

Agenda Planning Committee

Wednesday, 26 July 2023 at 5.00 pm
in the Sandwell Council House, Freeth Street, Oldbury, B69 3DB

- | | | |
|---|---|---------|
| 1 | Apologies for Absence | 7 - 8 |
| | To receive any apologies for absence. | |
| 2 | Declarations of Interest | 9 - 10 |
| | Members to declare any interests in matters to be discussed at the meeting. | |
| 3 | Minutes | 11 - 26 |
| | To confirm the minutes of the meeting held on 28 June 2023 as a correct record. | |
| 4 | Planning Application - DC/22/67796 - Land At Horner Way, Rowley Regis | 27 - 44 |
| | Proposed single storey detached coffee shop with drive thru, new access, parking, enclosed bin area, landscaping and associated infrastructure. | |



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|---|---|-----------|
| 5 | Planning Application - DC/23/67863 - Land West Of Bridge Street, North Smethwick, B66 2BJ | 45 - 72 |
| | Proposed change of use from general industrial to treatment, remediation and recovery facility for contaminated soils, construction, demolition and excavation of waste with 1 No. soil treatment shed and 4 No. office/meeting rooms, 1 No. mess drying room, toilet block, store, weighbridge unit, picking station, decontamination unit, clean material area and 2 No. holding tanks and covered post treatment areas, oversized processing area, parking and the creation of a new vehicular access - Temporary planning permission for 5 years. | |
| 6 | Planning Application - DC/23/68109 - 774 - 776 Hagley Road, West Oldbury, B68 0PJ | 73 - 88 |
| | Retrospective change of use from bank to restaurant/takeaway, new shop front, external extraction ducts and flue to rear (ENF/22/11916). | |
| 7 | Planning Application - DC/23/68117 - 204 Lightwoods Road, Smethwick, B67 5AZ | 89 - 100 |
| | Proposed glazed customer seating area extension to frontage (resubmission of refused planning permission DC/22/66636). | |
| 8 | Planning Application - DC/23/68282 - 15 Cedar Road, Wednesbury, WS10 0BD | 101 - 110 |
| | Proposed single and two storey side and rear extension. | |
| 9 | Planning Application - DC/23/68304 - Lawrence Lane Methodist Church, Lawrence Lane, Cradley Heath, B64 6EU | 111 - 124 |
| | Proposed change of use from methodist church to 9 No. self-contained studio apartments, fenestration alterations, bike shelter and bin store, parking and landscaping. | |

10	Decisions of the Planning Inspectorate	125 - 136
11	Applications Determined Under Delegated Powers	137 - 160

Shokat Lal
Chief Executive
Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution

Councillor Millar (Chair)
Councillors Chidley, Chapman, Fenton, Fisher, S Gill, Kaur, Kordala, Loan,
Pall, Preece, N Singh, Tromans, Uppal, J Webb and Younis

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Planning Committee

Apologies for Absence

To receive any apologies for absence from the members of the Committee.



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Planning Committee

Declarations of Interest

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



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Minutes of Planning Committee

Wednesday 28 June 2023 at 5.00pm
in the Council Chamber, Sandwell Council House, Oldbury

Present: Councillor Millar (Chair)
Councillors Chidley (Vice-Chair), Chapman, Fenton, Fisher,
Kaur, Kordala, Loan, Pall, Preece, Tromans, Uppal and Webb

Officers: John Baker (Development Planning and Building Consultancy
Manager); Alison Bishop (Development Planning Manager);
Simon Chadwick (Highway Network Development and Road
Safety Manager); Andy Thorpe (Healthy Urban
Development Officer); Stuart Evans (Solicitor); Toby Howes
(Democratic Services Officer) and Connor Robinson
(Democratic Services Officer).

46/23 **Apologies for Absence**

Apologies for absence were received from Councillors S Gill, N
Singh, and Younis.

47/23 **Declarations of Interest**

There were no declarations of interest made.

48/23 **Minutes**

Resolved that the minutes of the meeting held on 10 May
2023 are approved as a correct record.



Planning Application - DC/22/66968 – Proposed demolition of existing pub and construction of 3 storey detached building consisting 20 No. self contained apartments with parking to rear – The Wheatsheaf, 1 Turners Hill, Rowley Regis, B65 9DP

Councillors Millar, Chidley, Kaur, Pall, Tromans, and Webb indicated they attended the site of the planning application on a site visit.

Further to Minute No. 36/23 (10 May 2023) the Development Planning and Building Consultancy Manager reported that the proposal was a departure from the Local Development Plan and therefore if the Committee was minded to grant planning permission the Council would be asked to grant an exception to the Local Development Plan before the application could proceed. It was also noted that the application would be subject to a Section 106 Agreement to secure affordable housing and the applicant had agreed to provide 25% affordable housing.

There was no objector present to address the Committee.

The Applicant's Agent was present and addressed the Committee with the following points:-

- the proposal related to the demolition of a derelict site;
- the current derelict property was an eyesore on a landmark site;
- the proposal was for a three-story apartment development;
- there was a previous application was for a retail space on the ground floor, however, the application now was for 100% apartments;
- there would be a total of 20 units with a mixture of one and two bed apartments;
- there would be 100% parking provision located behind the development;
- the development would provide amenity spaces for residents and much required local housing.

The Highway Network Development and Road Safety Manager addressed the Committee with the following points:-



- the development would provide one parking space per apartment plus additional visitor parking;
- use of the building as a public house which would generate more traffic than the proposed development;
- access to the junction on Turners Hill would be closed and the development would instead use the access further down Turners Hill;
- safety at the junction at Turners Hill had been considered and there was no serious safety concern;

It was noted that the development would be compliant with the Councils renewable energy policy and the conditions attached the application sought to reflect the headline rather than specific detail.

Resolved that, subject to the Council granting an exception to the Local Development Plan, Planning Application DC/22/66968 (Proposed demolition of existing pub and construction of 3 storey detached building consisting 20 No. self-contained apartments with parking to rear. The Wheatsheaf, 1 Turners Hill, Rowley Regis, B65 9DP), is approved, subject to the following conditions:-

- i) a Section 106 Agreement to secure compliance with affordable housing,
- ii) external materials;
- iii) landscaping details;
- iv) boundary treatments;
- v) ground investigation and remediation;
- vi) electric vehicle charge points;
- vii) Low NOx boilers;
- viii) parking laid out and retained;
- ix) vehicular cross over removed and footpath re-instated.
- x) noise assessment recommendations in relation to sound insulation, balconies and fixed plant;
- xi) construction management plan (to include noise, vibration and dust suppression measures etc);
- xii) construction hours limited to 08:00 – 17:30 Monday to Friday, 08:00 – 13:00 Saturday and no working on Sunday and Public Holidays.



- xiii) waste management/refuse plan;
- xiv) renewable energy details;
- xv) details of sustainable drainage system (surface water) and disposal foul;
- xvi) details of security measures to include CCTV, Lighting, access entrance points; and
- xvii) jobs and skills plan;

50/23

Planning Application - DC/22/67785 – Proposed 3 storey community skills hub building with 2 No. detached outbuildings for storage, substation, plant room, new vehicular access and gates to front, car parking, cycle storage, enclosed skip/refuse bays, boundary fencing, landscaping and associated works. Sandwell MBC Public Car Park, Lower High Street, Cradley Heath

Councillors Millar, Kaur, and Webb indicated they attended the site of the planning application on a site visit.

Further to Minute No. 42/23 (10 May 2023) The Development Planning and Building Consultancy Manager reported that the application was a departure from the Local Development Plan due to the site being allocated for housing use and therefore if the Committee was minded to grant planning permission the Council would be asked to grant an exception to the Local Development Plan before the application could proceed.

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

- parking and the development’s impact locally was a major concern;
- a petition containing over 100 signatures had been submitted objecting to the proposed development citing concerns over parking;
- residents felt unsafe and vulnerable;
- the proposed development had made almost no provision for car parking given the number of staff and students expected;



- streets were already congested with continued issues involving blocked pavements and restricted access from the number of vehicles;
- there had been no transparency from the developers;
- local car parking spaces around the vicinity of the proposed development which had been cited by the developers were not accessible;
- there was concern over privacy for local properties owing to potential overlooking.

The Applicants and Applicant's Agent were present and addressed the Committee with the following points:-

- Sandwell College wanted to reach out and provide for local communities, the proposed education hub would work to serve the people of Cradley Heath and provide local education opportunities;
- the development would not be like school and maintain a 9am to 3.30pm culture, rather it was proposed as a modest satellite education hub, not to displace existing learning but encourage new learning opportunities;
- it was anticipated that the education hub would be working with up to 100 16-19-year olds per year who would be drawn from the locality, the students would be attending the hub for around 2.5 days per week;
- students attending the college would have access to a subsidised bus pass;
- the education hub would also be working with up to 75 apprentices annually, whose attendance would be 1-day per week;
- the education hub would also be working with up to 50 young people with SEND aged 16-24, who would be in attendance 17 hours per week;
- the education hub would be supporting up to 100 unemployed students per year and a similar number who were looking to secure better paid jobs, these courses would be part time and aimed at those over the age of 19;
- applicants would be happy to work with neighbouring properties to address concerns around boundaries and fencing;



- since the previous Committee meeting the application had been amended to include staff parking;
- providing car parking for students was not a sustainable option for the site, and there was good rail connectivity to nearby towns;
- the expected car park demand could be addressed by using locally available parking spaces;
- the daylight and sunlight model which had been requested at the previous meeting and had since been undertaken and presented to the Committee, demonstrated that the proposed development would not overshadow neighbouring properties;
- there would be significant distances between the proposed development and neighbouring properties.

Expanding on the economic impact of the proposed development, it was hoped that the provision would support local people in increasing their skills, enabling them to progress in their careers. There remained room to grow the facility in the future if there was demand.

The Highway Network Development and Road Safety Manager addressed the Committee with the following points:-

- provision of 8 spaces of staff should be sufficient;
- travel behaviour studies had been undertaken;
- there were six public/council controlled car parks within the vicinity of the proposed development;
- the location was served by local bus routes and rail network;
- the College would be providing a travel plan to communicate the expectations and travel options available;
- the applicant had been asked to enter into a Section 106 Agreement to undertake parking surveys before any work started and monitoring would continue once the College was opened.

Resolved that: subject to the Council granting an exception to the Local Development Plan, Planning Application – DC/22/67785 – Proposed 3 storey community skills hub building with 2 No. detached outbuildings for storage, substation, plant room, new vehicular access and gates to



front, car parking, cycle storage, enclosed skip/refuse bays, boundary fencing, landscaping and associated works. Sandwell MBC Public Car Park, Lower High Street, Cradley Heath is approved, subject to the following conditions:-

- i) a Section 106 Agreement to undertake parking surveys;
- ii) external materials (to include detailed design of the chain motif to the window reveals);
- iii) landscaping scheme;
- iv) boundary treatments;
- v) ground investigation and remediation;
- vi) electric vehicle charge points;
- vii) low NOx boilers
- viii) noise assessment relating to fixed plant and mitigation;
- ix) construction management plan (to include logistics plan, dust suppression measures etc);
- x) cycle storage;
- xi) bin storage;
- xii) waste management/refuse plan;
- xiii) parking/drop and access to be laid out and retained;
- xiv) travel plan;
- xv) details of sustainable drainage system (surface water) and disposal foul;
- xvi) details of security measures to include CCTV, Lighting, access entrance points;
- xvii) jobs and skills plan;
- xviii) no vinyl to windows serving the frontage of the development.
- xix) parking servicing and management plan; and
- xx) parking surveys before and post development and any subsequent mitigation.



51/23

Planning Application - DC/23/67869 - Proposed 5 No. 2 bedroom dwellings and associated car parking. Land To The Rear Of 120 Dudley Road, Poplar Avenue, Tipton

No objectors or applicant had registered to speak.

Resolved that Planning Application DC/23/67869 - Proposed 5 No. 2 bedroom dwellings and associated car parking. Land To The Rear Of 120 Dudley Road, Poplar Avenue, Tipton is approved, subject to conditions relating to:-

- (i) external materials;
- (ii) parking areas laid out and retained;
- (iii) coal authority;
- (iv) contaminated land (if required);
- (v) drainage;
- (vi) boundary treatments (not exceeding 900mm at the front of the property);
- (vii) bin storage details;
- (viii) landscaping;
- (ix) electric vehicle charging provision;
- (x) low NOx boilers;
- (xi) construction management plan; and
- (xii) removal of Permitted Development Rights to remove any extensions including the roof alterations and garden buildings without applying for planning permission.

52/23

Planning Application - DC/23/67957- Proposed replacement sections, refurbishment and associated works in connection with the existing care home (Use Class C2) to include: external alterations, two storey front/side extension with photovoltaic solar panels on roof and glazed canopy over main entrance, single storey extension overlooking courtyard garden area, two storey enclosed staircase to rear, outbuildings to include Occupational Therapy cabin, maintenance shed and bin store, installation of EV charging points to car park, boundary wall/fencing and landscaping. - Beech Croft Residential Home, Salop Drive, Oldbury, B68 9AG



Councillors Millar, Chidley, Kaur, Pall, Tromans, and Webb attended the site of the planning application on a site visit.

Further to Minute No. 35/23 (10 May 2023); the Committee had undertaken a site visit.

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

- a petition of over 500 signatures had been submitted in objection to the application;
- there was concern from local residents over the safety implications of the proposed scheme;
- there were noise concerns regarding the proposed use of the facility and its potential impact on residents;
- the proposed 24hr services would negatively impact local residents;
- the proposed therapy cabin would be located in close proximity to neighbouring residents boundaries;
- work already underway at the site was already having an adverse impact on local residents;
- the limited parking on the site had the potential to impact nearby residents;

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

- the property was a vacant care home and the application sought to bring the property back into active use;
- the proposal would provide active care and accommodate up to 30 women;
- the facility was not a 'step down' service but a facility to support vulnerable women;
- the re-use of the building was in-line with local and national policy, the property was an established care home facility;
- the therapy cabin would replace existing buildings in the rear courtyard, the development of the cabin would not be in such close proximity to the site as current development;
- the proposed cabin would be fully insulated with a timber frame and would be soundproofed;



- the cabin would be a multi-use space and used as required, activities would include arts and crafts and group sessions aimed to build and develop good mental health, all activities would be within day time hours;
- a community drop in session had been hosted at the site;
- residents would be assessed on a regular basis to ensure their suitability at the site;
- all staff would be trained as appropriate;
- the site would not accept referrals from patients who posed a significant risk to the wider community;
- community engagement would continue if local residents wished;
- the proposal had been signed off by statutory consultees and complied with policy.

The Development Planning and Building Consultancy Manager advised that the current use classification encompassed a range of possible uses ranging from the previous use as a care home to the planned use as a medical facility. The application therefore was solely the planned built development.

Resolved that planning application DC/23/67957- Proposed replacement sections, refurbishment and associated works in connection with the existing care home (Use Class C2) to include: external alterations, two storey front/side extension with photovoltaic solar panels on roof and glazed canopy over main entrance, single storey extension overlooking courtyard garden area, two storey enclosed staircase to rear, outbuildings to include Occupational Therapy cabin, maintenance shed and bin store, installation of EV charging points to car park, boundary wall/fencing and landscaping. - Beech Croft Residential Home, Salop Drive, Oldbury, B68 9AG approved-subject to conditions relating to:-

- i) external materials.
- ii) electric Vehicle Charging points.
- iii) low NOx boilers.
- iv) construction management plan compliance.
- v) external lighting scheme.



- vi) contaminated Land.
- vii) privacy scheme for room windows FF31 and FF25.

(Councillor Fenton was not present during the determination of this application.)

53/23 Planning Application - DC/23/68037 - Proposed single and two storey rear extension and first floor side extension. 47 Sussex Avenue, West Bromwich, B71 1AY

There were no applicants or objectors present.

Resolved that planning application DC/23/68037 - Proposed single and two storey rear extension and first floor side extension. 47 Sussex Avenue, West Bromwich, B71 1AY is approved, subject to external materials match those of the existing property.

54/23 Planning Application - DC/23/68109 Retrospective change of use from bank to restaurant/takeaway, new shop front, external extraction ducts and flue to rear (ENF/22/11916). - 774 - 776 Hagley Road West Oldbury, B68 0PJ

Councillors Millar, Chidley, Chapman, Fenton, Fisher, Kaur, Kordala, Loan, Pall, Preece, Tromans, Uppal and Webb indicated they had been lobbied by objectors.

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

- the development would lead to an increase in both waste and light pollution;
- there was a nearby primary school, bus stop and pedestrian crossing;
- the development would have a negative impact on traffic congestion;
- it was a retrospective application.

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



- the business had outgrown its current premises;
- the application would provide better facilities for both staff and customers;
- the development would provide six new jobs;
- the application would move the business away from a takeaway model to a sit-down model;
- the new business model would mean a less likelihood for litter being disposed outside the premises;
- the development would allow for an expansion of food provided;
- there was no pest activity on the site and the premises were inspected regularly as was a requirement, the store also possessed a 5-star food hygiene rating;
- there was a car park at the rear for customers.

The Committee discussed parking arrangements both in front and behind the premises. Whilst there was a loading bay on the highway for delivery's and service vehicles, concern was expressed over the possible impact of vehicles parking at the front of the premises.

The Committee was minded to defer consideration of the application to allow the applicant to provide further clarity on the parking arrangements.

Resolved that consideration of planning application DC/23/68109 Retrospective change of use from bank to restaurant/takeaway, new shop front, external extraction ducts and flue to rear (ENF/22/11916). - 774 - 776 Hagley Road West Oldbury, B68 0PJ is deferred to allow for the applicant to provide additional detail as it relates to parking.



Planning Application - DC/23/68186 Proposed two bedroom detached bungalow with associated parking and boundary treatment – Land To The Rear Of 16 Church Road, Rowley Regis

The Development Planning and Building Consultancy Manager advised the Committee that officers were recommending two additional conditions related to a new dropped kerb and the removal of permitted development rights.

There was no objector present to address the Committee.

The applicant was present and declined to address the Committee.

Resolved that planning application DC/23/68186 Proposed two bedroom detached bungalow with associated parking and boundary treatment.- Land To The Rear Of 16 Church Road, Rowley Regis is approved, subject to conditions relating to:

- (i) external materials;
- (ii) contaminated land;
- (iii) archaeological investigation;
- (iv) finished floor levels,
- (v) boundary Treatments;
- (vi) landscaping;
- (vii) drainage (including SuDS);
- (viii) refuse storage;
- (ix) electric Vehicle Charging,
- (x) low NOx Boiler,
- (xi) external Lighting,
- (xii) construction Hours
- (xiii) parking laid out and retained,
- (xiv) new drop kerb to provide access onto the site, and
- (xv) removal of permitted development rights in terms of the building of any outbuildings.



Planning Application - DC/23/68200 - Proposed 2 No. four bedroom dwellings with parking and landscaping. Land Adjacent 144 Hargate Lane, West Bromwich

The Development Planning and Building Consultancy Manager advised the Committee advised that officers were recommending an additional condition of noise assessment and mitigation methods.

There was no objector present to address the Committee.

The Applicants Agent was present and addressed the Committee advising that he had worked to address the concerns that the Council had raised.

Resolved that subject to no adverse comments from Public Health (noise), planning application DC/23/68200 - Proposed 2 No. four bedroom dwellings with parking and landscaping. Land Adjacent 144 Hargate Lane, West Bromwich is approved, subject to conditions relating to:

- (i) external materials;
- (ii) parking areas laid out and retained;
- (iii) contaminated land;
- (iv) drainage (including SuDS);
- (v) boundary treatments
- (vi) landscaping;
- (vii) finished floor levels;
- (viii) electric vehicle charging provision;
- (ix) low NOx boilers;
- (x) construction management plan;
- (xi) removal of Permitted Development Rights to remove any extensions including the roof alterations and garden buildings without applying for planning permission;
- (xii) noise assessment and mitigation methods, and
- (xiii) revised parking layout.



57/23 Proposed Committee Site Visits

The Committee noted that the following sites would be visited prior to the application being submitted to a future meeting for determination:-

Application Details	Reason for Site Visit
DC/23/68117 Proposed pergola system to frontage for customer seating area provision (Resubmission of refused planning permission DC/22/66636). 204 Lightwoods Road Smethwick B67 5AZ	A number of objections had been received.

58/23 Annual Report of the Planning Committee 2022/23

The Committee considered its 2022/23 Annual Report.

Resolved that the 2022/23 Annual Report of the Planning Committee is approved and submitted to the next meeting of the Full Council.

59/23 Decisions of the Planning Inspectorate

The Committee noted the Decisions of the Planning Inspectorate in relation to appeals against refusal of planning permission as follows:-

Application Ref	Site Address	Inspectorate
DC/22/67072	91 Lewisham Road Smethwick B66 2DD	Dismissed



DC/22/6810A	Advertisement Hoarding 174801 96-98 High Street Smethwick B66 1AQ	Dismissed
DC/22/67357	15 Devon Crescent West Bromwich B71 1BQ	Dismissed

60/23

Applications Determined Under Delegated Powers

The Committee noted the Applications Determined Under Delegated Powers by the Director – Regeneration and Growth, under powers delegated to him, as set out in the Council’s Constitution.

Meeting ended at 7.19pm

Contact: democratic_services@sandwell.gov.uk



Report to Planning Committee

26 July 2023

Application Reference	DC/22/67796
Application Received	12 December 2022
Application Description	Proposed single storey detached coffee shop with drive thru, new access, parking, enclosed bin area, landscaping and associated infrastructure.
Application Address	Land At Horner Way Rowley Regis
Applicant	Edwards & Co
Ward	Blackheath
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) Contamination;
- iii) Hours of use (05.00 to 23.00 on any day including Sundays and bank holidays);
- iv) Noise management plan;
- v) Construction method statement;




- vi) Vehicle parking and manoeuvring areas to be installed and retained;
- vii) External lighting scheme;
- viii) Air Quality Assessment to include a management plan to protect employees from pollution;
- ix) Electric Vehicle Charging points;
- x) Hard and soft landscaping to include retention of boundary trees and root protection measures.
- xi) Boundary treatments;
- xii) Drainage including SUDS.
- xiii) Dust Management Plan;
- xiv) Low NOx boilers;
- xv) Cycle parking;
- xvi) Refuse storage; and
- xvii) Use restriction to a coffee shop.

2 Reasons for Recommendations

2.1 The precedent for the re-development of the site to be used for a commercial use has been set by the approval of DC/20/64578 (Proposed single storey vehicle repairs and MOT testing centre with associated storage unit, access, parking and landscaping). Public Health, Highways and Planning Policy have raised no objections to the application subject to conditions contained within the recommendation. On this basis I am satisfied no significant harm to residential amenity or highway safety would occur as a result of this proposal.

3 How does this deliver objectives of the Corporate Plan?

	A strong and inclusive economy
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4 Context

4.1 The application is being reported to your committee because 3 objections have been received.



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

[Land at Horner Way, Rowley Regis](#)

5 Key Considerations

5.1 The application site is allocated for mixed use development purposes on the Development Plan and is situated directly adjacent to Blackheath town centre. The Development Plan does not specify what types of development will be considered.

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)

Amenity – Loss of light, outlook and privacy

Design, appearance and materials

Highway Matters - Access, highway safety, parking, traffic generation and servicing

Environmental concerns – Noise, air quality, pollution and general

Ecology concerns – loss of wildlife, habitats and trees

6. The Application Site

6.1 The application relates to a piece of land located on the eastern side of Horner Way, Rowley Regis. On the opposite side of Horner Way is Sainsburys petrol station and store. To the rear of the site, separated by trees, are a number of uses including residential, a church and vehicle repairs garage.



7. Planning History

7.1 The site has been subject to a recent approval for a single storey vehicle repairs and MOT testing centre with associated storage unit, access, parking and landscaping. The applicant has also submitted an advertisement application for the proposed development which is currently pending consideration (DC/23/6840A).

7.2 Relevant planning applications are as follows:

DC/20/64578	Proposed single storey vehicle repairs and MOT testing centre with associated storage unit, access, parking and landscaping.	Grant Permission subject to conditions 27.10.2020
DC/23/6840A	3 No. internally-illuminated fascia signs, 1 No. non-illuminated fascia sign, 1 No. internally-illuminated projecting sign, 1 No. internally-illuminated double-sided pole sign, 1 No. Single & 1 No. Triple Digital Menu, 1 No. internally-illuminated double-sided cantilever LH post height barrier sign, 2 No. non-illuminated banner frames, 1 No. internally-illuminated freestanding sign, 1 No. non-illuminated freestanding sign and 3	Pending consideration.



	No. non-illuminated panel (lamppost) signs in connection with the use of the site as a coffee shop with drive through facility.	
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8. Application Details

- 8.1 The applicant is proposing to erect a single storey detached building to be used as a coffee shop with drive thru to include a new access, parking, enclosed bin area, landscaping and associated infrastructure.
- 8.2 The single storey building would measure 18m by 13.5m and have an overall height of 5.4m.
- 8.3 The applicant has indicated the proposed use would employ 15 full time/ part time staff and the proposed opening hours of the unit would be 05.00 to 23.00 on any day including Sundays and bank holidays.

9. Publicity

- 9.1 The application has been publicised by neighbour notification letter, with three objections being received. Objectors were also re-consulted following the submission of additional highways information with a further two responses being received reiterating the same objections.

9.2 Objections

Objections have been received on the following grounds:

- i) Highways matters including the road system being inadequate, inconvenience for pedestrians, concerns regarding parking while customers wait for orders, the submitted transport report was incomplete, concerns regarding increase of traffic congestion on the bypass, the proposed entrance being in close proximity to the Sainsburys entrance on the opposite wide of the road, the



pavement on Horner Way being narrow in nature due to plant growth, the examples of other Costa sites in the report are not like for like when compared to the proposed site;

- ii) The site is a green space/wildlife refuge and is helping to combat climate change. It should be left alone;
- iii) A drive through coffee shop would contribute to litter in the surrounding area;
- iv) Generation of noise, disturbance, smells and pollution;
- v) Unsociable hours of operation.

These objections will be addressed in section 13 (Material considerations).

None material objections have been received including competition for existing coffee shop businesses in Blackheath town centre and not allowing a multi-national company to take money away from the local economy.

10. Consultee responses

10.1 Planning Policy

No objection. The site of the proposed development is allocated for mixed use development in the Development Plan and is situated directly adjacent to Blackheath town centre. The Development Plan does not set out what types of development will be considered. The site is classed as an edge-of-centre site as it is within 300 metres of the town centre allocation. The proposal complies with Policies CEN4 and CEN7 by providing new floor space on an edge of centre site.

10.2 Highways

At the request of highways, the applicant has submitted the following additional information; -

- An amended Transport Statement.



- A technical note to address questions raised from the Transport Statement (why the comparison sites were chosen as the most representative? How were surveys completed to identify Costa customers due to crossovers with other premises? Clarification of trip rates? and confirmation/frequency of servicing, delivery and refuse vehicles).
- Junction analysis due to concerns from pass by trips of people using a route through the town centre and Archer Way to Long Lane (and vice versa) could impact on the signal junction particularly left and right turns. The analysis needed to confirm existing queue lengths etc to establish what impact there will be on the signalised junction, a trip distribution analysis from the proposed site access should be submitted as part of this.
- Clarification of movements thorough the proposed junction.

Following receipt of this information, Highways have raised no objections to the application.

10.3 Pollution Control (Air Quality)

A recommendation for the drive-thru element to be removed was made due to concerns regarding the potential for employees to be exposed to high levels of pollution at the drive-thru windows. Recommendations for conditions to address air quality issues such as the submission of an Air Quality Assessment/management plan, electric vehicle charging points, Dust Management Plan and Low NOx boilers have been included within the recommendation. In terms of the recommendation for the drive-thru element to be removed, the proposal is for a purpose-built single storey detached coffee shop with drive thru, similar applications for this type of development have been submitted within the borough and it is the proposal the applicant wishes to be determined. The condition for an air quality assessment/management plan with mitigation measures would seek to address the issues raised.



10.4 **Pollution Control (Contaminated Land)**

No objection subject to the standard contaminated land condition.

10.5 **Pollution Control (Air Pollution and Noise)**

No objection subject to conditions for a noise management plan to address noise from early morning deliveries and customers congregating on the car park, the submission of a construction method statement and an external lighting scheme.

10.6 **West Midlands Police**

No objection.

10.7 **Tree Preservation matters**

It has been confirmed that the trees on the site are not protected by Tree Preservation Orders. However, a recommendation has been made for some of the trees to be retained, as part of a landscaping condition.

10.8 **Dudley Metropolitan Borough Council**

No objection, highways comments submitted for review.

10.9 **Severn Trent**

No objection subject to the standard drainage conditions.

10.10 **Network Rail**

No comments 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.

The Framework promotes sustainable transport options for development proposal and paragraph 111 states that developments should be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

12. Local Planning Policy

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

CEN4: Regeneration of Town Centres

CEN7: Controlling Out-of-Centre Development

ENV3: Design Quality

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

ENV8: Air Quality

SAD EOS9: Urban Design Principles

12.2 The site is allocated for mixed use development in the Development Plan. The allocation does not set out what types of development will be considered.

12.3 ENV3 and SAD EOS9 refers to high quality, well designed schemes that provide quality environments. The proposed layout and design are considered to be acceptable.

12.4 CEN4 and CEN7 highlights the importance of regeneration of town centres and edge of centre sites to accommodate new floorspace requirements. Edge of centre is classed as being no more than 300m from the strategic centre. The application site is approx. 8 metres from



the town centre allocation and is therefore classed as an edge of centre site. The proposal complies with Policies CEN4 and CEN7 by providing new floor space on an edge of centre site.

12.5 ENV5 seeks the incorporation of sustainable drainage systems to assist with reducing the impact of flooding and surface water run-off. A condition for a surface water drainage scheme to be submitted and approved has been included within the recommendation.

12.6 ENV8 refers to mitigation measures to offset air quality issues, in this instance a condition for electric vehicle charging points and an air quality assessment have been included within the recommendation.

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 (including appeal decisions)

The precedent for the re-development of the site to be used for a commercial use has been set by the approval of DC/20/64578 (Proposed single storey vehicle repairs and MOT testing centre with associated storage unit, access, parking and landscaping).

13.3 Amenity concerns – Loss of light, outlook and privacy.

Taking into consideration the proposed unit would be single storey in height and set off all boundaries, I do not consider a significant loss of light, outlook or privacy would occur as a result of this proposal. Furthermore, a hard and soft landscaping condition to include the retention of mature trees to the site boundary as well as details of proposed boundary treatments has been included within the recommendation.



13.4 Design concerns

The proposed unit would be modern in design and incorporate a number of external material finishes including glazing, two different colour renders and wood panelling. The design is a typical finish for this type of unit with the colours proposed matching the corporate branding of the applicant. I am satisfied the proposed unit is acceptable in design and appearance and would cause no harm to the street scene or wider area.

13.5 Highways concerns

The Head of Highways has reviewed the application and supporting information and raised no objections on highway safety grounds. As part of the consultation process highways integrated the submitted Transport Statement and requested additional information in the form of a Technical Note and junction analysis and raised no objections to the application. On this basis I am satisfied no significant harm would be caused to the safety and convenience of users of the highway as a result of this proposal.

13.6 Environmental concerns

Public Health have reviewed the application and supporting information and raised no objections to the proposed development or the proposed opening hours in relation to noise and disturbance or nuisance from smell. This is subject to conditions for a Noise Management Plan to address noise from early morning deliveries and customers congregating on the car park as well as an external lighting scheme to ensure no light pollution would cause harm to nearby residential properties. In terms of air quality concerns, the mitigation measure proposed are deemed acceptable to protect residents and the hard and soft landscaping condition to include a plan showing retention of mature trees on the boundary of the site would also reduce impact of the development on properties at the rear.



13.7. Ecology concerns

The application site is a private site allocated in the Development Plan to be used for mixed use purposes. The site unfortunately has not been identified as a wildlife corridor, a site of local importance for nature conservation or allocated as public open space. However, to reduce impact of the development, a hard and soft landscaping condition to include the retention of mature trees to the site boundary has been included within the recommendation.

14. Conclusion

On balance the proposal accords with the provisions of relevant Development Plan Policies and there are no significant material considerations which warrant refusal that could not be controlled by conditions.

15 Alternative Options

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

16 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 Governance:	This application is submitted under the Town and 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 Wellbeing:	None.
Social Value	None.
Climate Change	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.

17. Appendices

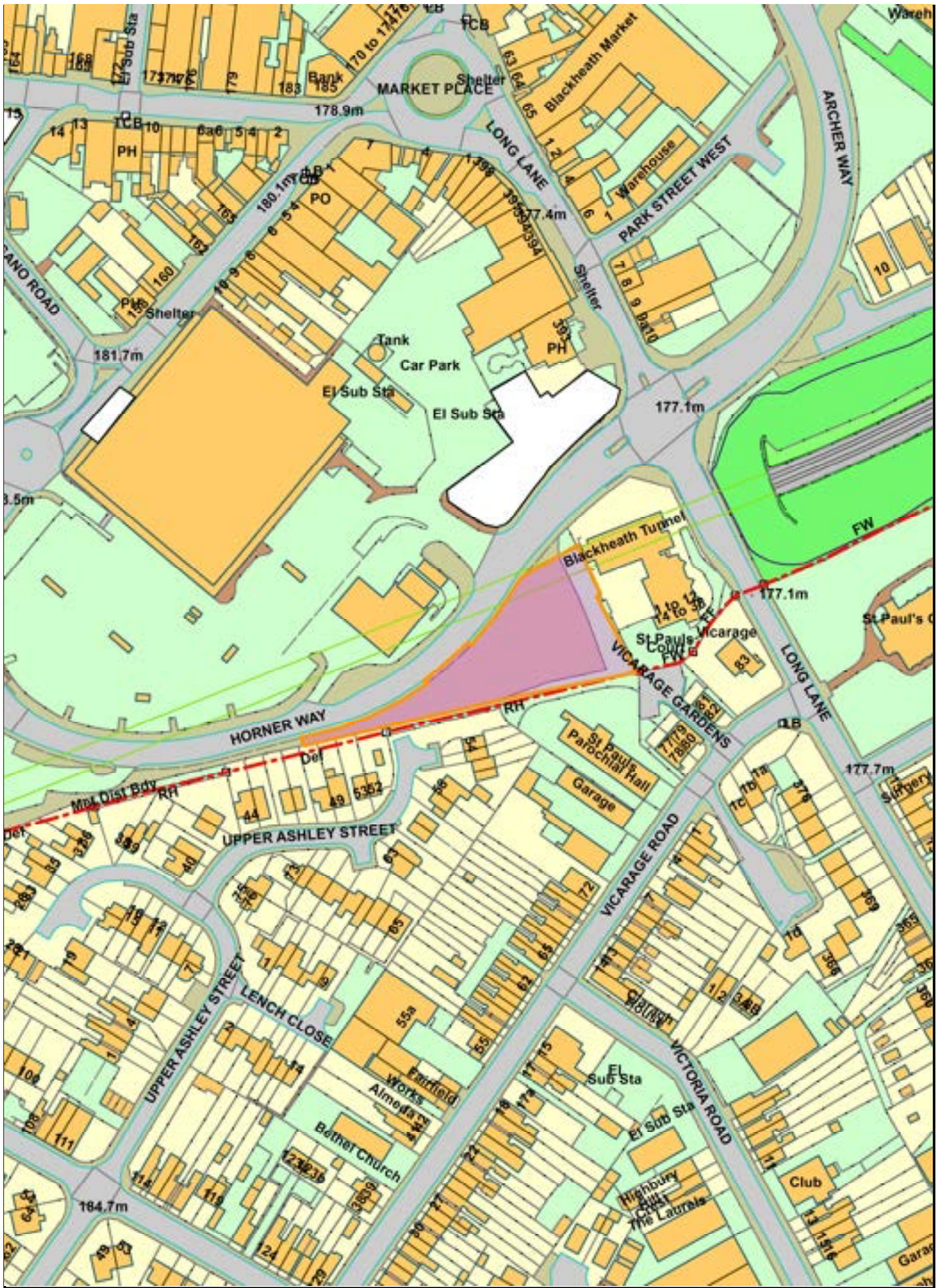
Context plan

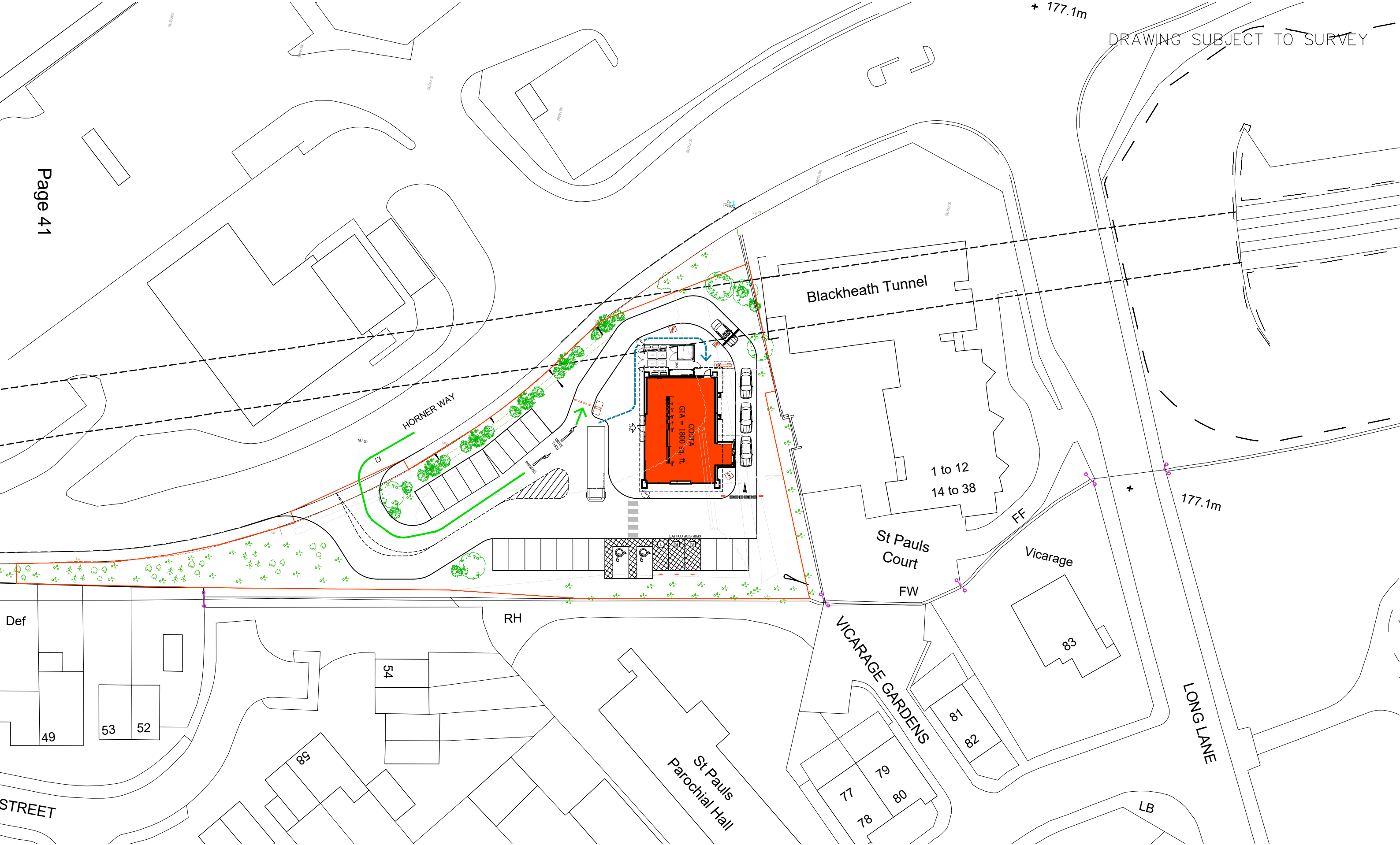
Proposed floor plan - 1800(SIDE)-01F REV F.

Proposed site layout plan - BLACKHEATH-P1

Proposed elevations plan - 1800(SIDE)-02F REV F

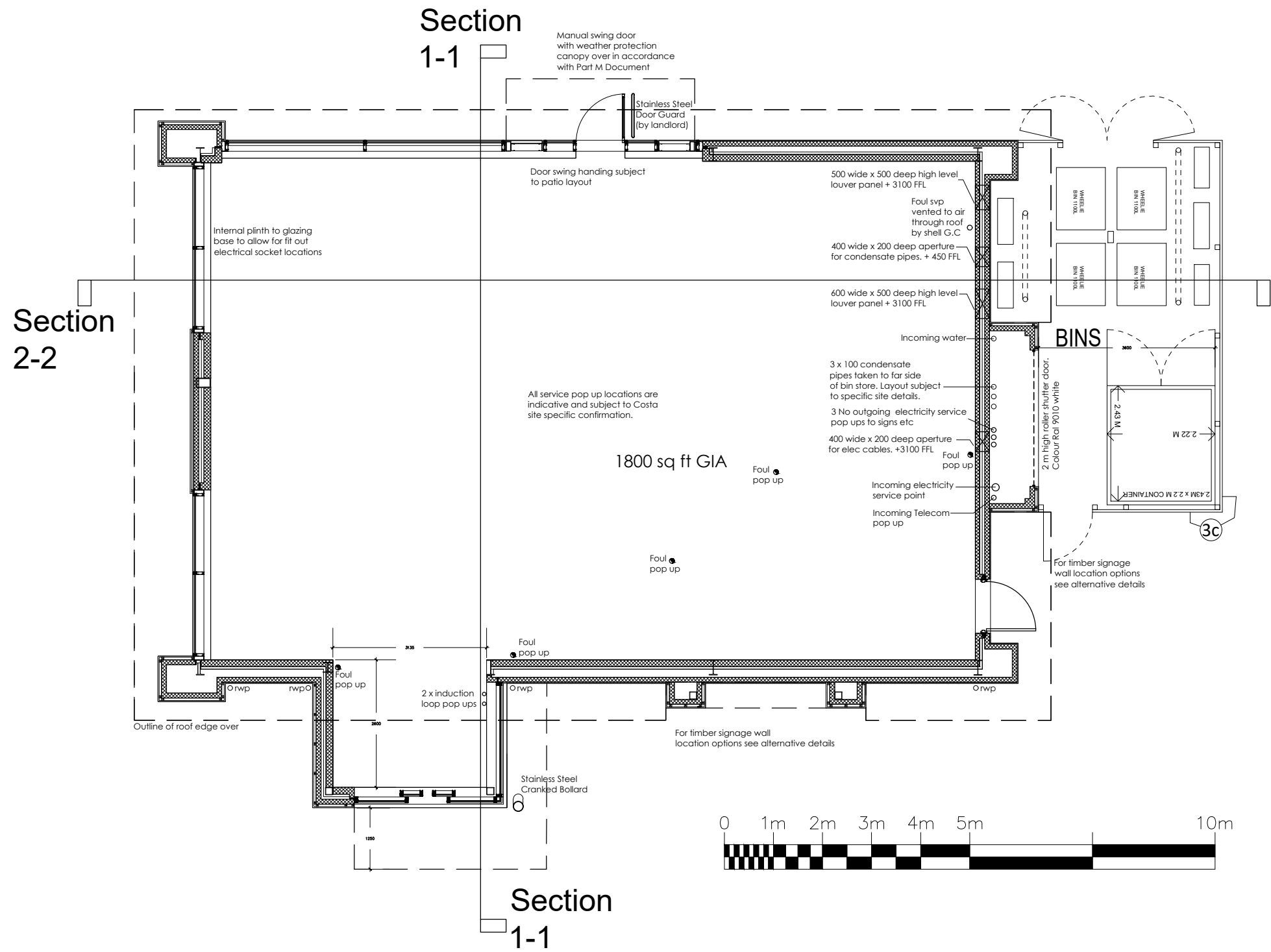






PROPOSED COSTA COFFEE – BLACKHEATH, BIRMINGHAM
 SITE LAYOUT 1:500@A3



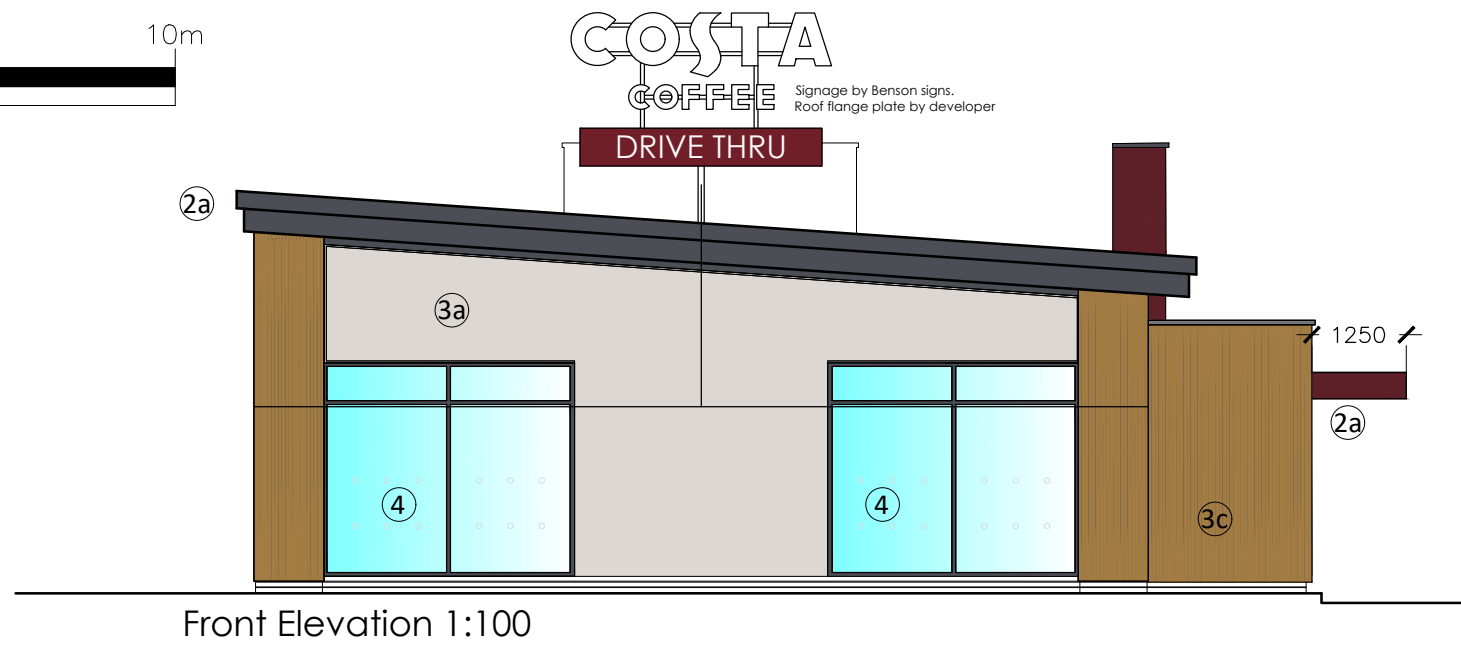
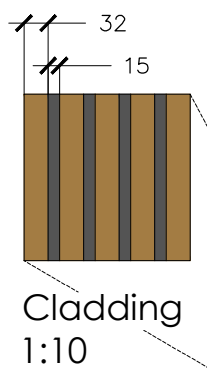
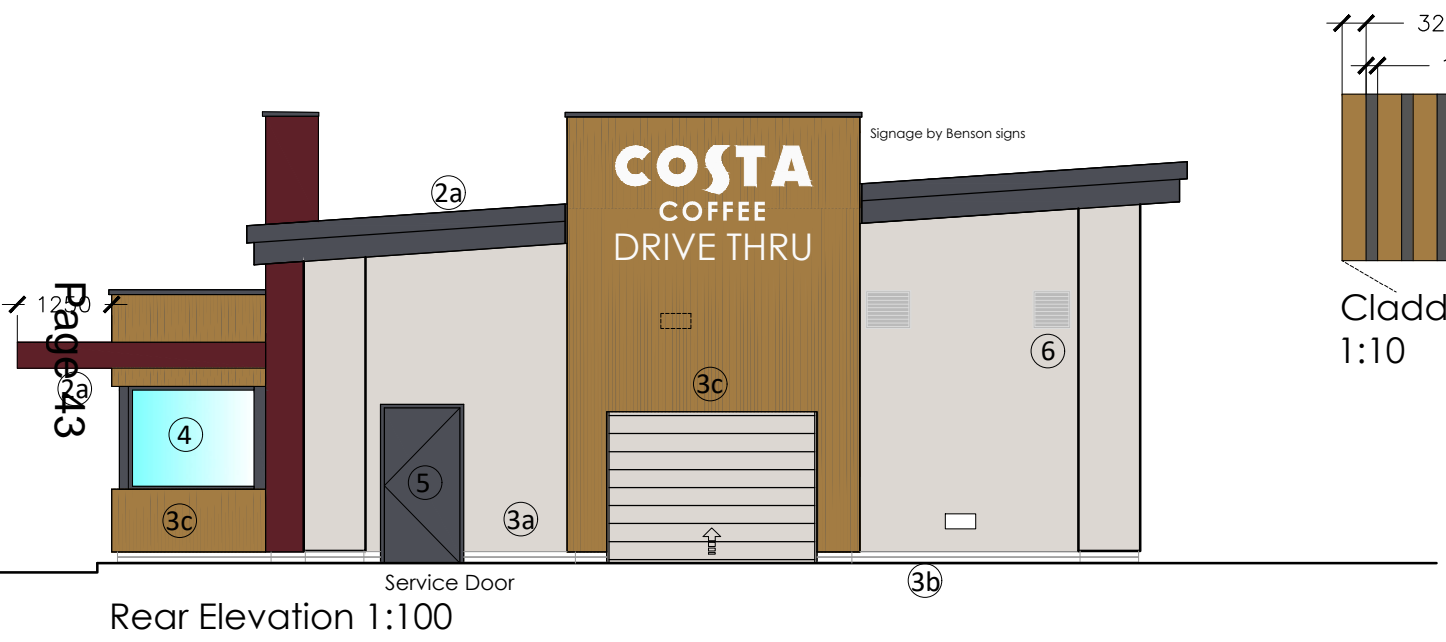


COSTA 1800 SQ FT STANDARD BUILDING (SIDE ENTRANCE) G.A. PLAN
1:100 @A3

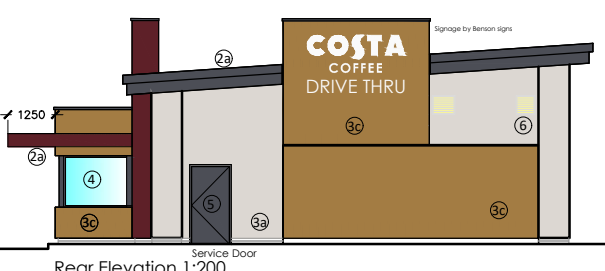
F UPDATED TO STD'S 17.05.22
 E GENERAL UPDATE 29.05.19
 D GENERAL UPDATE 29.04.17
 C DOOR POSITION UPDATED 11.10.16
 B DOOR POSITION UPDATED 20.04.16
 A DOOR POSITION UPDATED 04.03.16



DRAWING No
1800(SIDE) - 01F



1. ROOF:
ROOF LAID TO FALLS.
INSULATION TO LATEST PART L REGULATIONS.
INTERNAL UNDERSIDE OF ROOF SPRAYED DULUX TRADE 30YY 46/036 (GREY)
2. FASCIAS AND SOFFIT:
2a 2mm FLAT POWDER COATED ALUMINIUM FLASHING APPLIED TO FASCIA, SUPPORTED OFF SHEETING RAILS, ALL FIXED BACK TO STEEL FRAME IN ACCORDANCE WITH ENGINEERS DETAILS. COLOUR ANTHRACITE GREY REF RAL 7016.
FLAT ALUMINIUM CLADDING PANEL SOFFIT, ANTHRACITE GREY REF RAL 7016. SUPPORTED FROM HORIZONTAL RAILS ALL FIXED BACK TO STEEL FRAME IN ACCORDANCE WITH ENGINEERS DETAILS.
- 2b 2mm THICK ALUMINIUM BACKED PANELS. POWDER COATED RAL 3005 - WINE RED
3. WALLS:
3a BLOCKWORK TO RECEIVE THRU COLOUR RENDER - COLOUR RAL 9010 WHITE.
3b COURSES UP TO DPC LEVEL IN WIENERBERGER STAFFORDSHIRE SMOOTH SOLID BLUE BRICK WITH LIGHT GREY MORTAR.
- 3c 32MM X 32MM BRITISH WESTERN RED CEDAR PROFILE WITH 15MM SPACING, COUNTER BATTENED FOR AIR CIRCULATION ONTO WATER TIGHT BACKGROUND WITH BLACK BREATHER MEMBRANE (NO LOGOS). COUNTER BATTENS PAINTED BLACK. CLADDING PATTERN TO RUN VERTICAL IN ALL AREAS. ALL CLADDING TO RECEIVE SUITABLE CLEAR WEATHER PROTECTION. THE BASE OF ANY CLADDING TO RECEIVE PROPRIETARY FIXING TO PREVENT VERMIN INGRESS. BIN STORE CLADDING TO RECEIVE MATCHING TIMBER CAPPING.
- 3d BLOCKWORK TO RECEIVE THRU COLOUR RENDER - COLOUR RED PANTONE 209C.
4. GLAZING:
THERMALLY BROKEN ALUMINIUM SHOPFRONT WINDOW SYSTEM (KAWNEER OR SIMILAR APPROVED), FRAME COLOUR ANTHRACITE GREY RAL 7016.
FOR ALL SOUTH, SOUTH-EAST AND SOUTH WEST FACING GLAZING, DEVELOPER TO CONSIDER SOLAR REFLECTIVE FILM.
5. SERVICE DOOR
FACTORY FINISHED POWDER COATED STEEL DOORS AND FRAMES- COLOUR RAL 7016 WITH RAL 7016 FRAMES
6. LOUVRES
2NO LOUVRES WITH INTERNAL INSECT MESH. FINISHED RAL 9010



ELEVATIONS INDICATING BIN STORE 1:200

0 1m 2m 3m 4m 5m 10m

COSTA 1800 SQ FT STANDARD BUILDING ELEVATIONS (SIDE ENTRANCE)
1:100 @A3

- F CLADDING UPDATED 05.05.22
- E GENERAL UPDATE 05.02.20
- D GENERAL UPDATE 29.04.17
- C DOOR POSITION UPDATED 11.10.16
- B DOOR POSITION UPDATED 20.04.16
- A DOOR POSITION UPDATED 04.03.16



DRAWING No
1800(SIDE) - 02F

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Report to Planning Committee

26 July 2023

Application Reference	DC/23/67863
Application Received	10 January 2023
Application Description	Proposed change of use from general industrial to treatment, remediation and recovery facility for contaminated soils, construction, demolition and excavation of waste with 1 No. soil treatment shed and 4 No. office/meeting rooms, 1 No. mess drying room, toilet block, store, weighbridge unit, picking station, decontamination unit, clean material area and 2 No. holding tanks and covered post treatment areas, oversized processing area, parking and the creation of a new vehicular access - Temporary planning permission for 5 years.
Application Address	Land West Of Bridge Street North Smethwick B66 2BJ
Applicant	Soterion Limited
Ward	Soho & Victoria
Contact Officer	Mr Andrew Dean andrew_dean@sandwell.gov.uk



1 Recommendations

1.1 That, subsequent to the Council granting an exception to the development plan, temporary planning permission is granted subject to conditions relating to:

- i) 5 Year temp.
- ii) Air quality assessment and mitigation measures.
- iii) The submission of noise mitigation measures and calculations to demonstrate noise from the proposed use shall not exceed the background 60-minute LA90 by more than 5 dBA on any day including noise from the operation of the mobile crusher when it is used on site
- iv) Noise management plan
- v) Dust management plan implementation.
- vi) All processing of contaminated materials with the exception of the handpicking asbestos station to be carried out within the existing building.
- vii) There shall be no external storage above 4m in height measured from the natural ground level.
- viii) External Materials.
- ix) Electric vehicle charging points.
- x) Hours of operation being 8.00 to 16.30 Monday to Friday, 8.00 to 13.30 Saturdays with no working on Sundays and Bank Holidays.
- xi) Hours of operation of the crushing and screening operation.
- xii) Vehicle parking and manoeuvring areas to be provided and retained.
- xiii) Site entrance to installed in accordance with details shown on plan reference 06223-A-120 REV P0
- xiv) Foul drainage
- xv) Surface water drainage scheme.
- xvi) Site investigation.
- xvii) Cycle parking.
- xviii) External lighting scheme.



- xix) Boundary treatments.
- xx) Further retaining wall inspection.
- xxi) Low NOx boilers.

2 Reasons for Recommendations

2.1 The proposal, subject to a temporary consent and the conditions contained within the recommendation, raises no significant concerns from a policy, public health or highway perspective. The granting of a temporary approval would not prevent the site coming forward for residential development in the future which is the long-term aspiration for the site.

3 How does this deliver objectives of the Corporate Plan?

	A strong and inclusive economy
---	---------------------------------------

4 Context

- 4.1 Before the last committee meeting, members visited the site and surrounding area.
- 4.2 The application is being reported to your Planning Committee because the site is part of a housing allocation in the development plan. As such, the proposal is a departure from the development plan and requires further approval of Full Council, should the Planning Committee resolve to approve this application. Furthermore, following an additional neighbour consultation, 14 objections to the application have been received.
- 4.3 To assist members with site context, a link to Google Maps is provided below:

[Land at Bridge Street North](#)



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

Design, appearance, materials and public visual amenity.

Access, highway safety, parking and servicing

Environmental concerns – Noise, air quality, pollution and general disturbance.

Ecology concerns – loss of wildlife, habitats and trees.

6. The Application Site

- 6.1 The application site is a former industrial premise sandwiched between two canals located on the western side of Bridge Street North. The application site is flanked by canal waterways on either side of the site, namely being the Birmingham New Main Line to the north and the Engine Arm to the South. The wider area is mixed use in nature with industrial premises being located on the opposite side of the Engine Arm canal and residential properties being located on the opposite side of the Birmingham New and Old mainline Canals. The nearest residential dwellings are a minimum of 100 metres from the application site and are separated from the site by the two canals and an area of open space containing vegetation. Residential canal moorings can be found further down the engine arm canal heading east.
- 6.2 The site has predominantly been cleared of all structures and buildings with one large warehouse remaining which measures approximately 2800m². The remaining site is hardstanding.
- 6.3 The site is adjacent to and partly within the Smethwick Summit, Galton Valley, Smethwick Conservation Area. In close proximity to the rear of the site is also a scheduled ancient monument (Engine Arm Aqueduct).



7. Planning History

7.1 A section of the site and the remaining warehouse received a 3-year temporary retrospective approval for receipt of, storage, sorting and separation of non-ferrous materials under application reference DC/08/50156. This was granted subject to conditions that the use should take place within the building and no materials should be stored in the rear yard. The rear of the site also received approval under application reference DC/97/33689 to be used for aluminium recycling.

7.2 Relevant planning applications are as follows:

PD/22/02111	Proposed demolition of all buildings with the exception of the hi-bay warehouse.	Demolition consent granted. 29.04.2022
DC/14/57444	Demolition of two storey brick building.	Demolition consent granted. 16.10.2014
DC/14/57472	Proposed re-cladding of unit.	Grant Permission subject to conditions. 03.11.2014
DC/08/50156	Retrospective application for receipt of, storage, sorting and separation of non-ferrous materials.	Grant Temporary Approval 17.12.2008
DC/09/50964	Change of use to B2 (General Industrial) use.	Grant Permission. 21.07.2009
DC/97/33689	Change of use of former Raleigh Works & plastic injection moulding to aluminium recycling and alteration to make provision for offices & partial demolition to afford lorry manoeuvring.	Grant Permission subject to conditions. 25.11.1997



8. Application Details

- 8.1 The applicant is proposing to change of use of the existing site and warehouse from general industrial to treatment, remediation and recovery facility for contaminated soils, construction, demolition and excavation of waste with 1 No. soil treatment shed and 4 No. office/meeting rooms, 1 No. mess drying room, toilet block, store, weighbridge unit, picking station, decontamination unit, clean material area and 2 No. holding tanks and covered post treatment areas, oversized processing area, parking and the creation of a new vehicular access. The applicant is seeking a temporary planning permission for 5 years, as the long-term ambition for the site is for a residential use.
- 8.2 The application states that waste brought onto the site would be contaminated with asbestos, hydrocarbon and diesel. The contaminated waste would be deposited in the bays within the existing warehouse building. The bioremediation process would be carried out within the warehouse building with asbestos picking occurring immediately adjacent to the building at the covered picking station. Post remediated waste would be stored in storage bays waiting for exportation to be used on construction sites. Concrete and stone from the contaminated soil would be stored at the rear of the site where it would be crushed when required to be used for hardcore. The applicant has indicated this would be approximately every 3 to 4 months.
- 8.3 The proposed building providing the site office and staff facilities would be temporary in nature similar in appearance to portacabin/container buildings. The decontamination unit would measure 3.65m by 1.8m with an overall height of 2.45m. The weighbridge office would measure 2.45m by 2.3m with an overall height of 2.45m. The site office would measure 9.75m by 2.5m with an overall height of 2.45m. The store would measure 6m by 2.5m with an overall height of 2.45m. The mess room/drying room would measure 9.75m by 2.5m with an overall height of 2.45m. The four covered post treatment bays would measure 40m by 7.5m with an overall height of 5m.



- 8.4 An amended plan has been received to alter the proposed site entrance from a bell mouth to a dropped kerb.
- 8.5 Since the application submission, the applicant implemented some works on site which has resulted in complaints from residential properties located on the Brindley II residential development site, these related to dust generation and noise. The applicant has confirmed these works have now ceased and the soil/ material being stored on the site is non-hazardous. To prevent further complaints the applicant has stated the below mitigation measures are being used; -
1. Covering of soil stockpiles outside of main building (See BSN 1 attached).
 2. Daily use of water bowser and misting system (twice an hour / everyday).
 3. Use of jet wash for additional dust suppression.
 4. Hire of road sweeper to keep haul road and local roads clean.

9. Publicity

9.1 The application has been publicised by neighbour notification letter, site noise and press notice, with 14 letters of objection being received.

9.2 Objections

Objections have been received on the following grounds:

- i) Noise and disturbance with work starting pre 7am.
- ii) The works on site are creating large amounts of dirt/ dust which blow over the canal to the residential dwellings on the Brindley II residential development. No information has been provided as to what contamination the current mound of soil on the site contains. This raises health concerns for residents.
- iii) Wildlife concerns in terms of dust and water run off from the site entering the canal wildlife corridor.
- iv) The site should be regenerated for residential development.



- v) The view of the site at present is poor with a half covered soil mound.
- vi) Highway matters including increased vehicle movements.

These objections will be addressed in section 13 (Material considerations).

10. Consultee responses

10.1 Planning Policy

No objection. In order for a residential scheme to be realised, in line with the designation, comprehensive redevelopment would be required. As this has not been forthcoming and considering the active nature of the wider industrial area, an industrial/employment use would be the most appropriate type of development in this location at this time.

10.2 Highways

No objection subject to a condition for the parking and manoeuvring area shown on the submitted layout to be provided and retained. An amended plan has been submitted to alter the proposed entrance from a bell mouth to a dropped kerb. Highways have raised no objections to this amendment.

10.3 Pollution Control (Air Quality)

No objection subject to conditions for the submission of an air quality assessment including mitigation measures to reduce impact on nearby businesses and residential properties, electric vehicle charging points, and operation hours including a restriction on the crushing and screening operation.



10.4 Pollution Control (Contaminated Land)

No objection subject to the submission of a detailed site investigation report being submitted and approved.

10.5 Pollution Control (Air Pollution and Noise)

Following the submission of an amended noise risk assessment to include residential canal moorings in close proximity to the site, Public Health have stated there is still a possibility that the noise rating level at the nearest sensitive properties could exceed the background by 5dB when the operation commences. However, the following conditions have been recommended to deal with any residual concerns around noise;-

- The rating level of all operational noise, when measured as a 60-minute LAeq between the hours of 07:00 and 23:00, shall not exceed the background 60-minute LA90 by more than 5 dBA on any day. This should include the noise from the operation of the mobile crusher when it is used on site.
- All measurements are to be taken in accordance with BS4142:2014+A1(2019) at the nearest noise sensitive premises.
- The applicant instructs a competent consultant to design mitigation measures and provide calculations to demonstrate compliance with the above condition. This is to be approved by the Local Authority before the operations commence.
- The applicant has requested working hours of 07.30 to 17.00 Monday to Friday. I would recommend that working hours are restricted to 08.00 to 16.30 hours as per the working hours used in the noise assessment. I would stipulate that only maintenance is carried out on Saturdays with working hours restricted to 08.00 -13.30 hours. The applicant has requested that operations commence at 07.30 hours on Saturday.



- There shall be no working on Sundays and Bank Holidays.
- It is recommended the applicant submits for prior approval by the local planning authority a noise management plan to control noise emissions from all operations and use of plant and equipment on site.
- All processing of materials (with the exception of the asbestos picking activities) are to be carried out in the existing building on site.

Public Health have also recommended that the operator comply with any, noise, dust and odour management plans required by the Environment Agency.

10.6 Conservation Officer

No objection.

10.7 Lead Local Flood Authority

Comments received regarding the requirement of a surface water drainage scheme. This has been included within the recommendation

10.8 Severn Trent

No objection subject to the standard drainage condition.

10.9 Canal and River Trust

Following the last committee meeting, the Canal and River Trust have submitted additional comments highlighting insufficient information has been submitted and the proposed conditions are not sufficient to address the following matters; -

- i) Land Stability adjacent to the waterway network including an assessment of the stability and condition of a large brick retaining



- wall to support the proposed use, associated vehicle activity, built form or parking bays.
- ii) Pollution Control Measures in relation to the protection of the water environment.
 - iii) Impact of the proposal on biodiversity and impact on the character and appearance of the waterway corridor.
 - iv) Assessment of the opportunities arising from the proposal for the promotion of connectivity and sustainable travel using the waterway network.

In response to the above points; -

- i) Following additional comments, the matter of the retaining wall has been re-visited. An initial report by the applicant on the retaining wall concluded “The ivy and other growth should be carefully removed from the wall and a further structural inspection of the wall completed, in order to advise on further investigations required to inform remedial work solutions”. Whilst the redline boundary for the site is set back and excludes the retaining wall and the submitted plans show no structures would be erected in close proximity to the structure, no physical barrier exists to prevent vehicles driving and parking on top of the wall. On this basis, the Local Planning Authority are of the opinion that it is not unreasonable to include a condition for a further inspection of the wall to be undertaken to ensure no impact on the canal environment/network occurs.
- ii) Drainage matters have been included within the recommended conditions including a surface water drainage scheme. The applicant requires a permit from the Environment Agency due to the nature of the use which includes matters such as drainage, dust control and how the material will be treated/stored etc. The permit application states that waste will be transferred to the asbestos picking station via covered conveyor where it will be wetted down using a spray bar to prevent any fugitive releases of dust. Picked asbestos will be placed into bags inside the picking station and transferred to an enclosed skip so that the bags are not



exposed to the outside environment. Picked asbestos will be placed into skips which will contain double bag liners in accordance with health and safety requirements. Once double bagged, the asbestos will be locked securely in an onsite skip and will be bulked prior to transport off site for disposal to landfill, which normally takes approximately 15 days. If the committee are minded to approve this application, the site would be permitted and regulated by the Environment Agency.

- iii) In terms of biodiversity and enhancement of the waterway, it should be noted this is an existing industrial site which is characterised by a concrete slab covering the entire site to be retained by the applicant as well as an existing large warehouse style building. These matters would be addressed when the long terms ambition for the site to be used for residential comes forward. However, a condition for an external lighting scheme has been included within the recommendation to prevent light pollution on the adjacent canals. The applicant is applying for a temporary permission only and treatment would take place in a covered environment.
- iv) Sustainable travel via the waterway network has not been requested by transportation or policy colleagues and the applicant has indicated the proposed use would have 10 full time employees. As part of this application a condition for secure cycle parking within the development has been included and Bridge Street North is also a 9-minute walk from Rolfe Street train station with links to Birmingham, Oldbury and Wolverhampton.

The Trust's requested informatives would also be included on the decision notice should the planning committee grant approval of this application.

10.10 Health and Safety Executive

No objection.



10.11 Environment Agency

No response has been received, albeit we are aware that they have undertaken their own permit assessment of the site as indicated above.

10.11 Urban Design

Highlights the long-term ambition for the site is residential. Suggested conditions relating to boundary treatments and soft landscaping to limit impact on the canal.

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 Framework promotes sustainable transport options for development proposal and paragraph 111 states that developments should be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

12. Local Planning Policy

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

EMP1 – Providing for Economic Growth

TRAN2 – Managing Transport Impacts of New Development

TRAN4 - Creating Coherent Networks for Cycling and for Walking

ENV1 - Nature Conservation.

ENV4 - Canals

ENV3 – Design Quality

ENV5 – Flood Risk, Sustainable Drainage Systems and Urban Heat Island

ENV8 – Air Quality



SAD EMP 4 – Relationship between Industry and Sensitive Uses
SAD EOS9 – Urban Design Principles
SAD EOS10 – Design Quality & Environmental Standards

- 12.2 The site is allocated for residential development in the Development Plan.
- 12.3 Policy EMP1 seeks to ensure a sufficient stock of employment land to meet demand and support the growth and diversification of the economy. Although the site is allocated for housing in the long term, the proposal complies with this policy by providing industrial employment within the borough.
- 12.4 TRAN1 and TRAN2 seeks to resist development proposals that are likely to have significant transport implications, unless applications are accompanied by proposals to provide an acceptable level of accessibility and safety by all modes. As part of this application a condition for secure cycle parking within the development has been included within the recommendation. Bridge Street North is also a 9-minute walk from Rolfe Street train station with links to Birmingham, Oldbury and Wolverhampton.
- 12.5 Both ENV3 and SAD EOS9 policies refer to appropriate design, given the temporary nature of the proposed use and industrial nature of the surrounding area, I am satisfied the proposed structures are appropriate in scale, design and appearance.
- 12.6 Policy SAD EMP4 refers to industrial development in relation to residential properties. The policy seeks any harmful effects of the proposal to be mitigated. In this instance public health have raised no objections to the application subject to the conditions contained within the recommendation. On this basis I am satisfied residential amenity can be protected.
- 12.7 ENV5 seeks the incorporation of suitable drainage systems to assist with reducing the impact of flood and surface water run-off. A condition for a surface water drainage system to be submitted and approved has been included within the recommendation.



- 12.8 ENV8 refers to mitigation measures to offset air quality issues, in this instance a condition for electric vehicle charging points has been included within the recommendation.
- 12.9 SAD EOS10 requires the design of industrial development should be of a high standard and should take into account the design principles set out in Policy SAD EOS 9.
- 12.10 ENV1 highlights development within the Black Country should safeguard nature conservation inside and outside its boundaries. The proposed use would take place within the existing building on the site with an asbestos picking station also being covered. Treated material would then be stored in covered bays with asbestos being double bagged and stored within a locked skip for collection. The use of the site would require an Environmental Agency Permit who would also regulate the site reviewing matters such as dust generation. Conditions for drainage and external lighting have been included within the recommendation. Given the proposed activities and the current use of the land it is considered that there would have a neutral impact on wildlife.
- 12.11 ENV4 seeks to safeguard the operation of a navigable and functional waterway. A condition has been included within the recommendation for a further retaining wall inspection to be undertaken.

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 in the development plan. In order for a residential scheme to be realised, in line with the designation, a comprehensive redevelopment would be required. As this has not been



forthcoming and considering the active nature of the wider industrial area, an industrial/employment use would be the most appropriate type of development in this location at this time. The granting of a temporary approval would not prevent the site coming forward for housing in the future.

13.3 Design, appearance, materials and public visual amenity.

Taking into consideration the temporary nature of the proposed use, coupled by the fact the surrounding area is industrialised in nature, I am satisfied the appearance of the temporary structures would be acceptable. To limit impact on the canal, a condition for details of the external materials to be used for the post treatment bays has been included within the recommendation, as well as boundary treatment details.

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

The Head of Highways has reviewed the application and raised no objections subject to a condition for the parking and manoeuvring areas to be installed and retained in accordance with the submitted site layout plan. The submitted transport assessment highlights the proposed use is forecast to generate a reduction of 18 two-way vehicle trips during the AM peak, and 5 two-way trips during the PM peak, in comparison to the extant use. HGV style vehicles are common in this area given the industrial nature of the surrounding uses.

13.5 Environmental concerns – Noise, air quality, dust, pollution and general disturbance.

I am aware residents have been subject to dust and noise disturbance whilst some works were taking place on the site without planning approval. However, the site was not operating in accordance with the details provided in this application (use of the existing building, outside soil to be stored in covered bays and mitigation measures stated above to be implemented). I am satisfied the dust and noise concerns would be



addressed with the site operating in accordance with the submitted plans as well as applying the dust mitigation and monitoring measures to be regulated by the Environment Agency and conditions proposed by public health which are detailed below.

Public Health have reviewed the proposal and raised no objections subject to the conditions contained within the recommendation. This includes a condition for all processing of materials are to be carried out in covered areas as well as noise mitigation measures and hours of working. On this basis I am satisfied the amenity of neighbouring properties can be protected from noise, disturbance and air quality. Please note, should the Planning Committee resolve to grant approval of this application, the operation of the site would be regulated under an Environment Agency permit which includes matters such as dust control. The applicant has provided the dust management plan submitted to the environment agency as part of their permit application. The submitted dust management plan highlights dust monitoring would be undertaken in accordance with the permit. The following mitigation measures would be used to limit dust creation (see below).

Dust monitored at the site boundary will be maintained within the limits of 200 mg m² day⁻¹ for PM10 as is consistent with Environment Agency Guidance note M17.

Visual monitoring of dust will be undertaken throughout the sites operating hours. The following observations would result in action being taken:

- None observed – No action
- Slight Dust – Review working method, alter working method or areas being worked
- Moderate Dust – Temporarily suspend works, change working method or areas being worked
- Severe – Halt operations immediately.

Mitigation Measures



- Dampening down of waste soils prior to material transfers.
- Abatement systems utilising HEPA filters on storage and treatment bays.
- HEPA filtration on the asbestos picking station.
- Employment of good housekeeping techniques including road sweeping.
- Planned preventative maintenance.
- Enclosed conveyors.
- Routine inspections.
- Monitoring of point source and fugitive releases.
- Integrated Management System and procedures.

13.6. Ecology concerns

Public Health have reviewed the application and raised no objections subject to conditions contained within the recommendation. Concerns raised by residents regarding dust contamination of the surrounding canals can safely be dealt with via the mitigation measures submitted to the Environmental Agency as part of the applicants permit application as well as conditions recommended by Public Health. Treated material (with the exception of oversized waste (concrete)) would also be stored in covered bays with remediation and asbestos picking taking place within the existing building and a covered collection area. Dust generation will be monitored at the application site boundary to ensure compliance with the Environment Agency limits. I am therefore satisfied dust pollution of the surrounding area can safely be controlled to limit any impact. Failure to comply with the dust management plan would see the Environment Agency take formal enforcement action. Conditions for a surface water drainage scheme have also been submitted to ensure no surface water enters the surrounding canal network as well as an external lighting scheme to prevent light pollution to the canal corridor.



14. Conclusion

On balance despite the application being a departure from the development plan, other material considerations outweigh the allocation in the short term and there are no other significant material considerations which warrant refusal that could not be controlled by conditions and the environment agency permit.

15 Alternative Options

15.1 Refusal of the application is an option if there are material planning reasons for doing so. In my opinion the proposal is compliant with relevant policies and there are no material considerations that would justify refusal of the application for a temporary period only.

16 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 Governance:	This application is submitted under the Town and 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 Wellbeing:	None.
Social Value	None.
Climate Change	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and



support renewable and low carbon energy and associated infrastructure, will be welcomed.
--

17. Appendices

Context plan

Location plan - 1

Proposed site plan - 102201/P100 REV A (A1)

Soil treatment shed floor plan - 102201/P200 (A1)

Proposed site accommodation - 102201/P300 (A1)

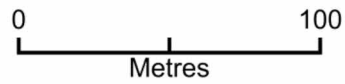
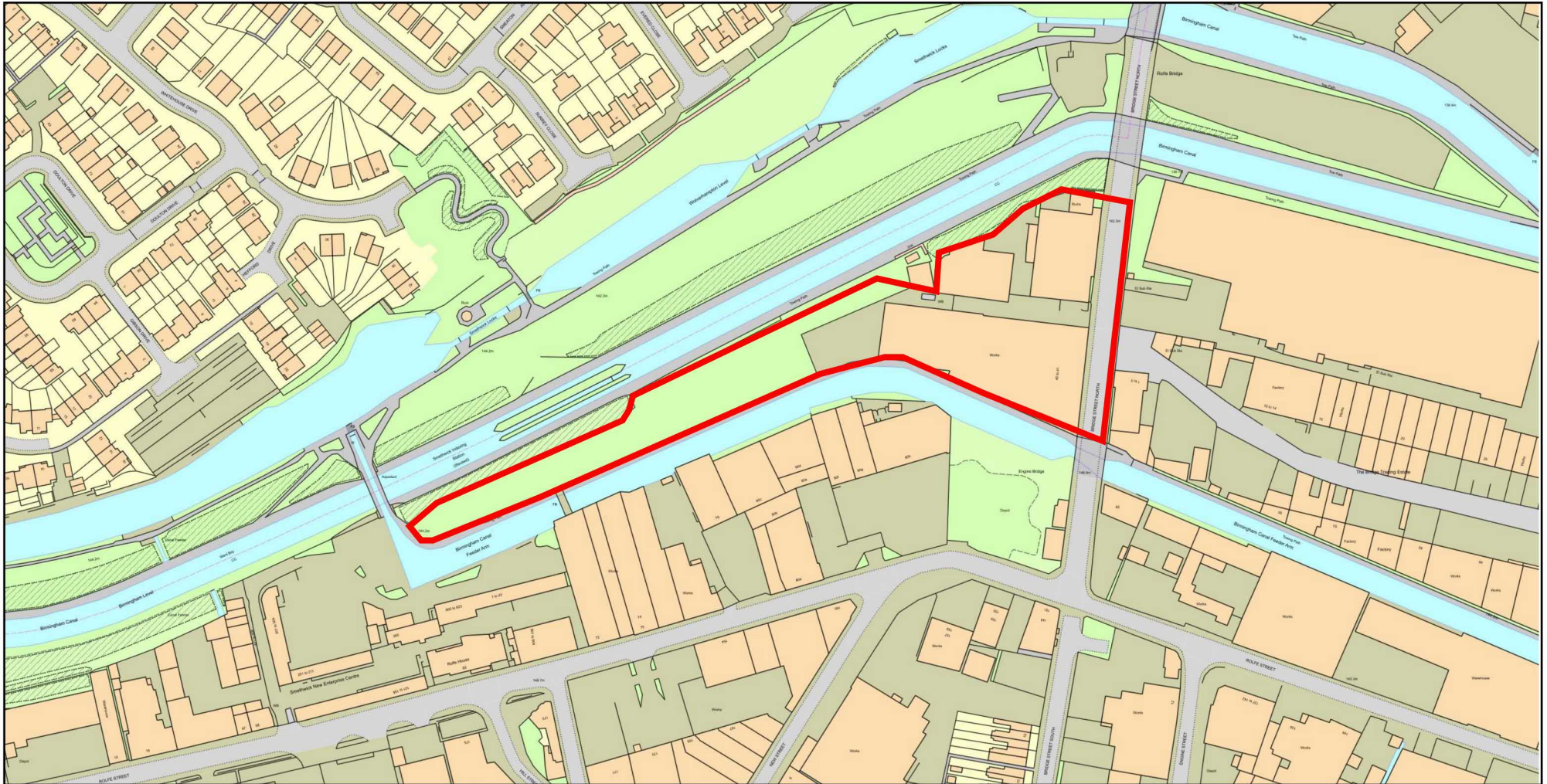
Proposed post remediation bays - 102201/P400 (A1)

Picking station elevations – 2

Site Access Plan - 06223 A 120 REV P0



Site Location Plan - Land West of Bridge Street North



Plan Produced for:



Date Produced: 15 Feb 2022

Plan Reference Number: TQRQM22046120930716

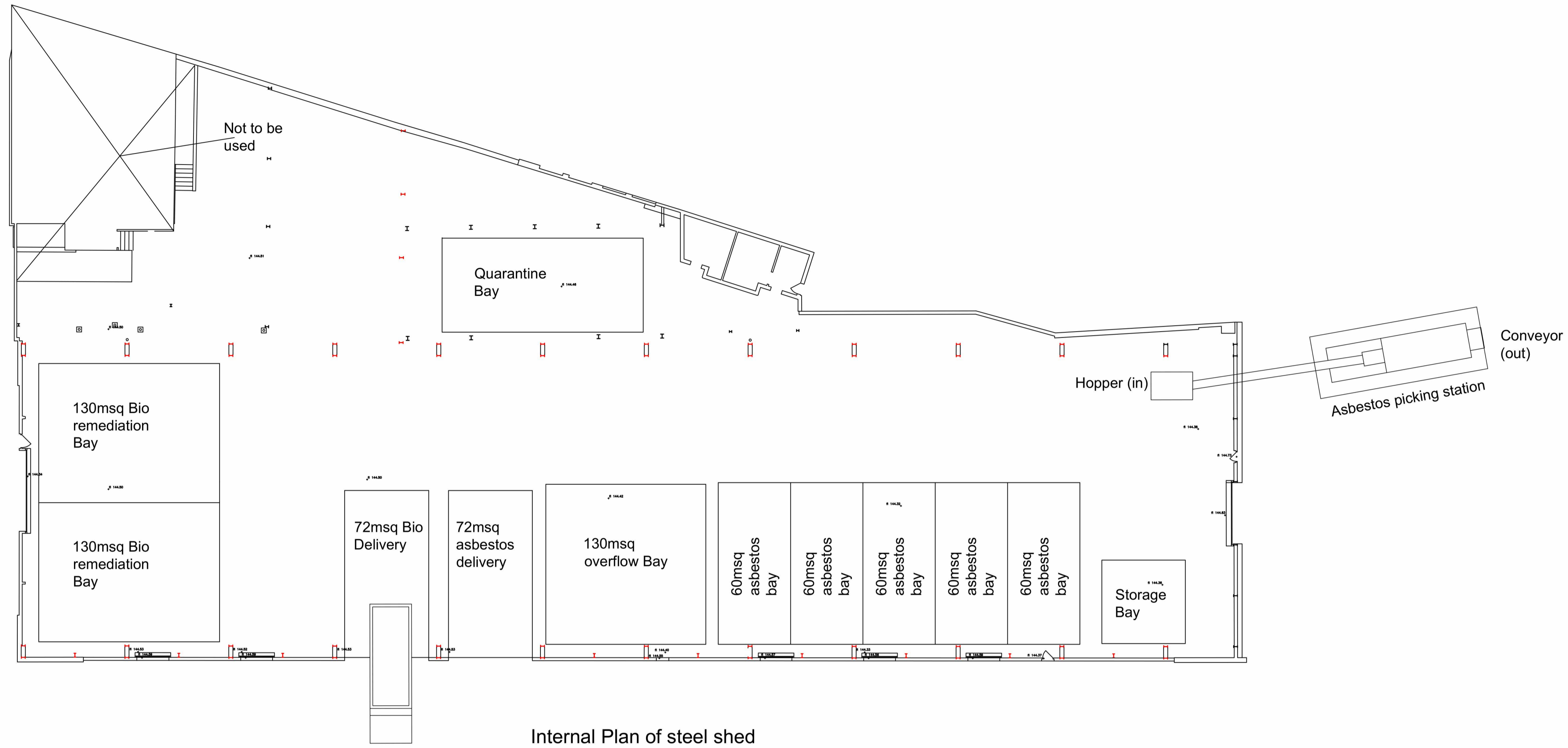
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Use figured dimensions only. Do not scale from drawing.
All levels and dimensions are to be checked on site.
This drawing is to be read in conjunction with all relevant documents

NOTES



PRELIMINARY

Rev.	Date	Revision



Soil Treatment Plant
Bridge Street North, Smethwick

Soil Treatment Shed
Internal Floor Plan and Elevations

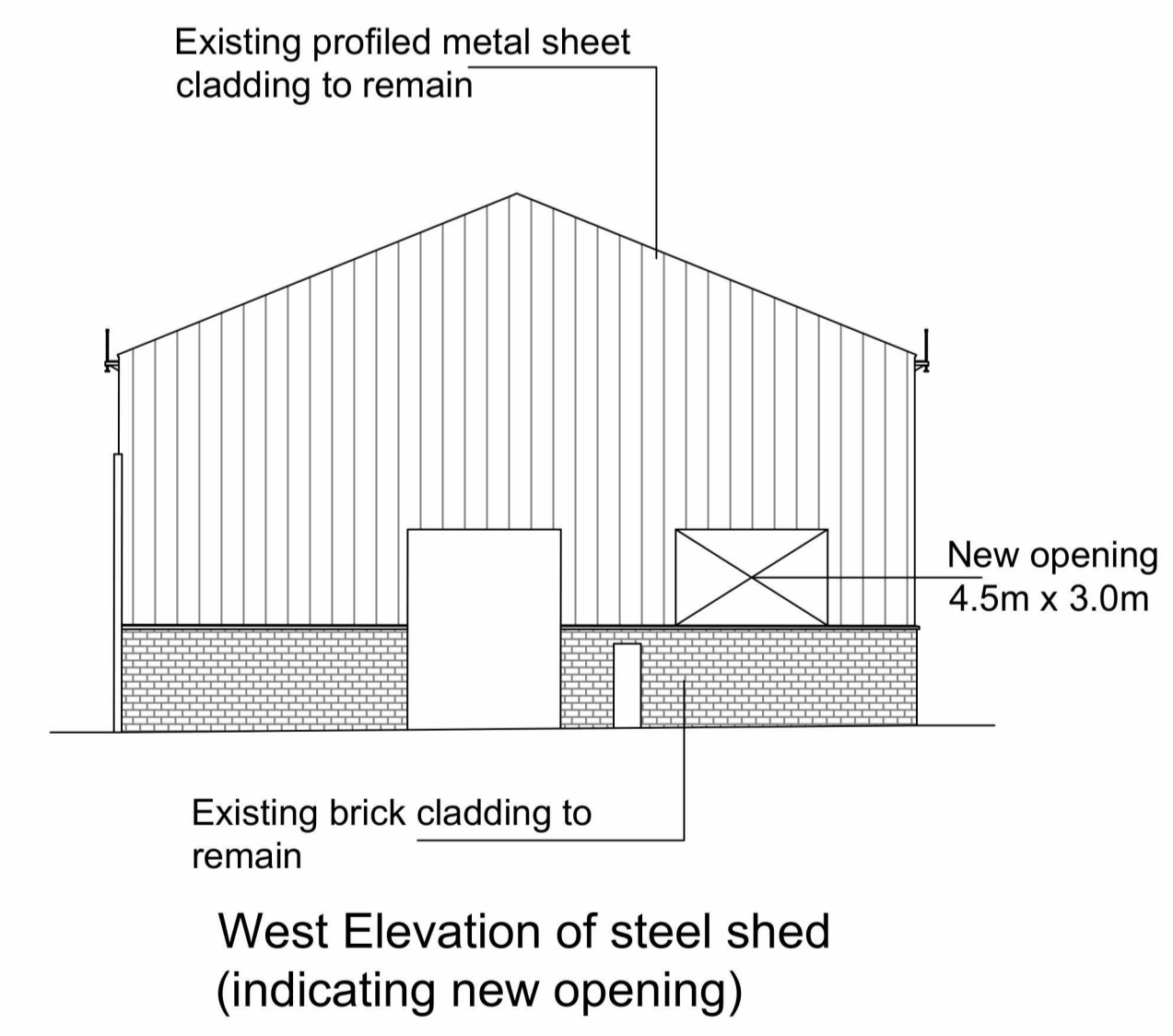
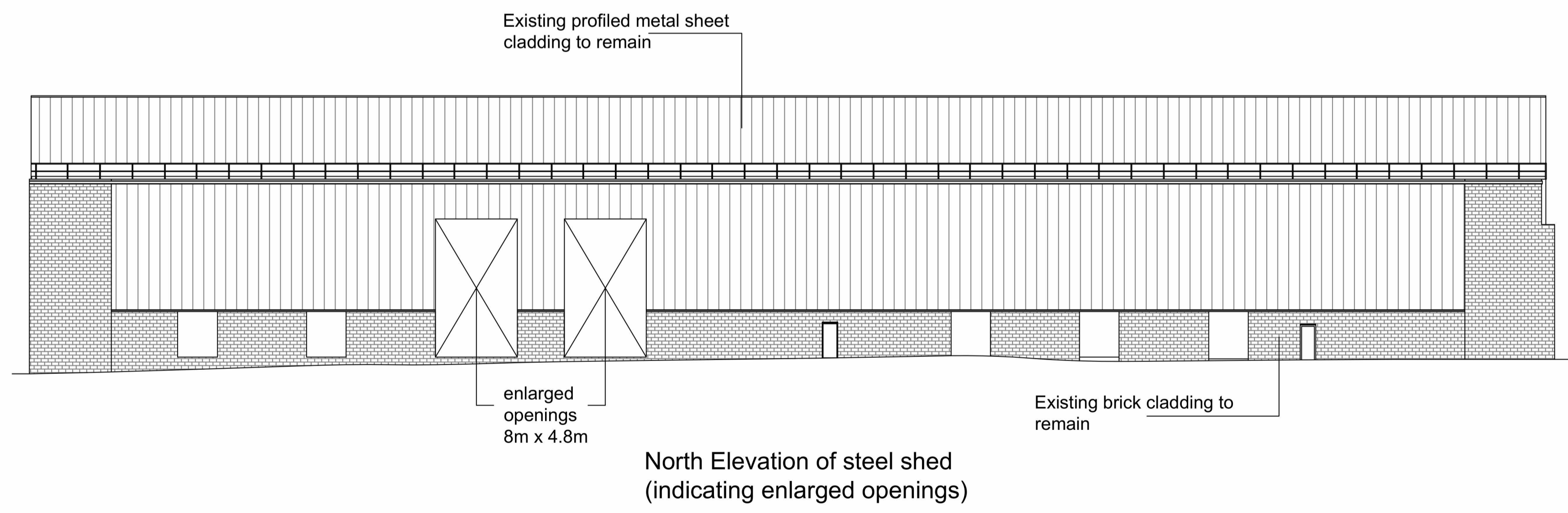
Sean M Fitzpatrick BSC CEng MStructE
Consulting Engineer

40 Measham Road
Acreford,
DE12 8AJ

Drawn by: SMF Date: 14/12/2022

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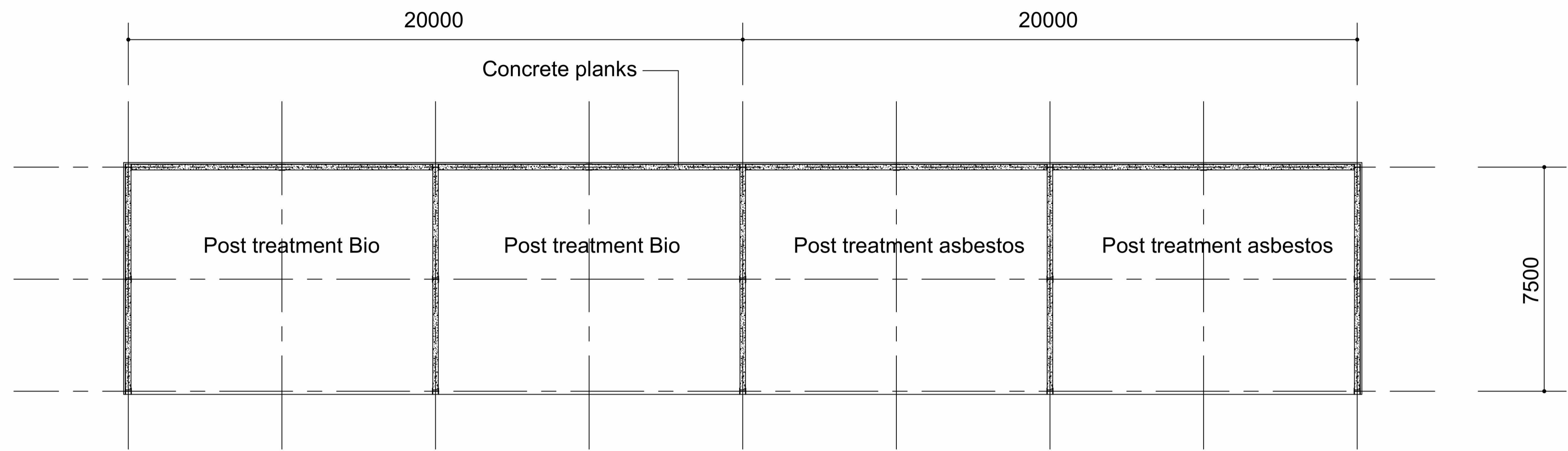
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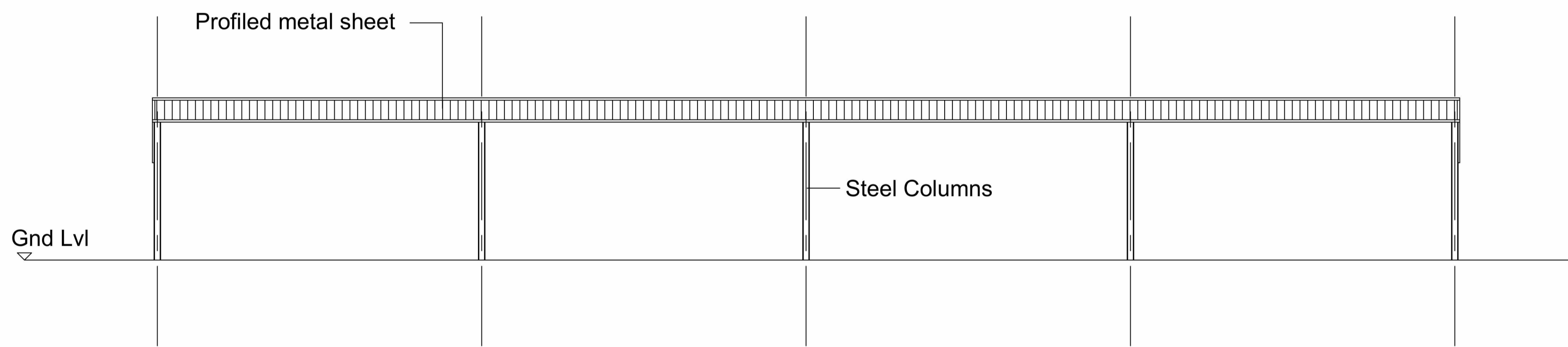
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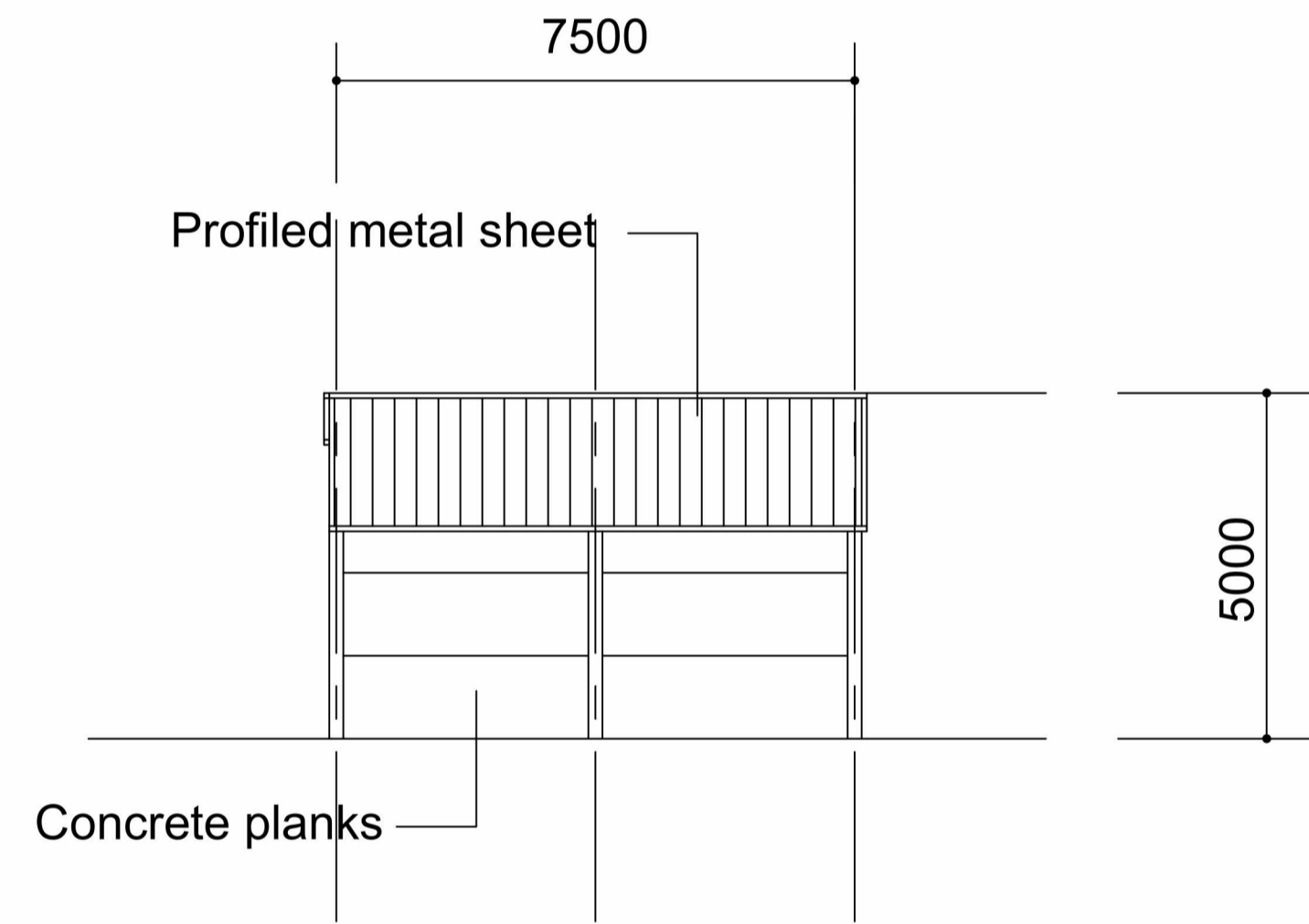
Page 67



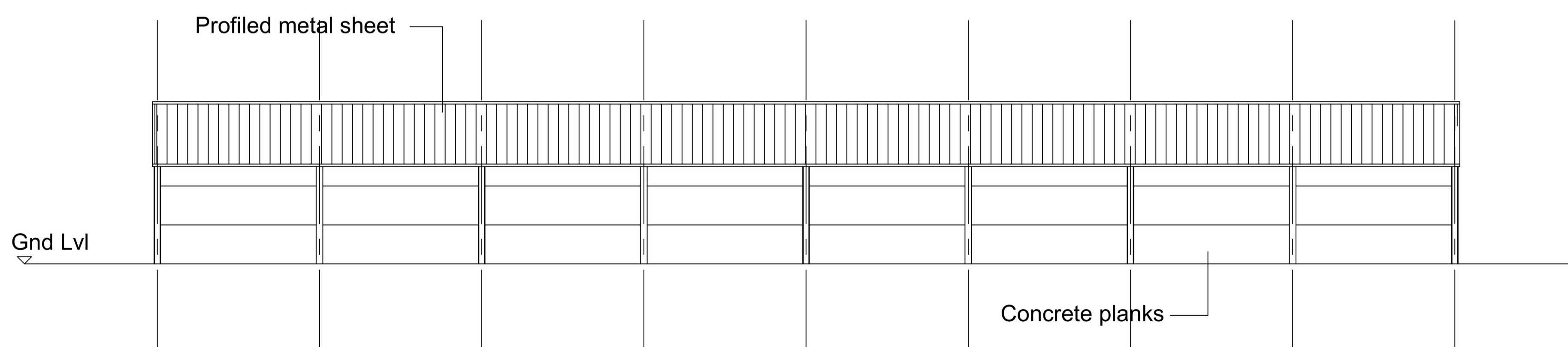
Plan



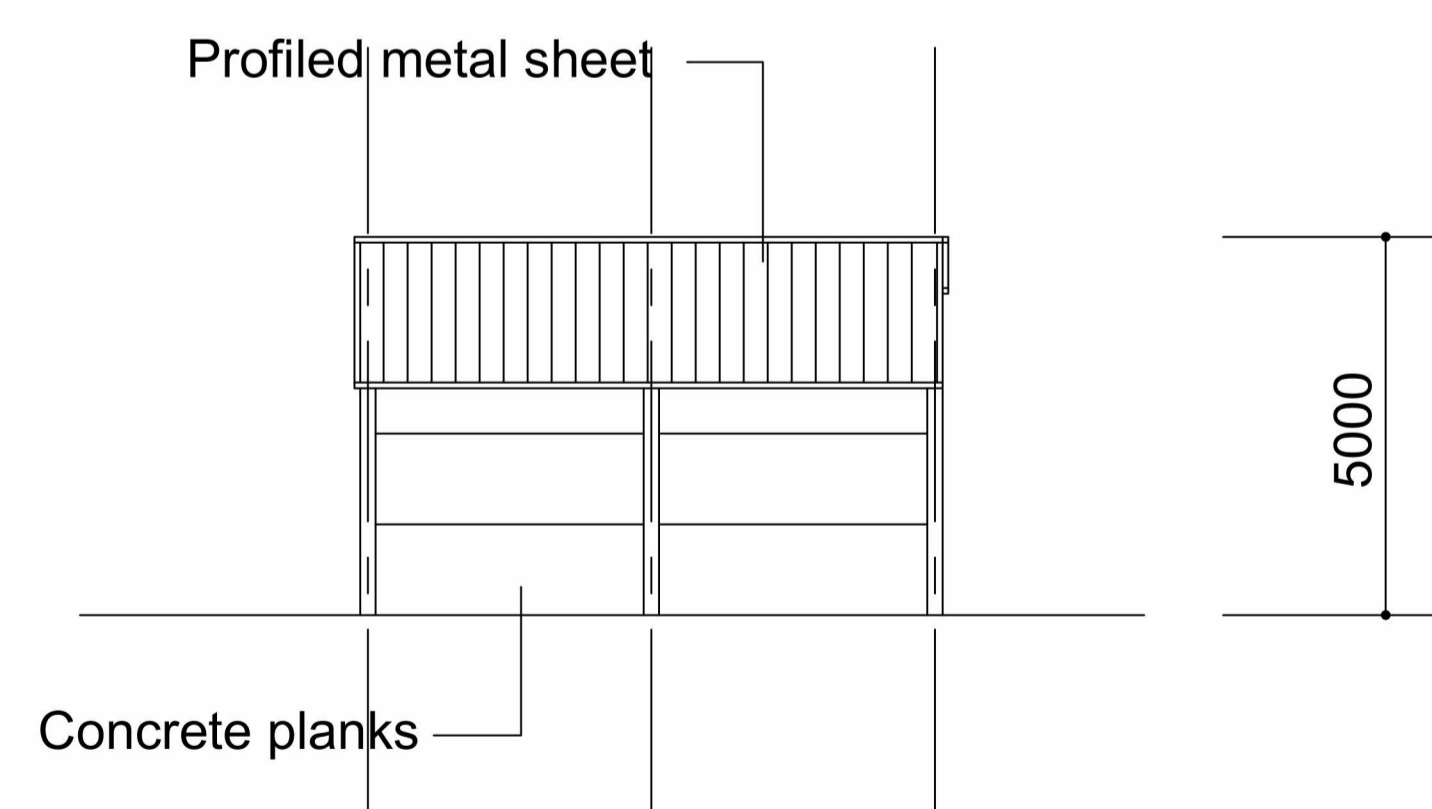
North Elevation



West Elevation



South Elevation



East Elevation

PRELIMINARY

Rev.	Date	Revision



Soil Treatment Plant
 Bridge Street North, Smethwick

Post Treatment Bays
 Plans and Elevations

Sean M Fitzpatrick BSC CEng MStructE
 Consulting Engineer

40 Measham Road
 Acresford,
 DE12 8AJ

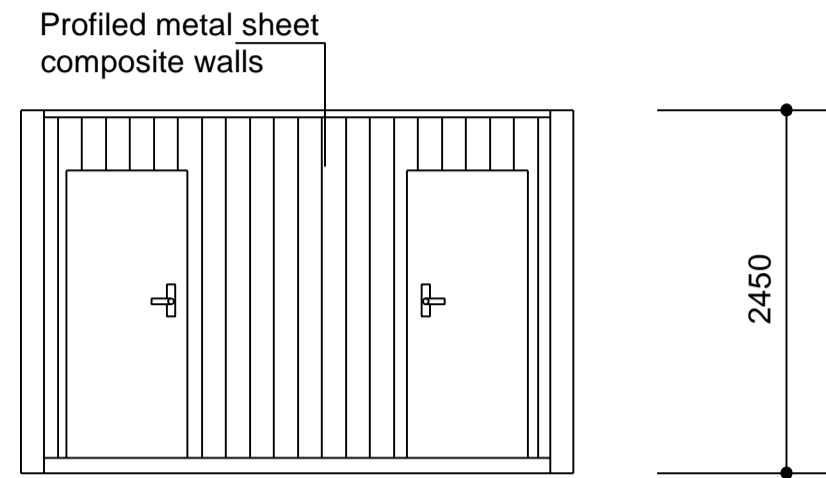
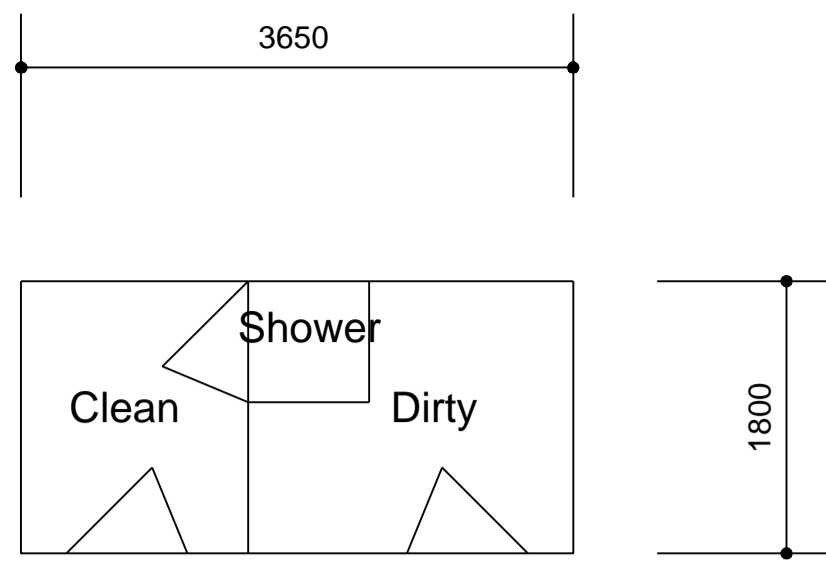
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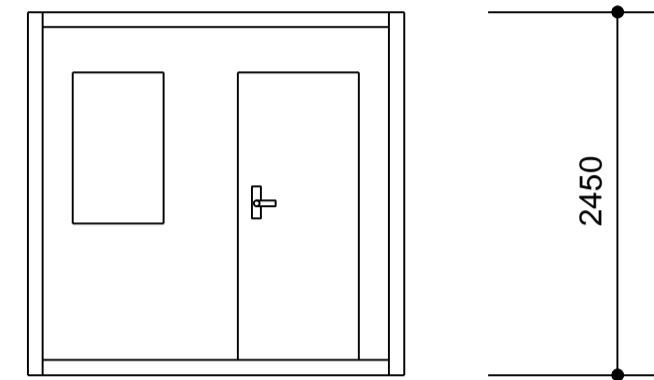
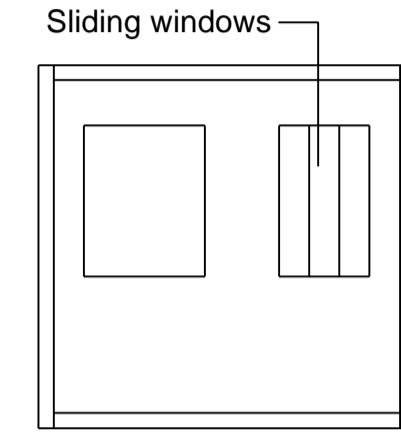
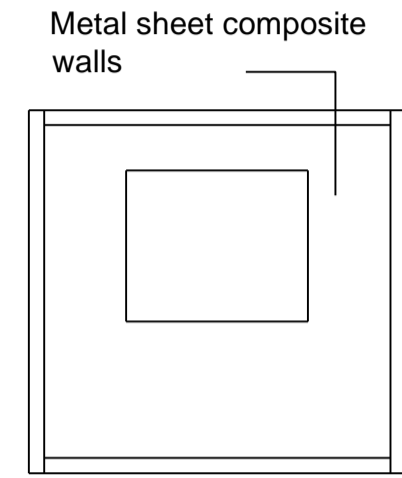
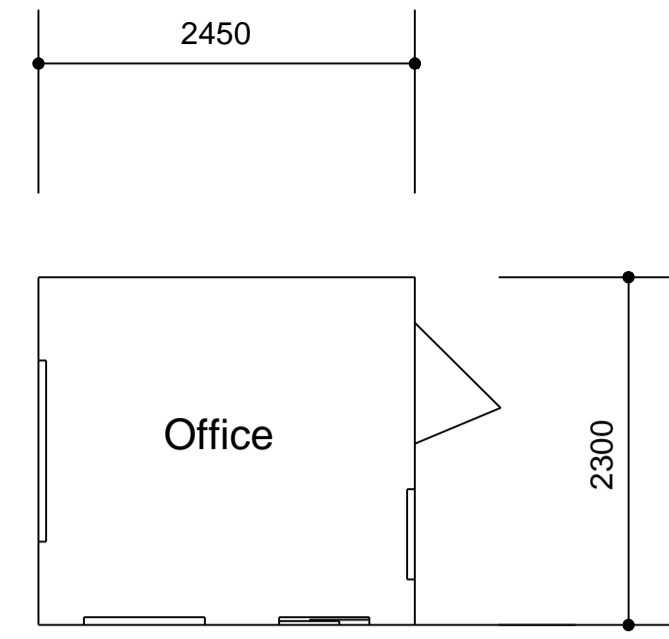
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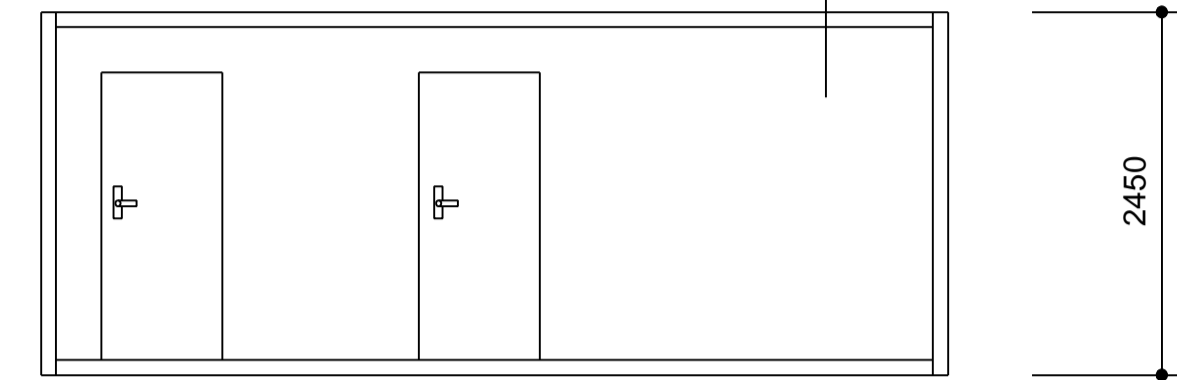
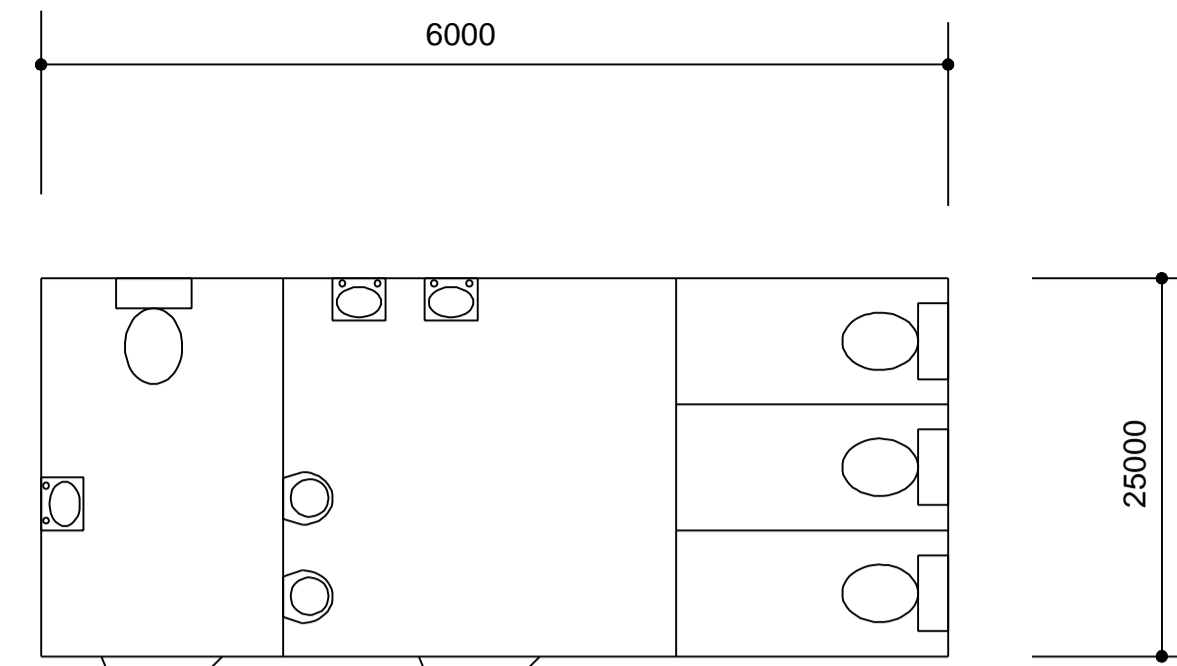
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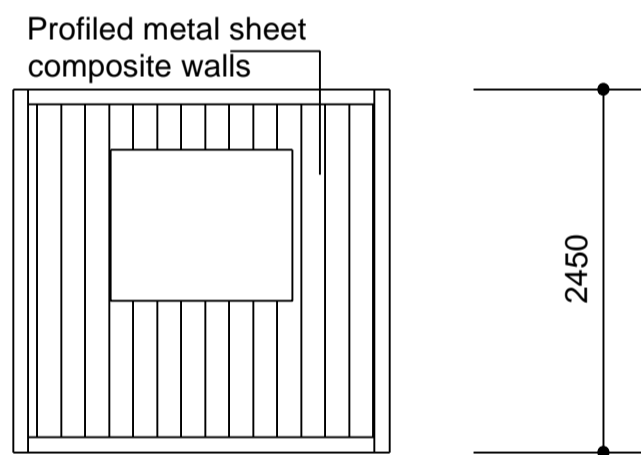
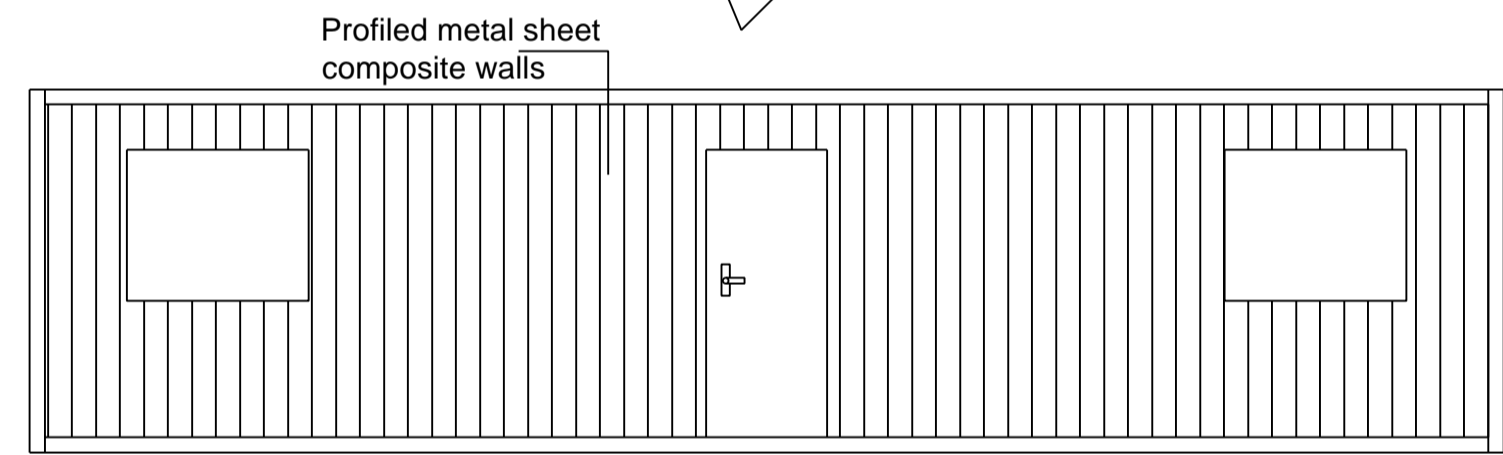
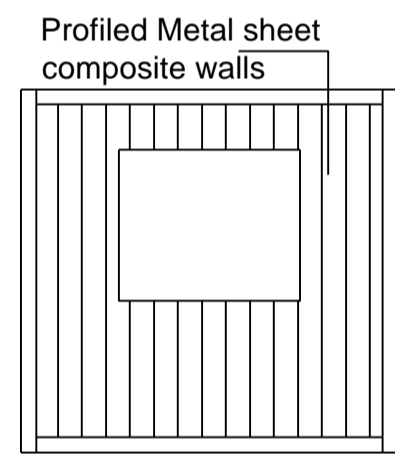
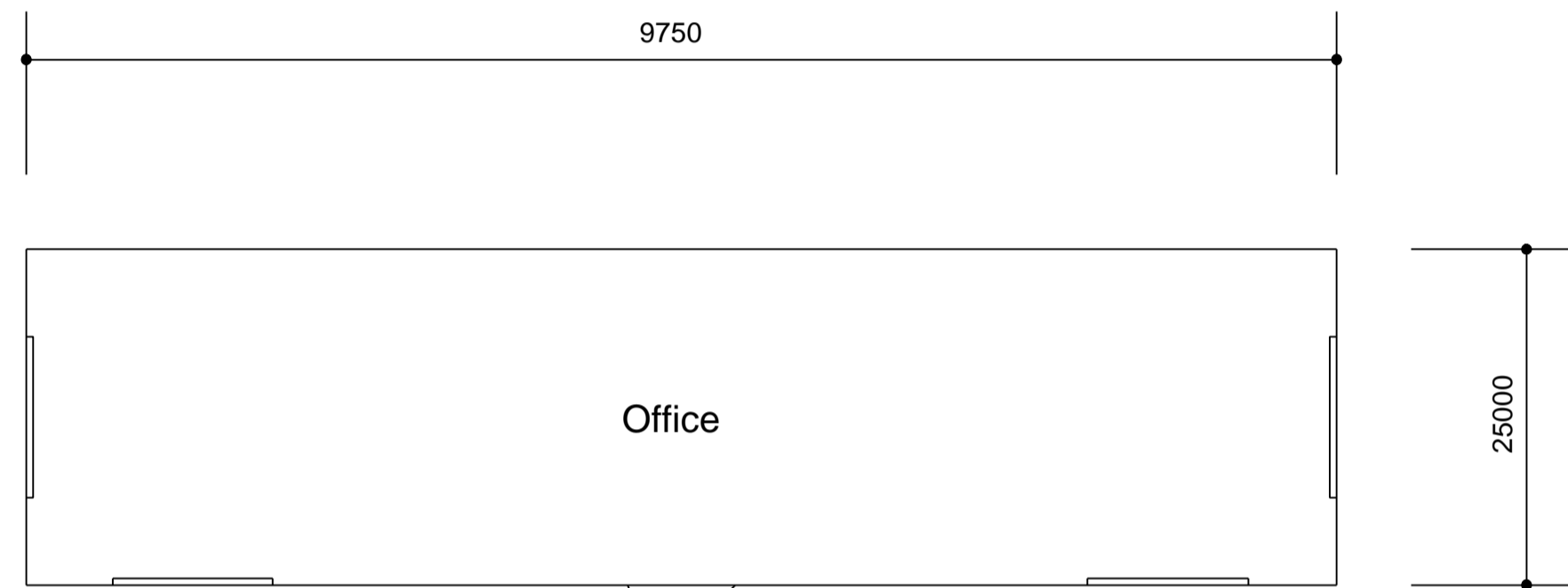
Decontamination Unit



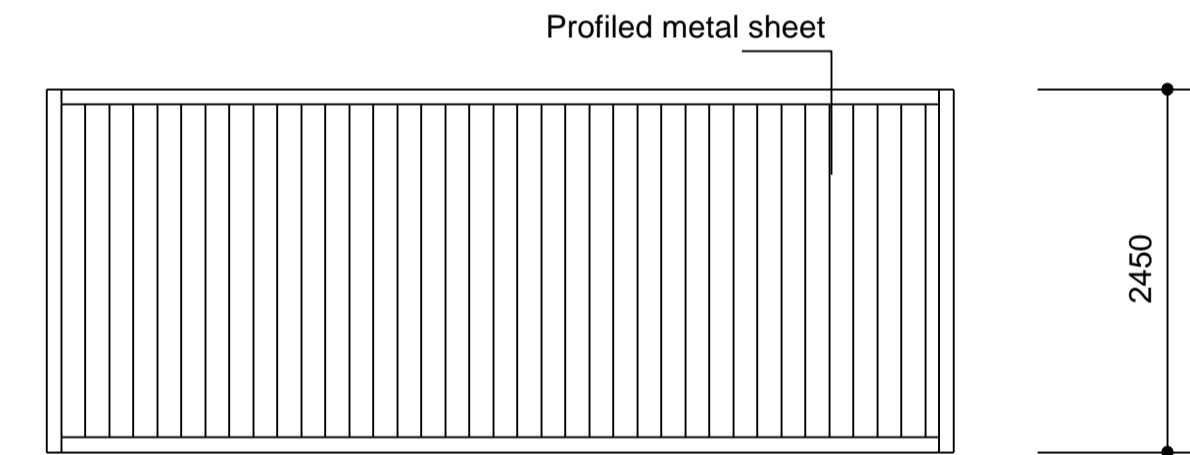
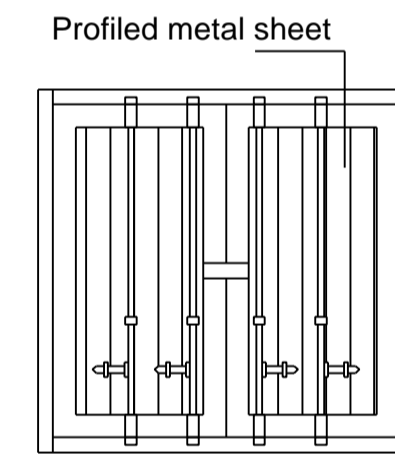
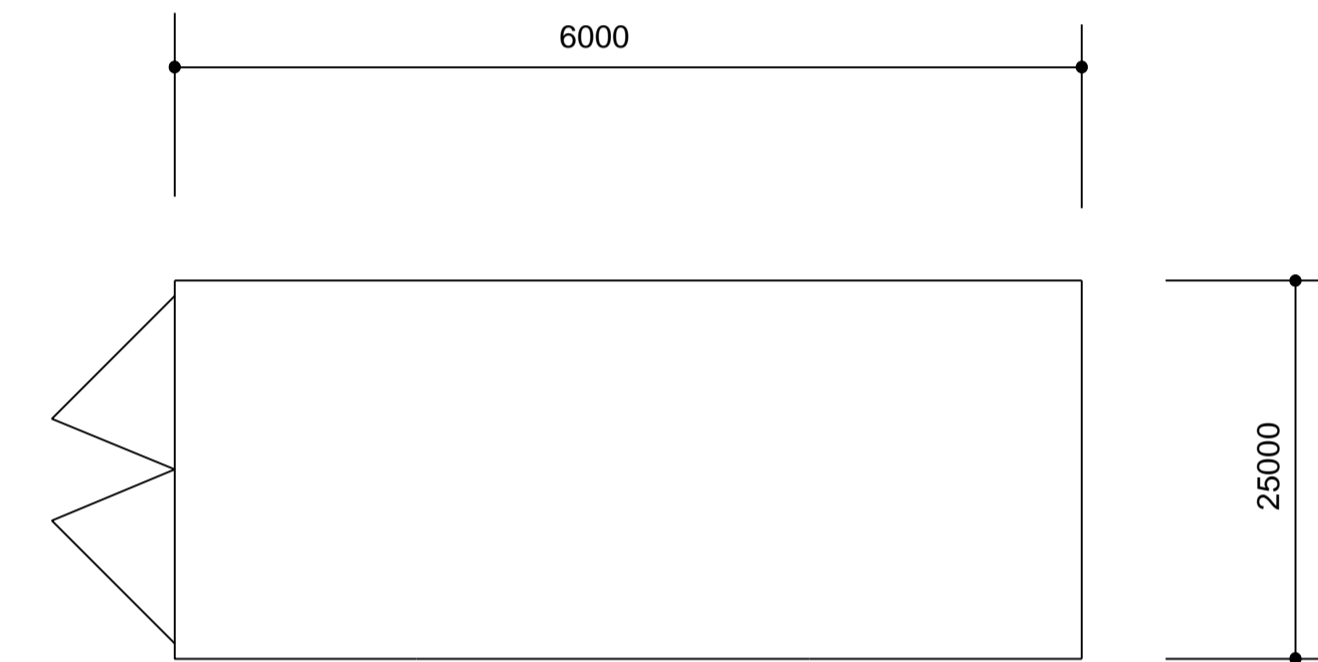
Weighbridge Office



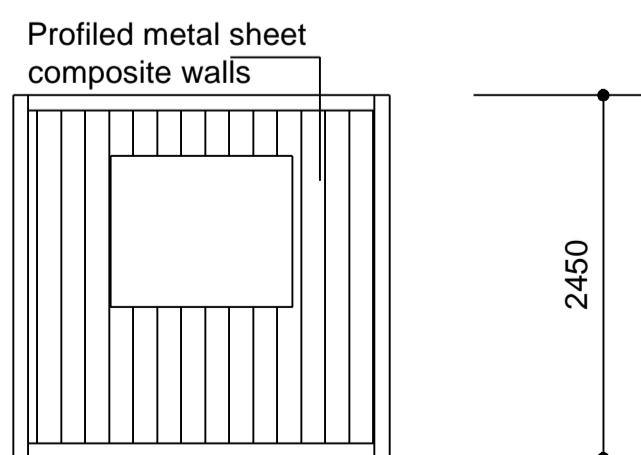
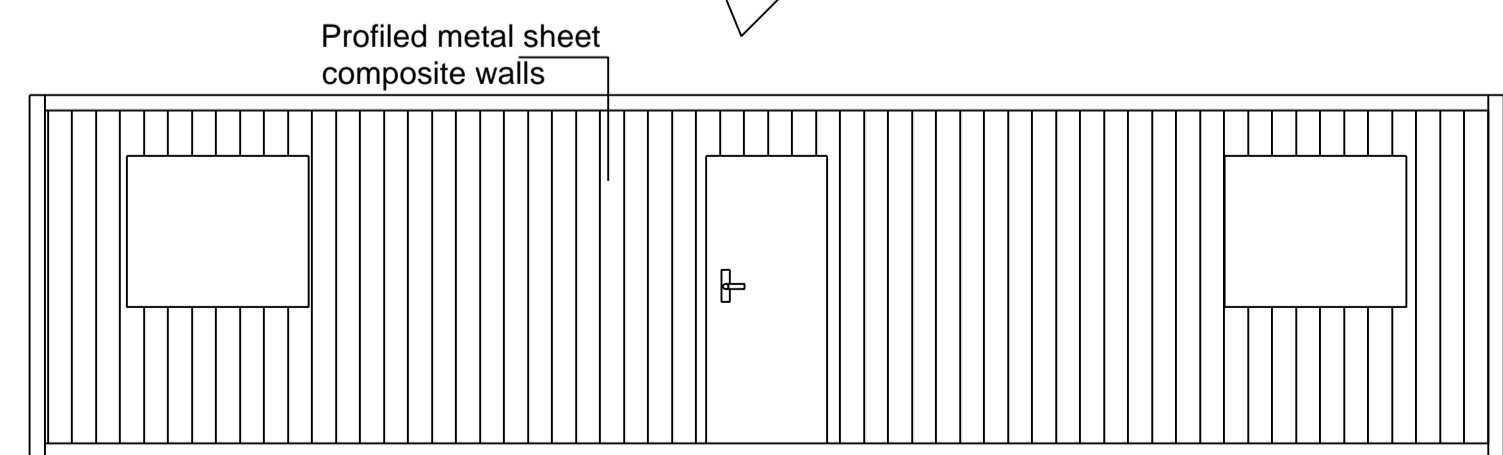
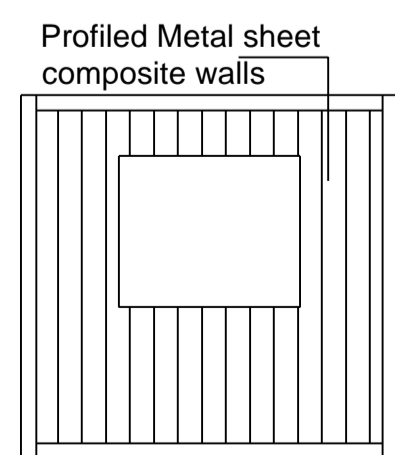
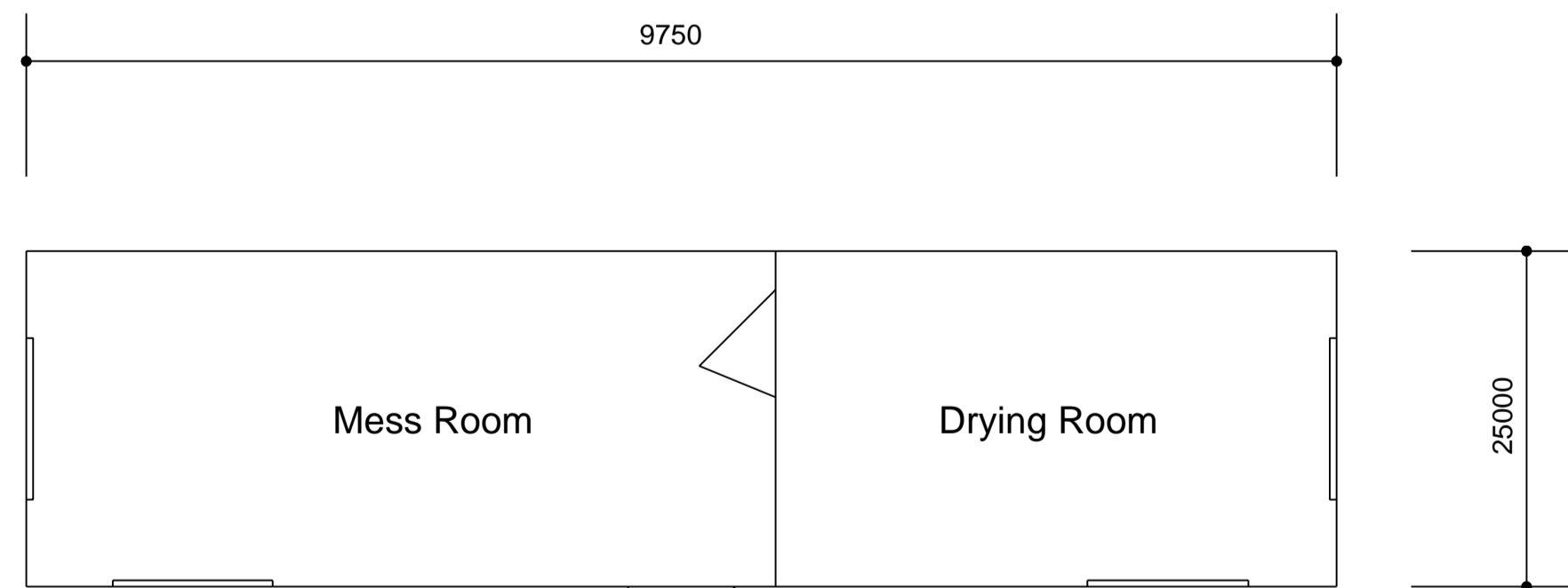
Toilet Unit



Office Units / Meeting room similar



Store



Mess / Drying Room

PRELIMINARY

Rev.	Date	Revision

Soil Treatment Plant
Bridge Street North, Smethwick

Site Accommodation
Plans and Elevations

Sean M Fitzpatrick BSC CEng MStructE
Consulting Engineer

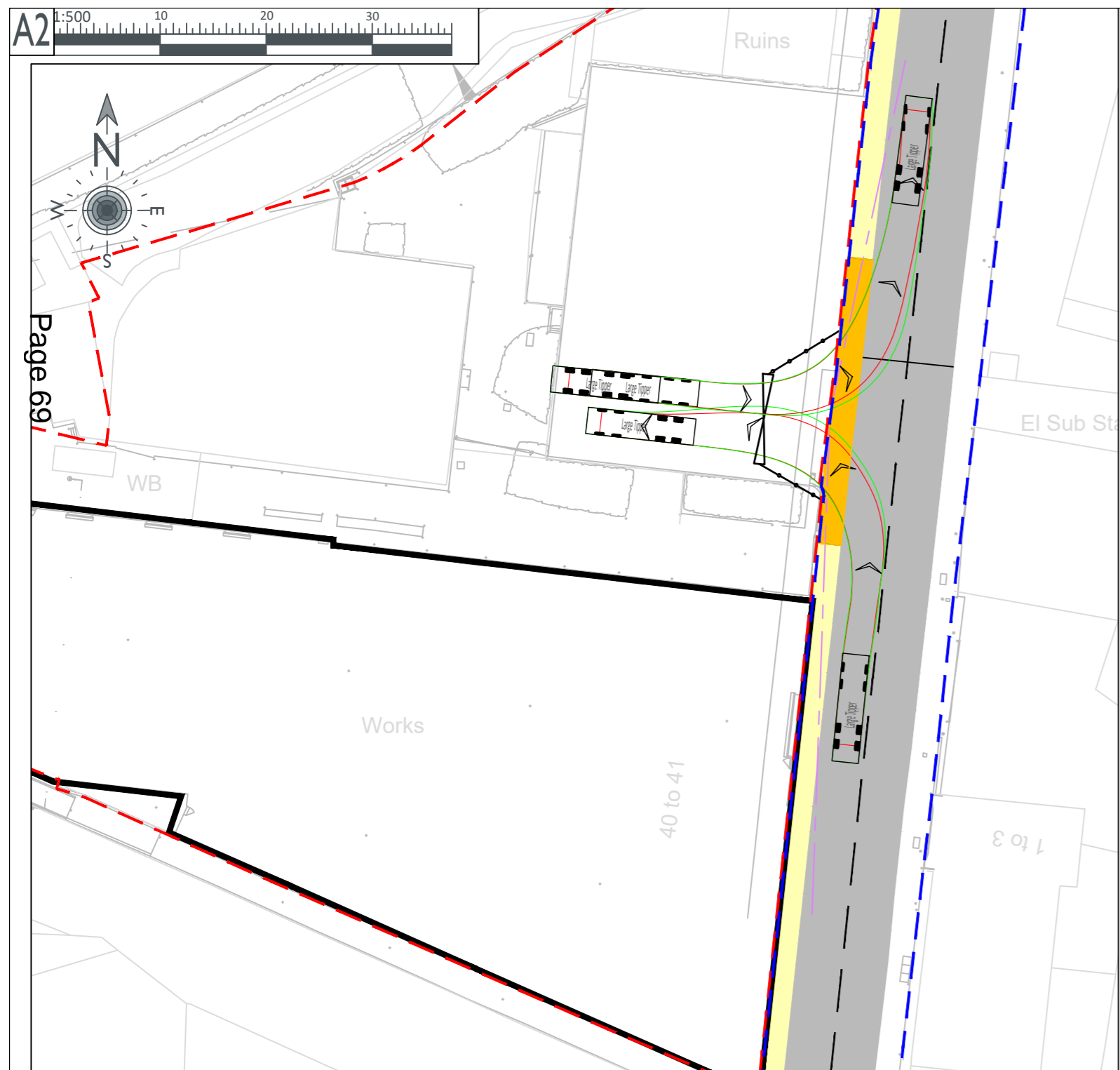


40 Measham Road
Acreford,
DE12 8AJ

Drawn by: SMF Date: 14/12/2022

Scale: 1:50 @ A1

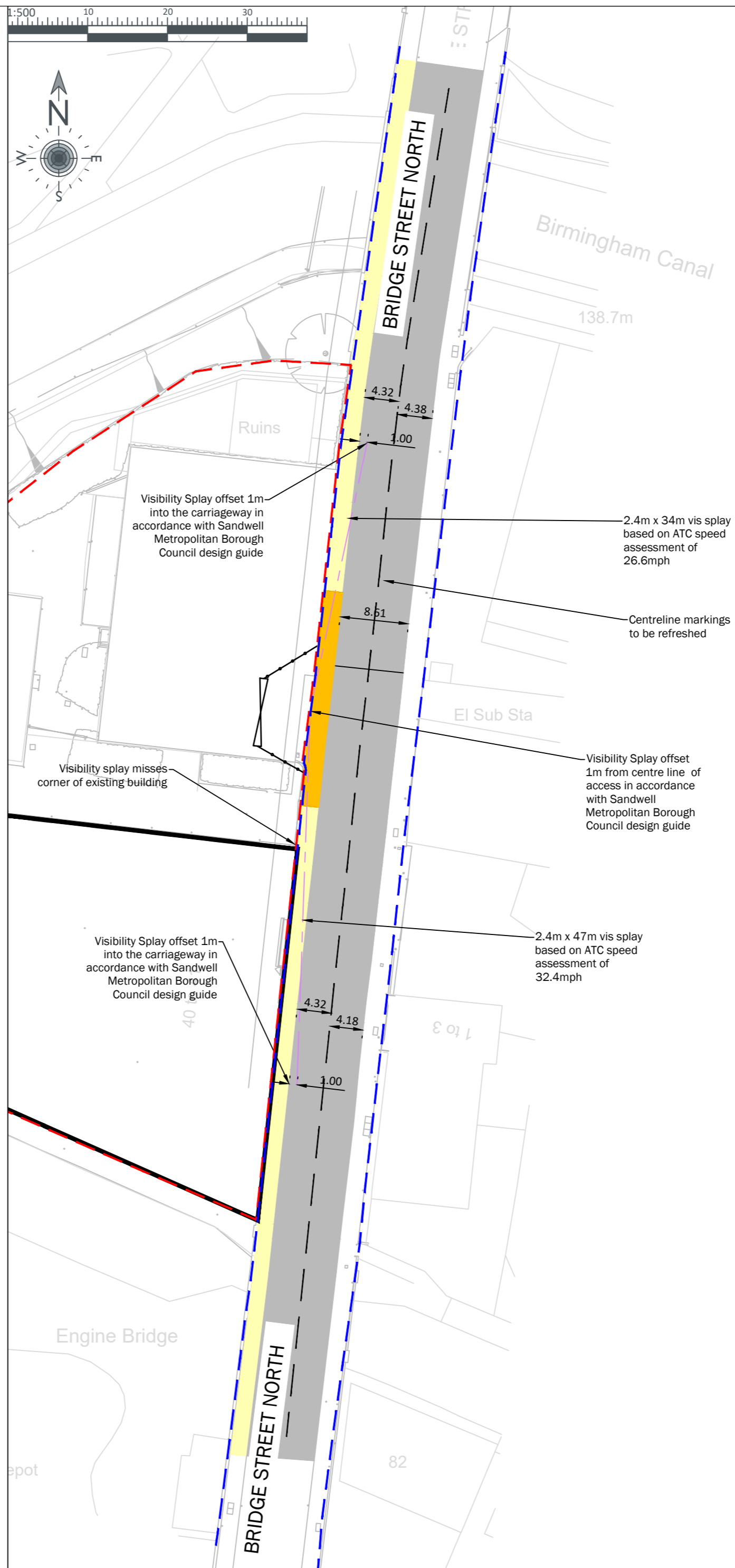
Drawing No. 102201/P300 Rev. -



Large Tipper entering and leaving site via left turn at 10mph (1:500)



Large Tipper entering and leaving site via right turn at 10mph (1:500)



NOTES

- These drawings have been produced with reference to the CDM Regulations 2015. Please note that these are pre-construction phase drawings and should be subject to further design risk management as required in accordance with Regulation 9
- Do not scale from this drawing.
 - All dimensions in metres unless stated otherwise.
 - This drawing is based on topographical survey information and design information for surrounding roads. All works are proposed to be within the highway boundary or Developer owned land. It is assumed that the highway and site boundary abut each other.
 - This drawing is not to be reproduced in any part or form without consent of PJA Civil Engineering Ltd. All copyright reserved.
 - This drawing is to be read in conjunction with all other relevant Engineering drawings and details.
 - Reproduction from the Ordnance Survey map with permission of the controller of Her Majesty's Stationary Office.
 - The design details presented must be reviewed in conjunction with the wider site information and site constraints, which may not be evident on the drawing and must be requested if not already provided.
 - The purpose of this drawing is to show a possible access arrangement for the proposed development, with consideration of anticipated vehicle manoeuvres within the site. The alignment and technical details of these arrangements are not fixed at this stage and will be resolved via detailed design.
 - The design is Preliminary and subject to discussions with the planning and highway authorities. The drawing should not be used for tendering or construction purposes. The information is subject to change during the detailed design and understanding of highway authority preferences, which vary between authority.
 - Site specific detailed surveys need to be carried out to confirm design information, which may impact the outline design proposals. These include, but are not limited to, ground conditions, (geotechnical and geo-environmental), groundwater levels, buried services, remnant obstructions, ecology, tree protection and topography. In particular, the final design will also need to be resolved to reflect and remain within verified public highway and/or applicant ownership boundaries.
 - Impacts related to other civils features; namely, fencing, road restraint systems, drainage, pavement, kerbing, pedestrian crossing facilities (other than those displayed), footway construction, street lighting, signage strategy, have not been detailed and are subject to detailed design.
 - The Engineer shall be notified immediately, in writing, should any errors or discrepancies be found.
 - Any existing details which are shown on this drawing are for guidance only and are to be checked on site. The impact on existing street furniture, road signs, utilities

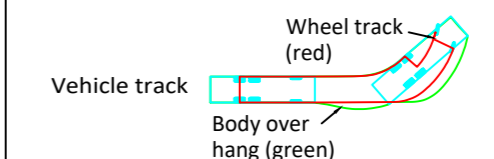
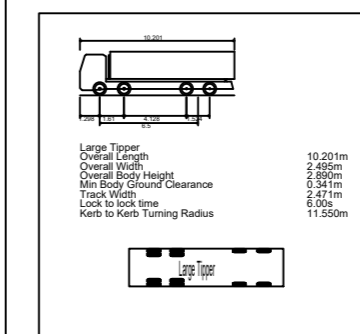
- etc has not been highlighted and will be subject to detailed design review.
- All boundary extents will need to be confirmed to ensure that the proposals shown can be delivered.
- The existing road widths are based upon the Topographical Survey data or design information.
- The design speeds of the roads have been verified by an ATC speed survey. The 85th percentile speed northbound is 32.4mph and southbound is 26.6mph.
- The proposals outlined are subject to a Road Safety Audit.
- The proposed vehicle crossover has been designed in accordance with Sandwell Metropolitan Borough Council design guide.
- Road markings have been designed in accordance with the Traffic Signs Regulations and General Directions 2016 and Traffic Signs Manual Chapter 5.
- All works within the Highway are subject to Section 171 Agreement with the Local Authority.
- Reference source data:
 - Application boundary based on drawing '102201/P001' dated December 2022.
 - Highway boundary based on drawing 'bridge st north' received from Sandwell Metropolitan Borough Council in March 2022.
- The concept design is based on topographical survey data, ref: '43907', produced in May 23, by Midland Survey LTD
- Ordnance Survey Data was provided by the client

PRELIMINARY DESIGN
For comment and review only.
Design is based upon information available at the time.
Design is subject to full review as additional information becomes available.
Design is subject to full review upon receipt of comments from

- Development Control
- LA Planning Authority
- Environment Agency
- LA Highways Department
- Sewerage Undertaker

KEY

- Highway Boundary
- Site Boundary
- Junction Visibility Splay
- Indicative Gate
- Indicative Fence
- Proposed Road Markings
- Existing Carriageway
- Existing Footway
- Existing Building to be Retained
- Proposed Vehicle Crossover



REV	DATE	REVISION NOTE	BY

PJA Seven House - High Street
Longbridge - Birmingham
B31 2UQ - Tel: 0121 475 0234

Birmingham - Bristol
Exeter - London - Reading
pja.co.uk

CLIENT
Soterion Ltd

PROJECT
**Land at Bridge St North
Smethwick**

DRAWING TITLE
**Site Access
General Arrangement
Plan**

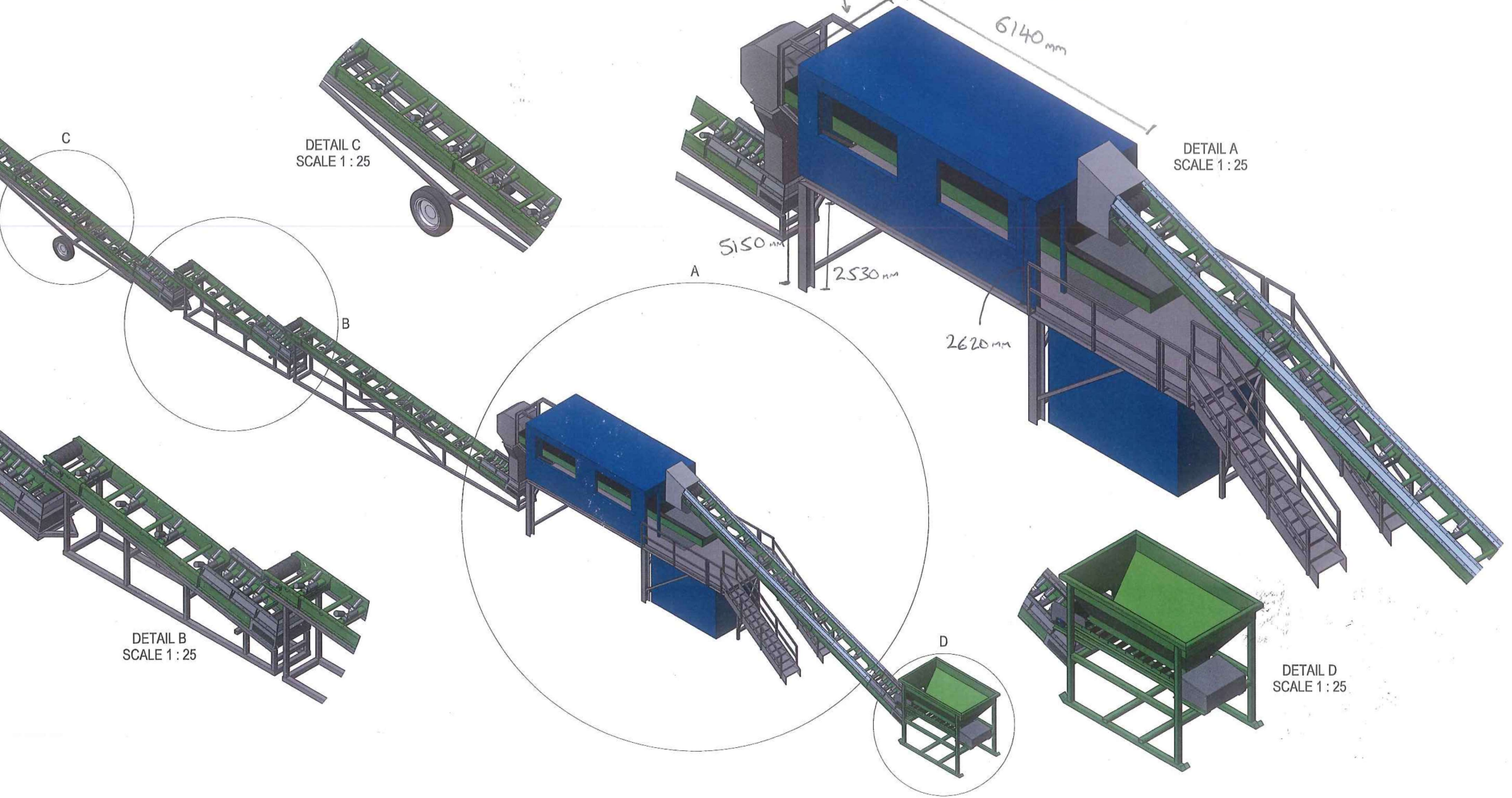
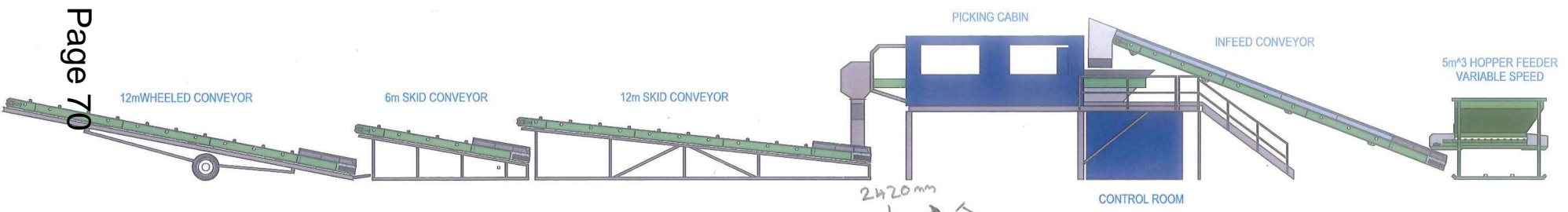
DRAWING ISSUE STATUS
INFORMATION

PJA JOB No. SUB-CODE DRAWING NO. REVISION
06223 - A - 120 - P0

Revision Letter : P - Prelim / A - Approval / T - Tender / C - Construction
BIM DRAWING REFERENCE

SCALE	DRAWN	REVIEWED	DATE
A2 @ 1:500	NM	ARP	June 23

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Report to Planning Committee

26 July 2023

Application Reference	DC/23/68109
Application Received	22 March 2023
Application Description	Retrospective change of use from bank to restaurant/takeaway, new shop front, external extraction ducts and flue to rear
Application Address	774 - 776 Hagley Road West Oldbury B68 0PJ
Applicant	Mr Muhammed Babar
Ward	Old Warley
Contact Officer	Dave Paine – 07765 156081 David_paine@sandwell.gov.uk

1 Recommendations

1.1 That planning permission is granted subject to conditions relating to:

- i) Refuse storage/refuse management;
- ii) Retention and use of the extraction system;
- iii) Implementation and retention of the parking arrangements; and
- iv) Noise management plan.


2 Reasons for Recommendations

2.1 The application has been recommended for approval as it is compliant with relevant policy and has been supported by consultee comments. It



is considered that any adverse impact on neighbours can be mitigated by way of relevant planning conditions.

3 How does this deliver objectives of the Corporate Plan?

	A strong and inclusive economy
---	--------------------------------

4 Context

- 4.1 At your last meeting, members resolved to defer the application pending further details regarding parking arrangements being clarified and provided.
- 4.2 This application is being reported to your Planning Committee because the Council has received four objections. In addition, a petition was also received which contained 10 signatures, the latter was circulated to members on the day of your last committee meeting.
- 4.3 To assist members with site context, a link to Google Maps is provided below:

[774-776 Hagley Road West](#)

5 Key Considerations

- 5.1 The site is within the Quinton District Centre in the adopted SAD DPD Policies Map and it is a Borough Gateway.
- 5.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF)

Amenity concerns – Anti social behaviour

Highways considerations - Traffic generation and parking



Environmental concerns – Noise, air quality, pollution, rubbish and general disturbance

Noise, odours and disturbance from the development

6. The Application Site

6.1 The application relates to a previously vacant high street bank, situated on the north side of Hagley Road West and with a retail centre. To the east and west are a range of commercial and retail uses. To the south, on the other side of Hagley Road West are residential dwellings along with further commercial and retail uses.

7. Planning History

7.1 The site has been subject to numerous planning applications. Those which are relevant are summarised below.

7.2 Relevant planning applications are as follows:

DC/06174	Use of shop and residential accommodation at No.774 as extension to existing bank at No.776 and the construction of a small link extension.	Granted 09.11.1977
DC/09362	Demolition of existing vacant timber derelict lean-to and erection of 9" thick brick boundary wall to generally tidy - up appearance of property.	Granted 23.05.1979
DC/09912	Extension of existing branch car park.	Granted 13.08.1979
DC/26165	Refurbishment of existing premises, construction of new central staircase and	Granted 11.07.1990



	relocation of front entrance	
--	------------------------------	--

8. Application Details

- 8.1 The application is for the retrospective change of use from a bank to a restaurant/takeaway, including external extraction ducts and flue to the rear. The premise includes a seating area for diners, a queuing area and a counter for takeaway customers. A customer toilet is provided. To the rear of the premises are washing up and preparation areas, a kitchen/cooking area and a storage area. The opening hours are stated to be 07:00 to 00:00 seven days a week.
- 8.2 The applicant has provided a Planning Statement which details the operations of previous premises which would continue at this new site.
- a) Waste Management – 2 large bins are located at the premise and these are collected twice weekly. Waste bins will also be provided to the frontage of the new property for customer use. An external cleaner is also employed to manage the front and rear of the existing property and inspections are scheduled hourly and documented. This would continue at the new premises.
 - b) Noise – The manager is responsible for noise management of the premise and staff will be briefed on the noise management plan to ensure that this avoids nuisance to nearby residential properties and other noise sensitive uses. An email address can also be provided to residents by the manager, so they can raise concerns about noise resulting from the premises, so this can then be reviewed, and appropriate actions taken.
 - c) Anti-social behaviour – Customers who are rowdy will be warned and if the behaviour continues they will be asked to leave the premises. The Police will be called if the behaviour persists. When



necessary, individuals will be permanently barred from the premises.

9. Publicity

9.1 The application has been publicised by neighbour notification letters and a site notice with four responses and 10 signature petition received.

9.2 Objections

Objections have been received on the following grounds:

- i) The proposed use creates an excessive amount of rubbish.
- ii) The restaurant produces unpleasant odours.
- iii) The increase in traffic causes additional pollution.
- iv) Highway safety issues relating to parking and manoeuvring vehicles.
- v) Anti-social behaviour.
- vi) Noise.
- vii) Too many similar businesses already in the area.
- viii) Increase in vermin associated with the business.

Non-material objections have been raised regarding issues around illuminated signage, and the retrospective nature of the application. The signage is not considered as part of this application. The applicant has submitted a separate application for advertisement consent, which will be assessed on amenity and highway safety grounds as per national and local policy guidance. While a retrospective application may not be the ideal option in this case, it is an accepted and valid approach and should not be used to influence the decision in this case.

These objections will be addressed in section 13 (Material Considerations).



10. Consultee responses

10.1 Planning Policy

Planning Policy commented that this premises should be considered as a restaurant and not a hot food takeaway due to the number of seats within the restaurant area. Therefore, the hot food takeaway SPD is not relevant. They noted that the site is a Borough Gateway. They noted that policy SAD CEN1 Non-Retail Uses at Ground Level is not relevant because the previous use was a bank and not a retail use. The restaurant is proposed to be open during the day which would contribute to the vitality and viability of the centre. Planning Policy did not object.

10.2 Highways

Highways have no objections. This proposal would not be expected to result in any net increase in vehicle movements. A revised parking plan has been provided showing a marked car park with 15 spaces to the rear along with forecourt parking at the frontage.

10.3 Public Health (Air Pollution and Noise)

Public Health noted that the extraction system appeared to be in good order and would not be considered to have an adverse effect on nearby residential properties.

10.4 West Midlands Police

West Midlands Police have 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 policies of the council's Development Plan are relevant:

CEN5: District and Local Centres

CEN6: Meeting Local Needs for Shopping and Services

12.2 The site is within the Quinton District Centre in the development plan which supports development for retail, office and leisure uses.

12.4 CEN5 and CEN6 are policies which seek to ensure development within district centres are appropriate in scale, meet local need and contribute to the viability and vitality of the centre. This retrospective use is deemed acceptable with a district centre location.

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 Amenity concerns – anti social behaviour

The police have raised no objections. The applicant has indicated that they do not tolerate inappropriate behaviour from customers and have a plan to deal with these matters, and in some circumstances, they will call the police to resolve incidents. Equally residents can likewise call the police if they have concerns.



13.3 Environment concerns - Noise, odours, rubbish, vermin and disturbance from the development.

In terms of noise, the overall noise levels would not be expected to differ significantly from any noise associated with the previous premises. Again, the applicant has stated that they would manage rowdy customers. In addition, Public Health did not raise any objection related to noise.

The application included details of the odour extraction system which have been reviewed by Public Health and is considered to be acceptable. A planning condition is recommended to ensure the ongoing maintenance and use of the extraction system.

Whilst the plans submitted with this application do not provide details of refuse storage, details of their current arrangements have been provided which indicate that they adequately manage refuse arising from their premises. Notwithstanding this, detailed refuse arrangements and management can be conditioned to be provided, approved, implemented and retained.

Environmental Health have confirmed that only one complaint has been received in relation to vermin in 2014. This complaint focussed primarily in a build-up of rubbish. It is therefore considered that with appropriate refuse arrangements as referred to above this use would not increase vermin in the area.

In terms of disturbance, this application would not create any net increase in the number of this type of business as this application is for the relocation of an existing business.

13.4 Highway safety, parking, servicing and traffic generation

Highways have not objected to the proposal. Arrangements for parking and servicing would not differ from the arrangements relating to the previous premises. The proposed premise was previously a bank and



the parking arrangements to the front would remain. Subsequent to your last meeting a parking plan has been provided and confirmation of the applicant's right to use the front forecourt and rear car park has been supplied. A condition is recommended to ensure the car parking arrangements are implemented and retained.

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 compliant 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 Governance:	This application is submitted under the Town and 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 Wellbeing:	None.
Social Value	None.
Climate Change	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.



16. Appendices

Location plan

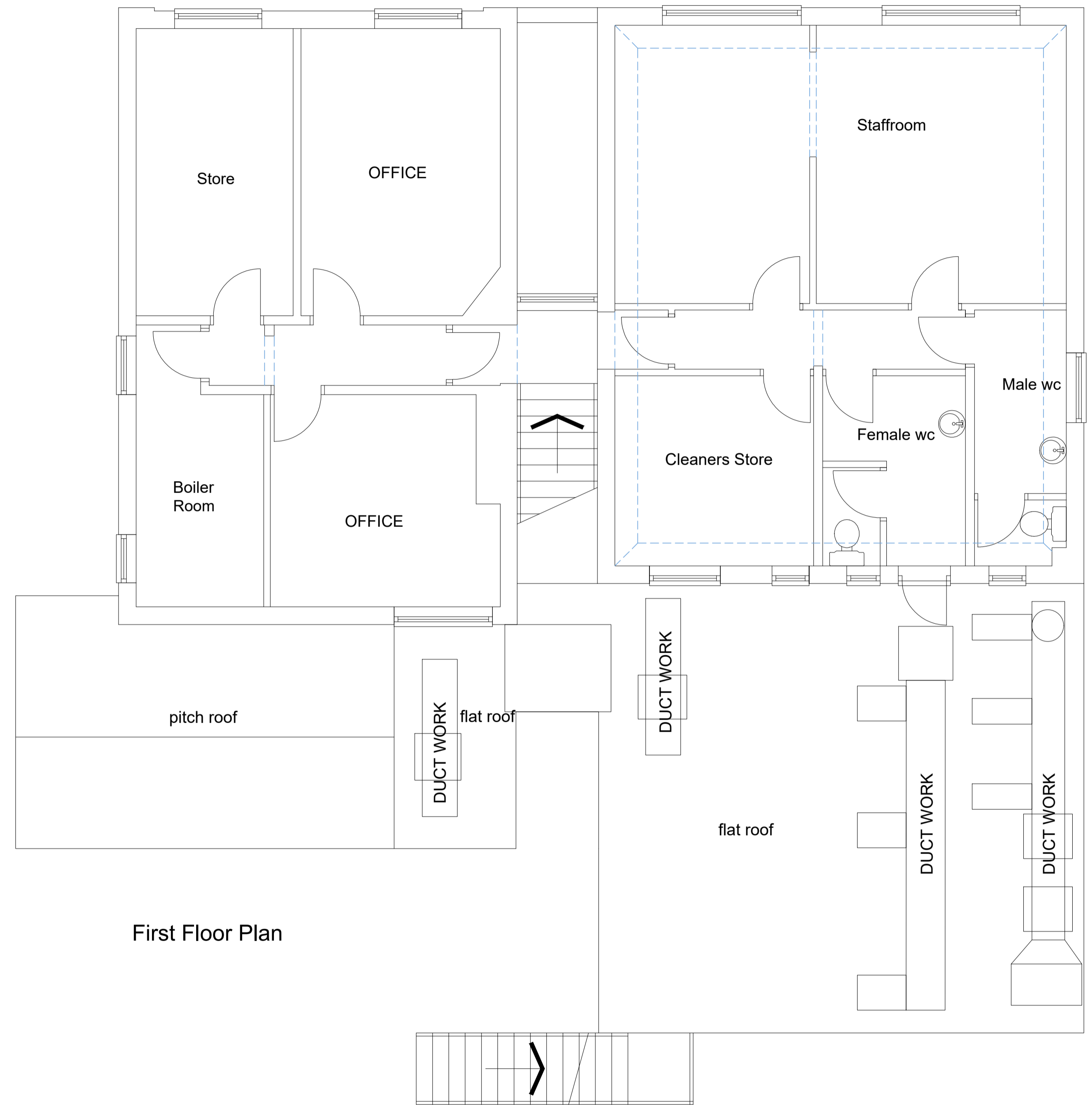
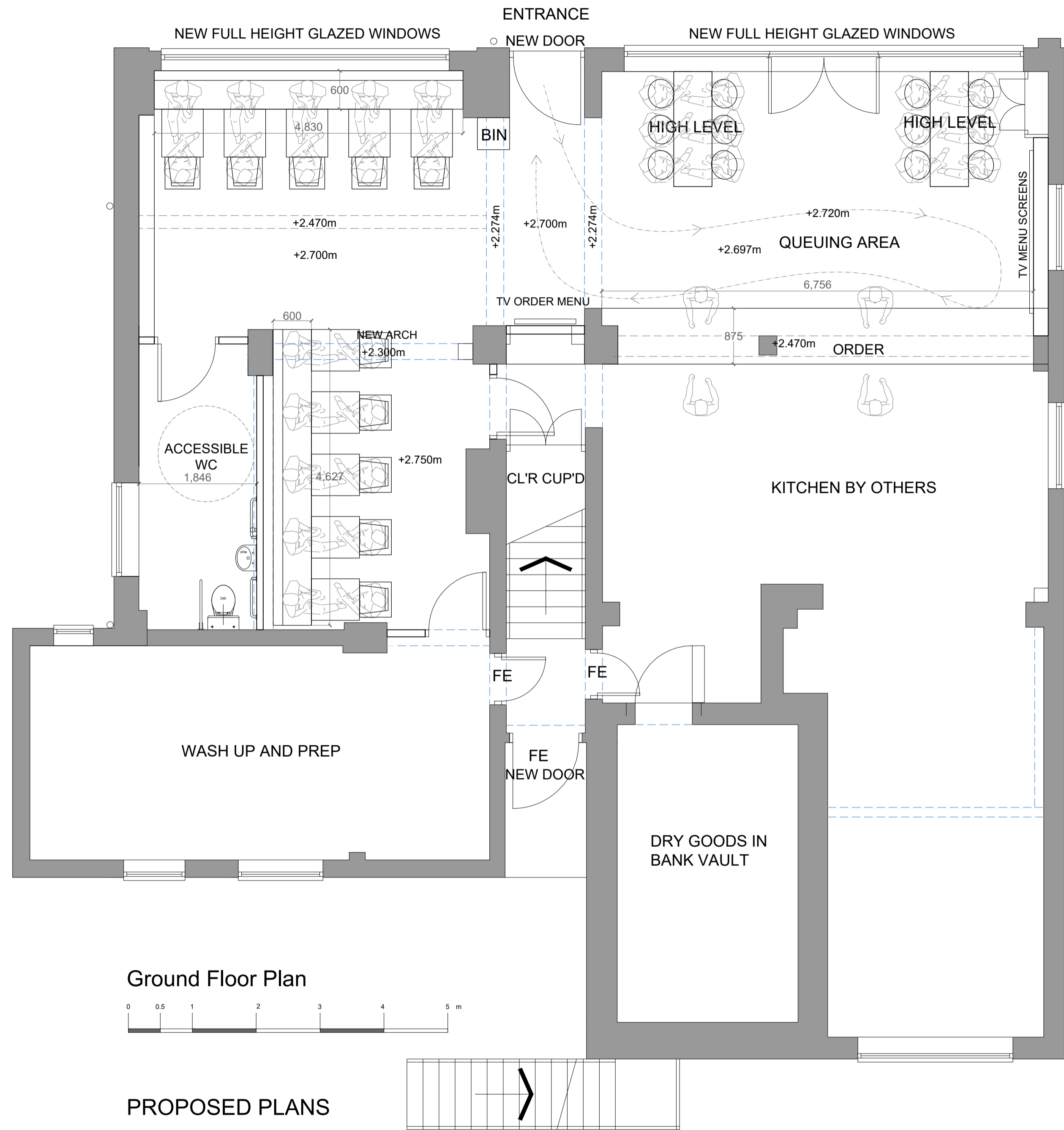
Proposed floor plans

Proposed elevation plans

Extraction system plan







NOTES:-

1. All drawings to be read in conjunction with Structural Engineer's details & any relevant sub-contractor's details. All works to comply with current Building Regulations, British Standards & Codes of Practice.
2. The Main Contractor & Sub-Contractor where applicable will be responsible for checking all dimensions on site & reporting any discrepancies to all relevant consultants.
3. The contractor must familiarize himself with the site and measure all areas affecting his work. All dimensions must be verified on site prior to manufacture of any joinery or works on or off site.
4. All works to be carried out by approved installation contractors, and to manufacturers recommendations.
5. All dimensions to be in millimeters.
6. Contractor to ensure that all work meets the requirements of the DPO, Building Control, Fire Authority and all other statutory bodies.
7. All shop fit decoration to achieve Class 'O' surface spread of flame in accordance with BS476, Part 7.
8. All stained timber areas to be treated with Thermoquard or similar to achieve Class 'O' surface spread of flame. All painted timber areas to be treated with Thermoquard Timbercoat or similar to achieve Class 'O' surface spread of flame.
9. Where MDF is specified this is to be Zero or Low formaldehyde type MDF made to British Standards.
10. The contractor is to ensure that all walls to be decorated are prepared prior to decoration and all surfaces smooth level and joint free. All applied coatings are to be water based to save wall areas.
- Contractor to allow for one mist coat and two top coats in cases, walls and timberworks.
- All new timber to be pressure impregnated with preservative prior to delivery to site. Where subsequent cutting & bonding is necessary all exposed faces to be coated with Protex.

REV	DATE	DESCRIPTION



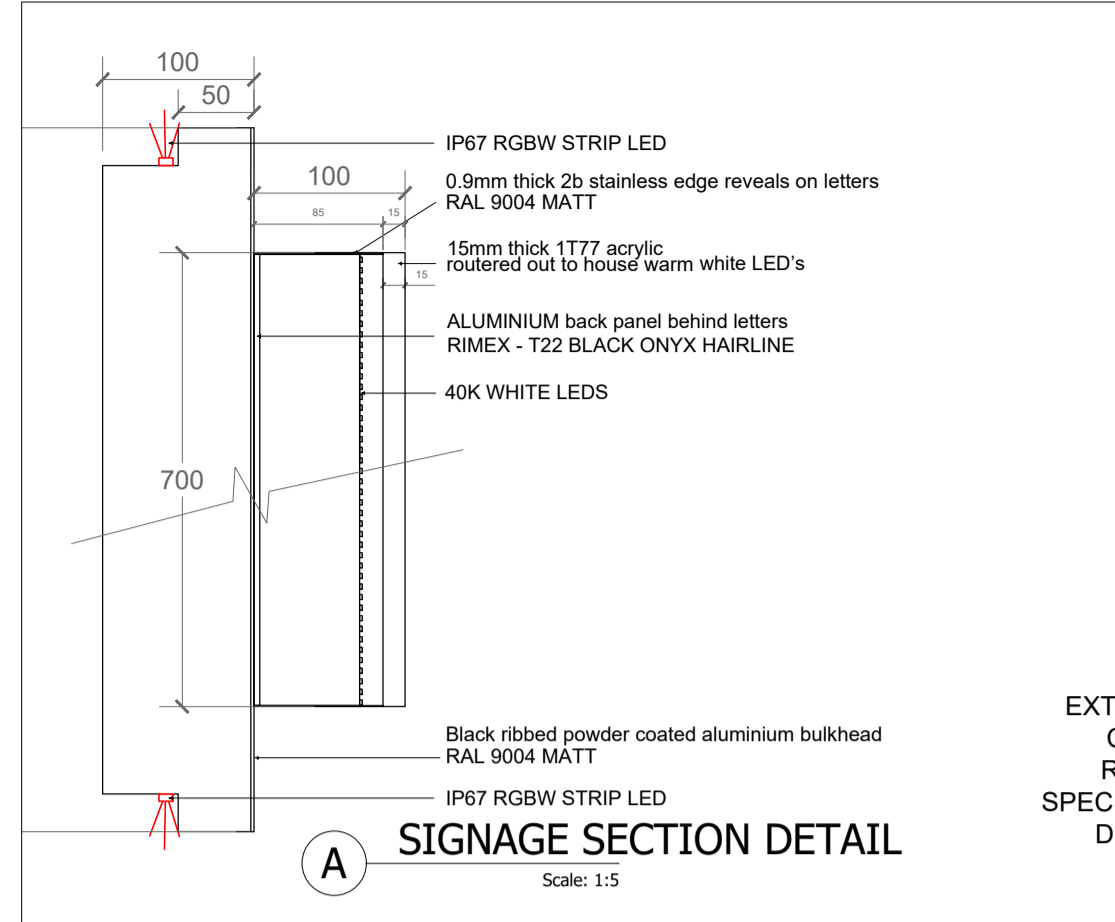
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JAN 23	1:50@A1	PROPOSED PLAN
JOB NO	DRG NO	PROJECT
2331	01	BIG JOHNS QUINTON



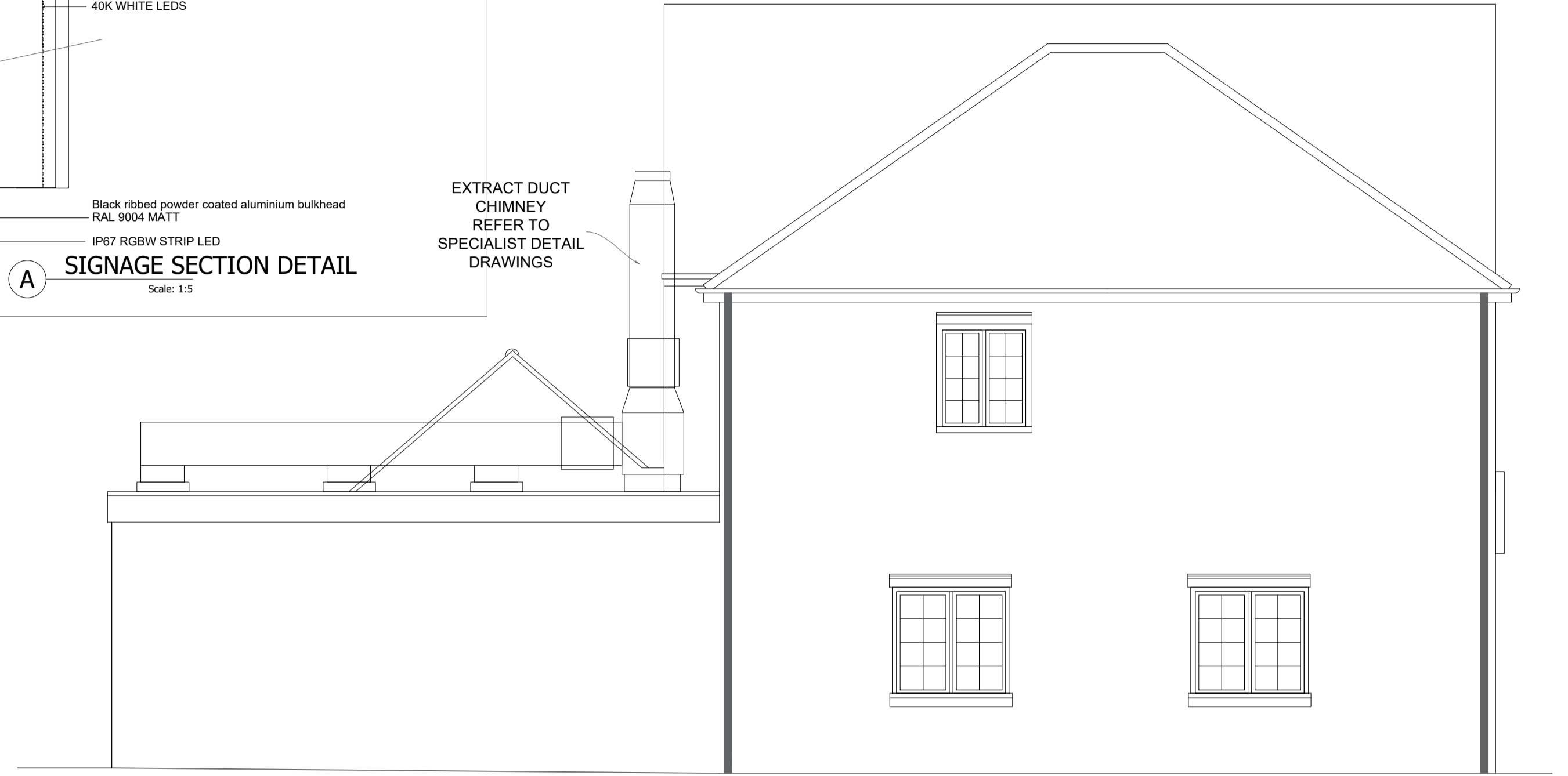
FRONT ELEVATION



PITTED CHARCOAL HONED EXTERNAL TILE FINISH BETWEEN WINDOWS.
Ref: NEOLITHIC ASH RECT 1000X1000MM
ROCCIA CERAMICS



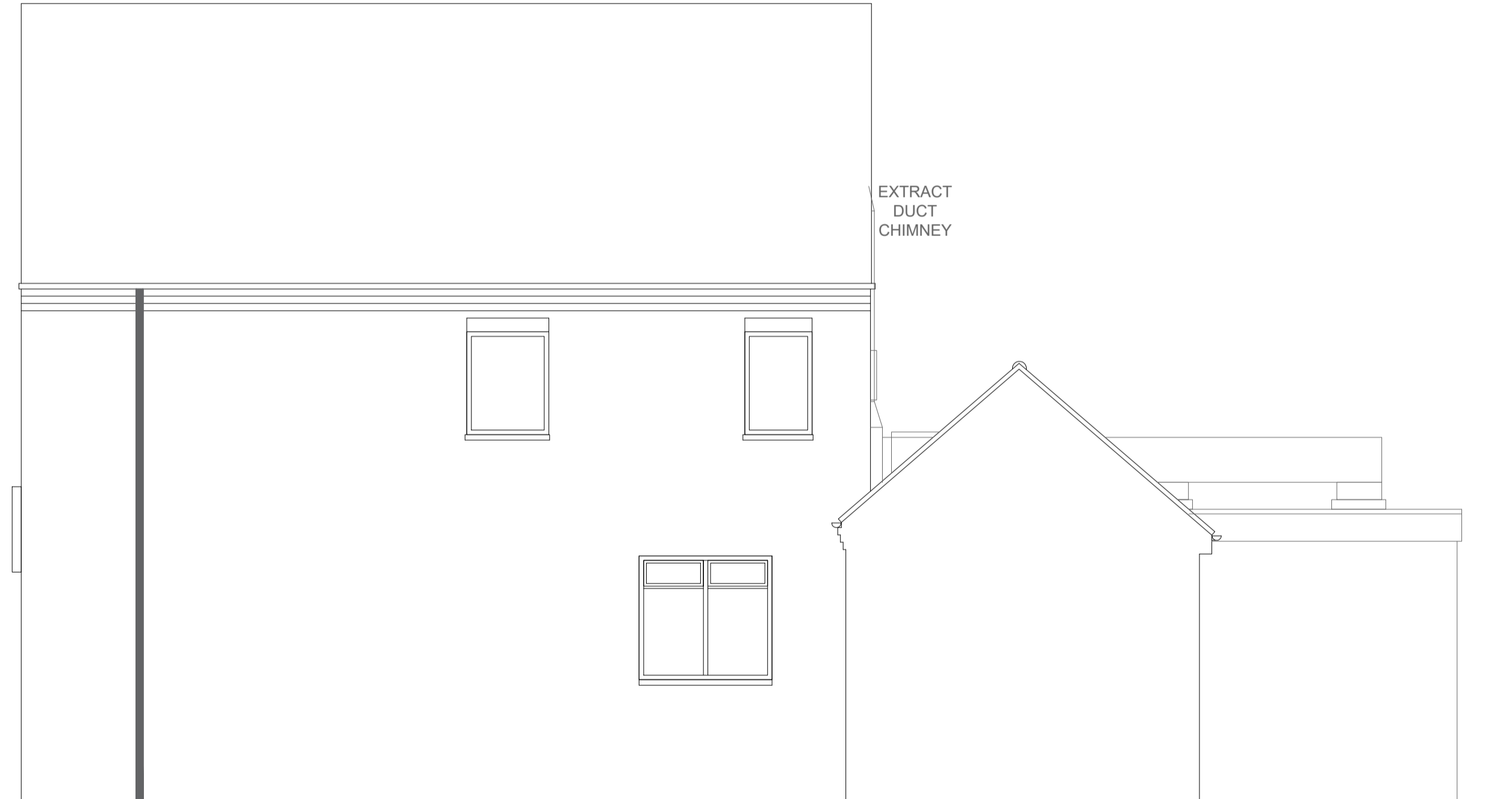
SIGNAGE SECTION DETAIL
Scale: 1:5



LH SIDE ELEVATION



REAR ELEVATION



RH SIDE ELEVATION



NOTES:-

- All drawings to be read in conjunction with Structural Engineer's details & any relevant sub-contractor's details. All works to comply with current Building Regulations, British Standards & Codes of Practice.
- The Main Contractor & Sub-Contractor where applicable will be responsible for checking all dimensions on site & reporting any discrepancies to all relevant consultants.
- The contractor must familiarize himself with the site and measure all areas affecting his work. All dimensions must be verified on site prior to manufacture of any joinery or works on or off site.
- All works to be carried out by approved installation contractors, and to manufacturers recommendations.
- All dimensions to be in millimeters.
- Contractor to ensure that all work meets the requirements of the EHO, Building Control, Fire Authority and all other statutory bodies.
- All shop fit decoration to achieve Class 'O' surface spread of flame in accordance with BS476, Part 7, 1971 or 1982.
- All stained timber areas to be treated with Thermoguard or similar to achieve Class 'O' surface spread of flame. All painted timber areas to be treated with Thermogard Timbercoat or similar to achieve Class 'O' surface spread of flame.
- Where MDF is specified this to be Zero or Low formaldehyde type MDF made to British Standards.
- The contractor is to ensure that all walls to be decorated are prepared prior to decoration and all surfaces smooth level and joint free.
- All applied coatings are to be water based to save wall areas.
- Contractor to allow for one mist coat and two top coats in cases, walls and timberworks.
- All new timber to be pressure impregnated with preservative prior to delivery to site. Where subsequent cutting & bonding is necessary all exposed faces to be coated with Protex.

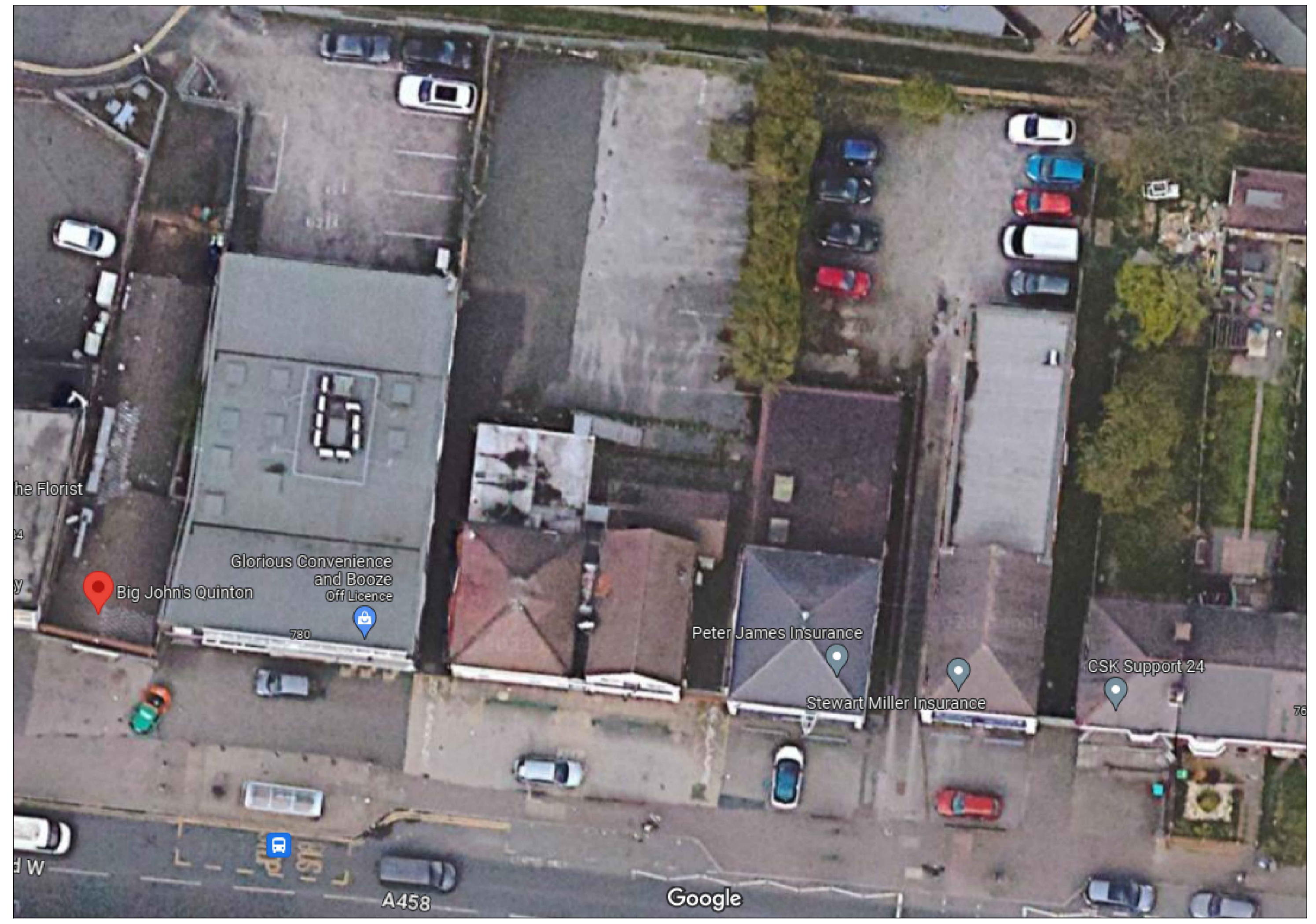
REV	DATE	DESCRIPTION



DATE	SCALE	DRG TITLE
JAN 23	1:50@A1	PROPOSED PLAN
JOB NO	DRG NO	PROJECT
2331	02	BIG JOHNS QUINTON



1 PROPOSED SITE PLAN
Scale: 1:150
0 0.5 1 2 3 4 5m



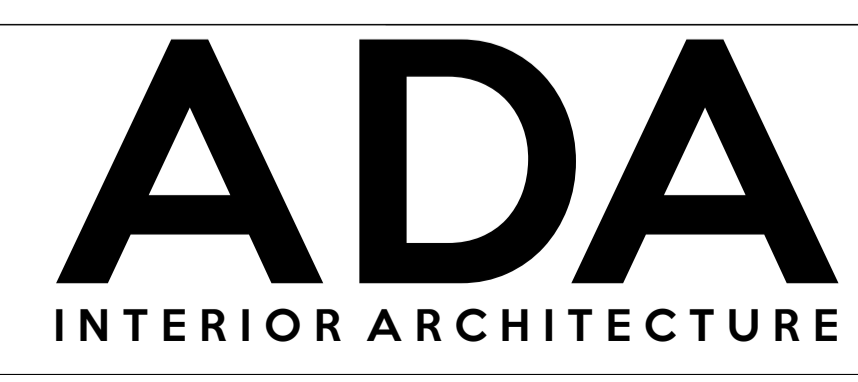
OVER HEAD VIEW



FRONT ELEVATION

NOTES:-
 1. All drawings to be read in conjunction with Structural Engineer's details & any relevant sub-contractor's details. All works to comply with current Building Regulations, British Standards & Codes of Practice.
 2. The Main Contractor & Sub-Contractor where applicable will be responsible for checking all dimensions on site & reporting any discrepancies to all relevant consultants.
 3. The contractor must familiarise himself with the site and measure all areas affecting his work. All dimensions must be verified on site prior to manufacture of any joinery or works on or off site.
 4. All works to be carried out by approved installation contractors, and to manufacturers recommendations.
 5. All dimensions to be in millimeters.
 6. Contractor to ensure that all work meets the requirements of the DPO, Building Control, Fire Authority and all other statutory bodies.
 7. All shop fit decoration to achieve Class 'O' surface spread of flame in accordance with BS476, Part 7.
 8. All stained timber areas to be treated with Thermoguard or similar to achieve Class 'O' surface spread of flame. All painted timber areas to be treated with Thermoguard Timbercoat or similar to achieve Class 'O' surface spread of flame.
 9. Where MDF is specified this is to be Zero or Low formaldehyde type MDF made to British Standards.
 10. The contractor to ensure that all walls to be decorated are prepared prior to decoration and all surfaces smooth level and joint free.
 All applied coatings are to be water based to save wall areas.
 Contractor to allow for one mist coat and two top coats in cases, walls and timberworks.
 All new timber to be pressure impregnated with preservative prior to delivery to site. Where subsequent cutting & bonding is necessary all exposed faces to be coated with Protin.

REV	DATE	DESCRIPTION



DATE	SCALE	DRG TITLE
JULY 23	1:150@A1	PROPOSED SITE PLAN AND CAR PARK MANAGEMENT
JOB NO 2331	DRG NO 06	PROJECT BIG JOHNS QUINTON

Thermal Conversion Method									
Drawing Number: 381: Big Johns, Quinton									
Canopy Size: 6270(w)x1300(d)x400(h)mm									
Item No:	Description	Width	Depth	Overall Size m2	Gas Coefficient as DW172	Electric Coefficient as DW172	Area Ref: Main Wall Cookline	Cookline	Item TBC
46	COUNTERTOP TWIN KEBAB GRILL, ELECTRIC	0.8	0.6	0.48				0.55	0.264
47	COUNTERTOP TWIN BAIN MARIÉ, ELECTRIC	0.3	0.6	0.18				0.15	0.027
55	COUNTERTOP SINGLE KEBAB GRILL, ELECTRIC	0.6	0.6	0.36				0.55	0.198
48	600MM WIDE GRIDDLÉ, GAS	0.6	0.8	0.48		0.3			0.144
50	900MM WIDE CHARGRILL, GAS	0.9	0.8	0.72		0.95			0.684
52	LARGE FRYER RANGE	2.3	0.9	2.07		0.8			1.656
53	CHIP SQUITTLÉ	0.3	0.8	0.24				0.03	0.0072
SubTotal								2.9802	
Canopy Factor (Based on ceiling mounted)								1.20	
Extract Rate m3/s								3.57624	
Air In Flow Rate m3/s (Based on 85%)								3.039804	

Drawing Number: 381: Big Johns, Quinton									
Canopy Size: 2000(w)x1600(d)x400(h)mm									
Item No:	Description	Width	Depth	Overall Size m2	Gas Coefficient as DW172	Electric Coefficient as DW172	Area Ref: Pizza Oven Canopy	Cookline	Item TBC
19	CONVEYOR PIZZA OVEN	1.7	1.2	2.04		0.45			0.918
SubTotal								0.918	
Canopy Factor (Based on ceiling mounted)								1.15	
Extract Rate m3/s								1.0557	
Air In Flow Rate m3/s (Based on 85%)								0.897345	

Drawing Number: 381: Big Johns, Quinton									
Canopy Size: 2650(w)x1500(d)x400(h)mm									
Item No:	Description	Width	Depth	Overall Size m2	Gas Coefficient as DW172	Electric Coefficient as DW172	Area Ref: Combination Oven Cookline	Cookline	Item TBC
65	ELECTRIC COMBINATION OVEN	0.9	0.8	0.72		0.3		0.3	0.216
66	WALL BENCH	0.45	0.9	0.405		0.03		0.03	0.01215
67	FREESTANDING PRESSURE FRYER	0.6	0.6	0.36		0.45		0.45	0.162
67	FREESTANDING PRESSURE FRYER	0.6	0.8	0.48		0.45		0.45	0.216
SubTotal								0.60615	
Canopy Factor (Based on ceiling mounted)								1.20	
Extract Rate m3/s								0.72738	
Air In Flow Rate m3/s (Based on 85%)								0.618273	

All water services to avoid items placed against wall when dropping from above.

Pipework to run at 400mm AFFL. and terminate with isolating shut off valves within 1 metre of the final connection.

Prior to delivery and installation of equipment all wall, ceiling and floor finishes must be completed and services terminated within 1 metre of final connection.

Electrical connection to the extract fans are to be carried out by the main contractor on site. Fan speed controllers to be supplied by the catering equipment supplier.

All appropriate equipment to be earth bonded by main electrical contractor.

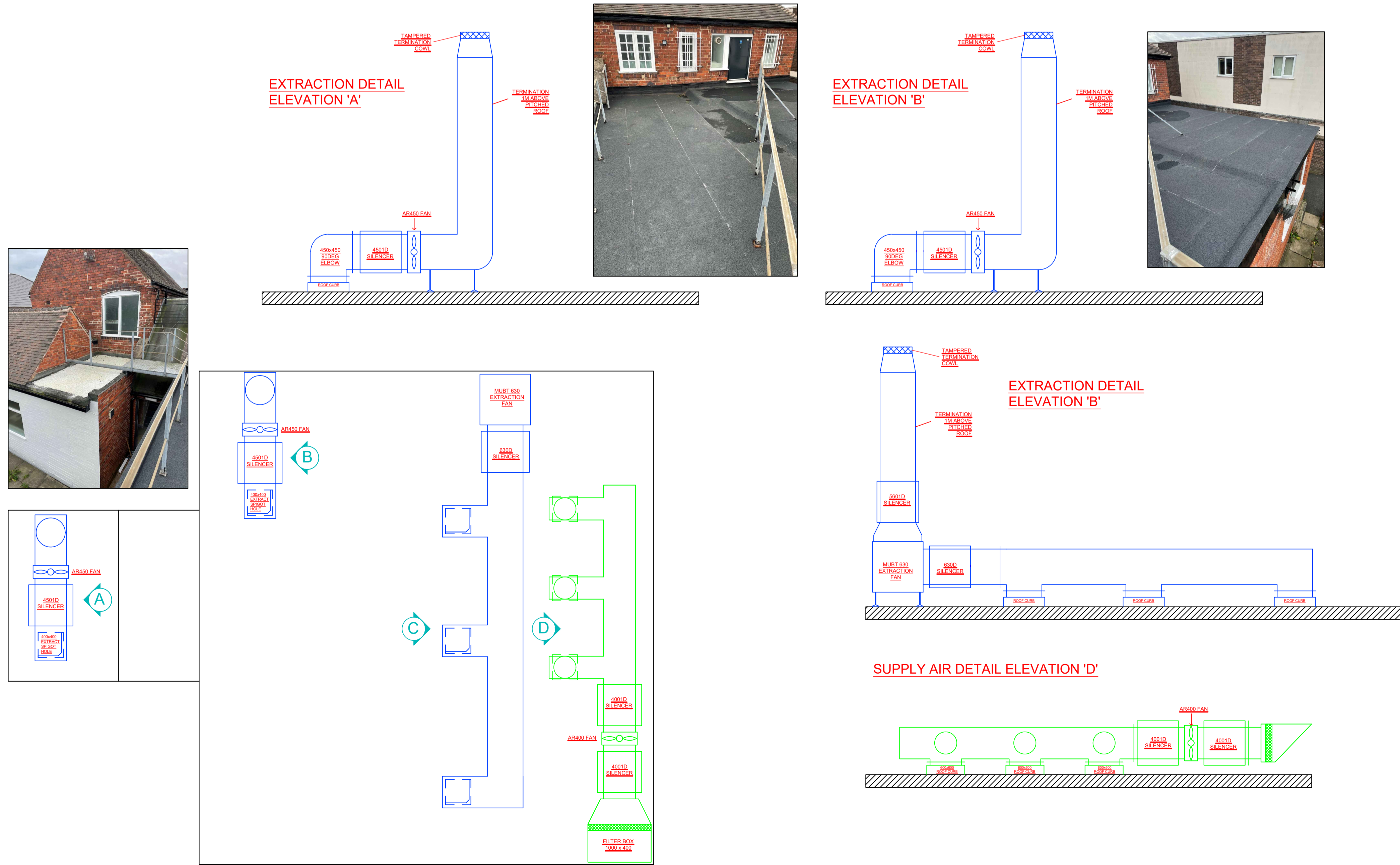
Means should be provided for the emergency shut down of power, fuel supply and extraction systems to all cooking equipment. The emergency shut down device should be clearly labelled and accessible.

Minimum flow rate for whb - 0.15 litres / sec hot or cold
Minimum flow rate for sink bowls - 0.2 litres / sec hot or cold

Fresh air input to the kitchen to be provided by others.

Gas interlocking system to be supplied and fitted by main M&E contractor in accordance with CORGI recommendations.

- COLD WATER
- ⊕ HOT WATER
- WASTE
- ▲ 13 AMP SWITCH SOCKET OUTLET
- ▲ 13 AMP SWITCH FUSE OUTLET
- ⊠ ELECTRIC ISOLATOR
- ▲ CABLE OUTLET
- GAS



Revisions	
<h2>Northern</h2> <p>Northern Refrigeration & Catering Equipment Ltd Eckington Business Park Rotherside Road Eckington S21 4HL</p> <p>Tel: 01246 434340 Fax: 01246 434341</p>	
Project	Proposed Extraction Layout for Big Johns, Quinton
Drawing Number	381.0
Status	For Approval
Scale	1:40 @ A1
Approved by:	
Date:	17th February 2023

Copyright of this drawing is retained by N.R.C.E. and none of the ideas or arrangements may be used without our written consent.

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Report to Planning Committee

26 July 2023

Application Reference	DC/23/68117
Application Received	23 March 2023
Application Description	Proposed glazed customer seating area extension to frontage (resubmission of refused planning permission DC/22/66636).
Application Address	204 Lightwoods Road Smethwick B67 5AZ
Applicant	Mr Deniz Akgul
Ward	Abbey
Contact Officer	Carl Mercer carl_mercer@sandwell.gov.uk

1 Recommendations

1.1 That, subject to receipt of amendment to plan 'AJ099' to revise seating area, planning permission is granted subject to conditions relating to:


- i) Materials shall be as per the submitted details;
- ii) All glazed areas including roof to conform to submitted details;
- iii) Limit seating to 20 customers; and
- iv) Provision of covered waste storage area.



2 Reasons for Recommendations

- 2.1 The appearance of the glazed extension raises no significant design concerns, the additional seating area would not appreciably exacerbate existing parking issues and the glazed areas would address the noise issues raised, subject to appropriately worded conditions.

3 How does this deliver objectives of the Corporate Plan?

	A strong and inclusive economy
---	--------------------------------

4 Context

- 4.1 The application is being reported to your committee as five objections have been received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[204 Lightwoods Road, Smethwick, B67 5AZ](#)

5 Key Considerations

- 5.1 The site is not allocated within the Development Plan.
- 5.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF)

Planning history

Amenity concerns – loss of light and/or outlook and overshadowing

Design concerns – appearance, materials and character

Highways considerations - Traffic generation and parking



Environmental concerns – Noise, air quality, pollution and general disturbance

6. The Application Site

6.1 The application relates to a restaurant premises situated on the corner of Lightwoods Road and Three Shires Oak Road, Smethwick. The character of the surrounding area is mixed with elements of residential and commercial uses, and the site is situated near to Bearwood town centre.

7. Planning History

7.1 There was formerly an unauthorised canopy structure which enclosed the outdoor area immediately in front of the premises and was used for additional seating. The structure was subject to an enforcement notice served by the council and has now been removed.

7.2 The applicant had tried to retain the unauthorised structure, but the application was refused due to inappropriate design, poor outlook from the neighbouring property and noise.

7.3 Relevant planning applications are as follows:

DC/22/66636	Proposed pergola system to frontage for customer seating area provision.	Refused 25.03.2022
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8. Application Details

8.1 The applicant now proposes to construct a glazed extension to the outdoor area. The internal area is shown to seat 20 customers (this has been reduced from 32).

8.2 In an attempt to address the reasons for refusal of the last structure, the applicant has provided a contemporary glazed design, offset the side of



the structure from the neighbouring property on Lightwoods Road and proposed sound insulated glazing.

9. Publicity

9.1 The application has been publicised by neighbour notification letter with five letters of objection being received.

9.2 Objections

Objections have been received on the following grounds:

- i) Noise;
- ii) Parking;
- iii) Odours, rubbish and pollution;
- iv) Unsightly bin storage and storage on footpath;
- v) The description of the 'pergola' structure; and
- vi) Design not in keeping.

Non-material objections have been raised regarding smoke from vents, environmental health/food hygiene visits and the behaviour of clientele.

These objections will be addressed in section 13 (Material Considerations).

10. Consultee responses

10.1 Highways

Highways have raised concerns regarding the seating area and the trip generation this may generate. Based on the original 32 covers, nine parking space would be required. Highways have also noted that the existing delivery and refuse area would be enclosed and have questioned how deliveries/refuse would be managed. The proximity of the walls from the footpath has been raised as well as the provision of plant pots. The plant pots are removed from the amended plan. In



regards to the proximity of the structure from the footpath, there is already an existing wall in place and the proximity of the wall from the highway is not a planning consideration.

10.2 Pollution Control (Noise)

The officer has raised no objection subject to the glazing being to the noise standard noted in the submitted information.

10.3 West Midlands Police

No objection.

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 Framework refers to development adding to the overall quality of the area by achieving high quality design, achieving good architecture and layouts. It also states that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

11.2 I am of the opinion that the contemporary glazed approach is of a good design, in accordance with paragraph 126 of the NPPF.

11.3 In respect of paragraphs 111 of the NPPF, I consider it unlikely that the development would have a severe impact on highway safety for the reasons set out in Material Considerations below.

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 Policies ENV3 and SAD EOS9 refer to well-designed schemes, and I find no reason to refuse the application on design grounds considering the development would be in proportion to the existing building and proposes appropriate materials.

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

On balance, this proposal overcomes the previous reasons for refusal: the design is appropriate, the outlook matter has been resolved and the noise concerns are lessened.

13.3 Amenity concerns – loss of light and/or outlook and overshadowing

The structure would not be within proximity of other properties as to cause significant amenity concerns. The side elevation has also been stepped off the boundary with the adjacent residential property on Lightwoods Road.

13.4 Design concerns – appearance, materials and character

The previous structure was completely unacceptable, but the current design proposes a contemporary glazed design which is proportionate to the existing building. I appreciate the comments regarding character



raised by objectors; however, in this instance I feel that the contrast is appropriate and is fitting for such a use on the edge of a town centre.

13.5 Highways considerations - Traffic generation and parking

I note the concerns raised by Highways, however, the seating area has now been reduced to 20 customers, which can be controlled by condition. Additionally, the previous structure had been in place and used since August 2018 and the parking and road safety team had received no complaints or concerns from local residents relating directly to this establishment during this time. The applicant has referred to a parking agreement with the church opposite to use their car park for customer parking. Whilst there is some reassurance in this approach, this could not be effectively controlled by planning condition if the agreement with the church ended. I have therefore based my recommendation with the church parking excluded from the proposal. In respect of the waste storage, this appears to be in the same position as it has been for a number of years when viewed on Google street view images. However, I am not disputing objectors' concerns that it can be unsightly and further details for a covered waste storage area can be requested by condition. The matter of storage on the highway would have to be investigated by the highway authority.

13.6 Environmental concerns – Noise, air quality, pollution and general disturbance

The issues raised relate to the current operation of an established use and the application would not exacerbate these issues. Indeed, the covered area would lessen the noise impact as customers can currently use this open area – the glazed walls and roofing would prevent such noise from escaping. Existing issues regarding smoke, cooking odours and pollution would need to be reported to Environmental Health. Additionally, the police raise no concerns regarding behaviour.



13.7 Other matters

13.8 An objector noted that the description of development did not appear to match what was being proposed as only a canopy was listed. I agreed with this, as the proposal is much more akin to an extension, and the description has been changed in agreement with the applicant's agent to the one before your committee today.

13.9 Whilst plan AJ100 has been amended to provide a revised seating plan, I await submission of AJ099 which requires amendment as this also shows the seating plan. This can be tabled at your meeting.

14. Conclusion

On balance the proposal accords with the provisions of relevant development plan policies and there are no significant material considerations which warrant refusal that could not be controlled by conditions.

15 Alternative Options

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

16 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 Governance:	This application is submitted under the Town and 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 Wellbeing:	None.
Social Value	None.
Climate Change	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.

17. Appendices

Context plan

AJ100 04.05.2023

AJ099 *to be amended





204 LIGHTWOODS ROAD
SMETHWICK
B67 5AZ

PERGOLA SYSTEM PROPOSAL
FOR EXTERNAL SEATING
AREA

SCALE @VARIOUS

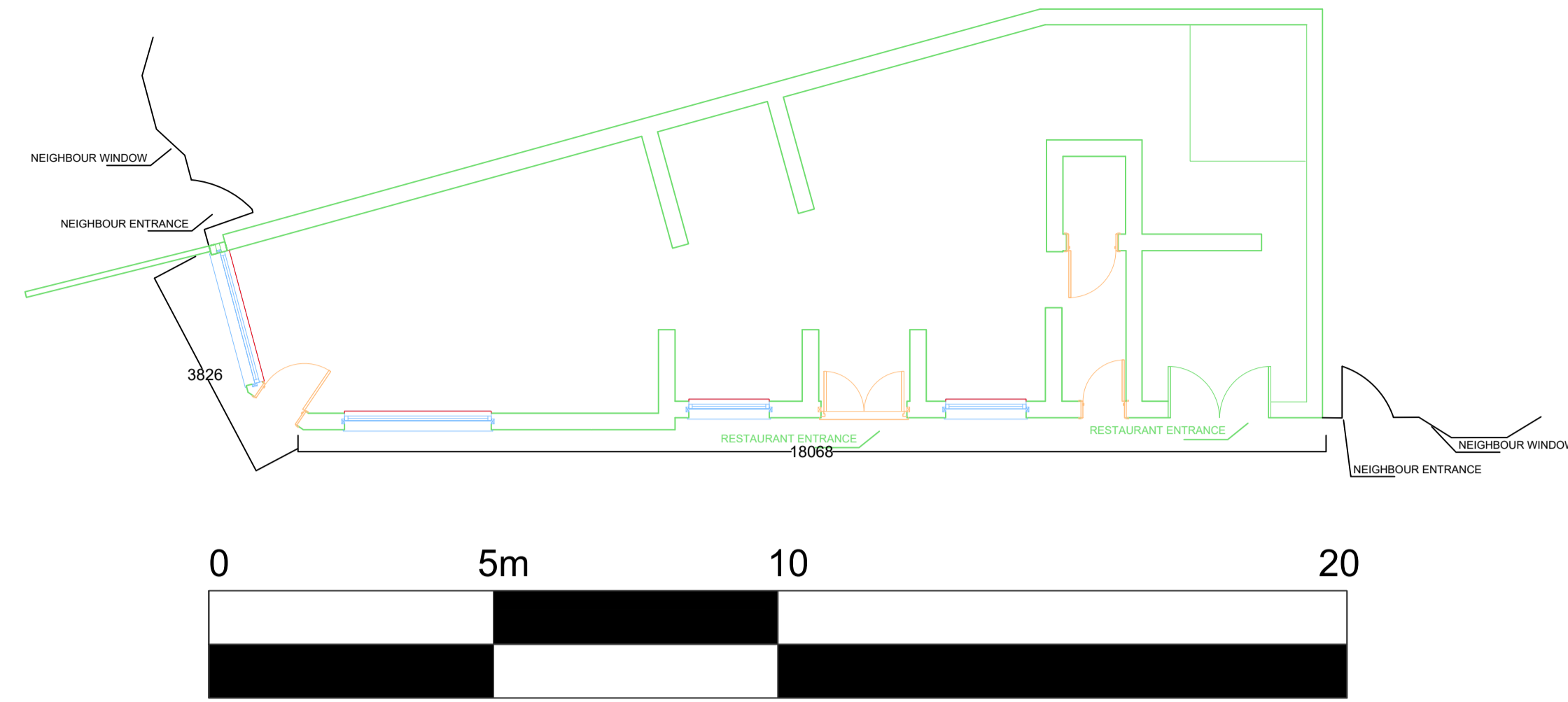
DESIGNED BY KS

CHECKED BY BS

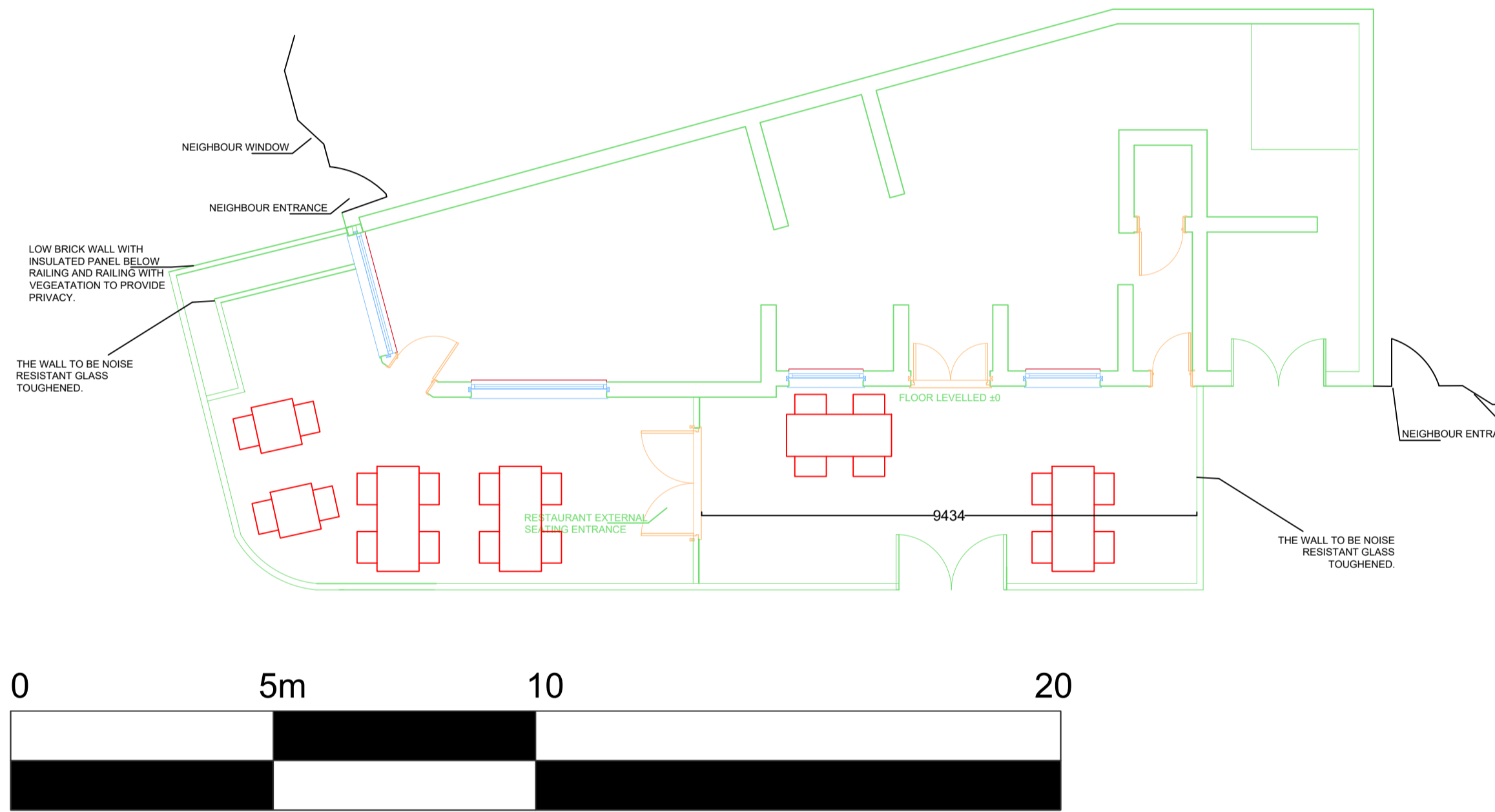
DATE:26.01.2022

DWG NAME:AJ100

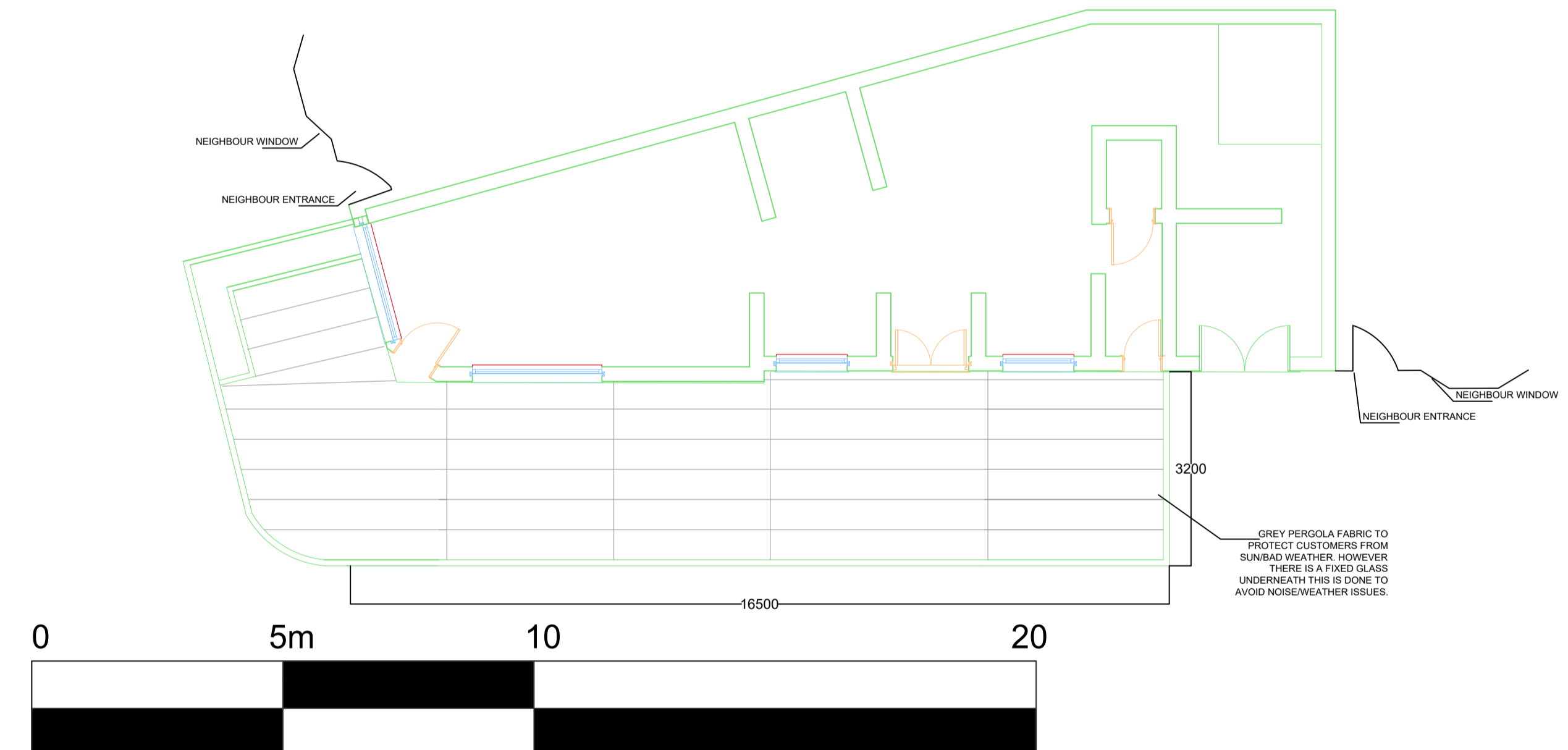
Owner of Nemrut Restaurant would like to install pergolas for the customers to use during winter. Pergola system will be waterproof, and it would be ordered to suit the colours of the external facade of the restaurant and neighboring buildings. It is understood and recognized not to block the view and sunlight of the neighboring buildings with this new pergola system. The 45° angle is measured and the appropriate measures will be taken to avoid disturbing neighbors. Currently the boundary is identified with low brick wall and black railing on top. It would be ideal to keep the existing boundary treatment and owner of the restaurant to install glass wall between neighbor and the restaurant. With this privacy of the customers are kept to a standard and it wont block any view for the neighbors.



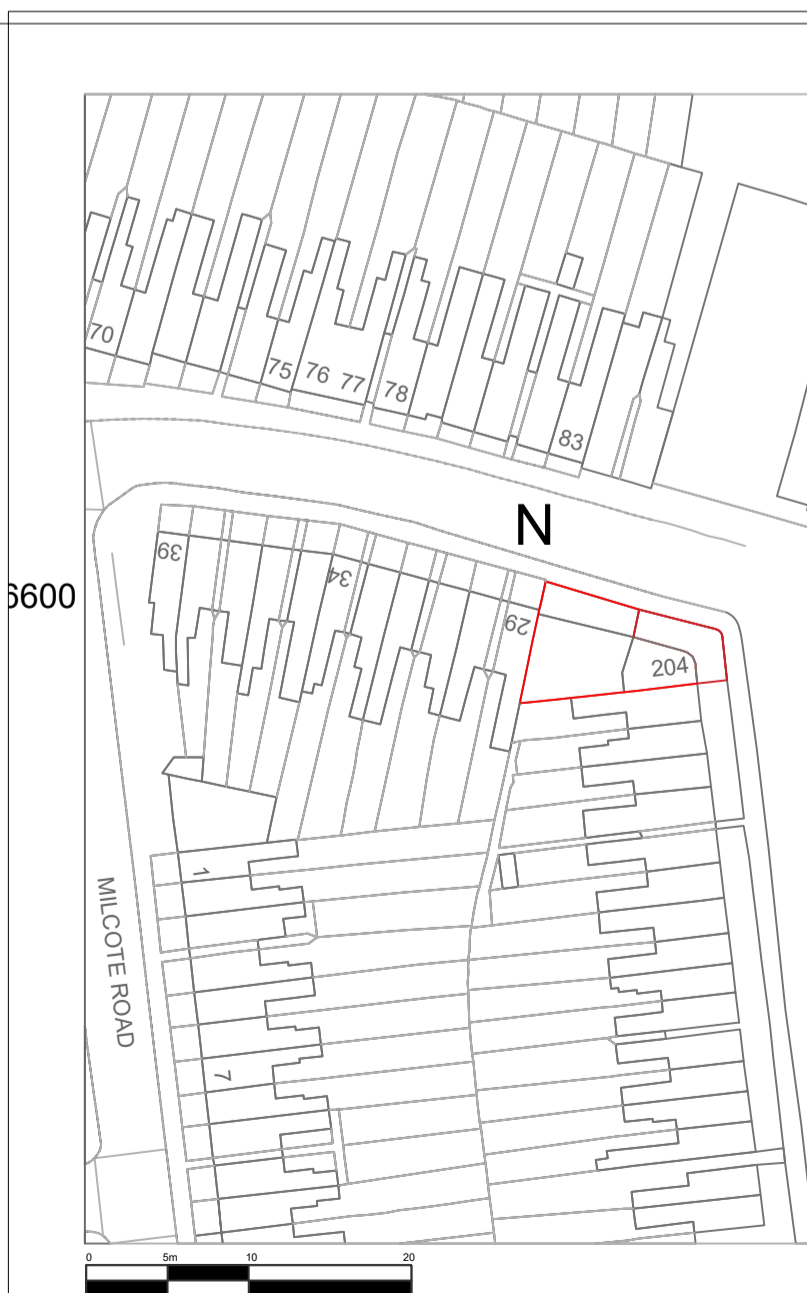
EXISTING FLOOR PLAN SCALE 1:100



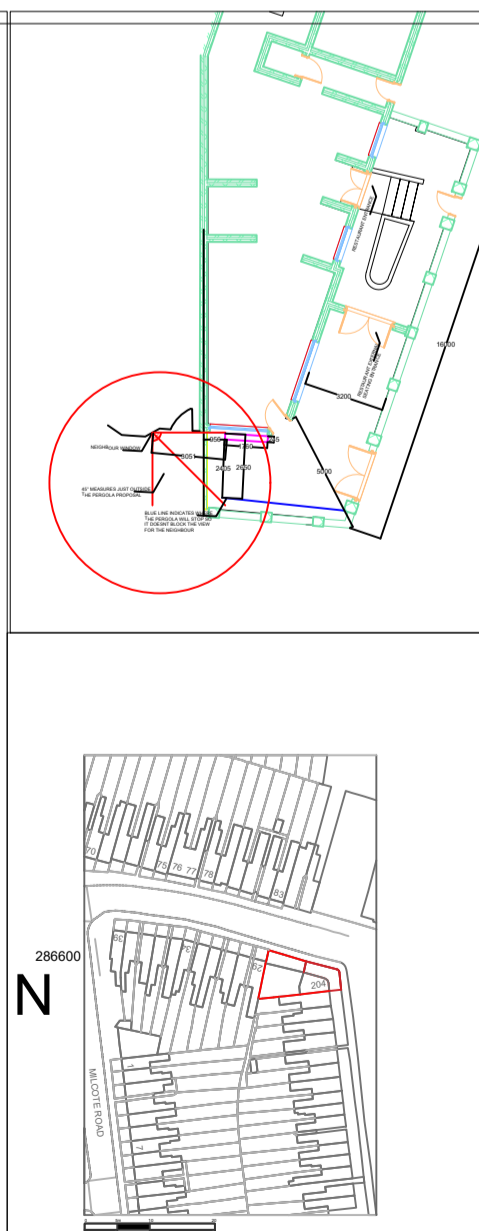
PROPOSED EXTERNAL SEATING AREA SCALE 1:100



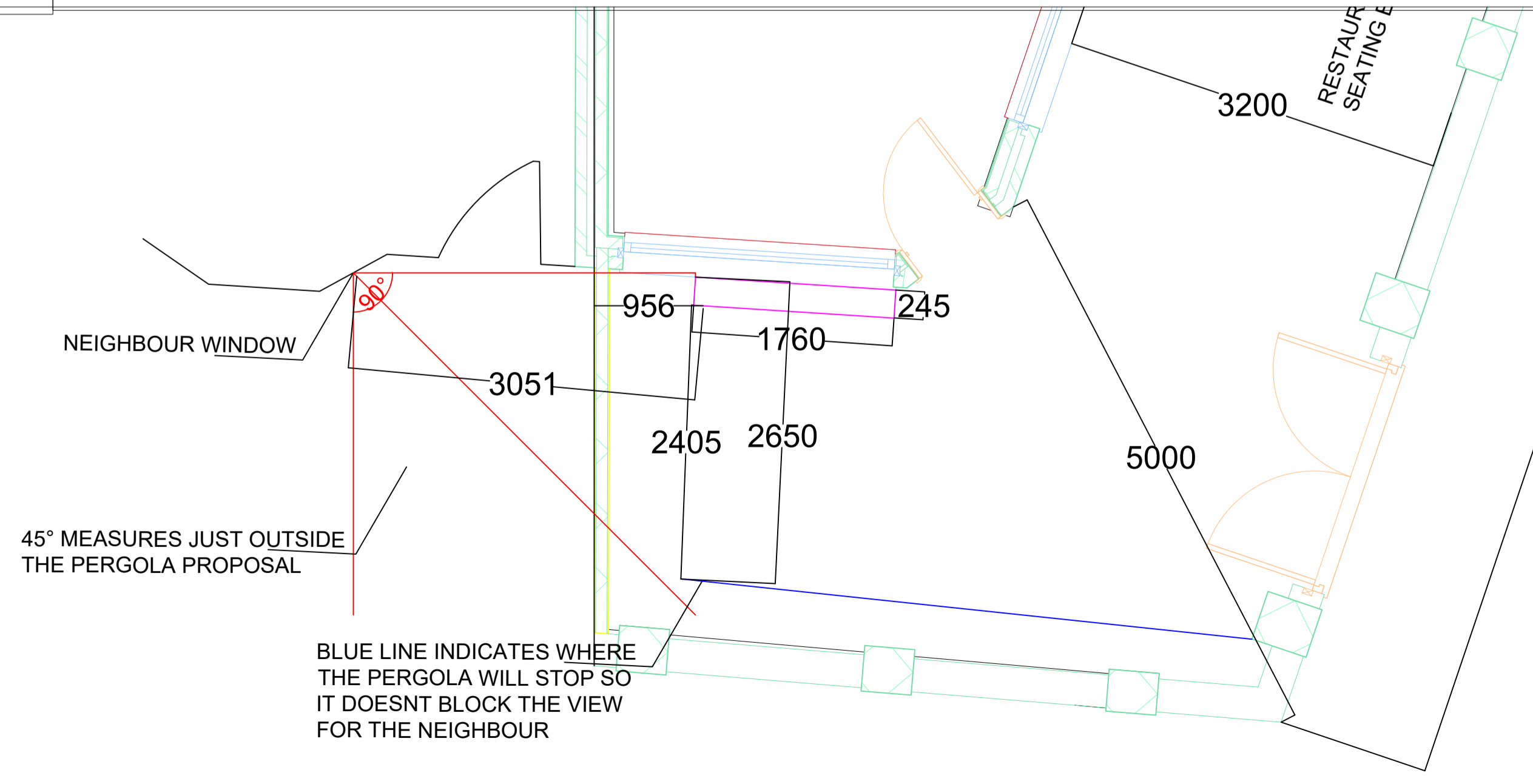
PROPOSED EXTERNAL ROOF PLAN SCALE 1:100



SITE PLAN SCALE 1:500



BLOCK PLAN SCALE 1:1250



DETAIL FOR THE 45° VIEW

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Report to Planning Committee

26 July 2023

Application Reference	DC/23/68282
Application Received	16th May 2023.
Application Description	Proposed single and two storey side and rear extension.
Application Address	15 Cedar Road Wednesbury WS10 0BD.
Applicant	Mrs Dilara Khatun
Ward	Wednesbury South
Contact Officer	Anjan Dey Anjan_dey@sandwell.gov.uk

1 Recommendations

1.1 That planning permission is granted subject to conditions relating to:


- (i) External materials to match the existing property.

2 Reasons for Recommendations

2.1 The proposed development would be of satisfactory design and would not significantly impact the amenity of neighbouring properties.



3 How does this deliver objectives of the Corporate Plan?

	Quality homes in thriving neighbourhoods
---	--

4 Context

- 4.1 The application is being reported to your planning committee because the Agent is an employee of Sandwell MBC.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[15 Cedar Rd, Wednesbury.](#)

5 Key Considerations

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

Amenity concerns - loss of light and outlook.

Design concerns - appearance

6. The Application Site

- 6.1 The application site is on the northern side of Cedar Road, Wednesbury and relates to a 3-bedroom semi-detached property within a residential area.

7. Planning History

- 7.1 There is no planning history for this property.



8. Application Details

- 8.1 The applicant seeks to construct two storey side and rear extensions as well as a single storey rear extension. Existing bedrooms are to be extended and the number of bedrooms increased to five. At ground floor level it is proposed to extend the lounge and create a new kitchen/diner along with a study room.
- 8.2 The single storey rear extension would measure: 3 metres long, 2.6 metres wide and 3.3 metres to the maximum height of the mono-pitched roof.
- 8.3 The two-storey rear would measure: a maximum of 3m long, 8.7 metres wide by 7.2 metres high to the maximum height of the dual pitched roof. The depth of the extension to the adjoining semi would measure 1.5 metres to a maximum height of 6.6 metres to the height of the dual pitched roof.
- 8.4 The two-storey side extension would measure: a maximum of 6.9m deep by 2m wide by 7.2m high to the height of the dual pitched roof.

9. Publicity

- 9.1 The application has been publicised by neighbour notification letters with two objections received from neighbouring houses. In addition, neighbours have been re-consulted regarding amended plans and at the time of writing no additional comments had been submitted.

9.2 Objections

Objections have been received on the following grounds:

- i) Possible loss of light to both of their properties;
- ii) Concerns relating to the extension possibly affecting drainage/sewage pipes;
- iii) There is insufficient parking for proposed increase in bedrooms.



iv) Possible overhang/encroachment onto their land.

Non-material objections relating to Party Wall matters and devaluation of property have also been received.

These objections will be addressed in section 13 (Material considerations).

10. Consultee responses

10.1 Highways

No objections as the front driveway can accommodate 3 vehicle spaces required for a 5-bedroom property, and there is adequate space for manoeuvrability.

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 The same guidance refers to development adding to the overall quality of the area by achieving high quality design, achieving good architecture and layouts.

12. Local Planning Policy

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

12.3 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments. The proposed layout and design are considered to be acceptable.



13. Material Considerations & other relevant 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 Amenity concerns - Loss of light and outlook.

With regards to the adjoining semi to the east, it is considered the submitted floor plans show that the first-floor rear extension complies with the 45-degree code that is used for guidance in such matters. Dimensions for the single storey element below would normally be acceptable under Class A of the 'General Permitted Development Order'. Notwithstanding this, it is my view that both the single and two storey extensions would not result in any significant loss of light to the adjoining property.

Although the side/rear extension would close the gap between the other neighbour to the west, it is considered that there is a staggered building line and this property is set back from the applicant's property. The submitted floor plans show that the two-storey rear extension would be flush with their rear elevation. In view of this there would not be any appreciable loss of light to primary windows at the rear of that property.

The objector refers to a landing, bathroom window and door located in the nearest western side elevation. However, it is considered that any impact on these windows does not warrant refusal as they are classed as 'secondary' windows i.e. they do not serve habitable rooms. It also appears that there are other light sources - ground floor windows at the rear that would not be affected by the proposals.

It is also my view that the two-storey side extension would not result in any significant loss of light or outlook to the nearest first floor primary window at the front elevation of adjacent nearest property.



13.3 Highway concerns

Highways has been consulted and has confirmed that the front driveway can accommodate the 3 spaces that required for a 5-bedroom dwelling. Highways has considered further information submitted relating to manoeuvrability of cars parked on the driveway and have raised no objections.

13.4 Design concerns

The proposals at the rear of the property would be hidden from the street frontage, with the side extension element not considered to result in any undue harm to the character of the area. The side extension has been setback at the front elevation and step-down from the apex of the roof as per adopted design guidance (Residential Design SPD). The rear extension is deemed acceptable, considering the factors mentioned above, and that the extensions would not overly dominate or impose on the neighbouring properties. Furthermore, the proposal ensures that an ample amount of rear garden space will remain for the property.

13.5 Other relevant considerations

Concerns relating to drainage/sewage pipes does not warrant refusal and it is envisaged that construction works would be subject to a separate Building Regulations approval.

The matter regarding possible overhang onto the neighbour's curtilage has been discussed with the agent and amended plans have been submitted to show a 'parapet' style gutter to ensure that gutters do not overhang onto neighbouring property. The agent has also confirmed that the extensions are to be constructed solely on land within the ownership of his client.



14. Conclusion

On balance the proposal accords with the provisions of relevant development plan policies and there are no significant material considerations which warrant refusal that could not be controlled by conditions.

15 Alternative Options

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

16 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 Governance:	This application is submitted under the Town and 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 Wellbeing:	None.
Social Value	None.
Climate Change	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.



17. Appendices

Location Plan 2023-01 01.

Existing layout and floor plans 2023- 02 01

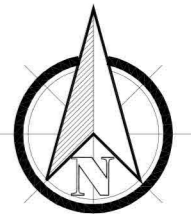
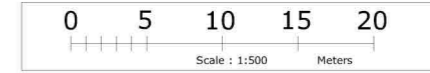
Proposed layout and floor plans 2023-02 03 REV 02



Location Plan - Existing
Scale 1:1250



Site Plan - Proposed
Scale 1:500

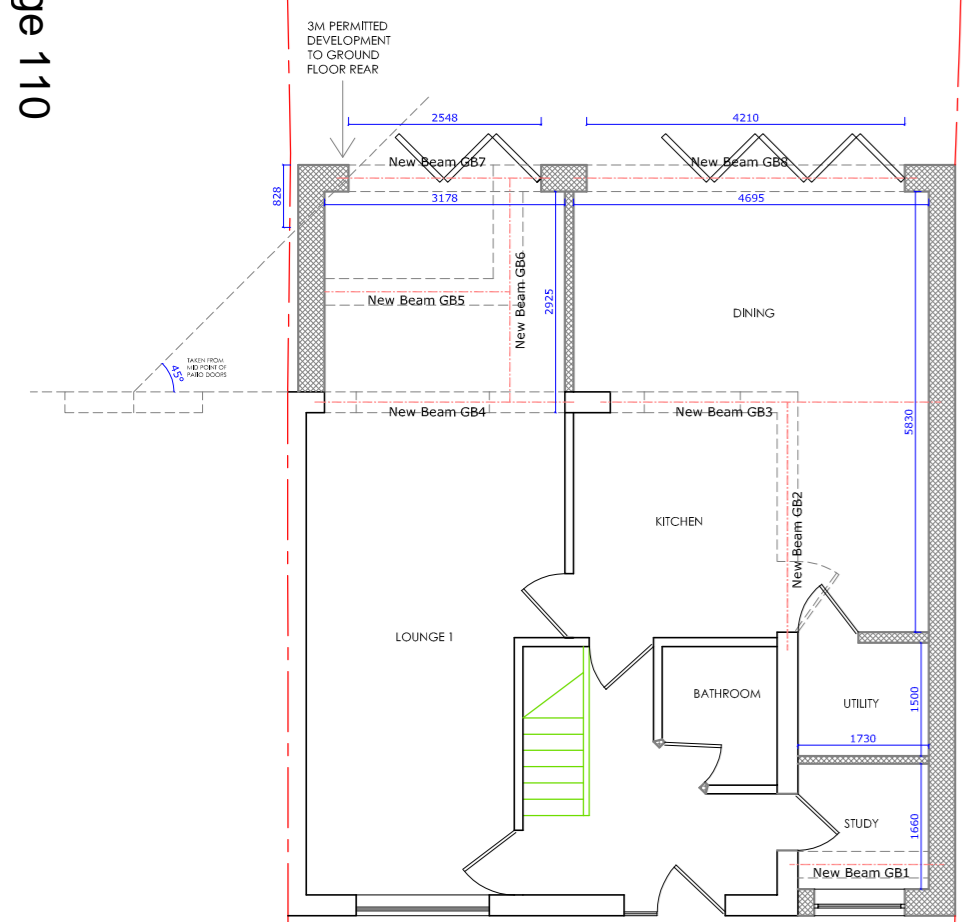


CLIENT:

JOB:
15 Cedar Road, Wednesbury,
WS10 0BD

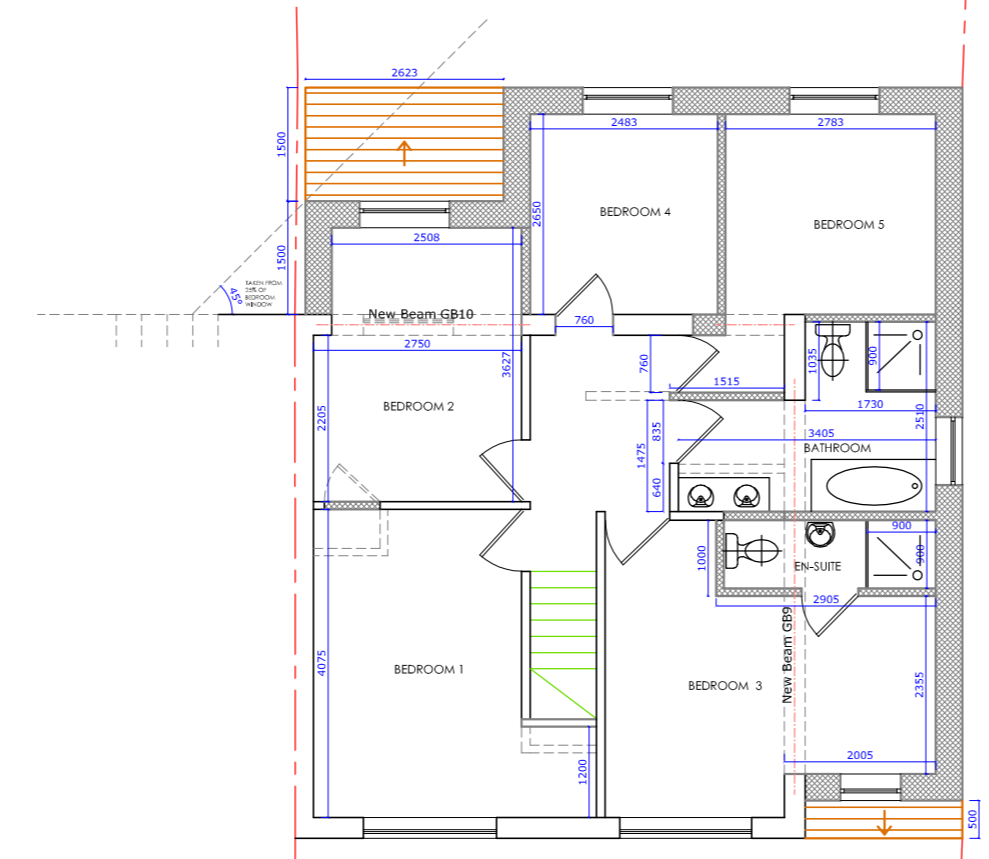
DRG TITLE:
Location Plan Existing
Site Plan - Proposed

DRG NO.	REV.	Paper
2023-01/	01	A3
DATE: Apr' 23	SCALE: Varies	



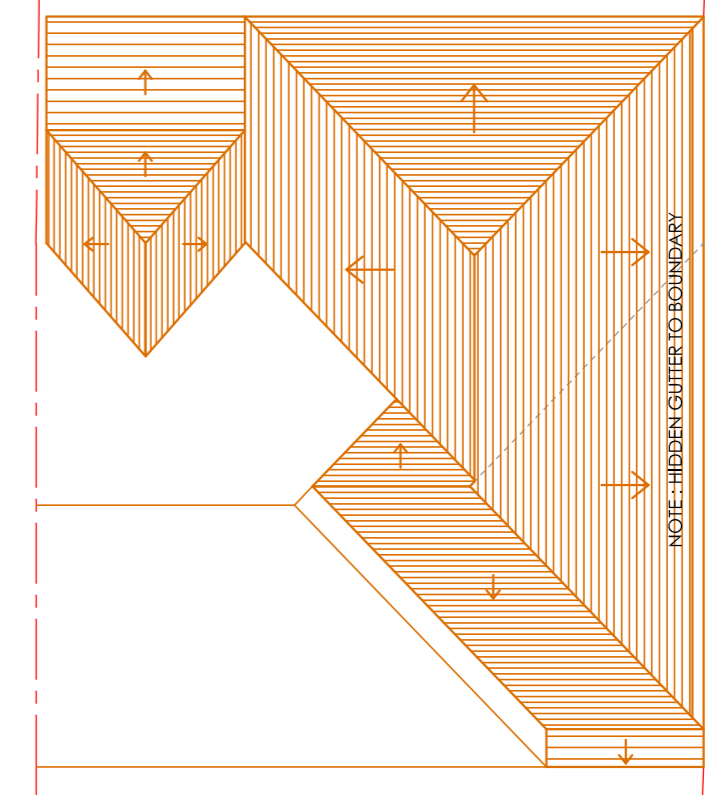
GROUND FLOOR

15



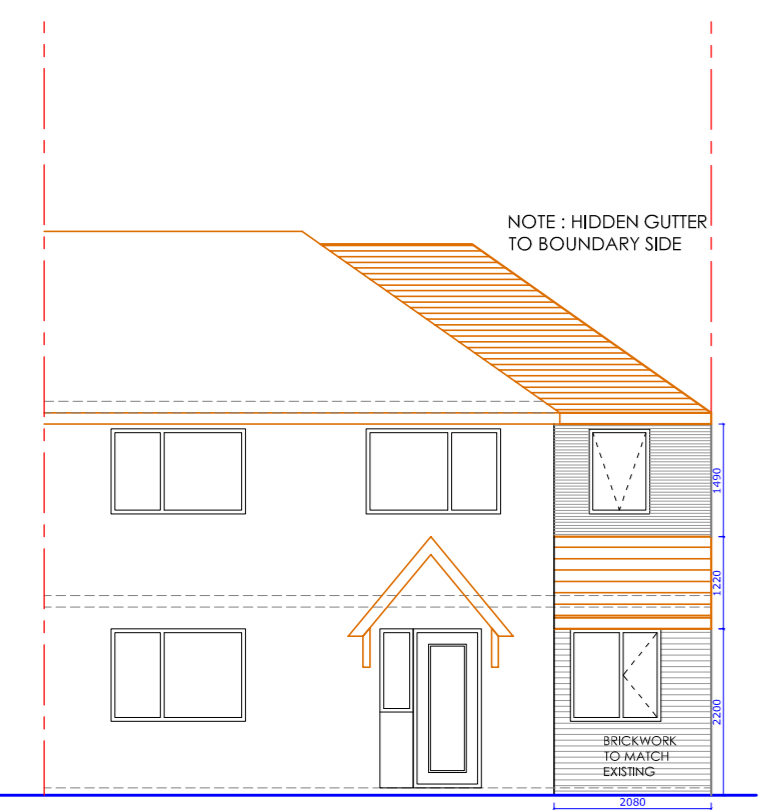
FIRST FLOOR

15

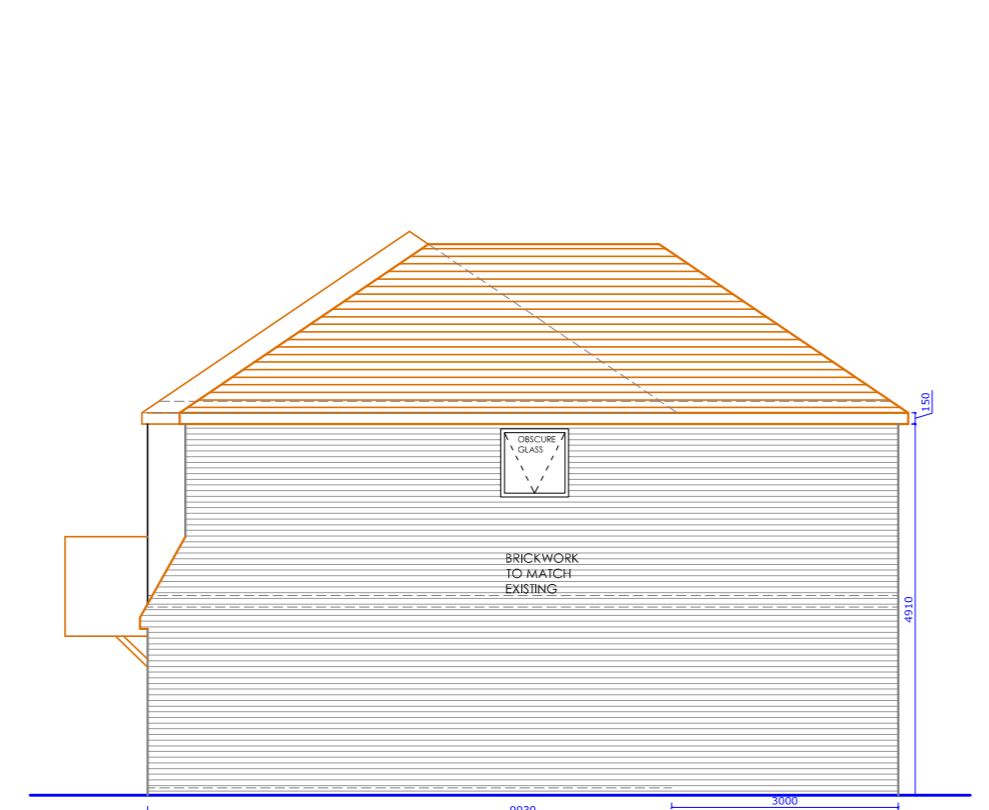


ROOF PLAN

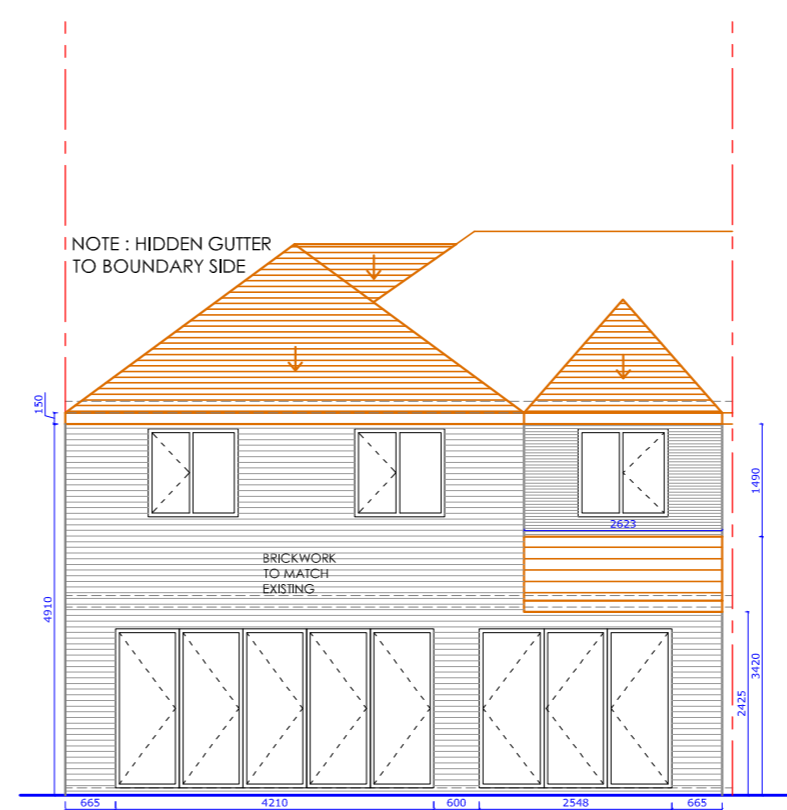
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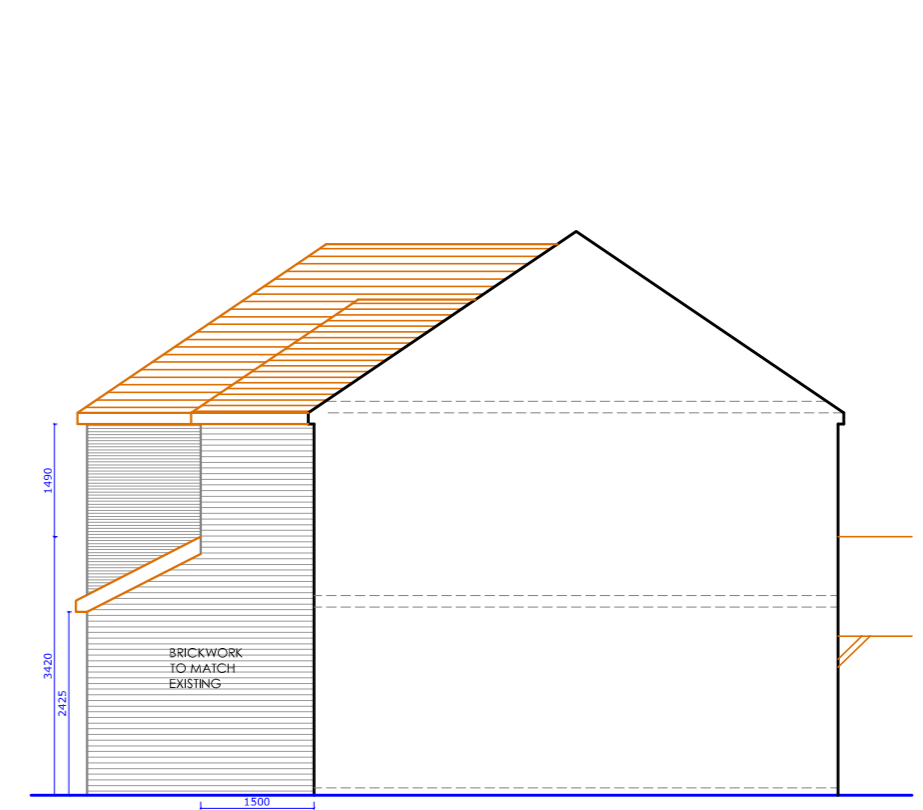
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

REVISIONS
Rev1 :
Shown hidden gutter in roof - note no overhang onto adjoining neighbours boundary

CLIENT: Mrs Dilara Khatun		
JOB: 15 Cedar Road, Wednesbury, WS10 0BD		
DRG TITLE: Proposed Plans and Elevations		
DRG NO. 2023-03/	REV. 02	Paper A2
DATE: Jul '23	SCALE: 1:100	

Report to Planning Committee

26 July 2023

Application Reference	DC/23/68304
Application Received	22 May 2023
Application Description	Proposed change of use from Methodist church to 9 No. self-contained studio apartments, fenestration alterations, bike shelter and bin store, parking and landscaping.
Application Address	Lawrence Lane Methodist Church, Lawrence Lane, Cradley Heath B64 6EU
Applicant	Dr Balbir Bhandal
Ward	Cradley Heath & Old Hill
Contact Officer	Carl Mercer carl_mercer@sandwell.gov.uk

1 Recommendations

1.1 That planning permission is granted subject to conditions relating to:


- i) Cycle parking, provision and retention;
- ii) Waste storage, provision and retention;
- iii) EVC bays, provision and retention;
- iv) Low NOx boilers, provision and retention;
- v) Construction method statement; and
- vi) Provision and retention of car parking.



2 Reasons for Recommendations

- 2.1 The development would provide much needed housing to national internal standards, with parking, landscaping and cycle and waste storage accommodated within the layout.

3 How does this deliver objectives of the Corporate Plan?

	Quality homes in thriving neighbourhoods
---	--

4 Context

- 4.1 The application is being reported to your committee as five objections have been received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[Lawrence Lane Methodist Church, Lawrence Lane, Cradley Heath B64 6EU](#)

5 Key Considerations

- 5.1 The site is not allocated within the Development Plan.
- 5.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF)

Planning history

Design concerns - layout and density of building and overdevelopment

Highways considerations - Traffic generation, access, parking and servicing

Environmental concerns – Noise and pollution



6. The Application Site

6.1 The application site is situated on a parcel of land bounded by Lawrence Lane, Clyde Street and Pearson Street, Cradley Heath. The building is a former single storey church building.

7. Planning History

7.1 The applicant previously submitted a change of use application to a house in multiple occupation (HMO), which generated a notable number of objections from neighbours. In response, the applicant withdrew the application in favour of putting forward this proposal consisting of self-contained flats.

7.2 Relevant planning applications are as follows:

DC/23/68164	Proposed change of use from Methodist church to 12 No. bedroom HMO (house in multiple occupation) with fenestration alterations, bike shelter and bin store.	Withdrawn - 18.05.2023
-------------	--	------------------------

8. Application Details

8.1 The applicant proposes to convert the building into nine, one bed self-contained flats. Ten off-street parking spaces would be provided (one for each flat and one visitor space), together with waste storage, cycle storage areas and landscaping



9. Publicity

9.1 The application has been publicised by neighbour notification letter with five letters of objection being received.

9.2 Objections

Objections have been received on the following grounds:

- i) Character – windows and door arrangement would be altered; the area is made up of elderly and vulnerable people;
- ii) Increase in traffic – it is already difficult to manoeuvre in the area and there are existing parking issues;
- iii) Increase in noise and pollution;
- iv) Increase in anti-social behaviour and criminal activity;
- v) Density of occupancy is overdevelopment;
- vi) Lack of amenity space for residents;
- vii) Impact of short term tenancies on local area; and
- viii) Impact on local services.

Non-material objections have been raised regarding loss of property value and fire safety.

These objections will be addressed in section 13 (Material considerations).

10. Consultee responses

10.1 Highways

No objection – the number of parking spaces proposed is acceptable.

10.2 Pollution Control (Air Quality)

No objection, subject to electric vehicle charging bays and low NOx boilers required by condition.



10.3 Pollution Control (Noise)

No objection subject to a construction method statement required by condition. Whilst there would not be a great deal of external work, it seems sensible to attach such a condition due to the proximity of surrounding residents.

10.4 West Midlands Police

No objection.

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 Framework refers to development adding to the overall quality of the area by achieving high quality design, achieving good architecture and layouts. It also states that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

11.2 I am of the opinion that the proposal raises no concerns regarding design, in accordance with paragraph 126 of the NPPF.

11.3 In respect of paragraphs 111 of the NPPF, I consider it unlikely that the development would have a severe impact on highway safety for the reasons set out in Material Considerations below.



12. Local Planning Policy

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

CSP4 - Place Making

DEL1 – Infrastructure Provision

HOU1 - Delivering Sustainable Housing Growth

HOU2 – Housing Density, Type and Accessibility

TRAN4 - Creating Coherent Networks for Cycling and for Walking

ENV3 – Design Quality

ENV8 – Air Quality

SAD H2 – Housing Windfalls

SAD EOS 9 – Urban Design Principles

12.2 In respect of CSP4 the design of the development would be acceptable and would enhance the attributes the area offers in terms of its local character.

12.3 Infrastructure provision, in this case EVC bays, would be ensured by condition and the site would contribute towards the Community Infrastructure Levy (DEL1).

12.4 Whilst land is identified and allocated in the development plan to meet the borough's sustainable housing growth, under policy HOU1 additional housing capacity will also be sought elsewhere through planning permissions on suitable sites. As such, this proposal would assist with providing much needed housing within the borough.

12.5 The proposal meets the requirements of policy HOU2 in that it proposes a range of types and sizes of accommodation which would be accessible by sustainable transport to residential services. The proposal would also achieve high quality design with minimal amenity impact.

12.6 Highways raise no objection to the traffic generation attributed to this development (TRAN2).



- 12.7 Sufficient amenity space is provided to allow for cycle parking provision (TRAN4).
- 12.8 ENV3 and SAD EOS 9 refers to well-designed schemes that provide quality living environments. The proposed layout and design is acceptable.
- 12.9 In respect of air quality (ENV8), electric vehicle charging points can be ensured by condition
- 12.10 The proposed dwellings would be a windfall, subject to SAD H2. The proposal meets the requirement of the policy as it is previously developed land, suitable for residential development, and capable of meeting other plan policies.

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 application was submitted in response to residents' concerns regarding a proposed HMO. The current application is the applicant's attempt to alleviate these concerns by proposing self-contained flats.

13.4 Design concerns - layout and density of building and overdevelopment

All the units would exceed the minimum national requirement for one bed units (37m²) as stated in the Nationally Described Space Standard (NDSS). In addition to this, all servicing and parking can be accommodated within the site area and I am therefore not of the opinion that the proposal is overdevelopment. In respect of the character issues raised by objectors, the minor external alterations would enhance and



create a more active building frontage. Furthermore, there is no relevant planning policy which would discourage a mix of accommodation types in a particular area.

13.4 **Highways considerations - Traffic generation, access, parking and servicing**

Highways raise no significant concerns regarding the proposal. There is sufficient car parking space to serve the development and it should not result in appreciable parking overspill on to the highway.

13.5 **Environmental concerns – Noise and pollution**

The surrounding area is densely built up and I am of the opinion that the introduction of nine units would not introduce excessive noise issues. There is also no evidence of increased pollution and the air quality officer has not raised concerns.

13.6 **Other matters**

Increase in anti-social behaviour and criminal activity

There is no evidence to suggest that these issues would be introduced by the approval of this proposal. Furthermore, the police raise no objection.

Lack of amenity space for residents

It is correct that there is no private external space provided for residents. However, the site is situated in a sustainable area within walking distance of services in Cradley Heath and Old Hill, parks and greenspaces.



Impact of short-term tenancies on local area

Concerns regarding the transient nature of occupants is noted, but there is no evidence to suggest that residents of the proposed flats would not be longer term, in contrast to typical HMO accommodation.

Impact on local services

The introduction of such a modest number of units proposed would not have a significant impact on local services.

14. Conclusion

On balance the proposal accords with the provisions of relevant development plan policies and there are no significant material considerations which warrant refusal that could not be controlled by conditions.

15 Alternative Options

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

16 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 Governance:	This application is submitted under the Town and 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 Wellbeing:	None.
Social Value	None.
Climate Change	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.

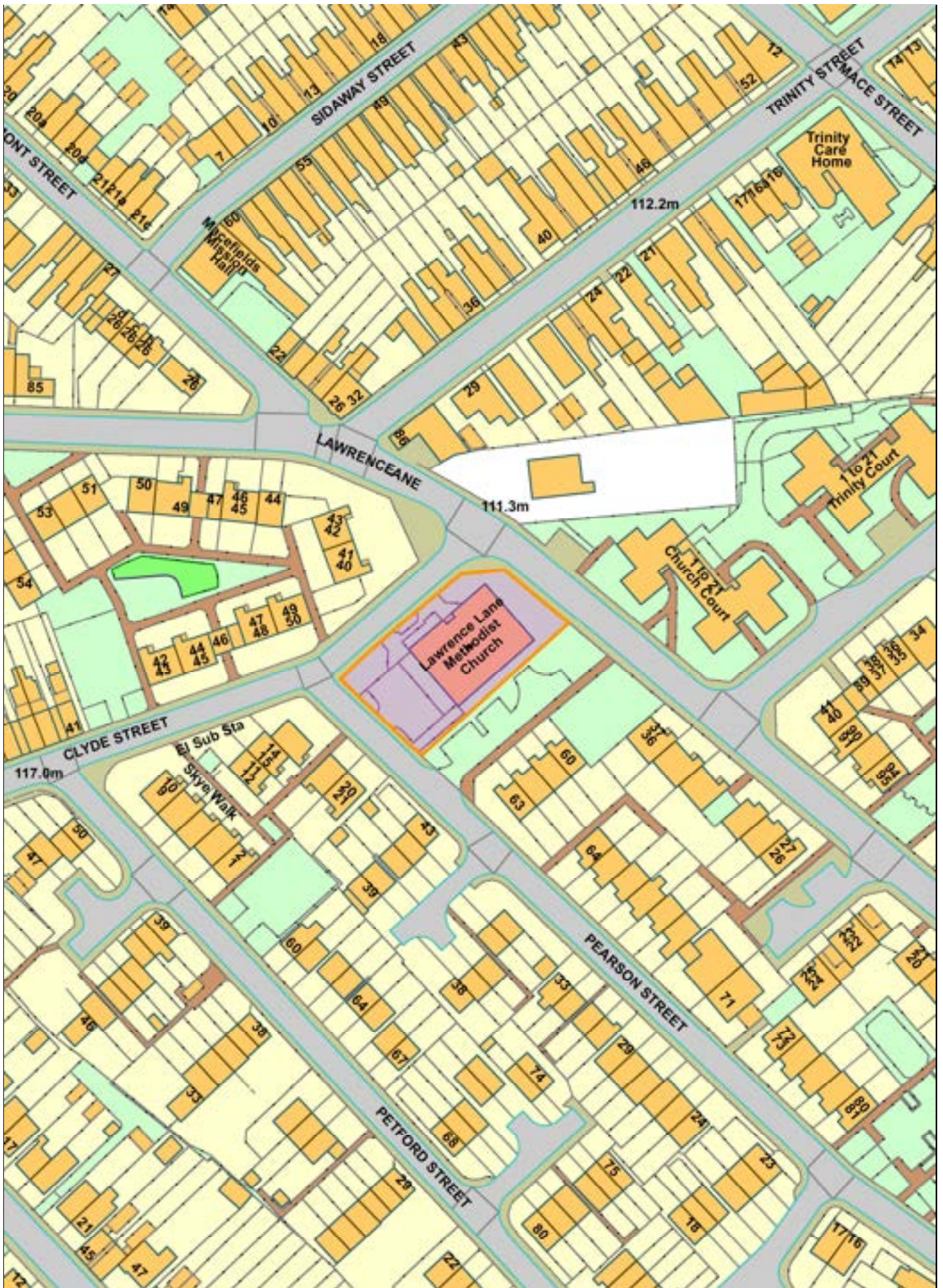
17. Appendices

Context plan

LLMC/5

LLMC/6



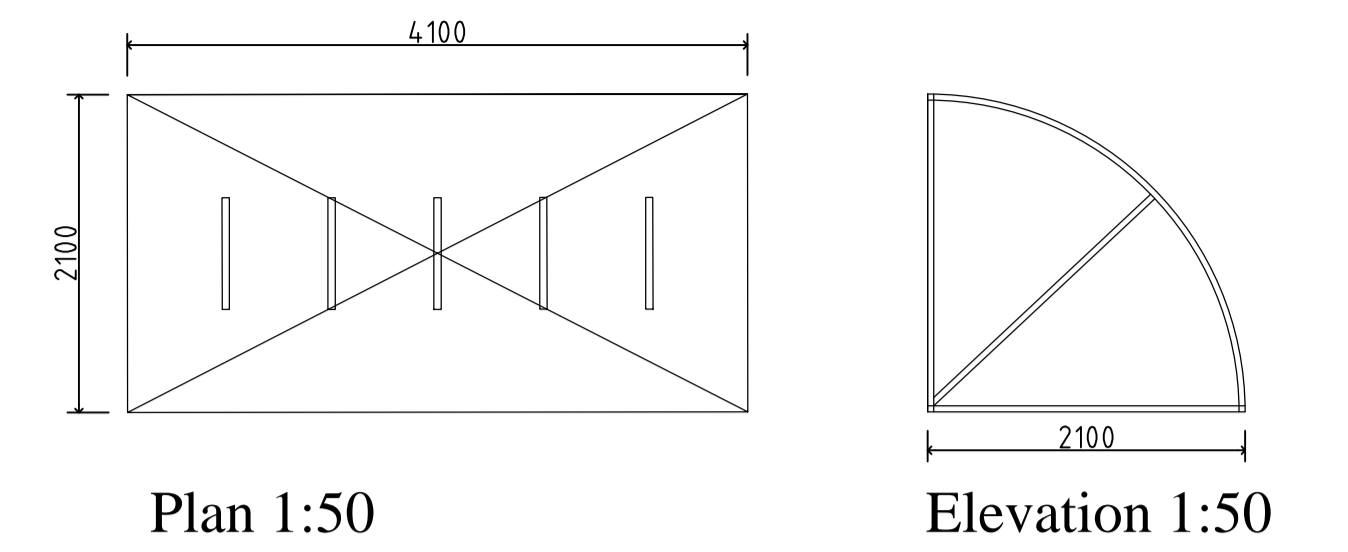


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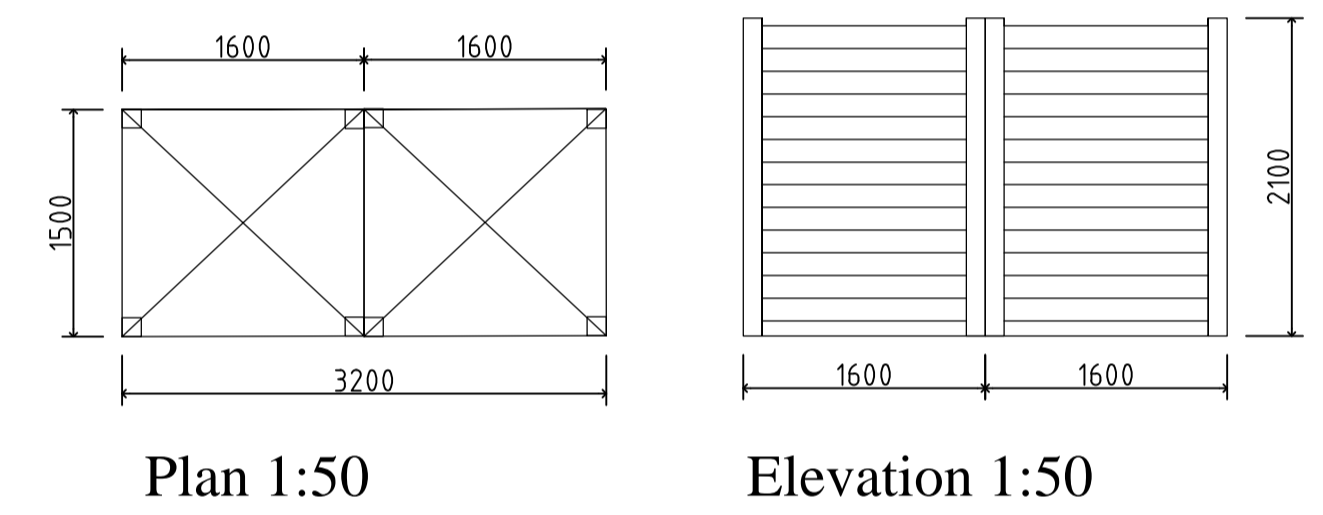
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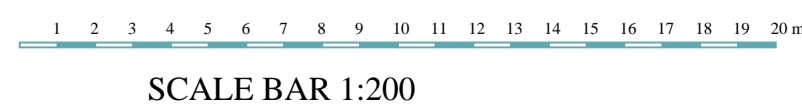
10 Person Bicycle Shelter



Bin Storage



SITE PLAN 1:200



TITLE:	
Site Plans Lawrence Lane Methodist Church Lawrence Lane Cradley Heath B64 6EU	
DRAWING NO.	REV:
LLMC/6	-
DATE:	
May 2023	
SCALE:	
1:200 & 1:1250	

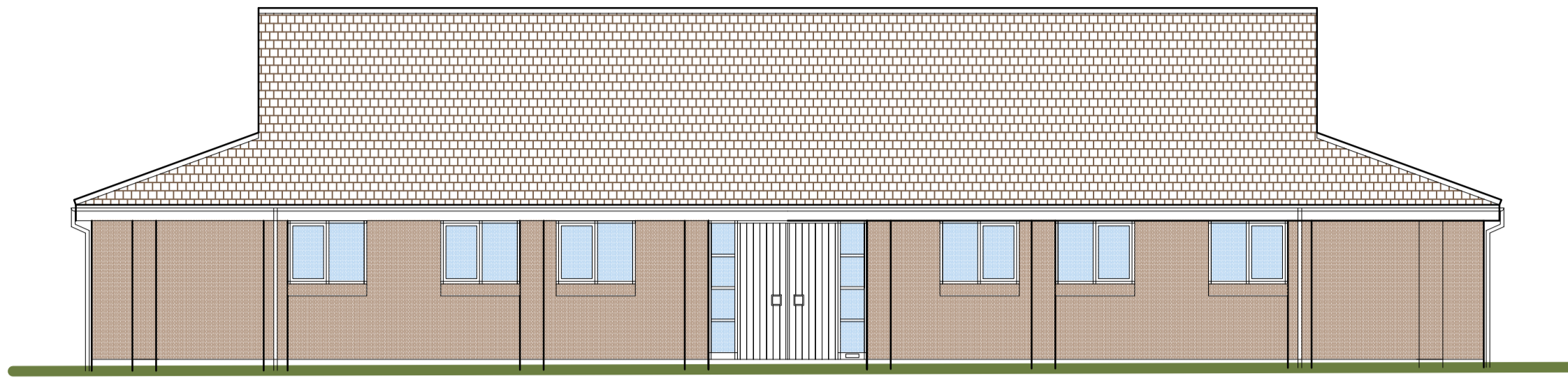
NCR ARCHITECTURAL DESIGN & TOWN PLANNING

1st & 2nd Floors
 34 Lower High Street
 Stourbridge
 West Midlands
 DY8 1TA

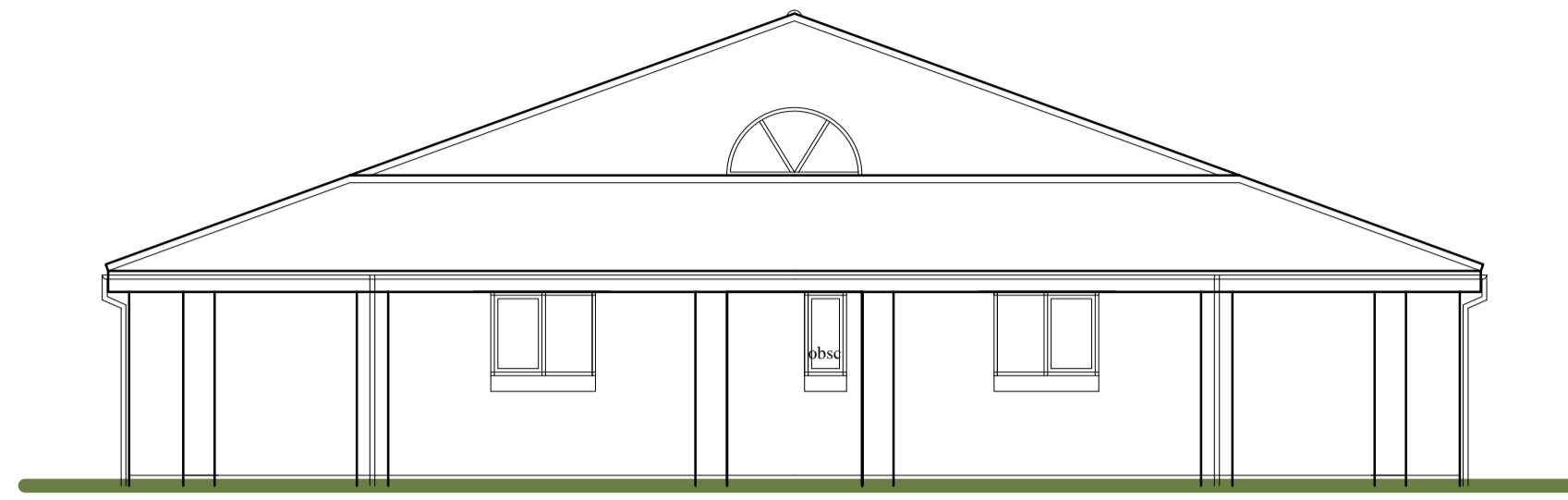
Mob : 07956 805316 neilranford@btinternet.com

Proposed Plans & Elevations - 9 Studio Apartments
 Lawrence Lane Methodist Church, Cradley Heath B64 6EU

Page 123



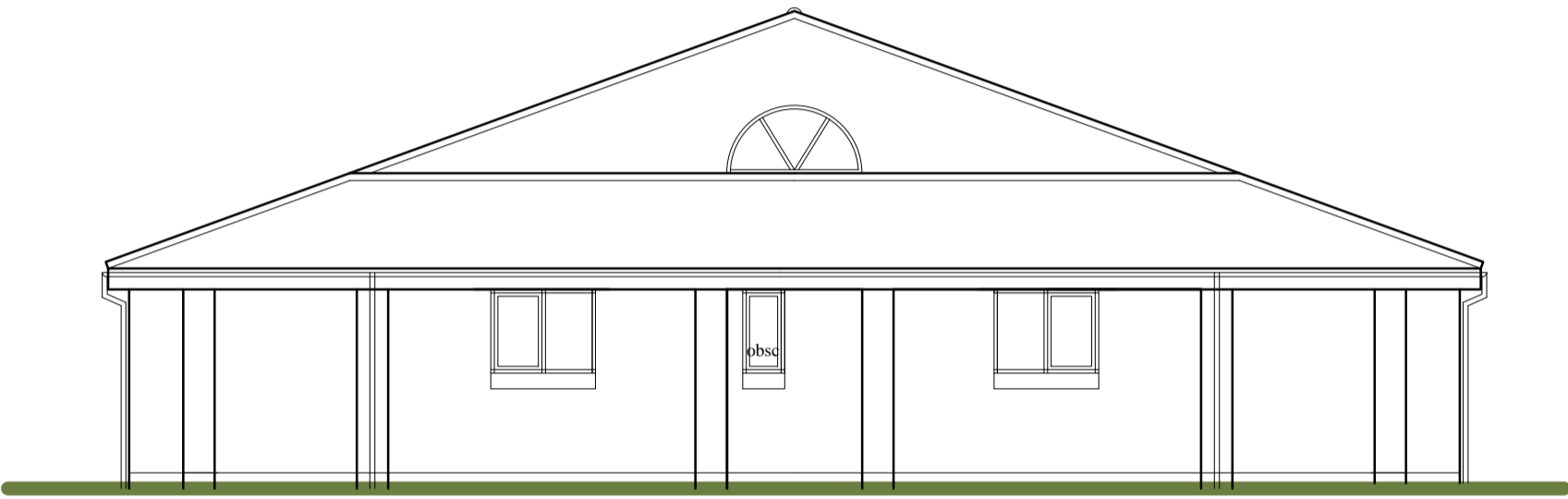
FRONT ELEVATION 1:100



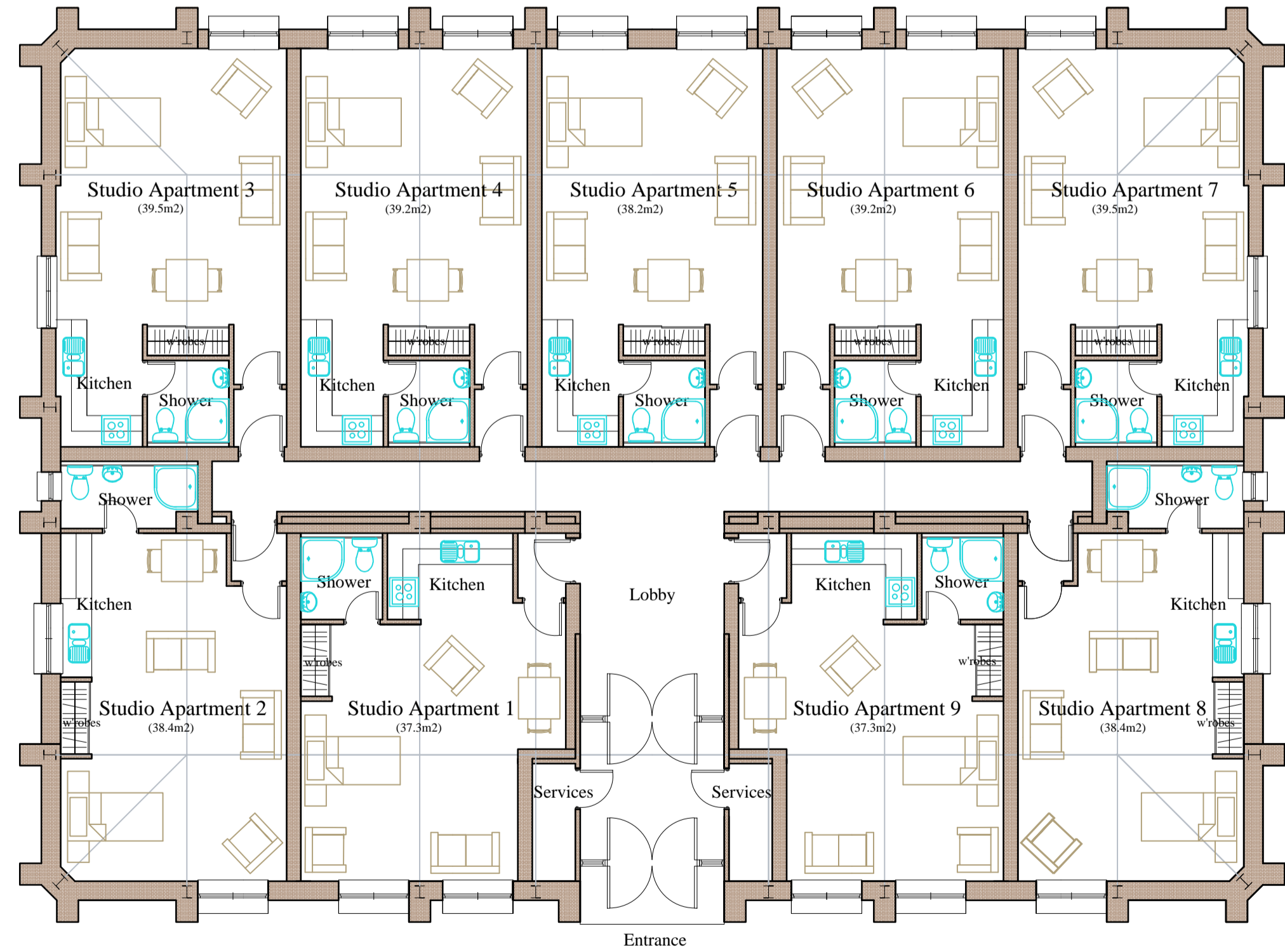
SIDE ELEVATION 1:100



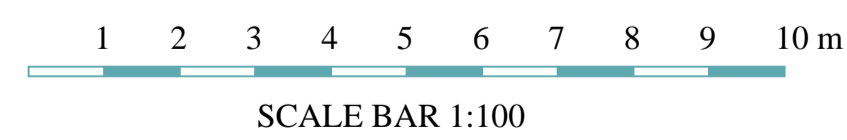
REAR ELEVATION 1:100



SIDE ELEVATION 1:100



GROUND FLOOR PLAN 1:100
 (428m²)



TITLE:
 Proposed Plans & Elevations
 Lawrence Lane Methodist Church
 Lawrence Lane
 Cradley Heath
 B64 6EU

DRAWING NO. LLMC/5 REV: -

DATE: May 2023

SCALE: 1:100

NCR ARCHITECTURAL DESIGN & TOWN PLANNING

1st & 2nd Floors
 34 Lower High Street
 Stourbridge
 West Midlands
 DY8 1TA

Mob : 07956 805316 neilranford@btinternet.com

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Report to the Planning Committee

26 July 2023

Subject:	Decisions of the Planning Inspectorate
Director:	Director – 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 Planning Committee notes the decisions of the Planning Inspectorate as detailed in the attached appendices.

2 Reasons for Recommendations

- 2.1 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.

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 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.
- 4.2 Appeals must be submitted within 3 months (householder proposals) six months (commercial developments) of the date of the local authority's decision notice.
- 4.3 Decisions on the following appeals are reported, with further detailed set out in the attached decision notice:-

Application Ref	Site Address	Inspectorate
DC/22/67549	68 Myvod Road Wednesbury WS10 9QE	Allowed
DC/22/67022	Lock up garages to rear of 128 Dog Kennel Lane Oldbury B68 9NA	Allowed

5 Alternative Options

5.1 There are no alternative options.

6 Implications

Resources:	There are no direct implications in terms of the Council's strategic resources. 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.
Legal and Governance:	The Planning Committee has delegated powers to determine planning applications within current Council policy. 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
Risk:	There are no risks associated with this report.
Equality:	There are no equality implications associated with this report.
Health and Wellbeing:	There are no health and wellbeing implications associated with this report.
Social Value	There are no implications linked to social value with this report.
Climate Change	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.

7. Appendices

APP/G4620/D/23/3316677

APP/G4620/W/23/3315160



Appeal Decision

Site visit made on 16 May 2023

by **F Rafiq BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 June 2023

Appeal Ref: APP/G4620/W/23/3315160

Lock up garages to rear of 128 Dog Kennel Lane, Oldbury, Sandwell B68 9NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Amir Aslam against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref: DC/22/67022, dated 8 May 2022, was refused by notice dated 8 August 2022.
 - The development proposed is the change of use for storage of vehicle stock and raising of roof height and alterations to existing lock up garages.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use for storage of vehicle stock and raising of roof height and alterations to existing lock up garages at Lock up garages to rear of 128 Dog Kennel Lane, Oldbury, Sandwell B68 9NA in accordance with the terms of the application, Ref DC/22/67022, dated 8 May 2022, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development was amended during consideration of the application subject of this appeal to include reference to the change of use to storage of vehicle stock. The appellant however raises concerns on the inclusion of the reference to 'associated with car sales'. I have utilised part of the description of development from the decision notice which includes reference to the change of use but have removed that part referencing car sales as the description without this adequately describes the appeal proposal before me.
3. At the time of my site visit, it was clear that a number of lock up garages had been combined and vehicles were being stored within them. Although I was able to see a number of roller shutters, the development otherwise reflected the drawings before me. For clarity, I have dealt with the appeal based on the submitted plans.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area,
 - the living conditions of surrounding residential occupiers with regard to noise and disturbance, and

- highway safety.

Reasons

Character and Appearance

5. The appeal site comprises of a group of lock-up garages, situated to the rear of buildings on Dog Kennel Lane and Warley Road. Although the properties situated on these two roads are predominantly residential, there is a Petrol Filling Station and a wide range of commercial uses nearby on Londonderry Road. This gives the area a mixed character, where in addition to the variation in the uses, there is variety in the style and design of buildings.
6. The Council has not raised concerns on the proposed physical alterations to provide 5 garages, including the increase in height. Given their single storey form and the presence of other garages and outbuildings in nearby garden areas, I consider that the appeal development assimilates with the surrounding built form.
7. The appeal site previously served as domestic residential parking and is surrounded on three sides by residential gardens. However, given the close proximity of the Petrol Filling Station, which the appeal site also shares an access point with, and the mixed character of the area, the proposed storage use, would not be harmful to the character and appearance of the area.
8. I therefore conclude that the appeal development does not have a detrimental impact on the character and appearance of the area. As such, it would not conflict with of Policy ENV3 of the Black Country Core Strategy (Core Strategy) or Policy SAD EOS 9 of The Site Allocations and Delivery Development Plan Document (SAD DPD), which seek, amongst other matters, high quality design. It is not contrary to the National Planning Policy Framework (Framework) which seeks development that is sympathetic to local character.

Living Conditions

9. The commercial storage use subject of this appeal would differ from the use of the site as lock up garages. Although the 10 lockup garages would likely have been used as domestic residential parking, the Council has not disputed their unrestricted nature, in terms of the timing of operations, or what could be stored within them.
10. Nevertheless, the proposal comprises of five modestly sized garages and a storage unit on the footprint of the previous lock-up garages. The Council has raised concerns on lack of supporting information on the scale of the operation, but given the size and number of garages, I do not consider that the effects of noise, including from comings and goings are unduly harmful, particularly given the presence of the adjacent Petrol Filling Station which generates regular vehicle movements. This would be subject to controlling the hours of operation and is a matter which can be addressed by condition.
11. I therefore conclude that the appeal development does not harm the living conditions of surrounding residential occupiers, with regards to noise and disturbance. As such, there is no conflict with Policy ENV3 of the Core Strategy, Policy SAD EOS 9 of the SA DPD or Paragraph 130 of the Framework, which seek, amongst other matters, development that is of a high quality and a high standard of amenity for existing and future users.

Highway Safety

12. I note the disagreement between the main parties on the provision of information relating to vehicle movements. Having regard to the scale of the appeal proposal, which comprises of 5 garages, as well as the nature of the appeal use which seeks to provide storage, I consider that the number of vehicle movements to and from the site would be limited, particularly when considered in light of the 10 lock up garages that the proposal seeks to replace.
13. The proposal utilises an existing access from Dog Kennel Lane and the existing gates, which are not proposed to change, and are set well back from the highway. I do not therefore consider that vehicles would be required to queue or wait on the footway or carriageway.
14. On my site visit, I was able to see adequate space for cars to enter and turn within the appeal site. The appellant has set out that a flat bed or low loader are not used to take vehicles to or from the site. I have been provided with photographs by neighbouring residents which show a vehicle transporter. It is not clear where these photographs have been taken from or whether this vehicle transporter was delivering to or collecting vehicles from the appeal site. In the absence of conclusive evidence and based on the appellant's submissions, I consider the servicing arrangements would be adequate.
15. Whilst I note concerns that have been expressed in relation to pedestrian safety, given that vehicles are able to enter and leave in forward gear, and based on my site observations of visibility along the footway, I do not consider the use of the existing access by the appeal storage use is detrimental to pedestrian safety.
16. Given the above, I conclude that the appeal development does not have an unacceptable adverse impact on highway safety. It does not conflict with Policy SAD EOS 9 of the SA DPD or Paragraph 111 of the Framework, which set out, amongst other matters, that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.

Other Matters

17. The Council has referenced planning permissions at the appeal site, but those permissions differed to the proposal before me in that they related to a change of use to provide parking in relation to a retail store on Londonderry Road. I have determined this appeal accordingly on its own merits.
18. Reference has been made to various private rights of way, but planning is concerned with land use in the public interest and these matters are outside the scope of this appeal as are those relating to the structural aspects of the development which are covered by other legislation. I have taken into account all other matters, including those relating to property values, the need for the proposal and the presence of other garages, but none of these matters would outweigh my conclusions on the main issues. Other concerns have been raised relating to car sales and repair, but this appeal proposal relates to the storage of vehicles and any departure would be a matter for the Council.

Conditions

19. I have considered the conditions suggested by the main parties, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended the wording of those suggested as appropriate.
20. A condition is necessary to ensure the development is carried out in accordance with the submitted details as is a condition to limit the hours of the use in the interests of surrounding residential occupiers living conditions. A management plan condition is necessary for the same reason and in the interests of highway safety. This would address a number of matters within the suggested conditions by the appellant.

Conclusion

21. The proposed development would accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No: 001 (Existing Layouts), Drawing No: 002 (Proposed Layouts) and Drawing No: 003 (Proposed Site Location Plan / Block Plan).
- 2) The use hereby permitted, including deliveries to and from the site shall only take place between the following hours: 0800 and 1800 Monday-Saturday, and 0900 and 1300 on Sundays or Public Holidays.
- 3) Within 3 months of the date of this permission, a Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Management Plan shall provide details of the maximum vehicle movements associated with the site (am/pm) entering and exiting the site, the mode of delivery of vehicles to the site, security details and the maximum number of staff operating from the site along with allocated vehicle parking for staff within the site. The use shall thereafter proceed in full accordance with this approved Management Plan.

End of Conditions



Appeal Decision

Site visit made on 12 June 2023

by **N McGurk BSc (Hons) MCD MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th July 2023

Appeal Ref: **APP/G4620/D/23/3316677**

68 Myvod Road, Wednesbury, Sandwell, WS10 9QE

- 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 Ms Vikki Whitehouse against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/22/67549, dated 26 September 2022, was refused by notice dated 2 December 2022.
 - The development proposed is a double storey side extension and loft conversion with rear dormer.
-

Decision

1. The appeal is allowed and planning permission is granted for a double storey side extension and loft conversion with rear dormer at 68 Myvod Road, Wednesbury, Sandwell, WS10 9QE in accordance with the terms of the application Ref DC/22/67549, dated 26 September 2022 and in accordance with the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision;
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: ED22-0630PB (Site/Block Plan); ED22-063-03 (Proposed Floor Plan) and ED22-063-04 Rev A (Proposed Elevation Plans).

Main Issue

2. The main issue in this case is the effect of the proposed development on the living conditions of neighbouring occupiers with regards to outlook.

Reasons

3. The appeal property is a two storey semi-detached dwelling. Whilst generally a main road, Myvod Road in this location includes the cul-de-sac along which the appeal property is sited.
-

4. The appeal property is situated such that the side of the dwelling faces towards the rear of dwellings along the main road and its rear garden backs onto the rear gardens of those dwellings.
5. The appeal property is located in a residential area largely characterised by the presence of two storey semi-detached and terraced dwellings. Dwellings tend to be set back behind front gardens and/or parking areas and have longer gardens to the rear.
6. During my site visit, I observed that many dwellings in the area have been altered and/or extended and that these changes generally appear in keeping with host properties and their surroundings. Further, I also noted that, due to the juxtaposition of houses located along the main Mynod Road and along the side roads that include the cul-de-sac within which the appeal property is located, the rear windows of dwellings look out over, towards and across neighbouring gardens from close proximity.
7. The proposed development would extend the appeal dwelling to its northern boundary at two storey height and would include a dormer that would be set away from this northern boundary.
8. Whilst the proposal would close a gap to the side of the appeal dwelling, it would only project a small distance relative to the overall width of the dwelling. Further, whilst the rear of the dwelling directly to the north of the appeal property has been extended to the rear at ground floor and at roof level, I find that there would still be considerable garden space between the rear elevation of this neighbouring dwelling and the proposed development.
9. Consequently, whilst the proposal would bring the built form of the appeal dwelling closer to the rear of this neighbouring dwelling, it would do so in a manner that would not appear overbearing to any harmful extent. In this regard, I am mindful that the proposed development would be set back slightly from the front elevation and would not extend any further than the existing rear elevation of the appeal dwelling. Consequently, it would be no greater in depth – and would be slightly less deep – than the existing dwelling.
10. Further to the above, during my site visit I noted that there are two clear-glazed windows and one obscure-glazed window to the north-facing side of the appeal property. These face directly towards the rear of the dwelling immediately to the north. The proposed development would not include any windows to the northern elevation of the appeal dwelling and I note that this change brings with it the potential to benefit the privacy of neighbours.
11. The proposed development would not result in any significant change in respect of the appeal property's relationship with other dwellings. It would result in part of the dwelling appearing a little closer to other neighbouring dwellings to the north, but the proposal would be seen above existing boundaries and outbuildings and would be separated from these dwellings by the presence of considerable garden space.
12. The Council's Revised Residential Design Supplementary Planning Document (SPD) (2014) recommends minimum gaps between neighbouring elevations. However, in this specific case, I consider that the circumstances relating to this proposal are such that it would not result in such harm as to justify dismissal of

this appeal. I note that whilst the SPD provides important design guidance, it provides guidance rather than policy requirements to be slavishly adhered to.

13. Taking all of the above into account, I find that the proposed development would not harm the living conditions of neighbouring occupiers with regards to outlook and it would not be contrary to the National Planning Policy Framework, to Core Strategy¹ Policy ENV3; or to SADDPD² Policy EOS9, which together amongst other things, seek to protect residential amenity.

Conditions

14. I have considered the conditions suggested by the Council against the tests set out in Paragraph 56 of the Framework. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.

15. A condition controlling external surfaces is necessary in the interests of local character.

Other Matters

16. Objections to the proposal were received from neighbours on grounds of its effects on privacy and noise and disturbance. In determining the application the subject of this appeal, the Council considered these matters but did not refuse the application on the grounds of privacy or noise and disturbance.

Conclusion

17. For the reasons given above, the appeal succeeds.

N McGurk

INSPECTOR

¹ Reference: Black Country Core Strategy (2011).

² Reference: Sandwell Site Allocations and Delivery Development Plan Document (2012).

Report to the Planning Committee

26 July 2023

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 Governance:	The Director – Regeneration and Growth has taken 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 Wellbeing:	There are no health and wellbeing implications associated with this report.
Social Value	There are no implications linked to social value with this report.
Climate Change	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.

7 Appendices

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

SANDWELL METROPOLITAN BOROUGH COUNCIL
PLANNING COMMITTEE

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

REPORT FOR INFORMATION PURPOSES ONLY

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/22/67827 Soho & Victoria	Cape Hill Post Office 91 Cape Hill Smethwick B66 4SD	Proposed retention of post office to ground floor, change of use of first floor offices to residential with 3 storey rear extension and addition of a new second floor to create 6 No. self-contained apartments and 1 No. office at ground floor with parking, bike store and associated works (Revision to refused planning permission DC/22/67286).	Refuse permission 7th July 2023
DC/23/67945 Oldbury	Hiana House 141 Tat Bank Road Oldbury B69 4NH	Retrospective change of use from offices to place of worship with youth club and cafe.	Refuse permission 12th July 2023
DC/23/68042 Old Warley	4 Oak Road Oldbury B68 0BE	Proposed single and two storey rear extension with dormer to rear, first floor side and front extension, and porch and canopy to front (amendment to previously refused application DC/22/67692).	Grant Permission with external materials 5th July 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68043 Cradley Heath & Old Hill	43 Haden Park Road Cradley Heath B64 7HF	Proposed raising of roof height for loft extension with rear dormer and 2 No. roof lights to the front.	Grant Permission with external materials 23rd June 2023
DC/23/68083 Tipton Green	67 Castle Road Tipton DY4 8DZ	Proposed single and two storey side and rear extensions, and new porch with balcony above.	Grant Permission with external materials 21st June 2023
DC/23/68106 Charlemont With Grove Vale	150 Beaconview Road West Bromwich B71 3NS	Proposed modular access ramp.	Grant Permission 21st June 2023
DC/23/68114 West Bromwich Central	25 Bassett Crescent West Bromwich B71 4DU	Proposed single storey rear/side extension.	Grant Permission with external materials 5th July 2023
DC/23/68132 Great Barr With Yew Tree	114 Cherry Tree Avenue Walsall WS5 4JL	Proposed single storey front extension with canopy above.	Grant Permission with external materials 14th June 2023
DC/23/68146 Charlemont With Grove Vale	162 - 164 Walsall Road West Bromwich B71 3HP	Proposed subdivision of existing hot food takeaway into an additional retail shop (Class E(b)).	Grant Permission Subject to Conditions 12th July 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68158 Old Warley	26 Barston Road Oldbury B68 0PS	Pursuant to the approval of planning application DC/22/67746 (first floor side extension and loft conversion with rear dormer window), proposed change of use from dwelling to residential home for up to 3 No. young people aged between 8 and 18 years old.	Refuse permission 21st June 2023
DC/23/68161 Old Warley	132 Apsley Road Oldbury B68 0QU	Retention of outbuilding in rear garden.	Grant Retrospective Permission 30th June 2023
DC/23/68167 Wednesbury South	31 Ebenezer Street West Bromwich B70 0JB	Demolition of rear extension and proposed single storey rear and side extension.	Grant Permission with external materials 12th July 2023
DC/23/68172 Tipton Green	Groundwork West Midlands Environmental Business Services Groundwork Environment Centre Dolton Way Tipton DY4 9AL	Proposed storage building.	Grant Permission Subject to Conditions 14th June 2023
DC/23/68177 Blackheath	17 Highmoor Road Rowley Regis B65 8DJ	Proposed access platform lift to front.	Grant Permission 23rd June 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68178 Blackheath	First Floor 135 High Street Rowley Regis B65 0EE	Retrospective change of use from 1 No. self- contained flat into 2 No. self-contained flats.	Grant Conditional Retrospective Consent 21st June 2023
PD/23/02379 Newton	38 Stanton Road Great Barr Birmingham B43 5HA	Proposed single storey rear extension measuring: 4.00m L x 3.60m H (2.70m to eaves)	P D Householder not required 15th June 2023
DC/23/68188 Wednesbury North	13 Hobs Road Wednesbury WS10 9BD	Retention of use from dwelling (Class C3) to serviced accommodation (Class C1).	Grant Conditional Retrospective Consent 28th June 2023
DC/23/68189 Soho & Victoria	269 Bearwood Road Smethwick B66 4NA	Proposed part change of use at ground floor rear and first/second floors to 6 No. bedroom HMO (House in multiple occupation) and fencing to side boundary	Grant Conditional Retrospective Consent 12th July 2023
DOC/23/00588 Wednesbury South	Land And Buildings At 43 To 69 St Vincent Crescent West Bromwich	Proposed discharge of conditions 4, 7a, 8a, 10a, 11a and 12a of planning permission DC/22/67815.	Partial Discharge 15th June 2023
DC/23/68197 Great Bridge	68 Tame Road Tipton DY4 7HU	Proposed single storey outbuilding to rear.	Grant Permission Subject to Conditions 19th June 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68198 West Bromwich Central	36 Kiniths Way West Bromwich B71 4BP	Proposed outbuilding with garage in rear garden.	Refuse permission 16th June 2023
DC/23/68204 Greets Green & Lyng	34 Westbourne Road West Bromwich B70 8LD	Proposed two storey rear extension.	Grant Permission with external materials 16th June 2023
DC/23/68206 Newton	48 Green Lane Great Barr Birmingham B43 5LE	Proposed single storey side and rear extension, loft conversion and rear dormer window.	Grant Permission Subject to Conditions 19th June 2023
DC/23/68207 Wednesbury South	The Britannia Inn 119 Dial Lane West Bromwich B70 0EF	Retention of storage and bin store.	Grant Retrospective Permission 23rd June 2023
DC/23/68210 Bristnall	18 Wyton Avenue Oldbury B68 9DZ	Proposed single storey rear extension.	Grant Permission with external materials 14th June 2023
DC/23/68213 Bristnall	2 Aldridge Close Oldbury B68 9NY	Retention of single storey rear/side extension.	Grant Retrospective Permission 14th June 2023
DOC/23/00597 West Bromwich Central	Sandwell Valley Country Park/Swan Pool Park Lane West Bromwich	Proposed discharge of conditions 4a, 4b, 7a, 7b, 8a, 8b, 9a and 9b of planning permission DC/22/67525.	Partial Discharge 27th June 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68217 Princes End	1 Parkes Lane Tipton DY4 9JG	Proposed outbuilding to rear.	Grant Permission with external materials 19th June 2023
DC/23/68218 Wednesbury South	19 Siddons Way West Bromwich B70 0RX	Proposed single storey rear/side extension.	Grant Permission with external materials 28th June 2023
DC/23/68219 West Bromwich Central	69 Arthur Street West Bromwich B70 6NR	Proposed single storey rear/side extension.	Grant Permission with external materials 28th June 2023
DC/23/68222 Rowley	52 Highland Road Cradley Heath B64 5NE	Proposed single storey side extension.	Grant Permission with external materials 19th June 2023
DC/23/68225 Tividale	186 Wallace Road Oldbury B69 1HU	Proposed single storey rear/side bedroom and shower room extension.	Grant Permission with external materials 27th June 2023
DC/23/68226 Hateley Heath	115 Bedford Road West Bromwich B71 2RT	Proposed loft conversion with dormer to rear for bedroom and en-suite (Lawful Development Certificate).	Grant Lawful Use Certificate 5th July 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68227 Rowley	28 Farm Road Rowley Regis B65 8ER	Proposed alterations to front garden to include a new driveway and wall.	Grant Permission with external materials 10th July 2023
DC/23/68237 Smethwick	43 Milton Road Smethwick B67 7HT	Retention of fencing and retaining walls to front, side and rear gardens with reduction in ground levels (resubmission of DC/22/67340).	Grant Retrospective Permission 30th June 2023
PD/23/02385 Princes End	37 Salter Road Tipton DY4 9QH	Proposed single storey rear extension measuring: 3.30m L x 3.60m H (2.60m to eaves)	P D Householder not required 15th June 2023
PD/23/02386 Newton	145 Jayshaw Avenue Great Barr Birmingham B43 5RX	Proposed single storey rear extension measuring: 6.00m L x 2.95m H (2.95m to eaves).	P D Householder not required 14th June 2023
PD/23/02387 Wednesbury North	27 Meryhurst Road Wednesbury WS10 9BX	Proposed single storey rear extension measuring: 6:0m L x 3.6m (2.6m to eaves)	P D Householder not required 15th June 2023
DC/23/68229 Oldbury	Unit 11 Percy Business Park Rounds Green Road Oldbury B69 2RD	Proposed mezzanine floor for office space to support existing industrial use (Class B).	Grant Permission 10th July 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68233 West Bromwich Central	Intersection House 110 Birmingham Road West Bromwich	Proposed variation of condition 1 of planning permission DC/22/67300 (Proposed external alterations) - amendment to elevations.	Grant Permission 23rd June 2023
DC/23/68234 Wednesbury North	105 Lime Road Wednesbury WS10 9NF	Proposed single storey side and rear extension.	Grant Permission with external materials 28th June 2023
DC/23/68238 Soho & Victoria	5 Pritchard Close Smethwick B66 3PT	Proposed ramp with handrail to front and alterations to front door.	Grant Permission 21st June 2023
DC/23/6847A Wednesbury North	2 Gallagher Retail Park Axletree Way Wednesbury WS10 9QY	Proposed replacement of 2 no. LED flexface signs with 2 no. new LED flexface signs.	Grant Advertisement Consent 27th June 2023
PD/23/02389 Oldbury	Telecommunications Mast SWL25567 Opposite 64-66 Tat Bank Road Oldbury	Proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.	Prior Approval is Required and Granted 21st June 2023
PD/23/02390 West Bromwich Central	18 Guns Lane West Bromwich B70 9HG	Proposed single storey rear extension measuring: 4.63m L x 4.0m H (3.0m to eaves)	P D Householder not required 15th June 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
PD/23/02391 Oldbury	Black Country House 10 Rounds Green Road Oldbury	Proposed installation of 176 x 410W (66kWp) solar PV modules mounted to the north west roof areas.	P D Solar Panels not required 5th July 2023
DC/23/68241 Smethwick	51 Blackthorne Road Smethwick B67 6PY	Proposed formation of a rear dormer (Lawful Development Certificate).	Grant Lawful Use Certificate 28th June 2023
DC/23/68245 Smethwick	146 Sabell Road Smethwick B67 7PL	Proposed single storey side extension.	Refuse permission 10th July 2023
DC/23/68242 Langley	1A Titford Lane Rowley Regis B65 0PY	Demolition of existing building and proposed two storey building to contain 2 No. flats with associated parking. (previously approved application DC/17/61028).	Grant Permission Subject to Conditions 28th June 2023
DC/23/68243 Langley	113 Farm Road Oldbury B68 8RA	Proposed single storey rear, two storey side and single and two storey rear extensions.	Grant Permission Subject to Conditions 29th June 2023
DC/23/68244 St Pauls	9 Avery Myers Close Oldbury B68 8JT	Proposed two storey side and single storey rear extensions (amendment to previously refused application DC/22/672850).	Grant Permission Subject to Conditions 23rd June 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68246 Oldbury	Unit Oldbury Green Retail Park Oldbury Ringway Oldbury B69 3DD	Proposed change of use from retail (Class E(a)) to restaurant (Class E(b)) with hot food takeaway (Sui Generis).	Grant Permission Subject to Conditions 23rd June 2023
DC/23/68247 Soho & Victoria	52 Cape Hill Smethwick B66 4PB	Proposed first floor rear extension to create two apartments, external alterations to rear and cycle parking.	Grant Permission Subject to Conditions 10th July 2023
DC/23/68248 Blackheath	63 Grange Road Cradley Heath B64 6RU	Proposed self-contained annexe to rear (Revision to refused planning permission DC/22/67757).	Grant Permission Subject to Conditions 3rd July 2023
DC/23/6848A Soho & Victoria	Land To The Rear Of 49 Cranford Street Smethwick B66 2RT	Proposed single digital billboard.	Grant Conditional Advertisement Consent 27th June 2023
PD/23/02393 Princes End	Telecommunications Mast SWL26976 Land Adjacent 15 Wednesbury Oak Road Tipton	Proposed 16m high monopole and cabinets.	Prior Approval is Required and Granted 14th June 2023
PD/23/02394 Greets Green & Lyng	Telecommunications Mast SWL24212 Junction Lyttleton Street/Bromford Lane West Bromwich	Proposed 15.0m high phase 8 monopole and associated ancillary works.	Prior Approval is Required and Granted 23rd June 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68251 Rowley	Land To Side Of 103 Throne Road Rowley Regis B65 9JX	Proposed variation of condition 1 of planning permission DC/20/64720 (Proposed demolition of garage and erection of 1 No. 3 bed detached dwelling with parking and landscaping) to increase roof height, loft conversion to accommodate third bedroom with rear dormer window.	Grant Permission Subject to Conditions 28th June 2023
DC/23/68254 Oldbury	Alutrade Limited Langley Forge House Tat Bank Road Oldbury B69 4NH	Proposed refurbishment of existing building to include new roof with velux roof lights, internal mezzanine floor, external alterations to include new windows and access ramp.	Grant Permission 5th July 2023
DC/23/68255 Wednesbury North	7 Knowles Street Wednesbury WS10 9HN	Proposed single storey side and rear extension.	Grant Permission with external materials 23rd June 2023
DC/23/68256 Smethwick	300 Queens Road Smethwick B67 6PE	Proposed first floor side extension.	Grant Permission with external materials 3rd July 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68257 Oldbury	10 Lower City Road Tivdale Oldbury B69 2HA	Proposed single storey front extension.	Grant Permission with external materials 12th July 2023
DC/23/68258 Bristnall	48 Brookfields Road Oldbury B68 9QT	Proposed front porch extension.	Grant Permission with external materials 21st June 2023
DC/23/68259 Wednesbury North	6 Willow Avenue Wednesbury WS10 9LZ	Proposed single and two storey side and rear extension, and front canopy (Previous application DC/23/68035).	Grant Permission with external materials 21st June 2023
DC/23/68261 Bristnall	22 Silverlands Avenue Oldbury B68 8EQ	Proposed single storey rear extension (amendment to previously refused application DC/23/67983).	Grant Permission with external materials 21st June 2023
DC/23/6849A Greets Green & Lyng	Storage King Business Park Great Bridge Street West Bromwich B70 0XA	Proposed 9 No. internally-illuminated fascia signs, 2 No. non- illuminated fascia signs and 1 no. totem sign.	Grant Conditional Advertisement Consent 3rd July 2023
PD/23/02397 Hateley Heath	9 Rutland Road West Bromwich B71 1JP	Proposed single storey rear extension measuring: 5.00m L x 3.80m H (2.40m to eaves).	P D Householder not required 14th June 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
PD/23/02398 St Pauls	18 Brian Road Smethwick B67 7LG	Proposed single storey rear extension measuring: 6.00m L x 4.00m H (3.00m to eaves)	P D Householder not required 14th June 2023
DOC/23/00606 Greets Green & Lyng	Land At Brandon Way West Bromwich B70 8JL	Proposed discharge of condition 10 of planning permission DC/21/66365.	Discharged 30th June 2023
PD/23/02399 Wednesbury South	20 Cherry Lane, Wednesbury, WS10 0BN.	Proposed single storey rear extension measuring: 4.00m L x 3.30m H (3.00m to eaves).	P D Householder not required 14th June 2023
DOC/23/00607 West Bromwich Central	Edward Street Hospital Edward Street West Bromwich B70 8NL	Proposed discharge of conditions 3a and 4a of planning permission DC/22/66849.	Partial Discharge 30th June 2023
DC/23/68273 Great Barr With Yew Tree	48 Holly Wood Great Barr Birmingham B43 6EJ	Proposed single storey rear/side extension.	Grant Permission with external materials 10th July 2023
DC/23/68274 Abbey	26 Pargeter Road Smethwick B67 5HY	Proposed single storey side and rear extension.	Grant Permission with external materials 28th June 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68275 Bristnall	46 Landswood Road Oldbury B68 9QE	Proposed single and two storey extensions to side and rear.	Grant Permission with external materials 30th June 2023
DC/23/68278 St Pauls	62 West Park Road Smethwick B67 7JH	Retention of two/single storey front and single storey side/rear extensions, raising roof height of single storey front extension, pitched roof above existing bay window and rendering to front/side/rear. (Revision to approved planning permission DC/22/67332).	Grant Retrospective Permission 10th July 2023
DC/23/68281 Wednesbury North	Kentucky Fried Chicken Axletree Way Wednesbury WS10 9QY	Proposed single storey side/rear extension, replacement of refuse enclosure, increase of condenser units, and external alterations.	Grant Permission Subject to Conditions 7th July 2023
DC/23/68286 Langley	119 Parkfield Road Oldbury B68 8PT	Proposed single storey rear extension.	Grant Permission with external materials 23rd June 2023
PD/23/02401 Newton	314 Hamstead Road Great Barr Birmingham B43 5EH	Proposed single storey rear extension measuring: 6.00m L x 3.80m H (2.80m to eaves).	P D Householder not required 28th June 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68283 Abbey	47 Clifford Road Smethwick B67 5HJ	Proposed single storey side/rear extension.	Grant Permission with external materials 28th June 2023
PD/23/02403 Tipton Green	48 Jays Avenue Tipton DY4 8UZ	Proposed single storey rear extension measuring: 6.00m L x 4.00m H (2.80m to eaves)	P D Householder required and granted 28th June 2023
DC/23/68289 Tividale	BP Osprey Filling Station Wolverhampton Road Oldbury B69 2BH	Proposed demolition of car wash and creation of 7 No. EV chargers, 1 No. canopy, 3 No. jet wash bays, 1 No. air/water/vac machine, 1 No. sub- station and 1 No. plant room, relocation of vent stack and associated forecourt works.	Grant Permission Subject to Conditions 5th July 2023
DC/23/68290 Hateley Heath	160 Hydes Road West Bromwich B71 2EG	Proposed single and two storey side extension (amendment to previously approved application DC/22/67108).	Grant Permission with external materials 12th July 2023
DC/23/68291 Old Warley	50 Parsons Hill Oldbury B68 9BS	Proposed two/single storey side/rear extensions with new front porch and alterations to front canopy.	Grant Permission with external materials 5th July 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68292 Tividale	211 New Birmingham Road Tividale Oldbury B69 2JY	Proposed single storey side extension linking to existing rear garage with garage roof alterations.	Grant Permission Subject to Conditions 10th July 2023
DC/23/68293 St Pauls	112 Holly Lane Smethwick B67 7LA	Retention of part of a single storey rear extension measuring 2.9m (L) by 3.2m (W) (Revision to refused planning permission DC/23/67873).	Grant Conditional Retrospective Consent 12th July 2023
PD/23/02402 St Pauls	73 Wellesley Road Oldbury B68 8SA	Proposed single storey rear extension measuring: 4.22m L x 3.90m H (2.90m to eaves).	P D Householder not required 21st June 2023
PD/23/02405 Tipton Green	18 Sherwood Avenue Tipton DY4 8LG	Proposed single storey rear extension measuring: 6.00m L x 4.00m H (3.00m to eaves).	P D Householder required and refused 28th June 2023
PD/23/02407 Wednesbury South	38 Coles Lane West Bromwich B71 2QJ	Proposed single storey rear extension measuring: 4.00m L x 3.60m H (3.00m to eaves).	P D Householder not required 28th June 2023
DC/23/68303 Old Warley	4 Holly Road Oldbury B68 0AS	Single storey rear extension and garage conversion (Lawful Development Certificate).	Grant Lawful Use Certificate 10th July 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68309 Bristnall	69 Princess Road Oldbury B68 9PW	Proposed single storey front/side/rear extensions and front bay window with canopy (Revision to approved planning permission DC/20/64026).	Grant Permission with external materials 5th July 2023
PD/23/02408 Charlemont With Grove Vale	50 Sheldon Road West Bromwich B71 3DD	Proposed single storey rear extension measuring: 4.0m L x 4.00m H (2.90m to eaves).	P D Householder not required 28th June 2023
PD/23/02409 Hateley Heath	69 Canterbury Road West Bromwich B71 2LF	Proposed single storey rear extension measuring: 4.00m L x 3.60m H (2.90m to eaves)	P D Householder not required 7th July 2023
DC/23/68314 St Pauls	31 Lones Road West Bromwich B71 4LN	Proposed two storey side/rear and single storey rear extensions.	Grant Permission with external materials 7th July 2023
DC/23/68316 Bristnall	20 Kendal Rise Oldbury B68 8ER	Proposed single storey side extension.	Grant Permission with external materials 12th July 2023
PD/23/02410 West Bromwich Central	35 Kiniths Way West Bromwich B71 4BP	Proposed single storey rear extension measuring: 4.47m L x 3.23m H (2.69m to eaves)	P D Householder not required 28th June 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
PD/23/02411 Newton	3 Farlands Grove Great Barr Birmingham B43 5PY	Proposed rear extension measuring: 4.60m L x 3.10m H (2.20m to eaves).	P D Householder not required 28th June 2023
DC/23/6851A Great Barr With Yew Tree	341 Birmingham Road Great Barr Birmingham B43 7AP	Proposed digital billboard	Grant Conditional Advertisement Consent 28th June 2023
PD/23/02412 Charlemont With Grove Vale	35 Haywoods Farm West Bromwich B71 3QE	Proposed single storey rear extension measuring: 5.00m L x 3.60m H (2.80m to eaves)	P D Householder required and refused 5th July 2023
PD/23/02413 Friar Park	73 Manor Road Wednesbury WS10 0HT	Proposed single storey rear extension measuring: 6.00m L x 3.90m H (2.90m to eaves).	P D Householder required and refused 30th June 2023
PD/23/02414 Charlemont With Grove Vale	49 Sheldon Road West Bromwich B71 3DD	Proposed single storey rear extension measuring: 4.00m L x 3.70m H (2.70m to eaves)	P D Householder not required 30th June 2023
PD/23/02416 Newton	86 Green Lane Great Barr Birmingham B43 5LG	Proposed single storey rear extension measuring: 6.00m L x 3.10m H (2.75m to eaves)	P D Householder not required 5th July 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/6852A Oldbury	Unit F Oldbury Green Retail Park Oldbury Ringway Oldbury B66 3DD	Proposed 3 No. internally illuminated free standing signs, 6 No. internally illuminated fascia signs, 1 No. internally illuminated order canopy sign and height restrictor, 2 No. digital boards and 2 No. totem signs.	Grant Advertisement Consent 7th July 2023
DOC/23/00612 West Bromwich Central	1 Providence Place And Land Off Sandwell Road West Bromwich	Proposed discharge of condition 12a of planning permission DC/22/66501.	Discharged 5th July 2023
DC/23/68328 Smethwick	90 Rosefield Road Smethwick B67 6DZ	Retention of outbuilding at rear.	Grant Retrospective Permission 10th July 2023
PD/23/02417 Old Warley	82 Walton Road Oldbury B68 9DB	Proposed single storey rear extension measuring: 6.0m L x 4.0m H (2.7m to eaves).	P D Householder not required 5th July 2023
DC/23/68340 Smethwick	5 Awefields Crescent Smethwick B67 6PR	Proposed two and single storey rear extension.	Grant Permission with external materials 12th July 2023
PD/23/02418 Bristnall	24 Leahouse Road Oldbury B68 8PD	Proposed single storey rear extension measuring: 4.50m L x 3.20m H (2.975m to eaves).	P D Householder not required 12th July 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
PD/23/02423 Bristnall	101 Warley Road Oldbury B68 9SY	Proposed single storey rear extension measuring: 6.00m L x 2.95m H (2.95m to eaves)	P D Householder not required 10th July 2023
DC/23/68354 Rowley	3 Forest Drive Cradley Heath B64 5LW	Proposed two storey side extension.	Grant Permission with external materials 12th July 2023
PD/23/02429 Hateley Heath	259 Hydes Road West Bromwich B71 2EE	Proposed single storey rear extension measuring: 6.00m L x 3.80m H (2.60m to eaves)	P D Householder not required 10th July 2023
PD/23/02432 Old Warley	26 Shrublands Avenue Oldbury B68 0PP	Proposed single storey rear extension measuring: 4.50m L x 3.05m H (3.00m to eaves)	P D Householder not required 12th July 2023
PD/23/02434 Hateley Heath	7 Berkshire Close West Bromwich B71 2SJ	Proposed single storey rear extension measuring: 6.00m L x 3.21m H (3.00m to eaves)	P D Householder not required 12th July 2023
PD/23/02435 Wednesbury North	18 Dale Street Wednesbury WS10 7PJ	Proposed single storey rear extension measuring: 5.50m L x 3.90m H (2.60m to eaves)	P D Householder not required 10th July 2023
PD/23/02440 Great Bridge	108 Highfield Road Ocker Hill Tipton DY4 0QR	Proposed single storey rear extension measuring: 4.04m L x 2.99m H (2.95m to eaves).	P D Householder not required 12th July 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
PD/23/02441 Cradley Heath & Old Hill	Hayward (Stainless) Profiles Limited Woods Lane Cradley Heath B64 7AP	Proposed demolition of Units 5/5A/6A/8A/9/11/12 and 12A.	Grant Demolition Consent 7th July 2023