

Report to Planning Committee

19 January 2022

Application Reference	DC/21/66106
Application Received	10 September 2021
Application Description	Proposed industrial unit (Use Class E(g)(iii) Industrial processes) with ancillary offices and associated parking.
Application Address	Land At Summerton Road Oldbury
Applicant	J S Convenience (Holdings) Limited
Ward	Oldbury
Contact Officer	Mr Andrew Dean andrew_dean@sandwell.gov.uk

1 Recommendations

1.1 Subject additional comments being received from the Council's Conservation Officer, that planning permission is granted subject to the approval of Full Council as the development is a departure from the development plan being allocated for housing, and conditions concerning: -

- (i) External Materials.
- (ii) Vehicle parking and manoeuvring areas to be implemented and retained.
- (iii) Drainage including (SuDS).



- (iv) Contaminated Land.
- (v) Finished floor levels.
- (vi) Use restriction.
- (vii) Hard and soft landscaping scheme to include additional tree planting to canal frontage.
- (viii) Boundary treatments.
- (ix) External lighting scheme to include details of any light spillage over the canal corridor.
- (x) Cycle Storage details and implementation.
- (xi) Electric Vehicle Charging points.
- (xii) Construction management plan.

2 Reasons for Recommendations

- 2.1 The proposed development is acceptable in its scale, design and appearance, and would not cause significant harm to the amenity of the occupiers of adjacent properties and would have no appreciable impact on the visual amenity of the surrounding area.

3 How does this deliver objectives of the Corporate Plan?

	<p>A strong and inclusive economy – opportunities for job creation.</p>
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4 Context

- 4.1 This application is being reported to your Planning Committee because the application is a departure from the development plan.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[Land at Summerton Road, Oldbury](#)



5 Key Considerations

- 5.1 The site is allocated for housing in the development plan.
- 5.2 The material planning considerations which are relevant to this application are:-

Government Policy (NPPF)

Proposals in the Development Plan and Planning history (including appeal decisions)

Overlooking/loss of privacy

Loss of light and/or outlook

Design, appearance and materials

Access, highway safety, parking and servicing

Noise and disturbance from the scheme

6. The Application Site

- 6.1 The application site relates to a long-term vacant piece of land located on the eastern side of Summerton Road, Oldbury. The property is bound by a canal to the north and industrial premises to the east and south. The character of the surrounding area is mixed use in nature with Summerton Road containing a mixture of residential dwellings and commercial/industrial premises.

7. Planning History

- 7.1 The site has been subject to a recent planning application seeking outline approval for residential. This application was refused by the Local Planning Authority (LPA) for the following reasons; -
 - i) The proposal is contrary to the National Planning Policy Framework, the Black Country Core Strategy policies DEL2, HOU1, ENV3 and ENV4 as well as the Council's Site Allocations and Delivery Development Plan Document polices HOU1, EMP4, and EOS9 in that the proposal would create an unsatisfactory



living environment adjacent to industrial premises where there is a potential for noise and general disturbances and where the proposed development might compromise a future comprehensive redevelopment of the area.

- ii) The development proposed is in close proximity to a major gas pipe line and in the interest of public safety The Health and Safety Executive advises against the granting of Planning Permission.

The decision to refuse the application by the LPA was appealed to the Planning Inspectorate where it was dismissed for the same reasons highlighting proposals resulting in the loss of employment land should demonstrate a comprehensive approach, making the best use of available land and infrastructure and not prejudicing existing and neighbouring uses.

7.2 Relevant planning applications are as follows:

DC/17/60736	Proposed outline application for residential development (all matters reserved).	Application Refused. 02.10.2017 Dismissed at appeal 17.08.2018
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8. Application Details

- 8.1 The applicant is applying to erect a detached industrial building measuring 15.5 metres (W) by 48.8 metres (L) with an overall height of 7.1 metres. The building would consist of a 630m² work space and with an ancillary office, reception and staff facilities. The applicant has agreed the use of the building would be for Class E(g)(iii) Industrial processes. This is effectively light industrial uses suitable adjacent to residential areas.

9. Publicity

- 9.1 The application has been publicised by neighbour notification letter, with one letter of objection being received from a neighbouring property.



9.2 Objections

Objections have been received on the following grounds:

- i) The proposal is contrary to the land allocation within the development plan and would prevent the objectors site coming forward for housing. To grant permission for the proposed development would be contrary to the decision of the Council under application reference DC/17/60736.
- ii) The proposal overlooks the objectors land.

Immaterial objections have been raised regarding loss of land value, loss of investment plans and loss of view.

9.3 Responses to objections

I respond to the objector's comments in turn:

- (i) It is noted that the site is allocated for housing within the Site Allocations and Delivery Development Plan Document. The proposal submitted under application DC/17/60736 was an outline application for residential development which was assessed on its own individual merits. The lpa refused the application and an appeal was dismissed by the Planning Inspectorate. The reasons for refusal of DC/17/60736 related to an unsatisfactory living environment for residents due to potential noise and disturbance from adjacent industrial premises, the proposed development might compromise a future comprehensive redevelopment of the area and the proximity of the development to a major gas pipeline. The planning inspector highlighted that proposals resulting in the loss of employment land should demonstrate a comprehensive approach, making the best use of available land and infrastructure and not prejudicing existing and neighbouring uses. As the proposed residential development was an isolated scheme, the appeal was dismissed. The current proposal differs from the



refused scheme in that it is for an employment use which is surrounded by existing employment uses. Planning Policy have reviewed the application and raised no objections to the application stating the site could not come forward on its own as a residential development. The Council would be looking for the comprehensive development of the wider allocation. Under BCCS DEL2 Policy it is considered that the proposed development would not restrict the wider development of the residential allocation in the future.

- (ii) No windows would directly be overlooking the objectors land.

10. Consultee responses

10.1 Planning and Transportation Policy

No objections. The site of the proposed development forms part of a larger area that is allocated for residential development on the SAD Policies Map therefore SAD Policy H1 would be applicable. Guidance set out under this policy states these sites are suitable for 10 dwellings or more and that other uses would not be acceptable. However, the site in question is a section of the wider allocation and could not be developed in isolation for residential development, as adjacent to the site are located existing employment uses. The Council would be looking for the comprehensive development of the wider residential allocation. Under BCCS DEL2 Policy it is considered that the proposed development would not restrict the wider development of the residential allocation in the future.

Transportation Policy have raised no objections to the application subject to a condition for details of cycle storage to be submitted, approved and implemented.

10.2 Highways

No objections subject to the offices being ancillary only.



10.3 Public Health (Air Quality)

No objection subject to conditions for electric vehicle charging points and a construction management plan.

10.4 Public Health (Contaminated Land)

No objection subject to the standard contaminated land condition.

10.5 Public Health (Air Pollution and Noise)

No objection subject to the unit being restricted to Class E (g)(iii) Industrial processes (which can be carried out in any residential area without causing detriment to the amenity of the area). This condition was requested because the proposed B2 and B8 uses could generate significant noise and increased HGV movements to the existing residential properties on Summerton Road and George Wood Avenue.

10.6 West Midlands Police

No objection.

10.7 Canal and River Trust

Concerns were raised regarding the removal of self-setting trees near to the boundary of the canal and the proximity of car parking spaces to the boundary. To address this concern a soft landscaping condition to include additional tree planting to the canal boundary has been included within the recommendation as well as further condition for an external lighting scheme. The trust has indicated the site previously consisted of two canal basins and heritage remains may exist below the site. A recommendation for a desk top archaeological assessment has been made. Further advice on this matter has been sought from the Council's Conservation Officer, an update will be provided to the committee members verbally at the meeting.



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:

DEL2: Managing the Balance between Employment Land and Housing.

ENV3: Design Quality

ENV5: Flood Risk, Sustainable Drainage System and Urban Heat Island Effect

ENV4: Canals

ENV8: Air Quality

SAD H1: Housing Allocation

SAD EOS9: Urban Design Principles

SAD EOS10: Design Quality & Environmental Standards.

12.2 The site of the proposed development forms part of a larger area that is allocated for residential development on the SAD Policies Map, therefore SAD Policy H1 would be applicable. Guidance set out under this policy states these sites are suitable for 10 dwellings or more and that other uses would not be acceptable. However, the site in question could not be developed in isolation for residential development, as adjacent to the site are located existing employment uses. The Council would be looking for the comprehensive development of the wider residential allocation. Under BCCS DEL2 Policy it is considered that the proposed development would not restrict the wider development of the residential allocation in the future.

12.3 The proposal raises no significant concerns in respect of design or appearance. Conditions for electric vehicle charging points and additional landscaping to the canal boundary have been included within



the recommendation. The proposal is therefore compliant with ENV3, SAD ESO9 and SAD EOS10.

- 12.4 ENV5 seeks the incorporation of sustainable drainage systems to assist with reducing the impact of flooding and surface run-off. A condition for a drainage scheme to include SUDs has been included within the recommendation.
- 12.5 ENV4 states that development which is likely to affect the canal must protect and enhance its visual amenity and protect and enhance its nature conservation value. To enhance and protect the canal conditions for soft landscaping to include the planting of additional trees to the canal boundary as well as an external lighting scheme to limit light spill onto the canal corridor have been included within the recommendation.
- 12.6 A condition to ensure that 10% of the car parking spaces proposed have an electric vehicle charging point meets the mitigation measures set out within the Black Country Air Quality SPD and accords with Policy ENV8.

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 **Proposals in the Development Plan and Planning history (including appeal decisions)**

It is noted that the site is allocated for housing within the Site Allocations and Delivery Development Plan Document. The proposal submitted under application DC/17/60736 was an outline application for residential development which was assessed on its own individual merits. The LPA refused the application and an appeal was dismissed by the Planning Inspectorate. The reasons for refusal of DC/17/60736 related to an unsatisfactory living environment for residents due to potential noise and disturbance from adjacent industrial premises, the proposed



development might compromise a future comprehensive redevelopment of the area and the proximity of the development to a major gas pipeline. The planning inspector highlighted that proposals resulting in the loss of employment land should demonstrate a comprehensive approach, making the best use of available land and infrastructure and not prejudicing existing and neighbouring uses. As the proposed residential development was an isolated scheme, the appeal was dismissed. The current proposal differs from the refused scheme in that it is for an employment use which is surrounded by existing employment uses. Planning Policy have reviewed the application and raised no objections to the application stating the site could not come forward on its own as a residential development. The Council would be looking for the comprehensive development of the wider allocation. Under BCCS DEL2 Policy it is considered that the proposed development would not restrict the wider development of the residential allocation in the future.

13.3 **Overlooking/loss of privacy**

As no residential properties are adjacent to the site, no loss of residential amenity would occur. No windows are present on the elevation facing the adjacent employment unit and therefore no overlooking or loss of privacy would occur.

13.4 **Loss of light and/or outlook**

As no residential properties are adjacent to the site, no loss of residential amenity would occur. As the adjacent employment unit has no office windows directly overlooking the application site, I do not consider a significant loss of light or outlook would occur.

13.5 **Design, appearance and materials**

The proposed unit is acceptable in scale, design and appearance and is appropriate to the context of the area. Proposed landscaping to the canal boundary will help to soften the appearance of the building from the canal corridor.



13.6 Access, highway safety, parking and servicing

Following receipt of a tracking plan, the Head of Highways has raised no objections to the application.

13.7 Noise and disturbance from the scheme

The Pollution Control Team (noise) has reviewed the application and raised no objections subject to the use being restricted to Class E (g)(iii) Industrial processes (which can be carried out in any residential area without causing detriment to the amenity of the area).

14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so. In my opinion the proposal would be acceptable and raises no concerns from a visual point of view, highways safety perspective or harm to residential amenity.

15 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	Potential opportunity for new employment.



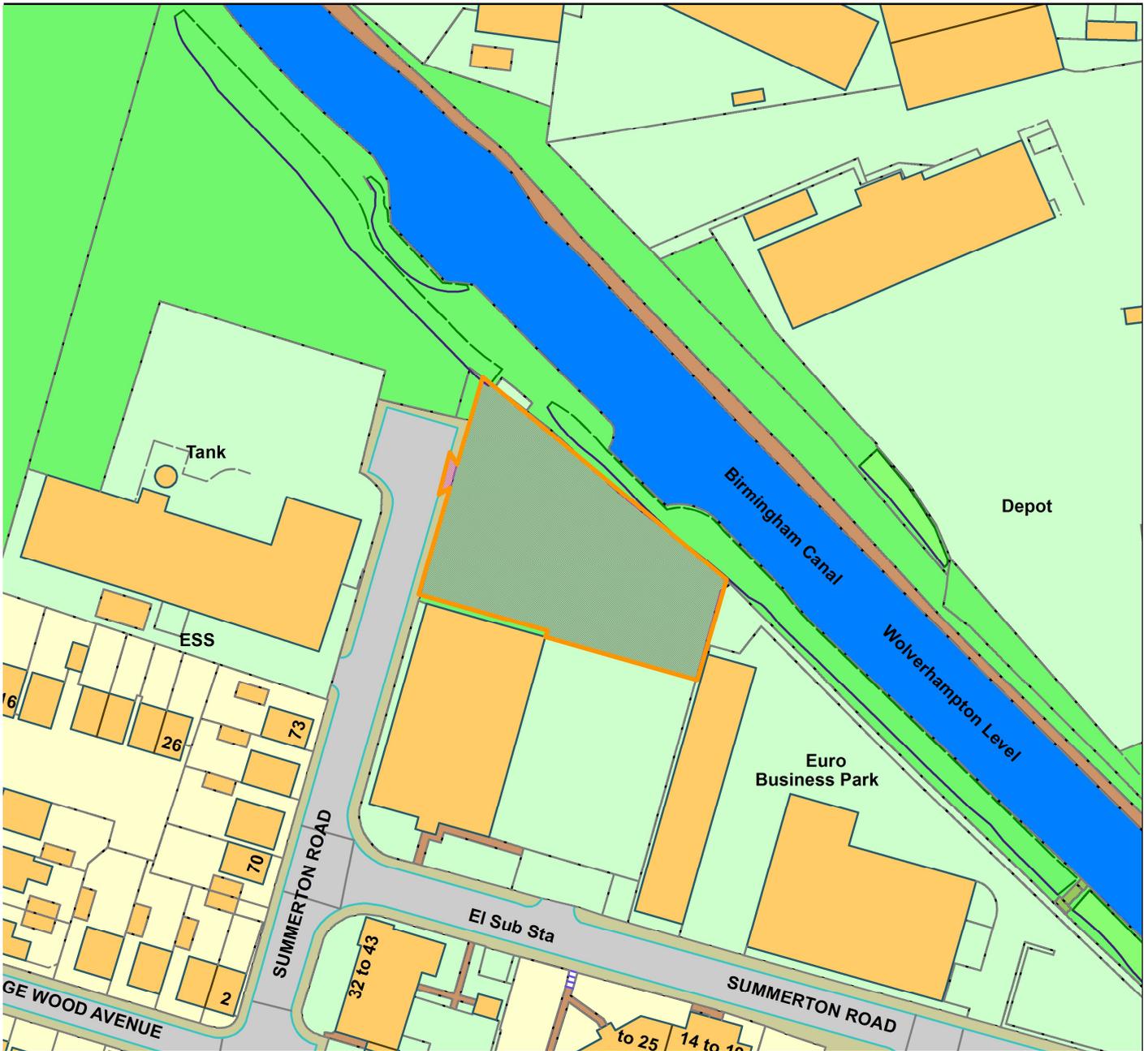
16. Appendices

Site Plan
Context Plan
1179-01
1179-02 A



DC/21/66106

Land At Summerton Road, Oldbury



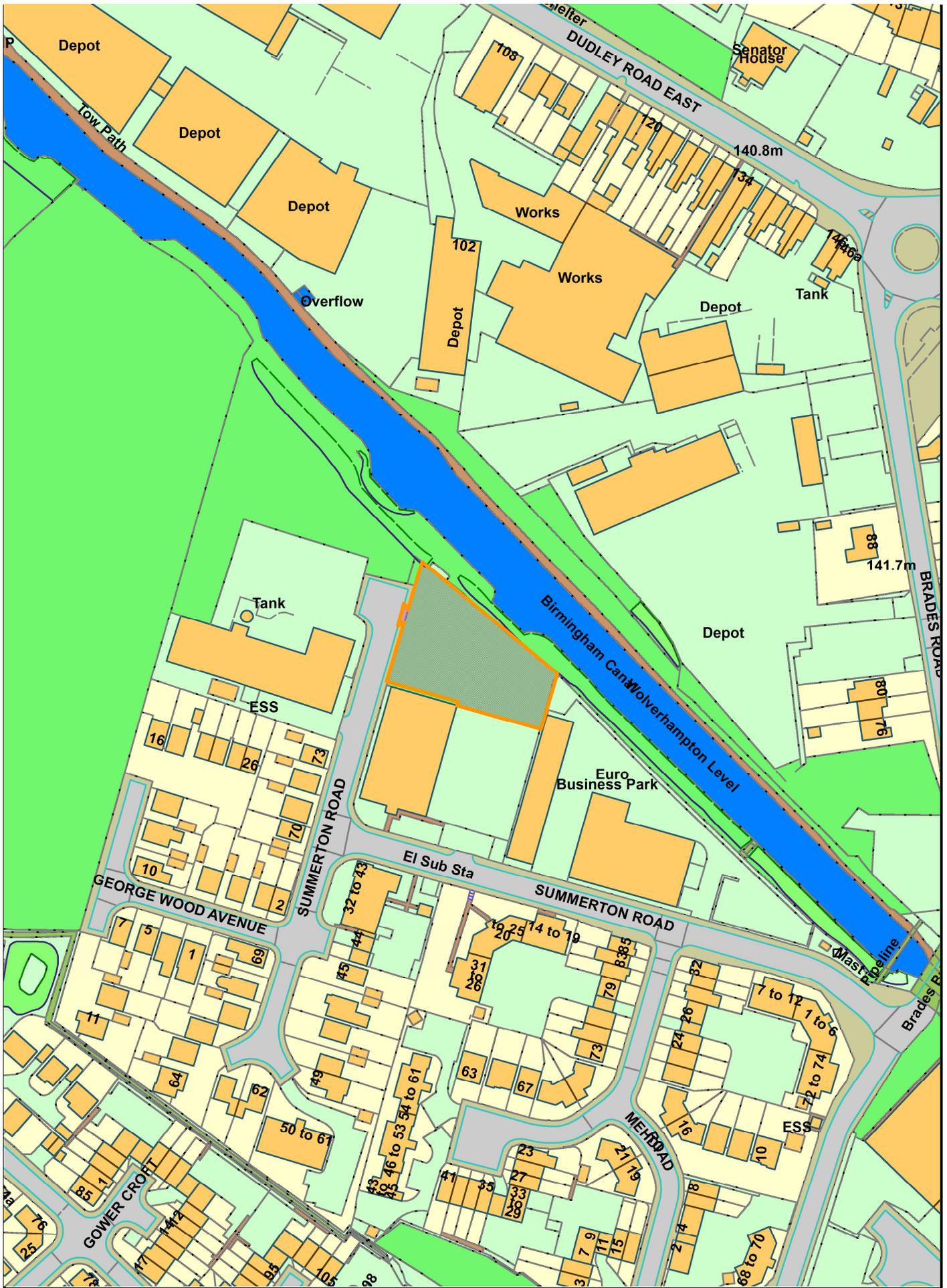
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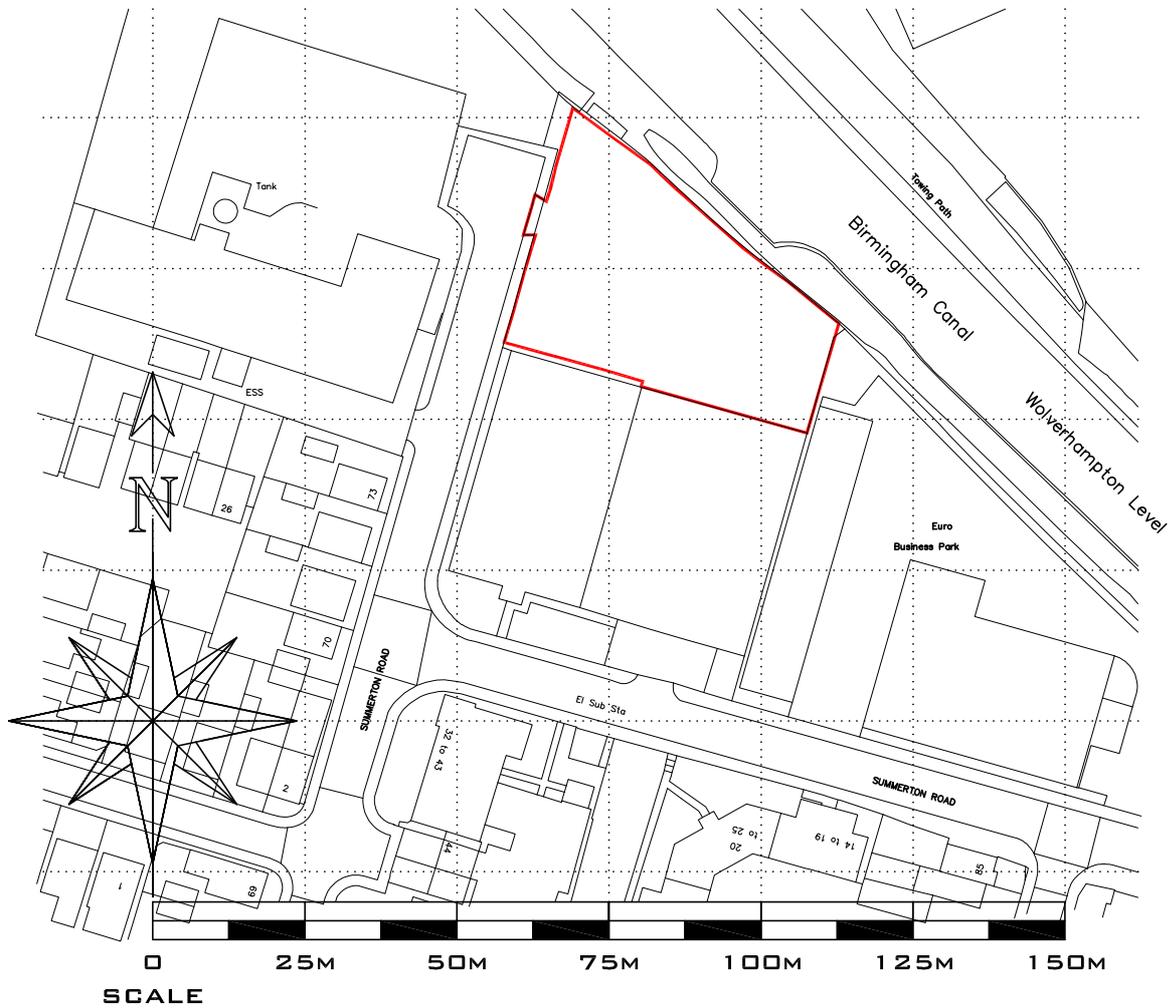
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Department	Not Set
Comments	Not Set
Date	04 January 2022
OS Licence No	

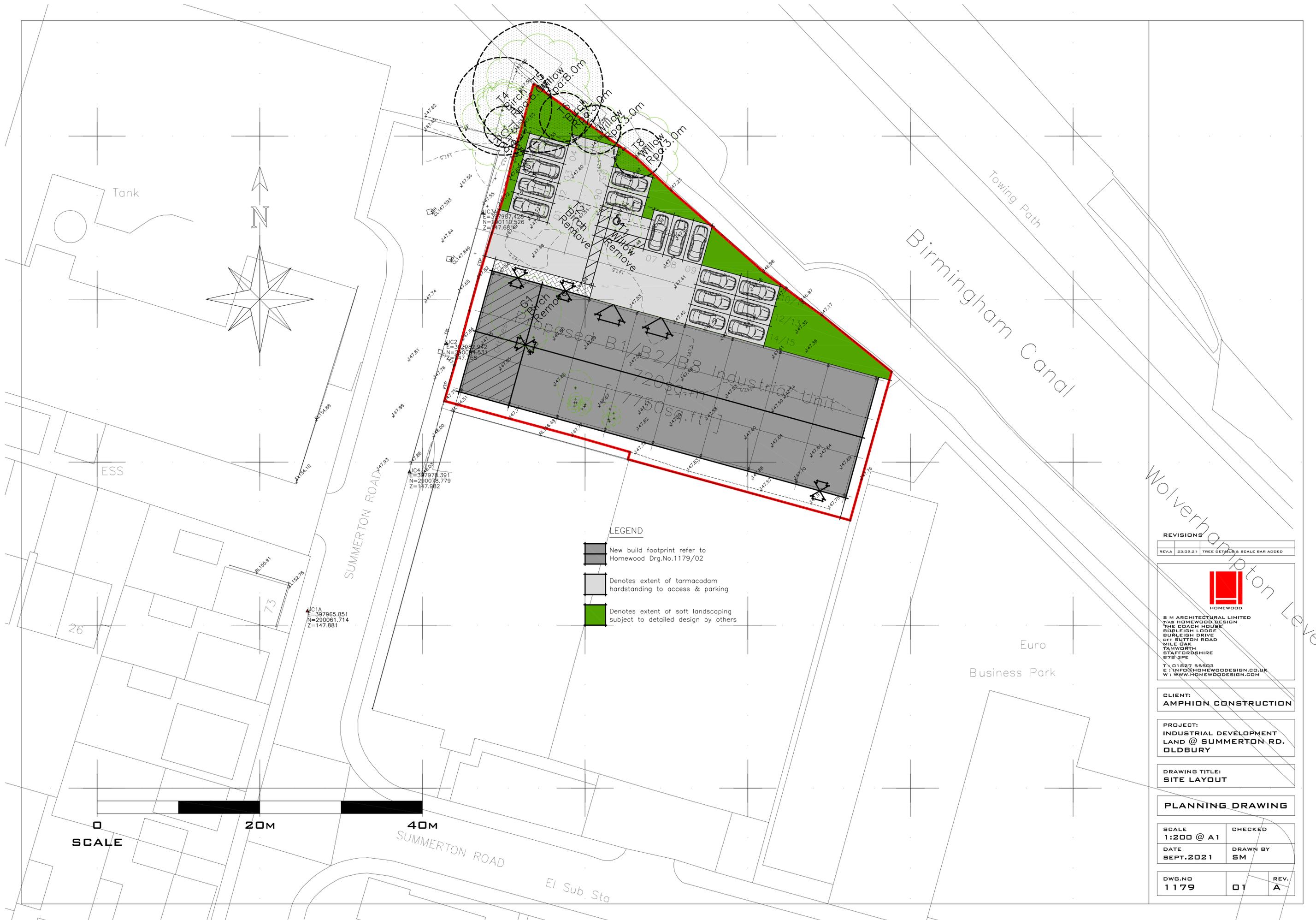




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1:1250 SCALE LOCATION PLAN

LAND AT SUMMERTON ROAD



- LEGEND**
- New build footprint refer to Homewood Drg.No.1179/02
 - Denotes extent of tarmacadam hardstanding to access & parking
 - Denotes extent of soft landscaping subject to detailed design by others

REVISIONS

REV.A	23.09.21	TREE DETAILS & SCALE BAR ADDED
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HOMWOOD

S M ARCHITECTURAL LIMITED
 7/AS HOMWOOD DESIGN
 "THE COACH HOUSE"
 BURLEIGH LODGE
 BURLEIGH DRIVE
 OFF SUTTON ROAD
 WILE OAK
 TAMWORTH
 STAFFORDSHIRE
 B79 3PE
 T : 01827 55903
 E : INFO@HOMWOODDESIGN.CO.UK
 W : WWW.HOMWOODDESIGN.COM

CLIENT:
AMPHION CONSTRUCTION

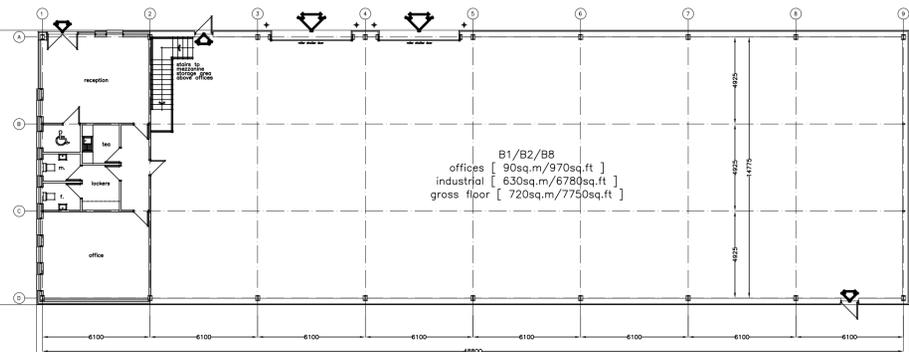
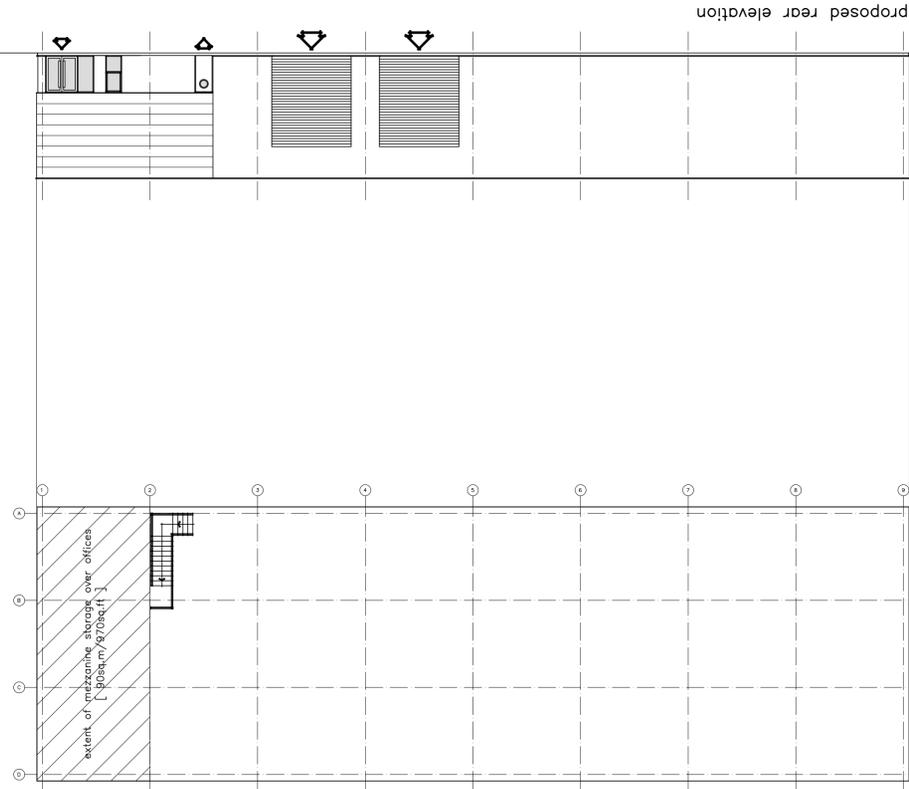
PROJECT:
**INDUSTRIAL DEVELOPMENT
 LAND @ SUMMERTON RD.
 OLDBURY**

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SITE LAYOUT

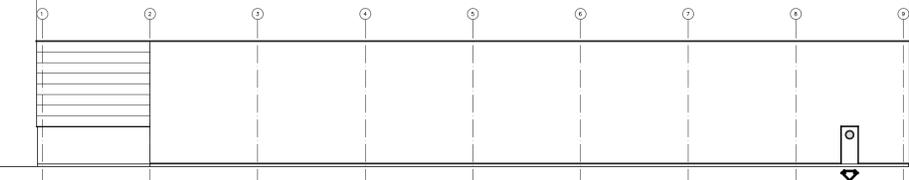
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DATE SEPT.2021	DRAWN BY SM

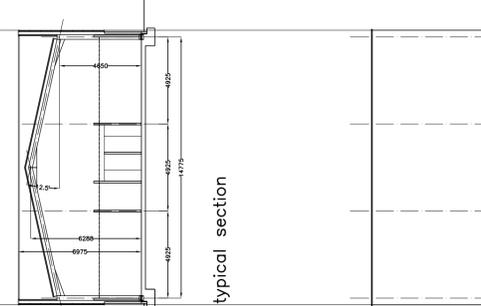
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proposed ground floor plan



proposed front elevation



typical section

proposed right side elevation

proposed left side elevation

REVISIONS

REV.A	04/10/21	MEZZANINE FLOOR ADDED
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S M ARCHITECTURAL LIMITED
 T/A/S HOMEWOOD DESIGN
 'THE COACH HOUSE'
 BURLEIGH LODGE
 BURLEIGH DRIVE
 OFF SUTTON ROAD
 MILE OAK
 TAMWORTH
 STAFFORDSHIRE
 B78 3PE
 T : 01827 55503
 E : INFO@HOMEWOODDESIGN.CO.UK
 W : WWW.HOMEWOODDESIGN.COM

CLIENT:
AMPHION CONSTRUCTION

PROJECT:
**INDUSTRIAL DEVELOPMENT
LAND @ SUMMERTON RD.
OLDBURY**

DRAWING TITLE:
**PROPOSED PLANS &
ELEVATIONS**

PLANNING DRAWING

SCALE 1:200 @ A1	CHECKED
DATE SEPT.2021	DRAWN BY EC

DWG.NO 1179	02	REV. A
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