

PLANNING APPLICATION NUMBER:P08/1905

Type of approval sought	Full Planning Permission
Ward	ST JAMESS
Applicant	A. Line
Location:	GROUND FLOOR, 59, WELLINGTON ROAD, DUDLEY, WEST MIDLANDS, DY1 1RE
Proposal	CHANGE OF USE FROM B8 TO SUI GENERIS (TYRE MAINTENANCE AND ALIGNMENT)(RESTROSPECTIVE)
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

- 1 The application site consists of a single/two storey brick built building on the edge of Dudley town centre. The two storey element is to the front and the single storey to the rear. The front elevation consists of three “shop fronts” at ground floor level. The rear of the building is typified by three large roller shutter doors.
- 2 The authorised use of the building is C3 (residential), B1 (light industry/office) and B8 (storage and distribution). The B1 consist of three units at ground floor level, facing Wellington Road, the B8 units are at the rear, with residential at first floor level. There is a vehicular access to the side with an extensive parking, servicing and turning area to the rear. The general character of the surrounding area is mixed with retail, leisure, housing and commercial present.

PROPOSAL

- 3 This planning application is for a retrospective change of use of one of the ground floor units from B1/B8 to a tyre maintenance and alignment centre (sui generis). The unit has been adapted to provide a reception and office area to the Wellington Road frontage with the repair bay area at the rear accessed via a separate rear entrance. Equipment within the repair bay includes a hydraulic ramp for cars and other light

vehicles. The centre employs two full time staff and one part-time member of staff. The gross floor space of the unit is 125m².

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
P01/1970	Erection Of Three Industrial Units For General Industrial (B2) Or Warehousing (B8) Use.	Withdrawn	17/12/01
P02/1535	Erection Of 3 No. Industrial Units (B1/B8 Use)	Granted	17/03/03
P08/0680	Change of use from first floor offices to apartments (retrospective)	Granted	16/07/08

- 4 Planning permission P02/1535 is of particular relevance as it is the permission to which the present building relates. The permission was for three ground floor B1 units to the front, three B8 units to the rear and three B1 (office) units at first floor level. A number of conditions were imposed in respect of hours of operation and sound insulation, principally to protect the amenity of near neighbours. P08/0680 relates to the change of use of the upper floors into three residential apartments.

PUBLIC CONSULTATION

- 5 No representations received

OTHER CONSULTATION

- 6 Group Engineer (Development): No objection subject to the provision of an additional parking space and the applicant entering into a legal agreement covering transport infrastructure contributions.
- 7 Head of Environmental Health and Trading Standards: No objection.

RELEVANT PLANNING POLICY

Unitary Development Plan

DD4 Development in Residential Areas
DD5 Development in Industrial Areas
DD6 Access and Transport Infrastructure
DD7 Planning Obligations
UR1 Central Employment Zone
EE3 Existing Employment Uses
EP7 Noise Pollution

Supplementary Planning Guidance/Documents

Parking Standards and Travel Plans Supplementary Planning Document
Planning Obligations Supplementary Planning Document

ASSESSMENT

- 8 The main issues are
- Principle
 - Neighbour Amenity
 - Access and Parking
 - Planning Obligations

Principle/Policy

- 9 The application site presently has an authorised B1 (light industry/office) and B8 (storage and distribution) use. The proposed change of use is to a tyre maintenance and alignment centre which is considered to be a sui generis use and therefore requires planning permission.
- 10 The proposed use is still considered to be an employment use and therefore complies with policy EE3 of the Unitary Development Plan which seeks to retain small scale employment sites unless the site causes nuisance, has access problems or has been demonstrated as not being viable.

Neighbour Amenity

- 11 The building in which the tyre maintenance and alignment centre is located includes apartments at first floor level. There are also residential properties to the rear. The Head of Environmental Health and Trading Standards is satisfied that the use would not cause harm to amenity. This is in part due to the sound insulation which was required by condition 13 of planning permission P02/1535. The same permission had two other amenity conditions attached to it which are to be rolled forward.

Access and parking

- 12 Vehicular access is via a private road which runs to the side of the tyre maintenance and alignment centre which leads to the car park and turning area at the rear. The Group Engineer is satisfied that the private road is satisfactory to provide safe vehicular access.
- 13 The Group Engineer has requested that the applicant provides an amended plan showing five off road spaces for the tyre maintenance and alignment centre which is currently awaited.

Planning Obligations

- 14 The proposed development has a requirement to provide planning obligations to mitigate against the consequential planning loss to the existing community. Should permission be granted a S106 Agreement would be required in respect of the following off site contributions.
 - Transport Infrastructure Improvements - £5115.80
 - Management and Monitoring Charge - £500
 - Total Offsite Contribution equates to £5615.80
- 15 The requested figure has been discounted to take into account the sites location and the previous authorized use of the site. At the date of agenda preparation a response was awaited from the applicant as to whether he has agreed to the payment of the offsite planning obligations.

CONCLUSION

- 16 The proposed development is considered to be acceptable in principle, causes no significant harm to neighbour amenity or the local highway network. Consideration has been given to policies DD4 Development in Residential Areas DD5 Development in Industrial Areas DD6 Access and Transport Infrastructure DD7 Planning Obligations UR1 Central Employment Zone EE3 Existing Employment Uses and EP7 Noise Pollution of the Dudley Unitary Development Plan.

RECOMMENDATION

It is recommended that the application be approved subject to:

- a) Within 3 months of the grant of planning permission that a scheme for the submission and approval of a planning obligation to guarantee the provision of transport infrastructure improvements totalling £5615.80 with the Management and Monitoring Charge 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.

Reason for approval

The proposed development is considered to be acceptable in principle, causes no significant harm to neighbour amenity or the local highway network. Consideration has been given to policies DD4 Development in Residential Areas DD5 Development in Industrial Areas DD6 Access and Transport Infrastructure DD7 Planning Obligations UR1 Central Employment Zone EE3 Existing Employment Uses and EP7 Noise Pollution of the Dudley Unitary Development Plan.

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Dudley UDP (2005) and to all other relevant material considerations.

The above is intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report.

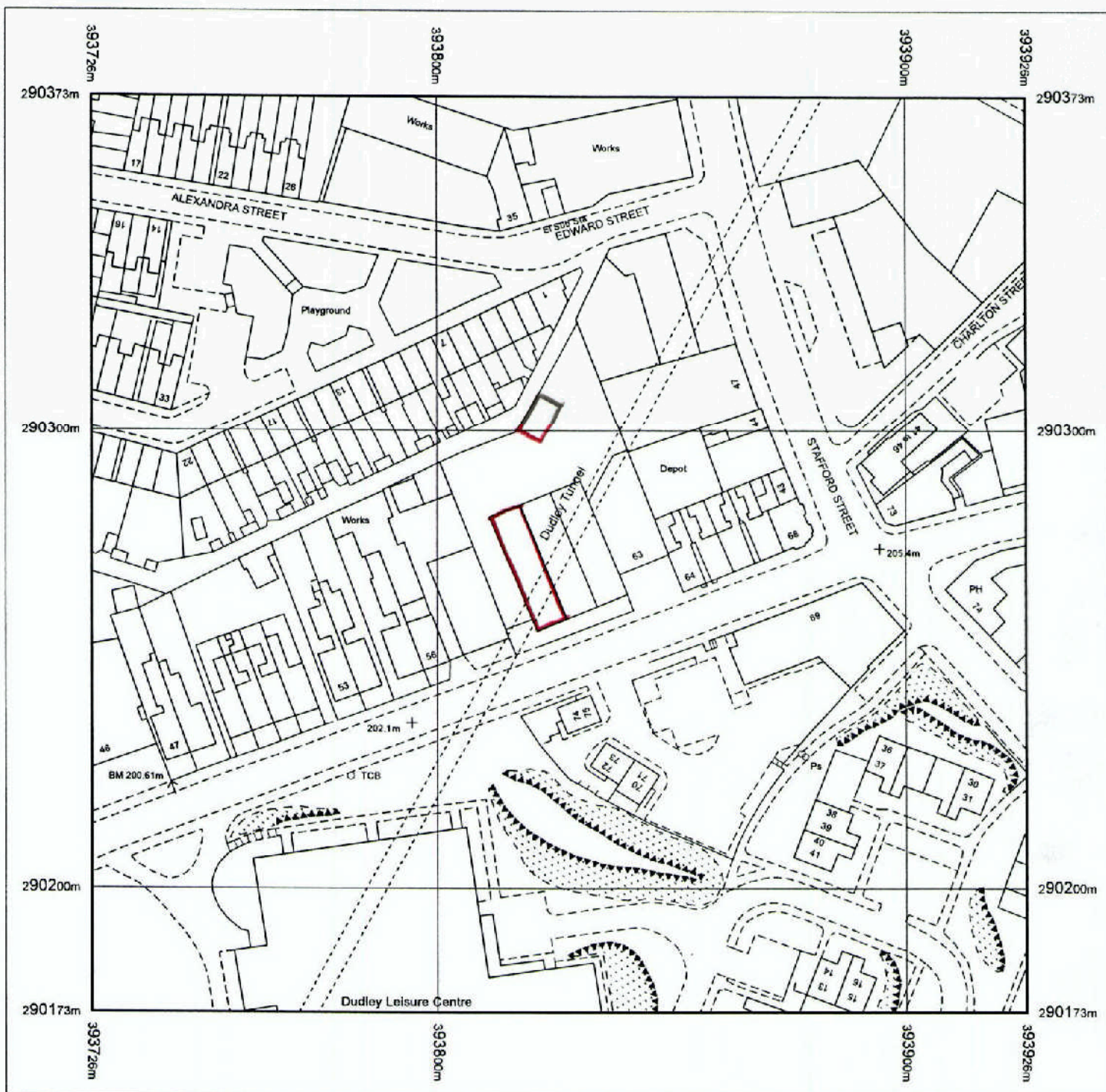
The development hereby permitted shall be built in accordance with the approved plans numbered 826-01 and 826-02 unless otherwise agreed in writing by the Local Planning Authority.

Conditions and/or reasons:

1. Within three months of the date of this permission, an arrangement for the provision of transport improvements shall be submitted to and approved in writing by the

Local Planning Authority. The scheme shall include the method, timing and arrangements to comply with the Council's policies for the provision of the infrastructure required in connection with the proposed development.

2. Within 3 months of this decision the parking for the unit shall be laid out in accordance with the details shown on plan 826-01. The parking shall be made available at all times when the business is trading and shall be retained for the life of the development.
3. No machinery shall be operated on the premises and no goods vehicles of any description whether loaded or otherwise, shall enter or leave the site other than between the hours of: 1. 08.00 hours - 19.00 hours Monday to Friday. 2. 08.00 hours - 14.00 Saturdays 3. At no time Sundays and Bank Holidays,
4. Roller shutters doors shall be kept closed at all times except specifically for access and egress into and out of the building.



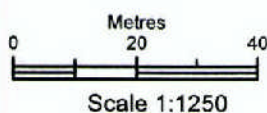
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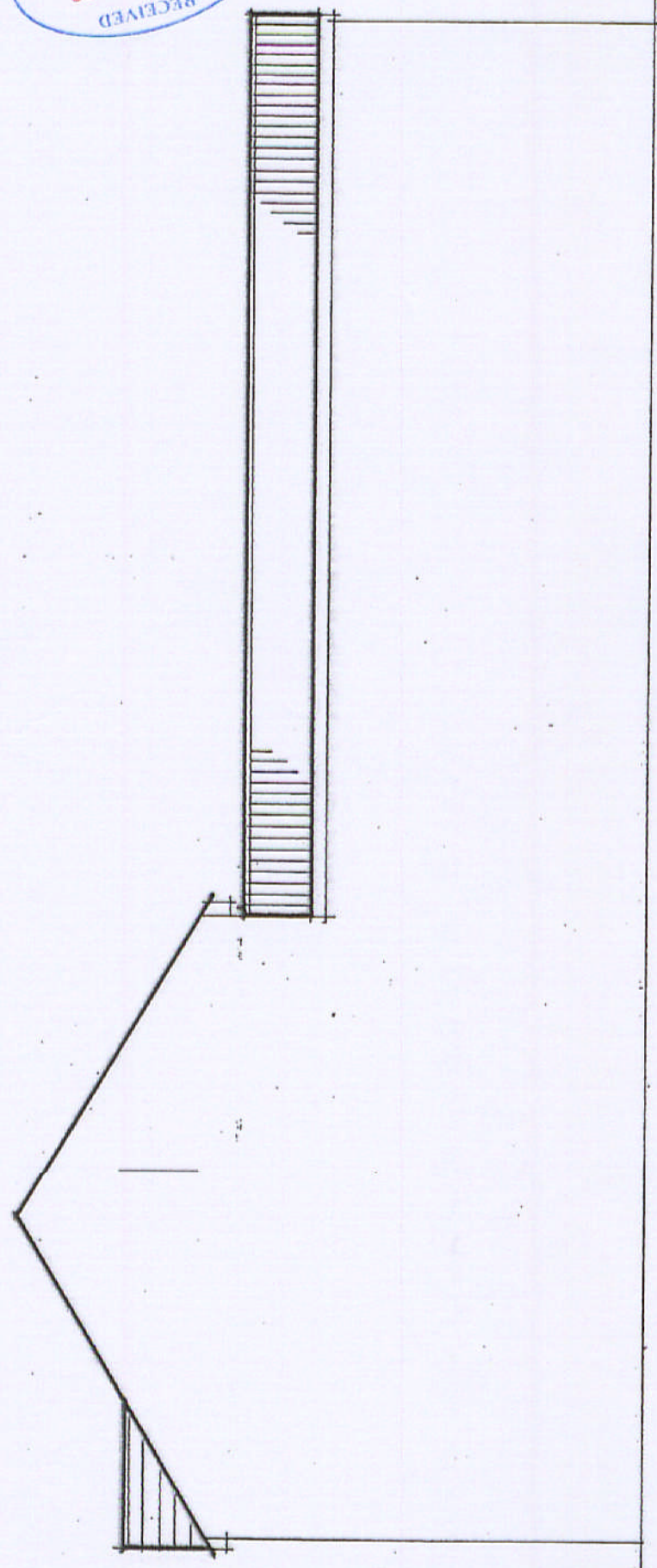
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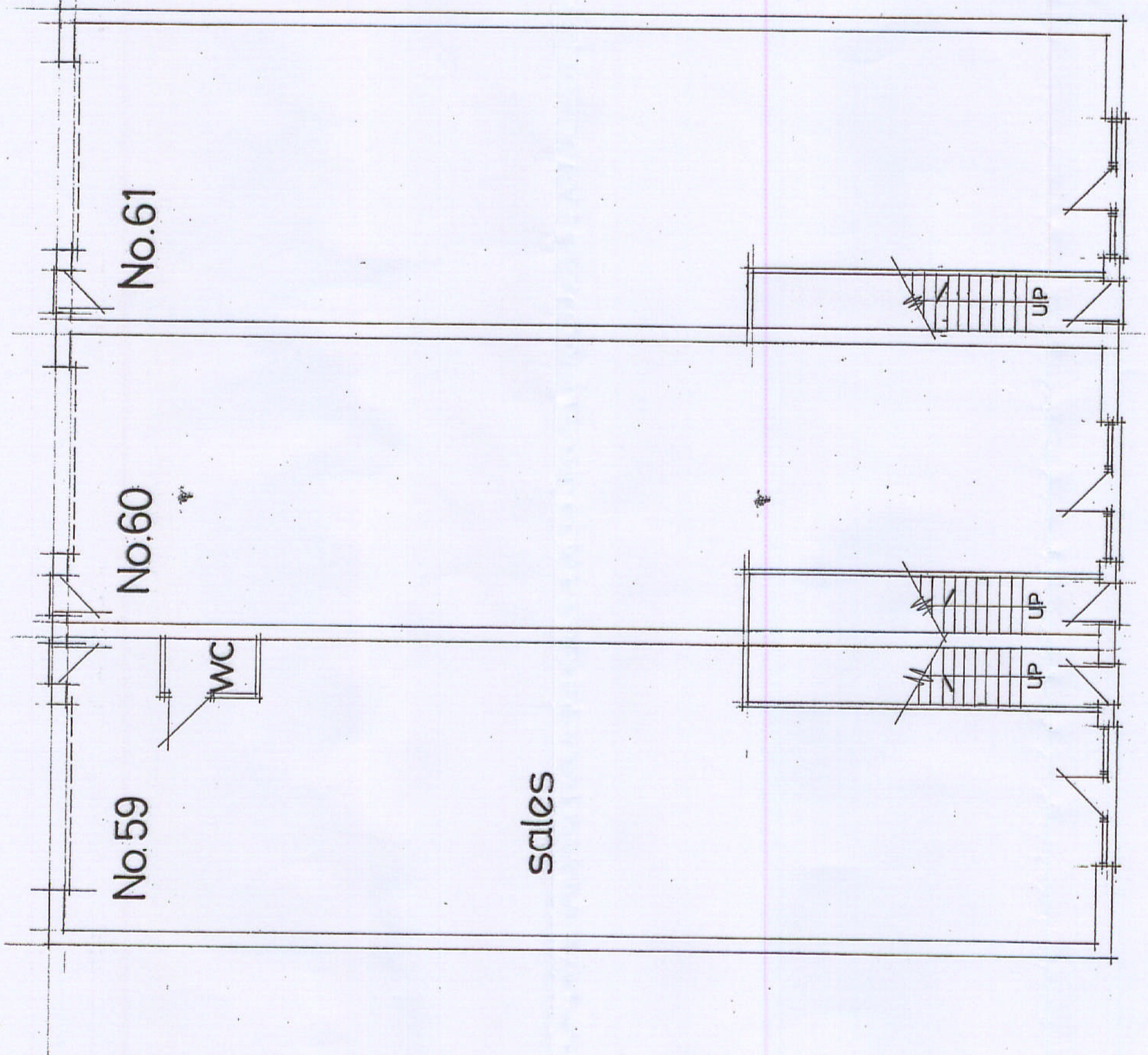


Floor Plan + Site Layout
2021/1905

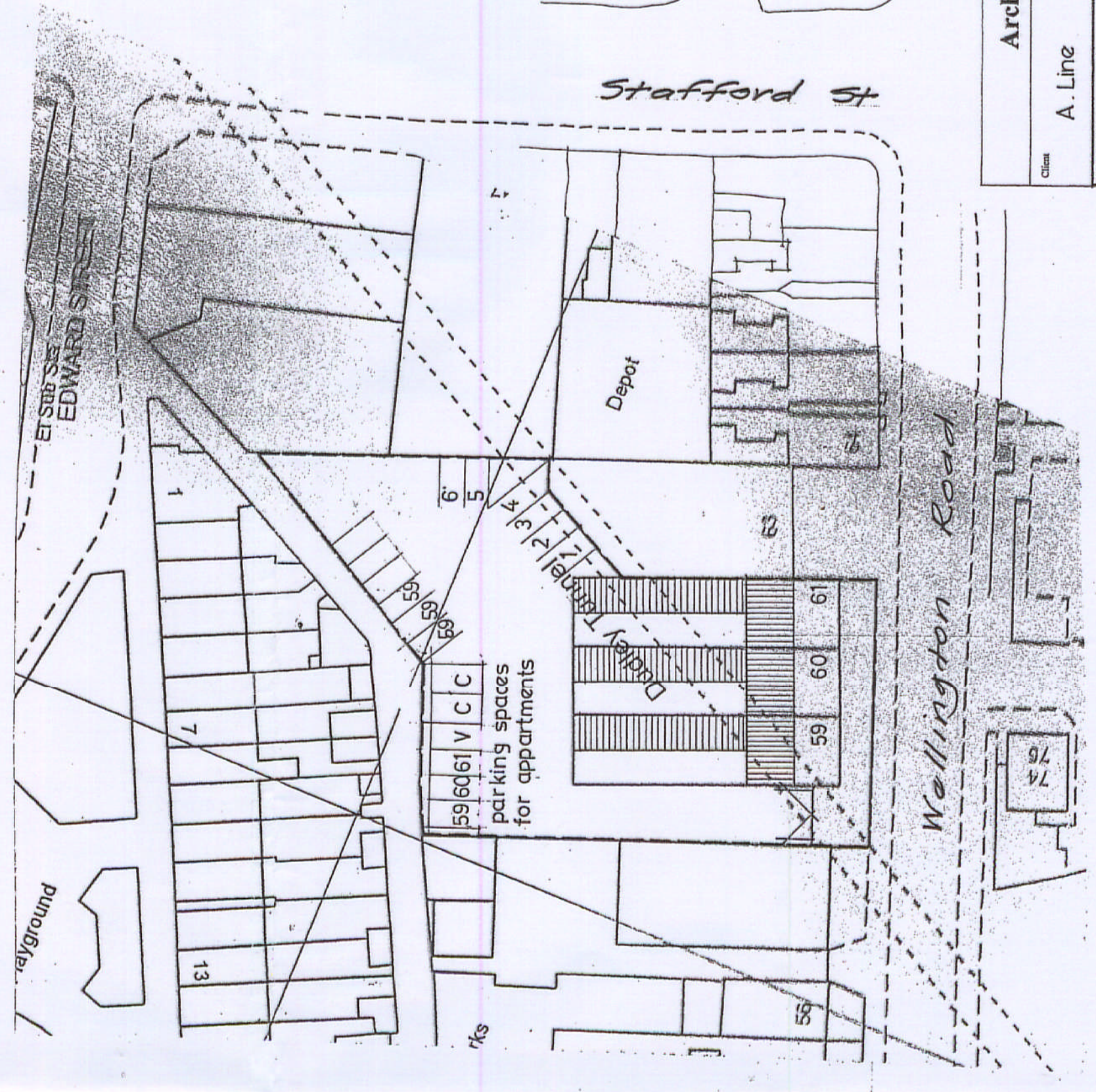
RECEIVED
30 DEC 2008
PLANNING DEPARTMENT



north east elevation



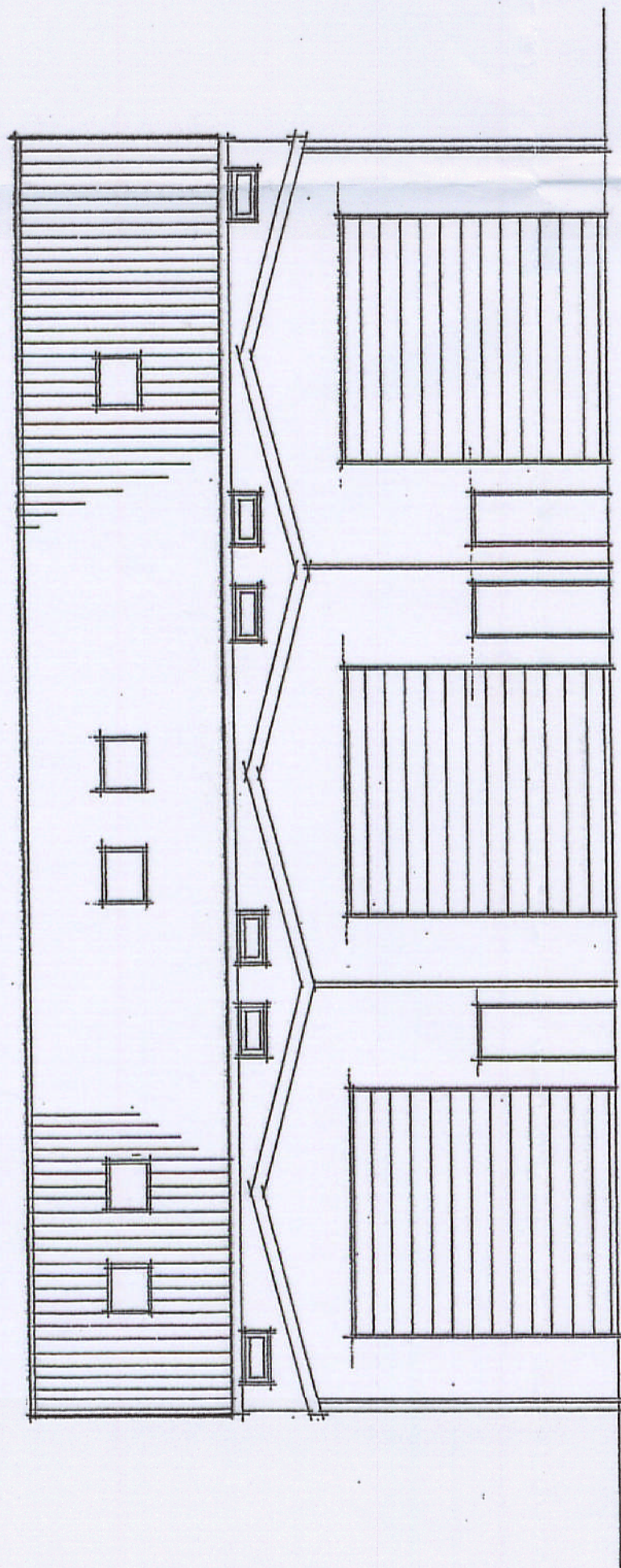
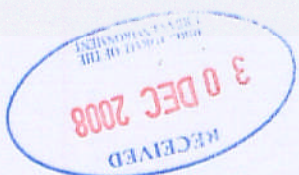
existing ground floor plan
(proposed floor plan as existing)



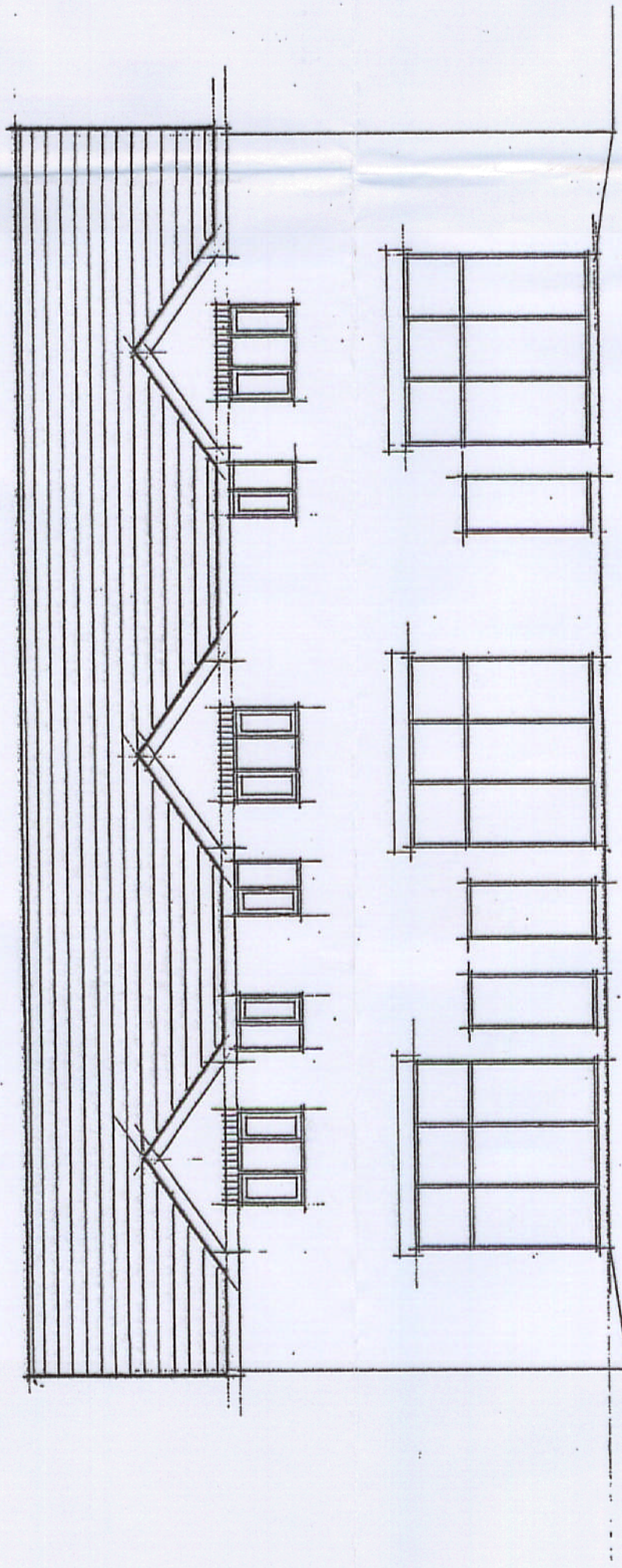
site layout 1:500

Architectural Services	
Client	A. Line
Job Title	CHANGE OF USE 59 WELLINGTON ROAD DUDLEY
Drawing Title	
PLANS & SITE LAYOUT	
Date	Dec 2008
Scale	1:100
Drawing Number	826
	01
Architectural Services 163, Hall Green Road, West Bromwich, West Midlands, B71 1DZ. Tel: 0121 588 5981 Fax: 0121 588 5811	

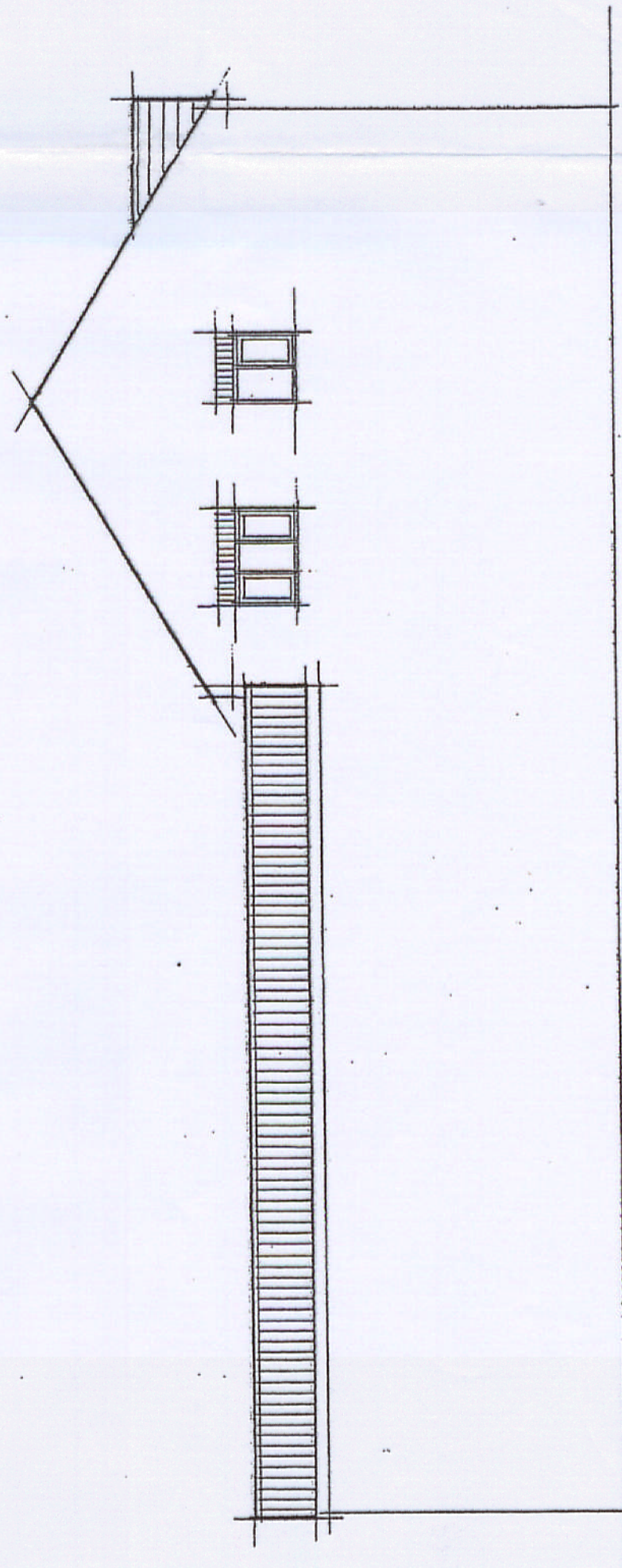
Revisions - B2/1905.



north west elevation



south east elevation (to Wellington Road)



south west elevation

Architectural Services			
Client	A. Line	Job Title	CHANGE OF USE
			59 WELLINGTON ROAD
			DUDLEY
ELEVATIONS			
Date	Dec 2008	Scale	1:100
Drawing Number	826		02
Architectural Services			
163, Ball Green Road, West Bromwich, West Midlands, B71 2DZ.			
Tel: 0121 588 5981 Fax: 0121 588 5911			