

Sandwell Metropolitan Borough Council

Planning Committee

4th November 2020

Index of Applications

Application No & Agenda Page Ref	Premises, Application and Applicant	Recommendation
DC/20/64469 Wednesbury North Page 11	Retention of use as Storage or Distribution (Class B8) and small scale car repairs and servicing (Class B2). Old Water Works Unit 12, Block B Brunswick Park Trading Estate Brunswick Park Road Wednesbury Mr Bhupinder Singh Bhandal	Grant Conditional Temporary Permission Appended a copy of the Enforcement Notice and Stop notice.
DC/20/64517 Langley Page 45	Proposed demolition of existing entrance, sub-division of existing retail unit (Class A1) together with external alterations, new shop frontage and cladding, mezzanine floor in Unit 1, creation of ancillary external garden centre area for Unit 2, construction of extension to form new unit for assembly and leisure use (Class D2), and construction of a standalone cafe/drive-thru restaurant, with associated landscaping and alterations to existing car park and internal vehicle circulation. Former Toys R Us Wolverhampton Road Oldbury B69 4RJ c/o agent	Grant Permission Subject to Conditions Additional condition (xiii) Details of acoustic performance of close board fence to southern boundary (adjacent the hotel) to be provided Amended plans attached which include minor changes landscaping and external finishes.

SANDWELL METROPOLITAN BOROUGH COUNCIL

**PLANNING PERMISSION
TOWN AND COUNTRY PLANNING ACT 1990**

THE TOWN AND COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988

Name and Address of Applicant	Name and Address of Agent
Mr M Khaliq 53 Lodge Road West Bromwich	Mr M Khaliq 53 Lodge Road West Bromwich

Site Unit14A
Brunswick Park Road
Wednesbury

Particulars of Development Private hire booking office.

Valid application received on 30 Nov 1999

The Borough Council of Sandwell as local planning authority considered the application as described above on 1 Feb 2000.

PLANNING PERMISSION IS GRANTED 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, subject to the following conditions:-

Conditions

1. The development must conform with the terms of and the plans accompanying the application for permission and must remain in conformity with such terms and plans, save as may be otherwise required by (any of) the following condition(s), or approved amendment(s).
2. The development must be begun not later than the expiration of 5 years from the date of this permission.

Continued overleaf

Reasons

1. To ensure that any development undertaken under this permission shall not be otherwise than in accordance with the terms of the application, on the basis of which permission is being granted, except in so far as other conditions may so require.
2. Pursuant to section 91 of the Town and Country Planning Act 1990

- 2 FEB 2000

Date

Signature

M W Hinks

Director of Environment and Development Services

N.B.

1. **THIS IS A PLANNING PERMISSION ONLY. IT IS NOT AN APPROVAL:-**
(A) **UNDER THE BUILDING REGULATIONS (WORK WHICH REQUIRES SUCH APPROVAL MUST NOT START UNTIL IT HAS BEEN OBTAINED): OR**
(B) **UNDER ANY OTHER STATUTORY PROVISION**
2. **YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF.**

3. Details of the space to be provided within the curtilage of the site for the parking of vehicles in connection with the use shall be submitted to and approved by the local planning authority within 3 months of the date of this approval.

4. The car parking area shall be laid out, graded, and surfaced to the satisfaction of the local planning authority within 6 months of the date of this approval.

5. When provided the space for the parking of vehicles shall be retained as such.

6. No more than 12 motor vehicles shall be controlled from the premises in any 8 hour period.

7. There shall be no outside storage of equipment at the application site, including the car parking area.

Reasons continued

3, 4 & 5. To ensure the provision of adequate off-street facilities in the interests of the convenience and safety of users of the highway.

6. In the interests of the amenity of the residents of Brunswick Park Road and Darby Road who may be adversely affected by increase comings and goings at the application premises particularly at unsocial hours.

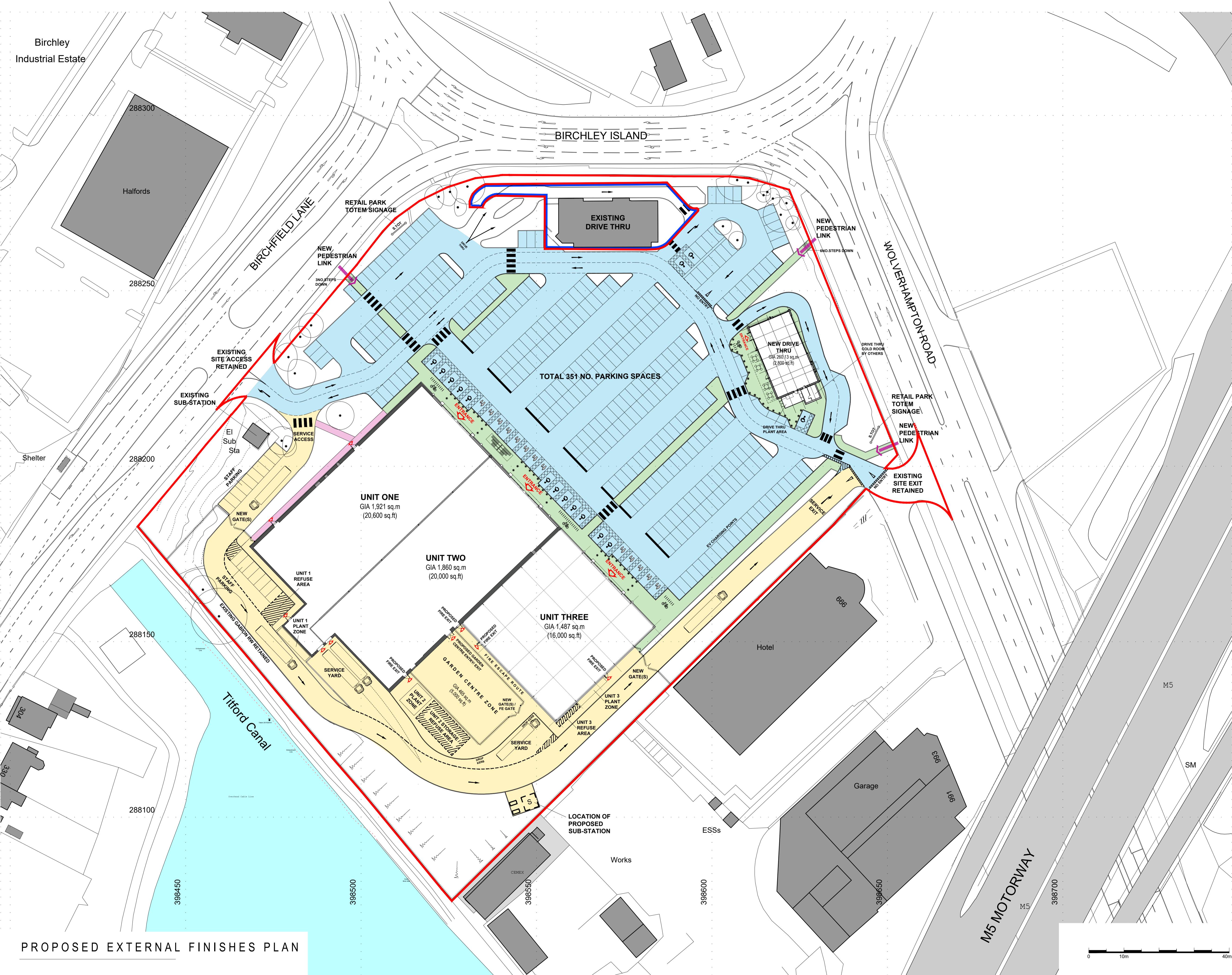
7. In the interests of the appearance of the area and to avoid any conflict with the convenience of the use of the car park.

NOTES

Unstable or Contaminated Land

Responsibility and subsequent liability for safe development and secure occupation rests with the developer and/or landowner. Although the local planning authority has used its best endeavours to determine the application on the basis of the information available to it, this does not mean that the land is free from instability or contamination.

In cases where the question of stability or contamination has been a material consideration, resolution of this issue does not necessarily imply that the requirements of any other controlling authority would be satisfied, and the **granting of planning permission does not give a warranty of support or stability or of freedom from contamination.**



PROPOSED EXTERNAL FINISHES PLAN

Drawing Notes
 Drawing based on Ordnance Survey data and full topographical line & level survey. © All Rights Reserved.
 Drawing to be used for Local Authority purposes or for planning only.

Disclaimer
 Drawing based upon topographical survey drawing OC19-3233-1A-2D.dwg prepared by CLB Surveys Ltd dated October 2019.

- Legend**
- Red Line Application Boundary
 - Existing Drive Thru. Lease Demise
 - Existing Tree Planting
Please refer to Arboricultural survey and assessment
 - New Tree Planting/Landscaping
Please refer to Landscape Architect's Soft Landscaping Design Proposals
 - Resurfacing in Tarmacadam
Existing tarmacadam car park resurfaced in new tarmacadam or Engineers details
 - Proposed Pedestrian Paving
New pre-cast concrete paving blocks
 - Existing Pedestrian Paving
To be retained and made good where required
 - Proposed Concrete Surface
To Engineers details including Concrete Kerbs where required
 - Car Parking Spaces
In White Lining
 - Road Markings/Demarcation
In White Lining

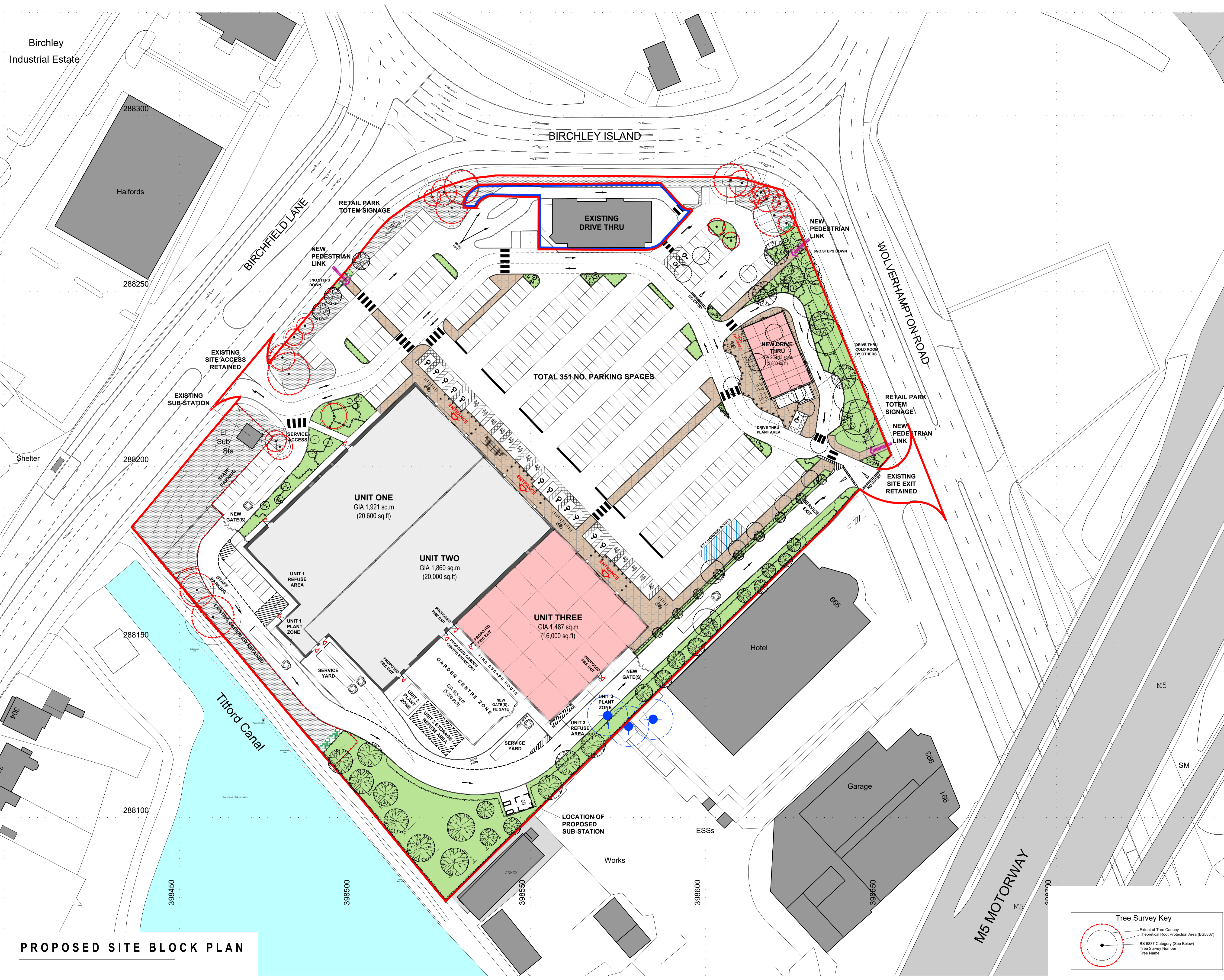
A Amended to LPA comments. TV NC 07.09.20
 Rev Description Drawn/Author Date

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client New Street LLP	
project Birchley Island Retail Park Wolverhampton Road, Oldbury	
project no 19234	drawing no PA-14
date drawn June 2020	rev A
description - K/19234 - New Street LLP/Drawings/02 Planning	

Planning Drawings Proposed External Finishes Plan		
scale 1:500 @ A1	drawn by TV	authorised by NC
All written/dimensions and floor areas are subject to verification by Contractor(s) on site. This drawing and design are © Copyright Align Architecture Ltd. No reproduction or alteration is permitted.		
purpose of issue planning <input checked="" type="checkbox"/> building regs <input type="checkbox"/> tender <input type="checkbox"/> comment <input type="checkbox"/> approval <input type="checkbox"/> construction <input type="checkbox"/>		



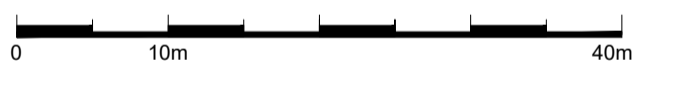


PROPOSED SITE BLOCK PLAN

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Disclaimer
 Drawing based upon topographical survey drawing OC19-3233-1A-2D dwg prepared by CLB Surveys Ltd dated October 2019.

- Legend**
- Red Line Application Boundary
 - Existing Drive Thru. Lease Demise
 - Existing Tree Planting
Please refer to Arboricultural survey and assessment
 - Existing Buildings
 - Existing Landscaping
 - Existing Landscaping to be Removed
Please refer to Arboricultural survey and assessment
 - New Tree Planting/Landscaping
Please refer to Landscape Architect's Soft Landscaping Design Proposals
 - New Pedestrian Paving
Please refer to External Finishes Plan
 - Disused Mine Shaft
Based on Historical Data and subject to Specialist Surveys/Confirmation
 - New Access / Linkage
Pedestrian access links
 - Proposed Metal Fencing & Gates
Please refer to Boundaries and Treatment Plan
 - Indicative Totem Signage Zone
To be undertaken under a separate application
 - Anti Ram-raid Bollards
Circular brushed stainless steel
 - EV Charging Points
6no. EV charging points to be installed in including supply provisions for 4no. EV charging points for future uplift.

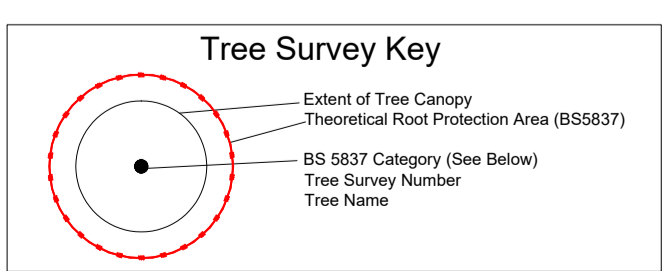


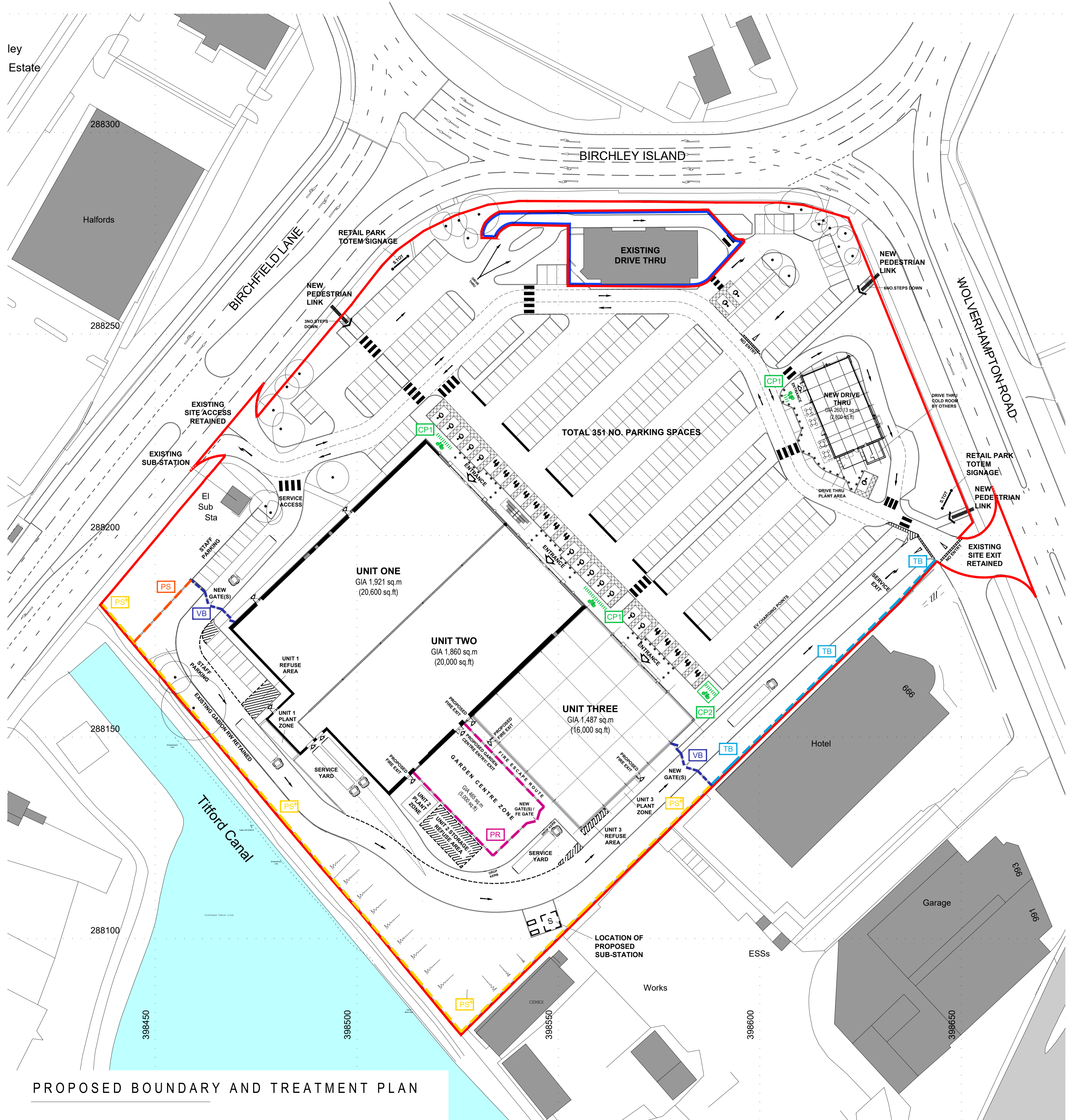
A Amended to LPA comments.		TV	NC	07.09.20
rev	description	drawn	auth	date

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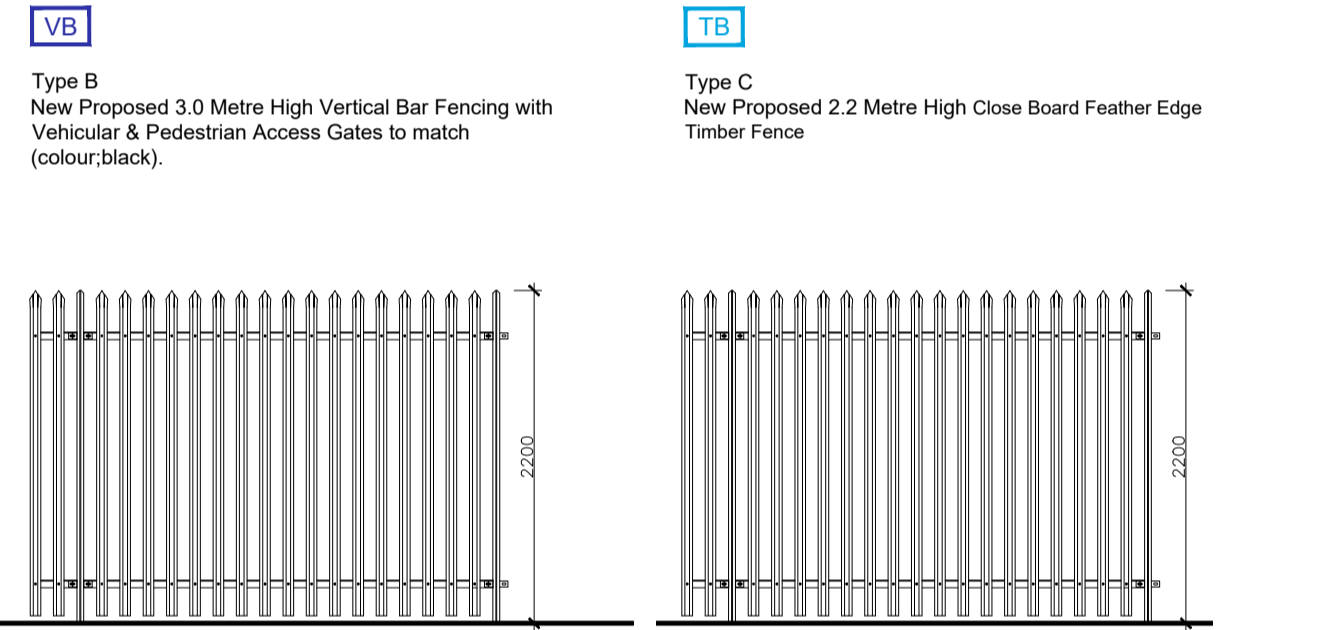
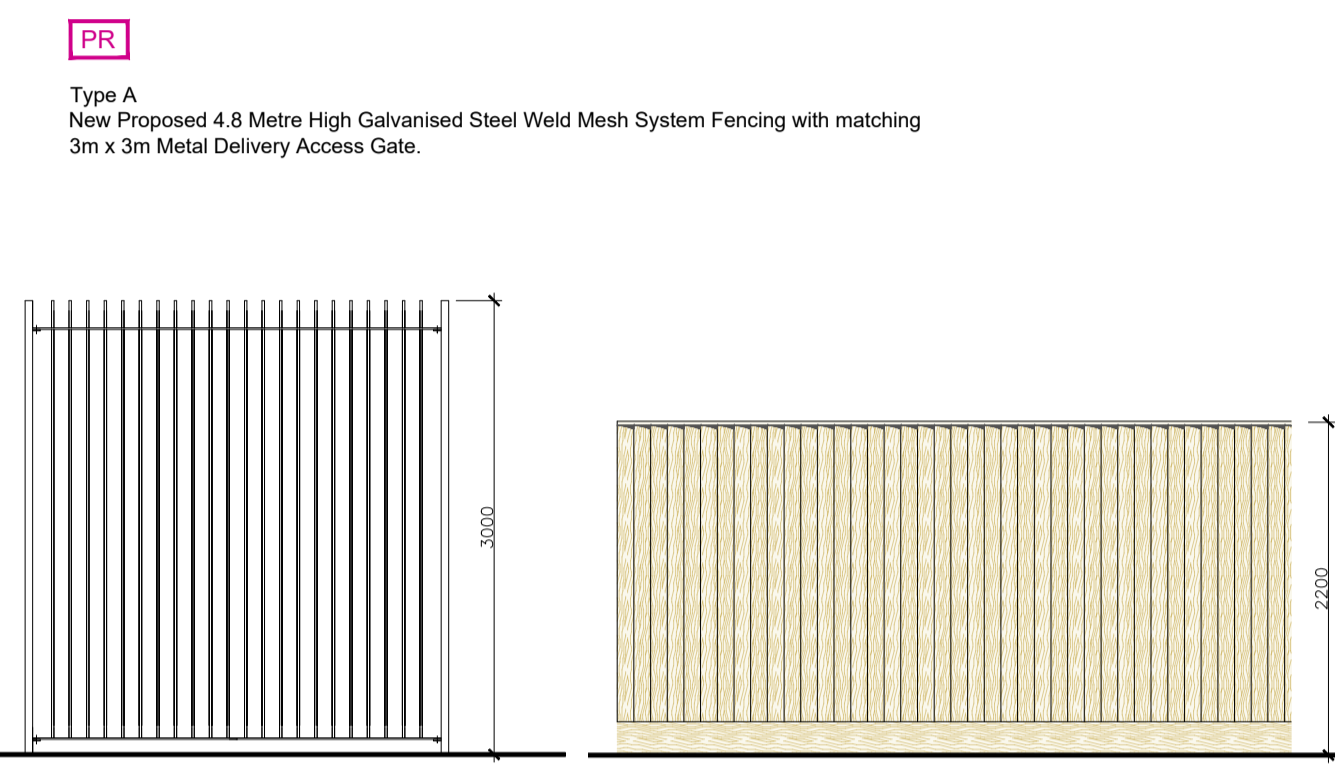
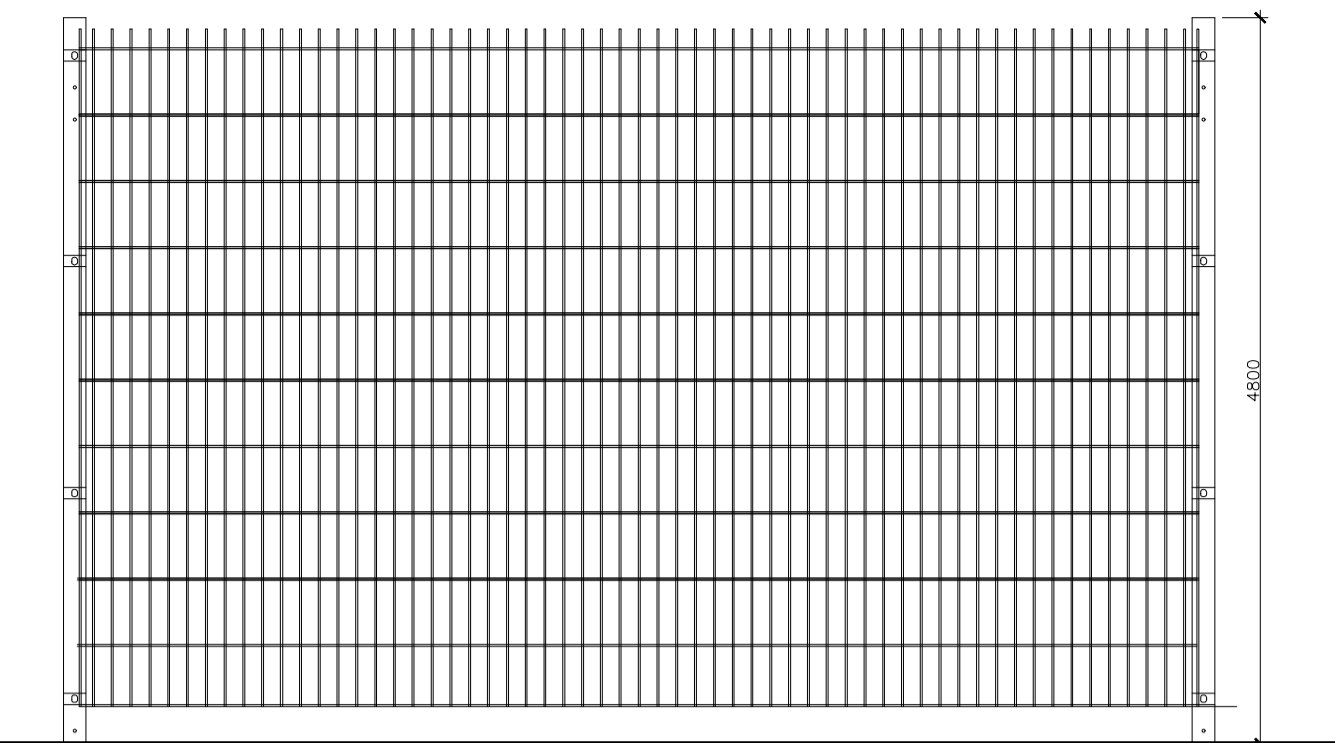
client	New Street LLP		
project	Birchley Island Retail Park Wolverhampton Road, Oldbury		
project no	19234	drawing no	PA-06
date drawn	June 2020	rev	A
description - K:\19234 - New Street LLP\Drawings\02 Planning			

Planning Drawings Proposed Site Block Plan	
scale	1:500 @ A1
drawn by	TV
authorised by	NC
All written/scaled dimensions and floor areas are subject to verification by Contractor(s) on site. This drawing and design are © Copyright Align Architecture Ltd. No reproduction or alteration is permitted. purpose of issue planning ● building regs ○ tender ○ comment ○ approval ○ construction ○	





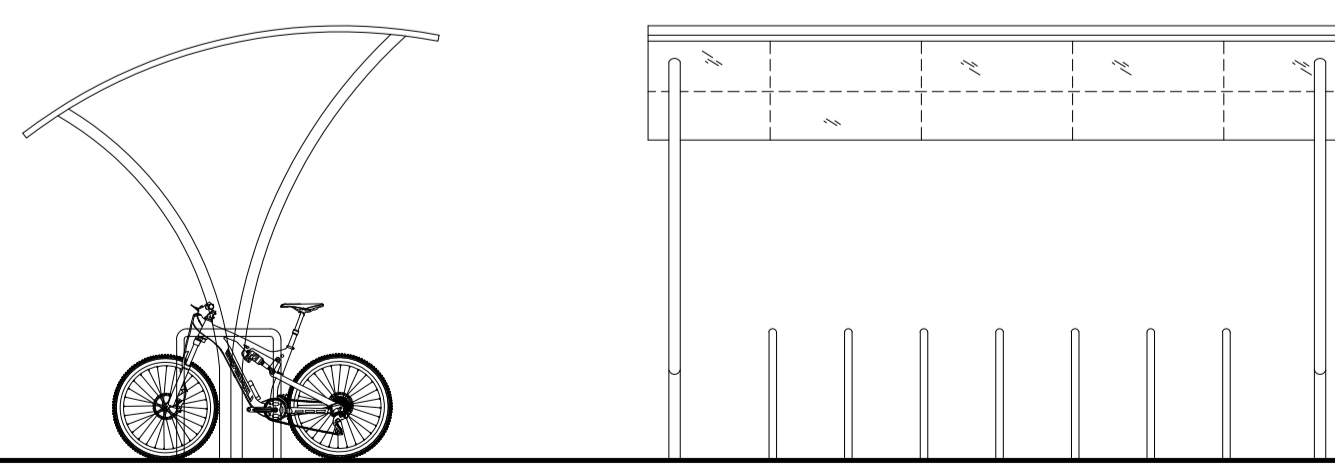
PROPOSED BOUNDARY AND TREATMENT PLAN



PROPOSED BOUNDARY TYPES 1:50

Cycle Parking - Type 1 CP1
Proprietary galvanised Sheffield cycle hoops.
Finish to be galvanised to BS EN ISO 1461:2009.

Cycle Parking - Type 2 CP2
Proprietary cycle shelter with galvanised Sheffield hoops comprising metal tubular curved end frames and a clear Perspex curved roof. Shelter to feature robust modular construction featuring tubular end frames, heavy-duty circular uprights and box section purlins and trimmers, assembled with anti-tamper high strength bolts and anti-climb end frames all to be surface mounted with baseplates. Finish to be galvanised to BS EN ISO 1461:2009.



PROPOSED CYCLE PARKING 1:50



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Disclaimer
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- Legend**
- Red Line Application Boundary
 - Existing Drive Thru. Lease Demise
 - Fence Type A - Proposed
 - Fence Type B - Proposed
 - Fence Type C - Proposed
 - Fence Type D* - Existing
 - Fence Type E - Proposed
 - Cycle Parking Type 1
 - Cycle Parking Type 2

rev	description	drawn	auth	date
A	Amended to LPA comments.	TV	NC	07.09.20

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client
New Street LLP

project
Birchley Island Retail Park
Wolverhampton Road, Oldbury

project no
19234

drawing no
PA-13

date drawn
June 2020

rev
A

description - K/19234 - New Street LLP Drawings/02 Planning

Planning Drawings
Proposed Boundary and Treatment Plan

scale
1:50/500 @ A1

drawn by
TV

authorised by
NC

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purpose of issue
planning ● building regs ○ tender ○ comment ○ approval ○ construction ○

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (TCPA 1990)

STOP NOTICE

SERVED BY: The Borough Council of Sandwell hereinafter referred to as
"the Council"

To Mr Bhupinder Singh Bhandal, Mrs Gurbax Kaur, 12 Charter Road, Tipton,
West Midlands, DY4 0HU

Mr Bhupinder Singh Bhandal, The Woodlands, 363 Bromsgrove Road,
Hunnington, B62 0JL

Mark Ratcliffe – Unit 12- Unit 12 Motors, Old Water Works, Block B,
Brunswick Park Trading Estate, Brunswick Park Road, Wednesbury WS10
9QR

Jason Beale – Beales Deals, 62 Lyndon, West Bromwich B71 4EW

Jason Beale – Unit12 - Unit 12 Motors - Old Water Works, Block B,
Brunswick Park Trading Estate, Brunswick Park Road, Wednesbury WS10
9QR

Occupiers of Unit 12 - Old Water Works, Block B,
Brunswick Park Trading Estate, Brunswick Park Road, Wednesbury WS10
9QR

1 ISSUE OF ENFORCEMENT NOTICE

- 1.1 On 2nd July 2020, the Council issued an enforcement notice (a copy of which is attached to this notice) alleging that there has been a breach of planning control at Unit 12 - Old Water Works, Block B, Brunswick Park Trading Estate, Brunswick Park Road, Wednesbury WS10 9QR

2. STOP NOTICE

- 2.1 **This notice** is issued by the Council, in exercise of their power in section 183 of the TCPA 1990, because they consider that it is expedient that the activity specified in this notice should cease before the expiry of the period allowed for compliance with the requirements of the enforcement notice on the land described in paragraph 3 below. The Council now prohibit the carrying out of the activity specified in this notice. Important additional information is given in the Annex to this notice.

3 THE LAND TO WHICH THIS NOTICE RELATES

- 3.1 Unit 12 - Old Water Works, Block B, Brunswick Park Trading Estate, Brunswick Park Road, Wednesbury WS10 9QR, shown edged red on the attached plan.

4. ACTIVITY TO WHICH THIS NOTICE RELATES

- 4.1 Without planning permission, the material change of use of the land from a Storage Yard (B1 & B8) to a mixed use of Car Repairs, Car Servicing (B2) and the Dismantling/ Scrapping of Vehicles (sui generis) ("the Unauthorised Use")
- 4.2 To cease car repairs, servicing, car spraying, and dismantling /scrapping of vehicles.

5. WHAT YOU ARE REQUIRED TO DO

- 5.1 You must cease all the activity specified in this notice.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **8th July 2020** when all the activity specified in this notice must cease.

Dated: 2nd July 2020

Signed: Tammy Stokes –
Interim Director of Regeneration and Growth

A handwritten signature in black ink, appearing to be 'T. Stokes', written over a horizontal line.

On behalf of: On behalf of the Borough Council of Sandwell
Sandwell Council House
Oldbury
West Midlands,
B69 3DE

Annex

WARNING

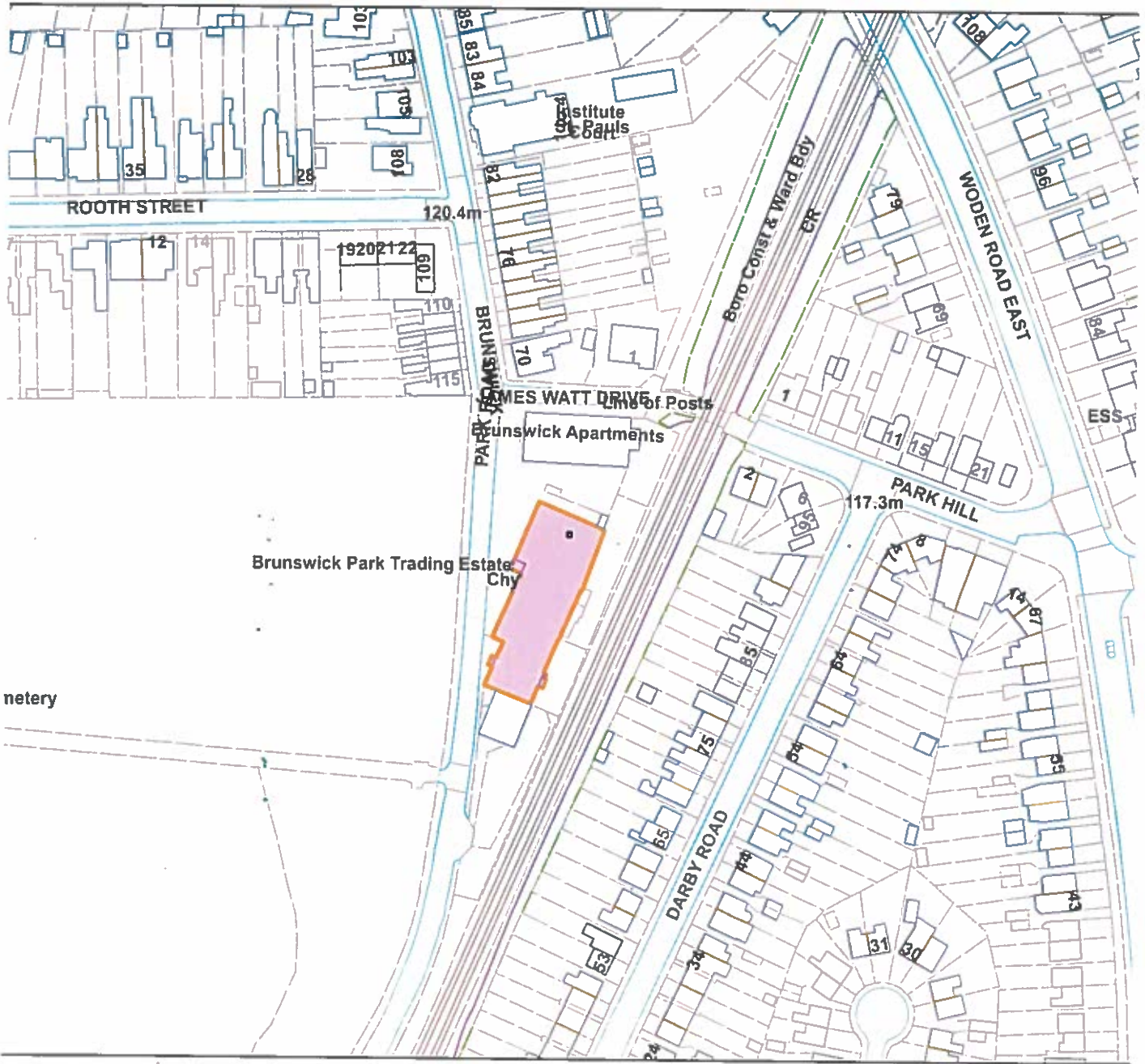
THIS NOTICE TAKES EFFECT ON THE DATE SPECIFIED IN PARAGRAPH 6.

THERE IS NO RIGHT OF APPEAL TO THE SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT AGAINST THIS NOTICE.

It is an offence to contravene a stop notice after a site notice has been displayed or the stop notice has been served on you (section 187(1) of the 1990 Act). If you then fail to comply with the stop notice you will be at risk of **immediate prosecution** for which the maximum penalty is an unlimited fine.

If you are in any doubt about what this notice requires you to do, you should get in touch **immediately** with [Council's nominated officer to deal with enquiries, address and telephone number]. If you need independent advice about this notice, you are advised to contact a lawyer, planning consultant or other professional adviser specialising in planning matters urgently.

If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review. Area designation guidance



netery

Legend

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Organisation	Not Set
Department	Not Set
Comments	Old Water Works, Wednesbury
Date	29 June 2020
OS Licence No	

THE BOROUGH COUNCIL OF SANDWELL

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended by the
Planning and Compensation Act 1991)**

ENFORCEMENT NOTICE

Unauthorised Development

ISSUED BY: The Borough Council of Sandwell ("the Council")

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the Black Country Core Strategy and to other material planning considerations. The Annex at the end of this Notice contains important additional information.

2. THE LAND AFFECTED

The site of the **Unit 12 - Old Water Works, Block B, Brunswick Park Trading Estate, Brunswick Park Road, Wednesbury WS10 9QR** shown edged black on the attached plan ("the land").

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, the material change of use of the land from a Storage Yard (B8) to a mixed use of Car Repairs, Car Servicing (B2) and the Dismantling/ Scrapping of Vehicles (sui generis) ("the Unauthorised Use")

4. REASONS FOR ISSUING THIS NOTICE

4.1 It appears to the Council that the Unauthorised Use has occurred within the last 10 years.

4.2 The Unauthorised Use has a significant adverse visual impact on the general street scene and, in particular, it has an adverse effect on the outlook of residential properties in the vicinity of the land by reason of its untidy, unkempt and inappropriate appearance, contrary to the provisions of Policy

[IL1: PROTECT]

ENV 3: Design Quality of the Black Country Core Strategy and SAD EOS9. Urban Design Principles of the Site Allocations and Delivery Development Plan Document.

- 4.3 The scrap vehicles on the land detracts from design principles of achieving and aspiring to a high-quality network of streets, buildings and spaces as defined by Policy ENV3, SAD EOS9 and EOS10.
- 4.4 The Unauthorised Use including car spraying activities on site detracts from the air quality for local residents contrary to policy ENV8 (Air Quality)
- 4.5 The Unauthorised Use contrary to policies SAD EOS 5 (Environmental Infrastructure) and SAD EOS 10 (Design Quality & Environmental Standards) which protects against materials, landscaping, pollution and noise.

5. WHAT YOU ARE REQUIRED TO DO

- 5.1. Cease the Unauthorised Use.

6 TIME FOR COMPLAINT

- 6.1 1 month after this notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

- 7.1 This notice takes effect on **12th August 2020** unless an appeal is made against it beforehand.

Dated: 2nd July 2020

Signed:



Tammy Stokes
Interim Director of Regeneration and Growth

On behalf of: Sandwell Metropolitan Borough Council
Sandwell Council House
Oldbury
West Midlands.
B69 3DE.
Reference: ENF/20/11213

[IL1: PROTECT]

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before the 12th August 2020.

Enclosed is an information sheet produced by The Planning Inspectorate which advises how you may obtain appeal forms. The Planning Inspectorate will issue enforcement appeal forms and guidance within 24 hours of receiving a request or you may wish to appeal on-line.

If you decide to appeal and request appeal forms from The Planning Inspectorate –

- (a) One copy of the appeal form is required to be sent to the Secretary of State, together with a copy of this Enforcement Notice.
- (b) The second copy of the appeal form and the Notice is required to be sent to the Council at:

Sandwell MBC
Head of Development and Regulatory Services
P.O Box 2374
Council House
Freeth Street
Oldbury
West Midlands
B69 3DE

- (c) The third copy is for your own records.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the 12th **August 2020** and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in the notice.

FAILURE TO COMPLY WITH AN ENFORCEMENT NOTICE WHICH HAS TAKEN EFFECT CAN RESULT IN PROSECUTION AND/OR REMEDIAL ACTION BY THE COUNCIL.

Grounds of Appeal

An appeal to the Secretary of State must be supported simultaneously or within 14 days from the date on which the Secretary of State sends you a notice requiring a statement in writing specifying the grounds of which you are appealing against the Enforcement Notice and the facts on which you propose to rely in support of each of these grounds.

An appeal may be brought under any of the grounds set out in section 174 (2) of the Town and Country Planning Act 1990. In summary the grounds of appeal are:

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Deemed Application

If you appeal against this enforcement notice under S174(2) (a) for the deemed application for planning permission for the development alleged to be in breach of planning control in the Enforcement Notice. then fee is payable.

The fee in the sum of **£924** is payable under Regulation 10 of the Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012

Payment of the fee should be sent to the Council along with notification of the appeal (cheques should be made payable to the Borough Council of Sandwell)

SERVICE

[IL1: PROTECT]

The following have been served with a copy of this Enforcement Notice.

Mr Bhupinder Singh Bhandal, Mrs Gurbax Kaur
12 Charter Road, Tipton, West Midlands, DY4 0HU

Mr Bhupinder Singh Bhandal, The Woodlands, 363 Bromsgrove Road, Hunnington,
B62 0JL

Mark Ratcliffe – Unit 12- Unit 12 Motors, Old Water Works, Block B, Brunswick Park
Trading Estate, Brunswick Park Road, Wednesbury WS10 9QR

Jason Beale – Beales Deals, 62 Lyndon, West Bromwich B71 4EW

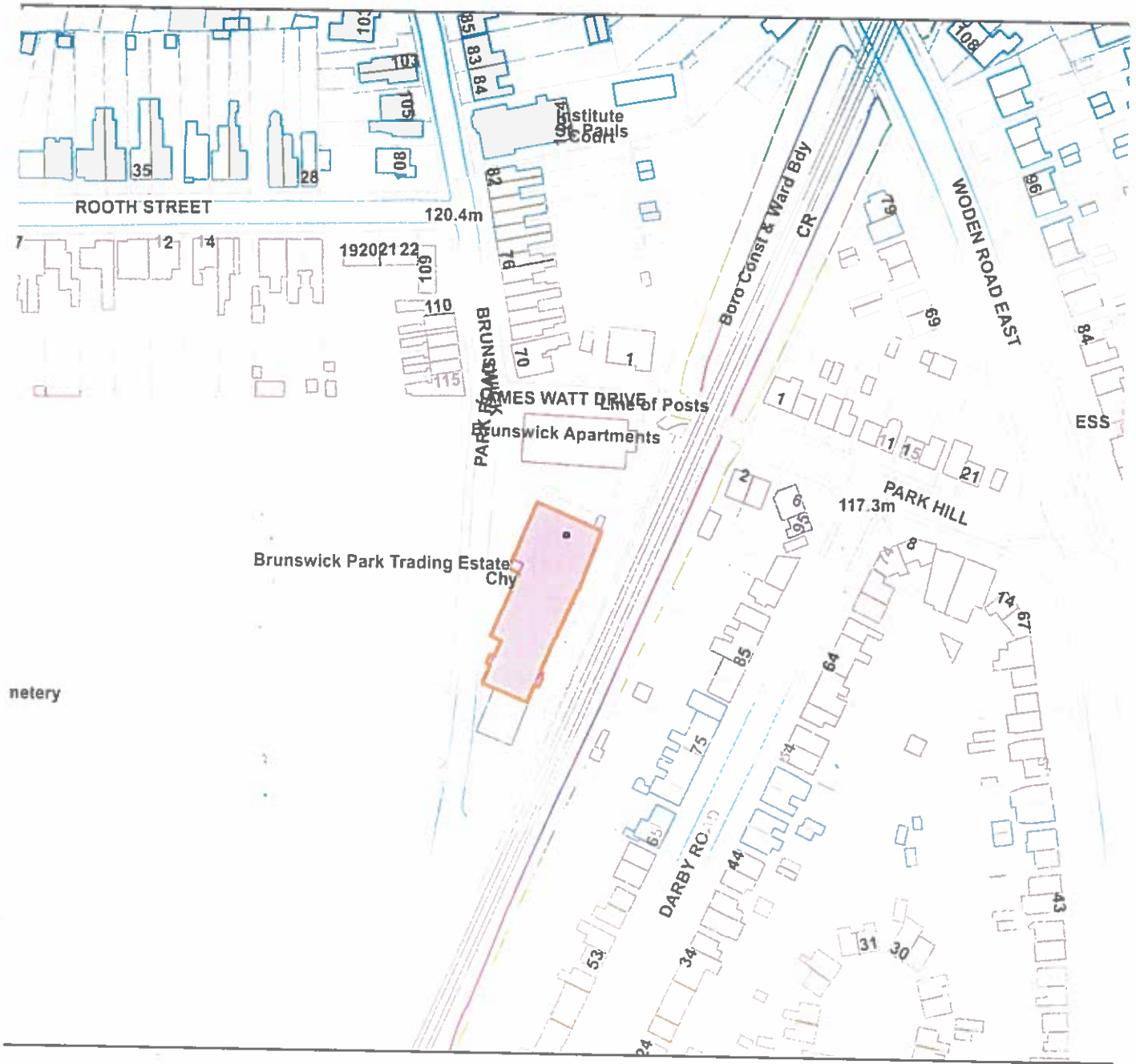
Jason Beale – Unit12 - Unit 12 Motors - Old Water Works, Block B,
Brunswick Park Trading Estate, Brunswick Park Road, Wednesbury WS10 9QR

Owner of Unit 12 - Old Water Works, Block B, Brunswick Park Trading Estate,
Brunswick Park Road, Wednesbury WS10 9QR

Occupiers of Unit 12 - Old Water Works, Block B,
Brunswick Park Trading Estate, Brunswick Park Road, Wednesbury WS10 9QR

O2 UK limited, 260 Bath Road, Slough, Berkshire SL1 4DX

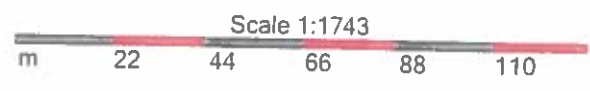
[IL1: PROTECT]



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Organisation	Not Set
Department	Not Set
Comments	Old Water Works, Wednesbury
Date	29 June 2020
OS Licence No	