

Report to Planning Committee

24 July 2024

Application reference	DC/23/68497
Application address	10 Jowetts Lane West Bromwich B71 2RA
Application description	Retention of replacement boundary treatment, removal of external rear wall, single storey rear extension to increase retail floor space, and raising of existing roof height.
Application received	6 July 2023
Ward	Hateley Heath
Contact officer	Alison Bishop Alison_bishop@sandwell.gov.uk

1 Recommendations

That planning permission is granted subject to the following conditions:-


- i) Materials to match the existing building; and
- ii) The external roller shutter shall be powder coated.



2 Reasons for Recommendations

- 2.1 The proposed accords with retail policy, would substantially improve the appearance of the existing premises and raises no highway concerns. Furthermore, its scale and massing would be proportionate in context and assimilate into the existing street pattern.

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 was originally reported to Planning Committee as six material planning objections were received.
- 4.2 It should be noted that this application was originally reported to committee in November 2023 but was deferred for a site visit. The site visit took place in January 2024. During this site visit discrepancies were noted between the submitted drawings and the works that had been carried out at the property. The application was deferred to seek clarification on the works and to request revised plans. Amended plans have now been received which are now being reported to your meeting. Following publicity to notify residents of the revised drawings, two further material planning objections have been received.
- 4.3 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 site is not allocated in 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)
 - Amenity concerns – overlooking/loss of privacy
 - Noise nuisance – hours of opening and additional floorspace
 - Insufficient refuse storage and general concerns about rubbish
 - Highways considerations - traffic generation, highway safety, parking and servicing

6. The Application Site

- 6.1 The application site is situated at the junction of Jowetts Lane and Lynton Avenue. A small parade of shops is situated opposite on Lynton Avenue and along a section of Jowetts Lane either side of the junction with Lynton Avenue.

7. Planning History

- 7.1 The application site was the subject of an 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. Works had initially ceased during the determination of this application, but some works have continued which were essentially refurbishment.

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 an external rear wall, a single storey rear extension and raising of the existing roof height (the latter is yet to be constructed).

8.2 The amended plans show an extended boundary wall which measures 4.1m in width and 2.9m in height and infills a section at the rear of the premises which returns to measuring an overall height of 3.5m. An additional display window is proposed along with a further roller shutter door for deliveries to the side elevation (Lynton Avenue). As such, the floor area of the retail store would increase from 134 sqm to 195 sqm and retain a storage area of 43 sqm. The rear elevation now shows a new external door, bin storage and secure fencing which would be accessed by a key code system. The external walls would be finished in render and painted white. Deliveries are proposed along Lynton Avenue between the hours of 9.30 and 15:00.



9. Publicity

9.1 The application has been re-publicised by eight neighbour notification letters and by site notice. Two objections have been received following this consultation, together with six objections to the original consultation.

9.2 Objections have been received on the following grounds:

- i) Highway concerns, road safety and parking issues;
- ii) Privacy and overlooking to residential properties resulting for the additional window display;
- iii) Noise nuisance from trading and additional comings and goings; and
- iv) Bin storage - reference has been made to general issues regarding rubbish and litter and that this proposal will exacerbate these concerns.

Non-material objections have been raised regarding the conduct of the applicant.

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

10. Consultee responses

10.1 Planning Policy

The proposal relates to an existing retail shop but is not within a defined centre, therefore, as the shop would create additional retail space, policy CEN6 is relevant. This policy states that small scale local facilities outside defined centres could be up to 200sqm providing certain requirements can be met. This policy consideration will be assessed in detail under section 12.



10.2 Highways

Highways have reviewed the amended plans and have stated that the increase in gross floor area proposed would not have a severe impact on the highway. It is likely that other shops in the vicinity of the site will be serviced by deliveries from Lynton Avenue and the proposal would be no different. Therefore, no objection is raised.

10.3 Pollution Control (Noise)

No objections were raised originally given that the proposal was for additional storage; however, given the increase in floor area, further comments have been sought and will be reported to your meeting.

11. National Planning Policy Framework (NPPF)

11.1 The NPPF sets out government's planning policies for England and how these are expected to be applied.

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. The works would improve the existing retail property which was in a poor state of repair and the proposed scale and external finish would be in keeping with the area.

11.3 The framework promotes sustainable transport options for development proposal and 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. The retail store is existing, and the additional floor space raised no highway objections. I am therefore satisfied that this proposal would not result in severe highway safety issues.



12. Development Plan Policy

12.1 The following policies of the council's development plan are relevant:

Black Country Core Strategy (BCCS)

CEN6 Meeting Local Needs for Shopping and Services
ENV3 – Design Quality

Site Allocations and Delivery Development Plan Document – (SADD)

SAD EOS 9 - Urban Design Principles
SAD DM 8 – Design and Installation of Shop Front Roller Shutters

12.2 Policy CEN6 states that new retail provision could be up to 200 sqm outside a defined centre. The proposed store would have a total floor area of 238 sqm, however, the retail area would be 195 sqm with the remainder being for storage. The same policy refers to 200 sqm being permitted providing that it meets day to day need, would not comprise the existing facilities, could not be provided within a town centre and is accessible by public transport and walking distance of a local community. The store had previously been a convenience store and the surrounding shops range from café, off-licence, hairdressers, hot food takeaway and cafes. Therefore, I consider that the existing shop and the extended retail space would both support and complement local day to day need. In addition, the proposal is more suited to a parade of shops rather than a town centre, given its proposed scale and size, and is served by bus routes which connect West Bromwich and Wednesbury. The site is also surrounded by residential properties for which the parade of shops serves. To conclude, the existing retail store combined with the increased floor space, would broadly be compliant with the provisions of this policy.



- 12.3 Policies ENV3 and SAD EOS 9 refer to well-designed schemes. The proposed layout and design would improve the appearance of the existing building and is of an appropriate scale in relation to the existing retail store.
- 12.4 Policy SAD DM 8 refers to the design of roller shutters to shop fronts and states that roller shutters should be powder coated and perforated. In this instance the roller shutter serves as a delivery point and not a shop front. However, the shop fronts/window displays as part of the development indicate that internal roller shutters would be installed. Notwithstanding this, I consider that to achieve good design as a minimum, the roller shutter should be powder coated and is therefore conditioned 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 – overlooking/loss of privacy

I note the concerns of residents of Lynton Avenue in that their privacy would be affected by the introduction of the additional window display. The amended plans have removed the window display nearest to these properties and replaces this with a roller shutter door to accommodate deliveries, much as the existing site operated. The remaining window display would be opposite the existing parade of shops; hence, I consider that these changes have removed direct overlooking to residential properties and the amended side elevation is now more in keeping with the street surroundings.



13.3 Noise nuisance – hours of opening and additional floorspace

The application site is an existing retail convenience store and the key issue is whether an additional retail floor area of 61 square metres would significantly increase noise nuisance. In consideration, the new window display would not include an entrance, the entrance arrangements are as previous; namely to the corner of Jowetts Lane and Lynton Avenue. Furthermore, the new roller shutter replaces existing vehicular access gates which served the premises. The main change is to the refuse area, which is situated at the rear, adjacent to an existing access way. In my opinion, these amendments are unlikely to cause an increase in noise nuisance sufficient to warrant refusal.

13.4 Insufficient refuse storage and general concerns about rubbish

Amended drawings and the revised Design and Access Statement details that the bins would be stored at the rear in a secure fenced area controlled by a keypad and that bins would be returned to this area following collection days. These arrangements are deemed to be acceptable and improve the existing situation.

13.5 Highways considerations - traffic generation, highway safety, parking and servicing

I note the concerns of residents that, at times, parking is congested in Lynton Avenue. However, double yellow lines are evident at the junction at Jowetts Lane which should prohibit parking where it is deemed unsafe. This can be monitored by parking attendants if abused. Furthermore, given the moderate size in floor area to the original retail premises, it would not warrant additional off-road parking provision to serve it and no objections have been raised in this regard by the highway service.



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 that could not be controlled by conditions.

15 Alternative Options

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

16 Implications

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



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

17. Appendices

17.1 Plans for consideration

Context plan

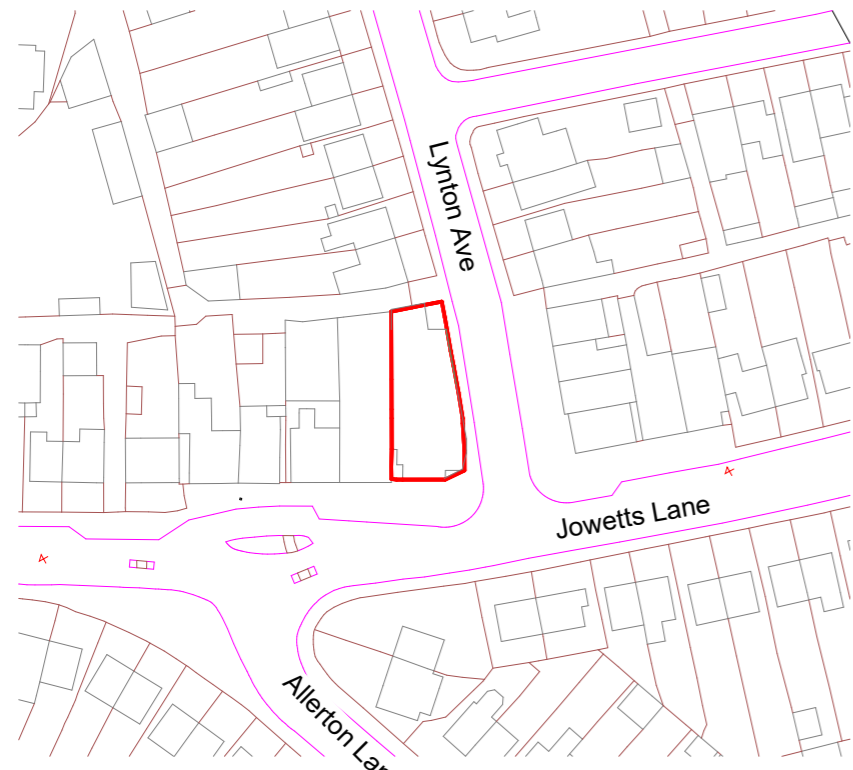
Location plan - 70012-04-01

Floor plan - 70012-05-12 Rev A

Elevations - 70012-05-13 Rev A

Elevations - 70012-05-14





LOCATION PLAN 1.1250

1 : 1250



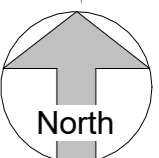
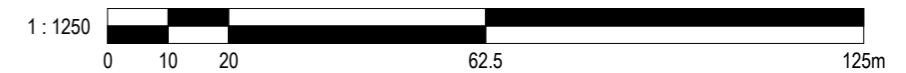
BLOCK PLAN 1.1250

1 : 1250



LOCATION PLAN 1.500

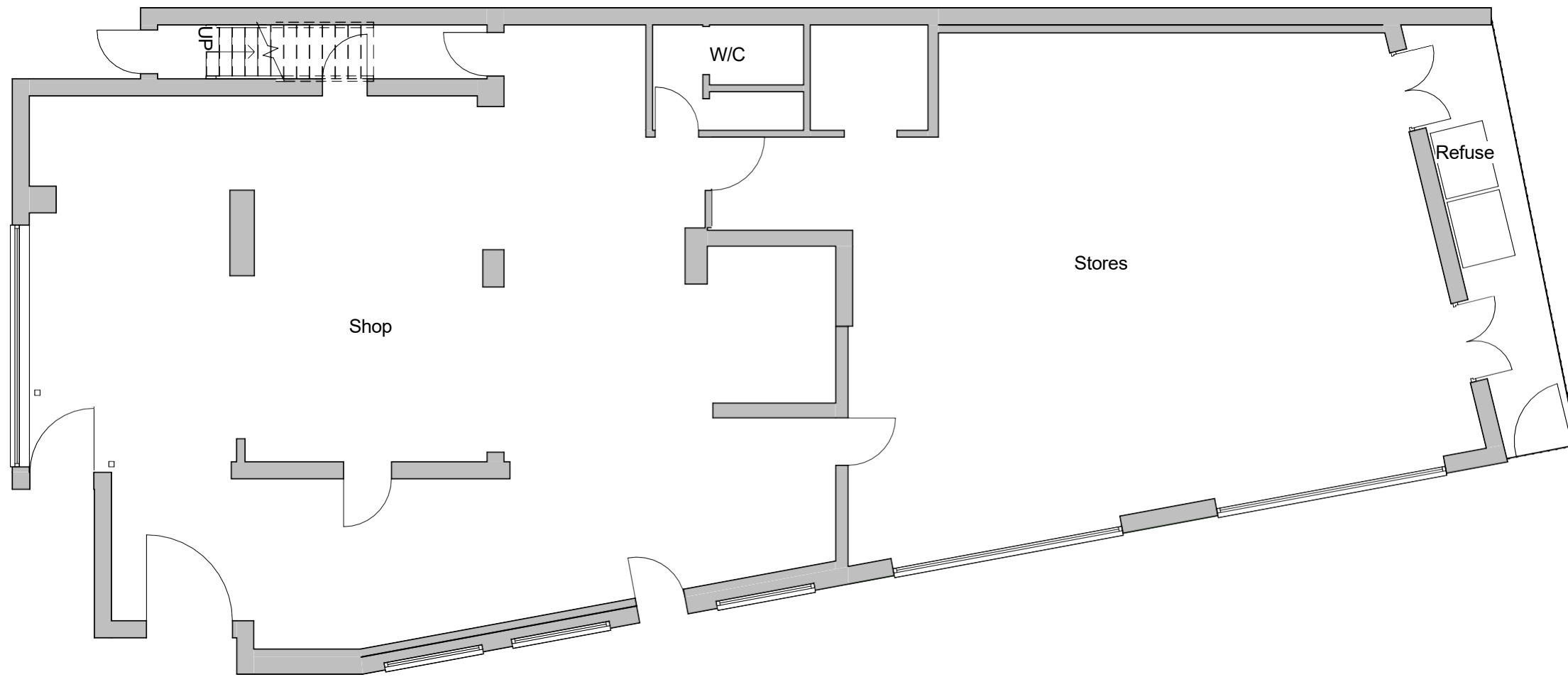
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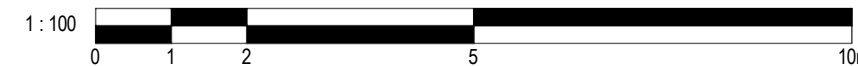
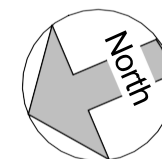
No.	Description	Date



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



Proposed Ground Floor Plan. 1:100



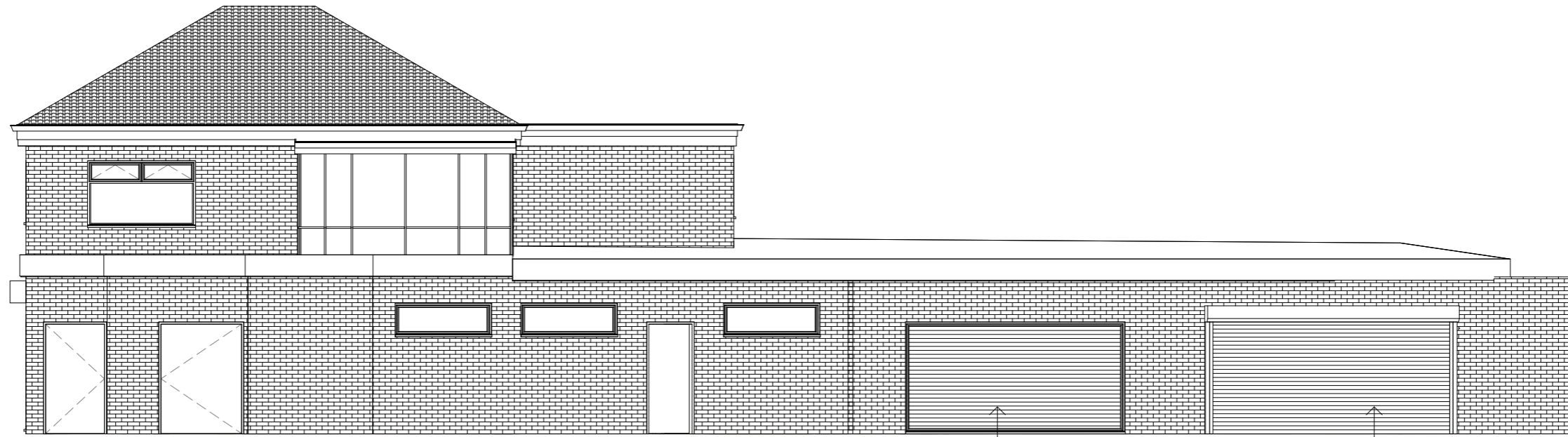
No.	Description	Date



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	A

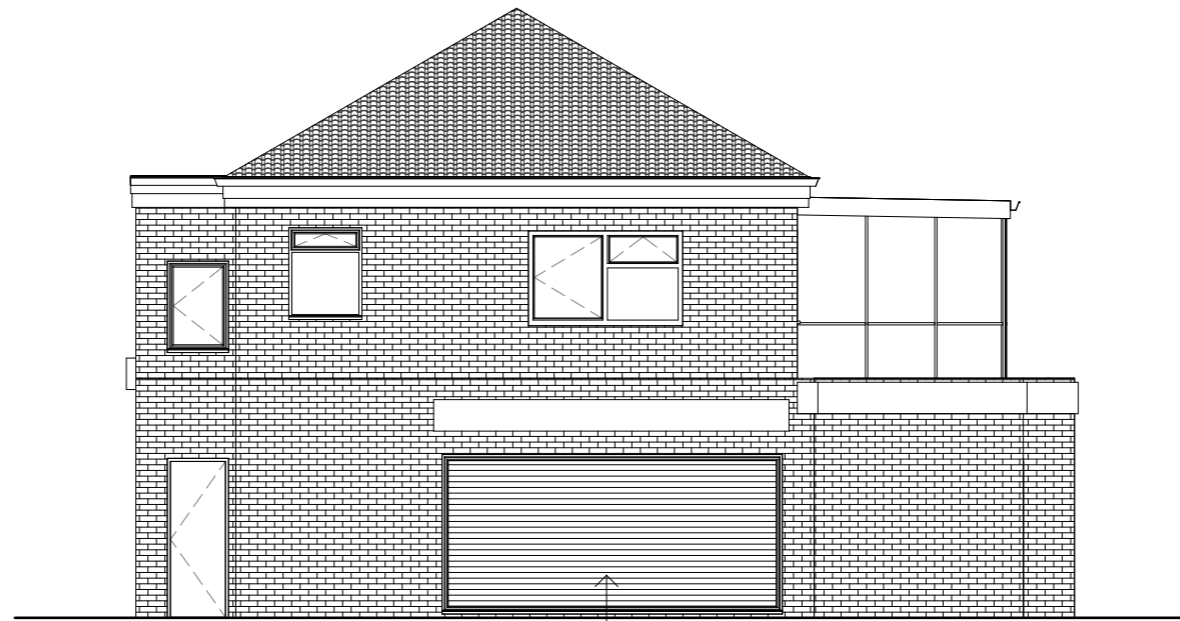


Proposed windows to incorporate shutters internally.

Proposed roller shutter door
(note to comply with policy/design the roller shutter needs to be powder coated and part perforated)

Proposed East Elevation (Shutters)

1 : 100



Proposed windows to incorporate shutters internally.

Proposed South Elevation (Shutters)

1 : 100

Note: Shutters in down position

No.	Description	Date
A	Revisions to external openings as per site visit	7.06.24



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

SHEET
Proposed Elevations (Shutters)

Owner		
Date	Scale (@ A3) - 1 : 100	
09/07/2024	DRAWING NUMBER	REV
Drawn by	70012 - 05 - 13	A
BO		
Checked by		
JG		



Proposed North Elevation (Shutters)
1 : 100



Proposed West Elevation (Shutters)
1 : 100

No.	Description	Date



PROJECT	10 Jowetts Ln, La, West Bromwich B71 2QX		
SHEET	Proposed Elevations (Shutters)		
Date	09/07/2024	Scale (@ A3) -	1 : 100
Drawn by	BO	DRAWING NUMBER	70012 - 05 - 14
Checked by	JG	REV	

List of conditions

DC/23/68497

- i) The development must conform with the terms of and the plans accompanying the application for permission and must remain in conformity with such terms and plans, save as may be otherwise required by (any of) the following condition(s), or approved amendment(s).
- ii) The development must be begun not later than the expiration of 3 years from the date of this permission.
- iii) The external materials used in the development hereby permitted shall match in colour, form and texture those of the existing building unless otherwise agreed in writing by the local planning authority.
- iv) The external roller shutter shall be powder coated and retained as such.