

PLANNING APPLICATION NUMBER:P11/0131

| | |
|-------------------------|--|
| Type of approval sought | Full Planning Permission |
| Ward | BRIERLEY HILL |
| Applicant | Mr S Hussein |
| Location: | FORMER OLD BUSH PH, 128, LEVEL STREET, BRIERLEY HILL, BRIERLEY HILL, WEST MIDLANDS, DY5 1UA |
| Proposal | USE OF LAND FOR CAR SALES AND HAND CAR WASH (SUI-GENERIS) WITH NEW ACCESS TO HIGHWAY AND THE ERECTION OF AN OFFICE/STAFF ROOM AND A SECURE STORE. |
| Recommendation Summary: | APPROVE SUBJECT TO CONDITIONS |

SITE AND SURROUNDINGS

1. The application site is a vacant, overgrown plot of land located in a commercial area on the route from Brierley Hill High Street to the Merry Hill Centre. Immediately adjacent to the site to the south is a vehicle repair garage, and to the north is a large furniture store with an extensive area of hard surfacing. The site was previously occupied by a public house.

PROPOSAL

2. Permission is sought to use the site for car sales and a hand car wash. The existing access to the site would be retained and a new dropped kerb would be created at the exit point. Two portacabins would be sited for use as a store and an office/staff room towards the western boundary of the site. Parking for up to 13 vehicles would be provided along the southern boundary (the rear of the site) and they would be used for staff cars and for vehicles for sale. The car washing facility would be located towards the centre of the site and the submitted site layout plan shows that space would be set out for four vehicles.

HISTORY

3.

| APPLICATION NO. | PROPOSAL | DECISION | DATE |
|-----------------|--|--------------------------------|---------------|
| P09/0958 | Approval of Reserved Matters for 2no.Units for A3 and A5 Use (Following Outline Approval P04/0581) | Approved subject to conditions | September '09 |

PUBLIC CONSULTATION

4. Two letters of objection have been received from existing businesses on Level Street, raising the following concerns over the proposal:

- The nature of development proposed and the use of portacabins is not appropriate in the context of the surrounding quality commercial environment;
- On-street parking during peak periods of use will disrupt the free flow of traffic along Level Street;
- The use may lead to additional unauthorised parking at existing business premises;
- Water/mud from the site escaping onto Level Street will be a hazard during winter months;
- Inadequate drainage provision.

OTHER CONSULTATION

5. Head of Environmental Health and Trading Standards: No objection.

6. Group Engineer (Development):

- There should be no boundary treatment along the site frontage to ensure good visibility for vehicles;
- A visibility splay of 2.4m x. 59m is required;
- Details of site drainage and a maintenance plan should be provided;

- The areas for access, washing and parking should be surfaced with impervious material;

RELEVANT PLANNING POLICY

7. Black Country Core Strategy

Policy CSP3 (Environmental Infrastructure);

Policy CEN3 (Growth in the Strategic Centres);

Emerging Brierley Hill Area Action Plan

Policy 16 – Development Opportunity Blocks BR16A, BR16B and BR16C.

ASSESSMENT

8. Key issues

- Principle;
- Impact upon existing surrounding uses;
- Parking/highway safety;

Principle

9. The proposal is located within the Brierley Hill Strategic Centre where there is a focus on the development of comparison shopping, office employment, leisure and culture uses, as detailed under Policy CEN3 of the adopted Black Country Joint Core Strategy.
10. The emerging Brierley Hill Area Action Plan (AAP) sets out the strategy for growth in the Strategic Centre through the allocation of sites. The application site is located in Block BR16B in the emerging AAP. Policy 16 states that this block is most suitable for B1 (business) and C3 (residential) development. The proposed car sales and hand wash development does not reflect the preferred uses for this location as set out in the emerging AAP.

11. Taking into account the emerging policy and associated strategy for this development block, and given that the proposed use would not enhance the urban context of the area (notwithstanding the current poor appearance of the site), it is considered that granting planning permission on a permanent basis would not be acceptable and that only a temporary permission would be appropriate. This would still enable some form of development and bring a vacant site into use, whilst providing an opportunity to review the acceptability of the proposal at a later date to review how the development would impact on the AAP strategy.

Impact on Existing Surrounding Uses

12. The site has concrete panel fencing along its side and rear boundaries and therefore the proposed use should be able to operate without causing any undue impacts on activities at the adjacent garage and furniture store. There are no residential properties bordering the application site.

Parking/Highway safety

13. With regard to the comments made by the Group Engineer, conditions can be imposed to ensure the provision of a satisfactory visibility splay from the egress point at the site. Details of drainage can similarly be sought by condition, in accordance with Policy CSP3 of the BCCS. The submitted plans show that there would be sufficient space within the site to enable cars to park without having to wait on the highway during busy periods.

Planning Obligations

14. Black Country Core Strategy Policy DEL1 'Infrastructure Provision' sets out the adopted policy framework for Planning Obligations within Dudley and the Planning Obligations SPD provides further detail on the implementation of this policy; these policy documents were prepared in accordance with national legislation and guidance on planning obligations.

15. Policy DEL1 requires all new developments to be supported by sufficient on and off-site infrastructure to serve the development, mitigate its impact on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.
16. The application would trigger a financial contribution towards improvements to transport infrastructure. However as it is recommended that planning permission be approved for a temporary period of three years it would not be appropriate to request such a contribution.

CONCLUSION

17. It is considered that a temporary three year permission would be appropriate for this proposal so that the acceptability of the development can be reviewed at a later date in relation to the delivery of the emerging Brierley Hill AAP, in accordance with Policy CEN3 of the Black Country Core Strategy and Policy 16 of the Emerging Brierley Hill Area Action Plan.

RECOMMENDATION

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

Conditions and/or reasons:

1. The development hereby permitted shall cease on or before three years from the date of this permission.
2. Prior to the commencement of development, details of the works for the disposal of foul and surface water drainage and a plan for their ongoing maintenance shall be submitted to and approved in writing by the Local Planning Authority. All works shall be completed in accordance with the approved details prior to the commencement of the use permitted and they shall be retained as such thereafter and maintained in accordance with the approved plan.
3. Prior to the commencement of development a visibility splay of 2.4m x 59m shall be provided at the junction between the proposed means of access and the highway. The splay shall thereafter be maintained free from obstruction for the lifetime of the development.

4. No development shall commence until details of the impervious material to be used in the surfacing of the access, washing and parking areas have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before the use is first commenced and shall be retained as such thereafter.



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Site:
Former Old Bush PH
128 Level Street
Brierley Hill DY5 1UA
 Title:
Site Plan

Scale:
1/1250
 Drg No.:
1106/002

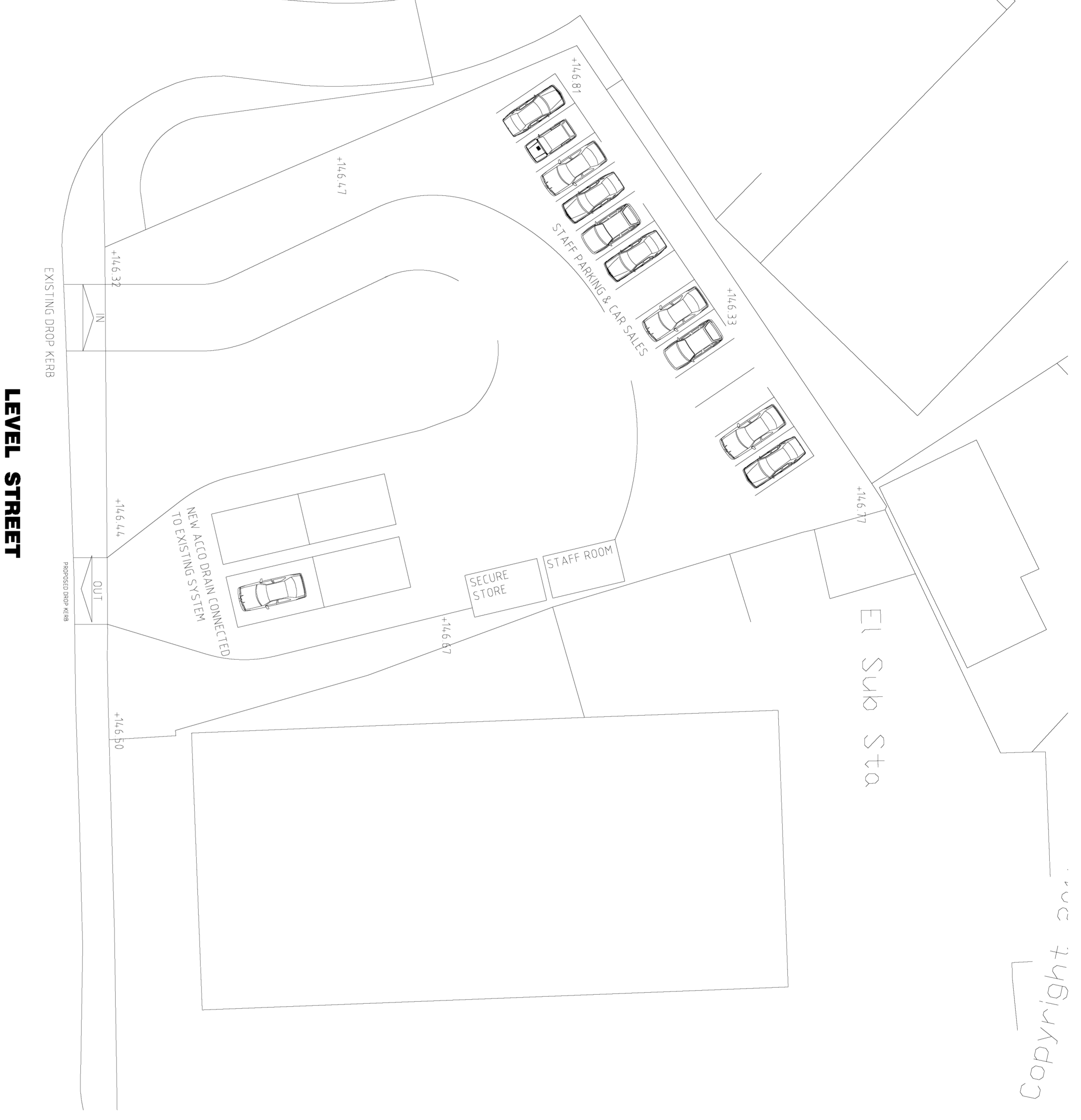
Date:
January 2010
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DRAWN BY: A.J. Denham BSc.(Hons) MCIAT AMASl

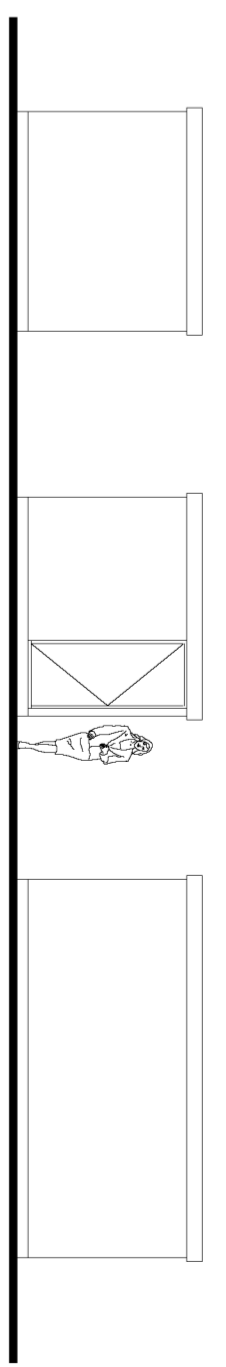
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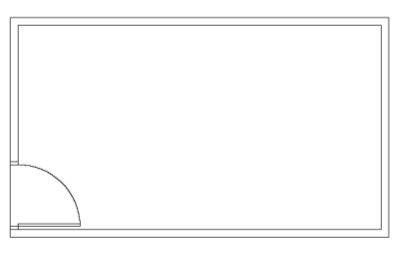
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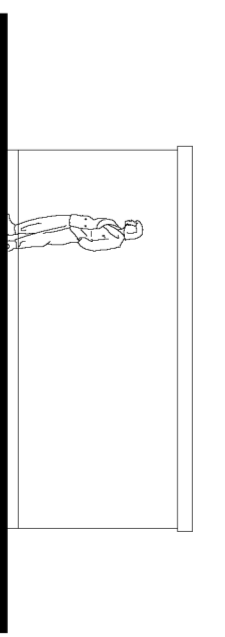
SITE PLAN 1 / 100



REAR ELEVATION FRONT ELEVATION SIDE ELEVATION

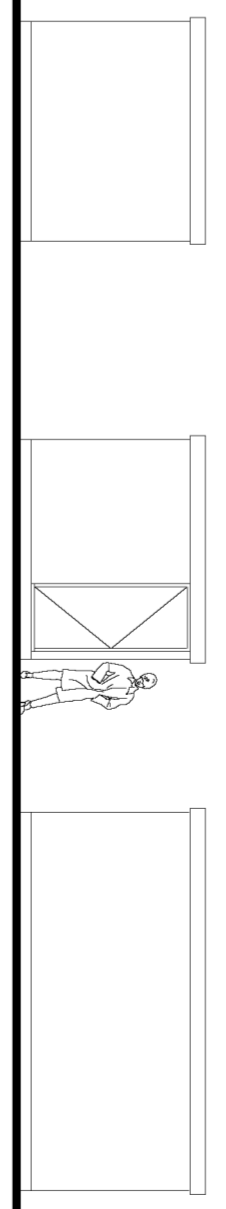


PLAN



SIDE ELEVATION

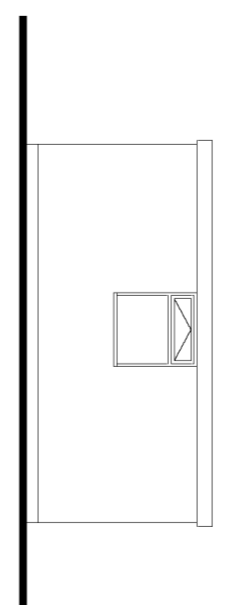
SECURE STORE



REAR ELEVATION FRONT ELEVATION SIDE ELEVATION



PLAN



SIDE ELEVATION

OFFICE/STAFF ROOM

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Site:
Former Old Bush PH
128 Level Street
Brierley Hill DY5 1UA
 Title:
Site Plan

Scale:
1/100, 1/200 Date:
January 2011
 Drawn By:
1106/001 Rev:

DRAWN BY: A.J. DENHAM BSC (HONS) MCAT (CIB) MAPS
 WITH ASSISTANCE TO: J. HARRISON, D. J. AND C. FROM DRAWING
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