

Mr R Jenkins 4A Nicholls Road Tipton DY4 9LG	<b>Proposed single storey rear extension and canopy, (revised application - DC/18/61841).</b> Reliable Springs and Manufacturing Company 4A Nicholls Road Tipton DY4 9LG
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**Date Valid Application Received:** 29<sup>th</sup> January 2019

**1. Recommendations**

**Approval is recommended subject to the following conditions: -**

- i) External materials
- ii) Noise assessment;
- iii) Hours of opening and deliveries restricted to 07:30 to 17:00 Monday to Thursday and 07:30 to 13:00 Friday with no working on Saturday or Sunday;
- iv) Site investigation/remediation
- v) Hard (including SUDS) and soft landscaping
- vi) Development implemented in accordance with the Coal Mining Risk Assessment
- vii) Construction times and no bonfires

**2. Observations**

**The Application Site**

This application relates to an existing industrial premise which manufactures wire and spring products. The site is situated on the eastern side of Nicholls Road, Tipton. To the north, west and south of the site are industrial units; to the east are residential properties.

**Current Application**

This is a full planning application for a proposed single storey rear extension on the eastern aspect of the existing industrial unit (adjacent to the residential properties); the dimensions of which

would measure 21.4 metres deep by 32.0 metres by 7.2 metres high from ground floor level to the height of the sloping roof. The extension would be used for additional racking of materials and machinery. The Applicant also proposes a canopy on the northern elevation of the proposed single storey rear extension (facing towards existing industrial premises); the dimensions of which would measure 3.6 metres deep by 21.4 metres wide by 4.6 metres high from ground floor level to the height of the flat roof. Access to the site would be from the existing access off Nicholls Road.

The application includes a Mineshaft Probing Works Report, Coal Mining Risk Assessment, Planning/working statement and a letter from the Coal Authority confirming they have no objection to the proposal. The planning working statement indicates that the site currently operates from 7:30 to 17:00 hours Monday to Thursday and 7:30 to 13:00 on Friday and deliveries will be in the main to the existing unit.

### **Publicity**

The application has been publicised by neighbour notification letter; 4 emails of objection have been received from residents on Brunel Drive, to the east of the proposal. The objections are summarised as follows:

- i) Affects property value;
- ii) Anti-social behaviour;
- iii) Environmental concerns;
- iv) Health and safety hazard;
- v) Impact on wildlife;
- vi) Litter;
- vii) Loss of light;
- viii) Loss of outlook;
- ix) Loss of privacy;
- x) Loss of trees;
- xi) Noise;
- xii) Overdevelopment of site;
- xiii) Pollution;
- xiv) Too many already and
- xv) Restriction of opening hours.

## **Statutory Consultee Responses**

Planning Policy has stated that there is a shortage of available employment sites within the borough and therefore it is accepted that companies need to expand within existing sites however regard should be given to policy EMP4 (Relationship between industry and sensitive uses) to ensure that any adverse effects from the proposal can be suitably mitigated.

The Head of Environmental Health has requested the imposition of conditions relating to site investigation/remediation and noise assessment.

## **Responses to objections**

- i) This is not a material planning consideration in the determination of this application.
- ii) The objector's state that people park in cars by the Applicant's gates until 1am - 2.30am causing disturbance (for example, drinking, smoking, drugs, chat and leaving rubbish etc). The road the objectors refer to is outside of the applicant's ownership and therefore does not form part of this application however the matter has been referred to The Council's anti-social behaviour team.
- iii) The Head of Environmental Health has not raised any concerns subject to the imposition of conditions relating to site investigation, remediation and noise assessment.
- iv) In relation to health and safety, the objectors refer to the disused mine shafts on site. In connection with this the Applicant has undertaken mineshaft probing works and a Coal Mining Risk Assessment. As such, the Coal Authority has no objection to the proposal and have requested the imposition of a condition to ensure that the development is implemented in accordance with the Coal Mining Risk Assessment. The objectors also referred to damage to their properties during construction (ground subsidence etc.), however I am satisfied that relevant conditions will be attached in relation to remediation and treatment of the mineshaft which will address these concerns.
- v) Currently the site predominantly consists of grassland and bushes. It is considered that due to the basic nature of the site that there would not be a significant impact on wildlife from the proposal.
- vi) As stated in (ii) above.

- vii) When considering the siting and dimensions of the proposal in relation to the neighbouring residential properties, it is considered that there would not be a significant loss of light.
- viii) The Agent has submitted a 'proposed site section' which shows the relationship of the development to the neighbouring properties on Brunel Drive together with the height of the existing boundary treatments for the properties on Brunel Drive and the application site. When this is considered together with the siting and scale of the proposal, it is felt that there would not be a significant loss of outlook.
- ix) The rear elevation does not include any openings and coupled with the existing boundary treatments and the imposition of a landscaping condition, it is considered that this would protect the privacy of existing residents.
- x) The objectors state that trees hid the existing factory building previously, but these trees have now been cut down. Whilst the Applicant has stated that no trees have been cut down, I consider it would be appropriate in this instance to impose a landscaping condition to ensure that a suitable landscaping scheme would be achieved on site; this would include the provision of trees on the boundary with the residential properties on Brunel Drive.
- xi) Concerning noise, the Head of Environmental Health has recommended that a noise assessment including suitable remedial measures be undertaken; this would be conditioned. It is felt that this would assist in alleviating any possible noise disturbances to the neighbouring residential properties. Furthermore, no openings are proposed for deliveries to the rear or south side elevation. In addition, The Agent has also submitted a 'Planning/working statement' to indicate how the proposal would operate. Therefore all of these measures along with the noise assessment would protect residents from any undue noise and disturbance. It is noted that the objectors have referred to the 'Human Rights Act 1998 (Article 8) – Protection from Noise and Air Pollution' and I am satisfied that the advice from Environmental Health and the conditions proposed have given due regard to this legislation.
- xii) The proposal would be sited on an existing industrial site and there would still be adequate open land retained if the

proposal were to be introduced on site. Therefore, when considering the proposal, it is my opinion that it would not constitute overdevelopment of the site.

- xiii) The Head of Environmental Health has not raised any concerns in relation to pollution and it is considered that that proposed Planning/working statement will also control the operations at the site to avoid unacceptable pollution levels.
- xiv) The objectors state that there are industrial units already; but as this is only a proposed extension to an existing industrial site is therefore not relevant in this instance.
- xv) It is proposed to impose a condition on this application restricting the opening hours as per the applicant current operating hours which would protect the amenity of nearby residents.

### **Planning Policy and Other Material Considerations**

In planning policy terms, whilst it is recognised that the site has been identified as an area for future housing growth within the Black Country Core Strategy, it is accepted that there is also a shortage of new employment sites in the Borough. In consideration of the relationship of the site to residential property Policy SAD EMP4 (Relationship between industry and sensitive uses) states that adverse impacts should be reduced to an acceptable level. Therefore given that the applicant already operates at the site and conditions relating to a noise assessment landscaping and hours of operation can provide suitable mitigation it is considered that the proposal is acceptable.

Turning to its design, scale and appearance it is considered that the proposal accords with the provisions of the design guidance and appropriate conditions are proposed to address sustainable drainage.

### **Conclusion**

The site could adequately accommodate the proposal being of suitable scale and design and would assist with retaining an existing employment use on the site, whilst providing appropriate mitigation through the imposition of appropriate conditions to safeguard the amenities neighbouring residential properties.

Conditional approval is therefore recommended.

### **3. Relevant History**

- DC/18/61841 Proposed single storey rear extension and canopy to side. Withdrawn – 01.08.2018
- DC/13595 Factory, offices and showroom. Grant Permission subject to conditions – 03.06.1981
- DC/08701 Industrial workshop, offices and open storage of pumps, hoses and associated equipment – Grant permission subject to conditions - 11.04.1979 – not implemented but hours of use were conditioned.

### **4. Central Government Guidance**

National Planning Policy Framework promotes sustainable development

### **5. Development Plan Policy**

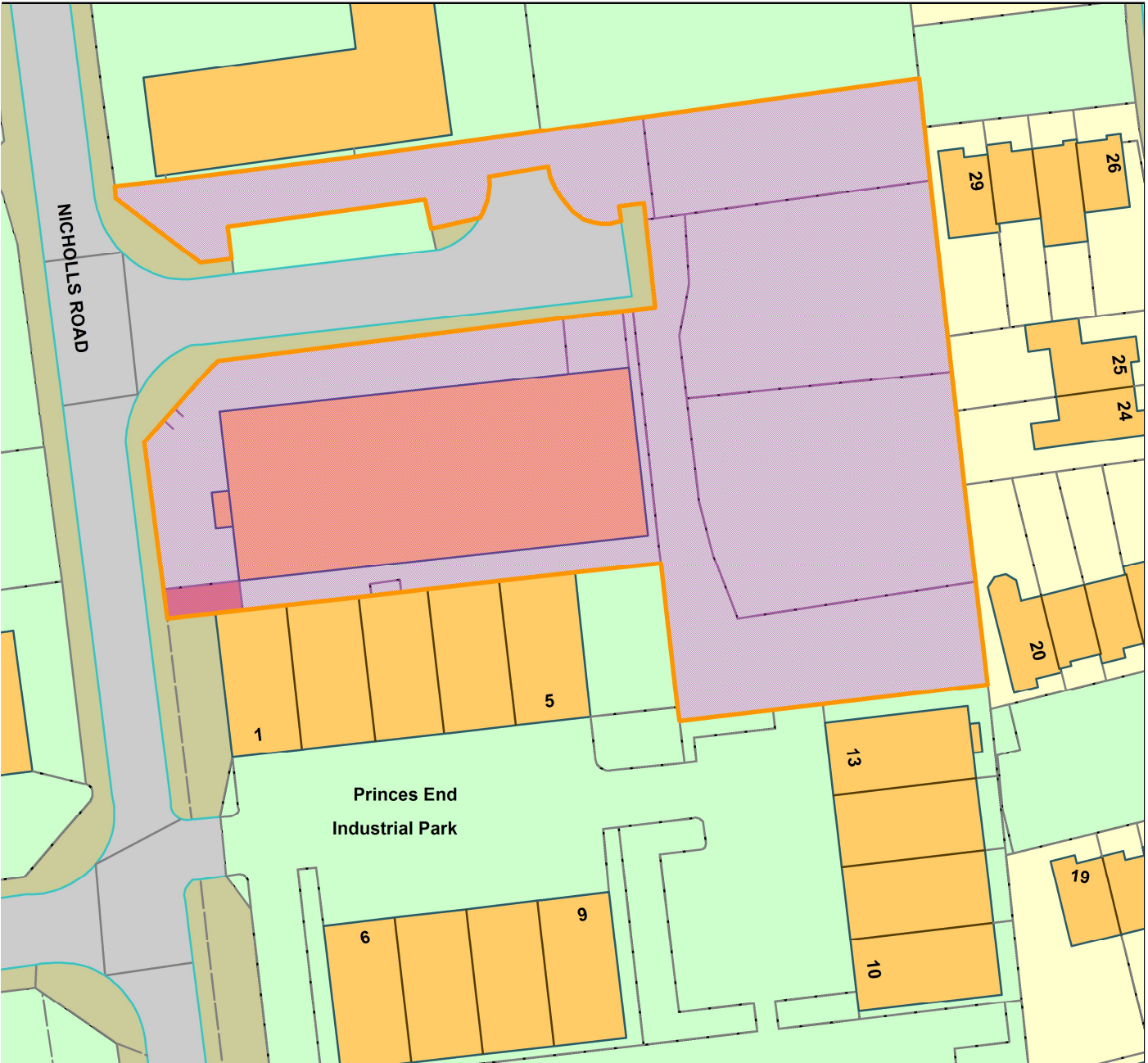
- DEL2 – Managing the Balance between Employment and Housing Growth
- EMP3 – Local Quality Employment Areas
- ENV3 – Design Quality
- ENV5 – Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- SAD EMP4 – Relationship between Industry and Sensitive Uses
- SAD EOS9 – Urban Design Principles
- SAD EOS10 – Design Quality and Environmental Standards

### **6. Contact Officer**

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douglas\_eardley@sandwell.gov.uk

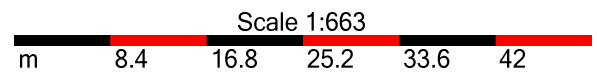
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**Legend**

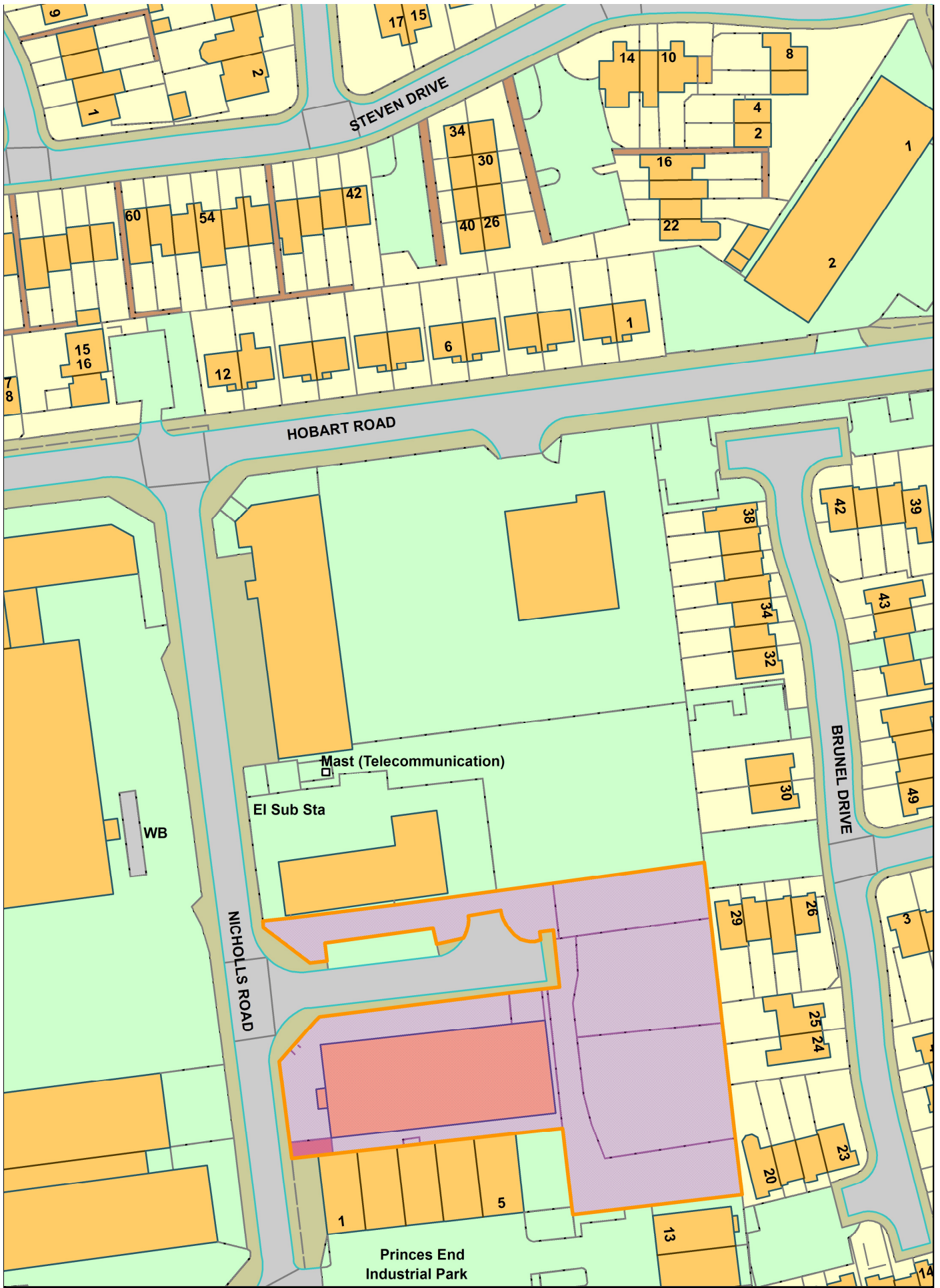
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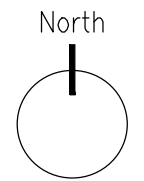
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A 07.03.19 Drawing updated to indicate building lines and dimensions.

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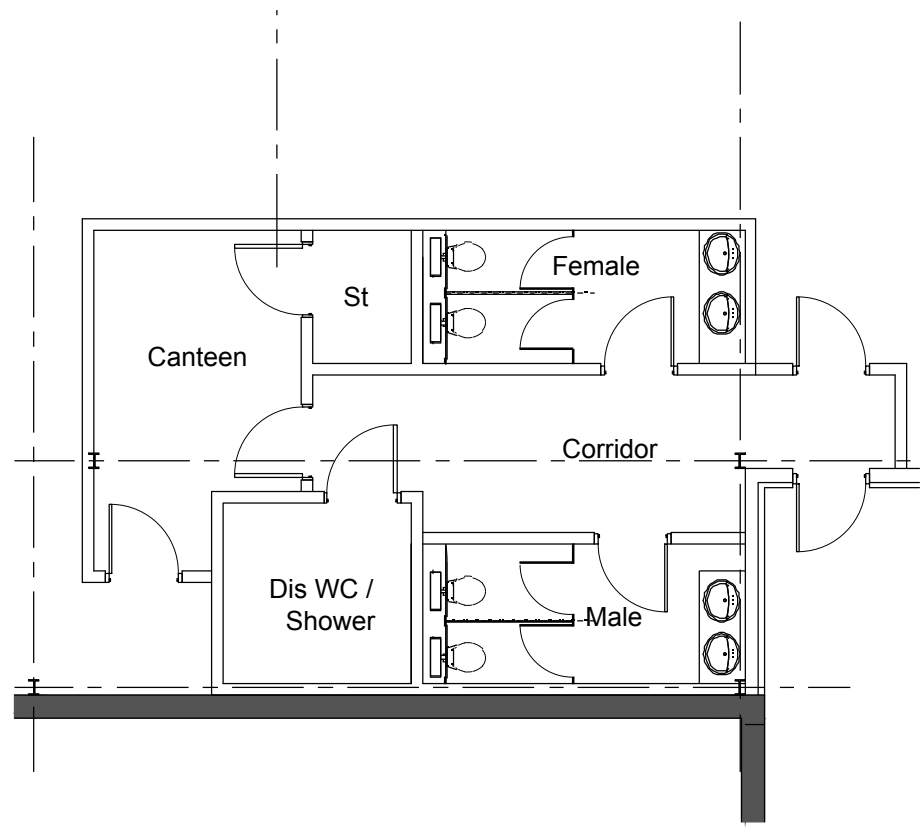
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 Unit 4a/Princes End Ind Park/  
 Nicholls Rd,  
 Tipton

DRAWING  
 Site Plan

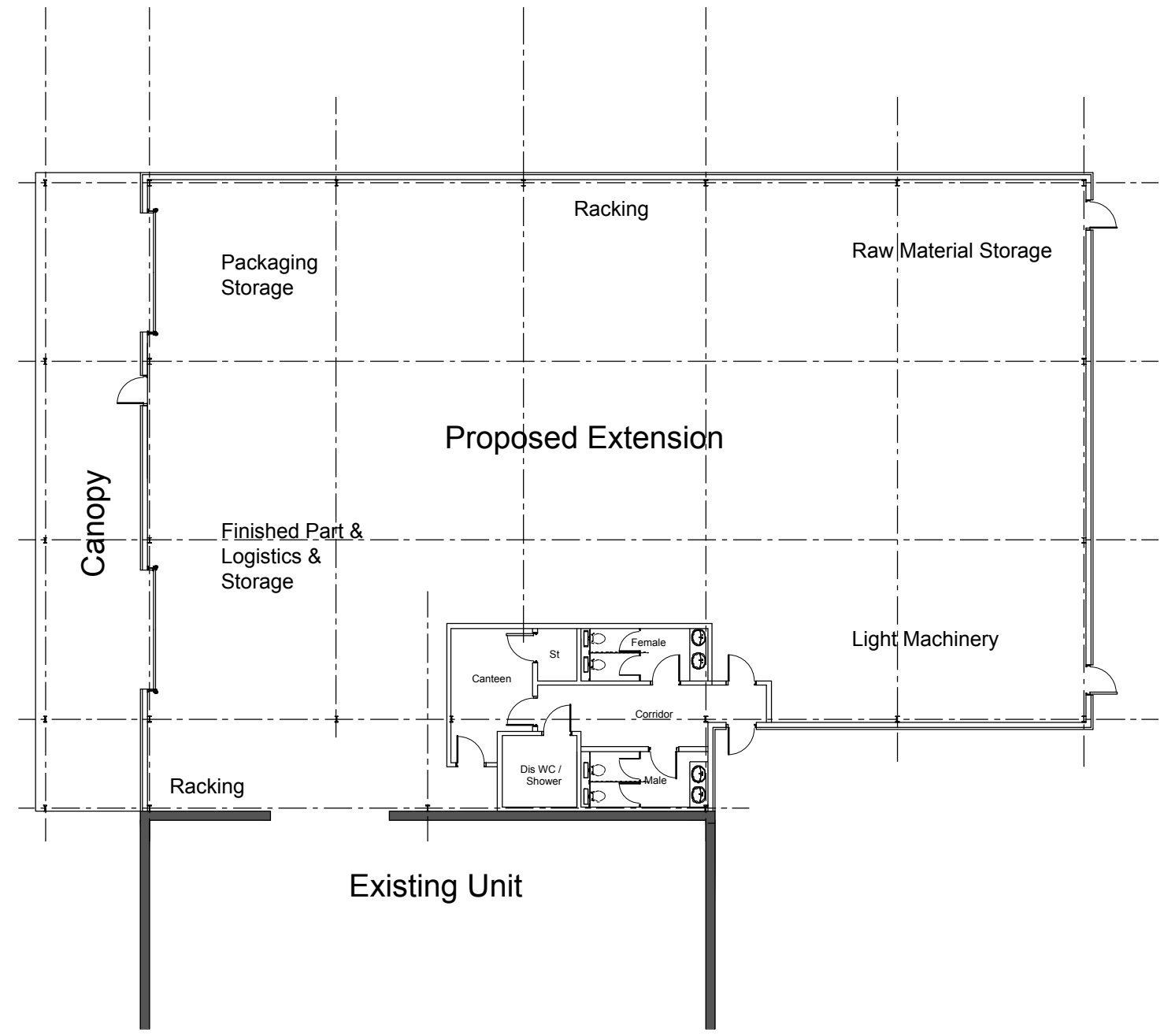
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Accommodation Plan



Existing Unit

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A 07.03.19 Internal Logistics added, Eastern Roller shutters removed as requested by Planner

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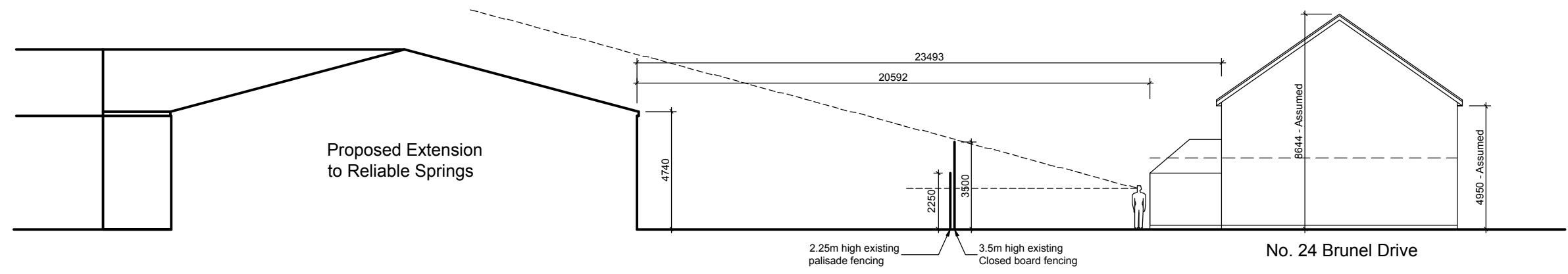
Proposed Plans

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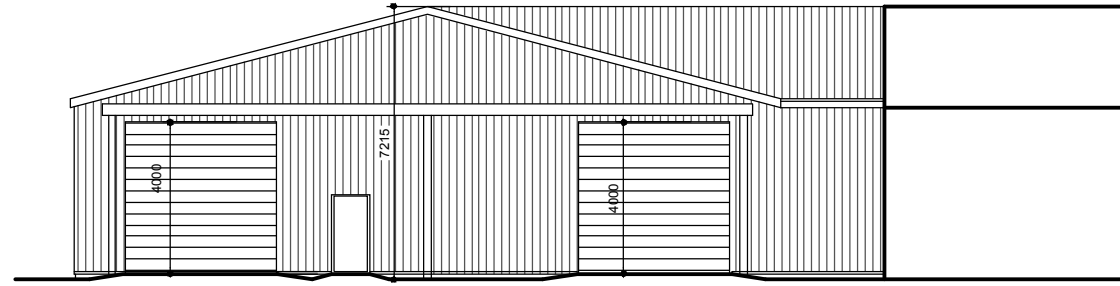
DRAWING

Proposed Site Section

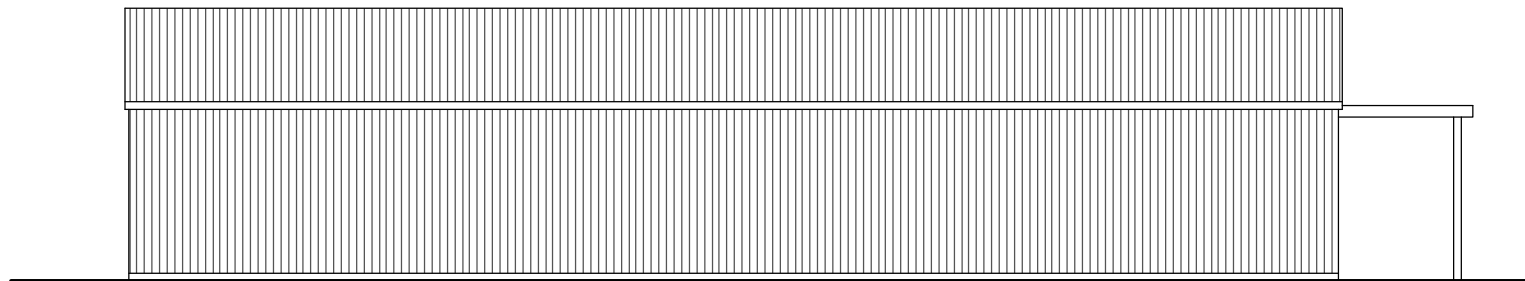


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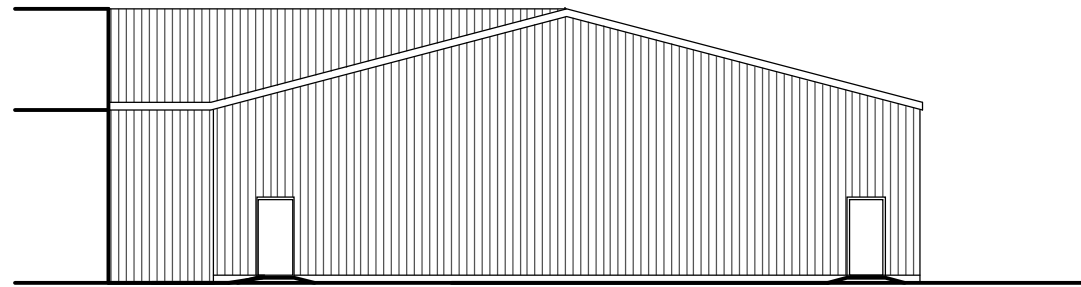
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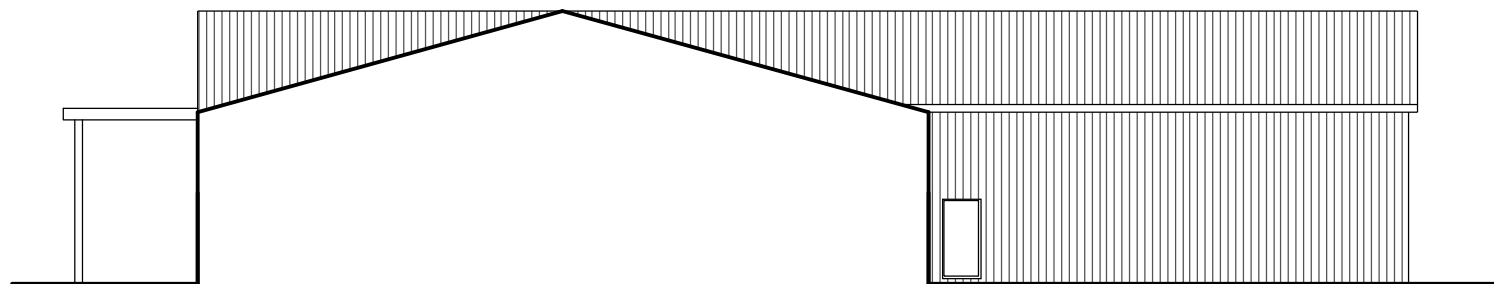
Side Elevation



Rear Elevation



Side Elevation



Front Elevation

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