

**Sandwell Metropolitan Borough Council**

**20 October 2015**

**Proposals to Depart from the Local Development Plan at  
Crystal House, Smethwick**

**1. Summary Statement**

- 1.1 At the meeting of the Planning Committee held on 29 July, 2015, consideration was given to planning application DC/15/58098 which sought approval for the proposed change of use from former offices (B1) to a gym (D2) which included a new front entrance and associated car parking at Crystal House, Smethwick.
- 1.2 At the meeting, the Committee approved the planning permission with conditions recommended by the Director - Regeneration and Economy; and to the application being referred to the Council as a departure from the Site Allocations and Delivery Development Planning Document.
- 1.3 The site is currently allocated as Potential Strategic High Quality Employment Land in the Site Allocations and Delivery Development Plan Document. It is necessary for the Council to consider whether or not to grant an exception to its policy to allow the application to proceed.

Further details are attached for your information

**2. Recommendation**

- 2.1 That an exception to the Site Allocations and Delivery Development Plan Document and local development plan be allowed in respect of planning application DC/15/58098 (Proposed change of use of former offices (B1) to gym (D2) including new front entrance and associated car parking. Crystal House, 1 – 7 Crystal Drive, Smethwick.

**Nick Bubalo**  
**Director - Regeneration and Economy**

Contact Officer:  
William Stevens  
Planning Assistant  
0121 569 4897

### **3. Strategic Resources Implications**

The granting of exceptions to the Sandwell Allocations Delivery and Development Plan Document would not have any implications for the resources of the Council.

### **4. Legal and Statutory Implications**

- 4.1 The Planning Committee has delegated powers to determine planning applications within current Council policy. The decision to grant permission for this proposal would be contrary to the Sandwell Allocations Delivery and Development Plan Document. Consequently, the Committee has referred the application to the Council to consider whether or not an exception to the Sandwell Allocations Delivery and Development Plan Document should be granted.

### **5. Implications for the Council's Scorecard Priorities**

- 5.1 Implications contained within this report support the following Council's corporate priority for improvement:
- Great Place.

### **6. Background Details**

- 6.1 This planning application relates to the proposed change of use to former offices (B1) at Crystal House, 1 – 7 Crystal Drive, Smethwick to a gym (D2). The premises comprised of former offices within an industrial area.
- 6.2 The applicant had provided a sequential test for the proposed location of the use. The sequential test stated: 'The unit had been unsuccessfully marked since the present owner acquired the premises 10 years ago and prior to that by the former owners. It was concluded that the proposed investment would not have a significant impact on the existing facilities in the town centres'.

- 6.3 The proposal would be a departure of the Council's adopted development plan: in the Site Allocations and Delivery Development Plan document the site is within a wider area designated as "Potential Strategic High Quality Employment Land". Paragraph 11 and 196 of the adopted National Planning Policy Framework states: "Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise."
- 6.4 The Council's Planning Policy Team continue to object to the application on the grounds that the proposal is contrary to the Council's adopted Local Plan and that the applicant has not been marketed for a significantly length of period (the Council's Social Services Team used the site until October 2014), and that there are empty buildings within West Bromwich Town Centre that could be used.
- 6.5 With regards to the Council's Planning Policy Team objecting to the application on the above mentioned grounds, marketing and alternative sites, the reasons for setting aside the adopted Local Plan can be justified as:

**Alternative Sites (West Bromwich Town Centre):**

It is argued that the use could move to another location such as West Bromwich but would have to rely on land deals or amalgamation of units to accommodate the size required by the applicant. Onsite parking could not be accommodated, although there are pay and display car parks within the town centre and public transport is also available. However Sandwell has a number of other examples of gyms outside of town centres, which rely on public and private transport means to access them. Whilst it is recognized that the footfall of West Bromwich may be higher than the applicant's proposed site (due to shoppers, office workers and students) the applicant has stated that the proposed site meets the need of their company.

**Marketing:**

Whilst the original submitted information stated that the applicant has been marketing for ten years, the Council used the building up until October last year. This has been confirmed by the agent who now states the property has been marketed since October 2014 following the vacation of the previous tenant (the Council). The agent confirms that there have been 24 enquiries with 8 viewings, with interest coming from developers, leisure operators, places of worship and banqueting operators.

- 6.6 The failure to let the building out after this short period would not justify the setting aside of the Council's adopted Local Plan. However, Planning Officers were of the opinion, that the change of use would occupy an otherwise empty building that could be converted back to offices if the needed. Therefore in my opinion, on these grounds the proposal accords with the Local Plan.
- 6.7 Paragraph 27 of the National Planning Policy Framework states that applications that fail to satisfy the sequential test or is likely to have a significant adverse impact on the area should be refused. However paragraph 22 states: 'Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities'.
- 6.8 Planning Officers have concluded, the existing use is in a unique location and that the site is unlikely to be used as offices in the near future (based on the submission). Planning Officers therefore have no objection to the proposed change of use and consider the Council's adopted Plan should be set aside in this instance.

## **Source Documents**

Report to Planning Committee 29 July, 2015, regarding application DC/15/58098.