

# PLANNING APPLICATION NUMBER:P11/0138

Type of approval sought	Full Planning Permission
Ward	AMBLECOTE
Applicant	Mr Jonathan Nicklin, H.V.C. Supplies (Stourbridge) Ltd
Location:	<b>JUBILEE WORKS, 91-95, KING WILLIAM STREET, AMBLECOTE, STOURBRIDGE, WEST MIDLANDS, DY8 4HD</b>
Proposal	<b>REMOVAL OF CONDITION 3 OF PLANNING APPROVAL 90/50636 WHICH STATES 'THE PREMISES SHALL BE USED FOR STEEL PROCESSING AND STEEL STOCKHOLDING AND FOR NO OTHER PURPOSE INCLUDING ANY OTHER USE WITHIN CLASS B2 OF THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987' AND REPLACE WITH FULL B2 (GENERAL INDUSTRIAL) USE</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

## SITE AND SURROUNDINGS

1. Jubilee Works is a relatively large building occupying a total site area of 0.46 hectares set between King William Street and Piper Place on the edge of the Amblecote Local Centre. The property has been vacant for some time.
2. The building itself is constructed primarily of brick and metal sheeting. There is a two-storey office element on the front facing elevation and there is a large forecourt / parking area to the front.
3. The property is set back from King William Street by approximately 40 metres and the building measures up to 46 metres in depth and 90 metres in width. The overall height of the main element of the building is approximately three-storeys in height.
4. There are other industrial / commercial premises located to the West of the site, a public car park on the opposite side of King William Street to the north and a mixture of industrial, commercial and residential units adjacent to the site to the East.

5. There are a number of residential properties to the South of the site along Piper Place and a relatively new residential development has been erected to the South West of the site.

## PROPOSAL

6. Planning permission was granted in 1990 for the premises to be used as a steel stockholding and processing plant. The premises had previously been used for this in the early 1970s and up to 1985 when permission was granted to change the use of the building to warehousing and the manufacture of silverware.
7. The 1990 planning permission (90/50636) contained several planning conditions relating to the use of the premises, operating hours, hours of delivery, fume extraction and sound insulation. Condition 3 of that consent restricted the use of the premises to steel manufacturing and stockholding and for no other purpose.
8. The applicant currently occupies a premises on Bradley Road in Stourbridge where the company manufactures steel and aluminium ventilation components. The applicants have advised that steel accounts for approximately 40% of the business with aluminium accounting for the other 60%. The steel element of the existing process could be relocated to Jubilee Works without requiring planning permission and it is only because the company also processes aluminium and the condition referred to above restricts the use of the premises to steel manufacturing that the whole of the business cannot relocate into the larger premises.
9. This application is for the removal of Condition 3 from planning permission 90/50636 to allow a wider degree of processes to be undertaken at the premises so that the existing business can relocate.

## HISTORY

10.

<b>Application</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
85/51742	Change of use from warehouse and part industrial to industrial with ancillary warehousing.	Approved	14/11/85
86/50564	Installation of external plant ancillary to silverware manufacture.	Approved.	03/06/86
89/51575	Change of Use for polishing and electroplating of copper nickel and chrome on metals and plastics.	Refused	23/11/89
90/50636	Use of premises for B2 General Industrial – Steel stockholding and processing.	Approved.	09/05/90

## PUBLIC CONSULTATION

11. Direct notification was carried out to 105 surrounding properties and as a result two letters of objection have been received. The objections cover the following issues:

- Removing the condition would appear to allow a general industrial use that could generate a noise level that would affect residents.
- It was considered appropriate to attach the condition, nothing has changed that would make it appropriate to remove it.
- The building is in very close proximity to the flats at Piper Place.
- Additional residential accommodation has been erected in close proximity to the building.
- The applicant should apply for planning permission for what use they actually want so an assessment can be made.

## OTHER CONSULTATION

12.

Group Engineer (Development): No objections.

Head of Environmental Health and Trading Standards: No objections: Detailed comments are contained within the body of the report.

## RELEVANT PLANNING POLICY

13.

### National Planning Guidance

- PPS1 - Delivering Sustainable Development
- PPS4 – Planning for Sustainable Economic Growth
- PPG24 - Planning and Noise

### Black Country Joint Core Strategy

- CSP1 The Growth Network
- DEL1 Infrastructure Provision
- DEL2 Managing the Balance Between Employment Land and Housing
- EMP1 Providing for Economic Growth
- EMP3 Local Quality Employment Areas

### Saved Unitary Development Plan Policies

- DD4 Development in Residential Areas
- EP1 Incompatible Land Uses
- EP7 Noise Pollution

### Supplementary Planning Guidance

- PGN2. Industrial development

## ASSESSMENT

14. The proposed development must be assessed with regard to the principle of the development and the potential impact on the amenities of the occupiers of nearby residential properties.

### Principle of Development

15. The site lies adjacent to Amblecote local centre and within Regeneration Corridor 11b 'Brierley Hill – Stourbridge'. Policy CSP1 of the Joint Core Strategy sets out the role of the regeneration corridors. Within this regeneration corridor the focus for development is on housing growth in older, outdated and remote industrial land and premises.
16. Equally however it is recognised that there are opportunities to retain and improve the quality of the existing industrial building stock where viable.
17. The existing premises has been used for various industrial uses for some time and the existing planning permission for the site would currently allow any steel manufacturing business to commence as long as the various conditions were complied with. The reason for this planning application is that the business looking to relocate into the property manufacture aluminium as well as steel.
18. The 1990 planning consent is a material planning consideration that should be afforded a significant degree of weight and it is considered that the principle of the removal of Condition 3 from that consent to allow general B2 use at the site is acceptable. This view is supported by the Core Strategy that recognises the value of local employment land.
19. Saved Policy DD4 of the UDP seeks to ensure that development will have no adverse effect on the character of an area or upon residential amenity. The impact on the amenity of neighbouring properties is a key consideration to the determination of this proposal.

### Impact on Residential amenity

20. Complaints have been made in the past by local residents living in Piper Place about impact noise arising from the guillotining of steel sheet within the building when the previous use was operating.
21. Those complaints were mainly resolved by the co-operation of the occupying company in adhering to the stipulated hours of operation in the planning permission of 1990, and the last reported complaint was in late 2006.
22. Planning and Environmental Protection Officers have visited the application site and the site of the current operation in Bradley Road, Stourbridge, in order to ensure a detailed understanding of the proposed development and any likely implications inform this report.
23. The current proposal is to use the building for manufacture of steel and aluminium ventilation components, a process that involves the shearing and cutting of sheet metal. A small amount of powder coating is also carried out on site. The applicant also has another property that is currently used for storage and the centralisation of operations currently carried out at both of these sites in Dudley will occur as a result of this proposal.
24. The existing operations produce noise from manufacturing which is generally well contained within the applicants' building at Bradley Rd, Stourbridge, although it is audible outside. There are houses in close proximity but there is no recorded history of complaint from residents.
25. In general noise is well contained inside the development building, and the façade facing Piper Place (the source of previous complaints) is a very substantial brick wall; however, there are perspex panels in the roof which will allow some escape of process noise and the effectiveness (for sound reduction) of the steel profile sheeting above the brickwork to the elevation facing High St, Amblecote is

uncertain. A residential development has been erected to the South West of the application site since 2006. .

26. The applicants have stated that they intend to construct an internal mezzanine floor to split the main proportion of floor area into 2 levels, and have provided outline details showing the location of the floor. The ground floor area would be used for manufacturing and would house the machines which produce noise; the upper storey would be used for storage. However the proposed dimensions of the mezzanine floor are insufficient to prevent noise from ground level manufacturing entering the upper space within the building, and maintenance of the building structure is essential to limit the noise impact of future manufacturing use.
27. A suitably worded planning condition could be attached to any approval to ensure that the proposed mezzanine was installed prior to the premises being brought into use for the manufacturing of ventilation components and to ensure that it is used for storage only and for no other purpose.
28. It is important that should approval be given, Dudley MBC is reasonably satisfied that future operations carried out at the development site are not likely to give rise to loss of amenity in the area and subsequent conflict between residents and the employment use.
29. The 1990 consent allows for machinery to operate between 8.00am and 6.00pm Monday to Friday, between 8.00am and 4.30pm on a Saturday and at no time on Sundays and Bank Holidays. Given that new residential properties have been erected in close proximity to Jubilee Works since the building was last used for industrial purposes and as there were some complaints about the previous use it was suggested to the applicants that a slight reduction in the hours of operation would be appropriate.
30. However the applicant has rejected that request as it would prevent them from operating a double shift pattern in the future (they have no plans to operate a

double shift at the present time) and it would also reduce the potential re-sale value of the property.

31. Whilst an extension to the existing hours of operation would be unlikely to be supported it is considered that as there is an existing consent for an industrial use at the site it would not be reasonable to refuse the application on the grounds that the hours of operation remain as approved.
32. As this location is in close proximity to dwellings it is considered necessary to maintain a level of restriction over the permitted use of the building to prevent more onerous B2 heavy industrial uses being introduced at some time in the future, either by the applicant or any other operator. Furthermore, it is considered that the addition of a BS4142 condition, which if complied with minimises the likelihood of complaint from nearby residents, is necessary.
33. After due consideration of the operation at the existing premises (on Bradley Road) without complaint, and the likely effective containment of noise at the development premises, it is considered that the proposed removal of Condition 3 will not result in a detrimental impact on the occupiers of neighbouring residential properties subject to further conditions restricting the use of the premises.

## **CONCLUSION**

34. It is considered that the proposal would not result in a demonstrable harm to the occupiers of neighbouring properties or the character of the area. The proposal, therefore, complies with the following Council policies and guidance; Policies CSP1 The Growth Network, DEL1 Infrastructure Provision, DEL2 Managing the Balance Between Employment Land and Housing, EMP1 Providing for Economic Growth and EMP3 Local Quality Employment Areas of the adopted Joint Core Strategy and Policy DD4 – Development in Residential Areas of the Saved Dudley UDP.



## RECOMMENDATION

35. It is recommended that the application is approved subject to the following conditions:

### **Reason for the Grant of Planning Permission**

It is considered that the proposal would not result in a demonstrable harm to neighbouring properties or the character of the area. The proposal, therefore, complies with the following Council policies and guidance; Policies CSP1 The Growth Network, DEL1 Infrastructure Provision, DEL2 Managing the Balance Between Employment Land and Housing, EMP1 Providing for Economic Growth and EMP3 Local Quality Employment Areas of the adopted Joint Core Strategy and Policy DD4 – Development in Residential Areas of the Saved Dudley UDP.

The decision to grant planning permission has been taken with regard to the policies and proposals in the Adopted Joint Core Strategy and the Saved Dudley Unitary Development Plan and to all relevant material considerations including Supplementary Planning Guidance.

The above is intended as a summary of reasons for the grant of planning permission for further detail please see the application report.

### 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. Details of facilities for the treatment of grit, dust, fume, gas, mist or powder coating and their extraction shall be provided to and approved in writing by the Local Planning Authority before the commencement of the development hereby approved. The development shall be carried out in full accordance with the approved details prior to the use first being brought into use and shall be retained as such thereafter.

3. Machinery shall be operated on the premises only between the hours of 7.00am and 8.00pm Mondays to Fridays and between the hours of 8.00am and 5.00pm on Saturdays and at no time on Sundays or Public Holidays.
4. Materials shall be delivered to or despatched from the premises only between the hours of 8.00am and 6.00pm on Mondays to Fridays and between the hours of 8.00am and 4.30pm on Saturdays and at no time on Sundays or Public Holidays.
5. Prior to the use hereby permitted first being brought into use details of the mezzanine floor to be installed shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details prior to the use first being brought into use and shall be retained as such thereafter. Once installed the mezzanine floor shall be used for storage purposes only and for no other use.
6. The noise rating level of any fixed plant and/or machinery associated with the use of the building shall not exceed background noise levels at any nearby dwelling by more than 5dB(A), as assessed under the methodology of BS 4142 (1997) (Method for rating industrial noise affecting mixed residential and industrial areas) and/or its subsequent amendments
7. Space shall be provided within the site for the loading, unloading and parking of vehicles and such space shall be graded, paved, drained and marked out to the satisfaction of the Local Planning Authority concurrently with the development hereby permitted or at such later time as may be agreed in writing by the Local Planning Authority. Such space shall thereafter be permanently retained for this purpose only and shall be maintained to the satisfaction of the Local Planning Authority.
8. The premises shall be used for the manufacture, storage, and distribution of ventilation components, and ancillary processes only and for no other purpose including any other use within Class B2 of the Town and Country Planning (General Permitted Development) Order 1995 or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification. It is considered that the proposal would not result in a demonstrable harm to neighbouring properties or the character of the area. The proposal, therefore, complies with the following Council policies and guidance; Policies CSP1 The Growth Network, DEL1 Infrastructure Provision, DEL2 Managing the Balance Between Employment Land and Housing, EMP1 Providing for Economic Growth and EMP3 Local Quality Employment Areas of the adopted Joint Core Strategy and Policy DD4 – Development in Residential Areas of the Saved Dudley UDP.

The decision to grant planning permission has been taken with regard to the policies and proposals in the Adopted Joint Core Strategy and the Saved Dudley Unitary Development Plan and to all relevant material considerations including Supplementary Planning Guidance.

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**Site**  
Jubilee Works 91-95, King William  
Street, STOURBRIDGE, DY8 4EY

**Grid Reference**  
389720, 285770

**Report Reference**  
SAS\_33526836\_1\_1

**Customer Reference**  
MT1098

**Size of Site**  
4647 m<sup>2</sup>

