


REPORT TO PLANNING COMMITTEE

9th December 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 At your last Committee, Members decided to defer the application due to additional information received from an objector, and to provide additional time for all Members of the Committee to review the information.
- 1.2 This application was originally 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.
- 1.3 To assist members with site context, a link to Google Maps is provided below:

[Aerial view](#)

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

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 (which includes office, research and development and light industry uses) and B8 permission (storage and distribution uses). 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.

4.12 Other Planning history

As stated in point 4.1 above there is significant planning history and planning enforcement associated with the application. To assist Members these are:

DC/99/36107	Private hire booking office.	Granted 02.02.2000
DC/97/33755	Change of use to private taxi hire, 7 days a week, 24 hours.	Granted 09.01.1998
DC/24929	Change of use to manufacture and storage of concrete garden products.	Refused 23.10.1989

Wider site including part of the application site.

DC/07/48943	Proposed part demolition, conversion and extension of Block A and demolition of Block B to provide a residential care home.	Granted 26.03.2008
DC/06/47010	Proposed demolition of Block A & Block B and erection of a residential home with a manager's dwelling (outline application).	Granted outline permission 13.12.2006

4.13 With regards to the private hire booking office (ref: DC/99/36107) this related to the end unit only for the purposes of taxi business which could operate 24/7, so effectively operated as a taxi base. This use is a '*sui-generis use*' meaning it is defined as '*a use of its own kind*' and does not fall within any use class and hence always requires planning permission.

4.14 Condition 6 of DC/99/36107 states that:

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

Reason:

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.

- 4.15 Whilst this application may not be relevant to the application before you, Members will note that the Council has in the past approved 24/7 taxi base on this land.

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.

7.4 Emails to Committee Members

Members will have received a pack of information that was sent to some Members prior to last Committee's meeting (for reference these 75 pages are tabled). A lot of the information is historic and does not relate to this application and there is no additional information or comments that are not included in paragraph 7.2 above. At the time of writing, no committee Members had raised any issues with the case officer, however the applicant has had sight of the emails and comments that the emails are irrelevant and are from years ago, and that this application is for the unit in question and not the wider Brunswick Park Industrial Estate.

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. A copy of the enforcement notice is attached to this report.

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.

8.4 Planning Enforcement History

ENF/20/11178	Unauthorised change of use	Case closed 12.05.2020
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ENF/20/11213	Unauthorised use and structure	Enforcement Notice and Stop Noticed Issued 02.07.2020
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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 resident's 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. This is similar to the approved Taxi use (point 4.13).

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:

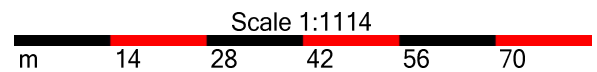
Location Plan
Context Plan
Site Layout Plan
Site Plan

Site visits photographs
Planning Inspectorate Appeal Decision
Redacted emails to Committee Members
Stop and Enforcement Notice

DC/20/64469
Old Water Works, Unit 12, Block B

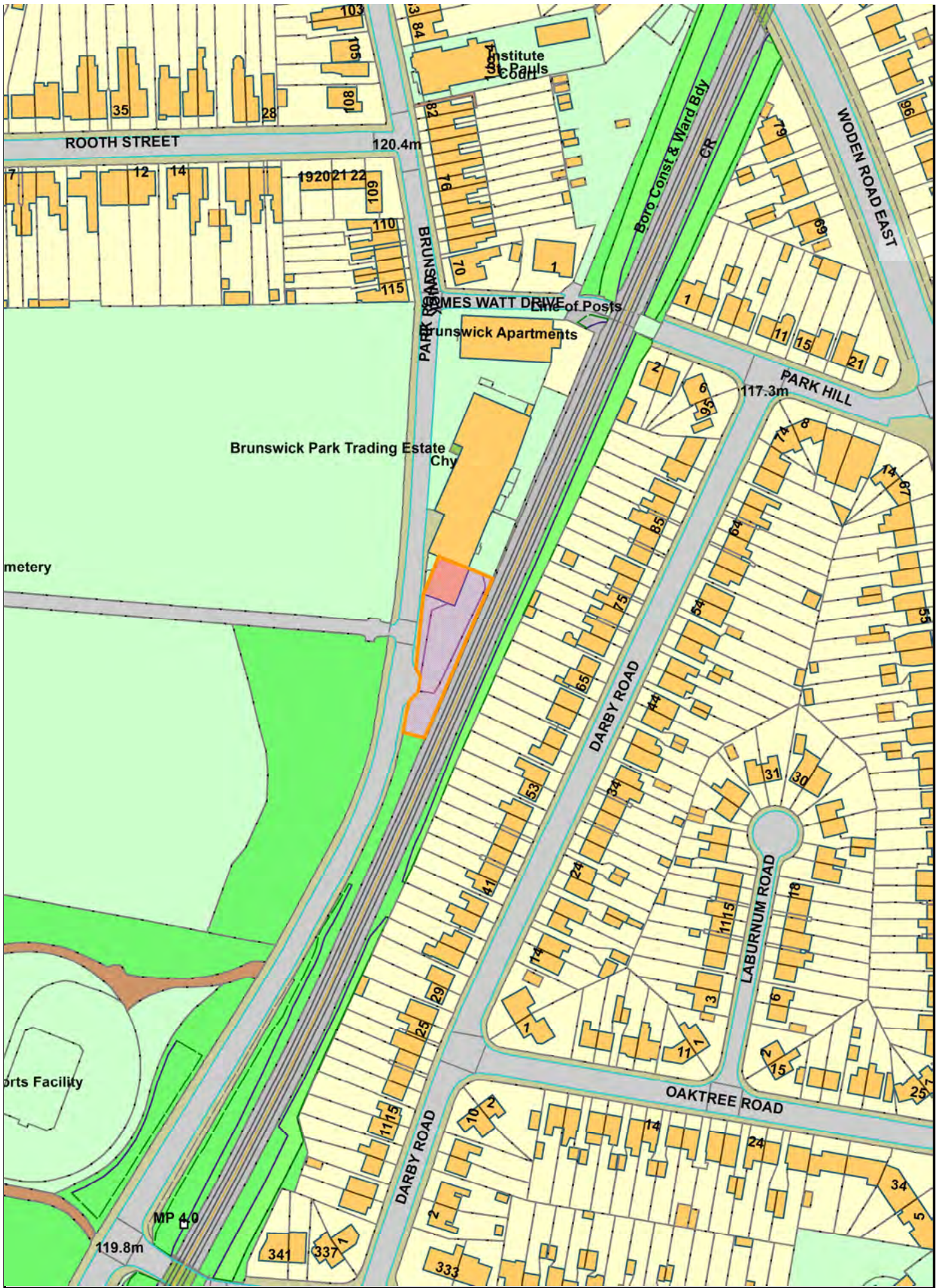


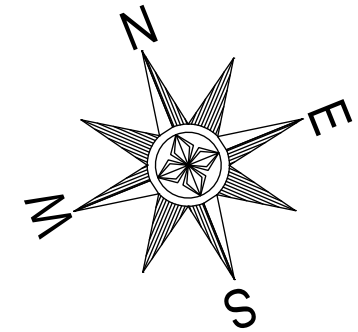
Legend



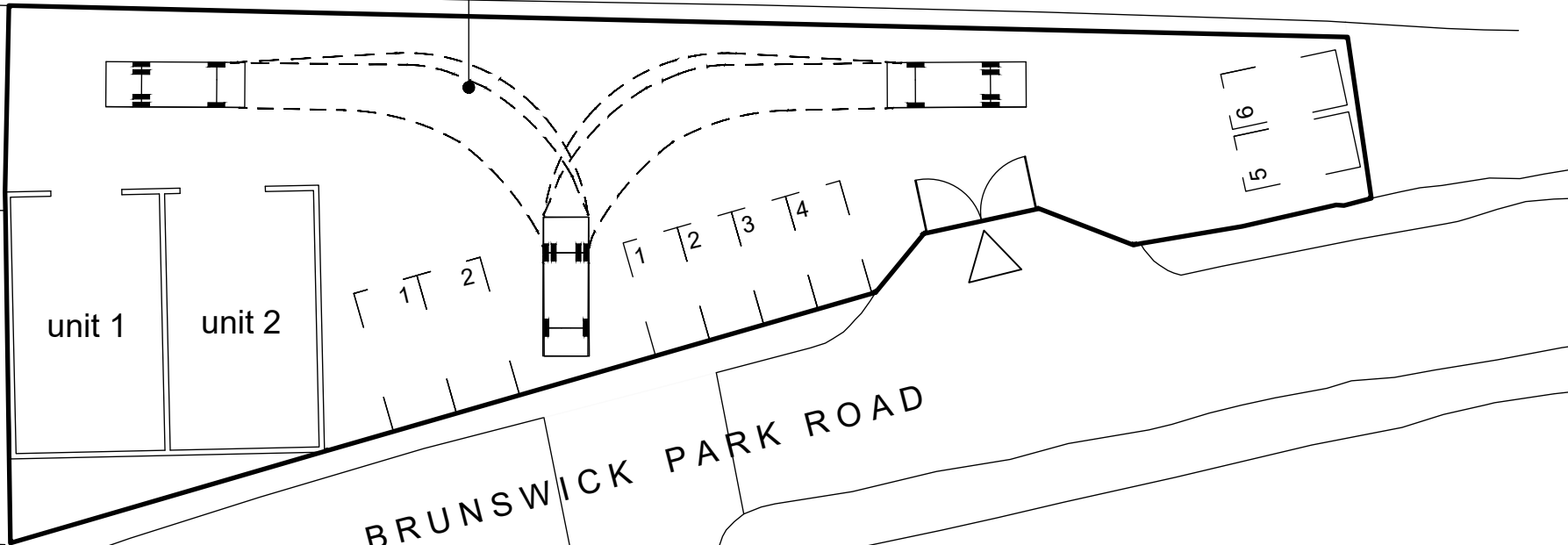
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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	23 October 2020
OS Licence No	





Turning facility to leave site



unit 1

unit 2

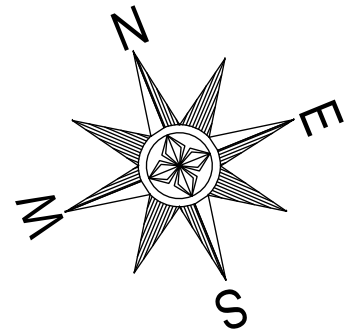
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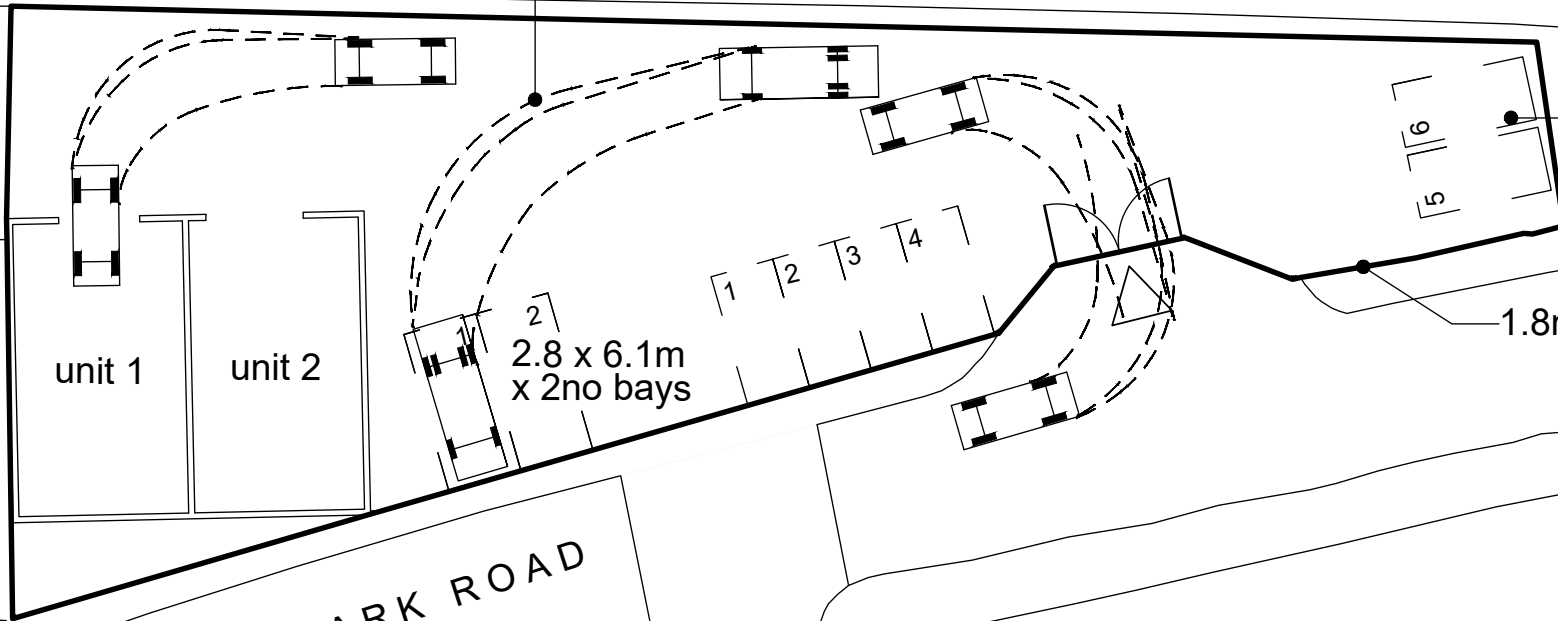
5 6

BRUNSWICK PARK ROAD

<p>Project: Retention of use as storage or distribution (class B8) and small scale car repairs and serving (class B2)</p>	<p>Address: Old Water Works Unit 12, Block 'B' Brunswick Park Trading Estate, Brunswick Park Rd, Wednesday, WS10 9QR</p>		<p>Drawing Title: Planning Drawing Site Plan - Turning Facility</p>	<p>scale : 1:200@A3</p>	<p>job No : N/A</p>
				<p>date : August 2020</p>	<p>drawing No : P02</p>
<p>DO NOT SCALE FROM THIS DRAWING - If in doubt ASK</p>					



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 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

Telephone 0272-288111 Fax 0272-288111

Department of Technical & Development Services

Switchboard 0272-28811
GTN 1374

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.

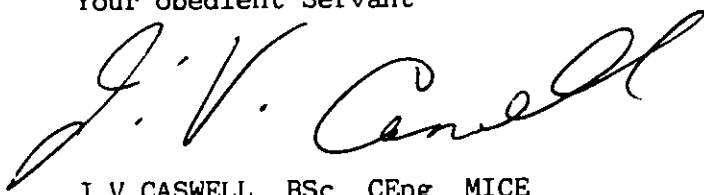
13. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your appeal insofar as it relates to the change of use to car repairs and second hand tyre sales, and erection of 2 m high fencing along the eastern boundary of the site, but I allow this appeal insofar as it 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 dark 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.

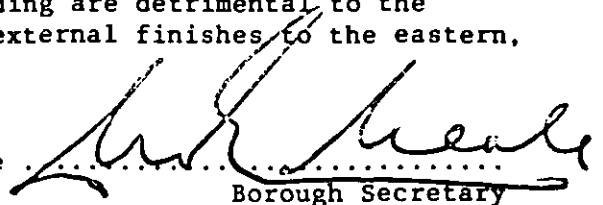
The Borough Council of Sandwell as local planning authority considered the application as described above on 5th April, 1990

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 29 APR 1990

Signature


Borough Secretary

YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF.

[REDACTED]

Subject: FW: Planning Application at Old Water Works, Unit 12, Block B Brunswick Trading Estate, Brunswick Park Road, Wednesbury Application Reference no: DC/20/64469
Attachments: Car being re-sprayed.jpg; Site with shack on it closed and new roof 22 April 20.jpg

From: [REDACTED]
Sent: 31 October 2020 14:13
To: [REDACTED]

[REDACTED]

Subject: Re: Planning Application at Old Water Works, Unit 12, Block B Brunswick Trading Estate, Brunswick Park Road, Wednesbury Application Reference no: DC/20/64469

Dear Member of the Planning Committee

**Re: Planning Application at Old Water Works, Unit 12, Block B Brunswick Trading Estate, Brunswick Park Road, Wednesbury
Application Reference no: DC/20/64469**

I refer to the above Planning Application and have contacted you personally to share with you information I believe is missing from the report.

I have been in contact with the Council for than three years about nuisance and other issues with the Brunswick Trading Estate. You will be ware from the report the Ombudsman is now considering a complaint and this was submitted by me.

There have been many irregularities in the way planning, and other Council Service Areas, have dealt with concerns raised with them about this site. I do not yet know what the focus of the Ombudsman's investigation will be but would assume the email below will be one issue investigated.

You will see from this email William Stevens gave outline planning permission for a shack used to re-spray vehicles. I have attached a photo of the shack with a car partly inside being re-sprayed. The second photo shows the shack collapsed after a structural engineer visited the site. You will see in the second photo another structure being built at the rear of the site. This was taken down after complaints from residents.

I have more information that I will send you in due course and in closing can I apologise for interrupting your weekend.

Regards

[REDACTED]

From: William Stevens [REDACTED]

Sent: 02 March 2020 12:41

To: [REDACTED]

Cc: John Baker [REDACTED] Manjit1 Mustota [REDACTED]

Subject: Former waterworks

Good afternoon [REDACTED]

I refer to our onsite meeting today.

Having meet it was agreed that the concerns raised relate to:

- i) Cutting of wood on the yard closest to your property
- ii) That in this yard, diesel smoke was being produced
- iii) Business rates are not being paid on the sites
- iv) Pests, rats, are in your garden shed
- v) The "shed" on the yard needs planning permission

I make the following points:

- i) The cutting of wood is part of the construction of the "shed" (see point v below). There is no wood business being run from the premises
- ii) The occupiers of the yard had a faulty car which produced this smoke. The occupants tell me that the fire brigade were aware of this as they were called out.
- iii) Your complaint will be passed on
- iv) The Council's Environmental Health team may be able to help in this situation. However, if neighbours are leaving food out for the birds (as discussed) it is likely to cause vermin.
- v) The "shed" does need planning permission. The occupiers of the site intend to "clad" the outside with wood.

The occupiers of the yard state they are not running a business from the site. They are using this site for building/repairing hot rods/drag racers as part of their hobby. Photos were taken so comparisons in the future can be taken.

Whilst the shed does need planning permission, once clad it is likely to be granted approval. Therefore, it is not in the public interest to take action to regularise the development. **The occupiers of the site are aware of this,** and have been reminded to contact the planning department should their plans in the future change. As it stands, the Council's Planning Department is closing the case. However, other departments are to be notified regarding the above concerns.

Thank you for your time today,

Regards,

William Stevens
Principal Planning Officer

Development Planning



Sandwell Council...working for you

T: [REDACTED]
E: [REDACTED]

Sandwell Council
Regeneration and Growth - Neighbourhoods
Sandwell Council House
Freeth Street
Oldbury
West Midlands
B69 3DE
W: www.sandwell.gov.uk

For visitors to Council House the satnav post code is B69 3DB

Please consider this email IL1 unless otherwise marked.

IL0 - Level 0 – Unclassified IL1- **Level 1** – Protect IL2 - **Level 2** – Protect IL3 - **Level 3** – Restricted





Subject: FW: Old Water Works site, Brunswick Park Road, Wednesbury
Attachments: Appendix 12.jpg; Cars mulyply.jpg

From: [REDACTED]
Sent: 31 October 2020 14:42

Subject: Fw: Old Water Works site, Brunswick Park Road, Wednesbury

Dear Member of the Planning Committee

Re: Planning Application at Old Water Works, Unit 12, Block B Brunswick Trading Estate, Brunswick Park Road, Wednesbury
Application Reference no: DC/20/64469

One of the many frustrations residents have is that no evidence we provide of Businesses being run from this site is acceptable. The email below from Manjit Mostota and was sent on the 22 May 2020. You will recall Lockdown started on the 23rd March 2020 and the email I sent you from William Stevens alleged those on site where "hobbyists" building racing cars.

The email advised no businesses were allegedly on site yet several are described. Scarping cars needs both Planning Permission and a Licence from the Local Authority. There was no evidence of spraying cars yet they do paint panels? There was no evidence to suggest work carried out is not to their own cars yet none has ever been sought by the Council from the DVLA or those on site.

The racing cars built on site are very loud and complaints have been made on social media about these vehicles by residents living miles away. The cars are road tested in the cemetery and along Brunswick Park Road past the entrance to a busy park 300 yards away from the site.

In addition to the evidence residents have sent Planning one of those working on site has a Facebook page that he uses to document the work he does on site. This [link](#) will take you to the site and I have attached some of the images that clearly evidence business activity. One of the many forms of nuisance we suffer is car alarms going off and you can see from the attached photo a recovery truck adverting "No Keys no problem".

The cemetery opposite is used to take photos to advertise the cars "constructed" on site and these are often parked on graves, some of which are of Servicemen killed in the First World War. The second photo shows some of these cars and while the head stones may no longer be there the graves are.

Regards

[REDACTED]

From: Manjit1 Mustota [REDACTED]

Sent: 22 May 2020 15:29

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: Old Water Works site, Brunswick Park Road, Wednesbury

Dear [REDACTED]

Further to your email below, update on this case so far -

I visited the site on Monday 18th May 2020 at 2.00pm and have spoken to the guys on site to try and resolve this case quicker. I know we are in lockdown and should not be visiting, but thought this may resolve a lot of issues.

I can confirm the following from my investigations so far

- Again on my visit there was no noise, car spraying, shouting or cars been revved up, but there was a chap working on a car.
- The "shack" has been taken down
- The lean to type of structure that was at the back of the site has also been taken down
- We have not received s330 and I will be emailing our legal team for our next step
- I can confirm that there was no evidence of anyone living on site
- Work that is carried out takes place inside the small unit on site
- There is no evidence to suggest that work carried out is not to their own cars
- I saw no evidence of car spraying, they do however paint car panels once they have been repaired
- They have confirmed that they have/do revved up engines, they have to do this to ensure the engine is working, they are not the only garage that do this on the site, so it may be others which we are investigating
- There is no evidence of business operations of selling cars, if you know different please can you forward me the evidence in order to make the case stronger
- They have put some covers on the fence so that the public cannot see into the site from the main road
- They have put up a wooden fence on their side that faces the house to minimise any noise.
- The site is in the process of being tidied up, there are a few vehicles that are going to be scraped now that scrap place is open.
- There were no car parts, engines, tools on the site, they are inside the unit
- The cars they have on site are used for parts and then shell etc is scraped – it works out cheaper than buying new parts (can't confirm not a car person)
- The Peugeot or green van does not belong to them, I cannot confirm this, this is what I've been told, if they did own them they would be in the storage yard, also if cars are parked on the street this does not confirm that anyone is living on the site.

The guys on site have also stated that there has been an altercation with you and them, and state that you have been taking photos of the site when they have not been there, and recorded this on their security cameras. It is also

understood (I haven't checked as it is not my place) that photos have been placed on Facebook, with this in mind I would suggest that if the above is true, not to put yourself in harm's way.

I hope this confirms all the hard work, time and effort that has been put in to this case and, is still ongoing. I have a number of avenues that I'm still investigating and I will update you according, when I have further information to add to the case.

I have attached for a flow chart that show the process of planning enforcement hopefully this will give to timescales and enforcement procedure.

If you could continue to send in log sheets.

Thank you and keep safe,

Manjit

From: [REDACTED]
Sent: 12 May 2020 11:28
To: Manjit1 Mustota [REDACTED]
Cc: [REDACTED]

Subject: Re: Old Water Works site, Brunswick Park Road, Wednesbury

Dear Mr Mustota

Unfortunately the gate being closed does not mean the site is not being used. The site is still a nuisance although it is less busy than it was.

The first photo was taken last Thursday and shows one of the morons using the site revving one of the racing cars. If you look closely at the blue BMW parked next to it you will see what appears to be a blue car lot badge in the middle of the windscreen. There was a car delivered to the site last Wednesday at 7.15pm by DK recoveries. This site is clearly being used as a business and I suspect at least one person is living on the site.

The second photo was taken on Saturday 9 May and shows the green Peugeot parked on the pavement close to the green van. It looks like he is trying to hide the car behind the van so it cannot be seen if you approach the site from the park. The van has neither an Mot or Tax, the police are aware of this but are clearly too busy doing nothing to get it impounded. The third photo was taken on Sunday 10 May and shows the same car parked in exactly the same place indicating whoever owns it stayed on site. The owner of the green Peugeot was the only one

present when the racing car was being revved and has been on the site on all but one of the occasions I have been past.

Your earlier email regarding planning permission for site confirms my belief that none of the activities on the site have planning permission. The permission for taxi usage was only permitted for two years and expired many years ago. I am confident the site owner does not have a formal rental agreement with the alleged "hobbyists" and cannot prove they are not working for him. Given his other similar businesses in the area I would suggest the most effective form of action would be against the site owner.

When permission for assisted living accommodation was first refused in 2008 one of the reasons was the Authorities view the whole site should be developed into residential accommodation. I believe only one of the current businesses would benefit from the 10 year immunity so now would be an ideal time to use enforcement action to get the businesses closed down and encourage the owner to develop the site because he will not be able to get business rental.

I will let you have up to date records of nuisance shortly.

Regards

[Redacted]

From: Manjit1 Mustota [Redacted]

Sent: 11 May 2020 16:24

To: [Redacted]

Cc: [Redacted]

Subject: RE: Old Water Works site, Brunswick Park Road, Wednesbury

Good Afternoon [Redacted]

Quick update on the case so far -

We have still not received s330 that was sent out to the owner, and I have this afternoon sent out a 7 day reminder letter as per procedure. One went in the post and I hand delivered one to the site.

If we do not received the s330, I will speak to our legal team about legal action they can take, obviously this will depend on their workload and any potential court dates available for prosecution.

I can confirm that the site was closed, more of the structure has now collapsed. There was again no noise, car repairs, car spraying, car reeving from any of the businesses. I was unable to speak to anyone one site.

There seems to be less cars on the site, as there are gaps where cars used to be, I've looked at the evidence that I been gathering to compare and this is the case.

I will email you in due course with further updates.

Thank you
Manjit

From: [REDACTED]

Sent: 01 May 2020 14:03

To: [REDACTED] Manjit1 Mustota [REDACTED]

Subject: Re: Old Water Works site, Brunswick Park Road, Wednesbury

Hi [REDACTED]

The police have closed the case so have effectively given those on the site permission to carry on as normal.

I agree the site is still a nuisance and very noisy. The only difference is the noise from the gate that is now constantly being opened and closed so cars do not have to park outside. I have attached a photo taken yesterday that show the shack is still there and while it looks partly fallen over it would not take much effort to get inside to work again. The photo also shows the roof that has been added to the site is more complete. I believe some of the banging we could hear over the weekend was work on this.

I drove past Wednesday at 5pm and it was business as usual. All of the units were open with the exception of Brunswick Garage. I walked past yesterday at 2pm and most of the units were open as shown in the second photo. You can see the doors open on the window tinting unit and re-spray unit.

A great deal of what is going on at this site is illegal. Many of those using the site are invisible; they do not contribute, they pay no Tax or NI. Because of this they cannot apply for financial assistance from the Government. I did make Council Officers aware when the lockdown started of my fears they would have to continue working.

I have reported the site to Seven Trent using their online facility. They phoned me back within 30 minutes and visited the site three hours later. I have heard nothing from them yet and will let you know when I do.

Like you some of our neighbours copied into this email are still working and some are essential. I must thank you and them for putting yourselves at risk for us at this time. I believe also some of our neighbours are essential workers trying to work from home and they deserve more than ever to not have this nuisance.

Regards

From: [REDACTED]
Sent: 30 April 2020 10:08
To: Manjit1 Mustota [REDACTED]
Cc: [REDACTED]

Subject: RE: Old Water Works site, Brunswick Park Road, Wednesbury

Good morning Manjit, hope you are well?

Thank you for the recent update.

It would seem you visited on one of the rare occasions no one was on site. That may have been due to the weather. However I have found recently that the gates are now being closed after the cars have entered the premises. There was a large contingent of men there Saturday 25th and Sunday 26th April 2020. I have attached records from my neighbour and myself. Also please listen to attached recordings.

Kind regards

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Manjit1 Mustota

Date: 29/04/2020 16:12 (GMT+00:00)

[Redacted]

Subject: RE: Old Water Works site, Brunswick Park Road, Wednesbury

Dear

Further to your email, as I have explained to you officers are still investigating and will update you in due course. It is in the residents interests that this information and fact gathering is as thorough as possible to not only ensure due process is followed but also to lessen the risk of challenge.

But a quick update of progress so far is as follows

A section 330 has been served and is due 4th May 2020, where there is a further process to follow if not received in time.

The structure is no longer standing and as the site is shut I have been unable to speak the occupiers for an update.

I carried out a site visit on my way home from the office this afternoon and can confirm that the site was closed, as well as several other units. I did not see any car repairs or spraying that was taking place. The street was very quiet and the road was also clear of cars.

I will keep you update with progress as and when I have more information.

Thank you
Manjit

From:

Sent: 21 April 2020 15:06

To: Manjit1 Mustota

[Redacted]

Subject: Re: Old Water Works site, Brunswick Park Road, Wednesbury

Dear Mr Mutstota

Unfortunately the action you have taken has only moved the nuisance a short distance.

There has been less noise coming from that part of the site since Sunday and you will see from the then first photo taken yesterday the shack has been collapsed. You will also see a roof built across part of the site at the rear of the shack. The second photo was taken on the 12 April and no roof is there. The site is still noisy and this is where work still being undertaken outside. Can you please confirm if this roof needs Planning Permission or Building Regulations and if so have these been granted?

Could you also please confirm why you have not issued a Stop Notice and who is responsible for issuing Section 215 Notices? You will see from the third photo a newly painted Reliant Robin and this is hardly essential at this time. This site needs to be closed until we are satisfied it and the practices being undertaken on it are safe. Now is an ideal time to do this because it should be in Lockdown.

Apologies for not returning my Monitoring forms, I will get these to you soon and I will forward them to the Police. I have been taking registration numbers of the cars parked at this site so someone can contact the owners to find out if their visits to this area have been essential. I do find your comments regarding the cars visiting the site disingenuous. You have seen photos of pick trucks parked outside the site and why else would the cars be there at this time?

The Citizen and Consumer Protection Officer that could not respond to My FOI about her visit to site because of the pandemic as now provided my neighbour with a partial answer to my FOI. I would be grateful to know what enforcement action was taken about the shambolic state of this site following the visit.

This Officer will be aware that this paint contains chemicals, such as benzene, methylene chloride and others that have been linked to cancer. The person I witnessed doing the painting was wearing a mask but I doubt the Children playing in their back gardens backing onto this site are protected.

In response to point raised by Councillor Costigan and responded to by Kira Fleck I can confirm the date of the site visit was the 24th July 2017. Councillors met Carl Mercer who later confirmed:

“ it was obvious from Monday’s visit that there are serious issues regarding parking and highway obstruction – issues which are subject to on-going discussions with Highways”. and

“there were a number of practises being carried out on the site by the occupiers of the units, namely mechanics, that the Councillors and I thought of as potentially hazardous”.

Early this year I saw a notice on a lamppost in Brunswick Park Road Wednesbury advising of the proposed introduction of changes to waiting and loading times under The Borough Council of Sandwell (waiting and Loading Restrictions) (Traffic Regulation Order NO.18) 2019. I was advised in January the restrictions would be implemented in the near future.

I look forward to your comments.

Regards

[REDACTED]

From: Manjit1 Mustota [REDACTED]
Sent: 21 April 2020 09:56

[REDACTED]

Subject: RE: Old Water Works site, Brunswick Park Road, Wednesbury

Dear [REDACTED]

In response you your email

The details you have for the owners are correct and they have been served with s330, the s330 was also served on the occupiers of the site. As you will be aware I can't serve a notice on the other businesses the owner may or may not have an interest in as I'm not taking action on those businesses. I can't comment on your allegation - "Clearly the work being done in this shack is being done for his other businesses and by his employees although I would guess they are not on any payroll".

You have cc the police in your email, so no doubt they will get back to you with a response.

With cars parked up and down the street, we have no evidence they belong to the unit. I have however contacted out street wardens team to look into this matter.

To keep you in the loop and to confirm that we are continuing with our action and chasing up your points, I've emailed network rail, regarding the tress that have been cut down, and they are sending their local team to look into this matter as soon as I have more info I will let you know.

Things are happening in the background and as I've said, this will take time and will not happen overnight as I have a process to follow, which is what I'm doing. I will let you know when I have more information to pass on to you. In the meantime I would appreciate if you could send me log sheets as I've had none so far.

Manjit

From: [REDACTED]

Sent: 20 April 2020 16:18

To: [REDACTED]

Subject: Re: Old Water Works site, Brunswick Park Road, Wednesbury

Dear Mr Baker and other Council Officers

I hope you have had a better Easter than the residents of Darby Road.

The noise from the site on Saturday was so bad I called the Police, again, to report the site and attempt to find out why it is still open. I have no idea what they were doing to make such a load noise but the vibration was very bad the whole day. I walked past the site and the attached photo shows 7 cars and three vans parked outside. There were many more cars and vans parked inside.

A very busy garage is operating out of this shack illegally and is being allowed to do so by the Council who are failing to regulate it. I have witnessed cars being delivered to the site by three different recovery companies and the question this raises is how do all of those using this site know it is there? There at least two other garages on the site, one has remained closed and the other has been open on and off. Both of the other garages have large signage, both advertise yet neither is as busy as the shack even when they are open. The garage that has been on the site the longest reduced their open hours because of a lack of business.

I believe the answer may be in the Land Registry information your former colleague sent me on the day she retired:

Title absolute

1(18.08.2006) PROPRIETOR: BHUPINDER SINGH BHANDAL and GURBAX KAUR of 12 Charter Road, Tipton, West Midlands DY4 0HU.2(18.08.2006).

I searched for Bhupinder Singh Bhandal on Companies House website and discovered he owns Thompson Motor Bodies Limited and Wednesbury Motors Limited. Clearly the work being done in this shack is being done for his other businesses and by his employees although I would guess they are not on any payroll.

Can you please confirm if you or your colleagues were aware of this?

I would be grateful if you would consider reporting this site open to the Police. I have attempted several times and was advised recently they may be undertaking MOT's. The Police have clearly missed the Government's action to extend MOT's for six months and may not believe my claims that these are Hobbyists being encouraged by the Council to cause nuisance and poison local residents.

Regards

[REDACTED]

From: [REDACTED]

Sent: 08 April 2020 15:16

To: [REDACTED]

Subject: RE: Old Water Works site, Brunswick Park Road, Wednesbury

Mr [REDACTED]

Your comments are noted.

I can assure you that there is no intention to mislead anyone here. Previous comments were provided to you in good faith but further research has led to the conclusions I outlined to you and others in my email dated 7th April 2020. As you know, there are a number of issues to address in this instance. The legalities of the enforcement process require all owners, occupiers and anyone else with an interest in the site to be formally written to in order for the Council to understand what breaches of planning control are taking place, by whom and for how long before we decide what the appropriate courses of action need to be to seek resolution. This process is underway and as I indicated yesterday an update will be provided by my officers as soon as they are able to.

John.

[REDACTED]
Service Manager - Development Planning and Building Consultancy

Sandwell Council...working for you

T: [REDACTED]
E: [REDACTED]

Sandwell Council
Directorate of Regeneration & Economy
Sandwell Council House
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B69 3DE
W: www.sandwell.gov.uk

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From: [REDACTED]

Sent: 08 April 2020 12:41

To: [REDACTED]

Subject: Re: Old Water Works site, Brunswick Park Road, Wednesbury

Dear Mr Baker

While I welcome your honesty your response is still misleading. I have just received a reply from Environmental Health so will respond to the points made in that email.

For years I, and my neighbours, have been complaining about this site and planning have fobbed us off with assurances the site has B2 planning permission and the garages are permitted use.

The hobbyists are not hobbyists. The Council have classified them as hobbyists so the Council does not have to deal with the nuisance they are causing. They have been there every day including weekends building racing cars and fixing other vehicles. In addition to this they are dismantling cars and you do not have to write to them to establish this. They advised your colleagues they were doing this when they visited the site and the site is littered with vehicles in various states of dismantlement.

The garages will be immune because planning has been at best incompetently advising residents of the sites planning status. What will not be immune are the other uses on the site including dismantling vehicles. This industry is highly regulated to ensure dangerous substances (like hydraulic brake fluid, oil, and catalytic converters) are disposed of correctly and not poured down drains or burned.

Hobbyists building racing cars should have rung alarm bells with your colleague's particularly because of the state of the site and how poorly the work is being undertaken. Have the cars been tested before being driven on the road, are the cars taxed, insured and do they have MOT's? Where are the parts coming from and who are the racing cars being sold to.

Your comments on the unauthorised structure are equally misleading. The reason planning permission has not been sought is because your colleagues advised the "hobbyists" the structure was okay and they would only need planning permission if the shack was cladded. Your colleagues could clearly see how unsound the shack was and what it was being used for and should have taken enforcement action to make sure it was dismantled.

Equally misleading and alarming is that you have failed to mention the email you, and many other Council Officers, received from Christine Phillips on the day she retired on 14 February 2020.

For years I have been trying to establish the planning status of a building that was added to the site. Planning advised there has been no permission granted for any additional buildings or plant. I have attached a photo showing the building your colleagues could not see when they visited the site.

After numerous exchanges of email's Christine sent a plan of the site, on the day she retired, showing the building and land the shack is built on. Rather than obtain this information from HM Land Registry when I first enquired all those years ago she waited until she was due to retire? The reason she alleged she could not see an additional building is because it is not part of the site. I have attached the plan showing the building and land in question highlighted in blue. This is the land the shack is built on and I would be grateful if you could confirm what the planning status of this land is? I would also welcome your views on why it is not shown as part of the site?

I have attached again two photos showing the trees and you will see the fence is the boundary with the railway so the trees are on railway land. My reason for raising this was because the trees would have provided some protection from the nuisance from the site. I also have photos of equipment dumped on the railway.

When I first noticed the amount of trees that had been cut down I contacted planning reception to enquire if they were aware of planning applications for the area. I was advised there had been a planning application received for the land the railway was on but I could not be given any additional information. You may recall I contacted you because it was strange that an application had been received that would stop the railway being used again. You will also recall you agreed with this and advised the long term plan was to bring the railway back into use. The application subsequently disappeared and it was alleged one had not been received yet the trees evidence someone was planning to do something on this land.

I do not accept the comments made by Mr Thorpe and must express again my disappointment with how the Council have failed residents. Council Officers have done nothing to deal with the nuisance from this site and have spent a great deal of time being obstructive and proving very poor excuses.

I do not accept that the current period of restriction should get in the way of dealing with this issue. Now is an ideal time to do what you are all paid to do. No one needs to visit the site and if anyone does they can do so in isolation. The current restrictions in place should free up time to allow you to at last deal with the nuisance this site has caused for many years.

The lockdown is also an ideal opportunity to close the site down until you know for sure what is going on and ensure it is permissible and regulated.

It's bad enough being coupled up in house with family member trying to work from home when we are unable to use our gardens or open windows because of the failure of the Council.

Regards

[REDACTED]

[REDACTED]

From: John Baker <[REDACTED]>
Sent: 07 April 2020 17:19

To: [REDACTED]
Subject: Old Water Works site, Brunswick Park Road, Wednesbury

Good afternoon all,
Given the number of on-going concerns regarding the above site, I thought it prudent to set out the issues and actions to date;

Firstly, the use/ activity on the site. As a starting point to establishing whether a change of use has occurred, the planning history to the site has to be examined. This site in question has a long history of industrial usage. However, from a 1990 Planning Inspectors appeal decision letter coupled with the examination of conditions attached to a 1982 planning permission, it appears that the lawful use of the site is for B1 (Light Industrial) and B8 (Storage and Distribution) purposes. There were no conditions within either document controlling the hours of operation for example but the key thing here is the permitted use. Car repairs are usually defined in the Use Classes Order as a B2 (General Industrial) use so therefore it appears that an unauthorised change of use has occurred. (The only caveat I would add to this is that if any unauthorised use has been taking place for 10 years or more, then it is immune from enforcement action). The 'hobby' car enthusiasts as well as the owner of the site have formally been written to and a Section 330 (Requisition for Information) Notice served. This is in order for officers to understand the full picture as to exactly what activity is being carried out on the site and the timescales involved. There is also the further issue regarding the management of the site in terms of nuisance from noise and fumes. This needs to be investigated by Environmental Health colleagues and I have emailed the Manager of the relevant team this afternoon and again requested that you are all updated accordingly.

Secondly, the unauthorised structure. This structure does not benefit from planning permission and in its current state would not get consent. The occupiers had previously indicated that the building would be clad but clearly this has not happened and this is being pursued. Additionally, the stability of this structure has been questioned and I have requested that a Building Inspector visit the site as soon as is possible to investigate.

Thirdly, an allegation of people sleeping on the site. As far as I am aware this is a new issue but again the question will be asked of the site owner as this certainly would constitute a change of use and would be wholly unacceptable.

Fourthly, loss of trees. None of the trees in question had any Preservation Orders attached to them and so were not protected. I would like to establish as to whether or not the trees were within the Old Water Works site or on railway land to the rear. If it is the latter, then we will bring the matter to the attention of Network Rail.

I trust that these on-going comments are of assistance. You will all be updated as and when further information is forthcoming.

John.

John Baker
Service Manager - Development Planning and Building Consultancy

T: [REDACTED]
E: [REDACTED]

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scrap cars bought for cash
no key no problem
24/7 recovery services



Facebook post interface showing a profile picture, date (11 May), 5 likes, and a Share button.



[REDACTED]

Subject:

FW: Old Water Works site, Brunswick Park Road, Wednesbury

From: [REDACTED]

Sent: 31 October 2020 15:00

[REDACTED]

Subject: Fw: Old Water Works site, Brunswick Park Road, Wednesbury

Dear Member of the Planning Committee

Re: Planning Application at Old Water Works, Unit 12, Block B Brunswick Trading Estate, Brunswick Park Road, Wednesbury
Application Reference no: DC/20/64469

You will see from the email below from Carl Mercer Planning more than three years ago The Brunswick Trading Estate allegedly had B2 Planning permission and this allowed anything and everything to be done on site. You will also note concerns raised about the site at that time by residents, Members and Officers.

I could find no evidence to support this in any of the planning applications for the site and eventually the Council conceded the site does not have planning permission for car repairs. This is detailed in the attached email from John Baker.

There are other planning irregularities with this site and the report to the Planning Committee.

Regards

[REDACTED]

From: Carl Mercer

Sent: 28 July 2017 14:57

To: [REDACTED]

[REDACTED]

Subject: RE: Old Water Works in Brunswick Park Road [IL1: PROTECT]

This information has been marked as: **ILT: PROTECT**

Hi [REDACTED]

I conducted a site visit to the premises, accompanied by Councillors Costigan and Hughes on Monday afternoon.

After noting the current occupiers and uses on the trading estate I have re-examined the planning history, and also the historic photographic record via Google Streetview.

As discussed with Councillors Costigan and Hughes on Monday, I stand by my original opinion in that the uses contained within the blocks are established General Industrial (B2) uses. Regardless of the changes in tenants (which appears to be where the recent problems lie - as the management of some of these premises leaves much to be desired), the use classes of the units (i.e. B2) have remained the same. As stated previously, we are dealing with long established uses here, and finding formal planning consents is akin to looking for a planning permission for a corner shop established in the nineteenth century. The uses have established, and simply continue to exist, exempt from the control of planning conditions which we now seek to impose on modern decision notices.

What was obvious from Monday's visit is that there are serious issues regarding parking and highway obstruction – issues which are subject to ongoing discussions with Highways.

As stated previously, any issues with noise should be forwarded to Environmental Health, who should be able to advise on the due process for managing this issue.

In respect of the site being regulated, there were a number of practises being carried out on the site by the occupiers of the units, namely mechanics, that the Councillors and I thought of as potentially hazardous. However, unless these activities are being carried out on the public highway, which again is a matter for Highways, then there is little control that the Council can exercise. As Environmental Health has pointed out, these operations fall within the remit of the HSE, and should be followed up with them. I can only suggest that if no response is being received from the HSE, then a formal complaint is raised with them regarding their lack of concern in the matter.

As always I am available if you wish to discuss these matters further.

Regards,

Carl

From: John Baker [REDACTED]
Sent: 07 April 2020 17:19

To: [REDACTED]

Subject: Old Water Works site, Brunswick Park Road, Wednesbury

Good afternoon all,

Given the number of on-going concerns regarding the above site, I thought it prudent to set out the issues and actions to date;

Firstly, the use/ activity on the site. As a starting point to establishing whether a change of use has occurred, the planning history to the site has to be examined. This site in question has a long history of industrial usage. However, from a 1990 Planning Inspectors appeal decision letter coupled with the examination of conditions attached to a 1982 planning permission, it appears that the lawful use of the site is for B1 (Light Industrial) and B8 (Storage and Distribution) purposes. There were no conditions within either document controlling the hours of operation for example but the key thing here is the permitted use. Car repairs are usually defined in the Use Classes Order as a B2 (General Industrial) use so therefore it appears that an unauthorised change of use has occurred. (The only caveat I would add to this is that if any unauthorised use has been taking place for 10 years or more, then it is immune from enforcement action). The 'hobby' car enthusiasts as well as the owner of the site have formally been written to and a Section 330 (Requisition for Information) Notice served. This is in order for officers to understand the full picture

as to exactly what activity is being carried out on the site and the timescales involved. There is also the further issue regarding the management of the site in terms of nuisance from noise and fumes. This needs to be investigated by Environmental Health colleagues and I have emailed the Manager of the relevant team this afternoon and again requested that you are all updated accordingly.

Secondly, the unauthorised structure. This structure does not benefit from planning permission and in its current state would not get consent. The occupiers had previously indicated that the building would be clad but clearly this has not happened and this is being pursued. Additionally, the stability of this structure has been questioned and I have requested that a Building Inspector visit the site as soon as is possible to investigate.

Thirdly, an allegation of people sleeping on the site. As far as I am aware this is a new issue but again the question will be asked of the site owner as this certainly would constitute a change of use and would be wholly unacceptable.

Fourthly, loss of trees. None of the trees in question had any Preservation Orders attached to them and so were not protected. I would like to establish as to whether or not the trees were within the Old Water Works site or on railway land to the rear. If it is the latter, then we will bring the matter to the attention of Network Rail.

I trust that these on-going comments are of assistance. You will all be updated as and when further information is forthcoming.

John.

John Baker
Service Manager - Development Planning and Building Consultancy



Sandwell Council...working for you

T: [REDACTED]
E: [REDACTED]

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Subject:

FW: Unit 12 Brunswick Trading Estate, Brunswick Park Road, Wednesbury
Application Reference no: DC/20/64469

Attachments:

Appendix 3 - Plan of Site.jpg; Letter from Planning dated 2 September 2020.pdf

From:

Sent: 31 October 2020 15:37

To:

Subject: Unit 12 Brunswick Trading Estate, Brunswick Park Road, Wednesbury Application Reference no: DC/20/64469

Dear Member of the Planning Committee

**Re: Planning Application at Old Water Works, Unit 12, Block B Brunswick Trading Estate, Brunswick Park Road, Wednesbury
Application Reference no: DC/20/64469**

I refer to the above and my previous email.

The report you have been asked to consider for this application is factually incorrect and misleading.

Part 4 of the Report to the Planning Committee quotes a great deal of information from planning applications and is very misleading because there is no information about the most recent approved planning application for Unit 12 and =from the information I have been sent it is unclear if Unit 12 is part of the Brunswick Trading Estate.

The buildings on Unit 12 do not have planning permission, or at least no evidence has been provided to the contrary. The response to my queries about these buildings were "planning could not see them". On the morning she retired the planning officer dealing with this sent me the attached plan showing Unit 12 that does not appear to be part of the Trading Estate.

The area highlighted in blue is the site in question and the building Planning could not see is shown on the site. You will note the red boundary line shows Unit 12 is separate from the Brunswick Trading Estate that is the larger building above that is not highlighted.

The most recent application for Unit 12, DC/99/36107, was submitted on the 30 November 1999 and usage was for a Private Hire Booking Office. The application was approved for an initial two year period and conditions were applied to:

"ensure the convenience and safety of users of the highway, in the interest of the amenity of the residents of Brunswick Park Road and Darby Road who may be adversely affected by increase comings and goings particularly at unsociable hours, in the interest of the appearance of the area"

Not including information about then only pertinent application for Unit 12 is questionable? Perhaps it is not included in the report because it demonstrates a change in the attitude of planning to the Borough and those living in it. In 1999 they cared in 2020 they don't.

The only pertinent information in part 4 is that in relation to the refused application in 1990 for car repairs in a unit within the Brunswick Trading Estate that did not face residential properties. The reason the appeal was not up held was because the site does not benefit from B2 (vehicle repairs and maintenance) and importantly Unit 12 and the whole of the Brunswick Trading Estate does not accord with Development Plan in force in the area in which it is situated. Please see the attached letter from Planning dated 2 September 2020.

Regards



To the Owner/Occupier,
55 Darby Road
Wednesbury
WS10 0PN

My Ref: WDS/DC/20/64469
Your Ref:
Please ask for: Mr William Stevens
Email.: william_stevens@sandwell.gov.uk
Date: 2nd September 2020

Dear Sir or Madam,

Planning Application at Old Water Works Unit 12, Block B Brunswick Park Trading E
Brunswick Park Road

Application reference no: DC/20/64469

I have received a planning application from Mr Bhupinder Singh Bhandal, for Retention of use as Storage or Distribution (Class B8) and small scale car repairs and servicing (Class B2). I am writing to let you know as a neighbour.

The proposed development does not accord with the provisions of the Development Plan in force in the area in which it is situated.

Applications are available to view online, along with the ability to submit your comments by using the Council's website (www.sandwell.gov.uk).

A guide to commenting on planning applications and the decision process is available on-line. Observations must be made on-line or via email by **25th September 2020**.

Please be aware that due to the law, comments made about an application must be made available for public viewing.

Unfortunately, as we receive a very large number of emails and letters we cannot acknowledge them or enter into correspondence with you about the proposal.

At present Planning Officers are not available in the One Stop Shop. If you wish to discuss this application with the case officer you can email them direct using the email address at the head of this letter and request a call back within 48 hours.

The decision letter will be published in due course on the website.

Yours faithfully,



Tammy Stokes
Interim Director Regeneration and Growth



Delete Junk Block

the East side of Brunswick Park ... Print Save to OneDrive



[REDACTED]

Subject:

FW: Unit 12 in relation to houses

Attachments:

Site in relation to houses.jpg; Picture3.png; Shack 12 April.jpg

From: [REDACTED]

Sent: 02 November 2020 14:05

To: [REDACTED]

Subject: Unit 12 in relation to houses

Dear Member of the Planning Committee

**Re: Planning Application at Old Water Works, Unit 12, Block B Brunswick Trading Estate,
Brunswick Park Road, Wednesbury
Application Reference no: DC/20/64469**

I refer to the above and my previous emails that I hope have not inconvenienced you over the weekend.

In view of the lack of a visit to the site I believe it may be helpful to share the attached images with you.

The first is an aerial view showing the site in relation to the houses in Darby Road. The tyres are in full leaf and the distance may look larger than it is. The site is separated from the site by a disused railway and the second photo taken from my back bedroom shows how close the site is. The smoke in the photo is coming from the site.

The third photo shows Unit 12 in relation to the Brunswick Trading Estate. The second photo was taken on the 12 April 2020, during lockdown, and shows the site open for business as usual. The grey smaller building is the former Taxi Office on Unit 12 and the shack can be seen in front.

The Brunswick Trading Estate is the large building that runs from this site to the tall chimney. This was formerly a Water Works pumping station and the walls are four foot thick. Because of this and the fact the entrances face the cemetery there is little nuisance from work done inside. The building on Unit 12 is a former taxi office the entrance to which faces the cemetery and the majority of work is done outside.

Regards

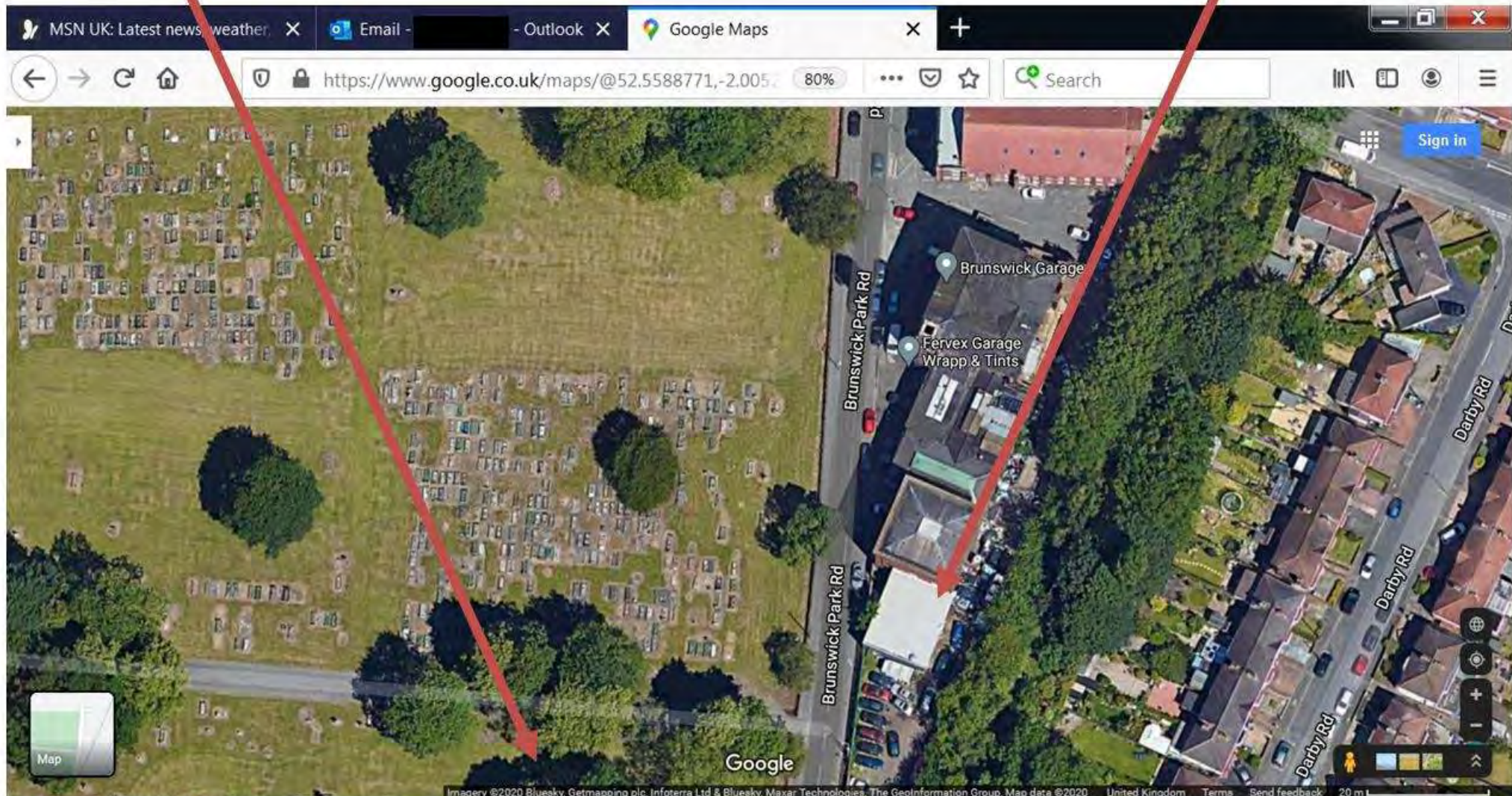
[REDACTED]





This is the area in the cemetery where cars are photographed for advertisement purposes.

This is an aerial view showing the site in relation to the houses in Darby Road. The site is no more than 20 yards from back gardens. You will note the amount of work undertaken outside



Subject: FW: Unit12, Brunswick Trading Estate
Attachments: 15 October 2020.jpg; 15 Octoberc 20.jpg; Red BMW FG62 SFE for sale on gumtree.jpg; Van Hire.jpg; Recovery truck 3.jpg; Recovery Truck 2.jpg; Recovery Truck 1.jpg; Range Rover Sold.jpg; Complaint about sold car.jpg; Car returned in deal.png; Asking for service history.jpg

From: [REDACTED]
Sent: 02 November 2020 15:03
To: [REDACTED]

Subject: Fw: Unit12, Brunswick Trading Estate

Dear Member of the Planning Committee

Re: Planning Application at Old Water Works, Unit 12, Block B Brunswick Trading Estate, Brunswick Park Road, Wednesbury
Application Reference no: DC/20/64469

I refer to the above and the exchange of email below.

The nature of work being carried out on Unit 12 appears to change. Initially they were hobbyists yet the work they described included scrapping vehicles, building racing cars, maintaining vehicles, re-spraying panels etc. The initial application was for business use but now this has been removed?

I have attached photos showing various business activities that you can see from the email below are still being undertaken. Many of these photos were taken from the Facebook page I have shared with you and planning has known about this page for a considerable time.

You can also see from the photos attached at least three recovery trucks using the site 24 hours a day 7 days and a van hire business. The last photo is a minibus on site.

I would ask you to remember that car vehicle maintenance is B2 regardless of the status of those doing it. It does not matter if they are running a business or not. This site does not currently have B2 status but was open repairing vehicles throughout lockdown.

The site is open 7 days a week 24 hours a day including bank holidays for more than 12 hours a day.

Regards

[REDACTED]

[REDACTED]

From: [REDACTED]

Sent: 21 October 2020 16:39

To: [REDACTED]

Subject: Re: Unit12, Brunswick Trading Estate

Dear Mr Mustota

I thought I would share with you some of the information I have forwarded today to my MP.

The first three photos were taken from [REDACTED] Facebook page.

The first one was posted on the 13 October 2020. You can clearly see from the seasonal change in the surrounding area the photo is undoubtedly recent and I cannot see how a Court of Law would not accept this. You can see from this photo how busy the site is.

The second photo posted on the 15 October 2020 is the red BMW on site. This is the car [REDACTED] saw them pushing across the site to paint on the area behind his house. You can see the temporary spray booth they erect behind Ken's house at the back of the site to the left of the BMW.

The third photo posted on the 15 October 2020 shows the red BMW in the cemetery and was taken to advertise the car for sale.

Both of these photos show the seasonal change evidencing they are recent photos.

The last photo is an image of the red BMW for sale (top left hand side).

Clearly the site is still open and this is can be seen by the glaring anomaly in your email below. The gates are open, people are on site yet no work is taking place? Please note, when the main gates are not open you can access the site by the single gate to the side, this is the one I can hear opening/closing all day, every day.

I would add in closing the Ombudsman has asked me to forward the recent I email I have received from Ms Bishop and Mr Baker to the investigating Officer when my complaint is allocated.

Regards

[REDACTED]

From: Manjit1 Mustota <[REDACTED]>

Sent: 12 October 2020 16:47

To: [REDACTED]

Subject: RE: Unit12, Brunswick Trading Estate

Hi [REDACTED]

Thank you for your email and photos, in answer to your points -

If the gates are closed and I can't gain entry, I cannot confirm if any work is taking place. On visits when the gate have been open I have spoken to the guys and did not see any work taking place. My visit have been unannounced and have varied in days attended and times.

As previously advised photos used on social media can be taken and uploaded at any time, if they had a date stamp we ascertain if they were recent or historical.

With regards to them being stopped by the police that's matter for him to take up with them.

We cannot simply change the locks to the property as the property does not belong to the council, for example it would be like us changing the lock to you property.

Having looked at the photos you have attached, the low loaders are not on unit 12, and cannot confirm if either belong to him. Don't forget the site has b8 use, so they can store a low loader on site.

The photos showing cars on site, again shows the site is being used for storage, and the cars belong to them. The photos also shows there are less cars on the site and the site is much tidier, which is what we are after.

The old tyres and rubbish that was complained about previously, looks like it has now been removed, which is another positive.

However none of the photos show cars being worked on, but do show the site looking much better, which is great news, so things are going in the right direction, the pressure being applied is working.

Thank you
Manjit

From: [REDACTED]

Sent: 12 October 2020 11:24

To: [REDACTED]

Subject: RE: Unit12, Brunswick Trading Estate

Good morning Manjit

Thank you for the update.

If site visits are still taking place then why are they still working? The gates are closed, but work carries on as normal. Sunday at 2.30pm they were painting a red car. I've attached a couple of photos from his Facebook page. The red car is actually on there now along with the white BMW, which obviously the police are non to happy with. The recovery trucks are at present parked on site.

You can also see the cars on site change from the 3rd September to the 5th September.
This leads me to conclude that site visits aren't taking place or are taking place at the end of the day when they have left.
Why can't you fit your own locks to the gates and display a notice that the site is closed.
I'm sure this would solve the problem for all concerned.

Kind regards

██████

Sent from my Samsung Galaxy smartphone.

Subject: FW: Unit12, Brunswick Trading Estate
Attachments: 15 October 2020.jpg; 15 Octoberc 20.jpg; Red BMW FG62 SFE for sale on gumtree.jpg; Van Hire.jpg; Recovery truck 3.jpg; Recovery Truck 2.jpg; Recovery Truck 1.jpg; Range Rover Sold.jpg; Complaint about sold car.jpg; Car returned in deal.png; Asking for service history.jpg

From: [REDACTED]
Sent: 02 November 2020 15:03
To: [REDACTED]

Subject: Fw: Unit12, Brunswick Trading Estate

Dear Member of the Planning Committee

Re: Planning Application at Old Water Works, Unit 12, Block B Brunswick Trading Estate, Brunswick Park Road, Wednesbury
Application Reference no: DC/20/64469

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Regards

[REDACTED]

[REDACTED]

From: [REDACTED]

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To: [REDACTED]

Subject: Re: Unit12, Brunswick Trading Estate

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Both of these photos show the seasonal change evidencing they are recent photos.

The last photo is an image of the red BMW for sale (top left hand side).

Clearly the site is still open and this is can be seen by the glaring anomaly in your email below. The gates are open, people are on site yet no work is taking place? Please note, when the main gates are not open you can access the site by the single gate to the side, this is the one I can hear opening/closing all day, every day.

I would add in closing the Ombudsman has asked me to forward the recent I email I have received from Ms Bishop and Mr Baker to the investigating Officer when my complaint is allocated.

Regards

[REDACTED]

From: Manjit1 Mustota <[REDACTED]>

Sent: 12 October 2020 16:47

To: [REDACTED]

Subject: RE: Unit12, Brunswick Trading Estate

Hi [REDACTED]

Thank you for your email and photos, in answer to your points -

If the gates are closed and I can't gain entry, I cannot confirm if any work is taking place. On visits when the gate have been open I have spoken to the guys and did not see any work taking place. My visit have been unannounced and have varied in days attended and times.

As previously advised photos used on social media can be taken and uploaded at any time, if they had a date stamp we ascertain if they were recent or historical.

With regards to them being stopped by the police that's matter for him to take up with them.

We cannot simply change the locks to the property as the property does not belong to the council, for example it would be like us changing the lock to you property.

Having looked at the photos you have attached, the low loaders are not on unit 12, and cannot confirm if either belong to him. Don't forget the site has b8 use, so they can store a low loader on site.

The photos showing cars on site, again shows the site is being used for storage, and the cars belong to them. The photos also shows there are less cars on the site and the site is much tidier, which is what we are after.

The old tyres and rubbish that was complained about previously, looks like it has now been removed, which is another positive.

However none of the photos show cars being worked on, but do show the site looking much better, which is great news, so things are going in the right direction, the pressure being applied is working.

Thank you
Manjit

From: [REDACTED]

Sent: 12 October 2020 11:24

To: [REDACTED]

Subject: RE: Unit12, Brunswick Trading Estate

Good morning Manjit

Thank you for the update.

If site visits are still taking place then why are they still working? The gates are closed, but work carries on as normal. Sunday at 2.30pm they were painting a red car. I've attached a couple of photos from his Facebook page. The red car is actually on there now along with the white BMW, which obviously the police are non to happy with. The recovery trucks are at present parked on site.

You can also see the cars on site change from the 3rd September to the 5th September.
This leads me to conclude that site visits aren't taking place or are taking place at the end of the day when they have left.
Why can't you fit your own locks to the gates and display a notice that the site is closed.
I'm sure this would solve the problem for all concerned.

Kind regards

██████

Sent from my Samsung Galaxy smartphone.







Posts



£750
2003 FOCUS ST 170 3 DOOR
Wednesbury

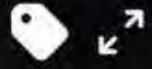
Share your listing beyond this group to reach more buyers Try It

Like Comment

1
Is the service history by Ford? How many owners it had & is it hpl clear? V5 in your name?
3 m Like Reply

For 750 lol u want me 2 gold plate the engine for u as well 🤔🤔🤔
Just now Like Reply

Write a comment... GIF 😊



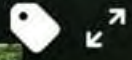
Like Share

View 5 more comments

Jesus, what's next.... Can you include a back rub and a facial....
Fuckin moron
Like · 1 y

Throw in 12 months AA breakdown cover to swing it
Like · 1 y

Does it come with warranty free breakdown cover what's your best price and do you do finance god how I miss them days NOT 🤔🤔🤔
Like · 1 y



1 June · 🌐

👍❤️ 24

17 comments

🔗 Share

Beauty and the beast 🔥

8 w

So you didn't sell the touring lol 🔥
👀👉

8 w

I had it back in a deal 🤔🤔 ...
👉 1

8 w

replied · 11 replies

Facebook navigation sidebar with icons for close, home, back, and forward.

Mobile app screenshot titled "Your Listings" showing car listings:

- What are you listing? (with camera icon)
- ACTIVE
- Your account is under review. 2007 AUDI A6 2.0 TDI AVANT SPARES OR... £595 · 1 view. MARK AS SOLD SHARE
- You: [redacted] 15:39
- Your account is under review. SUBARU WRX ALLOYS £150. MARK AS SOLD SHARE
- Your account is under review. AUDI TT CONVERTIBLE QUATTRO TURBO £1,250 · 25 views. MARK AS SOLD SHARE
- You: You left the group. 14:43

Mobile app navigation sidebar with icons for close, home, back, and forward.

Facebook post interaction area:

- Reaction icons: angry, shocked, like (10)
- 15 comments
- Like Share
- View 7 more comments
- Comment 1: [redacted] Fucking low life tramps bro . Keep smilin and selling them cars. Like · 1 y
- Comment 2: [redacted] Hope they can see this and feel ashamed of them selves. Like · 1 y
- Comment 3: [redacted] Jealousy mate. Like · 1 y
- Comment 4: [redacted] Lower than snakes piss



[Redacted] 3 June 2019 · 🌐

Tempted 2 sell the range rover now

👍 11

2 comments

👍 Like

🔄 Share

[Redacted] STILL GOT THIS MATE?

Like · 1 y

[Redacted] Gone

Like · 1 y



scrap cars bought
for cash ££££
07365299068
black country
tows



+ [Add] [Message] [Share] [More]

[Redacted Name]

21 March 2019 · 🌐

👍 3

1 share

🔗 Share



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up to £3000
Any condition considered
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Search



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[Redacted] Can I hire this to take my car to far away shows?

1 y

[Redacted] No but I do have 1 I can hire out

1 y

[Redacted] replied · 1 reply

[Redacted] E36 Hellrot? 1
See translation · 1 y

[Redacted] Looking spot on bro 1
1 y

[Redacted] Love it when a plan comes together 1
1 y

Subject: FW: Brunswick Water Works
Attachments: Revving engine again 6.20 pm 17-7-2020.m4a; 13 May 20 to 9 June.doc

From: [REDACTED]
Sent: 02 November 2020 15:44
To: [REDACTED]

Subject: Fw: Brunswick Water Works

Dear Member of the Planning Committee

Re: Planning Application at Old Water Works, Unit 12, Block B Brunswick Trading Estate, Brunswick Park Road, Wednesbury
Application Reference no: DC/20/64469

I refer to the above apologise unreservedly for the amount of emails I have had to send you.

Unfortunately there has been a great deal of sever nuisance and pollution from this site and the recording in this email is a good example. The noise of running water is a fountain by [REDACTED] back door and shows how loud the car being revved is. I would add I do not believe this is the loudest, some of the racing cars and a scrambler are complained about by residents living miles away on social media.


I have also included a monitoring form evidencing nuisance through lockdown. You will note on the 31 May 20 at 13.20 I collected my 90 year old Father-In-Law. This was the first time we could see him outside but I had to take him home after a few minutes because of the noise coming from the site on a Sunday at lunch time.

The nuisance and pollution is so bad from Unit 12 some of those using the units on the Brunswick Trading Estate have also objected.

Regards

[REDACTED]

From: [REDACTED]
Sent: 17 July 2020 19:33
To: Simon Hackett [REDACTED]
Cc: [REDACTED]



Subject: Re: Brunswick Water Works

Good evening Simon

Firstly thank you for replying.

I was rather hoping you would tell me. The noise and nuisance from these so called hobbyists is getting worse. I would have thought you would be speaking directly to Manjit and his team. Whenever they visit site there seems to be no work taking place and no cars. Very strange that. When I walk round to the units they are always working!!!!!! I think you should pay a visit there yourself, preferably at tea time.

I have attached a short recording of them not working again tonight. Please listen, it was deafening. It is absolutely disgusting that a stop notice has been served and no one has taken a blind bit of notice.

Are they warned when a visit is taking place in order to clear up everything? Something needs to be done.

I suggest you get our MP involved. He was at a meeting tonight, I believe, regarding parking and speeding cars in Brunswick park road "I wonder where the speeding cars originate from"

I look forward to your response.

Regards

SANDWELL METROPOLITAN BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT

Record of Witness in Connection with A Breach of Planning Control

Witness Full Name and Address (Print):

_____ **Redacted** _____
 _____ **Redacted** _____
 _____ **Redacted** _____

CONTEMPORANEOUS RECORD OF WITNESS

Date	Time	Explain what is happening and where it is happening	Note of any vehicle registrations involved and persons present (e.g. male)
13 May	Throughout day 11.00 14.20 14.40 – 15.20 15.40	Sawing, hammering, grinding. Sound of at least two males on site. Loud voices, shouting at each other from different parts of the site. Two males working on the shack. Banging, hammering a sawing. Sound of metal hitting metal. Loud voices Very loud car revving and racing away from the site up Brunswick park Road past the park.	Empty recovery vehicle parked outside – Reg Redacted
14 May	9.15 Throughout morning 14.34 – until at least 15.55 16.30 -	Gates opening, loud voices Mechanical noises, sanding, drilling Very loud voices, swearing, several males Engines revving, wheel gun	Seat Redacted Audi Redacted Jaguar Redacted

	19.41		gates closed –someone living on site?
21 May	9.55	Gates opening, loud voices multiple males. Horns sounding continually.	Corsa, green Peugeot and silver Audi parked outside
	10.17-10.40 at least	Car alarm going off/on	
	11.14 – through morning and until at least 13.15	Sawing, banging and sanding?	
	15.42	Many loud voices shouting across site.	
22 May	10.40	Car alarm going off	White van Redacted on site and seats on floor behind van - scrapping?
	11.37	Banging	
	15.30	Racing car racing down Brunswick park road and onto site. Horns being sounded.	
	17.25 – at least 19.50	Reversing alarm. Engine revving, horns sounding, loud voices.	

25 May	14.10	Smell/taste of paint at the top of garden.	
	19.10	Guy waiting outside site – unable to take photos	
	19.50 – 21.30	Loud engine, possibly scrambler entering and leaving site continually.	
26 May	11.35	Engines revving	
	14.00	Shouting, loud voices many males	
	14.40	Recover van can be heard reversing on site	
	15.42	Engine revving	
27 May	9.05	Racing car engine revving	
	10.29	Engine revving- shouting	
	11.20	Sounds of lorry entering site – shouting	
	16.02	Horns, revving and shouting.	

28 May	13.20 – throughout afternoon All afternoon	Banging, shouting revving.	
29 May	14.15 15.40	Very loud racing leaves site and drives round neighbouring streets. Must be heard by everyone living in Sandwell. Revvng engines	Police called, ref Redacted
30 May Saturday	All day 9.30 – throughout morning 14.10 16.10	Site very, very busy. Engine revving, horns, banging cars entering and leaving site. Brunswick Park Road blocked. Mechanical sounds, sawing and grinding	Attempted to drive past site but so many cars were parked outside the site I could not get through. A van was being parked on the road to make room on site for more cars.
31 May Sunday	9-15am – throughout day 11.15 – on and off all day 13.20	Gates opening. Cars and vans arriving and leaving What sounds like a wheel gun going on/off continually. Engines revving	First time we have been able to see father in Law since lock down

			but had to take him home because we could not use garden.
	17.40		
1 June	9.08	Gates opening	Smell was worse at top of garden and was chemically.
	9.25	Van reversing	
	9.50	Smell of burning throughout day.	
	10.56	Shouting, banging	
	14.00 – 16.40	Continual sawing	
	17.23 – most of the evening	Smell of smoke but nothing visible?	
2 June	8.30	Gates opening	Ash covering car, garden furniture and windows?
	11.15	Sawing, throughout the rest of the day.	Wood being cut
	12.00 – throughout afternoon	Paint fumes	
	20.30	Gates opening, car leaving site	
	21.15	Very loud racing car returned to the site.	

4 June	<p>9.03 – throughout day</p> <p>12.36</p> <p>14.10 – 17.35</p>	<p>Banging, Grinding, engines revving</p> <p>Vehicle again reversing on site. Lots of loud voices including children</p> <p>Continual sawing</p>	<p>White BMW Redacted Chevrolet Redacted Seat – could not get reg White Corsa Redacted</p>
5 June			
6 June Saturday	<p>9.40</p> <p>14.25</p> <p>17.33</p> <p>18.16 – at least 9.30</p>	<p>Loud voices</p> <p>Lots of cars on site. Also multiple recovery trucks on site and parked on road.</p> <p>Drove past the site and one of the guys using it was waiting opposite opened gates</p> <p>Intermittent engine revving and loud voices</p>	<p>Green Peugeot and black Vauxhall parked outside</p>

7 June Sunday	16.25	Noise of gates, car leaving site	At least 4 vans and three cars on site: BMW Redacted Van Redacted Seat Redacted Chevrolet Redacted
	20.25 to at least 21.35	Recovery vehicle on site, noise of reversing alarm, engine revving, loud voices.	
8 June	14.50	Racing car enters site	
	15.05	Loud revving	
9 June	9.10 – all morning	Very loud noise, possibly cutting more trees down	
	14.00 – on and off all afternoon and into early evening	Sawing, revving engines	
	15.35	Smoke or fumes at the top of garden. Noise so bad I visited the site.	
	15.30		Audi Redacted parked outside. Red recovery van lots of people on site

I certify that the entries on this sheet are a true record and were made by me at the time of observation of the events stated.

Signed Date

Hi Both

I may not be able to speak using Teams today because it is not compatible with the software or hardware I use. I am trying to resolve this but in case I cannot are any Officers going to be by a Council phone during the meeting?

Regards

Redacted

Subject: FW: Garages
Attachments: 20200915_140400.mp4

From: [REDACTED]

Sent: 02 November 2020 15:50

To: [REDACTED]

Subject: Fw: Garages

Dear Member of the Planning Committee

**Re: Planning Application at Old Water Works, Unit 12, Block B Brunswick Trading Estate,
Brunswick Park Road, Wednesbury
Application Reference no: DC/20/64469**

This is another example of the type of noise nuisance. Some of those trying to work from home are essential workers. Not only are we unable to use our back gardens but sometimes the noise can be heard through the house.

Regards

[REDACTED]

From: [REDACTED]
Sent: 15 September 2020 14:10
To: [REDACTED]
Subject: Garages

Hi

I dont know if you [REDACTED] or [REDACTED] can hear this but this has been going on all afternoon!
Not a great recording...
My head is banging.
So much for the notice to stop!

[REDACTED]

Subject: FW: Pollution from Unit 12 Brunswick Park Road, Wednesbury - Application
Reference no: DC/20/64469

Attachments: 24 July 20.jpg; Are used to spray cars.jpg

From: [REDACTED]
Sent: 03 November 2020 11:29
To: [REDACTED]

Subject: Pollution from Unit 12 Brunswick Park Road, Wednesbury - Application Reference no: DC/20/64469

Dear Member of the Planning Committee

**Pollution from Unit 12 Brunswick Park Road, Wednesbury
Application Reference no: DC/20/64469**

Can I again apologise for the number of emails I am sending to you.

There is a great deal of information and I am trying to be selective in what I send to inform your decision. A major concern for residents and those working in other units on the Trading Estate is the pollution being caused by the businesses operating on Unit 12. If you would like to see the extent of business activity on site and the numerous vehicles being worked on this [link](#) will again take you to the Facebook page of one of working on Unit 12.

The first attached photo is from this Facebook page and shows how busy the site is. The second photo is from the same page and shows an area at the rear of the site that is now used to spray vehicles.

You may have read in an earlier email Planning were advised I had an altercation with one of those on site. This is not correct, I have never spoken to anyone on site although one of those on site has been given my name and did try to contact me. I believe the person that had the altercation was a neighbour's partner. She has very bad asthma and he asked those on site to stop spraying cars because of the paint fumes inside her house that was making it difficult for her to breath. I understand they laughed at him and continued to paint the car they were working on.

The photo of the toilet in the application as recently been provided to the Council by the applicant. There is no evidence it is on this site and it does look very clean for considering it is used by at least three men 7 days a week for 12 hours a day?

I have included below the part of my objection regarding pollution from the site.

Regards

Effect of nuisance

Objection – practices on site are damaging the health of those living close to it

Noise

The noise from this site is appalling and makes using our back garden challenging. It is certainly not somewhere we can relax. This has been particularly stressful during lock down. When we were allowed to see relatives in our back garden I collected my 90 year old father-in-Law to spend time with him but had to take him home after a short period of time because of the noise.

At times the noise is so bad we are unable to use the rooms at the rear of our house. The racing cars on site are so loud people living miles away complain about them on social media.

To try to drown out the noise many residents, including myself, play loud music that adds to the nuisance. Sometimes this has to be done by residents so their young children cannot hear the foul language.

Gates can be heard opening and closing all day and the reversing alarms of vehicles on site and vehicle alarms going off.

Cars that are built, repaired or renovated on site can be heard speeding through local streets and past the entrance to a park that is a short distance away.

Pollution

Many of the practices carried on site are a hazard to health:

Car re-spraying

All of the guidance on this process, including hse.gov.uk website, stress how harmful this is and the need for a bespoke building with the correct filtration systems to ensure particles are not breathed in. vehicles on this site, including large vans, are painted outside.

The cancer causing volatile organic compounds, VOCs, found in spray paints include Acetone, Xylene and Toluene.

The chart below outlines exposure limits, symptoms and organs affected by these VOCs.

VOC	Exposure Limits	Symptoms	Organs Affected
Acetone	NIOSH REL: TWA 250 ppm OSHA PEL: TWA 1000 ppm	Irritation to the eyes, nose and throat; headache, dizziness, central nervous systems depression; dermatitis	Eyes, skin, respiratory systems, central nervous system
Xylene	NIOSH REL: TWA 100 ppm OSHA PEL: TWA 100 ppm	Irritation to the eyes, skin, nose and throat; dizziness, excitement, drowsiness, incoordination, staggering gait; corneal vacuolization; anorexia, nausea, vomiting, abdominal pain; dermatitis	Eyes, skin, respiratory systems, central nervous system, gastrointestinal tract, blood,

			liver and kidneys
		Irritation to the eyes, nose; weakness, exhaustion, confusion, euphoria, dizziness, headache; dilated pupils, lacrimation; anxiety, muscle fatigue, insomnia; paresthesia; dermatitis; liver, kidney damage	Eyes, skin, respiratory system, central nervous system, liver, kidneys
Toluene	NIOSH REL: TWA 100 ppm OSHA PEL: TWA 200 ppm		

Vehicle preparation prior to painting

Sanding discs produce microscopic abrasives of silica, rust, and methylene chloride, along with chromium and lead that comes from sanding coat-painted surfaces. These fine dust particles become airborne and, without proper ventilation, will linger and have been inhaled by residents.

The following has been taken from the WWW.OHSAS.gov.uk website: "Crystalline silica has been classified as a human lung carcinogen. Additionally, breathing crystalline silica dust can cause silicosis, which in severe cases can be disabling, or even fatal".

Exposure to vehicle emissions

All of the available guidance on vehicle emissions stress how hazardous these are to health. The following is taken from the WWW.hse.gov.wesbsite.

"Vehicle exhaust fumes can irritate the eyes and respiratory tract, and are a risk to health by breathing in. Exhaust fumes can quickly reach harmful concentrations, particularly from cold or intermittently run engines. Connect an exhaust gas scavenger system to the vehicle tailpipe when static running, particularly when working in a vehicle inspection pit. It should ventilate to a safe place in the open air – where fume will not be drawn back into the workshop or affect other premises or people nearby

Carbon-fuelled engine fumes contain carbon monoxide, a poisonous gas and the need to make sure fumes do not enter other premises. Diesel Engine Exhaust Emissions (DEEEs) contain known carcinogenic substances and exposure to these fumes must be prevented or controlled".

Stress

Those living close to this site are subjected to a great deal of stress caused by those on site working noisily for long hours.

Waste

Objection – illegal fly tipping and unsanitary working practices

Industrial waste

The site generates a great deal of waste and no knows where it goes? We vehicles are scrapped and this process should be a highly regulated practise requiring a licence and Planning permission. The reason for this is to ensure the hazardous substances are disposed of correctly/. This site has neither a licence or planning permission.

I have requested evidence to be provided that substances and materials are being disposed of legally. The Council should be ensuring this is provided and mechanisms should be in place to collect this information but the Council continues to date no evidence has been provided.

Human Waste

At least three adults use this site for at least 12 hours a day 7 days a week. What we do not know is where they go to the toilet. We suspect they use a partly scrapped van on the farthest peripheral of the site (immediately behind my house) and possible the disused railway. I have asked for evidence there is a toilet on site but have yet to receive this.



Area used to spray cars



[Redacted]

Subject: FW: Pollution from Unit 12 Brunswick Park Road, Wednesbury Application
Reference no: DC/20/64469
Attachments: Evidence of spraying aouside when shack taken down..jpg

From: [Redacted]
Sent: 03 November 2020 13:41
To: [Redacted]

[Redacted]

Subject: Pollution from Unit 12 Brunswick Park Road, Wednesbury Application Reference no: DC/20/64469

Dear Member of the Planning Committee

**Pollution from Unit 12 Brunswick Park Road, Wednesbury
Application Reference no: DC/20/64469**


I have not included the attached photo with any other evidence because I wanted to bring to your attention the dialogue. You can see this clearly evidences "the tent on site was too small to be used to paint the van" so it was "painted outside".

Regards

[Redacted]

Outlook x Wednesbury Updates | Facebook x Facebook

Search



4 April · 26 21 comments

Share


View 6 more comments

Yeh I tried that I need one in red bro been looking lol
18 w

Just painted mine lol

Outlook x Wednesbury Updates | Facebook x Facebook

Search



18 w

Yeh o don't get no help like that I no someone who paints sprays etc but I can never get him to do any for me 😊 1

18 w

Tents not big enough lol
18 w

Ffs lol I painted in the open not a perfect match but decent enough
18 w

could paint it professionally for u
18 w

replied · 9 replies

10:15 11/08/2020

Subject:

FW: Unit 12 Brunswick Park Road, Wednesbury - Application Reference no:
DC/20/64469

From:

Sent: 03 November 2020 14:35

To:

Subject: Unit 12 Brunswick Park Road, Wednesbury - Application Reference no: DC/20/64469

Dear Member of the Planning Committee

Unit 12 Brunswick Park Road, Wednesbury
Application Reference no: DC/20/64469

I refer to the above and can assure you this is last email I will be sending.

Can I also apologise again for the amount of emails I sent you and thank you if you have considered any of the information I have forwarded to you.

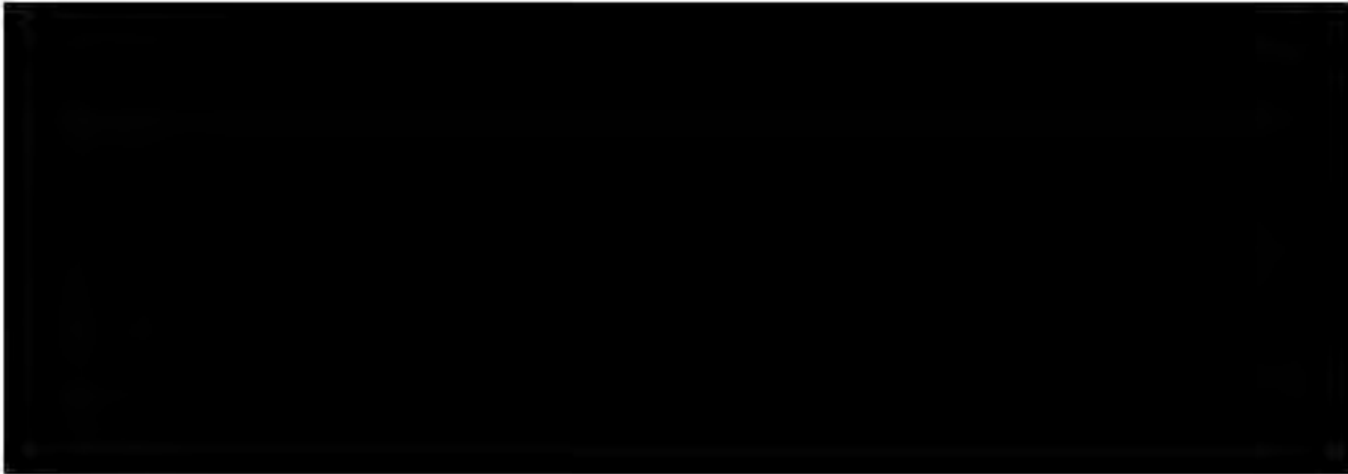
In this last email I would like to summarise why the Council has received so many objections and why you should refuse this application:

- Unit 12 and the Brunswick Trading Estate have been a cause of concern for residents, MP's and those renting the units for many years.
- The concerns have been upheld by the Planning Inspectorate who has turned down an appeal for a business that would have caused less nuisance in a more suitable building.
- The site does not have and has never had Class B2 Planning Permission so the 5/6 businesses on site, including those on Unit 12, do not have permission to be there.
- The most recent and only Planning Application for this site (DC/99/36107) was approved on the 2 February 2000 is not included in the report you have been sent. This expired after two years
- This Application was for office accommodation and included conditions to protect the amenity of the area and stop items being stored outside.

- Unit 12 is used for several business practices most of which cause excessive noise, pollution and add to the parking issues in this area. One of these businesses is car sales and photos are taken of these cars parked in the cemetery opposite on the graves of Servicemen who died in WW1.
- The applicant has failed to comply with enforcement. He has not responded to the S330 and failed to observe the Notice to Cease. "Failure to respond within a specific timescale is a criminal offence which can result in prosecution in a magistrate's court".
- Racing cars on hotrods are built on site. These are raced through the cemetery opposite and local streets past the entrance to a busy park.

In closing can I again draw your attention the [Facebook](#) page that provides visual and documented evidence of the extent of businesses on site and nuisance caused.

Regards



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



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



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

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.

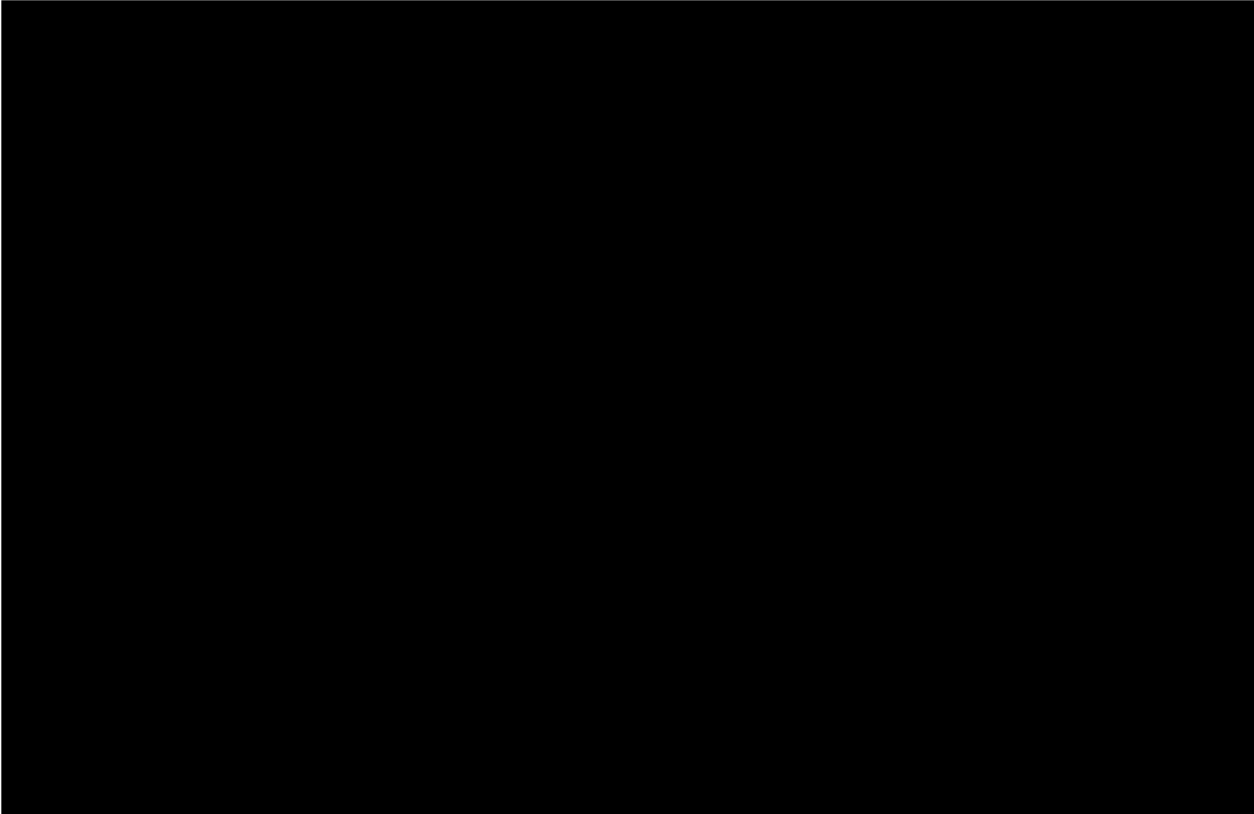
The fee in the sum of **£924** is payable under Regulation 10 of the Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012

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.



[IL1: PROTECT]

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.**

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

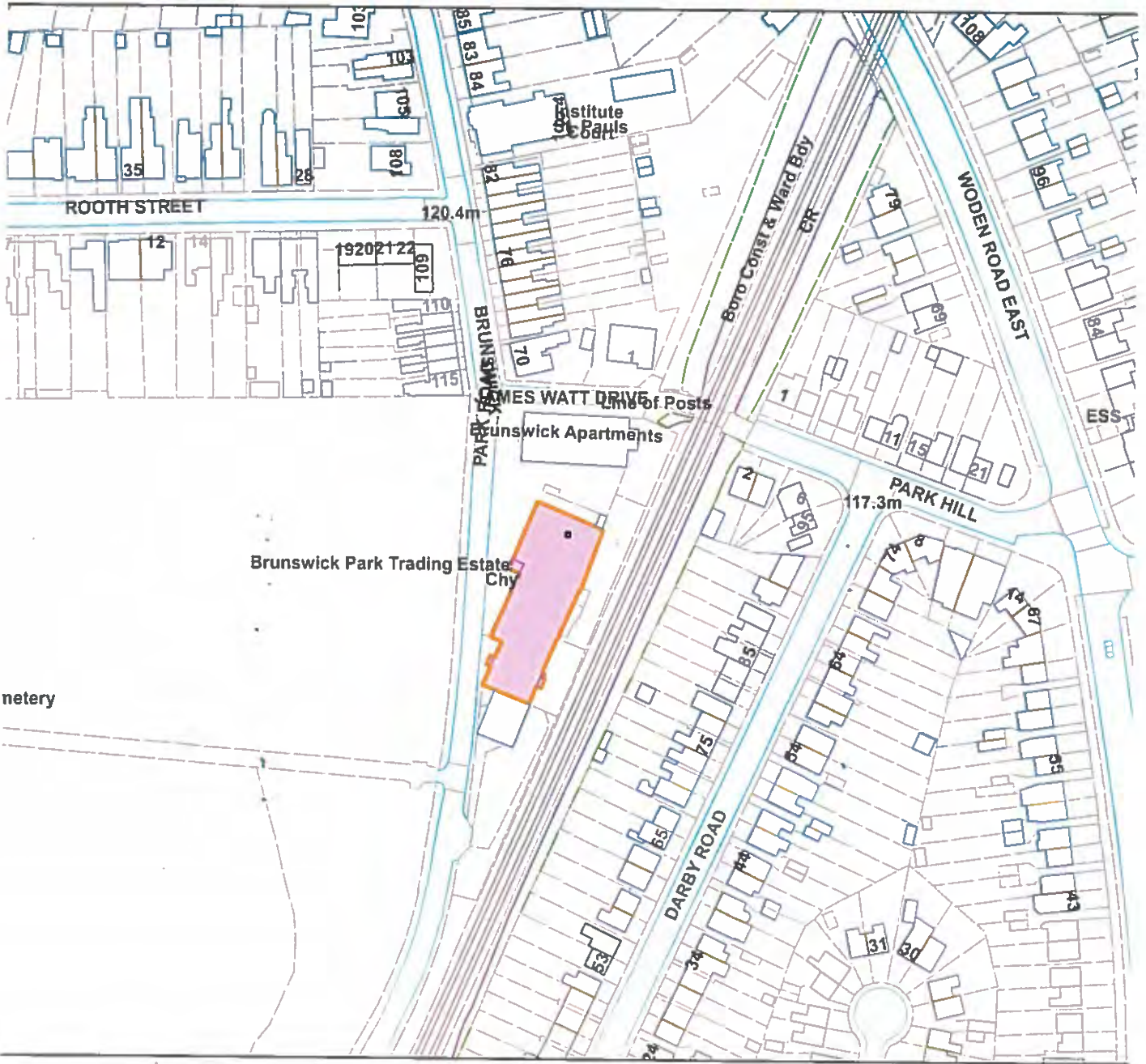
THIS NOTICE TAKES EFFECT ON THE DATE SPECIFIED IN PARAGRAPH 6.

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

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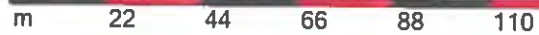
netery

Brunswick Park Trading Estate
 Chy

James Watt Drive
 Line of Posts
 Brunswick Apartments

Legend

Scale 1:1743



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 Ordnance Survey Licence No 100023119

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

THE BOROUGH COUNCIL OF SANDWELL

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ENFORCEMENT NOTICE

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

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[IL1: PROTECT]

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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

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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

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- (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

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

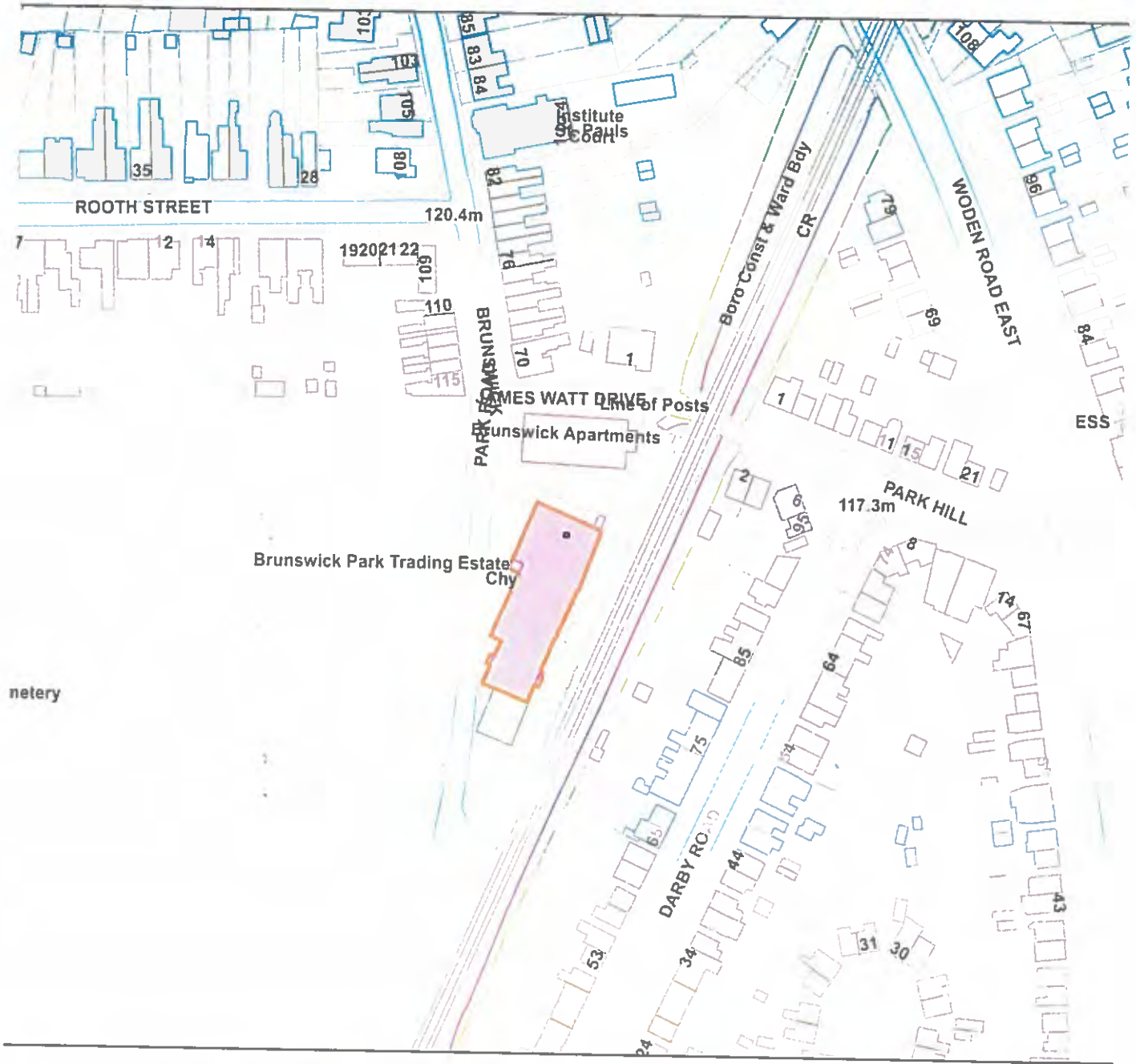
Owner of Unit 12 - Old Water Works, Block B, Brunswick Park Trading Estate,
Brunswick Park Road, Wednesbury WS10 9QR

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]

Sandwell MBC
ENF/20/11213 Date 29/6/2020



Legend

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