

PLANNING APPLICATION NUMBER: P22/1814

Type of approval sought	Full Planning Permission
Ward	Belle Vale
Agent	Gould Singleton Architects
Case Officer	Thomas Morris
Location	130, STOURBRIDGE ROAD, HALESOWEN, B63 3UN
Proposal	Variation of Condition 2 of planning approval P18/1088 to substitute approved plans to allow for the installation of two sets of No. 14 ground mounted fans to the rear of the building and 3 No. transformers located to the side of the building.
Recommendations summary	Approve with conditions

SITE AND SURROUNDINGS

1. The application site is located at 130 Stourbridge Road (A458), in the Belle Vale Ward. The site is occupied by MJ Sections Ltd, a local business who manufacture high specification metal products for the aerospace industry. The site comprises the existing business premises to the rear and the newly constructed industrial unit fronting Stourbridge Road, which was approved in November 2018, via planning approval P18/1088.
2. The surrounding area is of a mixed-use character. There are residential properties to the north, east and west. The grounds of Halesowen Town Football Club are located to the north-east. There is a petrol filling station on the opposite side of Stourbridge Road to the south. There are further commercial uses along Stourbridge Road to the east and the west. The site is not subject of any specific designated within the Dudley Borough Development Strategy.

PROPOSAL

3. This application seeks the variation of condition 2 (approved plans) of planning approval P18/1088, to allow for the installation of external plant and equipment including two sets of 14no. ground mounted fans to the

rear of the building (north side) and 3no. transformers to the side of the building (west side).

4. The original planning approval via application reference P18/1088 was for the erection of an industrial unit within Use Class B2 (General Industrial). The application was granted by Dudley Council Planning Committee on the 7th November 2018. The development has since been implemented and the new building is partially constructed.
5. The amendments to the approved plans will allow for the installation of external fans and transformers, which are required for the operation of the heat transfer furnaces within the building. The amendments to the scheme include the following works:

Proposed Fans

- Installation of two sets of 14no. ground mounted fans on the north side of the building. Each set of fans will measure 10.5m (width) x 2.2m (depth) x 1.3m (height). The fans will be enclosed by metal palisade fencing and gates 1.8m in height and an acoustic enclosure 2.4m in height.

Proposed Transformers

- Installation of 3no. transformers on the west side of the building. The transformers will be contained within a sunken enclosure measuring 7.5m (width) x 2.9m (depth) x 1.9m (height). The transformers will be enclosed by a metal paladin fence 1.8m in height, however, as the enclosure is sunken, its height above ground level will be approximately 1.1m.
6. The access to the site off Stourbridge Road will remain the same as was previously approved via application reference P18/1088 and has already been implemented.
 7. A total of 67 car parking spaces across the entire site (including the existing warehouse) will be provided, a reduction of 8 spaces compared to the previous approval. The reduction of 8 parking spaces is required to make space for the proposed fans.
 8. The total number of employees will remain as 53 employees.
 9. The application is supported by the following documents:

- Design & Access Statement,
- Highways & Transport Statement,
- Noise Impact Assessment,
- Noise Reduction Calculations.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
P18/1088/A1	Non-material amendment to previously approved application P18/1088	Approved	27/04/2022
P18/1088	Erection of an industrial unit within Use Class B2 (General Industrial)	Approved	07/11/2018

PUBLIC CONSULTATION

10. 19 letters of objection have been received, following consultation with 87 adjoining neighbours, the posting of a site notice and the publication of an advert within a local newspaper. Summary of issues:

- The proposal will result in noise and disturbance impacts to neighbours, impacting health and quality of life,
- The noise report identifies the proposal will result in significant adverse impact,
- The acoustic barriers should surround all fans,
- There are already high levels of noise in the area,
- The equipment will be visible from neighbouring gardens,
- The proposal will result in a reduction of property values.

11. Councillor Phipps has called in the application to be determined by Planning Committee and objects to the proposal on the following grounds:

- The equipment will have an adverse impact on the amenity of local occupiers,
- The equipment will result in noise nuisance to an existing residential area and will worsen existing noise issues,

- The equipment will detract from the visual amenity of the rear gardens adjoining the site.

OTHER CONSULTATION

12. Civil Engineers/Lead Local Flood Authority – Recommend that planning permission is not granted as insufficient information has been submitted in relation to drainage.
13. Contaminated Land Team – No objections and no conditions required.
14. Environmental Health & Safety – No objections, subject to the following conditions:
 - For the proposed plant to be installed in accordance with the submitted plans and the specifications for the acoustic barriers contained therein,
 - For the proposed plant to not be operated other than between the hours of 07:00 and 18:00 Monday to Friday, and 08:00 and 16:00 on Saturdays, and to not be operated on Sundays or Public Holidays.
15. Traffic and Road Safety – No objections and no conditions required.
16. West Midlands Fire Service – No objections and no conditions required.

RELEVANT PLANNING POLICY

17. National Planning Guidance
 - National Planning Policy Framework (2023)
 - Planning Practice Guidance (2021)
18. Black Country Core Strategy (2011)
 - Policy CSP1 Development outside the Growth Network
 - Policy CSP3 Environmental Infrastructure
 - Policy CSP5 Transport Strategy
 - Policy DEL1 Infrastructure Provision
 - Policy DEL2 Managing the balance between Employment Land and Housing
 - Policy TRAN2 Managing Transport Impacts of New Development

- Policy TRAN5 Influencing the Demand for Travel and Travel Choices
- Policy ENV2 Historic Character and Local Distinctiveness
- Policy ENV3 Design Quality
- Policy ENV7 Renewable Energy
- Policy ENV8 Air Quality
- Policy EMP1 Providing for Economic Growth and Jobs

19. Dudley Borough Development Strategy (2017)

- Policy S1 Presumption in favour of Sustainable Development
- Policy S6 Urban Design
- Policy S7 Landscape Design
- Policy S8 Conservation & Enhancement of Local Character and Distinctiveness
- Policy S16 Infrastructure Improvements
- Policy S17 Access and Impact of Development on the Transport Network
- Policy L8 Protecting the Viability and Integrity of Industrial and Business Use
- Policy D2 Incompatible Land Uses
- Policy D5 Noise Pollution

20. Supplementary Planning Guidance/Documents

- Parking Standards SPD (2017)

ASSESSMENT

21. The main issues for consideration are:

- Principle
- Visual Impacts
- Impact on Neighbour Amenity
- Highways Safety and Parking
- Flood Risk and Drainage

Principle

22. The principle of the erection of the new industrial building at the site has already been established via planning approval P18/0188, which was approved by Dudley Council Planning Committee on the 7th November

2018. The previous approval has been implemented and at the time of the site visit in June 2023, the new building appeared to be substantially completed. This application seeks the variation of the approved plans to allow for the installation of external fans and transformers and associated enclosures, which are required for the operation of the heat transfer furnaces within the building. The principle of the proposed development is therefore already established and is considered to be acceptable.

Visual Impacts

23. The proposed fans, transformers and associated enclosures are of an industrial style appearance, which is considered to be consistent with the appearance of the site and the new building. The fans will be located on the north side of the building and will therefore have no impact on the street scene. The transformers will be located on the west side of the building, however, are set back approximately 31m from the street and will have no obvious visual impact on the street scene. The transformers will also be sited within a sunken enclosure, thereby reducing their visibility and visual impact on the street scene. The design and appearance of the proposed equipment is therefore considered to be acceptable and will have no detrimental impact on the character and appearance of the site and surrounding area.
24. In summary, the proposed development is considered to be acceptable with regards to its visual impacts and is in accordance with Policy ENV3 (Design Quality) of the Black Country Core Strategy and Policy S6 (Urban Design) of the Dudley Borough Development Strategy.

Impact on Neighbour Amenity

25. The objections received in relation to noise impacts, visual impacts and the quality of life at neighbouring properties are acknowledged and have been considered as part of the assessment process. Upon first submission, the applicant submitted a noise impact assessment report. However, in response to these concerns, they have since submitted supplementary information including details of the proposed acoustic barrier to surround the fans and its sound reduction calculations.
26. The Council's Environmental Health and Safety Officer has reviewed the noise impact assessment and supplementary information and has raised no objections on noise grounds. The noise impact assessment and

supplementary information demonstrates that the noise from the fans will be mitigated by the acoustic barrier, to the extent that noise levels at the nearest residential receptors will be below background noise levels in the vicinity. The calculations also demonstrate that noise from the transformers will be mitigated by the boundary treatment and in that the enclosure is sunken.

27. Furthermore, in light of neighbour concerns, the applicant has agreed to a condition restricting the use of the equipment to daytime hours only, further ensuring there will be no harm to neighbour amenity, particularly during evening and night-time hours when background sound levels are lowest. The proposed development is therefore considered to be acceptable with regards to noise impacts.
28. It should also be noted that a condition was placed on the original planning consent which ensures that the rating level of sound emitted from industrial activities shall not exceed background sound levels (taken as a 15 minute LA90 at the nearest sound sensitive premises) by more than 5dB(A). This condition is transferred to this application should it be approved. This secures a level of protection that can be tested.
29. With regards to the visual impacts of the proposed equipment to neighbouring occupiers, the equipment will be sited away from the nearest residential gardens. and will therefore have minimal visual impact in relation to views from the dwellings and associated gardens.
30. The proposed fans on the north side of the building will be approximately 30m away from the rear gardens of houses at 2-10 Bloomfield Street to the west. The equipment will be obscured from view from neighbouring gardens by an existing brick wall 3m in height, whereas the total height of the acoustic barrier enclosing the equipment will be 2.4m. The fans will therefore have no detrimental impact on outlook and amenity from these neighbouring gardens.
31. The proposed transformer on the west side of the building will be approximately 16m from the rear gardens of the houses at 2E-2H Bloomfield Street West. The transformers will however be separated from the gardens by a car park and will be screened by a 1.8m high fence to the site's boundary. The transformers will also be sited within a sunken enclosure, thereby reducing their height to the extent that the equipment will not be visible over the boundary. The transformers will

therefore have no detrimental impact on outlook and amenity from these neighbouring gardens.

32. In summary, the proposed development is considered to be acceptable with regards to the impact on neighbour amenity and is in accordance with Policies D2 (Incompatible Land Uses) and D5 (Noise Pollution) of the Dudley Borough Development Strategy.

Highways Safety and Parking

33. The Council's Highways Officer has raised no objections to the proposed development. Whilst they raise some concerns in relation to visibility splays at the site's access off Stourbridge Road, the access is exactly the same as was approved via application P18/0188 and has already been implemented. It is therefore considered unreasonable to request amendments to the access at this stage. The proposed development is therefore considered to be acceptable with regards to highways safety.
34. With regards to parking, a total of 67 spaces will be provided across the entire MJ Sections LTD Site (including the existing warehouse), representing a reduction of 8 spaces compared to the P18/1088 application which had 75 spaces. The reduction of the 8 spaces is required due to the location of the fan enclosure to the north of the new building.
35. The Parking Standards SPD provides a baseline maximum parking standard of 1 space per 70sqm of floorspace for General Industry uses (Use Class B2). The floorspace of the new building is 3596sqm, which equates to a maximum parking standard of 51 spaces. Whilst it is noted that the total parking at the site of 67 parking spaces exceeds the maximum standard, this is because the 67 spaces are for the entire site (including the existing warehouse), rather than just for the new building.
36. A total of 14 of the 67 spaces are provided in relation to the new building, and therefore complies with the Parking Standards SPD and is considered acceptable. With regards to parking demand, it is also acknowledged that based on a worst-case scenario of all 53 employees attending the site as single vehicle occupants, the maximum parking demand of 53 vehicles can be accommodated by the total 67 spaces at the site. The proposed development is therefore considered to be acceptable with regards to parking.

37. In summary, the application is considered to be acceptable with regards to highways safety and parking and is in accordance with Policy TRAN2 (Managing Transport Impacts of New Development) of the Black Country Core Strategy, Policy S17 (Access & Impact of Development on the Transport Network) of the Dudley Borough Development Strategy and the Parking Standards SPD.

Flood Risk and Drainage

38. The comments from Civil Engineers/LLFA are acknowledged. However, new building and drainage has already been implemented. It is therefore considered unreasonable to refuse the application due to the absence of drainage plans.

CONCLUSION

39. The application seeks to vary condition 2 of planning approval P18/0188, to allow for the installation of equipment including fans and transformers at the site. The proposed equipment is considered to be acceptable with regards to their visual impact, the impact on neighbour amenity and the impact on highways safety and parking. Whilst the objections from local residents are acknowledged, it is considered that the applicant has submitted sufficient information to demonstrate that the equipment can be installed without resulting in harm to neighbour amenity. This is supported by the Council's Environmental Health Officer who is satisfied that the equipment and associated mitigation will prevent any adverse impact upon the amenities of neighbouring occupiers. Aside from those which have already been discharged, the same conditions which were attached to the original approval are attached to this recommendation. On this basis, the proposed development is considered to be acceptable and in accordance with the policies contained within the Black Country Core Strategy, Dudley Borough Development Strategy and the National Planning Policy Framework. The application is therefore recommended for approval with conditions.

RECOMMENDATION

40. The application is recommended for approval subject to the conditions below.

Conditions and/or reasons

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No. 17-1658/Location1250 (Location Plan)

Drawing No. 17-1658/02N (Proposed Site Plan)

Drawing No. 17-1658/0004N (Proposed Elevations)

Drawing No. 17-1658/003G (Proposed Floor Plans)

Drawing No. 1A (Landscape Proposals)

Drawing No. DR689 Rev B (Acoustic Plant Enclosure)

REASON: For the avoidance of doubt and in the interests of proper planning.

2. The building hereby approved shall be constructed to provide sound attenuation against internally generated noise of not less than 30 dB averaged over the frequency range of 100-3150Hz. These generated levels shall be retained for the life of the development unless agreed in writing with the Local Planning Authority.

REASON: To protect the amenities of nearby residents in accordance Policies D2 (Incompatible Land Uses) and D5 (Noise Pollution) of the Dudley Borough Development Strategy 2017.

3. No deliveries or despatches shall be made to or from the approved building, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen), before the hours of 07:00 nor after 19:00 Monday to Friday, before the hours of 08:30 nor after 13:30 on Saturdays, or at all on Sundays and Public Holidays.

REASON: To protect the amenities of nearby residents in accordance Policies D2 (Incompatible Land Uses) and D5 (Noise Pollution) of the Dudley Borough Development Strategy 2017

4. The rating level of sound emitted from industrial activities at the building hereby approved shall not exceed background sound levels (taken as a 15 minute LA90 at the nearest sound sensitive premises) by more than 5dB(A). All measurements shall be made in accordance with the

methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the Local Planning Authority.

REASON: To protect the amenities of nearby residents in accordance Policies D2 (Incompatible Land Uses) and D5 (Noise Pollution) of the Dudley Borough Development Strategy 2017.

5. The soft landscaping as shown on the approved plan Drawing No.1A (Landscape Proposals) shall be implemented within the first planting season following the first occupation of the development unless otherwise agreed in writing by the Local Planning Authority. 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 Policies CSP4 (Place-Making), ENV2 (Historic Character and Local Distinctiveness), ENV3 (Design Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy 2011 and Policies S6 (Urban Design), S7 (Landscape Design) and S8 (Conservation & Enhancement of Local Character and Distinctiveness) of the Dudley Borough Development Strategy 2017.

6. The landscaped areas shall be retained in the form shown on the approved plan Drawing No. 1A (Landscape Proposals) throughout the

life of the development and shall not be used for any other purpose, 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 Policies CSP4 (Place-Making), ENV2 (Historic Character and Local Distinctiveness), ENV3 (Design Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy 2011 and Policies S6 (Urban Design), S7 (Landscape Design) and S8 (Conservation & Enhancement of Local Character and Distinctiveness) of the Dudley Borough Development Strategy 2017.

7. The development hereby permitted shall not operate until a lighting scheme with assessment for the minimisation of the effect of light spillage on nearby properties has been submitted to and approved in writing by the Local Planning Authority. The works in the approved scheme shall be completed before any lighting equipment to which this approval relates is operated, and shall be maintained during such operation for the life of the development.

REASON: In order to safeguard amenity in respect of possible adverse effects of lighting glare in compliance with Policy D6 (Light Pollution) of the Dudley Borough Development Strategy 2017.

8. Prior to first occupation all redundant dropped kerbs along the Stourbridge Road frontage shall be replaced with matching full height kerbs and the adjacent Highway made good.

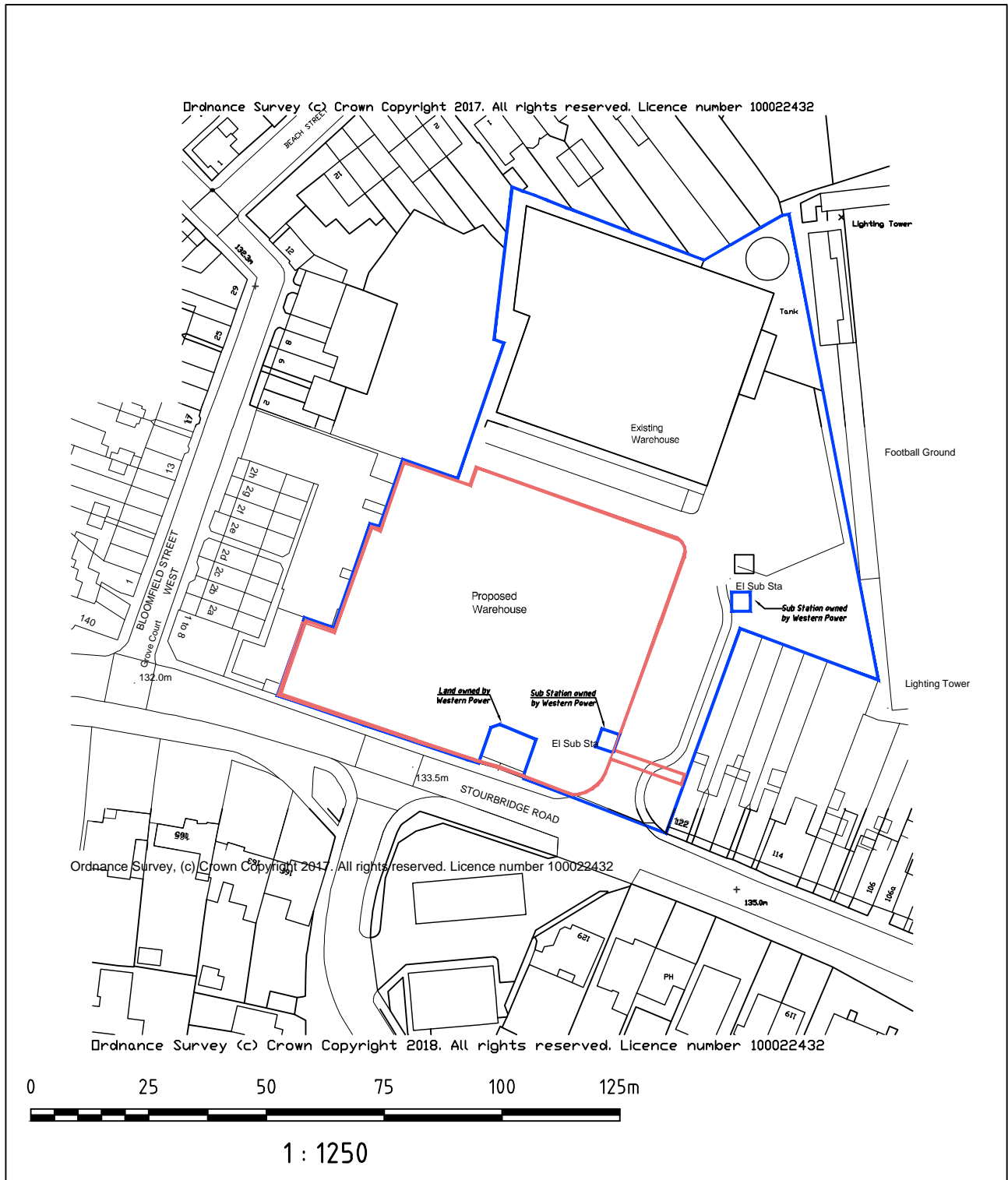
REASON: In the interests of highway safety and to comply with Policy S6 (Urban Design), D2 (Incompatible Land Uses) and S17 (Access and Impact of Development on the Transport Network) of the Dudley Borough Development Strategy 2017 and Policies CSP5 (Transport Strategy), DEL1 (Infrastructure Provision), TRAN2 (Managing Transport Impacts of New Development) and TRAN5 (Influencing the Demand for Travel and Travel Choices) of the Black Country Core Strategy 2011.

9. No goods or materials shall be stored or deposited on any part of the site outside the building hereby approved except for cars parking within defined parking areas.

REASON: In the interests of the residential and visual amenity and to ensure the availability of adequate parking provision within the site in accordance with Policies S6 (Urban Design), D2 (Incompatible Land Uses) and L8 (Protecting the Viability and Integrity of Industrial and Business Uses) of the Dudley Borough Development Strategy 2017.

10. The proposed plant (fans and transformers) shall not be operated other than between the hours of 07:00 and 18:00 Monday to Friday, and 08:00 and 16:00 on Saturdays, and shall not be operated on Sundays or Public Holidays.

REASON: To protect the amenities of nearby residents in accordance Policies D2 (Incompatible Land Uses) and D5 (Noise Pollution) of the Dudley Borough Development Strategy 2017.



Scale:
1:1250@A4

Project Number:
17-1658/Location1250

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