

PLANNING APPLICATION NUMBER:P11/1480

Type of approval sought	Full Planning Permission
Ward	Wordsley
Applicant	Miss Laura Barnes, Marstons Estates Ltd
Location:	RED LION PUBLIC HOUSE, LAWNSWOOD ROAD, WORDSLEY, STOURBRIDGE, WEST MIDLANDS DY8 5PH
Proposal	ELEVATIONAL CHANGES AND SINGLE STOREY SIDE EXTENSION (FOLLOWING DEMOLITION OF EXISTING OUTBUILDINGS) TO CREATE RETAIL UNIT (A1) WITH ASSOCIATED PARKING. ERECTION OF 2M HIGH FENCING TO PROVIDE REFUSE AREA.
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site is a public house occupying a site of 1069m² and is set within Wordsley Local Centre. The application plot occupies a corner location on Lawnswood Road and The Green. The frontage and side of the application property is hard surfaced and marked as car parking. There is no soft landscaping on the application site. The site has a service access to the rear which is sited to the west of the application site and off Lawnswood Road. There are residential dwellings abutting this access to the north. The application property has a single storey element to the north west and outbuildings to the rear.
2. The application site has a row of commercial properties to the south west which consists of a parade with first floor residential accommodation.

PROPOSAL

3. This application seeks approval for the erection of a 68m² single storey extension following the demolition of the existing out buildings. The proposed extension would be set off the common boundary with the neighbouring commercial/ residential properties to the south west by 2m. It would be finished with a flat roof. Further elevational

changes are proposed by way of the insertion of a new customer entrance to the south elevation and the blocking up of an existing doorway to the north west elevation. Also for consideration is the erection of a 2m high timber fence and gates to the rear of the property. The submitted application form states that it is proposed to utilise the property as an A1 General Retail store (which does not require planning permission).

HISTORY

4.

APPLICATION	PROPOSAL	DECISION	DATE
DB/71/8058	Erection of public house	Approved with Conditions	26/02/71
DB/72/1424/S	To display of one illuminated and five non-illuminated advertisements.	Approved with Conditions	28/03/72

PUBLIC CONSULTATION

5. Notification letters were sent to 32 neighbouring properties and as a result 2 letters of objection have been received. The issues outlined are, in summary, as follows:

- Increase in traffic generation on an already busy and dangerous road.
- Inferior access and egress for delivery vehicles.
- Indiscriminate parking.
- No need for further A1 retail units as the local area is well served.
- Increased competition for existing businesses.
- Disturbance from delivery vehicles.
- Increased litter/vermin.
- Presence of badgers in vicinity.
- Increased noise from proposed use.

OTHER CONSULTATION

6. Group Engineer (Development): Raises concerns with the scheme in terms of the convenience of the proposed delivery arrangements.

7. Head of Environmental Health and Trading Standards: No objections subject to conditions related to opening hours and background noise levels.

RELEVANT PLANNING POLICY

8. National Planning Policy

PPS3 – Housing

PPS4 - Planning for Sustainable Economic Growth

9. Regional Planning Guidance

The High Court Decision on 10th November 2010 in respect of the challenge by Cala Homes (South) Ltd (2010 EWHC 2866) quashed the Government's decision on 6th July 2010 to revoke the Regional Strategies. As a consequence the West Midlands Regional Spatial Strategy forms an ongoing part of the development plan.

The Chief Planner at the Department for Communities and Local Government wrote to all local authorities setting out that the Secretary of State expected them, and the Planning Inspectorate, to have regard to his letter of 27th May 2010, announcing his intention to abolish the Regional Strategies through the introduction of the emerging Localism Bill, as a material consideration in planning decisions.

The Localism Bill received Royal Assent on the 16th November 2011 becoming law; and confirmed the Governments intention to revoke Regional Strategies. In the coming months the measures in the Localism Act will begin to come into effect but the abolition of the RSS will not happen until the end of January at the earliest as the Government is currently consulting on the environmental impact of the abolition. Therefore the RSS policies still form part of the development plan until such point, and the following policies are considered relevant to the material consideration of this planning application.

10. Black Country Core Strategy

HOU1 – Delivering Sustainable Housing Growth

HOU2 – Housing Density, Type and Accessibility

CEN5 – District and Local Centres

TRAN2 – Managing Transport Impacts of New Development
DEL1 - Infrastructure Provision

11. Saved UDP Policies

- DD3 – Design of Retail development
- DD4 – Development in Residential Areas
- EP7 – Noise Pollution

12. Supplementary Planning Documents

- Parking Standards and Travel Plans
- Planning Obligations

ASSESSMENT

13. The key issues in determination of this application are the impact upon;

- the principle of the A1 use
- character and appearance of the area
- Residential amenities of nearby occupiers
- Access and parking
- Planning Obligation
- Other Issues

The principle of the A1 use/extension

14. The change of use of the pub to a retail use would constitute a permitted change under the terms of The Town and Country Planning (Use Classes) Order 1987 (as amended).

15. In terms of the proposed extension Policy EC14.3 of PPS4, states that sequential assessments are only required for extensions to retail uses where the gross floor space of the proposed extension exceeds 200m². The proposed additional A1 retail proposed by way of the extension would be 68m². The application site lies within the

local centre of Wordsley and Policy CEN5 within the recently adopted Joint Core Strategy for the Black Country¹ states that;

‘within the district and local centres, individual convenience retail developments of up to 500 sqm and developments of comparison retail, offices or leisure uses of up to 200 sqm will be permitted where they satisfy local requirements and are appropriate to the scale and function of that particular centre.’

As such, this proposal would be considered appropriate in that it would enhance vitality of the High Street and it would consist with the wider government objective of encouraging economic regeneration. On this basis the proposed development would be in accordance with the requirements of PPS4 - Planning for Sustainable Economic Growth and Policy CEN5 – District and Local Centres of the Black Country Joint Core Strategy (February 2011).

Character and Appearance of the Area

16. The proposed elevational changes and fencing are minor in nature and considered characteristic of a commercial site and mixed use area. With regards to the proposed extension it would be sited to the rear of the host building and it would be finished with a flat roof. The flat roof design is very characteristic of the wider area and the existing building. The parade of commercial/residential properties to the south east is finished with a flat roof. The proposed extension consists of large sections of brickwork with little punctuation by way of fenestration or architectural detailing. However, in terms of visibility from the public realm these are the least sensitive of the elevations as they are only visible from the rear plant/refuse yard and the service access road. On this basis it is considered that on balance the proposed development complies with the requirements of saved Policies DD3 - Design of Retail Development and DD4 – Development in Residential Areas of the UDP.

¹

Residential amenities of nearby occupiers

17. There are residential properties within the vicinity of the application site. As the extension would be of a single storey nature the residential accommodation at first floor above the neighbouring parade of commercial premises would remain unaffected. It is proposed to install the plant and refuse area associated with the retail unit abutting the common boundary with these properties. No specific plant has been proposed as part of this application and would be subject to a further planning application that would then be considered in its own right.
18. Potential noise created as a result of this proposal could have a negative impact on the amenity of the existing residential properties. Although considered as permitted development the change of use from public house to retail would result in an intensification of the use of the site and would be likely to generate a greater number of customer visits occurring at different times, for example early mornings. In addition, a retail use is also likely to require a greater number of deliveries to the premises, which could potentially take place during unsociable hours. On this basis restrictions should be placed on the new use to prevent loss of amenity to existing residents. Relevant conditions would control noise emitted from the premises and place a restriction on opening and delivery hours.
19. On this basis the proposed scheme, subject to conditions, would accord with the requirements of saved policies DD4 – Development in Residential Areas and EP7 – Noise Pollution of the UDP.

Access and parking

20. The Group Engineer (Development) has raised concerns in relation to the servicing of the site. The applicant has provided two swept paths indicating access for a 15.4m HGV vehicle and a 10.7m HGV vehicle. The Group Engineer (Development) has agreed that the proposed access points in terms of access and egress from the highway are acceptable, however they raise concerns in relation to the convenience of the 15.4m delivery drop off as there would be a distance to trolley goods from the north west of the site to the store room door to the south. Their concern also relates to

delivery vehicles parking on the highway. However, there are waiting restrictions on both highways abutting the application site by way of double yellow lines. On this basis any parking/waiting/unloading would be illegal and enforced under separate legislation. Whilst this concern is noted it is considered that there are no highway safety issues associated with access and egress and on balance the proposed scheme is considered as acceptable. In this regards the proposed development would comply with the requirements of TRAN 2 - Managing Transport Impacts of New Development and Parking Standards and Travel Plans SPD.

Planning Obligation

21. The legal basis for planning obligations is provided by S106 of the Town and Country Planning Act 1990 (as amended by the Compensation Act 1991). Government advice on the application and use of planning obligations is set out in Circular 05/2005 and CIL Regulations 2010.
22. In order to bring new developments in line with the objectives of sustainable development, national, sub-regional and local policy supports the provision of planning obligations in order to ensure that they provide for their direct infrastructure requirements, whether onsite or offsite. Development will only be acceptable where there is not a significant net cost to those living and working in the vicinity of the proposed development.
23. 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.
24. 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.
25. In addition to applying Policy DEL1 and the SPD, in identifying the required planning obligations on this application the following three tests as set out in the CIL Regulations

(April 2010), in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:

- (a) necessary 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.

In consideration of the above and after consultation with the relevant internal consultees no off site monies will be sought as part of the application.

Other Issues

26. In relation to further issues outlined by the neighbouring residents, competition between businesses is not a material planning consideration. One neighbouring resident has mentioned badgers within the area. Badger sets are protected but it is clear that there are no sets present on the application site as it is hard surfaced in its entirety.

CONCLUSION

27. The proposed development would be acceptable in design and scale and would not impact detrimentally on residential amenity or on highway safety.

RECOMMENDATION

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

Reason for approval

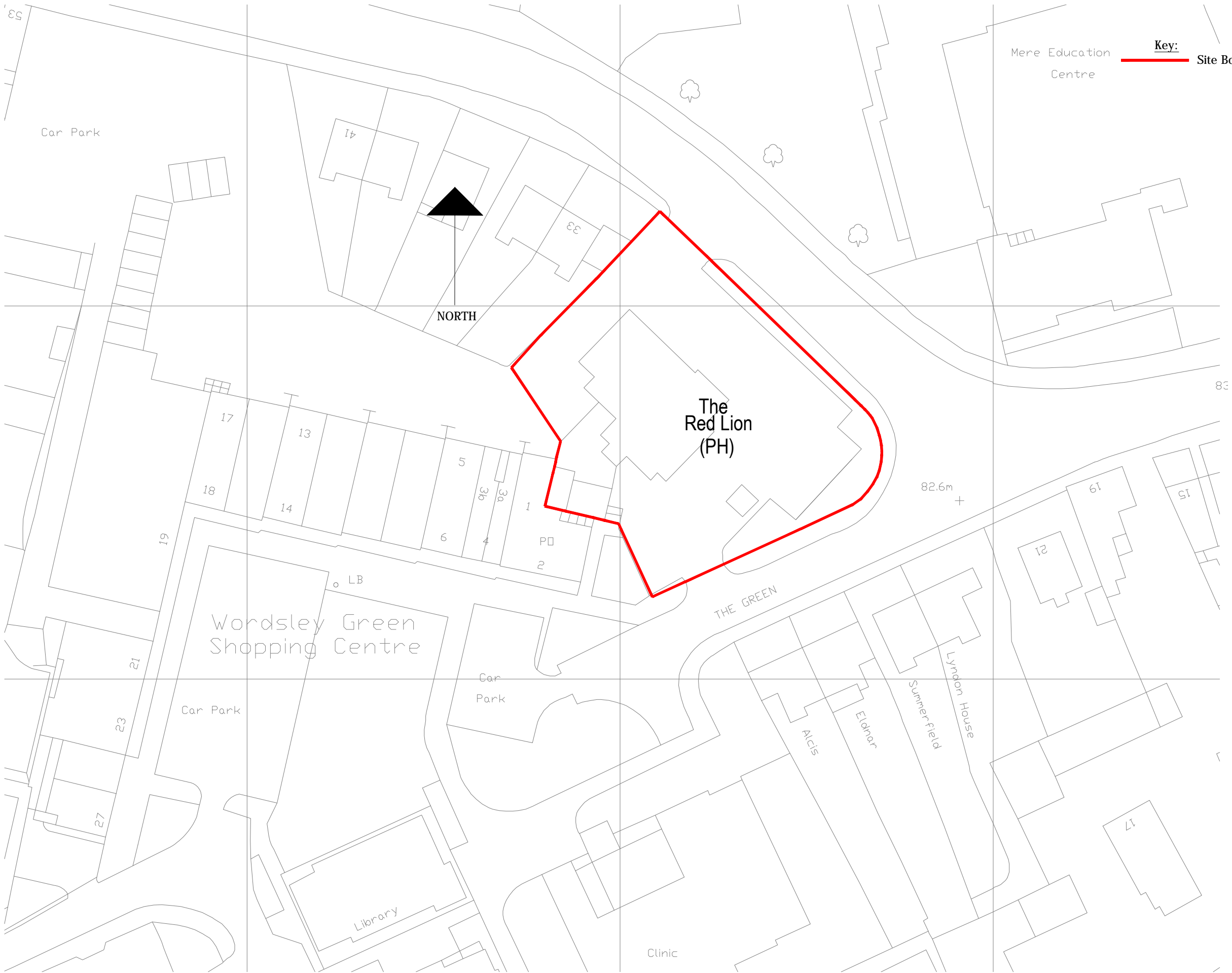
The proposed development would be acceptable in design and scale and would not impact detrimentally on residential amenity or on highway safety.

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Black Country Joint Core Strategy (2011), the saved UDP (2005) 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 detail on the decision please see the application report.

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 materials to be used in the approved development shall match in appearance, colour and texture those of the existing building unless otherwise agreed in writing with the local planning authority.
3. The noise rating level of any fixed plant and/or machinery associated with the development 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.
4. The premises shall not be open to the public before the hours of 0700 or after 2300 Monday to Sunday.
5. 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 0700 or after 2300 Monday to Sunday.
6. The development hereby permitted shall be carried out in accordance with the following approved plans: 2955/P00 (A3), 2955/P10 (A1), 2955/P11 (A1), 2955/P12 (A1), 2955/P13 (A1), 2955/P14 (A1), 2955/P15 (A1), 2955/P17 (A1), 2955/P19 (A1), 2955/P22 (A3) and 2955/P23 (A3).

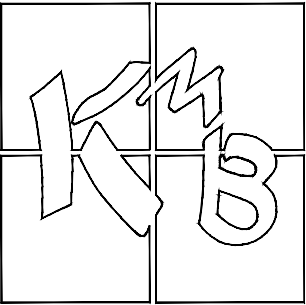


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CDM - Significant Design Hazards	
Hazard	Control

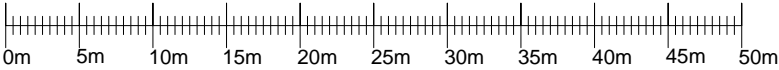
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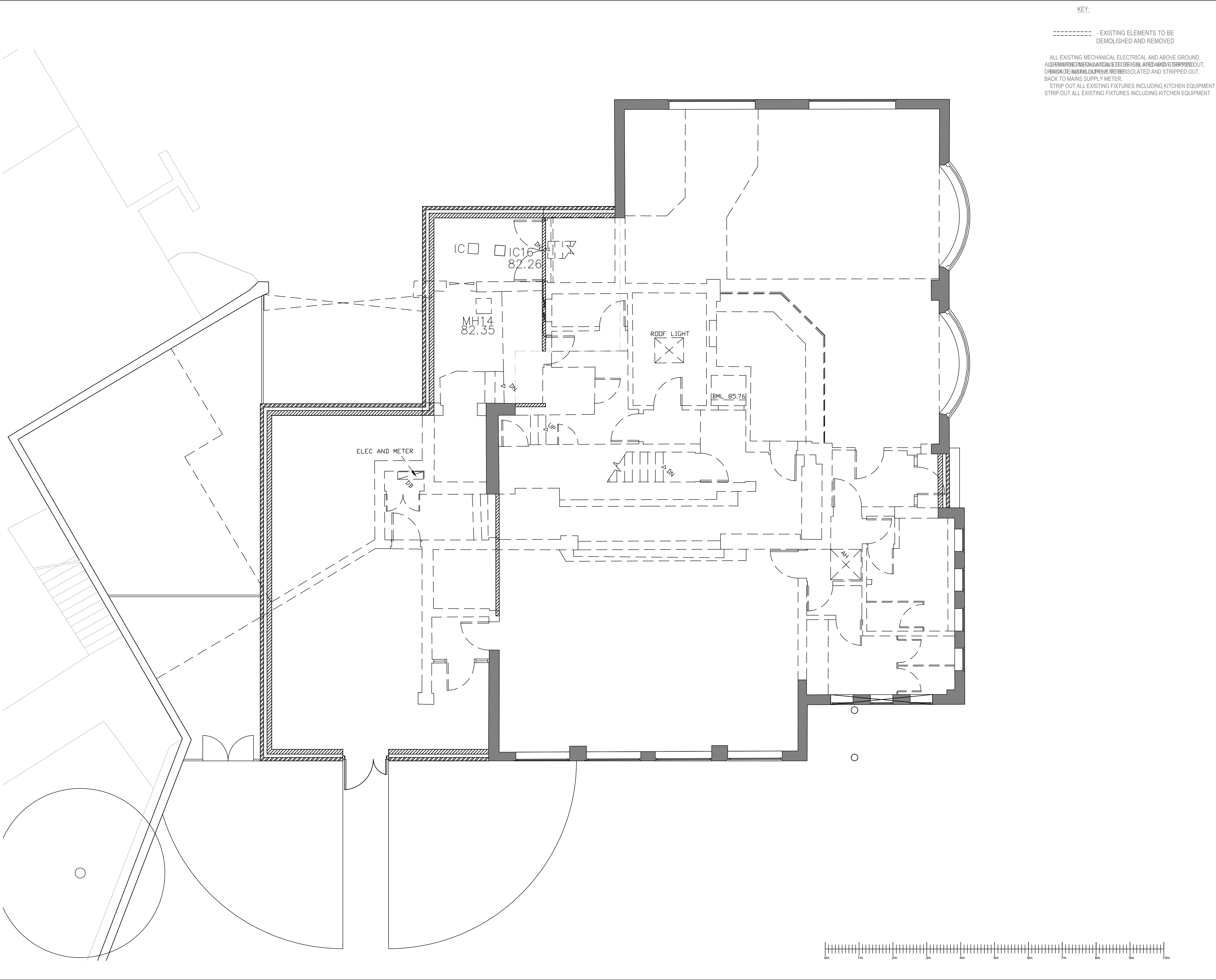
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Rev	Date	Description	Drawn	Checked	

Drawing Status
Feasibility



■ Quantity Surveying		■ Architecture	
■ Project Management		■ Construction Safety	
PROJECT THE RED LION WORDSLEY STOURBRIDGE DY8 5PH			
CLIENT			
TITLE LOCATION PLAN			
SCALE 1:500 @ A3		DATE JUNE 2011	
DRAWN BY RM	CHECKED BY DF	DRAWING No. 2955 / P00	REV A
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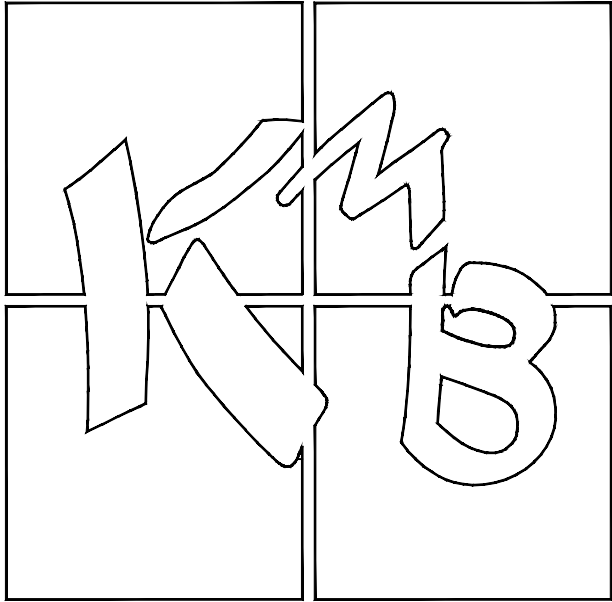




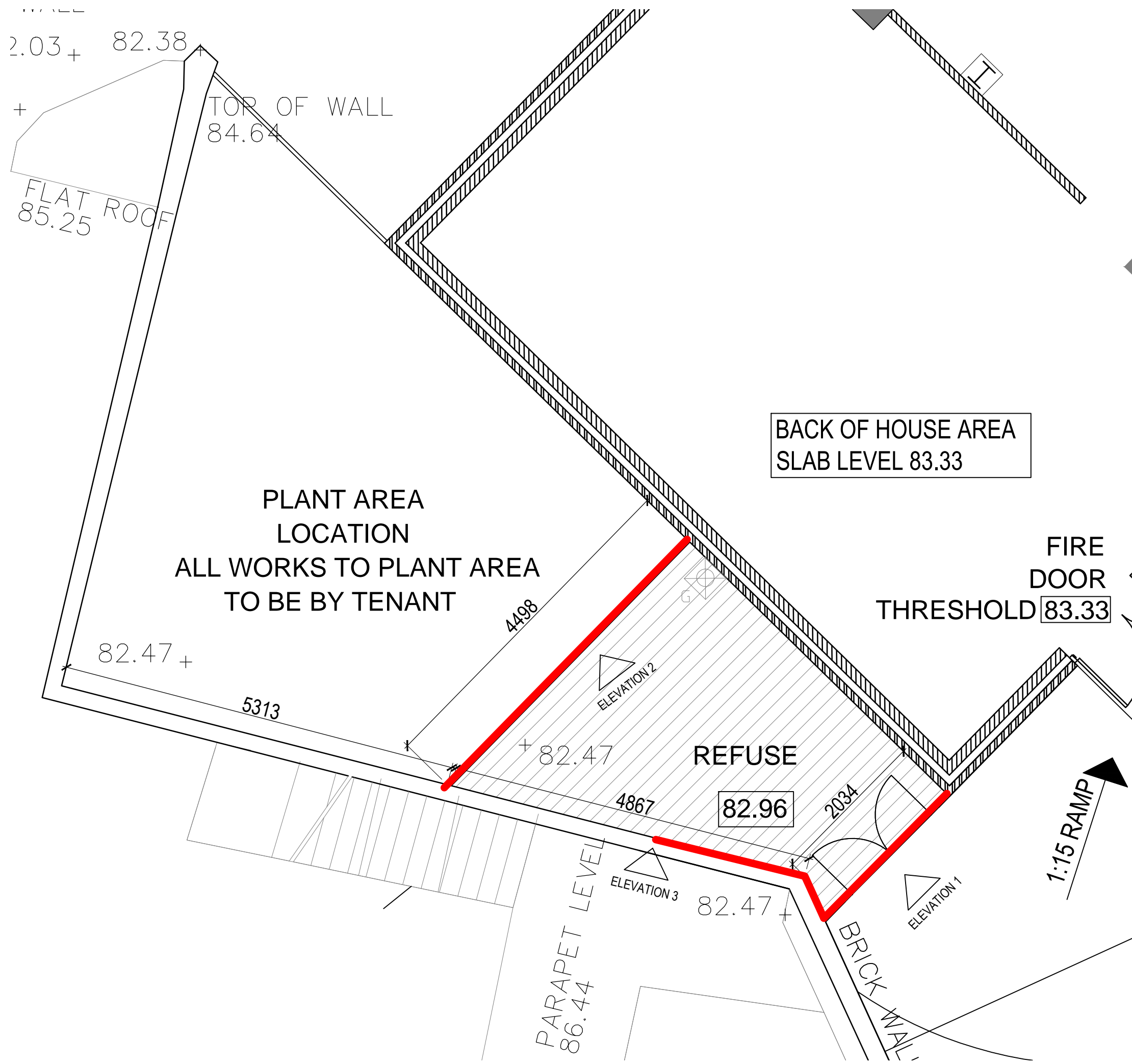
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CDM - Significant Design Hazards	
Hazard	Control
1. Works to rear boundary adjacent public thoroughfare. At risk members of the public.	1. Contractors method statement to identify precautions to be taken.
2. Removal of existing structural supporting walls. At risk construction workers.	2. Contractors method statement to identify a sequence of working to maintain structural integrity.

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A	25.10.11	Amendment to layout	RM	DF
Rev	Date	Description	Drawn	Checked
Amendments				

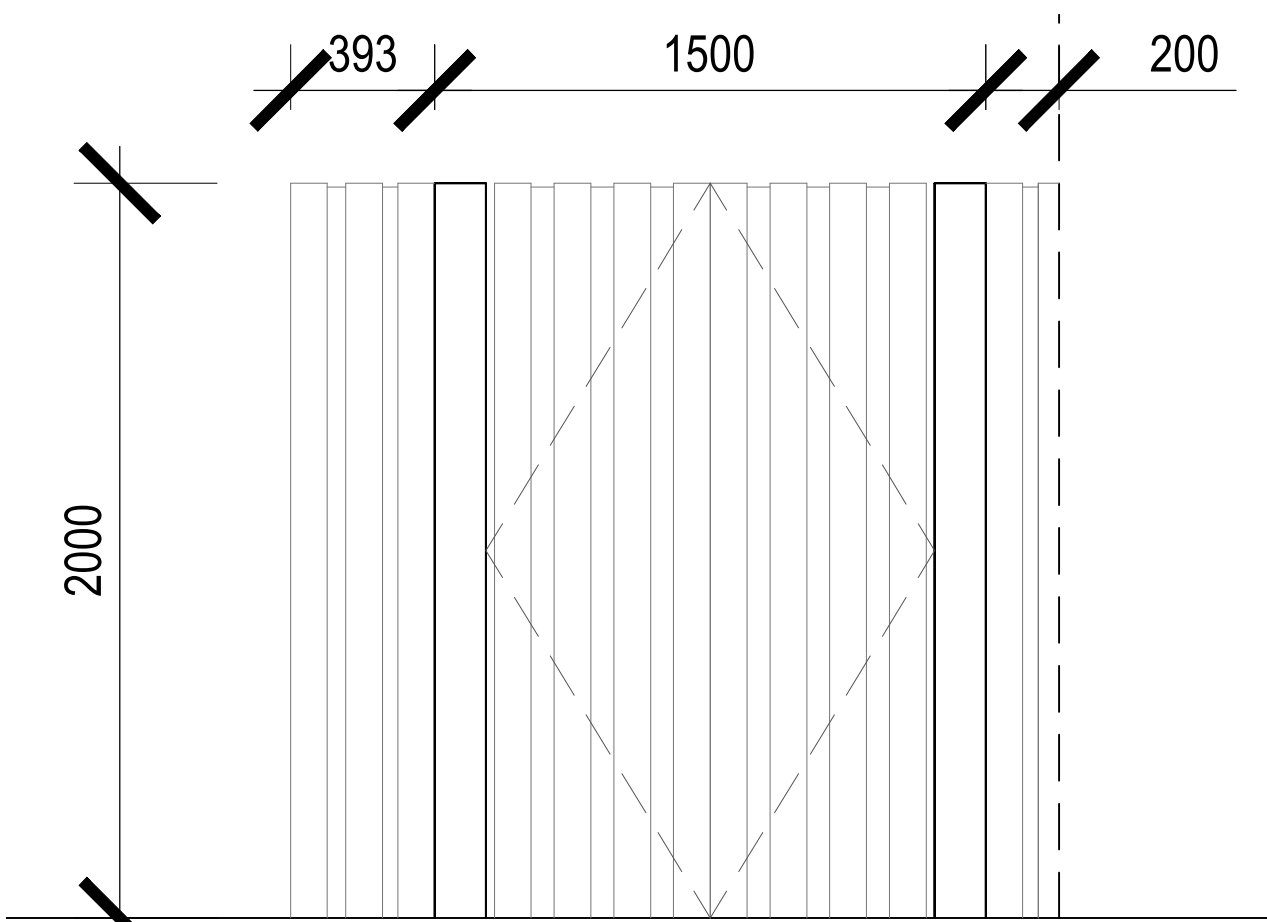
Drawing Status
Feasibility



■ Quantity Surveying ■ Project Management		■ Architecture ■ Construction Safety	
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CLIENT MARSTONS ESTATES Ltd			
TITLE Demolitions			
SCALE 1:50 @ A1		DATE SEPT 2011	
DRAWN BY LPC	CHECKED BY DF	DRAWING No. 2955-P19	REV B
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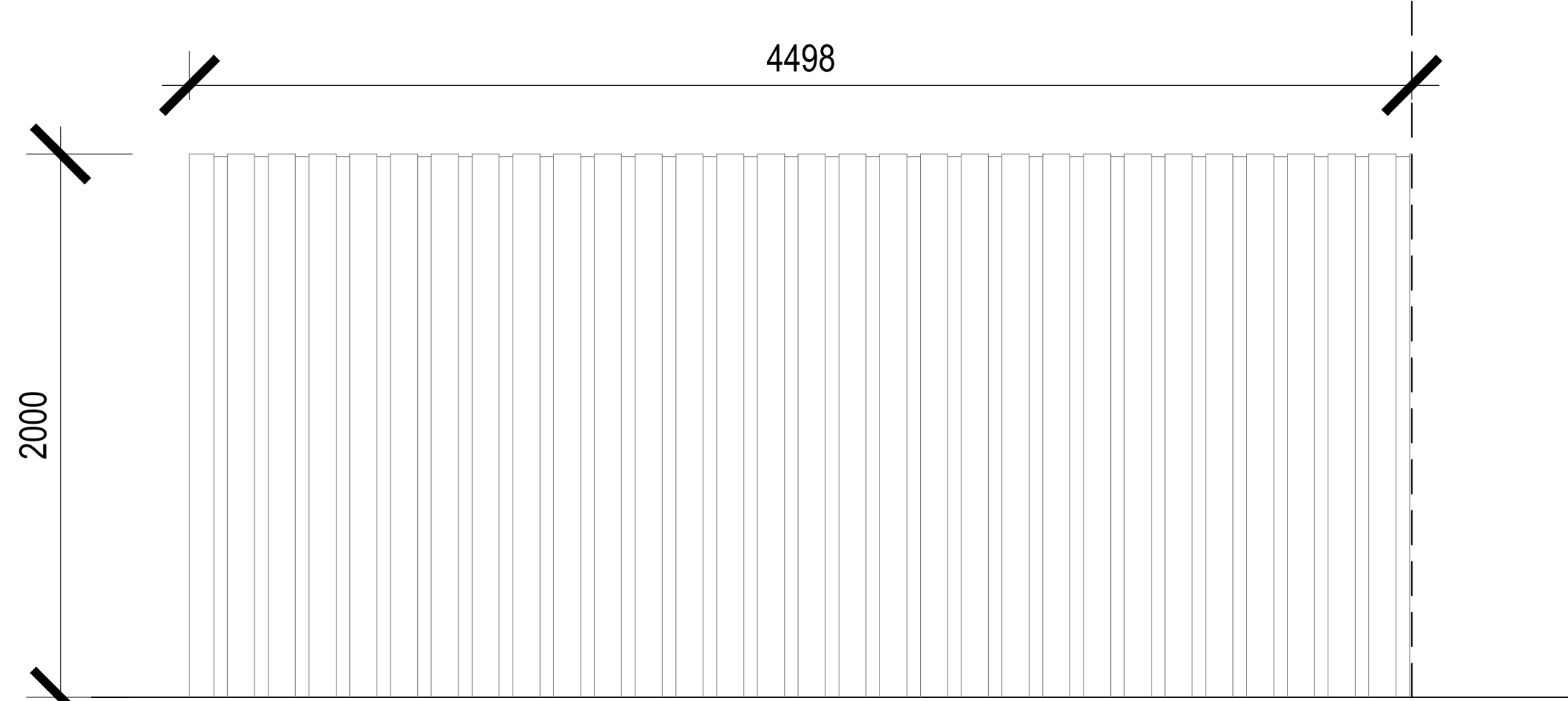


TIMBER HIT AND MISS FENCE PLAN 1:50



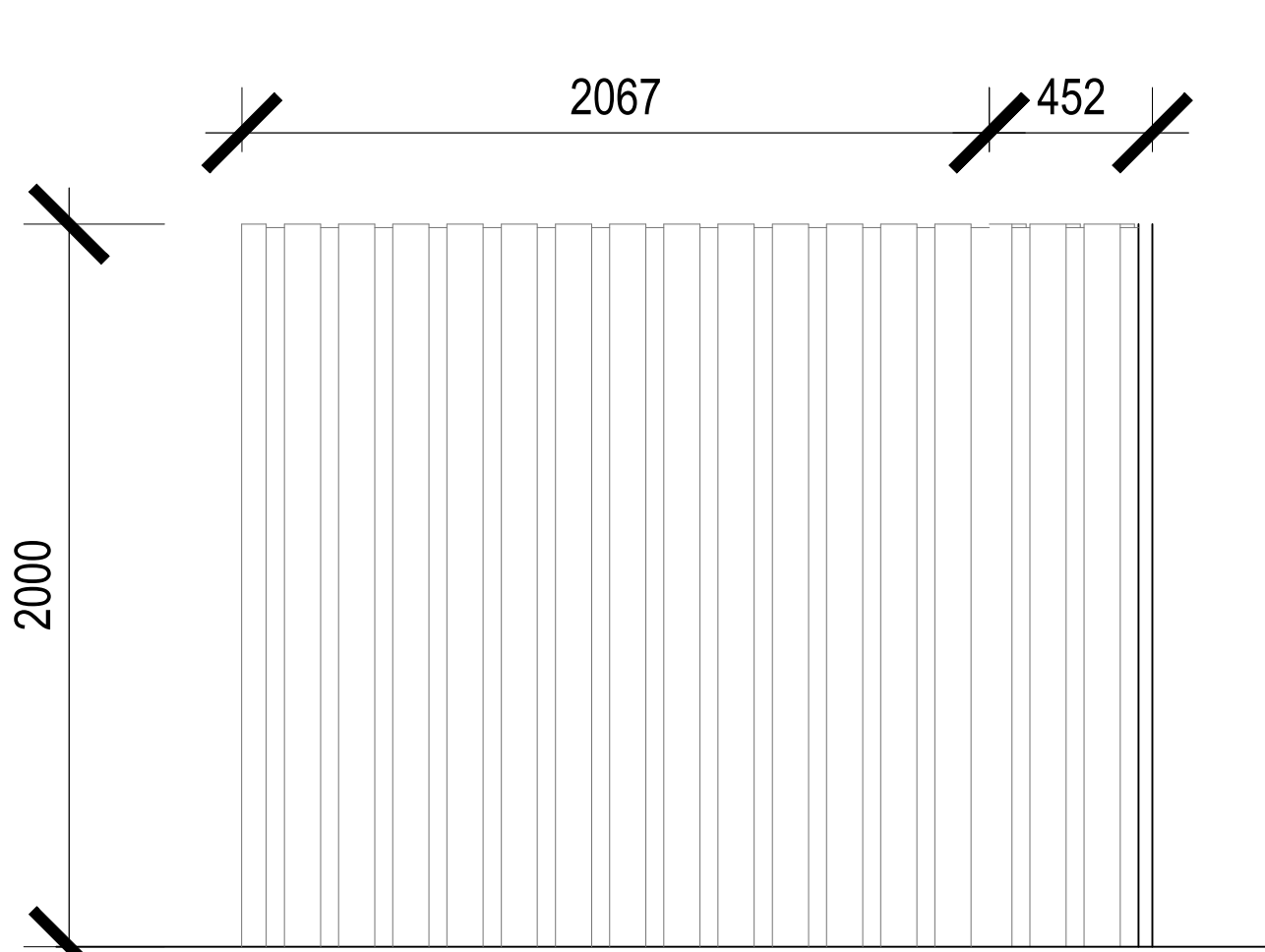
TIMBER HIT AND MISS FENCE ELEVATION 1:20

ELEVATION 1 TO PERIMETER OF REFUSE AREA



TIMBER HIT AND MISS FENCE ELEVATION 1:20

ELEVATION 2 TO PERIMETER OF PLANT AND REFUSE AREA



TIMBER HIT AND MISS FENCE ELEVATION 1:20

ELEVATION 3 TO PERIMETER OF PLANT AND REFUSE AREA

KEY:

× 82.32

EXISTING LEVEL RETAINED

79.44

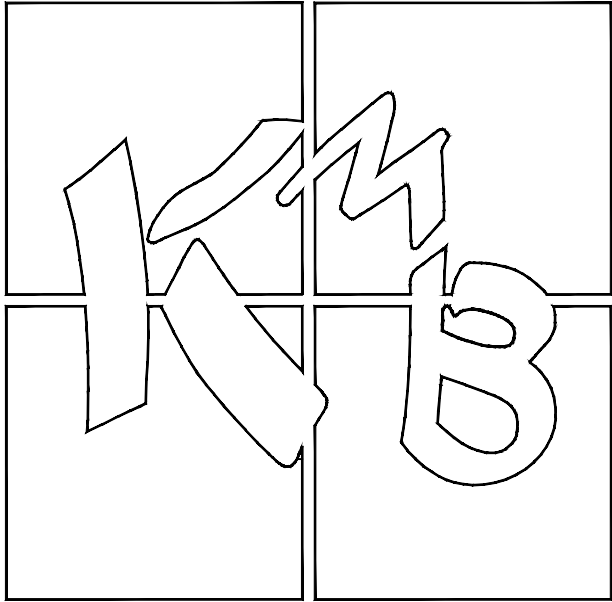
PROPOSED LEVEL

FENCE LINE

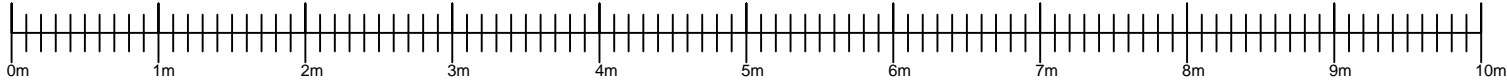
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CDM - Significant Design Hazards	
Hazard	Control
1. Works to rear boundary adjacent public thoroughfare. At risk members of the public.	1. Contractors method statement to identify precautions to be taken.
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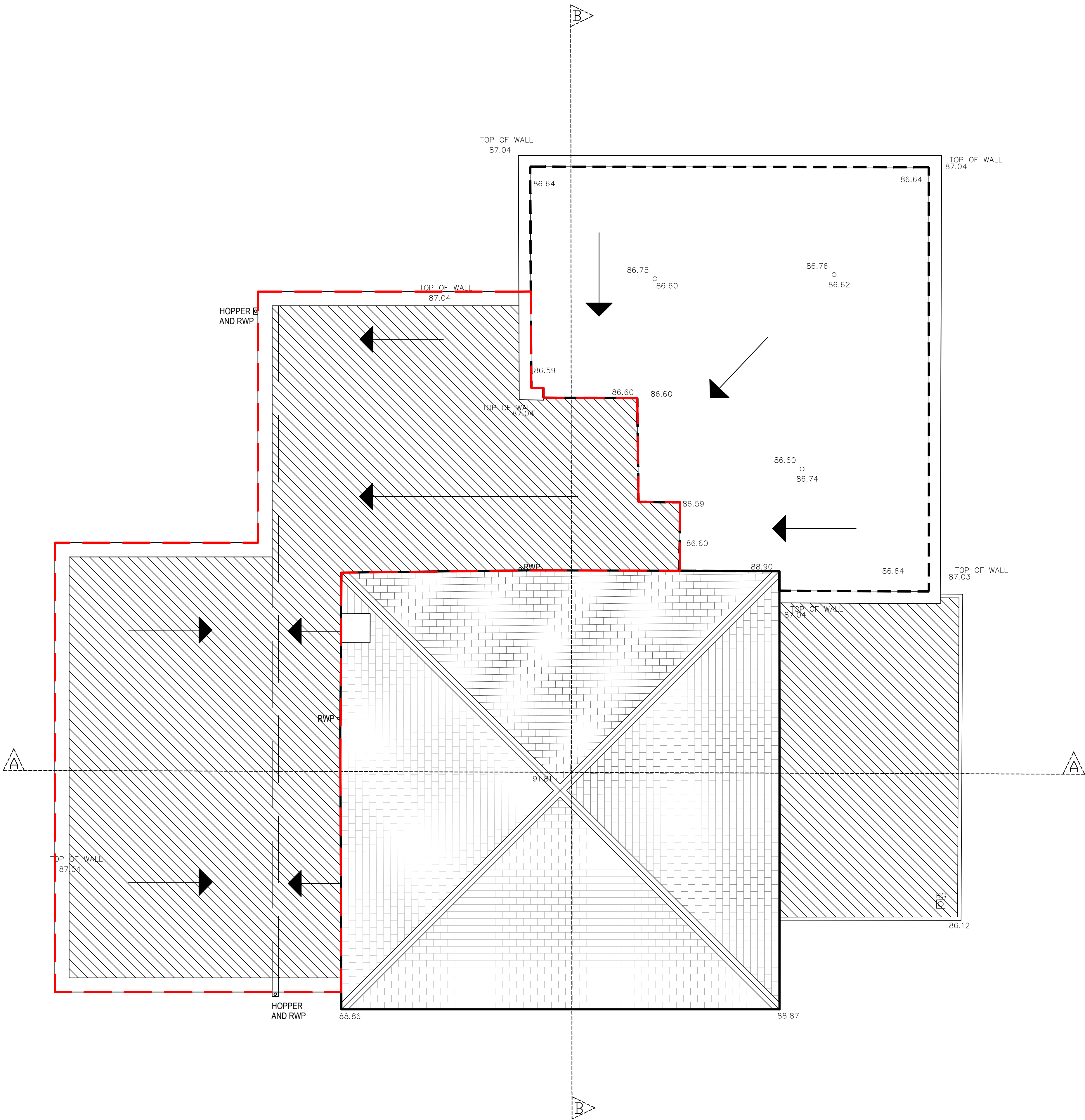
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D	31.10.11	Amendments to perimeter of refuse area	RM	DF
C	23.09.11	Amendments to perimeter of refuse area and addition of elevation 3	RM	DF
B	03.08.11	Amendments following comments from PC	RM	DF
A	29.07.11	Amendments following comments from PC	RM	DF
Rev	Date	Description	Drawn	Checked

Amendments
Drawing Status



■ Quantity Surveying		■ Architecture	
■ Project Management		■ Construction Safety	
PROJECT THE RED LION WORDSLEY STOURBRIDGE DY8 5PH			
CLIENT MARSTONS ESTATES Ltd			
TITLE FENCES AND GATES			
SCALE 1:50 @ A1		DATE JULY 2011	
DRAWN BY RM	CHECKED BY DF	DRAWING No. 2955-P17	REV E
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Key:

- New roof area
- Existing pitched roof
- Existing flat roof
- Proposed Extension

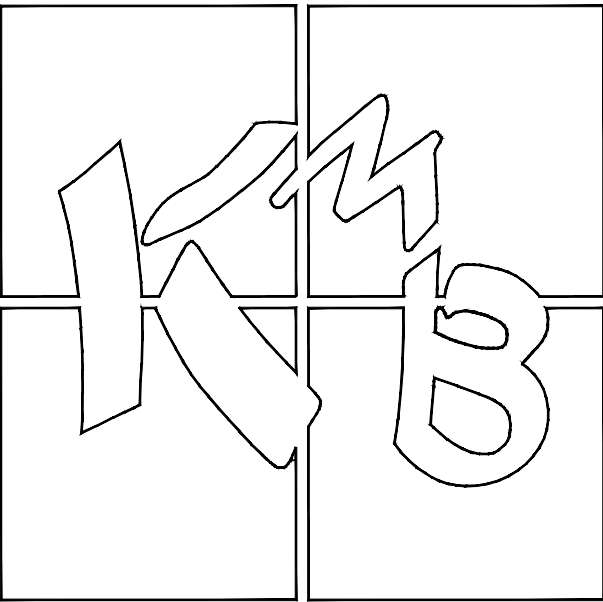
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Hazard	Control

EXISTING PUBLIC HOUSE TO BE CONVERTED TO RETAIL UNDER PERMITTED CHANGE OF USE RIGHTS AT A LATER DATE

A	19.10.11	Amendment to key		RM	DF
Rev	Date	Description		Drawn	Checked
Amendments					

Drawing Status

Preliminary



■ Quantity Surveying	■ Architecture
■ Project Management	■ Construction Safety

PROJECT
THE RED LION
WORDSLEY
STOURBRIDGE
DY8 5PH

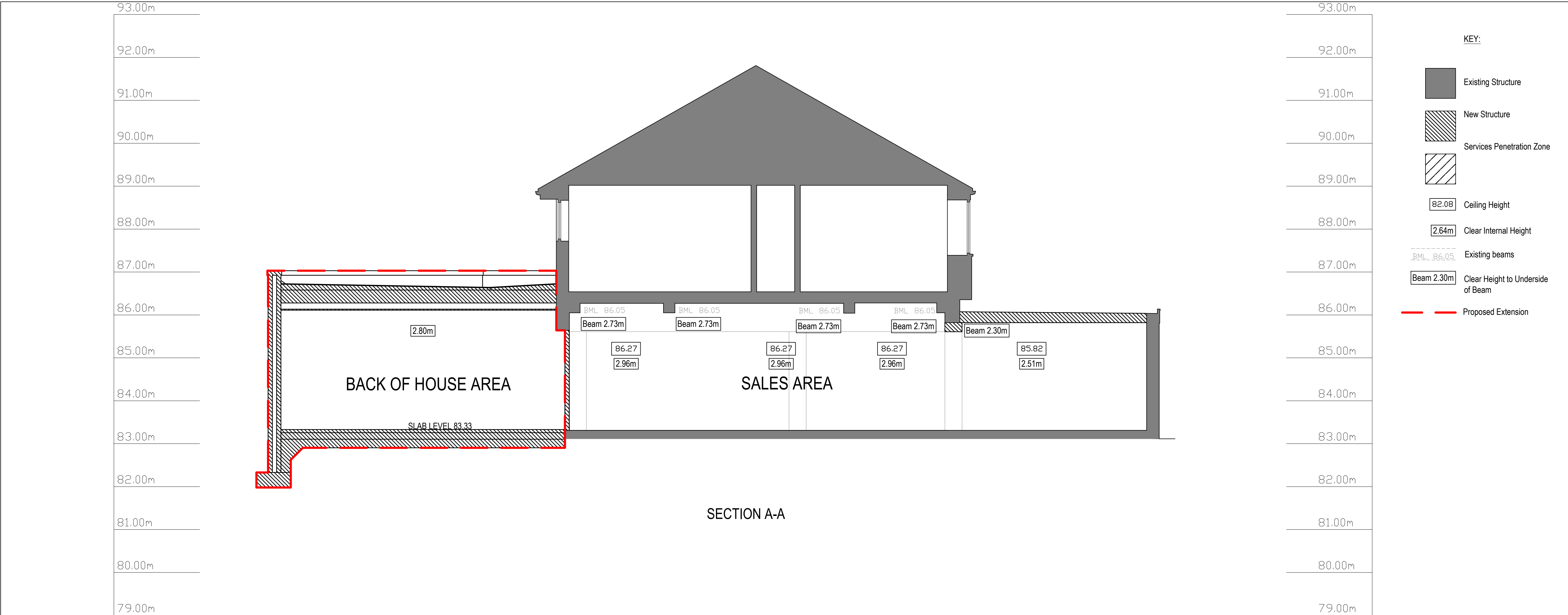
CLIENT
MARSTONS ESTATES Ltd

TITLE
ROOF GENERAL ARRANGEMENT

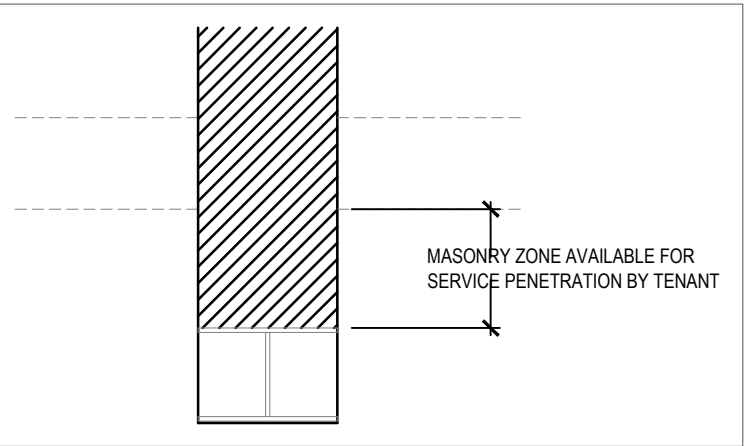
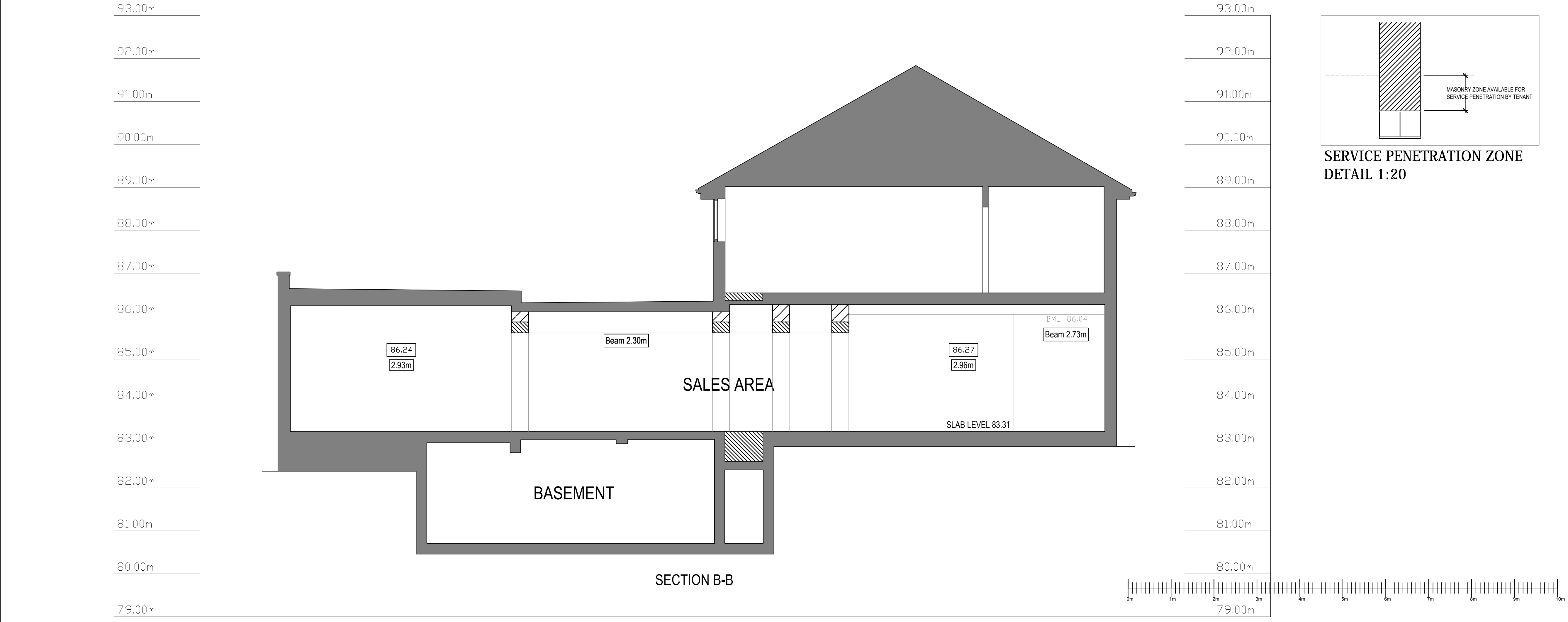
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- KEY:
- Existing Structure
 - New Structure
 - Services Penetration Zone
 - 82.08 Ceiling Height
 - 2.64m Clear Internal Height
 - BML 86.05 Existing beams
 - Beam 2.30m Clear Height to Underside of Beam
 - Proposed Extension

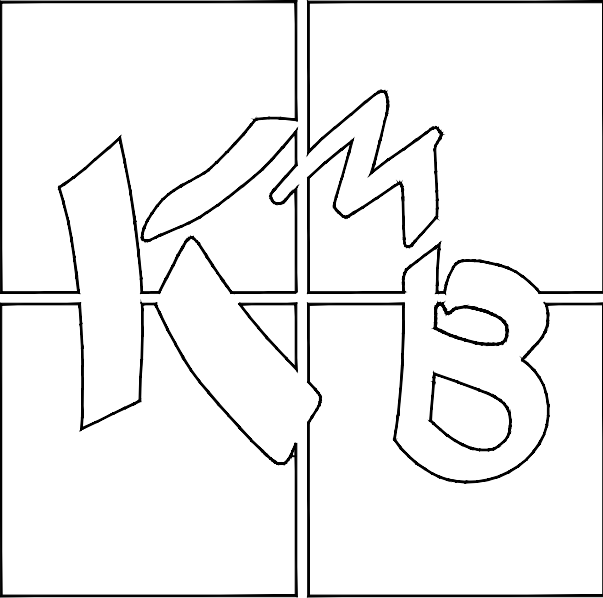


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Hazard	Control

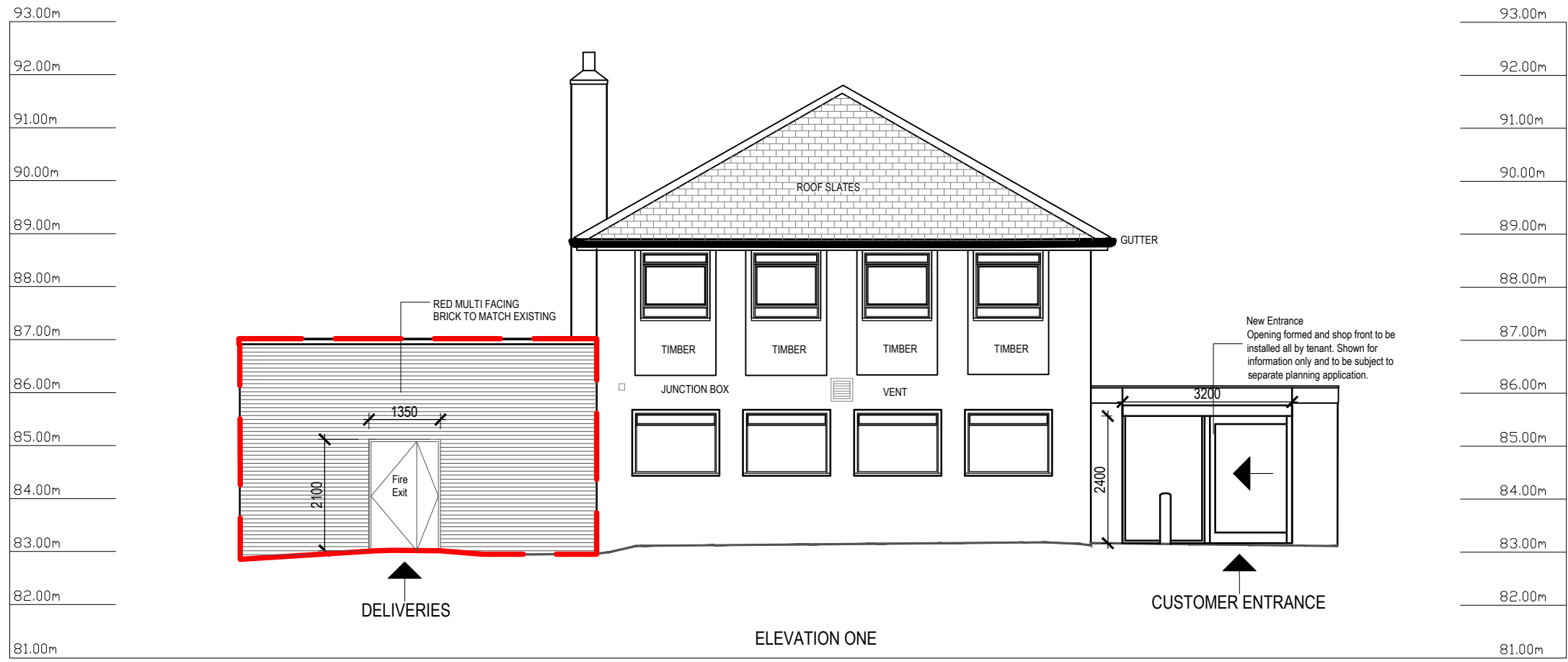
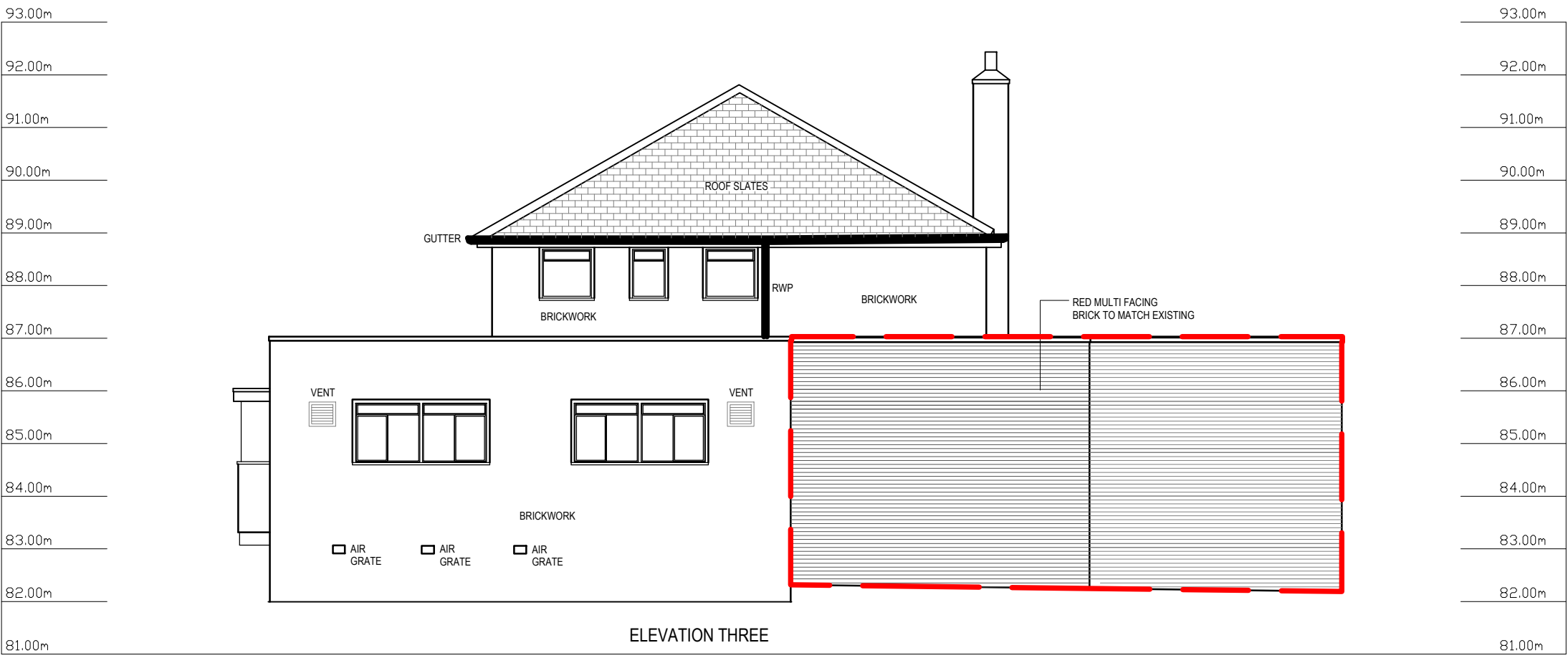
EXISTING PUBLIC HOUSE TO BE CONVERTED TO RETAIL UNDER PERMITTED CHANGE OF USE RIGHTS AT A LATER DATE

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Rev	Date	Description	Drawn	Checked	
Amendments					
Drawing Status					

Preliminary



■ Quantity Surveying		■ Architecture	
■ Project Management		■ Construction Safety	
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CLIENT MARSTONS ESTATES Ltd			
TITLE SECTIONS			
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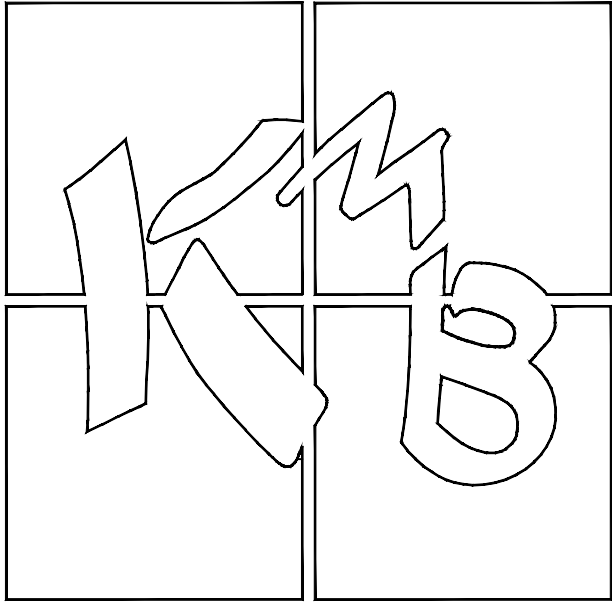
Key:
— Proposed Extension

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Hazard	Control

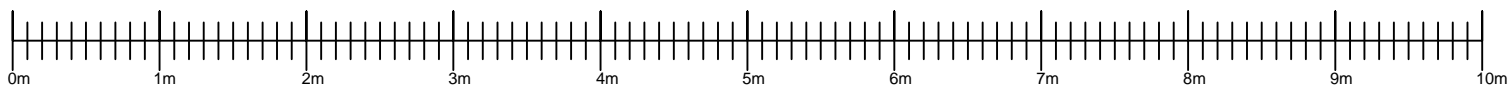
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











C	31.10.11	Amendments to customer and deliveries entrances	RM	DF
B	25.10.11	Amendment window eil height	RM	DF
A	19.10.11	Addition of key	RM	DF
Rev	Date	Description	Drawn	Checked
Amendments				

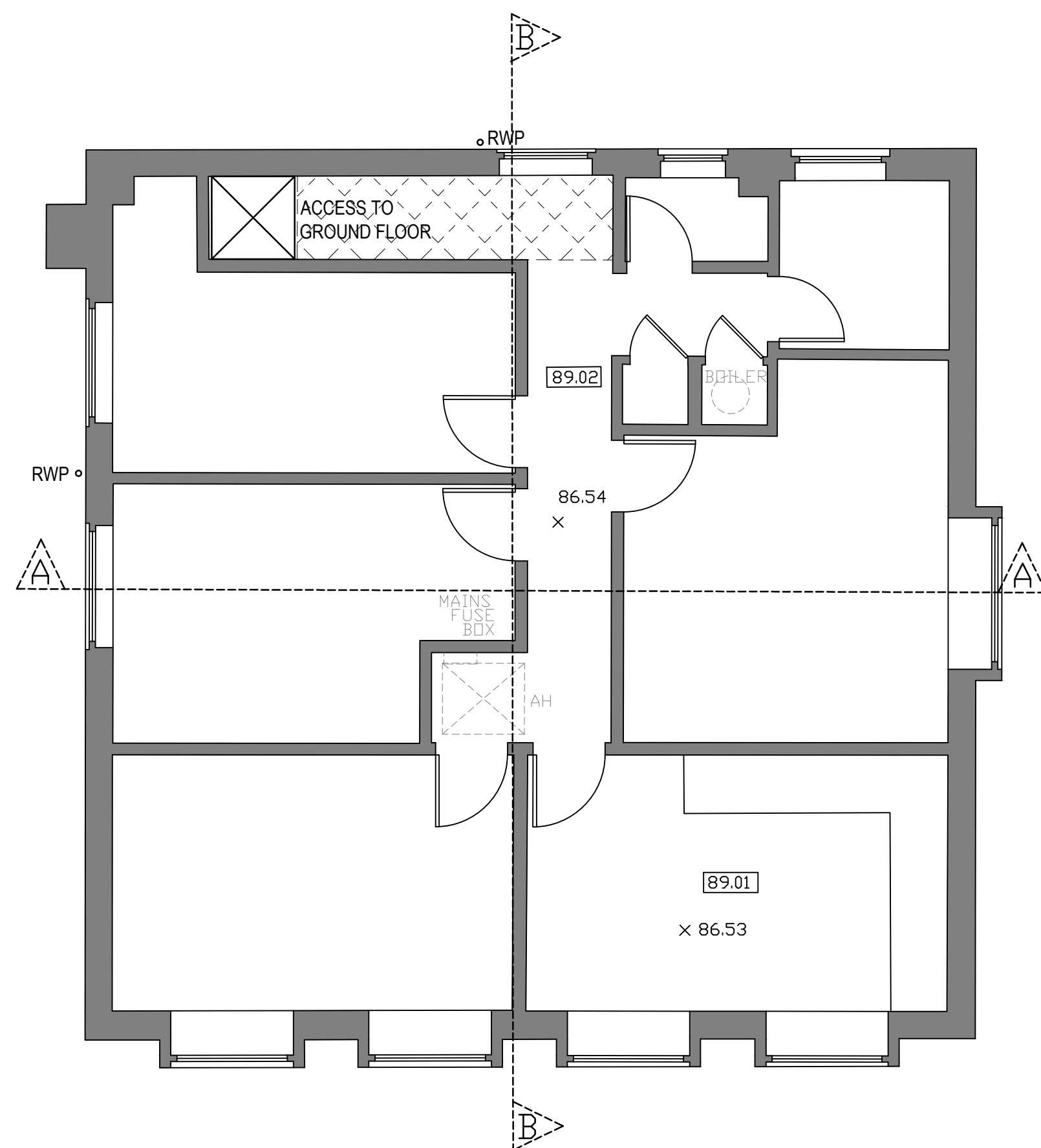
Drawing Status
Preliminary



■ Quantity Surveying		■ Architecture	
■ Project Management		■ Construction Safety	
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CLIENT MARSTONS ESTATES Ltd			
TITLE ELEVATIONS			
SCALE 1:100 @ A1		DATE JUNE 2011	
DRAWN BY RM	CHECKED BY DF	DRAWING No. 2955 / P13	REV C
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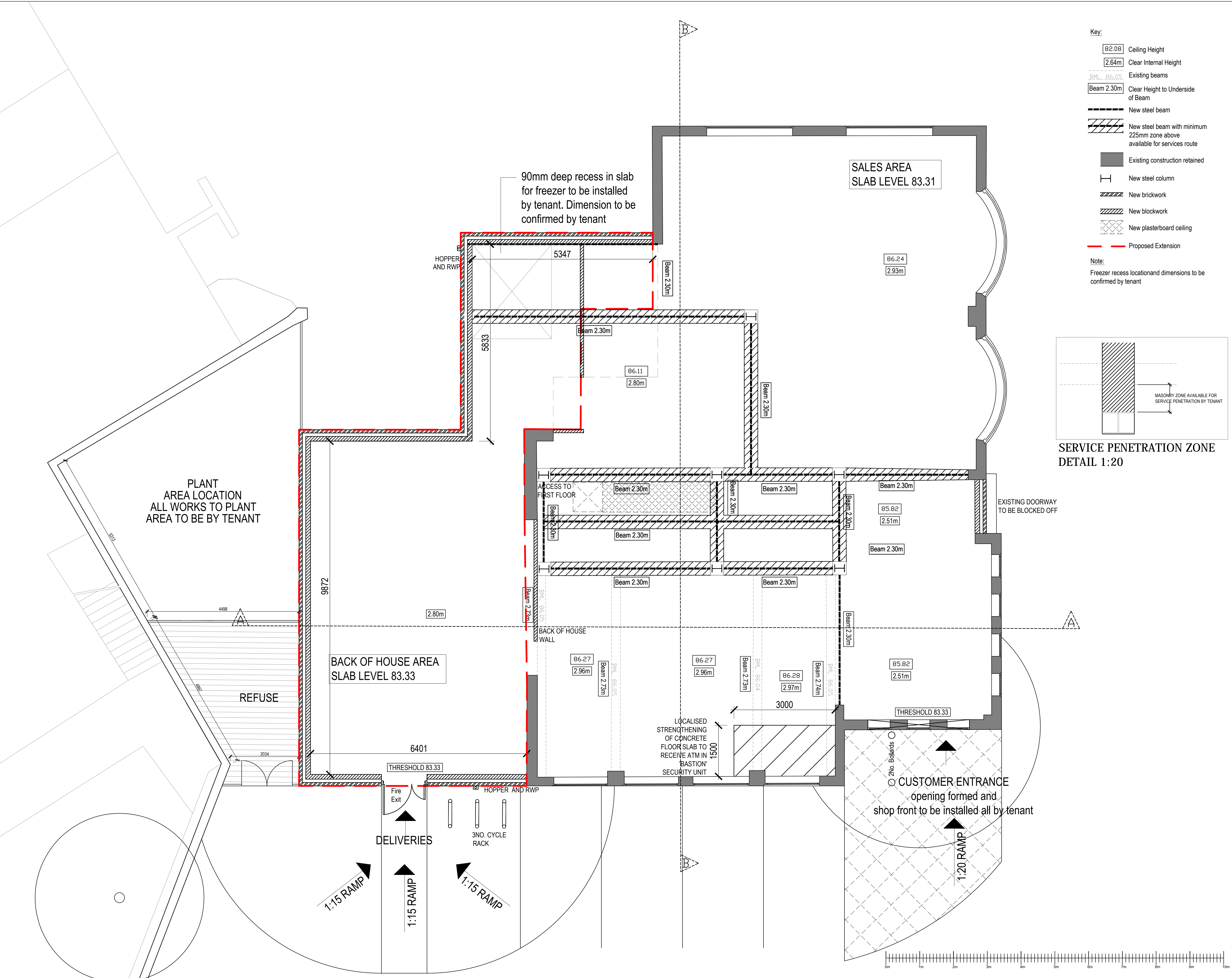


	Ceiling Height
	Existing levels
	Existing beams
	Clear Height to Underside of Beam
	Concrete blockwork sleeper walls
	900mm wide x 1500mm high openings
	Existing walls
	Existing substructure
	New substructure and floor slab
	Area of infill following removal of staircase
	Existing floor slab retained
	Proposed Extension



CELLAR PLAN

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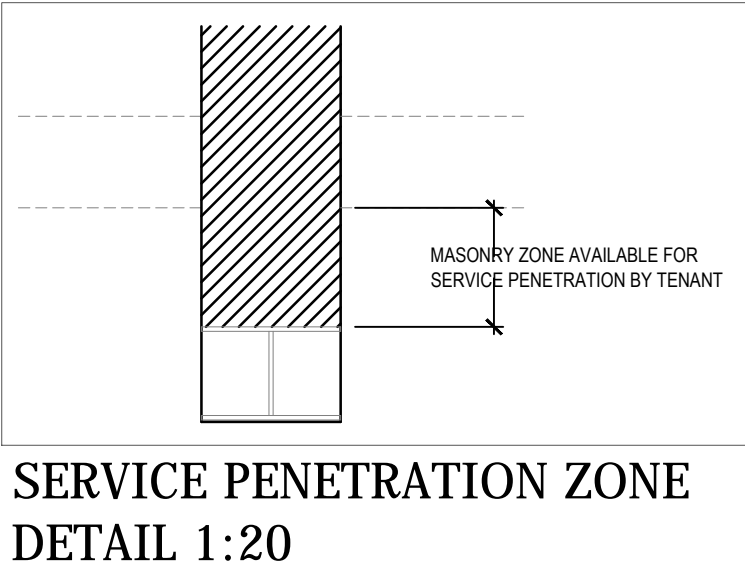


Key:

- 82.08 Ceiling Height
- 2.64m Clear Internal Height
- B.M.L. 86.05 Existing beams
- Beam 2.30m Clear Height to Underside of Beam
- New steel beam
- //// New steel beam with minimum 225mm zone above available for services route
- Existing construction retained
- New steel column
- //// New brickwork
- //// New blockwork
- XXXX New plasterboard ceiling
- Proposed Extension

Note:

Freezer recess location and dimensions to be confirmed by tenant



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CDM - Significant Design Hazards	
Hazard	Control

EXISTING PUBLIC HOUSE TO BE CONVERTED TO RETAIL UNDER PERMITTED CHANGE OF USE RIGHTS AT A LATER DATE

Floor Areas (Sq Ft)

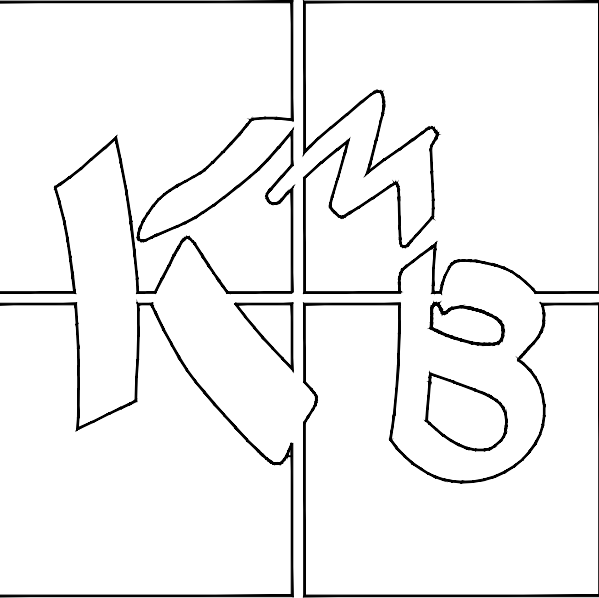
Ground Floor Retail Area - 2334
Ground Floor Back of House - 995
Ground Floor GIA - 3329

Rev	Date	Description	Drawn	Checked
C	31.10.11	Amendment to layout	RM	DF
B	25.10.11	Amendment to layout	RM	DF
A	19.10.11	Amendment to key	RM	DF

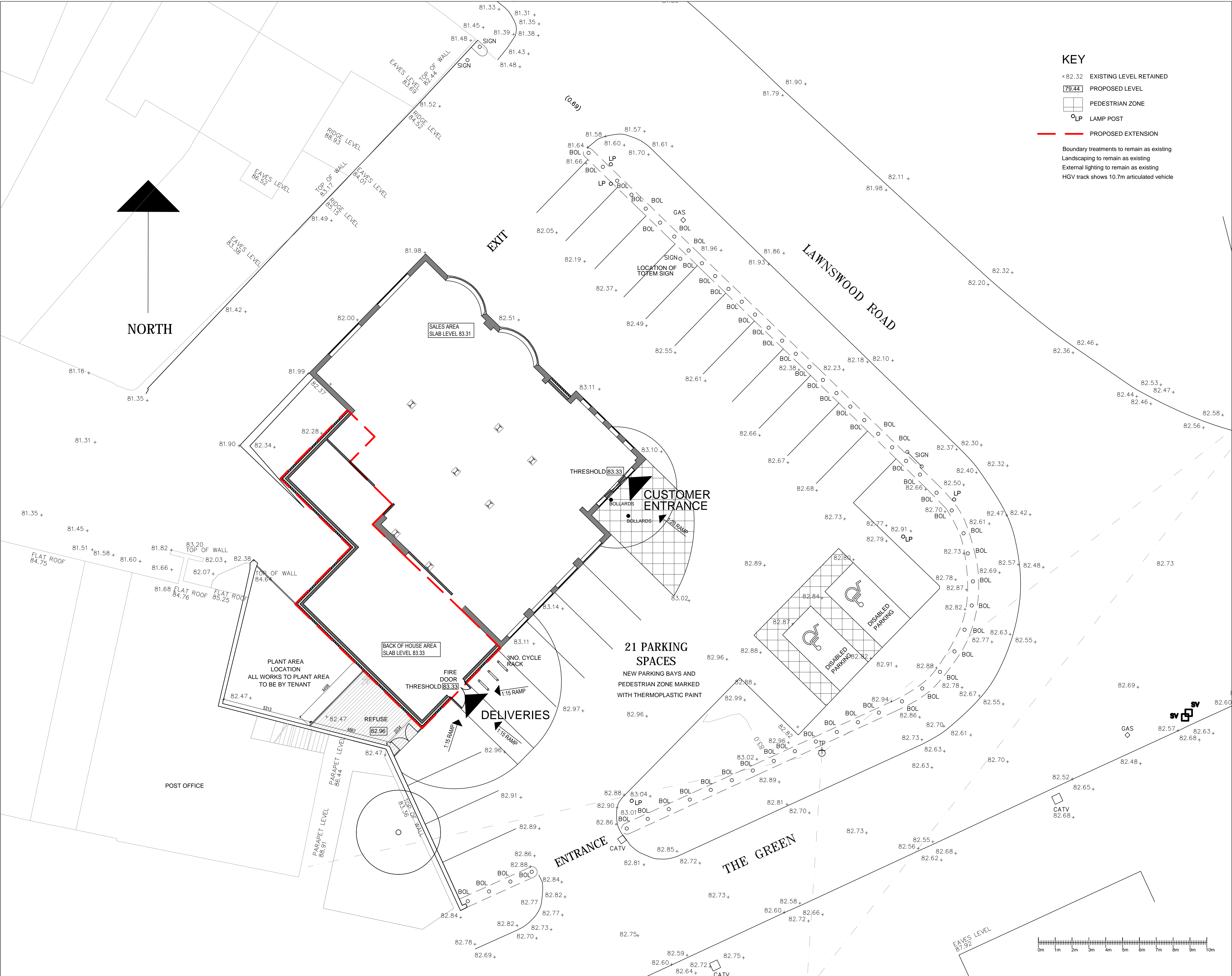
Amendments

Drawing Status

Preliminary



■ Quantity Surveying	■ Architecture
■ Project Management	■ Construction Safety
PROJECT THE RED LION WORDSLEY STOURBRIDGE DY8 5PH	
CLIENT MARSTONS ESTATES Ltd	
TITLE GROUND FLOOR GENERAL ARRANGEMENT	
SCALE 1:50 @ A1	DATE JUNE 2011
DRAWN BY RM	CHECKED BY DF
DRAWING NO. 2955 / P11	REV C
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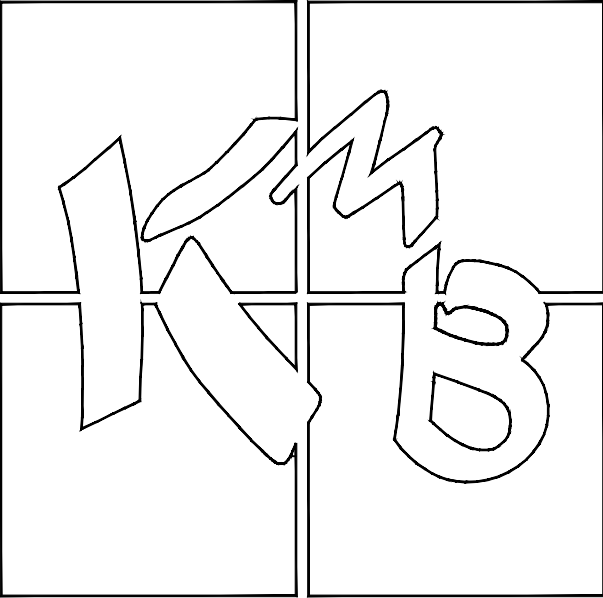
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CDM - Significant Design Hazards	
Hazard	Control

EXISTING PUBLIC HOUSE TO BE CONVERTED TO RETAIL UNDER PERMITTED CHANGE OF USE RIGHTS AT A LATER DATE

C	31.10.11	Amendment to layout	RM	DF	
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A	19.10.11	Amendment to key	RM	DF	
Rev	Date	Description	Drawn	Checked	
Amendments					

Drawing Status

Preliminary



■ Quantity Surveying		■ Architecture	
■ Project Management		■ Construction Safety	
PROJECT THE RED LION WORDSLEY STOURBRIDGE DY8 5PH			
CLIENT MARSTONS ESTATES Ltd			
TITLE SITE LAYOUT			
SCALE 1:100 @ A1		DATE JUNE 2011	
DRAWN BY RM	CHECKED BY DF	DRAWING No. 2955 / P10	REV C
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