

Report to Planning Committee

2 April 2025

Application reference	DC/24/70051
Application address	Units G And H, Corner Of Hobart Road And Batmans Hill Road, Bilston, DY4 9LZ.
Application description	Proposed storage unit (Class B8).
Application received	02.12.2024.
Ward	Princes End.
Contact officer	Anjan Dey anjan_dey@sandwell.gov.uk

1. Recommendations

Subject to no adverse comments from Pollution Control (Air quality), that planning permission is granted subject to the approval of Full Council and to the following conditions relating to:

- i) External materials to match;
- ii) Contamination;
- iii) Submission of a construction method statement;
- iv) Restriction on hours of construction;
- v) Rating level of noise from any associated plant or machinery shall not exceed the measured background value;
- vi) No burning of waste materials during site clearance and construction;
- vii) Implementation & retention of approved waste storage area;
- viii) Implementation & retention of approved parking spaces; and

- ix) Restriction on hours of operation to 08:00 – 18:00 Monday to Friday, 08:00 – 15:00 Saturday and closed on Sundays and all Bank Holidays.

2. Reasons for Recommendations

- 2.1 The proposal would create jobs and bring investment into the local area.

3. How does this deliver objectives of the Council Plan?

Thriving Economy in Sandwell	<p>The Sandwell Local Plan serves as the blueprint for future development, guiding housing and employment growth while ensuring new infrastructure investments like transport and schools.</p> <p>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.</p>
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4. Context

- 4.1 This application is being reported to Planning Committee because the proposed use is a departure from the council's development plan. In addition 2 objections have been received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[Corner of Hobart Rd and Batmans Hill Rd, Bilston.](#)

5. Key Considerations

- 5.1 The site is allocated for residential in the development plan.

5.2 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.

5.3 The material planning considerations which are relevant to this application are:

- Government policy (NPPF);
- Proposals in the development plan;
- Planning history (including appeal decisions);
- Amenity concerns – overlooking/loss of privacy, loss of light and/or outlook and overshadowing;
- Design concerns - appearance and materials, layout and density of building, wider visual amenity and overdevelopment;
- Highways considerations - traffic generation, access, highway safety, parking and servicing; and
- Environmental concerns – noise, air quality, pollution and general disturbance;

6. The Application Site

6.1 The application site is situated on the northern side of Hobart Road, Bilston and is within the curtilage of established industrial units (G & H) that are located at the corner of Hobarts Road and Batmans Hill Road, Bilston. The surrounding area consists of a residential with industrial/commercial properties located to the south-west along Hobarts Road.

7. Planning History

7.1 The existing industrial units are established having been granted planning consent in 1999.

7.2 Relevant planning applications are as follows:

DC/99/35665	Change of use from storage, sorting and distribution of second hand clothes to business (B1) and storage and distribution (B8).	Grant permission subject to conditions. 06.09.1999.
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8. Application Details

- 8.1 It is proposed to construct a storage unit (Use Class B8) at the south-western corner of the site adjacent to the existing industrial unit – the area to developed is currently a service yard for units G & H. The agent has confirmed that the proposed unit is intended to be used for general warehousing and storage facility similar to the existing adjacent unit, the 'Weddingmart' - Wedding Venue Decorations Wholesaler.
- 8.2 The site area is 394 square metres, and the submitted site layout plan shows the main unit (total floor area of 130 sq. metres) with ancillary office, kitchen and w/c facilities. Refuse storage is also shown at the north-eastern corner of the site and three car parking spaces are shown.
- 8.3 The proposed hours of opening are 08:00 – 18:00 Monday to Friday, 08:00 – 15:00 Saturday and closed on Sundays and all Bank Holidays. Two full time employees would work at the new unit.
- 8.4 Amended plans have been received which show a reduction in the overall height of the proposed unit by 0.3m from 7.4m to 7.1m to reduce any possible impact on the residential dwelling next door. The resultant height is kept 0.85m lower than the ridge height of No.1 Hobart Road. Furthermore, amended plans also show the lean-to building moved forward by 0.5m to improve the distance away from the boundary wall and gain better access to construct the corner of the lean-to building.

9. Publicity

9.1 The application has been publicised by press, site notice and eight neighbour notification letters. Two objections have been received.

9.2 Objections have been received on the following grounds:

- i) Loss of light to residential property located on Steven Drive; and
- ii) Concerns relating to noise disturbance and general waste left at the site.

Non-material objections have been raised regarding loss of property value.

These objections will be addressed in under paragraph 13 (Material Considerations).

10. Consultee responses

Planning Policy

10.1 The application site is allocated for residential development on the SAD policies map (reference H16.6). However, the allocated land remains in employment use and the proposal site is within the curtilage of an existing commercial building in an area that currently operates as a servicing yard.

10.2 On balance it is considered that residential development is unlikely to come forward in the short or medium term and that the principle of developing a new storage unit is acceptable despite the policy conflict.

10.3 In principle Policy has no objections to the proposed storage use in this location.

Highways

- 10.4 No objections subject to the implementation and retention of areas shown for parking and manoeuvring. This can be ensured by a relevant condition.

Pollution Control (Contaminated Land)

- 10.5 No objections subject to the submission of a Desktop Study prior to commencement of development to identify the potential for risk of on-site contamination. In the event that contamination is found this should be reported to the LPA along with details relating to remediation. These matters can be dealt with by way appropriate conditions.

Pollution Control (Noise)

- 10.6 No overall objections. The submitted noise impact assessment refers to noise from occasional vehicle movements and a heat pump or air conditioning plant for the office accommodation. In view of this, a condition has been recommended to protect the nearest residents from noise nuisance. Furthermore, it has been recommended to restrict hours of construction and that a construction method statement is submitted to the planning authority for approval prior to commencement of development. These matters can be dealt with by way appropriate conditions.

Pollution Control (Air)

- 10.7 At the time of writing comments are yet to be received. Members will be verbally updated.

The Coal Authority

- 10.8 No objections.

Biodiversity Net Gain

10.9 The council's Ecologist has confirmed that the proposal is exempt from Biodiversity Net Gain obligations.

11. National Planning Policy Framework (NPPF)

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

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

Black Country Core Strategy (BCCS)

ENV5 – Flood Risk, Sustainable Drainage Systems / Urban Heat Island

ENV8 – Air Quality

Site Allocations and Delivery Development Plan Document – (SADD)

SAD H1 - Housing Allocations

SAD DC 6 - Contaminants, Ground Instability, Mining Legacy

12.2 The site of the proposed development is allocated for residential use, therefore SAD policy H1 is applicable. However, no residential uses are proposed, and the development is classed as a departure from the development plan.

12.3 The proposed development will have to give regard to both BCCS policy ENV5 relating to the incorporation of sustainable drainage systems to

assist with reducing the impact of flooding and surface water run-off. This is conditioned as such.

- 12.4 The proposed development would have to give regard to the guidance contained in BCCS policy ENV8 and the Air Quality SPD. Matters such as construction management plan to control dust emissions are conditioned as such.
- 12.5 Land contamination issues (SAD DC 6) can be addressed by the imposition of suitably worded conditions requiring further intrusive investigation, reporting of any unpredicted contamination and submission of a validation certificate following any required mitigation. It is also noted that The Coal Authority has no objections as the site falls outside the defined Development High Risk Area.

13. Material Considerations

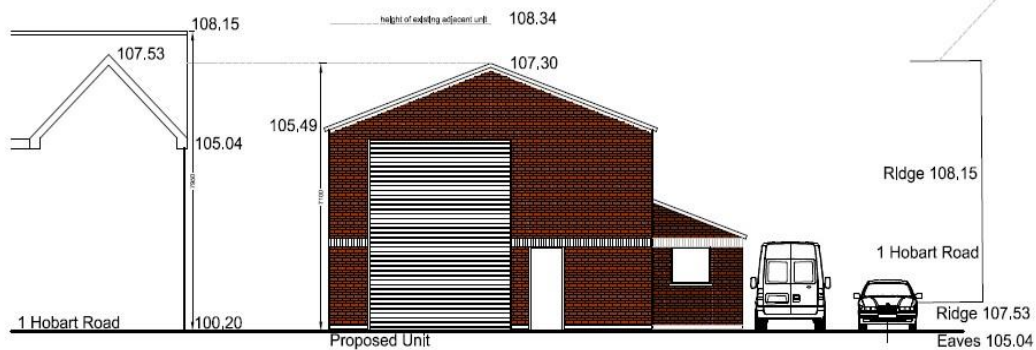
- 13.1 National and local planning policy considerations have been referred to above in Sections 11 and 12. With regards to the other material considerations, these are highlighted below:

Loss of light

- 13.2 It is my view that any overshadowing of the nearest residential property to the north of the site would not be to a level that warrants refusal. It is noted that the southern side elevation of the property to the north does not contain any windows there would adequate levels of sunlight to the rear garden particularly during the afternoon and early evening. It is considered that the new unit would not be built right up to the boundary with neighbouring houses, and there would be a 3 metres gap between the proposed rear elevation and the dwelling to the north. The agent has submitted revised plans that show the lean-to building moved forward by 0.5m to improve the distance away from the boundary wall and gain better access to construct the corner of the lean-to building.

13.3 Amended plans have also been submitted that show a reduction in the overall height of the proposed unit by 0.3m from 7.4m to 7.1m to reduce any possible impact on the residential dwelling next door. The resultant height is kept 0.85m lower than the ridge height of No.1 Hobart. Furthermore, the agent has also submitted a plan that shows that the new unit would comply with the 45-degree code taken from nearest windows at the neighbouring property to the west.

13.4 The following image shows the height relationship with the adjacent residential dwelling:



Noise concerns

13.5 It is noted that the Public Health Noise Officer has no overall objections to proposal. However, conditions have been recommended to protect the nearest residents from any potential noise nuisance arising from the proposed use. Furthermore, a construction method statement shall be submitted for approval prior to the commencement of construction works

and hours of construction will be restricted to appropriate hours throughout the working week when most residents are at work etc. and to ensure adequate amenity on Saturdays; no construction work shall take place on Sundays and Public Holidays.

13.6 In addition to the above the hours of business for the new unit will also be restricted to protect amenity to nearby residential properties. The proposed hours of opening are 08:00 – 18:00 Monday to Friday, 08:00 – 15:00 Saturday and closed on Sundays and all Bank Holidays.

14. Conclusion and planning balance

14.1 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).

14.2 On balance, despite the application being a departure from the development plan, other material considerations outweigh the allocation and there are no other significant material considerations which warrant refusal that could not be managed by appropriately worded conditions.

14.3 If Members are minded to approve this application it will still need to be reported to Full Council for ratification.

15. Alternative Options

15.1 Refusal of the application is an option if there are material planning reasons for doing so. In my opinion the proposal is compliant with relevant policies and there are no material considerations that would justify refusal.

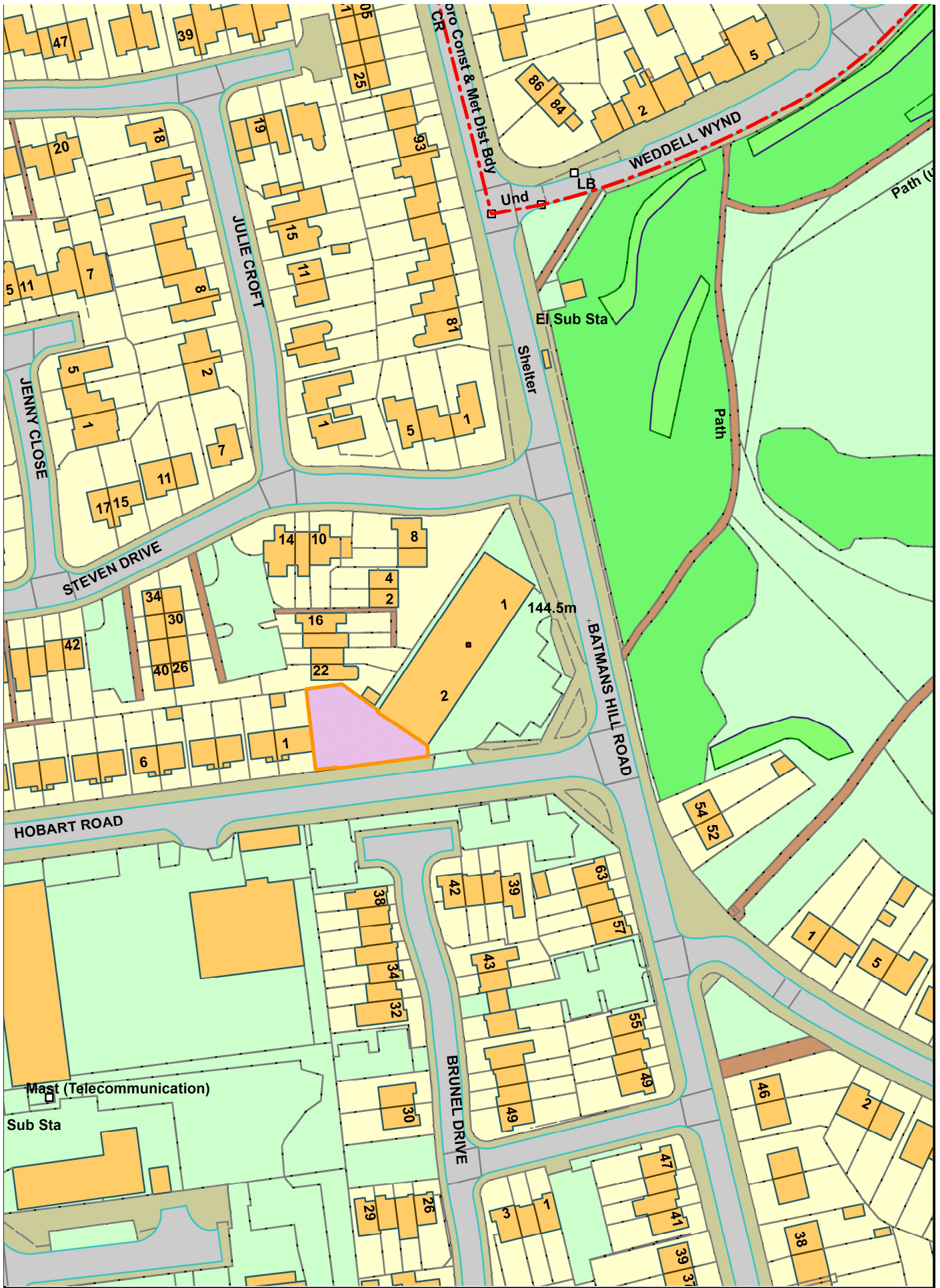
16. Implications

Resources:	There are no direct implications in terms of the Council's strategic resources. If the Planning Inspectorate overturns the Committee's decision and grants consent, the Council may be required to pay the costs of such an appeal, for which there is no designated budget.
Legal and Governance:	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
Risk:	There are no risks associated with this report.
Equality:	There are no equality implications associated with this report.
Health and Wellbeing:	There are no health and wellbeing implications associated with this report.
Social Value	There are no implications linked to social value with this report.
Corporate Parenting	None.

17. Appendices

17.1 Plans for consideration

Location Plan, site plan & prop general layout/elevation/roof Plan.
TW/076/301A.



DC/24/70051

List of Conditions

- i. 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).
- ii. The development must be begun not later than the expiration of 3 years from the date of this permission.
- iii. The external materials used in the development hereby permitted shall match in colour, form and texture those of the existing building unless otherwise agreed in writing by the local planning authority.
- iv. Before the development is commenced a desktop study will be undertaken to assess the risk of the potential for on-site contamination. If the desktop study identifies potential contamination, a further detailed site investigation will be carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. Where necessary, details of remediation measures shall be provided. Details of the desktop study, site investigation and remediation measures shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. All works must conform to Land Contamination Risk Management (LCRM) 2020 (EA, 2020) methods and protocols and be carried out by a competent person: (<https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>). In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared and shall be submitted to and

approved in writing by the local planning authority. Where remediation works have been carried out in pursuance with the preceding conditions, a post remediation report shall be submitted to and approved in writing by the local planning authority before the development is first occupied. The post remediation verification report should detail the remedial works undertaken and demonstrate their compliance. The report should be produced in accordance with Land Contamination Risk Management (LCRM) 2020 (EA, 2020).

- v. Before the development is commenced, including any works of demolition or site preparation, a construction environmental management plan shall be submitted to and approved in writing by the local planning authority. The statement shall provide for: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding; wheel washing facilities; measures to control the emission of dust and dirt during demolition and construction; a scheme for recycling/disposing of waste resulting from demolition and construction works; delivery, demolition and construction working hours. The approved construction method statement shall be adhered to throughout the construction period for the development.
- vi. Construction work shall take place only between 0730 and 1800 hours on Monday to Fridays and between 0800 and 1400 hours on Saturdays and construction work shall not take place at any time on Sundays or on bank or public holidays. This restriction also applies to deliveries to the site.
- vii. When assessed in accordance with BS4142:2014+A1:2019 at the façade of the nearest noise sensitive receptor, the rating level of noise arising from any plant or equipment used on the premises, shall not exceed the measured background value of L_{A90} 44dB.
- viii. There shall be no burning of any waste materials on the land during the site clearance and construction stages.

- ix. The approved waste storage shall be implemented before the development is first occupied or brought into use and thereafter retained.
- x. The development shall not be occupied or brought into use until the space shown on the submitted plan for the parking and manoeuvring of vehicles has been provided. When provided the space for the parking and manoeuvring of vehicles shall be thereafter retained.
- xi. The development hereby approved shall be open between the hours of 08:00 – 18:00 Monday to Friday, 08:00 – 15:00 on Saturday and closed on Sundays and all Bank Holidays.