

PLANNING APPLICATION NUMBER:P14/1592

Type of approval sought	Full Planning Permission
Ward	St. James's
Applicant	Mrs Jennifer Hutchinson, Basic Desires Ltd
Location:	UNIT 2, 100, DOCK LANE, DUDLEY, WEST MIDLANDS., DY1 1SN
Proposal	CHANGE OF USE FROM (B8) TO PRIVATE MEMBERS CLUB WITH PHOTOGRAPHIC STUDIO AND NEW SMOKING SHELTER (SUI GENERIS)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. 100 Dock Lane is located on the corner of Dock Lane and Cleveland Street within a wider industrial and commercial area on the outskirts of Dudley Town centre. The site consists of a larger building which has been subdivided into 5 units. This site lies within Regeneration Corridor 11a as defined by the Black Country Core Strategy. The Regeneration Corridors are where investment and development will be focussed up to 2026 and RG11 is intended to feature a rejuvenated Dudley town centre with surrounding high quality housing and employment areas. No.100 Dock Lane lies outside an area identified for local employment retention and future housing growth near to Dudley Town centre.
2. Adjacent to the western side of the building is a small area of green space and a driveway to access other industrial premises. To the rear, sits a builders yard which is fenced off with high industrial palisade fencing of approximately two metres in height. Beyond this land to the south, sits a large factory building. The application site is located immediately opposite the car parking serving Dudley Leisure Centre. The nearest residential properties are some 80m away at the junction of Ludgate Street and Dock Lane located to the west of the application site, with further

residences approximately 100m away at the junction of Steppingstone Street and Oxford Street to the northeast.

3. The application site measures approximately 550sqm overall which includes the application premises and car park to the eastern side. The application relates to the ground floor unit (Unit 2) measuring 189sqm within the larger building which is made up of five units in total. Unit 2 sits to the rear of Unit 1 which runs along the frontage to Dock Lane. Access to Unit 2 is gained via a common entrance on the ground floor of Unit 5 which is at the rear adjacent to Cleveland Street.
4. The car parking area is enclosed by a low boundary wall and is accessed off Cleveland Street via a dropped kerb. There are no parking restrictions along Dock Lane or in the vicinity of the site. There are no mature trees on site and there is a change in ground level as Cleveland Street sits on a slight incline.

PROPOSAL

5. This proposal seeks approval for a change of use to a '*Sui Generis*' use that does not fall within any general use class. The previous use of this building was as B8, warehousing, storage and distribution with an element of A1 retail. The proposed use as a Private Members Club and photographic studio does not fit into any one specified Use Class category, although the photographic studio could fall under an office category (B1). The Private Members Club would be most similar to a nightclub/social club, and is therefore considered to be '*Sui Generis*', a use not falling within a specified Use Class.
6. The applicant has described the club as a 'Private Members Alternative Interest Club', the location and operation of which will be considered in land use planning considerations. The purpose of this report is to assess the suitability of the proposed use from a land use planning perspective and not to consider a moral judgement on the nature of the club.
7. The development will involve internal reconfiguration to provide a main bar area, a photographic studio a toilet block and admin area. There are no proposed changes

to the external elevations aside from repainting the external walls and the inclusion of a smoking shelter adjacent to the entrance doors of Unit 5.

8. The club will be accessed via double doors located in Unit 5 to the rear of the premises. The smoking shelter is to be positioned to the front of these doors, adjacent to the building. The smoking shelter will measure 3m wide and 2m deep and be constructed using a timber frame and clear polycarbonate roof. One side will remain fully open and the 2 remaining sides will feature mid line trellis in order to retain privacy for the members but to allow a degree of 'openness'.

HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
DY/53/394	Different use of foundry premises – conversion into manufacturing clothier factory	Approved with conditions	12/12/53
DY/55/184	Different use of land – proposed erection of chain link fencing and use of land as a building site	Approved with conditions	21/04/55
DY/59/335	New lavatory block at factory	Approved	22/07/59
DY/60/300	Proposed alterations, repairs, extensions and conversion to existing factory	Approved with conditions	28/07/60
DY/62/161	Development of land for erection of offices, canteen and car park	Approved with conditions	23/03/62
DY/61/285	New machine shop, parking, dispatch and boiler house	Approved with conditions	05/04/62
DY/65/193	Taking off existing pitched roofs and replace with flat roofs, build in new window	Approved with Conditions	23/07/65
DB/73/13081	Erection of 2 storey extension to form office and store room	Approved with conditions	19/12/73
CC/78/2308	Alterations to stockroom for retail purposes	Refused	16/10/78

82/50224	Use of premises as night club	Refused	28/06/82
82/51961	Use of premises at night club	Approved with conditions	20/12/82
83/52319	Change of use from workshop offices and stores to trade paint sales offices and stores	Approved with conditions	09/01/84

PUBLIC CONSULTATION

9. The application was advertised by way of ten neighbour notification letters being sent to the occupiers of neighbouring properties and units within close proximity to the site, plus the display of a site notice. The latest date for comments was the 2nd December 2014 with one written representation being received from the Leisure Centre. The main point of the representation included;
 - a. Members using the Club at 100 Dock Lane could use the car park at Dudley Leisure Centre which may prevent customers of the Leisure Centre finding a parking space.
 - b. Request that conditions regarding parking are put in place upon the granting of permission.

10. A petition of objection was also received on the 9th December. The petition signed by 66 people, raises the following considerations:
 - a. The application site is located in a residential area, opposite the Leisure Centre and near to religious buildings and may have a negative impact on children, public safety and local amenities.
 - b. The opening times would cause detriment to residential amenity by way of noise and disturbance and a potential rise in crime and disorder

11. It is noted that none of the addresses of the signatories lie within 100m of the application site, with the furthest being in Wolverhampton. A request has been received from a Ward Councillor for the application to be determined by the Development Control Committee.

OTHER CONSULTATION

12. Comments have been sought from Highways, Environmental Protection and the West Midlands Police.

Group Engineer – Highways

- There is sufficient car parking provision within the land controlled by the applicant to cater for the day to day needs of the scheme and there is spare capacity available on the adjacent roads that would not prejudice highway safety in the vicinity.
- Subject to conditions requiring the retention of the off-street car parking for the life of the development there are no objections to the development.

The West Midlands Police, Crime Reduction Team

- The Police raise no objection in principle. Non material planning comments are that an intruder alarm remotely monitored with police response is recommended.

Head of Environmental Health and Trading Standards

- No objection raised.

RELEVANT PLANNING POLICY

Black Country Core Strategy (2011)

- CSP1 The Growth Network
- DEL2 Managing the Balance Between employment Land and Housing
- ENV 3 Design Quality

Saved Unitary Development Plan Policies (UDP) (2005)

- DD1 Urban Design
- DD4 Development in Residential Areas
- DD5 Development in Industrial Areas

Supplementary Planning Documents / Guidance

- Parking Standards Review SPD

ASSESSMENT

13. The proposed development must be assessed firstly to ascertain whether the principle of the development is acceptable. The proposal must also be assessed with regard to design and compatibility with the existing premises and character of the surrounding area, in terms of potential impact on the amenity of neighbouring uses and car parking provision.

14. The key issues are

- Principle of Development
- Design and Visual Amenity
- Neighbour Amenity
- Parking Provision

Principle of Development

15. Core Strategy Policy CSP1 sets out how the Growth Network, which includes the Regeneration Corridors and Strategic Centres, will be the focus for growth, regeneration and land use change up to 2026. This Policy aims to help deliver the Core Strategy spatial objectives where sustainable development and the re-use of redundant land and buildings is an important element.

16. Policy DEL2 within the Core Strategy is applied in certain circumstances to help manage the balance between employment land and primarily housing, but also other uses. Often, when a change of use is proposed for premises where the previous use was employment, the applicant may be required to demonstrate how the requirements of Core Strategy Policy DEL2 have been met. In particular this would relate to demonstrating that the site is no longer required for employment use and ensuring that the development does not adversely affect the operation of existing or proposed employment uses nearby.

17. In this instance, it is noted that the application building has been vacant for a significant time and it has been marketed thoroughly which would suggest that the site is no longer viable for employment use. Prior to the adoption of the Core Strategy, this wider site was designated as a Local Employment Area within the Unitary Development Plan. This designation has since been removed thereby recognising that changes to alternative uses away from employment may be appropriate. Notwithstanding this, the site is adjacent to other buildings which are used primarily for industrial and employment uses and it will be important to consider the future operations of these businesses. As the hours of operation will be mainly in the evening and night-time, most of the adjacent premises will be closed and therefore it is considered that there would be minimal disturbance to their continued operations. Additionally, the applicant has undertaken a sound test for amplified music being played within the Unit and from this test, it is perceived that noise from within the Club would not adversely affect the residential properties and neighbouring premises.
18. It is considered that the proposed use is unlikely to adversely affect or prejudice the neighbouring uses and it will reuse an otherwise redundant building. Indeed, the reuse and maintenance of this part of the building is perceived as positive economic improvement which will help combat decline of this industrial area. Therefore the principle of this proposed use would be considered as acceptable in this location. It is also worth noting that the planning history on this site indicates that permission was granted in 1982 for a nightclub in this building.

Design and Visual Amenity

19. Policy ENV3 of the Core Strategy states that development proposals across the Black Country should feature high quality design that stimulates economic, social and environmental benefits. This approach is supported through Saved UDP Policy DD1, Urban Design which requires all development to apply the principles of good urban design including consideration of crime prevention measures.

20. The site lies outside the town centre boundary and does not fall within the Conservation Area or a Townscape Heritage Area. The surrounding uses are mainly light industry and the nearest residential properties are approximately 100 metres away. The building sits opposite a public car park serving the Leisure Centre. It is proposed that no external alterations will take place to accommodate the proposed change of use apart from the installation of an outside smoking area. The character of the building is comparable with the industrial surroundings, and has recently benefited from an aesthetic enhancement to the external appearance. The proposed use will not feature signage or external advertising. In this respect, the design and visual amenity of the building would not affect the street scene or be contrary to the character of the area.
21. The proposed outdoor smoking area measures 3m x 2m and is positioned adjacent to the triple entrance doors outside Unit 5. The first two sections of the door would abut the smoking shelter and the side which would run perpendicular to the building would remain fully open. The remaining two sides will feature mid line trellis which will protect the privacy of the club members and also conform with the Smoke Free (Premises and Enforcement) Regulations 2006 made under the Health Act 2006.

Neighbour Amenity

22. As noted above, the building is surrounded by similar industrial style buildings and the closest residences are approximately 80m away at the junction of Dock Lane and Ludgate Street. Measures to mitigate any potential noise impact have not been considered necessary with residents of the closest properties being unlikely to be affected by noise from amplified music within the building. The club note that it has previously operated under the name 'Flair Studios' for 3 years on Wolverhampton Street in the town centre with no knowledge of disruption or concerns being raised during this period.
23. The signed petition raises concerns regarding potential noise and disturbance, however, the residential addresses of the signatories are all located over 100m away from the application site with a good number being in Brierley Hill, Sedgley and further afield. They are therefore highly unlikely to be adversely affected by the

proposal. The petition objection also stated that the application site lies within a residential area but as noted above, the area is predominantly industrial with a degree of mixed use. The Sikh Temple lies over 100m away and the nearest primary school is approximately 300m away. Again, it is unlikely that these uses will be adversely affected by the proposal due to the proposed hours of operation and its position amongst generally industrial or commercial premises.

24. The proposed use is also unlikely to affect the amenity of nearby industrial premises as the hours of operation would be mostly in the evenings and weekends when the other operations are generally not operational.

25. It is therefore considered that in terms of neighbour amenity the proposal would be compliant with Policies DD1, DD4 and DD5 in the Adopted UDP.

Car Parking

26. The site boundary shown on the submitted plans indicates the open area to the east of 100 Dock Lane to be utilised for car parking. The parking area measures approximately 330sqm. The observations received from the Leisure Centre state that members visiting the club could use the car park at the Leisure Centre for parking. The Group Engineer is of the opinion that there is sufficient car parking provision within the land controlled by the applicant to cater for the use, with spare capacity available on the adjacent roads that would not prejudice highway safety in the vicinity. There are no parking restrictions on Dock Lane and it is a highway capable of providing on street parking with no detriment to other road users.

27. It is therefore considered unlikely that club members would need to utilise the Leisure Centre car park, however, this car park is currently not controlled and is open to public use whether users of the Leisure Centre or not.

28. It is considered that the car parking provision provided on site and available on street will be sufficient to serve the proposed development, consistent with the Parking Standards SPD.

CONCLUSION

29. This proposed development will involve the reuse of an otherwise redundant building which has been shown to be no longer viable for further warehouse or commercial use. The reuse of the premises as a private members club and photographic studio will provide an economic use within this area and be consistent with the Core Strategy spatial objectives. It is unlikely that the proposed use would cause any adverse impact to the occupants of residential properties or to the future operations of nearby industrial premises. The proposed car parking provision is considered acceptable and any possible overspill parking could be accommodated on streets in the vicinity without prejudicing highway safety. On this basis, it is considered that the proposed change of use is acceptable in land use planning terms in this location and is compliant with the relevant development plan policies.

RECOMMENDATION

30. It is recommended that the application is approved subject to the following conditions:

APPROVAL STATEMENT INFORMATIVE

In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Informative Note

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine

gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

Conditions and/or reasons:

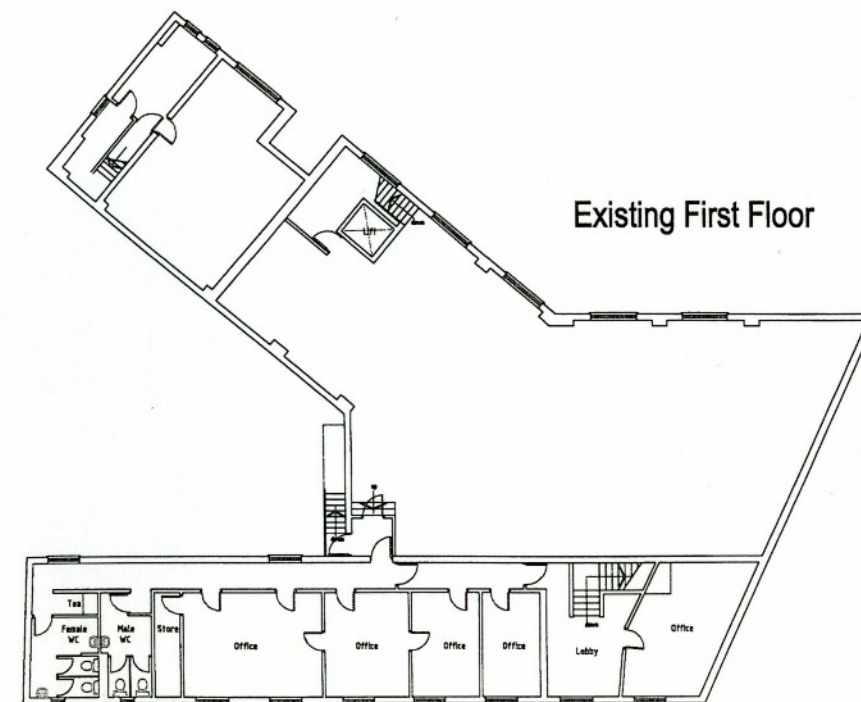
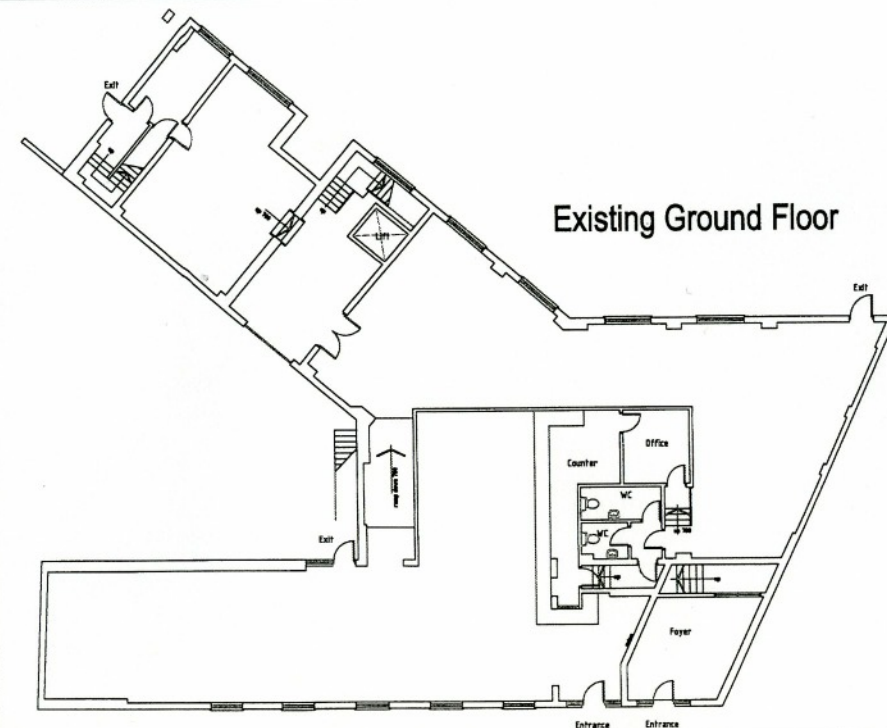
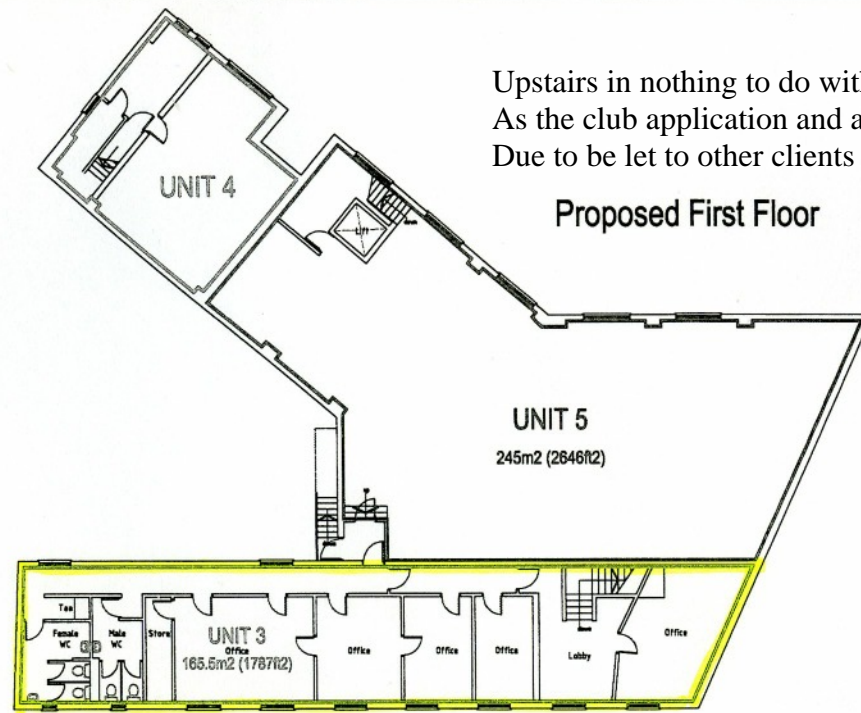
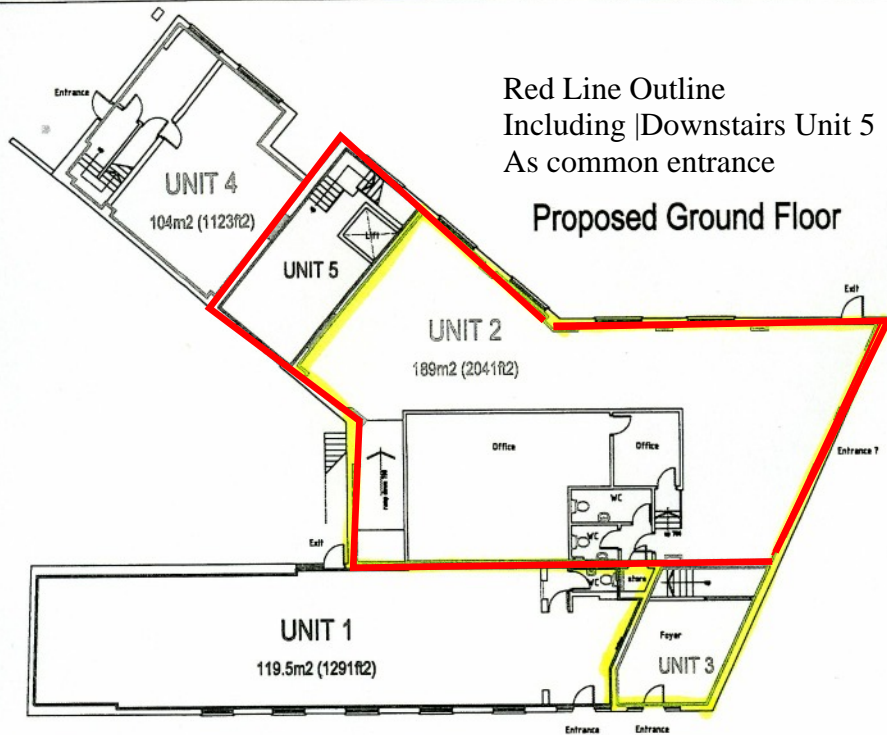
1. The premises shall not be open to the public before the hours of [1200] nor after [2300] Sunday to Thursday, before [1200] or after [0200] on Fridays and Saturdays
2. The development hereby permitted shall be carried out in accordance with the following approved plans listed in schedule, New boundary plan, red line boundary including car park, proposed floor layout, smoking shelter sketch
3. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
4. The off-street car parking outlined in red shall be retained for the life of the development.



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The representation of a road, track or path is no evidence of a right of way.
The representation of features as lines is no evidence of a property boundary.

Scale 1:1250
Coordinates : 393736.1,290063.6
Area : 141 Square Metre (2 Ha) A4

Production date : 05/11/2014 16:16:39
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19 Kidderminster Road, Kingswinford
West Midlands DY6 6EX

Tel (01 904) 377200
jacoburg@kingswinford.co.uk

Client
G.J Sykes Ltd

Job Title
Proposed Change of Use
100 Dock Lane, Dudley.

Scale
1:50

Date
Jan 2009

Drawn By
Survey and Proposed Plans
retaining layout

Job No.
2452910

Drawn By
JZ

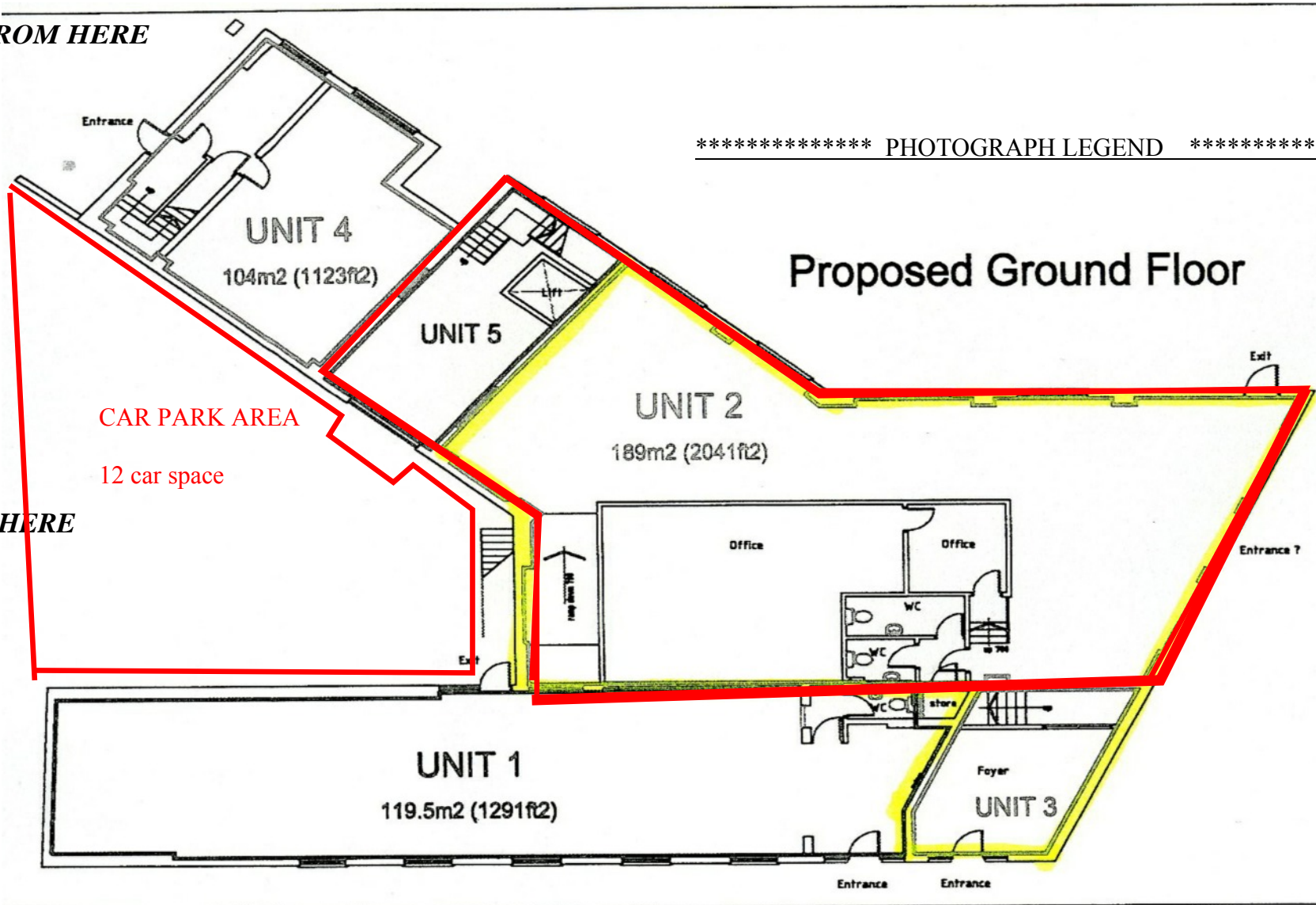
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Rev.

PIC 5 FROM HERE

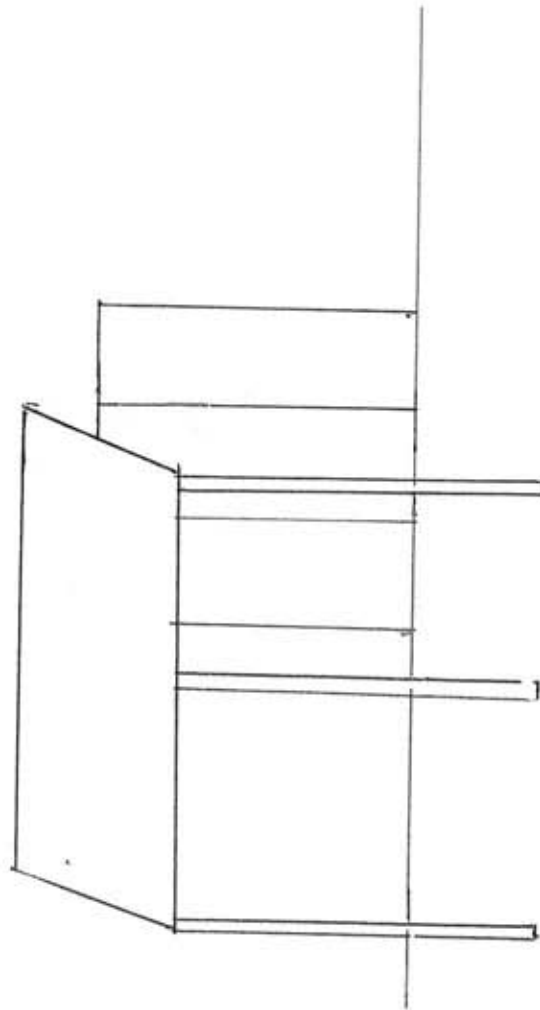
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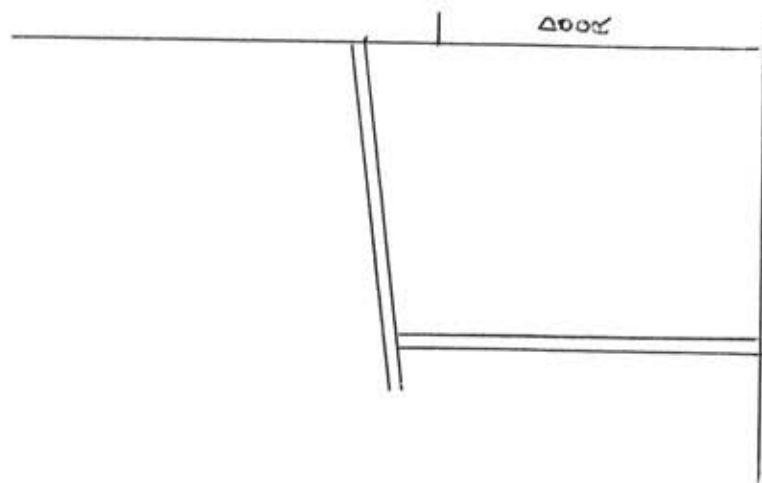
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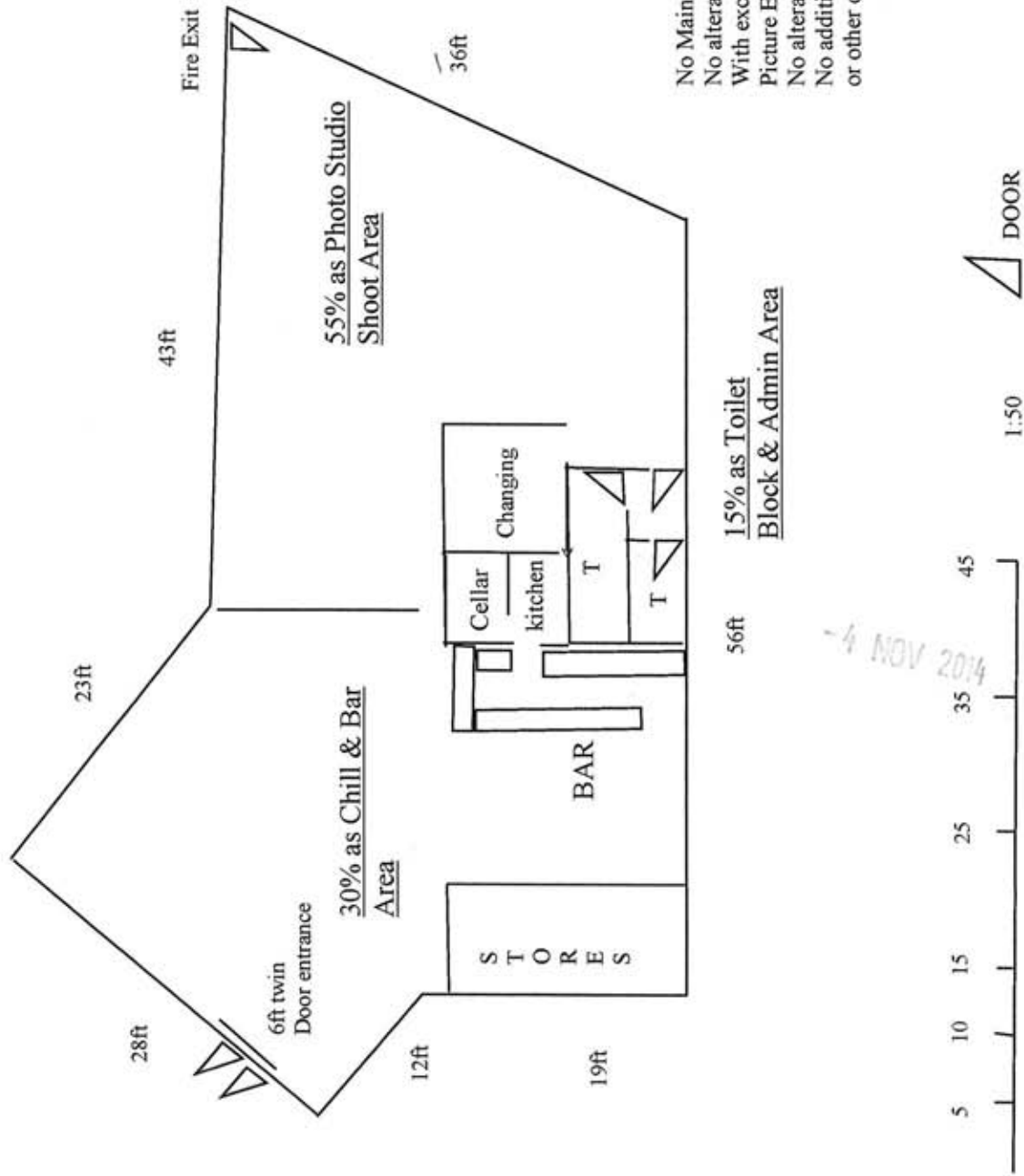
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SHOKING SHELTER





No Main Building works are to be undertaken.
No alterations to external of building
With exception of Smoking Shelter
Picture Enclosed/Attached.
No alterations to main entrances or exit points.
No additions or alterations to windows
or other openings