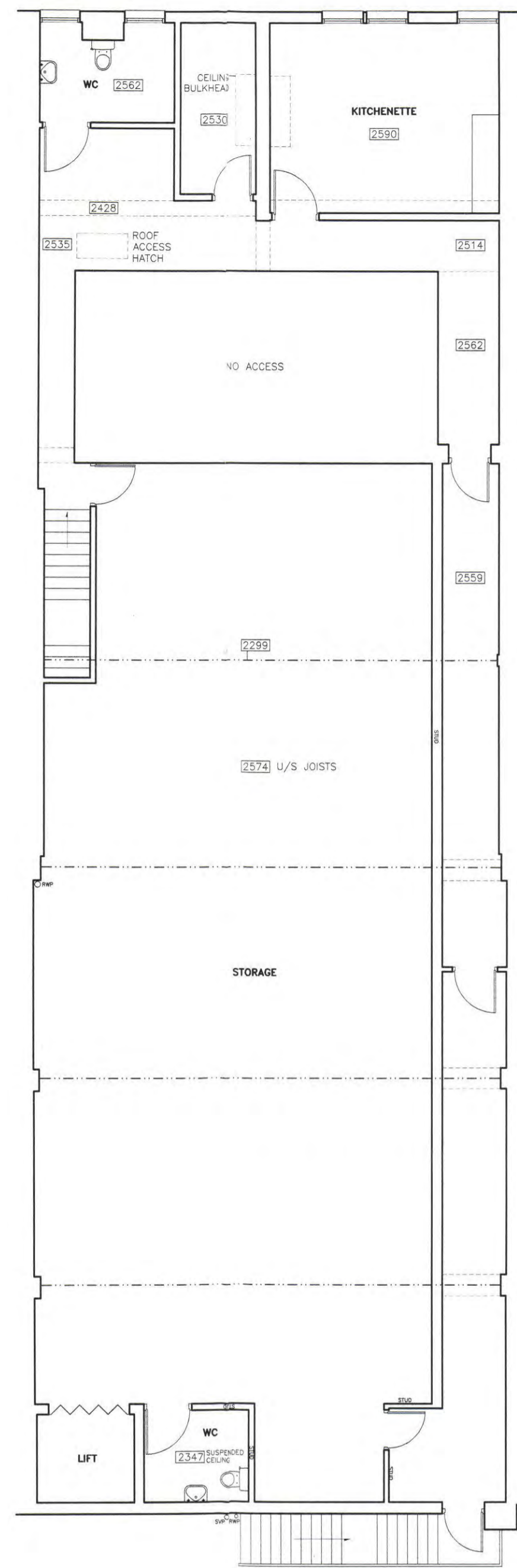
job: **584-586 BEARWOOD ROAD SMETHWICK B66 4BL**

drawing: **BUILDING REGULATIONS: FIRST & SECOND FLOOR PLANS**

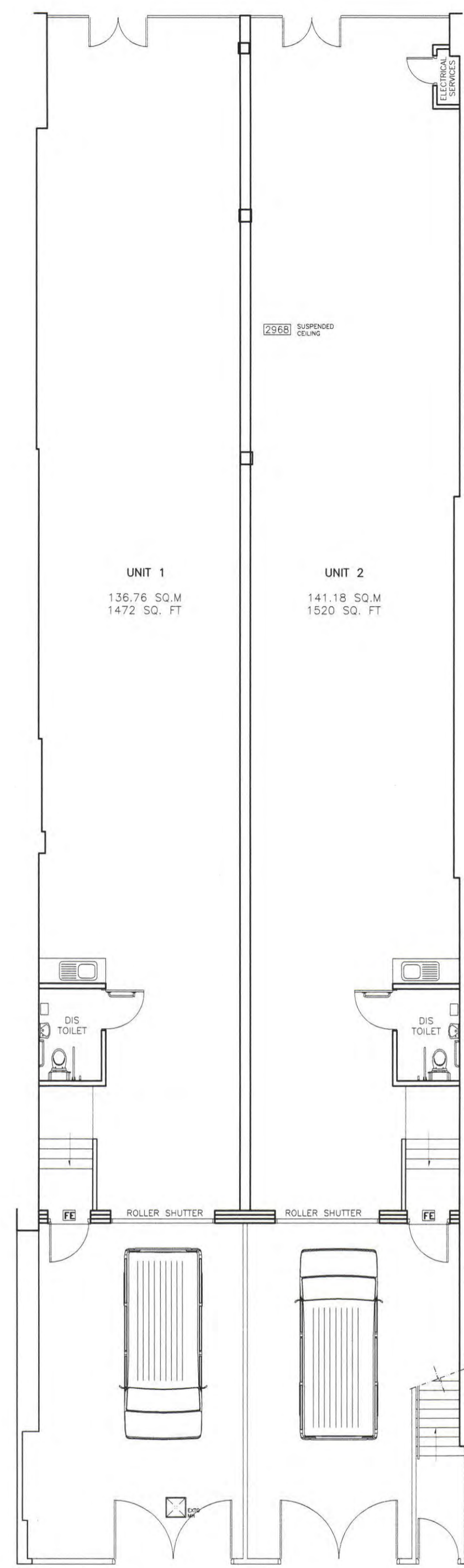
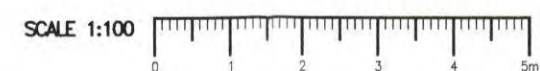
Job No: <b>3290</b>	Drq No: <b>04</b>	Issue: <b>D</b>
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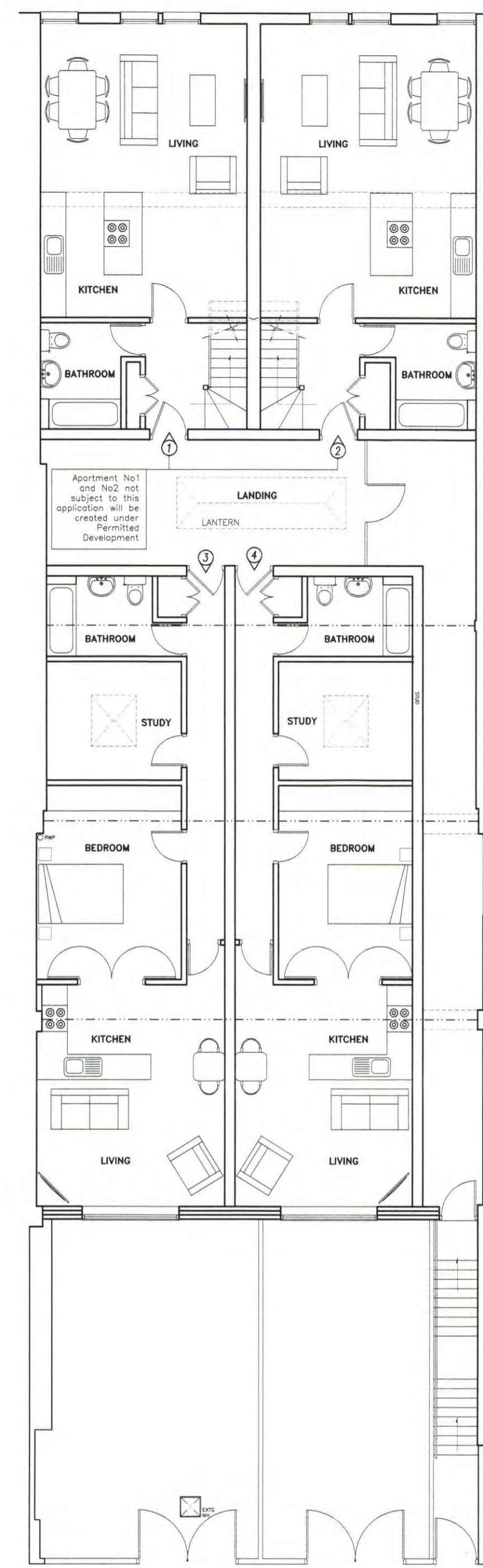
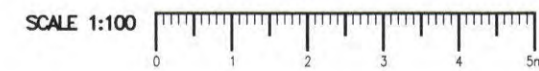
EXISTING GROUND FLOOR PLAN 1:100



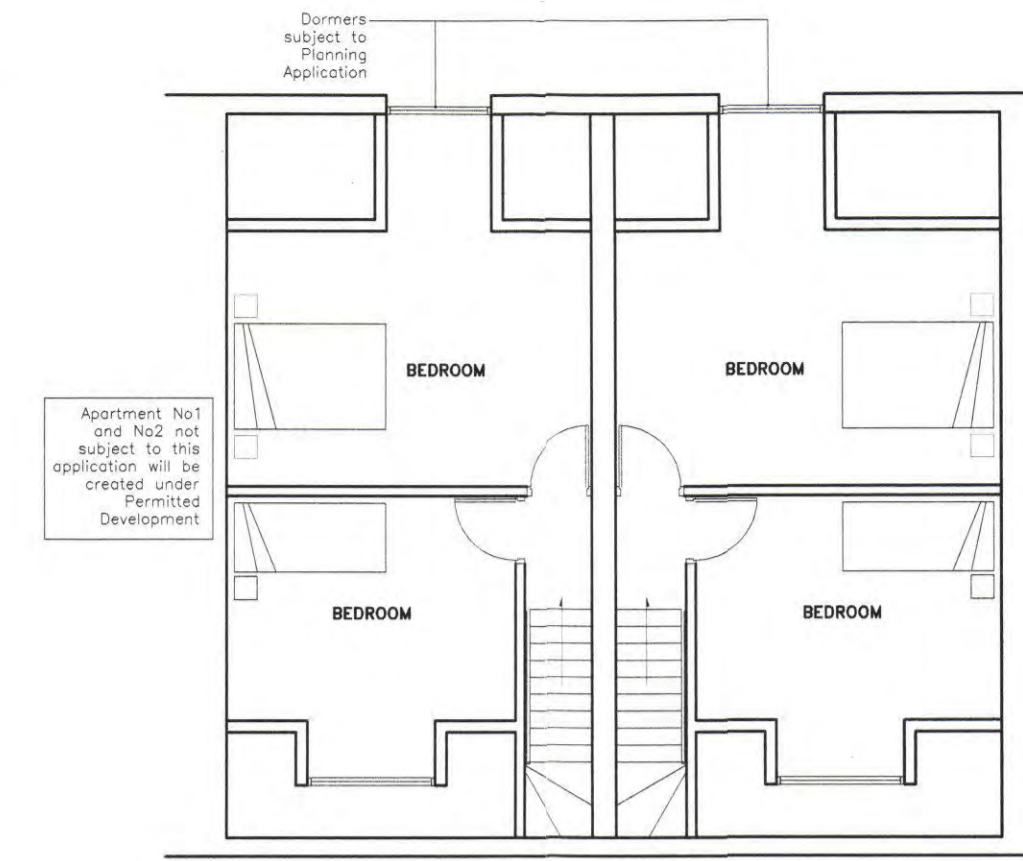
EXISTING FIRST FLOOR PLAN 1:100



PROPOSED GROUND FLOOR PLAN 1:100



PROPOSED FIRST FLOOR PLAN 1:100



PROPOSED SECOND FLOOR PLAN 1:100



LOCATION PLAN 1:1250



SITE PLAN 1:500

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Scale bar added	A	07.02.19
Revision:	Issue:	Date:

Drawn By: RG	Scale: AS SHOWN	Date: JAN 2019
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 e-mail: info @ brp.uk.net

client:  
**MR SANDEEP DOSHI**

job:  
**584-586 BEARWOOD ROAD  
 SMETHWICK  
 B66 4BL**


drawing:  
**EXISTING & PROPOSED  
 PLANS**

Job No: 3290	Dwg No: 01	Issue: A
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## REPORT TO PLANNING COMMITTEE

11 March 2020

<b>Application Reference</b>	DC/20/63873
<b>Application Received</b>	10 January 2020
<b>Application Description</b>	Proposed erection of 2 No. semi-detached houses (outline application for access only)
<b>Application Address</b>	Land Adjacent 136, Regis Heath Road, Rowley Regis.
<b>Applicant</b>	Mr Kevin Hartle
<b>Ward</b>	Blackheath
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s)</b>	Andrew Dean 0121 569 4056 <a href="mailto:andrew_dean@sandwell.gov.uk">andrew_dean@sandwell.gov.uk</a>

### RECOMMENDATION

That planning permission is granted subject to:-

- (i) Submission of reserved matters application.
- (ii) External materials.
- (iii) Ground conditions.
- (iv) Drainage including sustainable drainage.
- (v) Levels Plan
- (vi) Car parking details.
- (vii) Boundary treatments.
- (viii) Conformity to the Revised Residential Design Guide SPD.
- (ix) Dwellings limited to two storey, two No. semi-detached dwellings only.
- (x) Removal of permitted development rights for class A, B, C, D, E and F.
- (xi) External lighting scheme.
- (xii) Refuse storage details.
- (xiii) Electric vehicle charging points.
- (xiv) Construction times.
- (xv) No burning of waste during site clearance works.

## **1. BACKGROUND**

- 1.1 This application is being reported to your Planning Committee because three objections have been received.

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

- 2.1 The site is unallocated within the Local Plan.
- 2.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF)  
Proposals in the Local Plan  
Public visual amenity  
Access and highway safety

## **3. THE APPLICATION SITE**

- 3.1 The application site is a grassed area of open land sandwiched between Oldbury Road and Regis Heath Road, Rowley Regis. The character of the surrounding area is predominantly residential in nature.

## **4. PLANNING HISTORY**

- 4.1 None relevant.

## **5. APPLICATION DETAILS**

- 5.1 This application is an outline application for access only for a proposed residential development consisting of two semi-detached dwellings. The proposed access into the site would be from Regis Heath Road.

## **6. PUBLICITY**

- 6.1 The application has been publicised by neighbour notification letter, with three letters of objection being received from residents on Regis Heath Road.

### **6.2 Objections**

Objections have been received on the following grounds:-

- (i) The proposed development would remove an area of green space.

- (ii) The grassed area was left un-developed because an underground brook is located underneath the land opposite 118 and 116 Regis Heath Road.
- (iii) Drainage issues. Oldbury Road suffers from erratic flooding and building on this green space would contribute to water drainage problems.
- (iv) The objectors view would be obstructed by parked vehicles in the visitor parking area.
- (v) Cars entering and leaving the proposed access would cause a nuisance as it is directly opposite the objectors driveway.
- (vi) The proposed entrance being near to a sharp bend raises highway safety concerns.

### 6.3 Responses to objections

I respond to the objector's comments in turn;

- (i) It is noted that a section of grassed area would be removed for the proposed development. The land in question is not allocated as public open space and the development has received no objections from Strategic Planning Policy. As this outline application is only dealing with site access, the scale, layout and appearance of the development would be assessed during a reserved matters application. However, the indicative layout shows the proposed properties would be located in line with No. 136 which would preserve the openness of the area for properties on Regis Heath Road. From my site visit, I noted a large section of the grassed area which contains mature trees falls outside of the application red line boundary and would therefore be retained. The applicant would also be required to submit a reserved matters application for landscaping which would be used to enhance the frontage of the proposed properties and the Oldbury Road elevation. Furthermore, a condition to remove permitted developments rights for Class F (hard surfaces incidental to the enjoyment of a dwellinghouse) would ensure landscaping areas to the frontage are maintained.
- (ii) A review of the underground drainage on the site has shown a storm water pipe is present adjacent to Oldbury Road. The applicant would need approval from Severn Trent to build within three metres of this pipe. No river/ brook culvert has been identified.
- (iii) A condition for drainage to include sustainable drainage has been included within the recommendation.
- (iv) Loss of view is unfortunately not a material planning consideration. As this application is for outline only dealing with access, the site layout has not been assessed during this application and is subject to change. The applicant would be required to submit a reserved matters application for the remaining matters (landscaping, scale,

- layout and appearance). Properties on opposite side of Oldbury Road are also 25 metres from the start of the site.
- (v) As the proposal is for two residential properties only, I do not consider a significant level of comings and goings would occur to cause significant harm to the residential amenity of neighbouring properties.
  - (vi) The Head of Highways has raised no objections to the proposed location of the site access (see 7.1 below).

#### **6.4 Support**

- 6.1 No comments have been received which support the application.

### **7. STATUTORY CONSULTATION**

- 7.1 Highways have raised no objections to the proposed vehicular access from Regis Heath Road.
- 7.2 The Tree Preservation Officer has raised no objections to the application.

### **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:-

HOU 1 – Delivering Sustainable Housing Growth

ENV3: Design Quality

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

ENV8: Air Quality

SAD EOS9: Urban Design Principles

SAD H2 – Housing Windfalls.

- 9.2 With regard to housing policy HOU2, the development would bring forward dwellings to 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 and would bring an under used piece of land back into beneficial use.

- 9.3 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments. The proposed scheme would be assessed against these policies when a reserved matters application is submitted dealing with appearance, landscaping, layout and scale.
- 9.4 ENV5 seeks the incorporation of sustainable drainage systems to assist with reducing the impact of flooding and surface run-off. A condition (including a requirement for sustainable drainage to be incorporated) has been included within the recommendation.
- 9.5 ENV8 refers to mitigation measures to offset air quality issues, in this instance, electric vehicle charging infrastructure has been conditioned.

## **10. MATERIAL CONSIDERATIONS**

### **10.1 Public visual amenity**

The proposed dwellings and landscaping scheme would need to be of a high quality given the prominent location of the site. These details would be submitted as part of a reserved matters application and are not for consideration during this application.

### **10.2 Access and Highway Safety**

The Head of Highways has raised no objections to the proposed location of the site access being off Regis Heath Road. I am therefore satisfied the site access would raise no concerns regarding the safety and convenience of users of the highway. As the proposal is for two residential dwellings only, I do not consider a significant level of comings and goings would occur to cause the residential amenity of neighbouring residential properties.

## **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 The proposal is considered to be acceptable and is recommended for approval subject to conditions and the submission of a reserved matters application dealing with appearance, landscaping, layout and scale.

## **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:**

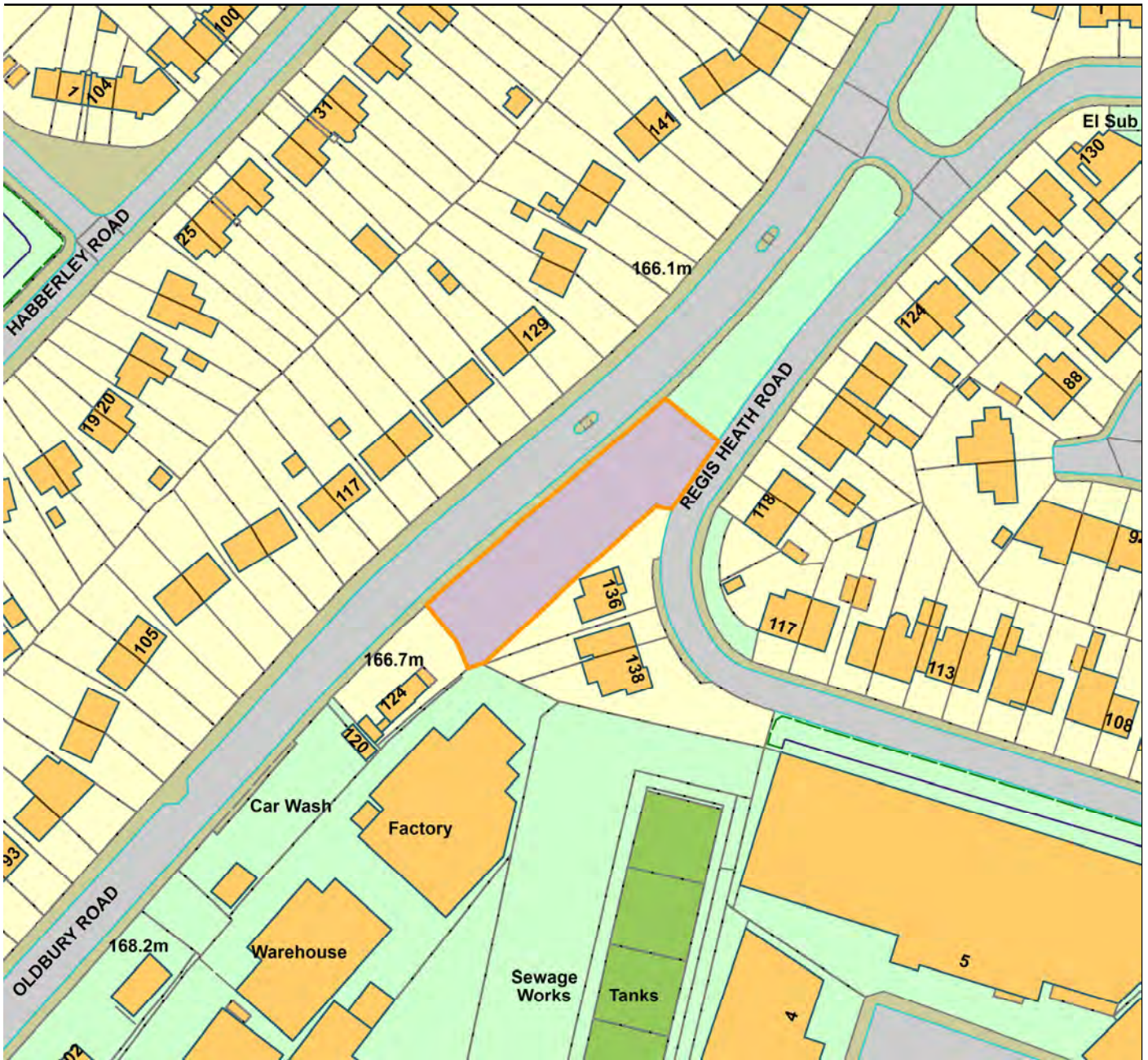
Site Plan

Context Plan

Block Plan 1

Location Plan 2

DC/20/63873  
Land Adjacent 136, Regis Heath Road



**Legend**

Sc 1:1251



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	26 February 2020
<b>OS Licence No</b>	



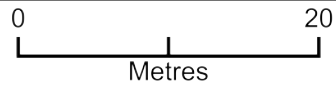
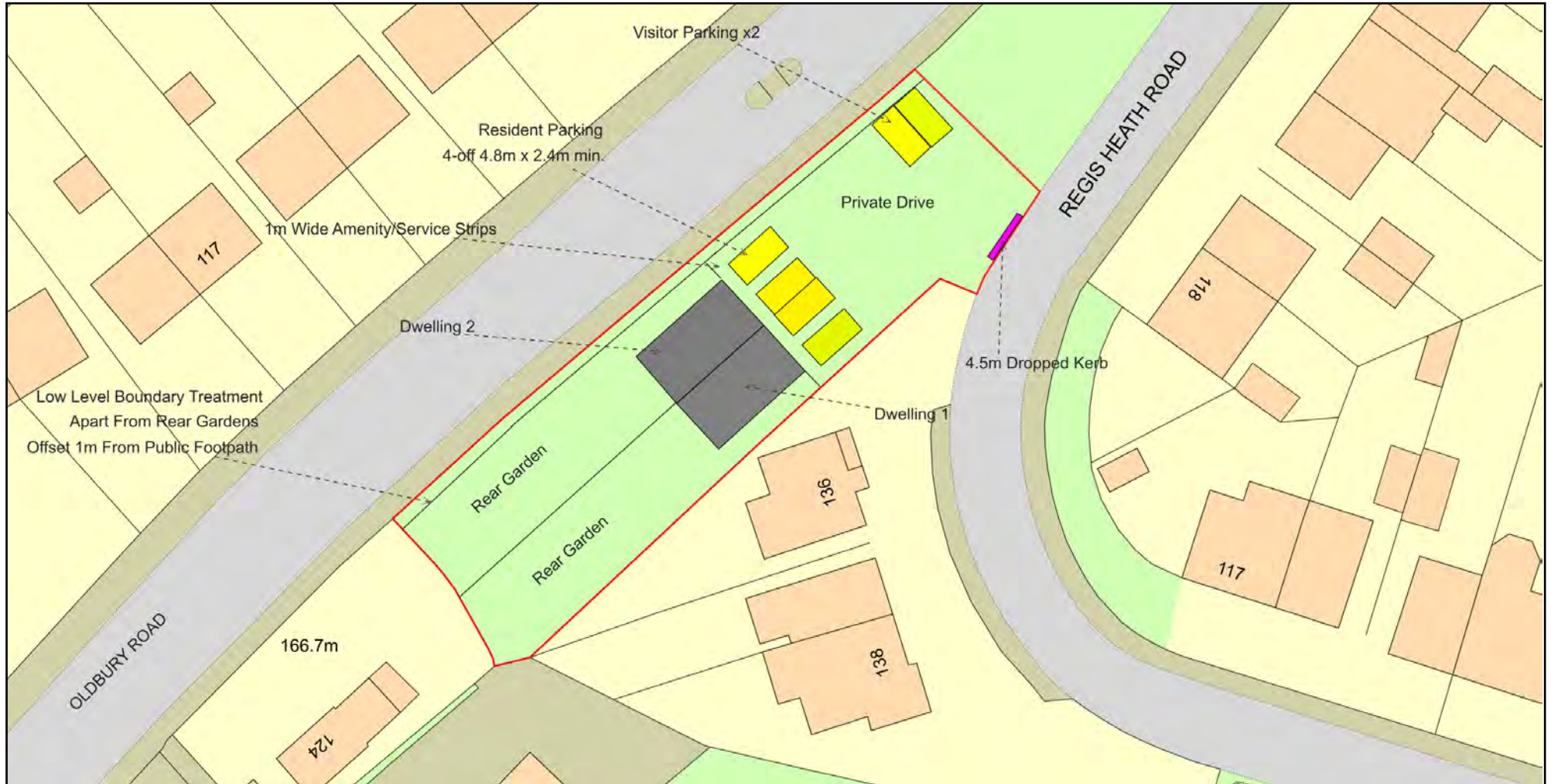


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# SITE PLAN - REF PP-08409612 (B65 0PH)



Plan Produced for: Kevin Hartle

Date Produced: 09 Jan 2020

Plan Reference Number: TQRQM20008201222675

Scale: 1:500 @ A4


114

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## REPORT TO PLANNING COMMITTEE

11 March 2020

<b>Application Reference</b>	DC/20/63949
<b>Application Received</b>	03 <sup>rd</sup> February 2020.
<b>Application Description</b>	Proposed first floor rear extension.
<b>Application Address</b>	61 Park Avenue, Rowley Regis, B65 9ET
<b>Applicant</b>	Mrs Emma Jones
<b>Ward</b>	Rowley.
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s)</b>	Andrew Dean 0121 569 4056 <a href="mailto:andrew_dean@sandwell.gov.uk">andrew_dean@sandwell.gov.uk</a>

### **RECOMMENDATION**

That planning permission is granted subject to:-

- (i) External materials to match the existing.
- (ii) Glazing in the elevation facing the boundary with 60 Park Avenue shall be obscurely glazed and non-opening and retained as such.

### **1. BACKGROUND**

- 1.1 This application is being reported to your Planning Committee because the applicants agent is employed by Sandwell Metropolitan Borough Council.

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

- 2.1 The site is unallocated.
- 2.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF)

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

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

3.1 The application relates to a semi-detached residential property located on the north eastern side of Park Avenue, Rowley Regis. The character of the surrounding area is residential in nature.

### **4. PLANNING HISTORY**

4.1 The property has been subject to a Lawful Development Certificate for a hip to gable roof alteration and rear dormer window. It was considered the proposal is permitted development under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development Order) 2015 (As Amended).

4.2 Relevant planning applications are as follows:-

4.3	DC/19/63345	Proposed hip to gable roof alterations and new rear dormer (Lawful Development Certificate).	Grant Lawful Development Certificate 01/10/2020.
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### **5. APPLICATION DETAILS**

5.1 The applicant is proposing to construct a first-floor rear extension above an existing single storey rear extension. The proposal (including the existing single storey extension) would measure a maximum of 3 metres (L) by 4 metres (W) and have an overall height of 5 metres.

5.2 An amended plan has been received to show that the window facing the boundary with 60 Park Avenue would be obscurely glazed and non-opening.

### **6. PUBLICITY**

6.1 The application has been publicised by neighbour notification letter. At the time of writing this report, no comments or objections have been received.

### **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 and SAD EOS9 refers to well-designed schemes that provide quality living environments. The proposed extension is an unusual design in that two storey flat roofs are not normally permitted due to being contrary to design guidance. However, given the proposal is to the rear and can't be viewed from a public highway, coupled by the fact the applicant is proposing a number of further alterations to the property without requiring planning approval (hip to gable roof alteration and flat roofed rear dormer window), it is deemed the extension would be acceptable. Furthermore, numerous two storey flat roofed rear extensions are visible in the surrounding area.

## **10. MATERIAL CONSIDERATIONS**

- 10.1 **Loss of light and/or outlook and overbearing nature.**

The proposed extension has been chamfered to prevent a breach of the 45-degree code from the attached neighbour's first floor rear bedroom window. The 45-degree code line has been shown on plan to demonstrate there would be no breach. On this basis, I am satisfied there would be no significant loss of light, outlook or privacy as a result of this proposal. However, it is considered prudent in the interests of privacy that the glazing in the elevation facing the boundary with 60 Park Avenue shall be obscurely glazed and non-opening and retained as such. A condition stating this has been included within the recommendation.

- 10.2 **Design, appearance and materials**

As indicated in 9.2 above and the materials proposed complement the property and surrounding area.

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

- 11.1 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 I am of the opinion that the proposed extension is of a standard design which accords with policy ENV3: Design Quality of the Black Country Core Strategy and SAD EOS9: Urban Design Principles of the Site Allocation and Delivery Plan Document. I am satisfied there would be no significant loss of light, outlook or privacy to neighbouring properties as a result of this proposal. On the basis of the above, the application is recommended for approval.

## **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

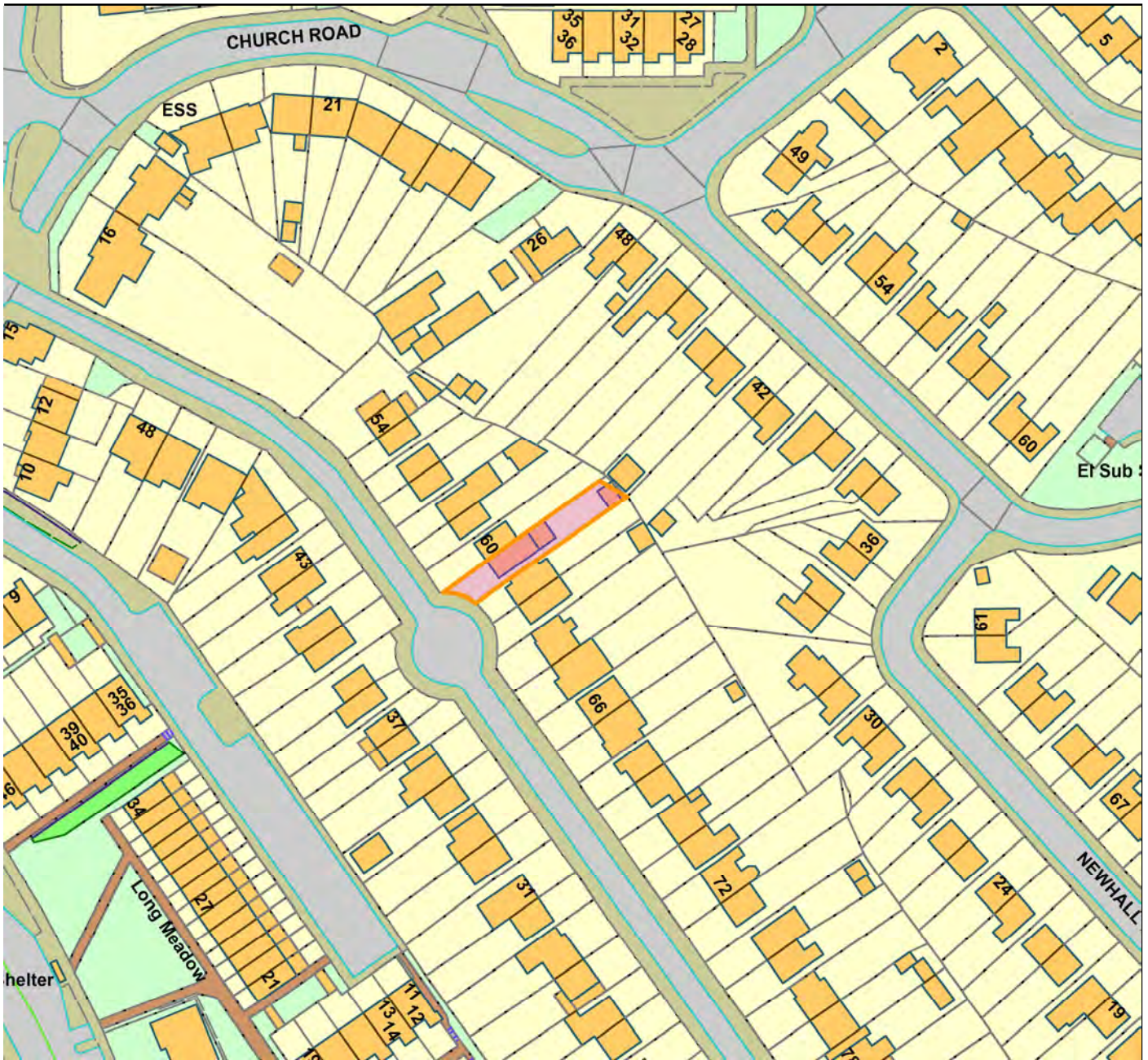
Context Plan

Drawing no. 1

Drawing no. 11

Drawing no. 12A

DC/20/63949  
61 Park Avenue, Rowley Regis



**Legend**

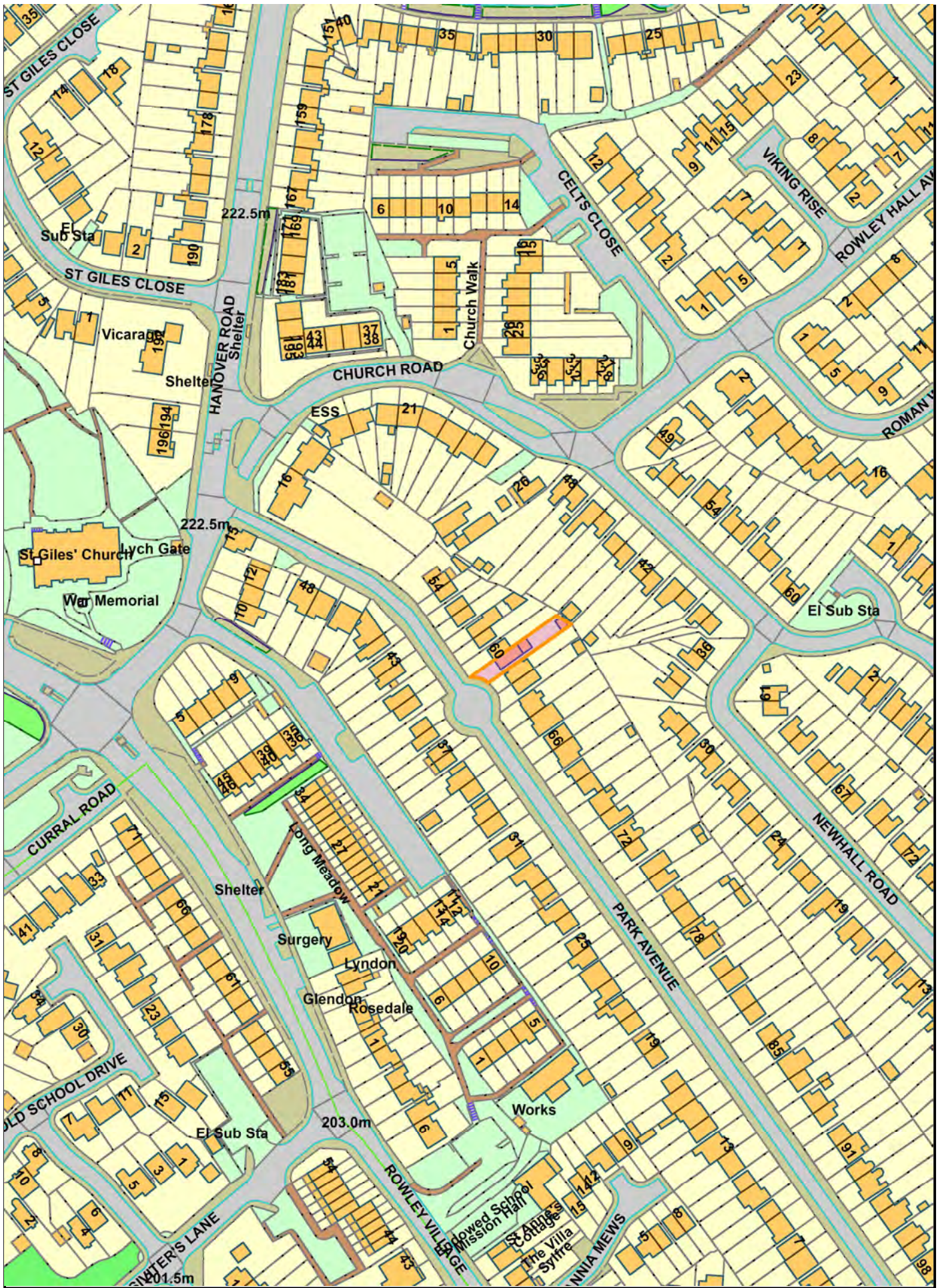
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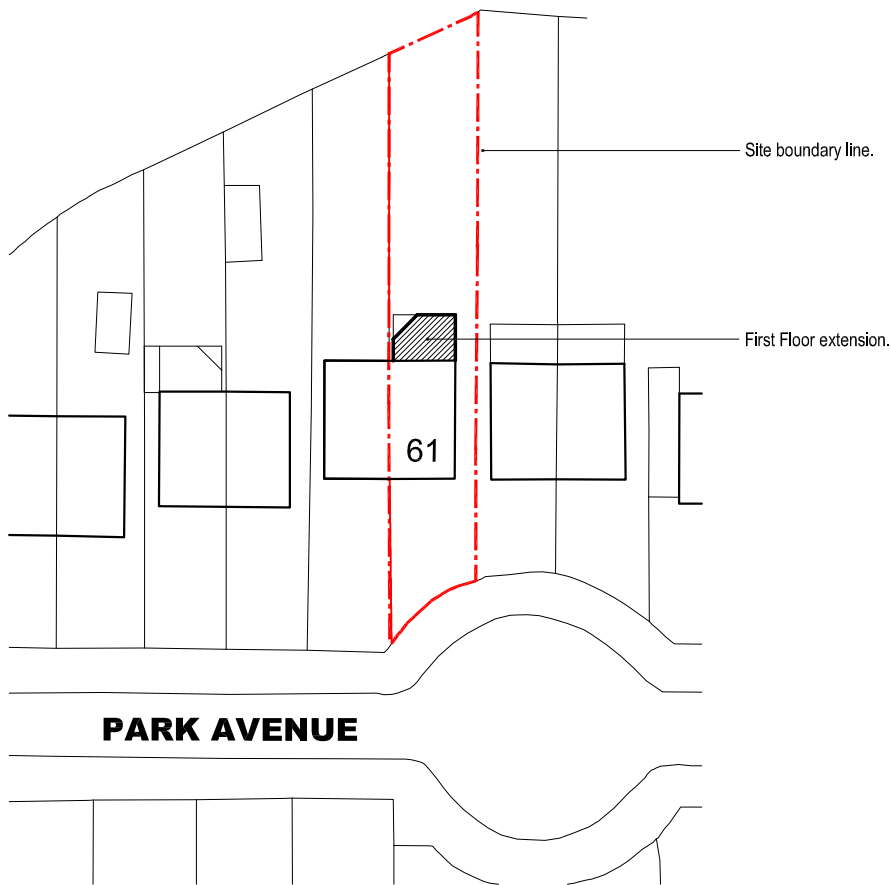
<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	26 February 2020
<b>OS Licence No</b>	







Site location Plan - 1:1250



Site Plan - 1:500

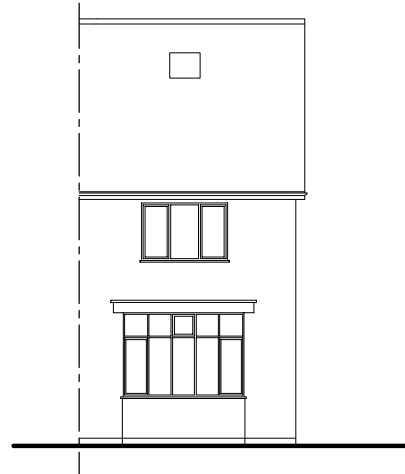


Do Not Scale From Drawings

Local Authority Drawings Only

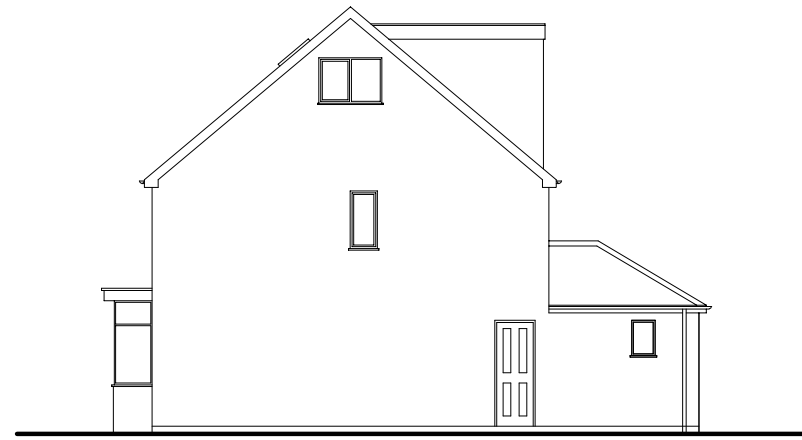
Note  
The proposals may be subject to the Party Wall Act 1996 which requires the owners to serve the adjoining owner with a notice at least 2 months prior to the intended commencement date of the works.

Rev Item Date

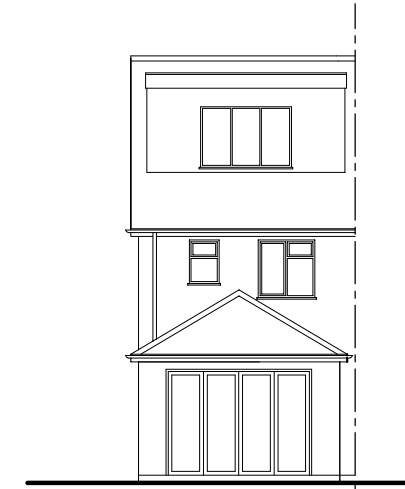


Front Elevation

Existing Elevations - 1:150




Side Elevation



Rear Elevation

Removal of Waste   
Builder to dispose of all waste and cart away from site with the use of skips which are to be located in a suitable location in agreement with the client.

Any Asbestos based material found is to be removed carefully with the necessary Safety steps taken and an authorized Asbestos Removal Company if so required.

Supporting Structure   
The builder is to take all the necessary measures in supporting the existing structure when removing the existing walls and windows etc. All necessary props and supports are to be used.

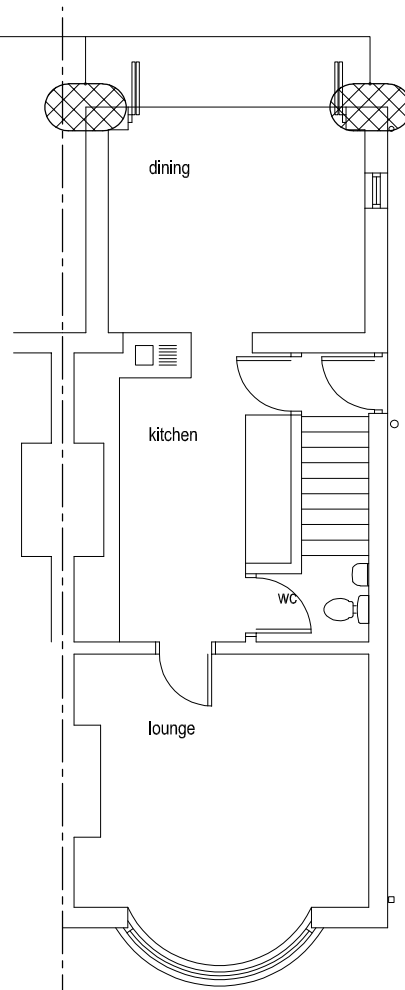
Existing Drainage  
The exact depth and position is to be determined on site by the builder. Confirmation of the drainage details are to be determined at an early stage of the proposed project including the junction where the drainage meets from the adjacent property.

ACTUAL POSITION NOT KNOWN. THE BUILDER AND THE BUILDING CONTROL OFFICER ARE TO AGREE THE POSITION WHEN STARTING ON SITE.

**Domestic Clients - Health and Safety**  
If you are having work done on your own home, and it is not in connection with a business, you will be a domestic client. The only responsibility a domestic client has under CDM 2015 is to appoint a principal designer and a principal contractor when there is more than one contractor working on the scheme. However, if you do not do this, (as is common practice) your duties as a domestic client are automatically transferred to the contractor or principal contractor.

**It is your responsibility, as the domestic client, to appoint a suitably Qualified Principal Designer.**

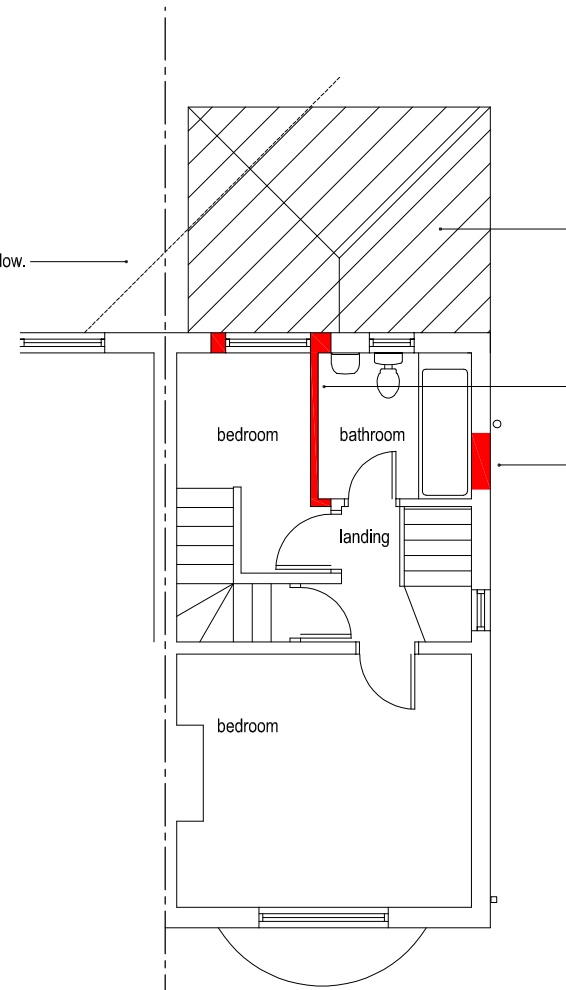
Foundations shown hatched are to be exposed to determine the suitability for the first floor extension. Foundation to be inspected and approved by the Building Control Officer.



Ground Floor Plan

Existing Plans - 1:100

45° line from 3rd of neighbours window.



First Floor Plan

Existing GF extension roof to be removed.

Existing walls shown hatched are to be removed.

Existing walls shown hatched are to be removed.



Location  
61 Park Avenue,  
Rowley Regis,  
B65 9ET.

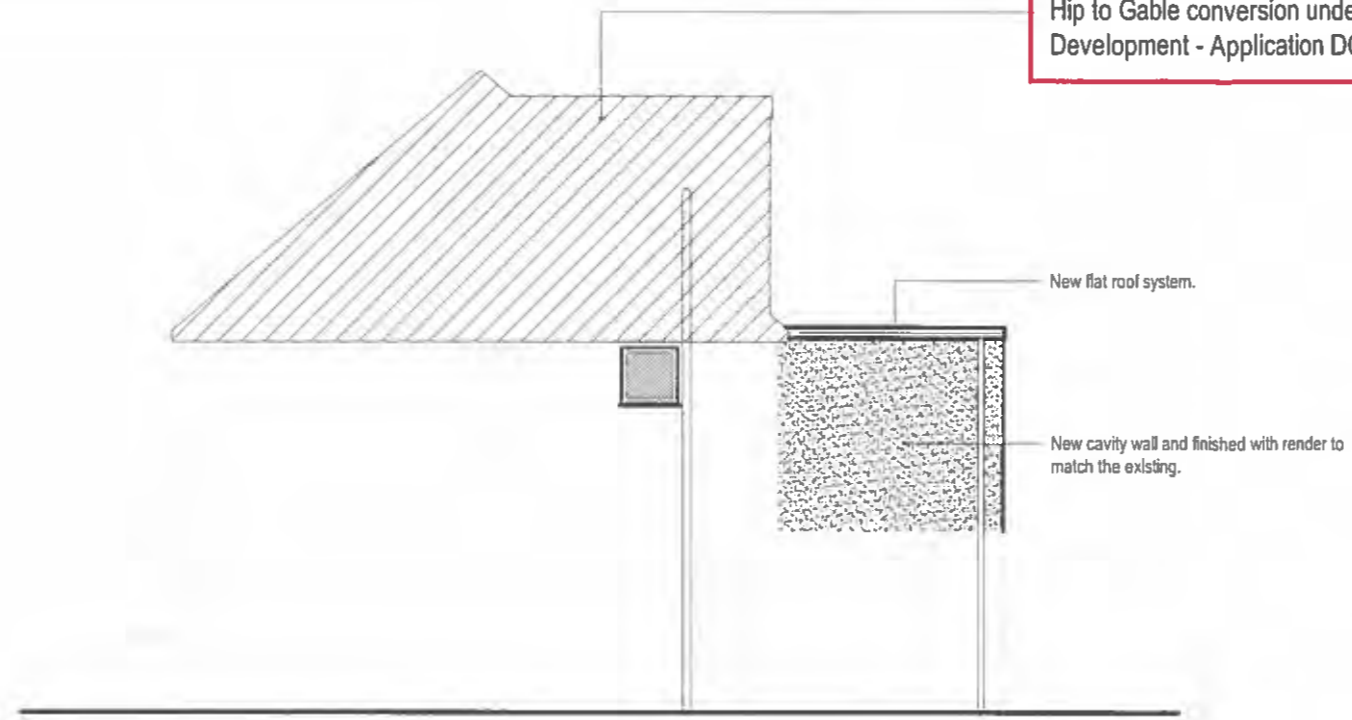
Drawing Title  
Existing Details

Rev Date  
Jan 2020

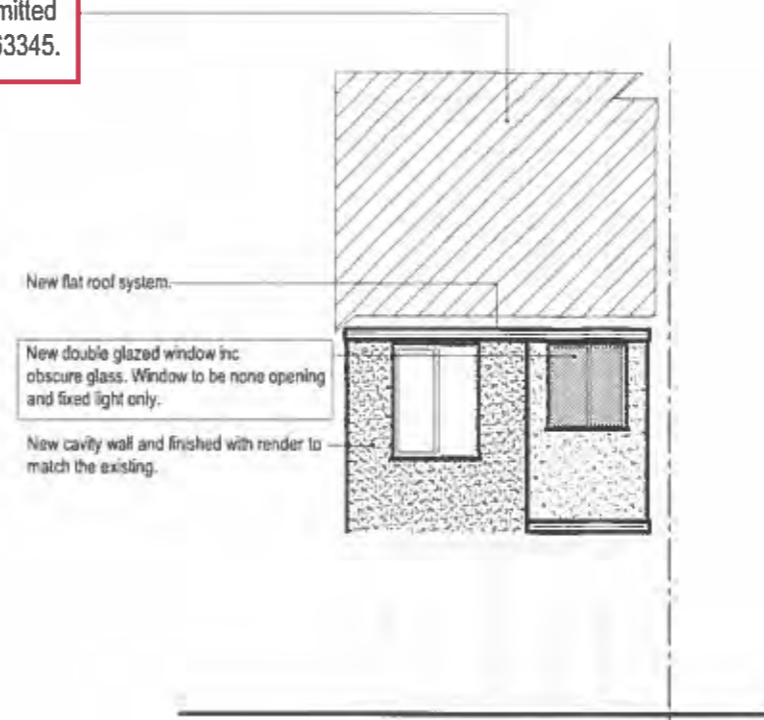
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1:100 A3 10

# AMENDED PLAN

Hip to Gable conversion under Permitted Development - Application DC-19-63345.

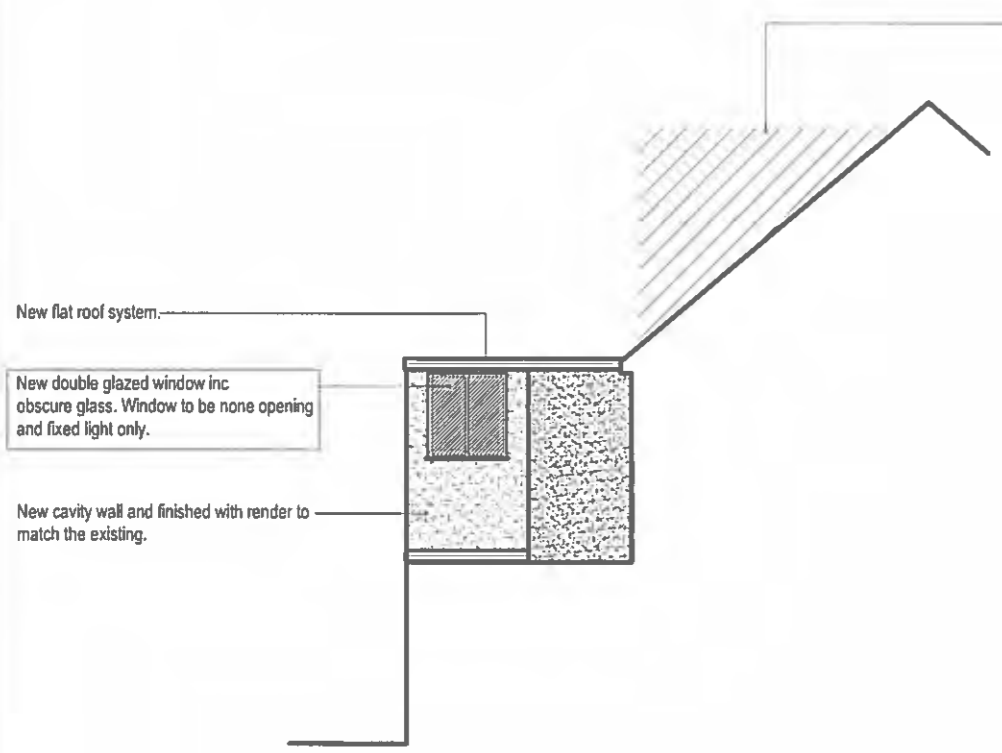


Side Elevation



Rear Elevation

Hip to Gable conversion under Permitted Development - Application DC-19-63345.



Side Elevation

Proposed Elevations - 1:100

Do Not Scale From Drawings

Local Authority Drawings Only


**Note**  
The proposals may be subject to the Party Wall Act 1996 which requires the owners to serve the adjoining owner with a notice at least 2 months prior to the intended commencement date of the works

Rev	Item	Date
A	Revised for Planning Ref: P20-63949	24-2-20

25/02/20

**Removal of Waste**   
Builder to dispose of all waste and cart away from site with the use of skips which are to be located in a suitable location in agreement with the client.

Any Asbestos based material found is to be removed carefully with the necessary Safety steps taken and an authorized Asbestos Removal Company if so required.

**Supporting Structure**   
The builder is to take all the necessary measures in supporting the existing structure when removing the existing walls and windows etc. All necessary props and supports are to be used.

**Existing Drainage**  
The exact depth and position is to be determined on site by the builder. Confirmation of the drainage details are to be determined at an early stage of the proposed project including the junction where the drainage meets from the adjacent property.

ACTUAL POSITION NOT KNOWN. THE BUILDER AND THE BUILDING CONTROL OFFICER ARE TO AGREE THE POSITION WHEN STARTING ON SITE.

**Domestic Clients - Health and Safety**  
If you are having work done on your own home and it is not in connection with a business, you will be a domestic client. The only responsibility a domestic client has under CDM 2015 is to appoint a principal designer and a principal contractor when there is more than one contractor working on the scheme. However, if you do not do this, (as is common practice) your duties as a domestic client are automatically transferred to the contractor or principal contractor.

It is your responsibility, as the domestic client, to appoint a suitably Qualified Principal Designer.

Location  
61 Park Avenue,  
Rowley Regis  
B65 9ET.

Drawing Title  
Proposed Elevations

Rev	Date
A	Jan 2020

Scale	Size	Org No
1:100	A3	12



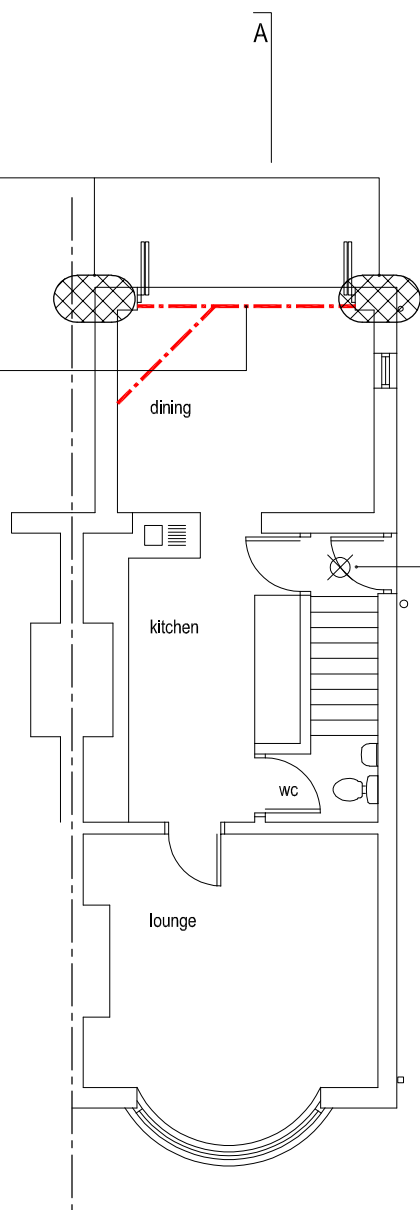
Note

The proposals may be subject to the Party Wall Act 1996 which requires the owners to serve the adjoining owner with a notice at least 2 months prior to the intended commencement date of the works.

Rev	Item	Date
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Foundations shown hatched are to be exposed to determine the suitability for the first floor extension. Foundation to be inspected and approved by the Building Control Officer.

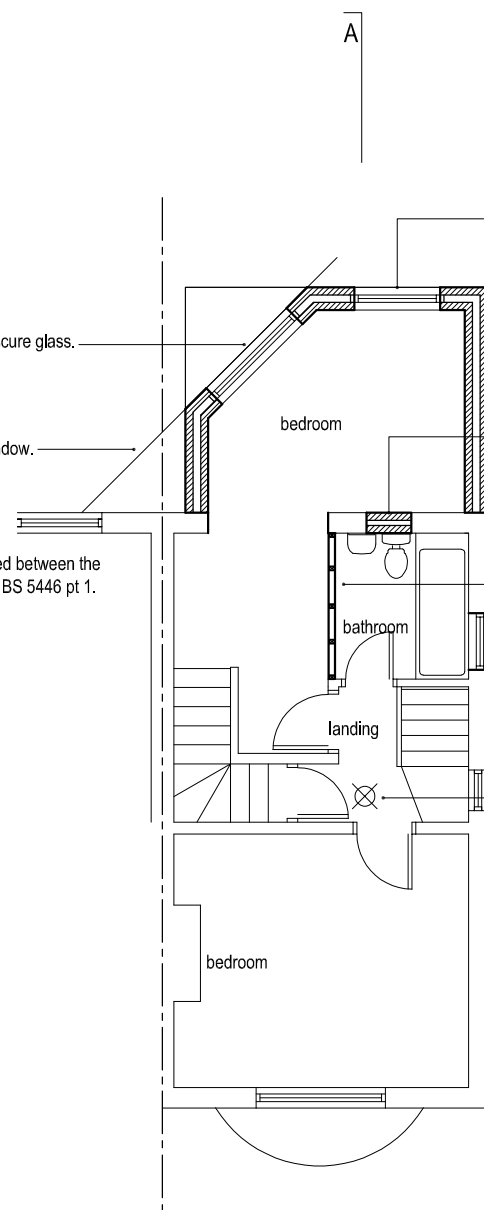
Remove lintel above door and new steelwork as Structural Details.



Ground Floor Plan

Proposed Plans - 1:100

New double glazed window inc obscure glass. Allow for L1/S lintel over.  
45° line from 3rd of neighbours window.  
Mains operated smoke alarms linked between the hall and the landing. To conform to BS 5446 pt 1.



First Floor Plan

New double glazed window with L1/S lintel over. The window in the new bedroom to incorporate a minimum of 735 x 450mm opening (0.33m) for escape purposes. Safety Glass to BS6206.

Existing window blocked up.

Wall starter kit where the new wall abuts the existing.

Stud wall to bathroom.

New double glazed window with L1/S lintel over. To be fitted with obscure glass.

Mains operated smoke alarms linked between the hall and the landing. To conform to BS 5446 pt 1.

Removal of Waste



Builder to dispose of all waste and cart away from site with the use of skips which are to be located in a suitable location in agreement with the client.

Any Asbestos based material found is to be removed carefully with the necessary Safety steps taken and an authorized Asbestos Removal Company if so required.

Supporting Structure



The builder is to take all the necessary measures in supporting the existing structure when removing the existing walls and windows etc. All necessary props and supports are to be used.

Existing Drainage

The exact depth and position is to be determined on site by the builder. Confirmation of the drainage details are to be determined at an early stage of the proposed project including the junction where the drainage meets from the adjacent property.

ACTUAL POSITION NOT KNOWN. THE BUILDER AND THE BUILDING CONTROL OFFICER ARE TO AGREE THE POSITION WHEN STARTING ON SITE.

Domestic Clients - Health and Safety

If you are having work done on your own home, and it is not in connection with a business, you will be a domestic client. The only responsibility a domestic client has under CDM 2015 is to appoint a principal designer and a principal contractor when there is more than one contractor working on the scheme. However, if you do not do this, (as is common practice) your duties as a domestic client are automatically transferred to the contractor or principal contractor.

It is your responsibility, as the domestic client, to appoint a suitably Qualified Principal Designer.

Location

61 Park Avenue,  
Rowley Regis,  
B65 9ET.

Drawing Title

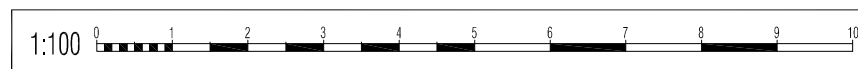
Proposed Plans

Rev	Date
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Jan 2020


Scale	Size	Drg No
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1:100 A3 11



## Planning Committee

**11 March 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/19/63349 Soho & Victoria	271 High Street Smethwick B66 3NJ	Proposed change of use from shop to cafe/restaurant (A3 use).	Grant Permission Subject to Conditions  4th February 2020
DC/19/63487 Greets Green & Lyng	Giffords Recycling Limited Giffords Way Kelvin Way West Bromwich B70 7JR	Proposed installation of cribblock boundary retaining wall and to increase external vehicle marshalling area.	Grant Permission Subject to Conditions  4th February 2020
DC/19/63496 Langley	Land Adj 38 Clay Lane Oldbury B69 4SY	Proposed 3 No. detached houses.	Refuse permission  31st January 2020
DC/19/63541 Friar Park	90 Oxford Street Wednesbury WS10 0PY	Proposed 3-storey building comprising of a shop at ground floor and 7 No. self contained flats above with parking to rear.	Grant Permission Subject to Conditions  6th February 2020



Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63637 Abbey	227 Abbey Road Smethwick B67 5NN	Proposed single storey rear extension (amendment to previously approved application DC/19/62799).	Grant Conditional Retrospective Consent  18th February 2020
DC/19/63643 Langley	410 Birchfield Lane Oldbury B69 1AD	Proposed side canopy to create dog walking area and external window alterations.	Refuse permission  10th February 2020
DC/19/63653 Wednesbury South	Unit 25 Spartan Industrial Centre Brickhouse Lane West Bromwich B70 0DH	Proposed single storey side extension to existing unit.	Grant Permission Subject to Conditions  14th February 2020
DC/19/63675 West Bromwich Central	36 Grice Street West Bromwich B70 7EZ	Retention of car show room & car wash (renewal of expired temporary planning permission DC/16/60008).	Grant Permission Subject to Conditions  4th February 2020
DC/19/63728 St Pauls	Oldbury Jamia Mosque Oldbury Road Smethwick B66 1NH	Proposed part demolition, two storey front extension including a dome and minaret, detached single storey rear extension and reconfiguration and removal of 2 No. portakabins on main car park.	Grant Permission Subject to Conditions  6th February 2020

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63741 Oldbury	1 Tividale Street Tipton DY4 7SD	Proposed single storey side extension, and single storey garage extension with conversion to study.	Grant Permission with external materials  10th February 2020
DC/19/63747 St Pauls	Cottage Inn 193 Tat Bank Road Oldbury B69 4NB	Proposed single storey rear extension.	Grant Permission with external materials  13th February 2020
DC/19/63748 Friar Park	22 Red House Avenue Wednesbury WS10 0QL	Proposed storey side/rear extension.	Grant Permission with external materials  10th February 2020
DC/19/63752 Great Bridge	26 Hudson Road Tipton DY4 7PY	Proposed single storey rear/side extension.	Grant Permission with external materials  6th February 2020
DC/19/63777 Langley	173 Farm Road Oldbury B68 8PN	Proposed two storey side/rear extensions and single storey front/rear extensions.	Grant Permission Subject to Conditions  10th February 2020

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63778 West Bromwich Central	214 Birmingham Road West Bromwich B70 6QJ	Proposed change of use from a post office to 6 No. residential flats, new bay window to ground floor, metal gates to side of property and 2 No. rear dormer windows (Revised application DC/19/62666).	Grant Permission Subject to Conditions  5th February 2020
DC/19/6667A Cradley Heath & Old Hill	Platinum Plaza 251 Halesowen Road Cradley Heath B64 6JD	Proposed front facade composite cladding panel to consist of spray paint art signage including LED lighting strip.	Grant Advertisement Consent  6th February 2020
DC/19/63788 Great Barr With Yew Tree	7 Hillcrest Road Great Barr Birmingham B43 6LT	Proposed two storey side/rear extension and single storey front and rear extensions.	Grant Permission with external materials  5th February 2020
DC/19/63799 Blackheath	Land Adjacent 11 Avenue Road Rowley Regis B65 0LR	Proposed detached 2 storey building as a 6 bedroom care home for young adults age 18+ with learning difficulties (Class C2 use).	Grant Permission Subject to Conditions  6th February 2020
DC/19/63801 Abbey	437 Bearwood Road Smethwick B66 4DH	Retention of front canopy.	Refuse permission  5th February 2020

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63809 Soho & Victoria	27 Piddock Road Smethwick B66 3BL	Retention of single storey rear/side extension and single storey front extension.	Grant Conditional Retrospective Consent  10th February 2020
DC/19/63810 Soho & Victoria	29 Piddock Road Smethwick B66 3BL	Retention of single storey rear extension.	Grant Permission with external materials  6th February 2020
DC/19/63815 Oldbury	29 Dudley Road West Tividale Oldbury B69 2HW	Proposed two storey side/rear extension and single storey front and rear extensions.	Grant Permission with external materials  6th February 2020
DC/19/63816 Oldbury	28 Dudley Road East Tividale Oldbury B69 3HJ	Proposed single storey rear extension.	Refuse permission  11th February 2020
DC/19/63821 Great Bridge	Tipton Campuses Alexandra Road Tipton DY4 7NR	Proposed temporary portakabin.	Grant Conditional Temporary Permission  13th February 2020


Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63822 Abbey	524 Bearwood Road Smethwick B66 4BX	Proposed change of use of ground floor shop (class A1) to multidisciplinary clinic comprising chiropractor clinic (class D1).	Grant Permission  10th February 2020
DC/19/63817 Bristnall	23 Pottery Road Oldbury B68 9EX	Proposed single storey rear extension.	Grant Permission with external materials  21st February 2020
DC/19/63819 West Bromwich Central	40 Byron Street West Bromwich B71 1NP	Proposed single storey rear extension.	Grant Permission with external materials  6th February 2020
DC/19/63825 Oldbury	17 Bridge Street Oldbury B69 4BT	Lawful Development Certificate for existing conservatory.	Grant Lawful Use Certificate  4th February 2020
DC/19/63830 Newton	4 Hobhouse Close Great Barr Birmingham B42 1HB	Proposed single storey rear extension.	Grant Permission with external materials  11th February 2020

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63828  St Pauls	141 Great Arthur Street Smethwick B66 1DG	Proposed single storey rear extension.	Grant Permission with external materials  13th February 2020
DC/19/63831  Bristnall	40 Bloxcliffe Street Oldbury B68 8QQ	Proposed single storey rear extension.	Grant Permission with external materials  7th February 2020
DC/19/63838  Great Bridge	Telecommunications Mast Amphion Court Lower Church Lane Tipton	Proposed installation of a 20.1m lattice tower supporting 6 No. 4.4m x 0.55m antenna apertures (capable of accommodating up to 2 No. antennas per aperture), the relocation of 1 No. 0.3m dish, together with the removal of the existing 15m monopole, and 3 No, antennas.	Grant Permission  18th February 2020
DC/19/63841  Tividale	2 Gilbert Avenue Oldbury B69 1PJ	Proposed step lift to front of property.	Grant Permission with external materials  21st February 2020

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63842  Cradley Heath & Old Hill	20 Woodhouse Way Cradley Heath B64 5EL	Proposed single storey rear and side extension.	Grant Permission with external materials  21st February 2020
DC/19/63846  Princes End	7 Jackson Close Tipton DY4 0BH	Proposed two storey side and rear extension (to include first floor above garage) and single storey rear extension.	Grant Permission with external materials  17th February 2020
PD/20/01369  Wednesbury South	12 Surrey Crescent West Bromwich B71 2PW	Proposed single storey rear extension measuring 4.0m L x 3.60m H (3.0m to the eaves)	P D Householder not required  14th February 2020
PD/20/01372  Tividale	129 Ivy House Road Oldbury B69 1HG	Proposed single storey rear extension measuring: 3.825m L x 3.169 H (2.851m to eaves)	P D Householder not required  11th February 2020
PD/20/01373  Wednesbury South	52 Schofield Avenue West Bromwich B71 2AN	Proposed single storey rear extension measuring: 3.50m L x 3.80m H (2.50m to eaves)	P D Householder not required  14th February 2020

## Planning Committee

**11 March 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 No.</b>	<b>Site Address</b>	<b>Inspectorate Decision</b>
DC/19/62906	54 Surfeit Hill Road Cradley Heath B64 7EB	Dismissed
DC/19/62759	409 Bearwood Road Smethwick B66 4DJ	Dismissed
DC/19/62922	Bowketts Butchers 686 Wolverhampton Road Oldbury B68 8DB	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

Site visit made on 19 November 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2020

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Appeal Ref: APP/G4620/W/19/3236392

54 Surfeit Hill Road, Cradley Heath B64 7EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Singh against the decision of Sandwell Metropolitan Borough Council.
  - The application Ref DC/19/62906, dated 2 October 2018, was refused by notice dated 12 June 2019.
  - The development proposed is retention of 1no first floor flat self-contained and construction of 3no new self-contained flats. Plus conversion of existing ground floor shop storage room into new self-contained shop.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Council contends that the 1:500 scale indicated on the submitted layout drawing (drawing no 101/8) is not accurate as this would mean the width of the site to the site frontage would be approximately 144 metres (m). From my **observations on site the Council's** assertion is correct. I also note that the planning application forms state that the site area is 309 square metres (sq m), yet the forms also give the existing gross internal floorspace of the A1 retail element of the building as being larger than this at 315.1 sq m. These factors indicate that there are clear inaccuracies in **the appellant's measurements**.
3. Additional existing and proposed parking layout plans (drawing nos 101/11, 101/12 101/13, 101/14 and 101/15) **not listed on the Council's decision notice**, have been submitted as part of the appeal. The Council has confirmed these drawings were not before them at the time of their decision. Given the late stage at which these drawings have been provided and being mindful of the **'Wheatcroft Principles'**, I consider that acceptance of these revised layouts would deprive those who should have been consulted from an opportunity to comment. I have therefore considered the appeal on the basis of the layout drawing that was before the Council when they determined the planning application.

### Main Issue

4. The main issue is whether or not the proposal would give rise to inconvenience for road users on Surfeit Hill Road arising from additional demand for on-street parking.

## Reasons

5. The appeal site contains a building in use as a local convenience store with a residential flat at first floor level and associated hard surfaced areas either side of the building. The area is predominantly residential in character. Whilst some dwellings have off street parking, there are others in the area that do not. There is a bus stop to the section of footpath which fronts the appeal site. Whilst I acknowledge my visit only provided a snapshot of the parking situation in the area, I noted that on street parking on both sides of Surfeit Hill Road was prevalent, often with vehicles mounted on the pavement.
6. A proposal for three additional flats and a further self-contained shop would undoubtedly increase the demand for parking on the appeal site when compared with the existing situation. The Highway Authority requested a survey be carried out to assist in establishing whether the site could cope with the extra demand for parking at peak times, but this has not been provided. The layout plan on which the Council based their decision (drawing no 101/8) indicates that a total of 27 parking spaces would be provided on the site. 15 of these spaces would be for shoppers, 8 spaces for residents, 3 spaces for shop staff and 1 space for unloading.
7. The Sandwell Metropolitan Borough Council Revised Residential Design Guide Supplementary Planning Document (2014) (the SPD) confirms at Table 9 under Appendix 3 that off-street parking space dimensions in parking courts for residents should be 2.8 metres (m) x 5.0m. The SPD also specifies that the minimum manoeuvring width required to the rear of any parking space is 6.0m and that a service strip or buffer zone should also be provided between parking spaces and boundary fences, walls or buildings around the perimeter of the parking area. The Council advise that parking spaces associated with the retail element of the building would need to be of similar dimensions at 2.8m x 4.8m.
8. Based on my on-site observations and a visual comparison with the proposed layout, I consider it unlikely that the spaces shown on the proposed drawing would be of a sufficient width and depth to facilitate ease of use. Consequently, the proposed layout would be impractical and in reality would have the potential to result in conflict between vehicles attempting to manoeuvre in and out of spaces. This would be particularly the case when applying the requirements of the SPD. I have no detailed dimensions on the spaces or plans nor other evidence such as vehicle tracking plans to convince me otherwise.
9. I am therefore not convinced by the evidence before me that suitable means of off-street parking would be provided for residents, customers and staff using the development. The inadequacies identified would be likely to dissuade people from using the car park, increasing the potential for vehicles to be parked on the highway. The lack of an appropriate parking survey to substantiate the number of parking spaces proposed, does nothing to persuade me that the submitted layout would be commensurate to meet the requirements of the development.
10. Even had I been in a position to consider the additional plans referred to in my procedural note, the lack of an appropriate survey to establish an appropriate level of parking remains. Furthermore, the parking spaces on the additional drawings are a variety of sizes and shapes. There are instances where the orientation of spaces and their relative proximity to each other, or to the building on the site, would have the potential to inhibit the manoeuvring of

vehicles in and out of spaces. These plans would not therefore have overcome my concerns.

11. To conclude, I am not persuaded by the evidence before me that the number of spaces or the parking layout proposed would cater for the additional demand for parking that would be likely to result from the development. The development therefore has the potential to increase competition for on-street spaces which would be likely to result in inconvenience for road users on Surfeit Hill Road. Consequently, the development would conflict with the requirements of Policy ENV3 (Design Quality) of the Black Country Core Strategy (2011) and Policy EOS 9 (Urban Design Principles) of the Sandwell Metropolitan Borough Council Site Allocations and Delivery Development Plan Document (2012) which amongst other things require high quality design and confirm that poor design will be rejected with particular regard to be paid to the ease with which the public are able to move through and around the development.
12. The proposal would also conflict with Paragraph 127 of the National Planning Policy Framework (the Framework) which states that developments should function well and add to the overall quality of the area, not just for the short term but for the lifetime of the development.

#### Other Matter

13. **Concerns raised with regards to the Council's handling of the planning** application are not a matter for me to assess for an appeal made under Section 78 of the Act.

#### Planning Balance and Conclusion

14. The Council has confirmed that it cannot currently demonstrate a five-year housing land supply. The development plan cannot therefore be considered as being up to date. Paragraph 11d of the Framework and the presumption in favour of sustainable development is engaged and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
15. The site is sustainably located and the proposal would make a modest **contribution towards the Council's housing targets** through the provision of 3 additional residential units. The development has the potential to have some modest economic benefits through the development itself, the expenditure in the area of additional occupants and the provision of a new retail unit.
16. However, the harm identified in terms of the inconvenience for road users and the conflict with the development plan and national policy is a matter which significantly and demonstrably outweighs the modest benefits of the proposal when assessed against the policies of the Framework as a whole.
17. For the above reasons the appeal is dismissed.

*M Russell*

INSPECTOR



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## Appeal Decision

Site visit made on 17 December 2019

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2020

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Appeal Ref: APP/G4620/W/19/3238235  
409 Bearwood Road, Smethwick B66 4DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Lamin Yaffa (Gambian Islamic Community Centre) against the decision of Sandwell Metropolitan Borough Council.
  - The application Ref DC/19/62759, dated 20 November 2018, was refused by notice dated 10 April 2019.
  - The development proposed is **a change of use from solicitor's office to place of worship**.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are whether the appeal property is suitable for use as a place of worship, having particular regard to:
  - The provision of adequate car parking, and the effect of the proposal on road safety, and;
  - Any effects on the living conditions of neighbouring occupiers arising from noise disturbance.

### Reasons

#### *Car parking and road safety*

3. **The appeal property is a former solicitors' office** situated at the northern end of Bearwood town centre. The proposal is to use it as a place of worship, intended to serve a congregation of around 100 to 110 members of the local Gambian Islamic community.
4. Although the appellant indicates that the majority of the congregation lives within walking distance of the appeal premises, the address information provided suggests that the largest part of the community is based in an area to the north near Cape Hill. Although bus routes pass the appeal site, given the distance involved it is likely that many of the congregation would travel to the site by car.
5. There is a small area to the rear of the property which is proposed to be used as a car park for worshippers. The initial application included the provision of 18 spaces within the car park, but a drawing submitted just before the Council

determined the application showed a revised layout accommodating 16 cars. The appellant indicates that the car park would only be used by infirm or disabled users, and the layout shows 4 spaces for disabled drivers.

6. At least one of the disabled spaces shown would be blocked by another parking space, while the narrow gap between most spaces suggests to me that many infirm users would have some difficulty getting out of and back into their cars. I am not therefore persuaded that the car park could be used as intended. Furthermore, the layout of the car park means that the only way most vehicles would be able to leave would be by reversing out onto Belmont Road. This would be likely to increase the risk of accidents at the end of services when large numbers of worshippers would be leaving the premises in a short period of time. Although the appellant intends to use road stewards, no information is provided as to how this would work.
7. Taking these points together, the proposed car park layout does not realistically lend itself to safe or efficient operation for the number of vehicles proposed. It is likely therefore that the majority of those attending services in the premises would seek to park on street.
8. The appellant has attempted to address **the Council's concerns about parking in** the surrounding area by carrying out a survey of the availability of on-street spaces between 1230 and 1430 on a Friday, the time of the main weekly prayers. From my own observations during my site visit, at a similar time on a different day of the week, the figures provided by the appellant appear plausible. However, no survey information is provided to indicate how worshippers would usually travel to the centre. As much of the community lives some way from the appeal site, I cannot be certain either that the proposal includes adequate on-site car parking provision, or that the excess demand could safely be met by nearby on-street space.
9. The appellant has drawn my attention to another case where the Council granted planning permission for a place of worship where many, although not a majority, of the users would be travelling by private car. Although I do not **know all of the details of that case, the appellant has included the applicant's** Transport Statement. Unlike in this case, it provides information about how members of the congregation would usually travel to the site. It is therefore not possible for me to assess the extent to which the two cases may be comparable, and in any event I have of course determined this appeal on its own merits.
10. I conclude that the proposal would not have adequate car parking provision. It would therefore conflict with Policy DM6 of the 2012 Sandwell Site Allocations and Delivery Development Plan Document (the DPD), which seeks to ensure that the use of premises as a place of worship does not cause adverse effects arising from the demand for on-street parking, or create potential hazards to pedestrians and other road users.

#### *Living conditions*

11. Although the appeal site is within the Bearwood shopping area, it is adjacent to residential flats on Bearwood Road to the north, and terraced houses on Belmont Road to the east. There would be noise arising from the use of the car park which would be likely to cause some disturbance to residents of Belmont Road. Although the appeal building does not share a party wall with any of its

residential neighbours, it is very close to the adjacent flats on Bearwood Road, and there is therefore potential for noise disturbance arising from services and other activities taking place within the building.

12. The appellant has indicated that the centre would operate between 12.00 and 20.00 seven days a week. A condition to restrict the operating hours of the premises on this basis would reduce the likelihood of noise disturbance, particularly that related to the arrival and departure of users of the centre, occurring late into the evenings or early in the morning. However, no information is provided about the potential installation of sound insulation, and while the appellant indicates that there would be no sound amplification projecting externally from the building there is no information provided or suggested conditions from either party to indicate how this would be achieved. It is therefore not clear from the information before me that the operation of the building as a place of worship would not lead to noise disturbance for neighbouring residents, even with a condition limiting the operating hours.
13. I conclude therefore that the proposed use of the premises as a place of worship would have a harmful effect on the living conditions of neighbouring occupiers arising from noise disturbance, and so would conflict with Policy DM6 of the DPD which aims to prevent such disturbance to neighbours.

#### Other matters

14. A number of representations were submitted by interested parties. Most of those objecting to the proposal raised concerns about car parking and noise, matters which are addressed above. Many supportive representations raised the desire of the local Gambian Islamic community to have its own place of worship and community centre. I am sympathetic towards this ambition, and recognise that the provision of such a facility would be a positive thing for the members of that community. However, it is important that such facilities are developed in a way which does not cause or exacerbate problems in the surrounding area. The benefits which the community would get from the presence of the place of worship would not, on the basis of the information before me, outweigh the harm arising from the inadequate provision of car parking and noise disturbance.

#### Conclusion

15. For the reasons given above the appeal is dismissed.

*M Cryan*

Inspector





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## Appeal Decision

Site visit made on 19 November 2019

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 27 February 2020

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Appeal Ref: APP/G4620/W/19/3236107

Bowketts Butchers, 686 Wolverhampton Road, Oldbury B68 8DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Harvinder Singh Chall against the decision of Sandwell Metropolitan Borough Council.
  - The application Ref DC/19/62922, dated 15 March 2019, was refused by notice dated 6 June 2019.
  - The development proposed is **originally described as a "ground floor side extension, change of use from butchers to bar, HMO at first floor"**.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The above description has been taken from the application form. The proposed bar has been further described within the appellants documentation as a "bar and grill", with seating provided for on-site dining on the ground floor and to the front and rear of the building. The side extension is intended to accommodate facilities for the bar and grill, whilst a first floor rear extension is also proposed to establish a small house in multiple occupation (HMO) with three bedrooms. I have determined the appeal on this basis.
3. The development proposal was amended during the application process to show that some car parking spaces could be accommodated on-site. The amendments were made to the proposed site plan, reducing the amount of outdoor seating and showing four parking spaces to the front, of which one space served as an electric charging point subject to a tandem parking space arrangement. These plans formed **the basis for Council's final decision**. To remove any doubt, **I have had regard to the plans listed on the Council's decision notice** in my determination of this appeal.
4. The appellant has submitted a Transport Technical Letter (TTL) as part of the appeal process in **response to the Council's highway objection**. The Council have been given the opportunity to comment on this additional evidence and have provided comments accordingly. I have taken these representations into account in reaching my decision.

## Main Issues

5. The main issues are the effect of the proposed development on:
  - a) highway safety, having regard for the demand for on-street parking; and
  - b) the living conditions of existing and future residential occupiers, having regard to noise and disturbance.

## Reasons

### *Highway safety*

6. The appeal property is a vacant end of terrace building which previously **operated as a butcher's shop**. It forms part of a small parade of local shops/services on the corner of Wolverhampton Road, Leahouse Road and Leahouse Gardens, which include a convenience store and hairdresser on neighbouring properties. An informal parking area is located to the front of the premises, serving each individual tenancy, and can be accessed from both Wolverhampton Road and Leahouse Road.
7. Wolverhampton Road is a major arterial road with significant parking restrictions to preserve the free flow of traffic along this strategic route. Leahouse Road forms a T-junction with Wolverhampton Road, and serves as the entrance to the surrounding residential network of streets which are characterised by low traffic movements and on-street parking. Leahouse Gardens is a small residential cul-de-sac to the rear of the appeal site, off Leahouse Road, with limited opportunity for on-street parking. As such, the only opportunities for on-street parking are within the residential streets east of Wolverhampton Road.
8. There is dispute between the parties as to what the likely parking demand for the proposed development would be. **The Council's parking policy offers little** guidance as to how parking standards are calculated for the proposed development. The Council have determined that approximately 25 parking spaces would be required, based on their experience from similar uses and the surrounding context, but have provided limited justification to support this figure otherwise. The appellant has estimated that the proposal would generate a need for 19 parking spaces, for both the bar and grill and HMO uses, based on criteria extracted from the TRICS database.
9. Irrespective of the likely parking demand generated by the proposed development, only four spaces are shown within the appeal site based on the submitted plans. It is likely that any on-site parking spaces provided would be occupied by residents of the HMO and staff for the bar and grill first. Consequently, customers would be likely to rely upon on-street parking.
10. The sections of Leahouse Road and Leahouse Gardens immediately adjacent to the appeal property are subject to on-street parking restrictions. These include short stay parking restrictions during set hours along Leahouse Road, double yellow lines, and bollards to deter mounted kerb parking. The purpose of these measures is to deter illegal parking, preserve the safe flow of traffic between Wolverhampton Road and Leahouse Road, and to prevent conflict between vehicle and pedestrian movements.

11. Despite these measures there is evidence that illegal on-street parking currently takes place around the appeal site. Significantly, the survey data in the TTL shows that illegal parking predominantly occurred along both sides of Leahouse Road and within Leahouse Gardens. Acknowledging the narrow residential character of these streets, the consequence of such illegal parking is problematic for both traffic and pedestrian movements. The observed illegal parking cannot explicitly be attributed to the existing complex of shops/services. Nevertheless, it is reasonable to conclude that the appeal proposal would be likely to exacerbate these harmful conditions due to the increased scale and intensity of the proposal and the desire of drivers to try and secure the closest available parking space to their destination.
12. The appellant and their submitted TTL aimed to dispel these concerns by undertaking a wider survey of the surrounding residential streets to identify the on-street parking capacity in the area. The TTL appears to demonstrate that there is sufficient on-street parking to cater for the proposal within this wider area. However, given the distances involved, I consider it is more likely that customers would seek opportunities to park closer to their destination with the risk that this could add to the problems of illegal parking.
13. The submitted plans only show four on-site parking spaces to serve the development. The other off-street spaces shown in the TTL fall outside the appeal site and serve the adjoining businesses. If the four spaces proposed prove to be insufficient to address the requirements of the HMO and staff of the bar and grill, this would further increase the demand for on-street spaces. Consequently, I am not satisfied that the surrounding streets could appropriately absorb the likely demand for additional on-street parking without causing unacceptable impacts to highway and pedestrian safety.
14. I note the proximity of the appeal site to local bus services and residential areas provides alternative means of transport to the appeal site. Nevertheless, I am not persuaded that this would result in a significant reduction in the demand for parking given the nature of the proposed use and the out of centre location of the development.
15. Accordingly, the proposal would have an unacceptable impact on highway safety resulting from the additional demand for on-street parking. It would therefore conflict with Policies ENV3 and CEN6 of the Black Country Core Strategy (CS) (adopted February 2011) and Paragraph 110 of the National Planning Policy Framework (the Framework). These policies, amongst other things, seek to ensure that development is appropriately designed to achieve a safe highway network for all users and so that existing facilities which meet day-to-day needs are not undermined. Paragraph 110 of the Framework specifically seeks to create places that are safe and secure by minimising potential conflict between pedestrians, cyclists and vehicles.

#### *Living conditions*

16. The appeal property is out of centre development in an area predominantly characterised by quiet residential streets to the east of Wolverhampton Road. The proposed bar and grill would operate between the hours of 0800-1200 and 1500-2300 seven days a week, including bank holidays. The combination of the hours of operation and the close proximity between dwellings and the bar and grill would be likely to lead to residents experiencing noise and disturbance from the comings and goings of customers.

17. I appreciate that the appellant has demonstrated a willingness to manage noise levels within the premises, as detailed by the noise management plan submitted as part of their application for an alcohol licence over the premises. However, it would not be possible to control the behaviour of customers outside the premises, and who could be parking within the surrounding streets. Consequently, existing occupants would be likely to experience noise and disturbance which could adversely affect their living conditions, most especially late in the evenings. The conditions suggested by the appellant would not address this identified harm.
18. I understand that the butcher could operate late into the evening. However, the comings and goings **from the butcher's shop or other** retail use are not comparable with those associated with a bar and grill. In particular, customers are likely to stay longer and later than those coming to buy goods from a **butcher's shop** to take home.
19. Accordingly, the appeal proposal would harm the living conditions of existing and future residential occupiers arising from unacceptable noise and disturbance. It therefore conflicts with Paragraphs 127 and 170 of the Framework. These policies, amongst other things, require development to provide a high standard of amenity for existing and future users, and to prevent existing development being adversely affected by unacceptable levels of noise, respectively.
20. The Council cite Policy ENV3 of the Black Country CS, and Policies EOS9 and H2 of the Sandwell Site Allocations and Delivery Development Plan Document (SADDPD) (adopted December 2012) in their decision notice. However, none these policies make specific reference to the living conditions of existing residents and are therefore not relevant to my assessment in respect of this issue.

#### Other Matters

21. The appellant has provided me with limited information about a number of cases where development has been permitted<sup>1</sup>, in support of the appeal proposal. However, as they all appeared to fall within town or larger local centres, I do not consider these cases to be directly comparable to the case before me, which I have assessed on its individual merits.

#### Conclusion

22. For the reasons given above I conclude that the appeal should be dismissed.

*J Gibson*

INSPECTOR


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<sup>1</sup> Planning permissions DC/15/58701 and DC/18/61816.

## Sandwell Metropolitan Borough Council

### Planning Committee

11 March 2020

<b>Subject:</b>	Annual Report of the Planning Committee 2019
<b>Director:</b>	Amy Harhoff; Director - Regeneration and Growth
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s):</b>	John Baker Service Manager; Development Planning and Building Consultancy <a href="mailto:John_baker@sandwell.gov.uk">John_baker@sandwell.gov.uk</a> 0121 569 4037

### DECISION RECOMMENDATIONS

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

Considers the Planning Committee Annual Report for 2019 for referral to the Council.

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

- 1.1 The Council establishes the Planning Committee each year to deal with matters relating to the Town and Country Planning Acts and related legislation, which mainly concerns the determination of planning applications.
- 1.2 The Committee is required to submit an Annual Report to the Council each year detailing the work undertaken throughout the year.

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

- 2.1 The planning decision-making process contributes significantly to a number of elements of the Sandwell Vision. These include the regeneration of Sandwell; helping create homes that meet people's current and future needs; helping provide the right number of school places; establishing training facilities; and investing in businesses, people and jobs.

## **3 STRATEGIC RESOURCE IMPLICATIONS**

- 3.1 Officer time and legal costs for dealing with planning applications are resourced from application fees and existing budgets.

## **4 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 4.1 The Council, as local planning authority, has a statutory duty to provide a Development Management service as required by the Planning Acts and associated legislation.

Amy Harhoff  
Director - Regeneration and Growth

As Chair of the Planning Committee it gives me great pleasure to provide the foreword for this annual report.

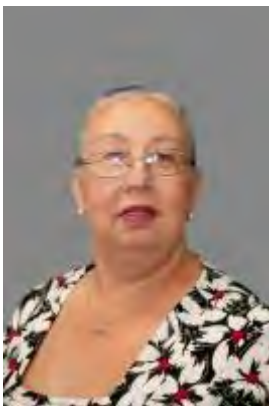
My role is to chair, lead and co-ordinate the activities of the Planning Committee and with the continued hard work and dedication of our planning officers, ably supported by the Members of the Committee, we have achieved continued success in 2019.

We have been able to build on changes to working practices that have improved the swiftness of dealing with applications to respond to customer needs as well as giving officers the freedom to engage, provide guidance and give every assistance to encourage new development within Sandwell. This has been reflected in the past with the accolade of Sandwell winning the Royal Town Planning Institute award of ‘Local Authority Planning Team of the Year’ for 2014/15.

This progress is largely down to increased delegated powers to officers and the setting of performance targets above and beyond those required (and closely monitored) by Central Government, coupled with a rolling programme of Member training regarding new planning regulations and related matters.

2019 saw Planning Committee dealing with several major planning applications, in particular at Friar Park, Wednesbury and Tifford Road, Oldbury, that attracted unprecedented levels of public interest and involvement. I was extremely pleased with the way Members and officers alike rose to the challenges and dealt with each application in such a professional manner.

In 2020 the Planning Committee will continue to seek to add value to new development in Sandwell by ensuring the effective and efficient determination of planning applications in a fair, open and transparent manner.



Councillor Susan Downing  
Chair of Planning Committee

The Council establishes the Planning Committee each year to deal with matters relating to the Town and Country Planning Acts and related legislation, which mainly concerns the determination of planning applications.

### **How Planning Committee Works (At the Meeting)**

The aim has always been to ensure that Planning Committee is as open and inclusive as possible. In this respect, both applicant and objectors are invited to the meeting at which the application they have an interest in is to be determined.

One representative from each side is then given a maximum of five minutes each to make their particular case. Members may also ask supplementary questions of each side. Senior officers from Planning as well as Democratic Services, Highways, Legal Services and Environmental Health are present to field questions that Members may have. Plans and photographs are displayed on large screens for all present to see. The public gallery is also managed by planning officers who are at hand to answer any further questions from the public. The public are given a real opportunity to take part in the meeting, see the democratic process in action and have their voice heard.

### **Membership**

From January 2019 to May 2019 the following Members were appointed to the Planning Committee:-

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

At its annual meeting in May 2019 the Council appointed the following Members to the Planning Committee:-

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



## 2. Business of the Committee

During 2019, Planning Committee met on a monthly basis and considered 90 applications. Below is a breakdown of each Committee meeting in terms of numbers of applications determined, whether the decision of the Committee was in accordance with the officer's recommendation or not and the number of site visits undertaken;

### **2019 Planning Committee Breakdown**

Date of Committee	No of Applications on Agenda	Decision With Officer Recommendation	Decision Against Officer Recommendation	Application Withdrawn	Visit	Deferred
Jan	13	7	0	0	6	0
Feb	12	5	1	0	5	1
March	9	5	0	0	3	1
April	8	6	0	0	2	0
May	6	3	0	0	3	0
June	8	4	0	0	2	2
July	5	3	0	0	1	1
Aug	5	2	2	0	1	0
Sept	3	1	0	0	1	1
Oct	3	1	0	0	0	2
Nov	8	4	0	0	3	1
Dec 4th	9	6	1	0	1	1
Dec 17th	1	1	0	0	0	0
<b>Total</b>	<b>90</b>	<b>48 (53.3%)</b>	<b>4 ( 4.5%)</b>	<b>0</b>	<b>28 (31.1%)</b>	<b>10 (11.1%)</b>

By way of comparison, the figures for 2018 were as follows;

Date of Committee	No of Applications on Agenda	Decision With Officer Recommendation	Decision Against Officer Recommendation	Application Withdrawn	Visit	Deferred
Jan 17th	20	13	1	0	5	1
Jan 31st	1	1	0	0	0	0
Feb	8	3	0	0	3	2
March	9	3	0	0	4	2
April	12	4	1	0	4	3
June	12	9	1	0	0	2
July	16	3	0	0	13	0
Aug	15	1	12	1	1	0
Sept	5	0	0	0	4	1
Oct	13	3	0	1	8	1
Nov	14	10	1	0	2	1
Dec	6	3	1	0	1	1
<b>Total</b>	<b>131</b>	<b>53 (40.5%)</b>	<b>17 (12.9%)</b>	<b>2 (1.5%)</b>	<b>45 (34.4%)</b>	<b>14 (10.7%)</b>

### 3. Commentary on the work of Planning Committee and the Development Planning team.

#### Numbers of applications received and determined;

##### 2019

1211 planning applications received of which 1126 applications were determined.

Of the 1126 applications determined, 1073 (95%) were dealt with by officers using delegated powers.

Of those determined applications:-

1051 were approved (93%)

75 were refused permission (7%)

**Again, by way of comparison, the figures for 2018 are listed below:**

##### 2018

1250 planning applications received of which 1083 applications were determined.

Of the 1083 applications determined, 988 (95%) were dealt with by officers using delegated powers.

Of those determined applications:-

955 were approved (92%)

83 were refused permission (8%)

The figures above indicate that the overall number of planning applications received during 2019 were similar to those submitted in 2018. Notwithstanding this, these numbers are affected by the fact that in 2013, the Government introduced a new 'Prior Approval' system which is intended to primarily allow householders greater scope above and beyond existing regulations to extend their properties. Before this date such extensions would have required a formal planning application to be submitted. These Prior Approvals do not appear in the formal figures for the numbers of applications dealt with but in essence the process and the work required is the same as dealing with a planning application. The Council received **237** such applications in 2019.

The large percentage of applications approved in part reflects the openness of the service in encouraging developers and prospective applicants to engage in pre-application discussions. A charge for such discussions was introduced at Sandwell from September 2019 to offer a complete service to potential applicants

and bring the Council in line with neighbouring authorities. This approach sends the message that the Council, despite the existing economic difficulties, is very much open for business and ready to facilitate development opportunities.

The positive outcome of the vast majority of planning applications submitted at Sandwell is also in part a reflection of where there are problems with a proposed scheme, officers will endeavour to negotiate workable solutions within the prescribed time scales.

In addition to the above planning applications, the Development Management section also dealt with around 300 complaints regarding alleged breaches of planning control. Officers remain acutely aware of the fact that the credibility of the planning system as a whole rests on the ability to take timely and appropriate enforcement action.

A further 150 sites have also been investigated by officers as potentially requiring tidy up work using in the main powers available under Section 215 of the Town and County Planning Act 1990. (This power allows the local planning authority to deal with privately owned land or buildings, the condition of which is adversely affecting the amenity of a particular area). This area of work has grown in recent years on the back of the Council's own 'Grot Spots' programme. Officers continue to strive to build on the good work to date and the partnerships already created both within the Council and with outside bodies such as the Police and Fire Service.

## **Performance**

The local planning authority is monitored closely by the Government regarding the time taken to determine planning applications. (Applicants have a right to appeal to the Planning Inspectorate if their application is not dealt within the prescribed time). The Government targets are as follows:-

60% of major applications to be determined in 13 weeks

70% of minor applications to be determined in 8 weeks

80% of other applications to be determined in 8 weeks

*("Major" developments are defined as applications for 10 or more dwellings; where the floor space of the proposal exceeds 1000 square metres or if the application site area exceeds 1 hectare.*

*"Minor" developments include schemes for less than 10 dwellings and where floor area is less than 1000 square metres.*

*"Others" includes changes of use and householder extensions).*

The Planning service has consistently continued to exceed these performance targets throughout 2018. The on-going commitment of all staff, coupled with the assistance of Planning Committee, has very much helped to achieve this;

### **2019**

Major applications: 43; No. determined in 13 weeks: 40

**Performance - 93.0%**

Minor applications: 269; No. determined in 8 weeks: 245

**Performance - 91.7%**

Other applications: 814; No. determined in 8 weeks: 770

**Performance - 94.6%**

**Once more, by way of comparison, the figures for 2018 are listed below:**

### **2018**

Major applications: 50; No. determined in 13 weeks: 40

**Performance - 80.0%**

Minor applications: 274; No. determined in 8 weeks: 228

**Performance - 83.2%**

Other applications: 714; No. determined in 8 weeks: 672

**Performance - 94.1%**

### **Customer Satisfaction**

Speed of decision making is important but is just one aspect of the service provided. With each decision notice sent out, a customer satisfaction survey is attached. For 2019, 92% of applicants and/ or agents who responded were Very Satisfied or Fairly Satisfied with the overall service.

## **4. The Committee's Main Achievements**

### **Local Planning Authority of the Year Award**

Planning Committee is integral to the Council achieving the Government's performance targets with regards to the time taken to determine planning applications. Throughout the year, Members and officers have strived to work together to not just achieve these targets but also consistently exceed them.

These performance figures also bear testament to the collective efforts to attract new development to the Borough in these continuing difficult economic

times. The Planning system can be a positive catalyst for economic regeneration and growth in Sandwell.

Building on this progress, in June 2014 Sandwell achieved the national award from the Royal Town Planning Institute of “Local Authority Planning Team” of the Year for 2014/ 15.

As part of the judge’s comments, it was noted that;

**“Sandwell has an exemplary track record with the Planning Service consistently exceeding national targets....”**

In 2018 the Planning Service also took part in a Corporate Peer Review and the feedback provided was of a service that contributes positively to the wider aspirations of the Council.

## **5. Contribution to Sandwell Vision**

The planning decision-making process contributes significantly to a number of elements of the Sandwell Vision. These include the regeneration of Sandwell; helping create homes that meet people’s current and future needs; helping provide the right number of school places; establishing training facilities; and investing in businesses, people and jobs.

## **6. Training and Development**

In 2019, training sessions have been run for Members on the following topics;

April	Houses in Multiple Occupation
June	Introduction to Planning for new Members
July	Householder permitted development rights
August	Building Regulations process
September	Material Considerations – part 1
October	Material Considerations – part 2
November	The Development Plan

## **7. Conclusion**

The Council will continue to strive to deal with planning applications in an effective and efficient manner. The continued support and pragmatism shown by Committee Members is invaluable in order for planning officers to continue to achieve the high performance and customer satisfaction levels that they have to date.