

PLANNING APPLICATION NUMBER:P10/1388

Type of approval sought	Full Planning Permission
Ward	LYE & WOLLESCOTE
Applicant	Stambermill St Marks Scout Group
Location:	1AA, TIMMIS ROAD, LYE, STOURBRIDGE, WEST MIDLANDS, DY9 7BQ
Proposal	CHANGE OF USE TO SCOUT HEADQUARTERS
Recommendation Summary:	REFUSE

ADDENDUM

1. The proposed scheme was previously considered at the Development Control Committee on the 22nd November 2010 when Members resolved to approve the proposed development in principle; however determination was deferred to enable a viability assessment of the proposed development to be undertaken. The Council's Strategic Surveyor has reviewed the case on viability grounds in relation to the requested Planning Obligations (as outlined in section 14 of the following report). The application was initially recommended for refusal on three grounds however the two reasons for refusal outlined in the previous report to committee on the 22nd November 2010 which related to highway safety and loss of employment land were considered and debated by Members at the meeting and it was considered that on balance those reasons did not outweigh the benefits of the proposed scheme to the wider area in this instance and have consequently been removed. The viability assessment has now been carried out and due principally to the lack of a finally agreed purchase price the Strategic Surveyor has been unable to conclude other than that the applicant has not made a sufficiently robust case for the mitigation of the required S106 costs under the grounds of financial viability. On this basis the application would be contrary to the requirements of Policy DD7 of the UDP and the adopted Planning Obligations Supplementary Planning Document.

SITE AND SURROUNDINGS

2. The application site is an industrial unit that was granted planning consent for a new building in 1997. Development commenced but has since ceased and the building remains at damp course level. The site occupies a plot of 261m² and is set upon an industrial estate on a corner location on Timmis Road, the estate road of the industrial area. The use of the application unit is established as B2 General Industrial despite not being occupied as the building was constructed as an extension to the neighbouring unit. The floor area of the proposed unit would be 110m².
3. The application site is adjoined to the east by 1a Timmis Road, a general industrial unit which is currently vacant. To the frontage there is an area of off road parking.

PROPOSAL

4. This application seeks approval for a change of use of the part constructed unit from B2 General Industrial to a Scout Hut and Head Quarters (D1).

HISTORY

5.

APPLICATION No.	PROPOSAL	DECISION	DATE
97/50922	Extension to existing industrial building and installation of new roof	Approved with Conditions	29/08/97

PUBLIC CONSULTATION

6. The date for correspondence ended on the 11th November 2010. Representations have been received from the Ward Councillors supporting the planning application. They have requested that the application be reviewed sympathetically and that any commitment to S106 contributions be removed from this application as they feel it is wholly inappropriate for a local scout group to be considered for any additional contribution.

OTHER CONSULTATION

7. Head of Environmental Protection and Trading Standards – No objections
8. Group Engineer (Development) – Recommend refusal of the proposed scheme on the basis of highway safety.

RELEVANT PLANNING POLICY

9. Adopted UDP
 - DD5 – Development in Industrial Areas
 - DD6 – Access and Infrastructure
 - DD7 – Planning Obligations
 - DD10 – Nature Conservation and Development
 - EE1 – Key Industrial Areas
 - SO2 – Linear Open Space
10. Supplementary Planning Documents
 - Parking Standards and Travel Plans

ASSESSMENT

11. Key Issues:
 - Principle
 - Impact on the surrounding area
 - Highway safety
 - Planning Obligations

Principle

12. The application site is located within a key Industrial Area as designated under the current UDP (October 2005). This land use designation reflects the major contribution such Areas make towards Dudley Borough's balanced portfolio of employment land. Noting that the UDP identifies a deficit of industrial land within the Borough, Policy

EE1 is intended to safeguard existing and ongoing industrial employment land use. The Policy thus identifies acceptable uses to be B1 Light Industry and Research and Development, B2 General Industry, and B8 Storage and Distribution, and states that any ancillary uses must be with respect to these land use classifications. The Local Planning Authority should safeguard industrial employment land use at Policy EE1 designated sites and with the onus is firmly on the applicant to demonstrate material considerations exist (by means of detailed evidence and reasoned argument) whereby a departure from the Plan can be justified. The absence of such evidence being submitted for consideration as part of this application would result in a presumption against this land use change. However, after consideration by the Development Control Committee on the 22nd November 2010 it was deemed that on balance and in this specific case the planning merits of the proposed scheme would outweigh these concerns.

Impact on the surrounding area

13. The proposed development would have a neutral impact on the surrounding area as no additional changes externally to the building are proposed as part of the proposed development in relation to the proposed building. Further, this approval would enable the completion of this incomplete structure which would be a positive for the wider area. In this regard the proposed development is compliant with the requirements of Policy DD5 – Development in Industrial Areas of the Adopted UDP (October 2005).

Highway Safety

14. In terms of car parking provision, the Parking Standards and Travel Plans SPD would require 1 space per 2 staff and safe and convenient drop-off/pick-up facilities. There are no details relating to car parking layout or drop-off/pick-up facilities submitted with this application. However, it is considered that the four car parking spaces the applicant mentions would not act as a safe or convenient drop-off/pick-up facility or would be not able to deal with the expected levels of traffic generated. The site's location on a junction within an industrial estate will lead to parents and visitors to the facilities parking in close proximity to the junction radii where in this location HGV's and articulated vehicles are likely to be manoeuvring. Such a situation would raise

safety issues for the children visiting the facility and on this basis would not be supported. Finally, it is considered that there is a lack of detail showing how the building and its pedestrian access points relate to the highway, which can have a significant affect on how visitors park and use the site. However, after consideration by the Development Control Committee on the 22nd November 2010 it was deemed that on balance and in this specific case the planning merits of the proposed scheme would outweigh these concerns.

Planning Obligations

15. The proposed development has a requirement to provide off site contributions for the additional infrastructure identified in the Supplementary Planning Document – Planning Obligations. For this application off site contributions related to Transport Improvements, Nature Conservation and Management and Monitoring would be required. The contributions required for this application would be:

- Transport Improvements - £1012.18
- Nature Conservation - £135.72
- Management and Monitoring fee - £250

The applicant has been made aware of these requirements by way of a letter dated 4th November 2010. A viability assessment has been undertaken by the Council's strategic surveyor and in conclusion states that principally due to the lack of a finally agreed purchase price; the applicant has not made a robust case for the mitigation of s106 costs under the grounds of financial viability. The Strategic Surveyor also raises concern about the suggested value of the site which would be significantly higher than other industrial floorspace in the surrounding area. On this basis the proposed scheme is contrary to the requirements of Policy DD7 – Planning Obligations of the Adopted UDP (October 2005) and Supplementary Planning Document – Planning Obligations (December 2007).

CONCLUSION

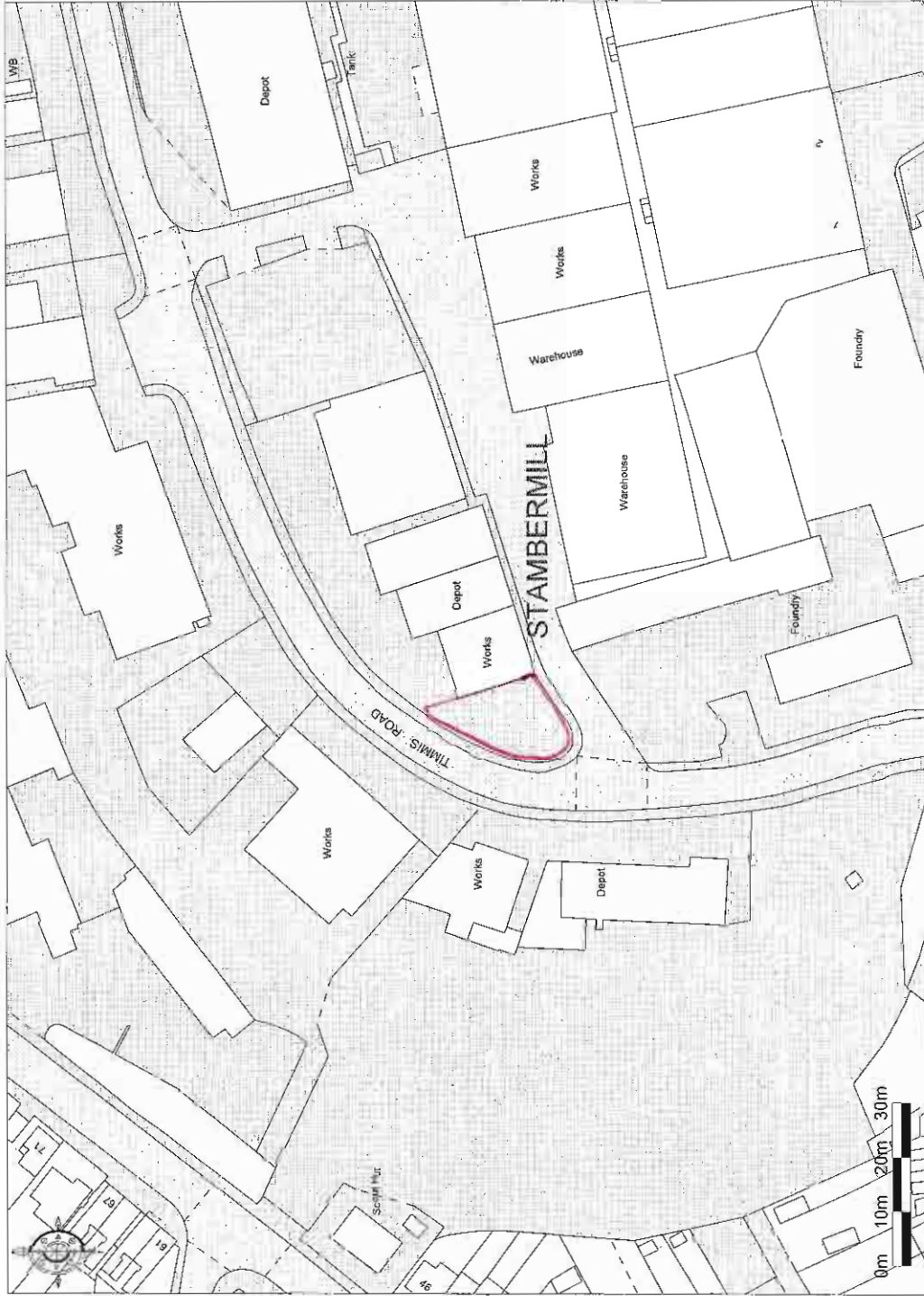
16. After the completion of a viability assessment it is considered that the applicant has failed to make a robust case for the mitigation of the required Planning Obligations under the grounds of financial viability. As there is no agreement to pay the required Planning Obligations associated with the proposed scheme the proposed development would be contrary to Planning Policy as the Local Planning Authority is not satisfied that the necessary infrastructure improvements required in connection with the development would be provided.

RECOMMENDATION

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

Conditions and/or reasons:

1. No formal agreement has been made by the applicants for the provision of a contribution towards off-site transport infrastructure and nature conservation improvements. The Local Planning Authority is therefore not satisfied that the necessary infrastructure improvements required in connection with the development would be provided. The proposal is therefore considered to be contrary to saved UDP Policies DD6, DD7 and DD10, and the Planning Obligations Supplementary Planning Document.



Land adj to 1a Timmis Road
Stamermill, Lye, Stourbridge, DY9 7BQ

