

PLANNING APPLICATION NUMBER:P12/0065

Type of approval sought	Full Planning Permission
Ward	HALESOWEN NORTH
Applicant	Mr M. Akram
Location:	MASDAQ MORTGAGES AND PROPERTY SERVICES, 124, NIMMINGS ROAD, HALESOWEN, B62 9JH
Proposal	PART A – EXTERNAL ROLLER SHUTTER TO SIDE EXTENSION (RETROSPECTIVE) PART B - FRONT EXTENSION TO EXISTING SIDE FLAT ROOF EXTENSION INCORPORATING NEW SHOP FRONT (RETROSPECTIVE).
Recommendation Summary:	PART APPROVE & PART REFUSE (SPLIT DEC'N)

SITE AND SURROUNDINGS

- 1 The application premises consists of an estates agent/mortgage brokers offices (A2) on the east side of Nimmings Road, Shell Corner.
- 2 The main building is two-storey with a side single storey extension. There is part constructed single storey extension to the rear of the building which is being investigated separately.
- 3 This application relates to the existing side extension.

PROPOSAL

- 4 This retrospective planning application is for a small front extension to an existing single storey side extension. The side extension is understood to be used as a store to the main A2 premises. The extension projects forwards by 0.78m with a width of 4.9m, and is line with the main building.

- 5 A new shop front has been installed in the front elevation which is set behind an external roller shutter.

HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
HB/57/289	Garage Verandah Coal And W.C.	Granted	03/07/57
HB/56/125	Change Of Use Of Existing Living Room To Retail Shop And New Shop Front. Use Class	Granted	04/04/56
HB/67/819	Change Of Use Of Existing Living Room to Retail Shop and New Shop Front. Use Class I.	Granted	08/12/67
HB/73/1218	Kitchen And Lounge.	Granted	09/01/74
HB/72/455	Shop Front.	Granted	06/07/72
P09/1056	Change of use from Estate Agents Office (A2) to Estate Agents Office (A2) and Hot Food Takeaway (A5)	Withdrawn	18/09/09

PUBLIC CONSULTATION

- 6 A total of 13 notification letters were sent to neighbouring properties and as a result 2 letters of objection from the same address have been received. The main issues raised are:

- Works already carried out
- There are enough offices already in the area
- There are parking restrictions outside
- Cars park on footway

OTHER CONSULTATION

- 7 West Midlands Police: No history of any incidents at the site.

RELEVANT PLANNING POLICY

- National Planning Guidance

PPS1 - Delivering Sustainable Development

PPS4 – Planning for Sustainable Economic Growth

- Black Country Joint Core Strategy

CSP4 Place Making

CEN2 Hierarchy of Centres

CEN5 District Centres and Local Centres

ENV 2 Historic Character and Local Distinctiveness

ENV 3 Design Quality

- Unitary Development Plan

DD1 Urban Design

DD3 Design of Retail Development

DD4 Development in Residential Areas

- Supplementary Planning Guidance/Documents

Dudley Town Centre Area Development Framework

Historic Environment Supplementary Planning Document

Planning Obligations Supplementary Planning Document

Design for Community Safety Supplementary Planning Guidance

PGN 27. Shop front design and security

ASSESSMENT

8 The main issues are

- Principle
- Design
- Neighbour Amenity
- Occupier Amenity
- Access and Parking

- Planning Obligations

Principle/Policy

- 9 The planning application is to provide a 3.9m² extension to an existing A2 unit within an existing local shopping area. Policies CEN5 and CEN6 of the Black Country Joint Core Strategy, as do the provisions of Planning Policy Statement 4 - Planning for Sustainable Economic Growth, allow for extensions of up to 200m² without the need for a retail assessment to be carried out. Therefore in principle the modest extension is acceptable, subject to the consideration of all material considerations.
- 10 In addition to the extension the application is also for the installation of the roller shutters which have been provided to the front of the extension, and therefore the relevant Supplementary Planning Guidance referred to above is a key consideration.

Design

- 11 The overall design of the extension is considered to be acceptable on balance in that it extends an existing flat roofed building. The shop front design is also considered to be acceptable in context taking into account the lack of heritage designations close to the site.
- 12 However, the provision of the external roller shutter needs to be considered further.
- 13 The shutters are large and bulky with a large externally mounted box above the opening. The shutters and the box are finished in untreated galvanised steel.
- 14 The shutters are considered to be visually harmful and detract from the character of the area. In particular their untreated finish, the bulky external boxing and their limited transparency is considered to be highly inappropriate within this mixed use area which includes residential uses.

- 15 The applicant makes reference to the existing roller shutters on the main part of the premises and others in the area. In respect of the main part of the site there are no records of the shutters having ever been granted planning permission. However, the balance of evidence implies they have been in position for more than four years and are therefore immune from enforcement action.
- 16 In respect of other premises within the area, the Council is presently investigating reports of unauthorised roller shutters.
- 17 Therefore, from a design point of view the roller shutters are considered to be inappropriate and harmful to the appearance of the building and the wider area.

Crime and Security

- 18 It is recognised that crime and the fear of crime are material circumstances when considering application as is the need for businesses to protect themselves from crime and anti social behaviour. However, as stated in the relevant SPD above there are alternative measures that could be put in place which are less visually harmful to the character of the area.
- 19 West Midlands Police have been consulted on the application and advise that there have been no incidents relating to the premises.

Neighbour Amenity

- 20 The front extension has no physical impact on neighbour amenity, in that there are no windows in the side elevation of the adjoining dwelling. In respect of noise and disturbance the proposed extension to the existing A2 unit is unlikely to lead to any significant impact.

Access and parking

- 21 The proposed extension adds around 3.9m² of the accommodation which would have no significant impact on the need for parking, in that the existing parking standards only require one additional space per 25m² for A2 uses.
- 22 Shell Corner is a designated local centre and is close to housing and is well served by public transport.
- 23 In addition the site has existing parking restrictions to Nimmings Road and any parking on the pavement is controlled by legislation outside of the planning process.

Planning Obligations

- 24 The Black Country Core Strategy Policy DEL1 'Infrastructure Provision' sets out the adopted policy framework for Planning Obligations within Dudley and the Planning Obligations SPD provides further detail on the implementation of this policy; these policy documents were prepared in accordance with national legislation and guidance on planning obligations.
- 25 Policy DEL1 requires all new developments to be supported by sufficient on and off-site infrastructure to serve the development, mitigate its impact on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.
- 26 In addition to applying Policy DEL1 and the SPD, in identifying the required planning obligations on this application the following three tests as set out in the CIL Regulations (April 2010), in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:
 - (a)necessary to make the development acceptable in planning terms;
 - (b)directly related to the development;

(c)fairly and reasonably related in scale and kind to the development.

27 In consideration of the above the required Planning Obligations on this application have been identified as follows and would need to be secured within a S106 Agreement:

- | | |
|--------------------------|--------|
| • Nature Conservation | £2.02 |
| • Transport Improvements | £14.13 |

28 On the basis the monies fall below the £500 threshold it is not considered appropriate to request any planning obligations in this case.

29 Due to the modest nature of the development, within a larger site the nature conservation monies has been calculated on the basis of the additional floor space only, rather than the site area.

CONCLUSION

30 The shop front and side extension are considered to be of acceptable design, cause no harm to neighbour amenity. Consideration has been given to saved policies DD1 Urban Design DD3 Design of Retail Development and DD4 Development in Residential Areas of the Dudley Unitary Development Plan and policies CSP4 Place Making CEN2 Hierarchy of Centres CEN5 District Centres and Local Centres ENV 2 Historic Character and Local Distinctiveness and ENV 3 Design Quality of the Black Country Core Strategy.

31 The roller shutter due to its design and colour finish is considered to be an inappropriate and unattractive addition to the building and the locality, which increase the perceived risk of crime and as such the development is contrary to saved policies DD1, DD3 and DD4 of the Dudley Unitary Development Plan, policies ENV2 and ENV3 of the Black Country Core Strategy together with the provisions of the adopted Supplementary Planning Guidance on Design for Community Safety.

RECOMMENDATION

- a) It is recommended that this is REFUSED for the following reason:-
- b) That the Director of the Urban Environment be given delegated powers to take enforcement action against the unauthorised roller shutters.

PART A – External Roller Shutter (retrospective) –

Reason for refusal

- 1) The roller shutter due to its design and colour finish is considered to be an inappropriate and unattractive addition to the building and the locality, which increase the perceived risk of crime and as such the development is contrary to saved policies DD1, DD3 and DD4 of the Dudley Unitary Development Plan, policies ENV2 and ENV3 of the Black Country Core Strategy together with the provisions of the adopted Supplementary Planning Guidance on Design for Community Safety.

PART B - Front extension to existing side flat roof extension incorporating new shop front (retrospective).

It is recommended this is GRANTED.

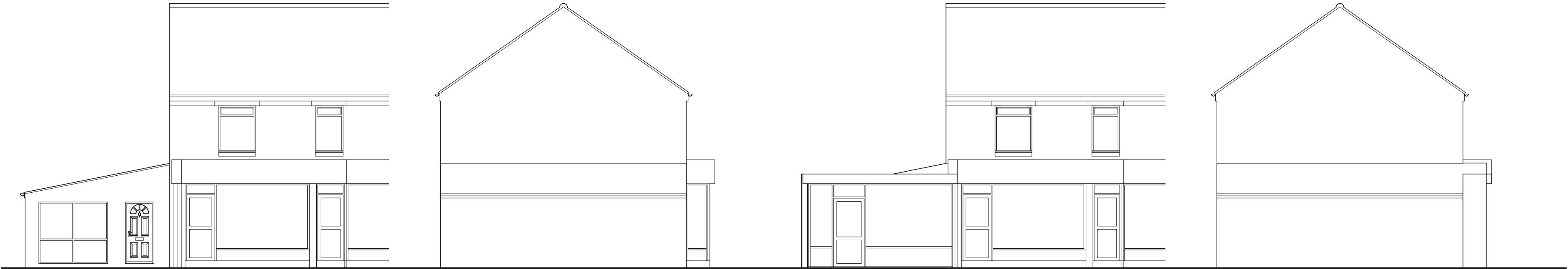
Reason for approval

The shop front and side extension are considered to be of acceptable design, cause no harm to neighbour amenity. Consideration has been given to saved policies DD1 Urban Design DD3 Design of Retail Development and DD4 Development in Residential Areas of the Dudley Unitary Development Plan and policies CSP4 Place Making CEN2 Hierarchy of Centres CEN5 District Centres and Local Centres ENV 2 Historic Character and Local Distinctiveness and ENV 3 Design Quality of the Black Country Core Strategy.

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.

Do not scale. Figured dimensions only to be taken from drawing.
The contractor is to visit the site and be responsible
for taking & checking dimensions relative to this work.

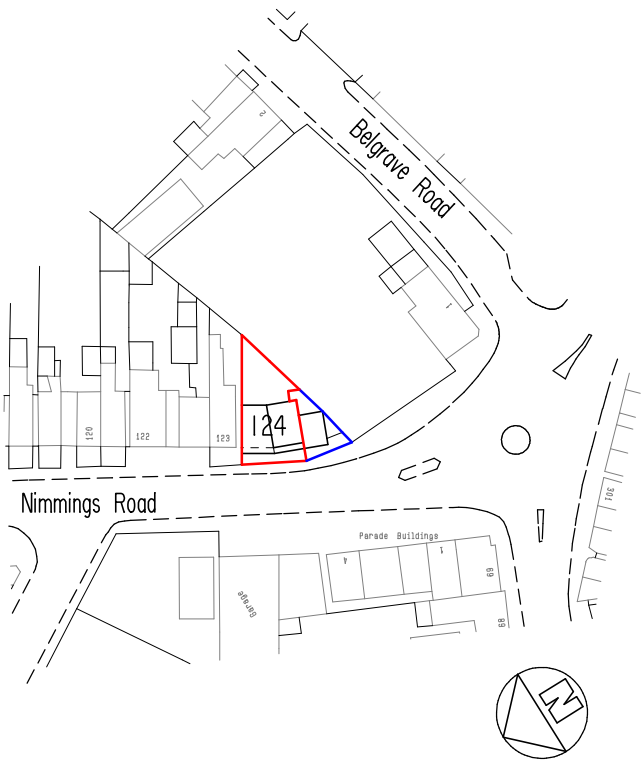
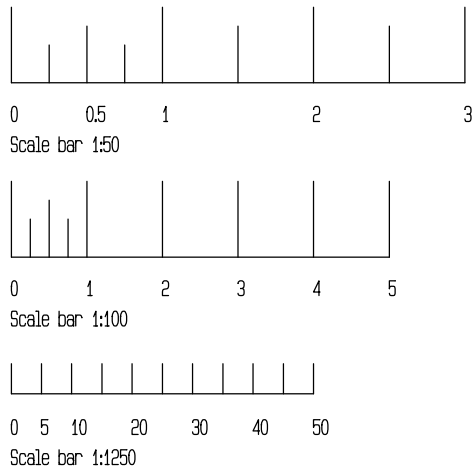


Front elevation
EXISTING

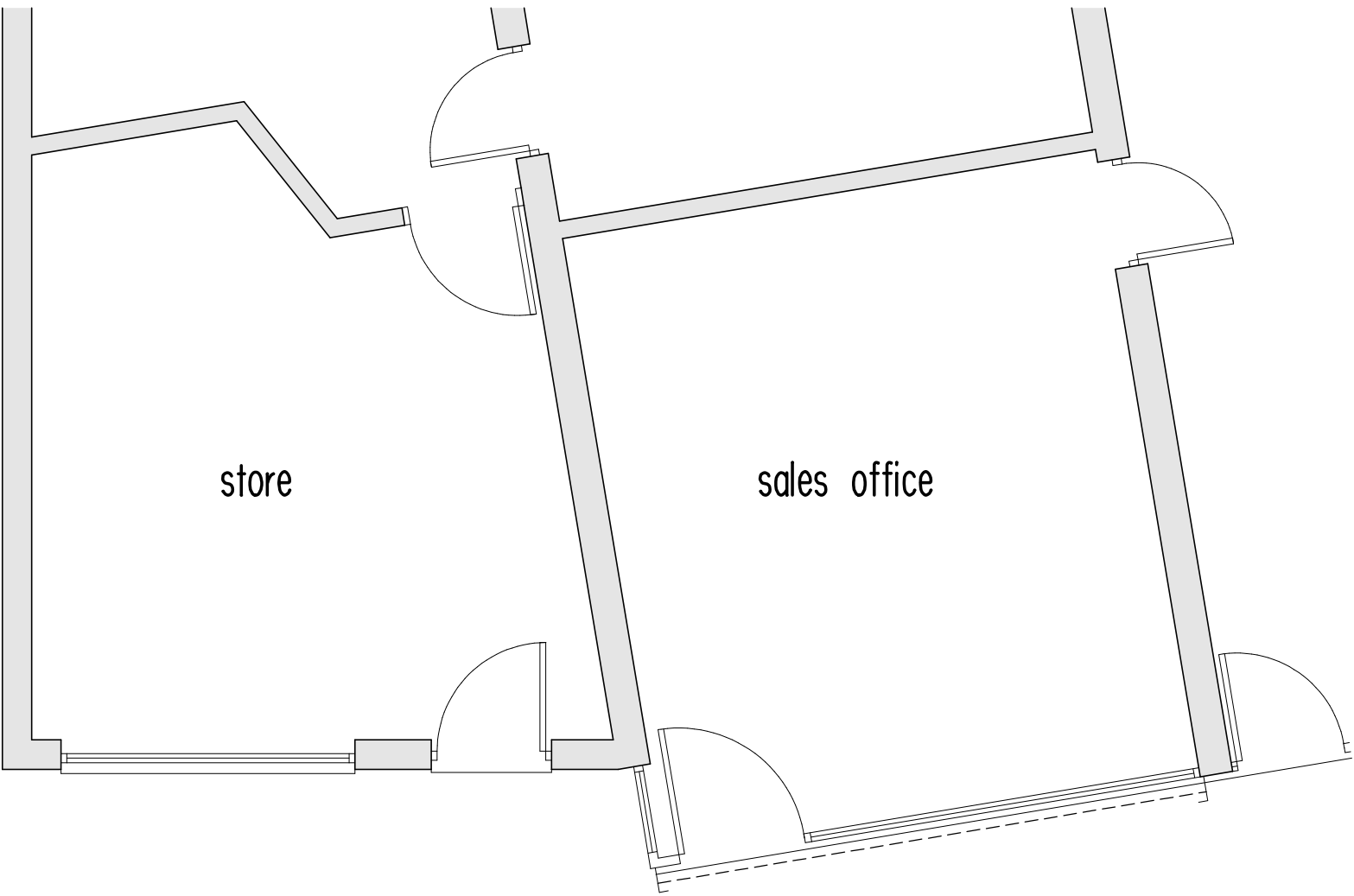
Side elevation

Front elevation
PROPOSED

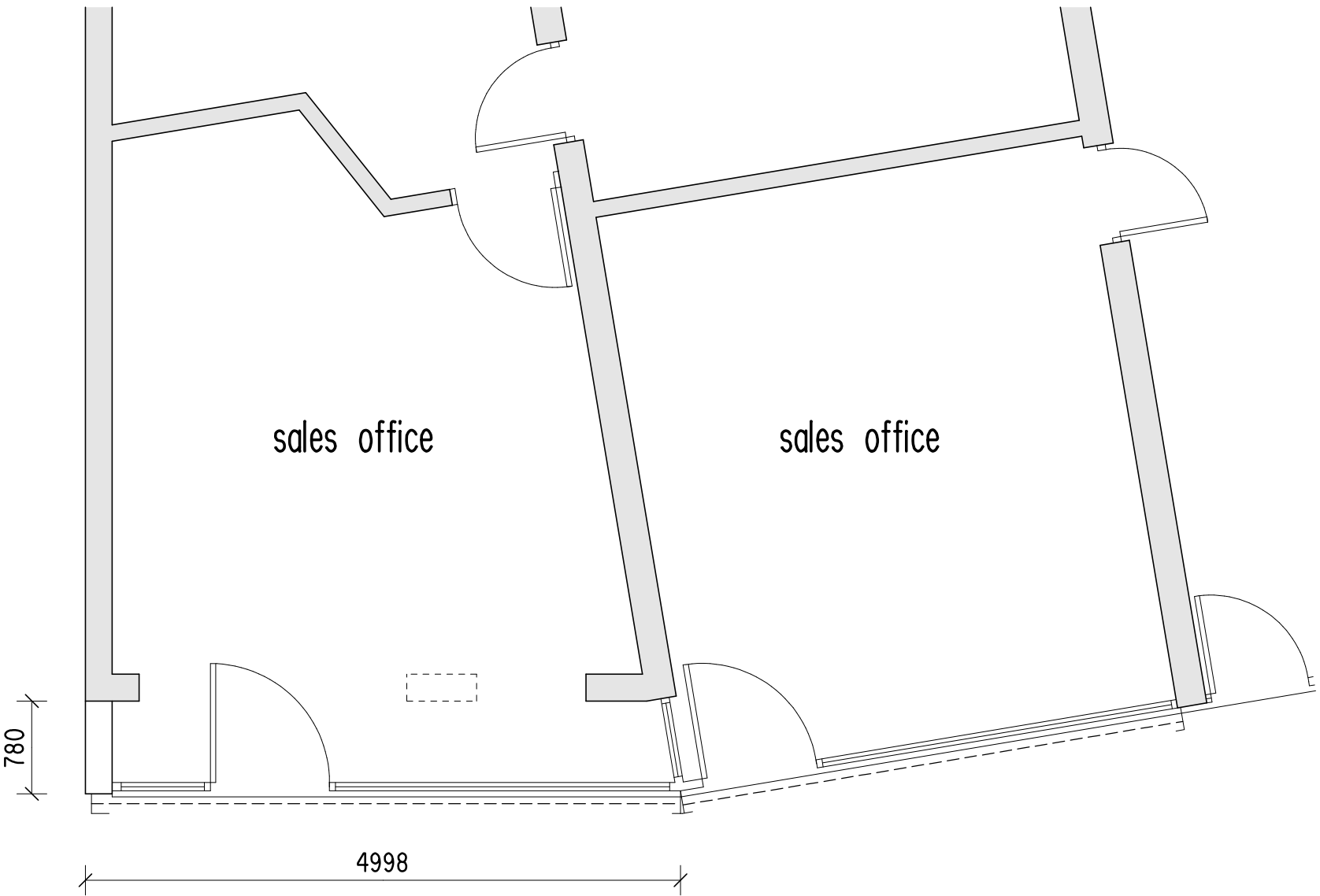
Side elevation



Location plan



Ground floor plan
EXISTING



Ground floor plan
PROPOSED

Mr. M. AKRAM
PROPOSED EXTENSION and
ROLLER SHUTTER
124 NIMMINGS ROAD
HALESOWEN
EXISTING & PROPOSED
12:01:01

Scale 1:50 1:100 1:1250
Date January 2012

MFL Design

Architectural Design Service
5 Glynn Crescent,
Halesowen,
West Midlands,
B63 2PZ
Tel. 01384 561334

