

# PLANNING APPLICATION NUMBER:P10/0249

Type of approval sought	Full Planning Permission
Ward	KINGSWINFORD NORTH & WALLHEATH
Applicant	Mr Simon Spencer
Location:	<b>PARAGON HEALTH &amp; FITNESS CENTRE, UNIT 34, DAWLEY TRADING ESTATE, STALLINGS LANE, KINGSWINFORD, DY6 7AP</b>
Proposal	<b>SINGLE STOREY EXTENSION TO CREATE TATTOO STUDIO (SUI GENERIS)(RESTROSPECTIVE)(RESUBMISSION OF WITHDRAWN APPLICATION P09/1466)</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO A 106 AGREEMENT</b>

## SITE AND SURROUNDINGS

1. The application site measures 25m<sup>2</sup> and comprises a tattoo studio which trades from the Paragon Health and Fitness Centre located within Dawley Trading Estate. The tattoo studio operates from a recent extension to the western side of the unit and has a cabin-like appearance with a rustic wooden clad finish.
2. The site is set within a semi-industrial / semi-residential area and is designated as a Local Employment Area within the Adopted UDP (2005). The southern side of Stallings Lane comprises largely industrial / commercial uses. Balfour Road runs to the east of the site and there are residential properties within this street which face towards the application site. There is a green wedge and a row of mature trees to the east of the site between the application site and properties within Balfour Road.

## PROPOSAL

3. It is proposed to retain the extension which has been erected without the benefit of planning permission and regularise the use of the extension as a tattoo studio (sui generis). The extension projects 6m to the east, is 4m in depth and is a maximum height of 2.3m. The hours of opening for the tattoo studio are 5pm – 8pm Monday to Friday, 10am – 5pm on Saturdays and 10am – 2pm Sundays and Bank Holidays.

## HISTORY

4.

APPLICATION No.	PROPOSAL	DECISION	DATE
83/50974	Change of use of part of factory to warehouse with retail showroom and alterations to elevations.	Approved with Conditions	28/09/83
94/51002	Change of use from Industrial unit to health and fitness centre	Approved with Conditions	11/08/94
99/1557	Variation of condition to permit a further five years temporary consent for use of premises as a health and fitness centre.	Approved with Conditions	13/01/05
P09/1466	Change of use of vacant portacabin to tattoo studio (sui generis) (retrospective)	Withdrawn	23/11/09

5. Application P09/1466 was withdrawn in order to pursue pre-application advice and as the applicant was made aware that the extension itself also required planning consent.

## PUBLIC CONSULTATION

6. Direct notification was carried out to neighbouring properties and commercial units and no representations have been received.

## OTHER CONSULTATION

7. **Group Engineer (Development):** No objection
8. **Head of Environmental Health & Trading Standards;** No objection

## RELEVANT PLANNING POLICY

- Adopted Unitary Development Plan (2005)

AM14 Parking

DD4 Development in Residential Areas

DD6 Access and Infrastructure

DD7 Planning Obligations

EE2 Local Employment Areas

EP7 Noise Pollution

- Supplementary Planning Document

Parking Standards and Travel Plans

Planning Obligations

## ASSESSMENT

### 9. Key Issues

- Principle
- Visual & Residential Amenity
- Highways
- Planning Obligations

#### Principle

10. Policy EE2 of the Adopted Dudley UDP (2005) seeks to protect employment uses B1 – Research and Development and Light Industry, B2 – General Industrial, B8 – Warehousing, Storage and Distribution and those commercial uses which are not pure retail. The pre-amble to the policy states that non retail uses that will be considered acceptable within Local Employment Areas are those sorts that would not be more appropriately located in a Town Centre such as MOT garages and those indoor leisure uses that would have difficulty locating in Town Centres / Local Centres / District Centres. Whilst Sui Generis uses such as tattoo parlours would not normally be considered acceptable in industrial areas, the proposed tattoo studio covers only a small area of floor space (24m<sup>2</sup>) and the employment use of the main building has already been lost to a long established leisure use. It is therefore considered retention of the tattoo studio would not compromise the use of

an industrial building for future employment or industrial use and the principle of the use is therefore considered acceptable. In this respect it is therefore considered that the proposal complies with Policy EE2 – Local Employment Areas of the Adopted Dudley UDP (2005).

#### Visual & Residential Amenity

11. The extension appears a little incongruous as the materials do not relate well to the existing industrial-style building. However, it occupies a very secluded location on the edge of the industrial estate and is not visible from a highway. It is therefore considered that there would be no demonstrable harm to visual amenity and in this respect the proposal is therefore considered acceptable.
12. Whilst there are residential properties which face towards the site within Balfour Road, they are approximately 45m away from the application site. There is also a row of trees running along the eastern boundary of the site which effectively screens the extension from view. The Head of Environmental Health and Trading Standards make no adverse comments and it is therefore considered that there would be no demonstrable harm to neighbouring amenity. In this respect, the proposal therefore complies with Policy DD4 – Development in Residential Areas and EP7 – Noise Pollution of the Adopted Dudley Unitary Development Plan (2005).

#### Highways

13. The Group Engineer (Development) raises no objection to the proposal and given the scale of the development is satisfied that there would be no highway safety implications. In this respect, the proposal therefore complies with policy DD6 – Access and Infrastructure of the Adopted Dudley UDP (2005).

#### Planning Obligations

14. The proposed development has a requirement to provide planning obligations to mitigate against the consequential planning loss to the existing community. The application would be subject to a Section 106 Agreement to secure the following contributions;

### ***Offsite Contributions:***

The proposal attracts a requirement for a commuted sum to be paid towards the following infrastructure:

- Transport Infrastructure Improvements - £493.92
- Management and Monitoring Charge - £250

Total Offsite Contribution = £743.92

15. At the time of writing this report, the applicant has not agreed to the above commuted sum.

## **CONCLUSION**

16. Whilst the application proposes a use which is not ordinarily appropriate within a Local Employment Area, it is considered that retention of the tattoo studio would not compromise the use of an industrial building for future employment or industrial use. There would be no demonstrable harm to neighbouring or visual amenity and there would be no highway implications as a result of the proposal. The development, therefore, complies with the following Council policies; DD4 – Development in Residential Areas, DD6 – Transport and Infrastructure, DD7 – Planning Obligations, EE2 – Local Employment Areas and EP7 – Noise Pollution of the Adopted Unitary Development Plan (2005), and Supplementary Planning Documents; Planning Obligations.

## **RECOMMENDATION**

27. 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 a contribution of £743.92 for the provision of off

site transport infrastructure improvements and a management and monitoring charge has been submitted to and agreed in writing by the Local Planning Authority

- b) The Scheme shall include the method, timing and arrangements including a means to guarantee a financial payment, increased through index linking from the first April each subsequent year, in accordance with the Council's planning obligations policies.
- c) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary;

**Reason for the Grant of Planning Permission**

Whilst the application proposes a use which is not ordinarily appropriate within a Local Employment Area, it is considered that retention of the tattoo studio would not compromise the use of an industrial building for future employment or industrial use. There would be no demonstrable harm to neighbouring or visual amenity and there would be no highway implications as a result of the proposal. The development, therefore, complies with the following Council policies; AM14 – Parking, DD4 – Development in Residential Areas, DD6 – Transport and Infrastructure, DD7 – Planning Obligations, EE2 – Local Employment Areas and EP7 – Noise Pollution of the Adopted Unitary Development Plan (2005), and Supplementary Planning Documents; Planning Obligations.

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 intended as a summary of reasons for the grant of planning permission for further detail please see the application report.

### **Note for Applicant**

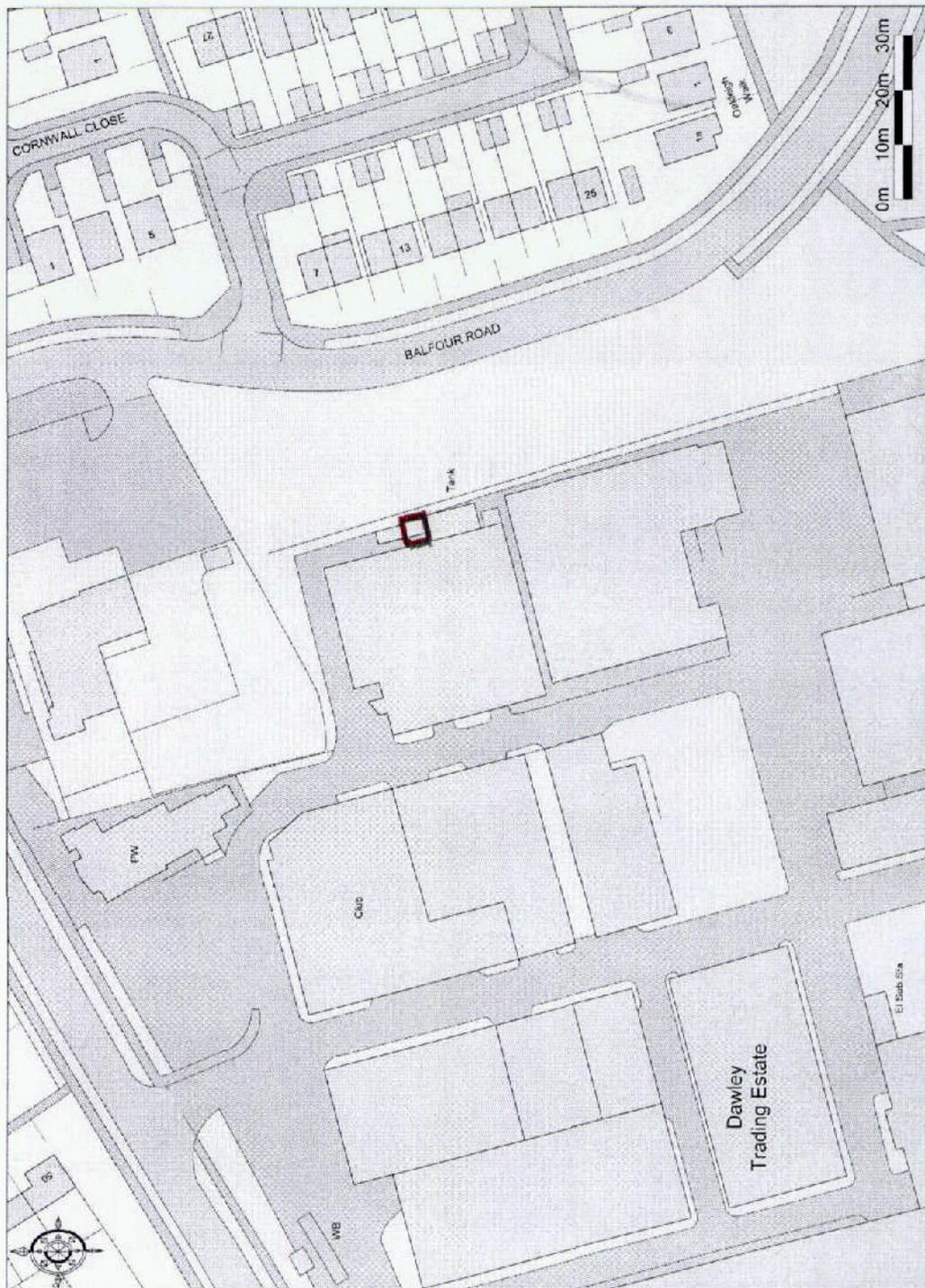
The development hereby approved shall be retained in accordance with the approved unreferenced drawings received on the 22<sup>nd</sup> February 2010 unless otherwise agreed in writing by the Local Planning Authority.

Conditions and/or reasons:

1. Within three months of the date of this permission, a scheme for the provision of:
  - Off site transport infrastructure improvements
  - Management and Monitoring Charge

shall be 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.

Loxton Plan  
P1010249



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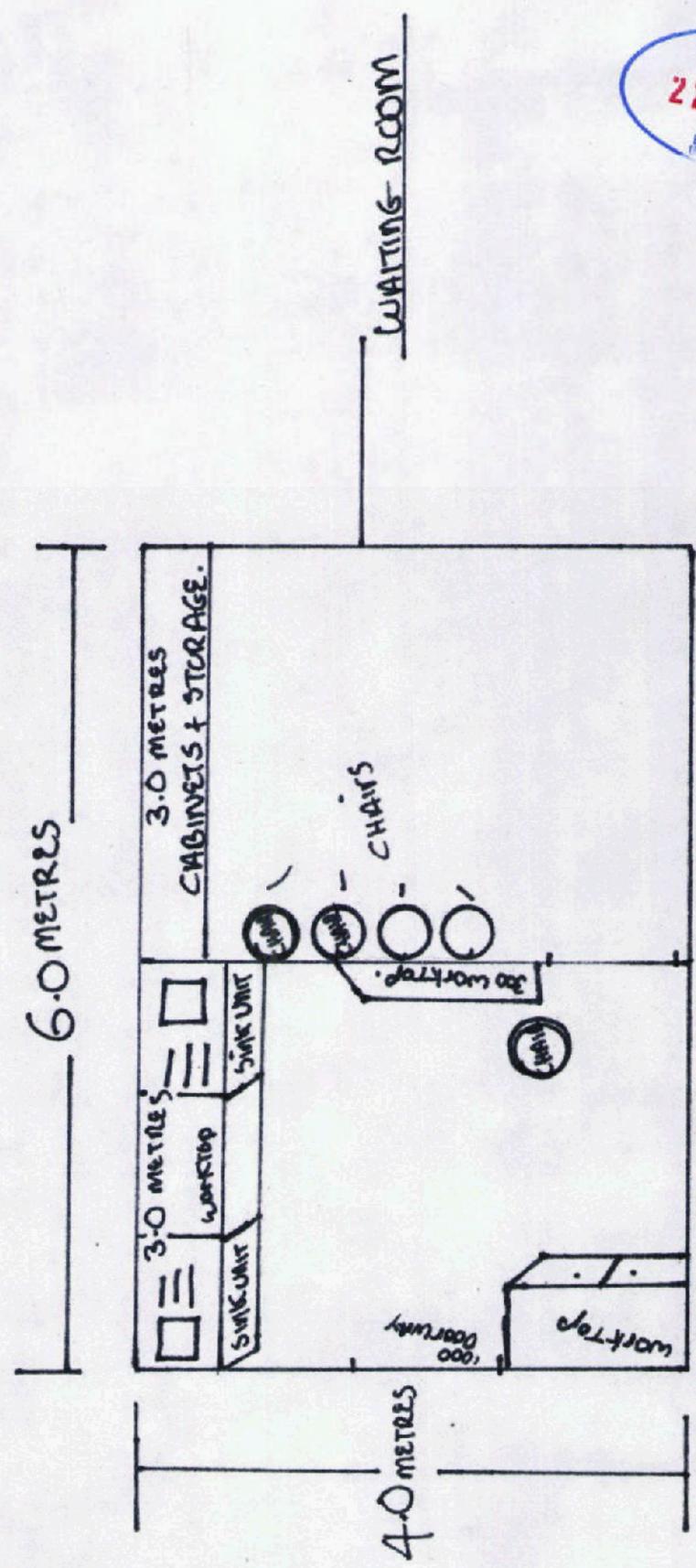
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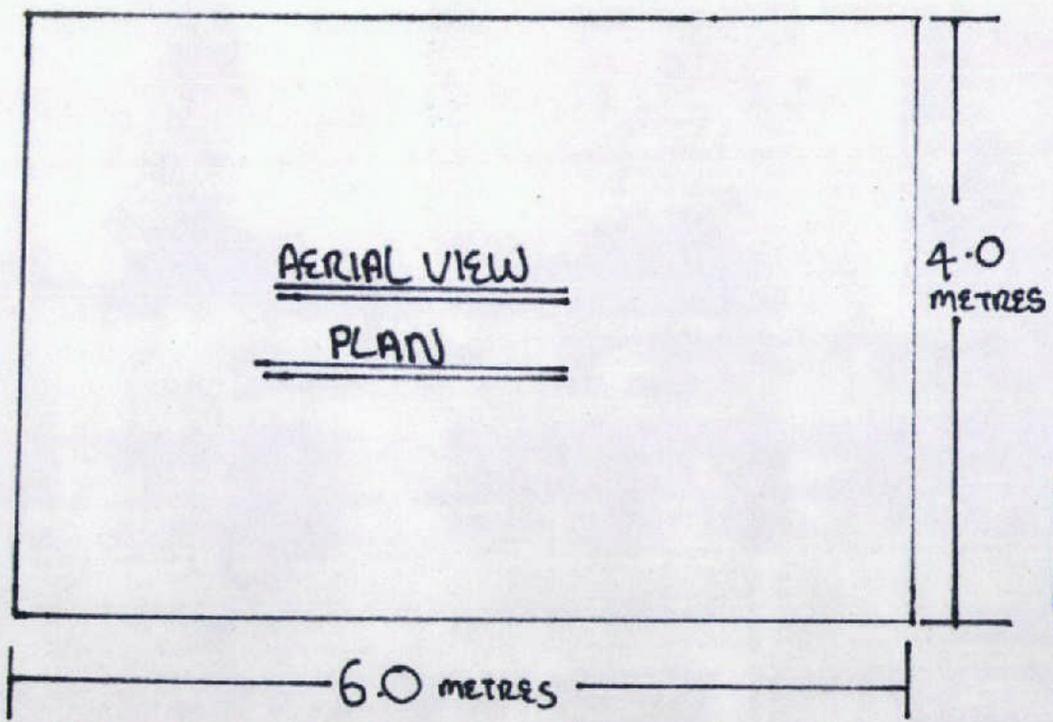
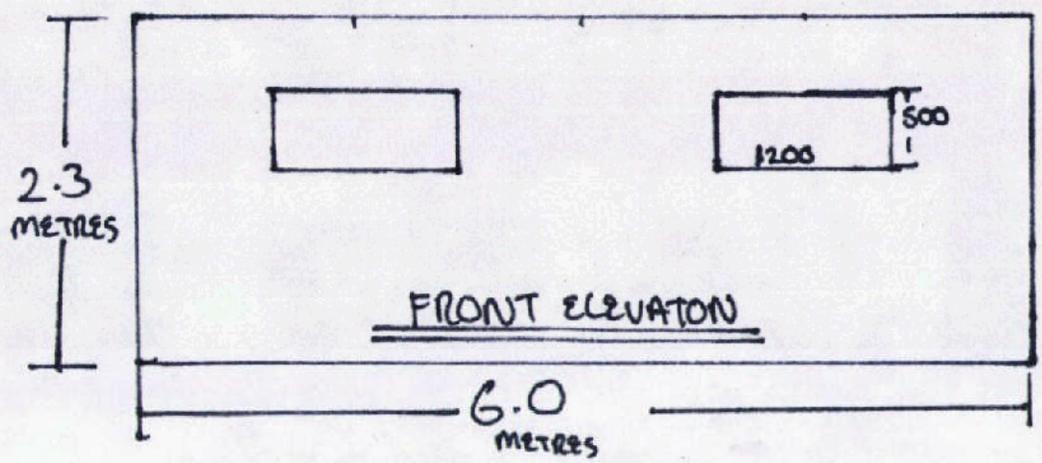
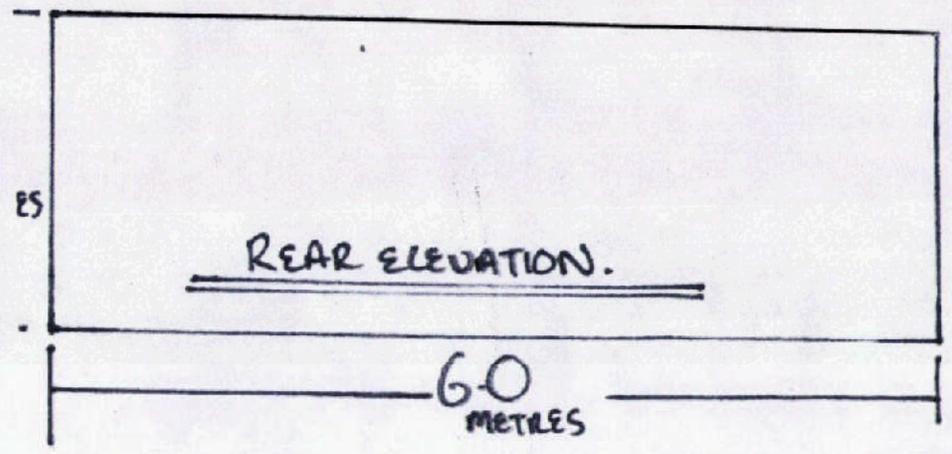


Floor Plan (A4)  
P10/0249

AIRIAL VIEW OF INSIDE LAYOUT. SCALE 1:50



FRONT.



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