

PLANNING APPLICATION NUMBER:P13/0109

Type of approval sought	Full Planning Permission
Ward	Brierley Hill
Applicant	Daynight Pharmacy Ltd
Location:	20, ALBION STREET, BRIERLEY HILL, WEST MIDLANDS, DY5 3EE
Proposal	CHANGE OF USE FROM OFFICE AND WORKSHOP (B1) TO PHARMACY (A1). NEW PROPOSED ACCESS RAMP.
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site, No 20 Albion Street, is vacant and comprises a two storey office at the front, side access/parking area and a workshop at the rear. Albion Street is located parallel to High Street, Brierley Hill. The High Street and its associated bus services and retail shops are located some 200m from the application site via Talbot Street to the north or Moor Street to the south
2. The two storey office at No 20 is one half of a semi detached building, the other half being No 18 Albion Street - a residential house.
3. To the north of the site is an empty commercial unit. To the west of the site, on the opposite side of Albion Street, there is a doctors surgery and a line of residential properties. To the south of the site is No 18 Albion St followed by the rear service access to Adams Carpets, a church and residential apartments. To the east of the site (the rear) is the service yard and parking area for Adams Carpets whose retail shop is accessed from the High Street.
4. The south half of Albion Street is predominantly residential whilst the north half is a mixture of commercial/industrial units and the doctors surgery. The application site is located within the middle portion of Albion Street and is surrounded by a mixture of residential and commercial uses.
5. The opening hours of the doctors surgery are as follows:
Monday - Friday 8.00am - 6.30pm

Extended hours surgeries 6.30pm - 8.00pm (Tue and Wed only)

6. The application site is within the Brierley Hill Conservation Area.

PROPOSAL

7. The proposed development is for a change of use from office and workshop (B1) to pharmacy (A1) and a new pedestrian access ramp.
8. It is proposed that the retail element of the pharmacy would comprise the ground floor of the existing offices only.
9. The applicants have requested opening hours of 0700 – 2400 Monday to Saturday.
10. The application is accompanied by a Heritage Statement.

HISTORY

11.

APPLICATION No.	PROPOSAL	DECISION	DATE
BH/64/5371	Use of land for offices and garages	Granted	06/11/75
BH/61/4050	Conversion of house and garage into club premises.	Granted	31/12/61
P11/1243	Conversion of vacant office building into 2 No flats. Demolition of vacant workshop at rear and erection of a two storey building to create an additional 2 No. flats.	Withdrawn	07/11/11
P13/0110	Display 2 no. internally illuminated fascia signs and 1 no internally illuminated projecting sign	Application not yet determined	

PUBLIC CONSULTATION

12. The application was advertised by way of neighbour notification, press and site notice. Public consultation time expired 08 March 2013. Three objections have been received raising the following issues:

- Hours of opening
- Noise
- Existing and proposed on street parking issues
- Proposed parking provision
- Albion Street has limited public parking provision
- Number of existing pharmacies (five) within a few hundred metres of the application site

OTHER CONSULTATION

13. Group Engineer (Development) – no objections subject to conditions relating to:

- The parking is reserved for customers only
- Given there is no parking for staff a condition requiring a staff shower facility and undercover cycle storage for staff for at least 2 cycles should be provided
- Limit the retail area to that shown on the attached plan as additional retail area could result in a higher trip generation which would then raise fundamental road safety concerns

14. Head of Environmental Health and Trading Standards – There are residential properties in close proximity to the application site and as such, there is potential for residents to be adversely affected by noise from the comings and goings of patrons, deliveries to/from the site and from any associated external fixed plant and machinery. The area is of mixed use residential and commercial and it is considered that noise can be controlled through appropriate planning conditions.

15. The applicant proposes that the A1 use will be open until midnight Mondays to Saturdays. Given the proximity of the site to residential properties, an earlier evening closing time of 2300 (Monday to Saturday) is considered necessary in this location.

16. There are no objections in principle to the proposal but it is recommended that the following conditions are applied to any approval of this application to protect the amenities of nearby residents in terms of noise:

- The premises shall not be open to the public before the hours of 0700 nor after 2300 Monday to Saturdays or before 0900 or after 1700 on Sundays and Public Holidays.
- No deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen), before the hours of 0800 nor after 1800 Monday to Saturday, or at all on Sundays and Public Holidays.
- The rating level of noise emitted from any fixed plant and/or machinery associated with the development shall not exceed background noise levels by more than 5dB(A) between the hours of 0700-2300 (taken as a 60 minute LA90 at the nearest noise sensitive premises) and shall not exceed the background noise level between 2300-0700 (taken as a 5 minute LA90 at the nearest noise sensitive premises). All measurements shall be made in accordance with the methodology of BS 4142 (1997) (Method for rating industrial noise affecting mixed residential and industrial areas) and/or its subsequent amendments.

Where access to the nearest noise sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest noise sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.

RELEVANT PLANNING POLICY

17. National Planning Guidance (2012)

The National Planning Policy Framework (NPPF) sets out the Governments planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions, but does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.

18. Black Country Core Strategy (2011)

TRAN2 - Managing Transport Impacts of New Development

19. Saved Dudley Unitary Development Plan Policies (2005)

DD4 – Development in Residential Areas

DD5 – Development in Industrial Areas

EP1 – Incompatible Land Uses

EP7 - Noise Pollution

HE4 - Conservation Areas

20. Brierley Hill Area Action Plan (2011)

21. Supplementary Planning Document

Parking Standards and Travel Plans

Planning Obligations

22. The key issues for consideration in this application are as follows:-

- Impact on Residential Amenity
- Access/Parking
- Planning Obligations

Impact of Residential Amenity

23. The application site is sited between the commercial element of Albion Street to the north and the predominantly residential element to the south. The site adjoins a residential property and facing the site there are residential houses and the doctors surgery and associated parking to the north west of the site. The application site is therefore within an area of relatively mixed uses.

24. The proposed use would comprise mainly internal changes to an existing office building. The external change would be the provision of a new access ramp at the side of the building. It is considered that the proposed ramp and the change of use would not impact upon the character and appearance of the Brierley Hill Conservation Area, in accordance with Saved Policy HE4 of the Dudley UDP (2005).

25. The proposed pharmacy use would be within the A1 retail use class and at present the existing building could be used for offices with the workshop at the rear. If approved the planning permission would be conditioned to allow a pharmacy use only and no other retail uses to protect residential amenity against potential parking and noise issues. The proposed retail element of the pharmacy would be restricted to the ground floor only and would have an area of 44 square metres and this would be confirmed by condition.

26. The Head of Environmental Health and Trading Standards has confirmed that although there are residential properties in close proximity to the application site and as such, there is potential for residents to be adversely affected by noise from the comings and goings of patrons, deliveries to/from the site and from any associated external fixed plant and machinery. The area is however of mixed use

residential and commercial and it is considered that noise could be controlled through appropriate planning conditions.

27. In regards to hours of operation the applicants have requested opening hours of 0700 – 2400 Monday to Saturday. The council would not accept 2400 hours and with residential properties close by it is considered reasonable in this case to condition the hours of operation from 0700 to 2300 Monday to Saturdays and 0900 to 1700 on Sundays and Public Holidays.
28. Furthermore there would be conditions relating to delivery/dispatch times and noise emission limits from any fixed machinery. On this basis it is considered that with appropriate conditions the hours of operation, restricting the use and retail area and the noise mitigation measures would safeguard the amenity of the occupiers of residential dwellings in Albion Street and the character of the area in accordance with Saved Policies DD4 and EP7 of the Dudley UDP (2005).

Access and Parking

29. The application site has space for 2 parking spaces on site and is located close to Brierley Hill Town Centre and its public car parks and bus routes. There are double yellow lines on the application site side of Albion Street to enable the free flow of traffic along Albion Street. The highway authority has no objections subject to conditions relating to on-site parking, shower and cycle facilities and limiting the retail area to the ground floor of the office building only. Given the size and scale of the proposed use it is considered that the use would not adversely impact upon highway safety in accordance with Saved Policy DD4 of the Dudley UDP.

Planning Obligations

30. The proposed scheme does not meet the threshold for planning infrastructure requirements.

CONCLUSION

31. It is considered that the scale, nature and intensity of the proposed use would be in keeping with the mixed character of the surrounding area and that there would be

no adverse effect on the character of the area or upon residential amenity, in accordance with Policies DD4, EP7 and HE4 of the Saved Dudley UDP (2005).

RECOMMENDATION

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

REASON FOR APPROVAL

It is considered that the scale, nature and intensity of the proposed use would be in keeping with the mixed character of the surrounding area and that there would be no adverse effect on the character of the area or upon residential amenity, in accordance with Policies DD4, EP7 and HE4 of the Saved Dudley UDP (2005).

The decision to grant planning permission has been taken with regard to the policies and proposals in the Saved Dudley Unitary Development Plan (2005), the Black Country Core Strategy (2011) 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 details 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.

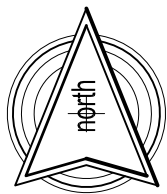
Conditions and/or reasons:

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: 013 5534 01 and 013 5534 02B
3. The premises shall not be open to the public before the hours of 0700 nor after 2300 Monday to Saturdays or before 0900 or after 1700 on Sundays and Public Holidays.
4. No deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen), before the hours of 0800 nor after 1800 Monday to Saturday, or at all on Sundays and Public Holidays.
5. The rating level of noise emitted from any fixed plant and/or machinery associated with the development shall not exceed background noise levels by more than 5dB(A) between the hours of 0700-2300 (taken as a 60 minute LA90 at the nearest noise sensitive premises) and shall not exceed the background noise level between 2300-0700 (taken as a 5 minute LA90 at the nearest noise sensitive premises). All measurements shall be made in accordance with the methodology of BS 4142 (1997) (Method for rating industrial noise affecting mixed residential and industrial areas) and/or its subsequent amendments.

Where access to the nearest noise sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest noise sensitive property.

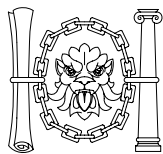
Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.

6. The on site parking shall be reserved for customers only unless otherwise agreed in writing by the Local Planning Authority.
7. Prior to the commencement of development details of the staff shower facility and undercover cycle storage for staff for at least 2 cycles shall be submitted to and approved in writing by the Local Planning Authority. Prior to first use the development shall be carried out in complete accordance with the approved details and thereafter maintained for the lifetime of the development.
8. The ground floor of the existing office shall be used for a pharmacy only and for no other purpose, including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification.
9. The pharmacy is restricted to the ground floor of the office building only as set out in the approved drawing 013 5534 02B.



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**PROPOSED CHANGE OF USE TO A1, (DAY / NIGHT PHARMACY) WITH
 AVERTISING - at:- 20, ALBION STREET, BRIERLEY HILL, DUDLEY DY5 3EE
 for:- DAYNIGHT PHARMACY LIMITED.**

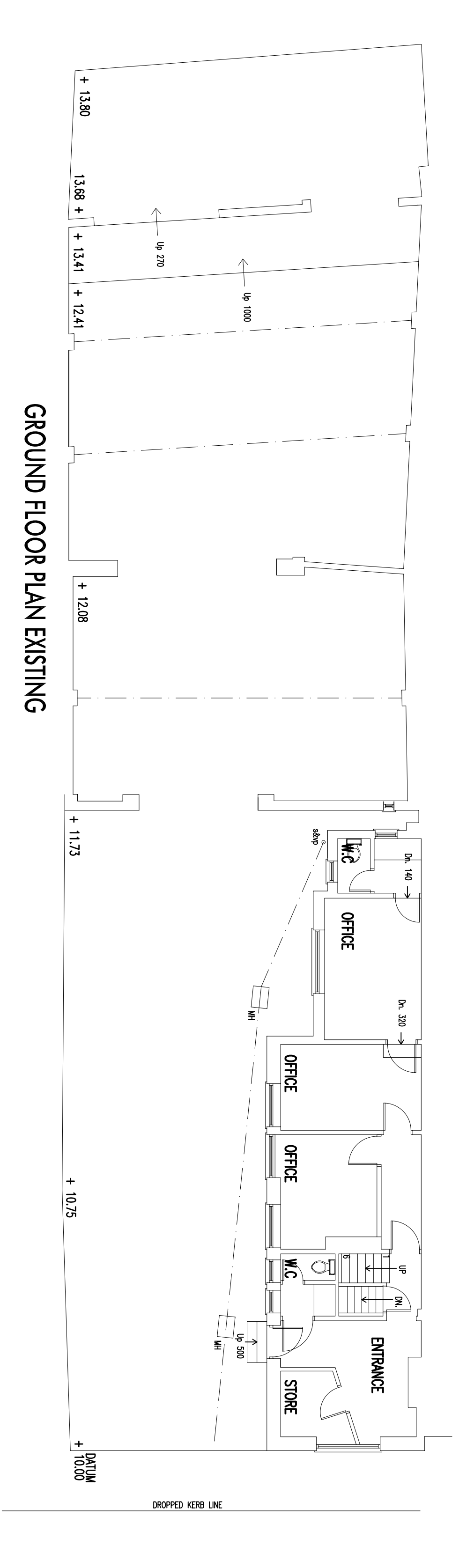
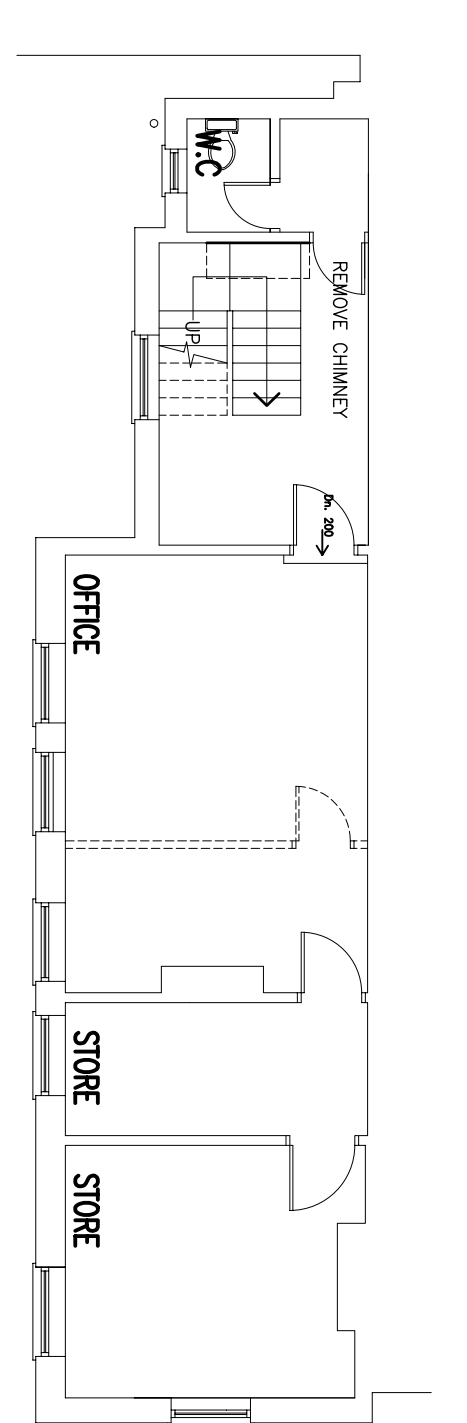
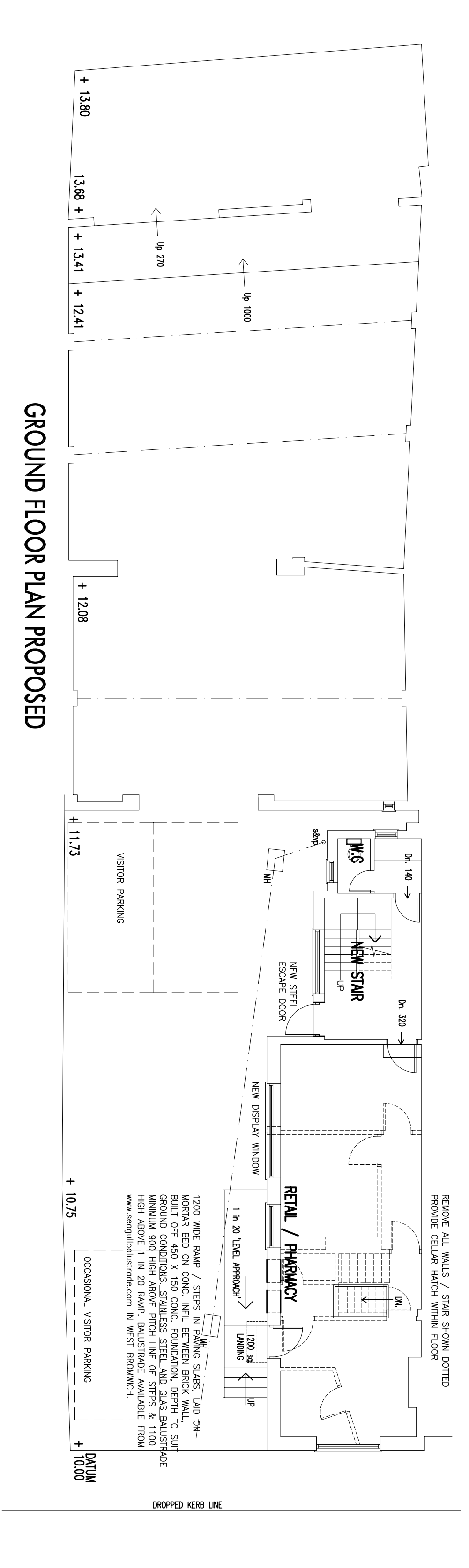
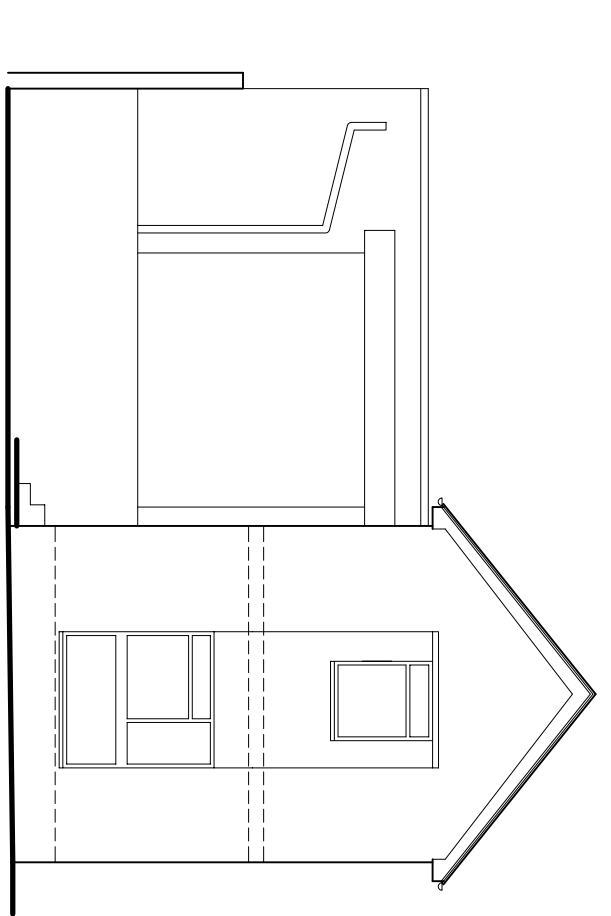
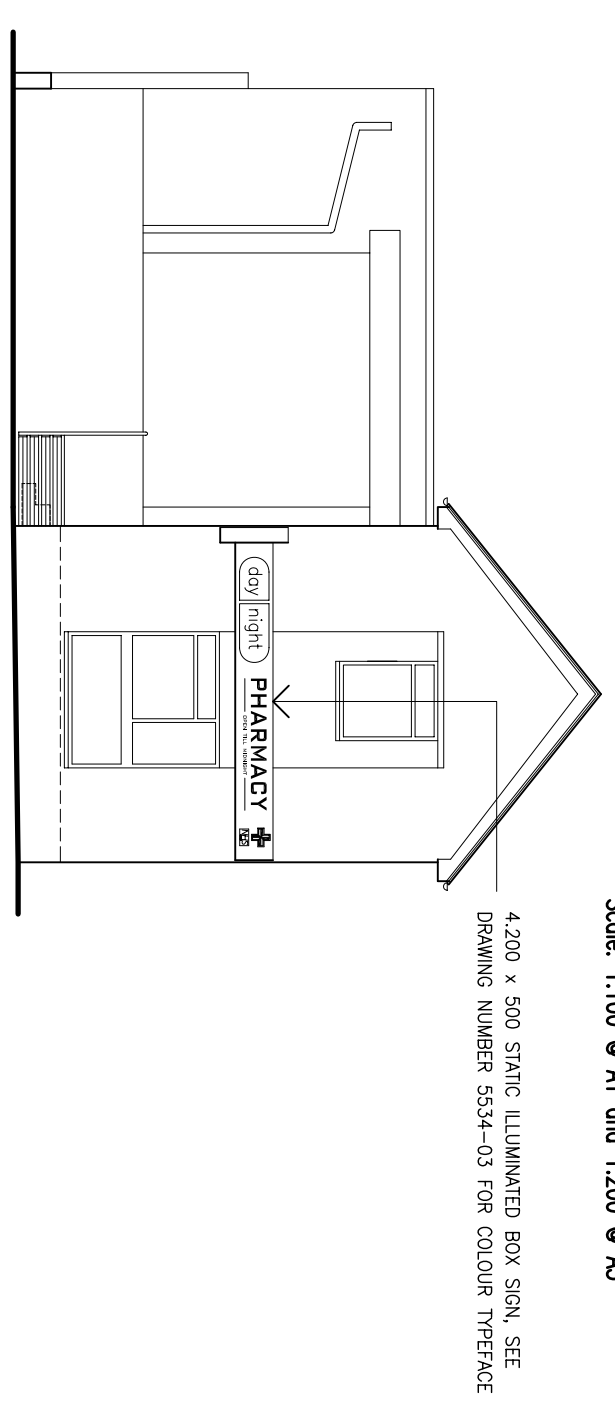
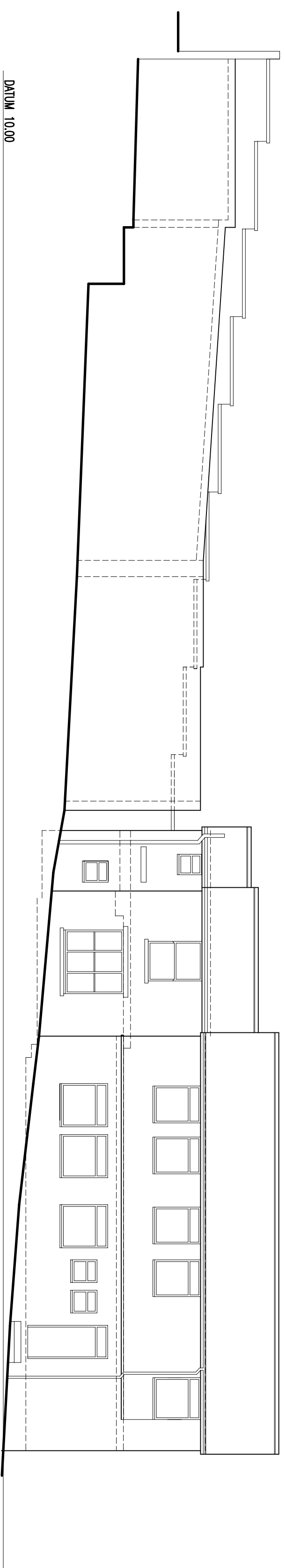
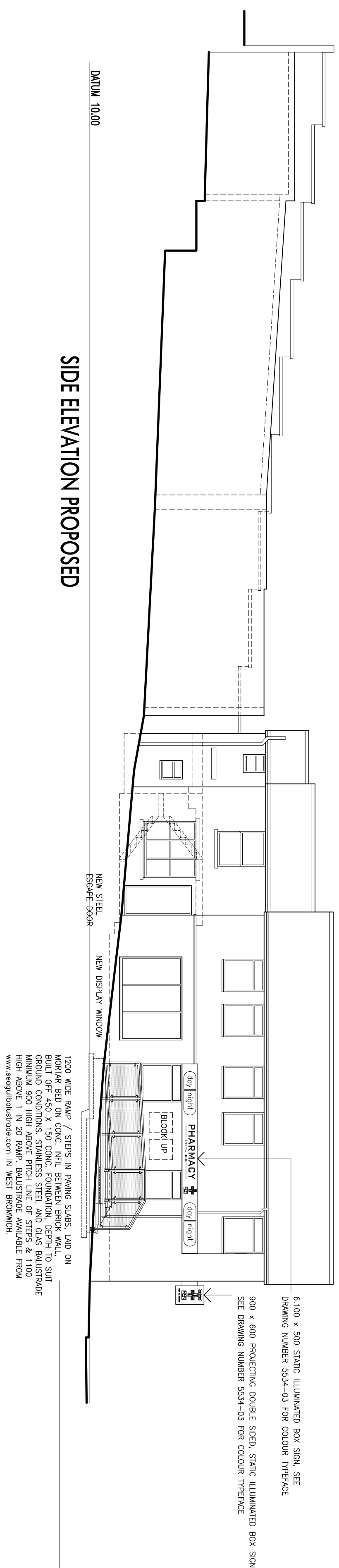


CAPITAL DESIGN PARTNERSHIP

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 DY8 3PA
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 Telephone (01384) 442044

Use figured dimensions only and when necessary check on site	Date 28.01.2013	Scale 1 : 1250	0 1 3 5 5 3 4 0 1
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**PROPOSED CHANGE OF USE TO
A1 (DAY / NIGHT PHARMACY)
AT 20 ALBION ST - BRIERLEY HILL
FOR DAYNIGHT PHARMACY LTD.
WITH ADVERTISING SIGNAGE**

Revised: Existing plans/elevations added together with front elevation of ramp
Rev. A, 01/02/2013 Retail / Pharmacy floor area clarified. Sign repositioned with escape door. Parking designation changed

CPDITRL DESIGN PARTNERSHIP
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Date 29.01.2013 Scale 1:100

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