

Sandwell Metropolitan Borough
Council
Development Planning Section
P.O. Box 2374
Council House
Freeth Street, Oldbury
West Midlands. B69 3DE



Application No. DC/20/64273

SANDWELL METROPOLITAN BOROUGH COUNCIL

PLANNING PERMISSION TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

THE TOWN AND COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988

Name and Address of Applicant	Name and Address of Agent
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M Adeel The Gate Fuels Ltd 22-42 Washwood Heath Road Washwood Heath Birmingham B8 1RB	Mr S Khan 248 Washwood Heath Road Washwood Heath Birmingham B8 1RJ
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Site:	117 Station Road Cradley Heath B64 6PL
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Particulars of Development:	Proposed partial rear demolition and change of use of existing warehouse premises into 9 No. self-contained flats.
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Valid application received on: 2 June 2020 amended on 23 November 2020

The Borough Council of Sandwell as local planning authority hereby **GRANT PLANNING PERMISSION** to the above described development proposed in the application numbered as shown above and in the plans and drawings approved as listed overleaf, subject to the following condition(s):-

Conditions

1. 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).

2. The development must be begun not later than the expiration of 3 years from the date of this permission.
3. a) Before the development is brought into use details of secure cycle parking within the development shall be submitted to and approved in writing the local planning authority.

b) The approved secure cycle parking shall be implemented before the development is first occupied and thereafter retained as such
4. a) Before the development is brought into use a scheme showing details of the height, type and position of all site and plot boundary walls or fences to be erected on the site shall be submitted in writing to and approved by the local planning authority.

b) The approved boundary walls or fences shall be erected before each dwelling is first occupied.
5. a) The approved development shall not be brought into use until the space shown on the submitted plan for the parking, loading, unloading and manoeuvring of vehicles has been provided.

b) When provided the space for the parking, loading, unloading and manoeuvring of vehicles shall be retained as such.
6. a) Before the development is first occupied a detailed hard and soft landscaping (to include details of trees to be retained to the frontage of Station Road) and planting scheme shall be submitted in writing to and approved by the local planning authority.

b) The approved hard and soft landscaping and planting scheme shall be implemented within eight months of the development being occupied.

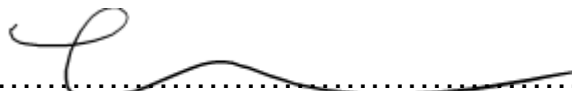
c) Any tree, hedge or shrub planted as part of a soft landscaping scheme (or replacement tree/hedge) on the site, and which dies or is lost through any cause during a period of 3 years from the date of first planting shall be replaced in the next planting season.
7. a) Before the development is commenced details of drainage works (including SUDs) for the disposal of both surface water and foul sewage shall be submitted in writing to and approved by the Local Planning Authority.

- b) The approved drainage works shall be implemented before the development is brought into use and thereafter retained as such.
8. a) Prior to the commencement of development a comprehensive noise assessment shall be carried out over a 24-hour period and any noise mitigation measures be identified.
- b) Details of any noise mitigation measures shall be submitted to and agreed by the local planning authority prior to development.
- c) The agreed noise mitigation measures shall be implemented in full prior to development first being occupied.
9. a) Before the development is commenced (excluding any site investigations and remedial measures) details of electric vehicle charging points to serve the residential properties shall be submitted in writing and approved by the local planning authority.
- b) Before any dwelling is first occupied the electric charging point shall be installed in accordance with the approved details.
10. No burning of materials shall occur on site during the site clearance and construction phases.
11. Construction and work on site shall only occur between the hours of 08.00 to 17.30 Monday to Friday, 09.00 to 16.00 on Saturdays with no work occurring on Sundays or bank holidays.

Reasons

1. To ensure that any development undertaken under this permission shall not be otherwise than in accordance with the terms of the application, on the basis of which permission is being granted, except in so far as other conditions may so require.
2. Pursuant to section 91 of the Town and Country Planning Act 1990.
3. To ensure that the development conforms with the provisions of policy TRAN4 of the Black Country Core Strategy and the Council's Cycling Supplementary Planning Guidance.
4. To ensure the satisfactory appearance of the development and safeguard the privacy of the residents.

5. To ensure the provision of adequate off-street facilities and in accordance with the Revised Residential Design Guidance SPD 2014.
6. To enhance the appearance of the development.
7. To ensure that satisfactory drainage is provided and also to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with the National Planning Policy Framework and Policy ENV5 'Flood Risk, Sustainable Drainage Systems and Urban Heat Island' of the Black Country Core Strategy.
8. To safeguard occupiers of the dwellings from noise.
9. In accordance with the approved Air Quality Strategy and to conform with the provisions of Policy ENV8 (Air Quality) of the Black Country Core Strategy.
10. To safeguard neighbouring property from smoke and odour.
11. To safeguard neighbouring residential property from undue noise and disturbance.

Date 03.12.2020..... Signature .....
Tammy Stokes, Interim Director Regeneration & Growth

N.B.

1. **THIS IS A PLANNING PERMISSION ONLY. IT IS NOT AN APPROVAL:-
(A) UNDER THE BUILDING REGULATIONS (WORK WHICH REQUIRES
SUCH APPROVAL MUST NOT START UNTIL IT HAS BEEN OBTAINED):
OR
(B) UNDER ANY OTHER STATUTORY PROVISION**
2. **YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF.**

CIL INFORMATIVE

IMPORTANT FINANCIAL INFORMATION

THIS PERMISSION IS SUBJECT TO THE COMMUNITY INFRASTRUCTURE LEVY (CIL). THE CIL ASSUMPTION OF LIABILITY FORM AND CIL COMMENCEMENT NOTICE SHOULD BE COMPLETED AND RETURNED TO THE LOCAL PLANNING AUTHORITY AT THE ADDRESS GIVEN ABOVE PRIOR TO THE COMMENCEMENT OF DEVELOPMENT. THE FORMS CAN BE FOUND AT:-

http://www.sandwell.gov.uk/info/200317/planning_policy/3236/sandwell_community_infrastructure_levy_cil/2

FAILURE TO COMPLY WITH CIL REQUIREMENTS WILL RESULT IN ADDITIONAL FINANCIAL PENALTIES BEING IMPOSED

APPROVED PLANS AND DRAWINGS:-

Plan Description	Reference	Version
Floor Plan - Proposed	003	C
Site/Block Plan	008	
Proposed Elevations	005	

NOTE FOR APPLICANT**Applicant Engagement Statement**

In dealing with the application the local authority has considered solutions and proactively engaged with the applicant in line with the National Planning Policy Framework.

The following Policies And Proposals Contained Within Sandwell Council's Development Plan Are Relevant to the Determination of this Application:

HOU1 Delivering Sustainable Housing Growth

Sufficient land will be provided to deliver at least 63,000* net new homes over the period 2006 - 2026. The majority of the requirement will be met through committed sites and the phased allocation of sites within the Regeneration Corridors, Strategic Centres, appropriate Free-Standing Employment Sites and housing renewal areas as detailed in Tables 5, 6, & 7, the Housing Key Diagram and Appendices 2 and 3.

Additional housing capacity will also be sought elsewhere in the Black Country through allocations and planning permissions on suitable sites. The estimated net effect of housing redevelopment up to 2026 will be reviewed annually and taken into account in the calculation of housing land supply.

At least 95% of new housing (gross) will be built on previously developed land.

HOU2 Housing Density, Type and Accessibility

The density and type of new housing provided on each site will be informed by:

- The need for a range of types and sizes of accommodation to meet identified sub-regional and local needs;

- The level of accessibility by sustainable transport to residential services, including any improvements to be secured through development;
- The need to achieve high quality design and minimise amenity impacts, taking into account the characteristics and mix of uses in the area where the proposal is located.

Each authority will aim to provide an overall mix of house types over the plan period, tailored to best meet local and sub-regional needs.

Developments of 15 dwellings or more should provide a range of house types and sizes that will meet the accommodation needs of both existing and future residents, in line with information available from the Strategic Housing Market Assessment and Housing Needs Surveys and with reference to the targets above.

All developments will aim to achieve a minimum net density of 35 dwellings per hectare, except where higher densities would prejudice historic character and local distinctiveness as defined in Policy ENV2.

All site allocations made in Local Development Documents will indicate the density and house type mix to be sought. Detailed guidance on the application of this policy in local areas will be provided in Site Allocation Documents and Area Action Plans, and through individual local authority Supplementary Planning Documents.

TRAN4 Creating Coherent Networks for Cycling and Walking

Cycle parking facilities should be provided at all new developments and should be located in a convenient location with good natural surveillance, e.g. in close proximity of main front entrances for short stay visitors or under shelter for long stay visitors. The number of cycle parking spaces required will be determined by local standards in supplementary planning documents.

ENV3 Design Quality

Each place in the Black Country is distinct and successful place-making will depend on understanding and responding to the identity of each place with high quality design proposals. Development proposals across the Black Country will deliver a successful urban renaissance through high quality design that stimulates economic, social and environmental benefits by demonstrating that the following aspects of design have been addressed through Design and Access Statements reflecting their particular Black Country and local context:

1. Implementation of the principles of “By Design” to ensure the provision of a high quality network of streets, buildings and spaces;

2. Implementation of the principles of “Manual for Streets” to ensure urban streets and spaces are designed to provide a high quality public realm and an attractive, safe and permeable movement network;
3. Use of the Building for Life criteria for new housing developments, to demonstrate a commitment to strive for the highest possible design standards, good place making and sustainable development, given local circumstances;
4. Meeting Code for Sustainable Homes Level 3 or above for residential development and Building Research Establishment Environmental Assessment Method (BREEAM) Very Good or above for other development, or the national requirement at the time of submitting the proposal for planning permission, to demonstrate a commitment to achieving high quality sustainable design;
5. Consideration of crime prevention measures and Secured By Design principles.
6. Including design features to reduce the urban heat island effect such as tree cover, green roofs and the inclusion of green space in development.

ENV5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island

The Black Country Authorities will seek to minimize the probability and consequences of flood risk by adopting a strong risk-based approach in line with PPS25. Development will be steered to areas with a low probability of flooding first through the application of the sequential test. The Exception test will then be required for certain vulnerable uses in medium and high probability flood areas.

Proposals for development must demonstrate that the level of flood risk associated with the site is acceptable in terms of the Black Country Strategic Flood Risk Assessment and its planning and development management recommendations as well as PPS25 depending on which flood zone the site falls into and the type of development that is proposed (see PPS25, table D1: Flood Zones to explain appropriate uses in flood zones).

To assist in both reducing the extent and impact of flooding and also reducing potential urban heat island effects, all developments should:

- Incorporate Sustainable Drainage Systems (SUDs), unless it would be impractical to do so, in order to significantly reduce surface water run-off and improve water quality. The type of SUDs used will be dependent on ground conditions;
- Open up culverted watercourses where feasible and ensure development does not occur over existing culverts where there are deliverable strategies in place to implement this;

- Take every opportunity, where appropriate development lies adjacent to the river corridors, or their tributaries or the functional floodplain, to benefit the river by reinstating a natural, sinuous river channel and restoring the functional floodplain within the valley where it has been lost previously;
- On sites requiring a Flood Risk Assessment, reduce surface water flows back to equivalent greenfield rates;
- Create new green space, increase tree cover and/or provide green roofs;

No development will be permitted within a groundwater SPZ1 which would physically disturb an aquifer, and no permission will be granted without a risk assessment demonstrating there would be no adverse effect on water resources.

ENV8 Air Quality

New residential or other sensitive development, such as schools, hospitals and care facilities, should, wherever possible, be located where air quality meets national air quality objectives.

Where development is proposed in areas where air quality does not meet (or is unlikely to meet) air quality objectives or where significant air quality impacts are likely to be generated by the development, an appropriate air quality assessment will be required. The assessment must take into account any potential cumulative impacts as a result of known proposals in the vicinity of the proposed development site, and should consider pollutant emissions generated by the development.

If an assessment which is acceptable to the local authority indicates that a proposal will result in exposure to pollutant concentrations that exceed national air quality objectives, adequate and satisfactory mitigation measures which are capable of implementation must be secured before planning permission is granted.

SAD EOS 9 - Urban Design Principles

The Council will assess all applications for new development in accordance with policy ENV3, Design Quality, of the Black Country Core Strategy.

The Council will reject poor designs, particularly those that are inappropriate in their locality, for example, those clearly out of scale with or incompatible with their surroundings.

Particular regard will be paid to how the development relates to the street, its relationship with the public realm, the ease with which the public are able to move through and around the development, and the nature and height of any buildings and their effect on the surrounding urban area.

NOTES

Unstable or Contaminated Land

Responsibility and subsequent liability for safe development and secure occupation rests with the developer and/or landowner. Although the local planning authority has used its best endeavours to determine the application on the basis of the information available to it, this does not mean that the land is free from instability or contamination.

In cases where the question of stability or contamination has been a material consideration, resolution of this issue does not necessarily imply that the requirements of any other controlling authority would be satisfied, and the **granting of planning permission does not give a warranty of support or stability or of freedom from contamination.**

NOTES

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town & Country Planning Act 1990.

If you want to appeal, then you must do so within eight weeks of the date of this notice in the case of an advertisement application, 12 weeks of the date of this notice in the case of a householder application, 12 weeks of the date of this notice in the case of a minor commercial application and within six months of the date of this notice in any other case, using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.gov.uk/government/organisations/planning-inspectorate.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not determine an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any direction given under a development order.

In practice, the Secretary of State is unlikely to refuse to consider appeals solely because the local planning authority based its decision on a Direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Notes for applicants who intend to carry out work to which the Building Regulations apply:

Now that you have your Planning Permission, you will also need to consider applying for Building Regulation approval. This is basically a technical exercise to ensure that your project complies with current national building standards and that your health and safety (and that of members of your household) is not compromised.

Sandwell Council's Regeneration and Growth Directorate also provides a Building Control Service and if your scheme requires Building Regulation approval, I would ask you to contact my Building Control Section on 0121 569 4054/4055 if you require further information concerning the Building Regulations process or visit our website at www.sandwell.gov.uk for guidance and forms.

The Council's in-house Building Control Team can offer the following services:

- Assessment of plans and any structural calculations – plans and details will be checked by our Team of qualified surveyors to check for compliance with the Building Regulations.
- Next day site inspection service (providing you book your inspection prior to 5.00 pm Monday to Thursday and 4.30 pm Friday).
- In order to ensure that your building work meets minimum safety standards our Surveyors will carry out a pre-scheduled number of site inspections dependent on your project. We understand the importance of you (and your contractor) having on-site advice available throughout the duration of your project.

Impartial and independent advice – as a team within the Council, Building Control does not have any contracts or links with architects or contractors and therefore, our primary concern is that your project meets current construction standards and that health and safety is given the highest priority.