

## PLANNING APPLICATION NUMBER:P14/1581

Type of approval sought	Full Planning Permission
Ward	Sedgley
Applicant	Marston's Estates Limited
Location:	<b>SEVEN STARS, GOSPEL END ROAD, DUDLEY, DY3 3LT</b>
Proposal	<b>ERECTION OF SINGLE STOREY SIDE/REAR EXTENSION, NEW SHOPFRONT AND ENTRANCE DOORS. NEW RAMPED ACCESS WITH HANDRAILS, NEW LIGHTING AND ASSOCIATED EXTERNAL WORKS</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

### SITE AND SURROUNDINGS

1. This is an early 1960's public house located in a primarily residential area, approximately 375m from Sedgley local centre. The building is predominantly of two storey height, with single storey extensions. The site currently has 48 parking spaces, to the front, side and rear of the building. Within the south-eastern corner of the site is a servicing area, enclosed by fencing. The site is bounded to the rear (south) by the gardens of houses on Brownswall Road and to the east by houses on Gospel End Road. There is a petrol filling station immediately adjacent to the west.

### PROPOSAL

2. The applicant has advised that the public house is surplus to requirements and is to be converted to a retail food store with the benefit of permitted development rights. This application is for the erection of a single storey rear extension to the building, external alterations and elevational changes in connection with the proposed retail use.
3. The proposed extension would be flat-roofed, brick built and would cover the full width of the building, projecting 5m from the rear elevation. A new enclosed service

yard is to be created in the area between the rear of the extension and the site's southern boundary.

4. To the front of the building a replacement ramp and handrails are to be provided. A new shop front is to be installed, incorporating a sliding entrance door and a new powder coated window.
5. A new 1.8m high timber fence is to be erected along the rear boundary with No's 95-101 Brownswall Road, set in 0.6m from the existing boundary fence. 14no. 6m high lighting columns are also to be erected. The existing car park is to be reconfigured to provide 25 car parking spaces.

## **HISTORY**

6. None relevant to the assessment of the application.

## **PUBLIC CONSULTATION**

7. At the time of writing the report 109 letters of objection have been received, raising the following concerns over the proposed development:
  - The development will adversely affect the vitality of existing local shops and shops in Sedgley local centre;
  - There is no need for a new shop in this location;
  - The development will increase the volume of traffic in the area, to the detriment of highway safety;
  - Insufficient parking provision;
  - The operators of the public house allow parents to park their cars at the premises when collecting or dropping off children at the local school – the loss of this arrangement will result in additional vehicles being parked on nearby roads instead, creating additional safety problems in the area;
  - Loss of the public house as a valued community facility;
  - Loss of amenity due to light spillage and increased noise from activities at the site, in particular from delivery vehicles during early morning hours;

- The development will lead to anti-social behaviour problems at the site;
- The proposed extensions and alterations would be out of keeping with the appearance of the building.

8. Six letters have been received expressing support for the proposal on the following grounds:

- A new store in this location would be beneficial to local residents;
- A store will have less noise and anti-social behaviour impacts on nearby residents than the existing public house.

## OTHER CONSULTATION

9 Group Engineer (Development): The proposed extension will result in an additional 13 vehicle movements from the site during the a.m.(8-9 am) peak and 16 movements during the pm (5-6pm) peak, which equates to an additional vehicle movement every 4 minutes during the am and pm peaks. The extension will increase traffic volumes on Gospel End Road by less than 2% only and will not detrimentally affect the operational capacity of the local highway network. Accident data for an area 50m to either side of the site shows that there have not been any injury accidents within the last three years.

To accord with the standards set out in the Parking Standards SPD a food retail unit of the size proposed should provide 31 parking spaces. The trip rate information included within the applicant's Transport Statement provides data on vehicle accumulation within the site and predicts a maximum occupancy of 17 vehicles between 2pm and 3pm. On this basis the number of parking spaces to be provided is considered to be acceptable.

The Highway Authority is aware that parents are allowed to use the car park at the site to park whilst collecting/dropping off children who attend a primary school on Cotwell End Road. A car park management scheme is required to ascertain the volume of parent parking and what impact this would have on the operation of the

retail facility if it were to continue and if necessary what measures the operator will need to put in place to control the situation.

There is sufficient space available at the rear of the building to accommodate a 3-point turn by a delivery vehicle and enable them to exit the site in forward gear, rather than having to reverse out through the parking area which could potentially be hazardous to the safety of customers. A service management plan should be submitted to show how the rear servicing area is to be enclosed to prevent vehicle and customers from entering it during delivery times, which could potentially include the provision of a vehicle barrier.

Coal Authority: No objection:

Environmental Management Division: Rear shields and side baffles should be fitted to the proposed lighting units, to limit glare to vehicular traffic and prevent light spillage to neighbouring residential properties.

Land Quality: No objection subject to a risk assessment being carried out if contamination is found during development works.

Head of Environmental Health: No objection subject to the imposition of the following conditions in order to safeguard the amenities of occupants of nearby dwellings:

- The premises shall not be open to the public before the hours of 0700 or after 2300 Monday to Sunday;
- No deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site before the hours of 0700 or after 2200 Monday to Saturday, or before 1000 or after 2000 on Sundays and Public Holidays;
- Limit on noise emitted from any fixed plant and/or machinery associated with the development.

## RELEVANT PLANNING POLICY

### 10. National Planning Policy

National Planning Policy Framework 2012

#### Black Country Core Strategy 2011

Policy CEN6 (Meeting Local Needs for Shopping and Services)

Policy CEN7 (Controlling Out-of-Centre Development)

#### Saved 2005 UDP Policies

Policy DD3 (Design of Retail Development)

Policy DD4 (Development in Residential Areas)

#### Supplementary Planning Documents

Parking Standards SPD (2012)

Access For All SPD (2013)

## ASSESSMENT

11. In assessing this application Members should note that the proposed change of use of the building from a public house (A4) to retail (A1) constitutes permitted development and therefore does not form part of this application. Members may also be aware that the public house has recently been designated as an 'Asset of Community Value', its status as such enabling community groups to bid for the asset when it is sold. This is not a material consideration in the assessment of the application. The determining issues in the assessment of this application therefore are:

- The principle of the proposed use of the site;
- Impact on the character of the area;
- Impact on residential amenity;
- Highway safety

## Principle

12. While the proposed change of the use of building constitutes permitted development the proposal also involves the alteration and extension of the building with a consequent increase in retail floor space. The gross internal area of the extension would be 119 sq. metres, resulting in a total proposed retail floor space of 383sq.metres. The site is not located within a district or local centre and is therefore in an 'out of centre' location. The National Planning Policy Framework (NPPF) requires that a 'sequential test' is applied to applications for town centre uses (such as the one proposed) that are not located within an existing centre. A sequential test should consider town centre first, then edge of centre locations and then out of centre locations as being appropriate. The key policy issue therefore is whether the proposed 'extended' store is acceptable in this out of centre location.
13. Policies CEN6 and CEN7 are part of a set of policies contained within the Core Strategy to guide retail development within the Black Country. Policy CEN7 advises that *'any proposal for a town centre use in an out of centre location will only be considered favourably if the impact assessments contained in the most recent national guidance are satisfied, or the requirements of CEN6 are satisfied'*. Policy CEN6 states the following:

*"New small-scale local facilities outside defined centres of up to 200 square metres gross, or extensions to existing facilities which would create a unit of up to 200 square metres gross will be permitted if it can be shown that all of the following requirements are met:*

- The proposal is of an appropriate scale and nature to meet a specific day-to-day need of a population within convenient, safe walking distance for new or improved facilities;*
- Local provision could not be better met by investment in a nearby centre;*
- Existing facilities that meet day-to-day needs will not be undermined.*
- Access to facilities by means other than by car would be improved and, in particular, will be within convenient, safe walking distance of the community it is intended to serve."*

14. Although the proposal would result in a development which would ordinarily be addressed under Policy CEN7, due to the larger part of the proposal constituting permitted development it is considered that the criteria set out in Policy CEN6 should be utilised for the assessment of the proposal. Nonetheless, a sequential test and an impact test have been undertaken by the applicant in accordance with the requirements of the NPPF and Policy CEN7 to help bolster the evidence for the suitability of the application site. The information submitted demonstrates that a range of 'sequentially preferable' sites have been assessed, but were considered not to meet the needs of the applicant for a combination of reasons including site availability, size and that a comprehensive development involving additional land would be required. The applicant has stated in the supporting documentation submitted with the application that, whilst it is accepted that a town centre location would be more suitable for a convenience food store, the intention of the proposed development is to serve the top-up shopping needs of local residents and passing trade.
15. With regard to the requirements of Policy CEN6, the applicant has provided the following information to support the proposal in relation to each of the four bullet points:
- The application is for a small extension only to a building which benefits from permitted development rights for conversion to retail use, and is therefore of an appropriate scale as a local convenience retail store;
  - The sequential assessment carried out demonstrates that there are no sequentially preferable sites capable of accommodating the amount of development proposed;
  - Sedgley is a strong retail centre which provides a good range of retail uses including a number of convenience stores and supporting services to benefit from linked trips. The existing centre will not be undermined by the proposed development;
  - The proposal is accessible by a choice of means of transport.

16. Officers have assessed the submitted information and are of the opinion that the development is of a suitable scale and nature relative to this location and will serve the needs of the local community for day-to-day convenience goods. The submitted sequential test has discounted a number of sites as being unsuitable because of size limitations given the floor space requirements of the proposed convenience store. The findings of the test demonstrate that there are no more suitable sites in terms of availability, viability and location other than the application site within the catchment area that could come forward for this type of development. Officers consider the test to be comprehensive in its approach.
17. The impact test submitted by the applicant concludes that there would not be any adverse impacts on the vitality and viability of Sedgley centre as a result of this development as Sedgley is currently a strong centre and the proposal would be performing a supporting role with the function of top-up shopping. There are currently 10 units operating as convenience shops along Sedgley High Street and the centre is performing well compared with the national and regional averages. Additionally, there are no planned investments within Sedgley centre which could be prejudiced by the proposal. The proposed use will also create employment opportunities within the local area. Officers are satisfied based on the submitted information that proposed development would be of a scale which serves a local catchment only without having an adverse impact on existing supermarkets in the local centre.
18. The application site is within easy walking and cycling distance of a substantial number of residential properties. The site is located on a key bus route with bus stops located immediately adjacent to the site entrance. The development would therefore be readily accessible by the community it is intended to serve.

#### Character

19. Saved Policy DD3 of the UDP requires that retail developments should provide active elevations to public areas which are in scale and proportion with the street scene and service areas which are not prominent in views from the street or other



service areas. With regard to the latter the proposed service area will be located at the rear of the building and will not be visible from Gospel End Road. Existing trees within the rear gardens will provide screening of the service area from the houses to the south. The proposed alterations to the ground floor front elevation of the building are of an appropriate design and scale, and the provision of a large window to one side of the entrance door will ensure that the development provides an active elevation to Gospel End Road.

#### Residential Amenity

20. Saved Policy DD4 advises that developments should be allowed where they would have no adverse impact on the character of the area. The proposed use of the building is acceptable in principle in a residential setting and general activities associated with the development should not have any greater impact on the amenities of residents in the immediate vicinity than the existing public house.
21. The applicant has submitted a noise impact assessment which advises that the potential impact of noise from deliveries and plant to be installed will be minimal and may even improve the situation over the current use as a public house. The proposed close boarded timber fence along the southern and eastern boundaries of the site will assist in protecting residential amenity, particularly in rear garden areas. Should permission be granted the conditions recommended by the Head of Environmental Health relating to opening hours, delivery times and noise levels from service plant should be imposed, to safeguard the amenities of surrounding residents. In addition a condition will be required seeking details of the shields and baffles to be installed within the lighting units, to ensure that the occupants of nearby dwellings are not affected by the location of the lights or pollution arising from glare.

#### Highway Safety

22. Saved Policy DD4 requires that developments should not have any adverse impact on highway safety. The number of parking spaces to be provided is considered by the Group Engineer to be appropriate to the scale of the development and the

dimensions of the spaces accord with the standards set out in the Parking Standards SPD. As such the development in itself will not result in on-street parking which could potentially be harmful to highway safety. Should permission be granted the condition recommended by the Group Engineer relating to servicing arrangements should be imposed, in order to provide an enclosed manoeuvring area for delivery vehicles which is separated from parked cars and the movements of customers within the car park.

23. The use of the car park by the parents of children at the local school cannot be prevented by an approval for this proposed development and as such it must be accepted that parents may continue to use it when the store is operational. If permission is granted, a car park management plan as recommended by the Group Engineer should be sought by condition.

## **CONCLUSION**

24. The proposed development is of a suitable scale and nature relative to this location and will serve the needs of the local community for day-to-day convenience goods. Information submitted by the applicant demonstrates that there are no more suitable sites in terms of availability, viability and location other than the application site that could come forward for this type of development. The development would not have any adverse impacts on the vitality and viability of Sedgley centre and will also create employment opportunities within the local area. The development will have no harmful effect on the character of the area, residential amenity or highway safety. As such the proposal complies with Saved Policies CEN6, CEN7, DD3 and DD4 of the Unitary Development Plan.

## **RECOMMENDATION**

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

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 details for the provision of external electric vehicle charging point(s) have been submitted to and approved in writing by the Local Planning Authority. The Electric 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.
3. 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.
4. 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 2200 Monday to Saturday, or before 1000 or after 2000 on Sundays and Public Holidays.
5. The premises shall not be open to the public before the hours of 0700 nor after 2300 Monday to Sunday.
6. The development hereby permitted shall be carried out in accordance with the following approved plans: 4214-P10F, 4214-P11G and 4214-P13E.
7. No development shall commence until details of the proposed shields and baffles to be installed on the proposed lighting columns have been submitted to and approved in writing by the local planning authority. The approved shields/baffles shall thereafter be retained for the lifetime of the development.
8. The rating level of noise emitted from any fixed plant and/or machinery associated with the development 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 15 minute LA90 at the nearest noise sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014) (Method for rating and assessing industrial and commercial sound) 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.
9. In the event that contamination is found at any time when carrying out the approved development it must be reported immediately to the Local Planning Authority and confirmed in writing. A risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, all of which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme such completion shall be certified and a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

10. No development shall commence until details of a car park management plan, to include measures to control the use of the car park by parents of children attending local schools, 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.
11. No development shall commence until a service management plan, setting out details of how the servicing area at the site is to be enclosed during delivery times to prevent access by customers and their vehicles, 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 and the approved measures retained for the lifetime of the development.

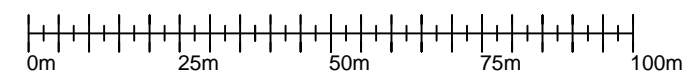
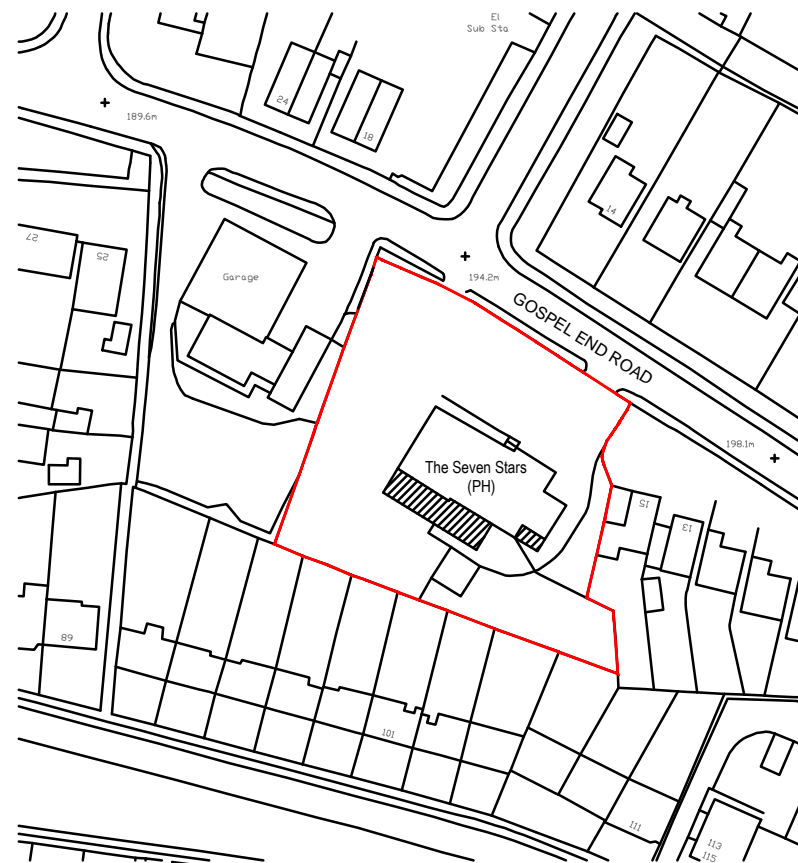
Key:

— - PROPOSED BOUNDARY LINE

 - PROPOSED EXTENSION



NORTH



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**Do Not Scale This Drawing For Construction Purposes**

CDM - Significant Design Hazards
<p>1. The design of the CDM project activities is not consistent with the requirements of the Paris Agreement, which aims to limit global temperature rise to 1.5°C above pre-industrial levels by 2100.</p> <p>2. The design of the CDM project activities is not consistent with the requirements of the Paris Agreement, which aims to limit global temperature rise to 1.5°C above pre-industrial levels by 2100.</p> <p>3. The design of the CDM project activities is not consistent with the requirements of the Paris Agreement, which aims to limit global temperature rise to 1.5°C above pre-industrial levels by 2100.</p> <p>4. The design of the CDM project activities is not consistent with the requirements of the Paris Agreement, which aims to limit global temperature rise to 1.5°C above pre-industrial levels by 2100.</p> <p>5. The design of the CDM project activities is not consistent with the requirements of the Paris Agreement, which aims to limit global temperature rise to 1.5°C above pre-industrial levels by 2100.</p> <p>6. The design of the CDM project activities is not consistent with the requirements of the Paris Agreement, which aims to limit global temperature rise to 1.5°C above pre-industrial levels by 2100.</p> <p>7. The design of the CDM project activities is not consistent with the requirements of the Paris Agreement, which aims to limit global temperature rise to 1.5°C above pre-industrial levels by 2100.</p> <p>8. The design of the CDM project activities is not consistent with the requirements of the Paris Agreement, which aims to limit global temperature rise to 1.5°C above pre-industrial levels by 2100.</p> <p>9. The design of the CDM project activities is not consistent with the requirements of the Paris Agreement, which aims to limit global temperature rise to 1.5°C above pre-industrial levels by 2100.</p> <p>10. The design of the CDM project activities is not consistent with the requirements of the Paris Agreement, which aims to limit global temperature rise to 1.5°C above pre-industrial levels by 2100.</p>

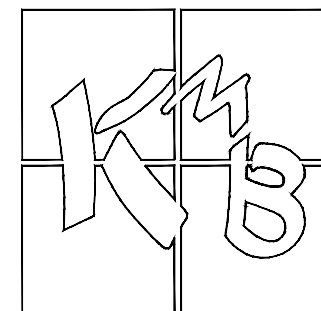
Hazard	Control

Rev	Date	Description	Drawn	Checked

Amendments

Drawing Status	
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# Preliminary



- Quantity Surveying
- Project Management
- Architecture
- Construction Safety

PROJECT  
SEVEN STARS  
GOSPEL END ROAD  
SEDGLEY  
DY3 3LT

CLIENT  
MARSTONS ESTATES LTD

TITLE  
LOCATION PLAN

SCALE	DATE
1:500 @ A3	AUGUST 2014

DRAWN BY	CHECKED BY	DRAWING No.	REV
RM	DF	4214-P00	-

The Old Bake House, Kirton, Lincolnshire, PE20 1EH  
t: 01205 724016 f: 01205 724470 e: [Kmb@kmb-ltd.co.uk](mailto:Kmb@kmb-ltd.co.uk)



EXISTING POLE AND SIGN  
FRAME TO BE RETAINED  
IN-SITU



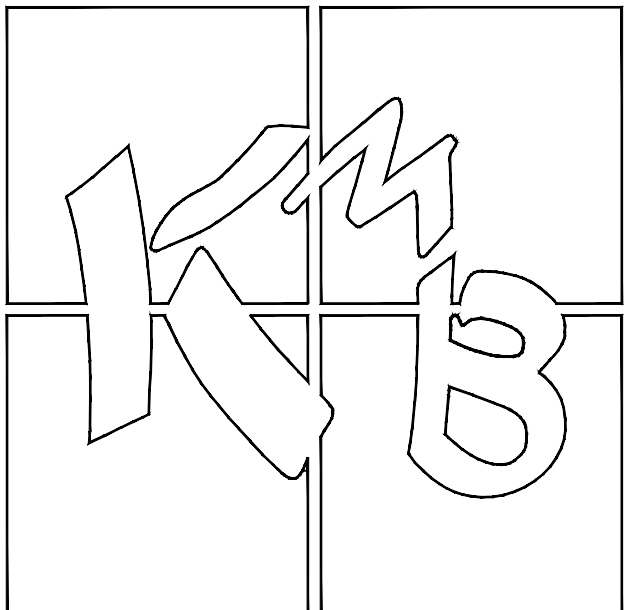
- Key:
- +69.39 - EXISTING LEVEL
  - [10.39] - PROPOSED LEVEL
  - [X] - PEDESTRIAN ZONE MARKED WITH WHITE THERMOPLASTIC PAINT
  - [ ] - PARKING SPACES MARKED WITH WHITE THERMOPLASTIC PAINT
  - ° - EXISTING EXTERNAL LIGHT
  - BOL - EXISTING BOLLARD
  - - 100MM DIA UPVC DUCT FOR TOTEM SIGN
  - BOL - NEW BOLLARD
  - DBOL - NEW DROP BOLLARD
  - ECP - ELECTRICAL VEHICLE CHARGING POINT
  - FOR EXTERNAL LIGHTING DETAILS REFER TO HOLOPHANE DRAWING R1 TO ACHIEVE AVERAGE 33 LUX TO CAR PARK.
  - [ ] - PROPOSED EXTENSION

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Do Not Scale This Drawing For Construction Purposes	
CDM - Significant Design Hazards	
Hazard	Control

SITE AREA: 0.241 HECTARES (2414.159M<sup>2</sup>)

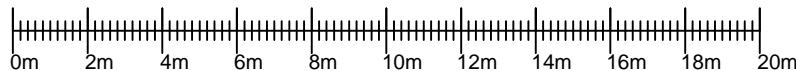
F	08.12.14	BOH shop front window revised to NE Elevation, new bollards added to car park and track removed.	BF	DF
E	01.12.14	Shop front windows added to car park and track removed.	BF	DF
D	24.11.14	Ramp revised.	BF	DF
C	27.10.14	ATM and Entrance door revised.	BF	DF
B	24.10.14	Site boundary line amended.	BF	DF
A	13.10.14	Removal of ATM location and Plant Area location, extension indicated and car park levels amended.	BF	DF

Amendments
Drawing Status

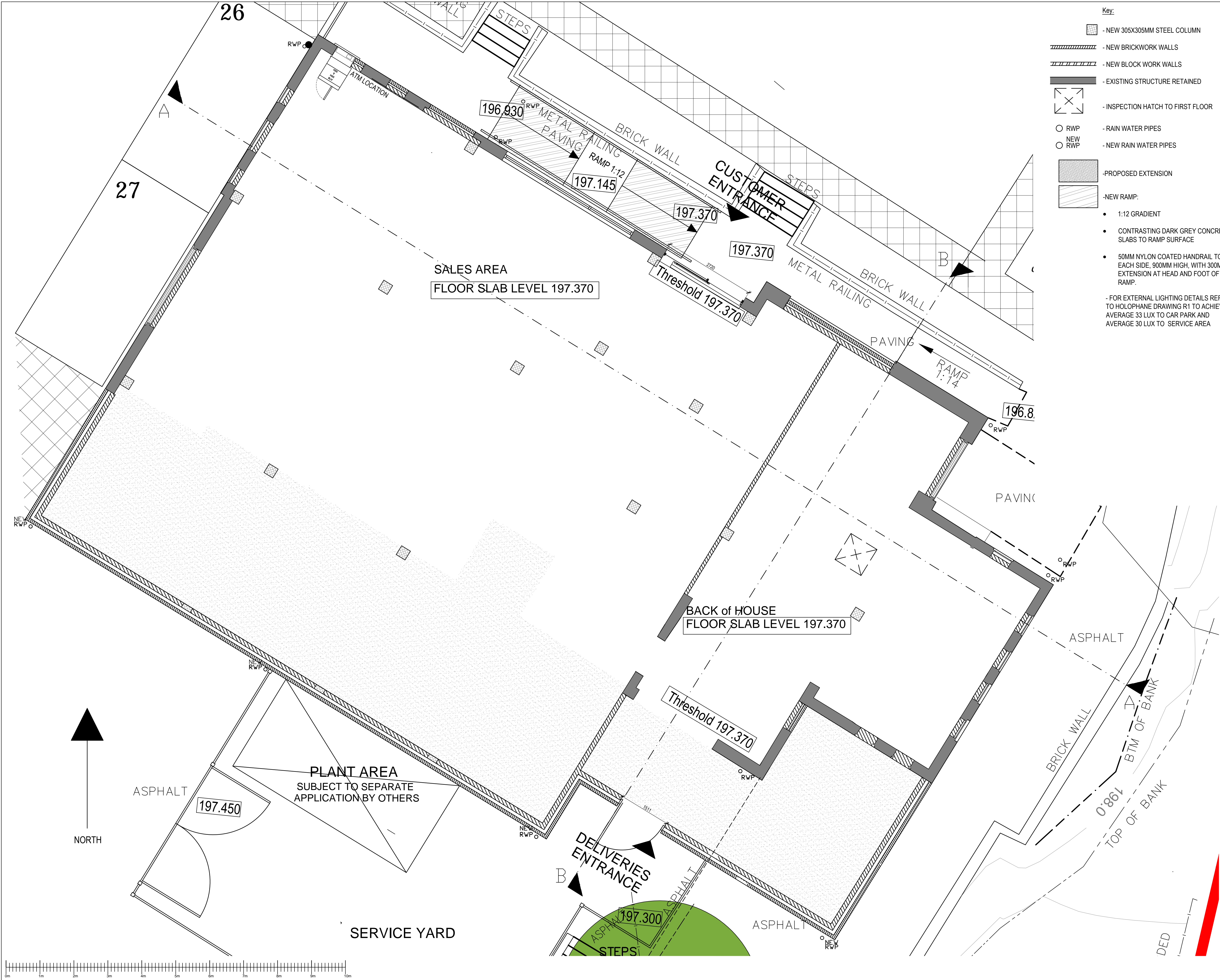


■ Quantity Surveying		■ Architecture	
■ Project Management		■ Construction Safety	
PROJECT SEVEN STARS GOSPEL END ROAD SEDGLEY DY3 3LT			
CLIENT MARSTONS ESTATES LTD			
TITLE SITE LAYOUT			
SCALE 1:200 @ A1		DATE SEPT 2014	
DRAWN BY JTQ	CHECKED BY DF	DRAWING No. 4214-P10	REV F

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CDM - Significant Design Hazards

Hazard	Control

Floor Areas (M²)  
Trading Area - 280.56 M²  
Back of House Area - 111.99 M²  
Gross Ground Floor Internal Floor Area- 392.55 M²

G	08.12.14	BOH shop front window revised on NE Elevation and back removed.	BF	DF
F	01.12.14	Shop front windows added to NE Elevation	BF	DF
E	24.11.14	Ramp revised.	BF	DF
D	31.10.14	Floor Areas revised.	BF	DF
C	27.10.14	ATM and entrance door revised.	BF	DF
B	24.10.14	Key notes revised.	BF	DF
A	13.10.14	Extension revised and car park levels amended.	BF	DF

Amendments

Drawing Status

Quantity Surveying

Project Management

Architecture

Construction Safety

PROJECT  
SEVEN STARS  
GOSPEL END ROAD  
SEDGLEY  
DY3 3LT

CLIENT  
MARSTONS ESTATES LTD

TITLE  
GROUND FLOOR GENERAL ARRANGEMENT

SCALE  
1:50 @ A1

DATE  
AUGUST 2014

DRAWN BY  
JTQ

CHECKED BY  
DF

DRAWING No.  
4214-P11

REV  
G

The Old Bake House, Kirton, Lincolnshire, PE20 1EH  
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Key:

EXISTING WINDOWS TO BE CLEANED DOWN, MADE GOOD AND REDECORATED BS00E55

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CDM - Significant Design Hazards

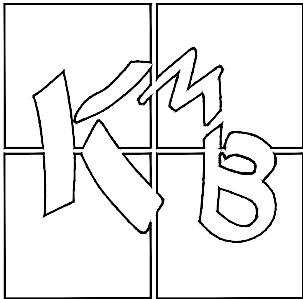
Hazard

Control

E	08.12.14	Left shop front window revised on NE Elevation	BF	DF	
D	01.12.14	Shop front windows added to NE Elevation	BF	DF	
C	24.11.14	Ramp revised.	BF	DF	
B	27.10.14	Shop front installation note removed from NE Elevation and Door note revised on SW Elevation.	BF	DF	
A	13.10.14	Lighting shown, extension revised, frame for door and screen revised and ATM revised.	BF	DF	

Amendments

Drawing Status



- Quantity Surveying ■ Architecture  
■ Project Management ■ Construction Safety

PROJECT  
SEVEN STARS  
GOSPEL END ROAD  
SEDGLEY  
DY3 3LT

CLIENT  
MARSTONS ESTATES LTD

TITLE  
ELEVATIONS

SCALE  
1:100 @ A1

DATE  
AUGUST 2014

DRAWN BY  
JTG

CHECKED BY  
DF

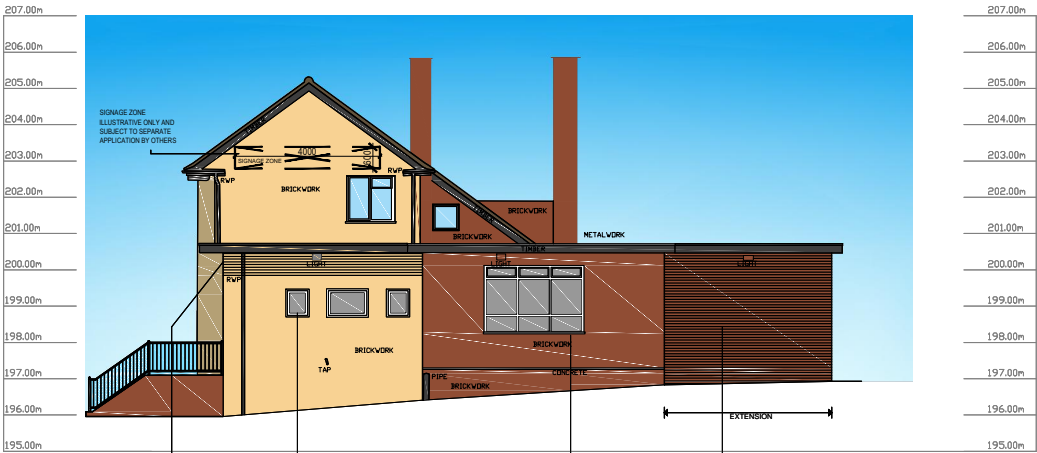
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4214-P13

REV  
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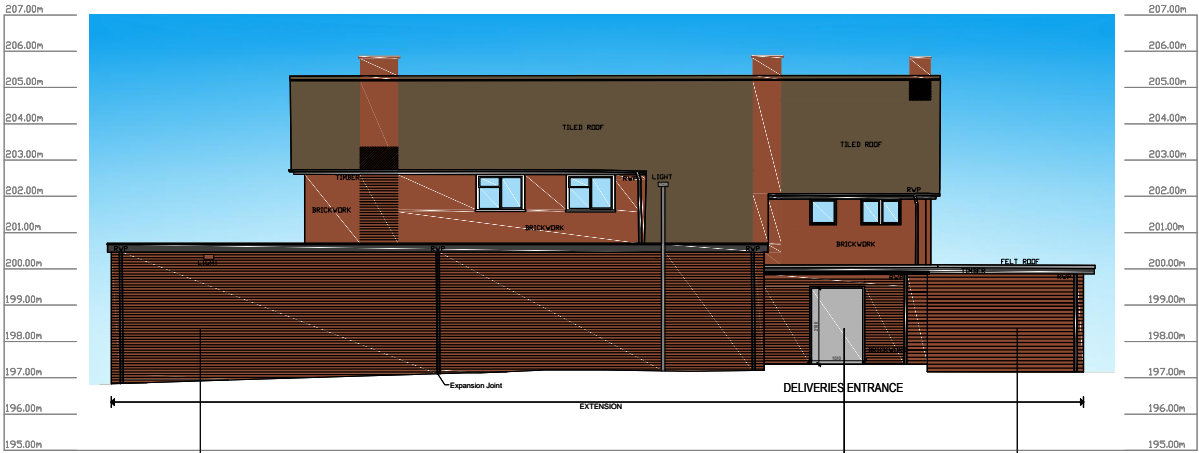
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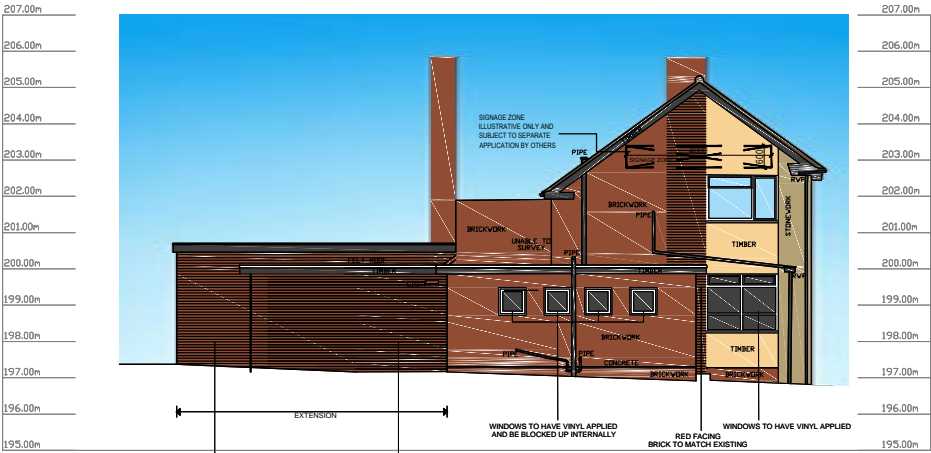
NORTH EAST ELEVATION



NORTH WEST ELEVATION



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