

PLANNING APPLICATION NUMBER:P08/1551

Type of approval sought	Full Planning Permission
Ward	Cradley & Foxcote
Applicant	C L C Conyers
Location:	FORMER ATHRO WORKS, ATTWOOD STREET, LYE, STOURBRIDGE, WEST MIDLANDS, DY9 8NN
Proposal	ERECTION OF A NEW INDUSTRIAL UNIT
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. Attwood Street is located within an established industrial area. The application site is currently occupied by a factory, with large hardsurfaced areas to the side used for parking and vehicle manoeuvring. Immediately adjacent the site to the north and west, on the same side of Attwood Street, are industrial units which are at a significantly lower level. To the south of the site there are residential properties on Brook Street – a mature tree belt on the northern side of Brook Street screens the site from these properties.

PROPOSAL

2. Permission is sought to erect a two storey industrial unit within the south-western corner of the site. The building will share the existing site access with the main factory unit. 8 dedicated parking spaces are to be provided.

HISTORY

3. None relevant.

PUBLIC CONSULTATION.

4. No response has been received in respect of the consultation exercise.

OTHER CONSULTATION

5. The Head of Environmental and Trading Standards: has no objection to the application subject to conditions relating to sound attenuation of the building and restrictions on working hours, to protect the amenity of nearby dwellings from noise emanating from the site.
6. The Group Engineer (Development): 3 parking spaces and a single cycle parking space should be provided to comply with the standards set out in the Parking Standards SPD. A planning obligation contribution of £20752.90 for transport infrastructure improvements should be sought..

RELEVANT PLANNING POLICY

7. Adopted 2005 UDP

Policy DD5 (Development in Industrial Areas)

Policy DD6 (Access and Transport Infrastructure)

Policy DD7 (Planning Obligations)

Policy UR1 (Central Employment Zone)

Policy UR5 (Industrial Renewal Areas)

Policy EE1 (Key Industrial Areas)

Supplementary Planning Guidance

Policy DD7 (Planning Obligations)

ASSESSMENT

8. Key Issues
 - Principle of development;
 - Impact on existing surrounding uses;
 - Access/parking;
 - Planning Obligations

Principle

9. The site lies within a Central Employment Zone, Industrial Renewal Area and a Key Industrial Area (Policies UR1, UR5 and EE1 of the UDP apply respectively). Policy UR1 encourages and supports development which provides sites, buildings and infrastructure to protect and create jobs, whilst Policy UR5 states that the Council will seek to enhance the image, attractiveness and accessibility of Industrial Renewal Areas to boost vitality and encourage new investment. The aim of Policy EE1 is to protect existing industrial land for employment use. It is considered that the principle of the proposed development is in accordance with the guidance set out in, and the requirements of, these employment-based policies.

Impact on Existing Surrounding Uses

10. Policy DD5 of the UDP requires that proposals for development in industrial areas should maintain or enhance the character and environmental quality of the area, and safeguard the viability and environmental quality of adjacent industrial and residential areas.
11. The proposed building is approximately 15m long and wide, and 6.5m high and is to be constructed of brickwork and cladding. Its scale and design is appropriate to its setting and in relation to the size of other existing industrial units. The proposed use of the site would not have any adverse impact on existing activities at other nearby sites. Although the unit is to be built on part of the parking area for the existing unit at the site, the submitted plans show that 27 spaces would remain for use by it and that sufficient space exists to manoeuvre a heavy goods vehicle. The proposal would therefore not contravene Policy DD5 or indeed Policy DD6 which seeks to ensure that new development makes adequate and safe provision for access and egress by vehicles and for the loading and unloading of commercial vehicles.
12. The unit will be approximately 23m from the nearest houses on Brook Street, and at a higher level. The existing trees on Brook Street will largely screen it from view. The elevation facing Brook Street will be brick built, to minimise the potential escape of

noise. The conditions recommended by the Head of Environmental Protection should be imposed on any permission to ensure that the amenities of nearby residents are safeguarded from any potential noise nuisance. It is considered that there would be minimal impact on residential amenity and in this respect the proposal does not contravene Policy DD5.

Access/Parking

13. The Parking Standards SPD requires the provision of 1 parking space per 80 sq. metres of B1 floorspace, in this case equating to the need for 3 parking spaces to serve the development. The number of spaces proposed is in excess of this, and therefore adequate parking is provided. The use of the existing access to the site would not have any detrimental effect on highway safety. The proposal does not therefore contravene Policy DD6.

Planning Obligations

14. Policy DD7 of the UDP states that the Council will require developers to enter into planning obligations to compensate for additional burdens placed by a development on existing infrastructure. Should permission be granted a S106 Agreement would be required in respect of the following contributions:

- Transport Infrastructure Improvements - £20,752.90
- Management and Monitoring Charge - £1,400

Total Offsite Contribution equates to £22,152,90.

At the time of producing this report the applicant has not yet agreed to the payment of this offsite planning obligation.

CONCLUSION

15. The site lies within a Central Employment Zone, Industrial Renewal Area and a Key Industrial Area, and therefore the proposed development is acceptable in principle. The

development would not have any adverse effect on activities at existing nearby industrial sites, residential amenity or highway safety. Adequate levels of parking are provided to serve the development. As such the proposal is in accordance with Policies DD5, DD6, DD7, UR1, UR5 and EE1 of the UDP.

RECOMMENDATION

16. It is recommended that the application be approved subject to:
- a) The development not being commenced until a scheme for the submission and approval of a planning obligation to guarantee the provision of transport infrastructure improvements, at a cost of £22,152.90, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the method, timing and arrangements including a means to guarantee a financial payment, increased through index linking from the first April each subsequent year, in accordance with the Council's planning obligations policies.
 - b) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary

Reason For Approval

The site lies within a Central Employment Zone, Industrial Renewal Area and a Key Industrial Area, and therefore the proposed development is acceptable in principle. The development would not have any adverse effect on activities at existing nearby industrial sites, residential amenity or highway safety. Adequate levels of parking are provided to serve the development.

The decision to grant planning permission has been taken with regard to the policies and proposals in the Dudley Unitary Development Plan set out below and to all relevant material considerations including supplementary planning guidance:

Policy DD5 (Development in Industrial Areas)

Policy DD6 (Access and Transport Infrastructure)

Policy DD7 (Planning Obligations)

Policy UR1 (Central Employment Zone)

Policy UR5 (Industrial Renewal Areas)

Policy EE1 (Key Industrial Areas)

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

Note For Applicant

For the avoidance of doubt, this permission relates to drawing no. 01 and location plan.

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 parking spaces shown on the approved plans shall be surfaced and marked out prior to the use of the building commencing. The spaces shall thereafter be retained and used for no other purpose than the parking of vehicles.
3. No machinery shall be operated at the site or materials be delivered to or despatched from the site before 0700 hours on weekdays and 0800 on Saturdays nor after 1900 on weekdays and 1800 on Saturdays, nor at any time on Sundays or Bank Holidays.
4. No development shall commence until details of the proposed method of construction of the building have been submitted to and approved in writing by the local planning authority. The building shall be constructed to ensure that sound attenuation against internally generated noise of not less than 35dB(A) is provided. The development shall thereafter be built in accordance with the approved details, and the proposed sound attenuation measures shall be retained for the lifetime of the development.
5. Development shall not commence until an arrangement for the provision of transport infrastructure improvements has been submitted to and approved in writing by the local planning authority. The scheme shall include the method, timing and arrangements to comply with the Council's policies for the provision of the infrastructure required in connection with the proposed development.
6. The Rating level of noise arising from activities within the proposed development when measured as a 60 minute LAeq (between 07.00 and 23.00 hours) shall not exceed the background level (LA90) during the same period by more than 5dB on any day at the closest boundary of any residential property in the locality. The LA90 background level referred to above is the background noise level representative of the local area, measured when the plant/machinery at the proposed development site is not in operation. All measurements and assessments are to be made in

accordance with the main procedural requirements of BS4142:1997 `Method of rating industrial noise affecting mixed residential and industrial areas.

7. The building shall be so constructed as to provide sound attenuation against internally generated noise of not less than 35dB(A).



