

Council/Committee:	Planning Committee
Date of Meeting	3 September 2025
Application Reference	DC/25/70439
Application Description	Retention of single storey rear extension for storage, proposed single storey extension for storage and addition of ancillary hot food takeaway use at no. 71.
Application Received	21 March 2025
Report Author	Anjan Dey anjan_dey@sandwell.gov.uk
Lead Officer	Tammy Stokes
Ward	Greets Green & Lyng
Appendices (if any)	<ol style="list-style-type: none"> 1. Location Plan - 24.717.P01 REV A 2. Existing & proposed floor plans - 24.717.P02 REV B Elevation plan(s) 3. Existing & proposed elevations – 24.717.P04 A 4. Existing & proposed elevations - 24.717.P03 C

1. Application Summary

- 1.1 The application is being reported to Planning Committee as one objection and a petition containing nine signatures has been received.
- 1.2 At its last meeting the committee deferred making a decision on the application so that details relating to the existing use of 73 Bromford Lane could be clarified.
- 1.3 To assist members with site context, a link to Google Maps is provided below:
[71-73 Bromford Lane, West Bromwich.](#)

2. Recommendations

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

- i) External materials for no 73;
- ii) Restriction of use of extended areas to storage use only; and

- iii) Restriction on hours of construction to between 07:30 and 18:00 Monday to Fridays, 07:30 to 14:00 on Saturdays with no work at any other time including Sundays and public holidays.

3. Reasons for the recommendation and conditions

The existing and proposed extensions for storage use would be acceptable in this location considering the established retail/commercial uses of the application premises. The scale would not harm the living conditions of neighbouring residential occupiers, with particular regard to amenity and also traffic movements/highway safety. The proposals would therefore accord with policy ENV3 of The Black Country Core Strategy and policy EOS9 of The Site Allocations and Delivery Development Plan Document.

4. Key Considerations

- 4.1 The site is not allocated in the development plan.
- 4.2 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.
- 4.3 The material planning considerations which are relevant to this application are:
- Government policy (NPPF);
 - Planning history (including appeal decisions);
 - Amenity concerns – overlooking/loss of privacy, loss of light and/or outlook and overshadowing;
 - Highways considerations - traffic generation, access, highway safety, parking and servicing;

5. The Application Site

- 5.1 The application site is situated on the north side of Bromford Lane, West Bromwich in a predominantly residential area. The application premises both have established retail uses – no 71 is an Asian sweet shop and no 73 is a retail convenience store. Both properties are located in a row of terraced properties that are mainly used for residential living.
- 5.2 **Planning History**
- Historically, both properties have had a retail use and planning permission for the Indian sweet shop with ancillary seating area was granted in 2012 (ref: DC/12/54277). It should be noted that at the time of the decision, the

planning officer's delegated report noted that the sale of hot snacks would be ancillary to the primary retail use as indicated in the extract below:

1. There would be one retail element (Indian Sweet shop – A1) occupying no. 71 rather than two as originally proposed. There would be additional sales of samosas, spring rolls etc cooked and sold at the premises as ancillary to the sweet shop;

Reference	Description	Decision and date
DC/12/54277	Proposed change of use of No.71 to Indian sweet shop with ancillary production and cooking and extraction duct to rear, new shutter and internal alterations (revised application - DC/11/53854).	Grant permission subject to conditions. 05.04.2012.

6. Application Details

- 6.1 The application is for the retention of storage that is used for ancillary storage (food products, equipment etc), addition of ancillary hot food takeaway use at no. 71. and a proposed single storey rear extension at no 73 which is also to be used for ancillary storage to the retail convenience store. The existing extension is of brick construction with flat roof design and the proposed extension would also be of brick construction with a flat roof.
- 6.1 Amended plans have been received which show a reduction in depth of the extension at no 73 from 6 metres as originally proposed to 4 metres.

7. Publicity

The application has been publicised by eight neighbour notification letters. One objection has been received as well as a petition containing nine signatures. Objections are summarised below:

- i) Concerns that the extension at no 71 will be used as a restaurant.
- ii) A restaurant use would exacerbate parking issues in the locality.

Non-material objections have been raised regarding boundaries and private access.

8. Consultee Responses

8.1 Highways

No objections as the extensions are for ancillary storage and additionally, they do not object to the ancillary hot food takeaway use.

8.2 Public Health (Noise)

No objections subject to restriction on hours of construction of the extension at no 73 to minimise noise disturbance to nearby residential properties.

9. Relevant Planning Policy Considerations

9.1 National Planning Policy Framework (NPPF)

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

Design

The framework refers to development adding to the overall quality of the area by achieving high quality design, achieving good architecture and layouts. I am of the opinion that the scheme is of an adequate design and would assimilate into the overall form and layout of the site's surroundings; in accordance with the design principles of the NPPF.

Highway safety

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. It is considered that the extensions are to be used for ancillary storage only and do not generate a requirement for additional parking provision.

9.2 Development Plan Policy

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

Black Country Core Strategy (BCCS)

ENV3 – Design Quality - refers to well-designed schemes that provide quality living environments. The proposed layout and design are considered to be acceptable with no concerns being raised from the urban design team.

Site Allocations and Delivery Development Plan Document – (SADD)

SAD EOS 9 - Urban Design Principles – The proposal is appropriate to the location in terms of scale and design.

10. Material Considerations

10.1 Concerns regarding the use of the shop for hot food and associated extensions for the same use

The description of development has been amended as it has been confirmed that the business does provide a hot food takeaway service. However, it is noted that the hot food takeaway element is ancillary to the primary use. Having visited the site I can confirm that the extension at number 71 is being used for ancillary storage purposes as shown in the following photograph:



Following the last meeting the site has been revisited. With regards to the existing use, the owner of the Indian sweet shop has stated that he mainly sells Indian sweets and savouries, and that the hot food element is mainly samosas and spring rolls that are purchased for consumption away from the premises, but there are a few tables and chairs for customers who would prefer to eat in. It should be noted that a café/restaurant use falls within the existing use class of the shop and the owner could revert to café/restaurant use without planning permission. In this instance the owner has confirmed that he does use takeaway phone apps to provide delivery of a variety of

curries as well as samosas/spring rolls and Indian sweets. Notwithstanding this, the main trade is the sale of sweets and savouries for consumption away from the premises, with the sale of hot snacks and curries constituting a smaller proportion of sales. In consideration of this, the hot food takeaway element is considered ancillary to the primary use, similar to a café or restaurant that usually operate in a similar nature by offering takeaway services.

The following photographs show the internal arrangement of the sweet shop:





It should also be noted that the description of development refers to storage use and a condition is recommended as such. Therefore, should your committee be minded to approve the application, any future change of use of the storage areas would require additional approval.

10.2 Amenity concerns- overlooking/loss of privacy, loss of light and/or outlook and overshadowing

The application site is located within a row of mid-terrace dwellings and neighbouring properties have rear wings that comprise of storage areas/outhouses that extend into the gardens. The extension at number 71 does not impact on any primary windows. Amended plans have been received to show a reduced depth of 4 metres to the proposed extension at no 73 along the boundary to the adjoining neighbour to allow for a more satisfactory relationship and ensure that overshadowing of the rear of that property is not exacerbated.

10.3 Highways considerations

Highways has no objections as the extensions are to be used for storage and would not generate a requirement for additional parking demand. Furthermore, there is no objection to the ancillary hot food takeaway element.

10.4 The owner of the sweet shop has confirmed that stock deliveries to the shop are via the main front entrance with access from Bromford Lane and collection drivers also use the main front entrance to pick up orders. The rear access that is located off Cambridge Street is not used for deliveries and is used infrequently by the owner to wash his car during the summer months. It is also noted that the land to the rear of the property is at higher level to the main

premises and is also overgrown; therefore, it is not possible for delivery vans to access the main shop as seen in the following photographs:



11 Conclusion

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).

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.

12. Legal and Governance Implications

The Planning Committee has delegated powers to determine planning applications within current Council policy. Section 78 of the Town and Country Planning Act 1990 gives applicants a right to appeal when they disagree with the local authority's decision on their application, or where the local authority has failed to determine the application within the statutory timeframe.

13. Other Relevant Implications

None.

14. Background Documents

None.

15. How does this deliver the objectives of the Strategic Themes?

Encourage a positive environment where businesses and our community and voluntary organisations are supported to grow; and investment into the borough is maximised, creating job opportunities for local residents (employment uses).

To be completed if you do not need an Equality Impact Assessment.

Relevance Check

Budget Reduction/Service Area: N/A

Service Lead : Tammy Stokes

Date: 18 August 2025

In what ways does this Budget reduction have an impact on an outward facing service? How will the service feel different to your customers or potential customers?

N/A

If not, how does it impact on staff e.g. redundancies, pay grades, working conditions? Why are you confident that these staff changes will not affect the service that you provide?

N/A

Is a Customer Impact Assessment needed? No