

PLANNING APPLICATION NUMBER:P10/0211

Type of approval sought	Full Planning Permission
Ward	ST JAMESS
Applicant	Miss Rose-Marie Greensill
Location:	SHOP, 7, NEW STREET, DUDLEY, DY1 1LT
Proposal	CHANGE OF USE FROM RETAIL SHOP (A1) TO FOOTHEALTH SHOP (A1/D1) MIXED USE
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The application site relates to a 3 storey shop located within the Dudley Town Centre Conservation Area and fronting New Street. The application site relates to a 3 storey shopping parade finished in artificial stone at ground floor level with red brick and sash windows with vertical bars inserted at first and second floor levels. The ground floor element relates to retail uses whilst the upper floor levels relate to residential flat accommodation. Accesses to the flats are gained via five ground floor entrance doors whilst vehicular access to the rear service yard is afforded via a central drive. The building is recorded on the Council's Historic Buildings Sites and Monuments Record under HBSMR No. 4921. The retail unit that the application relates to currently lies vacant from its former A1 use as a mobile phone / laptop / computer shop.

PROPOSAL

2. This is a full planning application proposing the change of use of the premises from a retail shop (A1 use) to a foot health shop (A1 use) and Chiropody Treatment Room (D1 use) (50:50 mixed use). The foot health retail element relates to 28.18 sq. m of floor space to remain in A1 use to the front of the shop whilst 14.09 sq. m of floor space to the rear would be dedicated as a room for footcare (chiropody) treatments (D1 use).

3. The applicant states that opening hours would be 9:00 to 19:00 on Mondays and Thursdays and 09:00 to 17:30 on Tuesdays, Wednesdays and Fridays. The opening hours would be 08:00 to 17:30 on Saturdays and the premises would remain closed on Sundays and Bank Holidays. The premises would employ a total of 1 full time staff member and 2 part time staff. Parking provision is apparent on the road to the frontage of the site and within the wider town centre locality whilst the premises is well served by public transport.
4. The application is accompanied by a design and access statement.

HISTORY

5. Planning history.

APPLICATION No.	PROPOSAL	DECISION	DATE
86/51530	Listed Building Consent for the demolition of derelict outbuildings	Approved with conditions	22 January 1987
DB/73/12744	Full planning permission for an extension to the rear of the existing shop	Approved with conditions	26 March 1973
DB/71/1397/S	Advertisement consent for one particular advertisement	Approved with conditions	29 October 1971

PUBLIC CONSULTATION

6. The application was advertised by way of neighbour notification letters being sent to the occupiers of twenty three properties within close proximity to the site and the display of a site notice. The final period for comment expires on 29 March 2010. At the time of writing this report no comments or objections have been received.

OTHER CONSULTATION

7. **Group Engineer (Development):** No objection raised.

8. **Head of Environmental Health and Trading Standards:** No adverse comments, however, as there are residencies above the premises a condition is recommended to restrict hours of opening to those requested in the application to minimise the impact of noise from the premises.

RELEVANT PLANNING POLICY

- **Adopted Dudley Unitary Development Plan (2005)**

- Policy S2 Creating a more Sustainable Borough
- Policy S4 Heritage Assets
- Policy S5 Local Distinctiveness
- Policy DD2 Mixed Use
- Policy DD3 Design of Retail Development
- Policy DD4 Development in Residential Areas
- Policy DD7 Planning Obligations
- Policy CR1 Hierarchy of Centres
- Policy CR5 Regeneration and Development of Centres
- Policy EP7 Noise Pollution
- Policy AM3 Strategic Highway Network
- Policy AM15 Personal Mobility
- Policy UR1 Central Employment Zone
- Policy DTC2 Street Blocks
- Policy DTC2 (I) Block 1 – Market Place North
- Policy HE1 Local Character and Distinctiveness
- Policy HE4 Conservation Areas

- **Supplementary Planning Document**

- Dudley Town Centre Area Development Framework
- Dudley Town Centre Conservation Area Management Plan
- Historic Environment
- Parking Standards and Travel Plans
- Planning Obligations

- **Supplementary Planning Guidance**

Dudley Town Centre Area Character Area Appraisal

- **National Planning Guidance**

PPS1 Delivering Sustainable Development

PPG4 Industrial and Commercial Development and Small Firms

PPS6 Town Centres

PPG13 Transport

PPG15 Planning and the Historic Environment

PPS23 Planning and Pollution Control

ASSESSMENT

9. Key Issues

- Principle
- Neighbour Amenity
- Access and Parking
- Planning Obligations

Principle

10. The application site lies within Block 1 (DTC2 (I) Market Place North) of the adopted Dudley Unitary Development Plan town centre inset plan. Where new development or a change of use is proposed within these areas, favourable consideration will be given provided that the proposal does not conflict with other policies in the Plan or will result in a loss of amenity to surrounding land users. Therefore no objection is raised in principle subject to all other materials planning considerations. Policy DTC2(I) also acknowledges that no major change in the range of uses is envisaged.
11. The proposal seeks to retain a 50% split of A1 retail floorspace, in policy terms this is a preferred use. The applicant advises that the foot health shop would be located at the front of the premises, thereby ensuring an active elevation onto the public

area. The rear element of the premises would be utilised as a foot health treatment room. The 50% split of the premises for D1 use, would be a suitable and complementary use to the retail function, which is considered as an acceptable town centre use in accordance with Policy DTC2(I). Furthermore, the Council encourages mixed use development particularly within Town centre locations in accordance with Policy DD2 (Mixed Uses), to bolster the vitality and viability of the area.

Design and Historic Building Issues

12. The building is not a listed building but is recorded on the Council's Historic Buildings Sites and Monuments Record under HBSMR No. 4921 and is located within the Dudley Town Centre Conservation Area and as such the application has to be considered alongside policies HE1 (Local Character and Distinctiveness) and HE4 (Conservation Areas) of the adopted Dudley Unitary Development Plan, which seeks to protect and where possible enhance the Boroughs heritage assets.
13. The majority of the proposed works are internal and relate to the change of use from retail (A1 use) to retail (A1 use) and treatment room (D1 use) 50:50 mixed. The applicant has confirmed that the proposed change of use would not necessitate any elevational changes to the building, apart from the removal of the roller shutter, which would be welcomed. It is therefore considered that the proposal would have a positive impact on the appearance of the conservation area and host building and would accord with Policies HE1 and HE4 of the adopted Dudley Unitary Development Plan.

Neighbour Amenity

14. Policy DD4 (Development in Residential Areas) of the adopted Dudley Unitary Development Plan applies in the consideration of development proposals within residential areas. Policy DD4 seeks to ensure that development would not adversely affect the character of the area or residential amenity.

15. The site is located within a town centre location and the majority of nearby uses are either retail or commercial, including space at first and second floor level, however, there are residential properties within the locality. It is considered through robust conditioning to control hours of operation, residential amenity would not be prejudiced. No concerns have been raised through the public consultation process. This element of the scheme is considered to comply with the relevant policy criteria.

Access and Parking

16. New Street (A4168) forms part of the strategic highway network. These roads are for long distance and strategic traffic. Street parking and direct frontage access will be kept to a minimum to ensure the effective flow of traffic, and the Council will give a high priority to improvements and traffic management measures to assist traffic flows; in accordance with policy AM3 (Strategic Highway Network) of the adopted Dudley Unitary Development Plan.
17. The proposed development does not require off street parking in view of the developments position within Dudley Town Centre with both on street and off street parking available within close proximity of the site. The site is also located near to a bus stop and the bus station and is therefore well serviced by public transport nodes. The lack of any customer parking provision is therefore not considered to be an issue.

Planning Obligations

18. Policy DD7 (Planning Obligations) of the adopted Dudley Unitary Development Plan (2005) in conjunction with the Council's adopted SPD (Planning Obligations) requires applicants to enter into planning obligations where the scale and impact of the development, in accordance with government advice, result in a consequential planning loss to the existing community. Planning Obligations must where appropriate and necessary; make appropriate provision for the infrastructure requirements of the development and ensure that there is no unacceptable adverse impact on the existing environment, nor consequential unacceptable loss to the

existing level of services enjoyed by the community. Should permission be granted a Section 106 Agreement would be required in respect of the following contribution.

Offsite Contribution:

The proposal attracts a requirement for a commuted sum to be paid towards the following infrastructure:

- Transport Infrastructure Improvements - £272.27
- Management and Monitoring Charge - £250.00

Total Offsite Contribution equates to £522.27

The applicant has not agreed to the payment of these offsite planning obligations at the time of writing this report.

19. The proposed development would normally attract a contribution towards Public Realm improvements, however, in this case it is not reasonable to request any contribution as the future occupier of the premises is willing to remove the roller shutter to the shop frontage. This is considered to have a positive impact on the appearance of the conservation area and host building and therefore wider Public Realm.

CONCLUSION

20. In principle, the proposed re-use of the vacant building is considered to be acceptable. The proposed external changes to incorporate the removal of the rollers shutters to the frontage of the premises to enhance both the appearance of the conservation area and host building and wider Public Realm is also considered to be acceptable whilst ensuring the change of use would contribute towards improving the condition and appearance of the vacant building as well as preserving and enhancing the character of the Town Centre Conservation Area as well as the vitality and viability of the Town Centre. The amenity of surrounding occupiers

would also not be prejudiced by the development and the scheme accords with the relevant Policy criteria framework.

RECOMMENDATION

21. It is recommended that planning permission is granted subject to conditions:

Reason for approval

In principle, the proposed re-use of the vacant building is considered to be acceptable. The proposed external changes to incorporate the removal of the rollers shutters to the frontage of the premises to enhance both the appearance of the conservation area and host building and wider Public Realm is also considered to be acceptable whilst ensuring the change of use would contribute towards improving the condition and appearance of the vacant building as well as preserving and enhancing the character of the Town Centre Conservation Area as well as the vitality and viability of the Town Centre. The amenity of surrounding occupiers would also not be prejudiced by the development and the scheme accords with the relevant Policy criteria framework.

The decision to grant planning permission has been taken with regard to the policies in the adopted Dudley Unitary Development Plan (2005) and to all 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.

Note to Applicant

This permission relates to the OS Sitemap, unless otherwise agreed in writing by the Local Planning Authority.

Informative

The applicant should be aware that any new fascia / signage to be erected or displayed upon the premises would be subject to further planning applications. The Council would welcome the applicant to contact the Council for advice regarding any new fascia / signage that may be proposed in connection with the new use, in order to discuss what may be appropriate for the building.

Conditions and/or reasons:

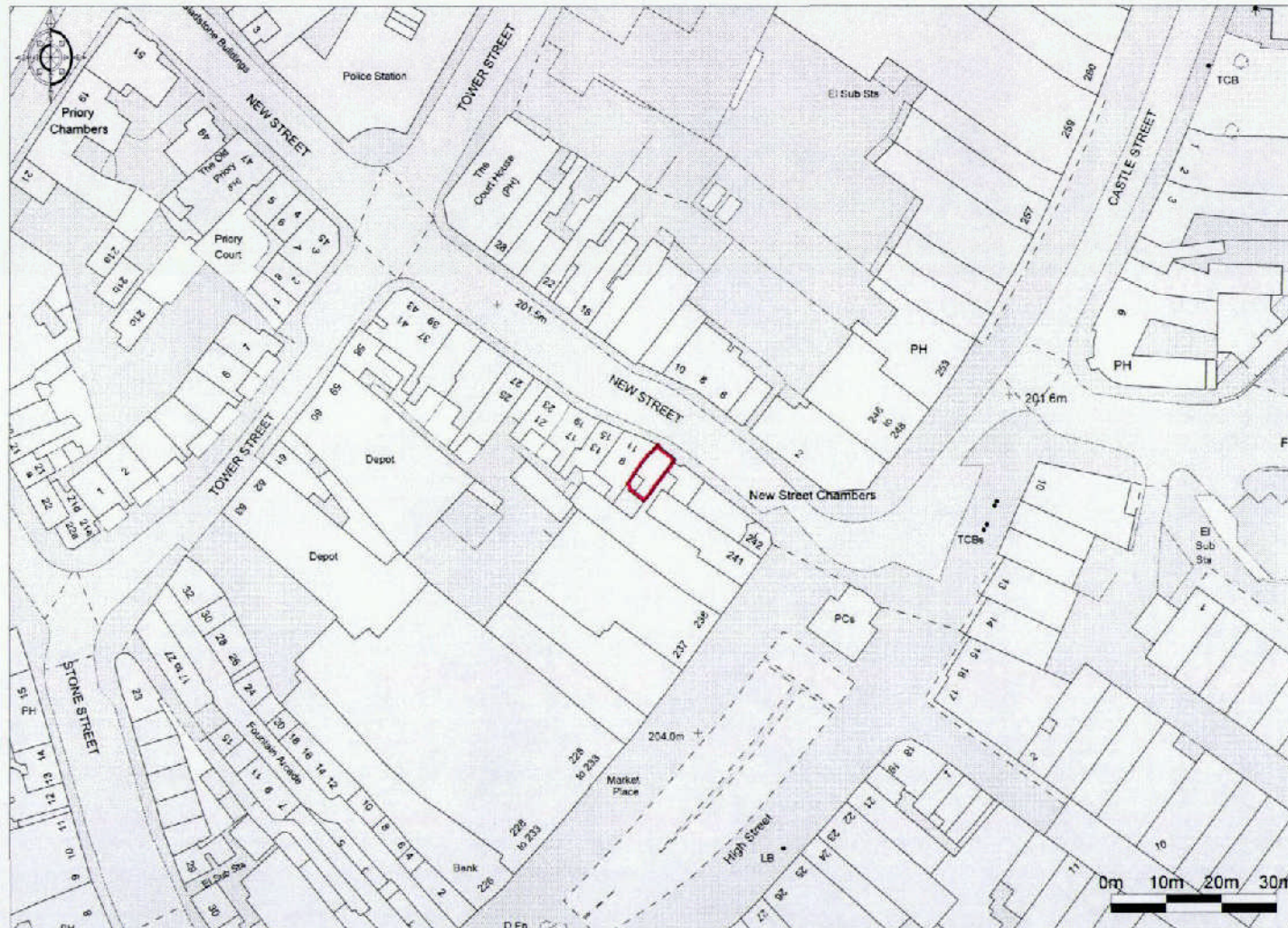
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The premises shall not be open to the public outside the following hours; 09:00 to 19:00 on Mondays and Thursdays, 09:00 to 17:30 on Tuesdays, Wednesdays and Fridays, 08:00 to 17:30 on Saturdays and closed on Sundays and Bank Holidays.

Location Plan

7 New Street, Dudley, DY1 1LT

P10/0211

REC
-9 FEB 2010
DIRECTOR



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