

# Agenda Planning Committee

**Wednesday 29 November 2023 at 5.00 pm  
in the Council Chamber, Sandwell Council House, Oldbury,**

- |          |   |         |
|----------|---|---------|
| <b>1</b> | <b>Apologies for Absence</b>  | 9 - 10  |
|          | To receive and apologies for absence.   |         |
| <b>2</b> | <b>Declarations of Interest</b>   | 11 - 12 |
|          | Members to declare any interests in matters to be discussed at the meeting.   |         |
| <b>3</b> | <b>Minutes</b>  | 13 - 38 |
|          | To confirm the minutes of the meeting held on 25 October 2023 as a correct record.  |         |
| <b>4</b> | <b>Planning Application - DC/22/67240 - Land Formerly Wednesbury Motors, 110 Holyhead Road, Wednesbury</b>                                  | 39 - 56 |
|          | Proposed demolition of former van and car sales garage, and construction of 30 No. two-bedroom apartments (outline application for layout). |         |



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|---|--|-----------|
| 5 | <b>Planning Application - DC/23/67863 - Land West off Bridge Street North, Smethwick, B66 2BJ</b>  | 57 - 84   |
|   | 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<br>- Temporary planning permission for 5 years. |           |
| 6 | <b>Planning Application - DC/23/68288 - 38 High Street, Cradley Heath, B64 5HL</b>   | 85 - 102  |
|   | Proposed part change of use of ground floor and conversion of first/second floors with single storey rear extension to create 2 No. self-contained apartments, rear loft dormer window, new shop front, landscaping and parking to rear.   |           |
| 7 | <b>Planning Application - DC/23/68367 - 57 Valentine Road, Oldbury, B68 9AH</b>  | 103 - 114 |
|   | Proposed two storey side and single storey front/side/rear extensions.   |           |
| 8 | <b>Planning Application - DC/23/68420 - Site Of Former 3 And 4 Cardale Street, Rowley Regis</b>  | 115 - 142 |
|   | Proposed 11 No. houses and 9 No. self-contained apartments with car parking, enclosed bin store, cycle store and landscaping.  |           |
| 9 | <b>Planning Application - DC/23/68497 - 10 Jowetts Lane, West Bromwich, B71 2RA</b>  | 143 - 158 |
|   | Retention of replacement boundary treatment, removal of external rear wall, single storey rear extension, and raising of existing roof height.   |           |

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| 10 | <b>Planning Application - DC/23/68518 - Locarno Works, Locarno Road, Tipton, DY4 9AF</b>  | 159 - 172 |
|    | Retention of light industrial and storage use, vehicular access, car and vehicle parking, lighting and CCTV.  |           |
| 11 | <b>Planning Application - DC/23/68524 - 51 Green Street, West Bromwich, B70 6DL</b>   | 173 - 186 |
|    | Demolition of existing buildings, and proposed 11-storey building comprising up to 60 no. residential apartments, with associated landscaping, cycle parking, car parking and access from Green Street (Outline application for access).  |           |
| 12 | <b>Planning Application - DC/23/68559 - Gateway Service Station, 76 Birmingham Road, Great Barr, Birmingham, B43 6NT</b>  | 187 - 198 |
|    | Proposed variation of condition 12 of DC/13/56229 (Proposed variation of condition 12 of DC/31470 to extend opening hours from 07:00 to 23:00 on any day to 05:00 to midnight Monday to Saturday and 7.00 to 23.00 on Sundays and Bank Holidays) to extend opening hours to 24 hours any day. |           |
| 13 | <b>Planning Application - DC/23/68578 - 180 Walsall Road, West Bromwich, B71 3LH</b>  | 199 - 206 |
|    | Retention of outbuilding at rear for garden room, storage and gym.  |           |
| 14 | <b>Planning Application - DC/23/68624 - Land At Corner Of Cleton Street And Sedgley Road East/Tipton Road, Tipton, DY4 7TR</b>  | 207 - 218 |
|    | Proposed 2 No. detached light industrial units with new access, parking, landscaping and new retaining wall with railings to rear.  |           |

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| 15 | <b>Planning Application - DC/23/68690 - Travellers Transit Site, Wellington Street, Smethwick</b>   | 219 - 228 |
|    | Proposed renewal of temporary traveller site (planning permission DC/17/60410 and DC/20/63956) for up to 34 caravans, together with associated toilet/washroom facilities and boundary fencing (three year permission requested).     |           |
| 16 | <b>Planning Application - PD/23/02530 - Telecommunication Mast 1694, Haden Park Road, Cradley Heath</b>   | 229 - 240 |
|    | Proposed replacement of existing lattice tower with an 25.0m high swann CS5S lattice tower with 12 No. antennas, 2 No. GPS modules, 4 No. 300 dishes, 2 No. cabinets, 2 No. racks, 2 No. future racks and associated ancillary works. |           |
| 17 | <b>Planning Delegations Agreement</b>   | 241 - 248 |
|    | To consider the revised planning delegations agreement.   |           |
| 18 | <b>Proposed Site Visits</b>   | 249 - 258 |
|    | To consider and note the planning applications to be visited by the Committee on 10 January 2024.   |           |
| 19 | <b>Decisions of the Planning Inspectorate</b>   | 259 - 264 |
|    | To consider and note the Decisions of the Planning Inspectorate.  |           |
| 20 | <b>Applications Determined Under Delegated Powers</b>   | 265 - 290 |
|    | To consider and note the Applications Determined Under Delegated Powers.  |           |

**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 25 October 2023 at 5.00pm  
in the Council Chamber, Sandwell Council House, Oldbury**

**Present:** Councillor Millar (Chair)  
Councillors Chidley (Vice-Chair), Chapman, Fenton, Fisher,  
Loan, Pall, Preece, N Singh, 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); Sophie Anderson (Solicitor); Trisha Newton (Deputy  
Democratic Services Manager); and Connor Robinson  
(Democratic Services Officer).

**In attendance/:** Councillors Anandou, Bhullar, Hughes, Kalebe-  
**Observing** Nyamongo and Piper

### 84/23 **Apologies for Absence**

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



85/23      **Declarations of Interest**

Minute No.	Subject	Member	Interest
86/23	<p>Planning Application - DC/23/68540 - Proposed demolition of existing buildings and erection of 1 No. primary school, 190 No. dwellings, public open space, landscaping and associated works (outline application with all matters reserved). Former Brandhall Golf Course, Heron Road, Oldbury.</p>	Councillor Fenton	Had called in the Cabinet Decision as Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board.
90/23	<p>Planning Application - DC/23/68367 - Proposed two storey side and single storey front/side/rear extensions, roof extension, loft conversion and rear dormer window. 57 Valentine Road, Oldbury, B68 9AH</p>	Councillor Fenton	Supporting a resident in their objection to the Planning Application.



**Planning Application - DC/23/68540 - Proposed demolition of existing buildings and erection of 1 No. primary school, 190 No. dwellings, public open space, landscaping and associated works (outline application with all matters reserved). Former Brandhall Golf Course, Heron Road, Oldbury.**

(Councillor Fenton withdraw from deliberations)

The Development Planning and Building Consultancy Manager reported that three further representations had been received and circulated to members. The first was from Sport England who objected to the recommended condition related to the submission of a viability assessment to address any requirement for the Council to fund improvements to off-site golf facilities. In addition, a letter had been received from a concerned local resident along with a framed picture emphasising the Brandhall green space and what would be lost if any development went ahead. Lastly an organisation called the Hive Effect had submitted an objection emphasising the loss green space and the impact any development would have on local ecosystems.

In view of the ongoing objectors campaign to the proposed Brandhall development Councillor Preece, with the agreement of the Committee, stated that all members had been lobbied on behalf of the objectors.

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

- the previous leader of the Council had assured residents that a public consultation would be held on the future of Brandhall;
- a majority of residents had rejected any proposed development;
- ;the residents felt that the Council had not listened to them;;
- the Black Country and Birmingham Wildlife Trust had asked the Council to undertake and submit a wildlife assessment and had stated that previous investigations had not been sufficient;
- it was considered that the proposed development would negatively impact the local highway infrastructure and safety;



- Staffordshire Country Council, who acted as a lead consultant for Sandwell as a lead local flood authority, had objected to the proposals on grounds of insufficient detail on the proposed draining strategy;
- it was not clear what walking and cycling provisions the proposed development would create;
- the development on green space was being used as a quick fix for Sandwell's housing shortage;
- if the green space was lost it would be lost forever;
- the land proposed for the development had been green space for a long time and its loss would result in the loss of local biodiversity;
- what future would be left for Sandwell's children if their green space could not be protected;
- the loss of green space would continue to decline for local communities;
- developments around Brandhall had resulted in serious flooding issues within the Brandhall site that posed a severe risk to public safety;
- Sandwell should change the way it thinks about the environment.

The applicant's agent was in attendance and addressed the Committee with the following points:

- the proposed development would provide a unique opportunity to improve public open space, education and housing provision;
- the proposal would deliver a substantial public park, a new school, and high-quality housing;
- the outline application with all matters reserved would seek to establish the development in principal;
- the outline application, supported by a landscape led masterplan, would supply almost 30 hectares of new public park and covered almost 80% of the site;
- the green space would not be lost forever, but be enhanced, it would increase biodiversity and public accessibility;
- despite two existing public rights of way the former golf course had not been publicly accessible;





- the proposed development would establish new footways and cycleways and create a number of recreation and leisure opportunities;
- the proposed development would allow the green space to be attractive and open to a wider audience locally;
- a Brandhall working group had been established to bring together community groups, councillors and stakeholders to contribute and inform the designs of the proposed park space;
- the proposed new primary school would replace the existing one which was in poor physical condition;
- Sandwell had a shortfall in housing land supply. The delivery of 190 new homes would contribute towards meeting the unmet housing need;
- the proposed development would be socially inclusive, providing 25% affordable housing;
- the application did not meet the thresholds for an environmental impact assessment, the application was supported by a range of technical and environmental reports which had assessed the impact of any development and set out mitigation measures where appropriate;
- Sandwell Highways department had raised no overall objections to the proposed development, as part of the application there was improvements proposed to the Wolverhampton Road Queensway Junction;
- the masterplan had been designed to ensure as many trees would be retained as possible, some trees would be lost, and mitigation measures would be in place in these circumstances;
- the ecology of the site was understood, and surveys had been undertaken to identify species on the site;
- a biodiversity net gain assessment had been included within the application, demonstrating a 10% net gain improvement on the existing biodiversity on the site;
- the proposed development would not make flooding matters any worse and betterment would be provided and was detailed in the proposed draining strategy;
- the Environment Agency had not objected to the application owing to the development areas being located outside of the identified flood zone;



- there had been a lot of air quality monitoring to understand the hotspots around the site which would be used to identify the best place for the proposed development;
- it was an exciting opportunity for Sandwell, and the proposed development had been designed to be high-quality and sustainable.

(Councillor Fisher withdraw from deliberations)

The Development Planning and Building Consultancy Manager clarified the question around the Environmental Impact Assessment regulations. The regulations did apply to the application under schedule two of the regulations. Under the schedule the applicant had submitted what was called a screening opinion to determine if a full Environmental Impact Assessment was required. Planning had determined that a full Environmental Impact Assessment was not required. That decision however, was not to be dismissive of environmental issues and concerns which had been considered as part of the application.

Further to whether the applicant could provide an Environmental Impact Assessment independently of what was required under the planning application, it was determined that nothing more could be added that was not already contained within the supporting information accompanying the application.

In response to questions from members, the objectors stressed that the proposed development was not enhancing the local community or environment and possible alternatives were not being considered in favour of large developments.

The Development Planning and Building Consultancy Manager stressed that the application was an outline application and there was a considerable number of conditions attached to the application to address concerns and allow for further clarity.

The applicants agent clarified that a tree survey had been undertaken, which had looked at all of the trees on the site and had assessed their size, quality and species. The survey had helped inform the illustrative masterplan which had aimed to avoid if



possible the loss of valuable and biodiverse trees. There were no veteran trees onsite and no tree with a protection order was planned to be affected by any proposed development. The applicant would be working with the Wildlife Trust to establish the needs of any replacement trees if trees were required to be removed for any potential future development.

Objectors stated that they believed there was a lack of understanding of the site both from the applicant and the applicant's agent and the information presented to the Committee was insufficient.

It was understood that while the Environment Agency had originally objected to the application, following further information regarding an overlay of key flood zones across the Brandhall site and the proposed development being away from those sites, the objection was withdrawn.

The Development Planning and Building Consultancy Manager clarified that the application was an outline application and the drawings provided were only indicative. If the outline application was successful, the applicant would be required to submit a further application detailing the ultimate proposal. It was at that stage that confirmation detail would be required on matters such as flood prevention.

The applicant's agent noted how the proposed development would work to be sustainable and take advantage of heat-pumps, solar panels and electric vehicle charging points. It was envisaged that the proposal would set a standard for future developments across the Borough.

**Resolved** that Outline Planning Application - DC/23/68540 - Proposed demolition of existing buildings and erection of 1 No. primary school, 190 No. dwellings, public open space, landscaping and associated works (outline application with all matters reserved) - Former Brandhall Golf Course, Heron Road, Oldbury is granted subject to the following conditions:



- (i) Reserved matters (full details of access, appearance, landscaping, layout and scale);
- (ii) Time limit of 3 years for submission of reserved matters;
- (iii) Time limit of 2 years for commencement from date of approval of final reserved matters;
- (iv) Compliance with approved plans;
- (v) Submission of a viability assessment to address any requirement for the Council to fund improvements to off-site golf facilities;
- (vi) Contamination;
- (vii) Further surface water drainage detail;
- (viii) Further foul water drainage detail;
- (ix) Further detail of traffic impact at Wolverhampton Road/Queensway junction together with mitigation and implementation of highway improvements;
- (x) Revision of Transport Assessment to include a wider assessment of the impact of residential development on the highway network with mitigation and implementation of any required highway improvements;
- (xi) Revision of Transport Assessment to include further detail of vehicle movements associated with the school and delivery of required road safety measures;
- (xii) Revision of Transport Assessment to include multi-modal trip generation data to inform active and sustainable travel need with mitigation and implementation of any required improvements;



- (xiii) Written scheme of investigation for archaeology;
- (xiv) Ecological Impact Assessment and implementation of mitigation;
- (xv) Revision of Energy and Sustainability Statement;
- (xvi) Revision of Arboricultural Impact Assessment;
- (xvii) Cycle parking;
- (xviii) Further schedule of mitigation regarding air quality;
- (xix) Details of controlled ventilation intakes in respect of air quality;
- (xx) Electric vehicle charging;
- (xxi) Low NOx boilers;
- (xxii) Residential units shall meet the internal ambient noise levels of the relevant British Standard;
- (xxiii) The school shall meet the internal ambient noise levels of the relevant standard;
- (xxiv) Construction environmental management plan (CEMP);
- (xxv) Employment and skills plan;
- (xxvi) Detailed assessment of ground conditions (including drainage and topography) of the land proposed for the school playing field;
- (xxvii) Schedule of playing field maintenance;
- (xxviii) Community use agreement for school sports facilities (or assessment of need for);



- (xxix) Implementation of recommendations of Biodiversity Net Gain Assessment;
- (xxx) Implementation of Travel Plans;
- (xxxii) Indicative access points are not agreed as part of this outline consent;
- (xxxii) Compliance with recommendations of the Air Quality Assessment;
- (xxxiii) Demolition or construction restricted to 8:00 to 17:30 Monday to Friday and 8:30 to 13:00 hours on Saturdays. There will be no working on Sundays or bank holidays; and
- (xxxiv) Provision and retention of parking.

(Councillors Fisher and Fenton returned to the meeting)

(Councillor Pall left the meeting)

87/23

**Planning Application - DC/23/67924 - Proposed residential development comprising of 278 No. dwellings (Reserved matters application for appearance, landscaping, layout and scale) - Pursuant to outline planning application DC/14/57745. Edwin Richards Quarry, Portway Road, Rowley Regis**

Councillor Webb indicated she had been lobbied on a previous site visit.

The Development Planning and Building Consultancy Manager confirmed that the application was a reserved matters application, the Committee had previously granted outline permission on the quarry. The Committee was updated on additional conditions to the recommendation, with the addition of a retaining wall on Portway Road, along with details on parking/manoeuvring, hard landscaping and corner plots incorporating windowed elevation details. It was also noted that condition (iv) within the report regarding the



monitoring and management of boreholes, be removed due to duplication from the original outline report and ongoing work.

No objectors had registered to speak.

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

- the proposed development was a product of extensive joint working between the Council and the applicants;
- the input from officers had helped shape the layout of the application which would aim to create a high-quality environment for residents;
- the proposal encompassed both public and private open space along with hard and soft landscaping;
- the proposed development would incorporate a housing mix, from one bed flats to four bed houses;
- the approval of the application would help address Sandwell's housing need;
- the location of the proposed housing was not on landfill and had never been landfill, but adjacent to where the landfill was;
- a considerable amount of work had been undertaken between the Council and the Environment Agency to ensure any impact on the proposed housing from the nearby landfill site was managed effectively;
- in addition to the proposed development the adjacent side of the site operated a soil processing and infill site that was seeking to restore the quarry;
- it was anticipated that the infill would be in operation for another 20 to 25 years;
- the soil processing and infill operation would not impact the residential development, the access to the site was from different routes.

The applicant clarified that the affordable housing provision was set as part of the outline application and Section 106 agreement. The decision on affordable housing provision was reached through viability testing owing to the difficulties of developing the site. The residential and quarry site would be separated by a security fence and would be secure.



The applicant clarified that the soil processing and infill site at the far end of the site was assessed separately and a considerable distance from the residential development and it was projected that there would be no impact from the soil processing facilities.

Concern was raised about potential subsidence of the proposed development owing to the significant contours of the land in question and the nature of the site being infilled. The applicant reassured the Committee that the land proposed for the development had not previously been quarried and was instead used for buildings associated with the quarry. The land was virgin land and the developer was confident there would be no settlement issue. The Development Planning and Building Consultancy Manager also confirmed that Building Regulations approval would be required to approve the development prior to any works been undertaken.

(Councillor Preece left the meeting)

**Resolved** that Planning Application - DC/23/67924 - Proposed residential development comprising of 278 No. dwellings (Reserved matters application for appearance, landscaping, layout and scale) - Pursuant to outline planning application DC/14/57745. Edwin Richards Quarry, Portway Road, Rowley Regis, subject to details of retaining wall approval is granted subject to the following conditions:

- (i) Air Quality Assessment and mitigation plan;
- (ii) Low NOx Boilers;
- (iii) Travel Plan measures;
- (iv) Noise Assessment and subsequent mitigation;
- (v) Footpath link to Dudley Road;
- (vi) Renewable energy;





- (vii) Recommendations of the Extended phase 1 habitat survey carried out; and
- (viii) Employment and skills;
- (ix) parking/ manoeuvring to be provided and retained;
- (x) Additional condition details of hard landscaping to parking areas and open spaces;
- (xi) All corner plots within the development to incorporate windowed elevation detail.

88/23 **Duration of meeting**

Under Standing Orders 4(5) a motion was proposed and seconded to suspend the standing order to extend the meeting prior to the expiration at 3 hours.

**Resolved** that the meeting be extended until the remaining business had been considered.



89/23

**Planning Application - DC/23/68288 - Proposed part change of use of ground floor and conversion of first/second floors with single storey rear extension to create 2 No. self-contained apartments, rear loft dormer window, new shop front, landscaping and parking to rear. 38 High Street, Cradley Heath, B64 5HL**

**Resolved** that Planning Application - DC/23/68288 - Proposed part change of use of ground floor and conversion of first/second floors with single storey rear extension to create 2 No. self-contained apartments, rear loft dormer window, new shop front, landscaping and parking to rear. 38 High Street, Cradley Heath, B64 5HL, is deferred to allow for a site visit to be undertaken.

90/23

**Planning Application - DC/23/68367 - Proposed two storey side and single storey front/side/rear extensions, roof extension, loft conversion and rear dormer window. 57 Valentine Road, Oldbury, B68 9AH**

**Resolved** that Planning Application - DC/23/68367 - Proposed two storey side and single storey front/side/rear extensions, roof extension, loft conversion and rear dormer window. 57 Valentine Road, Oldbury, B68 9AH is deferred to allow for a site visit to be undertaken.

(Councillor Fenton withdrew from the meeting)



**Planning Application - DC/23/68220 - Proposed learning campus comprising of education (Class F1(a)), medical or health services (Class E(e)), food and drink (Class E(b)), and professional services (Class E(c)) with hard and soft landscaping. Land At Midland Metro University Hospital, Grove Lane, Smethwick, B66 2QT**

The Development Planning and Building Consultancy Manager advised the Committee that the applicant was unable to attend the Committee and had asked for a statement to be read out that stated:

- the application was part of a Towns Fund project working in collaboration with Sandwell Council, Sandwell College, University of Wolverhampton and Aston University;
- the proposed development would be a purpose built learning campus at the gateway to the Midland Metropolitan Hospital;
- it would benefit from close direct links to the new hospital and would provide training and pathways into employment in healthcare;
- the development would increase local spend and opportunities;
- the design and development would look to be carbon neutral.

The Committee was further advised on cycling provision for the proposed site. It was understood that a stand alone cycling storage area was proposed to the side of the building which was included as part of the sustainable offer of the proposed development.

No objectors had registered to speak.

(Councillor Fenton returned to the meeting)

**Resolved** that Planning Application - DC/23/68220 - Proposed learning campus comprising of education (Class F1(a)), medical or health services (Class E(e)), food and drink (Class E(b)), and professional services (Class E(c)) with hard and soft landscaping. Land At Midland Metro University Hospital, Grove Lane, Smethwick, B66 2QT, subject to a s106 agreement to secure monitoring of off-road parking before and



post development, planning permission is granted subject to conditions relating to:

- i) Parking, loading/unloading laid out and retained;
- ii) Detailed travel plan;
- iii) Dust management plan during construction;
- iv) Construction management plan;
- v) Site investigation, remediation and validation;
- vi) Details of odour extraction from cooking smells and maintenance thereafter;
- vii) Lighting details;
- viii) CCTV proposals;
- ix) Implementation of drainage strategy (LLFA);
- x) Surface water management plan (during construction)
- xi) Details of disposal of surface and foul water (Severn Trent);
- xii) Finished floor levels;
- xiii) Details of external materials (to include a colour to the Dudley Road elevation)
- xiv) No vinyl's to be incorporated into the glazed areas of the building;
- xv) Details of hard and soft landscaping;
- xvi) Details of Bin storage and Refuse management plan;



- xvii) Details of street furniture and public art within the external spaces; and
- xviii) Employment Skill plan;

92/23

**Planning Application - DC/23/68252 - Proposed change of use of part-ground floor, first and second floors and two-storey rear extension to accommodate 19 No. bedsits (house in multiple occupation - HMO) with 2 No. rear dormer windows, 2 No. external staircases, bicycle parking and bin store. 576-578 Bearwood Road, Smethwick, B66 4BW**

Councillors Millar, Chidley, Fenton, Loan, N Singh and Webb indicated they had been lobbied by the applicant on the recent site visit.

No objectors or applicants had registered to speak.

The Development Planning and Building Consultancy Manager confirmed that the applicant had stated that there would be increased bin storage on site and if approved the provision and retention of waste storage would be conditioned.

(Councillor Uppal left the meeting)

**Resolved** that Planning Application - DC/23/68252 - Proposed change of use of part-ground floor, first and second floors and two-storey rear extension to accommodate 19 No. bedsits (house in multiple occupation - HMO) with 2 No. rear dormer windows, 2 No. external staircases, bicycle parking and bin store. 576-578 Bearwood Road, Smethwick, B66 4BW is granted subject to conditions relating to:

- i) Materials to match existing building;
- ii) Noise assessment and implementation of recommendations;



- iii) Detailed air quality mitigation plan to include glazing, mechanical ventilation, maintenance and retention thereafter;
- iv) Construction management plan;
- v) Low NOx boilers;
- vi) Provision and retention of waste storage area;
- vii) Provision and retention of cycle storage (materials to match existing building);
- viii) External lighting scheme;
- ix) No use of staircase or flat roof as external amenity area;
- x) Communal areas to be provided and retained; and
- xi) To be used as HMO accommodation only – not individual dwelling houses.

93/23

**Planning Application - DC/23/68347 - Proposed single storey rear extension to create 1 No. self-contained flat. 574 Hagley Road West, Oldbury, B68 0BS**

Councillors Millar, Chidley, Fenton, Loan, N Singh and Webb indicated they had been lobbied by the objectors on the recent site visit.

No objectors or applicant had registered to speak.

The Committee indicated that following the site visit it was apparent that a number of the objectors had not fully understood the details of the proposed development and when informed were far more comfortable with what was proposed.

Objectors had expressed their concern over the potential loss of trees on the boundary, to which the Development Planning and



Building Consultancy Manager advised the Committee that a condition could be imposed but it would depend on whether the trees fell within the applicant's premises.

**Resolved** that Planning Application - DC/23/68347 - Proposed single storey rear extension to create 1 No. self-contained flat. 574 Hagley Road West, Oldbury, B68 0BS is granted subject to conditions relating to:

- i) External Materials;
- ii) Car parking implementation and retention;
- iii) Noise assessment and mitigation measures;
- iv) Drainage;
- v) Low NOx Boiler;
- vi) Refuse Storage;
- vii) Cycle Storage;
- viii) Construction environmental management plan;
- ix) Obscure glazing to side elevation (east facing);
- x) Highway signage to entrance/ exit;
- xi) External lighting scheme; and
- xii) Retention of trees if applicable.



**Planning Application - DC/23/68467 - Proposed 2 No. portal framed buildings to house 7 No. small units for general industrial/storage and distribution use with associated vehicle access, substation, sliding front gates, parking and covered cycle shelter. West Midlands Foundry Co Limited, Blakemore Road, West Bromwich, B70 8JF**

The Development Planning and Building Consultancy Manager advised that no objections had been received in relation to the application, the matter was before the Committee as the proposed development was a departure from the development plan and hence the departure would be subject to approval by Full Council.

The applicant had not registered to speak.

The Healthy Urban Development Officer advised that the proposed development may relate to storage that was regulated by the Council through Environmental Health industrial permitting or depending on what was ultimately stored the Environment Agency.

**Resolved** that Planning Application - DC/23/68467 - Proposed 2 No. portal framed buildings to house 7 No. small units for general industrial/storage and distribution use with associated vehicle access, substation, sliding front gates, parking and covered cycle shelter. West Midlands Foundry Co Limited, Blakemore Road, West Bromwich, B70 8JF subject to approval by Full Council as departure from the development plan, that planning permission is granted subject to conditions relating to:

- i) External materials;
- ii) Secure cycle shelter;
- iii) Electric vehicle charging points;
- iv) Details of front sliding gates;
- v) Levels;





- vi) Substation details;
- vii) Construction and environmental management plan;
- viii) Ground investigation/remediation works;
- ix) Foundation design detail adjacent the canal;
- x) Landscaping facing the canal frontage, and site hard surface; details;
- xi) Apprentice training in construction,
- xii) measures to prevent runoff;

95/23 **Planning Application - DC/23/68518 - Retention of light industrial and storage use, vehicular access, car and vehicle parking, lighting and CCTV. Locarno Works, Locarno Road, Tipton, DY4 9AF**

No objectors or applicants had registered to speak.

**Resolved** that Planning Application - DC/23/68518 - Retention of light industrial and storage use, vehicular access, car and vehicle parking, lighting and CCTV. Locarno Works, Locarno Road, Tipton, DY4 9AF is deferred to allow a site visit to be undertaken.

96/23 **Planning Application - DC/22/67797 - Proposed residential development comprising of 45 dwellings, landscaping and car parking. Site of 30-144 Mounts Road, Wednesbury**

No objectors had registered to speak.

The applicant's agents were in attendance and addressed the Committee with the following points:

- the site was part of a large housing allocation;



- the site was covered with disused coal shafts and the previous scheme was undeliverable;
- the proposed development would be deliverable taking into account the coal shafts;
- the development would deliver much needed housing, and it was anticipated they would be delivered by a local developer;
- sustainability requirements would be a focus and 10% of the proposed development would receive their energy from renewables;
- the scheme would deliver 45 new homes on a brownfield site, the housing would be mixed, providing apartments and family homes;

The Development Planning and Building Consultancy Manager advised that the Coal Authority had recommended more intrusive site investigations across the proposed site and conditions had been crafted to address the concerns.

The applicant confirmed that work had already begun to address the Japanese Knotweed prevalent across the site through chemical treatment and removal.

**Resolved** that Planning Application - DC/22/67797 - Proposed residential development comprising of 45 dwellings, landscaping and car parking. Site of 30-144 Mounts Road, Wednesbury is granted subject to conditions relating to:

- i) External materials in accordance with submitted details;
- ii) Electric vehicle charging provision and retention;
- iii) Construction environmental management plan;
- iv) Low NOx boilers, provision and retention;
- v) Provision and retention of car parking;
- vi) Drainage;



- vii) Site investigation and remediation;
- viii) External Lighting scheme;
- ix) Finished floor levels;
- x) Boundary treatments;
- xi) Landscaping in accordance with submitted details;
- xii) Electric vehicle charging;
- xiii) Detailed method statement setting out job and apprenticeship opportunities which may arise during the construction of the development and/or when the development is brought into use;
- xiv) Coal Authority – Intrusive site investigations/remediation works;
- xv) Noise assessment;
- xvi) Construction times;
- xvii) Construction Surface Water Management Plan; and
- xviii) Permitted development removal.

97/23

**Planning Application - DC/22/67520 - Retention of heavy goods lorry and trailer parking area with portable office. Tata Cargo Ltd, Rigby Street, Wednesbury, WS10 0NP**

The Development Planning and Building Consultancy Manager advised that no objections had been received and the recommendation should have specified that the application was subject to approval by Full Council as it was a departure from the local development plan.

**Resolved** that retrospective Planning Application - DC/22/67520 - Retention of heavy goods lorry and trailer



parking area with portable office. Tata Cargo Ltd, Rigby Street, Wednesbury, WS10 0NP subject to approval by Full Council as departure from the development plan, is granted subject to conditions relating to:

- i) The areas shown for manoeuvring and parking of vehicles is provided and retained as such; and
- ii) Site drainage implemented in accordance with submitted Drainage Strategy Statement.

98/23 **Planning Application - DC/23/68505 - Proposed single and two storey rear and single storey front extensions. 418 Wolverhampton Road, Oldbury, B68 0TE**

**Resolved** that Planning Application - DC/23/68505 - Proposed single and two storey rear and single storey front extensions. 418 Wolverhampton Road, Oldbury, B68 0TE is granted subject to conditions relating to external materials shall match the existing property.

99/23 **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
PD/22/02269	29 Seymour Road Tipton DY4 0EP	Dismissed



## 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 8.05pm  
(following adjournment between 6.21pm and 6.33pm)

Contact: [democratic\\_services@sandwell.gov.uk](mailto:democratic_services@sandwell.gov.uk)



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## Report to Planning Committee

**29 November 2023**

<b>Application Reference</b>	DC/22/67240
<b>Application Received</b>	27 June 2022
<b>Application Description</b>	Proposed construction of 30 No. two-bedroom apartments (outline application for access and layout).
<b>Application Address</b>	Land Formerly Wednesbury Motors, 110 Holyhead Road, Wednesbury
<b>Applicant</b>	SAP Developments
<b>Ward</b>	Wednesbury North
<b>Contact Officer</b>	Douglas Eardley <a href="mailto:douglas_eardley@sandwell.gov.uk">douglas_eardley@sandwell.gov.uk</a>

### 1 Recommendations

1.1 That, subject to the signing of a section 106 agreement to ensure affordable housing, outline planning permission (for access and layout) is granted subject to the further approval of reserved matters, concerning appearance, landscaping and scale, and to the following conditions relating to:

- (i) External materials;
- (ii) Site investigation and remediation;
- (iii) Drainage;
- (iv) Electric vehicle charging provision and retention;
- (v) Construction environmental management plan;
- (vi) Low NOx boilers, provision and retention;




- (vii) Policy ENV7 – Energy Statement;
- (viii) Secure cycle storage;
- (ix) Waste storage;
- (x) Provision of name, address and contact details of the maintenance body/-ies responsible for the maintenance of the drainage system;
- (xi) Existing footway is reinstated;
- (xii) Height restriction to apartments - The configuration of the blocks will present a stepped elevation rising from Block ONE (three storey) to Block TWO (four storey) and down in steps along the width of Block THREE to end in no greater than three storeys at the Access point off Monway Terrace;
- (xiii) Highways Management Plan;
- (xiv) Provision and retention of car parking;
- (xv) External Lighting scheme;
- (xvi) Finished floor levels;
- (xvii) Boundary treatments;
- (xviii) Landscaping;
- (xix) Detailed method statement setting out job and apprenticeship opportunities which may arise during the construction of the development and/or when the development is brought into use;
- (xx) Coal Authority – Intrusive site investigations/remediation works;
- (xxi) Noise assessment;
- (xxii) No burning of waste materials to be allowed on site during the construction phase, and;
- (xxiii) Construction times.

## 2 Reasons for Recommendations

- 2.1 The proposal would provide much needed residential accommodation, which would assist with meeting the Council’s housing targets.

## 3 How does this deliver objectives of the Corporate Plan?

	Quality homes in thriving neighbourhoods
---	--





## 4 Context

- 4.1 This application is being reported to your Planning Committee because the proposal is a major application, a section 106 is required to secure affordable housing and two objections have been received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[Land Formerly Wednesbury Motors, 110 Holyhead Road, Wednesbury](#)

## 5 Key Considerations

- 5.1 The site is identified as a 'Long Term Residential Site' in the adopted Site Allocations and Delivery Development Plan Document Policies Map.
- 5.2 Material planning considerations (MPCs) are matters that can and should be taken into account when making planning decisions. By law, planning decisions should be made in accordance with the development plan unless MPCs indicate otherwise. This means that if enough MPCs weigh in favour of a development, it should be approved even if it conflicts with a local planning policy.
- 5.3 The material planning considerations which are relevant to this application are: -

Government policy (NPPF)  
Proposals in the Development Plan  
Amenity concerns – Loss of light  
Highways considerations  
Presumption and the 'titled balance'

## 6. The Application Site

- 6.1 The application relates to a site on the south-western side of Holyhedge Road, Wednesbury. To the northern and eastern aspects of the site are



residential properties and to the southern and western aspects of the site are industrial premises.

## 7. Planning History

7.1 Relevant planning applications are as follows:

PD/21/01768	Proposed demolition of single storey kiosk, workshop and washroom facilities.	Prior Approval is Required and Granted – 26.05.2021
DC/06/46823	MOT bay extension.	Grant Permission Subject to Conditions – 20.11.2006
DC/03/4723A	2 x 48 sheet panels.	Refuse Advertisement Consent – 06.05.2003
DC/00/37269	Autogas installation together with increase in height of boundary wall.	Grant Permission Subject to Conditions – 23.01.2001
BCS2894	Demolition of existing shop/ petrol kiosk. New shop front and alterations to form new shop area.	Grant Permission – 16.12.1994
BCS1622A	Various signs.	Grant Advertisement Consent – 23.12.1991
BCS0612	Form combined fascia to both properties with extension to No.83 forming reception area.	Grant Permission Subject to Conditions – 10.05.1989
BCS0611	Form new fascia to garage forecourt.	Grant Permission Subject to Conditions – 10.05.1989
DC/10876	Fit new 8000 gallon underground storage tank.	Grant Permission – 09.04.1980



## 8. Application Details

- 8.1 This is an outline application for layout of the site only. The applicant has indicated that they intend to construct 30 No. two-bedroom apartments on the site.
- 8.2 Members are reminded that full details of the proposal will have to follow at the subsequent reserved matters application stage, as this application (DC/22/67240) is purely for the layout of the site only.

## 9. Publicity

- 9.1 The application has been publicised by neighbour notification letters and by press notice with two objections being received.

### 9.2 Objections

Objections have been received on the following grounds:

- i) Loss of light;
- ii) Concerned that there would not be sufficient parking for owners and visitors to the proposed development leading to parking problems in Meeting Street.
- iii) The van and car sales building has already been demolished.

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

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



## 10. Consultee responses

### 10.1 Planning Policy

They have stated that the site is identified as a 'Long Term Residential Site' in the adopted Site Allocations and Delivery Development Plan Document Policies Map. In general, Planning Policy do not raise any significant concerns with the proposal and it is considered that in the main their comments can either be covered by conditions, the execution of a Section 106 agreement in terms of affordable housing and the subsequent reserved matters application.

### 10.2 Highways

Following the receipt of a satisfactory amended plan to indicate a car parking layout and the number of parking spaces, Highways has no objection. They have requested the imposition of conditions relating to the existing footway is reinstated, and a management plan (A management plan will be required with the reserved matters application to confirm how shared areas will be managed and maintained, particularly from a highways perspective the layout/maintenance of the car park, surface and lining and the management/operation of the proposed gates and the additional access to provide the one way system for refuse vehicles).

### 10.3 Pollution Control (Air Quality)

They have requested the imposition of conditions relating to electric vehicle charging provision, low NOx boilers and a construction environmental management plan.

### 10.4 Pollution Control (Contaminated Land)

They have requested the imposition of standard conditions relating to site investigation/remediation.



## 10.5 Pollution Control (Air Pollution and Noise)

The proposed development would be exposed to road traffic noise from Holyhedge Road on its north-east boundary, and to noise from the Monway Industrial Estate and the Sustainable Energy small waste incinerator plant on Portway Road to the south-west. Therefore, they recommend that an environmental noise survey and noise risk assessment is carried out, including acoustic design/glazing. It is also recommended that construction working hours (including deliveries) are limited to Mondays to Fridays 08.30 to 18.00, Saturdays 08.30 to 14.00 and no work on Sundays and Bank Holidays. Furthermore, no burning of waste materials to be allowed on site during the construction phase. All these matters can be covered by the imposition of conditions.

## 10.6 West Midlands Police

No objection.

## 10.7 Lead Local Flood Authority

They have recommended the imposition of a condition to ensure that the name, address and contact details of the maintenance body/-ies responsible for the maintenance of the drainage system is provided.

## 10.8 Severn Trent Water

They have recommended the imposition of their standard drainage conditions.

## 10.9 Urban Design Officer

They recognise that as DC/22/67240 is an outline application for layout only, that the detailed matters pertaining to access, appearance, landscaping and scale would be achieved through the subsequent reserved matters application. They welcome the reduction in two-bedroom apartments from 32 to 30.



## 10.10 Employment and Skills

The proposed development would provide opportunities for apprentices during the construction phase and as such, can be conditioned accordingly.

## 10.11 The Coal Authority

They have requested a condition requiring a scheme of intrusive site investigations to be carried out to establish the risks posed to the development by coal mining activity with remediation works and/or mitigation. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration confirming that the site is/or has been made safe and stable for the proposed development shall be submitted to the local planning authority.

## 10.12 Strategic Planning and Transportation

They have requested that cycle storage be provided, this can be conditioned.

## 11. National Planning Policy

11.1 National Planning Policy Framework promotes sustainable development but states that local circumstances should be considered 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.



## 12. Local Planning Policy

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

CPS4: Place Making

DEL1: Infrastructure Provision

HOU1: Delivering Sustainable Housing Growth

HOU2: Housing Density type and Accessibility

HOU3: Delivering Affordable Housing

EMP5: Improving Access to the Labour Market

TRAN2: Managing Transport Impacts of New Development

TRAN4: Creating Coherent Networks for Cycling and Walking

ENV3: Design Quality

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

ENV7: Renewable Energy

ENV8: Air Quality

SAD DM 5 - The Borough's Gateways

SAD H1: Housing Allocations

SAD H3: Affordable Housing

SAD EMP2: Training and Recruitment

SAD EMP4: Relationship between Industry and Sensitive Uses

SAD TRAN3: Car Parking

SAD EOS9: Urban Design Principles

SAD DC6: Land Affected by Contamination, Ground Instability, Mining Legacy, Land of unsatisfactory Load Bearing Capacity or Other Constraints

12.2 Low NOx boilers would be required by condition (DEL1).

12.3 The proposal would contribute to the housing targets identified in policy HOU1 by providing housing on previously developed land to meet local housing need.

12.4 In regard to policy HOU2 the proposal generally meets the aspirations of this policy by meeting the needs of the local populace and would provide



apartments, which are accessible by not only vehicles, but also pedestrians.

- 12.5 The provision of cycle storage would make the proposal compliant with TRAN4; this would be conditioned to ensure that satisfactory cycle storage is provided.
- 12.6 Policies CSP4, ENV3 and SAD EOS9 refer to well-designed schemes that provide quality living environments. It is noted that DC/22/67240 is an outline planning application for layout only, therefore the design would be determined in any subsequent reserved matters application.
- 12.7 Air quality mitigation (boilers and electric vehicle charging) can be ensured by condition, in accordance with ENV8.
- 12.8 The requirements of policies HOU3 and SAD H3 would be covered by the requirement for the execution of a Section 106 agreement in terms of affordable housing.
- 12.9 The requirements of policies EMP5 and SAD EMP2 can be satisfied through the impositions of relevant conditions pertaining to the submission of a detailed method statement setting out job and apprenticeship opportunities which may arise during the construction of the development and/or when the development is brought into use.
- 12.10 In regard to policies TRAN2 and SAD TRAN3, it is noted that following the submission of an amended layout plan, the Council's Highways team has no objection; therefore, it is considered that the amended proposal would be compliant with these policies.
- 12.11 A condition would be imposed upon DC/22/67240 to ensure that the proposal is compliant with policy ENV7.
- 12.12 In regard to the comments from Pollution Control (Air Pollution and Noise) above in section 10.5 of this report, it is considered that through the imposition of conditions to ensure that an environmental noise





survey and noise risk assessment is carried out, that the amended proposal would be compliant with the provisions of policy SAD EMP4.

- 12.13 The comments and requirements of the Coal Authority, as mentioned in section 10.11 of this report above, would ensure that the amended proposal would be compliant with the provisions of policy SAD DC6.
- 12.14 Following the requirement for the imposition of conditions from the Lead Local Flood Authority (section 10.7 above) and Severn Trent Water (section 10.8 above), the amended proposal would be compliant with the provisions of policy ENV5.
- 12.15 The site is identified as a 'Long Term Residential Site' on the adopted Site Allocations and Delivery Development Plan Document Policies Map, so as the proposal is for residential, it would be compliant with the provisions of policy SAD H1.
- 12.16 Regarding Policy SAD DM 5 (The Borough's Gateways), it is noted that the proposal site is situated at a 'Borough Gateway' where high quality design and materials are required. Given that DC/22/67240 is an outline planning application for layout only, the design and materials would be determined in any subsequent reserved matters application.

### 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 – Loss of light

The proposal is for layout of the site only. Therefore, officers at this juncture cannot comment on this matter and Members are reminded that the application is for outline, layout only. Equally there is no evidence to suggest that this development would have a detrimental impact on the amenities of neighbouring properties by way of loss of light, as this



would be adjudged in any subsequent required Reserved Matters application for access, appearance, landscaping and scale.

### **13.3 Highways concerns - Concerned that there would not be sufficient parking for owners and visitors to the proposed development leading to parking problems in Meeting Street**

The Council's highways department accept the level of parking on site, however they do require on-site parking details (Management Plan) that would accompany a Reserved Matters application.

### **13.4 The van and car sales building has already been demolished.**

This was noted on my site visit and is also evident on the link to Google Maps for the site within section 4.2 of this report that the van and car sales building has already been demolished. As such, the aspect of the proposal for DC/22/67240 which previously referred to the 'demolition of former van and car sales garage' has now been removed from the description of development for DC/22/67240. This building received prior approval for demolition under application PD/21/01768.

### **13.5 Presumption and the 'tilted balance'**

The 'tilted balance' is similar to the normal planning balance but it is only engaged in exceptional circumstances. As the council has less than a five-year housing land supply, relevant local policies are out-of-date. In the most basic sense, the tilted balance is a version of the planning balance that is already tilted in an applicant's favour. If the tilted balance applies, planning permission should normally be granted unless the negative impacts 'significantly and demonstrably' outweigh the positive impacts.

## **14. Conclusion and planning balance**

**14.1** Conflict with development plan policies will always be a negative impact. If the policies are up-to-date, that negative impact will be given greater



weight. However, if they're out-of-date, the weight given to the negative impact will be seriously reduced. No matter what the negative impacts are, if a proposal manages to secure sufficient positive impacts (of sufficient weight) to tilt the planning balance in its favour, planning permission should be granted.

14.2 On balance the amended 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

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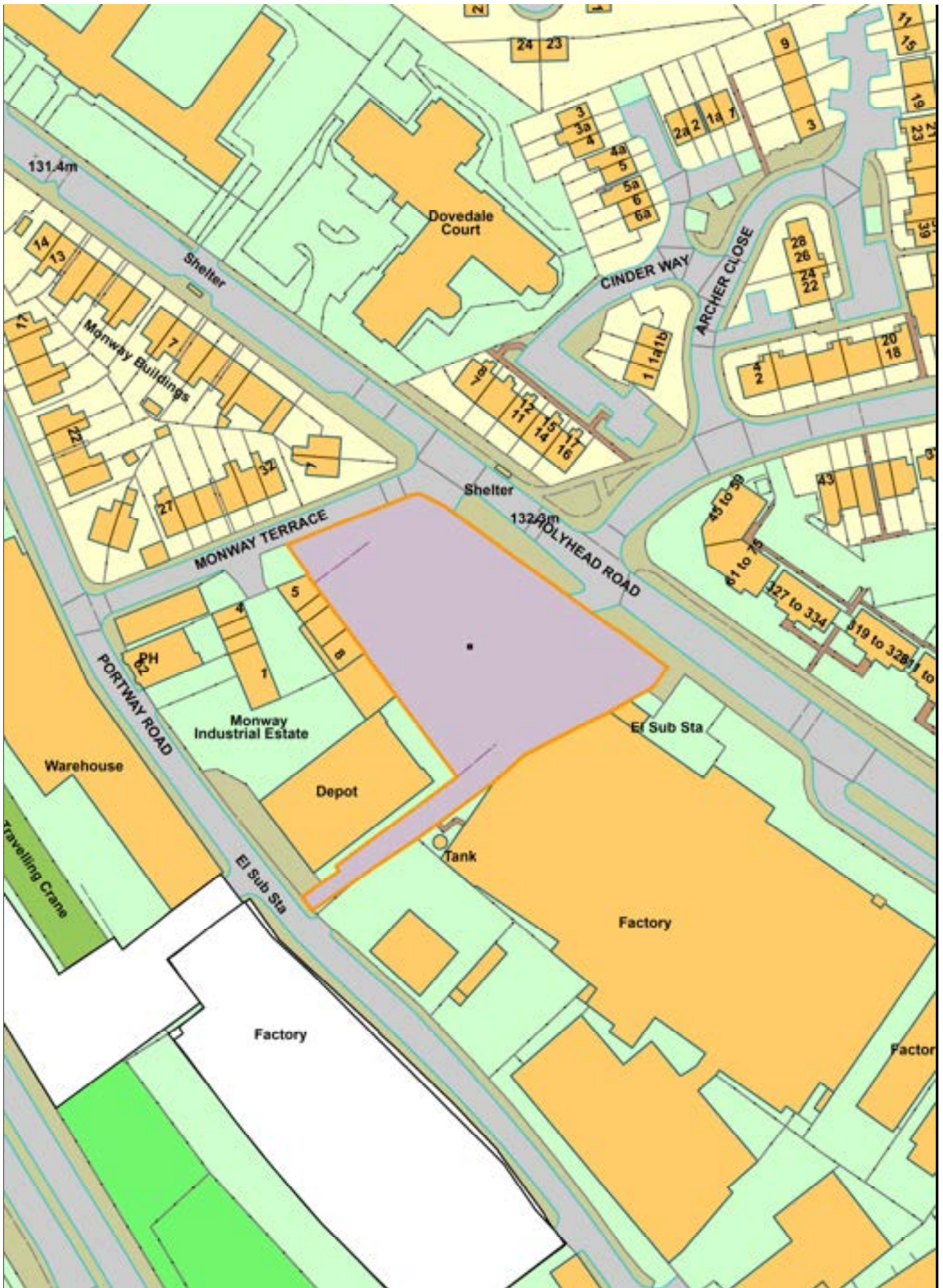
## 17. Appendices

Context plan

Location Plan - ATC.1139.49C

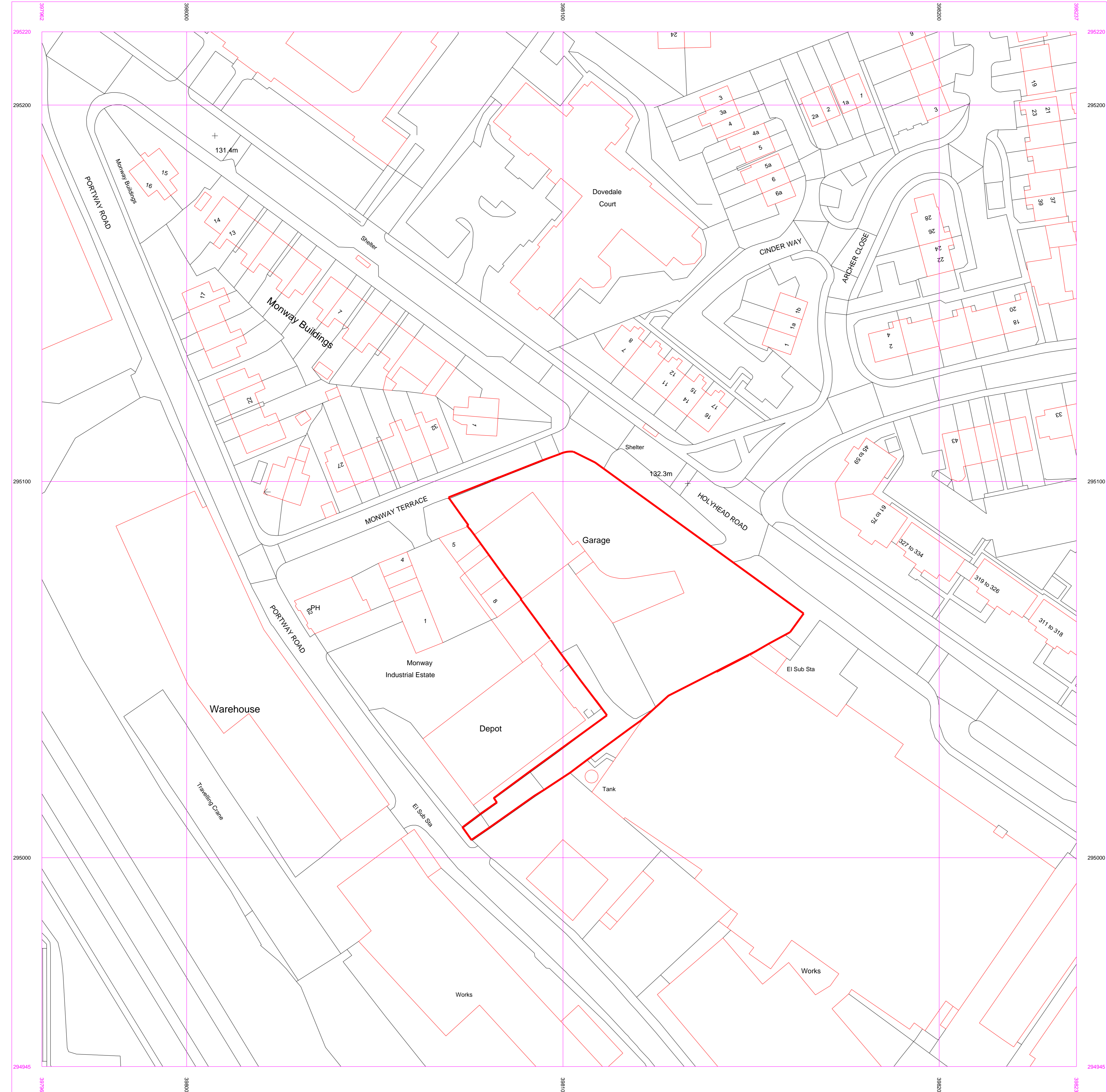
Block/Site Plan - ATC.1139.51D



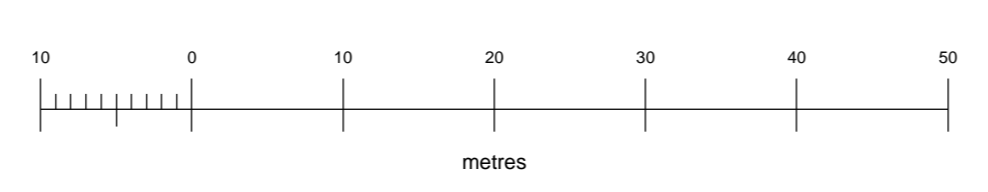


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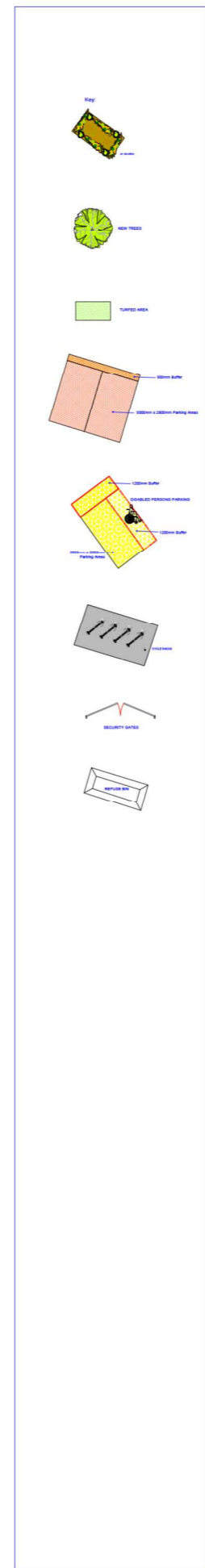
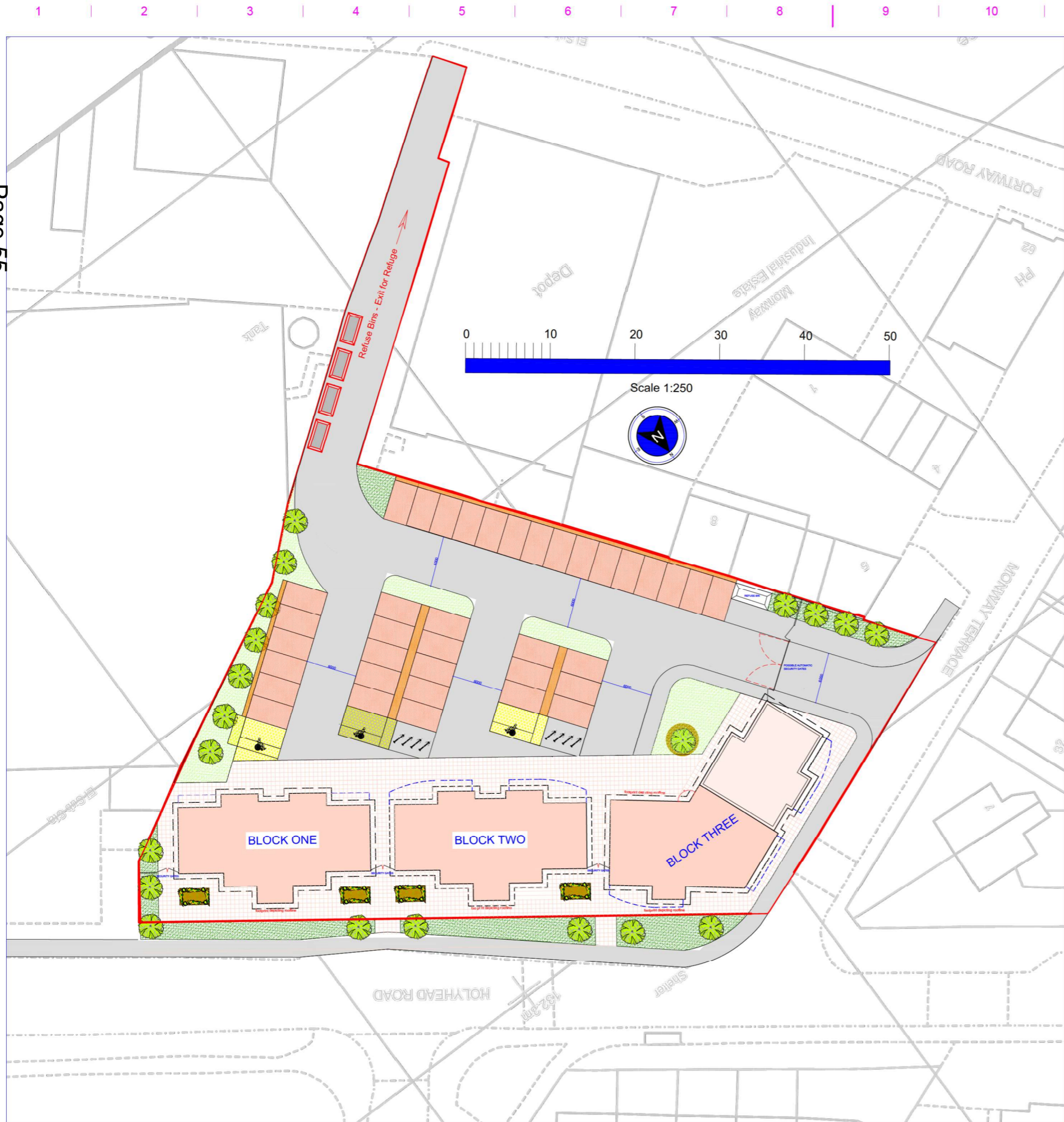


Existing  
 LOCATION PLAN



Revision (c):  
 Boundary Line highlighted

Applicant: <b>SAP Investments Ltd</b>	Proposal: <b>Redevelopment of Land for Residential Use</b>
Location: Land at Former Vehicle Showroom and Workshop 110 Holyhead Road Wednesbury WS10 7PA	Drawing Title: <b>Existing LOCATION PLAN</b>
Drawn by: Alan Crossley	Date: April 2023
<b>A.T.C. Design and Build Ltd., Design and Build Consultants</b>	Scale: 1:500 at AO
The Design Studios, Lower Drayton, Brimfield, Ludlow, Shropshire SY8 4NX	Job No. <b>ATC.1139</b>
Mobile: [REDACTED] Email: [REDACTED]	Drp No. <b>ATC.1139.49c</b>
Status: <b>Planning Application:</b>	



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Notes of Clarification to Support the Application for Outline Planning Consent

- 1.0 Massing and Amenity Space
- 1.1 The Application seeks an Outline Planning Consent for the following:
- (a) Block ONE 8 x 2-Bed Apartments, each with 7.65 square metres of external balcony amenity space
  - (b) Block TWO 10 x 2-Bed Apartments, each with 11.60 square metres external balcony amenity space
  - (c) Block THREE 12 x 2-Bed Apartments, Four with 18.50 square metres external balcony amenity space; Four with 8.50 square metres external balcony amenity space; Four with 11.60 square metres external balcony amenity space
- 1.2 In addition to the above amenity space dedicated to each individual apartment, there will also be a provision for a roof garden on each block to provide amenity space for each block. All well in excess of the standards expected, and listed by the Urban Design Team
- 1.3 There will also be external amenity space as shown at Ground Floor level on this plan Drawing Number ATC 1139.51d
- 2.0 Urban Design
- 2.1 Comments made by the Urban Design Team have been taken into account and this application now seeks Outline Planning Consent for the following:
- (a) The original proposals have been amended and the massing has been reduced as detailed in Item 1.1 above. The total is now 30 apartments (one less than recommended by the Urban Design Team)
  - (b) Amenity space proposals have been increased over and above the recommendations of the Urban Design Team, all as described in Item 1.1(a), (b), (c); and Item 1.2 and 1.3 above
  - (c) At Detailed Planning Application stage, the final proposals that will be submitted will incorporate the following facilities all in accordance with the recommendations made by the Urban Design Team:
    - There will be full front and rear pedestrian access through each block
    - A security gate will be located at the entrance to the rear car parking area to give access for all vehicles
    - There will be pedestrian access to the rear parking and amenity area via security personnel gate
    - Between each Block there will be security fencing to maintain the security of the rear parking and amenity space
- 3.0 Conditions Proposed by the Urban Design Team
- 3.1 The following points made by the Urban Design Team will be incorporated into the proposals at the Detailed Planning Application stage:
- (a) The configuration of the blocks will present a stepped elevation rising from Block ONE to Block TWO and down in steps along the width of Block THREE to end in no greater than three storey at the Access point off Monway Terrace. The side gable would be dual active providing surveillance and architectural detailing
  - (b) Boundary Treatments will be dealt with at the Detailed Planning Application stage taking due notice of the Urban Design Team to include both hard and soft landscaping, and to ensure that public/private and defensible space is maintained particularly around the street frontage and for all ground floor room interfaces
- 4.0 Refuse Collection
- 4.1 Refuse collection will be via Refuse Collection services entering the rear parking and amenity area from Monway Terrace and operating a one-way system to exit onto Portway Road.
- 4.2 The aim of the original application proposals was to locate all refuse bins in one location on the small road leading to Portway Road. However, in accordance with the recommendations made by the Urban Design Team, additional refuse storage facilities will be located closer to Block Three as shown on the revised Drawing Number ATC 1139.51d
- 5.0 Highways
- 5.1 The Highways Officer has commented upon the requirement for a 6m manoeuvring space behind each parking bay. Drawing Number ATC 1139.51d now shows this requirement
- 5.2 The present proposal now relates to 30 apartments. The proposed parking provision therefore exceeds the minimum requirement and the concerns of the Highways Officer have been noted and actioned accordingly.
- 5.3 Conditions will be attached to any Outline Planning Consent granted, that will take into account the following points made by the Highways Officer:
- (a) A management plan will be required within the Reserved Matters application to confirm how shared areas will be managed and maintained, particularly from a Highways perspective - the layout maintenance of the car park, surface and lining and the management and operation of the proposed entrance gates, and the additional access to provide the one-way system for refuse vehicles
  - (b) A Condition will be added to ensure that the existing footway is reinstated where the present drop kerbs exist
- 6.0 Staffordshire County Council Flood Risk Management Team
- 6.1 There will be a requirement for the maintenance and management of the drainage system on site after the development is occupied. Within the Reserved Matters submission will be the full details of the Maintenance and management Specialist Company with who the Applicant will enter into a Contract for the provision of all such maintenance and management

Revision (d): August 2023  
Parking Layout revised  
Notes Added

Applicant: SAP Investments Ltd Heath Road Darlaston Wednesbury West Midlands	Proposal:  Redevelopment of Land for Residential Use
Location:  Land at Former Vehicle Showroom and Workshop 110 Holyhead Road Wednesbury WS10 7PA	Drawing Title:  Proposed BLOCK PLAN
Drawn by: Alan Crossley	Date: August 2023

**A.T.C. Design and Build Ltd.,**  
Design and Build Consultants

The Design Studios,  
Lower Drayton,  
Brimfield,  
Ludlow,  
Shropshire  
SY8 4NX

Scales:  
1:250 at A1  
Job No.  
**ATC.1139**  
Drg No.  
**ATC.1139.51d**

Mobile: [REDACTED] Status:  
Email: [REDACTED] Planning Application:



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## Report to Planning Committee

**29 November 2023**

<b>Application Reference</b>	DC/23/67863
<b>Application Received</b>	10 January 2023
<b>Application Description</b>	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.
<b>Application Address</b>	Land West Of Bridge Street North Smethwick B66 2BJ
<b>Applicant</b>	Soterion Limited
<b>Ward</b>	Soho & Victoria
<b>Contact Officer</b>	Mr Andrew Dean <a href="mailto:andrew_dean@sandwell.gov.uk">andrew_dean@sandwell.gov.uk</a>



# 1 Recommendations

1.1 That, subsequent to ratification by Full Council of the departure from housing use, temporary planning permission is granted subject to conditions relating to:

- i) 3 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.
- xxii) No more than 29,999 tonnes of hazardous waste to be received at the site per annum.
- xxiii) The submission of a revised Environment Agency permit prior to works starting to demonstrate the waste limit has been reduced in accordance with the limit stated above.
- xxiv) The submission or a yearly report to the local planning authority to demonstrate the hazardous waste limit has not been breached.

## 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?

	<b>A strong and inclusive economy</b>
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## 4 Context

- 4.1 The planning committee granted approval of a 5-year temporary permission for this application on 28 July 2023. Committee members visited the site and surrounding area before this meeting. Following this meeting it was brought to the attention of the local planning authority by two subsequent objections that hazardous waste proposals which exceed 30,000 tonnes per annum require a Development Consent Order. A Development Consent Order is the means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP)” This includes energy, transport, water



and waste projects.” Applications for NSIPs are made to and dealt with by the Planning Inspectorate and not the local planning authority. The applicant has previously stated that they had applied for an Environment Agency licence for 215,000 tonnes of hazardous waste per annum. To address the above issue, a number of additional conditions have been added to the recommendation which requires the ratification of members.

- 4.2 The additional conditions referred to above includes a limit of 29,999 tonnes of hazardous waste to be received by the site per annum, the submission of a revised Environment Agency permit prior to works demonstrated that the waste limit has been reduced and, to ensure compliance, the submission of a yearly report to the local planning authority to demonstrate the hazardous waste limit has not been breached. The local planning authority are satisfied that these conditions would ensure compliance with the waste limit. However, should a breach occur the department have enforcement powers available such as stop notices and enforcement notices. The temporary period has also been reduced from the originally agreed 5 years to 3 years on the basis of discussions with the applicant who stated this site would be a stop gap between their current site in Wolverhampton closing and a new permanent site outside of the borough being secured.
- 4.2 The original reason for the application being reported to the Planning Committee was 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, 16 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 2800m<sup>2</sup>. 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 &	Grant Permission subject to conditions. 25.11.1997



	partial demolition to afford lorry manoeuvring.	
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## 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.

8.6 The agent has also stated that any works currently ongoing relate to the removal of the legacy material including the hardcore from past demolition works and non-planning related repairs to the fabric of the hi bay building.

## 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) Concerns with ongoing monitoring of asbestos fibres in the air.
- iv) Wildlife concerns in terms of dust and water run off from the site entering the canal wildlife corridor.
- v) The site should be regenerated for residential development.
- vi) The view of the site at present is poor with a half-covered soil mound.
- vii) Highway matters including increased vehicle movements.

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

Following the committee granting approval of a 5-year temporary permission for this application on 28 July 2023, two subsequent objections were received. The additional objections (not already referenced above) have been summarised below; -

- viii) The threshold for hazardous waste of 30,000 tonnes per year needs to be applied to the planning consent or the applicant will require a development consent order. This cannot be issued by the local planning authority.
- ix) Concerns the company did not comply with waste limits imposed by City of Wolverhampton Council temporary permission (application reference 20/00786/RC).

The above matters have been discussed in paragraph 4.1 and 4.2.

## 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**

Before the committee meeting dated 27<sup>th</sup> July 2023, 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 policies 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 and asbestos monitoring. 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 m<sup>2</sup> day<sup>-1</sup> 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 polices and there are no material considerations that would justify refusal of the application for a temporary period only.



## 16 Implications

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

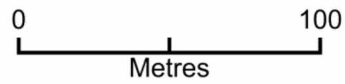
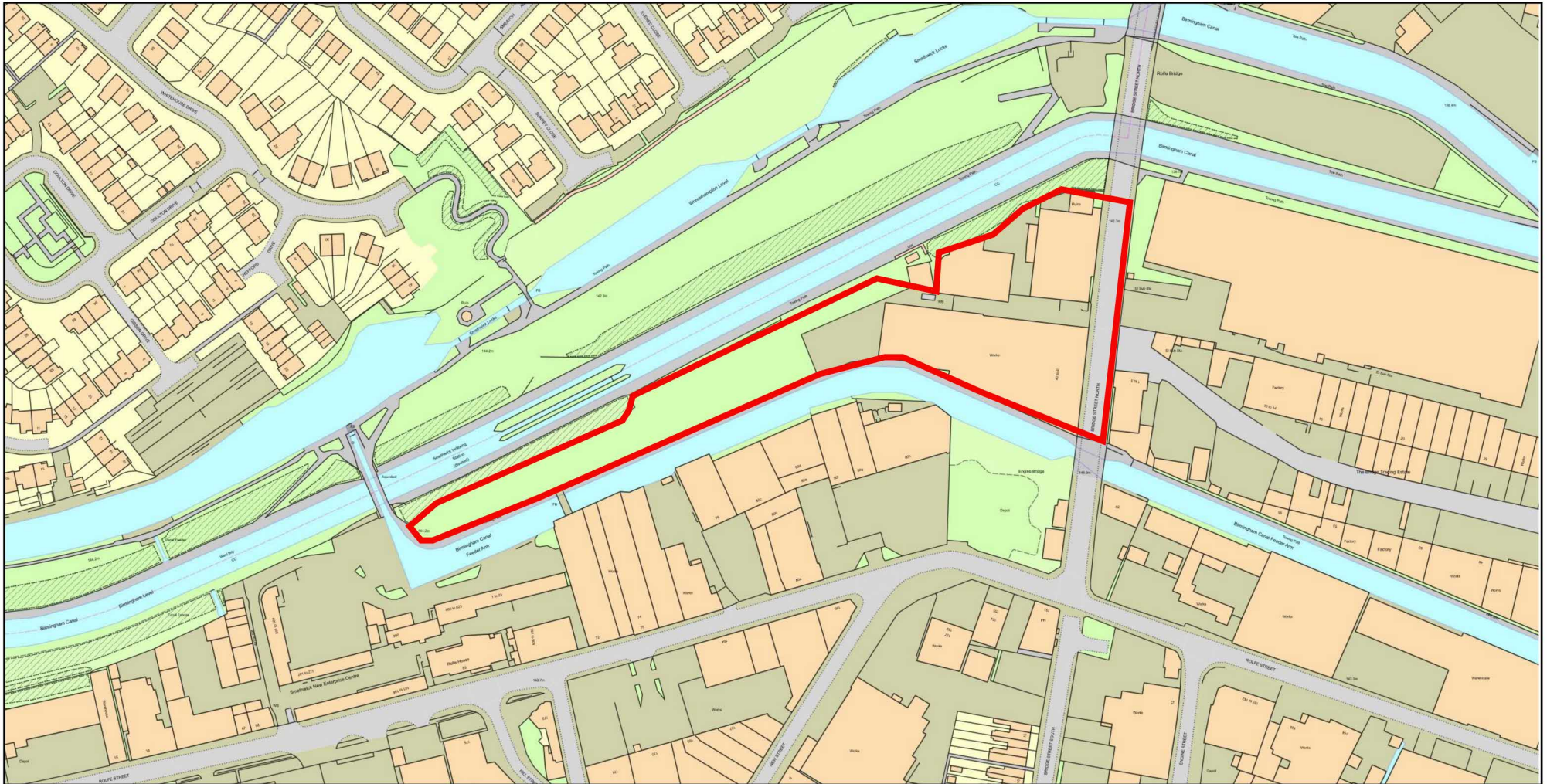
Proposed post remediation bays - 102201/P400 (A1)

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

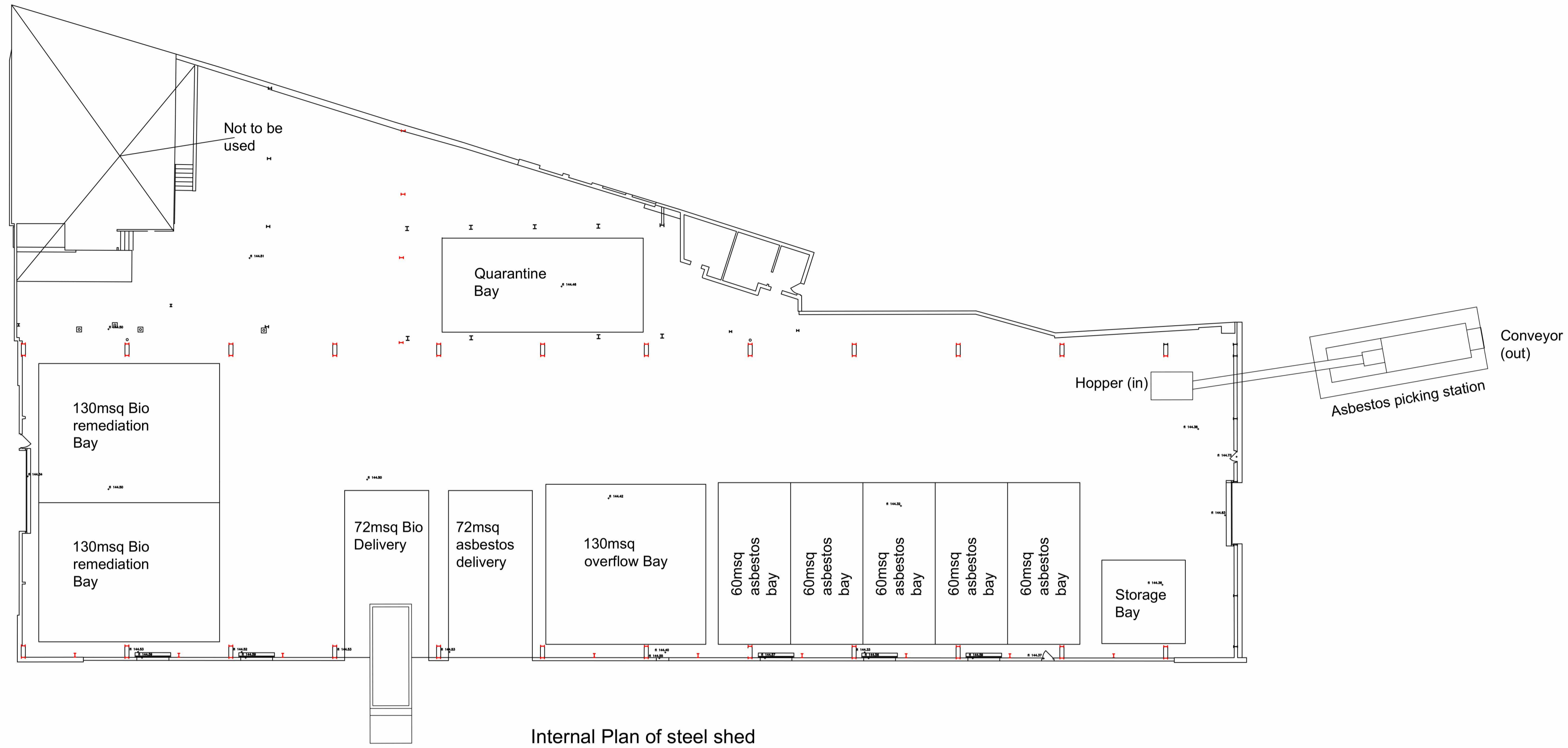
Plan Reference Number: TQRQM22046120930716

Scale: 1:2500 @ A4



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

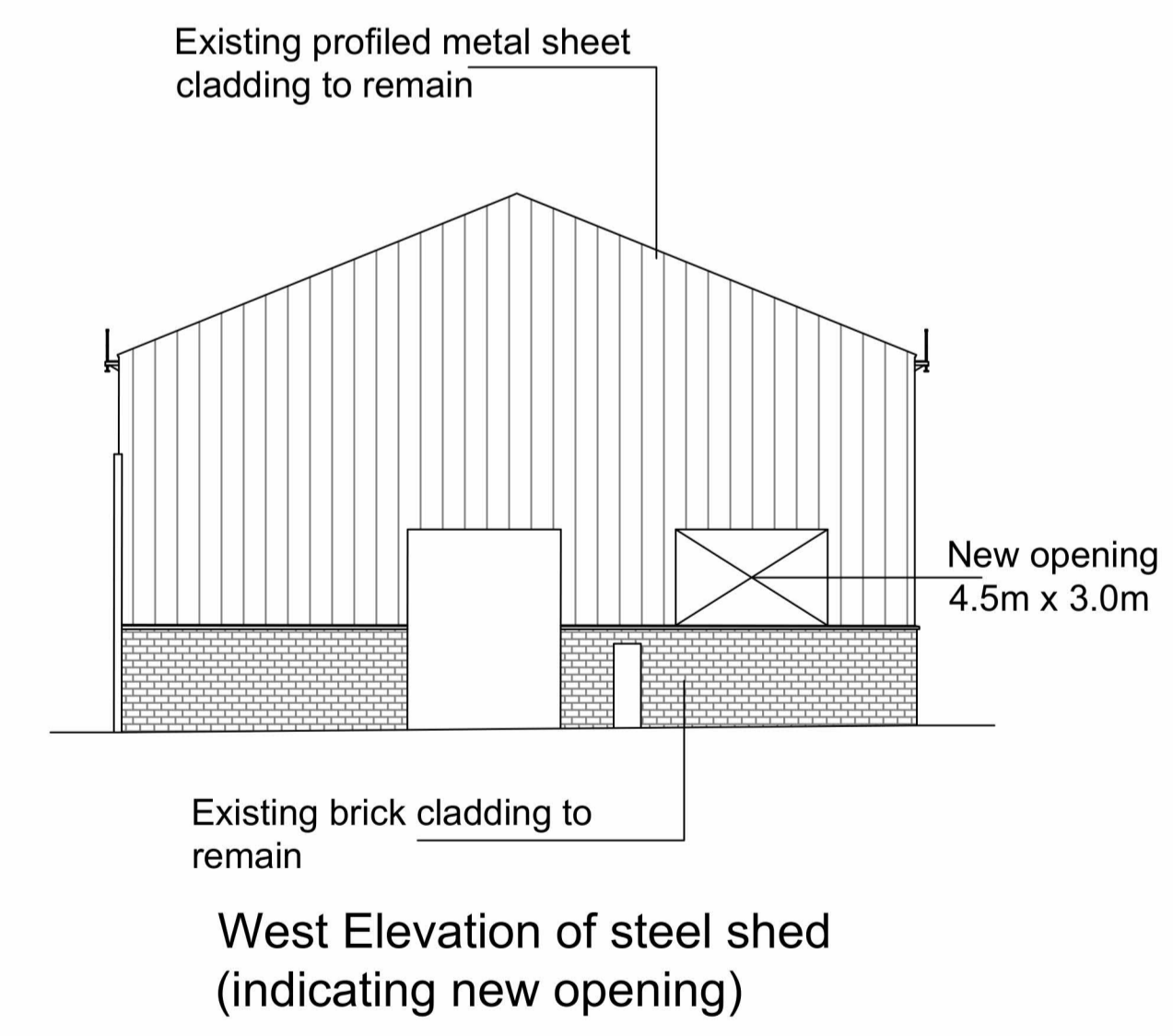
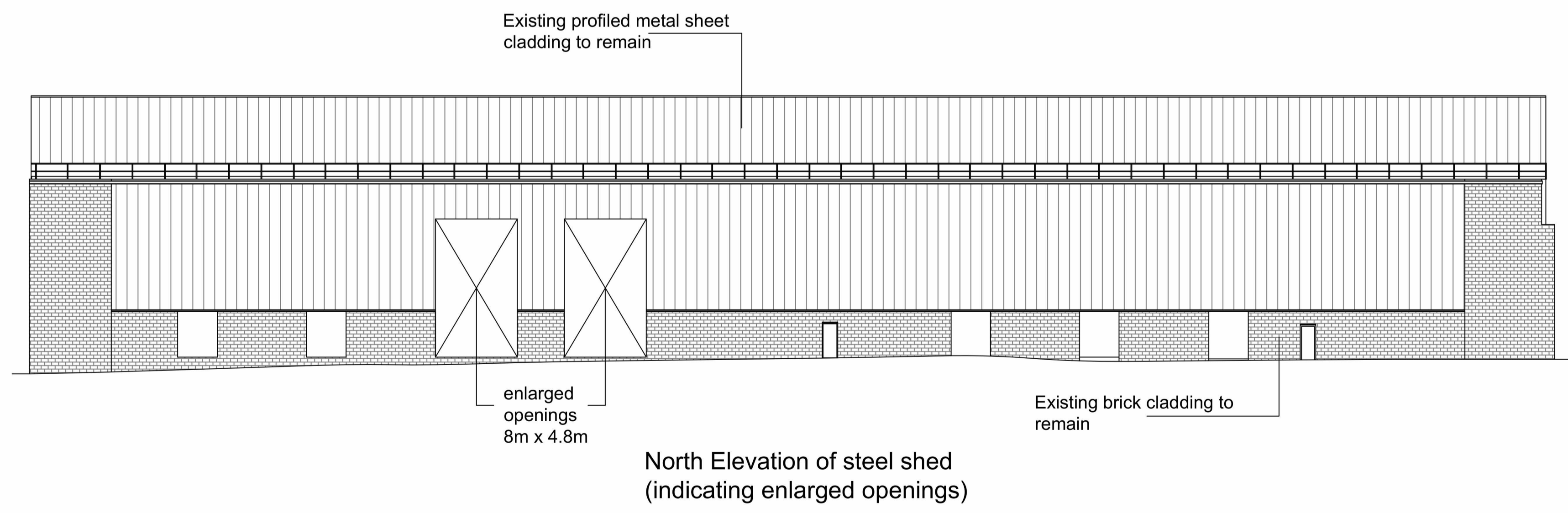
Sean M Fitzpatrick BSC CEng MStructE  
Consulting Engineer

40 Measham Road  
Acreford,  
DE12 8AJ

Drawn by: SMF Date: 14/12/2022

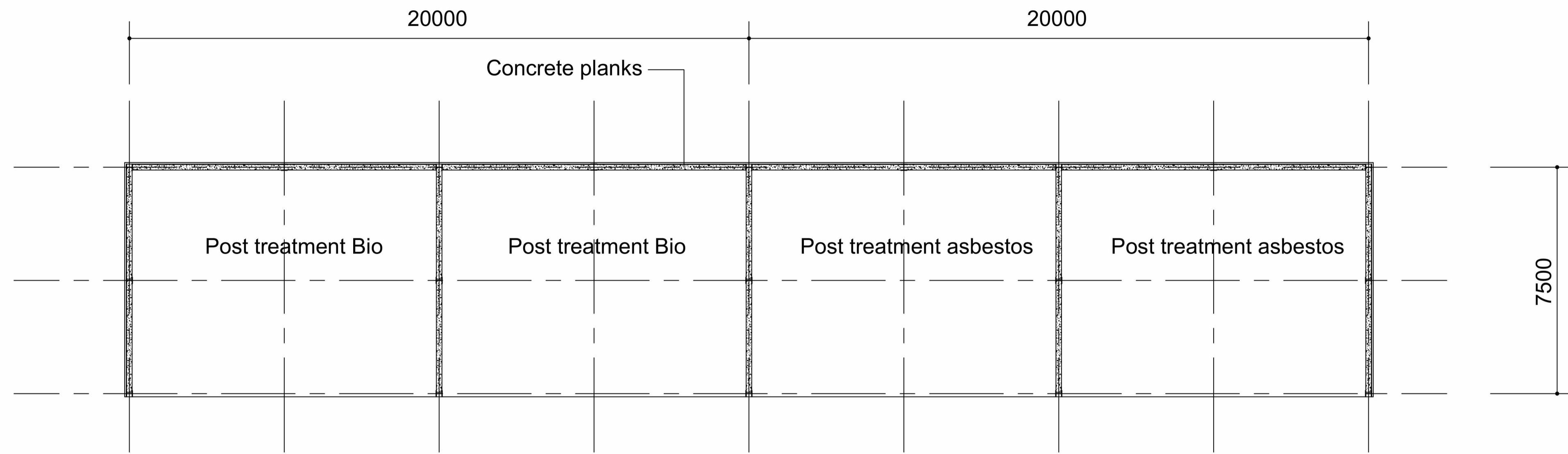
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Drawing No. 102201/P200 Rev. -

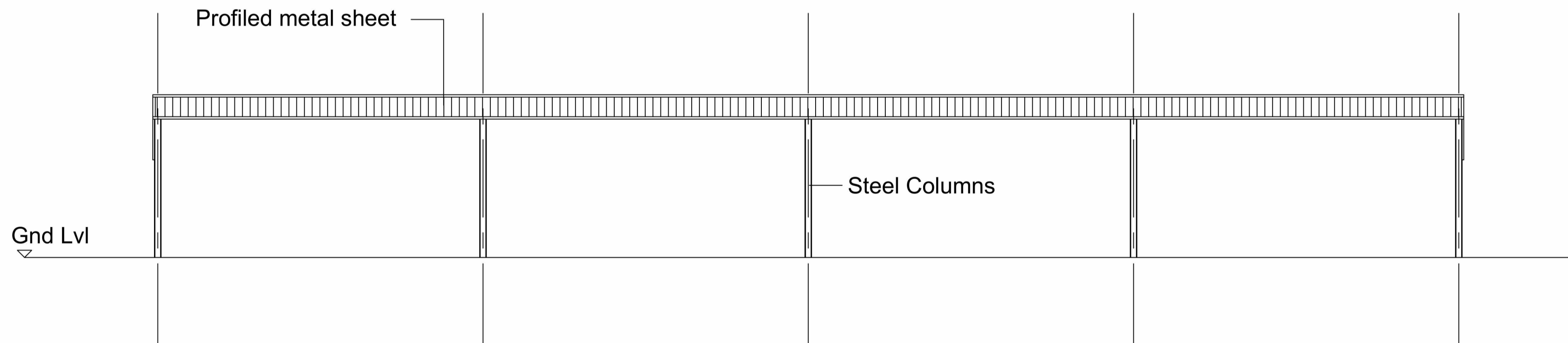


Use figured dimensions only. Do not scale from drawing.  
 All levels and dimensions are to be checked on site.  
 This drawing is to be read in conjunction with all relevant documents

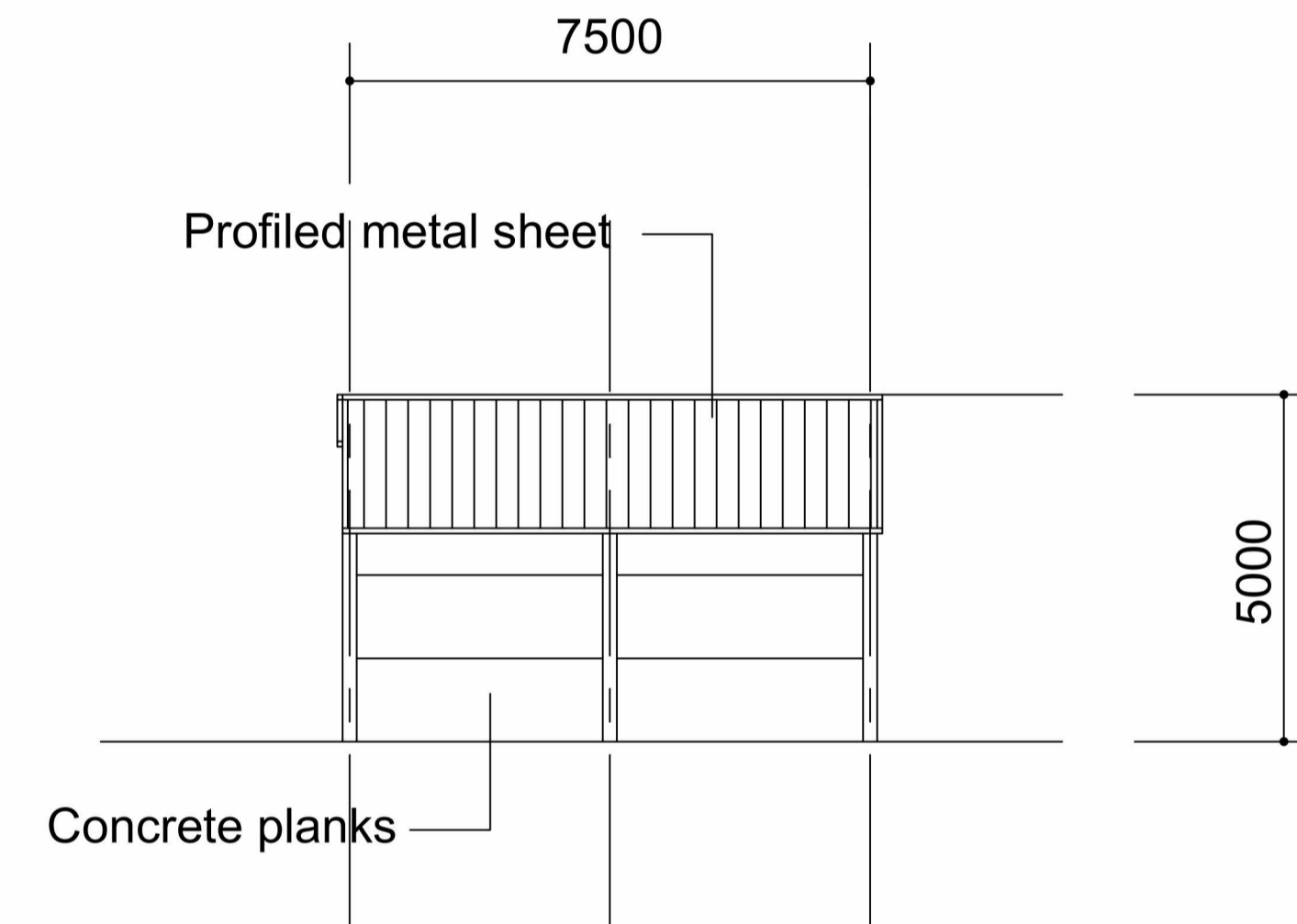
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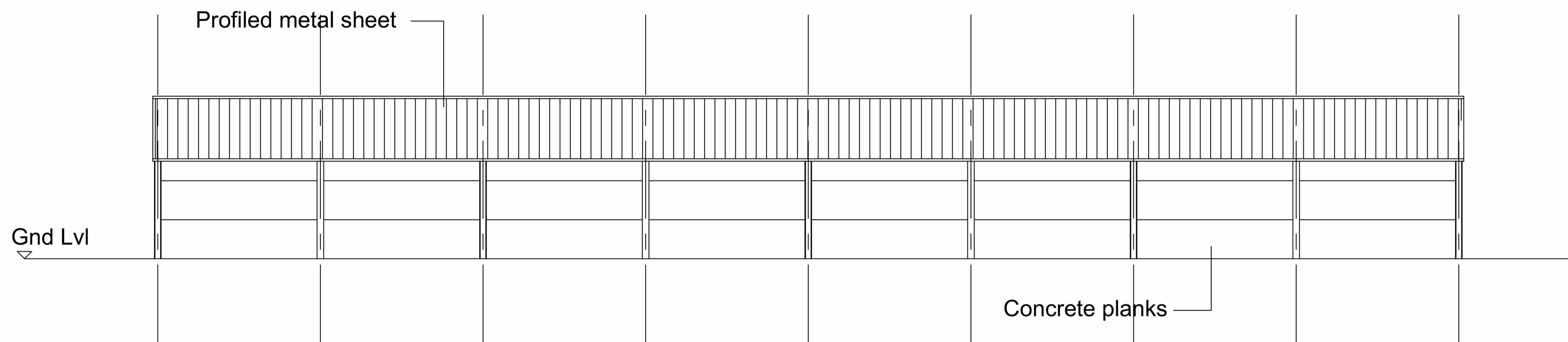
Plan



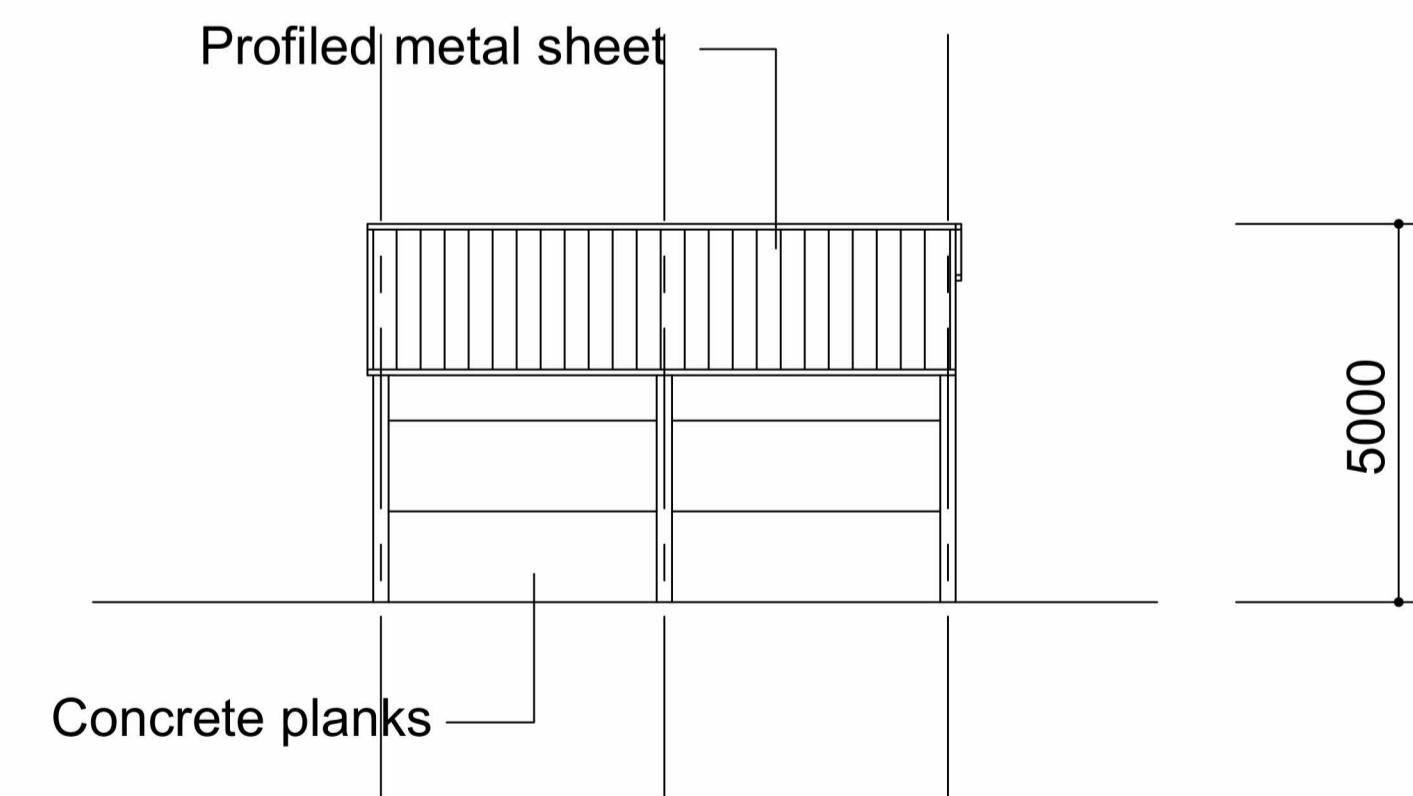
North Elevation



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

Drawn by: SMF Date: 14/12/2022

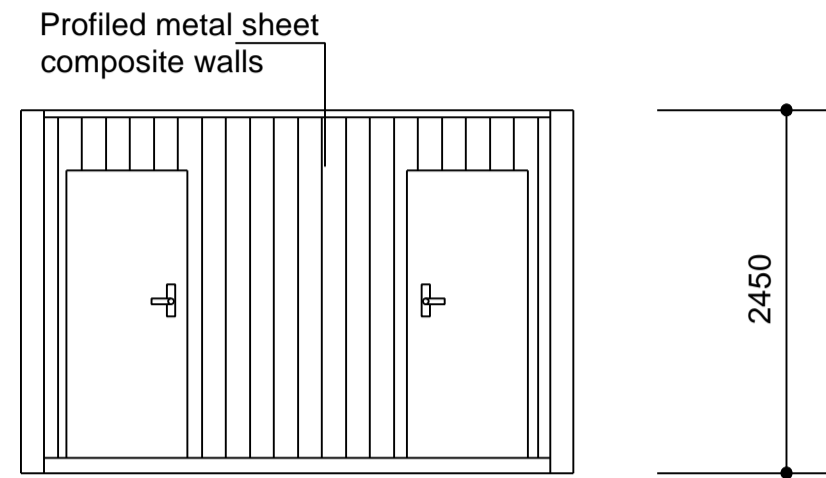
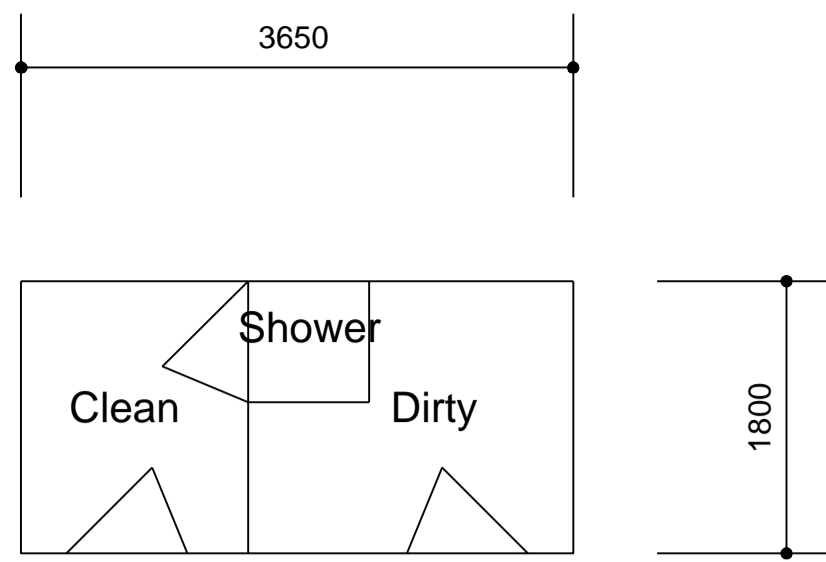
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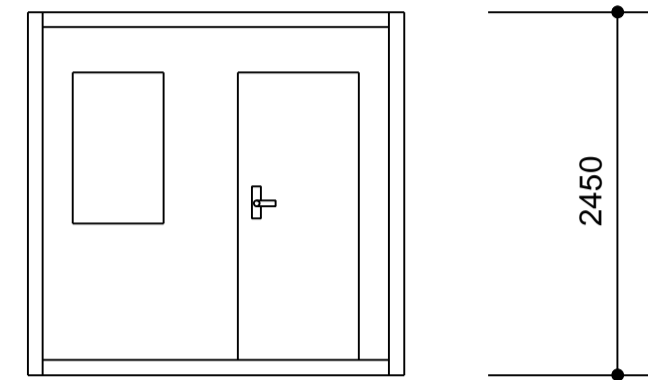
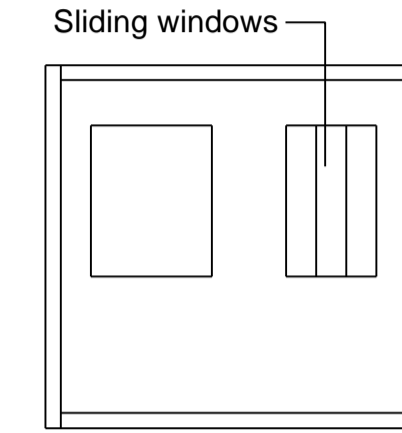
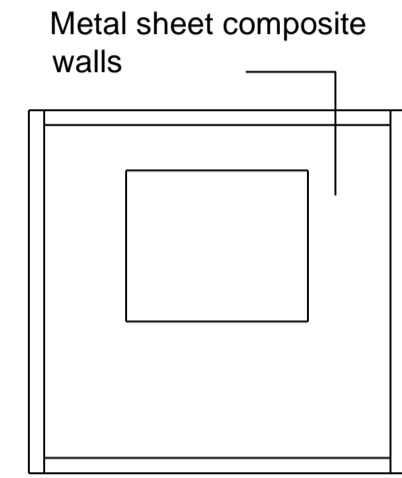
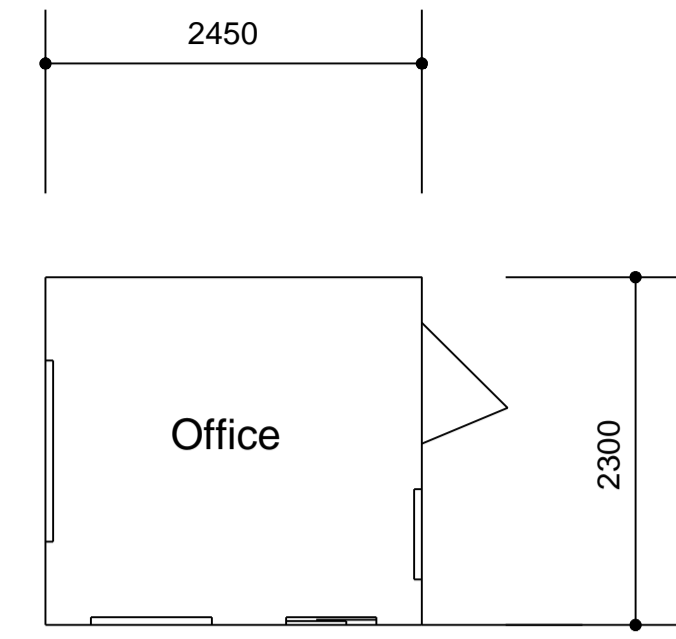


Use figured dimensions only. Do not scale from drawing.  
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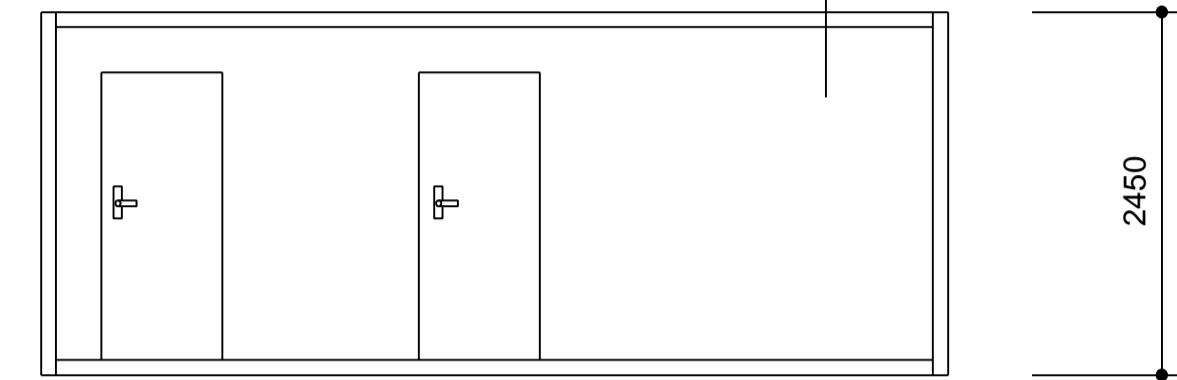
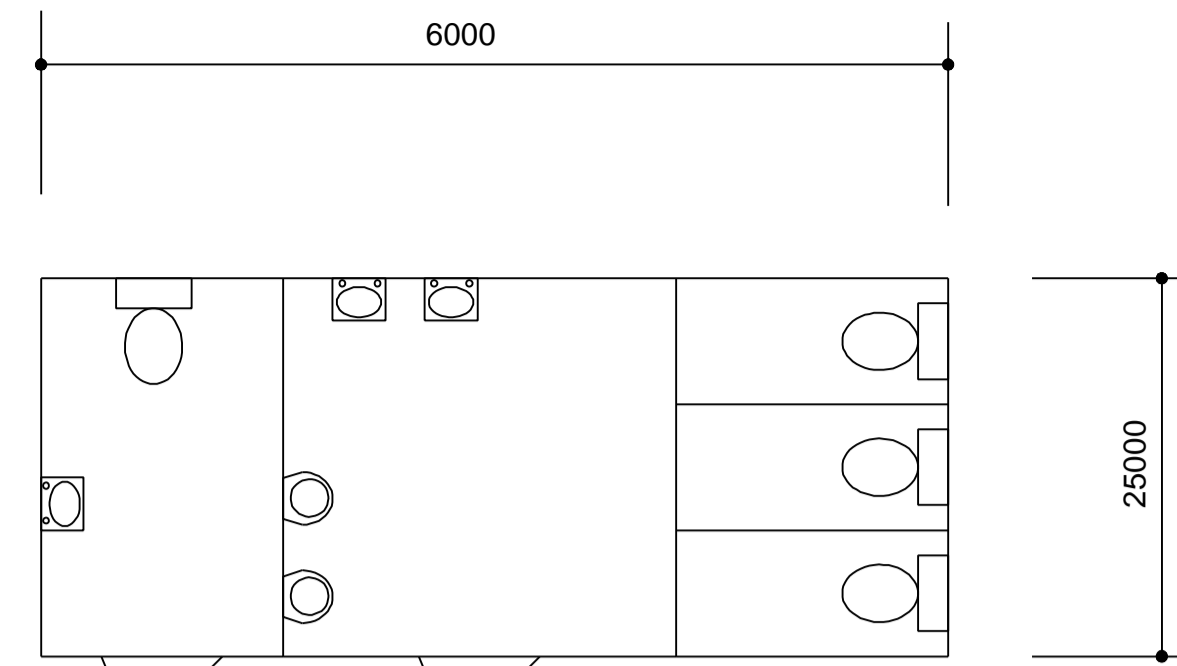
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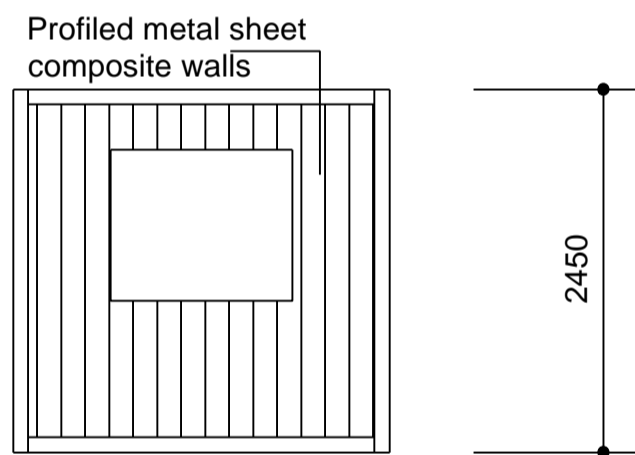
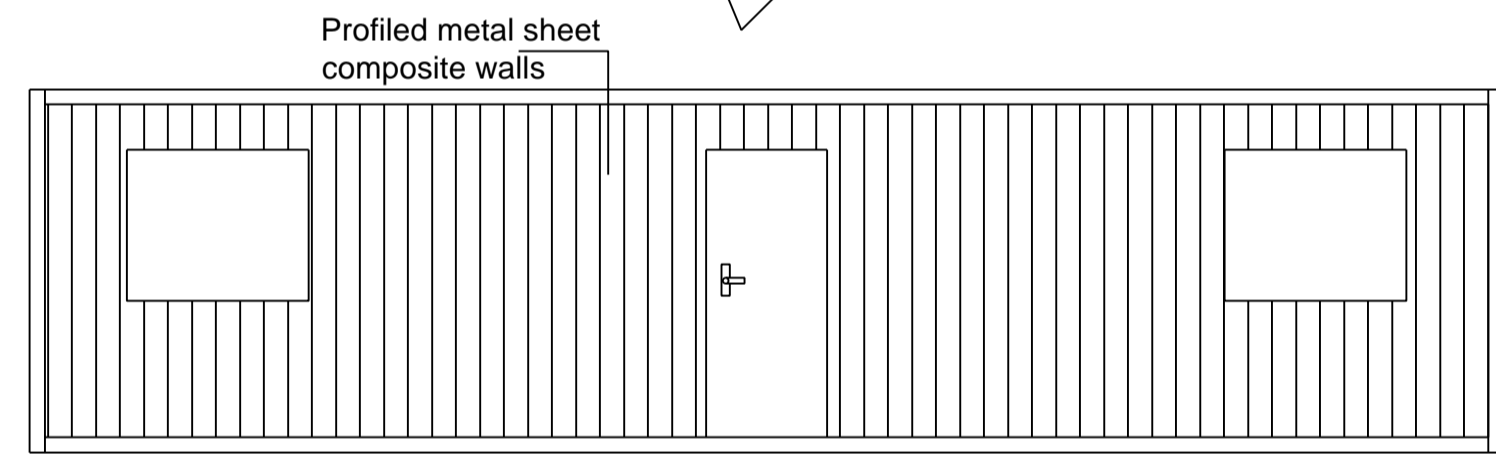
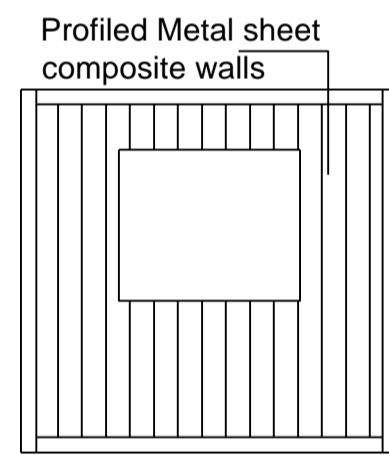
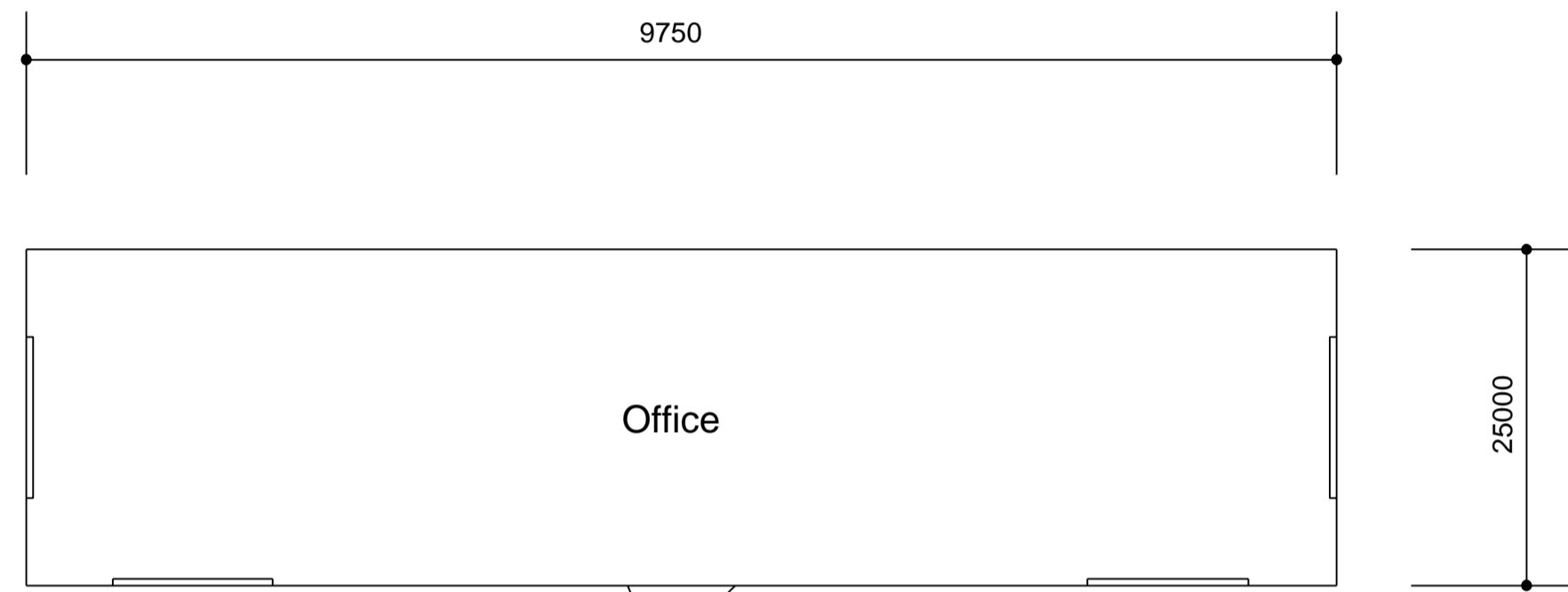
Decontamination Unit



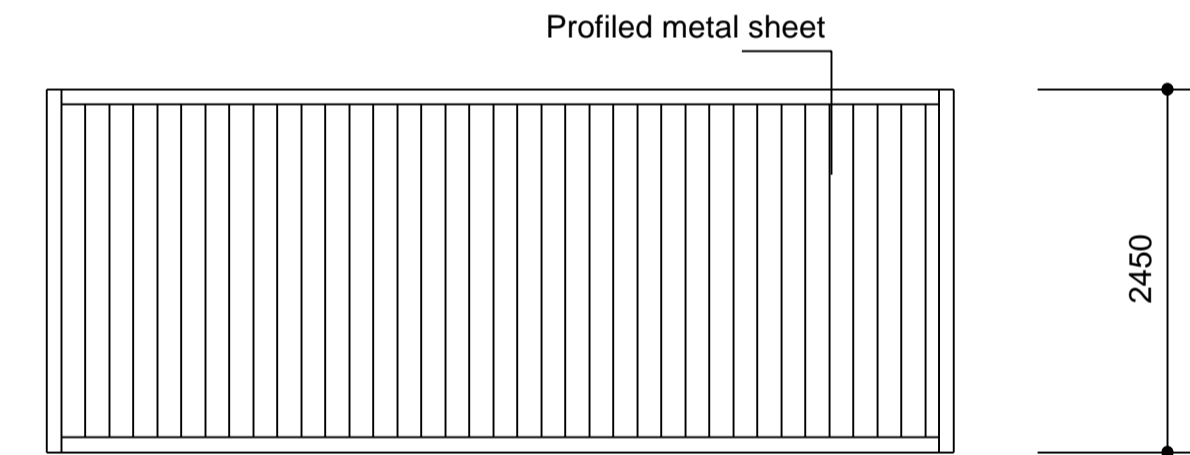
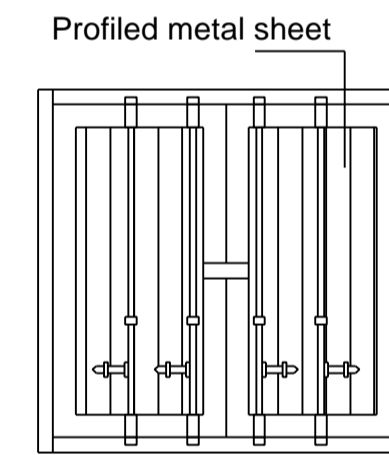
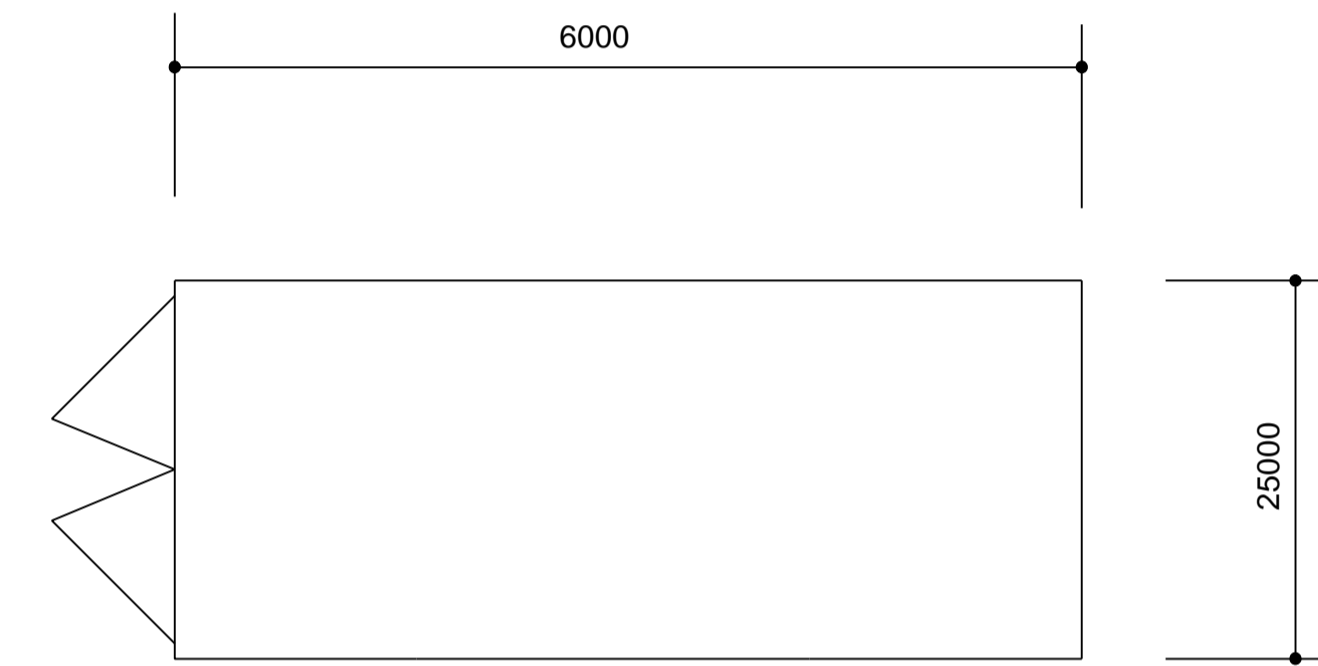
Weighbridge Office



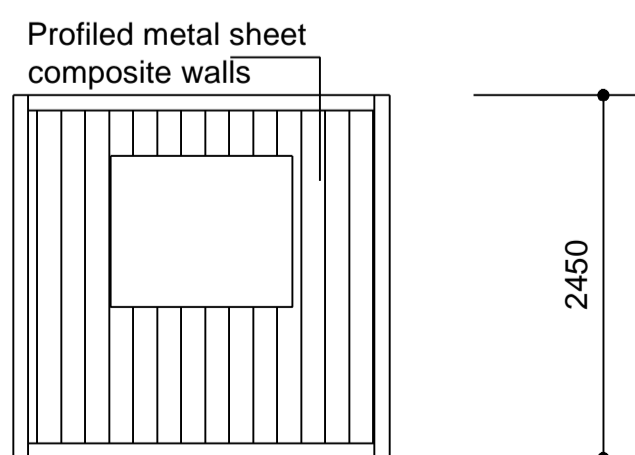
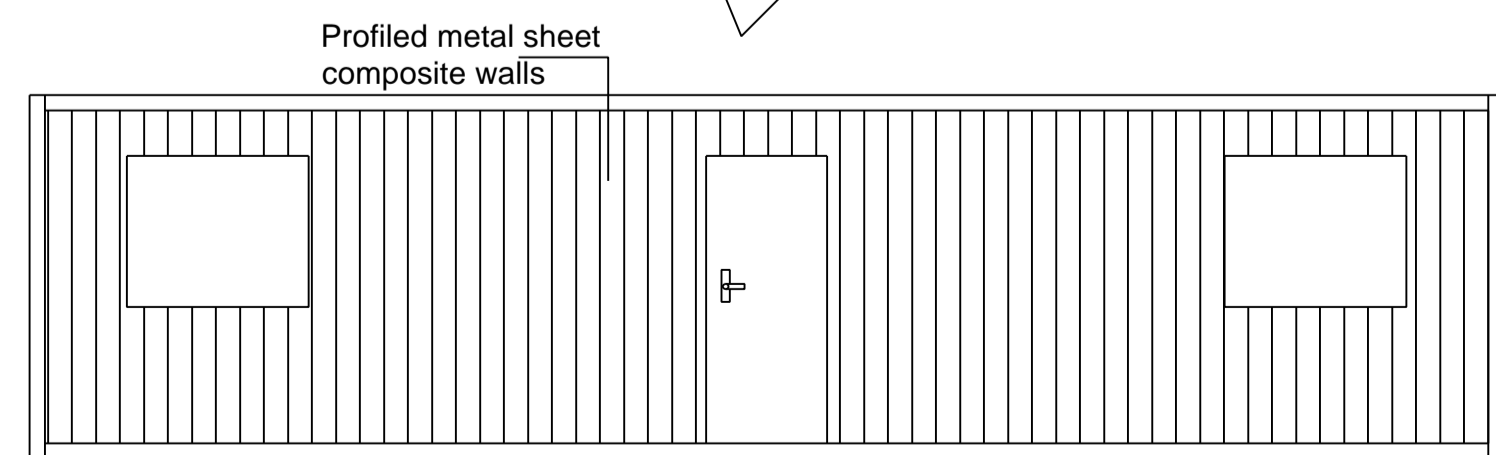
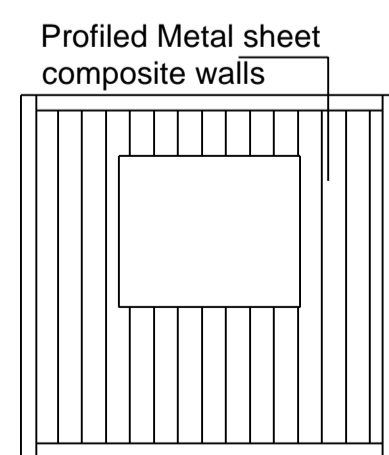
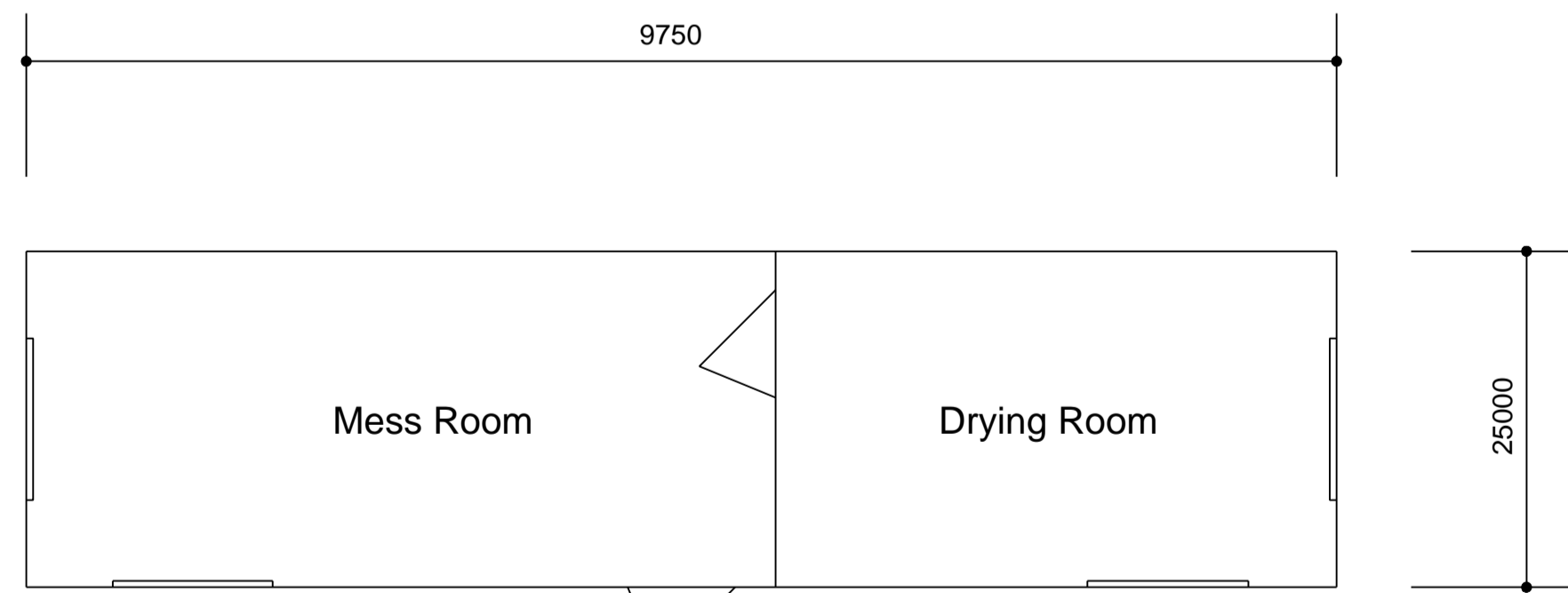
Toilet Unit



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

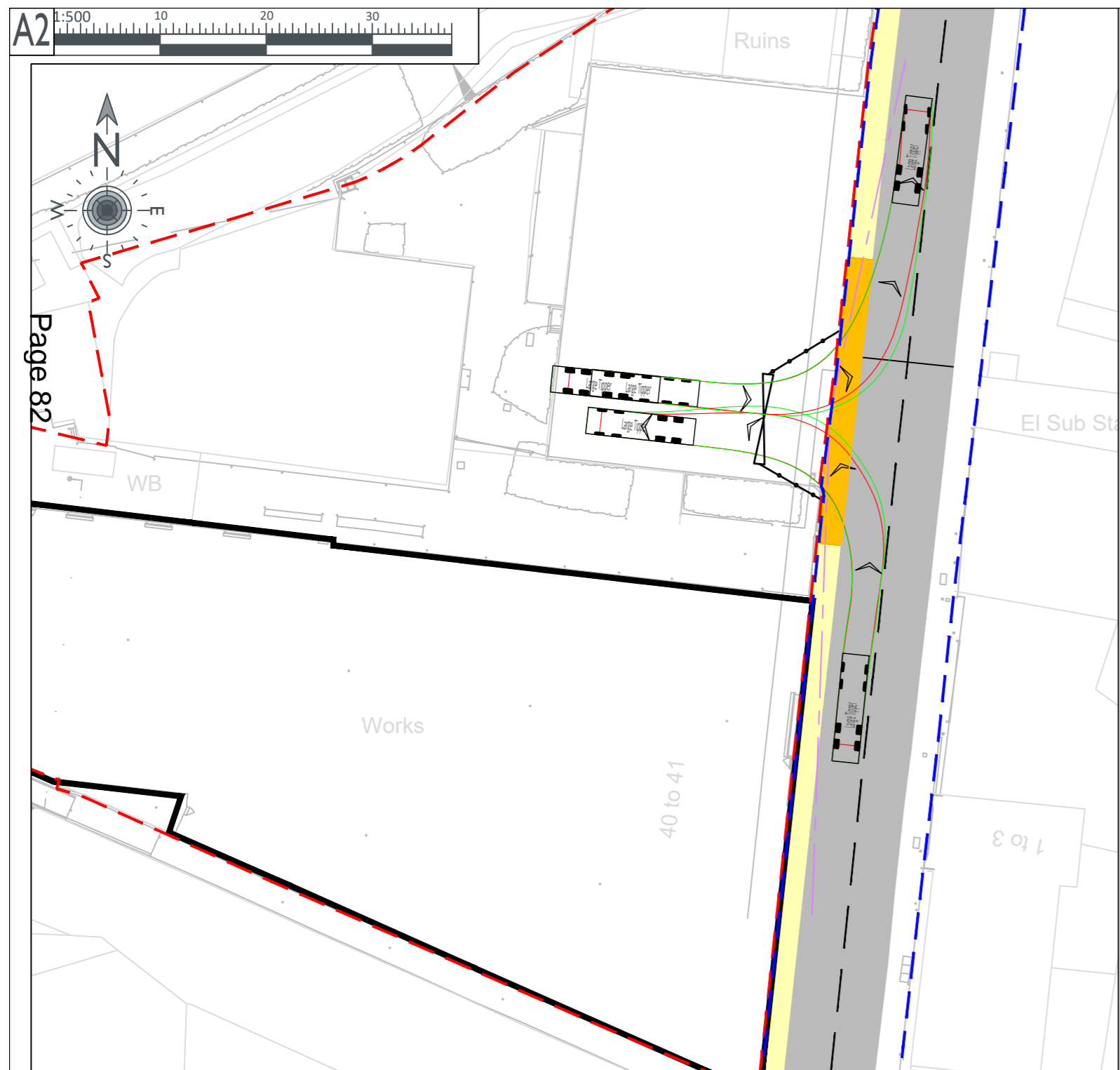


40 Measham Road  
Acreford,  
DE12 8AJ

Drawn by: SMF Date: 14/12/2022

Scale: 1:50 @ A1

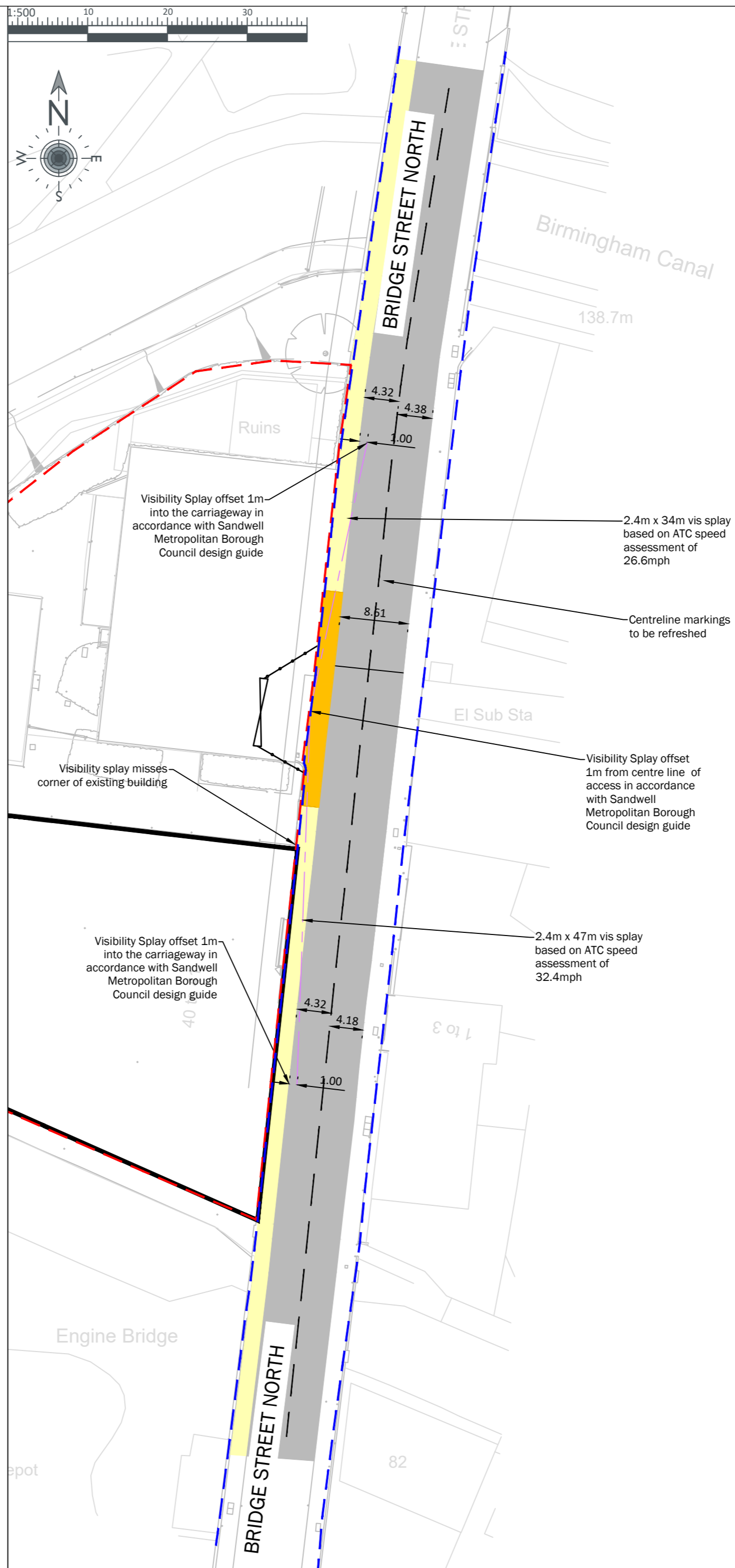
Drawing No. 102201/P300 Rev. -



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

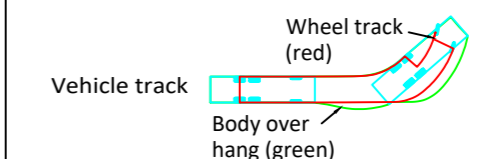
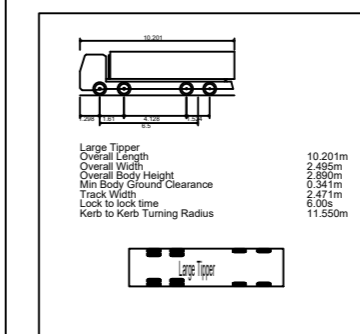
- etc has not been highlighted and will be subject to detailed design review.
- All boundary extents will need to be confirmed to ensure that the proposals shown can be delivered.
- The existing road widths are based upon the Topographical Survey data or design information.
- The design speeds of the 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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12m WHEELED CONVEYOR

6m SKID CONVEYOR

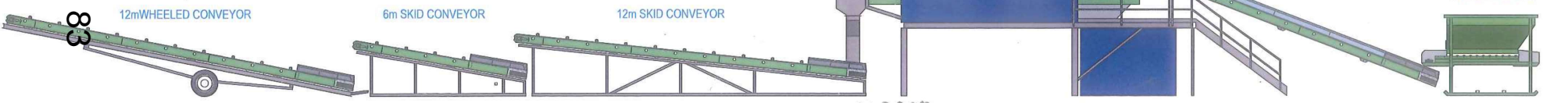
12m SKID CONVEYOR

PICKING CABIN

INFEEED CONVEYOR

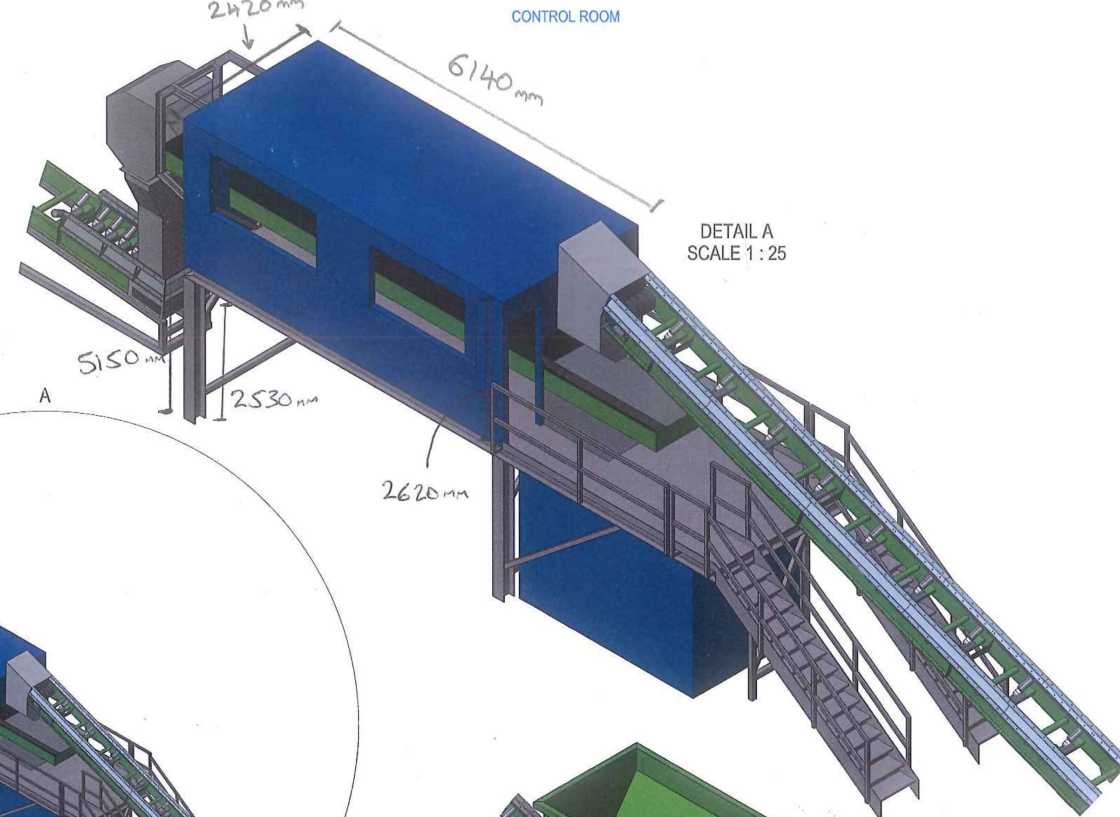
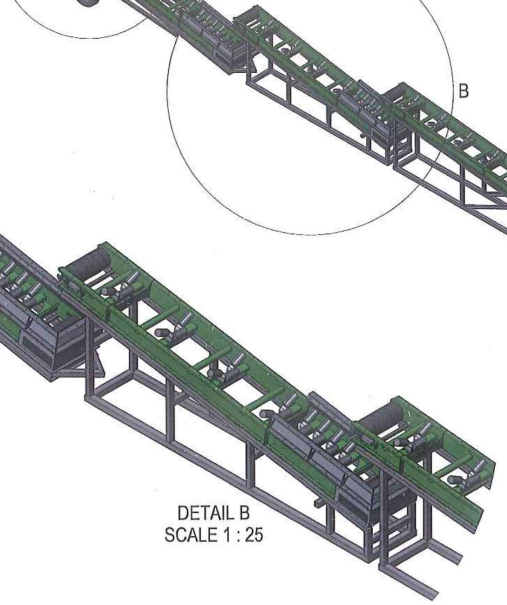
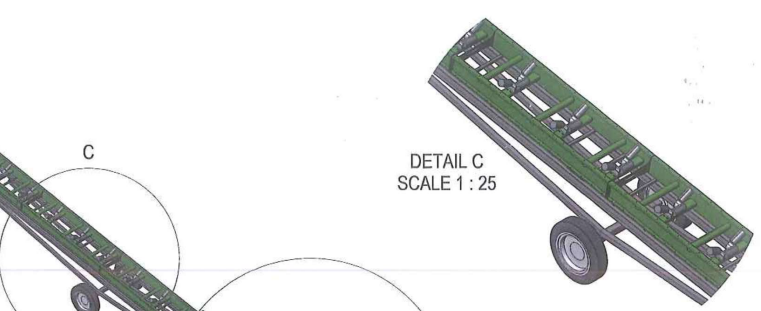
5m³ HOPPER FEEDER  
VARIABLE SPEED

CONTROL ROOM



2420 mm

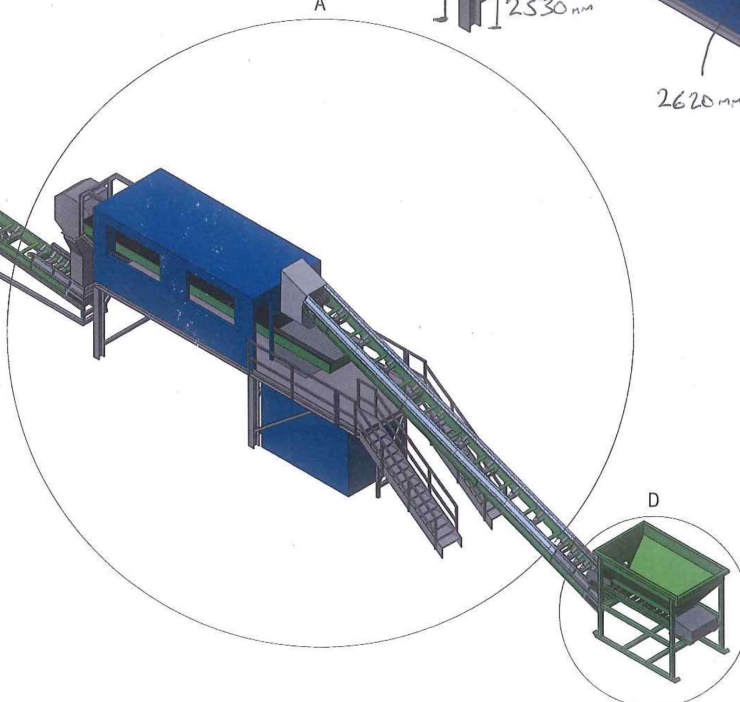
6140 mm



5150 mm

2530 mm

2620 mm



DETAIL D  
SCALE 1:25

DETAIL B  
SCALE 1:25



## Report to Planning Committee

29 November 2023

<b>Application Reference</b>	DC/23/68288
<b>Application Received</b>	17 May 2023
<b>Application Description</b>	Proposed part change of use of ground floor and conversion of first/second floors with single storey rear extension to create 2 No. self-contained apartments, rear loft dormer window, new shop front, landscaping and parking to rear.
<b>Application Address</b>	38 High Street Cradley Heath B64 5HL
<b>Applicant</b>	Mr Sutti
<b>Ward</b>	Cradley Heath & Old Hill
<b>Contact Officer</b>	Mr Andrew Dean <a href="mailto:andrew_dean@sandwell.gov.uk">andrew_dean@sandwell.gov.uk</a>

### 1 Recommendations

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

- i) External Materials;
- ii) External lighting scheme;
- iii) Privacy glazing scheme for the rear facing lounge window;
- iv) Hard and Soft landscaping;
- v) Bin storage;





- vi) Cycle Storage;
- vii) Low NOx boilers;
- viii) Construction environmental management plan;
- ix) Contamination;
- x) Hours of construction; and
- xi) Sound proofing scheme for the first floor.

## 2 Reasons for Recommendations

2.1 The amended proposal raises no significant concerns from an amenity or design perspective and proposes suitable living accommodation compliant with national and local planning policy. The proposal would contribute to the range and type of properties available in the borough in a sustainable location well served by public transport.

## 3 How does this deliver objectives of the Corporate Plan?

	Quality homes in thriving neighbourhoods
	A strong and inclusive economy

## 4 Context

- 4.1 At the last committee meeting, members resolved to visit the site.
- 4.2 The application is being reported to your committee as seven objections to the proposal have been received.
- 4.3 To assist members with site context, a link to Google Maps is provided below:

[38 High Street, Cradley Heath](#)



## 5 Key Considerations

- 5.1 The site is not allocated within the Development Plan.
- 5.2 Material planning considerations (MPCs) are matters that can and should be taken into account when making planning decisions. By law, planning decisions should be made in accordance with the development plan unless MPCs indicate otherwise. This means that if enough MPCs weigh in favour of a development, it should be approved even if it conflicts with a local planning policy.
- 5.3 The material planning considerations which are relevant to this application are:-

Government policy (NPPF)

Planning history (including appeal decisions)

Amenity concerns – Overlooking/loss of privacy, loss of light and/or outlook and overshadowing

Design concerns - appearance and materials, layout and density of

Highways considerations - Traffic generation, access, highway safety, parking and servicing

Environmental Concerns

Presumption and the ‘titled balance’

## 6. The Application Site

- 6.1 The application site relates to commercial premises located on the southeast side of High Street, Cradley Heath. The property falls within a town centre location. The application property is a mid-terraced two storey property which includes a large yard area to the rear also within the ownership of the applicant.

## 7. Planning History

- 7.1 The property has been subject to three refusals. The reason for refusal of DC/18/61561 and DC/18/62082 related to back land development and



a poor living environment due to the mixed retail/residential functioning of the space to the rear. DC/21/66030 was refused due to the proposed properties failing to achieve the minimum internal space standards and the change of use of the retail unit to residential being contrary to policy CEN1 in that the site is within a defined retail core and the application would prejudice the retail function of the core area.

7.2 Relevant planning applications are as follows:

DC/21/66030	Demolition of existing single storey rear, proposed new two storey rear extension and conversion from shops/offices to provide 4 No. studio flats.	Refusal 21.12.2021
DC/18/62082	Proposed change of use at ground floor (rear), and first floor extension to rear to create 2no. studio apartments, with associated parking (amendment to planning application DC/18/61561).	Refusal 18.10.2018
DC/18/61561	Proposed two storey rear extension and change of use from vacant office above a retail unit to 3 No. self contained apartments with associated parking.	Refusal 22.05.2018

**8. Application Details**

8.1 The application is proposing a part change of use of ground floor at the rear and conversion of first/second floors with single storey rear extension to create 2 No. self-contained apartments, rear loft dormer window, new shop front, landscaping and parking to rear. A 26m<sup>2</sup> retail





unit would remain at the front of the property accessed from High Street. This unit would consist of a retail area, backroom area, toilet and kitchen.

- 8.2 The single storey rear extension would measure 4.8 metres (W) by 5.4 metres (L) and have an overall height of 4 metres (2.9 metres to the eaves).
- 8.3 The rear dormer window would measure 4.3 metres (L) by 3.8 metres (D) with an overall height of 1.8 metres. The dormer would have a volume of 14.71 m<sup>3</sup>.
- 8.4 Apartment 1 would be a 1-bedroom dwelling with an internal floor area of 52.1 m<sup>2</sup>. This flat would be accessed from the rear via the existing gated rear access. This unit would contain a kitchen/living room, hall, bathroom and bedroom.
- 8.5 Apartment 2 would be a 1-bedroom dwelling split across two floors and would have an internal floor area of 60.1 m<sup>2</sup> (when including the front access stairs which are for the sole use of this apartment). This flat would be accessed from the front of the property off High Street. This property would contain a kitchen/living room on the first floor and bathroom and bedroom in the roof space. Both apartments would be served by 38 m<sup>2</sup> of external amenity area.
- 8.6 The applicant is also proposing to change the shop front of the property to accommodate the additional door access to serve the apartment on the first and second floor. The existing fascia sign would also be reduced in scale to that of adjacent properties and the first-floor window enlarged.

## 9. Publicity

- 9.1 The application has been publicised by neighbour notification letter, with seven objections being received. Neighbours were re-consulted on the amended plans with a further four objections being received raising the same issues.



## 9.2 Objections

Objections have been received on the following grounds:

- i) Concerns regarding land ownership issues and the loss of car parking spaces at the rear of the property to adjacent neighbours. Reference to a demolished toilet block on the land for the use of properties 39 and 40. Objectors state they have a right to access this land.
- ii) A small section of the site is outside the ownership of the applicant and would become built on or land locked if the applicant gets permission and builds the development. This area is within the ownership of No.40 and appears to be the location of the former outside toilet.
- iii) Concerns residents would experience noise and disturbance due to a hot food takeaway and other commercial uses being located adjacent to the property.
- iv) Concerns emergency vehicles will not be able to access the property at the rear of the site due to the narrow tunnel entrance and locked gates.
- v) Access to the property at the rear is restricted by a locked gate.
- vi) Concerns with regards to the fact residents may cause anti-social behaviour and potentially be criminals/drug users.
- vii) The proposal would cause a loss of light, outlook and privacy to adjacent buildings as well as the buildings ventilation.
- viii) Concerns the applicant has undertaken work previously on this site and all waste/rubbish was left at the rear.
- ix) Concerns with regards of access to neighbours land to undertake the works proposed.
- x) The amended plans show the rear living room of the first-floor apartment would be adjacent to a neighbour's bedroom. No key has been provided to state what the hatched boxes in the kitchen/living room means.
- xi) A question was raised as to why the front facing window needs to be moved.



Non-material objections have been raised regarding loss of property value, loss of view and problems arising from the construction period.

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

## **10. Consultee responses**

### **10.1 Highways**

No objection subject to the removal of the off-street car parking spaces proposed. The proposal is within a town centre location with a good source/availability of sustainable transport links and public car parks to the proposed and the spaces show on the proposed plan would not be useable.

### **10.2 Pollution Control (Air Quality)**

No objection subject to conditions for low NOx boilers and a construction environmental management plan.

### **10.3 Pollution Control (Contaminated Land)**

No objection subject to the standard contaminated land condition.

### **10.4 Pollution Control (Air Pollution and Noise)**

No objection subject to a condition for hours of working to be restricted to the following times; -

0730 to 1800 hours on Monday to Friday, 0730 to 1400 hours on Saturday, with no work at any other time including Sundays and public holidays.



## 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.
- 11.2 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.
- 11.3 Taking into account the views of the Council's Urban Design officer, I am of the opinion that the scheme is of a good design, in accordance with paragraph 126 of the NPPF.
- 11.4 In respect of paragraphs 128-130 of the NPPF, the Urban Design officer raises no objections to the scheme. The development would assimilate with the overall form and layout of the sites surroundings.

## 12. Local Planning Policy

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

HOU2: Housing Density type and Accessibility

TRAN4: Creating Coherent Networks for Cycling and Walking

ENV3: Design Quality

ENV8: Air Quality

SAD EOS9: Urban Design Principles

SAD DM10: Shop Front Design

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



considered to be acceptable with the unit providing the minimum internal floor area for a one bed, one-person unit as required by the nationally described space standards.

- 12.3 HOU2 identifies the need for a range of types and sizes of accommodation within the borough and accessibility in terms of sustainable transport for residential services. The proposal would provide an additional residential unit in the borough and is within close proximity to a parade of shops and bus stops on Hagley Road West.
- 12.4 ENV8 refers to mitigation measures to offset air quality issues. In this instance, conditions for low NOx boilers to be provided has been recommended.
- 12.5 TRAN4 requires schemes to be well connected to aid cycling and walking. The proposal includes a condition for cycle parking to be provided as part of the development.
- 12.6 SAD DM10 lists criteria that shop front designs are to be assess against. In my opinion the proposed shop front is acceptable in design and appearance with amendments to the existing fascia sign improving the appearance of the unit.

### 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)

This application site has been subject to three recent refused applications. DC/18/61561 and DC/18/62082 were applications for a two-storey rear extension to create 2 studio apartments. The reasons for refusal related to the development being an undesirable back land development and being a poor living environment due to the mixed



retail/residential functioning of the shared space. The current proposal has been reduced in scale since these applications were refused with only one property and a small extension being accommodated to the rear. The existing retail store would also now be accessed from the front only. However, the principle of this type of development to the rear of the properties on High Street has been set by approvals for a residential development on the adjacent site (James Court) which is accessed via a gated archway from High Street and to the rear of No. 41 High Street (DC/17/60588 – Proposed change of use to rear of ground floor and single storey rear extension to create 1 No. flat) which is accessed via the same gated archway from High Street as the proposed development would be. In terms of the most recent refusal, DC/21/66030 was refused due to the proposed properties failing to achieve the minimum internal space standards and the change of use of the retail unit to residential being contrary to policy CEN1 in that the site is within a defined retail core and the application would prejudice the retail function of the core area. As a retail shop would be retained to the frontage and the development complies with the nationally described space standards, I am satisfied the reasons for refusal of DC/21/66030 have been addressed.

### 13.3 Amenity concerns

I am satisfied the amended plans have addressed concerns regarding residential amenity. The adjacent property has been subject to a substantial two storey rear extension to create 6 terraced properties (James Court). These are accessed in a similar arrangement to the application site through a gated archway between the terraced properties on High Street. The rear wall of this development backs onto the application site and contains a number of boiler flue pipes/vents which vent over the applicants land. This property also has a rear dormer window with flats being accommodated over the ground floor commercial premises. One of these flats has two windows on the boundary with the applicants property which serves a living room at first floor level. The adjacent property on the opposite side has no rear facing windows. However, the first-floor window which is currently blocked up



could be reinstated at any time. As the rear extension has now been reduced to be single storey only, I am satisfied the proposed development would cause no significant harm to residential amenity in terms of loss of light, outlook or privacy. To protect privacy, a glazing scheme for the rear facing lounge window has been conditioned in order to prevent any overlooking into the lounge windows of the property which faces onto the application site. In terms of the ventilation issue raised by an objector, the proposed extension is set off the boundary with the properties on James Court by 0.4 m. I am therefore satisfied no harm to ventilation would occur.

### 13.4 Design concerns

The amended proposed extension would be single storey in height and would be located to the rear of the existing property with the proposed dormer window also being located at the rear. The dwellings have been designed to exceed with the national described space standards for a one bed, two-person unit of 50 m<sup>2</sup> (1 storey) and 58 m<sup>2</sup> (2 storey) as well as providing external amenity space. Taking this into consideration, I am satisfied the proposed extension and rear dormer window are acceptable in design and appearance and would cause no harm to the street scene or wider area. Additional amended plans have been received to provide additional windows to the ground floor property to ensure adequate access to natural light is achieved and to provide a suitable living environment. Taking this into consideration coupled by the fact the units exceed the national described space standards, I am satisfied they would provide suitable living accommodation for occupiers. An external lighting scheme has also been conditioned to ensure the property at the rear would be suitably lit at night.

In terms of the land ownership issues raised by objectors, the land registry title plan does confirm number 38 and the rear yard area where the proposal would be located are within the same title. The small section of land highlighted by the objector is not within this title and has been omitted from the location plan. It has been confirmed this section of land is within the ownership of No. 40 High Street. The proposal has also



been amended so no part of the development would take place on this section of land and access to this land would not be blocked by the development. The applicant was asked for comment about this matter and replied as follows; -

*“The land is ours as per land registry there is no right of way or right to neighbours for parking as is evident from land registry also as nothing is written on that. We have never given permission to anyone to park on our land and wouldn’t do this as it was our intention to develop the site and improve the area. If they have been parking there it would be deemed as trespassing”.*

Conflicts over land ownership are beyond the control of the Local Planning Authority. However, the granting of planning approval would not override or supersede any legal rights of way or access to the land for the objectors should they have any rights within their legal deeds. This, however, would be a civil matter between the applicant and objectors.

In terms of the other points raised by the objectors relating to design. Objectors state the access gate serving the rear is locked preventing access. However, as the applicant has access to the land at the rear, they would also have a key to this gate which can be provided to potential residents for access. This is a similar circumstance for the existing residential properties already using this gate for access to their properties. The location of the living room adjacent to a bedroom is noted. A condition for a sound proofing scheme to be installed to the first floor has been included in the recommendation to limit any impact. The hatched areas on the first-floor plan show walls and chimney breasts to be removed. This element does not require planning approval and is covered under building regulations approval. The front first floor window has been moved in order for it to be accommodated within the kitchen area of the property.





### 13.4 Highways concerns

The Head of Highways has reviewed the application and raised no objections to the proposal. The proposal is within a town centre location with a good source/availability of sustainable transport links and public car parks to the proposed.

### 13.6 Environmental Concerns

Public Health have reviewed the application and raised no objections to the application in terms residential dwellings being in proximity to commercial units with late openings. As the application property/site is within a town centre location, it is not unreasonable to expect late evening commercial units would be in proximity and any potential residents would be aware of this prior to occupation. Public Health would not investigate an existing/historic use in terms of a statutory nuisance. To address concerns raised by objectors relating to noise and disturbance from construction works, a condition for a construction method statement has been included within the recommendation as well as a restriction to the hours of construction. This would require the applicant to provide details of the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; measures to control the emission of dust and dirt during demolition construction and construction working hours (to the hours advised by public health).

13.7 Works on/near to the boundary would require the applicant to serve notice under the Part Wall Act 1996. However, this is a civil matter between the private land owners and not something the Local Planning Authority can become involved with. Finally, objectors have raised concerns that the applicant started refurbishment works on the property and left building waste to rear. Unfortunately, this is not a reason to refuse this planning application. However, the construction management plan would require the submission of details of recycling/disposing of waste resulting from demolition and construction works.



## 13.8 Presumption and the ‘titled balance’

The ‘titled balance’ is similar to the normal planning balance but it is only engaged in exceptional circumstances. As the council has less than a five-year housing land supply, relevant local policies are out-of-date. In the most basic sense, the tilted balance is a version of the planning balance that is already tilted in an applicant’s favour. If the tilted balance applies, planning permission should normally be granted unless the negative impacts ‘significantly and demonstrably’ outweigh the positive impacts.

## 14. Conclusion and planning balance

14.1 All decisions on planning applications should be based on an objective balancing exercise. This is known as applying the “planning balance”. It is established by law that planning applications should be refused if they conflict with the development plan unless material considerations indicate otherwise. This essentially means that the positive impacts of a development should be balanced against its negative impacts. Conflict with development plan policies will always be a negative impact. If the policies are up-to-date, that negative impact will be given greater weight. However, if they’re out-of-date, the weight given to the negative impact will be seriously reduced. No matter what the negative impacts are, if a proposal manages to secure sufficient positive impacts (of sufficient weight) to tilt the planning balance in its favour, planning permission should be granted.

14.2 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

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

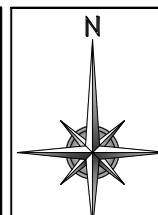
## 17. Appendices

Context plan

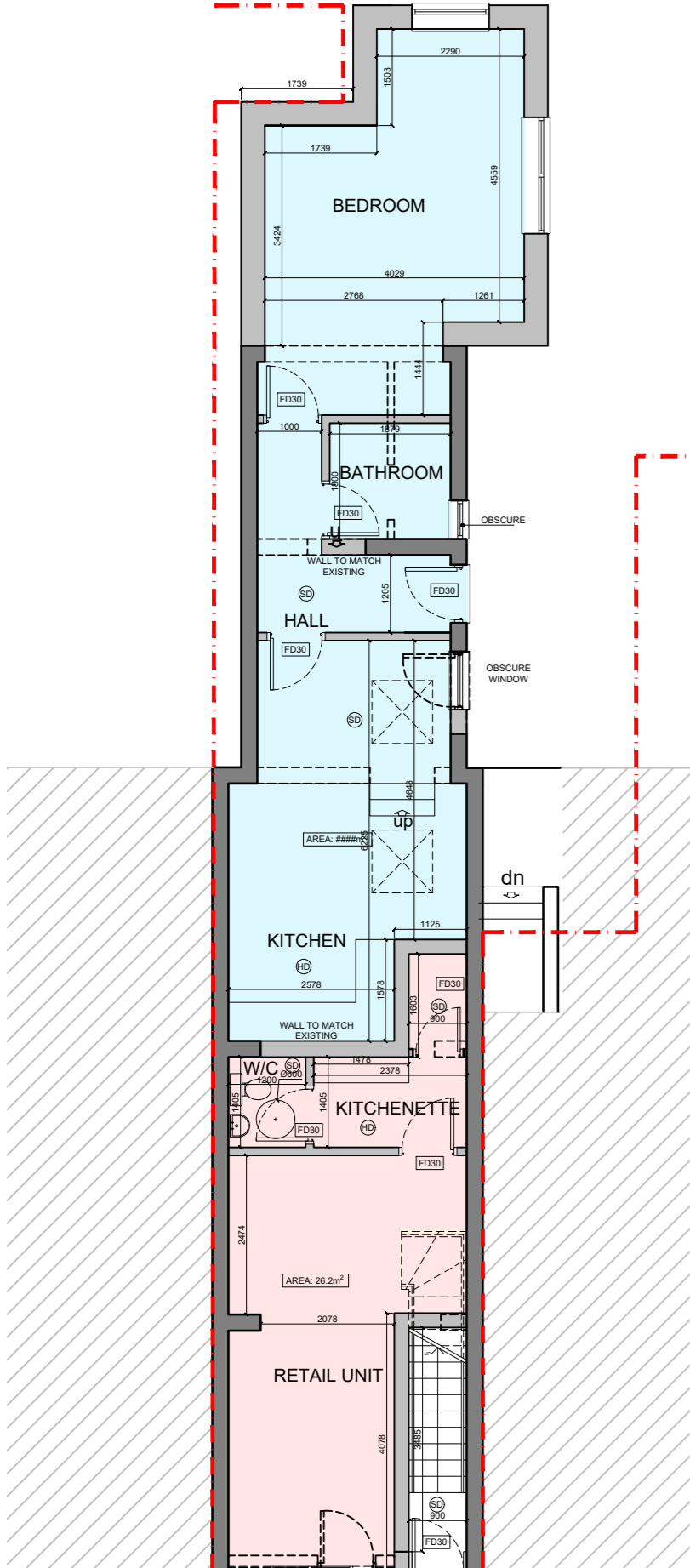
34/02 REV E (A2) - AMENDED PROPOSED FLOOR PLANS/ELEVATIONS, LOCATION PLAN & BLOCK PLAN



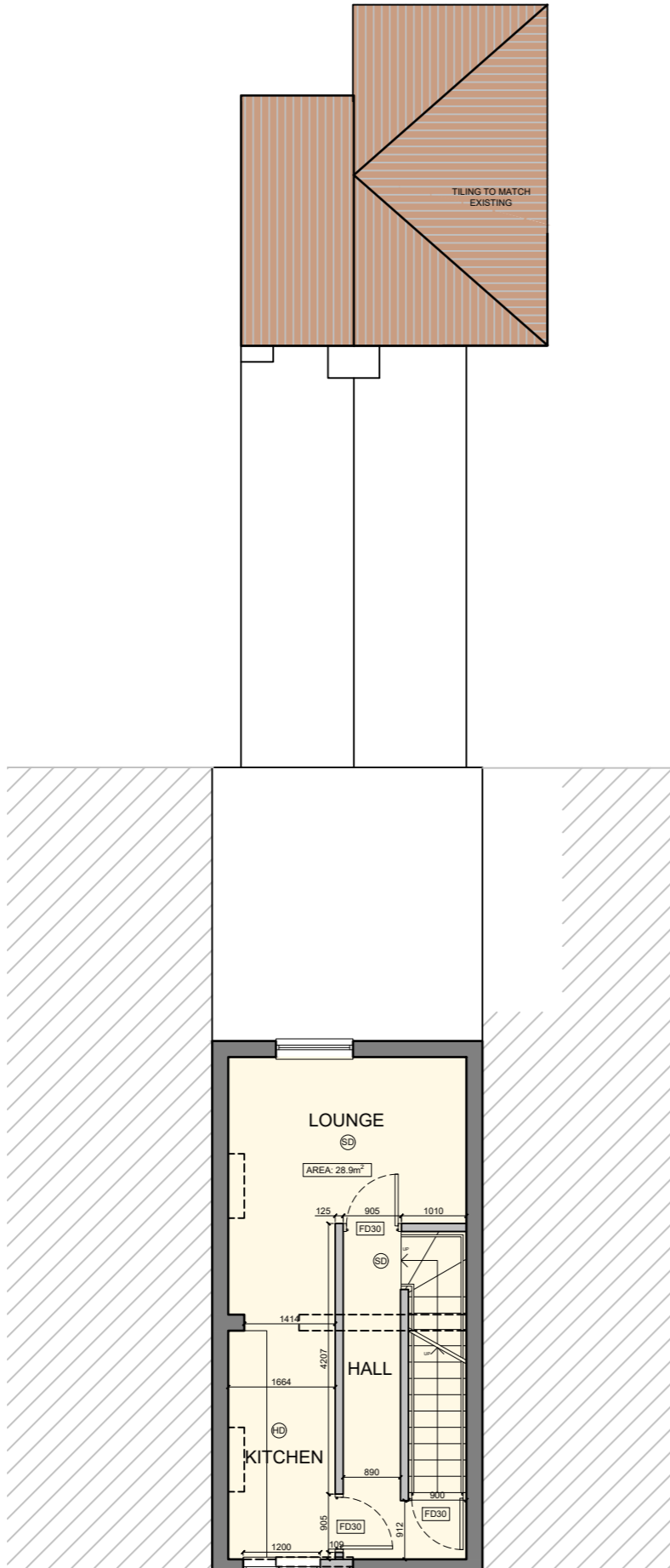




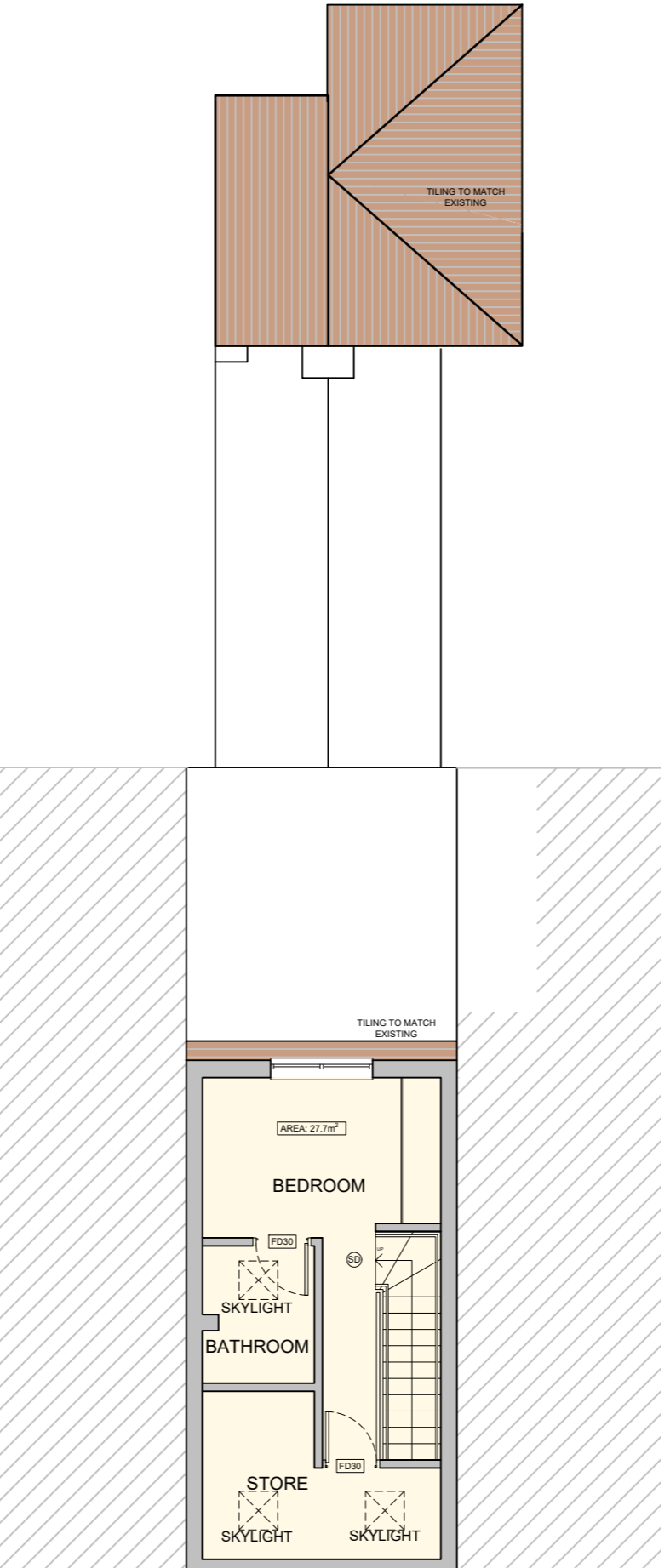
Page 101



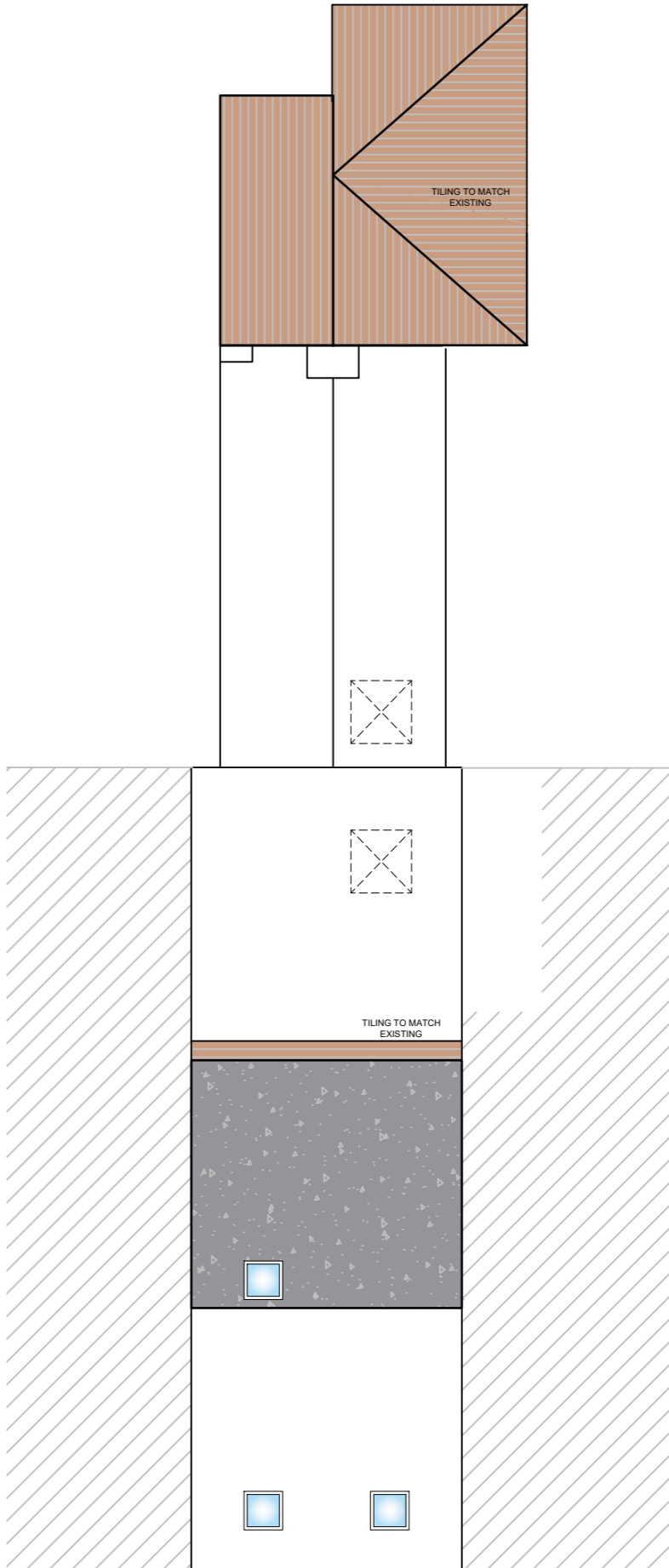
**PROPOSED GROUND FLOOR PLAN** SCALE 1:100



**PROPOSED FIRST FLOOR PLAN** SCALE 1:100



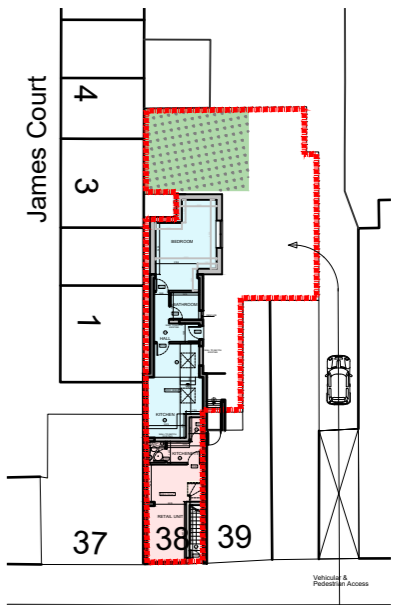
**PROPOSED SECOND FLOOR PLAN** SCALE 1:100



**PROPOSED ROOF PLAN** SCALE 1:100



**PROPOSED LOCATION PLAN**  
SCALE 1:1250



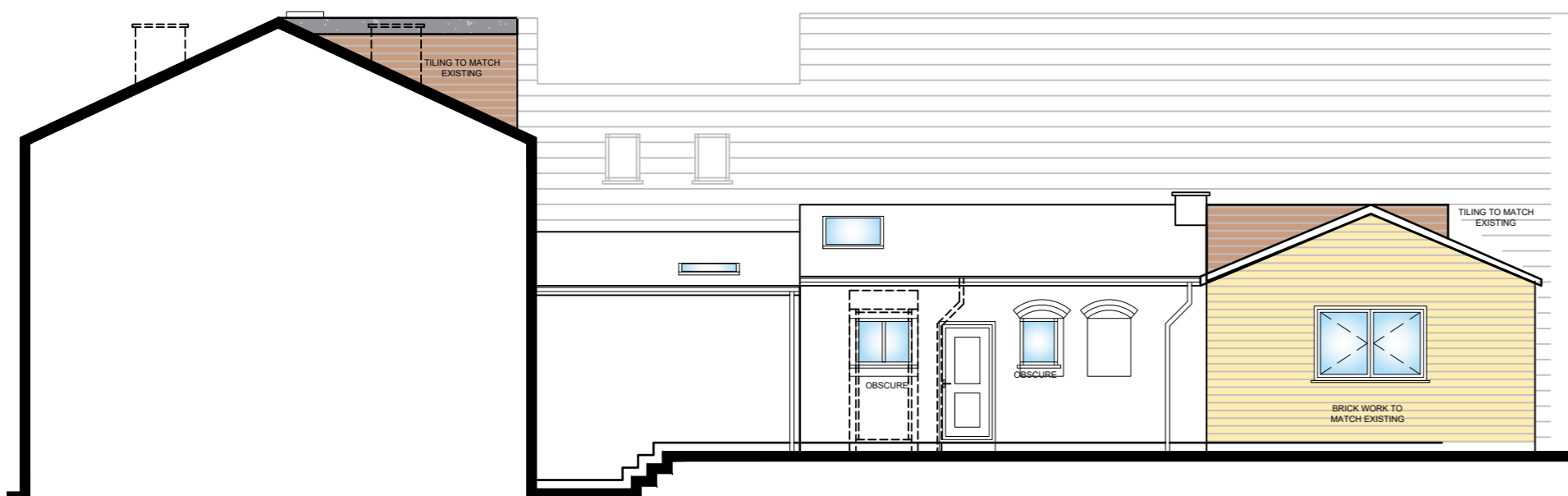
**PROPOSED SITE PLAN** SCALE 1:500

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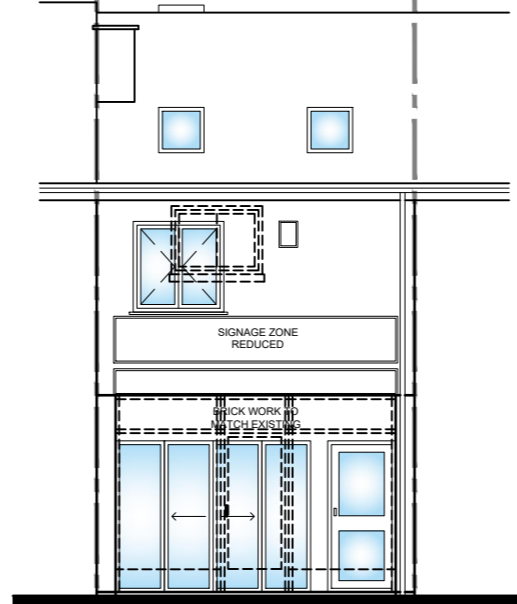
**Proposed schedule of accommodation:**

**38 High Street, Cradley Heath, West Midlands, B64 5HL**

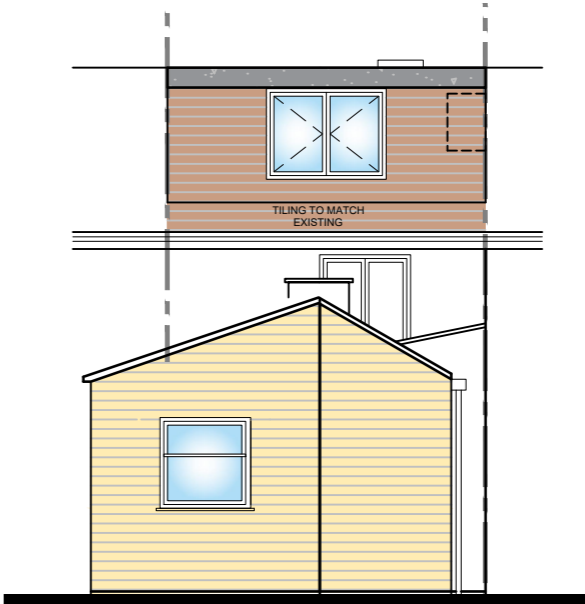
<b>Ground Floor</b>
Apartment No. 01 - 1 bedroom Apartment - 50.4 m <sup>2</sup>
Retail unit - 26.2 m <sup>2</sup>
<b>Total Internal Ground floor area - 78.3m<sup>2</sup></b>
<b>First Floor</b>
Apartment No. 02 - 1 bedroom Apartment - 28.9 m <sup>2</sup>
<b>Total Internal First Floor Area - 28.9m<sup>2</sup></b>
<b>Second Floor</b>
Apartment No. 02 - 1 bedroom Apartment - 27.7 m <sup>2</sup>
<b>Total Internal Second Floor Area - 27.7 m<sup>2</sup></b>
<b>Apartment 1 Total - 52.1 m<sup>2</sup></b>
<b>Apartment 2 Total - 56.6 m<sup>2</sup></b>
<b>Total Internal floor area - 134.9 m<sup>2</sup></b>
<b>Garden area - 38.3 m<sup>2</sup></b>
<b>Total: 2 No Apartments.</b>
<b>02 - 1 bedroom apartments</b>
<b>Total car parking spaces - 2</b>



**PROPOSED SIDE ELEVATION** SCALE 1:100



**PROPOSED FRONT ELEVATION** SCALE 1:100



**PROPOSED REAR ELEVATION** SCALE 1:100

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**PLANNING / BUILDING REGS**

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Revisions Site boundary amended
<b>ALL DIMENSIONS TO BE CHECKED ON SITE</b>

Date Aug. 2023	Drawn WB	Scale 1:100 @ A2
Preliminary ●	Construction ○	

Client	Drawing title
Job title Proposed Extension and Conversion	Proposed Floor Plans & Elevations
	Drawing No. 34/02E

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38 HIGH STREET CRADLEY HEATH WEST MIDLANDS B64 5HL

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## Report to Planning Committee

29 November 2023

<b>Application Reference</b>	DC/23/68367
<b>Application Received</b>	20 June 2023
<b>Application Description</b>	Proposed two storey side and single storey front/side/rear extensions.
<b>Application Address</b>	57 Valentine Road Oldbury B68 9AH
<b>Applicant</b>	Mr Waqar Ahmed
<b>Ward</b>	Bristnall
<b>Contact Officer</b>	Beth Astley-Serougi <a href="mailto:Beth_AstleySerougi@sandwell.gov.uk">Beth_AstleySerougi@sandwell.gov.uk</a>

### 1 Recommendations

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


- i) External Materials to match the existing property
- ii) The bathroom window on the rear elevation of the single storey rear extension is to be obscurely glazed and retained as such.
- iii) The window located on the first-floor side extensions is to be obscurely glazed and retained as such.



## 2 Reasons for Recommendations

- 2.1 The proposed development would be of satisfactory design and would not significantly impact on the private amenity of neighbouring properties, in terms of loss of light, outlook and privacy.

## 3 How does this deliver objectives of the Corporate Plan?

	Quality homes in thriving neighbourhoods
---	--

## 4 Context

- 4.1 At its last meeting the committee resolved to visit the site. The proposal has received three objections.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[57 Valentine Road, Oldbury - Aerial View](#)

[57 Valentine Road, Oldbury - Street View](#)

## 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:-

Amenity concerns – Overlooking/loss of privacy, loss of light and outlook and overshadowing

Design concerns - appearance and materials, layout and density of building, wider visual amenity and overdevelopment

Highway concerns - Parking





## 6. The Application Site

6.1 The application site relates to a three bedroom semi-detached property on the northern side of Valentine Road, Oldbury.

## 7. Planning History

7.1 There is no planning history for this property.

## 8. Application Details

8.1 The applicant seeks to construct a two-storey side and single storey front/side/rear extensions. After discussion the applicant has withdrawn plans for a roof extension and dormer. The number of bedrooms is to be increased to five.

8.2 The two-storey side (including single storey side) extension would measure as follows: Ground Floor: 7.2m in length at maximum and 2.4m in width at maximum. First Floor: 6.7m in length at maximum and 2.4m maximum in width.

8.3 The single storey front extension would measure as follows: 3.2m in height at maximum, 1m in depth and 2.4m maximum in width.

8.4 The single storey rear extension would measure as follows: 2.9m in height, 5m in length and 5.5m in width at maximum.

## 9. Publicity

9.1 The application has been publicised by neighbour notification letters with three objections received from residents.

### 9.2 Objections

Objections have been received on the following grounds:



- i) Loss of privacy to adjacent properties;
- ii) Loss of light to adjacent properties;
- iii) Loss of outlook to adjacent properties.

Non-material objections have been raised regarding loss of view and negative impact upon mental and physical health.

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

## 10. Consultee responses

### 10.1 Canal and River Trust

No objections to the proposed development.

### 10.2 Highways

The extension would require two off road parking spaces which cannot be accommodated within the existing driveway.

## 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 framework refers to development adding to the overall quality of the area by achieving high quality design, achieving good architecture and layouts.

11.3 The same guidance also promotes sustainable transport options for development proposals 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 policies of the council's Development Plan are relevant:

ENV3: Design Quality

SAD EOS9: Urban Design Principles

12.2 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments. The proposed layout and design are considered to be broadly acceptable. Although the first floor extension is flush to the original dwelling house, it is considered that due to the orientation of the property and its relationship with adjacent properties that the set down is sufficient enough to create a subservient design whilst ensuring usable space for the applicant.

## 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

With regards to the neighbouring property to the left of the applicants property, it is considered that the floor plans demonstrate that the ground floor and first floor side extensions would not significantly impact any loss of light for habitable windows to an extent that would warrant a refusal. The single storey rear extension is comprised of a flat roof with roof lantern and therefore has been designed sympathetically to limit any possible negative impact on neighbouring properties regarding loss of light or outlook. Therefore, it is my view that the ground floor side and rear extensions would not result in any significant loss of light to the adjoining semi-detached property nor other adjacent properties.



There is one window on the side elevation of the proposed first floor development and one toilet window on the ground floor rear extension both of which are recommended to be conditioned to be obscurely glazed and retained as such. It is therefore considered the privacy of the adjacent properties will be maintained.

The first-floor side extension is sympathetic to any possible impact upon neighbouring properties and does not project further than the existing rear elevation of the property. It is therefore considered that there will not be a significant impact upon loss of outlook or light for neighbouring properties.

The front extension will not impact the off-road parking provision at the property to an extent that I consider to warrant a refusal. I consider there to be an ability that parking provision could be accommodated on street without unduly affecting the amenity of residents, the movement of pedestrians and the free passage of vehicles.

### 13.3 Design concerns

In my opinion, the design of the extensions proposed is broadly satisfactory and I do not consider this would result in any undue harm to the character of the area. The side extension has been set down from the highest point of the roof. This results in a subordinate design to the original dwelling house. Due to the orientation of the applicant's property and its' relationship with neighbouring properties I do not consider the need for the set back of the first floor to be essential in achieving a subordinate design.

Amended plans have been received in which the applicant has omitted plans for a roof extension and loft conversion. This has ensured that the amended plans would not be overly dominant, erode legibility of the street scene nor result in an imposing design upon the neighbouring properties.



The front extension I do not consider to erode the original character of the dwelling house, nor will it impact the visual amenity of the surrounding area. The window proposed will assimilate with the original character of the dwelling house.

Furthermore, I do not consider the proposed development to constitute overdevelopment of the plot considering the level of remaining outdoor amenity space to the front and rear of the property.

#### 13.4 Highway concerns – parking

It is noted that highways have raised concerns about insufficient parking to serve the property following the conversion of the existing garage, however the garage as current falls below standards for garage parking and so could not accommodate a parking space. The property as current is a 3 bed with the proposed increasing to a 4 bed, both 3 and 4 bed properties require two off road parking spaces. It is therefore considered that the development will have no greater impact on the highway than existing and would fail the tests of the NPPF in terms of causing a severe impact on the highway.

#### 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

<b>Resources:</b>	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.
<b>Legal and Governance:</b>	This application is submitted under the Town and Country Planning Act 1990.
<b>Risk:</b>	None.
<b>Equality:</b>	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
<b>Health and Wellbeing:</b>	None.
<b>Social Value</b>	None.
<b>Climate Change</b>	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 - 1

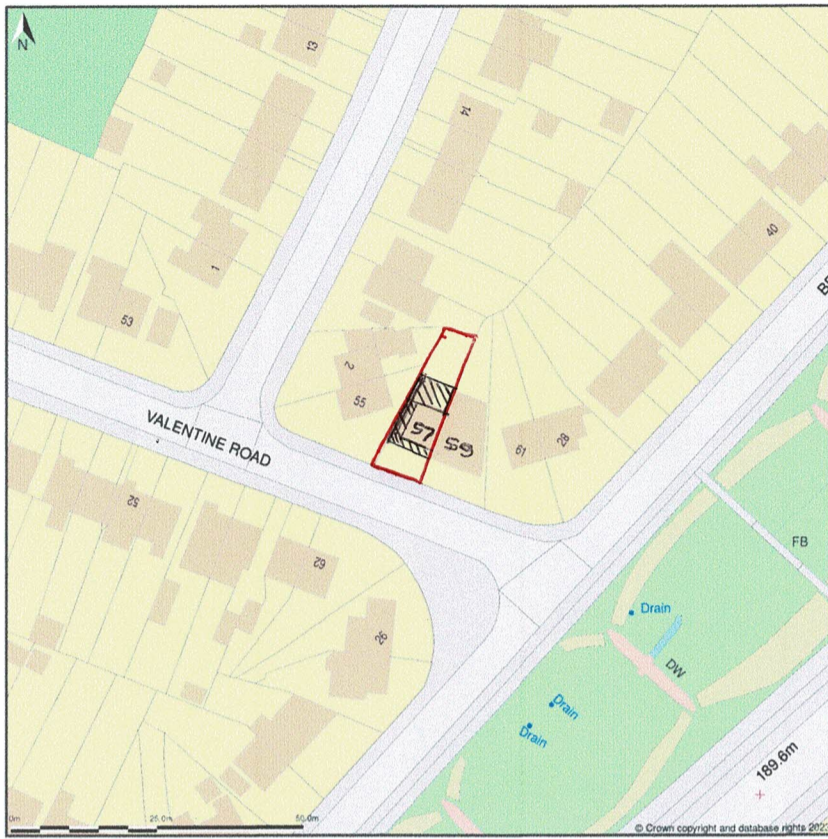
Amended Proposed Floor Plans - **WA223-02 REV C**

Amended Proposed Elevation Plans - **WA223-03 REV C**

Existing Floor and Elevation Plans - **WA223-01**



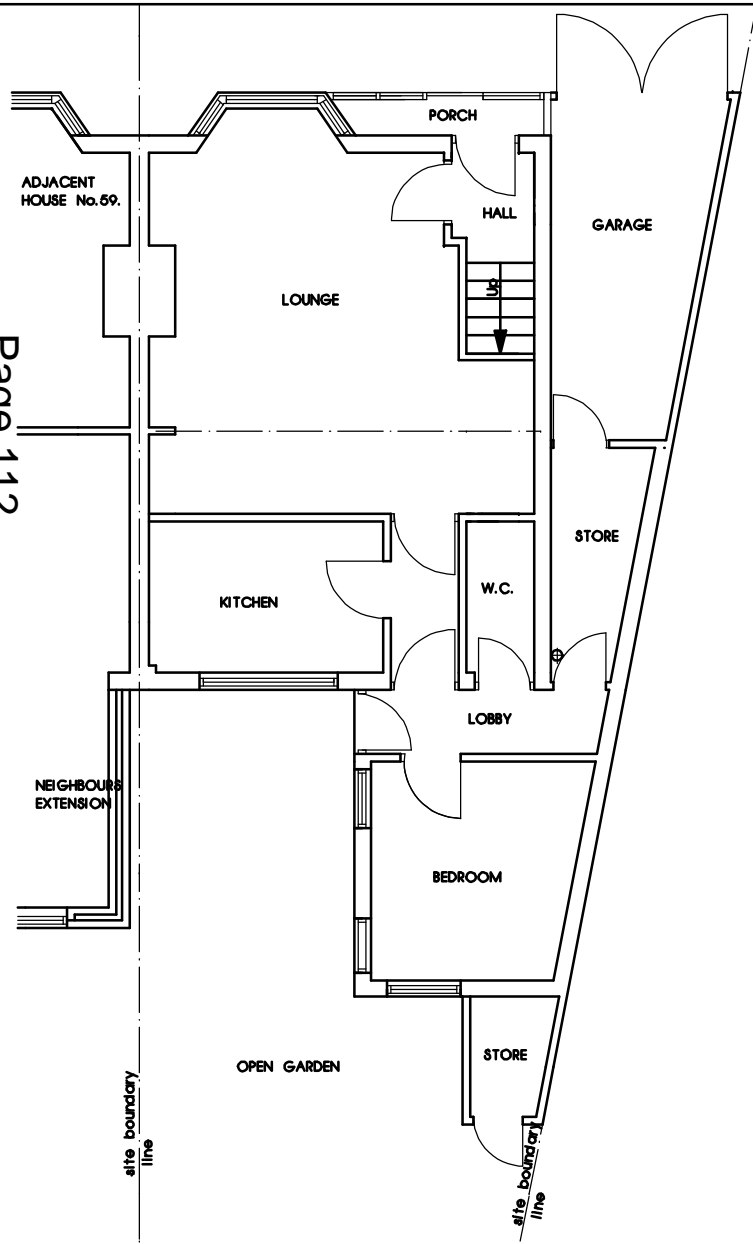
57, Valentine Road, Oldbury, Sandwell, B68 9AH



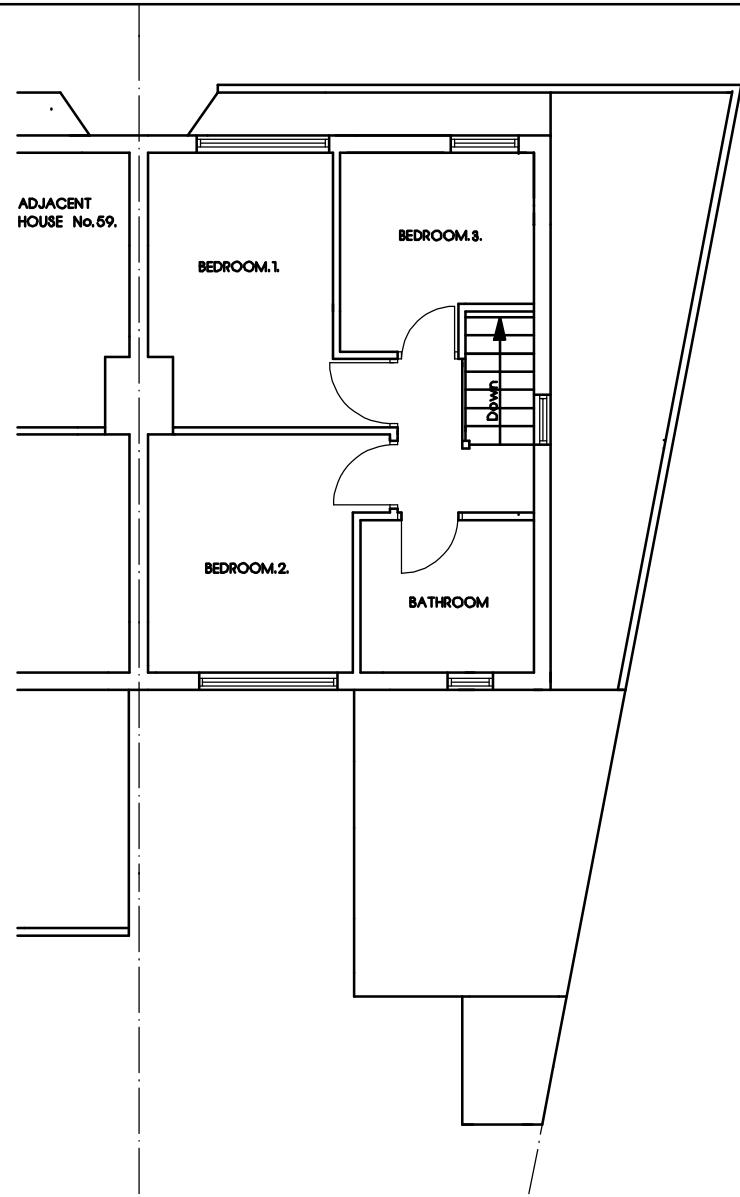
Location Plan shows area bounded by: 400519.26, 286510.48 400660.68, 286651.9 (at a scale of 1:1250), OSGridRef: SP 588658. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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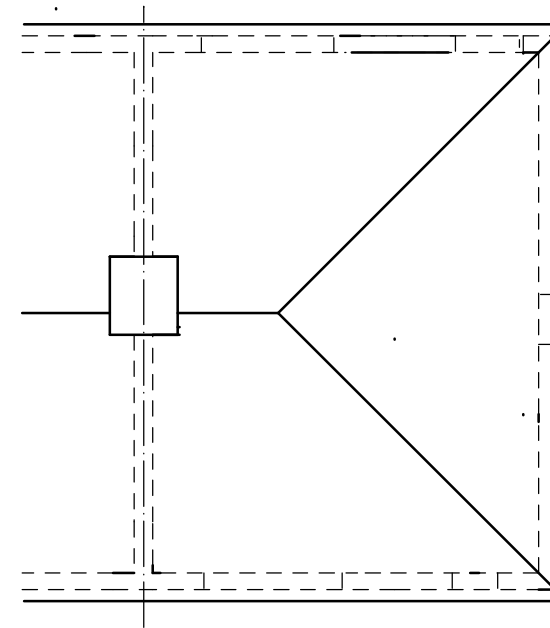
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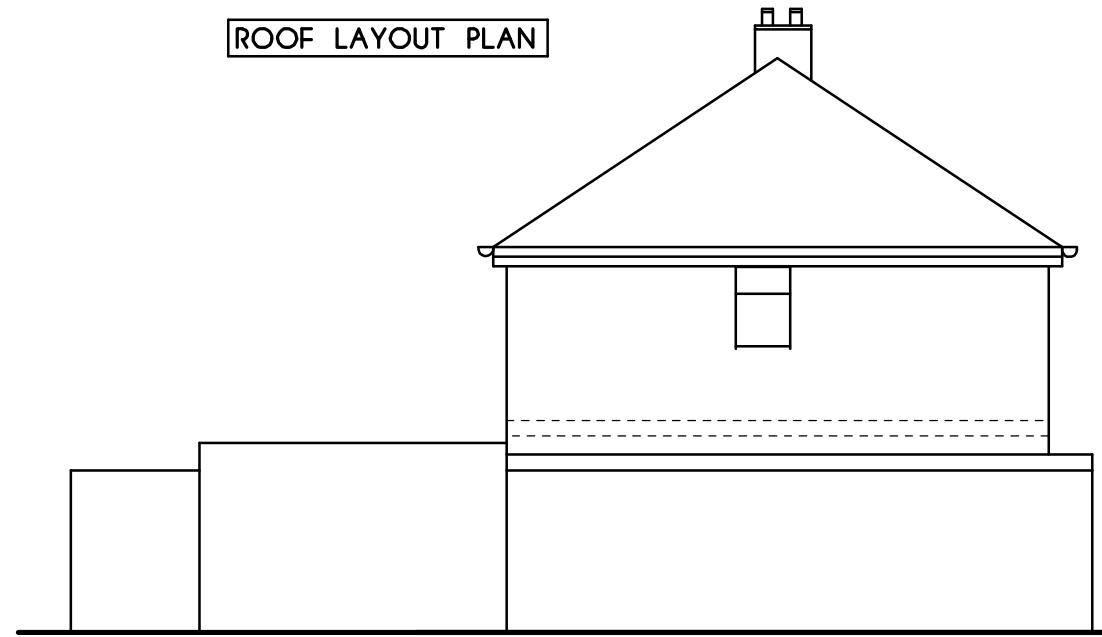
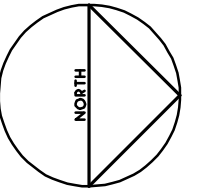
EXISTING GROUND FLOOR PLAN



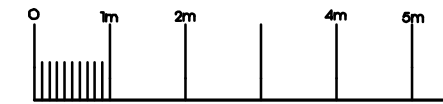
EXISTING FIRST FLOOR PLAN



ROOF LAYOUT PLAN



EXISTING SIDE ELEVATION



SCALE BAR 1 : 100



EXISTING FRONT ELEVATION



EXISTING REAR ELEVATION

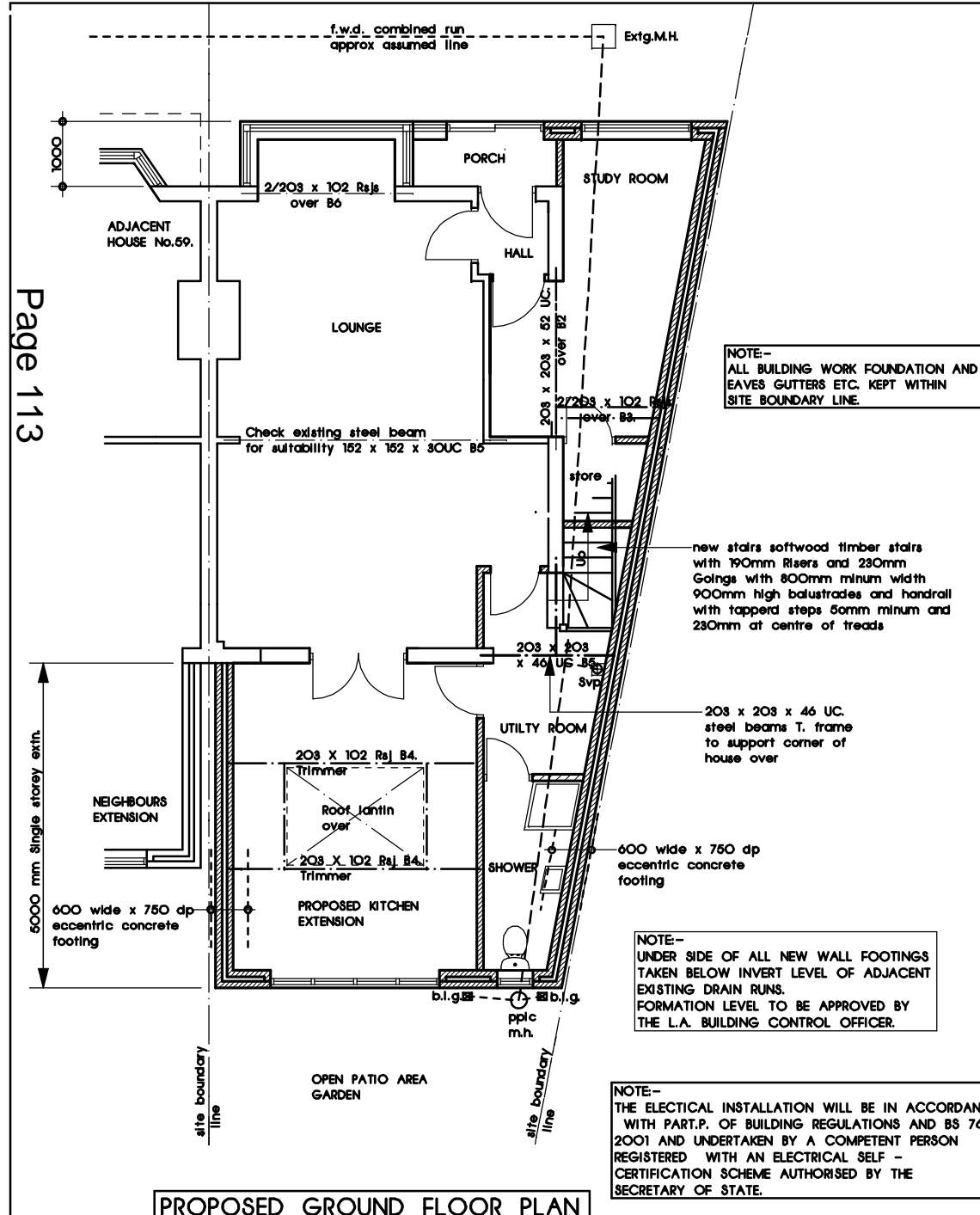
PROPOSED TWO STOREY EXTENSION AND  
SINGLE STOREY REAR EXTENSION  
AT 57 VALENTINE ROAD  
OLDBURY  
WEST MIDLANDS B68 9AH

FOR MR. WAQAR AHMED

SCALE 1 : 100.

DRAWING NUMBER WA223 - 01





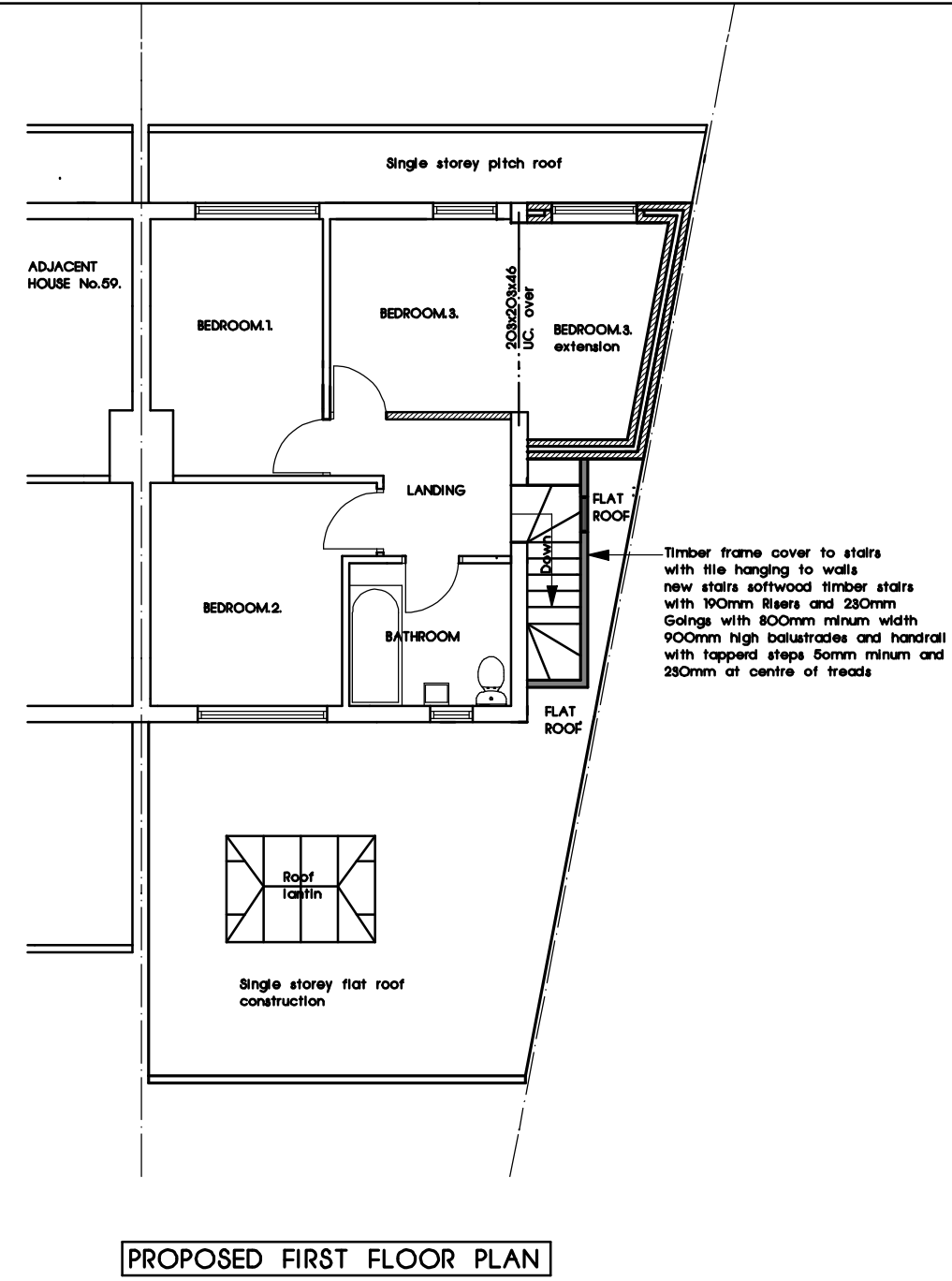
PROPOSED GROUND FLOOR PLAN

- NOTES :-
- 1) PROVIDE IN NEW CAVITY WALL CONSTRUCTION EXPANSION JOINTS AT 12m MAXIMUM IN BRICKWORK EXTERNAL LEAF AND 6m CENTRES IN INTERNAL BLOCKWORK LEAF.
  - 2) PROVIDE CAVITY TRAY AT SINGLE STOREY ROOF ABUTMENTS WITH NEW CAVITY WALL AT LEAD FLASHING LEVEL.
  - 3) EXISTING SOLID CONCRETE FLOOR SLAB CONSTRUCTION TO ALL GROUND FLOOR LEVEL.
  - 4) ALL INTERNAL WET ROOMS WILL BE PROVIDED WITH EXPELAIR MECHANICAL VENTILATION FAN 15L/S. WITH A 15 MINUTES TIMED OVER - RUN AND DUCTED TO THE OUTSIDE AIR.
  - 5) ALL DOORS TO KITCHEN, UTILITY ROOM, WET ROOM AND BATHROOMS SHOULD HAVE UNDERCUT OF 10mm ABOVE THE FLOOR FINISH FOR A STANDARD 760mm WIDE DOORS TO ENSURE A GOOD TRANSFER OF AIR THROUGHOUT THE DWELLING.
  - 6) A PERMANENT VENTILATION - OPENING EQUAL TO 1/20 th. OF THE COMBINED FLOOR AREA SHOULD BE PROVIDED BETWEEN DINING ROOM AND LOUNGE.
  - 7) ALTERNATIVE TO ABOVE PURGE VENTILATION SHOULD BE PROVIDED TO THE LOUNGE EQUAL TO 1/20th. OF FLOOR AREA I.E. BAY WINDOW OPENING TO EQUATE 1/20th. OF THE FLOOR AREA OR ALTERNATIVELY BY MECHANICAL MEANS E.G. EXPELAIR FAN EQUAL TO 4 ACH.

8) WINDOWS AND ROOF LIGHTS SHOULD ACHIEVE A WINDOW ENERGY RATING (WER) BAND C. OR BETTER OR A U. VALUE OF 1.6W/m<sup>2</sup> K. OR BETTER. CONFIRMATION WILL BE REQUIRED TO DEMONSTRATE COMPLIANCE WITH THE APPROVED DOCUMENT L1B 2010 I.E. THIS MAY BE IN FORM OF WINDOW ENERGY RATING (WER) DECLARATION FROM CERTIFICATION SCHEME THAT PROVIDES A QUALITY - ASSURED PROCESS AND SUPPORTING ADUIT TRAIL FROM CALCULATING PERFORMANCE OF WINDOW THROUGH TO THE INSTALLATION AS EVIDENCE OF COMPLIANCE.

9) EXTERNAL DOORS SHOULD ACHIEVE A U. VALUE OF 1.80 W/m<sup>2</sup> K OR BETTER. PROVIDE FURTHER DETAILS TO DEMONSTRATE COMPLIANCE WITH APPROVED DOCUMENT L1B 201.

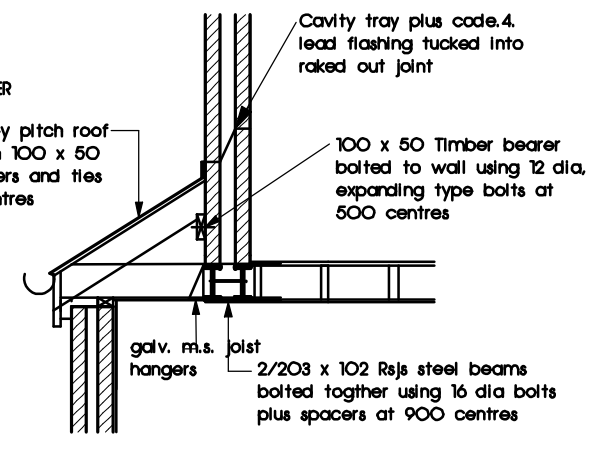
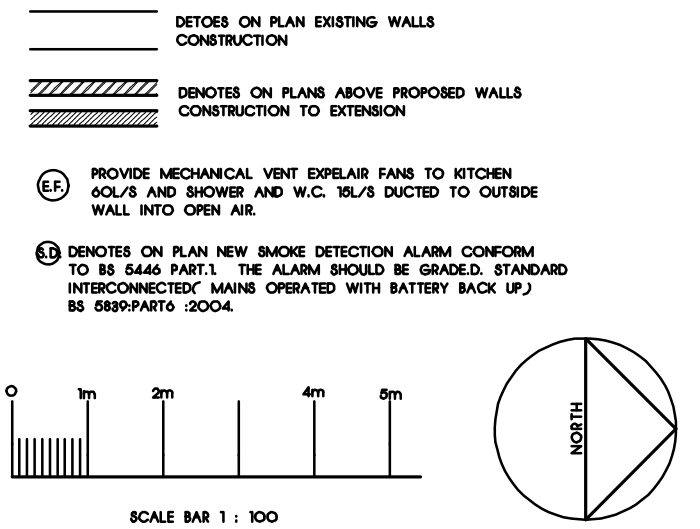
**FIRST FLOOR CONSTRUCTION**  
 19mm THICK T & G TIMBER BOARDS FIXED TO 200 X 50 TIMBER FLOOR JOISTS AT 400 CENTRES  
 INSULATION TO FLOOR OVER GARAGE AND UNDESIDE LINED WITH ALL NEW FIRST FLOOR AND PARTITIONS TO HAVE 100mm GYPROC SOUND INSULATION SUSPENDED BETWEEN JOISTS WITH CHICKEN WIRE MESH FIXED TO JOISTS  
 PROVIDE CENTRAL LINE CROSS BRACED STRUTTINGS TO FIRST FLOOR JOISTS.



PROPOSED FIRST FLOOR PLAN

NOTE:-  
 1) ALL STRUCTURAL STEELWORK TO BE ENCASED IN 15mm THICK GYPSUM FIRE LINE FIXED TO TIMBER CRADLES AND SKIMMED TO GIVE HALF AN HOUR FIRE PROTECTION.  
 2) UNDERSIDE OF STAIRS LINED WITH 13mm THICK GYPSUM FIRELINE AND SKIMMED.  
 3) TIMBER STUD PARTITION 75 X 50 TIMBER STUDS PLUS NOGGINGS AT 600 CENTRES WITH 50mm GYPROC SOUND INSULATION FIXED BETWEEN JOISTS BOTH SIDES LINED WITH 13mm THICK PLASTERBOARD + SKIMMED.

HEATING  
 CONTRACTOR TO ENSURE EXISTING BOILER HAS ADEQUATE CAPACITY FOR ADDITIONAL RADIATOR IN LIVINGROOM EXTENSION.  
 EXISTING BOILER MIN. SEDBUK OF 96% FOR MAINS NATURAL GAS BOILER.



SINGLE STOREY ROOF ABUTMENT TO WALL

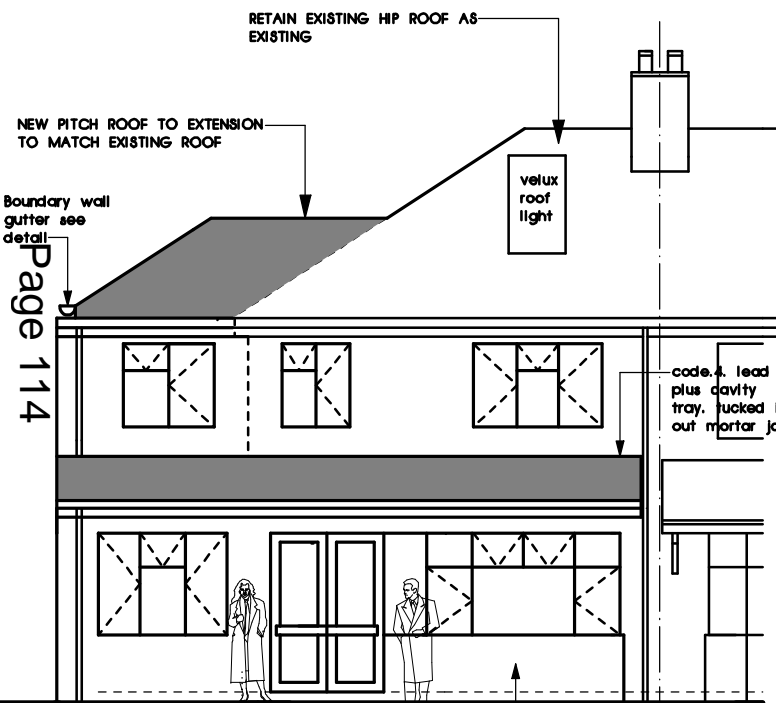
REVISION.C.	REVISED TO SUIT PLANNING LOFT CONVERSION OMITTED	10-10 - 2023
REVISION.A.	FIRST FLOOR EXTN REDUCED&LOFT CONVERSION ADDED TO SCHEME	8-8-2023

**PROPOSED TWO STOREY SIDE EXTENSION AND SINLE STOREY EXTENSIONS AT 57 VALENTINE ROAD OLDBURY WEST MIDLANDS B68 9AH**

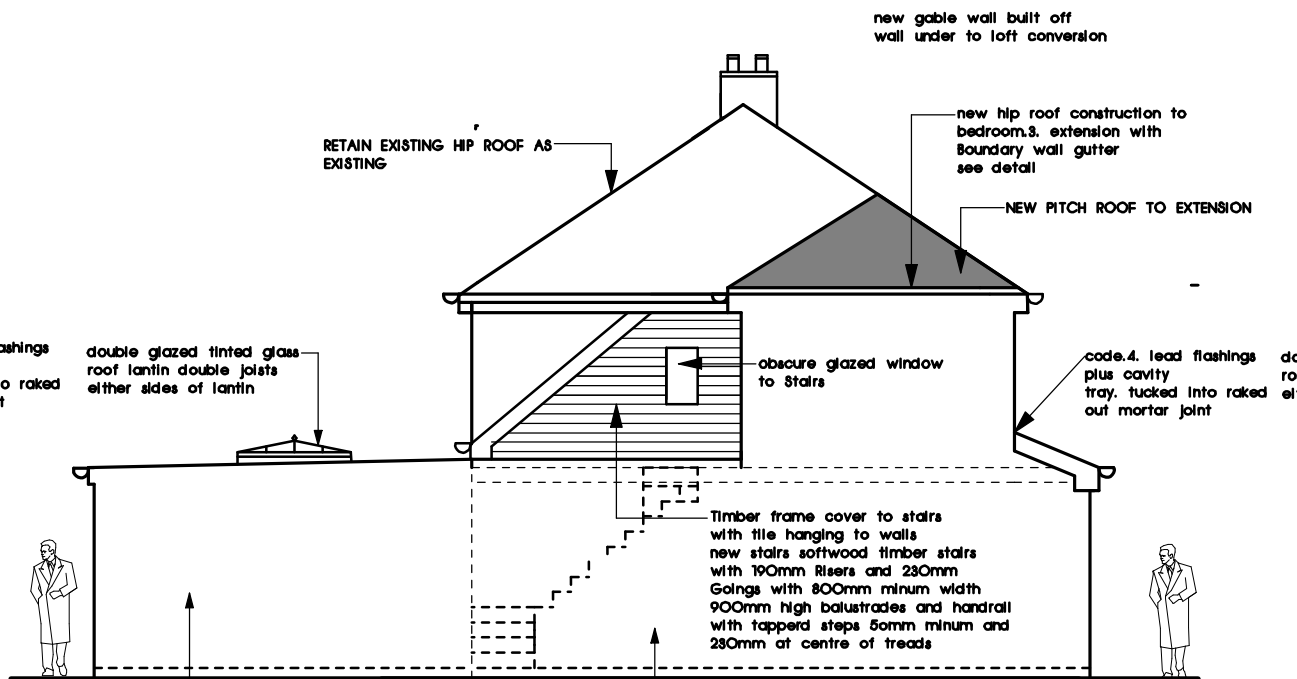
**FOR MR. WAQAR AHMED**

**SCALE 1 : 100.**

**DRAWING NUMBER WA223 - O2C**

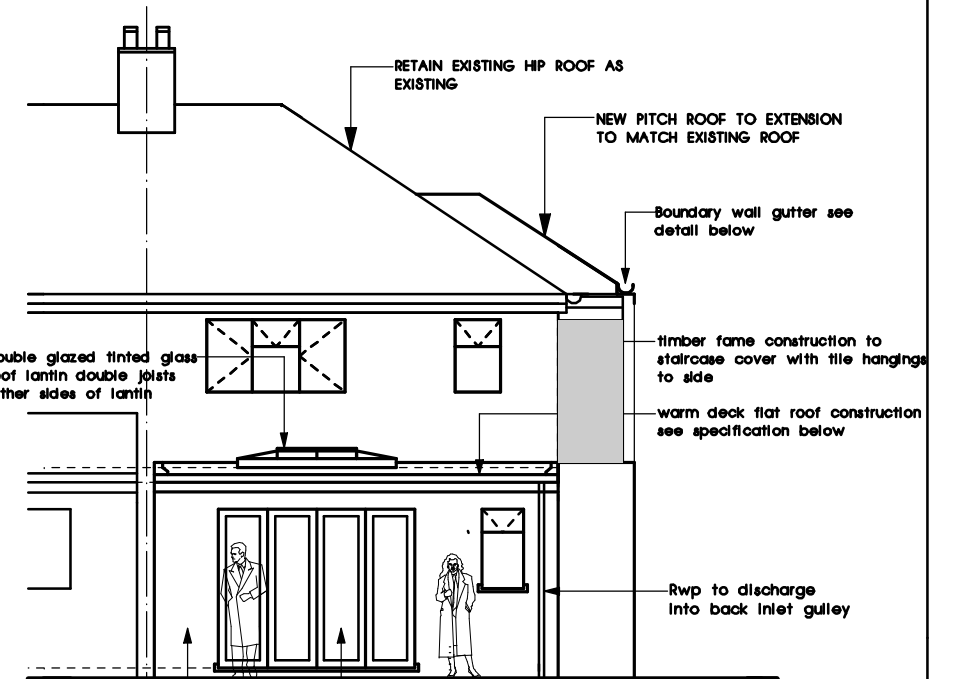


PROPOSED FRONT ELEVATION

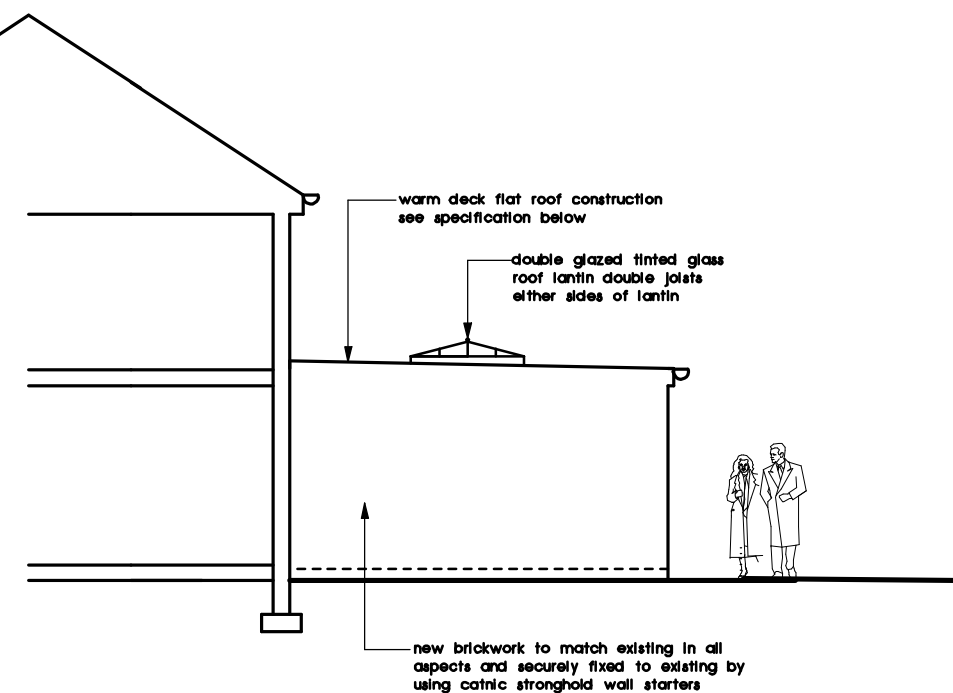


PROPOSED SIDE ELEVATION

( ADJACENT HOUSE No. 55.)

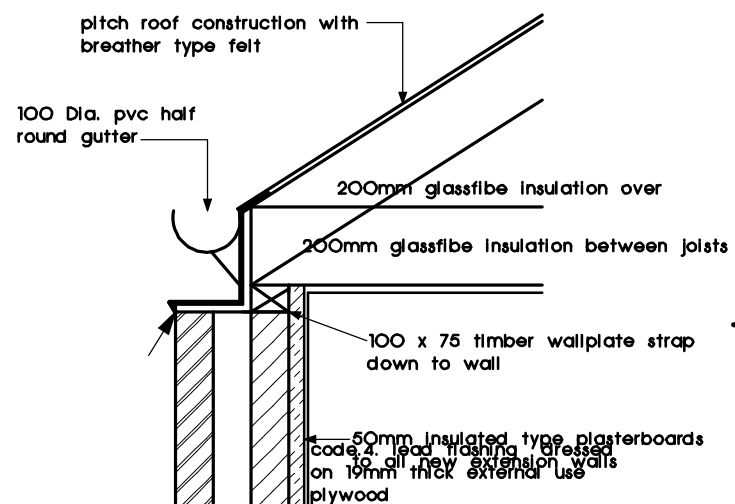


PROPOSED REAR ELEVATION



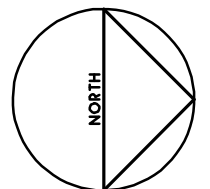
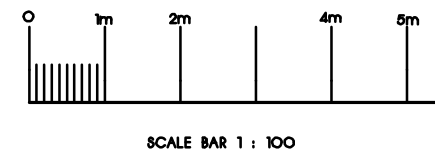
PROPOSED SIDE ELEVATION

( ADJACENT HOUSE No. 59.)



BOUNDARY WALL GUTTER DETAIL

NOTE:-  
PROVIDE EMERGENCY EGRESS OPENINGS TO ALL FIRST FLOOR HABITABLE ROOMS WITH MINIMUM CLEAR OPENING OF 750 X450 CLEAR UNOBSTRUCTED OPENING.



REVISION.C.	REVISED TO SUIT PLANNING LOFT CONVERSION OMITTED	10-10 - 2023
REVISION.A.	FIRST FLOOR EXTN REDUCED&LOFT CONVERSION ADDED TO SCHEME	8-8-2023

PROPOSED TWO STOREY SIDE EXTENSION AND SINGLE STOREY EXTENSIONS .  
AT 57 VALENTINE ROAD  
OLDBURY  
WEST MIDLANDS B68 9AH

FOR MR. WAQAR AHMED

SCALE 1 : 100.

DRAWING NUMBER WA223 - O3C

## Report to Planning Committee

29 November 2023

<b>Application Reference</b>	DC/23/68420
<b>Application Received</b>	27 June 2023
<b>Application Description</b>	Proposed 11 No. houses and 9 No. self-contained apartments with car parking, enclosed bin store, cycle store and landscaping.
<b>Application Address</b>	Site Of Former 3 And 4 Cardale Street Rowley Regis
<b>Applicant</b>	Sandwell MBC
<b>Ward</b>	Blackheath
<b>Contact Officer</b>	Carl Mercer carl_mercer@sandwell.gov.uk

### 1 Recommendations

1.1 That, subject to the signing of a section 106 agreement to ensure affordable housing, planning permission is granted subject conditions relating to:

- (i) External materials;
- (ii) Finished floor levels;
- (iii) Employment and skills plan;
- (iv) Contamination;
- (v) Drainage (surface and foul);






- (vi) Energy statement (compliance with submitted info);
- (vii) Boundary treatments (compliance with submitted info);
- (viii) Landscaping (compliance with submitted info);
- (ix) Waste storage (compliance with submitted info);
- (x) Cycle storage (compliance with submitted info);
- (xi) Low NOx boilers;
- (xii) Electric vehicle charging;
- (xiii) Construction environmental management plan;
- (xiv) Removal of permitted development rights; and
- (xv) Retention of parking and manoeuvring areas.

## 2 Reasons for Recommendations

- 2.1 The proposal raises no significant concerns from a policy, design or highway perspective and would deliver affordable housing in a sustainable location.

## 2 How does this deliver objectives of the Corporate Plan?

	Strong resilient communities
	Quality homes in thriving neighbourhoods
	A strong and inclusive economy

## 4 Context

- 4.1 The application is being reported to your Planning Committee as a section 106 agreement is required to secure the affordable housing.



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

[Cardale Street, Rowley Regis](#)

## 5 Key Considerations

- 5.1 Material planning considerations (MPCs) are matters that can and should be taken into account when making planning decisions. By law, planning decisions should be made in accordance with the development plan unless MPCs indicate otherwise. This means that if enough MPCs weigh in favour of a development, it should be approved even if it conflicts with a local planning policy.

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

Government policy (NPPF);  
Layout and density of buildings;  
Design, appearance and materials;  
Access, highway safety, parking and servicing; and  
Presumption and the 'titled balance'.

## 6. The Application Site

- 6.1 The application site is bounded to the northwest by a relatively recent housing development and a Hindu temple. Cardale Street runs to the north east, from which much of the development would be accessed from. The remainder of the proposed housing would be accessed from Park Street, adjacent to an existing carpet warehouse. To the south of the site lies a run of housing which fronts on to Avenue Road.

- 6.2 The site is unallocated in the Development Plan.

## 7. Planning History

- 7.1 None relevant.



## 8. Application Details

- 8.1 The applicant proposes 11 houses and nine self-contained apartments for affordable rental. The site would have two access points. A 2.5 storey block of apartments would front Cardale Street, with parking accessed off Cardale Street by a driveway to the rear. The same driveway would serve five, two storey houses. Six houses would be accessed from Park Street, with two sited along the Park Street frontage and four served by a driveway to a cul-de-sac at the rear.
- 8.2 Of the 20 dwellings proposed, there would be one block of nine, one-bedroom apartments; six, two-bedroom and five, three-bedroom houses. Each two-bedroom house would have one off-street parking space, each three-bedroom house would have two spaces, whilst the apartments would each have one allocated space. The houses served off Park Street would also have the use of two off-street visitor spaces. Secure cycle storage for nine bikes is provided adjacent to the apartment block amenity area.
- 8.3 Amended plans have been received to address design and highway issues. The amendments were required to bring the layout in line with the Council's design guidance, raise the internal space proposed, clarify boundary treatments, improve access arrangements and increase parking space sizes.

## 9. Publicity

- 9.1 The application has been publicised by neighbour notification letter and site notice, with two representations being received.

### 9.2 Representations

Representations have been received on grounds of drainage and boundary treatments.

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



## 10. Consultee responses

### 10.1 Planning Policy

No objection. The proposals raise no significant policy concerns although the applicant should look to demonstrate how policy ENV7 (renewable energy requirement) would be met. A statement has now been submitted which provides details of photovoltaics as part of the development and is conditioned as such.

### 10.2 Highways

No objection.

### 10.3 Urban Design

No objection.

### 10.4 Pollution Control (Contamination)

No objection subject to conditions relating to the final design and specification of gas protection measures and submission of a validation report.

### 10.4 Pollution Control (Air)

No objection. Electric vehicle charging (EVC) bays, low NOx boilers and construction environmental management plan required by condition.

### 10.5 West Midlands Police

No objection.



## 10.6 Staffordshire County Council – Lead Local Flood Authority (LLFA)

Further information required. In my opinion the issues raised are not insurmountable and can be addressed by condition. However, the applicant has submitted further detail which the LLFA is currently considering. The application can still be determined without further comments from Staffordshire as conditions can be applied.

## 10.7 Severn Trent Water

No objection subject to condition. Seven Trent note the presence of their sewer pipe across the site. The easement is noted on the submitted plan and the scheme has been designed around it.

## 11. National Planning Policy

11.1 National Planning Policy Framework promotes sustainable development but states that local circumstances should be taken into account to reflect the character, needs and opportunities for each area. The NPPF refers to development adding to the overall quality of the area by achieving high quality design, achieving good architecture and layouts.

11.2 Taking into account the views of the Council's Urban Design officer, I am of the opinion that the scheme is of a good design, in accordance with the design aspirations of the NPPF, as the development would assimilate with the overall form and layout of the site's surroundings.

## 12. Local Planning Policy

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

### Black Country Core Strategy (BCCS)

CSP4 – Place Making

DEL1 – Infrastructure Provision

HOU2 – Housing Density, Type and Accessibility





HOU3 – Delivering Affordable Housing  
TRAN2 – Managing Transport Impacts of New Development  
TRAN4 – Creating Coherent Networks for Cycling and Walking  
ENV3 – Design Quality  
ENV5 – Flood Risk, SuDS and Urban Heat Island Effect  
ENV7 – Renewable Energy  
ENV8 – Air Quality

### **Site Allocations and Delivery Development Plan Document (SADD)**

SAD H2 – Housing Windfalls  
SAD H3 – Affordable Housing  
SAD EOS9 – Urban Design Principles

- 12.2 In respect of CSP4 the design of the development is influenced by the context of the local area and would enhance the attributes the area offers in terms of its local character.
- 12.3 Infrastructure provision, in this case EVC bays, would be ensured by condition (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 walking and sustainable transport to services. The proposal would also achieve good design with minimal amenity impact.
- 12.6 The scheme is entirely comprised of affordable housing which would be ensured by s106 agreement (HOU3 and SAD H3).



- 12.7 Training and recruitment opportunities should be provided as part of any new development (EMP5 and SAD EMP 2). This can be ensured by condition.
- 12.8 Highways raise no objection to the traffic generation attributed to this development (TRAN2).
- 12.9 Sufficient amenity space is provided to allow for cycle parking provision (TRAN4).
- 12.10 The proposal raises no significant concerns in respect of design and is therefore compliant with policy ENV3 and SAD EOS 9.
- 12.11 Drainage can be addressed by the submission of further information and/or a compliance condition (ENV5).
- 12.12 The development would use photovoltaics and is estimated that the energy generated would be 11.71% of the energy demand of the site. This exceeds the 10% requirement of the policy ENV7.
- 12.13 In respect of air quality (ENV8), electric vehicle charging points and low NOx boilers can be ensured by condition.
- 12.14 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**

#### **13.2 Layout and density of buildings / Design, appearance and materials**

The Urban Design officer has confirmed that the layout of the proposal is broadly in line with the Council's residential design guidance. The scale of the development would be two storeys, and the proposal would assimilate into the surrounding area.



### 13.3 Access, highway safety, parking and servicing

The development meets with the approval of the highway authority and parking spaces are in accordance with the requirements of Council design guidance.

### 13.4 Presumption and the ‘tilted balance’

The ‘tilted balance’ is similar to the normal planning balance but it is only engaged in exceptional circumstances. As the council has less than a five-year housing land supply, relevant local policies are out-of-date. In the most basic sense, the tilted balance is a version of the planning balance that is already tilted in an applicant’s favour. If the tilted balance applies, planning permission should normally be granted unless the negative impacts ‘significantly and demonstrably’ outweigh the positive impacts.

### 13.5 Other matters

Representations refer to past/existing issues with drainage and the rear boundary along Avenue Road. Foul drainage matters would be dealt with by Severn Trent. In respect of the development, the applicant has noted the presence of the sewer easement within the site and the development would not disturb this asset. Furthermore, the brick boundary wall to the rear of properties along Avenue Road would be retained.

## 14. Conclusion and planning balance

14.1 All decisions on planning applications should be based on an objective balancing exercise. This is known as applying the “planning balance”. It is established by law that planning applications should be refused if they conflict with the development plan unless material considerations indicate otherwise. This essentially means that the positive impacts of a development should be balanced against its negative impacts.



14.2 On balance the proposal accords with the provisions of relevant Development Plan policies and there are no significant material considerations which warrant refusal of the application.

## 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

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

Context Plan

M4961(PL)01 L

M4961(PL)02 B

M4961(PL)05 F

M4961(PL)06 D

M4961(PL)07 A

M4961(PL)08 B

M4961(PL)09 A

M4961(PL)10 A

M4961(PL)11 A

M4961(PL)12 B

M4961(PL)13 A

M4961(PL)14 A

M4961 (PL) 15





Scale 1:1250

**nicol thomas**

Revision	Date	Details

Page 126

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Client:		Taylor Land Associates	
Job:		Cardale Street, Rowley Regis	
Drawing title:		Location Plan	
Drawing Number: (Job number)	<b>M4961</b>	<b>(PL)</b>	<b>100</b>
Scale:	1:1250 @ A4		
Date:	Nov 22		
Drawn by/ checked by:	RW		





SCHEDULE OF ACCOMMODATION

Ref	Accommodation	Area sqm	No
A	1 bedroom 2 person flats	50	9
B	2 bedroom 4 person house	68	6
C	3 bedroom 5 person house	79.2	5
<b>TOTAL</b>			<b>20</b>

Flats to be common access, 3 storey

Car parking  
100% for 1 and 2 bedroom units  
200% for 3 bedroom units

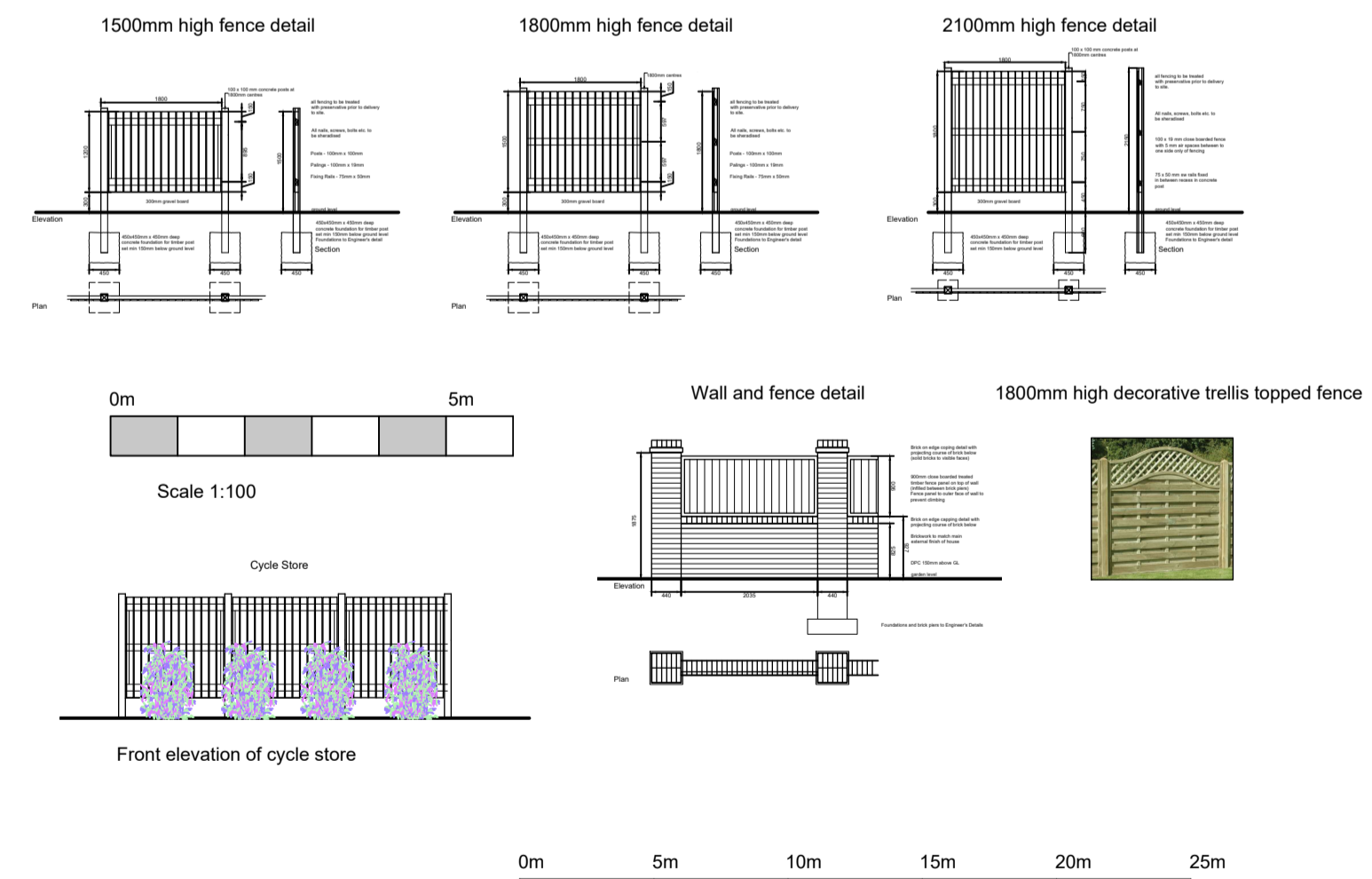
Approx site area 0.35Ha  
Density 57 dwellings/Ha

External Works Legend

- Concrete paving flags
- Turfed lawn area
- Low level shrub planting
- Tarmac parking space
- Block paved parking space
- Tarmac highway
- Proposed tree planting
- Indicates provision for future Electric Vehicle charging point

Boundary Treatments

- Type A  
900mm high ms railings with letter plate plinth detail
  - Type B  
1500mm high vertical board timber fence
  - Type C  
1800mm vertical board timber fence
  - Type D  
1800mm overall height decorative timber fence combining 300mm trellis to top
  - Type E  
900mm high brick wall and piers with 900mm high vertical board timber fence between piers
  - Type F  
2100mm high vertical board timber fence
  - Type G  
450mm high timber knee rail
- Existing brick wall boundaries are to be retained where indicated. Engineer to assess their condition.



Scale 1:250

**nicol thomas**

Revision	Date	Details
F	June 23	Fencing details added.
G	July 23	Boundary treatments amended to suit Enrok's comments.
H	Sept 23	Amendments to cycle and refuse stores, parking widths, addition of timber knee rails and EV chargers. Flats amended to 50sqm. All to Planner's comments.
J	Sept 23	Parking spaces to houses dimensioned up.
K	Sept 23	Minor amendments to suit Highways comments.
L	Oct 23	New turning head extended, 700mm service strip added to suit Highways comments.

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Job:	Cardale Street, Rowley Regis		
Drawing title:	Site Layout		
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Revision:	L		
Scale:	1:250 @ A1		
Date:	Nov 22		
Drawn by/ checked by:	RW		

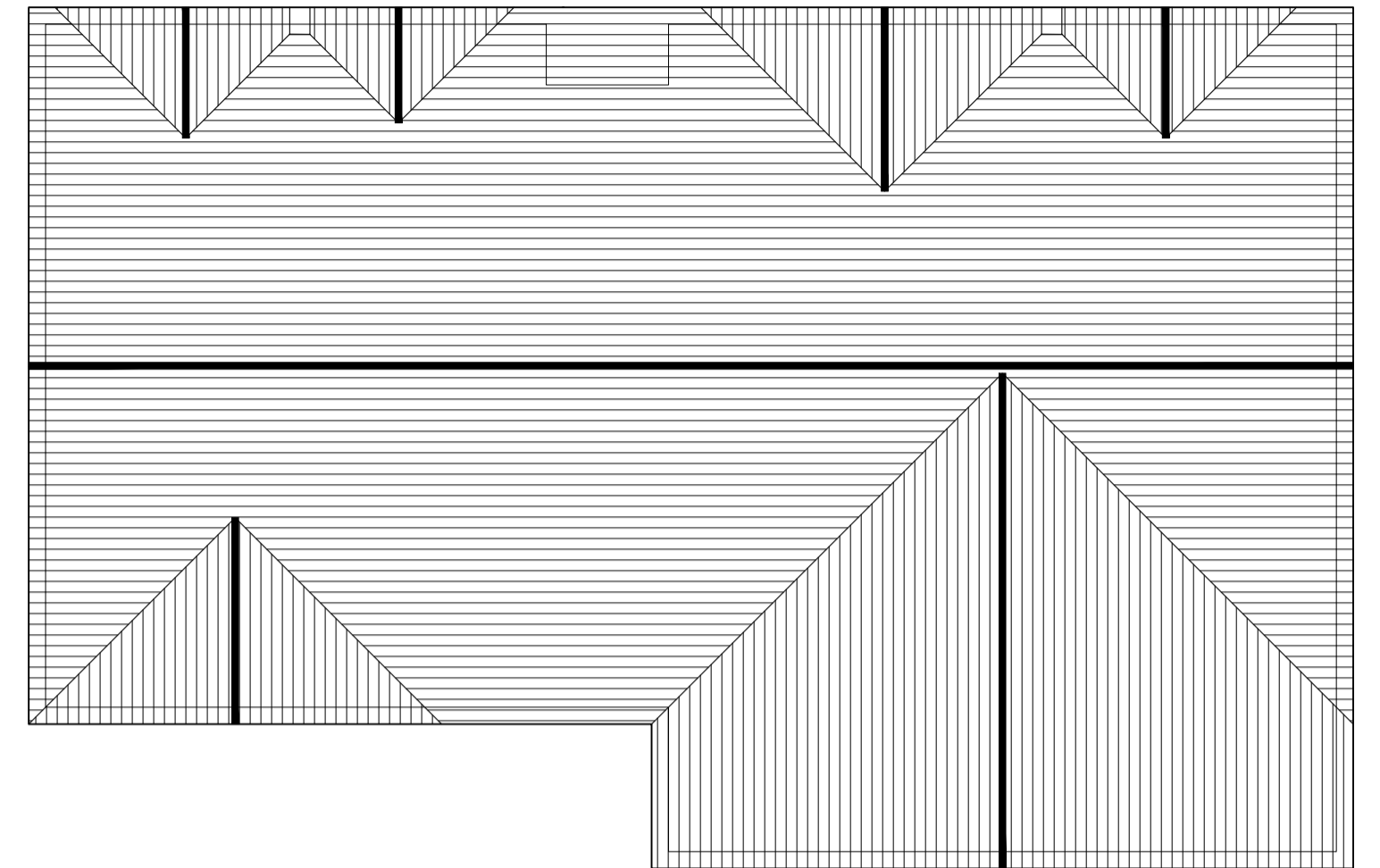




First Floor Plan



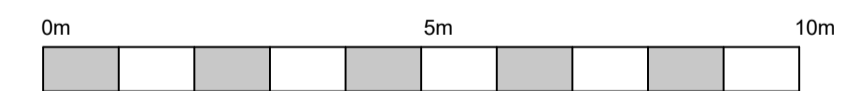
Second Floor Plan



Roof Plan



Ground Floor Plan  
Scale 1:50



Scale 1:100



Scale 1:50

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Revision	Date	Details
A	Jan 23	Communal corridor reduced at upper levels at TLA request.
B	Feb 23	Communal corridor reverted back to previous design at TLA request.
C	June 23	Apartment sizes amended at TLA request.
D	June 23	Minor window position changes to suit updated elevations.
E	June 23	Second scale bar added at request of Planning.
F	Sept 23	Apartments increased to 50sqm at request of Planning.

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Client:	Taylor Land Associates		
Job:	Cardale Street, Rowley Regis		
Drawing title:	Type A Floor Plans Plots 1-9		
Drawing Number: (Job number)	<b>M4961</b>	<b>(PL)</b>	<b>05</b>
Revision:	<b>F</b>		
Scale:	1:50/100 @ A1		
Date:	Jan 2023		
Drawn by/ checked by:	RW		

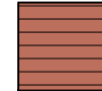




Elevation to Cardale Street  
Scale 1:50



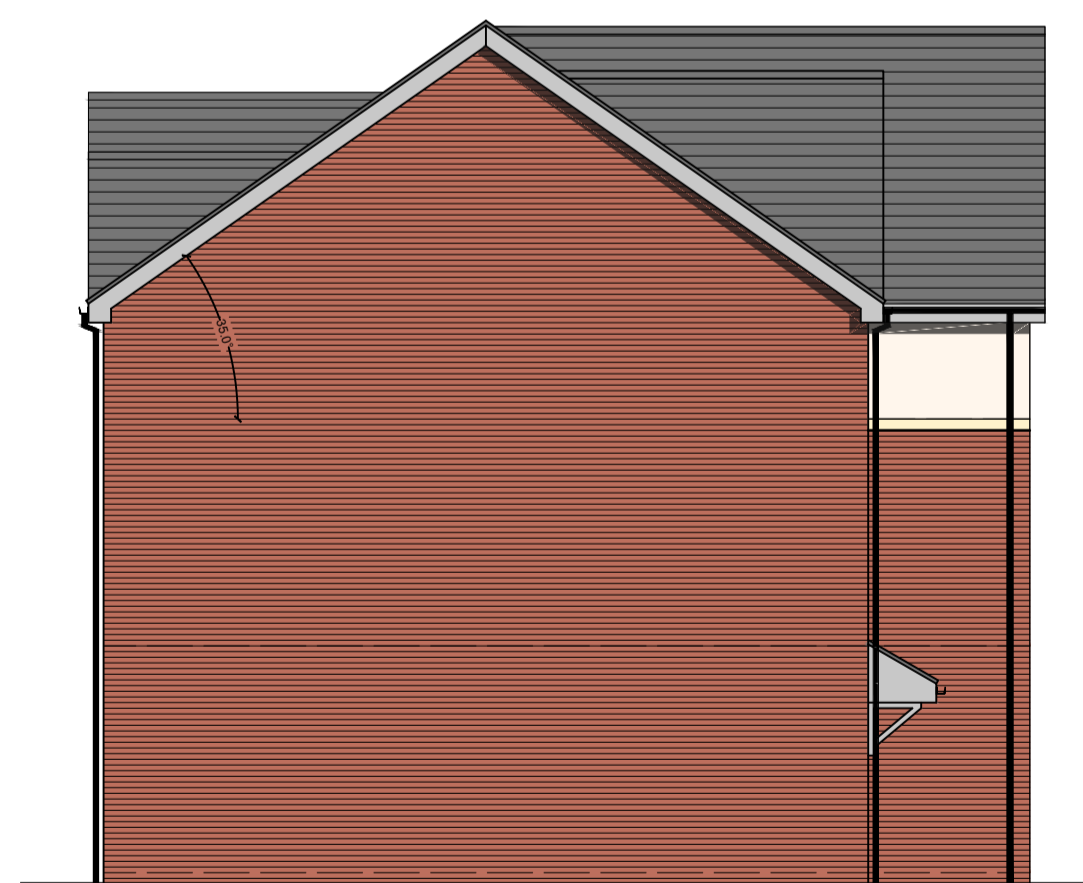
Elevation to new access road

MATERIALS LEGEND

	Red Multi Brickwork
	Red Smooth Brickwork Stack Bond
	Through Colour Silicone Render



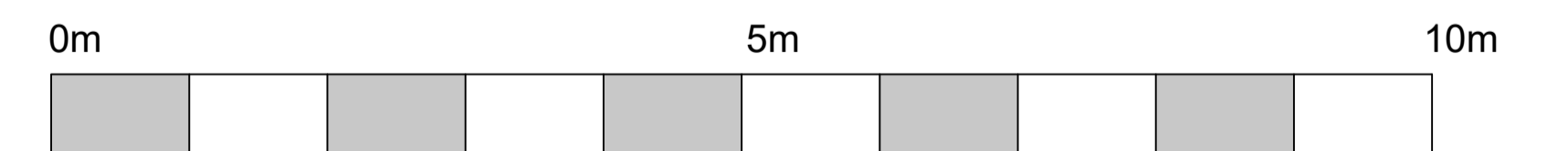
Elevation to car parking  
Scale 1:100



Gable Elevation  
Scale 1:100



Scale 1:100



Scale 1:50

**nicol thomas**

Revision	Date	Details
A	Jan 23	Communal corridor reduced at upper levels at TLA request.
B	Jun 23	Changes to elevations to suit reduced floor areas.
C	June 23	Second scale bar added at request of Planning.
D	Sept 23	Elevations amended to suit increase to 50sqm.

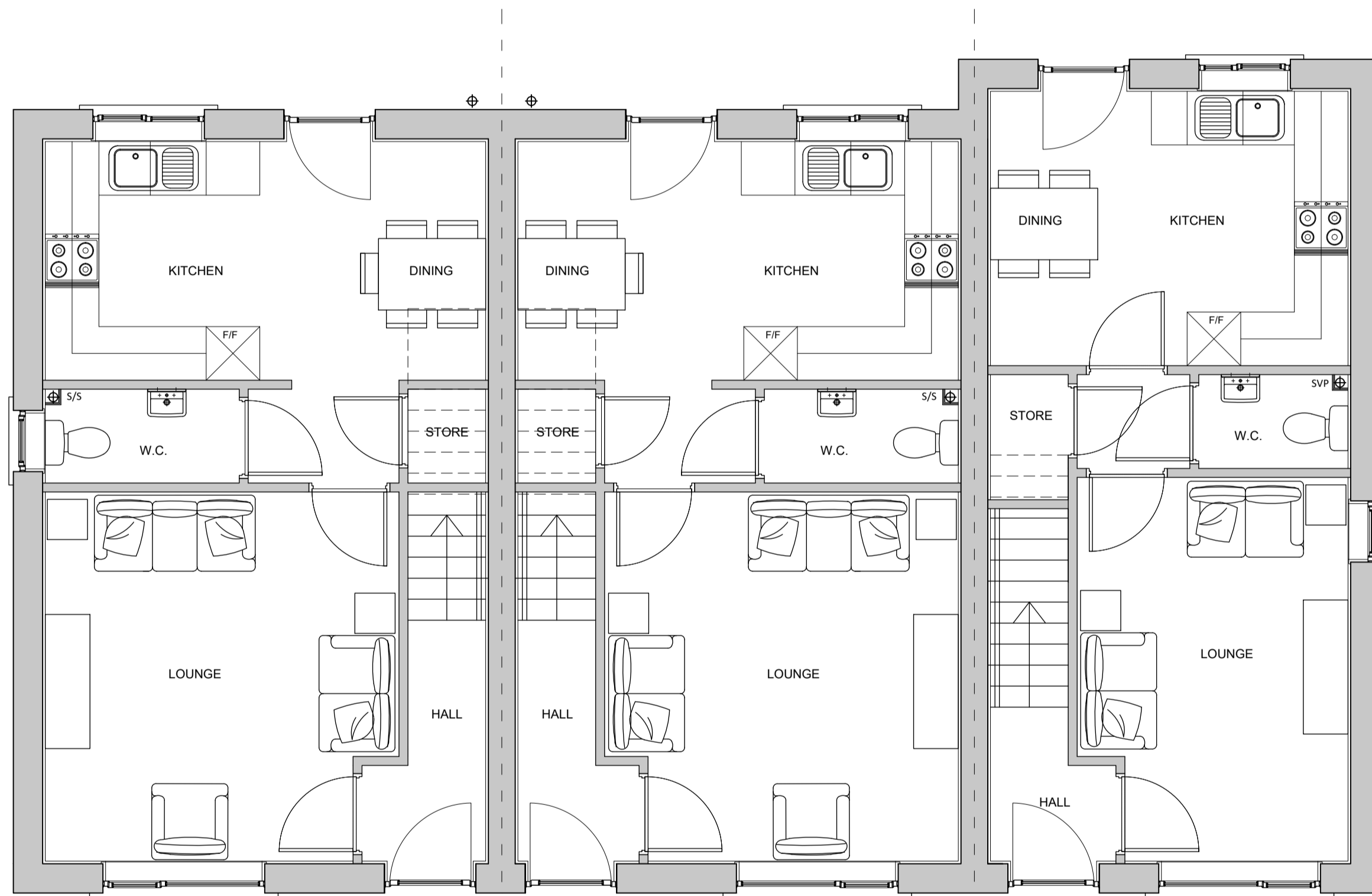
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Client:	Taylor Land Associates		
Job:	Cardale Street, Rowley Regis		
Drawing title:	Type A Elevations Plots 1-9		
Drawing Number: (Job number)	M4961	(PL)	06
Scale:	1:50/1:100 @ A1		
Date:	Jan 2023		
Drawn by/ checked by:	RW		

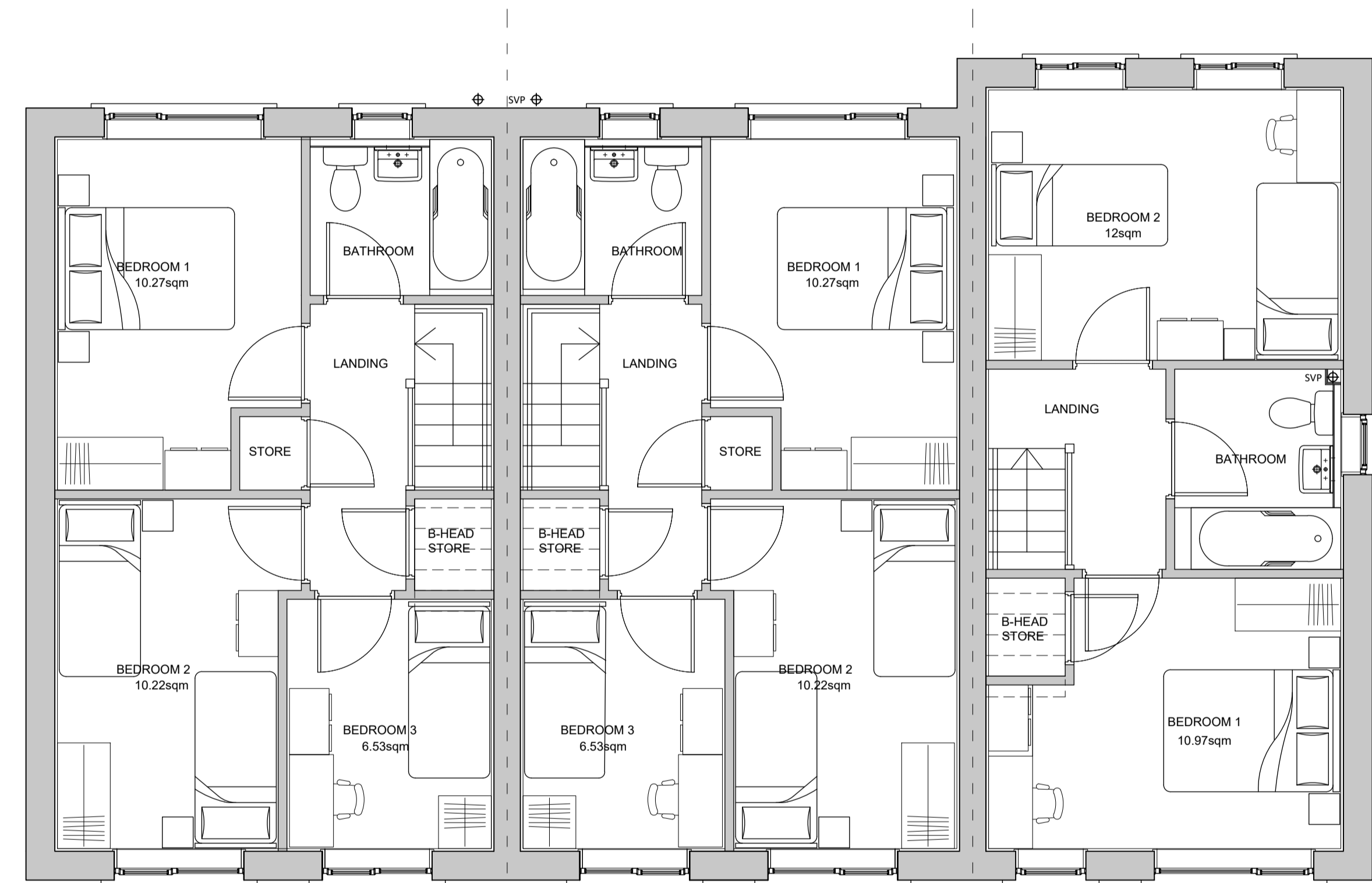
12 (C)

11 (C)

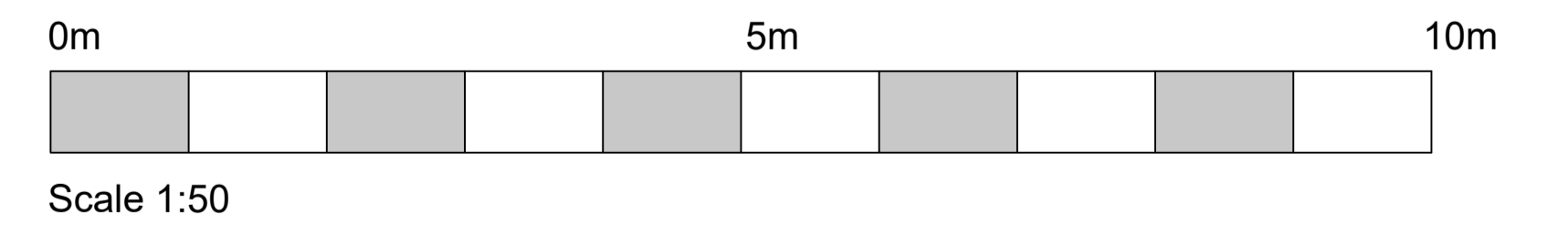
10 (B)



Ground Floor Plan



First Floor Plan



**nicol thomas**

Revision	Date	Details
A	June 23	Drawing issued for Planning.

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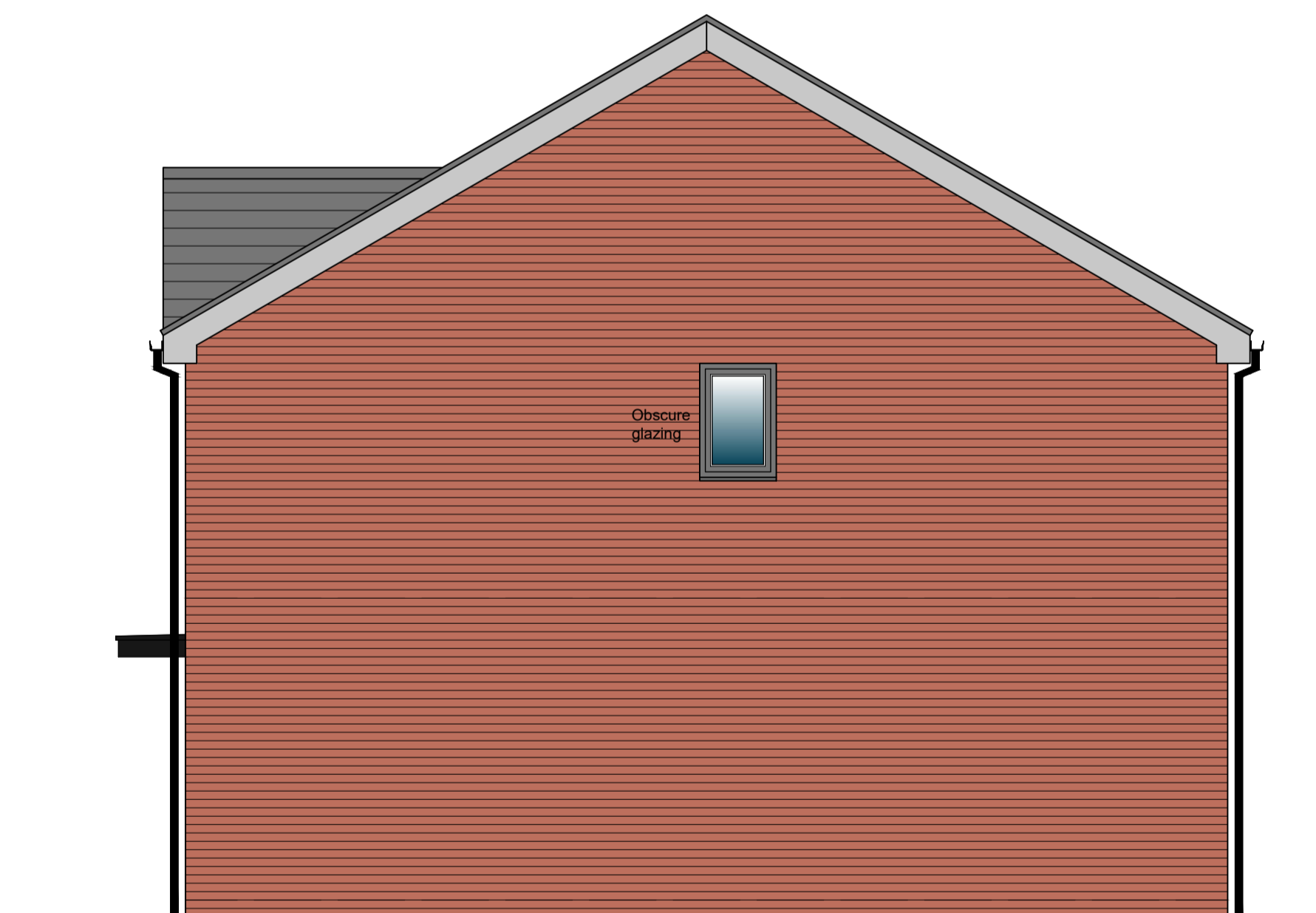
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Job:	Cardale Street, Rowley Regis		
Drawing title:	Floor Plans Plots 10-12		
Drawing Number: (Job number)	M4961	(PL)	07
Scale:	1:50 @ A1		
Date:	Jan 2023		
Drawn by/ checked by:	RW		
Revision:	A		



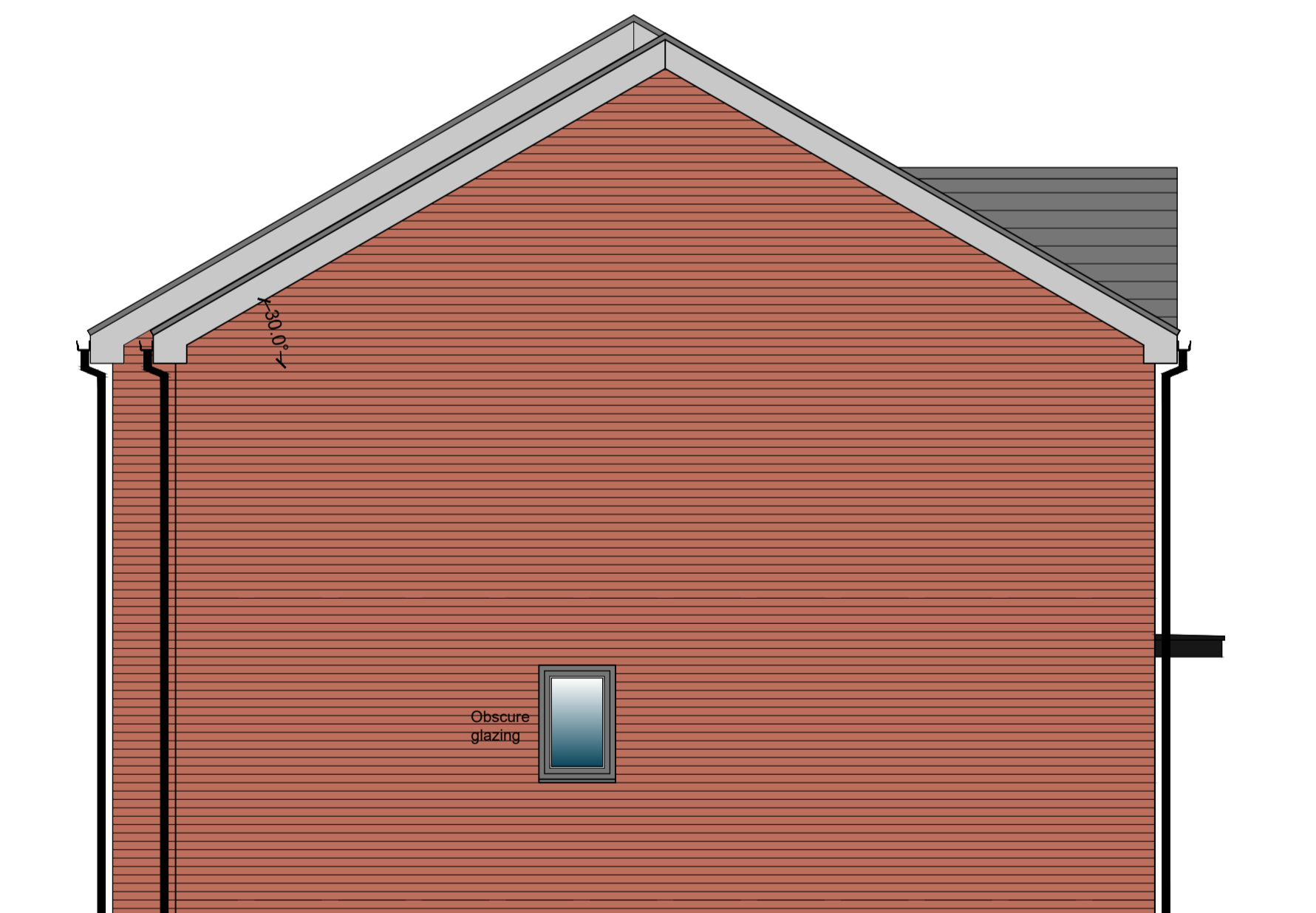
Front Elevation



Rear Elevation






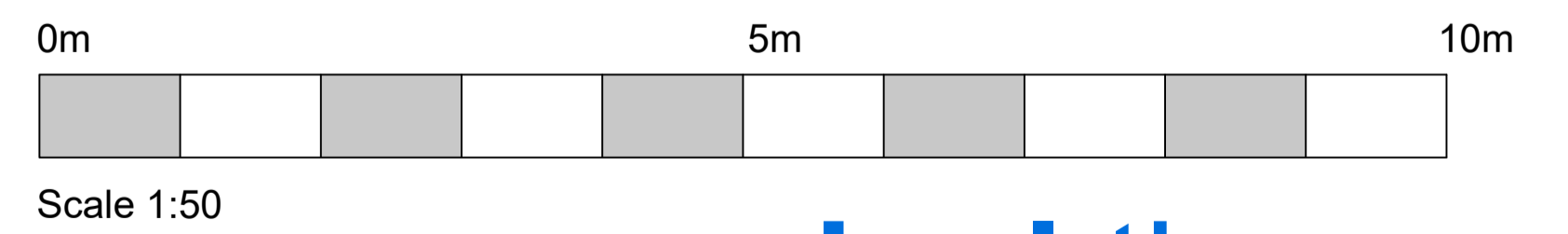
Gable Elevation to Plot 13



Gable Elevation to Plot 14

MATERIALS LEGEND

-  Red Multi Brickwork
-  Red Smooth Brickwork Stack Bond
-  Through Colour Silicone Render

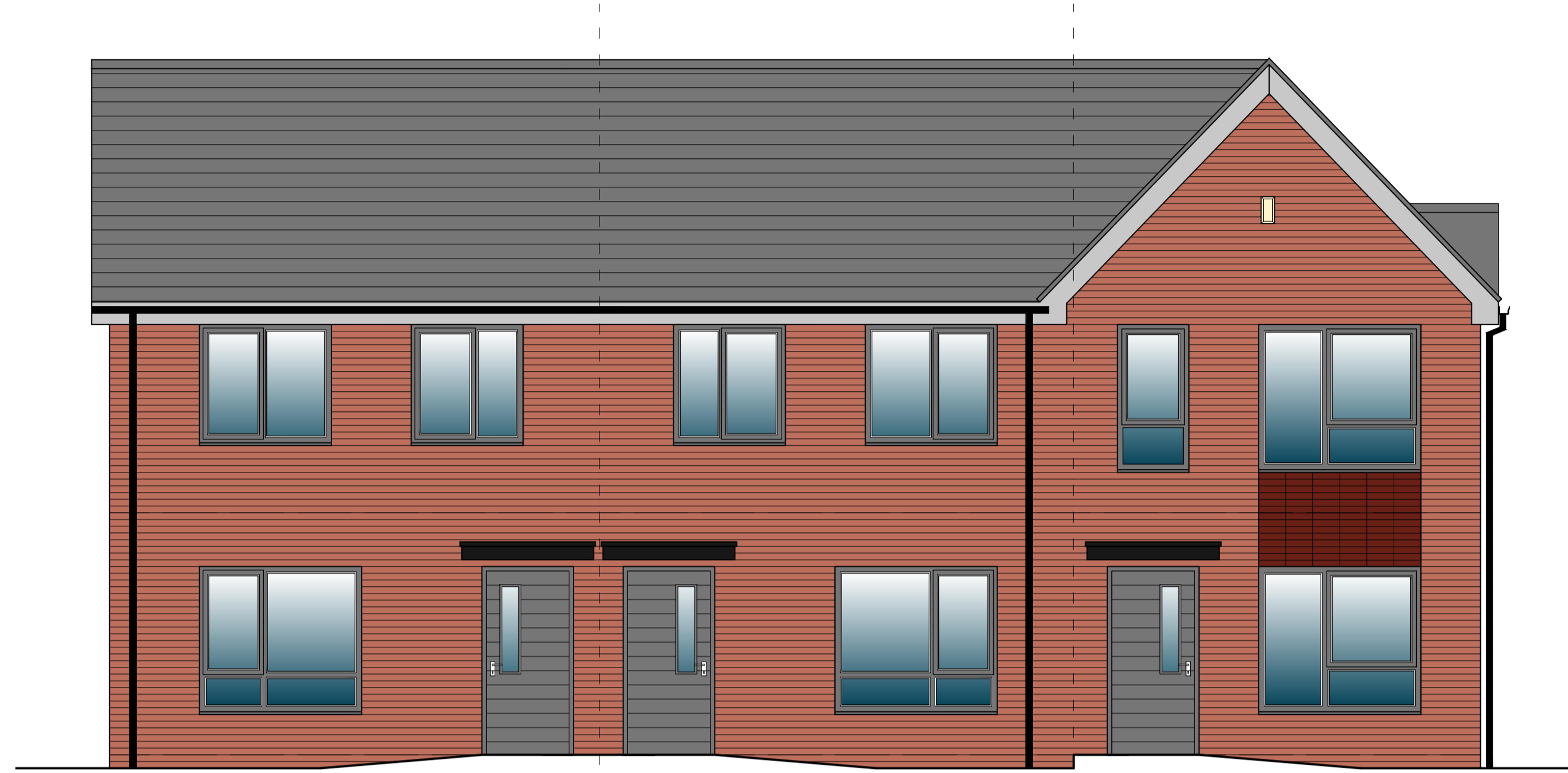


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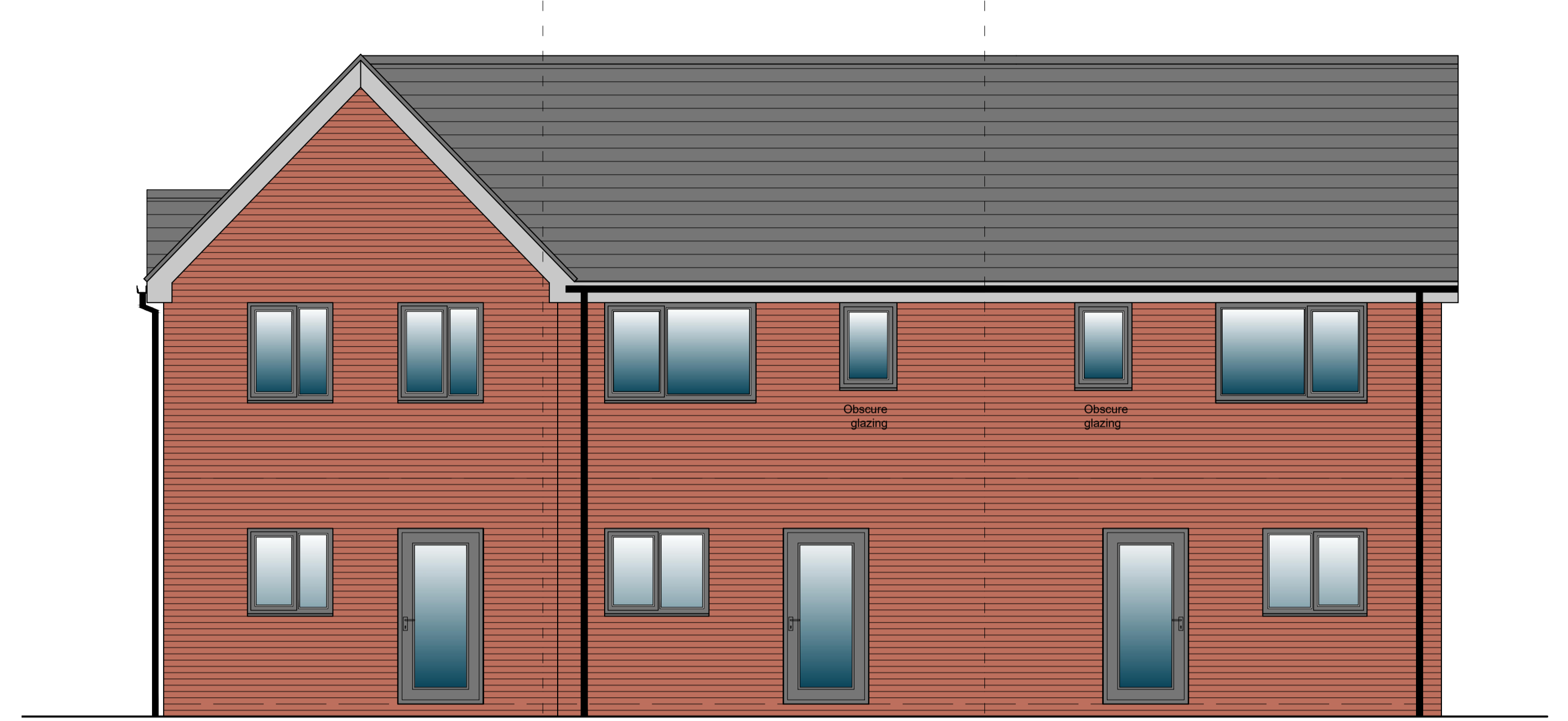
Revision	Date	Details
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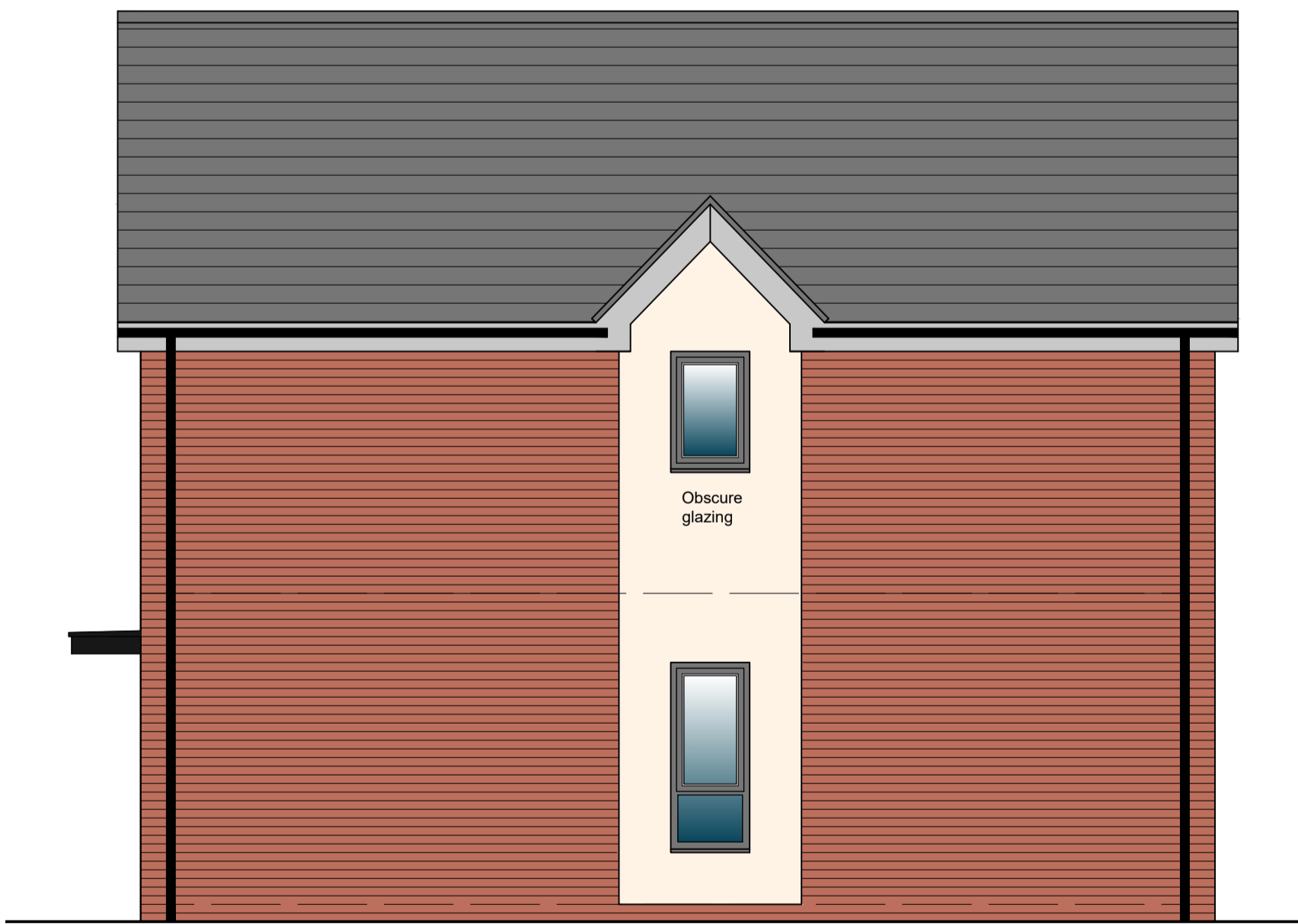
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Job:	Cardale Street, Rowley Regis		
Drawing title:	Elevations Plots 13-14		
Drawing Number: (Job number)	<b>M4961</b>	<b>(PL)</b>	<b>10</b>
Scale:	1:50 @ A1		
Date:	Jan 2023		
Drawn by/checked by:	RW		



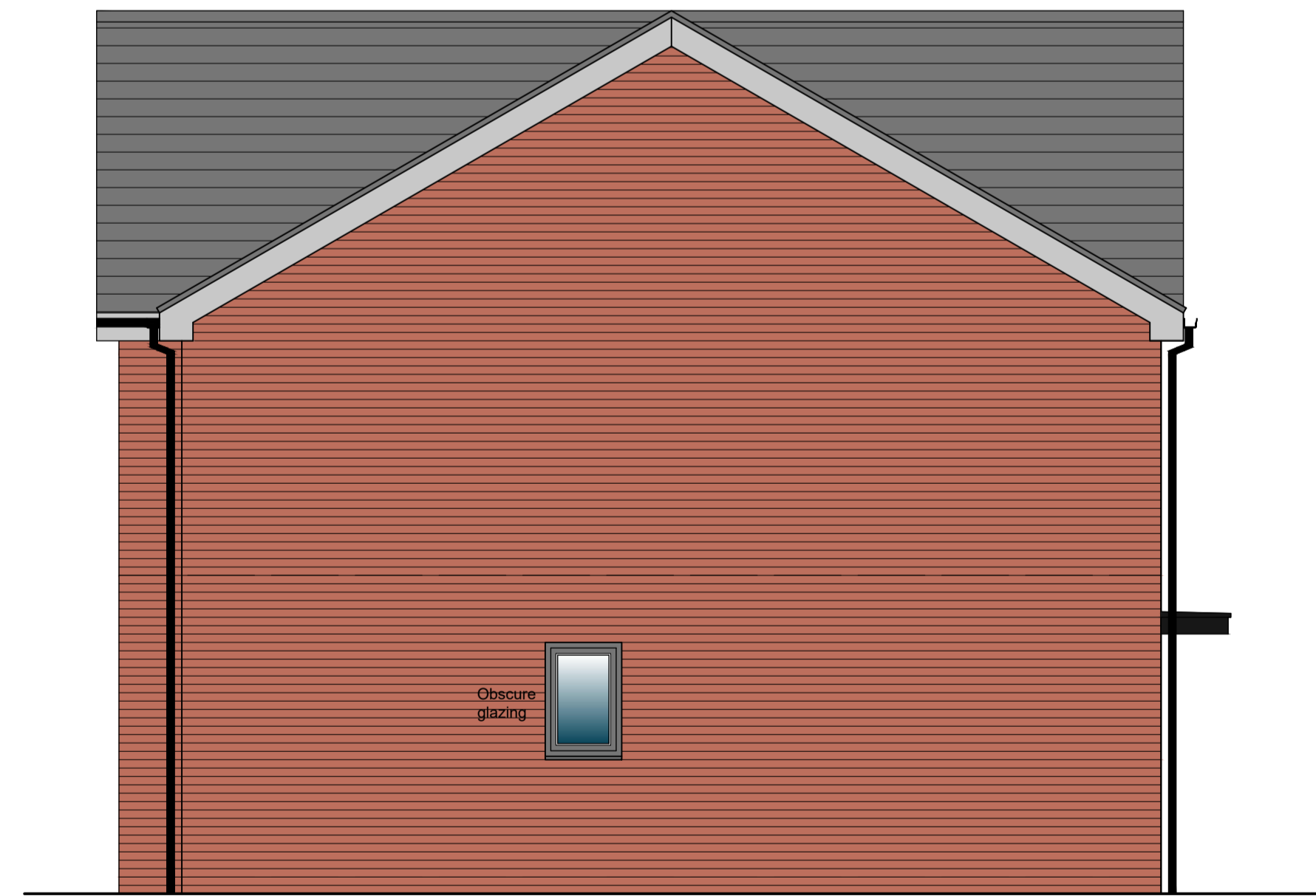
Front Elevation



Rear Elevation

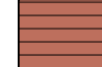
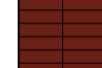



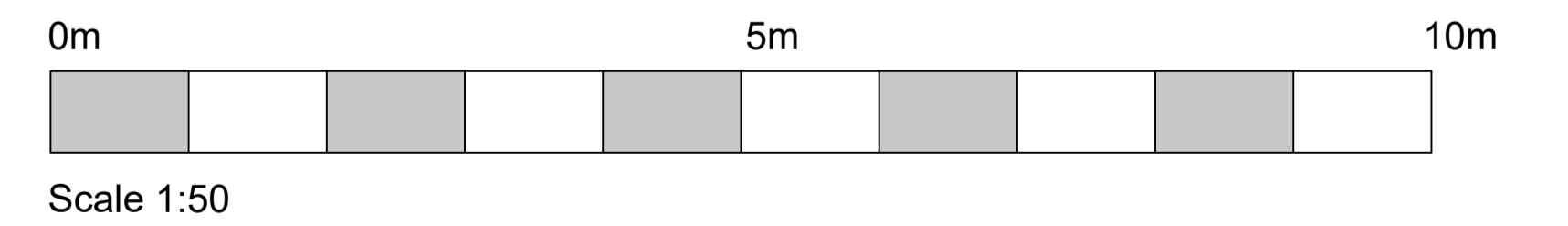
Gable Elevation to Plot 10



Gable Elevation to Plot 12

MATERIALS LEGEND

-  Red Multi Brickwork
-  Red Smooth Brickwork Stack Bond
-  Through Colour Silicone Render



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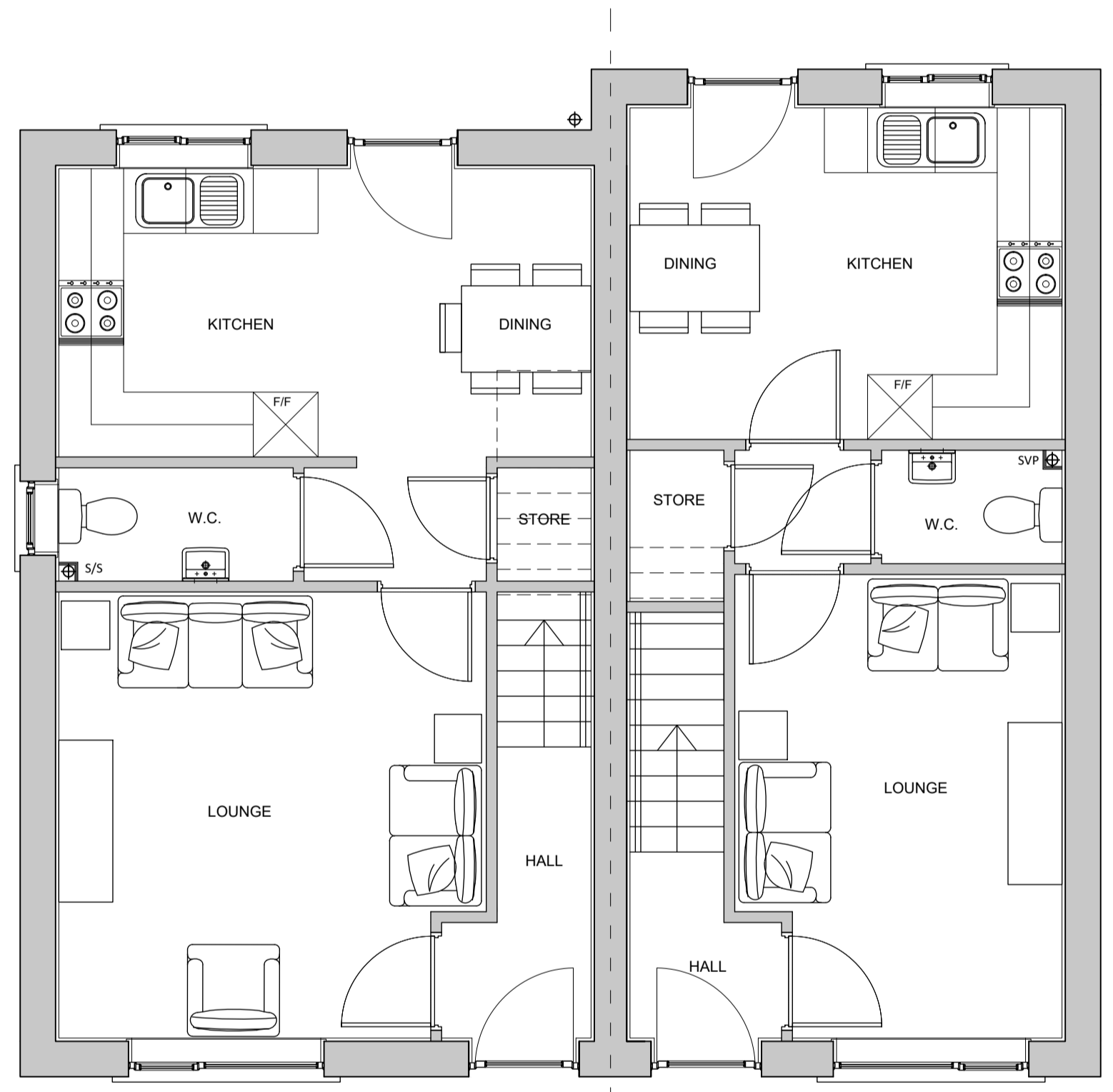
Revision	Date	Details
A	June 23	Drawing issued for Planning.
B	June 23	Scale bar added at request of Planning.

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Client:	Taylor Land Associates			
Job:	Cardale Street, Rowley Regis			
Drawing title:	Elevations Plots 10-12			
Drawing Number: (Job number)	<b>M4961</b>	<b>(PL)</b>	<b>08</b>	Revision: <b>B</b>
Scale:	1:50 @ A1			
Date:	Jan 2023			
Drawn by/ checked by:	RW			

14 (C)

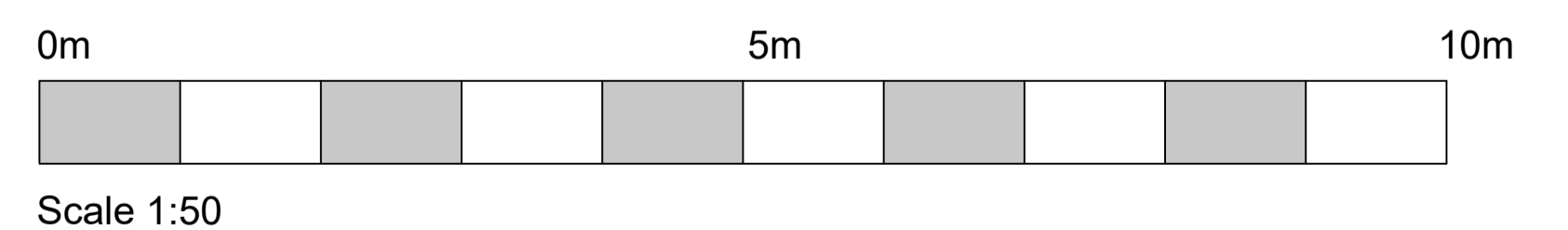
13 (B)



Ground Floor Plan



First Floor Plan

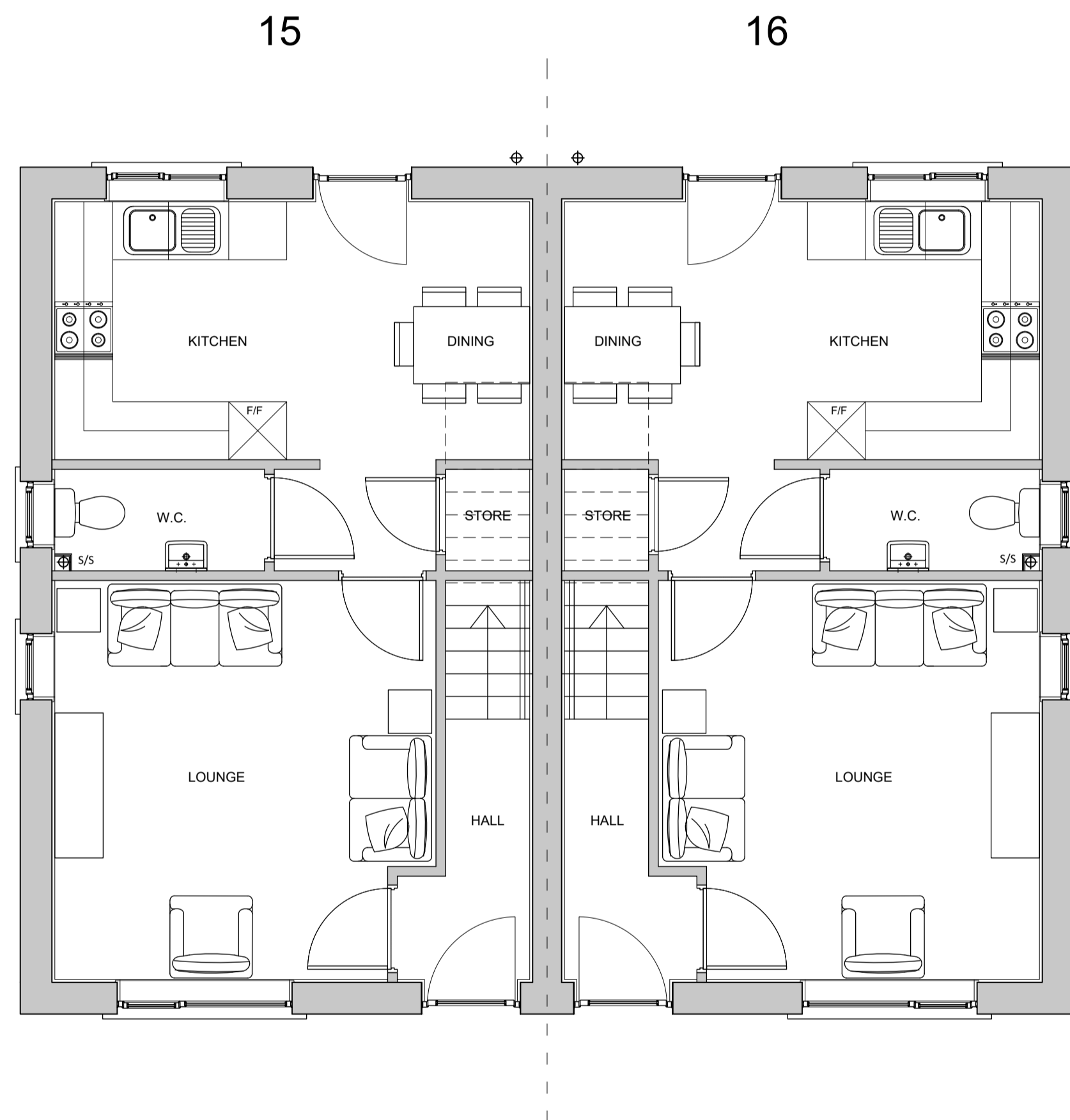


Revision	Date	Details
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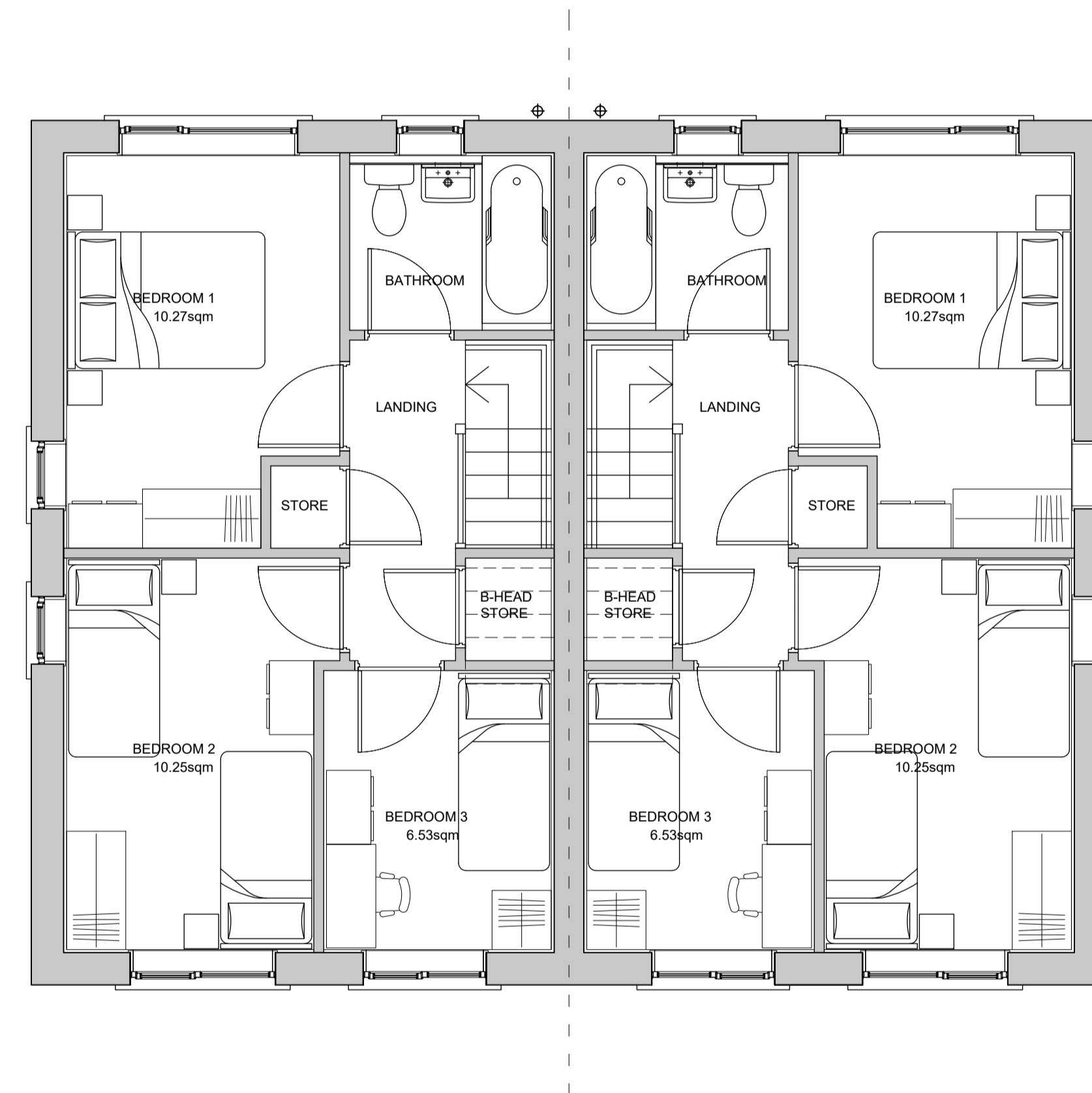
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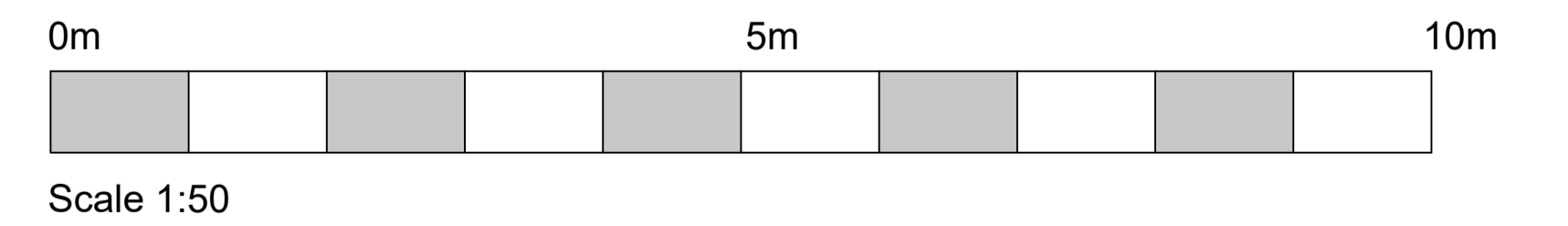
Client:	Taylor Land Associates		
Job:	Cardale Street, Rowley Regis		
Drawing title:	Floor Plans Plots 13-14		
Drawing Number: (Job number)	<b>M4961</b>	<b>(PL)</b>	<b>09</b>
Revision:	<b>A</b>		
Scale:	1:50 @ A1		
Date:	Jan 2023		
Drawn by/ checked by:	RW		



Ground Floor Plan



First Floor Plan



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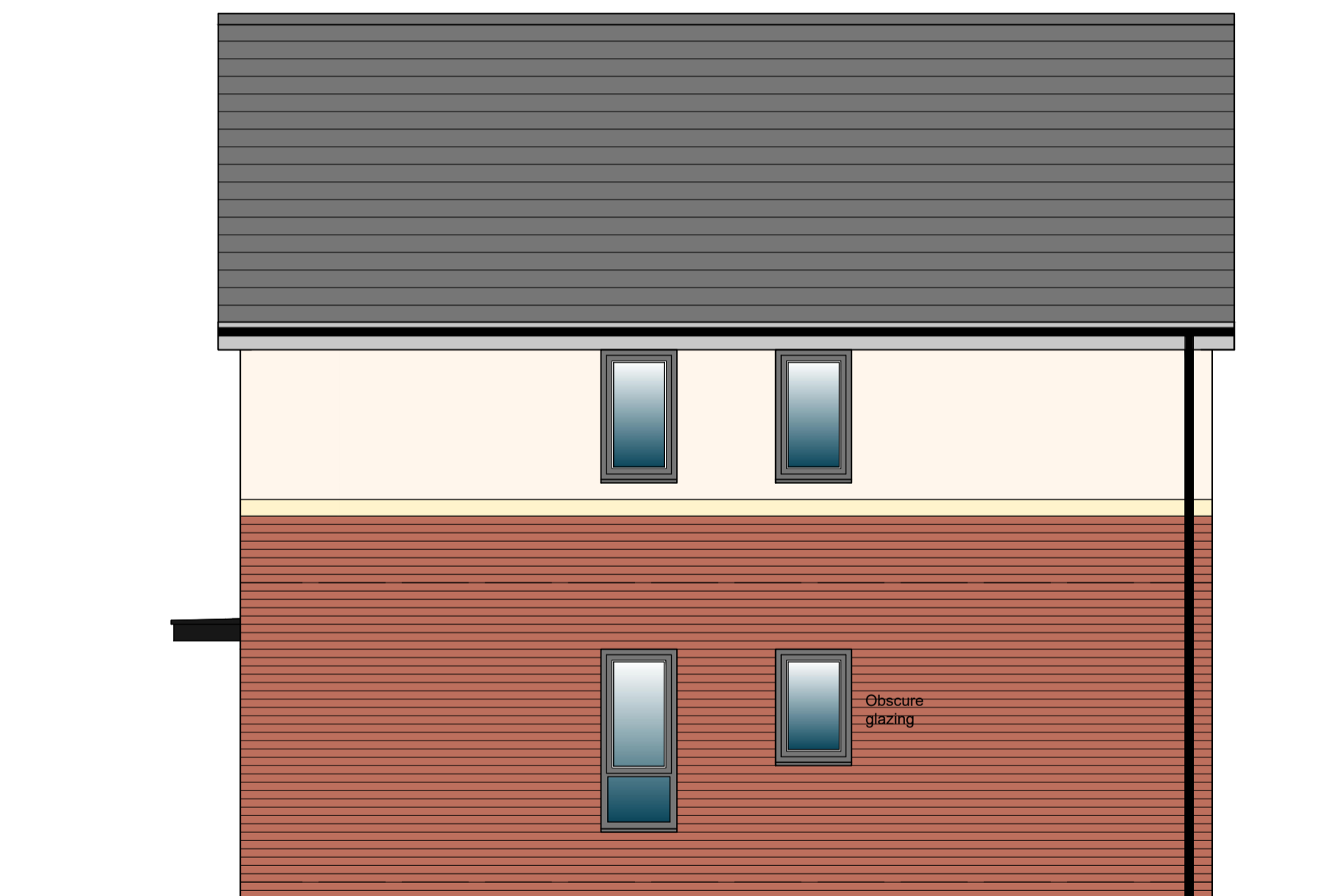
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Job:	Cardale Street, Rowley Regis		
Drawing title:	Floor Plans Plots 15-16		
Drawing Number: (Job number)	<b>M4961</b>	<b>(PL)</b>	<b>11</b>
Scale:	1:50 @ A1		
Date:	Jan 2023		
Drawn by/ checked by:	RW		



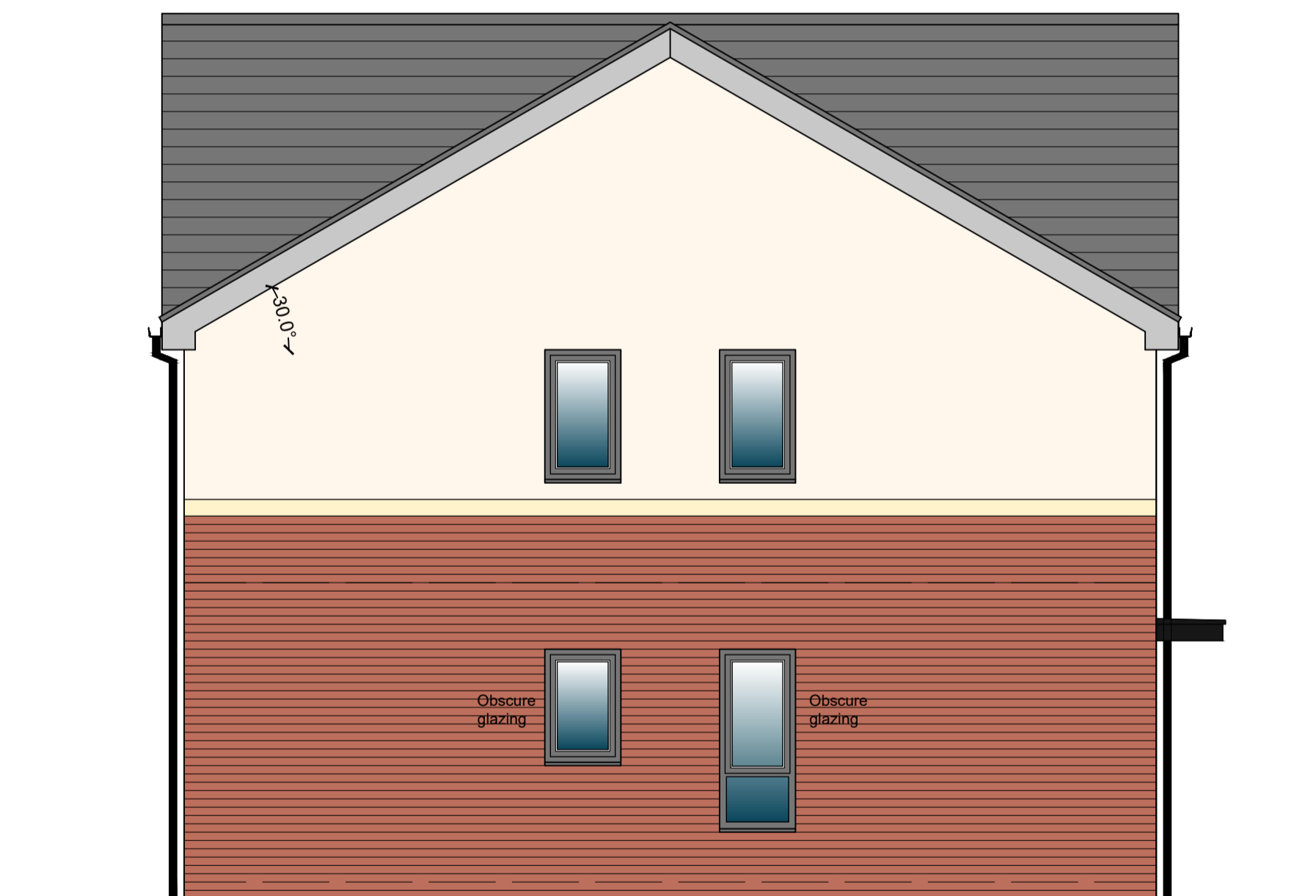
Front Elevation



Rear Elevation






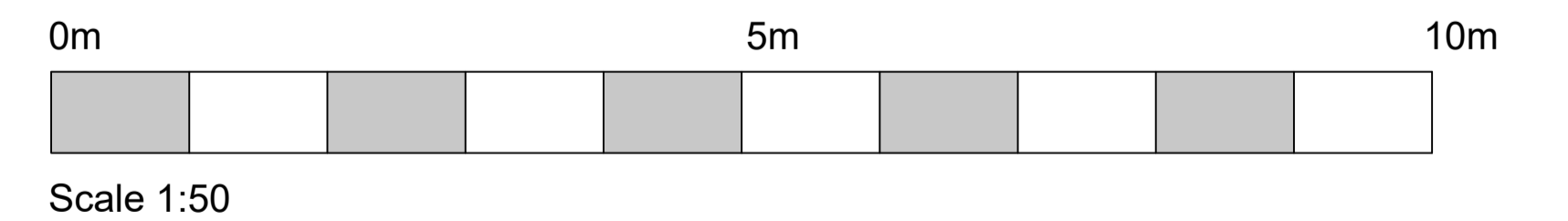
Gable Elevation to Plot 15



Gable Elevation to Plot 16

MATERIALS LEGEND

	Red Multi Brickwork
	Red Smooth Brickwork Stack Bond
	Through Colour Silicone Render



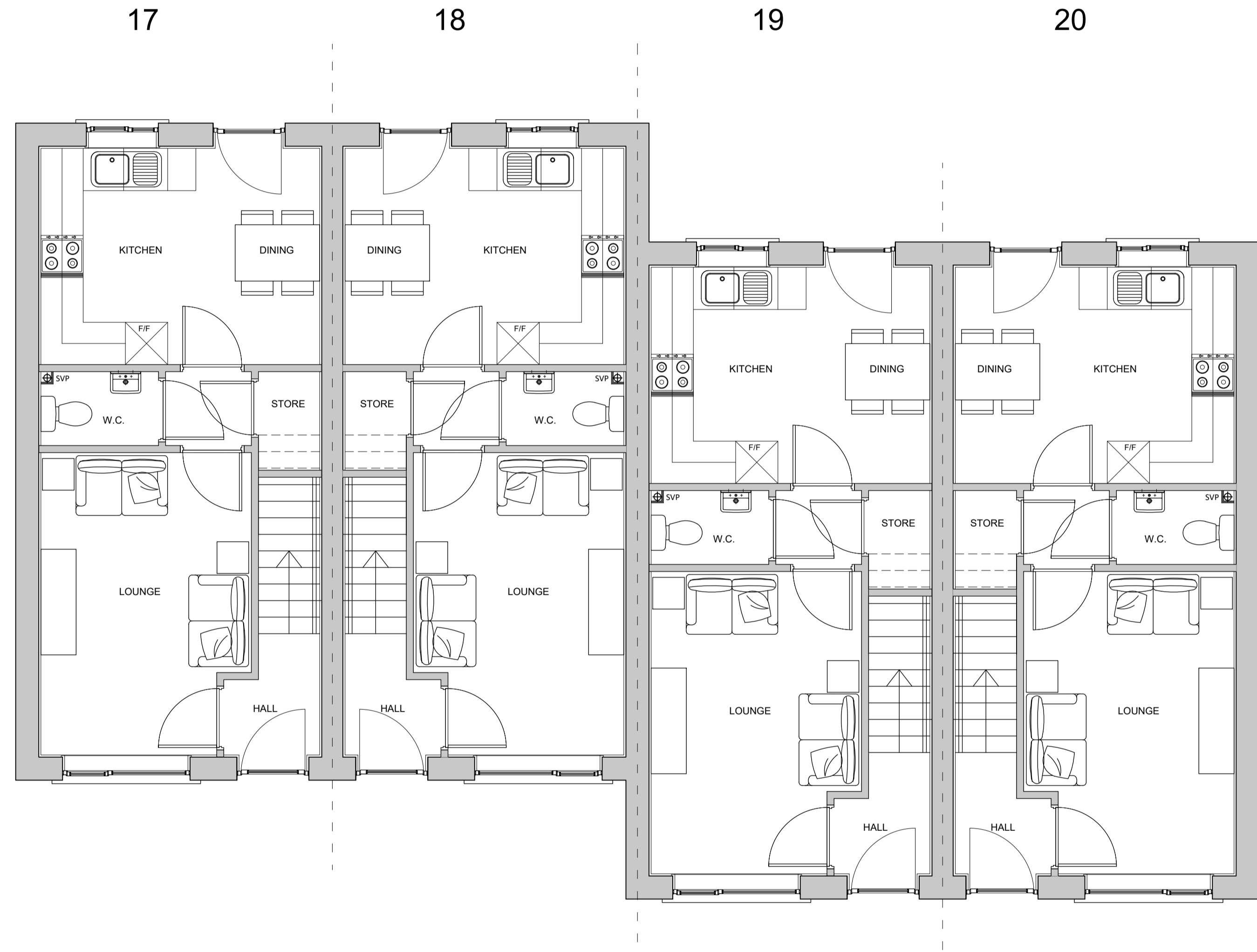
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Revision	Date	Details
A	June 23	Drawing issued for Planning.
B	Sept 23	Render continued round gable at request of Planners.

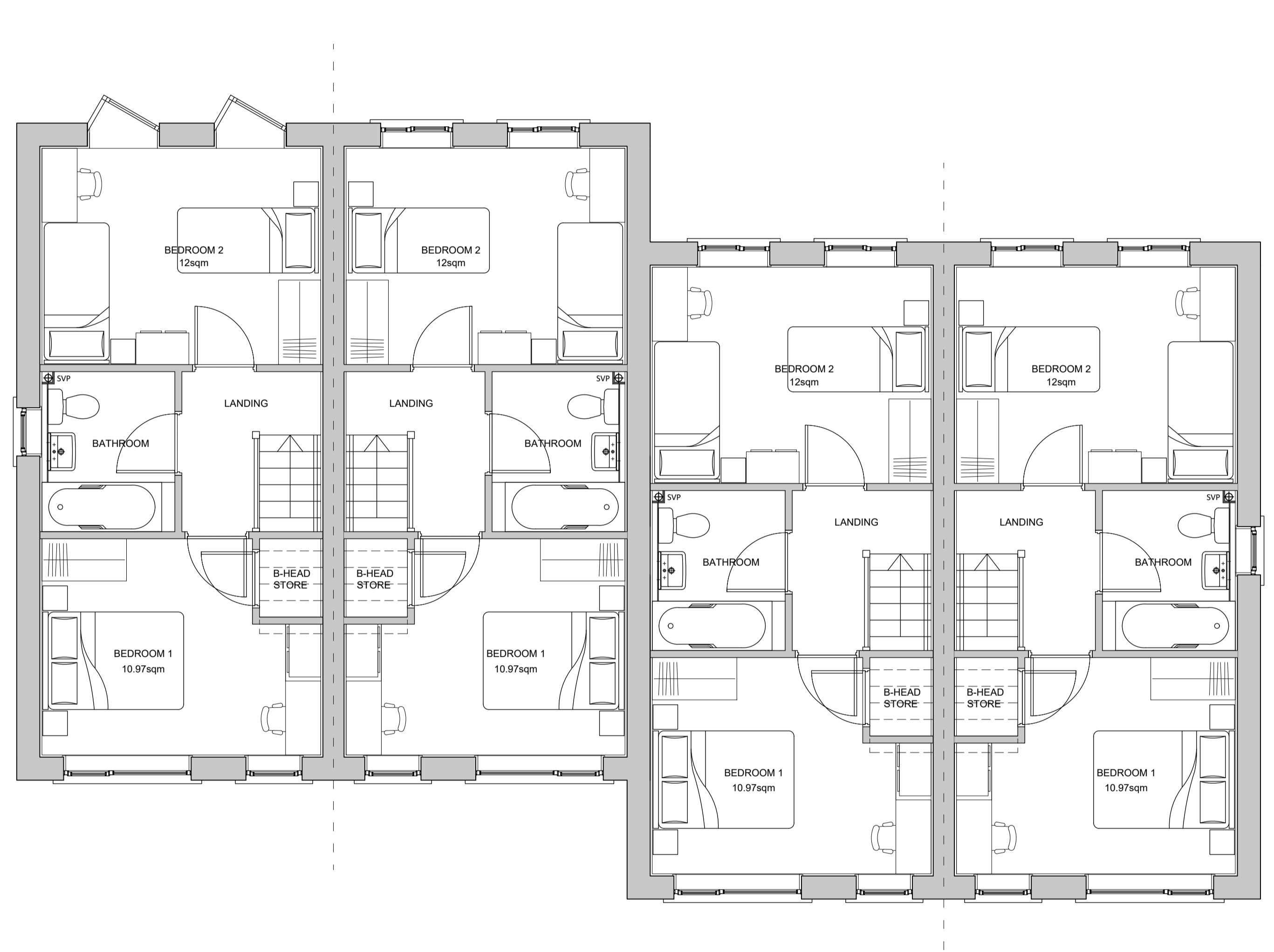
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Client:	Taylor Land Associates		
Job:	Cardale Street, Rowley Regis		
Drawing title:	Elevations Plots 15-16		
Drawing Number: (Job number)	M4961	(PL)	12
Scale:	1:50 @ A1		
Date:	Jan 2023		
Drawn by/ checked by:	RW		

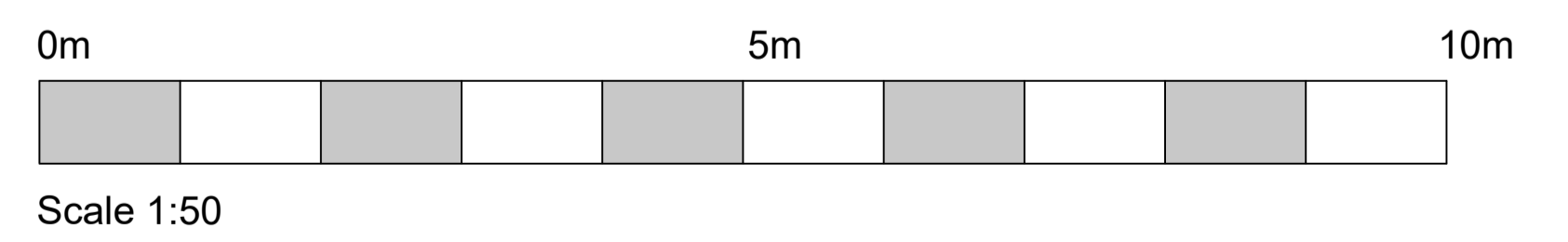




Ground Floor Plan



First Floor Plan



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Revision	Date	Details
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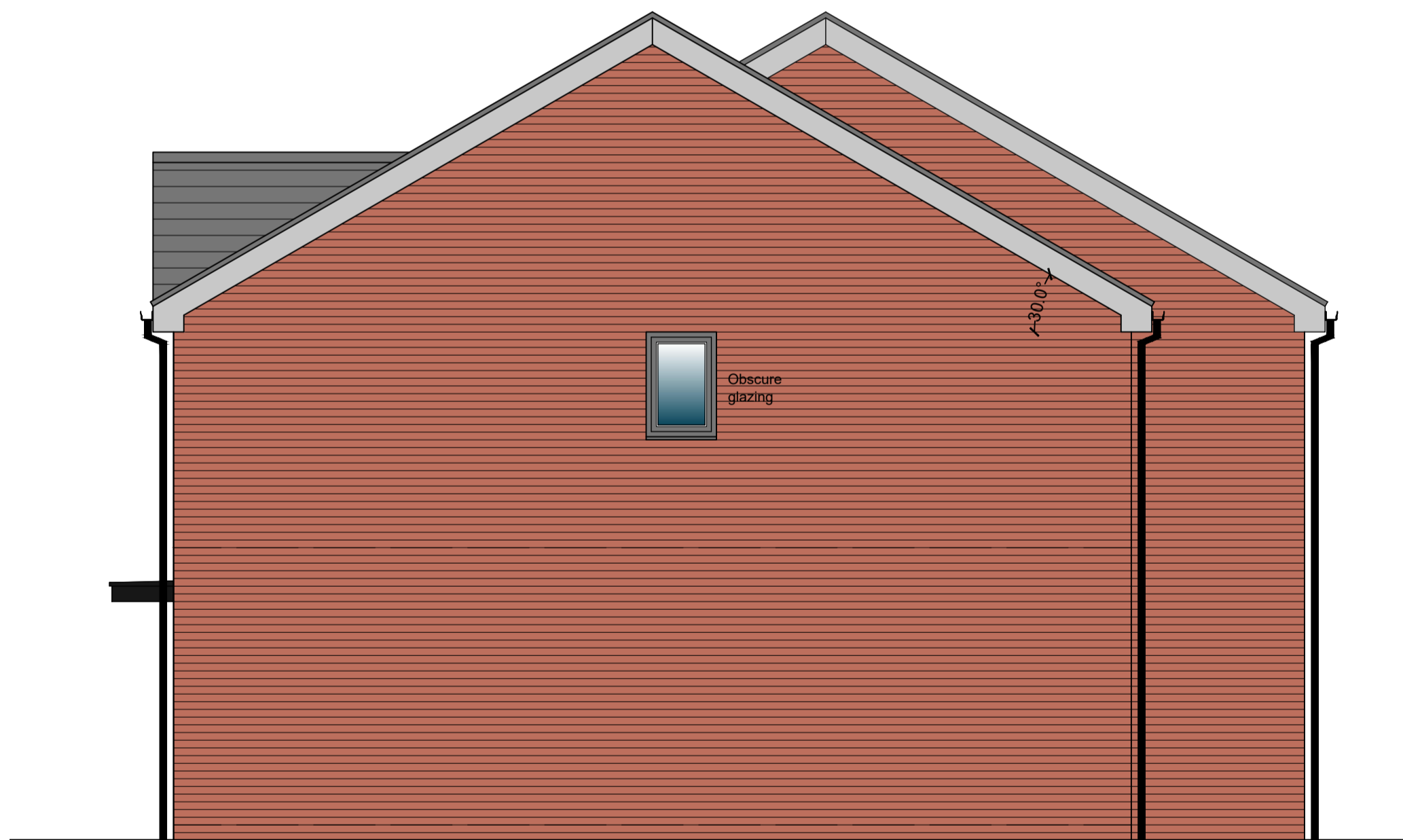
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Job:	Cardale Street, Rowley Regis		
Drawing title:	Floor Plans Plots 17-20		
Drawing Number: (Job number)	M4961	(PL)	13
Revision:	A		
Scale:	1:50 @ A1		
Date:	Jan 2023		
Drawn by/ checked by:	RW		



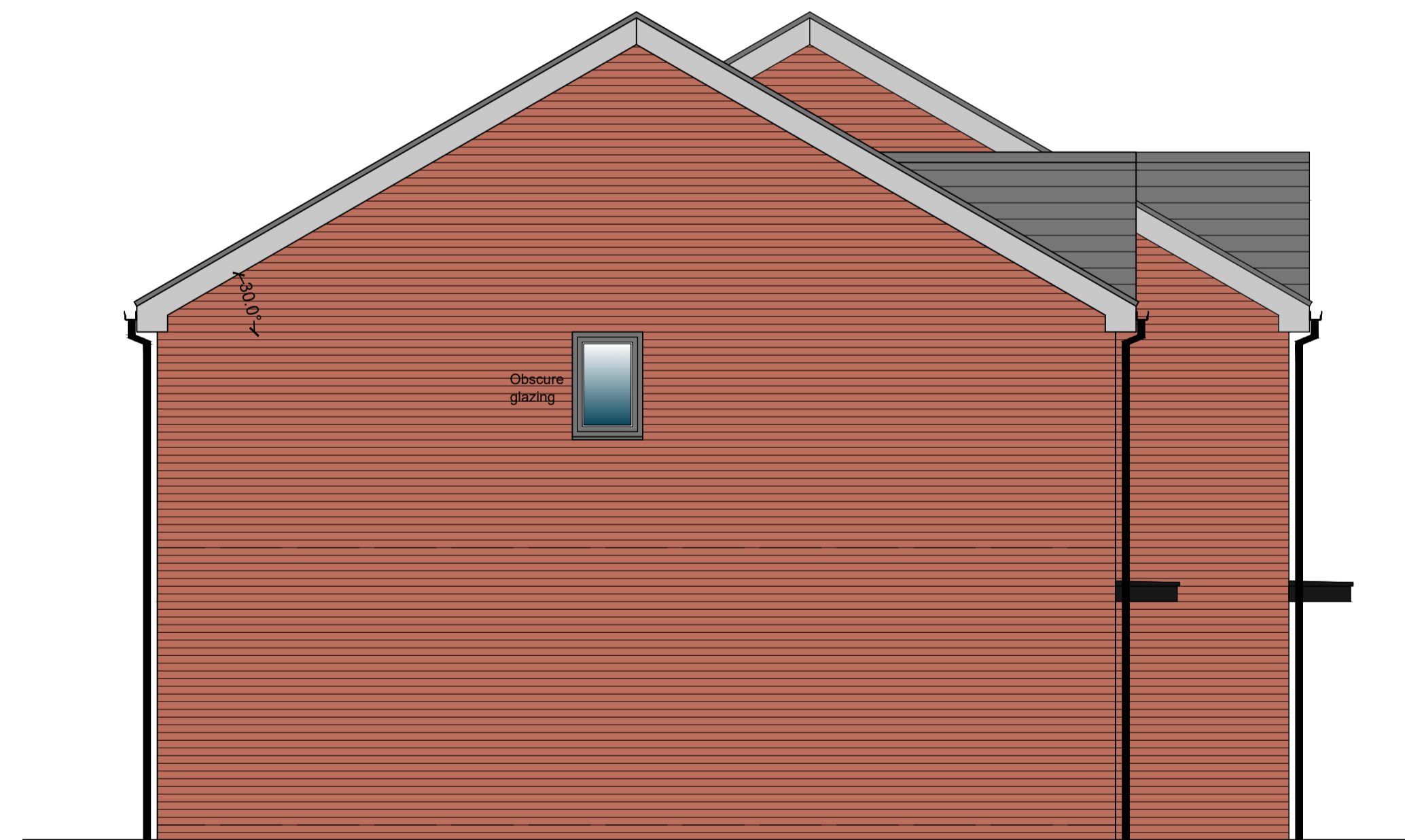
Front Elevation



Rear Elevation



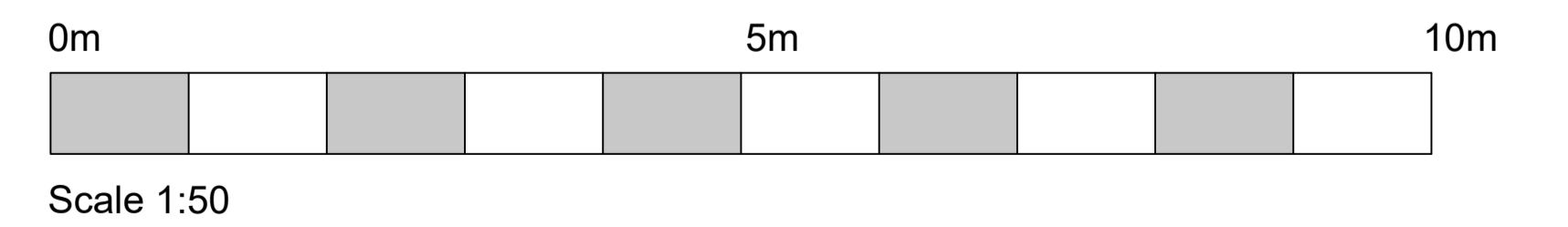
Gable Elevation to Plot 20



Gable Elevation to Plot 17

MATERIALS LEGEND

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- Through Colour Silicone Render



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Client:	Taylor Land Associates		
Job:	Cardale Street, Rowley Regis		
Drawing title:	Elevations Plots 17-20		
Drawing Number: (Job number)	<b>M4961</b>	<b>(PL)</b>	<b>14</b>
Scale:	1:50 @ A1		
Date:	Jan 2023		
Drawn by/checked by:	RW		



Street Scene along Cardale Street  
Scale 1:100



Scale 1:100

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Revision	Date	Details

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Client:		Taylor Land Associates	
Job:		Cardale Street, Rowley Regis	
Drawing title: Cardale Street Elevation			
Drawing Number: (Job number)	<b>M4961</b>	(PL)	<b>15</b>
Scale:	1:100 @ A1		
Date:	Jun 2023		
Drawn by/checked by:	RW		

### legend

- new grassed / turfed areas
- allotment areas- no seed or turf required
- proposed tree planting refer to schedule
- shrub planting refer to schedule
- Concrete paving flags
- Turfed lawn area
- Tarmac parking space
- Block paved parking space
- Tarmac highway



Page 140

**Preparing for topsoiling**  
Grading and cultivation shall be in accordance with BS 4428:1989 section 4. Subsoil that is to receive topsoil shall, whether obviously overcompacted or not, be thoroughly broken up by hand, by heavy rotovator, by subsoiler or tined equipment with adequate passes made to thoroughly break up the surface to a depth of 150mm, cleared of all large stones, bricks, perennial weeds, tree roots (excluding living tree roots), coarse vegetation and other extraneous matter.

**Subsoil grading**  
Subsoil shall only be graded after loosening as above, and this shall be undertaken by the use of a tractor and blade grader on large areas and by a small mechanical grader or by hand on small areas. Ground shall at no time be traversed by heavy machinery, for grading or any other purpose after subsoiling and/or topsoiling has taken place.

**Making up levels**  
When subsoil is deposited in low lying areas to raise formation levels, it shall be lightly consolidated and left broken up ready to receive topsoil. Imported material shall be natural subsoil free from metal, concrete or organic material with any one dimension greater than 100mm. All imported fill material shall be approved by the Landscape Architect prior to spreading on site.

**Supply of topsoil**  
Topsoil to be supplied shall be approved by the Landscape Architect and details of the source of supply shall be provided in order that inspection may be made before delivery commences. Topsoil shall conform to BS 3882: 2015. Recommendations and classification for topsoil, clause 4.1a. The soil shall be free of weeds, roots or perennial weeds, pests, diseases, debris, tree roots, sticks, subsoil and foreign matter and shall be capable of being broken down to a fine tith.

**Temporary topsoil heaps**  
The depositing of temporary heaps of topsoil shall be so arranged that possible damage to existing grass, plants, lawns, pavement, etc. is avoided. Unless otherwise agreed by the Landscape Architect, temporary topsoil heaps shall be on protected ground. Such protection shall take the form of tarpaulins, plastic sheets, boards or similar covering. If damage does occur, it shall be made good at the contractor's own expense. Areas excavated to receive topsoil but have not had the base loosened shall not be used as temporary off loading areas. If the bottom of the excavation has been loosened off, loading on these areas is permissible.

**Spreading topsoil**  
Prior to topsoil replacement the formation level shall be cleared of all stones, rubbish, debris with any one dimension greater than 75mm. Areas to be seeded or turfed shall be covered by topsoil 100mm thick and areas to be planted shall be covered by topsoil 400mm thick. Topsoil shall be spread in an evenly consolidated layer and shall be left cleared of all roots, stones and debris with any one dimension greater than 50mm throughout its depth. Unless otherwise stated the finished level shall be 25mm above adjacent hard areas. No topsoil shall be spread until the subsoil grade has been inspected by a Landscape Architect.

**Planting**  
**Cultivation**  
Planting areas shall be rotovated to a depth of 225mm in the original ground, or where the ground is compacted, ripped and rotovated. Pick off stones, bricks, timber and all other debris arising which have any dimensions greater than 50mm and remove off site to tip. Do not cultivate across any drain where the stone is flush with the ground surface.

**Soil improvers**  
Where directed, composts, fertilisers or other additives shall be incorporated into the soil. Spent mushroom compost or similar shall be spread to the specified thickness and incorporated, by rotovating, into the top 150mm. Fertilisers, organic or inorganic, shall be raked into the top 25mm.

**Rejection of plants**  
All plant material should comply with the minimum requirements in BS 3936-1: 1992 Specification for trees and shrubs and BS 3936-4: 2007 Specification for forest trees. Any plant material, which in the opinion of the Landscape Architect, does not meet the requirements of the Specification, or is unsuitable, or defective in any other way, will be rejected. The minimum specified sizes in the plant schedule will be strictly enforced. The contractor shall replace all plants rejected at his own cost.

**Planting**  
All plant material shall generally be planted between November and March in open cool weather. Planting shall not take place in frosty, snowy or waterlogged conditions. Where approved, pot or container grown plants may be planted outside the described season, but adequate watering shall be supplied. Torn or damaged roots and branches shall be cleanly pruned prior to planting.

**Planting of whips, transplants and shrubs**  
The nature of the material to be planted is variable and the contractor shall allow for planting to be properly carried out in all cases as described in BS 4428: 1989 section 7 Amenity tree planting, section 8 Woodland planting and section 9 Planting of shrubs, herbaceous and bulbs. All plants shall be planted at same depth, or very slightly deeper, as they were grown. Roots shall not be bent, broken or forced into inadequate pits or notches. Plants shall be upright, firmed in and wind resistant, with no air pockets around roots. All pots and root wrappings shall be carefully removed prior to planting. All pots and wrappings arising shall immediately be picked up and stored ready for removal to tip. Plants shall be planted at the specified centres. On steep slopes this shall be in the horizontal measure.

**Tree planting within soft landscape areas**  
Trees shall conform to BS: 3936-1: 1992 and be planted in tree pits of the following sizes unless directed otherwise:  
Feathered trees - 900 x 900 x 450  
Selected standards - 1000 x 1000 x 600  
Heavy standards/Extra heavy standards - 1200 x 1200 x 600  
Excavated subsoil or stone shall be carted off site to tip. The bottom 250mm of the pit shall be dug and broken up. The bottom of the pit shall be backfilled with subsoil (site or imported) to comply with BS 8601: 2013. The top 300mm of the pit shall be backfilled with imported topsoil as specified unless directed otherwise.

**Compost for planting pits**  
Compost shall be a proprietary product, bark based incorporating fertilisers and improving additives. The type of compost shall be approved before its delivery on site, and the details of the product shall be supplied. Cambark planting compost is approved. Where directed compost shall be added to and mixed with topsoil backfill at the following rates:  
Feathered trees - 40 litres  
Selected standards - 60 litres  
Heavy standards/Extra heavy standards - 80 litres

**Stakes for trees**  
Stakes shall be peeled round softwood, pointed, minimum diameter 75mm. The stakes shall be driven into the base of the tree pit prior to placing the tree and backfilling.  
Stakes shall in general have a clear height above the finished ground level as follows unless directed otherwise:  
Feathered trees - 750mm (one tie)  
Heavy standards/Extra heavy standards - 1200mm (2 stakes, one tie each)  
The stake shall be long enough to drive until they hold the tree firmly without rocking.

**Tree ties**  
Ties for bareroot trees, shall be approved rubber nail-on type with cushioned spacer such as Toms, or other equal approved. Nails shall be flat headed galvanised and shall hold the ties securely into the stakes. Ties shall not be over tight on the tree stems. Ties available from J Toms Limited, Wheeler Street, Headcorn, Ashford, Kent, TN27 9SH.  
Feathered Type - 04 (one tie)  
Selected standards - Type L1 (one tie per stake)  
Heavy standards/Extra heavy standards - Type L3 (one tie per stake)

**Planting Schedule**

Abbreviation	Species	Height	Girth	Specification	Pot Size	Number of Plants
BJ	Betula utilis jacquemontii	350-425cm	12-14cm	Heavy Standard: 3x	RB	5
BP	Betula pendula	350-425cm	12-14cm	Heavy Standard: 3x	RB	2
MT	Malus tshonchoni	350-425cm	12-14cm	Heavy Standard: 3x	B	1
PAM	Prunus 'Amanogawa'	300-350cm	12-14cm	Heavy Standard: 3x	RB	4
PCC	Pyrus calleryana 'Chanticleer'	300-350cm	12-14cm	Heavy Standard: 3x	B	3
PP	Prunus padus	350-425cm	12-14cm	Heavy Standard: 3x	B	1
SA	Sorbus aucuparia	350-425cm	12-14cm	Heavy Standard: 3x	B	3
TCG	Tilia cordata 'Greenspire'	350-425cm	12-14cm	Heavy Standard: 3x	B	2
						21

POT SIZE= B- Bareroot, RB- Rootball, C- Container, L-Litre

Shrubs	Species	Specification	Height	Pot size	Density	Number of Plants
CAB	Ceanothus 'Autumnal Blue'	30-40cm	10L	3/m <sup>2</sup>	6	
CET	Ceanothus thyrsiflorus sepiens	20-30cm	3L	6/m <sup>2</sup>	8	
CSB	Cornus alba 'Sibirica'	80-100cm	10L	3/m <sup>2</sup>	32	
CVG	Calluna vulgaris 'Gold Haze'	30-40cm	2L	10/m <sup>2</sup>	6	
ESQ	Euonymus fortune 'Silver Queen'	30-40cm	3L	6/m <sup>2</sup>	34	
GDC	Griselinia littoralis 'Dixon's Cream'	60-80cm	10L	3/m <sup>2</sup>	6	
HMT	Hypericum x moserianum 'Tricolor'	30-40cm	3L	6/m <sup>2</sup>	74	
HMW	Hebe 'Mrs Winder'	30-40cm	3L	6/m <sup>2</sup>	71	
KP	Kerria japonica 'Plentiflora'	60-80cm	10L	3/m <sup>2</sup>	26	
LNB	Lonicera nitida 'Baggesen's Gold'	40-60cm	5L	6/m <sup>2</sup>	26	
MAP	Mahonia aquifolium 'Apollo'	30-40cm	3L	6/m <sup>2</sup>	84	
RIMG	Rosa 'Red Max Graf'	30-40cm	3L	6/m <sup>2</sup>	10	
RO	Rosmarinus officinalis	40-60cm	5L	8/m <sup>2</sup>	50	
VD	Viburnum davidii	30-40cm	3L	6/m <sup>2</sup>	28	
VOS	Viburnum opulus 'Sterile'	40-60cm	10L	3/m <sup>2</sup>	20	
						481

Specimens	Species	Specification	Height	Girth	Pot Size	Density	Number of Plants
BSS	Buxus sempervirens	Supplied as a ball	30-40cm	10L	Counted	12	
JVS	Juniperus virginiana 'Skyrocket'		80-100cm	7.5L	Counted	18	
MC	Mahonia x media 'Charity'		80-100cm	25L	Counted	42	

SENSORY PLANTS	Botanical Name	Sensory Value	Number of Plants
COS	Cosmos atrosanguineus	Sight	20
HMA	Hakonechloa macra 'Aureola'	Sight	12
LAV	Lavandula angustifolia 'Vera'	Smell	44
PUV	Pulsatilla vulgaris	Sight	12
STP	Stipa barbata	Touch/Sound	24
			100

**Maintenance**  
All maintenance to be carried out up to and handover to the adopting authority/ householder from the date of planting and turfing to ensure successful establishment. All dead, diseased, damaged plants must be replaced during this time unless the local Planning Authority states, in writing, any variation to this.

**Weeding**  
All beds to be kept weed free by hand weeding. Beds to be forked over as necessary to keep loose to approved cambers with no hollows.

**Pruning**  
At appropriate time, prune plants to remove dead, dying or diseased wood and suckers to promote healthy growth and natural shape.

**Watering**  
The Contractor shall ensure that sufficient water is applied to maintain healthy growth.

**Litter**  
Site to be kept free of litter.

**Grass cutting**  
The initial cut shall be carried out when first growth is apparent, blades set 20mm above ground. The Contractor shall continue cutting at appropriate intervals during the growing season and maintain 40mm high sward until grass areas are handed over. Watering, weeding, cutting, repair of all erosion and settlement and re-seeding as necessary to establish a uniform and healthy stand of grass shall continue until handover to the householder.



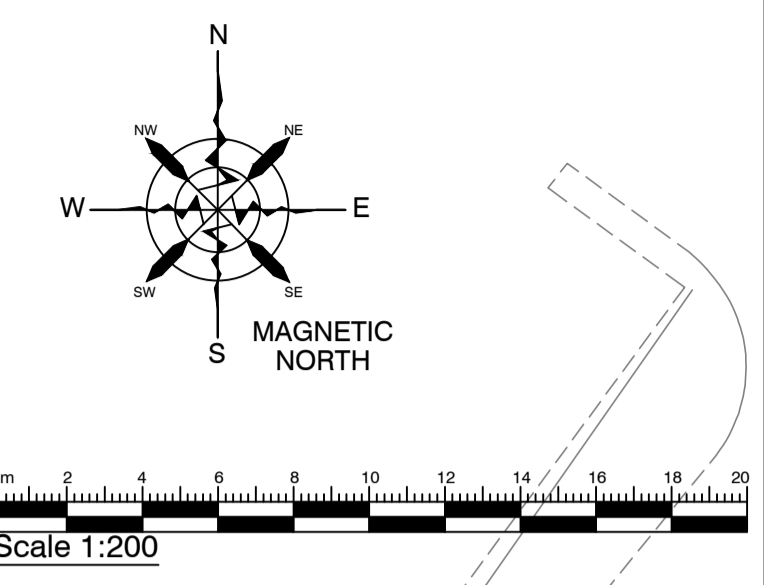
Revision	Date	Details
A	Jan 23	Indicative finished floor levels added for drainage work to commence.
B	Oct 2023	Amendments to match revised Site Layout plan

**nicol thomas**  
architects project managers construction cost consultants CDM co-ordinators  
Registered in England and Wales, Reg No: 2140859  
Quality Assured to BS EN ISO 9001:1994 Certificate Number GB 4723  
Heyside House Blackshaw Lane Heyside Royton Oldham OL2 6NS  
t:01706 290088 f:01706 290099 e:oldham@nicolthomas.com  
Also at Birmingham (Registered office)

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HEDGES	Species	Specification	Height	Girth	Pot Size	Density	Number
BS	Buxus sempervirens	Double staggered row	30-40cm	5L	6/m	12	
PLO	Prunus laurocerasus 'Otto Luyken'	Double staggered row	60-80cm	5L	4/m	28	
							226

Client:	Taylor Land Associates
Job:	Cardale Street, Rowley Regis
Drawing title:	Landscaping Proposals
Drawing Number:	M4961
(Job number)	(PL) 02
Scale:	1:250 @ A1
Date:	February 2023
Drawn by/ checked by:	
Revision:	B



### Notes

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Drawings must not be scaled. Work to figured dimensions only

1. Any existing details which are shown on this drawing are for guidance only and are to be checked on site by the contractor. Any variations are to be recorded and reported to the Engineer immediately.
2. Design is subject to Building Regulation, Sewage Undertaker and Highways Department approval.
3. Before work commences contractor should consult the Engineer and the SI report regarding any contamination issues. All necessary Health and Safety measures to be taken.
4. All subgrade structures and unconsolidated material, within the construction width of the highway, are to be removed.
5. Cover levels for manholes are approximate only and should be adjusted to match surrounding levels.
6. The developer shall take CBR test of road formation levels and results to be made available to the Engineer for approval.
7. Approved weedkiller to be applied as recommended to footway formation and sub-base. Application by trained operative wearing PPE and complying with COSHH requirements.
8. Any soft spots discovered after proof rolling shall be removed and replaced with suitable engineering fill.
9. The surface tolerances to the sub base layer thickness should be no more than +5mm or -30mm.
10. New road levels to tie in smoothly with existing road. Levels to be confirmed prior to construction and reported to the Engineer. Architect to confirm if not required.
11. Tarmac road construction to comply with BS.EN.130108. Threshold drainage is required where levels fall towards a building entrance.
12. Yard Gully positions are indicative and should be adjusted on site to suit proposed levels.
13. All gully positions to suit low points and to be trapped.
14. Drainage channel detailed design to be undertaken by manufacturers.

REV	DATE	AMENDMENT	BY



DRAWING STATUS: **PRELIMINARY**



PROJECT  
**Cardale Street,  
Rowley Regis**

TITLE  
**External Levels Strategy**

DATE <b>14.09.23</b>	DRAWN <b>DJH</b>
SCALE <b>1:200</b>	CHECKED <b>RAA</b>
DRAWING NUMBER <b>23005-100</b>	REVISION

**External Levels Strategy**

**KEY**

- x 134.000 - Existing Levels
- + 155.000 - Proposed Levels
- F.F.L 155.000 - Finished Floor Level
- Retaining Feature

NO ALLOWANCE HAS BEEN MADE FOR TANKING OR EXPOSED BRICKWORK ON THIS STRATEGY

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## Report to Planning Committee

**29 November 2023**

<b>Application Reference</b>	DC/23/68497
<b>Application Received</b>	31 <sup>st</sup> July 2023
<b>Application Description</b>	Retention of replacement boundary treatment, removal of external rear wall, single storey rear extension, and raising of existing roof height.
<b>Application Address</b>	10 Jowetts Lane West Bromwich B71 2RA
<b>Applicant</b>	Mr Simon Bagri
<b>Ward</b>	Hateley Heath
<b>Contact Officer</b>	Beth Astley-Serougi <a href="mailto:Beth_AstleySerougi@sandwell.gov.uk">Beth_AstleySerougi@sandwell.gov.uk</a>

### 1 Recommendations

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

- (i) Within 3 months of permission being granted details of external materials to match existing shall be provided;
- (ii) Within 3 months of permission being granted details of colour coated and perforated shutters to be submitted and approved prior to development coming into use.




- (iii) Within 3 months of permission being granted details of refuse storage to be submitted and approved prior to development coming into use and then retained.
- (iv) The extension shall be use for storage purposes only.
- (v) Within 3 months of the permission being granted details of the windows to the rear elevation, to include obscure glazing shall be provided and retained as such.

## 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?

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

## 4 Context

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

[10 Jowetts Lane, West Bromwich](#)

## 5 Key Considerations

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

Government policy (NPPF)

Amenity concerns – Overlooking/loss of privacy,

Design concerns - appearance and materials, wider visual amenity and overdevelopment





Highways considerations - Traffic generation, access, highway safety, parking and servicing

## 6. The Application Site

6.1 The application site is located in a mixed-use area of West Bromwich. It is a detached property with commercial use on the ground floor and a 2 bedroom flat on the first floor.

## 7. Planning History

7.1 The application site was the subject of enforcement complaint (ref: ENF/23/11996) when works commenced in March 2023 to the existing boundary walls of the property. The investigations concluded that planning permission was required for the works being carried out and works have not stopped pending this planning decision.

7.2 Relevant planning applications/advert consents are as follows:

DC/08/49910	Proposed first floor extension over stairwell to accommodate stairs.	Grant Permission – September 2008
DC/08/5585A	Proposed replacement fascia signs.	Grant Advertisement Consent – September 2008

## 8. Application Details

8.1 The applicant is seeking retrospective planning permission for the replacement of the boundary treatment, removal of external rear wall, a single storey rear extension and raising of existing roof height (the latter is yet to be constructed).

8.2 The single storey rear extension measures 4.7m in width and 2.4m in depth and incorporates two rear entrance doors.



8.3 The creation of one flat roof would replace the current multiple roofs that cover the space. The roof height would be increase by approximately 1.4m at maximum, resulting in a total height of 3.8m.

8.4 The replacement of the boundary treatment includes two roller shutter which measure 4.1m in width and 1.95m in height.

## 9. Publicity

9.1 The application has been publicised by neighbour notification letter with four objections being received.

## 9.2 Objections

Objections have been received on the following grounds:

- i) Highways matters including access issues to garages, insufficient parking provision, increased traffic generation, displacement of parking onto the pavements. Increases in staff would negatively impact parking provision.
- ii) Inadequate waste storage; Query regarding the information provided on the application form.
- iii) Noise disturbance to neighbouring properties.
- iv) Loss of privacy for neighbouring properties opposite due to the addition of roller shutters on the side elevation.
- v) Hours of opening and the resulting negative impact upon residential properties.

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

## 10. Consultee responses

### 10.1 Highways



No objections, however concerns were raised about refuse. Details have subsequently been provided for the proposed refuse area and final details can be conditioned accordingly.

## 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.
- 11.3 The same guidance also promotes sustainable transport options for development proposals 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 policies of the council's Development Plan are relevant:

ENV3: Design Quality

SAD EOS9: Urban Design Principles

SAD DM8: Design and Installation of Shop Fronts Roller Shutters

- 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 and improves the overall visual appearance of the development.
- 12.4 SAD DM8 refers to the installation and design of Shop Front Roller Shutters ensuring they do not detract from the visual amenity of the



surrounding area and are colour coated and semi-perforated. A condition has been recommended as such.

### 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 – Loss of Privacy, Waste Storage, Noise Disturbance and Opening Hours

With regard to concerns about loss of privacy, the two roller shutters that are located on the side elevation on Jowetts Lane are at ground level, furthermore given the distance of the flats above the businesses opposite, it is considered that they will not have a significant impact upon their privacy.

Turning to the windows proposed on the rear elevation, these would not result in any direct overlooking, however a condition has been recommended to incorporate obscure glazing to ensure surrounding amenity is protected.

In relation to waste storage at the site, details are provided and can be conditioned as such.

The application does not concern the use of the property, as the proposal relates to storage serving the existing retail store. Therefore, opening hours and noise disturbance resulting from this are not relevant to the assessment of this application.

#### 13.3 Design concerns

The wall as built is considered to be in keeping in terms of materials and height to the surrounding area. The openings which will serve the roller shutters are proportionate in size to the development and are in keeping



with the surrounding commercial properties serving this area. The raising of the roof height would consolidate the existing 'patchwork' roofs that are present and so would visually improve the appearance of the buildings to the rear of the existing shop. The addition of two windows on the side elevation breaks up the brickwork and adds interests within the street scene.

#### 13.4 Highways concerns

Highways have no objections in relation to parking and road safety. The development does not impact upon the existing vehicular access to the rear of the site. Parking provision would not increase as a consequence of the storage area as the retail floor area is not increasing.

Concerns were raised regarding the space allocated for refuse and ensuring this would be retained. Details have been provided and a condition is recommended to seek final detail and retention.

#### 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

<b>Resources:</b>	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.
<b>Legal and Governance:</b>	This application is submitted under the Town and Country Planning Act 1990.
<b>Risk:</b>	None.
<b>Equality:</b>	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
<b>Health and Wellbeing:</b>	None.
<b>Social Value</b>	None.
<b>Climate Change</b>	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 and Block Plans - 70012-04-01

Existing Ground Floor Plan - 70012-04-02

Existing First Floor Plan - 70012-04-03

Existing Elevations Plan - 70012-04-04

Proposed Ground Floor Plan – 70012-04-05 REV A

Proposed First Floor Plan – 70012-04-06

Proposed Elevations Plan - 70012-04-08





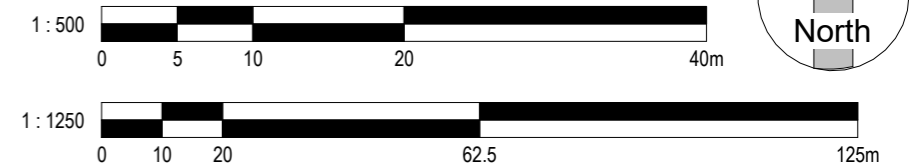
**LOCATION PLAN 1.1250**  
1 : 1250



**BLOCK PLAN 1.1250**  
1 : 1250



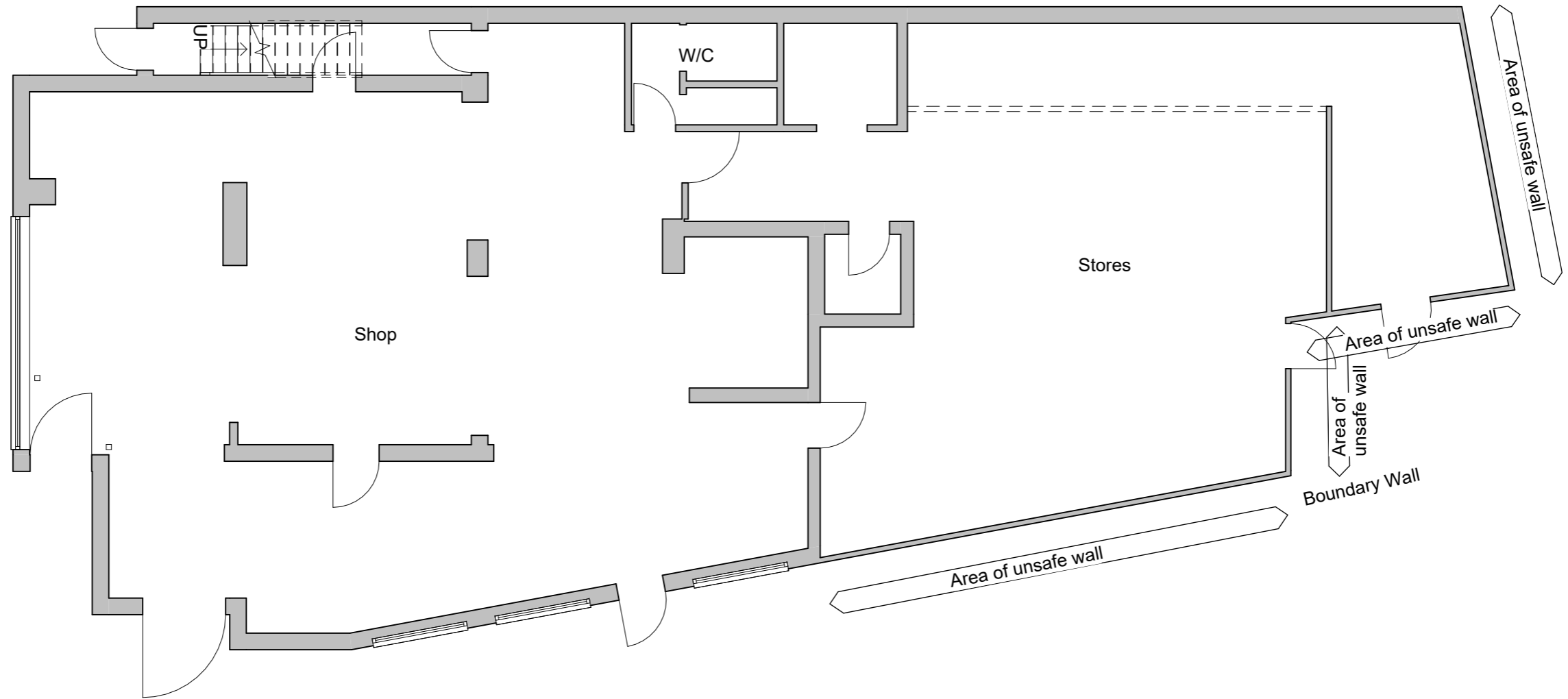
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1 : 500



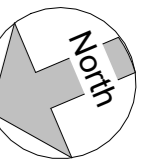
No.	Description	Date



PROJECT 10 Jowetts Ln, La, West Bromwich B71 2QX	Owner	
SHEET LOCATION, SITE AND BLOCK PLAN	Date 23.02.23	Scale (@ A3) - As indicated
	Drawn by RC	DRAWING NUMBER
	Checked by JG	70012 - 04 - 01
		REV



Existing Ground Floor Plan. 1:100



No.	Description	Date

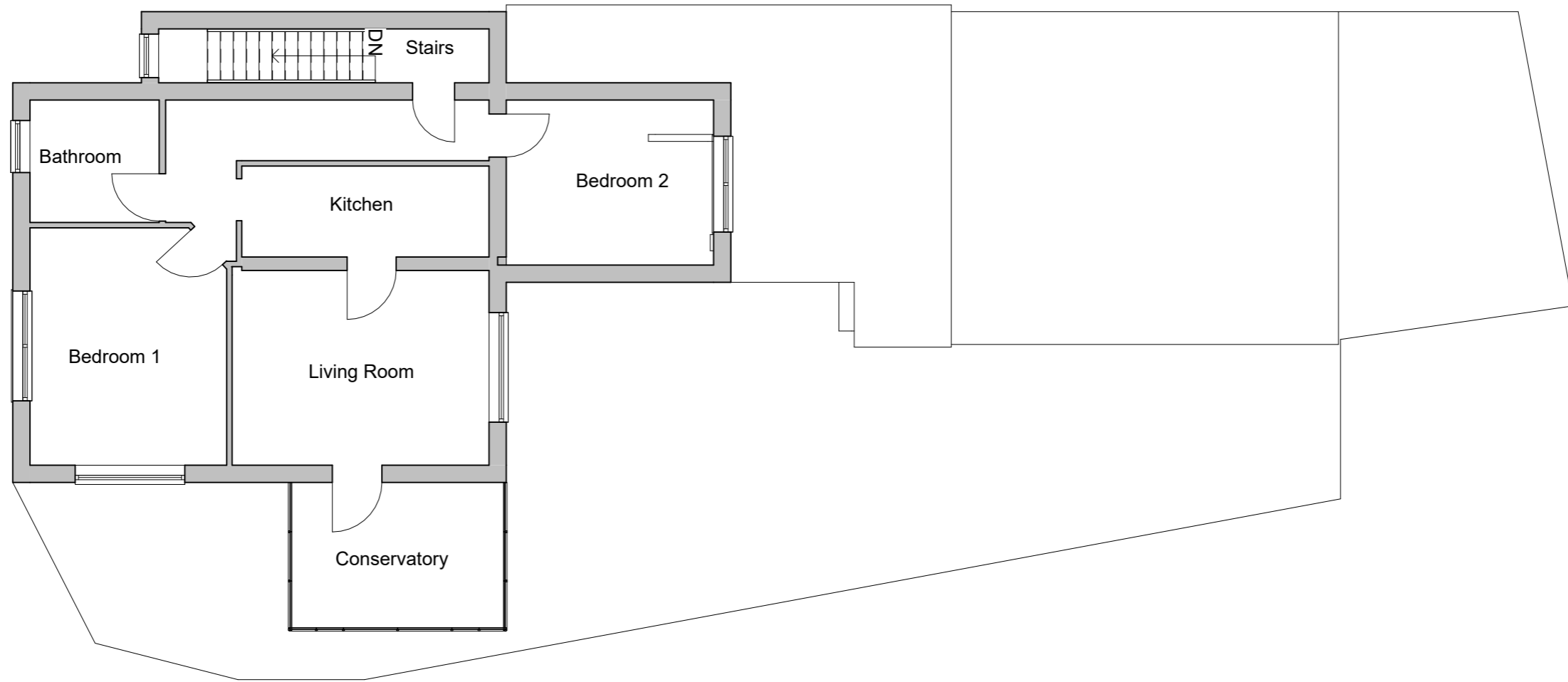


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10 Jowetts Ln, La, West Bromwich B71 2QX

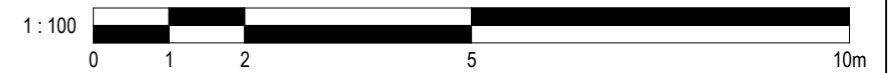
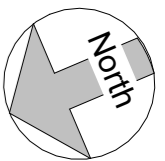
SHEET  
EXISTING GROUND FLOOR PLAN

Owner	
Date 23.02.23	Scale (@ A3) - 1 : 100
Drawn by RC	DRAWING NUMBER
Checked by JG	70012 - 04 - 02
	REV

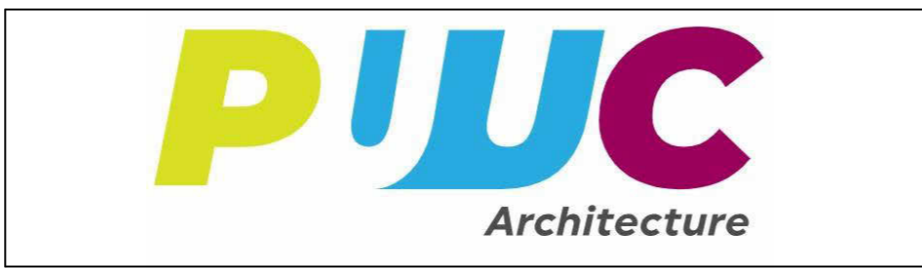




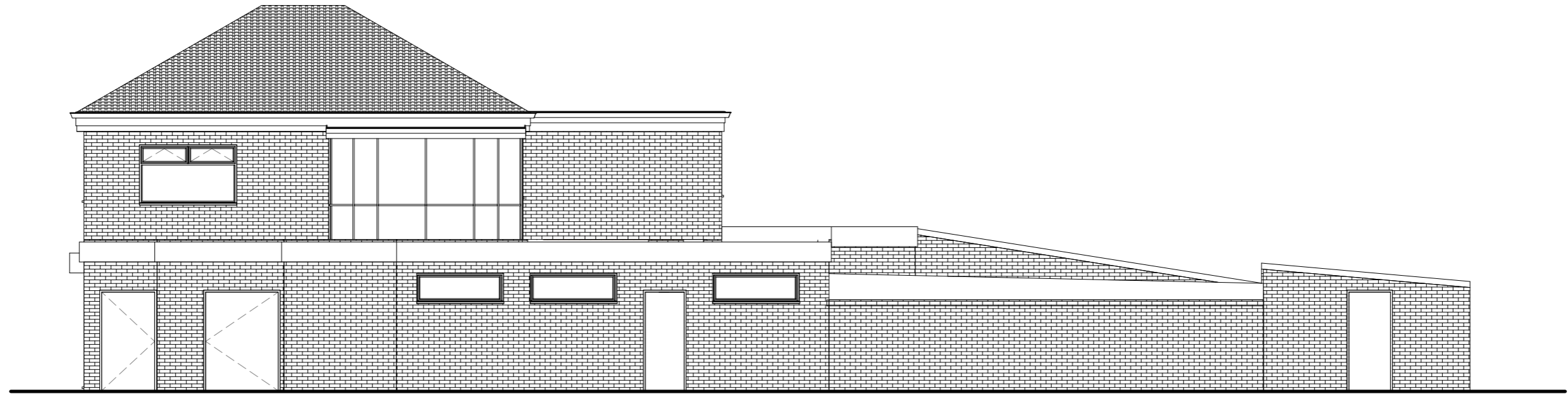
Existing First Floor Plan. 1:100



No.	Description	Date

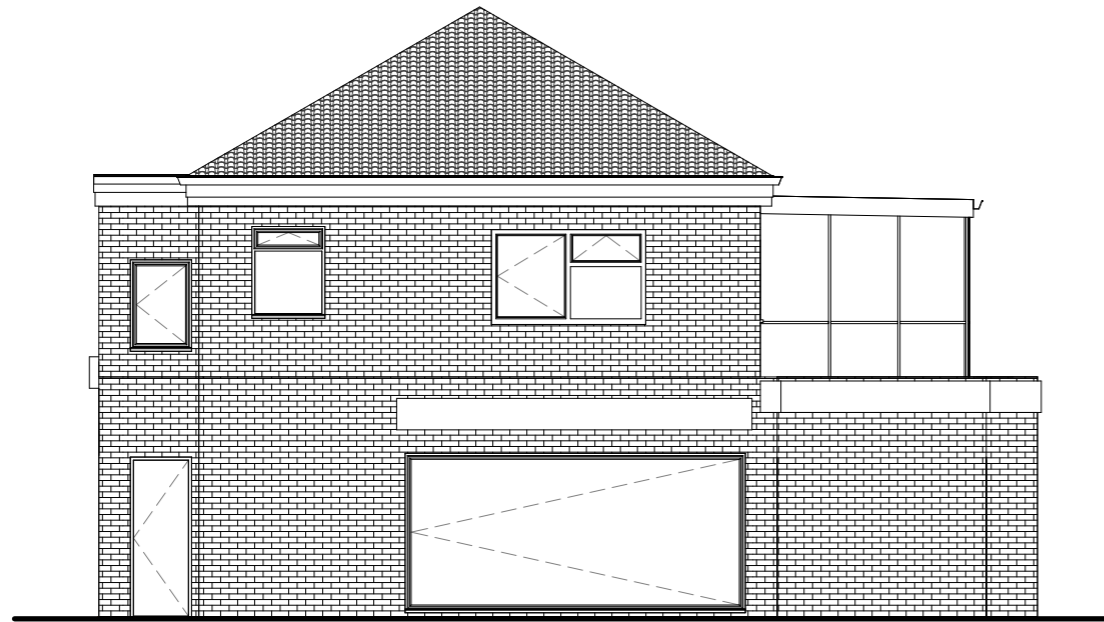


PROJECT		Owner	
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SHEET		23.02.23	DRAWING NUMBER
EXISTING FIRST FLOOR		Drawn by	REV
		RC	
		Checked by	70012 - 04 - 03
		JG	



**Existing East Elevation**

1 : 100



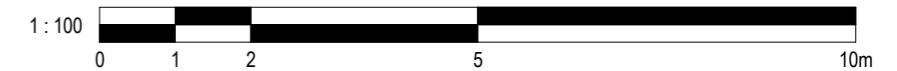
**Existing South Elevation**

1 : 100



**Existing North Elevation**

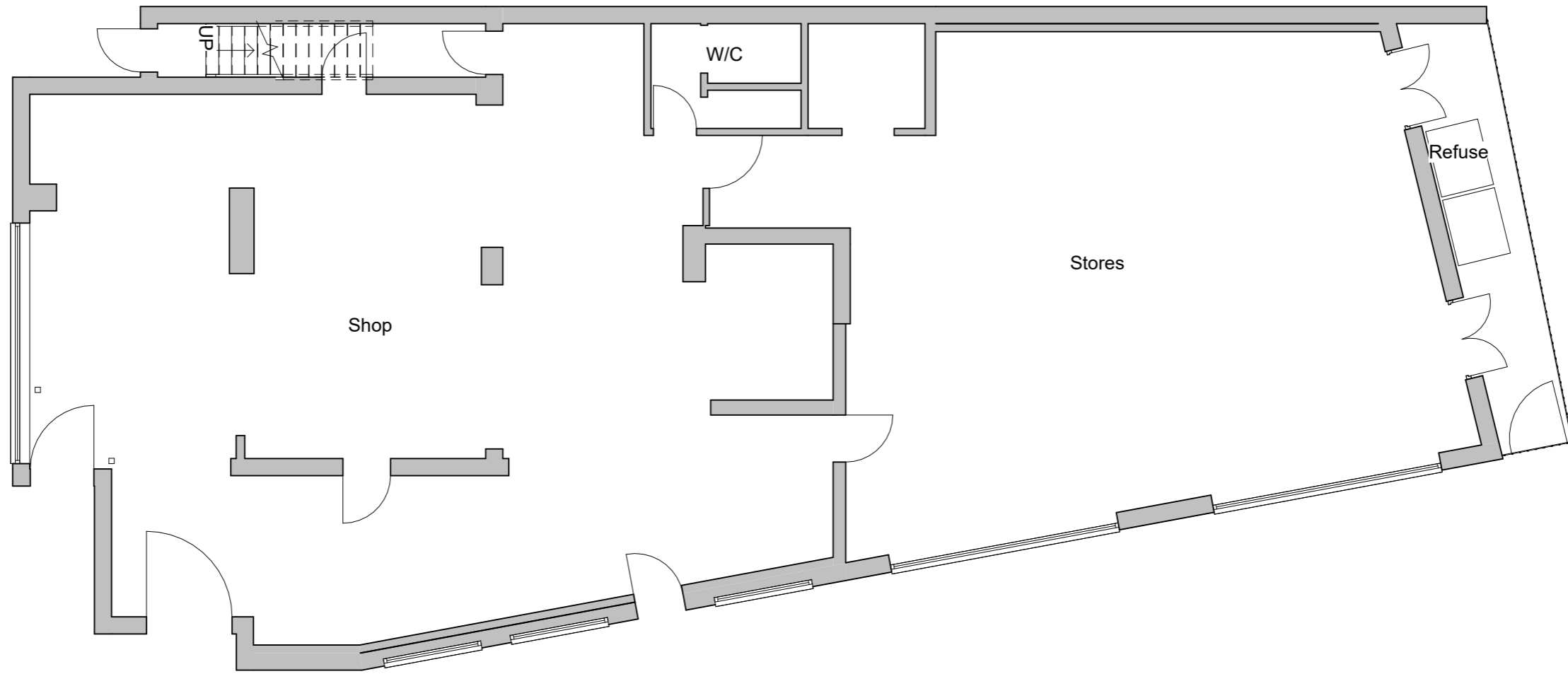
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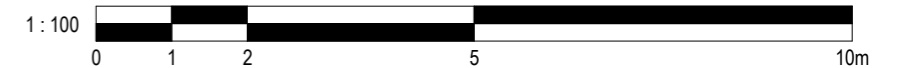
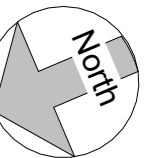
No.	Description	Date



PROJECT	10 Jowetts Ln, La, West Bromwich B71 2QX		
SHEET	EXISTING ELEVATIONS		
Owner		Date	Scale (@ A3) - 1 : 100
		23.02.23	DRAWING NUMBER
		Drawn by	REV
		RC	
		Checked by	70012 - 04 - 04
		JG	



Proposed Ground Floor Plan. 1:100



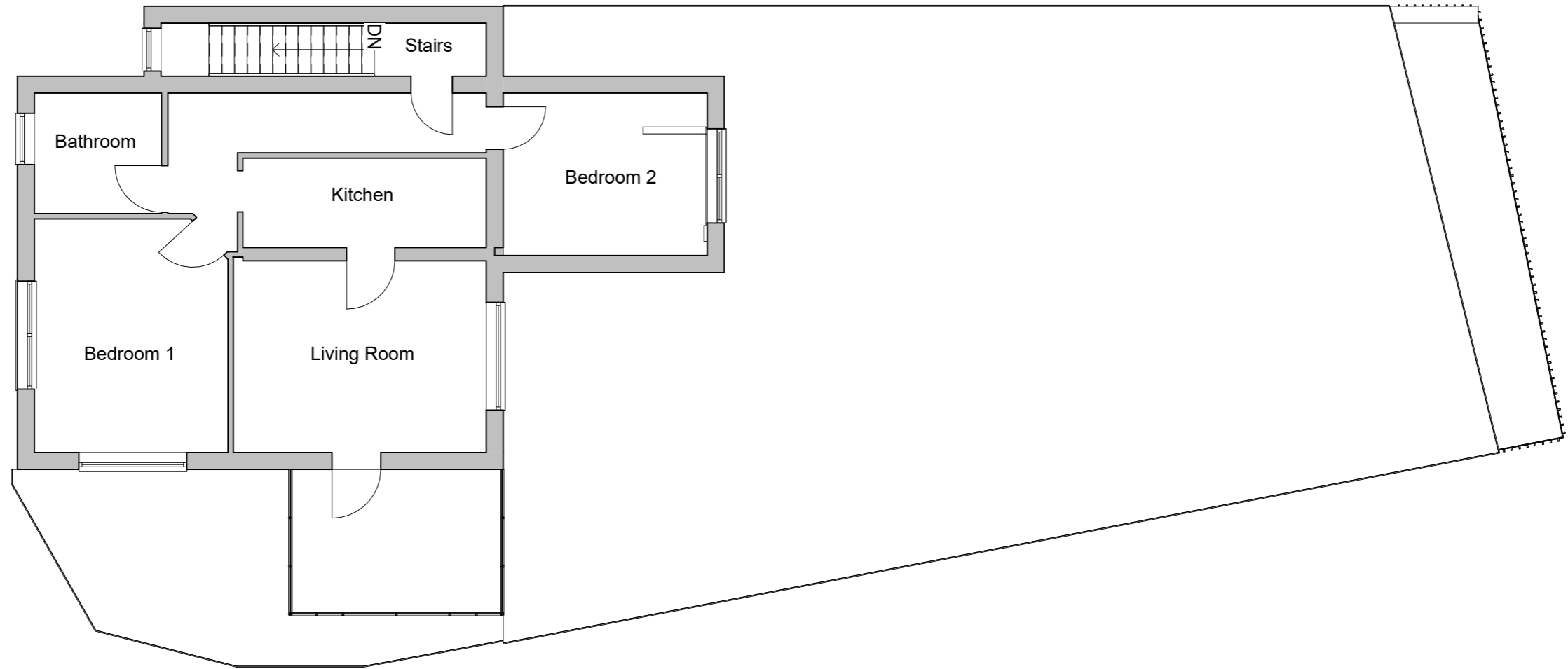
No.	Description	Date



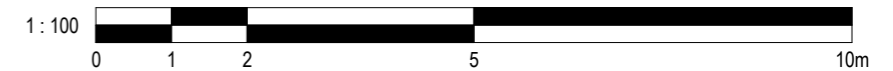
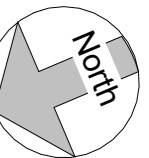
PROJECT  
10 Jowetts Ln, La, West Bromwich B71 2QX

SHEET  
PROPOSED GROUND FLOOR PLAN

Owner		
Date 26.07.23	Scale (@ A3) - 1 : 100	
Drawn by RC	DRAWING NUMBER	REV
Checked by JG	70012 - 04 - 05	



Proposed First Floor Plan. 1:100



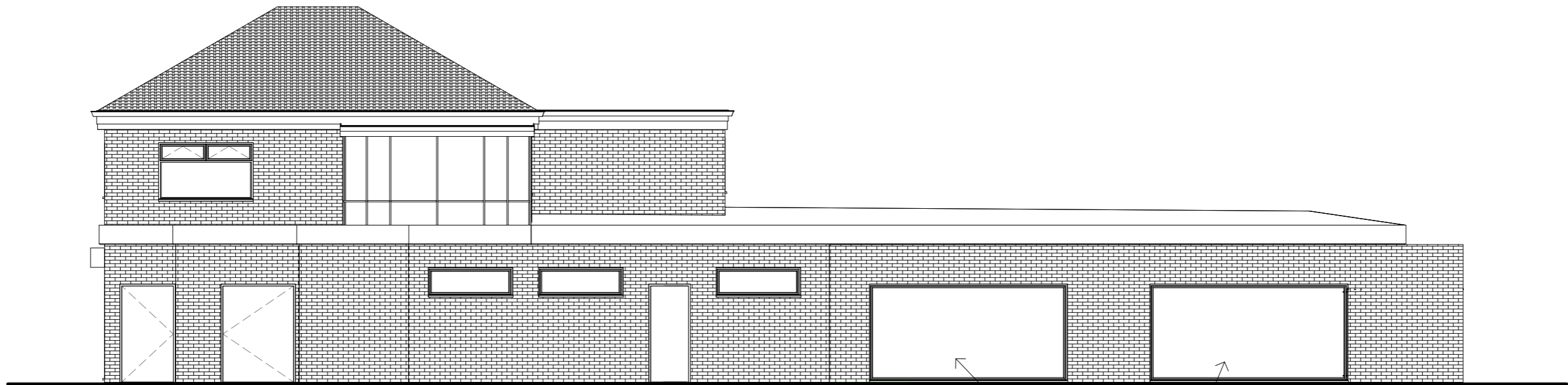
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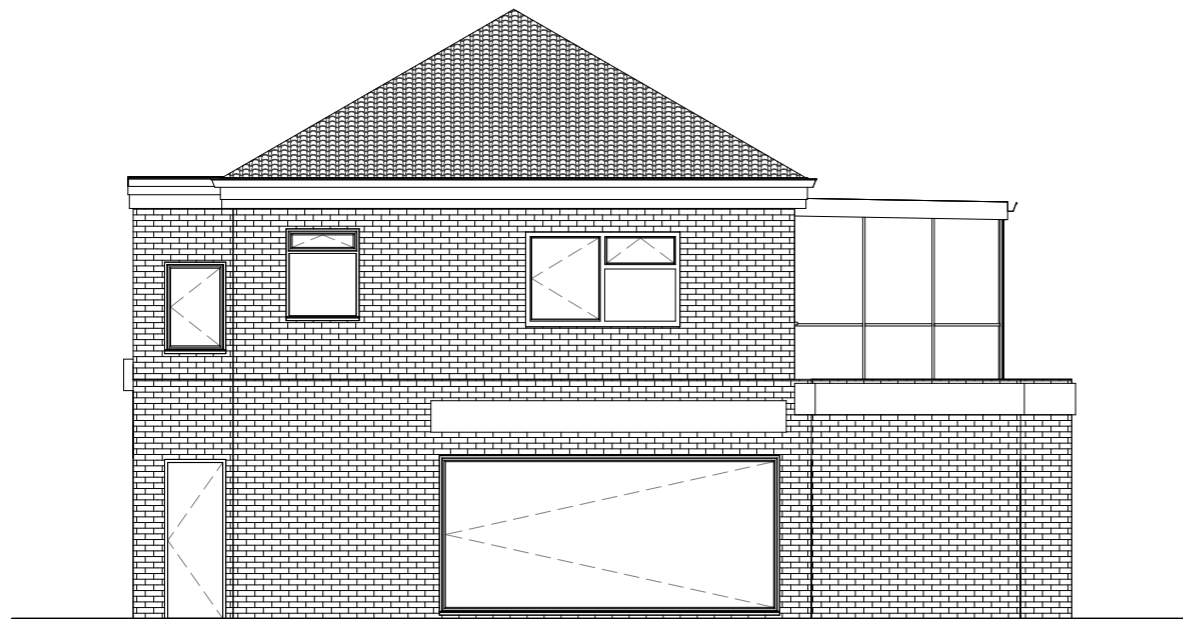
SHEET  
Proposed First Floor Plan

Owner		
Date 23.02.23	Scale (@ A3) - 1 : 100	
Drawn by RC	DRAWING NUMBER	REV
Checked by JG	70012 - 04 - 06	



**Proposed East Elevation**  
1 : 100

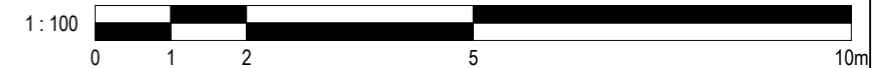
Proposed windows to incorporate shutters internally.



**Proposed South Elevation**  
1 : 100



**Proposed North Elevation**  
1 : 100



No.	Description	Date



PROJECT 10 Jowetts Ln, La, West Bromwich B71 2QX	Owner	
SHEET Proposed Elevations	Date 26.07.23	Scale (@ A3) - 1 : 100
	Drawn by RC	DRAWING NUMBER
	Checked by JG	70012 - 04 - 08
		REV

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## Report to Planning Committee

**29 November 2023**

<b>Application Reference</b>	DC/23/68518
<b>Application Received</b>	26 July 2023
<b>Application Description</b>	Retention of light industrial and storage use, vehicular access, car and vehicle parking, lighting and CCTV.
<b>Application Address</b>	Locarno Works, Locarno Road, Tipton, DY4 9AF
<b>Applicant</b>	Andrew Doocey Group
<b>Ward</b>	Tipton Green
<b>Contact Officer</b>	William Stevens <a href="mailto:William_stevens@sandwell.gov.uk">William_stevens@sandwell.gov.uk</a>

### 1 Recommendations

1.1 Subject to ratification at full council that planning permission is granted subject to conditions relating to:

- i) Noise impact assessment and mitigation measures;
- ii) Parking layout provided, and retained, - area behind residential properties for car park only;
- iii) Dust management plan including resurfacing works;
- iv) Lighting scheme;
- v) CCTV;
- vi) Electric vehicle charging points;
- vii) Boundary Treatment and any retaining walls;




- viii) Revised Transport Statement;
- ix) Site management plan – vehicle movement during sensitive hours;
- x) Drainage/SUDs details; and
- xi) Details of secure cycle parking.

## 2 Reasons for Recommendations

- 2.1 The use would ensure the retention of employment in the local area and would not prevent future regeneration of the site.

## 3 How does this deliver objectives of the Corporate Plan?

	<p>A strong and inclusive economy – the proposal would retain jobs within the local area.</p>
---	---

## 4 Context

- 4.1 At your last committee, Members resolved to visit the site.
- 4.2 This application is being reported to your Planning Committee because it is a departure from the development plan, as the site is allocated for housing, and also several objections to the proposal have been received.
- 4.3 To assist members with site context, a link to Google Maps is provided below:

[Locarno Road, Tipton, Street View](#)

[Locarno Road, Tipton, Aerial View](#)

## 5 Key Considerations

- 5.1 The proposed site forms part of a housing allocation, therefore the development is a departure from the development plan.





5.2 Material planning considerations are matters that can and should be taken into account when making planning decisions. By law, planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. This means that when enough weight in favour of a development can be attached to material planning considerations, then it should be approved even if it conflicts with a local planning policy.

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

Government policy (NPPF),  
Proposals in the Development Plan,  
Planning history,  
Highways considerations - Traffic generation, access, highway safety,  
Environmental concerns – Noise, air quality, pollution and general disturbance, and  
Ecology concerns – loss of trees.

## 6. The Application Site

6.1 The application site is on land between Locarno Road (which is the primary access to the site) and Alexandra Road (B4517), Tipton.

6.2 The application site would be divided as shown on plan number 288.P01.003C for different areas dependant on the type of vehicles stored. Access to this site would be solely from Locarno Road.

## 7. Planning History

7.1 Some committee members may recall granting planning permission for a new three storey office building and utility yard with associated parking and access on this site in 2021 under reference DC/21/65623. The office block was never constructed but the applicant has been using the yard for storage in association with that permission.



7.2 Relevant planning applications are as follows:

DC/21/65623	Proposed 3 storey office building and utility yard with associated parking, new vehicle and pedestrian access.	Granted planning permission with conditions 9 <sup>th</sup> December 2021
-------------	--	--

## 8. Application Details

- 8.1 As the office block is not to be built, the applicant proposes to continue using the site for the light industrial and storage use, vehicular access, car and vehicle parking, and erect lighting and CCTV.
- 8.2 The applicant will use the site for 37 staff car parking spaces, with most of the site used for the storage of vehicles of different sizes, plant equipment, signage, ducting and aggregate in association with their business. The heavier industrial vehicles will be further into the site, with staff parking closest to residential properties.
- 8.3 Whilst permission has been granted for a similar use DC/21/65623 (see point 7.1 and 7.2), due to commercial reasons, the office building is unlikely to come forward, however, the use of the yard is still required by the company.
- 8.4 The site will be in use through all times of the day and night.

## 9. Publicity

- 9.1 The application has been publicised by neighbour notification letters and by site and press notices. In total, five objections have been received.



## 9.2 Objections

Objections have been received on the following grounds:

- i) The use generates noise which can be heard by residents in the early hours of the morning especially those whose properties back onto the site;
- ii) The site generates significant traffic throughout the day which brings dust out on to the main roads;
- iii) The existing (temporary) lighting is causing light pollution and disturbances to local residents;
- iv) The rubble left on the site could block drains and lead to localised flash floods; and
- v) The applicant has removed a number of trees on the border of the site.

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

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

## 10. Consultee responses

### 10.1 Planning Policy

Planning Policy have not objected to the scheme. The use is a departure from the development plan which has been allocated for housing, however they note the previous approval which was granted at planning committee and the departure ratified by Council.

### 10.2 Highways

No objection. The additional information provided confirms that the proposed will generate lower trip rates and therefore parking accumulation than the previously approved scheme DC/21/65623.



Highways have no objections providing that the layout plan showing areas for parking and manoeuvring are provided and retained as such.

### 10.3 Pollution Control (Air Pollution and Noise)

No objections to the proposed lighting scheme as Pollution Control have been in discussions with the applicant on this matter prior to the submission of this planning application. However, given the proximity of the development to housing, they do recommend a noise impact assessment is carried out and mitigation measures provided.

### 10.4 Cadent

Comments have been passed onto the applicant regarding a high-pressure gas pipeline. The applicant has stated that this development will not affect this and are aware of it.

## 11. National Planning Policy

11.1 National Planning Policy Framework (NPPF) 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 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. Here, the Council's Highways department has raised no objections, and therefore the proposed development complies with this part of the NPPF.

## 12. Local Planning Policy

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



CPS4: Place Making  
DEL1: Infrastructure Provision  
TRAN4: Creating Coherent Networks for Cycling and Walking  
ENV3: Design Quality  
ENV5: Flood Risk, Sustainable Drainage System and Urban Heat Island Effect  
ENV8: Air Quality  
SAD EMP4: Relationship between Industry and Sensitive Uses  
SAD EOS9: Urban Design Principles

- 12.2 The site is allocated for residential used in the development plan.
- 12.3 All new developments should be supported by the necessary on-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area (DEL1, ENV5 and 8). Conditions are recommended as such to mitigate against environmental impacts.
- 12.4 Secure cycle parking provision TRAN4 this will be conditioned accordingly.
- 12.5 SAD EMP4 states that proposals for industrial development that are likely to have an adverse effect on neighbouring uses will not be permitted, unless the adverse effects can be reduced to an acceptable level. Where existing industry operates within residential areas the Council will seek to ensure that any harmful effects are mitigated (see point 10.3 above) and the noise impact assessment recommended to protect residents.
- 12.6 As the development is for storage, little in terms of development is proposed, therefore the proposal would not have a negative impact on the street scene and complies with policies CPS4, ENV3 and SAD EOS9.



### 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

The site has previously been granted for a similar use (albeit with an office block attached). The granting of the departure has also been previously approved. In my opinion, no significant policy changed has happened within the past two years to warrant an alternative stance. Whilst the office block did provide a buffer of open air storage to the backs of residential properties, to keep this “buffer” I would recommend that the space immediately behind the residential properties is not used other than for the parking of private cars and not for commercial use.

#### 13.3 Highways concerns

Whilst residents have raised concerns over the level of traffic entering and leaving the site, Highways are of the opinion that the impact on the surrounding street network would not be significant to warrant refusal. They state that the numbers of vehicle movements would be less than previously approved (see points 10.2 and 11.2 above) and therefore comply with the adopted NPPF.

#### 13.4 Environmental concerns

Pollution Control has raised concerns over noise and disturbance to residents (see point 10.3 and 12.5 above) and has recommended conditions be attached to any approval to mitigate the potential for noise issues. I also recommend a site management plan is conditioned which would seek to reduce noise and disturbance to residents during unsociable hours.



### 13.5. Ecology concerns

Any trees on site that were felled previously were not protected by Tree Preservation Orders and therefore did not require planning permission for their removal. However, from an aerial photo (below), before the buildings on site were demolished, it seemed that there was no tree buffer separating the industrial land from the rear gardens of properties on Locarno Road.



### 14. Conclusion and planning balance

- 14.1 All decisions on planning applications should be based on an objective balancing exercise. This is known as applying the “planning balance”. It is established by law that planning applications should be refused if they conflict with the development plan unless material considerations indicate otherwise. This essentially means that the positive impacts of a development should be balanced against its negative impacts.
- 14.2 On balance, despite the application being a departure from the development plan, other material considerations outweigh the allocation



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

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

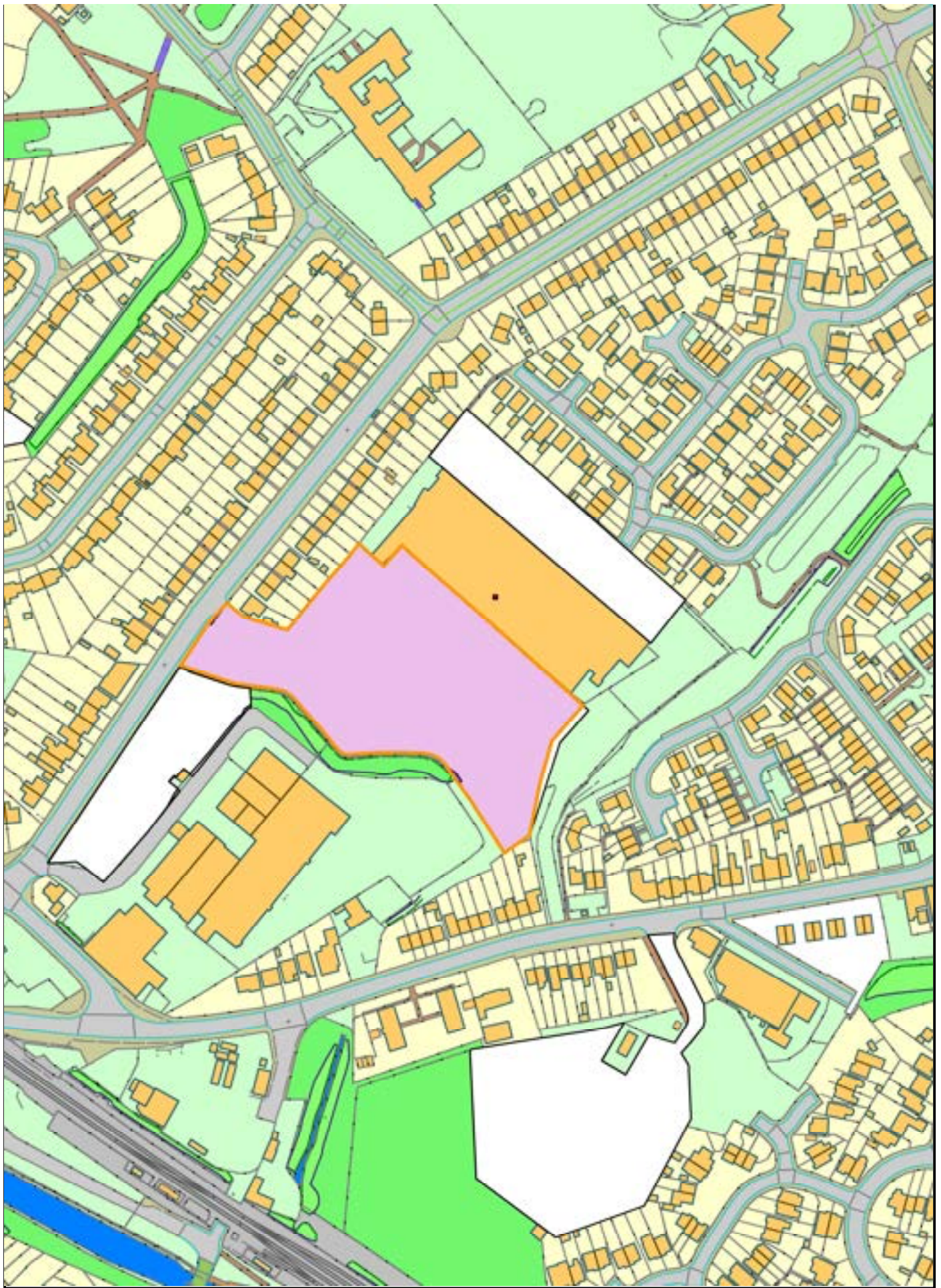
## 17. Appendices





Location plan  
Layout plan: 288.P01.003 Rev D  
Lighting plan: HSL-896







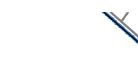
Copyright of this drawing is vested in Khoury Architects and must not be copied or reproduced without consent. Only figured dimensions are to be taken from this drawing. All dimensions are in millimetres unless noted otherwise. All contractors must visit the site and be responsible for taking and checking all dimensions relative to their work.

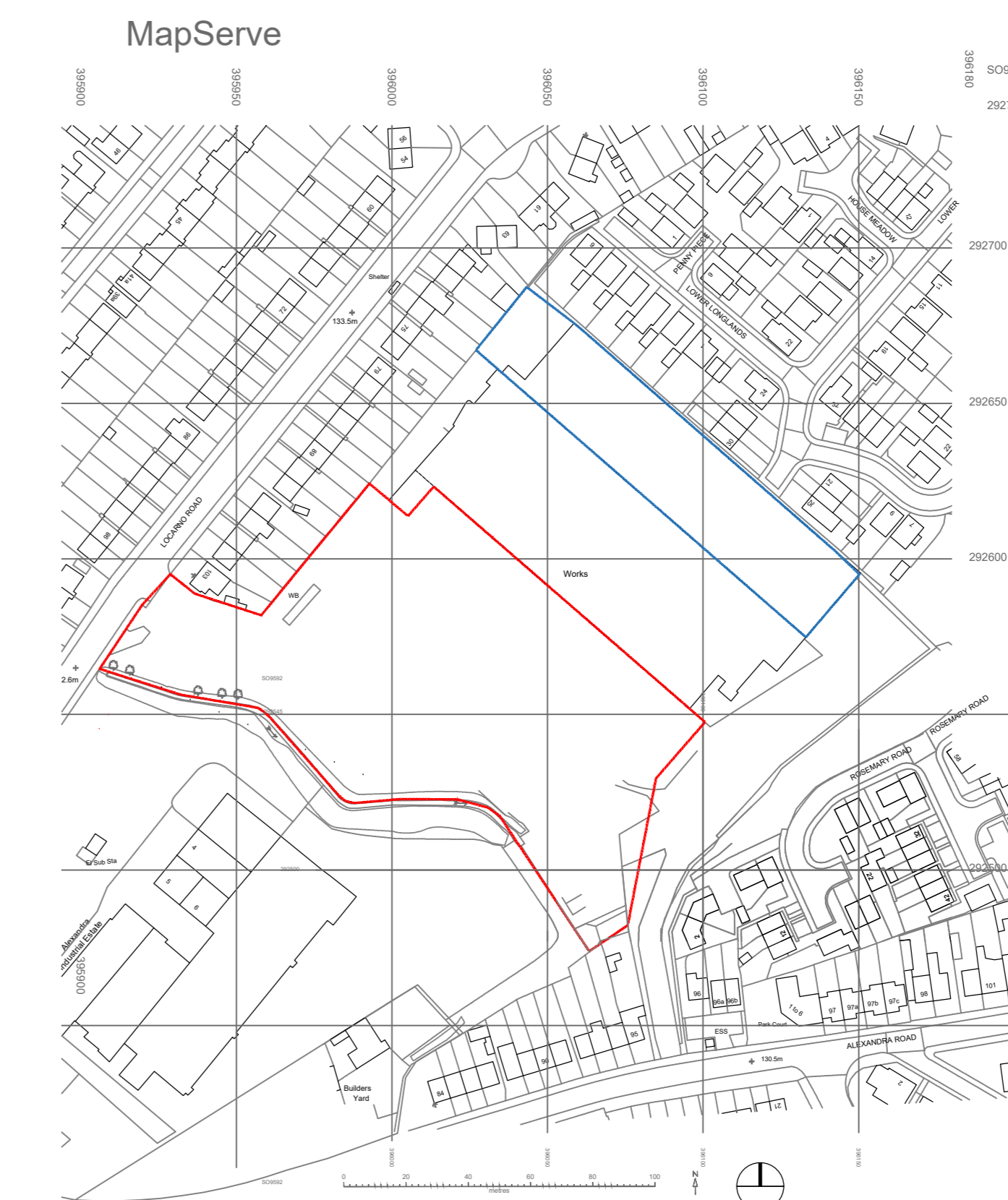
Khoury Architects are to be notified immediately of any variation between drawings and site conditions.

**Notes:**

All site dimensions and setting out to be checked and determined by contractor.

Khoury Architects take no responsibility of legal boundaries indicated on this drawing and advise a separate drawing be completed by a specialist surveyor in order to establish exact boundaries.

-  Ownership Boundary line
-  North
-  Adjacent Ownership line



Location Plan 1:2500 ( Ownership Boundary shown)

D	18.10.2023	Parking removed from cabins	AK
C	27.09.2023	Layout detail added	AK
B	26.07.2023	Location Plan Extended	YJ
A	02.05.2023	Yard Amendments	YJ
/	26.04.2023	First Issue	VG

PLANNING



42 New Road  
Stourbridge  
DY8 1PA  
T 01384 395959

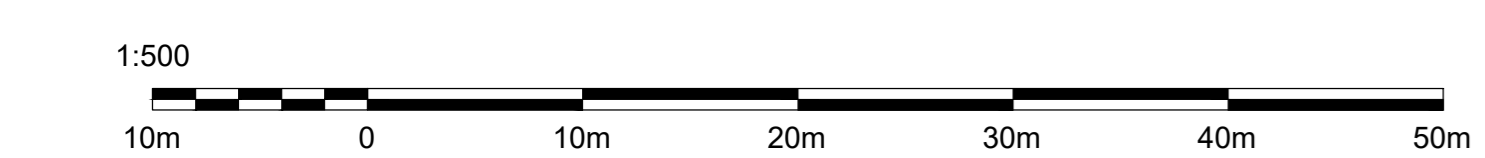
E info@khouryarchitects.co.uk  
W www.khouryarchitects.co.uk

Client  
**Doocey Group**

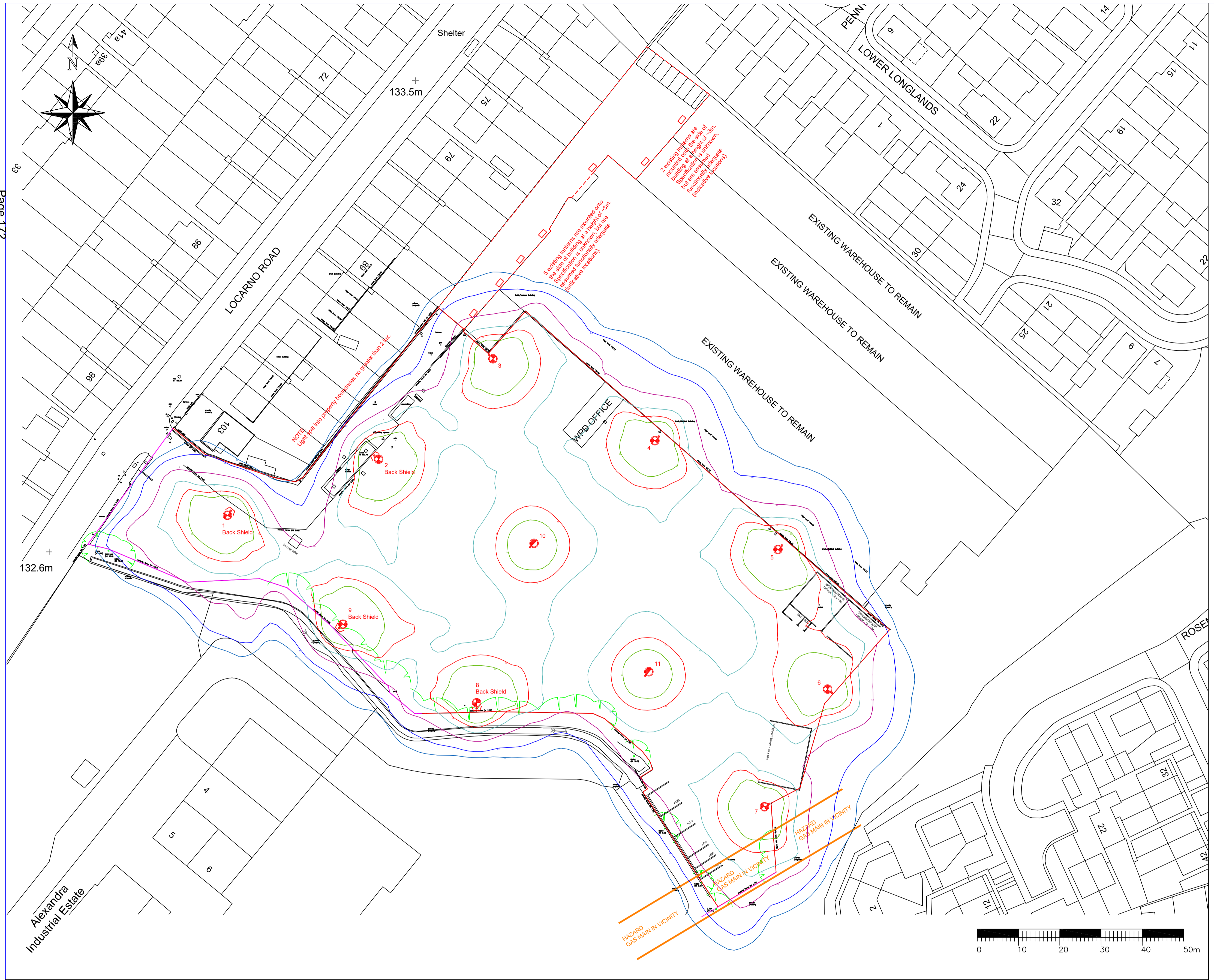
Address  
**Locarno Road  
Tipton  
DY4 9AF**

Title  
**Location Plan  
Proposed Site Plan**

Drawn: VG Date: April 2021 Scale: As shown @ A1  
Checked: AK CAD Ref: 288.P.01.010  
Drawing Number: 288.P.01.003D



Proposed Site Plan 1:500



**PRIVATE LIGHTING**

- Lighting Unit A:**  
TRT Lighting Aspect 64 LED neutral white 4000k lantern. Power Set.  
Lantern Code: AS64-LED-110w-GA2-4000k-FG(16.26Klm). Light grey canopy, toughened flat glass.  
Lanterns to be post top mounted at 0 degree tilt onto 8m height Stainton, Fabrikat or CU Phosco galvanised tubular steel lighting column. Mid hinge-raise lower for ease of maintenance access.
- Lighting Unit B:**  
TRT Lighting Aspect 64 LED neutral white 4000k lantern. Power Set. Back Shield.  
Lantern Code: AS64-LED-115w-GA2-BS-4000k-FG(15.01Klm). Light grey canopy, toughened flat glass.  
Lanterns to be post top mounted at 0 degree tilt onto 8m height Stainton, Fabrikat or CU Phosco galvanised tubular steel lighting column. Mid hinge-raise lower for ease of maintenance access.
- Lighting Unit C:**  
TRT Lighting Aspect 64 LED neutral white 4000k lantern. Power Set.  
Lantern Code: AS64-LED-110w-GA3-SYM-4000k-FG(16.53Klm). Light grey canopy, toughened flat glass.  
Lanterns to be post top mounted at 0 degree tilt onto 8m height Stainton, Fabrikat or CU Phosco galvanised tubular steel lighting column. Mid hinge-raise lower for ease of maintenance access.

**PRIVATE SUPPLIES:**

Private lighting columns to be fed from private supply networks. Either landlord distribution board or mini feeder pillar with fused isolation. Mini feeder pillars to be located in vicinity of new private area entrance. The feeder pillar should be located in private land or on boundary (in vicinity to mains LV supply) in a safe location (minimising risk of damage or collision with vehicles), easily seen and with ease of access for safe maintenance and for network supply on / off control.

**ISOLATION:**

Charles Endirect or equivalent fused isolator to be mounted on each column backboard.

**ON / OFF CONTROL**

Switching of lanterns to be achieved independently via Lucy Zodion or equivalent photocells mounted onto each lantern (ie20/20 lux). An astro timer to be mounted within the feeder pillar to switch off supply at determined times of night (low activity times to be determined and set). An override to switch power on will be included to provide illumination during times of night when access to site is required. The feeder pillar and override will be located with ease of access from manned gatehouse.

Erection and installation works shall comply with the current issue and amendments of BS7671: 18th edition IET Wiring Regulations 2018. Requirements for Electrical installations, the current edition of the LP Code of Practice for Electrical Safety in Public Lighting Operations and the Code of Practice for the erection of Street Lighting published by the Association of Street Lighting Electrical Contractors. Manufacturers instruction / guidance should also be referred to.

**GENERAL SCHEME NOTES:**

- Any change to layout or alterations to the positions or specification of equipment to that as shown on this drawing should be referred back to the designer for checking to ensure compliance with lighting level requirements.
- Columns to be located to periphery of site as shown - would advise a minimum of 1m clear of fence for security. Two columns are proposed in centre of site. These should be planted within a raised plinth and have impact protectors installed at base.
- This design is based on limited site information regarding underground services. Setting out should be conducted by a competent person, with trial pits dug by hand to ensure safe column location and to avoid damage to any underground services.
- Private lighting equipment to be installed in accordance with lighting design drawing, manufacturers instructions and current Regulations for Electrical Installation requirements.
- All column doors to face away from on coming traffic unless access restricted or otherwise specified. Ensure correct orientation of lanterns facing inward to site as detailed.
- Column numbering used is for reference only; Client to assign identification numbering in line with maintenance requirements.
- In order to avoid future maintenance issues and maintain lighting efficiency, any trees in vicinity of proposed columns should be trimmed back. Prior to any tree cutting, the owner or Council tree officer or Ecologist should be consulted.
- This lighting scheme has been calculated applying a maintenance factor of 0.81. It is recommended that a full routine maintenance program is devised and carried out at least every 5 years. Guidance for an efficient maintenance program can be obtained from equipment manufacturer and Roads Liaison Group; Well Lit Highways, Code of Practice for Highway Lighting Management.

**DESIGN METHODOLOGY AND NOTES:**

- The private area yard is located within a semi industrial area, established industrial units to the North and South with residential housing to West and East boundary. Would consider the surrounding area environmental classification to be E3 Suburban, medium district brightness. Access to yard is via a short entrance off a residential road.
- The yard is to be used mainly for lorry & works vehicle parking. Some off loading and loading of construction site soil and rubble to be conducted in designated areas. Additionally, there will be areas set aside for storage of low hazard risk construction equipment such as bollards and signs and general building materials.
- Lighting is required for general purpose, parking and manual labour, no detailed works tasks are involved. Lighting must be suitable for security purposes and CCTV (LED white light at 4000k for good colour rendition and clear imaging).
- The design aims to provide adequate lighting without over illumination using minimum amount of units. With reference to BS5489-1 2020 (parking area for plants, medium traffic, slow moving vehicles) and CIBSE, Lighting Guide 1, The Industrial Environment (Low risk process, general security lighting) this design proposes a target of 10Lux average illumination for the area / yard with good uniformity of 40%. Refer to contours for lux levels which are provided on this drawing for reference only. A lighting calculation report is available for further detail.
- There is to be no public access. Security office and a high perimeter fence surrounds the yard.
- Consideration for local residents and properties adjoining the site boundary has been given in the lighting class determination and equipment specification. Light spill extending past the site boundary has been minimised through use of optically efficient area lighting lanterns, facing away from buildings. In addition, factory fitted back shields are specified for four units. Two shields to ensure light spill into adjoining gardens does not exceed 2 lux and two to reduce spill into the tree lined brook. The lanterns are to be mounted on 8m height columns which will limit visual impact and assist in focusing light where needed, thus controlling light trespass and nuisance. The lanterns are to be mounted with a 0 degree tilt, which maintains their zero horizontal light cut off, minimising upward light pollution and reducing vision glare.
- The lanterns are energy efficient LED type which will provide a white light at 4000k providing adequate illumination and good colour rendition as required for CCTV.
- The private lighting column at the site entrance is set back, away from the immediate junction to minimise light spill onto the public highway (as shown by lux contours). Thus minimising road user distraction, glare and trespass into existing houses opposite.
- Lux contours as shown DO NOT include maintenance factor. The contours represent light output from initial new installation without projected depreciation of output over time.

**DESIGN ISSUED FOR APPROVAL**

11/03/23 Draft 3 Revised to SMBC comment. Issued for approval.  
 06/01/23 Draft 2 Revised to SMBC comment. Issued for approval.  
 30/11/22 Draft 1 Issued to Client for comment.

**HIGHWAY LIGHTING SOLUTIONS Ltd**

55, Gorsefield Avenue  
Bromborough, Wirral, CH62 6BY  
support@highwaylightingsolutions.co.uk

**Project:**  
M&A Doocey Civil Engineering  
Private Lighting Scheme

**Location:**  
Vehicle Parking & Storage Facility  
Locarno Road, Tipton.

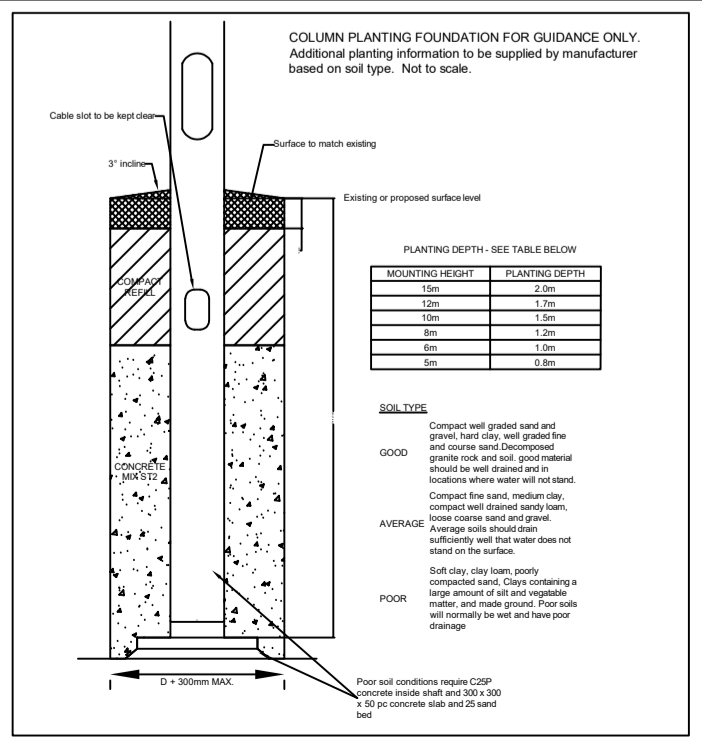
<b>Drawn by:</b> Ken Duckers	<b>Date:</b> 21/11/22
<b>Checked by:</b> Ian Buckley	<b>Date:</b>
<b>Telephone:</b> 0151 327 2424	<b>Fax:</b> 0151 327 2424
<b>Scale @ A1:</b> 1:500	<b>Sheet:</b> 1 of 1
<b>Drawing No.:</b> HLS-896	<b>Revision:</b> Draft 3

**EXISTING SERVICES**

THERE ARE NUMEROUS MANHOLES AND INSPECTION CHAMBERS WITHIN THE WORKS AREA SUGGESTING VARIOUS SERVICES ARE PRESENT. THE CONTRACTOR SHALL NOTE THE NATURE OF THESE SERVICES AND WHICH ARE LIVE AND TO REMAIN IN PLACE. THE CONTRACTOR SHALL TAKE ALL PRECAUTIONS TO PROTECT THE WORK FORCE AND ENSURE THE SERVICES ARE ADEQUATELY MAINTAINED & PRESERVED. REFER TO STATS DRAWINGS PRIOR TO COMMENCING EXCAVATION WORKS.

**EXISTING SERVICES**

SERVICES INFORMATION AS SHOWN ON THIS DRAWING CANNOT BE GUARANTEED AS CONCLUSIVE. OTHER SERVICES MAY BE PRESENT. NEW UNDERGROUND CABLES MAY BE LAID DURING PHASED WORKS. CONTRACTOR MUST OBTAIN MOST CURRENT AND UP TO DATE SERVICES DRAWINGS PRIOR TO AND DURING WORKS. CONFIRM EXACT LOCATION OF CABLES BEFORE EXCAVATION. DIG TRIAL PITS WITH CARE TO LOCATE. DO NOT USE MECHANICAL DIGGERS



An example of a column protector which may be located at base of columns where vehicle impact may occur. Manufacturer Seton or Barriers Direct to advise suitable specification and foundation.



TRT LED ASPECT LANTERN.



## Report to Planning Committee

**29 November 2023**

<b>Application Reference</b>	DC/23/68524
<b>Application Received</b>	31 July 2023
<b>Application Description</b>	Demolition of existing buildings and proposed 11-storey building comprising up to 60 no. residential apartments, with associated landscaping, cycle parking, car parking and access from Green Street (Outline application for access).
<b>Application Address</b>	51 Green Street, West Bromwich, B70 6DL
<b>Applicant</b>	Mr Iqubal Singh
<b>Ward</b>	West Bromwich Central
<b>Contact Officer</b>	William Stevens <a href="mailto:William_stevens@sandwell.gov.uk">William_stevens@sandwell.gov.uk</a>

### 1 Recommendations

1.1 Subject to Fisher German withdrawing their objections in relation to the gas pipeline and subject to the execution of a Section 106 agreement in terms of affordable housing, that outline planning permission (with access) is granted subject to the further approval of Reserved Matters; appearance, landscaping, layout and scale, and subject to the following conditions:

- (i) Ground investigation works;
- (ii) Drainage (including SUDS);




- (iii) Employment and skills opportunities;
- (iv) 10% renewable energy;
- (v) Finished floor levels;
- (vi) Low level NOx Boilers;
- (vii) No burning of materials on site,
- (viii) Cycle parking,
- (ix) Waste storage,
- (x) Air quality impact assessment,
- (xi) Adoption of residential travel plan,
- (xii) Electric Vehicle Charging points,
- (xiii) Foundation details/pipeline protection,
- (xiv) Utilities from Green Street only,
- (xv) Construction management plan including hours (see point 10.5), and dust control;
- (xvi) Construction Surface Water Management Plan and
- (xvii) The submitted plans are for indicative purposes only.

1.2 Other conditions usually associated with residential scheme would be covered by any following Reserved Matters application.

## 2 Reasons for Recommendations

2.1 The proposal would provide much needed residential accommodation for Sandwell residents which would assist with meeting the Council's housing targets.

## 3 How does this deliver objectives of the Corporate Plan?

	Quality homes in thriving neighbourhoods – The site will assist with meeting the Council's housing targets within the Borough.
---	--

## 4 Context

4.1 This application is being reported to your Planning Committee because the proposal is a major application, a Section 106 is required to secure affordable housing and three objections have been received.



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

[51 Green Street, West Bromwich, Street View](#)

[51, Green Street, West Bromwich, Aerial View](#)

## 5 Key Considerations

5.1 The site is not allocated within the Development Plan however a residential property does currently occupy the site.

5.2 Material planning considerations (MPCs) are matters that can and should be taken into account when making planning decisions. By law, planning decisions should be made in accordance with the development plan unless MPCs indicate otherwise. This means that if enough MPCs weigh in favour of a development, it should be approved even if it conflicts with a local planning policy.

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

Government policy (NPPF)

Amenity concerns – Overlooking/loss of privacy,

Highways considerations - Traffic generation, access, highway safety, parking,

Presumption and the ‘titled balance’

## 6. The Application Site

6.1 The application site is situated on the corner of Green Street and Kenrick Way, West Bromwich. The application site relates to a detached property within a predominately residential area with industry on the opposite side of Kenrick Way.



6.2 The area is known for high rise residential buildings with Kenrick House adjacent to the site and Lissimore, Mountford and Greenford Houses in close proximity.

## 7. Planning History

7.1 There is no relevant planning history associated with this site.

## 8. Application Details

8.1 This is an outline application including only access to the site. The applicant has indicated that they intend to demolish the existing buildings and erect a 11-storey building comprising up to 60 no. residential apartments, with associated landscaping, cycle parking, car parking and access from Green Street.

8.2 Members are reminded that full details of the proposal will have to follow, and this is purely to seek the principle of new residential use to include access into the site.

## 9. Publicity

9.1 The application has been publicised by neighbour notification letters and by site and press notice with three objections and one in support of the proposal being received.

## 9.2 Objections

Objections have been received on the following grounds:

- i) There is a safety concern over a buried gas pipeline that runs across the site,
- ii) The site does not have enough off-street parking,
- iii) The proposed building locality would make Kenrick House's small car park susceptible to car break ins,
- iv) Residents of Kenrick House will be overlooked, and





- v) Concerns over the impact this development would have on residents during the construction phase,

Non-material objections have been raised regarding water pressure issues.

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

### 9.3 Support

One response in support of the proposal has been submitted, however the resident has given no reasons as to why they support the scheme.

## 10. Consultee responses

### 10.1 Planning Policy

The proposal site is opposite an industrial area but is itself within a residential area, which comprises tall apartment blocks. As the location of the proposal site itself is unallocated within the Local Plan, the principles of SAD H2 (Housing Windfalls) would apply. As the proposal site would not impact on the employment land and falls within a predominantly residential area of buildings of a similar height, the principles of policy SAD H2 would have been adhered to and the principle of a residential scheme should be permitted in policy terms. The site is also adjacent a bus showcase route, which would add to the scheme's sustainability.

Policy therefore have no policy concerns with the principle of an apartment block style residential scheme in this location, as it remains in-keeping with use and is on a sustainable, public transport route.



## 10.2 Highways

Highways are concerned about a high-pressure gas pipe line that runs across the site, however the applicant has confirmed that there is no such pipe. The applicant is in talks with the gas company separately (see point 10.12).

Based on the information provided in the Transport Assessment, 57% parking provision for residents is accepted.

Indicative plans have been provided for the car parking layout which raises some concern, but this can be reviewed as part of a subsequent reserved matters application for layout.

## 10.3 Pollution Control (Air Quality)

No objections have been received subject to an air quality impact assessment, a dust management plan, adoption of the residential travel plan, electric vehicle charging points, and low NOx boilers.

## 10.4 Pollution Control (Contaminated Land)

The standard ground contamination conditions are recommended.

## 10.5 Pollution Control (Air Pollution and Noise)

The Council's Air Pollution and Noise team agree with the consultants' observation that it is unlikely that measures other than façade mitigation in the form of glazing and ventilation would be effective in achieving acceptable acoustic conditions.

An acoustic design should be developed to ensure that sound levels within the apartments meet the recommended indoor ambient noise levels for dwellings set out in Table 4 of BS8233:2014 - Guidance on sound insulation and noise reduction for buildings.



With regard to the construction phase, the air pollution and noise team recommends that the following conditions be applied:

- i) Construction works, and all activities associated with the development of the site shall be between 0730 to 1800 hours on Monday to Friday, 0730 to 1400 hours on Saturday, with no work at any other time including Sundays and public holidays.
- ii) (a) Before the development is commenced a detailed method statement of working on the application site in connection with the approved development shall be submitted to and approved in writing by the local planning authority. The method statement of working on the application site shall include details of hours of operation, noise mitigation, wheel cleaning and dust suppression measures to be implemented during the site preparation and construction phases and shall include details of parking for all site operatives.  
  
(b) The method of working statement scheme shall be implemented as approved in writing by the local planning authority.
- iii) There shall be no burning of materials in the open at the application premises.

## 10.6 Lead Local Flood Authority

Drainage details have been provided and the LLFA have no objections subject to the implementation of those plans as well as a construction surface water management plan being conditioned.

## 10.7 Severn Trent

The standard drainage and foul water works conditions are required.



## 10.8 Transport Planner

Further details of cycling parking are required which can be conditioned.

## 10.9 Urban Design Officer

No objections to the scale of the building subject to no adverse comments from highways. However, further detail is required and would be part of any Reserved Matters application.

## 10.10 Employment and Skills

The proposed development would provide opportunities for apprentices during the construction phase and as such, can be conditioned accordingly.

## 10.11 Canal and Rivers Trust

No objections.

## 10.12 Fisher German (Pipeline)

There is a gas mainline pipelines that is routed in Kenrick Way which is 11m from the site boundary. There were originally concerns of the location and the potential impact the development could have on this.

The applicant has provided foundation details including vibration less piling methods which do not impact on the pipeline. Fisher German has no objections to this.

Clarification that all services/utilities would access the site via Green Street has been requested, and whilst the application has confirmed this will be the case, at the time of writing this report, Fisher German has yet to formally withdraw their objection.

Members will be verbally updated.



## 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 In respect of paragraphs 128-130 of the NPPF, the Urban Design officer raises no objections to the scheme. The development would assimilate with the overall form and layout of the site's surroundings.

## 12. Local Planning Policy

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

DEL1: Infrastructure Provision

HOU1: Delivering Sustainable Housing Growth

HOU3: Delivering Affordable Housing

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

ENV7: Renewable Energy

ENV8: Air Quality

SAD H2: Housing Windfalls

SAD H3: Affordable Housing

- 12.2 DEL 1 aims to ensure that large development provide appropriate on and off-site infrastructure to serve the development and mitigate impacts of the development.
- 12.3 In this instance, in respect of the above and policies HOU3 and SAD H3, a S106 agreement for the provision of affordable housing has been agreed, namely 25% which equates to 15 properties (9, one - bedroom and 6, two-bedroom).



- 12.3 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments – however this would be dealt with under the Reserved Matters application.
- 12.4 Severn Trent state that outstanding drainage matters can be addressed by condition (ENV5).
- 12.5 Renewable energy (ENV7) requirements can be dealt with by condition and further information as part of the Reserved Matters application(s).
- 12.6 SAD H2 refers to residential proposal which are not specifically on allocated sites and sets test for their suitability. In this instance, the site forms previously development land being suitable for residential use; is not allocated for employment land and would be compatible with other 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 Amenity concerns

Members are reminded that the application is for outline planning permission for access only. Indicative plans have been provided but carry no weight to the determining of this application.

Equally there is no evidence to suggest that this development would have a detrimental impact on the site security of adjacent car parks, but could provide an opportunity for increased natural surveillance, which would improve security. However, this would be subject to any Reserved Matters application.



### 13.3 Highways concerns

The Council's highways department accept the level of parking on site, however they do require on-site parking details that would accompany a Reserved Matters application.

### 13.4 Gas Pipeline

See point 10.12 above.

### 13.5 Disturbance during construction

A construction management plan would be required to prevent working on site during unsocial hours and reducing potential impacts through dust suppression and construction vehicle wheel cleaning, to prevent mud being transferred to the highway network. The above can be conditioned.

### 13.6 Presumption and the 'tilted balance'

The 'tilted balance' is similar to the normal planning balance but it is only engaged in exceptional circumstances. As the council has less than a five-year housing land supply, relevant local policies are out-of-date. In the most basic sense, the tilted balance is a version of the planning balance that is already tilted in an applicant's favour. If the tilted balance applies, planning permission should normally be granted unless the negative impacts 'significantly and demonstrably' outweigh the positive impacts.

## 14. Conclusion and planning balance

**14.1** Conflict with development plan policies will always be a negative impact. If the policies are up-to-date, that negative impact will be given greater weight. However, if they're out-of-date, the weight given to the negative impact will be seriously reduced. No matter what the negative



impacts are, if a proposal manages to secure sufficient positive impacts (of sufficient weight) to tilt the planning balance in its favour, planning permission should be granted.

- 14.2 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

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

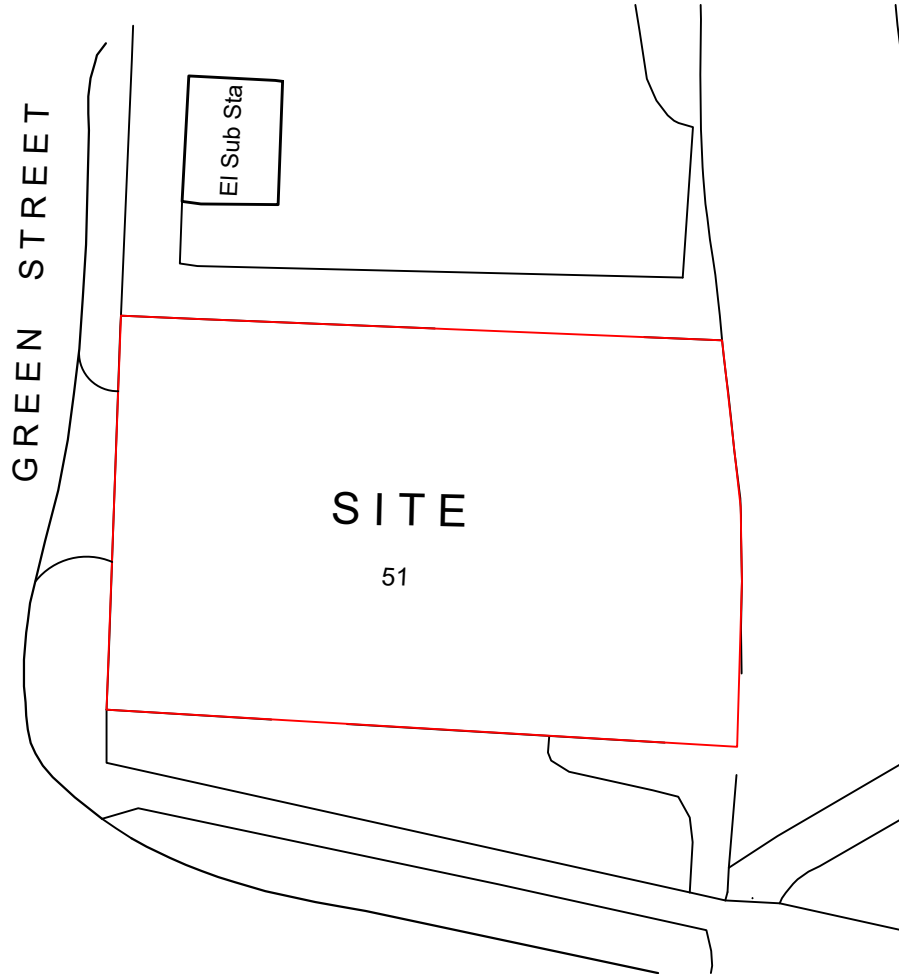
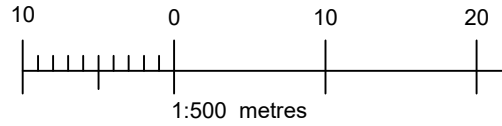
## 17. Appendices

Context plan

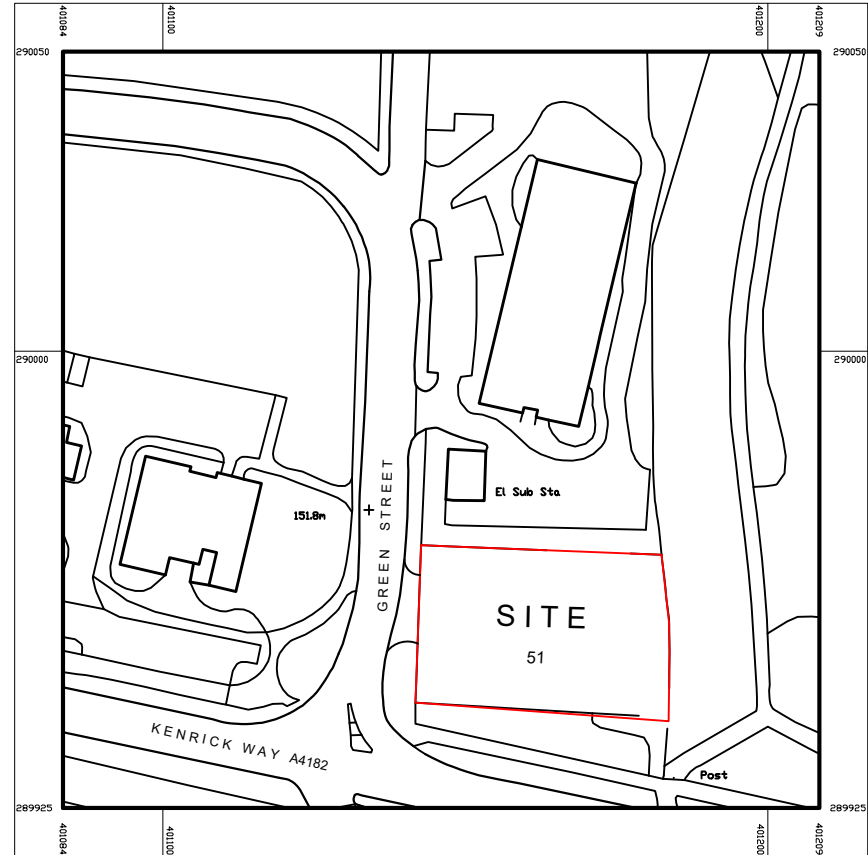
Block Plan 422/P/01 B



PROPOSED DEVELOPMENT AT : 51 GREEN STREET, WEST BROMWICH. B70 6DL



BLOCK PLAN - 1:500



LOCATION PLAN - 1:1250



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PRINT TO FIT

A4

REV B	Proposed access added to plans	10.10.2023
REV A	1:1250 SCALE BAR ADDED	9.8.2023

Rev	Amendment	Date
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**CLIENT:** Mr I Singh

**PROPOSAL:** Proposed Development at:

**SITE ADDRESS:** 51 Green Street,  
 WEST BROMWICH  
 West Midlands.  
 B70 6DL

**SITE PLANS**

**SCALE:** 1:1250, 1:500

**DATE:** May 2023

**DRAWING No:** 422/P/01  
 B

Keepers Cottage  
 Orisow  
 Nr Newport,  
 Staffordshire,  
 TF10 9BL  
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 Mobile : 07967 216955

**Architectural Design Limited**  
 Architectural & Building Design Consultants

**Dove**

Written dimensions to be taken only.  
 Minor inaccuracies may occur due to printing processes.

## Report to Planning Committee

29 November 2023

<b>Application Reference</b>	DC/23/68559
<b>Application Received</b>	10 August 2023
<b>Application Description</b>	Proposed variation of condition 12 of DC/13/56229 (Proposed variation of condition 12 of DC/31470 to extend opening hours from 07:00 to 23:00 on any day to 05:00 to midnight Monday to Saturday and 7.00 to 23.00 on Sundays and Bank Holidays) to extend opening hours to 24 hours any day.
<b>Application Address</b>	Gateway Service Station, 76 Birmingham Road, Great Barr, Birmingham, B43 6NT
<b>Applicant</b>	Motor Fuel Group Limited
<b>Ward</b>	Great Barr With Yew Tree
<b>Contact Officer</b>	Douglas Eardley <a href="mailto:douglas_eardley@sandwell.gov.uk">douglas_eardley@sandwell.gov.uk</a>

### 1 Recommendations

- 1.1 It is recommended that Condition 12 of planning permission DC/13/56229 be varied to read as follows:

“The application premises may be open for custom 24 hours any day for a period of 1 year from the date of this permission”




1.2 Consequently conditional temporary permission is recommended on a 1-year temporary basis, subject to the same conditions as imposed on DC/13/56229 and additional conditions relating to the following:

- i) Between the hours of 23:00 and 05:00 on any day no sales other than of petrol or diesel fuel shall be allowed.
- ii) Electric vehicle recharging points shall only be operated between the hours of 07.00 hours and 23.00 hours on any day.
- iii) All amplified or electronic PA systems used to amplify sound external to the premises shall only be operated between the hours of 07.00 hours and 20.00 hours on any day.
- iv) The air-line machine and any associated compressor shall only be operated between the hours of 07.00 hours and 20.00 hours on any day.
- v) Tankers shall only deliver fuel between the hours of 07.00 hours and 20.00 hours on any day

## 2 Reasons for Recommendations

2.1 The proposal to extend the opening hours to 24 hours any day of the Gateway service Station would upgrade the use and function of the existing site.

## 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 the application has generated 3 objections.

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

[Gateway Service Station, 76 Birmingham Road, Great Barr, B43 6NT](#)



## 5 Key Considerations

- 5.1 The site is not allocated within the Development Plan.
- 5.2 Material planning considerations (MPCs) are matters that can and should be taken into account when making planning decisions. By law, planning decisions should be made in accordance with the development plan unless MPCs indicate otherwise. This means that if enough MPCs weigh in favour of a development, it should be approved even if it conflicts with a local planning policy.
- 5.3 The material planning considerations which are relevant to this application are: -

Planning history (including appeal decisions).

Environmental concerns – Noise, light pollution, traffic, general disturbance and anti-social behaviour.

## 6. The Application Site

- 6.1 The application site relates to an existing petrol filling station (Gateway Service Station) on the western side of Birmingham Road, Great Barr. The site is bounded by residential properties to the north, west and south and to the east are residential properties on the opposite side of Birmingham Road.

## 7. Planning History

- 7.1 Relevant planning applications are as follows:

DC/23/68230	Retention of jet wash machine and Amazon Locker.	Grant Conditional Retrospective Consent – 07.08.2023
-------------	--	--



DC/19/63105	Proposed raising of existing canopy from 3.8m to 4.6m.	Grant Permission – 12.06.2019
DC/15/58557	Proposed removal of condition 11 of planning permission DC/14/57256 - to allow permanent consent for use as petrol filling station with opening hours of 05.00 to 00.00 Monday to Saturday and 07.00 to 23.00 on Sundays and Bank Holidays.	Grant Conditional Retrospective Consent – 08.10.2015
DC/14/57256	Proposed removal of condition 12 (DC/13/56229) to allow permanent consent for opening hours of 05.00 to 00.00 Monday to Saturday and 07.00 to 23.00 on Sundays and Bank Holidays.	Grant Temporary Retrospective Consent – 05.09.2014
DC/13/56229	Proposed variation of condition 12 of DC/31470 to extend opening hours from 07:00 to 23:00 on any day to 05:00 to midnight Monday to Saturday and 7.00 to 23.00 on Sundays and Bank Holidays.	Grant Permission Subject to Conditions – 10.10.2013
DC/13/6024A	Proposed internally illuminated ATM surround.	Grant Advertisement Consent – 21.08.2013



DC/13/56082	Proposed installation of ATM.	Grant Permission Subject to Conditions – 21.08.2013
DC/99/3994A	Garage forecourt signage.	Grant Advertisement Consent – 08.04.1999
DC/98/34770	Installation of 2No. 1 tonne liquefied petroleum gas storage vessels and dispenser.	Grant Permission Subject to Conditions – 11.12.1998
DC/32013	Installation of jetwash and vacuum.	Allowed with Conditions – 09.10.1996
DC/31470	Demolition of petrol filling station and rollover car wash. Development of petrol filling station.	Allowed with Conditions – 20.03.1996
DC/3504A	Forecourt signs, shop/canopy fascia, freestanding monolith.	Grant Advertisement Consent – 14.11.1995
DC/17563	Installation of 3,000 gallon above - ground diesel storage tank & forecourt dispenser.	Grant Permission – 11.07.1984

## 8. Application Details

- 8.1 The application is for the proposed variation of condition 12 of DC/13/56229 (Proposed variation of condition 12 of DC/31470 to extend opening hours from 07:00 to 23:00 on any day to 05:00 to midnight Monday to Saturday and 7.00 to 23.00 on Sundays and Bank Holidays) to opening hours of 24 hours any day.

## 9. Publicity

- 9.1 The application has been publicised by neighbour notification letters with 3 objections being received.



## 9.2 Objections

Objections have been received on the following grounds:

- i) Environmental concerns – Noise, light pollution, traffic, general disturbance and anti-social behaviour.

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

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

## 10. Consultee responses

### 10.1 Pollution Control (Noise and Air Pollution)

They have reviewed the submitted noise impact assessment report and they recommend a 1-year temporary permission for 24 hour opening subject to the following conditions:

- i) Between the hours of 23:00 and 05:00 on any day no sales other than of petrol or diesel fuel shall be allowed.
- ii) Electric vehicle recharging points shall only be operated between the hours of 07.00 hours and 23.00 hours on any day.
- iii) All amplified or electronic PA systems used to amplify sound external to the premises shall only be operated between the hours of 07.00 hours and 20.00 hours on any day.
- iv) The air-line machine and any associated compressor shall only be operated between the hours of 07.00 hours and 20.00 hours on any day.
- v) Tankers shall only deliver fuel between the hours of 07.00 hours and 20.00 hours on any day





## 10.2 West Midlands Police

No objection.

## 10.3 Highways

They state that the extended opening hours proposed for the petrol station do not fall within the network peak times, the trips at these times would also not generate a significant increase in parking accumulation. Highways 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 None relevant.

## 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 planning history for this site is detailed within section 7.1 of this report. It is evident that the site has been the subject of various planning applications over the years, which has included applications to alter the opening hours of the premises. Therefore, it is considered that the planning history associated to this site is a material planning consideration, and that when coupled with the other factors (objections and consultee responses) for this application, that a temporary



conditional 1-year permission would be the appropriate course of action regarding DC/23/68559.

### 13.3 Environmental concerns – Noise, light pollution, traffic, general disturbance and anti-social behaviour

Given the concerns raised by neighbours pertaining to noise, light pollution, traffic, general disturbance and anti-social behaviour in relation to the proposal for DC/23/68559, it is considered that a permission on a permanent basis of the application would be unsuitable at this time. It is noted that Highways have no objection, therefore in line with the comments received from Pollution Control (Noise and Air Pollution) in section 10.1 of this report, a conditional temporary permission for a period of 1 year is recommended, which would give the local planning authority the opportunity to review the proposal again in relation to the impact of the extended hours on the amenity of the area. Moving onto anti-social behaviour, it is noted within section 10.2 of this report that the West Midlands Police has no objection to DC/23/68559. Nevertheless, if anti-social behaviour manifests because of the proposal for DC/23/68559, then this can be adjudged in conjunction with the other factors raised by the objectors when the proposed temporary 1-year period for DC/23/68559 expires.

## 14. Conclusion and planning balance

14.1 All decisions on planning applications should be based on an objective balancing exercise. This is known as applying the “planning balance”. It is established by law that planning applications should be refused if they conflict with the development plan unless material considerations indicate otherwise. This essentially means that the positive impacts of a development should be balanced against its negative impacts.

14.2 On balance, there are no significant material considerations which warrant refusal that could not be controlled by conditions; and a conditional temporary 1-year permission is considered appropriate at this



junction to enable the local planning authority the opportunity to review the proposal again at the end of this period.

## 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

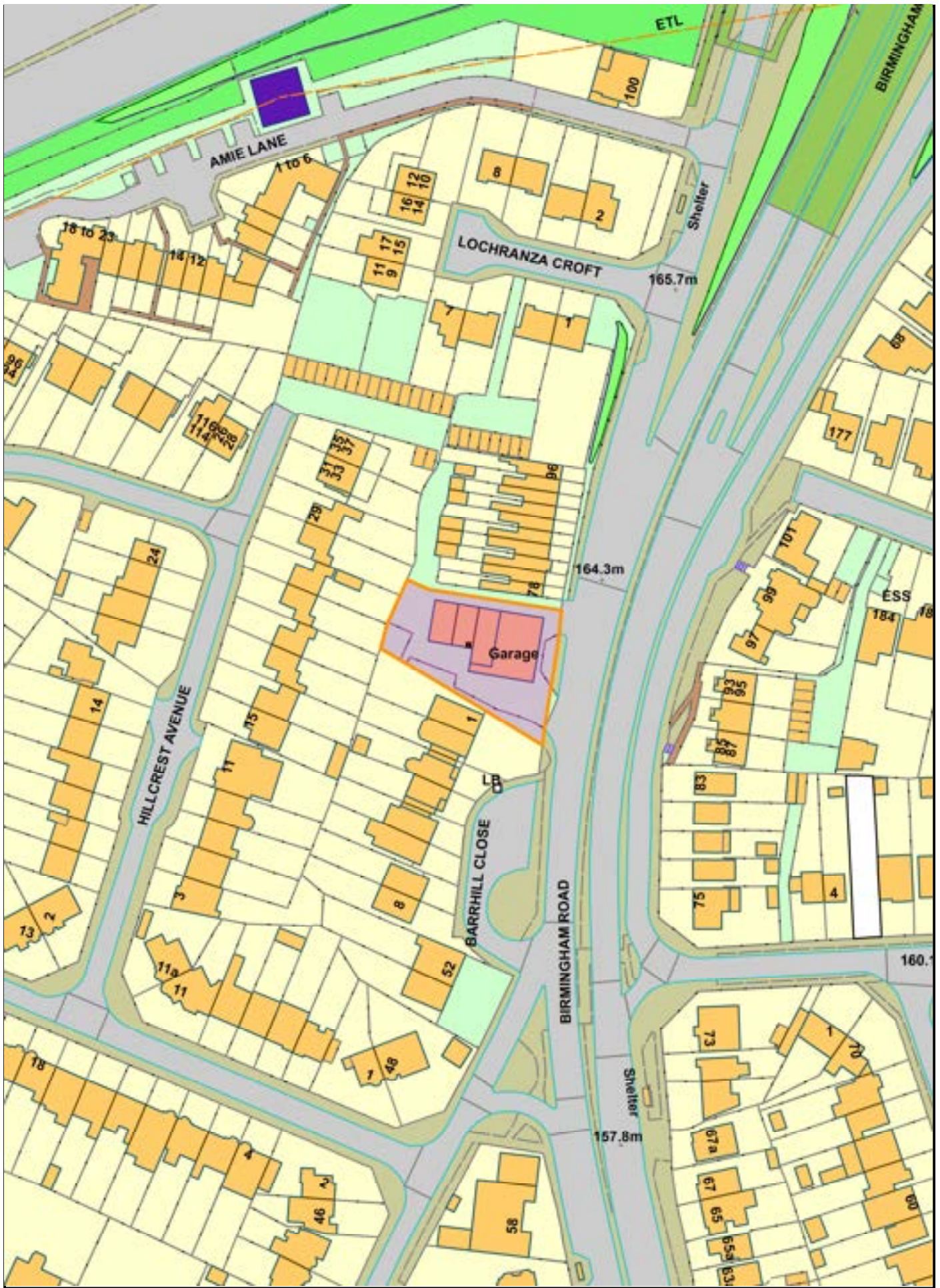
<b>Resources:</b>	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the Council.
<b>Legal and Governance:</b>	This application is submitted under the Town and Country Planning Act 1990.
<b>Risk:</b>	None.
<b>Equality:</b>	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
<b>Health and Wellbeing:</b>	None.
<b>Social Value</b>	None.
<b>Climate Change</b>	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





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## Report to Planning Committee

**29 November 2023**

<b>Application Reference</b>	DC/23/68578
<b>Application Received</b>	15 <sup>th</sup> August 2023
<b>Application Description</b>	Retention of outbuilding at rear for garden room, storage and gym.
<b>Application Address</b>	180 Walsall Road, West Bromwich, B71 3LH
<b>Applicant</b>	Mr Faryad Ahmed
<b>Ward</b>	Hateley Heath
<b>Contact Officer</b>	Beth Astley-Serougi <a href="mailto:Beth_AstleySerougi@sandwell.gov.uk">Beth_AstleySerougi@sandwell.gov.uk</a>

### 1 Recommendations

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


- (i) Within 3 months of permission being granted the windows and doors located on the front elevation to be obscurely glazed and retained as such.
- (ii) The outbuilding is not to be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 180 Walsall Road.



## 2 Reasons for Recommendations

- 2.1 The development is of satisfactory design and would not significantly impact on the private amenity of neighbouring properties, in terms of loss of light, outlook and privacy.

## 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 because the Agent is an employee of Sandwell MBC and one objection has been received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[180 Walsall Road, West Bromwich](#)

## 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:-

Amenity concerns – Overlooking/loss of privacy

Design concerns - appearance and materials, layout and density of building, wider visual amenity and overdevelopment

## 6. The Application Site

- 6.1 The application site relates to a three-bedroom semi-detached property on the western side of Walsall Road, West Bromwich. The site is within a





predominately residential area with the Stone Cross Public House and the retail core of Stone Cross to the south of the application site.

## 7. Planning History

7.1 An enforcement complaint (ref: ENF/23/12127) was recorded and investigated which found that the garden building required planning permission.

7.2 Relevant planning applications are as follows:

DC/23/68448	Proposed single and two storey side and rear extension, front canopy and garage conversion into habitable space.	Grant Permission subject to conditions – 08.09.2023.
-------------	--	--

## 8. Application Details

8.1 The applicant seeks retrospective planning permission for an outbuilding located at the rear of the property. The use of the outbuilding is stated as a garden room/storage/gym.

8.2 The outbuilding measures 4.115m in length at maximum, 7.3m in width at maximum and 2.775m in height. The outbuilding has a flat roof and has two windows and a set of doors on the front elevation.

## 9. Publicity

9.1 The application has been publicised by neighbour notification letter with one response received from a local resident.

### 9.2 Objections

Objections have been received on the following grounds:



- i) Loss of privacy.
- ii) Possible use as living accommodation.

Non-material objections have been raised regarding depth of foundations, party wall issues.

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

## 10. Consultee responses

10.1 None

## 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 Framework 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 polices of the council's Development Plan are relevant:

ENV3: Design Quality

SAD EOS9: Urban Design Principles

12.2 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

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

The outbuilding is located at the rear of the property. There are no windows on the side elevations of the development and therefore I do not consider the privacy of neighbouring properties to be significantly impacted by the development. Notwithstanding this, a condition is recommended to obscurely glaze the door and windows on the front elevation so as to ensure privacy is maintained for the neighbouring property.

With regard to concerns that the development could be used for separate living accommodation, I have also recommended a condition that the use of the outbuilding is to be ancillary to the residential use of the application property.

#### 13.4 Design concerns

The outbuilding has a flat roof and therefore I do not consider the development to be too large in terms of scale or massing to an extent that would warrant a refusal. It is of domestic scale and in character with the residential area, it is therefore considered that it would not result in any undue harm to the character of the area.

Furthermore, I do not consider the proposed development to constitute overdevelopment of the plot considering the level of remaining space to the front and rear of the property.



## 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

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

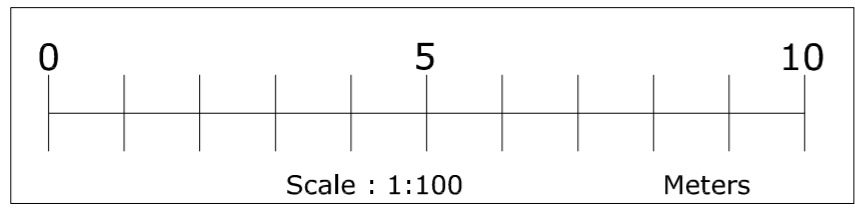
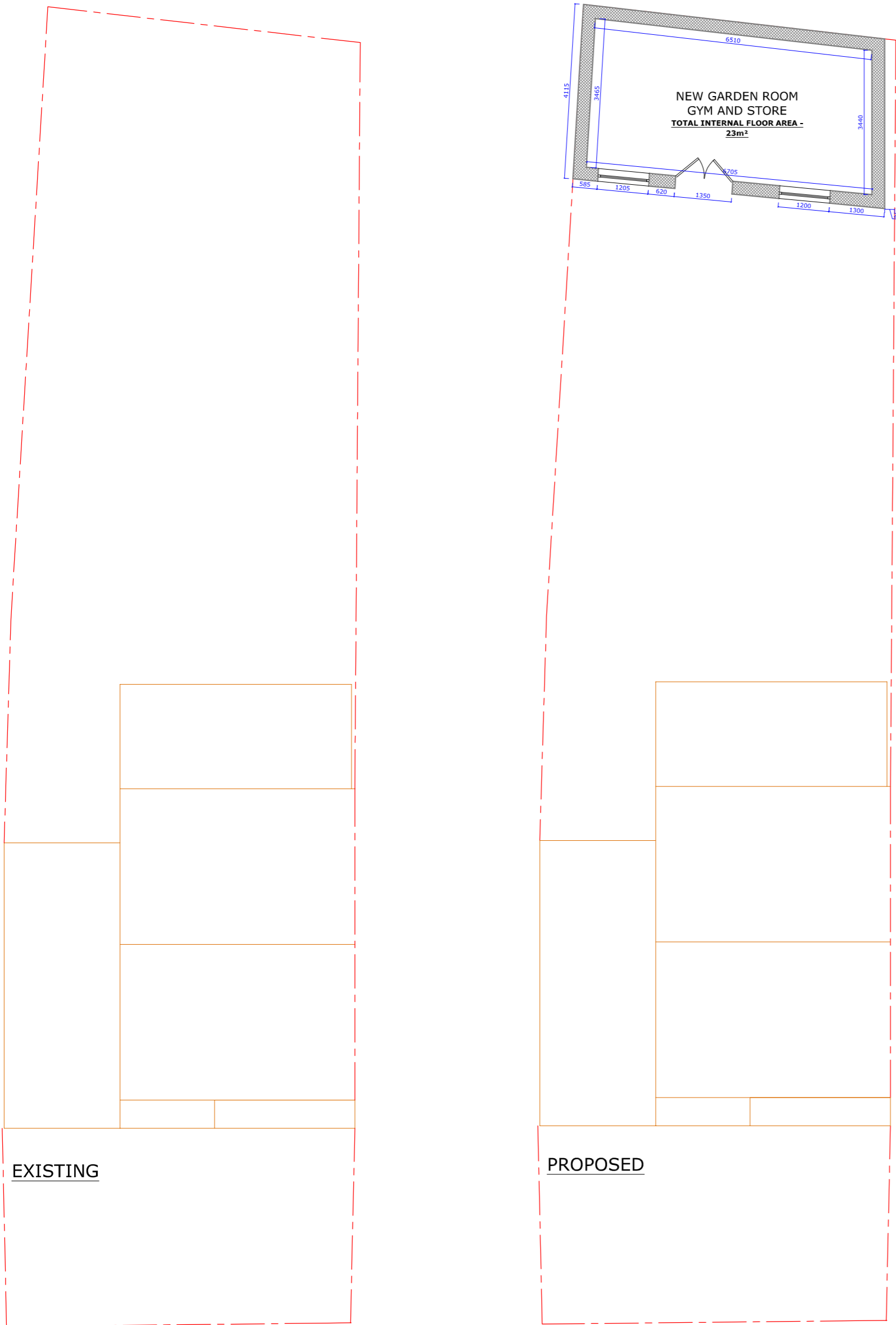
Existing/Proposed Location, Ground Floor and Elevations – **2023-01/REV01**



**EXISTING AND PROPOSED  
PLANS AND ELEVATIONS**

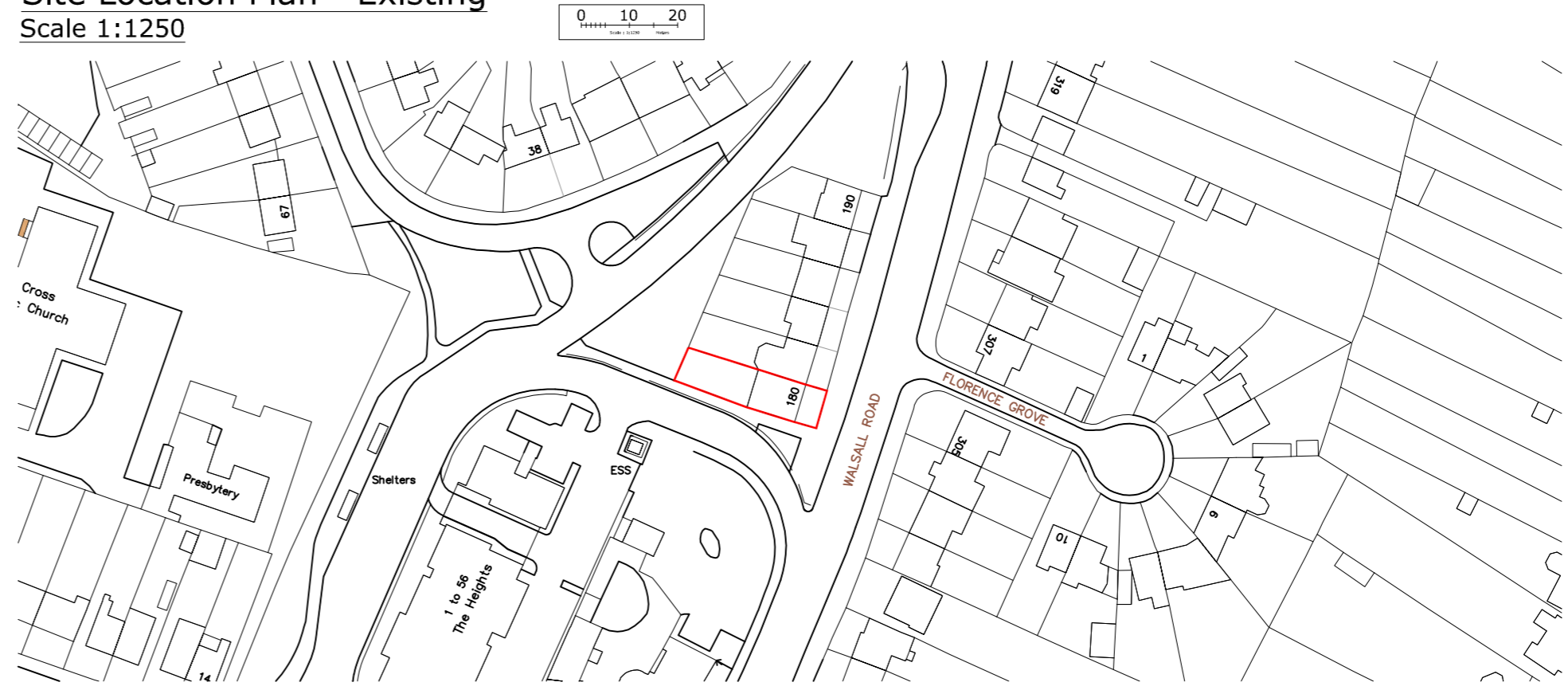
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Page 206



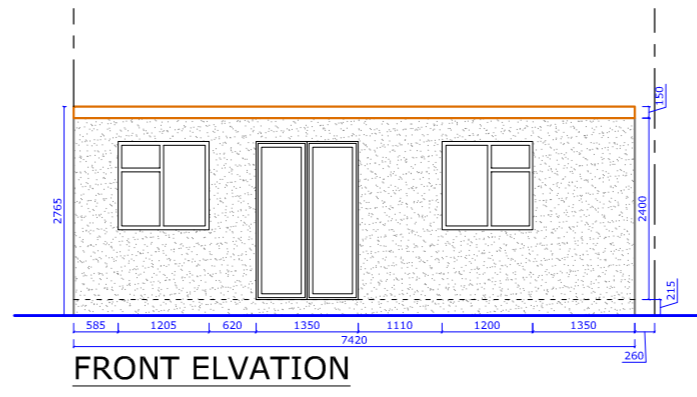
**Site Location Plan - Existing**

Scale 1:1250

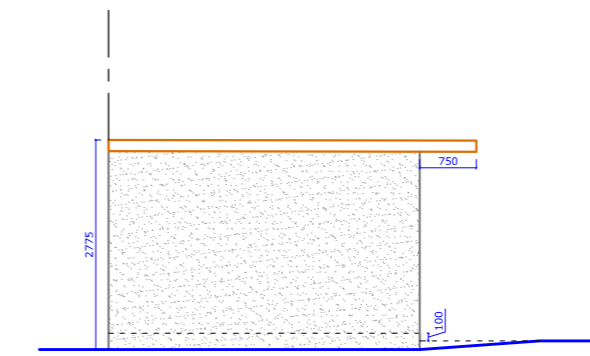


**Site Plan - Proposed**

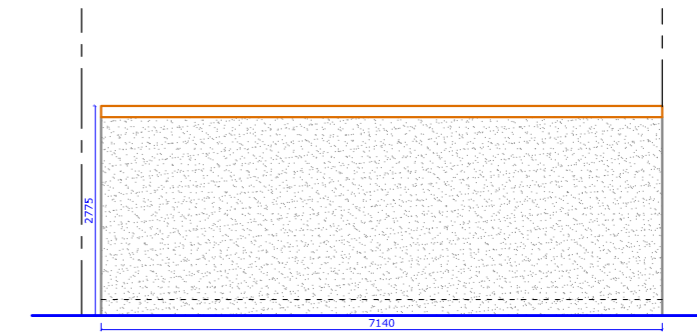
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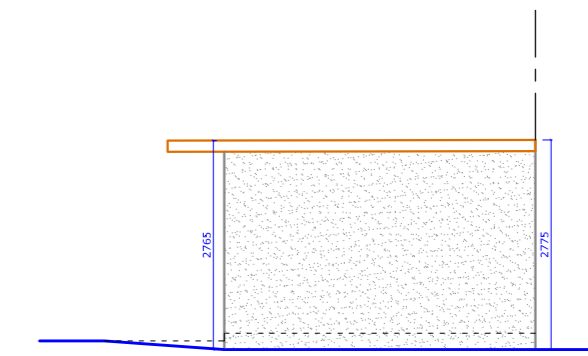
FRONT ELVATION



SIDE ELVATION



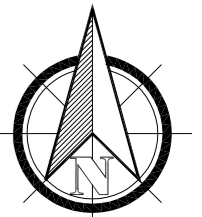
REAR ELVATION



SIDE ELVATION

**NOTES:**  
Contractors do not scale from this drawing. All contractors must visit the site and be responsible for taking and checking dimensions. Any discrepancy between drawings, specifications and site conditions must be brought to the attention of the architect.  
This drawing and the works are the copyright of Tayyab Tasleem & Associates.

**REVISIONS**



**CLIENT:**  
Mr Faryad Ahmed

**JOB:**  
180 Walsall Road, West Bromwich, B71 3LH

**DRG TITLE:**  
EXISTING AND PROPOSED GARDEN ROOM PLANS AND ELEVATION, LOCATION AND SITE PLAN

<b>DRG NO.</b>	<b>REV.</b>	<b>Paper</b>
2023-01/	01	A2

**DATE:** Aug' 2023 **SCALE:** VARIES

## Report to Planning Committee

**29 November 2023**

<b>Application Reference</b>	DC/23/68624
<b>Application Received</b>	01 September 2023
<b>Application Description</b>	Proposed 2 No. detached light industrial units with new access, parking, landscaping and new retaining wall with railings to rear.
<b>Application Address</b>	Land At Corner Of Cleton Street And Sedgley Road East/Tipton Road Tipton
<b>Applicant</b>	Mr C Parker
<b>Ward</b>	Oldbury
<b>Contact Officer</b>	Anjan Dey <a href="mailto:anjan_dey@sandwell.gov.uk">anjan_dey@sandwell.gov.uk</a>

### 1 Recommendations

1.1 That, subsequent to ratification by Council of the departure from development plan, planning permission is granted subject to conditions relating to:

- (i) External materials;
- (ii) Ground contamination;
- (iii) Finished floor levels;
- (iv) Provision and retention of electric vehicle charging points;
- (v) Construction management plan (including dust management, hours of construction, wheel cleaning etc;




- (vi) Low NOx boilers;
- (vii) Hard and soft landscaping;
- (viii) Drainage and SUDS;
- (ix) Restriction on hours of opening; and
- (x) Parking laid out, provision and retention.

## 2 Reasons for Recommendations

2.1 The proposal would create jobs and bring investment into the local area.

## 3 How does this deliver objectives of the Corporate Plan?

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

## 4 Context

4.1 This application is being reported to Planning Committee because the proposed use is a departure from the council's development plan.

4.3 To assist members with site context, links to several Google Map images are provided below:

[Cleton Street/Tipton Road, Tipton](#)

## 5 Key Considerations

5.1 The site is allocated for housing and if members were to approve the application, it would have to be considered by Full Council for ratification.

5.2 Material planning considerations (MPCs) are matters that can and should be taken into account when making planning decisions. By law, planning decisions should be made in accordance with the development plan unless MPCs indicate otherwise. This means that if enough MPCs weigh in favour of a development, it should be approved even if it conflicts with a local planning policy.





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

Government policy (NPPF)

Proposals in the Development Plan

Planning history (including appeal decisions)

Traffic generation

## 6. The Application Site

6.1 The application site is an area and which is to the immediate north of existing industrial units that are located within Cleton Street Business Park. The land is located along Tipton Road and Cleton Street and forms a buffer between the industrial units and the highway. The area is characterised by industrial/commercial units to the north and south east with residential properties to the west.

## 7. Planning History

7.1 There is no significant or relevant history of planning applications for this site and the land could be described as landscaping that acts as a buffer between existing industrial units and the highway – Tipton Road.

7.2 There are no relevant planning applications for the site but a pre-application enquiry was submitted in October 2022; reference PA/22/00622.

## 8. Application Details

8.1 The applicant proposes to create a new access from Tipton Road with the existing industrial estate, creating two light industrial units, (use classes E(g)) together with servicing, parking and landscaping.

8.2 Units 1 and 2 would be 6.1m high with a dual sloping roof, by 38.8m long by 12.5m high with floorspace for each of the units would be 450 square metres. The proposed site plans shows 5 car parking spaces for each of



the units including 1 electric vehicle charging point per unit. There would be a tarmac access drive and landscaped areas.

- 8.4 The would be a maximum of 6 people employed at the units and proposed hours of business are 0830 to 1730 (Mon to Fri) and 0900 to 1300 (Sat) with no opening on Sundays and Public Holidays.

## 9. Publicity

- 9.1 The application has been publicised by 10 neighbour notification letters without response.

## 10. Consultee responses

### 10.1 Planning and Transportation Policy

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

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

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

### 10.2 Highways

The highways team do not object to the proposal but recommended a condition is attached for the layout for parking and manoeuvring to be implemented prior to occupation and to be retained as such.



### 10.3 Public Health (Air Quality)

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

### 10.4 Public Health (Contaminated Land)

No objections subject to the submission of a Desktop Study prior to commencement of development to identify the potential for risk of on-site contamination. In the event that contamination is found this should be reported to the LPA along with details relating to remediation. These matters can be dealt with by way appropriate conditions.

### 10.5 Public Health (Air Pollution and Noise)

Has no objections due to the proposed location that is away from residential properties.

### 10.6 The Canal and River Trust

No comments submitted as they have confirmed that the site falls outside their consultation zone.

## 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:

ENV3: Design Quality

ENV8: Air Quality

ENV5: Drainage

DEL2: Managing the Balance between Employment Land and Housing

EMP1: Providing for Economic Growth and Jobs

EMP4: Canals

SAD H1: Housing Allocations

SAD EOS9: Urban Design Principles

12.2 The site of the proposed development is allocated for residential use, therefore SAD policy H1 is applicable. However, no residential uses are proposed, and the development is classed as a departure from the development plan.

12.3 BCCS policy DEL2 states that proposals for new employment development in areas of housing growth will be resisted where it is not consistent with housing led regeneration of the area. It has been over ten years since the adoption of the BCCS and the site remains undeveloped for housing and is unlikely to come forward due to viability issues (contaminated land mitigation measures).

12.4 BCCS policy EMP1 aims to provide land for at least 75,000 industrial and warehouse jobs in the Black Country by 2026. For this, there needs to be a ready supply of available land at any one time. Under BCCS Policy EMP4, Sandwell should have 70ha of available employment land available at any one time (the council currently has 23ha). The borough has been well under this level of provision since the adoption of the BCCS in 2011, therefore the proposed industrial development of the site would be welcome as this would bring forward new industrial development that would add to the existing stock of employment land.



12.7 The site is around 205 metres away from Birmingham Canal, however BCCS policy ENV4 is applicable, under this policy all development proposals likely to affect the canal network; must protect and enhance its nature conservation value, protect its visual amenity.

12.8 The proposed development will have to give regard to both BCCS policy ENV5 relating to the incorporation of sustainable drainage systems to assist with reducing the impact of flooding and surface water run-off. This is conditioned as such.

12.9 The proposed development would have to give regard to the guidance contained in BCCS policy ENV8 and the Air Quality SPD. Electric vehicle charge points are proposed and other matters such as construction management plan and low emission boilers are conditioned as such.

### 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 Proposals in the Development Plan

The proposal is contrary to the council's development plan; however, the residential development is unlikely to come forward in the long-term. The proposed development would create jobs in the local area and is in context with the existing character of the business park.

#### 13.8 Traffic generation

The council's Highways team has raised no objections.



## 13.9 Design

The proposed design is typical of this sort of industrial development and is considered appropriate to the location within this established Business Park.

## 14 Alternative Options

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

## 15 Implications

<b>Resources:</b>	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.
<b>Legal and Governance:</b>	This application is submitted under the Town and Country Planning Act 1990.
<b>Risk:</b>	None.
<b>Equality:</b>	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
<b>Health and Wellbeing:</b>	None
<b>Social Value</b>	The proposal would potentially provide jobs for the local area.

## 16. Appendices

Location plan

Site Plan

Proposed elevations – 4304-02

Proposed ground floor plan & Section 1



SITE LOCATION PLAN  
AREA 4 HA  
SCALE: 1:1250 on A4  
CENTRE COORDINATES: 396706 , 291160



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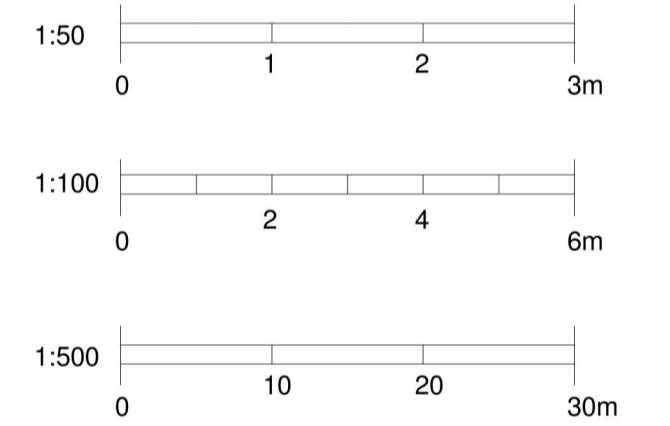


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Where drawings are based on survey information received, surveys are available on request. All drawings to be read in conjunction with all relevant Structural and M&E Engineers drawings and specifications.

It is assumed that all works on this drawing will be carried out by a competent contractor working, where appropriate, to an approved method statement.

SCALE BAR



PROJECT

PROPOSED INDUSTRIAL UNITS

TITLE

LAND AT CLETON BUSINESS PARK, TIPTON ROAD, TIPTON

CLIENT

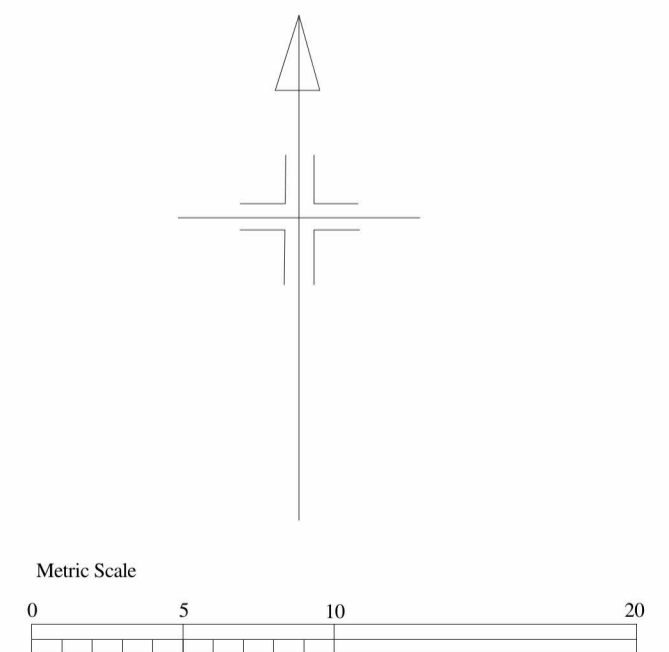
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 CHECKED BY: SG  
 DATE: 02/05/2023

SCALE (@ A1): 1 : 250  
 PROJECT NUMBER: Project Number

DRAWING NUMBER: 4304-01B  
 REV: [ ]



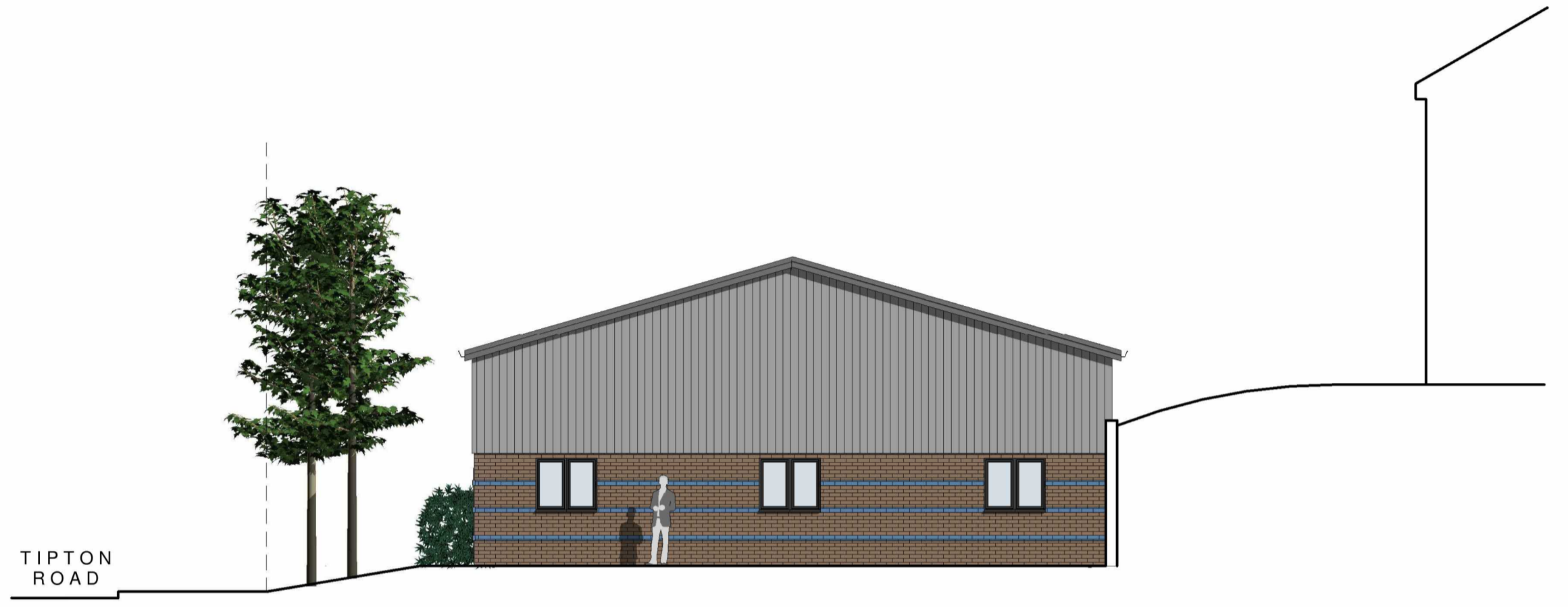
1 Site Plan  
 1 : 250







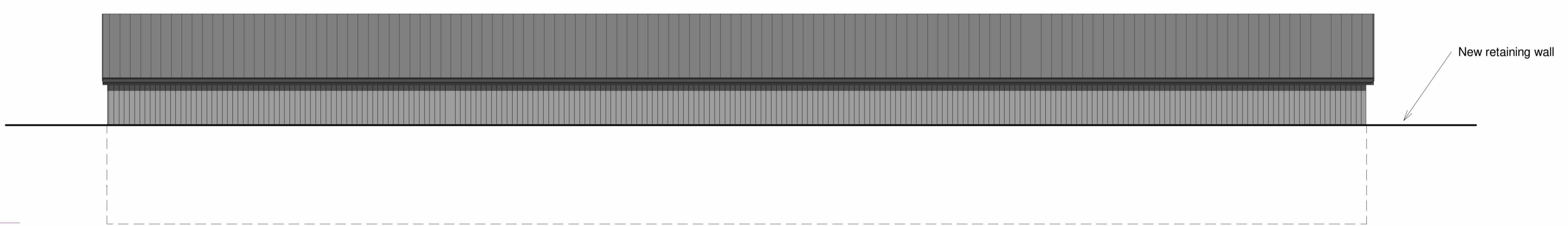
**1 North East Elevation To Tipton Road**  
1 : 200



**2 North West Elevation To Cleton Street**  
1 : 100



**3 South East Elevation**  
1 : 100



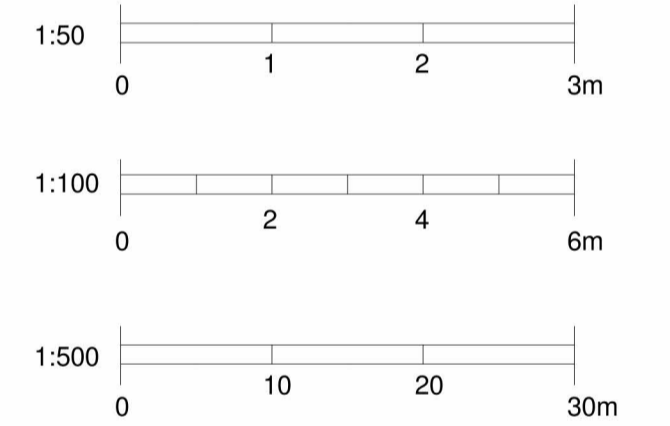
**4 South West Elevation**  
1 : 100

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SCALE BAR



PROJECT

PROPOSED INDUSTRIAL UNITS

TITLE

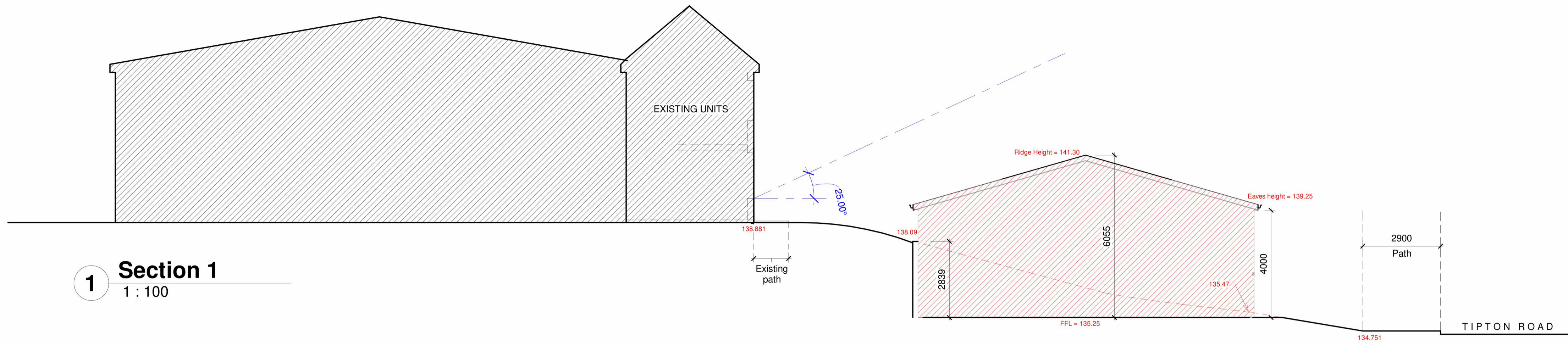
LAND AT CLETON BUSINESS PARK, TIPTON ROAD, TIPTON

CLIENT

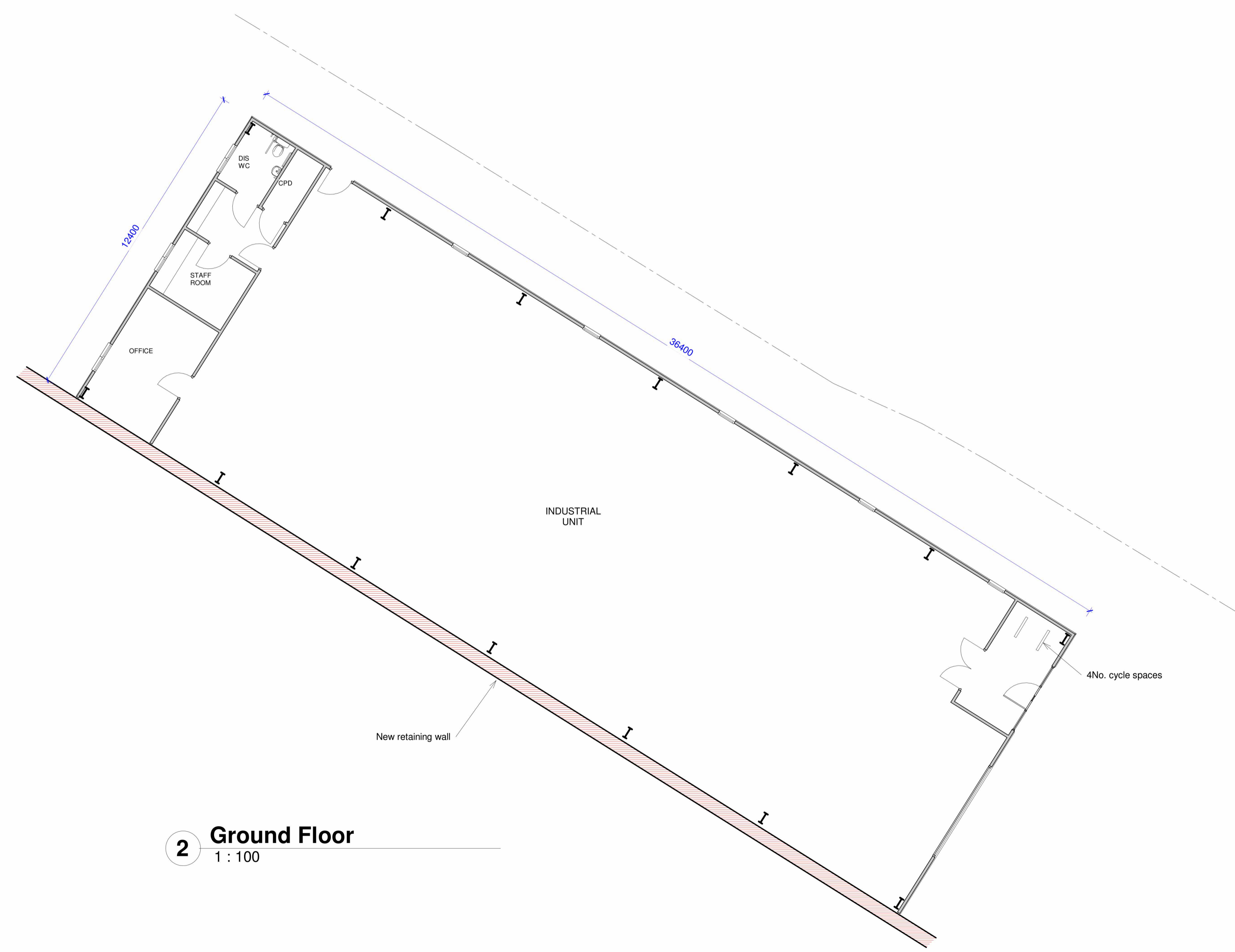
DRAWN BY JG	CHECKED BY SG	DATE 02/05/2023
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SCALE (@ A1) As indicated	PROJECT NUMBER Project Number
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DRAWING NUMBER 4304-02	REV
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**1 Section 1**  
1 : 100



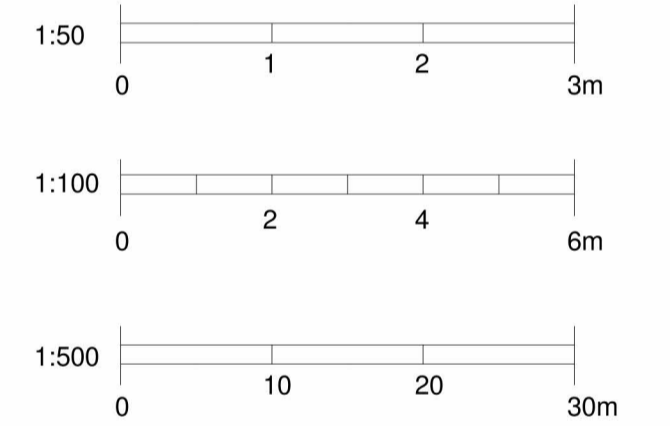
**2 Ground Floor**  
1 : 100

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It is assumed that all works on this drawing will be carried out by a competent contractor working, where appropriate, to an approved method statement.

SCALE BAR



PROJECT

PROPOSED INDUSTRIAL UNITS

TITLE

LAND AT CLETON BUSINESS PARK, TIPTON ROAD, TIPTON

CLIENT

DRAWN BY: JG, CHECKED BY: SG, DATE: 02/05/2023

SCALE (@ A1): 1 : 100, PROJECT NUMBER: Project Number

DRAWING NUMBER: 4304-03A, REV

## Report to Planning Committee

**29 November 2023**

<b>Application Reference</b>	DC/23/68690
<b>Application Received</b>	21 September 2023
<b>Application Description</b>	Proposed renewal of temporary traveller site (planning permission DC/17/60410 and DC/20/63956) for up to 34 caravans, together with associated toilet/washroom facilities and boundary fencing (three year permission requested).
<b>Application Address</b>	Travellers Transit Site Wellington Street Smethwick
<b>Applicant</b>	Sandwell MBC
<b>Ward</b>	Soho & Victoria
<b>Contact Officer</b>	Carl Mercer carl_mercer@sandwell.gov.uk

### 1 Recommendations

1.1 That planning permission is granted subject to the following condition:


- i) The development authorised by this permission shall be discontinued at the expiration of a period of 3 years from the date of this permission and any structure/building in association with the use/development shall be removed from the site.



## 2 Reasons for Recommendations

- 2.1 The proposal accords with the provisions of national and local policy in terms of the broad aims and objectives of providing transit sites; however, a further temporary consent would ensure that the effect on the local community and environment can continue to be monitored before any decision is reached on the need for, and the size and location of, a permanent transit site. Furthermore, a temporary consent would not hinder future development.

## 3 How does this deliver objectives of the Corporate Plan?

	Strong resilient communities
---	------------------------------

## 4 Context

- 4.1 The application is being reported to your committee as the application is submitted by the Council, is on Council-owned land and three objections have been received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[Transit Site, Wellington Street, Smethwick](#)

## 5 Key Considerations

- 5.1 The site is allocated for local employment uses in the Development Plan. Due to the temporary nature of the proposal, the use is not considered to be a departure from the plan.
- 5.2 Material planning considerations (MPCs) are matters that can and should be taken into account when making planning decisions. By law,



planning decisions should be made in accordance with the development plan unless MPCs indicate otherwise. This means that if enough MPCs weigh in favour of a development, it should be approved even if it conflicts with a local planning policy.

5.3 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 concerns – noise/anti-social behaviour/dumping of rubbish

**6. The Application Site**

- 6.1 The application relates to Council-owned land at the corner of Boulton Road, Foundry Lane and Wellington Street, opposite Black Patch Park. The site is used as a traveller transit site.
- 6.2 Toilet and washing facilities are available in a relocatable steel container, which is connected to water, electricity and sewerage and can be disconnected and removed when use of the land as a temporary transit site ceases.

**7. Planning History**

- 7.1 The site was given temporary consent under planning application DC/17/60410 for three years by Planning Committee in May 2017 to operate as a traveller transit site for 34 caravans. This consent was renewed by committee for a further temporary period of three years in 2020.
- 7.2 Relevant planning applications are as follows:

DC/20/63956	Proposed renewal of temporary traveller site	Temporary approval - 15.05.2020
-------------	--	---------------------------------



	(planning permission DC/17/60410) for up to 34 caravans, together with associated toilet/washroom facilities and boundary fencing (3 year permission requested).	
DC/17/60410	Establishment of temporary travellers site for up to 34 caravans, together with associated toilet/washroom facilities and boundary fencing (3 year permission requested).	Temporary approval - 05.05.2017

## 8. Application Details

8.1 As the description states, the Council propose to extend the temporary use by a further three years.

## 9. Publicity

9.1 The application has been publicised by neighbour notification letter and site notice, with three objections being received.

## 9.2 Objections

Objections have been received on grounds of amenity; namely, concerns regarding noise, anti-social behaviour and dumping of rubbish.

It has also been raised as to who in the Council is contacted if matters arise. The site is operated by the Council's Environmental Protection Team and issues may be reported to them.



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

## 10. Consultee responses

### 10.1 Highways

No objection.

### 10.2 Pollution Control (Noise)

The officer states that they have checked the records for any history of noise complaints in respect of this site but have found none. Given its location and the small number of occasions on which it is used, the officer believes it is unlikely that noise issues will arise in the future. No objections are raised on noise grounds to the renewal of the permission for a further three years.

### 10.3 West Midlands Police

No objection.

## 11. National Planning Policy

11.1 The NPPF is supported by a specific document entitled 'Planning policy for traveller sites', which refers to setting targets, identifying deliverable sites, protecting local amenity and that sites are sustainable.

11.2 'Planning policy for traveller sites' refers to determining applications for such sites by assessing matters such as the existing level of provision; whether the application accords with the development plan; is a brownfield/sustainable site; and whether there is an up to date five-year supply of deliverable sites. This proposal is in accordance with the NPPF which states that travellers are among the groups to assess and provide housing for.



## 12. Local Planning Policy

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

### **BCCS**

HOU4 - Accommodation for Gypsies/Travellers/Travelling Showpeople

12.2 Black Country Core Strategy Policy HOU4 set out targets for travellers up to 2018, with a target of 10-12 pitches and states that they should be safe, have convenient access, located to cause minimum disruption to surrounding communities and should be suitable as a place to live. These targets were based on needs identified in the Black Country Gypsy and Traveller Accommodation Assessment (GTAA) 2008. To date there are no sites allocated within the borough as part of the Site Allocation and Delivery Development Plan Document.

12.3 Taking into consideration that no sites are currently available within the borough, in the first instance the continued provision of such a site would assist in meeting the Council's own targets. In considering whether the continued use of the site is acceptable, the site is brownfield land, benefits from reasonable transport links and is not directly adjacent to existing residential properties. In addition, further temporary consent would not prejudice future proposals for the site.

## 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

13.3 The principle for the development was established by the first approval. As no adverse comments have been received from consultees or the public consultation to any issues regarding the operation of the site thus





far, the primary material consideration is whether a further temporary consent is appropriate.

13.4 Planning policy guidance states that: ‘It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale...)’. Given that no immediate redevelopment of the site is proposed and taking into account the changing aspirations for the site (from employment use to residential – a change approved by Cabinet in November 2018 and carried forward to the Black Country Plan) and the benefits that the transit site provides, as highlighted above, I find that a further temporary use is appropriate in this instance.

### 13.5 Amenity concerns

I note the objectors’ concerns regarding noise, anti-social behaviour and rubbish. However, these are matters which can be managed by the Council and police. Given the comments of the Pollution Control officer regarding a lack of complaints, there is no evidence before me that the continued, temporary use of the site would create or exacerbate these issues.

## 14. Conclusion and planning balance

14.1 All decisions on planning applications should be based on an objective balancing exercise. This is known as applying the “planning balance”. It is established by law that planning applications should be refused if they conflict with the development plan unless material considerations indicate otherwise. This essentially means that the positive impacts of a development should be balanced against its negative impacts.

14.2 On balance the proposal accords with the provisions of relevant Development Plan policies and there are no significant material considerations which warrant refusal of the application.



## 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.

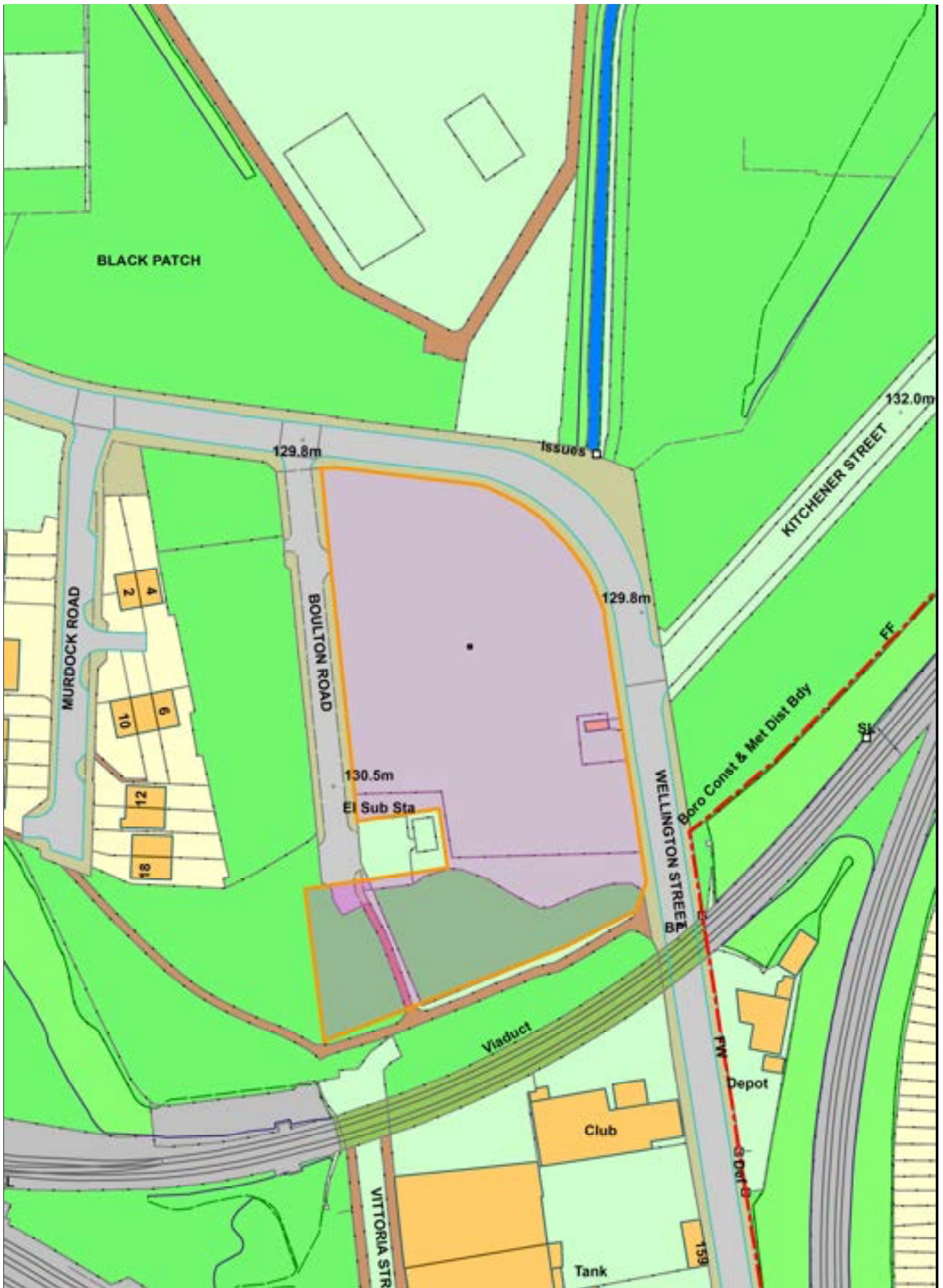
## 16 Implications

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

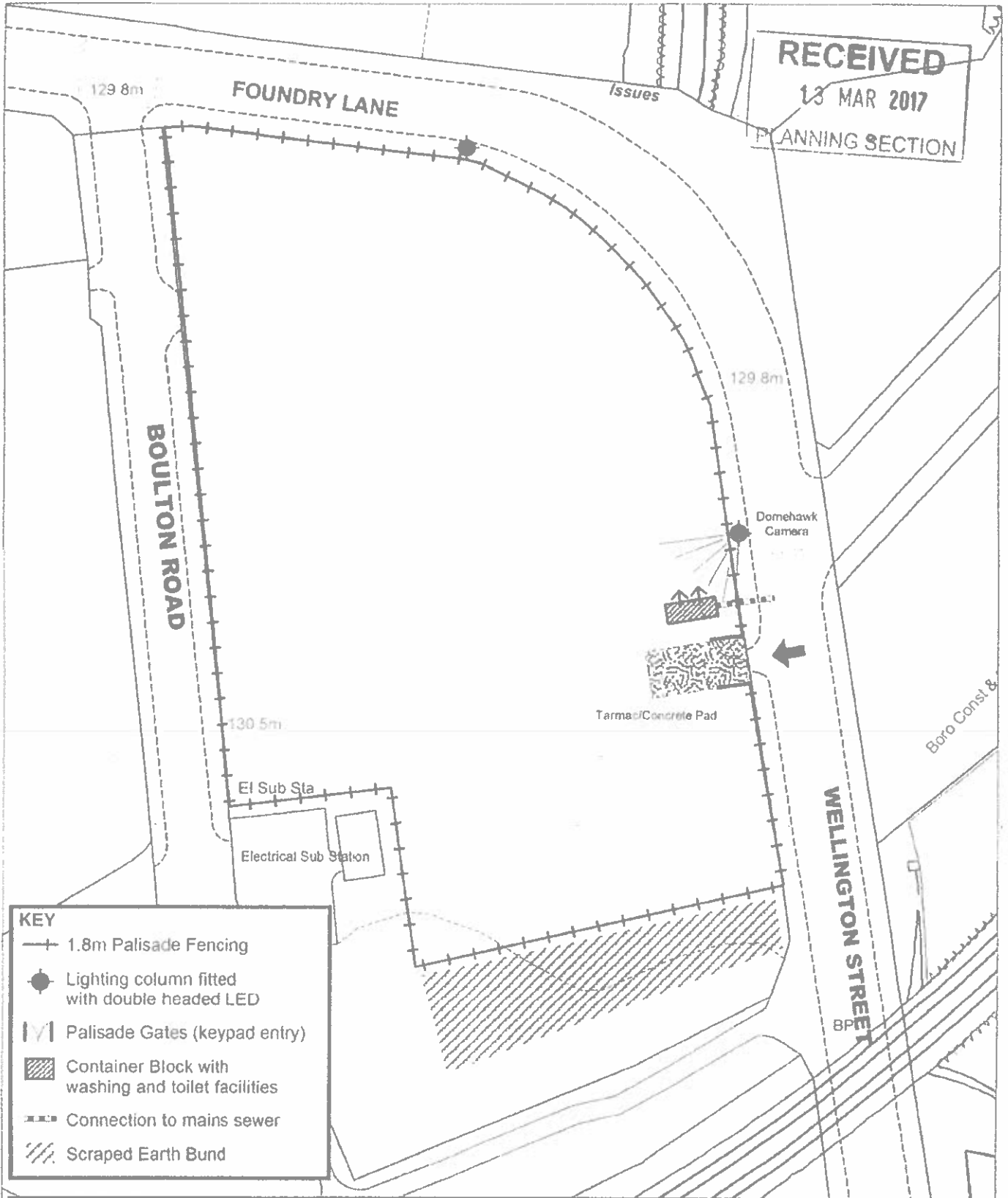
## 17. Appendices

Location Plan  
Context Plan  
Location Plan 1  
Site Plan 2





RECEIVED  
13 MAR 2017  
PLANNING SECTION



**KEY**

- +— 1.8m Palisade Fencing
- Lighting column fitted with double headed LED
- ⌈⌋ Palisade Gates (keypad entry)
- ▨ Container Block with washing and toilet facilities
- +— Connection to mains sewer
- ▨▨▨ Scraped Earth Bund

**Sandwell**  
Metropolitan Borough Council

**NORTH**  
Not to Scale

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Proposed Transit Site  
Site Layout

Boulton Road, Smethwick  
Area 0.67ha

February 2017

## Report to Planning Committee

**29 November 2023**

<b>Application Reference</b>	PD/22/02530
<b>Application Received</b>	27 September 2023.
<b>Application Description</b>	Proposed replacement of existing lattice tower with an 25.0m high swann CS5S lattice tower with 12 No. antennas, 2 No. GPS modules, 4 No. 300 dishes, 2 No. cabinets, 2 No. racks, 2 No. future racks and associated ancillary works.
<b>Application Address</b>	Telecommunication Mast 1694 Haden Park Road Cradley Heath
<b>Applicant</b>	Cornerstone Hive 2 1530 Arlington Business Park Theale RG7 4SA.
<b>Ward</b>	Cradley Heath & Old Hill.
<b>Contact Officer</b>	Name: Anjan Dey <a href="mailto:anjan_dey@sandwell.gov.uk">anjan_dey@sandwell.gov.uk</a>


### 1 Recommendations

1.1 Prior Approval is granted in respect of siting and appearance.



## 2 Reasons for Recommendations

- 2.1 The proposed monopole is appropriate in scale and the proposed siting and appearance is considered to be acceptable and would not have a significant impact on public visual amenity.
- 3 How does this deliver objectives of the Corporate Plan?

	A connected and accessible Sandwell – the proposal meets the Council's aspirations to improve digital infrastructure within the Borough
---	---

## 4 Context

- 4.1 This application is being reported to your Planning Committee because it has generated a number of neighbour objections.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[Haden Park Road and Haden Hill Park, Cradley Heath](#)

## 5 Key Considerations

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

Government policy (NPPF)

Local policy

Public visual amenity



## 6. The Application Site

- 6.1 This site is the existing location of a lattice telecoms tower, and ancillary equipment, that is located at the north-western side of Haden Hill Park adjacent to the cricket ground and bowling green. Haden Hill Park is surrounded by residential properties.

## 7. Planning History

- 7.1 Relevant planning applicant application are as follows:

DC/31609	Installation of a radio mast and ancillary radio equipment building.	Grant permission with conditions. 28.07.1995.
DC/04/43112	Proposed replacement of 15m telecommunications monopole with a 20m lattice tower.	Grant permission with conditions. 10.09.2004.

## 8. Application Details

- 8.1 This application is seeking prior approval for the siting and appearance for the proposed replacement of existing 20m lattice tower with a 25m high swann CS5S lattice tower with 12 No. antennas, 2 No. GPS modules, 4 No. 300 dishes, 2 No. cabinets, 2 No. racks, 2 No. future racks and associated ancillary works. The existing 20 metre high tower has been in situ since 2004. Amended plans were received to show a green finish to the lattice tower.

The application has been made under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 16, Class A.



## 9. Publicity

9.1 The application has been publicised by neighbour notification letter as well as site notices. Four objections have been submitted.

## 9.2 Objections

Objections have been received on the following grounds:

- i. The monopole with increased height would be excessively high and unduly prominent;
- ii. It is and increasingly would be detrimental to Haden Hill House which is located nearby.

Non Material objections have been raised regarding devaluation of property and the monopole is a risk to public health the latter is addressed in paragraph 11.2 and other considerations 13.2.

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

## 9.4 Support

Following neighbour consultation 3 representations in support have been received. A member of the adjacent Old Hill Cricket Club supports the proposal and requested that the lattice tower had a green finish so that it blends in with surrounding trees. Amended plans were received to show a green finish as such.

## 10. Consultee responses

Highways has no objections to the proposal as the installation is clear of the highway and would not affect parking provision for the adjacent cricket club.





## 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 With reference to health concerns of the proposal. Paragraph 116 of the National Planning Policy Framework (NPPF) states *“Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure”*.

## 12. Local Planning Policy

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

SAD TEL 1 Telecommunication Antenna and Masts

12.2 SAD TEL 1 (Telecommunications Antenna and Masts) of the Site allocations and Delivery Plan Document requires equipment to be sympathetically designed to minimise the impact of the development on amenity. The Mast replaces an existing, being only 5 metres higher and has a green finish to complement the surrounding trees.

## 13. Material Considerations

13.1 The material considerations relating to government policy (NPPF) and proposals within the Development Plan have been referred to above in Sections 11 and 12. With regards to the other considerations these are highlighted below:



## 13.2 Public Visual Amenity

These monopoles are of a significant height by their nature, however it is considered that the proposed increase in height of 5 metres, in addition to the existing twenty, is not considered to be significant. It is considered that that the lattice tower is over 87 metres away from the rear elevations of the nearest properties along Haden Hill Road. Furthermore, the mast is located to the north-east of those dwellings and is not directly in view. The cricket ground club house is also located directly in front of the mast. The natural screening (trees) at the rear of the proposed location combined with the green finish will also reduce its visual impact.

There is a substantial area of existing trees between the site and Haden Hill House, which is some distance away, and it is my view that the upgraded lattice tower would not detrimentally impact the setting and character of Haden Hill House

## 13.2 Other considerations - health

As indicated in paragraph 11.2 above health considerations are not material planning decisions for proposed telecommunications mast. The applicant is only required to provide an ICNIRP (International Commission on Non-Ionizing Radiation Protection) Certificate. The appropriate ICNIRP Certificate has been submitted confirming the proposal has been designed to be in full compliance with the requirement of the radio frequency (RF) public exposure guidelines set out by ICNIRP. As the proposal complies with the ICNIRP, the proposal is in compliance with the NPPF and therefore health grounds are not material to the determination of this application.

## 14 Alternative Options

14.1 Refusal of application is an option if there are material planning reasons for doing so. In this instance it is considered that the proposal is appropriate in appearance and siting due to its distance from residential



properties and the surrounding trees within the setting of Haden Hill Park.

## 15 Implications

<b>Resources:</b>	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.
<b>Legal and Governance:</b>	This application is submitted under the Town and Country Planning Act 1990.
<b>Risk:</b>	None.
<b>Equality:</b>	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
<b>Health and Wellbeing:</b>	Refer to sections 2.1 and 11.
<b>Social Value</b>	None.

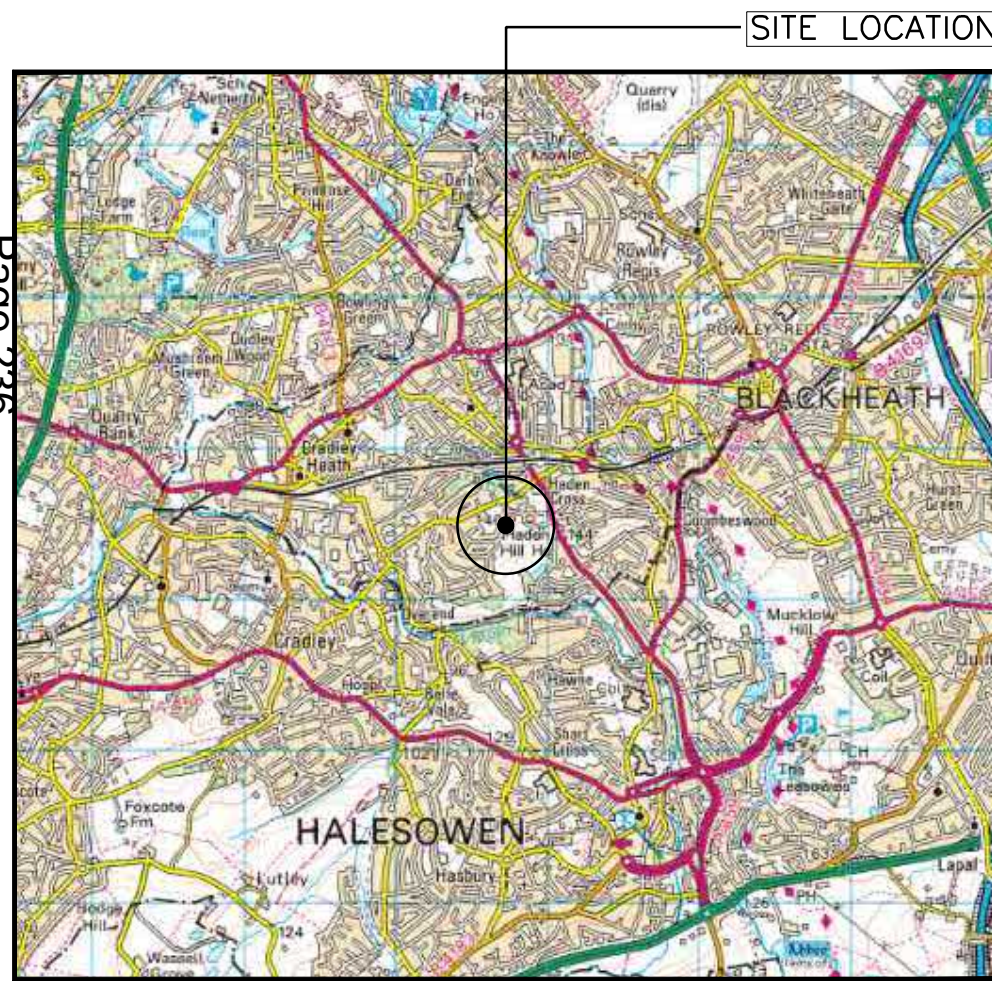
## 16. Appendices

Location Plan. 100 D

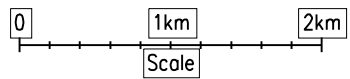
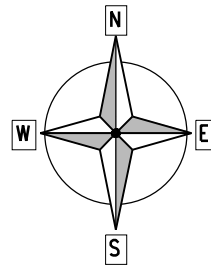
Proposed planning layout. 201 D

Proposed elevations. 301 REV E



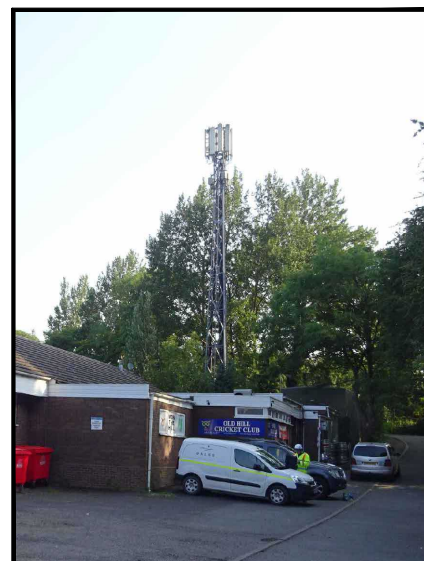


SITE LOCATION



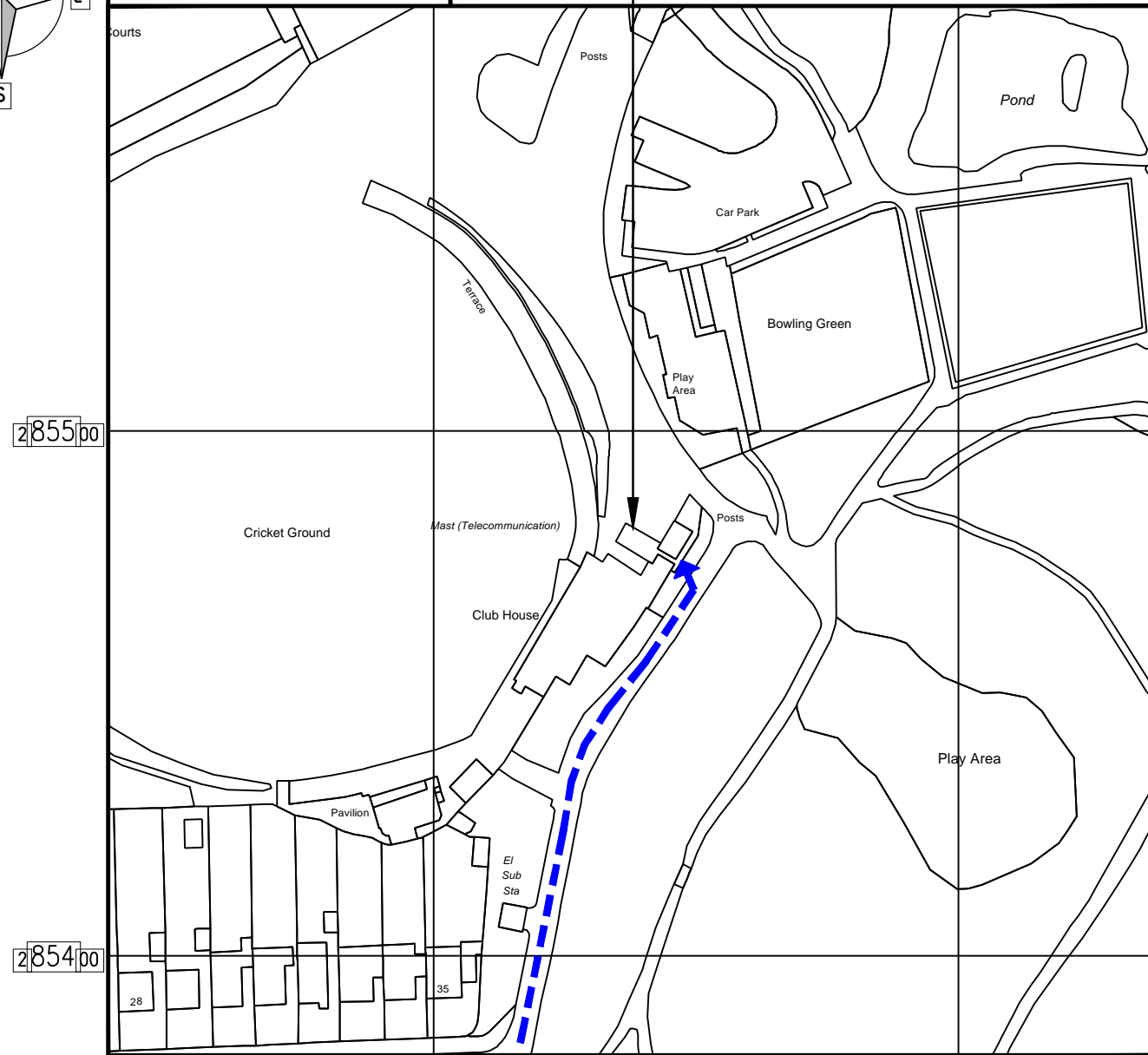
SITE LOCATION  
(Scale 1:50000)

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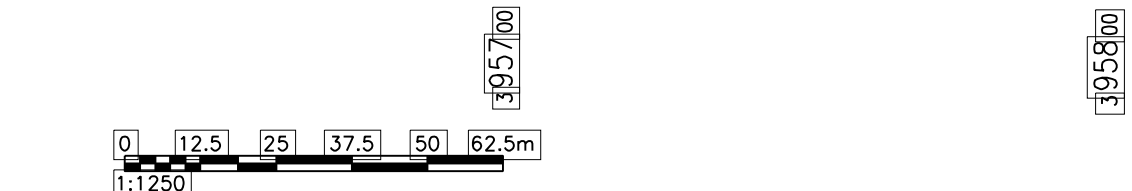


SITE PHOTOGRAPH

= Right of Access  
 = Public Access Route



SITE LOCATION



DETAILED SITE LOCATION  
(Scale 1:1250)

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ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R E: 395738 N: 285481

**DIRECTIONS TO SITE:**  
FROM M5, HEAD SOUTHWEST ON M5, TAKE THE EXIT TOWARD A4123/BIRMINGHAM W/DUDLEY, AT OLDBURY INTERCHANGE, TAKE THE 4TH EXIT, AT THE ROUNDABOUT, TAKE THE 2ND EXIT ONTO BIRCHFIELD LN/A4034, CONTINUE TO FOLLOW A4034, TURN RIGHT ONTO HENDERSON WAY/A4100, GO THROUGH 1 ROUNDABOUT, TURN LEFT ONTO HOLLY RD, TURN RIGHT ONTO WATERFALL LN, TURN RIGHT TO STAY ON WATERFALL LN, CONTINUE ONTO BEAUTY BANK, CONTINUE ONTO BARRS RD, TURN LEFT ONTO HADEN PARK RD, TURN LEFT TO STAY ON HADEN PARK RD, DESTINATION WILL BE ON THE LEFT.

NOTES:

D	Address Amended	MR	MW	15.09.23
C	ICNIRP Footnote Updated	CDN	MW	04.08.23
B	Post Code Updated	CDN	MW	16.12.22
A	Issued for Approval	CDN	MW	22.05.22
REV	MODIFICATION	BY	CH	DATE

**WHP Telecoms Ltd**  
 Faraday Court  
 401 Faraday Street  
 Birchwood Park  
 Warrington WA3 6GA

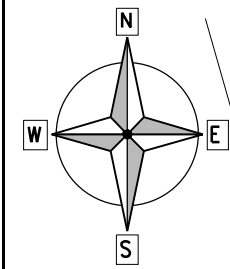
**O<sub>2</sub>**  
 CORNERSTONE - BEACON 3

Cell Name	Opt.
HADEN HILL	<input type="checkbox"/>

Cell ID No		
CORNERSTONE	TEF	VF
E305768		
13271703	92987	79161

Site Address / Contact Details		
HADEN PARK ROAD		
CRADLEY HEATH		
WEST MIDLANDS		
B64 7HF		

Drawing Title:			
SITE LOCATION MAPS			
Purpose of issue:			Dwg Rev:
PLANNING			
Drawing Number:			
100			D
Surveyed By:		Original Sheet Size:	Pack Issue:
JW		A3	
Drawn:	Date:	Checked:	Date:
CDN	22.05.22	MW	22.05.22



EXISTING VF/TEF 300mm WIDE CABLE TRAY  
FIXED TO EXISTING 2No. SUPPORT POLES  
BELOW EXISTING CABLE LADDER

EXISTING VF/TEF FEEDER BRACKETS  
FOR FEEDER CABLES UP TOWER LEG

EXISTING VF/TEF 2.9m HIGH  
CHAINLINK FENCE

EXISTING VF/TEF 22.5m HIGH F&L LATTICE TOWER  
ON CONCRETE BASE. F&L TOWER FIXED TO  
CONCRETE BASE WITH RESIN ANCHORS

EXISTING VF/TEF METER CABINET  
ENCLOSURE WITHIN FENCELINE

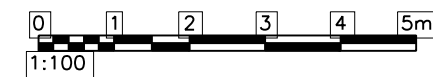
EQUIPMENT CABIN ON CONCRETE BASE

EXISTING DOUBLE GATES  
WITH 3.1m CLEAR OPENING

SOUTHWEST ELEVATION

TOP OF BUILDING  
+5.00 A.G.L.

EXISTING SITE PLAN  
(1:100)



ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R E: 395738 N: 285481

NOTES:

C	Address Amended	MR	MW	15.09.23
B	Post Code Updated	CDN	MW	16.12.22
A	Issued for Approval	CDN	MW	22.05.22
REV	MODIFICATION	BY	CH	DATE

**WHP Telecoms Ltd**  
Faraday Court  
401 Faraday Street  
Birchwood Park  
Warrington WA3 6GA

**O<sub>2</sub>**  
**CORNERSTONE - BEACON 3**

Cell Name	Opt.
HADEN HILL	<input type="checkbox"/>

Cell ID No		
CORNERSTONE	TEF	VF
E305768		
13271703	92987	79161

Site Address / Contact Details	
HADEN PARK ROAD CRADLEY HEATH	
WEST MIDLANDS B64 7HF	

Drawing Title: EXISTING SITE PLAN

Purpose of issue:	PLANNING	Dwg Rev:
Drawing Number:	200	C

Surveyed By:	JW	Original Sheet Size:	A3	Pack Issue:
Drawn:	CDN	Date:	22.05.22	Checked:
				MW
		Date:	22.05.22	D

TOP OF EXISTING VF/TEF ANTENNAS +22.50m AGL

U/S OF EXISTING VF/TEF ANTENNAS +20.50m AGL

EXISTING VF/TEF 9No. ANTENNAS ON YOKE BRACKETS AND SUPPORT POLES

EXISTING VF/TEF 6No. RRU'S ON POLES FIXED TO TOWER

EXISTING VF/TEF 22.5m HIGH F&L LATTICE TOWER ON CONCRETE BASE

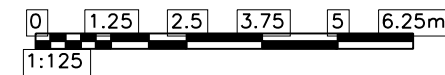
EXISTING VF/TEF 2.9m HIGH CHAINLINK FENCE

EXISTING VF/TEF METER CABINET ENCLOSURE WITHIN FENCELINE

EXISTING VF/TEF LARGE EQUIPMENT CABIN ON CONCRETE BASE

G/L 0.00m

EXISTING SOUTHWEST ELEVATION  
(1:125)



ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R E: 395738 N: 285481

NOTES:

C	Address Amended	MR	MW	15.09.23
B	Post Code Updated	CDN	MW	16.12.22
A	Issued for Approval	CDN	MW	22.05.22
REV	MODIFICATION	BY	CH	DATE

**WHP Telecoms Ltd**  
 Faraday Court  
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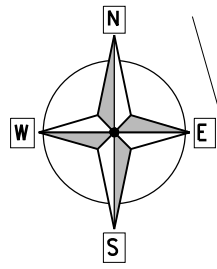
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 CORNERSTONE - BEACON 3

Cell Name	Opt.
HADEN HILL	<input type="checkbox"/>

Cell ID No		
CORNERSTONE	TEF	VF
E305768		
13271703	92987	79161

Site Address / Contact Details	
HADEN PARK ROAD CRADLEY HEATH	
WEST MIDLANDS B64 7HF	

Drawing Title: EXISTING SITE ELEVATION	
Purpose of issue: PLANNING	Dwg Rev:
Drawing Number: 300	C
Surveyed By: JW	Original Sheet Size: A3
Drawn: CDN	Date: 22.05.22
Checked: MW	Date: 22.05.22
	D



EXISTING VF/TEF 300mm WIDE CABLE TRAY  
FIXED TO EXISTING 2No. SUPPORT POLES  
BELOW EXISTING CABLE LADDER

EXISTING VF/TEF FEEDER BRACKETS  
FOR FEEDER CABLES UP TOWER LEG

PROPOSED TEF 1No. ELTEK PERCY PSU  
CABINET, 1No. COMMSCOPE ERS RACK  
AND FUTURE 1No. COMMSCOPE ERS RACK

EXISTING VF/TEF 2.9m HIGH  
CHAINLINK FENCE

EXISTING VF/TEF 22.5m HIGH F&L LATTICE TOWER  
ON CONCRETE BASE TO BE REMOVED. F&L TOWER  
FIXED TO CONCRETE BASE WITH RESIN ANCHORS

PROPOSED 1No. DELTA CSC XV CABINET,  
1No. COMMSCOPE ERS RACK AND  
FUTURE No. COMMSCOPE ERS RACK

PROPOSED VF 300mm WIDE  
CABLE TRAY FIXED TO PROPOSED  
2No. SUPPORT POLES FOR  
PROPOSED DC/FIBRE CABLING

EXISTING VF/TEF METER CABINET  
ENCLOSURE WITHIN FENCELINE

PROPOSED TEF 300mm WIDE  
CABLE TRAY FIXED TO PROPOSED  
5No. SUPPORT POLES FOR  
PROPOSED DC/FIBRE CABLING

PROPOSED VF/TEF 25.00m HIGH  
SWANN CSS5 LATTICE TOWER ON NEW  
6.0x6.0x1m CONCRETE BASE

EQUIPMENT CABIN ON CONCRETE BASE  
TO BE REMOVED

EXISTING DOUBLE GATES  
WITH 3.1m CLEAR OPENING

PROPOSED VF 300mm WIDE  
CABLE TRAY FOR PROPOSED  
DC/FIBRE CABLING

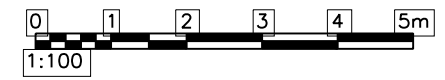
SOUTHWEST ELEVATION

TOP OF BUILDING  
+5.00 A.G.L.

TIMBERTREE ROAD

PROPOSED SITE PLAN

(1:100)



The drawings comply with TEF & Vodafone Standard ICNIRP guidelines.  
Designed in accordance with CORNERSTONE document: SDN0008 v5.1 & SDN0009 v6.0

ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R E: 395738 N: 285481

NOTES:

REV	MODIFICATION	BY	CH	DATE
D	Address Amended	MR	MW	15.09.23
C	New Structure Location Moved	CDN	MW	04.08.23
B	Tower Moved	CDN	MW	16.12.22
A	Issued for Approval	CDN	MW	22.05.22

**WHP Telecoms Ltd**  
Faraday Court  
401 Faraday Street  
Birchwood Park  
Warrington WA3 6GA

**O<sub>2</sub>**  
CORNERSTONE - BEACON 3

Cell Name  
HADEN HILL

Cell ID No		
CORNERSTONE	TEF	VF
E305768		
13271703	92987	79161

Site Address / Contact Details  
HADEN PARK ROAD  
CRADLEY HEATH  
WEST MIDLANDS  
B64 7HF

Drawing Title:  
PROPOSED SITE PLAN

Purpose of issue: PLANNING

Drawing Number: 201

Surveyed By: JW	Original Sheet Size: A3	Pack Issue: D
Drawn: CDN	Date: 22.05.22	Checked: MW
		Date: 22.05.22

PROPOSED TEF 18No. ERS's MOUNTED ON NEW DELTA HEADFRAME FIXED TO NEW SUPPORT POLE

PROPOSED TEF 6No. ANTENNAS MOUNTED ON NEW DELTA HEADFRAME FIXED TO NEW SUPPORT POLES

PROPOSED TEF GPS MODULE MOUNTED ON TOP OF SUPPORT POLE 200mm ABOVE ANTENNAS

TOP OF PROPOSED VF/TEF ANTENNAS +25.00m AGL

U/S OF PROPOSED VF/TEF ANTENNAS +24.20m AGL

U/S OF PROPOSED VF/TEF ANTENNAS +22.80m AGL

C/L OF PROPOSED TEF DISHES +22.00m AGL

C/L OF PROPOSED VF DISHES +21.00m AGL

PROPOSED TEF 2No. ø300mm DISHES FIXED TO PROPOSED DISH MOUNTS

PROPOSED VF GPS MODULE MOUNTED ON TOP OF SUPPORT POLE 200mm ABOVE ANTENNAS

PROPOSED VF 6No. ANTENNAS MOUNTED ON NEW DELTA HEADFRAME FIXED TO NEW SUPPORT POLES

PROPOSED VF 18No. RRH's MOUNTED ON NEW DELTA HEADFRAME FIXED TO NEW SUPPORT POLE

PROPOSED VF 2No. ø300mm DISHES FIXED TO PROPOSED DISH MOUNTS

PROPOSED VF/TEF 25.00m HIGH SWANN CS55 LATTICE TOWER ON NEW 6.0x6.0x1m CONCRETE BASE. COLOUR TO BE FIR GREEN (RAL6009)

PROPOSED VF 300mm WIDE CABLE TRAY FIXED TO PROPOSED 2No. SUPPORT POLES FOR PROPOSED DC/FIBRE CABLING

PROPOSED 1No. DELTA CSC XV CABINET, 1No. COMMSCOPE ERS RACK AND FUTURE No. COMMSCOPE ERS RACK

PROPOSED TEF 1No. ELTEK PERCY PSU CABINET, 1No. COMMSCOPE ERS RACK AND FUTURE 1No. COMMSCOPE ERS RACK

EXISTING VF/TEF 2.9m HIGH CHAINLINK FENCE

PROPOSED TEF 300mm WIDE CABLE TRAY FIXED TO PROPOSED 2No. SUPPORT POLES FOR PROPOSED DC/FIBRE CABLING

EXISTING VF/TEF METER CABINET ENCLOSURE WITHIN FENCELINE

EQUIPMENT CABIN ON CONCRETE BASE TO BE REMOVED

G/L 0.00m



PROPOSED SOUTHWEST ELEVATION  
(1:125)

ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R | E: 395738 N: 285481

NOTES:

REV	MODIFICATION	BY	CH	DATE
E	Most Color Updated to Fir Green	CDN	MW	30.10.23
D	Address Amended	MR	MW	15.09.23
C	New Structure Location Moved	CDN	MW	04.08.23
B	Tower Moved	CDN	MW	16.12.22
A	Issued for Approval	CDN	MW	22.05.22

**WHP Telecoms Ltd**  
 Faraday Court  
 401 Faraday Street  
 Birchwood Park  
 Warrington WA3 6GA  
 Tel: 01925 424100 Fax: 01925 424101  
 e-mail: info@whptelecoms.com

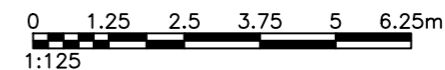
**O<sub>2</sub>**  
 CORNERSTONE - BEACON 3

Cell Name	Opt.
HADEN HILL	-

Cell ID No		
CORNERSTONE	TEF	VF
E305768		
13271703	92987	79161

Site Address / Contact Details		
HADEN PARK ROAD CRADLEY HEATH		
WEST MIDLANDS B64 7HF		

Drawing Title: PROPOSED SITE ELEVATION			
Purpose of issue: PLANNING			Dwg Rev:
Drawing Number: 301			D
Surveyed By: JW	Original Sheet Size: A3		Pack Issue:
Drawn: CDN	Date: 22.05.22	Checked: MW	Date: 22.05.22
			E





## Report to Planning Committee

29 November 2023

<b>Subject:</b>	Planning Delegations Agreement
<b>Director:</b>	Director of Regeneration and Growth Tony McGovern
<b>Contact Officer:</b>	Development Planning Manager Alison Bishop Alison_bishop@sandwell.gov.uk

### 1 Recommendations

- 1.1 That Planning Committee note the changes to the planning delegations agreement
- 1.2 That approval is given to the revised planning delegations agreement.
- 1.3 That the revised planning delegations agreement is referred to Full Council for final approval.




### 2 Reasons for Recommendations

- 2.1 The local planning authority is monitored closely by the Government regarding the time taken to determine planning applications. (Applicants have a right to appeal to the Planning Inspectorate if their application is not dealt within the prescribed time). The revised planning delegations agreement has been updated to align with new legislation and Council structure, clarify the reasons for reporting a planning application to your committee and removing the need to report certain planning applications to your committee that are not controversial. This will ensure the delegations agreement aligns with current legislations and Council



structures and assists in ensuring that planning decisions are made within timescales set out by Central Government.

### 3 How does this deliver objectives of the Corporate Plan?

	Strong resilient communities
	Quality homes in thriving neighbourhoods
	A strong and inclusive economy

## 4 Context and Key Issues

4.1 The current planning delegations agreement was last reviewed in 2012. The purpose of the planning delegations agreement is to ensure that planning applications are determined in an open and transparent manner.

4.2 The current agreement sets out those planning decisions that are excluded from being delegated to planning officers. There are currently 9 reasons that remove delegated authority and instead require a planning application to be reported to planning committee. The reasons are summarised below:-

- i) A Councillor makes written request;
- ii) The Director of Regeneration and Economy considers the application should be reported to your committee;
- iii) The application is a departure from the development plan;
- iv) The proposal involves the Council as applicant or land owner;
- v) The applicant is a councillor or their immediate relative;
- vi) The applicant is a member of the Council's management team, a service unit head, a member of the planning service or any member of staff within the authority who could be seen to have a direct influence on the application;



- vii) Any application where a Council employee is privately involved in a capacity as an agent or consultant;
- viii) Where an application receives three or more material planning representations which are contrary to officer recommendation; and
- ix) Any application which is subject to a Section 106 agreement.

4.3 The local planning authority is monitored closely by the Government regarding the time taken to determine planning applications. (Applicants have a right to appeal to the Planning Inspectorate if their application is not dealt within the prescribed time).

The Government targets are as follows:-

60% of major applications to be determined in 13 weeks

70% of minor applications to be determined in 8 weeks

80% of other applications to be determined in 8 weeks

The number of planning and related applications received and determined between 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023 was;

**1153** planning applications received of which **1169\*** applications were determined. (*\*this number is larger as we determined applications in this period that were carried over from previous months*).

Of the 1169 applications determined, 1124 (96%) were dealt with by officers using delegated powers.

4.4 The proposed revisions to the delegations agreement as indicated above is firstly to reflect updated legislation and changes in the Councils organisational structure. Secondly, there are proposals to clarify the wording for reasons why an application cannot be determined under delegated powers to avoid ambiguity. Thirdly, it is proposed to remove the need to report an application to planning committee which requires a s106 agreement where less than three objections have been received.



4.5 The changes proposed, would ensure that the delegations agreement reflects current legislation and council structure whilst also ensuring that applications that require a democratic decision are brought to planning committee to ensure that robust, transparent and balanced decisions are made within Sandwell in accordance with national and local policy and material planning considerations.

## 5 Alternative Options

5.1 The current delegations agreement could remain in place however, it is now over 10 years old. Hence revisions are recommended to align the agreement with current legislation and council structures, to provide greater clarity within the delegations agreement and remove the need for uncontroversial planning applications being reported to planning committee.

## 6 Implications

<b>Resources:</b>	Financial, staffing, land/building implications
<b>Legal and Governance:</b>	Legal implications including regulations/law under which proposals are required/permitted and constitutional provisions
<b>Risk:</b>	Risk implications, including any mitigating measures planned/taken, health and safety, insurance implications
<b>Equality:</b>	Implications for equality (all aspects and characteristics) including how meeting Equality Duty, equality impact assessments
<b>Health and Wellbeing:</b>	Implications of the proposals on health and wellbeing of our communities
<b>Social Value</b>	Implications for social value and how the proposals are meeting this (for e.g. employment of local traders, young people)
<b>Climate Change</b>	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.
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## 7. Appendices

Appendix 1 - Revised Delegations Agreement.

## 8. Background Papers

None.



## Delegations Agreement

Determination by officers of **all** applications for permission, approval, variation or consent, requirements for enforcement action, issuing of notices, discharge of conditions, matters relating to protected trees and high hedges; screening opinions; appeals; prosecutions; and the completion or modification of agreements or obligations made under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 2004, the Planning and Compensation Act 1991; the Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017; the Planning and Compulsory Purchase Act 2004; the Planning (Control of Advertisements) (England) Regulations 2007 and the Planning Act 2008 or any subordinate rules, orders or regulations made under that legislation, with the **exception** of the following matters:-

- 1 A councillor makes a written request to the Assistant Director of Development Planning and Building Consultancy on material planning grounds within 15 working days from the date of publication of the weekly list of planning applications on which the said planning application appeared, for the application to be considered by planning committee.
- 2 The Executive Director - Place, considers that the application should be considered by planning committee.
- 3 The application would represent a departure from the policies of the statutory development plan.
- 4 The proposal is a major development<sup>1</sup> which involves the Council either as applicant or land owner and has generated objection(s).
- 5 The applicant is a councillor or their immediate relative.
- 6 The applicant is a member of the Council's management team, a service unit head, a member of the Planning Service or any member of staff within the authority who is submitting a planning application in a private capacity and could be seen as having a direct input to, and therefore influence on, application decisions.

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<sup>1</sup> Major development is defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015

- 7 Any application where a Council employee is privately involved in a capacity as an agent or consultant.
- 8 Where an application receives **three or more** material planning representations which are contrary to officer recommendation.

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## Report to the Planning Committee

**29 November 2023**

<b>Subject:</b>	Proposed Site Visits
<b>Director:</b>	Director – Regeneration and Growth Tony McGovern
<b>Contact Officer:</b>	John Baker Service Manager - Development Planning and Building Consultancy <a href="mailto:John_baker@sandwell.gov.uk">John_baker@sandwell.gov.uk</a>  Alison Bishop Development Planning Manager <a href="mailto:Alison_bishop@sandwell.gov.uk">Alison_bishop@sandwell.gov.uk</a>





### 1 Recommendations

- 2 That the Committee notes that the following planning application(s) will be visited by the Committee on 10<sup>th</sup> January 2024.

### 3 Reasons for Recommendations

- 3.1 Planning officers recommend these visit(s) to assist with the timescales set by government for reaching decisions on planning applications and when an application has generated substantial public interest.

### 4 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.

## 5 Context and Key Issues

- 5.1 Planning applications can generate considerable public interest and it is considered that in some circumstances a visit to the site by the planning committee will assist them in understanding the proposal in relation to the surrounding area.
- 5.2 Visiting the site earlier in the planning process can assist with the timescales set by government for reaching decisions on planning applications.
- 5.3 In the event that the application does not generate objections, then members will no longer be required to consider the planning application before their committee and instead the application will be decided under delegated powers.
- 5.4 Site visit(s) for the following planning application(s) are reported. A location plan and site layout are attached:-

Application No. and Description.	Date received	Reason
DC/23/68738 Proposed single storey outbuilding to rear 50 Chatsworth Avenue, Great Barr, Birmingham, B43 6QH	6.10.23	To consider the site context in relation to the proposal and surrounding property.

<p>DC/23/68830 Conversion of 32 bedroom Care home (ClassC2) into supported living 13 self-contained flats with communal rooms and staff office. Trinity House Nursing Home Mace Street Cradley Heath B64 6HP</p>	<p>26.10.3</p>	<p>The application has generated significant public interest, and to consider the surrounding parking. In addition, Councillor Webb has also requested that the site is visited</p>
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## 6 Alternative Options

6.1 There are no alternative options.

## 7. Implications

<p><b>Resources:</b></p>	<p>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.</p>
<p><b>Legal and Governance:</b></p>	<p>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</p>
<p><b>Risk:</b></p>	<p>There are no risks associated with this report.</p>
<p><b>Equality:</b></p>	<p>There are no equality implications associated with this report.</p>
<p><b>Health and Wellbeing:</b></p>	<p>There are no health and wellbeing implications associated with this report.</p>
<p><b>Social Value</b></p>	<p>There are no implications linked to social value with this report.</p>

- 8. Appendices**  
Location plans  
Site layout plans



Notes:

The contractor is responsible for checking dimensions, tolerances and references. Any discrepancy to be verified with the Architect/Designer before proceeding with the works.

Where an item is covered by drawings to different scales the larger scale drawing is to be worked to.



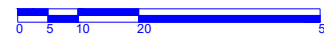
LOCATION PLAN

SCALE 1:1250



SITE PLAN

SCALE 1:500



SCALE BAR 1:1250

Scale 1:500



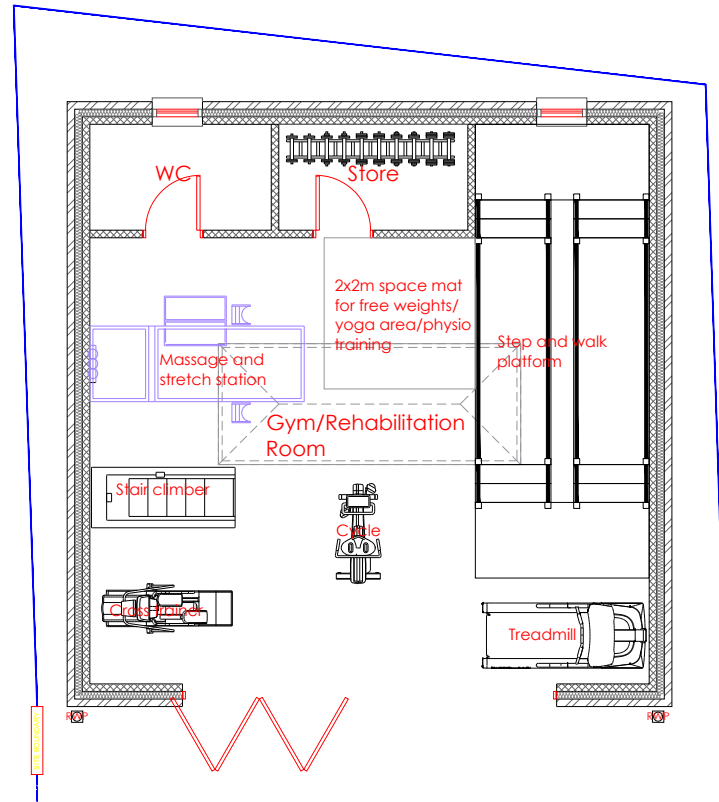
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STATUS:	PLANNING	

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50 Chatworth Avenue  
Great Barr  
B43 6QH

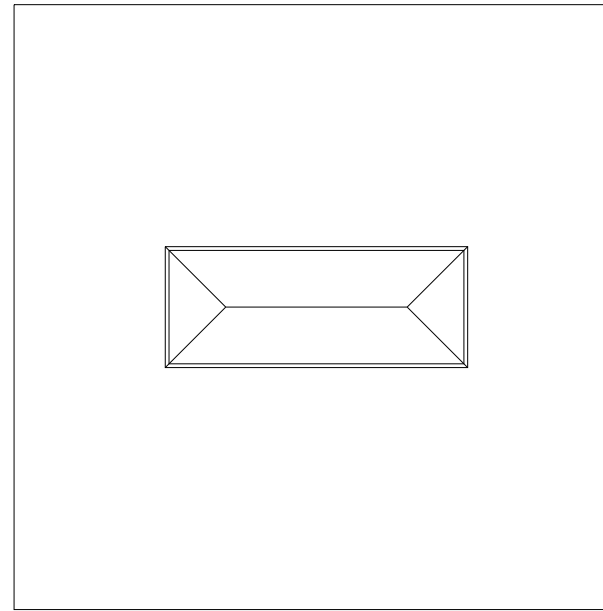
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Site & Location Plan

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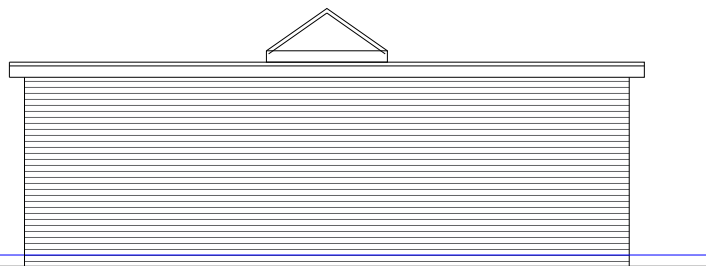
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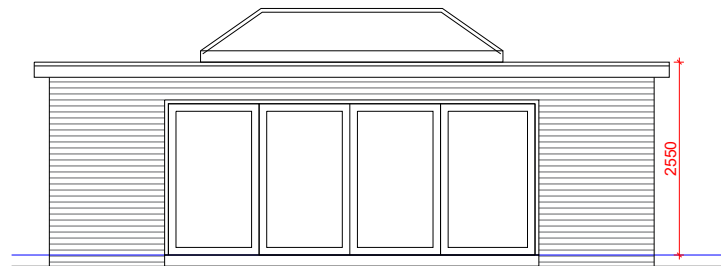
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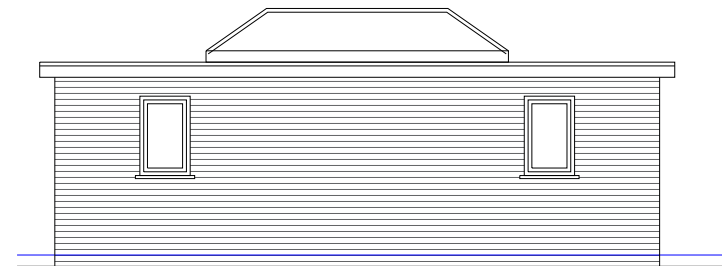
Proposed Outbuilding Roof Plan



Proposed Side Elevation



Proposed Front Elevation



Proposed Rear Elevation

Notes:

The contractor is responsible for checking dimensions, tolerances and references. Any discrepancy to be verified with the Architect/Designer before proceeding with the works.

Where an item is covered by drawings to different scales the larger scale drawing is to be worked to.

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STATUS:	PLANNING	

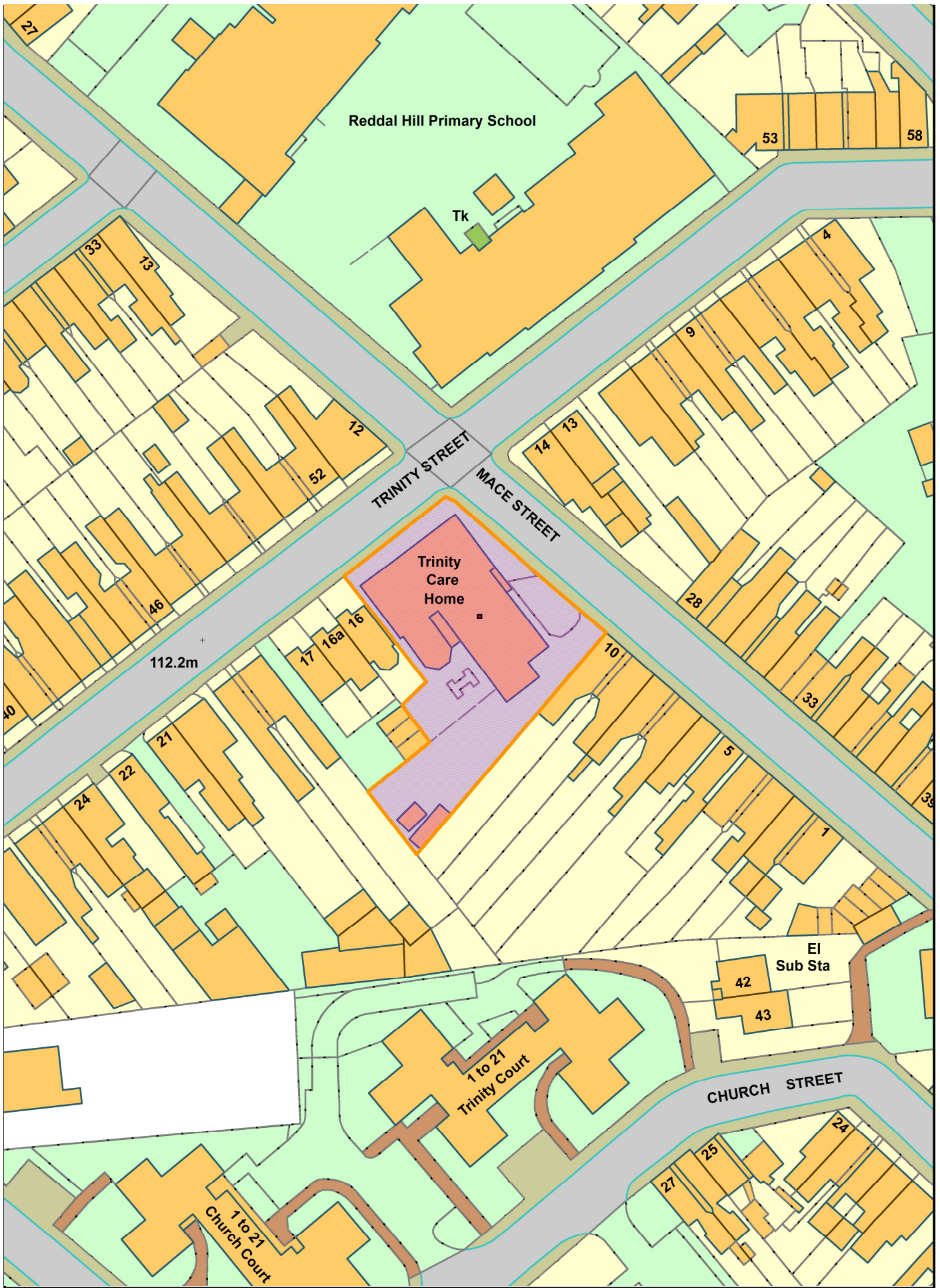
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Great Barr  
B43 6QH

TITLE:  
Proposed plans and elevations

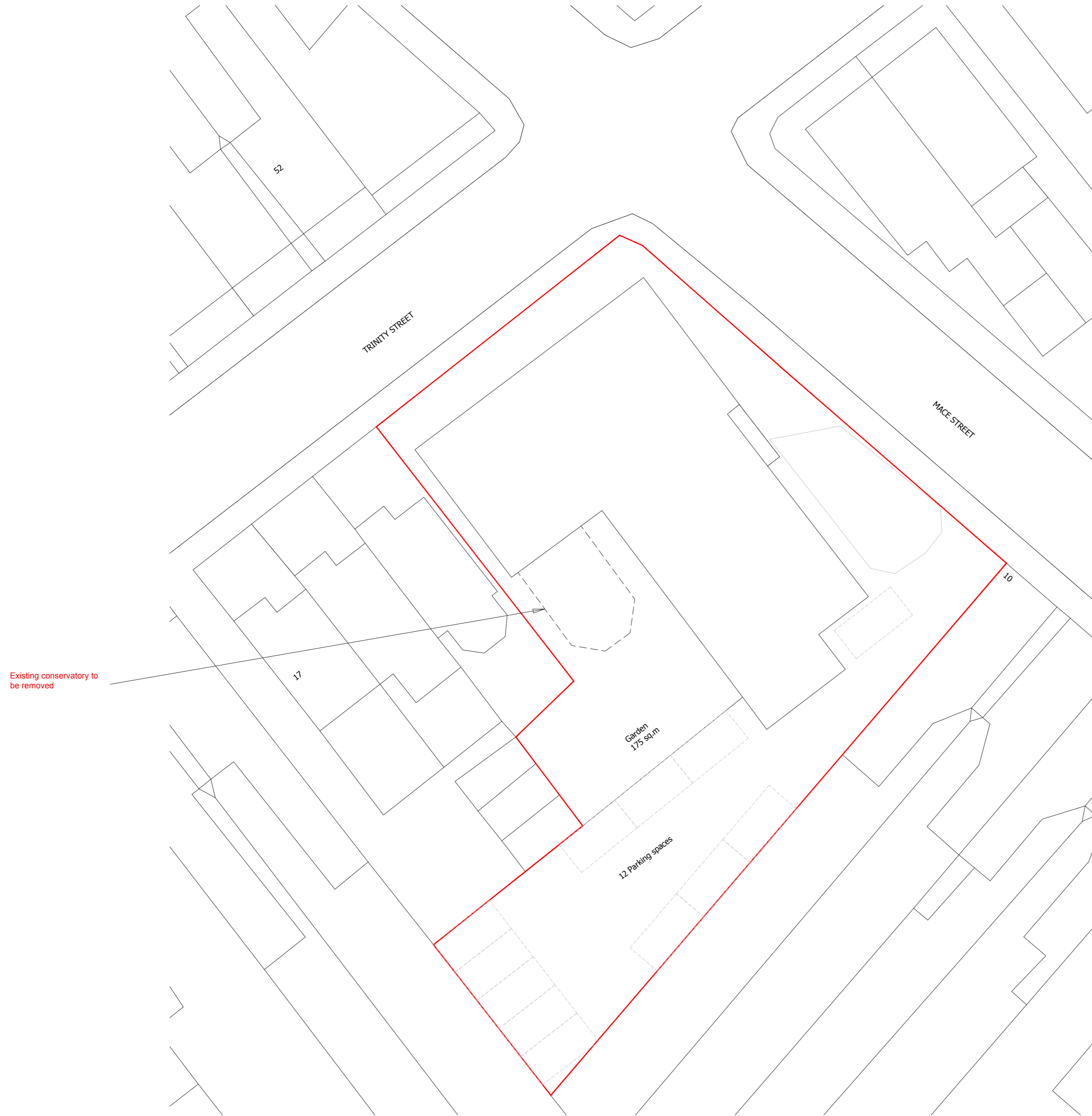
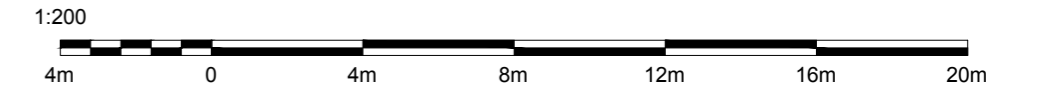
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PROJECT NO: 2023-041	DRAWING NO: 2	REVISION: A	

Scale 1:100









Rev	Description	Date	chkd	Project:	Mace Street, Old Mill, Cradley Hill, B64 6HP			
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				Title:	Proposed Site Plan			
				Drwg. No.	BR02		Rev:	
				Anjum Design Limited, 435 Stratford Road, Shirley, Solihull B90 3AA TEL: 0121 364 7650 E: info@anjumdesign.co.uk				

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## Report to the Planning Committee

**29 November 2023**

<b>Subject:</b>	Decisions of the Planning Inspectorate
<b>Director:</b>	Director – Regeneration and Growth Tony McGovern
<b>Contact Officer:</b>	John Baker Service Manager - Development Planning and Building Consultancy <a href="mailto:John_baker@sandwell.gov.uk">John_baker@sandwell.gov.uk</a>  Alison Bishop Development Planning Manager <a href="mailto:Alison_bishop@sandwell.gov.uk">Alison_bishop@sandwell.gov.uk</a>







### **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/23/68081	85 Walsall Road West Bromwich B71 3HH	Dismissed

## 5 Alternative Options

5.1 There are no alternative options.

## 6 Implications

<b>Resources:</b>	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.
<b>Legal and Governance:</b>	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
<b>Risk:</b>	There are no risks associated with this report.
<b>Equality:</b>	There are no equality implications associated with this report.
<b>Health and Wellbeing:</b>	There are no health and wellbeing implications associated with this report.
<b>Social Value</b>	There are no implications linked to social value with this report.
<b>Climate Change</b>	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/23/3325841





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# Appeal Decision

Site visit made on 2 October 2023

**by Les Greenwood MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17.10.2023**

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## **Appeal Ref: APP/G4620/D/23/3325841**

### **85 Walsall Road, West Bromwich, Sandwell B71 3HH**

- 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 & Mrs Harminder Bhathal against the decision of Sandwell Metropolitan Borough Council.
  - The application Ref DC/23/68081, dated 10 March 2023, was refused by notice dated 5 June 2023.
  - The development proposed is a 2 storey side and rear extension.
- 

### **Decision**

1. The appeal is dismissed.

### **Preliminary matter**

2. In response to a query, the appellant confirmed that the plans on which the Council based its decision were inconsistent with each other. This was mainly because the roof over the side/rear extension would need to be higher than shown on the submitted side elevation drawing. A corrected plan (No ANS/343/1A) has now been submitted. The Council does not object to its consideration as part of the appeal process, stating only that the new plan exacerbates its objection. Having regard to the status of this new plan as a correction rather than as an amendment, to the objections received and to the conclusions I reach in this decision, I find no prejudice or procedural unfairness from my consideration of the new plan as part of the appeal proposal<sup>1</sup>.

### **Main Issue**

3. The main issue is the effect of the proposal on the character and appearance of the house and the local area.

### **Reasons**

4. 85 Walsall Road is an end of terrace house in a suburban residential area, on a corner plot at the junction of Walsall Road and Lyndhurst Road. The proposal is to build a mainly 2 storey extension to the Lyndhurst Road side of the house, wrapping around to the rear. The corrected plans confirm that the 2 storey

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<sup>1</sup> With reference to the substantive and procedural tests set out in *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823.

section would be at about the same height as the existing roof, with a small strip of flat roof at the top.

5. The extension would create a long, bulky, almost blank section of 2 storey high wall sitting at the back of the footway on Lyndhurst Road. This would be an overly dominant and unsympathetic feature, sitting well forward of other houses on that street. It would become the most prominent structure in Lyndhurst Road, harming the openness of that street and intruding onto the smaller scale, more modest character and more finely detailed design of the other houses. I did not see any other similar developments and note that the house on the opposite corner remains well back from Lyndhurst Road.
6. The appellant refers to a 2017 planning permission for a similar but somewhat smaller scale extension. It appears that that permission has lapsed and therefore does not form a fall-back position for this appeal. As clarified by the corrected plan, the current proposal's visual impact would be significantly greater in any case due to the increased roof height compared to the previously approved scheme.
7. I conclude that the proposal would unacceptably harm the character and appearance of the house and the local area. It conflicts with the design aspects of Black Country Core Strategy policy ENV3 and Site Allocations and Delivery Development Plan Document policy SAD EOS9, which seek to ensure high quality design that pays particular attention to the way that development relates to the street.
8. I have considered all other points raised, including the objections of neighbours and the Highway Authority. I find nothing which overcomes or adds significantly to my concerns about the proposal. For the reasons set out above I conclude that the appeal should not succeed.

*Les Greenwood*

INSPECTOR



## Report to the Planning Committee

**29 November 2023**

<b>Subject:</b>	Applications Determined Under Delegated Powers
<b>Director:</b>	Director of Regeneration and Growth Tony McGovern
<b>Contact Officer:</b>	John Baker Service Manager – Development Planning and Building Consultancy <a href="mailto:John_Baker@sandwell.gov.uk">John_Baker@sandwell.gov.uk</a>  Alison Bishop Development Planning Manager <a href="mailto:Alison_Bishop@sandwell.gov.uk">Alison_Bishop@sandwell.gov.uk</a>

### 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

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



<b>Health and Wellbeing:</b>	There are no health and wellbeing implications associated with this report.
<b>Social Value</b>	There are no implications linked to social value with this report.
<b>Climate Change</b>	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/23/68591 Charlemont With Grove Vale	Land To The Rear Of 20-26 Stanway Road West Bromwich B71 1RW	Variation of condition 1 of planning permission DC/21/65306 (Proposed 4 bed dwelling) to include a garage to side.	Grant Permission Subject to Conditions  1st November 2023
DC/22/6795A Great Bridge	108 Lower Church Lane Tipton DY4 7PE	Proposed Medpoint machine vinyl sign.	Grant Advertisement Consent  8th November 2023
DC/23/68390 Friar Park	9 Laburnum Road Wednesbury WS10 0PR	Proposed modular access ramp.	Grant Permission  11th October 2023
DC/23/6856A Wednesbury South	SPAR 29 Leabrook Road Tipton DY4 0DX	Retention of 5 No. internally illuminated fascia signs, 1 No. internally illuminated double sided totem sign and 7 No. non- illuminated wall panel signs, 4 No. bollard signs and 3 No. banners.	Grant Advertisement Consent  6th November 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68525  Wednesbury South	29 Leabrook Road Tipton DY4 0DX	Retention of first floor external cladding, aluminium framed screens to shop front and shop front alterations, installation of ATM machine, external steel rail guard and ladders to rear, 3 No. external air conditioning units and 1 No. condensing unit, 1 No. vehicle charging unit, fenestration alterations and relocation of main entrance steps.	Grant Retrospective Permission  17th October 2023
DC/23/68594  Wednesbury South	20 Holden Road Wednesbury WS10 0DB	Proposed variation of Condition 1 and 3a-d of DC/22/67733 (Proposed single storey rear extension and conversion to two apartments) - to remove the extension.	Grant Permission Subject to Conditions  17th October 2023
PD/23/02501  Hateley Heath	Rimstock Plc Site Sales And Distribution Ridgacre Road West Bromwich B71 1BY	Proposed 25.0m high Swann CS55 lattice tower on concrete base, with 12No. antennas, 2No. GPS modules, 4No. dishes, 4No. ERS racks, 2No. cabinets, 1No. meter cabinet and associated ancillary works.	Prior Approval is Required and Granted  13th October 2023
DC/23/68599  Greets Green & Lyng	119 Spon Lane West Bromwich	Proposed change of use of unused garage into a community centre with external alterations.	Refuse permission  25th October 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68608 Great Bridge	Jubilee Park Powis Avenue Tipton	Proposed replacement of existing fencing with a 3m and 4m high fencing, floodlighting and refurbishment of existing MUGA into a football and basketball PlayZone.	Grant Permission Subject to Conditions  25th October 2023
DC/23/68633 Great Bridge	Direct Channel Asset Company Ltd Brittania Works Whitehall Road Tipton DY4 7JR	Proposed raising of roof height and external alterations to front.	Grant Permission  13th November 2023
DC/23/68634 Cradley Heath & Old Hill	Bearmore Mound Playing Field Sutherland Road/Bearmore Road Cradley Heath	Proposed extension to existing MUGA (Multi Use Games Area) and installation of 3m and 4m high fencing and 4 No. floodlights.	Grant Permission Subject to Conditions  13th November 2023
DC/23/67877 Oldbury	1 Stone Street Oldbury B69 4JL	Retrospective change of use from industrial storage to car sales/repairs.	Refuse permission  18th October 2023
DC/23/67878 Oldbury	1 Tat Bank Road Oldbury B69 4NU	Retrospective change of use from industrial storage to car sales/repairs with site office and canopy to rear.	Refuse permission  18th October 2023
DC/23/67910 Oldbury	1 Stone Street Oldbury B69 4JL	Retrospective change of use from industrial storage to car sales/repairs with site office.	Refuse permission  18th October 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68476 Old Warley	14 Forest Road Oldbury B68 0EE	Proposed change of use from dwelling to residential home for up to 3 No. children aged between 7 and 18 years old (Lawful Development Certificate).	Refuse Lawful Use Certificate  20th October 2023
DC/23/68481 St Pauls	Dessert Hut Mallin Street Smethwick B66 1QZ	Proposed dessert and cake shop (Lawful Development Certificate).	Grant Lawful Use Certificate  20th October 2023
DC/23/68521 Langley	28A Pound Road Oldbury B68 8LY	Proposed two/single storey side and first floor rear extensions with rear dormer window and new pitched roof to existing single storey rear.	Grant Permission Subject to Conditions  1st November 2023
DC/23/68610 Cradley Heath & Old Hill	TTC Lifting Gear Limited Newlyn Road Cradley Heath B64 6BE	Proposed extension to facilitate loading and unloading, with sales/collection area, and additional parking (resubmission of planning application DC/16/59500).	Grant Permission Subject to Conditions  17th October 2023
PD/23/02510 Rowley	Telecommunications Mast SWL16766 Land Fronting 98 And 96 Stuart Road Rowley Regis	Proposed 15.0m high phase 9 slimline telecommunications monopole, 3 No equipment cabinets and associated ancillary works.	Prior Approval is Required and Granted  20th October 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68640  Cradley Heath & Old Hill	Land Adjacent To Unit 17 Oak Street Industrial Park Oak Street Cradley Heath B64 5JY	Proposed 1 No. industrial unit.	Grant Permission Subject to Conditions  1st November 2023
DC/23/68653  Blackheath	6 - 12 Beet Street Rowley Regis B65 0HJ	Proposed part change of use at ground floor from barbers shop to micro bar.	Grant Permission Subject to Conditions  8th November 2023
DC/23/68221  Cradley Heath & Old Hill	Land Adjacent 320 Halesowen Road Cradley Heath	Proposed 2 no. dwellings with associated parking, front boundary wall, and side/rear retaining walls (Amendment to previously approved application DC/22/67822).	Grant Permission Subject to Conditions  18th October 2023
DC/23/68417  Greets Green & Lyng	5 Farley Road West Bromwich B70 9AN	Proposed ground floor linked extension to existing playroom/store.	Grant Permission with external materials  13th October 2023
DC/23/68470  West Bromwich Central	131 High Street West Bromwich B70 6NY	Proposed loft conversion and second floor front extension to create 2 No. self-contained flats.	Grant Permission Subject to Conditions  20th October 2023



Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68536  Newton	116 Hamstead Road Great Barr Birmingham B43 5BN	Retention of front garden wall with electric sliding gate.	Grant Retrospective Permission  13th October 2023
DC/23/68542  Charlemont With Grove Vale	30 Pear Tree Drive Great Barr Birmingham B43 6HU	Proposed single and two storey extensions to front, rear and side, porch to front and loft conversion with dormer to rear.	Grant Permission Subject to Conditions  12th October 2023
DC/23/68576  West Bromwich Central	104 Dagger Lane West Bromwich B71 4BS	Proposed first floor front extension, part garage conversion and new roofs to garage & side and front bay windows.	Grant Permission with external materials  11th October 2023
DC/23/68595  Great Barr With Yew Tree	12 Lammermoor Avenue Great Barr Birmingham B43 6ET	Proposed shopfront with roller shutter, and replacement of rear door with roller shutter.	Grant Permission with external materials  13th October 2023
DC/23/68616  West Bromwich Central	121B High Street West Bromwich B70 6NY	Proposed change of use from office to dry cleaners.	Grant Permission  20th October 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68618  Princes End	43 Gospel Oak Road Tipton DY4 0DR	Retention of 2.4m high boundary wall to rear and side.	Grant Conditional Retrospective Consent  20th October 2023
DC/23/68621  Charlemont With Grove Vale	96 Pear Tree Road Great Barr Birmingham B43 6JA	Proposed single storey rear extension.	Grant Permission with external materials  18th October 2023
DC/23/68637  Charlemont With Grove Vale	110 Wyndmill Crescent West Bromwich B71 3QU	Proposed single storey rear extension.	Grant Permission with external materials  18th October 2023
DC/23/68645  Newton	83 Gorse Farm Road Great Barr Birmingham B43 5LP	Proposed two/single storey rear and first floor side extensions.	Grant Permission with external materials  26th October 2023
DC/23/68664  Newton	133 Spouthouse Lane Great Barr Birmingham B43 5QB	Proposed two storey garage and storeroom outbuilding at rear.	Grant Permission Subject to Conditions  30th October 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68666  Charlemont With Grove Vale	5 Arlen Drive Great Barr Birmingham B43 6RA	Proposed single storey front, rear and side extensions, first floor side extension, raising of roof height, and loft conversion with dormers to front and rear.	Refuse permission  1st November 2023
DC/23/68438  Blackheath	Colas Limited Cakemore Road Rowley Regis B65 0QU	Proposed demolition of outbuildings and addition of waste materials recycling to existing depot with 2 No. open storage areas with 3m high wall sound barrier, retention of 1 No. warehouse with new loading bay and retaining wall and 1 No. site office.	Grant Permission Subject to Conditions  25th October 2023
DC/23/6859A  Smethwick	Sandwell Aquatics Centre Londonderry Lane Smethwick B67 7EW	Proposed non-illuminated fascia sign and totem sign.	Grant Advertisement Consent  13th October 2023
DC/23/68617  Blackheath	49 Gorsty Hill Road Rowley Regis B65 0HA	Retention of use from retail (Class E) to 3 no. residential flats (Class C3).	Refuse permission  6th November 2023
DC/23/68642  St Pauls	25 Darby Road Oldbury B68 9SG	Proposed single and two storey rear extensions (revision of DC/23/68066).	Grant Permission Subject to Conditions  11th October 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68214  Wednesbury South	17 Lee Street West Bromwich B70 0QY	Retention of change of use from dwelling (Class C3) to children's care home (Class C2).	Refuse permission  23rd October 2023
DC/23/68215  Tipton Green	335 Dudley Port Tipton DY4 7PP	Retention of 2 No. storage containers to rear.	Grant Conditional Retrospective Consent  13th October 2023
DC/23/68460  Princes End	15 Tozer Street Tipton DY4 9QD	Proposed change of use to residential home for up to two children with care provided by up to three non-resident staff (Lawful Development Certificate).	Grant Lawful Use Certificate  20th October 2023
DC/23/68464  Newton	58 Bowstoke Road Great Barr Birmingham B43 5DP	Proposed first floor side extension and detached outbuilding to rear.	Grant Permission Subject to Conditions  1st November 2023
DC/23/68580  West Bromwich Central	Shell West Bromwich Dudley Street West Bromwich B70 9LS	Proposed crown lifting of trees (2 lime, 2 beech) by 3m max from ground level.	Grant Tree Preservation Order Permission  17th October 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68673  Wednesbury North	19 King Street Wednesbury WS10 7PQ	Proposed variation of conditions 1 & 4a of DC/22/67415 (Proposed front garage extension, single storey rear extension, first floor side extension and boundary wall) to amend ground floor layout and parking.	Grant Permission Subject to Conditions  8th November 2023
DC/23/68671  Wednesbury North	1 Victoria Place Wednesbury WS10 9HS	Proposed replacement of rear conservatory.	Grant Permission with external materials  26th October 2023
PD/23/02533  Bristnall	232 Bristnall Hall Road Oldbury B68 9NJ	Proposed single storey rear extension measuring: 5.95m L x 3.40m H (3.00m to eaves).	Permitted Development Refused  10th November 2023
DC/23/68419  Blackheath	16 Majestic Way Rowley Regis B65 9LQ	Proposed two storey rear and first floor side/rear extensions, front canopy extension and garage conversion into habitable room.	Grant Permission with external materials  11th October 2023
DC/23/68502  Rowley	49 Roman Way Rowley Regis B65 9RB	Proposed single storey detached garage to front.	Grant Permission Subject to Conditions  20th October 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68549  Old Warley	534 - 538 Hagley Road West Oldbury B68 0BZ	Retention of five storage containers to rear.	Grant Conditional Retrospective Consent  17th October 2023
DC/23/68575  St Pauls	32 Heather Road Smethwick B67 7LW	Proposed first floor side and single storey rear extensions (Revision to refused planning permission DC/23/68332).	Grant Permission with external materials  18th October 2023
DC/23/68588  Cradley Heath & Old Hill	29 Sidaway Street Cradley Heath B64 6HJ	Proposed two storey side extension.	Grant Permission with external materials  11th October 2023
DC/23/68598  St Pauls	Land At Former 76 West Park Road Smethwick	Retention of outbuilding at rear.	Grant Permission Subject to Conditions  30th October 2023
DC/23/68600  Oldbury	GB Tyres (UK) Ltd Union Road Oldbury B69 3EX	Proposed canopy to front loading yard.	Grant Permission  23rd October 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/6860A Oldbury	The West Brom 25 Birmingham Street Oldbury B69 4DY	Proposed 1no. internally-illuminated fascia sign and 1no. internally-illuminated projecting sign.	Grant Advertisement Consent  1st November 2023
DC/23/68629 Bristnall	54 Moore Crescent Oldbury B68 9QP	Retention of single storey side and rear extension (Revision to approved planning permission DC/22/67377).	Grant Conditional Retrospective Consent  25th October 2023
DC/23/68636 Old Warley	55 Brennand Road Oldbury B68 0SU	Retention of conservatory to rear.	Grant Retrospective Permission  3rd November 2023
DC/23/6861A Blackheath	West Bromwich Building Society 20 - 21 High Street Rowley Regis B65 0DR	Proposed 1 No. externally illuminated fascia sign and 1 No. externally illuminated projecting sign.	Grant Advertisement Consent  1st November 2023
DC/23/6862A Abbey	West Bromwich Building Society 617 Bearwood Road Smethwick B66 4BL	Proposed 1 No. externally illuminated fascia sign and 1 No. externally illuminated projecting sign.	Grant Advertisement Consent  1st November 2023
DC/23/68651 Old Warley	272 Wolverhampton Road Oldbury B68 0TF	Proposed two storey side and rear and single storey rear extensions.	Grant Permission with external materials  1st November 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68672 Soho & Victoria	47 Edgbaston Road Smethwick B66 4LG	Proposed raising of roof height and alterations with 2 No. new roller shutter doors to existing garage to rear.	Grant Permission with external materials  6th November 2023
PD/23/02523 St Pauls	27 West Park Road Smethwick B67 7JJ	Proposed single storey rear extension measuring: 5.95m L x 2.999m H (2.699m to eaves).	P D Householder not required  18th October 2023
DC/23/6863A Abbey	513 - 519 Bearwood Road Smethwick B66 4BE	Proposed 1 No. internally illuminated fascia sign 1 No. internally illuminated projecting sign, 1 No. non illuminated fascia/tray sign, 11 No. car park wall signs and 5 No. car park post signs.	Grant Advertisement Consent  10th November 2023
DC/23/68688 Oldbury	20 Sorrel Close Tividale Oldbury B69 2HZ	Retention of fence to side and rear of property boundary.	Grant Retrospective Permission  6th November 2023
DC/23/68697 Abbey	612 -614 Bearwood Road Smethwick B66 4BW	Proposed change of use from retail to cafe with external flue (614 Bearwood Road) and shared access and fenestration alterations to rear (612 and 614 Bearwood Road).	Grant Permission Subject to Conditions  10th November 2023



Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68504 Langley	818 Wolverhampton Road Oldbury B69 4RY	Proposed two and single storey side extension.	Refuse permission  17th October 2023
DC/23/68517 Rowley	306 Newbury Lane Oldbury B69 1JJ	Proposed external wall insulation to front and side.	Grant Permission  13th October 2023
DC/23/68512 Old Warley	59 Brennand Road Oldbury B68 0SU	Retention of summerhouse in rear garden.	Grant Conditional Retrospective Consent  13th October 2023
DC/23/68535 Blackheath	38 Habberley Road Rowley Regis B65 9QN	Proposed single storey side and rear extension.	Grant Permission with external materials  11th October 2023
DC/23/68554 Cradley Heath & Old Hill	26 Maypole Close Cradley Heath B64 5AS	Proposed single storey side and rear extension.	Grant Permission with external materials  13th October 2023
DC/23/68545 Smethwick	5 Parkhill Road Smethwick B67 6AS	Retention of single storey rear extension, loft conversion, rear dormer window, front canopy and fenestration alterations.	Grant Retrospective Permission  13th October 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68552 Tividale	193 Regent Road Oldbury B69 1RZ	Proposed single storey rear extension.	Grant Permission with external materials  17th October 2023
DC/23/68555 Old Warley	9 Albert Road Oldbury B68 0NA	Proposed single storey rear extension.	Grant Permission with external materials  25th October 2023
DC/23/68565 Smethwick	3 Hall Road Smethwick B67 6SG	Proposed two storey side/rear and single storey front/rear extensions.	Refuse permission  18th October 2023
DC/23/68577 Abbey	18 Pargeter Road Smethwick B67 5HY	Proposed single storey side and rear extension.	Grant Permission with external materials  20th October 2023
DC/23/68585 Rowley	41 Denby Way Cradley Heath B64 5RF	Proposed conservatory to rear.	Grant Permission  20th October 2023
PD/23/02500 Tividale	50 West Avenue Tividale Oldbury B69 1QX	Proposed single storey rear extension measuring: 6.00m L x 4.00m H (3.00m to eaves)	Permitted Development Refused  11th October 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
PD/23/02502  Oldbury	40 Warwick Gardens Tivdale Oldbury B69 3JB	Proposed single storey rear extension measuring: 6.00m L x 3.00m H (3.00m to eaves)	P D Householder not required  11th October 2023
PD/23/02503  Abbey	27 Anderson Road Smethwick B66 4AR	Proposed single storey rear extension measuring: 6.00m L x 3.50m H (2.25m to eaves)	P D Householder not required  11th October 2023
PD/23/02504  Old Warley	32 Kenilworth Road Oldbury B68 0ND	Proposed single storey rear extension measuring: 6.00m L x 3.00m H (3.00m to eaves)	P D Householder required and granted  11th October 2023
PD/23/02506  Oldbury	187 Temple Way Tivdale Oldbury B69 3LX	Proposed single storey rear extension measuring: 4.00m L x 3.70m H (2.30m to eaves)	P D Householder not required  11th October 2023
PD/23/02509  Cradley Heath & Old Hill	15 Coppice Road Cradley Heath B64 7LN	Proposed single storey rear extension measuring: 4.05m L x 2.7m H (2.7m to eaves)	P D Householder not required  11th October 2023
DC/23/68623  Soho & Victoria	106 Messenger Road Smethwick B66 3EQ	Proposed single storey front/side extension, 2 No. front bay windows and front boundary wall.	Refuse permission  30th October 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68628 Abbey	18 Clifford Road Smethwick B67 5HJ	Proposed single storey side/rear extension.	Grant Permission with external materials  30th October 2023
PD/23/02513 Blackheath	33 Highbury Avenue Rowley Regis B65 9PN	Proposed single storey rear extension measuring: 4.00m L x 4.00m H (3.00m to eaves).	P D Householder not required  20th October 2023
PD/23/02515 St Pauls	22 Brian Road Smethwick B67 7LG	Proposed single storey rear extension measuring: 4.0m L x 3.95m H (2.80m to eaves).	P D Householder not required  20th October 2023
PD/23/02517 Langley	4 Pound Close Oldbury B68 8LZ	Proposed single storey rear extension measuring: 4.5m L x 3.7m H (2.6m to eaves).	P D Householder not required  30th October 2023
PD/23/02521 Tividale	190 Wallace Road Oldbury B69 1HU	Proposed single storey rear extension measuring: 6.0m L x 3.0m H (2.8m to eaves).	P D Householder not required  26th October 2023
PD/23/02525 Oldbury	5 Twydale Avenue Tividale Oldbury B69 2HP	Proposed single storey rear extension measuring: 6.00m L x 4.00m H (3.00m to eaves).	P D Householder not required  3rd November 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68431 Great Barr With Yew Tree	45 Abbotsford Avenue Great Barr Birmingham B43 6HB	Proposed single storey front, side and rear extension.	Grant Permission with external materials  20th October 2023
DC/23/68466 West Bromwich Central	27 Temple Meadows Road West Bromwich B71 4DE	Proposed single storey rear extension and porch to front.	Grant Permission with external materials  13th October 2023
DC/23/68558 Great Barr With Yew Tree	40 Sycamore Road Great Barr Birmingham B43 7SS	Proposed single storey front, side and rear extension	Grant Permission with external materials  20th October 2023
DC/23/68560 Wednesbury North	100 Barlow Road Wednesbury WS10 9QB	Proposed ramped access to front and side and rear.	Grant Permission  11th October 2023
DC/23/68564 Great Bridge	78 Scott Street Tipton DY4 7AG	Proposed single storey rear/side extension.	Grant Permission with external materials  11th October 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68572 Hateley Heath	7 Berkshire Close West Bromwich B71 2SJ	Proposed single storey side extension.	Grant Permission with external materials  30th October 2023
DC/23/68579 Tipton Green	18 Sherwood Avenue Tipton DY4 8LG	Demolition of conservatory and proposed single storey rear extension.	Grant Permission Subject to Conditions  13th October 2023
DC/23/68581 Greets Green & Lyng	41 Young Street West Bromwich B70 9TU	Proposed access platform lift.	Grant Permission  25th October 2023
DC/23/68596 Great Barr With Yew Tree	2 Greenside Way Walsall WS5 4BS	Proposed ramped access to front, side and rear.	Grant Permission  13th October 2023
DC/23/68601 West Bromwich Central	18 Seagar Street West Bromwich B71 4AN	Proposed single storey rear extension.	Grant Permission with external materials  25th October 2023
PD/23/02505 Hateley Heath	44 Law Street West Bromwich B71 1DZ	Proposed single storey rear extension measuring: 4.15m L x 3.23m H (2.95m to eaves)	P D Householder not required  11th October 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/23/68603 Newton	93 Greenfield Road Great Barr Birmingham B43 5AR	Proposed level access ramp and handrails to front of property	Grant Permission  13th October 2023
PD/23/02508 Greets Green & Lyng	4 Turton Road West Bromwich B70 8LA	Proposed single storey rear extension measuring: 5.5m L x 4.0m H (2.4m to eaves)	P D Householder not required  11th October 2023
DC/23/68615 Charlemont With Grove Vale	68 Grove Vale Avenue Great Barr Birmingham B43 6BZ	Proposed loft conversion with hip to gable roof extension and rear dormer window (Lawful Development Certificate).	Grant Lawful Use Certificate  23rd October 2023
DC/23/68625 Hateley Heath	164 Canterbury Road West Bromwich B71 2LG	Proposed ramp to front, side and rear.	Grant Permission  25th October 2023
DC/23/68627 Newton	8 Garston Way Great Barr Birmingham B43 5JT	Proposed single storey side extension (Lawful Development Certificate)	Grant Lawful Use Certificate  25th October 2023
DC/23/68649 Newton	29 Jayshaw Avenue Great Barr Birmingham B43 5SB	Proposed garage roof alterations and conversion into habitable room.	Grant Permission with external materials  30th October 2023

Application No. Ward	Site Address	Description of Development	Decision and Date
PD/23/02512 Greets Green & Lyng	8 Mason Street West Bromwich B70 9NN	Proposed single storey rear extension measuring: 3.62m L x 4.00m H (3.00m to eaves)	P D Householder not required  25th October 2023
PD/23/02516 Great Barr With Yew Tree	41 Poole House Road Great Barr Birmingham B43 7SL	Proposed single storey rear extension measuring: 6.00m L x 3.585m H (2.835m to eaves).	P D Householder not required  23rd October 2023
DC/23/68669 Charlemont With Grove Vale	21 Horsecroft Drive West Bromwich B71 3TE	Proposed single storey side extension (previously withdrawn application DC/23/68561).	Grant Permission with external materials  10th November 2023
PD/23/02524 Newton	8 Greenfield Road Great Barr Birmingham B43 5AP	Proposed single storey rear extension measuring: 4.50m L x 4.00m H (3.00m to eaves)	P D Householder not required  25th October 2023
PD/23/02526 Hateley Heath	16 Clive Street West Bromwich B71 1LH	Proposed single storey rear extension measuring: 6.00m L x 3.46m H (2.79m to eaves)	P D Householder not required  25th October 2023
PD/23/02527 West Bromwich Central	10 Poplar Avenue West Bromwich B70 6HP	Proposed single storey rear extension measuring: 4.00m L x 4.00m H (2.50m to eaves)	P D Householder not required  26th October 2023



Application No. Ward	Site Address	Description of Development	Decision and Date
PD/23/02529 Great Bridge	32 Moors Mill Lane Tipton DY4 0HL	Proposed single storey rear extension measuring: 6.00m L x 3.00m H (3.00m to eaves)	P D Householder not required  25th October 2023
PD/23/02531 Friar Park	20 Dorsett Road Wednesbury WS10 0JF	Proposed single storey rear extension measuring: 6.0m L x 4.0m H (3.0m to eaves)	P D Householder required and refused  30th October 2023
DC/23/68503 West Bromwich Central	79 Birmingham Road West Bromwich B70 6PX	Proposed change of use of offices to an 8 bedroom HMO.	Grant Permission Subject to Conditions  11th October 2023
DC/23/68631 Greets Green & Lyng	117 Spon Lane West Bromwich B70 6AS	Proposed use as taxi management office (Lawful Development Certificate).	Grant Lawful Use Certificate  17th October 2023

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