

Planning Committee Agenda

Wednesday 9 December 2020 at 5.00pm.
(Virtual Meeting)

Please click on this link to view the meeting live:
[Planning Committee 9th December 2020](#)

1. **Apologies**
To receive any apologies for absence.
2. **Declarations of Interest**
To receive any declarations of interest from members relating to any item on the agenda, in accordance with the provisions of the Code of Conduct and/or S106 of the Local Government Finance Act 1992.
3. **Minutes**
To agree the minutes of the meeting held on 4th November 2020 as a correct record.
4. Planning Application DC/20/63920 – Proposed new two storey mosque with minaret and dome and community centre, with wall and railings to the perimeter. Phase 1 would be built on land owned by applicant, adjacent to the existing building. Phase 2 would be built on the site of the existing building, following demolition. Phase 3 would link Phases 1 and 2 together. Jami Masjid and Bangladeshi Islamic Centre, 10-13 Lewisham Road, Smethwick.
5. Planning Application DC/20/64315 – Proposed dormer bungalow. Land at 43 Longleat, Great Barr, Birmingham.
6. Planning Application DC/20/64426 – Proposed demolition of existing bungalow and proposed four bed detached house with associated car parking. 2 St Edmunds Close, West Bromwich.

7. Planning Application DC/20/64437 – Proposed construction and operation of a 49.9 MW battery storage facility, fencing and site access road. Land Off Painswick Close, Woodruff Way, Walsall.
8. Planning Application DC/20/64453 – Retention of use from dwelling housing (Class C3) to Residential Institution (Class C2). 1-9 The Old Fire Station, Mace Street, Cradley Heath.
9. Planning Application DC/20/64469 – Retention of use as Storage or Distribution (Class B8) and small-scale car repairs and servicing (Class B2). Old Water Works Unit 12, Block B, Brunswick Park Trading Estate, Brunswick Park Road, Wednesbury.
10. Planning Application DC/20/64611 – Proposed erection of 24 No. dwellings together with associated parking and landscaping. Site of Former Thimblemill Public House, 174 Thimblemill Road, Smethwick.
11. Planning Application DC/20/64812 – Proposed two storey rear extension. 29 Catherton Close, Tipton.
12. Applications Determined Under Delegated Powers.
13. Decisions of the Planning Inspectorate.

David Stevens
Chief Executive

Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution:

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

Contact: democratic_services@sandwell.gov.uk

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Planning Committee

**4 November 2020 at 5.25pm
Virtual Meeting**

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

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

83/20 **Apologies for Absence**

Apologies were received from Councillors S Davies and Gill.

84/20 **Declarations of Interest**

Councillor Hevican declared an interest in planning application DC/20/64469 (Retention of use as Storage or Distribution (Class B8) and small scale car repairs and servicing (Class B2). Old Water Works Unit 12, Block B Brunswick Park, Trading Estate Brunswick, Park Road, Wednesbury) as she was a resident.

85/20 **Minutes**

Agreed that minutes of the meeting held on 7 October 2020 are agreed as a correct record.



Planning Application DC/20/64517 – Proposed demolition of existing entrance, sub-division of existing retail unit (Class A1) together with external alterations, new shop frontage and cladding, mezzanine floor in Unit 1, creation of ancillary external garden centre area for Unit 2, construction of extension to form new unit for assembly and leisure use (Class D2), and construction of a standalone café/drive-thru restaurant, with associated landscaping and alterations to existing car park and internal vehicle circulation. Former Toys R Us, Wolverhampton Road, Oldbury

The Service Manager – Development Planning and Building Consultancy reported that Public Health had requested an additional condition requiring details of acoustic fencing on the southern boundary.

There was no objector present.

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

- The site had been unoccupied for two years.
- The proposal would re-invigorate a gateway site.
- There would be a mix of retail and leisure use on the site and discussions were taking place with a number of businesses.
- 75 new jobs would be created.
- Consent had previously been given for a 7,000ft development, however the current site only contained 4,000ft. The proposal would increase this to 6,000ft.

The Service Manager – Development Planning and Building Consultancy notified the Committee that there had been no objections from Highways. He further advised that, as the site was allocated for employment land in the Adopted Development Plan, should the Committee approve the application, the Council would be asked to make an exception to the Plan.

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

- There would be no impact on the re-development of nearby Birchley Island as entrances and exists to the premises would remain the same.
- There was still a promising market for such developments, despite the decline of the high street.
- The proposal would create an additional 2,000 of floor space, bring the total to 6,000.

Resolved that planning application DC/20/64517 – Proposed demolition of existing entrance, sub-division of existing retail unit (Class A1) together with external alterations, new shop frontage and cladding, mezzanine floor in Unit 1, creation of ancillary external garden centre area for Unit 2, construction of extension to form new unit for assembly and leisure use (Class D2), and construction of a standalone café/drive-thru restaurant, with associated landscaping and alterations to existing car park and internal vehicle circulation. Former Toys R Us, Wolverhampton Road, Oldbury is approved, subject to the following conditions:-

- (i) External materials;
- (ii) Cycling provision;
- (iii) Electric vehicle charging provision;
- (iv) Drainage;
- (v) Landscaping;
- (vi) Contamination;
- (vii) Coal mining legacy;
- (viii) Details of extraction and filtration equipment
- (x) Lighting scheme
- (xi) Construction method statement;
- (xii) Employment and skills plans; and
- (xiii) Details of acoustic performance of close board fence to southern boundary (adjacent the hotel) to be provided.

87/20

Planning Application DC/20/64469 – Retention of use as Storage or Distribution (Class B8) and small scale car repairs and servicing (Class B2). Old Water Works Unit 12, Block B Brunswick Park, Trading Estate Brunswick, Park Road, Wednesbury.

Councillor Hevican declared an interest and left the meeting during the consideration of this planning application.

The Chair and Councillors Ahmed, Allen, Dhallu, M Hussain, I Jones, Mabena, Millar, Rouf and Simms indicated that they were lobbied by the objector

An objector was present and addressed the Committee, with the following points:-

- The site entrance faced residents of Darby Road.
- The Planning Inspectorate had previously refused planning permission 30 years ago due to insufficient parking and these issues had since been exacerbated by the removal of garages.
- Residents had made a number of complaints about the site.
- There had been a previous planning application for a taxi rank, with conditions.
- Neither Unit 12 or the trading estate had Class B2 permission.
- Nearby businesses had also raised concerns about the number of garages on the site
- The applicant had failed to respond to a Stop Notice.
- The site caused noise pollution, which could be heard in nearby houses.
- The site was open seven days a week, 12 hours a day.
- Residents could often hear cars racing on road and car alarms.
- Members had been sent some additional information, however the same had not been sent to planning officers.

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

- There was no evidence of the objector's grievances.
- Unit 12 had not previously been an office.
- Enforcement officers had been to the site on 15 occasions and found no issues.
- The premises closed at 6pm.
- Complaints about the premises had been posted on social media by the objector on several occasions.
- The applicant was not in control of the cars driving on the road and there were lots of motorbike users in the Friar Park area.
- The application only related to Unit 12.

The Service Manager – Development Planning and Building Consultancy reported that the case officer had requested the information that the objector had sent to members, however this had not been forthcoming.

The Head of Highways advised that the use of the unit was personal and not business and there was sufficient space within the site to store vehicles off the public highway. In addition there were double yellow lines on Brunswick Park Road. He advised that temporary permission would allow the use of the site to be monitored.

Members expressed concern that the objector had submitted a substantial amount of additional information in recent days which had not been shared with all members of the Committee, planning officers or the applicant.

The Service Manager – Development Planning and Building Consultancy advised that, whilst the additional information sent to some members may not actually raise any new issues, officers could not be sure without examining it. The applicant also had a right to see the information and he had not.

The Committee was minded to defer the application, to allow sufficient time for the additional information to be shared with all members of the Committee, the applicant and planning officers and to enable the case officer to review the information and evaluate its impact on the recommendation.

The Committee was advised that, as the deadline for determining the application had now passed, should the Committee defer the application, the applicant had a right to appeal to the Planning Inspectorate for non-determination. However, the applicant indicated that he would be content with deferral to allow the additional information to be seen by all parties.

Resolved that consideration of Planning Application DC/20/64469 (Retention of use as Storage or Distribution (Class B8) and small scale car repairs and servicing (Class B2). Old Water Works Unit 12, Block B Brunswick Park, Trading Estate Brunswick, Park Road, Wednesbury) is deferred in light of the significant amount of new information

submitted by the objector and to allow such to be shared with all parties and evaluated by planning officers.

88/20 **Applications Determined Under Delegated Powers by the Director – Regeneration and Growth**

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

89/20 **Decisions of the Planning Inspectorate**

The Committee noted that, following its decision not to grant planning permission, the Planning Inspectorate had made the following decisions on the applicant's appeals:-


Application Ref No.	Site Address	Inspectorate Decision
DC/19/63496	Land Adjacent 38 Clay Lane, Oldbury.	Dismissed
DC/19/63768	30-32 High Street, Smethwick.	Dismissed

(The meeting ended at 6.09pm)

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

REPORT TO PLANNING COMMITTEE

9 December 2020

Application Reference	DC/20/63920
Application Received	23 January 2020
Application Description	Proposed new two storey mosque with minaret and dome and community centre, with wall and railings to the perimeter. Phase 1 would be built on land owned by the applicant, adjacent to the existing building. Phase 2 would be built on the site of the existing building, following demolition. Phase 3 would link Phases 1 and 2 together.
Application Address	Jami Masjid and Bangladeshi Islamic Centre 10-13 Lewisham Road Smethwick B66 2BP
Applicant	Mr Abdul Subhan
Ward	St Pauls
Contribution towards Vision 2030:	
Contact Officer(s)	Alison Bishop 0121 569 4039 Alison_bishop@sandwell.gov.uk

RECOMMENDATION

That subject Full Council approval and a s106 agreement relating to additional highway safety measures, planning permission is granted subject to: -

- (i) External materials;
- (ii) Finished floor levels;
- (iii) Parking details;
- (iv) Limiting the Prayer halls for prayer within the development;
- (v) Traffic management plan;
- (vi) Travel Plan;
- (vii) Updated Transport Assessment;
- (viii) Review of parking restrictions following 12 months of the completion of Phase 2;
- (ix) Boundary treatments;

- (x) Cycle parking;
- (xi) Electric vehicle charging;
- (xii) External lighting;
- (xiii) Method statement for site working;
- (xiv) Employment and skills plan;
- (xv) Ground investigation and remediation;
- (xvi) Noise mitigation to prevent noise breakout and from plant/extraction equipment;
- (xvii) No amplified sound; and
- (xviii) No broadcasting of sound for the call to prayer.

1. BACKGROUND

- 1.1 This application is being reported to your Planning Committee because part of the site forms a departure with in the development plan and two material planning objections have been received.
- 1.1 To assist members with site context, a link to Google Maps is provided below:

[10-13 Lewisham Road, Smethwick](#)

2. SUMMARY OF KEY CONSIDERATIONS

- 2.1 Part of the site, at the junction with Mafeking Road and Lewisham Road, is allocated for housing.
- 2.2 The material planning considerations which are relevant to this application are: -

Government policy (NPPF)
Proposals in the Development Plan
Planning history
Layout and scale of building
Design, appearance and materials
Access, highway safety, parking and servicing
Noise

3. THE APPLICATION SITE

- 3.1 The application relates to an existing Bangladeshi Islamic Centre situated to the south of Lewisham Road and the junction with Mafeking Road. The centre formed part of the application boundary for the Brindley II residential development and incorporated the two existing industrial units within the former Lewisham Industrial Estate (occupied by the Islamic Centre). The aspiration within the Brindley II master plan was for the Islamic Centre to

provide a focal point given its prominent location at the entrance to the site. The Brindley II residential scheme is now complete.

4. PLANNING HISTORY

4.1 The site has been used as a community centre and place of worship since 1984, proposals were granted permission in December 2014 to demolish the existing building and construct a new mosque and community facility (DC/14/57646 refers). This would have completed the aspirations within the original Brindley II masterplan. This permission was not implemented and has now lapsed.

4.2 As part of the construction of Brindley II residential scheme, a car park with 20 spaces was provided on Mafeking Road to serve the Islamic Centre and Providence Church (DC/16/59812 refers).

4.3 Relevant planning applications are as follows: -

DC/16/59812	Proposed 13 No. 3 bed houses, associated parking, landscaping, and 20 car parking spaces.	Approved 14.11.2016
DC/14/57646	Proposed demolition of existing Masjid (Mosque) and Bangladeshi Islamic centre and construction of 3 storey purpose built Masjid (Mosque) and Bangladeshi Islamic centre (Use Class D1) and associated car parking - (revised application DC/13/56513).	Approved 18.12.2014
DC/13/56513	Proposed demolition of existing Bangladeshi Islamic Centre and construction of 3 storey community centre and associated parking. GC 20.12.2013	Approved 20.12.2013
DC/09/50610	Outline application for proposed residential development (C3) with supportive ancillary facilities including enhancing existing community facilities (D1), retail/cafe uses (A3), demolition of existing buildings and remediation of the site with construction of access roads, footpaths and enhanced linkages, landscaping and associated works.	Approved 15.04.2011

DC/31863	Extension to existing Islamic Centre	Approved 14.11.1995
DC/16946	Buildings for use as Islamic Centre.	Approved 11.01.1984

5. APPLICATION DETAILS

- 5.1 The proposed development would be a phased scheme of works resulting in a two-storey mosque with minarets and dome and community centre.
- 5.2 Phase 1 would be the construction of a new two storey building at the junction of Mafeking Road and Lewisham Road with a combined ground and first floor area of 463 sqm and would provide multi-purpose rooms, toilet and circulation space. The predominant height would be 7.4 metres, with an additional small section serving the staircase to a maximum height of 9.8 metres. The building would be clad in red brick, excepting the staircase which would be a contrasting blue brick. Windows would incorporate Islamic design features including a large feature window fronting Lewisham Road.



- 5.3 Phase 2 forms the demolition of the existing two units and the construction of the larger component to the proposal. This would also be a two-storey building with a combined ground and first floor of approximately 1,400 sqm and would comprise a large prayer hall and classrooms at first floor and a smaller prayer hall for women and other community rooms including a small mortuary at ground floor. The building would be an irregular shape primarily constructed of red brick with some blue brick elements and would include a minaret, dome feature and Islamic windows features with a further large feature window to

replicate the design of the window on Phase 1. Most of building would be to a height of 7.4 metres increasing in parts to 9.8 metres with the minarets being around 14.5 metres and the domed feature 13.5 metres.



- 5.4 Phase 3 would link Phases 1 and 2 together with a small extension measuring approximately 5 metres (W) by 10 metres (L) and being two storeys in height.



6. PUBLICITY

6.1 The application has been publicised by press and site notice and neighbour consultation two objections have been received.

6.2 Objections

Objections have been received on the following grounds:

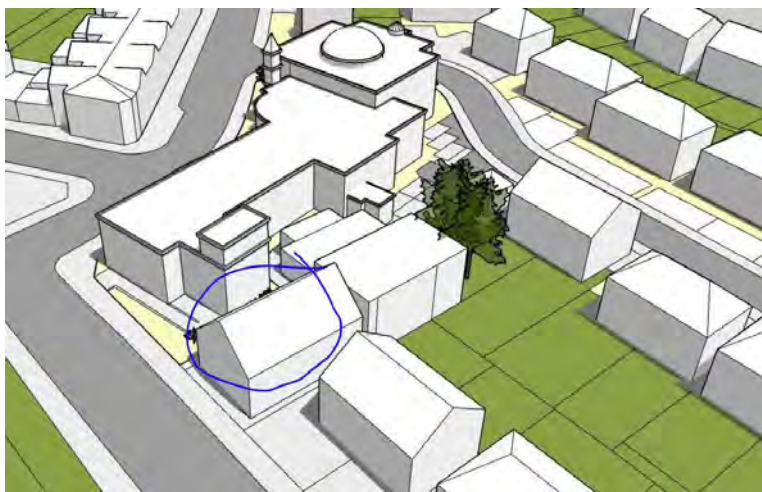
- i) There will be a significant loss of light to Providence Church with such a tall building being so close to the church.
- ii) The proposed building totally overpowers all the surrounding properties and is completely out of keeping with the district;
- iii) Concerns regarding major traffic and parking problems.
- iv) Noise pollution from the activities associated with the Mosque.

Immaterial objections have been raised regarding the effect on property value.

6.3 Responses to objections

I respond to the objector's comments in turn:

- i) The Providence Church is a single storey building that benefits from windows to both side elevations, the proximity of the new building is the same the residential properties to the other side. Furthermore, due to the orientation of the sun this building would not impact of the path of the sunlight to the church. See image below (blue circle is the Providence Church)



- ii) The scheme as designed is a large footprint but is predominantly designed to be two storeys in height and follows the general building heights in the area. The features which increase in height are proportionate to the overall building's size and address the

- corner feature of the site. Further comments in relation to design can be found at Section 7.7 below.
- iii) It is accepted that the only 9 parking spaces are provided within the scheme combined with the shared 20 spaces serving both the Islamic Centre and the Providence Church. Highways have reviewed the parking associated with the existing centre and subject to various additional measures, raise no objections. Further comments in relation to parking and highway safety can be found in Section 7.3 below.
 - iv) I am sympathetic to the resident's concerns regarding the current noise issues, however this proposal is for a new building. An acoustic report has been submitted with this application which set out an acoustic construction for the walls and windows to reduce noise break out to an acceptable level. Subject to various conditions Public Health have no objections to this proposal see Section 7.6 below.

7. STATUTORY CONSULTATION

7.1 Planning Policy

Whilst the principle of the community/mosque is established on most of the site, the land to the junction with Mafeking Road and Lewisham Road is allocated for residential purposes within the development plan to assist in meeting the Council housing targets, as such policy have objected to the proposal.

The applicant has undertaken some indicative proposals regarding the number of houses that could be secured within the allocated land, this equates to two dwellings. In my opinion, given that at the time of the original master planning which formed part of the Brindley II proposal, and included aspirations to provide an improved Mosque/community centre at the junction of Lewisham Road. I consider that the merits of achieving a new improved facility should outweigh the loss of two dwellings which could be accommodated on this land.

7.2 Transportation Policy

Transportation Policy have requested that cycle provision is provided within the development, this can be conditioned accordingly.

7.3 Highways

Concerns had been raised regarding inappropriate parking, particularly during Friday prayer given that the proposal provides limited off-road parking. Subsequently, various additional measures have been identified

to prevent inappropriate parking and manage trips to the site. These measures are as follows: -

- i) The prayer rooms will be conditioned for this purpose and that no prayer will take place in other parts of the building;
- ii) The car parking provision within the site shall be submitted in more detail, this can be conditioned;
- iii) Bollards to be incorporated at the junctions of Smeaton Road and Sydenham Road. A s106 agreement will be required to secure these works;
- iv) A traffic management plan to provide details of how parking will be managed as part of the phased development. This can be conditioned;
- v) The Transport Assessment shall be updated to reflect the maximum capacity at any time in the building, namely 100 people;
- vi) Review of parking restrictions following 12 months of completion of Phase 2;
- vii) Revised Travel plan and this will be reviewed bi-annually;

7.4 Public Health (Air Quality)

It is recommended that electric vehicle charging points are provided within the parking area servicing the development, the introduction of sustainable heating systems and a travel plan to demonstrate how the centre will reduce vehicle trips to mitigate air quality impacts associated with the development. This can be conditioned accordingly.

7.5 Public Health (Contaminated Land)

No objection subject to a condition relating to ground investigation and any required remediation thereafter.

7.6 Public Health (Air Pollution and Noise)

No objection subject to recommendations that the application is conditioned to require the acoustic performance predicted by the acoustic assessment as follows: -

- i) Noise from external plant and equipment shall not be audible at the nearest residential properties in Smeaton Avenue, Mafeking Road or Lewisham Road;
- ii) Noise from activities within the mosque shall not be audible at the nearest residential properties in Smeaton Avenue, Mafeking Road or Lewisham Road;
- iii) No broadcasting of the call to prayer from any loudspeaker mounted on the minaret; and
- iv) No equipment is to be installed for the amplification of sound with the

intention of making that sound audible outside the application premises.

7.7 Urban Design

Concerns have been expressed regarding the design and massing of the building in relation to the surrounding residential properties. In particular the scheme has been compared to the lapsed permission and it is considered that this provided a more modern approach which addressed the street frontage more appropriately. Boundary treatments should also reflect the residential character of the area.

Whilst it is accepted that the design uses more traditional materials, it is considered that the red and blue brick elements pick up the general vernacular of the area which combined with the flourishes for the minaret and domed features adds interest to the area. On discussing revisions to the proposal, the agent has confirmed that the previous permission failed because the materials and proposed height of the original building being a three-storey height was too costly for the Mosque to construct, hence a more traditional two storey building has now been designed over a larger footprint. The overall floor area for the development is largely no greater than the approved scheme. Furthermore, the image below shows that the overall massing and scale does not differ from the granted permission (the pink colour indicates the previously approved scheme).



7.8 Severn Trent

No objection such to a drainage condition.

7.9 Cadent Gas – No objection

7.10 Western Power

The scheme will affect a substation, the removal and reinstatement of this would need to be carried out at the cost of the applicant. They have been advised as such.

8. GOVERNMENT GUIDANCE/NATIONAL PLANNING POLICY

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

9. LOCAL PLANNING POLICY

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

HOU1: Delivering Sustainable Housing Growth

ENV3: Design Quality

ENV5: Flood Risk, Sustainable Drainage System and Urban Heat Island Effect

ENV8: Air Quality

TRAN2: Managing Transport Impacts of New Development

EMP5: Improving Access to the Labour Market

SAD H1: Housing Allocations

SAD EMP2: Training and Recruitment

SAD EOS9: Urban Design Principles

SAD DM6: Community Facilities

9.2 Whilst land is identified and allocated in the Development Plan to meet the Borough's sustainable housing growth, under policy HOU1 additional housing capacity will also be sought elsewhere through planning permissions on suitable sites. It is noted that part of the site forms a housing allocation, however as indicated above (7.1) the long-term aspirations for redevelopment of the Mosque formed part of the masterplan for the Brindley II residential scheme and the incorporation of a new facility in my opinion should outweigh the loss of two dwellings which could be compensated as part of housing windfall sites.

9.3 Turning to the design of the proposal, as indicated in 7.7 above, it is considered that the massing of the building is no greater and to some extent lessened from the previously approved permission. The material choices for the building, whilst more traditional in appearance, will not be out of character with the area and elements of the front façade and the inclusion of the minaret and dome add interest to the overall design. Therefore, it is considered that the scheme accords with the provisions of ENV4 and SAD EOS9.

- 9.4 The site is predominantly hard standing, the introduction of this new building will ensure that appropriate drainage is provided and can be conditioned accordingly (ENV5).
- 9.5 Air quality considerations (ENV8) have been addressed through the imposition of conditions relating to electric vehicle charging points, cycle provision and a travel plan.
- 9.6 The scheme will be conditioned or secured through a S106 agreement to mitigate traffic impacts as indicated in 7.3 above (TRAN2).
- 9.7 The proposal provides an opportunity for local job opportunities during construction (EMP5 and SAD EMP2). This can be conditioned.
- 9.8 Policy DM6 refers to sites being located on main road frontages, and consideration being given to parking, public transport, noise and hours of use. The site is situated on a prominent frontage, with good access to public transport and matters relating to noise and parking have been identified and can be controlled by condition.

10. MATERIAL CONSIDERATIONS

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

10.2 Proposals in the Development Plan

As indicated above, part of the site is allocated for residential development, however it is considered that the benefits of this proposal outweigh the loss of providing housing given the limited number of dwellings that would be achieved.

10.3 Planning history

Planning permission has been granted for a scheme of similar size/floor area on two previous occasions. The only material difference is that the building covers a larger footprint but is now reduced to a two-storey building.

10.4 Layout and scale of building

The scale of the building is of two storey heights in the main, and hence it is considered that it integrates into the existing residential area.

10.5 Design, appearance and materials

The materials, whilst predominantly brick, incorporate flourishes with the window detailing and the introduction of the minarets and dome.

10.6 Access, highway safety, parking and servicing

It is acknowledged that parking issues have been identified during Friday prayer, however various measures have been identified and can be conditioned accordingly to ensure that highway safety is not compromised.

10.7 Noise

The use is long established in the area and is served by a substandard building that is largely not fit for purpose, the new building provides an opportunity to incorporate new building insulation which coupled with other recommended conditions by Public Health will safeguard the amenity of nearby residents.

11. IMPLICATIONS FOR SANDWELL'S VISION

11.1 The proposal supports Ambitions 3, 8 and 10 of the Sandwell Vision 2030: -

11.2 Ambition 3 – Our workforce and young people are skilled and talented, geared up to respond to changing business needs and to win rewarding jobs in a growing economy

11.3 Ambition 8 – Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families.

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

12. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

12.1 The proposal is a departure and as such must be referred to full Council if members are minded to approve it. The key determining issue to support setting aside the housing allocation, is that the introduction of a new modern community building/mosque is the fruition of the original master planning for the Brindley II residential scheme. This proposal would complete the regeneration of this part of Smethwick and it is considered in this instance should outweigh the loss of two dwellings on the site.

12.2 The scheme is designed to be sympathetic to the surrounding area in terms of height and massing and with the introduction on both noise mitigations and traffic measures, it is considered that residential amenity will adequately protected.

13. STRATEGIC RESOURCE IMPLICATIONS

13.1 When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the council.

14. LEGAL AND GOVERNANCE CONSIDERATIONS

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

15. EQUALITY IMPACT ASSESSMENT

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

16. DATA PROTECTION IMPACT ASSESSMENT

16.1 The planning application and accompanying documentation is a public document.

17. CRIME AND DISORDER AND RISK ASSESSMENT

17.1 The scheme has been designed in accordance with Secure by Design guidance.

18. SUSTAINABILITY OF PROPOSALS

18.1 Refer to the National Planning Policy Framework (8), Development Plan policies (9) and material considerations (10).

19. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

19.1 Refer to the summary of the report (12) and a condition has been recommended relating to securing jobs and apprenticeships during construction of the development.

20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

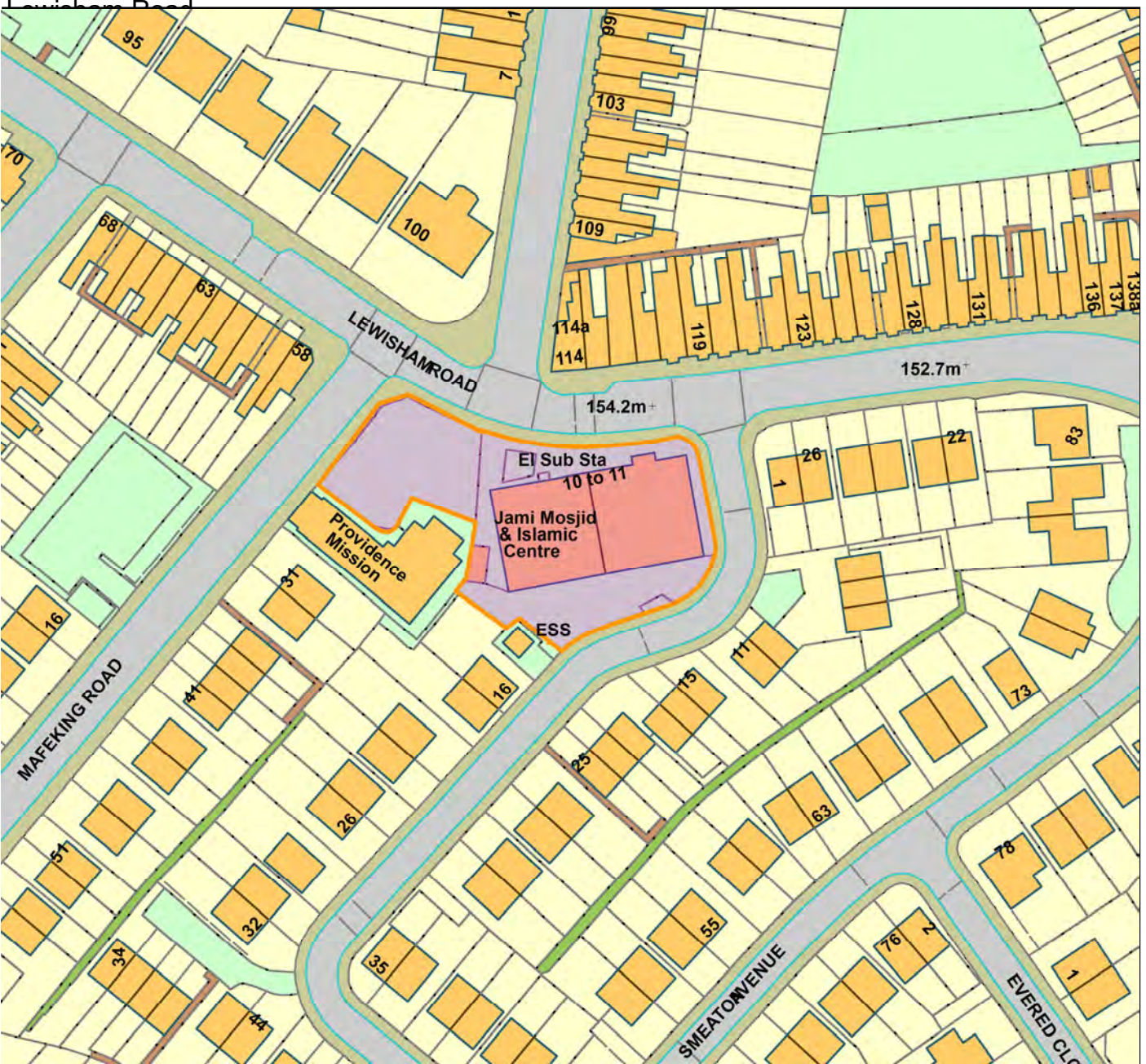
20.1 There would be no impact.

21. APPENDICES:

Site Plan
Context Plan
19/1744.03
19/1744.04
19/1744.05
19/1744.06
19/1744.07A
19/1744.08A
19/1744.09C
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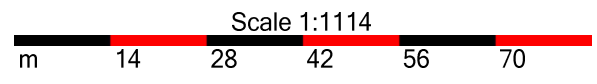
DC/20/63920

Jami Masjid and Bangladeshi Islamic Centre, 10-13



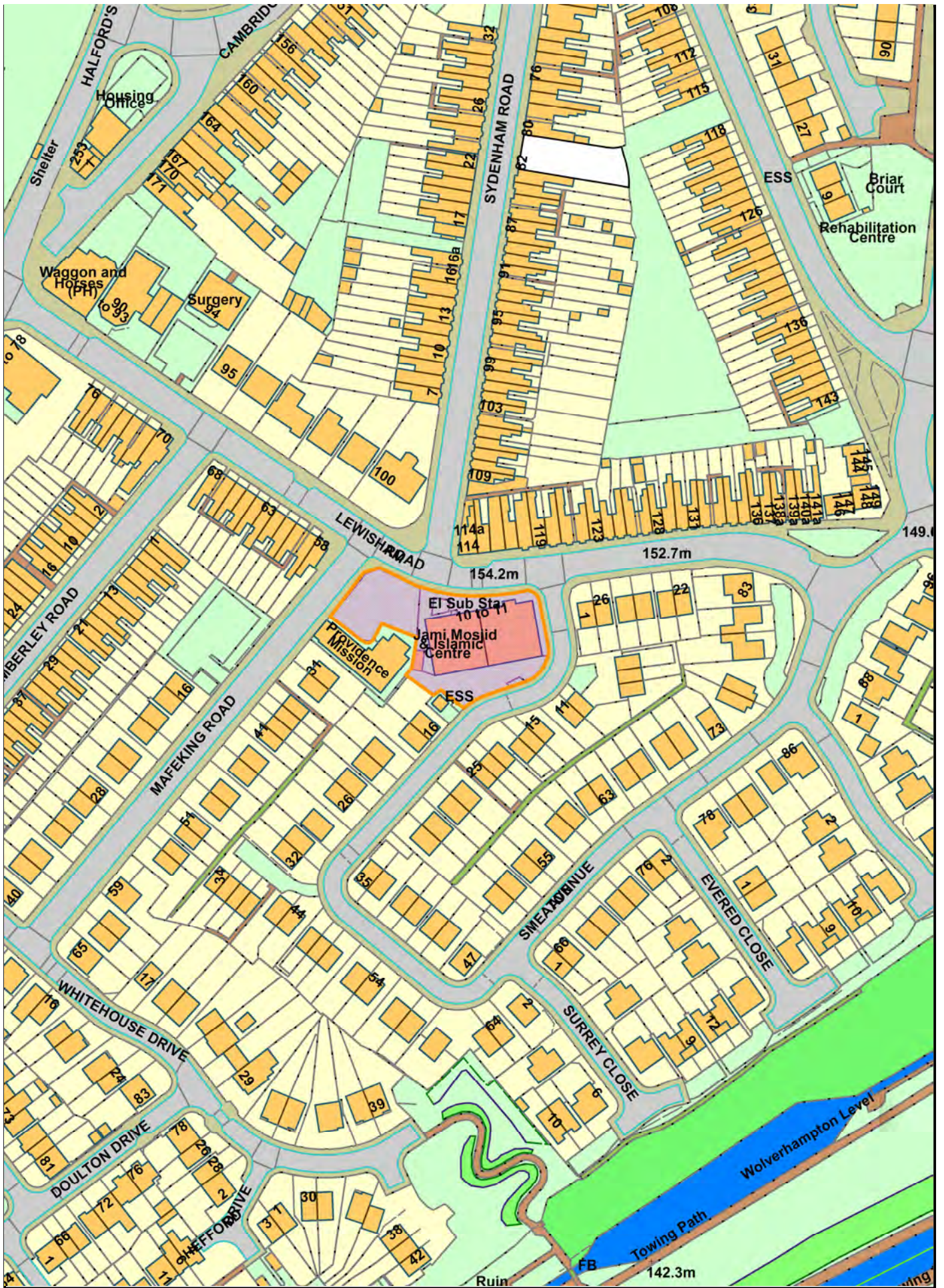
Legend

Sc 1:1114



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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	25 November 2020
OS Licence No	



289220N

289200N

289180N

289160N

289140N

289220N

289200N

289180N

289160N

289140N

Station	Eastings	Northings	Levels	Description
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S002	402361.333	289214.454	155.442	
S003	402390.837	289199.056	154.823	
S004	402422.749	289197.638	154.229	
S005	402436.652	289184.922	154.185	
S006	402428.487	289162.378	154.066	

Key

	bollard		conifer screen
	tel. cat box		gate post
	rock face		triangular manhole
	service cover		speed bump
	bank line		stile
	fence		fence
	cutting or bank		fence post
	drain channel		fence post
	gate		flag post
	hedge		flush post
	wall		shrub
	vegetation line		ground level
	edge of surface		back hole gully
	tree		
	earth rod		
	stop cock		
	manhole		
	vent pipe		
	radiator eye		
	telephone		
	wash out		
	television		
	water valve		
	gas		
	line hydrant		
	sully		
	bore hole		
	trial hole		
	flag staff		
	lamp hole		
	post		
	peg		
	traffic light		
	stop tap		
	water valve		
	letter box		
	road sign		
	low step		
	lamp post		
	electric pole		
	telegraph pole		
	UTL unable to lift		
	S cov service cover		
	DPC damp course level		
	FTL finished floor level		
	E electric		
	TV television		
	T telephone		

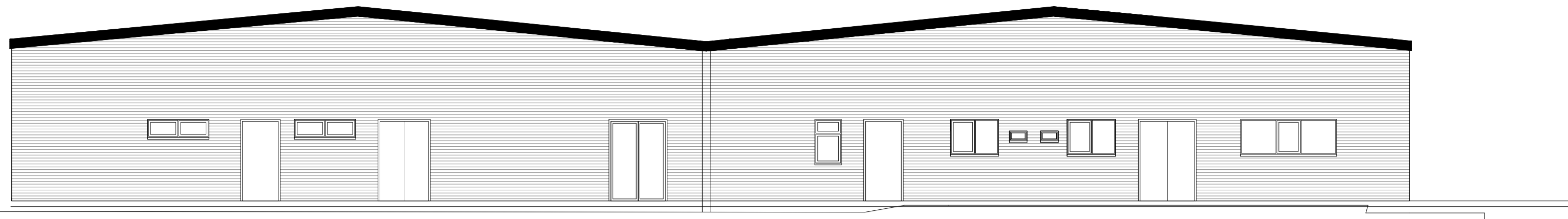
Levels shown along kerb lines are taken in the channel. Levels are generally shown on the side of the detail to which it refers.

Survey is related to national grid OSGB36(02), established using observations from an Ordnance Survey commercial GPS RTK network correction service and is related to Ordnance Datum via the GEDD model OSMD02. No scale factor applied.

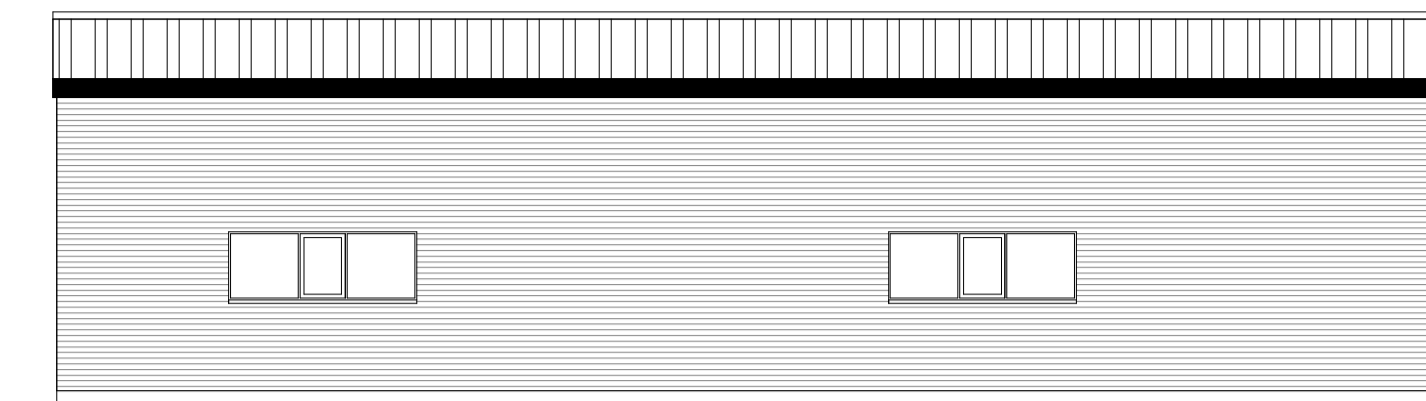
Site Data (Sutton Coldfield) Ltd accepts no responsibility for this plan and/or associated reports to any party other than the original client and for its original purpose.

Notes:-
 This plan has been surveyed to the scale shown. Caution should be exercised when enlargements are made.
 All critical dimensions should be confirmed on site prior to the commencement of any works.
 All dimensions have been measured or estimated from ground level.
 Tree species shown should be treated with caution and expert identification is advised.
 Pipe sizes are estimated from a surface inspection only, due to Health and Safety requirements.
 Every effort is made to identify all visible above ground features. It should be apparent that there may be items obscured at the time that the survey was undertaken.

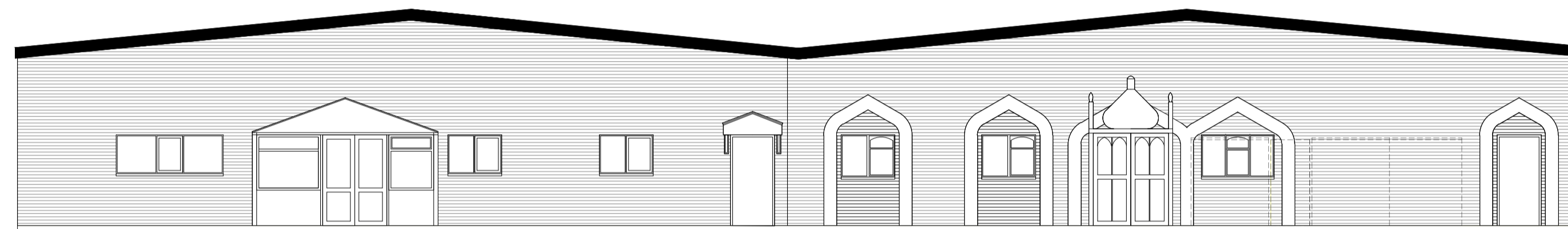
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Gould Singleton Architects		Earls Way, Halesowen, West Midlands, B63 3HR	
1:200@A1		Bangladeshi Islamic Centre	
01.07.2019		Lewisham Road	
checked GSA		Smethwick	
		B66 2BP	
		Site Plan with Existing Building Plan	
19/07/2019 Rev 0		This drawing and the building works depicted are the copyright of the Architects and may not be reproduced except by written permission. This drawing must be read and checked against any specialist drawings and information provided. Do not scale prints. Figured dimensions only to be taken from this drawing.	



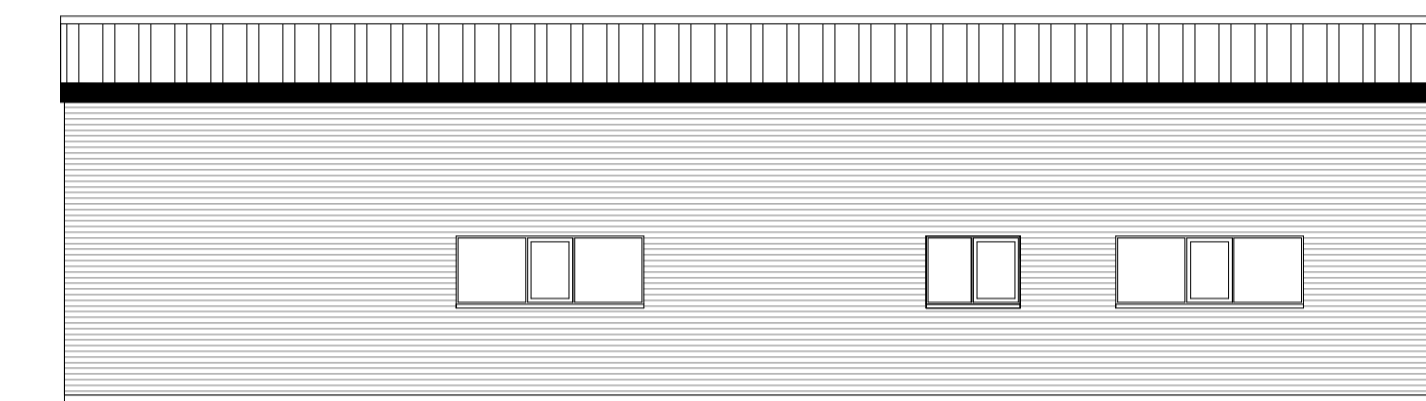
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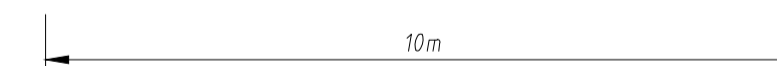
East Elevation-Existing



North Elevation-Existing



West Elevation-Existing



rev.	date	drawn	chk'd

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Tel: 0121 550 0359 Fax: 0121 550 8088
e-mail: postmaster@gould-singleton.co.uk

number drawn	scales	date	checked	description
19.1744.03	1:100@A1	01.07.2019	CH GSA	Plans & Elevations Existing

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Gross Internal Floor Areas Phase 1:

Existing Building: 637.55 sqm

New Building:

Ground Floor: 211.02sqm

First Floor: 211.02sqm

Total: 422.04 sqm

Gross External Floor Areas Phase 1:

Existing Building: 675.10 sqm

New Building:

Ground Floor: 232.76sqm

First Floor: 232.76sqm

Total: 465.52 sqm

Red Line Site Area: 1825m²

Blue Line Area: 1703m²

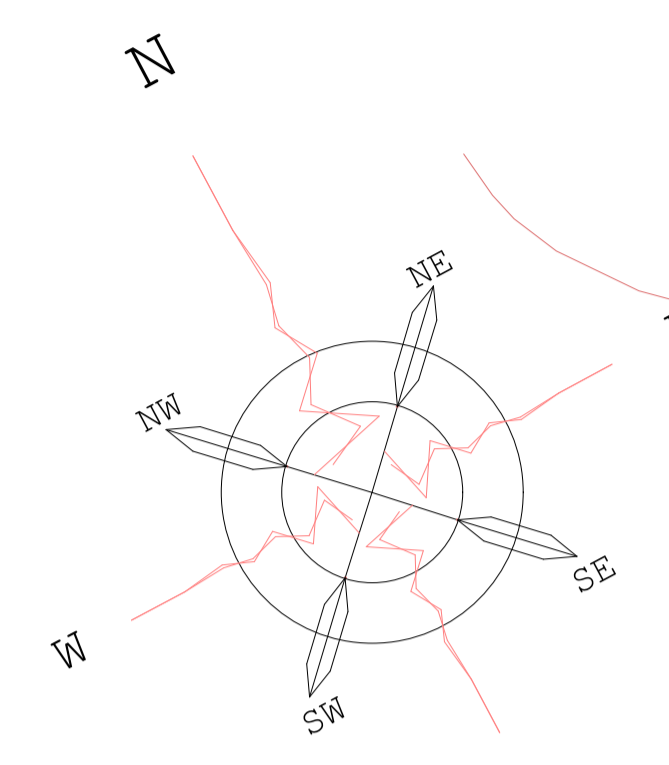


Proposed Ground Floor Plan - Phase 1

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 Gould Singleton Architects Earls Way, Halesowen, West Midlands, B63 3HR Tel: 0121 550 0359 Fax: 0121 550 8088 e-mail: pcsmaster@gould-singleton.co.uk		
scales	1:125@A1	Islamic Bangladeshi Centre Lewisham Road Smethwick B66 2BP
date	12.11.19	
drawn	CH	GSA
checked		
number	19/1744.04	Proposed Ground Floor Plan and Site Plan Phase 1

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— Site Boundary Line
 — Boundary of Land Owned by Applicant



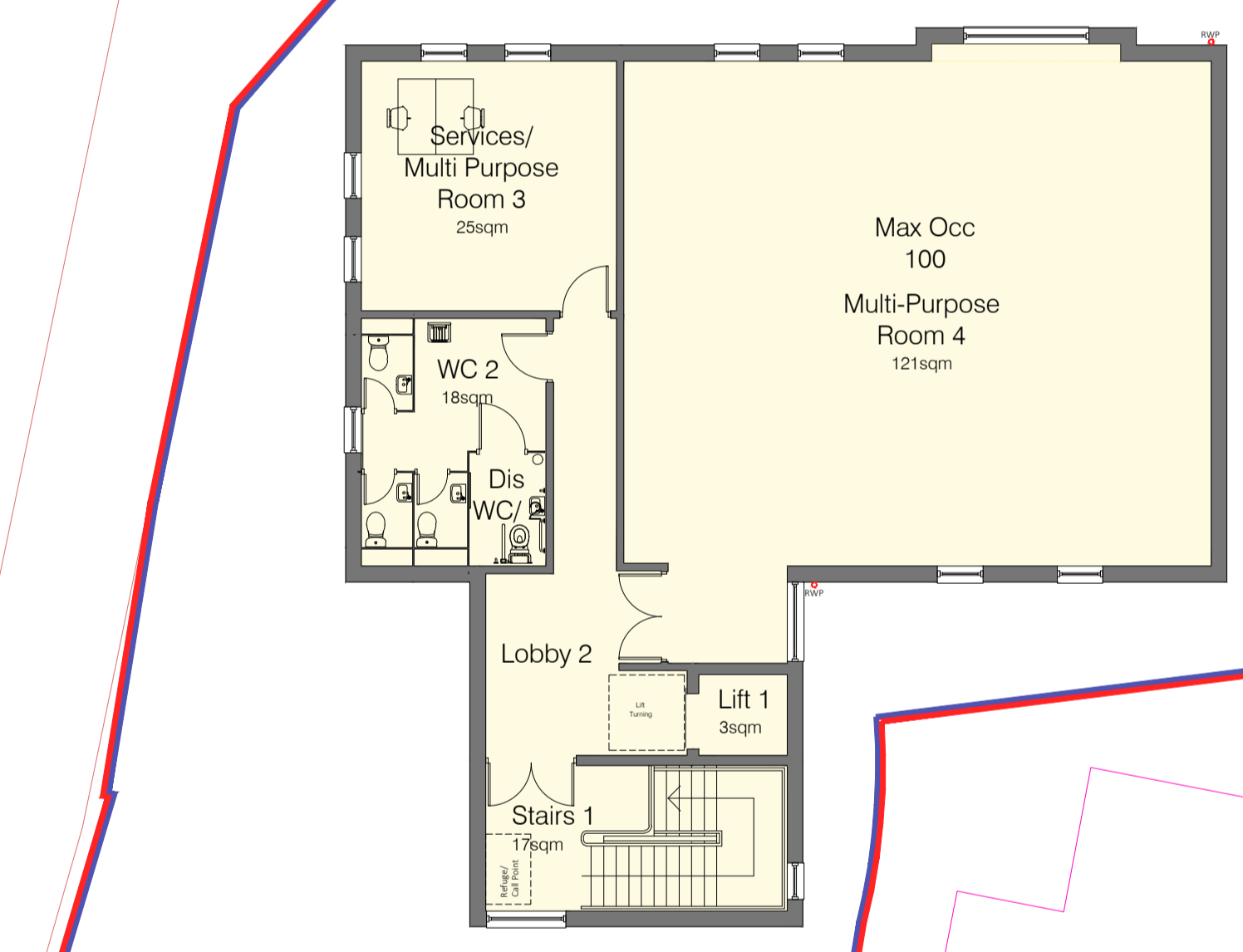
Gross Internal Floor Areas Phase 1:
 Existing Building: 637.55 sqm

New Building:
 Ground Floor: 211.02sqm
 First Floor: 211.02sqm
 Total: 422.04 sqm

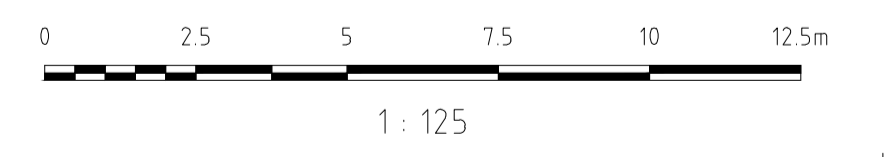
Gross External Floor Areas Phase 1:
 Existing Building: 675.10 sqm

New Building:
 Ground Floor: 232.76sqm
 First Floor: 232.76sqm
 Total: 465.52 sqm

Red Line Site Area: 1825m2
Blue Line Area: 1703m2



Existing Building



Proposed First Floor Plan - Phase 1

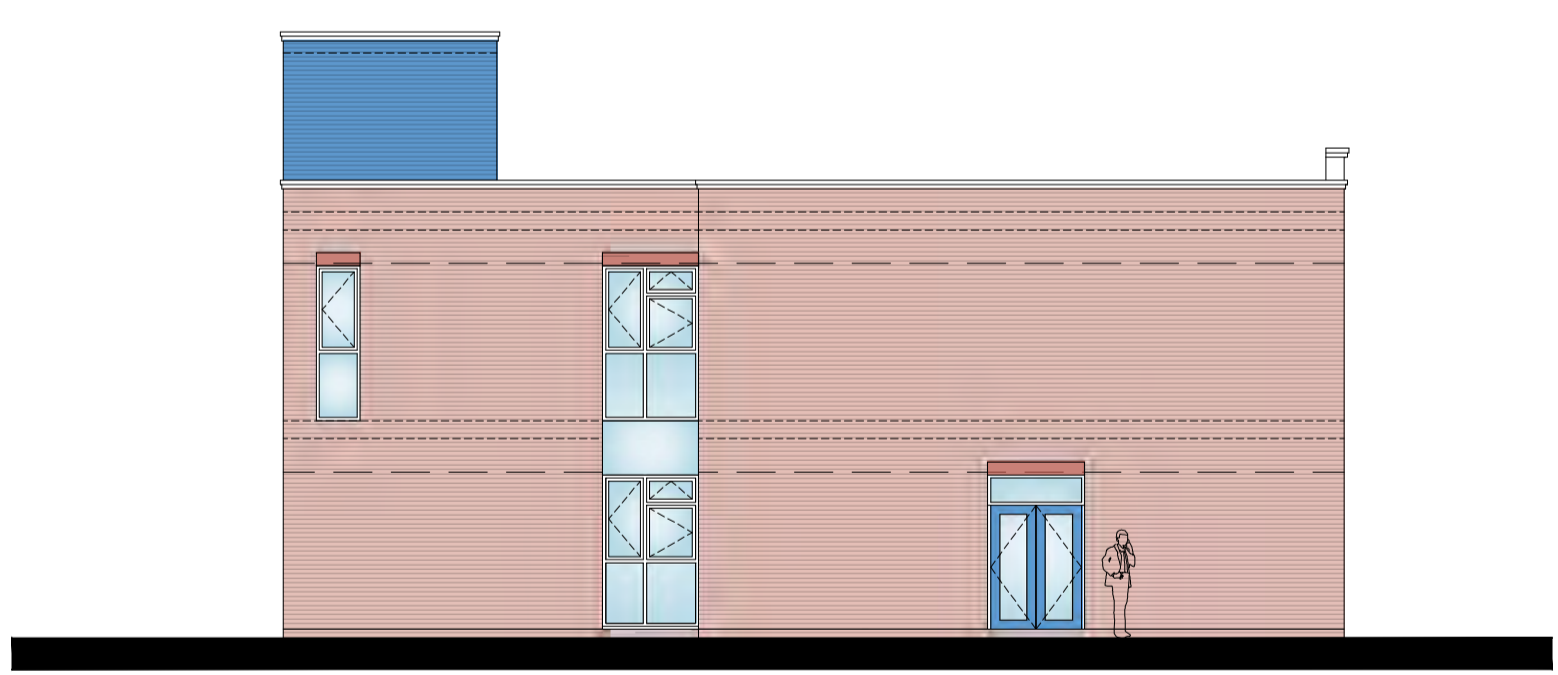
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Gould Singleton Architects Earls Way, Halesowen, West Midlands, B63 3HR			
number	date	checked	drawn
19/1744.05	12.11.19	CH	GSA
Islamic Bangladeshi Centre Lewisham Road Smethwick B66 2BP			
Proposed First Floor Plan Phase 1			
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Proposed Flattened Elevation - North-East, Lewisham Road Phase 1



Proposed Flattened Elevation- South-West, Rear Phase 1



Proposed Elevation- South-East, Smeaton Ave, Phase 1



Proposed Elevation- North-West, Mafeking Road Phase 1



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 Gould Singleton Architects Earls Way, Halesowen, West Midlands, B63 3HR Tel: 0121 550 0359 Fax: 0121 550 8088 e-mail: postmaster@gould-singleton.co.uk			
number	1:125@A1	Bangladeshi Islamic Centre Lewisham Road Smethwick B66 2BP	
date	12.11.19		
drawn	CH	GSA Proposed Elevation Phase 1	
checked	GSA		
number	19.1744.06	This drawing and the building works depicted are the copyright of the Architects and may not be reproduced except by written permission. This drawing must be read and checked against any specialist drawings and information provided. Do not scale prints. Figured dimensions only to be taken from this drawing.	

— Site Boundary Line (see Location Plan for Mafeking Road Car Park)
— Boundary of Land Owned by Applicant



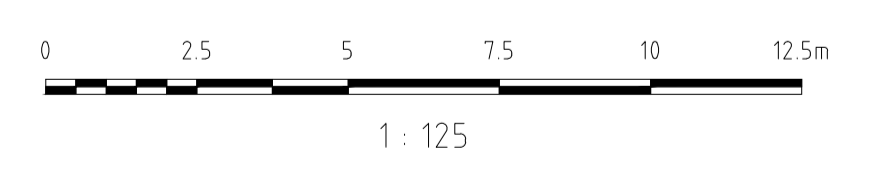
Gross Internal Floor Areas Phase 1:
 New Building:
 Ground Floor: 211.02sqm
 First Floor: 211.02sqm
 Total: 422.04 sqm

Gross External Floor Areas Phase 1:
 New Building:
 Ground Floor: 232.76sqm
 First Floor: 232.76sqm
 (Total: 465.52 sqm)

Gross Internal Floor Areas Phase 2:
 New Building:
 Ground Floor: 671.40sqm inc Plant House
 First Floor: 663.51sqm
 Total: 1334.91 sqm

Gross External Floor Areas Phase 2:
 New Building:
 Ground Floor: 713.75sqm inc Plant House
 First Floor: 703.87sqm
 (Total: 1417.62sqm)

Red Line Site Area: 1825m²
 Blue Line Area: 1703m²

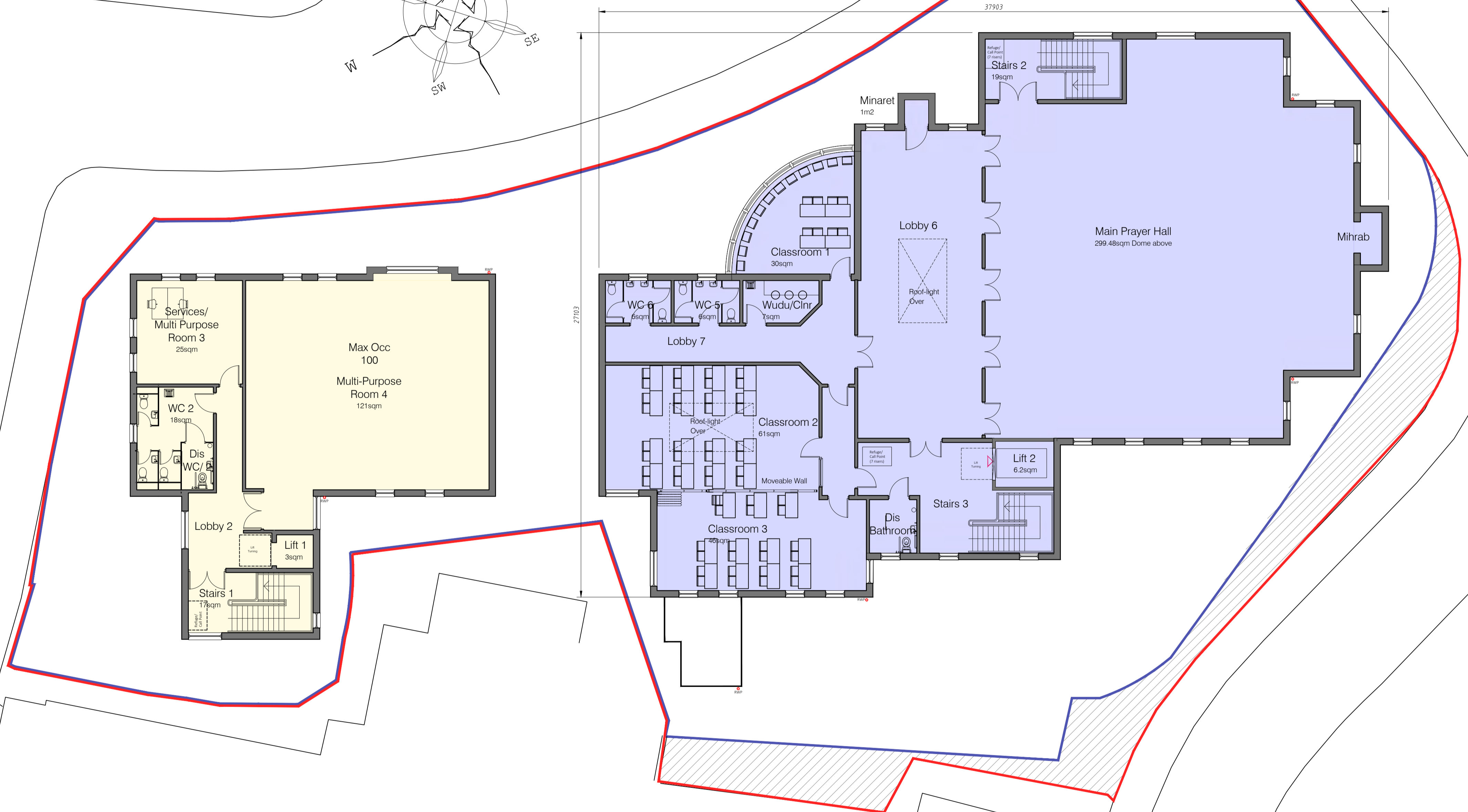
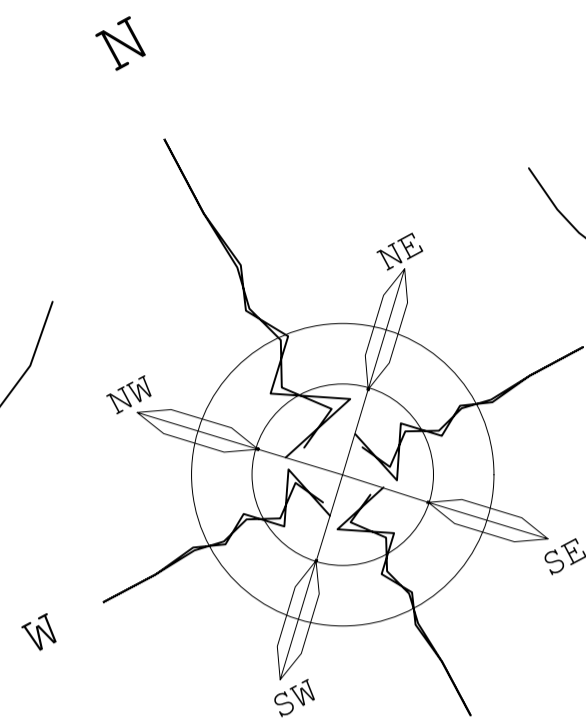


Proposed Ground Floor Plan - Phase 2

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Gould Singleton Architects Earls Way, Halesowen, West Midlands, B63 3HR Tel: 0121 550 0359 Fax: 0121 550 8088 e-mail: postmaster@gould-singleton.co.uk		
number	date	checked
1:125@A1	12.11.19	CH GSA
drawn	date	checked
19/1744.07.A		

Bangladeshi Islamic Centre
 Lewisham Road
 Smethwick
 B66 2BP
 Proposed Ground Floor Plan and Site Phase 2
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— Site Boundary Line
 — Boundary of Land Owned by Applicant



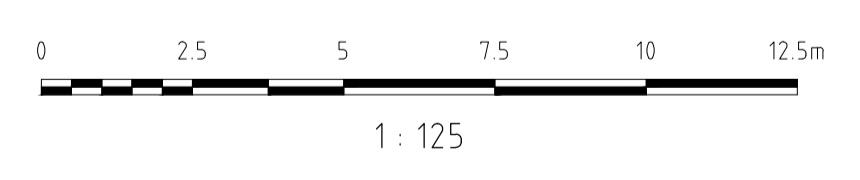
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 New Building:
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 First Floor: 211.02sqm
 Total: 422.04 sqm

Gross External Floor Areas Phase 1:
 New Building:
 Ground Floor: 232.76sqm
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 (Total: 465.52 sqm)

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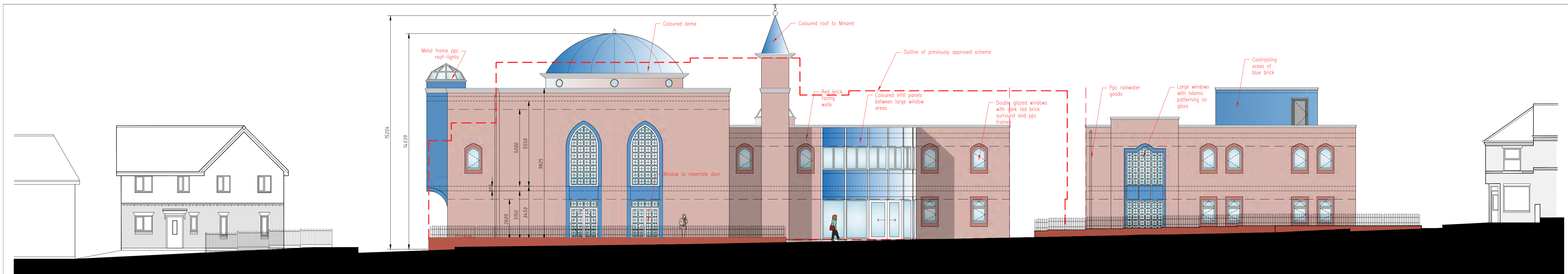
Red Line Site Area: 1825m²
 Blue Line Area: 1703m²



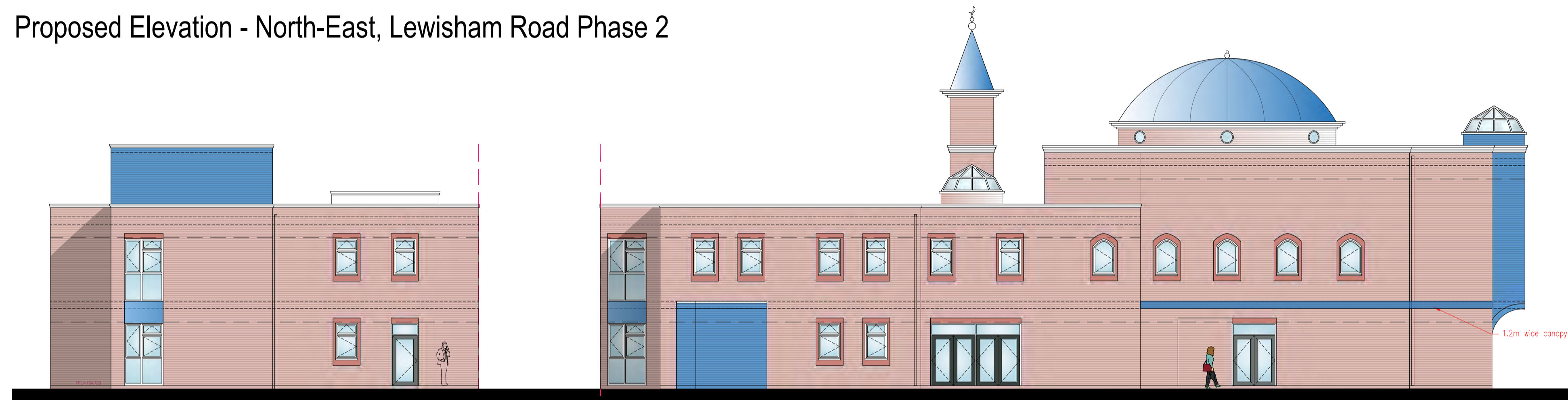
Proposed First Floor Plan - Phase 2

rev.	date	drawn	chk'd
1:125@A1		Gould Singleton Architects	
12.11.19		Earls Way, Halesowen, West Midlands, B63 3HR	
CH		GSA	
19/1744.08.A		Proposed First Floor Plan Phase 2	

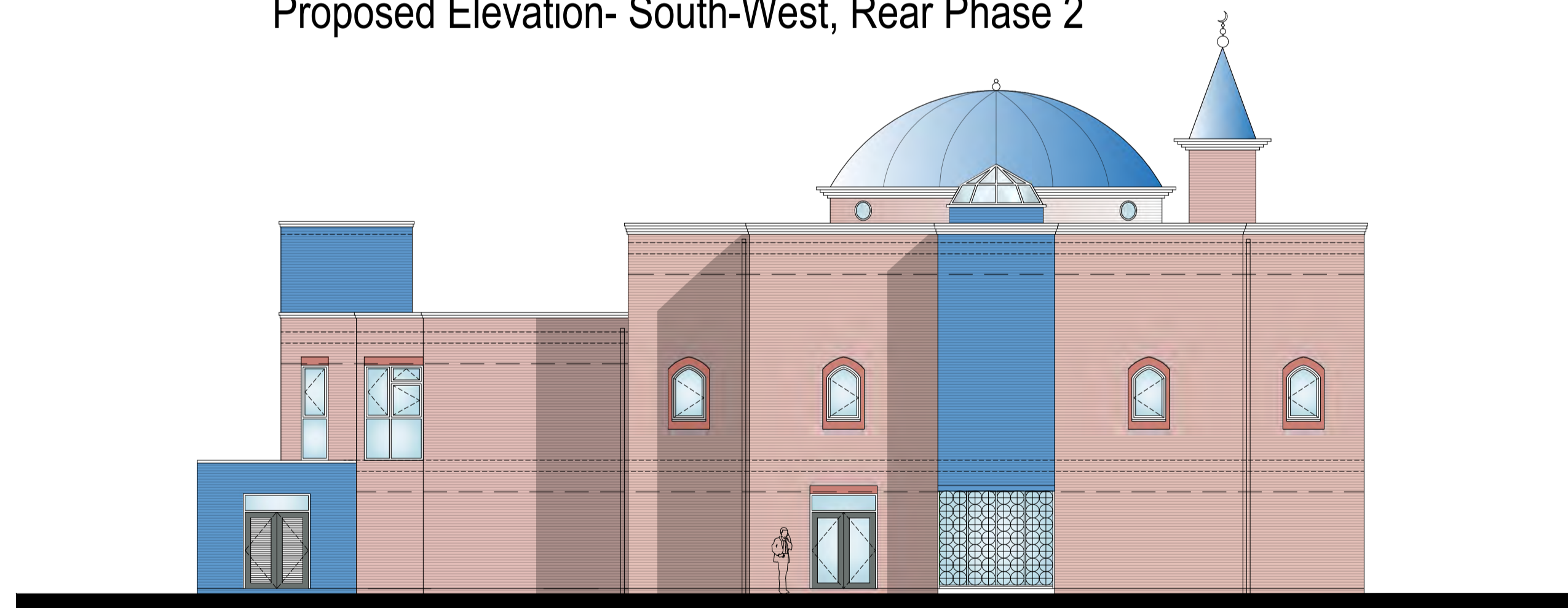
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Proposed Elevation - North-East, Lewisham Road Phase 2



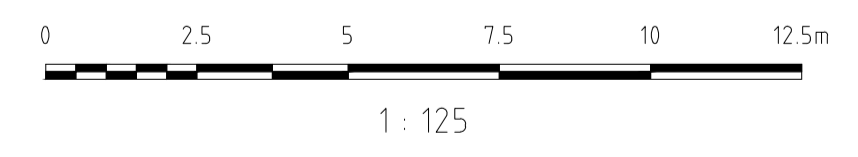
Proposed Elevation- South-West, Rear Phase 2



Proposed Elevation- South-East, Smeaton Ave, Phase 2



Proposed Elevation- North-West, Mafeking Road Phase 2



rev.	date	drawn	chk	d
 Gould Singleton Architects Earsl Way, Halesowen, West Midlands, B63 3HR <small>Tel: 0121 550 0359 Fax: 0121 550 8088 e-mail: postmaster@gould-singleton.co.uk</small>				
number	1:125@A1	Bangladeshi Islamic Centre		
date	12.11.19	Lewisham Road		
drawn	CH	Smethwick		
checked	GSA	B66 2BP		
date	09.1744.09.C	Proposed Elevations Phase 2		

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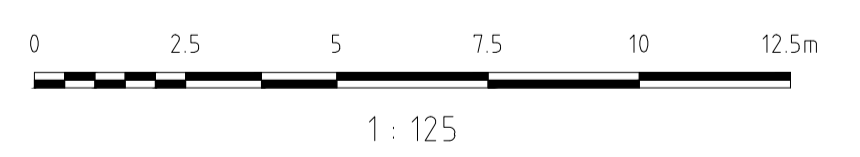
— Site Boundary Line (see Location Plan for Mafeking Road Car-park)
— Boundary of Land Owned by Applicant



Gross Internal Floor Areas Phase 3:
 New Building:
 Ground Floor: 938.55sqm inc Plant Hou:
 First Floor: 930.42sqm
 Total: 1868.97sqm

Gross External Floor Areas Phase 3:
 New Building:
 Ground Floor: 999.55sqm inc Plant Hou:
 (First Floor: 989.58sqm)

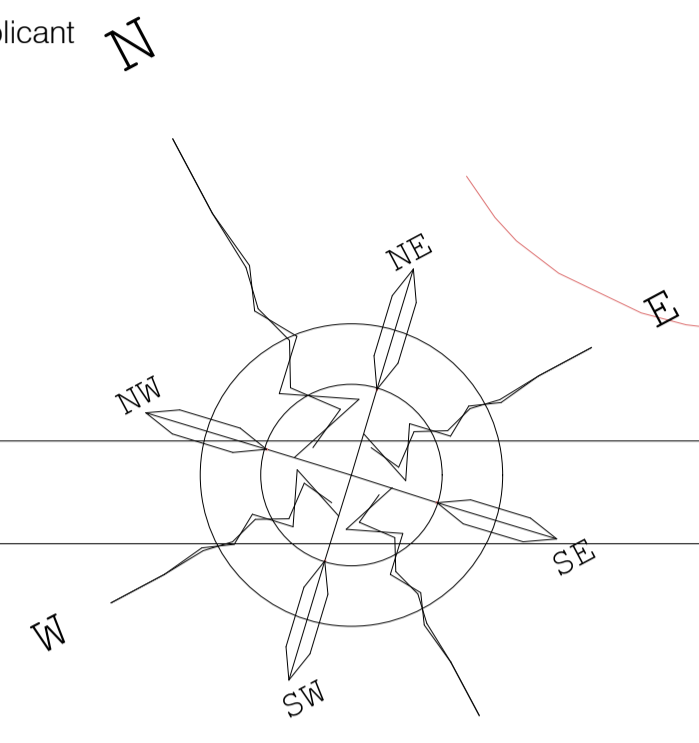
Red Line Site Area: 1825m2
 Blue Line Area: 1703m2



Proposed Ground Floor Plan - Phase 3

rev.	date	drawn/chk'd
Gould Singleton Architects Earls Way, Halesowen, West Midlands, B63 3HR		
number/drawn	date	scales
19.1744.10	12.11.19	1:125@A1
checked	CH	GSA
Bangladeshi Islamic Centre Lewisham Road Smethwick B66 2BP Proposed Ground Floor Plan and Site Plan Phase 3		
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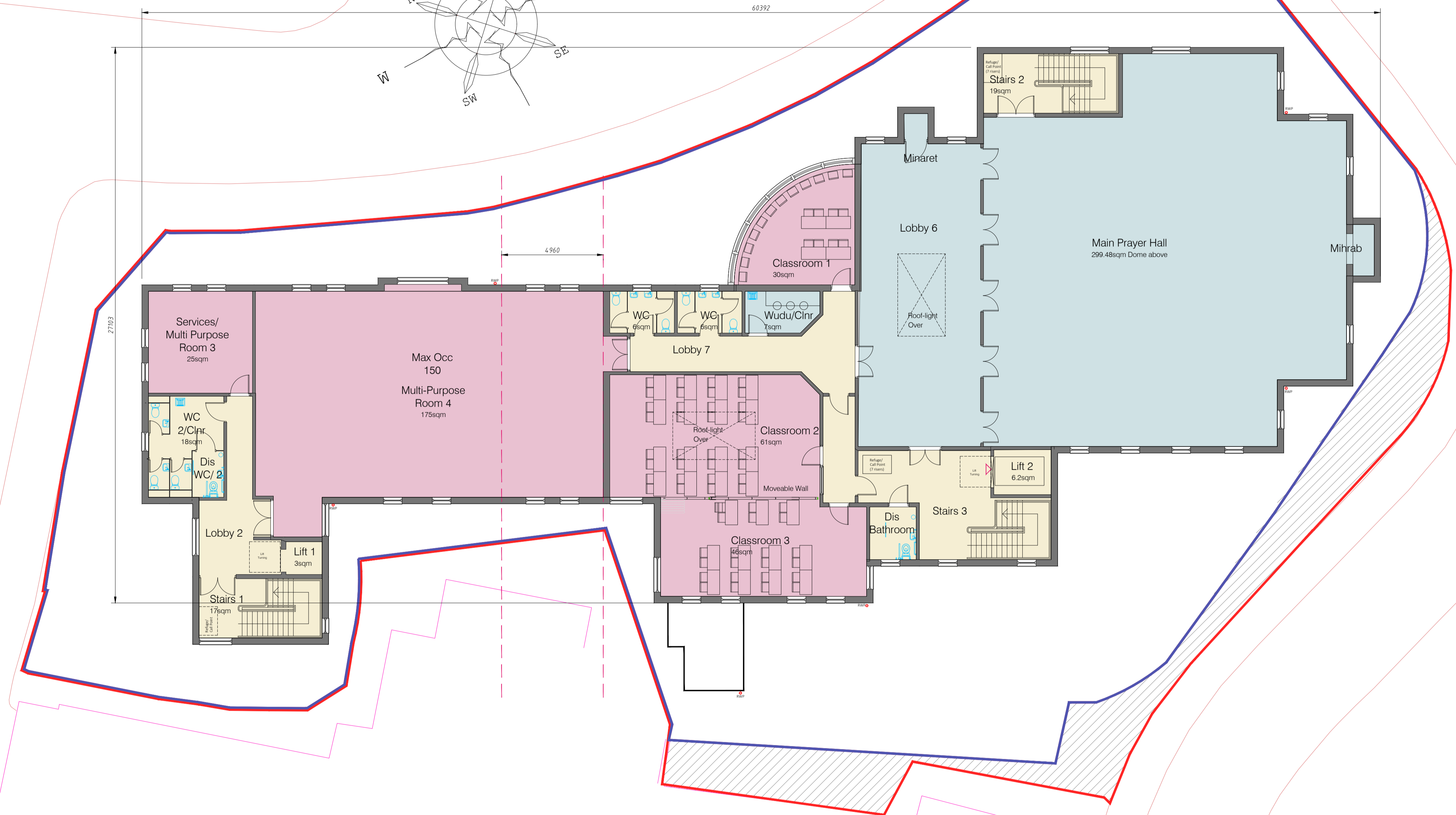
— Site Boundary Line
 — Boundary of Land Owned by Applicant



Gross Internal Floor Areas Phase 3:
New Building:
 Ground Floor: 938.55sqm inc Plant Hou:
 First Floor: 930.42sqm
 Total: 1868.97sqm

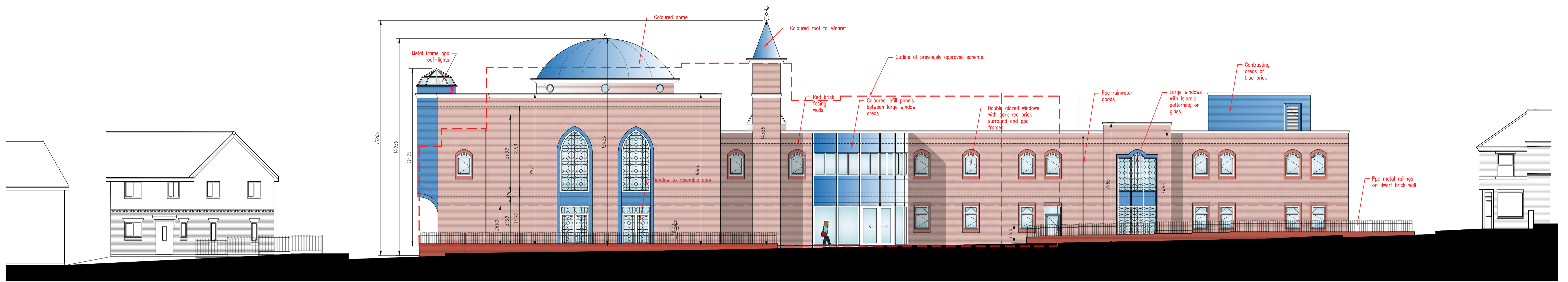
Gross External Floor Areas Phase 3:
New Building:
 Ground Floor: 999.55sqm inc Plant Hou:
 (First Floor: 989.58sqm)

Red Line Site Area: 1825m²
 Blue Line Area: 1703m²

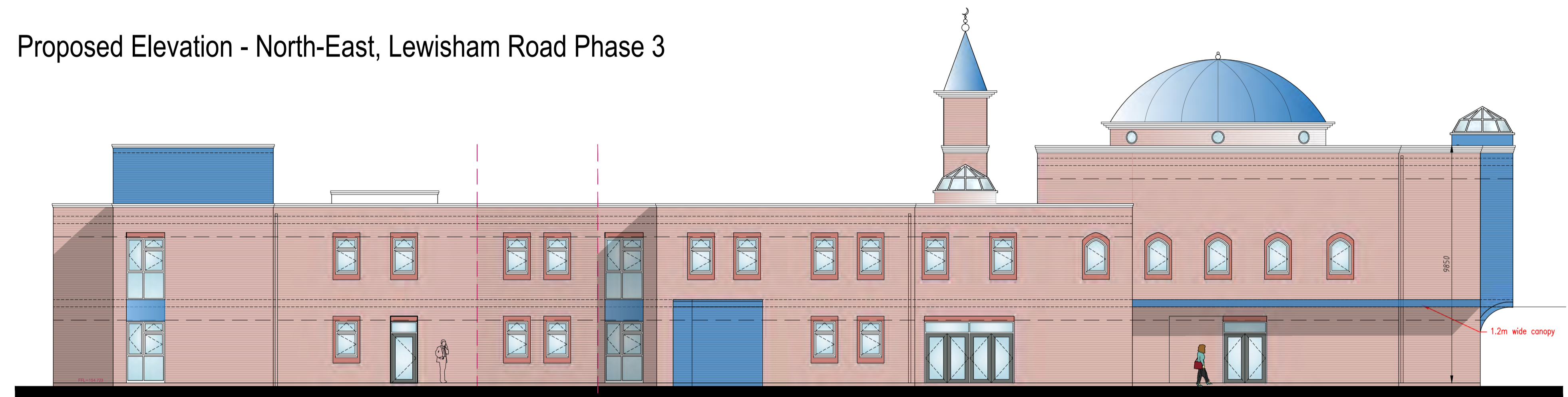


Proposed First Floor Plan - Phase 3

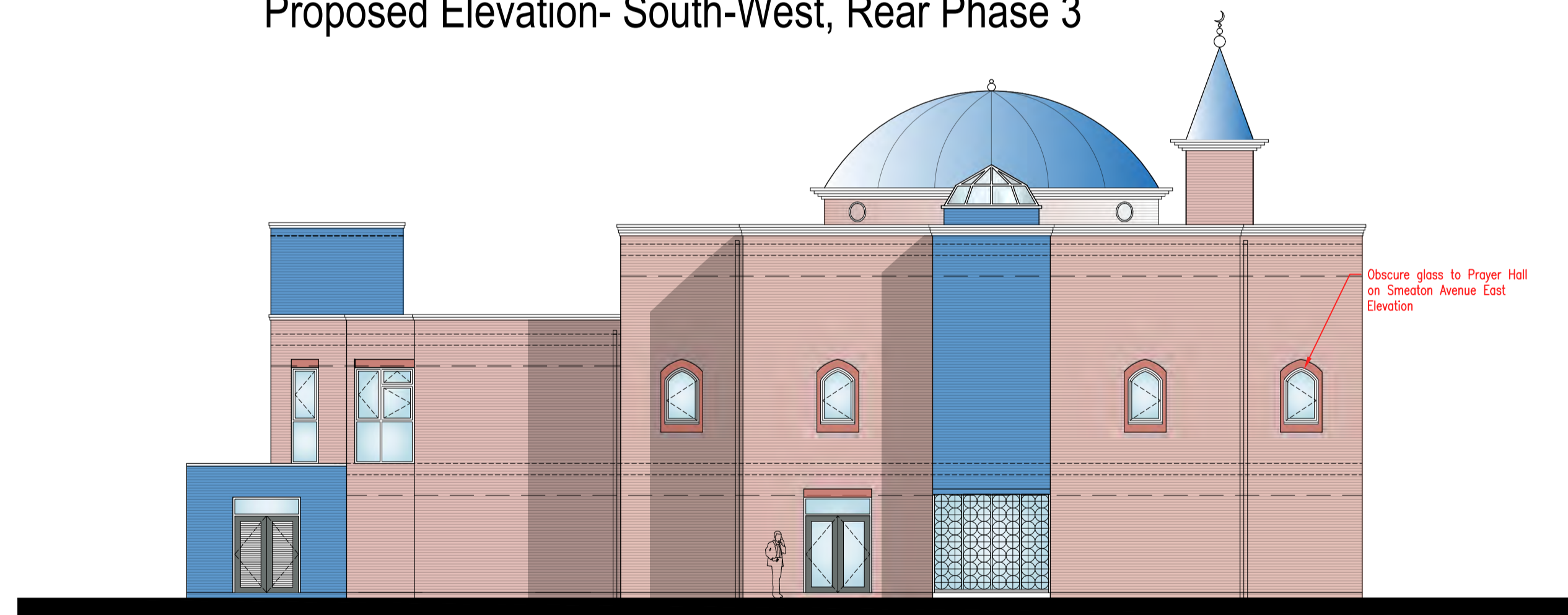
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Gould Singleton Architects Earls Way, Halesowen, West Midlands, B63 3HR Tel: 0121 550 0359 Fax: 0121 550 8088 e-mail: postmaster@goald-singleton.co.uk			
number	date	checked	drawn
19.1744.11.A	12.11.19	CH	GSA
scales: 1:125@A1 Bangladeshi Islamic Centre Lewisham Road Smethwick B66 2BP Proposed First Floor Plan Phase 3 <small>This drawing and the building works depicted are the copyright of the Architects and may not be reproduced except by written permission. This drawing must be read and checked against any specialist drawings and information provided. Do not scale prints. Figured dimensions only to be taken from this drawing.</small>			



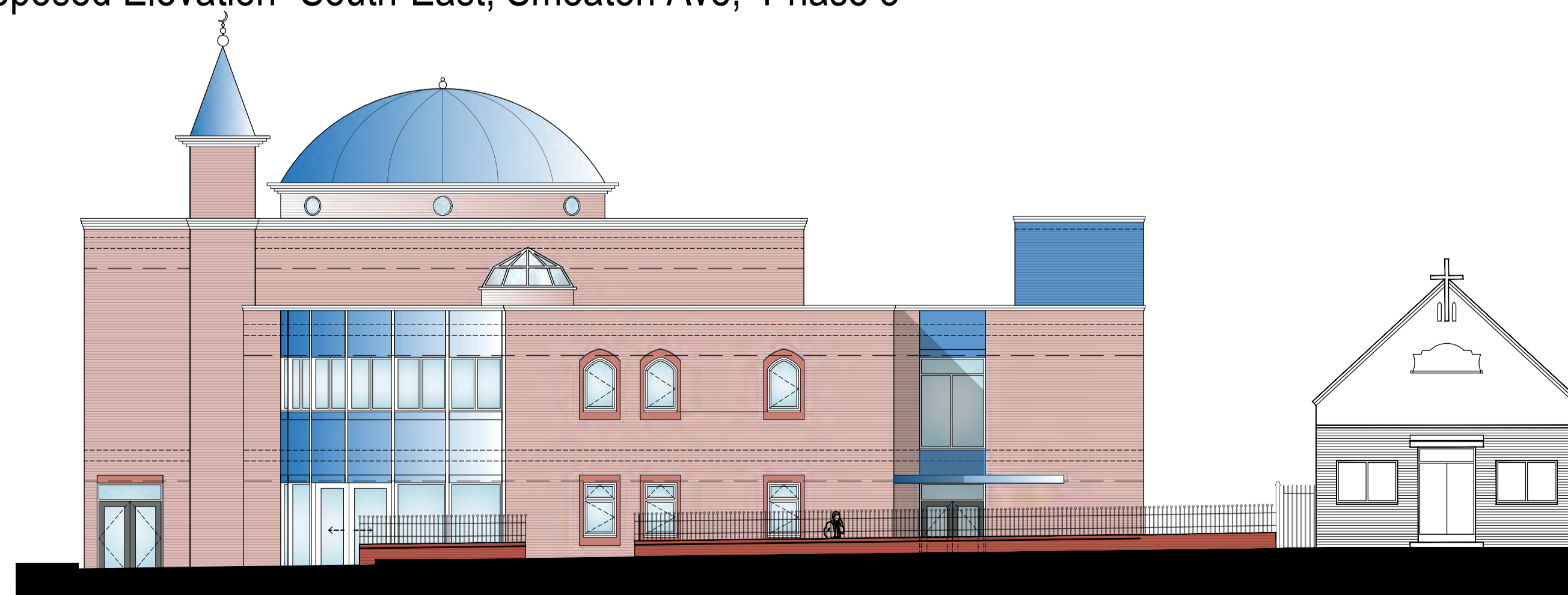
Proposed Elevation - North-East, Lewisham Road Phase 3



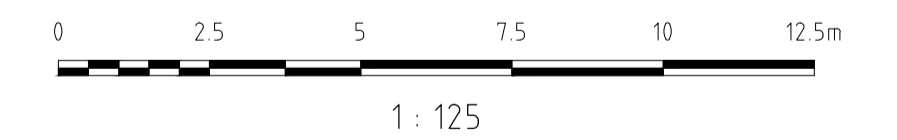
Proposed Elevation- South-West, Rear Phase 3



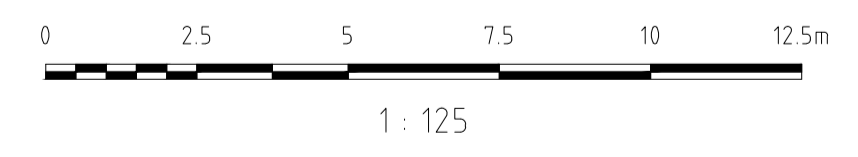
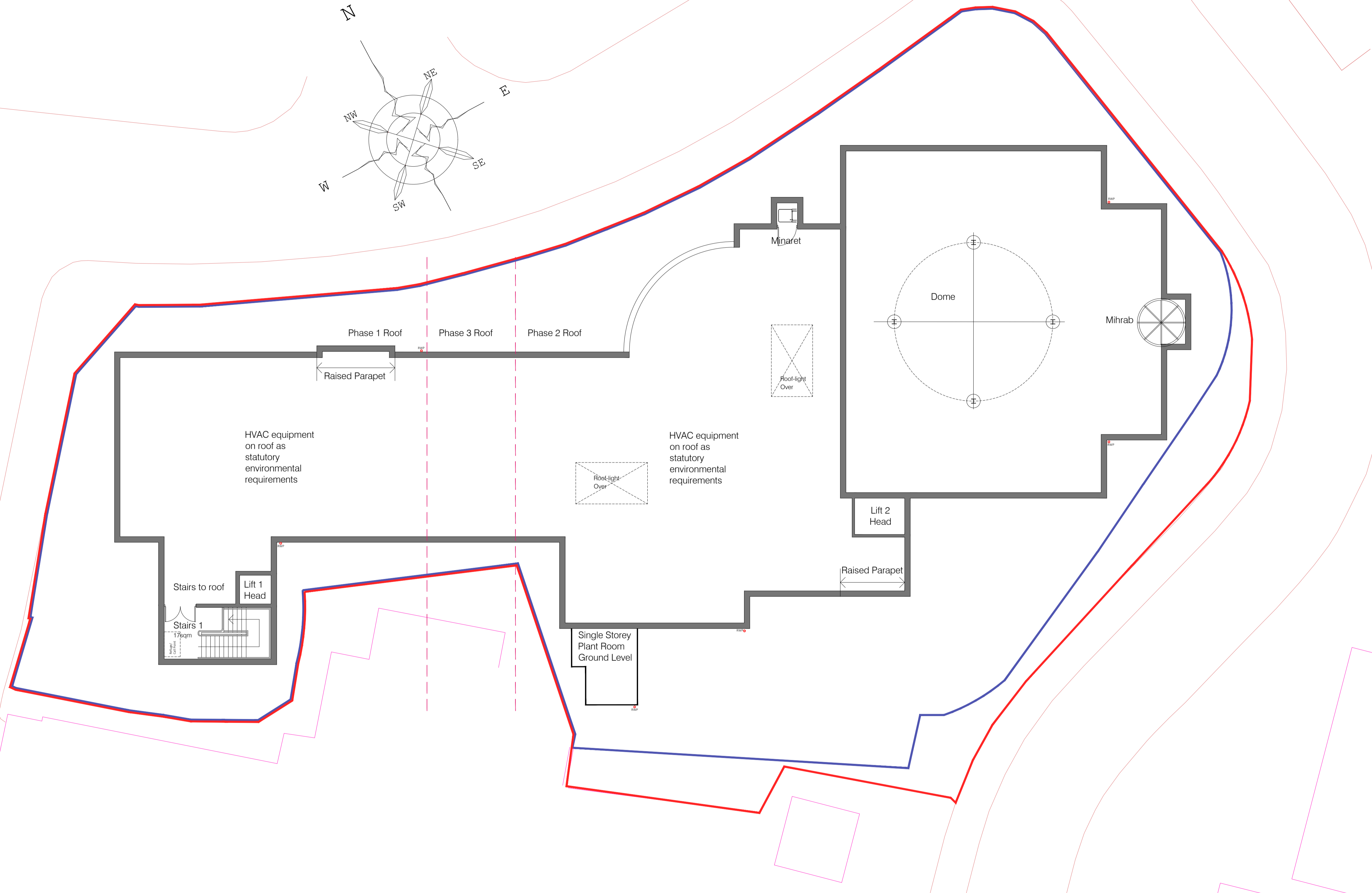
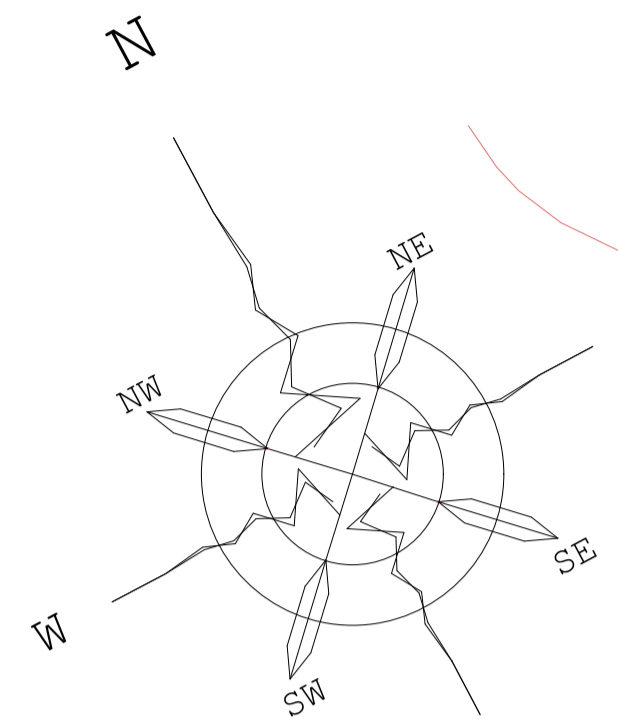
Proposed Elevation- South-East, Smeaton Ave, Phase 3



Proposed Elevation- North-West, Mafeking Road Phase 3



rev.	date	drawn	chk'd
 Gould Singleton Architects Earls Way, Halesowen, West Midlands, B63 3HR Tel: 0121 550 0359 Fax: 0121 550 8088 e-mail: postmaster@gould-singleton.co.uk			
number	date	1:125@A1 Bangladeshi Islamic Centre Lewisham Road Smethwick B66 2BP	
drawn	date	12.11.19	
checked	date	CH GSA Proposed Elevations Phase 3	
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19.1744.12.C			



Proposed Roof Plan - Phase 3

rev.	date	drawn	chk'd
		CH	GSA

number	date	scale	description
19/1744.13	12.11.19	1:125@A1	Proposed Roof Plan Phase 3



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 Tel: 0121 550 0359 Fax: 0121 550 8088
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Bangladeshi Islamic Centre
 Lewisham Road
 Smethwick
 B66 2BP

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REPORT TO PLANNING COMMITTEE

9 December 2020

Application Reference	DC/20/64315
Application Received	1 June 2020
Application Description	Proposed dormer bungalow.
Application Address	Land at 43 Longleat Great Barr Birmingham B43 6PS
Applicant	Mr Charandass Chopra
Ward	Charlemont With Grove Vale
Contribution towards Vision 2030:	 
Contact Officer(s)	Douglas Eardley 0121 5694892 douglas_eardley@sandwell.gov.uk

RECOMMENDATION

That planning permission is granted subject to: -

- (i) External materials
- (ii) Drainage details
- (iii) Provision and retention of parking
- (iv) Provision and retention of an electric vehicle charging point
- (v) Hard and soft landscaping
- (vi) Boundary treatments
- (vii) Site Investigation and remediation
- (viii) Construction method statement
- (ix) Levels
- (x) Provision of drop kerb
- (xi) Removal of permitted development rights

1. BACKGROUND

- 1.1 This application is being reported to your Planning Committee because the application has generated 3 material planning objections.

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

[Land at 43 Longleat, Great Barr](#)

2. SUMMARY OF KEY CONSIDERATIONS

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

Government policy (NPPF)
Proposals in the Development Plan
Out of character with the surrounding area
Overdevelopment of site
Highways/parking issues
Loss of light
Loss of privacy
Loss of outlook

3. THE APPLICATION SITE

- 3.1 The application relates to a site to the side of the existing property of 43 Longleat, Great Barr. The proposal site is situated on the south-western side of Longleat, Great Barr; the immediate surrounding area is residential.

4. PLANNING HISTORY

- 4.1 There is no relevant planning history.

5. APPLICATION DETAILS

- 5.1 Amended plans have been received to indicate the parking for the existing property (No.43) and proposal; the central glazing feature (side of Blythefield Avenue) has been omitted from the scheme; and the scheme has been amended to be like that of the existing properties of 41 and 43 Longleat.
- 5.2 The dimensions of the proposed dormer bungalow would measure 10.5 metres deep by 7.0 metres wide by 7.3 metres high from ground floor level to the height of the gable roof. Two off street parking spaces would be provided for the proposal.

6. PUBLICITY

6.1 The application has been publicised by neighbour notification letter both on the original and amended schemes with 3 objections being received from properties on Blythefield Avenue.

6.2 Objections

Objections have been received on the following grounds:

- (i) Out of character with the surrounding area
- (ii) Overdevelopment of site
- (iii) Highways/parking issues
- (iv) Loss of light
- (v) Loss of privacy
- (vi) Loss of outlook

Immaterial objections have been raised regarding ownership/boundary issues and restrictive covenants for the existing dwelling.

6.3 Responses to objections

I respond to the objector's comments in turn;

- (i) The proposal has been amended so that it is like that of the existing properties of 41 and 43 Longleat; and therefore, would be in keeping with the character of the surrounding area.
- (ii) The dimensions of the amended proposal, which are akin to that of the neighbouring properties of 41 and 43 Longleat, ensure that the revised scheme would generally accord with the guidelines of the Council's Residential Design Guidance. Furthermore, the dimensions of the proposal are considered acceptable in relation to the size of the site; and would accord with the provisions of Policies ENV3 and SAD EOS9.
- (iii) Amended plans have been received to indicate the off street parking provision for both the proposal and the existing dwellinghouse (43 Longleat). Furthermore, the Head of Highways has no objection to the amended proposal. Also, as the proposal would utilise the existing dropped kerb, a condition would be imposed on this application to ensure that the new drop kerb for the existing property (43 Longleat) is implemented before the proposal is brought into use. Therefore, it is considered that there would be no adverse highway/parking issues caused by the proposal.
- (iv) When assessing the location and dimensions of the proposal in relation to the siting of the neighbouring properties, it is considered that there would be no significant loss of light in this instance.

- (v) Due to the location of the neighbouring properties in relation to the proposal, it is considered that there would be no significant loss of privacy in this instance.
- (vi) When looking at the location of the neighbouring properties in relation to the proposal, it is considered that there would be no significant loss of outlook in this instance.

7. STATUTORY CONSULTATION

- 7.1 **Highways** – No objection following the receipt of amended plans to show off street car parking for the existing property and proposal; and a drop kerb for the existing property. They have only requested the imposition of a condition to ensure that the new drop kerb for the existing property (43 Longleat) is implemented before the proposal is brought into use.
- 7.2 **Planning Policy** – No objection, however the proposal would be liable for Community Infrastructure Levy (CIL).

8. GOVERNMENT GUIDANCE/NATIONAL PLANNING POLICY

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

9. LOCAL PLANNING POLICY

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

DEL1: Infrastructure Provision

ENV3: Design Quality

ENV5: Flood Risk, Sustainable Drainage System and Urban Heat Island Effect

ENV8: Air Quality

HOU1: Delivering Sustainable Housing Growth

SAD H2: Windfall Sites

SAD EOS9: Urban Design Principles

- 9.2 In connection to Policy DEL1, the proposal would integrate in the surrounding area without the requirement for additional infrastructure short of the provision of an additional drop kerb.
- 9.3 Policies ENV3 and SAD EOS9 refer to well-designed schemes that provide quality living environments. In the main, the design and layout of the proposal is considered to be acceptable, subject to conditions relating to external materials.

- 9.4 The proposal would be compliant with the provisions of Policy ENV5 and the proposal is considered acceptable subject to conditions relating to hard and soft landscaping details.
- 9.5 It is proposed to impose a condition relating to the provision and retention of an electric vehicle charging point; therefore, it is considered that the proposal would be compliant with Policy ENV8.
- 9.6 Policy HOU1 promotes sustainable housing growth; it is considered that the proposal would adhere to the provisions of this policy.
- 9.7 The proposal accords with the provisions of Policy SAD H2, as it utilises an existing site, which falls within a residential area; and has good links to local services, transport and open space.

10. MATERIAL CONSIDERATIONS

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

10.2 Out of character with the surrounding area

The proposal has been amended to reflect the existing neighbouring properties of 41 and 43 Longleat; and therefore, would be in keeping with the character of the surrounding area.

10.3 Overdevelopment of site

The revised scheme would generally accord with the guidelines of the Council's Residential Design Guidance. Furthermore, the dimensions of the proposal are considered acceptable in relation to the size of the site; and would accord with the provisions of Policies ENV3 and SAD EOS9.

10.4 Highways/parking issues

Amended plans have been received to indicate the off street parking provision for both the proposal and the existing dwellinghouse (43 Longleat). Furthermore, the Head of Highways has no objection to the amended proposal. Therefore, it is considered that there would be no adverse highway/parking issues caused by the proposal.

10.5 Loss of light

When assessing the location and dimensions of the proposal in relation to the siting of the neighbouring properties, it is considered that there would be no significant loss of light in this instance.

10.6 Loss of privacy

Due to the location of the neighbouring properties in relation to the proposal, it is considered that there would be no significant loss of privacy in this instance.

10.7 Loss of outlook

When looking at the location of the neighbouring properties in relation to the proposal, it is considered that there would be no significant loss of outlook in this instance.

11. IMPLICATIONS FOR SANDWELL'S VISION

11.1 The proposal supports Ambitions 7 & 10 of the Sandwell Vision 2030: -

11.2 Ambition 7 – We now have many new homes to meet a full range of housing needs in attractive neighbourhoods and close to key transport routes.

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

12. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

12.1 The proposal would generally be compliant with national and local policy; it is appropriate in design and scale to the surrounding area and would not have a significant impact upon the amenities of the neighbouring properties.

13. STRATEGIC RESOURCE IMPLICATIONS

13.1 When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the council.

14. LEGAL AND GOVERNANCE CONSIDERATIONS

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

15. EQUALITY IMPACT ASSESSMENT

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

16. DATA PROTECTION IMPACT ASSESSMENT

16.1 The planning application and accompanying documentation is a public document.

17. CRIME AND DISORDER AND RISK ASSESSMENT

17.1 There are no crime and disorder issues with this application.

18. SUSTAINABILITY OF PROPOSALS

18.1 Refer to the National Planning Policy Framework (8), Development Plan policies (9) and material considerations (10).

19. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

19.1 Refer to the summary of the report (12).

20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

20.1 There would be no impact.

21. APPENDICES:

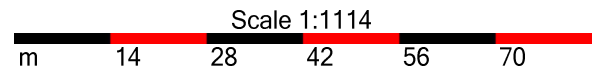
Site Plan
Context Plan
Plan No. ANS/271/01C
Plan No. 1A
Plan No. 2A

DC/20/64315

Land at 43 Longleat, Great Barr



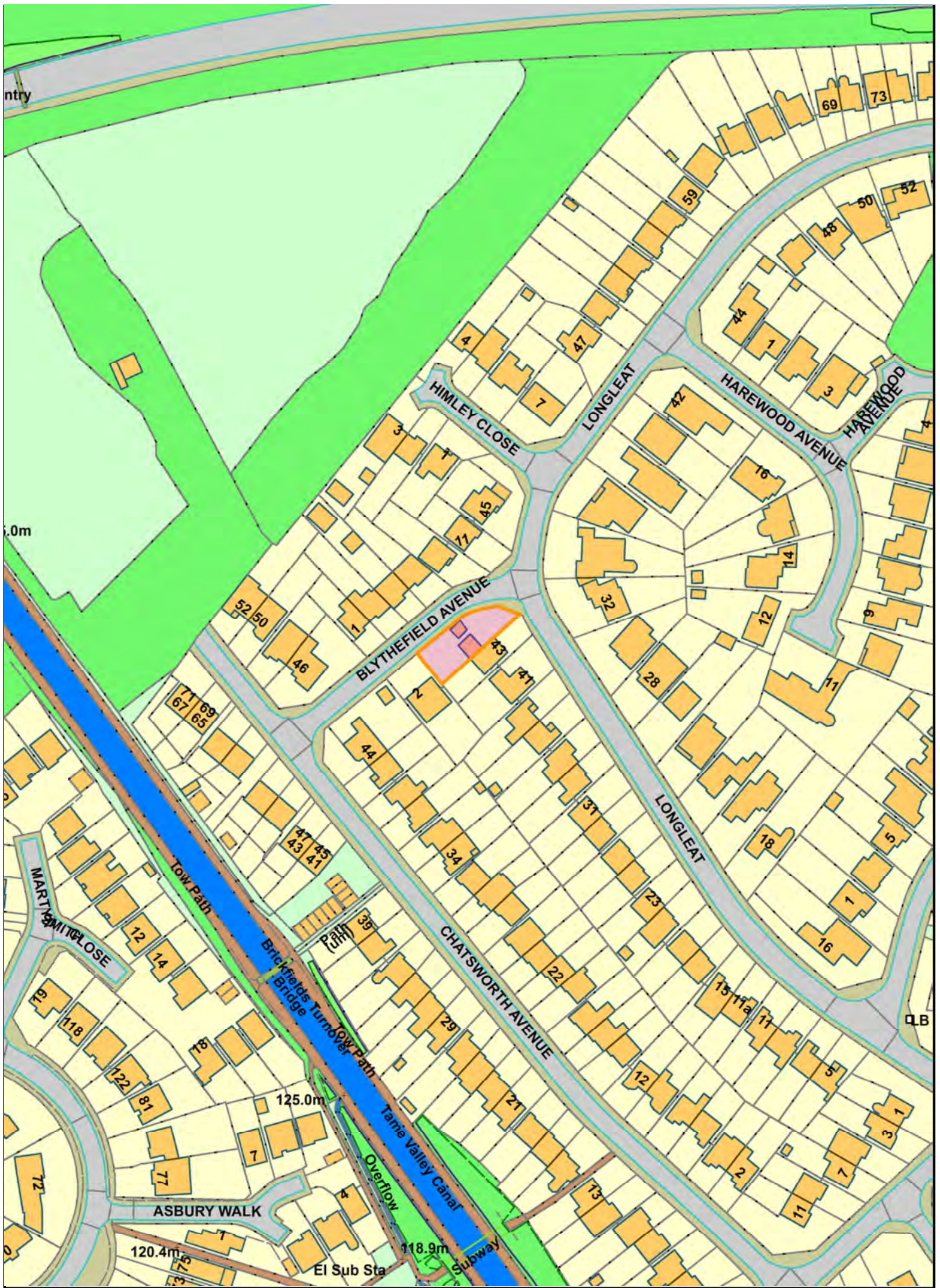
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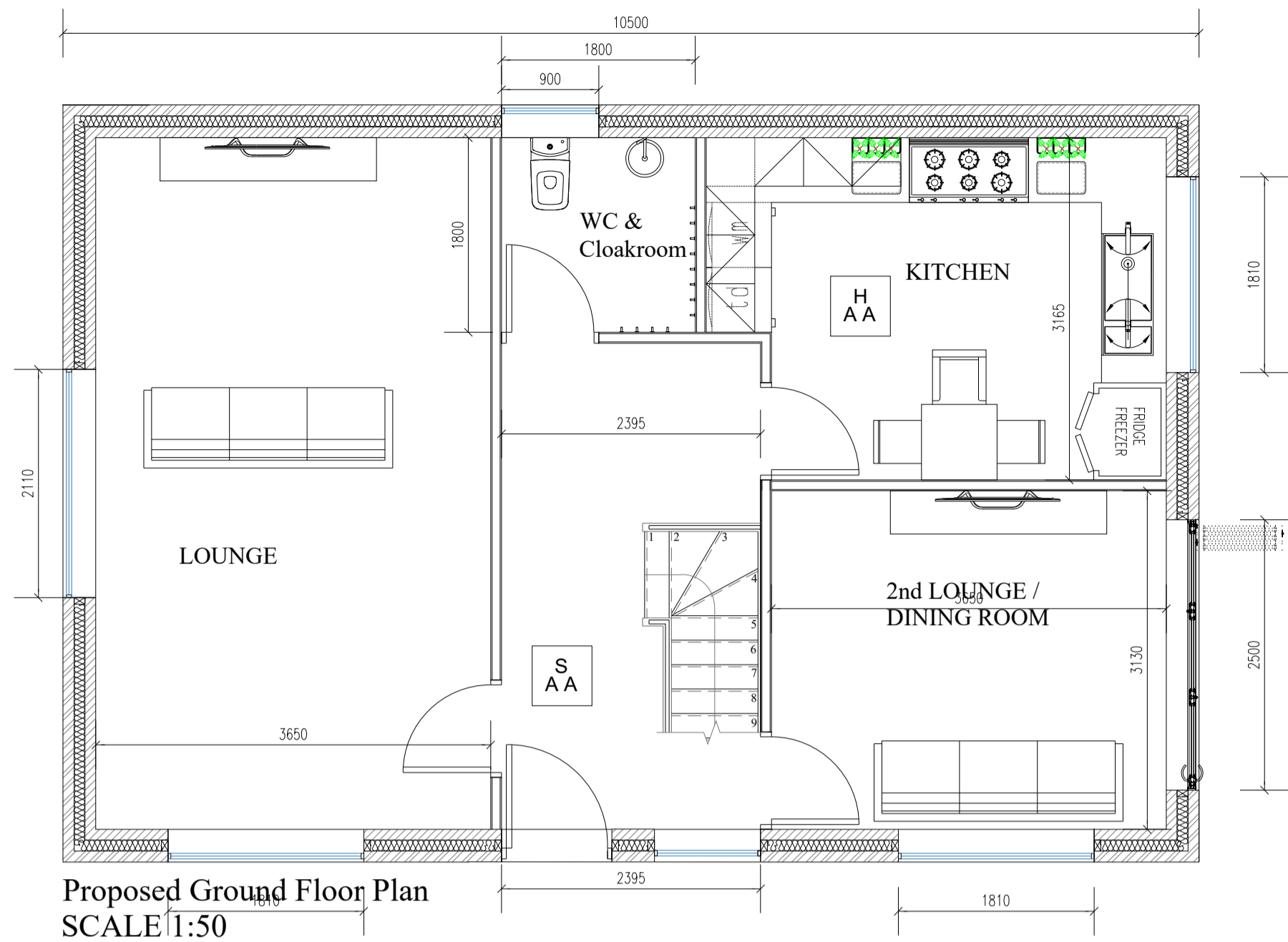
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Comments	Not Set
Date	25 November 2020
OS Licence No	

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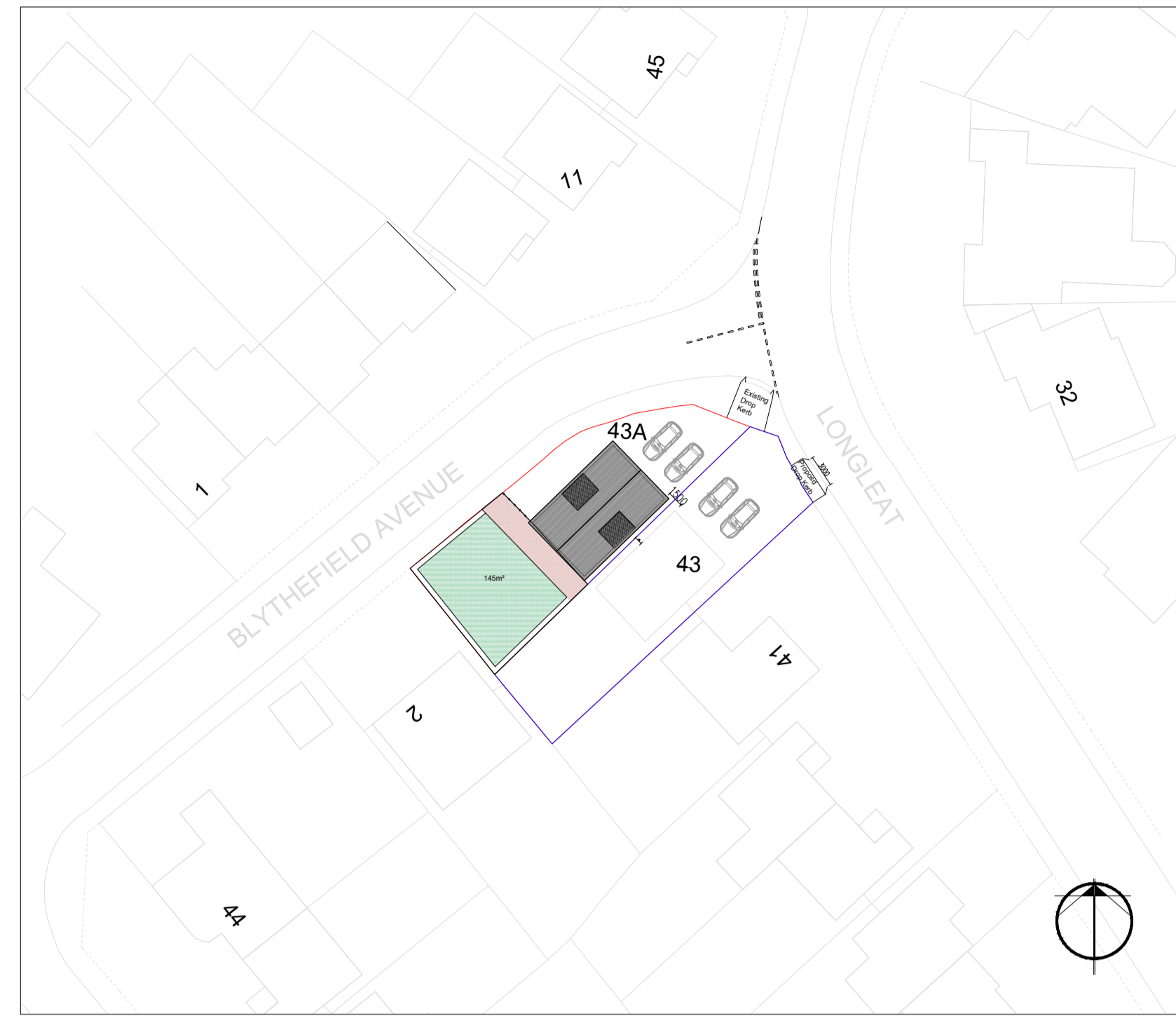




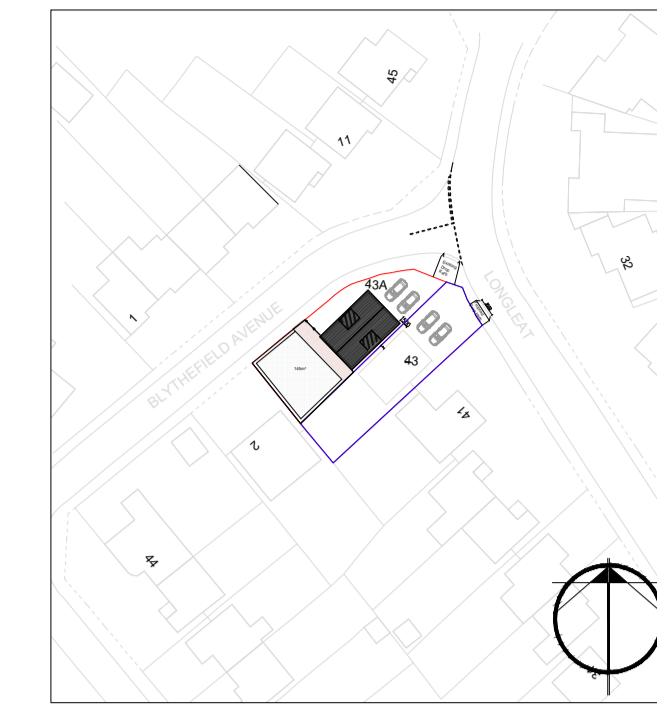




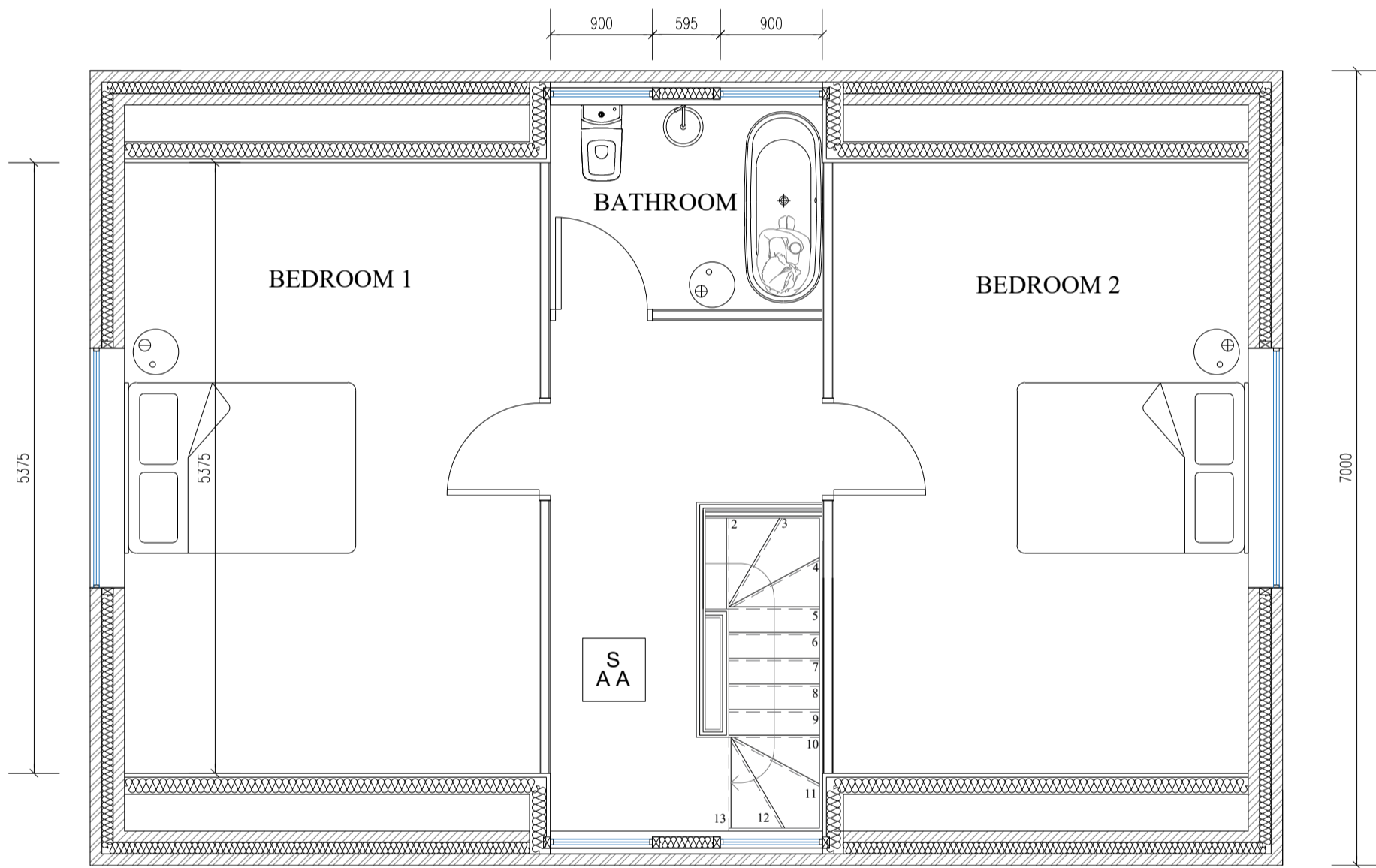
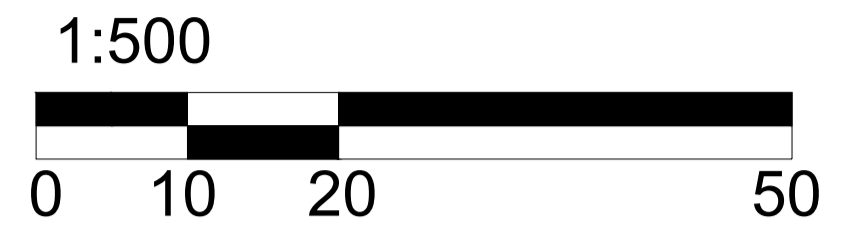
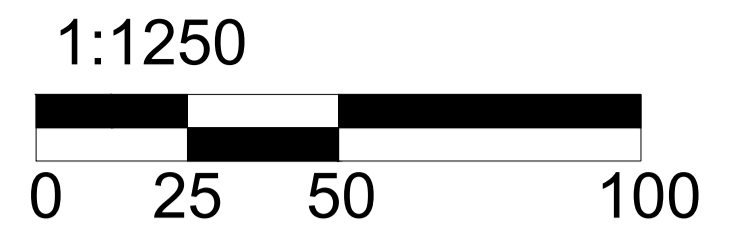
Proposed Ground Floor Plan
SCALE 1:50



Proposed Site Plan
SCALE 1:500



Proposed Location Plan
SCALE 1:1250



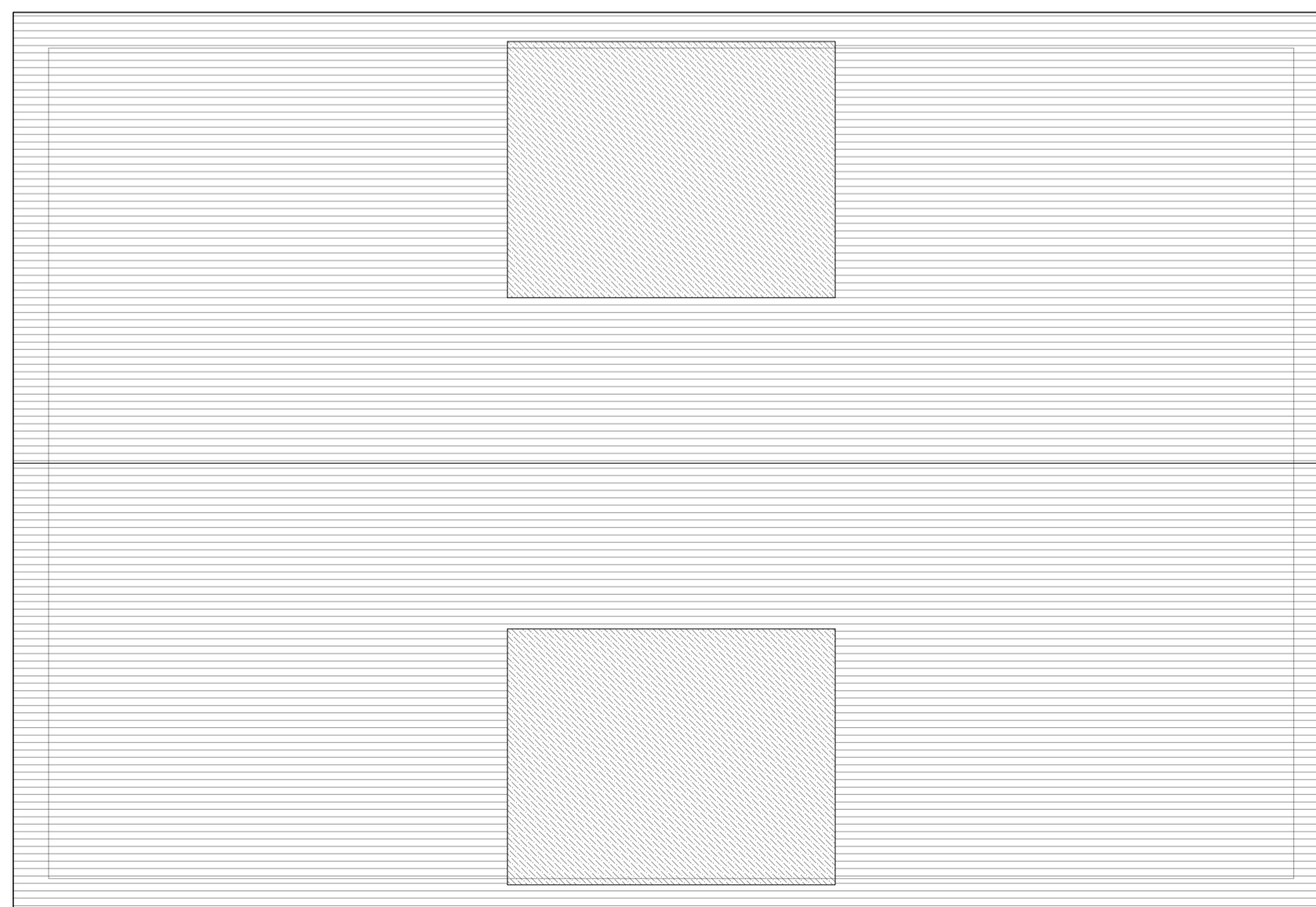
Proposed First Floor Plan
SCALE 1:50



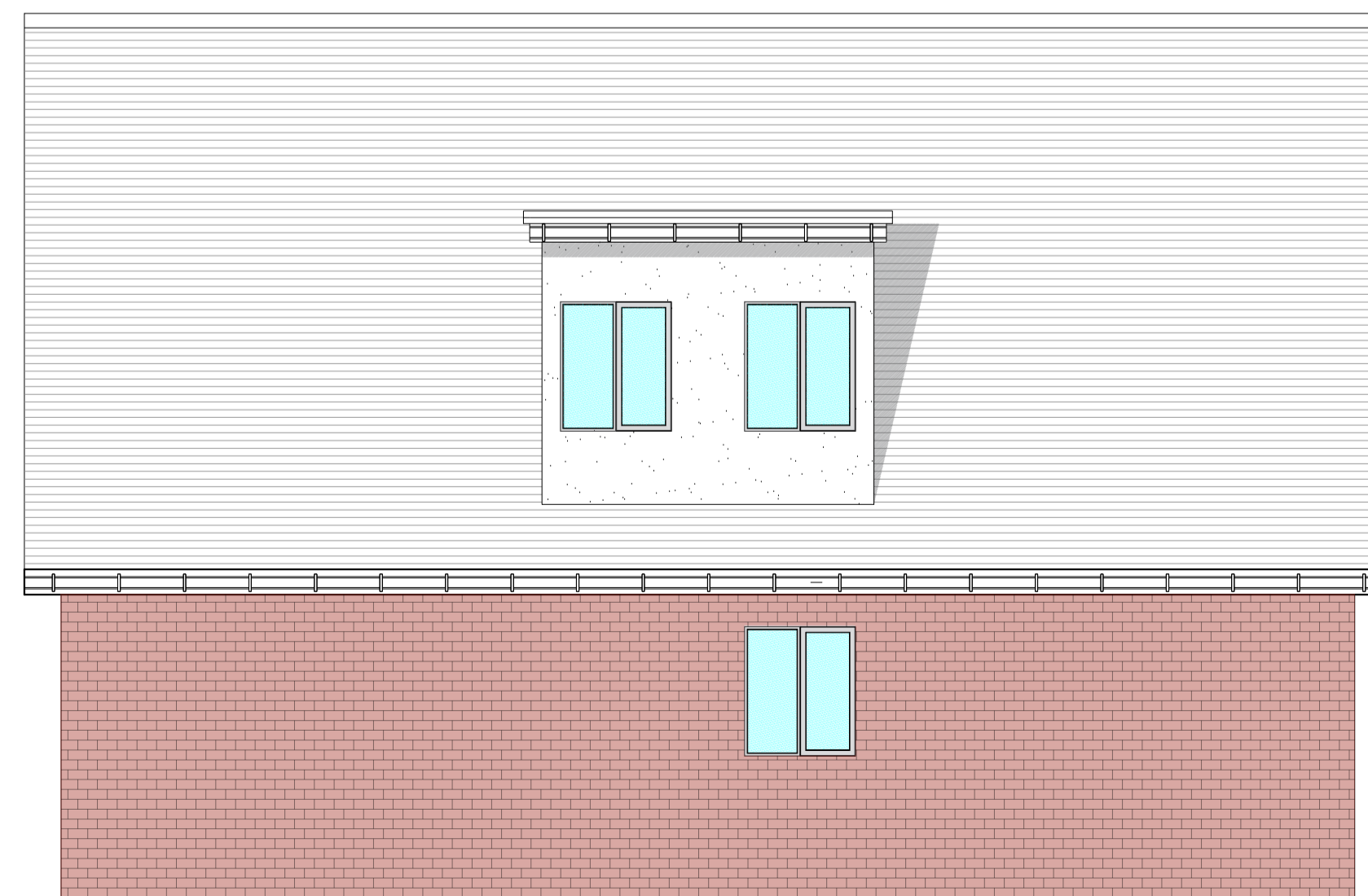
Proposed Front Elevation
SCALE 1:50



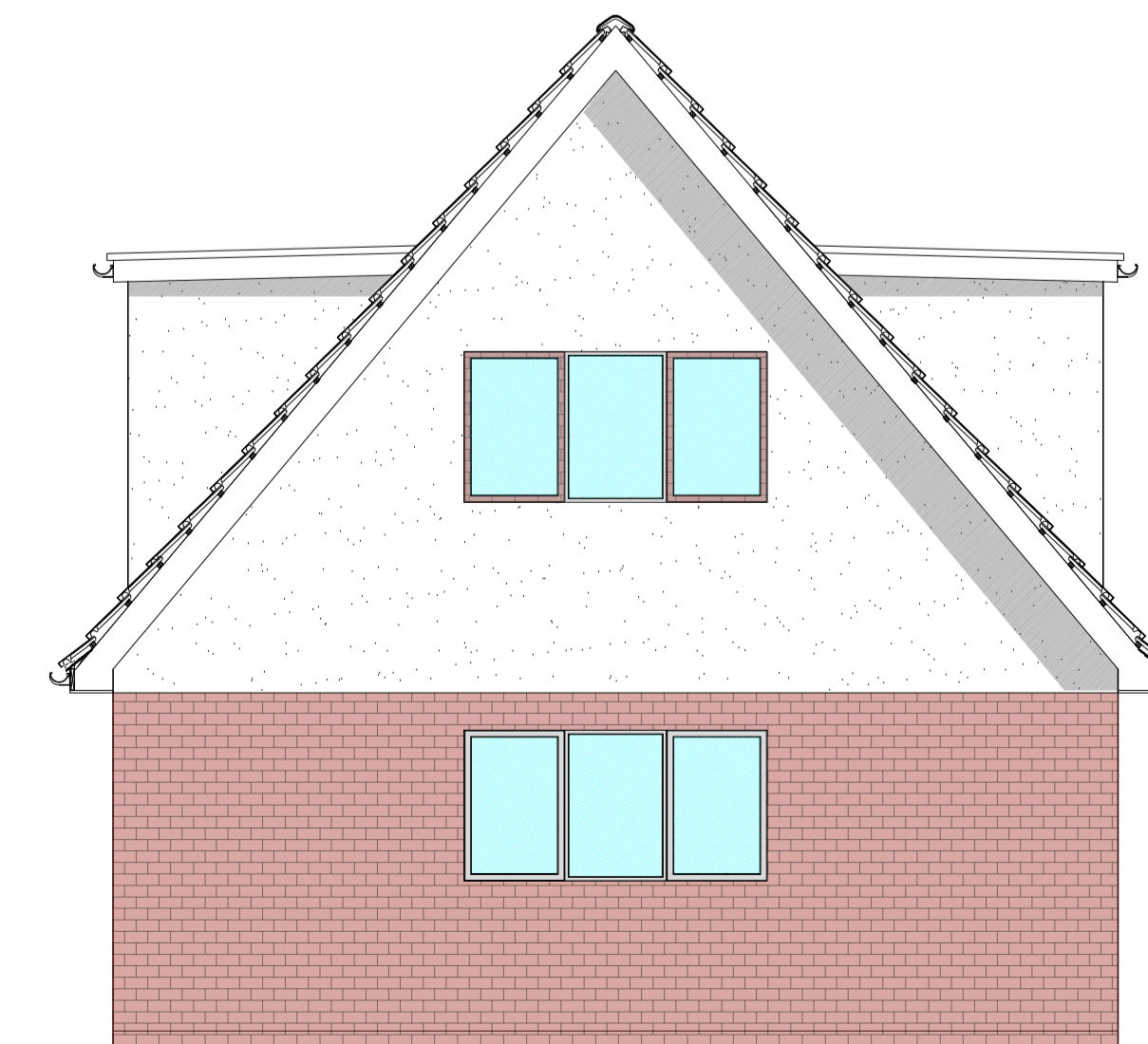
Proposed Side Elevation
SCALE 1:50



Proposed Roof Plan
SCALE 1:50



Proposed Rear Elevation
SCALE 1:50



Proposed Side Elevation
SCALE 1:50

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CDM It is the clients responsibility to take all necessary steps to fully comply with the CDM Regulations amendment 6 April 2015. The Designer has taken necessary action to avoid injury / incident within the specification, and reasonable and practicable steps in the design of the building.

Party Wall 1996 The client is the Building owner and as such should take the necessary steps to comply with the Act where applicable.

1B	Addition of landscaping, separation distance & Scale bars	09/09/20	ANS
1C	Removal of front facing gabled dormers, removal of front facing central 2-storey projection	18/09/20	ANS
rev.	description	date	initial





38 Old Walsall Road,
Great Barr,
Birmingham, B42 1NP
Tel: 0121 358 2233
Fax: 0121 357 7492
Email: contact@integratedesigns.co.uk

Title	New 2 Storey Bungalow		
Project	Land @ 43 Longleat Great Barr B43 6PS		
Client			
Scale	1:50 / 1:500 / 1:1250 @ A1		
Drawing No.	ANS/271/01C	Date	18/09/2020

REPORT TO PLANNING COMMITTEE

9 December 2020

Application Reference	DC/20/64426
Application Received	29 June 2020
Application Description	Proposed demolition of existing bungalow and proposed 4 bed detached house with associated car parking.
Application Address	2 St Edmunds Close West Bromwich B70 6TG
Applicant	Mr Major Singh
Ward	West Bromwich Central
Contribution towards Vision 2030:	 
Contact Officer(s)	Douglas Eardley 0121 569 4892 douglas_eardley@sandwell.gov.uk

RECOMMENDATION

That planning permission is granted subject to: -

- (i) External materials
- (ii) Construction method statement
- (iii) Provision and retention of parking spaces
- (iv) Landscaping and boundary treatments implemented in accordance with submitted details
- (v) Removal of permitted development rights
- (vi) Provision and retention of an electric vehicle charging point
- (vii) All windows in the side elevation of the proposal facing St Edmunds Close shall be obscurely glazed and non-opening; once provided, the windows shall be retained as such.

1. BACKGROUND

- 1.1 This application is being reported to your Planning Committee because the application has generated 2 material planning objections and a petition with 13 signatures.

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

[2 St Edmunds Close, West Bromwich](#)

2. SUMMARY OF KEY CONSIDERATIONS

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

Government policy (NPPF)
Proposals in the Development Plan
Loss of privacy
Loss of light and outlook
Out of character with surrounding area
Overdevelopment of site

3. THE APPLICATION SITE

- 3.1 The application relates to an existing bungalow on the southern side of St Edmunds Close, West Bromwich; the immediate surrounding area is residential.

4. PLANNING HISTORY

- 4.1 Relevant planning applications are as follows: -

DC/04/42087	Proposed side extension.	Approved 25.03.2004
DC/03/41691	Side extension.	Refused 29.12.2003
DC/06388	Porch.	Approved 01.02.1978

5. APPLICATION DETAILS

- 5.1 At the request of Highways, amended plans have been received to increase the size of the proposed garage, so that internal dimensions are 2.8 metres wide x 6.0 metres deep; which ensures that the proposed garage accords with Council guidance for a car parking space.
- 5.2 In regard to the proposed 4 bed detached house amended plans have been received to indicate additional hanging tiles on the front elevation of

the proposal; 2 non-opening obscurely glazed windows to activate the gable the side of St Edmunds Close; and boundary/landscaping details.

- 5.3 The dimensions of the proposed 4 bed detached house would measure 10.2 metres deep (12.4 metres deep incorporating rear ground floor dining room) by 10.3 metres wide by 7.2 metres high from ground floor level to the height of the gable roof. 2 off-street parking spaces would be provided; made up of 1 parking space and 1 garage parking space.
- 5.4 The dimensions of the proposed garage would measure 6.3 metres deep by 3.0 metres wide by 2.5 metres high from ground floor level to the height of the flat roof.

6. PUBLICITY

- 6.1 The application has been publicised by neighbour notification letter on the original and amended schemes with 2 objections and a petition with 13 signatures being received from properties on St Edmunds Close.

6.2 Objections

Objections have been received on the following grounds:

- (i) Loss of privacy
- (ii) Loss of light and outlook
- (iii) Out of character with surrounding area
- (iv) Overdevelopment of site
- (v) Setting a precedent

Immaterial objections have also been received relating to devaluing properties in the area.

6.3 Responses to objections

I respond to the objector's comments in turn;

- (i) The habitable windows of the proposal would only directly face the properties on Europa Avenue (11 & 15) to the front and 4 St Edmunds Close to the rear. The properties to the front on Europa Avenue are approximately 30 metres away from the proposal and there are no habitable windows in the side elevation of 4 St Edmunds Close. It is also proposed to impose a condition that all windows in the side elevation of the proposal facing St Edmunds Close shall be obscurely glazed and non-opening; and that once provided, these windows shall be retained as such. When these factors are coupled together it is considered that there would be no

- significant loss of privacy to the neighbouring properties in this instance.
- (ii) When considering the siting and dimensions of the proposal in relation to the neighbouring properties, especially those properties on St Edmunds Close, it is considered that there would be no significant loss of light and outlook to the neighbouring properties in this instance.
 - (iii) Although it is proposed to replace the existing bungalow with a 4 bed detached house, it is considered that the proposal could be accommodated within this location in the estate. This is because the proposal retains the openness of the plot to the front and side of the property, whilst also picking up design features from that of the neighbouring properties (hanging tiles, bay window etc). Also, the height of the proposal would be akin to the neighbouring properties of 10 & 12 Europa Avenue (both being two storey properties). Furthermore, it is considered that through the imposition of an external materials condition that the proposal would be in keeping with the surrounding area.
 - (iv) The proposal would only marginally enlarge the footprint of the existing bungalow. The dimensions of the proposal are considered acceptable in relation to the size of the site; and would accord with the provisions of Policies ENV3 and SAD EOS9. The proposal would provide the required 2 off-street parking spaces for a 4 bedroom house and Highways has no objection to the proposal. Also, it is proposed to impose a condition to remove permitted development rights to control any further extensions.
 - (v) It is considered that the proposal would not be setting a precedent, as each application is dealt with on its own planning merits based on development plan policies and other material planning considerations.

7. STATUTORY CONSULTATION

- 7.1 **Highways** – No objection following the receipt of amended plans to increase the internal dimensions of the proposed garage to 2.8 metres wide x 6.0 metres deep.
- 7.2 **Planning Policy** – No objection, however the proposal would be liable for Community Infrastructure Levy (CIL).

8. GOVERNMENT GUIDANCE/NATIONAL PLANNING POLICY

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

9. LOCAL PLANNING POLICY

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

DEL1: Infrastructure Provision

ENV3: Design Quality

ENV5: Flood Risk, Sustainable Drainage System and Urban Heat Island Effect

ENV8: Air Quality

HOU1: Delivering Sustainable Housing Growth

SAD H2: Windfall Sites

SAD EOS9: Urban Design Principles

9.2 In connection to Policy DEL1, the proposal would integrate in the surrounding area without the requirement for additional infrastructure.

9.3 Policies ENV3 and SAD EOS9 refer to well-designed schemes that provide quality living environments. In the main, the design and layout of the proposal is considered to be acceptable, subject to conditions relating to external materials.

9.4 The proposal would be compliant with the provisions of Policy ENV5 and the proposal is considered acceptable subject to a condition relating to landscaping being implemented in accordance with submitted details.

9.5 It is proposed to impose a condition relating to the provision and retention of an electric vehicle charging point; therefore, it is considered that the proposal would be compliant with Policy ENV8.

9.6 Policy HOU1 promotes sustainable housing growth; it is considered that the proposal would adhere to the provisions of this policy.

9.7 The proposal would be compliant with the provisions of Policy SAD H2, as it utilises an existing site, which falls within a residential area; and has good links to local services, transport and open space.

10. MATERIAL CONSIDERATIONS

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

10.2 Loss of privacy

It is considered that when assessing the proposal in relation to the neighbouring properties, that there would be no significant loss of privacy in this instance.

10.3 Loss of light and outlook

When considering the siting and dimensions of the proposal in relation to the neighbouring properties, especially those properties on St Edmunds Close, it is considered that there would be no significant loss of light and outlook to the neighbouring properties in this instance.

10.4 Out of character with surrounding area

It is considered that the proposal could be accommodated within this location in the estate. The proposal retains the openness of the plot to the front and side of the property, whilst also picking up design features from that of the neighbouring properties (hanging tiles, bay window etc). Also, the height of the proposal would be akin to the neighbouring properties of 10 & 12 Europa Avenue. Furthermore, through the imposition of an external materials condition it would further ensure that the proposal would be in keeping with the surrounding area.

10.5 Overdevelopment of site

The proposal would only marginally enlarge the footprint of the existing bungalow and the dimensions of the proposal are considered acceptable in relation to the size of the site; and would accord with the provisions of Policies ENV3 and SAD EOS9. Highways has no objection to the proposal. Also, it is proposed to impose a condition to remove permitted development rights to ensure that the site is not overdeveloped etc in this location.

11. IMPLICATIONS FOR SANDWELL'S VISION

- 11.1 The proposal supports Ambition 7 and 10 of the Sandwell Vision 2030: -
- 11.2 Ambition 7 – We now have many new homes to meet a full range of housing needs in attractive neighbourhoods and close to key transport routes.
- 11.3 Ambition 10 – Sandwell has a national reputation for getting things done, where all local partners are focussed on what really matters in people's lives and communities.

12. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 12.1 The proposal would generally be compliant with national and local policy; it is appropriate in design and scale to the surrounding area and would not have a significant impact upon the amenities of the neighbouring properties.

13. STRATEGIC RESOURCE IMPLICATIONS

- 13.1 When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the council.

14. LEGAL AND GOVERNANCE CONSIDERATIONS

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

15. EQUALITY IMPACT ASSESSMENT

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

16. DATA PROTECTION IMPACT ASSESSMENT

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

17. CRIME AND DISORDER AND RISK ASSESSMENT

- 17.1 There are no crime and disorder issues with this application.

18. SUSTAINABILITY OF PROPOSALS

- 18.1 Refer to the National Planning Policy Framework (8), Development Plan policies (9) and material considerations (10).

19. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

- 19.1 Refer to the summary of the report (12).

20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

- 20.1 There would be no impact.

21. APPENDICES:

Site Plan

Context Plan

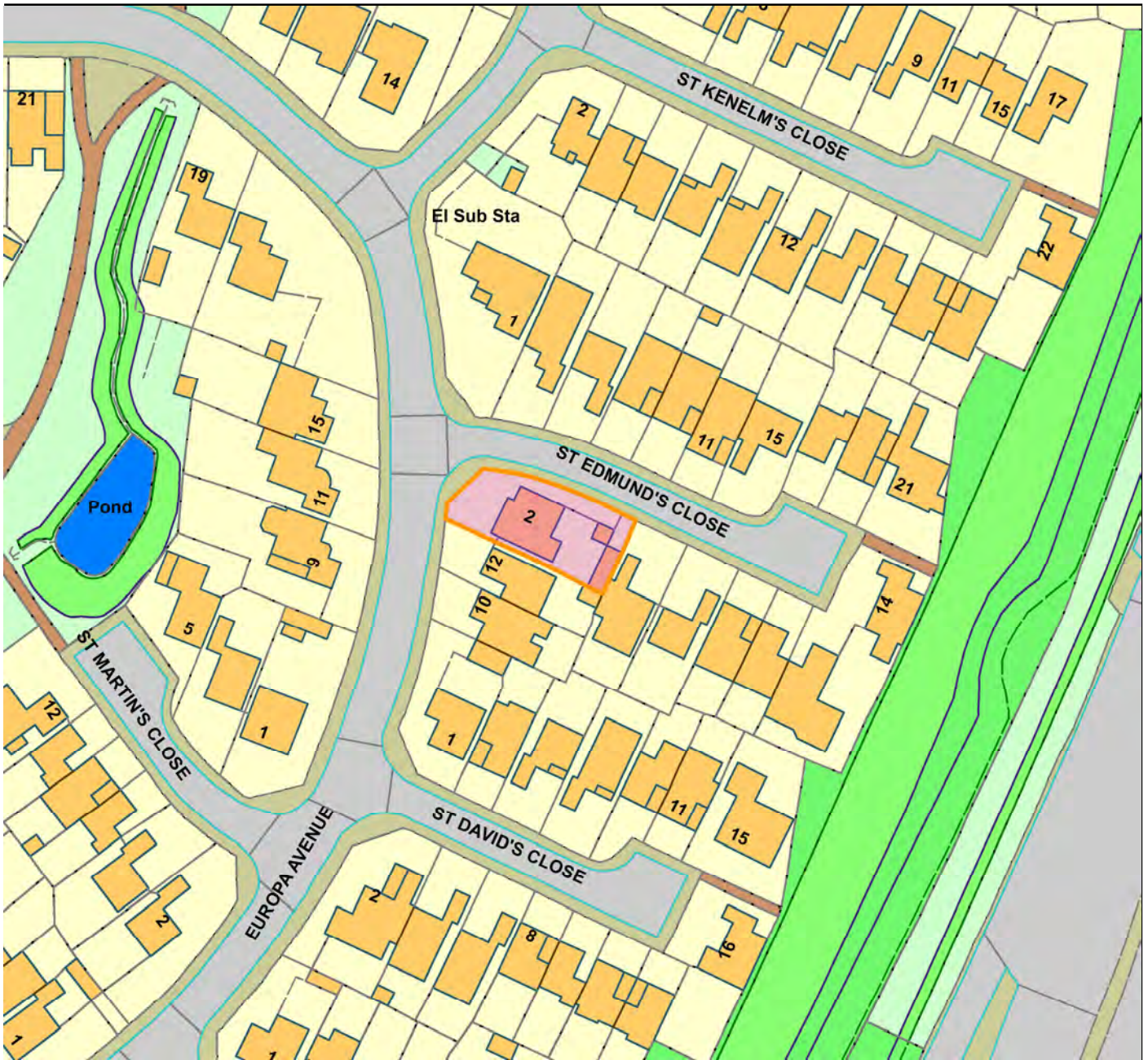
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Plan No. BV/324/1C

Plan No. BV/324/2A

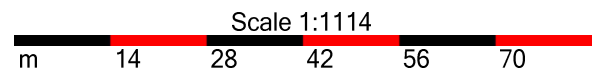
DC/20/64426

2 St Edmunds Close, West Bromwich



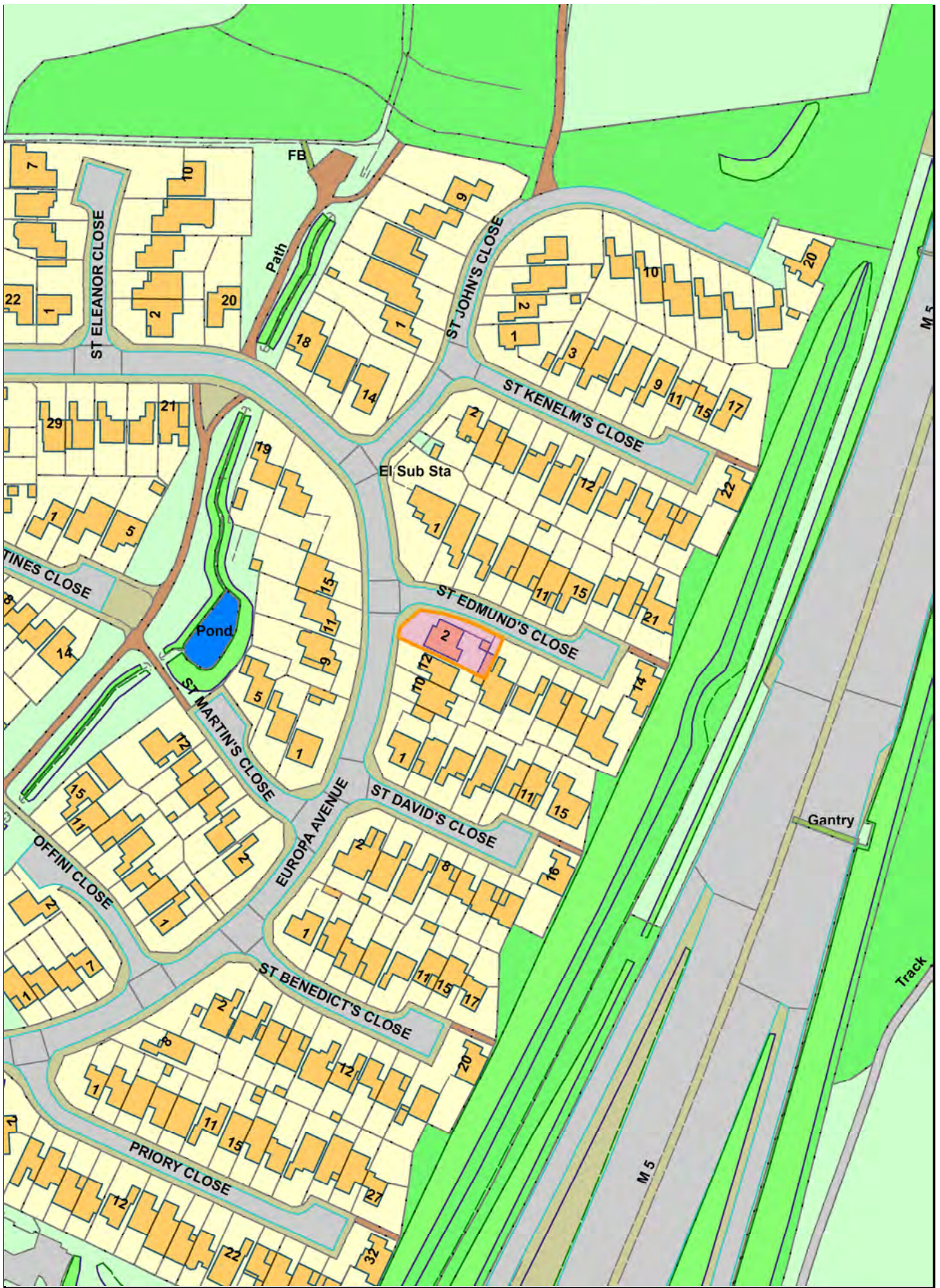
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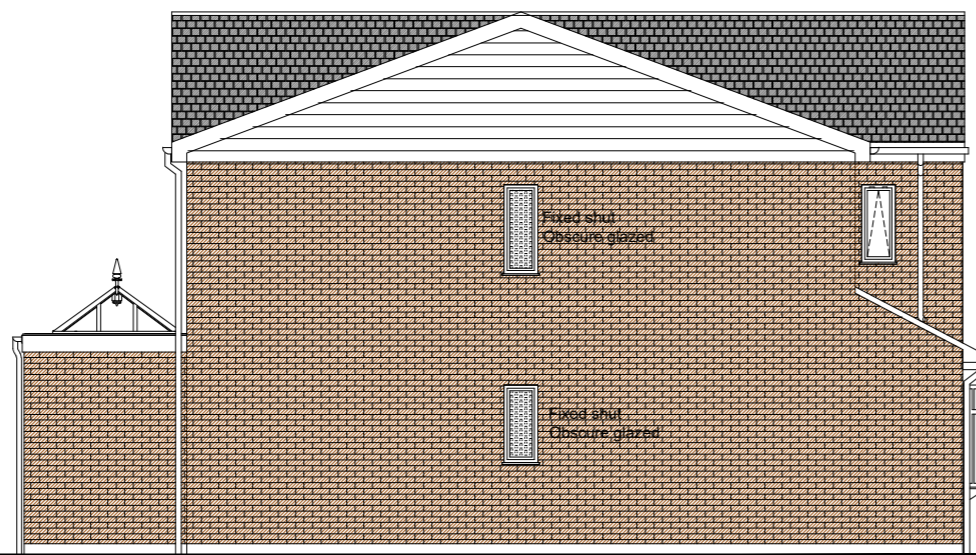
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Department	Not Set
Comments	Not Set
Date	25 November 2020
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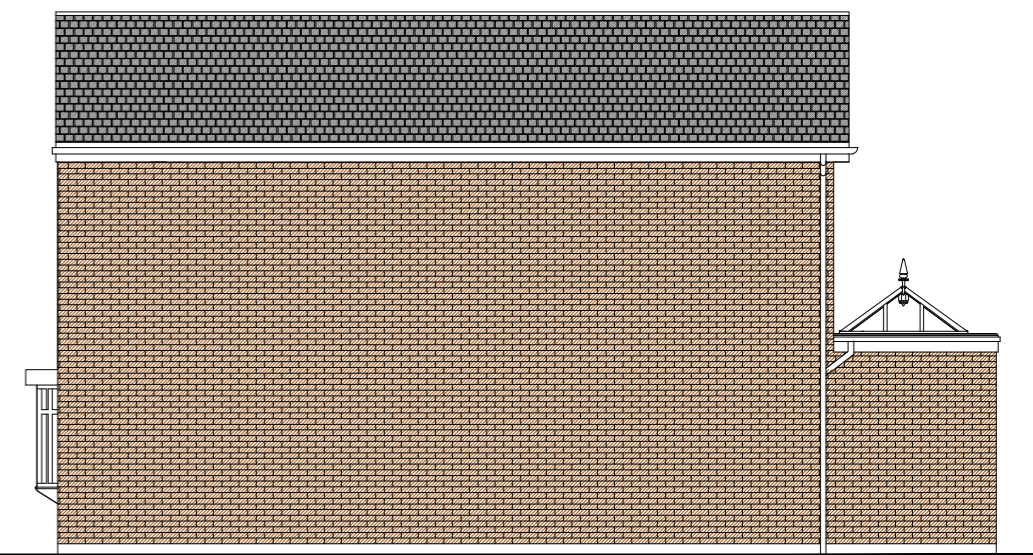
Proposed Front Elevation



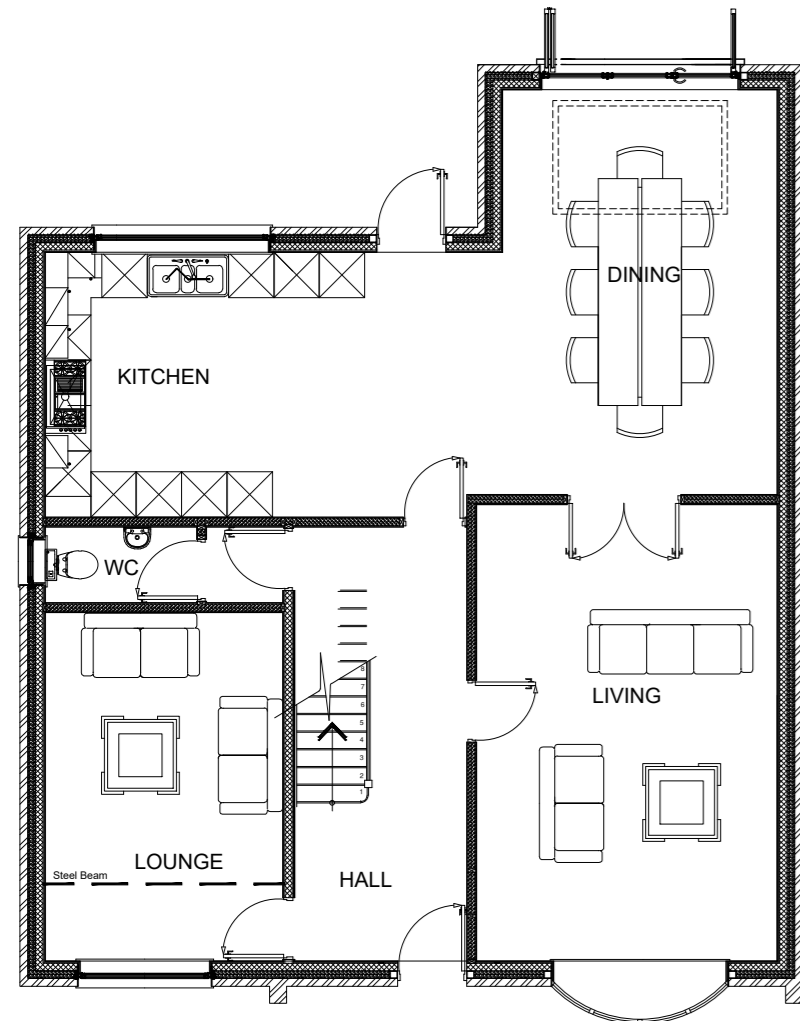
Proposed Side Elevation



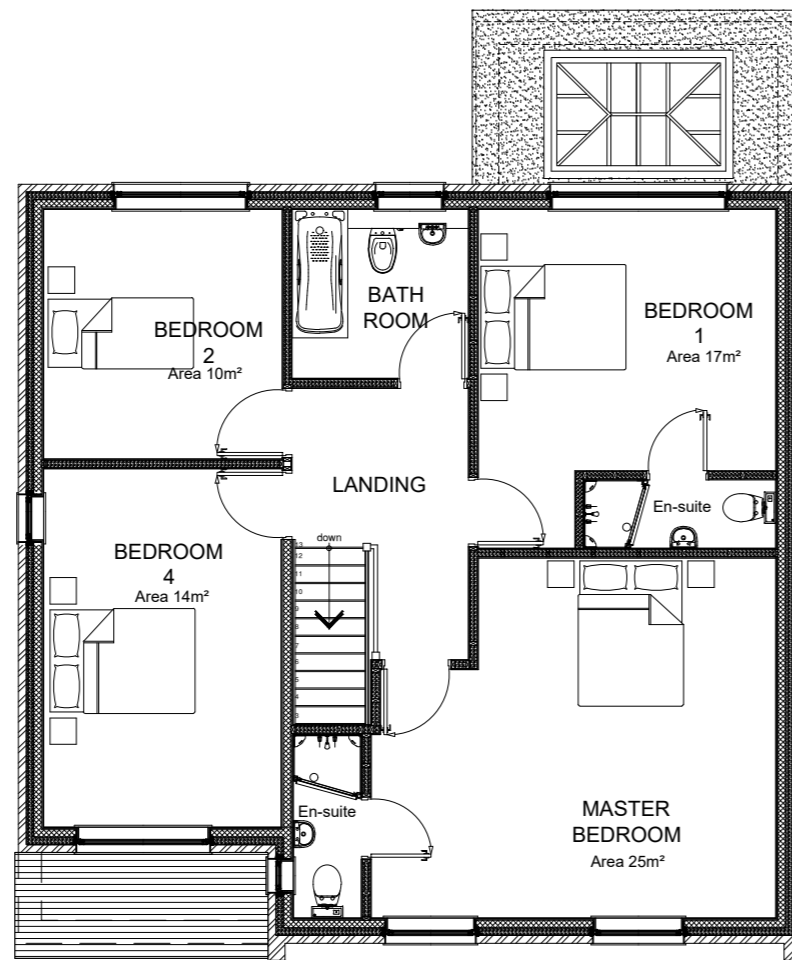
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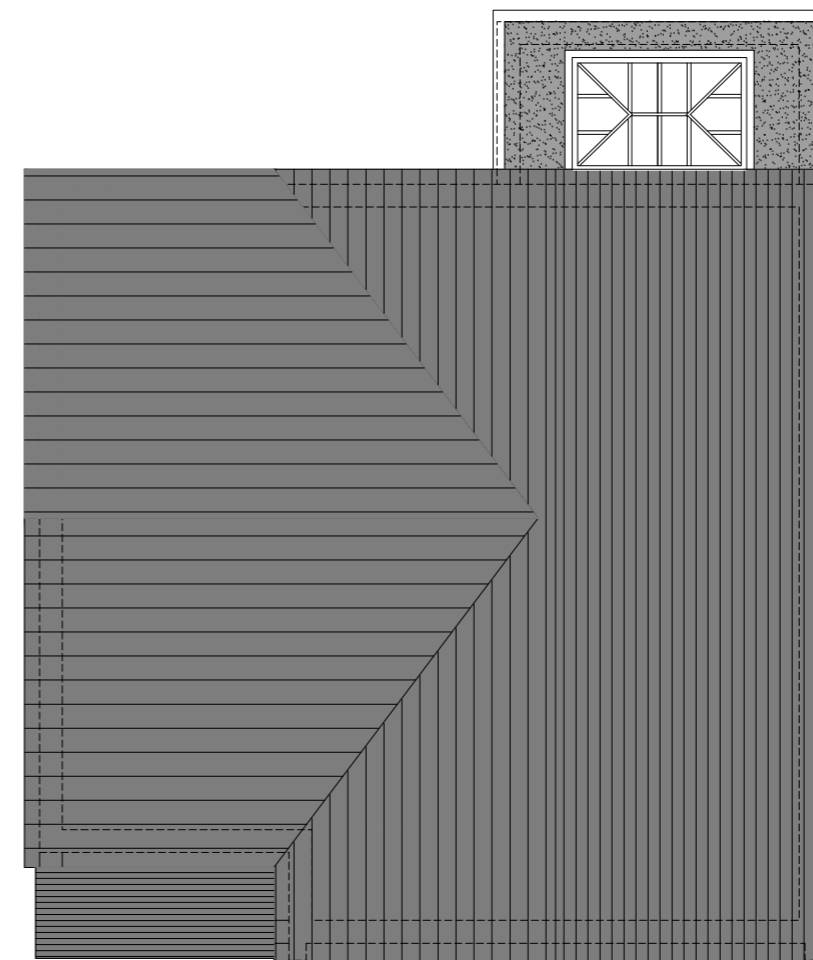
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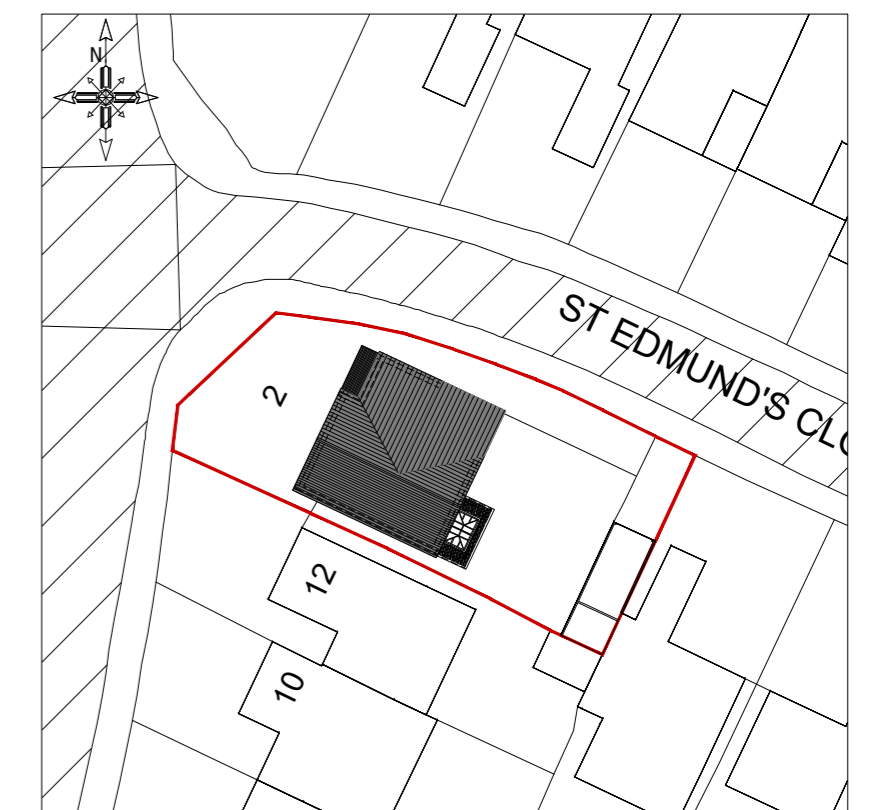
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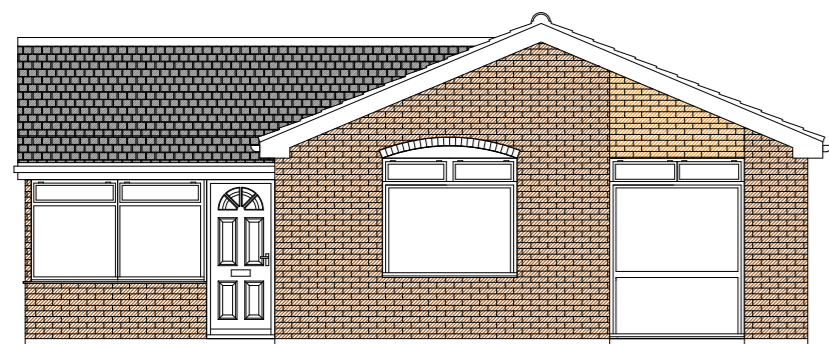
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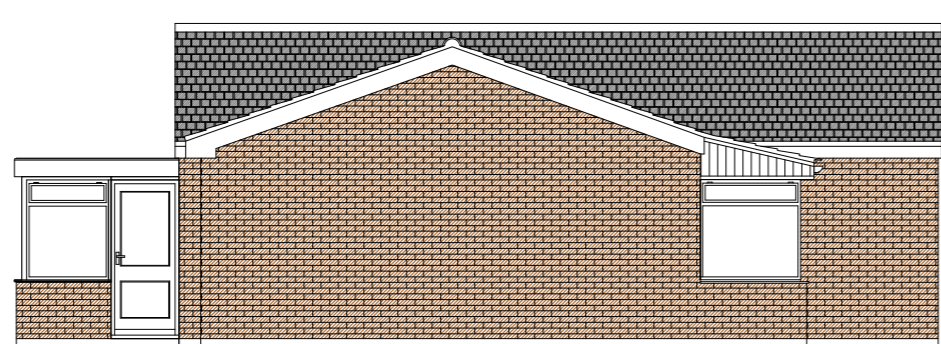
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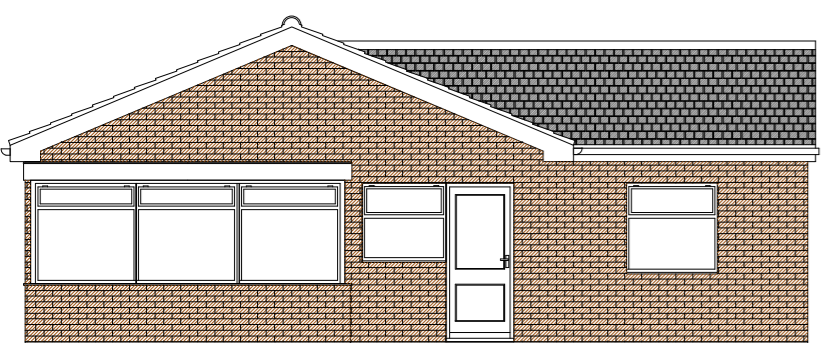
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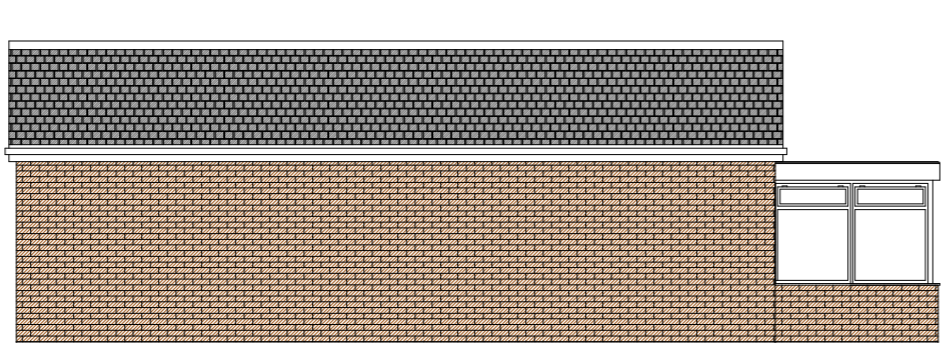
EXISTING FRONT ELEVATION



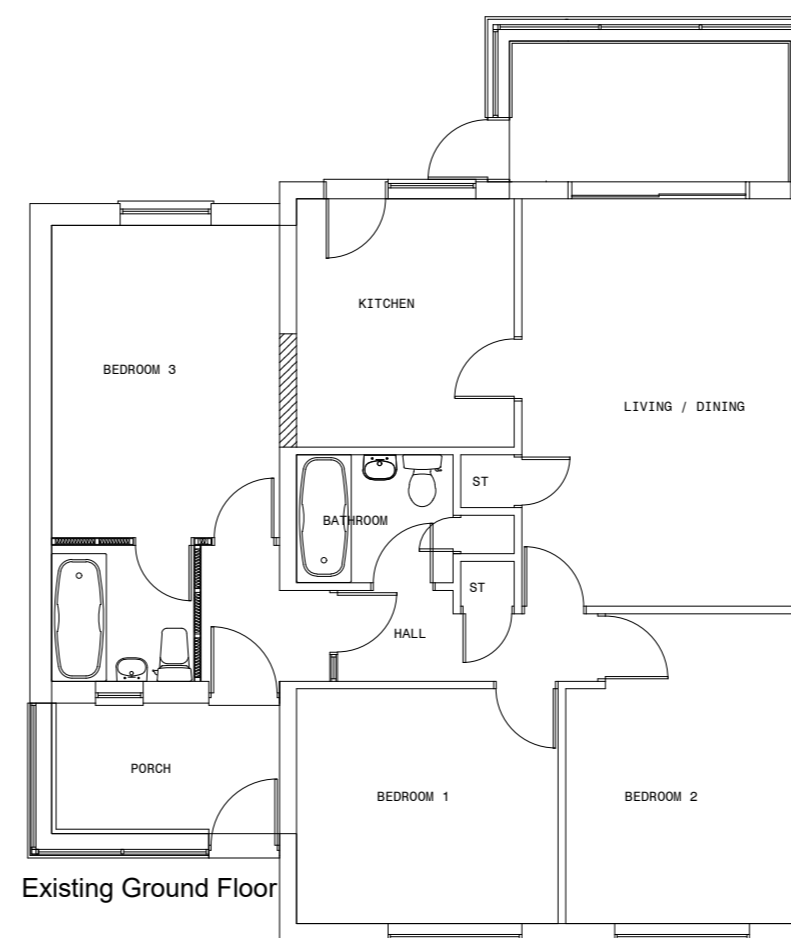
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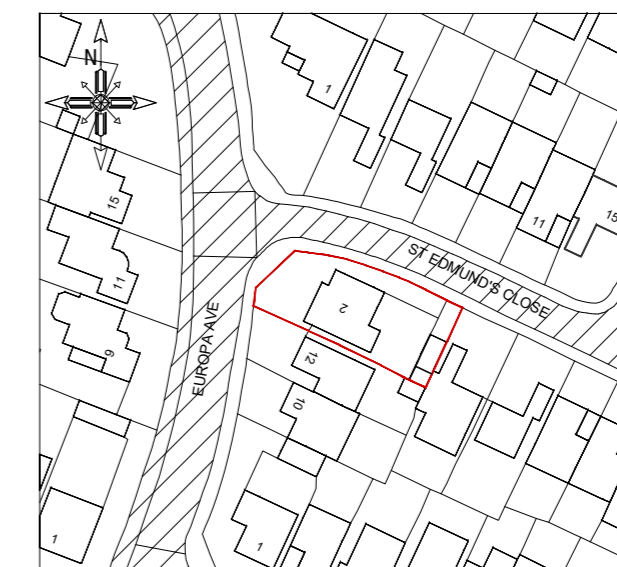
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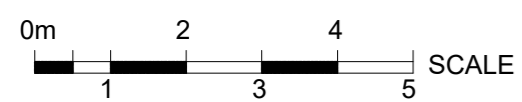
EXISTING SIDE ELEVATION ELEVATION



Existing Ground Floor



1:1250



SCALE

D	25/06/20	bhv
A	14/10/20	bhv
B	15/10/20	bhv
REV	DESCRIPTION	DATE

INTEGRATED DESIGNS & ASSOCIATES LTD
ARCHITECTURAL SERVICES & CONSULTANT ENGINEERS

38 Old Walsall Road,
Great Barr,
Birmingham, B42 1NP

Tel: 0121 358 2233
Fax: 0121 357 7492
Email: contact@integratedesigns.co.uk

Title: Demolition of bungalow
New 4 bed House

Project: 2 St Edmunds Close
West Bromwich
West Midlands
B70 6TG

Scale: 1:1250/1:500/1:100 @ A2

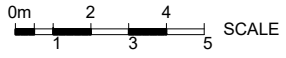
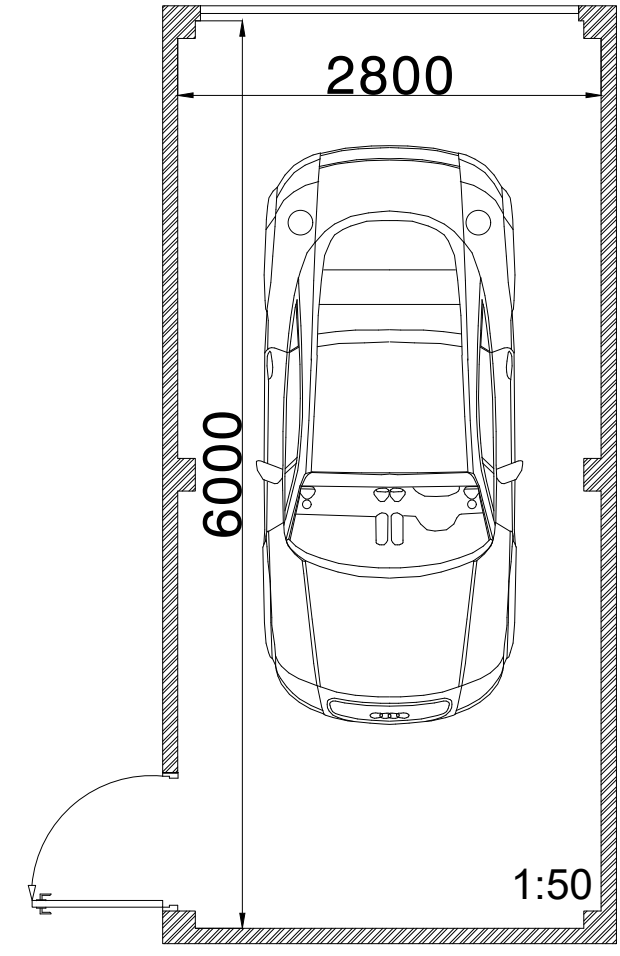
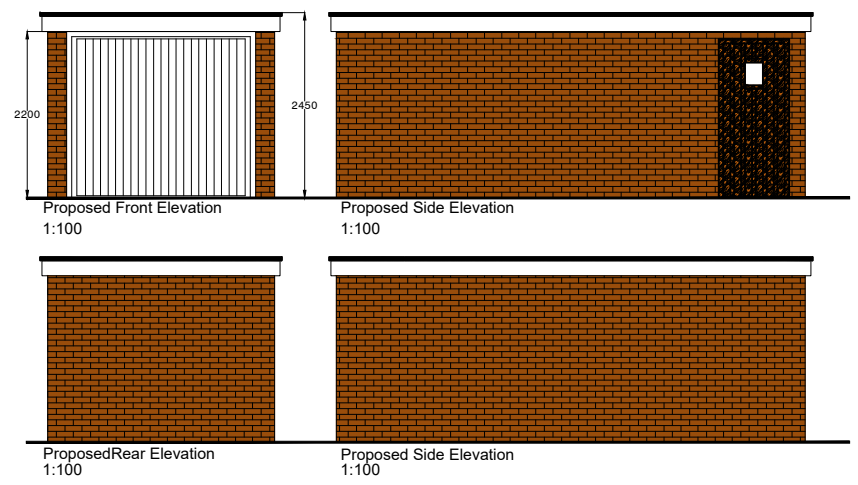
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Checked: PRELIMINARY PLAN

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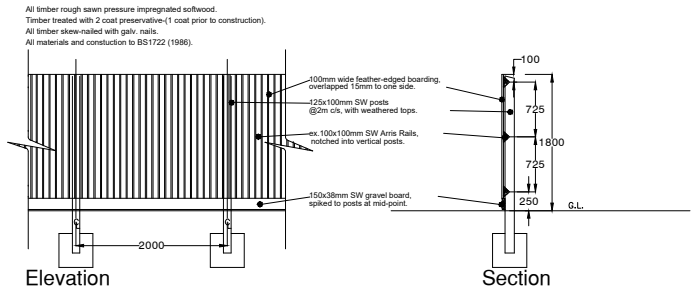
CDM
It is the clients responsibility to take all necessary steps to fully comply with the CDM Regulations 1994. The Designer has taken necessary action to avoid injury / incident within the specification, and reasonable and practicable steps in the design of the building.

Party Wall 1996
The client is the Building owner and as such should take the necessary steps to comply with the Act where applicable.



Planting Schedule				
Number	Name	Girth/Size	Notes	Total No of plants
Shrubs to BSS 3936				
S1	Dwarf Hedge Buxus sempervirens 'Suffruticosa'	1L	5/m ² 25/30 stock	105

- 1) All landscaping to be implemented within one year of the first occupation and maintained for a period of five years
- 2) All beds to be excavated to a minimum 600mm depth from finished levels
- 3) All shrubs to BSS 3936 and to soil to BSS 3882
- 4) Beds to be backfilled with topsoil and 5 litres pf free planting compost/m²
- 5) All tree pits minimum 750mmØ 600mm deep with base and edges broken up backfilled with top soil and 20 litres / tree of tree planting compost
- 6) T1 & T2 stakes to be 10cm diameter, no more than one third the height of tree above the ground and 75cm below ground



1.8m Close Boarded Timber Fence

- Grass
- P.C paving slabs no edging
- Shrub planting with 150X50 pc concrete kerb to adjacent hard surfaces otherwise no edging to grass, walls or fencing minimum 450mm width
- 1.8m high close board timber fence

These drawings are for Planning and Building Regulations approval only. Figured dimensions must be taken in preference to scaled. All dimensions must be checked on site by the contractor. Advise of any discrepancies before commencing work no liability is taken for any deviation or any unreported variations found on site prior or during work in progress.

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0	25/06/20	bhdy
A	04/08/20	bhdy
B	14/10/20	bhdy
C	15/10/20	bhdy
rev.	description	date



38 Old Walsall Road,
Great Barr,
Birmingham, B42 1NP
Tel: 0121 358 2233
Fax: 0121 357 7492
Email: contact@integratedesigns.co.uk

Title: Demolition of bungalow
New 4 bed House
New Garage
Project: 2 St Edmunds Close
West Bromwich
West Midlands
B70 6TG
Scale: 1:200 @ A3

Drawing No. BV/324/1C
Checked
PRELIMINARY PLAN

These drawings are for Planning and Building Regulations approval only. Figured dimensions must be taken in preference to scaled. All dimensions must be checked on site by the contractor. Advise of any discrepancies before commencing work no liability is taken for any deviation or any unreported variations found on site prior or during work in progress.

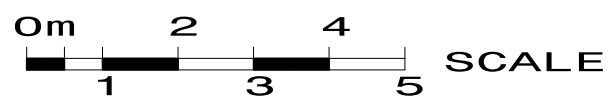
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CDM
It is the clients responsibility to take all necessary steps to fully comply with the CDM Regulations 1994. The Designer has taken necessary action to avoid injury / incident within the specification, and reasonable and practicable steps in the design of the building.

Party Wall 1996
The client is the Building owner and as such should take the necessary steps to comply with the Act where applicable.



Street Scene



0		04/08/20	shv
A		14/10/20	shv
rev.	description	date	initial

INTEGRATED DESIGNS & ASSOCIATES LTD
ARCHITECTURAL SERVICES & CONSTRUCTION PROJECTS

38 Old Walsall Road,
Great Barr,
Birmingham, B42 1NP

Tel: 0121 358 2233
Fax: 0121 357 7492
Email: contact@integratedesigns.co.uk

Title: Demolition of bungalow
New 4 bed House
Street Scene


Project: 2 St Edmunds Close
West Bromwich
West Midlands
B70 6TG

Scale: 1:100 @ A3

Drawing No. BV/24/2A Checked PRELIMINARY PLAN

REPORT TO PLANNING COMMITTEE

9 December 2020

Application Reference	DC/20/64437
Application Received	3 rd July 2020
Application Description	Proposed construction and operation of a 49.9 MW battery storage facility, fencing and site access road.
Application Address	Land Off Painswick Close, Woodruff Way, Walsall
Applicant	Pivoted Power LLP
Ward	Great Barr with Yew Tree
Contribution towards Vision 2030:	
Contact Officer(s)	William Stevens 0121 569 4897 William_stevens@sandwell.gov.uk

RECOMMENDATION

Subject to Full Council that planning permission is granted subject to:

- (i) Ground conditions investigation/mitigation

1. BACKGROUND

1.1 This application is being reported to your Planning Committee because the proposal is classed as a Departure from the local development plan.

1.2 To assist members with site context, links to Google Maps is provided below:

[Painswick Close, Walsall](#)

[Aerial View Painswick Close, Walsall](#)

2. SUMMARY OF KEY CONSIDERATIONS

- 2.1 The Site is allocated as Green Belt land in the local plan.
- 2.2 The material planning considerations which are relevant to this application are: -

Departure from the development plan.

3. THE APPLICATION SITE

- 3.1 The application site is situated adjacent to the existing electricity distribution site of Painswick Close, accessed via Woodruff Way, Walsall.
- 3.2 The application site relates to Green Belt land with residential properties to the north and west (beyond the electricity distribution site), Motorway 6 to the south and the Rushall Canal to the east.

4. PLANNING HISTORY

- 4.1 There is no relevant planning history associated with this site however, an application has been determined regarding an Environmental Impact Assessment (EIA) Screening Opinion and found that an EIA was not required in this instance.

4.2	DC/20/64312	Screening Opinion for proposed installation of 49.9 MW lithium-ion battery storage facility.	Screening opinion, EIA Not required 09/06/2020
-----	-------------	--	--

5. APPLICATION DETAILS

- 5.1 The applicant proposes to construct and operate a 49.9 MW battery storage facility, to include fencing and a site access road. The facility will be connected to the existing transmission grid substation.
- 5.2 The maximum height of the fencing will be 2.4m with CCTV at a height of 4.2m. The site would also house a container for spare parts.
- 5.3 The applicant has stated that the use will be on site for 30 years, given the length of time, the proposal would be classed as permanent.

6. PUBLICITY

- 6.1 The application has been publicised by neighbour notification letters, by site notice and by press notice without response.

7. STATUTORY CONSULTATION

7.1 Planning and Transportation Policy

No objection.

This proposal is contrary to one aspect of Green Belt policy. However, the proposal will assist with meeting other policy goals such as sustainable transport, low carbon heating, air quality improvements and net zero carbon 2050 that outweigh the loss of this small area of green belt. The proposal is also limited for 30 years after which the facility will be removed. Therefore, (subject to being agreed at Full Council), the proposal is acceptable from a policy point of view.

7.2 Highways - No objections.

7.3 Public Health (Air Quality) - No objections.

7.4 Public Health (Contaminated Land)

No objections. However, if during the development contaminated land is discovered then proper mitigation measures need to be implemented.

7.5 Canal and Rivers Trust - No objections.

7.6 Cadent - No objections.

8. GOVERNMENT GUIDANCE/NATIONAL PLANNING POLICY

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

8.2 The Government attaches great importance to Green Belts (paragraph (p) 133 NPPF), and states in p143 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Council's Planning Policy Team consider that this is such a special circumstance given the wider benefits regarding environmental benefits towards climate change combined with the proposal having minimal impact on the wider Green Belt area.

9. LOCAL PLANNING POLICY

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

9.2 SAD ESO2 – Green Belts states that within the Green Belt, inappropriate development will not be permitted, except in very special circumstances,

where the harm of the development is clearly outweighed by other considerations (see point 7.1 and 8.2).

10. MATERIAL CONSIDERATIONS

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

10.2 Departure from the development plan

It is considered that the proposed development is contrary to the local plan; however, there are significant grounds to set this policy aside (see point 7.1 and 8.2).

11. IMPLICATIONS FOR SANDWELL'S VISION

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

11.2 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.

12. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

12.1 The proposed development is on green belt land and as a general rule, proposed developments should be refused unless the harm is outweighed by other considerations. The location of this green belt area is bounded by the motorway, the canal, an electricity distribution site and residential properties. In my opinion, the loss of this area of green belt would not be detrimental to the local area. I therefore recommend this application for approval.

13. STRATEGIC RESOURCE IMPLICATIONS

13.1 When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the council.

14. LEGAL AND GOVERNANCE CONSIDERATIONS

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

15. EQUALITY IMPACT ASSESSMENT

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

16. DATA PROTECTION IMPACT ASSESSMENT

16.1 The planning application and accompanying documentation is a public document.

17. CRIME AND DISORDER AND RISK ASSESSMENT

17.1 There are no crime and disorder issues with this application.

18. SUSTAINABILITY OF PROPOSALS

18.1 Refer to the National Planning Policy Framework (8), Development Plan policies (9) and material considerations (10).

19. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

19.1 Refer to the summary of the report (12).

20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

20.1 There would be no impact.

21. APPENDICES:

Site Plan

Context Plan

BUS001

BUS002

TSC37-E001

TSC37-G001

TSC37-G002

TSC37-G003

TSC37-G004

TSC37-G005

TSC37-G006

TSC37-G007.1

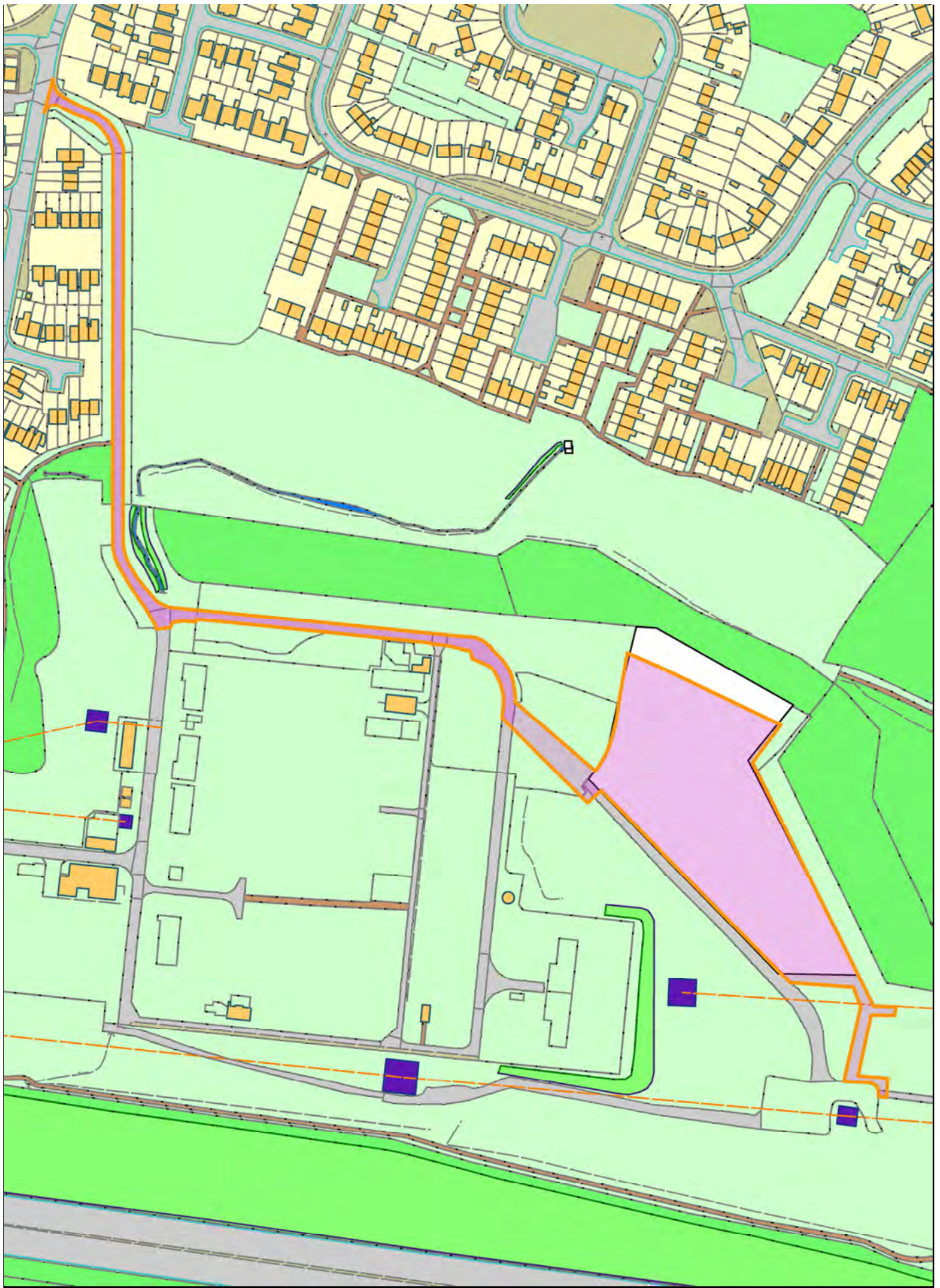
TSC37-G007.2

TSC37-G008

TSC37-G009

TSC37-G010

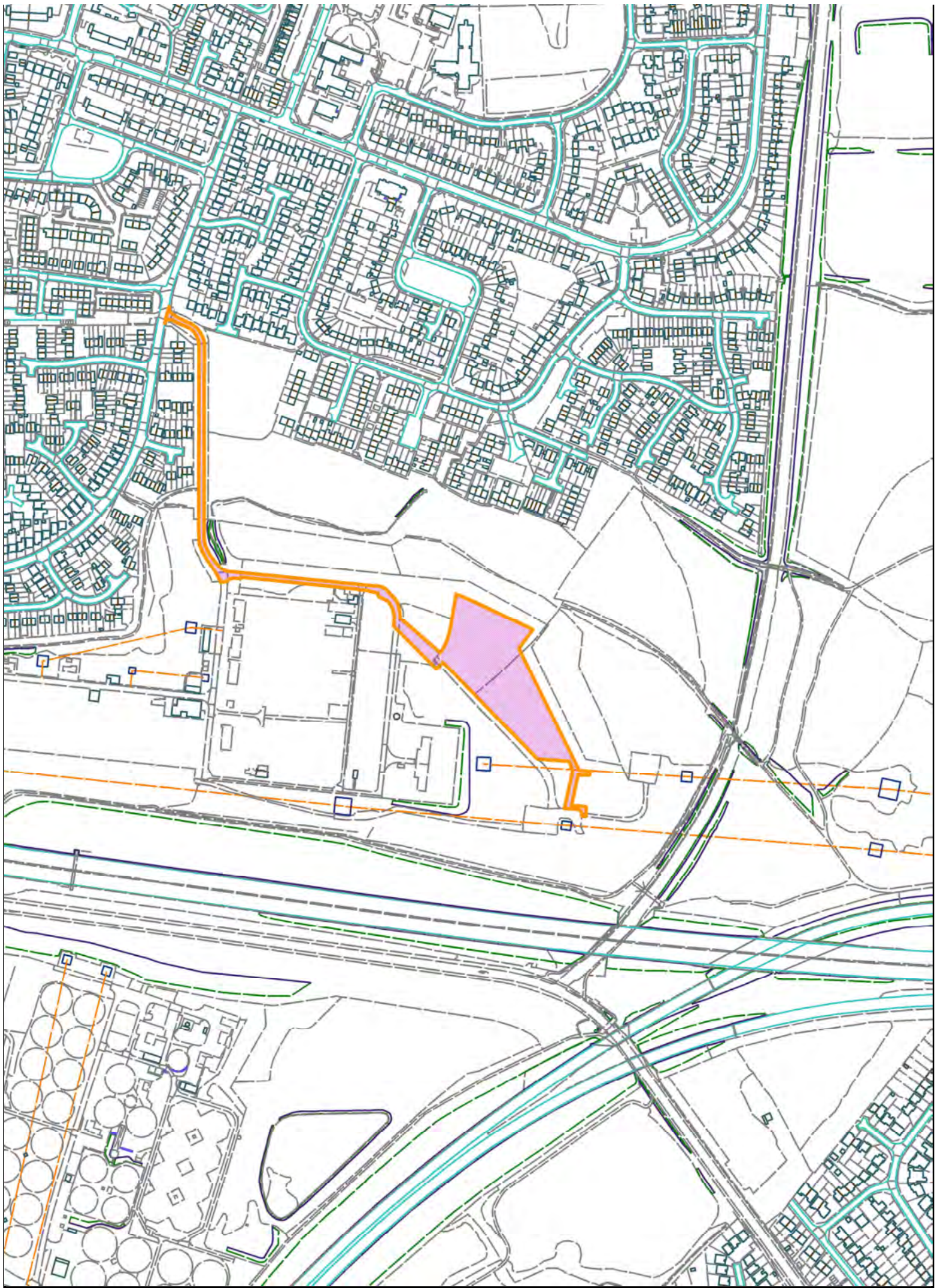
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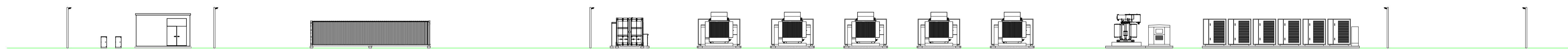




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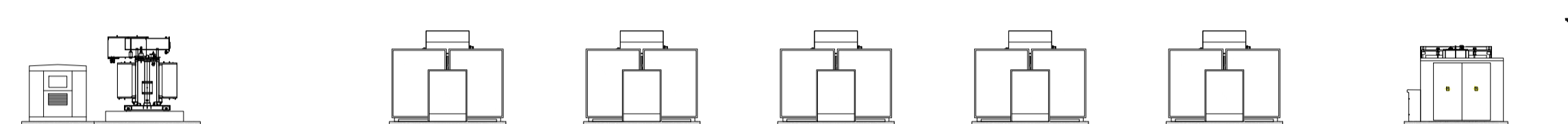




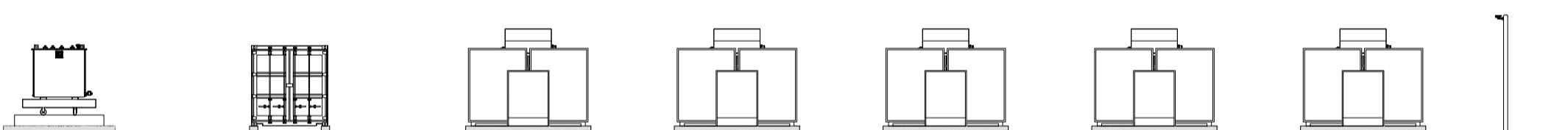
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ELEVATION B – SCALE 1:200 @A1



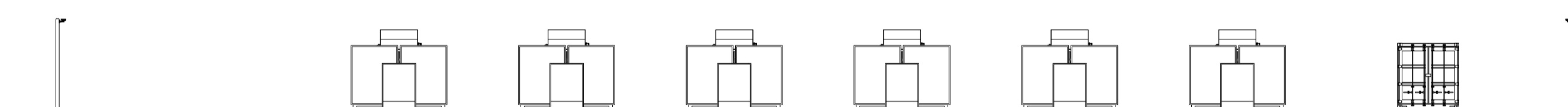
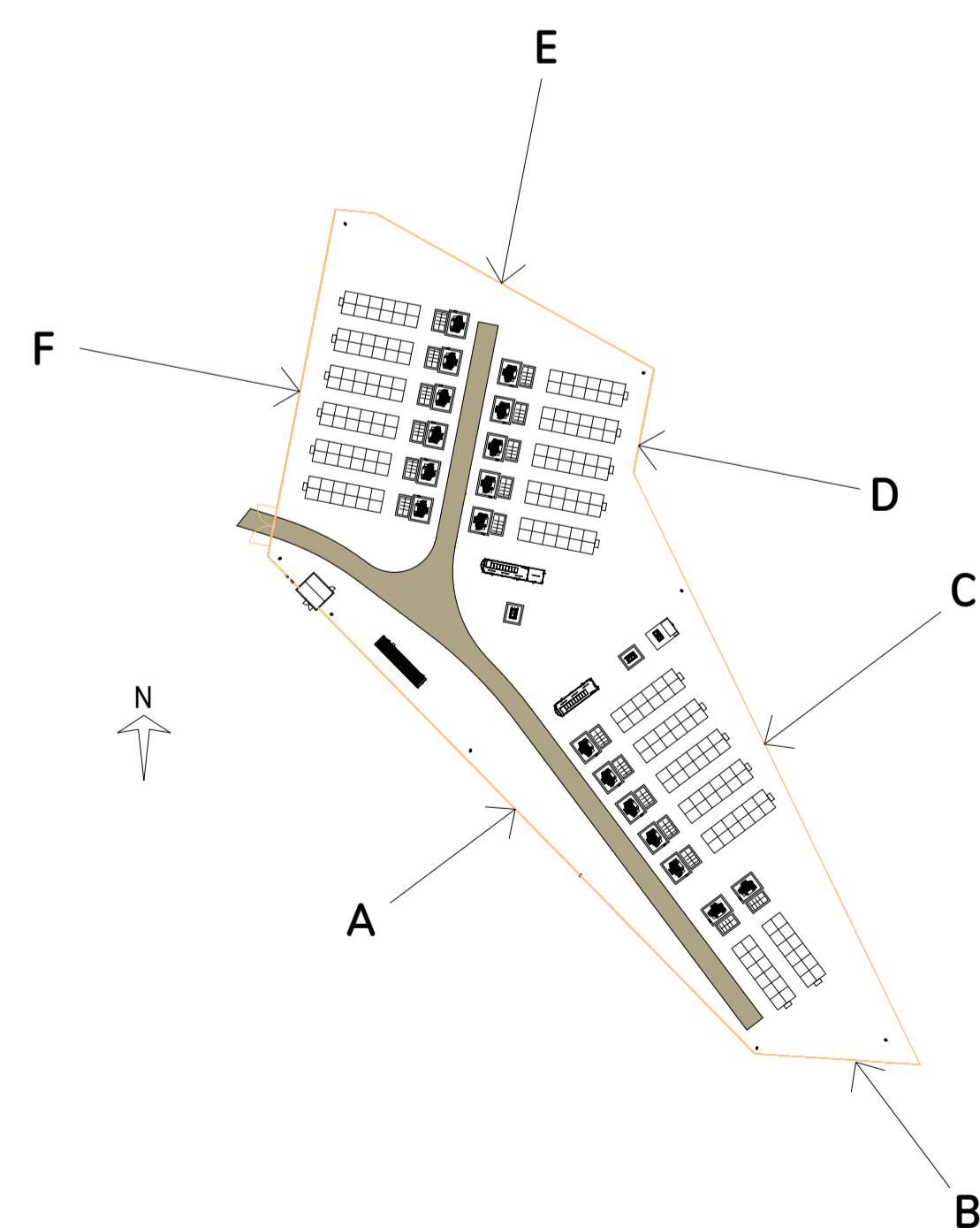
ELEVATION C – SCALE 1:200 @A1



ELEVATION D – SCALE 1:200 @A1



ELEVATION E – SCALE 1:200 @A1



ELEVATION F – SCALE 1:200 @A1

General Notes

No.	Revision/Issue	Date
-	First Issue	22.06.20

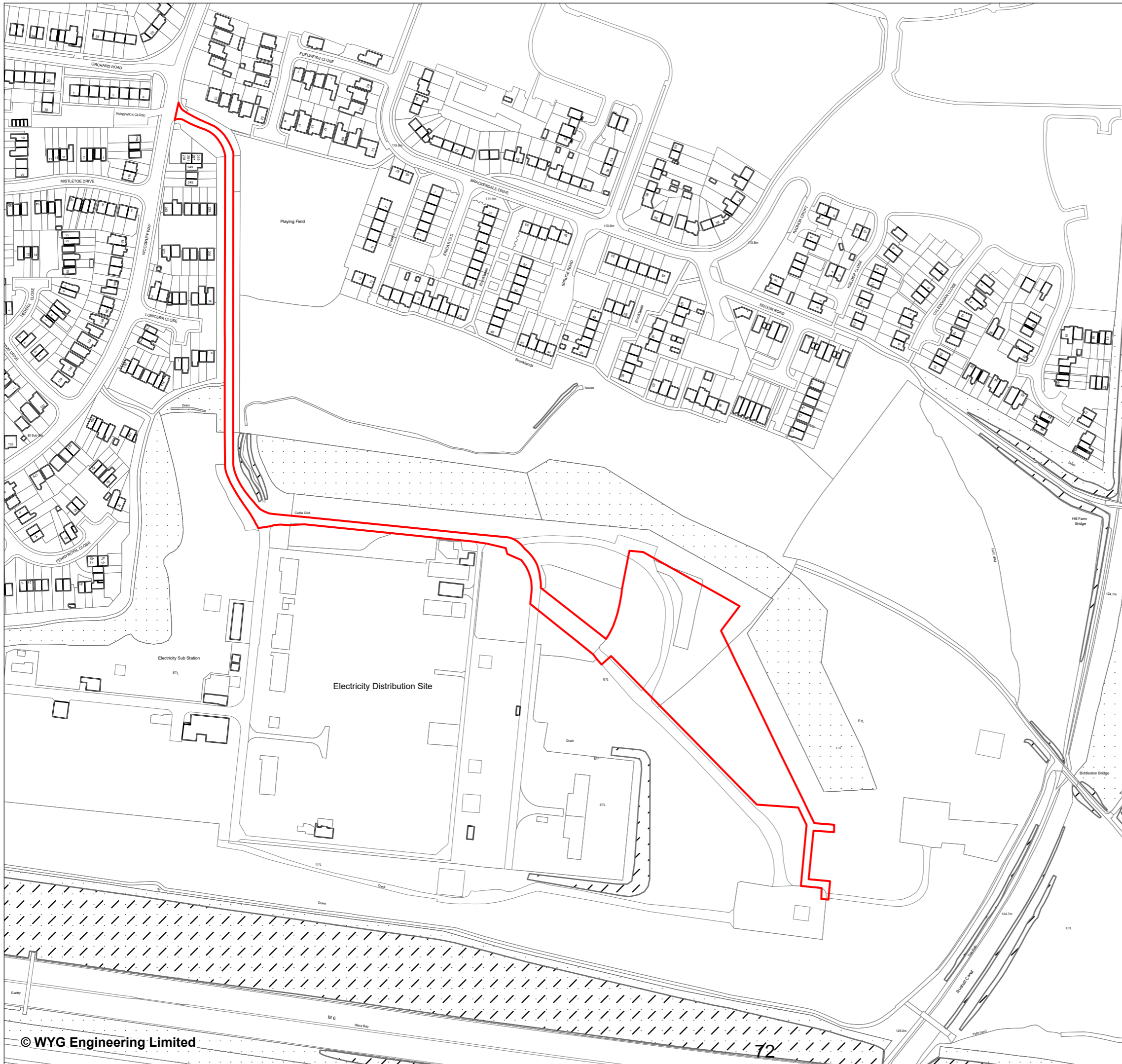


pivot power

Project Name and Address
BUSTLEHOLME SUBSTATION BATTERY
 BUSTLEHOLME, WS5 4SJ

Drawing Title
 SITE ELEVATIONS

Project BUSTLEHOLME	Sheet
Date 22.06.2020	TSC37-E001
Scale AS SHOWN	



**Site Location
Bustleholme**



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power**

Red Line Boundary

Drawn by: MS

Drawing No. BUS001

Checked by: JV

Revision No.

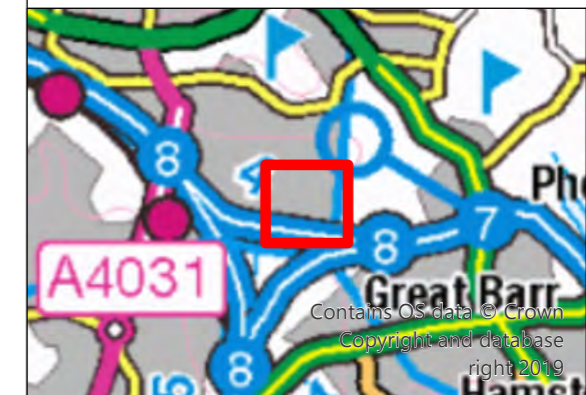
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24 June 2020

Scale 1:2,500 @A3

NGR: 402889E 295157N

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The Pavilion, 1st Floor
Botleigh Grange
Office Campus
Hedge End
Southampton
Hampshire, SO30 2AF



Site Location (Aerial)
Bustleholme



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power**

 Red Line Boundary

Drawn by: MS

Drawing No. BUS002

Checked by: JV

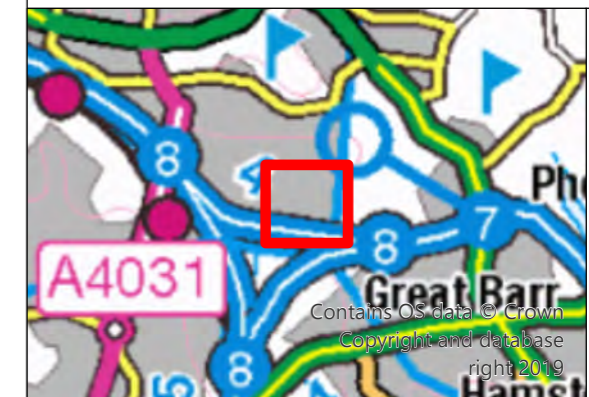
Revision No.

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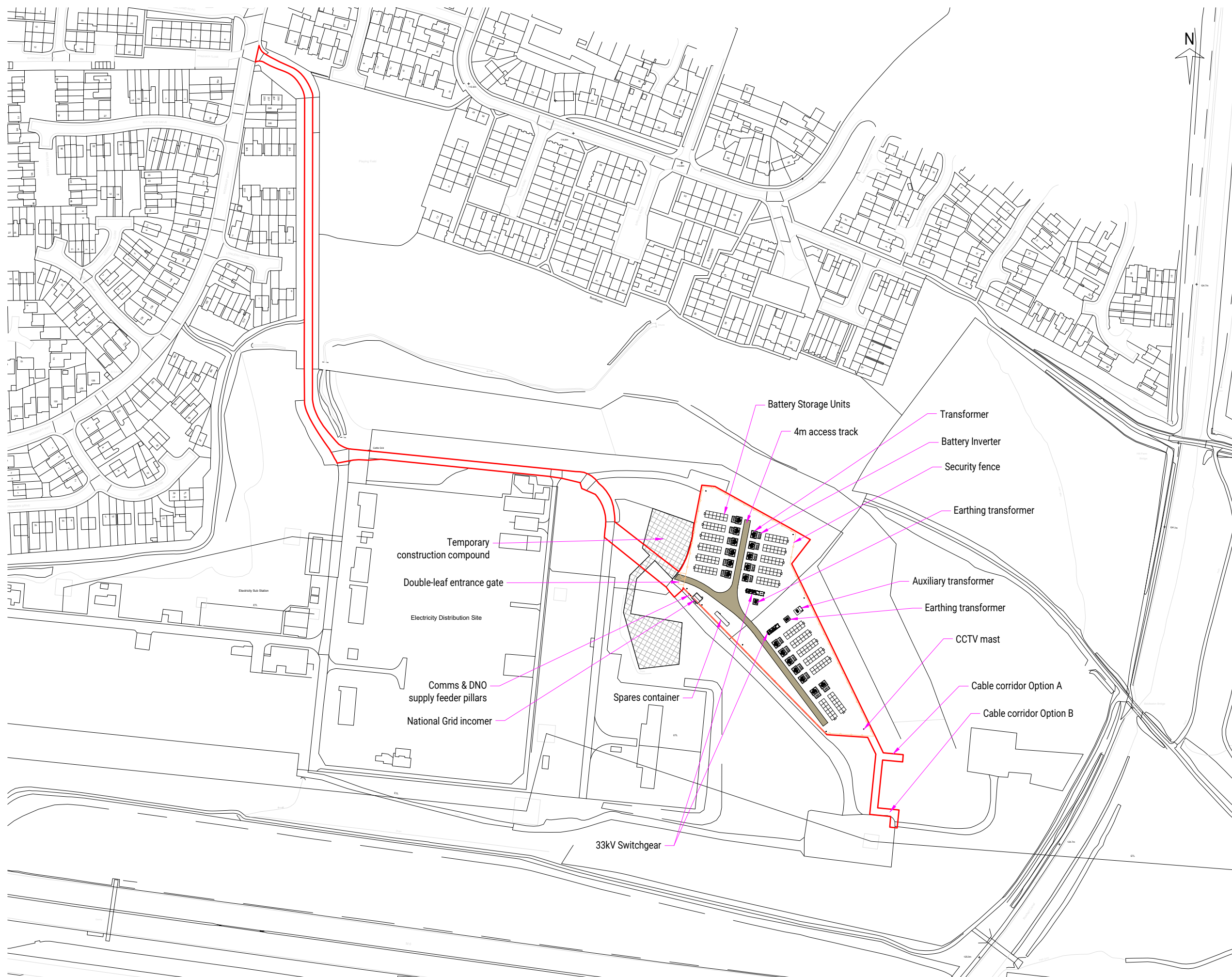
24 June 2020

NGR: 402889E 295157N

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The Pavilion, 1st Floor
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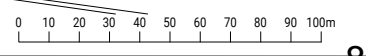
General Notes		
© Crown Copyright. All rights reserved. Licence number: 10001998		
H	Red line extended to highways, cables	23.06.20
G	Cable corridors amended	22.06.20
F	Revised config	12.06.20
E	Revised config/red line	05.05.20
D	Revised config	17.04.20
C	Revised mapping, 15m tree buffer	06.04.20
B	Revised config	04.07.19
A	Revised mapping/location/config	02.05.19
-	First issue	20.12.18
No.	Revision/Issue	Date

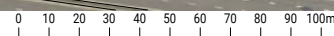


Project Name and Address
 BUSTLEHOLME SUBSTATION BATTERY
 BUSTLEHOLME, WS5 4SJ

Drawing Title
 SITE LAYOUT PLAN

Project BUSTLEHOLME	Sheet TSC37-P001-H
Date 23.06.2020	
Scale 1:2500 @A3	





General Notes

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No.	Revision/Issue	Date
A	Red line extended to highways, cables	23.06.20
-	First issue	22.06.20



**pivot
power**



Project Name and Address
**BUSTLEHOLME SUBSTATION
 BATTERY**
 BUSTLEHOLME, WS5 4SJ

Drawing Title
SITE AERIAL PLAN

Project BUSTLEHOLME	Sheet
Date 23.06.2020	TSC37-P004-A
Scale 1:2500 @A3	

REPORT TO PLANNING COMMITTEE

9 December 2020

Application Reference	DC/20/64453
Application Received	6 th July 2020
Application Description	Retention of use from dwellinghouses (Class C3) to Residential Institution (Class C2).
Application Address	1-9 The Old Fire Station Mace Street Cradley Heath B64 6LA
Applicant	Mr Kalbeer Singh
Ward	Cradley Heath & Old Hill
Contribution towards Vision 2030:	 
Contact Officer(s)	Mr Andrew Dean 0121 569 4056 andrew_dean@sandwell.gov.uk

RECOMMENDATION

That retrospective planning permission is granted subject to compliance of the following conditions within an appropriate time period:-

- (i) External lighting scheme
- (ii) Revised boundary treatment to the front elevation.
- (iii) Site management plan.
- (iv) Car parking to be laid out in accordance with the approved plan.
- (v) Confirmation of how gates are operated/managed.
- (vi) Hard and soft landscaping scheme.
- (vii) Bin and cycle storage details to be submitted, approved and implemented.
- (viii) First floor south elevation glazing scheme and implementation.

1. BACKGROUND

- 1.1 This application is being reported to your Planning Committee because seven material planning objections have been received.

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

[1-9 The Old Fire Station, Mace Street, Cradley Heath](#)

2. SUMMARY OF KEY CONSIDERATIONS

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

Planning history (including appeal decisions)
Overlooking/loss of privacy
Access, highway safety, parking and servicing
Noise, disturbance and anti-social behaviour from the scheme

3. THE APPLICATION SITE

- 3.1 The application site is situated on the southern site of Mace Street, Cradley Heath. The site is located in a predominantly residential area with dwellings located to the north, south and west. A health centre is located to the east of the site. The site is within close proximity to Old Hill town centre.

4. PLANNING HISTORY

- 4.1 The site relates to a former fire station used by the West Midlands Fire Service. The site was granted planning approval in 2015 to convert the then discussed fire station into 9 No. residential flats with associated car parking, cycle storage, bin storage and landscaping.
- 4.2 Relevant planning applications are as follows:-

DC/15/58688	Proposed conversion to a residential development comprising of 9 No. 1 and 2 bedroom flats and extension with associated off-street car parking, cycle storage, bin storage and landscaping.	Grant Permission Subject to Conditions. 08.12.2015
-------------	--	--

5. APPLICATION DETAILS

- 5.1 The applicant is applying to retain the use of the building as residential institution falling within use class C2. The site consists of 9 self-contained one-bedroom units and a staff office.
- 5.2 The premises provides supported living residential accommodation for adults with disabilities/or mental health needs. The development falls within the C2 use class because 24/7 care/support is provided for residents in the form of six full time staff and eleven part time staff. The submitted statement from the care provider confirms the care/support provided to residents takes the form of assistance to cook, clean, attending medical appointments, administering medication, finances, washing, shopping, maintaining a tenancy, emotional support and visiting places of interest within their local community.

6. PUBLICITY

- 6.1 The application has been publicised by neighbour notification letter, with 7 letters of objections being received from local residents.

6.2 Objections

- (i) Anti-social behaviour from residents in terms of playing loud music both in the apartments and rear yard area which included lyrics with offensive language, residents frighten locals by jumping out from behind their gates, violent behaviour has been witnessed, local residents have been subject to verbal abuse/threatening behaviour from residents and ball games causing disturbance. On a number of occasions police and ambulance service have been in attendance. Concerns are raised with regards to the management of the facility, the appropriateness of the use in a community setting with the anti-social behaviour causing anxiety issues for objectors.
- (ii) Staff are rude and unhelpful when dealing with resident's concerns.
- (iii) Lack of information. Residents were not aware when construction works were on going that the former fire station was being converted into a care facility with a local estate agent stating they have all been sold to one person.
- (iv) The building has never been used for flats falling within use class C3 which was approved under application reference DC/15/58688.
- (v) Highways concerns, carers are not using the grounds to park vehicles, they instead park on Mace Street and Church Street.
- (vi) Nobody from the building or who runs the building has been in touch with local residents to inform them of its use or to provide details of who to call and raise a complaint.

- (vii) The high sided fences which surround the site are out of character with the area, it is unsightly and raises suspicion of who is living there.
- (viii) Since the use has commenced, litter has increased in the area. This includes cigarette butts from staff and residents standing next to vehicles.
- (ix) 24/7 lighting of the building increases light pollution in the area.
- (x) The objector is surprised that the unauthorised use was a genuine oversight by the applicant as he had told local residents that his preference was for the apartments to provide accommodation for working professionals.
- (xi) The works were never completed in accordance with the approved plans.
- (xii) Witnessing medication being administered to a resident through an open ground floor window.
- (xiii) The submitted plans show the inclusion of balconies and terraces to the first level of the building which would cause a loss of privacy and increased overlooking to local residents.
- (xiv) During the night, the site has only one carer for all the residents.
- (xv) Residents have witnessed the perimeter gate open and one of the entrance doors to the flat open with no sign of carers. They fail to see how this constitutes a secure building.
- (xvi) Having bins up against the fence along with items of garden furniture would give access to easily climb over.
- (xvii) A strong smell of drugs can be smelt when walking past.
- (xviii) Concerns that criminals and paedophiles are being cared for at the property.

Immaterial planning considerations relate to loss of property values.

Following receipt of amended plans and further information regarding the use being provided by the applicant, a further neighbour consultation was under taken. A further 3 updated objections were received from residents who had previously commented reiterating the concerns stated above and adding that they do not feel it is fair that the care provider has added at the end of their statement that 9 vulnerable people have the potential to be made homeless if this application does not exceed.

6.3 Responses to objections

I respond to the objector's comments in turn;

- (i) The Pollution Control Officer has raised no objections to the application on noise grounds. Disturbance caused through the playing of loud music can be dealt with as statutory nuisance by the Environmental Enforcement Team. Matters of anti-social behaviour through threatening or violent behaviour are a police matter. A

revised boundary treatment to the frontage of the property would address the concerns of tenants jumping out from behind gates as well as improve the integration of the building within the street scene. The care provider has stated two individuals were incorrectly placed with them at the fire station which resulted in a number of issues. These residents are no longer at the property and the care provider has reviewed their assessment process for anybody who wishes to live at the property. The care provider has stated they do not provide accommodation for tenants who have a criminal record. A condition for a site management plan to be provided to include details of shift changes, staffing numbers, complaint procedures and tenancy agreements has been included in the recommendation. It is worthy of note that many of these issues (i.e. behaviour of tenants) are outside of the planning remit and are enforceable under other legislation. The primary determining factor in this application is whether or not this residential use is appropriate in this locality.

- (ii) This comment has been forwarded to the applicant.
- (iii) The applicant had planning approval to convert the building from a fire station to 9 No. 1 and 2 bed flats granted under application reference DC/15/58688. However, the applicant instead converted the property into a C2 (residential institution use) without acquiring the appropriate planning approval. Following a complaint to the planning department regarding the property and the use, an enforcement case was opened under reference ENF/20/11244 to investigate. The applicant has submitted this planning application to attempt to regularise the use.
- (iv) See above comment.
- (v) The Head of Highways has raised no objections to the application subject to the parking layout within the site being installed and used. A condition for these works to be undertaken has been included within the recommendation.
- (vi) This comment has been forwarded to the applicant.
- (vii) I agree the boundary treatment to the front of the property is inappropriate and disconnects the building from the street scene. A condition for details of an amended boundary treatment to the front of the building has been included within the recommendation.
- (viii) The care provider is aware of this issue and stated a cigarette bin will be provided and staff/tenants made aware of their responsibility to ensure litter is not dropped.
- (ix) Light pollution can be investigated by the Environmental Enforcement Team. To address this issue, a condition for an external lighting scheme has been included within the recommendation.
- (x) I am unable to comment on this statement.
- (xi) This statement is correct, the scheme approved under application reference DC/15/58688 was not developed in accordance with the

- approved plans. This includes car parking, external amenity space, bin storage, cycle storage and the south elevations first floor windows.
- (xii) The care provider has confirmed this action was undertaken because the staff member could not enter the residents flat because of Covid restrictions.
 - (xiii) Amended plans have been received to remove the proposed balconies and the roof terrace to protect the privacy of neighbours.
 - (xiv) A condition for a site management plan has been included within the recommendation to confirm matters such as details of shift changes and staffing numbers on shifts.
 - (xv) The site does not form a secure residential institution. Residents are free to leave the premises with support being given for tasks such as cooking, cleaning, medication, washing shopping etc.
 - (xvi) In accordance with police comments, a condition for a revised bin and cycle store location has been conditioned.
 - (xvii) The taking of illegal substances is a matter for the police.
 - (xviii) The care provider has confirmed that no residents at the fire station are criminals or paedophiles. This application is not for a bail hostel which would be a Sui Generis use.

7. STATUTORY CONSULTATION

- 7.1 **Planning Policy** – No objections. SAD policy H4 is applicable. Guidance under this policy states that the Council will encourage the provision of housing to cater for the special needs of people.

From reviewing the supporting planning statement and plans, the proposed development meets the guidance set out in the policy in that it is compatible with adjacent uses, the existing property is suitable for such a proposal and its location is close to existing facilities of the local centre, Old Hill town centre.

7.2 Highways - no objections.

Based on the information provided a maximum of 5 staff would be on site at any one time, 9 spaces should be sufficient, this also allows some visitor provision. Highways requested confirmation that the car parking layout shown has been provided and how the gates are operated/managed. As the layout has not been provided both these elements have been conditioned.

- 7.3 **Public Health (Air Quality)** – No objections subject to electric vehicle charging points being provided. However, as this condition was not included on the previous approval, it would therefore be unreasonable to include it on this application.

7.4 **Public Health (Contaminated Land)** – No objections subject to a desktop study. However, as this condition was not included on the previous approval, it would therefore be unreasonable to include it on this application.

7.5 **Public Health (Air Pollution and Noise)** – No objections.

Following objections from neighbours regarding the playing of loud music, further clarification was sought from the Pollution Control Officer regarding noise. Following a review of their records it was noted single complaints were received about the playing of loud music in June 2020, July 2018 and December 2017. In none of these cases did the complainants return the diary sheets they were asked to complete, and no action was taken.

The officer stated as far as I am aware there is insufficient history of noise problems for me to object to the proposal. The investigation of domestic noise nuisances is dealt with by the Environmental Enforcement Team. The design and access statement refers to the provision of 24/7 care and support, so staff should be able to deal with problems of loud music and shouting. If it is possible to attach a condition to any approval requiring a noise management plan, setting out the management arrangements for controlling noise from residents.

In my opinion a condition for a noise management plan would not meet the tests of a sound planning condition and would be unenforceable. There are other legislation and procedures in place to deal with statutory noise nuisance via the Environmental Enforcement Team.

7.6 **West Midlands Police** – No objections to the application subject to crime reduction measures being installed. This includes external lighting, alarms and CCTV if on the site should be approved by NSI, SSAIB or both and entrance door-sets to PAS 24 standards. Furthermore, it is recommended that nothing is located next to exterior fencing as it can provide a climbing aid and restrict natural surveillance.

The police have also highlighted recent calls to the premises are as below.

Oct 2020 - Concern for welfare. Older resident.

Sept 2020 - Concern regarding the history of 2 residents. Also reference to accommodation for those with mental health issues.

Sept 2020 - 28-year-old resident involved in incident elsewhere. Mental health issues.

June 2020 - Attempt damage, attempt assault attending police officers. (Same offender as above).

June 2020 - concern for resident welfare.

May 2020 - Common assault on staff member and another resident during argument between two residents. (One 60 years old).

May 2020 - Ambulance requiring police assistance with known violent individual.

April 2020 - Verbal threats between residents

Feb 2020 - Assault and Damage. Resident with mental health issues pushed staff member and ripped key safe off wall in office.

Another call regarding a female resident self-harming.

Dec 2019 - Resident thrown items at office and threatened staff member.

Dec 2019 - Missing then found resident.

Dec 2019 - Concern for resident welfare.

July 2019 - 60 year old male resident with mental health issues assaulted a police officer.

8. GOVERNMENT GUIDANCE/NATIONAL PLANNING POLICY

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

9. LOCAL PLANNING POLICY

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

BCCS - HOU1 – Delivering Sustainable Housing Growth

ENV3: Design Quality

SAD H4 – Housing for People with Specific Needs

SAD EOS9: Urban Design Principles

- 9.2 HOU1 refers to delivering sustainable housing growth through allocated sites, in this instance the provision of the residential accommodation to meet specific needs within the community assists with meeting this target.
- 9.3 SAD policy H4 encourages the provision of housing to cater for the special needs of people. The proposed development meets the guidance set out in the policy in that it is compatible with adjacent uses, the existing building is suitable for such a proposal and the location of the property is close to existing facilities of Old Hill town centre.
- 9.4 ENV3 and SAD EOS 9 refer to well-designed schemes that provide quality living environments. The layout of the flats has previously been approved with the difference being flat 1 has been converted from a two-bedroom unit to a one-bedroom unit. The site office has been accommodated in the lost bedroom space. The scheme is acceptable in terms of design subject to an amended boundary treatment to the Mace Street frontage and implementation of the amenity space and car parking around the building.

10. MATERIAL CONSIDERATIONS

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

10.2 Planning history

The principle of a residential use on the site has been set by the granting of planning approval DC/15/58688.

10.3 Overlooking/loss of privacy

The proposed balcony and roof terrace shown on the floor plans were not approved under the previous planning permission (DC/15/58688), amended plans were received to remove these elements. The scheme as approved included first floor bay windows to the rear elevation facing the residential properties on Church Street. These windows were designed to protect their privacy. However, it has been noted that these windows have not been installed in accordance with the approved plan and hence a condition to address this issue has been included within the recommendation.

10.4 Access, highway safety, parking and servicing

The Head of Highways has raised no objections to the application, a condition for the car parking to be laid out in accordance with submitted scheme has been included within the recommendation as well as details of how the gates are operated/managed.

10.5 Noise, disturbance and anti-social behaviour from the scheme

The objector's concerns in respect of anti-social behaviour by residents are noted, however the Police and Pollution Control Team (noise) have not objected to the proposal and have not raised specific concerns in respect of such matters. In reference to noise from the premises by the playing of loud music, the Environmental Protection Team have powers to deal with this matter as a statutory noise nuisance. The care provider has confirmed the premises would not contain any tenants with a criminal record and the two residents who were causing the concerns have been removed from the site and will not be returning. As the site is staffed at all times, the matters regarding anti-social behaviour experienced can be rectified by responsible management of the property. A condition for a site management plan to be provided to include details of shift changes,

staffing numbers, complaint procedures and tenancy agreements has been included in the recommendation.

11. IMPLICATIONS FOR SANDWELL'S VISION

11.1 The proposal supports Ambitions 7 and 10 of the Sandwell Vision 2030:-

11.2 Ambition 7 – We now have many new homes to meet a full range of housing needs in attractive neighbourhoods and close to key transport routes.

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

12. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

12.1 In reflecting on the principle of the change of use to a residential care home (Use Class C2), policy SAD H4 'Housing People with Specific Needs' lists a number of criteria which can be applied to such housing provision. The residential use is compatible with the surrounding area; the site and suitability is appropriate for such use; and the site is within close proximity of transport links and facilities in Old Hill town centre. On balance, taking the above considerations into account, I am of the opinion the proposal would provide suitable accommodation for people with specific needs and with the effective management of the site, residential amenity of neighbouring properties can be protected. Whilst I sympathise with many of the issues raised by the objectors, my recommendation is based on an unprejudiced assessment of a residential use in this locality.

13. STRATEGIC RESOURCE IMPLICATIONS

13.1 When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the council.

14. LEGAL AND GOVERNANCE CONSIDERATIONS

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

15. EQUALITY IMPACT ASSESSMENT

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

16. DATA PROTECTION IMPACT ASSESSMENT

16.1 The planning application and accompanying documentation is a public document.

17. CRIME AND DISORDER AND RISK ASSESSMENT

17.1 Relevant conditions relating to external lighting and a revised bin/cycle storage location have been included following advice from West Midlands Police.

18. SUSTAINABILITY OF PROPOSALS

18.1 Refer to the National Planning Policy Framework (8), Development Plan policies (9) and material considerations (10).

19. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

19.1 Refer to the summary of the report (12).

20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

20.1 There would be no impact.

21. APPENDICES:

Site Plan

Context Plan

2015-00SK AL (2) 007 REV A (A1)

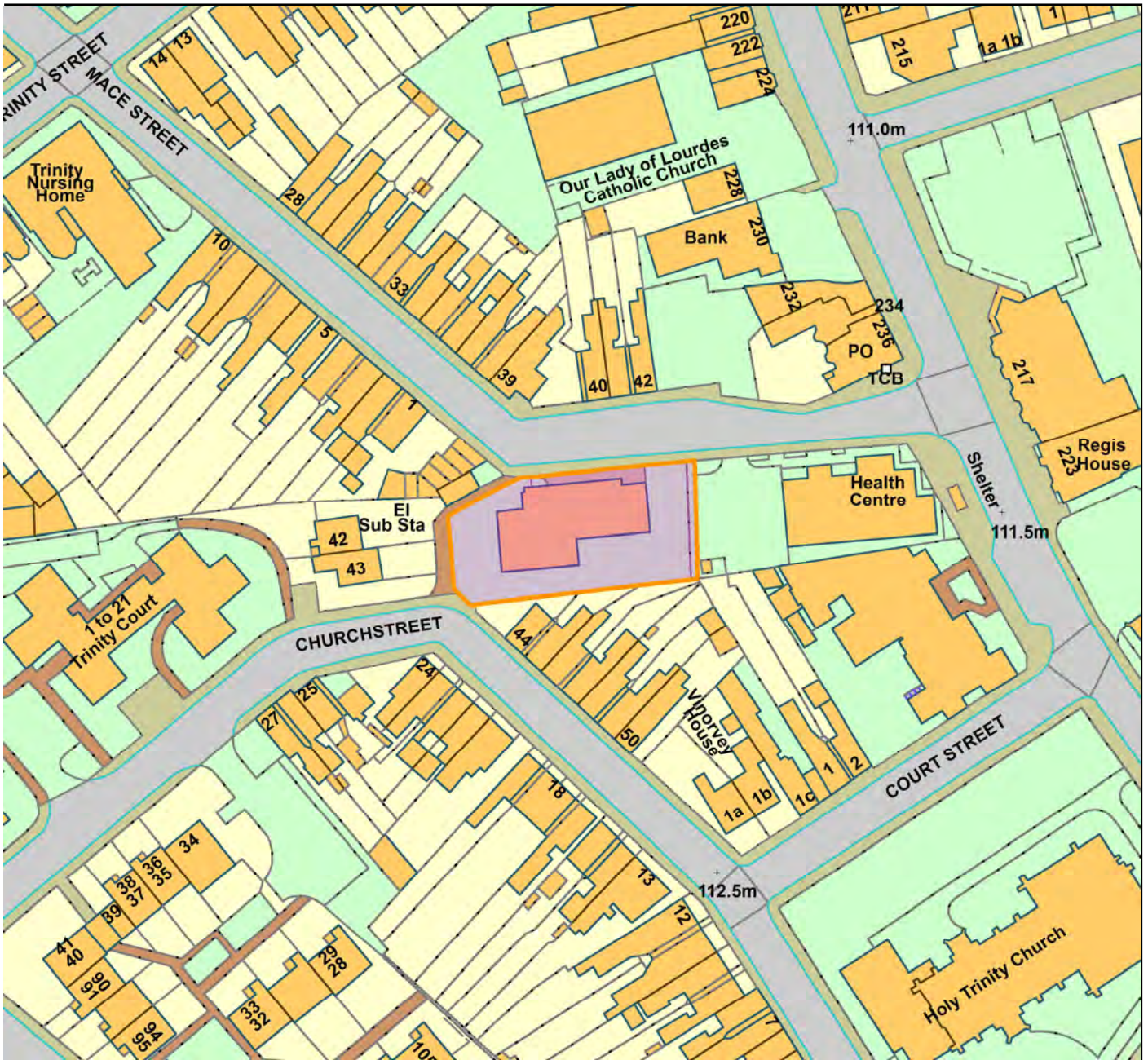
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2015-00SK AL (2) 009 REV A (A1)

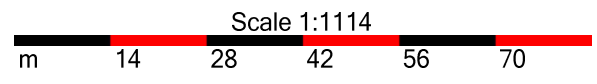
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DC/20/64453

1-9 The Old Fire Station, Mace Street, Cradley Heath



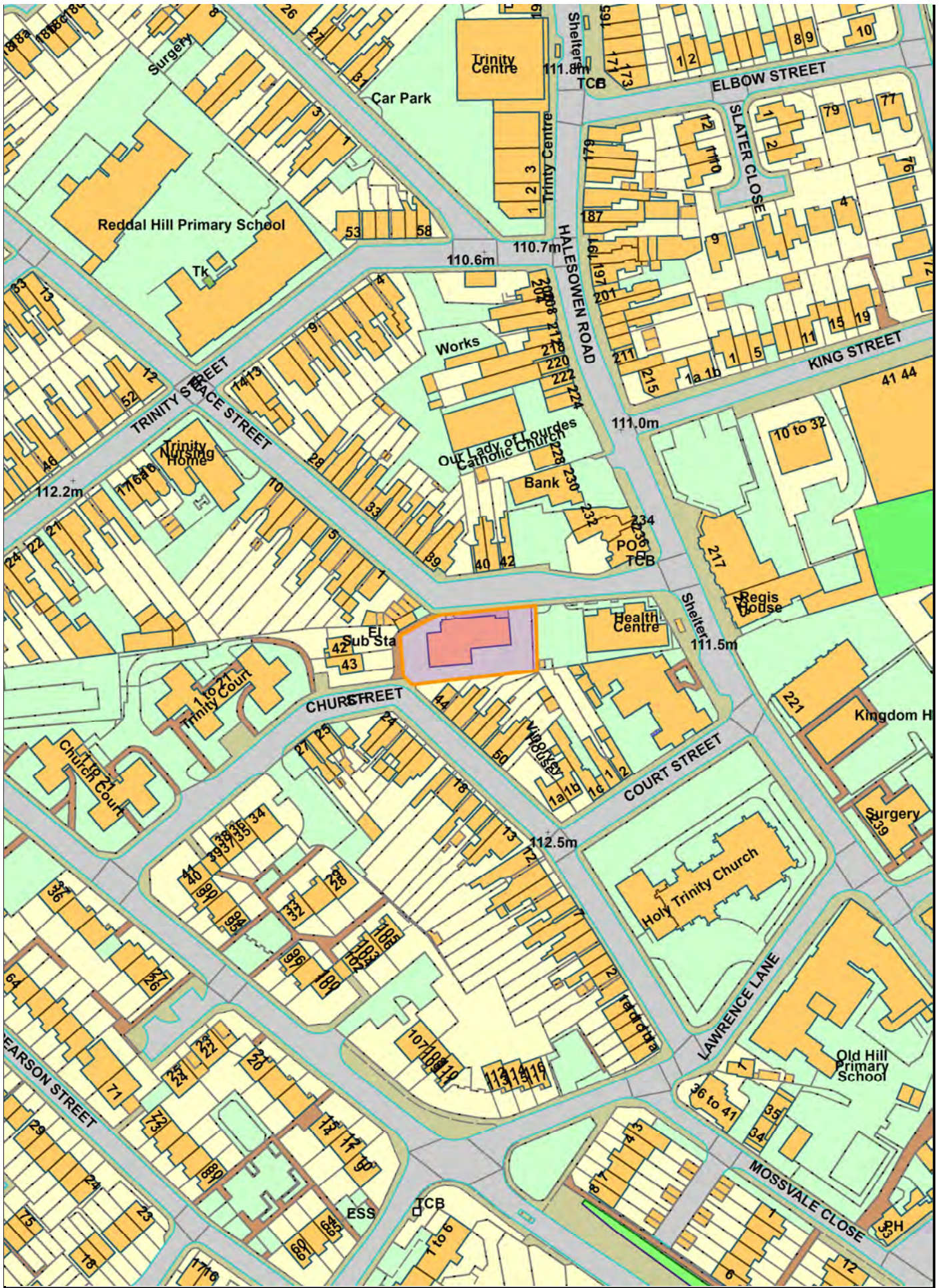
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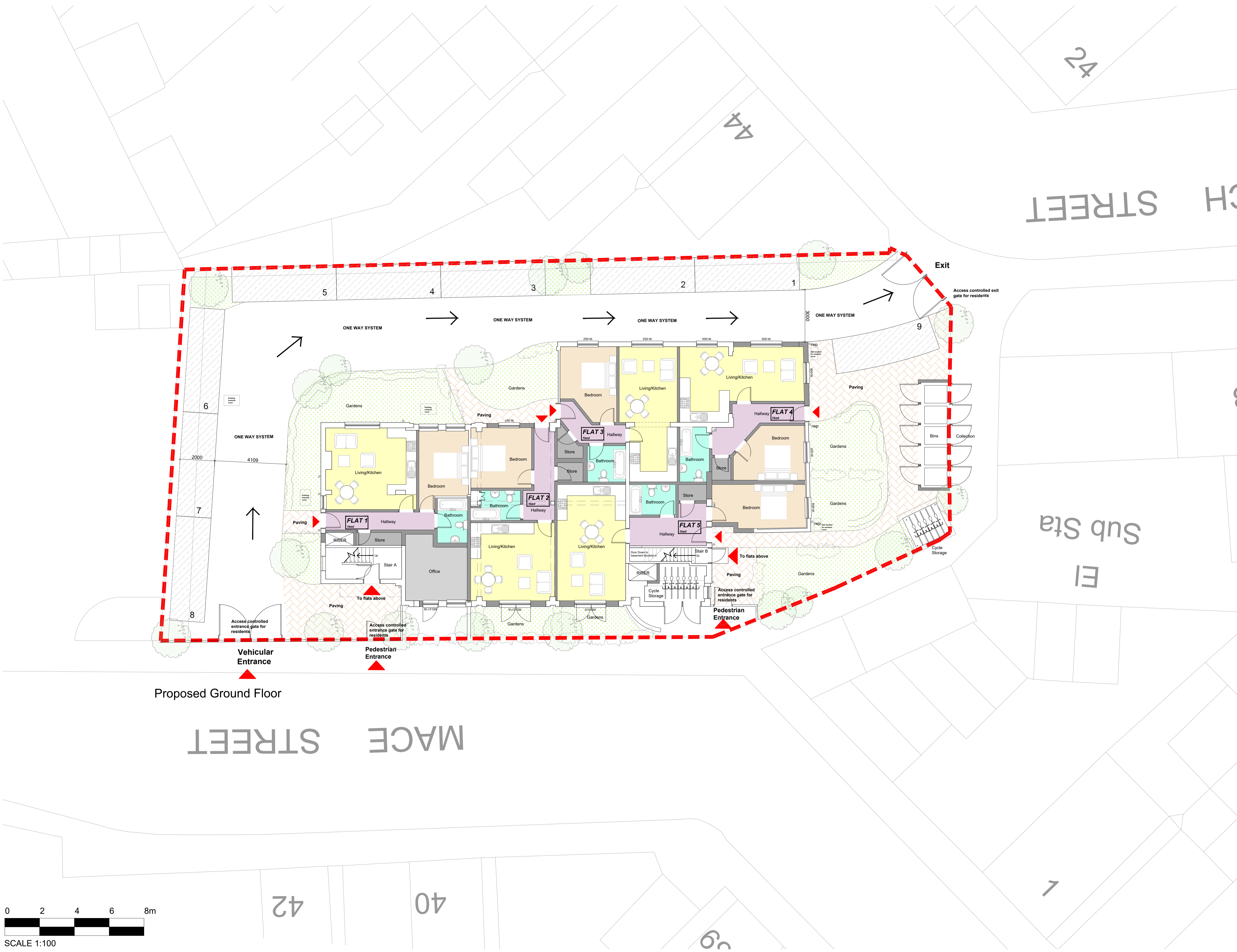


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Department	Not Set
Comments	Not Set
Date	25 November 2020
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Significant hazards are defined as -

- Those not likely to be obvious to a competent contractor or other designers.
- Those of an unusual nature.
- Those likely to be difficult to manage effectively.

Revisions

Site boundary line
 New wall construction

Accommodation Schedule

Apartment no.	Type	GIA (sqm)
1	1 bed	51 (sqm)
2	1 bed	49 (sqm)
3	1 bed	50 (sqm)
4	1 bed	55 (sqm)
5	1 bed	56 (sqm)
6	1 bed	48 (sqm)
7	1 bed	48 (sqm)
8	1 bed	48 (sqm)
9	1 bed	62 (sqm)

A	Balcony terrace removed. Office added. Vehicular gates flipped as requested.	Jsb	16.10.20
Rev:	Details:	By / Chk:	Date:

Jsb:architects

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 jaspreet.bal@hotmail.com

Client:
Kalbeer Singh

Project:
Former Fire Station, Mace Street - Cradley Heath

Drawing Title:
Proposed Ground Floor

Scale: 1:100@ A1 @ A1

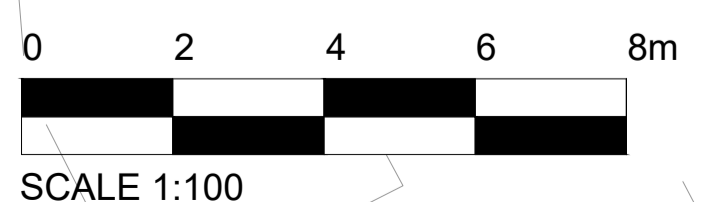
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Proposed First Floor



Proposed First Floor Plan @ 1:100

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- Site boundary line
- New wall construction



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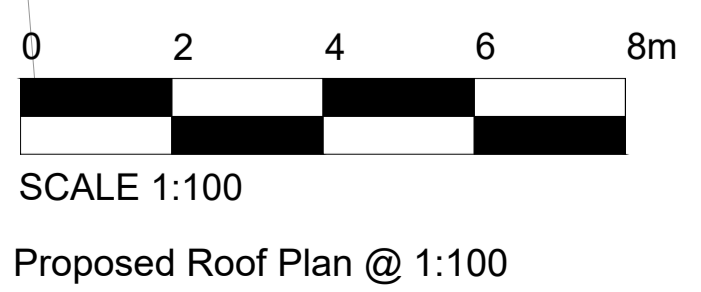
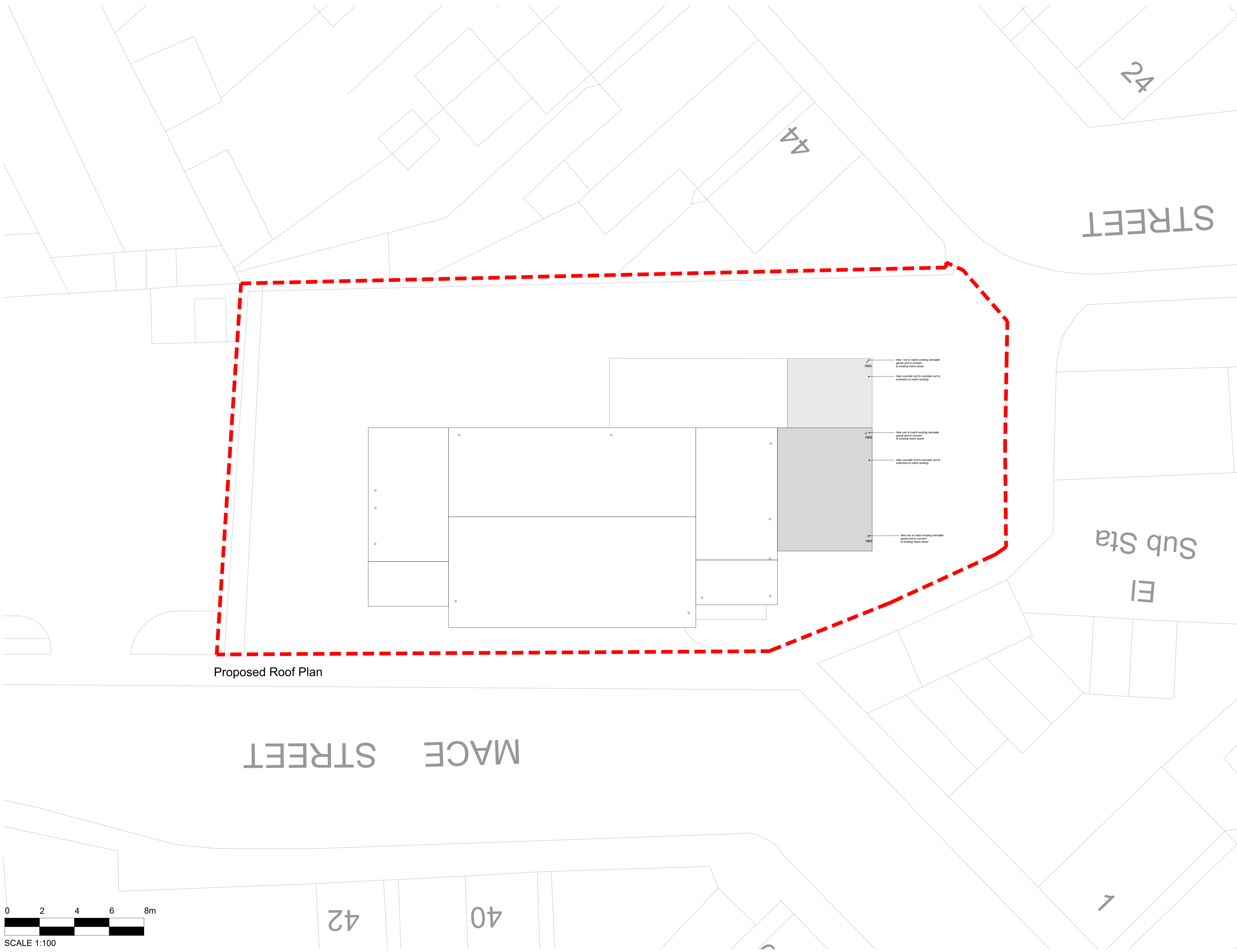
Drawing Title:
Proposed First Floor

Scale: 1:100@ A1 @ A1

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Rev:	Details:	By / Chk:	Date:

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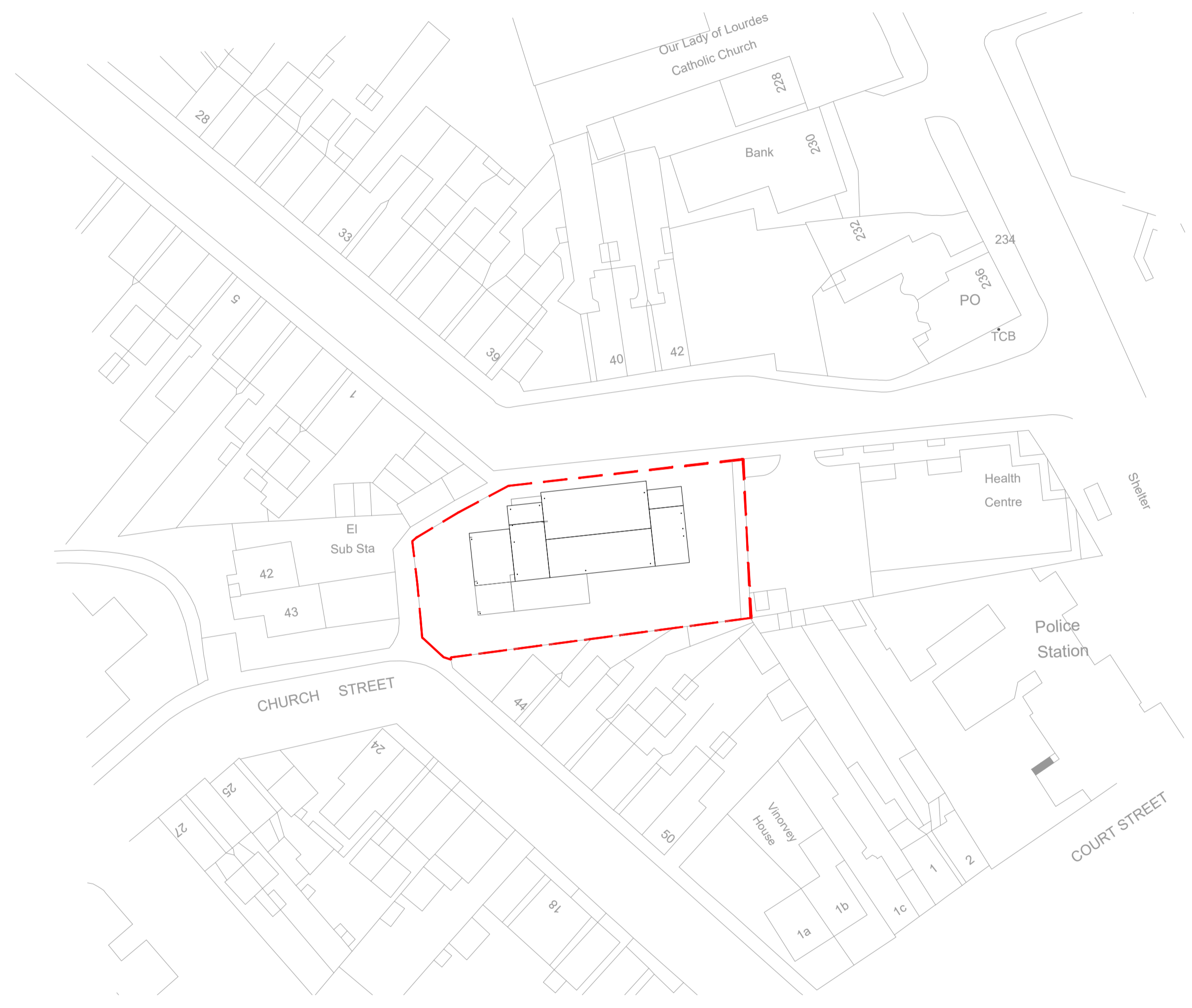
Drawing Title:
Proposed Roof Plan

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Proposed Site Plan @ 1:500

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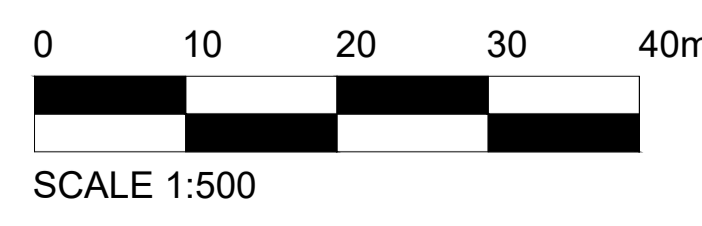
Drawing Title:
Proposed Site Plan

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2015-00SK AL (2) 006 A



REPORT TO PLANNING COMMITTEE

9 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. |
|--|

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:

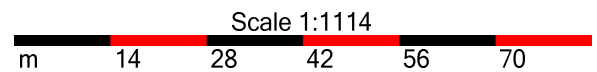
Location Plan
Context Plan
Site Layout Plan
Site Plan

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



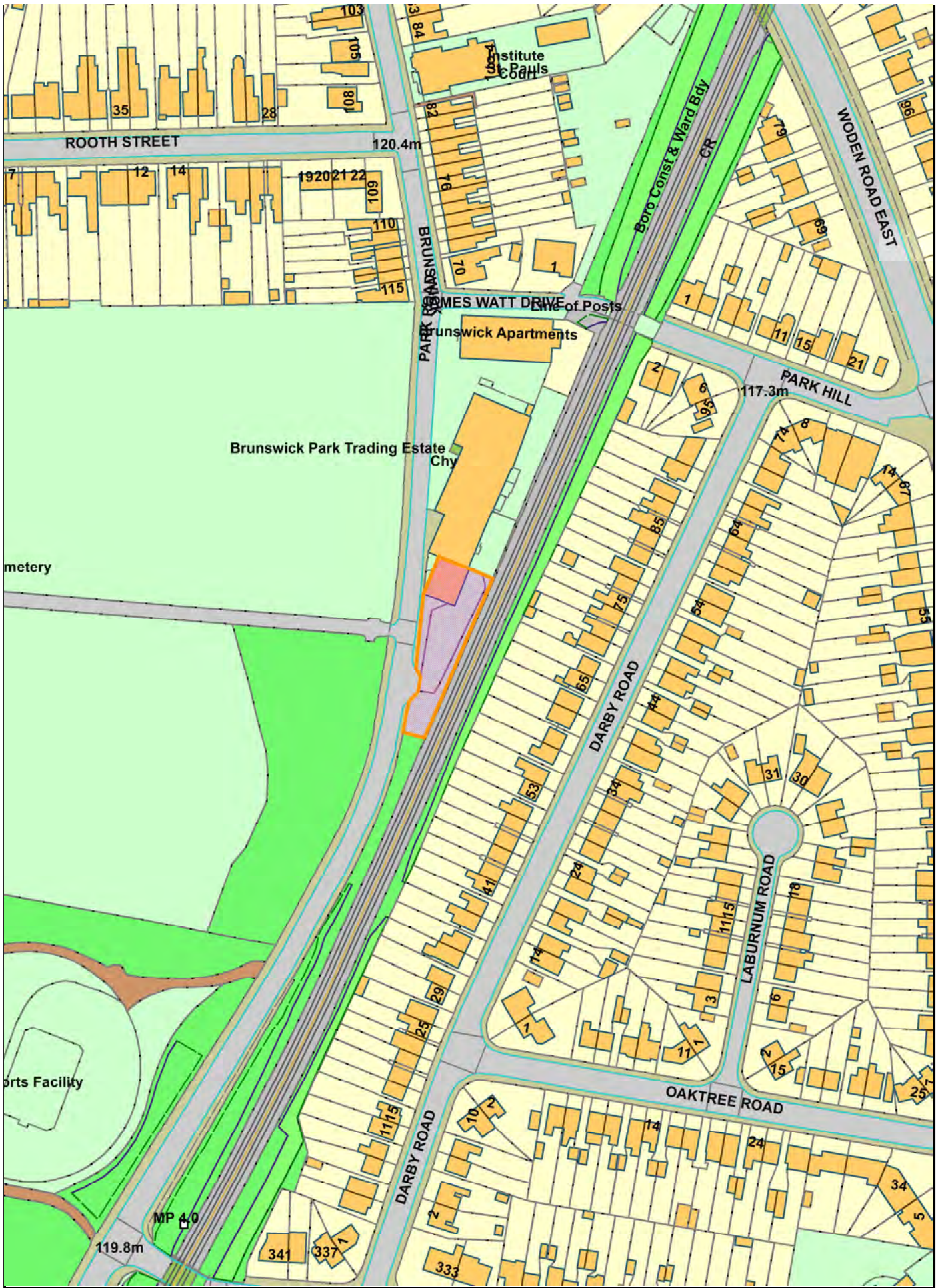
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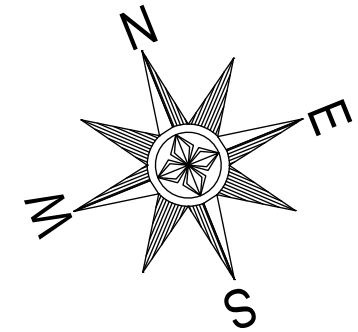


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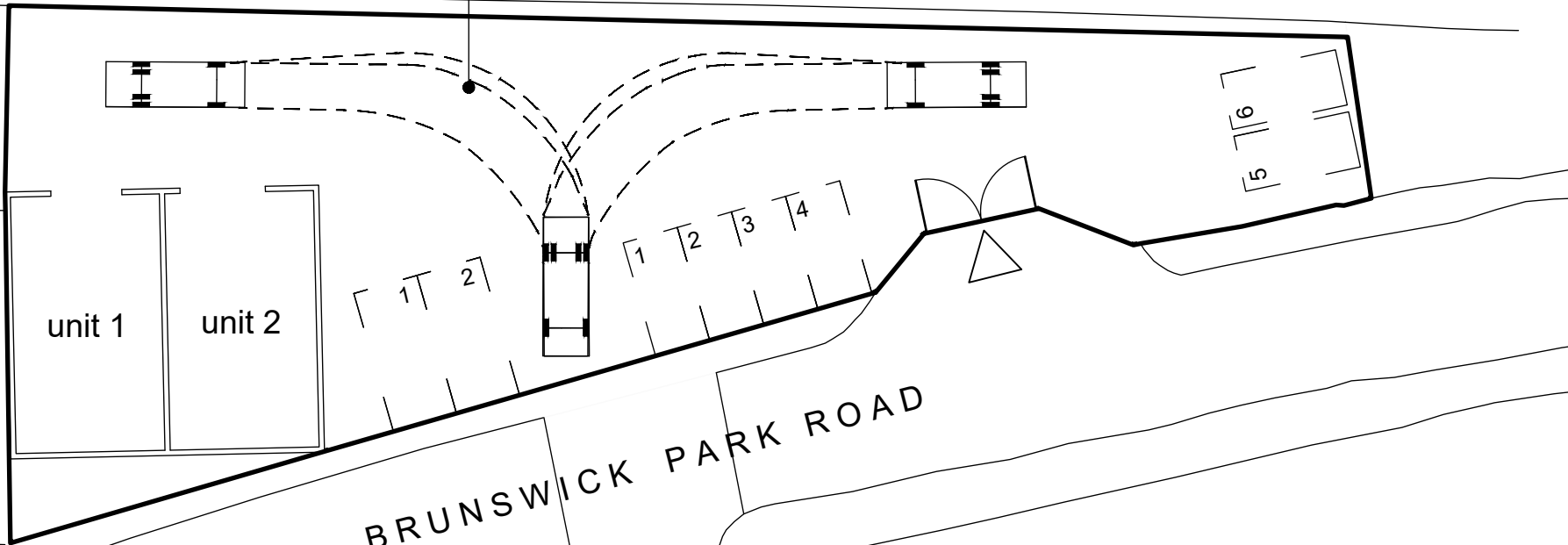
Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	23 October 2020
OS Licence No	

Sc 1:1114





Turning facility to leave site

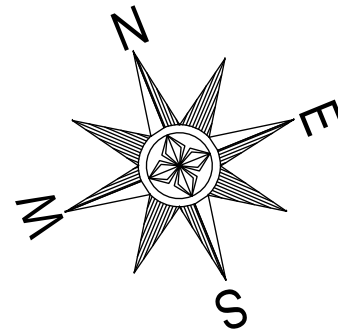


Project:
 Retention of use as storage or distribution (class B8) and small scale car repairs and serving (class B2)

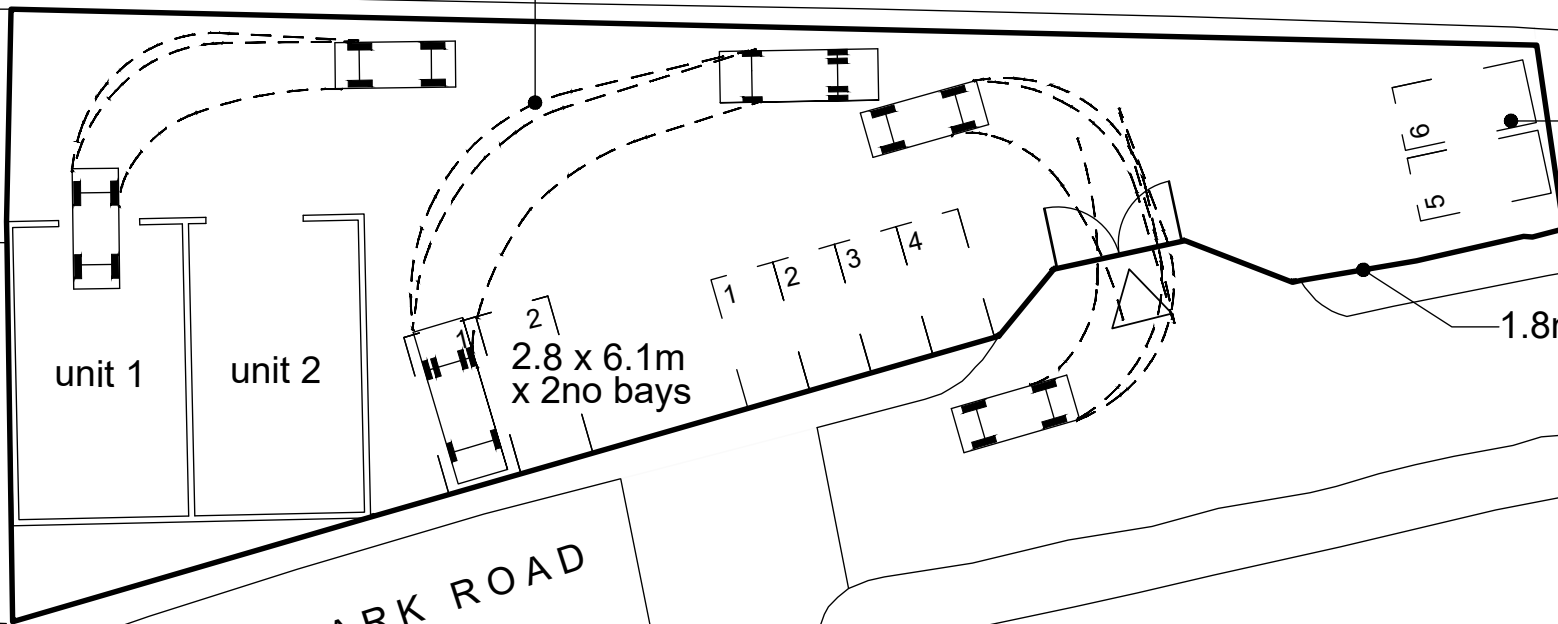
Address:
 Old Water Works Unit 12, Block 'B'
 Brunswick Park Trading Estate, Brunswick
 Park Rd, Wednesday, WS10 9QR

Drawing Title:
 125 Planning Drawing
 Site Plan - Turning Facility

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



New tarmac surface



2.4 x 5.0m x 6no. bays

1.8m high metal palisade fence

unit 1

unit 2

2.8 x 6.1m
x 2no bays

1 2 3 4

5 6

BRUNSWICK PARK ROAD

126

Drawing Title:
Planning Drawing
Site Plan - General

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

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

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

Visit Monday, 2nd March 2020, 12:36

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



Site Visit Wednesday, 8th April 11.28

Shack still in place, no noise, s330 hand delivered



Site Visit Wednesday, 22nd April 12:00

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



Site Visit Wednesday, 29th April 12:12

Enforcement officer attended - site closed, no noise



Site visit Monday, 11th May 2020 12.06

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



Site visit Monday, 18th May 2020 14.24

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



Site visit Wednesday, 3rd June 2020 15.10

Enforcement officer visited - site closed, no noise



Site visit Tuesday, 23rd June 2020 10.15

Two enforcement officers met the occupiers on site



Site visit Thursday, 2nd July 2020 14.33.

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



Site visit Monday, 13th July 2020 14.52.

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



Site Visit Tuesday, 21st July 2020

Planning Officer and Councillors – no issues (No photo)

Site Visit Wednesday, 22nd July 2020 15:35

Planning officer attended the site - no noise



Site Visit Tuesday, 28th July 2020 11.54

Enforcement officers attended, no noise



Site Visit Tuesday 4th August 2020

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

Site Visit Wednesday 2nd sept 2020 12.15

Enforcement Officer attended - site closed, no noise.





Planning Inspectorate

Department of the Environment

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

Telephone 0272-218811
 Telex 449321
 Fax 0272-218811
 Switchboard 0272-218811
 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.

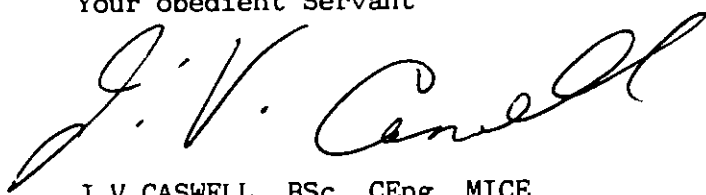
13. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your appeal insofar as it relates to the change of use to car repairs and second hand tyre sales, and erection of 2 m high fencing along the eastern boundary of the site, but I allow this appeal insofar as it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

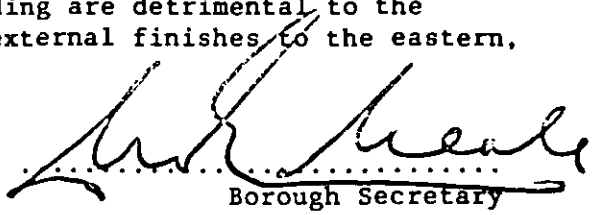
The Borough Council of Sandwell as local planning authority considered the application as described above on 5th April, 1990

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.

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]

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]

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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

[REDACTED]

Sent from my Samsung Galaxy smartphone.

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

From: Manjit1 Mustota [REDACTED]

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

[REDACTED]

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

Dear [REDACTED]

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: [REDACTED]

Sent: 21 April 2020 15:06

To: Manjit1 Mustota [REDACTED]

[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]

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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]

Sandwell Council
Directorate of Regeneration & Economy
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

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: [REDACTED]
Sent: 31 October 2020 15:37
To: [REDACTED]

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



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]

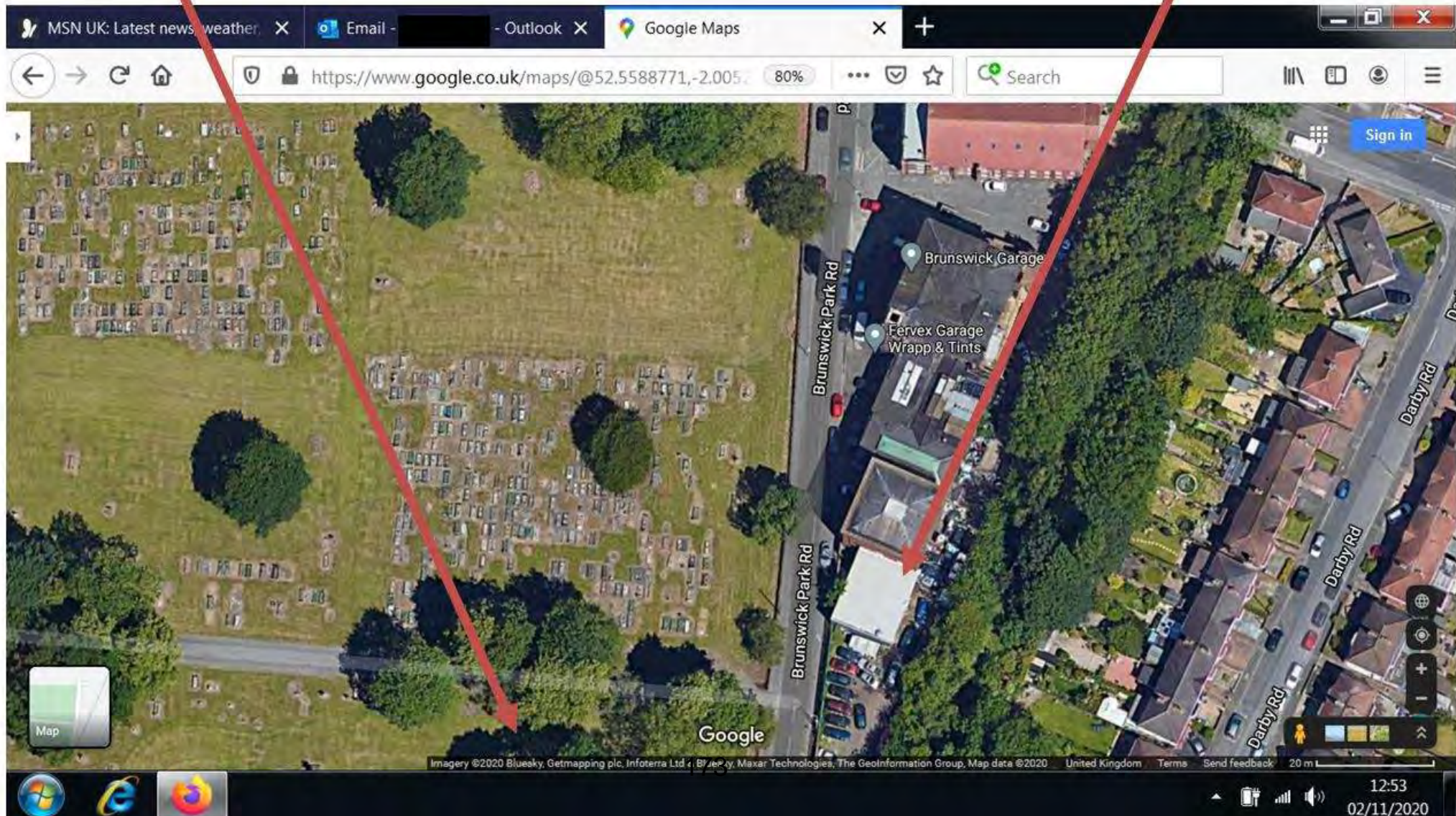


171



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 park 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 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.

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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

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I'm sure this would solve the problem for all concerned.

Kind regards

██████

Sent from my Samsung Galaxy smartphone.







£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 hpi 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...



Like Share

View 5 more comments

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

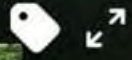
Like · 1 y

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 🤔🤔

8 w

1

replied · 11 replies

Facebook navigation sidebar with icons for home, search, and profile.

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

- 2007 AUDI A6 2.0 TDI AVANT SPARES OR... £595 - 1 view
- SUBARU WRX ALLOYS £150
- AUDI TT CONVERTIBLE QUATTRO TURBO £1,250 - 25 views

Each listing includes a "MARK AS SOLD" button and a "SHARE" button. A notification at the bottom says "You: You left the group."

Dark grey overlay area with a white tag icon and navigation arrows.

Facebook post interaction area showing 10 reactions and 15 comments. Visible comments include:

- "Fucking low life tramps bro . Keep smilin and selling them cars"
- "Hope they can see this and feel ashamed of them selves"
- "Jealousy mate"
- "Lower than snakes piss"

Each comment has a "Like" button and a "1" next to it.



Facebook post interaction icons: plus, comment, notification, and share.

[Redacted] 3 June 2019 · [Redacted]

Tempted 2 sell the range rover now

11 likes

2 comments

Like

Share

[Redacted] STILL GOT THIS MATE?

Like · 1 y

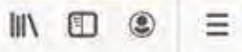
[Redacted] Gone
Like · 1 y



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



Search



21 March 2019 · 🌐



3

1 share

Share







BMW FG62 SFE for sale

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Used BMW 5 Series for sale in Liver... cargurus.co.uk



Used BMW 1 Series Cars for Sale in ... motors.co.uk



Should I Buy A BMW Car? - Which? which.co.uk





Search



View 11 more comments

[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	Sawing, hammering, grinding.	Empty recovery vehicle parked outside – Reg Redacted
	11.00	Sound of at least two males on site. Loud voices, shouting at each other from different parts of the site.	
	14.20	Two males working on the shack.	
	14.40 – 15.20	Banging, hammering a sawing. Sound of metal hitting metal. Loud voices	
	15.40	Very loud car revving and racing away from the site up Brunswick park Road past the park.	
14 May	9.15	Gates opening, loud voices	Seat Redacted Audi Redacted Jaguar Redacted
	Throughout morning	Mechanical noises, sanding, drilling	
	14.34 – until at least 15.55	Very loud voices, swearing, several males	
	16.30 -	Engines revving, wheel gun	

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

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

211

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.

[IL1: PROTECT]

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.

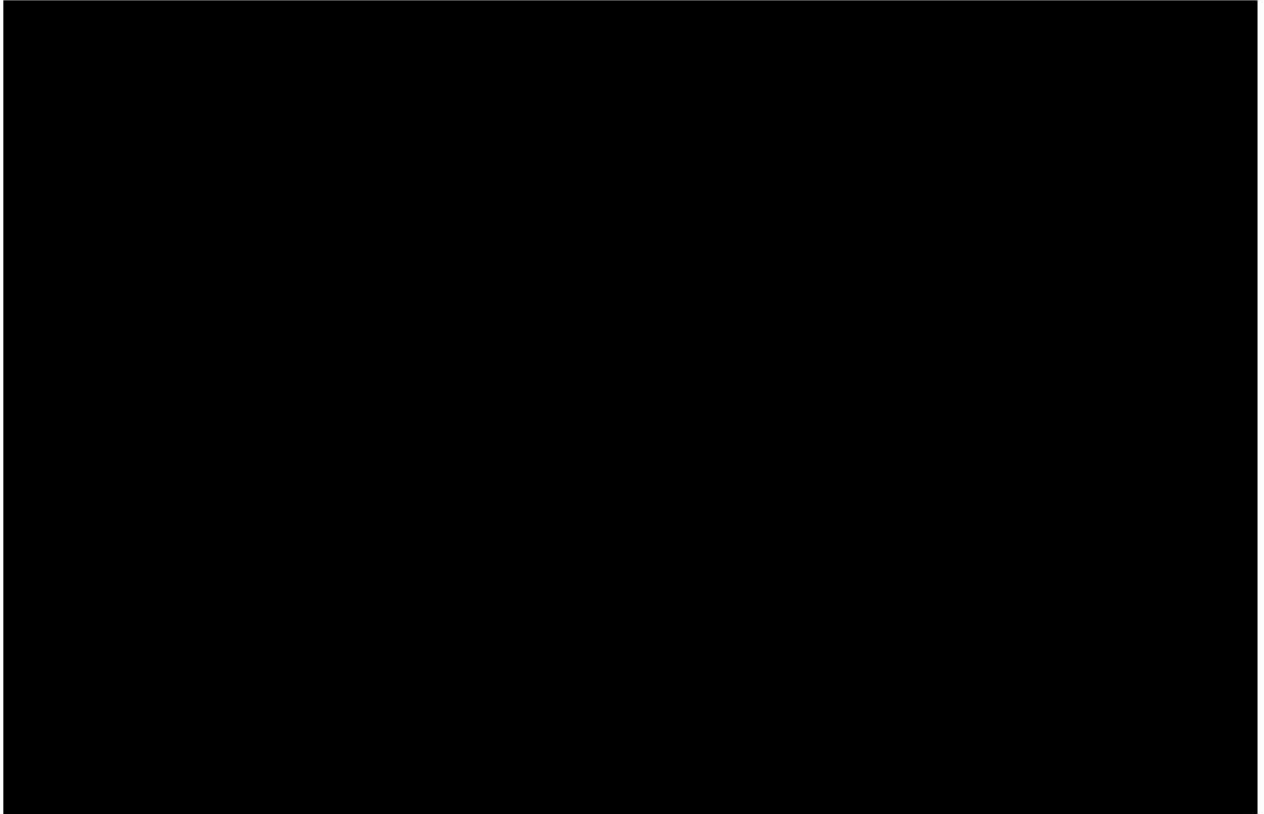
The fee in the sum of **£924** is payable under Regulation 10 of the Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012

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

Date - 2 FEB 2000

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

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2. STOP NOTICE

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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

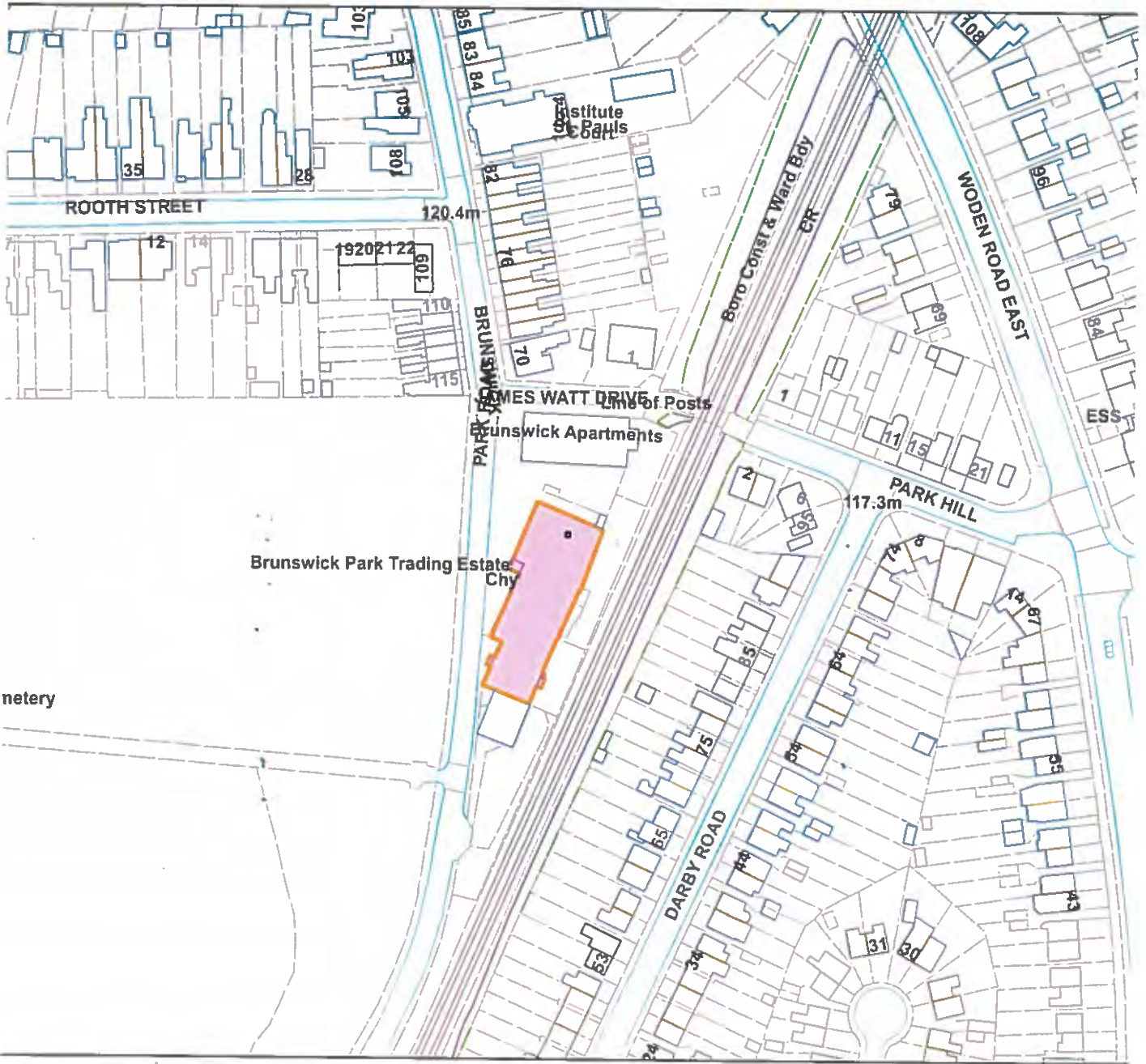
THIS NOTICE TAKES EFFECT ON THE DATE SPECIFIED IN PARAGRAPH 6.

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



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Legend

Sc 1:1742



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

THE BOROUGH COUNCIL OF SANDWELL

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT NOTICE

Unauthorised Development

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

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

2. THE LAND AFFECTED

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

3. THE BREACH OF PLANNING CONTROL ALLEGED

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

4. REASONS FOR ISSUING THIS NOTICE

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

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

[IL1: PROTECT]

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

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

5. WHAT YOU ARE REQUIRED TO DO

- 5.1. Cease the Unauthorised Use.

6 TIME FOR COMPLAINT

- 6.1 1 month after this notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

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

Dated: 2nd July 2020

Signed:



Tammy Stokes
Interim Director of Regeneration and Growth

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

[IL1: PROTECT]

ANNEX

YOUR RIGHT OF APPEAL

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

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

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

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

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

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

WHAT HAPPENS IF YOU DO NOT APPEAL

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

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

[IL1: PROTECT]

Grounds of Appeal

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

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

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

Deemed Application

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

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

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

SERVICE

[IL1: PROTECT]

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

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

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

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

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

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

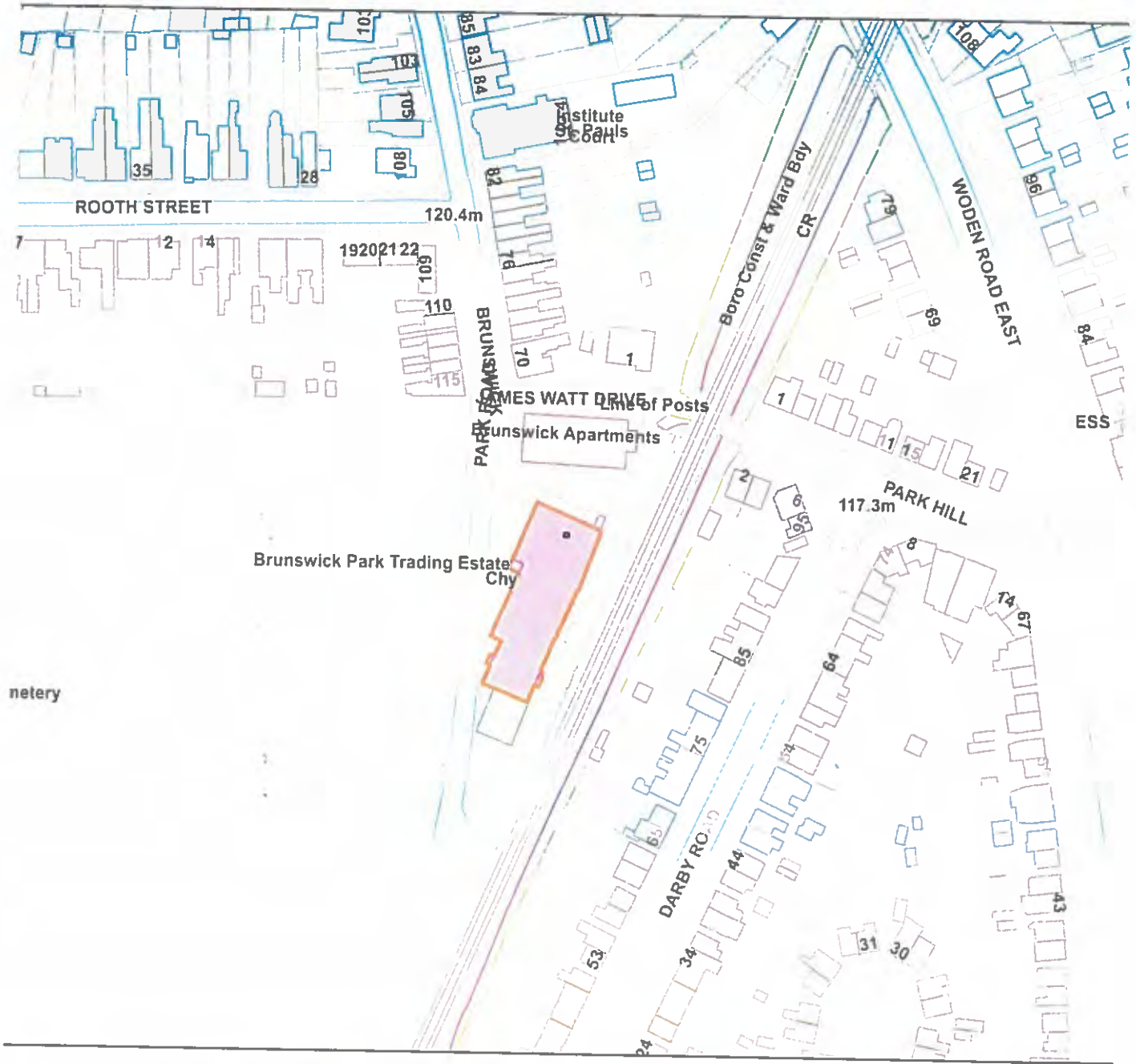
Owner of Unit 12 - Old Water Works, Block B, Brunswick Park Trading Estate,
Brunswick Park Road, Wednesbury WS10 9QR

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

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

[IL1: PROTECT]

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



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Legend

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

REPORT TO PLANNING COMMITTEE

9 December 2020

Application Reference	DC/20/64611
Application Received	26 August 2020
Application Description	Proposed erection of 24 No. dwellings together with associated parking and landscaping.
Application Address	Site Of Former Thimblemill Public House, 174 Thimblemill Road, Smethwick B67 5RG
Applicant	Tricas Construction Limited
Ward	Abbey
Contribution towards Vision 2030:	
Contact Officer(s)	Carl Mercer 0121 569 4048 carl_mercer@sandwell.gov.uk

RECOMMENDATION

Subsequent to the signing of a section 106 agreement to ensure affordable housing, that planning permission is granted subject to the following conditions relating to:-

- (i) External materials;
- (ii) Desk-based archaeological assessment;
- (iii) Finished floor levels;
- (iv) Contamination;
- (v) Noise survey and risk assessment;
- (vi) Drainage;
- (vii) Boundary treatments;
- (viii) Landscaping;
- (ix) Cycle storage;
- (x) Electric vehicle charging;
- (xi) External lighting;
- (xii) Method statement for site working;
- (xiii) Restriction on construction hours (8am – 6pm weekdays, 8am – 2pm Saturdays, no working on Sundays or bank holidays);
- (xiv) Employment and skills plan;
- (xv) Management/appearance details in respect of easement;
- (xvi) Removal of permitted development rights; and

1. BACKGROUND

- 1.1 This application is being reported to your Planning Committee because three objections have been received (including one from Councillor Jaron), and the application has been objected to and called to Committee by Councillor Piper. Furthermore, the permission is also subject to a section 106 agreement for affordable housing.
- 1.2 To assist members with site context, a link to Google Maps is provided below:

[Site of former Thimblemill Pub, Thimblemill Road, Smethwick](#)

2. SUMMARY OF KEY CONSIDERATIONS

- 2.1 The site is unallocated in the Development Plan.
- 2.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF);
Layout and density of buildings;
Design, appearance and materials;
Access, highway safety, parking and servicing;
Contamination by a previous use;
Noise;
Effect on listed building;
Archaeology;
Loss of trees;
Flood risk; and
Planning gain (affordable housing).

3. THE APPLICATION SITE

- 3.1 The application site has a site area of approximately 0.43 hectares and is situated on the south-west side of Thimblemill Road. The land is bounded on three sides by Norman Road, Thimblemill Road and Pargeter Road.
- 3.2 The character of the surrounding area is predominately residential. The Grade II listed Thimblemill Library lies opposite the site on the corner of Thimblemill Road and Stanhope Road. Thimblemill Recreation Ground and pool are situated across Norman Road to the west, with two storey dwellings present to the southern boundary.

4. PLANNING HISTORY

4.1 Relevant planning applications are as follows:-

DC/14/57139	Proposed demolition of the Thimblemill PH and club house and erection of purpose built care home together with associated parking, landscaping, cycle and refuse storage (revised application - DC/14/56747)	Approved 27.06.2014
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5. APPLICATION DETAILS

5.1 The applicant proposes 24 dwellings consisting of: five, three bed houses; seven, two bed houses; and 12, two bed apartments.

5.2 The two storey dwellings would be a semi-detached house type. Six of the semi-detached dwellings would front Norman Road, and six would front Pargeter Road. The apartment block would be two and three storeys high and front Thimblemill Road.

5.3 Off-street car parking would be provided by driveways to the dwellings on Norman Road, by a forecourt area to the dwellings on Pargeter Road, and by a parking area to the rear of the apartment block for its residents.

5.4 The development proposes 100% affordable housing to be taken on by a housing provider. To ensure this provision, a s106 agreement is required. Committee may still decide on the application whilst this agreement is pending.

6. PUBLICITY

6.1 The application has been publicised by neighbour notification letter, with four objections being received; two from nearby residents and two from ward councillors.

6.2 Objections

Objections have been received on the following grounds:

- i) Poor design;
- ii) Impact on listed building;
- iii) Insufficient parking;
- iv) Unsafe access to houses and apartments from Norman Road;
- v) Loss of trees;
- vi) Loss of privacy/overlooking;

- vii) Environmental sustainability;
- viii) Contrary to policy; and
- ix) The maintenance of the electricity cable easement.

6.3 Responses to objections

I respond to the objector's comments in turn:

- i) The Council's Urban Design officer has no overall objection to the proposal. The design of the scheme is broadly in line with Council design policy and guidance. Design will be discussed later in the report.
- ii) Whilst the apartments would face Thimblemill Library, a Grade II listed building, the site is of a sufficient distance from the immediate setting of this heritage asset. The Library is circa 1937, of redbrick construction and with a distinctive 'curved' design, in a Moderne architectural style. I note that other buildings in the vicinity do not mimic the building's design, but do not affect the setting of the Library; including a number of four storey and high-rise apartment blocks which are evident in the surrounding area. Consequently, I am not of the opinion that the proposed two/three storey apartment block would have a detrimental impact on the setting of the Library.
- iii) In respect of parking, each two bed house would have at least one dedicated car parking space and each three bed house would have at least two spaces, as per the Council standard. In addition to this, the forecourt parking area which would serve the dwellings on Pargeter Road would have two visitor spaces. Furthermore, 14 spaces would serve the 12, two bed flats provided by the apartment block. The Council standard requires one space per two bed flat, plus one space per four properties for developments above 10 units. This would make the apartment block one visitor space short but given the sustainable location, within walking distance of all day-to-day services, facilities and bus stops, I am of the opinion a development which does not propose a dominance of car parking and broadly adheres to the Council's standards should be welcomed. Concerns have also been raised over the impact on street parking when events are held at the Library or when the New Life Christian Centre is open; however, the proposal's parking provision is addressed within the site area and there is no significant reliance on on-street parking for future residents.
- iv) Highways have raised no concerns in respect of highway safety implications of accesses on to Norman Road. The development would be on the outside of the bend, so those egressing parking spaces would benefit from greater visibility than those at the

- premises slightly further along Norman Road, on the opposite side. The development is also slightly nearer to the roundabout, where traffic speeds are likely to be slower.
- v) Whilst the development would result in the loss of a small number of trees, many will be retained, whilst there are several new trees to be planted within the site. This would have the benefit of softening the impact of the development, whilst compensating for any lost trees. Furthermore, the Council's Tree Preservation Officer raises no concerns.
 - vi) The proposed buildings would be of a sufficient distance from neighbouring residential properties as for concerns regarding overlooking or loss of privacy to be unfounded. I do not consider this to be a material planning concern in this instance. In fact, given that the site is bounded by roads to the north, east and west and the proposed dwellings closest to the southern boundary have been designed to step away from the boundary due to the presence of an electricity cable easement, I have no appreciable concerns in respect of the development's impact on light, outlook or privacy to occupiers of adjacent properties.
 - vii) Whilst the objector's concerns in respect of environmental sustainability and the Combined Authority's guidance on sustainable homes are not elaborated on, the submitted Energy Statement satisfies the requirements of policy ENV7 (renewable energy), electric vehicle charging bays can be ensured by condition, and the proposal is within easy reach of all local amenities.
 - viii) Local policy considerations will be discussed in depth later in the report. In respect of the NPPF, the objector raises concerns in respect of paragraphs 38, 40, 68, 124 and 128-130. In regard to paragraph 38, the development is considered to be an appropriate and sustainable reuse of this brownfield site. Paragraph 40 encourages developers to use pre-application with LPA's, which the applicant has done. Paragraph 68 discusses how small and medium sized sites can make an important contribution to meeting the housing requirement of an area – windfall sites, such as this, are referred to. Paragraph 124 discusses good design, which will be discussed later in the report with reference to the Council's Urban Design officer's comments. Likewise, paragraphs 128 – 130 elaborate on the importance of design quality, which will be discussed later in the report.
 - ix) Concerns regarding the easement are noted and the agent has confirmed that the easement would be maintained by the housing provider. A close boarded fence would block the area off but still

allow access and the surface treatment would be a granular material with a weed guard. It would be prudent to include a condition requesting further details in respect of the future management and appearance of the easement.

7. STATUTORY CONSULTATION

7.1 Planning and Transportation Policy

No objection subject to the provision of electric vehicle charging bays and adequate cycle storage. Amended plans have shown both requests on plan; however, as neither the type of secure cycle storage or electric vehicle charging has been specified, these details should be ensured by condition.

7.2 Highways

No objection. The existing zebra crossing and parking restrictions prevent servicing and delivery vehicles parking on Thimblemill Road (even with a pedestrian link to apartments). All servicing and deliveries are shown on Norman Road and there are already restrictions, although refuse collection and loading/unloading is permitted. Amended plans have been provided to show that the apartment car park can accommodate a small delivery vehicle (grocery delivery etc) to enter, turn and leave in a forward gear. Highways are generally satisfied with the number and size of the off-street parking spaces.

7.3 Public Health (Air Quality)

No objection subject to condition ensuring electric vehicle charging bays. Dust suppression measures were also referred to for the construction stage; this can be ensured by submission of a construction method statement.

7.4 Public Health (Contaminated Land)

No objection subject to a standard land contamination condition.

7.5 Public Health (Air Pollution and Noise)

No overall objection, but concerns raised in that residents of the apartment block may be adversely affected by road traffic noise as the front elevation would be very close to the edge of the highway and the Thimblemill roundabout. An environmental noise survey and noise risk assessment should be carried out by a suitably qualified noise consultant in respect of the proposed apartments only. Additionally, construction work should be limited to between 8am and 6pm weekdays, 8am and

2pm Saturdays with no working on Sundays or bank holidays. Both these elements can be controlled by condition.

- 7.6 **Urban Design Team** - No objection. The Urban Design officer is generally satisfied with the siting and layout for the housing but requested amendments to the internal arrangement of some of the houses (kitchens were proposed to the front of the dwellings which provide limited surveillance). Amendments were also requested in respect of boundary treatments, fenestration and pedestrian access. Amended plans have been received which largely address these issues (in conjunction with conditions), and the Urban Design officer is comfortable with the vernacular and materials throughout. The only outstanding concern of the officer is the height of the boundary treatment to the amenity area of the apartments to the northeast corner of the site; which could be higher for privacy and security of residents. This can be addressed via condition.
- 7.7 **Tree Preservation Officer** – No objection.
- 7.8 **Lead Local Flood Authority** – No objection subject to condition requiring compliance with the Drainage Strategy.
- 7.9 **Severn Trent** – No objection subject to condition. A letter from Severn Trent dated July 2019 indicated that there was no objection to foul connection. The FRA has also covered surface drainage. The LLFA's compliance condition should suffice in this instance.

8. GOVERNMENT GUIDANCE/NATIONAL PLANNING POLICY

- 8.1 National Planning Policy Framework promotes sustainable development but states that that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.
- 8.2 In respect of paragraph 68 of the NPPF, this windfall site would make an important contribution to meeting the housing requirement of the area.
- 8.3 Taking into account the views of the Council's Urban Design officer, I am of the opinion that the scheme is of good design, in accordance with Paragraph 124 of the NPPF.
- 8.4 In respect of paragraphs 128 – 130 of the NPPF, the Urban Design officer raises no objections to the scheme. The development would improve the character and quality of the area and would fit in with the overall form and layout of the site's surroundings.

9. LOCAL PLANNING POLICY

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

CSP4: Place-Making;
 HOU1: Delivering Sustainable Housing Growth;
 HOU2: Housing Density, Type and Accessibility;
 HOU3: Delivering Affordable Housing;
 TRAN4: Creating Coherent Networks for Cycling and Walking;
 ENV2: Historic Character and Local Distinctiveness;
 ENV3: Design Quality;
 ENV5: Flood Risk, Sustainable Drainage Systems Urban Heat Island Effect;
 ENV7: Renewable Energy;
 ENV8: Air Quality;
 EMP5: Improving Access to the labour market
 SAD H2: Housing Windfalls;
 SAD H3: Affordable Housing;
 SAD HE5: Archaeology & Development Proposals;
 SAD EMP2: Training and Recruitment; and
 SDEOS9: Urban Design Principles.

- 9.2 In respect of CSP4 the design of the development is influenced by the context of the local area and would enhance the attributes the area offers in terms of its local character.
- 9.3 Whilst land is identified and allocated in the Development Plan to meet the Borough's sustainable housing growth, under policy HOU1 additional housing capacity will also be sought elsewhere through planning permissions on suitable sites. As such this proposal will assist with providing much needed housing within the Borough.
- 9.4 The proposal meets the requirements of policy HOU2 in that it proposes a range of types and sizes of accommodation which would be accessible by sustainable transport to residential services. The proposal would also achieve high quality design with minimal amenity impact.
- 9.5 The scheme would be 100% affordable housing (HOU3), ensured by s106, and the policy officer raises no objection to this provision.
- 9.6 Cycling parking provision (TRAN4) is shown on plan and further detail can be requested via condition.
- 9.7 The site is situated in a wider area that is designated as an Area of Potential Archaeological Importance on the SAD Policy Map. Therefore, policy ENV2 and policy HE5 is applicable (see below point 9.15).
- 9.8 As discussed above, the proposal raises no significant concerns in respect of design and is therefore compliant with policy ENV3.

- 9.9 The LLFA raise no significant concerns (ENV5), subject to a compliance condition.
- 9.10 The submitted Energy Statement demonstrates that the requirements of policy ENV7 can be met by a ‘fabric first’ approach, which aims to minimise the need for energy consumption through building design and is generally considered to be more sustainable than relying on energy saving technology, or renewable energy generation.
- 9.11 In respect of air quality (ENV8), the applicant has shown electric vehicle charging points on plan and these would be ensured by condition.
- 9.12 Training and recruitment opportunities should be provided as part of any new development (EMP5 and SAD EMP2), in this instance a skills and employment plan has been proposed to secure apprenticeships and local employment opportunities as part of the construction process.
- 9.13 The development site is not allocated for residential development in the SAD Policies Map and is therefore classed as a housing windfall site. Whilst policy H2 of the SADD document would be applicable, the policy officer has confirmed that the proposal meets the guidance set out in the policy as the site is previously developed land that is suitable for residential development.
- 9.14 With regards to SAD H3, again, the policy officer raises no objection to the provision of affordable housing.
- 9.15 Under SADD policy HE5 the Council would require archaeological information, derived if necessary from an archaeological evaluation prior to the determination of the planning application. This can be ensured by condition.
- 9.16 As discussed above, the proposal raises no significant concerns in respect of design and is therefore compliant with policy SAD EOS 9.

10. MATERIAL CONSIDERATIONS

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

10.2 Layout and density of buildings

The Urban Design officer has confirmed that the layout of the proposal is broadly in line with the Council’s Residential Design Guide, and separation distances have largely been adhered to across the site. The

scale of the development would be two and three storey, with the three storey massing situated at the lower end of the site on Thimblemill Road. The dominance of the three storey building would therefore be lessened, and would not be to the degree of dominance of other apartment blocks in the vicinity of the site. Adequate amenity space for the apartments is provided in the northeast corner of the site and refuse storage is provided for across the site.

10.3 Design, appearance and materials

The proposal acknowledges the architecture of the surrounding area and incorporates a largely red brick and grey tiled colour scheme for the external materials, with grey windows and instances of white or off-white render. The proposal mixes a traditional house type approach with a modern aesthetic, which would assimilate into the area.

10.4 Access, highway safety, parking and servicing

Amendments have made the proposal acceptable from highway authority point of view. No appreciable concerns are raised by Highways in respect of these matters.

10.5 Contamination by a previous use

No significant issues anticipated. The matter can be addressed by condition.

10.6 Noise

As discussed above, further documentation would be required by way of condition, and detailed drawings and specifications of any proposed acoustic glazing and mechanical ventilation scheme should be submitted for approval before building work begins.

10.7 Effect on listed building

Given the context of the built form surrounding Thimblemill Library, I have no significant concerns in respect of the impact of the development on the setting of this listed building.

10.8 Archaeology

Can be addressed by condition as indicated above 9.15.

10.9 Loss of trees

Loss of trees would be compensated for by a landscaping scheme ensured by condition.

10.10 Flood risk

No concerns subject to conditions requested by the LLFA and Severn Trent.

10.11 Planning gain

The delivery of affordable housing can be ensured by s106 agreement. The development is CIL liable.

11. IMPLICATIONS FOR SANDWELL'S VISION

11.1 The proposal supports Ambitions 3, 7, 8 and 10 of the Sandwell Vision 2030:-

11.2 Ambition 3 – Our workforce and young people are skilled and talented, geared up to respond to changing business needs and to win rewarding jobs in a growing economy.

11.3 Ambition 7 – We now have many new homes to meet a full range of housing needs in attractive neighbourhoods and close to key transport routes.

11.4 Ambition 8 – Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families.

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

12. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

12.1 The development would provide much needed affordable housing of good design quality, compliant with national and local planning policy, with no undue harm to the amenities of the surrounding area.

13. STRATEGIC RESOURCE IMPLICATIONS

13.1 When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the Council.

14. LEGAL AND GOVERNANCE CONSIDERATIONS

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

15. EQUALITY IMPACT ASSESSMENT

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

16. DATA PROTECTION IMPACT ASSESSMENT

16.1 The planning application and accompanying documentation is a public document.

17. CRIME AND DISORDER AND RISK ASSESSMENT

17.1 Not relevant to this application.

18. SUSTAINABILITY OF PROPOSALS

18.1 Refer to the National Planning Policy Framework (8), Development Plan policies (9) and material considerations (10).

19. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

19.1 Refer to the summary of the report (12). Additionally, a planning condition would ensure job and apprenticeship opportunities during the build.

20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

20.1 There would be no impact.

21. APPENDICES:

Site Plan

Context Plan

19143-SGP-06-ZZ-DR-A-2700 P2

19143-SGP-01-ZZ-DR-A-2000 P5

19143-SGP-01-ZZ-DR-A-2700 P6

19143-SGP-02-ZZ-DR-A-2000 P4

19143-SGP-02-ZZ-DR-A-2700 P4

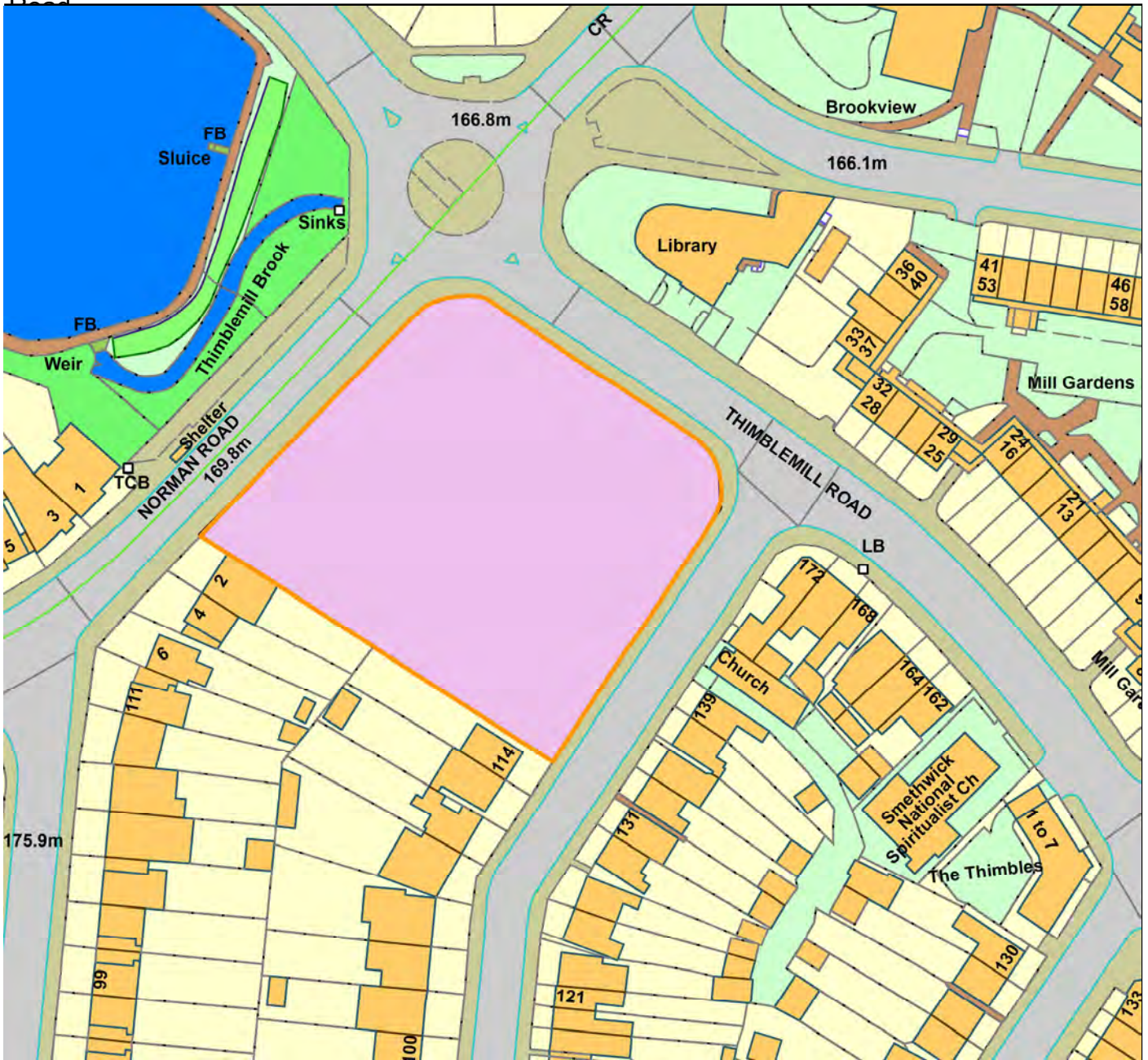
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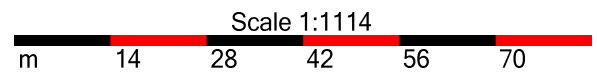
DC/20/64611

Site of Former Thimblemill Public House, 127 Thimblemill Road



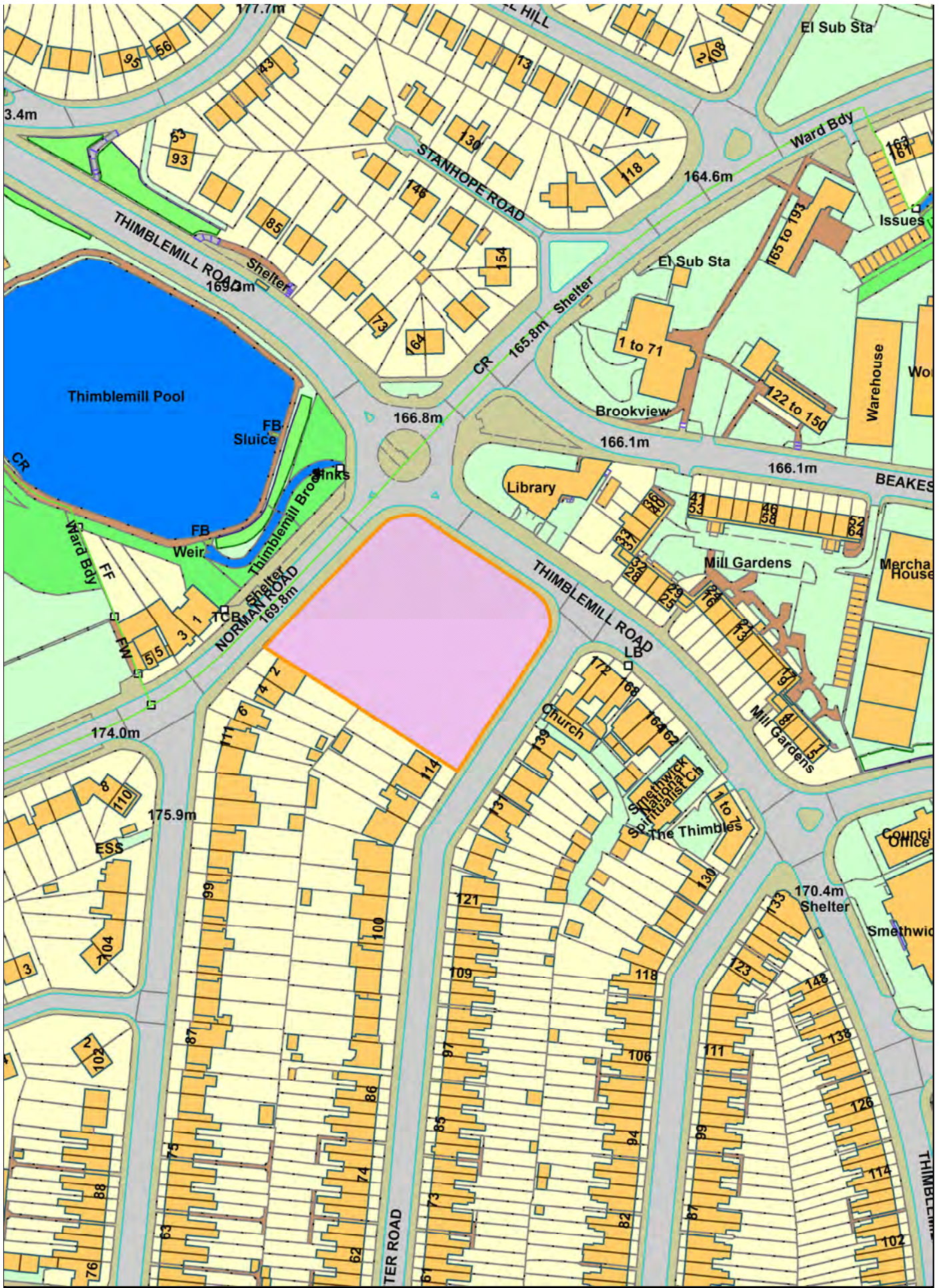
Legend

Scale 1:1114



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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	21 October 2020
OS Licence No	



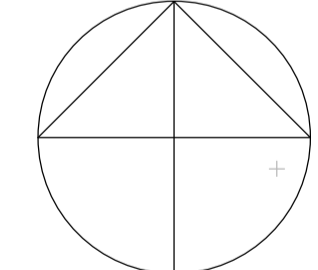
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boundary line in accordance to land registration plan and excluding the corner plot hatched belong to highway/Local Authority



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Proposed Residential Development
Thimblemill Road
Smethwick B67 5RG

Drawing Name:
Existing Site Plan - Topographical Survey Plan

Drawing Stage: PLANNING

Suitability: S2 - Information

SGP File Ref: 19-143

19-143	29/05/2020	jc	mk	1:250 @A1	A
SGP Project No:	Date	Drawn	Team	Scale	Rev

Drawing Number:
19-143 - SGP - ZZ - GF - DR - A - 1005

Project Code	Originator	Zone	Level	Type	Role	Number
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Rev	Date	By	Description
C	30/07/2020	mk	unit area schedule updated
D	31/07/2020	mk	easement note added



ACCOMMODATION SCHEDULE		
Unit Type	No.	Size (Floor Area)
3b3p house	05	80.0m² [861ft²]
2b4p house	07	67.6m² [727ft²]
2b3p apart	06	60.0m² [651ft²]
2b3p apart-GF	03	60.0m² [645ft²]
2b3p apart-FF	03	64.7m² [705ft²]
Total	24	

Car Parking ratio:

- 1:2 spaces [3-bed houses]
- 1:1 spaces [2-bed houses]
- Visitor spaces
- 1:1 spaces [2-bed apartments]
- 1:1 spaces [1-bed apartments]

- Boundary
- Existing trees
- Pavement
- Parking Bay
- Bin Area
- Private road (tarmac)
- Retaining wall
- Proposed trees
- Retaining wall with timber fence above
- Power cable easement



boundary line in accordance to land registration plan and excluding the corner highway plot

3meter offset from boundary line for existing electric cable easement



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Drawing Name:
Proposed Site Plan

Drawing Stage: PLANNING
Suitability: S2 - Information

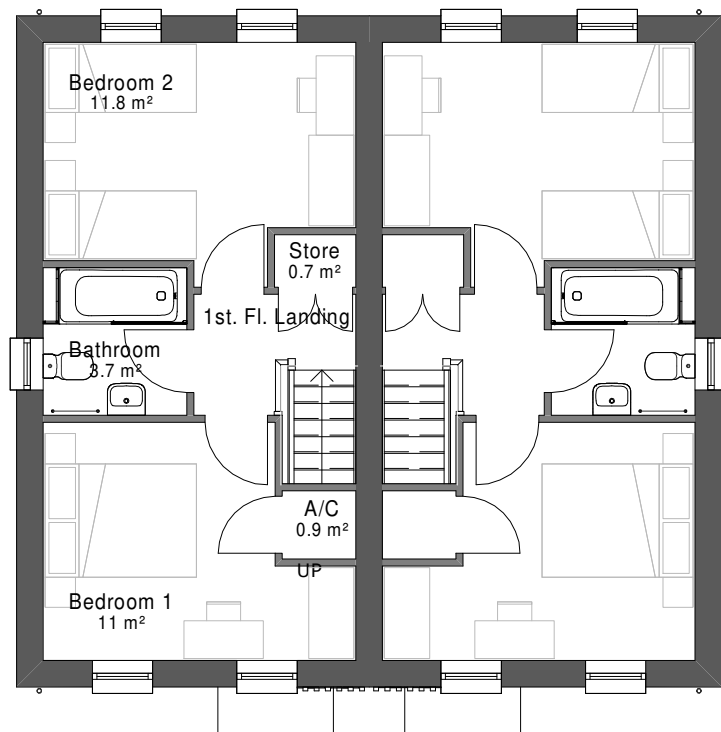
SGP File Ref: 19-143

SGP Project No.	Date	Drawn	Team	Scale	Rev
19-143	29/05/2020	jc	mk	1:200 @A1	D

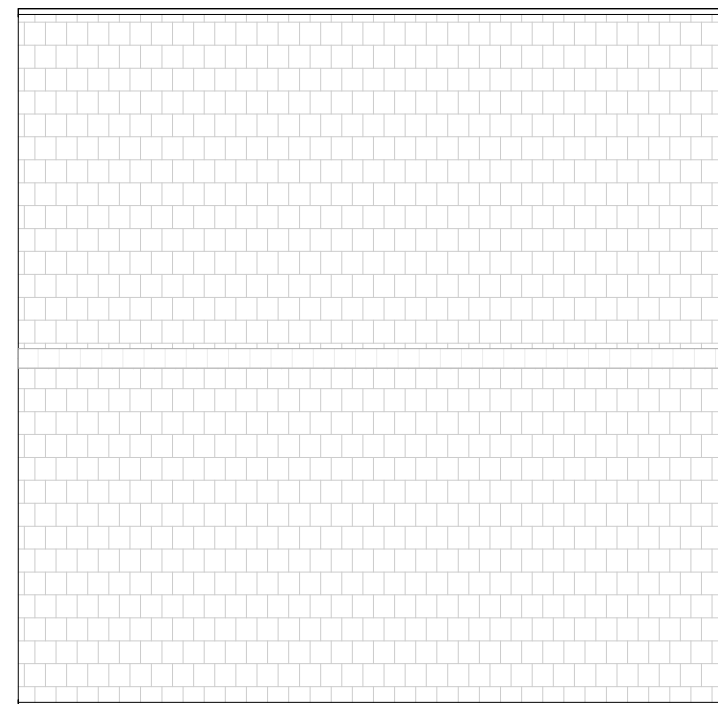
Drawing Number:
19-143 - SGP - ZZ - GF - DR - B - 1008

Project Code	Originator	Zone	Level	Type	Role	Number
19-143	SGP	ZZ	GF	DR	B	1008

Rev	Date	By	Description
P.1	22.01.20		Roof plan updated.
P.2	19.05.20		External wall make-ups revised to include 125mm wide cavities.
P.3	30.05.20		Eaves & verge roof o/hangs omitted in lieu of traditional corbelled eaves & dry verges.
P.4	25.08.20		1:100 scale bar added.



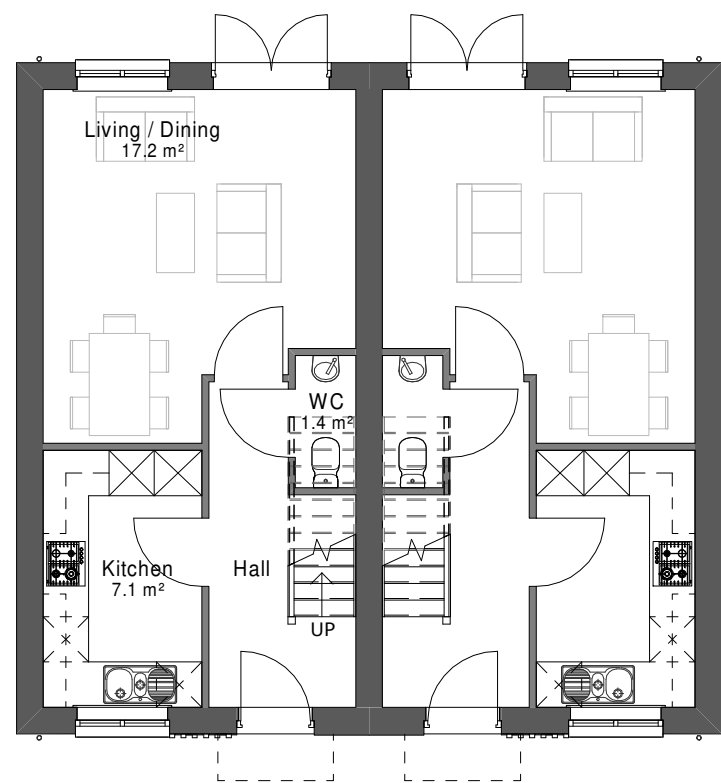
First Floor Plan



Roof Plan

GROSS INTERNAL FLOOR AREA

2B4P house = 67.6 sq.m



Ground Floor Plan

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Drawing Name:
2B4P House Type - Floor & Roof Plans

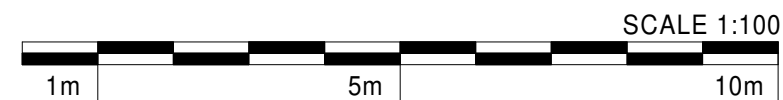
Drawing Stage: PLANNING

Suitability: S0

SGP File Ref: 19-143

19-143 01/07/20 JC KM 1:100@A3 P.4
SGP Project No: Date: Drawn: Team: Scale: Rev:

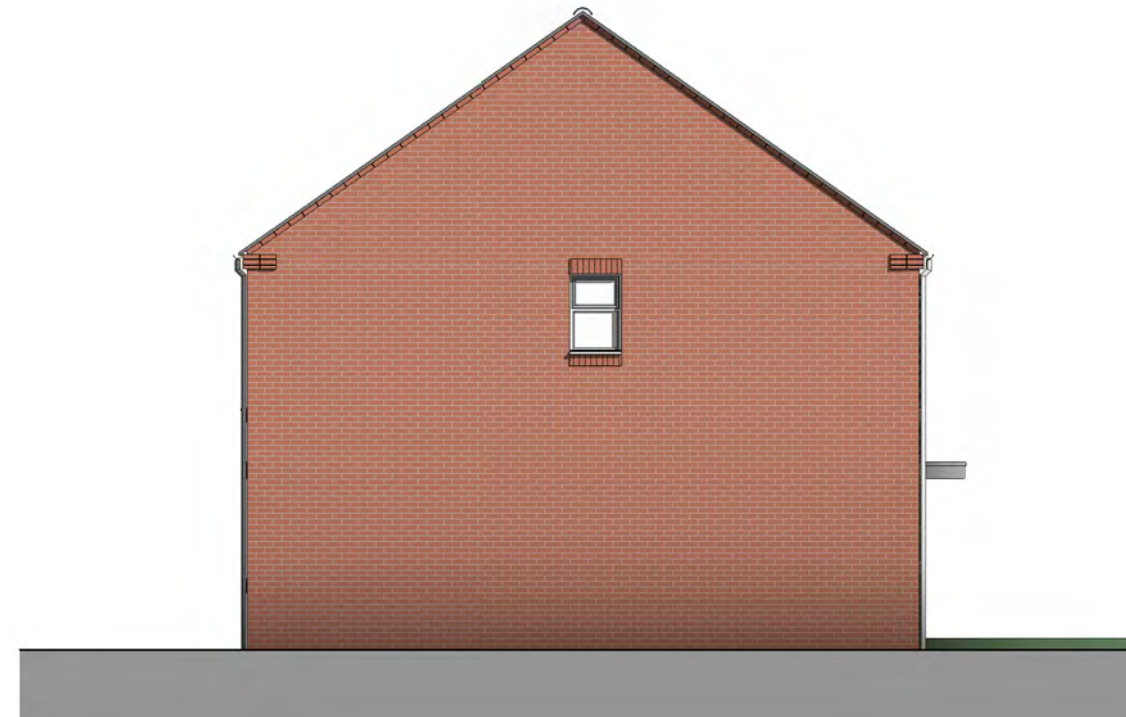
Drawing Number:
19143 - SGP - 02 - ZZ - DR - A - 2000
Project Code Originator Volume Level Type Role Number



Rev	Date	By	Description
P.1	22.01.20		Gable parapet walls omitted.
P.2	19.05.20		Porch canopies revised; metal window surrounds omitted in lieu of brick window cills & window/ door soldier course heads.
P.3	30.05.20		Eaves & verge roof o/hangs omitted in lieu of traditional corbelled eaves & dry verges.
P.4	25.08.20		1:100 scale bar added.



Front Elevation



Lefthand Side Elevation



Rear Elevation

PROPOSED MATERIAL SCHEDULE

- 01 Brickwork below DPC - T.B.A.
- 02 Brickwork above DPC - T.B.A.
- 03 Feature brick detailing - T.B.A.
- 04 Through coloured render colour - white
- 05 Interlocking concrete roof tiles Marley Ashmore slate grey
- 06 External doors GRP/ UPVC/ Timber - T.B.A.
- 07 UPVC windows colour - gunmetal grey
- 08 UPVC rainwater goods colour - gunmetal grey

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Drawing Name:
2B4P House Type - Elevations

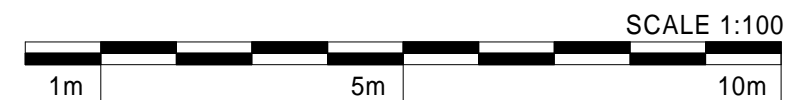
Drawing Stage: PLANNING

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19-143 17/06/19 JC KM 1:100 @A3 P.4
SGP Project No: Date: Drawn: Team: Scale: Rev:

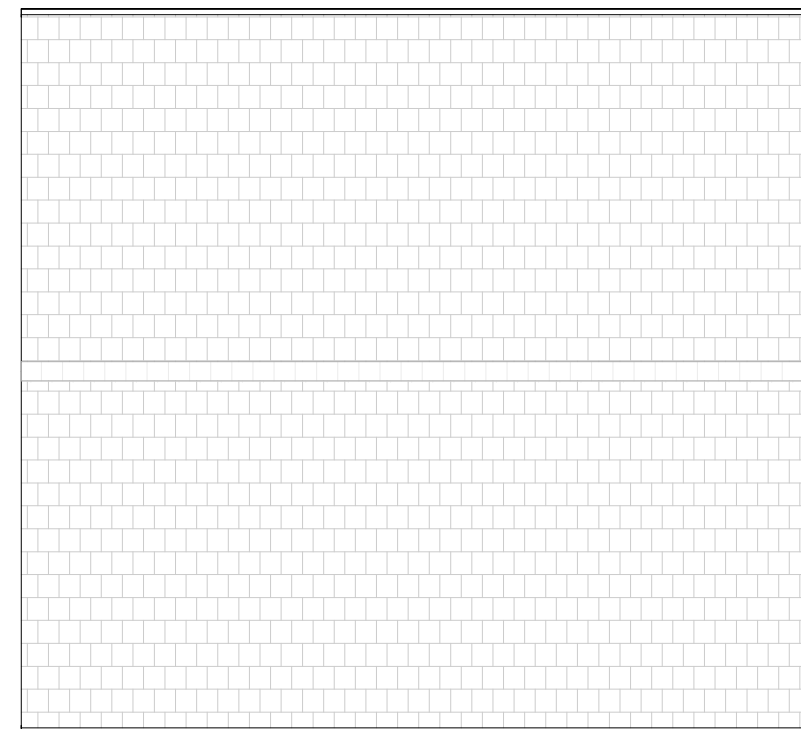
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19143 - SGP - 02 - ZZ - DR - A - 2700
Project Code Originator Volume Level Type Role Number



Rev	Date	By	Description
P.1	22.01.20		Roof plan updated.
P.2	19.05.20		External wall make-ups revised to include 125mm wide cavities.
P.3	29.05.20		Eaves & verge roof o/hangs omitted in lieu of traditional corbelled eaves & dry verges.
P.4	25.08.20		1:100 scale bar added.



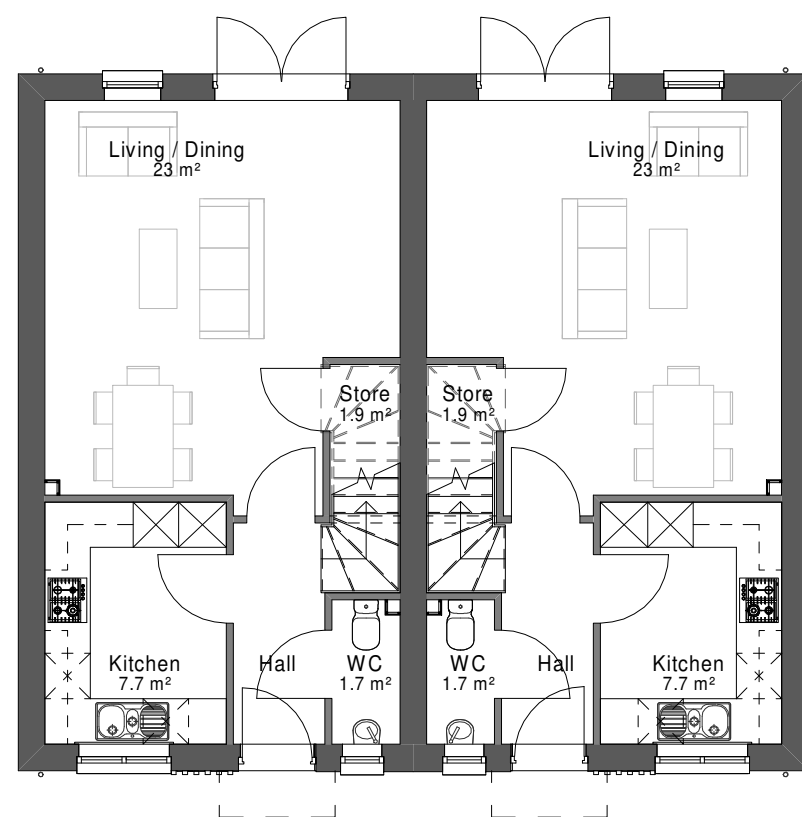
First Floor Plan



Roof Plan

GROSS INTERNAL FLOOR AREA

3B5P house = 80.0 sq.m



Ground Floor Plan

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Drawing Name:
3B5P House Type - Floor & Roof Plans

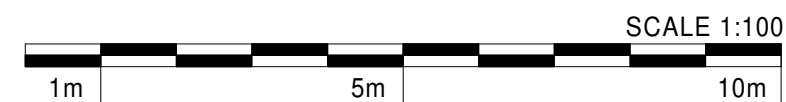
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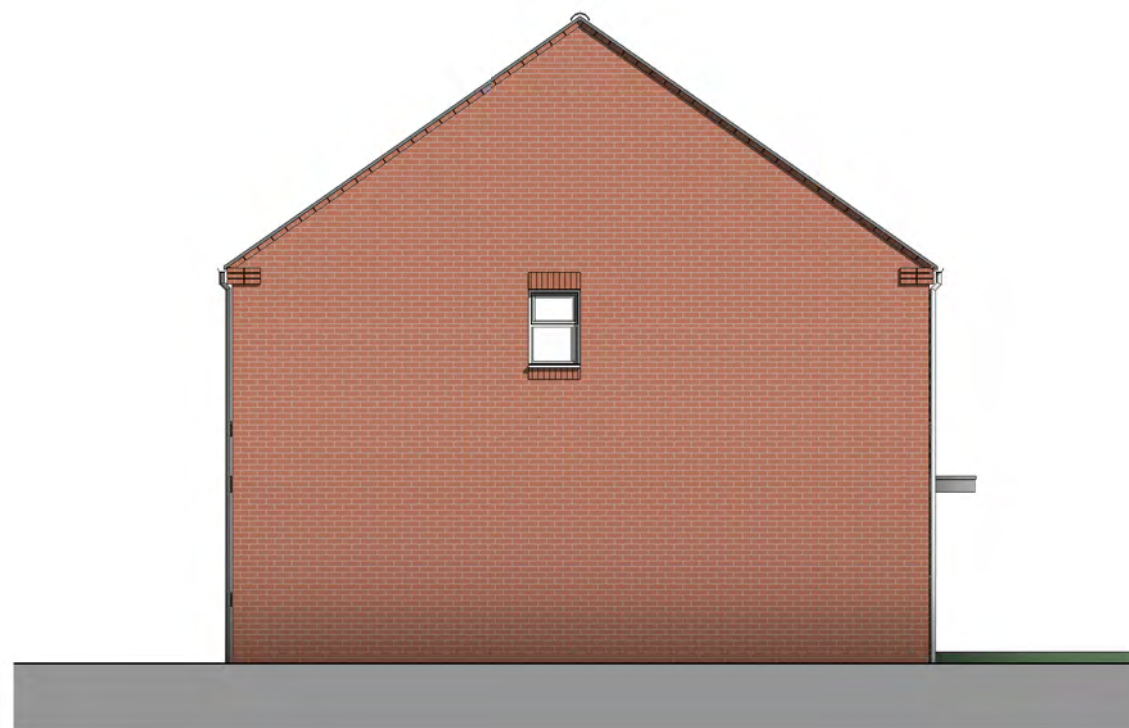
Drawing Number:
19143 - SGP - 01 - ZZ - DR - A - 2000
Project Code Originator Volume Level Type Role Number



Rev	Date	By	Description
P.1	22.01.20		Material Schedule revised.
P.2	22.01.20		Gable parapet walls omitted.
P.3	19.05.20		Porch canopies revised; metal window surrounds omitted in lieu of brick window cills & window/ door soldier course heads.
P.4	29.05.20		Eaves & verge roof o/hangs omitted in lieu of traditional corbelled eaves & dry verges.
P.5	25.08.20		1:100 scale bar added.



Front Elevation



Lefthand Side Elevation

PROPOSED MATERIAL SCHEDULE

- 01 Brickwork below DPC - T.B.A.
- 02 Brickwork above DPC - T.B.A.
- 03 Feature brick detailing - T.B.A.
- 04 Through coloured render colour - white
- 05 Interlocking concrete roof tiles
Marley Ashmore slate grey
- 06 External doors
GRP/ UPVC/ Timber - T.B.A.
- 07 UPVC windows
colour - gunmetal grey
- 08 UPVC rainwater goods
colour - gunmetal grey



Rear Elevation

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Proposed Residential Development
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Drawing Name:
3B5P House Type - Elevations

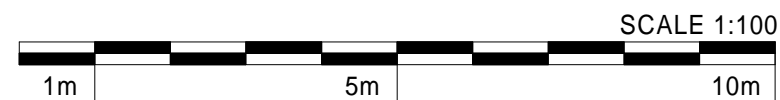
Drawing Stage: PLANNING

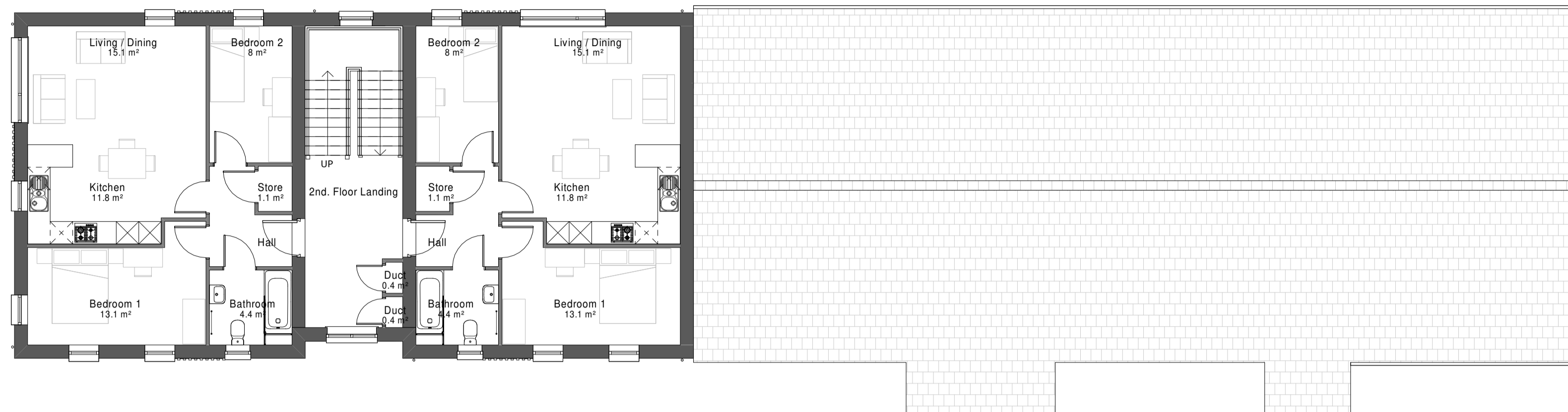
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SGP File Ref: 19-143

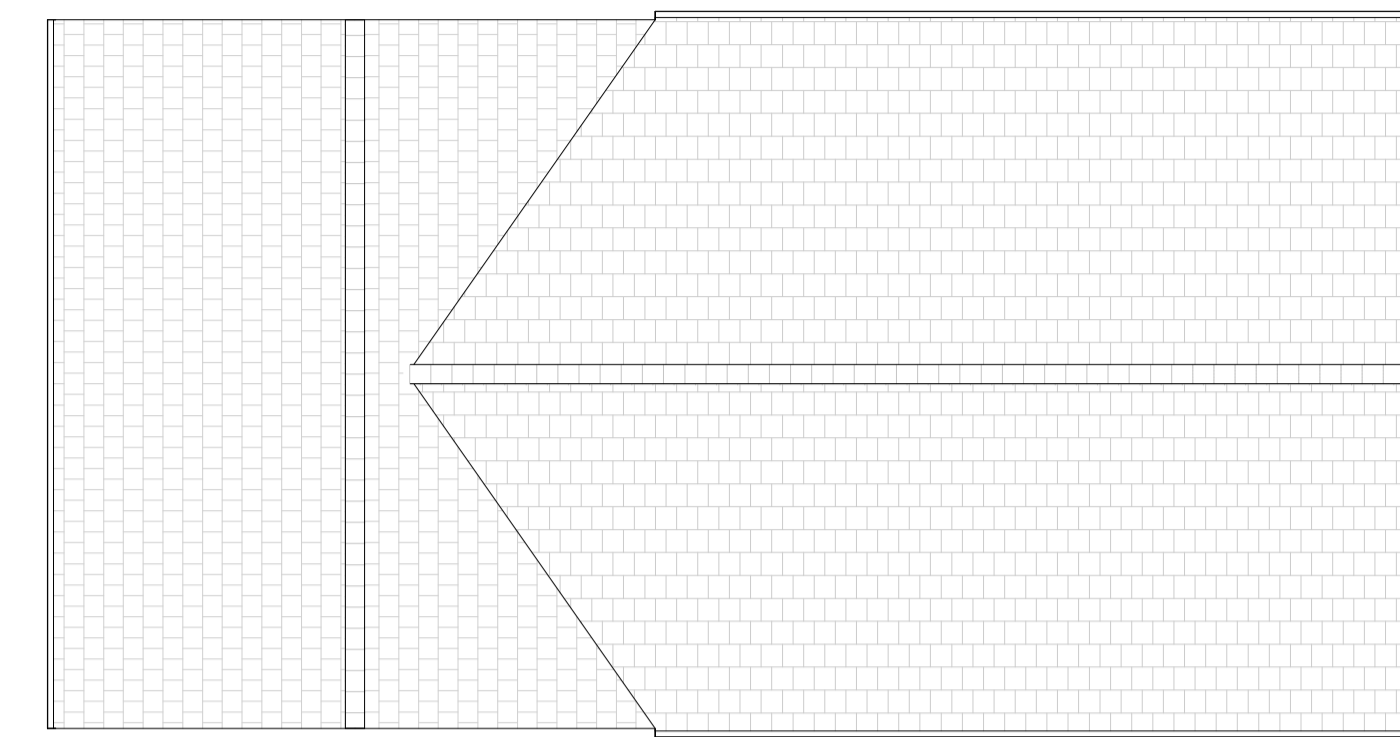
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SGP Project No: Date: Drawn: Team: Scale: Rev:

Drawing Number:
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Project Code Originator Volume Level Type Role Number





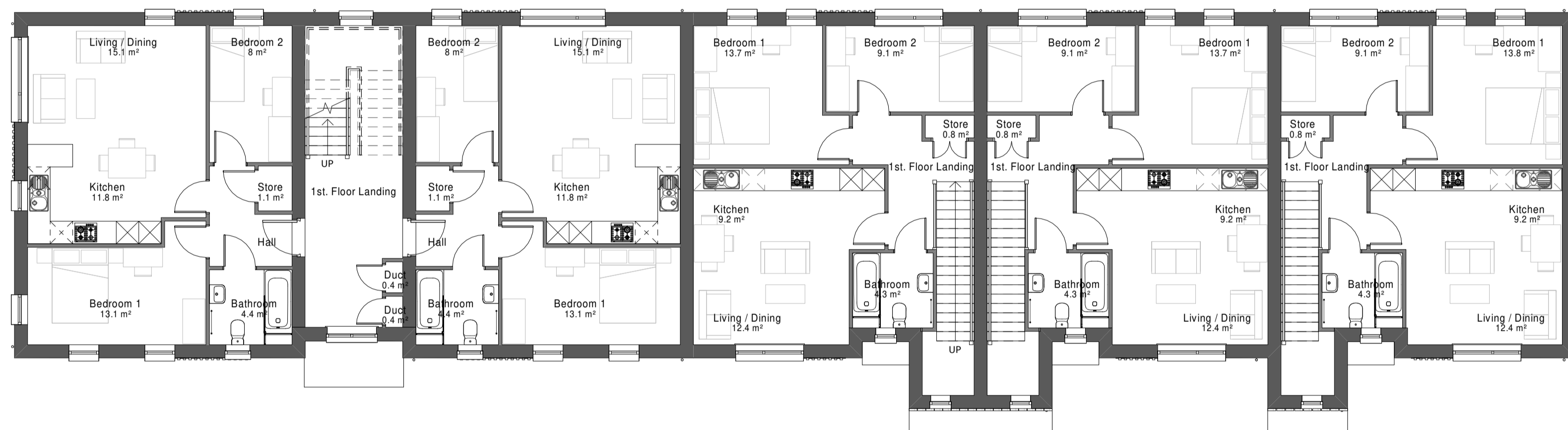
Second Floor Plan



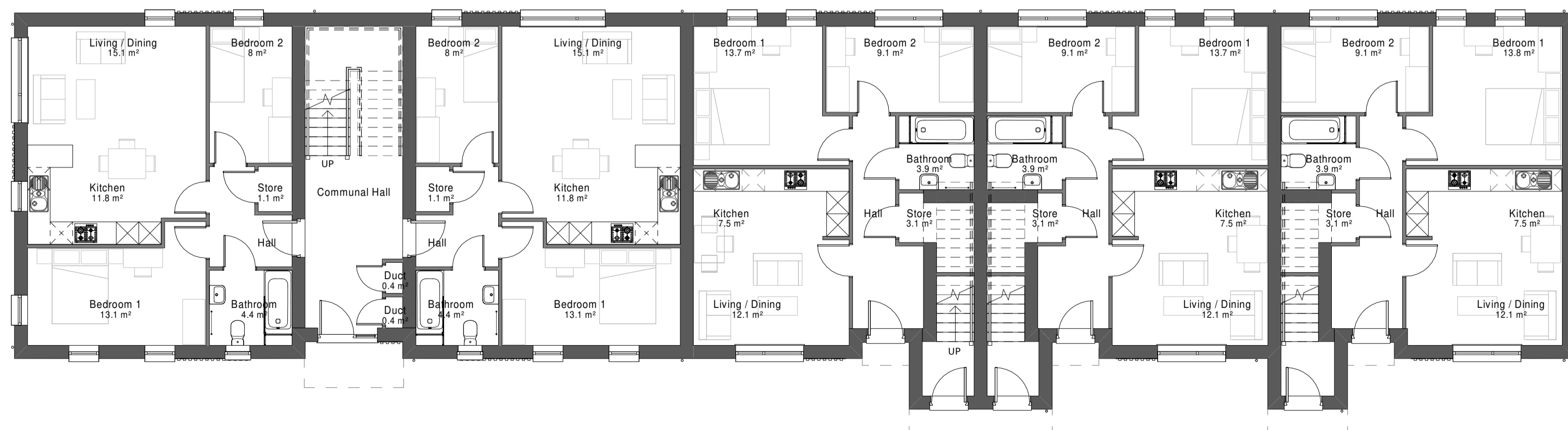
Roof Plan

GROSS INTERNAL FLOOR AREAS

2B3P Apartments	
2B3P Apartment (each)	= 60.0 sq.m
Communal Areas	= 62.8 sq.m
Block GIA	= 439.5 sq.m
2B3P Walk-up Flats	
2B3P Ground Floor	= 60.0 sq.m
2B3P First Floor	= 64.7 sq.m



First Floor Plan



Ground Floor Plan

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Drawing Name:
2B3P Apartment Types -
Floor & Roof Plans

Drawing Stage: PLANNING

Suitability: S0

SGP File Ref: 19-143

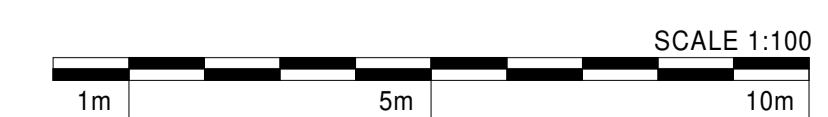
19-143 23/07/20 JC KM 1:100@A1 P.1

SGP Project No: Date: Drawn: Team: Scale: Rev:

Drawing Number:

19143 · SGP · 06 · ZZ · DR · A · 2000

Project Code Originator Volume Level Type Role Number





Front Elevation

PROPOSED MATERIAL SCHEDULE

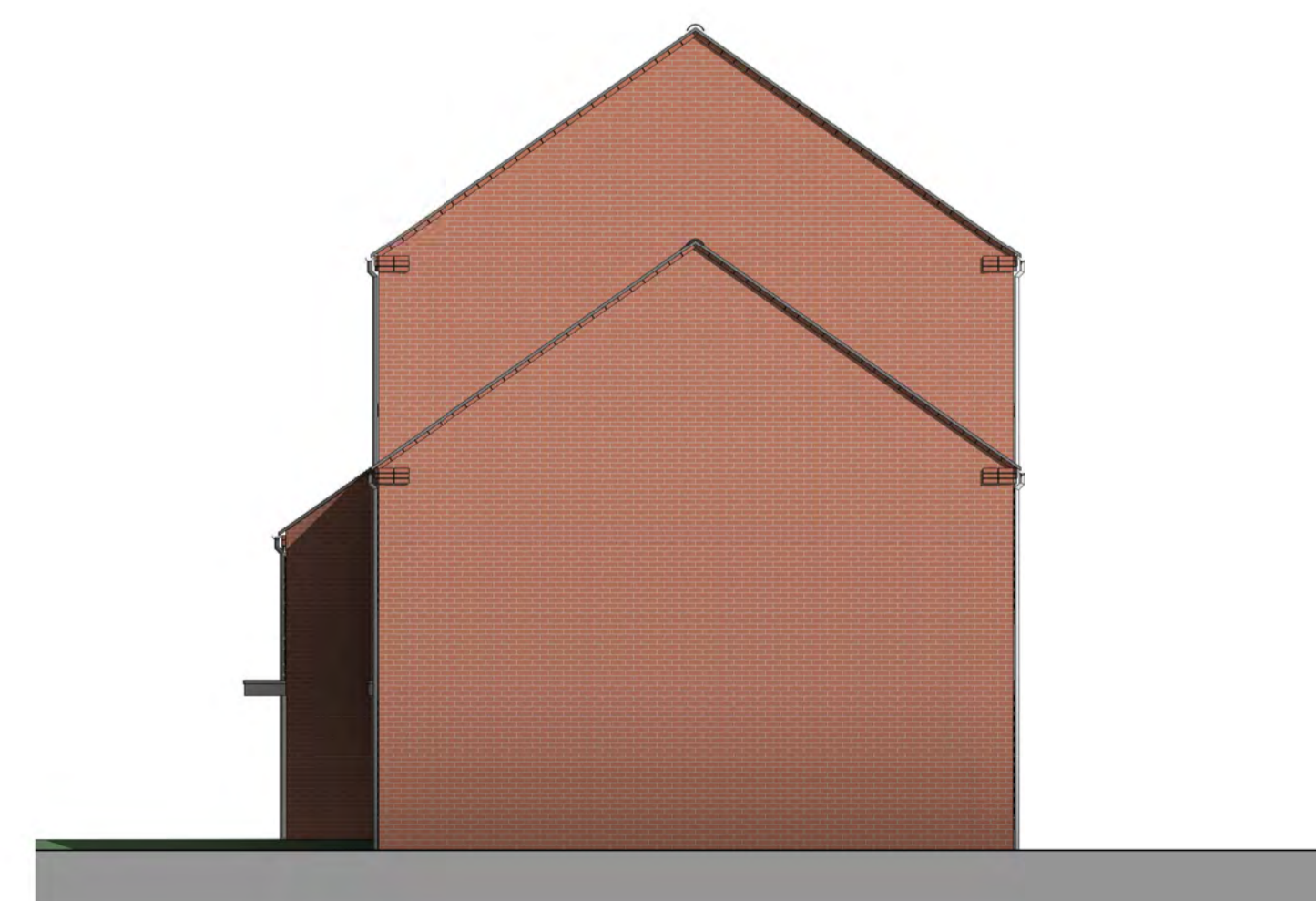
- 01 Brickwork below DPC - T.B.A.
- 02 Brickwork above DPC - T.B.A.
- 03 Feature brick detailing - T.B.A.
- 04 Through coloured render colour - white
- 05 Interlocking concrete roof tiles Marley Ashmore slate grey
- 06 External doors GRP/ UPVC/ Timber - T.B.A.
- 07 UPVC windows colour - gunmetal grey
- 08 UPVC rainwater goods colour - gunmetal grey



Rear Elevation



Lefthand Side Elevation



Righthand Side Elevation

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Proposed Residential Development
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Drawing Name:
2B3P Apartment Types -
Elevations

Drawing Stage: PLANNING

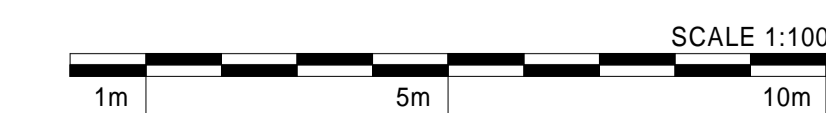
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SGP File Ref: 19-143

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SGP Project No: Date: Drawn: Team: Scale: Rev:

Drawing Number:
19143 - SGP - 06 - ZZ - DR - A - 2700

Project Code Originator Volume Level Type Role Number



Plot 19-20

Plot 21-22

Plot 23-24



Pargeter Road Street scene

unit 01-06

unit 11-12

unit 09-10

unit 07-08



Timblemill Road Street scene



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Drawing Name:
Proposed Street Scenes

Drawing Stage: PLANNING

Suitability: S2 - Information

SGP File Ref: 19-143

SGP Project No:	Date	Drawn	Team	Scale	Rev
19-143	29/05/2020	jc	mk	1:100 @A1	A

Drawing Number:

Project Code	Originator	Zone	Level	Type	Role	Number
19-143	SGP	ZZ	GF	DR	A	1004



Section A - A [thru Apartment courtyard]



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Drawing Name:
Proposed Section A - A

Drawing Stage: PLANNING

Suitability: S2 - Information

SGP File Ref: 19-143

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SGP Project No:	Date:	Drawn:	Team:	Scale:

Drawing Number:

19-143	SGP	ZZ	GF	DR	A	1004
Project Code	Originator	Zone	Level	Type	Role	Number

REPORT TO PLANNING COMMITTEE

9 December 2020

Application Reference	DC/20/64812
Application Received	06 th October 2020
Application Description	Proposed two storey rear extension.
Application Address	29 Catherton Close, Tipton, DY4 0DQ
Applicant	Mr S Page
Ward	Princes End
Contribution towards Vision 2030:	
Contact Officer(s)	Name: Sarah Riley Tel: 0121 569 4044 Email: sarah_riley@sandwell.gov.uk

RECOMMENDATION

That planning permission is granted subject to:

- (i) The external materials matching the existing property.

1. BACKGROUND

- 1.1 This application is being reported to your Planning Committee because four material planning objections have been received.
- 1.2 To assist members with site context, a link to Google Maps is provided below:

[29 Catherton Close Tipton](#)

2. SUMMARY OF KEY CONSIDERATIONS

- 2.1 The Site is not allocated within the development plan.
- 2.2 The material planning considerations which are relevant to this application are:-

Planning history (including appeal decisions)
Overlooking/loss of privacy/outlook/light
Density of building

3. THE APPLICATION SITE

3.1 The proposal relates to a detached property situated to the eastern side of Catherton Close, access is gained through private driveway. The area is residential in nature.

4. PLANNING HISTORY

4.1 Relevant planning applications are as follows:-

4.2	DC/00/36715	Part two-storey and single-storey extension.	Granted 06/11/2020
-----	-------------	--	-----------------------

5. APPLICATION DETAILS

5.1 The applicant proposes to construct a two-storey rear extension to provide additional kitchen/living space on the ground floor and bedroom space on the first floor.

5.2 The rear extension would measure a maximum of 3m in length from the rear wall of the dwelling house, 8.4m wide (6.4m wide at first floor) and 6.8m to the highest point of its double-gable roof.

5.3 The rear extension would be constructed of brick to match the existing property.

6. PUBLICITY

6.1 The application has been publicised by neighbour notification. Four objections have been received at the time of writing this report. An update will be provided to your meeting following the expiration of the publicity period.

6.2 Objections

Objections have been received on the following grounds:

- (i) Loss of light to neighbouring properties;
- (ii) Loss of privacy to neighbouring properties;
- (iii) Overdevelopment of application site.

An immaterial objection has been received regarding a decrease in property value for neighbouring properties

6.3 Responses to objections

I respond to the objector's comments in turn;

- (i) Due to the orientation of the sun, it is considered that 84 Farmer Way would not be severely impacted in terms of loss of light as a result of this proposal. Turning to the adjacent neighbour, no.27, the first-floor extension has been amended in width by 2 metres, setting this element away from the boundary, therefore, any loss of light would be negligible.
- (ii) There are no windows/doors proposed to either side elevation of the application property and hence whilst the proposal is would be located 12.5 metres from the rear elevation of 84 Farmer Way (the standard separation is 14 metres), it would face their garage and hence would not result in any loss of privacy. With regard to the rear elevations, there would be a 24-metre separation distance between the application property and 7 Catherton Close. This exceeds the separation distance within the Revised SPD on residential design, namely 21 metres.
- (iii) The proposal would leave approximately 70 square metres of private amenity space to the rear of the application property and the design incorporates subservient roof heights to the existing property therefore being of a suitable scale and appearance and accords with design policies.

7. STATUTORY CONSULTATION

There are no statutory consultation responses to report for this application.

8. GOVERNMENT GUIDANCE/NATIONAL PLANNING POLICY

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

9. LOCAL PLANNING POLICY

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

ENV3: Design Quality

- 9.2 ENV3 and SAD EOS9 refer to well-designed schemes that are in scale and massing to the existing area. It is considered that the scheme would be appropriate in scale within the locality and that the use of brick materials would be complementary to the existing property and local area.

10. MATERIAL CONSIDERATIONS

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

10.2 Planning history

In 2000 planning permission was granted for a two-storey side extension that breaches the Council's current residential design guidance (adopted 2014), in that the separation distance is approximately 12.5 metres and should be at least 14 metres between opposing one and two storey gables. The proposed extension would be opposite the neighbour's existing garage, therefore it is considered that it would not affect any habitable windows and not result in an unacceptable loss of privacy/outlook.

10.3 Overlooking/loss of privacy/outlook/light

As indicated above the amenity of both side and rear properties would not be significantly impacted due to a) the orientation of the sun and the relationship of the proposal to the garage of the neighbour's property (side elevation), b) the reduction in the footprint to the immediate neighbour (no. 27) and c) to the rear given that the separation distances accords with the prescribed standards within the residential design guide.

10.5 Density of building

The proposal is for a development larger than some existing properties but retains adequate garden amenity and is designed to be subservient to the main dwelling.

11. IMPLICATIONS FOR SANDWELL'S VISION

- 11.1 The proposal supports Ambition 10 of the Sandwell Vision 2030:-
- 11.2 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.

12. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 12.1 The proposed development is acceptable in terms of its design, scale and appearance which accords with relevant policies and would not detract from residential amenity in terms of loss of light/outlook or privacy.

13. STRATEGIC RESOURCE IMPLICATIONS

- 13.1 When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the council.

14. LEGAL AND GOVERNANCE CONSIDERATIONS

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

15. EQUALITY IMPACT ASSESSMENT

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

16. DATA PROTECTION IMPACT ASSESSMENT

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

17. CRIME AND DISORDER AND RISK ASSESSMENT

- 17.1 There are no crime and disorder issues with this application.

18. SUSTAINABILITY OF PROPOSALS

- 18.1 Refer to the National Planning Policy Framework (8), Development Plan policies (9) and material considerations (10).

19. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

- 19.1 Refer to the summary of the report (12).

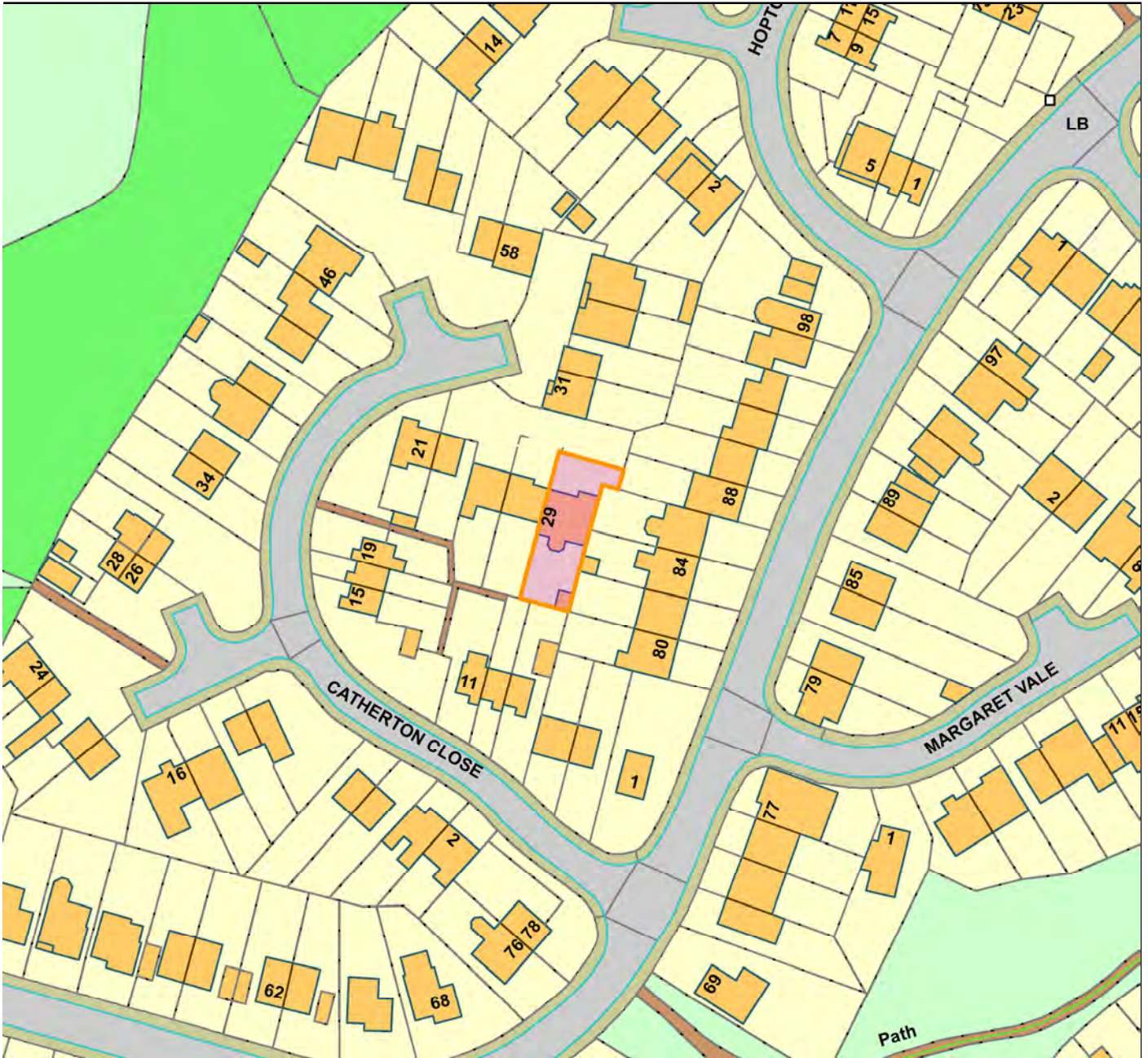
20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

- 20.1 There would be no impact.

21. APPENDICES:

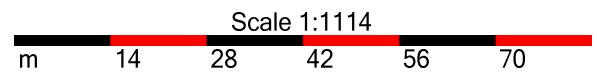
Site Plan
Context Plan
Plan No. 0908/001 Rev A

DC/20/64812
 29 Catherton Close



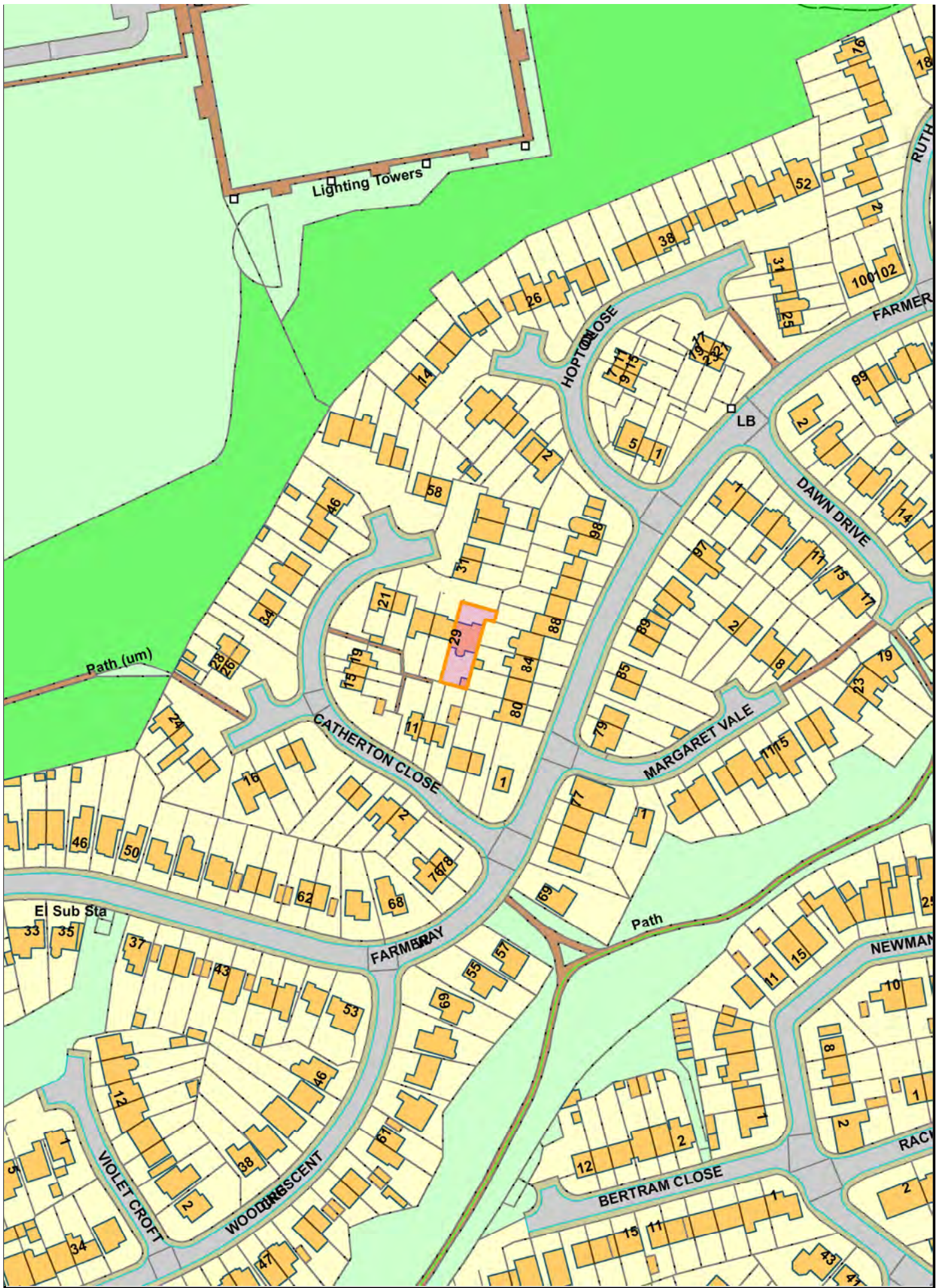
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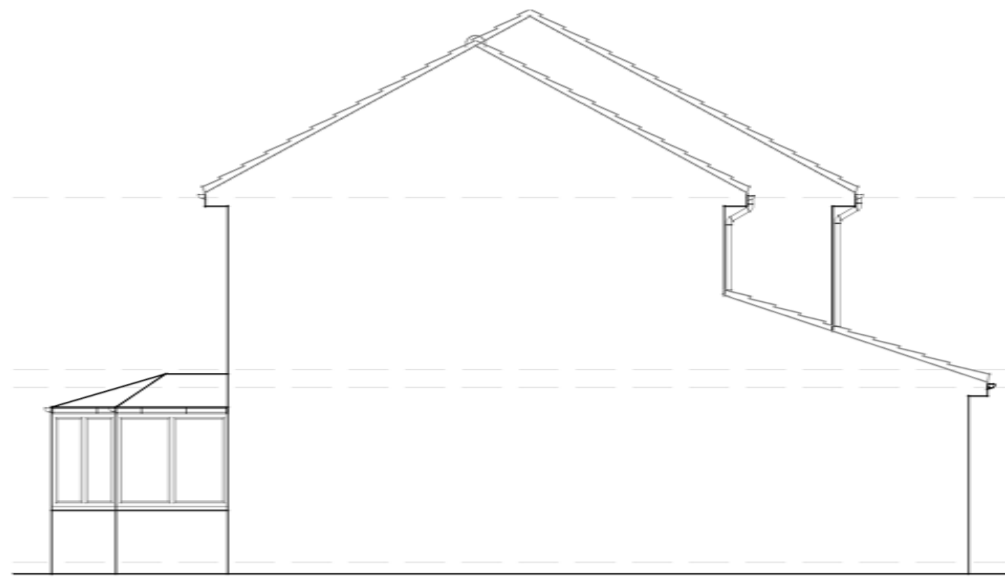
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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	25 November 2020
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1 EXISTING & PROPOSED

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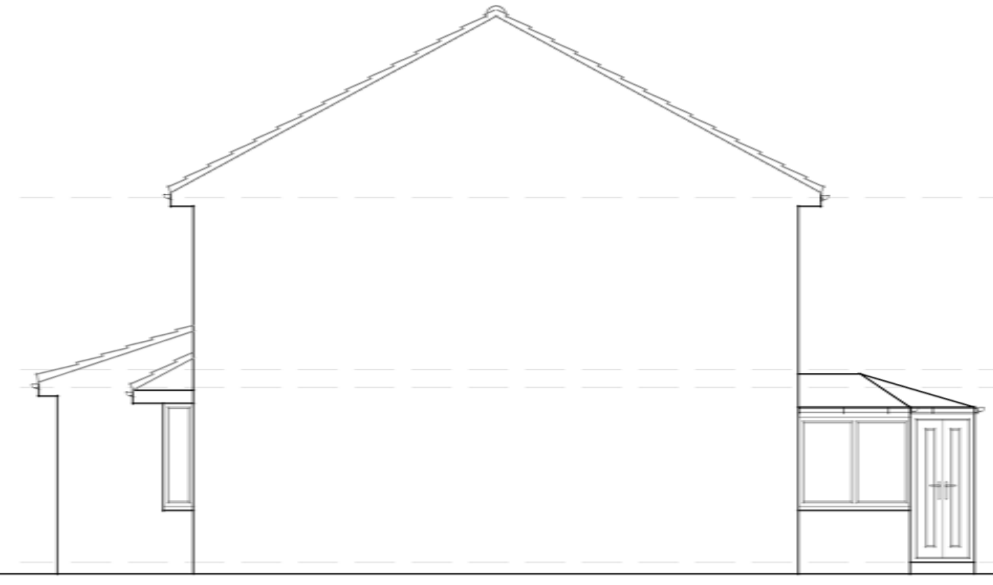
EXISTING SIDE ELEVATION
SURVEY



EXISTING FRONT ELEVATION
SURVEY



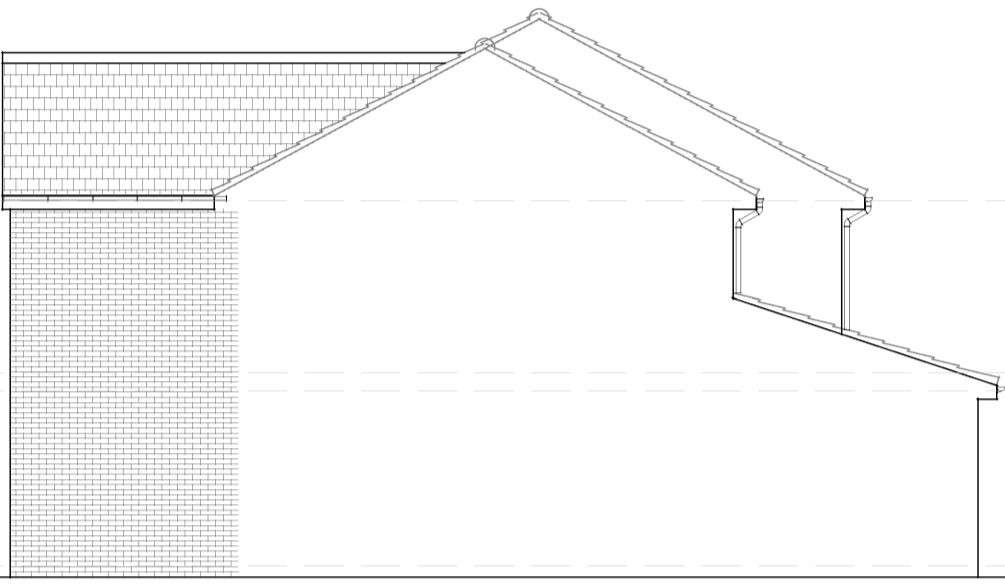
EXISTING REAR ELEVATION
SURVEY



EXISTING SIDE ELEVATION
SURVEY



EXISTING GROUND



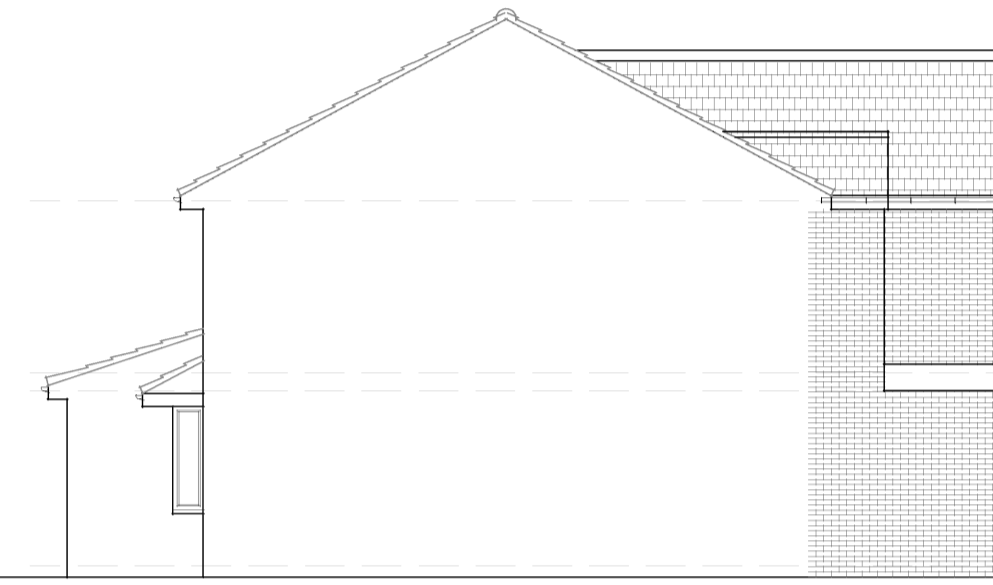
PROPOSED SIDE ELEVATION



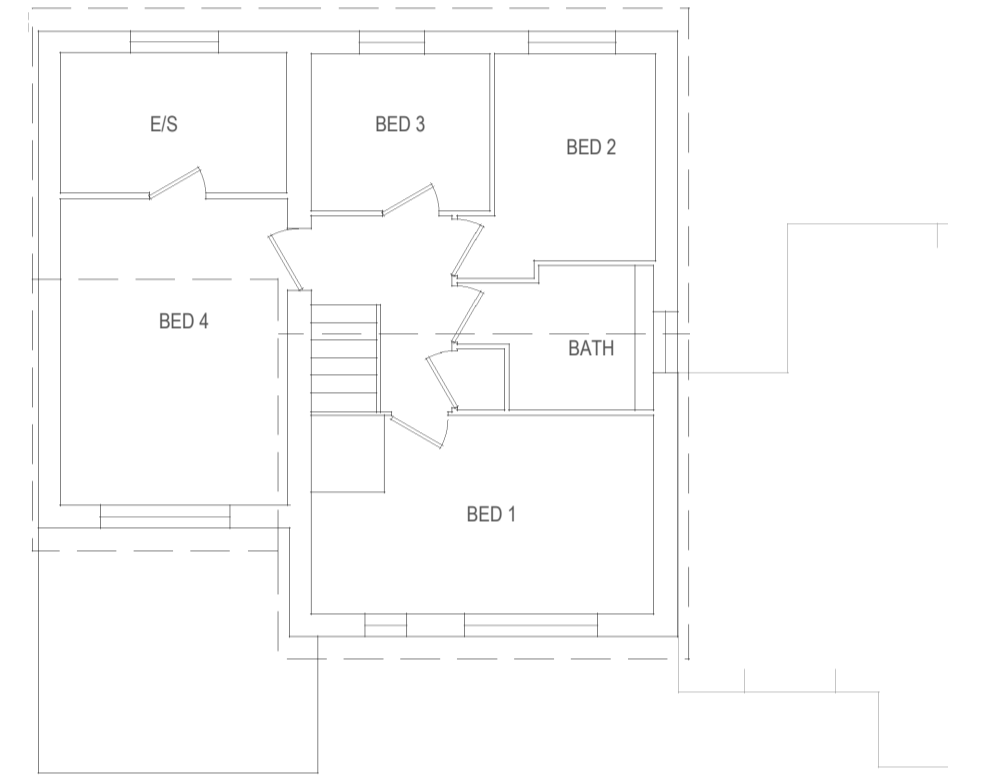
PROPOSED FRONT ELEVATION



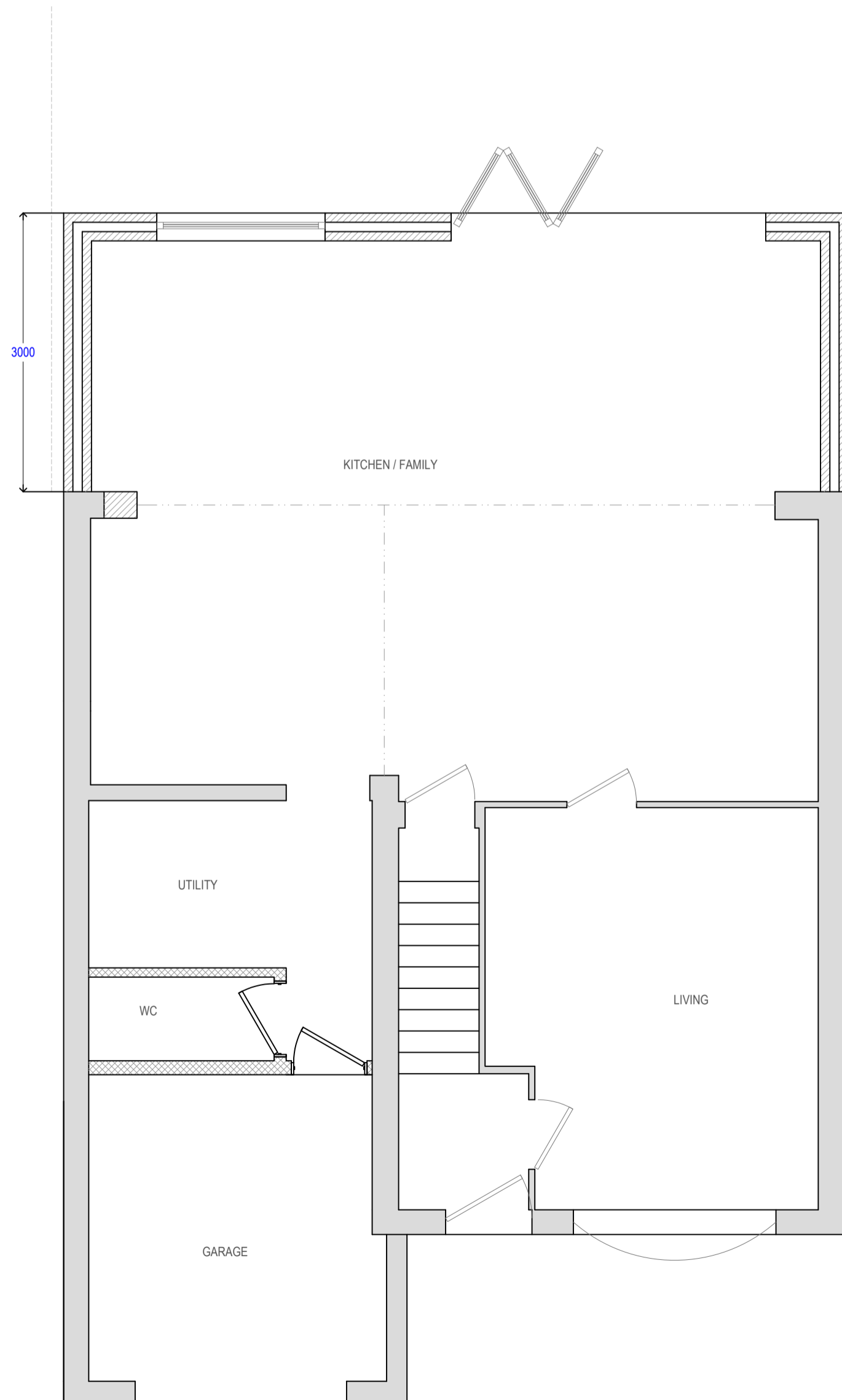
PROPOSED REAR ELEVATION



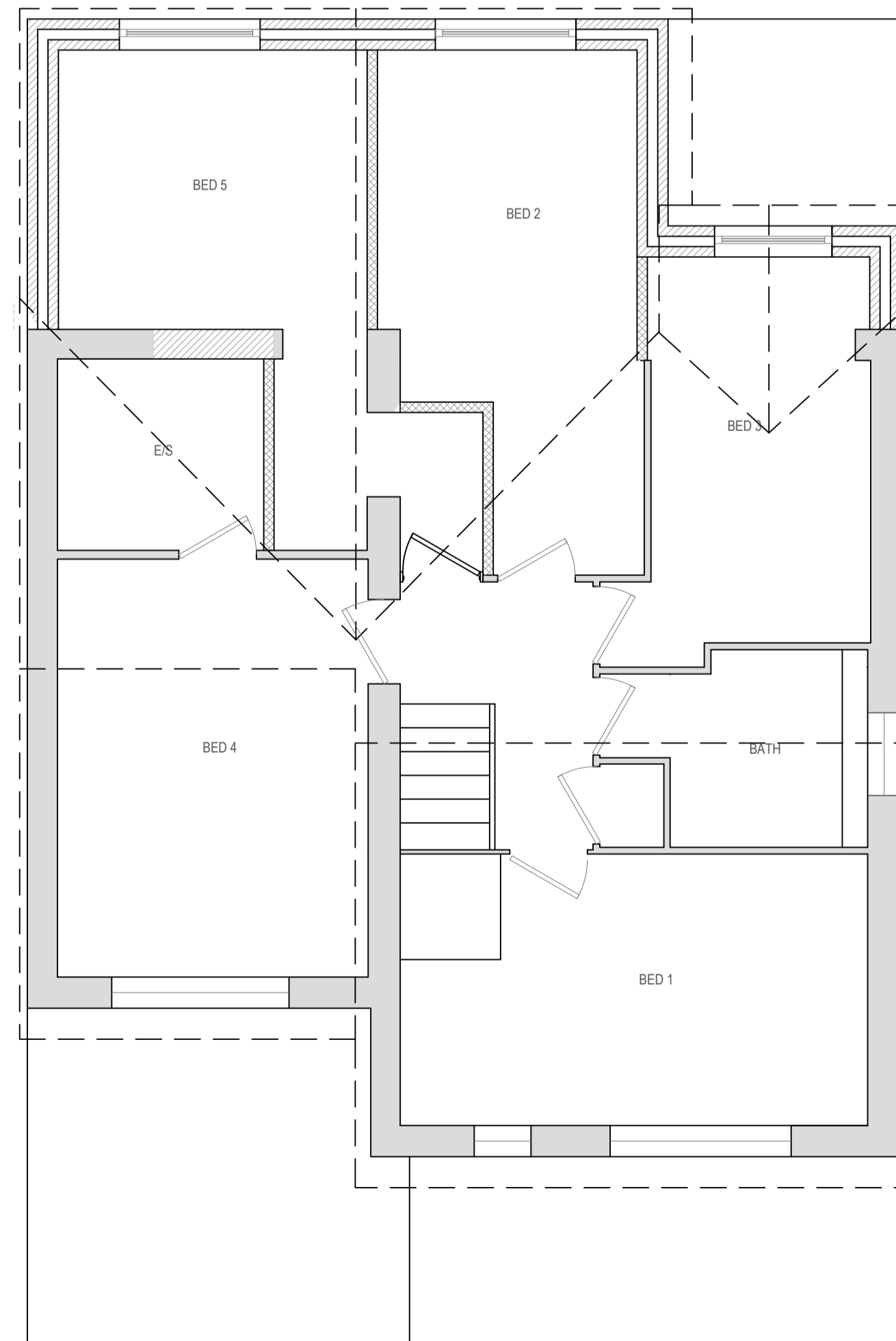
PROPOSED SIDE ELEVATION



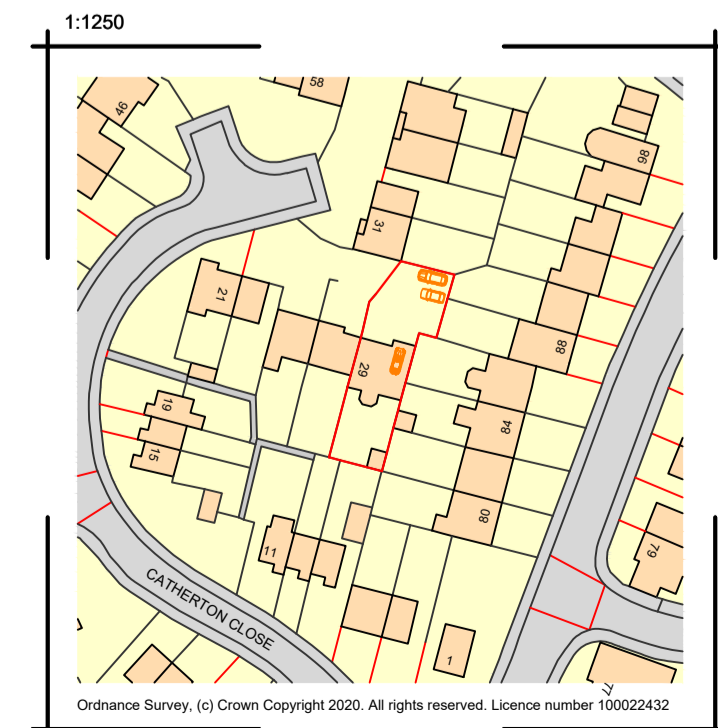
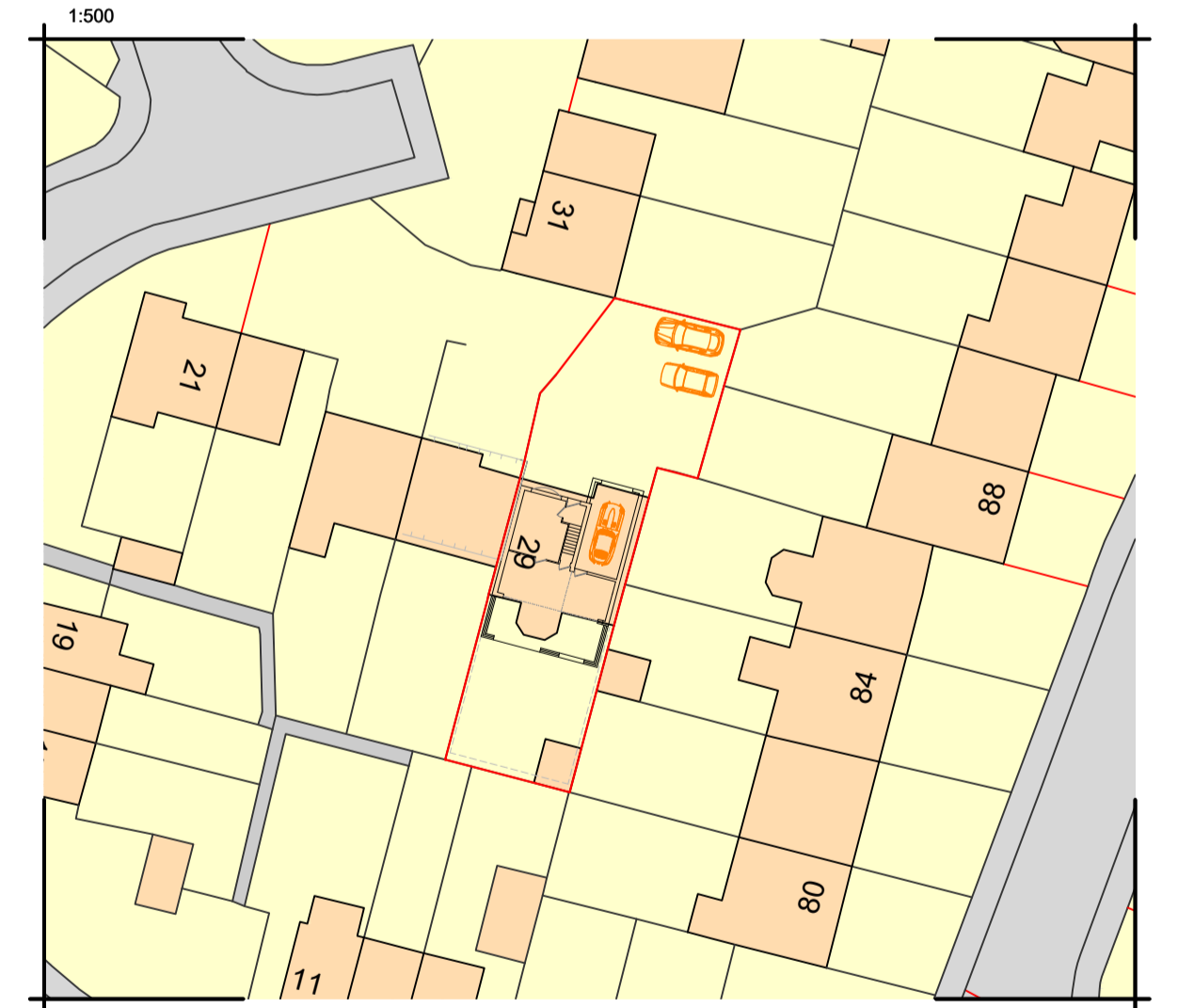
EXISTING FIRST



PROPOSED GROUND
1:50 @ A1



PROPOSED FIRST
1:50 @ A1




DATE	22/11/20
DESIGNER	DES ALT
BETAPLAN LTD	
11 HULLSTONE DRIVE, TIPTON, B37 7YU	
TELEPHONE	01562 911020 / 07711 527239
EMAIL	info@betaplan.co.uk
TWO STOREY REAR EXTENSION	
29 CATHERTON CLOSE, TIPTON, DY4 0DQ	
PROJECT NO.	0908/001
DATE	09/08/20
SCALE	1:1250
DATE	02/10/20
SCALE	1:50 @ A1
DATE	15/09/20
SCALE	1:50 @ A1

These drawings are produced in electronic printing and building regulations approval only and signature of the designer. All dimensions to be checked on site.

Planning Committee

9 December 2020

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

DECISION RECOMMENDATIONS

That Planning Committee:

Notes the applications determined under delegated powers by the Interim Director – Regeneration and Growth set out in the attached Appendix.

1 PURPOSE OF THE REPORT

This report is submitted to inform the Committee of the decisions on applications determined under delegated powers by the Interim Director – Regeneration and Growth.

2 IMPLICATIONS FOR SANDWELL'S VISION 2030

The planning process contributes to the following ambitions of the Vision 2030 –

Ambition 7 – We now have many new homes to meet a full range of housing needs in attractive neighbourhoods and close to key transport routes.

Ambition 8 - Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families.

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

3 BACKGROUND AND MAIN CONSIDERATIONS

The applications determined under delegated powers are set out in the Appendix.

4 STRATEGIC RESOURCE IMPLICATIONS

There are no implications in terms of the Council's strategic resources.

5 LEGAL AND GOVERNANCE CONSIDERATIONS

The Director – Regeneration and Growth has taken decisions in accordance with powers delegated under Part 3 (Appendix 5) of the Council's Constitution.

Tammy Stokes
Interim Director – Regeneration and Growth

SANDWELL METROPOLITAN BOROUGH COUNCIL
PLANNING COMMITTEE

Applications determined under delegated powers by the Director – Regeneration and Growth since your last Committee Meeting

REPORT FOR INFORMATION PURPOSES ONLY

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63572 Blackheath	60A Perry Park Road Rowley Regis B65 0BN	Proposed demolition of existing building and construction of 1 No. one bedroom dormer bungalow with front garden wall and associated parking.	Grant Permission Subject to Conditions 30th October 2020
DC/20/64332 Oldbury	40A And 40B Burnt Tree Tipton DY4 7TZ	Outline Application for demolition of a pair of semi detached dwellings and proposed 12 one bed flats (All matters reserved).	Grant Outline Permission with Conditions 28th October 2020
DC/20/64339 Wednesbury North	The Woden Inn 25 Church Hill Wednesbury WS10 9DF	Proposed change of use from a public house (Use class A4) to a hotel (Use class C1), including a single storey rear extension and loft conversion with dormer windows to front and rear, and external alterations.	Grant Permission Subject to Conditions 6th November 2020
DC/20/64378 St Pauls	Land Adjacent ATC Vicarage Road Oldbury	Subsequent to planning application DC/18/61426, proposed first floor extension and alterations to approved garage block to create office space.	Grant Permission Subject to Conditions 23rd October 2020

DC/20/64398 Bristnall	41 Landswood Road Oldbury B68 9QE	Proposed single storey rear and two storey side and rear extensions.	Grant Permission with external materials 22nd October 2020
DC/20/64438 Greets Green & Lyng	Land Adjacent 15A Bell Street West Bromwich	Proposed change of use of land to truck park, and delivery & storage of building materials.	Grant Conditional Temporary Permission 23rd October 2020
DC/20/64440 Wednesbury South	22 - 24 Lower High Street Wednesbury WS10 7AQ	Proposed change of use of ground floor to create 4 No. 1 bed residential units with external alterations to frontage.	Grant Permission Subject to Conditions 9th November 2020
DC/20/64487 Great Barr With Yew Tree	Land At Corner Redwood Road & Deighton Road Walsall	Proposed 15m high monopole, wrapround Cabinet at base and associated ancillary works.	Prior Approval is Required and Granted 23rd October 2020
DC/20/64506 Soho & Victoria	Flat 25 - 27 Waterloo Road Smethwick B66 4JU	Retention of change of use of first and second floors from residential to holistic therapy (first floor) and offices (second floor).	Grant Permission 13th November 2020
DC/20/64500 Tipton Green	Land Adjacent 340 Dudley Port Tipton	Proposed garage for General Industrial (Class B2) in ancillary to the existing car sales.	Grant Conditional Temporary Permission 18th November 2020

DC/20/64503 Langley	91 Causeway Green Road Oldbury B68 8LE	Proposed conservatory at rear.	Grant Permission with external materials 11th November 2020
DC/20/64510 Oldbury	22 Albion Street Oldbury B69 3EY	Proposed two storey side/rear and single storey rear extensions, new front bay window and garage with decking to patio at rear with balustrades.	Grant Permission with external materials 20th November 2020
DC/20/64509 Great Barr With Yew Tree	Site Of Former 14 To 28 Queslade Close Great Barr Birmingham	Variation of Condition 22 of DC/18/61589 (Proposed two storey medical centre comprising of GP surgery and pharmacy with associated parking and landscaping works) to be re-worded to "A review of parking restrictions to Whitecrest shall be completed after 12 months of opening the Medical Centre. Should the review confirm that new parking restrictions are required the applicant will pay for the installation in accordance with the current fees and charges policy".	Grant Permission Subject to Conditions 23rd October 2020
DC/20/64536 Tipton Green	15 Keyte Close Tipton DY4 8TX	Proposed single storey side and rear extension.	Grant Permission with external materials

			28th October 2020
DC/20/64545 Tividale	107 Darbys Hill Road Oldbury B69 1SF	Proposed two storey side and single storey front, side and rear extensions.	Grant Permission Subject to Conditions 13th November 2020
DC/20/64550 Bristnall	44 Salop Road Oldbury B68 9AB	Proposed single storey side extension	Grant Permission Subject to Conditions 23rd October 2020
DC/20/64549 Cradley Heath & Old Hill	19 Meadow Walk Cradley Heath B64 7EG	Proposed two storey rear and single storey front/rear extensions, roof enlargement and rear loft dormer window.	Grant Permission with external materials 21st October 2020
DC/20/64556 Charlemont With Grove Vale	73 Pear Tree Road Great Barr Birmingham B43 6HX	Proposed single storey front extension and porch.	Grant Permission with external materials 21st October 2020
DC/20/64570 Smethwick	131 Thimblemill Road Smethwick B67 6NR	Proposed single storey front to include two bay windows, single storey side/rear and two storey side/rear extensions.	Grant Permission with external materials 30th October 2020
PD/20/01513	21 Graham Road West Bromwich	Proposed single storey rear extension	P D Householder not

West Bromwich Central	B71 4ED	measuring: 4.61m L x 3.00m H (2.6m to eaves)	required 28th October 2020
DC/20/64571 West Bromwich Central	Westgate 60 Edward Street West Bromwich B70 8NU	Demolition of conservatory. Proposed single storey rear extension, disabled access ramp with railings to front.	Grant Permission with external materials 25th November 2020
DC/20/64578 Blackheath	Land At Horner Way Rowley Regis	Proposed single storey vehicle repairs and MOT testing centre with associated storage unit, access, parking and landscaping.	Grant Permission Subject to Conditions 27th October 2020
DC/20/64583 Great Barr With Yew Tree	2 Rosehip Close Walsall WS5 4RJ	Proposed porch.	Grant Permission with external materials 4th November 2020
DC/20/64581 West Bromwich Central	37 Kiniths Way West Bromwich B71 4BP	Proposed front porch, side extension and store/gym at rear.	Refuse permission 18th November 2020
DC/20/64594 Bristnall	21 Defford Drive Oldbury B68 9RQ	Proposed first floor side extension.	Grant Permission with external materials 21st October 2020
DC/20/64610	24 Allen Road Tipton	Proposed single storey rear extension and ramp	Grant Permission with

Princes End	DY4 9LS	to side	external materials 18th November 2020
DC/20/64595 Langley	18 Harrold Avenue Rowley Regis B65 0RQ	Proposed porch to front/side and single storey side/rear extension	Grant Permission Subject to Conditions 28th October 2020
DC/20/64601 Princes End	16 Anne Grove Tipton DY4 0DA	Proposed single storey rear extension with terrace and railing above with 2 metre high privacy screen.	Grant Permission Subject to Conditions 21st October 2020
DC/20/64616 Oldbury	14 Macmillan Close Tividale Oldbury B69 3JT	Proposed two storey and first floor side extensions and single storey rear extensions (Amendment to previously approved application DC/19/63671).	Grant Permission with external materials 21st October 2020
DC/20/64646 Old Warley	35 Kingsway Oldbury B68 0QD	Retention of timber frame building in the rear of garden to be used as gym and shower area.	Grant Permission Subject to Conditions 23rd October 2020
DC/20/64586 Greets Green & Lyng	The Railway Inn 79 Harwood Street West Bromwich B70 9JD	Retention of enclosure of existing access to roof terrace, change of metal guard rails to a timber balustrade to roof terrace, and a smoking area to the side.	Grant Conditional Temporary Permission 21st October 2020

DC/20/64621 Bristnall	Land To Side/rear Of 41 Brandhall Road Oldbury B68 8DP	Proposed demolition of existing garages and erection of 1 No. detached dwelling.	Refuse permission 28th October 2020
DC/20/64618 Tipton Green	18A Alexandra Road Tipton DY4 8TG	Proposed loft conversion with dormer at rear to create 1 No. flat.	Grant Permission Subject to Conditions 11th November 2020
DC/20/64633 Oldbury	17 Hill Road Tividale Oldbury B69 2LN	Proposed single storey front, side and rear extensions and front porch.	Grant Permission with external materials 25th November 2020
DC/20/64624 Great Bridge	Site Of Former Cafe 12 Market Place Tipton	Proposed three storey building to include cafe or restaurant (Use Class E) at ground floor and 2 No. one bed flats at first and second floors (previously approved application DC/16/60029).	Grant Permission Subject to Conditions 4th November 2020
DC/20/64626 Greets Green & Lyng	Land At Junction Of Bromford Road & Kelvin Way West Bromwich	Proposed 15m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works.	Prior Approval is Required and Granted 6th November 2020
DC/20/64632 West Bromwich Central	62 Thynne Street West Bromwich B70 6PH	Proposed single and two storey rear extensions.	Grant Permission with external materials 28th October

			2020
DC/20/64637 Great Barr With Yew Tree	2 Betony Close Walsall WS5 4RY	Proposed ground floor rear extension.	Grant Permission with external materials 23rd October 2020
DC/20/64634 Abbey	178 Lightwoods Hill Smethwick B67 5EH	Proposed single storey rear extension with roof terrace and balcony to first floor.	Grant Permission with external materials 25th November 2020
DC/20/64642 Old Warley	448 Hagley Road West Oldbury B68 0DL	Proposed two storey side and single storey front/rear extensions with dropped kerb to front of property.	Grant Permission Subject to Conditions 10th November 2020
DC/20/64645 Smethwick	1 Douglas Avenue Oldbury B68 9SU	Proposed two storey front, side and rear and single storey rear extensions.	Grant Permission with external materials 25th November 2020
DC/20/64652 Hateley Heath	66 Essex Avenue West Bromwich B71 1HY	Proposed two storey side and single storey rear extensions.	Grant Permission Subject to Conditions 20th October 2020
DC/20/64654 St Pauls	206 Sandwell Business Development Centre	Proposed change of use from office to adult education teaching	Grant Permission Subject to

	Oldbury Road Smethwick B66 1NN	classroom.	Conditions 18th November 2020
DC/20/64656 Charlemont With Grove Vale	18 Charlemont Road West Bromwich B71 3HX	Proposed self-contained annex at rear.	Grant Permission Subject to Conditions 13th November 2020
DC/20/64658 Wednesbury North	46 Cross Street Wednesbury WS10 7PP	Proposed two storey side extension, and conservatory to rear.	Grant Permission with external materials 21st October 2020
DC/20/64659 Great Barr With Yew Tree	13 Morjon Drive Great Barr Birmingham B43 6JJ	Proposed first floor side extension.	Grant Permission Subject to Conditions 23rd October 2020
DC/20/64661 Newton	126A Appleton Avenue Great Barr Birmingham B43 5NB	Proposed single storey side extension.	Grant Permission with external materials 30th October 2020
DC/20/6699A Soho & Victoria	Primesight Advertisement Hoardings 264301 To 264303 Corner Of Grove Lane And Fawdry Street Smethwick	Proposed 1 No. single sided digital matrix display screen, externally illuminated on a single mono-pole.	Grant Conditional Advertisement Consent 28th October 2020

DC/20/64665 Langley	539 Wolverhampton Road Oldbury B68 8DD	Proposed single storey rear and side extension with porch to front.	Grant Permission with external materials 9th November 2020
DC/20/64677 Abbey	518 Bearwood Road Smethwick B66 4BX	Proposed part change of use of cafe at ground floor to 1. No flat at rear, change of use of first and second floors to 1 No. flat and extraction flue to rear (previously refused application DC/19/63795).	Grant Permission Subject to Conditions 9th November 2020
PD/20/01544 Great Barr With Yew Tree	Opposite Jnt Merrions Close Birmingham Road Great Barr Birmingham	Proposed 16m high phase 8 pole with wrap around cabinet, 4 No. equipment cabinets and ancillary development.	Prior Approval is Required and Granted 11th November 2020
DC/20/64663 Cradley Heath & Old Hill	28 Chatsworth Road Halesowen B62 8TA	Proposed single storey front extension.	Grant Permission with external materials 9th November 2020
DC/20/64664 Greets Green & Lyng	90C Bull Lane West Bromwich B70 9PP	Proposed single storey side extension.	Grant Permission with external materials 18th November 2020

DC/20/64674 Rowley	37 Halesowen Road Cradley Heath B64 5NA	Proposed single storey outbuilding to rear.	Grant Permission with external materials 13th November 2020
DC/20/64675 St Pauls	52 Forster Street Smethwick B67 7LX	Proposed single storey rear extension.	Grant Permission with external materials 30th October 2020
DC/20/64676 Great Barr With Yew Tree	14 Honeysuckle Drive Walsall WS5 4RH	Proposed two storey side and rear extension.	Grant Permission with external materials 28th October 2020
DC/20/6700A Soho & Victoria	Vacant Land Adjacent Cornwall Road Industrial Estate Cornwall Road Smethwick B66 2JR	Proposed Internally- Illuminated 4 No. fascia signs, 1 No. pylon sign, 1 No. free-standing sign, 1 No. logo sign, and 3 No. Icon signs. Non- Illuminated 1 No. entrance sign, 4 No. pole signs, and 1 No. totem sign.	Grant Advertisement Consent 28th October 2020
DC/20/64668 Soho & Victoria	67 Cape Hill Smethwick B66 4RZ	Proposed flexible use between Class E (financial and professional services and a restaurant) and Sui Generis (Hot food takeaway), and conversion of upper floors to 5 residential	Grant Permission Subject to Conditions 13th November 2020

		units with external alterations.	
DC/20/64671 Charlemont With Grove Vale	3 Hodder Grove West Bromwich B71 3RZ	Lawful Development Certificate for proposed outbuilding comprising a gym at rear.	Grant Lawful Use Certificate 21st October 2020
DC/20/64672 Cradley Heath & Old Hill	9 Beauty Bank Cradley Heath B64 7HY	Proposed single storey side and rear extension.	Grant Permission with external materials 28th October 2020
DC/20/64679 Charlemont With Grove Vale	140 Andrew Road West Bromwich B71 3QQ	Proposed single and two storey side extension, first floor rear extension, canopy to front, and boundary wall and gates to side.	Grant Permission Subject to Conditions 11th November 2020
DC/20/64680 Oldbury	Oldbury Carpets Unit 6 Fountain House Fountain Lane Oldbury B69 3BH	Proposed manufacturing use class B2 (General Industrial) and B8 (Storage/Distribution) with a small trade counter (Lawful Development Certificate).	Refuse Lawful Use Certificate 20th November 2020
DC/20/64681 Great Barr With Yew Tree	26 Birmingham Road Great Barr Birmingham B43 6NR	Proposed rear storage area, toilet and office in ancillary to the existing fish and chip shop.	Grant Permission with external materials 28th October 2020
DC/20/64682 Bristnall	9 Bernard Road Oldbury B68 9AP	Proposed two storey and single storey rear extensions, pitched roof to front porch and	Grant Permission with external materials

		external alterations.	17th November 2020
DC/20/64683 Blackheath	43 Greenwood Avenue Rowley Regis B65 9NH	Proposed external wall cladding.	Grant Permission 17th November 2020
DC/20/64691 Oldbury	9 Anchor Drive Tipton DY4 7RD	Proposed single storey side/rear extension and garage conversion.	Grant Permission Subject to Conditions 28th October 2020
DC/20/64686 Cradley Heath & Old Hill	The Swan 25 Providence Street Cradley Heath B64 5DR	Proposed single storey rear extension with double garage.	Grant Permission with external materials 2nd November 2020
DC/20/64687 Soho & Victoria	12 Durban Road Smethwick B66 3SQ	Proposed single storey rear extension.	Grant Permission with external materials 16th November 2020
DC/20/64689 Oldbury	22 Charlotte Close Oldbury B69 2LZ	Proposed 2 No. ground floor windows to side of property (Lawful Development Certificate).	Grant Lawful Use Certificate 13th November 2020
DC/20/64692 St Pauls	12 Gibson Drive Smethwick B66 1RW	Proposed single storey side and rear extension, garage conversion and front porch.	Grant Permission with external materials

			13th November 2020
DC/20/64696 Oldbury	74 Hellier Avenue Tipton DY4 7RN	Proposed demolition of existing garage and construction of two storey front/side and single storey side/rear extensions.	Grant Permission with external materials 24th November 2020
DC/20/64694 Rowley	12 Hailstone Close Rowley Regis B65 8LJ	Proposed raising the roof height to existing side garage/extension with external alterations to the rear.	Grant Permission with external materials 30th October 2020
DC/20/64695 Wednesbury South	6 Eyston Avenue Tipton DY4 0QG	Proposed single and two storey rear extension.	Grant Permission with external materials 21st October 2020
PD/20/01537 Soho & Victoria	374 High Street Smethwick B66 3PJ	Proposed single storey rear extension measuring: 6.00m L x 2.60m H (2.30m to eaves)	P D Householder not required 21st October 2020
DC/20/64697 Great Bridge	Asda Brickhouse Lane South Tipton DY4 7HW	Lawful Development Certificate for a proposed 'In store cafe' facility.	Grant Lawful Use Certificate 3rd November 2020
DC/20/64698 Great Bridge	86 Cophall Street Tipton DY4 7JQ	Lawful Development Certificate for a proposed loft conversion with dormer to rear.	Grant Lawful Use Certificate 28th October 2020

DC/20/64699 Rowley	14 Rowley Hall Avenue Rowley Regis B65 9RE	Retention of conversion of garage/car port into study/utility room with new pitched roof and external alterations.	Grant Retrospective Permission 4th November 2020
PD/20/01538 Abbey	39 Trinder Road Smethwick B67 5NX	Proposed single storey rear extension measuring: 4.0m L x 3.8m H (2.5m to eaves)	P D Householder not required 28th October 2020
DC/20/64701 Abbey	410 - 412 Bearwood Road Smethwick B66 4EX	Retention of automatic doors.	Grant Retrospective Permission 18th November 2020
DC/20/64702 Friar Park	6 Stonehouse Crescent Wednesbury WS10 0DQ	Proposed two storey rear extension.	Grant Permission with external materials 28th October 2020
DC/20/64703 Princes End	53 Myrtle Terrace Tipton DY4 0BX	Lawful Development Certificate for a proposed single storey rear extension and garage conversion.	Grant Lawful Use Certificate 28th October 2020
DC/20/64707 Wednesbury North	21 Jockey Lane Wednesbury WS10 9BB	Proposed single storey rear extension.	Grant Permission with external materials 30th October 2020
DC/20/64704	98 Pound Road	Proposed outhouse in	Grant

Bristnall	Oldbury B68 8NB	rear garden.	Permission with external materials 6th November 2020
DC/20/64705 Wednesbury South	Telephone Exchange 30 Camp Street Wednesbury WS10 7AD	Proposed replacement of 6 No. windows with aluminium louvres to provide additional ventilation.	Grant Permission 4th November 2020
DC/20/64712 Smethwick	10 Green Street Smethwick B67 7EB	Proposed first floor side extension.	Grant Permission with external materials 18th November 2020
DC/20/64717 Langley	The Bulls Head Inn 389 Birchfield Lane Oldbury B69 1AQ	6Proposed change of use to part of car park to hand car wash with canopy for valeting services and new entrance gates to create one-way system.	Refuse permission 18th November 2020
DC/20/64718 Charlemont With Grove Vale	20 Heath Lane West Bromwich	Proposed variation of condition 14 of planning permission DC/11/53804 (erection of 3 bungalows) to allow the garages to be used as bedrooms.	Grant Permission Subject to Conditions 20th November 2020
DC/20/64722 Tipton Green	6 Kirkham Way Tipton DY4 8TW	Proposed single storey rear extension, and front extension with porch.	Grant Permission with external materials 6th November 2020

DC/20/64725 Oldbury	Former Magistrates Court Storage Giant Oldbury Ringway Oldbury B69 4JN	Proposed external free-standing storage units on car park with fencing and car parking adjustments in relation to planning approval DC/18/62439.	Grant Permission Subject to Conditions 11th November 2020
DC/20/64726 Friar Park	75 St Lukes Road Wednesbury WS10 0PT	Proposed single storey side extension.	Grant Permission with external materials 25th November 2020
DC/20/64741 Old Warley	462 Hagley Road West Oldbury B68 0DJ	Proposed two storey side/rear extension and single storey front/side/rear extensions.	Grant Permission Subject to Conditions 13th November 2020
PD/20/01543 Newton	70 Hembs Crescent Great Barr Birmingham B43 5DG	Proposed single storey rear extension measuring: 4.00m L x 2.70m H (2.47m to eaves)	P D Householder not required 23rd October 2020
PD/20/01545 St Pauls	8 Vicarage Street Oldbury B68 8HQ	Proposed single storey rear extension measuring: 6.00m L x 2.650m H (2.650m to eaves)	P D Householder not required 27th October 2020
PD/20/01547 Tividale	59 Birch Crescent Oldbury B69 1UF	Proposed single storey rear extension measuring: 4.00m L x 3.00m H (2.30m to eaves)	P D Householder not required 30th October 2020

DC/20/64731 Cradley Heath & Old Hill	32 Clivedon Way Halesowen B62 8TB	Proposed single storey side extension.	Grant Permission with external materials 11th November 2020
DC/20/64732 Wednesbury South	20 Conway Avenue West Bromwich B71 2PB	Proposed ramped access to front.	Grant Permission 30th October 2020
DC/20/64733 Wednesbury North	3 Barlow Road Wednesbury WS10 9QA	Proposed ramped access at front.	Grant Permission 30th October 2020
DC/20/64734 Hateley Heath	4 Westmorland Road West Bromwich B71 1HG	Proposed single storey side extension.	Grant Permission with external materials 11th November 2020
DC/20/64735 Newton	231 Hamstead Road Great Barr Birmingham B43 5BE	Proposed two storey side extension and single storey rear extension.	Grant Permission Subject to Conditions 13th November 2020
DC/20/64738 Wednesbury South	38 Chestnut Road Wednesbury WS10 0BJ	Proposed single/two storey side and single storey rear extensions.	Grant Permission Subject to Conditions 16th November 2020
DC/20/64740	Hawthorns Court	Proposed part change of	Refuse

St Pauls	Colliery Road West Bromwich B71 4JS	use of existing catering unit into teaching classroom with restaurant and bar.	permission 26th November 2020
PD/20/01550 Great Barr With Yew Tree	14 St Margarets Road Great Barr Birmingham B43 6LD	Proposed single storey rear extension measuring: 6.0m L x 2.8m H (2.6m to eaves)	P D Householder not required 28th October 2020
PD/20/01551 Old Warley	17 Malvern Road Oldbury B68 0HY	Proposed single storey rear extension measuring: 3.383m L x 2.90m H (2.582m to eaves)	P D Householder not required 28th October 2020
PD/20/01553 Oldbury	Hutchinson 3G UK Telecommunications Mast SWL 13226 Fronting Sports Ground Tat Bank Road Oldbury	Proposed telecommunication 20m phase 8 monopole C/W wrapround cabinet at base and associated ancillary works.	Prior Approval is Required and Granted 6th November 2020
DC/20/64715 Tividale	11A New Birmingham Road Tividale Oldbury B69 2JJ	Proposed new front driveway and retention of retaining walls and new steps.	Grant Permission 13th November 2020
PD/20/01552 Smethwick	39 Shakespeare Road Smethwick B67 7HS	Proposed single storey rear extension measuring: 5.96m L x 3.90m H (2.80m to eaves)	P D Householder not required 30th October 2020
DC/20/6701A	129 Londonderry Lane	Retention of 2 No. free standing signs.	Grant Advertisement

Smethwick	Smethwick B67 7EQ		Consent 16th November 2020
PD/20/01554 Wednesbury North	57 Ridding Lane Wednesbury WS10 9AN	Proposed single storey rear extension measuring: 4.8m L x 4.0m H (3.0m to eaves)	P D Householder required and refused 2nd November 2020
PD/20/01556 Hateley Heath	5 Ash Drive West Bromwich B71 1BP	Proposed single storey rear extension measuring: 6.0m L x 4.0m H (3.0m to eaves)	P D Householder not required 11th November 2020
DC/20/64749 St Pauls	5 St George Drive Smethwick B66 1DN	Proposed single storey side/rear extension.	Grant Permission with external materials 18th November 2020
DC/20/64794 Newton	64 Jayshaw Avenue Great Barr Birmingham B43 5SA	Proposed hip to gable, dormer and retention of single-storey side	Grant Permission with external materials 25th November 2020
PD/20/01558 Newton	433 Old Walsall Road Birmingham B42 1HX	Proposed single storey rear extension measuring: 6.0m L x 3.2m H (2.8m to eaves)	P D Householder not required 3rd November 2020
DC/20/64751	28 Sandfield Road West Bromwich	Proposed single storey rear extension.	Grant Permission with

Hateley Heath	B71 3NF		external materials 13th November 2020
DC/20/64753 Langley	31 Grafton Road Oldbury B68 8BP	Proposed first floor side extension and front porch.	Grant Permission with external materials 19th November 2020
DC/20/64754 Wednesbury North	121 Park Lane Wednesbury WS10 9RZ	Proposed single storey rear and side extension.	Grant Permission with external materials 20th November 2020
DC/20/64760 West Bromwich Central	2 Summerfield Avenue West Bromwich B70 8SS	Proposed single storey rear extension.	Grant Permission with external materials 13th November 2020
PD/20/01562 Langley	17 Witley Crescent Oldbury B69 1BE	Proposed single storey rear extension measuring: 3.60m L x 3.00m H (2.43m to eaves)	P D Householder not required 18th November 2020
DC/20/64767 Friar Park	10 Scott Avenue Wednesbury WS10 0DL	Proposed single storey side and rear extension.	Grant Permission with external materials 20th November 2020

DC/20/64771 Soho & Victoria	9 Durban Road Smethwick B66 3SQ	Proposed single storey rear extension.	Grant Permission with external materials 23rd November 2020
DC/20/64768 Abbey	92 Devon Road Smethwick B67 5EJ	Retention of privacy screen along part of the boundary wall.	Grant Permission 23rd November 2020
DC/20/64773 Wednesbury North	15 Addison Terrace Wednesbury WS10 9AR	Proposed single storey rear extension.	Grant Permission with external materials 23rd November 2020
PD/20/01563 Princes End	87 Turton Road Tipton DY4 9LN	Proposed single storey rear extension measuring: 5.5m L x 3.7m H (2.8m to eaves)	P D Householder not required 10th November 2020
PD/20/01564 Charlemont With Grove Vale	28 Pear Tree Road Great Barr Birmingham B43 6JA	Proposed single storey rear extension measuring: 6.00m L x 2.95m H (2.80m to eaves)	P D Householder not required 13th November 2020
DC/20/64785 Tipton Green	1 Park Lane East Tipton DY4 8RA	Single and two storey rear extension.	Grant Permission with external materials 25th November 2020
PD/20/01565	Telecommunications	Proposed 15m Phase 8	Prior Approval

Old Warley	Mast SWL 148836 Pavement Adj Co- Op Foley Drive Oldbury	Monopole C/W wraparound cabinet at base and 3 No. additional cabinets.	is Required and Granted 25th November 2020
PD/20/01566 Charlemont With Grove Vale	43 Ingestre Drive Great Barr Birmingham B43 6QW	Proposed single storey rear extension measuring: 5.0m L x 3.0m H (2.5m to eaves)	P D Householder required and refused 10th November 2020
PD/20/01567 Hateley Heath	15 Haig Street West Bromwich B71 1EL	Proposed single storey rear extension measuring: 5.96m L x 3.17m H (2.97m to eaves)	P D Householder not required 20th November 2020
DC/20/64784 Old Warley	2 - 4 Stanley Road Oldbury B68 0DY	Retention of self-service launderette facility to shop front pavement area.	Refuse permission 25th November 2020
PD/20/01568 West Bromwich Central	5 Lombard Street West Bromwich B70 8RT	Proposed change of use of existing offices to 44 No. one and two bed residential apartments.	P D Change of Use not required 26th November 2020
PD/20/01569 Great Bridge	22 Hudson Road Tipton DY4 7PY	Proposed single storey rear extension measuring: 3.90m L x 2.80m H (2.55m to eaves)	P D Householder not required 4th November 2020
PD/20/01571 Blackheath	49 Causeway Rowley Regis B65 8AA	Proposed single storey rear extension: measuring 6.00m L x 3.15m H (2.95m to eaves)	P D Householder not required 17th November


			2020
DC/20/64801 Rowley	44 Mayfield Crescent Rowley Regis B65 8HU	Proposed detached outbuilding in rear garden comprising of a gym/office/storage (Lawful Development Certificate).	Grant Lawful Use Certificate 25th November 2020
PD/20/01573 Abbey	74 Slatch House Road Smethwick B67 5QB	Proposed single storey rear extension measuring: 5.963m L x 3.198m H (2.881m to eaves)	P D Householder not required 25th November 2020
PD/20/01574 Smethwick	137 Manor Road Smethwick B67 7HH	Proposed single storey rear extension measuring: 6.0m L x 4.0m H (2.7m to eaves)	P D Householder not required 17th November 2020
PD/20/01575 Hateley Heath	77 Allerton Lane West Bromwich B71 2HG	Proposed single storey rear extension: measuring 4.00m L x 3.00m H (3.00m to eaves)	P D Householder not required 20th November 2020
DC/20/64821 Wednesbury North	47 Handley Street Wednesbury WS10 9DT	Proposed single storey side and rear extensions.	Grant Permission with external materials 18th November 2020
PD/20/01576 Greets Green & Lyng	86 Claypit Lane West Bromwich B70 9UJ	Proposed single storey rear extension measuring: 6.00m L x 2.89m H (2.59m to eaves)	P D Householder not required 13th November 2020

PD/20/01577 Rowley	122 Hanover Road Rowley Regis B65 9EJ	Proposed single storey rear extension measuring: 6.0m L x 4.0m H (3.0m to eaves)	P D Householder not required 19th November 2020
PD/20/01578 Great Barr With Yew Tree	111 Wilderness Lane Great Barr Birmingham B43 7TA	Proposed single storey rear extension: measuring 5.80m L x 3.95m H (2.90m to eaves)	P D Householder not required 20th November 2020
PD/20/01579 Langley	961 Wolverhampton Road Oldbury B69 4RR	Proposed single storey rear extension measuring: 4.0m L x 3.70m H (2.40m to eaves)	P D Householder not required 20th November 2020
PD/20/01580 Newton	22 Amberley Green Great Barr Birmingham B43 5TJ	Proposed single storey rear extension measuring: 4.0m L x 3.8m H (2.6m to eaves)	P D Householder not required 18th November 2020
DC/20/64832 Wednesbury North	68 Hobs Road Wednesbury WS10 9BW	Proposed rear extension to existing garage.	Grant Permission with external materials 18th November 2020
DC/20/64833 Great Barr With Yew Tree	111 Wilderness Lane Great Barr Birmingham B43 7TA	Proposed loft conversion with dormer window to the rear and hip to gable roof extension (Lawful Development Certificate).	Grant Lawful Use Certificate 18th November 2020
DC/20/64848	27 Sundial Lane	Proposed first floor side	Grant

Great Barr With Yew Tree	Great Barr Birmingham B43 6PA	extension and porch and canopy to front.	Permission with external materials 25th November 2020
PD/20/01583 St Pauls	21 Apollo Road Oldbury B68 9RT	Proposed single storey rear extension measuring: 6.0m L x 4.0m H (3.0m to eaves)	P D Householder not required 25th November 2020
PD/20/01585 West Bromwich Central	2 St Johns Close West Bromwich B70 6TH	Proposed single storey rear extension measuring: 3.0m L x 2.80m H (2.80m to eaves)	P D Householder not required 25th November 2020
PD/20/01593 Great Bridge	Bin Stores Lewis Street Tipton	Demolition of redundant bin stores.	Prior Approval is Required and Granted 18th November 2020

Planning Committee

9 December 2020

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

DECISION RECOMMENDATIONS

That Planning Committee:

Notes the decisions of the Planning Inspectorate as detailed in the attached appendices.

1 PURPOSE OF THE REPORT

This report is submitted to inform the Committee of the outcomes of appeals that have been made to the Planning Inspectorate by applicants who were unhappy with the Committee's decision on their application.

2 IMPLICATIONS FOR SANDWELL'S VISION 2030

The planning process contributes to the following ambitions of the Vision 2030 –

Ambition 7 – We now have many new homes to meet a full range of housing needs in attractive neighbourhoods and close to key transport routes.

Ambition 8 - Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families.

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

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 Applicants who disagree with the local authority's decision on their planning application may submit an appeal to the Planning Inspectorate. An appeal may also be made where the local authority has failed to determine the application within the statutory timeframe.
- 3.2 Appeals must be submitted within six months of the date of the local authority's decision notice.
- 3.3 Decisions on the following appeals are reported, with further detailed set out in the attached decision notice:-

Application Ref No.	Site Address	Inspectorate Decision
DC/20/64113	14 Stonehouse Crescent Wednesbury WS10 0DQ	Dismissed

4 STRATEGIC RESOURCE IMPLICATIONS

- 4.1 There are no direct implications in terms of the Council's strategic resources.
- 4.2 If the Planning Inspectorate overturns the Committee's decision and grants consent, the Council may be required to pay the costs of such an appeal, for which there is no designated budget.

5 LEGAL AND GOVERNANCE CONSIDERATIONS

- 5.1 The Planning Committee has delegated powers to determine planning applications within current Council policy.
- 5.2 Section 78 of the Town and Country Planning Act 1990 gives applicants a right to appeal when they disagree with the local authority's decision on their application, or where the local authority has failed to determine the application within the statutory timeframe.

Tammy Stokes

Interim Director – Regeneration and Growth



Appeal Decision

Site visit made on 28 September 2020

by Conor Rafferty LLB (Hons), AIEEMA, Solicitor

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2020

Appeal Ref: APP/G4620/D/20/3255240

14 Stonehouse Crescent, Wednesbury WS10 0DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jas Johal against the decision of Sandwell Metropolitan Borough Council
 - The application Ref DC/20/64113, dated 16 March 2020, was refused by notice dated 12 May 2020.
 - The development proposed is a first floor side extension.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issues are the effect of the proposal upon (i) the character and appearance of the host dwelling and surrounding area; and (ii) the living conditions of the occupants No. 12 Stonehouse Crescent with particular reference to outlook.

Reasons for the Recommendation

Character and appearance

4. The area surrounding the appeal site is residential in nature, made up predominantly of semi-detached dwellings, with some purpose built two-storey flats of similar dimensions to the surrounding houses. The semi-detached properties are constructed in two distinct house types; those with gable walls, including the appeal site, and those with hipped roofs. No. 14 is part of a run of four properties with matching gables and this creates a pleasing level of symmetry and coherence. That symmetry has been eroded to a degree by ground floor extensions but remains intact at first floor level.
5. The proposal would introduce significant bulk at the appeal site such that it would result in a dwelling that does not respect the current form or scale of the property. The front facing gable would be set forward from the building line of the first floor in order to address concerns regarding the living conditions of neighbouring occupiers. However, this would result in the property having a contrived

appearance with a ridgeline of the extension below that of the main dwelling. As such, it would read as an awkward addition to the property.

6. In addition, an extension beyond the building line to the front of the main dwelling would not be characteristic of the pattern of development within street. There are no other examples of forward-facing gables in the area and the proposal would appear incongruous when experienced alongside the other dwellings particularly when set against the coherent existing pattern of development with two house types, as described above. The impact in this case would be emphasised due to the prominent location at the curve of the crescent, which would mean that the entire flank wall, including the projecting gable, would be clearly visible from the street where it would appear as a dominant feature. In addition, in adding additional bulk the side extension would serve to further distinguish the appeal property from the neighbouring dwelling at No. 16, further eroding the similarity of the two houses.
7. For those reasons, the proposed development would cause harm to character and appearance of the host dwelling and the surrounding area. Accordingly, it would fail to comply with Policies ENV3 of the Black Country Core Strategy, adopted February 2011 and EOS9 of the Sandwell Metropolitan Borough Council Site Allocations and Delivery Development Plan Document, adopted December 2012 and the Sandwell Metropolitan Borough Council Supplementary Planning Document Revised Residential Design Guide, January 2014.

Living Conditions

8. Due to the location of the site at the curve in the crescent, the neighbouring dwelling at No. 12 sits perpendicular to the appeal property with its rear elevation facing the site, separated by its modest garden.
9. The proposal relates to the erection of a first floor side extension, which would be constructed above the attached garage. As a result, it would bring the built form of the appeal property closer to the boundary with No. 12. However, the proposal would not extend the full length of the appeal property. It would be recessed from the rear elevation such that it would sit behind the ridge of the single storey rear projection. It is accepted by the Council that, as result of this set back, the rear windows at No. 12 would not directly face the proposal.
10. As such, while the side extension would create some change in the outlook experienced from the rear windows at No. 12 when looking towards the proposal, the main outlook from these windows looking over the rear garden of the appeal site would remain unchanged. This would not therefore cause significant harm to the outlook experienced from these windows.
11. For the same reason there would also be no significant impact on the rear garden of No. 12. The outlook from this location is already somewhat diminished due to the presence of the boundary treatment and the single storey rear projection at No. 14. While the side elevation of the proposal would be brought closer to the boundary the rear setback would ensure that it did not span across the entire width of the garden so as to appear unduly dominant or overbearing.
12. For those reasons, the proposed development would not cause harm to the living conditions of the occupiers of No. 12 Stonehouse Crescent with regard outlook. Accordingly, it would comply with paragraph 127(f) of the Framework, which seek to ensure adequate standards of living conditions.

Other matters

13. The personal circumstances of the appellant are acknowledged, whereby the proposal is a cost effective solution to providing additional family space. However, personal circumstances seldom outweigh general planning considerations. The harmful development would remain long after those circumstances have changed and the matters raised do not attract sufficient weight to override the harm that would arise.
14. Reference has been made to other properties in the surrounding area. However, this appeal is decided on its own site-specific circumstances, having regard to the established character of the immediate surroundings and reference to other development nearby does not outweigh the harm identified above.

Conclusion and Recommendation

15. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

C Preston

INSPECTOR