

Sandwell Metropolitan Borough Council

18 October 2016

Proposals to Depart from the Local Development Plan

1. Summary Statement

1.1 At the meeting of the Planning Committee, held on 17 August 2016, consideration was given to the following planning applications:-

1.2 Vaughan Trading Estate, Sedgley Road East, Tipton, Dudley Unit Trust – planning application DC/16/59292

Planning application DC/16/59292 sought approval for the proposed Hybrid application of 46,901m² GEA floor area, comprising a full application for the demolition of existing buildings and construction of five units for flexible B1 c (Business), B2 (General Industry), B8 (Storage or Distribution) use class (7,998.6m²), 132 parking spaces, modified vehicular access and associated development; and an outline of application (all matters reserved) for the demolition of existing buildings and construction of B1 c (Business), B2 (General Industry), B8 (Storage or Distribution) use class floor space and associated development, Vaughan Trading Estate, Sedgley Road East, Tipton, Dudley Unit Trust.

1.3 Thomas Dudley Site, Tipton Road, Tipton, DY4 7RT – planning application DC/16/59469

Planning application DC/16/59469 sought approval for the proposed demolition of existing building and construction of part two storey building to create an education and training establishment with associated offices, service yard, car parking and landscaping, Thomas Dudley Site, Tipton Road, Tipton, DY4 7RT.

1.4 At the meeting, the Committee approved both applications 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.

1.5 The sites are currently allocated as Potential Strategic High Quality Employment Land in the Black Country Joint Core Strategy. It is therefore necessary for the Council to consider whether or not to grant an exception to its policy to allow the applications to proceed.

1.6 Proposals to Depart from the Local Development Plan at Unit 1, Wharfside, Oldbury, B69 2BU – planning application DC/16/59751

At the meeting of the Planning Committee to be held on 12 October 2016, consideration will be given to application DC/16/59751 which seeks approval for the proposed change of use to gymnastics club (Class D2), Unit 1, Wharfside, Oldbury, B69 2BU.

The officer recommendation for the application is to approve the full planning application, however because this is a departure from the Adopted Site Allocations and Delivery Development Planning Document the matter needs to be considered by full Council. The next ordinary meeting of Council is not until January so this report has been brought forward in anticipation that Planning Committee will approve the application if the departure is agreed.

- 1.7 The site is currently allocated as potential strategic high quality employment land in the adopted site allocations and delivery development plan document. It is therefore 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 Black Country Joint Core Strategy and local development plan be allowed in respect of planning application DC/16/59292 Hybrid application of 46,901m² GEA floor area, comprising a full application for the demolition of existing buildings and construction of five units for flexible B1 c (Business), B2 (General Industry), B8 (Storage or Distribution) use class (7,998.6m²), 132 parking spaces, modified vehicular access and associated development; and an outline of application (all matters reserved) for the demolition of existing buildings and construction of B1 c (Business), B2 (General Industry), B8 (Storage or Distribution) use class floor space and associated development, Vaughan Trading Estate, Sedgley Road East, Tipton, Dudley Unit Trust.
- 2.2 That an exception to the Black Country Joint Core Strategy and local development plan be allowed in respect of planning application DC/16/59469 (Proposed demolition of existing building and construction of part two storey building to create an education and training establishment with associated offices, service yard, car parking and landscaping, Thomas Dudley Site, Tipton Road, Tipton, DY4 7RT).

- 2.3 That, subject to approval by Planning Committee, an exception to the Site Allocations and Delivery Development Plan Document and local development plan be allowed in respect of application DC/16/59751 proposed change of use to gymnastics club (Class D2), Unit 1, Wharfside, Oldbury, B69 2BU.

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3. Strategic Resources Implications

The granting of exceptions to the Black Country Joint Core Strategy and 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 Black Country Joint Core Strategy and 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 Development Plans 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 Vaughan Trading Estate, Sedgley Road East, Tipton, Dudley Unit Trust – planning application DC/16/59292

The application site is situated to the north of Sedgley Road East known as the Vaughan Trading Estate which has already undergone a significant amount of demolition. To the rear and side of the site (north-west) there is an existing residential development. The Birmingham canal is situated to the rear of the site with the railway line beyond and the Dudley canal further east of the site. The site is allocated for housing purposes within the Site Allocations and Delivery Development Plan Document.

The proposal would be a departure of the Council's adopted development plan: in the Black Country Joint Core Strategy 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."

6.2 Thomas Dudley Site, Tipton Road, Tipton, DY4 7RT – planning application DC/16/59469

The planning application relates to the proposed DC/16/59469 (Proposed demolition of existing building and construction of part two storey building to create an education and training establishment with associated offices, service yard, car parking and landscaping, Thomas Dudley Site, Tipton Road, Tipton, DY4 7RT).

The application relates to the land of former commercial offices (Thomas Dudley Site) which is approximately 0.25ha in size located on the north east side of Tipton Road. The site is bounded by employment type uses.

Demolition consent was granted in May of this year for the demolition of the offices in (planning application DC/16/59408).

The current proposal is for the construction of a new two and single storey building to create an education and training establishment (developing manufacturing skills) with associated offices and car parking.

The proposal would be a departure of the Council's adopted development plan: in the Black Country Joint Core Strategy 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."

6.3 Proposals to Depart from the Local Development Plan at Unit 1, Wharfside, Oldbury, B69 2BU – planning application DC/16/59751 The application relates to vacant industrial premises located on the west side of Wharfside at the Junction with Rounds Green Road. The surrounding area is predominantly industrial in nature.

The proposal is for a change of use of the vacant building for the purpose of a gymnastics club. This would be an extension to an established club currently located in Halesowen, the proposed gym would offer a range of classes and, in addition to main Gym area, comprises a soft play area, other pre-school activities and a small cafeteria.

The proposal represents a departure from policy as the land is allocated as Potential Strategic High Quality Employment Land in the adopted Site Allocations and Delivery Development Plan Document. Policy EMP2 Actual and Potential Strategic High Quality Employment Areas of the Black Country Core Strategy is relevant, this policy safeguards the unit for B1, B2 and B8 uses. The proposal is for a D2 Leisure use, therefore a suitable justification is required on policy grounds as to why a departure is acceptable. In addition the National Planning Policy Framework also sets out a requirement for such uses to be in town centre locations.

Source Documents

Report to Planning Committee 17 August 2016, regarding application DC/16/59292 and DC/16/59469.

Report to Planning Committee 12 October 2016, regarding application DC/16/59751.