

PLANNING APPLICATION NUMBER:P08/1342

Type of approval sought	Full Planning Permission
Ward	
Applicant	Revelan Group
Location:	LAND AT BALD'S LANE, LYE, STOURBRIDGE, WEST MIDLANDS, DY9 8TE
Proposal	ERECTION OF NEW B2/B8 UNIT WITH ASSOCIATED SERVICE AREA, PARKING AND LANDSCAPING
Recommendation Summary:	WOULD HAVE REFUSED

SITE AND SURROUNDINGS

- 1 The site is approximately 0.09 hectares and comprises vacant land on a plateau above a larger site (fronting onto The Hayes) on which, at the time of the site visit, a new industrial unit was being constructed (by virtue of permission P08/0071).
- 2 There is a significant difference in levels between the site and the larger site of approximately 5 metres – there is a retaining wall running along the eastern boundary of the site. The site is fenced off from Bald's Lane by 1.8 metre high post and chain link fencing.
- 3 The area is predominantly industrial in character (e.g. there is a steelworks opposite and a flower cash and carry to the south), however, there are a terraced dwellings nearby in Brook Street.

PROPOSAL

- 4 This is a full application for the erection of a B2 (general industrial use)/B8 (storage and distribution use) unit of 246 square metres. That total floorspace includes a mezzanine floor of 38 square metres containing offices.
- 5 The proposed building has a shallow pitched roof and is shown sited with a long elevation parallel to the highway and entrance and other openings on the northern elevation overlooking a car park containing 8 parking spaces, including a disabled

driver's parking space. An area for cycles and refuse is also shown in this area. Access into the parking area is proposed directly off Bald's Lane.

- 6 A Design and Access Statement accompanies the application, which refers to the proposed unit as speculative development.
- 7 The address of the development originally referred to Gibbs Lane. This was amended to properly reflect the location of the proposed development (to Bald's Lane) and the local community re-consulted on this revision to the proposal.
- 8 An (Informal Hearing) appeal has been submitted for the non-determination of the proposal. The determination of this application therefore rests with the Inspectorate. As such, the Local Planning Authority can only make a resolution as to whether it would support or reject the proposal, with that resolution put before the Inspectorate as the Council's case. The deadline for the submission of the Council's statement is the 12th May, 2009. To meet this deadline, the committee is therefore requested to arrive at its resolution at this meeting.

HISTORY

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

APPLICATION	PROPOSAL	DECISION	DATE
P07/0219	Erection of Industrial Unit	Approved	March 2007
P08/0071	Erection of industrial unit (resubmission of above)	Approved	07/03/08

PUBLIC CONSULTATION

- 10 No representations have been received.

OTHER CONSULTATION

- 11 **Group Engineer (Development)** -
 - The Councils maximum standard is 1 space per 70 sq m – based on this 3-4 spaces are required – 8 spaces are proposed - in excess of this standard;
 - The access should provide a visibility splay of 2.4m x 59m, for a 30 mph road - the visibility measured from the submitted drawings achieves a visibility of 2.4m x 23m -

this is too far below the minimum standard to be acceptable - it may be possible to reduce the 59m standard, however, approach speed survey data should be provided, without this information any reduction from the 59m can not be determined;

- The proposed unit is likely to require servicing from larger vehicles - a track output should be provided to show how service vehicles can access and egress the site in a forward gear;
- Details of the secure and undercover cycle storage facilities should be provided, together with associated shower facilities;
- Details of the existing retaining wall are required;
- A Planning Obligation is required.

In summary, there are a number of concerns regarding this proposal - excess parking provision, inadequate manoeuvring area for service vehicles and a sub standard visibility splay – it is therefore recommended that the application be refused.

12 **Head of Environmental Health and Trading Standards**

Conditions are recommended to safeguard residential amenity:-

- Noise attenuation measures within the building;
- Noise restrictions on operations;
- Hours of operations restricted.

RELEVANT PLANNING POLICY

13 Unitary Development Plan (UDP) (adopted 2005)

DD1 – Urban Design

DD4 – development in residential areas

DD5 – development in industrial areas;

DD6 – access and parking

DD7 – planning obligations

EE1 – Key Industrial Area

UR5 – Industrial renewal areas

AM14 - parking

Supplementary Planning Documents (SPD)

Planning Obligations

Parking and Travel Plans

ASSESSMENT

14 The key issues are –

- principle;
- design/ impact on visual amenity
- impact on residential amenity;
- access and parking
- planning obligations.

15 Principle

The appeal site is within a designated Key Industrial Area. The proposed uses (B2/B8) are considered `primary uses` within such areas – i.e. industrial employment uses which are to be actively safeguarded and encouraged. There is consequently in general planning support for this proposal.

16 Design/ impact on visual amenity

The site is within a designated Industrial Renewal Area. The relevant UDP policy, Policy UR5, requires that, within such areas, the Council, will seek to enhance the image, attractiveness and accessibility of such areas.

17 The proposal involves the development of part of the landscaped area associated with the wider industrial site (the subject of permission P08/0071): a flange of landscaping was shown on the approved layout plan for P08/0071 along the whole of the Bald's Lane frontage and wrapping around onto The Hayes. This landscaped area illustratively showed the planting of a large number of trees, with Condition 4 attached to that permission requiring the approval of landscape details. Details relating to that condition were subsequently discharged, with the appeal site excluded from the scheme.

- 18 From this, it is apparent that the appellants moved away from their original intent to landscape the site as part of a larger planting scheme, which would have provided a continuous green frontage along Bald's Lane, thus providing a substantial environmental improvement to this area, in concurrence with Policy UR5.
- 19 Whereas the appeal proposal shows a building approximately 2 metres away from the back of pavement line and at a height of 8.4 metres, and with the remainder of the site potentially largely hardsurfaced. It is considered that this would lead to this landscaped flange being disrupted, significantly undermining an environmental enhancement for the area, with its wider regenerative benefits.
- 20 Furthermore, it is considered that the proposal will give rise to an unduly prominent building, with a blank elevation to the highway, forward of any existing building lines.
- 21 For the above reasons, the siting of the appeal building will give rise to unduly strident development within the streetscene, providing a negative visual impact within the local environment.
- 22 *Impact on residential amenity*
- While there are existing dwellings within close proximity of the site, with the nearest dwellings (in Brook Street) being 35 metres away, it is considered that subject to the imposition of the conditions recommended by the Chief Environmental Health Officer on noise attenuation and hours of operation, this will be sufficient to prevent any significant impact on residential amenity arising.
- 23 *Access and parking*
- The Group Engineer states that the existing visibility splay shown is insufficient, with a lack of justification as to why it could be reduced in this instance. Furthermore there are concerns that there is insufficient manoeuvring space available on site for delivery vehicles – again the submission lacks information on this issue, in particular, there are no vehicular tracking diagrams.
- 24 The conclusions drawn on an assessment of the submitted information is that, without evidence to the contrary, highway safety is likely to be unduly compromised as a result of vehicle movements associated with the development. This is both as a result of vehicles emerging out of the site without an adequate view of oncoming

traffic, and the potential for delivery vehicles having to reverse out on the highway. The proposal is consequently also considered unsatisfactory for this reason.

25 Planning obligation requirements

At the time that the planning application was submitted, the former Planning Obligation SPD was extant. The appellants were written to inviting them to agree a sum of money for transport infrastructure improvements based on the relevant calculations contained in that SPD. They responded by producing a viability appraisal, which stated that any additional cost incurred on top of build costs would make the development unviable (given the small scale of development). Consequently they were not prepared to proceed on the basis of a planning obligation.

26 With the adoption of the revised Planning Obligation SPD, the transport infrastructure requirement has been significantly reduced, and the appellants have been written to again with the revised amount. It is intended that an update on the appellants' response be provided at the committee. However, at this juncture, the failure of the development to mitigate against its impact on local infrastructure stands as a further recommended reason for refusal.

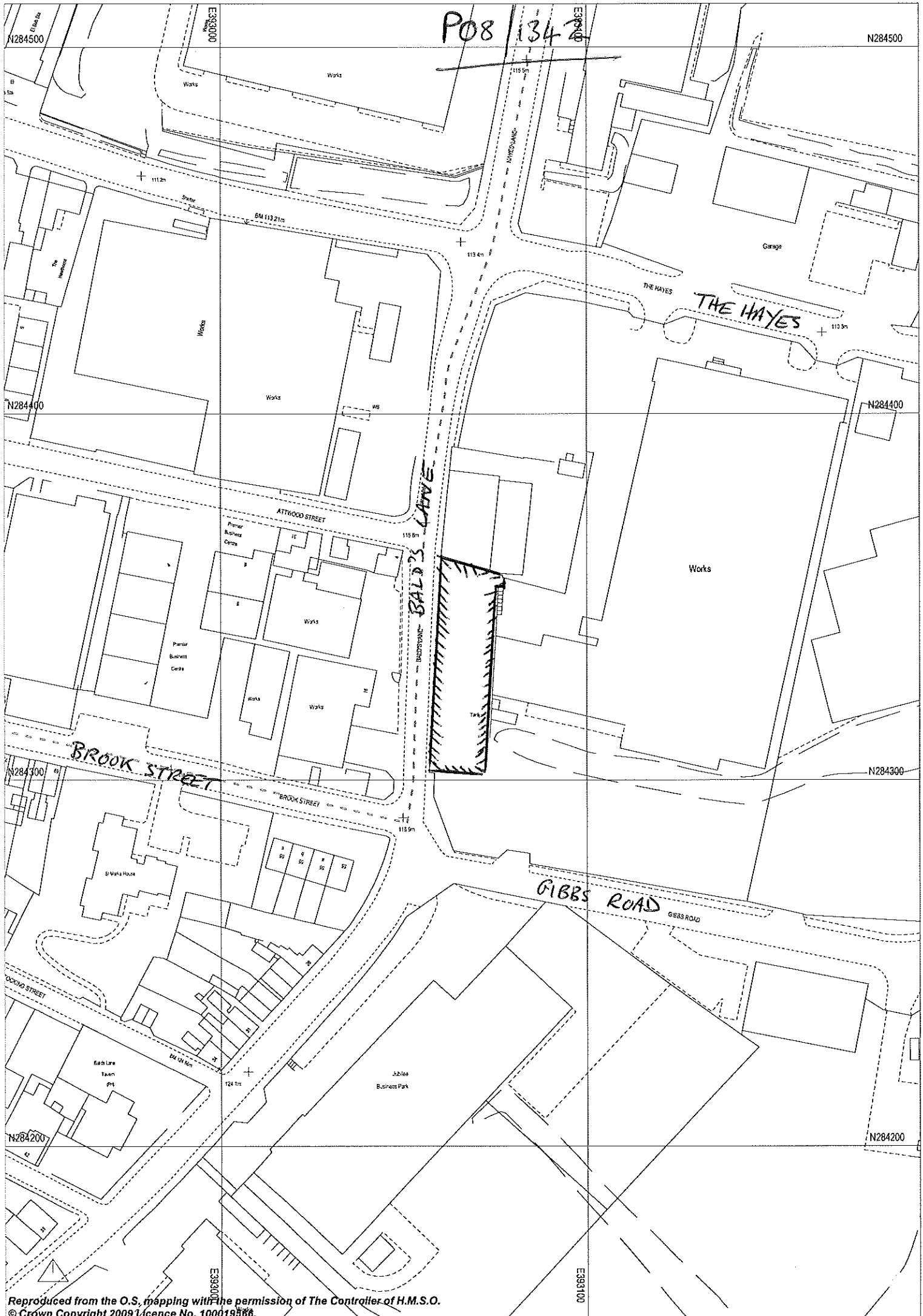
CONCLUSION

27 The determination of this application rests with the Inspectorate. On this basis it is recommended that the committee resolve that it would have refused the proposal on the basis that it would give rise to an unduly prominent building within the streetscene and unduly disrupt a continuous landscape strip along the frontage of the wider site. In addition, without evidence to the contrary, it is contended that highway safety is likely to be unduly prejudiced. Furthermore, the proposal fails to mitigate against its impact on the local infrastructure.

RECOMMENDATION

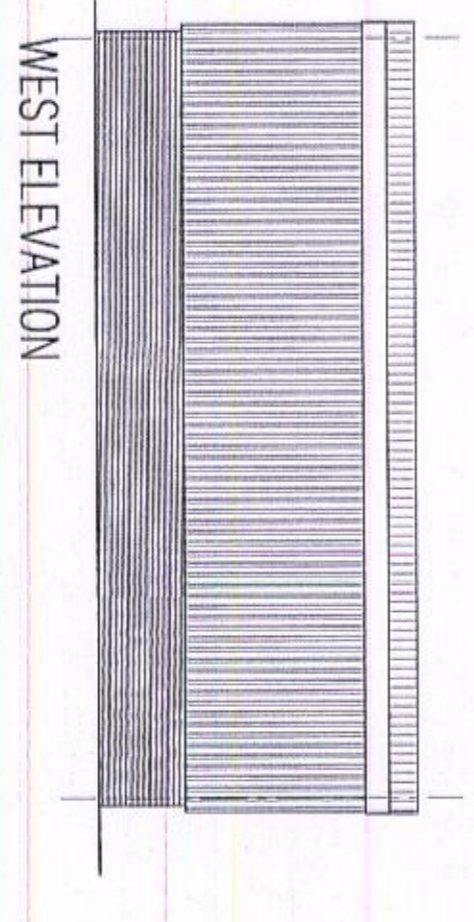
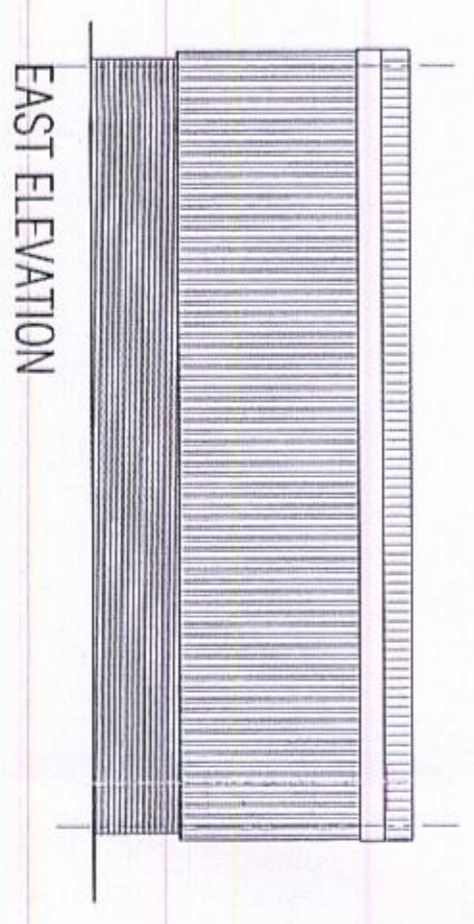
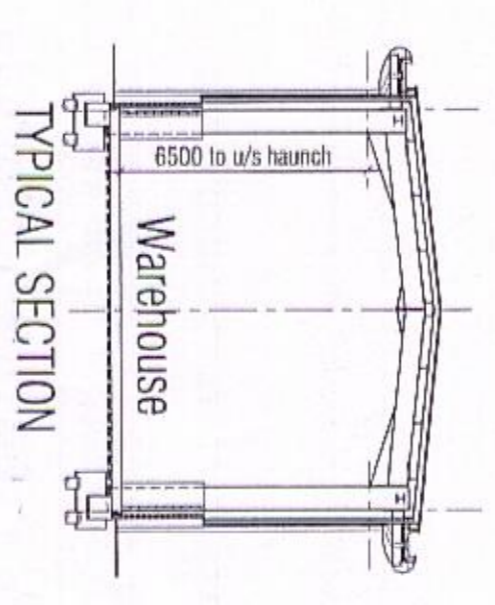
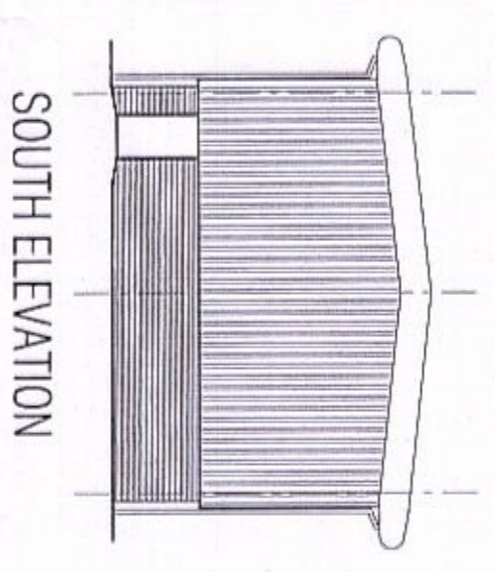
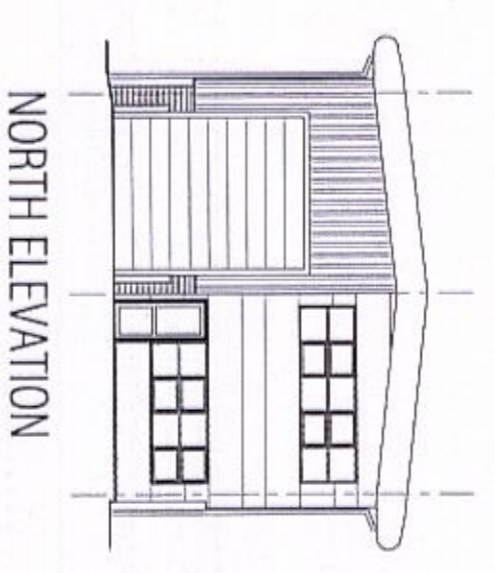
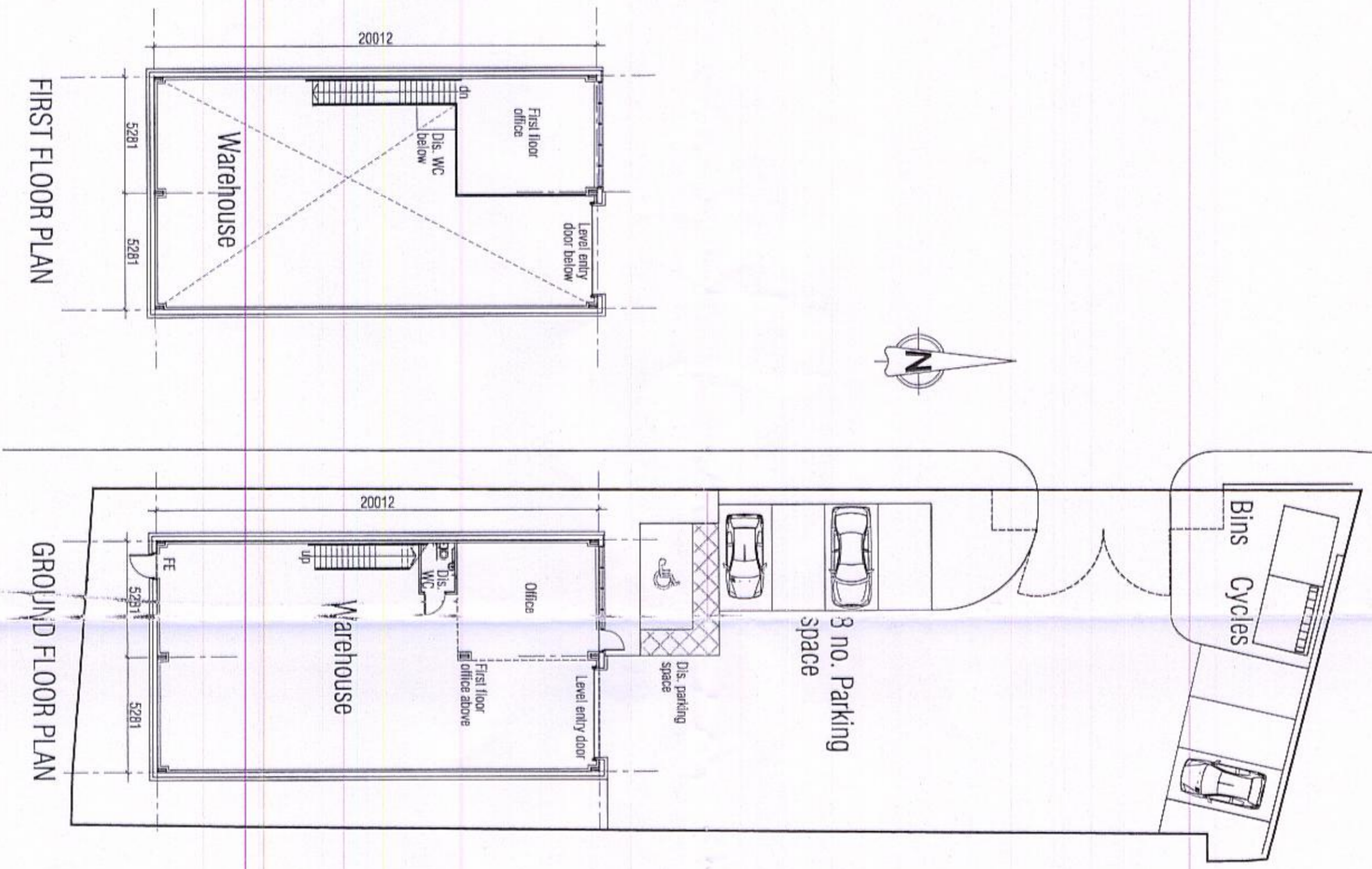
28 It is recommended that Committee resolve that it would have refused the proposal on the grounds set out below, with the resolution and these grounds providing the Council's case at the appeal.

- 1 The site was shown as part of a continuous landscaped area along the Bald's Lane frontage within an approved scheme for the wider area. The proposed building, sited approximately 2 metres away from the back of pavement line and at a height of 8.4 metres, and with the remainder of the site potentially largely hardsurfaced, would lead to this landscaped strip being disrupted, significantly undermining an environmental enhancement for the area, with its wider regenerative benefits. Furthermore, it is considered that, given the proposed building's siting (forward of any existing building lines), height and the blank elevation it presents to the highway, this results in an unduly strident and incongruous feature within the streetscene, having a negative visual impact on the local environment, contrary to Policies DD5 and UR5 of the Unitary Development Plan (UDP).
- 2 Without evidence to the contrary, highway safety is likely to be unduly compromised as a result of vehicle movements associated with the development. This is both as a result of vehicles emerging out of the site without an adequate view of oncoming traffic, and the potential for delivery vehicles serving the unit having to reverse out on the highway. The proposal is consequently contrary to Policies DD5 and DD6 of the UDP.
- 3 The proposed development would generate a need for measures to ensure the provision of off site transport improvements. There has been no commitment from the owners of the site to ensure the provision of such measures, to help mitigate the proposal against its impact on the infrastructure of the local environment. The proposal is therefore contrary to Policy DD7 of the Dudley Unitary Development Plan and the Planning Obligations Supplementary Planning Document.



For Plans +
Elevations - 10/21/12

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- Schedule Materials
 - Roof
 - Walls
 - Landings / Dis
 - Personnel Doors
 - Office
 - Roof
 - Walls
 - Windows / Doors
- Painted steel cladding with RFS 200 finish - colour to be agreed.
- Profiled steel cladding with RFS 200 finish - colour to be agreed.
- Blackened (approximately) 2400mm high - black top to be agreed.
- Polycarbonate panel fixed to ex - colour to be agreed.
- Steel frame and doors with painted finish - colour to be agreed.
- Painted steel cladding with RFS 200 finish - colour to be agreed.
- Composite steel beam ceiling panels to first elevation with RFS 200 finish - colour to be agreed.
- Double glazed window and door units with aluminium powder coated frames with fixed glass - colour to be agreed.

no. scale revision by

oija

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project
Bald's Lane
Lye
Stourbridge

client
Revelan Group

P08 / 1342 .1

drawing
Building Plans - Elevations

scale 1:200 @ A1
checked 27-05-08
date 27-05-08

4413 - 05

Site layout
 Pos 08/13/42

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Schedule of Accommodation

Area	Area (sq ft)	Area (sq m)
Warehouse	200	18.58
Offices	300	27.87
Parking	240	22.31
Total Site Area	740	68.76

BALD'S LANE



Existing
 Warehouse
 Development



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PROJECT
 BALD'S
 LANE
 LYE
 STOURBRIDGE

CLIENT
 REVELAN
 GROUP

DATE
 1/2009

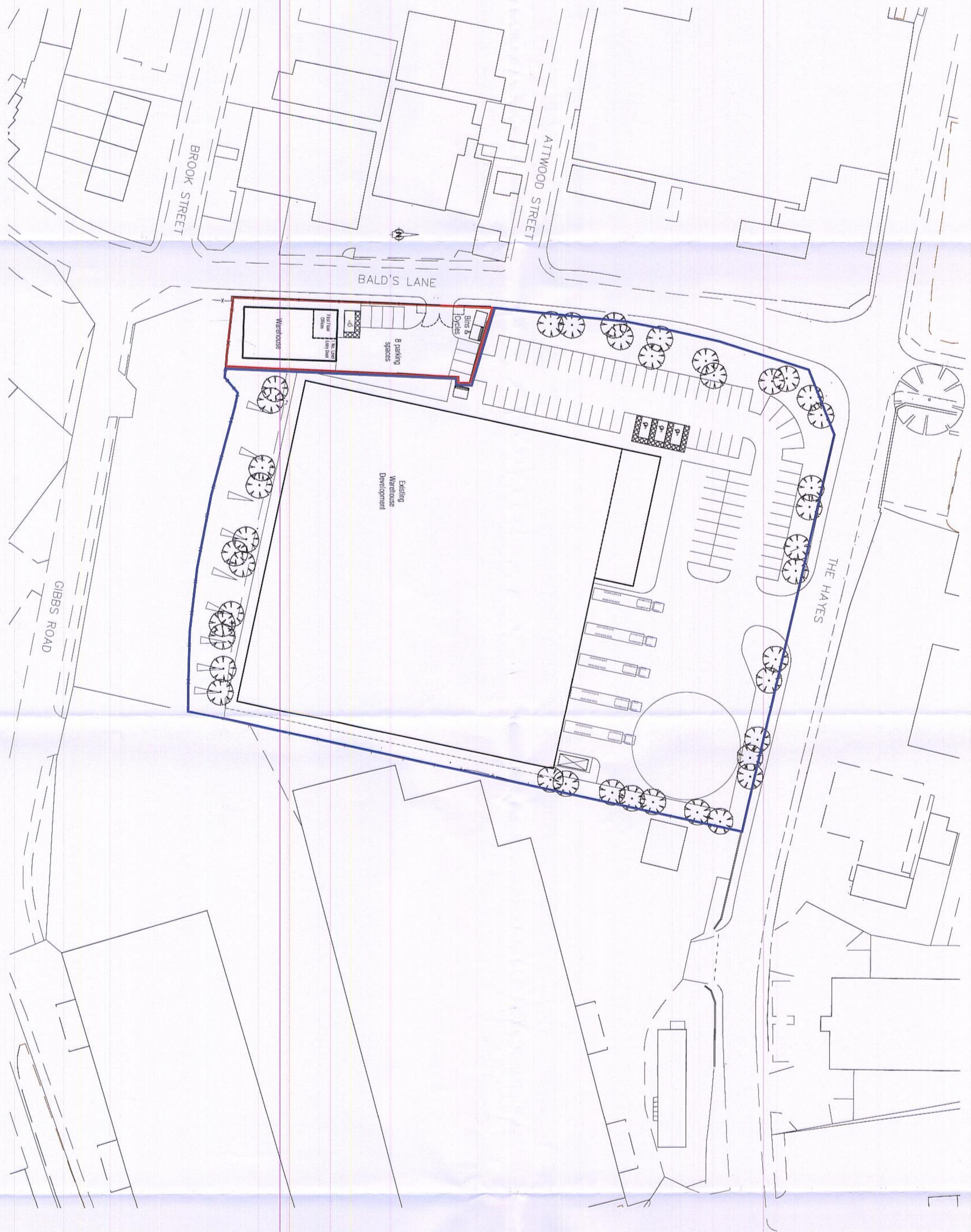
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4413-04

Site Plan - 10/13/12

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no.	date	revision	by



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project
 Bald's Lane
 Lye
 Stourbridge

client
 Revelan Group

drawing
 Site Location Plan

scale 1:500 @ A1
 drawn god
 checked
 date August 08

no
 4413 - 06