

# Report to Planning Committee

**22 March 2023**

<b>Application Reference</b>	DC/22/67752
<b>Application Received</b>	28 November 2022
<b>Application Description</b>	Proposed demolition of existing building and installation of 19 No. storage containers for 24hr self storage use with dropped kerb and vehicle access.
<b>Application Address</b>	234 Oldbury Road Rowley Regis B65 0QG
<b>Applicant</b>	Mr Onofrio
<b>Ward</b>	Langley
<b>Contact Officer</b>	Name: Dave Paine Email: david_paine@sandwell.gov.uk

## 1 Recommendation

1.1 That planning permission is granted subject to conditions relating to:


- (i) Hours of operation restricted to 08:00-18:00 Monday to Saturday and 10:00-16:00 Sundays and Bank Holidays.
- (ii) External materials including colour.
- (iii) Retention of vehicle manoeuvring layout.
- (iv) Finished ground levels.
- (v) Boundary treatments.
- (vi) External lighting scheme.
- (vii) CCTV system.
- (viii) Hard landscaping.



## 2 Reasons for Recommendations

- 2.1 The primary concern with this proposal is the potential for noise and general nuisance caused to nearby residents. However, consideration should be given to the existing adjacent service station, shop, repair workshop and car wash. The impact caused by this would be relatively minor by comparison. It is noted that 24 hour access is proposed, however noise and disturbance to neighbours should be controlled via a planning condition restricting hours of operation to 08:00-18:00.

## 3 How does this deliver objectives of the Corporate Plan?

	A strong and inclusive economy
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## 4 Context

- 4.1 At the last committee meeting, members resolved to visit the site.
- 4.2 The application is being reported to your Planning Committee because 8 objections have been received.
- 4.3 To assist members with site context, a link to Google Maps is provided below:

[234 Oldbury Road](#)

## 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)  
Public visual amenity



Layout and density of building  
 Access, highway safety, parking and servicing  
 Traffic generation  
 Noise and disturbance

## 6. The Application Site

- 6.1 The application site is 0.06ha in size and situated on the east side of Oldbury Road. The site is currently generally unoccupied except for ad-hoc parking of vehicles. There is a small, single-storey brick building on the site which has previously been used for storage and would be demolished as part of the development.
- 6.2 The character of the surrounding area is mixed. There are residential dwellings to the north, east and west of the application site but this is not a quiet area. The application site faces onto the A4034, a busy main road, and is adjacent to a busy petrol filling station, to the south, with associated services. Approximately 50m to the south is the traffic-light-controlled junction with Penn cricket Lane and this junction has another retail unit situated on the north-west side.

## 7. Planning History

- 7.1 Planning permission was granted in 1977 for a retail shop on the site.
- 7.2 Planning permission was granted in 2019 for an extension to the brick building with a change of use to a hairdresser, to include a parking area to the rear.
- 7.3 Relevant planning applications are as follows:

DC/05217	New Retail shop.	Grant permission with conditions.
DC/19/63375	Proposed single storey rear extension & change of use to A1 shop (Hairdressers).	Grant permission with conditions



## 8. Application Details

- 8.1 The proposal was initially for the demolition of the existing brick building and the installation of 19 storage containers for the purposes of self-storage.
- 8.2 The storage containers would be of a steel construction and would measure 6.0m long by 2.4m wide by 2.6m high.
- 8.3 Following discussion with the Highways Officer and the agent, the number of containers would be reduced to 17.
- 8.4 **Since the previous application a brief noise statement was submitted. This stated that the use of the site would be restricted to storage, that no machinery would be used to transport items from vehicles to the containers and that no livestock or other contents which may generate sound would be stored in the containers.**

## 9. Publicity

- 9.1 The application has been publicised by neighbour notification letter with 8 separate objections received.

### 9.2 Objections

Objections have been received on the following grounds:

- i) Increased traffic.
- ii) Jeopardises road safety.
- iii) Noise.
- iv) Pollution including light pollution.
- v) Out of character / unsightly / inappropriate.
- vi) Increase in crime.



- vii) Loss of sunlight.
- viii) 24 hour operation is not suitable.
- ix) Potential for damage to street furniture / monopole.

Non-material objections have been raised regarding loss of property value, land ownership / right of access / encroachment / boundary matters and potential storage of hazardous items.

### 9.3 Responses to objections

I respond to the objector's comments in turn:

- i) Highway did not object on the basis of increased traffic. As this is a major A Road, the overall impact on traffic flows would be insignificant.
- ii) Highways did express road safety concerns relating to queuing traffic on the A Road and the potential for vehicles to reverse out onto the A Road without room to turn. Amended plans were requested and submitted showing 2 fewer containers which would allow vehicles arriving and leaving to have adequate space within the site. Following this, Highways withdrew their objection.
- iii) As previously stated in paragraph 6.2, this is not a quiet area. However, the potential for night-time disturbance would exist with this proposal, a condition to limit the hours of operation between the hours of 08:00-18:00 has therefore been included within the recommendation. These are shorter hours than the service station next door and would therefore adequately address noise concerns.
- iv) There is no evidence to suggest ground pollution or air pollution would be significantly impacted by the proposal. Light pollution is a concern but can be adequately controlled through a planning condition for an external lighting scheme.
- v) The proposed containers would be 2.6m high which is considerably lower than any of the neighbouring buildings. The existence of the service station next door creates a precedent for



non-residential development at this location and therefore these proposed containers are not considered inappropriate.

- vi) The Police commented on this proposal. They did not object but did offer suggestions in regard to outside lighting and CCTV as crime prevention measures. Currently the site is unmonitored. This proposal affords the opportunity to improve the security of the site in order to reduce the risk of crime.
- vii) It is not considered that 2.6m high containers positioned around 12m from the nearest dwelling would have any significant impact on natural light.
- viii) A condition to control hours of operation is recommended.
- ix) While it is noted that a monopole supplying telephone lines to nearby properties is just outside the north-west corner of the site, it does not block the proposed access to the site, and there is no evidence to suggest that the proposal would create any significant likelihood of damage.

## 10. Consultee responses

### 10.1 Planning Policy

Policy SAD EMP4 - Relationship between Industrial and Sensitive Uses is applicable. This policy states that any industrial development with a potentially adverse effect on neighbours should not be permitted unless those effects can be reduced to an acceptable level. The proposed 24-hour access is therefore of concern.

Policy ENV3 states that the Council will reject poor designs, particularly those that are inappropriate in their locality.

Planning Policy consider that this could be considered an inappropriate use for a residential area and that 24-hour operating times could have an adverse effect and therefore recommend refusal.



## 10.2 Highways

Highways expressed initial concerns regarding vehicles queuing on the Highway for access and then reversing onto the Highway. The recommended amendments to the scheme. Amended plans were then submitted and Highways no longer objects to the scheme.

## 10.3 West Midlands Police

Concerns were expressed regarding the site as a target for thieves and anti-social behaviour and recommendations were given for mitigation measures, including locking methods, alarms, lighting, and CCTV. No objection was given.

## 10.4 Public Health

Public Health noted the intention to add a condition to restrict operating hours, however they expressed concerns regarding potential noise problems, noting that no information had been submitted regarding mitigation measures for noise problems. Public Health therefore objected to the proposal.

As referred to early, a brief noise statement has been submitted following the comments above. Whilst this states that use of the site would be restricted to storage, that no machinery would be used to transport items from vehicles to the containers and that no livestock or other contents which may generate sound would be stored in the containers, It is unclear how these matters could be adequately monitored or enforced by the local planning authority.

## 11. National Planning Policy

11.1 National Planning Policy Framework promotes sustainable development but states that local circumstances should be considered to reflect the character, needs and opportunities for each area.



The same guidance refers to development adding to the overall quality of the area by achieving high quality design, achieving good architecture and layouts.

The same guidance promotes sustainable transport options for development proposal and paragraph 111 states that developments should 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, in accordance with paragraph 124 of the NPPF.

## 12. Local Planning Policy

12.1 The following policies of the council's Development Plan are relevant:

ENV3: Design Quality

SAD EOS9: Urban Design Principles

SAD EMP4: Relationship between Industrial and Sensitive Uses.

12.2 SAD EMP4 gives guidance on the relationship between Industrial and Sensitive Uses and requires that any adverse effects should be reduced to an acceptable level.

12.4 ENV3 and SAD EOS9 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 Urban Design.

## 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

The site is unallocated in the local plan.

## 13.3 Access, highway safety, parking, layout and traffic generation

Highways raised initial concerns with the scheme. They noted that the trip rate was unclear and that the proposed layout could lead to the turning area being blocked and vehicles waiting on the highway to enter the site or reverse onto the highway.

Amended plans were submitted which removed 2 of the containers to create a significantly larger area for vehicles at the entrance to the site. On this basis, Highways have raised no objections to the proposal.

## 13.4 Public visual amenity

The proposed containers would be 2.6m high. Currently no boundary treatment has been agreed and a condition relating to boundaries including front gates is recommended. These gates would need to be of a good design quality, screening the site, and would be secure and set back from the entrance to allow clear vehicle access from the highway. These measures would improve the visual amenity of the site.

## 13.5 Noise and disturbance

The primary focus of both neighbours and other consultees regarding noise and disturbance relates the proposed 24 hour operation. The potential for significant noise nuisance and disturbance exists, affecting nearby occupants' peaceful enjoyment of their property. However, various local noise and disturbance sources are established in the area,



including the main road, and the service station and the associated functions on that site. The service station currently operates from 07:00 hours to 23:00hours. A condition to restrict opening of the proposed self storage from 08:00hours to 18:00hours Monday to Saturday and 10:00hours to 16:00hours on Sundays and Bank Holidays to ensure no undue levels of noise and disturbance is recommended.

## 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 compliant with relevant policies subject to relevant conditions and there are no material considerations that would justify refusal.

## 15 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.

## 16. Appendices

BFG/0620/01 REV B – Site plan, elevations, floor plans, block plan and location plan.





