

PLANNING APPLICATION NUMBER:P08/1722

Type of approval sought	Full Planning Permission
Ward	AMBLECOTE
Applicant	GD Ltd
Location:	108, BRETTELL LANE, AMBLECOTE, STOURBRIDGE, DY8 4BS
Proposal	SUB DIVISION OF EXISTING RETAIL UNIT TO TWO UNITS. SINGLE STOREY REAR EXTENSION TO PROVIDE OFFICE. CAR PARK TO REAR TO PROVIDE 3 NO. VEHICLE SPACES.
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The application site is an existing mid terraced retail unit occupying a plot of 500m² and is set within the local centre of Amblecote. The site is currently vacant, under development internally, in lieu of this planning application. The application property was formally a carpet shop and has an existing vehicle access to the rear from Park Street. The property has an existing single storey rear extension which projects out from the rear elevation 1m. It is set in from both of the boundaries with the neighbouring properties.
2. The application property is bounded to the east by a fish and chip shop and to the west by 107 Brettell Lane, a residential property. Number 107 Brettell Lane sits at a slightly lower level than the application site. The common boundary between these two properties is treated with two walls, one belonging to each property, which abut each other. The higher of these two walls is 2.2m high when viewed from number 107 Brettell Lane and associated with the application site. Number 107 Brettell Lane has a single storey rear extension which faces the application site and accommodates the kitchen. To the first and second floor of the application site are two residential units.

PROPOSAL

3. This application seeks approval for the sub division of the existing retail unit into two units and a single storey rear extension to form an independent office. The extension would extend out from the original rear elevation by 10.5m and be 8.1m wide. It would be set in from the common boundary with number 107 Brettell Lane by 1.46m and with the neighbouring fish and chip shop by 1.55m. The proposed extension would be finished with a dual pitched roof to a maximum height of 4.6m. There would be an area of off road parking associated with the development, accessed from Park Street.

HISTORY

4.

APPLICATION No.	PROPOSAL	DECISION	DATE
CC/79/901	CHANGE OF USE FROM PUBLIC HOUSE TO CHINESE TAKE-AWAY FOOD SHOP WITH LIVING ACCOMMODATION.	Refused	18/06/79
CC/79/902	CHANGE OF USE FROM PUBLIC HOUSE TO FISH & CHIP SHOP WITH LIVING ACCOMMODATION.	Refused	18/06/79
CC/79/903	CHANGE OF USE FROM PUBLIC HOUSE TO RETAIL SHOP WITH LIVING ACCOMMODATION.	Approved with Conditions	18/06/79
CC/79/904	CHANGE OF USE FROM PUBLIC HOUSE TO RESIDENTIAL.	Approved with Conditions	18/06/79
CC/79/905	CHANGE OF USE FROM PUBLIC HOUSE TO LICENSED BETTING OFFICE.	Approved with Conditions	18/06/79
CC/79/906	CHANGE OF USE FROM PUBLIC HOUSE TO OFFICES.	Approved with Conditions	18/06/79

80/52454	CHANGE OF USE OF BUILDING FROM PUBLIC HOUSE TO RETAIL SALES OF CARPETS AND NEW SHOP FRONT AND FASCIA.	Approved with Conditions	18/09/80
81/50057	CONVERSION OF VEHICULAR ACCESS ARCHWAY TO SHOWROOM AND PROVISION OF NEW VEHICULAR ACCESS.	Approved with Conditions	23/02/81
82/50866	ERECTION OF CARPET STORE AND CONSTRUCTION OF VEHICULAR ACCESS.	Approved with Conditions	28/06/82
87/50378	PERMANENT PERMISSION FOR USE OF FORMER VEHICULAR ACCESS AS A SHOWROOM AND RESITED REAR ACCESS.	Approved with Conditions	13/04/87
88/51478	CHANGE OF USE 1ST FLOOR TO CRYSTAL GLASS CUTTING AND RETAIL.	Approved with Conditions	29/09/88
89/51166	CHANGE OF USE OF SHOWROOM TO MANAGERS FLAT	Approved with Conditions	22/06/89
89/52860	DEMOLITION OF EXISTING OUTBUILDINGS & ERECTION OF OFFICES FLAT & TWO GARAGES & C.O.U OF FIRST & SECOND FLOORS TO ONE ADDITIONAL FLAT	Refused	01/03/90
C/C/90/50651	CHANGE OF USE TO FIRST FLOOR/SECOND FLOOR FLAT	Approved with Conditions	09/05/90

PUBLIC CONSULTATION

5. One letter of objection has been received. The main concerns with the proposed scheme are:

- Loss of daylight

- Increased parking demand
- Noise from intensification of site
- Negative impact of construction process

OTHER CONSULTATION

6. Head of Environmental Protection: No adverse comments subject to shop opening and the delivery of goods being conditioned to restrict the hours. This is considered necessary due to the close proximity of residential units.
7. Group Engineer Development: With regard to the availability of vehicle parking spaces it is accepted that if parking spaces can be provided they should be allocated for the sole use of the existing residential units to first and second floor level. Concerns were raised however relating to the delivery vehicle access to and from Park Street.

RELEVANT PLANNING POLICY

8. Adopted UDP
 - Policy CR1 Hierarchy of Town Centres and Regeneration
 - Policy CR5 Regeneration and Development of Centres
 - Policy DD4 Development in Residential Areas
 - DD6 Access and Infrastructure

ASSESSMENT

9. Key issues:
 - Vitality and viability of the local centre
 - Impact on residential amenity
 - Highway issues
 - Further Neighbour objections
 - Planning Obligations

Vitality and viability of the local centre

10. The application property sits within the local centre of Amblecote and is currently vacant. The subdivision of this large unit would give uniformity to the street scene and pattern as this site is large when related to its neighbouring properties. The subdivision of this unit would be likely to increase the likelihood of future occupation and therefore bring a vacant unit back into active use. The proposed office to the rear is of a relatively minor nature at 55m² and would be independent to the retail units to the frontage. All three units are deemed to be of a scale compatible with the retail centre. The proposed development is therefore considered to contribute to the vitality and viability of the local centre in which it is sited and as a result is considered to comply with the requirements of Policies CR1 - Hierarchy of Town Centres and Regeneration and Policy CR5 - Regeneration and Development of Centres of the adopted UDP (October 2005).

Impact of Residential Amenity

11. The application site is bounded to the east by a residential property, number 107 Brettell Lane. This property is a terraced dwelling which adjoins the application site. Closest to the application property is a covered way and then within the rear elevation is a window which serves the lounge. The property then has a kitchen which occupies which would have historically been the out buildings associated with the property. The lounge window is the only light source to this habitable room. However, with the extensive boundary treatment in situ upon the common boundary as well as the roof design to the proposed extension sloping away from this boundary it is considered that there would be no increased detrimental impact on the existing light afforded to this room than that of the existing situation. In this regard the proposal is considered to comply with the requirements of Policy DD4 – Development in Residential Areas of the adopted UDP (October 2005).

Highway Issues

12. The proposed development will provide two vehicle parking spaces to the rear of the site. These spaces would be accessed via Park Street. These spaces would be

allocated for sole use of the residential units at first and second floor level. The property at present provides no off road parking provision and these vehicle spaces are considered an additional benefit to the development. The future customers and staff associated with this proposed development would use the free public car parks situated within the local centre, two being accessed from King William Street within easy walking distance of Brettell Lane. The issue of delivery vehicles was raised by the Group Engineer (Development) as a potential issue. They state “in view of the narrow carriageway width on Park Street, the principle of on-street deliveries is unacceptable”. Whilst the issue of a narrow carriageway is agreed, it is considered that as the office is small in scale at 55m² the likelihood of large scale delivery vehicles supplying this office is diminutive. The most probable situation is the vehicles supplying this office would be small scale vans which would be able to access the office from Park Street without detrimental impact on highway safety. Further, Park Street is marked with double yellow lines which would prevent illegal parking on the highway and would be enforced through other legislation. In this regard, the proposed development would be consistent with the requirements of Policy DD6 Access and Infrastructure of the adopted UDP (October 2005).

Further Neighbour Objections

13. One point raised by the objector is potential noise from intensification of site. This site is situated within a local centre and a minimal amount of noise from retail and commercial properties is expected. This proposal is not considered to increase the noise to the neighbouring residential site as the proposed uses are not of a more intensive nature than that of the existing large retail unit. These comments are supported by the Head of Environmental Protection who state that provided the shop opening and delivery hours are restricted no detrimental impact should be experienced from this proposed development.

The neighbouring property has stated that they have concerns related to a negative impact from the construction process. This is an issue that constitutes a civil matter and is not covered under the remit of Planning Law.

Planning Obligations

14. The proposed development has a requirement to provide off site contributions for the additional infrastructure identified in the Supplementary Planning Document – Planning Obligations. For this application off site contributions related to Transport Infrastructure Improvements would be:

- Transport Infrastructure Improvements - £1540.51

The applicant has been made aware of this requirement by way of a letter dated and has agreed by way of an email dated 16th December 2008. The proposal would comply with the requirements of Policy DD7 – Planning Obligations, of the Adopted UDP (October 2005) and Supplementary Planning Document – Planning Obligations (December 2007).

CONCLUSION

15. The subdivision of this large unit would give uniformity to the street scene and street pattern and would increase the likelihood of future occupation, therefore bringing a vacant unit back into active use contributing to the vitality and viability of the local centre in which it is sited. The proposed office is minor in scale and is therefore is considered to have no detrimental impact on residential amenity or highway safety as a result of the proposed development.

RECOMMENDATION

16. It is recommended that the application be approved subject to:
- a) The development not beginning until a scheme for the submission and approval of a planning obligation to guarantee the provision of an off site contribution towards, an off site contribution towards transport infrastructure improvements has been submitted to and agreed in writing by the Local Planning Authority.

- b) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary

Reason for Approval:

The subdivision of this large unit would give uniformity to the street scene and street pattern and would increase the likelihood of future occupation, therefore bringing a vacant unit back into active use contributing to the vitality and viability of the local centre in which it is sited. The proposed office is minor in scale and is therefore is considered to have no detrimental impact on residential amenity or highway safety as a result of the proposed development.

The decision to grant planning permission has been taken with regard to the policies and proposals in the Dudley Unitary Development Plan and to all relevant material considerations including supplementary planning guidance.

The above is a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report.

Note for Applicant

The development hereby permitted shall be in accordance with the details received on the plan numbered 1448-02 revision A excluding the parking layout which should be in accordance with the proposed parking arrangements plan provided and numbered 1448-05 unless otherwise agreed in writing by the local planning authority.

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. Prior to the occupation/use of the development hereby permitted the parking area shall be surfaced and marked out in complete accordance with the approved plans, and thereafter maintained available for parking.
3. The materials to be used in the approved development shall match in appearance, colour and texture those of the existing building unless otherwise agreed in writing with the local planning authority.
4. Deliveries of goods to the premises and the hours of opening to the public shall be limited to the following hours:
 - 8am to 9pm Monday to Saturday inclusive
 - 9am to 5.30pm Sunday and Bank Holidays
5. • The development shall not be begun until a scheme for the provision of-
 - o Off site Transport Infrastructure improvements

Has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the method, timing and arrangements to comply with the Council's policies for the provision of the infrastructure required in connection with the proposed development.

