

DEVELOPMENT CONTROL COMMITTEE

TUESDAY 22ND APRIL 2014

**AT 6:00PM
IN COMMITTEE ROOM 2
AT THE COUNCIL HOUSE
DUDLEY**

If you (or anyone you know) is attending the meeting and requires assistance to access the venue and/or its facilities, could you please contact Democratic Services in advance and we will do our best to help you

**MANJIT JOHAL
DEMOCRATIC SERVICES OFFICER
Internal Ext – 5267
External – 01384 815267
E-mail – manjit.johal@dudley.gov.uk
You can view information about Dudley MBC on
<http://www.dudley.gov.uk/>**



IMPORTANT NOTICE MEETINGS AT THE COUNCIL HOUSE

Welcome to the Council House

In the event of the alarm sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.

Please turn off your mobile phones and mobile communication devices during the meeting.

Thank you for your co-operation.

DEVELOPMENT CONTROL COMMITTEE

Let me first inform you that this is a Committee Meeting of the Council, members of the public are here to observe the proceedings and should not make contributions to the decision-making process.

Applications are taken in numerical order with any site visit reports first, followed by applications with public speaking, then the remainder of the agenda.

Officers have explained the public speaking procedures with all those present who are addressing committee. Will speakers please make sure that they do not over-run their 3 minutes?

There will be no questioning by Members of objectors, applicants or agents, who will not be able to speak again.

All those attending this Committee should be aware that additional papers known as the "Pre-Committee Notes" are placed around the table and the public area. These contain amendments, additional representations received, etc, and should be read in conjunction with the main agenda to which they relate. They are fully taken into account before decisions are made.

Our Ref:
MKJ220414

Your Ref:

Please Ask For:
Mrs M Johal

Telephone No:
01384 815267

9th April 2014

Dear Councillor

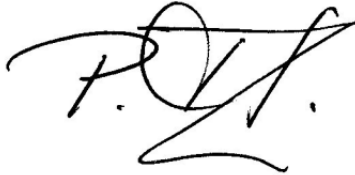
DEVELOPMENT CONTROL COMMITTEE

Tuesday 22nd April 2014 at 6.00 p.m.

You are requested to attend a meeting of the Development Control Committee to be held on Tuesday 22nd April, 2014 at 6.00 p.m. in Committee Room 2 at the Council House, Dudley, to consider the business set out in the agenda below.

The agenda and public reports are available on the Council's Website www.dudley.gov.uk and follow the links to Councillors in Dudley and Committee Management Information System.

Yours sincerely



Director of Corporate Resources

AGENDA

1. APOLOGIES FOR ABSENCE

To receive apologies for absence from the meeting.

2. APPOINTMENT OF SUBSTITUTE MEMBERS

To report the appointment of any substitutes for this meeting of the Committee.

3. DECLARATIONS OF INTEREST

To receive declarations of interest in accordance with the Members' Code of Conduct.

4. MINUTES

To approve as a correct record and sign the minutes of the meeting held on 31st March 2014.

5. PLANS AND APPLICATIONS TO DEVELOP (PAGES 1 – 23)

6. TO ANSWER ANY QUESTIONS UNDER COUNCIL PROCEDURE
RULE 11.8 (IF ANY)

Distribution:

To all Members of the Development Control Committee

A Ahmed	Casey	J Martin	Perks	Roberts
Mrs Westwood	C Wilson	Wright	Zada	

AGENDA INDEX

Please note that you can now view information on Planning Applications and Building Control Online at the following web address:

(Upon opening this page select 'Search for a Planning Application' and when prompted input the appropriate planning application number i.e. P09/----)
<http://www.dudley.gov.uk/environment--planning/planning/online-planning-and-building-control>

PLANS AND APPLICATIONS TO DEVELOP

Pages 1 – 10	P13/1887 – The Hearty Goodfellow, 3 Maughan Street, Dudley – Two Storey Rear Extension to Create 2 No Retail Units with 2 No Flats Above (Following Demolition of Existing Toilets and Store). Single Storey Side Extension to Existing Building to Create Restaurant/Public House and Provision of Additional Flat on First Floor.
Pages 11 – 23	P14/0325 – Alliband Business Services Ltd, 14A-14B, Enville Road, Wallheath – Change of Use from Mixed Use Retail (A1) and Office (B1A) to Retail Only (A1) with Proposed New Shop Front

DEVELOPMENT CONTROL COMMITTEE

Monday 31st March, 2014 at 6.00 pm
In Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Zada (Chair)
Councillors A Ahmed, Caunt, Hale, J Martin, Perks, Roberts, Mrs Westwood
and C Wilson

OFFICERS:-

Mr J Butler, Mrs H Martin and Mr P Reed (all Directorate of the Urban
Environment), Mrs G Breakwell and Mrs M Johal (Directorate of Corporate
Resources)

78 **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of
Councillors Casey and Wright.

79 **APPOINTMENT OF SUBSTITUTE MEMBER**

It was reported that Councillors Caunt and Hale had been appointed as
substitute members for Councillors Wright and Casey respectively for this
meeting only.

80 **DECLARATIONS OF INTEREST**

In accordance with the Members' Code of Conduct, non-pecuniary interests
were made by the following:-

Councillor Roberts in Planning Application Nos P13/1751 (Dudley College,
The Broadway Dudley) and P13/1758 (Evolve (Dudley College, Tower Street,
Dudley), as she was a colleague of the speaker.

Councillor Caunt in Planning Application No P11/0107 (Land at Lowndes
Road/Bradley Road, Stourbridge) in view of him being the Chairman of
Stourbridge Navigation Trust.

81 MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 10th March, 2014, be approved as a correct record and signed.

82 PLANS AND APPLICATIONS TO DEVELOP

A report of the Director of the Urban Environment was submitted on the following plans and applications to develop. In addition, where appropriate, details of the plans and applications were displayed by electronic means at the meeting. In addition to the report submitted, notes known as Pre-Committee notes had also been circulated updating certain of the information given in the report submitted. The content of the notes were taken into account in respect of the applications to which they referred.

The following persons had indicated that they wished to speak at the meeting and spoke on the planning application:-

Plan No P14/0166 – Mr Dale Homer – an objector and Mr Bennett – an agent/applicant

- (i) Plan No P14/0166 – Somerset House, 121 Enville Street, Stourbridge – Part A – Erection of Smoking Shelter to the Eastern Boundary (Retrospective) Part B – Single Storey Side/Rear Extension and Alteration of Access for First Floor Office Accommodation

Decision:

- (1) That Part A of the application be refused for the reason as set out in the report submitted.
- (2) That Part B of the application be approved subject to conditions, numbered 1 to 7 (inclusive), as set out in the report submitted.
- (3) That the Director of the Urban Environment be authorised to take enforcement action against the unauthorised smoking shelter, should negotiations regarding a more appropriate location not succeed.

- (ii) Plan No P11/0107 – Land at Lowndes Road/Bradley Road, Stourbridge – Outline Application for Development of up to 80 Dwellings (Access to be Considered with all Other Matters Reserved) (Resubmission of Refused Application P06/0001)

Arising from the presentation of the report it was considered that a Section 106 contribution should also be made towards upgrading the towpath.

Decision: Approved, subject to the following:-

- (1) The signing of a legal agreement to guarantee the provision of
i) a scheme for the off-site provision and future maintenance of public open space and children's play facilities to be submitted to and approved by the Local Planning Authority in accordance with the requirements of the Open Space and Planning Obligations Supplementary Planning Documents; ii) a contribution towards either upgrading the stop poles in the surrounding area to shelters or towards improvements to bus services in the area; iii) affordable housing, iv) a management and monitoring fee and iv) a contribution to upgrade the adjacent towpath.
- (2) The completion of the Agreement by 31st June, 2014 and, in the event of this not happening, the application being refused, if appropriate.
- (3) Conditions, numbered 1 to 30 (inclusive), as set out in the report submitted.

and that the Director of Urban Environment be authorised to make amendments to these as necessary.

Prior to the consideration of the following matter the meeting adjourned and reconvened at 7.00 pm.

- (iii) Plan No P13/1751 – Dudley College, The Broadway, Dudley – Variation of Condition 4 of Planning Approval P13/0932 to be Revised to 'The Existing Drive Adjacent to Number 12 The Broadway Shall not be used at any Time for Vehicular Access or Egress from the Car Park or at any Time by Contractors'

Arising from the presentation of the report Members were of the view that there was no justification in opening the passageway for access and egress and that it would have an impact on residential amenity.

Decision: Refused for the following reason:-

The proposed development, by virtue of increased pedestrian movements will result in an unacceptable level of increased noise and disturbance to the occupiers of numbers 10 and 12, The Broadway contrary to the requirements of saved policy DD4 of the UDP (2005).

(iv) Plan No P13/1758 – Evolve (Dudley College), Tower Street, Dudley – Formation of New Pedestrian Crossing

Arising from the presentation of the report Members made various points and comments including the view that there did not seem to be any justification to open the passageway as students used the crossings at Ednam Road and the Broadway to access the College. Reference was also made to the zoo garage and if students were encouraged to use the passageway they would potentially have to walk in front of the working garage.

During the ensuing debate consideration was given to the information given on the pedestrian count and some Members were of the view that the number of students using the passageway could potentially increase which would result in additional noise and disturbance thus impacting on residential amenity. The crossing would also exacerbate the existing problem of traffic congestion and have a further impact on air quality in the area.

Decision: Refused for the following reasons:-

- (1) The proposed development would have an adverse impact on the amenities of the occupants of 10 and 12, The Broadway, by reason of disturbance resulting from people congregating whilst waiting to use the crossing facility, sounds emanating from the operation of the associated crossing equipment and the starting and stopping of vehicles, contrary to Saved UDP Policy DD4 (Development in Residential Areas).
- (2) The proposed development would result in queuing vehicles along this part of The Broadway which will result in a degradation in air quality within the vicinity of the crossing in close proximity to a location which has been identified as having poor air quality to the detriment of the amenities of the occupants of The Broadway, contrary to Saved UDP Policy DD4 (Development in Residential Areas) and Black Country Core Strategy Policy ENV8 Air Quality.

(v) Plan No P14/0002 – Northern Edge of the Former Cradley High School, Cradley, Halesowen – Approval of Reserved Matters for Erection of 9 No Dwellings, Garages, Associated Works and Emergency Access to the Retirement Village (Following Outline Approval P12/1447)

Decision: Approved, subject to conditions, numbered 1 to 6 (inclusive), as set out in the report submitted, together with additional conditions, numbered 7 to 9, as follows:-

7. Prior to the development first being occupied the detailed design of the extension of Ormande Close and the provision of the emergency access from Homer Hill Road to Ormande Close shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with those details prior to the first occupation of the development and it shall be retained as such thereafter.
8. Notwithstanding the details shown on the approved plans full details of the access roads and parking areas including cross-section, lines, widths, levels, gradients, drainage and lighting shall be submitted to and agreed in writing prior to those works being commenced. The development shall be carried out in full accordance with the approved details prior to the development first being brought into use and shall be retained as such for the life of the development.
9. No additional vehicular access points to the site shall be inserted in the boundary other than those shown on the approved plans.

- (vi) Plan No P14/0066 – 25 Dunsmore Drive, Quarry Bank, Brierley Hill – Conversion and Extensions to Existing Garage to Create Habitable Room. Single Storey Side/Front Extension and New Front Porch

Decision: Approved, subject to conditions, numbered 1 to 3 (inclusive), as set out in the report submitted.

- (vii) Plan No P14/0106 – 3 Linden Drive, Oldswinford, Stourbridge – Single and Two Storey Side, First Floor Side/Rear and Two Storey Rear Extensions. Part Conversion of Existing Garage to Create Habitable Room. (Resubmission of Withdrawn Application P13/1704)

Decision: Approved, subject to conditions, numbered 1 to 4 (inclusive), as set out in the report submitted.

- (viii) Plan No P14/0162 – Corner Site of Clement Road and Nimmings Road, Black Heath – Erection of a Two Storey Building to Create 6 No Apartments

Decision: Approved, subject to conditions, numbered 1 to 4, 6 to 20 (inclusive), as set out in the report submitted, together with an amended condition, numbered 5, and additional condition, numbered 21, as follows:-

5. The development shall not commence until details of the access road and the car parking bays including, structures, lines, widths, levels, gradients, form of construction, cross sections, lighting and drainage have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the first dwelling and thereafter retained for the lifetime of the development.

 21. No development shall commence until details for the provision of external electric vehicle charging points, in accordance with the specification within the Parking Standards Supplementary Planning Document, have been submitted to and approved in writing by the Local Planning Authority. The charging points shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
- (ix) Plan No P14/0165 – Land Adjacent to 31 Gads Green, Netherton, Dudley – Erection of 1 No Dwelling to Include Lower Ground Floor Associated 1 No Bedroom Annex with Ancillary Works (Resubmission of Withdrawn Planning Application P13/0612)

Decision: Approved, subject to conditions, numbered 1 to 11 and 13 to 18 (inclusive), as set out in the report submitted, together with an amended condition, numbered 12, as follows:-

12. Development shall not commence until details of the retaining wall, including structural calculations, slope stability analysis, drainage and method of construction, have been submitted to and approved in writing by the Local Planning Authority. Prior to first occupation the retaining walls shall be implemented in accordance with the approved details and thereafter maintained for the life of the development.

The meeting ended at 7.50 pm.

CHAIR

PLANNING APPLICATION NUMBER:P13/1887

Type of approval sought	Full Planning Permission
Ward	St James's
Applicant	Mr A. Mahmood
Location:	THE HEARTY GOODFELLOW, 3, MAUGHAN STREET, DUDLEY, WEST MIDLANDS, DY1 2BA
Proposal	TWO STOREY REAR EXTENSION TO CREATE 2 NO. RETAIL UNITS WITH 2 NO. FLATS ABOVE (FOLLOWING DEMOLITION OF EXISTING TOILETS AND STORE). SINGLE STOREY SIDE EXTENSION TO EXISTING BUILDING TO CREATE RESTAURANT/PUBLIC HOUSE AND PROVISION OF ADDITIONAL FLAT ON FIRST FLOOR.
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The site is located on the corner of Maughan Street and Lawley Street and is occupied by a vacant public house in the southern part of the site which has a 2-bedroom flat at first floor. The building has a flat roofed single storey extension on its southern side and a part single storey/part two storey extension on its western side located within a yard area which is enclosed by fencing. The remainder of the site is an L-shaped hardsurfaced parking area accessed from Lawley Street.
2. To the west of the site there is a pair of semi detached houses on Lawley Street. The rear gardens of these properties abut the car park, with a 2m fencing providing separation. To the north on the opposite side of Lawley Road is a 3 storey block of flats. To the east, on the opposite side of Maughan Street, is a row of terraced houses.
3. The site is enclosed along the southern boundary by a brick retaining wall with fence above, on the other side of which at a lower level is a grassed amenity area. To the south west of the site there are 3 storey maisonettes.

PROPOSAL

4. It is proposed to convert the building to a public house and restaurant with a new single storey extension on its southern side along its full length and projecting 4m from it (the existing single storey extension is to be demolished). The existing extension along the west side of the building is also to be demolished and a new two storey extension erected, 12m wide and 15.5m long. The extension will provide 2 retail units. Four 2-bedroom flats are to be created at first floor within the extension and the existing building. A private amenity space area is to be provided along the southern side of the building. The submitted layout plan shows 11 dedicated parking spaces for customers and 8 for staff/residents parking.

RECENT HISTORY

- 5.

APPLICATION No.	PROPOSAL	DECISION	DATE
P13/0481	Convert and extend ground floor of public house into 2 no. shops and erection of single storey side extension to form third shop (demolition of existing side extension)	Withdrawn	May 2013

6. The above application was withdrawn following Officer concerns in relation to the following issues:

- Potential for on-street parking;
- Insufficient parking and provision for servicing of the units;
- Poor design;
- Inappropriate means of access to the proposed flats;

- Substandard accommodation for future occupants of the flats.

PUBLIC CONSULTATION

7. Neighbour notification letters have been sent to 110 properties. Letters of objection have been received from 2 properties on Lawley Street, raising the following concerns:
- Two retail units will increase traffic congestion and endanger the safety of road users;
 - Anti-social behaviour resulting from people congregating in the vicinity of the proposed shops;
 - The proposed two storey extension should not be sited closer to residential properties than the existing extension;
 - Potential smells from extraction systems at the public house/restaurant;
 - Noise disturbance from activities at the public house.

OTHER CONSULTATION

8. Head of Environmental Health and Trading Standards: The proposals are acceptable in principle, although conditions will be required to ensure noise and odour are adequately controlled given the proposed intensification of use of the site and additional residential accommodation.

The opening hours of the public house/restaurant will be largely governed by licensing controls and therefore opening hour restrictions for the public house are not recommended. Opening hour restrictions for the retail uses will be required to protect the amenity of nearby residents, again given the intensification of use of the site and the proximity of residential accommodation. A condition is also required to ensure a suitable extraction system for cooking odours is installed, given that the proposals indicate there will be a restaurant use as part of the public house.

9. Group Engineer (Development): Local survey data from convenience stores of a similar size to that proposed indicates that 21 parking spaces are required for the retail use, in addition to 4 spaces for the proposed residential element. 5 cycle parking spaces for the flats and 1 cycle space for the retail units are also required. At peak times the development is likely to have an under provision of onsite parking which may potentially result in on-street parking adjacent to a road junction to the detriment of public safety. Maughan Street is a local distributor which carries a significant volume of traffic between Wolverhampton Street and Wellington Road. The applicant should be required to fund a Traffic Regulation Order in order to ensure that the road junction and its approaches are kept clear of parking. There is scope to increase the number of car parking spaces within the development - a condition should be imposed requiring the provision of an amended layout showing parking spaces of dimensions which meet Parking Standards SPD dimensions, how the site is to be serviced, and an increased entrance width.

RELEVANT PLANNING POLICY

10. National Planning Policy

National Planning Policy Framework (NPPF) 2012

Black Country Core Strategy (2011)

CEN6 – Meeting Local Needs for Shopping and Services

Saved UDP policies (2005)

Policy DD4 – Development in Residential Areas

Supplementary Planning Documents

Parking Standards and Travel Plans

Planning Obligations

11. The key issues in the assessment of this proposal are:

- Principle;
- Impact on the character and appearance of the area;
- Impact on residential amenity;
- Highway safety/parking.

Principle

12. The development involves the re-use of a vacant site which would create jobs and stimulate economic activity in the local economy. The proposal therefore accords with the NPPF which advocates a presumption in favour of sustainable development, with one of its core planning principles being to proactively drive and support sustainable economic development to create jobs and prosperity. The NPPF also advises that significant weight should be placed on the need to support economic growth through the planning system.

13. Policy CEN6 of the Core Strategy requires that new small-scale local facilities outside defined centres of up to 200sq.metres will be permitted if it can be shown that the proposal is of an appropriate scale to meet day-to-day needs of the local population, that local provision could not be better met by investment in a nearby centre, and that existing similar facilities will not be undermined. The proposed retail element of the development has a gross floor space of 218 sq.metres, which is considered to be sufficiently close to the 200 sq.metres threshold so as to meet these criteria and raise no objection in policy terms to the proposal.

Impact upon character and appearance of the area

14. Saved Policy DD4 of the UDP requires that developments in residential areas should not have any adverse impact on the character of the area.

15. The proposed extensions are of an acceptable design and scale in the context of the existing building and properties in the immediate vicinity and will have a positive impact on the visual amenities of this area through the redevelopment of this semi-derelict site.

Residential amenity

16. Policy DD4 also requires that developments should not have any adverse impact on residential amenity. Should permission be granted the conditions recommended by the Head of Environmental Health should be imposed to ensure that activities at the site do not have a detrimental effect on the amenities of occupants of nearby dwellings.
17. With regard to the specific concerns of the objectors to the proposal, there are no windows on the elevation of the proposed two storey extension facing Lawley Street to the west and as such the development will not result in a loss of privacy there. Issues relating to potential anti-social behaviour in the vicinity of the proposed retail units would be dealt with by the police and are not a material consideration in the assessment of this application.
18. The standard of accommodation proposed is considered to be acceptable, with room sizes of sufficient proportions and windows to all habitable rooms. The occupants of the flats will have the use of the space to the southern side of the building to meet their outdoor amenity needs.

Highway safety

19. With regard to the comments of the Group Engineer an amended layout plan can be sought by condition showing the provision of a cycle parking area and additional car parking spaces. Details of how the site is to be serviced can also be sought. At the time of writing this report confirmation was being sought that the applicant would be prepared to fund a Traffic Regulation Order – an update on this matter will be

provided in a pre-Committee note. The submission and subsequent approval of this information will ensure that the development would not have any adverse implications for highway safety, in accordance with the requirements of Saved UDP Policy DD4.

CONCLUSION

20. The proposal involves the re-use and redevelopment of a vacant site which would create jobs and stimulate economic activity in the local economy, of an appropriate scale which meet the day-to-day retail needs of the local population without undermining the vitality of existing similar facilities in nearby local centres. The development would make a positive contribution to the character of the area and would not have any adverse impact on residential amenity or highway safety. As such the proposal complies with Policy CEN6 of the Core Strategy and Saved Policy DD4 of the UDP.

RECOMMENDATION

21. It is recommended that the application be APPROVED subject to the following conditions:

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. No development shall commence until an amended site layout plan showing the provision of a) 19 parking spaces at the site which accord with the dimensions set out in the Parking Standards Supplementary Planning Document, and b) a widened entrance to the parking area has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved details.
3. No development shall commence until an amended site layout plan showing the provision 1 cycle parking space for the proposed retail units and 5 cycle parking spaces for the proposed flats has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved details.
4. Prior to the commencement of development, details of turning facilities to be provided on site for service vehicles shall be submitted to and approved in writing by the Local Planning Authority. The facilities, as agreed, shall be implemented on site prior to the commencement of use of the buildings.
5. Prior to the commencement of development, details of the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
6. No development shall commence until details for the provision of external electric vehicle charging points within the proposed residents/staff parking area have been submitted to and approved in writing by the Local Planning Authority. The charging point(s) shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
7. 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.
8. 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.

9. The rating level of noise 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 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.

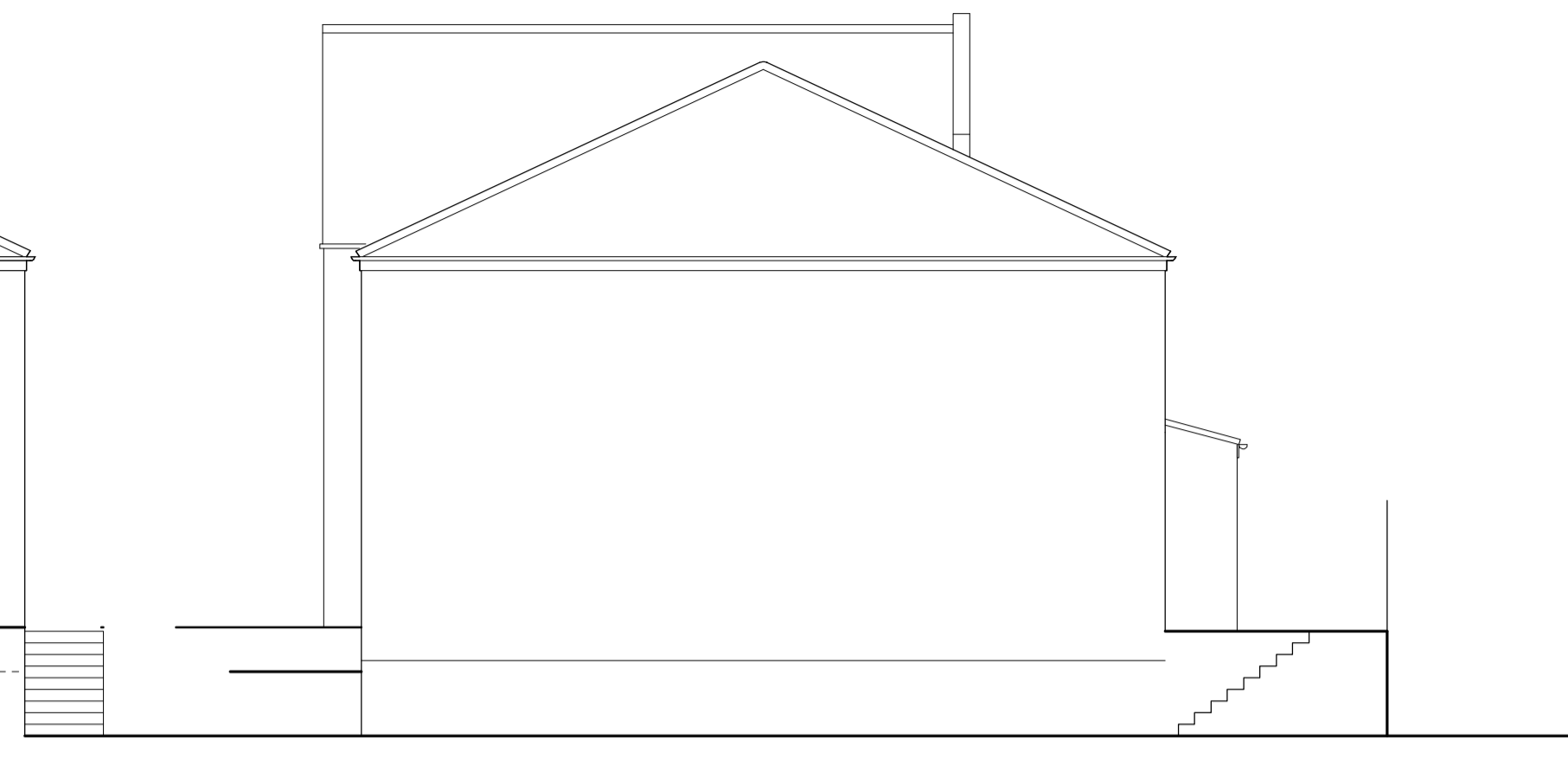
10. The retail premises shall not be open to the public before the hours of 0700 nor after 2300 Monday to Saturdays or before 0900 or after 2200 on Sundays and Public Holidays.
11. No deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen), before the hours of 0800 nor after 2000 Monday to Friday, before 0900 or after 1800 on Saturdays, or at all on Sundays and Public Holidays.
12. None of the dwellings hereby approved shall be first occupied until an application has been made to the Highway Authority for the provision of a Traffic Regulation Order to the road frontages to Maughan Street and Lawley Street immediately adjoining the application site.



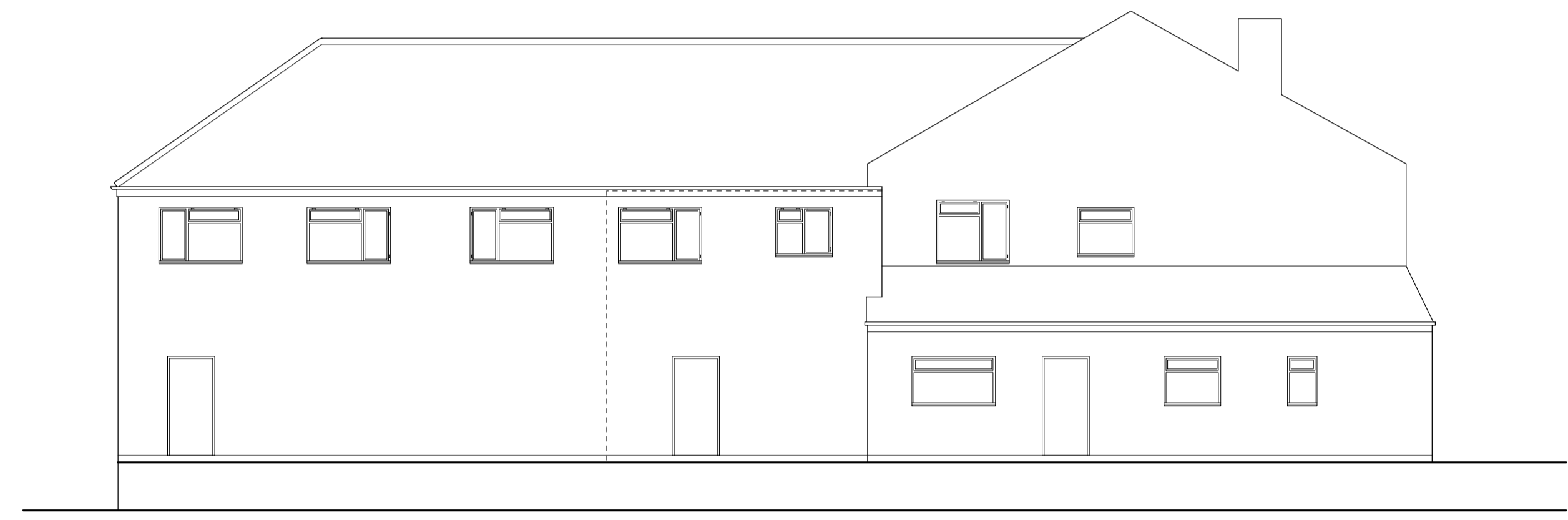
Front elevation
Hatching indicates perforated security shutters



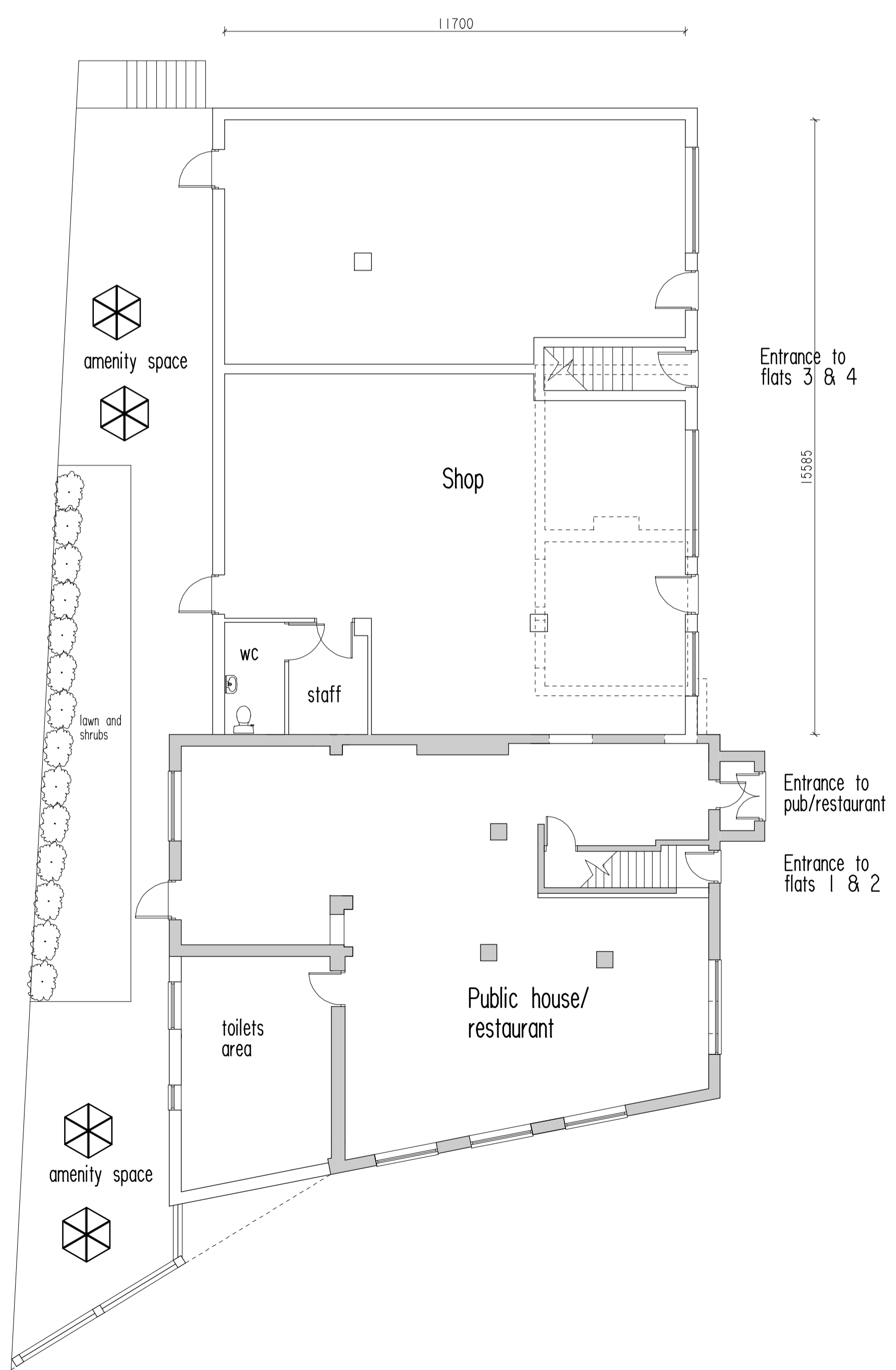
Side elevation
Hatching indicates perforated security shutters within structural openings.



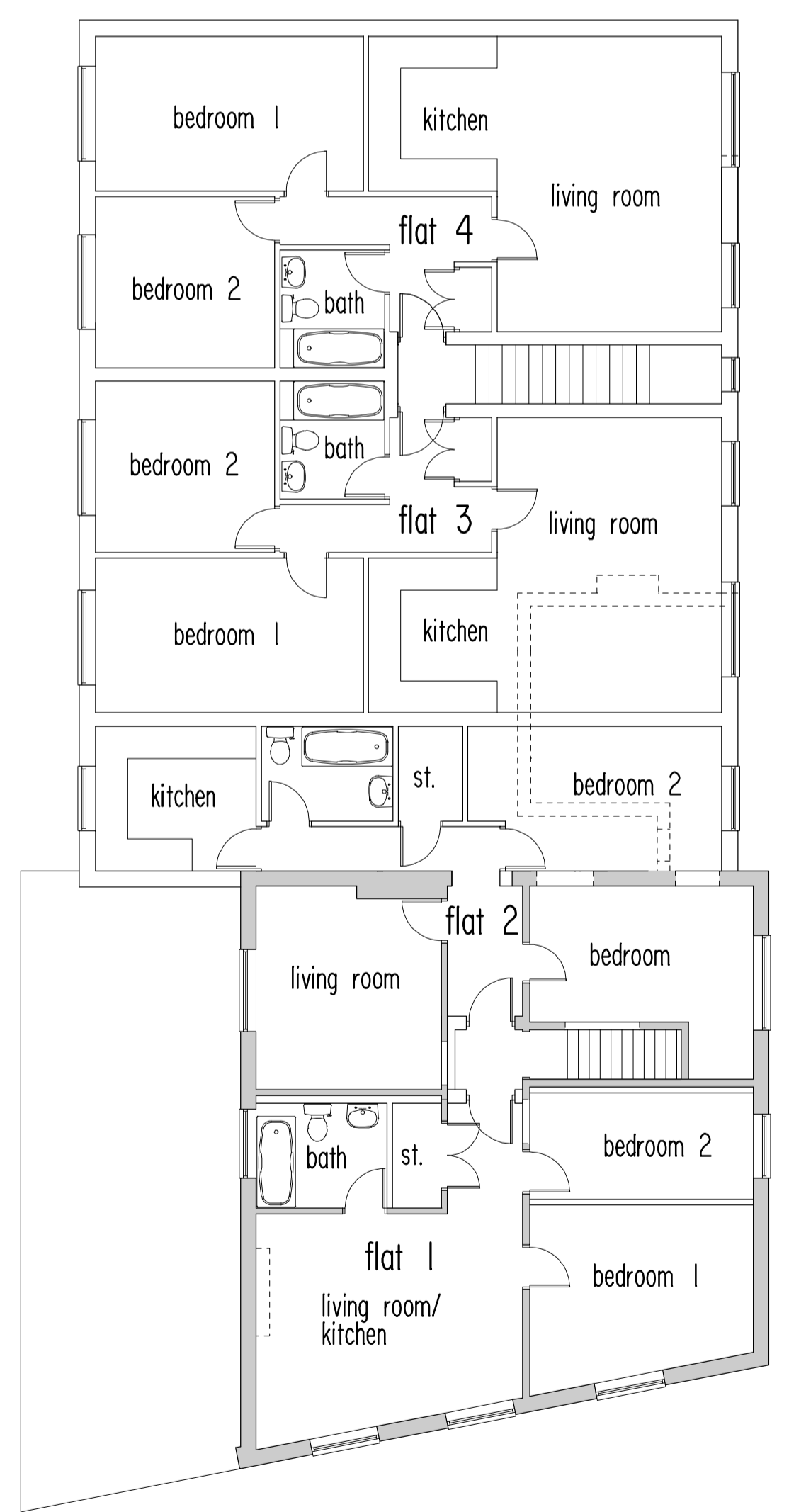
Rear elevation



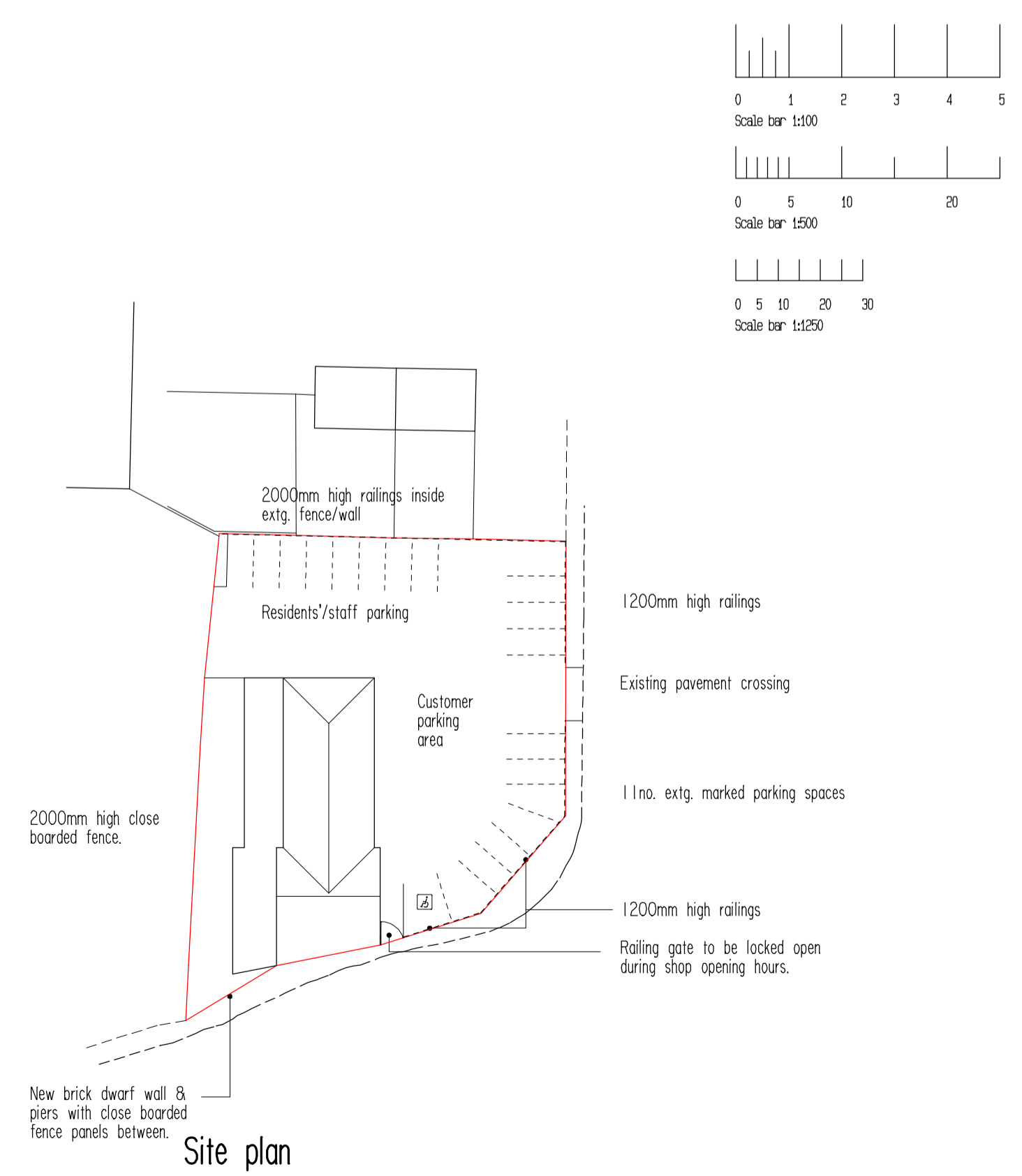
Side elevation



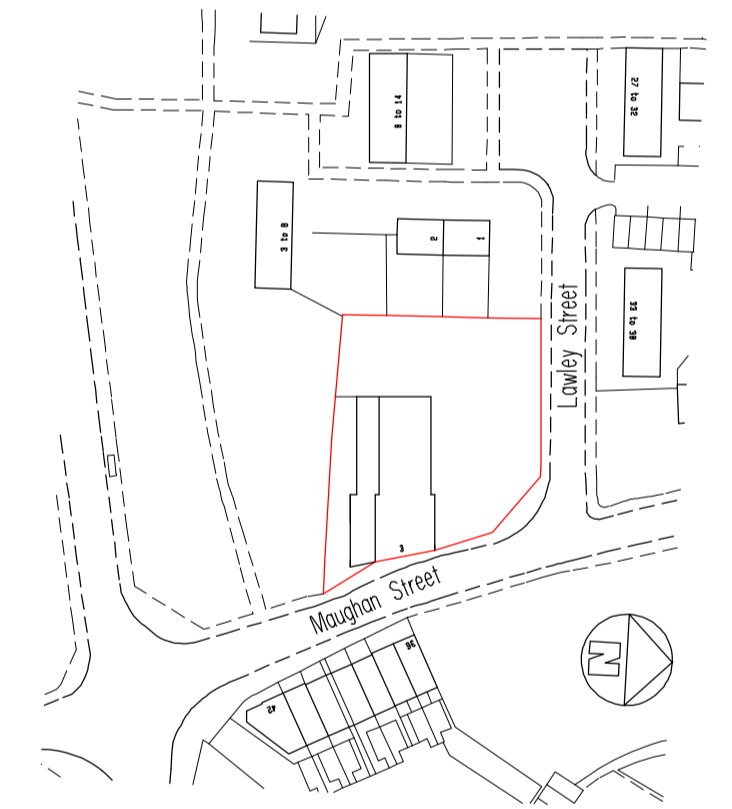
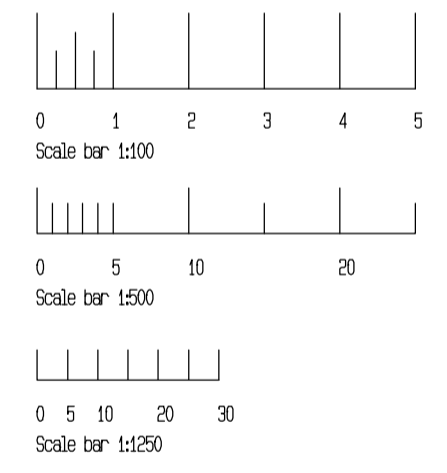
Ground floor plan



First floor plan



Site plan



Location plan

B : 24/01/14 : Pitched roof added to pub extension.
A : 20/12/13 : Shutter notes & parking amended.
Revisions:

Mr. A. MAHMOOD
PROPOSED ALTERATIONS &
CHANGE OF USE
THE HEARTY GOODFELLOW
MAUGHAN STREET, DUDLEY
PROPOSALS

12:63:12B
Scale 1:100 1:500 1:1250
Date October 2013

PLANNING APPLICATION NUMBER:P14/0325

Type of approval sought	Full Planning Permission
Ward	Kingswinford North & Wall Heath
Applicant	Mr & Mrs S. Johal
Location:	ALLIBAND BUSINESS SERVICES LTD, 14A-14B, ENVILLE ROAD, WALLHEATH, WEST MIDLANDS, DY6 0JT
Proposal	CHANGE OF USE FROM MIXED USE RETAIL (A1) AND OFFICE (B1A) TO RETAIL ONLY (A1) WITH PROPOSED NEW SHOP FRONT
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site relates to 14a-14b Enville Road which is two storey, end of terrace commercial unit. Though currently vacant, this unit was most recently operated under a mixed use as a retail shop and office for computer repairs, prior to which is traded as a printer and stationary shop. The property has been extended with a two storey extension to the rear. There is a UPVC dark wood effect shop front to the property.
2. The unit is set back from the footway beyond an approximately 2.5m deep forecourt. Two off-road parking spaces are located to the side (east) of the shop, this being at the truncated end of Chapel Street (access to this road is prohibited by bollards). There are also off-road parking spaces available on Enville Road frontage and a small parking court to the rear.
3. The western elevation is adjoined by a fish and chip shop, whilst to the other side of the access road (Chapel Street) is a bridal shop.

4. As the site falls within the Wall Health Local Centre, the frontage in which the application site is contained comprises of a range of commercial local centre uses, some of which appear to have residential uses above.
5. To the south of the site, there are residential properties located in Chapel Street, the closest of these is No. 2A, which is set perpendicular to the application property.
6. On the opposite side of the road are a range of commercial units and a low rise block of sheltered accommodation, in the form of self-contained flats at The Gables.

PROPOSAL

7. This planning application seeks approval for a change of use of the ground floor from mixed use retail shop and office for computer repairs (A1 and B1a) to a sole A1 (retail) use which the application refers to use a convenience store.
8. It is also proposed to replace the shop front with full height plastisol colour coated (white) aluminium shop front incorporating an internal roller shutter with brick bond slats.
9. There is indicated dedicated off-street parking provision of 2 spaces to the rear of the premises for staff only.

RELEVANT HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
89/52816	Change of use from retail offices to restaurant/ hot food take away with residential flat over.	Refused	08/02/90
89/52575	Change of use from retail/offices to restaurant, hot food takeaway with living accommodation over.	Refused	08/02/90
85/50055	Erection of rear extension.	Approved with Conditions	04/02/85
CC/76/2385	Extension to provide car port and dark room with offices above.	Approved with Conditions	03/03/77

PUBLIC CONSULTATION

10. Direct notification was carried out to 44 adjoining and adjacent premises and a site notice was posted which expired on the 28th March, as a result of which no objections have been received.

OTHER CONSULTATION

11. Group Engineer (Highways): Raise highway concerns, given there is already little on-street capacity in the road. However, it is acknowledged the application site is within a local centre and there are similar uses in the street. Defending a refusal on Highways grounds may be challenging should the application come to a planning appeal.
12. Head of Environmental Health and Trading Standards: No objection subject to opening hours and delivery times being restricted by way of condition.

RELEVANT PLANNING POLICY

13. The National Planning Policy Framework 2012

14. Black Country Core Strategy 2011
 - CSP4 – Place-Making
 - DEL1 - Infrastructure Provision
 - CEN1 - The importance of the Black Country centres for the regeneration strategy
 - CEN2 - Hierarchy of centres
 - CEN5 – District and Local Centres
 - CEN8 – Car Parking in Centres
 - ENV2 – Historic Character and Local Distinctiveness
 - TRAN2 – Managing Transport Impacts of New Development
 - TRAN5 – Influencing the Demand for Travel and Travel Choices

15. Saved UDP 2005 Policies
 - DD1 – Urban Design
 - DD3 – Design of Retail Development
 - DD4 – Development in Residential Areas

16. Supplementary Planning Documents/Guidance
 - Parking Standards SPD
 - Planning Obligations SPD
 - Design for Community Safety
 - PGN 27: Shop Front Design and Security

17. The key issues in determination of this application are the impact upon;
- the vitality and viability of Wall Heath local centre
 - the character and appearance of the area.
 - residential amenities of nearby occupiers
 - highway safety, in terms of parking provision

The impact upon the vitality and viability of Wall Heath local centre

18. The NPPF states that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
19. The Black Country Core Strategy is in accordance with this approach. Wall Heath is designated as a local centre, Policy CEN5 noting that local centres provide for day-to-day convenience shopping and local service needs. Within the Local Centres, individual convenience retail developments of up to 500 square metres (net) are permitted, where they satisfy local requirements and are appropriate to the scale and function of the centre. The proposal would create a unit of some 110 square metres.
20. Wall Heath local centre comprises of two main areas of commercial activity, with retail uses on both sides of High Street and Enville Street.
21. The latest available survey evidence of the Wall Heath local centre indicates that there are a total of 81 units, of which 36 (or 44.4%) are in A1 retail use. The proposal would increase the retail A1 uses to 37 which amounts to an overall 45.6% of units in the centre. The proposal would encourage increased footfall into the local centre.
22. The proposed A1 use would bring a vacant unit in use, and would positively contribute to the retail function, vitality and viability of Wall Heath local centre, there

is no in principle planning policy objection to this proposal, as it would accord with the NPPF and BCCS Policy CEN5.

Impact upon character and appearance of the area

23. BCCS policies CSP4 'Place Making' and ENV3 'Design Quality' require that all development demonstrates how proposals make a positive contribution to place-making and environmental improvement through high quality design.
24. Saved UDP Policy DD3 requires that retail development should ensure active elevations to public areas which are in scale and proportion with the street scene in which it is contained.
25. The new shop front would modernise the external appearance of the unit relating to its architectural style, maintaining the existing scale and proportion.
26. Whilst an internal roller shutter does not require planning permission, it has been designed satisfactorily to incorporate brick bond slats which allow inter-visibility outside of operational hours.
27. It is considered that within the commercial setting of Wall Heath local centre, the proposal makes a positive contribution to place making through high quality design and would not be harmful to the wider character and appearance of the area in accordance with Saved UDP Policies DD1 and DD4. It would therefore comply with BCCS Policies CSP4 and ENV3, and Saved UDP Policies DD1, DD3 and DD4.

Impact upon residential amenities of nearby occupiers

28. The proposed change of use is likely to result in an intensification of the A1 retail activities and is also likely to mean that there will be a greater number of deliveries to the new store. In order to protect the amenity of the nearby residential occupiers in Enville Road and Chapel Street, the Head of Environmental Health and Trading

Standards recommends that the opening hours and delivery times are restricted by way of condition. This would ensure compliance with Saved UDP Policy DD4.

Access and parking

29. The Parking Standards indicates that the maximum parking standard for an A1 use is 1 space per 14 sq m. The application form indicates the ground floor area of the retail use is 110 sq m and therefore the maximum standard is 8 spaces. The previous use having a retail and office split amounted to a total requirement of 6 spaces (A1 retail 49 sq.m – 4 spaces and B1a (office) 61 sq.m – 2 spaces).
30. The first floor of the property will be used as a storage area for the shop initially but may be converted to living accommodation for the shop owners in the future.
31. As with the previous use there is no dedicated off-street parking that would comply with the Parking Standards SPD. The forecourt appears to have been used for parking with the previous use, but to access this area would require drivers to manoeuvre illegally over the footway.
32. The Group Engineer (Highways) advises that A1 uses are known to generate short term indiscriminate parking problems that are difficult to enforce against. Given there is already little on street parking capacity in the road and the shortfall in parking could exacerbate this situation, potentially pushing parking issues into adjacent streets.
33. This, however, was a similar view expressed for a change of use (Planning reference - P12/0850) from A1 to A5 (fish and chip shop), at 34 High Street, Wall Heath, which is a short distance away and located in the local centre. This proposal made no provision for off-street parking and was arguably in a more hazardous position, fronting the A449, close to the twin roundabout junction in the centre with double yellow lines immediately outside. This application was refused by the Council on the following ground;

1. *Without the benefit of off-street parking, the development would result in on street parking which has the potential to obstruct the free flow of traffic on this section of the Strategic Highway Network, A449, increasing the hazard for highway users. This would be contrary to BCCS Policies CSP4 – Place-Making, CEN8 – Car Parking in Centres, TRAN2 – Managing Transport Impacts of New Development and TRAN5 – Influencing the Demand for Travel and Travel Choices.*

34. In allowing the Appeal (APP/C4615/A/12/2186731), the Planning Inspector made the following pertinent points;

- *Although customers might be tempted to park on the wide pavement outside the shop, which is interspersed with mature trees, it lies within a local centre.*
- *although it is disputed whether the small car park on Enville Road is available for general public use, there is sufficient parking available in and around the local centre, for example on-street in Enville Road without reliance on private car parks.*
- *The proposed use would be in a sustainable location, in the local centre and close to housing where trips could be made on foot, by cycle and on public transport.*
- *The existing A1 use on the site would have generated some parking need, although it would be expected that the takeaway use would have generated more visits requiring short-term parking. However, I consider that these needs could be met within the existing centre.*

35. Applying the same logic to the current proposal, the A1 use has a parking demand of an additional 2 spaces compared to the previous use (which itself had an element of retail provision). There are many units in the centre which equally rely on on-street parking provision, however, as this would be short-term, it is considered needs could be met within the existing centre. The proposed use would be in a sustainable location, in the local centre and close to housing where trips could be made on foot, by cycle and on public transport.

36. Whilst not ideal that servicing could take place from Enville Road or from Chapel Street, the type of vehicles servicing the A1 use may be no different to the established use or even the neighbouring A5 (hot food takeaway) use. Furthermore, The Parking Standards SPD does not require a dedicated servicing area unless the unit is 500 sq.m or more.
37. An accident search of the immediate locality in the last 5 years indicates no accidents were found that involved servicing vehicles or parked vehicles.
38. A condition to cover cycle storage and showers would be necessary in the interests of sustainable transport and to accord with the Parking Standards SPD.
39. The proposed development would not be harmful to highway safety, in terms of parking provision and would be in accordance with Policies CSP4, CEN8, TRAN2 and TRAN5 of the Black Country Core Strategy (2011) which seek to improve the environment of the Black Country, manage car parking in centres and transport impacts and influence the demand for travel.

Planning Obligations

40. 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.
41. 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.
42. The obligations potentially triggered according to the Planning Obligations SPD are Transport Infrastructure Improvements and Air Quality Improvements.

43. In determining the required planning obligations on this specific application the following three tests as set out in the CIL Regulations, in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:
- (a) to make the development acceptable in planning terms;
 - (b) directly related to the development;
 - (c) fairly and reasonably related in scale and kind to the development.
44. Following consideration of the above tests the only planning obligations required for this application would be on-site provision of Air Quality Improvements. Given the lack of dedicated parking bays, it would be impractical to insist on Electric Charging Points, however the provision of cycle parking and shower facility for staff would be an appropriate improvement, which can be secured by condition.
45. It is considered that these contributions meet the necessary tests as stated above in that they contribute to the delivery of a sustainable development, are being provided directly on the development site itself and are deemed to be in scale and kind to the proposed development.
46. This development complies with the requirements of BCCS Policy DEL1 and the Planning Obligations SPD.

CONCLUSION

47. The proposed A1 use would bring a vacant unit in use, and would positively contribute to the retail function, vitality and viability of Wall Heath local centre. The proposal makes a positive contribution to place making through high quality design and would not be harmful to the wider character and appearance of the area. Conditions can be secured to ensure the amenities of nearby residents are protected. The proposed development would not be harmful to highway safety. It would therefore comply with the National Planning Policy Framework (NPPF), Black Country Core Strategy, Saved UDP and relevant Supplementary Planning Documents/Guidance.

RECOMMENDATION

48. It is recommended that this application be APPROVED subject to the following conditions:

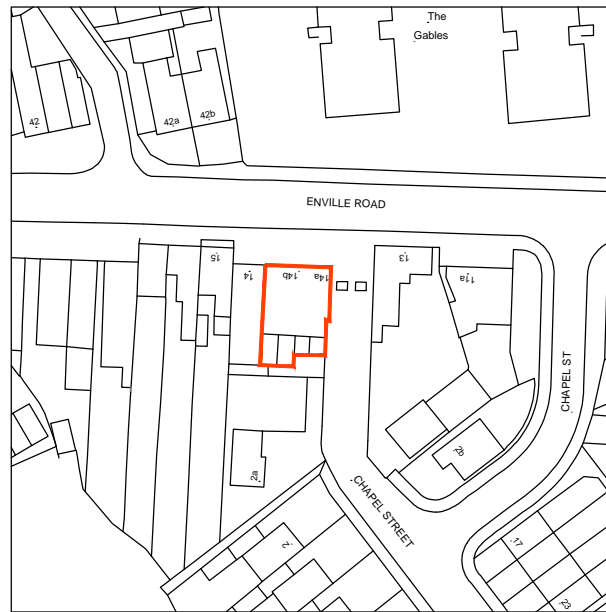
APPROVAL STATEMENT INFORMATIVE

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: 12214/LP-A, 12214/101.
3. No materials other than those indicated on the approved plans shall be used without the approval in writing of the Local Planning Authority.
4. The premises shall not be open to the public before the hours of 0700 or after 2200 on any day.
5. No deliveries or despatches shall be made to or from the premises before the hours of 0700 or after 2000 on any day.
6. The use shall not commence until a 1 cycle storage facility for staff and a staff shower facility has been provided in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be retained for the lifetime of the development.

Contractors must visit the site and be responsible for taking and checking all relevant dimensions



0 10 20 30 40 50 METRES

Location Plan

Mr & Mrs Johal
14a & b Enville Road
Wall Heath

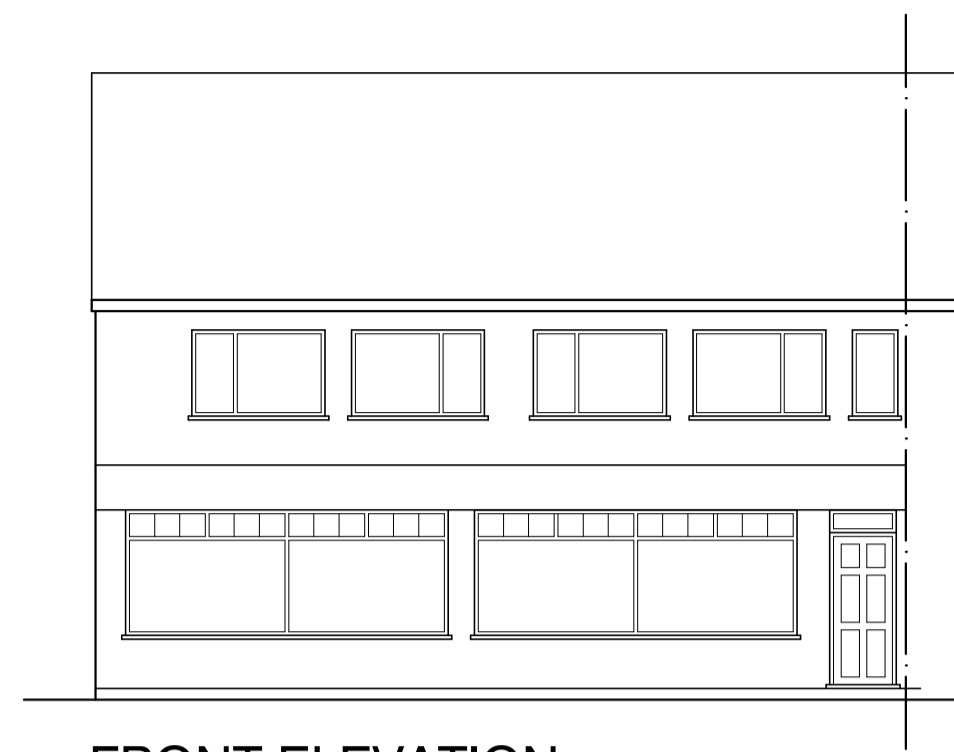
Proposed change of use to A1
& new shop front
date Feb 2014 scale 1:1250 @ A4



**Architectural Services &
Development Consultants**

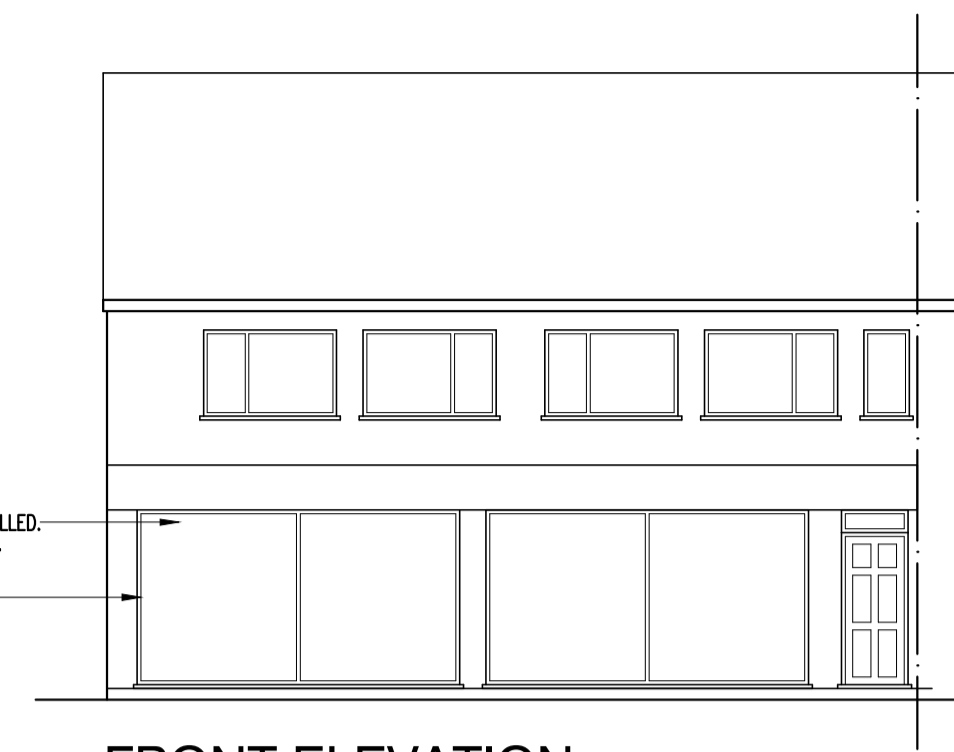
45 Bath Street, Sedgley
Dudley, West Midlands, DY3 1LS
Telephone: (01902) 887440 Mob: 07792010903
E-Mail - enquiries@completedesigndudley.co.uk
Web: www.completedesigndudley.co.uk

dwg 12214/LP

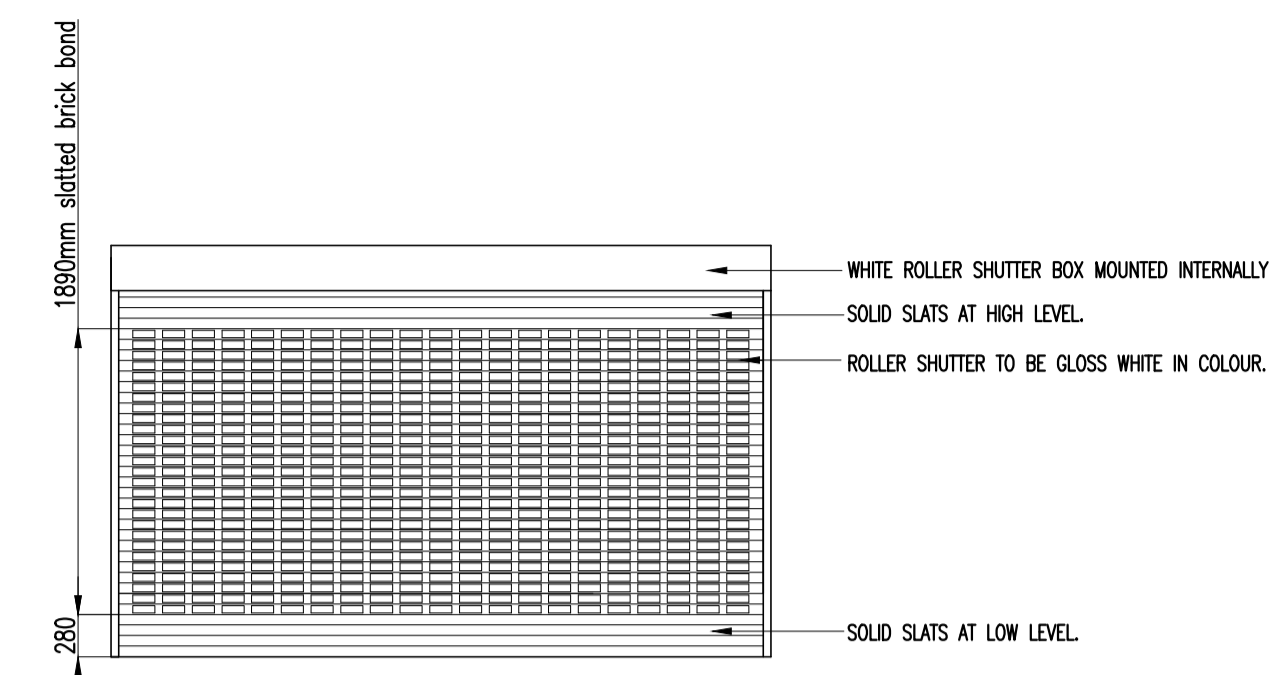


FRONT ELEVATION
AS EXISTING
ELEVATIONS 1:100 SCALE

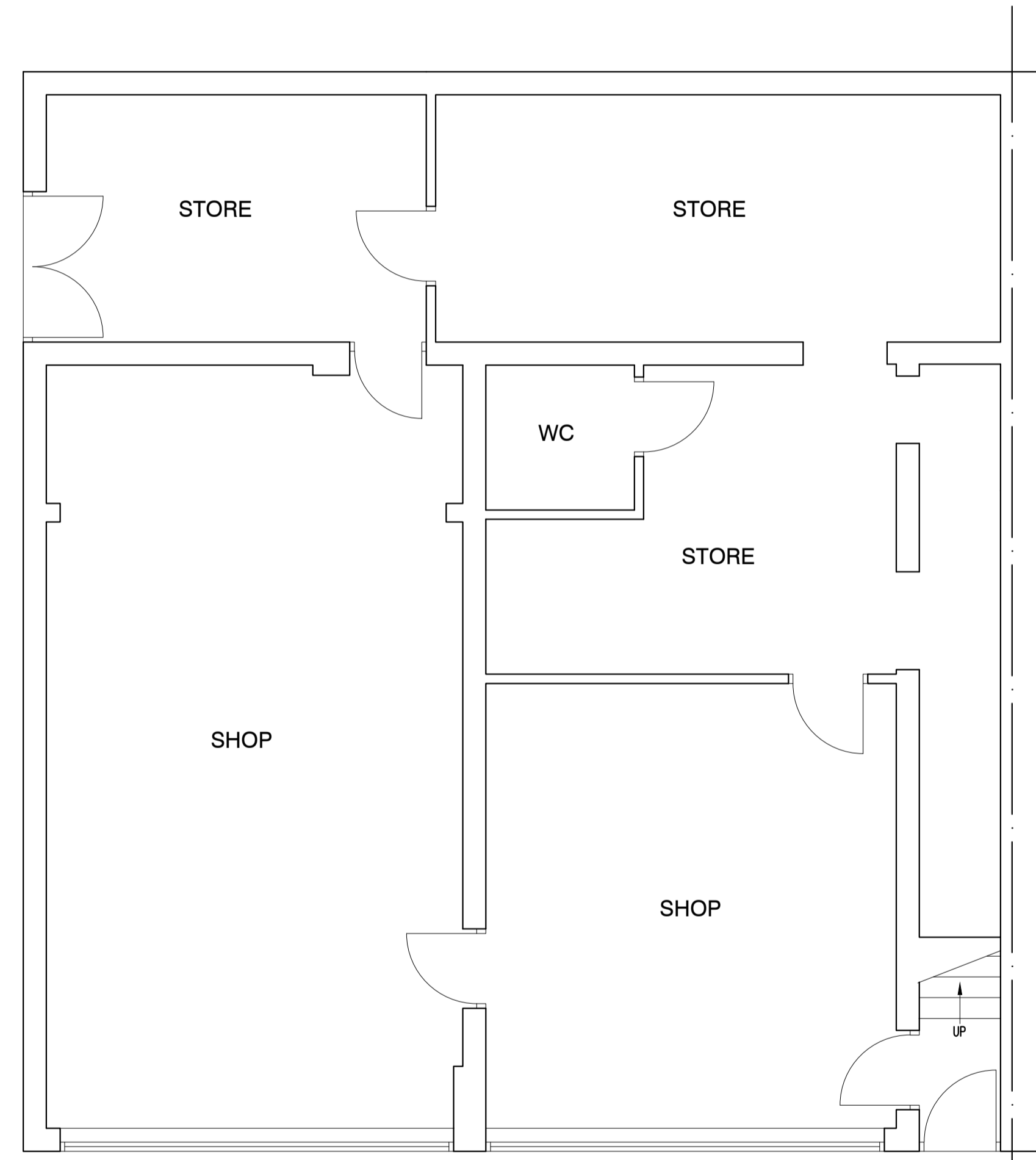
INTERNAL ROLLER SHUTTER TO BE INSTALLED.
SEE DETAIL FOR SHUTTER ARRANGEMENT.
PLASTISOL COLOUR COATED ALUMINIUM
FRAMED SHOP FRONT (WHITE)



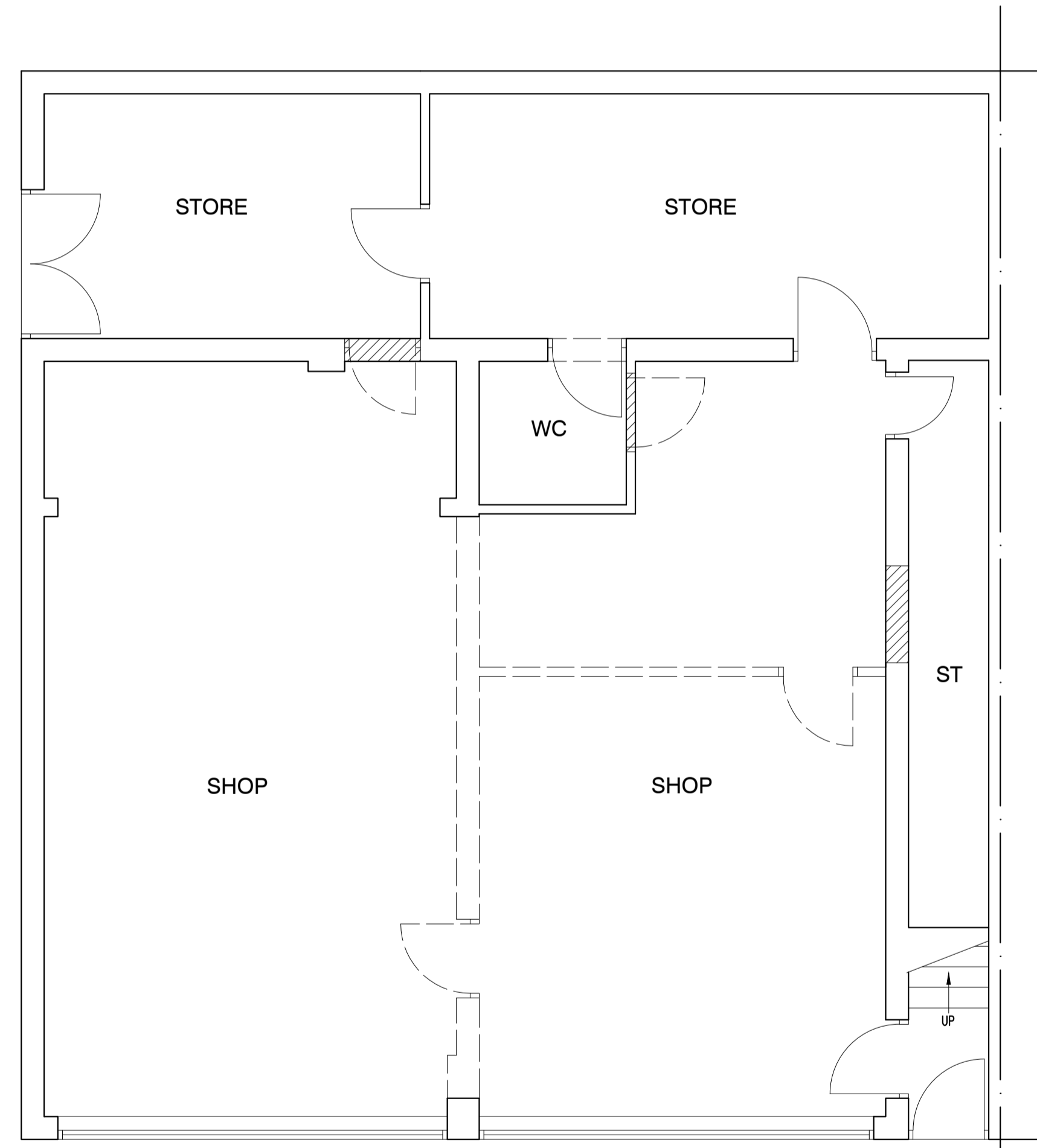
FRONT ELEVATION
AS PROPOSED
ELEVATIONS 1:100 SCALE



ROLLER SHUTTER DETAIL



GROUND FLOOR PLAN
AS EXISTING
FLOOR PLANS 1:50 SCALE



GROUND FLOOR PLAN
AS PROPOSED

As Existing & Proposed

Mr & Mrs Johal
14a & b Enville Road
Wall Heath

Proposed change of use to A1
& new shop front

date Feb 2014 scale 1:50/100 @ A1



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dwg 12214/101