

## **PLANNING APPLICATION NUMBER:P14/0325**

Type of approval sought	Full Planning Permission
Ward	Kingswinford North & Wall Heath
Applicant	Mr & Mrs S. Johal
Location:	<b>ALLIBAND BUSINESS SERVICES LTD, 14A-14B, ENVILLE ROAD, WALLHEATH, WEST MIDLANDS, DY6 0JT</b>
Proposal	<b>CHANGE OF USE FROM MIXED USE RETAIL (A1) AND OFFICE (B1A) TO RETAIL ONLY (A1) WITH PROPOSED NEW SHOP FRONT</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

### **SITE AND SURROUNDINGS**

1. The application site relates to 14a-14b Enville Road which is two storey, end of terrace commercial unit. Though currently vacant, this unit was most recently operated under a mixed use as a retail shop and office for computer repairs, prior to which is traded as a printer and stationary shop. The property has been extended with a two storey extension to the rear. There is a UPVC dark wood effect shop front to the property.
2. The unit is set back from the footway beyond an approximately 2.5m deep forecourt. Two off-road parking spaces are located to the side (east) of the shop, this being at the truncated end of Chapel Street (access to this road is prohibited by bollards). There are also off-road parking spaces available on Enville Road frontage and a small parking court to the rear.
3. The western elevation is adjoined by a fish and chip shop, whilst to the other side of the access road (Chapel Street) is a bridal shop.

4. As the site falls within the Wall Health Local Centre, the frontage in which the application site is contained comprises of a range of commercial local centre uses, some of which appear to have residential uses above.
5. To the south of the site, there are residential properties located in Chapel Street, the closest of these is No. 2A, which is set perpendicular to the application property.
6. On the opposite side of the road are a range of commercial units and a low rise block of sheltered accommodation, in the form of self-contained flats at The Gables.

## PROPOSAL

7. This planning application seeks approval for a change of use of the ground floor from mixed use retail shop and office for computer repairs (A1 and B1a) to a sole A1 (retail) use which the application refers to use a convenience store.
8. It is also proposed to replace the shop front with full height plastisol colour coated (white) aluminium shop front incorporating an internal roller shutter with brick bond slats.
9. There is indicated dedicated off-street parking provision of 2 spaces to the rear of the premises for staff only.

## RELEVANT HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
89/52816	Change of use from retail offices to restaurant/ hot food take away with residential flat over.	Refused	08/02/90
89/52575	Change of use from retail/offices to restaurant, hot food takeaway with living accommodation over.	Refused	08/02/90
85/50055	Erection of rear extension.	Approved with Conditions	04/02/85
CC/76/2385	Extension to provide car port and dark room with offices above.	Approved with Conditions	03/03/77

## PUBLIC CONSULTATION

10. Direct notification was carried out to 44 adjoining and adjacent premises and a site notice was posted which expired on the 28<sup>th</sup> March, as a result of which no objections have been received.

## OTHER CONSULTATION

11. Group Engineer (Highways): Raise highway concerns, given there is already little on-street capacity in the road. However, it is acknowledged the application site is within a local centre and there are similar uses in the street. Defending a refusal on Highways grounds may be challenging should the application come to a planning appeal.
12. Head of Environmental Health and Trading Standards: No objection subject to opening hours and delivery times being restricted by way of condition.

## RELEVANT PLANNING POLICY

13. The National Planning Policy Framework 2012
14. Black Country Core Strategy 2011
  - CSP4 – Place-Making
  - DEL1 - Infrastructure Provision
  - CEN1 - The importance of the Black Country centres for the regeneration strategy
  - CEN2 - Hierarchy of centres
  - CEN5 – District and Local Centres
  - CEN8 – Car Parking in Centres
  - ENV2 – Historic Character and Local Distinctiveness
  - TRAN2 – Managing Transport Impacts of New Development
  - TRAN5 – Influencing the Demand for Travel and Travel Choices
15. Saved UDP 2005 Policies
  - DD1 – Urban Design
  - DD3 – Design of Retail Development
  - DD4 – Development in Residential Areas
16. Supplementary Planning Documents/Guidance
  - Parking Standards SPD
  - Planning Obligations SPD
  - Design for Community Safety
  - PGN 27: Shop Front Design and Security

17. The key issues in determination of this application are the impact upon;
- the vitality and viability of Wall Heath local centre
  - the character and appearance of the area.
  - residential amenities of nearby occupiers
  - highway safety, in terms of parking provision

The impact upon the vitality and viability of Wall Heath local centre

18. The NPPF states that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
19. The Black Country Core Strategy is in accordance with this approach. Wall Heath is designated as a local centre, Policy CEN5 noting that local centres provide for day-to-day convenience shopping and local service needs. Within the Local Centres, individual convenience retail developments of up to 500 square metres (net) are permitted, where they satisfy local requirements and are appropriate to the scale and function of the centre. The proposal would create a unit of some 110 square metres.
20. Wall Heath local centre comprises of two main areas of commercial activity, with retail uses on both sides of High Street and Enville Street.
21. The latest available survey evidence of the Wall Heath local centre indicates that there are a total of 81 units, of which 36 (or 44.4%) are in A1 retail use. The proposal would increase the retail A1 uses to 37 which amounts to an overall 45.6% of units in the centre. The proposal would encourage increased footfall into the local centre.
22. The proposed A1 use would bring a vacant unit in use, and would positively contribute to the retail function, vitality and viability of Wall Heath local centre, there

is no in principle planning policy objection to this proposal, as it would accord with the NPPF and BCCS Policy CEN5.

Impact upon character and appearance of the area

23. BCCS policies CSP4 'Place Making' and ENV3 'Design Quality' require that all development demonstrates how proposals make a positive contribution to place-making and environmental improvement through high quality design.
24. Saved UDP Policy DD3 requires that retail development should ensure active elevations to public areas which are in scale and proportion with the street scene in which it is contained.
25. The new shop front would modernise the external appearance of the unit relating to its architectural style, maintaining the existing scale and proportion.
26. Whilst an internal roller shutter does not require planning permission, it has been designed satisfactorily to incorporate brick bond slats which allow inter-visibility outside of operational hours.
27. It is considered that within the commercial setting of Wall Heath local centre, the proposal makes a positive contribution to place making through high quality design and would not be harmful to the wider character and appearance of the area in accordance with Saved UDP Policies DD1 and DD4. It would therefore comply with BCCS Policies CSP4 and ENV3, and Saved UDP Policies DD1, DD3 and DD4.

Impact upon residential amenities of nearby occupiers

28. The proposed change of use is likely to result in an intensification of the A1 retail activities and is also likely to mean that there will be a greater number of deliveries to the new store. In order to protect the amenity of the nearby residential occupiers in Enville Road and Chapel Street, the Head of Environmental Health and Trading

Standards recommends that the opening hours and delivery times are restricted by way of condition. This would ensure compliance with Saved UDP Policy DD4.

#### Access and parking

29. The Parking Standards indicates that the maximum parking standard for an A1 use is 1 space per 14 sq m. The application form indicates the ground floor area of the retail use is 110 sq m and therefore the maximum standard is 8 spaces. The previous use having a retail and office split amounted to a total requirement of 6 spaces (A1 retail 49 sq.m – 4 spaces and B1a (office) 61 sq.m – 2 spaces).
30. The first floor of the property will be used as a storage area for the shop initially but may be converted to living accommodation for the shop owners in the future.
31. As with the previous use there is no dedicated off-street parking that would comply with the Parking Standards SPD. The forecourt appears to have been used for parking with the previous use, but to access this area would require drivers to manoeuvre illegally over the footway.
32. The Group Engineer (Highways) advises that A1 uses are known to generate short term indiscriminate parking problems that are difficult to enforce against. Given there is already little on street parking capacity in the road and the shortfall in parking could exacerbate this situation, potentially pushing parking issues into adjacent streets.
33. This, however, was a similar view expressed for a change of use (Planning reference - P12/0850) from A1 to A5 (fish and chip shop), at 34 High Street, Wall Heath, which is a short distance away and located in the local centre. This proposal made no provision for off-street parking and was arguably in a more hazardous position, fronting the A449, close to the twin roundabout junction in the centre with double yellow lines immediately outside. This application was refused by the Council on the following ground;

1. *Without the benefit of off-street parking, the development would result in on street parking which has the potential to obstruct the free flow of traffic on this section of the Strategic Highway Network, A449, increasing the hazard for highway users. This would be contrary to BCCS Policies CSP4 – Place-Making, CEN8 – Car Parking in Centres, TRAN2 – Managing Transport Impacts of New Development and TRAN5 – Influencing the Demand for Travel and Travel Choices.*

34. In allowing the Appeal (APP/C4615/A/12/2186731), the Planning Inspector made the following pertinent points;

- *Although customers might be tempted to park on the wide pavement outside the shop, which is interspersed with mature trees, it lies within a local centre.*
- *although it is disputed whether the small car park on Enville Road is available for general public use, there is sufficient parking available in and around the local centre, for example on-street in Enville Road without reliance on private car parks.*
- *The proposed use would be in a sustainable location, in the local centre and close to housing where trips could be made on foot, by cycle and on public transport.*
- *The existing A1 use on the site would have generated some parking need, although it would be expected that the takeaway use would have generated more visits requiring short-term parking. However, I consider that these needs could be met within the existing centre.*

35. Applying the same logic to the current proposal, the A1 use has a parking demand of an additional 2 spaces compared to the previous use (which itself had an element of retail provision). There are many units in the centre which equally rely on on-street parking provision, however, as this would be short-term, it is considered needs could be met within the existing centre. The proposed use would be in a sustainable location, in the local centre and close to housing where trips could be made on foot, by cycle and on public transport.



36. Whilst not ideal that servicing could take place from Enville Road or from Chapel Street, the type of vehicles servicing the A1 use may be no different to the established use or even the neighbouring A5 (hot food takeaway) use. Furthermore, The Parking Standards SPD does not require a dedicated servicing area unless the unit is 500 sq.m or more.
37. An accident search of the immediate locality in the last 5 years indicates no accidents were found that involved servicing vehicles or parked vehicles.
38. A condition to cover cycle storage and showers would be necessary in the interests of sustainable transport and to accord with the Parking Standards SPD.
39. The proposed development would not be harmful to highway safety, in terms of parking provision and would be in accordance with Policies CSP4, CEN8, TRAN2 and TRAN5 of the Black Country Core Strategy (2011) which seek to improve the environment of the Black Country, manage car parking in centres and transport impacts and influence the demand for travel.

#### Planning Obligations

40. 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.
41. 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.
42. The obligations potentially triggered according to the Planning Obligations SPD are Transport Infrastructure Improvements and Air Quality Improvements.

43. In determining the required planning obligations on this specific application the following three tests as set out in the CIL Regulations, in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:
- (a) 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.
44. Following consideration of the above tests the only planning obligations required for this application would be on-site provision of Air Quality Improvements. Given the lack of dedicated parking bays, it would be impractical to insist on Electric Charging Points, however the provision of cycle parking and shower facility for staff would be an appropriate improvement, which can be secured by condition.
45. It is considered that these contributions meet the necessary tests as stated above in that they contribute to the delivery of a sustainable development, are being provided directly on the development site itself and are deemed to be in scale and kind to the proposed development.
46. This development complies with the requirements of BCCS Policy DEL1 and the Planning Obligations SPD.

## CONCLUSION

47. The proposed A1 use would bring a vacant unit in use, and would positively contribute to the retail function, vitality and viability of Wall Heath local centre. The proposal makes a positive contribution to place making through high quality design and would not be harmful to the wider character and appearance of the area. Conditions can be secured to ensure the amenities of nearby residents are protected. The proposed development would not be harmful to highway safety. It would therefore comply with the National Planning Policy Framework (NPPF), Black Country Core Strategy, Saved UDP and relevant Supplementary Planning Documents/Guidance.

## RECOMMENDATION

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

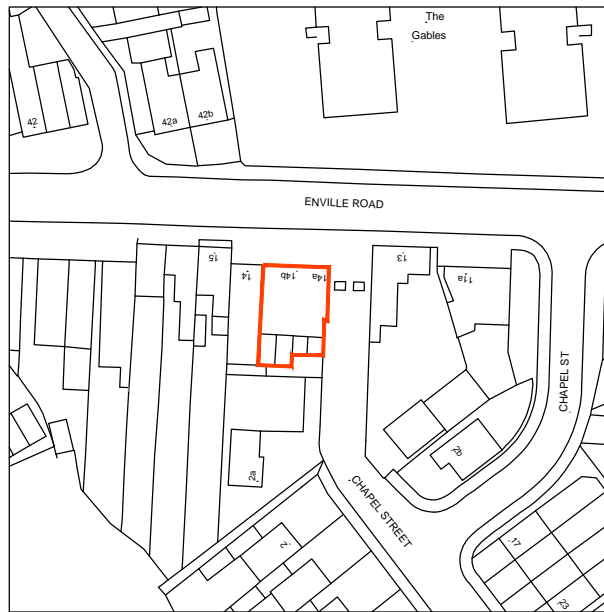
### **APPROVAL STATEMENT INFORMATIVE**

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.

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 development hereby permitted shall be carried out in accordance with the following approved plans: 12214/LP-A, 12214/101.
3. No materials other than those indicated on the approved plans shall be used without the approval in writing of the Local Planning Authority.
4. The premises shall not be open to the public before the hours of 0700 or after 2200 on any day.
5. No deliveries or despatches shall be made to or from the premises before the hours of 0700 or after 2000 on any day.
6. The use shall not commence until a 1 cycle storage facility for staff and a staff shower facility has been provided in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be retained for the lifetime of the development.

Contractors must visit the site and be responsible for taking and checking all relevant dimensions



0 10 20 30 40 50 METRES

## Location Plan

Mr & Mrs Johal  
14a & b Enville Road  
Wall Heath

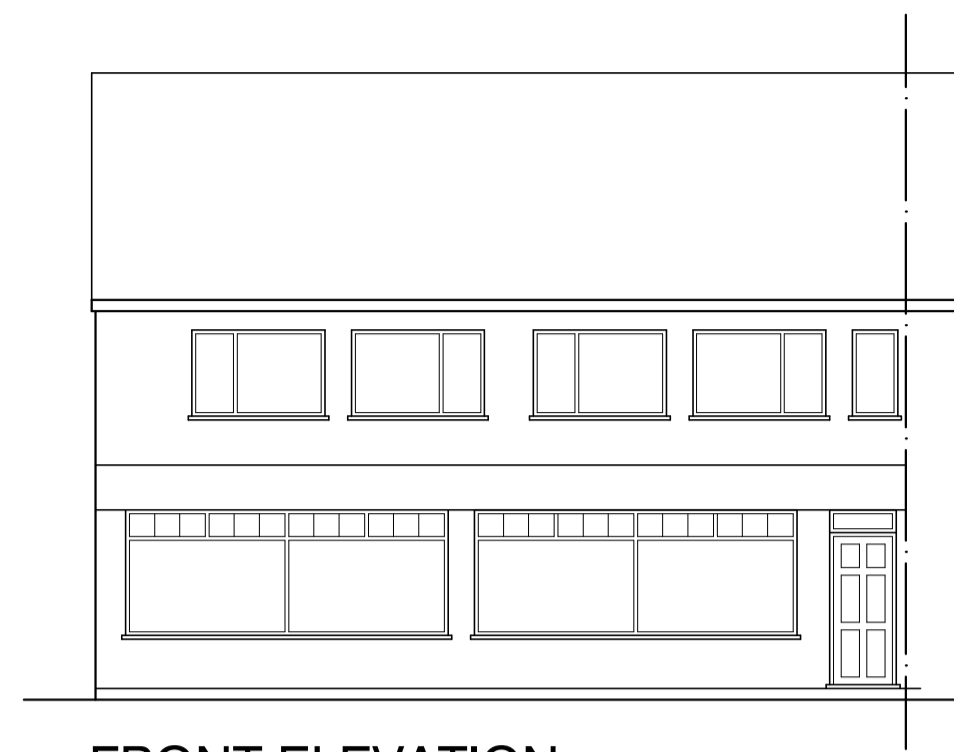
Proposed change of use to A1  
& new shop front  
date Feb 2014 scale 1:1250 @ A4



**Architectural Services &  
Development Consultants**

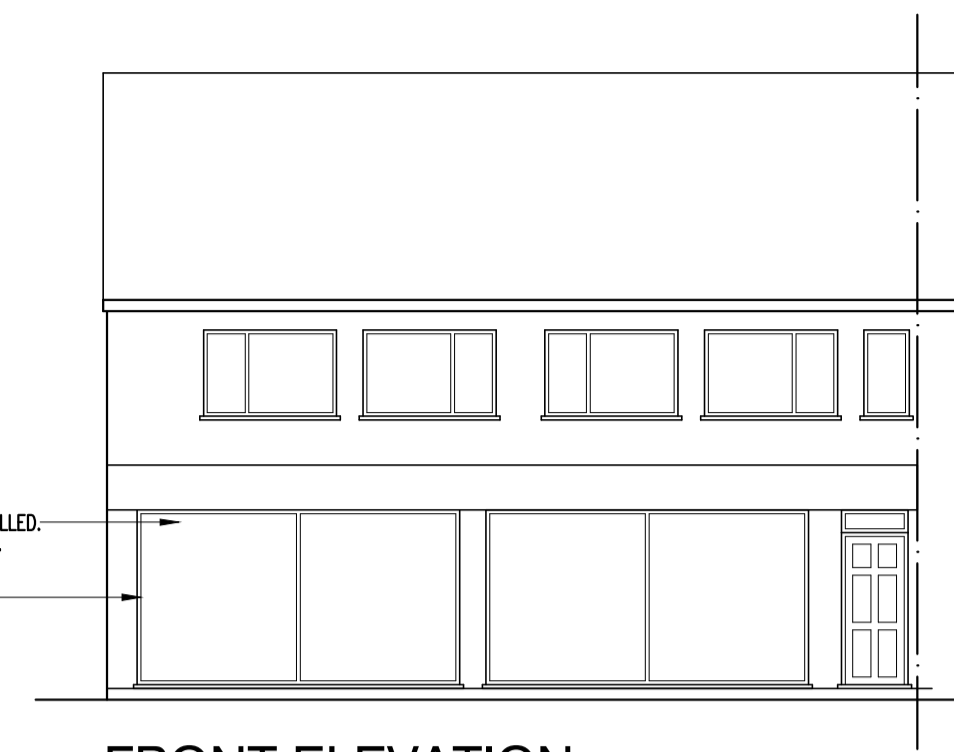
45 Bath Street, Sedgley  
Dudley, West Midlands, DY3 1LS  
Telephone: (01902) 887440 Mob: 07792010903  
E-Mail - [enquiries@completedesigndudley.co.uk](mailto:enquiries@completedesigndudley.co.uk)  
Web: [www.completedesigndudley.co.uk](http://www.completedesigndudley.co.uk)

dwg 12214/LP

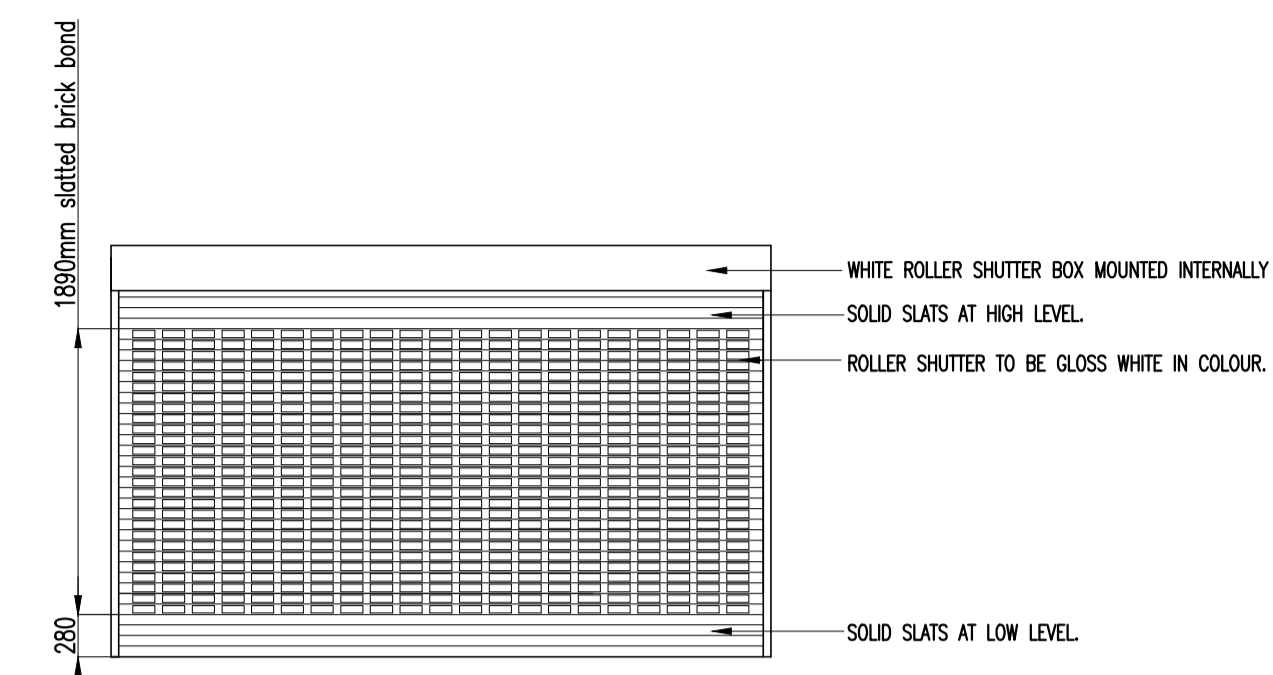


FRONT ELEVATION  
AS EXISTING  
ELEVATIONS 1:100 SCALE

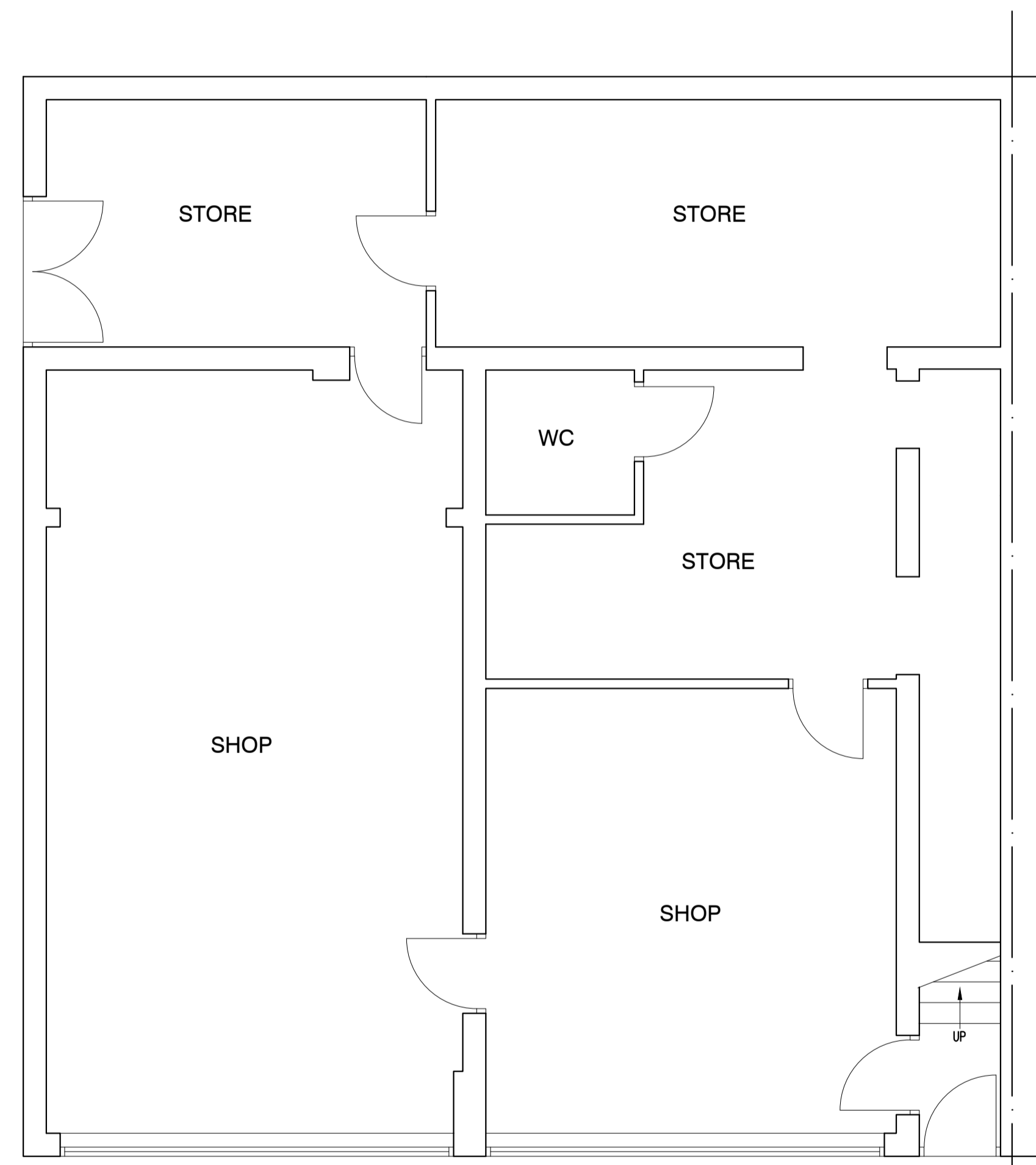
INTERNAL ROLLER SHUTTER TO BE INSTALLED.  
SEE DETAIL FOR SHUTTER ARRANGEMENT.  
PLASTISOL COLOUR COATED ALUMINIUM  
FRAMED SHOP FRONT (WHITE)



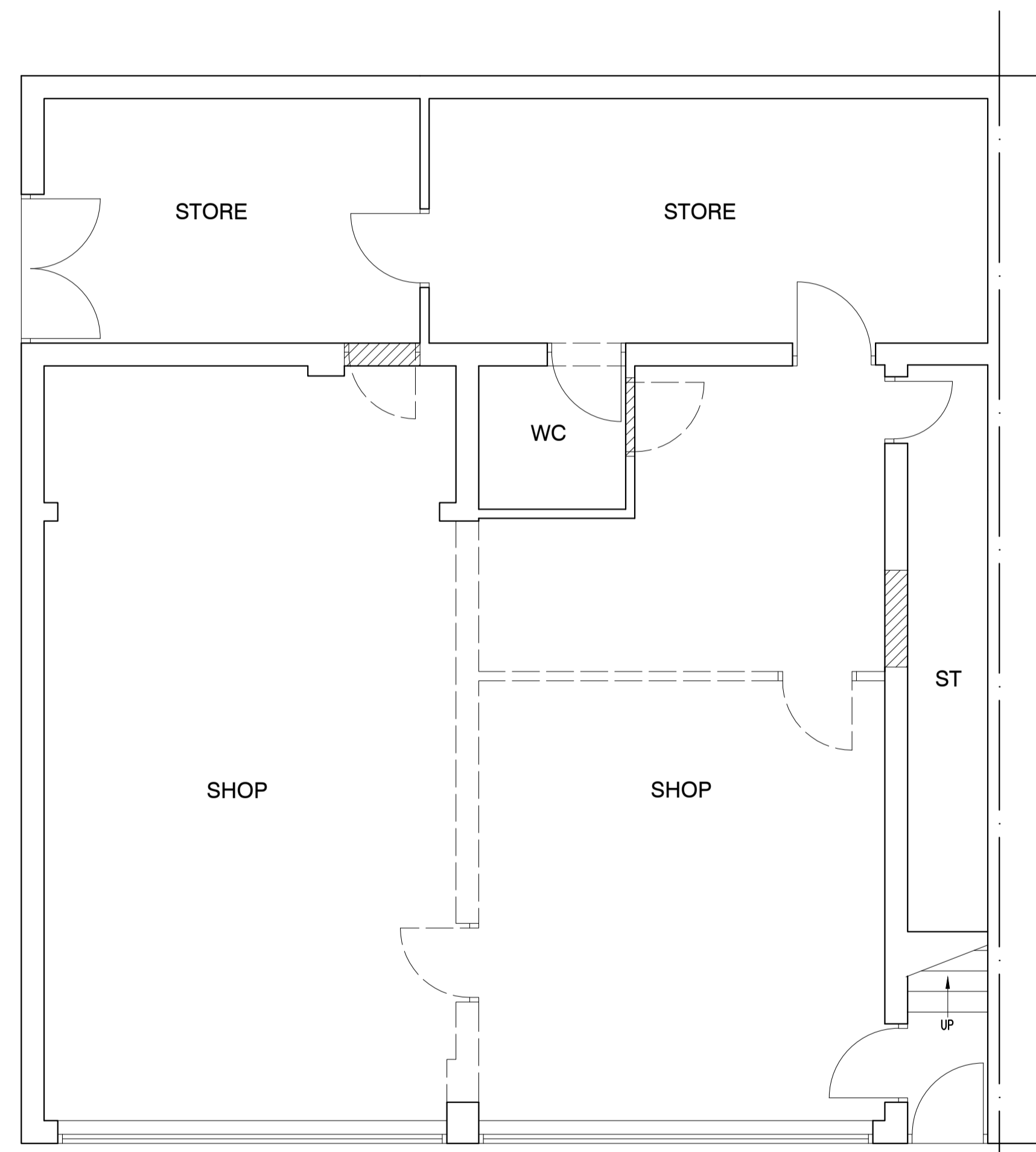
FRONT ELEVATION  
AS PROPOSED  
ELEVATIONS 1:100 SCALE



ROLLER SHUTTER DETAIL



GROUND FLOOR PLAN  
AS EXISTING  
FLOOR PLANS 1:50 SCALE



GROUND FLOOR PLAN  
AS PROPOSED

As Existing & Proposed

Mr & Mrs Johal  
14a & b Enville Road  
Wall Heath

Proposed change of use to A1  
& new shop front

date Feb 2014 scale 1:50/100 @ A1



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