# PLANNING APPLICATION NUMBER:P11/1587

Type of approval sought		Full Planning Permission	
Ward		LYE & STOURBRIDGE NORTH	
Applicant		Mr M. Ishtiaq	
Location:	THE ROCK STATION P H, 2, VAUXHALL ROAD, STOURBRIDGE, DY8 1EX		
Proposal	CHANGE OF USE FROM PUBLIC HOUSE (A4) TO HOT FOOD TAKEAWAY (A5) WITH TWO STOREY SIDE EXTENSION. FOLLOWING DEMOLITION OF SINGLE STOREY BUILDING, ERECTION OF TWO STOREY SIDE/REAR EXTENSION TO INCORPORATE A COFFEE SHOP/SANDWICH BAR ON GROUND FLOOR AND 6 NO. SELF CONTAINED FLATS ON FIRST FLOOR (RESUBMISSION OF PREVIOUSLY WITHDRAWN APPLICATION P11/1077).		
Recommendation Summary:	APPROVE SU	JBJECT TO CONDITIONS	

#### SITE AND SURROUNDINGS

- 1. The 0.14ha application site relates to a vacant Victorian built public house with a single residential unit at first-floor level that is located on the corner of Vauxhall Street and Parkfield Road. Existing design features include original bay windows, chimneys, a mix of gable and hipped roof elements and is finished in painted brick work. A flat roof single storey extension has been previously constructed to the side. The site includes a large car park located to the east of the building.
- 2. A taxi office is operated from a single storey unit to the rear of the building. A mobile snack bar was also sited on the car, close to the entrance.
- 3. There is a Public Right of Way (PROW) running alongside the northern boundary (enclosed by a 2m high wall).
- 4. Beyond this PROW are residential dwellings, no. 1 Vauxhall Road has a side elevation running parallel to the site, the public house is set forward of this dwelling. Most of the side elevation is blank, although there is a landing on the first floor. No's

- 6 and 8 Mount Street are located perpendicular to the application site, with their rear gardens abutting the PROW.
- 5. Beyond the eastern boundary of the car park is Stourbridge Motor Co, beyond which is a recently constructed residential development.
- 6. To the west of the site is Stourbridge Bus Station, which is currently being redeveloped.
- 7. Across the road to the south, is amenity space forming an island for one way traffic.

#### PROPOSAL

- 8. There are a several elements to this proposal. Firstly it is proposed to change the use of the public house (A4 Use Class) to a hot food takeaway (A5 Use Class).
- 9. Following demolition of the single storey building, it is also proposed to construct a two storey side and rear extension to incorporate a coffee shop/sandwich bar (A3 Use Class) at ground floor level and a total of 6 no. self contained bedsits/flats on the first floor.
- 10. The proposed site plan shows a total of 32 parking spaces (including 2 no. disabled parking bays), 8 of which are allocated for the taxi base.
- 11. Supporting information has been submitted outlining that proposed opening hours are:
  - Coffee shop/sandwich bar 07.00 to 17.00 Monday to Friday and 08.00 to 17.00 on weekend and bank holidays
  - Hot food takeaway 11.00 to 23.00 Monday to Thursday, 11.00 to 12.00am on Friday, weekends and bank holidays.
- 12. There would be 4 full time and 2 part time members of staff.
- 13. A Design and Access Statement accompanies the application.
- 14. During the course of the application, the original proposal which stated the creation of 2 flats was amended to state 6 self contained flats. This was following confirmation from the applicant who had originally thought that this unit had been previously used as 5 bedsits.

## RELEVANT PLANNING HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
P11/1077	Change of use from public house (d4) to	Withdrawn	06/10/11
	hot food takeaway (a5) with two storey		
	side extension. Following demolition of		
	single storey building, erection of two		
	storey side/rear extension to incorporate		
	a coffee shop/sandwich bar on ground		
	floor and 2 no. Self contained flat on		
	first floor.		
P07/1890	Renewal Of Planning Permission	Approved	
	P05/1923 To Continue Use As A Taxi	with	20/11/07
	Office (Osg)	conditions	
P05/1923	Change of use from public house car	Approved	
	park to taxi office (osg) (retrospective)	with	27/10/05
	park to taxi office (osg) (retrospective)	conditions	
P03/1259	Section 73a application to vary	Approved	
	condition 1 of approval p02/0113 to	with	18/08/03
	allow the retention of taxi office.	conditions	

15. The most recent planning application P11/1077 was withdrawn to concerns mainly about the external design of the extension not being sympathetic to the historic detailing and the prominence of an external extraction flue.

## PUBLIC CONSULTATION

- 16.25 letters of notification were sent to adjoining and adjacent premises as a result of which 5 letters of objection have been received, summarised as follows;
  - Landing window of adjacent property is almost level with the gutter below the chimney to be used for the discharge of cooking smells.
  - The application should refer to 6 flats.

- 6 flats would lead to overcrowding and fire hazard
- Nuisance for neighbouring residential properties due to late opening hours
- Potential littering in local environment
- Premises does not need a license as an A5 development
- Concerns about number of taxi's and parking to accommodate
- Inadequate publicity about the proposal.

#### OTHER CONSULTATION

- 17. <u>Head of Environmental Health and Trading Standards</u> have raised no objections subject to conditions regarding the fume extraction system and restriction on opening hours which specifically exclude Sundays and Public (Bank) Holidays.
- 18. Group Engineer (Development): No objection subject to conditions.

## RELEVANT PLANNING POLICY

19. National Planning Policy

PPS1 - Delivering Sustainable Development

PPS3 – Housing

PPS4 – Planning for Sustainable Economic Growth

PPS5 – Planning for the Historic Environment

PPG13 - Transport

The Draft National Planning Policy Framework (NPPF) was published for consultation on 25<sup>th</sup> July 2011. The Planning Inspectorate have issued guidance which makes it clear that the NPPF is capable of being a material consideration and therefore regard has to be had for the document. However, it carries limited weight at this stage of the process as it is in draft form and subject to possible change. Existing national planning policy remains and carries substantial weight.

20. Black Country Core Strategy

HOU1 – Delivering Sustainable Housing Growth

HOU2 - Housing Density, Type and Accessibility

CSP2 – Development outside the Growth Network

CSP4 - Place Making

CSP5 - Transport Strategy

CEN4 – Regeneration of Town Centres

TRAN2 – Managing Transport Impacts of New Development

TRAN4 - Creating coherent Networks for Cycling and Walking

TRAN5 - Influencing the Demand for Travel and Travel Choices

**DEL1 - Infrastructure Provision** 

ENV2 - Historic Character and Local Distinctiveness

ENV3 – Design Quality

ENV8 – Air Quality

21. Saved UDP Policies

STC2 (XV) Established Areas

DD1 – Urban Design

DD2 - Mixed Use

DD3 – Design of Retail development

DD4 - Development in Residential Areas

EP7 - Noise Pollution

22. Supplementary Planning Documents

Parking Standards and Travel Plans

Planning Obligations

**New Housing Development** 

#### ASSESSMENT

- 23. 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
  - Highway safety, and;
  - Whether provision is made for a Planning Obligation

#### The principle of the A3 and A5 uses

- 24. The application site falls inside the Stourbridge Town Centre Inset Plan boundary Block B24, Policy STC2(XV) states that: '...Where new development or a change of use is proposed within these areas, favourable consideration will be given provided that the proposal does not conflict with other policies in the plan, or will result in loss of amenity by surrounding land users...'
- 25. The existing use as a public house (A4) has permitted development rights to change the use to a restaurant/cafe (A3), this element of the proposal would be acceptable in principle as it would not need planning permission.
- 26. Located in an edge-of-centre location, the site is considered to be in an accessible and sustainable location with regard to Stourbridge town centre. BCCS Policy CEN4 supports the development of entertainment and leisure uses where they are of an appropriate scale that reflects the size and role of the town centre. It is considered that the limited overall commercial extension of 42m2 would not harm the vitality and viability of Stourbridge town centre.
- 27.PPS4 Policy EC10.2 also sets out a list of impact assessment criteria that all planning applications for economic development should be assessed against;
  - whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions
  - the accessibility of the proposal by a choice of means of transport, the effect on local traffic levels and congestion (especially to the trunk road network)
    after public transport and traffic management measures have been secured
  - whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions
  - the impact on economic and physical regeneration in the area
  - the impact on local employment
- 28. Given its permission opposite the Stourbridge Bus Station, it is considered that this proposal would reduce the need for car borne visits and would seek to capitalise on night time trade from people visiting the town centre, particularly those who are making their way home, either by bus or taxi.

- 29. The creation of potentially 6 (4 full-time, 2 part-time) posts would make some contribution to local employment. Investment in this vacant building would represent improvements in the physical regeneration of this area, particularly as Stourbridge Bus Station redevelopment is also currently taking place.
- 30. The extent to which the development improves the character and appearance of the area is explored below.

#### Principle of residential use

- 31. The site falls under the definition of previously-developed land in accordance with the Annex B (Previously-developed land) definition of Planning Policy Statement 3 Housing. Policy HOU1 Delivering Sustainable Housing Growth requires that 'at least' 95% of new housing (gross) be built on previously developed land. The general principle of residential use is supported.
- 32. As the site is located outside of the Growth Network, Policy CSP2 is relevant, which states that 'By 2026, the areas outside the Strategic Centres and Regeneration Corridors will provide....a mix of good quality residential areas where people choose to live.' Policy CSP4 also states that the Black Country's transformation will be supported by buildings providing a range of functions, tenures...to support its diverse local communities. A mix of building designs and types will be sought that are appropriate to the Black Country.
- 33. Policy HOU2 outlines criteria that the density and type of new housing needs to be informed by;
  - Need for a range of types and sized of accommodation to meet identified sub-regional and local needs
  - Level of accessibility by sustainable transport to residential services
  - The need to achieve high quality design and minimise amenity impacts
- 34. The introduction of a mix of house types and tenures, to create diverse communities is a key strand of government policy. Policy HOU2 also states that a minimum net density of 35 dph should be achieved, except where higher densities prejudice historic character and local distinctiveness as defined in Policy ENV2. A balance must be struck between the policy aims of making the most effective use of previously developed land by higher densities and the need to achieve high quality housing by good design that is appropriate to its context.

35. Saved UDP Policy DD2 states that the Council will encourage mixed use development as a key component of the vitality and viability of local areas, subject to such uses being compatible with the amenities and functions of the site and its surrounding area, it is encouraged even for Individual buildings.

#### Impact on the character and appearance of the area

- 36. Saved UDP Policy DD4 states that development will be allowed where there will be no adverse effect on the character and appearance of the area.
- 37.BCCS Policy HOU2 states that a minimum net density of 35 dph should be achieved, except where higher densities prejudice historic character and local distinctiveness as defined in Policy ENV2. A balance must be struck between the policy aims of making the most effective use of previously developed land by higher densities and the need to achieve high quality housing by good design that is appropriate to its context.
- 38. The surrounding area contains a mixture of dwelling types, detached, semi's, terraced and apartments. Taking a snapshot from dwellings located north of the development and recently built apartments; it is considered that the density range of the surrounding area is between 50dph to 123dph.
- 39. The proposed 6 apartments on a site of 0.14ha, would result in a density of 42.8dph, which is now considered appropriate for this area. This is confirmed by the development criteria guidance for Edge of Centre development outlined in the New Residential Development SPD.
- 40. The Rock Station PH is a Victorian building which is recorded on the Councils Historic Environment Record (HER No. 15054) and is therefore classed as a 'Heritage Asset' under Planning Policy Statement 5 (PPS5).
- 41. As part of the Stourbridge Historic Landscape Characterisation (which forms part of the evidence base for the Stourbridge Area Action Plan), this building has been identified as being worthy of inclusion on the Councils Local List and may well be added to that list in due course. As the building is a heritage asset, under PPS5, the Local Planning Authority is charged with preserving its significance and avoiding inappropriate alterations which could diminish the building's eligibility for the Local List.

- 42. Replacing the non-historic single storey extension to the south elevation of the building would be acceptable. The proposed fenestration has been amended to line through horizontally with original windows in the front elevation facing Vauxhall Road. Both the A3 and A5 uses would have active frontages on the ground floor along Vauxhall Road, complying with Saved UDP Policy DD3, which states that developments should have regard to the desirability of ensuring active elevations to public areas which are in scale and proportion with the street scene in which it is contained.
- 43. The rear two storey extension has been improved in design terms and still retains an element of the original building. The use of a hipped roof rather than previously shown flat roof would provide a much improved visual appearance. To break up the mass of brickwork at ground floor level, there is a door serving the kitchen and a window serving the WC, with 2 recessed blank window openings.
- 44. To preserve the character of the building, original timber sash windows are to be retained and repaired if necessary. Only the rear elevation would have UPVC windows to match the design. The entrance to the flats utilises an existing timber door in the side elevation.
- 45. The fume extraction would no longer be attached to the rear elevation, but would largely be hidden through an existing chimney from the takeaway kitchen. This would safeguard the appearance of the building when viewed from Parkfield Road and by users of the car park.
- 46. Overall, the proposed development secures a high quality and inclusive design and takes the opportunities available for improving the character and quality of the area and the way it functions. It would therefore comply with BCCS Policies HOU2, CSP2, CSP4, CEN6, ENV2 and ENV3, and Saved UDP policies DD1, DD3 and DD4.

#### Impact upon residential amenity

47. Whilst no provision is made for external amenity space, it is considered that given its edge of centre location and the benefits of bringing this vacant Victorian building back into use, it would not be appropriate to require this, especially as this would result in the loss of parking spaces. Previous occupiers of the residential unit above the public house would not have had access to external amenity space.

- 48. As the site is not located directly within the town centre, noise levels during night time hours in this location will be significantly reduced in comparison to the town centre, and therefore the A3/A5 uses have potential to adversely affect the amenities of nearby residents in terms of noise and odour.
- 49. The Head of Environmental Health and Trading Standards, suggests that as there would be residents living above the takeaway, a condition is required to submit a scheme to minimise conducted noise and vibration from fixed plant and machinery. A condition requiring full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations to be submitted prior to their installation is proposed.
- 50. The adjacent taxi base operates 24 hours a day, and the introduction of a takeaway would be likely to increase noise levels during unsociable hours due to increased comings and goings of patrons. It is likely that patrons using the taxi base would be encouraged to congregate for longer periods in this area if hot food were available. The Head of Environmental Health and Trading Standards has suggested restrictions to the hours of opening of the proposed hot food takeaway in order to protect the amenity of nearby residents.
- 51. The side elevation windows serving bedsit 1 would face 1 Vauxhall, as these windows would have previously served the residential use above the public house; it is not considered that they would cause any detrimental impact upon these adjacent neighbours over and above the existing situation. Furthermore, given the perpendicular relationship, there would be no direct window to window impact.
- 52. With the suggested conditions, the amenity of future and existing occupiers would be protected and would comply with Saved UDP Policy DD4.

#### Highway safety

- 53. The car parking details submitted show 32 parking spaces in total with 8 spaces allocated for the Taxi Office and the remainder left for the Take-away and residential properties. The Group Engineer (Development) would require 6 spaces allocated for the residential uses.
- 54. By the nature of their operation hot food takeaways generate a requirement for short term parking, in the most convenient location available, often with disregard to traffic regulations orders and prevailing road conditions. To ensure customers to the take-

- away do not park on Vauxhall Road, a convenient pedestrian link directly from the car park into the take-away will be required and should be supported by a signing scheme which directs customers to the car parking provision.
- 55. Overall, there is adequate car parking provision on the site to cater for the needs of all the separate uses, as long as relevant conditions are attached, and the proposal would not be detrimental to highway safety for car users or pedestrians. Consequently the proposal would comply with Saved UDP policy DD4 and BCCS policies CSP4, TRAN2, TRAN4 and the Parking Standards and Travel Plans SPD.

#### Planning Obligations

- 56. 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.
- 57. Policy DEL1 requires all new developments to be supported by sufficient on and offsite 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.
- 58. 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.
- 59. To comply with BCCS Policy DEL1 and the Planning Obligations SPD, the required Planning Obligations on this application have been identified as Air Quality Improvements and Nature Conservation enhancement, both of which can be provided as an on-site contribution, and can be secured by way of condition.
- 60. The development does would comply to the requirements of BCCS Policy DEL1 and the Planning Obligations SPD.

### CONCLUSION

61. The location of the extension to provide a hot food takeaway (A5) and coffee shop (A3) would not harm the vitality and viability of Stourbridge town centre, and therefore the principle of the use is acceptable. The proposed residential units would utilise a site on previously developed land and would bring back into use a currently vacant building, the principle of new housing is acceptable. Overall, the proposed development secures a high quality and inclusive design and takes the opportunities available for improving the character and quality of the area and the way it functions. As long as conditions are attached to address noise from plant/machinery and control of opening hours, then it is unlikely that the proposal would result in harm to adjacent neighbours or future occupiers. There is adequate car parking provision on the site to cater for the needs of all the separate uses to avoid any harm to highway safety. The proposal would comply with Black Country Core Strategy policies HOU1 – Delivering Sustainable Housing Growth, HOU2 – Housing Density, Type and Accessibility, CSP2 – Development outside the Growth Network, CSP4 – Place Making, CSP5 – Transport Strategy CEN4 – Regeneration of Town Centres, TRAN2 - Managing Transport Impacts of New Development, TRAN4 - Creating coherent Networks for Cycling and Walking, TRAN5 -Influencing the Demand for Travel and Travel Choices, DEL1 - Infrastructure Provision, ENV2 – Historic Character and Local Distinctiveness, ENV3 – Design Quality, ENV8 - Air Quality, Saved UDP Policies - STC2 (XV) Established Areas, DD1 – Urban Design, DD2 – Mixed Use, DD3 – Design of Retail development, DD4 - Development in Residential Areas, EP7 - Noise Pollution and Supplementary Planning Documents - Parking Standards and Travel Plans, Planning Obligations and New Housing Development.

#### RECOMMENDATION

62.It is recommended that this application be approved subject to the following conditions;

#### REASON FOR THE GRANT OF PLANNING PERMISSION

The location of the extension to provide a hot food takeaway (A5) and coffee shop (A3) would not harm the vitality and viability of Stourbridge town centre, and therefore the principle of the use is acceptable. The proposed residential units would utilise a site on previously developed land and would bring back into use a currently vacant building, the principle of new housing is acceptable. Overall, the proposed development secures a high quality and inclusive design and takes the opportunities available for improving the character and quality of the area and the way it functions. As long as conditions are attached to address noise from plant/machinery and control of opening hours, then there would unlikely to be harm to adjacent neighbours or future occupiers. There is adequate car parking provision on the site to cater for the needs of all the separate uses to avoid any harm to highway safety. The proposal would comply with Black Country Core Strategy policies HOU1 – Delivering Sustainable Housing Growth, HOU2 – Housing Density, Type and Accessibility, CSP2 - Development outside the Growth Network, CSP4 - Place Making, CSP5 - Transport Strategy CEN4 - Regeneration of Town Centres, TRAN2 -Managing Transport Impacts of New Development, TRAN4 – Creating coherent Networks for Cycling and Walking, TRAN5 – Influencing the Demand for Travel and Travel Choices, DEL1 - Infrastructure Provision, ENV2 - Historic Character and Local Distinctiveness, ENV3 - Design Quality, ENV8 - Air Quality, Saved UDP Policies - STC2 (XV) Established Areas, DD1 – Urban Design, DD2 – Mixed Use, DD3 – Design of Retail development, DD4 - Development in Residential Areas, EP7 - Noise Pollution and Supplementary Planning Documents - Parking Standards and Travel Plans, Planning Obligations and New Housing Development.

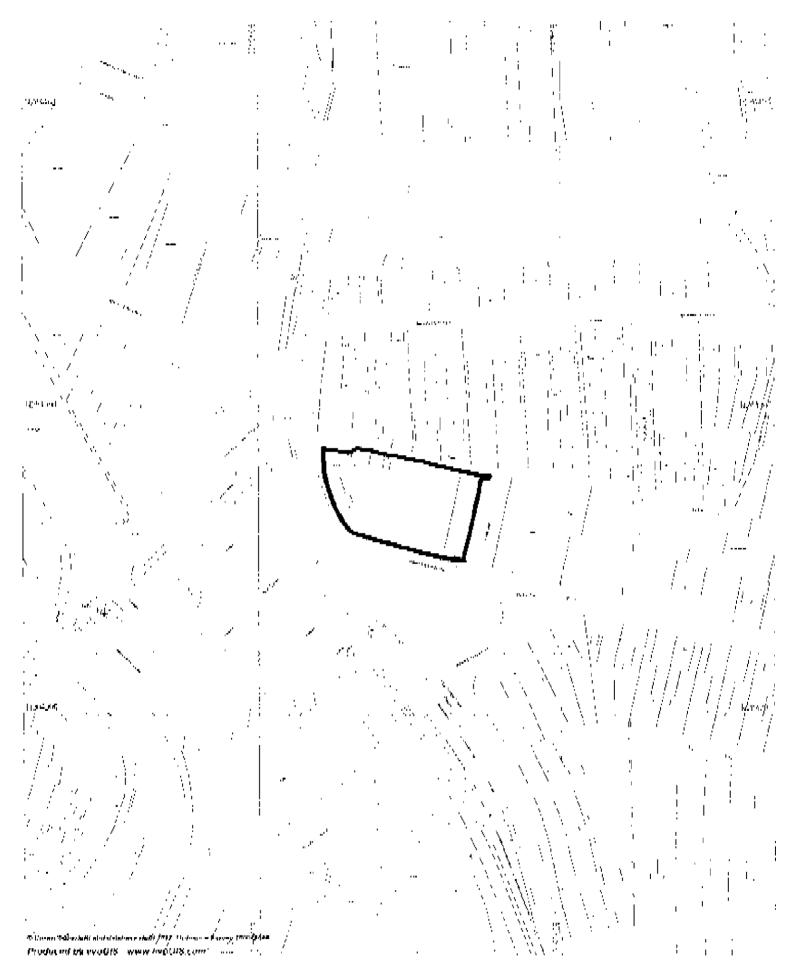
The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Black Country Core Strategy (2011), the Saved UDP (2011) and to all other relevant material considerations.

The above is intended as a summary of the reasons for the grant of planning permission. For further 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. Notwithstanding the details shown on the application form, prior to commencement of development, the following shall be submitted and approved in writing by the local planning authority and thereafter carried out in complete accordance with the approved details;
  - -Details of the types, colours and textures of the material to be used on the external surfaces of the buildings
  - -Details of any proposed flue/s and their appearance, size, and finish/colour where visible above the existing chimney to the rear of the building.
  - -Details of the appearance, type, material, and colour of the new windows, window cills, window surrounds and doors to be provided to the rear and side extensions to the building.
  - -Details confirming the exact type and colour of paint to be used on the existing building and confirmation that the paint being specified is vapour permeable and appropriate for the type of construction and period of the building.
  - The existing roof tiles shall be, where possible, retained in situ. Unless otherwise agreed in writing by the local planning authority, any replacement roof tiles should match closely in type, colour and texture, that of the existing roof tiles. The existing historic timber windows, doors and window surrounds shall not be replaced and shall be retained in situ and repaired where necessary.
- 3. 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
- 4. 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 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.
- 5. The noise rating level of any fixed plant and/or machinery associated with the development shall not exceed background noise levels at the boundary with 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.
- 6. The premises shall not be open to the public, nor shall dispatches from the premises be made, before the hours of 07.00 or after 23.00 Monday to Thursday,

- before 07.00 or after 00.00 on Fridays and Saturdays or before 07.00 or after 22.00 on Sundays and Public Holidays.
- 7. Development shall not begin until a detailed scheme for the parking of vehicles, including measures to keep the taxi and residential spaces clear from take-away and café customers has been submitted to and approved in writing by the Local Planning Authority and no buildings shall be occupied until the car park has been constructed and laid out in accordance with the approved details and shall thereafter be maintained available for use.
- 8. The pedestrian access into the café/take-away area directly from the car park shall be available for use during the take-away opening hours.
- 9. Prior to the commencement of development details of proposed on-site Nature Conservation enhancements shall be submitted to and approved in writing by the Local Planning Authority. The agreed provision will be implemented on site prior to occupation of the development and thereafter maintained for the lifetime of the development unless otherwise agreed in writing with the local planning authority.
- 10. Development shall not commence until details for the provision of an external electric charging point adjacent to at least 1 parking space have been submitted to and approved in writing by the Local Planning Authority. The agreed provision will be implemented on site prior to occupation of the development and thereafter maintained for the lifetime of the development unless otherwise agreed in writing with the local planning authority.
- 11. The development hereby permitted shall be carried out in accordance with the following approved plans: 11:30:04A



Dudley

Annual contract MPS Unit 10.15

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