# PLANNING APPLICATION NUMBER: P21/0178

Type of approval sought		Full Planning Permission	
Ward		Wollaston and Stourbridge Town Ward	
Agent		Keith Mellor, Tetratech	
Case Officer		Stephanie Hollands	
Location:	11, HAGLEY ROAD, STOURBRIDGE, DY8 1QH.		
Proposal	CHANGE OF USE FROM HAIR SALON (E) TO HOT FOOD TAKEAWAY (SUI GENERIS) WITH ALTERATIONS TO ELEVATIONS TO INCLUDE EXTRACT FLUE, FRESH AIR INTAKE GRILL AND NEW SHOP FRONT AND DOOR.		
Recommendation Summary:	APPROVE SU	JBJECT TO CONDITIONS	

# SITE AND SURROUNDINGS

- The application site comprises a three-storey building of flat roof design, at 11 Hagley Road, Stourbridge, DY8 1QH. The premises are located to the northern end of a block of what appears to have previously been 6 identical three storey buildings within the urban area of Stourbridge. An enclosed yard area is located to the rear.
- 2. The premises were most recently in use as a hair salon (Use Class E(a)) to the ground floor with a two-storey self-contained 3-bedroom apartment above. The premises are currently vacant at ground floor.
- 3. The western frontage of the property is located directly to the back of pavement, to the northern edge lies an access driveway leading to a large parking area to the rear, a large stand-alone building of high visual aesthetics is located to the north beyond the access drive, and further commercial units are located adjoined to the south. To the adjacent western edge of Hagley Road lie further commercial businesses.

- 4. Other uses immediately surrounding the area encompasses a wide variety of commercial uses, including an estate agent adjoined, a fitness centre, funeral directors, public house, solicitors, physiotherapy practice, children's day nursery, motor vehicles showrooms and function suits.
- 5. In terms of parking facilities, no parking is permitted directly to the front of the premises on Hagley Road to either of the eastern or western edges, however parking is permitted a short distance to the south on the eastern edge of the road, restricted to 2 hours between 7am and 7pm. To the rear of the site via the adjoined access drive off Hagley Road lies a large surface level car park and further large surface car parks are located to the rear east off Church Street and to the west on Union Street.
- 6. The building is not listed and is not located within a Conservation Area.
- 7. The subject of this application No.11 Hagley Road, Stourbridge is a three-storey late 18<sup>th</sup>/early 19<sup>th</sup> century end of terrace building identified within the Stourbridge Area Action Plan (AAP) to be a building of 'Medium Positive Contribution'. It is located within Character Zone 10 'Stourbridge Historic Core' which is also identified in the AAP to be an 'Area of High Historic Townscape Value (HTV 37).
- 8. Located immediately to the north of the application site are three designated heritage assets:
  - a pair of Grade II listed K6 Telephone boxes recorded on the Council's Historic Environment Record (HER) as HER No.1714 and
  - the Grade II listed former Country Court HER 1699.
  - the Grade II listed former Stourbridge Library and Technical college HER 1700

## PROPOSAL

9. This application seeks consent for change of use from hair salon (E) to hot food takeaway (sui generis).

- 10. The proposal also includes minor external alterations to the building to accommodate the proposed use, including the location of an extract flue and fresh air intake grill to the north western side elevation and new shop front and door, decorated to RAL9005.
- 11. The proposal seeks operating hours of 11:00 to 23:00 seven days per week.
- 12. The extraction system has been specifically designed to Papa John's specifications and details can be found in the submitted 'Supporting Information on the Proposed Extraction System and Plant' document. The design reflects the nature of the cooking operation where all products are oven cooked using conveyor ovens only. The baking (rather than frying) of food limits the odours associated with the use. The extraction system will remove heat produced during the process and air supply system would remove oven fumes and ventilate the premises.
- 13. Papa John's (GB) Ltd have a centrally controlled logistics operation to deliver the fresh dough and other products necessary to meet the business needs of each store. The delivery model is company-wide and based on three deliveries per week; two food deliveries from the main distribution centre, using fixed-bed ten tonne delivery vehicles; and one by the drinks supply partner, Coca Cola, utilising a 7.5 tonne non-articulated delivery vehicle. Food deliveries would be made on regular days to maintain stock levels in the store. Deliveries would be received to the rear of the unit. Delivery vehicles need only be present at the site for approximately 20 minutes.
- 14. A Planning Statement with a further addendum has been submitted in support of this application, which also includes a Noise Management Plan.

# PLANNING HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
No.			
P06/2238	Display 1 no. revolving barber pole	Approved with conditions	19/01/2007
P05/2188	Proposed change of use from office (A2) to hot food takeaway (A5).	Refused	01/12/2005
99/51863	INTERNALLY ILLUMINATED FASCIA SIGNS, ONE TO THE FRONT AND ONE TO THE SIDE AND INTERNALLY ILLUMINATED PROJECTING SIGN.	Approved with conditions	31/01/2000

#### P05/2188 Reasons for refusal:

- The proposed change of use would appear inappropriate in the context of the surrounding professional organisations and would have an adverse impact on the general amenity of the surrounding area, by reason of additional rubbish, litter and cooking odours generated by the A5 use and customers using the facility. It would therefore contravene Policies DD1 (Urban Design), CR12 (Retail A3 Uses and Amusement Arcades) of the adopted Dudley Unitary Development Plan and Planning Guidance Note 28 (Hot Food Takeaways).
- The proposed fume extraction system would be visible within the street scene and would, therefore, have a detrimental impact on the setting of the nearby listed building. It would therefore be contrary to policy HE5 (Buildings of Historic Importance) and Planning Guidance PPG15 (Planning and the Historic Environment).
- The development would be likely to attract short term on-street parking generated by car-borne customers of the development that would be detrimental to the safe and efficient operation of the public highway, it would therefore be contrary to Policy

DD6 (Access and Transport Infrastructure) of the Revised Dudley Unitary Development Plan.

# PUBLIC CONSULTATION

- 16. The application was advertised by way of a site and press notices being displayed and direct neighbour notification. Eleven letters of objection have been received from local occupiers with the following concerns summarised below:
  - No off-road parking/unauthorised parking/obstruct access/danger to road users/overloading private car park/security
  - No accessible space for refuse containers
  - Litter/waste/refuse storage
  - Deliveries/no availability of safe loading area
  - Previous refusal
  - Not sitting comfortably with existing uses
  - Unsightly building
  - Not located in a town centre retail area
  - Infestations, noise, potential rodent problems and health and safety reasons
  - Issue of public health and public nuisance
  - Adversely affect the siting and structure of Listed structures
  - Out of character with the area
  - Unpleasant smells
  - Existing pizza shops on the high street
  - Numerous empty shops within the town centre
- 17. Following re-consultation on the amended plans (addressing Historic Environment's concerns), which expired on 16<sup>th</sup> July 2021 six objections have now been received from local occupiers objecting to the application with the following comments summarized below:
  - Access issues
  - Potentially dangerous
  - Location of bins and air conditioning inductor

- Rat and mice problems/vermin
- Use can be accommodated with the town centre in empty shops
- Parking and services
- Nuisance
- Out of character
- Inconsiderate parking
- Existing pizza places in Stourbridge, not necessary
- Waste rubbish
- Grade II listed buildings

# OTHER CONSULTATION

- 18. <u>Highways</u>: No objections and recommend approval.
- 19. <u>Environmental Safety and Health Team:</u> Recommend that conditions be attached to any approval relating to air quality and noise.
- 20. <u>Planning Policy Team</u>: No objections in principle.
- 21. <u>Historic Environment</u>: Recommended on-balance that the application be recommended for approval subject to conditions.

# RELEVANT PLANNING POLICY

#### 22. Legislation

Sections 66(1) and 72(1) of the *Planning (Listed Buildings and Conservation Areas)*Act 1990

## 23. National Planning Guidance

Technical Guidance to the National Planning Policy Framework (2012)

Community Infrastructure Levy Regulations (as amended) (2014)

National Planning Policy Framework (NPPF, Feb 2019) – specifically Chapter 16, Conserving and enhancing the historic environment

NPPF Planning Practice Guidance (PPG)

Historic England Good Practice Advice notes (GPAs)

- GPA 2: Managing Significance in Decision-Taking (2015)
- GPA 3: The Setting of Heritage Assets (2017)

Historic England Advice Notes (HEANs)

- HEAN 2: Making Changes to Heritage Assets (Feb 2016)
- HEAN 12: Statements of Heritage Significance (Oct 2019)

## 24. Black Country Core Strategy (2011)

- DEL1 Infrastructure Provision
- ENV2 Historic Character and Local Distinctiveness
- ENV 3 Design Quality
- CSP3 Environmental Infrastructure
- CSP4 Place Making
- CSP5 Transport Strategy
- CEN6 Meeting Local Needs for Shopping and Services
- TRAN2 Managing Transport Impacts of New Development
- TRAN5 Influencing the Demand for Travel and Travel Choices
- CSP1 The Growth Network
- CSP2 Development Outside the Growth Network

## 25. The Dudley Borough Development Strategy (2016)

- S1 Presumption in favour of Sustainable Development
- S2 Planning for a Healthy Borough
- S6 Urban Design
- S8 Conservation and Enhancement of Local Character and Distinctiveness
- S9 Conservation Areas
- S10 Listed Buildings

- S11 Buildings of Local Historic or Architectural Importance
- S12 Areas of High Historic Townscape Value (AHHTV)
- S15 Heritage Assets of archaeological interest, Scheduled Ancient Monuments and Archaeological Priority Areas (APA)
- S17 Access and Impact of Development on the Transport Network
- D1 Access for All
- D2 Incompatible Land Uses
- D5 Noise Pollution
- D9 Hot Food Takeaways
- D12 Control of Advertisements
- L12 Shop Front Security

#### 26. Stourbridge Area Action Plan (Oct 2013)

- Policy 21 Conservation and enhancement of local character and distinctiveness in Stourbridge)
- Policy 22 Areas of high historic townscape value (AHHTV)
- Policy 24 Archaeological Priority Areas (APA)

## 27. Supplementary Planning Documents

- Access for All Supplementary Planning Document
- CIL Charging Schedule (2015) (updated 2017)
- Parking Standards Supplementary Planning Document (2016)
- Planning for Health SPD (2013)
- PGN 5 Retail frontages
- Historic Environment SPD (2017)
- Shopfront & Advertisement SPD (2017)

### 28. Urban Historic Landscape Characterisation (UHLC)

- Black Country HLC (2009)
- Borough-wide UHLC (2016)
- Stourbridge UHLC (Aug 2011)

## 29. West Midlands Combined Authority Guidance

West Midlands Design Charter
 <a href="https://www.wmca.org.uk/media/3647/wmdesigncharter.pdf">https://www.wmca.org.uk/media/3647/wmdesigncharter.pdf</a>

# **ASSESSMENT**

- 30. The key issues in determination of this application are:
  - Principle/Policy
  - Design and appearance
  - Amenity issues
  - Highway safety
  - Financial Material Considerations

## Principle/Policy

- 31. The site is located within an Area of High Historic Townscape Value, within the Stourbridge AAP area, and lies approx. 100m from Stourbridge Town Centre.
- 32. The application proposes to convert the unit for a hairdressers (Class E) to a hot food takeaway (Sui Generis), As the site is located within SAAP Boundary Policy 9 [hot food takeaway] needs to be considered, this focuses primarily on hot food takeaways within the town centre, but does state that hot food takeaways should not result in bunching. Additionally, DBDS policy D9 [hot food takeaways] states for sites which are not located within the town centre or within a protected frontage:

'Elsewhere hot food takeaways will be permitted where they do not create or exacerbated a concentration (typically 3 or 4) those uses.'

- 33. While there are a number of hot food takeaways located within the town centre. From google street view (oct. 2020) there does not appear to be any hot food takeaways located in any of the adjacent units or in the immediate vicinity.
- 34. Additionally, SAAP Policy 9 states that proposals for hot food takeaways should not have an adverse impact on amenity and highway safety and any associated equipment should not be visually dominant within the townscape.

### 35. DBDS Policy D9 also states:

'In all Locations, planning permission for hot food takeaways will only be granted where in additional to the above considerations, there would not be an adverse impact on public or highway safety'

- 36. It is therefore considered that for the proposed development to be considered acceptable in terms of SAAP Policy 9 and DBDS Policy D9, it must be demonstrated that the development would not result in highway safety problems, and would be acceptable in terms of the impact on residential uses, such as the residential flat above the site.
- 37. The site is also located within an AHHTV, therefore any external changes will need to be sympathetic to the surrounding streetscape, in line with Stourbridge AAP Policy 22 [Areas of High Historic Townscape Value].

#### Design

- 38. The development would bring a vacant unit back into use which in turn would enhance the existing positive characteristics of the locality including public realm. As such the development would not have any detrimental impact on the overall character of the surrounding area.
- 39. The application site is located within a row of commercial properties with residential properties nearby. The new shop front would have no adverse impact on outlook, daylight provision or privacy for these nearby occupiers of those residential properties.
- 40. The the location of the extract flue and fresh air intake grills to the north western side elevation would not be highly visible from the street scene. As such it is not considered there would be any detrimental impact to the visual amenity of the surrounding area.

- 41. Historic Environment have noted and welcomed that the applicant has made amendments to the scheme, (Addendum to the planning statement dated 28/07/21) and to the amended floor plans and elevations. This information was been provided in order to address original concerns raised by Historic Environment.
- 42. The additional information provided, coupled with the imposition of suitably worded conditions is considered to be sufficient in order to overcome the original concerns raised by Historic Environment.

## Amenity issues

- 43. The application site is located at the end of a row of commercial properties in a mixed-use commercial/residential area along this part of Hagley Road.
- 44. The Environmental Safety and Health Team do not object the proposed development and suggest a number of safeguarding conditions to limit noise and air pollution.
- 45. The Environmental Safety and Health Team note the applicant has submitted a kitchen ventilation scheme in support of the application. It should be noted that this scheme relates to the actual intended cooking operations as a pizza takeaway. The odour potential of different types of cooking are clear and which would necessitate varying levels of control to control kitchen odours. It is accepted that the proposed scheme is acceptable at controlling the odours from this pizza establishment although The Environmental Safety and Health Team are not satisfied that it is suitable and adequate for general unrestricted takeaway usage.
- 46. Subject to the above-mentioned conditions, it is not considered that the proposed uses would have any detrimental impact on the amenity of surrounding residential occupiers in the vicinity. The use is appropriate for a parade of local shops such as this and the proposal accords with local and national planning policy.

#### Highway safety

- 47. The Applicant has clarified the waste storage location and also that no branded vehicles will remain at the premises overnight. Both items may have created obstruction of the shared side access or the public footway at the front of the building.
- 48. The proposed scheme is therefore consistent with the requirements of Policies TRAN2, and CSP5 of the adopted BCCS and the Parking Standards SPD (2017).
- 49. With regards to the recommended condition by the Environmental Safety and Health Team in relation to electric vehicle charging points, as there is no on-site parking provision this condition is not appropriate in this instance.

## Financial Material Considerations

- 50. Section (124) of the Localism Act states that: Local planning authorities are to have regard to material considerations in dealing with applications including any local finance considerations, so far as material to the application. A 'local finance consideration' may be taken to cover the payment of New Homes Bonus, or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy (CIL). The section does not change the law in any way. It is not a new basis for planning policy and it remains unlawful for planning permissions to be 'bought'.
- 51. The proposal is not liable for CIL for the following reason(s):
  - less than 100 square metres of CIL Liable retail floor space

# CONCLUSION

52. The principle of the proposed use in this location is considered acceptable and would bring a vacant unit back into use. The proposal respects the historic character and distinctiveness of the area making a positive contribution to place making through high quality design with appropriate conditions imposed. There would be no detrimental impact on residential amenity of nearby occupiers. It is also considered that there would be no detrimental impact on highway safety. The proposal would therefore comply with Core Strategy and Development Strategy Policies.

# RECOMMENDATION

53. It is recommended that the application be APPROVED subject to the following conditions:

#### Conditions and/or reasons:

- The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
   REASON: To comply with Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2. The development hereby permitted shall be carried out in accordance with the following approved plans unless otherwise agreed in writing by the local planning authority: Addendum to planning statement dated 28/07/21 and Drawing Nos 20108-11 REVISION B, 20108-12 REVISION B, 20108-03 REVISION A, 20108-02 REVISION A and 20108-01. REASON: For the avoidance of doubt and to safeguard the quality and visual appearance of the host property and of the Stourbridge Historic Core Area of High Historic Townscape Value (AHHTV) in accordance with Policy S12 (Areas of High Historic Townscape Value) of the adopted Dudley Borough Development Strategy and Policy 21 (Conservation and enhancement of local character and distinctiveness in Stourbridge) and Policy 22 (Areas of High Historic Townscape Value) of the Stourbridge Area Action Plan.
- 3. Notwithstanding the details shown in the submitted plans and provided in the addendum development shall not begin until full details/samples of the type, texture and colour of all materials to be used in external elevations have been submitted to and approved in writing by the Local Planning Authority. REASON: To safeguard the quality and visual appearance of the host property and of the Stourbridge Historic Core Area of High Historic Townscape Value (AHHTV) in accordance with Policy S12 (Areas of High Historic Townscape Value) of the adopted Dudley Borough Development Strategy and Policy 21 (Conservation and enhancement of local character and distinctiveness in Stourbridge) and Policy 22 (Areas of High Historic Townscape Value) of the Stourbridge Area Action Plan.
- 4. In order to minimise the impact of the development on local air quality, any gas boilers provided within the development must meet a dry NOx emission concentration rate of <40mg/kWh.
  <p>Reason: To safeguard the air quality of the Borough which is an Air Quality Management Area in compliance with the Black Country Core Strategy Policy ENV8 and the adopted Air Quality SPD.
- 5. Should the type of food being cooked at the premises alter in any way from that of a pizza takeaway, a revised scheme containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, shall be submitted to and approved in writing by the Local

Planning Authority. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless otherwise agreed beforehand in writing with the Local Planning Authority.

REASON: To protect the amenities of nearby residents and comply with Borough Development Strategy 2017 Policy L1 Housing Development, extensions and alterations to existing dwellings

Policy D2 Incompatible Land Uses (in part)

- 6. The premises shall not be open to the public, nor shall deliveries from the premises be made, before the hours of 11:00 nor after 23:00 on any day. REASON: To protect the amenities of nearby residents in accordance with Borough Development Strategy 2017 Policy D5 Noise Pollution and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part).
- 7. The rating level of sound emitted from any fixed plant and/or machinery associated with the development (including the discharge of cooking fume from a flue) shall not exceed background sound levels by more than 5dB(A) between the hours of 0700-2300 (taken as a 15 minute LA90 at the nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the nearest sound sensitive premises). All measurements shall be made in accordance with the methodology of BS 4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.

REASON: To protect the amenities of nearby residents in accordance with Borough Development Strategy 2017 Policy D5 Noise Pollution and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part).

- 8. The scheme submitted for internal air extraction, odour control, and discharge to atmosphere from cooking operations, is approved in writing by the Local Planning Authority. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless otherwise agreed beforehand in writing with the Local Planning Authority. REASON: In the interests of air quality and the amenities of surrounding premises in accordance with BCCS Policy ENV8 Air Quality and Borough Development Strategyy 2017 Policy S5 Minimising Flood Risk and Sustainable Drainage Systems (SuDS).
- 9. Nothwithstanding the details shown on the submitted plans, development shall not commence until large scale architectural drawings of the proposed new shop front and and proposed entrance doors to be used in the external elevations and their colour, finish and materials have been submitted to and approved in writing by the local planning authority. The work will be undertaken in accordance with

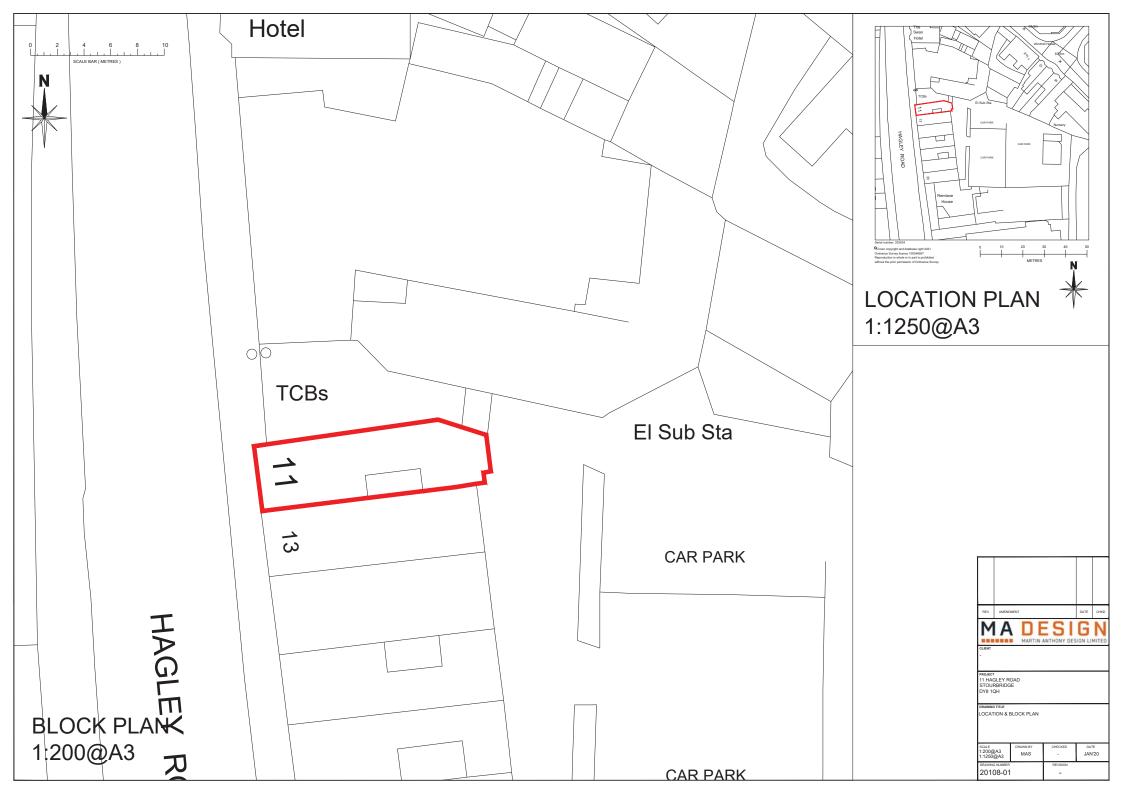
the addendum to the planning statement dated 28th July 2021 and Large scale architectural drawings at 1:1, 1:2 or 1:5 of the sections and profiles of jambs, heads, sills, glazing bars, fascia's, pilasters, stallriser and headings together with their relationships to masonry apertures shall be provided. Development shall proceed in accordance with the agreed details and be retained for the lifetime of the development.

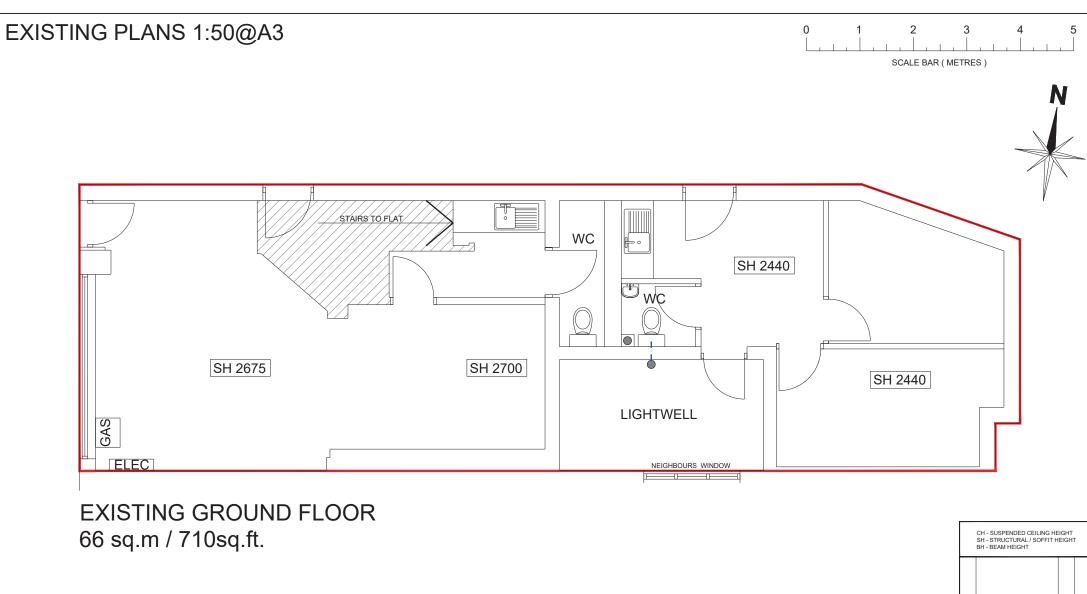
The external windows, shop front, doors and associated features installed on the building shall be in accordance with the approved details and shall not be replaced, except in accordance with the same approved details and without the prior written agreement of the local planning authority. The shopfronts and doors shall be of timber construction.

REASON: To safeguard the quality and visual appearance of the host property and of the Stourbridge Historic Core Area of High Historic Townscape Value (AHHTV) in accordance with Policy S12 (Areas of High Historic Townscape Value) of the adopted Dudley Borough Development Strategy and Policy 21 (Conservation and enhancement of local character and distinctiveness in Stourbridge) and Policy 22 (Areas of High Historic Townscape Value) of the Stourbridge Area Action Plan and to ensure the shopfront is 'secured by design' and accessible for all in accordance with Policy L12 (Shop Front Security), Policy D1 (Access for All) of the Dudley Borough Development Strategy and in accordance with the adopted Shopfront & Advertisement SPD (2017).

- 10. The change of use hereby approved shall not come into use until the existing shopfront and side entrance has been replaced and the new shopfront and side entrance installed in strict accordance with the details approved under condition 9 above.
  - REASON: To safeguard the quality and visual appearance of the host property and of the Stourbridge Historic Core Area of High Historic Townscape Value (AHHTV) in accordance with Policy S12 (Areas of High Historic Townscape Value) of the adopted Dudley Borough Development Strategy and Policy 21 (Conservation and enhancement of local character and distinctiveness in Stourbridge) and Policy 22 (Areas of High Historic Townscape Value) of the Stourbridge Area Action Plan.
- 11. Notwithstanding the details shown on the submitted plans development shall not begin until details have been submitted to and approved in writing by the Local Planning Authority of the final location of all vent pipes, flues, air intake and extraction equipment terminals and details provided of their exact design, colour and finish in order to demonstrate that they will not have a detrimental impact on the host building or on the Stourbridge Historic Core AHHTV. The scheme shall be implemented in accordance with the approved details and retained for the lifetime of the development.

REASON: To safeguard the quality and visual appearance of the host property and of the Stourbridge Historic Core Area of High Historic Townscape Value (AHHTV) in accordance with Policy S12 (Areas of High Historic Townscape Value) of the adopted Dudley Borough Development Strategy and Policy 21 (Conservation and enhancement of local character and distinctiveness in Stourbridge) and Policy 22 (Areas of High Historic Townscape Value) of the Stourbridge Area Action Plan.



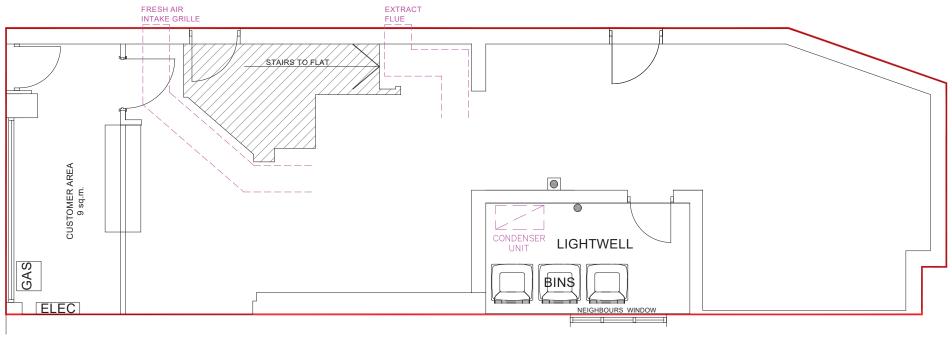












PROPOSED GROUND FLOOR 75 sq.m / 807sq.ft.



