

Report to Planning Committee

26 July 2023

Application Reference	DC/22/67796
Application Received	12 December 2022
Application Description	Proposed single storey detached coffee shop with drive thru, new access, parking, enclosed bin area, landscaping and associated infrastructure.
Application Address	Land At Horner Way Rowley Regis
Applicant	Edwards & Co
Ward	Blackheath
Contact Officer	Mr Andrew Dean andrew_dean@sandwell.gov.uk

1 Recommendations

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

- i) External Materials;
- ii) Contamination;
- iii) Hours of use (05.00 to 23.00 on any day including Sundays and bank holidays);
- iv) Noise management plan;
- v) Construction method statement;




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

2 Reasons for Recommendations

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

3 How does this deliver objectives of the Corporate Plan?

	A strong and inclusive economy
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4 Context

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



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

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

5 Key Considerations

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

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

Government policy (NPPF)

Proposals in the Development Plan

Planning history (including appeal decisions)

Amenity – Loss of light, outlook and privacy

Design, appearance and materials

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

Environmental concerns – Noise, air quality, pollution and general

Ecology concerns – loss of wildlife, habitats and trees

6. The Application Site

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



7. Planning History

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

7.2 Relevant planning applications are as follows:

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



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

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

9. Publicity

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

9.2 Objections

Objections have been received on the following grounds:

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



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

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

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

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

10. Consultee responses

10.1 Planning Policy

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

10.2 Highways

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

- An amended Transport Statement.



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

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

10.3 Pollution Control (Air Quality)

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



10.4 **Pollution Control (Contaminated Land)**

No objection subject to the standard contaminated land condition.

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

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

10.6 **West Midlands Police**

No objection.

10.7 **Tree Preservation matters**

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

10.8 **Dudley Metropolitan Borough Council**

No objection, highways comments submitted for review.

10.9 **Severn Trent**

No objection subject to the standard drainage conditions.

10.10 **Network Rail**

No comments received.



11. National Planning Policy

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

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

12. Local Planning Policy

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

CEN4: Regeneration of Town Centres

CEN7: Controlling Out-of-Centre Development

ENV3: Design Quality

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

ENV8: Air Quality

SAD EOS9: Urban Design Principles

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

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

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



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

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

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

13. Material Considerations

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

13.2 Planning history (including appeal decisions)

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

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

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



13.4 Design concerns

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

13.5 Highways concerns

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

13.6 Environmental concerns

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



13.7. Ecology concerns

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

14. Conclusion

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

15 Alternative Options

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

16 Implications

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



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

17. Appendices

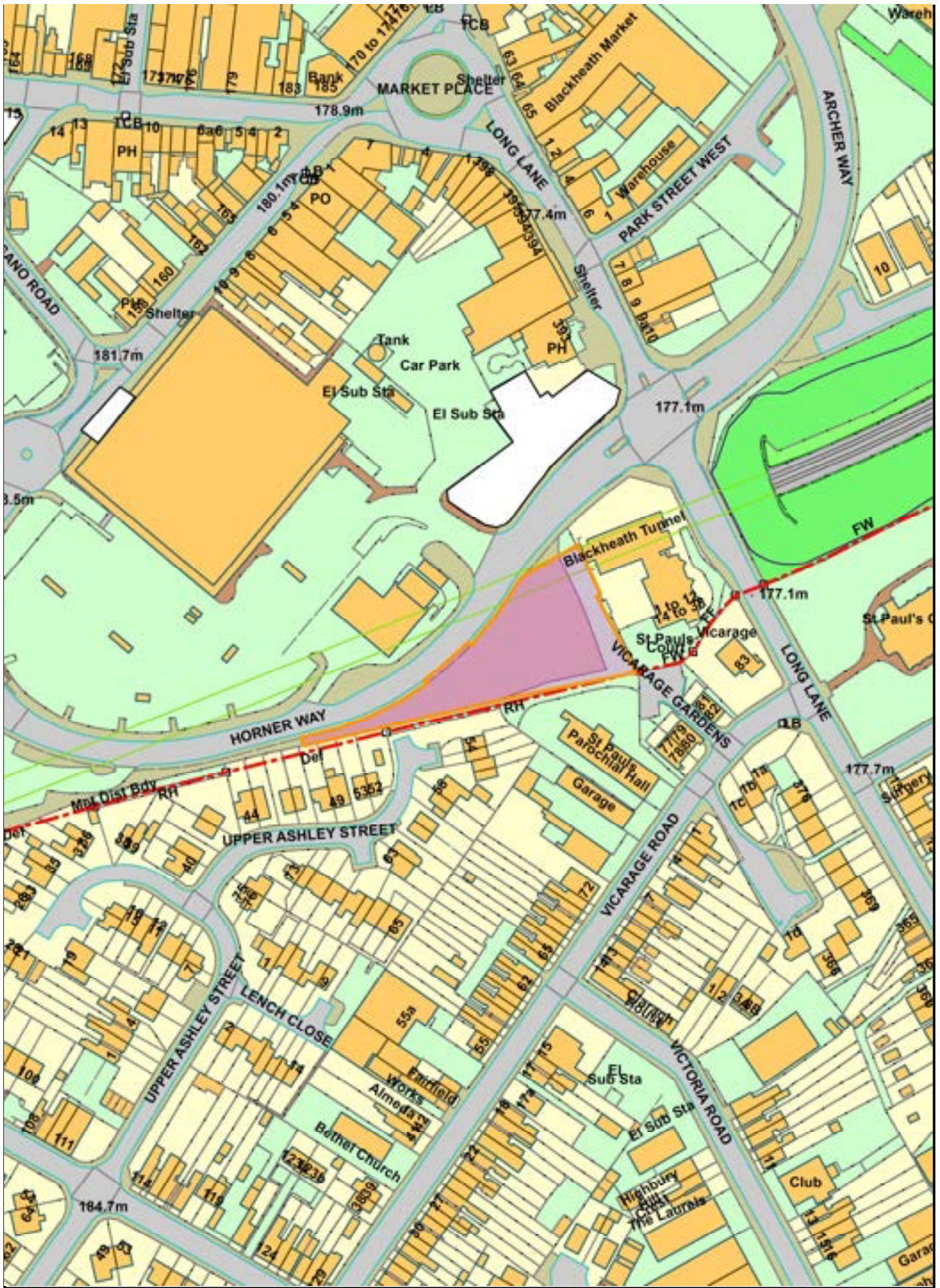
Context plan

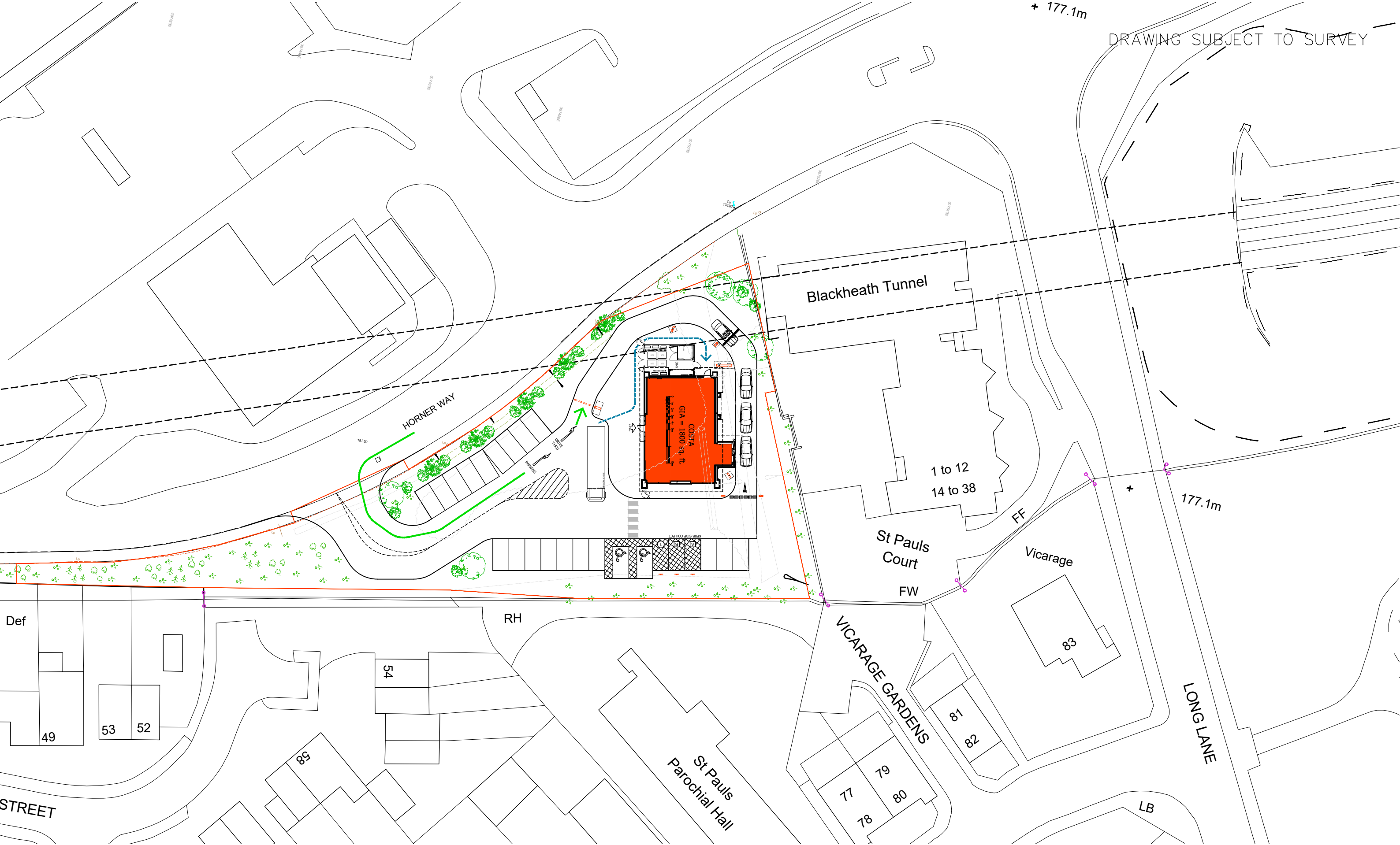
Proposed floor plan - 1800(SIDE)-01F REV F.

Proposed site layout plan - BLACKHEATH-P1

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

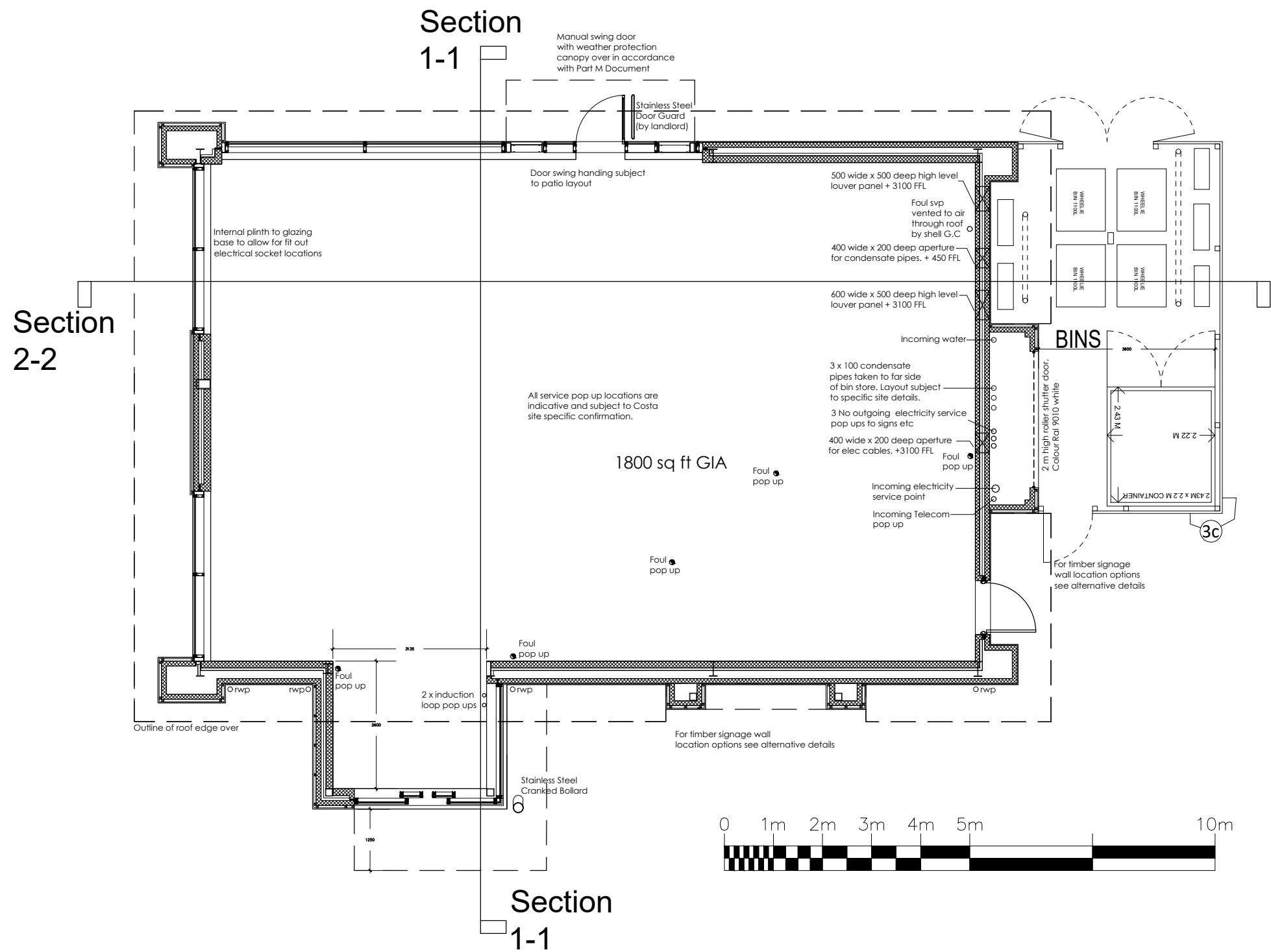






PROPOSED COSTA COFFEE – BLACKHEATH, BIRMINGHAM
 SITE LAYOUT 1:500@A3





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

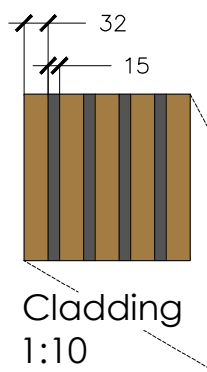
F UPDATED TO STD'S 17.05.22
E GENERAL UPDATE 29.05.19
D GENERAL UPDATE 29.04.17
C DOOR POSITION UPDATED 11.10.16
B DOOR POSITION UPDATED 20.04.16
A DOOR POSITION UPDATED 04.03.16



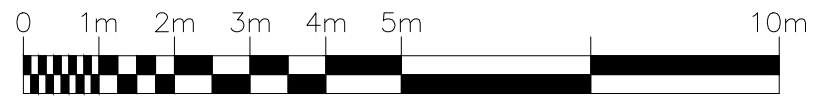
DRAWING No
1800(SIDE) - 01F



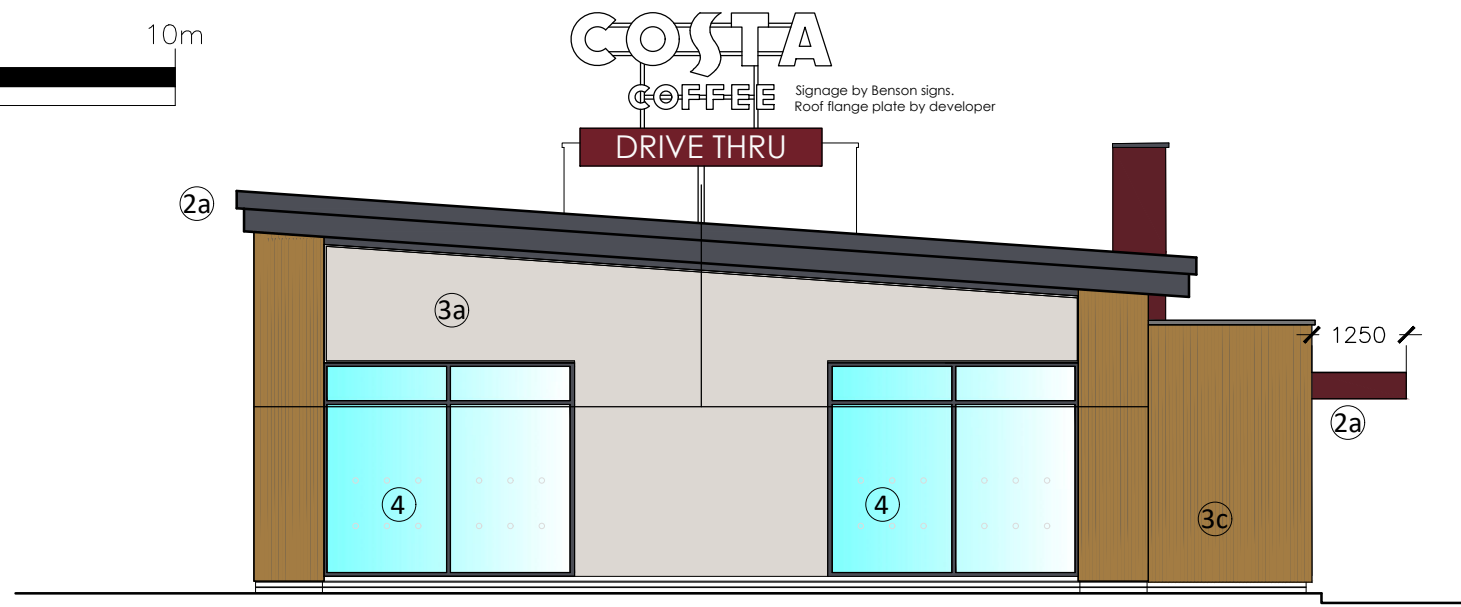
Rear Elevation 1:100



Side Elevation 1:100



Side Elevation 1:100

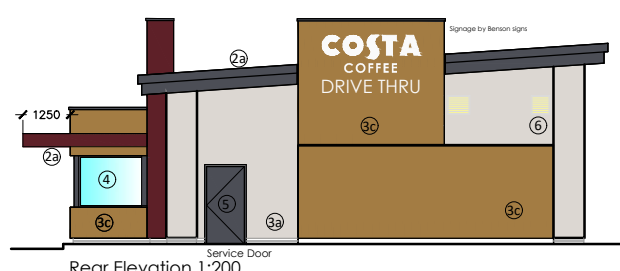


Front Elevation 1:100

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



Side Elevation 1:200

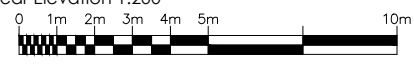


Rear Elevation 1:200



Side Elevation 1:200

ELEVATIONS INDICATING BIN STORE 1:200



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

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



DRAWING No
1800(SIDE) - 02F