

## **PLANNING APPLICATION NUMBER:P10/1584**

Type of approval sought	Full Planning Permission
Ward	Wordsley
Applicant	Mr Darryl Jennings, Vibehut
Location:	<b>UNIT 9, 17, LAWNSWOOD ROAD, WORDSLEY, STOURBRIDGE, DY8 5PE</b>
Proposal	<b>CHANGE OF USE OF GROUND FLOOR FROM OFFICES (B1) TO PERSONAL TRAINING STUDIO (D2) (RETROSPECTIVE)</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO A 106 AGREEMENT</b>

### **SITE AND SURROUNDINGS**

1. The application site is forms part of a single storey brick built building occupying an area of 47m<sup>2</sup> and is set within an industrial estate on the edge of Wordsley Local Centre. The application building is sited centrally within the Industrial Estate and has a further use contained within this building operating as a separate business. The application site includes three off road spaces.
2. The application site is associated with an industrial site which abuts residential units to the north, south and east and a car park associated with a doctor's surgery to the east.

### **PROPOSAL**

3. This application seeks retrospective approval for the change of use of the building to a personal training studio (D2). The previous use of the building was offices (B1).

### **HISTORY**

4. None relevant

## **PUBLIC CONSULTATION**

5. No representations received.

## **OTHER CONSULTATION**

6. Group Engineer (Development) – No objections to the proposed scheme.
7. Head of Environmental Protection and Trading Standards – No objections subject to hours restrictions.

## **RELEVANT PLANNING POLICY**

8. UDP Policy
- DD4 Development in Residential Areas
  - DD5 Development in Industrial Areas
  - DD6 Access and Transport Infrastructure
  - DD7 Planning Obligations
  - CR9 Edge of Centre and Out of Centre Development
9. Supplementary Planning Document
- Planning Obligations

## **ASSESSMENT**

10. Key Issues:
- Principle
  - Amenity
  - Highway Safety
  - Planning Obligations

### Principle

11. The change of use is of a relatively minor nature and provides a service for the local area on the edge of the Local Centre. The use makes adequate provision for parking.

It is considered that there would be no detrimental impact on the viability and vitality of the local centre due to the minor scale of the application unit. On this basis the change of use is consistent with the requirements of policies DD5 Development in Industrial Areas and Policy CR9 Edge of Centre and Out of Centre Development of the Adopted UDP (October 2005).

#### Amenity

12. The application site is located within close proximity of surrounding residential units however the intensity of the use is restricted by the small floor area. Due to the nature of the use and the possibility for evening and weekend activity it is considered appropriate to restrict the opening hours to ensure that there is no detrimental impact on the occupiers of the surrounding residential units. This is supported by the Head of Trading Standards and Environmental Protection. On this basis the proposed development would be in accordance with Policy DD4 – Development in Residential Areas of the Adopted UDP (October 2005).

#### Highway Safety

13. The application site makes provision for 3 off road vehicle spaces. Based on the floor area of the application site this is an adequate provision. These comments are supported by the Group Engineer (Development). The scheme therefore complies with the requirements of Policy DD6 – Access and Infrastructure of the Adopted UDP (October 2005).

#### Planning Obligations

14. 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 and Management and Monitoring would be required. The contributions required for this application would be:

- Transport Improvements - £522.70
- Management and Monitoring fee - £250

The applicant has been made aware of these requirements by way of a letter dated 8<sup>th</sup> December 2010. The applicant put forward a case to seek to demonstrate that the requested S106 contributions would result in a viability issue. The Borough Surveyor assessed that information and concluded that the applicant did not make a robust case to justify waiving the required contributions. The applicant has now agreed to pay the required contributions (on a staged payment basis) and the development is therefore consistent with the requirements of Policy DD7 – Planning Obligations of the Adopted UDP (October 2005) and Supplementary Planning Document – Planning Obligations (December 2007).

## **CONCLUSION**

15. The proposed development is considered acceptable within this industrial estate context due to its limited scale and would have no detrimental impact on residential amenity or on highway safety.

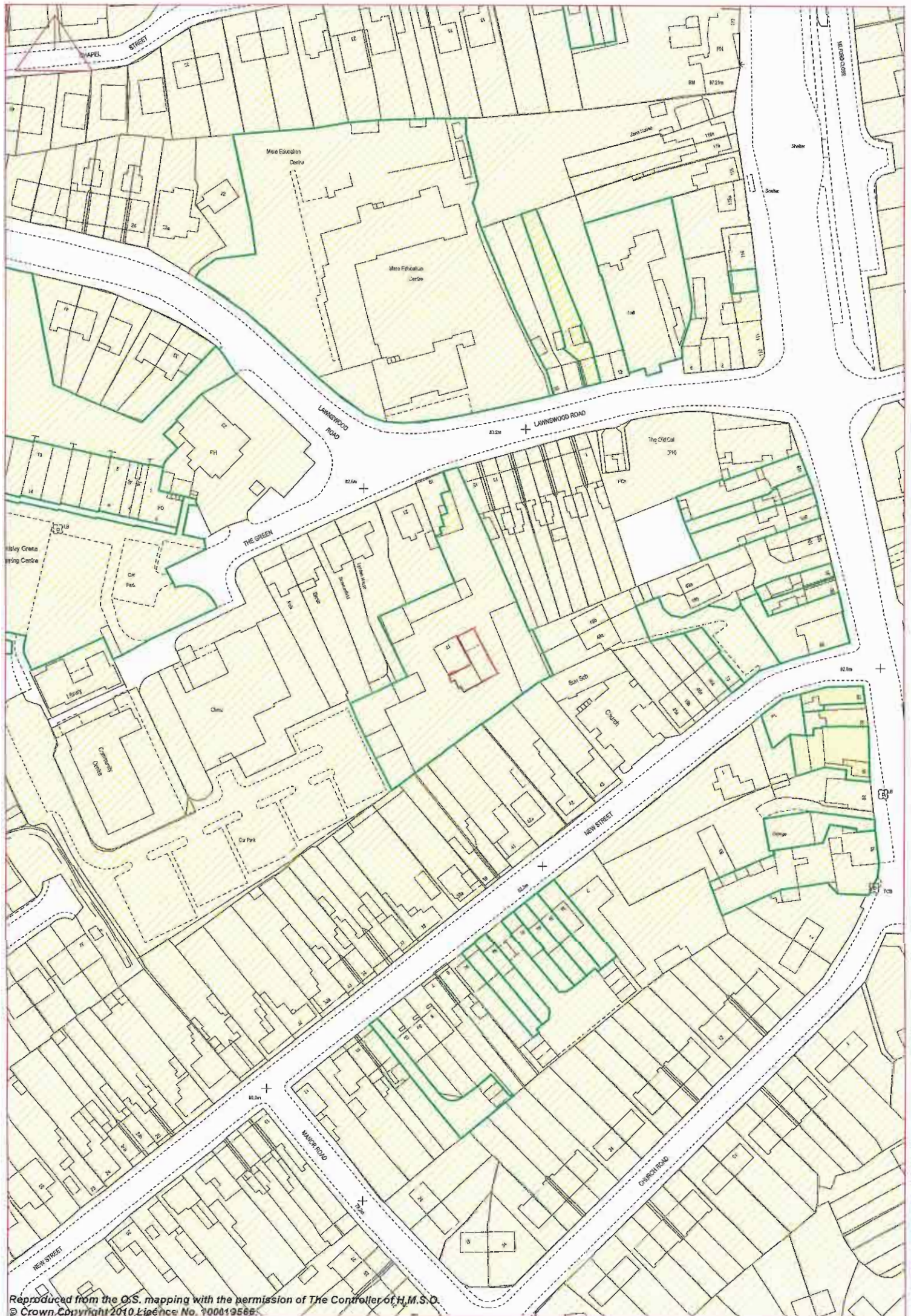
## **RECOMMENDATION**

- a) Within 3 months of the date of this permission a scheme for the submission and approval of a planning obligation to guarantee the off site provision of Transport Infrastructure Improvements and Management and Monitoring totalling £772.70 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

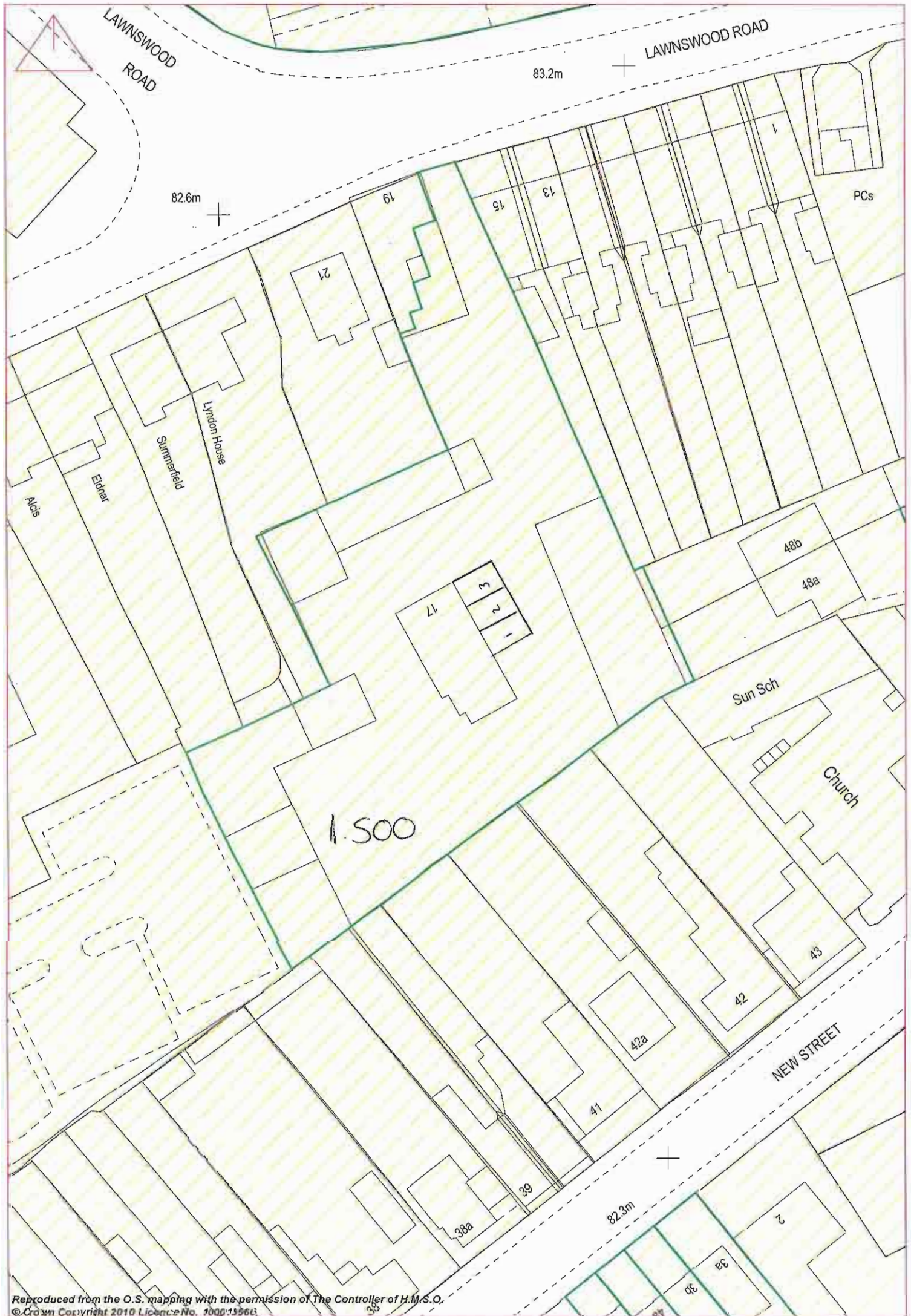
Conditions and/or reasons:

1. Within 3 months of the date of this permission an obligation under section 106 of the Town and Country Planning Act 1990 between the local planning authority and all persons interested in the land within the application site has been executed, such obligation to secure the following:
  - (1) the payment of £522.70 to Transport Infrastructure Improvements
  - (2) £250 for the monitoring, management and implementation of the above obligations
2. The premises shall not be open to the public before the hours of 0800hrs nor after 2100hrs Monday to Saturday or before 0900 nor after 1800 on Sundays and Public Holidays.





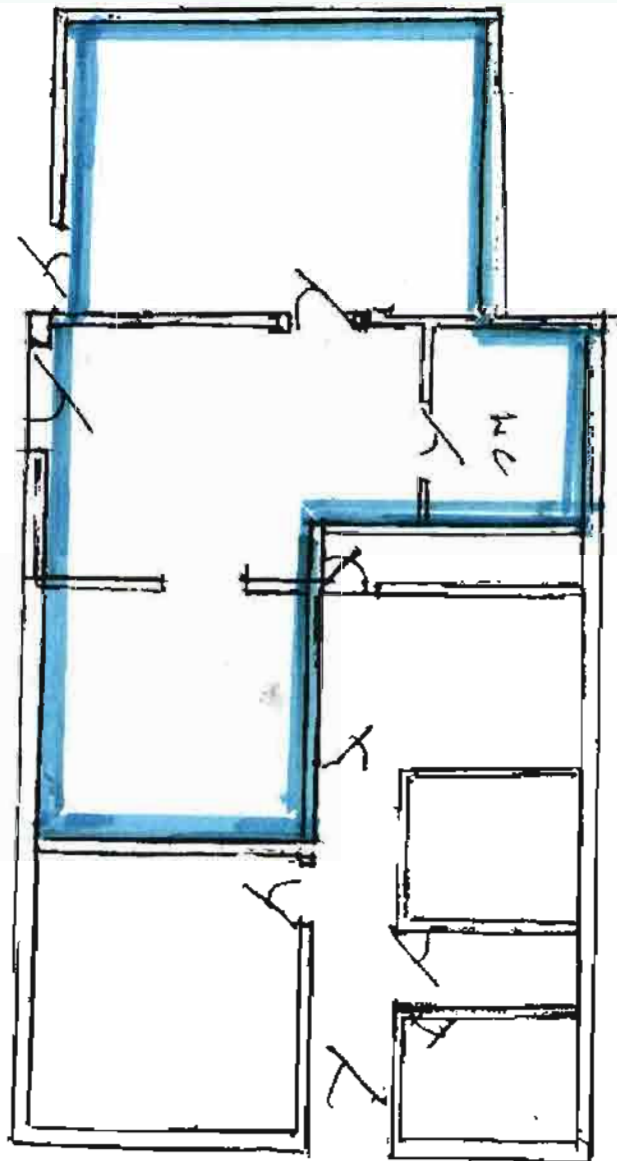




Proposed floor  
plans

P10/1584

UNIT 9 VIBE HUT  
AREA EDGED BLUE



17 LAWNSWOOD ROAD  
WORDSWLEY

GROUND FLOOR LAY-OUT  
SCALE 1:100

18 APR 2010