

## PLANNING APPLICATION NUMBER: P09/1527

Type of approval sought	Full Planning Permission
Ward	Wordsley
Applicant	Brookland Estate
Location:	<b>LAWSON'S BARBERS, BARNETT HOUSE, 21 , WORDSLEY GREEN SHOPPING CENTRE, WORDSLEY, STOURBRIDGE, DY8 5PD</b>
Proposal	<b>CHANGE OF USE OF HAIRDRESSING SALON (A1) TO DELI/CAFE (A3)</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO A 106 AGREEMENT</b>

### SITE AND SURROUNDINGS

- The site is located within Wordsley Green local centre, and is currently in A1 use. In addition to other A1 uses there is also a library and community hall within the centre, all served by two separate parking areas. The wider area outside the centre is predominantly residential.

### PROPOSAL

- Permission is sought to change the use of the site to A3 ( restaurants and cafes ), with opening hours of 08.30 – 17.30 Monday to Friday and 09.00 – 17.00 on Saturdays.

### HISTORY

- None relevant.

### PUBLIC CONSULTATION.

- A letter has been received from the owner of the 'Wordsley Chippy' on Wordsley High Street, objecting to the proposal on the grounds that the proposed use will seriously affect the vitality of the existing takeaways in the area..

## OTHER CONSULTATION

### 5. Group Engineer – (Development):

- a planning obligation contribution of £546.40 towards improvements to transport infrastructure should be sought;
- In view of the site's position within the local centre and the availability of public car parking, there are no highway safety issues arising from this development.

### 6. The Head of Environmental Health and Trading Standards:

There are residential premises located above commercial uses within the shopping centre and in close proximity to the proposed use. There is potential for the amenity of residents to be adversely affected by noise and odour from the deli/cafe. As such the following conditions are recommended:

- The submission of a scheme containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the Local Planning Authority;
- The submission of a scheme to prevent disturbance to other occupiers of the building from conducted noise and vibration arising from the operation of any internal or external fixed plant or machinery (including plant, machinery or ducting used for air extraction, odour control, and discharge to atmosphere) associated with the development;
- No delivery vehicles whether loaded or unloaded shall enter or leave the site, before the hours of 08.00 nor after 1800 Monday to Saturday, or at all on Sundays and Bank Holidays.
- The premises shall not be open to the public before the hours of 0800 nor after 1800 Monday to Friday, before 0900 or after 1800 on Saturdays or at all on Sundays and Public Holidays.

- The operation of fixed plant and/or machinery associated with the development (including the discharge of cooking fume from a flue) shall not cause background noise levels at any nearby dwelling to be exceeded by a Noise Rating Level of more than 5 dB(A).

## RELEVANT PLANNING POLICY

### 7. Adopted UDP

Policy CR4 ( Protected Frontages )

Policy CR11 ( A3 Uses )

Policy DD7 ( Planning Obligations )

## ASSESSMENT

### 8. The key issue in this case are:

- The principle of the proposed use
- the impact of the proposed use on the amenities of local residents;
- parking/highway safety;
- planning obligations

### Principle

9. The site lies with a 'protected frontage' as designated by UDP Policy CR4, which seeks to restrict the type and amount of non-retail uses within centres in order to ensure that they remain as compact and attractive shopping areas dominated by retail uses. The Policy states that changes of use from A1 to A3 will only be considered favourably where, amongst other things, the overall retail function of the centre would not be undermined and where the use would make a positive contribution to the overall role of the centre.
10. The proposed A3 use would be the first of its type in the local centre, and as such would not lead to non-A1 uses dominating the centre. It is in fact considered that a café would be of benefit to shoppers as an 'ancillary' service to the main shopping

function of the centre, thereby making a positive contribution to it. The proposal would not therefore contravene Policy DD4. With regard to the objection received, the issue of 'competition' is not relevant to the determination of the application as the intention of the planning system is to safeguard the public, rather than the private, interest.

#### Impact on Residential Amenity

11. There is residential accommodation at first floor above commercial premises in the vicinity of the site. Policy CR11 of the UDP advises that permission for A3 uses will normally be granted subject to the provisions of Policy CR4 in local centres unless there would be an adverse impact on environmental quality or residential amenity. Subject to the imposition of the conditions recommended by the Head of Environmental Health it is considered that the use would not have any adverse effect on existing residential amenity and as such complies with Policy CR11.

#### Parking/Highway Safety

12. Policy CR11 also advises that A3 uses will be allowed in centres provided that there would be no adverse impact on highway safety. The Group Engineer is satisfied that there is sufficient parking available within the local centre to serve the proposed use.

#### Planning Obligations

13. Policy DD7 of the UDP requires that applicants should enter into planning obligations in order to make appropriate provision for the infrastructure requirements of a development. In this case a contribution of £546.40 towards off-site transport infrastructure improvements and £250 towards management and monitoring costs is required. The applicant has agreed to provide the contribution.

## CONCLUSION

14. The proposed use of the site would not undermine the overall retail function of the centre, and would not have any detrimental effect on residential amenity or highway safety. As such the proposal complies with Policies CR4 and CR11 of the UDP.

## RECOMMENDATION

15. It is recommended that the application be approved subject to:
- a) The development not commencing until a scheme for the submission and approval of a planning obligation to guarantee a contribution of £796.40 towards off-site transport infrastructure improvements and the Council's management and monitoring costs has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the method, timing and arrangements including a means to guarantee a financial payment, increased through index linking from the first April each subsequent year, in accordance with the Council's planning obligations policies.
  - b) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary

### 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 shall not commence until a scheme for the provision of off-site transport infrastructure improvements and the Council's monitoring and management costs has been submitted to and approved in writing by the Local Planning Authority.
- 3. The use hereby approved shall not commence until a scheme containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues, has been submitted to and approved in writing by the Local Planning Authority. The works detailed in the approved scheme shall be installed prior to the approved use commencing. 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.

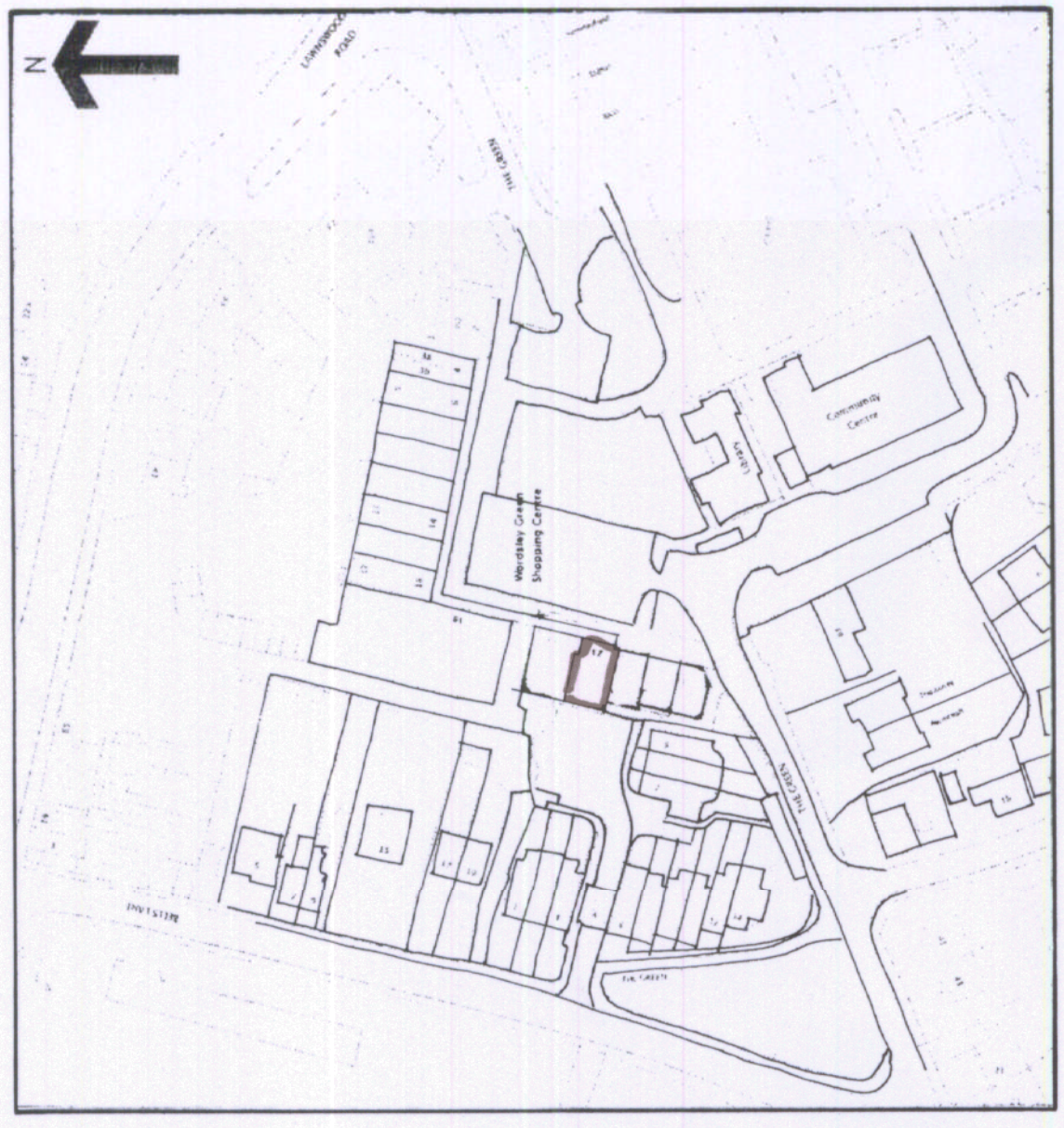
4. The use hereby approved shall not commence until a scheme to prevent disturbance to other occupiers of the building from conducted noise and vibration arising from the operation of any internal or external fixed plant or machinery (including plant, machinery or ducting used for air extraction, odour control, and discharge to atmosphere) associated with the development, has been submitted to and approved in writing by the local planning authority. All works that form part of the approved scheme shall be implemented prior to commencement of the approved use and shall be retained for the duration of the development.
5. No delivery vehicles whether loaded or unloaded shall enter or leave the site before the hours of 0800 nor after 1800 Monday to Saturday, or at all on Sundays and Bank Holidays.
6. The premises shall not be open to the public before the hours of 0800 nor after 1800 Monday to Friday, before 0900 or after 1800 on Saturdays or at all on Sundays and Public Holidays.
7. The operation of fixed plant and/or machinery associated with the development (including the discharge of cooking fume from a flue) shall not cause background noise levels at any nearby dwelling to be exceeded by a Noise Rating Level of more than 5 dB(A), as assessed under the methodology of BS 4142 (1997) (Method for rating industrial noise affecting mixed residential and industrial areas) and/or its subsequent amendments.



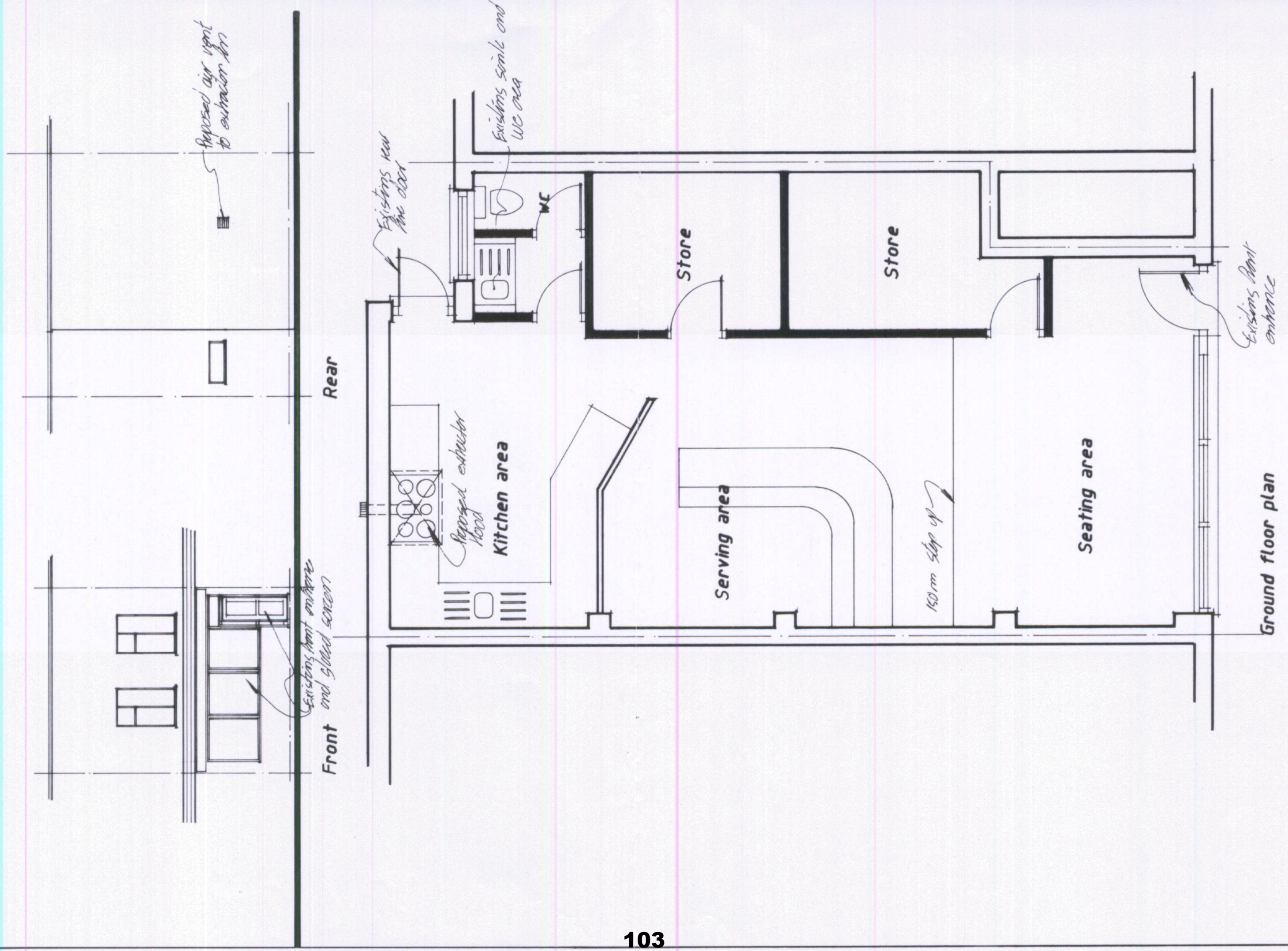
Proposed floor plan & elevations

location plan

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Location plan 1:1250



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JOB TITLE

The Green Deli & Sandwich Bar  
Barnett House  
The Green  
Wordsley

SCALE 1:50~1:100

DATE Oct 2009

DRAWING TITLE

Proposed change of use  
of the existing building for  
A3 use

JOB No. WT/09/100  
DRAWING No.