

PLANNING APPLICATION NUMBER: P05/1245

Type of approval sought	FULL PLANNING PERMISSION
Ward	ST. JAMES'S
Applicant	SHARON BAKER
Location:	117-120, WOLVERHAMPTON STREET, DUDLEY, WEST MIDLANDS
Proposal:	CHANGE OF USE TO CHURCH RESOURCE AND WORSHIP CENTRE (D1)
Recommendation summary:	APPROVE SUBJECT TO CONDITIONS

OBSERVATIONS

SITE AND PROPOSAL

1. The site is described as situated on Wolverhampton Street, (B4176), opposite the junction of School Street, approximately 1km from Dudley Town Centre. It is on a busy urban street and in an area of mixed uses comprising retail, residential, commercial and industrial uses. The property is bounded by a Kwik Fit garage to the west, a block (Jephson Housing association) of Elderly Persons accommodation to the east and residential properties (St. James Road) to the rear.
2. The site comprises former industrial/commercial premises being part two and part three storey buildings fronting the main road with workshop and warehouse behind. A tarmacadam car-park/yard provides two separate entrances onto Wolverhampton Street. The premises extend to the side and rear of other commercial properties that form a terrace block fronting directly onto the main street, namely, Nos. 113 to 116 Wolverhampton Street. The accesses are to either side of this terrace.
3. The application proposes the change of use of the property to 'Revival Fires Church Resource Centre (D1, mixed use). The application seeks to provide for the relocation of an existing use currently operating at 61 The Broadway, Dudley.
4. The applicant indicates that the site would provide: -
 - o A Worship Centre
 - o Rooms for prayer, training, Bible study, Sunday School, young people
 - o General offices and church facilities
 - o Administration centre for aid, resources and relief: e.g. Christian teaching materials, education supplies, etc. for missions in developing nations

The proposed use is stated to be identical to that at 61 The Broadway except for the scale and that residential accommodation is not proposed.

- 5 The plans submitted indicate that the uses would occupy three distinct areas of the building complex. The front block would be for offices and reception, the rear (former) workshop adjacent to the Jephson site would be for the worship centre, and the central rear block would be for Resources and Mission purposes.
- 6 42 Car parking spaces are proposed within the yard and attention is drawn to nearby municipal parking provision (e.g. Stafford Street) should overflow be necessary for special meetings.
- 7 The application also states that soundproofing would be put into effect and that windows in the worship centre would be acoustically glazed. During worship services it is stated that all the windows and doors facing the Jephson Housing property would remain closed.

HISTORY

8.

APPLICATION NO.	PROPOSAL	DECISION	DATE
88/52073	Change of use of warehouse to light industry – Manufacture of furniture	Permitted	03/11/88
90/50970	Erection of extension to factory	Refused	27/09/90
91/51257	Extensions and alterations to provide new reception, shop window and roof canopy over drive	Permitted	13/09/91
93/51857	Erection of two storey extension to factory to provide additional showrooms, sewing room and store	Permitted	03/12/94

CONSULTATION RESPONSES

9. Highway Engineer – Given existing land use and times of operation the Head of Traffic and Road Safety raises no objection.

Environmental Health Officer – Having visited the site there is potential for residential premises in the vicinity to be affected by noise from the worship centre. Residential is in the form of dwellings to the rear, a residential home and flats above commercial premises adjacent to the site on Wolverhampton Street. - It is recommended that Conditions be included to provide sound attenuation.

SUMMARY OF PUBLIC RESPONSES

10. Neighbour notification letters were sent out and objections have been received from residents at the adjacent Jephson Elderly Persons accommodation. (Chaddesley Court).

11. 39 Petition letters (i.e. identical signed letters)

This letter sets out the following objections: -

- This will affect us greatly in the manner of noise, nuisance and privacy.
- It will greatly increase traffic in Wolverhampton Street which already causes great inconvenience to us when we exit or enter our car-park.
- We note only one side is to be soundproofed which means the applicant knows considerable noise will arise above the normally acceptable levels.
- This is a sheltered scheme for the elderly and we are already going to be inconvenienced by other properties being developed in proximity.

The letter calls for the Committee to visit the site.

If the scheme is permitted we need absolute guarantees that we will not have to put up with noise nuisance and rogue car parking.

12. Individual letters

11 Chaddesley Court – Object on two counts.

NOISE - My flat is a few yards opposite the 'fire door'. Although this may be soundproofed it is to no avail if it is open, as it was when used as a factory, because there is insufficient ventilation for the number of people using it. Insulating one wall cannot be sufficient to contain the noise?

Traffic problems – There will not be enough spaces and the roadside will be used. This already causes problems with illegal parking making it difficult to walk on the pavement.

I applaud the need for such buildings and services but surely a vacant church could be found?

12 Chaddesley Court – We have lived here for 12 years and look out onto 117 about 10 yards from one of the fire exits which comes onto Chaddesley Court path through to the main road.

Parking of 42 cars could prove a hazard because of the restaurant and works units opposite. The junction with Stafford Street is busy most of the day.

What is 'occasional' use other than Friday to Sunday each week?

It is debatable that soundproofing would stop the total noise.

This application will destroy the quality of life for the residents.

33 Chaddesley Court – We strongly object. The nearness of the existing building to our living room and bedroom is only about 9m.

We had enough misery when it was an operational factory, on occasions from 1994 until the factory stopped functioning. At times the planning and environment staff visited and can confirm the trouble we had being so close to the fire door and small grass strip upon which the staff used to play football and cricket.

It will be bedlam again especially when the antiquated heating system is used and compressor bursting forth versus 100-200 congregation. How can they sound proof metal clad walls?

The traffic on the road is very heavy all day and at rush hours (even at weekends) gets horrendous.

We are all between 80 and 95+ and with medical problems.

13. Jephson Housing Association

Chaddesley Court is sheltered accommodation providing homes for persons in the age range of 60 to 95 many of whom are disabled or house bound.

We formally object as follows: -

- Parking and location. – Situated on an already overbearing and extremely busy junction of Wolverhampton Street and Stafford Street. This junction is always very congested and the increase in traffic over the last ten years has already had an impact on the residents. A further venue attracting visitors would make this more unbearable.
- There is already a snooker hall, supermarket and restaurant under development. Illegal parking makes further problems at this junction.
- Whilst Stafford Street has parking accommodation visitors will still try to get to the premises first. This could cause problems for emergency services.
- Activities are said to be daytime and three nights a week. At the moment residents get some relief on Sunday from traffic noise. 100-200 visitors would cause disturbance.
- Some of our residents live only 9m from the building and feel that they will be disturbed and that any soundproofing of the current structure would be insufficient.
- An area of land overlooks the privacy of the elderly residents.

14. Boss Design

We are the owners of the property and support the application. Revival Fires are a reputable Christian charitable organisation. We believe that their investment will add value not just to the property but also to the area in general. The sale will secure the jobs of our 150 employees who are mainly local and will provide additional capital to fund growth and generate job opportunities.

RELEVANT PLANNING POLICY

15. Policy 57 of the adopted UDP. – Existing Industrial Uses.
Policy 98 of the adopted UDP. – Parking.
Planning Guidance Note No. 14. – Car parking Standards.
Policy CS3 of the Revised Unitary Development Plan. – Community Facilities.

KEY ISSUES

- 16.
- Noise and potential impact on the amenities of nearby residents.
 - Appropriateness of location.
 - Parking and traffic implications.

CONCLUSION

17. There is no specific Policy within the adopted Unitary Development Plan relating to the form of use proposed. The emerging Plan does, however, under Policy CS3 recognise that community facilities including places of worship play an important role in providing for the well being of the community and facilitating social contact.
18. This Policy is supportive of such proposals subject to certain criteria: -
- *meet a recognised need;*
 - *are located within the community they are intended to serve;*
 - *are easily accessible by public transport;*
 - *do not adversely affect the character or amenity of the nearby area.*
19. It is noted that this application is for the relocation of a use already extant in the area and accepted by the Council and located at a similar distance from the Town Centre. The proposed site is however distinguishable in that it is on a mixed commercial street rather than residential as is the position of the existing premises at 61 The Broadway.
20. The proposed site is currently a vacant complex of industrial premises last used for furniture manufacture and associated uses. It is also clear that the use gave rise to

disturbance to the Jephson sheltered scheme as evidenced by the submission from No. 33.

21. It is important, therefore, to consider the proposed use in the context of the lawful use potential as industrial/commercial premises. If this were to be resumed, there would be considerable potential for disturbance particularly in respect of Chaddesley Court.
22. The Highway Engineer acknowledges this point in raising no highway objection to the application. The proposed use would result in less goods vehicle traffic. Cars would have easier access from this busy road than heavy goods vehicles and give rise to less interference to traffic moving along Wolverhampton Street when accessing and egressing.
23. The current use at 61 The Broadway is said to have an average of 100 persons on Sunday mornings and Friday evenings with special meetings reaching up to 200. Based upon the adopted Plan this would generate a need for a maximum of 20 spaces.
24. That being said the proposed use is based upon provision for growth and, on the occasion of a full conference, might be likely to double the demand or even increase it beyond that. The site does provide 42 parking spaces which shows the ability to substantially meet the increased demand.
25. It is also noted that the site is close to public car-parking in Stafford Street and as such any occasion where the demand exceeds site provision can be expected to be accommodated locally. It should also be acknowledged that Government Policy is to discourage car use in favour of public transport and to that extent the site is located on a bus route. It is considered, therefore, that the site for the most part has adequate on site provision.
26. Insofar as the accesses to the site and the parking area is largely screened from adjacent residential uses it is not considered that traffic movements would give rise to a substantive reason to refuse permission. Residents acknowledge that the main street is heavily trafficked and the Highway Engineer, when comparing with the lawful use usage, does not see any ground to oppose the application.
27. The remaining issue is that of the potential for noise disturbance from services and/or meetings held in the main hall. In the application this is proposed to be within the former production area adjacent to the sheltered scheme.
28. The Environmental Health Officer has considered this aspect and is satisfied that any concerns with regard to noise disturbance can be addressed by the imposition of Conditioning to secure sound attenuation measures. The current use at 61 The Broadway has not, as far as we are aware, given rise to any complaint.

29. It is also considered that the development can be further Conditioned to preclude the use of the strip of open landscaping along the boundary with the sheltered scheme. This provision will clearly improve the current position since this area has obviously been a source of nuisance whilst the premises were operational.
30. Overall it is concluded that the site is, subject to Conditions, suitable for the use proposed and would accord with the Council's Policy CS3 for supporting community facilities.
31. The proposed use is felt to be likely to give rise to less risk of nuisance than re-use as industrial and as such the change would meet the provision of Policy 57 of the Unitary Development Plan which exceptionally provides for the removal of such neighbours to residential property.

RECOMMENDATION

32. Subject to Conditions, to prevent noise from the premises causing harm to the amenities of adjacent residents, permission is recommended.

Conditions and/or reasons:

1. A05A Commencement within 5 years - Full
2. L06B * Sound attenuation measures req'd
3. The open landscaped strip along the eastern boundary of the site between the building and the sheltered housing scheme, Chaddesley Court, shall not be used for any purpose other than as a landscaped buffer. No activity shall take place thereon.
4. The fire doors along the eastern boundary shall be kept closed at all times other than for fire emergency or access for building, and landscape maintenance purposes.