


REPORT TO PLANNING COMMITTEE

8 July 2020

Application Reference	DC/19/63818
Application Received	14 January 2020
Application Description	Retention of single storey rear extension and new staff and visitor parking area.
Application Address	121 Witton Lane West Bromwich B71 2AE
Applicant	Eurobrass
Ward	Wednesbury South
Contribution towards Vision 2030:	
Contact Officer(s)	Name: Carl Mercer Tel: 0121 569 4048 Email: carl_mercer@sandwell.gov.uk

RECOMMENDATION

That planning permission is granted subject to the following condition:

- i) The parking spaces shall be provided within three months of the date of this permission. Once provided, the spaces shall be retained.

1. BACKGROUND

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

1.1 To assist members with site context, a link to google maps is provided below:

[Eurobrass, 121 Witton Lane, West Bromwich](#)

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 the site and is overlooked by residential properties on Edwin Phillips Drive and Rydding Square. There is a notable levels difference between residential properties to the south and west of the application site and the site itself (the site being set lower down).

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 186m².
- 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 objectors' 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 any 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, as planning permission was not required for their removal.
- (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, as is the applicant's responsibly under paragraph 179 of the National Planning Policy Framework.
- (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 engineer 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.

- 7.2 The determination of the application has been deferred pending the submission and consideration of information relating to highway matters. The applicant has submitted further information in the form of a Transport Note. The Note sets out the existing site working practices, development proposals, vehicle trip generation and overview in respect of highways impact. The Note concludes that the proposal would not cause significant issues in respect of trip generation or traffic impact.

- 7.3 Highways have considered the Note, and have reiterated their previous concerns in that currently the manoeuvring space/yard is not fit for purpose. I acknowledge that it is not ideal that and HGVs reverse into and out of the site and have, on occasion, damaged street furniture. However, Highways have conceded that the increase in trip rates is minimal due to the ground floor area proposed by the extension.
- 7.4 In my opinion, as discussed earlier in the report, the situation with regards to manoeuvring is not ideal, but it is an existing situation that the minimal rise in vehicle movements because of this proposal would not appreciably exacerbate; certainly not to the degree to refuse the application or impose unreasonable conditions.

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 within 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.

10.4 **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.

10.5 **Flood risk**

Not relevant due to the minor nature of the proposal.

10.6 **Security and safety**

The site is fully secured by existing boundary treatments.

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

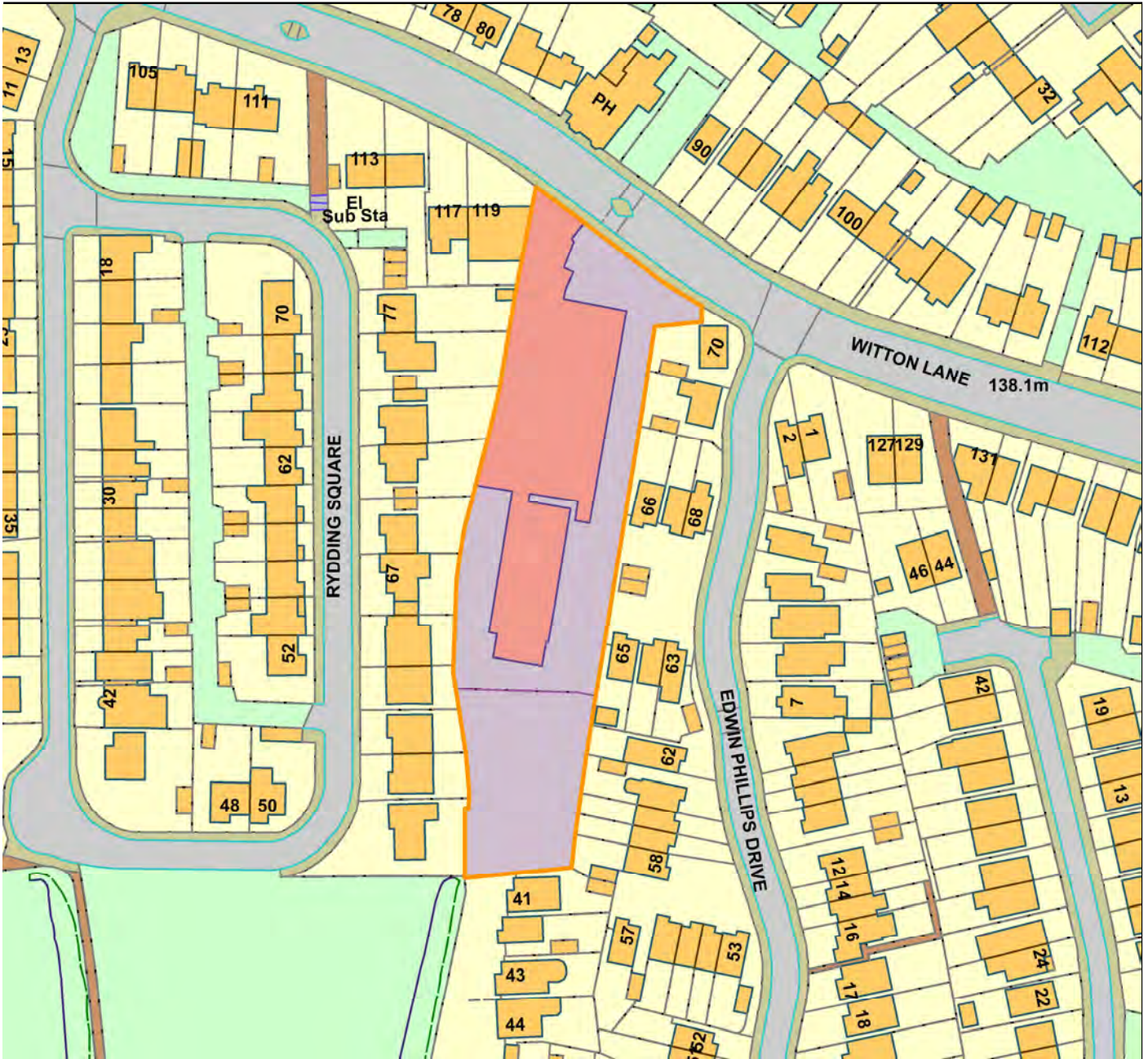
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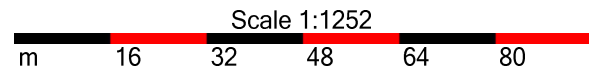
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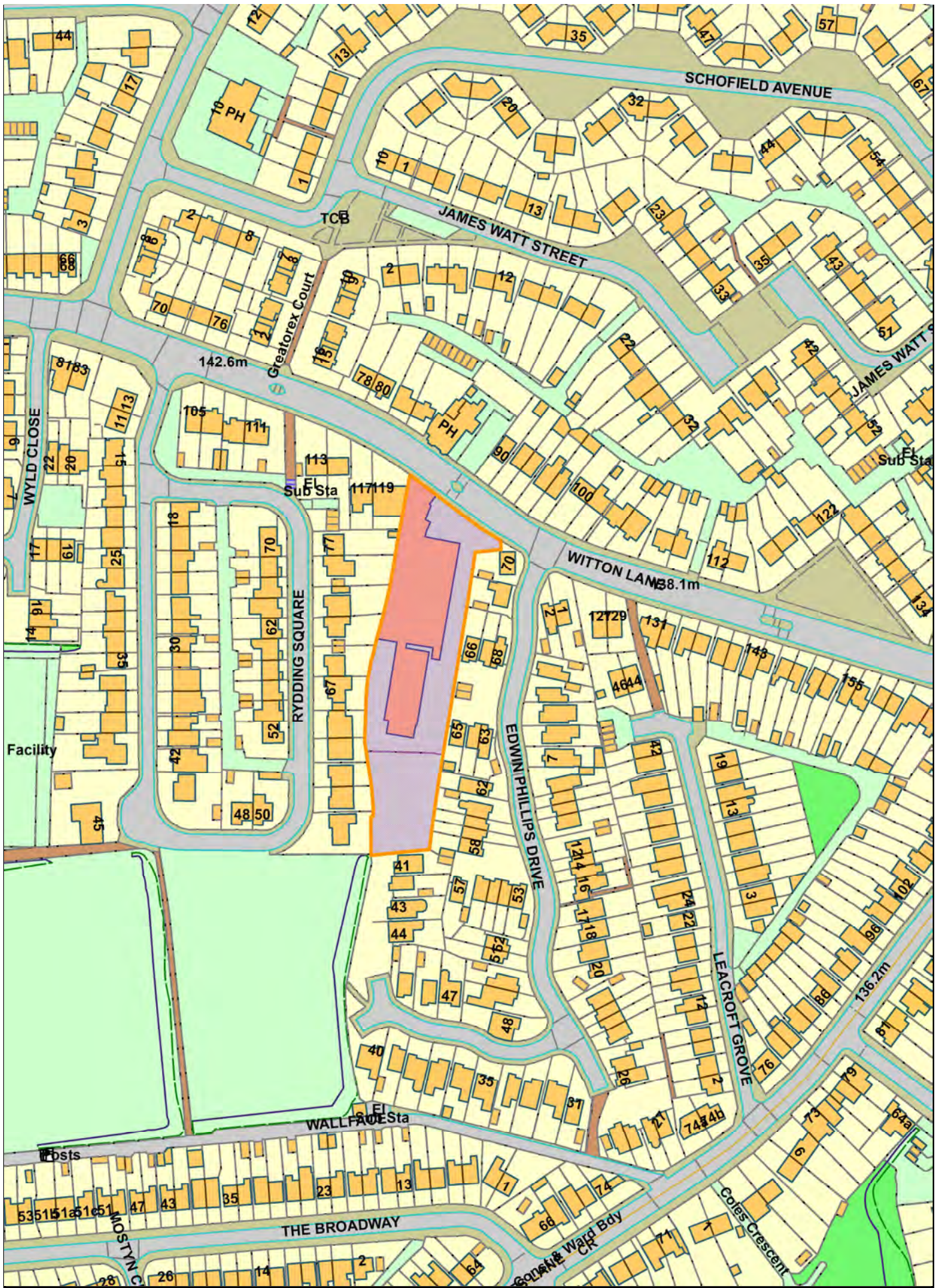
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Organisation	Not Set
Department	Not Set
Comments	
Date	26 February 2020
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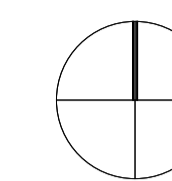
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PROJECT ARCHITECT TO BE NOTIFIED OF DISCREPANCIES IN FIGURED DIMENSIONS. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE. THIS DRAWING IS COPYRIGHT.

Orientation



Schedule of Areas



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



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Client



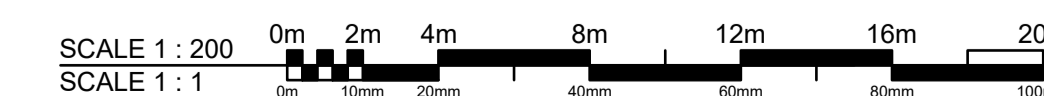
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 WEST BROMWICH, B71 2AE

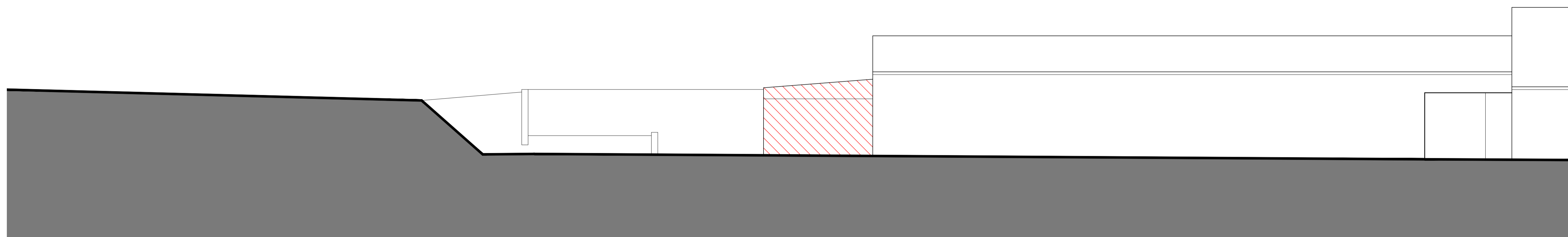
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Scale	Date	Drawn by
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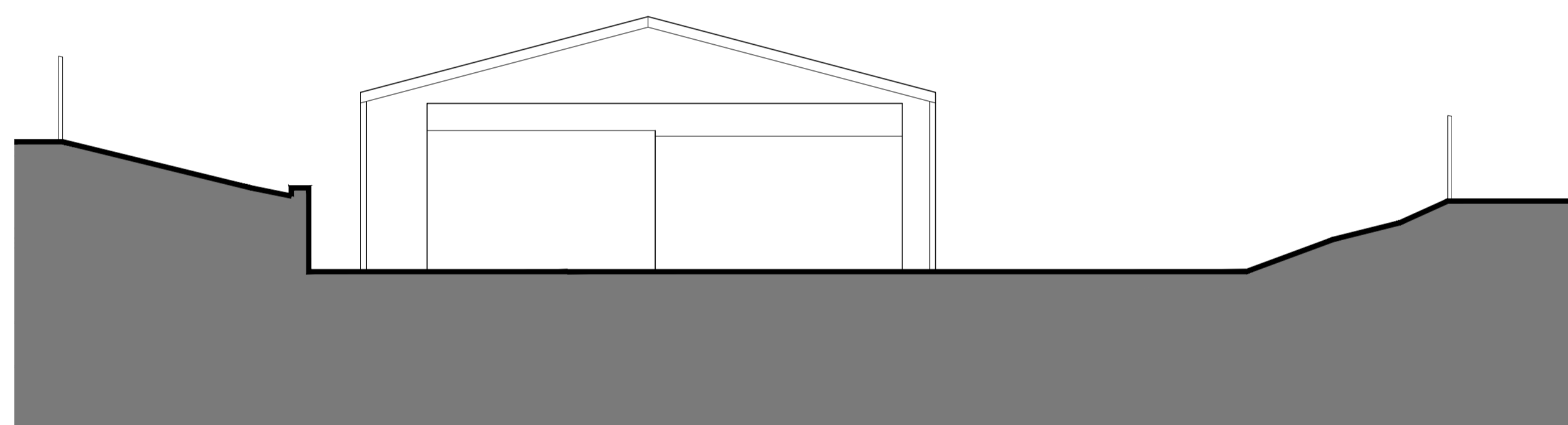
PLANNING

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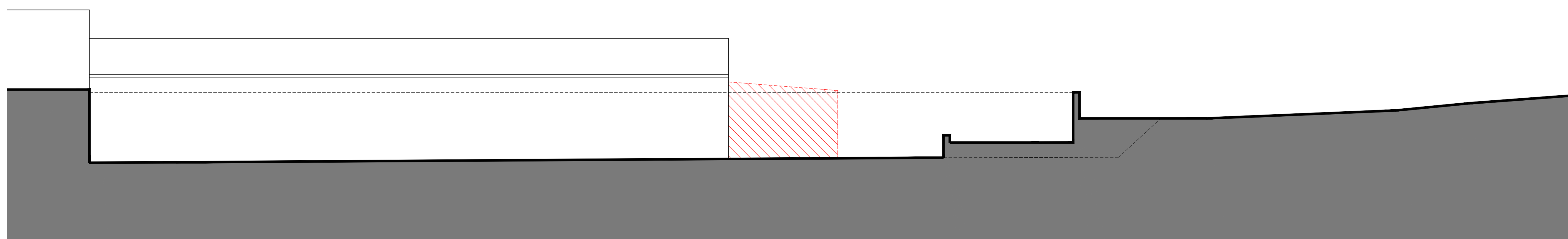




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02 SOUTH ELEVATION AS EXISTING
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03 WEST ELEVATION AS EXISTING
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Rev	Description	Date
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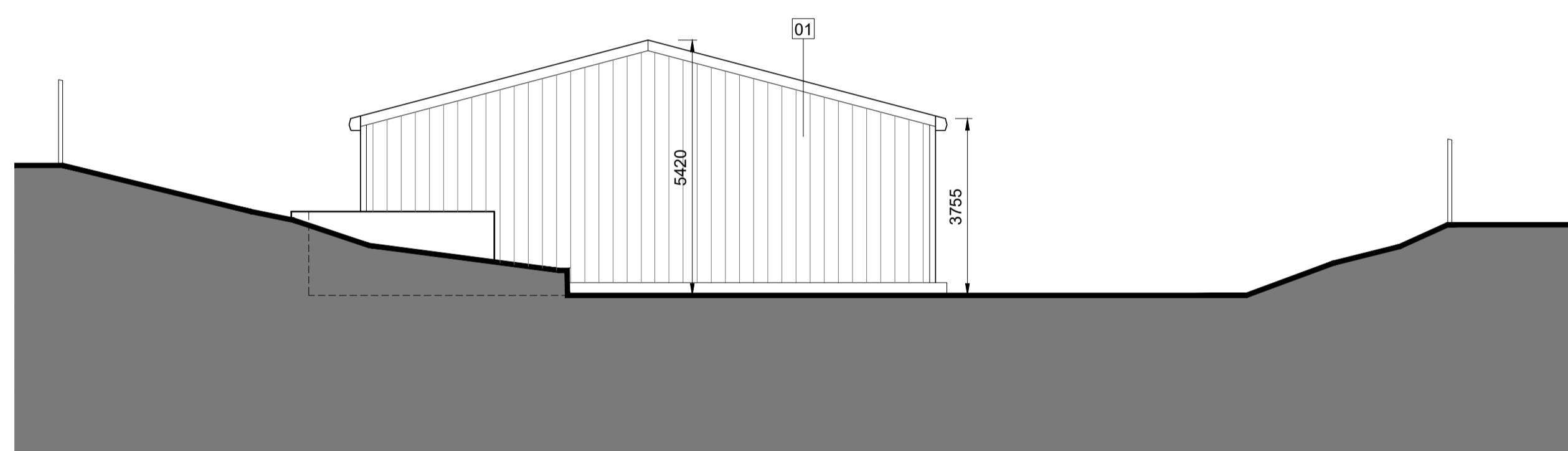
Orientation

Materials Key

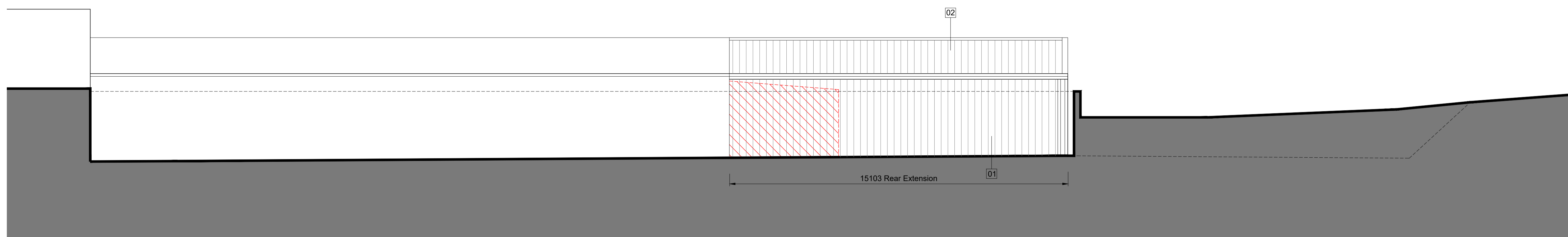
1. New profiled metal cladding to match existing.
2. New profiled metal roofing to match existing.
3. New roller shutter door to match existing.



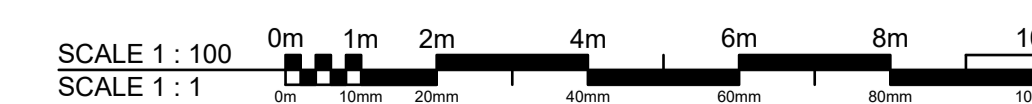
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02 SOUTH ELEVATION AS PROPOSED
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