

# Report to Planning Committee

**30 April 2025**

<b>Application reference</b>	DC/24/69669
<b>Application address</b>	Unit 2, 3 Roway Lane, Oldbury B69 3EJ
<b>Application description</b>	Change of use of the existing unit to storage and distribution (B8) and single storey rear and side extensions to form two separate B8 units with new entrance gates and parking.
<b>Application received</b>	31 July 2024
<b>Ward</b>	Oldbury
<b>Contact officer</b>	Carl Mercer carl_mercer@sandwell.gov.uk

## 1. Recommendations

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

- i) External materials;
- ii) Contamination;
- iii) Construction environmental management plan;
- iv) Dropped kerb;
- v) Landscaping; and
- vi) Provision and retention of parking.

## **2. Reasons for Recommendations**

- 2.1 The proposal is an acceptable use and expansion in an existing industrial area which is safeguarded for employment uses in the development plan. No significant concerns are raised regarding the design of the extensions or the impact of the change of use to, and expansion of, a storage and distribution use in this location.

## **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>The development of the existing unit would enhance and safeguard an employment use.</p>
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## **4. Context**

- 4.1 The application is being reported to Planning Committee as three objections have been received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[Unit 2, 3 Roway Lane, Oldbury](#)

## **5. Key Considerations**

- 5.1 The site is allocated for employment use 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;
- Design concerns - appearance and materials, layout and density of building and overdevelopment; and
- Highways considerations - traffic generation, access, highway safety, parking and servicing.

## **6. The Application Site**

6.1 The application site is situated on the north side of Roway Lane, Oldbury. The main access point and frontage is off a cul-de-sac section of Roway Lane which serves several other units. The character of the surrounding area is industrial.

## **7. Planning History**

7.1 None relevant.

## **8. Application Details**

8.1 The applicant proposes to change the use of the existing unit to storage and distribution (B8) with single storey rear and side extensions to form two separate B8 units with new entrance gates and parking. The gated entrance is proposed off Union Road to serve unit 3.

8.2 The proposal was originally for a larger floor area and concerns were raised by the council's highways team regarding the impact on parking provision. Consequently, amended plans have been submitted for a reduced floor area which has altered the proposal and description of development to the one which is now before members.

## **9. Publicity**

9.1 The application has been publicised by seven neighbour notification letters with three objections being received.

9.2 Objections have been received on the following grounds:

- i) Overdevelopment; and
- ii) Highways and parking concerns and their effect on operations of existing businesses operations.

Non-material objections have been raised regarding disposal of waste and asbestos during construction phase. These matters are covered by other agencies and are beyond the planning remit in this case; however, a construction management plan could be ensured by condition.

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

## **10. Consultee responses**

### **10.1 Planning Policy**

No objection. The site forms part of a wider local quality employment allocation in the development plan and policy EMP3 is applicable. Under this policy such areas will be safeguarded for industrial and warehouse uses. Therefore, the proposed redevelopment and of the building would be acceptable.

### **10.2 Highways**

No objection to the proposal as revised. Given the storage and distribution area proposed, five parking bays would be required which are shown within the site area. There is sufficient space to the front of unit 3 for parking without obstructing the access. The sliding gate would



be set 2 metres back from the footpath and would thereby meet pedestrian visibility splay requirements.

### **10.3 Pollution Control (Contaminated Land)**

No objection subject to a condition requiring further site investigation.

### **10.4 Pollution Control (Noise)**

No objection.

### **10.5 Pollution Control (Air)**

No objection.

### **10.6 Biodiversity Net Gain**

The development is exempt from the requirement to deliver BNG as it would not impact a priority habitat, impacts less than 25 square metres of on-site habitat and would not impact any on-site linear habitats such as hedgerows.

## **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.
- 11.2 The framework refers to development adding to the overall quality of the area by achieving high quality design, achieving good architecture and layouts. The development raises no significant concerns subject to an external materials condition.
- 11.3 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. As the revised proposal has sufficient off-street parking to serve the development, I am of the opinion that any highway impact would not be significant.

## **12. Development Plan Policy**

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

### **Black Country Core Strategy (BCCS)**

EMP3 - Local Quality Employment Areas

ENV3 – Design Quality

### **Site Allocations and Delivery Development Plan Document – (SADD)**

SAD EOS 9 - Urban Design Principles

SAD EOS 10 - Design Quality & Environmental Standards

12.2 As referred to in the policy comments, the proposed use is an employment use in an area designated for employment uses in the development plan. The principle of the development in this location is therefore policy compliant.

12.3 ENV3, SAD EOS9 and SAD EOS 10 refer to design standards. The extensions would be proportionate to the existing premises and would cause no harm to visual amenity of the surrounding area. I note the blank elevation to the roadside; however, this would be largely obscured by existing fencing and set back from the highway by a landscaped buffer. Given the industrial appearance of this section of Roway Lane, the extensions would not significantly affect the visual amenity 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 Design concerns - appearance and materials, layout and density of building and overdevelopment**

I share the concerns raised by objectors to the original plans. In response to these concerns the applicant has submitted a scaled down proposal, omitting one unit and a mezzanine floor. These amendments thereby address the over-intensification previously proposed, and the development would sit more comfortably within the plot.

#### **13.3 Highways considerations - traffic generation, access, highway safety, parking and servicing**

The development addresses its own parking requirements within the site boundary and the council's highway officer raises no objection subject to conditions.

### **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 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.

## 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

<b>Resources:</b>	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.
<b>Legal and Governance:</b>	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
<b>Risk:</b>	There are no risks associated with this report.
<b>Equality:</b>	There are no equality implications associated with this report.
<b>Health and Wellbeing:</b>	There are no health and wellbeing implications associated with this report.
<b>Social Value</b>	There are no implications linked to social value with this report.
<b>Corporate Parenting</b>	None.

## **17. Appendices**

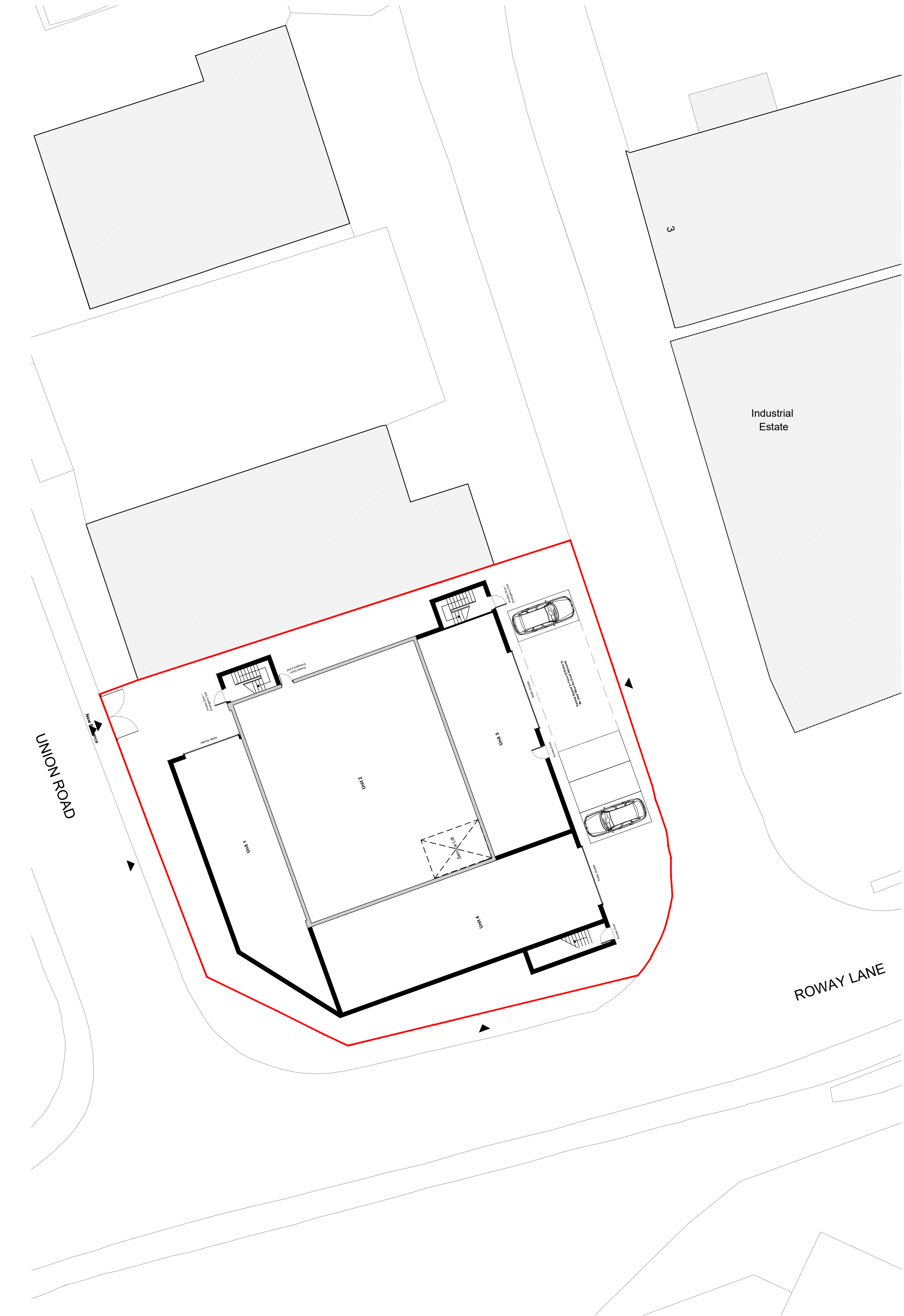
### **17.1 Plans for consideration**

Context plan

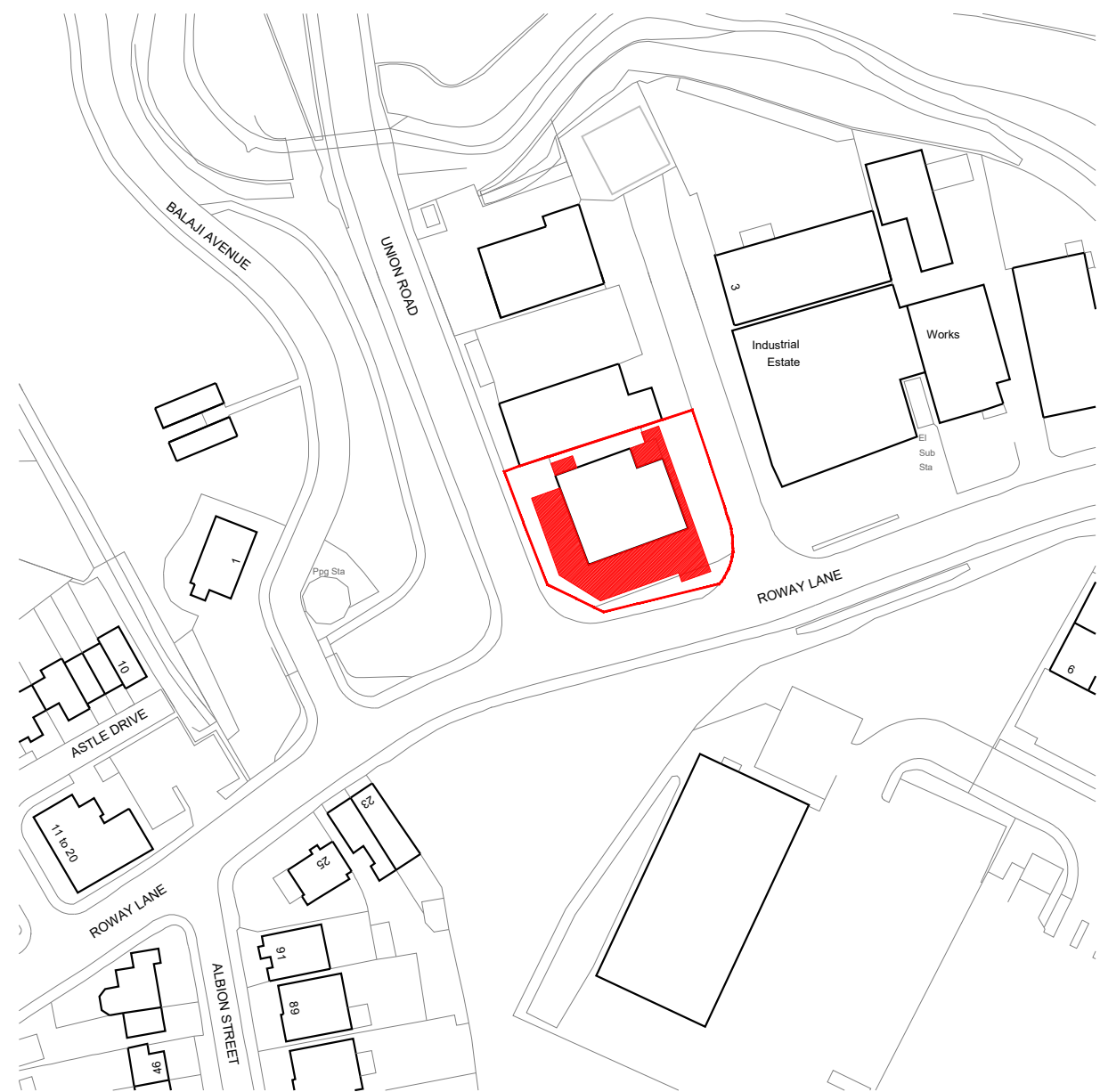
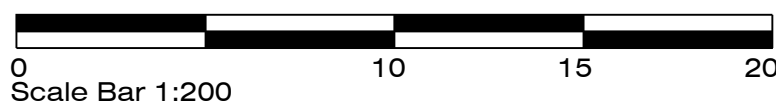
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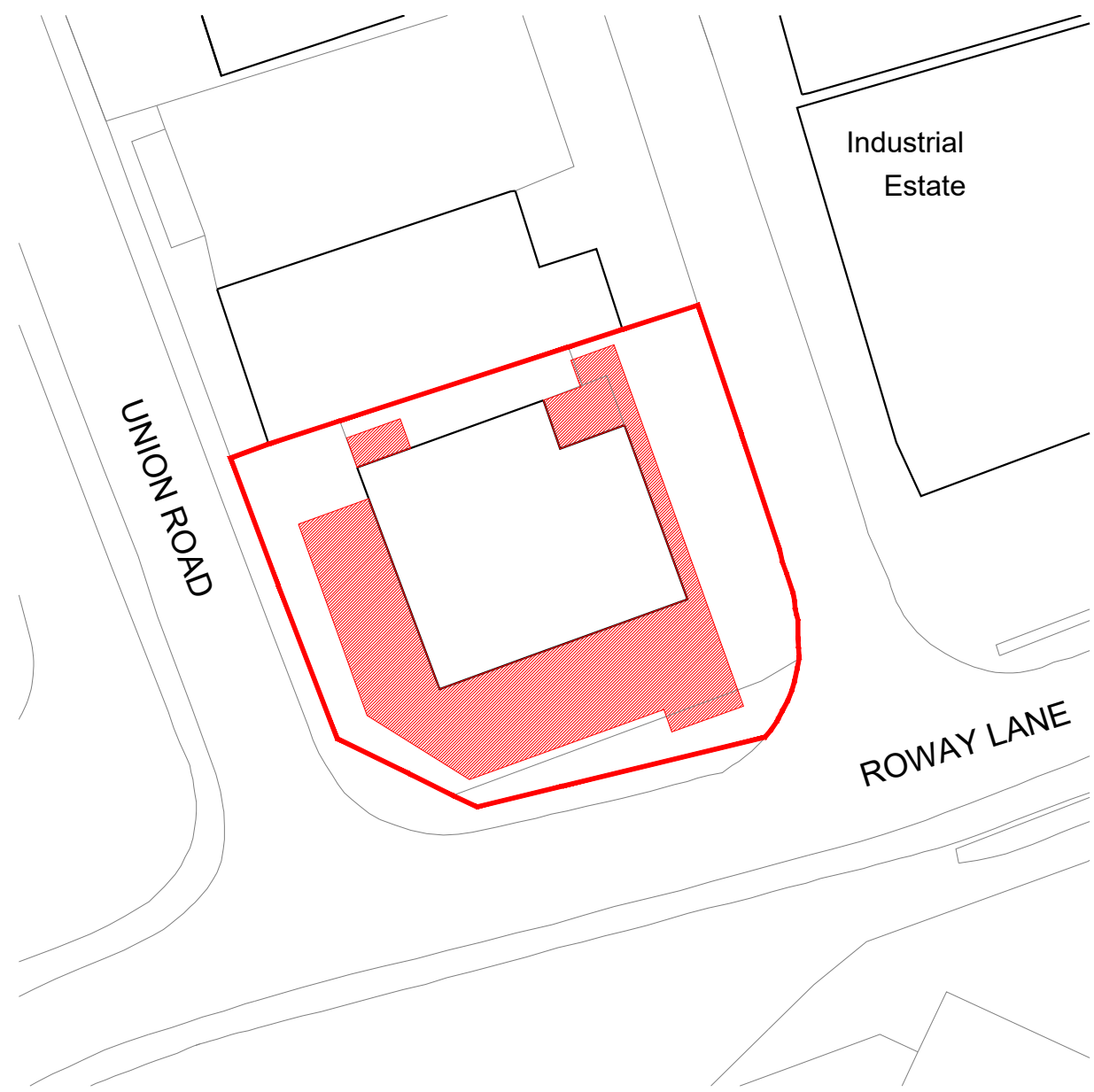
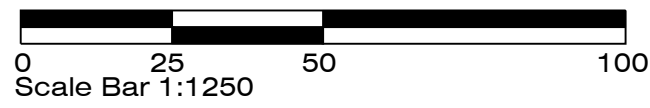
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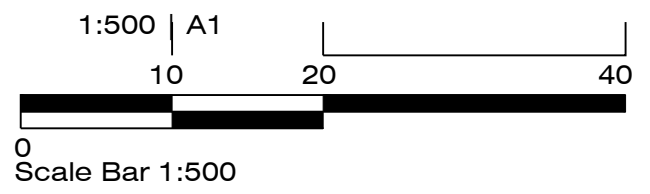
1 | SITE PLAN  
1:200 | A1



2 | SITE LOCATION PLAN  
1:1250 | A1



3 | SITE BLOCK PLAN  
1:500 | A1



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**CDM Notes**

**Revision**

Revision	Date	By	Chkd
A	26.07.24	DR	

Issued for Planning Approval.

**PLANNING ISSUE**

Client

Project  
UNIT 2 - ROWAY WAY  
OLDBURY  
B69 3EJ

Client Element  
FEASIBILITY

Drawing  
PROPOSED SITE, BLOCK  
AND SITE LAYOUT PLANS  
OPTION 02

Drawn by DR	Checked ZZ
Scale VARIOUS	Dated 25.07.2024
Job No. 24-01_011	Drawing No. D 004
	Revision -

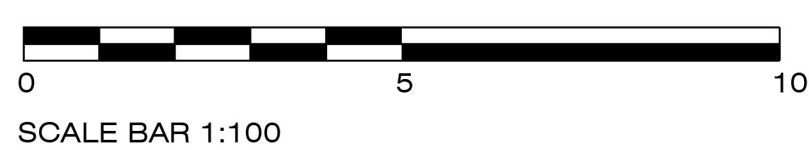
**Birmingham Office**  
M: +44 7765257878  
F: 0121 786 8008  
E: 4dr@4dr.co.uk

**4DR** architectural solutions



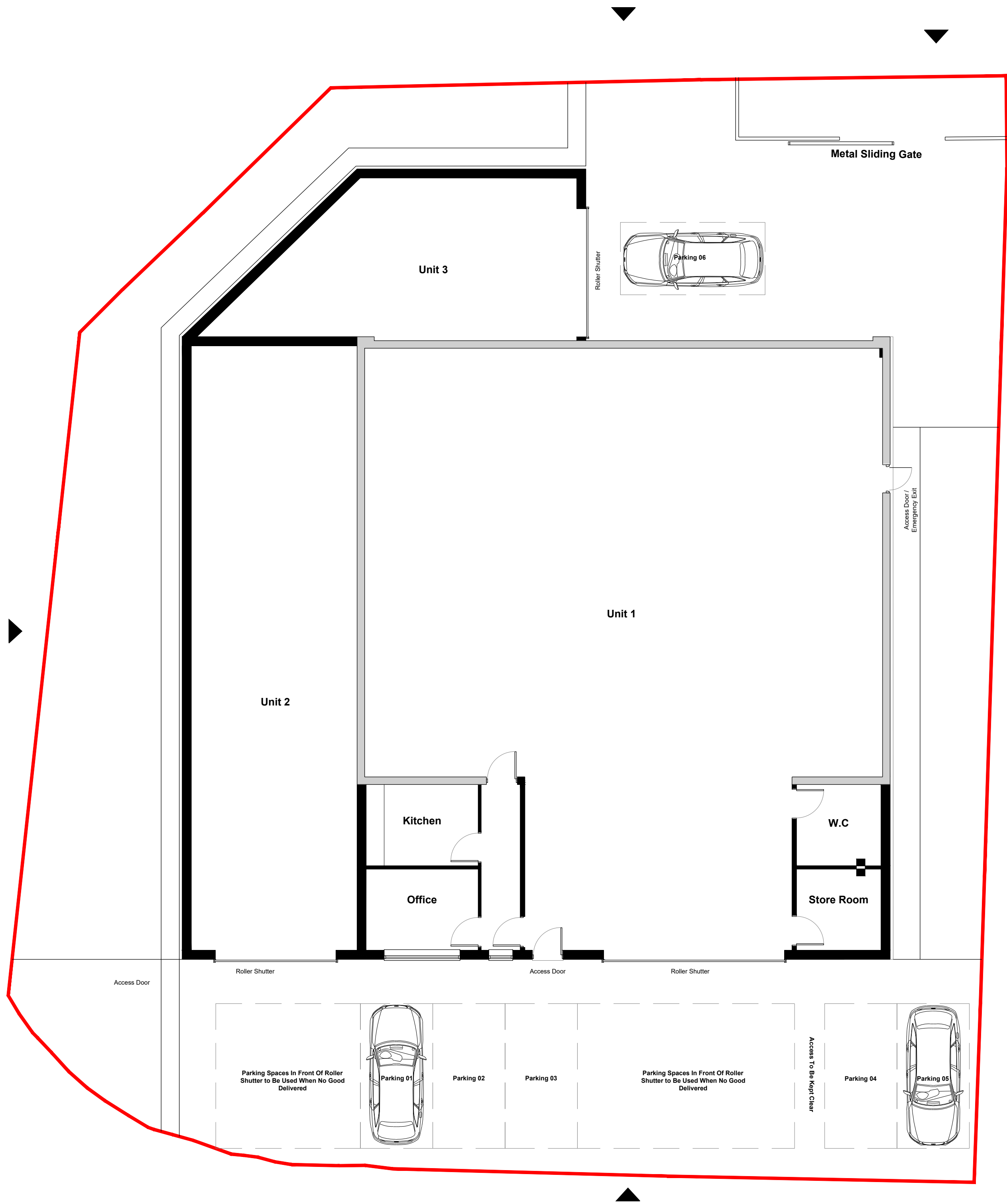


1 | PROPOSED GROUND FLOOR PLAN  
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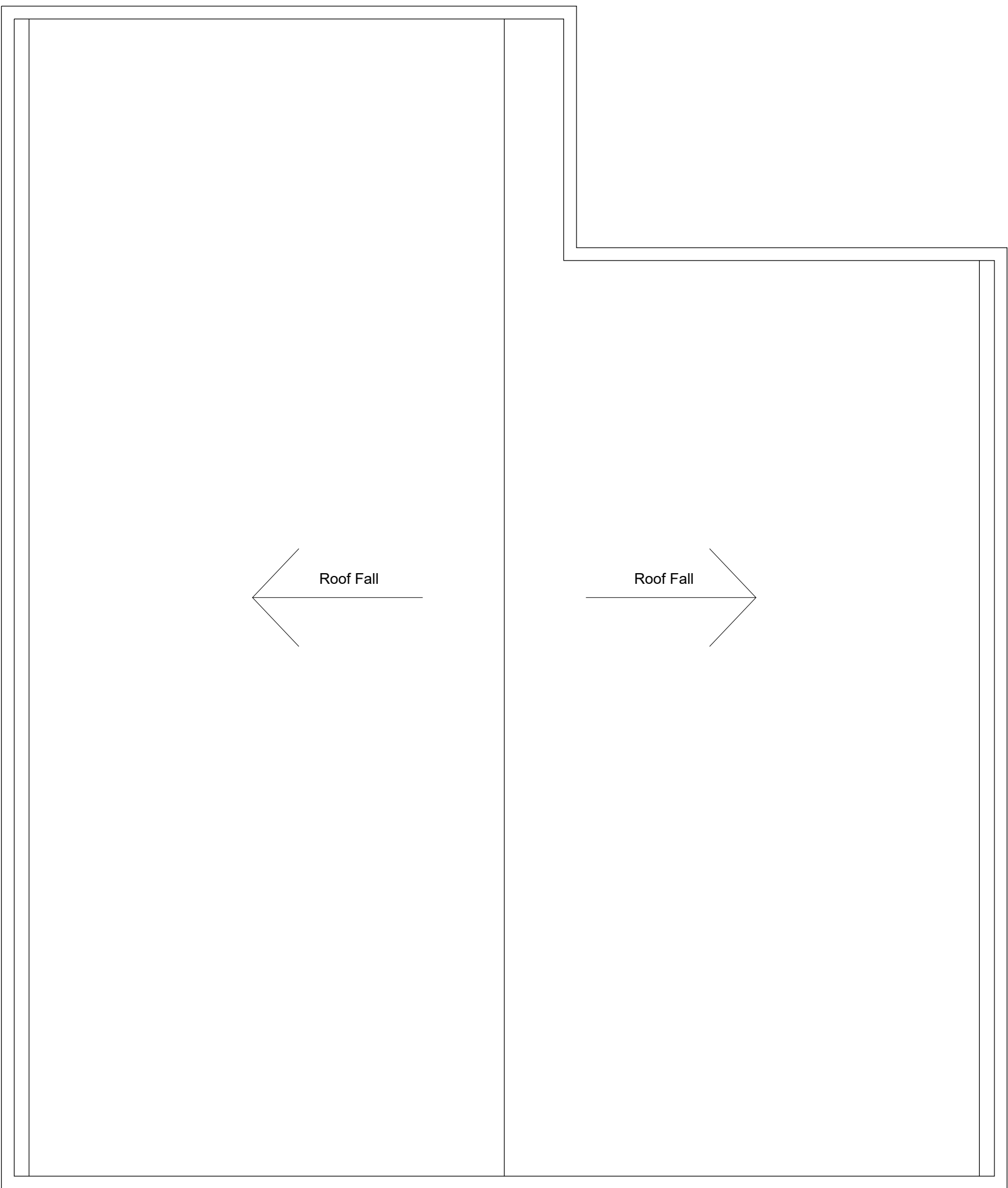


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		26.07.24	DR	ZZ					UNIT 2 - ROWAY LANE		PROPOSED GROUND FLOOR					
		24.09.24	DR	ZZ					OLDBURY		LAYOUT					
		11.12.24	DR	ZZ					595 36J							
		12.12.24	DR	ZZ												
		12.01.25	DR	ZZ												
		12.03.25	DR	ZZ												
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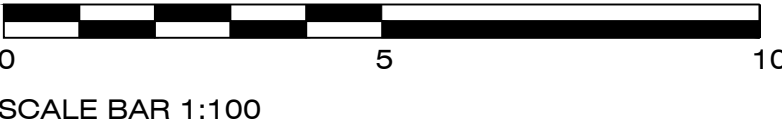




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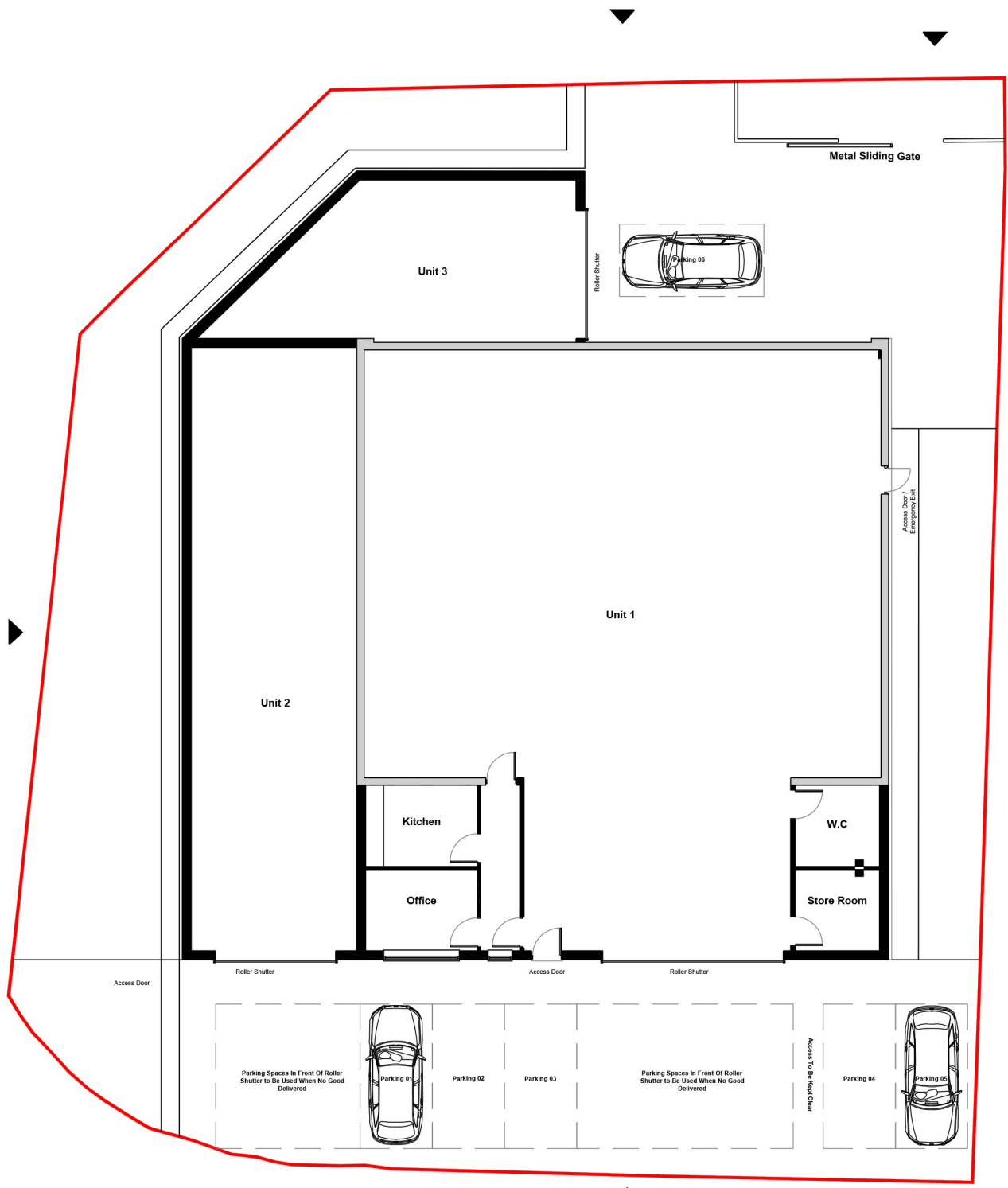
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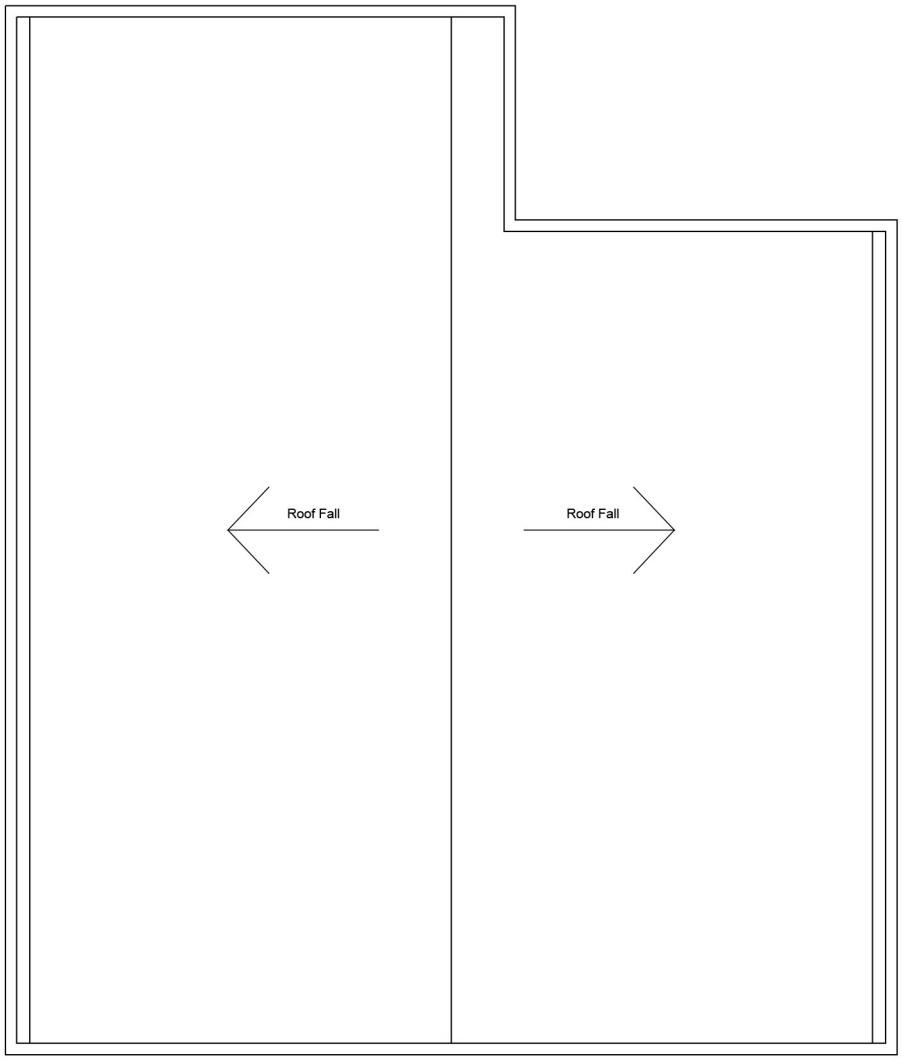
SCALE BAR 1:100

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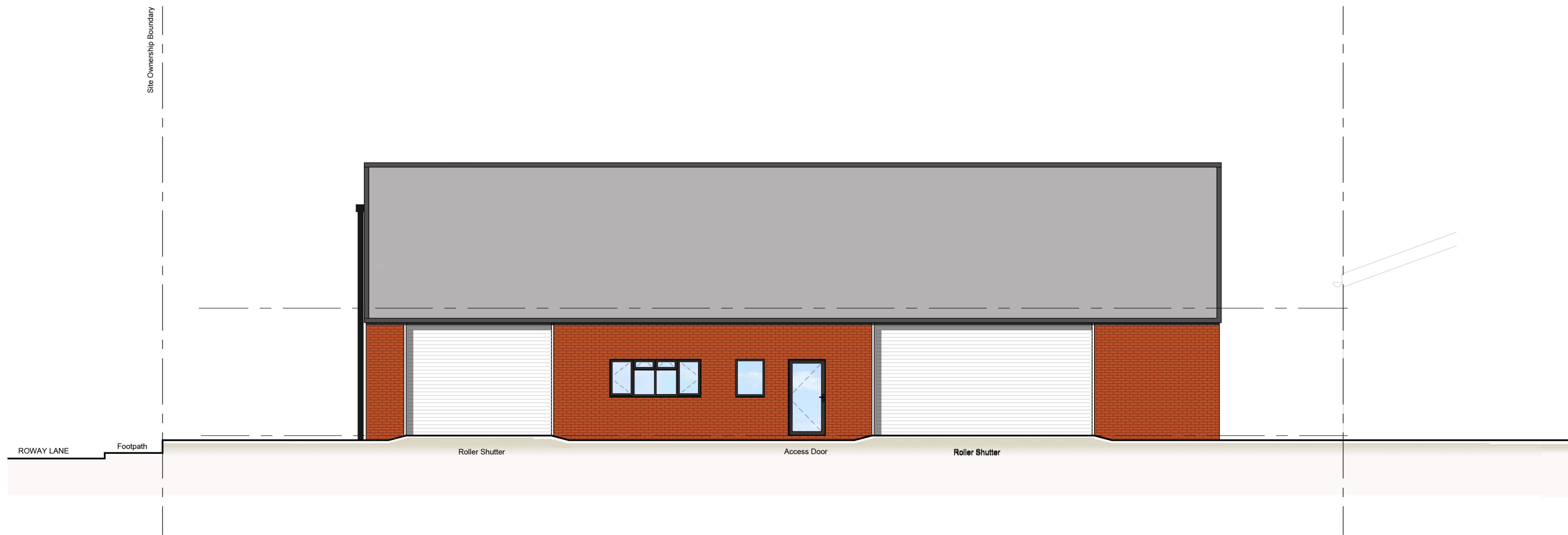




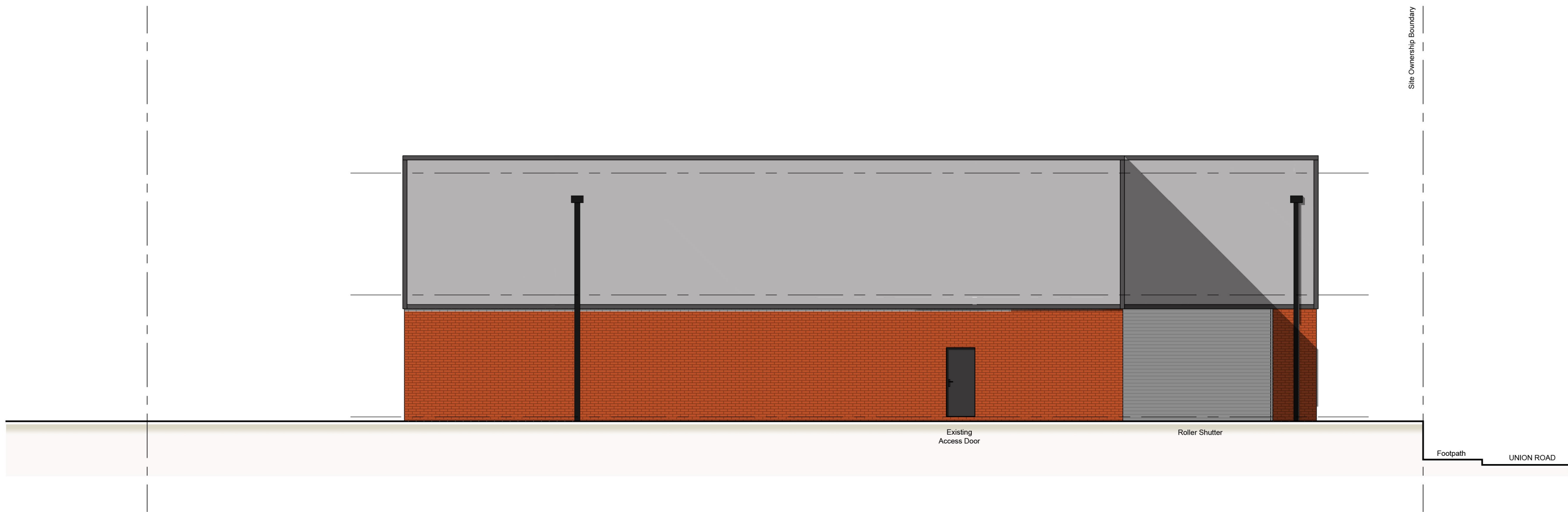
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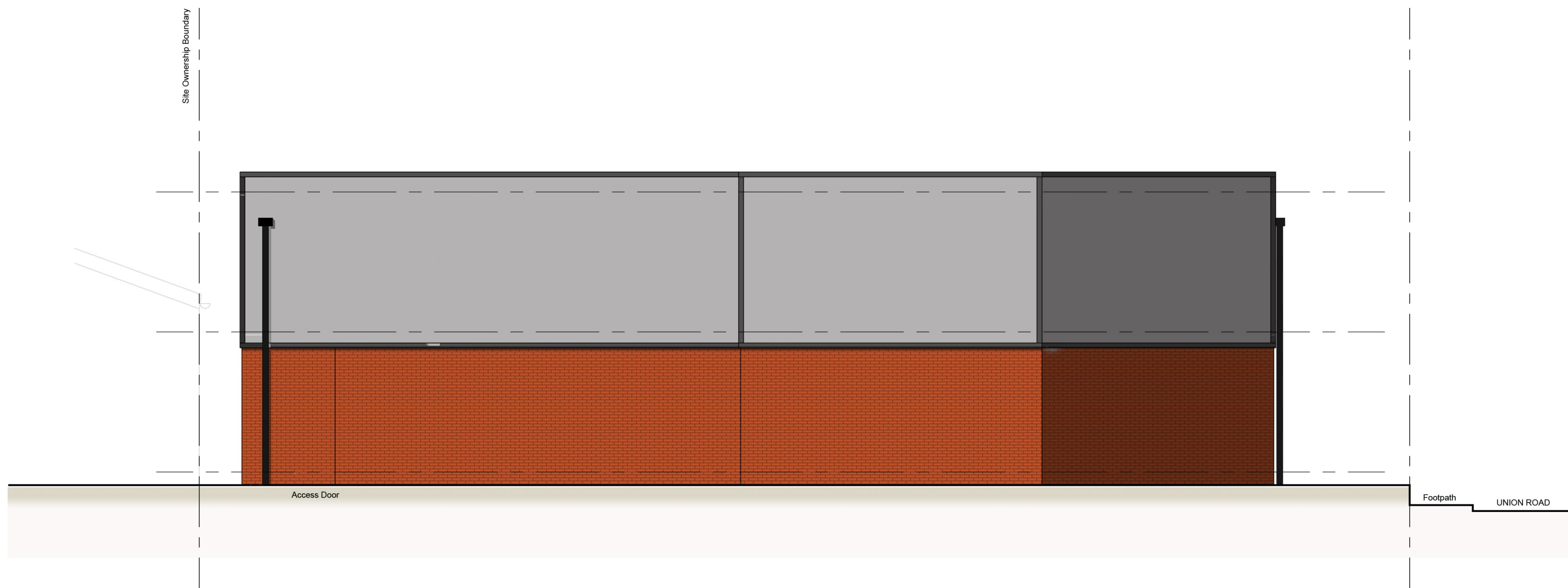
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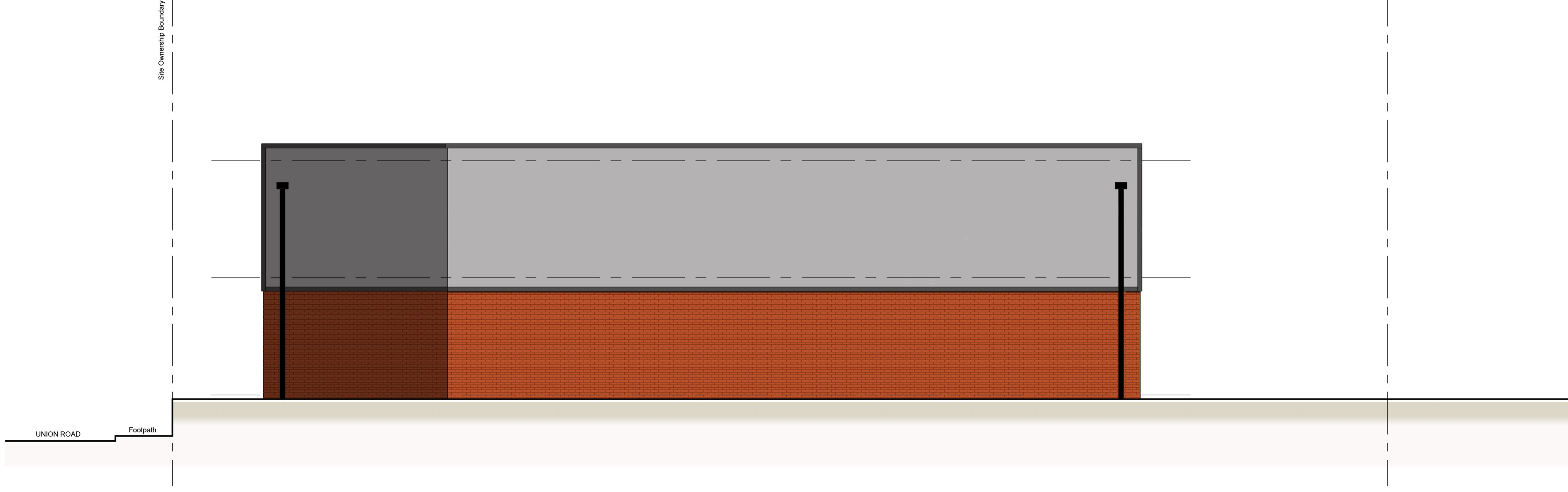
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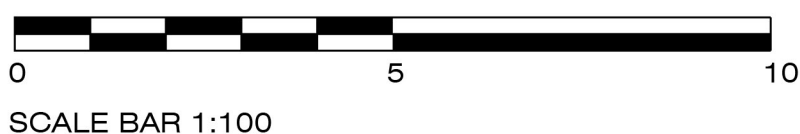
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3 | PROPOSED REAR ELEVATION  
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4 | PROPOSED SIDE ELEVATION  
1:100 | A0



SCALE BAR 1:100

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Revision	- Issued for Planning Approval.
	A - Elevations amended to suit reduced units.
	B - Elevations amended to suit reduced units.
	C - Elevations amended to suit reduced units following comments from planning and client.

Date	By	Check
26.07.24	DR	ZZ
12.12.24	DR	ZZ
12.01.25	DR	ZZ
30.03.25	DR	ZZ

Project  
UNIT 2 - ROWAY LANE  
OLDBURY  
B69 3EJ

Scale  
1:100 | A0

Dated  
26.07.24

Job No.  
24-01\_01

Drawing No.  
D 007

Drawn by  
DR

Checked  
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Client

PROPOSED FRONT, SIDES, &  
REAR ELEVATIONS

Client

Revision  
B

Client Element

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) Before the development is commenced (excluding site investigation, remediation or construction foundations) details of the materials to be used for the external surfaces of the development shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved schedule of materials.
- 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 (including asbestos) 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) Before the development is brought into use, a vehicle crossover approved by the local highway authority shall be installed to serve the new access on Union Road.
- vii) The approved hard and soft landscaping and planting scheme shall be implemented within eight months of the development being occupied. Any tree, hedge or shrub planted as part of a soft landscaping scheme (or replacement tree/hedge) on the site, and which dies or is lost through any cause during a period of 3 years from the date of first planting shall be replaced in the next planting season.

- viii) 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.