

PLANNING APPLICATION NUMBER:P12/1317

Type of approval sought	Full Planning Permission
Ward	St James's
Applicant	Miss A. Darlak
Location:	24 - 26, STONE STREET, DUDLEY, DY1 1NT
Proposal	CHANGE OF USE FROM A2 (PROFESSIONAL AND FINANCIAL SERVICES) TO A3/A5 (RESTAURANTS AND CAFES/HOT FOOD TAKEAWAY) WITH PROPOSED FUME EXTRACTION
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site comprises three vacant properties No's 24, 25 and 26 Stone Street in Dudley Town Centre. The properties were previously used as offices.
2. The site is within Dudley Town Centre Conservation Area. At the rear, separated by a rear service road is the side elevation of the Fountain Arcade, which is a Locally Listed Building.
3. The uses within this area of Stone Street are as follows:

No 23 Stone Street – A2 Estate Agents

No's 24 – 26 – Application Site

No's 27 and 28 – A2 Office

No 29 – Vacant

No 30 - A3/A5 Cafe/Hot Food Take Away

Opposite Side of Stone Street

No 3 – A1 Hairdressers

No's 4 and 5 – A2 Estate Agents

No's 6 and 7 – A2 Betting Shop

No 8 – A4 Public House

No's 9, 10 and 11 – A2 Building Society

No 12 – A2 Employment Agency

No's 13 and 14 – A2 Solicitors

No 15 – A3 and A1 – One half Cafe and the other half Hairdressers

No 16 – A2 Professional Services

PROPOSAL

4. This proposal seeks approval for a change of use from A2 (professional and financial services) to A3/A5 (restaurants and cafes/hot food takeaway) with proposed fume extraction.
5. The application is accompanied by a Design Statement

HISTORY

6.

APPLICATION No.	PROPOSAL	DECISION	DATE
P01/1731	Change of use from retail to financial and professional services (A2).	Approved	06/11/01

PUBLIC CONSULTATION

7. The application was advertised by way of neighbour notification, press and site notice. Public consultation time expired 29 November 2012. One petition has been received on behalf of 14 businesses and raising the following issues:
 - Existing businesses are struggling
 - Another food outlet
 - Increase in number of cafes will force existing cafes to close.

- Overall general concerns about another cafe/hot food establishment in the locality.
8. With regards to the petition, the Council has a duty to take into account the views that represent 'Material Planning Considerations'. These can include issues such as loss of light or overshadowing, scale of development proposed and impact on highway safety. Considerations involving competition are a matter for economic judgement and not a material planning consideration.

OTHER CONSULTATION

9. Group Engineer (Development) – no objections
10. Head of Environmental Health and Trading Standards – no objections subject to a condition relating to noise and fume extraction.

RELEVANT PLANNING POLICY

11. National Planning Guidance (2012)

The National Planning Policy Framework (NPPF) sets out the Governments planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions, but does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.

12. Black Country Core Strategy (BCCS) (2011)

CEN4 Regeneration of Town Centres

ENV2 Historic Character and Local Distinctiveness

DEL1 Infrastructure Provision

13. Dudley Unitary Development Plan (2005)

- DD1 Urban Design
- DD4 Development in Residential Areas
- EP7 Noise Pollution
- HE4 Conservation Areas
- HE5 Buildings of Local Historic Importance

14. Supplementary Planning Documents

- Historic Environment
- Planning Obligations

ASSESSMENT

15. The key issues for consideration in this application are as follows:

- Principle
- Design
- Amenity
- Parking
- Planning Obligations

Principle

16. The application site, No's 24-26 Stone Street and the row of properties in which it is situated are not located within the protected frontages policy of the Saved Dudley UDP (2005).

17. The existing use is a non-retail A2 (professional and financial services) use and therefore the proposed development would not involve the loss of an established A1 retail use. The frontage would therefore consist of uses to include an A2 Estate Agents, the A3/A5 use proposed, A2 offices vacant retail and an A£/A% unit. In this case it considered that the proposed A3/A5 use would comply with the Saved Dudley UDP (2005) and the Core Strategy.

Design

18. The only external change to the building would be the installation of a fume extraction system which would be located on the rear elevation of the building which is not open to any public view.
19. At the rear the service access route is gated and the service access is located close to the Stone Street/Tower Street junction. The gated and locked gate ensures it is not possible for members of the public to walk up and view the rear elevation of the application site. Furthermore the angle of No 23 Stone Street (Dixons Estate Agents) is such that the building obscures the rear elevations of the application site when viewed from the gated entrance and Tower Street.
20. The side elevation of the Fountain Arcade, a Locally Listed Building is separated from the rear elevation of the application site by a rear service route, accessed via the same gated entrance from Tower Street. The side elevation of the Fountain Arcade is primarily blank and it is considered that a flue on the rear elevation of the application premises and separated by the service road, would not adversely impact upon the setting of the locally listed building in accordance with Saved Policy HE5.
21. The proposed flue would be sited at the rear and would not be visible from the street, due to the position of the adjoining property No 23 Stone Street and the gated access. Details of the flue would be conditioned as a part of any approval and it is considered that the rear siting of the flue would not adversely impact upon the character and appearance of the Dudley Town Centre Conservation Area, visual amenity and the street scene in accordance with Saved Policies DD1 and DD4, HE4.

Amenity

22. The application site is located within Dudley Town Centre and there are first floor offices adjoining the premises. At the rear of the premises, separated by the service road, is the long side wall of the Fountain Shopping Arcade. It is considered that the proposed use would be compatible with the town centre location and would not adversely impact upon amenity in accordance with Saved Policy DD4

Parking

23. The site is within Dudley Town Centre with its associated bus routes and there is on street designated spaces along Stone Street and cars parks nearby. There are no objections from a Highways point of view to the proposed change of use.

Planning Obligations

24. The proposed change of use does not meet the threshold for planning infrastructure requirements.

CONCLUSION

25. It is considered that the proposed scheme is acceptable in terms of use, scale and appearance and would not have an adverse impact on residential amenity and the street scene, in accordance with Saved Policies DD1 and DD4, HE4 and HE5 of the Dudley UDP (2005).

RECOMMENDATION

REASON FOR APPROVAL

It is considered that the proposed development is acceptable in terms of scale and appearance and would not have a detrimental impact on residential amenity and the street scene and is compliant with Saved Policies DD1, DD4, HE4 and HE5 of the Dudley UDP (2005).

The decision to grant planning permission has been taken with regard to the policies and proposals in the Saved Dudley Unitary Development Plan (2005), the Black Country Core Strategy (2011) and to all other relevant material considerations.

The above is intended as a summary of the reasons for the grant of planning permission. For further details on the decision please see the application report.

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: 105, 100 and 101A.
3. The premises shall only be open between 1000 hours and 2300 hours Monday to Sunday including Bank Holidays.
4. 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 and retained for the lifetime of the development.
5. The noise rating level of 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 at any nearby dwelling by more than 5dB(A), as assessed under the methodology of BS 4142 (1997) (Method for rating industrial noise affecting mixed residential and industrial areas) and/or its subsequent amendments.

General Notes:

This drawing is to be read in conjunction with Architect's General Arrangement drawings

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Where applicable all drawings are to be read in conjunction with relevant Structural and M&E Engineers drawings and specifications



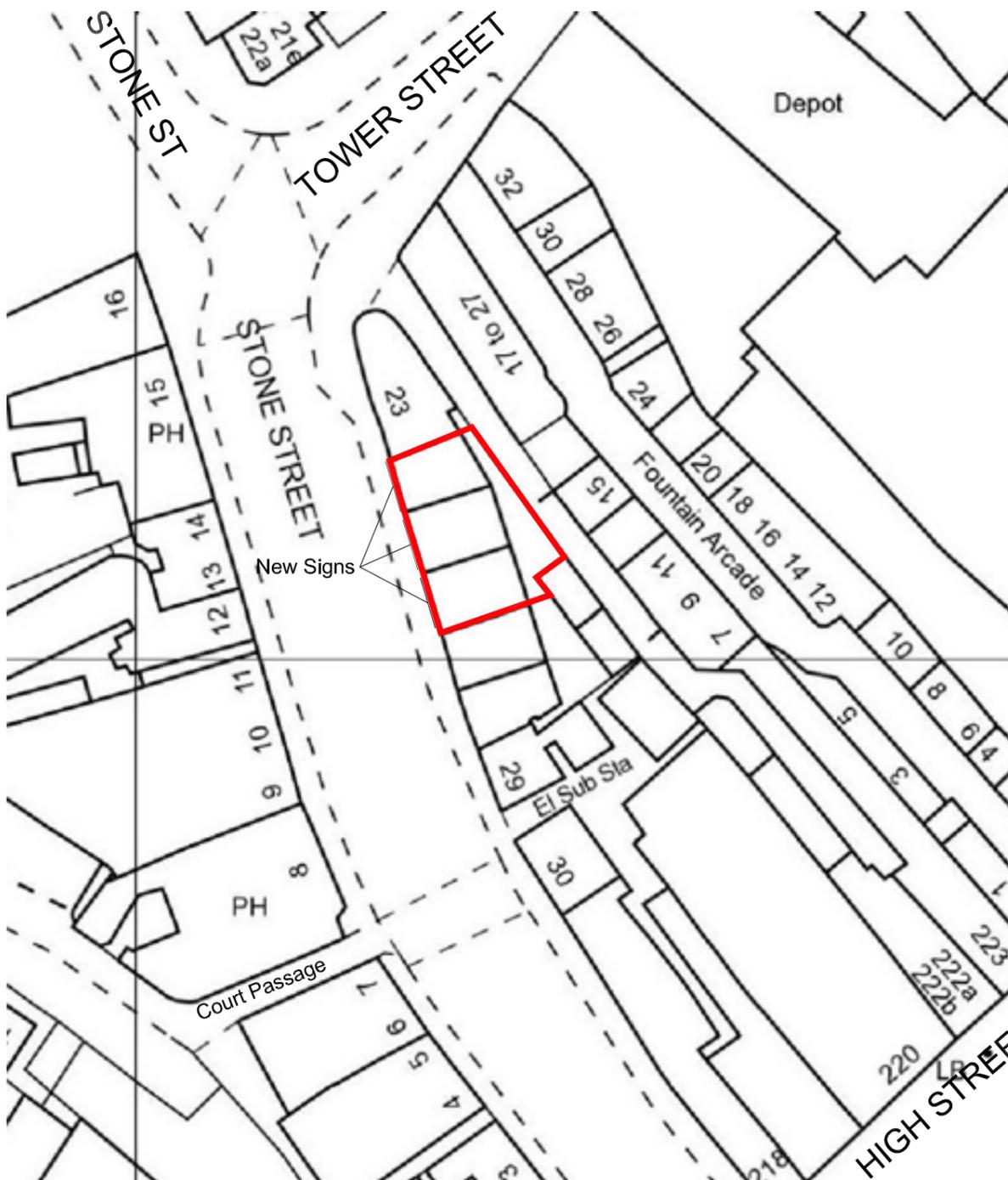
Denotes revision locations
(Current Issue Only)



1

LOCATION PLAN

1:1250



2

SITE PLAN

1:500

REVISION	DETAILS	DATE	INITIALS
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AMENDMENTS

APPROVAL PLANNING B.CONTROL TENDER

DRAWING No.

105

CLIENT:

SEBASTIAN AND ANITA DARLAK

ADDRESS:

24 - 26 Stone Street

Dudley

West Midlands

DY1 1NT

DRAWING TITLE:

SITE PLANS PROPOSED

SCALE: As Shown @ A3 DATE: Sept 2012

DO NOT SCALE. IF IN DOUBT ASK

This dimension should measure 100mm at the correct scale

General Notes:

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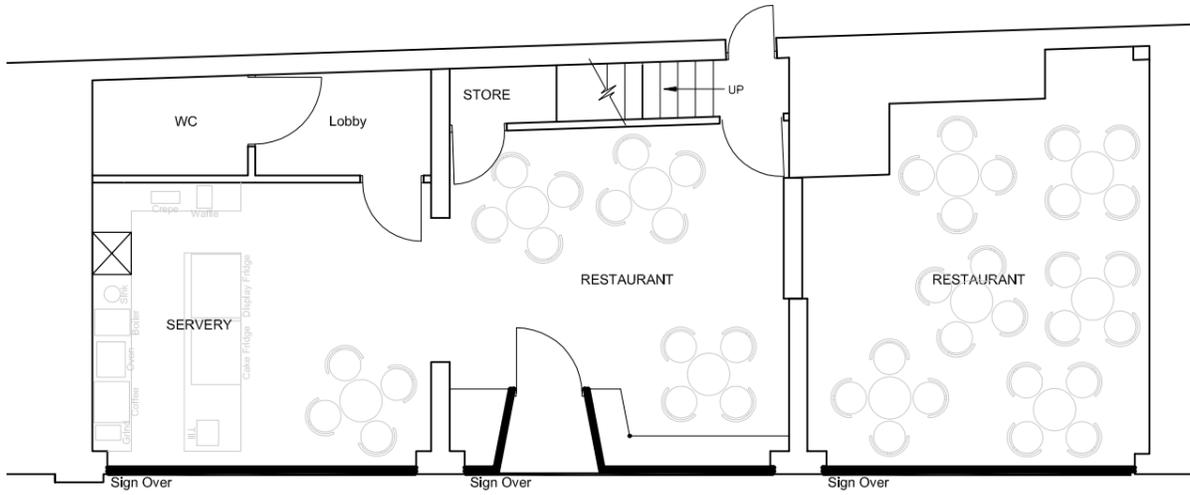
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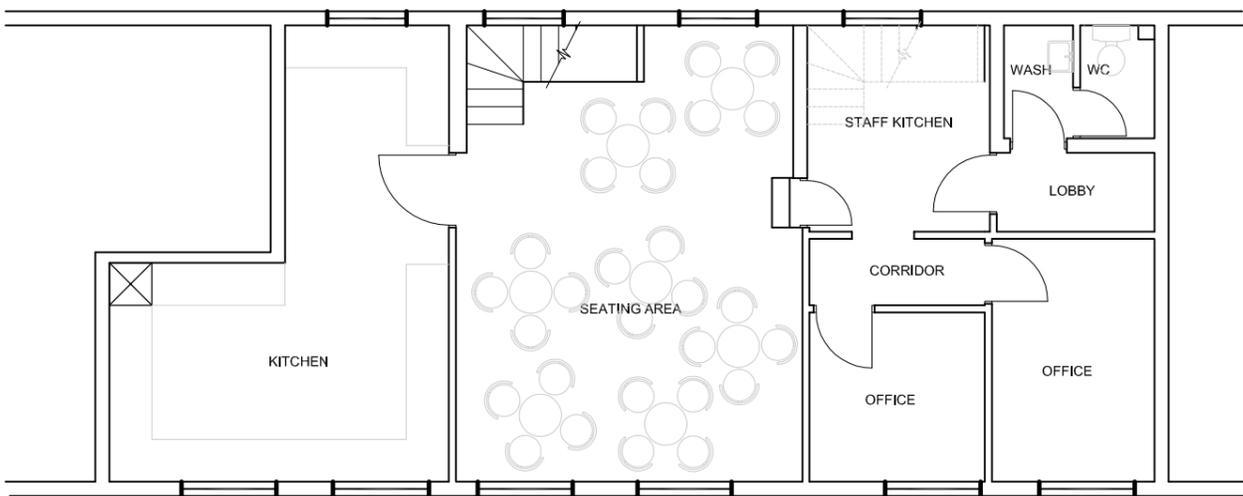
1 PROPOSED GROUND FLOOR

1:100



2 PROPOSED STREET ELEVATION

1:100



3 PROPOSED FIRST FLOOR

1:100

REVISION	DETAILS	DATE	INITIALS
A	Canopies removed	14.10.2012	RK

AMENDMENTS

APPROVAL PLANNING B.CONTROL TENDER

DRAWING No.

101A

CLIENT:

SEBASTIAN AND ANITA DARLAK

ADDRESS:

24 - 26 Stone Street

Dudley

West Midlands

DY1 1NT

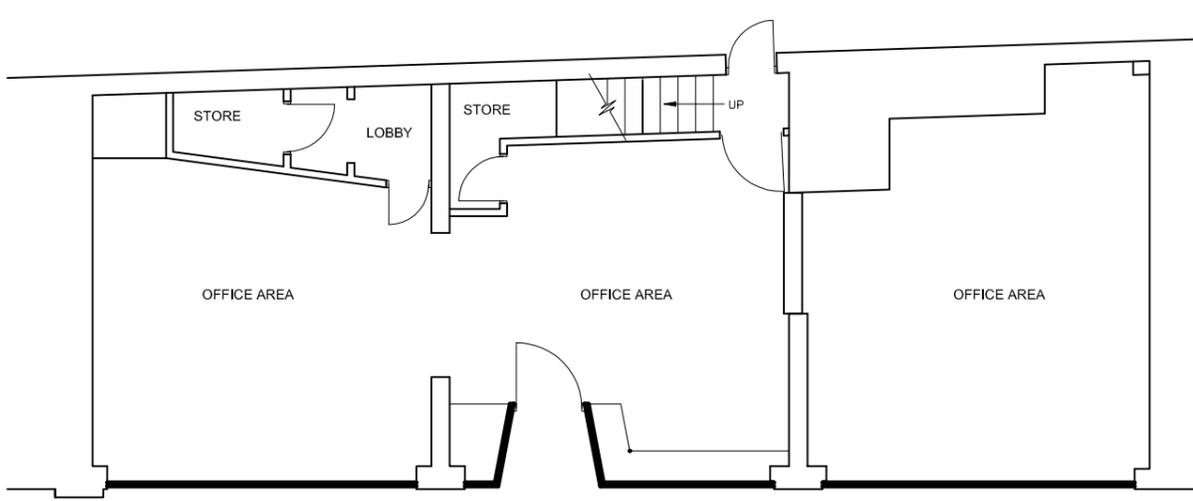
DRAWING TITLE:

PROPOSED PLANS AND ELEVATIONS

SCALE: As Shown @ A3 DATE: Sept 2012

DO NOT SCALE. IF IN DOUBT ASK

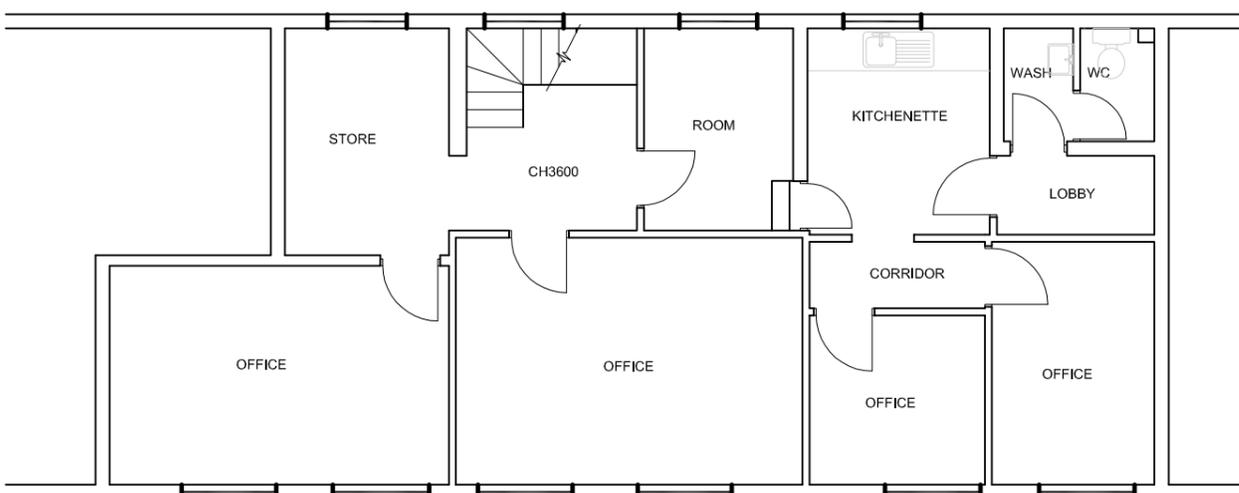
This dimension should measure 100mm at the correct scale



1 EXISTING GROUND FLOOR
1:100



2 EXISTING STREET ELEVATION
1:100



3 EXISTING FIRST FLOOR
1:100

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Denotes revision locations
(Current Issue Only)

REVISION	DETAILS	DATE	INITIALS
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AMENDMENTS

APPROVAL PLANNING B.CONTROL TENDER

DRAWING No.

100

CLIENT:

SEBASTIAN AND ANITA DARLAK

ADDRESS:

24 - 26 Stone Street

Dudley

West Midlands

DY1 1NT

DRAWING TITLE:

EXISTING PLANS AND ELEVATIONS

SCALE: As Shown @ A3 DATE: Sept 2012

DO NOT SCALE. IF IN DOUBT ASK

This dimension should measure 100mm at the correct scale