

# Report to Planning Committee

11 May 2021

<b>Application Reference</b>	DC/21/65279
<b>Application Received</b>	18 February 2021
<b>Application Description</b>	Retention of use as motor car sales, 1.8m high galvanised security fencing and galvanised roller shutter door.
<b>Application Address</b>	57 Leabrook Road Wednesbury WS10 7NW
<b>Applicant</b>	Leabrook Investments Ltd
<b>Ward</b>	Wednesbury South
<b>Contact Officer</b>	Alison Bishop <a href="mailto:alison_bishop@sandwell.gov.uk">alison_bishop@sandwell.gov.uk</a>

## 1 Recommendations

1.1 That, subject to the application being reported to Full Council as a departure from the Development Plan, planning permission is granted subject to:

- (i) Hours of use to include deliveries shall be between 08:00 – 18:00 Monday to Friday and 10:00 to 16:00 Saturday, Sunday and Bank Holidays;
- (ii) No amplified sound on site;
- (iii) No car washing shall take place adjacent to the boundary with the residential property at the junction of Lea Road and Leabrook Road; and




- (iv) Parking layout to be provided showing parking for customers and staff.

## 2 Reasons for Recommendations

2.1 Whilst the proposal forms part of a wider housing allocation, namely land between Lea Avenue/Leabrook Road and Willowsworth Road/Leabrook Road, at present this area includes established commercial uses and hence re-development of the application site would be inappropriate in isolation. The proposal in all other respects is acceptable in appearance and the use is complimentary to existing commercial uses serving Leabrook Road. It is considered that with the inclusion of conditions the development would not cause harm to nearby residential properties.

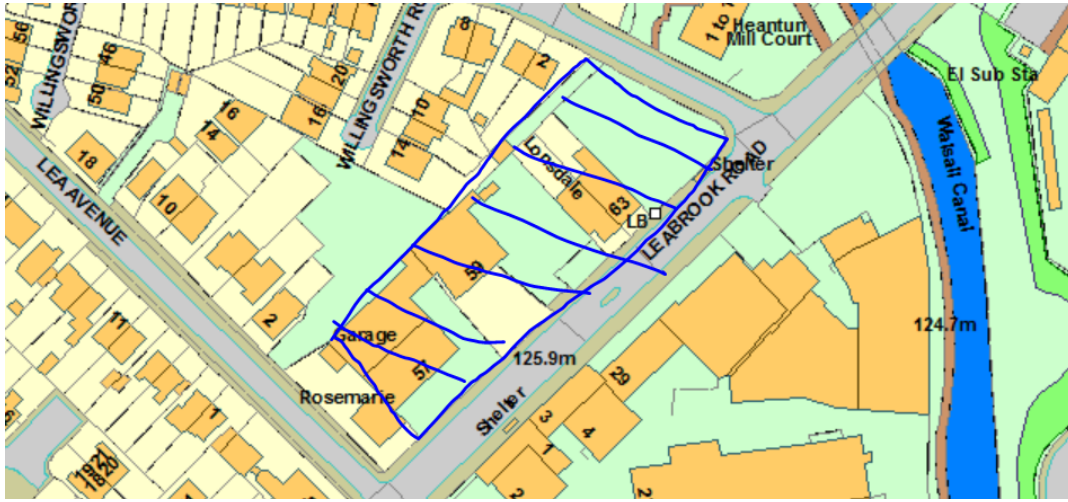
### 3. How does this deliver objectives of the Corporate Plan?

	A strong and inclusive economy – The proposal brings a vacant building back into use and provides opportunities for local employment.
---	---

## 4 Context

4.1 This application is being reported to your Planning Committee as the proposal is a departure from the Development Plan because the site forms part of a larger area for housing growth and as such is allocated for housing (Policy SADH1) See extract overleaf showing the area that is allocated hatched blue.





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

[57 Leabrook Road, Wednesbury](#)

## 5 Key Considerations

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

Government policy (NPPF);  
Proposals in the Development Plan;  
Planning history (including appeal decisions);  
Access, highway safety, parking and servicing; and  
Noise and disturbance from the scheme.

## 6. The Application Site

- 6.1 The application site is situated on Leabrook Road, approximately 14 metres from the junction with Lea Avenue. The site sits within a row of commercial properties on both sides of Leabrook Road; however, residential properties are also situated beyond this ribbon of commercial units.



## 7. Planning History

- 7.1 The site has an established commercial use dating back to the 1980s and the most recent consent was for the storage of furniture.
- 7.2 The site has subsequently been vacant. However, following a complaint regarding the installation of the fencing, the planning enforcement team undertook investigations and established that the unit was being used for car sales and fencing had been erected (ENF/20/11325 refers). The owner was advised to apply for retrospective consent.
- 7.3 The relevant planning history is listed below:-

DC/08/49534	Retention of use as furniture store - A1 (Resubmission of planning ref. DC/08/49180).	Grant conditional retrospective consent 04.07.2008
DC/20286	Change of use from motor vehicle show room to snooker club (members only)	Granted permission with conditions 16.06.1986

## 8. Application Details

- 8.1 The applicant is seeking to retain the site for use as motor car sales and for the retention of 1.8m high galvanised security fencing and a galvanised roller shutter door.

## 9. Publicity

- 9.1 The application was publicised by neighbour notification and no objections have been received.



## 10. Consultee responses

### 10.1 Planning and Transportation Policy

The site of the development to be retained is allocated as a housing allocation on the SAD Policies Map, therefore BCCS policy HOU1 and SADD policy SAD H1 are applicable. Under SADD policy SAD H1 such sites will be safeguarded for residential development and ancillary uses.

However, it is unlikely that the site will come forward for residential in the near future and, additionally, the site has been in industrial/commercial use for a number of years, with a previous car sale use operating from the site.

As the application does not involve any major physical development, this would not prejudice the site from coming forward for residential development in the future.

### 10.2 Highways

No objections to the proposal but they have requested that a detailed parking layout showing parking for both customers and staff should be conditioned to any grant of planning permission.

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

No objections subject to the imposition of hours of use, no amplified sound on site and no car washing adjacent the residential property on Lea Avenue.

## 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:

HOU1: Delivering sustainable housing growth

ENV3: Design Quality

SADH1: Housing Allocation

SAD EOS 9: Urban Design Principles

12.2 Policy HOU1 and SAD H1 refer to the site being allocated for a housing allocation. The policy seeks to deliver new housing stock within Sandwell and this site forms part of the wider site which includes other commercial uses operating on Leabrook Road. The key issue is that the re-development of the site for housing would not be appropriate without the wider land surrounding the site coming forward for redevelopment. Therefore, in this instance, the continued use of the site for commercial use is considered appropriate and provides an opportunity to provide employment opportunities for local people.

12.3 The design of the roller shutter and the fencing is in keeping with other commercial properties along Leabrook Road (ENV3 and SAD EOS 9)

## 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

When referring to the planning history for the site and the adjoining land, both this site and those properties up to the junction with Willingsworth Road have established commercial uses. Therefore, whilst future aspirations for this area of Leabrook Road are for housing, at present it is clear that this area continues to provide employment opportunities.



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

Highways offer no objection subject to a suitable parking layout being provided to show the arrangement for both customers and staff.

### 13.4 Noise and disturbance from the scheme

Environmental Health offer no objection subject to conditions restricting hours and certain operations within the site.

## 14 Alternative Options

14.1 Refusal of application is an option given that the site is allocated for residential use and hence a departure from the Development Plan. However, material considerations regarding the current uses of the adjoining land are relevant and until the surrounding area comes forward for comprehensive redevelopment, housing in isolation on this site would not be appropriate.

## 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 use of the site for car sales provides opportunities for local employment.



## 16. Appendices

Site Plan

Location of fencing

Photos with dimensions of galvanised fencing

Photo of Roller shutter

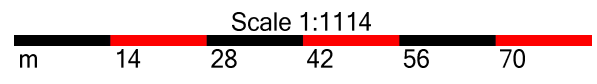




DC/21/65279  
57 Leabrook Road

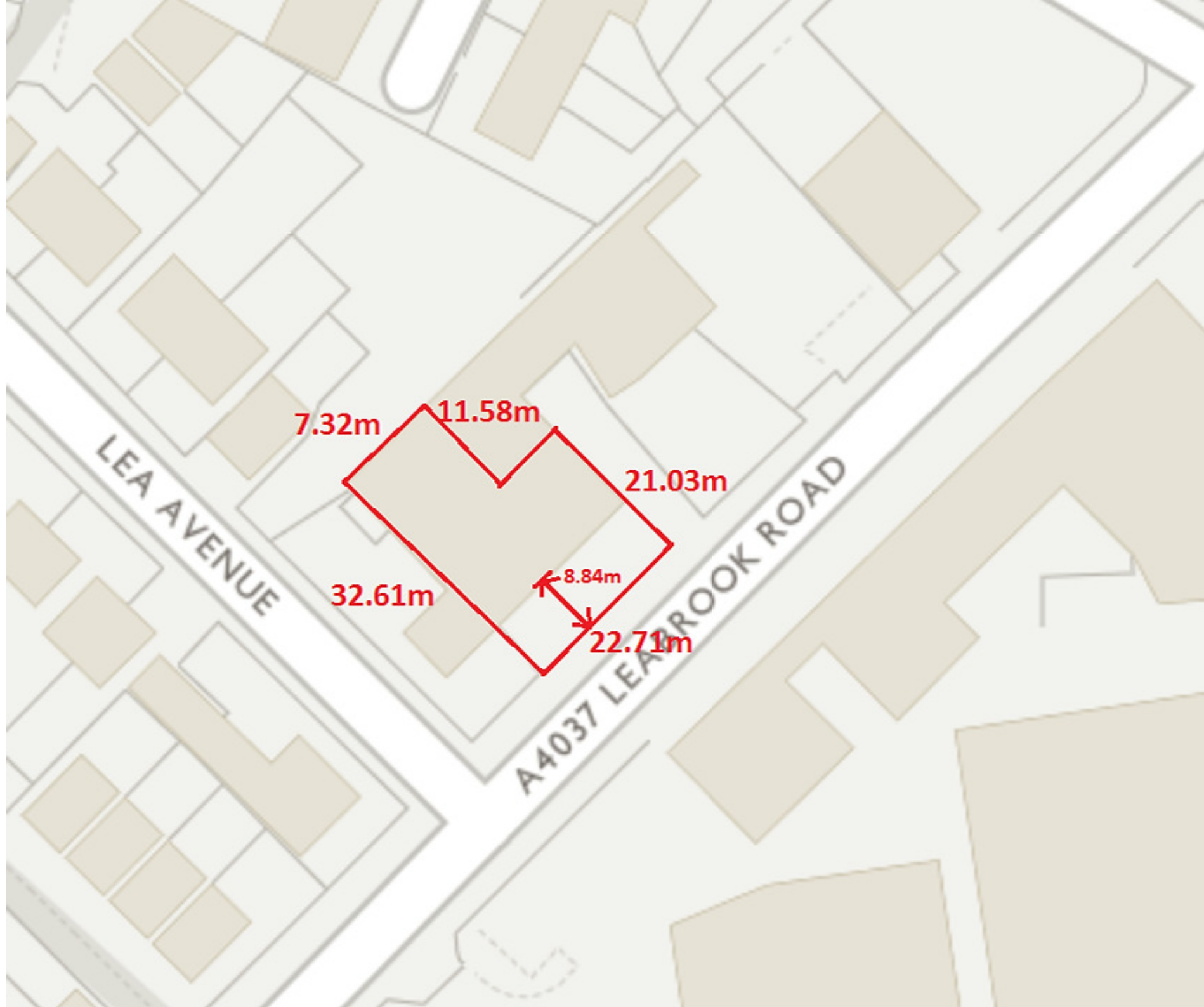


**Legend**



© Crown copyright and database rights 2019  
Ordnance Survey Licence No 100023119

<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	22 April 2021
<b>OS Licence No</b>	



7.32m

11.58m

21.03m

8.84m

22.71m

32.61m

LEA AVENUE

A4037 LEAROOK ROAD



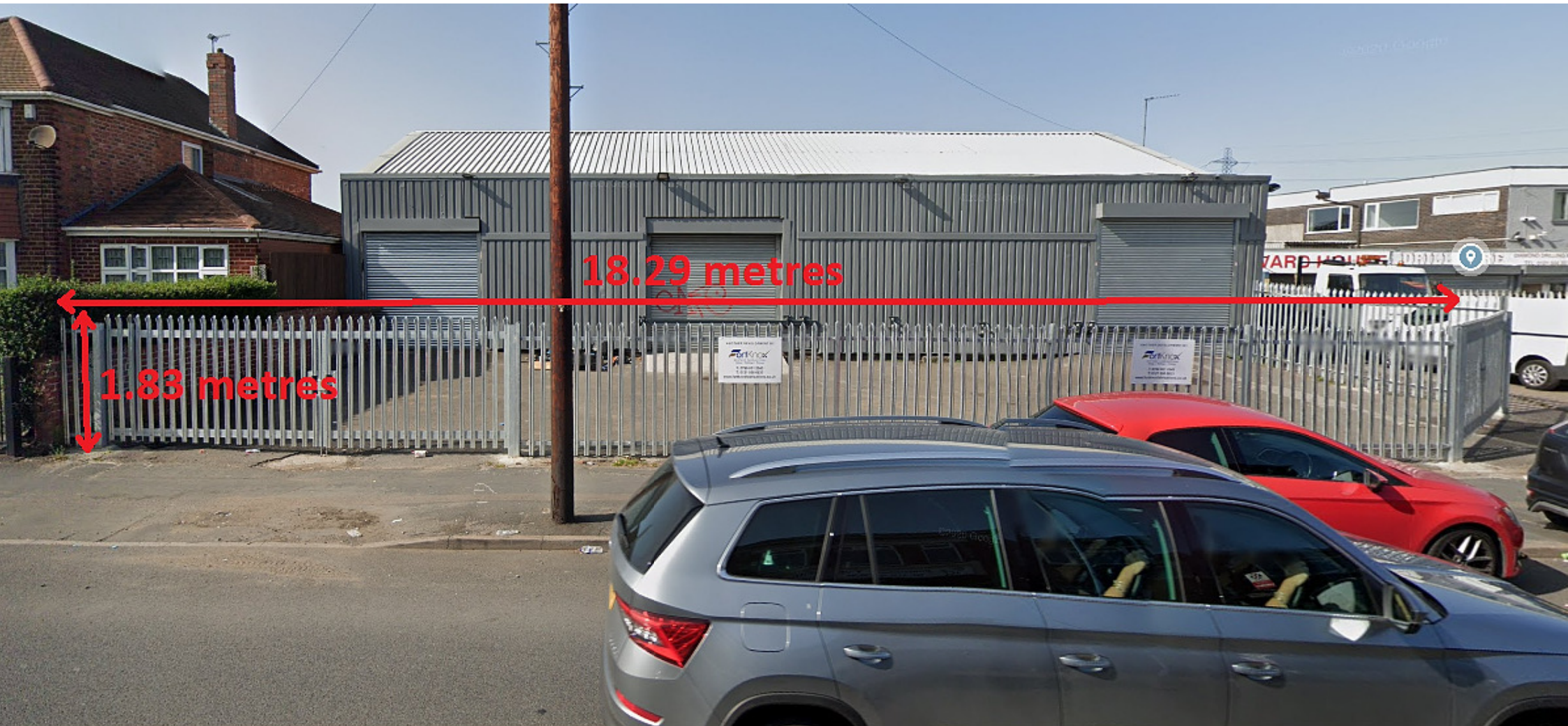
18.29m

5.49m

5.34m

A4037 LEABROOK ROAD

AVENUE



18.29 metres

1.83 metres



5.34 metres

5.49 metres



3 metres



**WE BUY CARS**  
**NEW + USED**  
**FINANCE**  
**WARRANTY**

3 metres

