

# PLANNING APPLICATION NUMBER: P23/1522

Type of approval sought	Full Planning Permission
Ward	Brierley Hill Ward
Agent	Chintan Shah, C14 Designs
Case Officer	James Mason
Location:	<b>130-132, BRETTELL LANE, BRIERLEY HILL, DY8 4BA</b>
Proposal	<b>CONVERSION OF 2 NO. GROUND FLOOR SHOPS INTO A SINGLE COMMERCIAL UNIT FOR USE AS A RESTAURANT (USE CLASS E). ALTERATIONS TO ELEVATIONS TO INCLUDE NEW SHOP FRONT AND FUME EXTRACTION ON REAR ELEVATION.</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

## ADDENDUM

This application and report were sent to the Chair of Planning Committee on the 11<sup>th</sup> April 2024. The Chair considered the application appropriate to be considered at Planning Committee due to this being a change of use application.

## SITE AND SURROUNDINGS

1. The application site refers to two terraced buildings with residential units at first floor. The existing ground floor units are both currently occupied by an electrical and plumbing supplies store. There is an existing under-croft access for two off-street parking spaces to the side. There are existing two storey and single storey rear extension works. The development sits within a row of protected frontages.
2. The site is within Brettell Lane Local Centre and adjoins and is surrounded by a range of mixed uses.
3. To the rear of the site is the car park for 'Lidl'. Directly outside the application site is a pedestrian crossing.

4. The application is located within an Area of High Historic Townscape Value (AHHTV)

## PROPOSAL

5. The proposal seeks permission for the conversion of the existing two ground floor shops (Class E) to one restaurant (Use Class E). The proposal also includes alterations to the elevations to include a new shop front and fume extraction on the rear elevation.
6. Whilst no occupier has yet been established, plans indicate that there would be service areas to the rear of the unit, with counter and servery to the front, with some customer seating shown.
7. A transport statement has been submitted in support of the application.
8. The applicant confirms proposed opening hours would be 11:00 to 23:00 Monday-Thursday and 11:00 to 00:00 Friday-Sunday.
9. The shopfront alterations would include replacing an existing door with a new full height glass panel. The proposed rear flue would have a height of 3.8m, protruding past the eaves by 0.85m and set down from the ridge by 0.95m.

## HISTORY

<b>Application No.</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
P20/1047	Subdivision of existing retail unit (A1) into 2 units (A1) with elevational changes to include new shop front.	Approved with conditions	14/09/2020

## PUBLIC CONSULTATION

10. Direct notification was carried out to fourteen neighbouring properties and the posting of a site notice with the final dates for comments being the 3<sup>rd</sup> February 2024.
11. One joint letter of representation was received from Councillor Adam Davies and Councillor Wayne Little. The representation received is summarised below:
  - Support the principle of a new business in the ward.
  - Concern over the type of restaurant.
  - Impact of deliveries and parking.
  - Lack of details of signage.
  - Resultant odours from use.
12. In addition to the above, 5 letters of objection have been received from neighbouring addresses. These objectors raised the following concerns:
  - Lack of parking for customers and delivery
  - Noise disturbance, odour concerns and waste management
  - Oversaturation of use
  - Hours of operation
  - Anti-social behaviour

## OTHER CONSULTATION

13. Highway Engineer  
No comments received.
14. Head of Environmental Safety and Health  
Due to the proximity to the residential units, a number of conditions are recommended to be attached to any approval to safeguard residential occupiers from odour and noise.

## RELEVANT PLANNING POLICY

### 15. National Planning Guidance

- National Planning Policy Framework (2023)

### 16. Black Country Core Strategy (2011)

- CSP 1 The Growth Network
- CSP4 Place Making
- DEL1 Infrastructure Provision
- CEN2 Hierarchy of Centres
- CEN4 Regeneration of Town Centres
- CEN6 Meeting Local Needs for Shopping and Services
- TRAN2 Managing Transport Impact of New Development

### 17. Dudley Borough Development Strategy (2017)

- S1 Presumption in favour of Sustainable Development
- L9 District and Local Centres Protected Frontages
- L12 Shop Front Security
- D5 Noise pollution.

### 18. Supplementary Planning Guidance/Documents

- Shopfronts and Advertisement SPD (2017)

## ASSESSMENT

### 19. Key issues:

- Principle/Policy
- Residential amenity
- Impact on visual amenity
- Highway Safety

### Principle/Policy

20. Policies of the NPPF require local planning authorities to pursue policies, which support the viability and vitality of town centres. They also seek to secure a good standard of amenity for existing and future occupants of buildings. Policy L9 of the Dudley Borough Development Plan notes that district and local centres will be maintained and enhanced as a means of providing access to a wide range of shops, services and other activities in accessible locations.
  
21. The property is situated within the Protected Frontage of Amblecote local centre. The Dudley Borough Development Strategy Policy L9 requires that 50% of ground floor units within the protected frontage must be retained as retail uses. In this case, the intention is to convert the two units back into their single unit form prior to the approval in 2020 and retain the Use Class E. On the basis the proposal does not harm the vitality or viability of the centre. As such it is considered that this proposal would be acceptable and in accordance with this policy.

### Residential Amenity

22. The application site is located within a row of commercial and retail properties with residential units above.
  
23. Whilst the application sets out hours of operation of 11:00 to 23:00 on Monday-Thursday and 11:00 to 00:00 Friday- Sunday. The Council Environmental Safety and Health Officer recommends more restricted hours of operation that does not operate past 23:00 Monday to Saturday and no later than 22:30 on Sundays and Public Holidays. These hours of operation are considered appropriate for this centre location in both ensuring adequate hours of operation and protecting the amenity of the residential occupiers.
  
24. Notwithstanding the above, due to the relationship with residential units the Environmental Safety and Health Officer recommends conditions to ensure that the proposed development would not negatively impact the residential occupiers in

regard to odour nor noise nuisance. These conditions are considered appropriate in protecting the amenity of residential occupiers.

25. Subject to the above-mentioned conditions, it is not considered that the proposed development would have any detrimental impact on the amenity of surrounding residential occupiers in the vicinity. The use is appropriate for a centre location such as this and the proposal accords with local and national planning policy.

#### Impact on visual amenity

26. The Shopfronts and Advertisement SPD highlights the important role that well-designed shopfronts play in enhancing the character of High Streets. There is a general encouragement towards retaining existing shopfronts where possible. In this case the proposed shopfront consist of minor alterations to the current shopfronts in that a high level of glazing is retained. The external alterations to the building are acceptable in scale and design. The proposed works would have no adverse impact on outlook, daylight provision or privacy. Whilst concerns are raised regarding signage, there is currently no occupier for the proposed restaurant established and so any future signage will need to apply for consent from the Local Planning Authority.

#### Highway Safety

27. Paragraph 115 of the National Planning Policy Framework (2023) states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
28. Objections have been received regarding the lack of parking and exacerbating of existing unlawful on street parking. Whilst the existing unlawful parking is not the responsibility of the applicant, a transport statement has been submitted in support of the application. The transport statement submitted highlights that whilst the development does not provide dedicated off-street customer parking, the locality of

the development in a local centre and access to car parks within neighbouring streets that the proposed development would not result in a negative impact on highway safety.

29. Notwithstanding the above, given the siting of the development and access to public transport that the development is not likely to result in a material increase or a material change in the character of traffic movements in the vicinity of the site. The proposed development has an allocated delivery point as indicated on the plans and hours of delivery, both of which will be secured by condition. In summary, it is considered that the proposed conversion of the two units back into the original one unit and new use would not have a significant impact on the local highway network.

#### Other Matters

30. Concerns have been raised regarding potential anti-social behaviour and crime, however, it is considered that the use of the building is acceptable and will encourage the public to utilise facilities inside the building. It is likely that footfall will be increased in the vicinity, therefore, increasing natural surveillance within the area. Notwithstanding this, the building is within a local centre location, and the development would not be likely to have such a negative impact on anti-social behaviour and safety that would warrant a refusal.

## CONCLUSION

31. It is considered the proposal accords with the Black Country Core Strategy and Dudley Borough Development Plan and would not have any detrimental impact of the vitality and viability of the centre. Furthermore, local residents would not be detrimentally affected by the proposal.

## RECOMMENDATION

It is recommended that the application is Approved subject to conditions.

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan Drg No. 531-3100, Proposed floor plans and elevations Drg No. 531-3300-B & Proposed site plan Drg No. 531-3100-A.  
REASON: For the avoidance of doubt and in the interests of proper planning.
3. 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.  
REASON: To protect the amenities of nearby residents and comply with Dudley Borough Development Strategy 2017 Policy D5 Noise Pollution.
4. 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 Public Holidays.  
REASON: To protect the amenities of nearby residents and comply with Dudley Borough Development Strategy 2017 Policy D5 Noise Pollution.
5. The premises shall not be open to the public, nor shall deliveries from the premises be made before the hours of 0900 nor after 2300 Monday to Saturday and before 1000 or after 2230 on Sundays and Public Holidays.  
REASON: To protect the amenities of nearby residents and comply with Dudley Borough Development Strategy 2017 Policy D5 Noise Pollution.
6. Before 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 is used, a scheme to prevent disturbance to other occupiers of the building and adjacent buildings from conducted noise and vibration arising from its operation shall be submitted to and approved in writing by the Local Planning Authority. All works that form part of the approved scheme shall be completed before use of the plant or machinery and retained during use of the plant or machinery for the duration of the development.  
REASON: To protect the amenities of other occupiers of the building and comply with Dudley Borough Development Strategy 2017 Policy D5 Noise Pollution.
7. The rating level of sound emitted from any fixed plant and/or machinery associated with the development (including the discharge of cooking fume from a flue) shall not exceed background sound levels by more than 5dB(A) between the hours of 0700-2300 (taken as a 15-minute LA90 at the nearest sound



sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15-minute LA90 at the nearest sound sensitive premises). All measurements shall be made in accordance with the methodology of BS 4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

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

Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the Local Planning Authority.

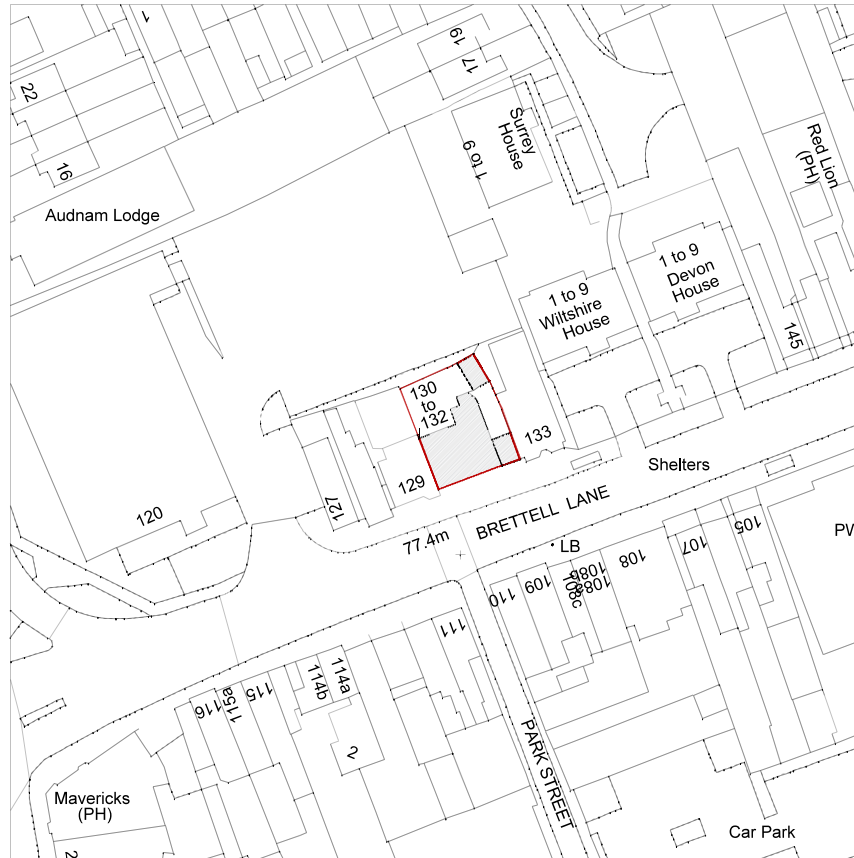
REASON: To protect the amenities of nearby residents and comply with Dudley Borough Development Strategy 2017 Policy D5 Noise Pollution.

8. All deliveries will be collected and dropped off at the side of the building as indicated on the Proposed site plan Drg No. 531-3100-A.

REASON: To protect the amenities of nearby residents and comply with Dudley Borough Development Strategy 2017 Policy D5 Noise Pollution.

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Figured dimensions to take preference over those scaled. All dimensions to be checked on site before commencement of any work or shop drawings. This drawing is to be read with the specification when existing. Any discrepancies should be brought to the attention of the architect / designer.



REV.	Date	Name

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 Email: cs@c14designs.com

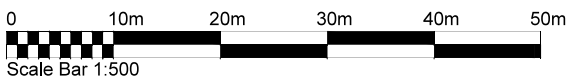
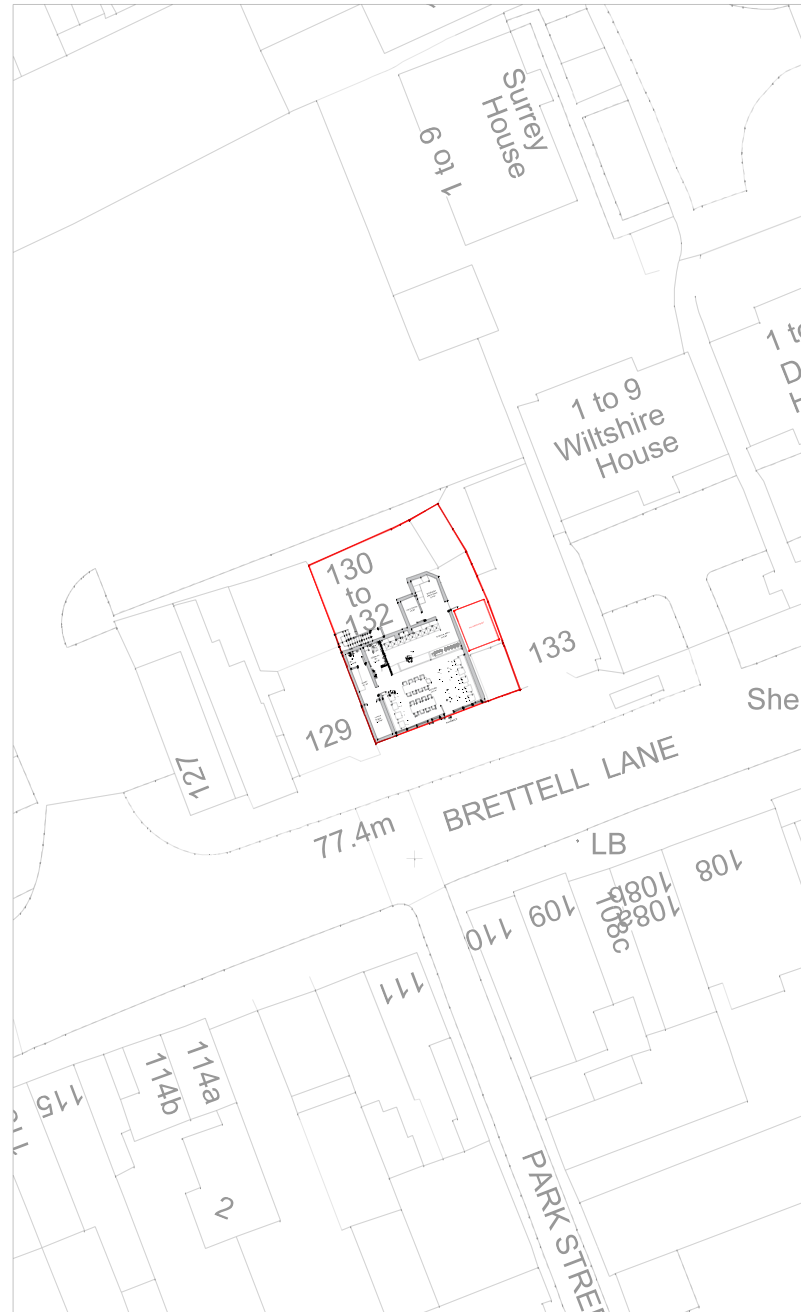


**SITE LOCATION PLAN**

1:1250@ A4	21/11/2023	HM
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**PLANNING**

<b>531</b>	<b>3000</b>	<b>/</b>
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A	INTERNAL LAYOUT AMENDED	30.02.24	H.M.
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REV. Date Name

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PROPOSED DEVELOPMENT AT  
130-132 BRETTELL LN,  
STOURBRIDGE, DY8 4BA

EXISTING + PROPOSED  
SITE PLANS

1:500 @ A3 21/11/2023 HM

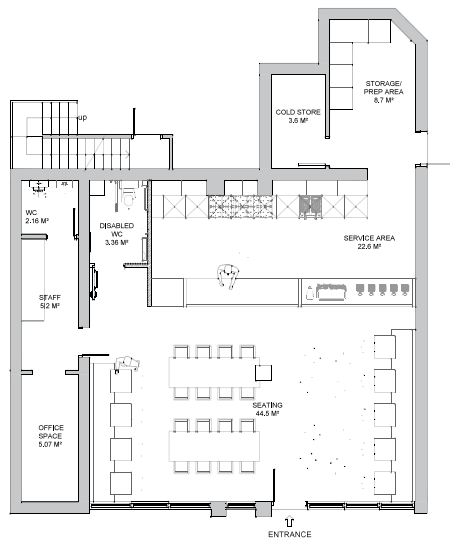
PLANNING

531 3100 A

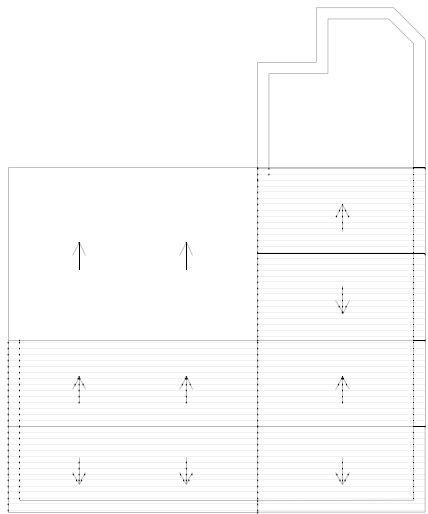


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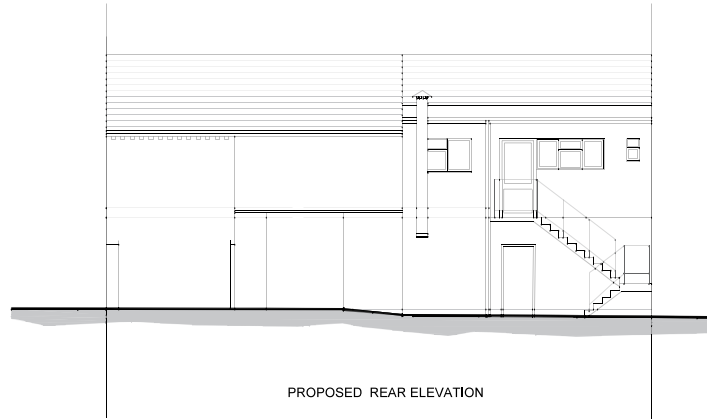
PROPOSED GF PLAN



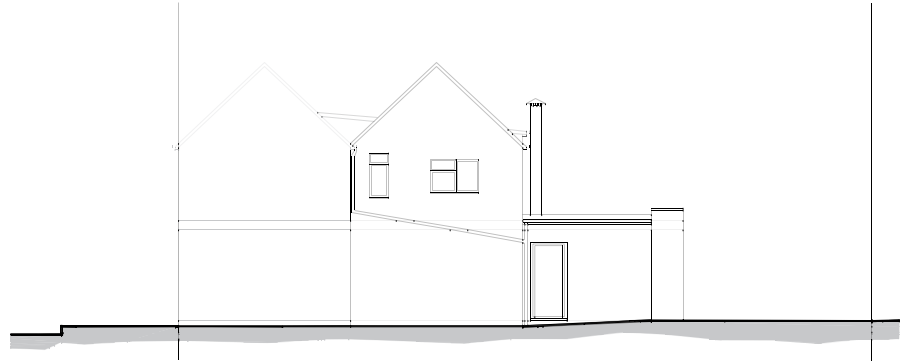
PROPOSED ROOF PLAN



PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION



A	SCALE OF DRAWINGS AMENDED TO 1:100	PL/LSH	PLM
B	INTERNAL LAYOUT AMENDED	PL/LSH	PLM

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PROPOSED DEVELOPMENT AT  
 130-132 BRETTELL LN,  
 STOURBRIDGE, DY8 4BA

PROPOSED  
 PLANS + ELEVATIONS

1:100 @ A2 | 18/12/2023 | HM

PLANNING

531 | 3300 | B