

# PLANNING APPLICATION NUMBER:P08/1433

Type of approval sought	Full Planning Permission
Ward	BRIERLEY HILL
Applicant	Mr Edward Bennison, Republic (Retail) Ltd
Location:	<b>L93 &amp; L94, MERRY HILL CENTRE, BRIERLEY HILL, DY5 1SJ</b>
Proposal	<b>ERECTION OF MEZZANINE TO CREATE ADDITIONAL RETAIL AND STOCK SPACE</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO A 106 AGREEMENT</b>

## SITE AND SURROUNDINGS

1. The application site is two separate retail units on the lower level of the mall within the Merry Hill shopping centre. The units are currently occupied by 'Republic' and 'Envy', both clothing outlets. 'Republic' has an existing mezzanine floor used for storage.

## PROPOSAL

2. This application seeks approval for the erection of a mezzanine floor. The application involves the merging of these two units into one and a new mezzanine floor being installed to the east side rear of the newly formed unit and would create 282m<sup>2</sup> of floor space. This floor space would create retail space as well as changing rooms and store room. The proposal also includes the intention by the applicant to remove existing retail space within the Merry Hill Centre.

## HISTORY

3. None relevant

## PUBLIC CONSULTATION

4. No representations received.

## OTHER CONSULTATION

5. Group Engineer Development: No objections to the scheme subject to agreement to pay Transport Infrastructure Improvements monies.

## RELEVANT PLANNING POLICY

6. National Planning Guidance
  - PPS6 – Planning for Town Centres
7. Regional Spatial Strategy for the West Midlands
  - Policy PA11: The Network of Town and City Centres
  - Policy PA11A: Brierley Hill and Dudley
8. Unitary Development Plan
  - Policy CR5 – Regeneration and Development of Town Centres

## ASSESSMENT

9. Key Issues:
  - Principle
  - Impact on Centre
  - Planning Obligations

### Principle

10. The application site is located within the Merry Hill Shopping Centre. Brierley Hill and the Merry Hill Shopping Centre have now been designated as a strategic town centre in the 2008 Regional Spatial Strategy (RSS) under Policy PA11. Policy PA11A of the RSS sets a requirement that no substantial comparison retail development takes place at Brierley Hill until an Action Area Plan is in place as part of the Local Development Framework, with associated accessibility improvements such as car

parking charges and midland Metro. As the proposed development would not exceed a net gain of 200m<sup>2</sup> of comparison retail floor space due to the proposal seeking to offset existing floor space and as this is a threshold that could be constructed under permitted development without the need for formal planning consent , the proposed development is not considered to be of a scale that would conflict with Policies PA11 'The Network of Town and City Centers' and PA11A 'Brierley Hill and Dudley'

#### Impact on Centres

11. The proposed development would add to the vitality and viability of the centre by ensuring that the primary focus for a wide range of retail uses includes A1, A2 and A3, and therefore this proposal would conform with guidance given in PPS6 'Planning for Town Centres' and Policy CR5 'Regeneration and Development of Town Centres' of the adopted UDP (October 2005).

#### Planning Obligations

12. The proposed development has a requirement to provide off site contributions for the additional infrastructure identified in the Supplementary Planning Document – Planning Obligations as well as an obligation to offset existing retail floor space to ensure compliance with the Regional Spatial Strategy for the West Midlands. For this application off site contributions related to Transport Infrastructure Improvements would be:

- Transport Infrastructure Improvements - £ 3656.24

The applicant has been made aware of this requirement by way of a letter email on the 25<sup>th</sup> March 2009 and has agreed by way of an email dated 26<sup>th</sup> March 2009. The proposal would therefore comply with the requirements of Policy DD7 – Planning Obligations, of the Adopted UDP (October 2005) and Supplementary Planning Document – Planning Obligations (December 2007).

## CONCLUSION

13. This proposal is a relatively minor alteration within the Merry Hill Centre and would result in no net gain of retail space over 200m<sup>2</sup>, the allowance which can be constructed under permitted development. As such no adverse impact would occur in relation to the vitality and viability of this or nearby centres. As such policies Policy PA11: The Network of Town and City Centres and Policy PA11A: Brierley Hill and Dudley of the West Midlands Regional Spatial Strategy and UDP Policy CR5 – Regeneration and Development of Centres are complied with.

## RECOMMENDATION

14. 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 the provision of an off site contribution towards transport infrastructure improvements and an obligation to offset existing retail space has been submitted to and agreed in writing by the Local Planning Authority.
  - b) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary

### Reason for Approval:

This proposal is a relatively minor alteration within the Merry Hill Centre and would result in no net gain of retail space over 200m<sup>2</sup>, the allowance which can be constructed under permitted development. As such no adverse impact would occur in relation to the vitality and viability of this or nearby centres.

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 a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report.

Note for Applicant

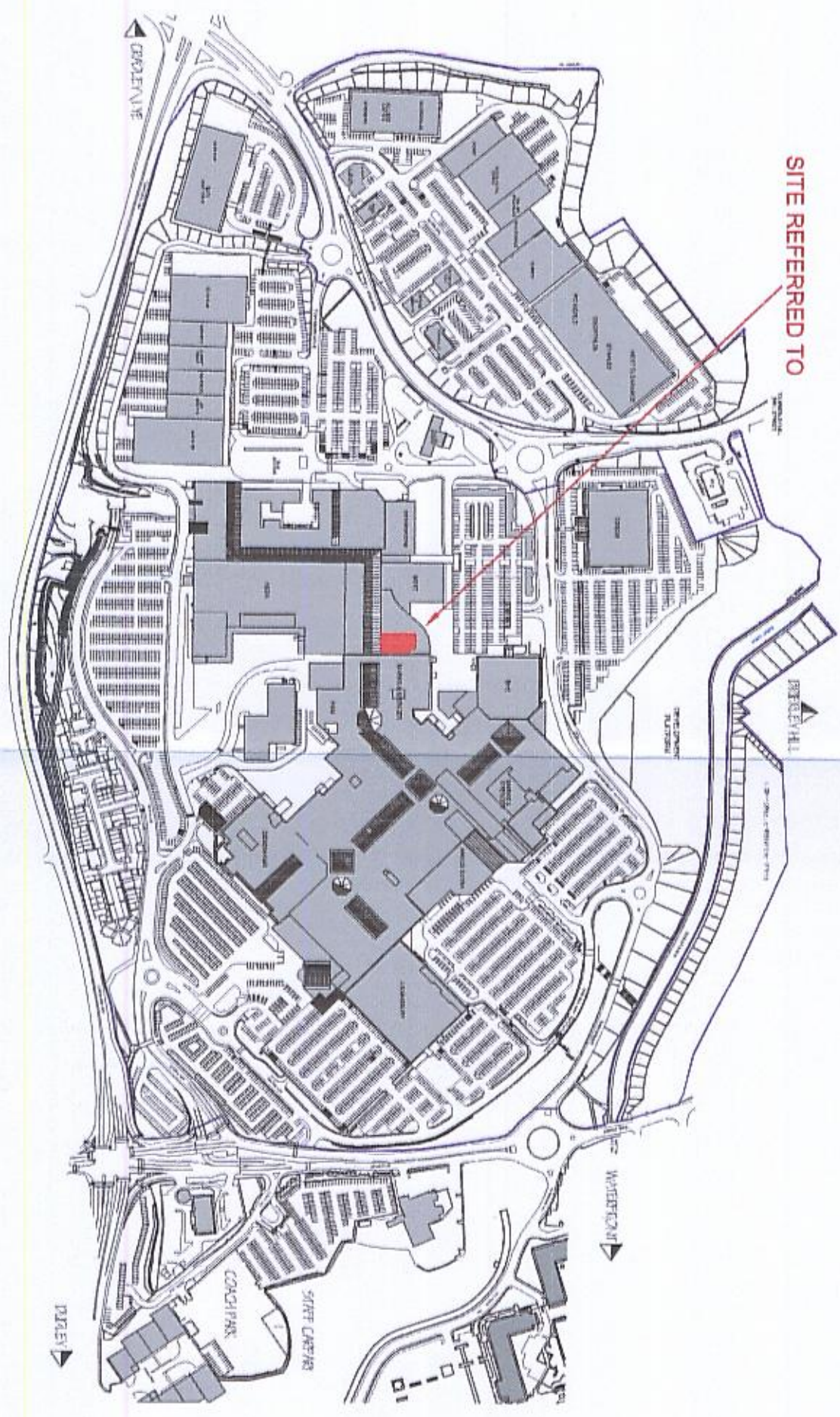
The development hereby permitted shall be in accordance with the amended plans received and numbered 267-01 PRELIMINARY-3 and 267-02 PRELIMINARY-3 unless otherwise agreed in writing by the local planning authority.

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 not beginning until a scheme for the submission and approval of a planning obligation to guarantee the provision of an off site contribution towards transport infrastructure improvements and an obligation to offset existing retail space has been submitted to and agreed in writing by the Local Planning Authority

PO81433  
Location Plan

RECEIVED  
- 9 SEP 2008  
LIBRARY OF THE  
CITY OF BIRMINGHAM



SITE REFERRED TO

**REVISED LAYOUT WITH  
REDUCED MEZZANINE 11.03.09**

**GROUND FLOOR -  
REPUBLIC SALES  
FITTING ROOMS INC CHILL OUT  
ANCILLIARY**

**NOTE: FS FIXTURE QUANTITIES  
AS AT TW EQUIPMENT ISSUE 13.06**

468sq m (5046sq ft)  
398sq m (417sq ft)  
488sq m (5148sq ft)  
555sq m (5977sq ft)

TOTAL

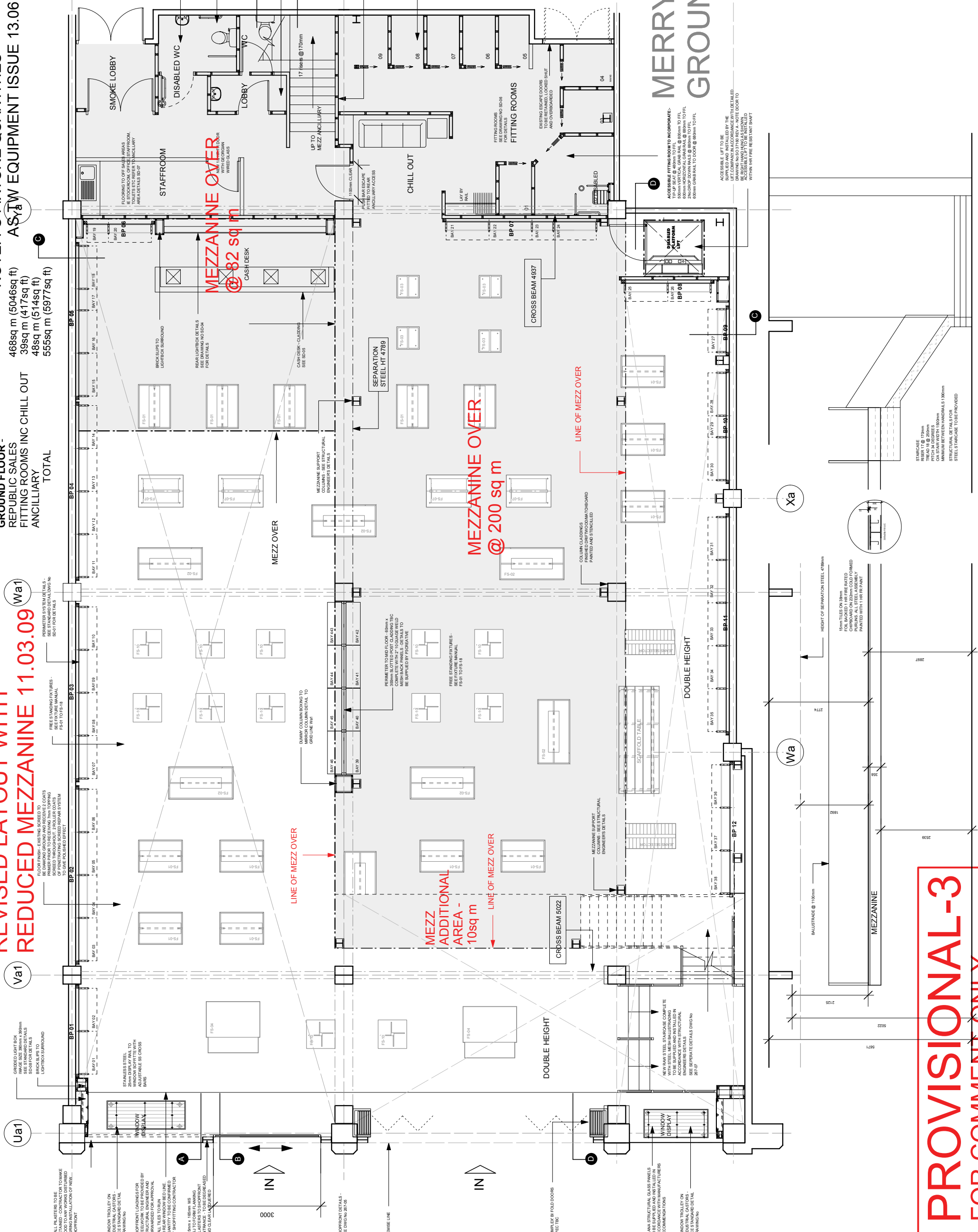
**NOTES**

Do not scale from this drawing. Contractors must verify all dimensions on site prior to commencing work.  
Any discrepancies not brought to the attention of P3 become the responsibility of the contractor / fabricator involved.  
This drawing is to be read in conjunction with all the specifications and all relevant drawings, engineering services and specialist contractors drawings.

The works described in this drawing shall be undertaken in the Health & Safety documentation prepared by the planning supervisor for the project.

**REVISIONS**

- REV/A2 JUNE 2008 REAR ANCLUARY EXT DOORS INCREASED TO 1100mm
- REV/B13 JUNE 2008 REAR ANCLUARY EXT DOORS INCREASED TO 1100mm
- REV/C17 JUNE 2008 FS FIXTURE QUANTITIES AMENDED IN LINE WITH TW ISSUE 13 JUNE
- DISABLED WC TO BE BY PART M BUILDING REGS
- NEW WC FACILITIES



**MERRYHILL  
GROUND FLOOR**

**P3**  
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**PROJECT**  
REPUBLIC  
UNIT L93 & L94  
LOWER MALL  
MERRYHILL

**TITLE**  
PLAN AS PROPOSED  
GROUND FLOOR

**SCALE**  
1 : 100 @ A3

**DATE**  
APR 08

**DRAWING NO**  
267-01 PRELIMINARY-3

**REV**

SECTION - Scale 1:100 @ A3

STAIR ELEVATION - Scale 1:100 @ A3

**PROVISIONAL-3  
FOR COMMENT ONLY**

**REVISED LAYOUT WITH  
REDUCED MEZZANINE 11.03.09**

**MEZZANINE LEVEL -  
REPUBLIC SALES  
FITTING ROOMS INC CHILL OUT  
ANCILLARY  
TOTAL**

**200sq m (plus 20??) 2067sq ft (plus 215??)  
29sq m (313sq ft)  
53sq m (577sq ft)  
282sq m (2957sq ft)**

**NOTES**

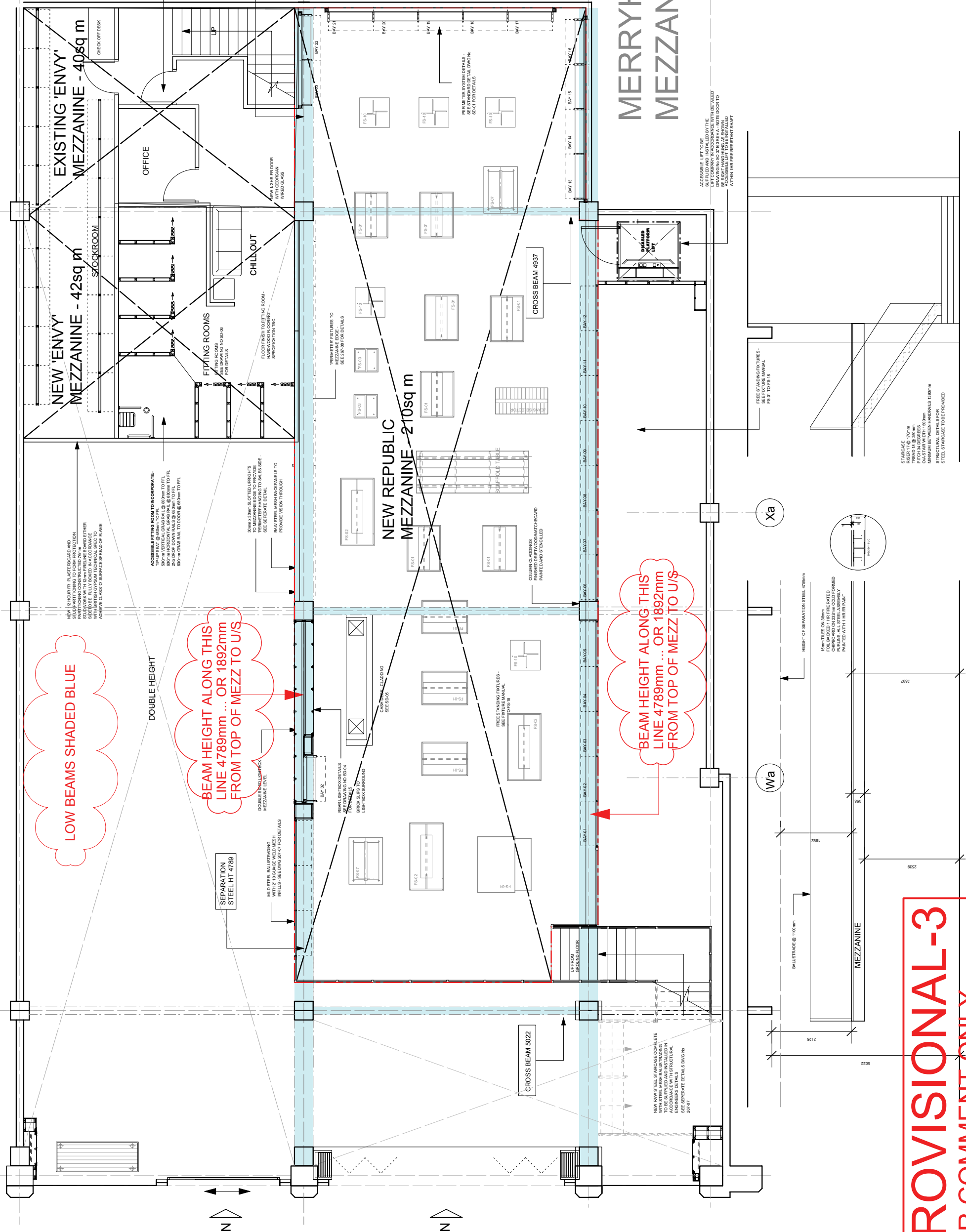
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**REVISIONS**

- REV A 2 JUNE 2008  
NOTE ADDED TO REAR STAIR RISER @ 170mm
- REV B 17 JUNE 2008  
FITTING ROOMS AND CHILL OUT ARE AMENDED IN LINE WITH T19 ISSUE 13 JUNE  
NEW PERIMETER FIXTURES ADDED TO MEZZANINE EDGE



**MERRYHILL  
MEZZANINE LEVEL**

**P3**

**PROJECT**

REPUBLIC  
UNIT L93 & L94  
LOWER MALL  
MERRYHILL

**TITLE**

PLAN AS PROPOSED  
MEZZANINE LEVEL

**SCALE**

1 : 100 @ A3

**DATE**

APR 08

**DRAWING NO**

REV

**267-02 PRELIMINARY -3**

**PROVISIONAL-3  
FOR COMMENT ONLY**

SECTION - Scale 1:100 @ A3

STAIR ELEVATION - Scale 1:100 @ A3