

# PLANNING APPLICATION NUMBER:P13/1887

Type of approval sought	Full Planning Permission
Ward	St James's
Applicant	Mr A. Mahmood
Location:	<b>THE HEARTY GOODFELLOW, 3, MAUGHAN STREET, DUDLEY, WEST MIDLANDS, DY1 2BA</b>
Proposal	<b>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.</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

## 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.

<b>APPLICATION No.</b>	<b>PROPOSAL</b>	<b>DECISION</b>	<b>DATE</b>
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.



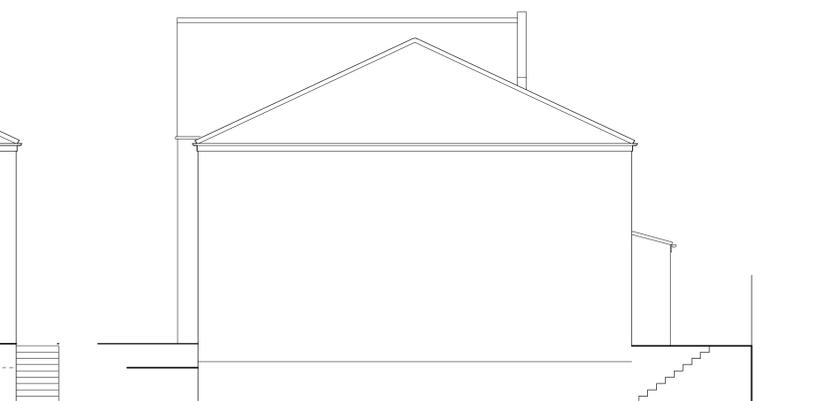
Front elevation

Hatching indicates perforated security shutters

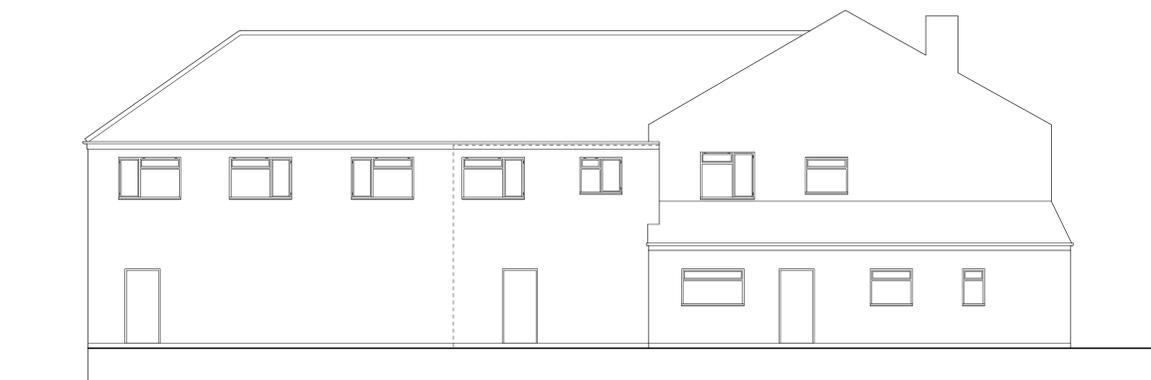


Side elevation

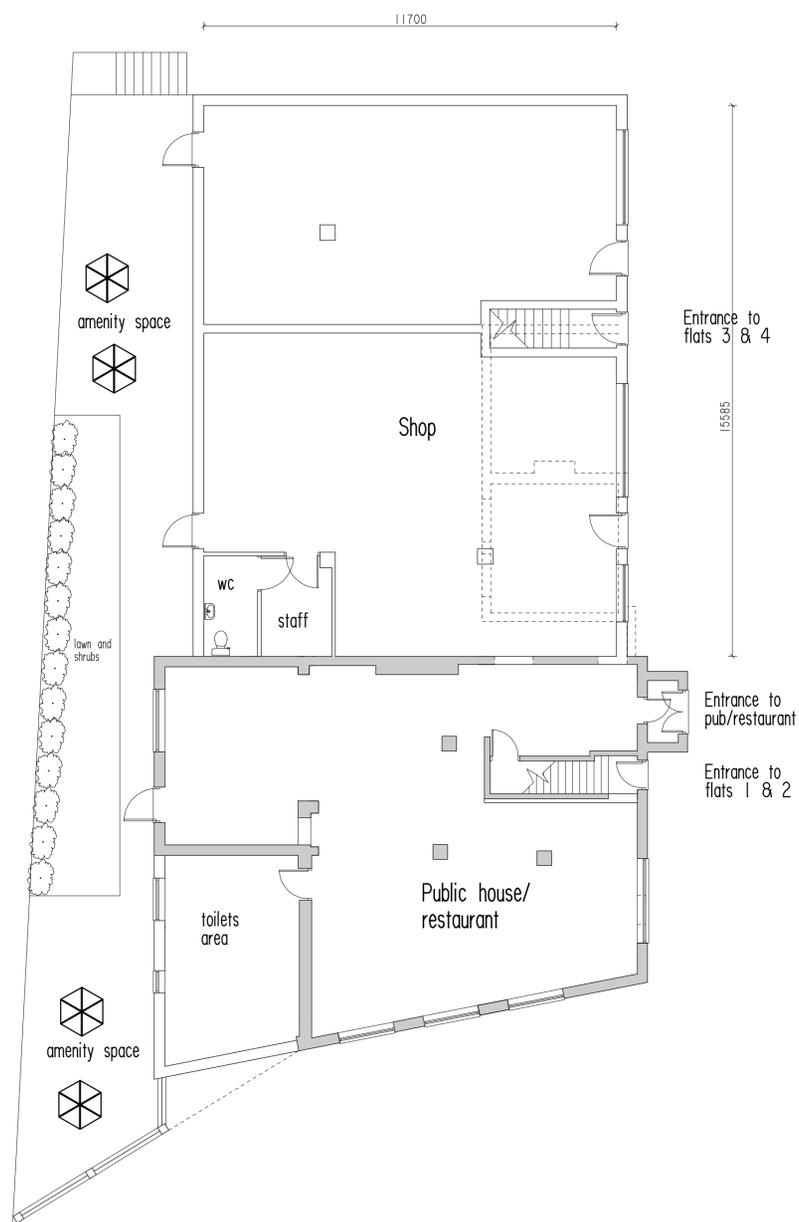
Hatching indicates perforated security shutters within structural openings.



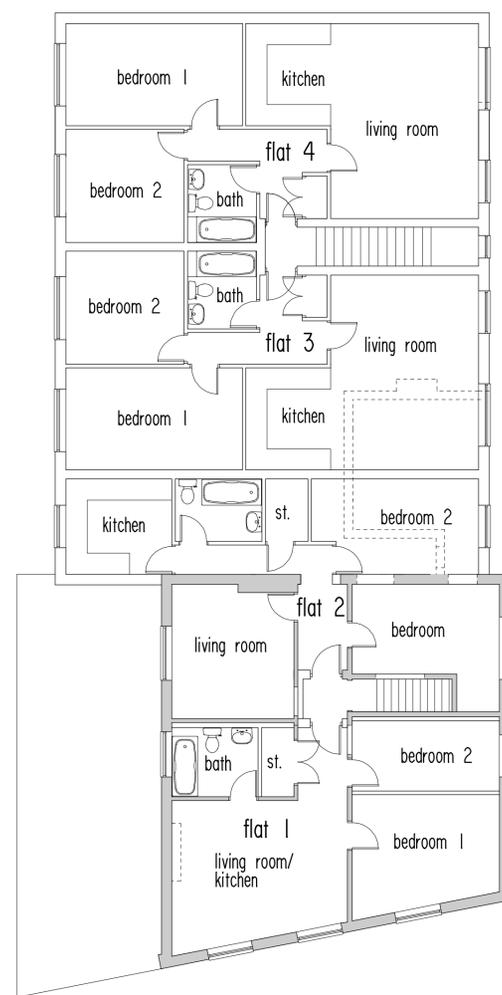
Rear elevation



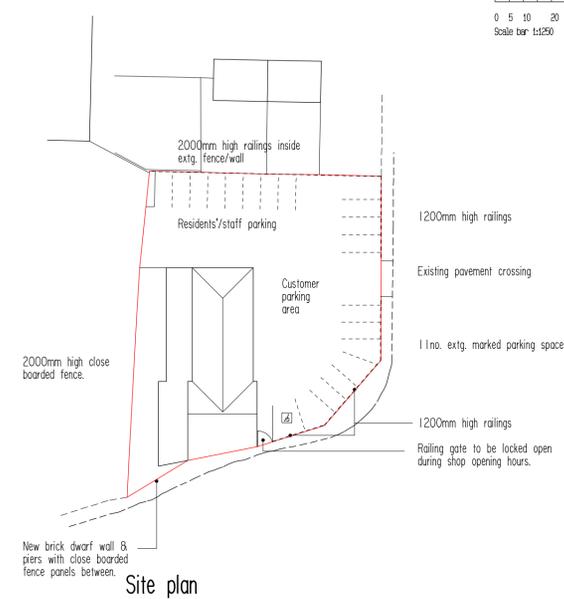
Side elevation



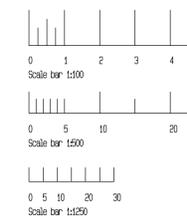
Ground floor plan



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

**MFL Design**

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