

## **PLANNING APPLICATION NUMBER: P09/1133**

Type of approval sought	Full Planning Permission
Ward	NETHERTON WOODSIDE & ST ANDREWS
Applicant	Midtherm Laser
Location:	<b>MIDTHERM LASER, ALBION WORKS, PEARTREE LANE, DUDLEY, WEST MIDLANDS</b>
Proposal	<b>EXTENSION TO EXISTING INDUSTRIAL UNIT AND ASSOCIATED CAR PARKING</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO A 106 AGREEMENT</b>

### **SITE AND SURROUNDINGS**

- 1 The site is approximately 0.39 hectares in size and comprises an existing industrial unit and adjoining land. That adjoining land is controlled by the Council and includes areas of dense scrub which integrates in with the landscaping along the Dudley Southern By-Pass (DSBP). Those vegetated areas include the line of a former highway (Peartree Lane), a telecommunication operator's mast and land which slopes down (by approximately 5 metres) towards a dismantled railway line.
- 2 Access is gained off Peartree Lane over a large triangular area of hardstanding and through a gated access, which forms part of the boundary along the frontage of the site (galvanised steel palisade fencing). There are 8 no. car parking spaces in front of the existing building and an informal parking area within the eastern part of the site. Roller shuttered entrances on the front elevation provide access for deliveries.
- 3 The applicants are a precision engineering company (the existing unit contains specialist machinery for laser cutting sheet metal) (B2 Use). The character of the area is robustly commercial/industrial, with the site being located between busy roads near to the Cinder Bank roundabout.

### **PROPOSAL**

- 4 This is a full application for the erection of an extension to the existing B2 Unit. The existing unit comprises 1335 square metres of floorspace, the proposed extension

is for an additional 860 square metres of floorspace. The proposed building is shown to the east of the existing building, partly on the overgrown Council land, with its rear elevation commensurate with that of the existing building and backing onto the dismantled railway line. The front elevation of the proposed building is recessed from that of the existing building by 7 metres, and involves the removal of storage tanks currently located there.

- 5 The proposed building has a shallow pitched roof, with roller shuttered entrances on the front elevation and eastern elevation. The main entrance is shown on the eastern elevation within a vertical band of aluminium windows. There is a mezzanine floor proposed in the south east part of the building (proposed as a store) above an office/meeting room.
- 6 in terms of parking, 16 no. spaces are proposed near the southern and eastern boundaries of the site, including 3 no. spaces for disabled drivers, with an area of landscaping intervening. In addition, 3 no. lorry spaces are shown alongside the southern and eastern elevations.
- 7 The proposal includes the stopping up of designated highway land which cuts through the site.
- 8 The following documents have been submitted in support of the application: a Planning Statement; a Design and Access Statement; Transport Assessment. The Design and Access Statement states that the proposed floorspace will be used to allow for additional machinery to be brought into to increase productivity. The submission states that the proposal will lead to the creation of 12 no. jobs.
- 9 During the processing of this application, it became apparent that a small section of third party land was involved in addition to Council land, and notice had not been served on the landowner. Therefore when this proposal was reported to your meeting on the 14<sup>th</sup> October, 2009, it was deferred to enable this issue to be resolved. The applicants have now served notice on this landowner (on 24/11/2009), and the application has consequently been “re-started” from that date.

## HISTORY

- 10 A summary of the relevant planning history, as it affects the wider development site is set out below.

APPLICATION	PROPOSAL	DECISION	DATE
P04/0685	Installation of storage tank	Approved	21/05/2004

## PUBLIC CONSULTATION

- 11 No representations have been received, including from when the third party landowner was notified.

## OTHER CONSULTATION

- 12 Group Engineer (Development) – has raised concerns about the need to stop up the whole of the existing highway, including part of it which is outside the boundaries of the application site.
- 13 Head of Environmental Health and Trading Standards - no adverse comments.

## RELEVANT PLANNING POLICY

- 14 Unitary Development Plan (UDP) (adopted 2005)

DD1 – Urban Design

DD5 – development in industrial areas;

DD6 – access and parking

DD7 – planning obligations

EE1 – Key Industrial Area

AM14 – parking;

AM6 – Metro

AM7 – passenger rail

NC1 - Biodiversity

Supplementary Planning Documents (SPD)

Planning Obligations

Parking and Travel Plans

## ASSESSMENT

15 The key issues are –

- principle;
- design/ impact on visual amenity;
- impact on open space
- access, parking and highway issues
- Planning obligations.

16 Principle

The application site is partly within a Key Industrial Area. Policy EE1 of the UDP is therefore relevant in seeking to safeguard existing and ongoing employment uses (B1 [industrial], B2 and B8 Uses) in such areas. That the proposal comprises an extension to a B2 Use, with the creation of additional employment opportunities is wholly consistent with the aims of this policy.

17 The proposed extension does not encroach any further onto the line of the potential Midland Metro link than the existing factory. That route therefore remains safeguarded - there is consequently no conflict with UDP Policy AM6.

18 Design/ impact on visual amenity

While the design of the proposed extension is functional, it is of a similar massing and scale to the existing building and provides some design interest on its eastern elevation, giving some legibility to the entrance into the unit and its façade onto the DSBP. Given this and that the building will in part be framed by proposed landscaping, the design is considered to be acceptable.

19 Impact on open space

The area of open space affected by the proposal largely comprises overgrown scrub vegetation, which is used as an unofficial shortcut to the dismantled railway line where, allegedly, anti-social behaviour takes place. The redevelopment of this land, including its enclosure, would have the affect of restricting access to that adjoining land, whilst also tidying up the area, with the provision of more formalised landscaping providing for more natural surveillance.



- 20 The landscaped areas immediately adjoining the DSBP, including the footpath link between the DSBP and Peartree Lane, are unaffected by the proposal.
- 21 It is considered that the proposal will consequently lead to an upgrading of the environment, particularly in making it more secure.
- 22 Access, parking and highway issues  
The submitted Transport Assessment (TA) concludes that –
- the increase in two-way trips resulting from the proposal is minimal and will have no material impact on the surrounding road network (*although it recognises that a Planning Obligation requirement would be triggered*);
  - there are no existing road safety issues that would warrant mitigation measures;
  - The proposed layout can adequately accommodate the associated vehicles that will be required to access and egress the site.
- 23 In terms of parking provision, including the 16 proposed, there will be a total of 24 spaces across the wider site, while, with reference to the Parking SPD, 31 spaces would be required for an (existing and proposed) development of this scale. On this the TA states that that number (31) is a maximum standard, and, taking into account current and expected demand for parking on the site, would actually be excessive. In addition, an area for designated cycle parking is shown to be provided on site.
- 24 The proposal will involve the stopping up of highway land crossing the site in order to enable the development to proceed, (under Section 247 of the Planning Act) and a recommendation is made to this effect. A plan has been provided to show the extent of highway involved. Whilst the concerns of the Group Engineer are noted (that an area of designated highway exists outside the planning application site boundary which is not being shown as stopped up), this land is tarmac surfaced and currently forms the vehicular access to the existing premises. This land does not need to be stopped up to enable development to proceed as vehicles are able to pass and re-pass unhindered over this triangular area. Under planning legislation, a planning application is unable to require actions or undertakings which are properly covered under common law or other legislation. Furthermore, the applicant's agent has re-iterated this fact and is unwilling to agree with such a request. On this basis,

it would be ultra-viries to require such additional stopping up of highway under this application and unreasonable to withhold permission on this basis.

25 On this basis, it is considered that no significant impact on highway safety will arise as a result of the development.

26 Planning obligation requirements

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 S106 Agreement would be required in respect of the following contributions:-

*Offsite Contributions:*

The proposal attracts a requirement for a commuted sum to be paid towards the following infrastructure:-

- Transport Infrastructure Improvements - £4566.29
- Management and Monitoring Charge - £250

Total Offsite Contribution equates to £4816.29, with legal costs on top of this.

With regard to nature conservation contributions, as the site is within a key area, the Council's preference is for on-site provision of enhancements to an equivalent value of £2020. A condition has been recommended to give effect to this.

27 The applicants have agreed to pay these contributions.

## CONCLUSION

28 The extension of this industrial operation at this locality, which is, in the main, within a Key Industrial Area, has broad planning policy support. In addition, the design of the proposed extension is considered acceptable in principle, with the more formalised landscaping helping to upgrade the local environment. In addition, no harm to highway safety will arise, with measures in place to offset the impact of the proposal on the highway infrastructure. The proposal is therefore considered in concurrence with the provisions of the development plan, in particular policies DD5 and EE1 of the Unitary Development Plan.

## RECOMMENDATION

- 29 It is recommended that the application be approved subject to:
- a) The development shall not be commenced until a scheme for the submission and approval of a planning obligation to guarantee the provision of transport infrastructure improvements and management and monitoring charge (total of £4816.29) has been submitted to and agreed in writing by the Local Planning Authority;
  - b) The Scheme shall include the method, timing and arrangements including a means to guarantee a financial payment, increased through index linking from the first April each subsequent year, in accordance with the Council's planning obligations policies;
  - c) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary;
  - d) That the applicants be invited to make an application to the Secretary of State for an Order under Section 247 of the Town and Country Planning Act 1990 to extinguish highway on the site, to allow development authorised by planning permission to take place in accordance with details shown on accompanying drawing number ( ).

### Reason for approval

The extension of this industrial operation at this locality, which is, in the main, within a Key Industrial Area, has broad planning policy support. In addition, the design of the proposed extension is considered acceptable in principle, with the more formalised landscaping helping to upgrade the local environment. In addition, no harm to highway safety will arise, with measures in place to offset the impact of the proposal on the highway infrastructure. The proposal is therefore considered in concurrence with the provisions of the development plan, in particular policies DD5 and EE1 of the Unitary Development

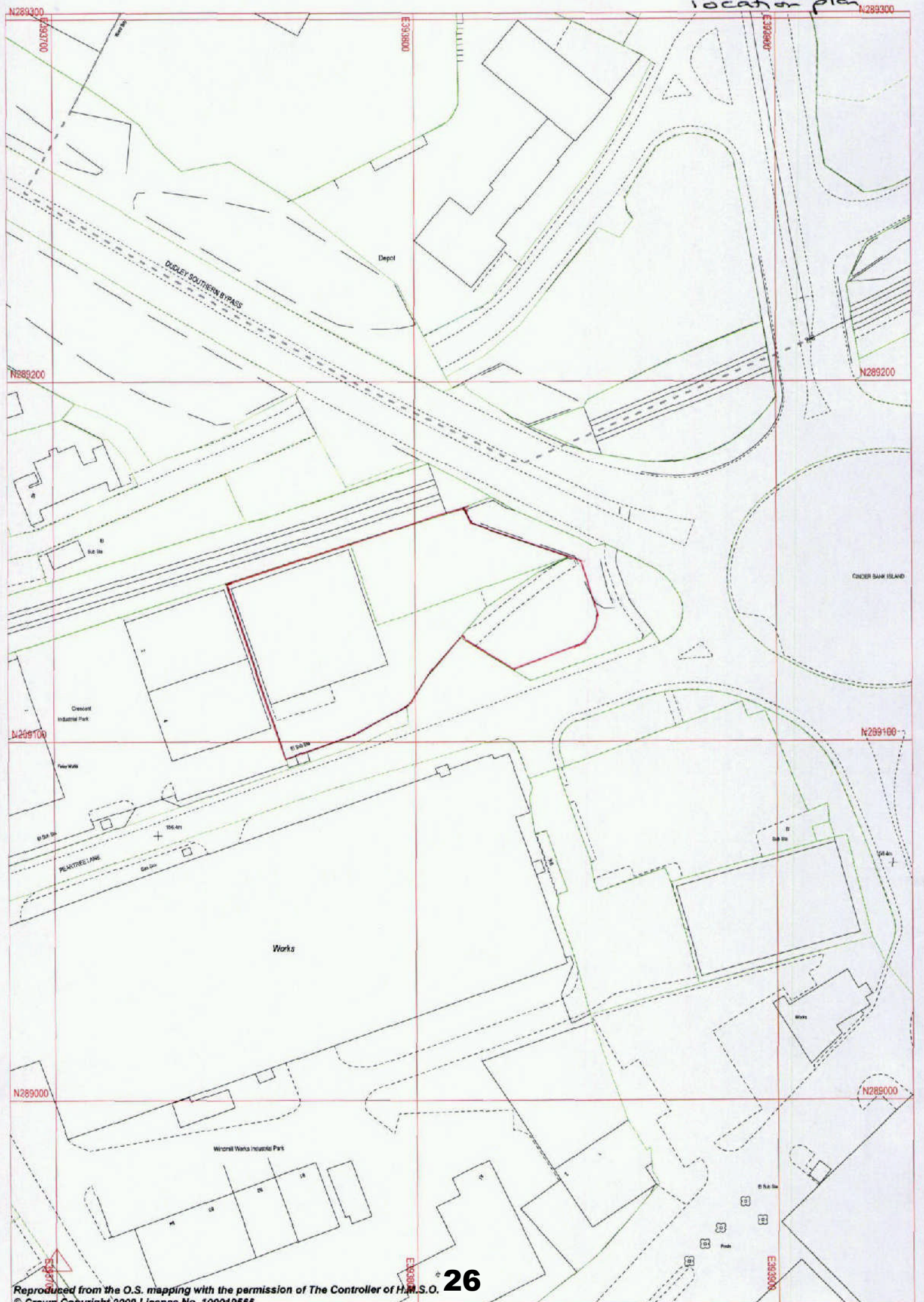
### Note for Applicant

For the avoidance of doubt, this permission relates to drawings numbered 001, 002, 003b, 101, 102, 103, 104, along with a location plan and Section 247 Plan

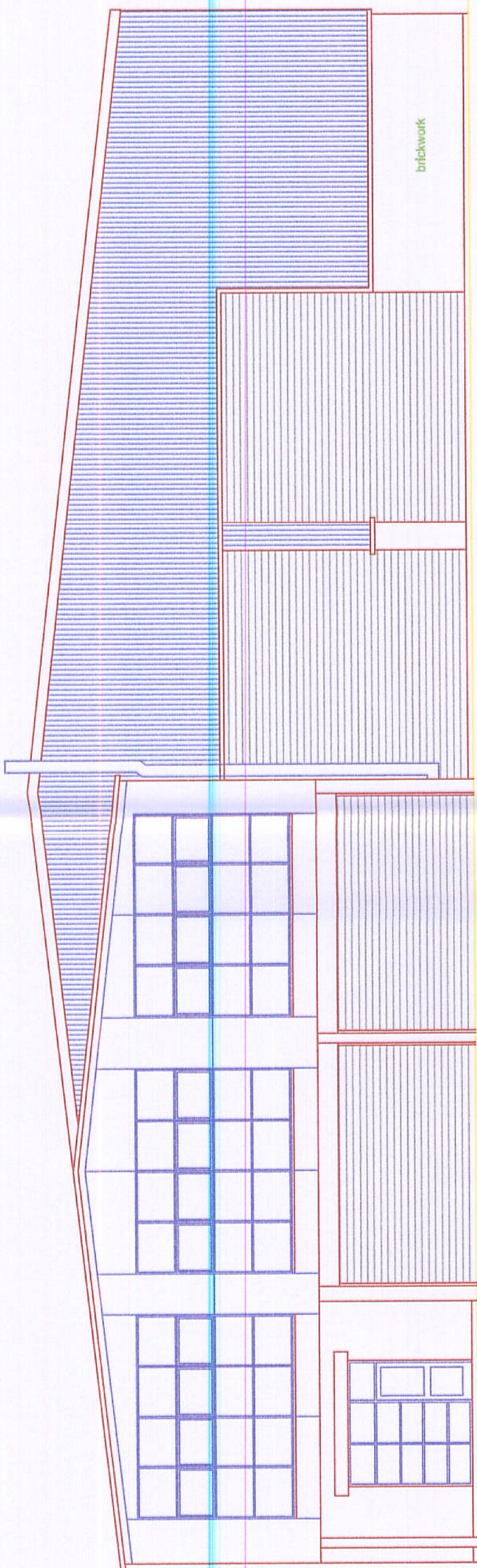
(XVDC897/3), and shall be implemented in strict accordance with these plans unless otherwise agreed in writing with the LPA.

Conditions and/or reasons:

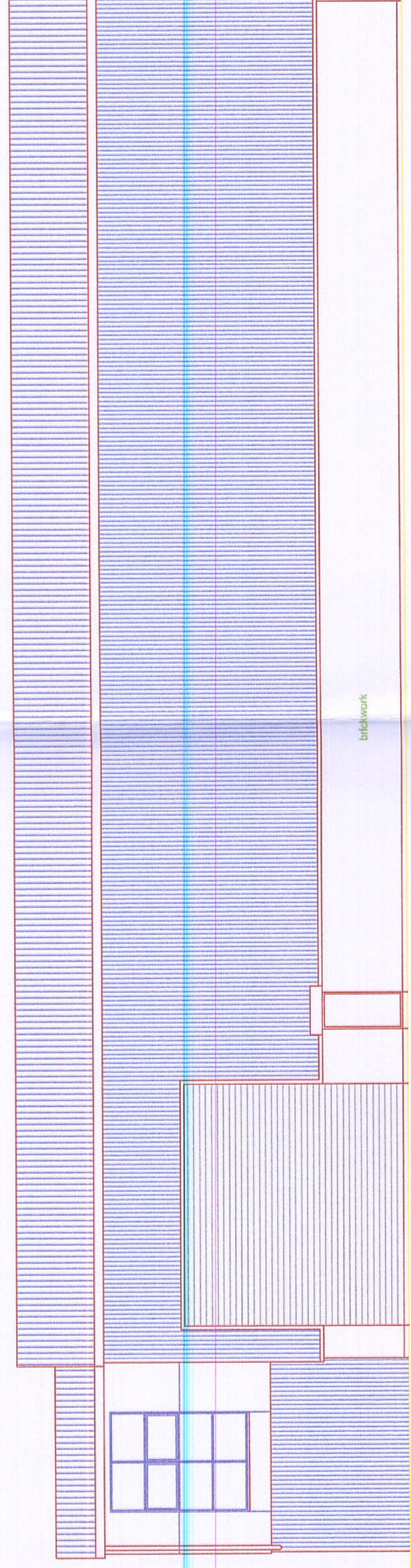
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development shall not commence until a scheme for the provision of transport infrastructure improvements, and a monitoring and management charge for that scheme has been submitted and approved in writing by the Local Planning Authority.
3. Prior to the commencement of development, details of the existing and proposed levels of the site, including finished floor levels, which should be related to those of adjoining land and highways, shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved levels.
4. The extension hereby permitted shall not be occupied until the area shown for parking, unloading and manoeuvring on the plan numbered 104 has been graded, levelled, surfaced, drained and marked out in accordance with the agreed scheme and that area shall not thereafter be used for any other purpose unless otherwise agreed in writing with the Local Planning Authority.
5. Prior to the commencement of development, details of the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
6. Prior to the commencement of development, a detailed landscape scheme for the, shall be submitted to, and approved in writing by, the Local Planning Authority. This scheme shall include the provision of measures to enhance the nature conservation value of the site and wider area, and shall include a timetable for the implementation of the works and their ongoing maintenance. The scheme shall be implemented in accordance with the approved details.
7. Prior to the commencement of development, details of the boundary treatments to be installed on the whole site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include location of boundary treatment. Elevation details shall also be supplied, or planting species/distances, as appropriate. The development shall proceed in accordance with the approved details, which shall be installed on site prior to occupation and thereafter maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.



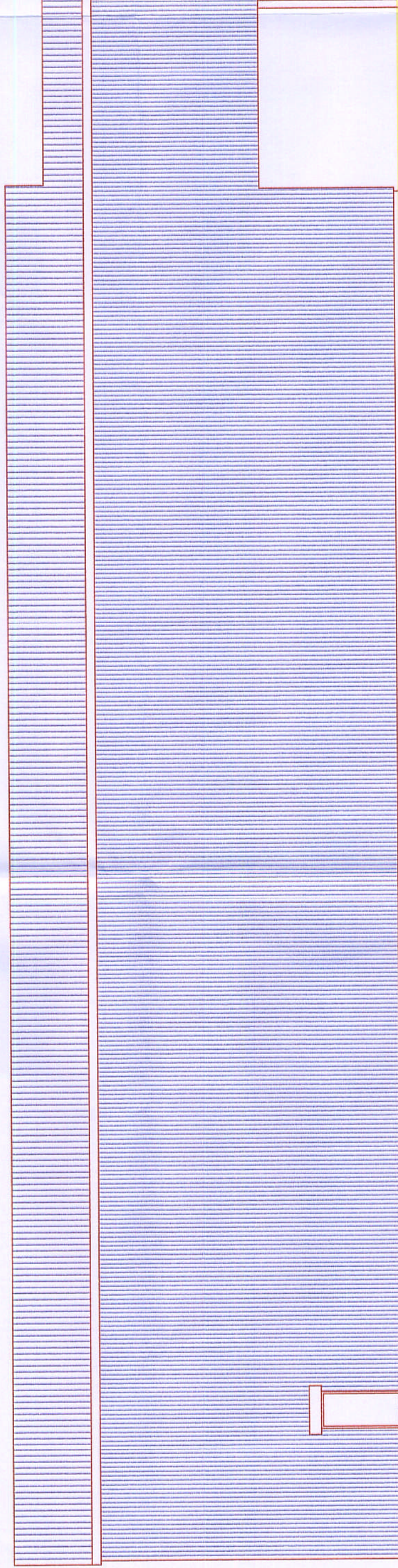




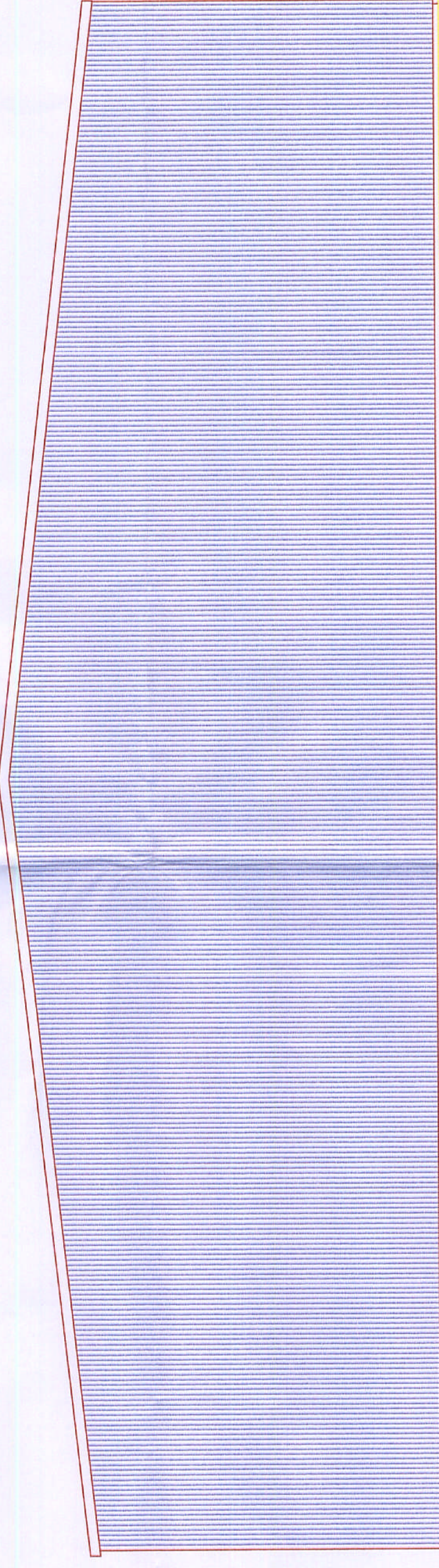
FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION



REAR ELEVATION

Rev | REVISION | DATE  
Client:  
MIDTHERM LASER Ltd

Project:  
Albion Works, Peartree Lane  
Dudley, West Midlands.

Drawing  
EXISTING ELEVATIONS

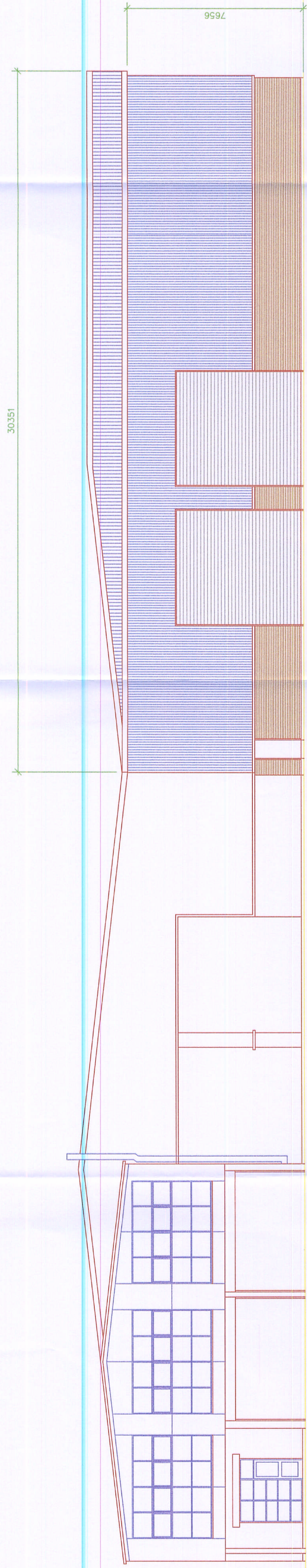


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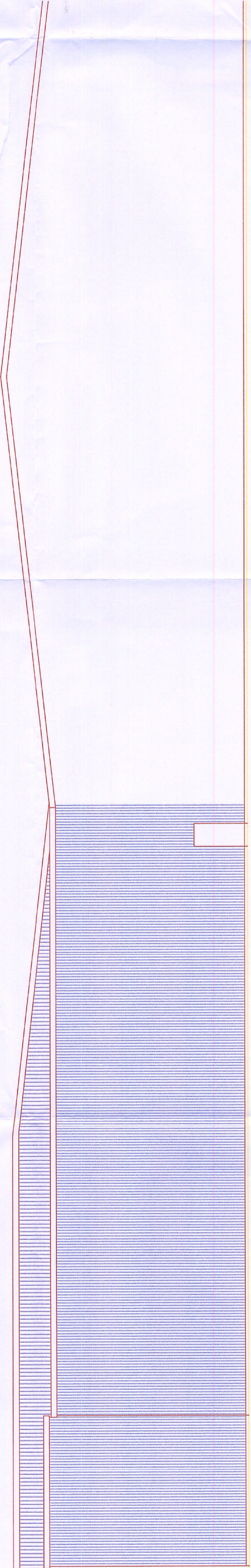
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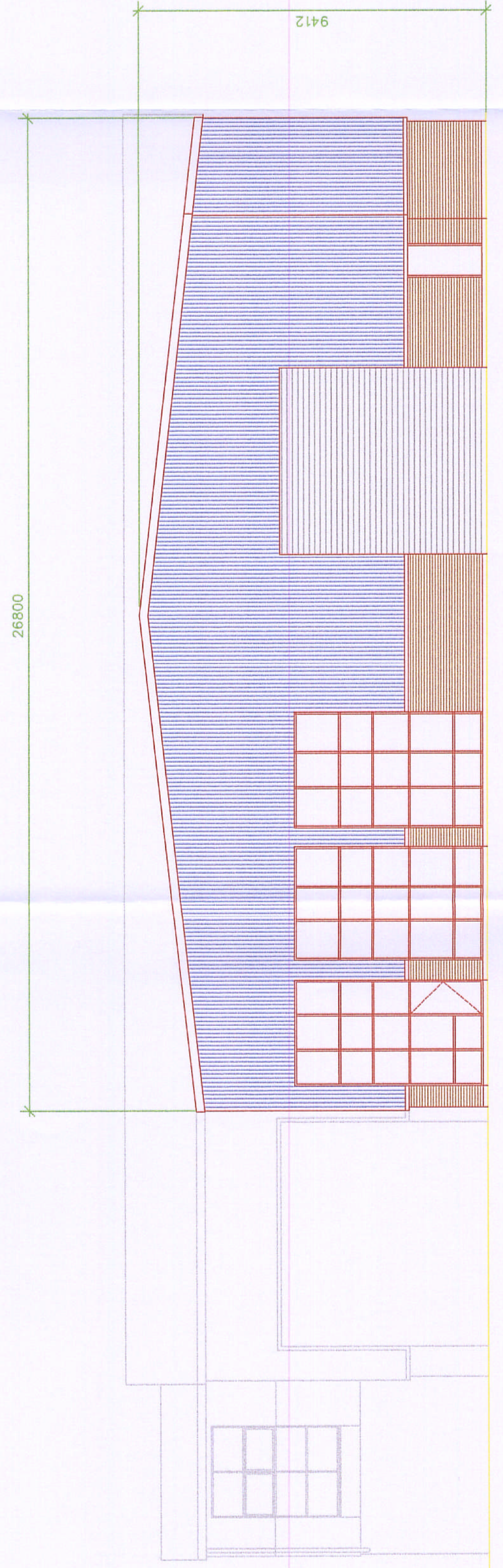
Proposed elevations



PEARTREE LANE ELEVATION



REAR ELEVATION



ENTRANCE ELEVATION to extension

Rev	REVISION	DATE

Client.  
MIDTHERM LASER Ltd

Project.  
Albion Works, Peartree Lane  
Dudley, West Midlands.



Drawing  
PROPOSED ELEVATIONS

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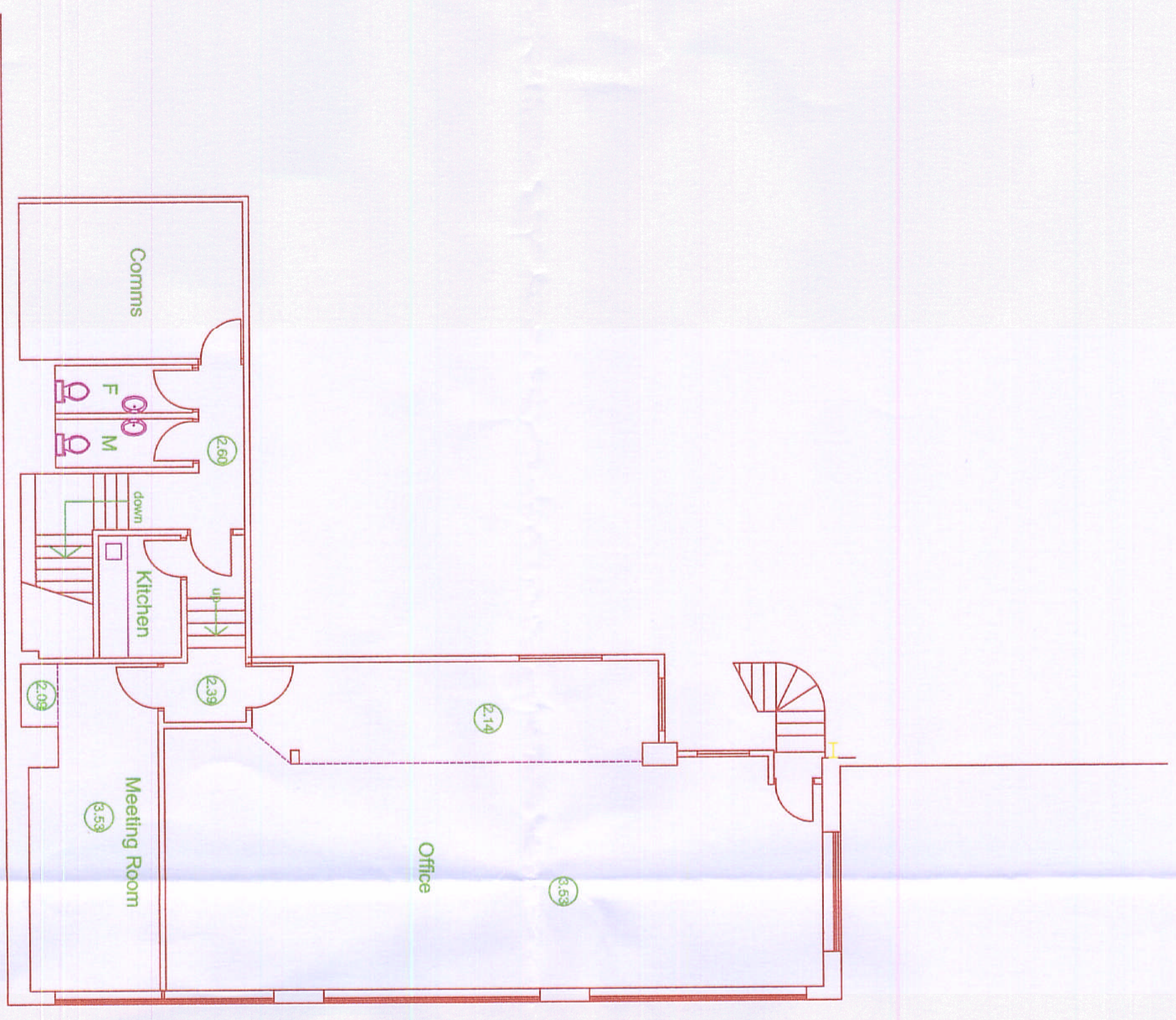
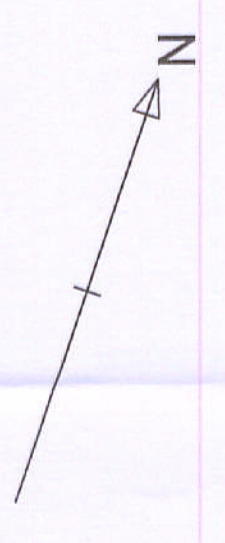
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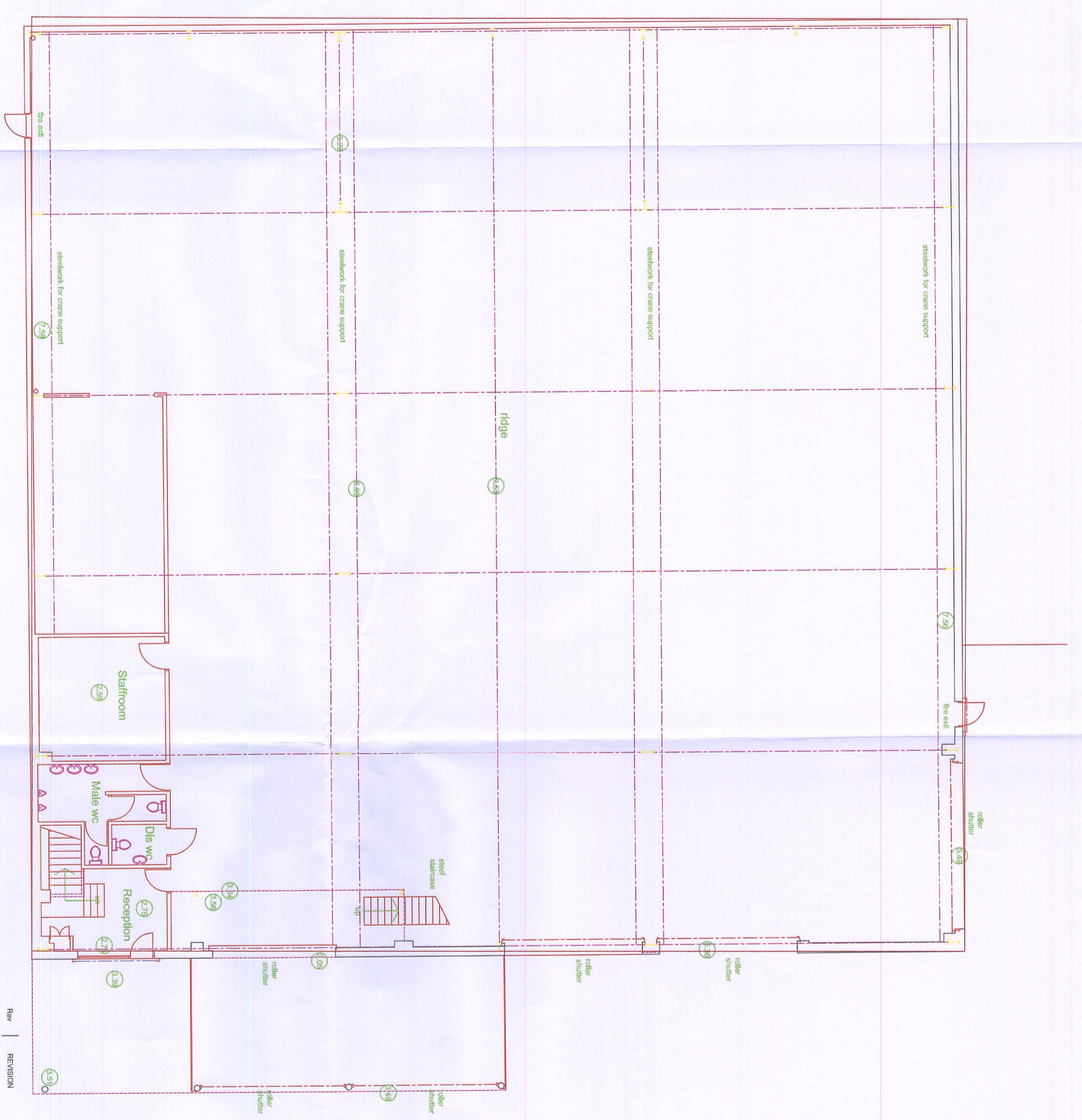
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JOB NO. BC-1653





FIRST FLOOR PLAN



GROUND FLOOR PLAN

Client: MIDTHERM LASER LTD  
 Project: Albion Works, Peartree Lane  
 Dudley, West Midlands.

Drawing: EXISTING LAYOUT PLAN

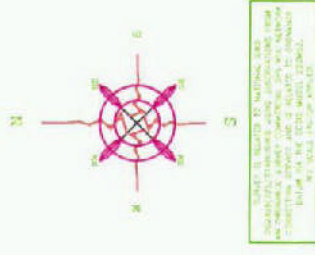
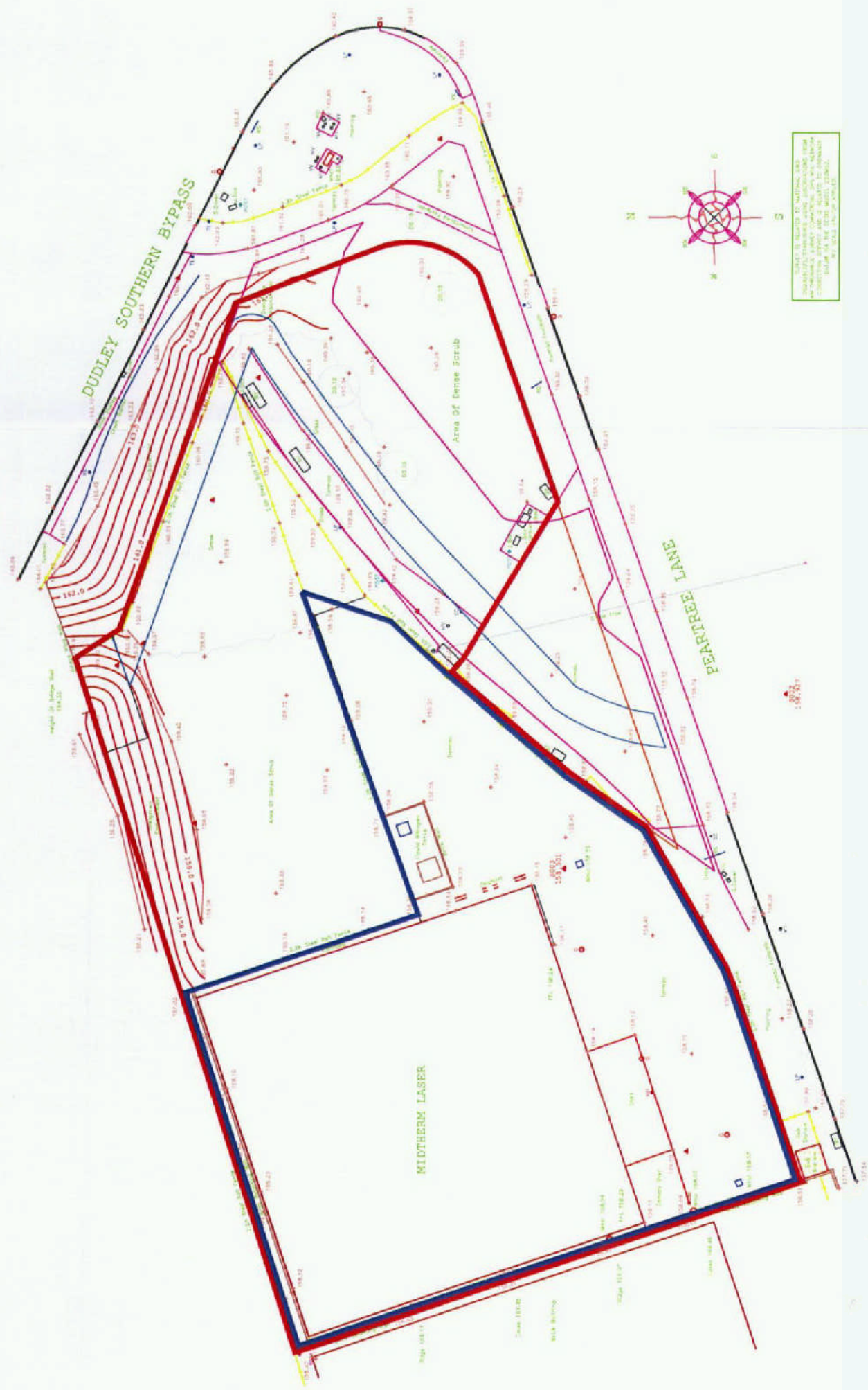
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09/11/33  
Existing Site Plan



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Client: MIDTHERM LASER Ltd

Project: Albion Works, Peartree Lane  
Dudley, West Midlands.

Drawing: EXISTING SITE PLAN


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DATE JULY 2009  
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P0911133  
Proposed site  
Plan (1)

 Easement Route

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Client:  
MIDTHERM LASER Ltd

Project:  
Albion Works, Peartree Lane  
Dudley, West Midlands.

Drawing:  
PROPOSED SITE PLAN  
showing easement boundary lines

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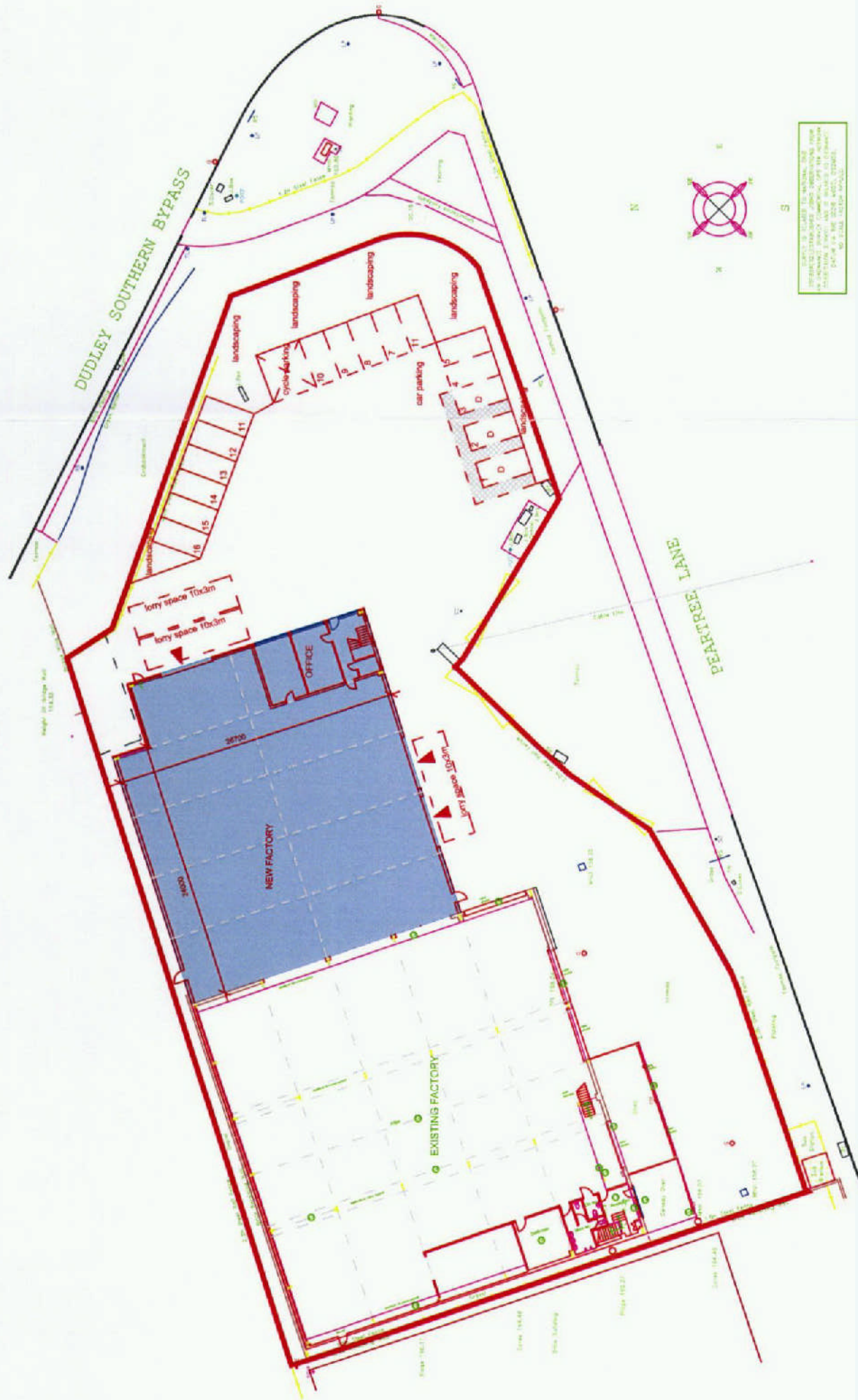
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P091133  
 Proposed site  
 Plan (2)



REV	REVISION	DATE

Client:  
 MIDTHERM LASER Ltd

Project:  
 Albion Works, Peartree Lane  
 Dudley, West Midlands.

Drawing  
 PROPOSED SITE PLAN

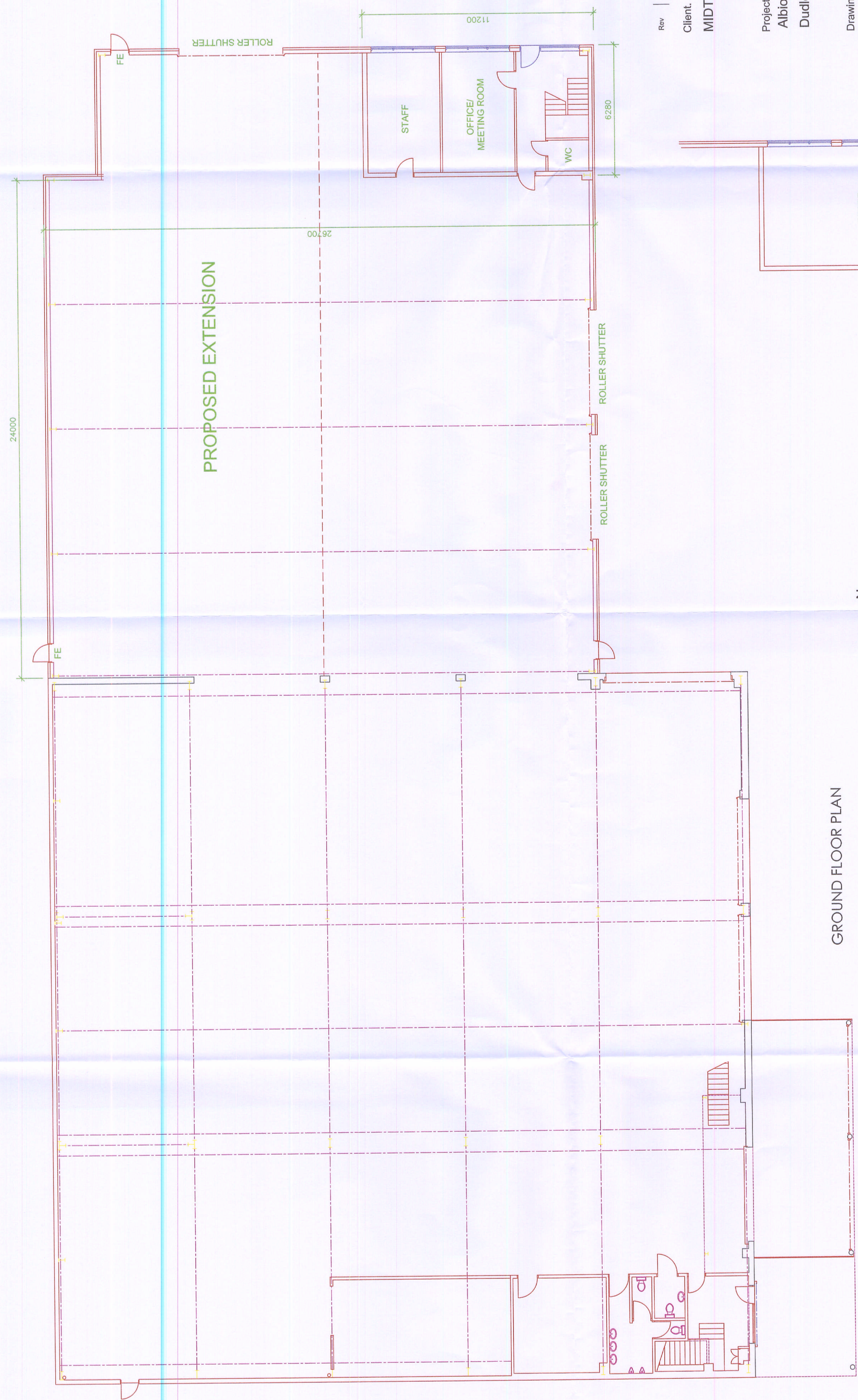
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Proposed Floor Plan



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Client.  
MIDTHERM LASER Ltd

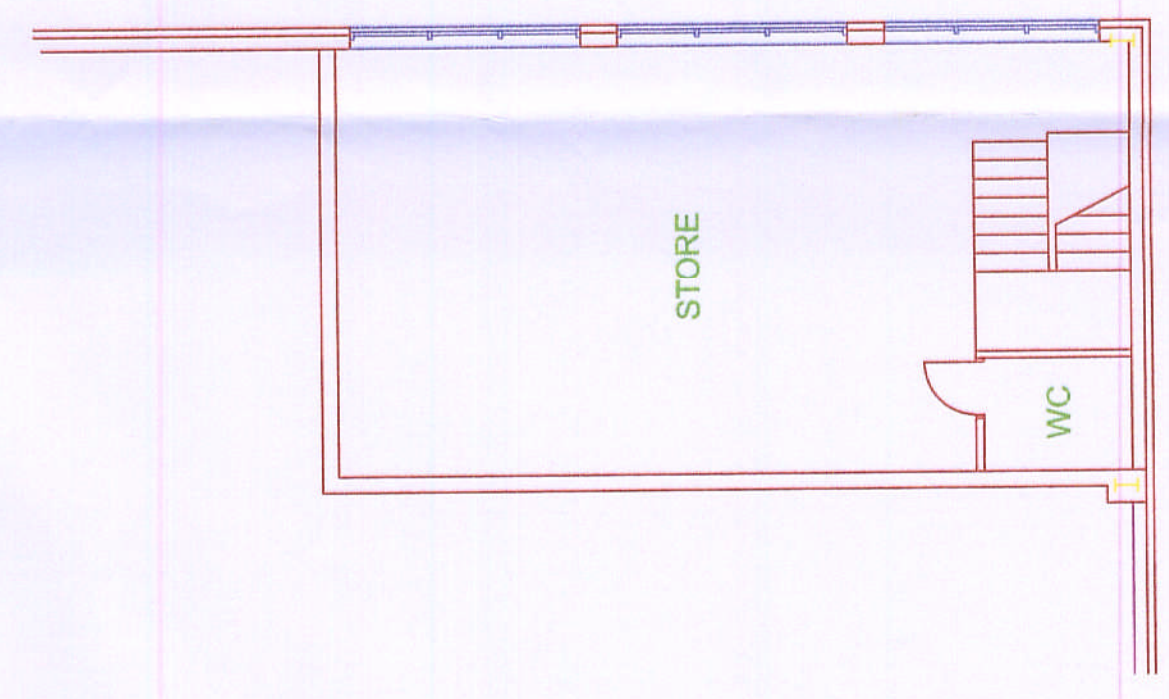
Project.  
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Dudley, West Midlands.

Drawing  
PROPOSED LAYOUT PLANS

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FIRST FLOOR PLAN

GROUND FLOOR PLAN