

# PLANNING APPLICATION NUMBER:P10/0034

Type of approval sought	Full Planning Permission
Ward	HALESOWEN NORTH
Applicant	Jason Sykes, G I Sykes
Location:	<b>FACTORY, 225, DUDLEY ROAD, HALESOWEN, WEST MIDLANDS, B63 3NR</b>
Proposal	<b>CHANGE OF USE TO INDOOR GO-KARTING OPERATION (SUI-GENERIS).</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

## SITE AND SURROUNDINGS

- 1 The application site is 0.45 hectares in size and consists of a relatively large industrial unit on raised ground above Dudley Road. The lawful use of the unit is B2 (general industrial), although it is currently vacant (former Mohling premises). It comprises 2138 square metres of floorspace. The building includes 2 storey (brick-built) offices on the front elevation. Adjoining those offices, the elevation to the main part of the building contains a large shuttered opening.
- 2 The building is sited approximately 4 metres above the level of the highway. An accessway leads up from the highway, alongside a grassed bank. There are 14 parking spaces alongside that access and around the offices, including 3 disabled bays. The site boundaries also include an area of parking within a vehicle repair yard (the premises to the north of the site). That area contains 22 parking spaces. Pedestrian access from that area to the main site is via a metal staircase.
- 3 The character of the local area is mixed: there are predominantly industrial units to the east of the site; on the opposite side of Dudley Road, there is a row of terraced houses, and to the north of these, commercial premises. There is a car hire premises adjoining the site to the south. Halesowen Town Centre is approximately 800 metres to the south-west.

## PROPOSAL

- 4 The proposal is for the change of use of the unit to a go-karting centre (sui-generis use). The hours of operation are requested as 1000 to 2200 hours. The submission refers to 7 no. full time equivalent staff being employed. No changes to external elevations are proposed. A total of 35 parking spaces are proposed, including 22 on the lower part of the site (part of the adjoining vehicle repair premises). Those spaces are accessed via a second vehicle access point off Dudley Road.
- 5 The following documents accompany the application:
- a validity report referencing the marketing of the unit and a sequential site location test;
  - a Design and Access Statement;
  - a Transport Statement.

## HISTORY

- 6 The relevant planning history is summarised in the table below:-

APPLICATION No.	PROPOSAL	DECISION	DATE
99/51540	Change of Use from B8 to B2	Approved	07/12/1995

## PUBLIC CONSULTATION

- 7 A total of 4 objections have been received. The issues of concern, in summary, are-
- lack of parking on site for the proposed use;
  - lead to overspill parking in residential areas;
  - emissions;
  - noise pollution – especially in the evenings and on Sundays impacting on residential amenity, and with the shuttered entrances which are likely to be left open;
  - Dudley Road would become busier and more dangerous (especially with vehicles emerging from the site).

## OTHER CONSULTATION

- 8 Group Engineer (Development) – initially required the submission of a Transport Statement - comments are awaited on the document which was submitted as a result – *an update will be provided at your meeting as necessary.*
  
- 9 Head of Environmental Health and Trading Standards – the introduction of indoor carting to this site means that there is potential for loss of amenity to nearby residents due to noise arising from tyre squeal and the cart engines. There are residential dwellings approximately 40 metres to the West of the application building. The precise impact, in terms of noise, cannot be accurately predicted at this stage and as such it is recommended that a temporary permission be imposed (3 years) to allow the impact to be properly assessed. In addition conditions are recommended to protect residential amenity on hours of operation (shorter than those suggested by the applicants), external doors to be closed and restrictions on the type of go-kart.

## RELEVANT PLANNING POLICY

- 10 Unitary Development Plan (adopted 2005)
  - DD4 – development in residential areas
  - DD6 – access and transport infrastructure
  - DD7 – planning obligations
  - EE1 – Key Industrial Areas
  - EP7 – noise pollution

### Supplementary Planning Documents

- Parking and Travel Plans
- Planning Obligations.

## ASSESSMENT

11 The key issues are –

- Principle;
- Impact on Residential amenity;
- Access and parking
- Planning Obligations

12 Principle

The application site is within a Key Industrial Areas. UDP Policy EE1 is therefore relevant. That policy seeks to encourage the provision and retention of industrial employment uses (B1 [excluding offices], B2 and B8 land uses). Policy EE1 further states that land uses other than those identified above will ordinarily be resisted by the LPA.

13 The applicants have sought to address this policy designation by demonstrating, through the submission of marketing information and a sequential test approach (looking at potentially more sustainable/appropriate sites nearer to the Town Centre), the application unit was no longer viable to be maintained within an industrial employment use.

14 In more detail, the applicants' submitted viability study states that:-

- Halesowen Town Centre has some vacant premises but these are of too small a size (at up to 5,000sq ft) for the applicants needs (the application site totalling some 25,000sq ft);
- Two larger available sites are identified that are better nearer to Halesowen Town Centre however, these have permission for an alternative land use;
- The property has been marketed since December 2008, with interest, in the main, from potential occupiers seeking to utilise the unit for retail, motor trade and leisure uses.

15 The study concludes that there is no demand for this property to be used for an industrial use and suitable alternative properties within or just outside the Town Centre for the proposed use.

16 On balance, these conclusions are concurred with. In addition, it is considered relevant that the proposed use requires premises of a relatively large scale and that the unit is on the edge of the Key Industrial Area and on a frontage which contains other non-industrial uses (e.g. there is a hire car company, immediately adjoining the site to the south – similarly a sui-generis use). Given this, it is considered that in this instance, the loss of this industrial employment use may be warranted.

17 Residential Amenity

There is a terrace of dwellings on the opposite side of Dudley Road – approximately 30 metres to the west of the façade of the application building. It is acknowledged that the site is at a higher level than those dwellings, that a busy and noisy highway intervenes and that the lawful use of the building (B2 Industrial) has the capacity to create noise and disturbance which potentially could impact on amenity.

18 Notwithstanding that it is considered that the operation of the premises for the proposed use, particularly in the evening and at weekends (which are likely to be peak hours and when the existing B2 Use of the unit would be unlikely to be in operation), will create noise and disturbance which has the potential to impact on the amenity of the occupiers of those nearby dwellings, particularly given their proximity to the site.

19 It is therefore recommended that the conditions suggested by the Chief Environmental Health Officer be confirmed, including fettering the permission to a 3 year temporary consent so that the impact of the operation of this (sui-generis) use on residential amenity may be fully monitored, with the potential for such a consent not to be renewed should harm arise.

20 Access and parking

The Transport Statement concludes –

- Interrogation of the TRICS database shows that the redevelopment is likely to give rise to a reduction of traffic in the AM peak, and the increase in the PM peak period is not likely to be significant.
- The number of parking spaces provided is adequate for the proposed use.
- The site is on a number of bus routes which facilitate access to the development by means other than the car;
- Visibility splays of 2.5 x 120 will be required onto Dudley Road - these are already present within the existing highway boundary from both the sites own entrance, and the adjoining repair business entrance.
- Road width at the site frontage is approximately 8.7 m and is marked for 1 lane each direction by a Centre line only - there is sufficient width for turning vehicles to occupy the centre of the road whilst waiting to turn right into the site, and still permit vehicles to pass in either direction.

21 Subject to the views of the Group Engineer, it is considered that there are sufficient spaces provided on site and (that as a result), highway safety is unlikely to be compromised. This is subject to recommended conditions, including the provision of secure cycle parking and an assessment of the vehicular restraint barrier on the upper car park.

## 22 Planning Obligations

As it is recommended that the use be granted a temporary consent (3 years) (to monitor impact on residential amenity), it is unreasonable to require planning obligation requirements to offset the impact of the development on local infrastructure when such an impact may be short-lived.

## CONCLUSION

23 It has been successfully demonstrated that, in this instance, the loss of an industrial employment use may be supported. Subject to controls on the operation of the use in particular, it is considered that the proposal is acceptable on a 3 year temporary basis, so as to monitor its impact on residential amenity. Under these terms, the use is considered satisfactory and in concurrence with the development plan, in particular UDP Policies EE1 and DD4.

## RECOMMENDATION

24 It is recommended that the application be approved subject to the following conditions:-

### **Reason for approval**

It has been successfully demonstrated that, in this instance, the loss of an industrial employment use may be supported. Subject to controls on the operation of the use in particular, it is considered that the proposal is acceptable on a 3 year temporary basis, so as to monitor its impact on residential amenity. Under these terms, the use is considered satisfactory and in concurrence with the development plan, in particular UDP Policies EE1 and DD4.

### **Notes for applicant**

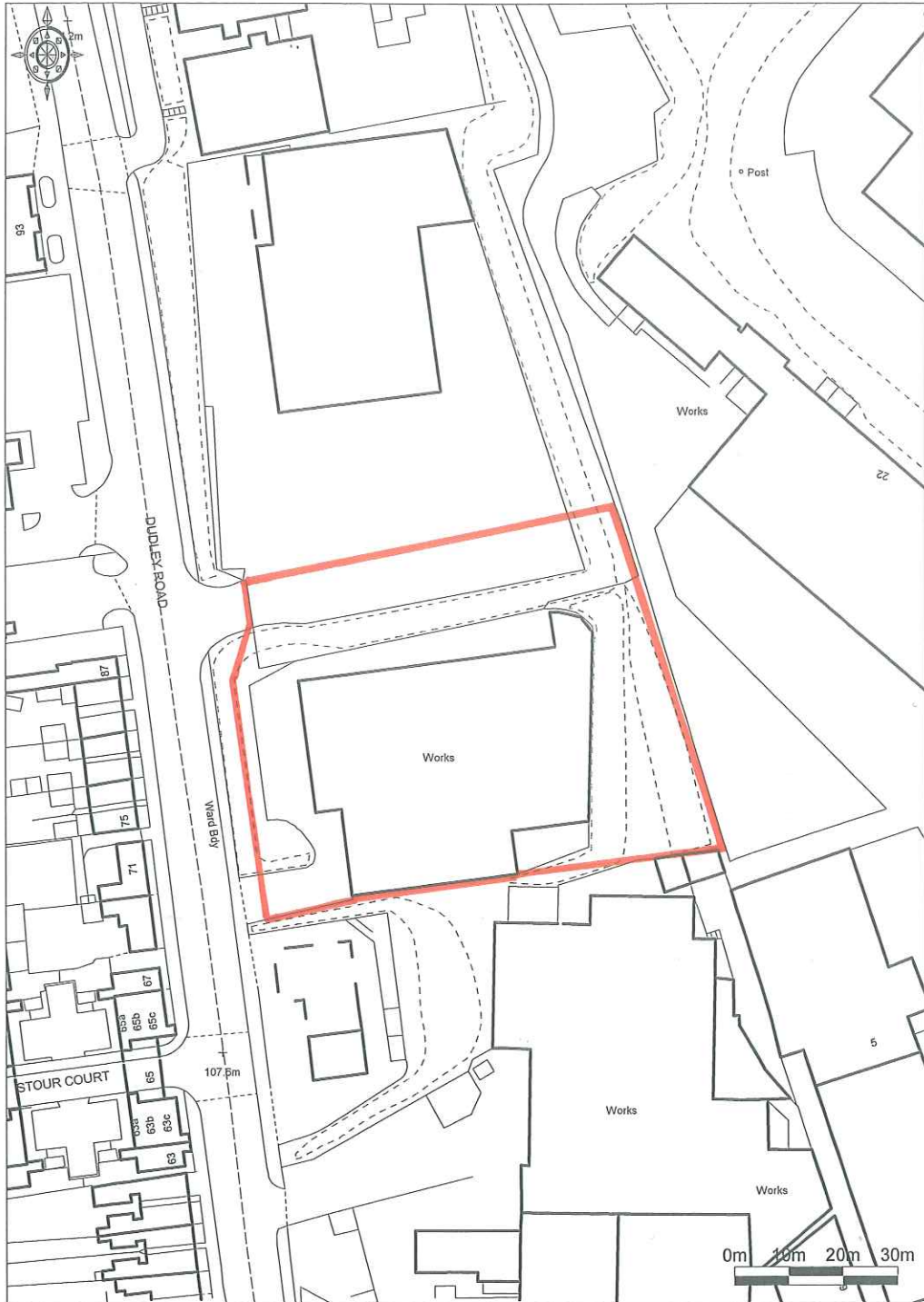
- A. This permission relates to the following plans – Location Plan; 01, 02A
- B. This permission, does not grant consent for advertisements/signs – for which a separate application, to be assessed under the advert. regulations, is likely to be required.

Conditions and/or reasons:

1. The use hereby permitted shall cease on or before a date 3 years hence from the date of this decision notice.
2. Prior to the use, hereby approved, being implemented, details of secure cycle parking shall be submitted to and approved in writing by the Local Planning Authority, and that cycle parking shall have been provided in accordance with the approved details.
3. Prior to the use, hereby approved, being implemented
  - a) a risk assessment for the vehicular restraint barrier along the edge of the parking area on the main part of the site shall be submitted to and approved in writing by the Local Planning Authority,
  - b) should that assessment demonstrate that there is the potential for vehicles not to be properly restrained, then details of an alternative form of barrier shall be submitted to and approved in writing by the Local Planning Authority and the approved barrier shall be installed and thereafter retained for the life of the development.
4. The use hereby approved shall not be operated before 1000 hours or after 2200 Monday to Saturday or before 1000 hours or after 1800 on Sundays.

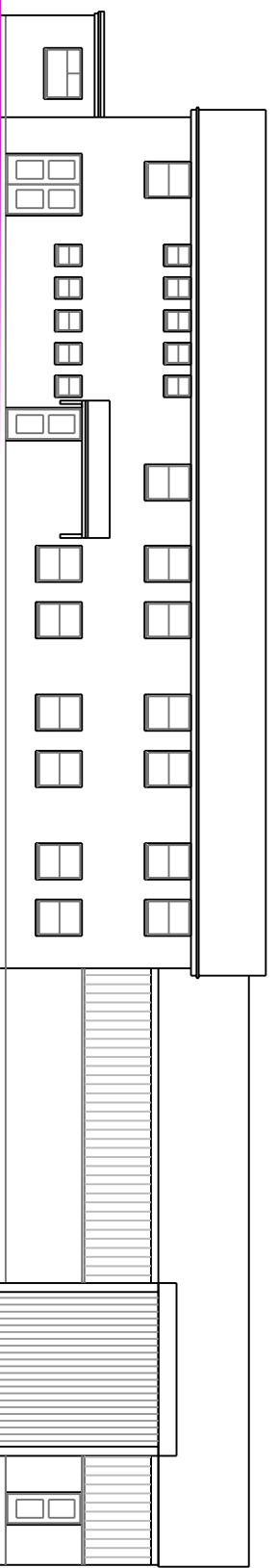
5. All external doors shall be kept closed, except for the purposes of access and egress, at all times during the operation of the karts within the building.
6. Unless otherwise agreed in writing by the Local Planning Authority, only four-stroke engine and/or electric karts shall be used within the development. Two-stroke engine karts shall not be permitted at any time.



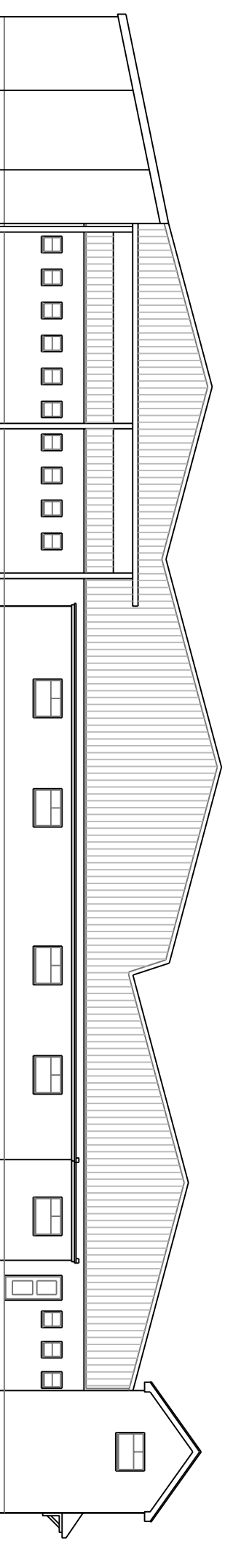


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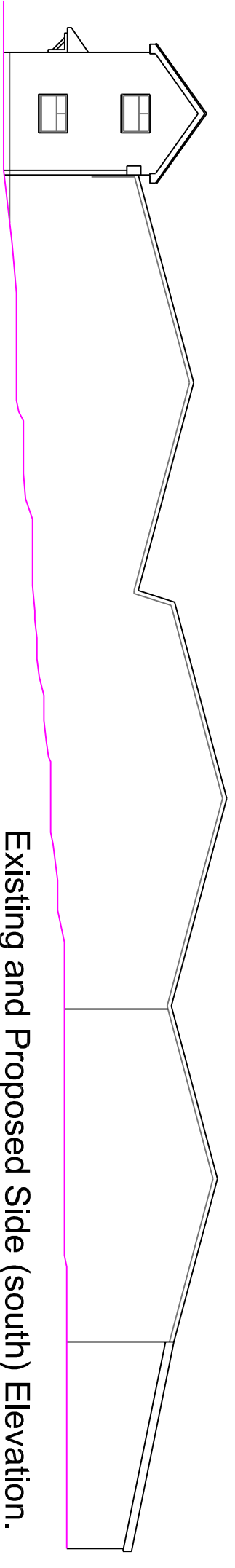
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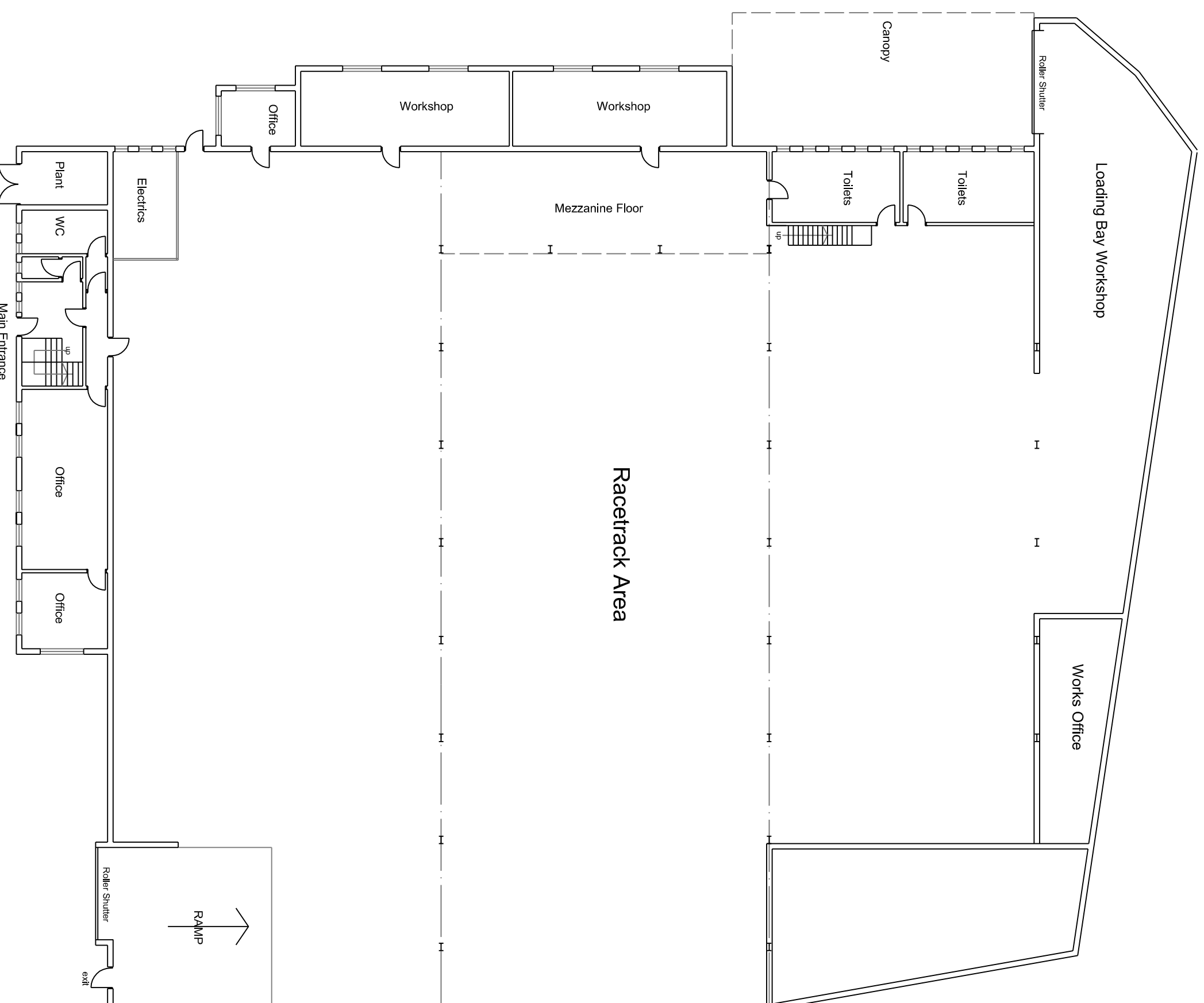
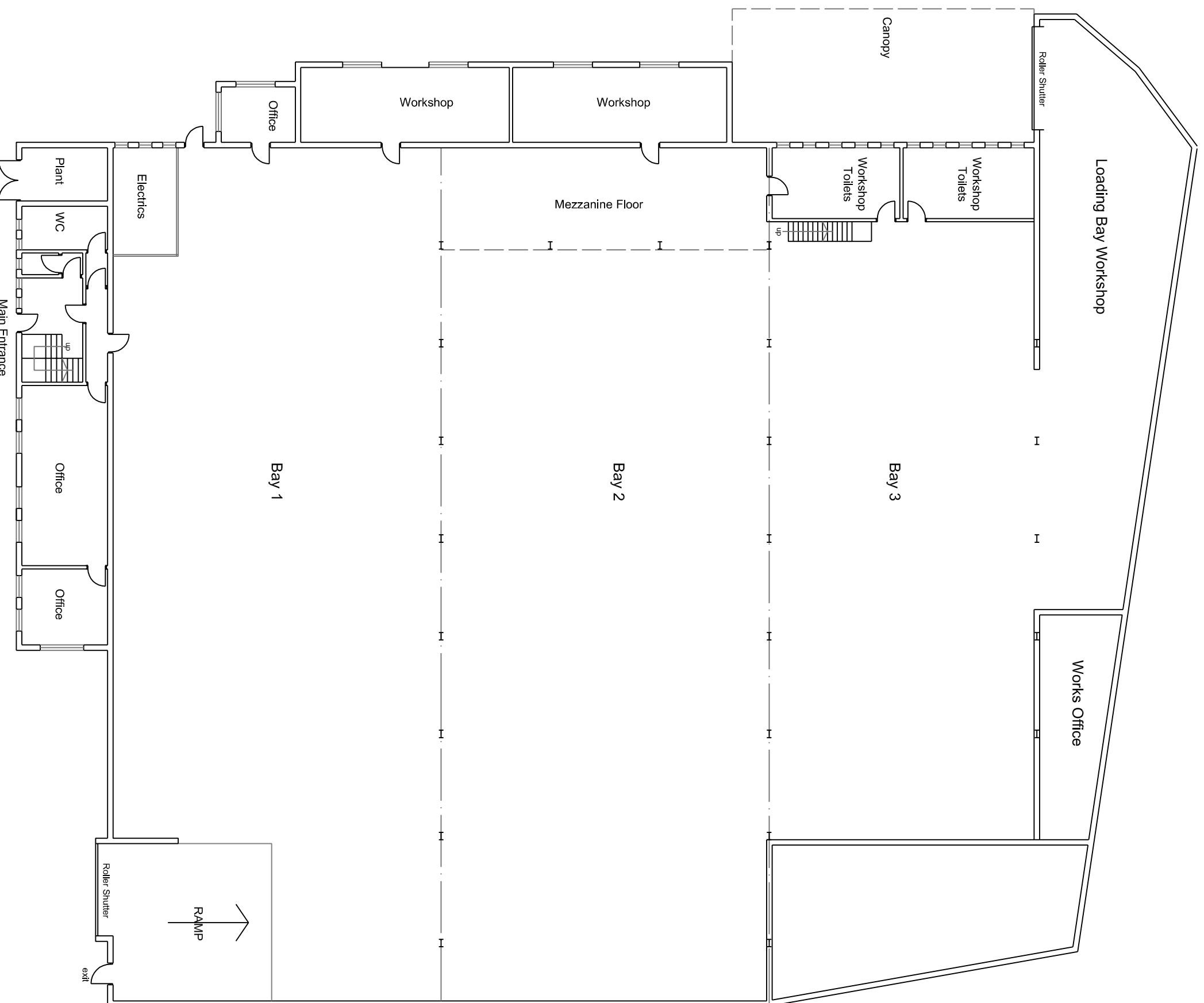
Existing and proposed Front (west) Elevation from Dudley Road



Existing and Proposed Side (north) Elevation.



Existing and Proposed Side (south) Elevation.



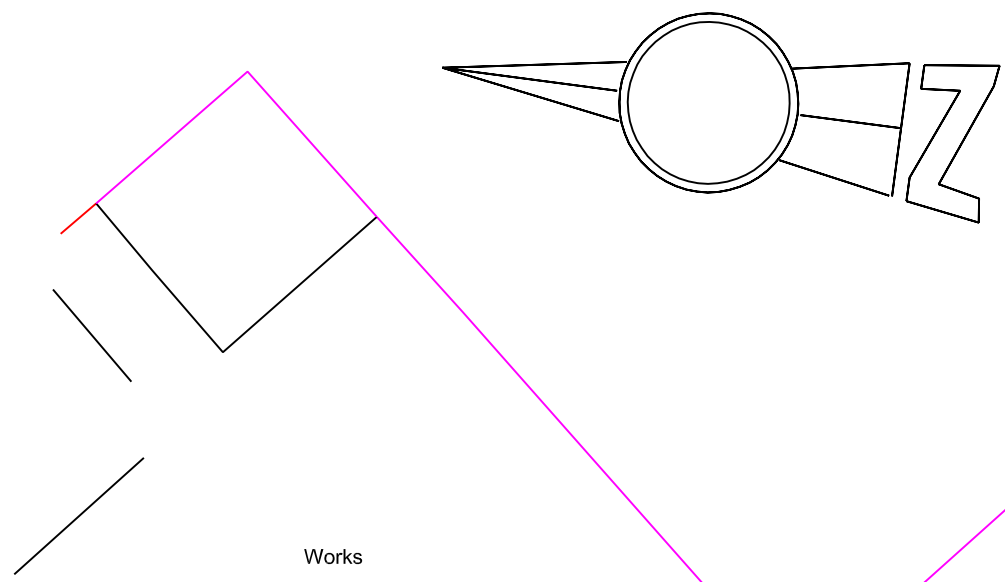
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Client: **J M G Midlands LTD**  
Job Title: **Proposed Change Of Use**  
Go-Karting Facility  
225 Dudley Road  
Halesowen. B63 3NR  
Scale: 1:200 Date: January 2010

Existing and Proposed Plans			
Dwg. Title	Dwg. No.	Plot Size	Rev.
Existing and Proposed Plans	01	1:200 A1	
Job No.	11/01/10		

Existing Floor Plan 1:200

Proposed Floor Plan 1:200



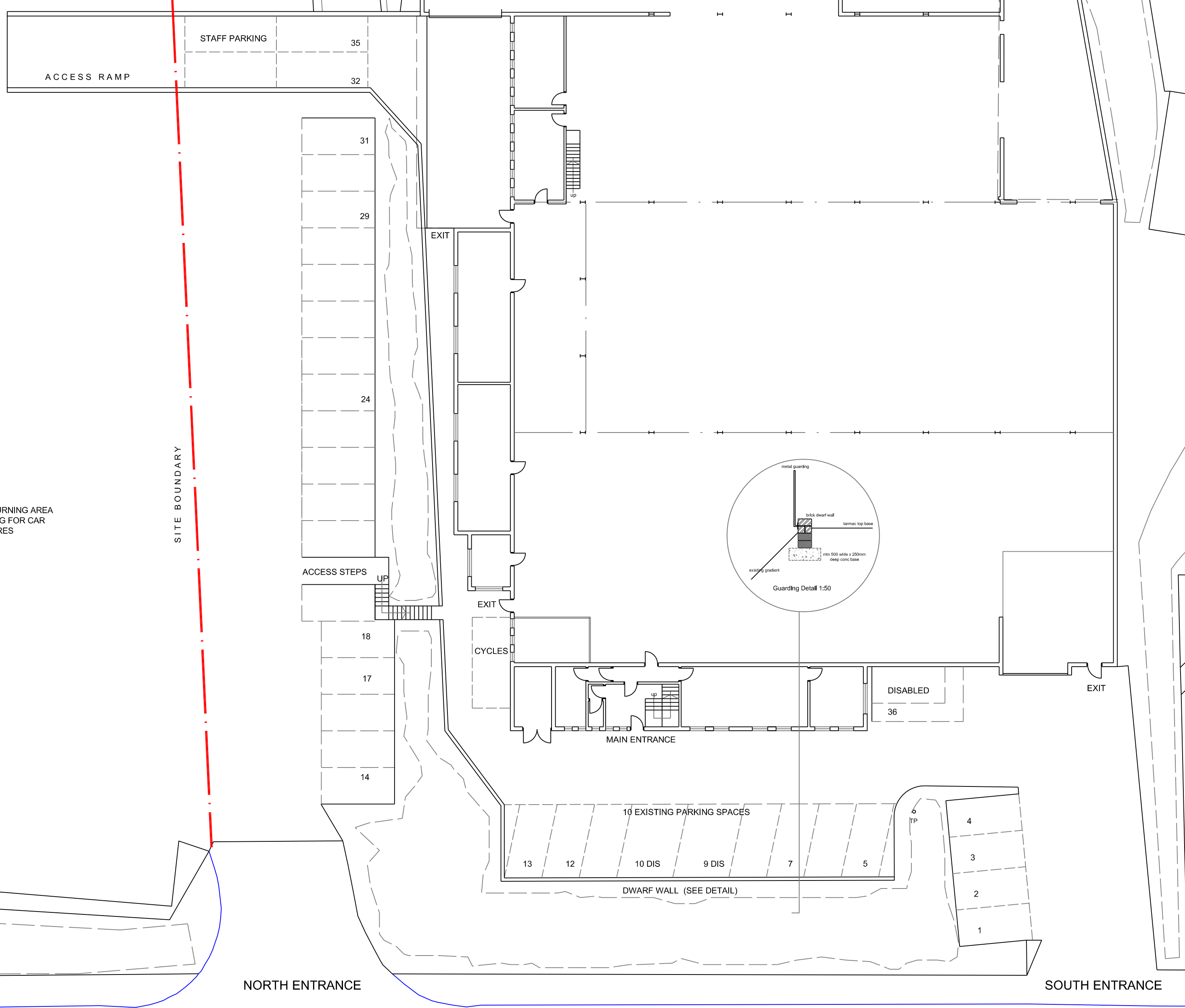
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Dwg. No: 02  
Proj. Size: 1:200 A1  
Rev:

**Proposed Site Plan**

Works



DUDLEY ROAD

