

PLANNING APPLICATION NUMBER: P22/0546

Type of approval sought	Full Planning Permission
Ward	Quarry Bank and Dudley Wood Ward
Agent	Mr C. Lane, RCA Regeneration Ltd
Case Officer	James Mead
Location:	LAND AT WESTMINSTER INDUSTRIAL ESTATE, CRADLEY ROAD, NETHERTON
Proposal	CHANGE OF USE FROM VACANT LAND TO OPEN STORAGE (B8) FOR TEMPORARY USE (RETROSPECTIVE)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

ADDENDUM

This application was considered by Planning Committee in July 2022. It was resolved to defer the determination of the application pending a site visit.

SITE AND SURROUNDINGS

1. The site extends to an area of approximately 0.48 hectares of previously developed land on Westminster Industrial Estate, Cradley Heath. The application site previously accommodated industrial and commercial units, then remained vacant for some time and is now being used for open storage of predominately Heras fencing, crates, plastic bins, road cones and traffic maintenance fencing barriers.
2. The application site is relatively flat. It is surrounded to the north, west and south by industrial development. Residential development lies immediately to the north-east of the site fronting Cradley Road and comprises 1950's style semi-detached dwellings at a height of two storeys. The site is bounded by Cradley Road to the south east which crosses over Mousesweet Brook.
3. The site is accessed from Cradley Road and pedestrian access to the site can be made from Cradley Road and a footpath exists to the south west of the site.

4. The site falls within a Local Quality Employment Area NETH.E9 (Westminster Industrial Estate, Cradley Road)

PROPOSAL

5. The planning application is seeking a temporary 2-year consent for the use of the land for open storage (Use Class B8).
6. The land would be used for the storage of Heras fencing, crates, bins, traffic cones, and traffic maintenance barriers.
7. Three employees would be on site at all times.
8. In terms of vehicle movements, on Mondays and Wednesdays there are up to two lorries loaded and despatched during the day time. There are 3 vans loaded and despatched daily in the mornings. At times there may also be the occasional van arrive at site for a collection. Maximum vehicle trips during any day will be 3 vans in the morning, 2 lorries during the day time and 1 or 2 private vans in addition.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
P05/0114	Demolition of existing warehouse and erection of an industrial unit housing eight workshops	Approved with conditions	15/04/2005
P05/0114/E1	Extension of time of previously approved application (P05/0114)	Approved with conditions	01/09/2010
P21/0212	Erection of 8 no. industrial units (use classes B2, B8 and E (G) and associated works.	Approved with conditions	30/06/2021

PUBLIC CONSULTATION

9. Letters of notification were sent to the occupiers of 11 surrounding residential and commercial occupiers and a site notice was posted with the final dates for comments being 7th June 2022.
10. Three letters of objection were received from two neighbouring addresses objecting to the proposal on the following grounds.
 - A green buffer should be introduced
 - Residents exposed to untidy site
 - Noise and site traffic in the early hours
 - Rubbish being dumped
 - Question the accuracy of information within the Design and Access statement

OTHER CONSULTATION

11. Head of Planning and Development (Highway Engineer):

The proposed use of the site for open storage is considered appropriate. However, improvements are required to the public highway due to road safety concerns at this location.

12. Head of Planning and Regeneration (Land Contamination Team):

No adverse comments.

13. Head of Environmental Safety and Health:

No concerns are raised with regards to potential noise impacts or air quality subject to a number of safeguarding conditions.

RELEVANT PLANNING POLICY

14. National Planning Guidance

- National Planning Policy Framework (2021)
- Technical Guidance to the National Planning Policy Framework (2012)
- Planning Practice Guidance (2014)

15. Black Country Core Strategy (2011)

- DEL 1 Infrastructure Provision
- CSP4 Place Making
- CSP2 Development Outside the Growth Network
- DEL2 Managing the Balance Between Employment Land and Housing
- EMP3 Local Quality Employment Areas
- TRAN2 Managing Transport Impacts of New Development
- ENV 3 Design Quality

16. Dudley Borough Development Strategy (2017)

- S1 Presumption in favour of Sustainable Development
- S6 Urban Design
- L7 Local Quality Employment Areas
- D2 Incompatible Land Uses

- D5 Noise Pollution

17. Supplementary Planning Guidance/Documents

- PGN2. Industrial development
- Parking Standards SPD (2017)

ASSESSMENT

18. The main issues are

- Principle
- Design and Amenity
- Noise
- Access and Parking
- Land Contamination
- Land Stability
- Ecology

Principle

19. The site falls within a Local Quality Employment Area, which is centred on the Westminster Industrial Estate. The strategic vision and designations mean that the provisions of BCCS Policy EMP3 (Local Quality Employment Areas) apply. Policy EMP3 (and DBDS Policy L7) seeks to safeguard such areas for small scale industry and warehousing; Motor trade, including car showrooms, garages and vehicle repair; Haulage and transfer depots amongst other uses.
20. The use of the site for commercial/industrial facilities would be considered acceptable under BCCS Policy EMP3 and DBDS Policy L7 [Local Quality Employment Areas] and the principle of the use at this location is accepted.

Design and Amenity

21. The NPPF requires all new developments to be considered with the presumption in favour of sustainable development. The NPPF has as one of its core principles the requirement to seek high quality design, stating that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Planning decisions should (amongst other things) aim to ensure that developments: add to the overall quality of the area, establish a strong sense of place, respond to local character and reflect the identity of local surroundings and materials, and are visually attractive as a result of good architecture and appropriate landscaping. It advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
22. Policy ENV3 of the Black Country Core Strategy notes that “High quality design is an essential element of place making and reflecting the distinctive character of the area” and all new development will be expected to be designed to the highest possible standards. Similarly, Policy S6 of the Dudley Borough Development Strategy notes that the Council will support appropriately designed, sustainable development, which is responsive to the character and/or visual amenities of the local area.
23. The open storage area would be considered in the context of the wider industrial buildings within the existing estate and would be an appropriate use of this site and would not look out of place with this setting for a temporary period only.
24. Whilst it is acknowledged outlook from the rear of the residential dwellings would be altered, it is noted that this a temporary situation and the development of new industrial buildings has previously been allowed on this site. It is therefore considered that the temporary use of the site for open storage would not have any detrimental impact on the visual or residential amenities of the surrounding area or occupiers.

25. Notwithstanding the above, there are still a need to impose a planning condition to restrict the height of any open storage, particularly near to residential boundaries to ensure an appropriate visual amenity.

Noise

26. With respect to noise, the Council's Environmental Safety and Health Officer raises no objection to the application subject to a number of safeguarding conditions.
27. The application indicates that vehicle movement on site, and loading/ unloading activities, will be sporadic and limited to daytime hours according to the Planning Design and Access Statement provided in support by RCA Regeneration dated 22nd April 2022. In addition, the applicant is willing to accept a condition that limits proposed working hours on site to Monday to Friday: 7.30am – 5pm and Saturday: 8am – 1pm. Such conditions are considered necessary to protect nearby residents.
28. It is noted on the submitted application form that the use commenced on site in September 2021. As such, it considered appropriate to condition the two-year consent from this date, as this would align with the comments of the ESH officer who recommends that the temporary approval is granted for 12 months only. This would allow for operations at the site to be assessed until September 2023 and should the use intensify or occur to the extent that there is increased and unacceptable noise disturbance caused to residents, the option to refuse the grant of permanent planning permission is afforded to the Local Planning Authority.

Access and Parking

29. The Council's Highways Engineer has no objection to the proposed use operating on the site.
30. As part of the previously approved application on this site for the erection of 8no new industrial units; highway improvement works are to be carried out to provide a better environment for pedestrians along the site's frontage. Due to the temporary

nature of the use proposed and that there is no change to the access arrangements it is not considered appropriate, relevant or necessary in this case to seek such changes. The changes will of course happen in the event of the previous application being implemented on the site.

31. Notwithstanding this, the applicant has provided details of the access and servicing arrangements, noting

“Vehicles will access the wider Westminster Industrial Estate via the existing priority-controlled T junction with Cradley Road. Once inside the industrial estate, the access to the parcel of open storage will be taken from the western edge of the site by the cone storage area.

The access to the wider industrial site is an existing access to an operational industrial estate with no history of highway safety concerns and is therefore considered suitable to serve the proposed temporary use”

32. Tracking diagrams provided also demonstrate how vehicles can enter and exit the site in a forward gear including for larger lorries and smaller vehicles. In terms of vehicle movements, on Mondays and Wednesdays there are up to two lorries loaded and despatched during the daytime. There are three vans loaded and despatched daily in the mornings. At times there may also be the occasional van arrive at site for a collection. Maximum vehicle trips during any day will be 3 vans in the morning, 2 arctics during the daytime and 1 or 2 private vans in addition. A condition to control these movements is suggested, but would not be enforceable and would not be necessary to make the development acceptable.

33. It is therefore concluded that the proposed development will not have a significant adverse impact on the operation nor safety of the surrounding highway network and therefore in accordance with the NPPF (para 111), the proposal should be considered acceptable in transport terms.

CONCLUSION

34. The proposed development is acceptable in principle, is of acceptable design, and causes no significant harm to neighbour amenity or highway safety to warrant the refusal of the application. Consideration has been given to policies CSP1 The Growth Network EMP1 Providing for Economic Growth EMP3 Local Quality Employment Areas TRAN2 Managing Transport Impacts of New Development of the Black Country Core Strategy and policies of the Dudley Borough Development Strategy.

RECOMMENDATION

It is recommended that the application be APPROVED subject to the attached conditions for a temporary period of two years.

Conditions and/or reasons:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: PA-01 Rev A and RCA/WIE/001 Rev C
REASON: For the avoidance of doubt and in the interests of proper planning.
2. The development/use hereby permitted shall cease on or before 7th September 2023 and the site reinstated to its previous condition within 8 weeks of development/use ceasing.
REASON: The development is a of temporary nature and its long term retention would be inappropriate and to comply with DBDS Policies D2, D5 and D6.
3. The use hereby approved shall not be operated before 07:30hours nor after 17:00 Monday to Friday; 07:30hours nor after 13:00 Saturdays; and not at all on Sundays and Public Holidays.
REASON: To protect the amenities of the surrounding 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).
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 07:30 nor after 17:00 Monday to Friday; 08:00 - 13:00 Saturdays, and not at all on Sundays and Public Holidays.
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 and Policy D2 Incompatible Land Uses (in part).

5. No materials or goods shall not be stored, stacked or deposited to a height exceeding 4 metres.

REASON: In the interests of visual amenity and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and Policy L8 Protecting the Viability and Integrity of Industrial and Business Uses (in part) Policy D2 Incompatible Land Uses (in part).

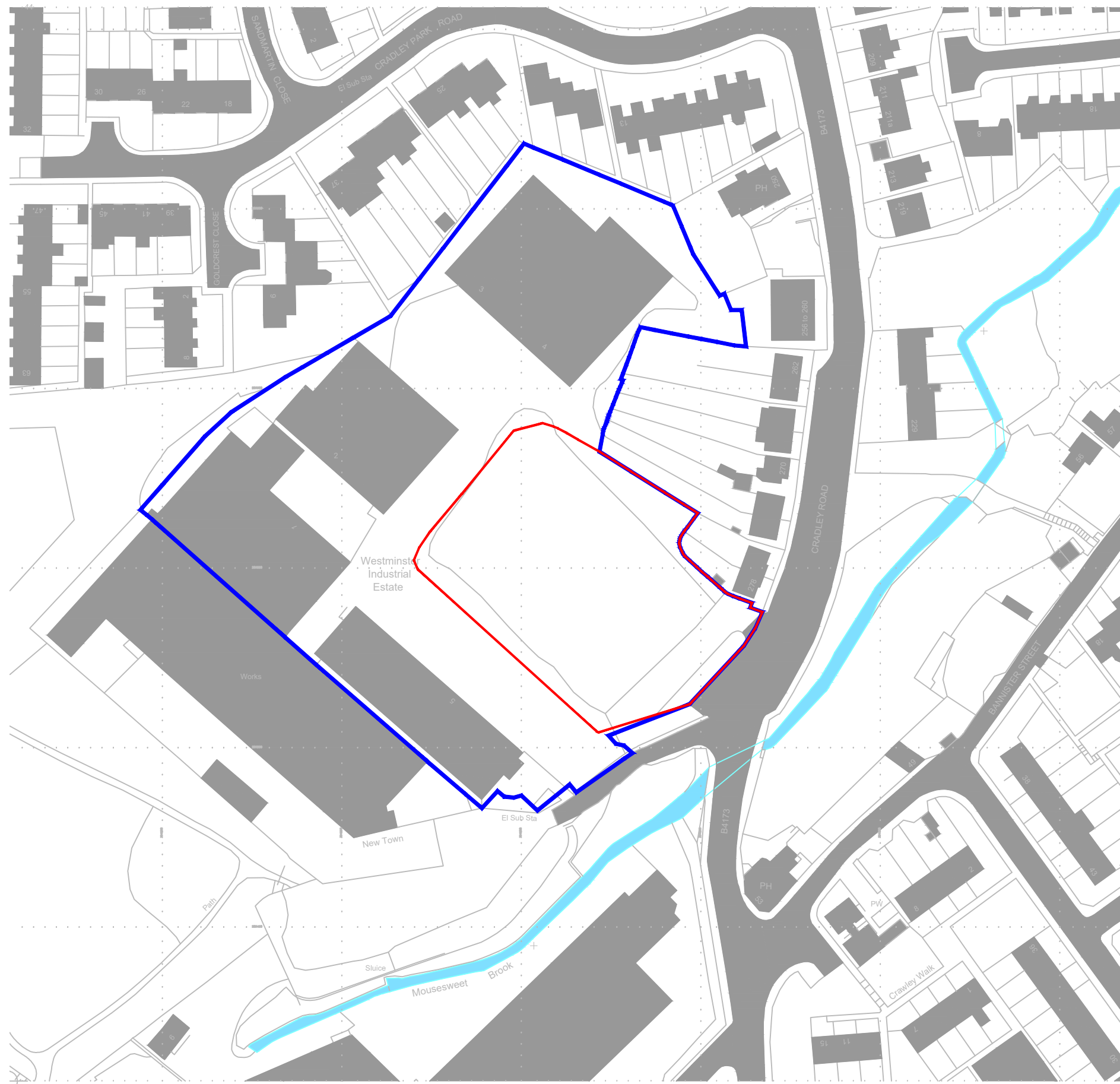
6. The rating level of sound emitted from any loading and unloading operations associated with the approved development shall not exceed background sound levels by more than 5dB(A) (taken as a 15 minute LA90 at the nearest sound sensitive premises). All measurements shall be made in accordance with the 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 with Borough Development Strategy 2017 Policy D5 Noise Pollution and Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part).

7. Within one month of the date of this approval, details of the continuous acoustic barrier constructed along the north eastern curtilage of the site, of minimum height of 2 metres measured from the ground level and minimum surface density of 10 kg/m², shall be submitted to and approved in writing by, the Local Planning Authority. Within one month of the approval of the details of the acoustic barrier shall be installed in full accordance with the approved details and shall be maintained and retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.




REASON: To protect the amenities of residents and In order to make a positive contribution to place-making and provide a high quality public realm 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 Policy D2 Incompatible Land Uses (in part)



LOCATION PLAN 1:1250

Drawing Notes
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Legend

-  Red Line Boundary
Area 4,873 sq.m. / 0.49 Ha
Subject to Client Confirmation
-  Blue Line Boundary
Land Under Applicant's Ownership
-  Existing Buildings

A	Red line adjusted to incorporate wider areas of estate	NC	NC	30.06.21
rev	description	drwn	auth	date



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client
Hovi Developments Ltd.

project
**Westminster Industrial Estate
 Cradley Road, Dudley**

project no	drawing no
19229	PA-01

date drawn	rev
January 2021	A

description - K/19228 - Hovi Developments - Westminster Ind. Estate/02 Planning
**Planning Drawings
 Location Plan**

scale	drawn by	authorised by
1:1250 @ A3	TV	NC

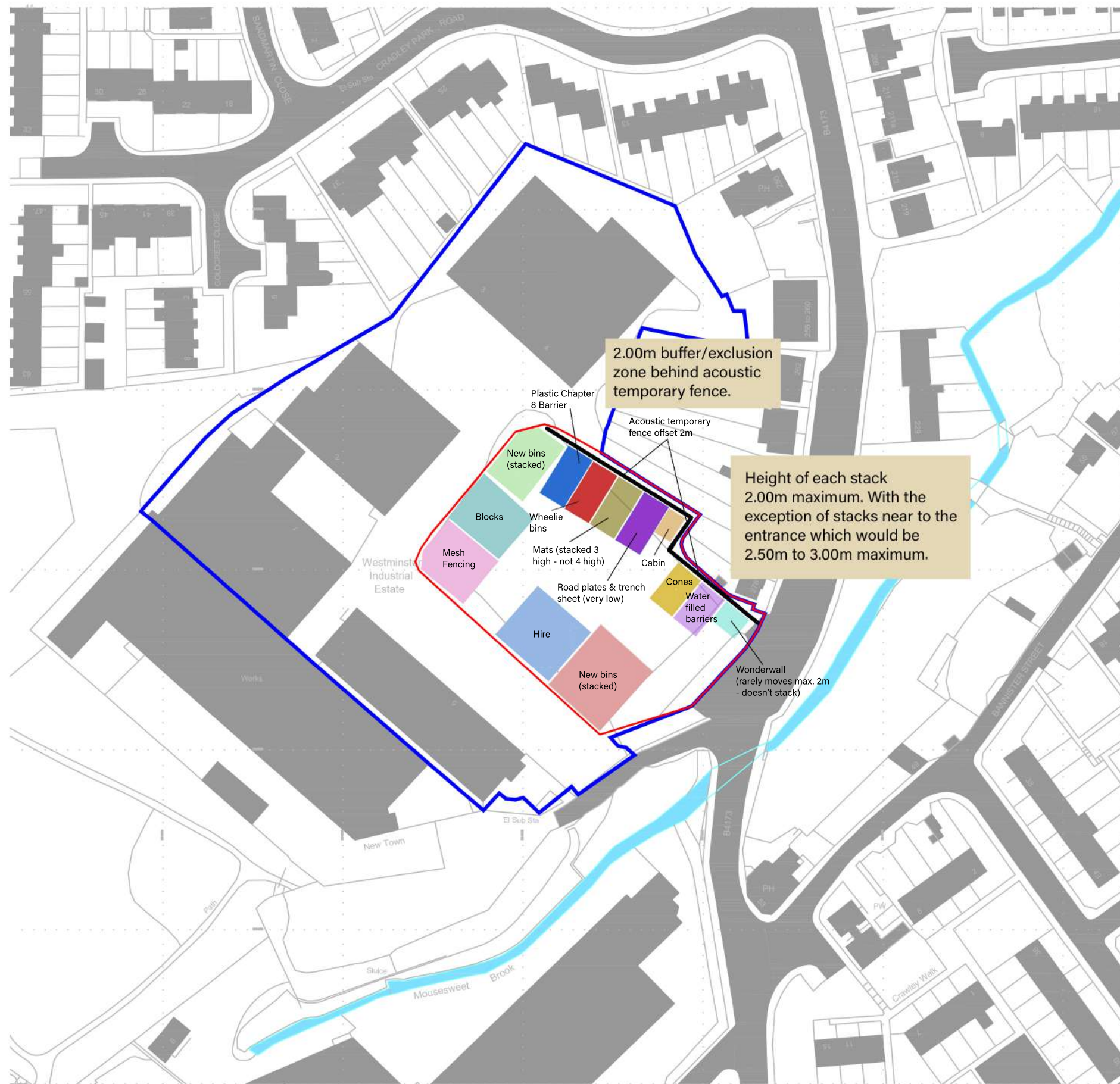
All written/scaled dimensions and floor areas are subject to verification by Contractor(s) on site.
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NORTH

purpose of issue
 planning building regs tender comment approval construction





Drawing Notes
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Legend

- Red Line Boundary
Area 4,873 sq.m. / 0.49 Ha
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2.00m buffer/exclusion zone behind acoustic temporary fence.

Height of each stack 2.00m maximum. With the exception of stacks near to the entrance which would be 2.50m to 3.00m maximum.

Revision	Note	Date
B	Revised plan to address noise and height issues	28.07.22
C	Note added for exclusion zone and maximum stack heights	18.08.22

Site: Westminster Industrial Estate	Date: 04.05.22
Client: Seisdon Developments Ltd	Scale: 1:1250 @ A3
Drawing No. RCA/WIE/001	Drawn: JP
	Rev: C



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SITE PLAN 1:1250

