

|                                |   |
|--------------------------------|---|
| <b>Council/Committee:</b>      | Planning Committee  |
| <b>Date of Meeting</b>         | 7 January 2026  |
| <b>Application Reference</b>   | DC/25/70997   |
| <b>Application Description</b> | Proposed industrial unit (Use Class E(g)(iii) with ancillary offices and associated parking.  |
| <b>Application Received</b>    | 3 September 2025  |
| <b>Application Address</b>     | Land At Summerton Road<br>Oldbury   |
| <b>Report Author</b>           | Carl Mercer   |
| <b>Lead Officer</b>            | Tammy Stokes  |
| <b>Ward</b>                    | Oldbury   |
| <b>Appendices (if any)</b>     | <ol style="list-style-type: none"> <li>1. Location plan - 02</li> <li>2. Site plan - 03</li> <li>3. Floor/elevation plan - 04</li> <li>4. 3D plan</li> <li>5. Assessment of existing trees - Drg 1</li> </ol> |

## 1. Application Summary

- 1.1 The application is being reported to Planning Committee because the proposal is a departure from the development plan.
- 1.2 To assist members with site context, a link to Google Maps is provided below:

[Land at Summerton Road, Oldbury](#)

## 2. Recommendations

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

- i) External materials;
- ii) Biodiversity net gain credits;
- iii) Contamination;
- iv) Archaeological assessment;
- v) Japanese knotweed management plan;
- vi) Boundary treatments;

- vii) Landscaping;
- viii) Drainage;
- ix) Cycle storage;
- x) Waste storage;
- xi) External lighting;
- xii) Construction environment management plan (CEMP);
- xiii) Ecological enhancement measures;
- xiv) Trees protected/retained in accordance with submitted plan;
- xv) Parking laid out and retained;
- xvi) Drop kerb; and
- xvii) Restriction to minor industrial process uses only.

### **3. Reasons for the recommendation and conditions**

The proposed development raises no significant policy, design or highway concerns and is acceptable subject to conditions to ensure the proposal is both policy compliant and has a limited impact on the surrounding area.

### **4. Key Considerations**

- 4.1 The site is allocated for residential use in the development plan as part of a wider residential allocation.
- 4.2 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.
- 4.3 The material planning considerations which are relevant to this application are:
  - Government policy (NPPF)
  - Proposals in the development plan
  - Planning history
  - Design – appearance/scale
  - Highways considerations - traffic generation, access, highway safety, parking and servicing
  - Impact on the appearance and ecology of the canal

### **5. The Application Site**

- 5.1 The application site is vacant and lies to the east of a cul-de-sac section of Summerton Road, Oldbury. The character of the surrounding area is mixed with industrial and residential uses evident. The northeastern boundary of the site is adjacent to the Birmingham Old Main Line Canal.

## 5.2 Planning History

|             |  |   |
|-------------|--|---|
| DC/21/66106 | Proposed industrial unit (Use Class E(g)(iii) Industrial processes) with ancillary offices and associated parking. | Approved - 04.03.2022                                 |
| DC/17/60736 | Proposed outline application for residential development (all matters reserved).                                   | Refused - 02.10.2017<br>Appeal dismissed - 15.10.2018 |

## 6. Application Details

The applicant proposes a new industrial unit for Class E(g)(iii) use with ancillary offices and parking. The unit appears to be speculative with no end user yet identified; however, the proposed use class can be described as 'any industrial process which can be carried out in any residential area without causing detriment to the amenity of the area'. Typical uses which fall into this class are small workshops for assembling products, glass engraving or small-scale glass craft and 3D printing workshops. This list is offered as explanatory only and is not an exhaustive list of potential uses which could fall under Class E(g)(iii). I note the proposed floor plan states B1/B2/B8 uses, but the suggested condition would restrict the use class as per the description of development put forward by the applicant.

- 6.2 The applicant proposes a total 720 sqm of floor space with 630 sqm of industrial floor space and the remainder ancillary offices, with a reception area, staff rooms and toilets. The use would be over one ground floor area. Sixteen off-street car parking spaces are proposed as well as a small amount of landscaping which would likely be utilised by waste and cycle storage.

## 7. Publicity

The application has been publicised by two neighbour notification letters and by site and press notice. No responses have been received.

## 8. Consultee Responses

### 8.1 Planning Policy

No objection. The officer notes that the site forms part of a wider residential allocation and it is considered that the proposed development would not prevent the delivery of the remainder of the residential allocation in future subject to limiting the use of the site to Use Class E(g)(iii), so that adjacent residential use would still be feasible.

### 8.2 Highways

No objection subject to conditions requiring the provision and retention of parking and a drop kerb access.

**8.3 Public Health (Contaminated Land)**

No objection subject to a condition requiring submission of further information regarding contamination risk and remediation.

**8.4 Public Health (Noise)**

No objection. The officer has also requested that an external lighting strategy be requested by condition.

**8.5 Public Health (Air Quality)**

No objection. Dust management to be included in a CEMP required by condition.

**8.6 Transportation Planning**

The officer notes that no cycle parking is proposed. This can be ensured by condition.

**8.7 Ecologist**

The officer had queried the biodiversity net gain metric and further information has been provided for review. The metric is now considered to be acceptable, but the applicant would need to purchase credits for the area and watercourse units as required. This can be ensured by condition but is a legal requirement under the Town and Country Planning Act in any event and evidence of the purchase of units is required prior to commencement.

**8.8 The Canal and River Trust**

The trust raises issues concerning the impact on the character and appearance of the waterway corridor; the impact on the biodiversity associated with the waterway corridor; the impact of the proposal upon the water quality of the Old Main Line Canal; and the impact on the remains of former canal basins on site. The loss of trees is noted to be the main issue in respect of the impact on character and biodiversity, although lighting is also seen as a concern. A Preliminary Ecological Assessment (PEA) is requested as well as a Japanese knotweed treatment plan. The requirement for biodiversity net gain is also referred to but I will rely on the council's ecologist in respect of this matter.

**8.9 The Health and Safety Executive**

The site is in proximity of a pipeline, and the council is required to consult the HSE on developments within its vicinity. On this occasion, the HSE is not required to comment due to the low-risk nature of the proposed use.

**9. Relevant Planning Policy Considerations**

**9.1 National Planning Policy Framework (NPPF)**

- 9.2 The NPPF sets out the government's planning policies for England and how these are expected to be applied.

### Design

The framework refers to development adding to the overall quality of the area by achieving high quality design, achieving good architecture and layouts. I am of the opinion that the scheme is of a good design and would assimilate into the overall form and layout of the site's surroundings; in accordance with the design principles of the NPPF

### Highway safety

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. The site would have adequate parking provision to meet the needs of the use and cycle storage provision can be ensured by condition.

## **9.2 Development Plan Policy**

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

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

CSP4 – Place Making – The development would contribute to the historic character and local distinctiveness of the area due to the scale proportions, design and materials proposed.

DEL2 – Managing Balance Employment Land and Housing – The proposed development would not prevent the wider delivery of the remainder of the residential allocation in the future

HOU1 - Delivering Sustainable Housing Growth – The site is allocated as housing land.

EMP1 - Providing for Economic Growth and Jobs – The proposal would contribute towards growth and jobs in the borough.

TRAN2 – Managing Transport Impacts of New Developments – The development is considered to have a minor impact on the surrounding road network.

TRAN4 - Creating Coherent Networks for Cycling and for Walking – Cycle storage can be ensured by condition.

ENV1 - Nature Conservation – The submitted PEA finds that no excessive harm to ecology would be caused, and retention of trees and ecological mitigation measures can be ensured by condition.

ENV2 - Historic Character and Local Distinctiveness – Underlying canal features may be of local significance and further investigation can be ensured by condition.

ENV3 – Design Quality - The proposed layout and design are acceptable and assimilate with existing industrial buildings in the area.

ENV4 – Any harmful impacts on the appearance or ecology of the adjacent canal can be managed by condition.

ENV5 – Flood Risk, Sustainable Drainage Systems / Urban Heat Island – Further technical drainage detail can be ensured by condition, including detail regarding water quality of the canal.

ENV8 – Air Quality – Details of dust mitigation during construction can be provided in a CEMP by condition.

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

SADH1 - Housing Allocations – The site is a part of housing allocation but no policy objection to the site coming forward for employment use.

SAD HE 5 - Archaeology & Development Proposals – As ENV2.

SAD EOS 9 - Urban Design Principles – The proposal is appropriate to the location in terms of scale and design.

SAD EOS 10 - Design Quality & Environmental Standard – Considered in conjunction with SAD EOS 9 above, the industrial design and appearance of the proposal is acceptable.

SAD DC 5 - Land Affected By Tipped Materials – The site is listed as a former landfill site, but remediation can be ensured as per SAD DC 6 below.

SAD DC 6 - Contaminants, Ground Instability, Mining Legacy - Land contamination issues 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.

## **10. Material Considerations**

### **10.1 Proposals in the development plan**

The application site would be very challenging to develop in isolation for residential development due to the main issues explored in the appeal case (DC/17/60736 relates). Preferably the whole residential allocation should come forward as a comprehensive development. Furthermore, land to the west of Summerton Road (Clayton Holdings Limited) is proposed to be allocated as Local Employment Land in the submission Sandwell Local Plan and remain in employment use. Under BCCS policy DEL2 it is considered that the proposed development would not prevent the wider delivery of the remainder of the residential allocation in the future subject to limiting the use of the site to Use Class E(g)(iii). The policy officer notes that it may be appropriate to control the hours of use and hours of servicing to prevent unacceptable impact on the amenity of existing residents on Summerton Road from noise and disturbance. I have considered a restriction on operating hours, but I do not think it is warranted in this case due to the nature of the proposed use (i.e. a use which is appropriate in a residential area) and the unrestricted operation of adjacent units.

### **10.2 Planning history**

A previous planning application at the site sought outline permission for 14 apartments (ref. DC/17/60736). The previous application was refused in October 2017. An appeal was lodged against the refusal and was subsequently dismissed in October 2018 (APP/G4620/W/18/3196102). The appeal dealt with the main issues of the effect of the development on the living conditions of future occupiers with regard to noise and disturbance; the effects of the development on the safety of future occupiers with particular regard to the proximity of the site to a major gas pipe; and whether the proposal would compromise the future comprehensive development of the site. Arguing for residential on this site is therefore untenable. Furthermore, a similar development to that currently before members was approved in 2022.

### **10.3 Design – appearance/scale**

The plan and 3D conceptual illustrations depict a scheme which would be compatible with its surroundings, of high-quality design and would cause no harm to visual amenity of the area. It is therefore considered compliant with local and national design policy.

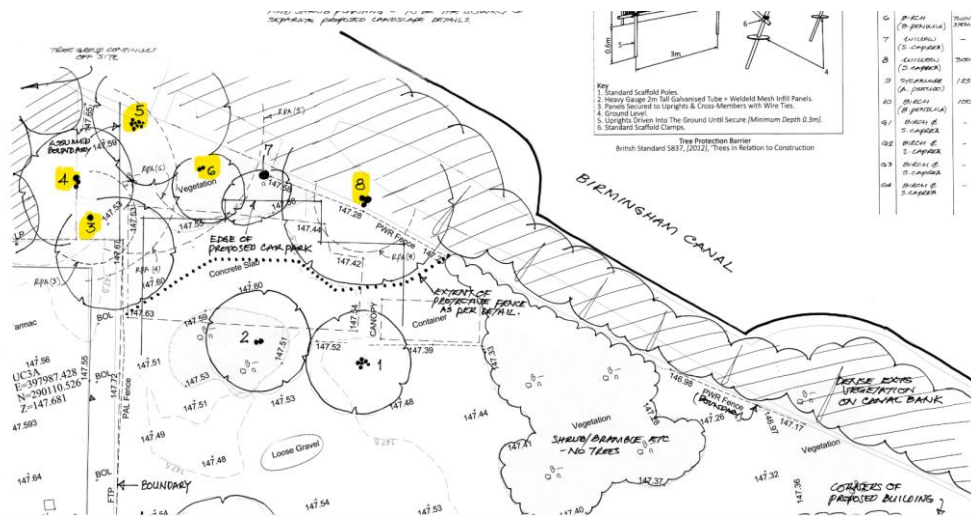
### **10.4 Highways considerations - traffic generation, access, highway safety, parking and servicing**

Highways have reviewed the application and have raised no objections to the application.

### **10.5 Impact on the appearance and ecology of the canal**

In respect of character and appearance, the applicant has submitted a plan titled 'Assessment of Existing Trees Drg 1'. This plan shows that several trees within proximity of the canal would be protected during the development phase and retained (Fig 2). This can be ensured by condition.

**Fig 2 Trees to be retained as highlighted**



10.6 Furthermore, the plan shows the retention of dense vegetation on the canal bank which is stated as being within the ownership of the CRT. In combination with the retention of the trees within proximity of the canal and existing vegetation I do not consider that the visual appearance of the canal would be significantly compromised. In regard to canal ecology, the applicant has submitted a PEA which raises no significant concerns regarding the impact. The site was deemed to be of negligible potential for protected species and was deemed to be of low potential for impacts on biodiversity, but the assessment does recommend ecological enhancement measures. The findings of the assessment are significant and in combination with the retained trees, vegetation and submission of an external lighting strategy by condition my opinion is that concerns raised regarding appearance and ecology are broadly addressed. Both the CRT and the PEA recognise the need for a Japanese knotweed management plan, and this should be ensured by condition to safeguard the ecology and stability of the area. With regards to the underlying canal basins, I acknowledge the potential heritage value and recommend a similar condition to that imposed on the 2021 consent.

## 11 Conclusion

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 9 (National Planning Policy Framework). 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.

**12. Legal and Governance Implications**

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.

**13. Other Relevant Implications**

None relevant.

**14. Background Documents**

None.

**15. How does this deliver the objectives of the Strategic Themes?**

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.

## Relevance Check

**Budget Reduction/Service Area:**

**Service Lead Tammy Stokes**

**Date: 16/12/25**

In what ways does this Budget reduction have an impact on an outward facing service? How will the service feel different to your customers or potential customers?

N/A

If not, how does it impact on staff e.g. redundancies, pay grades, working conditions? Why are you confident that these staff changes will not affect the service that you provide?

N/A

Is a Customer Impact Assessment needed? No