



REPORT TO PLANNING COMMITTEE

7 October 2020

Application Reference	DC/20/64420
Application Received	30 th June 2020
Application Description	Proposed change of use of existing car park to selling and displaying motor vehicles (Sui Generis).
Application Address	84, Bromford Lane, West Bromwich, B70 7HW
Applicant	Mr. Sajjad Hussain
Ward	Greets Green and Lyng
Contribution towards Vision 2030:	 
Contact Officer(s)	William Stevens 0121 569 4897 William_stevens@sandwell.gov.uk

RECOMMENDATION

That temporary planning permission is granted subject to:

- (i) Two-year temporary permission
- (ii) Hours 09:00-17:00 Monday to Saturday (No Sundays or Bank Holidays), also relates to deliveries of vehicles,
- (iii) Details of staff toilets and hand wash facilities,
- (iv) Acoustic boundary fence, and landscaping,
- (v) Electric vehicle charging point provision,
- (vi) No amplified music,
- (vii) Security light details and CCTV,
- (viii) Parking plan, layout, and retention
- (ix) No more than 14 vehicles to be displayed for sale on the site,

1. BACKGROUND

- 1.1 This application is being reported to your Planning Committee at the request of Councillor Edwards. Councillor Edwards has requested Members visit the site due to concerns over highway safety and the impact

the proposal could have on residents. However due to the current situation a group site visit cannot be carried out however; site visit photographs will be tabled before the meeting and a link to Google Maps is provided below:

1.2 [84 Bromford Lane, West Bromwich](#)

2. SUMMARY OF KEY CONSIDERATIONS

2.1 The Site is unallocated in the Council's development plan.

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

Overlooking/loss of privacy

Public visual amenity

Access, highway safety, and parking

Noise and disturbance from the scheme

3. THE APPLICATION SITE

3.1 The application site is situated on the eastern side of Bromford Lane and relates to the car park of the former Royal Exchange public house.

3.2 The former Royal Exchange is a HMO where the previous application DC/13/55663 required 5 off-street parking spaces and an area for amenity. It should be noted that the amenity area for the HMO would be removed to accommodate the car sales operation, however this space was never implemented, and no complaints have been received. Therefore, it is considered that the amenity space is not required in this location, particularly when there is accessible open space and leisure facilities near the site.

3.2 The area is predominately residential in nature with various retail shops and commercial uses along Bromford Lane. To the north of the site lies West Bromwich Leisure Centre with the Town beyond.

4. PLANNING HISTORY

4.1 Planning permission has been refused twice for a car wash on the former car park, whereas the former public house is currently used as a HMO.

4.2 Relevant planning applications are as follows:-

DC/13/55663	Use of first floor as 4 No. bedsits with shared facilities. Proposed 2 No. studios and 4 No. bedsits with shared facilities on ground floor (House in Multiple Occupation HMO)	Grant Conditional retrospective consent 24/05/2013
DC/19/62975	Retention of hand car wash and associated canopy and office.	Refused 16/05/2019
DC/19/63301	Retention of hand car wash with a reduction in hours and associated canopy and office.	Refused 29/08/2019

4.3 The car wash refused for the following reasons:

- i) *The car wash is an unacceptable use within the residential area causing noise nuisance to the local residents from the activities associated with car wash and is therefore contrary to Policy EMP4 (Relationship between industry and sensitive use);*
- ii) *The car wash is inappropriate and incompatible with the surrounding area being contrary to SAD Policy EOS9 (Urban Design Principles).*

5. APPLICATION DETAILS

- 5.1 The applicant proposes to change part of the use of the car park into a site for the displaying and selling of motor vehicles.
- 5.2 The applicant proposes to operate 09:00-17:00 hours, seven days a week. No details over the number of proposed employees have been provided or information relating staff toilets and hand washing facilities.
- 5.3 The proposed company sign has been determined via a separate application.
- 5.4 The proposed 5 parking spaces associated with the existing HMO development (see point 3.2) can be provided on site, but the proposed use would remove the private amenity space of the users of the HMO.

6. PUBLICITY

6.1 The application has been publicised by neighbour notification letters with four objections and one comment of support received.

6.2 Objections

Objections have been received on the following grounds:

- (i) Concerns over the repairing of vehicles and car spraying associated with the sale of vehicles and the smells and noise that these activities generate;
- (ii) Noise and antisocial issues associated with the use, including workers and customers looking up at the adjacent flats and the windows creating concerns over privacy; and
- (iii) Highway concerns given Bromford Road is extremely busy and the potential for accidents between vehicles entering and leaving the site and users of the public highway.

6.3 Responses to objections

I respond to the objector's comments in turn;

- (i) Any car repairs or spraying of vehicles would need a further planning application. However, conditions can be placed on any approval to control and prevent the applicant from doing so.
- (ii) Limiting the hours and days of the week could potentially limit the disturbance to local residents (also refer to 10.2 below).
- (iii) Highways have no objections (7.2 below).

6.4 Support

A local resident supports the proposal as he says the development would enhance the appearance of the site, resolve the anti-social behaviour issues with people gathering on the site which isn't currently controlled and potentially provide further employment in the area.

7. STATUTORY CONSULTATION

7.1 Planning and Transportation Policy

No objection. Whilst these types of uses are seen more favourable in local employment areas, and Bromford Lane being predominantly residential, it does have a certain amount of retail and commercial uses. The former pub was a commercial enterprise and the new proposed use

could have a lower impact than the former use, particularly in relation to hours of opening and summer noise from beer gardens etc.

A temporary permission would enable the local authority to access any issues over amenity and highway concern.

7.2 Highways

No objections have been raised, however conditions controlling residential parking for the existing HMO should be provided and retained as such. The applicant's provided a parking layout plan and it is recommended that the car park is laid out as such and retained.

7.3 Public Health (Air Quality)

No objections subject to an electric vehicle charging point being provided.

7.4 Public Health (Air Pollution and Noise)

No objections subject to the working hours limited to Monday to Saturday 09:00 to 17:00 hours with no working on Sundays or Bank Holidays. Further no washing or valeting of vehicles is permitted on site, no amplified sound. Details of boundary treatment (including acoustic boundary) and security lighting are required by way of 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 Development Plan are relevant: -
- 9.2 Policy EMP3 (Local Quality Employment Areas) of the Black Country Core Strategy states that uses such as car sales are ideally located in Employment Land. As indicated above whilst the site is not allocated as such, it did form a commercial site, namely a public house and there are other commercial uses in the vicinity.
- 9.3 Policy EMP4 (Relationship between industry and sensitive use) of the Council's Site Allocations Development Plan (SAD) states that proposals for industrial development that are likely to have an adverse effect on

neighbouring uses will not be permitted, unless the adverse effects can be reduced to an acceptable level. In this instance it is considered that conditions relating to hours, no amplified sound and number of vehicles displayed could control any adverse effects.

- 9.4 SAD Policy EOS9 (Urban Design Principles) of the Council's SAD document state 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. The scheme as indicated is deemed acceptable in terms of its size and layout.

10. MATERIAL CONSIDERATIONS

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

10.2 Overlooking/loss of privacy

The potential for looking into the neighbouring flats remains unchanged from when the public house was in operation and currently with users of the HMO. However, limiting the hours the car sales was in operation would prevent any potential overlooking issues (especially in the hours of darkness when residents lights are on).

10.3 Public visual amenity

Objections have been received stating that the proposed development would take away from the visual amenity of the area, where as a comment in support of the proposal states that it would enhance it. Having visited the site, the former car park needs some improvement. Conditions attached over boundary treatment and landscaping could enhance the development. Therefore, if properly carried out, in my opinion the development could enhance the area.

10.4 Access, highway safety, and parking

The Council's highways department has raised no objections (see point 7.2 above). It is recommended that the car parking layout plan is implemented and retained as such. Given the number of spaces proposed, I feel it would also be prudent to limit the number of vehicles for display on the site.

10.5 Noise and disturbance from the scheme

Environmental Health have no objections subject to the recommended conditions (refer to point 7.4 above) which would safeguard the amenity of nearby residents from noise and disturbance. In addition, it is recommended that a two-year temporary permission be granted to enable the local planning authority to review the operation of the use considering the concerns expressed by residents.

11. IMPLICATIONS FOR SANDWELL'S VISION

- 11.1 The proposal supports Ambitions 3 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 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 noted that there are complaints from the site currently and if granted, appropriate conditions can be attached to control the use of the car sale operations and in only granting a two-year temporary permission any negative impacts can be reviewed before a full permission is granted.
- 12.2 The Council's highways department has raised no objections, and with suitable conditions, parking for both the number of vehicles for sale and the users of the existing HMO can be controlled.
- 12.4 It is anticipated that the proposal use would be less problematic in terms of noise and traffic generation than the previously proposed car wash due to the shorter footfall associated with this type of use. Nevertheless, a temporary consent is recommended to assess the impact of the use and for the applicant to demonstrate, given the conditions relating to hours, parking and noise, that their activities would have limited impact on the highway and the private amenity of local residents.

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 equality 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 Policy Framework (8), Development 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

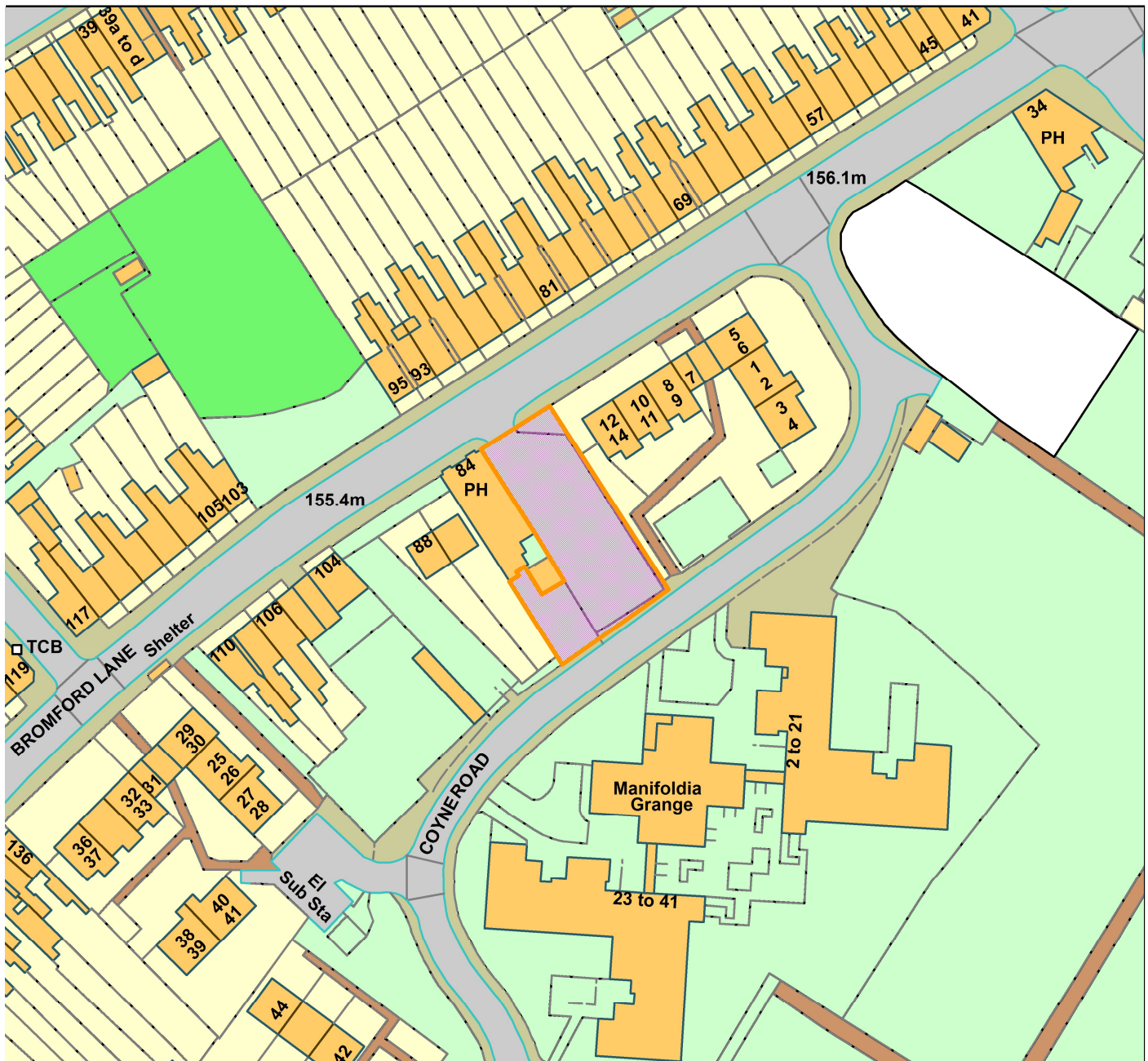
- 20.1 There would be no impact.

21. APPENDICES:

Site Plan
Context Plan
Plan No. A100 Rev B Revised Parking Layout

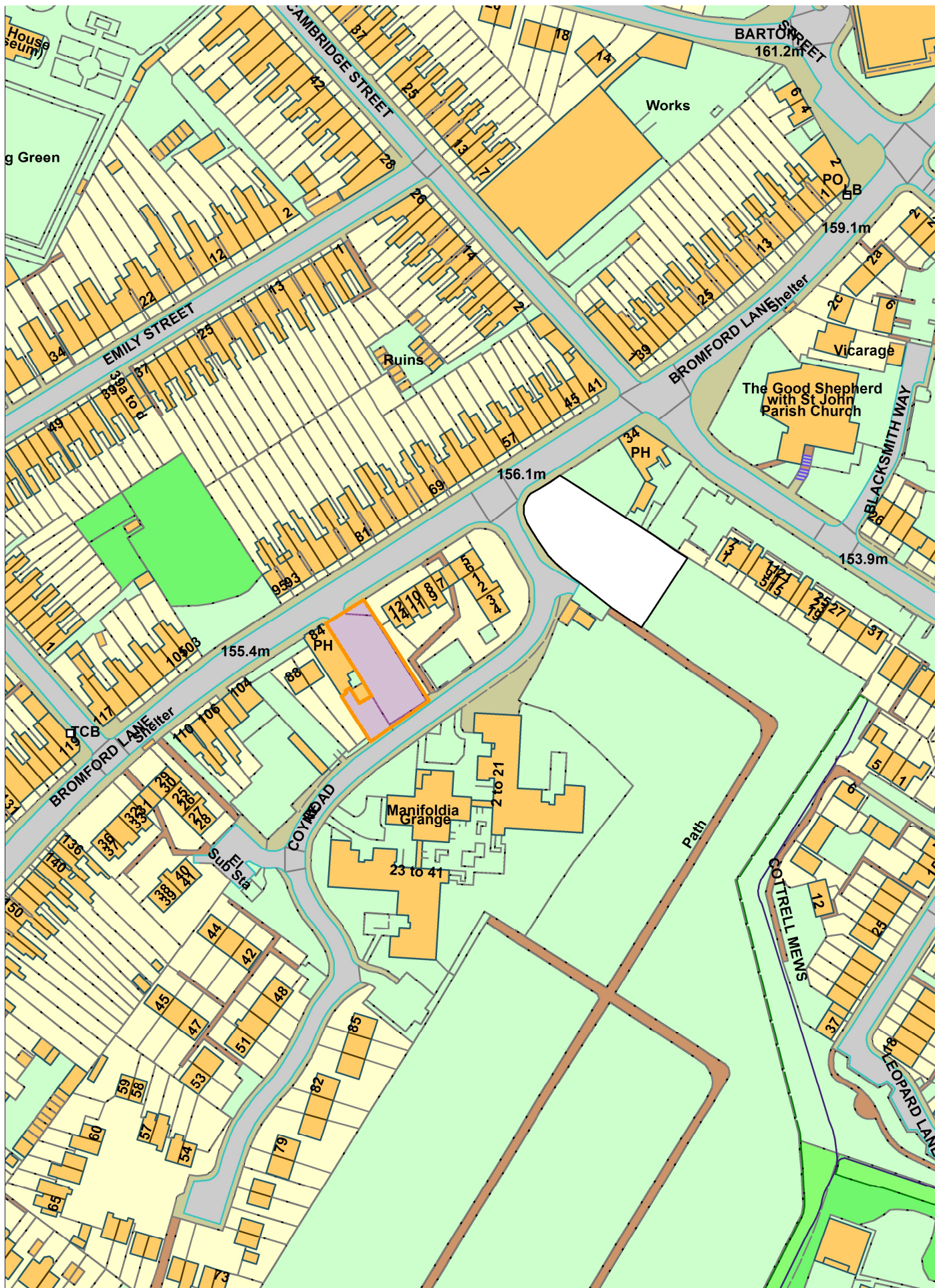
DC/20/64420

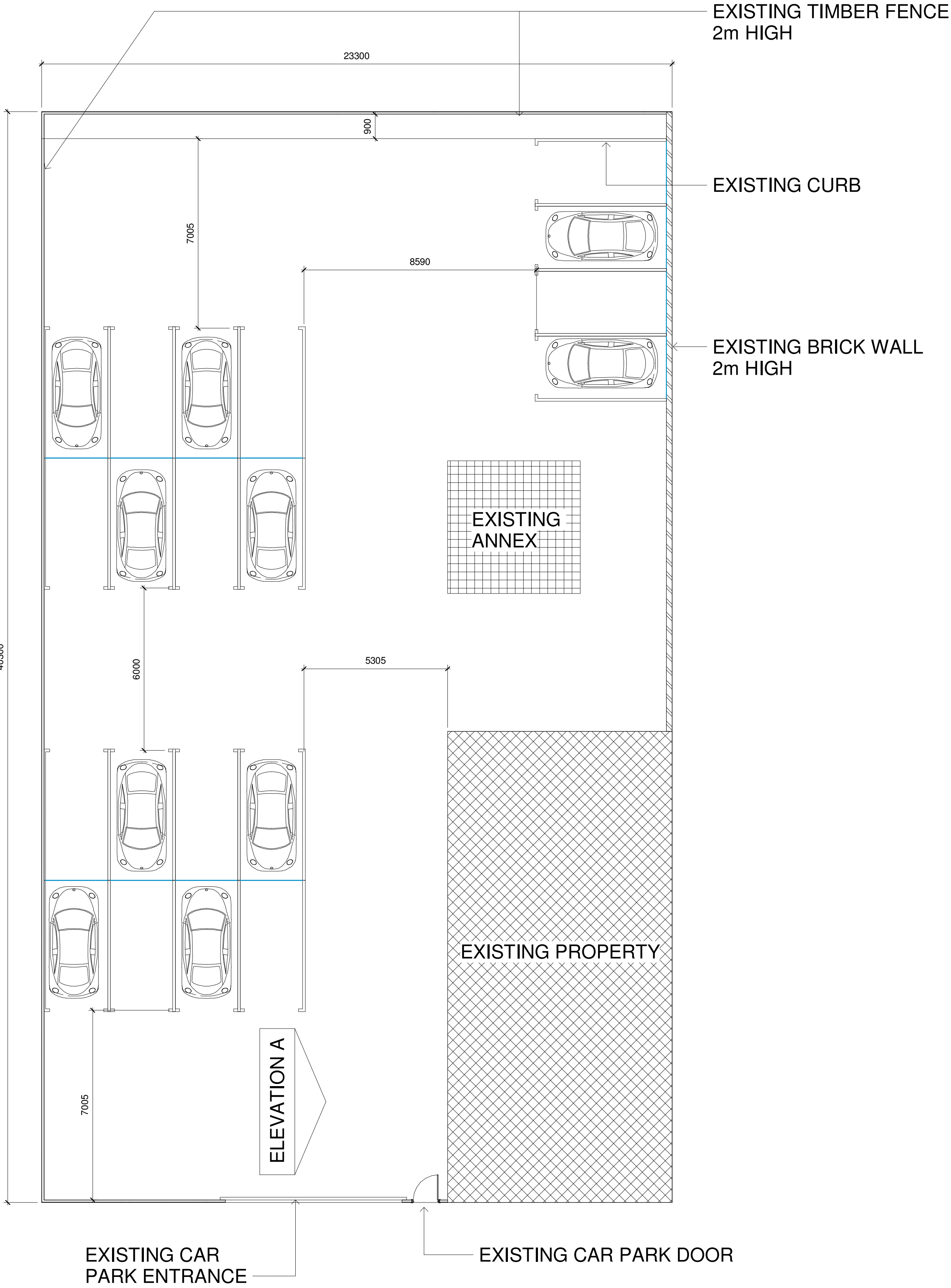
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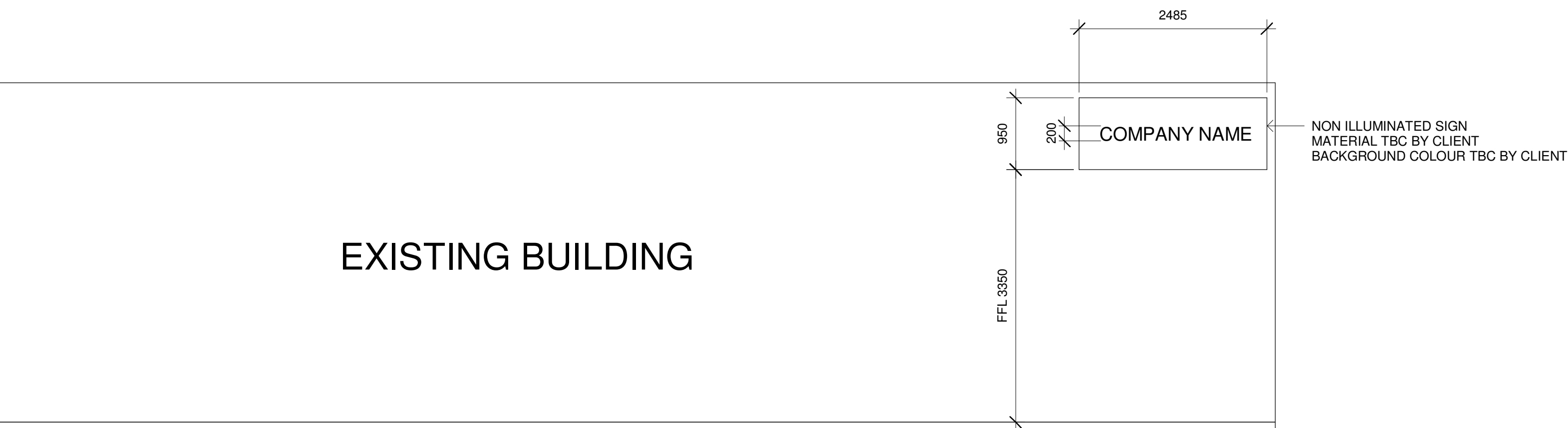
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Department	Not Set
Comments	Not Set
Date	24 September 2020
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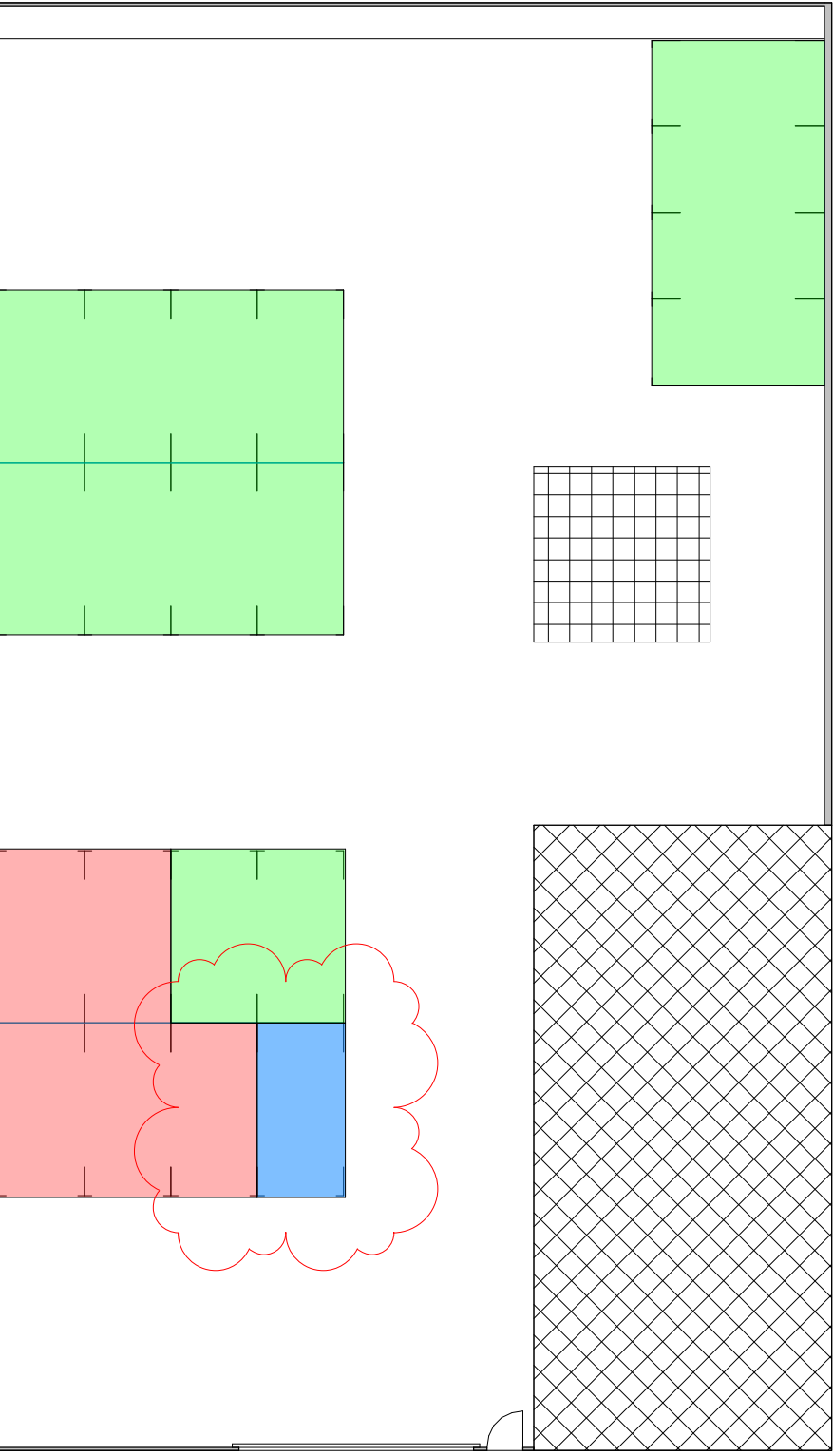




1 PROPOSED FLOOR PLAN
1 : 100



4 ELEVATION A (SIGNAGE)
1 : 50



- PROPOSED PARKING SPACES
FOR SELLING MOTOR VEHICLES
(14 SPACES)
- EXISTING PARKING SPACES FOR RESIDENTS (5 SPACES)
- EXISTING PARKING SPACES FOR CUSTOMER (1 SPACE)

3 CAR PARK KEY
1 : 10

NOTE:
CAR MARKINGS TO BE LAID
OUT AS PER THE DRAWING

Rev	Description	Date
A	Signage dimension has been changed from 975 to 950.	16.07.20
B	CUSTOMER PARKING ADDED. NOTE HAS BEEN ADDED.	08.09.20

PURPOSE OF ISSUE

HJ & PARTNERS

PROJECT

CAR PARK

TITLE

PROPOSED CAR
PARK PLAN

CLIENT

SAJJAD HUSSAIN

DRAWN BY Author	CHECKED BY Checker	DATE 01/23/07
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SCALE (@ A1) As indicated	PROJECT NUMBER Project Number
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DRAWING NUMBER A100	REV B
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