

APPENDIX - Dudley Borough Development Strategy Main Modifications

Dudley Borough Development Strategy

Main Modifications

The modifications below are expressed either in the conventional form of ~~striketrough~~ for deletions and underlining for additions of text.

The page numbers and paragraph numbering below refer to the submission Dudley Borough Development Strategy, and do not take account of the deletion or addition of text.

Reference	Submission Document Page No.	Policy number / Paragraph	Main Modification
MM1	Page 1-2	Policy S2 – Planning for a Healthy Borough	<p>Policy S2 – Planning for a Healthy Borough</p> <p>Dudley Council is committed to fostering a borough where people enjoy good health, well being and are supported to make healthy choices for a more active lifestyle. The application of Planning Policy, including the guidance set out within The Planning for Health Supplementary Planning Document (SPD), will help in achieving this aim.</p> <p>In particular, Dudley Council will :-</p> <ol style="list-style-type: none">1. utilise spatial planning to help address obesity and improve fitness and general well being by ensuring that environmental infrastructure is protected and enhanced and additional facilities are provided, with a focus on :-<ul style="list-style-type: none">• open space, playing fields (Policy) and sports facilities (Policy) which are accessible to all• creating environments conducive to cycling and walking and aiming to create walkable neighbourhoods accessible to and integrated with a wide

APPENDIX - Dudley Borough Development Strategy Main Modifications

			<p>range of transport means in conjunction with Core Strategy Policy TRAN4</p> <ul style="list-style-type: none"> • promoting active travel through the application of Travel Plans (CS Policy TRAN2), giving priority to pedestrians and cyclists, and aiming to connect new development to existing walking and cycling networks such as the canal network • protecting and enhancing Dudley's Green Network <p>2. ensure that existing health, education, cultural and community facilities are protected and that the siting of such facilities meets the criteria set out in Core Strategy Policy HOU5 and Policy EMP6 to ensure accessibility and choice for the benefit and well being of all communities within the Borough</p> <p>3. apply the following measures to promote health related sustainable development as appropriate:-</p> <ul style="list-style-type: none"> • seeking to improve air quality (Core Strategy Policy ENV8) and reducing noise pollution (Policy D5) within the borough • controlling the siting <u>siting concentration</u> of hot food takeaways and promoting greater access to healthy food, including the creation and protection of allotments • ensuring the submission of a Health Impact Assessment (HIA), where required in support of development proposals • providing good quality and well designed housing which is readily accessible to employment, education, health and community facilities and fresh food (Core Strategy Policies HOU2 and ENV3) • promoting safe residential environments and addressing the fear of crime (Core Strategy Policy ENV3) • improving road safety (Core Strategy Policy TRAN2) • addressing climate change issues and sustainable building principles (Policy S3) • requiring new large commercial and public buildings to include facilities for baby changing and breastfeeding <p>4. support community based projects which promote physical activity and</p>
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APPENDIX - Dudley Borough Development Strategy Main Modifications

			campaigns such as <i>Walk to School Week</i> and <i>Bike to Work Week</i> and work in partnership with the NHS, business partners and agencies to enable health strategies to be interlinked and cross cutting.
MM2	Page 5-7	Policy S23 – Green Belt	<p>Policy S23 – Green Belt</p> <p>There is <u>shall be</u> a presumption against inappropriate development in the Dudley Borough's <u>designated</u> Green Belt. The boundaries <u>and extent</u> of the Green Belt are shown on the Policies Map <u>forming part of the DBDS</u>. Within the Green Belt, development will not be permitted except in the very special for circumstances set out in the National Planning Policy Framework (Section 9 or superseding national policy and guidance on this matter).</p> <p>In addition,</p> <ol style="list-style-type: none"> 1. Extension and/or alteration to buildings or the replacement of dwellings will not be considered if it results in a disproportionate addition over 40% of the original building volume. 2. The change of use of buildings and land and external alterations to buildings within the Green Belt will only be permitted if:- <ul style="list-style-type: none"> • it would • the applicants can demonstrate through a structural survey that the buildings are of permanent and substantial construction and are capable of conversion without major or complete re-construction • the form, bulk and general design of any new buildings are in keeping with their surroundings • the materials used in external facades normally conform with those of the original building or the character of the area • proposals conserve and enhance the historic or architectural features of the building and maintain its original character and appearance

APPENDIX - Dudley Borough Development Strategy Main Modifications

			<ul style="list-style-type: none"> • extensions to existing outbuildings should not exceed more than 20% of the original building volume. <p>Permitted Development Rights will normally be removed from buildings converted for residential use inside the Green Belt to prevent the over-domestication of the setting. Proposals inside or adjoining the Green Belt should include biodiversity features and new landscaping to help support wildlife and biodiversity.</p>
MM3	Page 6-9	Policy S36 - Safeguarding Community Facilities including Assets of Community Value (ACV)	<p>Policy S36 - Safeguarding Community Facilities including Assets of Community Value (ACV) Public Houses</p> <p><u>Dudley Council will guard against the unnecessary loss of valued public houses, particularly where this would reduce the community's ability to meet its day-to-day needs, by assessing any application for their change of use or their redevelopment against the provisions of the NPPF and the development plan.</u></p> <p>not permit the redevelopment or change of use of buildings used, or last used, for community facilities, (including public houses, libraries, sports pitches, leisure centres, places of worship and public halls) except where the following criteria can be met, demonstrating that the facility is no longer viable as a community asset or has no potential to become viable as a community asset:-</p> <p>Test 1: Viability</p> <p>Dudley Council will require evidence to demonstrate that:-</p> <p>the existing business is not financially viable, as evidenced by trading accounts for the last 3 years in which the business was operating as a full-time business</p> <p>a range of measures have been tested during this time to increase trade and diversify the use</p> <p>the potential for the building and its curtilage, without the demolition of the building, to extend the range of facilities offered at the site has been fully considered (including any planning issues) – e.g. in the case of public houses, hot and cold meals, accommodating functions and meetings, bed and breakfast and part use as a music or other entertainment venue.</p>

APPENDIX - Dudley Borough Development Strategy Main Modifications

			<p>Test 2: Marketing</p> <p>Where applications for the change of use or redevelopment of a community facility are received, Dudley Council will require evidence that the site has been prominently marketed at a realistic freehold or leasehold price as a community facility for a continuous period of at least 12 months.</p> <p>Where the proposal is for the change of use or redevelopment of public house, Dudley Council will require evidence that the site has been prominently marketed at a realistic freehold or leasehold price as a public house for a continuous period of at least 12 months. After this period, if there is no interest in the site for an A4 use, a further 12 month period of marketing for alternative community uses will also have been undertaken and evidenced.</p> <p>This evidence should be presented alongside evidence required under Test 1 in a 'Marketing and Viability Statement' that accompanies the planning application. In assessing this statement, the Council may be advised by an independent assessor.</p> <p>Test 3: Cultural and heritage value</p> <p>Development proposals which involve the change of use, loss or alteration of a community facility should not have a detrimental impact on the design, character, significance and setting of buildings or areas of acknowledged heritage value i.e. buildings which are identified as Heritage Assets, or within a Conservation Area, or identified within an Urban Historic Landscape Characterisation Study as making a high positive contribution to the street scene, or forming an integral part of an acknowledged heritage or recreational trail.</p> <p>In addition Dudley Council will also consider whether the potential loss of the buildings or use would unduly impact on the harmonious and settled character of the street scene.</p> <p>Test 4: Community value</p> <p>If the application site has been registered as an Asset of Community Value, this will be treated as a material consideration, alongside all viability and marketing</p>
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APPENDIX - Dudley Borough Development Strategy Main Modifications

			<p>evidence; in determining if the site has a future as a viable community facility.</p> <p>Furthermore the potential appeal of a facility to a more widespread interest or community group, or as a tourist destination will also be taken into consideration.</p> <p>Test 5: Location</p> <p>In designated centres, Dudley Council will consider the implications of the loss of the community facility on the vitality and viability of that centre with particular regard to that centre's assets and role, and the range, diversity and connectivity of the services and facilities currently provided there.</p> <p>Outside of such areas, Dudley Council will consider the extent to which the premises provided a valuable role as a community facility for surrounding residential neighbourhoods.</p>
MM4	Page 10-7	<p>Policy D9 – Hot Food Takeaways.</p> <p>Supporting text</p>	<p>Hot Food Takeaways - supporting text</p> <p>Although it is recognised that hot food takeaways shops can provide an important complementary service compared to other retail uses, they <u>can also</u> are more likely to have a detrimental impact on <u>the</u> amenity and <u>the</u> on retail character and function of shopping centres due to their hours of operation. Such harmful impacts relate to increased incidence of litter, smells odours, crime and anti-social behaviour, noise and general disturbance; <u>as well as</u> parking and traffic problems. The proliferation and proximity of hot food takeaways to schools is also of concern for health reasons and childhood obesity as the food they serve is often high in fat, salt and sugar.</p> <p>The introduction of a <u>planning</u> policy to control the numbers of hot food takeaways in <u>particular locations</u> the Borough will assist <u>in providing a healthy balance of food choices for all communities across the Borough.</u> not only to reduce the levels of obesity, but it may also reduce school children being exposed to unhealthy food choices. It will also help to counteract the over concentration of hot food takeaways in certain localities. It should of course be noted, that this policy will not reduce the numbers of premises already operating under an A5 <u>Land</u> Use Class category, but will aim to restrict new premises opening <u>where</u></p>

APPENDIX - Dudley Borough Development Strategy Main Modifications

			<p><u>they would lead to an over-concentration or exacerbate an existing over-concentration of such premises in certain locations.</u></p> <p>Similarly, there is a need to take a co-ordinated approach to public health to tackle obesity (particularly childhood obesity). There are also other interventions that can contribute to the improvement in public health including alongside the Council's Licensing service to ensure that street vending also provides a healthy balance in terms of the location of food choices across the Borough. of unhealthy foods is also restricted in close proximity to school premises.</p> <p>This Policy should be read in conjunction with Policy L9 <u>of the DBDS</u> on Protected Frontages as certain requirements within that Policy will apply to A5 uses located within <u>designated Protected Frontages areas</u>.</p> <p>Further guidance on hot food takeaways and the Borough's position towards healthy planning in general, can be found in the Planning for Health Supplementary Planning Document.</p>
MM5	Page 10-8	Policy D9 – Hot Food Takeaways.	<p>Policy D9 – Hot Food Takeaways</p> <p>All applications for hot food takeaways whether through new build or change of use, will be assessed on their individual merits. However, within the Borough's protected frontages, planning permission for hot food takeaways will only be granted where no more than 5% of the units will consist of A5 uses.</p> <p>No more than two A5 uses will be permitted adjacent to one another within the boundaries of all the Borough's centres and retail parades. <u>Elsewhere, hot food takeaways will be permitted where they do not create or exacerbate a concentration (typically 3 or 4) of those uses.</u> Outside designated centres and local parades, hot food takeaways will be resisted where the proposal will fall within 400m of the boundary of an existing secondary school.</p> <p>In all locations planning permission for hot food takeaways will only be granted where, in addition to the above considerations, there would not be an adverse</p>

APPENDIX - Dudley Borough Development Strategy Main Modifications

			<p>impact on public or highway safety. Regard will be given to: -</p> <ul style="list-style-type: none"> • existing traffic conditions including availability of parking spaces • availability of safe and legal loading areas • proximity to junctions, pelican crossings, bus bays and bus stops • accessibility of the site by public transport and cycling • applications for hot food takeaways within close proximity to residential properties will be refused where it is considered that there may be significant adverse impacts on residential amenity in terms of disturbance, vibrations, odours, traffic impacts, litter or hours of operation as a result of the proposal • additionally, the cumulative impact of proposed hot food takeaways will be assessed with regard to their risks around community safety, crime and disorder. <p>Wherever practicable, extract equipment should be accommodated internally within the building and routed within existing chimneys. Where external equipment is proposed, it should not be detrimental to the area or host property.</p> <p><i>*In addition to planning permission, proposals for hot food takeaways will require other approvals under other legislation and applicants should ensure that these requirements are met.</i></p>
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