


REPORT TO PLANNING COMMITTEE

4 November 2020

Application Reference	DC/20/64469
Application Received	7 th July 2020
Application Description	Retention of use as Storage or Distribution (Class B8) and small-scale car repairs and servicing (Class B2).
Application Address	Old Water Works Unit 12, Block B Brunswick Park Trading Estate Brunswick Park Road Wednesbury WS10 9QR
Applicant	Mr Bhupinder Singh Bhandal
Ward	Wednesbury North
Contribution towards Vision 2030:	
Contact Officer(s)	William Stevens 0121 569 4897 William_stevens@sandwell.gov.uk

RECOMMENDATION

That planning permission is granted subject to :-

- (i) A two-year temporary permission,
- (ii) Personal use only and not for business purposes including the sale of vehicles,
- (iii) Hours of operation (including access to the yard) limited to 08:00-18:00 Hours Monday to Friday, 08:00 – 12:00 hours Saturdays, with no working or access to the yard on Sundays and Bank Holidays,
- (iv) No vehicle repairs, maintenance or testing to be carried outside of the existing industrial units,
- (v) Details of suitable ventilation for the units shall be provided, approved by the local authority and implemented and retained as such,
- (vi) Car park details to be agreed, laid out and retained as such (including an area for the storage of vehicles),

- | |
|--|
| <ul style="list-style-type: none">(vii) Details of waste disposal associated with the development (no burning of waste),(viii) Within one month of this permission the blue coverings on the boundary fence shall be removed. |
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1. BACKGROUND

- 1.1 This application is being reported to your Planning Committee because of the number of objections received; including that of the household of the Vice Chair of Planning Committee, Councillor Hevican.
- 1.2 To assist members with site context, a link to Google Maps is provided below:

[Aerial view](#)

[Street View May 2019](#)
- 1.3 Site visit photographs are attached at the end of this report.
- 1.4 The planning application was received in July this year; however, the application was deferred pending further information, and is now before your November Committee.

2. SUMMARY OF KEY CONSIDERATIONS

- 2.1 The site is allocated for long term residential use and as such the application has been publicised as a departure of the Council's local plan. The site is currently privately owned and there are no current plans to bring the site forward for residential redevelopment.
- 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),
Public visual amenity,
Design, appearance and materials,
Access, highway safety, parking and servicing,
Traffic generation,
Noise and disturbance from the scheme, and
Disturbance from smells.

3. THE APPLICATION SITE

- 3.1 The application site is situated on the eastern side of Brunswick Park Road, Wednesday. To the north lies further industrial units, to the west, a cemetery and to the east residential properties which are separated from the site by a dormant railway line (part of the future metro line expansion plans).

4. PLANNING HISTORY

- 4.1 There is significant planning history (and planning enforcement – see point 8) associated with the application site. However, the relevant planning applications are as follows: -

- | | | |
|-----|---|---|
| 4.2 | DC/15163 Conversion to form nursery units. | Grant Permission
Subject to Conditions
15/09/1982 |
| 4.3 | DC/25512 Change of use to car repairs and second-hand tyre sales, erection of 2m high fencing along eastern boundary of site, and alterations to building | Refused
09/04/1990 |
| 4.4 | In 1982, Planning Permission was granted for small industrial units known as “Nursery units” (small scale starter businesses) (ref: DC/15163) | |
| 4.5 | Condition 6 of this permission states: | |

None of the units shall be used for purposes within the meaning of Classes I, IV, V, VI, VII, VIII, IX, and X of the Schedule to the Town and Country Planning (Use Classes) Order 1972...

(see point 5.1 for this meaning)

Therefore, the units themselves could only be used for B1 use (light industry).

- 4.6 Condition 8 states:

All land not covered by buildings shall be kept clear for the access, manoeuvring, and parking of vehicles.

The parking of vehicles is a Sui Generis use.

- 4.7 Condition 11 states:

Power tools or machinery at the premises shall be used only between the hours of 7am and 8pm Mondays to Saturdays and between the hours of 7am and 12 noon on Sundays.

4.8 Condition 12 states:

No work of any kind shall be carried out at the premises on Sundays later than 12 noon.

4.9 The limits on hours needs no further explanation; however Condition 6 limits the use of units whereas condition 8 states that the land (being the majority of the land which relates to this planning application) can be used to park vehicles.

4.10 In 1990 planning permission was refused (see attached to Appendix 1) for car repairs and second-hand tyre sales. The first reason for refusal states:

The proposed uses would detract from the safety and convenience of uses of the highway in that there is insufficient space within the application site for the parking of vehicles, and that this would lead to parking congestion in Brunswick Park Road and within the former South Staffs Waterworks Depot premises.

4.11 The refusal was appealed and dismissed by the inspector (Appendix 1), with the relevant points being:

In 1982 the units within the Waterworks site received planning permission for B1 (business) or B8 (storage) uses....and the appeal site were allocated as offices. The open area of the appeal site was originally reserved for car parking, access and manoeuvring...the introduction of a use which attracts members of the public to the site...would generate a demand for parking in excess of that which would ensue from use in accord with the planning permission already granted for the premises...in my view the use of open land for car repairs could present an untidy appearance, with vehicles awaiting or undergoing repair, and the paraphernalia usually associated with this type of activity. In my opinion, the appearance of the site, which stands so close to the residential area and the parkland, should be safeguarded and I believe that your proposal would be detrimental to the character and appearance of the area.

Following on from the appeal, the Planning Inspectorate states that the site benefits from B1 and B8 permission. Subsequent to the planning appeal decision, a number of operations within the wider Waterworks site have changed to cars repairs (B2). Following a detailed assessment of the site operations across the whole of the industrial estate, some of

these businesses have been in operation for twenty years and therefore have deemed consent. Those units that do not have planning permission are currently being investigated by the Council's Planning Enforcement Team.

5. USE CLASS ORDER

- 5.1 The Town and Country Planning (Use Classes) Order 1987 replaced the 1972 Order and for the purposes of point 4.5 above:

Class I was replaced by A1 (Shops)
Class IV – IX replaced by B2 (General Industry)
Class X replaced by B8 (Storage and Distribution)

- 5.2 As of 1st September, The Town and Country Planning (Use Classes) Order 2020 replaced the 1987 Order with new use classes. For the purposes of 4.5 above:

Class A1 replaced by Class E
Class B1 replaced by Class E
Class B2 remains B2
Class B8 remains B8

However, for the purposes of this report (due to the date of submissions and resident's objections) the 1987 Use Classes Order will be referred to.

6. APPLICATION DETAILS

- 6.1 The applicant proposes to retain the outside space for the parking of motor vehicles and storage (storage B8) and use the existing industrial buildings for the repair of motor vehicles (B2) owned by him only. In total, the applicant states that 7 cars, 3 light goods vehicles and 2 motorcycles will only be on site.
- 6.2 The application site currently benefits from permission to store vehicles with no time restrictions of vehicles entering and exiting the site, as the hours on the permission relates to the use of power tools only. The remainder of this report will focus upon the proposed car repairs being a B2 use.
- 6.3 The applicant has removed the business use from the site (point 8.2), where the tenant now wishes to repair vehicles associated with his hobby; this proposed use still falls under class B2.
- 6.4 The proposed working hours are:

Monday to Friday: 09:00 – 18:30 hours

Saturdays, Sundays and Bank Holidays: 10:00 – 16:00 hours.

7. PUBLICITY

7.1 The application has been publicised by neighbour notification letters (twice), and by site and by press notice. In total 79 residential and commercial properties have been written to.

7.2 Objections

Following the consultation period, eleven objections have been received, including Councillor Hackett and Councillor Hevican.

These objections can be summarised as:

- (i) Unlike the other units on Brunswick Park Road, this unit faces Darby Road and work is carried out either with the roller shutter doors open or outside in the yard. The other units within the same trading estate face Brunswick Park Road (towards the cemetery) which keeps noise to a minimum,
- (ii) The occupier of the site builds high performance cars which are then sold on, with these cars being advertised for sale and photographed in the cemetery opposite,
- (iii) The occupier of the site works on these cars from dawn until dusk every day including weekends and bank holidays, outside their stated working hours, creating noise from the revving of car and motorbike engines,
- (iv) The language used by the works is not acceptable in a residential area,
- (v) Concerns over the spraying of vehicles,
- (vi) The occupiers of the site use Brunswick Park Road to test their high-performance cars,
- (vii) Recovery vehicles and vans park outside the site leaving residents with little places to park, furthermore vehicles are parked on the pavement outside the premises preventing access for pushchairs, mobility scooters and members of the public walking by,
- (viii) The site is too small to have vehicles move round and leave the site in a forward gear,

- (ix) Residents in the past have seen large storage barrels on site and residents are concerned over the contents and potential health hazards,
- (x) The potential for smells with regards to the paint spraying of vehicles, and sanding down of body panels waiting preparation,
- (xi) The stop notice served is being ignored and the occupier of the site is working throughout the current pandemic,
- (xii) A 24/7 recovery vehicle operates from the site, meaning the site is in constant use, where vehicles are “brought for cash”,
- (xiii) The site does not have B1, B2 or B8 Planning Permission therefore the application cannot be for “retention”,
- (xiv) The site is an eye sore with blue coverings on the fence to prevent third parties looking into the site,
- (xv) Cars are being broken down and the parts are being sold (including respraying of panels),
- (xvi) The fire service has been called out due to smoke arising from the site,
- (xvii) Complaints have been received questioning the professional judgement and integrity of officers,
- (xviii) No details of the disposal of waste materials have been submitted,
- (xix) No details of toilet or hand washing facilities have been provided,
- (xx) Objection over lack of information over what the owner wishes to do with the site,
- (xxi) The proposal breaches the Human Rights Act,
- (xxii) The Council has given outline planning permission for a structure that has since been removed, and that planning officers are giving outline planning permission for the repair of vehicles,
- (xxiii) Those working on site have only submitted a planning application because planning officers advised them to do so,
- (xxiv) There are birds nesting in the trees adjacent,

- (xxv) There are too many vehicle repair garages on this site,
- (xxvi) Residents who are not PC savvy, find it hard to object to this planning application,

7.3 Responses to objections

I respond to the objector's comments in turn;

- (i) The objector makes a valid point that the site could generate noise due to the orientation of the unit. Public Health (see point 9.5) have recommended that during the time of working on vehicles, these are carried out within the unit with the roller shutters completely shut.
- (ii) The sale of vehicles on site would require a further planning application (car sales is a Sui Generis use). Officers have visited the site on multiple occasions and found no evidence to support the sale of vehicles from the premises.

The concerns regarding using the cemetery to photograph cars falls outside the scope of this proposal, nevertheless the local wardens have been notified and will monitor this accordingly.

- (iii) Officers both from Planning and Public Health have visited the site at various times of the day and have not witnessed the site in operation (see Appendix 2). However, if approved, conditions regarding the hours of operation, could ensure that the operations were restricted to reasonable hours of the day, to prevent unacceptable noise and nuisance to nearby residents. All evidence collected by Planning Enforcement Officers suggests that the B2 element has ceased.
- (iv) Residents should not have to listen to any inappropriate language, however this falls outside the scope of planning considerations, as such matters can be reported to and dealt with by the anti-social behaviour team of the Council.

These comments have been relayed to the ASB Team.

- (v) Restricting spraying of vehicles can be controlled by way of condition and any violation can lead to legal proceedings.
- (vi) I have visited the site on several occasions when the unit has been closed and witnessed vehicles driving along Brunswick Park Road at speed. These visits also included the local Ward Members.

Road traffic offences are enforced by the police.

- (vii) The applicant has provided a plan to show that all vehicles associated with the site can be accommodated within the site. Obstructions caused to the highway are enforced by the police and should be reported to them.
- (viii) The highways department raise no objections in relation to parking and manoeuvring.
- (ix) The concerns of residents have in the past being passed onto the HSE and is not material to the determination of this application.
- (x) A condition is recommended preventing cars been spray painted within the application site.
- (xi) The unauthorised use has been investigated and the B2 use has ceased and equipment associated with the business (hydraulic ramps for example) has been removed from site.

However, accessing the site to store vehicles remains lawful.

- (xii) The regular monitoring visits have not observed a recovery business operating from the site. But as stated above the storage of such a vehicle on site is lawful.
- (xiii) Retention refers to seeking to retain a use for which planning permission is not established and does not refer to former uses which do have permission within the site. Nevertheless, as indicated (See point 4.11) the site does have a lawful use for B8 uses.
- (xiv) It is accepted that the current boundary treatments are unsightly, a condition is therefore recommended to seek the removal of the blue sheeting. If permanent permission was recommended, I would also recommend that some sort of landscaping scheme is implemented.
- (xv) As indicated in (v) above, a condition could be imposed preventing spraying of vehicles taking place on the premises. Furthermore, the sale of parts from vehicles from the site would require a further planning application.
- (xvi) The applicants have said that this incidence was due to a blown engine. The fire service were called out by a local resident with the fire service taking no action as it wasn't needed.
- (xvii) Several complaints have been made to Council's planning and public health teams resulting in a number of actions, namely the

stop notice and enforcement notice and regular monitoring visits thereafter. In addition, a number of responses have been provided to the complainant. It is however acknowledged that the complainant has also contacted the Local Government Ombudsman and the local planning authority has provided the Ombudsman with a response. Whilst the outcome of this is awaited, it is not material to this planning application as it relates to a matter of process and procedure, the Ombudsman does not intervene in relation to planning decisions.

(xviii) With a commercial use, you would expect commercial waste, however the use is personnel and for a hobbyist. Nevertheless, these details can be requested by way of condition,

(xix) These details have been provided. See image below:-



(xx) See point 6.3

(xxi) The Human Rights Act does refer to a right to a private family life and as such when planning permissions are granted, conditions are imposed to safeguard the amenity of residents,

(xxii) This is simply untrue; no planning permission has ever been granted. Instead, Planning enforcement officers have investigated the matter resulting in the wooden structure being removed. The planning application has now been submitted to seek regularisation of the intended use, giving residents the opportunity to voice their concerns,

(xxiii) Section 73 of the Town and Country Planning Act states that a local planning authority can invite a retrospective application. In circumstances where the local planning authority consider that an

application is the appropriate way forward to regularise the situation. In this instance, given the other commercial businesses within the site it was considered that a conditional planning permission could regularise and control the activities on site.

(xxiv) The trees are outside the application site and the applicant does not have any control over them including their removal.

(xxv) Car repairs are a characteristic of the Waterworks building. This additional use would not be out of keeping with the immediate area. However, unlike the other car repair garages, this is for personal use and not a business.

(xxvi) Letters of objection have been received by residents resulting in the application being considered by your committee as their elected members.

8 PLANNING ENFORCEMENT

8.1 Early this year the Council received complaints from a local resident over a wooden structure and a car repair business operating from the site. Upon investigating it was discovered that the wooden structure was unauthorised and one of the units was being sub-let for a car repair business.

8.2 The Council has worked with the applicant and tenant of the site in trying to resolve some of the issues raised by residents where a Planning Enforcement Notice and a Stop Notice have been served (2nd July 2020) to cease car repairs on site. Due to the efforts of the Council's Planning Enforcement Team and the willingness of the tenant, the unauthorised wooden structure has since been removed and the unauthorised business use has ceased.

8.3 Despite the above, complaints are still being received due to the historical planning permissions on site that are outside of the Planning Departments control.

9. STATUTORY CONSULTATION

9.1 Planning and Transportation Policy

The proposal is on land that is allocated for residential development in the adopted Site Allocations Development Plan (SAD). However, the wider site has a variety of uses that are incompatible with residential use, thus residential development could not come forward for its allocation without comprehensive redevelopment of the Waterworks site. There is no indication that a comprehensive redevelopment scheme is likely, at this

time. Therefore, the allocation should not be the deciding issue for this proposal.

There are no issues with the principle of a temporary use on site to allow the wider industrial estate to come forward for residential use.

9.2 Highways

The highways department do not object to the proposal. A temporary permission would enable the Council to monitor the development, and for the applicant to demonstrate that they can contain all activities within the site.

9.3 Public Health (Air Quality)

No objections received with conditions requested not being relevant to this application.

9.4 Public Health (Contaminated Land)

No comment received.

9.5 Public Health (Air Pollution and Noise)

In order to safeguard nearby residents, the Pollution Control Team recommend the following conditions:

- No vehicle repairs, maintenance or testing to be carried on outside the building,
- All repair, maintenance and testing of vehicles to be carried out with the doors shut, with suitable exhaust ventilation provided,
- Hours of work to be restricted to 08:00 – 18:00 hours Monday to Friday, 08:00 – 12:00 hours on Saturdays with no Sunday or Bank Holiday working,
- No burning of waste materials or storage of scrap tyres.

9.6 West Midlands Police

Have not responded.

9.7 Severn Trent

The proposal would have a minimal impact on the public sewerage system therefore no objections have been raised and no drainage condition is required.

9.8 Environment Agency

Have not responded.

10. GOVERNMENT GUIDANCE/NATIONAL PLANNING POLICY

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

10.2 Paragraph 109 of the adopted National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

11. LOCAL PLANNING POLICY

11.1 The following policies of the Council's Development Plan are relevant: -

11.2 SAD H1: Housing Allocations
SAD EMP2: Relationship between Industry and Sensitive Uses

11.3 H1 safeguards sites for residential allocations that can accommodate 10 or more properties, as indicated above in point 9.1, without comprehensive redevelopment of the site a residential use is not appropriate

11.4 EMP2 requires that development likely to have an adverse effect on neighbouring uses will not be permitted unless the adverse effects can be reduced to an acceptable level. Public Health have recommended a number of conditions which could adequately control the uses operating at the site.

12. MATERIAL CONSIDERATIONS

12.1 The material considerations relating to Government Policy (NPPF) and proposals within the Development Plan have been referred to above in Sections 10 and 11. With regards to the other considerations these are highlighted below:

12.2 Government policy (NPPF)

Refusal on highways grounds requires there to be a severe impact on the road network. The applicant has demonstrated that the car parking requirements can be provided within the site and that the site does not generate customers as it is for a personal, private use only and not a

business. Therefore, overcoming the reasons for the previous refusal (point 4.10).

12.3 Proposals in the Development Plan

No physical development (new build) is being proposed, therefore the use would not prevent the wider site coming forward for redevelopment and neither could this site come forward for residential use without the collective site. Furthermore, a temporary permission could be conditioned to ensure that the site would not have an impact on the long-term aspirations for the area.

12.4 Planning history (including appeal decisions)

It is acknowledged that a business use for the repairing of vehicles would be detrimental to the private amenity of local residents where the Planning Inspectorate has already agreed with the Council due the potential for outside vehicle repairs and the waiting public (point 4.10). However, as the proposal would not include a business use and all repairs are associated with a hobby use, this can be conditioned to be within the units, I consider that the applicant's proposed activities are sufficiently different from the previous refusal and hence less weight should be attached to the planning inspectorate's previous decision.

12.5 Public visual amenity

Whilst the blue tarpaulin on the fence is out of character with the area, conditions requiring its removal would improve the visual amenity of the area. If Members are minded to grant a permanent permission it is recommended that a condition regarding landscaping is attached to the approval.

12.6 Design, appearance and materials

See point 12.5

12.7 Access, highway safety, parking and servicing

See point 12.2

12.8 Traffic generation

See point 12.2

12.9 Noise and disturbance from the scheme

The proposed noise mitigation measures include conditioning the hours of use (currently the yard is unrestricted) and limiting the car repairs to inside the building. The granting of this permission (in my opinion) has the potential to reduce the current levels of disturbance to residents due to conditions relating to the hours of operation.

12.10 Disturbance from smells

Conditions can be placed on the application preventing the spraying of vehicles, and that suitable ventilation is provided within the unit.

13. IMPLICATIONS FOR SANDWELL'S VISION

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

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

14. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

14.1 I fully understand the objector's concerns regarding noise and disturbance to nearby residents. However, this application differs from the previous refusal as the use proposed is not of a commercial nature and is used for a hobbyist.

14.2 Paragraph 54 of the adopted NPPF states:

Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

14.3 In this instance conditions could be placed on any approval that would limit the noise impact to residents. Such conditions can also extend to the associated car park which is currently unregulated and can operate under a lawful use for storage of vehicles 24 hours a day.

14.4 In other words, the granting of this permission would enable the local planning authority to control the times the applicant can use the car park/yard including accessing the site and opening/closing the gates.

14.5 Paragraph 55 of the adopted NPPF goes on to say:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

- 14.6 The Council's highways department has raised no objections to the proposal as the applicant has demonstrated that all works are can be contained within the site and that there would be no customers entering the site or waiting. This can be conditioned accordingly.
- 14.7 It is considered that neighbouring residential amenity can be safeguarded through the recommended conditions than the current unrestricted use allows. Furthermore, the temporary permission provides an opportunity to review activities and compliance with the conditions at the site at the end of the expiration of the temporary period.
- 14.8 In the context of the other units on this industrial site, there are a number of long established car related businesses for which enforcement action cannot legally be taken against them due to the time they have been operating. However, further investigations have revealed two units operating without appropriate planning permission and these are currently being investigated.

15. STRATEGIC RESOURCE IMPLICATIONS

- 15.1 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.

16. LEGAL AND GOVERNANCE CONSIDERATIONS

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

17 EQUALITY IMPACT ASSESSMENT

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

18. DATA PROTECTION IMPACT ASSESSMENT

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

19. CRIME AND DISORDER AND RISK ASSESSMENT

19.1 Objections have been received regarding crime and anti-social behaviour however these relate to activities outside of the application site and are issues enforced by the police.

20. SUSTAINABILITY OF PROPOSALS

20.1 Refer to the National Planning Policy Framework (10), Development Plan policies (11) and material considerations (12).

21. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

21.1 Refer to the summary of the report (14).

22. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

22.1 There would be no impact.

23. APPENDICES:

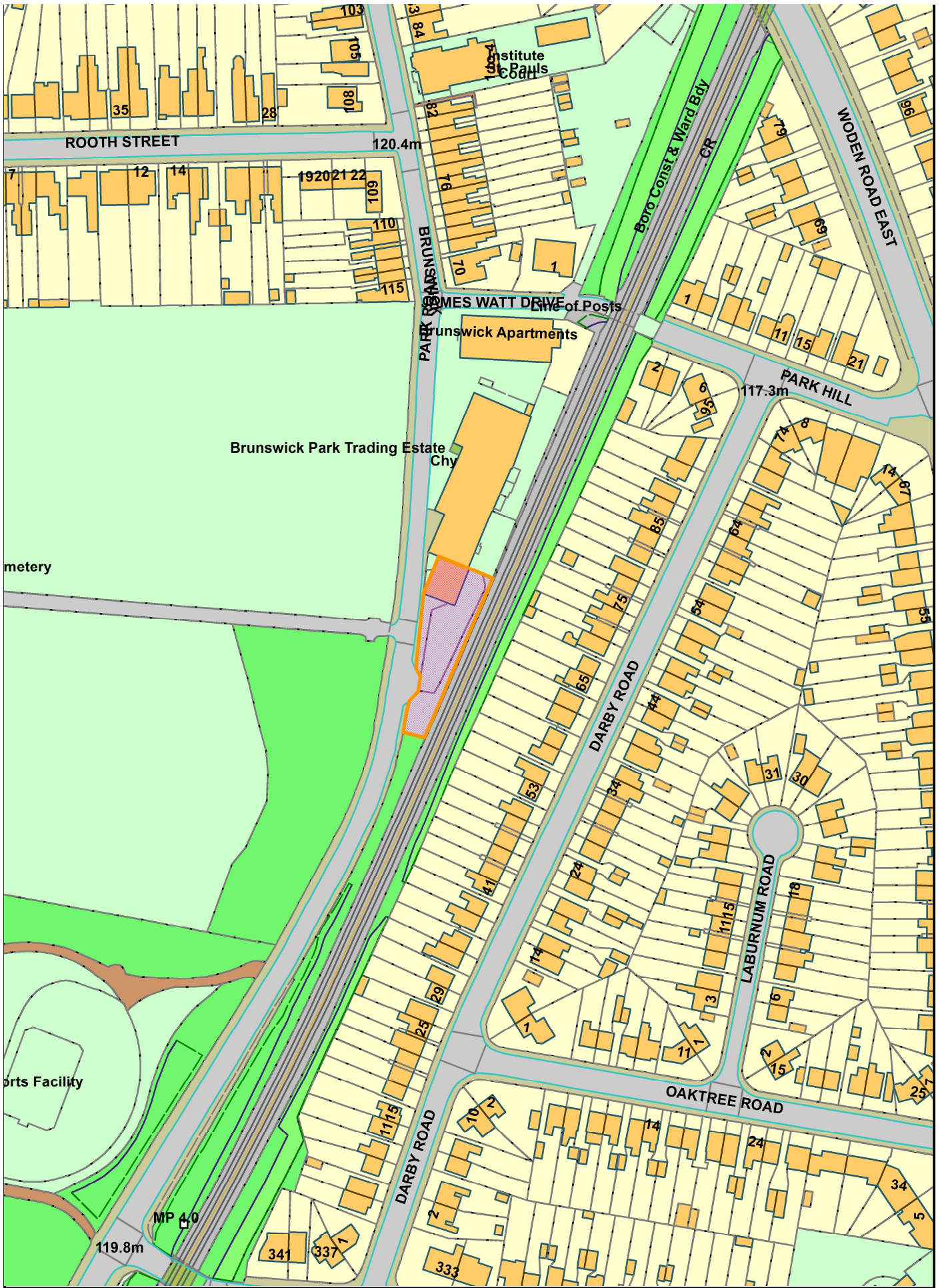
Site Plan

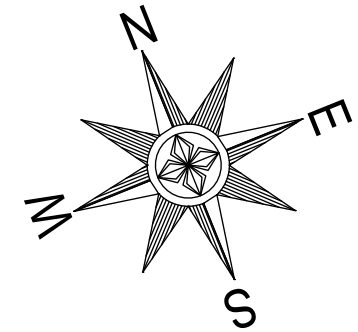
Context Plan

Plan No

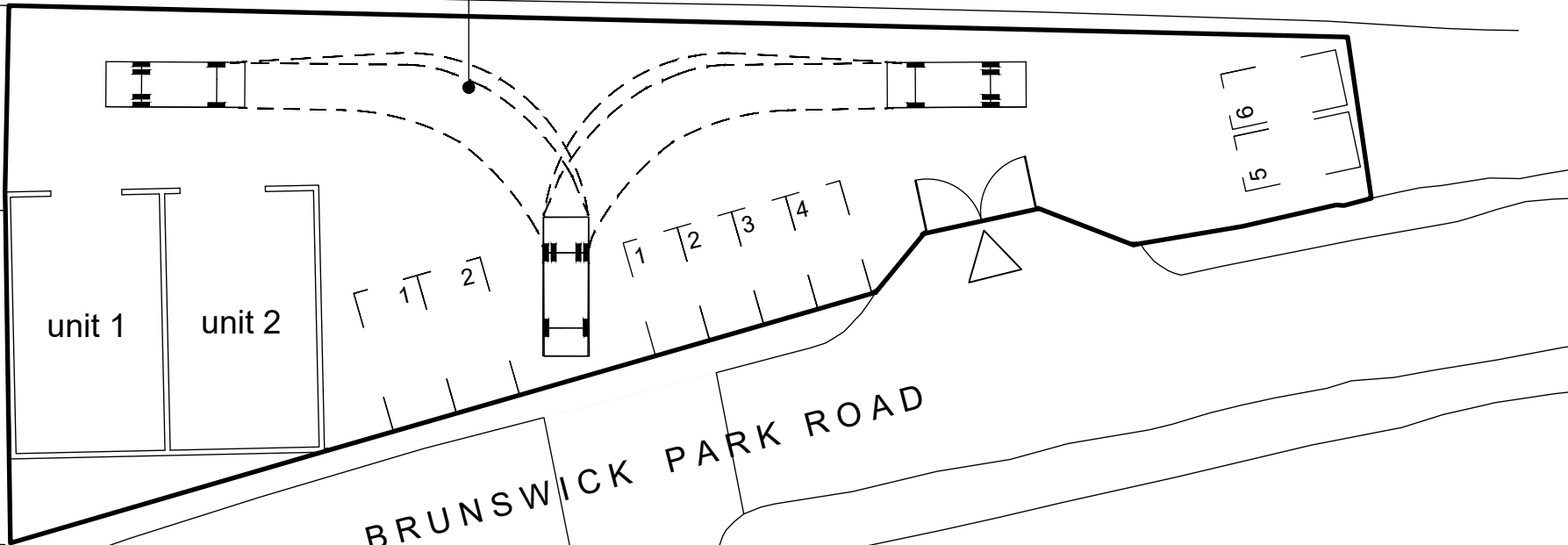
Appendix 1 – Planning Inspectorate Appeal Decision

Appendix 2 – Site visits





Turning facility to leave site

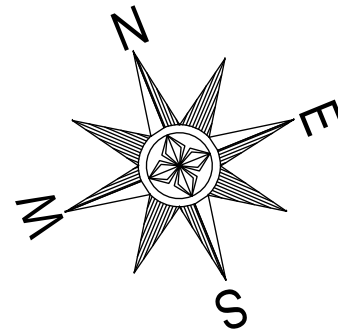


Project:
 Retention of use as storage or distribution (class B8) and small scale car repairs and serving (class B2)

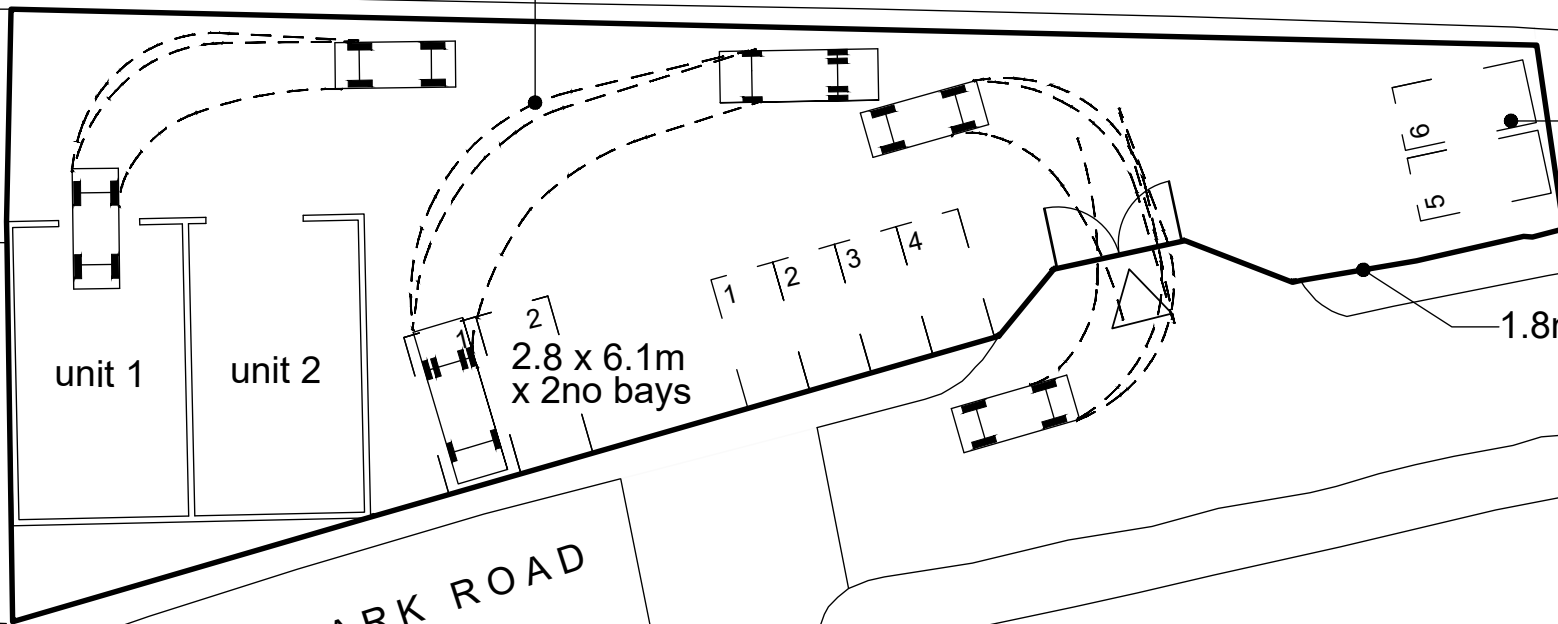
Address:
 Old Water Works Unit 12, Block 'B'
 Brunswick Park Trading Estate, Brunswick Park Rd, Wednesday, WS10 9QR

Drawing Title:
 Planning Drawing
 Site Plan - Turning Facility

scale : 1:200@A3	job No : N/A
date : August 2020	drawing No : P02
DO NOT SCALE FROM THIS DRAWING - If in doubt ASK	



New tarmac surface



2.4 x 5.0m x 6no. bays

1.8m high metal palisade fence

unit 1

unit 2

2.8 x 6.1m
x 2no bays

1 2 3 4

5 6

BRUNSWICK PARK ROAD

Project:
Retension of use as storage or distribution
(class B8) and small scale car repairs and
serving (class B2)

Address:
Old Water Works Unit 12, Block 'B'
Brunswick Park Trading Estate, Brunswick
Park Rd, Wednesday, WS10 9QR

Drawing Title:
Planning Drawing
Site Plan - General

scale : 1:200@A3	job No : N/A
date : August 2020	drawing No : P01
DO NOT SCALE FROM THIS DRAWING - If in doubt ASK	

**Site Visit Record - Unit 12, Brunswick Park Trading Estate,
Brunswick Park Road**

Visit Monday, 2nd March 2020, 12:36

Initial enquiry and complainant met by enforcement and planning officer on site to have a look at the shack. Appointment booked by him, no noise



Site Visit Wednesday, 8th April 11.28

Shack still in place, no noise, s330 hand delivered



Site Visit Wednesday, 22nd April 12:00

Enforcement officer attended - site closed – no noise from other units open



Site Visit Wednesday, 29th April 12:12

Enforcement officer attended - site closed, no noise



Site visit Monday, 11th May 2020 12.06

No noise hand delivered 7 day reminder for return of s330.



Site visit Monday, 18th May 2020 14.24

Site open, no noise, enforcement and planning officer met occupiers on site



Site visit Wednesday, 3rd June 2020 15.10

Enforcement officer visited - site closed, no noise



Site visit Tuesday, 23rd June 2020 10.15

Two enforcement officers met the occupiers on site



Site visit Thursday, 2nd July 2020 14.33.

Hand delivered stop and enforcement notice, no noise and attached to site boundary



Site visit Monday, 13th July 2020 14.52.

Two enforcement officers attended site no noise, site was being resurfaced



Site Visit Tuesday, 21st July 2020

Planning Officer and Councillors – no issues (No photo)

Site Visit Wednesday, 22nd July 2020 15:35

Planning officer attended the site - no noise



Site Visit Tuesday, 28th July 2020 11.54

Enforcement officers attended, no noise



Site Visit Tuesday 4th August 2020

Planning officer attend site, site was closed and no noise (No photo)

Site Visit Wednesday 2nd sept 2020 12.15

Enforcement Officer attended - site closed, no noise.





Planning Inspectorate

Department of the Environment

Room 1404 Tollgate House, Houlton Street, Bristol BS2 9DJ

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Date	12 APR 1991
D A Southall Esq 57 Dilloways Lane Portobello WILLENHALL West Midlands	C.A.O. Our reference T/APP/G4620/A/90/168177/P4 Date: 10 APR 91
Sir	

File No
~~TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6~~
 APPLICATION NO: DC/25512

1. I have been appointed by the Secretary of State for the Environment to determine your appeal. Your appeal is against the decision of the Sandwell Metropolitan Borough Council to refuse planning permission for the change of use to car repairs and second hand tyre sales, erection of 2 m high fencing along the eastern boundary of the site, and alterations to a building, at the former Waterworks Cottage, 65/66 Brunswick Park Road, Wednesbury, Sandwell, West Midlands. I have considered the written representations made by you and by the Council. I have also considered those representations made directly by interested persons to the Council which have been forwarded to me. I inspected the site on 11 December 1990.
2. I note that the works have been largely completed and that the premises are already being used in connection with car servicing. I have therefore considered your appeal on the basis of an application made under Section 63(2) of the Town and Country Planning Act 1990 for the retention of the building works carried out and the continued use of the premises for car repairs and tyre sales. I note that you have decided not to erect a fence on the boundary of the site and I will deal with the appeal accordingly.
3. From the representations received, and following my inspection of the site and surrounding area, I consider that the main issues in this case are the impact of the proposal on the safety and convenience of users of the public highway, and on the character and appearance of the area.
4. The site is part of the former Waterworks premises on the east side of Brunswick Park Road, and includes the former Waterworks cottages. The Waterworks site has been subdivided into several units for various uses.
5. In 1982 the units within the Waterworks site received planning permission for B1 (business) or B8 (storage) uses, together with a small area for television repairs and sales, and the buildings on the appeal site were allocated as offices. The open area of the appeal site was originally reserved for car parking, access and manoeuvring, in conjunction with the overall use of the Waterworks site, along with all other open land at the site. The only other permitted use of the open land was for refuse containers in positions to be agreed with the local authority.
6. I accept that the omission of the fence will enable several vehicles to park inside the site. However, I consider that although the area in question would

not be fenced, it is very likely that the land would, in part, be occupied by vehicles awaiting repair or collection, or awaiting attention in the tyre fitting bay, if the proposed use were to be permitted. In my opinion, the introduction of a use which attracts members of the public to the site, as you propose, would generate a demand for parking in excess of that which would ensue from use in accord with the planning permission already granted for the premises.

7. Although some vehicles may be parked on the frontage, or along the kerb in front of the premises, this is not very satisfactory, as the area which should be kept clear as a footpath, could become obstructed, and also the vehicles would generally have to back out onto the highway. Vehicles entering or leaving the premises through either of the two access points should have a clear view along the road and should not have their vision obscured by parked vehicles on the frontage or along the kerb.

8. Although your case must be considered on its own merits, all nursery units at this former waterworks rely on overall parking and refuse facilities made available in accordance with the planning permission granted in 1982. I believe that it is essential that sufficient ground should be available for parking, manoeuvring, and refuse storage, in connection with the overall nursery unit development, in compliance with the planning permission for the waterworks site. In my opinion, your proposal would result in an increased demand for parking on the highway, people would have to travel further to find space, there would be an increased possibility of illegal parking and obstruction and the safety and convenience of highway users would be seriously prejudiced.

9. Turning to the second issue, in my view the use of the open land for car repairs could present an untidy appearance, with vehicles awaiting or undergoing repair, and the paraphernalia usually associated with this type of activity. In my opinion, the appearance of the site, which stands so close to the residential area and the parkland, should be safeguarded and I believe that your proposal would be detrimental to the character and appearance of the area.

10. With reference to the building on the appeal site, you suggest that the rendering has now considerably improved the appearance of the premises. As I did not see the premises in their previous condition I cannot dispute this. However, the Council's representation relating to the structure is largely concerned with the standard of external finish, and I therefore propose to grant planning permission for the retention of the building as altered, but subject to a condition requiring further treatment of the external surfaces of the buildings.

11. In this appeal, I have seen the safeguarding of the character of the area, along with considerations of highway safety, as important issues, and I consider that, in general, your proposed use of the building would conflict with both of these objectives, although the retention of the building as altered, subject to the condition below, is acceptable.

12. I have considered all other matters raised in the representations, but have found none which outweigh the factors which have led to my decision.

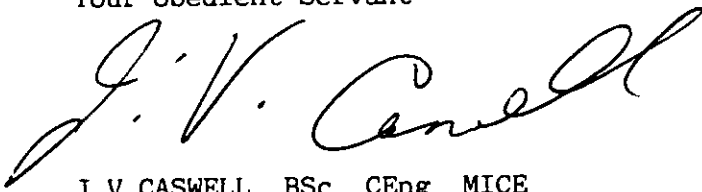
13. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your appeal insofar as it relates to the change of use to car repairs and second hand tyre sales, and erection of 2 m high fencing along the eastern boundary of the site, but I allow this appeal insofar as it relates to the building and grant planning permission for the retention of the building, as altered, at the former Waterworks Cottage, 65/66 Brunswick Park Road, Wednesbury, Sandwell, West Midlands in accordance with the terms of the application (No

DC/25512) dated 5 February 1990 and the plans submitted therewith, subject to the condition that the exterior of the building shall be treated in accordance with proposals to be submitted within three months of the date of this letter and approved by the Local Planning Authority.

14. An applicant for any consent, agreement or approval required by a condition of this permission, has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period. The developer's attention is drawn to the enclosed note relating to the requirements of the Buildings (Disabled People) Regulations 1987.

15. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

I am Sir
Your obedient Servant

A handwritten signature in cursive script, appearing to read 'J. V. Caswell', written in black ink.

J V CASWELL BSc CEng MICE
Inspector

PLANNING REFUSAL

SANDWELL METROPOLITAN BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACTS 1971-77

THE TOWN AND COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988

Name and Address of Applicant
Mr D A Southall,
57 Dilloways Lane,
Portobello,
Willenhall.

Name and Address of Agent

Site
Former Waterworks Cottage,
65 & 66 Brunswick Park Road,
Wednesbury.

Particulars of Development

Change of use to car repairs and second-hand tyre sales, erection of two metres high fencing along eastern boundary of site, and alterations to building.

Deposited on 5th February, 1990.

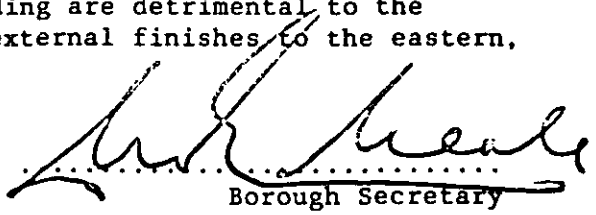
The Borough Council of Sandwell as local planning authority considered the application as described above on 5th April, 1990

PLANNING PERMISSION IS REFUSED for the above described development proposed in the application numbered as shown above and in the plans and drawings attached thereto, copies of which are attached to this notice, for the following reasons:-

1. The proposed uses would detract from the safety and convenience of users of the highway in that there is insufficient space within the application site for the parking of vehicles, and that this would lead to parking congestion in Brunswick Park Road and within the former South Staffs Waterworks Depot premises.
2. The proposed 2 metres high fence would detract from the safety and convenience of users of the highway in that it would reduce visibility for drivers entering and leaving the former South Staffs Waterworks Depot premises.
3. The alterations carried out to the building are detrimental to the appearance of the area due to the poor external finishes to the eastern, southern, and western elevations.

Date E9 APR 1990

Signature


Borough Secretary

YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF.