

PLANNING APPLICATION NUMBER: P23/0041

Type of approval sought	Full Planning Permission
Ward	Upper Gornal and Woodsetton Ward
Agent	Mr Z. Pancic
Case Officer	James Mason
Location:	EDWIN HOLDENS BREWERY, GEORGE STREET, WOODSETTON, DUDLEY, DY1 4LW
Proposal	ERECTION OF NEW PORTAL FRAMED BUILDING FOR B8 USE (STORAGE OR DISTRIBUTION)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application relates to the 1.47 hectare site comprising of Edwin Holdens Brewery; a brewery complex for the production, bottling, storage and distribution of liquid products. The site refers to the existing open storage yard to the north- west of the Edwin Holden's Brewery Bottling Company.
2. A commercial garage premises and rear gardens to residential dwellings are located to the north. Residential dwellings are located to the west of the site, with rear gardens backing onto the location of the proposed development. The site of the development is set at lower level than the houses on Woodsetton Close and is currently used for the open storage of brewery and bottling materials.

PROPOSAL

3. The proposed storage building would be sited to the north-west corner of the site and would be used to enclose the existing storage site, also accommodating vehicular access through the building along the existing site haulage route. The development seeks the erection of a new 497m² portal framed building (Use B8). The proposed building would be 15.9m in width, 31m in depth, with a maximum height of 8.3m (6.3m to the eaves). The structure would have a green cladding façade that would complement the colour and design of other buildings within the brewery estate.
4. The application has been submitted with a Design and Access statement, Coal Mining Risk assessment and a Noise Impact Assessment report.

HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
92/51351	Erection Of Beer Keg Store and Plant Room	Approved, subject to conditions.	29/09/1992
P06/2278	Two storey office building and single storey ancillary buildings to the rear of the proposed office building comprising cask storage area and plant room. New boundary walls & railings to Sedgley Road elevation & Car Park improvements.	Approved, subject to conditions.	26/01/2007
P09/1472	Single storey front/side extension	Approved, subject to conditions	12/01/2010
P11/1138	Erection of new boundary wall/railings and entrance gate.	Approved, subject to conditions.	30/11/2011

P11/1490	Two storey side extension following demolition of existing cask store	Approved, subject to conditions.	31/01/2012
P12/0631	Following demolition of existing single storey cask store and small lean-to store, erection of three storey extension.	Approved, subject to conditions	12/07/2012
P15/1769	Erection of storage building	Approve with conditions	19/02/2016
P16/1296	Proposed single storey extension	Approve with conditions	11/11/2016

PUBLIC CONSULTATION

5. The application was advertised by way of neighbour notification letters being sent to the occupiers of 11 properties within close proximity to the site and by the display of a site notice. The final date for initial representations expired on the 9th March 2023.

6. Councillor Adam Aston objects to the proposal stating the following:

“As the Councillor for Upper Gornal and Woodsetton I would like to formally object to planning application P23/0041 for the following reasons - (Please treat this email as a formal objection)

- 1. The proximity and scale of the development will have a detrimental impact on neighbouring properties with regards loss of light and privacy of my constituents.*
- 2. The noise pollution and disruption caused by the activities taking place within the proposed building will have a detrimental impact upon the lives of my constituents.*
- 3. The appearance of the development is not in keeping with the area. The site sits between a housing estate and nature reserve, it's appearance is at risk of 'industrialising' the local community.*
- 4. The inevitable increased site activity will further increase pressure on surrounding residential streets.”*

7. Councillor Adrian Hughes objects to the proposal stating the following:

“As one of the Councillors for Upper Gornal and Woodsetton I would like to formally object to planning application P23/0041 for the following reasons.

The scale of the development and its proximity will have a detrimental impact on neighbouring properties with regards loss of light and privacy of my constituents.

The noise pollution and disruption generated by the activities that will take place within the proposed building will impact the lives of my constituents.

The site sits between a housing estate and nature reserves and is at risk of industrialising the appearance of the local community.

The increase in site activity will put added strain onto neighbouring residential streets.”

8. In addition a further 9 letters of objection have been received from 8 neighbouring properties, objecting on the following grounds:
- Loss of light and outlook
 - Intensity of development
 - Scale and design of building
 - Impact on highways
 - Impact on wildlife
9. Non-material planning considerations were also raised regarding the value of neighbouring dwellings.
10. Two letters of support have been received from local residents and three letters from current employees of the site.
11. In response to changes to the proposed building by including a new door and enclosure to the southern elevation, a further 10 day consultation was undertaken, the final date for comments was the 2nd April 2023. 7 letters of objection were received (4 from addresses previously objected and 3 new addresses) and one letter of support was received. No new matters were raised.

OTHER CONSULTATION

12. Head of Planning and Development (Highway Engineer):
No objection based on the information provided. Conditions have been suggested for any approval of the application.

Head of Planning and Development (Land Contamination Team):

No adverse comments.

Head of Environmental Health and Trading Standards:

No objection subject to the inclusion of pre-commencement conditions to secure appropriate materials and types of walls and doors at the site.

The Coal Authority:

The Coal Authority has considered the content and conclusions of Coal Mining Risk Assessment (October 2022 prepared by Spilman Associates Ltd). There is no objection subject to conditions.

RELEVANT PLANNING POLICY

13. National Planning Guidance

- National Planning Policy Framework (2021)

Black Country Core Strategy (2011)

- CSP1 The Growth Network
- EMP1 Providing for Economic Growth
- EMP3 Local Quality Employment Areas
- TRAN2 Managing Transport Impacts of New Development

Dudley Borough Development Strategy (2017)

- S1 Presumption in favour of Sustainable Development
- S6 Urban Design
- S17 Access and Impact of Development in the Transport Network
- S19 Dudley Borough's Green Network

- L7 Local Quality Employments Areas
- D2 Incompatible Land Uses

Supplementary Planning Guidance/Documents

- Parking Standards SPD (2017)

ASSESSMENT

14. The main issues for consideration are:

- Principle
- Design and Layout
- Neighbour Amenity and Noise
- Parking and Access
- Wildlife

Principle

15. The application site is a well-established commercial enterprise, operating as brewery complex within a predominately residential area and some commercial buildings to the north. The proposed building would enclose a current open storage area located within the existing grounds and its intended storage use would be directly associated with the existing use of the site. The scale nature and intensity of the development would serve to protect materials and products from the elements in accordance with existing operations and also serve to limit noise from existing activities. The development would therefore be likely to have a neutral impact on the amenity of local residents in the local area, subject to consideration of the visual impact of the building in the

following paragraphs. The principle of the development within an existing employment use is therefore considered to be acceptable and appropriate.

Design and Layout

16. Objections have been raised in regard to the proposed location, scale and design of the development.
17. On assessment of the proposed design, it is considered that the proposed warehouse building would be of a functional design, built with green colour coated profiled steel cladding to its roof and walls which would match similar adjacent buildings within the brewery complex to give a coherent and uniform appearance.
18. The proposed building would also be of a similar scale and mass to the adjacent built form and would be seen in context with the existing buildings. As such, the proposed unit set at the existing ground level, is not considered to form an incongruous or prominent feature within this location and would have limited impact on the wider views of the site. Whilst the siting of the proposed unit would be closer to the residential dwellings set within Woodsetton Close and Sedgley Road, it is noted that there is an existing boundary treatment of high hedges and fencing that helps to screen elements of the proposed development, especially due to its siting at a lower land level of around 1.5m. A supporting statement has been provided which states that existing hedges and trees would be retained, and that the applicant would be willing to provide additional planting. As such a condition for landscaping would

be attached to any approval. Notwithstanding the above, it is noted that the proposed development would replace the existing visible and high standing outside storage of products which are stacked vertically. As such, it is considered that the proposal would comply with Policy ENV2 of the Black Country Core Strategy and policies S1 and S6 of the Dudley Borough Development Strategy.

Neighbour Amenity and Noise

19. Letters of objection have been received in regard to the impact on light, privacy and outlook as a result of the proposed development. In terms of impact upon privacy, it is noted that there would be no windows or openings which would face towards the residential dwellings, as such it is considered that there would be no negative impact on privacy.
20. In regard to of the impact on light and outlook it is noted that there would be a separation distance of 15m from the original rear elevation of No. 9 Woodsetton Close and the proposed development, however, this would occur at an oblique angle due to the siting of the development. With regard to the other residential dwellings located on Woodsetton Close and Sedgley Road, a separation distance of between 18m-28m would be achieved from the original rear walls of neighbouring dwellings to the walls of the proposed development. This would include a minimum easement of 1.9m from the rear garden boundaries with Sedgley Road dwellings and a minimum easement of 2.5m to the rear garden boundaries with the rear garden boundaries with dwellings on Woodsetton Close. As such, it is considered that due to the separation distance between the dwellings and the proposed development (which will sit at a lower level than of the houses on

Woodsetton Close), that there would be no significant detrimental impact in terms of loss of light or outlook to neighbouring dwellings to warrant a refusal in this instance. This viewpoint is further strengthened by the retention of existing hedgerow planting and further planting proposed.

21. In order to fully assess the potential for impacts from noise, a Noise Impact Assessment Report was requested for consideration. The resultant report concludes that noise levels following the development would be lower than that of the existing operation, due to the attenuation provided by the building. This conclusion is shared by the Head of Environmental Health and Trading Standards, who raises no objection to the proposed development, subject to conditions, to ensure that specifications highlighted within the report have been met.

Impact on highways and access

22. Existing access arrangements would remain unchanged, utilising the one way system that runs through the site and the open storage area proposed for the warehouse building. Vehicular access doors within the proposed building would allow vehicles to enter and egress on the same path as existing. Following the submission of a Transport Note on behalf of the applicant, the Council Highway Officer concludes that the proposed development would result in a reduced number of trips as a result of the improved storage within the proposed development. However, if additional trips were to be generated, the Highway Officer suggests that based on the average trips for a B8 storage building, the impact would be negligible, even in the peak hours.

23. The Highways Officer suggested that three conditions could be attached an approval in relation to a service vehicle management plan, a staff travel plan and details of cycle storage and shower facilities for staff. The service vehicle management plan is provided within the submitted Transport Note and will be conditioned accordingly. It has also been evidenced that both a cycle store and showering facilities are provided within existing buildings and therefore, no specific conditions will be required to secure them. Finally, in regard to the suggested staff travel plan, it is not considered that this condition is necessary for the application to be approved, given the existing status quo is maintained. As such, the proposal does not raise any highway safety concerns regarding the access arrangements or vehicle movements associated with the proposed development in accordance with Policy TRAN2 of the Black Country Core Strategy and Policy S17 of the Dudley Borough Development Strategy.

Impact on Wildlife

24. Concerns raised regarding the impact of the development on foxes and birds have been considered, however, it is noted that the existing storage site is industrial hardstanding, and the enclosure of such would not impact any wildlife habitats. Notwithstanding this consideration, it is again noted, that the existing hedges and trees would be retained whilst additional hedges and trees would be provided as a result of a condition. As such, it is considered that there would be no adverse impacts upon wildlife as a result of the proposed development.

CONCLUSION

25. The proposed development is acceptable in principle and in design terms would not impact adversely on the character or amenity of the area. With a condition imposed in relation to sound levels there would be no demonstrable harm to neighbouring amenity and there would be no adverse impact upon highway safety. As such, it is considered that the proposed development is in accordance with relevant planning policy and is acceptable.

RECOMMENDATION

26. It is recommended that the application be APPROVED subject to conditions.

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Block Plan Drg No. 815:BP, Proposed site plan and section Drg No. 815:82b & Proposed elevations Drg No. 815:83a.
REASON: For the avoidance of doubt and in the interests of proper planning.
3. No development shall commence (excluding demolition, site clearance and initial ground works) until full details of soft

landscaping and planting works have been submitted to and approved in writing by the Local Planning Authority. These details must include, where appropriate, planting plans, written specifications, a schedule of plants including species, plant sizes and proposed numbers/densities and a programme of implementation. Plans must also include accurate plotting of all existing landscape features. The agreed scheme shall be implemented in accordance with the approved details within the first planting season following the first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority. Such areas of planting shall thereafter be maintained for the life of the development.

Any trees or shrubs planted in pursuance of this permission including any planting in replacement for it which is removed, uprooted, severely damaged, destroyed or dies within a period of five years from the date of planting shall be replaced by trees or shrubs of the same size and species and in the same place unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to make a positive contribution to place-making and provide a high quality landscaping and to ensure that the approved landscaping is properly maintained in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part). This detail is required pre commencement (excluding demolition, site clearance and initial ground works) as landscaping is integral to providing a high quality and sustainable development.

4. Prior to any above ground development details of the materials to be used on the external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include appropriate materials to achieve at least the minimum sound reduction as highlighted within the submitted Noise Impact Assessment Report, produced by Noise Air on the 23rd March 2023. Prior to the first occupation the agreed provision shall be installed on site and thereafter maintained and retained for the lifetime of the development.

REASON: In the interests of the visual amenities of the area and to comply with BCCS Policies CSP4 - Place-Making and ENV2 - Historic Character and Local Distinctiveness and Borough

Development Strategy 2017 Policy S6 Urban Design and Policy D2 Incompatible Land Uses (in part).

5. Prior to the first use of the development specification details of the door on the southern elevation that will provide a minimum sound reduction of (at least) 19 dB Rw in accordance with the submitted Noise Impact Assessment Report, produced by Noise Air on the 23rd March 2023 should be submitted to and approved in writing by the Local Planning Authority. This shall include information that the installation and operation of the door on the southern elevation is fitted competently in order to maintain the acoustic integrity of the door and a manufacturer verification is provided to the Council for written approval, to include details of noise emissions from the operation of the door. Following written approval by the Council, the approved works shall be completed in their entirety prior to first occupation and maintained throughout the approved use.

REASON: To protect the amenities of nearby residents in accordance with Borough Development Strategy 2017 Policy D5 Noise Pollution and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part).

6. All loading operations shall take place inside the building with the doors on the southern elevation of the building fully closed.
- REASON: To protect the amenities of nearby residents in accordance with Borough Development Strategy 2017 Policy D5 Noise Pollution and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part).

7. No development shall commence until a) a scheme of intrusive site investigations has been carried out on site and submitted to and approved in writing by the Local Planning Authority to establish the risks posed to the development by shallow coal mining working and mine entries, and b) any remediation works and/or mitigation measures to address the mine entries and the shallow coal mine workings, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

REASON: The site has most likely have been affected by historic coal mining and such the applicant needs to demonstrate that development can proceed without impacting on the stability of the site. Consideration has been given to Dudley Borough Development

Strategy Policy D4 - Unstable Land and Paragraphs 193 and 184 of the National Planning Policy Framework (2021).

8. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

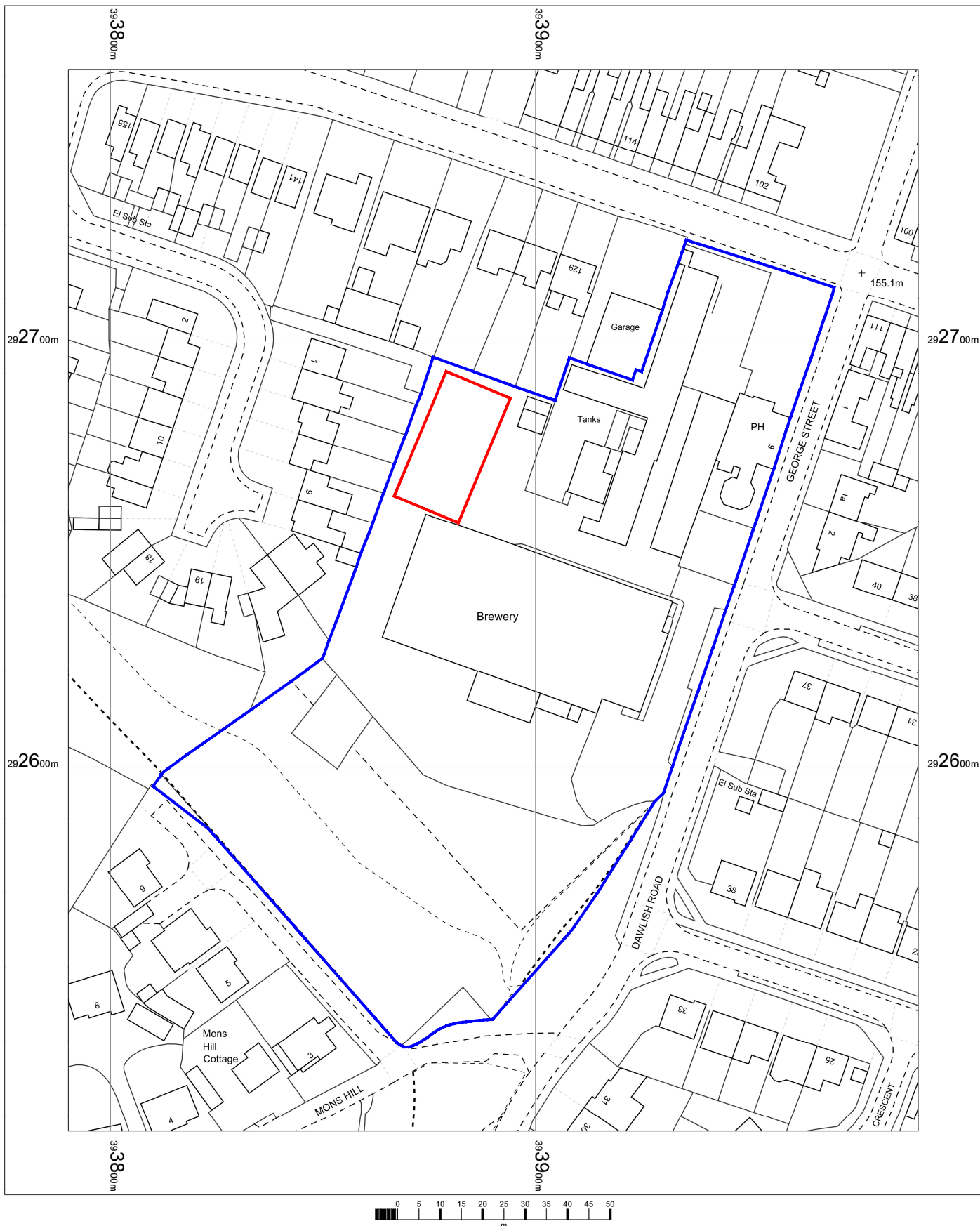
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If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Informative Note valid from 1st January 2023 until 31st December 2024

9. The development hereby permitted shall operate in accordance with the service vehicle management plan as submitted within the Transport Note written by MAGNA, March 2023. The scheme shall be implemented in accordance with the approved service management plan and retained for the lifetime of the development.
REASON: To protect the amenities of nearby residents and in the interests of highway safety in accordance with Borough Development Strategy 2017 Policy D5 Noise Pollution and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part).



Edwin Holdens
Brewery and Bottling Plant
George Street
Dudley
West Midlands
DY1 4LW

OS MasterMap 1250/2500/10000 scale
Monday, December 5, 2022, ID: BW1-01075729
maps.blackwell.co.uk

1:1250 scale print at A4, Centre: 393890 E, 292639 N

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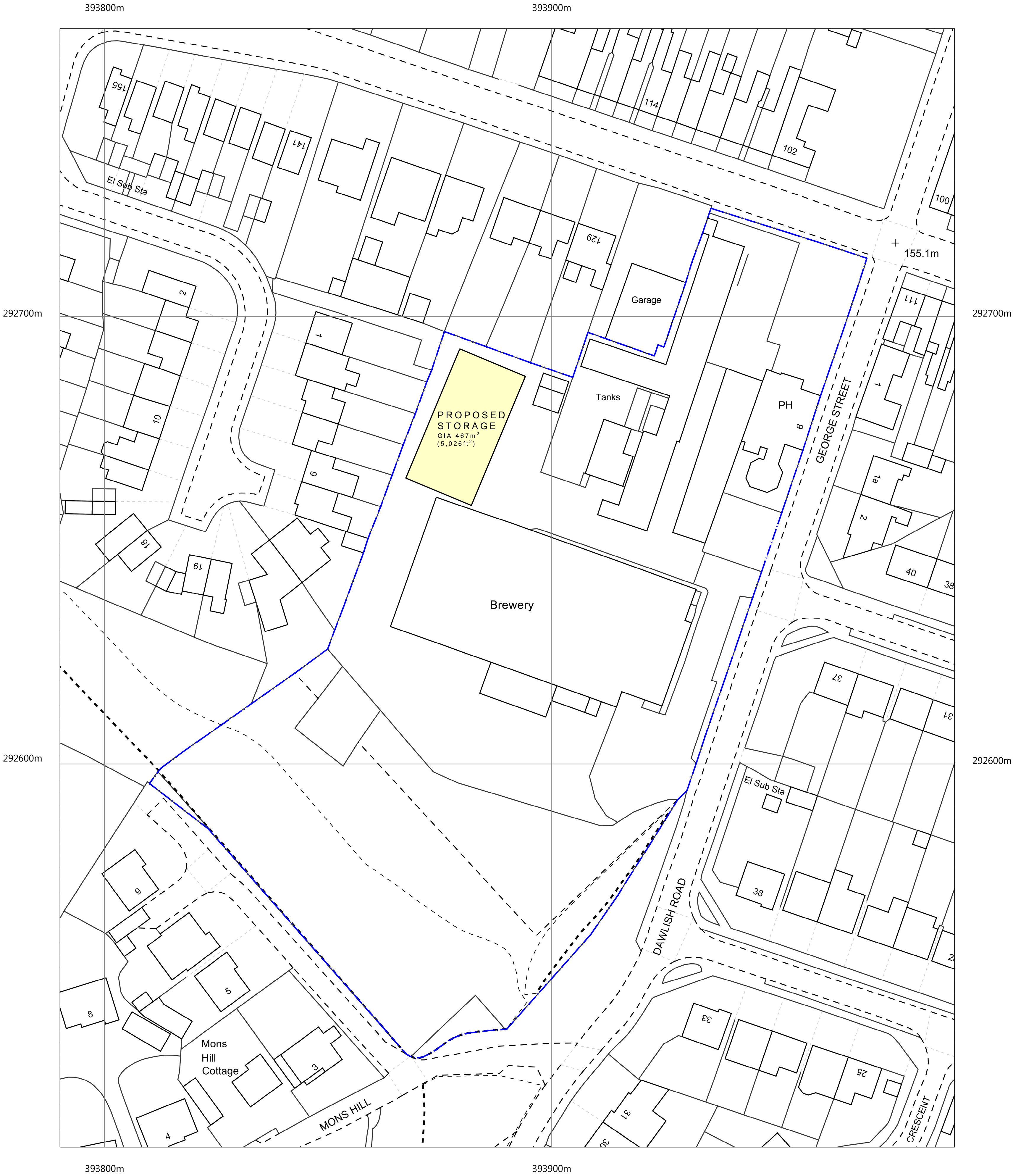


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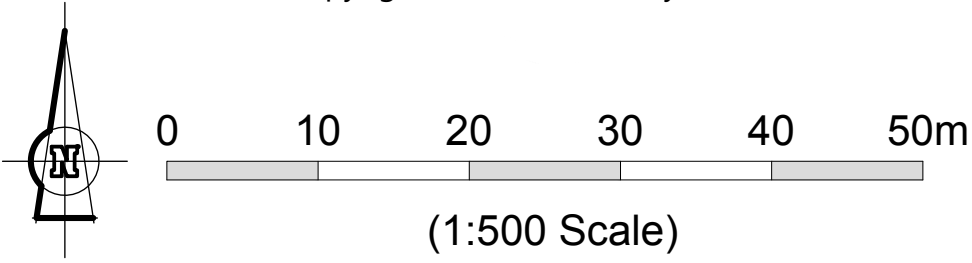
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JOB:
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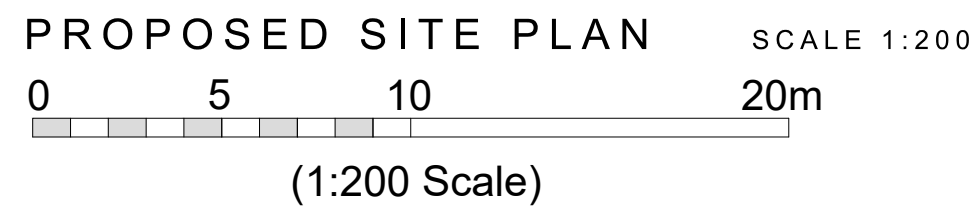
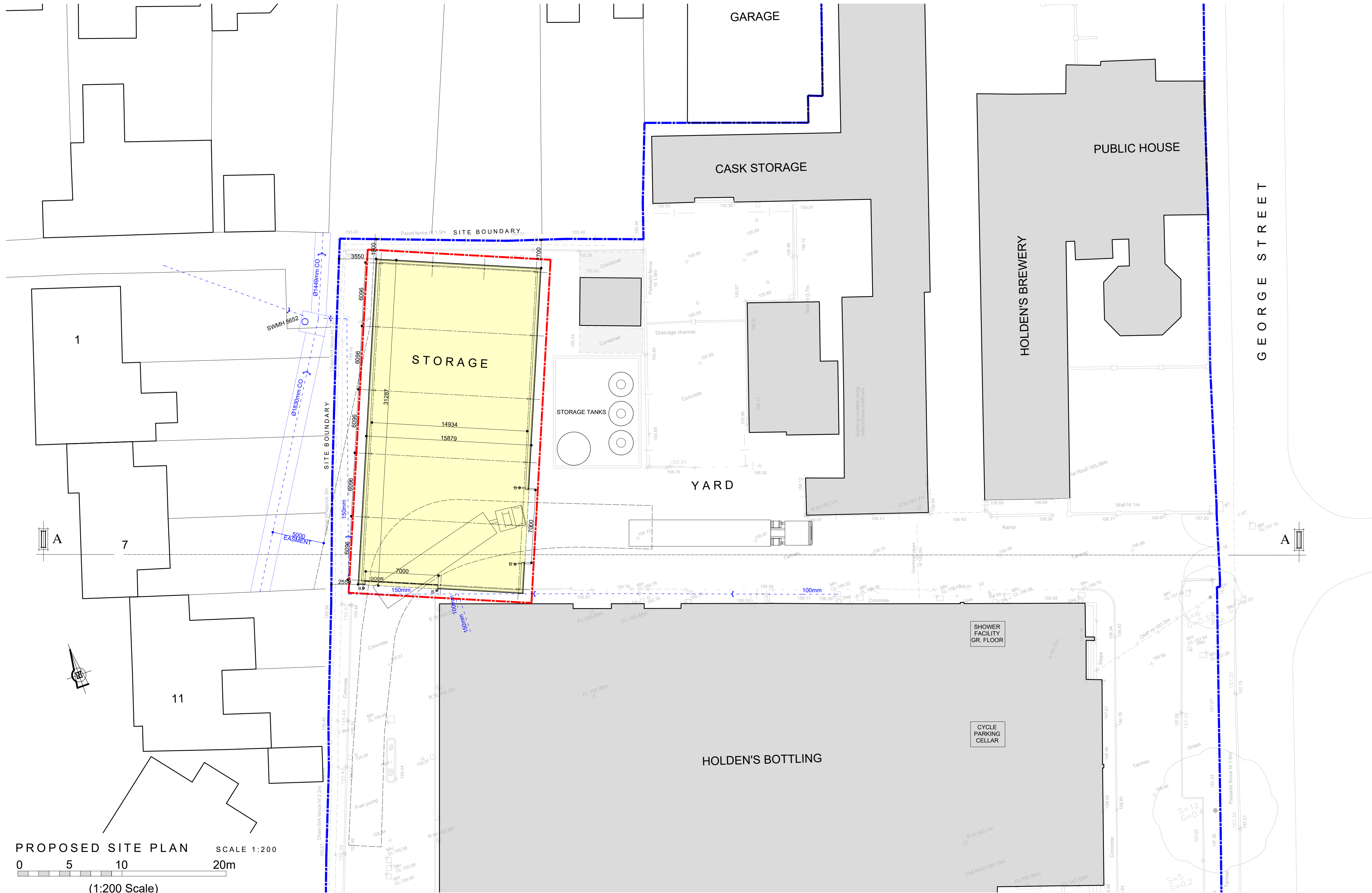
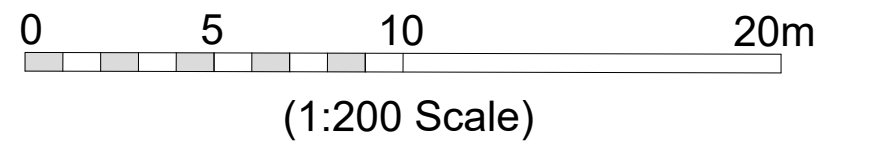
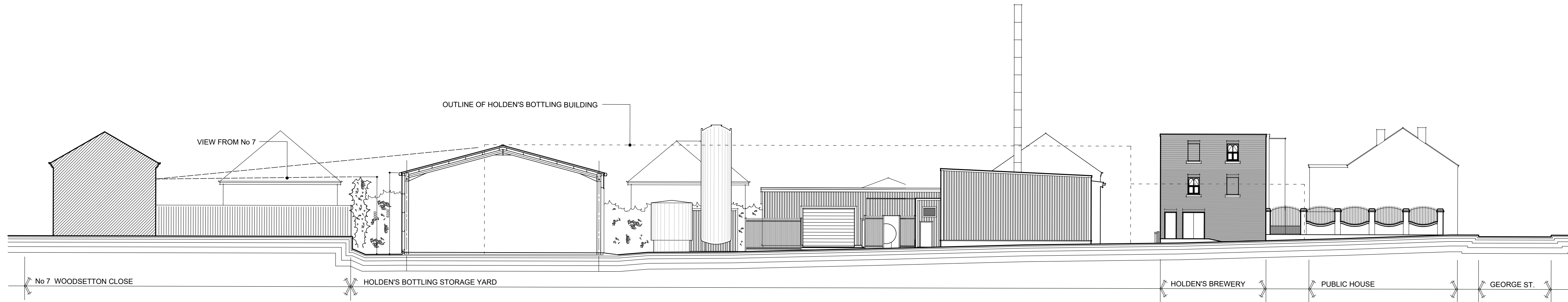
TITLE:
Scheme Drawing
Block Plan

CLIENT:
Edwin Holden's
Bottling Company Ltd

Architectural services | Building management | Development consultants

DRAWING No: 815:BP	DATE: December 2022 SCALE @ A1: 1:500 DRAWN BY: SS
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REV 'B' EXISTING CYCLE STORAGE & STAFF SHOWER
FACILITY LOCATIONS ADDED 24.03.2023
REV 'A' DOOR ADDED ON SOUTH ELEVATION 20.03.2023

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JOB:
Proposed Storage Unit at
George Street, Woodsetton
Dudley, DY1 4LW

TITLE:
Scheme Drawing
Proposed Site Plan and
Cross Section / Elevation

CLIENT:
Edwin Holden's
Bottling Company Ltd

Architects Building Management and Development Consultants

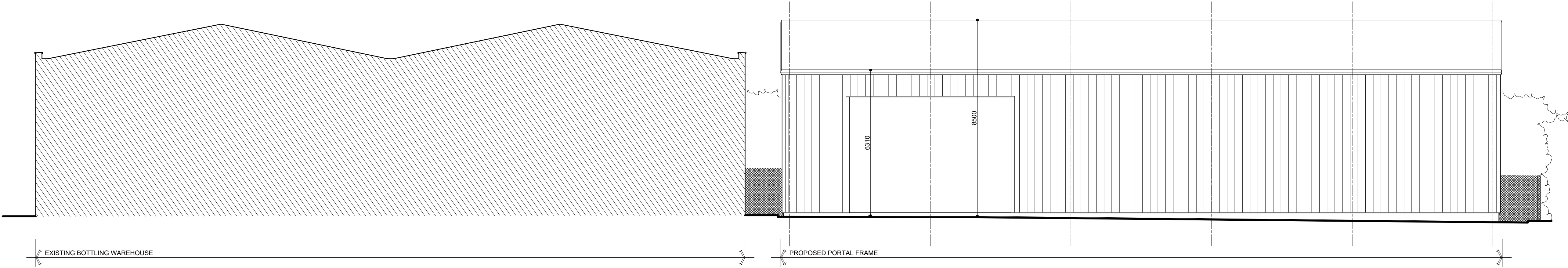
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DATE: December 2022
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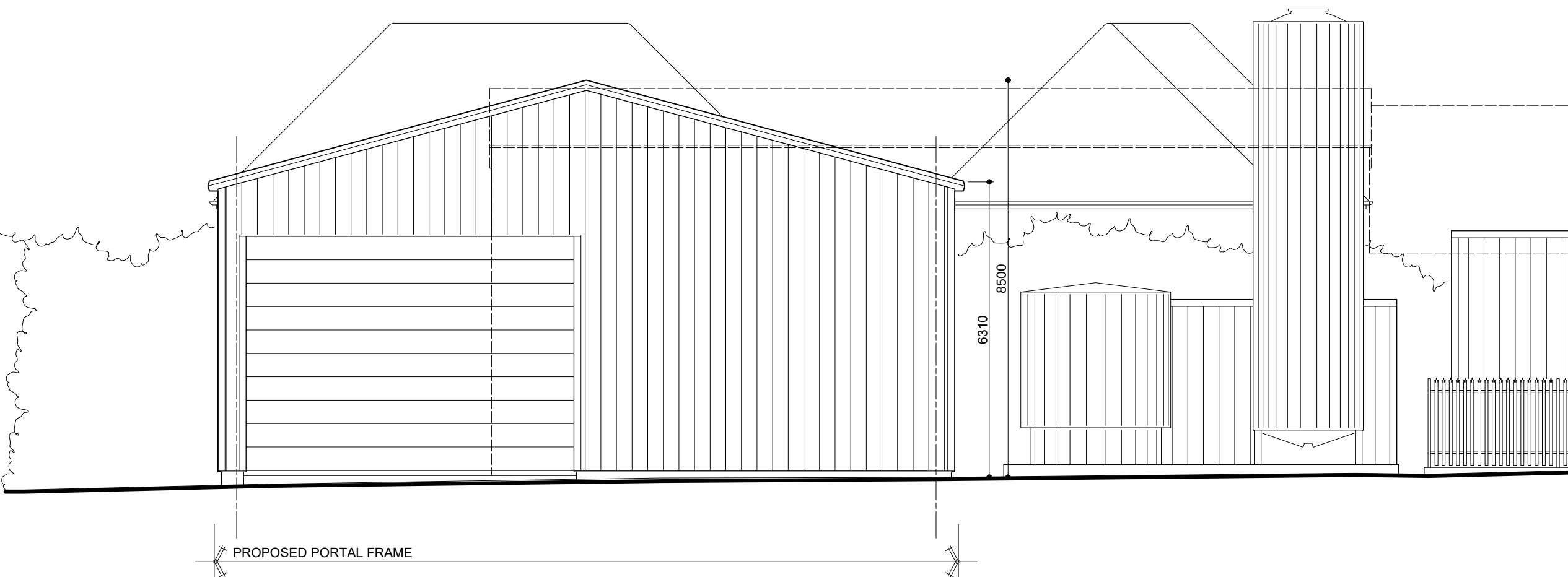
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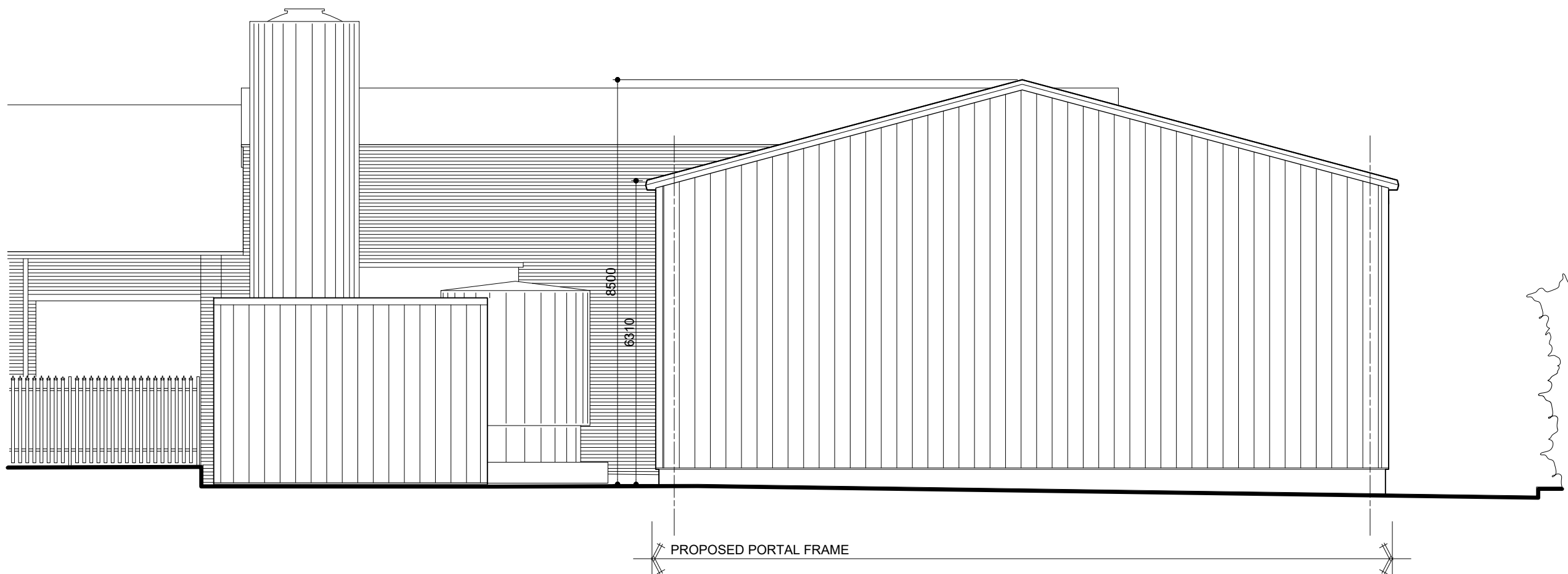
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 - CLADDING CILL FLASHINGS
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 - RAINWATER DOWNPIPES
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- GREEN TO MATCH EXISTING



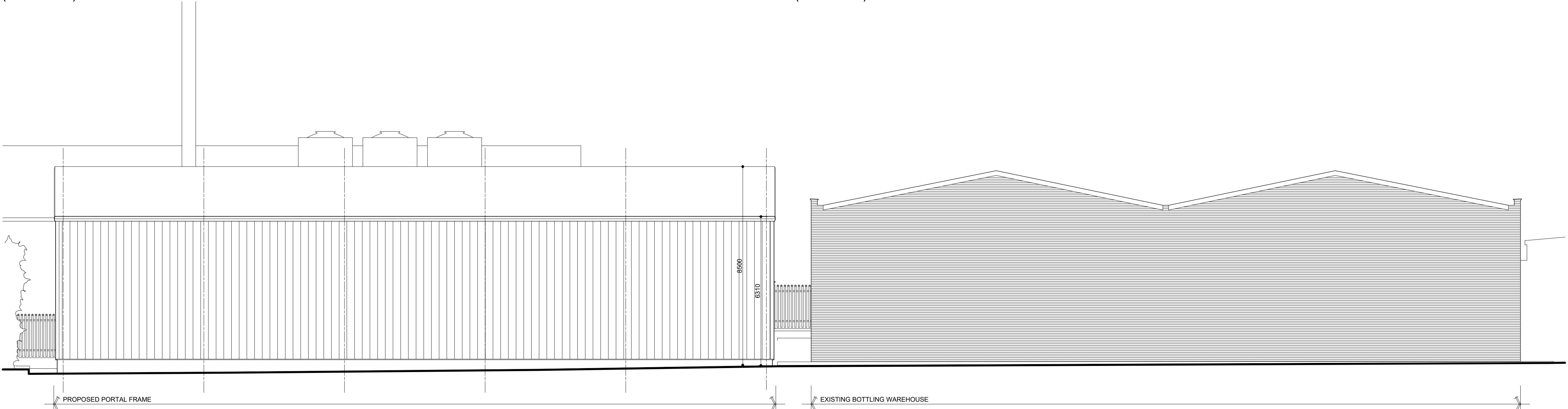
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(East) scale 1:100



SIDE ELEVATION
(South) scale 1:100



SIDE ELEVATION
(North) scale 1:100



REAR ELEVATION
(West) scale 1:100

0 5 10m

(1:100 Scale)

REV 'A' DOOR ADDED ON SOUTH ELEVATION 20.03.2023

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JOB:
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TITLE:
Scheme Drawing
Proposed Elevations

CLIENT:
Edwin Holden's
Bottling Company Ltd

Architects Building Management and Development Consultants

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815:83a

DATE: December 2022
SCALE @ A1: 1:100
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