

Report to Planning Committee

10 May 2023

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

1 Recommendation

1.1 That planning permission is refused due to:

- (i) The proposal would create a nuisance to nearby residents in terms of both noise and general disturbance being contrary to SAD EMP4.
- (ii) The design would be poor and would fail to contribute positively to the visual character of the area being contrary to National Policy and local policies ENV3 and SAD EOS9.



2 Reasons for Recommendations

- 2.1 The primary concern with this proposal is the potential for noise and general nuisance caused to nearby residents. Although consideration should be given to the existing adjacent service station, shop, repair workshop and car wash, this proposal would significantly increase the noise and disturbance to surrounding neighbouring property. The application site currently acts as a buffer between the residential uses and the commercial uses. It is noted that the rear gardens of the affected properties on Bond Street are short and that the proposed activities on the application site are therefore likely to cause a nuisance to residents.

3 How does this deliver objectives of the Corporate Plan?

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Strong resilient communities - the proposal would cause harm to residents, being contrary to this objective.

4 Context

- 4.1 At the last committee meeting members resolved to defer the application until this meeting. It should also be noted that since the last meeting, the recommendation has been changed to refusal.
- 4.2 The application was reported to your Planning Committee because 8 objections had been received, whilst the recommendation has been amended to refusal, for transparency this application has still be reported to this meeting for members to make the decision.
- 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 unallocated 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 to the frontage of 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. 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 Penncricket 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. Subsequently, 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. These uses were not implemented, and the site is currently vacant.

7.3 Relevant planning applications are as follows:

DC/05217	New Retail shop.	Grant permission with conditions. 01.07.1977
DC/19/63375	Proposed single storey rear extension & change of use to A1 shop (Hairdressers).	Grant permission with conditions 12.09.2019

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. This would ensure vehicles would not block the highway while waiting to enter the site.

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 removing 2 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, it is agreed that the proposal would cause an increase in noise nuisance to nearby residents. A condition to limit the hours of operation between the hours of 08:00-18:00 could be considered, in order to reduce night time noise nuisance, but this would still allow for considerable day time activity and as a consequence nuisance.
- 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 could be adequately controlled through a planning



condition for an external lighting scheme. However, vehicle headlights could still give rise to concern given the relation of the site to the surrounding dwellings.

- v) The proposed containers would be 2.6m high which would be visible from nearby dwellings and from the public realm on Oldbury Road. The containers would be visually poor and would not contribute positively to the character of the area. No consideration has been given to the visual design of the containers, their appearance would be entirely dictated by their function.
- 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 could be considered, should your committee be minded to approve the application.
- 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 proposal 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 'A' road for access and then reversing onto this road. 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 expressed concerns about potential noise problems. They requested information regarding noise mitigation measures. A brief noise statement was then submitted by the agent. Further comments from public health were then received which expressed concerns about the suitability of shipping containers in this location, particularly the noise produced when containers are opened or closed. They also noted the potential for nuisance to be caused when several users arrive at the same time and the issues with manoeuvring vehicles within the site.

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.



11.2 The same guidance refers to development adding to the overall quality of the area by achieving high quality design, good architecture and layouts. I am of the opinion that the scheme would be of a poor design which would not add to the overall quality of the area, in accordance with paragraph 124 of the NPPF.

11.3 The same guidance promotes sustainable transport options for development proposals 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. In this regard, the number and type of vehicle movements associated with development did not raise objections from Highways as it was considered that this would not have a severe impact on the existing highway network or highway safety.

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. As referred to above, this site acts as a buffer between the existing petrol filling station and established residential property on Oldbury Road, Bond Street and Penn cricket Lane. The introduction of this use would remove this buffer whilst also introducing a use that would generate noise from vehicle movements and activities associated with use of the storage containers. Whilst noise could be reduced due to reducing the hours of use, it is considered that the harm to the amenity of residential property would still be unacceptable.



12.3 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments. In this instance the proposal in terms of design is deemed to be poor and would not positively contribute to improving the appearance of the area.

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 and so the application should be judged on relevant policy referred to in Sections 11 and 12 above and material considerations below.

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 reduced the number of the containers by two 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. As stated above in paragraph 9.3 (v), this proposed would have a detrimental impact on public visual amenity and would not make a positive contribution in terms of its design to the wider area.



13.5 Noise and disturbance

The potential for significant noise nuisance and disturbance exists, affecting nearby occupants' peaceful enjoyment of their property. Despite various local noise and disturbance sources being established in the area, the proposed use would both add an additional noise source which would be substantially closer to residential properties than existing noise sources.

13.6 Layout and Density

Although the number of proposed containers has been reduced from 19 to 17, to alleviate issues of waiting traffic on the Highway, it remains the case that the site itself is narrow and would only provide access for one vehicle at a time, through the site. This would potentially cause congestion within the site when more than one user is using the site at the same time.

14 Alternative Options

14.1 Approval of the application is an option, however the issues raised in this report indicate that the proposal would be contrary to both local and national policy and material considerations such as noise are sufficient concern to warrant refusal.

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	None.
Climate Change	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.

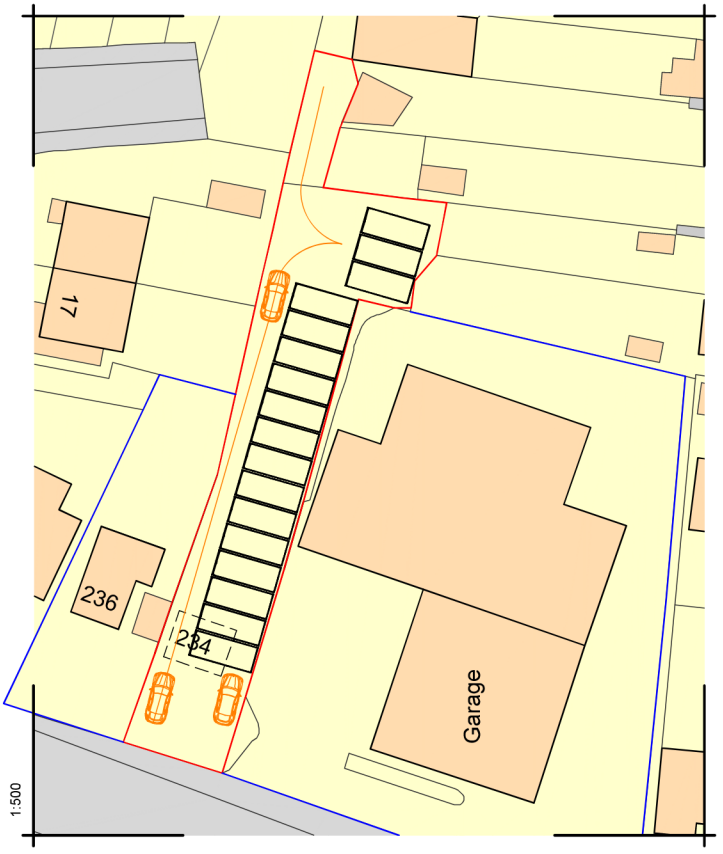
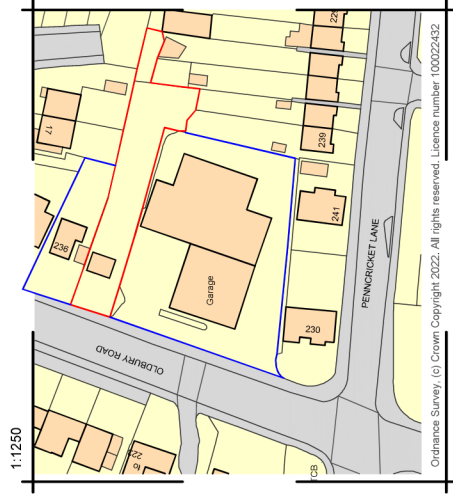
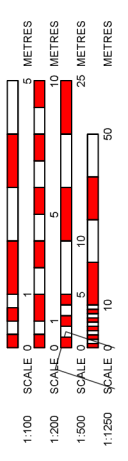
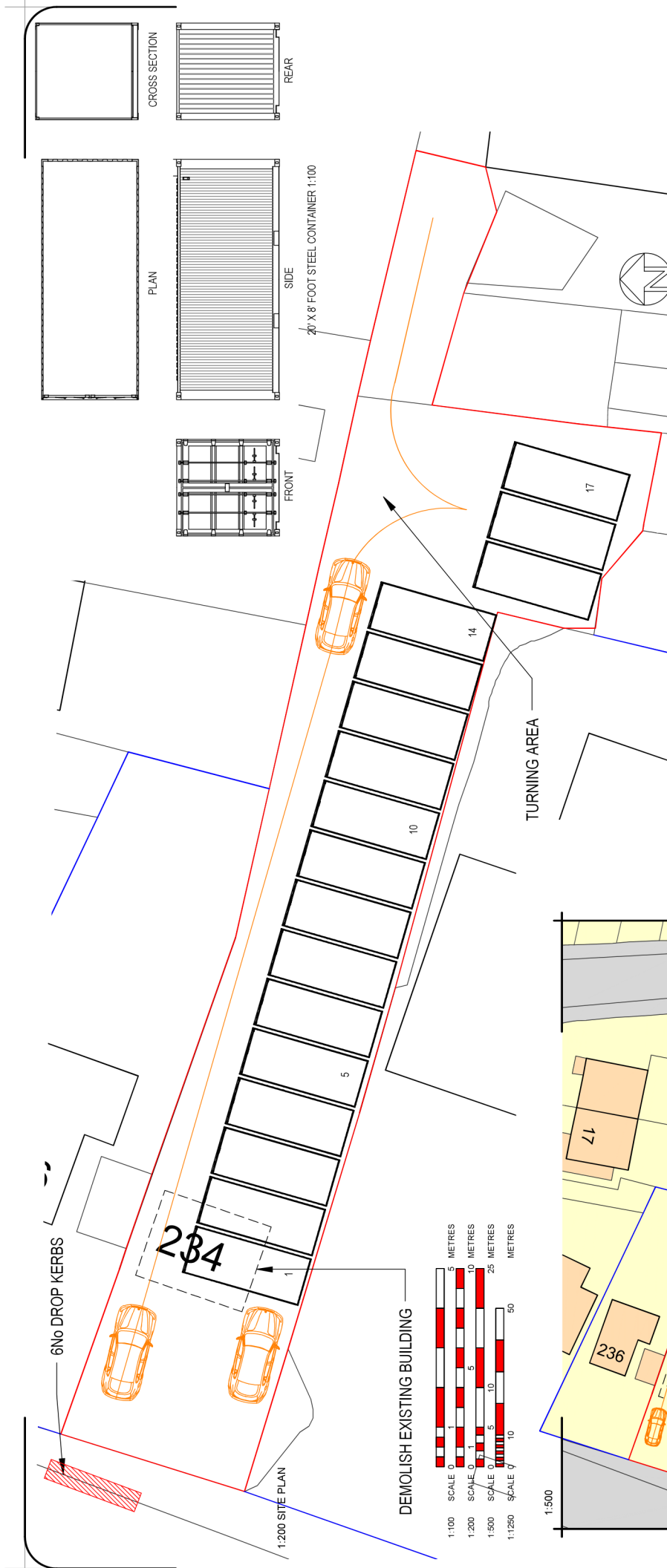
16. Appendices

Context plan

Site layout plan.







B	DC COMMS	25/01/23
A	DC COMMS	12/12/22
BETAPLAN		
21 MILESTONE DRIVE, HASELY D'YB DLP		
01562 811020 / 07711 527239		
WWW.BETAPLAN.CO.UK		
INFO@BETAPLAN.CO.UK		
YARD STORAGE		
234 OLBURY ROAD		
ROWLEY REGIS		
B65 0QG		
BFGI	0620/01	B
PROPOSED SITE BLOCK & LOCATION PLAN		
SCALE	1:1250	1:100
DATE	JUN22	15/01/200

These drawings are produced to obtain planning and building regulations approval. It is the responsibility of the designer, all dimensions to be checked on site.