

PLANNING APPLICATION NUMBER:P09/1506

Type of approval sought	Full Planning Permission
Ward	Brierley Hill
Applicant	Mr S. J. Cartwright - Stourbridge Martial Arts
Location:	UNIT 3, LITTLE COTTAGE STREET, BRIERLEY HILL, DY5 1RG
Proposal	CHANGE OF USE FROM B8 TO MARTIAL ARTS CENTRE (D2), NEW GLAZED ENTRANCE DOORS WITH ACCESS RAMP AND HANDRAILS AND NEW FIRE ESCAPE.
Recommendation Summary:	REFUSE

SITE AND SURROUNDINGS

1. The site measures 0.09 hectares and comprises a vacant warehouse building. The building is located immediately to the south of the recently opened Venture Way and to the east of Mill Street. The site lies within a row of three warehouse units, with unit 1 being occupied by a Dulux Decorator Centre, unit 2 as a children's soft play area and the application site, which is currently vacant. Immediately adjoining the western boundary of the site is The Polars Health Centre. The site is located within a mixed use commercial area.

PROPOSAL

2. The proposal seeks the change of use of the warehouse (B8) to a Martial Arts Centre (D2) with new glazed entrance doors, access ramp, handrails and fire escape. The unit would also be used for ancillary activities such as massage and therapies. It is proposed that the Martial Arts Centre would be open 1745-2115 Mondays to Fridays, 0945-1230 on Saturdays and with lunch time sessions being held between 1000-1200 Tues-Thurs. The building would not be open on Sundays or Bank Holidays.
3. It is anticipated that average class attendance would be between 12-15 persons with a maximum of 20 persons per class being allowed. The proposed change of use

would provide employment for 4 full time workers and 6 part time employees. The unit has 23 dedicated car parking spaces.

4. The application is accompanied by a design & access statement and a supporting statement focusing on issues relating to a loss of employment land, transport considerations and sequential test assessment.

HISTORY

Unit 3

APPLICATION No.	PROPOSAL	DECISION	DATE
83/50380	Erection of two factory units.	Approved with conditions	10/03/83
83/50379	Warehouse incorporating retail sales counter.	Approved with conditions	10/03/83
84/52102	Erection of warehouse building	Approved with conditions	04/04/85
85/50253	Warehouse with small retail counter for sports equipment	Approved with conditions	04/04/85
85/50786	Part change of use of building from wholesale warehouse to warehouse with retail sales	Approved with conditions	20/06/85
87/51712	Erection of warehouse with retail outlet	Approved with conditions	10/12/87
99/51042	Change of use from warehouse/retail to workshop	Approved with conditions	09/09/99
P07/2341	Change of use from workshop to retail (A1) with new shop front and installation of roller shutters	Refused Dismissed at Appeal.	13/03/08
P09/0289	Change of use from B8 (storage and distribution) to D2 (assembly and leisure)	Withdrawn	26/05/09

5. The previous application for the change of use of the application site to D2 use was withdrawn as the applicant at the time was no longer interested in occupying the unit for D2 purposes. This application (P09/0289) sought to occupy the unit as an indoor

skate park. The application site is safeguarded for employment land use under Policy EE3 of the Adopted Dudley Unitary Development Plan (2005). Policy EE3 states that planning permission will not be granted to redevelop such sites for another use which are currently in employment use except where, amongst other things, the applicant can demonstrate that there is no longer any demand to use the site for employment purposes.

6. Information was submitted in support of this application demonstrating that the premises had been marketed since September 2005 as a modern warehouse/industrial unit, without any follow-up interest following initial enquiries. Marketing the site for over three and a half years was considered a reasonable length of time to bring the site to the attention of would be occupants or developers to occupy the building for employment purposes. It was considered that the outcome of the marketing exercise reflected current market conditions and a lack of market demand. On this basis, it was considered that it had been successfully demonstrated that there was no demand for warehouse use of the premises and as such that the alternative use to D2 was appropriate within the context of Policy EE3 of the Adopted Dudley Unitary Development Plan (2005).

Unit 2

APPLICATION No.	PROPOSAL	DECISION	DATE
P01/1377	Change of use from storage/warehouse to indoor children's play area (Unit 2)	Approved with conditions	30/08/01
P05/2103	Renewal of expired planning permission P01/1377 to continue use as indoor children's play area.	Approved with conditions.	08/11/05

7. Temporary planning permission was originally granted for the indoor children's play area due to the potential impacts of the proposed development upon the implementation of the parallel route. The parallel route is now complete and fully operational. No objection was raised to the principle of the proposed change of use on policy grounds due to the close proximity of the site to Brierley Hill town centre and no objections were raised to the development on highway grounds. The current application for unit 3 would fall within the same use class as the indoor children's play area (D2).

PUBLIC CONSULTATION

8. The application was advertised by way of neighbour notification letters being sent to the occupiers of seventeen properties within close proximity to the application site. The latest date for comments was the 7th December 2009. At the time of writing the report no letters have been received making observations to the proposed development.

OTHER CONSULTATION

9. Group Engineer (Development): Recommend refusal on the basis that in the absence of a Transport Statement that it is not possible to assess the potential impact of the scheme on the highway network or to determine whether the proposed development would trigger an increase in trips from the previous use to trigger a contribution towards transport infrastructure improvements.
10. Head of Environmental Health and Trading Standards: The proposed development is not situated in close proximity to residential dwellings and is unlikely to cause a loss of amenity to local residents. As such; no adverse comments to the proposed development.

RELEVANT PLANNING POLICY

- Unitary Development Plan

DD1 Urban Design

DD7 Planning Obligations

DD6 Access and Transport Infrastructure

AM14 Parking

AM15 Personal Mobility

CR9 Edge-Of-Centre and Out-of-Centre Development

11. The site is not designated for any particular use within the Adopted Dudley Unitary Development Plan (2005).

- Local Development Framework

Brierley Hill Area Action Plan – Preferred Options

Brierley Hill Area Action Plan – Policy Development Update

Parking Standards and Travel Plans SPD

Planning Obligations SPD

- Regional Spatial Strategy

QE3 Creating a high quality built environment for all

PA11A Strategic Centres in the Black Country

- National Planning Guidance

PPS6 Planning for Town Centres

ASSESSMENT

Key Issues

- Principle
- Changes to Elevations
- Traffic Generation/Parking
- Planning Obligations

Principle

12. Policy EE3 of the Adopted Dudley Unitary Development (2005) seeks to protect existing employment sites from changes of use to non employment uses in the interests of retaining a balanced portfolio of employment land across the Borough. However, where it can be demonstrated that there is no demand to retain an existing

site in employment use Policy EE3 would support the granting of planning permission to an alternative use subject to all other policy requirements having been met. The previous proposal for the change of use of this unit to a D2 use has already successfully demonstrated that there was no demand for warehouse use of the premises and as such that the alternative use to D2 was appropriate within the context of Policy EE3 of the Adopted Dudley Unitary Development Plan (2005). In addition, the adjoining unit (2) is already in D2 use.

13. In accordance with Policy CR9 of the Adopted Dudley Unitary Development Plan (2005) and PPS6 since the proposed development would constitute leisure development in an out of town centre location in the context of the Adopted Dudley Unitary Development Plan (2005), the proposed development should demonstrate that there is a need for the development and that there are no available and suitable sites available within a town centre location (sequential test)
14. However, Brierley Hill is now designated as the strategic town centre for the Borough by Policy PA11A of the West Midlands Regional Spatial Strategy (January 2008). In the context of the emerging policy framework, it is likely that non retail uses would represent a significant element in land use terms of the town centre. In particular, the preferred spatial strategy provides capacity for 37,600 m² of D2 assembly and leisure uses within the newly defined strategic town centre.
15. Despite the emerging planning policy context, the applicant has submitted a supporting statement with the planning application submission illustrating that there is a need for the development in the form of members of the local community expressing a need for a children's martial arts school in the locality and it has been successfully demonstrated that there are no other available or suitable sites available within the existing Brierley Hill town centre boundary as defined by the Adopted Dudley Unitary Development Plan (2005). In light of this, the proposed change of use of the application site from employment use to a martial arts centre (D2) would be in accordance with Policy CR9 of the Adopted Dudley Unitary Development Plan (2005) and PPS6.

16. The designation of Brierley Hill as the strategic centre within the Borough by Policy PA11a of the West Midlands Regional Spatial Strategy (January 2008) has by default supported the principle of expanding both retail and leisure uses within this area. The emerging Brierley Hill Area Action Plan specifically supports the addition of an additional 37,600m² of D2 assembly and leisure uses within the newly defined strategic town centre. Therefore, the proposed development would be in accordance with the long term strategic aspirations for the expansion and development of Brierley Hill being in accordance with Policy PA11a of the West Midlands Regional Spatial Strategy (January 2008) and the emerging Brierley Hill Area Action Plan.

Changes to Elevations

17. The existing front (north east) elevation of the building comprises two blue powder coated roller shutter doors. The proposed development would result in the removal of one of the roller shutter doors on this front elevation and its replacement with a set of double glazed entrance doors with an associated ramped access. The addition of the new entrance doors would improve the visual appearance of the building in terms of enhancing the legibility of the building as its faces Venture Way thereby being in accordance with Policy DD1 of the Adopted Dudley Unitary Development Plan (2005).
18. The general design of the proposed access ramp would allow ease of access into the building for those with impaired mobility and subject to a condition requiring approval of the gradient of the proposed ramp, the handrail design, the surface treatment of the ramp and the colour of the frame of the new glazed entrance doors the proposed development would be in accordance with Policy AM15 of the Adopted Dudley Unitary Development Plan (2005).
19. The design and appearance of the proposed external staircase to form a fire escape for the proposed development would be sited on the north-east elevation of the building and would be set back 19 metres from the front elevation of the building. The proposed siting of the fire escape would ensure that it would not form an obtrusive feature in the street scene and would not detract from the visual appearance of the

area thereby being in accordance with Policy DD1 of the Adopted Dudley Unitary Development Plan (2005).

Traffic Generation/Parking

20. The Adopted Parking Standards and Travel Plan SPD would require the provision of between 47 and 55 off street car parking spaces for a proposed D2 where there is high accessibility. The unit has 23 designated spaces and there are 24 spaces plus 2 disabled spaces available as shared spaces located to the front of the unit. The total car parking capacity of the site is therefore 47 spaces. In addition to on-site parking, the unit is within 100 metres of a pay-and-display car park on Little Cottage Street, which provides some 70 spaces plus 6 disabled spaces. On this basis, the site would appear to have a sufficient level of off street parking provision to meet the needs of the proposed development thereby being in accordance with Policy AM14 of the Adopted Dudley Unitary Development Plan (2005) and the Parking Standards and Travel Plans SPD.
21. However, the applicant has submitted a supporting statement, which indicates that each class would accommodate 20 people but the gross floor area of the unit measures 1,673 square metres. This would suggest that each student would require 83 square metres of floor space. The application indicates that the martial arts centre would include other ancillary uses such as therapies and massaging but even taking into account these activities concern is raised that due to the size of the unit that it could significantly intensify as a martial arts centre beyond the nature set out within the planning application forms. The unit itself only has 23 designated off street car parking spaces against a requirement of between 47 and 55 spaces in accordance with the standard for D2 uses as set out within the Parking Standards and Travel Plans SPD. In the absence of a Transport Statement; which is required for a use of this type and nature as set out within the Parking Standards and Travel Plans SPD there is insufficient information submitted in support of the planning application to ascertain the potential impacts of the proposed use upon the highway network, to assess whether the site has a suitable level of on site parking provision or to determine whether the proposed development would result in an increase in trips from the previous use to trigger a contribution towards transport infrastructure

improvements. In this regard, the proposed development would be contrary to Policies DD6, DD7 and AM14 of the Adopted Dudley Unitary Development Plan (2005) and the Parking Standards and Travel Plans SPD and Planning Obligations SPD.

Planning Obligations

22. The proposed development has a requirement to provide planning obligations to mitigate against the consequential planning loss to the existing community. Should permission be granted a condition would be required to secure on-site nature conservation enhancements.
23. The applicant has at the time of writing the report agreed to the implementation of a nature conservation enhancement scheme on site.
24. A contribution towards public realm improvements was not required. The Adopted Planning Obligations SPD seeks public realm improvements on site in the case of commercial development. This site is located adjacent to the newly opened Venture Way. This has resulted in the car park associated with the unit being re-surfaced with marked out spaces, the creation of a new access into the site from Venture way and Venture Way itself comprising a number of recently implemented public realm improvements in the form of new paving and street furniture. In addition to this, the scheme would itself incorporate a number of public realm improvements including the removal of an unsightly roller shutter door and its replacement with glazed entrance doors and the addition of railings to the existing steps/ramp providing access to the building. The recently implemented public realm improvements within the site and along Venture Way and the improvements that would occur to the building as a result of the granting of planning permission would satisfy the requirement for public realm improvements on the site and therefore no additional off site contribution would be sought.
25. In the absence of a Transport Statement it has not been possible to determine whether the proposed development would generate an increase in trips from the previous use. An initial assessment, based upon the proposed opening hours and

class sizes of the martial arts centre suggests that there will be an average of 3.8 classes each day (Mon-Sat). If you multiply this by 20 (the maximum no. of people that would attend each class) this would equate to 152 trips per day. This could amount to 102 trips less than the previous use. However, without a Transport Statement there is a lack of substantiated information submitted forming part of the planning application of sufficient objectivity to define the exact level of trips associated with the proposed business including those ancillary components to determine whether there would be an increase in trips or not from the previous use of the building. In this regard, the proposed development would be contrary to Policy DD7 of the Adopted Dudley Unitary Development Plan (2005) and the Planning Obligations SPD.

CONCLUSION

26. The site has been marketed for a considerable amount of time for warehouse use (B8) without success and sufficient evidence has been submitted to the Local Planning Authority to demonstrate that it would be acceptable in this case to support the loss of this particular unit from employment to a martial arts centre (D2) thereby being in accordance with Policy EE3 of the Adopted Dudley Unitary Development Plan (2005). Sufficient evidence has been demonstrated to justify the need for the proposed leisure use within what is at present an out of town location and that there are no other more centrally located suitable or available sites for the proposed use in accordance with PPS6 and Policy CR9 of the Adopted Dudley Unitary Development Plan (2005).
27. The designation of the site within the Brierley Hill strategic centre by Policy PA11a of the West Midlands Regional Spatial Strategy (January 2008) and the emerging Brierley Hill Area Action Plan supports in principle the expansion of this area for both retail and leisure use in the interests of the regeneration of the area. In light of this, the proposed change of use would be in accordance with the long term strategic aspirations of developing Brierley Hill as the strategic centre for the Borough. In addition, the principle of supporting D2 uses within this area has already been established by the granting of planning permission for the indoor children's play area, which adjoins the site at unit 2.

28. Whilst the principle of the proposed change of use could be supported, in the absence of a Transport Statement insufficient information has been submitted as part of the planning application submission to objectively and accurately assess the potential trip generation that could occur from the planning unit as a result of the proposed development and therefore to determine the required level of off street parking provision and whether the scheme would have an adverse impact upon the highway network. In addition, this lack of information means that it would not be possible to determine whether the proposed development would result in a net increase in trips from the previous use to warrant the provision of an off site contribution towards transport infrastructure improvements thereby being contrary to Policies DD6, DD7 and AM14 of the Adopted Dudley Unitary Development Plan (2005) and the Parking Standards and Travel Plans SPD and Planning Obligations SPD.
29. The proposed external alterations to the building as a result of the proposed change of use would improve the visual appearance of the building to the benefit of the character of the area. The unit comprises a sufficient amount of off street car parking to meet the needs of the development and would not raise any highway safety concerns.

RECOMMENDATION

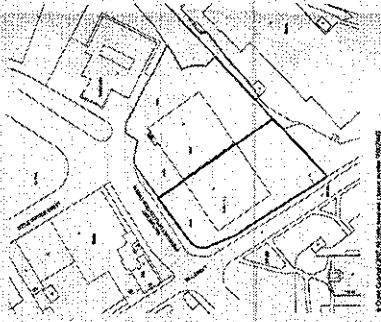
30. It is recommended that the application be refused for the following reason:

Conditions and/or reasons:

1. In the absence of a Transport Statement insufficient information has been submitted as part of the planning application submission to objectively and accurately assess the potential trip generation that could occur from the planning unit as a result of the proposed development. This lack of information means that it is not possible to determine whether the proposed development would have a sufficient level of off street parking provision to meet the needs of the proposed development, whether the use of the site and its associated trips would have an adverse impact on the highway network or to determine whether the proposed development would result in

a net increase in trips from the previous use to trigger a contribution towards transport infrastructure improvements thereby being contrary to Policies DD6, DD7 and AM14 of the Adopted Dudley Unitary Development Plan (2005) and the Parking Standards and Travel Plans SPD and Planning Obligations SPD.

REVISED	DATE	BY	DESCRIPTION
1	12/04/04	SB	PRELIMINARY BLOCK
2	12/04/04	SB	PLANNING BOARD



LOCATION PLAN - 1:1250 SCALE

NOTES:
1. The site is located at the intersection of Little Cottage Street and Mill Street.
2. The site is located at the intersection of Little Cottage Street and Mill Street.

PROPOSED ALTERNATIONS TO
UNIT 3 LITTLE COTTAGE STREET
BIBERLEY HILL WEST MELBOURNE

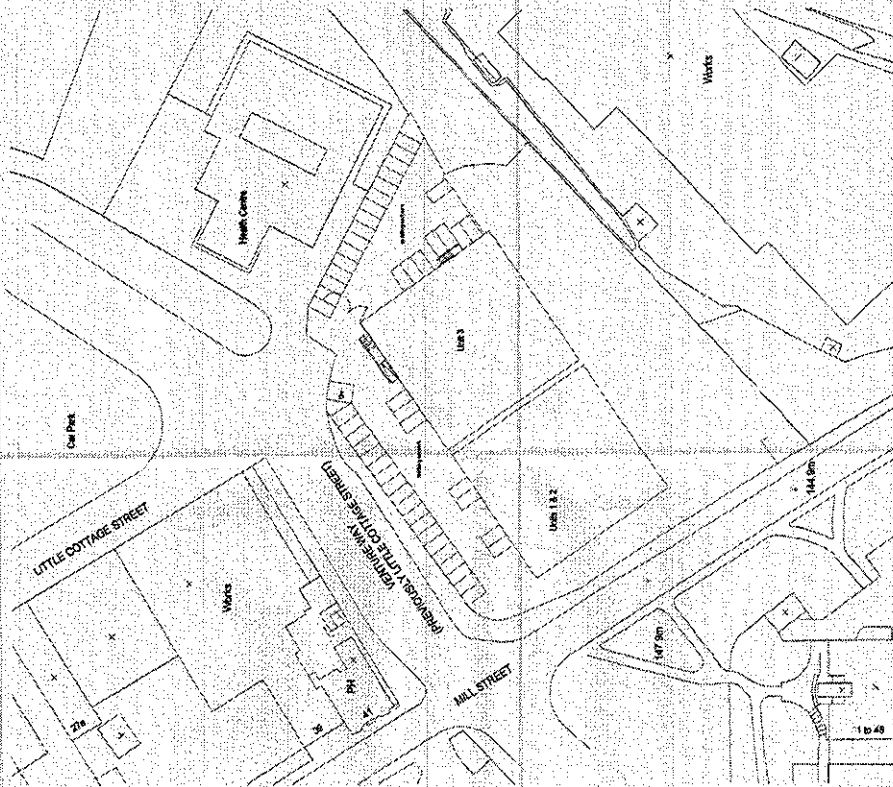
TITLE	BLOCK PLAN & SITE LOCATION PLAN
CLIENT	MRS S. CHRYSTAL
DRAWING NO.	MC02/02
SCALE	1:500 & 1:1250
DATE	12/04/04

SB

STEPHEN BANKS ASSOCIATES

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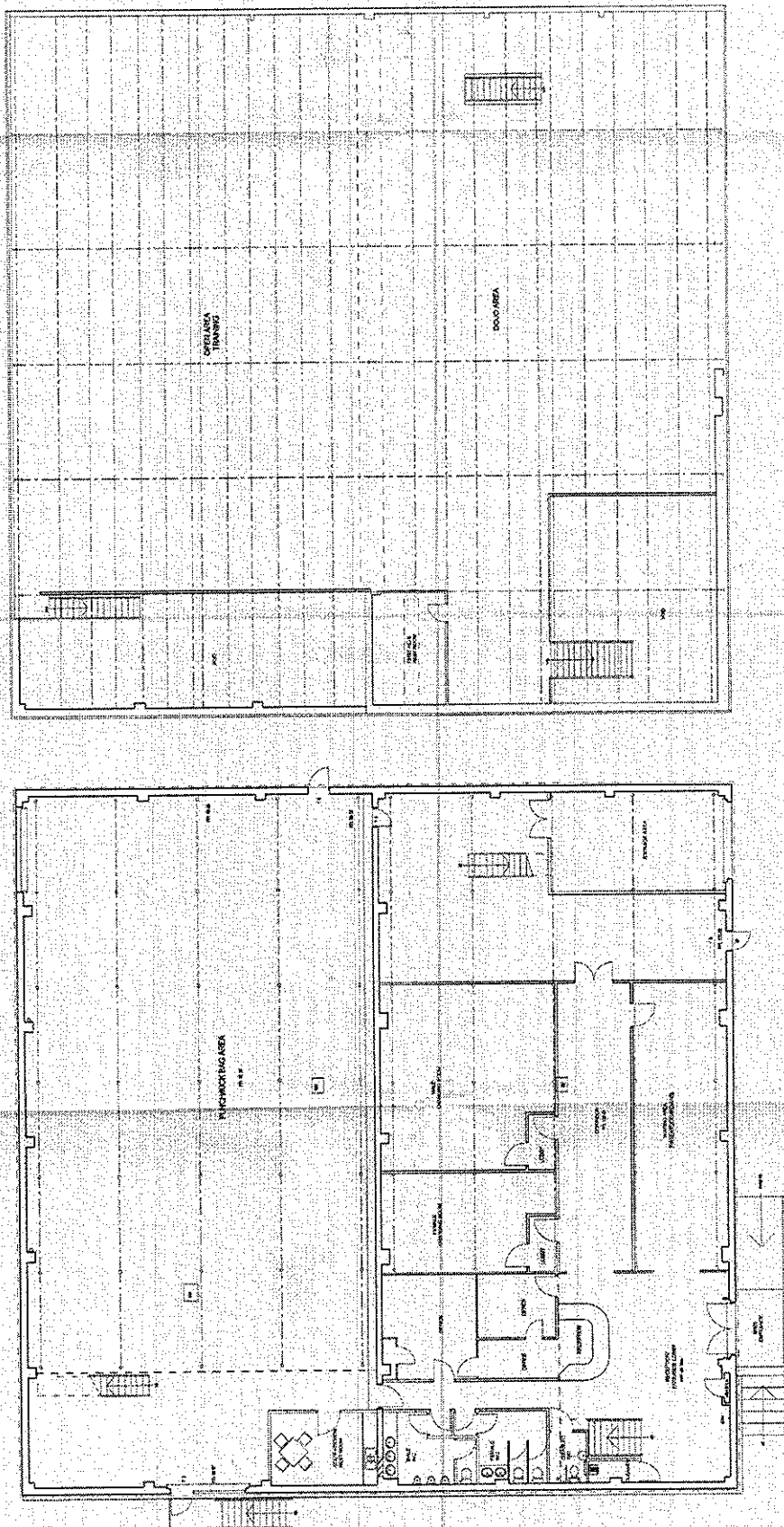


BLOCK PLAN - 1:500 SCALE

Proposed floor plans

Rev 1/15/06

REVISION	DATE	BY	DESCRIPTION	Drawn	Checked	App'd
001	01/15/06	MB	PRELIMINARY	MB	MB	MB
002	01/15/06	MB	REVISIONS	MB	MB	MB



GROUND FLOOR PLAN

MEZZANINE LEVEL PLAN

CONTRACT: "The above floor plans are subject to the approval of the local health and safety department and the local fire department."
 NOTE: "The above floor plans are subject to the approval of the local health and safety department and the local fire department."
 SCALE: 1/8" = 1'-0"

PROPOSED ALTERATIONS TO UNIT 3 LITTLE COTTAGE STREET BERKELEY HILL WEST MOUNTAINS

TITLE

PROPOSED GROUND & MEZZANINE LEVEL FLOOR PLANS

CLIENT: MR S CARTWRIGHT

DATE: 1/15/06

SCALE: 1/8" = 1'-0"

SHEET: 1 OF 1

DATE: 1/15/06

SCALE: 1/8" = 1'-0"

SHEET: 1 OF 1

DATE: 1/15/06

SCALE: 1/8" = 1'-0"

SHEET: 1 OF 1

STEPHEN BANKS ASSOCIATES

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16 01 24 51 770 Fax 01 24 51 770

Email: sba@stephenbanks.co.uk

Handwritten initials 'sb' and a signature.

12. How do you feel about the possibility of a gap year before starting your first job? (circle one)

SCHEME
PROPOSED ALTERATIONS TO
UNIT 2 LITTLE COTTAGE STREET
BRIERLEY HILL, WEST MIDLANDS

24 953

EXISTING GROUND & MEZZANINE
LEVEL FLOOR PLANS

DOI: 10.1002/for

U.S. COPYRIGHT

948243

FIGURE 1

Estimated time to death following 100% oxygen therapy for patients with severe hypoxemia

DATE: 10/10/2001

1000

50

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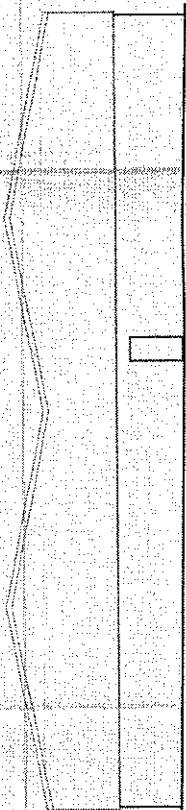
^a The 100% of activity was determined by the amount of activity that was released from the cells after treatment with 100% DMSO.

100

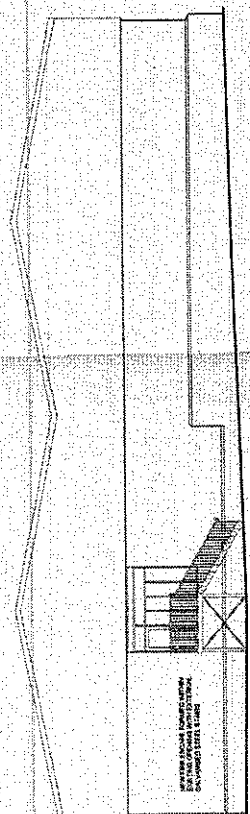
MEZZANINE LEVEL PLAN

GROUND FLOOR PLAN

REVISION	Date	By	Description	Date	Drawn
1	08/14/18	MEH	PRELIMINARY	08/14/18	MEH
2	08/14/18	MEH	FINAL	08/14/18	MEH



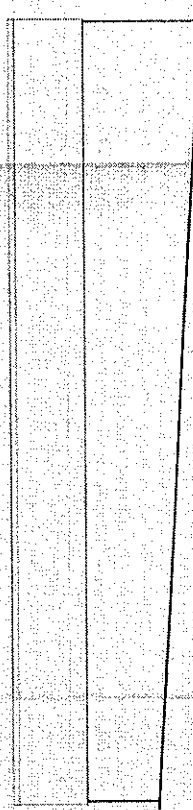
SIDE ELEVATION facing SOUTH WEST



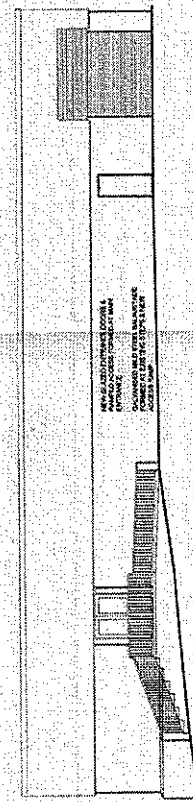
SIDE ELEVATION facing NORTH EAST

EXISTING EXTERNAL FINISHES

WALLS: BRICK
ROOF: ASBESTOS CEMENT SHINGLES
FLOORING: POLISHED CONCRETE
PAINT: WHITE PEARL EXTERIOR PAINT



REAR ELEVATION facing SOUTH EAST



FRONT ELEVATION facing NORTH WEST

PROPOSED ALTERATIONS TO
UNIT 3 LITTLE COTTAGE STREET
BRIERLEY HILL WEST MIDLANDS

CLIENT
MR S CARTWRIGHT
NO. 100.02
DATE: 08/14/18
BY: MEH

PROPOSED ELEVATIONS

DATE: 08/14/18
BY: MEH
SCALE: 1" = 10'
SHEET: 001

SP

STEPHEN BANKS ASSOCIATES

ARCHITECTURE PLANNING
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