

PLANNING APPLICATION NUMBER:P13/0041

Type of approval sought	Full Planning Permission
Ward	Norton
Applicant	Mr S. Clarke
Location:	148-152, HAGLEY ROAD, STOURBRIDGE, WEST MIDLANDS, DY8 2JH
Proposal	CHANGE OF USE FROM RETAIL (A1) TO RESTAURANT (A3) WITH ELEVATIONAL CHANGES TO INCLUDE NEW FUME EXTRACTION AND CREATION OF A COVERED SMOKING AREA
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site is a vacant retail unit (Use Class A1) occupying a plot of 190m² and is set within the Oldswinford local centre.
2. The application property is located at the back edge of the highway and is bound to the south by a commercial property (Retail Use Class A1) and to the north by No.146 Hagley Road, a residential unit.
3. To the rear of the application site is a service yard. Hall Street to the north of the application site is predominantly residential in nature.

PROPOSAL

4. This application seeks approval for change of use of the property to a restaurant (Use Class A3). It is proposed to open the premises from 8.30am to midnight 7 days a week.
5. Also for consideration is the addition of an extract flue and a covered smoking area, both to the rear. The proposed flue would be attached externally to an existing chimney and the covered smoking area would be created within an existing alcove within the rear elevation by continuing the existing tiled roof over this area. To the rear

of the application property it is proposed to create one space that would be designated for disabled people.

6. The proposed restaurant would provide 72 covers

HISTORY

7. None relevant

PUBLIC CONSULTATION

8. A total of 18 notification letters were sent to the occupiers of adjacent properties and a site notice was also displayed. As a result a total of 4 letters of objection have been received. The comments outlined within the letters are, in summary:

- Lack of parking will cause on street parking in neighbouring residential streets which are already congested and the Heath Lane car park is usually full.
- Existing service yard is utilised by builders and it is proposed to add bins, smoking area and a disabled parking bay.

9. The applicant has submitted a letter in support of his application following receipt of the objection letters. His points are, in summary:

- The restaurant would provide a different kind of restaurant to what is already on offer within Oldswinford.
- It is acknowledged that parking is limited but there is a free car park within a short walking distance. Customers would be advised on this upon booking.
- If the business becomes successful then the applicant intends to run a free taxi pick up for customers within a party of 6 or more.
- Objection from further business owners with similar businesses.
- Existing restaurants locally with similar parking arrangements.

OTHER CONSULTATION

10. Group Engineer (Development): No objections subject to conditions.

11. Head of Environmental Health and Trading Standards: No objections subject to conditions.

RELEVANT PLANNING POLICY

12. Black Country Core Strategy (2011)

- TRAN2 Managing Transport Impacts of New Development
- CEN2 Hierarchy of Centres
- CEN5: District and Local Centres

13. Saved Unitary Development Plan Policies (2005)

- DD4 – Development in Residential Areas.
- EP7 – Noise pollution

14. Supplementary Planning Documents / Guidance

- Parking Standards

ASSESSMENT

15. The main issues are

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

Principle/Policy

16. The application site is located within the Oldswinford Local Centre which is identified as part of the Black Country Core Strategy. A survey compiled of the Oldswinford Local Centre on 30th May 2012 showed that A3 (restaurant) A4 (Public Houses) and A5 (Hot Food Takeaways) uses represented 16% of the total units surveyed.

17. It is not therefore considered that the change of use of this property would result in an over-proliferation of such uses within the Local Centre. It should be noted that this site

is not within a protected frontages area and there are no specific limits, in terms of planning policy terms, on the number of such uses that the Local Centre can contain.

18. The proposed restaurant would service a local need and on this basis the proposal would be in accordance with the requirements of Policies CEN2 - Hierarchy of Centres and CEN5 - District and Local Centres of the Black Country Core Strategy (February 2011).

Design

19. The property is currently vacant and as such the external appearance of the application site would be improved by its occupation. The only proposed external alterations relate to the extract flue and the small covered smoking area.

20. The proposed flue, whilst visible, would be sited to the rear and would be attached to the existing chimney stack. This would help to ensure that the visual impact of the proposed flue would be minimal. The proposed smoking area would be created in an existing alcove by extending the existing roofline down. This method would ensure that the visual impact is minimal and appropriate in terms its appearance within this area. On this basis the proposed development would accord with the requirements of saved UDP Policy DD4 – Development in Residential Areas.

Neighbour Amenity

21. The Head of Trading Standards and Environmental Health has raised no objections with the flue location or the proposed opening hours. However they have requested that two conditions are attached to any approval firstly related to the internal technical specification of the proposed flue and secondly related to limits on background noise.

22. The site is located within a local centre and as such the proposed use is considered as appropriate in this area as there is a degree of background noise from traffic and commercial activity being present. Subject to the imposition of the conditions it is

considered that the proposal would not result in a detrimental impact on residential amenity given the sites location within an identified Local Centre.

23. On this basis the proposed development would accord with the requirements of saved UDP policies DD4 – Development in Residential Areas and EP7 Noise pollution.

Access and parking

24. Hagley Road (A491) forms part of the strategic highway network. These roads are for long distance and strategic traffic and as such on-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.

25. The parking demand for the existing A1 retail use would be 14 parking spaces with the proposed A3 restaurant use requiring 28 parking spaces. In town and local centres proposals for A3 uses with a ground floor area of below 1000 sq. m, may not be required to provide on-site where adequate off-site public parking is available and no serious road safety or amenity problems would be created. In view of the Traffic Regulation Orders on Hagley Road that prohibit on-street parking at anytime and the availability of public car parking provision within the centre, the lack of on-site car parking provision would not be contrary to the requirements of Policy TRAN 2 - Managing Transport Impacts of New Development and Parking Standards SPD.

26. The proposed scheme indicates a parking space for use by disabled users to the rear of the application property. This space should be at least 4.8 metres (m) by 2.4m, with a 1.2m wide hatched access zone located on one side and rear of the parking space facing the vehicular route. The overall size of the disabled parking including the access zone will be 6m by 3.6m. It is not clear from the submitted site plan if these dimensions are propose, however, this could be successfully conditioned given the available space within the rear yard area. These comments are supported by the Group Engineer (Development) and as such the proposed scheme would accord with the requirements of the Parking Standards SPD.

Planning Obligations

27.No planning obligations would be required for the application as the trip rate for the proposed use is less than that of the existing.

CONCLUSION

28.The principle of the proposed development is acceptable within this location and it is considered that there would be no detrimental impact on residential amenity of neighbouring properties or on highway safety given the local centre location.

RECOMMENDATION

29.It is recommended that the application be approved subject to the following conditions:

Reason for approval

The principle of the proposed development is acceptable within this location and it is considered that there would be no detrimental impact on residential amenity of neighbouring properties or on highway safety given the local centre location.

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Black Country Joint Core Strategy (2011), the saved UDP (2005) and to all other 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.

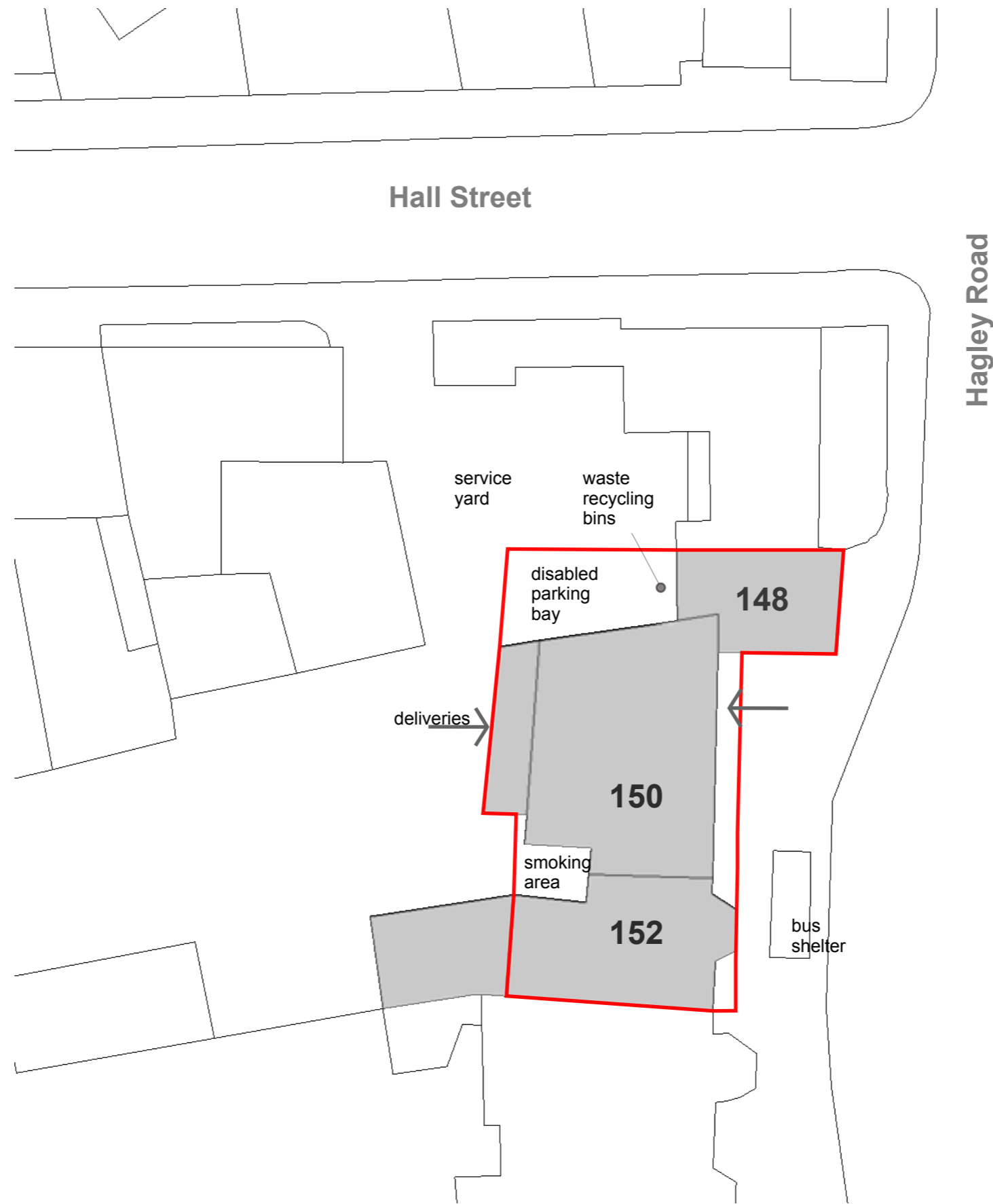
APPROVAL STATEMENT INFORMATIVE

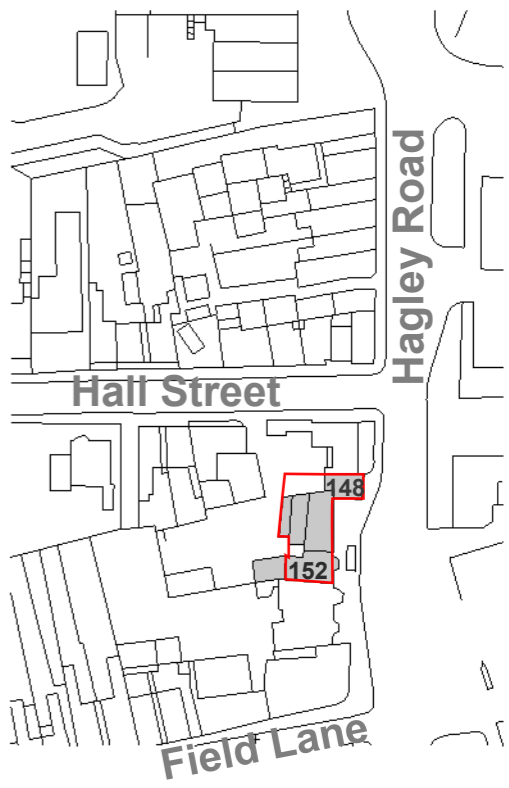
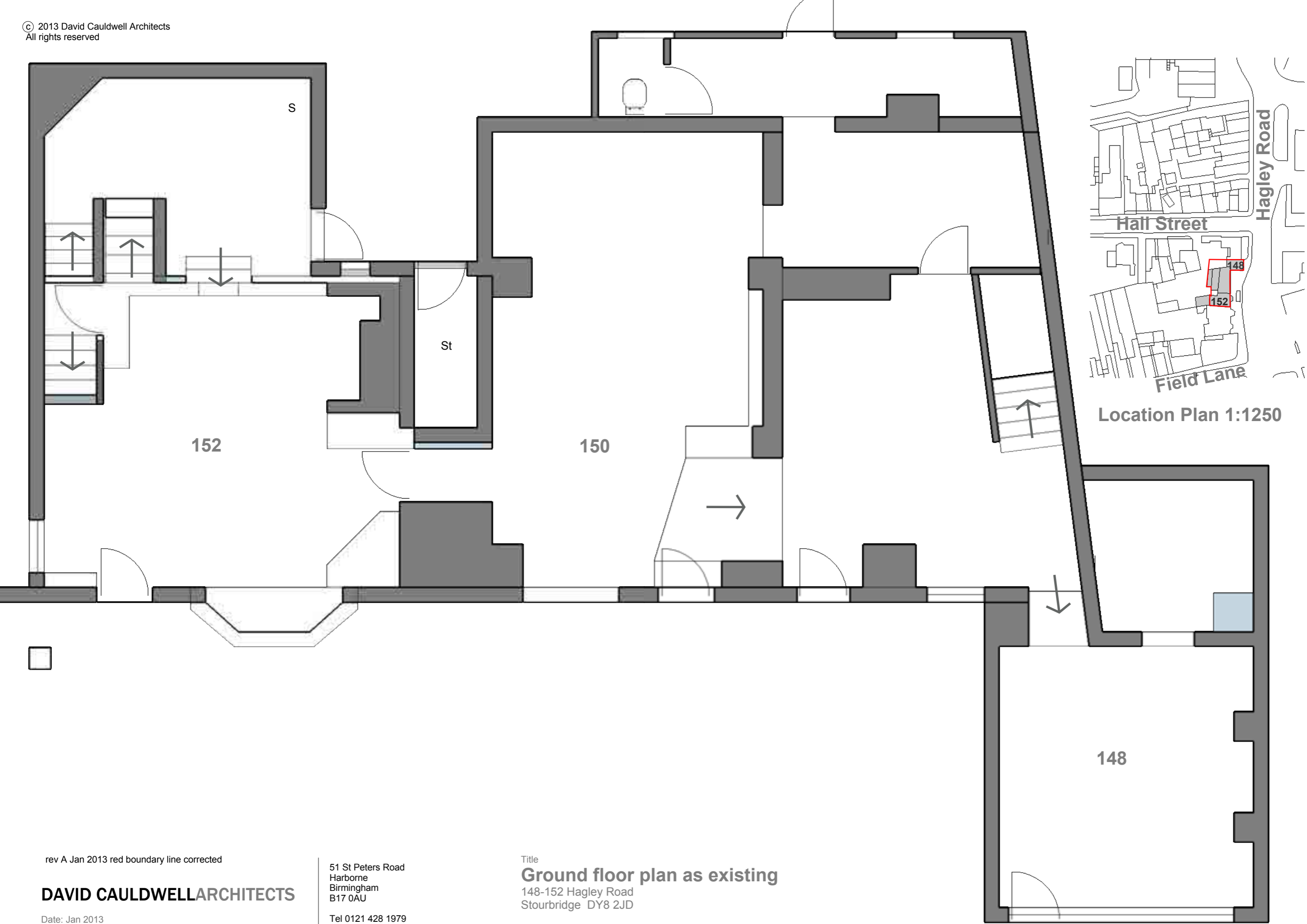
In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining 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: 5144/01 rev A, 5177/02, 5177/03 rev A, 5177/04, 5177/05 and 5177/06.
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. Prior to the commencement of development 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 works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. 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.
5. 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.
6. The premises shall not be open to the public before the hours of 08:30 nor after 00:00 (Midnight) Monday to Sunday.
7. Prior to the commencement of development, a parking layout showing details of the dimensions of the rear parking bay shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details and all parking shall be provided on site prior to the occupation of the development hereby approved.





Location Plan 1:1250

rev A Jan 2013 red boundary line corrected

DAVID CAULDWELLARCHITECTS

Date: Jan 2013
Drawn: DC

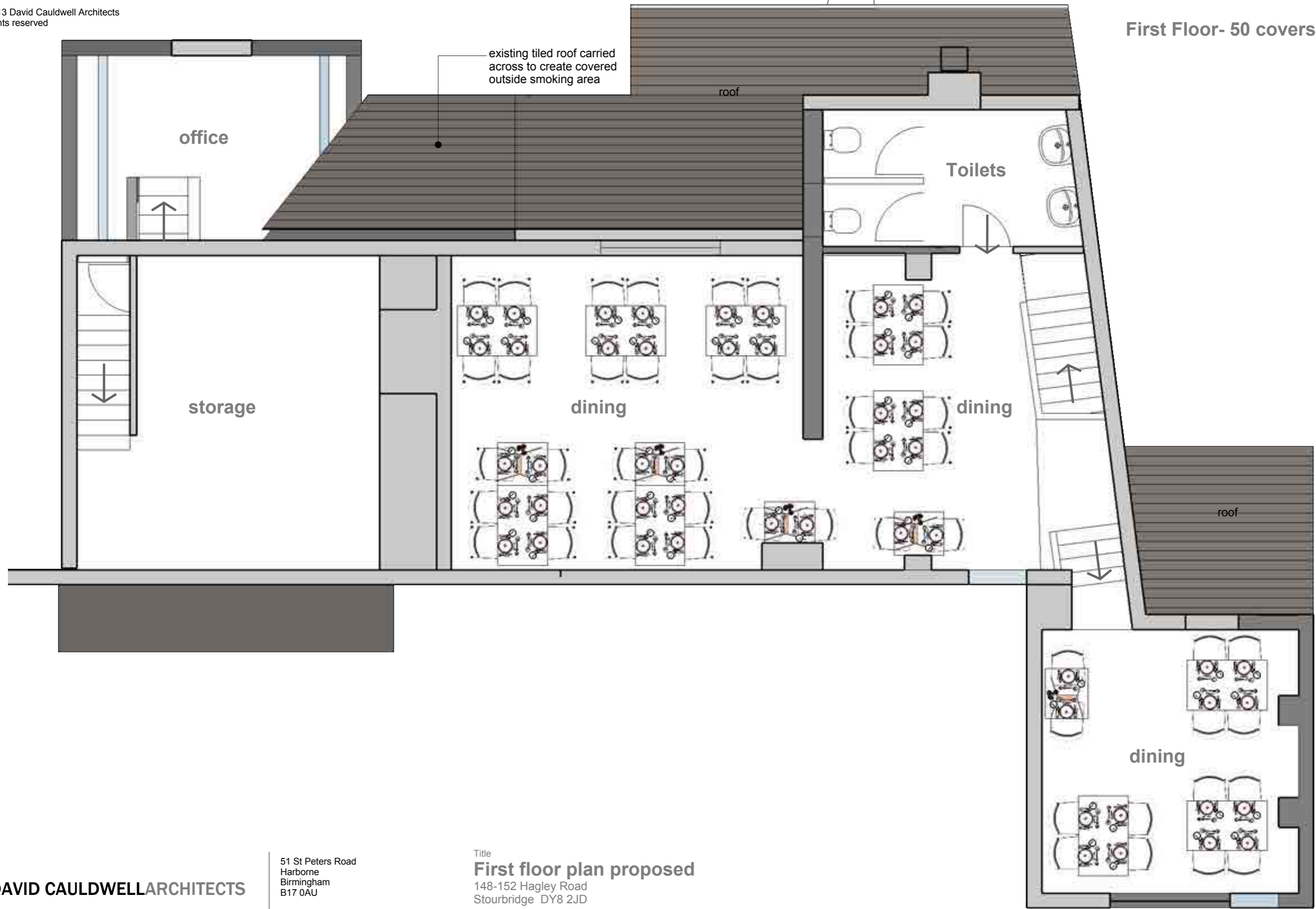
51 St Peters Road
Harborne
Birmingham
B17 0AU

Tel 0121 428 1979
Fax 0871 661 9852
e-mail dwg@davidcauldwell.co.uk

Title
Ground floor plan as existing
148-152 Hagley Road
Stourbridge DY8 2JD

Scale 1:50 @A3

5177/01 revA



DAVID CAULDWELLARCHITECTS

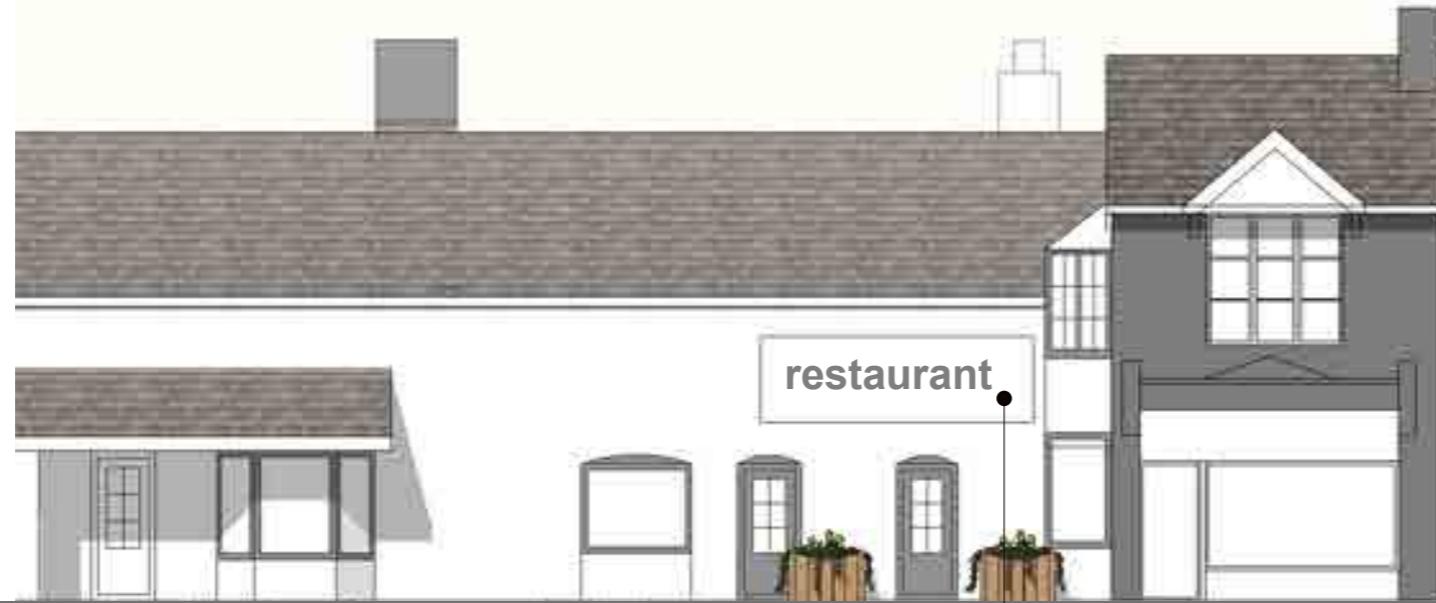
51 St Peters Road
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First floor plan proposed
148-152 Hagley Road
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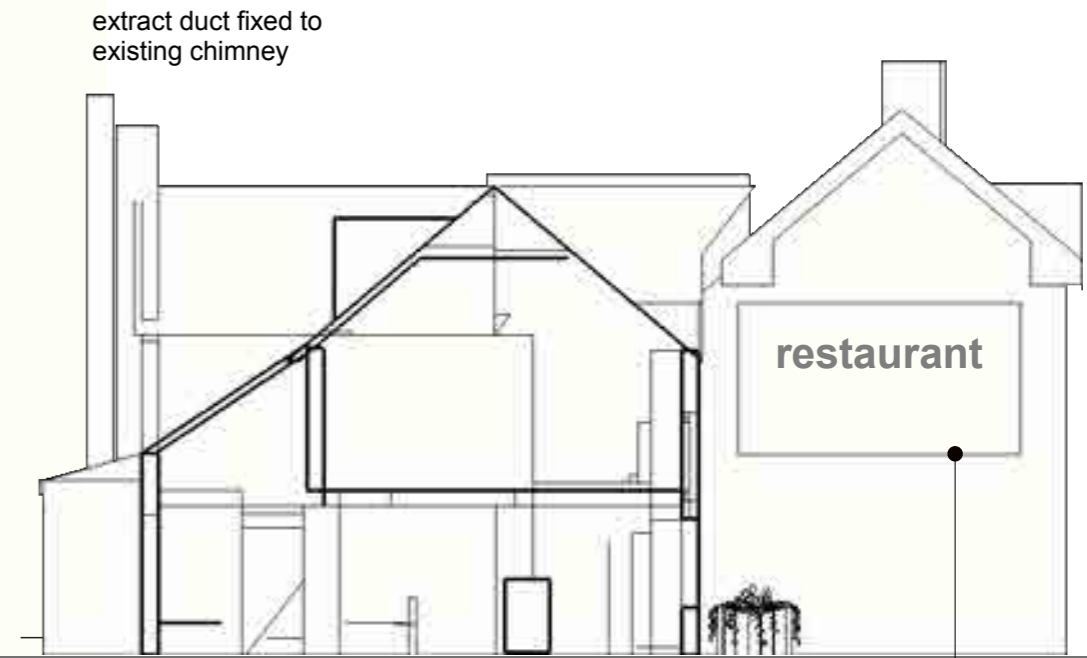
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Date: Jan 2013
Drawn: DC



Front Elevation

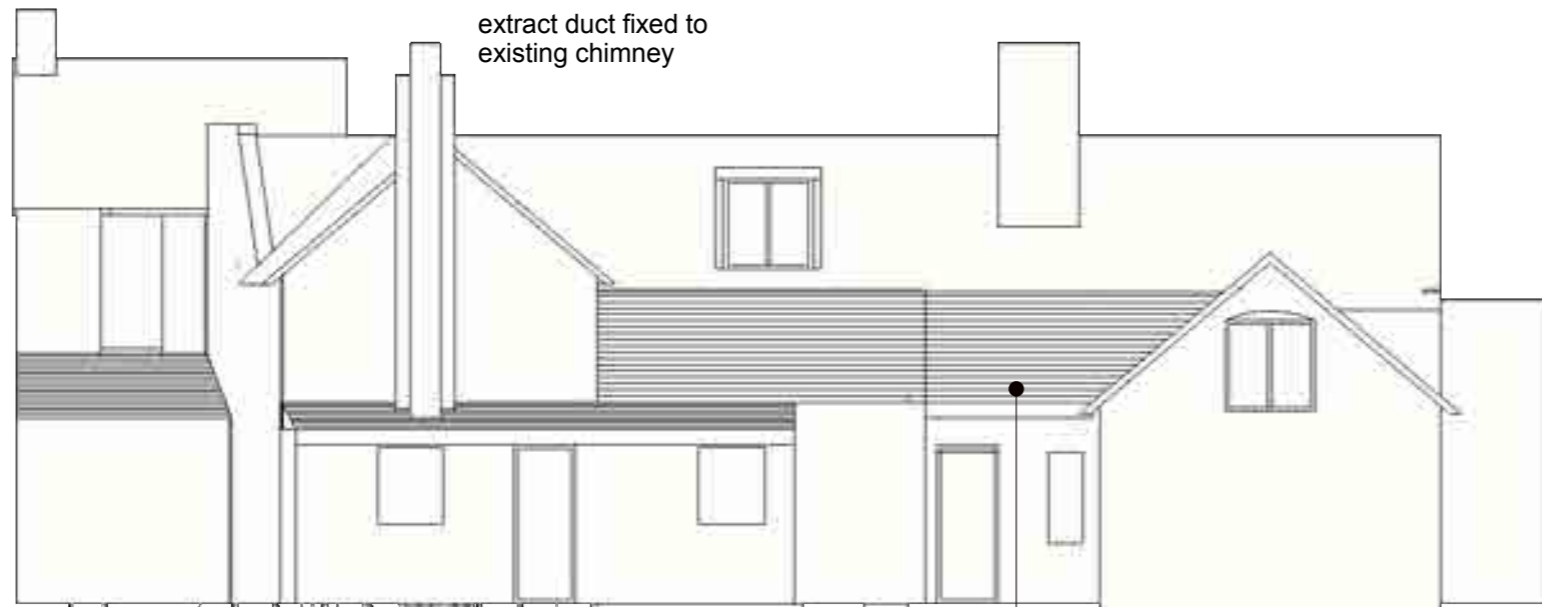
new painted sign
(wording to be agreed)
with lighting



Front /Side Elevation

new painted sign
(wording to be agreed)
with lighting

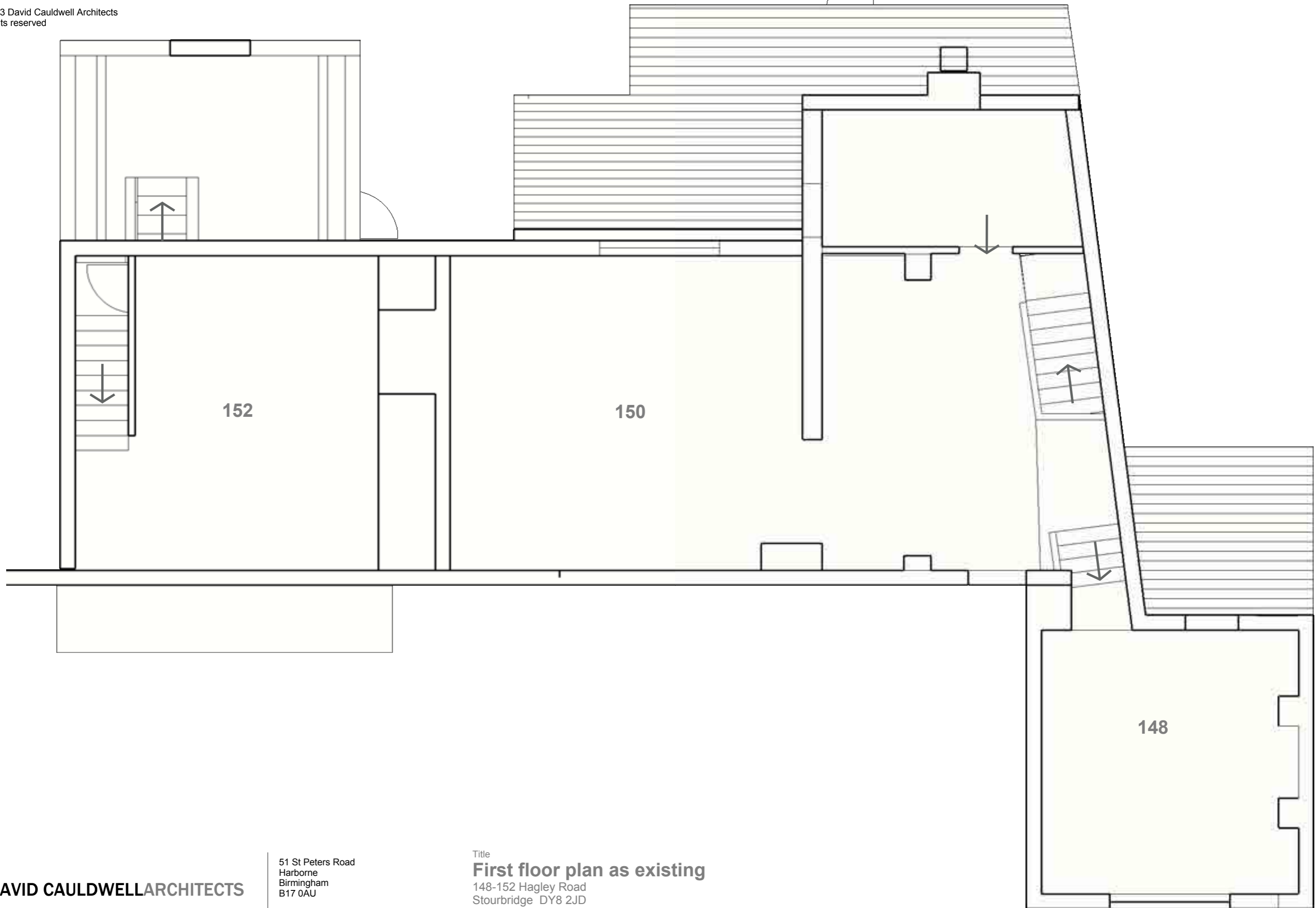
extract duct fixed to
existing chimney



Rear Elevation

existing tiled roof carried
across to create covered
outside smoking area

extract duct fixed to
existing chimney



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Date: Jan 2013
Drawn: DC

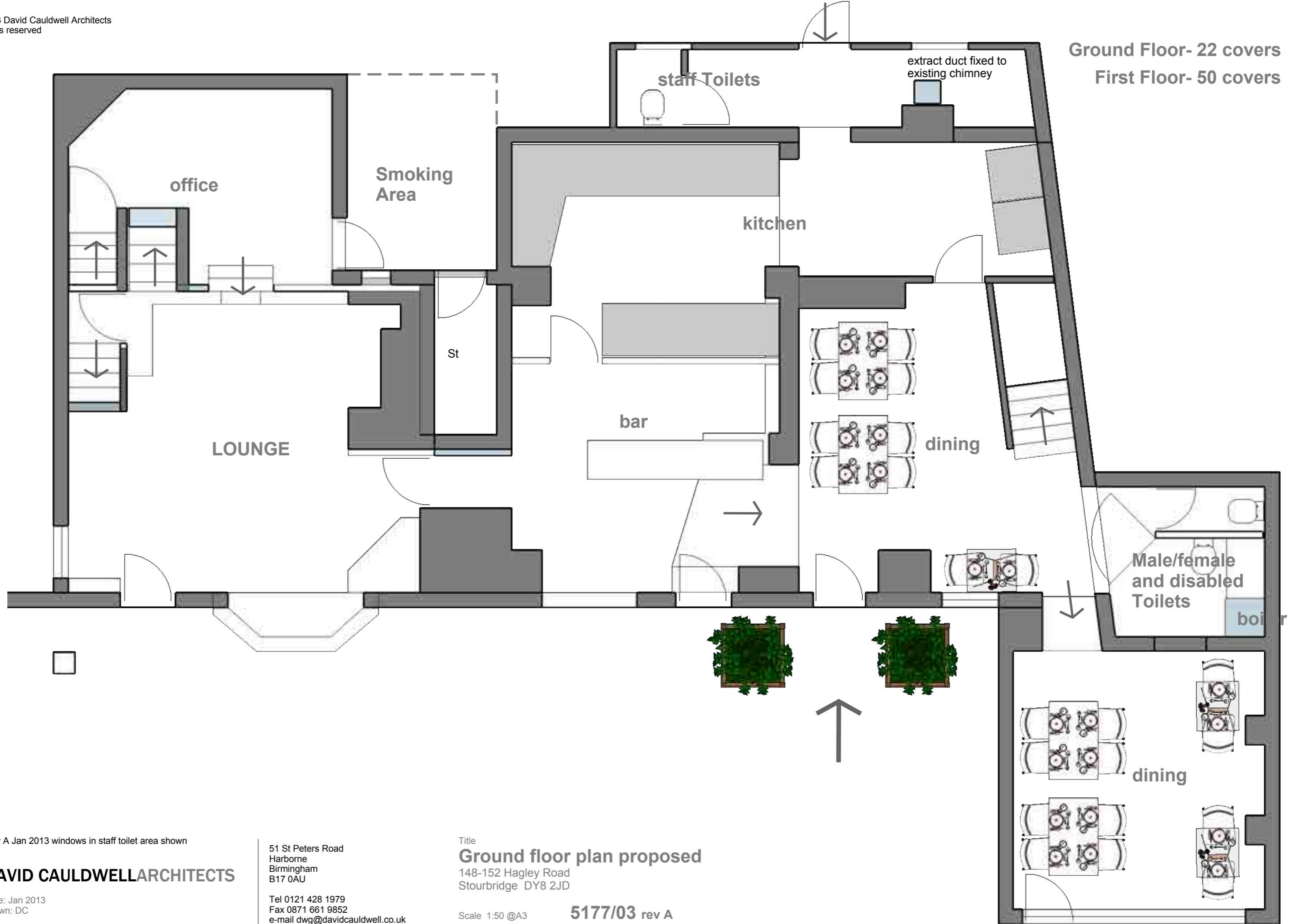
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5177/02



Ground Floor- 22 covers
First Floor- 50 covers

rev A Jan 2013 windows in staff toilet area shown

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Scale 1:50 @A3

5177/03 rev A