

Planning Committee Agenda

Wednesday 7 October 2020 at 5.00pm.
(Virtual Meeting)

Please click on this link to view the meeting live:
[Planning Committee 7th October 2020](#)

1. **Apologies**
To receive any apologies for absence.
2. **Declarations of Interest**
To receive any declarations of interest from members relating to any item on the agenda, in accordance with the provisions of the Code of Conduct and/or S106 of the Local Government Finance Act 1992.
3. **Minutes**
To agree the minutes of the meeting held on 9th September 2020 as a correct record.
4. Planning Application DC/20/64420 – Proposed change of use of existing car park to selling and displaying motor vehicles. 84 Bromford Lane, West Bromwich.
5. Planning Application DC/20/64515 – Proposed change of use of ground floor to fish and chip shop (class A5) with shop front, access ramp and associated parking. Adjacent 141 Newbury Lane, Post Office, Oldbury, B69 1HE.
6. Planning Application DC/20/64552 - Proposed change of use if first and second floors and part change of use of ground floor at rear to create 6 No. bedroom HMO (house in multiple occupancy) and rear storage area. 530 Bearwood Road, Smethwick, B66 4BX.
7. Applications Determined Under Delegated Powers.

8. Decisions of the Planning Inspectorate.

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 and Simms.

Contact: democratic_services@sandwell.gov.uk

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Planning Committee

**9th September 2020 at 5.00pm
Virtual Meeting**

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

Officers: John Baker [Service Manager – Development Planning and
Building Consultancy], Sian Webb [Solicitor], Stephnie
Hancock [Senior Democratic Services Officer].

66/20 **Apologies for Absence**

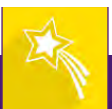
No apologies were received.

67/20 **Declarations of Interest**

Councillor Dhallu declared an interest in planning application DC/20/64505 (Proposed development of 13 dwellings. Brook Road Open Space, Wolverhampton Road, Oldbury.), however this application had been withdrawn from the agenda about would not therefore be determined at this meeting.

68/20 **Minutes**

The minutes of the meeting held on 5th August 2020 were agreed as a correct record.



69/20 **Planning Application DC/20/64505 - Proposed development of 13 dwellings. Brook Road Open Space, Wolverhampton Road, Oldbury.**

It was reported that the application had been withdrawn from the agenda.

70/20 **Planning Application DC/20/64395 - Proposed two storey side and rear extension. 4 Michael Road, Smethwick B67 7LH.**

The Service Manager – Development Planning and Building Consultancy reported that Highways officers had withdrawn their concerns as parking had been provided on the property and there was sufficient on-street parking available in Michael Road.

There was no objector present.

The Committee noted that the concerns raised by the objector regarding the fence were beyond the scope of the application and not a matter for the Committee.

The Committee was minded to approve the application, subject to approval of external materials.

Resolved that planning application DC/20/64395 (Proposed two storey side and rear extension. 4 Michael Road, Smethwick B67 7LH) is approved, subject to approval of external materials.

71/20 **Planning Application DC/20/64403 - Proposed double storey side/rear and single storey rear extensions. 46 Highland Road, Great Barr B43 7SQ.**

The Service Manager – Development Planning and Building Consultancy reported that Highways officers had proposed an additional condition requiring submission of a parking layout plan showing three off-street car parking spaces that were to be retained.

A further objection had been received relating to the impact on foundations, however, this was not a matter for the Committee and would be addressed under Building Regulations.

There was no objector present.

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

- Work on extensions had been suspended for six weeks, this had extended the finishing date. Further details would cause distress to the applicant and his elderly neighbour.
- The applicant had worked with the planning department to ensure that the application met requirements.
- There was space for three cars on the driveway.

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

- This was a large extension, but the property had a large garden and was located at the top of a cul-de-sac.
- The single storey element of the extension went beyond the 45degree projection guideline, however, because the neighbouring property had an open-plan layout light and outlook would not be compromised.

Resolved that Planning Application DC/20/64403 (Proposed double storey side/rear and single storey rear extensions. 46 Highland Road, Great Barr B43 7SQ) is approved, subject to the following conditions:-

- i) approval of external materials and implementation thereafter;
- ii) all first-floor windows in the eastern side elevation being obscurely glazed and retained as such;
- iii) submission of a parking layout plan showing three off-street car parking spaces (to be retained).

72/20 **Planning Application DC/20/64405 - Proposed single/two storey side extension. 59 Hembs Crescent, Great Barr B43 5DG**

There was no objector present.

The applicant addressed the Committee and reported that the application was before it because he was an elected member of the Authority.

No objections had been submitted.

The Committee was minded to approve the application, subject to approval of external materials matching the existing property.

Resolved that planning application DC/20/64405 (Proposed single/two storey side extension. 59 Hembs Crescent, Great Barr B43 5DG) is approved, subject to the external materials matching the existing property.

73/20 **Applications Determined Under Delegated Powers by the Director – Regeneration and Growth**

The Committee noted the planning applications determined by the Interim Director - Regeneration and Growth under powers delegated to her as set out in the Council's Constitution.

74/20 **Decisions of the Planning Inspectorate**



The Committee noted that, following its decision not to grant planning permission in respect of planning application DC/19/63418 (57 Broadway, Oldbury, B68 9DP) the Planning Inspectorate had dismissed the applicant's appeal.

(The meeting ended at 5.47pm,
following an adjournment between 5.22pm and 5.28pm)

[Watch the recording of the meeting.](#)

REPORT TO PLANNING COMMITTEE

7th 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 was 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

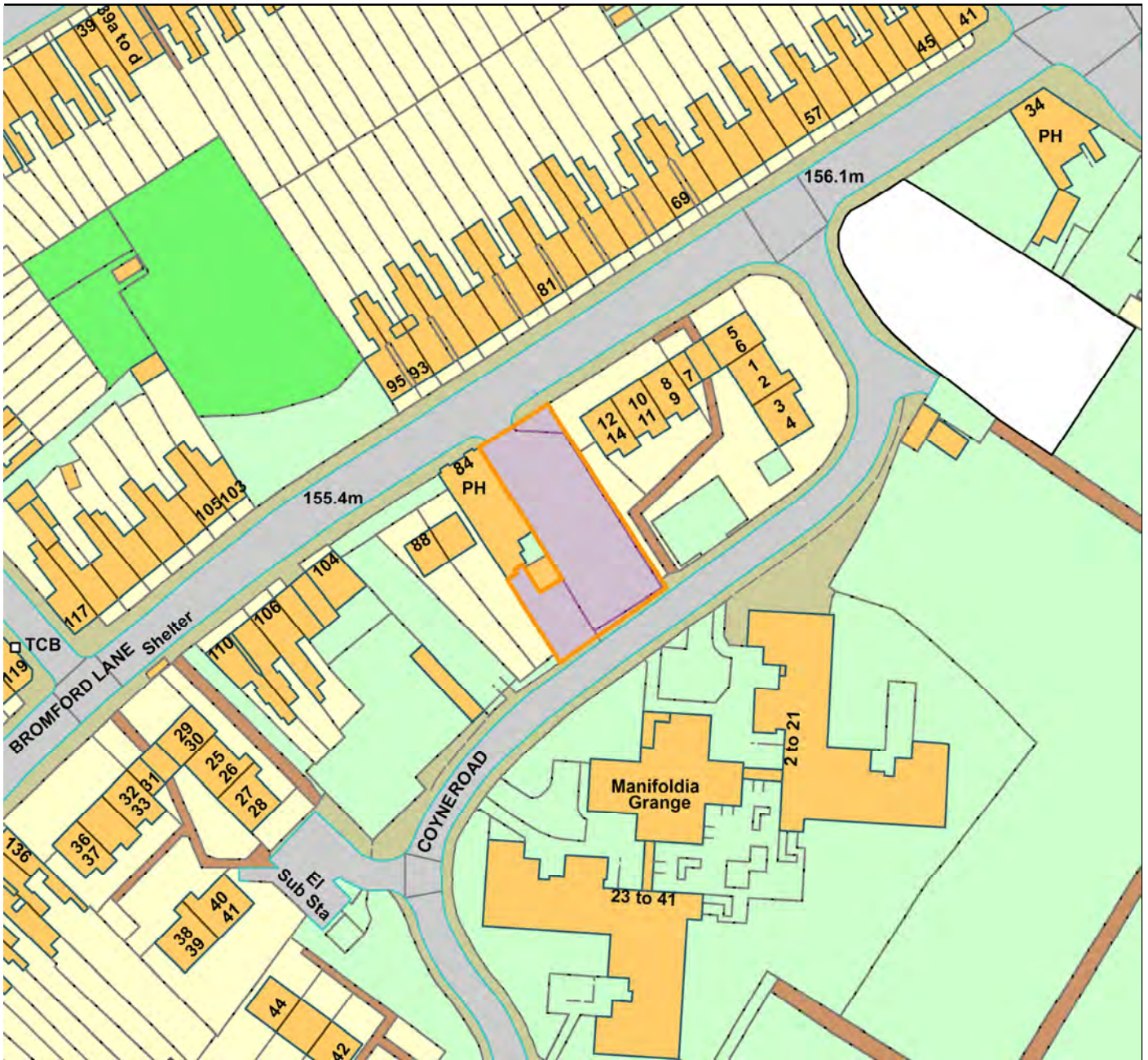
- 20.1 There would be no impact.

21. APPENDICES:

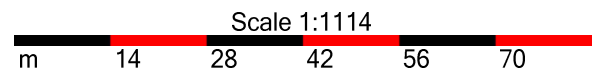
Site Plan
Context Plan
Plan No. A100 Rev B Revised Parking Layout

DC/20/64420

84 Bromford Lane, West Midlands, B70 7HW

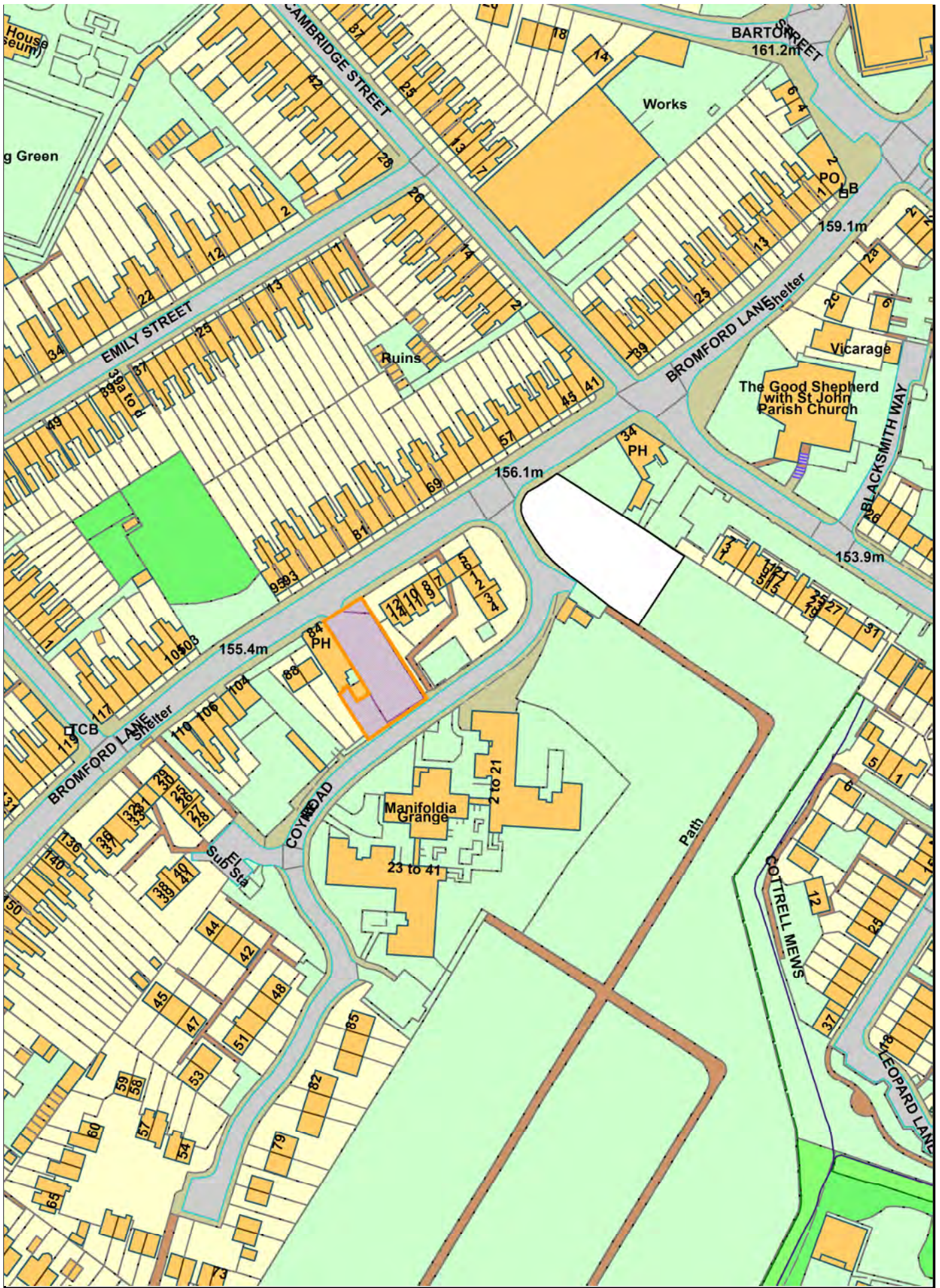


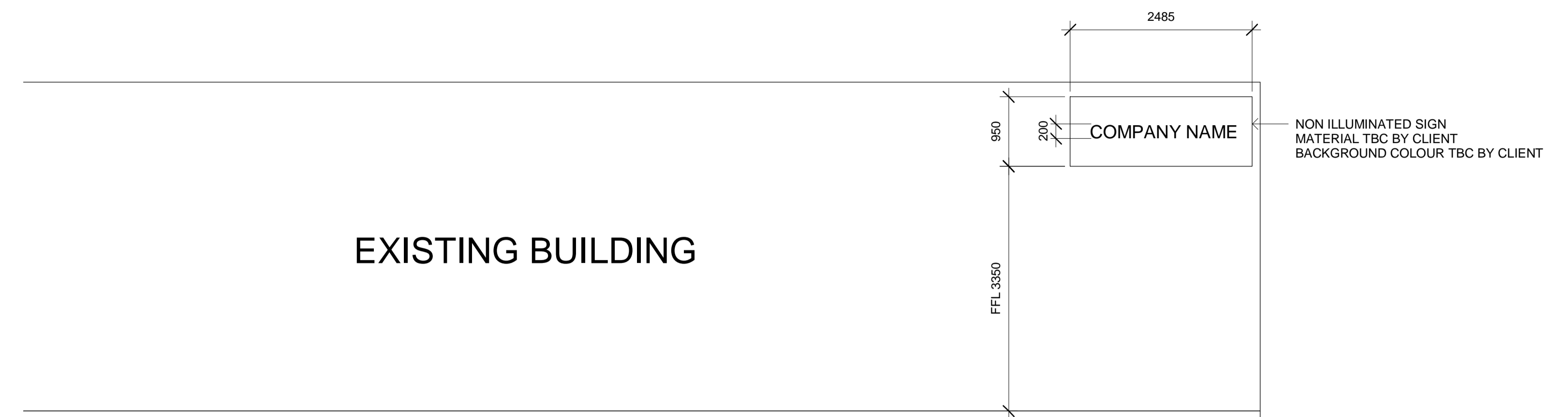
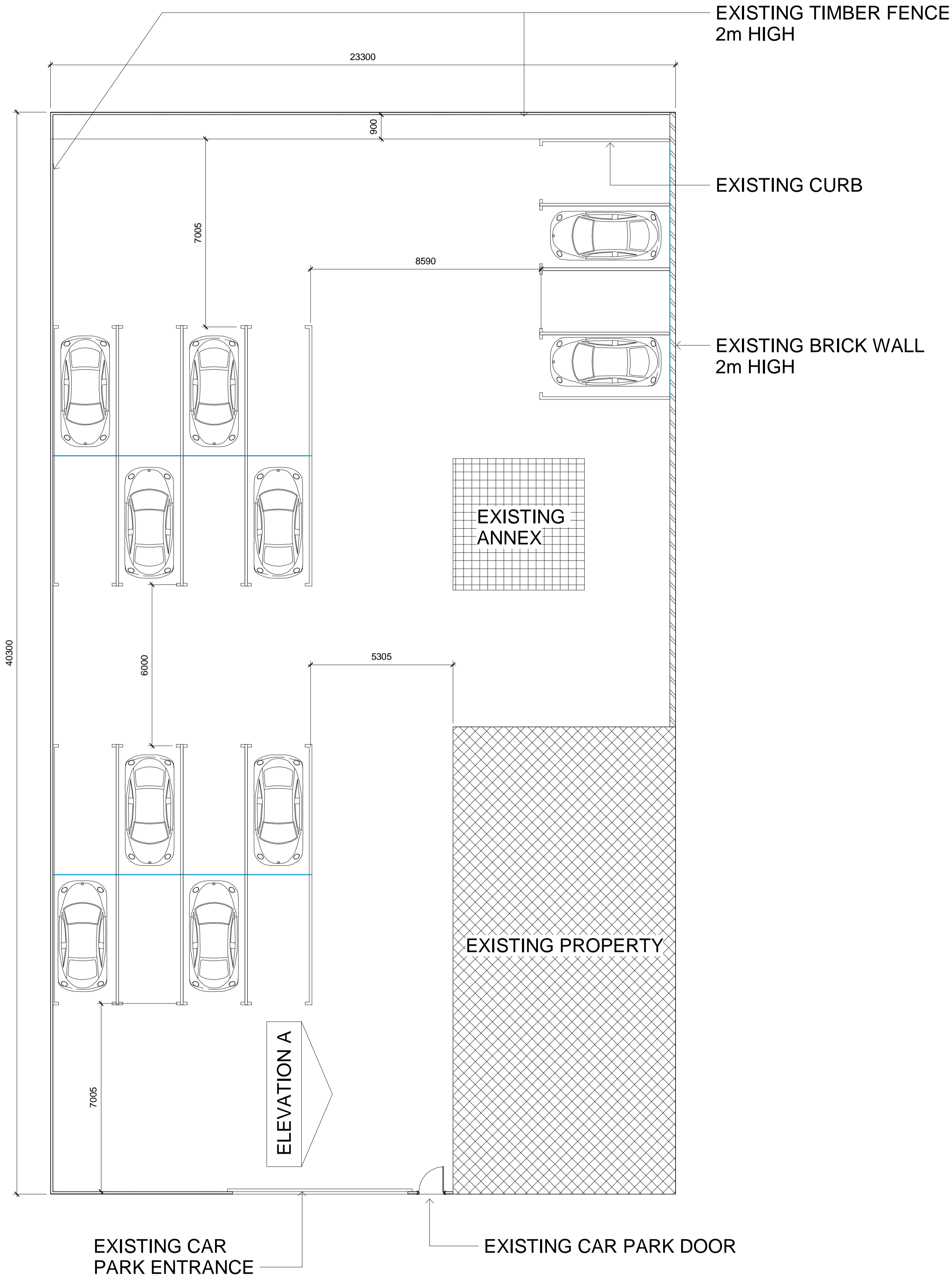
Legend



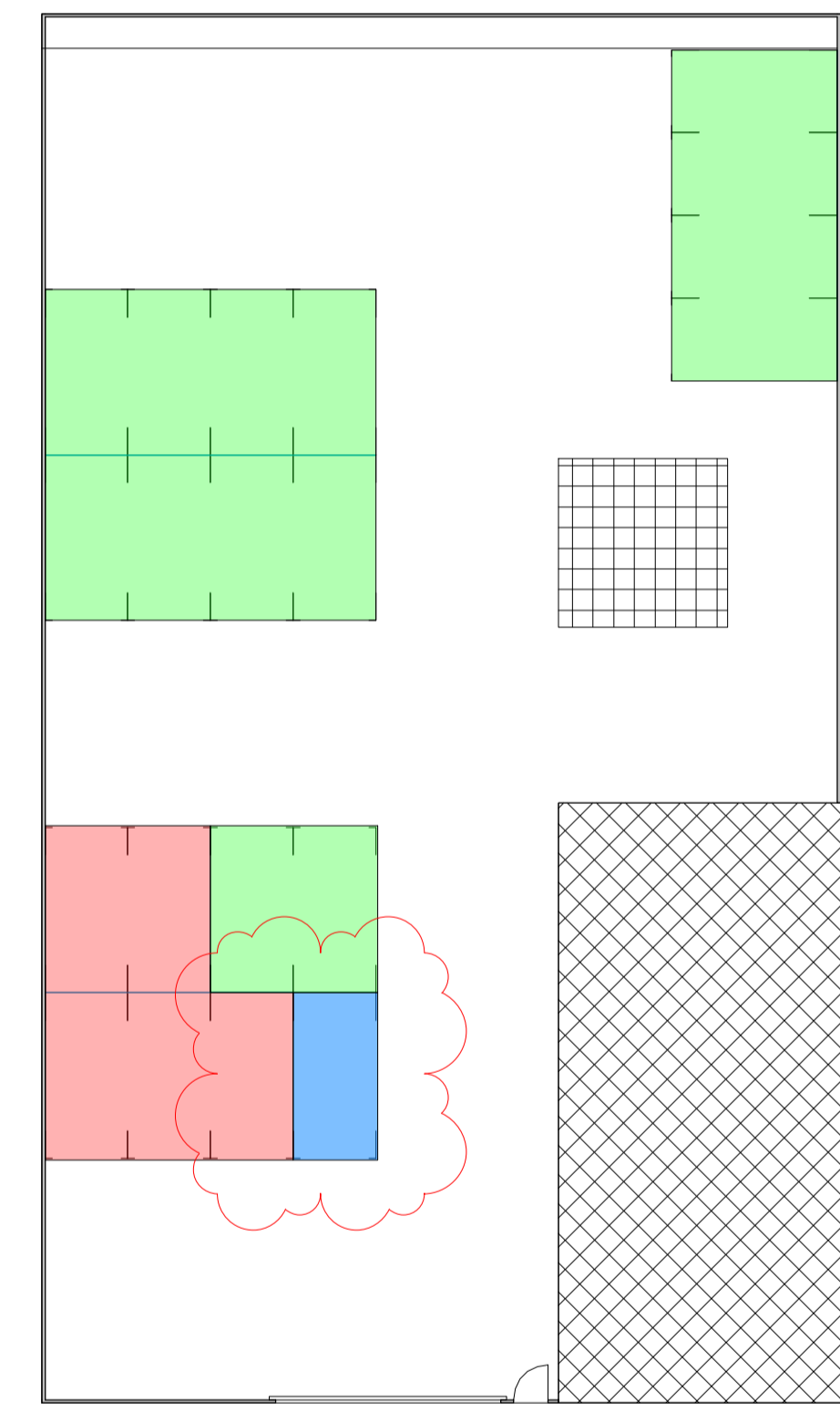
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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	24 September 2020
OS Licence No	





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

NON ILLUMINATED SIGN
MATERIAL TBC BY CLIENT
BACKGROUND COLOUR TBC BY CLIENT

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
SCALE (@ A1) As indicated		PROJECT NUMBER Project Number
DRAWING NUMBER A100		REV B

1 PROPOSED FLOOR PLAN
1 : 100

REPORT TO PLANNING COMMITTEE

7 October 2020

Application Reference	DC/20/64515
Application Received	21 st July 2020
Application Description	Proposed change of use of ground floor to fish and chip shop (Class A5) with shop front, access ramp and associated parking.
Application Address	Adjacent 141 Newbury Lane Post Office Oldbury B69 1HE
Applicant	Mr Kewal Singh
Ward	Tividale
Contribution towards Vision 2030:	
Contact Officer(s)	Dave Paine 0121 569 4865 david_paine@sandwell.gov.uk

RECOMMENDATION

That planning permission is granted subject to:

- (i) Details of odour control equipment and future maintenance to be submitted and thereafter retained.
- (ii) Details of noise associated with fixed plant to be submitted and thereafter retained.
- (iii) The premises shall only be open during the following hours, this also applies to deliveries:

09:00-22:30 Mon to Thu (and premises to be vacated by 23:00)

09:00-23:30 Fri and Sat (and vacated by 0:00)

10:00- 22:00 Sun and Public Holidays (and vacated by 22:30)

1. BACKGROUND

- 1.1 This application is being reported to your Planning Committee because it has had a large number of representations from the public. In addition, Councillor Ashman has also requested that the application is reported to the planning committee due to concerns about parking, litter and health issues
- 1.2 To assist members with site context, a link to Google Maps is provided below:

[141 Newbury Lane](#)

2. SUMMARY OF KEY CONSIDERATIONS

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

Planning history (including appeal decisions)
Access, highway safety, parking and servicing
Traffic generation
Noise and disturbance from the scheme
Disturbance from smells

3. THE APPLICATION SITE

- 3.1 The application relates to a retail unit forming part of a small parade of shops on the north side of Newbury Lane, at the junction with Wallace Road. This is a predominantly residential area, and the shop face onto a large area of playing fields and open green space known as Lion Farm.

4. PLANNING HISTORY

- 4.1 In 2018, permission was granted to convert the storage area to the side of the shop at number 141 to a separate shop. The application also included ground and first floor extensions to the front and side and the creation of a residential apartment on the first floor and a disabled access ramp to the front.

4.2 Relevant planning applications are as follows:-

DC/18/62188	Proposed ground and first floor extensions to front and side to create additional shop unit and apartment, with new access ramp to front.	Approve with conditions 07.11.2018
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5. APPLICATION DETAILS

5.1 The applicant proposes a change the use of the shop from retail (use class A1) to a Hot Food Takeaway (use class A5), the application includes the addition of an access ramp and the alteration of the front of the shop.

6. PUBLICITY

6.1 The application was publicised by neighbour notification letter and site notice.
3 letters of objection were received.

2 petitions in support were received, with a total of over 1500 signatures.

6.2 Objections

Objections have been received on the following grounds:

- (i) Impacts caused by odours and other emissions.
- (ii) Anti-social behaviour (littering, loitering etc.).
- (iii) Increased crime and fear of crime.
- (iv) Increased traffic and parking congestion.
- (v) There are other fish & chip shops nearby.
- (vi) Public health impacts.

Immaterial objections have been received relating to the impact on property value and poor hygiene at the establishment, the latter would be controlled through Environmental Health.

6.3 Responses to objections

I respond to the objector's comments in turn;

- (i) This is a valid concern, commonly associated with hot food takeaways, following receipt of comments from Environmental Health (section 7.4 below), a condition is recommended regarding

- controlling the extraction and ventilation systems to be installed and maintained thereafter.
- (ii) Comments received from the police did not raise any concerns regarding anti-social behaviour (section 7.5 below).
 - (iii) With regards to crime, the only issues highlighted in the police comments related to the risk of crime to the occupiers of the proposed takeaway and hence security measures have been recommended and forwarded to the applicant (section 7.5 below).
 - (iv) Comments from highways (section 7.2 below) noted that the two parking spaces to the front were not acceptable and these were subsequently removed from amended plans. Highways raised a concern regarding parking congestion on Wallace Road which could occur. However, there is no evidence that this would be significantly different to the parking which would be associated with the approved A1 retail shop. A query was raised regarding the possibility of adding a condition to allow highways to review the parking restrictions after 12 months. Such a condition would not meet the test of a condition, as asking that the applicant should pay for installation of any additional parking restrictions would be unreasonable.
 - (v) Comments received from the Planning Policy team state that this proposal does not trigger any of the intervention points of the Hot Food Takeaway Supplementary Planning Document (SPD) in that it is not within a retail centre and it does not comprise a cluster. It does not therefore conflict with any council standards regarding numbers of hot food takeaways in an area.
 - (vi) The hot food takeaway SPD also considers impacts on public health. It limits the numbers in a specific area and prohibits hot food takeaways within 400m of a secondary school or college. This proposal does not conflict with the requirements of the SPD.

6.4 Support

Two petitions of support were received. Both were headed “We, the undersigned, agree to the planning application number DC/20/64515 – Proposed change of use of ground floor to fish and chip shop (Class A5) with shop front, access ramp and associated parking.”

The first petition had over 1000 signatures. The second petition had over 500 signatures.

7. STATUTORY CONSULTATION

7.1 Planning and Transportation Policy

They did not object to the principle of the proposal, noting that it accords with the requirements of the Hot Food Takeaway SPD.

7.2 Highways

Highways noted that the two parking spaces to the front were not acceptable, because they would interfere with the existing dropped kerb which is for pushchairs and wheelchairs, and because it would cause vehicles to reverse onto the highway at the junction, creating a safety issue. For these reasons amended plans were submitted which deleted the parking spaces. Highways have also raised a concern regarding parking congestion on Wallace Road which could occur and recommended a condition to allow highways to review the parking restrictions after 12 months. Unfortunately such a condition would not be reasonable (refer to section 6.3 (iv) above).

7.3 Public Health (Air Quality)

No objection.

7.4 Public Health (Air Pollution and Noise)

No objection subject to conditions regarding ventilation & extraction, noise attenuation and restrictions on opening hours and deliveries.

7.5 West Midlands Police

No overall objection, however suggestions were made regarding the security of the applicant's premises. These have been forwarded to the agent.

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:-

SADDM9 : Hot Food Takeaways
Hot Food Takeaways Supplementary Planning Document

9.2 SADDM9 refers to the following criteria for assessing hot food takeaways outside of town centre locations.

- a) Proposed opening hours – this can be controlled by condition.
- b) Impact of noise, disturbance, smell and litter – this can be partially controlled by condition. Issues regarding litter are more difficult to control, however, this proposal falls within an existing row of retail shops which has an existing litter bin to the front.
- c) & d) Traffic generation; parking problems and highway safety – as discussed in sections 6.3 and 10.4, there is no evidence that this proposal would have any significant impact on traffic generation, and consequent parking and safety issues. The NPPF states; *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”* In the case of this application, there would not be an unacceptable impact on highway safety and there would be no severe cumulative impact.

The Hot Food Takeaway SPD seeks to control the numbers and siting of takeaways in Sandwell, to ensure active, varied and vibrant high streets and to protect public health.

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 Planning History

It is considered that the previous approval of the A1 retail unit is of primary relevance. Many of the issues associated with this proposed A5 takeaway are materially similar to those addressed in the previous application. In particular, concerns regarding highway safety and parking.

10.3 Noise Nuisance and Odours

The proposed noise and odour mitigation conditions should adequately address these concerns related to this application.

10.4 Highway Safety, Parking and Servicing

There is no evidence that highway safety or parking would be significantly affected by this proposal. Permission already exists for an A1 retail shop which would be expected to create a similar amount of vehicle movements. A dedicated area would be provided to the rear for deliveries and bin collection.

10.5 Traffic Generation

There is no evidence that this proposal would have a significant impact on traffic accumulation. The NPPF states; *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

11. IMPLICATIONS FOR SANDWELL’S VISION

11.1 The proposal supports Ambition 8 of the Sandwell Vision 2030:-

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.

12. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

12.1 This proposal accords with the requirements of the SAD DM9 And Sandwell Hot Food Takeaway SPD. Impacts caused by odours and noise can be controlled through planning conditions. Other impacts including parking and highway safety would not be significantly different to those associated with the approved use.

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 West Midlands Police have raised 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:

Location Plan

Context Plan

Location Plan showing adjacent ownership (blue)

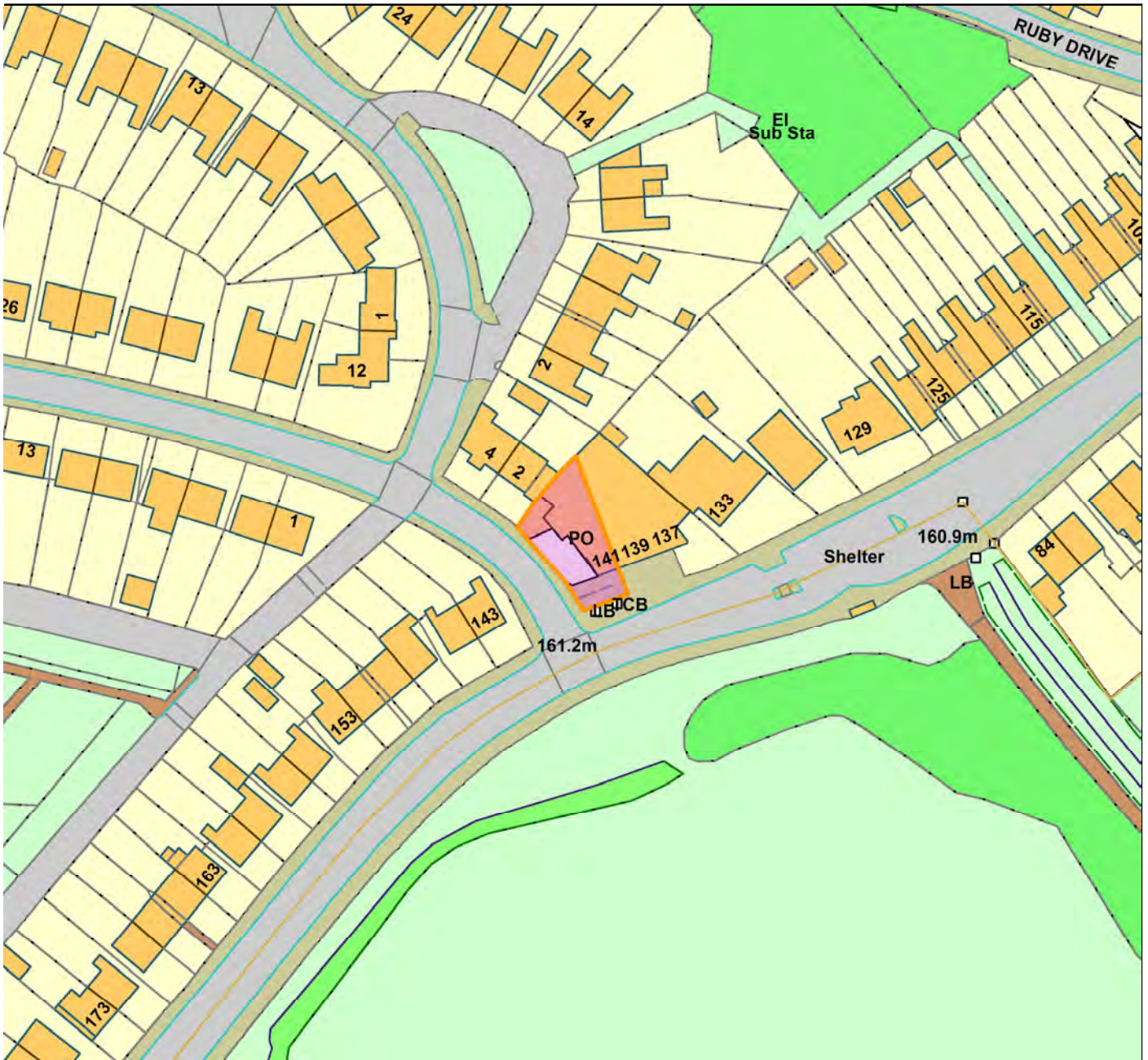
Block Plan

Floor Plan – 01P

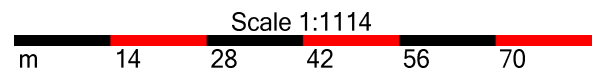
Elevation Plan – 02P

Elevation Plan – 03P

DC/20/64515
Adjacent 141 Newbury Lane Post Office, Oldbury

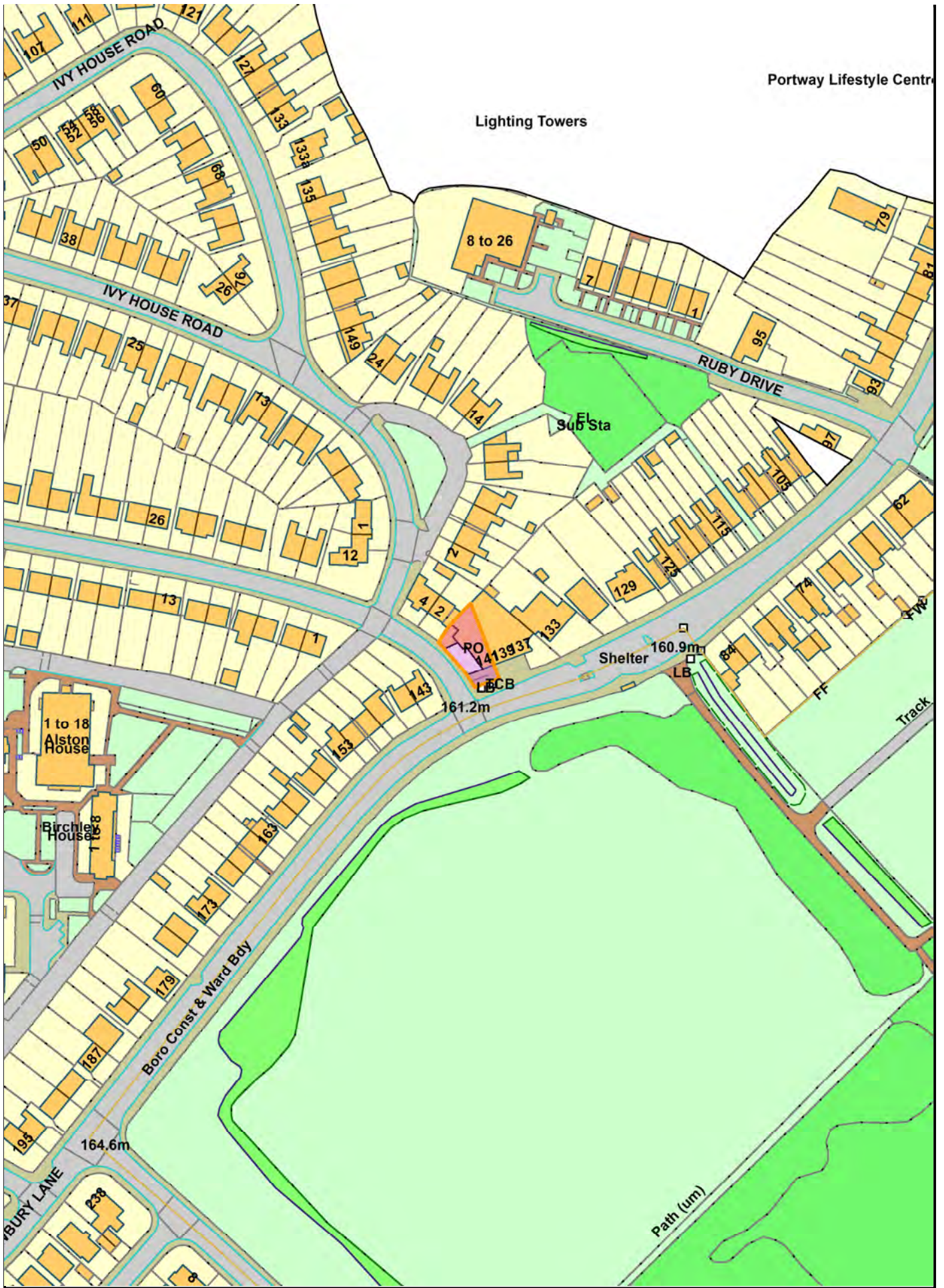


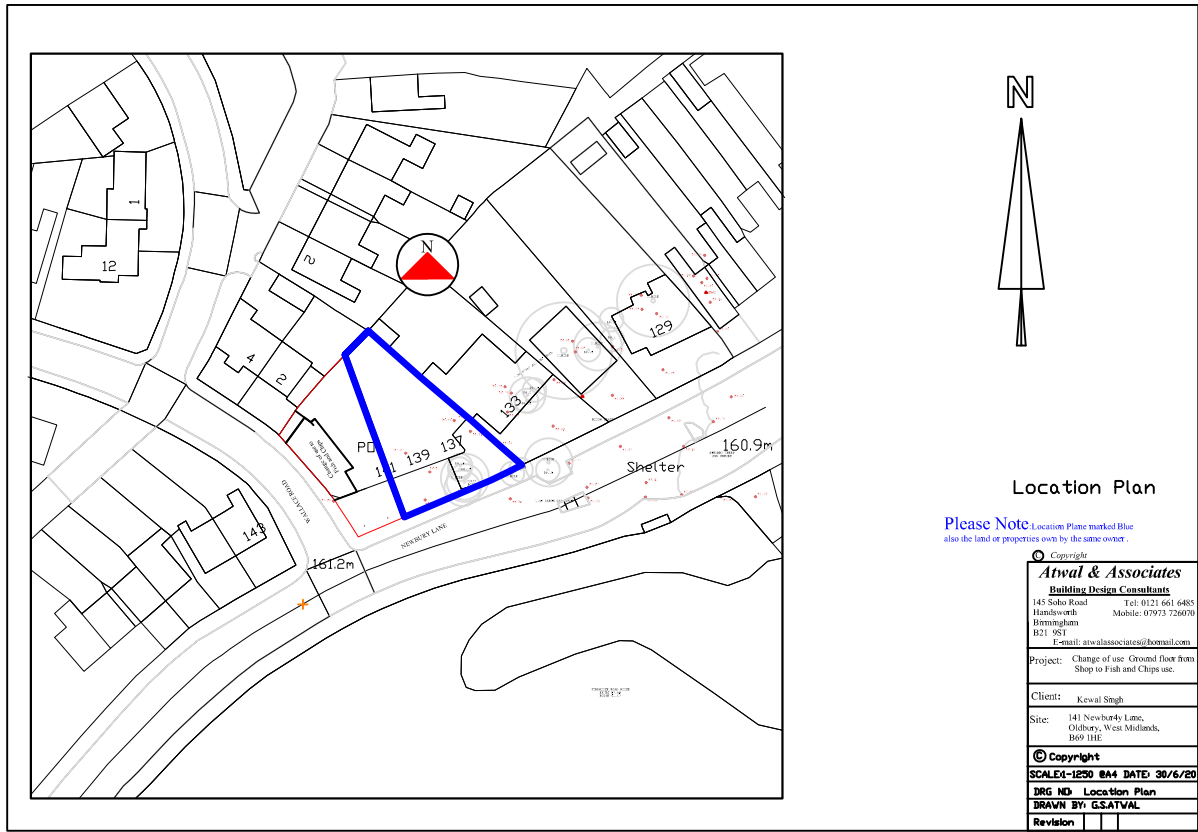
Legend



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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	24 September 2020
OS Licence No	

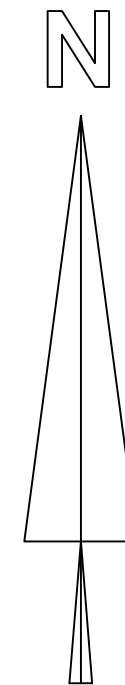




Location Plan

Please Note: Location Plane marked Blue also the land or properties own by the same owner.

© Copyright	
Atwal & Associates	
Building Design Consultants	
145 Soho Road	Tel: 0121 661 6485
Handsworth	Mobile: 07973 726070
Birmingham	
B21 9ST	
E-mail: atwalassociates@hotmail.com	
Project: Change of use Ground floor from Shop to Fish and Chips use.	
Client: Kewal Singh	
Site: 141 Newbury Lane, Oldbury, West Midlands, B69 1HE	
© Copyright	
SCALE: 1:250 BM4 DATE: 30/6/20	
DRG NO: Location Plan	
DRAWN BY: G.S.ATWAL	
Revision	



Site Plan

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Building Design Consultants

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 Handsworth Mobile: 07973 726070
 Birmingham
 B21 9ST
 E-mail: atwalassociates@hotmail.com

Project: Change of use Ground floor from Shop to Fish and Chips use.

Client: Kewal Singh

Site: 141 Newbur4y Lane,
 Oldbury, West Midlands,
 B69 1HE

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SCALE:1-500 @A3 DATE: 30/6/20

DRG NO: Site Plan

DRAWN BY: G.S.ATWAL

Revision	A	DATE: 1/9/20
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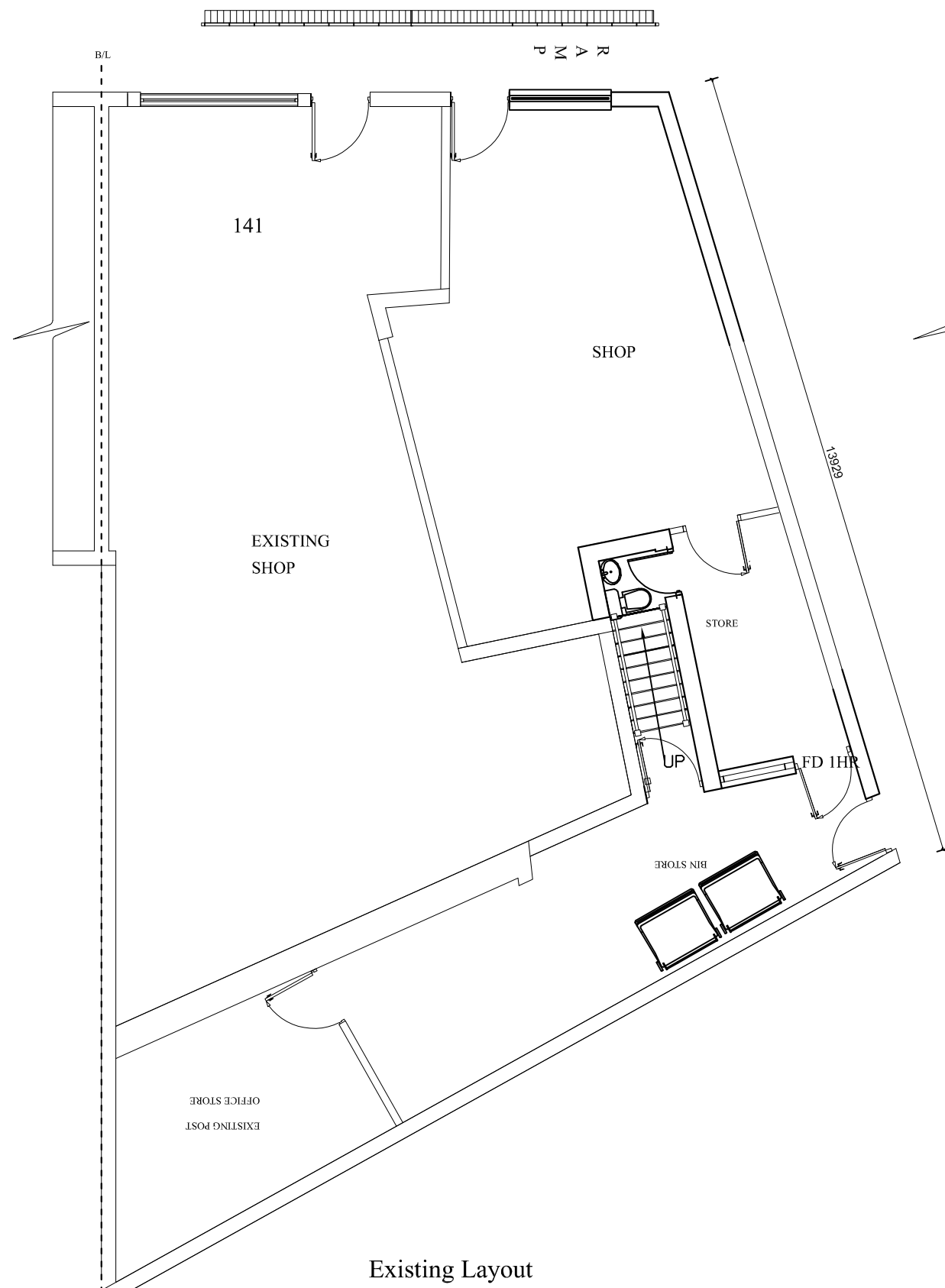
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SPECIFICATIONS

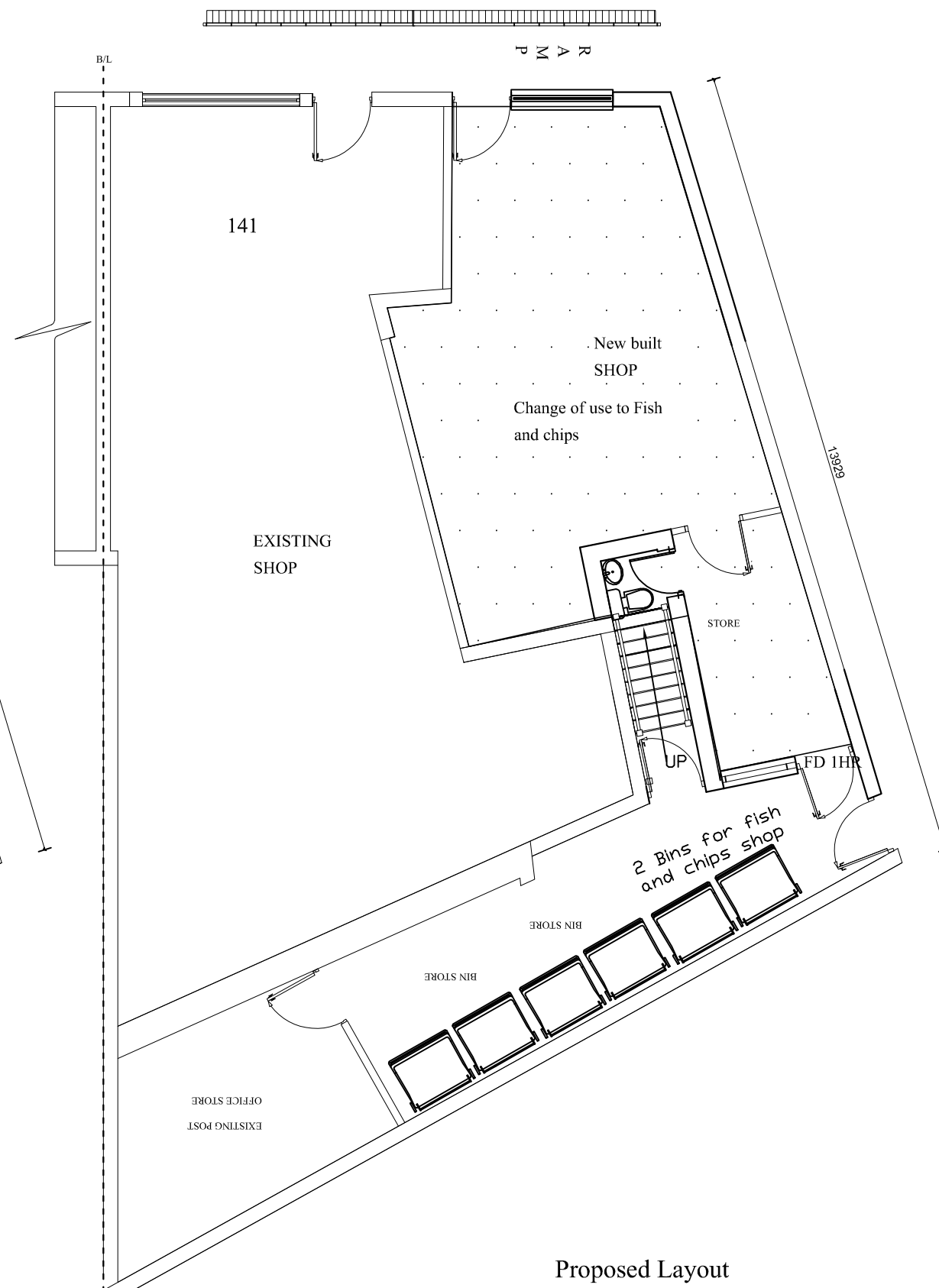
GENERAL: The contractor must check all dimensions and details before beginning work or ordering materials and must ensure the stability of the new and existing structure during the course of the work. The contractor is also to ensure that all works are carried out in accordance with current Building regulations. All work undertaken prior to official statutory approvals being granted, are at the risk of the Contractor/Client. We do not accept any kind of responsibility whatsoever.

The drawing has been design according to the instruction by client(s). We do not hold any liability or responsibility.

PARTY WALL etc ACT 1996 : The Party Wall ect Act 1996 may apply to this project. It is the responsibility of the Building Owner to either appoint a party wall surveyor or to ensure that the appropriate Notice are served on the adjoining Owner(s) and requisite Approval obtained prior to commencing work.



Existing Layout



Proposed Layout

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Building Design Consultants

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 Handsworth Mobile: 07973 726070
 Birmingham
 B21 9ST
 E-mail: atwalassociates@hotmail.com

Project: Change of use Ground floor from Shop to Fish and Chips use.

Client: Kewal Singh

Site: 141 Newbury Lane, Oldbury,
 West Midlands, B691HE

SCALE: 1-100 @A3 DATE: 30/6/20

DRG NO: 01 P © Copyright

DRAWN BY: G.S.ATWAL

Revision	B	Date:	01/9/20
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NOTE: This drawing is for planing purpose only not for building regulations.

SPECIFICATIONS

GENERAL: The contractor must check all dimensions and details before beginning work or ordering materials and must ensure the stability of the new and existing structure during the course of the work. The contractor is also to ensure that all works are carried out in accordance with current Building regulations. All work undertaken prior to official statutory approvals being granted, are at the risk of the Contractor/Client. We do not accept any kind of responsibility whatsoever.

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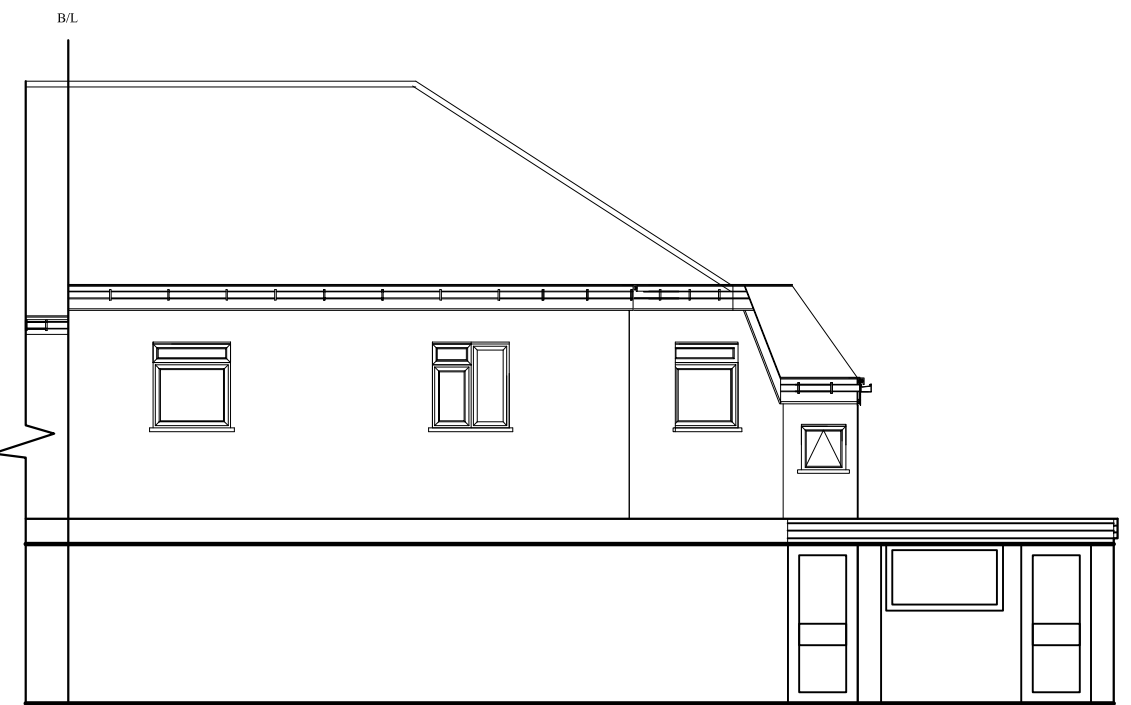
Proposed Front Elevation



Proposed Rear Elevation



Existing Front Elevation



Existing Rear Elevation

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 Handsworth Mobile: 07973 726070
 Birmingham
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Project: Change of use Ground floor from Shop to Fish and Chips use.

Client: Kewal Singh

Site: 141 Newbury Lane, Oldbury, West Midlands, B69 1HE

SCALE: 1-100 @A3 DATE: 30/6/20

DRG NO: 02P © Copyright

DRAWN BY: G.S.ATWAL

Revision	Date:
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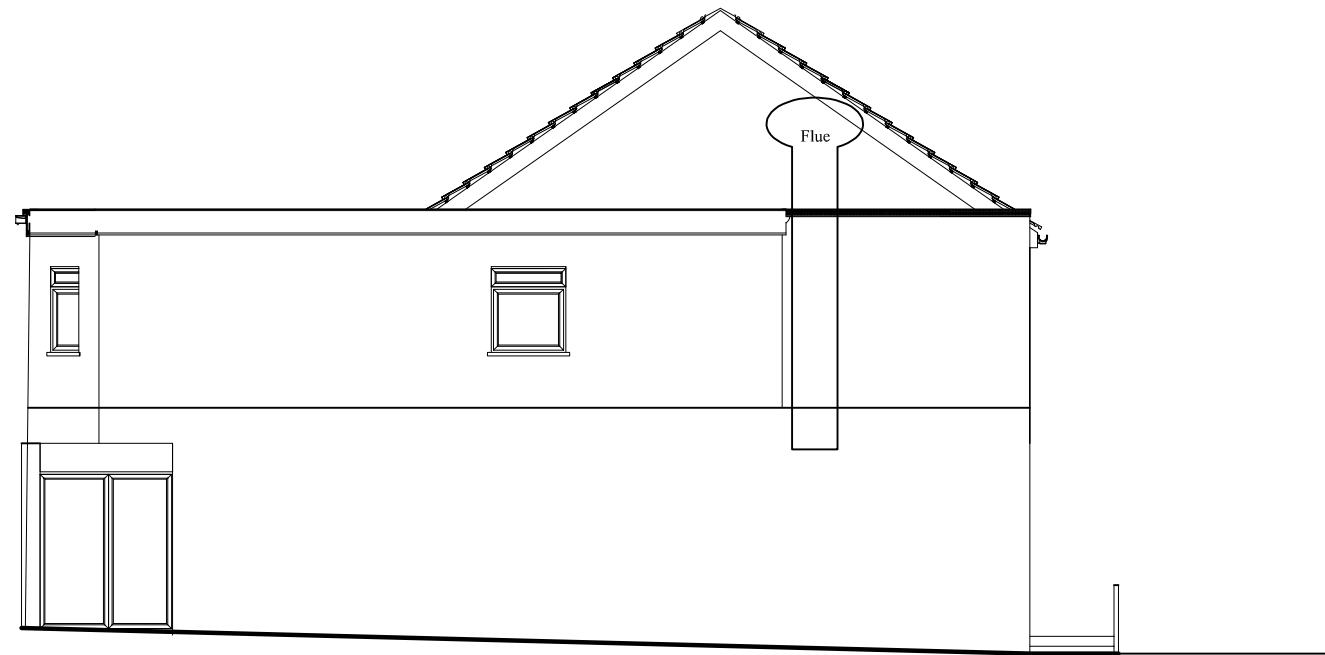
NOTE: This drawing is for planing purpose only not for building regulations.

SPECIFICATIONS

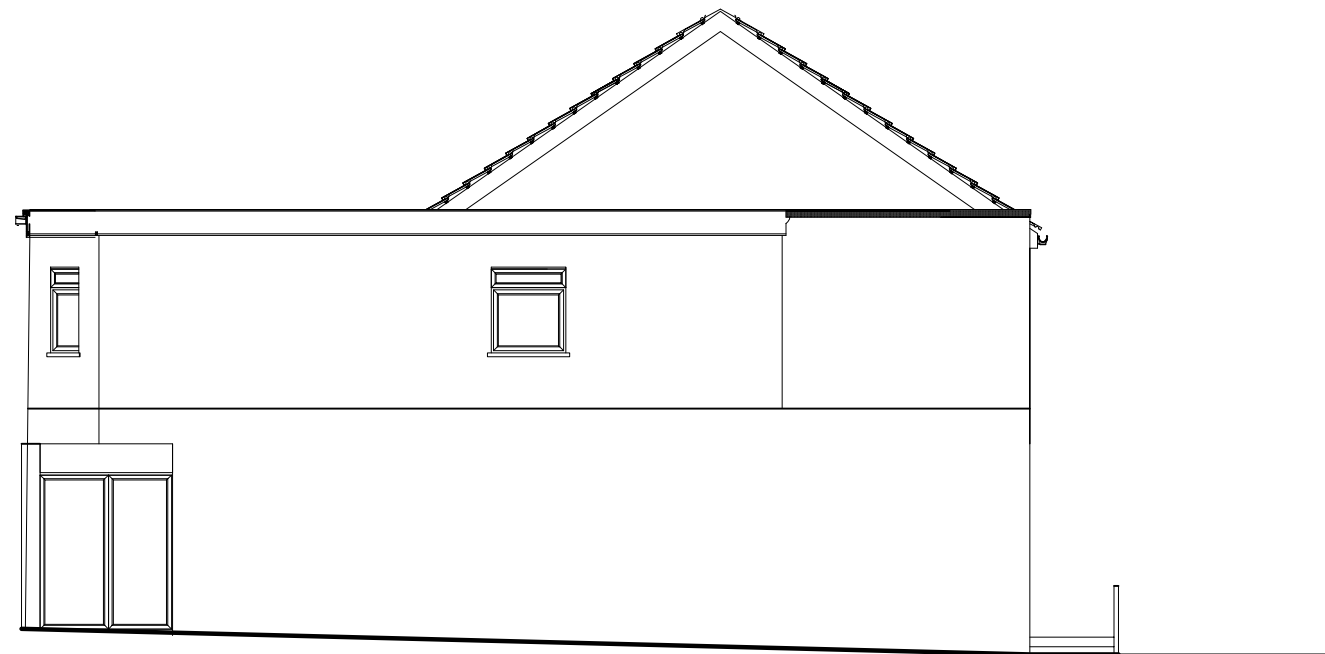
GENERAL: The contractor must check all dimensions and details before beginning work or ordering materials and must ensure the stability of the new and existing structure during the course of the work. The contractor is also to ensure that all works are carried out in accordance with current Building regulations. All work undertaken prior to official statutory approvals being granted, are at the risk of the Contractor/Client. We do not accept any kind of responsibility whatsoever.

The drawing has been design according to the instruction by client(s). We do not hold any liability or responsibility.

PARTY WALL etc ACT 1996 : The Party Wall ect Act 1996 may apply to this project. It is the responsibility of the Building Owner to either appoint a party wall surveyor or to ensure that the appropriate Notice are served on the adjoining Owner(s) and requisite Approval obtained prior to commencing work.



Proposed Side Elevation



Existing Side Elevation

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 B21 9ST
 E-mail: atwalassociates@hotmail.com

Project: Change of use Ground floor from Shop to Fish and Chips use.

Client: Kewal Singh

Site: 141 Newbury Lane, Oldbury,
 West Midlands, B69 1HE

SCALE:1-100 @A3 DATE: 30/6/20


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DRAWN BY: G.S.ATWAL

Revision	Date:

REPORT TO PLANNING COMMITTEE

7 October 2020

Application Reference	DC/20/64552
Application Received	3 August 2020
Application Description	Proposed change of use of first and second floors and part change of use of ground floor at rear to create 6 No. bedroom HMO (house in multiple occupancy) and rear storage area
Application Address	530 Bearwood Road, Smethwick B66 4BX
Applicant	Mr Satinder Shoker
Ward	Abbey
Contribution towards Vision 2030:	
Contact Officer(s)	Carl Mercer 0121 569 4048 carl_mercer@sandwell.gov.uk

RECOMMENDATION

That planning permission is granted subject to conditions relating to:-

- (i) Noise assessment and implementation of recommendations;
- (ii) Air quality mitigation plan and implementation of recommendations;
- (iii) Provision and retention of refuse storage area (to include boundary treatment);
- (iv) Provision and retention of cycle storage (materials to match existing building);
- (v) External lighting scheme;
- (vi) No use of staircase or flat roof as external amenity area.

1. BACKGROUND

- 1.1 The application is being reported to your Planning Committee as the proposal has received seven objections.

- 1.2 To assist Members with site context, a link to Google Maps is provided below:

[530 Bearwood Road, Smethwick](#)

2. SUMMARY OF KEY CONSIDERATIONS

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

Government policy (NPPF);
Proposals in the Development Plan;
Planning history (including appeal decisions);
Layout and density of building; and
Access, highway safety, parking, servicing and traffic generation.

3. THE APPLICATION SITE

- 3.1 The application relates to a three storey commercial premises situated on the west side of Bearwood Road, within Bearwood town centre.
- 3.2 The ground floor of the premises is retail with a flat above.

4. PLANNING HISTORY

- 4.1 There is no relevant planning history for this site (although planning history in respect of HMOs in the wider area is relevant).

5. APPLICATION DETAILS

- 5.1 The applicant proposes to change parts of the property to a six-bedroom house in multiple occupation (HMO).
- 5.2 At ground floor, the retail element would be partially retained and accessed from Bearwood Road with a change to the rear of the ground floor area to two bedrooms and a shared lounge and kitchen area. The first floor would provide a further two bedrooms with an additional lounge and kitchen area, whilst the second floor would accommodate two more bedrooms.
- 5.3 Each bedroom would have its own toilet and washing facilities.
- 5.4 Bin storage would be provided to the rear of the unit, as well as secure cycle storage.

5.5 Access to the HMO would be gained via an existing doorway from an alleyway between the application property and The Midland public house. The access leads to a small courtyard area where the ground floor bedrooms would be accessed, and the first floor would be accessible by an existing external staircase, as is the arrangement for the existing flat.

6. PUBLICITY

6.1 The application has been publicised by neighbour notification letter, with seven objections being received – including one from Councillor Jaron.

6.2 Objections

Objections have been received on the following grounds:

- i) The number of HMOs already in the area is already excessive;
- ii) Number of residents the proposal would accommodate;
- iii) Lack of parking;
- iv) Insufficient bin storage, which would exacerbate existing issues with rubbish in the vicinity;
- v) Anti-social behaviour;
- vi) Lack of fire escapes;
- vii) Noise; and
- viii) Loss of retail.

6.3 Responses to objections

I respond to the objectors' comments in turn:

- i) The area is a town centre and many of the units are typically characterised by business premises at ground floor and residential above. The principle for a mixture of commercial and residential in this area is established and no 'threshold' for HMOs in the area is set in planning policy.
- ii) Whilst the proposed plans depict single occupancy rooms, it is accepted that two people could reside in each unit – especially as the proposed bedroom sizes would permit up to two people under the Housing Act. However, in my opinion the most immediate concern in this regard is the quality of life of the occupants, which would largely be managed under the HMO licence. If the occupancy is acceptable under HMO guidance and the Housing Act, refuse storage is adequate and Highways have no objection, I do not attach significant weight to the impact of occupancy on the surrounding area.

- iii) Highways have no objection to the proposal. Given the town centre location, access to public transport and cycle parking provision, I am not significantly concerned that the proposal would exacerbate traffic or parking issues in the area.
- iv) A refuse storage area is shown to the rear of the site for four 240 litre bins and one 140 litre bin for residents, and further 240 litre bin for the commercial unit. At the time of my visit the footpath and access to the rear of the shops were not significantly untidy; certainly not exceeding what one would expect at the rear of a busy parade of shops and takeaways. Furthermore, there appeared to be no rubbish or storage emanating from the application property, and the property has its own space in which to store refuse bins.
- v) The application has been submitted to judge the appropriateness of the proposed residential use in this location, not the character of its potential residents. Appeal decisions have tended to allude to the fact that responsible management of HMOs is the major issue in respect of anti-social behaviour (which is beyond the scope of planning), and whilst the number of HMOs in the area has been brought to my attention, no evidence of anti-social behaviour from these existing HMOs has been provided by objectors or West Midlands Police. Furthermore, West Midlands Police raise no objection to the proposal.
- vi) In respect of fire safety, the applicant has been notified that the bedrooms would not comply with the Housing Act in regard to fire escape (as per the comments of our Private Sector Housing officer). Although this is not a material planning consideration, the applicant's agent has been asked to comment and has rightly stated that the accommodation would require Building Regulations approval. The agent further states that as long as warning mechanisms and escape routes are put in place, then Building Regulations in respect of a fire strategy would be met.
- vii) There is no evidence before me that the occupiers of the HMO are any more or less likely to create noise issues than any other form of residential accommodation.
- viii) The change to residential at ground floor would only be partial, to the rear of the unit. This is not considered to be a significant loss – and certainly would not undermine the retail function of the centre. Planning Policy raise no objection in respect of this issue.

7. STATUTORY CONSULTATION

7.1 Planning and Transportation Policy

No objection. The officer has noted that the access to the side of the premises is public footpath.

7.2 Highways

No objection. The proposal is not adding to the existing floor area of the building and first and second floors already have residential use. This is a High Street location with sustainable transport links and existing parking restrictions in place to the front of the property.

7.3 Public Health (Air Quality)

No objection. Air quality mitigation plan required via condition.

7.4 Public Health (Noise)

No objection. Noise assessment required (to safeguard future occupants) via condition.

7.5 West Midlands Police

No objection. The officer mentions HMO licensing, security and Building Regulation matters, which are outside of the planning remit. The officer also lists the number of licensed HMOs in the area that the Police have on record but does not raise an objection. Lighting and cycle storage can be controlled by condition.

7.6 Private Sector Housing

They raise matters under Building Regulations and the Housing Act. These comments have been passed to the agent.

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:-

HOU2: Housing Density, Type and Accessibility

TRAN4: Creating Coherent Networks for Cycling and Walking
ENV3: Design Quality
ENV8: Air Quality
SAD CEN 1: Non-Retail uses in Town Centres
SAD EOS 9: Urban Design Principles

- 9.2 HOU2 identifies the need for a range of types and sizes of accommodation within the Borough and accessibility in terms of sustainable transport to residential services. Given its town centre location, the proposal is compliant with this policy.
- 9.3 The provision of cycle storage would make the proposal compliant with TRAN4. This is proposed as part of the scheme and can be ensured by condition
- 9.4 ENV3 and SAD EOS 9 refer to well-designed schemes that provide quality living environments. The internal room sizes and shared areas of the HMO would meet housing requirements.
- 9.5 Air quality mitigation can be ensured by condition, in accordance with ENV8.
- 9.6 In respect of SAD CEN 1, the proposal relates to the upper floors and rear of the property only. It would not impact on the ground floor frontage of the unit, which would remain as retail.

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 Planning history (including appeal decisions)

Whilst each planning application should be dealt with on its merit, it would be negligent to determine the application without having regard to the 2019 appeal decisions for eleven HMOs along Bearwood Road. Planning Committee refused these applications for (inter alia) over-intensification, highway safety and fear of crime. None of the reasons for refusal carried weight with the Inspector, and the appeals were allowed with heavy costs awarded against the Council. The issues raised above are similar to concerns raised during the determination of the eleven appeal losses and, similarly, I see no justification for refusal of the current application on such grounds, given the principle set by these appeal decisions.

10.3 Layout and density of building

As detailed above, the room sizes would accord with the Housing Act. I acknowledge the absence of external amenity area but given the town centre location and the proximity of local green spaces, potential residents would not be unduly affected by this onsite deficiency.

10.4 Access, highway safety, parking, servicing and traffic generation

As detailed above, I have no significant concerns in respect of the impact of the proposal on these matters.

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 The proposal is considered to be appropriate in this location, would cause no significant harm to residential amenity or highway safety and is acceptable from a policy perspective.

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 Provision of housing.

20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

20.1 There would be no impact.

21. APPENDICES:

Site Plan

Context Plan

20/015/P01 – existing floor plans

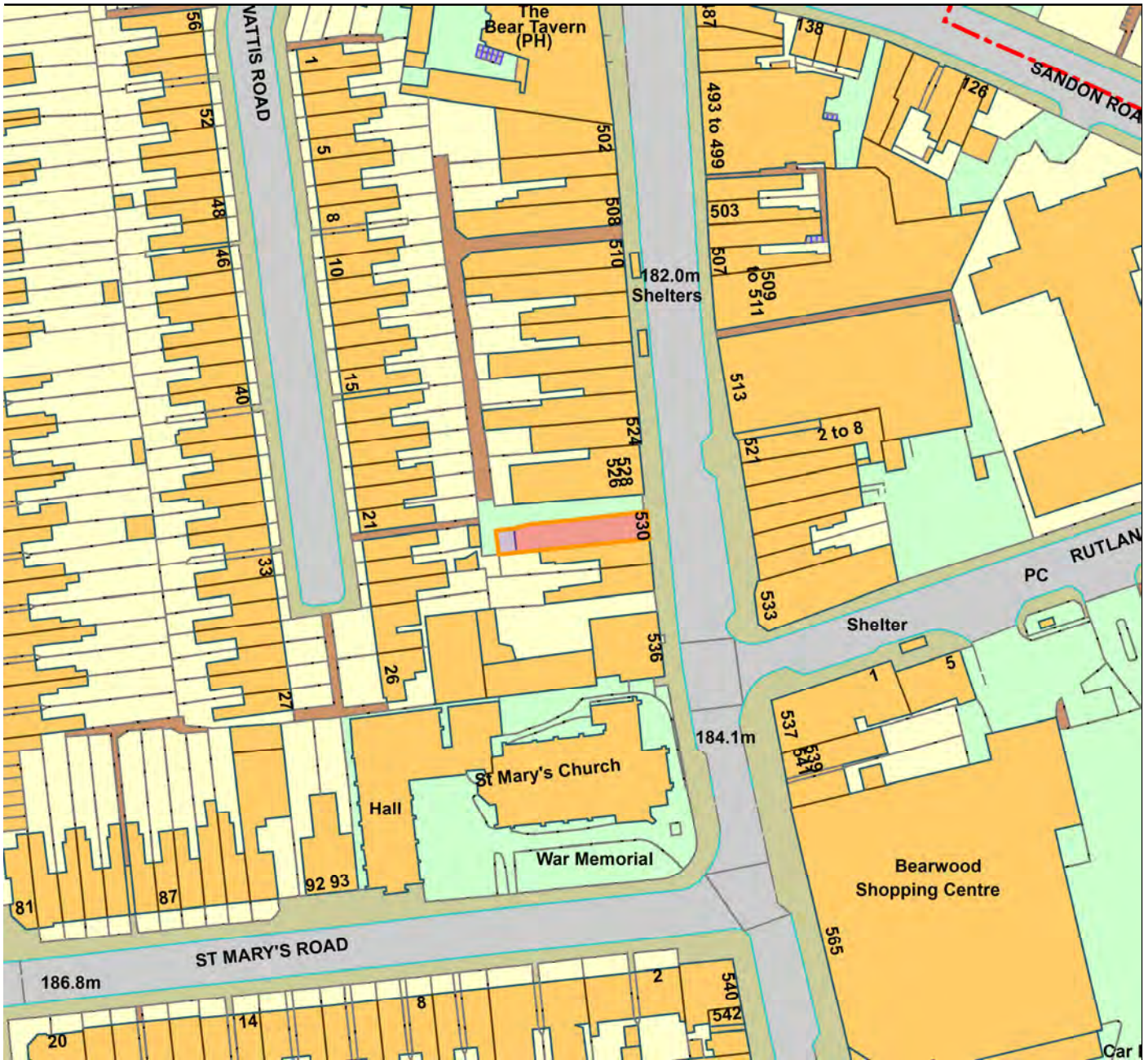
20/015/P02 – existing elevations

20/015/P03 – proposed floor plans

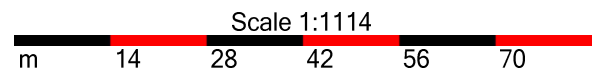
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DC/20/64552

530 Bearwood Road, Smethwick,

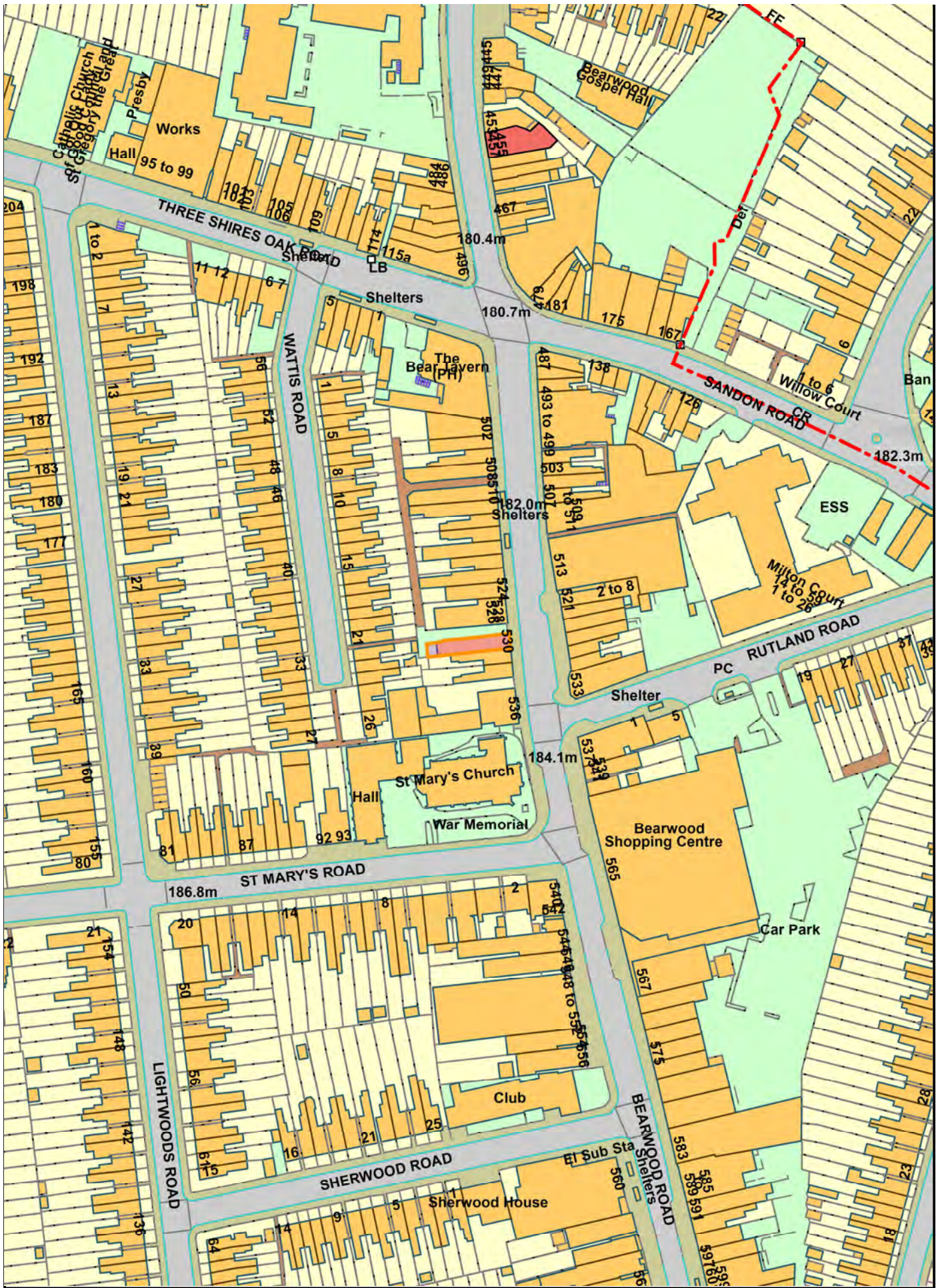


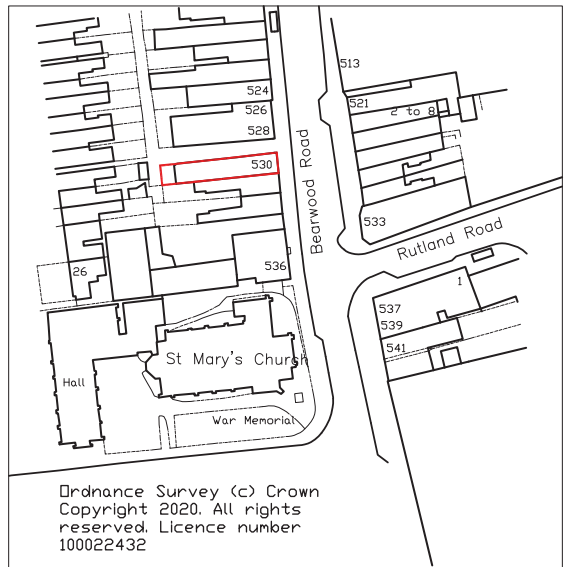
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Date	24 September 2020
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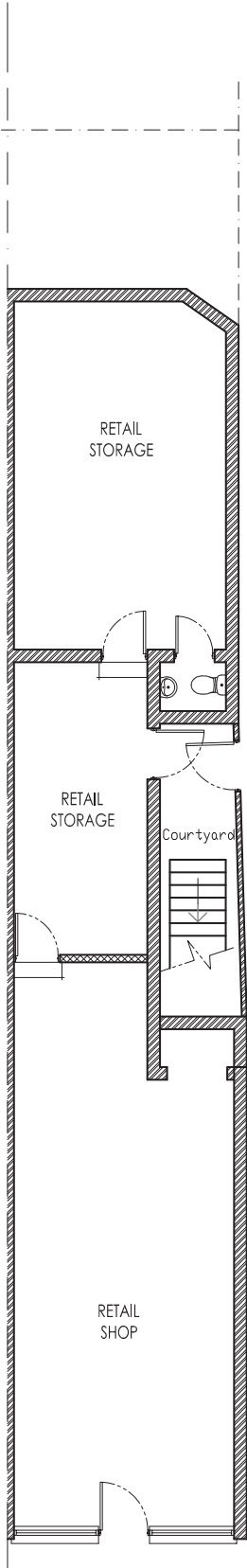




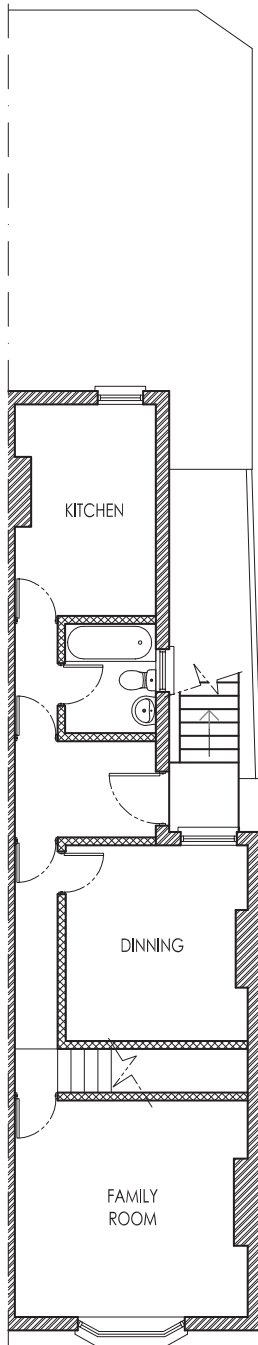
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EXISTING AREA LOCATION

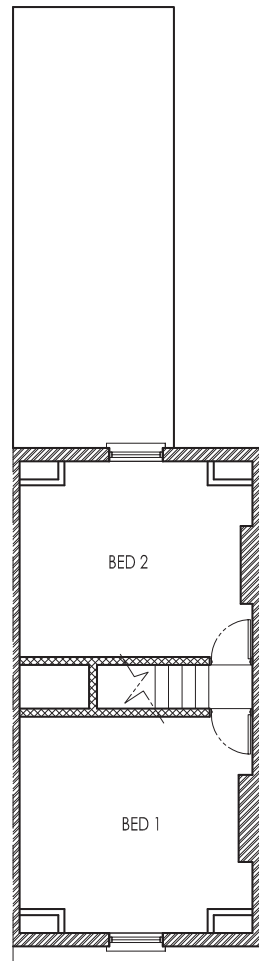
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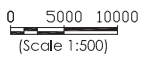
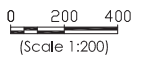
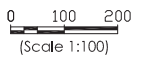
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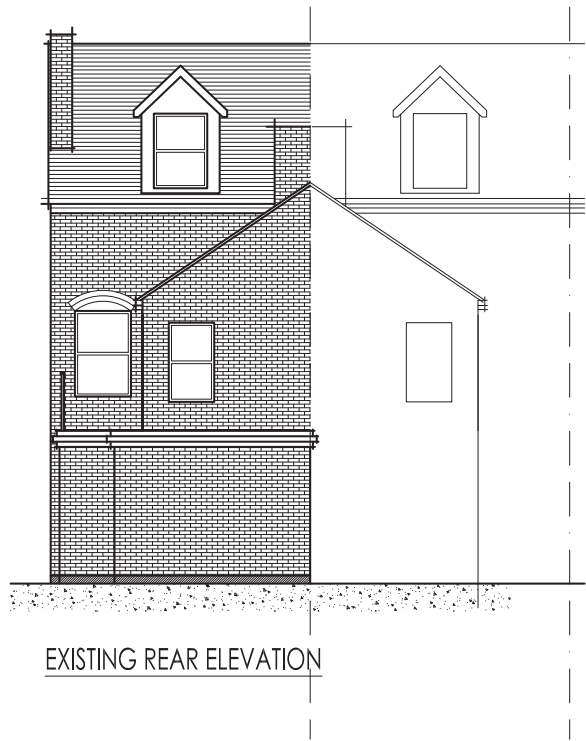
EXISTING FIRST FLOOR PLAN



EXISTING SECOND FLOOR PLAN



Iss	Revision	Date
		
UDDIN DESIGN BESPOKE BUILDING PLANNING 3 Monway Building, Holyhead Road Wednesbury, West Midlands WS10 7PY Tel: 07958 773443 Email: info@uddindesign.co.uk		
Client	360 Projects Ltd 530 Bearwood Road Smethwick B66 4BX	
Project	Change of use to 1No. 6 bed HMO	
Scale: 1:100(UNO)@A3	Date: 20/07/20	
Drawn: SU	Paper Size: A3	
Drawing Number:	20/015/P01	Revision



EXISTING REAR ELEVATION

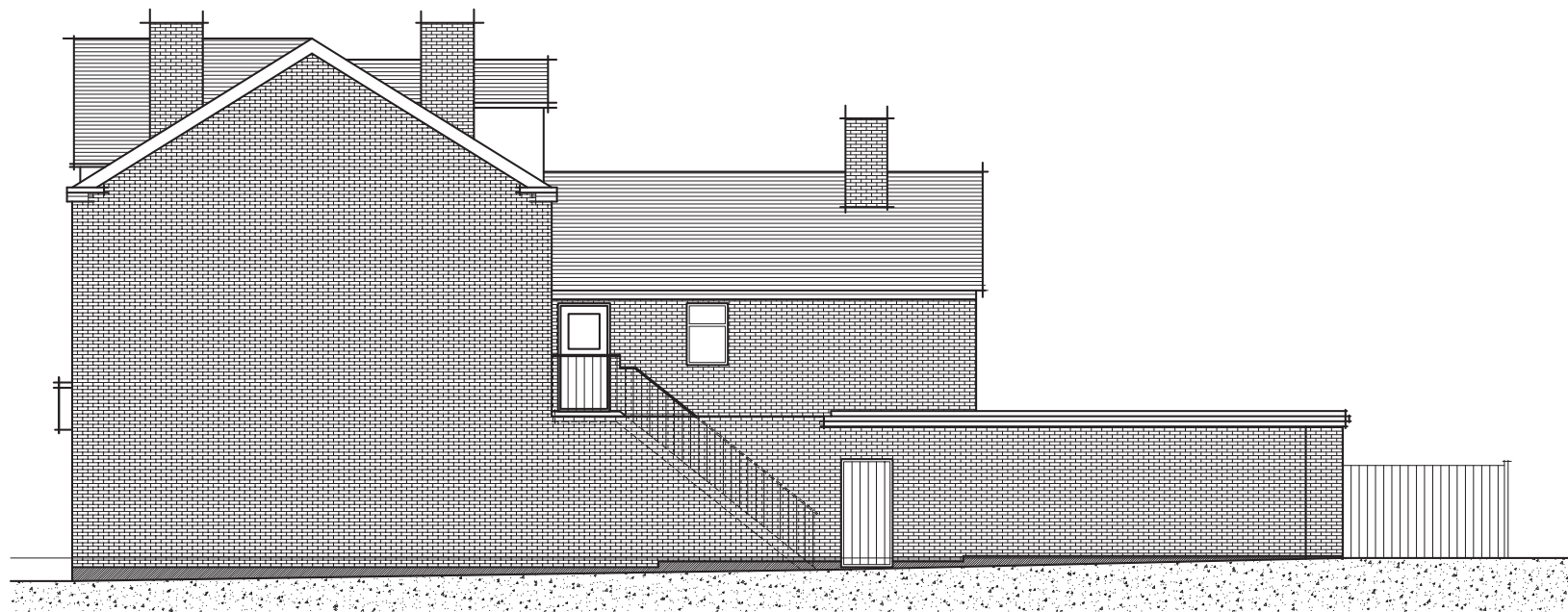


EXISTING FRONT ELEVATION

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(Scale 1:200)

0 5000 10000
(Scale 1:500)



EXISTING SIDE ELEVATION

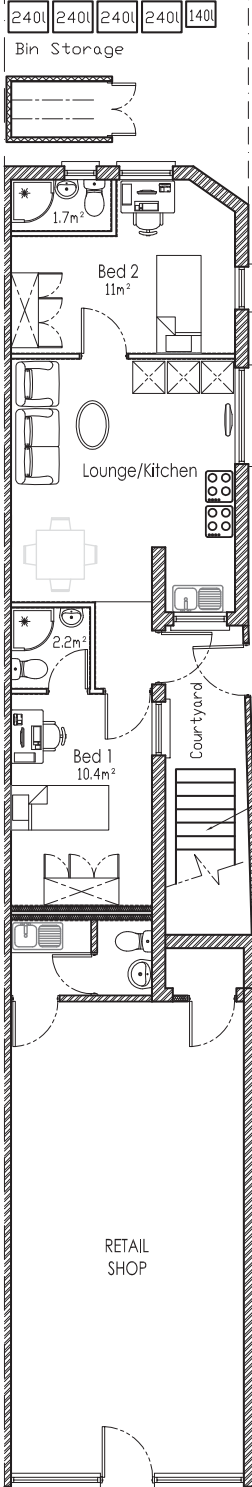
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Client		
360 Projects Ltd 530 Bearwood Road Smethwick B66 4BX		
Project		
Change of use to 1No. 6 bed HMO		
Scale: 1:100(UNO)@A3 Date: 20/07/20		
Drawn: SU Paper Size: A3		
Drawing Number:		Revision
20/015/P02		



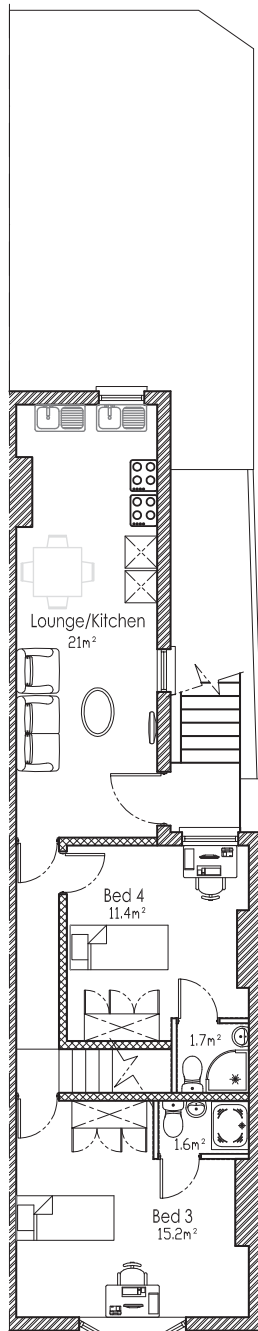
PROPOSED SITE LOCATION

(SCALE 1:500)

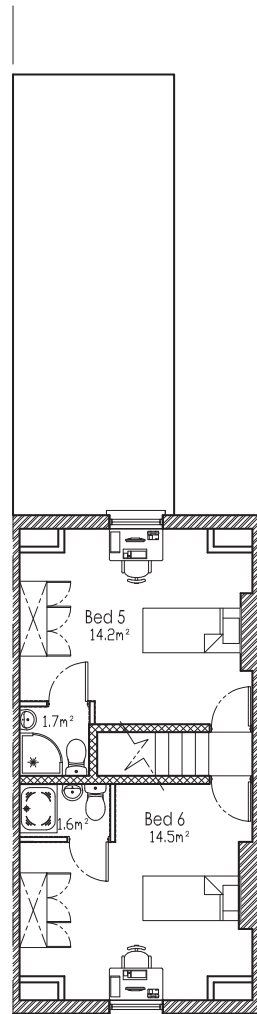
Bike Storage
To store 3 bikes.
Middle section to be raised by ramp
250mm High. Internal dim 1050mmx1800mm



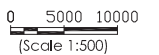
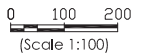
PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



PROPOSED SECOND FLOOR PLAN



Iss	Revision	Date



UDDIN DESIGN
BESPOKE BUILDING PLANNING
3 Monway Building, Holyhead Road
Wednesbury, West Midlands WS10 7PY
Tel: 07958 773443
Email: info@uddindesign.co.uk

Client
360 Projects Ltd
530 Bearwood Road
Smethwick
B66 4BX

Project
Change of use to 1No. 6
bed HMO

Scale: 1:100(UNO)@A3 Date: 20/07/20
Drawn: SU Paper Size: A3

Drawing Number: 20/015/P03 Revision



PROPOSED REAR ELEVATION

(Bike Storage shed shown hatched in foreground)

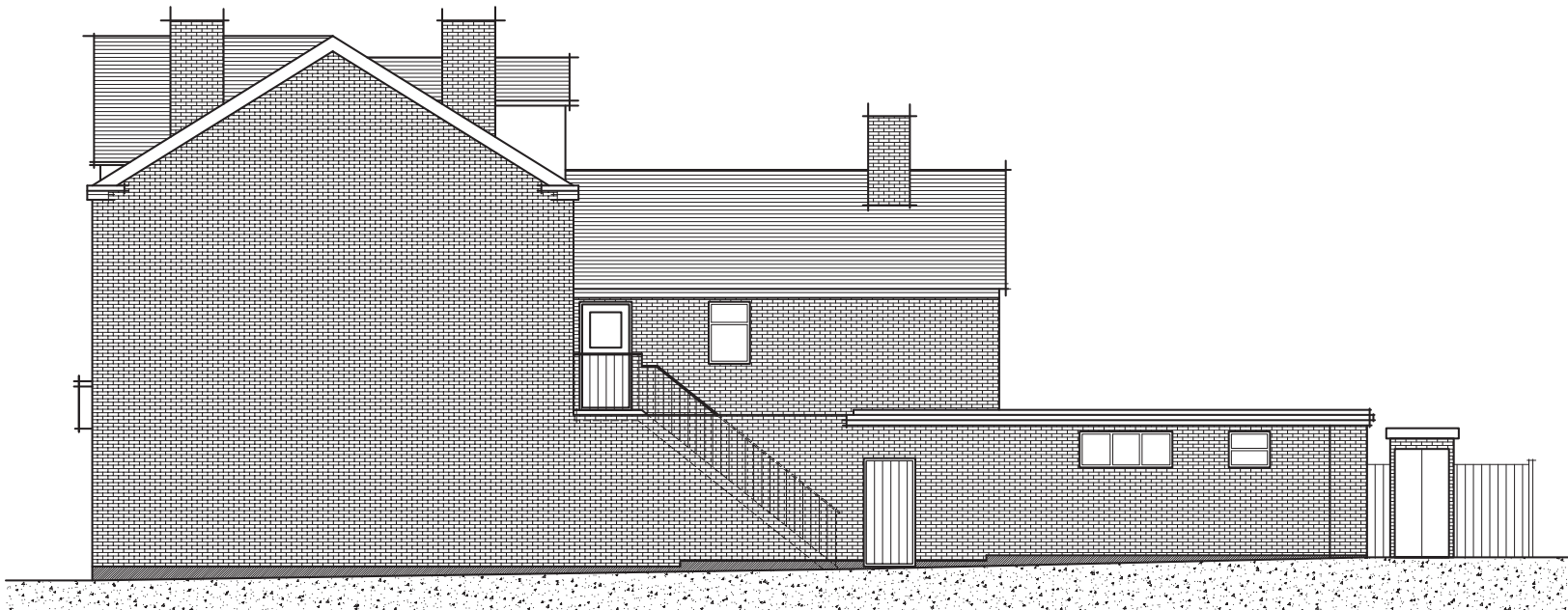


PROPOSED FRONT ELEVATION


0 100 200
(Scale 1:100)

0 200 400
(Scale 1:200)

0 5000 10000
(Scale 1:500)




PROPOSED SIDE ELEVATION

Iss	Revision	Date
 UDDIN DESIGN BESPOKE BUILDING PLANNING 3 Morway Building, Holyhead Road Wednesbury, West Midlands WS10 7PY Tel: 07958 773443 Email: info@uddindesign.co.uk		
Client		
360 Projects Ltd 530 Bearwood Road Smethwick B66 4BX		
Project		
Change of use to 1No. 6 bed HMO		
Scale: 1:100(UNO)@A3 Date: 20/07/20		
Drawn: SU Paper Size: A3		
Drawing Number:		Revision
20/015/P04		

Planning Committee

7 October 2020

Subject:	Applications Determined Under Delegated Powers
Director:	Interim Director – Regeneration and Growth Tammy Stokes
Contribution towards Vision 2030:	
Contact Officer(s):	<p>John Baker Service Manager - Development Planning and Building Consultancy John_baker@sandwell.gov.uk</p> <p>Alison Bishop Development Planning Manager Alison_bishop@sandwell.gov.uk</p>

DECISION RECOMMENDATIONS

That Planning Committee:

Notes the applications determined under delegated powers by the Interim 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 Interim 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.

Tammy Stokes
Interim 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/20/63990 Wednesbury South	Land Adjacent Unit 3 Golds Hill Way Tipton	Proposed change of use from vacant land to open air storage (Use Class B8) with a 2.4m high palisade boundary fence, entrance gates, portacabin, new access way and permeable hardcore.	Grant Permission Subject to Conditions 10th September 2020
DC/20/64004 West Bromwich Central	315 - 319 High Street West Bromwich B70 8LU	Demolition of part of building and proposed two storey rear extension and change of use to a 35 No. bedroom house in multiple occupation (HMO).	Grant Permission Subject to Conditions 4th September 2020
DC/20/64005 West Bromwich Central	315 - 319 High Street West Bromwich B70 8LU	Demolition of part of building and proposed two storey rear extension in association with change of use to 36 houses of multiple occupation.	Grant Conditional Listed Building Consent 4th September 2020
DC/20/64132 Great Bridge	Crown Meadow Care Centre 181 Toll End Road Tipton DY4 0HB	Proposed single storey front extensions to existing entrance porch.	Grant Permission with external materials 2nd September 2020

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/20/64224 Oldbury	Unit 24 Crystal Drive Smethwick B66 1QG	Proposed new access to serve existing warehouse with new palisade fencing and gates.	Grant Permission Subject to Conditions 1st September 2020
DC/20/64283 Wednesbury South	Land Adjacent Tame Valley Canal Golds Hill Way Tipton	Proposed installation and operation of 11 no. 4.5MW gas engines and ancillary development.	Grant Permission Subject to Conditions 11th September 2020
DC/20/64299 Smethwick	Trinity Motors 150 - 152 High Street & 1 South Road Smethwick B66 3AJ	Proposed demolition of existing car garage and 2 No. flats and construction of 19 No. dwellings (outline application for access, layout and scale).	Grant Outline Permission with Conditions 28th August 2020
DC/20/64305 Oldbury	Land Adjacent To 86 Blakeley Hall Road Oldbury	Proposed 6 bed detached house and vehicular crossover (previously approved planning permission DC/17/61215).	Grant Permission Subject to Conditions 26th August 2020
DC/20/64302 Oldbury	Land Adjacent 13 Church Street Tipton	Proposed 1 No. 3 bed dwelling.	Grant Permission Subject to Conditions 4th September 2020

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/20/64310 Charlemont With Grove Vale	17 Whitworth Drive West Bromwich B71 3AU	Proposed single and two storey side extension with bay window at ground floor, two storey rear extension and single storey garage extension.	Grant Permission Subject to Conditions 10th September 2020
DC/20/64316 Soho & Victoria	Vacant Land Adjacent To Cornwall Road Industrial Estate Cornwall Road Smethwick B66 2JR	Proposed variation of condition 7 of planning permission DC/18/61643 (Proposed erection of commercial vehicle dealership and maintenance centre with associated car parking, fencing, hard and soft landscaping and new site access) To amend the location of fencing to the site boundary with the canal (south boundary) adding 0.6m high fencing to the top of the wall for the whole extent of the masonry.	Grant Permission Subject to Conditions 4th September 2020
DC/20/64323 Abbey	Ruby Cantonese Restaurant 2A Barnsley Road Smethwick B17 8ED	Proposed balcony seating area to first floor and 6 No. velux windows to the roof.	Grant Permission Subject to Conditions 28th August 2020
DC/20/64340 Friar Park	234 Kent Road Wednesbury WS10 0SF	Proposed canopy to front, two storey side and single storey rear extension.	Grant Permission with external materials 28th August 2020

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/20/64351 Tipton Green	24 Union Street Tipton DY4 8QJ	Proposed change of use of ground floor to a tattoo and piercing shop.	Grant Permission Subject to Conditions 16th September 2020
DC/20/64371 Bristnall	76 Pottery Road Oldbury B68 9HA	Proposed two storey side extension and single storey front extension; retention of raised land level and fencing.	Grant Permission Subject to Conditions 4th September 2020
DC/20/64404 Abbey	603 Bearwood Road Smethwick B66 4BJ	Retention of first/second floor one bedroom self- contained flat and replacement of existing roof.	Grant Retrospective Permission 28th August 2020
DC/20/64415 Blackheath	Sheba Lodge 46 Perry Park Road Rowley Regis B65 0BW	Proposed double storey front/side and single storey rear extensions with raised patio area with steps to rear of property.	Grant Permission with external materials 28th August 2020
DC/20/64416 Wednesbury South	144 Ebenezer Street West Bromwich B70 0HX	Proposed single storey front and two storey side and rear extensions.	Grant Permission with external materials 2nd September 2020

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/20/64419 St Pauls	134 Basons Lane Oldbury B68 9SP	Proposed two storey side extension with pitched to garage and porch.	Grant Permission with external materials 28th August 2020
DC/20/64430 Friar Park	Our Place Day Nursery Friar Park Road Wednesbury WS10 0JS	Proposed front extension, external alterations, additional car parking spaces and vehicle access.	Grant Permission Subject to Conditions 2nd September 2020
DC/20/64441 Hateley Heath	61 Greswold Street West Bromwich B71 1NX	Proposed single storey side and rear extension.	Grant Permission Subject to Conditions 28th August 2020
DC/20/64459 Smethwick	81 Francis Road Smethwick B67 7HJ	Lawful Development Certificate for proposed loft conversion with rear dormer.	Grant Lawful Use Certificate 4th September 2020
DC/20/64476 St Pauls	6 Buttery Road Smethwick B67 7NS	Proposed single and two storey rear extension.	Grant Permission with external materials 9th September 2020

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/20/64477 St Pauls	8 Buttery Road Smethwick B67 7NS	Proposed single storey rear extension.	Grant Permission with external materials 9th September 2020
DC/20/64447 Great Bridge	79 Cophall Street Tipton DY4 7JG	Proposed single and two storey rear extension.	Grant Permission with external materials 16th September 2020
DC/20/64449 Wednesbury South	30 Lower High Street Wednesbury WS10 7AQ	Proposed change of use of ground floor from shop (Class A1) to hot food takeaway (Class A5).	Grant Permission Subject to Conditions 28th August 2020
DC/20/64450 Friar Park	40 Remembrance Road Wednesbury WS10 0TE	Proposed change of use of dwelling house (Class C3 to residential care home (Class C2).	Grant Permission Subject to Conditions 28th August 2020
DC/20/64451 Old Warley	29 Marshall Road Oldbury B68 9ED	Retention of storage shed at rear.	Grant Retrospective Permission 4th September 2020

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/20/64452 Oldbury	169 Dudley Road West Tividale Oldbury B69 2LU	Proposed outbuilding to rear of property.	Grant Permission with external materials 23rd September 2020
DC/20/6696A Wednesbury South	30 Lower High Street Wednesbury WS10 7AQ	Proposed internally- illuminated fascia sign.	Grant Advertisement Consent 28th August 2020
DC/20/64454 Oldbury	17 Lower City Road Tividale Oldbury B69 2HA	Proposed single storey rear extension and pitched roof to rear and side.	Grant Permission with external materials 9th September 2020
DC/20/64455 Oldbury	78 Bhullar Way Oldbury B69 2GL	Proposed single storey side extension and front boundary wall alteration.	Grant Permission with external materials 4th September 2020
DC/20/64456 Langley	Flat 214 Causeway Green Road Oldbury B68 8LS	Proposed loft conversion with dormer to rear.	Grant Permission with external materials 4th September 2020

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/20/64457 Greets Green & Lyng	16 Stour Street West Bromwich B70 9AX	Retention of use of basement to swimming pool complex for business use.	Grant Conditional Temporary Permission 4th September 2020
DC/20/64465 Newton	54 Waddington Avenue Great Barr Birmingham B43 5JG	Proposed two storey front and side/rear extensions and single storey rear extension.	Grant Permission with external materials 22nd September 2020
DC/20/64474 Greets Green & Lyng	97 Spon Lane West Bromwich B70 6AQ	Proposed change of use from ancillary cafe for gym members to hot food takeaway for the sale of healthy food (Class A5) to serve public.	Grant Permission Subject to Conditions 9th September 2020
DC/20/64464 Old Warley	26 Monckton Road Oldbury B68 0QX	Proposed single and two storey side extension	Grant Permission with external materials 4th September 2020
DC/20/64512 Tividale	17 Arundel Drive Oldbury B69 1XE	Retention of single storey rear conservatory.	Grant Permission with external materials 4th September 2020

Application No. Ward	Site Address	Description of Development	Decision and Date
PD/20/01482 Hateley Heath	36 Griffiths Road West Bromwich B71 2EJ	Proposed single storey rear conservatory measuring: 4.0m L x 3.5m H (2.35m to eaves)	P D Householder not required 28th August 2020
DC/20/64478 Charlemont With Grove Vale	18 Alexandra Crescent West Bromwich B71 3AQ	Lawful Development Certificate for proposed outbuilding at rear.	Grant Lawful Use Certificate 4th September 2020
DC/20/64479 West Bromwich Central	9 Park Crescent West Bromwich B71 4AJ	Proposed outbuilding to rear.	Grant Permission Subject to Conditions 16th September 2020
DC/20/64481 Tipton Green	2 John Howell Drive Tipton DY4 8GY	Proposed garage conversion to utility and exercise room.	Grant Permission with external materials 2nd September 2020
DC/20/64490 Hateley Heath	12 Lynton Avenue West Bromwich B71 2QZ	Retention of outbuilding at rear.	Grant Retrospective Permission 2nd September 2020
DC/20/64491 Soho & Victoria	2 Messenger Road Smethwick B66 3DX	Proposed change of use of ground floor from barbers (Class A1) to hot food takeaway (Class A5).	Grant Permission Subject to Conditions 23rd September 2020

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/20/64470 Smethwick	25 Hayes Road Oldbury B68 9SR	Proposed detached structure in rear garden to be used as a gym and storage area.	Grant Permission Subject to Conditions 4th September 2020
DC/20/64482 Abbey	578 Bearwood Road Smethwick B66 4BW	Pursuant to planning permission DC/18/61846, proposed demolition of existing rear extension and erection of a single storey rear extension to provide two bedrooms together with bicycle parking canopy, refuse and recycling storage and new external staircase to rear.	Grant Permission Subject to Conditions 4th September 2020
DC/20/64483 Abbey	596 Bearwood Road Smethwick B66 4BW	Pursuant to planning permission DC/18/61849, proposed demolition of existing rear extension and erection of a single storey rear extension to provide two bedrooms together with bicycle parking canopy, refuse and recycling storage and new external staircase to rear.	Grant Permission Subject to Conditions 4th September 2020

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/20/64484 Abbey	616 Bearwood Road Smethwick B66 4BW	Pursuant to planning permission DC/18/61852, proposed erection of a single storey rear extension to provide two bedrooms together with bicycle parking canopy, refuse and recycling storage and new external staircase to rear.	Grant Permission Subject to Conditions 4th September 2020
DC/20/64485 Soho & Victoria	Flat 53 Cape Hill Smethwick B66 4SF	Proposed subdivision of existing flat into 2 No. self-contained studio flats.	Grant Permission Subject to Conditions 18th September 2020
DC/20/64486 Abbey	91 Barclay Road Smethwick B67 5JY	Proposed single storey side/rear extension and boundary wall to side of rear garden.	Grant Permission with external materials 9th September 2020
DC/20/64488 St Pauls	Telecommunications Mast SWL10372 Corner Dartmouth Road Roebuck Lane Smethwick	Proposed installation of a 20 metre high telecommunications monopole supporting 6 No. antennas and 2 No. transmission dishes, 4 No. equipment cabinets and development works ancillary.	Prior Approval is Required and Granted 28th August 2020

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/20/64497 Greets Green & Lyng	18 Dora Road West Bromwich B70 7SR	Proposed single storey rear extension.	Grant Permission Subject to Conditions 4th September 2020
PD/20/01488 Great Barr With Yew Tree	63 Birmingham Road Great Barr Birmingham B43 6NX	Proposed single storey rear extension 5m x 3.8m H (2.95m to the eaves)	P D Householder not required 26th August 2020
DC/20/64499 Cradley Heath & Old Hill	7 Bearmore Road Cradley Heath B64 6DX	Proposed single storey rear extensions.	Grant Permission with external materials 16th September 2020
DC/20/64501 Great Barr With Yew Tree	34 Delamere Drive Walsall WS5 4TB	Proposed two storey side extension and tiled canopy to front.	Grant Permission with external materials 22nd September 2020
PD/20/01494 Wednesbury South	27 Edwin Phillips Drive West Bromwich B71 2AZ	Proposed single storey rear extension measuring: 3.47m L x 3.34m H (2.36m to eaves)	P D Householder not required 2nd September 2020

Application No. Ward	Site Address	Description of Development	Decision and Date
PD/20/01495 West Bromwich Central	31 Warstone Drive West Bromwich B71 4BH	Proposed single storey rear extension measuring: 8.00m L x 3.20m H (2.65m to eaves)	P D Householder not required 2nd September 2020
PD/20/01496 Greets Green & Lyng	86 Claypit Lane West Bromwich B70 9UJ	Proposed single storey rear extension measuring: 6.00m L x 2.89m H (2.59m to eaves)	P D Householder required and refused 28th August 2020
PD/20/01492 Wednesbury South	53 Charter Road Tipton DY4 0HU	Proposed single storey rear extension measuring 5m L x 3.6m H (2.2m to the eaves)	P D Householder required and granted 28th August 2020
PD/20/01497 Langley	40 Arden Grove Oldbury B69 4SX	Proposed single storey rear extension measuring: 3.310m L x 3.0m H (3.0m to eaves)	P D Householder not required 22nd September 2020
DC/20/64519 Smethwick	49 Basons Lane Oldbury B68 9SJ	Proposed two storey side/rear and single storey side/rear extensions, front bay window, porch and 2m high timber boundary fence.	Grant Permission with external materials 10th September 2020


Application No. Ward	Site Address	Description of Development	Decision and Date
DC/20/64524 Newton	158 Spouthouse Lane Great Barr Birmingham B43 5QA	Proposed single storey conservatory to rear.	Grant Permission 10th September 2020
DC/20/64623 Greets Green & Lyng	West Bromwich Police Station Moor Street West Bromwich B70 7AQ	Proposed cladding to external elevations.	Grant Permission Subject to Conditions 16th September 2020
PD/20/01525 Wednesbury North	36 Churchfields Road Wednesbury WS10 9DY	Proposed single storey rear extension measuring: 5.0m L x 4.0m H (3.0m to eaves)	P D Householder not required 23rd September 2020
DC/20/64526 Princes End	Land At Zion Street Tipton	Proposed removal of existing 15m monopole, 3 No. antennas and headframe, and replace with 15m monopole, 6 No. antennas, 3 No. RRU's, 3 No. FTTA boxes, internal upgrade of 2 No. existing cabinets, and ancillary works.	Grant Permission 18th September 2020

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/20/64530 Rowley	Doulton Motors Doulton Trading Estate Doulton Road Rowley Regis	Proposed removal of the 22.5m high monopole mast and antennas with installation of a replacement 25m high monopole mast with 12. No antennas, 4. No transmission dishes, and ancillary electronic communications apparatus.	Grant Permission 16th September 2020
DC/20/64548 Bristnall	13 Pottery Road Oldbury B68 9EX	Proposed single storey rear extensions	Grant Permission with external materials 23rd September 2020
DC/20/64558 Greets Green & Lyng	Royal Naval Association 108 Bull Lane West Bromwich B70 9PB	Retention of roller shutter door to front entrance.	Grant Retrospective Permission 10th September 2020
PD/20/01509 Great Bridge	11 St Helens Avenue Tipton DY4 7LN	Proposed single storey rear extension measuring 4.50m L x 4.0m H (2.70m to the eaves)	P D Householder not required 4th September 2020
PD/20/01511 Great Bridge	60 Cophall Street Tipton DY4 7JG	Proposed single storey rear extension measuring 4.0m L x 3.9m H (2.9m to the eaves)	P D Householder not required 4th September 2020

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/20/64569 Langley	101 Ferndale Road Oldbury B68 8BB	Proposed two storey side and single storey front extensions with porch.	Grant Permission with external materials 23rd September 2020
DC/20/64576 Greets Green & Lyng	37 Wheatley Street West Bromwich B70 9TJ	Proposed single and two storey side extension, single storey rear extension, with canopy over front door.	Grant Permission with external materials 16th September 2020
PD/20/01514 Oldbury	22 Fisher Road Oldbury B69 4EL	Proposed single storey rear extension measuring 6.0M L x 3.8M H (2.7M to eaves)	P D Householder not required 18th September 2020
DC/20/64580 Greets Green & Lyng	Cygnus Point Black Country New Road West Bromwich	Proposed canopy to front.	Grant Permission with external materials 18th September 2020
DC/20/64592 Tividale	36 Penrice Drive Tividale Oldbury B69 1UQ	Proposed single storey rear extension with pitched roof to garage.	Grant Permission with external materials 23rd September 2020

Planning Committee

7 October 2020

Subject:	Decisions of the Planning Inspectorate
Director:	Interim Director – Regeneration and Growth Tammy Stokes
Contribution towards Vision 2030:	
Contact Officer(s):	<p>John Baker Service Manager - Development Planning and Building Consultancy John_baker@sandwell.gov.uk</p> <p>Alison Bishop Development Planning Manager Alison_bishop@sandwell.gov.uk</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:-

Application Ref No.	Site Address	Inspectorate Decision
DC/19/62954	Telecommunication Mast B0097 131 Station Road Cradley Heath	Allowed
DC/19/63531	The Abrahamic Foundation Unit 5 Grove Street Smethwick B66 2QS	Allowed with conditions

ENF/10/7852	BMW Autoparts Pleasant Street West Bromwich B70 7DT	Dismissed
DC/20/64094	15 Reddal Hill Road Cradley Heath B64 5JE	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.

Tammy Stokes
Interim Director – Regeneration and Growth



Appeal Decision

Site visit made on 11 August 2020

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th September 2020

Appeal Ref: APP/G4620/W/20/3249146

Telecommunication Mast B0097, 131 Station Road, Cradley Heath B64 6PL

- 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 Mobile Broadband Network Limited (MBNL) against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/19/62954, dated 25 March 2019, was refused by notice dated 13 November 2019.
 - The development proposed is the replacement of the existing 15m monopole with a 20m lattice tower to support 6 no. aperture (each aperture capable of accommodating 2 no. antenna each- 12 total), 9 no cabinets and development ancillary thereto.
-

Decision

1. The appeal is allowed and planning permission is granted for the replacement of the existing 15m monopole with a 20m lattice tower to support 6 no. aperture (each aperture capable of accommodating 2 no. antenna each- 12 total), 9 no cabinets and development ancillary thereto at Telecommunication Mast B0097, 131 Station Road, Cradley Heath B64 6PL in accordance with the terms of the application, Ref DC/19/62954, dated 25 March 2019, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - i) 002 – Site Location Plan – Rev B
 - ii) 004 – Lease Demise Plan – Rev B
 - iii) 100 – Existing Site Plan – Rev B
 - iv) 150 – Existing Elevation A – Rev B
 - v) 215 – Max Configuration Site Plan – Rev B
 - vi) 265 – Max Configuration Elevation – Rev B

Procedural Matters

2. The description of development has been taken from the appeal forms and the decision notice, which more accurately describe the proposal and omit unnecessary detail. The appeal has been dealt with accordingly.

3. The Council refers to visual amenity in its decision notice. This phrase can be interpreted in a number of different ways, however from the policy references in its reasons for refusal as well as detail within its officer report, it is clear that the focus of the dispute is the effect on the character and appearance of the area, and not necessarily the living conditions of neighbouring occupiers. The appeal has been dealt with on this basis.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The site is located adjacent to Dudley Canal, on land where there is an existing telecommunications mast. The immediate context of the site is defined by industrial and commercial uses. Consequently, during my site visit, I found the area around the site was predominantly utilitarian in character, albeit with limited numbers of residential properties interspersed throughout. There is more established residential development beyond the immediate context of the site, but the degree of separation with the site meant it appeared peripheral and somewhat detached. The Council states that land to the north is allocated for housing, but there is no evidence substantiating that this is the case or what specific details are of relevance to the proposal. Therefore, I am unable to fully assess the implications under the appeal.
6. In amongst the prevailing development surrounding the site there is substantial green infrastructure provision, including large mature trees, some of which appeared taller than the existing mast, and from certain vantage points obscured it completely from view. Views of the existing mast were available from points along Station Road in the west and Dudley Canal in the north, but its prominence is reduced against a backdrop of green infrastructure. Outside of these specific viewpoints, the majority of long distance views, such as those from the peripheral residential areas described previously, are likely to be restricted either by green infrastructure or intervening industrial and commercial development in the immediate vicinity of the site. Short distance views, such as those from the adjacent stretch of the canal or the limited numbers of residential properties nearby, are taken within the context of industrial development, where the existing mast accords with the prevailing utilitarian character.
7. Among other things, the proposal would replace the existing mast with a new mast comprising an increased height of around 5 metres. In and of itself this height increase may be somewhat noticeable. However, in the context of the substantial green infrastructure within the vicinity of the site (which already exceeds the height of the existing mast and either obscures it from view or softens its appearance) and other intervening development that restrict views even further, I do not find it likely that the new mast would be any more prominent in the landscape. Even if a degree of additional prominence was perceptible, the aforementioned mitigating circumstances would prevent it from being harmful. Notwithstanding its scale, the new mast would retain a similar utilitarian character and appearance in comparison to the existing mast and therefore would assimilate into the prevailing context.

8. The Council states that no attempt has been made by the appellant to soften the impact by incorporating a good quality design which could potentially even enhance the area. However, I find this unnecessary, for the reasons already explained, given the prevailing character and appearance of the area and that the design would be somewhat softened by existing green infrastructure in any event.
9. The appellant has demonstrated that the existing mast was not technologically capable of being upgraded and therefore a new mast was required for the purposes of delivering new technology (5G services). Furthermore, it is stated that there are no tall buildings or other existing masts nearby capable of accommodating the new infrastructure, and there is no evidence suggesting this is not the case.
10. The new mast would be repositioned slightly relative to the existing mast, due to utilities constraints, but the new position is largely the same and the overall effect on the surroundings would be negligible. Consequently, there is sufficient evidence to suggest the appellant has explored and considered other opportunities for using existing infrastructure before delivering new infrastructure.
11. Overall, the proposal would deliver a utilitarian piece of infrastructure that would assimilate into an industrial and utilitarian context, without harming the character and appearance of the area. Consequently, it would accord with Policy ENV4 of the Black Country Core Strategy 2011 and Policy SAD TEL1 of the Site Allocations and Delivery Development Plan Document 2012. Among other things, these seek to ensure telecommunications masts are designed to minimise their impact whilst respecting operational efficiency and protect the Black Country Canal network.

Conditions

12. The Council were given the opportunity to suggest conditions but did not submit any for consideration. The Canal and River Trust raised matters relating to the impact of surface water runoff on water quality and the impact of construction on a below ground sluice, and whether conditions are necessary in this context. However, there is no evidence that the foundations associated with the replacement mast would be any more intrusive than the existing mast or that there is additional hard surfacing capable of exacerbating runoff. Consequently, I cannot conclude that conditions are necessary to safeguard water quality or the integrity of the below ground sluice. Accordingly, I have attached the standard conditions in accordance with Planning Practice Guidance, setting out the time limit for implementation and securing compliance with the approved plans, which are necessary to provide certainty.

Conclusion

13. For the reasons given the appeal is allowed, and planning permission is granted, subject to conditions.

Liam Page

INSPECTOR



Appeal Decision

Site visit made on 4 September 2020

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2020

Appeal Ref: APP/G4620/W/20/3249204

5 Ionic Buildings, Grove Street, Smethwick, West Midlands B66 2QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 for use of the first and second floor as prayer/community centre with associated parking for which a previous planning permission was granted for a limited period.
- The appeal is made by Mr Abdul Rahman of the Afghan Society in the West Midlands against the decision of Sandwell Metropolitan Borough Council.
- The application Ref DC/19/63631 is dated 10 September 2019.
- The application sought planning permission for use of the first and second floor as prayer/community centre with associated parking without complying with a condition (the disputed condition) attached to planning permission Ref DC/17/60914, dated 25 September 2017.
- The disputed condition is Condition 2, which says:
The use authorised by this permission shall be discontinued at the expiration of a period of 2 years from the date of this permission.
- The reason given for the condition is:
To enable the Local Planning Authority to review the development at the expiration of the permitted period in the light of its impact on:
 - (i) *surrounding land users given that the adopted Smethwick AAP has allocated the adjoining site to the west of Grove Street for a new acute hospital with permission granted and will be completed by July 2018 and that the land relating to application site is allocated for residential use;*
 - (ii) *parking and highway safety.*

Decision

1. The appeal is allowed and planning permission is granted for use of the first and second floor as prayer/community centre with associated parking at 5 Ionic Buildings, Grove Street, Smethwick, West Midlands B66 2QS in accordance with the application Ref DC/19/63631 dated 10 September 2019, without compliance with Condition 2 on planning permission Ref DC/17/60914, dated 25 September 2017 but subject to the following conditions:
 - 1) The use hereby permitted shall be for a limited period being the period of 2 years from the date of this decision and shall be discontinued on or before that date.
 - 2) The car parking area to the ground floor shall be retained for the purposes of parking cars for the life of the permission.

Procedural matters

2. Notwithstanding what is stated on the original application form and its reference to permission DC/15/58579, this appeal seeks to use the site in non-compliance with Condition 2 of permission DC/17/60914.
3. In his statement the appellant has said he is seeking to use the building as a prayer room for 4 years more. However, the application was to allow the use to continue for a further 2 years, and I have considered it accordingly.

Main Issues

4. The main issues in this case are
 - a) the effect of the development on highway safety and
 - b) its impact on the comprehensive redevelopment of the area.

Reasons

Highway safety

5. The appeal premises lie in an industrial area on the east side of Grove Street, and they have been subject to a series of temporary permissions since 2011 to permit their use as a prayer room and community centre.
6. The concerns of the Council with regard to the existing impact on highway safety focus on vehicular activity around Friday prayers. As a result, I arrived at the site at 1225h and observed the situation until 1420h. I appreciate that this was just a single visit, and slightly different results may be apparent had I been present on other days, at other times or even between the same times but on another week. However, despite that I have no reason to consider what I saw was not broadly representative. Indeed, I am mindful that the Council has placed great weight on a parking report that too was based on one day's observations only. There could well be traffic demands arising from the use at other times during the week, but I have no reason to consider they would be more acute than those connected with Friday prayers.
7. Based on my observations and the submissions, even when there is no activity associated with the prayer room there is extensive kerbside parking on the road during the working day. Moreover, the siting of some adjacent commercial premises at the back of the pavement means goods or vehicles are loaded or unloaded on Grove Street while there is a certain amount of traffic reversing onto or off the carriageway. However, it is a relatively wide road with good forward visibility, and it does not seem to carry a particularly heavy flow of traffic or pedestrians. As a result, these activities do not result in any highway danger and vehicles appeared to travel safely.
8. I anticipate that parking pressures from people visiting the prayer room are confined to relatively short periods and the amount of traffic involved would be limited. During Friday prayers I saw the ground floor parking area was used to capacity. Moreover, I consider the remaining cars that could not fit into the parking area could be reasonably accommodated within the existing pattern of parked vehicles along the road without compromising safety further. While most of those attending prayers will be leaving at about the

same time, given the amount of traffic likely to be involved and the character of the road this is not problematic.

9. In the light of the above, and subject to a condition requiring the retention of the car park, I have no reason to consider that this use causes harm to highway safety at present.
10. In the future the context of the site will change, as a large new hospital is currently under construction on the opposite side of Grove Street, and the Council says it is due to be operational in 2022. Although that will, no doubt, attract sizeable traffic flows once it opens, I have no details as to the role Grove Street would play in serving that hospital, or whether accesses from other roads would exist for either vehicles or pedestrians. Mindful of these points, and also taking into account the limited effect of the vehicular activity connected with the prayer room, I cannot conclude the traffic flows round the hospital would be affected unacceptably by this use.
11. Finally, I understand parking surveys need to be undertaken as part of the planning permission for the hospital. While the use of the prayer room may affect traffic in the area when the surveys are undertaken, again I have no reason to consider that would be to any appreciable degree. In any event, it is fair to assume the other commercial uses on Grove Street would have an influence on the results as well, and, given how often this must occur when undertaking such surveys, I anticipate they could be readily accommodated in any conclusions that were drawn. **I therefore find that the development's impact on any such survey would not be misleading.**
12. Accordingly, I conclude the development does not adversely affect highway safety at present, and I have no basis to consider it would harm highway safety once the hospital opened or result in any parking surveys being misleading. As such, the proposal does not conflict with Policy SAD DM6 of the *Site Allocations and Delivery Development Plan Document* (DPD), which requires community facilities and places of worship to have regard to highway safety, or the *National Planning Policy Framework*.

The effect on the redevelopment of the area

13. The site falls within an area identified for wider residential/commercial development. Although a faith use is not necessarily incompatible with residential units, I accept that retaining the building could well inhibit the comprehensive redevelopment of the area. Therefore, I can appreciate why temporary permissions have been issued in the past.
14. However, it is unclear as to when such redevelopment would start, with the Council just stating that the timescales for completion of the hospital development mean there is '**more certainty**' the allocation for residential development '*will come forward*'. Given this lack of clarity, it has not been shown **the Council's long-term** intentions for the area would be prejudiced by allowing the use to operate for a further 2 years.
15. Accordingly, I conclude the proposal would not compromise the redevelopment of the area and so would not be contrary to Policy SAD H1 of the DPD, or Policy Sme4 of the *Smethwick Area Action Plan*, which seek to

protect housing allocations either in general or more specifically on this allocation.

Conclusions

16. The *Planning Practice Guidance* says

A temporary planning permission may ... be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward (a 'meanwhile use'). It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities).

In this instance there is a clear intention that longer-term proposals will be coming forward in due course, and that seems to have been a basis on which the Council has allowed temporary permissions on the site in the past. As the hospital nears completion it is reasonable to assume the prospect of those longer-term proposals materialising is increasing, but given the apparent uncertainty that still exists I have no basis to find they are to occur in the short-term. In my view, this constitutes a clear rationale for allowing the use for a further temporary period.

17. In the light of the above, and in order to ensure the use does not stand in the way of the longer-term proposals for the area, I therefore conclude a fresh temporary permission for a period of 2 years should be granted, subject to the parking condition referred to above. A condition was also imposed on permission DC/17/60914 requiring conformity with the plans, but I see no justification for its re-imposition in this instance.

JP Sargent

INSPECTOR



Appeal Decision

Site visit made on 5 August 2020

by K Stephens BSc (Hons), MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2020

Appeal Ref: APP/G4620/C/19/3239303

BM Autos, Pleasant Street, West Bromwich B70 7DT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Jagdeep Chalotra (of AG Auto Parts Ltd) against an enforcement notice issued by Sandwell Metropolitan Borough Council.
- The enforcement notice was issued on 10 October 2019.
- The breach of planning control as alleged in the notice is: *Without planning permission, the material change of use of the land from the servicing of vehicles (B2) to a mixed use of B2 and vehicle dismantling/breaking and storing of scrap vehicles and scrap car parts (sui generis) ("the Unauthorised Use")*.
- The requirements of the notice are: -
 - Cease the unauthorised use.
 - Remove from the site all existing scrap vehicles together with scrap car parts and other materials associated with the unauthorised scrap vehicle dismantling/breaking.
- The period for compliance with the requirements is 2 months.
- The appeal is proceeding on the grounds set out in section 174(2)(b), (d) and (e) of the Town and Country Planning Act 1990 (**'the Act'**) as amended.

Summary decision: The appeal is dismissed and the enforcement notice is upheld with corrections, as set out below in the Formal Decision.

Matters concerning the notice

1. The requirements of the enforcement notice (**the 'notice'**) depend on knowing **what the affected "Land" is**. Paragraph 2 of the notice **refers to the site 'edged black on the attached plan'**. This is an error because the site is actually shown edged in red and shaded pink on the plan. There is no suggestion that the recipient of the notice does not understand where the allegation is. As no injustice would be caused, I will correct paragraph 2 of the notice accordingly.
2. **The allegation is also incorrect. When a site is 'mixed use' it is a *sui generis* use**, so the use classes described in the Schedule 1 of the Use Classes Order¹ do not apply. It can reasonably be inferred that the alleged use should be **described as "... to a mixed use comprising the servicing of vehicles, vehicle dismantling/breaking and storing of scrap vehicles and vehicle parts"**. I will correct paragraph 3 of the notice accordingly.
3. The Council has **described the alleged use as the 'unauthorised use' and required that to cease. But the 'unauthorised use' is the alleged mixed use** that includes the servicing of vehicles - that element of the mixed use is lawful and should not be required to cease. Therefore, I shall correct the requirement in

¹ The Town and Country Planning (Use Classes) Order 1987 (as amended)

paragraph 5.1 of the notice to require the cessation of 'the vehicle dismantling/breaking and storing of scrap vehicles and vehicle parts'.

The Appeal on Ground (e)

4. An appeal on ground (e) is that copies of the enforcement notice were not served as required by s172 of the Act: that is, on the owner and on the occupier of the land to which it relates; and on any other person having an interest in the land, being an interest which, in the opinion of the Council, is materially affected by the notice. As with grounds (b) and (d), this is a legal ground of appeal and the onus is on the appellant to make his case on the balance of probability.
5. Mr Chalotra for the appellant company contends the notice was served on the wrong company and therefore the notice is null and void.
6. The land subject to the notice is described by the Council as **'The site of the BM Autos',** but Mr Chalotra states there has never been a company by that name on the site, nor has a company ever traded under that name. The appellant company is AG Auto Parts Ltd. Although there is no signage on the site with that company name, there is no dispute that AG Auto Parts Ltd are trading from the land subject to the notice.
7. It is not clear why the Council got the appellant company name wrong, or whether the Council could have been reasonably expected to get the name right. However, those matters are of little consequence because the Council served copies of the notice on Mr Chalotra as a land owner, whose company is AG Auto Parts Ltd. He would have seen from the attached plan that the notice related to the land where the company was trading from. Indeed, through Mr Chalotra, the appellant company made a valid appeal against the notice.
8. I find that on the balance of probability the notice was served as required by s172 of the Act. In any event, s176(5) provides that failure to serve the notice as required may be disregarded if the appellant or person required to be served with a copy of the notice has not been substantially prejudiced. I find that the appellant company was able to appeal and therefore was not substantially prejudiced and so the appeal on ground (e) must fail.
9. Given the evidence on this issue it would be appropriate, and would cause no injustice, for me to correct the notice to delete the erroneous reference to BM Autos from the site address in paragraph 2.

The Appeal on Ground (b)

10. Ground (b) is that the matters alleged in the notice have not occurred as a matter of fact. A ground (b) appeal does not require consideration of whether those matters are no longer occurring. The burden of proof falls on the appellant to show, on the balance of probability, that the matters alleged in the notice have not occurred as a matter of fact.
11. However, I need to consider ground (b) on the basis of the corrected allegation, namely a *"mixed use comprising the servicing of vehicles, vehicle dismantling/breaking and storing of scrap vehicles and vehicle parts."*
12. The appellant's case is, in effect, that the alleged change of use has not occurred because the site remains solely used for the servicing and repair of

- vehicles. Any activity which **might have appeared to the Council to be 'vehicle dismantling/breaking' or 'storing of scrap vehicles and vehicle parts' was not** the primary use, but activity incidental to the lawful use of vehicle servicing and repairs.
13. To support this, Mr Chalotra states that the appellant company is not a scrapyard and does not deal with end-of-life vehicles as any vehicles to be scrapped are dealt with by the local scrapyard. He relies on the Environment Agency not finding any evidence of car scrap, breakage, or end-of-life activities at the site. **The Environment Agency's comments (8 March 2018 and 24 October 2018) are reported in the Council's statement.** He also confirms that his company services and repairs specialist motor vehicles (BMW's) as part of the planning permission on the site for a B2 (or General Industrial use)² and that some parts are kept on site due to the cost, and difficulties of obtaining, second-hand parts. However, this evidence does not show precisely or unambiguously that vehicle servicing is the sole primary use of the site and **that 'vehicle dismantling/breaking' or 'storing of scrap vehicles and vehicle parts' has not occurred on the site.**
14. The Council has provided a statement comprising records of site visits, including occasions when scrap parts and broken/damaged cars were on site. The Council also refer to a meeting in which Mr Chalotra admitted to he used to **take parts of vehicles, but doesn't anymore** because he now has enough parts. There is also the 2011 planning application³ to **'adjust' the planning permission from servicing to 'servicing and vehicle dismantling'** that was refused. Following refusal of planning permission, Mr Chalotra says **that the 'planned diversification' of the business did not happen.** The appellant's submitted photos show a vehicle-related business and cars at the site, but do not unambiguously show that the alleged matters have not occurred as a matter of fact.
15. **S174(2)(b) of the Act is that matters 'have not' occurred.** Even if broken and scrap vehicles were removed from the site, the appellant has not shown on the balance of probability that the alleged change of use had not occurred by the date the notice was issued.
16. On my site visit the cars I saw parked around the frontage of the site were intact, did not have obviously damaged bodywork or parts missing. I saw 6 ramps inside the building and some cars being worked on. I also saw various second-hand or salvaged car parts, such as doors, bonnets, engines and other components, stored in an orderly fashion on tall shelved racks inside the building as well as outside in the secure compound to the side and rear of the building. However, my observations are not decisive, but add weight to my conclusions that the alleged matters have occurred.
17. The appellant's evidence is limited and for the reasons above it follows that I conclude the corrected alleged matters have occurred and the appeal on ground (b) fails.
18. Whilst there is no ground (c) appeal – that there is no breach of planning control – the material change of use was likely to have been in breach of planning control. The **appellant's** uncontested evidence is that planning

² under the Use Classes Order

³ Reference number DC/11/53967

permission pertaining to the site was for B2 or general industrial use. While B2 uses may include the servicing of vehicles, Article 3(6) of the Use Classes Order makes it clear that no class includes use for part (g) 'as a scrapyard, or a yard **for the...breaking of motor vehicles**'.

The Appeal on Ground (d)

19. Ground (d) is that at the date that the notice was issued it was too late to take enforcement action. In order to succeed on this ground the appellant has to show, on the balance of probability, that the alleged use began more than ten years before the date the notice was issued on 10 October 2019, and the alleged use continued from then without material interruption for a period of ten years so as to be immune from enforcement. Hence a ground (d) appeal requires comparison between the use of the appeal site when the notice was issued on 10 October 2019 and the use as it existed ten years before that. The burden of proof rests with the appellant.
20. The appellant alleges the business has been trading on the site in its current format for over ten years. In support of this Mr Chalotra submits evidence from **the Council's Revenues and Benefits department** that shows two companies have been liable for Business Rates on the site since April 2008 - which is when Mr Chalotra purchased the site as evidenced by the submitted HM Land Registry Register extract - and these are firstly BMW Auto Parts and later AG Auto Parts Ltd. These company names are enough to show that the site has probably been used for some use related to vehicles or vehicles parts for more than ten years. But they are not enough to show, on the balance of probability, that the alleged mixed use (i.e. the *servicing of vehicles, vehicle dismantling/breaking and storages of scrap vehicles and vehicle parts*) commenced before 10 October 2009.
21. It is undisputed that the 2011 planning application was made in respect of vehicle dismantling. As a result of refusal of planning permission, Mr Chalotra **states that the 'planned diversification' of the business did not happen**. This would lead me to infer that the alleged mixed use was not being carried out in 2011 and hence not in the ten years before the notice was issued. Mr Chalotra has also stated that vehicle dismantling did not take place during the ten year period. He has not shown that this element of the mixed use ceased for an insignificant period. Even if the alleged mixed use commenced more than ten years before the notice was issued, the appellant has not shown that the alleged mixed use took place for any continuous ten year period.
22. From the evidence before me I find, on the balance of probability, the alleged use is not immune from enforcement action. The appeal on ground (d) fails.

Other Matters

23. The appellant has referred to improvements he has made to the building and the site, supported by various photographs, and other reasons why he considers the alleged mix use is acceptable. Local residents and councillors, on the other hand, have set out objections to the use. I cannot consider the merits or otherwise of the development because the appellant has not sought planning permission via an appeal on ground (a). The appellant also suggests there are other garage and car repair businesses on the industrial estate and feels victimised by the Council, but this is also a matter outside my remit.

Conclusion

24. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections.

Formal Decision

25. It is directed that the enforcement notice be corrected by: -

- The deletion of the text of paragraph 2 in its entirety and substitution with the following: *'Land at Pleasant Street, West Bromwich, B70 7DT as shown edged in red and shaded pink on the attached plan ("**the Land**")*.
- The deletion of *'to a mixed use of B2 and'* in paragraph 3 and substitution with: *'to a mixed use of servicing of vehicles **and**'*.
- Adding *'for vehicle dismantling/breaking and storing of scrap vehicles and scrap cars parts'* to the end of paragraph 5.1.

26. Subject to these corrections the appeal is dismissed and the enforcement notice is upheld.

K Stephens

INSPECTOR



Appeal Decision

Site visit made on 22 September 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2020

Appeal Ref: APP/G4620/D/20/3254791

15 Reddal Hill Road, Cradley Heath B64 5JE

- 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 M Banaras against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/20/64094, dated 9 March 2020, was refused by notice dated 15 May 2020.
 - The development proposed is a drop kerb access to new driveway.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. **The Council's decision notice** does not refer to any local development plan policies and I am not directed to any in the appeal submissions. I have therefore had regard to the National Planning Policy Framework which is an established material consideration in planning decisions.

Main Issue

3. The main issue is the effect of the development on highway safety.

Reasons

4. The site fronts Reddal Hill Road (A4100), which, according to the Council, is a high volume 30mph traffic route. In the vicinity of the site the carriageway is subject to waiting, loading and parking restrictions and there are no domestic access points for vehicles on to Reddal Hill Road on this part of the road.
5. The site's **frontage** lies slightly offset from the junction of Reddal Hill Road with Brook Lane. The roadway in the vicinity consists of two lanes separated by a chevroned area forming part of a combined right turn lane for vehicles turning into Brook Lane and Haden Road. A short distance to the west of the frontage is a pedestrian refuge facilitating pedestrian crossing continuous with a path lying adjacent to the side of the dwelling.
6. The parking arrangement shown on the submitted plans would be sufficient to accommodate two vehicles. However, the arrangement and restricted width of the site would limit the capability to turn vehicles within it to enable access and egress in a forward gear.
7. Any requirement to manoeuvre into or out of the site using a reverse gear would result in vehicles travelling at slow speed or stopping within the highway

- with potential to impede the free flow of traffic. Although visibility in both main directions of travel is good, manoeuvring would be made hazardous due to the proximity of the right turn lane, the pedestrian refuge and vehicles emerging from the junction with Brook Lane.
8. Reversing out of the site would generally require movement into the chevroned area and in close proximity to the crossing point. This would have the potential to impede visibility for both approaching traffic and pedestrians using the crossing. Reversing into the site without crossing the chevroned area would result in movement or positioning contrary to the direction of approaching vehicular traffic. In either scenario, the proposal would add a further point of conflict for those using the Brook Lane junction and on the main road itself. This would significantly elevate the potential for both vehicular and pedestrian conflicts.
 9. For those reasons, I find that the proposal would have significant potential to prejudice highway safety in the vicinity of the site. This would conflict with the National Planning Policy Framework which requires new development to create places that are safe for existing and future users.
 10. In support of the appeal, the appellant advises that the development would provide improvements to access for an elderly relative. This may be more suitable for their specific access requirements than the existing arrangement where parking is provided to the rear of the property from Mace Street.
 11. **Age is a 'relevant protected characteristic' and I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010.** This sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act.
 12. In respect of the above, whilst I acknowledge the benefits that would result to the appellant and elderly relatives, I note that this benefit is not dependent on the proposed development and could be achieved through the existing arrangement whereby vehicular parking and pedestrian access can be achieved at the rear of the site and via the rear door of the property respectively. Consequently, although a refusal of planning permission may deprive the family of alternative parking provision it would not prevent parking within the site or prejudice the ability to access the dwelling from the rear. Accordingly, those personal circumstances are not a strong justification for setting aside national policies with the legitimate aim of protecting highway safety in the public interest. I therefore attach them limited weight having regard to the particular circumstances of the case.

Conclusion

13. For the above reasons, the appeal should be dismissed.

R Hitchcock

INSPECTOR