

PLANNING APPLICATION NUMBER:P13/1562

Type of approval sought	Full Planning Permission
Ward	Cradley and Wollescote
Applicant	Mr Atif Taj
Location:	LAND ON BALDS LANE, LYE, STOURBRIDGE, WEST MIDLANDS
Proposal	CHANGE OF USE FROM B2 (GENERAL INDUSTRY) TO DISMANTLING AND STORAGE OF CARS (SUI-GENERIS) WITH ACCESS AND PARKING AND 2.4M HIGH WIRE GRILL FENCING TO BALDS LANE ELEVATION. ERECTION OF STORAGE/OFFICE UNIT AND PORTABLE WC (RESUBMISSION OF PART REFUSED APPLICATION P13/0620)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The site was previously part of the curtilage of the adjacent company formerly known as "The Perkson Works". It is roughly rectangular in shape and has a long frontage running north to south along Balds Lane. The site has an overgrown/unkempt appearance and is located within a mixed use area of industrial units and residential properties.

PROPOSAL

2. The application is for a change of use of the site from B2 (general industry) to the dismantling and storage of cars (sui generis). It also comprises:
 - The construction of a single storey pitched roof storage unit measuring 6.0m wide with a depth of 5.0m located in the south-eastern corner of the site;
 - The installation of a portable toilet in the extreme south-eastern corner of the site adjacent to the new storage building;
 - Replacement frontage fencing 2.4m high with the retention of the existing access and egress gates;
 - Access and parking arrangements

3. The boundary of this site is the same as the previously considered application P13/0620. The location of the storage building and its size has however been amended and this has led to an amendment to the parking layout and an increase in the area for parking within the site. A portable wc has been added to the application. The fencing details have also been amended such that the existing palisade fencing would be replaced by wire mesh fencing. The existing gates would remain.

HISTORY

4. As part of a large industrial site there is a long site history, only the most recent planning history is therefore indicated below:

APPLICATION	PROPOSAL	DECISION	DATE
P07/0219	Erection of industrial unit with service yard and parking	Approved	29/03/2007
P08/0071	Erection of industrial unit with service yard and parking (resubmission of)	Approved	07/03/2008
P08/1342	Erection of B2/B8 unit	Refused at Appeal	27/07/2009
P13/0620	Part A: 2.4 m high palisade fencing and gates (retrospective) Part B: Change of use from B2 (general industry) to dismantling and storage of cars (sui generis). Erection of storage unit and access and parking.	Refuse Part A Approve Part B	06/08/2013

5. P13/0620 was given a split decision. The change of use, erection of a storage building and parking was considered to be acceptable. However, the retention of the 2.4m high palisade fencing and gates was refused for the following reason:

“The retrospective fencing and gates (Part A) would, by their height and design, have an overbearing, incongruous appearance in the street scene contrary to

PUBLIC CONSULTATION

6. The application has been advertised by means of ten letters which were sent to the occupants of adjacent commercial and residential properties.
7. One letter of objection has been received which states that it is a dangerous area to cross the road especially when there are children along the whole of Brook Street and there is a school which is located less than a mile away from the site. The objector contends that the granting of the application would put many children at risk as they are walking to and from school and this may also cause parents to choose a different route to walk to school.
8. A petition containing 38 signatures of support from local residents and businesses has been submitted with the application.

OTHER CONSULTATION

9. Group Engineer - Highways – The Highway Authority has no objections to the proposal, subject to a condition that requires the submission and agreement of a traffic management scheme, including signing and lining to control the one-way operation within the site.
10. Head of Environmental Health and Trading Standards - no objection in principle to the proposed change of use. The area is predominantly industrial in nature and the proposed use is unlikely to have a significant adverse impact on the noise climate of the area. However, as there are also existing residential properties close it is recommended that the operating/delivery hours are restricted to ensure that any noise arising from the premises does not occur at unsociable times. The supporting statement includes an intention to install a gas proof membrane under the new building. To ensure this is achieved a relevant standard condition is required.

11. The Environment Agency – no objection to the proposed development as submitted however the proposed change of use will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency. Under this legislation permitted sites should not cause harm to human health or pollution of the environment. The operator is required to have appropriate measures in place at the site to prevent pollution to the environment, harm to human health, the quality of the environment, detriment to the surrounding amenity, offence to a human sense or damage to material property. A meeting has been held with the applicant to discuss the requirements of the environmental permit, the permit application process and any issues likely to be raised.
12. The Coal Authority - the application site falls within the defined Development High Risk Area. Records indicate that the application site is likely to have been subject to past coal mining activities, which would include likely historic unrecorded underground coal mining at shallow depth. The proposed storage building does not appear to require substantial foundations or earthworks, and consequential loading placed on the ground by this building is likely to be less than for other forms of development. Therefore we do not consider that a Coal Mining Risk Assessment is necessary for this proposal and do not object to this planning application.

RELEVANT PLANNING POLICY

13. National Planning Guidance (2012)
The National Planning Policy Framework (NPPF) has replaced all of the previous Central Government Planning Policy Guidance. It sets out the planning policies for England and how they are expected to be applied. The document states that the “golden thread” running through both plan making and decision taking is a presumption in favour of sustainable development. In making decisions planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
14. Black Country Core Strategy (2011)
DEL1 Infrastructure Provision
Regeneration Corridor 13–Jewellery Line–Rowley Regis–Stourbridge

Junction

ENV3 Design Quality

EMP3 Local Quality Employment Areas

TRAN1 Priorities for the Development of the Transport Network

TRAN2 Managing Transport Impacts of New Development

15. Saved Dudley Unitary Development Plan Policies (2005)

Policy DD1 – Urban Design

Policy DD2 – Mixed Use

Policy DD4 – Development in Residential Areas

Policy EP7 - Noise Pollution

16. Supplementary Planning Documents/Guidance

Parking Standards (2012)

ASSESSMENT

Key Issues

- Background
- Storage building
- Access and Parking
- Fencing and gates

Background

17. The principle of the change of use from B2 (general industry) to the dismantling and storage of cars (sui generis) was established in the previously approved application P13/0620. The site is situated within a mixed use area. Currently undeveloped, it is adjacent to an existing industrial building and there are industrial buildings directly opposite on the other side of Balds Lane. The site is located within Regeneration Corridor 13 (Jewellery Line – Rowley Regis – Stourbridge Junction. Within this Corridor, the application site is located within an indicative area identified for 'significant local employment retention'. Policy EMP3 (Local Quality Employment Areas) of the Black Country Core Strategy (BCCS) safeguards/encourages industry

and warehousing, and wider related uses such as car repairs, garages, scrap metal and waste management facilities and as such the dismantling and storage of cars (and car parts) can be considered appropriate within a designated BCCS Policy EMP3 Local Quality Employment Area

The impact of the use upon adjacent occupiers

18. The applicant intends to dismantle cars (sui generis) on the premises and sell the parts over the internet. The applicant has confirmed that the vehicles would be de-polluted and the batteries removed prior to the vehicle being delivered. It would then be dismantled by hand. The parts would be stored and the car body would be taken from the site for scrap. No cars would be stacked and the plan indicates 26 parking spaces for such vehicles at any one time. In order to ensure that this takes place, the prevention of stacking and the restriction in the number of vehicles stored on the site can both be the subject of condition of permission. The Environment Agency does not object to this application and it is their role to regulate the waste management activity on the site. They have confirmed that an environmental permit would regulate the site, and be issued with conditions that will ensure the car dismantling operation does not pose a risk of pollution.
19. The closest part of the site would be approximately 32m from the principal elevation of 55 Brook Street (the closest house to the development). There are industrial premises in front of and to the one side of this dwelling (on the opposite side of Balds Lane). The Head of Environmental Health and Trading Standards is of the opinion that, given the predominantly industrial nature of the area, the proposed use is unlikely to have a significant adverse impact on the noise climate of the area. As such he does not object to the application provided that the operating/delivery hours are restricted to ensure that any noise arising from the premises does not occur at unsociable times.

Storage Building

20. The plans indicate a single storey pitched roof storage/office building which would face into the site and be “side-on” to Balds Lane. It would be a modern metal clad

design. The building would be located in the south eastern corner of the site. It would be located in close proximity to the large grey, metal clad building belonging to the adjacent industrial user to the east and adjacent to a metal clad structure belonging to another site to the south. Given the location, design and scale of the building it is considered to be acceptable.

21. The application indicates the provision of a portable wc which would be visually hidden from Balds Lane to the side of the new building. This is considered to be acceptable.

Access and Parking

22. The plans indicate a one way system for traffic through the site. Vehicles would enter via gates at the northern end of the site and exit via a gated access at the southern end. The Group Engineer is supportive of this scheme subject to a condition which requires the submission and agreement of a traffic management scheme, including signing and lining to control the one-way operation within the site.
23. The submitted plan indicates 2 parking spaces for staff and 26 spaces in which to park the cars that would be dismantled. This is considered to be acceptable.

Fencing and Gates

24. The fencing and gates along the site frontage are the only retrospective part of the application. The applicant has agreed to remove the existing galvanised palisade fencing and replace it with 2.4m high wire mesh fencing to match the existing paladin fencing directly to the north of the site. The application seeks to retain the existing gates at both ends of the site and to paint them to match the colour of the new mesh fencing. Saved Policy DD1(Urban Design) of the adopted Dudley Unitary Development Plan and Policy ENV3 (Design Quality) of the Black Country Core Strategy both seek to encourage quality design and to encouraged schemes which enhance and positively contribute to the visually quality of the area. It is considered that the removal of the long section of galvanised fencing and its replacement with wire mesh fencing would greatly improve the visual appearance of the site. The retention of the existing gates can be supported provided that they are painted to match the new fencing.

CONCLUSION

25. It is considered that the change of use from general industry (B2) to the dismantling and storage of cars (sui generis) would be acceptable in principle. The scale and design of the single storey storage/office building would be visually acceptable as would the fencing and gates. The access and parking arrangements can also be supported. On this basis the application would be in accordance with Policies DEL1, ENV3, EMP3, TRAN1 and TRAN2 of the Black Country Core Strategy, Saved Policies DD1, DD2, DD4, and EP7 of the adopted Dudley Unitary Development Plan and Parking Standards Supplementary Planning Document.

RECOMMENDATION

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

Informative

In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The change of use would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework. However, after careful balanced consideration the LPA/Officers consider that there are insurmountable technical issues with regard to the fencing and gates that have not been satisfactorily resolved to demonstrate that the scheme would result in the creation of a sustainable form of development and thereby failing to improve the economic, social and environmental conditions of the area.

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards

can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

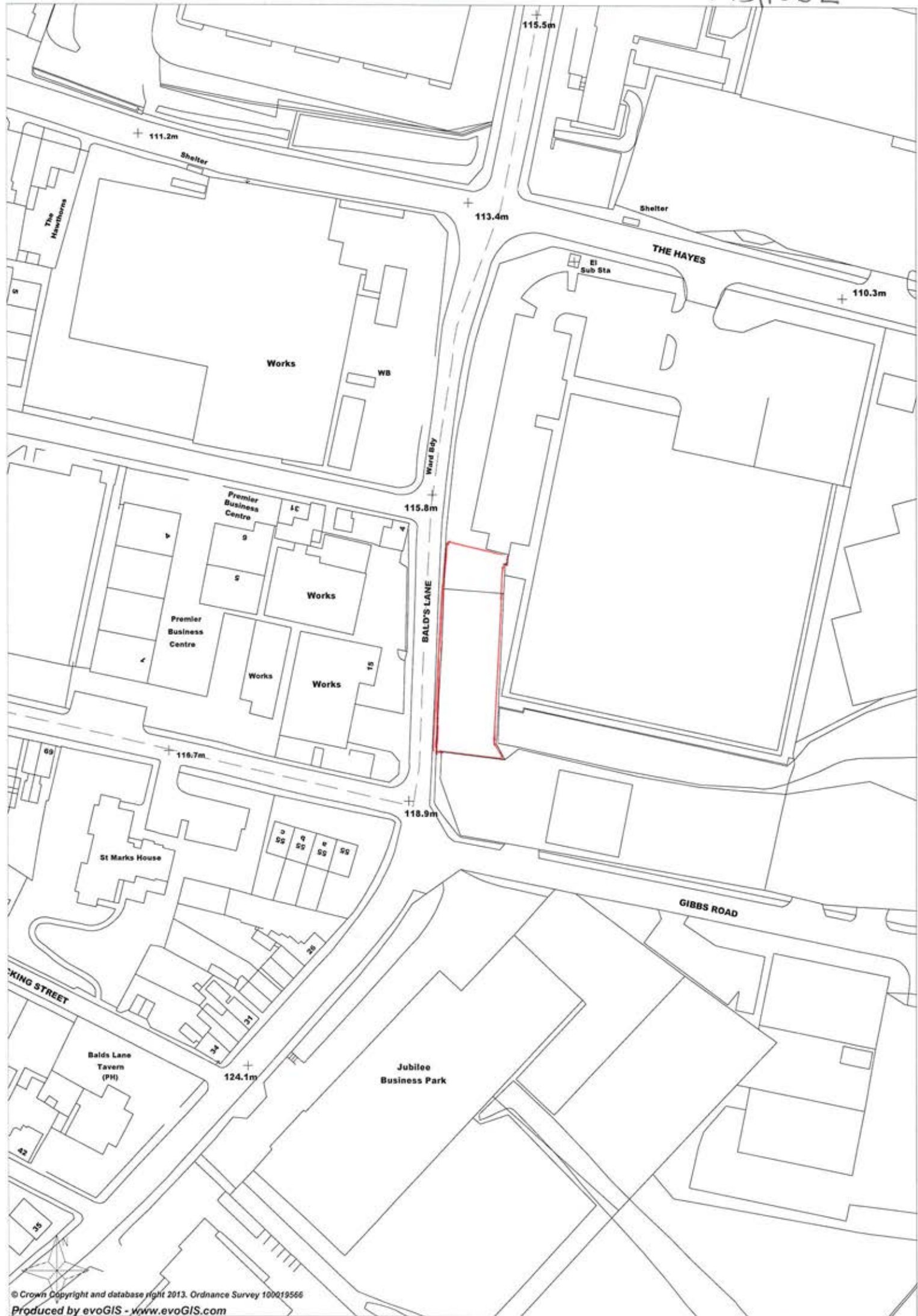
Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

The proposed change of use will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency.

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The premises shall be used for a car dismantling/storage and internet sales only and for no other purpose. No A1 retail sales to members of the public shall take place on the site.
3. The use hereby approved shall not be operated before the hour of 0800 nor after 1800 Monday to Saturdays and not at all on Sundays and Public Holidays.
4. No deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen), before the hours of 0800 or after 1800 Monday to Saturday and not at all on Sundays and Public Holidays.

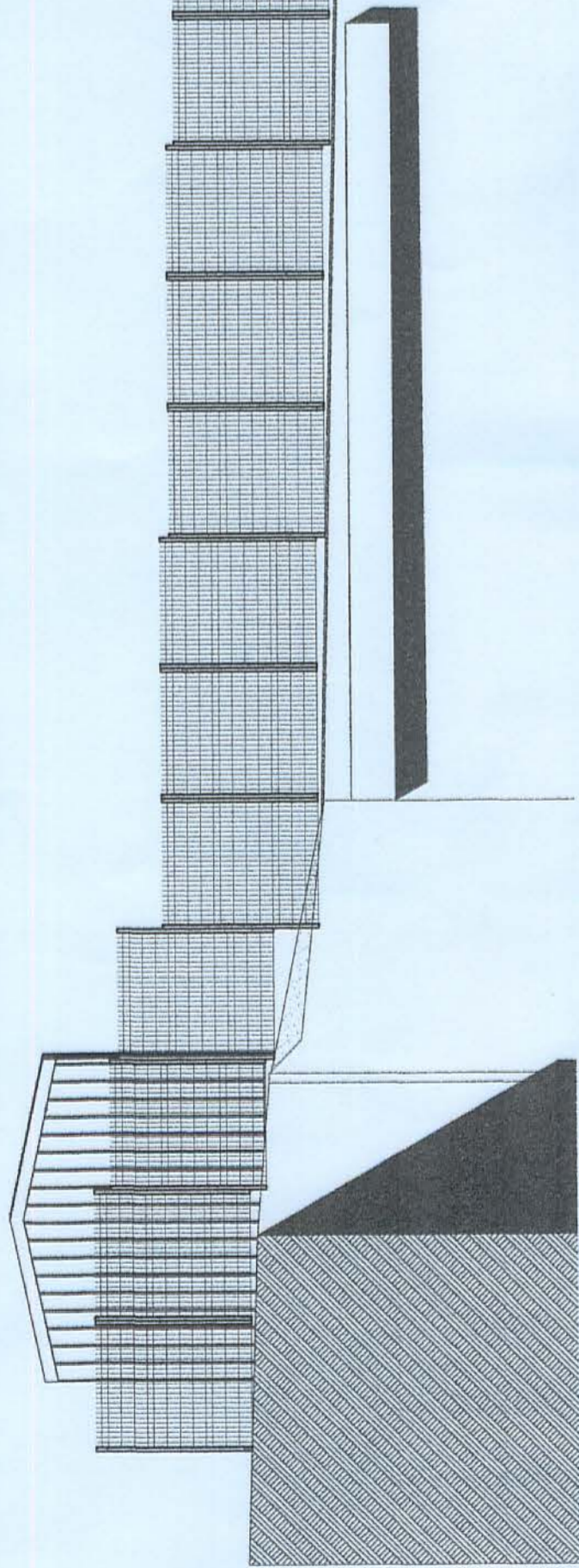
5. No development shall begin until an assessment of the risks posed by any ground gases or vapours has been submitted to and approved by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.
6. Where the approved risk assessment (required by Condition 5) identifies ground gases or vapours posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the Local Planning Authority.
7. Unless otherwise agreed in writing with the LPA, the approved scheme (required by Condition 6) shall be implemented and a verification report submitted to and approved by the LPA, before the development (or relevant phase of the development) is first occupied/brought into use.
8. Prior to the commencement of development, details of the landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the occupation of the development.
9. Prior to the implementation of the use hereby permitted, the galvanised palisade fence along the frontage of the site shall be removed and replaced by wire mesh powder coated black paladin fencing and the retained gates painted black to match. Both shall be retained for the lifetime of the development.
10. Only 26 cars shall be stored/dismantled on the site at any one time, no stacking of cars on top of each other shall take place for the lifetime of the development.
11. Development shall not commence until the submission and agreement of a traffic management scheme, including signing and lining to control the one-way operation within the site has been approved in writing by the Local Planning Authority.
12. Prior to the commencement of development, details of the works for the disposal of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. All works shall be completed in accordance with the approved details prior to the occupation of the dwellings hereby permitted.
13. Prior to the commencement of development, details of the existing and proposed levels of the site (including finished floor levels), which should be related to those of adjoining land and highways shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved levels.
14. The building shall not be occupied until the area shown for car parking and dismantling on the approved plan has been graded, levelled, surfaced, drained and marked out in accordance with the agreed scheme and that area shall not thereafter be used for any other purpose unless otherwise agreed in writing with the Local Planning Authority.
15. Prior to the commencement of development, details of the types, colours and textures of the materials to be used on the external surfaces of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
16. The development hereby permitted shall be carried out in accordance with the following approved plans:
3898/9 and 3898/10



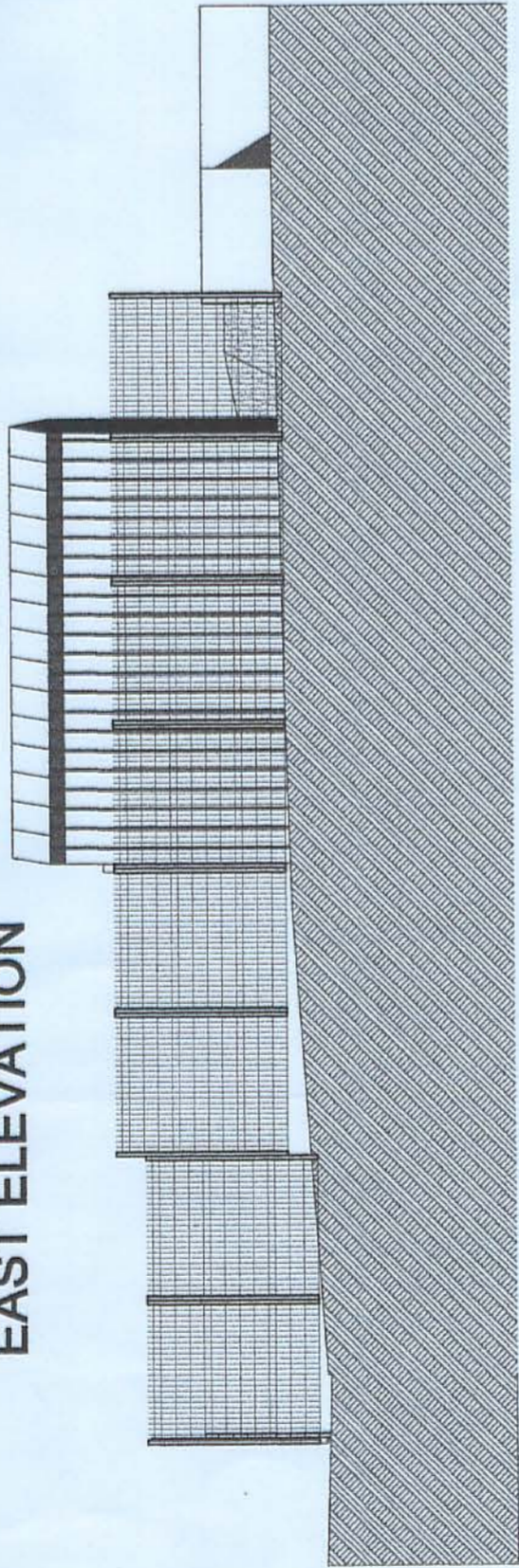
Decorations(A2) - P13/1562

Proposed new storage unit

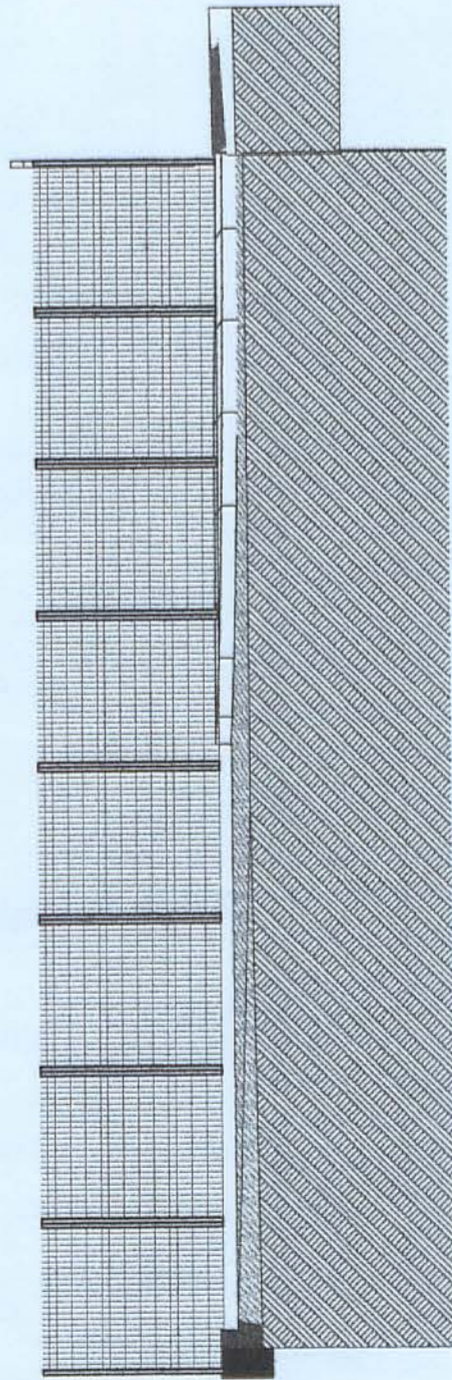
Pot Works , Balds Lane Lye



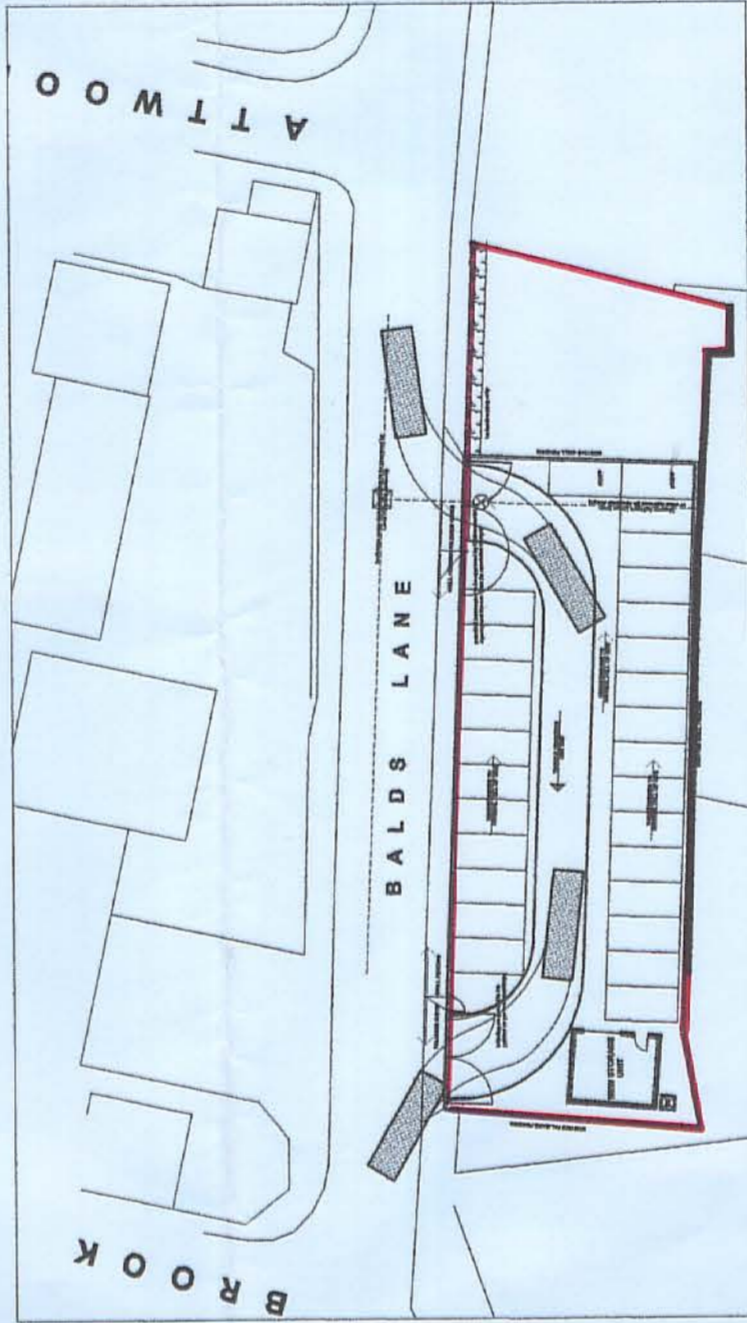
EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION

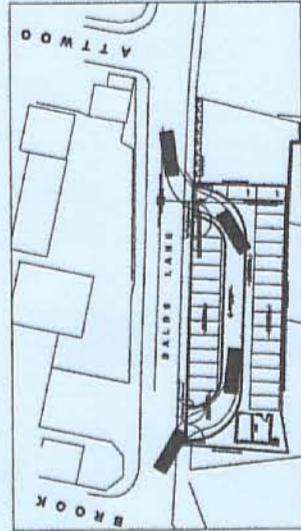


BLOCK PLAN

1:500



NORTH



LOCATION PLAN

1:1250

RECEIVED
22 OCT 2013

LAYOUT



SIMMS DAVIES
PARTNERSHIP

ARCHITECTS AND BUILDING SURVEYORS
OLD REFRACTORY WORKS, 34 THORNLEIGH EST
BLOWERS GREEN, DUDLEY, WEST MIDLANDS
DY2 8UB
01384 242300
info@simms-davies.co.uk simms-davies.co.uk

PROPOSED NEW STORAGE UNIT
THE POT WORKS
BALDS LANE
LYE

PROPOSALS 3

Scale **1-100**

Ref No **3898 /10**

Date _____

Drawn _____

Revised _____

By _____

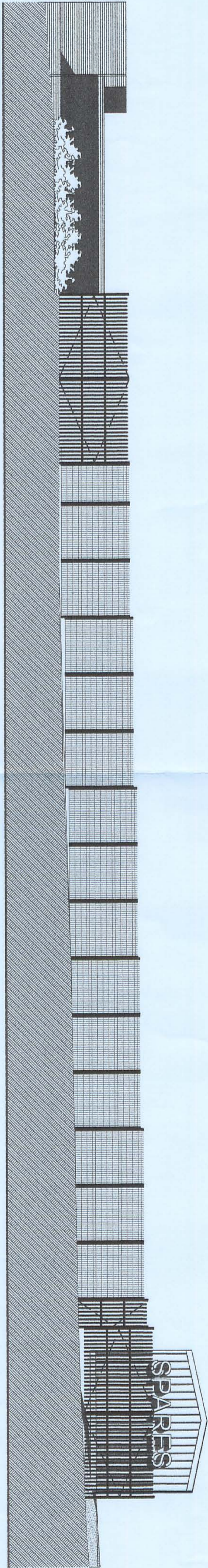
Date _____

This drawing is the property of Simms Davies Partnership. Copyright is reserved by the firm and is loaned to the client for their use only. It is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage or retrieval system, without the prior written permission of Simms Davies Partnership. The client agrees to indemnify and hold the firm harmless from all claims, damages, costs and expenses, including reasonable attorneys' fees, arising from any use of this drawing in violation of these terms. This drawing is to be used in conjunction with the specification.

Elevations 2 (A2) - A3/1562

Proposed new storage unit

Pot Works , Balds Lane Lye



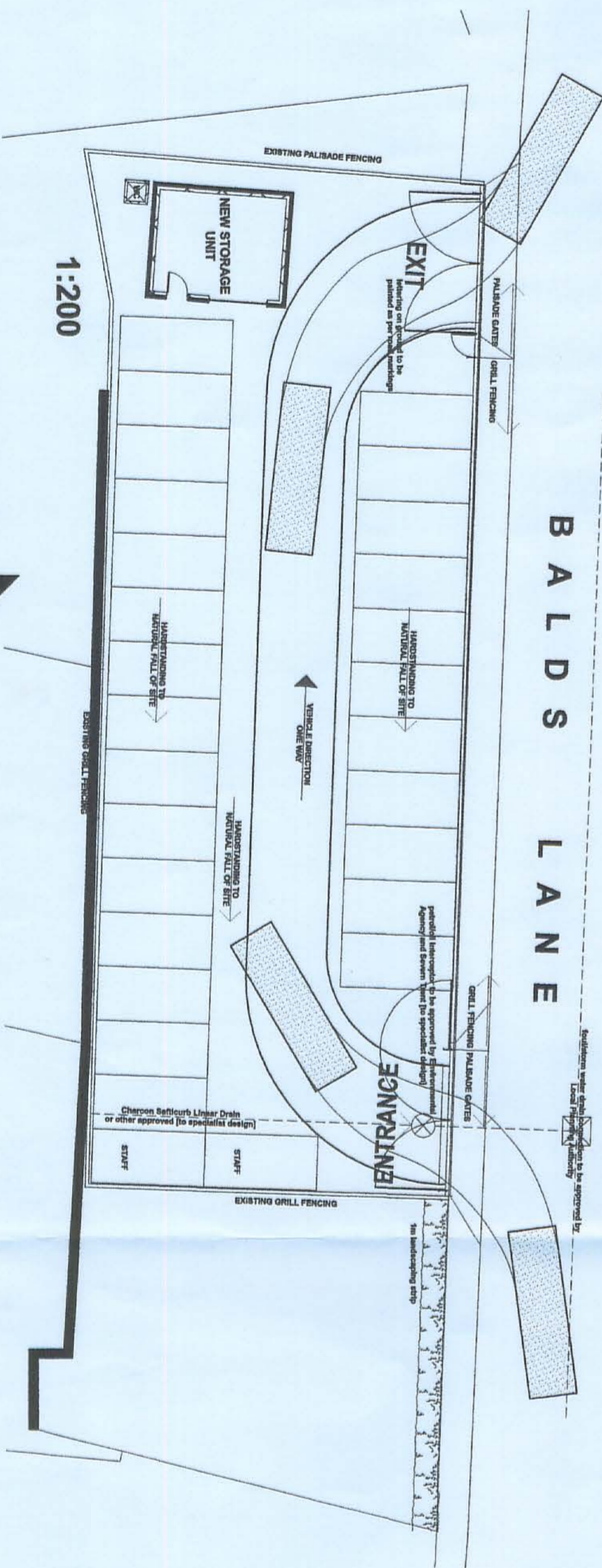
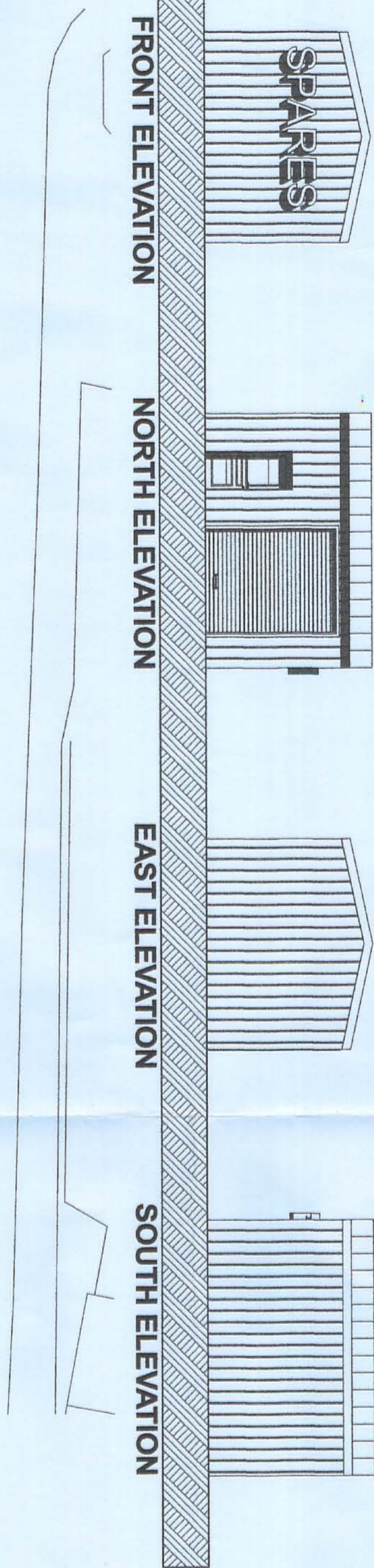
STREET VIEW ELEVATION

FRONT ELEVATION

NORTH ELEVATION


EAST ELEVATION

SOUTH ELEVATION



LAYOUT NORTH

NOTE:
The details provided are based upon provided information. There has been no full site survey to ascertain levels, ground conditions and adjacent boundaries. All dimensions are approximate and all details are subject to change. All dimensions are subject to change and no reliance can be placed upon them.
Full verification of all details should be carried out by the client or their representative prior to construction.
Details of boundaries and ownership are unknown. The client should verify the boundaries and ownership prior to any proposed works. Further conventional information and carrying out works on site.
Vehicle turning and manoeuvring are appropriate and based on the information with regard to vehicle recovery facilities.



SIMMS DAVIES PARTNERSHIP

ARCHITECTS AND BUILDING SURVEYORS
OLD REFRACTORORY WORKS, 34 THORNLEIGH EST
BLOWERS GREEN, DUDLEY, WEST MIDLANDS
DY2 8UB
01384 242300
info@simms-davies.co.uk simms-davies.co.uk

PROPOSED NEW STORAGE UNIT THE POT WORKS BALDS LANE LYE

Scale		1:100
Date	3898 / 9	
Drawn		
Revisions		

PROPOSALS 3

Scale	1:100
Date	3898 / 9
Drawn	
Revisions	

This drawing is the property of Simms Davies Partnership. It is intended to be used for the purpose of the design and construction of the proposed works. It is not to be used for any other purpose without the written consent of Simms Davies Partnership. Any reproduction or use of this drawing without the written consent of Simms Davies Partnership is prohibited. The drawing is to be used in conjunction with the specification.