

# Report to Planning Committee

**8 January 2025**

<b>Application reference</b>	DC/24/69756
<b>Application address</b>	Units 2 and 3 Wattville Road Industrial Estate Wattville Road Smethwick B66 2NT
<b>Application description</b>	Proposed detached building to rear for use as garage for car storage, repairs and MOT's.
<b>Application received</b>	30 August 2024
<b>Ward</b>	St Pauls
<b>Contact officer</b>	Mr Andrew Dean <a href="mailto:andrew_dean@sandwell.gov.uk">andrew_dean@sandwell.gov.uk</a>

## 1. Recommendations

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

- i) External materials;
- ii) Contamination;
- iii) Drainage;
- iv) Building to remain ancillary to Unit 2 and 3, Wattville Road Industrial Estate, Wattville Road.

## 2. Reasons for Recommendations

- 2.1 The proposal is acceptable in design and appearance and raises no concerns from a highway safety or amenity perspective. The building would be used for ancillary purposes for the existing vehicle repairs garage.

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

Thriving Economy in Sandwell	The Sandwell Local Plan serves as the blueprint for future development, guiding housing and employment growth while ensuring new infrastructure investments like transport and schools.  The proposal would assist in enabling an existing business to grow.
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## 4. Context

- 4.1 The application is being reported to Planning Committee as five material planning objections against the proposal have been received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[Unit 2 and 3 Wattville Road, Smethwick](#)

## 5. Key Considerations

- 5.1 The site is allocated for Local Employment Land 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, loss of light and/or outlook and overshadowing;
- Design concerns - appearance and materials, layout and density of building, wider visual amenity and overdevelopment;
- Highways considerations - traffic generation, access, highway safety, parking and servicing;
- Environmental concerns – noise, air quality, pollution and general disturbance;

## 6. The Application Site

6.1 The application site is situated at the junction of Wattville Road and William Street West, Smethwick. The character of the surrounding area is industrial in nature.

## 7. Planning History

7.1 Retrospective approval under application DC/17/60317 for the change of use of unit 2 was granted approval for the change of use to a garage for servicing, car repairs and MOT's (Class B2). Unit 3A received planning approval under application DC/21/65884 for the proposed change of use from a general industrial unit to hot food takeaway with restaurant to first floor with external flue/staircase and bin/waste store.

7.2 Relevant planning applications are as follows:

DC/21/65884	Proposed change of use from general industrial unit to hot food takeaway with restaurant to first floor with	Grant Permission subject to conditions. 23.11.2021
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	external flue/staircase and bin/waste store.	
DC/17/60317	Retention of use as garage for servicing, car repairs and MOT's (Class B2).	Grant Retrospective Permission. 09.05.2017
DC/05249	Three Industrial Units.	Grant Permission subject to conditions. 06.07.1977

## 8. Application Details

- 8.1 The applicant is proposing to erect a detached building to the rear for use as a garage for car storage, car repairs and MOT's associated with the wider existing use of the site. The proposed building would measure 4.1 metres (W) by 8.7 metres (L) with an overall height of 3.4 metres at the front and 3.1 metres at the rear. An amended plan has been submitted due to an error on the scale bar. A Steel framework for the proposed building has been erected on site (see photo below). This application has been submitted following enforcement action taken under ENF/23/12218.



## **9. Publicity**

9.1 The application has been publicised by 13 neighbour notification letters. Five objections have been received.

9.2 Objections have been received on the following grounds:

- i) The proposed building will affect access to neighbouring units. A right of way/ easement is in place on the application site to allow access to neighbouring units.
- ii) Highways matters, the land in question is already congested and restricts access.
- iii) The proposed building would restrict light to the adjacent industrial land and building.

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

## **10. Consultee responses**

### **10.1 Planning Policy**

No objection.

### **10.2 Highways**

No objection. The area is currently used for vehicle storage/ parking, the structure is not affecting the number of parking spaces available and would not create more trips to the site.

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

No Objection subject to a contaminated land condition.

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

No objection.

#### **10.5 Pollution Control (Air)**

No objection.

#### **10.6 Biodiversity Net Gain**

Exempt given the hardstanding nature of the site as existing.

### **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.

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.

11.2 I am of the opinion that the scheme is of a good design and would assimilate into the overall form and layout of the site's surroundings and character; in accordance with the design principles of the NPPF.

### **12. Development Plan Policy**

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

## **Black Country Core Strategy (BCCS)**

EMP3 – Local Quality Employment Areas

ENV3 – Design Quality

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

SAD HE 5 - Archaeology & Development Proposals

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.
- 12.3 EMP3 seeks to safeguard land for industrial and warehouse uses including the motor trade. The proposed development of a building for ancillary care storage, car repairs and MOT's accords with this policy.
- 12.4 In Areas of Potential Archaeological Importance, SAD HE 5 seeks to identify requirements for archaeological preservation or investigation via information derived from an archaeological desktop study. Taking into consideration the minor scale of the development, the proposal is on previously developed land and the fact the excavations for the supporting columns has already been undertaken and do not appear to be substantial in nature. I do not consider significant destruction of any archaeological remains would have occurred. An archaeological desktop study is therefore not required.

## **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, loss of light and/or outlook and overshadowing.**

The objection relating to loss of light relates to an industrial premises and not a residential property. The proposed building would not be constructed directly in front of the window and would be positioned adjacent to an existing fence line. The fence (palisade in design) on the boundary between the two properties is substantial in height with the proposed building being single storey and not significantly higher than the fence at the nearest point to the objectors building. Furthermore, the objector has dense vegetation on the boundary line which further obscures the building from this window as well as impacting on light. Taking into consider the use of the objector's property, and the onsite arrangement, I do not consider a significant loss of light would occur to this property to warrant refusal of this application.

### **13.3 Design concerns - appearance and materials, layout and density of building, wider visual amenity and overdevelopment.**

The proposed scale and design of the building is acceptable given the character of the surrounding area being industrial in nature. A condition for the proposed external material to be submitted and approved by the local planning authority has been included in the recommendation. Furthermore, a condition for the unit to remain ancillary to the existing vehicle repair business located in unit 2 has also been included in the recommendation, so to prevent the building being used as a separate business in the future,.

### **13.4 Highways considerations - traffic generation, access, highway safety, parking and servicing.**

The Head of Highways has reviewed the application and raised no objections to the application. Highways are satisfied that there would be no significant impact on vehicle parking or trip rates when compared to the existing use.



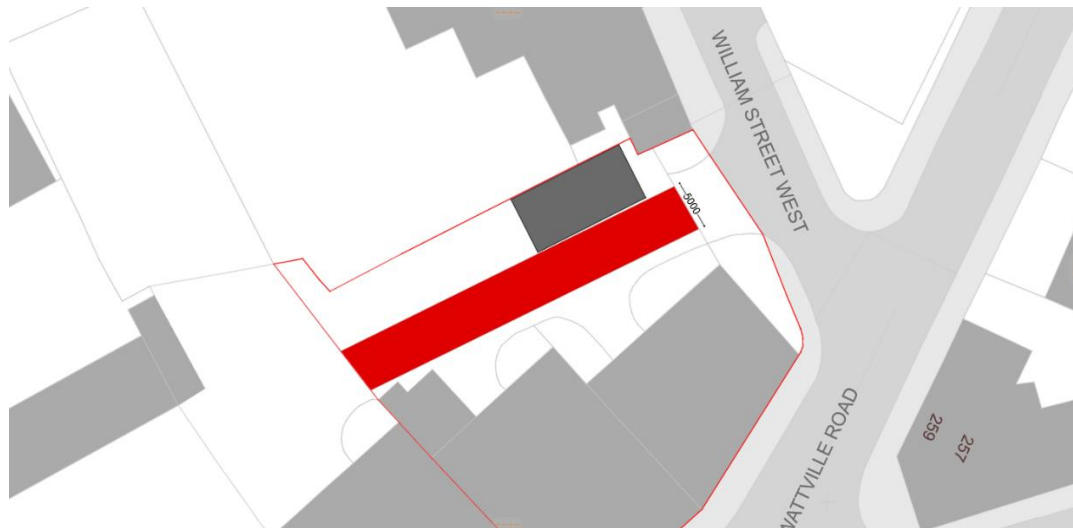
### 13.5 Environmental concerns – noise, air quality, pollution and general disturbance.

Public Health have reviewed the application and raised no objections on noise, air quality, pollution and general disturbance grounds. The application is within a local employment allocated area surrounded by industrial uses.

### 13.6 Other Matters.

The objectors raised concerns with regards to the building being located on land which is classed as a right of way/ protected by a legal covenant to allow access to neighbouring units. Access right issues are a civil matter between the two private landowners and so this falls outside the planning remit. The granting of planning approval would not override or supersede any legal rights of access or covenants that are in place. Nevertheless, the applicant has provided a copy of a land registry title plan showing the legal right of access relates to the area-coloured pale blue (shown below) and confirmed the proposed building would not be built on this area. A 5 metre width access road would be maintained to allow access to other properties as per the Land Registry title plan. The applicant has also stated the gates (one pedestrian and one double vehicle access gate) have been installed where no legal right of access is in place, however, the proposed building has been positioned to not directly block these gates.





## **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'. To summarise: the proposal should be approved unless any adverse impacts of granting the permission would significantly and demonstrably outweigh the benefits when assessed against development plan policies or, where those policies are out of date, the NPPF as a whole. Where national policy takes precedence over the development plan, this has been highlighted in paragraph 11 (National Planning Policy Framework).
- 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

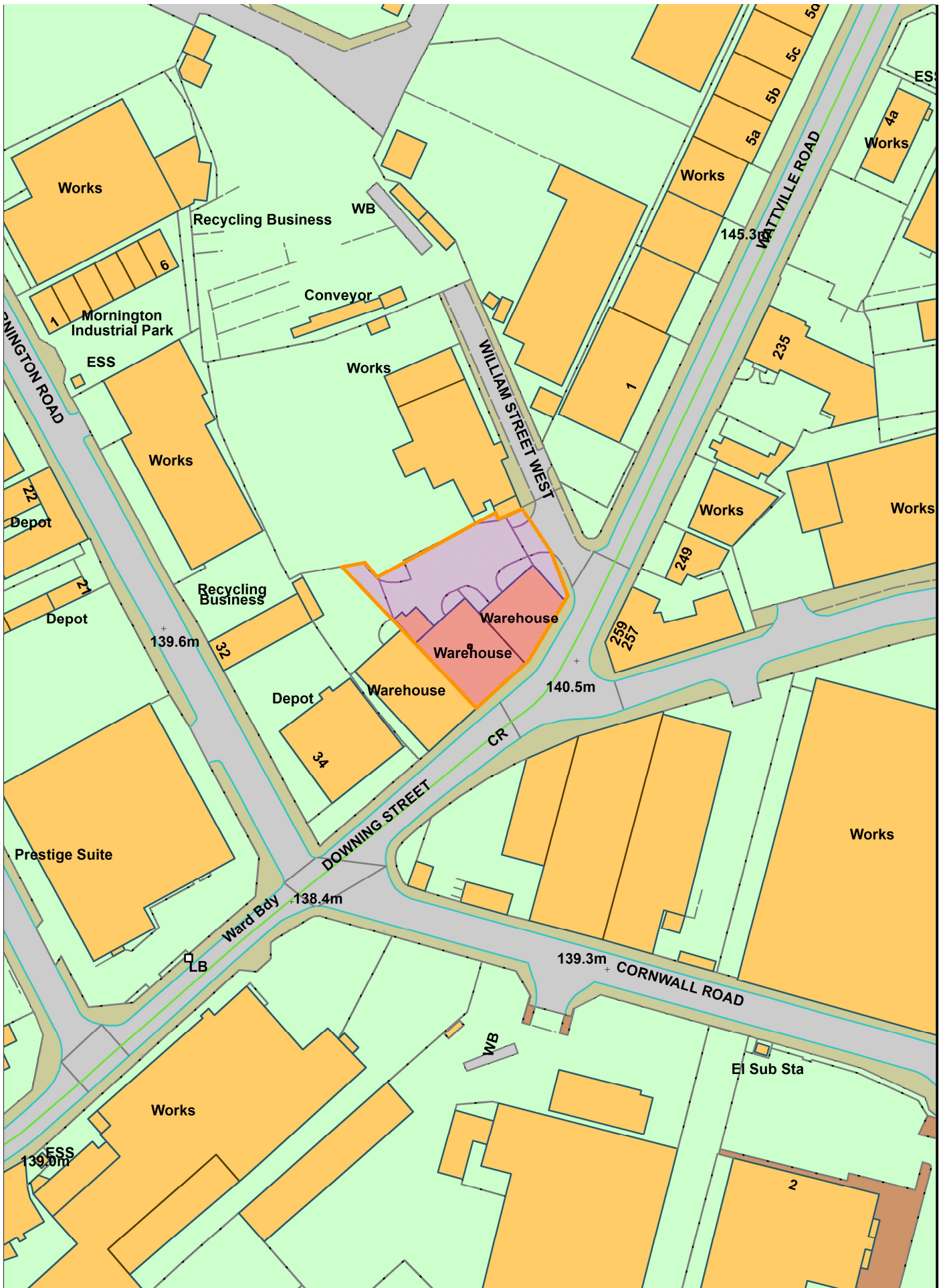
<b>Resources:</b>	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the council.
<b>Legal and Governance:</b>	This application is submitted under the Town and Country Planning Act 1990.
<b>Risk:</b>	None.
<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.
<b>Corporate Parenting</b>	None.

## 17. Appendices

### 17.1 Plans for consideration

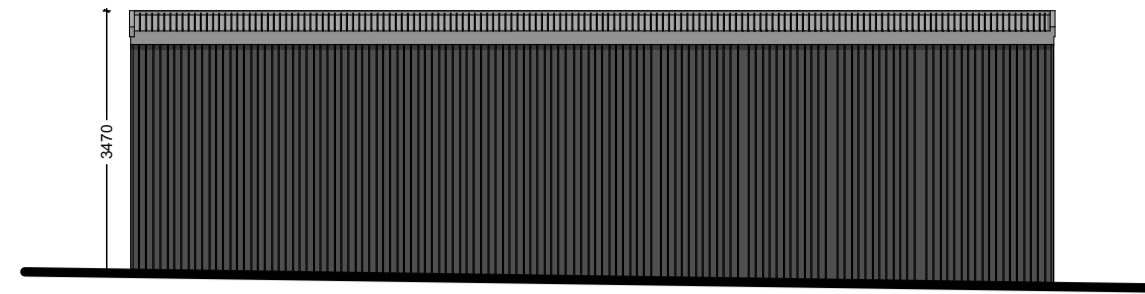
Context plan

001 REV A (A1) - AMENDED PROPOSED ELEVATIONS/SECTION &  
LOCATION/SITE PLAN

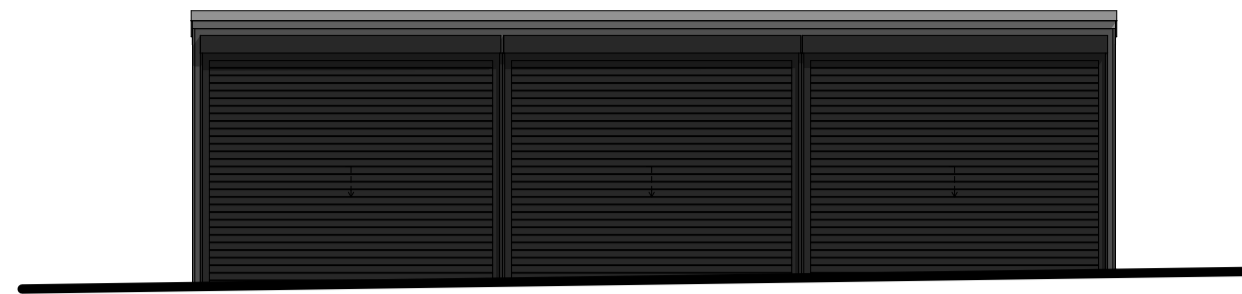




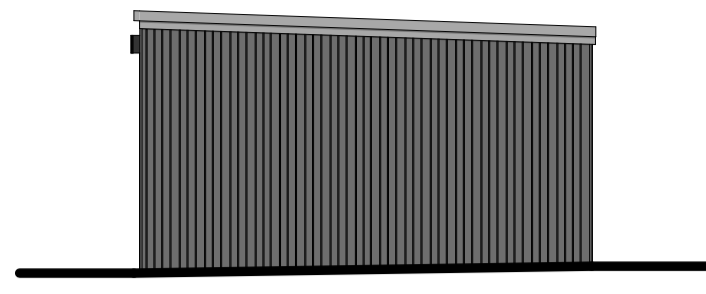
**PACE STUDIO LTD**  
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 Birmingham B3 1RB  
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 enquiries@pacestudio.co.uk - www.pacestudio.co.uk



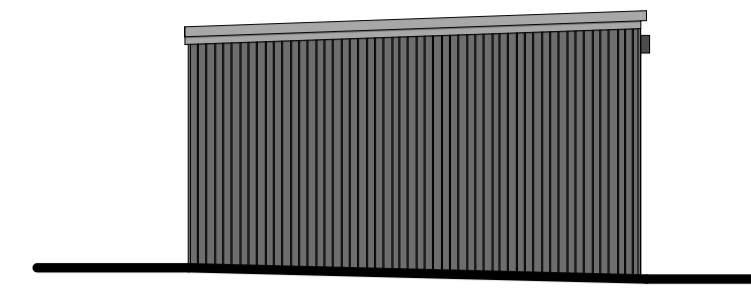
North Elevation 1:100



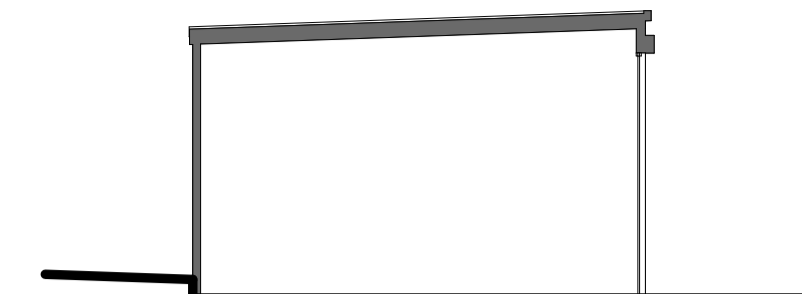
South Elevation 1:100



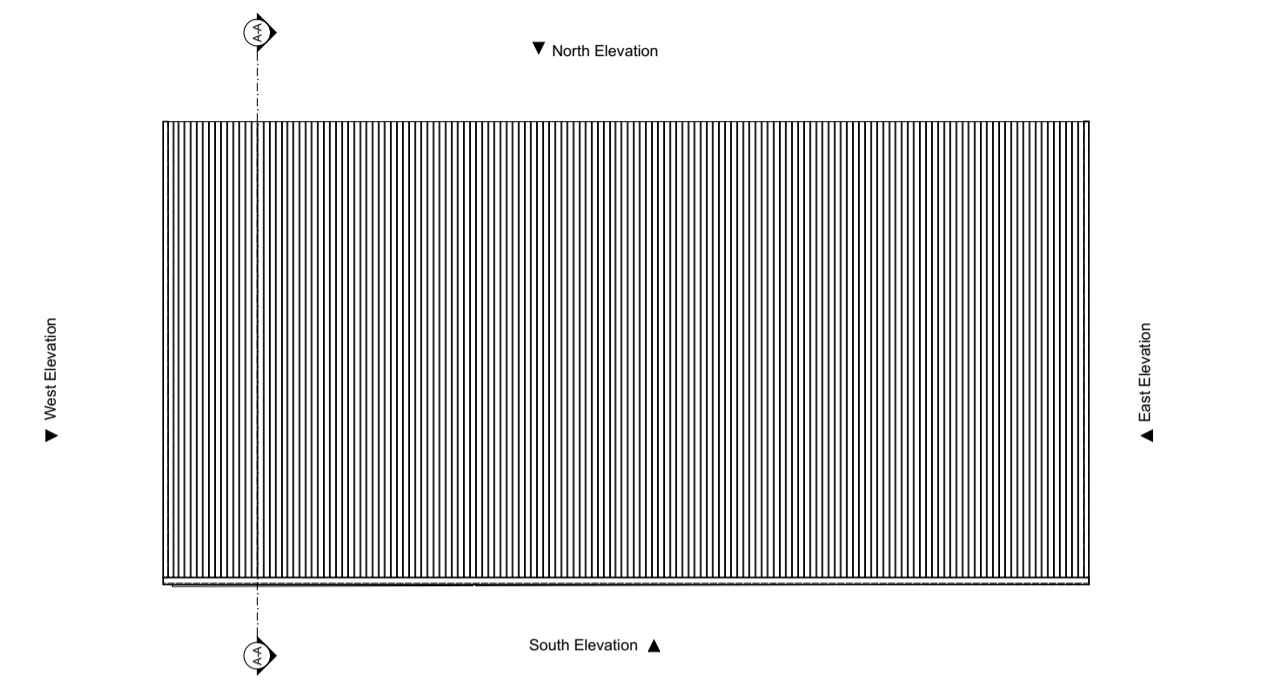
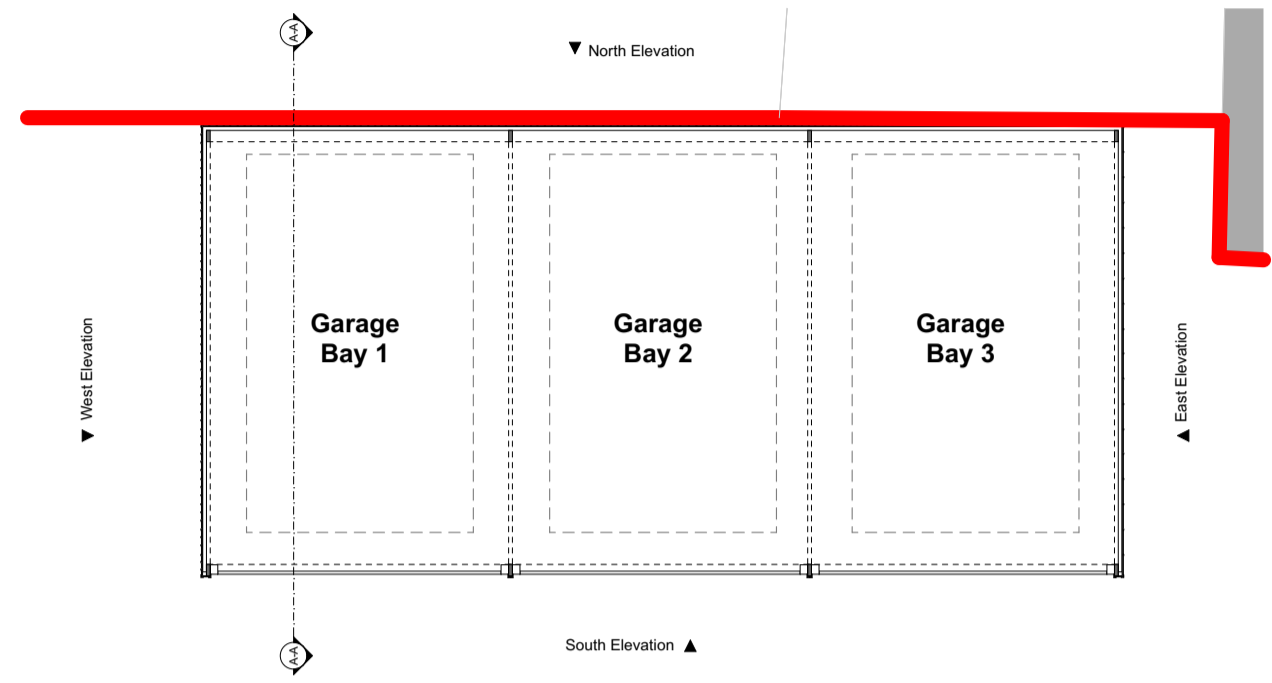
East Elevation 1:100



West Elevation 1:100



A-A Section 1:100



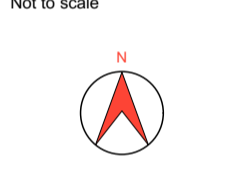
**Notes**

1. Drawings are based on survey data and may not accurately represent what is physically present.
2. Only Scale For Planning Purposes. All dimensions to be site verified by the contractor before proceeding.
3. All dimensions are in millimetres unless noted otherwise.
4. PACE Studio LTD shall be notified in writing of any discrepancies.
5. All details for Building Regulations are shown indicatively only.
6. Where Building Regulation Compliance is NOT required, the client is to ensure adequate installation in accordance with Health and Safety Regulations.

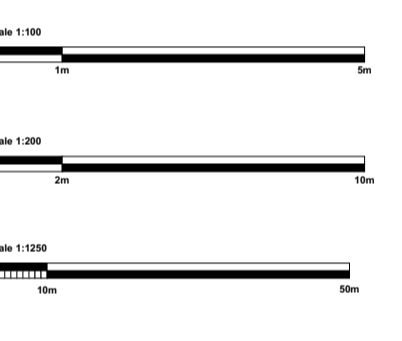
**Revisions**

REV	DATE	SPEC
A	16.12	SCALE & STRUCTURE HEIGHTS REF

**Project North**



**Project Scale (Meters)**



**Status/Issue:**

**01 - PLANNING PERMISSION  
FOR LPA APPROVAL**

**Client:**

**MBM Autohaus**

**Project Name/Address:**

**UNIT 2-3  
WATTVILLE ROAD  
SMETHWICK  
B66 2NT**

**Title:**

**SECTION  
ELEVATIONS  
BLOCK PLAN  
FLOOR PLANS  
LOCATION PLAN**

**Revision:**

**A**

**Drawn By:**

**TB (MArch)**

**Approved By:**

**JP (BArch)**

**Date:**

**16.12.2024**

**Job No:**

**2024-227**

**Scale + size: 1:1250/200/100 : A1L**

**Drawing no:**

**001**

## DC/24/69756

### List of conditions

- 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) Before the development is commenced (excluding site investigation, remediation or construction foundations) details of the materials to be used for the external surfaces of the development shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved schedule of materials.
- iv) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.
- v) Before the development is commenced details of drainage works for the disposal of surface water shall be submitted to and approved in writing by the local planning authority. The approved drainage works shall be implemented before the development is first occupied or brought into use and thereafter retained.
- vi) The approved building shall be used for purposes that are ancillary to the main use of Units 2 and 3 Wattville Road Industrial Estate, Wattville Road, Smethwick.