

Agenda Planning Committee

Tuesday, 15 February 2022 at 5.00 pm At Sandwell Council House, Freeth Street, Oldbury, B69 3DB

This agenda gives notice of items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

5 - 22

1 Apologies for Absence

2 **Declarations of Interest**

Members to declare any interests in matters to be discussed at the meeting.

3 Minutes

To confirm the minutes of the meeting held on 19 January 2022 as a correct record.

4 Planning Application - DC-21-66122 - Land 23 - 38 Adjacent The Bungalow, Corngreaves Road, Cradley Heath

Proposed 2 no. 3 bedroom dormer bungalows with boundary fencing and associated car parking.



5	Planning Application - DC-21-66125 - Newcomen Drive Open Space, Newcomen Drive, Tipton	39 - 70
	Proposed industrial/warehousing development (use classes B2/ B8) together with associated access, servicing, parking and landscaping.	
6	Planning Application - DC-21-66233 - 1 Hydes Road, Wednesbury, WS10 9SX	71 - 94
	Retention of use of garage as hair salon (previously refused application DC/21/65576).	
7	Planning Application - DC-21-66305 - Land At Hawes Lane/Stanford Drive, Rowley Regis	95 - 140
	Proposed development of 7 No. houses, 2 No. bungalows and 2 No. two storey apartment blocks comprising of 6 No. self-contained flats with associated parking and landscaping.	
8	Planning Application - DC-21-66451 - Market Stalls Junction Union Street, Market Place, Wednesbury	141 - 150
	Proposed erection of market stalls.	
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Kim Bromley-Derry CBE DL Interim Chief Executive

Sandwell Council House Freeth Street Oldbury West Midlands

Distribution

Councillor Z Hussain (Chair) Councillors J Webb, Allcock, Allen, Chapman, Chidley, Dhallu, Fenton, S Gill, Jones, Kaur, Kalari, Millar, C Padda, Rouf and Singh

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Minutes of Planning Committee

Wednesday 19th January 2022 at 5.00pm in the Council Chamber, Sandwell Council House, Oldbury

- Present:Councillor Z Hussain (Chair)
Councillor Webb (Vice-Chair)
Councillors Allcock, Allen, Chapman, Chidley, Fenton,
Kaur, O Jones, C Padda and Rouf.
- Also Present: Councillors Hadley, Jalil and R Jones.

John Baker (Service Manager – Development Planning and Building Consultancy); Alison Bishop (Development Planning Manager) Sian Webb (Solicitor); Simon Chadwick (Principal Officer – Development, Highways Direct – Traffic and Road Safety); Alexander Goddard (Democratic Services Officer).

01/22 Apologies for Absence

Apologies for absence were received from Councillors Dhallu, S S Gill and Kalari.

02/22 **Declarations of Interest**

Councillor O Jones declared a personal interest in Planning Application DC-21-66233 (Minute No. 11/22) and subsequently took no part in proceedings.

03/22 Additional Item of Business There were no additional items of business to consider.

04/22 Minutes

Resolved that the minutes of the meeting held on 8 December 2021 were approved as a correct record.

05/22 Planning Application DC/21/66233 Retention of use of garage as hair salon (previously refused application DC/21/65576). 1 Hydes Road, Wednesbury, WS10 9SX

It was proposed to hold a site visit for this application to assist the Committee in understanding the issues raised.

Resolved that determination of Planning Application DC/21/66233 Retention of use of garage as hair salon (previously refused application DC/21/65576). 1 Hydes Road, Wednesbury, be deferred to allow a site visit to be undertaken.

06/22 Planning Application DC/21/66185 Proposed change of use from dwelling to 8 No. bedroom HMO (house in multiple occupation) with two/single storey side and single storey rear extensions. St James Road, Oldbury B69 2DX

The Service Manager – Development Planning and Building Consultancy reported that there was no additional information for members to consider.

Objectors were present and addressed the Committee with the following points:-

- The development would exacerbate issues with traffic and parking.
- Concerns were expressed regarding the extra flow of vehicles travelling to and from the nearby Ambulance Hub and the objectors were unsure whether Highway's officers had taken this into account.
- It was highlighted that there were several disabled residents that lived near to the proposed site,

therefore it was particularly important for these individuals to have parking and sufficient accessibility to their homes.

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

- The development aimed to provide good quality and affordable housing to the local community.
- With the Government plans to work towards net zero emissions by 2050, the development would be future proof.
- The garden and communal spaces within the development would facilitate the wellbeing of the tenants.
- The development satisfied housing requirements and the proposal would manifest social, economic and environmental benefits in Sandwell.
- Tenants would be vetted and would be matched for best fit. The intended occupiers for the development were professionals and local skilled people.
- Plans were in place to deal with anti-social behaviour.
- The property would be maintained and inspected monthly to ensure compliance with HMO regulations.
- The site had 4 off road parking spaces and cycle storage, therefore would relieve some of the parking issues on the road.
- The development had considered the comfort and living space of the tenants to facilitate community development. The site would include $23m^2$ of communal space, each tenant would have their own private bathroom and, aside from one room, all rooms would be more than $10m^2$.

The Principal Officer for Development – Highways explained that the development would have 8 bedrooms and 4 parking spaces, therefore would satisfy parking standards for one space per two bedrooms. However, as raised at the previous Committee meeting, there was a lot of existing residential parking on-street on St James Road. Consequently, officers attended the site to survey how many spaces were available during different times of the day. Officers attended the site on three separate occasion, 8:30am, 9:20am and 7:10pm. In all three cases, there were over 23 spaces on the road. Closer to the proposed site, there were 5 available parking spaces during those time.

HMOs required one off street car parking space for every two bedrooms proposed. The applicant would be providing the required four off-street spaces to the property frontage.

Consequently, Highways did not consider that the application would have a severe impact on the highways network.

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

- The property owners were not based in Sandwell therefore it was anticipated for a HMO management agency to always be contracted to manage the HMO.
- It was rare that more than half of tenants were car owners. Furthermore, the site would incorporate alternative forms of transport including cycle storage and the site being on a bus route.
- With the 5 available parking spaces, as identified by Highways, and the four off-street proposed parking spaces, this would be sufficient to accommodate residents.
- It was reiterated that HMO regulations provided that the minimum bedroom size for licensed HMO's is 6.5m² and this had been satisfied.
- The Ambulance Hub had its own large car park to accommodate staff, therefore preventing any spill over into the surrounding area.
- The HMO management agency were working alongside police to address any anti-social behaviour issues.
- Assured shorthold tenancies would be provided, with the average length of stay for tenants being 12 to 18 months to prevent the transient feel of usual HMOs and assist in community building.

• A separate licensing application would be required to be submitted if planning permission was to be granted.

The Service Manager – Development and Building Consultancy clarified that offenders would not be able to occupy the property without a separate application for planning permission as this fell under a different use class.

The Committee was minded to approve the application, subject to the conditions recommended by the Director – Regeneration and Growth.

Resolved that Planning Application DC/21/66185 Proposed change of use from dwelling to 8 No. bedroom HMO (house in multiple occupation) with two/single storey side and single storey rear extensions, 54 St James Road, Oldbury, B69 2DX is granted planning permission subject to the following conditions:

- (i) External Materials;
- (ii) Car parking to implemented and retained;
- (iii) Existing drop kerb to be extended;
- (iv) Details of Cycle storage;
- (v) Details of bin storage;
- (vi) No glazing shall be inserted into the Western facing side elevation of the proposed single and two storey side/rear extension;
- (vii) Room 7 privacy glazing scheme;
- (viii) Details of drainage to the car parking area;
- (ix) Electric Vehicle Charging point;
- (x) Low NOx boilers;
- (xi) Construction management plan; and
- (xii) Details of security measures.

07/22 Planning Application DC/21/65664 Proposed two storey side/rear and single storey rear extensions, front bay window, raising of rood height, loft conversion with 2 No. side loft dormer windows. 8 Aldridge Close, Oldbury, B68 9NY

> The Service Manager – Development Planning and Building Consultancy reported that there was no additional information for members to consider.

The applicant was present but did not wish to address the Committee with any additional information.

There were no objectors present.

The Committee was minded to approve the application, subject to the conditions recommended by the Director – Regeneration and Growth.

Resolved that Planning Application CD/21/65664 Proposed two storey side/rear and single storey rear extensions, front bay window, raising of roof height, loft conversion with 2 No. side loft dormer windows, 8 Aldridge Close, Oldbury, B69 9NY is granted planning permission subject to the following conditions:

- (i) External Materials.
- (ii) The rear facing window of the spa room shall be obscurely glazed and retained as such.
- (iii) Proposed glazing in the south facing dormer window shall remain obscurely glazed and nonopening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
- (iv) No additional glazing shall be inserted into the north and south facing dormer windows.
- (v) Construction management plan.

08/22 Planning Application DC/21/66106 Proposed industrial unit (Use Class E(g)(iii) Industrial processes) with ancillary offices and associated parking. Land at Summerton Road, Oldbury

The Service Manager – Development Planning and Building Consultancy informed the Committee that the application was a departure from the Development Plan and, should the Committee be minded to approve the application, Council would be asked to make an exception to the Plan.

Additionally, a further email had been received from the objector who raised that, while he was unable to attend the meeting, a summary of his objections could be found within the report.

Furthermore, it was reported that the following additional conditions had been added:

(xiii) new drop kerb to provide access to the parking and manoeuvring area.

(xiv) an archaeological desktop study to be submitted prior to commencement of development.

No applicants or objectors were present.

The Committee was minded to approve the application, subject to the conditions recommended by the Director – Regeneration and Growth.

Resolved that Planning Application DC/21/66106 Proposed industrial unit (Use Class E(g)(iii) Industrial processes) with ancillary offices and associated parking, Land at Summerton Road, Oldbury, subject additional comments being received from the Council's Conservation Officer, be granted planning permission, subject to the approval of Full Council as the development is a departure from the development plan being allocated for housing, and conditions concerning: -

(i) External Materials.

- (ii) Vehicle parking and manoeuvring areas to be Q implemented and retained.
- (iii) Drainage including (SuDS).
- (iv) Contaminated Land.
- (v) Finished floor levels.
- (vi) Use restriction.
- (vii) Hard and soft landscaping scheme to include additional tree planting to canal frontage.
- (viii) Boundary treatments.
- (ix) External lighting scheme to include details of any light spillage over the canal corridor.
- (x) Cycle Storage details and implementation.
- (xi) Electric Vehicle Charging points.
- (xii) Construction management plan.

09/22 Planning Application DC/21/66122 proposed 2 no. 3 bedroom dormer bungalows with boundary fencing and associated car parking, land adjacent the Bungalow, Corngreaves Road, Cradley Heath

The Service Manager – Development Planning and Building Consultancy reported that there was no additional information for members to consider.

The applicant was not present.

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

- An increase in traffic and parking on the road would put pressure on the only entrance which was already serving 13 properties.
- Concerns were also expressed with regards to loss of privacy and the impact on neighbours' enjoyment of their gardens.
- The development would also have an impact on drainage.
- Noise disturbance during construction would have an adverse impact on residents.
- Any new property would require an independent sewage system to be implemented. This would potentially involve the right of way being blocked for a considerable amount of time.

- Residents were concerned about the impact the development would have on their water and electric supply.
- No communication has been received from the developer on it was intended to provide the gas, water, electric and sewage facilities for the development.

The Service Manager – Development and Building Consultancy clarified that granting of planning permission would not override other legal considerations. Furthermore, whilst the application in question would permit the development to go ahead, considerations such as the drainage system, would be dealt with under building regulations.

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

• It was highlighted that Highways objected to the application primarily due to the length of the driveway with no passing places, causing congestion at the vehicular access from Corngreaves Road.

Councillor Allen expressed concerns with the elevation of the site and requested the Committee to undertake a site visit in order to understand the impact of the development. The motion was seconded by Councillor Chidley.

The Committee was minded to defer determination of application to undertake a site visit.

Resolved that determination of Planning Application DC/21/66122 proposed 2 no. 3 bedroom dormer bungalows with boundary fencing and associated car parking, land adjacent the Bungalow, Corngreaves Road, Cradley Heath, be deferred to allow a site visit to be undertaken.

10/22 Planning Application DC/21/66156 Proposed two storey side, first floor front and single storey front/rear extensions. 21 Yewtree Lane, Rowley Regis, B65 8BU

The Service Manager – Development Planning and Building Consultancy highlighted that the application was before Committee for transparency purposes as there was involvement of a Council employee in the role as agent.

There were no objections received for the application.

The applicant was not present.

The Committee was minded to approve the application, subject to the conditions recommended by the Director – Regeneration and Growth.

Resolved that Planning Application DC/21/66156 Proposed two storey side, first floor front and single storey front/rear extensions, 21 Yewtree Lane, Rowley Regis, B65 8BU, is granted planning permission subject to the materials matching the existing property.

11/22 Planning Application DC/21/66223 Proposed demolition of existing buildings and construction of a five-storey building comprising of 42 No. apartments with external bin/cycle store, associated access, parking and landscaping. Regis Lodge, 50 George Avenue, Rowley Regis B65 98D

The Service Manager – Development Planning and Building Consultancy reported that the following additional conditions had been added:

(xv) existing drop kerb to be removed and a new drop kerb provided.

The applicant's agent was present but did not wish to address the Committee with any additional information.

No objectors were present.

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

• The new drop kerb would be for George Avenue.

- The development would be a good fit for the area and separation distances showed that it would not have an adverse impact on existing properties.
- It was clarified that there was a right of way near Birmingham Road and George Avenue, but this was off-site therefore would be unaffected by the development.

The Committee was minded to approve the application, subject to the conditions recommended by the Director – Regeneration and Growth.

Resolved that Planning Application DC/21/66223 Proposed demolition of existing buildings and construction of a five-storey building comprising of 42 No. apartments with external bin/cycle store, associated access, parking and landscaping, Regis Lodge 50 George Avenue Rowley Regis B65 9BD, subject to no objection from the Lead Local Flood Authority (LLFA), planning permission is granted subject to the applicant entering into a section 106 agreement to ensure affordable housing and to conditions relating to the following:-

- (i) External materials (compliance with submitted detail);
- (ii) Contamination;
- (iii) Noise mitigation scheme;
- (iv) Landscaping and boundaries (compliance with submitted detail);
- (v) Cycle storage (compliance with submitted detail);
- (vi) Refuse storage (compliance with submitted detail);
- (vii) Electric vehicle charging (compliance with submitted detail);
- (viii) Low NOx boilers;
- (ix) External lighting;
- (x) Provision and retention of parking;
- (xi) Method statement for site working;

- (xii) Restriction on construction house (8:00 17:30 weekdays, 9:00 13:00 Saturdays, no working on Sundays or bank holidays); and
- (xiii) Employment and skills plan
- 12/22 Planning Application DC/21/66293 Proposed new section of 2.1m high railings and relocation of access gate to the front of private footway (Resubmission of previously

of 2.1m high railings and relocation of access gate to the front of private footway (Resubmission of previously withdrawn application DC/21/66021). Footpath adjacent to the front garden of 1 Asbury Walk, Great Barr, Birmingham, B43 6HF

The Service Manager – Development Planning and Building Consultancy reported that there was no additional information for members to consider.

No objectors were in attendance.

A supporter of the application was present and addressed the Committee with the following points:-

- The proposal would secure the existing open boundary preventing various crimes that had been experienced by existing residents and was recommended by West Midlands Police to eliminate the constant occurrence of crime since 2006 within the cul-de-sac.
- The estate was owned by Asbury Walk Management Company. There were procedures in place for a voting system to be followed for any changes to the road.
- The majority of residents (4), against 3 who objected, voted for this extra security to be put in place.

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

- On the estate, each property owner owns 1/7 of the property of the road and paid a service charge. An article of association provided that each owner held a vote for any changes proposed for footpaths, road, entrances etc.
- The previous application was objected by a neighbour, consequently the applicants amended the application

to ensure the railing was not near to the neighbouring property.

• The development would greatly improve security of the residents.

The Committee was minded to approve the application, subject to the conditions recommended by the Director – Regeneration and Growth.

Resolved that Planning Application DC/21/66239 Proposed new section of 2.1m high railings and relocation of access gate to the front of private footway (Resubmission of previously withdrawn application DC/21/66021) footpath adjacent to the front garden of 1 Asbury Walk, Great Barr, Birmingham, B43 6HF is granted planning permission subject to:

(i) The fence and gate being painted to match in colour to the existing entrance gates.

13/22 Planning Application DC/21/66295 Proposed single storey front/side extension to existing outbuilding in rear garden for use as a home office/gym. 125 Bleakhouse Road, Oldbury, B68 0LT

The Service Manager – Development Planning and Building Consultancy reported that there was no additional information for members to consider. It was highlighted that a further email of objection was received from Councillor Bhullar which reiterated objections raised in the report.

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

- The proposed converted outbuilding would be used as personal office/gym space. There were no intentions to use the space for commercial purposes.
- The applicant would be working from home permanently therefore wished to create a suitable working space that provided a work-life balance.
- There was no intention to access the summerhouse via Edward Road.

- The application sought for a modification to an existing outbuilding to suit a working environment.
- The development would not impact neighbouring properties in terms of noise disturbance and sunlight.
- There was an existing bathroom in the garden, therefore the outbuilding would use the same pipeline.
- The garden gate was not intended to be used to access the outbuilding.
- The property was able to accommodate four parking spaces, therefore did not intend to use Edward Road for additional parking.

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

- The size of the proposed building would be akin to another property on Edwards Road and would affect the public visual amenity of the read.
- Residents believed it was important to protect the views and surroundings of Edward Road.
- Concerns were raised in regard to the noise and disturbance stemming from the proposed development.
- There were no time constraints on when the proposed gym facility could be used by the home owner. Furthermore, the potential to invite guests over to utilise the gym could potentially lead to traffic generation, inadequate access and highways safety issues.
- Edward Road was a narrow road, therefore would be difficult for vehicles, especially emergency vehicles, to travel safely and quickly if vehicles were to be parked on the pavement.
- Concerns were expressed with regards to the overbearing nature of the proposal.
- Residents questioned why the development needed to be bigger than what was allowed under permitted development rights.
- There were concerns with overlooking and the loss of privacy.

- The development would directly affect the neighbour at No.2 with a loss of sunlight on the driveway.
- There was a risk of creating precedent for similar constructions around the area.
- It was recommended that an additional condition be placed on the application to prevent a change of use application being submitted in the future for the building to be used for commercial purposes.

Councillor R Jones was also present and addressed the Committee with the following points:-

- The visual aspect of the planning application before the Committee was no different to the previous submitted application, which was refused. However, the previous application was for commercial use.
- There were concerns that the applicant would attempt to circumvent planning application at a later date to change the use for the building.
- The development would create additional parking issues in the area.

The Service Manager – Development and Building Consultancy reminded the Committee that they can only consider the application before them. Any commercial activity undertaken in the building would require a separate planning application for change of use. It would not be possible to include a further condition to the application to prevent the applicant from considering a change of use in the future.

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

- The need to modernise the existing drainage system would be dealt with as part of the building regulations process.
- The gym would be for personal use, it was not intended for other people to use the facilities.
- The outbuilding would be accessed via the main door and not the garden gate.

- The application was triggered by the height of the proposed structure. There was no particular reason for the proposed height other than it being the applicant's preference to allow more natural light into the outbuilding.
- Loss of light on the neighbouring driveway was not considered a habitable room therefore would not be a relevant consideration.

The Committee was minded to approve the application, subject to the conditions recommended by the Director – Regeneration and Growth.

Resolved that Planning Application DC/21/66295 proposed single storey front/side extension to existing outbuilding in rear garden for use as a home office/gym, 125 Bleakhouse Road, Oldbury, B68 0LT is granted planning permission subject to:-

- (i) External materials;
- (ii) The outbuilding shall be used for purposes that remain ancillary to the main dwelling house

14/22 Applications Determined Under Delegated Powers

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

15/22 Decisions of the Planning Inspectorate

The Committee noted that the Planning Inspectorate had made the following decisions in relation to appeals against refusal of planning permission:-

Application Ref	Site Address	Inspectorate
PD/21/01708	129 Charlemont Road West Bromwich B71 3EH	Dismissed

Meeting ended at 6.56pm

Contact: democratic_services@sandwell.gov.uk

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Agenda Item 4



Report to Planning Committee

15 February 2022

Application Reference	DC/21/66122			
Application Received	15 September 2021			
Application Description	Proposed 2 no. 3 bedroom dormer bungalows			
	with boundary fencing and associated car			
	parking.			
Application Address	Land Adjacent The Bungalow			
	Corngreaves Road			
	Cradley Heath			
Applicant	Mr Adrian Lloyd			
Ward	Cradley Heath & Old Hill			
Contact Officer	Dave Paine			
	David_paine@sandwell.gov.uk			

1 Recommendations

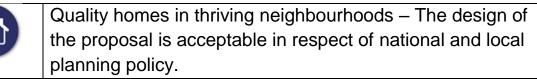
- 1.1 That planning permission is granted subject to:
 - (i) External materials
 - (ii) Boundary treatments
 - (iii) Landscaping
 - (iv) Drainage to include SuDS
 - (v) Cycle storage
 - (vi) Method statement for construction
 - (vii) Provision and retention of parking
 - (viii) Compliance with recommendations of ecological report
 - (ix) Electric vehicle charging



2 Reasons for Recommendations

2.1 This site enjoys outline consent for a single dwelling. The addition of a second dwelling would not cause any significant impact on the amenity of the occupiers of surrounding properties or cause significant additional traffic to warrant refusal. The 2 dwellings would be of good quality design and appearance. This proposal would bring an unused plot of land back into use and would have benefits in deterring anti-social behaviour and other crime which can be associated with plots such as this, which lack natural surveillance.

3 How does this deliver objectives of the Corporate Plan?



4 Context

- 4.1 At your last planning committee members resolved to defer the application in order to visit the site.
- 4.2 This application is being reported to your Planning Committee because 8 objections have been received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

Land at Corngreaves Road

5 Key Considerations

5.1 The site is unallocated in the development plan.



5.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF) Planning history Overlooking/loss of privacy Loss of light and/or outlook Public visual amenity Layout and density of building Design, appearance and materials Access, highway safety, parking and servicing Noise and disturbance from the scheme Nature conservation and loss of ecological habitats

6. The Application Site

- 6.1 The application site is situated adjacent to The Bungalow, Corngreaves Road and behind a row of houses facing onto Corngreaves Road.
- 6.2 The site is currently overgrown and unused. There is a semi-derelict workshop/garage on site.
- 6.3 The site is accessed from a private driveway which currently serves 11 dwellings for the first 10 metres, then it splits to serve only The Bungalow and a parking area to the rear of Cremona House.
- 6.4 The site is approximately 760sqm in area.

7. Planning History

- 7.1 Outline consent was granted in January 2020 for a single dwelling.
- 7.2 Relevant planning applications are as follows:
- 7.3



DC/19/63555	Proposed erection of 1	Grant Outline
	No. dwelling (outline	Permission with
	application for access).	Conditions
		8.1.2020

8. Application Details

- 8.1 The applicant proposes to construct 2no. 3 bedroom detached dormer bungalows, with rear private gardens, front to rear access and 2 parking spaces each to the front.
- 8.2 The dwellings would be of a matching design with front and rear dormers, and front and rear gabled features. Each bungalow would provide 2 bedrooms on the ground floor and a master suite on the first floor/loft space.

9. Publicity

9.1 The application has been publicised by neighbour notification letter with 8 objections and one letter of support received in return.

9.2 **Objections**

Objections have been received on the following grounds:

- (i) Increased traffic.
- (ii) Increased parked cars.
- (iii) Issues during construction: dust, noise, safety, impact on sewers, blocking of driveway access.
- (iv) Loss of privacy.
- (v) Loss of light to gardens.
- (vi) Ecological impact.
- (vii) Demolition of the existing building.



- (viii) Noise from the development impacting on neighbours' enjoyment of their garden.
- (ix) Impact on drainage.

Immaterial objections have been raised regarding impact on existing electric vehicle charging, existing boundary issues and matters relating to another site.

9.3 **Responses to objections**

I respond to the objector's comments in turn:

- This development would require 2 parking spaces per dwelling. This would add some pressure on the junction between the private driveway and Corngreaves Road. However, the addition of these two dwellings would not create a significant difference here, when considering that a single dwelling already has outline consent.
- (ii) The proposed site plan shows 2 parking spaces of acceptable size per dwelling. Sufficient space would exist to allow manoeuvring in and out of the spaces.
- (iii) Concerns relating to construction, can be adequately addressed by the inclusion of a condition requiring a construction management plan.
- (iv) The residential design guide requires a side to rear separation distance of 14 metres and a rear to rear separation distance of 21 metres. The side facing bathroom window of the nearer proposed bungalow would be 22 metres from the nearest existing facing window.
- (v) Although there would be some shading over neighbouring gardens, this is not considered a significant planning concern. The height of the proposed bungalows is not excessive.
- (vi) An ecological report was requested, and this was completed and provided on 25th November 2021. Requirements regarding protection of birds and hedgehogs were recommended which can be conditioned.



- (vii) A condition is recommended to control demolition methods and disposal of materials.
- (viii) This proposal falls within a built-up area. All affected neighbours have existing boundaries with other residential dwellings. It is therefore reasonable for residents to expect some noise whilst using their gardens and the addition of these two dwellings would not significantly change this.
- (ix) A drainage condition is recommended which would also include details of Sustainable Drainage Systems (SuDS) to reduce surface water run off.

9.4 Support

The response of support noted that this would bring an area of wasteland back into use. They noted that vermin have been seen in the area and expressed concern about crime being associated with the site.

10. Consultee responses

10.1 Planning Policy

Planning Policy noted that this would be a housing windfall site and would comply with policy SAD H2 in this respect. They noted that the proposal could be considered backland development.

10.2 Highways

Highways requested further information, specifically regarding information on how refuse trucks and emergency vehicles would manoeuvre. They noted that the access is over 25 metres in length and commented that the width of the drive should be 4.5m.

Highways object to the application primarily due to the length of the driveway with no passing places, causing congestion at the vehicular access from Corngreaves Road. This could lead to vehicles queuing on the highway at the entrance to the driveway or even reversing back onto



Corngreaves Road and could lead to an increase in injury accidents at this location.

11. National Planning Policy

11.1 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.

The NPPF also states;

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The effect caused by an additional dwelling in this instance would not create an unacceptable highway safety issue or a severe cumulative impact.

12. Local Planning Policy

12.1 The following polices of the council's Development Plan are relevant:

DEL1: Infrastructure Provision HOU1: Delivering Sustainable Housing Growth HOU2: Housing Density, Type and Accessibility ENV3: Design Quality ENV5: Flood Risk, Sustainable Drainage System and Urban Heat Island Effect ENV8: Air Quality SAD H2: Housing Windfalls SAD EOS9: Urban Design Principles



- 12.2 In regard to DEL1, electric vehicle charging points are required for new development. Although the charging points are shown on the plan, a condition is recommended to ensure these are installed and retained.
- 12.3 The proposal would contribute to the target for providing new homes (policy HOU1).
- 12.4 The proposal meets the requirements of policy HOU2 in that it proposes a property type which would be accessible by sustainable transport to residential services. The proposal would also achieve high quality design with minimal amenity impact.
- 12.5 The proposal raises no significant concerns in respect of design and is therefore compliant with policy ENV3 and policy SAD EOS 9.
- 12.6 A condition can be applied to ensure appropriate drainage to include SuDS, in accordance with policy ENV5.
- 12.7 In respect of air quality (ENV8), an electric vehicle charging point would be ensured by condition, in accordance with the Black Country Air Quality SPD.
- 12.8 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 SAD H2 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.

13. Material Considerations

13.1 National and local planning policy considerations have been referred to above in sections 11 and 12. With regards to the other material considerations, these are highlighted below:



13.2 Planning History

This site already has outline consent for a single dwelling which remains extant.

13.3 Overlooking/loss of privacy

This proposal would exceed the separation distance standards set out in the residential design guide. No privacy issues would occur between habitable rooms of adjoining dwellings.

13.3 Loss of light

The proposal may cause some shading to neighbouring gardens but would not impact significantly on windows serving habitable rooms of neighbouring dwellings. The 45-degree line would not be breached by this proposal.

13.5 Layout and density of building

The sizes of the proposed dwellings would be reasonable, and the plot sizes would be generous. The use of bungalows on the site would lead to a reduced impact when compared to a more typical 2 storey dwelling.

13.6 Design, appearance and materials

The design of these two bungalows would differ from any neighbouring dwellings. However, this is a somewhat isolated site which stands apart from its neighbours. The two dwellings would match and would be of a high-quality design. Materials shown on plan appear to be acceptable, but the specifics of material type would be ensured by condition. Furthermore, sufficient external amenity space would be provided for future occupants.

13.7 Access, highway safety, parking and servicing.



There are a number of concerns regarding these matters. Highways have objected for the reasons given in 10.2 above. Objections have also referred to these issues. In mitigation of these concerns, consideration must be given to the extant outline consent granted in 2020. The officer's comments at the time stated; "The Bungalow is exclusively served by the access way, but the owners of Cremona House do access and park in a small parking area at the rear of their property. Given that only three properties would use the accessway, I have no significant concerns from a highway safety perspective; particularly as visibility when pulling out onto Corngreaves Road is adequate. Concerns were raised over access for emergency service vehicles (the accessway ranges from approximately 2.8m – 3m). Manual for Streets states that the requirements for emergency vehicles are generally dictated by the fire service requirements'. Paragraph 6.7.3 goes on to state 'Simply to reach a fire, the access route could be reduced to 2.75 m over short distances, provided the pump appliance can get to within 45 m of dwelling entrances'. Furthermore, access for fire service is a requirement of the Building Regulations and I see no reason to impose conditions which would replicate requirements under that legislation."

These comments would largely hold for this application. In terms of access and highway safety, this application differs only in that 2 dwellings are proposed, rather than 1. Given that the existing consent allows for 3 dwellings to be served by the main driveway (The Bungalow, Cremona House and the new dwelling), I do not consider that the addition of a fourth dwelling would create a sufficient impact such as to warrant refusal. The driveway entrance from Corngreaves Road currently serves 11 dwellings.

13.8 Noise and disturbance from the scheme

Objector's comments raised concerns about disturbance caused during construction, particularly regarding construction vehicles blocking the drive and loss of utilities. These are not planning matters. Contractors would be expected to comply with other, non-planning legislation and civil law in these respects. Although some noise etc. would be expected



as part of any construction scheme, with the inclusion of a condition relating to a construction management plan, there is no reason to suppose that this proposal would lead to any uncommon or unreasonable disturbance.

13.9 Nature conservation and loss of ecological habitats

A preliminary ecological report was carried out in response to an objection. The recommendations from this report can be ensured by condition.

14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so. This application would provide good quality new homes and would not significantly impact on local residential amenity. Whilst noting the highway objections, given the planning history of the site and that this is a marginal increase of one additional dwelling, highway safety is unlikely to be significantly impacted by this change.

15 Implications

Resources:	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.
Legal and	This application is submitted under the Town and
Governance:	Country Planning Act 1990.
Risk:	None.
Equality:	There are no equality issues arising from this proposal
	and therefore an equality impact assessment has not
	been carried out.
Health and	None
Wellbeing:	
Social Value	None

16. Appendices

Location plan



Context plan

Plan No. 1000 – Location plan

Plan No. 1100 - Site plan

Plan No. BA29410819-01 – Topographical survey

Plan No. 3000 - Floor elevation plans





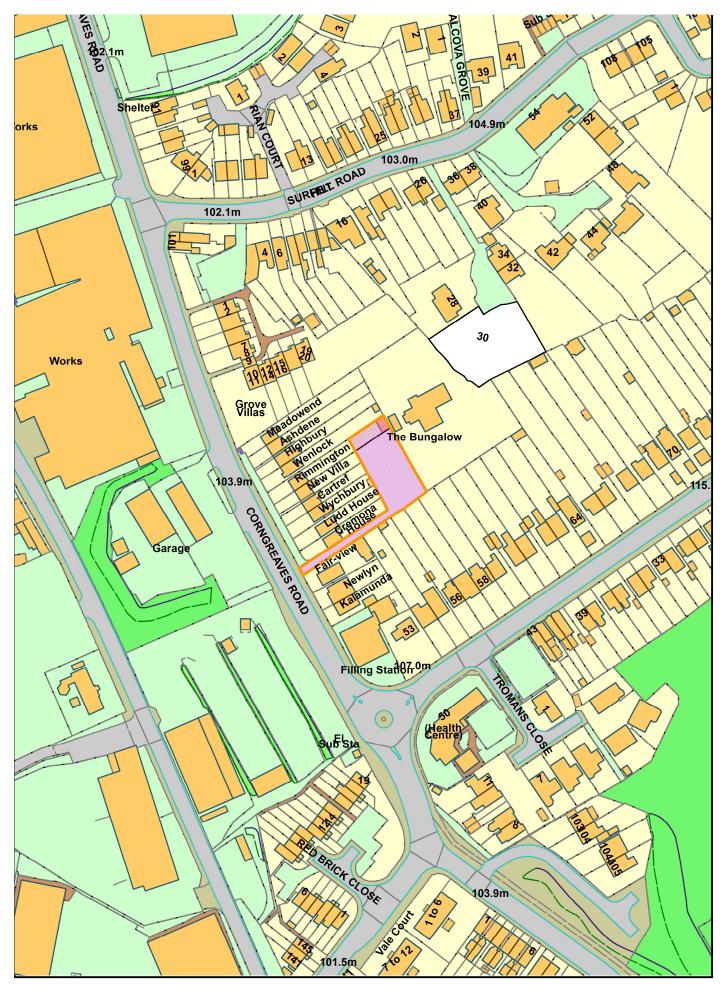
DC/21/66122 Land Adjacent The Bungalow Corngreaves Road

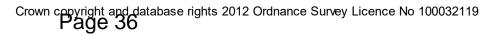


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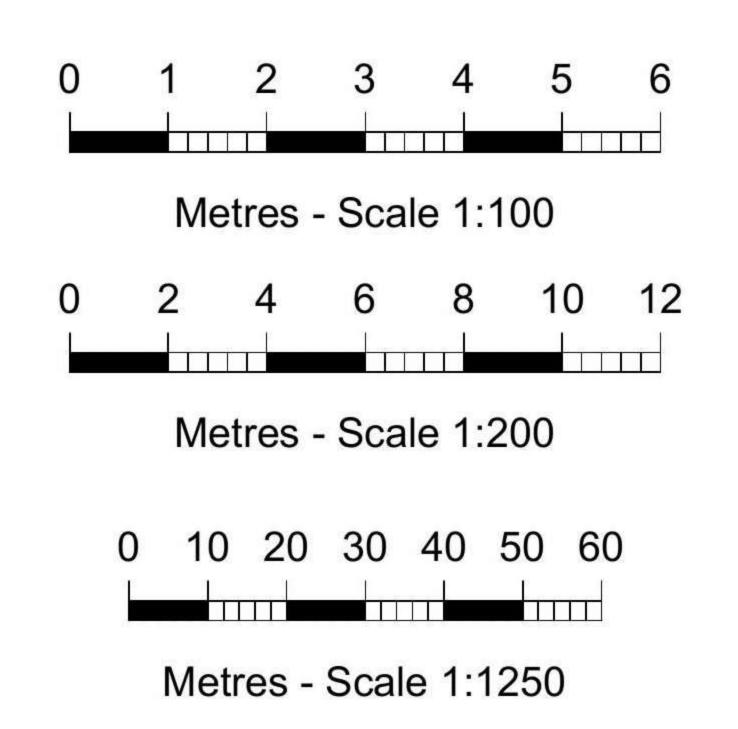








Location Plan 1:1250

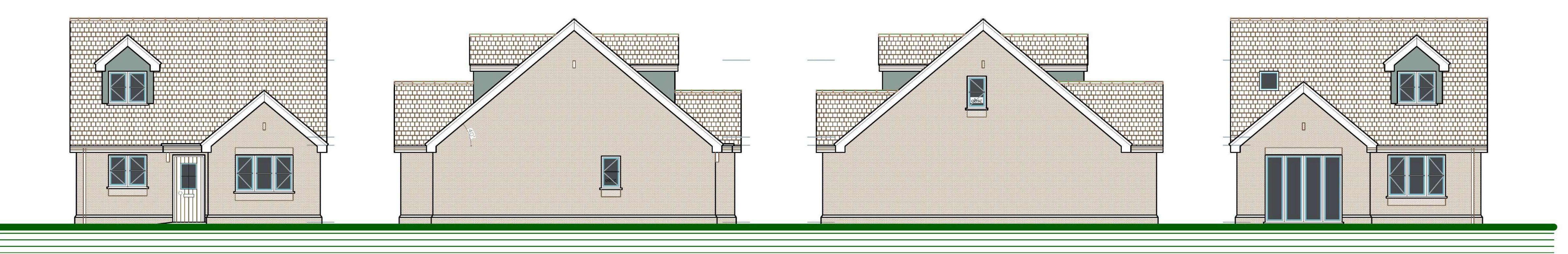


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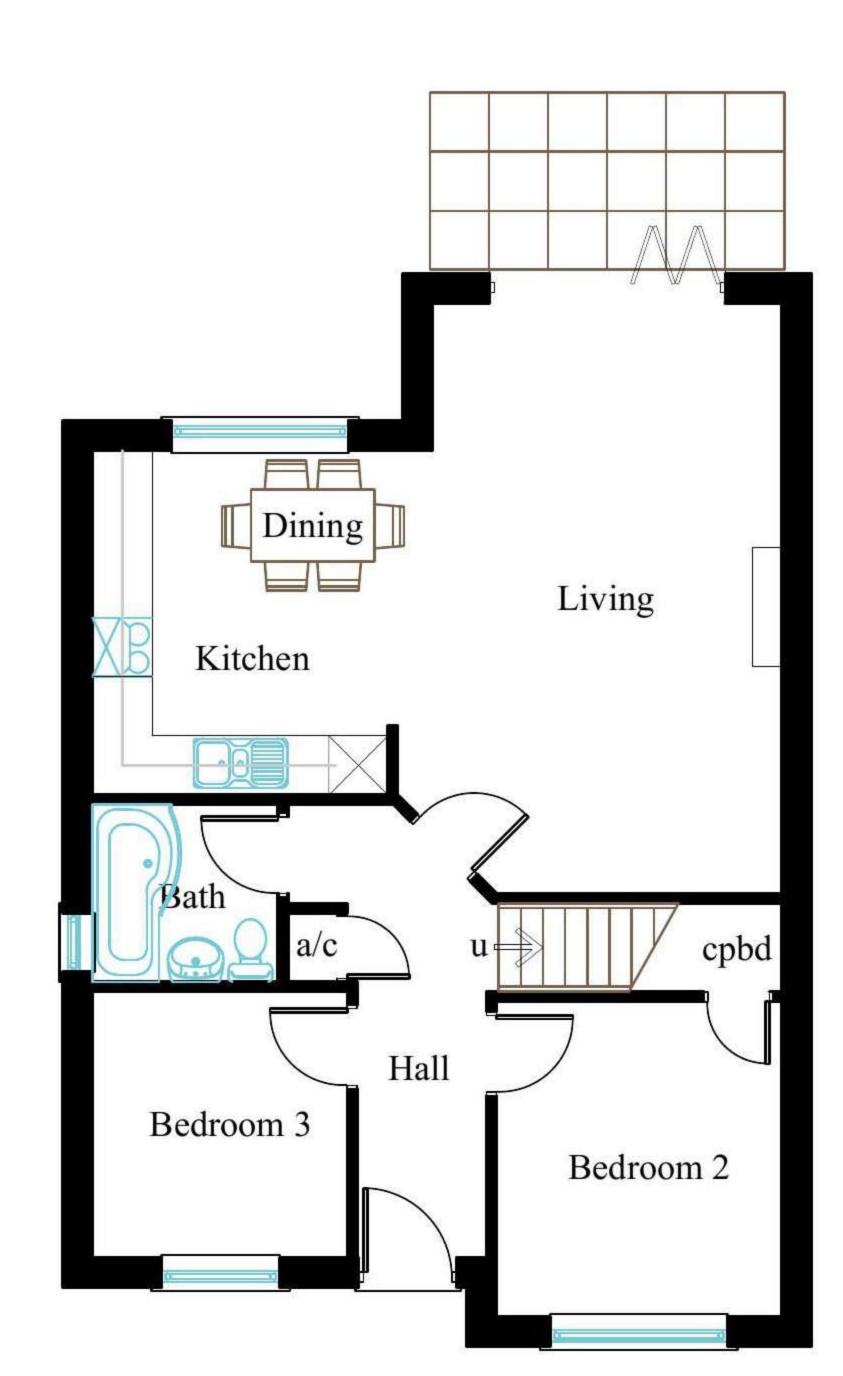
TITLE: Propose	ed 2 No. New 3 Bed Bungalov	WS
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DATE:	September 2021	
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Street Scene 1:100



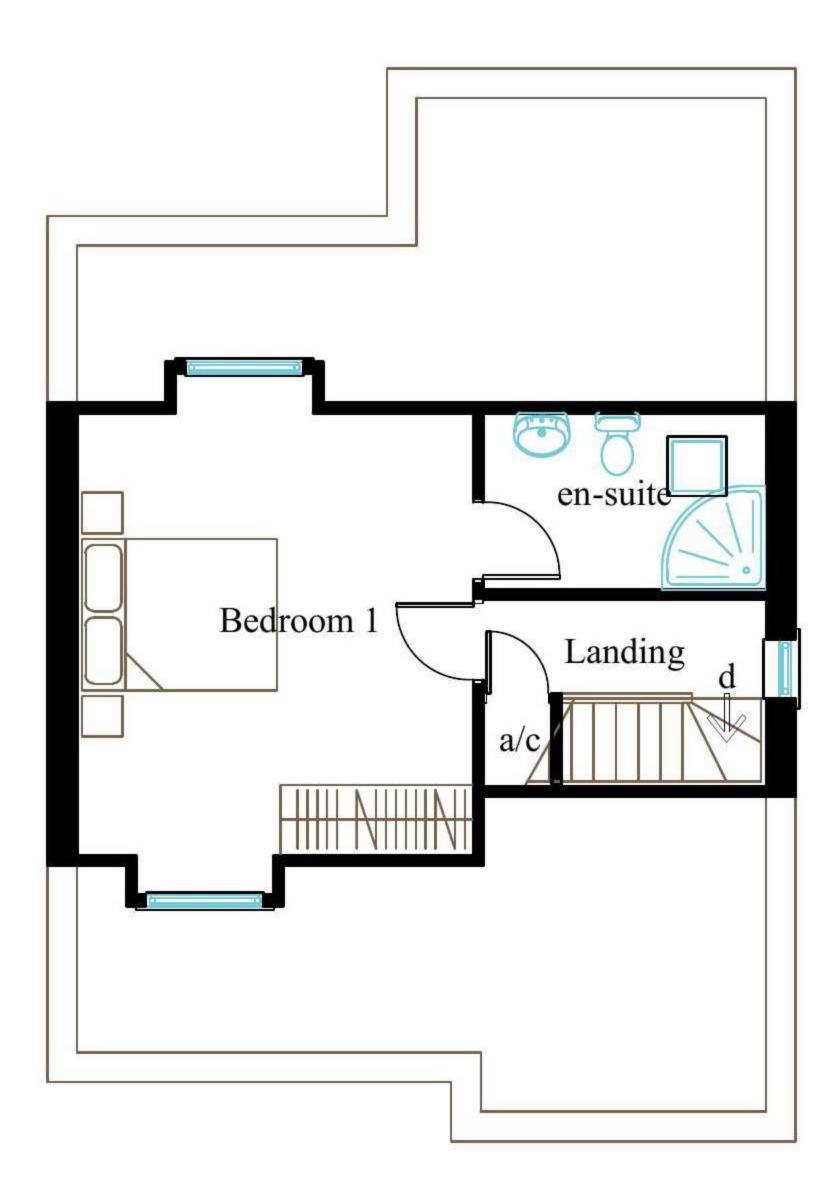
Front Elevation 1:100



Ground Floor Plan 1:100

Side Elevation 1:100

Side Elevation 1:100



First Floor Plan 1:100



TITLE:		
-	ed 2 No. New 3 Bed Bungalows	
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B64 7E	y Heath EA	
		REV:
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Agenda Item 5



Report to Planning Committee

15 February 2022

Application Reference	DC/21/66125
Application Received	16 th September 2021
Application Description	Proposed industrial/warehousing development
	(use classes B2/ B8) together with associated
	access, servicing, parking and landscaping.
Application Address	Newcomen Drive Open Space
	Newcomen Drive
	Tipton
Applicant	Mr J Kelly
Ward	Tipton Green
Contact Officer	William Stevens
	William_stevens@sandwell.gov.uk

1 Recommendations

- 1.1 Subject to the application being heard at Full Council, and no objections from Highways, Pollution Control (Noise), and The Wildlife Trust for Birmingham and the Black Country, that planning permission is granted subject to conditions relating to:
 - (i) External materials as per submission;
 - (ii) Hard and soft landscaping;
 - (iii) Finished floor levels;
 - (iv) Boundary treatment (including any retaining walls);
 - (v) Electric vehicle charging points;



- (vi) Construction management plan (including dust management, hours of construction, wheel cleaning etc as well as additional requirements of the Canal and River Trust);
- (vii) Travel plan implementation;
- (viii) Low NOx boilers;
- (ix) Ground contamination and gas monitoring with mitigation measures;
- (x) Coal mining investigation and mitigation measures;
- (xi) Risk assessment and method statement (Canal and River Trust);
- (xii) Drainage and SuDS;
- (xiii) CCTV;
- (xiv) Details of proposed external lighting;
- (xv) Desk top based archaeological survey;
- (xvi) Ecological survey and mitigation measures; and
- (xvii) 10% renewable energy provision.

2 Reasons for Recommendations

2.1 The proposal brings forward a site that has remained undeveloped for a good number of years and which has been used for fly tipping in the past. The proposal would create jobs and bring investment into the local area.

3 How does this deliver objectives of the Corporate Plan?



A strong and inclusive economy

4 Context

- 4.1 This application is being reported to your Planning Committee because the proposed use is a departure from the Council's Local Plan and objections have also been received.
- 4.2 To assist members with site context, links to several Google Map images are provided below:



Aerial View

Street View

View from Newcomen Drive

5 Key Considerations

- 5.1 The site is allocated for housing and if members were to approve the application, it would have to go to Full Council for ratification.
- 5.2 The material planning considerations which are relevant to this application are: -

Government policy (NPPF) Proposals in the Development Plan Planning history (including appeal decisions) Loss of light and/or outlook Overshadowing Public visual amenity Overbearing nature of proposal Traffic generation Contamination by a previous use Noise and disturbance from the scheme Nature conservation and loss of ecological habitats Loss of trees Flood risk

6. The Application Site

6.1 The application site is an area of green space sandwiched between industrial units to the west and residential properties to the east. Access to the site would remain as it is now, through Coneygree Road.



7. Planning History

- 7.1 The site has a history of applications being approved; from residential uses to industrial purposes. However, the land has been vacant for a significant period with no development taking place on the site.
- 7.2 The relevant planning applications are as follows:

DA/18345	Infilling of site to plans R/C/BQ/1 & 2.	Grant permission subject to conditions 14/02/1985
BCS0315	Residential development, landscaping and woodland planting and relocated and improved football pitch and clubroom.	Grant Outline Permission with Conditions 07/10/1988
BCS0585	Residential development, landscaping and woodland planting; relocated and improved football pitch and clubroom.	Grant Conditional Reserved Matters 19/06/1989
BCS0827	General industrial and associated open storage/car parking.	Non-Determination 25/11/1992
BCS0828	General industrial and associated open storage/car parking.	Non-Determination 25/11/1992



BCS3553	Recycling and waste transfer station	Withdrawn 23/03/1998
DC/08/49278	Demolition of industrial units to enable vehicular access into the site, regrading of the site and stabilisation of the old mine workings, residential development of up to 300 dwellings comprising access alterations onto Coneygre Road and Burnt Tree Road and erection of a landscaped acoustic bund (outline application).	Appeal Allowed 23/04/2009
DC/12/54472	Renewal of extant planning permission DC/08/49278: Demolition of industrial units to enable vehicular access into the site, re-grading of the site and stabilisation of the old mine workings, residential development of up to 300 dwellings comprising access alterations onto Coneygre Road and Burnt Tree Road and erection of a landscaped acoustic bund (outline application).	Not determined
DC/21/65676	Screening opinion for proposed industrial and	EIA not required 26/05/2021



7.3 The Council has also dealt with two enforcement cases on the site regarding issues with the boundary wall and untidy land (GS/13/9065 and GS/19/10965 respectively). Whilst those issues have been addressed, a further complaint; case GS/21/11567 has recently been received for untidy land.

8. Application Details

- 8.1 The applicant proposes to create a new service road from the existing industrial estate, creating five new industrial/warehousing units, (use classes B2/ B8) together with associated access, servicing, parking and landscaping.
- 8.2 Units 1 and 2 (nearest to the residential units in Newcomen Drive at 47m) would be 11m high, whereas Unit 5 would stand at 15.6m high and be over 90m from the nearest property in Lindley Avenue.
- 8.3 Access to and operation of the units would be 24/7. In total 270 parking spaces will be available and space for 27 cycles.

9. Publicity

9.1 The application has been publicised by 71 neighbour notification letters, site notice and press notice. A total of eight objections have been received along with a 155-signature petition against the proposal.

9.2 **Objections**

Objections have been received on the following grounds:



- Concerns over noise given the proximity of the development to residential units, combined with the new metro line bordering the site;
- ii) The proposal is allocated for residential use and not industrial;
- iii) Light pollution from the proposed development would disturb residents' sleep during the night;
- iv) The development would increase traffic in the local area;
- v) The development would increase pollution in the area;
- vi) Concerns over potential poisonous gases on site given the use was a former tar pit;
- vii) The proposed development will impact on the local environment, forcing existing wildlife to move from the site whilst the site is treated and developed and further removal of greenery in Tipton;
- viii) Not all residents in the area have been notified of the application;
- ix) The introduction of a walkway from Newcomen Drive may introduce security issues to local residents and increase anti-social behaviour and criminal offences; and
- x) The proposed development will potentially increase flooding in the area.

Immaterial objections have been raised including promises from developers (of Newcomen Drive housing estate) that nothing will be built on this land when the residents brought the houses on Newcomen Drive, and that the development will impact on the resale value of residential properties.

9.3 **Responses to objections**

I respond to the objector's comments in turn:

- (i) Public Health comments awaited. Members will be verbally updated.
- (ii) The site is allocated for residential use. Despite this, the site remains undeveloped with no indication that the land will come forward for residential use. Given the on-going complaints received



over the condition of the site (point 7.4) the scheme would provide jobs and investment into the area.

- (iii) The proposed development is a significant distance away from residential properties and bound by mature vegetation. Whilst it is extremely unlikely that residents would be disturbed by light pollution, a condition can be attached to any approval ensuring details of a lighting scheme.
- (iv) Comments from the Council's Highways department will be verbally reported.
- (v) The Council's Public Health Team has raised no objections and suggested conditions such as vehicle charging points to lessen any impact.
- (vi) Before any development takes place, a detailed site investigation would need to occur, and mitigation measures agreed to ensure the users of the site and local residents remain safe.
- (vii) The existing vegetation on the boundary of the site would remain and additional planting provided. However, it is important that during the construction phase, wildlife disturbance is kept to a minimum. Therefore, further comments from the wildlife trust are pending.
- (viii) 71 individual addresses were sent a letter, as well as site notices posted, and the application publicised in the local newspaper.
- (ix) No walkway is proposed and in between the development and the landscaping border with Newcomen Drive will be a 4.0m high acoustic fence providing additional security and screening.
- (x) Issues over drainage and sustainable drainage systems can be addressed via condition.

10. Consultee responses

10.1 Planning and Transportation Policy

The site of the proposed development is allocated for housing; therefore, the proposed industrial development would be a departure from the local plan allocation. Under Black Country Core Strategy (BCCS) policies DEL2, EMP1 and EMP4 (see 12.1).



According to policy EMP4 of the BCCS, the Council should have a supply of 70 hectares of readily available employment land, the Council has a short fall, and the proposed development would go some way help fill this gap.

Taking the above into account there are no policy issues with the proposed industrial/warehouse development of the site, and no objections to the departure.

10.2 Highways

Further information has been requested and members will be verbally updated.

10.3 Public Health (Air Quality)

No objections have been received and it is recommended that conditions are attached to any approval that include electric vehicle charging points, a dust management plan (part of the construction management plan) to protect local residents during the construction phase of the development, as well as the implementation of the submitted travel plan, and the installation of Low NOx Boilers.

10.4 Public Health (Contaminated Land)

Contamination reports have been submitted as part of the application which conclude that a watching brief is required by a competent person and if contaminates are found, these are reported to Public Health along with the proposed mitigation measures. Further gas monitoring is also required on site and can be conditioned accordingly.

10.5 Public Heath (Air Pollution and Noise)

Members will be verbally updated.



10.6 Urban Design

No objection to the proposal.

10.7 West Midlands Police

No objections have been received, however recommend conditions that cover security measures like CCTV and external lighting.

10.8 Network Rail

No objection.

10.9 Lead Local Flood Authority

Additional information has been requested and sent to the Lead Local Flood Authority. This can be covered by the standard drainage and sustainable drainage system conditions.

10.10 Severn Trent

No objections subject to their standard conditions being attached to any approval.

10.11 The Coal Authority

Additional information has been received and the Coal Authority raises no objection subject to suitable site investigation and remediation measures.

10.12 The Canal and River Trust

Raise no objections to the development but wish to protect their asset. Therefore, have requested a condition regarding a risk assessment and method statement being submit to and approved that would include vibration monitoring. Other conditions include, landscaping, drainage,



contamination, unexpected contamination, construction management plan, details of external lighting, archaeology, and an informative placed on any approval with contact details of who the developer should contact from the trust. The majority of the above can be incorporated into the Council's standard conditions.

10.13 The Wildlife Trust for Birmingham and the Black Country

Currently objects, and additional information has been submitted. Further investigations are required, however due to the time of the year, and various issues on the site, i.e. Japanese knotweed, the applicant has requested this is controlled by condition. A request was made to the trust without response. Whilst an ecological survey is conditioned, members will be verbally updated on any response received.

11. National Planning Policy

11.1 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.

12. Local Planning Policy

12.1 The following polices of the council's Development Plan are relevant:

ENV3: Design Quality ENV5: Flood Risk, Sustainable Drainage System and Urban Heat Island Effect ENV7: Renewable Energy ENV8: Air Quality TRAN2: Managing Transport Impacts of New Development DEL2: Managing the Balance between Employment Land and Housing EMP1: Providing for Economic Growth and Jobs EMP4: Canals SAD H1: Housing Allocations SAD EOS9: Urban Design Principles



SAD EOS10: Design Quality and Environmental Standards

- 12.2 The site of the proposed development is allocated for residential use, therefore SAD policy H1 is applicable. However, no residential uses are proposed, and the development is classed as a departure from the Local Plan (refer to viability issues below).
- 12.3 BCCS Policy DEL2 states that proposals for new employment development in areas of housing growth will be resisted where it is not consistent with housing led regeneration of the area. It has been ten years since the adoption of the BCCS and the site remains undeveloped for housing and is unlikely to come forward due to viability issues.
- 12.4 BCCS Policy EMP1 aims to provide land for at least 75,000 industrial and warehouse jobs in the Black Country by 2026. For this, there needs to be a ready supply of available land at any one time. Under BCCS Policy EMP4, Sandwell should have 70ha of available employment land available at any one time (the Council currently has 23ha). The borough has been well under this level of provision since the adoption of the BCCS in 2011, therefore the proposed industrial development of the site would be welcome as this would bring forward new industrial development that would add to the existing stock of employment land.
- 12.5 Under SAD policy EOS10 the design of industrial developments should be of a high standard and should consider the design principles set out in SAD policy EOS9 and will be required to pay particular attention to materials and landscaping, pollution and noise control, environmental impact on the site and surrounding area, including wildlife habitats.
- 12.6 Part of the site forms part of a wider wildlife corridor, therefore BCCS policy ENV1 is applicable, guidance set out this this policy states that the movement of wildlife within the Black Country through linear habitat such as wildlife corridors are not impeded by development. When a full planning application is submitted adequate information must be submitted setting out proposed mitigation measures, so that the movement of wildlife through the site is not adversely affected by the development.



- 12.7 Another part of the site is bordered by the Birmingham Canal, therefore BCCS policy ENV4 is applicable, under this policy all development proposals likely to affect the canal network; must protect and enhance it nature conservation value, protect its visual amenity.
- 12.8 The proposed development will have to give regard to both BCCS policy ENV5 relating to the incorporation of sustainable drainage systems to assist with reducing the impact of flooding and surface water run-off.
- 12.9 As the development will be for over 1,000 sqm of new industrial space, BCCS policy ENV7 will be applicable. The guidance under this policy states all industrial developments of 1,000 sqm or more must incorporate the generation of energy from renewable sources sufficient to off-set at least 10% of the estimated residual energy demand.
- 12.10 The proposed development would have to give regard to the guidance contained in BCCS policy ENV8 and the Air Quality SPD.

13. Material Considerations

13.1 National and local planning policy considerations have been referred to above in sections 11 and 12. With regards to the other material considerations, these are highlighted below:

13.2 Proposals in the Development Plan

The proposal is contrary to the Council's Development Plan; however, the site has remained vacant for such a long time, and raises viability issues, that residential development is unlikely to come forward. The proposed development would create jobs in the local area and regenerate the site.



13.3 Planning history

The site has significant planning history and recent enforcement complaints over the untidy condition of the site. This new development should address these issues.

13.4 Loss of light and/or outlook

It is not anticipated that the proposed development would cause any significant loss of light and/or outlook issues to the occupiers of nearby residents given the separation distances and the mature vegetation on the boundary.

13.5 Overshadowing

For the reasons mentioned in 13.4 above, I do not foresee any overshadowing of residential properties.

13.6 Public visual amenity

Given the mature vegetation, the development is unlikely to be seen from nearby residential properties.

13.7 Overbearing nature of proposal

See points 13.4-13.6 above.

13.8 Traffic generation

The Council's Highways team has requested additional information and members will be updated accordingly.

13.10 Contamination by a previous use

The combination of the existing contamination of the land and mine shafts is one of the barriers why this site has never been developed



previously. However, the applicant is preparing to clean up the site and bring it back into use.

13.11 Noise and disturbance from the scheme

The Council's Public Health officers have raised no objections.

13.12 Nature conservation and loss of ecological habitats

See points 10.13 and 13.13.

13.13 Loss of trees

The existing vegetation on the boundary of the site is to remain with additional planting to increase the overall landscaping of the site.

13.14 Flood risk

This can be controlled via condition to prevent any localised flooding.

14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so, however the site has been undeveloped for a significant amount of time, and Council resources impacted on by managing fly tipping on the site.

15 Implications

Resources:	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.
Legal and	This application is submitted under the Town and
Governance:	Country Planning Act 1990.
Risk:	None.



Equality:	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
Health and	None
Wellbeing:	
Social Value	The proposal would potential provide jobs for the local
	area as well as apprenticeships during the
	construction phase.

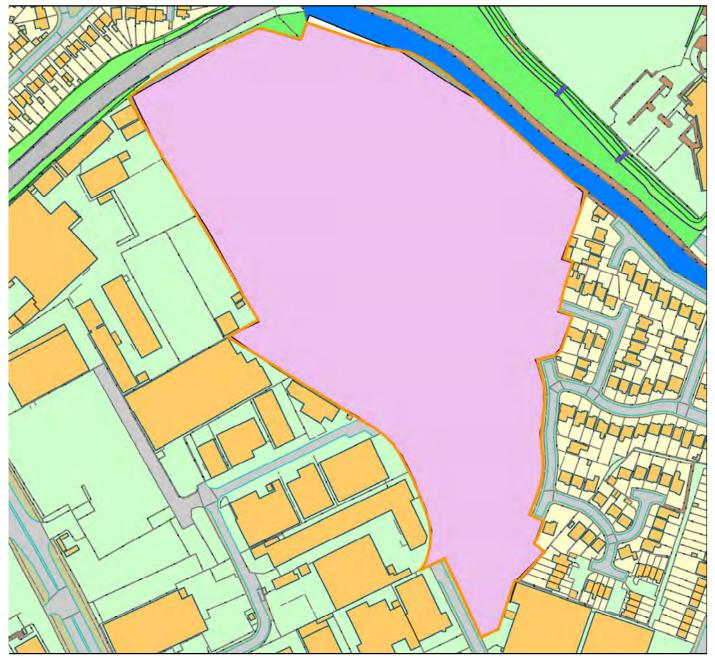
16. Appendices

Site Plan Context Plan 19-103-PA-01 A 19-103-PA-02 A 19-103-PA-03 A 19-103-PA-04 A 19-103-PA-05 A 19-103-PA-06 A 19-103-PA-07 A 19-103-PA-09 A 19-103-PA-10 A 19-103-PA-11 A 19-103-PA-03 - 1



DC/21/66125 Newcomen Drive Open Space, Tipton

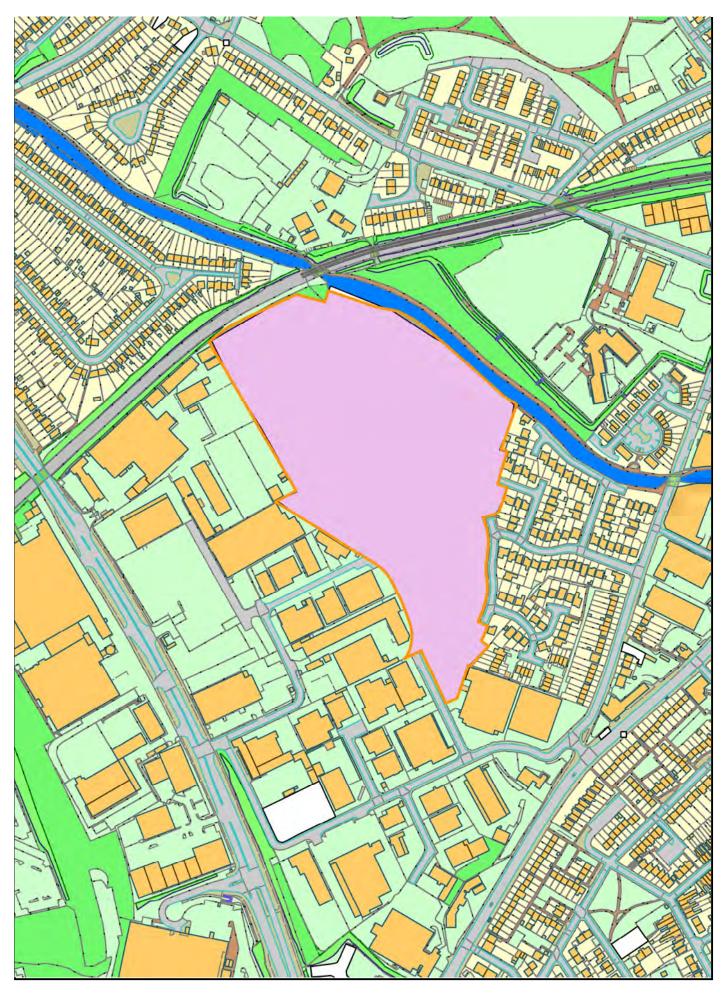




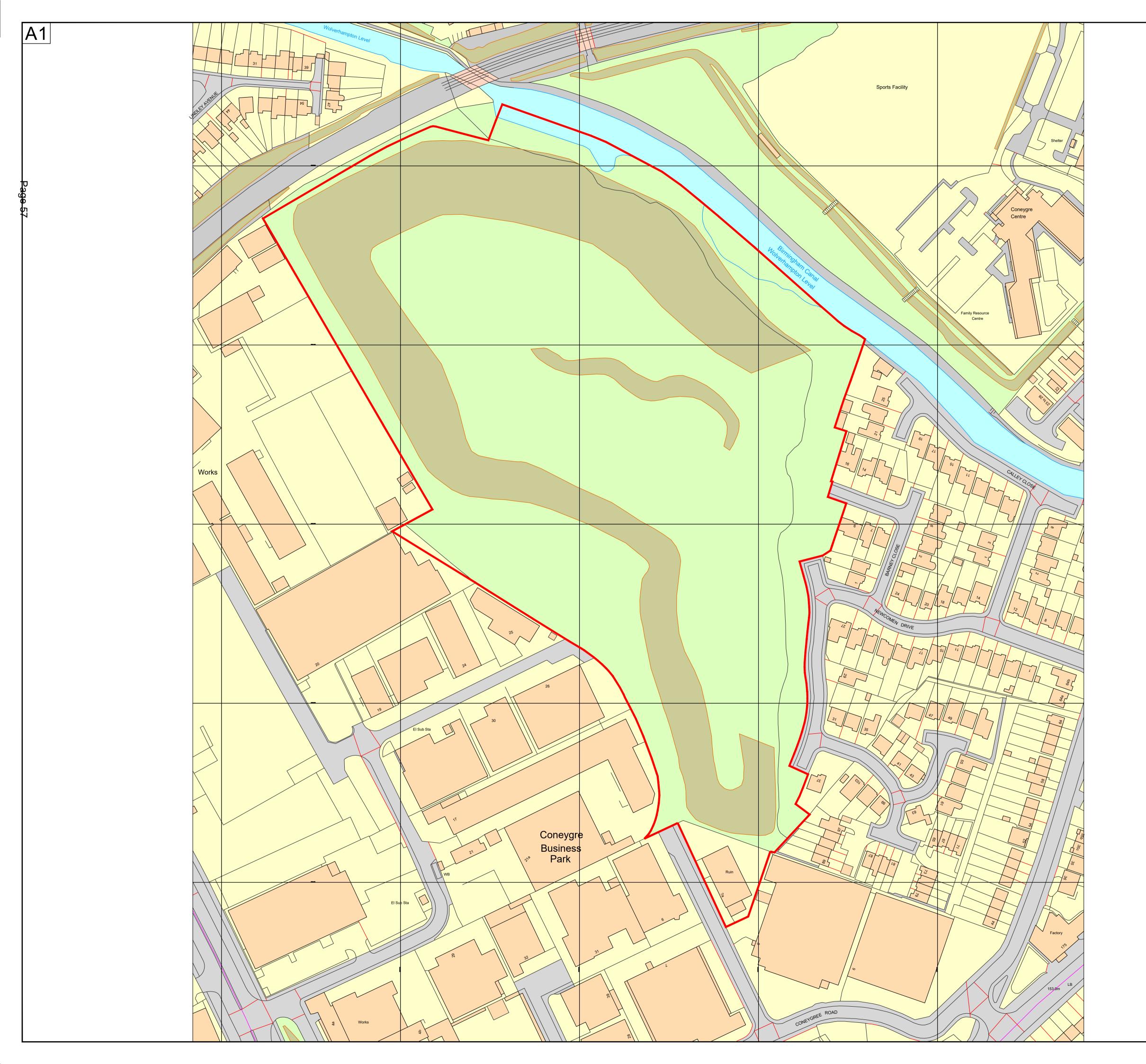
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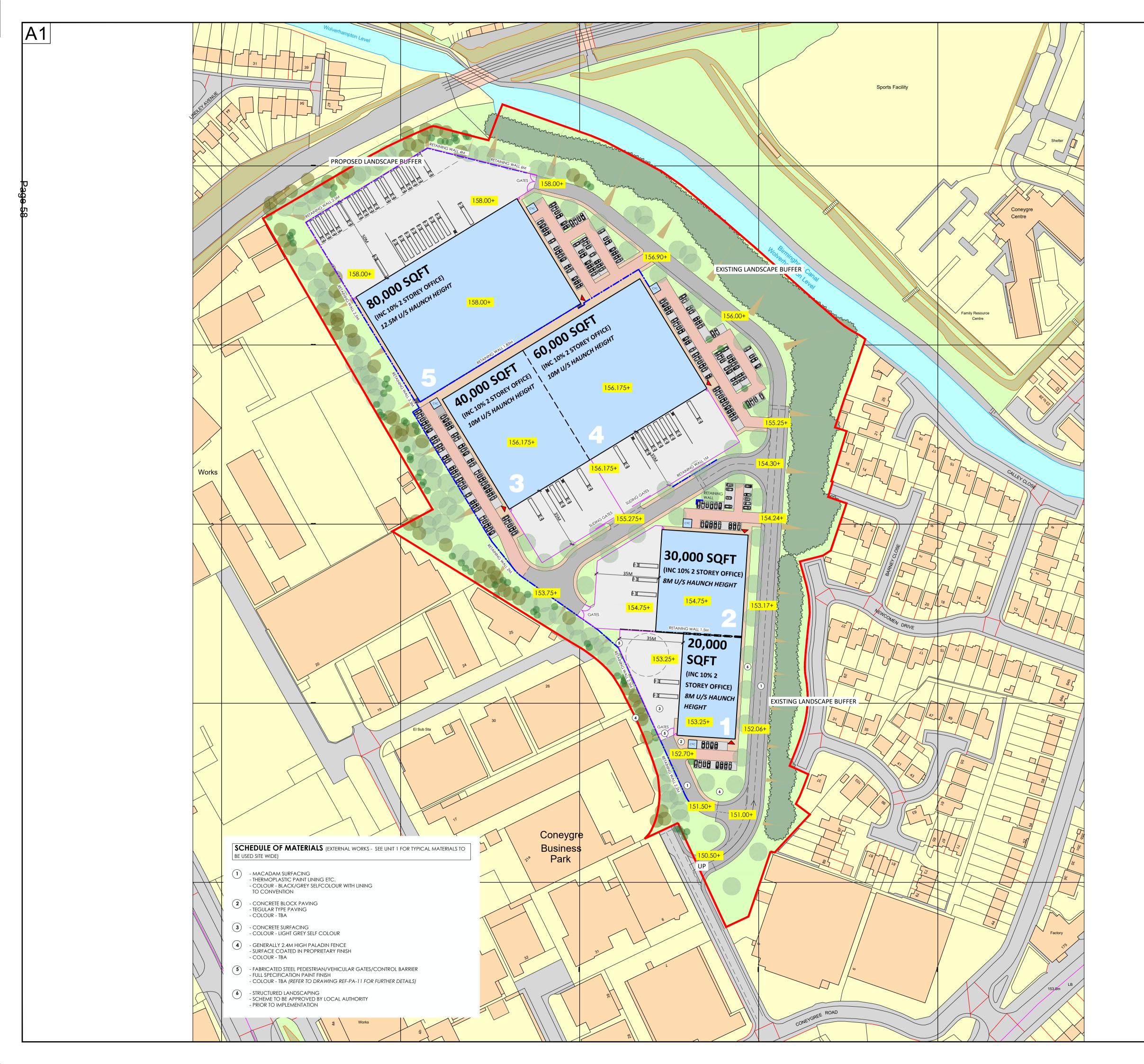
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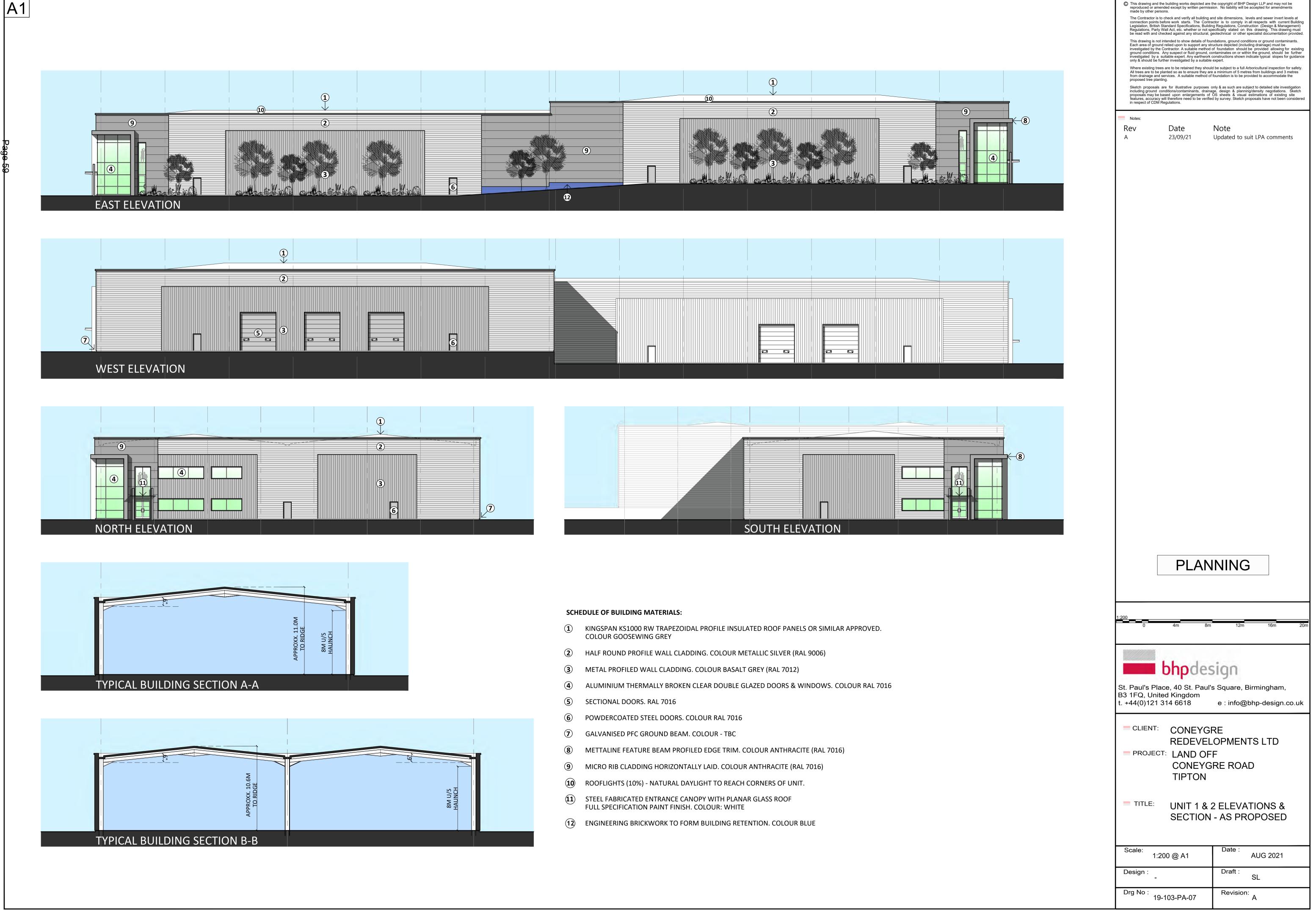


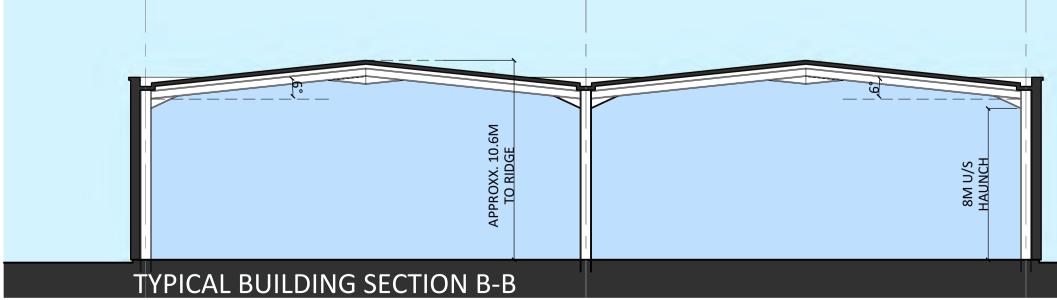


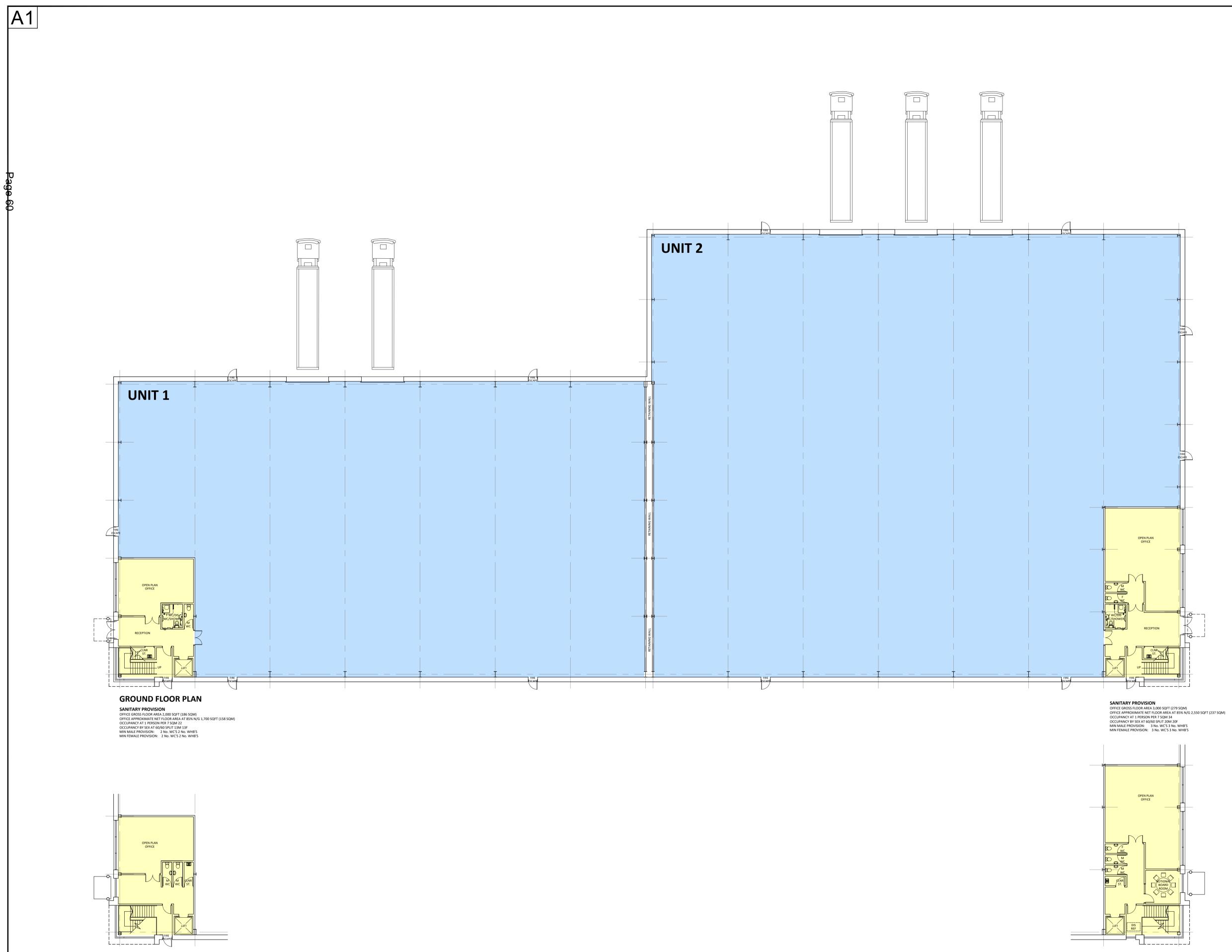
O This drawing and the building works depicted are the copyright of BHP Design LLP and may not be reproduced or amended except by written permission. No liability will be accepted for amendments
made by other persons. The Contractor is to check and verify all building and site dimensions, levels and sewer invert levels at connection points before work starts. The Contractor is to comply in all respects with current Building Legislation, British Standard Specifications, Building Regulations, Construction (Design & Management) Regulations, Party Wall Act, etc. whether or not specifically stated on this drawing. This drawing must be read with and checked against any structural, geotechnical or other specialist documentation provided. This drawing is not intended to show details of foundations, ground conditions or ground contaminants. Each area of ground relied upon to support any structure depicted (including drainage) must be investigated by the Contractor. A suitable method of foundation should be provided allowing for existing ground conditions. Any suspect or fluid ground, contaminates on or within the ground, should be further investigated by a suitable expert. Any earthwork constructions shown indicate typical slopes for guidance only & should be further investigated by a suitable expert.
Where existing trees are to be retained they should be subject to a full Arboricultural inspection for safety. All trees are to be planted so as to ensure they are a minimum of 5 metres from buildings and 3 metres from drainage and services. A suitable method of foundation is to be provided to accommodate the proposed tree planting. Sketch proposals are for illustrative purposes only & as such are subject to detailed site investigation including ground conditions/contaminants, drainage, design & planning/density negotiations. Sketch proposals may be based upon enlargements of OS sheets & visual estimations of existing site features, accuracy will therefore need to be verified by survey. Sketch proposals have not been considered in respect of CDM Regulations.
Notes: Note Rev Date Note A 23/09/21 Updated to suit LPA comments
PLANNING
1:1000 0 20m 40m 60m 80m 100m
St. Paul's Place, 40 St. Paul's Square, Birmingham, B3 1FQ, United Kingdom t. +44(0)121 314 6618 e : info@bhp-design.co.uk
 CLIENT: CONEYGRE REDEVELOPMENTS LTD PROJECT: LAND OFF CONEYGRE ROAD TIPTON
SITE PLAN - AS EXISTING (OS BASED)
Scale: Date : 1:1000 @ A1 AUG 2021
Design : DFC Draft : JC
Drg No : 19-103-PA-02



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UNIT 3: UNIT 4:	60,000 S	Q.FT (INC 10% 2 STO)	REY OFFICE)
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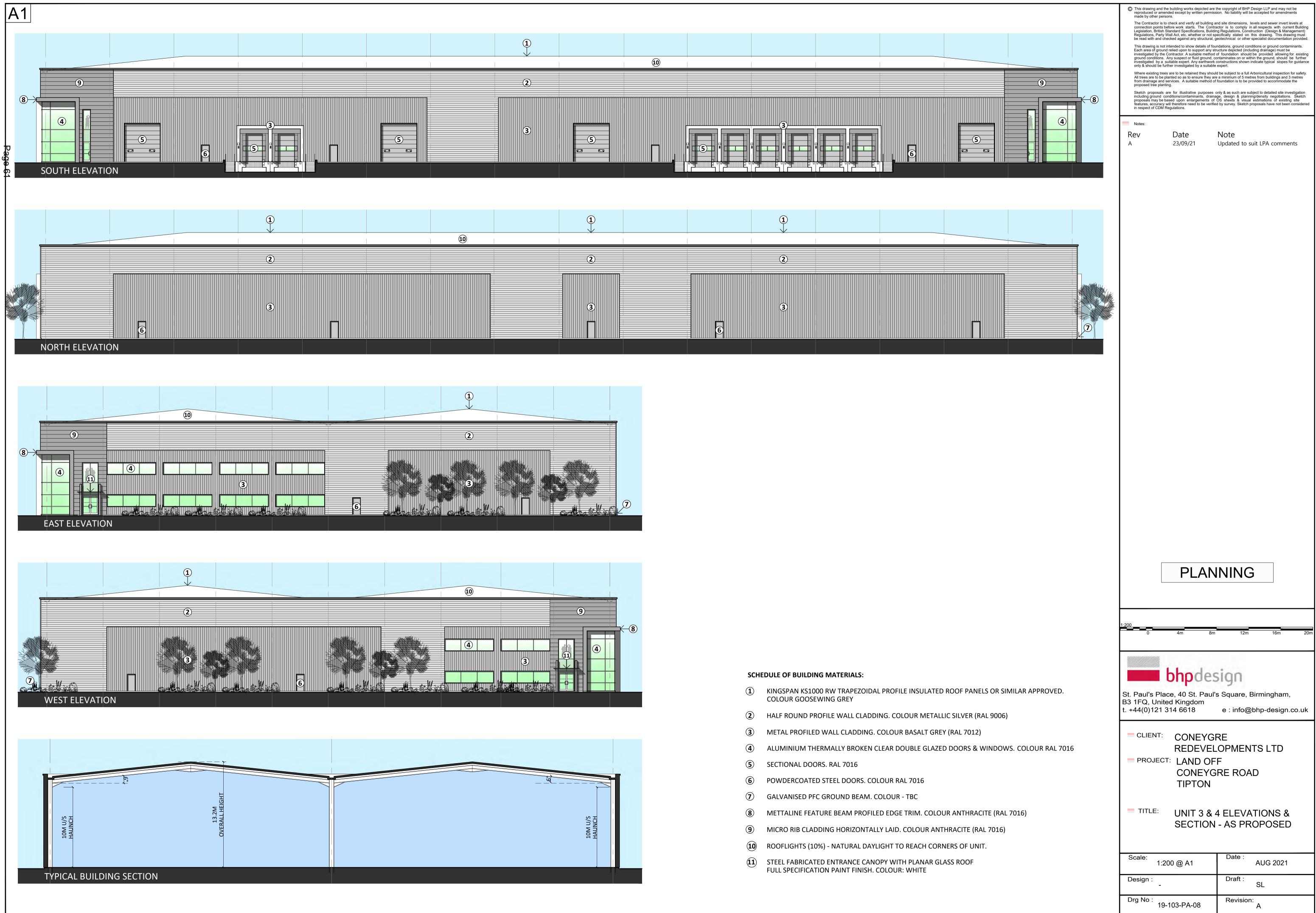


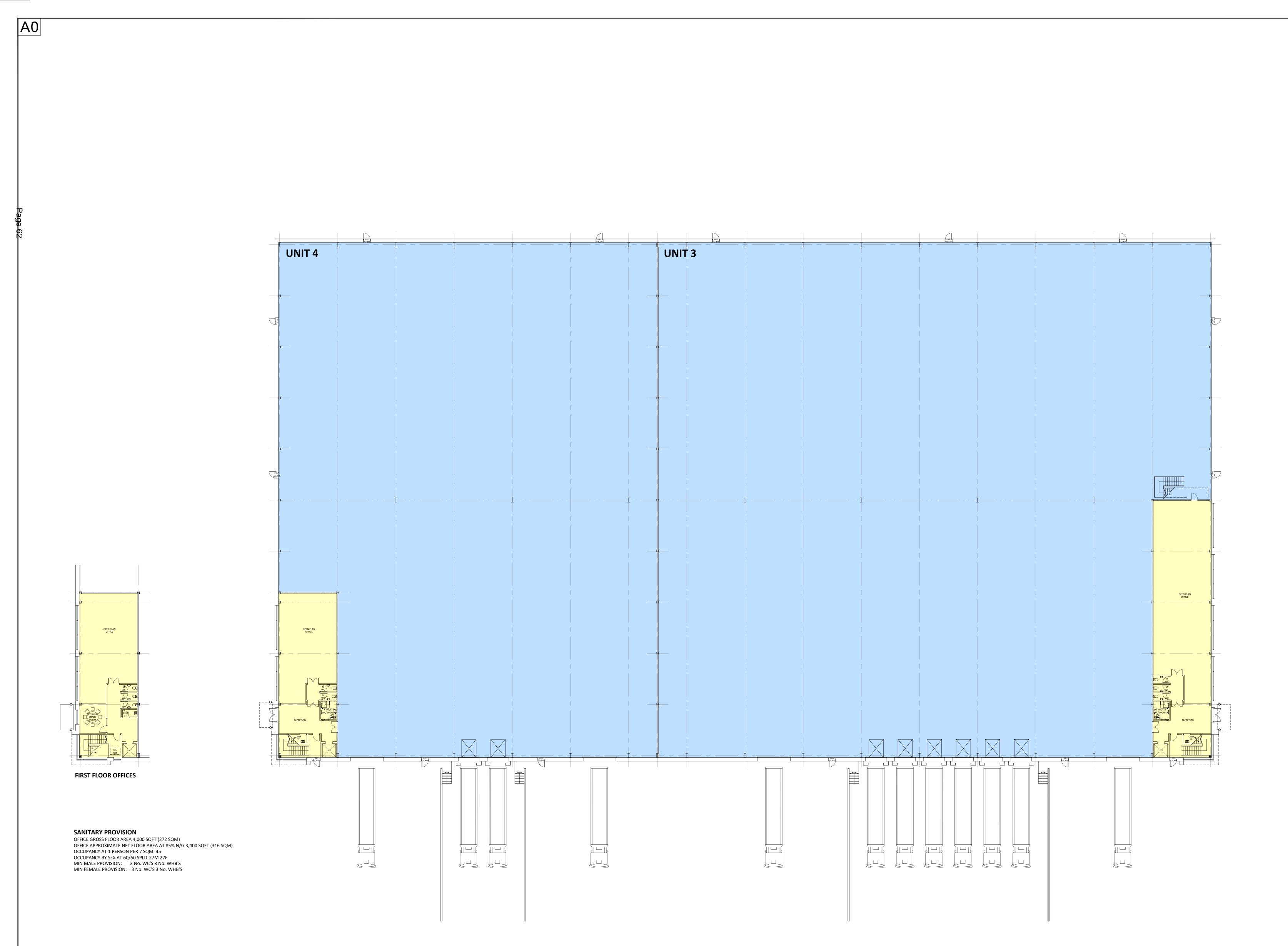


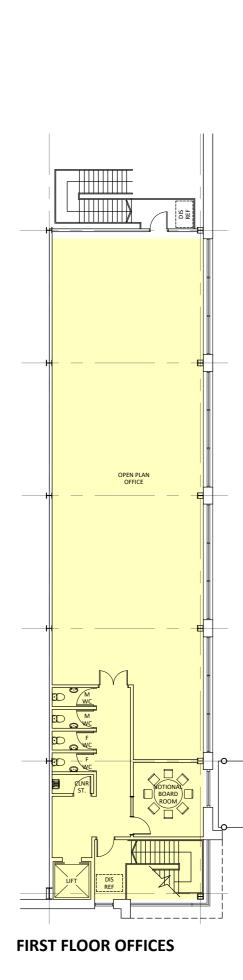
FIRST FLOOR OFFICES

FIRST FLOOR OFFICES

This drawing is not intended to s Each area of ground relied upon	st any structural, geotechnical or other specialist documentation provid show details of foundations, ground conditions or ground contaminants. to support any structure depicted (including drainage) must be
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UNIT 2	
UNIT:	27,000 SQFT GIA
OFFICE: (10% 2 STOREY)	3,000 SQFT GIA
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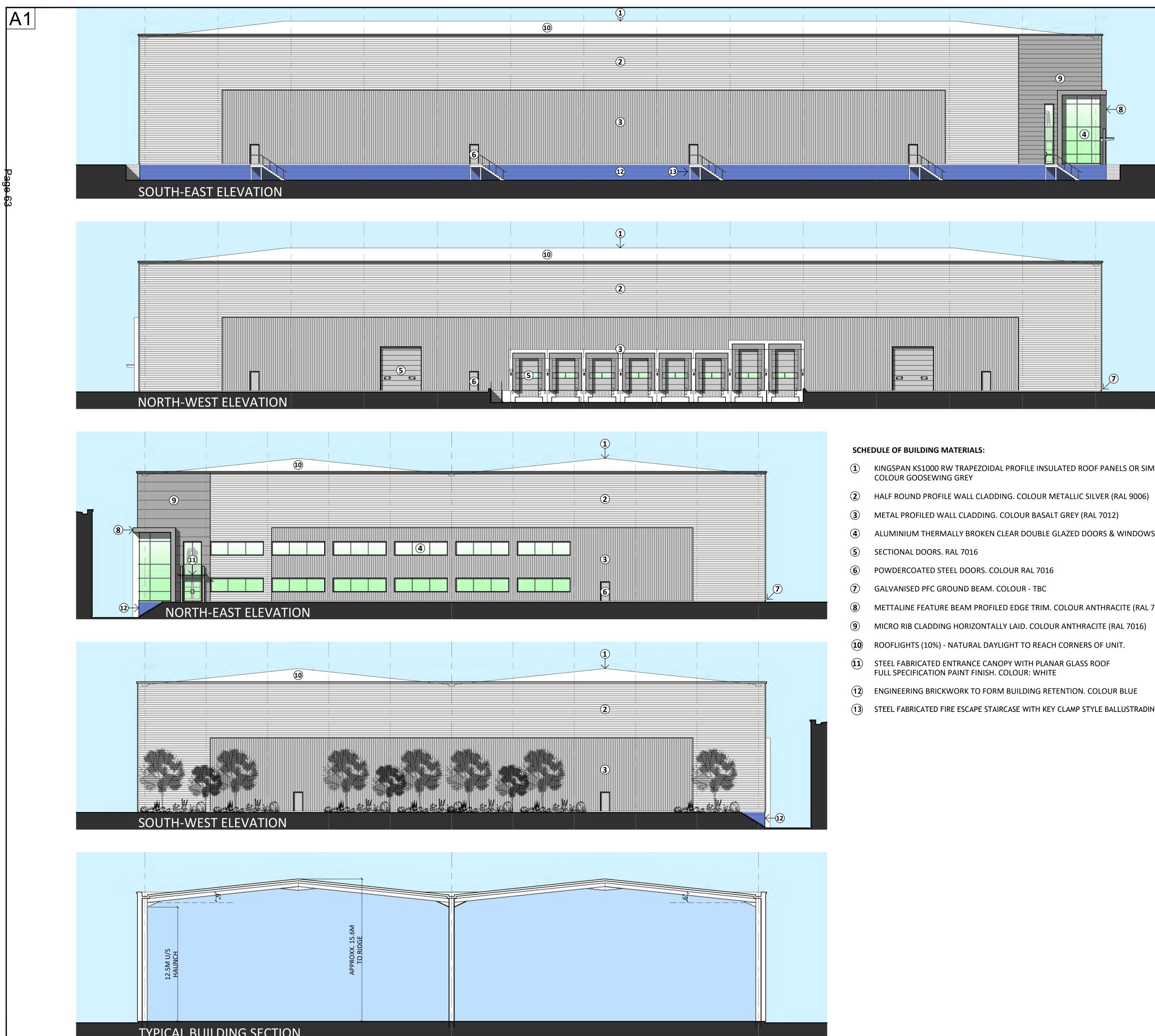


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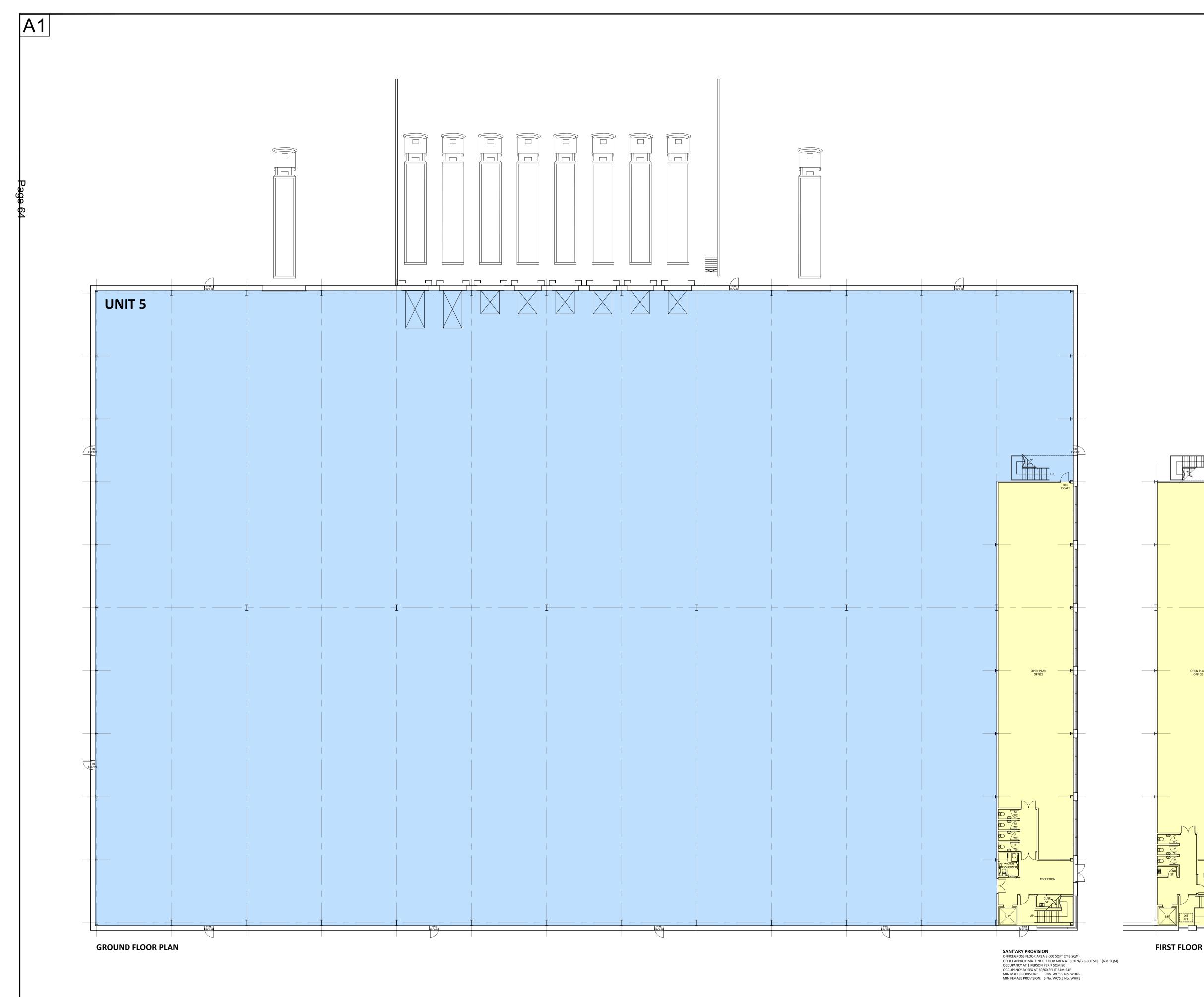
Revision: A



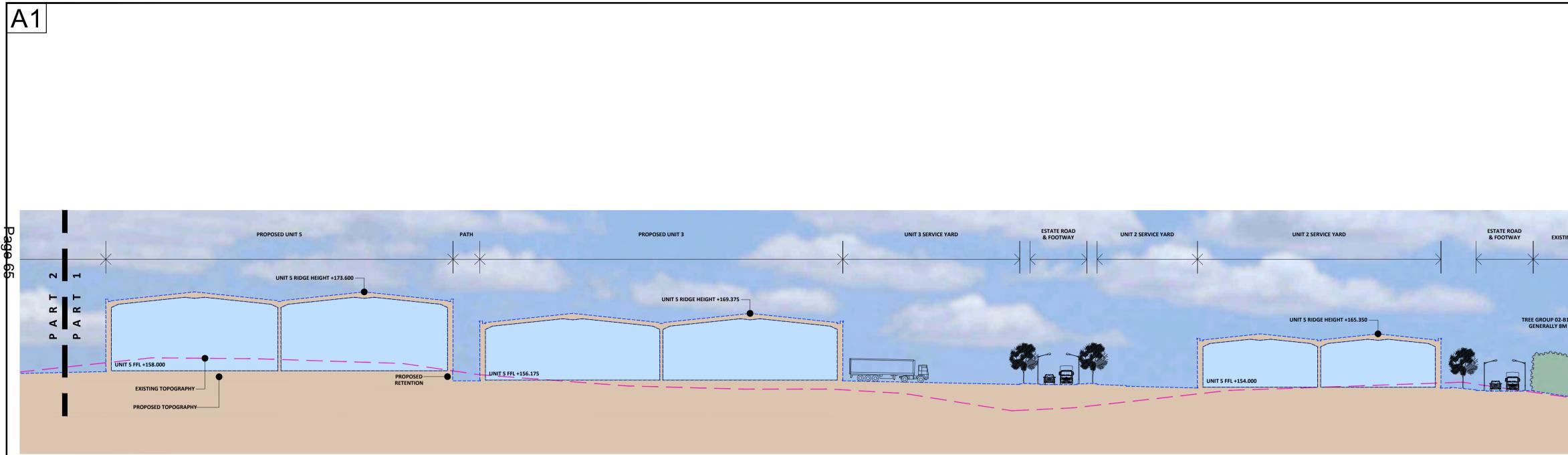
TYPICAL BUILDING SECTION

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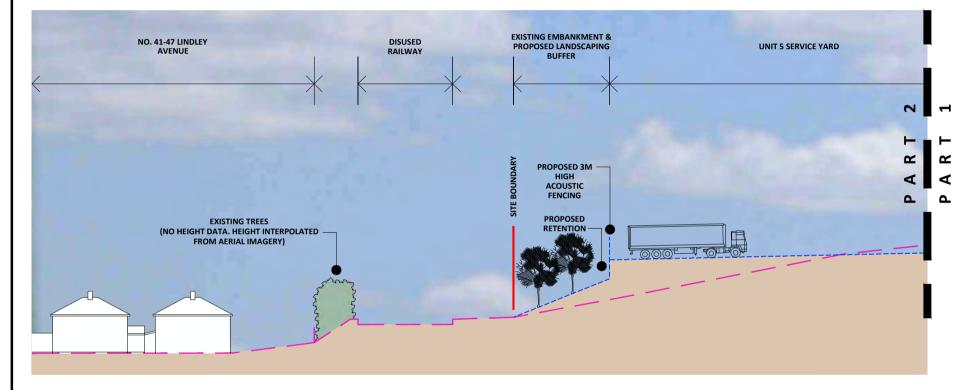
	reproduced or amende made by other person: The Contractor is to ch connection points befo Legislation, British Sta	ed except by written permiss s. neck and verify all building a re work starts. The Contra ndard Specifications, Buildir	he copyright of BHP Design LLP and may not be ion. No liability will be accepted for amendments nd site dimensions, levels and sewer invert levels at ictor is to comply in all respects with current Building g Regulations, Construction (Design & Management)
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	Design : -		Draft : JC Revision:
	Drg No : 19-1	03-PA-09	Revision: A



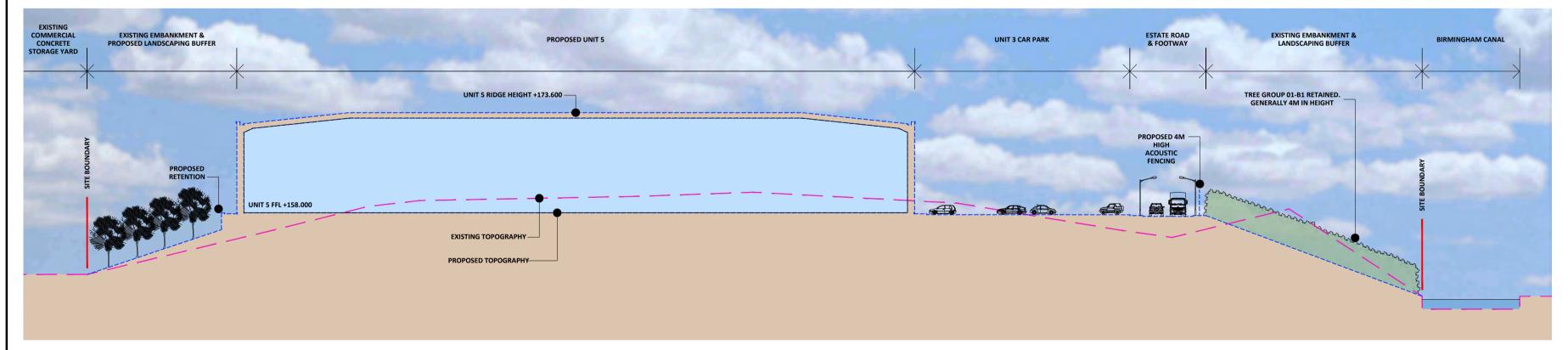
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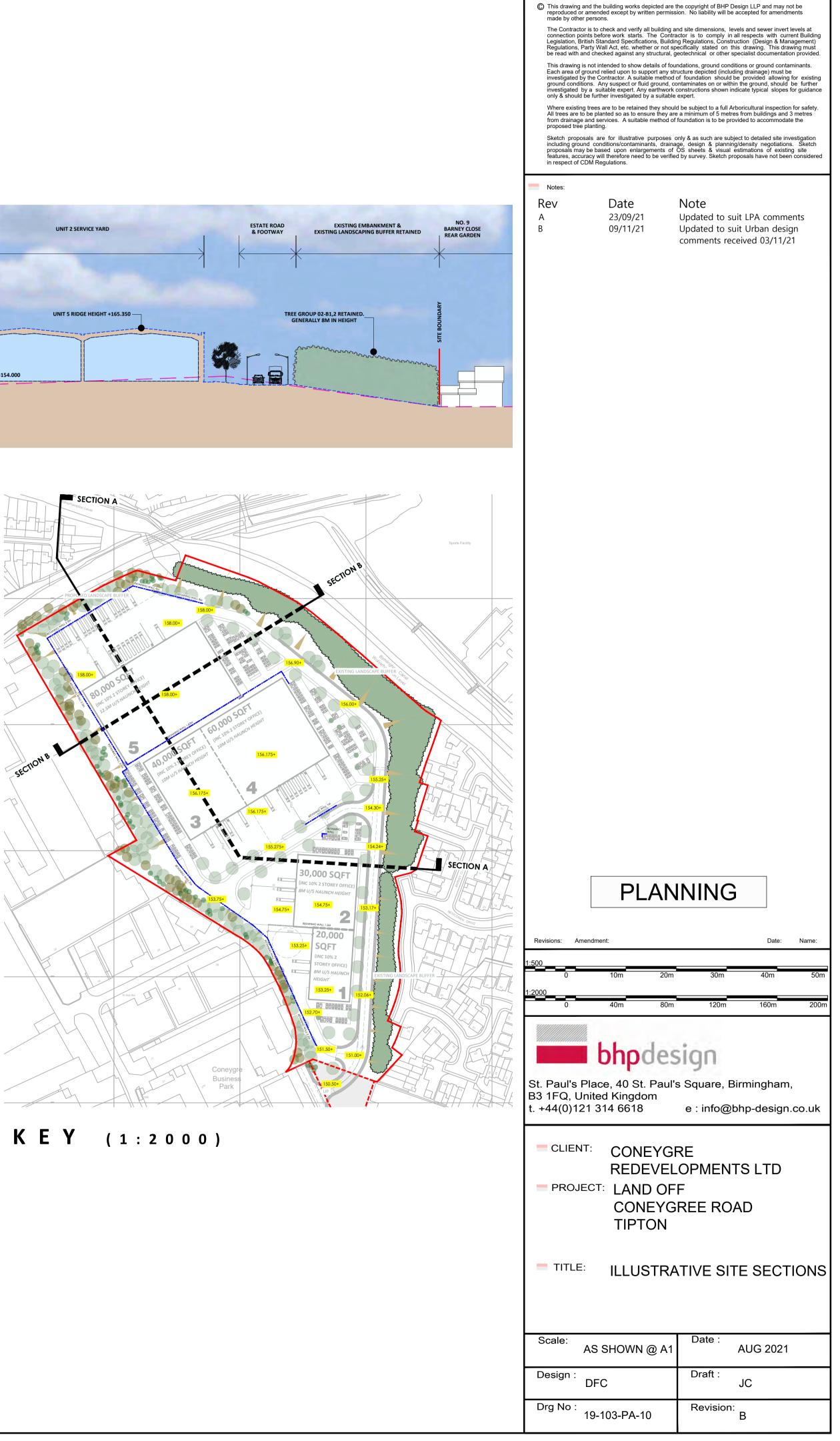
SECTION A - A PART 1(1:500)



SECTION A - A PART 2(1:500)



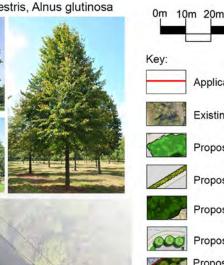
SECTION B - B (1:500)



Species Rich Wildflower Meadow



Proposed native structural tree and shrub planting to the northern and western site boundaries. This buffer planting will aid in reinforcing the site boundaries to existing development and create a green edge to the site. Native Structural Tree Planting Quercus robur, Tilia cordata, Fagus sylvatica, Carpinus betulus, Sorbus aucuparia, Acer campestre, Pinus sylvestris, Alnus glutinosa



 Dm
 10m
 20m
 50m

 Application Site Boundary

 Existing/Retained Vegetation

 Proposed Ornamental Shrub

 Proposed Ornamental Shrub

 Proposed Ornamental Hedge

 Proposed Native Shrub

 Proposed Street Trees

 Proposet Street Trees

ess Park Noral Wa

Existing boundary vegetation will be retained and enhanced where possible. This will maintain existing habitats for wildlife and ensure impact on the visual amenity of the development is minimal.

Ornamental tree, hedge and shrub planting are proposed within the development. This will aid in creating vertical interest through the planting

against the proposed built form

and break up of hard standing

areas

Meadow

Proposed wildflower margins will increase the sites biodiversity credentials and allow for maintenance strips adjacent to hard standing areas





Ornamental Planting Mix

Lavandula angustifolia 'Hidcote' Lavandula angustifolia 'Rosea' Salvia purpurea Cistus corbariensis Potentilla fruticosa 'Abbotswood White' Hebe 'Nicola's Blush' Fuschia 'Mrs Popple' Spiraea nipponica 'Snowmound' Escallonia 'Apple Blossom' Weigela 'Mount Blanc' Euonymus fortunei 'Silver Queen' Phormium tenax 'Purpureum'

Proposed Street Tree Planting Acer platanoides 'Crimson king',

Carpinus betulus, Tilia cordata 'Greenspire', Liquidamber styraciflua



Native Boundary Planting





Shrubs: Hazel (Corylus avellana), Hawthorn (Crataegus monogyna), Common Dogwood (Cornus sanguinea), Wayfaring tree (Viburnum lanata), Guelder Rose (Viburnum opulus), Blackthorn (Prunus spinosa).

Hedge (to be maintained at 1.2m high) Osmanthus burkwoodii REV DATE NOTE DRAWN CH REVISIONS

aspect landscape planning

TITLE
Coneygre Road, Tipton
Landscape Masterplan
cuent
bhp Design
scale
1:1500 @ A3 AUG 2021 EL BS
PRAWING NUMBER
7564/ASP3/ LSP



ILLUSTRATIVE GROUND LEVEL CGI





The Contractor is to check and verify all building and site dimensions, levels and sever invert levels at connection points before work stark. The Contractor is to comply in all respects with current Building Legislation, British Standard Specifications, Building Regulations, Construction (Design & Management) Regulations, Partly Wall Act, eu whether or not specifically stated on this drawing, must be read with and checked against any structural, geotechnical or other specialist documentation provided.		
de text man indu location agains ary structure, glasticutante ut orden spectrams contraintenue (proteins). This drawing into lended to buy weblied of foundations, ground conditions or ground contaminants. Each area of ground relied upon to support any structure depicted (including drawing) must be foundation and the spectra of the support any structure depicted (including drawing) must be ground conditions. Any suspect of this ground, contaminations or within the sound, should be luther investigated by a suitable expert. Any earthwork constructions shown indicate typical slopes for guidance only & should be further investigated by a suitable spect.		
Investigated by a sublex expert. Any earthwork constructions shown indicate typical spopes for guidence only & should be further investigated by a sublex expert. To a full Arboricultural inspection for safety. Where existing trees are to be retained they should be subject to a full Arboricultural inspection for safety. All trees are to be planted so as to ensure they are a minimum of 5 metres from buildings and 3 metres from drainage and services. A suitable method of foundation is to be provided to accommodate the proposed they planting.		
Sketch proposals including ground proposals may be features, accuracy in respect of CDM	 are for illustrative purposes o conditions/contaminants, drainag based upon enlargements of i y will therefore need to be verified Regulations. 	nly & as such are subject to detailed site investigation je, design & planning/density negotiations. Sketch S sheets & visual estimations of existing site I by survey. Sketch proposals have not been considered
Notes:		
Rev A	Date 23/09/21	Note Updated to suit LPA comments
	PLAN	INING
Revisions: Amendr	ment:	Date: Name:
	bhpdes	sign
St. Paul's Pla B3 1FQ, Uni		s Square, Birmingham,
t. +44(0)121		e : info@bhp-design.co.uk
	00.12.0.	RE OPMENTS LTD
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TITLE:	AERIAL C	GI
Scale: 1:	50 @ A3	Date : AUG 2021
Design :)FC	Drawn: JC
Drw No : 19	9-103-PA-12	Revision: A

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ILLUSTRATIVE PERSPECTIVES

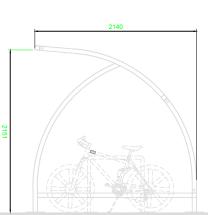






PROPOSED CYCLE SHELTER DETAILS

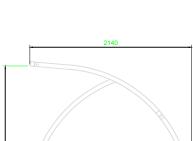




FRONT ELEVATION 1800 Crs 1800 Cr

REAR ELEVATION

PLAN



SIDE ELEVATION

A3

Page 69



CYCLE SHELTER SPECIFICATION.

50X50 SHS FRAME WITH 50X50 SHS PURLINS & TRIMMERS. WELDED END FRAMES AND PURLIN SECTION MADE FROM HEAVY-DUTY BOX SECTION ASSEMBLED WITH ANTI-TAMPER HIGH STRENGTH BOLTS.

ALL COMPONENTS TO BE GALVANISED WITH POLYESTER POWDER COAT FINISH

COLOUR BLACK WITH STANDARD CLEAR P.E.T SHEET ROOF PANELS.

CYCLE SHELTER TO BE BROXAP BXMW/SEF/36

EACH SHELTER TO ACCOMMODATE 8 No. CYCLES.

Rev Date Note 23/09/21 Updated to suit LPA comment PLANNING **bhp**design St. Paul's Place, 40 St. Paul's Square, Birmingham B3 1FQ, United Kingdom t. +44(0)121 314 6618 e : info@bhp-design e : info@bhp-design.co.uk CLIENT: CONEYGRE REDEVELOPMENTS LTD PROJECT: LAND OFF CONEYGREE ROAD TIPTON TITLE: TYPICAL CYCLE SHELTER DETAILS Scale: 1:50 @ A3 Date AUG 2021 Design : DFC Drawn: JC Drw No : 19-103-PA-12 Revision: A

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Agenda Item 6



Report to Planning Committee

15 February 2022

Application Reference	DC/21/66233
Application Received	15 October 2021
Application Description	Retention of use of garage as hair salon
	(previously refused application DC/21/65576).
Application Address	1 Hydes Road
	Wednesbury
	WS10 9SX
Applicant	Mr P Talbot
Ward	Wednesbury North
Contact Officer	Mr Anjan Dey
	anjan_dey@sandwell.gov.uk

1 Recommendations

1.1 That planning permission is refused:-

The retail use by way of its location in a residential area would be contrary to Town Centre Policies CEN4, CEN6 & CEN7 of Sandwell's Black Country Core Strategy.

2 Reasons for Recommendations

2.1 The proposal would be contrary to the authority's adopted Town Centre Policies in that a retail use in this location is considered to be



inappropriate. These uses are generally identified for either Wednesbury town centre or one of the borough's other defined centres.

3 How does this deliver objectives of the Corporate Plan?



A strong and inclusive economy – the proposal is contrary to aspirations to create strong economic town centres.

4 Context

- 4.1 At the last meeting your Committee resolved to defer the application in order to visit the site.
- 4.2 This application is being reported to your Planning Committee at the request Councillor Elaine Costigan as she considers that the salon benefits the community, creating income for the Council as customers park on the pay and display car park at Spring Head and it does not cause any highway issues.
- 4.3 To assist members with site context, a link to Google Maps is provided below:

<u>1 Hydes Road, Wednesbury</u>

5 Key Considerations

- 5.1 The site is unallocated in the development plan.
- 5.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF) Local policy Access, highway safety, parking & servicing



6. The Application Site

- 6.1 This application relates to a detached property located on the northern side of Hydes Road, Wednesbury.
- 6.2 The area is residential in character and the property is located at the corner with Brunswick Park Road;

7. Planning History

- 7.1 The property has been subject to a recent planning application that was refused on highway safety grounds and also being contrary to local policies.
- 7.2 Relevant planning applications are as follows;

DC/21/65576	Retention of use of	Refuse Permission:
	garage as hair salon.	21.07.2021.
DC/07/47601	Proposed double garage to side of property.	Grant permission 30.04.2007

8. Application Details

- 8.1 This retrospective application relates to enforcement case ENF/21/11461 and is for the retention of use of a garage that has been converted to a retail hair salon (Use Class E). Planning permission for the double garage was granted in May 2007 (DC/07/47601) and the applicant has confirmed its dimensions as 7.5m long by 5.5m wide by 4m high.
- 8.2 As indicated by the Enforcement Officer, the applicant has advised that his spouse used to operate the business from a retail/commercial unit elsewhere in the borough. However, due to Covid 19 restrictions income from the business had stopped and she could no longer afford rent/rates for the commercial unit. The applicant has confirmed that staff numbers



have been reduced; consisting of the applicant, who resides at the property, and 2 full time equivalent staff. Hours of business are:

1000 to 1700 (Wednesday) 1000 to 1900 (Thursday & Fridays) 0900 to 1700 (Saturdays)

9. Publicity

- 9.1 The application has been publicised by neighbour notification letter with one response received in support of the proposal
- 9.2 At your last planning committee additional information was circulated from a resident and former Councillor of Sandwell MBC. The comments are summarised as:
 - The applicant has tried to overcome the previous reasons for refusal and in doing so, a reduction in customers is proposed, reducing the intensity of the site;
 - The use is currently in operation, yet no noise concerns or complaints have been received by the Council's Environmental Health team;
 - iii) The operator now encourages customers to use the public car park and the parking fees are paid via a discount on the haircut. The Council's highways department raises no objections with a two-year temporary permission agreed so that the highways department can monitor any highway concerns;
 - iv) The proposal would be more than 300m away from a local centre, however it is a local need, that will serve local people in a sustainable manner, reducing the need to travel by car, buses etc, in order to reach the town centre;
 - v) The area is not solely residential, and images provided to demonstrate that the area is a mixture of residential and commercial uses which coexist side by side;
 - vi) Walsall Street has the feel of a town centre location and this site is an extension of that; and



- vii) Despite the recommendation for refusal, no objections have been received, and the proposal is supported by the Local Ward Councillor, Elaine Costigan.
- 9.3 Response to support for this application is summarised below:-
 - This is noted and to some degree this has lessoned the concerns of the highway service, but due to the location of the site, i.e. outside the town centre boundary and retail core, this remains a concern. This is more fully detailed in paragraph 10.3.
 - (ii) It is accepted that no objections have been received from Public Health, refer to paragraph 10.2 below.
 - (iii) It is acknowledged that the applicant is encouraging customers to use the nearby public car park, however the local planning authority has no control over this and hence this is why highways remain concerned and have requested that only a temporary permission is granted.
 - (iv) The applicants have indicated that they will encourage their clients to park on the public car park. Town centre uses serve a variety of retail uses including hair salons and so shoppers can do a number of activities in one location, it also assists with maintaining the vitality of the town centre. Furthermore, town centres provide more sustainable transport options given the proximity of the bus station in Wednesbury and this meets the Council's aspirations in terms of climate change and improving air quality. An out of centre use, would be contrary to these aspirations, by encouraging more car born trips.
 - (v) The images provided are discussed in more detail below (paragraph 9.4). In addition, this is also referred to in 10.3 below, stating that the images largely refer to Walsall Street which is on the edge of the town centre and so is more commercial, whereas Hydes Road is distinctly residential in nature.
 - (vi) As indicated in (v) above and paragraph 9.4 below.
 - (vii) It is noted that no objections have been received, the proposal is before the committee, because the recommendation is for refusal.



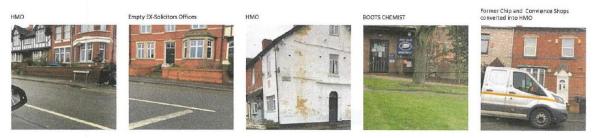
9.4 The additional information pack contains the original planning statement submitted with the planning application, this is addressed in section 10.3 below. In addition, as referred to in 9.3 (v) and (vi) above, the pack included several images showing a variety of uses in and around the town centre of Wednesbury. Many of the images refer to residential uses and so differ from the retrospective permission that is being applied for, namely a commercial use as a hair salon at an established residential property. Those hair salons/retail premises that have been identified below, fall within the town centre, where such uses are actively sought by Policy CEN2 'Hierarchy of town centres' which seeks to ensure that town centres can thrive and remain vibrant places to shop. Other images are an assortment with long established commercial uses which are situated outside the town centre for which they benefit from a lawful consent. Two residential premises have been identified on Brunswick Park Road (outside the town centre), operating as hair salons, however no planning records could be established for this uses.

<u>Image 1 - 5</u>



These are all residential uses and are not commercial uses. The proposed application is a commercial/retail use and this is why planning permission is required.

Images 6-10



Images 6, 8 and 19 are also residential uses.



Image 7 has a lawful commercial use and image 9 is a chemist which forms part of Doctors surgery fronting Walsall Street.

Images 11-15



The images above fall either within the town centre boundary or are immediately on the edge of the boundary on Walsall Street.

Images 16-20



These are images of commercial premises however each has a lawful use and one forms an established small parade of shops, 138-144 Hydes Road, Wednesbury.

Images 21-24



Image 21 and 24 refers to two hairdressers operating from the residential properties in Brunswick Park Road, no planning permissions are recorded on this road for these uses, both can be investigated to establish the extent of the hairdressing business and appropriate enforcement action can be taken. The



other two photos refer to St Pauls Centre which was granted planning permission to convert to 9 flats in 2014 (DC/14/57126) and so is a residential use. The Queens Head, is a lawful use as a public house and has an extensive planning history for alterations dating back to 1977 and existed well before this date. It is not uncharacteristic to find historic public houses within residential areas.

Images 25-29



The images above excepting the final image are situated on Spring Head which forms a group of historic buildings, the war memorial, library and restaurant building (former conservative club). All these properties are immediately adjacent to the town centre boundary. The final image is a parade of shops on Walsall Street, which form part of the town centre boundary.

Images 30-34



These commercial uses have lawful uses and are established on the main road either within or opposite the town centre. The last image is of the allotments which is also an established use and usually found in residential areas.



Images 35-39



Images 35-37 are town centre uses and have lawful retail uses. Image 38 is a residential use and Image 39 is the established Wesley Church which is situated within the town centre boundary also.

Images 40-44



The first image refers to established commercial uses, the other images fall within the town centre boundary and are lawful uses.

Images 44-45



Image 44 is salon in a town centre accords with policy. Unable to identify other property (image 45)



Images 46-50



Image 45 is noted showing on street parking for residents on Hydes Road, however parking can vary through a day and so one photograph cannot demonstrate this alone. The other images refer to lawful commercial uses on the main road frontage.

Images 51-55



These images show other commercial uses on main road frontages, except the image of 1 Hydes Road (Noggin Hair salon for which consent is being applied). In addition, the lawful hair salon referred to above (Mia Bella Hair), forms part of a commercial use and not a residential property.

Images 56-60



The first image (56) refers to a dog groomers on Brunswick Park Road that was granted permission in 2015 (DC/15/58595). The other images refer to long established uses, commercial buildings and Brunswick Park Trading Estate.

Images 61-65



The images either refer to residential uses or a hair salon that is situated in the town centre boundary and all have lawful uses.

Images 66-70



All retail shops within the town centre boundary and have lawful uses.

Images 71-74



Rectangular Snip

These images are of established retail shops in the town centre boundary an have lawful use.



10. Consultee responses

10.1 Highways

They have assessed additional information provided by the agent regarding customer and staff parking arrangements, they have subsequently recommended a temporary consent for a period of 2 years to allow the local planning authority to monitor the use.

10.2 Public Health (Noise)

No objections to the proposal.

10.3 Planning Policy

They object to the proposal with regards to the appropriateness of a retail use in a predominantly residential area, Planning Policy confirms that the hair salon would be best suited to a town centre location, such as Wednesbury, or one of the other defined centres with the borough. This is set out in Black Country Core Strategy policies CEN4 (Regeneration of Town Centres) and CEN7 (Controlling Out-Of- Centre Development).

Policy confirms that the site is more than 300 metres away from Wednesbury town centre and therefore cannot be considered to be an edge of centre location; instead it is defined as out of centre.

They also note the applicant's planning statement argues that this location effectively acts as a local centre, given the variety of commercial uses within the vicinity.

In response policy planners state that the majority of the commercial uses identified fall along Walsall Street, which is to the west of the proposed site. Whilst this area could be classed as a local centre, it is not formally



adopted as such within the development plan. In addition, even if this area was adopted as a local centre, the boundary should not stretch as far as the application site, as it is separated from the cluster of commercial businesses on Walsall Street, and is within a more stand-alone location within a more residential area. Furthermore, the Doctors surgery, which is adjacent the proposal site, is already established and is an appropriate use within residential areas, as it provides an important local service.

It is also considered that the applicant has not demonstrated why the proposal cannot be located within Wednesbury Town centre itself, and has not proven that the proposal site is within easy and accessible walking distance from the centre itself. The latest centre surveys for Wednesbury town centre indicate that there are a significant number of vacant units that are suitable for this type of retail use. Utilising existing vacant units within Wednesbury town centre would contribute towards the daytime economy and contribute towards the regeneration of the town centre.

Within the applicant's Planning Statement, Under CEN6 – Meeting Local Needs for Shopping and Services, the agent/applicant have quoted policy from CEN5, which deals with district and local centres. As this location does not fall within a designated centre, CEN5, the policy quoted, does not apply.

CEN6 allows for small scale convenience shops out of centre, that serve an essential day to day need. In an out of centre location, this would refer to serving the needs of the local community and meeting essential day-today needs, which tends to refer to a convenience retail store, such as a newsagent, as this can provide essential provisions such as bread and milk that may be required daily. It may also include that of a post-office or pharmacy etc. A hairdresser would not be classed as providing an essential day-to-day need. Furthermore, from the latest information available, there is already a hair salon within the run of shops along Walsall Street.



11. National Planning Policy

11.1 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.

Paragraph 2 of the Framework states that 'planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. You will note from the response from Planning Policy paragraph 10.3 that the location of the salon does not accord with relevant retail adopted policies within the Black Country Development plan. It is therefore important to give full consideration to these objections on policy grounds and if members are minded to approve this application, they must clearly set out what the material considerations would be which outweigh non compliance of this policy.

12. Local Planning Policy

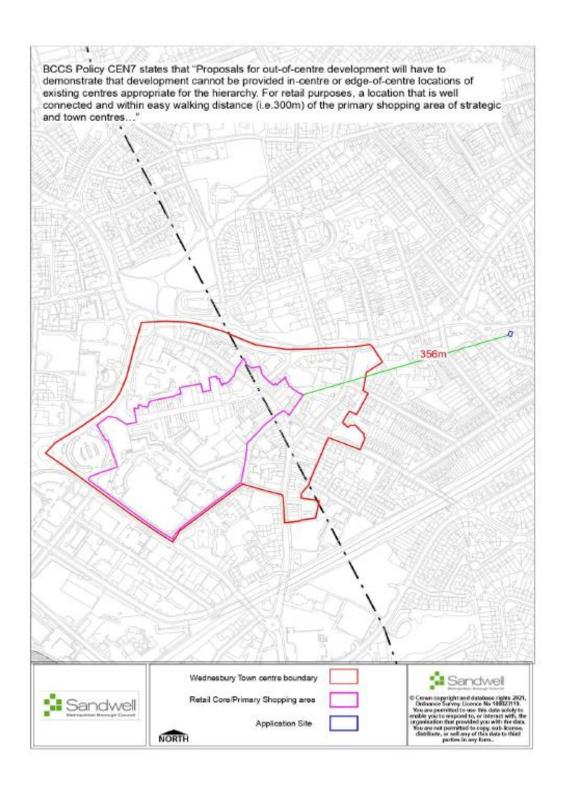
12.1 The following polices of the council's Development Plan are relevant:

ENV3: Design Quality SAD EOS9: Urban Design Principles CEN4: Regeneration of town centres CEN6: Meeting Local Needs for Shopping and Services CEN7: Controlling Out of Centre Development

- 12.2 ENV3 and SAD EOS9 refer to well-designed schemes that are in scale and massing to the existing area. The converted garage is considered to be acceptable in terms of scale etc. and therefore does not conflict with either policies ENV3 or SAD EOS9.
- 12.3 Planning Policy consultation comments (10.3 above) confirms that the continued use of a retail hair salon in this predominantly residential area

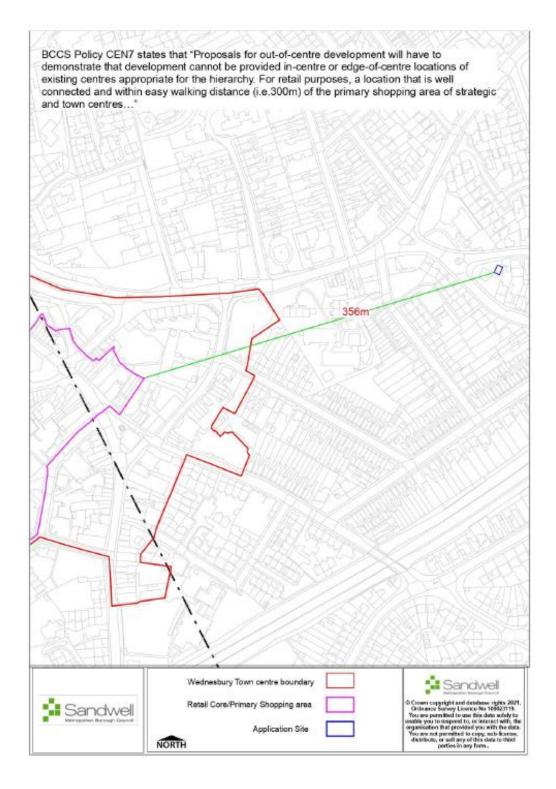


is not supported by policies CEN4, CEN6 & CEN7. The use would be best suited to a town centre location or one of the borough's defined centres. The maps below show the location of the town centre and the retail core in relation to the application site.









The images above show that the application premises is located 356 metres away from the retail core of Wednesbury town centre.



BCCS Policy CEN7 states that 'Proposals for out-of-centre development will have to demonstrate that development cannot be provided in-centre or edge-of-centre locations of existing centres appropriate for the hierarchy. For retail purposes, a location that is well connected and in easy walking distance (i.e.300m) of the primary shopping area of strategic and town centres.

13. Material Considerations

13.1 National and local planning policy considerations have been referred to above in sections 11 and 12. With regards to the other material considerations, these are highlighted below:

13.2 Local Policy (CEN4, 6 and 7)

Local Policies have been referred to above (see 10.3 and 12.3 above) which state that the retention of the hair salon is contrary to relevant town centre policies and no evidence has been provided to demonstrate that this policy should be set aside.

13.2 Parking, highway safety & traffic generation

Highways (10.1 above) have indicated that they have highway concerns about the impact of the continued use of the salon and therefore would only recommend a temporary consent to enable the impact on the highway to be monitored.

14 Alternative Options

14.1 Approval of the application is an option if there are material planning reasons for doing so. It is considered that this proposal would not comply with relevant policies and the applicant has not demonstrated otherwise.



Resources:	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.
Legal and	This application is submitted under the Town and
Governance:	Country Planning Act 1990.
Risk:	None.
Equality:	There are no equality issues arising from this proposal
	and therefore an equality impact assessment has not
	been carried out.
Health and	None
Wellbeing:	
Social Value	None

16. Appendices

Location Plan Context Plan Location plan 1 Site & block plan 2





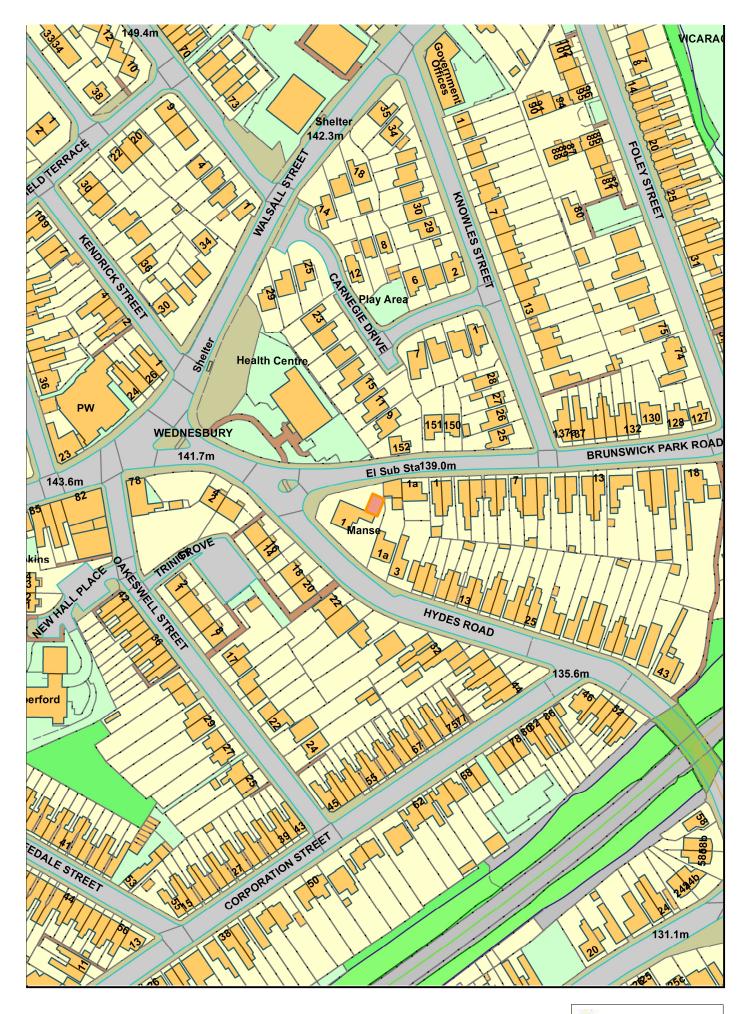
DC/21/66233 1 Hydes Road, Wednesbury



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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	04 January 2022
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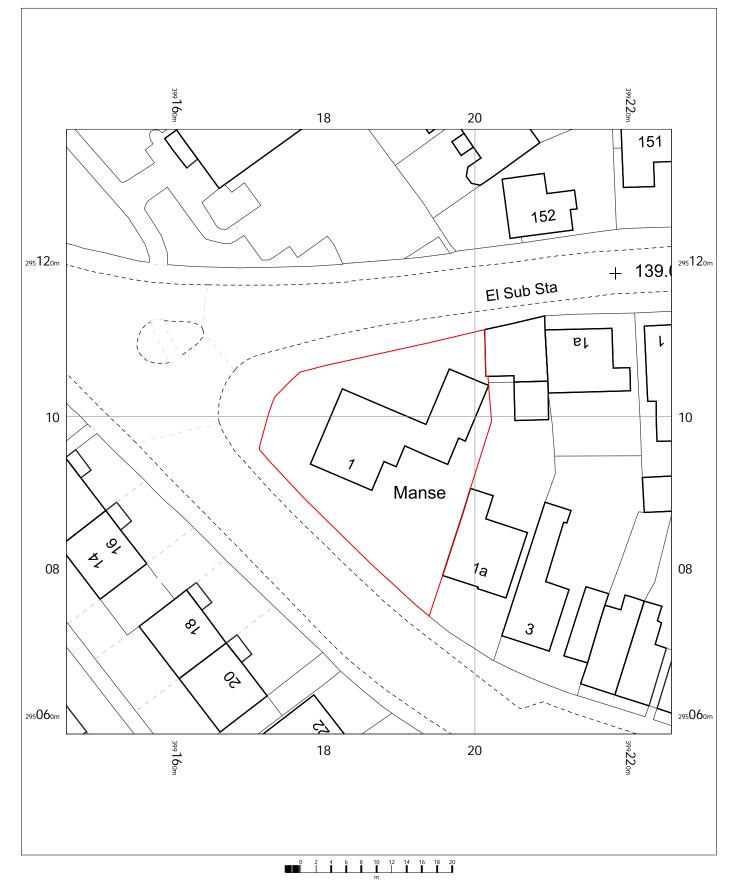




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1 Hydes Road, Wednesbury, Sandwell WS10 9SX

OS MasterMap 1250/2500/10000 scale Tuesday, October 19, 2021, ID: MPMBW-00997307 www.blackwellmapping.co.uk

1:500 scale print at A4, Centre: 399186 E, 295098 N

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Agenda Item 7



Report to Planning Committee

15th February 2022

Application Reference	DC/21/66305
Application Received	5 th November 2022
Application Description	Proposed development of 7 No. houses, 2 No. bungalows and 2 No. two storey apartment blocks comprising of 6 No. self-contained flats with associated parking and landscaping.
Application Address	Land At Hawes Lane/Stanford Drive Rowley Regis
Applicant	Mr Alan Martin Sandwell Metropolitan Borough Council
Ward	Rowley
Contact Officer	Mr Andrew Dean andrew_dean@sandwell.gov.uk

1 Recommendations

- 1.1 That planning permission is granted subject to conditions relating to:
 - (i) External materials;
 - (ii) Parking to be implemented and retained;
 - (iii) Contaminated land;
 - (iv) Finished floor levels;
 - (v) Boundary treatments;
 - (vi) Noise assessment and mitigation measures;



- (vii) Electric vehicle charging points;
- (viii) Renewable energy;
- (ix) Hard and soft landscaping scheme to be implemented;
- (x) Surface water drainage scheme to be implemented, retained and maintained;
- (xi) Foul sewage drainage scheme;
- (xii) External lighting scheme;
- (xiii) Method of working statement;
- (xiv) Removal of permitted development rights for enlargements;
- (xv) Employment and skills plan;
- (xvi) Refuse and cycle storage to be implemented and retained'
- (xvii) Low NOx boilers; and
- (xviii) Garages to be retained for parking.

2 Reasons for Recommendations

2.1 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 or to the safety and convenience of users of the highway.

3 How does this deliver objectives of the Corporate Plan?

	Quality homes in thriving neighbourhoods – The design of the proposal is acceptable in respect of national and local planning policy.
23	A strong and inclusive economy

4 Context

4.1 This application is being reported to your Planning Committee because 13 objections against the proposal have been received. Furthermore, Sandwell Metropolitan Borough Council is applicant and the application is major in nature.



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

Land at Hawes Lane and Stanford Drive, Rowley Regis

5 Key Considerations

- 5.1 The site is allocated for housing in the Development Plan.
- 5.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF) Proposals in the Development Plan Planning history (including appeal decisions) Overlooking/loss of privacy Loss of light and/or outlook Overshadowing Public visual amenity Layout and density of building Design, appearance and materials Access, highway safety, parking and servicing Traffic generation

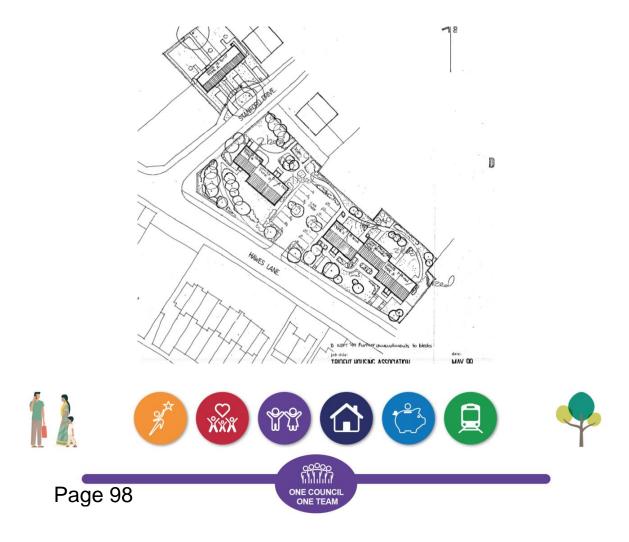
6. The Application Site

- 6.1 The application site is split between two parcels of land located on the northern side of Hawes Lane, Rowley Regis. The site is bisected by Stanford Drive which serves 14 residential dwellings. The character of the surrounding area is predominantly residential in nature, with a section of the larger site to the north bound by a churchyard.
- 6.2 Both parcels of the application site consist of a north to south sloping area of grassland and contain a number of mature trees in various locations.



7. Planning History

- 7.1 An application for a residential development consisting of the erection of 15 flats, 3 houses and community facilities was refused planning permission by the Planning Committee under application reference DC/99/35926. This decision was contrary to officer recommendation. The reasons for refusal were as follows:
 - i) The proposed development would be situated close to the junction of Stanford Drive and Hawes Lane (B4174) and it is considered that, because of the proximity of these roads to the application site and the proposed occupants of the building, there would be detriment to the safety and convenience of users of the highway
 - ii) The proposed development would detract from the residential amenity of the area.
- 7.2 The below image shows the proposed site layout of the refused 1999 application.



7.3 Relevant planning applications are as follows:

DC/99/35926	Erection of 15 flats, 3	Refusal.
	houses and community	30.12.1999.
	facilities inc. parking and	
	site works.	

8. Application Details

- 8.1 The applicant is proposing to erect 7 No. houses, 2 No. bungalows and 2 No. two storey apartment blocks comprising of 6 No. self-contained flats with associated parking and landscaping.
- 8.2 The development would consist of the following properties:
 - 1 No. 2 bed dwelling with an internal floor area of 72.8m2.
 - 2 No. 3 bed dwellings with an internal floor area of 85.8m2.
 - 1 No. 4 bed dwellings with an internal floor area of 115.3m2.
 - 2 No. 2 bed dwellings with an internal floor area of 72.8m2.
 - 2 No. bungalows with an internal floor area of 72.8m2.
 - 1 No. 3 bed dwelling with an internal floor area of 105.8m2.
 - 6 No. 1 bed flats with four units having an internal floor area of 51.2m2 and 2 units having an internal floor area of 52.6m2.
- 8.3 Each dwelling would have private amenity space in the form of rear garden areas with the proposed flats having a communal drying area and courtyard garden.

9. Publicity

9.1 The application has been publicised by neighbour notification letter and press notice with 14 objections to the application being received.



9.2 **Objections**

Objections have been received on the following grounds:

- Highway safety grounds including issues regarding vehicle parking;
- ii) Loss of wildlife and the grassed area is used by residents for dog walking and as a children's play area;
- iii) The submitted Design and Access Statement contains errors including the incorrect site address;
- iv) Drainage concerns;
- v) The property at the rear of 40 Hawes Lane is on a higher level and would result in a loss of privacy;
- vi) The proposal would result in a loss of light and overshadowing caused by the proposal; and
- vii) The use of the properties for social housing has the potential to increase anti-social behaviour in the area.

Immaterial objections have been raised regarding loss of property value, loss of view, loss of area appeal and water pressure issues.

9.3 Responses to objections

I respond to the objector's comments in turn:

- (i) See material considerations section 13.4.
- (ii) The site in question is not allocated as public open space or a wildlife corridor. The site is allocated for residential development in the Development Plan. A number of mature trees on the site would remain with additional tree planting proposed to replace those which would be lost.
- (iii) This was an error and has been corrected.
- (iv) The submitted surface water drainage scheme has been assessed by the Lead Local Flood Authority who have no objections to the drainage scheme. A condition for foul drainage to be provided



before commencement on site has been included within the recommendation.

- (v) It is noted that the dwellings to the rear of No. 38 and 40 Hawes Lane would be located on a higher ground level due to the levels change of Stanford Drive. However, these properties have been designed to be bungalows which step up the street. These properties would not face directly onto the properties on Hawes Lane. Rear amenity space of the bungalows would contain a 1.8m close boarded fences to the garden area. Furthermore, the dwellings achieve the required 14 metre separation distance required between a windowed rear elevation and a gable side wall. The only window in this elevation would be a shower room window. On this basis, I do not consider a significant loss of privacy would occur.
- (vi) See material considerations section 13.6.
- (vii) Anti-social behaviour by potential residents is a matter for the police and landlord.

10. Consultee responses

- 10.1 Planning Policy No objection. The application is on land that is allocated for residential development in the Development Plan, and previous development plans (SAD H1 Housing Allocations). The proposal meets the requirements of HOU2 Housing Density type and Accessibility for a range of types of dwellings. SAD H3 Affordable Housing also applies, and its requirements are met by the proposal.
- 10.2 **Highways –** No objections. Further comments from Highways in response to the objectors' comments are as follows. The trip rates associated to a small residential development such as this would not generate significant levels of traffic for Highways to consider that the impact on the highway network would be classed as severe. Stanford Drive benefits from a grit bin to assist residents during periods of inclement weather such as ice and snow. Existing properties 38/40 Hawes Lane have vehicular access from Hawes Lane, as do residential dwellings on the opposite side of Hawes Lane. The parking courts



proposed for this development have been designed to allow for vehicles to enter, turn and leave in a forward gear so that driver visibility is improved (no reversing onto the Hawes Lane). The numbers and sizes of off-street parking spaces meet with the standards detailed in the residential developers' guide. Highways have requested an alternative boundary treatment at the junction of Hawes Lane and Stanford Drive (plots 3 and 4) due to concerns the 1 metre high railings proposed could create a solid visual barrier, which in turn would reduce visibility. A condition for boundary details has been included within the recommendation.

- 10.3 **Public Health (Air Quality)** No objections subject to conditions for electric vehicle charging points and low NOx boilers being used.
- 10.4 **Public Health (Contaminated Land)** No objections subject to a contaminated land condition.
- 10.5 **Public Heath (Air Pollution and Noise)** No objection subject to a condition for a noise assessment being undertaken and mitigation measures being submitted and approved. A further condition for the submission of a working on site method statement to include the hours of working to be 08.00 to 17.30 Monday to Friday, 09.00 to 13.00 Saturdays with no working on Sundays or Bank Holidays has been included within the recommendation.
- 10.6 West Midlands Police No objection.
- 10.7 **Lead Local Flood Authority –** No objection to the submitted surface water drainage scheme.
- 10.8 **Severn Trent** No objection subject to conditions for foul and surface water drainage.
- 10.9 **Urban Design Officer** No objection to the proposed site layout, scale and boundary/landscape details. An amended plan has been received to include hit/miss string detailing for the bungalows alongside the front



door. Clarification on bin storage for the apartments was also sought confirming one bin store would contain euro bins and one wheelie bins.

11. National Planning Policy

- 11.1 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.
- 11.2 Taking into account the views of the Council's Urban Design officer, I am of the opinion that the scheme is of a good design, in accordance with paragraph 124 of the NPPF.
- 11.3 In respect of paragraphs 128-130 of the NPPF, the Urban Design officer raises no objections to the scheme. The development would assimilate with the overall form and layout of the site's surroundings.

12. Local Planning Policy

12.1 The following polices of the council's Development Plan are relevant:

HOU2: Housing Density type and Accessibility ENV3: Design Quality ENV5: Flood Risk, Sustainable Drainage System and Urban Heat Island Effect ENV7: Renewable Energy ENV8: Air Quality TRAN4: Creating Coherant Networks for Cycling and Walking. SAD H1: Housing Allocations. SAD H3: Affordable Housing SAD EOS9: Urban Design Principles SAD HE5: Archaeology & Development Proposals. SAD EMP2: Training and Recruitment.



- 12.2 The site is allocated for residential development in the Development Plan. The proposal therefore complies with SAD H1: Housing Allocations.
- 12.3 HOU2 identifies the need for a range of types and sizes of accommodation within the borough and accessibility in terms of sustainable transport to residential services. The proposed site layout confirms the development would contain a mixture of dwelling sizes and types. The proposal is also within proximity to two bus stops on Hawes Lane providing sustainable transport links.
- 12.4 ENV3 and SAD EOS9 refers to well designed schemes that provide quality living environments. The proposed layout and design are considered to be acceptable with no concerns being raised from Urban Design.
- 12.5 ENV5 seeks the incorporation of sustainable drainage systems to assist with reducing the impact of flooding and surface run-off. The Lead Local Flood Authority has raised no objections to the application.
- 12.6 A condition to ensure that at least 10% of the estimated residual energy demand of the development is generated by energy from renewable sources has been included within the recommendation and therefore accords with Policy ENV7.
- 12.7 ENV8 refers to mitigation measures to offset air quality issues. In this instance, conditions for electric vehicle charging points and low NOx boilers to be provided have been recommended.
- 12.8 TRAN4 requires scheme to be well connected to aid cycling and walking. The proposal includes cycle storage for the two apartment buildings.
- 12.9 SAD H3 sets out the requirement of 25% affordable housing. As the applicant is the local authority and the proposal is to provide social housing. The requirement of this policy has been achieved.



- 12.10 The submitted archaeological desk-based assessment meets the requirements of SAD Policy HE5 Archaeology & Development Proposals.
- 12.11 SAD EMP2 requires large employment generating schemes to provide opportunities for training and recruitment. This has been conditioned to secure these opportunities.

13. Material Considerations

13.1 National and local planning policy considerations have been referred to above in Sections 11 and 12. With regards to the other material considerations, these are highlighted below:

13.2 Proposals in the Development Plan

The site is allocated for housing. The proposal therefore accords with the site allocation.

13.3 Planning history (including appeal decisions)

It is noted that a previous application for a residential development of 15 flats, 3 houses and community facilities including parking and site works was refused planning permission under application reference DC/99/35926. The planning committee at the time felt this proposal would impact on highway safety and the development would harm public visual amenity. The planning officer had recommended the application for approval subject to conditions. The design and layout of the current application is materially different to the refused application.

13.4 Access, highway safety, parking, servicing and Traffic generation

The Head of Highways has reviewed the proposal and raised no objections to the application. The current application differs from the previously refused application in that 14 apartments were proposed to be accessed from Hawes Lane and 3 houses from Stanford Drive. The



current application is proposing three smaller accesses from Hawes Lane with one serving two dwellings and two serving three apartments each. Vehicles using these parking areas would be able to enter and leave in forward gear. The remainder of the properties would be accessed from Stanford Drive and would therefore use the existing junction. It should also be noted that paragraph 111 of the National Planning Policy Framework states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". Taking into consideration the Head of Highways has raised no objections to this application, I do not consider the proposed impact of the development on highway safety to be severe. In terms of parking space allocation, the development has been designed to accord with the council's adopted off street car parking requirements of Appendix 3 of the Revised Residential Design Guide SPD. This requirement is as follows:

1 to 2 bed dwellings – 1 dedicated off street parking space.
3 to 4 bed dwellings – 2 dedicated off street parking spaces.

13.5 Loss of light and/or outlook, Overshadowing and loss of privacy.

In terms of properties located on Stanford Drive, the proposed development is located on a lower ground level than these dwellings and no breach of the 45-degree code line would take place from habitable rooms of these properties. I am therefore satisfied no significant loss of light, outlook, overshadowing or privacy would occur. In terms of No. 38 and 40 Hawes Lane, the proposed site layout includes two dwellings to the rear of these properties which would be located on a higher ground level due to the levels change of Stanford Drive. However, these properties have been designed to be bungalows in design (plots 1 and 2) which step up the street. These dwellings would not face directly onto the properties on Hawes Lane and private rear amenity space would be screened by 1.8m close boarded fence. Furthermore, the dwellings achieve the required 14 metre separation distance required between a windowed rear elevation and a side facing gable wall. The only window



proposed in this side elevation would serve a shower room. On this basis, I do not consider a significant loss of privacy would occur. No breach of the 45-degree code would take place from the front and rear habitable rooms of No. 38 Hawes Lane and Plot 3. It is noted No.38 has a side facing window serving a non-habitable room on the boundary with the application site. This is within a single storey side extension which contains doors to the front and rear. Plot 3 has been designed to be set off this elevation by 4.34 metres to reduce impact. A car parking space for Plot 3 would be located in close proximity to this window. However, as members of the public can currently walk directly past this window across the grassed area, I do not consider a significant loss of privacy would occur. On the basis of the above, I do not consider a significant loss of light and/or outlook, overshadowing or privacy would occur to neighbouring properties to warrant refusal of this application.

13.6 Public visual amenity

It is noted that the redevelopment of the site would result in the loss of a grassed area. However, as stated above the site is not allocated for public open space purposes and instead has been identified as a housing site within the Development Plan. The design of the proposed dwellings is acceptable in appearance and scale and would complement the surrounding area which contains a mixture of property types and styles. Trees lost as a result of the development would be compensated for by a landscaping scheme ensured by condition which would further enhance the development within the street scene. The large trees to be retained on site would be protected by root protection measures.

13.7 Layout and density of building

Urban Design have raised no objections to the application subject to minor design amendments. The proposed development complies with the minimum standards for internal and external amenity space as identified within the councils Revised Residential Design Guide SPD 2014. The appearance and layout of the scheme is therefore satisfactory, and the scheme meets the aspirations of design policy.



13.8 Design, appearance and materials

The design and appearance of the proposed development is acceptable with the properties predominantly being two storeys in height and containing a mixture of designs. The development therefore complies with design policies ENV3 (Design Quality) of the Black Country Core Strategy and SAD EOS9 (Urban Design Principles) of the Site Allocations and Delivery Development Plan Document. An external materials condition has been included within the recommendation.

14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so. In my opinion the proposal is complaint with relevant polices and there are no material considerations that would justify refusal.

15 Implications

Resources:	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.
Legal and	This application is submitted under the Town and
Governance:	Country Planning Act 1990.
Risk:	None.
Equality:	There are no equality issues arising from this proposal
	and therefore an equality impact assessment has not
	been carried out.
Health and	None.
Wellbeing:	
Social Value	None.

16. Appendices

Site Plan

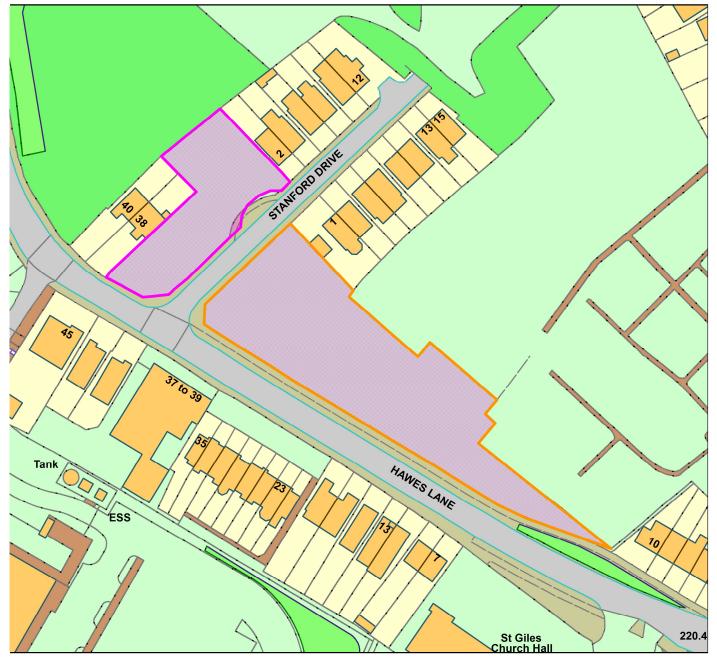




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Sandwell Metropolitan Borough Council

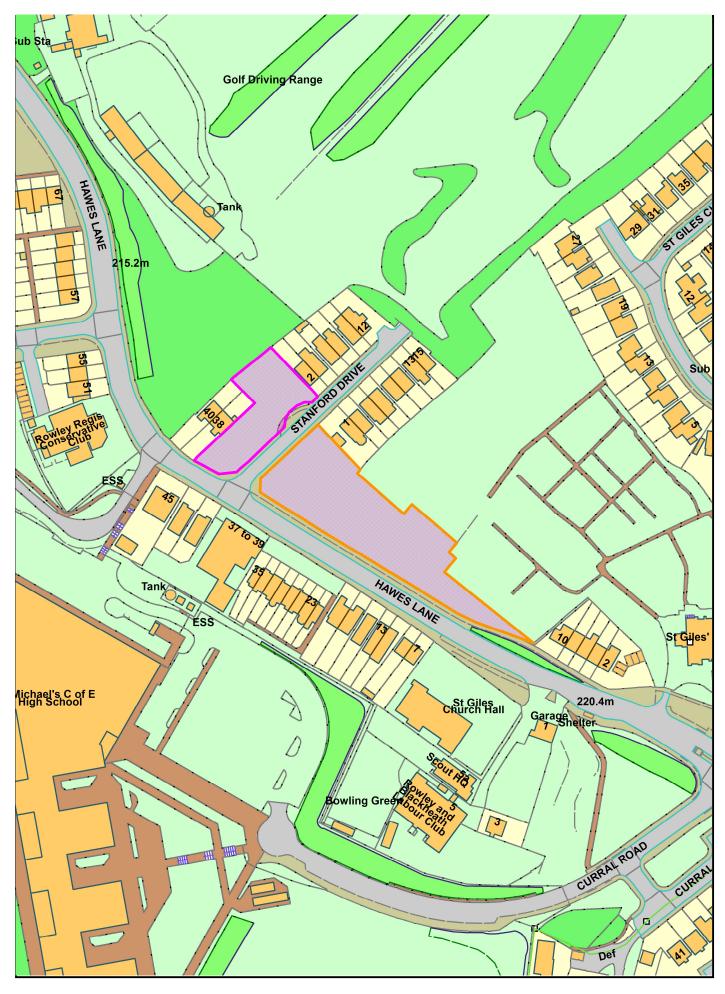
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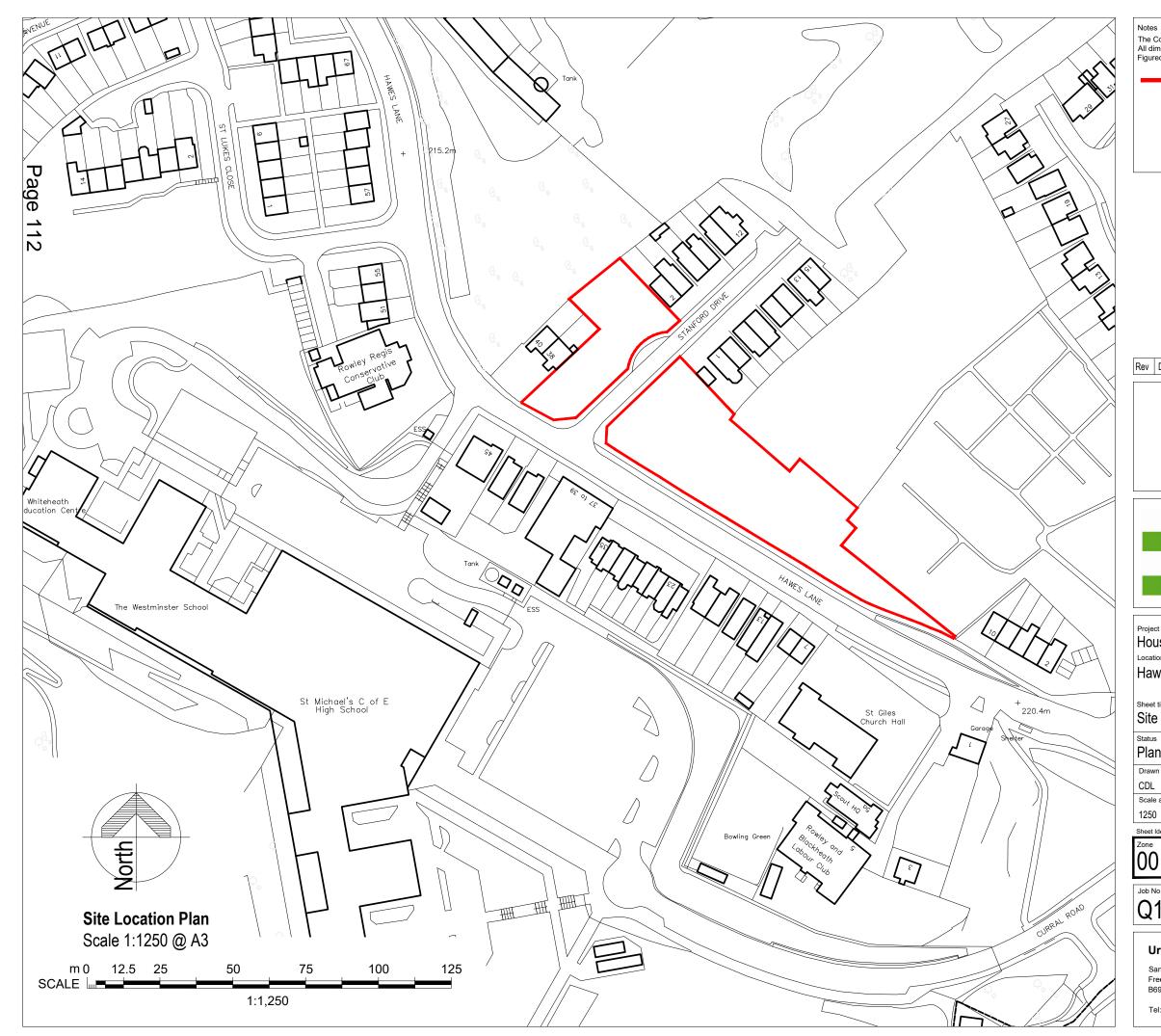
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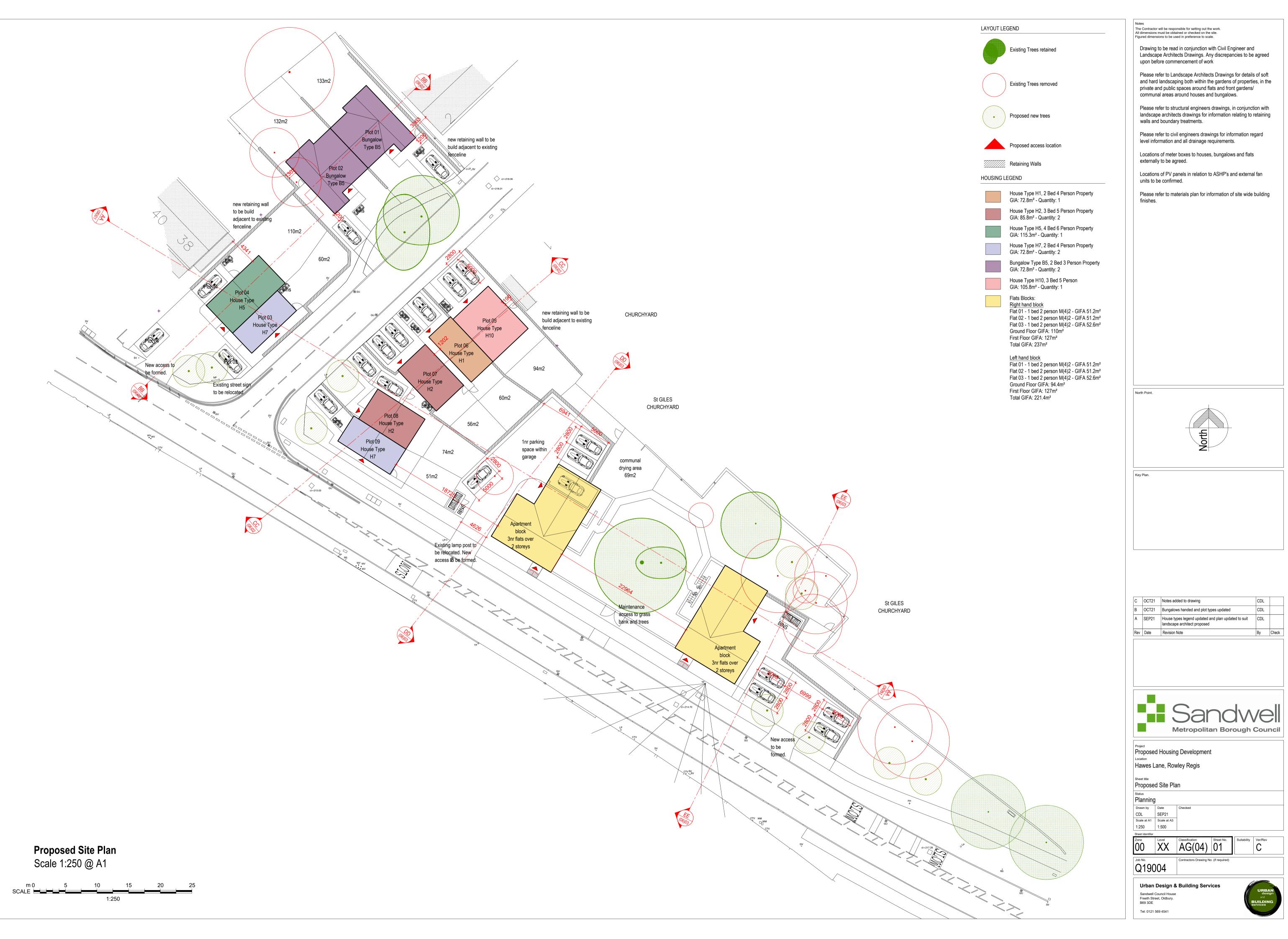






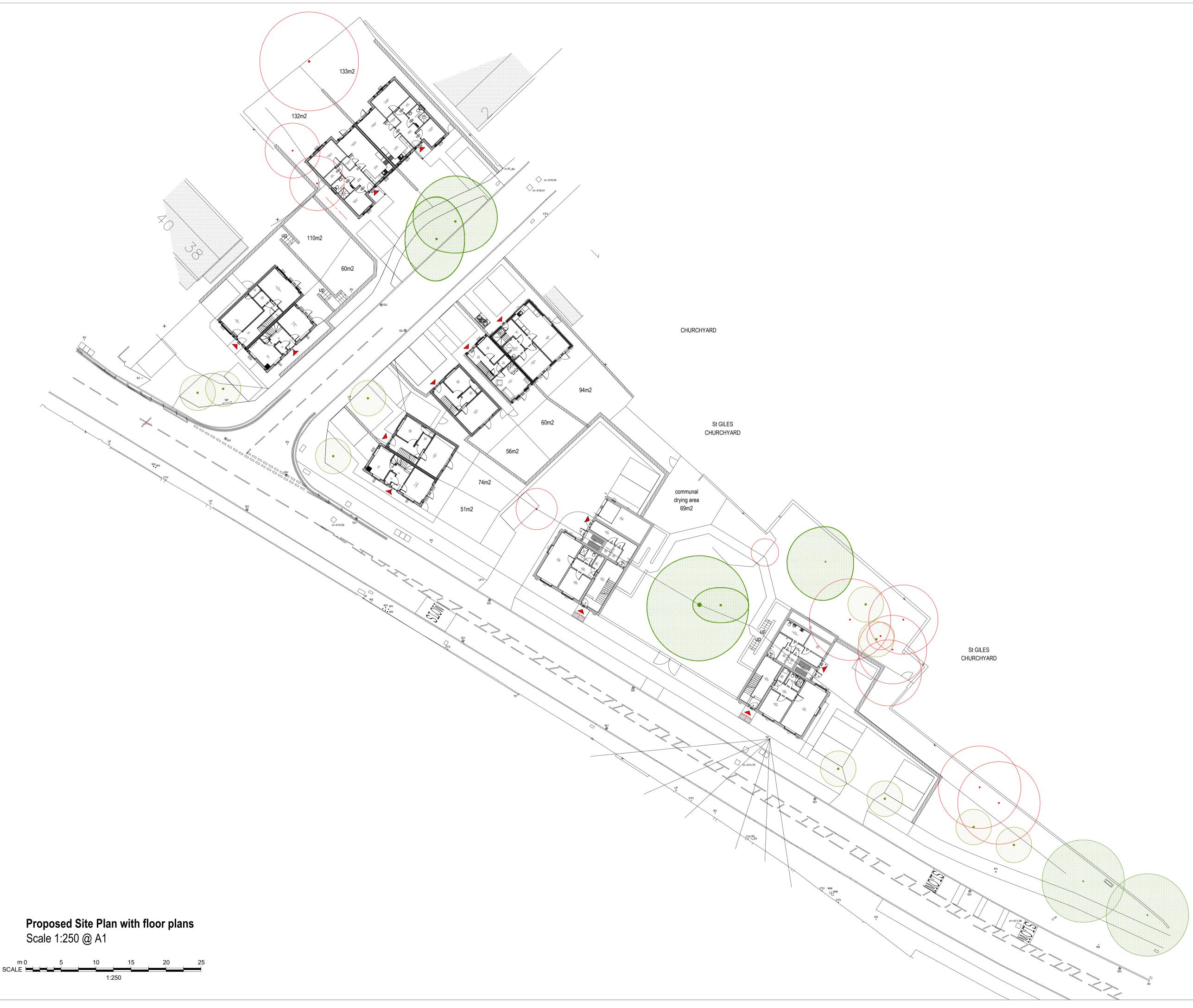
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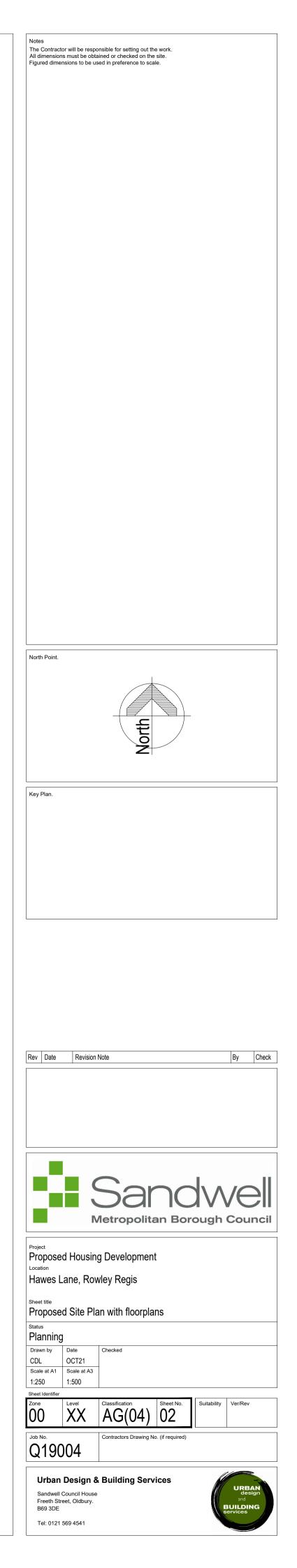
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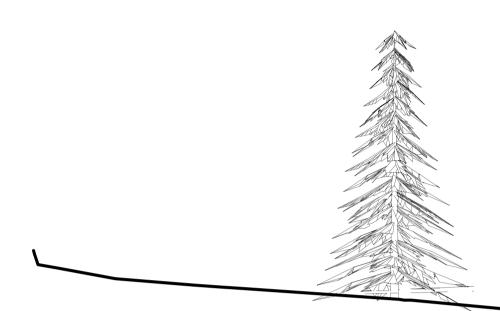


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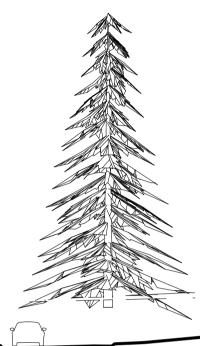
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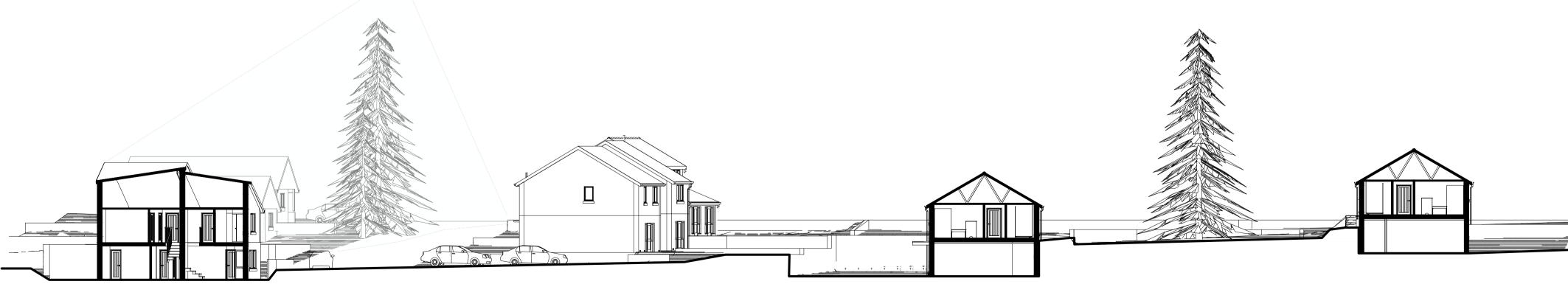


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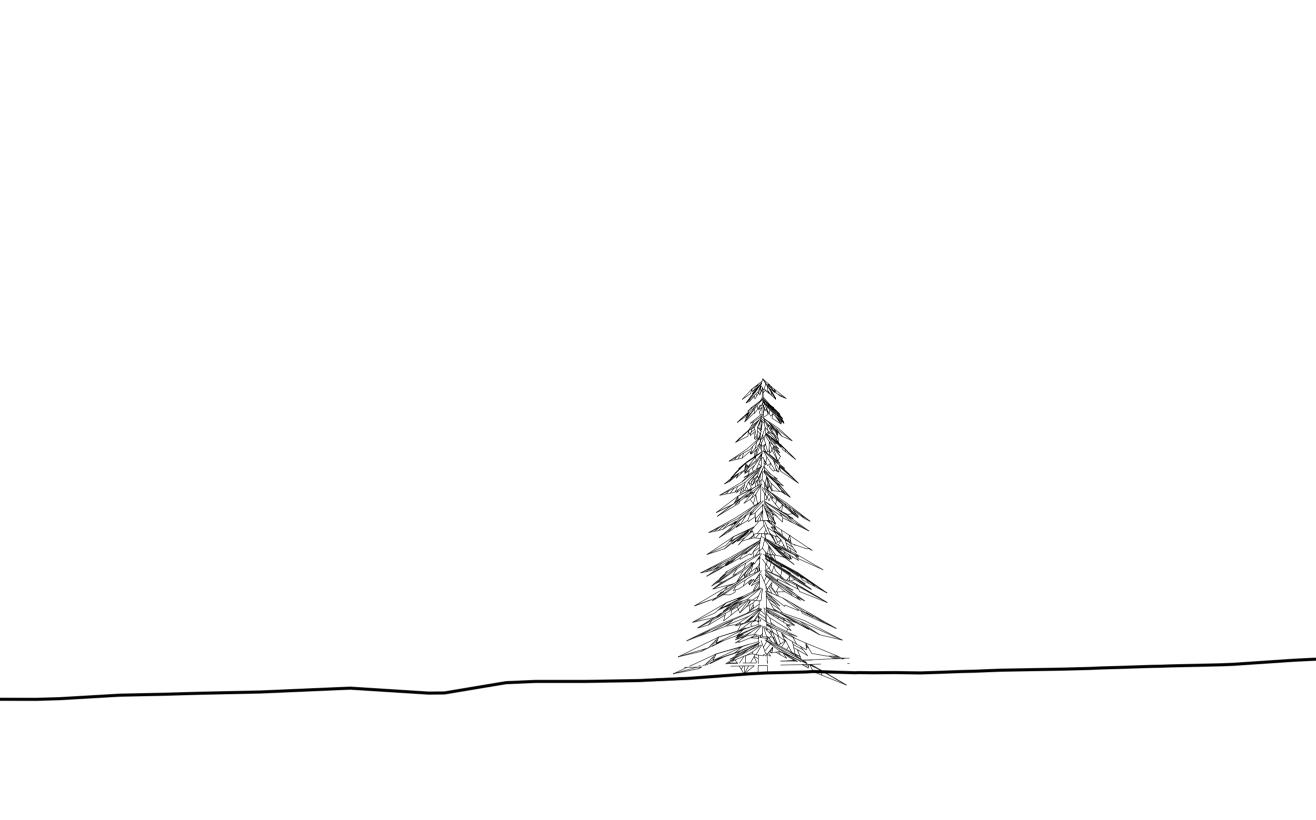
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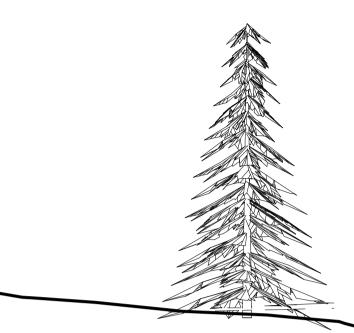
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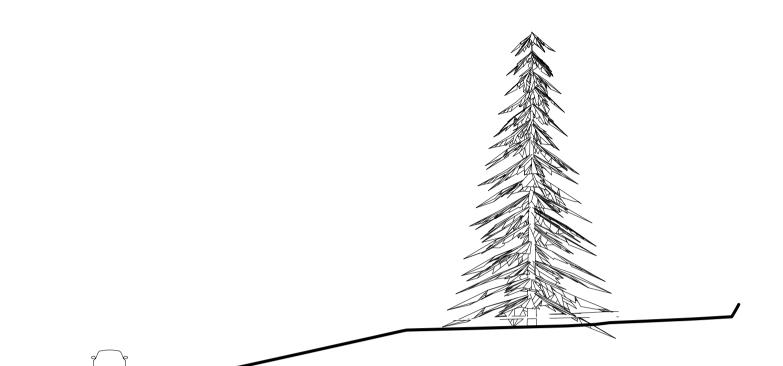
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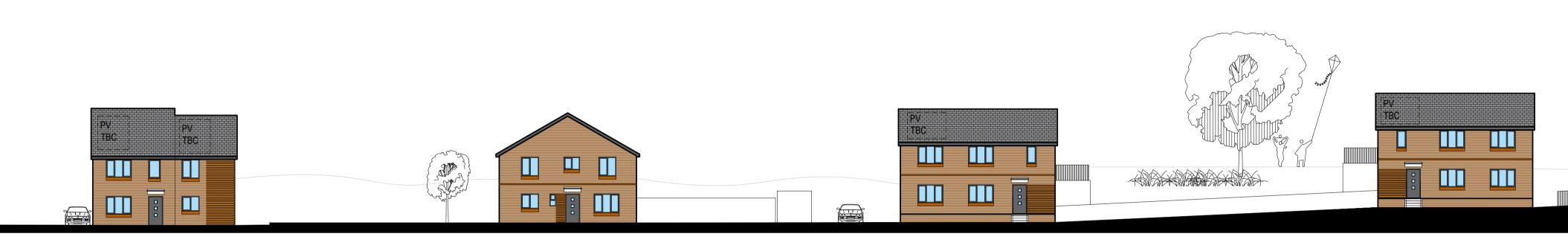


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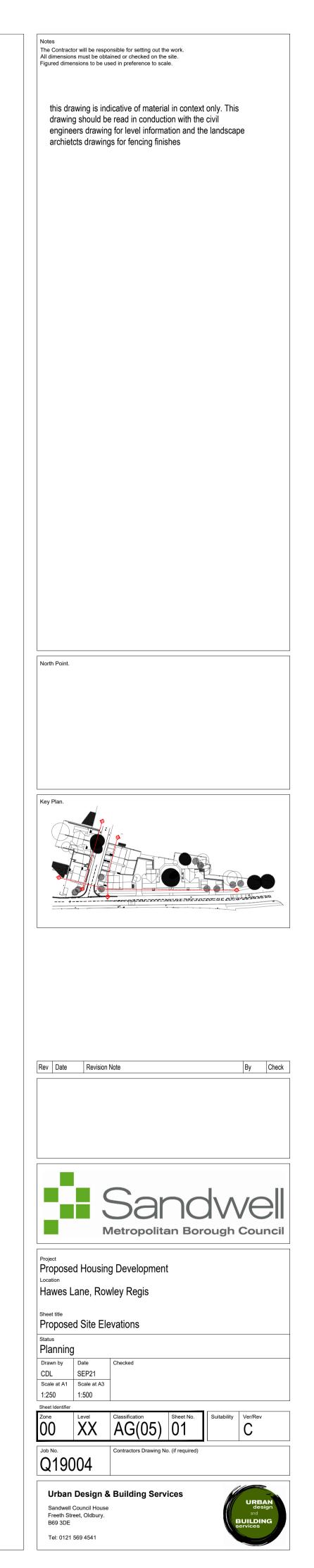
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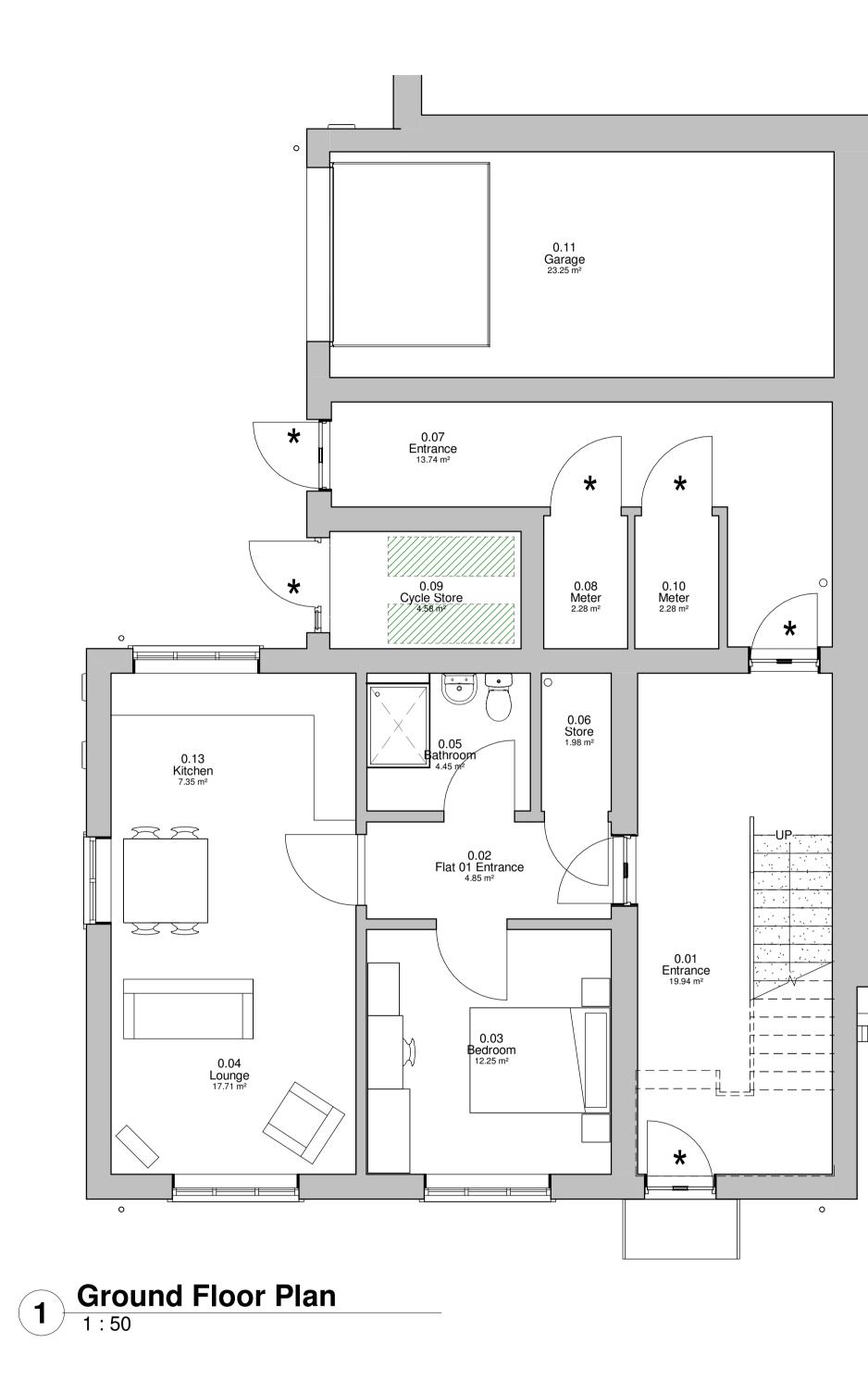


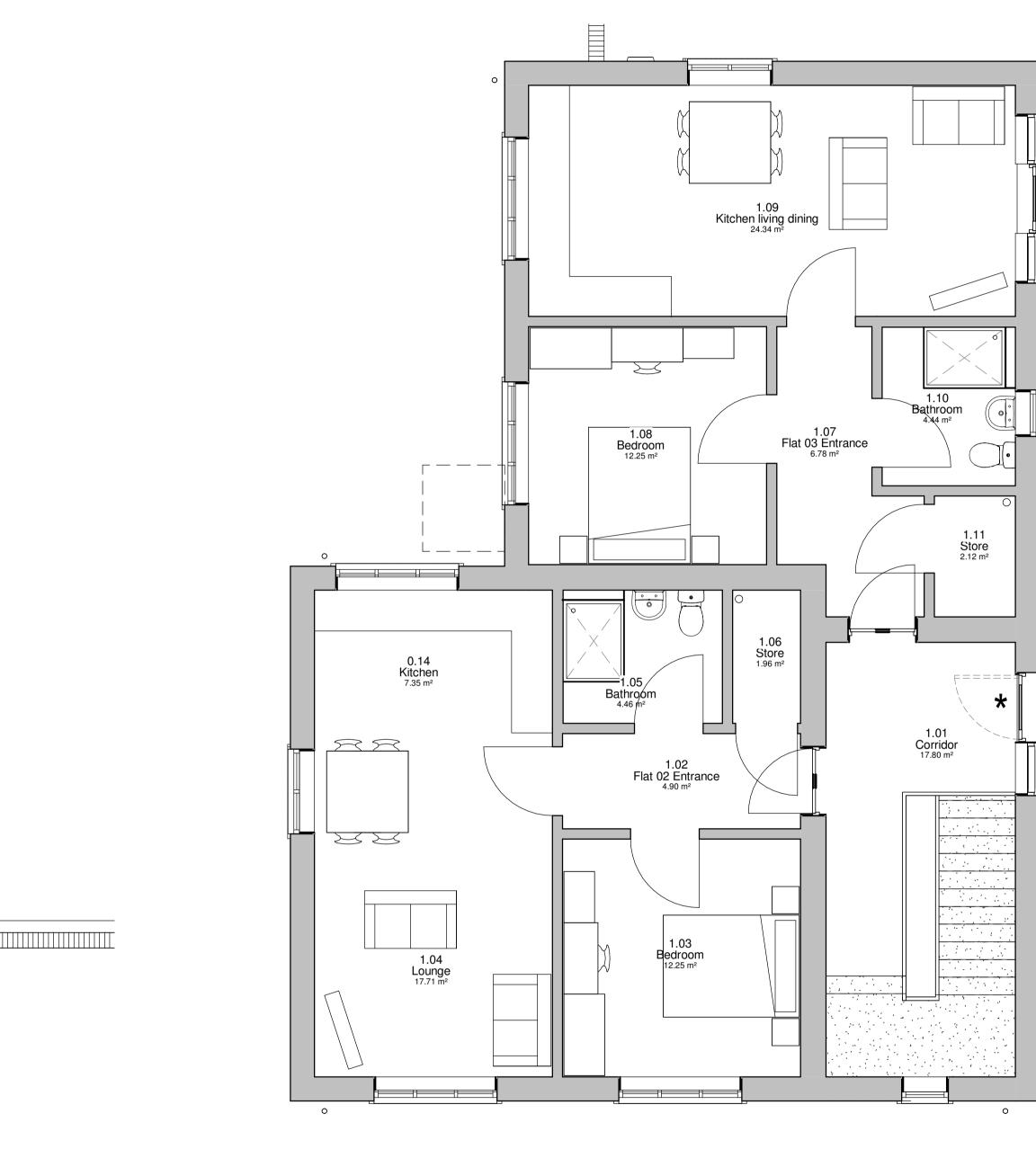
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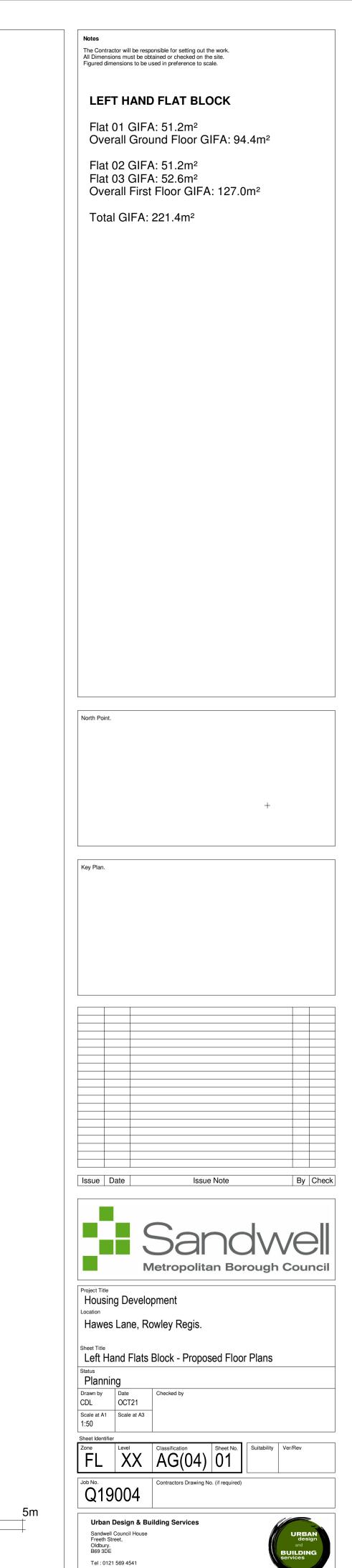
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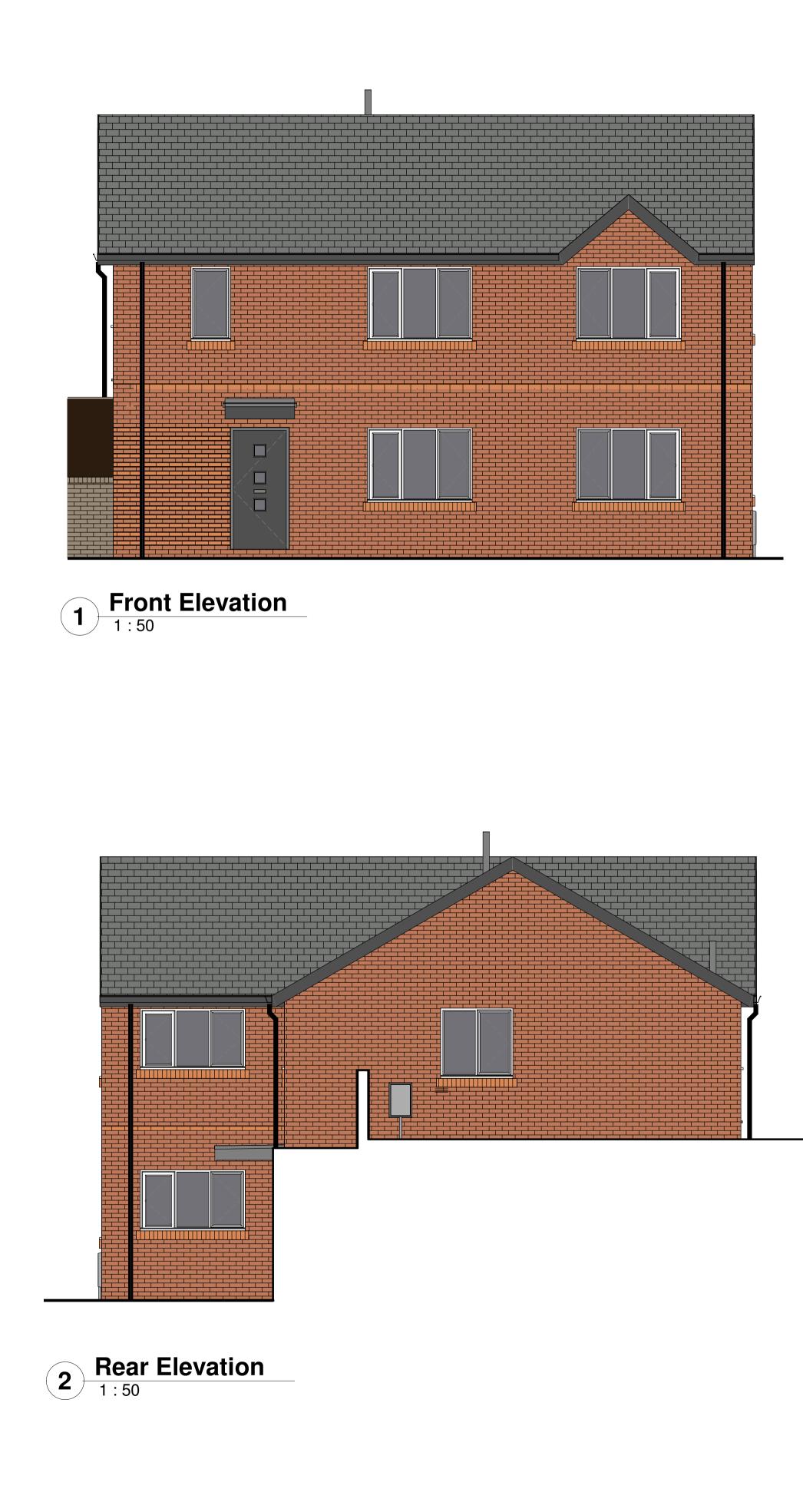






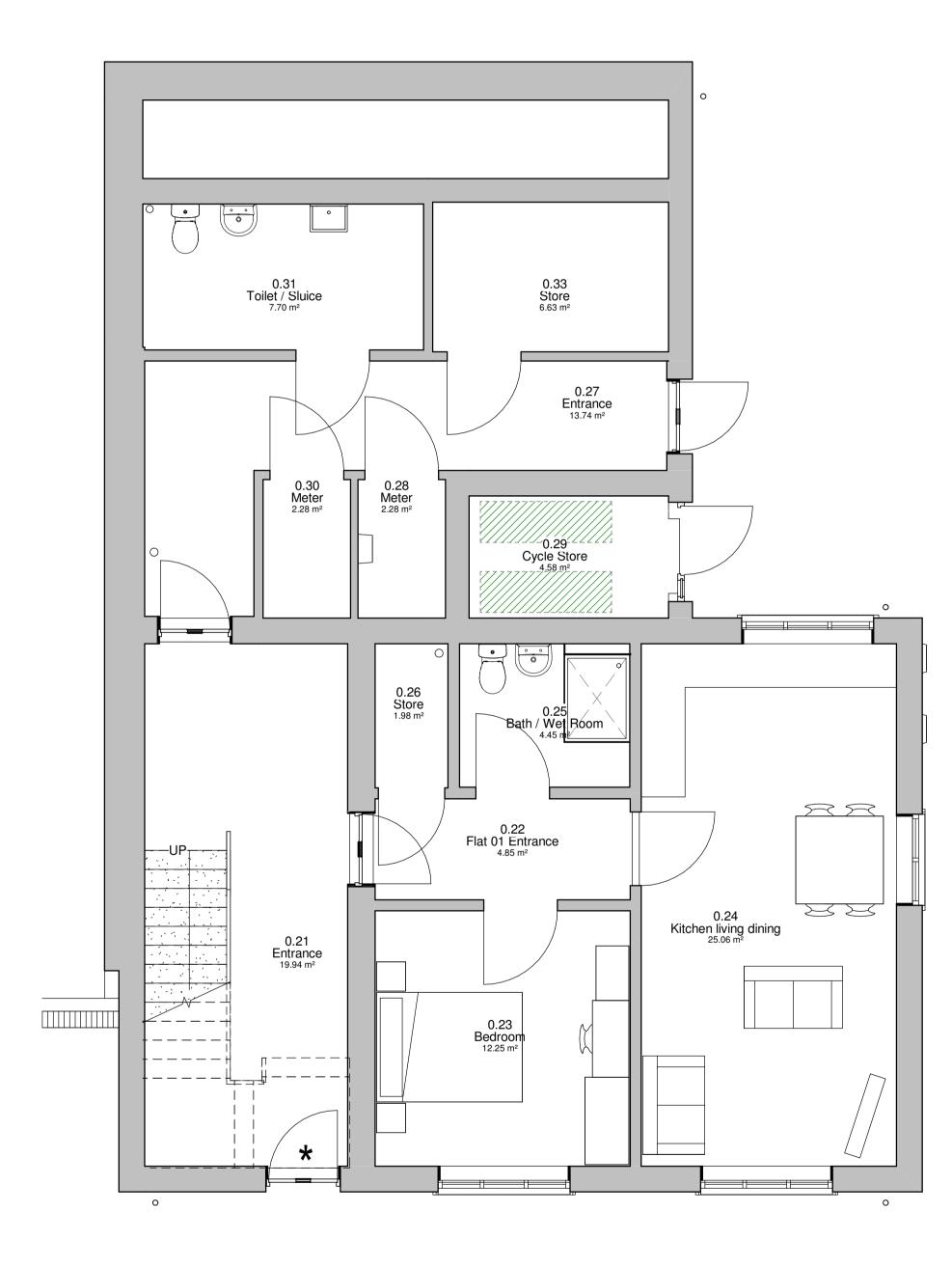




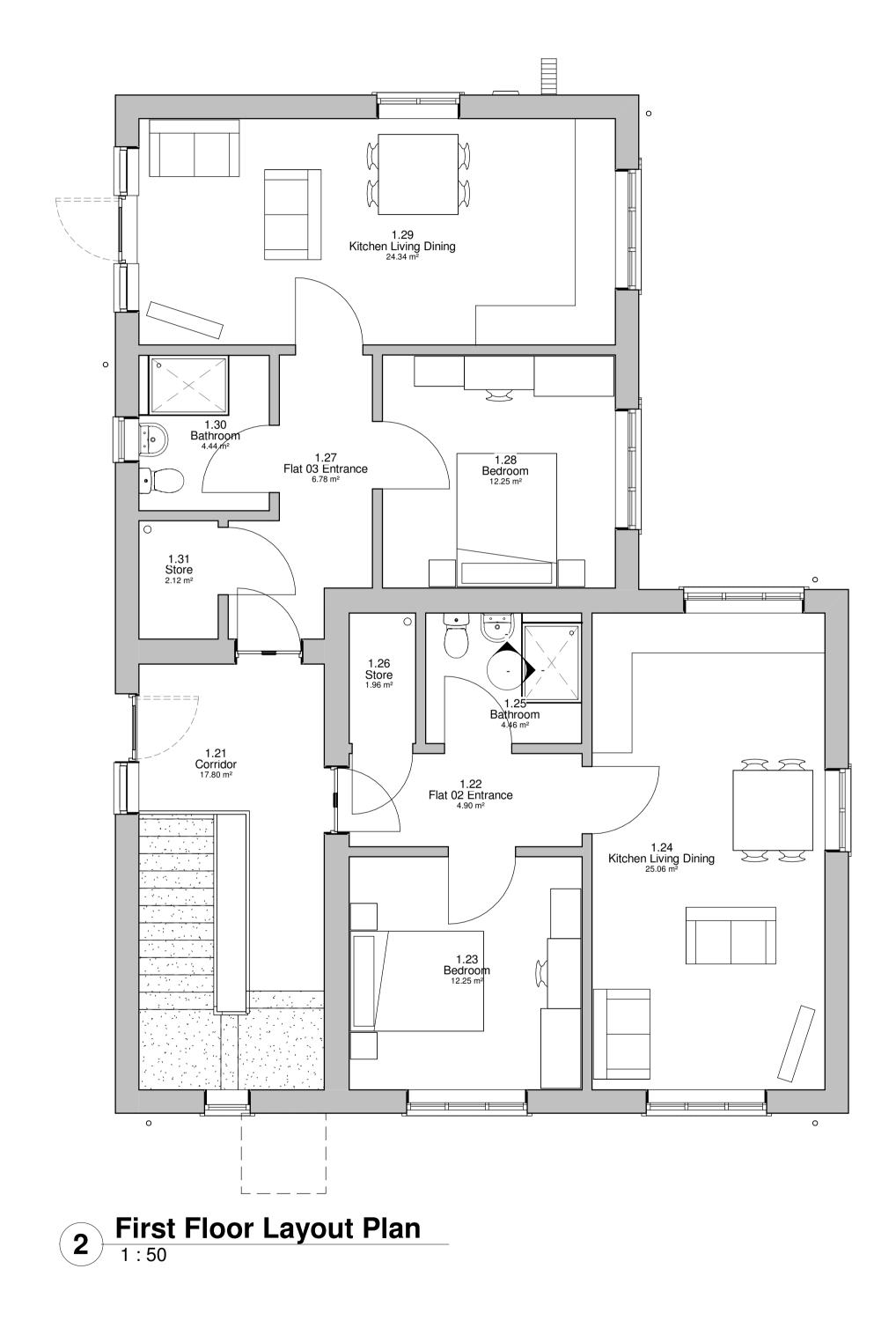


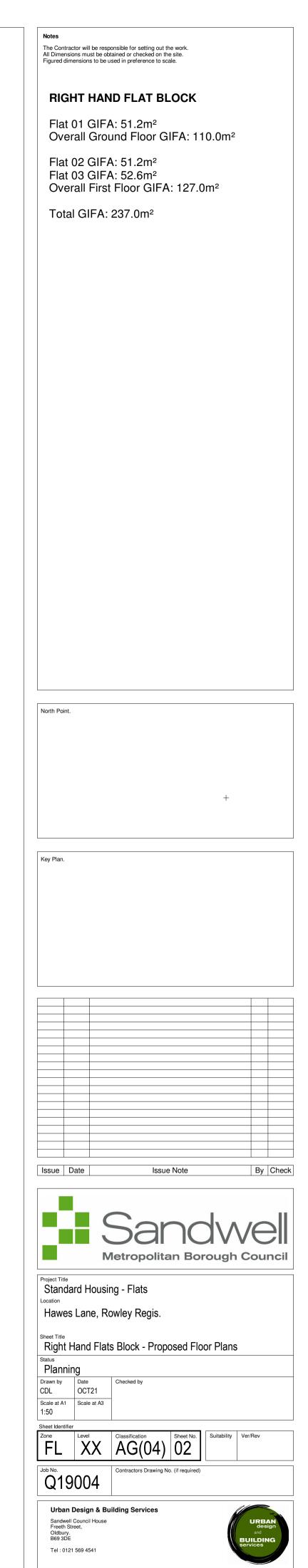


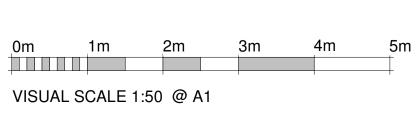


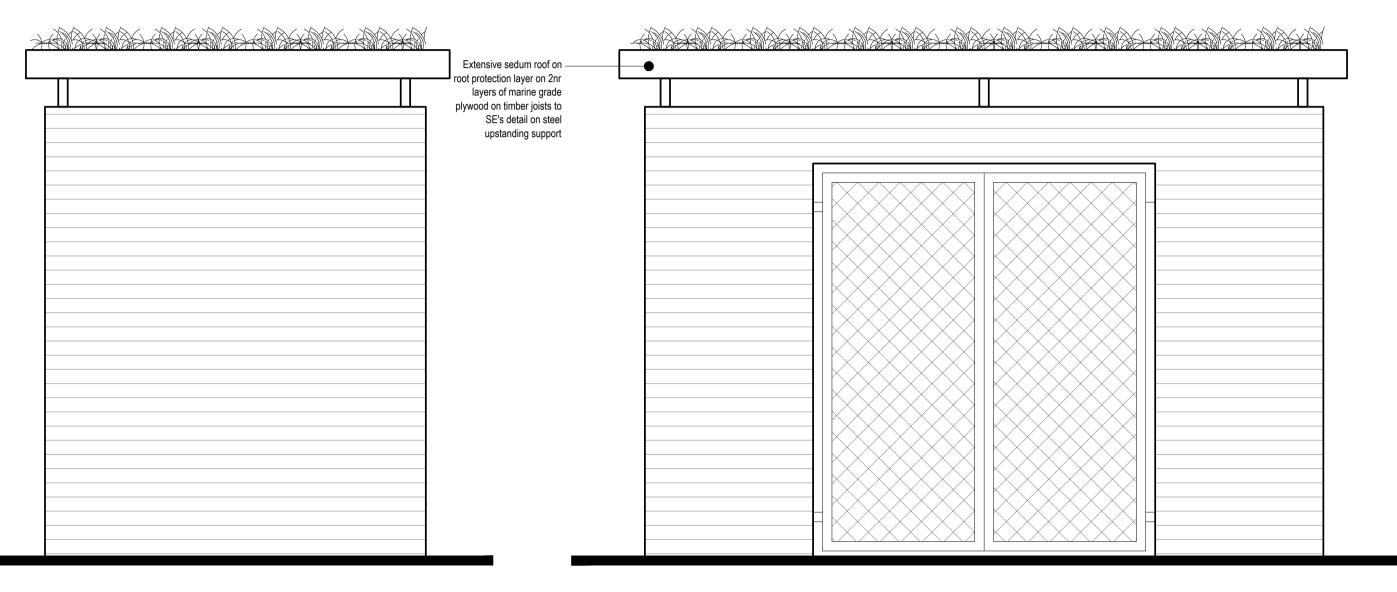


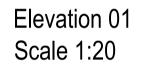


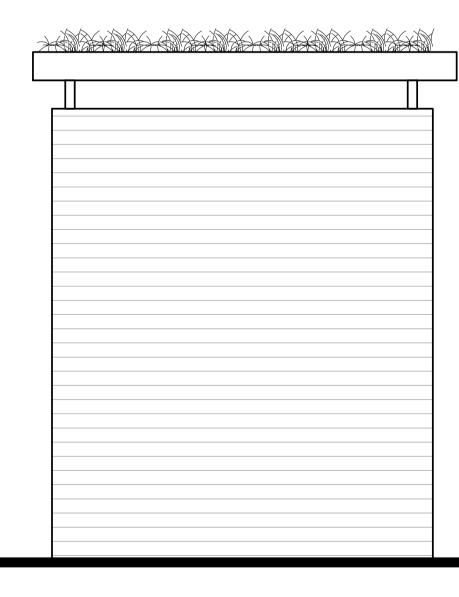






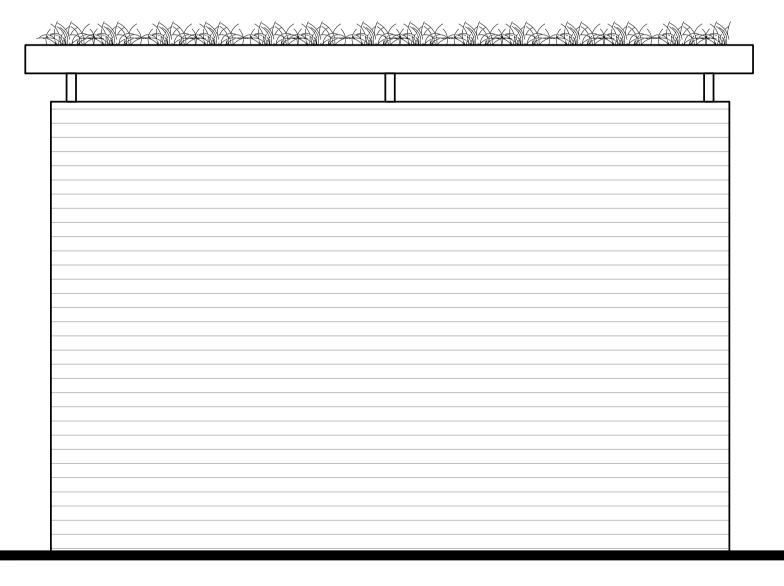






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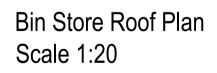


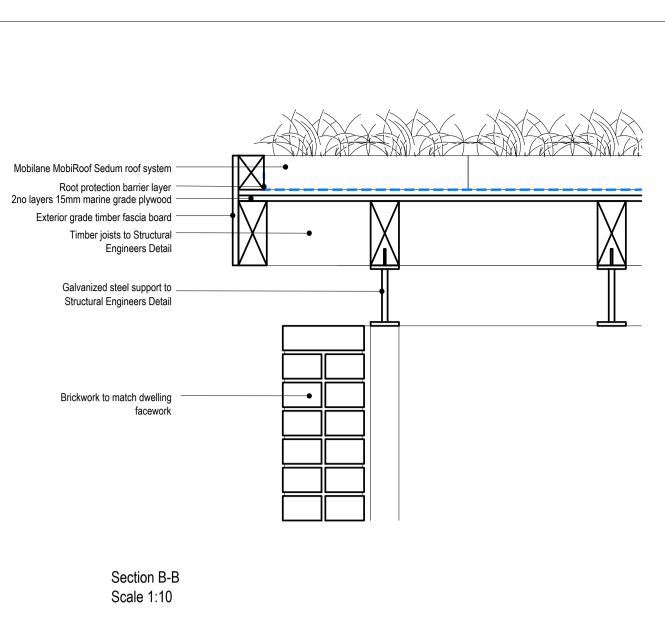
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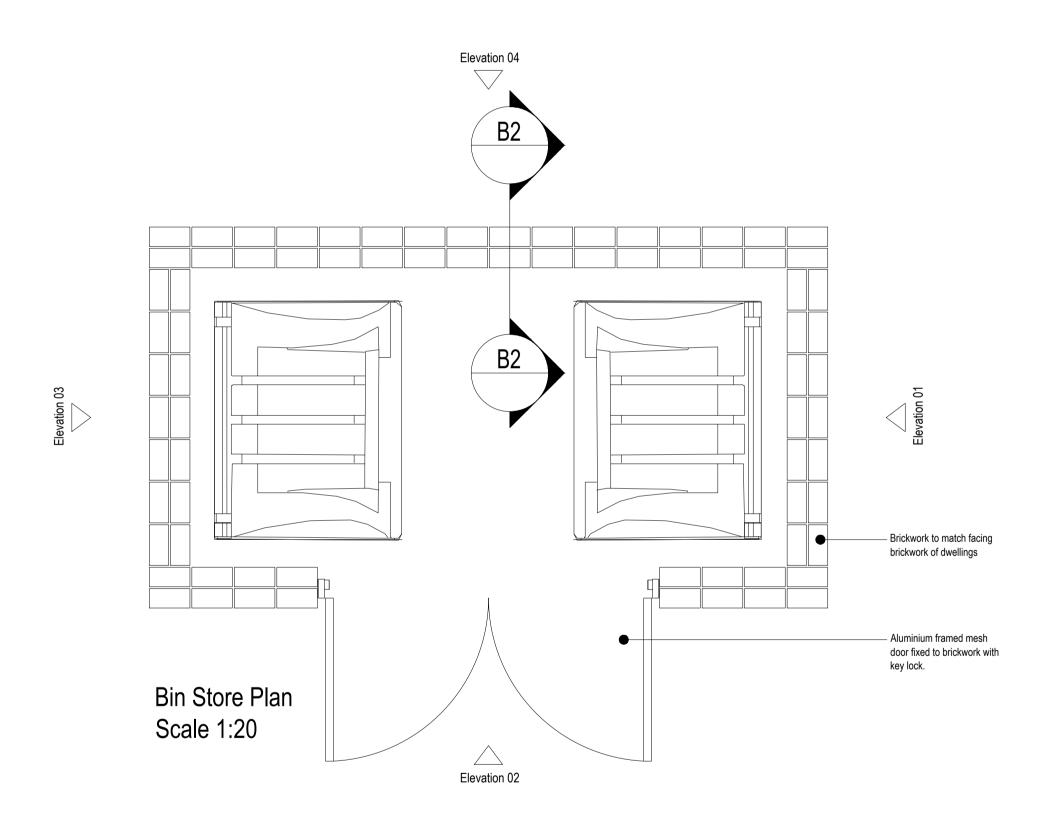
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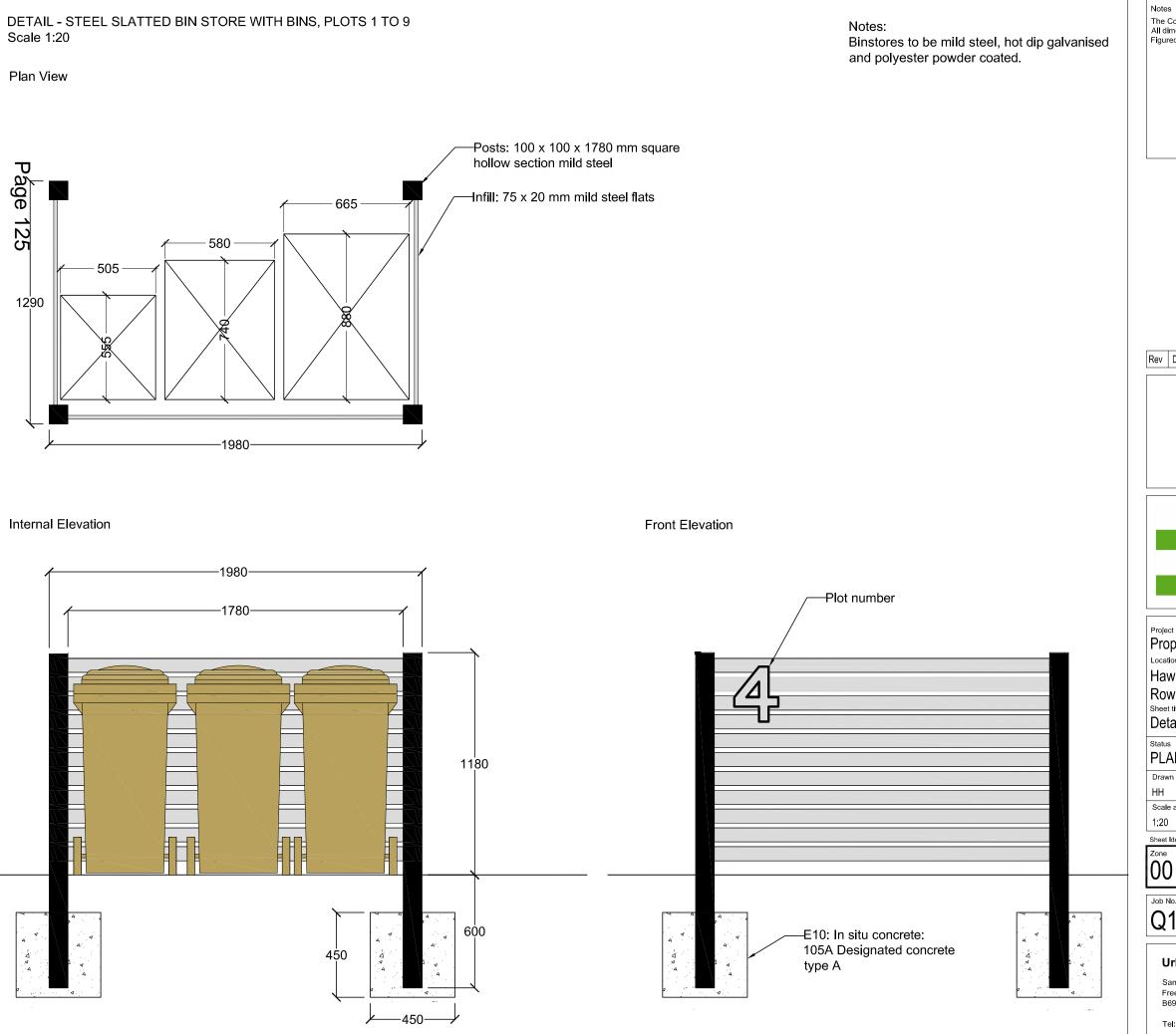


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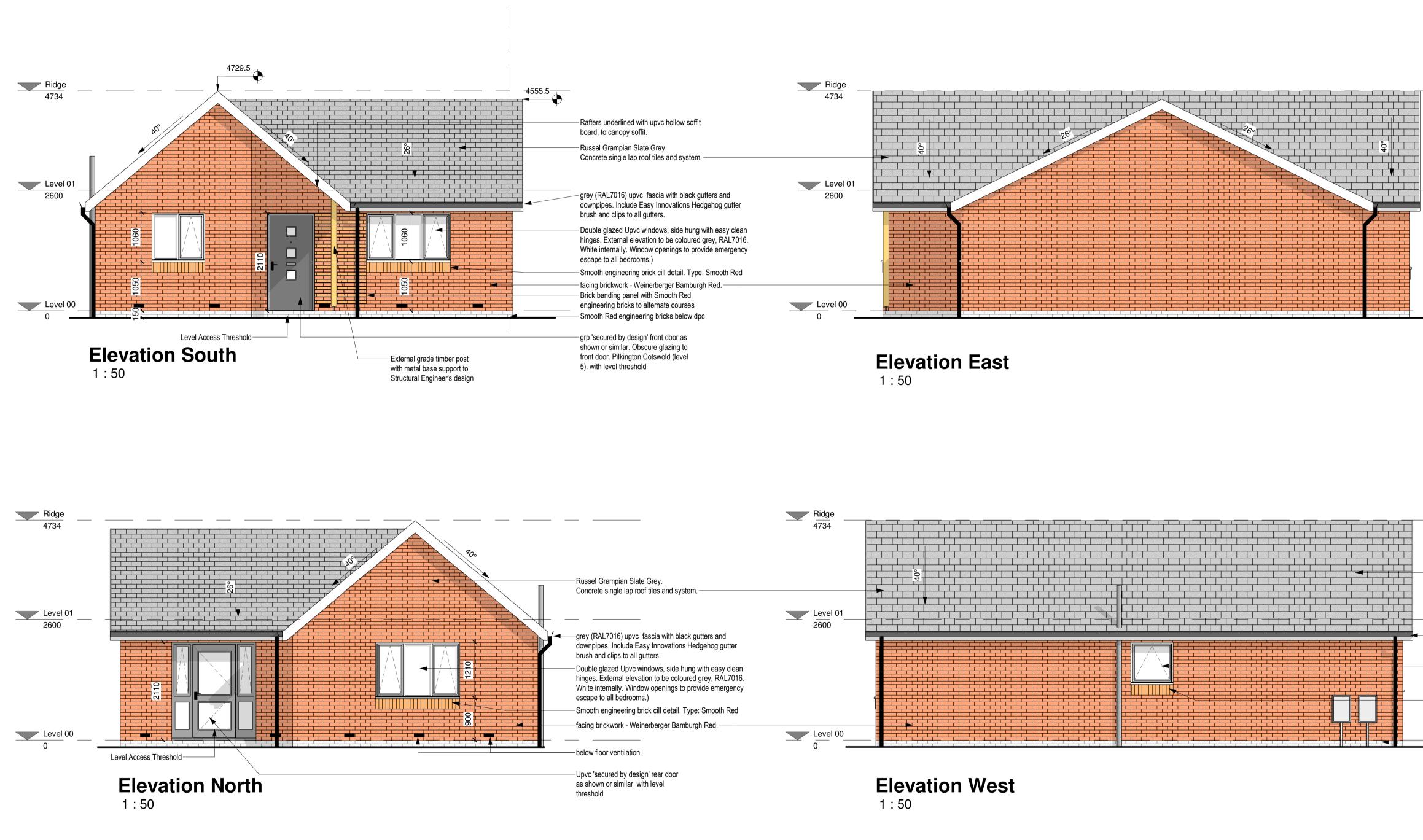
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Tel: 0121 569 4541





Plots 02, Handed Plot 01

Key Plan.

_____ _____

North Point.

-roofing tiles -colour and texture to be confirmed

grey (RAL7016) upvc_fascia with black gutters and downpipes

 Double glazed Upvc windows, side hung with easy clean hinges. External elevation to be coloured grey, RAL7016.
 White internally. Frosted Glass. -Smooth engineering brick cill detail. Type: Smooth Red

—⁻Smooth Red engineering bricks below dpc

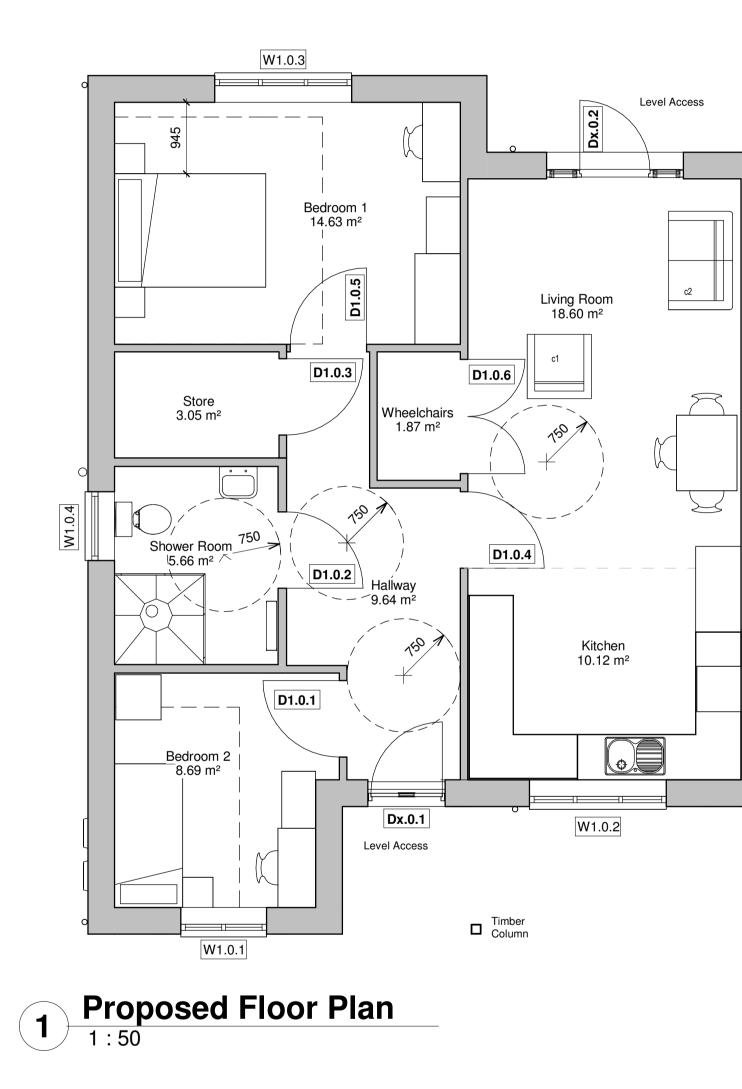


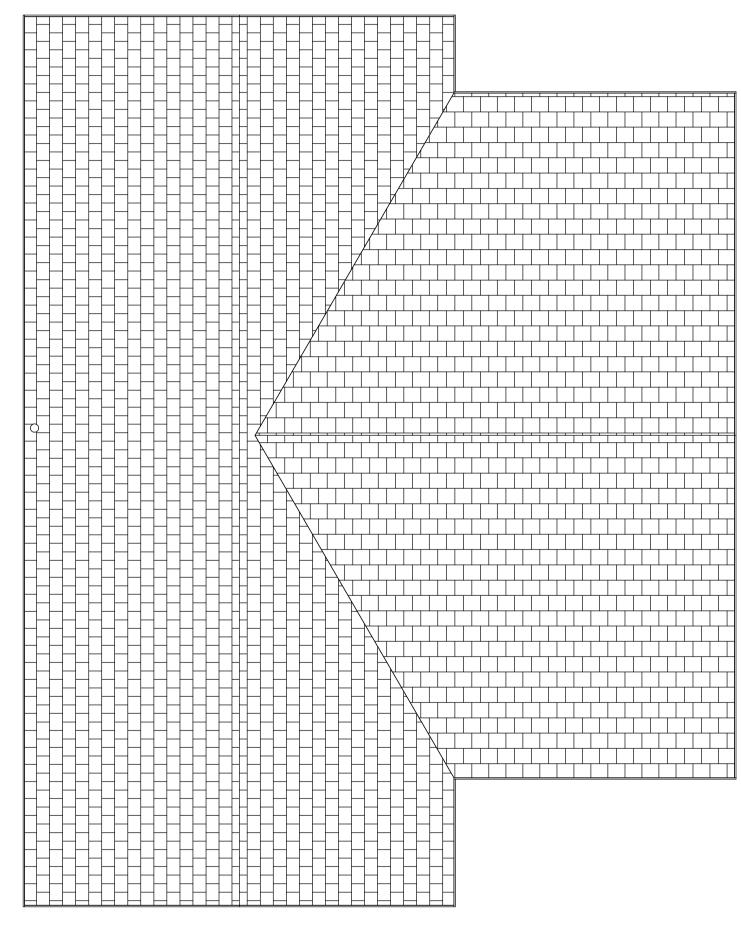
Urban Design & Building Services

Sandwell Council House Freeth Street, Oldbury. B69 3DE

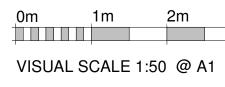
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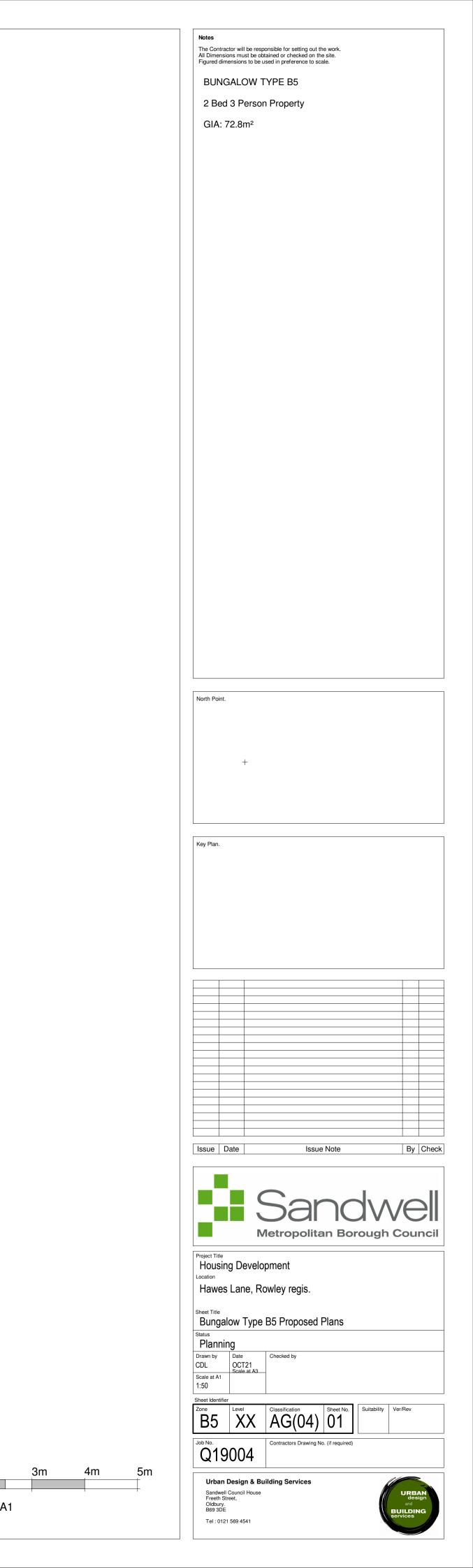


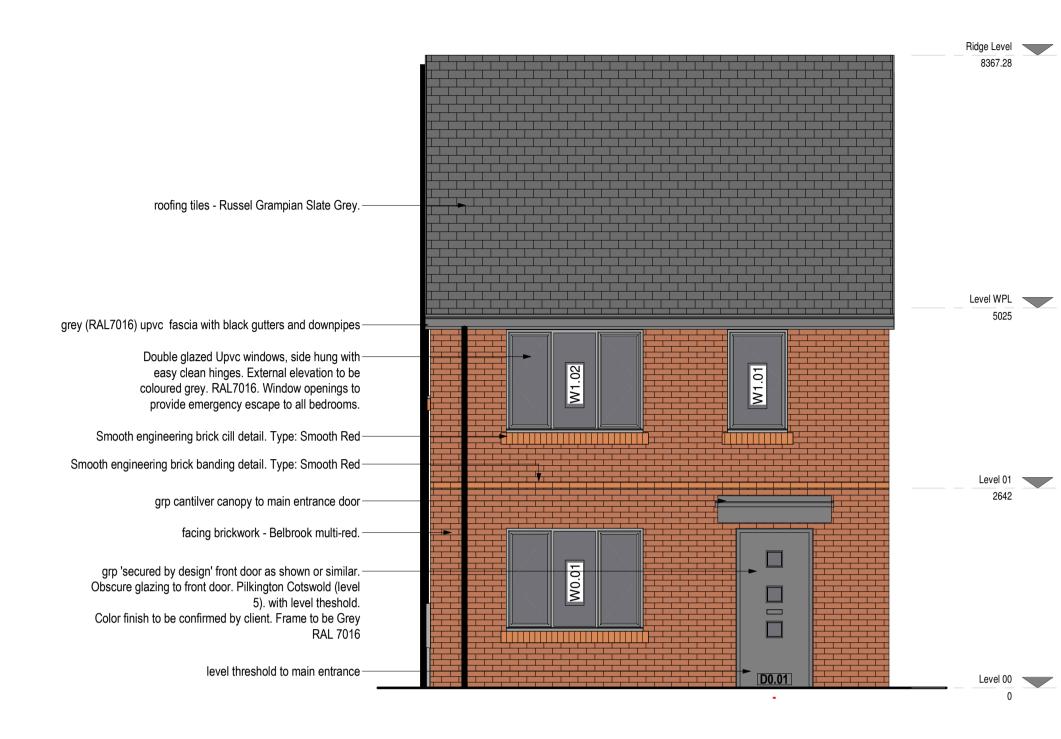








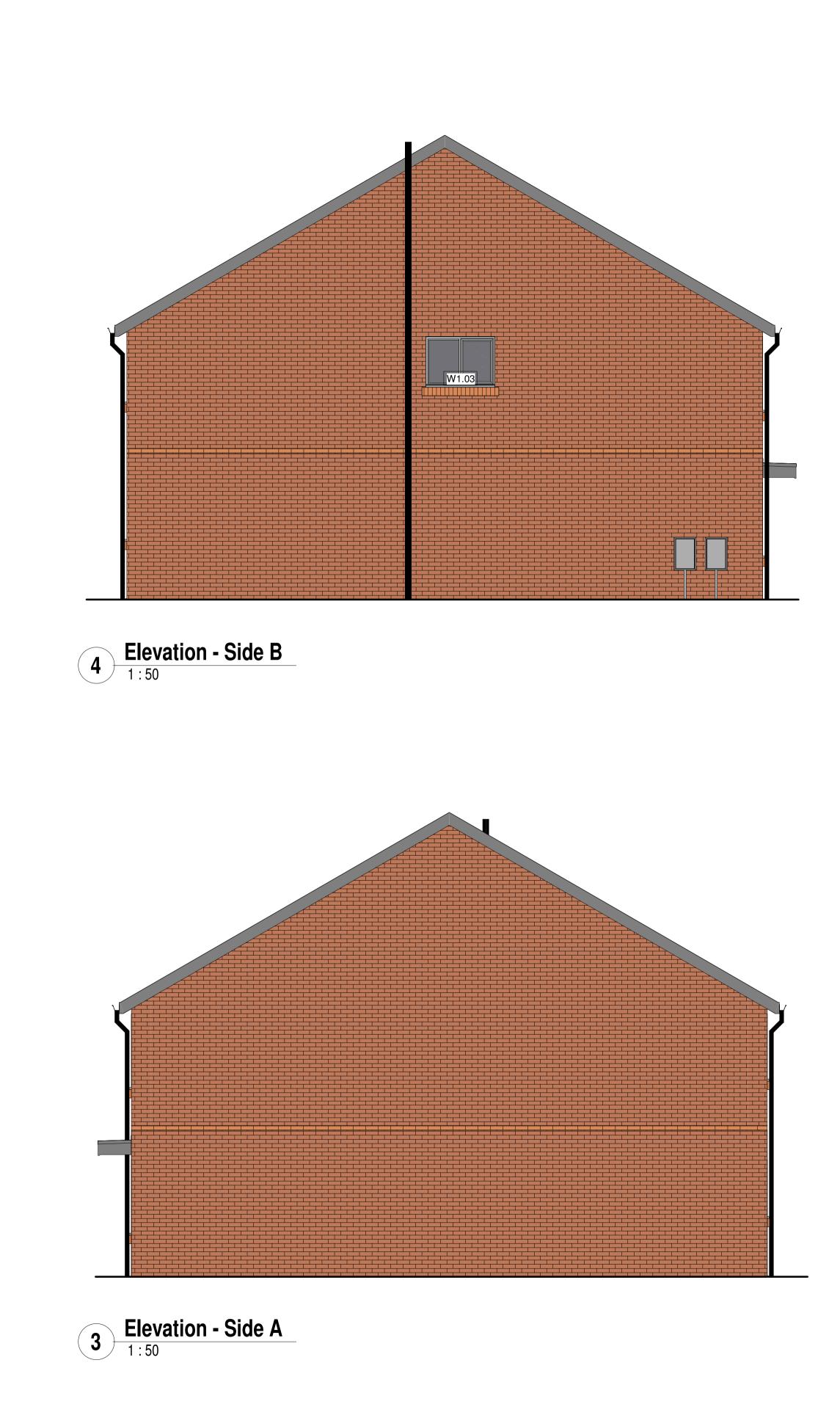




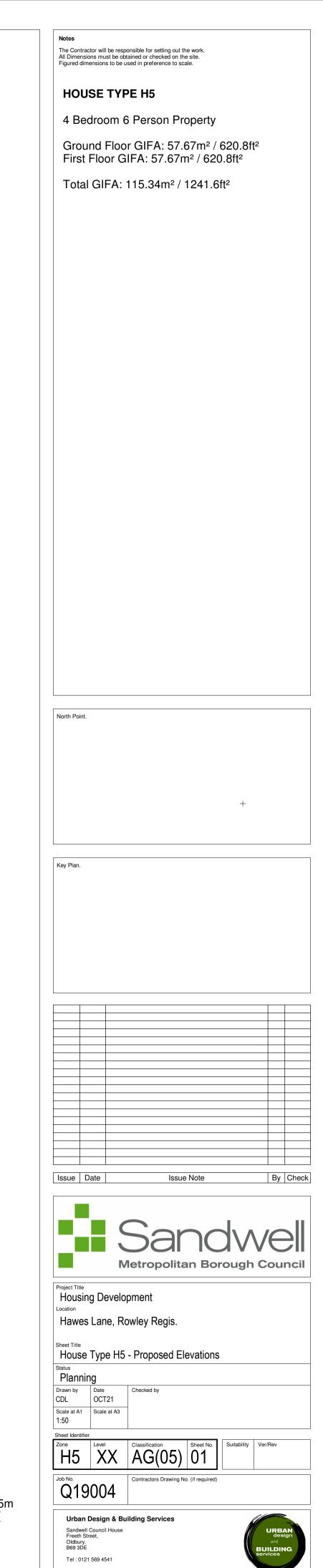


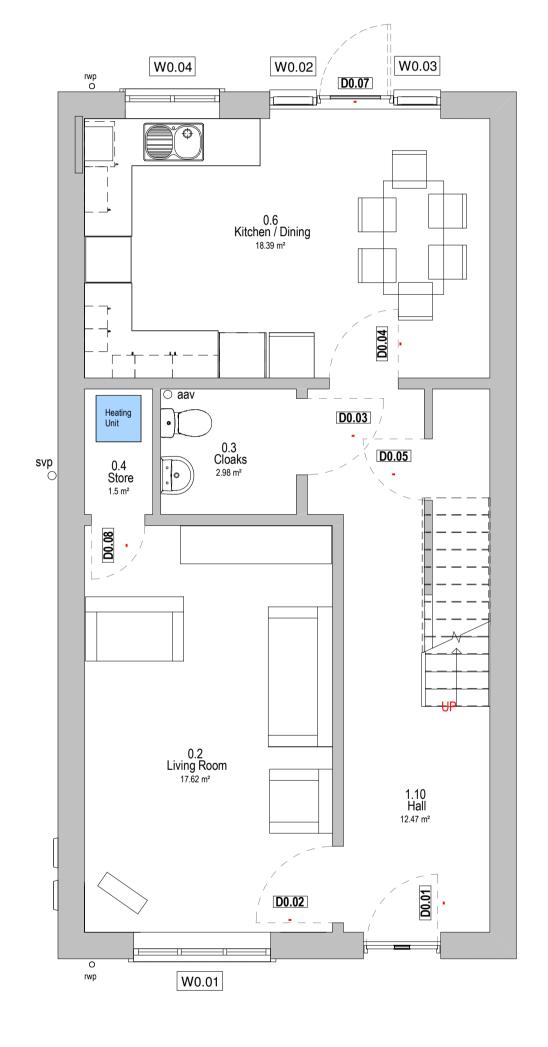






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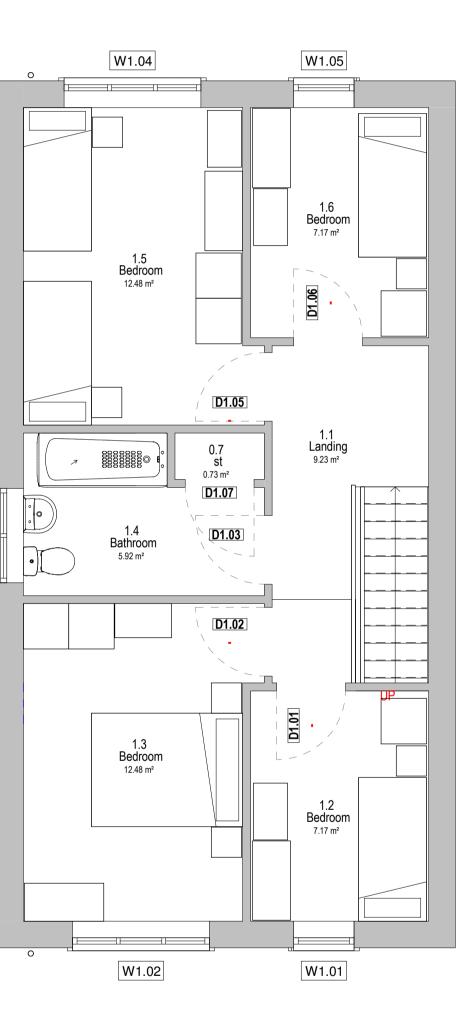




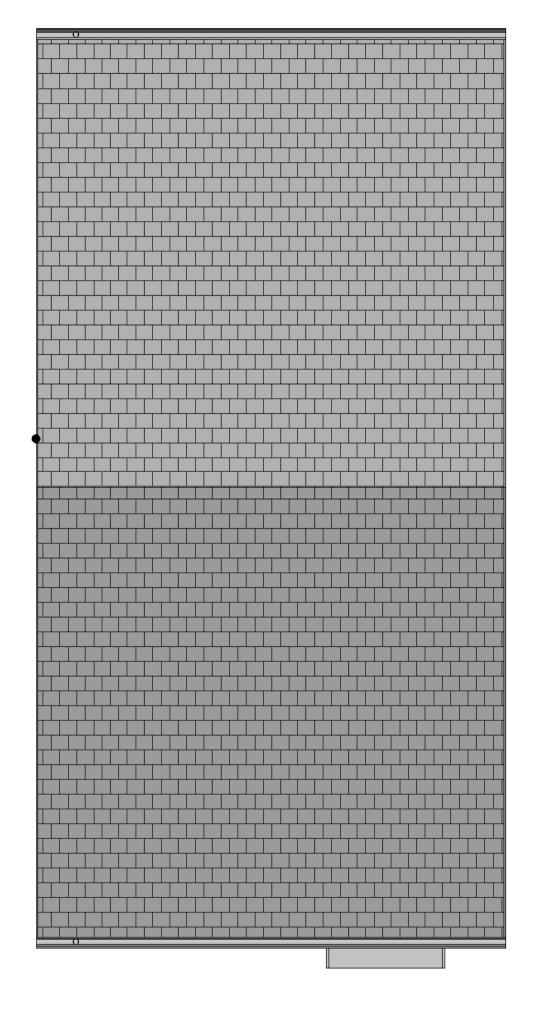


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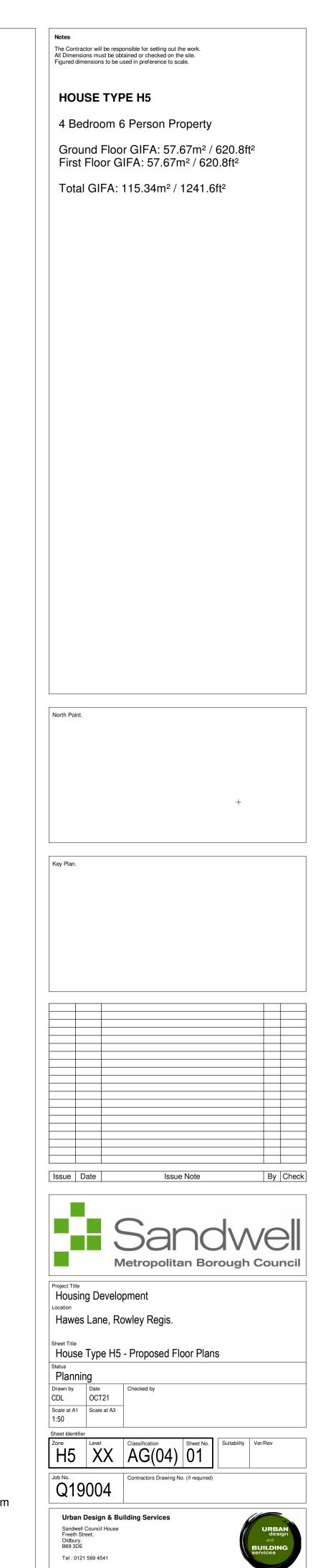
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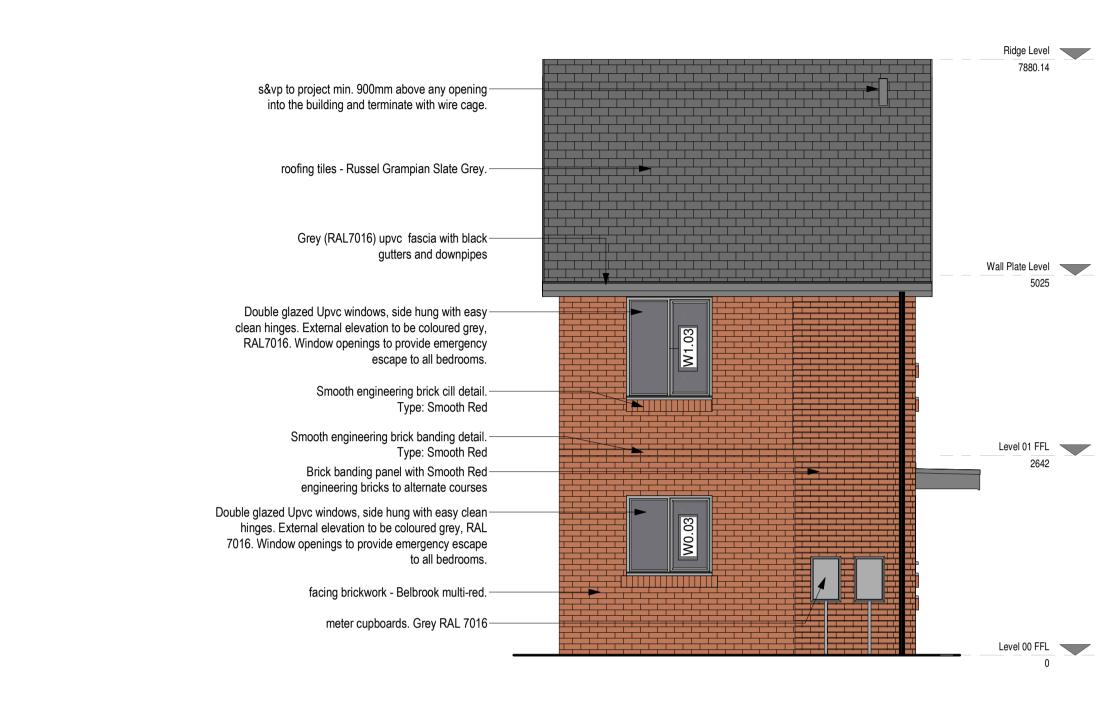




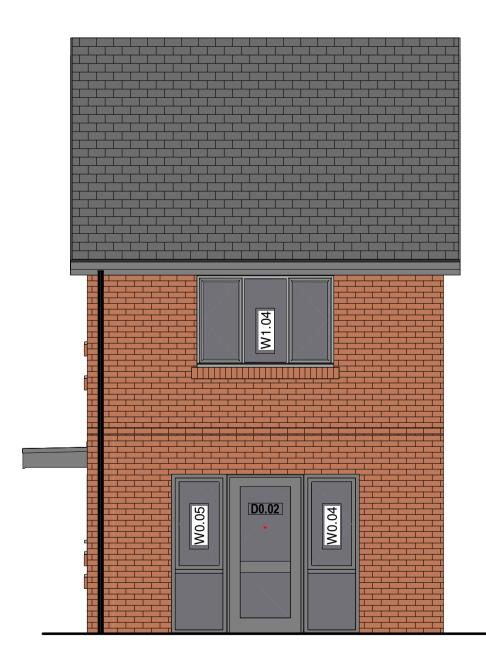




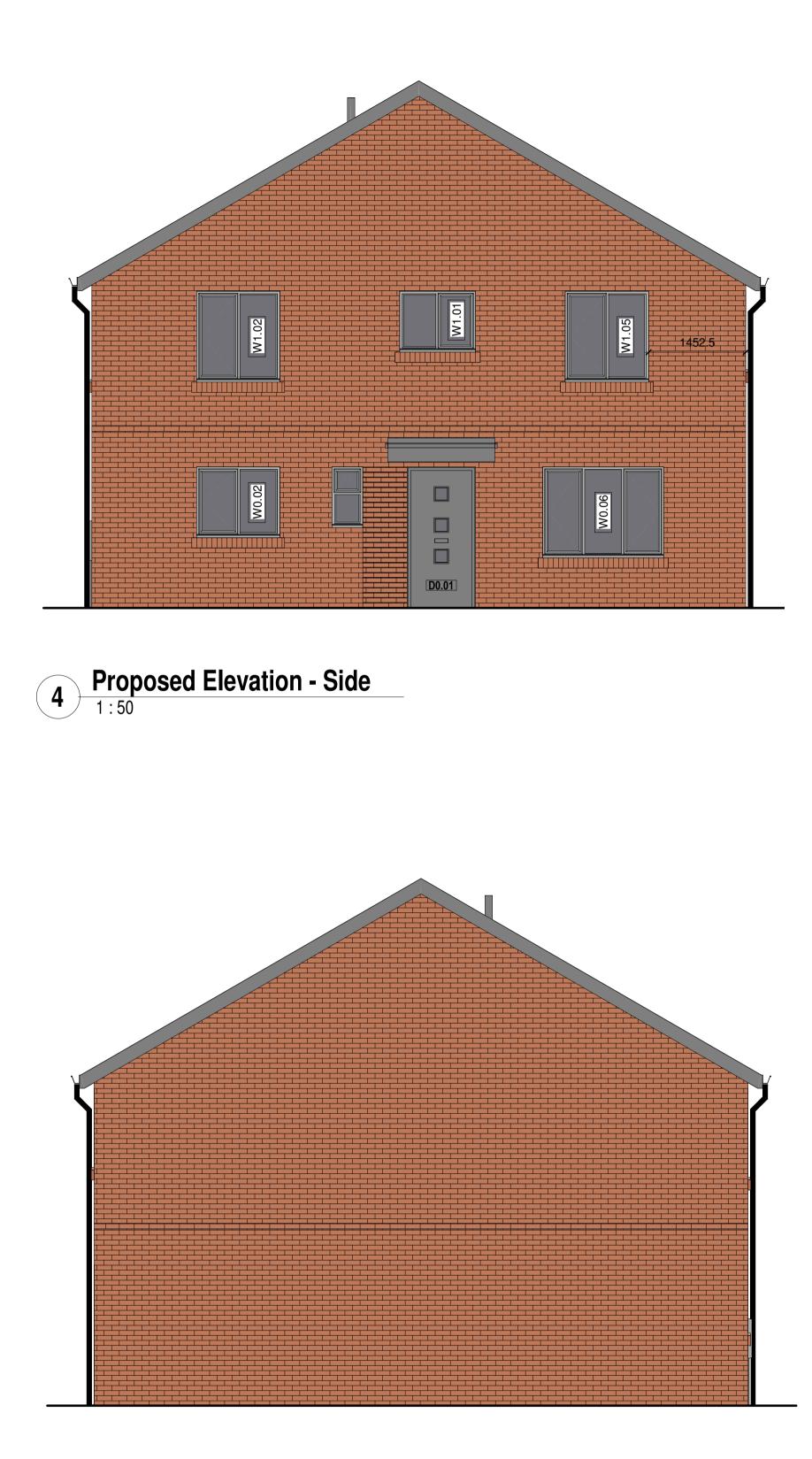
2m 5m 3m 4m VISUAL SCALE 1:50 @ A1





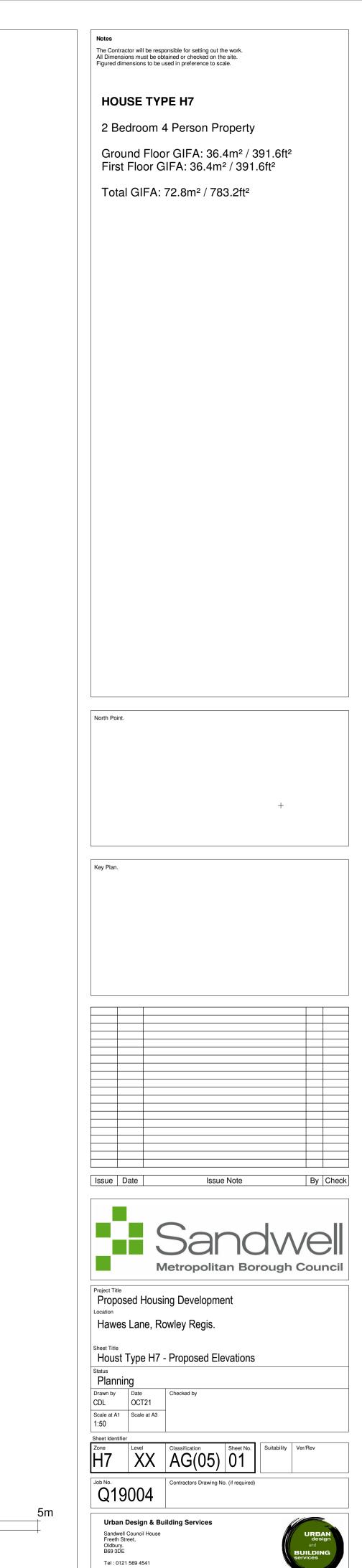


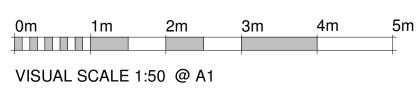




Broposed Elevation - Side 1

0m 1m

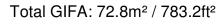




HOUSE TYPE H7

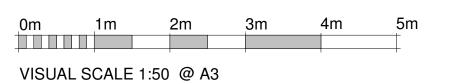
2 Bedroom 4 Person Property

Ground Floor GIFA: 36.4m² / 391.6ft² First Floor GIFA: 36.4m² / 391.6ft²









Notes.

The Contractor will be responsible for setting out the work. All Dimensions must be obtained or checked on the site. Figured dimensions to be used in preference to scale.

Key Plan.

Issue	Date	Issue Note	By	Chk



Project Title

Proposed Housing Development

Location

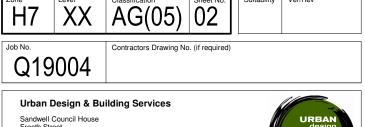
Hawes Lane, Rowley Regis.

Sheet Title

House Type H7 - Alternative Elevation

Status Planning

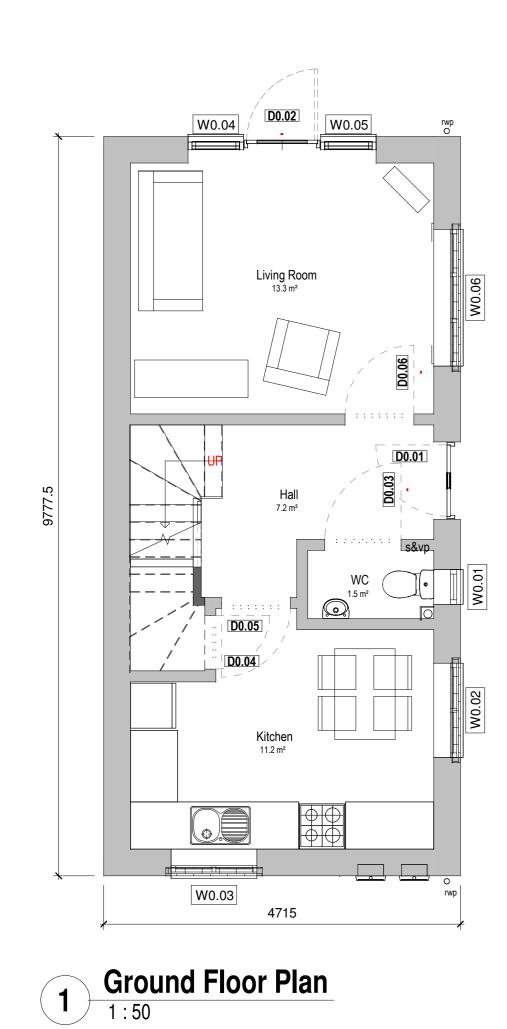
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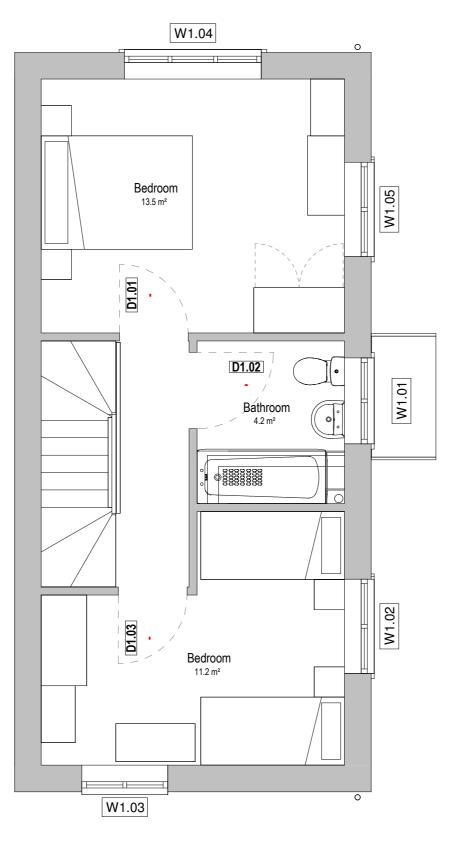


Sandwell Council House Freeth Street, Oldbury. B69 3DE

Tel : 0121 569 4541









	Ground Floor GIFA
	First Floor GIFA: 36 Total GIFA: 72.8m ²
	Key Plan.
	Issue Date
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	Metrop
	Project Title Proposed Housing Deve Location
	Hawes Lane, Rowley Re
Roof Plan	Sheet Title House Type H7 - Propos Status
3 1:50	Drawn by Date Checked by CDL OCT21 Checked by
	Scale at A1 Scale at A2 1:50 Sheet Identifier
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	Job No. Contractors
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VISUAL SCALE 1:50 @ A2	Sandwell Council House Freeth Street, Oldbury. B69 3DE Tel : 0121 569 4541

Notes

The Contractor will be responsible for setting out the work. All Dimensions must be obtained or checked on the site. Figured dimensions to be used in preference to scale.

HOUSE TYPE H7

2 Bedroom 4 Person Property

A: 36.4m² / 391.6ft² 36.4m² / 391.6ft²

² / 783.2ft²

Issue Note By Check



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Regis.

Sheet Title House	Type H7	- Proposed Flo	oor Plans	6	
Status					
Planni	ng				
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CDL	OCT21				
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Job No.		Contractors Drawing No	 (if required) 		

vices URBAN design



roofing tiles - Russel Grampian Slate Grey-

s&vp to project min. 900mm above anyopening into the building and terminate with wire cage.

grey (RAL7016) upvc fascia with blackgutters and downpipes

Double glazed Upvc windows, side hung with easy— clean hinges. External elevation to be coloured grey, RAL7016. Window openings to provide emergency escape to all bedrooms. Smooth engineering brick cill detail. — Type: Smooth Red

grp cantilver canopy to main entrance door-

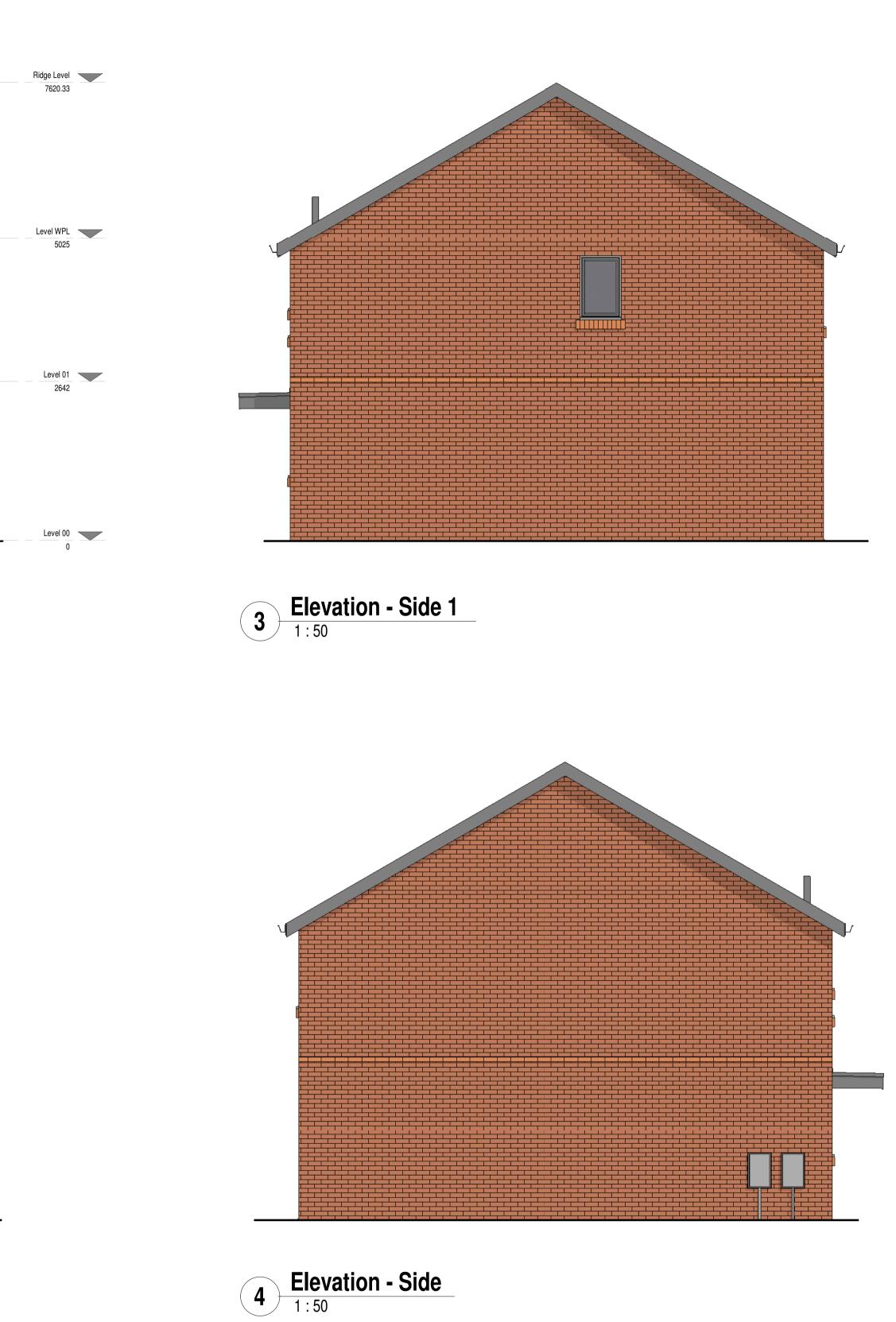
facing brickwork - Belbrook multi-red.

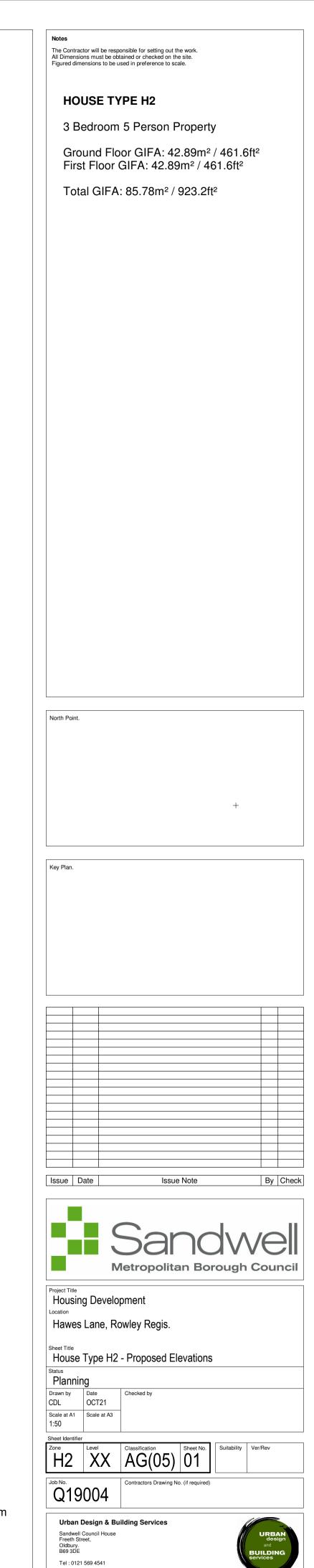
Smooth engineering brick — embossment. Type: Smooth Red

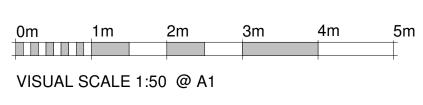






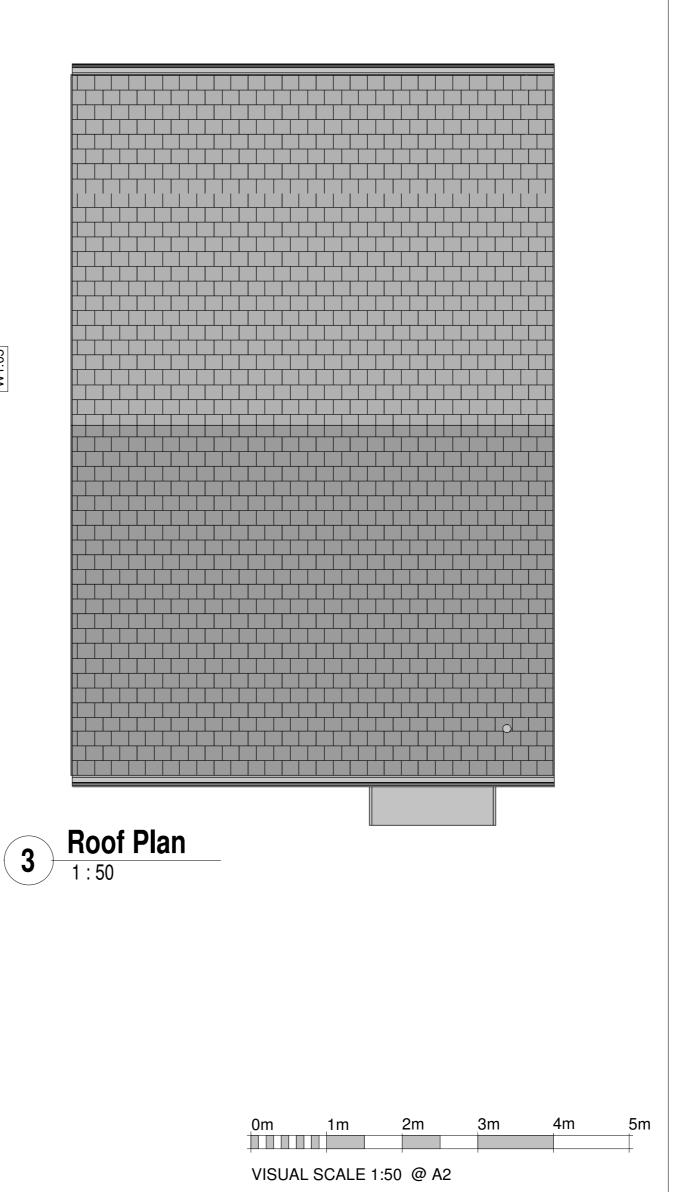












Notes

The Contractor will be responsible for setting out the work. All Dimensions must be obtained or checked on the site. Figured dimensions to be used in preference to scale.

HOUSE TYPE H2

3 Bedroom 5 Person Property

Ground Floor GIFA: 42.89m² / 461.6ft² First Floor GIFA: 42.89m² / 461.6ft²

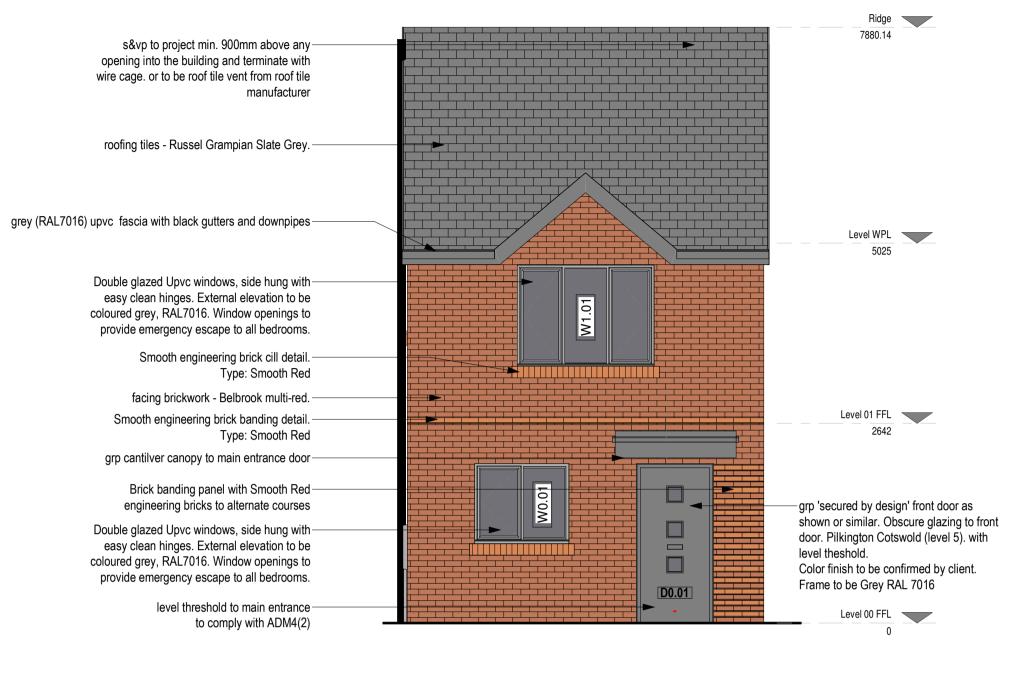
Total GIFA: 85.78m² / 923.2ft²

Key Plan.]
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Urban Design & Building Services

Sandwell Council House Freeth Street, Oldbury. B69 3DE

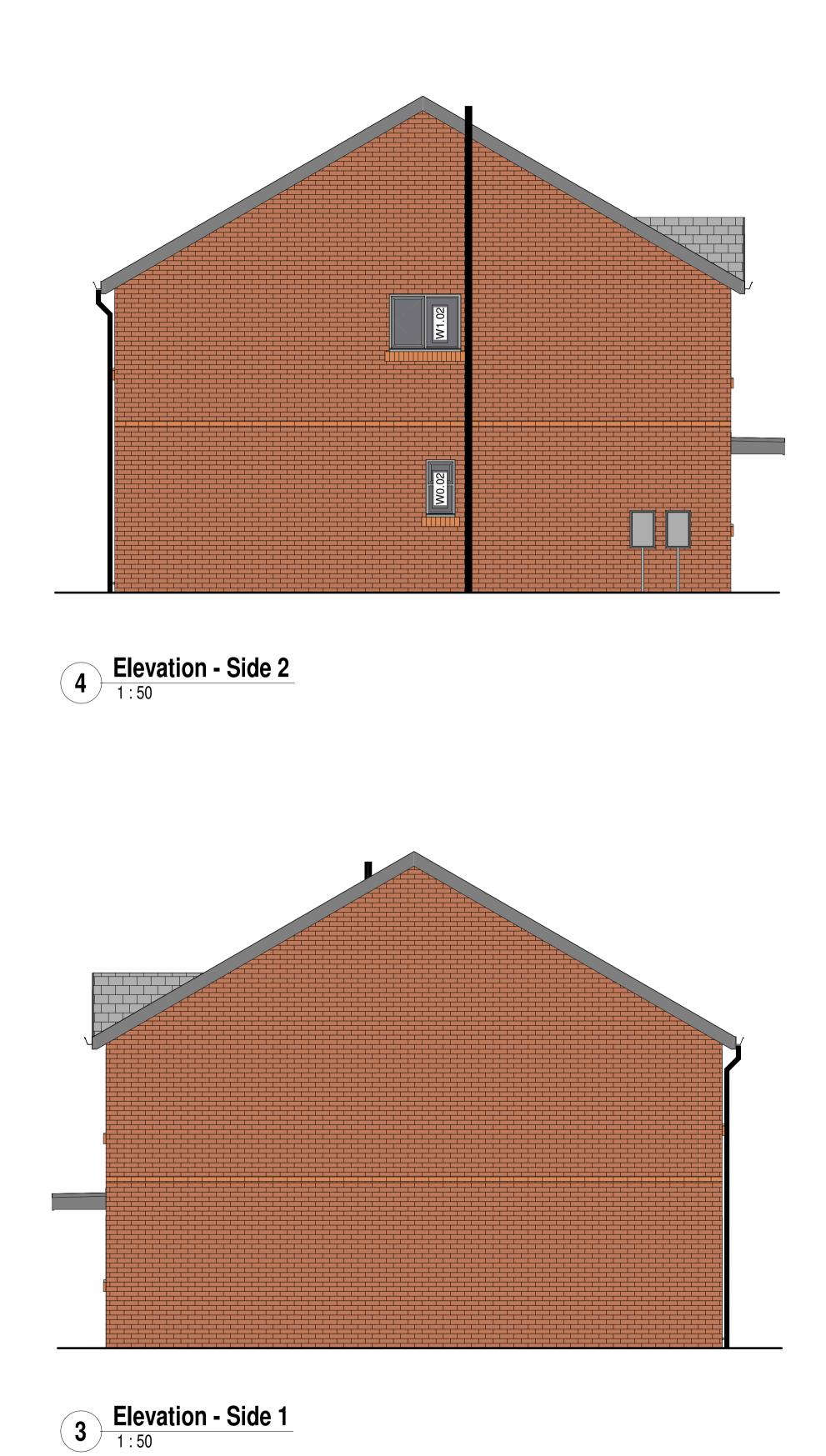
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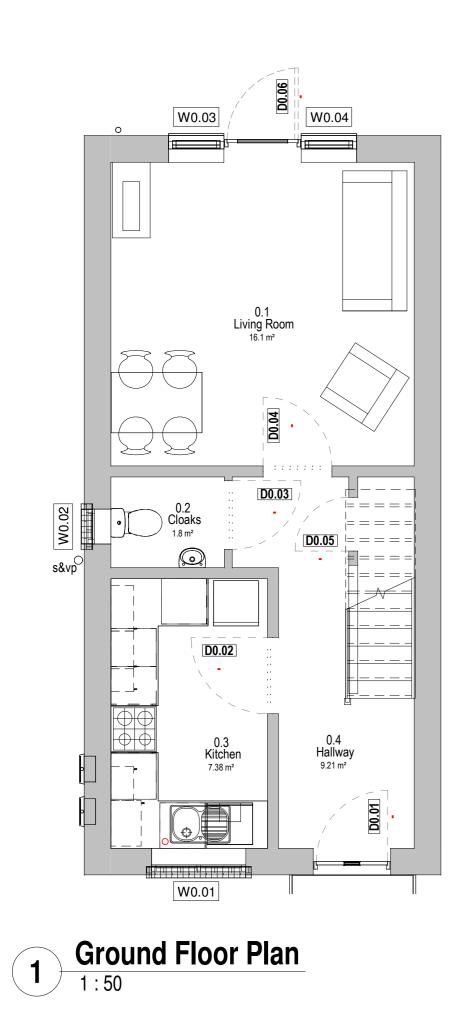


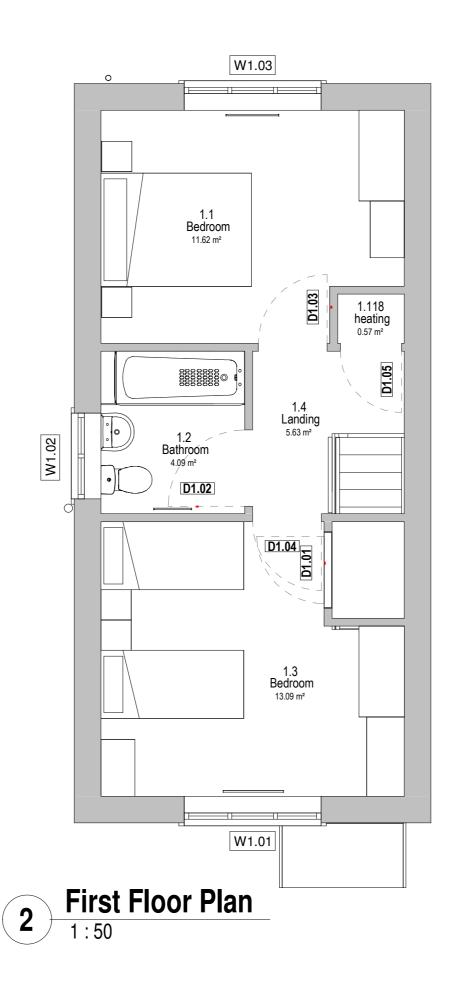


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	coom 4 Person Property
Ground	d Floor GIFA: 36.4m ² / 391.6ft ²
	loor GIFA: 36.4m ² / 391.6ft ²
	GIFA: 72.8m ² / 783.2ft ²
North Point.	
	+
Key Plan.	
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	Sandwell
	Metropolitan Borough Council
Project Title Housing) Development
Location	Lane, Rowley Regis.
Sheet Title House 7	Type H1 - Proposed Elevations
Status	9
CDL Scale at A1	Date Checked by OCT21 Scale at A3
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Job No. Q190	Contractors Drawing No. (if required)
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Freeth Stree Oldbury. B69 3DE Tel : 0121 5	and BUILDING services







	Notes The Contractor will be responsible for setting out the work. All Dimensions must be obtained or checked on the site. Figured dimensions to be used in preference to scale.
	HOUSE TYPE H1
	2 Bedroom 4 Person Property
	Ground Floor GIFA: 36.4m ² / 391.6ft ² First Floor GIFA: 36.4m ² / 391.6ft ²
	Total GIFA: 72.8m ² / 783.2ft ²
	Key Plan.
	Issue Date Issue Note By Check
	Sandwell
	Metropolitan Borough Council
	Project Title Standard Housing - MAPLE House Type
	Location Hawes Lane, Rowley Regis.
Roof Plan	Sheet Title House Type H1 - Proposed Floor Plans
3 1:50	Status Planning
	Drawn by Date Checked by CDL OCT21 Scale at A1 Scale at A2
	Sheet Identifier
	Zone Level Classification Sheet No. Suitability Ver/Rev H1 XX AG(04) 01 Suitability Ver/Rev
	Job No. Contractors Drawing No. (if required)
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VISUAL SCALE 1:50 @ A2	Sandwell Council House URBAN Freeth Street, design Oldbury. B69 3DE BUILDING services
	Tel : 0121 569 4541



Russel Grampian Slate Grey. -concrete single lap roof tiles and system

grey (RAL7016) upvc fascia with --black gutters and downpipes

Double glazed Upvc windows, side hung with — easy clean hinges. External elevation to be coloured grey, RAL7016. Window openings to provide emergency escape to all bedrooms.

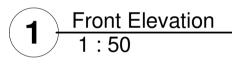
Smooth engineering brick – cill detail. Type: Smooth Red

facing brickwork - Belbrook multi-red.

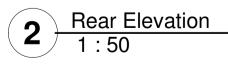
GRP entrance canopy -

Brick banding panel with Smooth Red – engineering bricks to alternate courses

grp 'secured by design' front door as shown or — similar. Obscure glazing to front door. Pilkington Cotswold (level 5). with level theshold. Color finish to be confirmed by client. Frame to be Grey RAL 7016



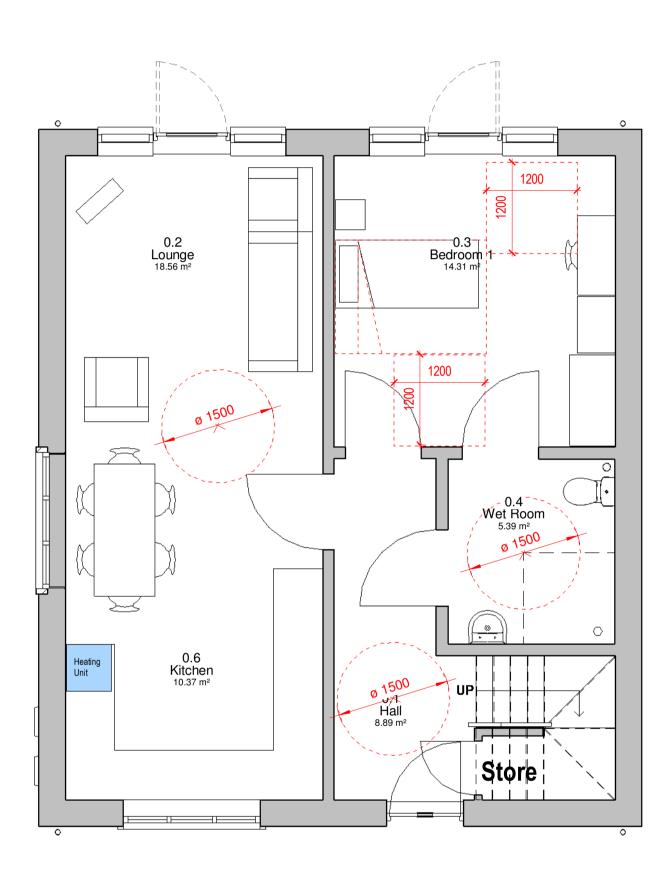


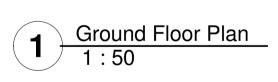




All bedragent the balance based. ADUSE TYPE H10 3 Bedragent S Person Property Ground Floor GIFA: 61.89m² / 666.2ft? Total GIFA: 123.78m² / 1332.4ft?	Notes The Contractor will be res	ponsible for setting out the work.	
3 Bedroom 5 Person Property Ground Floor GIFA: 61.89m² / 666.2tt² Total GIFA: 123.78m² / 1332.4tt²	All Dimensions must be o	btained or checked on the site.	
Bround Floor GIFA: 61.89m² / 666.21ť² Total GIFA: 123.78m² / 1332.41ť²			
Total GIFA: 123.78m² / 1332.4ft² Neth Port.			666.2ft ²
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Key Plan.	TOTAL GIFA	123.781127 1332.41	115
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Project Title Housing Development	Hawes Lane, R	owley Regis.	
Project Title Housing Development Location Hawes Lane, Rowley Regis.	House Type H1 Status	0 - Proposed Elevations	3
Project Title Housing Development Location Hawes Lane, Rowley Regis. Sheet Title House Type H10 - Proposed Elevations Status	Planning Drawn by Date CDL OCT21	Checked by	
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Metropolitan Borough Council Project Title Housing Development Location Hawes Lane, Rowley Regis. Sheet Title House Type H10 - Proposed Elevations Status Planning Drawn by Date OCT21 Checked by Scale at A1 Scale at A3 1:50 Checked by Sheet Identifier Classification Sheet No. Zone Level Classification Sheet No. M10 XX Classification Sheet No. Job No. Contractors Drawing No. (if required)	Urban Design & B	uilding Services	
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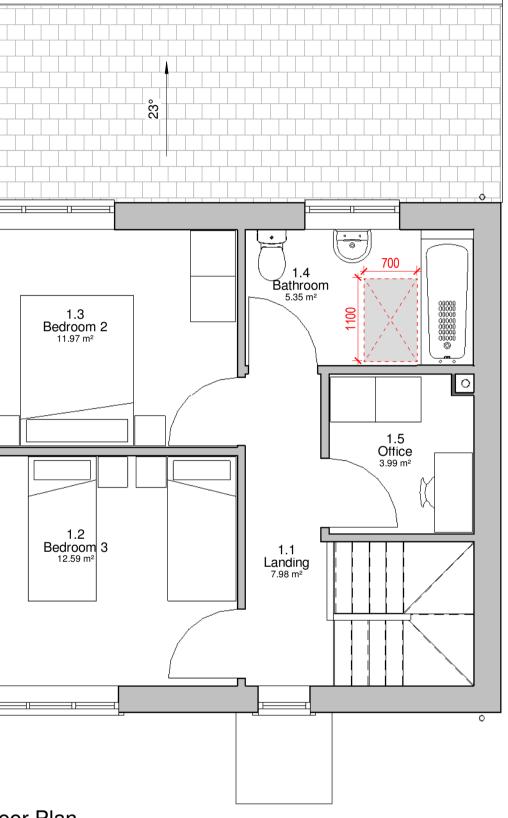
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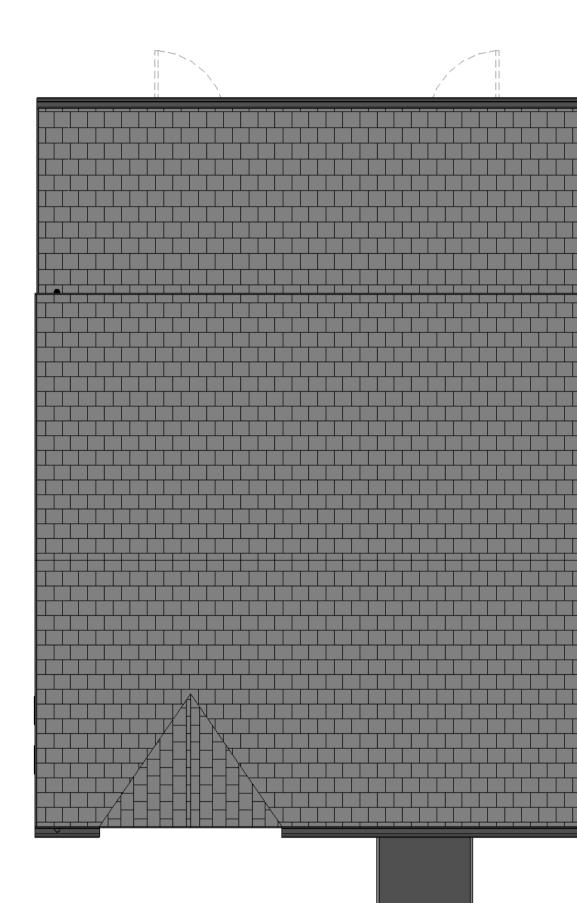


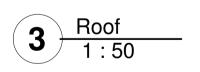


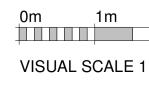


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	Nute The Contractor will be responsible for setting out the work. All pimensions must be obtained or checked on the site. Figured dimensions to be used in preference to scale. HOUSE TYPE H10 3 Bedroom 5 Person PropertyGround Floor GIFA: 61.89m² / 666.2ft²First Floor GIFA: 61.89m² / 666.2ft²Total GIFA: 123.78m² / 1332.4ft²
	North Point. +
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Proposed drop/ dropper kerb. Refer to Civil engineers details/ drgs

Proposed edging kerb, refer to Civil Engineers details/ drgs

Proposed pre cast concrete slab paving. Tobermore Mayfair paving 400x400x40mm. Refer to Civil Engineers drawings

Proposed pre cast concrete slab paving for overrun areas, Tobermore Mayfair paving 400x400x65mm. Refer to Civil Engineers drawings

Proposed block paved parking bays: Marshalls Tegula pavers, 240 x160mm, colour Harvest laid herringbone pattern to Civil Engineers drgs/ spec

Proposed bound gravel paving

Proposed loose gravel paving

Proposed steel barrier fencing height 1100mm

Proposed steel vertical bar barrier fence height 1800mm

Proposed steel railing height 1000mm

Proposed 1800mm high steel vertical bar fence

Proposed 1800mm high timber close board fence.

Proposed 1800mm high timber close board gate.

Proposed 1800mm high timber palisade fence

Proposed 1800mm high timber hit and miss palisade fence

Existing retaining wall

Proposed retaining wall

Proposed retaining wall topped by 1100mm high steel barrier fence/ handrail Proposed handrail

Proposed turf areas

Proposed shrub planting

Existing tree to be retained

Existing tree to be removed

Proposed tree planting

Enclosure for storage of 240l capacity domestic bins.

St GILES CHURCHYARD Provisional subject to landowners and planning approval; Fell 3 mature Sycamore within cemetery. -Steel vertical bar barrier fence

height 1100mm mounted on top of retaining wall -Existing Pier.

~1800mm high Steel vertical bar barrier fence.

Line 3.44m from front face of cemetery wall and fence (No additional allowance for piers.)

The Contractor will be responsible for setting out the work. All dimensions must be obtained or checked on the site. Figured dimensions to be used in preference to scale.

All trees within the vicinity of the works and which are to be retained are to be protected by temporary protective fencing to BS 5837 2005. All excavation, grading, filling, paving, cultivation, seeding and turf laying works within the root protection areas of the trees as shown on the tree survey drawing are to be carried out by hand. If tree roots are encountered do not sever and obtain further instructions before proceeding.

Existing cover levels of inspection chambers, gullys and rodding eyes etc to be adjusted as required. Allow also for the lowering of existing services where required.

Key Plan.

North Point.



P0.9 25-10-21 Indicated 3 trees for potential removal- churchyard НН --P0.8 14-10-21 Added stepped access off back of pavement to blocks of flats Amended height of barrier railing to retaining walls adjacent to blocks of flats Majority of propsed trees removed. P0.7 04-10-21 Bungalows reorientated. Added terracing rear gdn plots 3 and 4 Revised burgalow and flat layouts of 30-09 Inserted. Bin type/ storage amended. Visibility protection areas indicated. E. flats: Kerb line amended by parking bay 1.
 P0.6
 14.09-21
 Amended parking rear of flats to mai

 P0.5b
 19-07-21
 Amended parking front plots 3-4 and

 P0.4
 13-07-21
 Tree survey dwg inserted as X-ref
 Amended parking rear of flats to maintain min dist from cemetery wall/ fence HH Amended parking front plots 3-4 and western flats variation b HH P0.3 26-04-21 Adjusted flat positions to be 2m away from Tree root protection area HH Shortened rear gardens plots 5 to 9 and amended path, bin store and parking positions
 P0.2
 21-04-21
 Tree surve inserted as PDF underlay

 P0.1
 25-03-21
 Flats moved additional 1m from Ash tree and revised parking
 нн By Check Rev Date Revision Note

Proposed Housing Development Location

Hawes Lane Cradley Heath Sheet title

Proposed fence layout Status

Planning Drawn by Date HH 18-01-21

Scale at A1 Scale at A3 1:200 Sheet Identifier

Suitability Ver/Rev Level Classification Sheet No. Classification Sheet No. Classification 01 Sheet No. 00 Job No. Contractors Drawing No. (if required) Q19004 Urban Design & Building Services

Sandwell Council House Freeth Street, Oldbury. B69 3DE

Checked

Tel: 0121 569 4541

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Agenda Item 8



Report to Planning Committee

15th February 2022

Application Reference	DC/21/66451
Application Received	21 st December 2021
Application Description	Proposed erection of market stalls.
Application Address	Market Stalls Junction Union Street, Market
	Place, Wednesbury
Applicant	Mr. Gerry Ritchie, Sandwell MBC
Ward	Wednesbury South
Contact Officer	William Stevens
	William_stevens@sandwell.gov.uk

1 Recommendations

1.1 That planning permission is granted.

2 Reasons for Recommendations

2.1 The proposed development is of satisfactory design that would enhance the shopping experience and give consumers alternative choices.

3 How does this deliver objectives of the Corporate Plan?



A strong and inclusive economy



4 Context

- 4.1 This application is being reported to your Planning Committee because it has been submitted on behalf of Sandwell MBC.
- 4.2 To assist members with site context, links to Google Maps are provided below:

Aerial View

Market Place, Wednesbury

Union Street, Wednesbury

5 Key Considerations

- 5.1 The site is unallocated but is within the conservation area of the retail core of Wednesbury.
- 5.2 The material planning considerations which are relevant to this application are: -

Government policy (NPPF)

6. The Application Site

6.1 The application site relates to footpaths and shared spaces within the local centre. The area is retail in nature.

7. Planning History

7.1 There is no relevant planning history.



8. Application Details

8.1 The applicant proposes to erect three rows of market stalls of various lengths, all which have an overall height of 3.0m.

9. Publicity

9.1 The application has been publicised by neighbour notification letters, site notice and advertisement in the local paper. No objections have been received.

10. Consultee responses

10.1 Highways

No objections.

10.2 Public Heath (Air Pollution and Noise)

No objections.

11. National Planning Policy

11.1 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.

12. Local Planning Policy

12.1 The following polices of the council's Development Plan are relevant:

ENV3: Design Quality SAD EOS9: Urban Design Principles



12.2 The proposal accords with policies ENV3 and SAD EOS9 in that the proposals are of satisfactory design that in my opinion, would not harm the setting of the conservation area.

13. Material Considerations

13.1 National and local planning policy considerations have been referred to above in sections 11 and 12.

14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so. However, given the introduction of another retail space into a retail area, would, in my opinion, not cause any significant negative impacts on the conservation area and shoppers.

15 Implications

Resources:	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.
Legal and	This application is submitted under the Town and
Governance:	Country Planning Act 1990.
Risk:	The development is on land owned by Sandwell
	Council.
Equality:	There are no equality issues arising from this proposal
	and therefore an equality impact assessment has not
	been carried out.
Health and	None
Wellbeing:	
Social Value	None

16. Appendices

Site Plan Context Plan

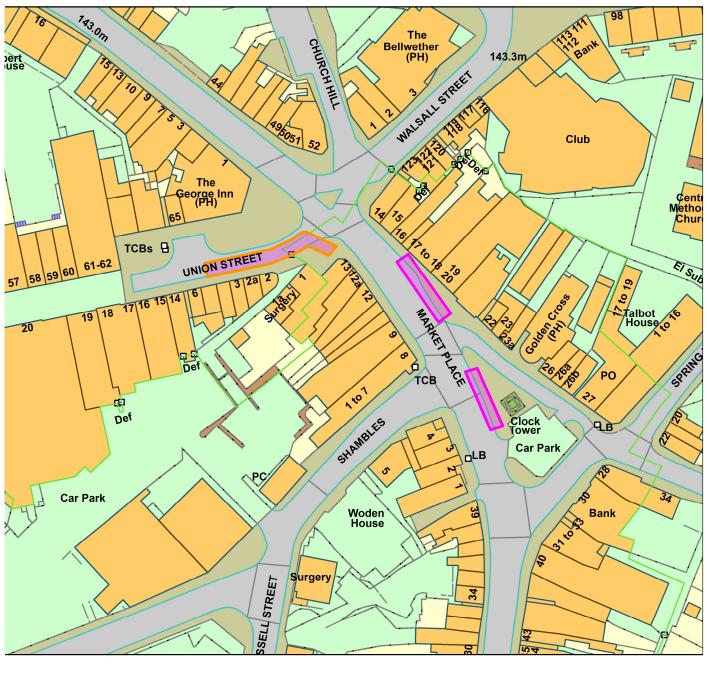


43,373 S/1



DC/21/66451 Market Stalls Junction Union Street





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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	31 January 2022
OS Licence No	

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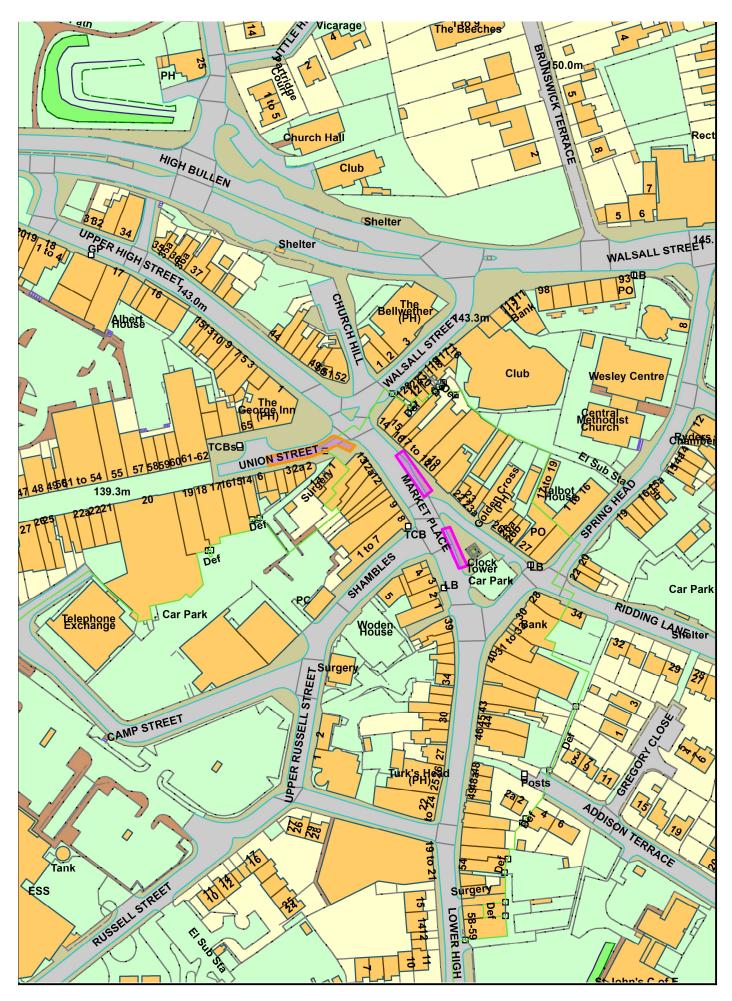
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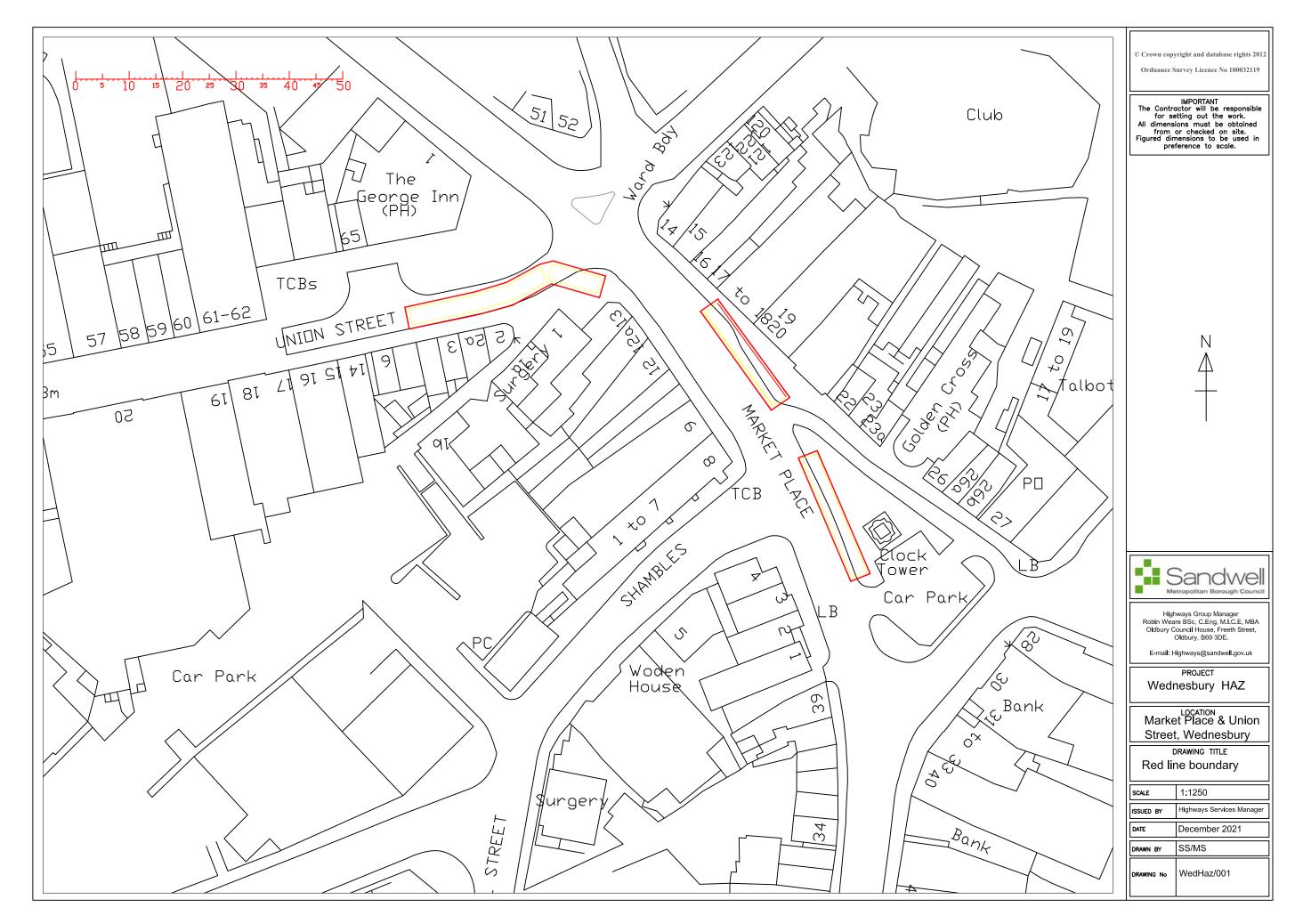
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Legend





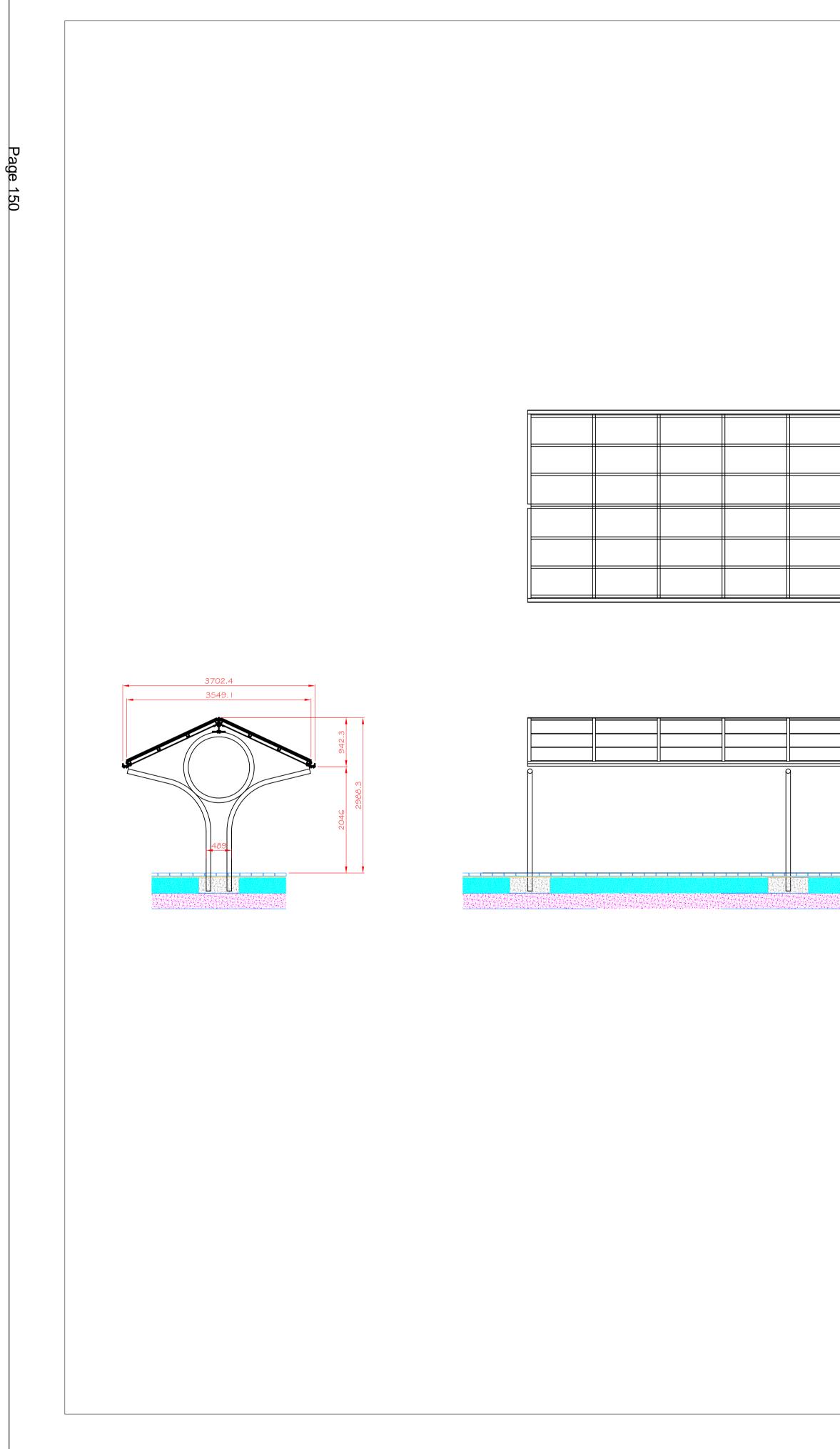




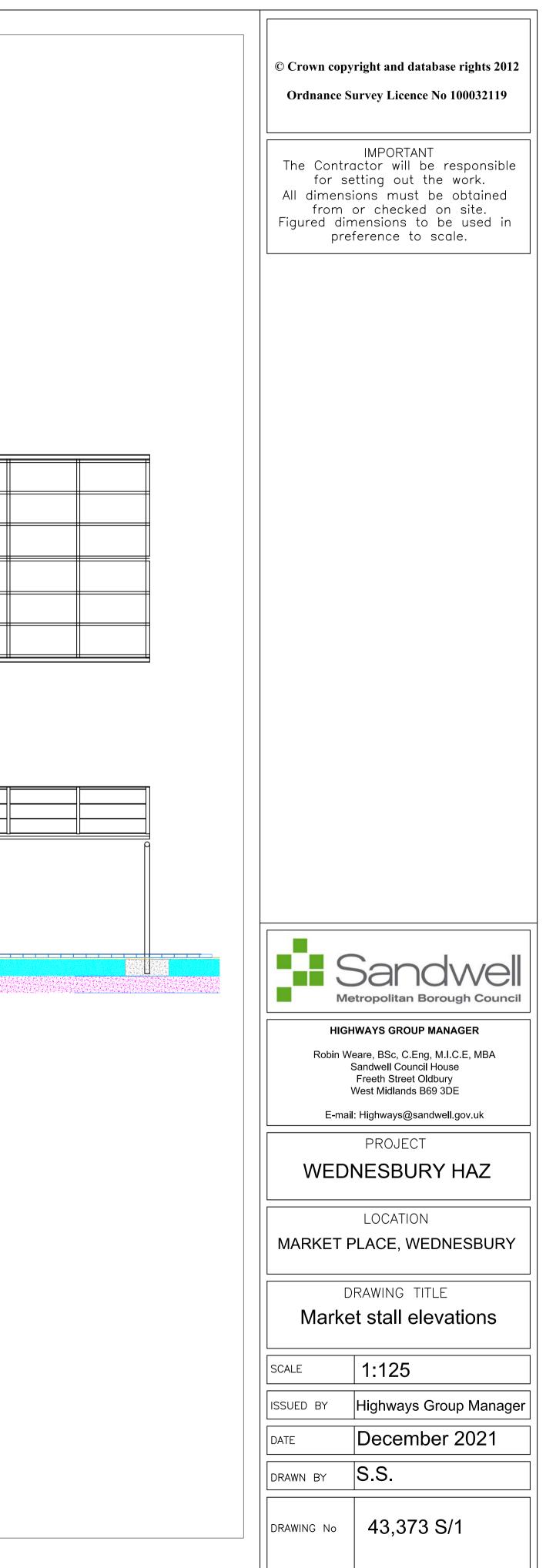


Page 149

© Crown copyright and database rights 2012 Ordnance Survey Licence No 100032119 IMPORTANT The Contractor will be responsible for setting out the work. All dimensions must be obtained from or checked on site. Figured dimensions to be used in preference to scale. Sandwell Metropolitan Borough Council HIGHWAYS GROUP MANAGER Robin Weare, BSc, C.Eng, M.I.C.E, MBA Sandwell Council House Freeth Street Oldbury West Midlands B69 3DE E-mail: Highways@sandwell.gov.uk PROJECT WEDNESBURY HAZ LOCATION MARKET PLACE, WEDNESBURY DRAWING TITLE Market stall locations 1:500 SCALE Highways Group Manager ISSUED BY December 2021 DATE S.S. DRAWN BY 43,369 S/1 DRAWING No



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Agenda Item 9



Report to the Planning Committee

15 February 2022

Subject:	Applications Determined Under Delegated			
	Powers			
Director:	Director of Regeneration and Growth			
	Tony McGovern			
Contact Officer:	John Baker			
	Service Manager – Development Planning and			
	Building Consultancy			
	John_Baker@sandwell.gov.uk			
	Alison Bishop			
	Development Planning Manager			
	Alison_Bishop@sandwell.gov.uk			

1 Recommendations

1.1 That the Planning Committee notes the applications determined under delegated powers by the Director – Regeneration and Growth set out in the attached Appendix.

2 Reasons for Recommendations

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



3 How does this deliver objectives of the Corporate Plan?



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

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

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.

4 Context and Key Issues

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

5 Alternative Options

There are no alternative options.

6 Implications

Resources:	There are no implications in terms of the Council's
	strategic resources.
Legal and	The Director – Regeneration and Growth has taken
Governance:	decisions in accordance with powers delegated under
	Part 3 (Appendix 5) of the Council's Constitution.
Risk:	There are no risk implications associated with this
	report.
Equality:	There are no equality implications associated with this
	report.



Health and	There are no health and wellbeing implications
Wellbeing:	associated with this report.
Social Value	There are no implications linked to social value with
	this report.

7 Appendices

Appendix 1 - Applications determined under delegated powers by the Director – Regeneration and Growth.

8 Background Papers

There are no background papers



SANDWELL METROPOLITAN BOROUGH COUNCIL PLANNING COMMITTEE

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

REPORT FOR INFORMATION PURPOSES ONLY

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/21/66024 West Bromwich Central	4 Temple Meadows Road West Bromwich B71 4DE	Retention of porch, canopy and steps to the front.	Grant Retrospective Permission 5th January 2022
DC/21/66118 Charlemont With Grove Vale	52 Pear Tree Drive Great Barr Birmingham B43 6HU	Proposed two storey side extension, single and two storey rear extension, front porch, and loft conversion with dormer windows to sides and rear.	Grant Permission Subject to Conditions 5th January 2022
DC/21/66138 Old Warley	26 Birch Lane Oldbury B68 0NZ	Proposed single storey rear extension to existing conservatory and replace glass roof to a tiled pitched roof.	Grant Permission 5th January 2022
DC/21/66270 Wednesbury North	14 The Crescent Wednesbury WS10 9BE	Proposed single storey side and rear extension.	Grant Permission with external materials 5th January 2022

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/21/66318 Hateley Heath	1 Crankhall Lane West Bromwich B71 3JY	Proposed 1 No. new dwelling house.	Grant Permission Subject to Conditions
			5th January 2022
DC/21/66320 Charlemont With Grove Vale	72 Grove Vale Avenue Great Barr Birmingham B43 6BZ	Proposed single storey rear orangery.	Refuse permission 5th January 2022
DC/21/66333 Great Barr With Yew Tree	22 Wilderness Lane Great Barr Birmingham B43 7RU	Proposed single storey front extension, two storey side extension and two storey/single storey rear extension.	Grant Permission with external materials 5th January 2022
DC/21/66371 Abbey	33 Alexander Road Smethwick B67 5PY	Proposed single storey rear extension and access ramp with handrails to side.	Grant Permission with external materials 5th January 2022
DC/21/66376 Langley	49 Swan Crescent Oldbury B69 4QG	Retention of single storey rear extension.	Grant Retrospective Permission 5th January 2022

Application No. Ward DC/21/66384 Cradley Heath & Old Hill	Site Address 40 Plant Street Cradley Heath B64 6EY	Description of Development Proposed single storey rear extension.	Decision and Date Grant Permission with external materials 5th January 2022
DC/21/66049 Oldbury	Land Adjacent Blakeley Hall Road Oldbury B69 4ET	Demolition of existing industrial building and proposed new industrial unit in connection with existing adjacent workshop.	Grant Permission Subject to Conditions 7th January 2022
DC/21/66310 Oldbury	6 Union Road Oldbury B69 3EL	Proposed variation of condition 26 of planning permission DC/19/63123 - Amend condition to "There shall be no open storage of waste materials on the site other than the storage of waste materials shown within the area of the approved drawing reference: E.AE.W 001".	Grant Permission Subject to Conditions 7th January 2022
DC/21/66334 Newton	44 Hembs Crescent Great Barr Birmingham B43 5DQ	Proposed single storey rear extension.	Grant Permission Subject to Conditions 7th January 2022

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/21/66309 Cradley Heath	13 Trinity Street Cradley Heath B64 6HT	Proposed change of use from dwelling to 2 No. self contained flats.	Grant Permission
& Old Hill			11th January 2022
DC/21/66311 Wednesbury North	29 Crew Road Wednesbury WS10 9QG	Proposed single and two storey side extension and canopy to front.	Grant Permission with external materials
			11th January 2022
DC/24/66496	44 Croop Lana	Dropood two stores side	Crant
DC/21/66186 Newton	44 Green Lane Great Barr Birmingham B43 5LE	Proposed two storey side extension, and loft conversion with dormer to rear.	Grant Permission with external materials
			12th January 2022
DC/21/66219	10 Barnfordhill Close Oldbury	Proposed first floor side extension, single/two	Refuse permission
Bristnall	B68 8ES	storey side and rear extensions, increase in roof height with two rear dormer windows and front porch.	12th January 2022
DC/21/66240	145 Mckean Road	Proposed installation of	Grant
Oldbury	Oldbury B69 4AG	platform lift and new boundary wall to front of property.	Permission Subject to Conditions
			12th January 2022

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/21/66291 Cradley Heath	Unit A1B Cradley Business Park	Proposed 3 No. air condenser units to rear, external alterations	Grant Permission
& Old Hill	Overend Road Cradley Heath B64 7DW	including new windows to rear elevation.	12th January 2022
DC/21/66299 Newton	2 Gorse Farm Road Great Barr Birmingham B43 5LT	Proposed first floor side extension.	Grant Permission Subject to Conditions 12th January 2022
DC/21/66343 Newton	45 Hamstead Road (Side Garden Land Of) Great Barr Birmingham B43 5BA	Proposed variation of condition 1 of planning permission DC/16/59337 to increase size of construction to create additional accommodation within the loft space.	Grant Permission Subject to Conditions 12th January 2022
DC/21/66345 Great Bridge	202 Powis Avenue Tipton DY4 0RH	Proposed first floor rear/side extension.	Grant Permission with external materials
			12th January 2022
DC/21/66358	15 Europa Avenue	Proposed single storey	Grant
West Bromwich Central	West Bromwich B70 6TL	side extension.	Permission with external materials
			12th January 2022

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/21/66391 Abbey	134 Galton Road Smethwick B67 5JS	Proposed single storey rear extension.	Grant Permission with external materials 12th January 2022
DC/21/66397 Tividale	127 Oakham Road Tividale Oldbury B69 1QH	Proposed first floor front extension and loft conversion with rear dormer window.	Grant Permission with external materials 12th January 2022
DC/21/66411 Wednesbury South	8-10 Lea Avenue Wednesbury WS10 7NP	Retention of two dwellings from one dwelling.	Grant Retrospective Permission 12th January 2022
DC/21/66417 Old Warley	54 Stanley Road Oldbury B68 0EQ	Proposed first floor side and two/single storey rear extensions with new pitched roof to ground floor front elevation.	Grant Permission with external materials 12th January 2022
DC/21/65988 West Bromwich Central	107 All Saints Way West Bromwich B71 1RU	Proposed 3 no. terraced bungalows to provide assisted living, and associated parking.	Grant Permission Subject to Conditions 14th January 2022

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/21/66107 Wednesbury South	9 Anson Road West Bromwich B70 0NA	Proposed single storey side/rear extension.	Grant Permission with external materials
			14th January 2022
DC/21/66171 Newton	171 Appleton Avenue Great Barr Birmingham B43 5QE	Proposed two storey side extension, single storey front extension with porch, and single storey rear extension.	Grant Permission with external materials
			14th January 2022
DC/21/66210 Great Bridge	12 Florence Road Tipton DY4 0NU	Retention of a single storey rear extension and covered pergola to the	Grant Retrospective Permission
		rear.	14th January 2022
DC/21/66256 Wednesbury North	67 Wood Green Road Wednesbury WS10 9QT	Proposed single and two storey side extension with roof lights to front and rear dormer to create 3 bed dwelling with	Grant Permission Subject to Conditions
		separate access, parking and amenity provision.	14th January 2022
DC/21/66282 Greets Green & Lyng	26 Turner Street West Bromwich B70 9HY	Single and two storey rear extensions.	Grant Permission with external materials
			14th January 2022

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/21/66314 Hateley Heath	15 Drake Street West Bromwich B71 1PA	Proposed single storey rear extension, porch to front and outbuilding to rear.	Grant Permission with external materials
			14th January 2022
DC/21/66346 Oldbury	182 Tat Bank Road Oldbury B69 4NQ	Proposed new traffic management plan for safer manoeuvring around the site and retrospective approval for the repositioning of	Grant Permission 14th January 2022
		existing containers.	
DC/21/66347 Charlemont With Grove Vale	87 Pear Tree Road Great Barr Birmingham B43 6HX	Proposed two/single storey rear extension, first floor front extension including raising of roof height and loft conversion with side dormer window (revision to planning approval DC/21/65158).	Grant Permission Subject to Conditions 14th January 2022
DC/21/66348 Princes End	Land At Zion Street Tipton	Proposed detached storage unit.	Grant Permission Subject to Conditions 14th January 2022
DC/21/66378 Tipton Green	4 John Howell Drive Tipton DY4 8GY	Proposed single and two storey rear extension, garage conversion and loft conversion with rear dormer window.	Grant Permission with external materials 14th January 2022

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/21/66389 Great Bridge	4 Morrison Road Tipton DY4 7PX	Proposed single storey side extension.	Grant Permission with external materials 14th January
			2022
DC/21/66401 Greets Green & Lyng	18 Ryders Mill Close West Bromwich B70 9NR	Proposed garage conversion.	Grant Permission with external materials
			14th January 2022
DC/21/66414 St Pauls	18 St Stephens Road West Bromwich B71 4LR	Proposed single storey rear extension and front porch extension with steps and handrails.	Grant Permission with external materials 14th January
			2022
DC/21/66424 Old Warley	254 Wolverhampton Road Oldbury B68 0TF	Proposed two/single storey side and single storey front/rear extensions, new retaining front wall/steps and garage conversion into a habitable room.	Grant Permission with external materials 14th January 2022
DC/21/66473 Abbey	29 Beechwood Road Smethwick B67 5EQ	Proposed loft conversion with rear dormer window (Lawful Development Certificate).	Grant Lawful Use Certificate 14th January 2022

Application No. Ward DC/21/66323 Cradley Heath & Old Hill	Site Address 1A Lower High Street Cradley Heath B64 5AB	Description of Development Proposed change of use from hairdresser/tattoo shop to cake shop (takeaway only) with installation of extractor fan.	Decision and Date Grant Permission Subject to Conditions 17th January 2022
DC/21/66354 St Pauls	120 Basons Lane Oldbury B68 9SL	Proposed variation of condition 1 of planning permission DC/20/64865 (Proposed single storey front and first floor rear extensions, removal of chimney, alteration to front elevation, and increase in roof height). Alterations to first floor rear extension, loft conversion and rear dormer window.	Grant Permission Subject to Conditions 17th January 2022
DC/21/66370 West Bromwich Central	30A Dartmouth Street West Bromwich B70 8BP	Retention of single storey rear/side extension.	Grant Retrospective Permission 17th January 2022
DC/21/66386 West Bromwich Central	99 Bratt Street West Bromwich B70 8SH	Proposed single storey rear extension.	Grant Permission with external materials 17th January 2022

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/21/66434 West Bromwich Central	33 Church Lane West Bromwich B71 1DB	Retention of porch, single storey side extension, and raising of side boundary fencing to 2.4m high and proposed single storey rear extension.	Grant Conditional Retrospective Consent 17th January 2022
DC/21/66425	95 Clifford Road West Bromwich	Retention of single storey rear extension.	Grant Permission
Greets Green & Lyng	B70 8JT		Subject to Conditions
			17th January 2022
DC/21/65798	252 Duchess Parade High Street	Proposed nine storey mixed use development	Grant Permission
West Bromwich Central	West Bromwich	comprising of 1 No. retail unit at ground floor and 60 No. apartments	Subject to Conditions
		above.	18th January 2022
DC/21/66355 Oldbury	18 Roway Lane Oldbury B69 3EG	Proposed additional 1 No. bedroom to an existing 6 No. bedroom	Refuse permission
		HMO (Proposed 7 No. bedroom HMO in total).	18th January 2022
DC/21/66364	41 Doulton Drive Smethwick	Proposed first floor front/side extension.	Grant Permission with
St Pauls	B66 1RA		external materials
			18th January 2022

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/21/66429 Rowley	54 Park Avenue Rowley Regis B65 9ET	Proposed two/single storey side extensions.	Grant Permission with external materials 18th January 2022
DC/21/66432 Friar Park	2 Sandy Lane Wednesbury WS10 0LH	Proposed single storey side extension.	Grant Permission with external materials
			18th January 2022
DC/21/66369	14 Priory Close	Proposed two storey side	Grant
West Bromwich Central	West Bromwich B70 6TB	extension, first floor rear extension, raising of roof height and loft conversion with side dormer window	Permission Subject to Conditions 19th January
		(resubmission of approved planning application DC/18/61612).	2022
D0/04/00070	00 Delaharia Otasat		Oreat
DC/21/66373 Soho & Victoria	69 Baldwin Street Smethwick B66 3RP	Proposed loft conversion and rear dormer window.	Grant Permission with external materials
			19th January 2022
DC/21/66172	37 Holden Road	Potention of nitched reaf	Grant
DC/21/66173 Wednesbury South	Wednesbury WS10 0DB	Retention of pitched roof.	Retrospective Permission
South			21st January 2022

Application No. Ward	Site Address	Description of Development	Decision and Date
vvalu		Development	Dale
DC/21/66303 Wednesbury South	9 - 9A Market Place Wednesbury WS10 7AX	Proposed change of use from an amusement arcade (Use Class Sui Generis) to a shop (Use Class E) and a hot food takeaway (Use Class Sui Generis).	Grant Permission Subject to Conditions 21st January 2022
DC/21/66329 West Bromwich Central	Kenrick House Green Street West Bromwich B70 6DN	Proposed conversion of a ground floor caretaker's office and community room to 1 no. 1 bedroom flat and 1 no. studio flat.	Grant Permission 21st January 2022
DC/21/66336 Bristnall	9 Bloxcidge Street Oldbury B68 8QQ	Proposed two/single storey rear extension and rear loft dormer window.	Grant Permission with external materials 21st January 2022
DC/21/66368 Tividale	4 Taylor Way Tividale Oldbury B69 1JP	Proposed conversion of garage into pantry/playroom.	Grant Permission Subject to Conditions 21st January 2022
DC/21/66372 Wednesbury South	34 Pemberton Road West Bromwich B70 0JH	Proposed single storey side extension to create new garage.	Grant Permission with external materials 21st January 2022

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/21/66409 Friar Park	12 Bishop Road Wednesbury WS10 0EP	Proposed single storey side extension and ramped access to front.	Grant Permission with external materials 21st January 2022
DC/21/66379 Great Bridge	56-58 Scott Street Tipton DY4 7AG	Retention of single storey rear extensions. (Amendment to previously refused application DC/21/65492).	Grant Conditional Retrospective Consent 25th January 2022
DC/21/66218	17 Grange Road	Proposed single storey	Grant
West Bromwich Central	West Bromwich B70 8PB	rear extension.	Permission with external materials 26th January 2022
			2022
DC/21/66342 Newton	21 Waterside Great Barr Birmingham B43 5PQ	Proposed single storey side extension.	Grant Permission with external materials 26th January
			2022
		_	
DC/21/66351 St Pauls	Land Adjacent 44 Rood End Road Oldbury	Proposed 1 No. dwelling.	Grant Permission Subject to Conditions 26th January
			2022

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/21/66381 Langley	Land Adjacent To 828 Wolverhampton Road Oldbury	Proposed 4 No. dwellings (Outline application for access and layout only).	Grant Outline Permission with Conditions 26th January 2022
DC/21/6745A St Pauls	Land At Old Main Line Canal Brasshouse Lane Smethwick	Proposed freestanding totem sign.	Grant Advertisement Consent 26th January 2022
DC/21/66242 Old Warley	164 Harborne Road Oldbury B68 9JJ	Proposed two storey side/front extension.	Refuse permission 27th January 2022
DC/21/66272 Tipton Green	18 - 19 Unity Walk Tipton DY4 8QL	Proposed change of use from retail to beauty salon.	Grant Permission Subject to Conditions 27th January 2022
DC/21/66174 Wednesbury South	137A Hill Top West Bromwich B70 0RZ	Demolition of existing dwelling and proposed four storey residential building comprising of 26 no. apartments with communal facilities.	Refuse permission 28th January 2022

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/21/66363	Beacon Service Station	Proposed installation of 4 No. EV chargers, new	Grant Permission
Great Barr With Yew Tree	333 - 339 Birmingham Road Great Barr Birmingham B43 7AP	substation, 1 No. GRP cabinet and 1 No. EVC cabinet in enclosed compound and the relocation of existing tank vents.	28th January 2022
DC/21/6744A Great Barr With	Beacon Service Station 333 - 339	Proposed 2 No. free standing charging bay signs and 2 No. free	Grant Advertisement Consent
Yew Tree	Birmingham Road Great Barr Birmingham B43 7AP	standing directional/entrance signs.	28th January 2022
DC/21/66390 Newton	73 Hamstead Road Great Barr Birmingham B43 5BA	Proposed detached gym to rear.	Grant Permission Subject to Conditions 28th January
			2022
DC/21/66400 Hateley Heath	67 Campville Crescent West Bromwich B71 3NQ	Proposed single storey side store room extension.	Grant Permission with external materials
			28th January 2022
DC/21/66421 St Pauls	1A Michael Road Smethwick B67 7LH	Proposed two storey side and single storey rear extensions and front	Refuse permission
		canopy extension.	28th January 2022

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/21/6742A Wednesbury North	B And Q Axletree Way Wednesbury WS10 9QY	Proposed 3 No. internally illuminated fascia signs, 6 No. non-illuminated fascia signs, 12 No. vinyl signs, 9 No. car park signs, vinyl signs to garden centre windows and illuminated board signage to existing totem.	Grant Advertisement Consent 1st February 2022
DC/21/66362 Great Barr With Yew Tree	94 Coronation Road Great Barr Birmingham B43 7AX	Retention of outbuilding in rear garden for storage purposes.	Grant Conditional Retrospective Consent 1st February 2022
DC/21/66398 Princes End	51 - 53 Laburnum Road Tipton DY4 9QR	Proposed change of use from neighbourhood office to 2 dwellings.	Grant Permission Subject to Conditions 2nd February 2022
DC/21/66405 Cradley Heath & Old Hill	40 Mace Street Cradley Heath B64 6HP	Proposed conversion of existing dwelling to 2 no. 1 bedroom flats.	Grant Permission Subject to Conditions 2nd February 2022
DC/21/66407 St Pauls	44 Rood End Road Oldbury B68 8SG	Retrospective change of use of ground floor flat and external alterations to front.	Grant Conditional Retrospective Consent 2nd February 2022

Application No.	Site Address	Description of	Decision and
Ward		Development	Date
DC/21/66415 Great Bridge	18 Bernard Road Tipton DY4 0NY	Proposed new end of terrace dwelling to side and single storey front, side and rear extension/alterations to existing house.	Refuse permission 2nd February 2022

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Planning Committee

15 February 2022

Subject:	Decisions of the Planning Inspectorate	
Director:	Director – Regeneration and Growth Tony McGovern	
Contribution towards Vision 2030:		
Contact Officer(s):	John Baker Service Manager - Development Planning and Building Consultancy John baker@sandwell.gov.uk Alison Bishop Development Planning Manager <u>Alison bishop@sandwell.gov.uk</u>	

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 -

Page 173

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

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

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

3 BACKGROUND AND MAIN CONSIDERATIONS

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

Application Ref	Site Address	Inspectorate
DC/21/65649	Madina Education Trust	Dismissed
	Walsall Street	
	Wednesbury	
	WS10 9EL	
DC/21/65633	Land Adjacent 124	Dismissed
	Oldbury Road	
	Rowley Regis	
	B65 0PH	

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.

Tony McGovern Director – Regeneration and Growth



Appeal Decision

Site visit made on 11 January 2022

by R Walmsley BSc, MSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2022

Appeal Ref: APP/G4620/W/21/3284185 Madina House, 24 Walsall Street, Wednesbury, West Midlands WS10 7PY

- 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 Madina Education Trust against the decision of Sandwell Metropolitan Borough Council.
- The application Ref DC/21/65649, dated 5 May 2021, was refused by notice dated 4 August 2021.
- The development proposed is proposed additional use for storage of deceased body and extension to house cold room with new pitch roof.

Decision

1. The appeal is dismissed.

Main Issue

2. This is the effect of the proposal on highway safety.

Reasons

- 3. Pritchard Street is regularly and heavily parked with vehicles. Double yellow lines extend from Walsall Street into Pritchard Street, giving highway protection to the junction. Hearses currently park on the double yellow lines so that coffins can be unloaded and loaded to an entrance off Walsall Street.
- 4. Hearses would continue to park on the double yellow lines but use an entrance off Pritchard Street to bring in deceased bodies for storage. The appellant suggests that there would be no more than three bodies stored on site at any one time but it is not clear how many vehicle trips this would translate to. It is also not clear if the entrance off Walsall Street would become redundant for the movement of deceased bodies or if both entrances would continue to operate, to meet demand. I appreciate that exact numbers will depend on the frequency of death. However, the appeal site has been in operation for many years and therefore some indication of the frequency of vehicle movements could be given. The numbers of vehicles associated with the appeal proposal is a decisive omission from the evidence.
- 5. Vehicles parked on double yellow lines and close to the junction with Walsall Street would form an unwarranted obstruction to passing traffic. This, in turn, would make it difficult for vehicles to navigate the junction safely, posing a risk to highway safety.
- 6. I recognise that it is not illegal to park on double yellow lines for loading and unloading. However, the double yellow lines are in place to protect the

junction from traffic accidents and congestion. To allow the appeal proposal knowing that it would rely heavily on the use of double yellow lines which have been put in place for safety reasons is not, to my mind, good planning. Furthermore, the double yellow lines are not within the appellant's control. Should other vehicles be parked on double yellow lines for loading/unloading purposes, hearses would be forced to park elsewhere in the area. Given that Walsall Street is a busy throughfare and Pritchard Street is heavily parked, this would cause a serious competition for parking.

- 7. It seems from the evidence before me that the current premises has operated without objection or complaint or without reports of vehicle or pedestrian accidents and collisions. However, evidence from the past cannot be used to reliably predict incidents in the future, particularly when the appeal proposal suggests a material change in the use of the premises.
- 8. I have been referred to St Pauls Church on Woodgreen Road. There is nothing within the evidence before me to suggest that the competition for parking here is anything like that on Pritchard Street. There is no evidence to refute the Council's comment that there is no storage of bodies on site at St Pauls which therefore does not compare with the appeal proposal. Plus, I have no details about the frequency of vehicle movements and parking at St Pauls Church to compare with the development proposed. And so, St Pauls Church does not set a precedent in favour of the appeal.
- 9. All in all, the development proposed would create a competition for parking and unduly hazardous driving conditions with the potential for significant conflict between road users. The Council have not referred to the development plan in refusing the planning application on highways grounds but found the proposal contrary to the National Planning Policy Framework (2021) (the Framework). The Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. For the reasons given I have found that this would be the case.

Other matter

- 10. The Council has referred to the development proposed being unacceptable in the context of the houses and the children's nursery nearby but has not expressed this within the reason for refusal. The Council's Environmental Health Officer raised no objection to the use but suggested that further details re noise be sought.
- 11. Currently, deceased bodies are transported in front of the children's nursery and therefore in greater view than would be the case if the entrance on Pritchard Street was used for this purpose. Nonetheless, this access is shared with residents and immediately adjoins a residential property. Furthermore, if for any reason a hearse cannot be parked on the double yellow lines, then a space elsewhere in Pritchard Street would be used. On both accounts, the increased visibility of deceased bodies in a residential area seems ill-fitting.

Conclusion

12. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

R Walmsley INSPECTOR



Appeal Decision

Site visit made on 11 January 2022

by R Walmsley BSc, MSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2022

Appeal Ref: APP/G4620/W/21/3284861 Land Adjacent 124 Oldbury Road, Rowley Regis B65 0PH

- 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 Alhaffar against the decision of Sandwell Metropolitan Borough Council.
- The application Ref DC/21/65633, dated 7 May 2021, was refused by notice dated 30 July 2021.
- The development proposed is open car display and sales area.

Decision

1. The appeal is dismissed.

Main Issues

2. These are the effect of the proposal on the character and appearance of the area and on highway safety.

Reasons

Character and appearance

- 3. South west of the appeal site, Oldbury Road is largely commercial in character. This character changes about the point of the appeal site; commercial uses give way to an area that is notably residential in character, given the prevalence of houses and the open area of green space which includes the appeal site. The green space is visually pleasing in an otherwise built-up area. The space also provides an attractive setting to the houses nearby which overlook the appeal site.
- 4. The appeal site is visually and physically separate from the commercial uses nearby and therefore the proposal would not be appreciated in a commercial context, but a residential one. And so, the open storage of cars together with the associated paraphernalia, including gates, fencing and an office building would appear unduly commercial and conspicuous in a residential context. The open storage of cars alone would create visual clutter which would appear incongruous with the more pleasing and attractive setting of the houses. The fence proposed is more suited to an industrial area and the commercial nature of the site overall with its comings and goings of people and vehicles would jar awkwardly with the residential area around.
- 5. The appellant's suggestion to provide planting along the site boundary facing Regis Heath Road would provide some visual screening. However, this would

not mitigate the harmful effects identified which relate to the use of the site and the activities that would take place on it.

6. Irrespective of the status of the site and its potential for development, for the reasons given the development would be unduly harmful to the character and appearance of the area, contrary to Policies ENV3 and CSP4 of the Core Strategy (2011) and Policy SAD EOS9 of the Site Allocations and Delivery Plan Document (2021) which, amongst other things, seek development of a high design quality and that respects the visual qualities of an area.

Highway safety

- 7. Oldbury Road is an A-road which carries high volumes of traffic. Given the number of cars to be stored on site and the provisions for staff and customer parking, the site would attract notable levels of vehicular activity.
- 8. The appellant suggests that the vehicular activity would be limited to 4 or 5 cars being sold per week but it is not clear how the appellant intends to limit business in this way. Any permission with a condition to this effect would be unreasonable as it would restrict business and so there is every possibility that more than 4 or 5 cars could be sold each week. Added to this would be 1 or 2 replacement cars per day.
- 9. Whilst customers may be able to view cars online, there would be nothing to stop passing trade, despite the appellant suggesting that this is not intended. Given the prominent position of the site and its location on a major through route, passing trade is highly likely.
- 10. And so, the site would be subject to a notable number of vehicles moving on and off the site. These movements would be concentrated at one point of access and egress and would interfere unduly with the flow of traffic along Oldbury Road and the safe movement of vehicles.
- 11. In the absence of a swept-path analysis to demonstrate sufficient turning space in the site for all vehicles, vehicles may need to leave the site in reverse gear. This would be hazardous to pedestrians using the footpath and would cause a further slowing down of and therefore a conflict with traffic on Oldbury Road.
- 12. Without further details about the parking requirements for customers and staff, 5 spaces for both suggests that there would also be a demand for parking which would create a competition for parking in the surrounding area. This would impede the flow of traffic and jeopardise highway safety.
- 13. And so, I find that the development would lead to a detrimental impact on highway safety. The Council have not referred to the development plan in refusing the planning application on highways grounds. Nonetheless, the National Planning Policy Framework (2021) (the Framework) is a material consideration. The Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. For the reasons given I have found that this would be the case.

Conclusion

14. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination,

that outweigh the identified harm and associated conflict with the development plan and the Framework. For the above reasons, the appeal is dismissed.

R Walmsley

INSPECTOR

Agenda Item 11

Sandwell Metropolitan Borough Council

Planning Committee

15th February 2022

Index of Applications

Application No & Agenda Page Ref	Premises, Application and Applicant	Recommendation
DC/21/66122	Proposed 2 no. 3 bedroom dormer bungalows with	Grant Permission Subject to
Cradley Heath & Old Hill	boundary fencing and associated car parking.	Conditions
VISIT	Land Adjacent The Bungalow Corngreaves Road Cradley Heath	Tabled previous planning consent
3.40pm to 4.00pm	neath	layout for one dwelling
4.00011		
DC/21/66125	Proposed industrial/warehousing	Grant Permission Subject to
Tipton Green	development (use classes B2/ B8) together with associated	Conditions
	access, servicing, parking and landscaping. Newcomen Drive Open	Recommend defer due further information
	Space Newcomen Drive Tipton	required regarding Highways Issues

DC/21/66233 Wednesbury North VISIT 2.50pm to 3.10pm	Retention of use of garage as hair salon (previously refused application DC/21/65576). 1 Hydes Road Wednesbury WS10 9SX	Refuse permission No further comments
DC/21/66305 Rowley	Proposed development of 7 No. houses, 2 No. bungalows and 2 No. two storey apartment blocks comprising of 6 No. self-contained flats with associated parking and landscaping. Land At Hawes Lane/Stanford Drive Rowley Regis	Grant Permission Subject to Conditions Thirteen further objections received re-iterating concerns regarding highway safety. Tabled Photo of road traffic incident on 9 th February 2022
DC/21/66451 Wednesbury South	Proposed erection of market stalls. Market Stalls Junction Union Street Market Place Wednesbury	Grant Permission No further comments





