

PLANNING APPLICATION NUMBER:P08/0085

Type of approval sought	Full Planning Permission
Ward	SEDGLEY
Applicant	Mr D SINGH
Location:	126 128, BILSTON STREET, DUDLEY, WEST MIDLANDS, DY3 1JF
Proposal	SINGLE STOREY REAR EXTENSION TO NO. 128 TO CREATE STORE AND SHOWER ROOM. TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSION TO NO. 126 TO PROVIDE COVERED AREA WITH FLAT ABOVE AND STORAGE AREA AT REAR. PROVISION OF TWO PARKING SPACES IN REAR YARD WITH ACCESS FROM QUEENS ROAD.
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

- 1 The application site consists of two existing shops and the land between them at Bilston Street near to the junction with Beacon Lane approx 0.5km from the centre of Sedgley. Both are two-storey and are finished in either brick or render.
- 2 The smaller shop is an established takeaway (No 128) with a flat above and the other is a convenience store (No 124) again also with a flat over. Vehicular access is presently via an existing gateway in the gap between the two shops and by a rear access from Queens Road. The former is used for deliveries from third parties, whilst the rear access is used for parking for the flats and the applicants own van. The overall site area (area outlined red) is approx 0.02 hectares.

PROPOSAL

- 3 The first part of the planning application is for the provision of a store extension to the rear of the takeaway which replaces an existing facility which is to be demolished.

- 4 The second part of the application is for the erection of a loading area/store for the convenience store with a flat over. A gap of approx 0.7m would be left between the store/flat and the flank wall of the convenience store with its flat over.
- 5 The plans have been amended to ensure the kitchen window to the flat over the takeaway is not affected by the proposed new flat between the two shops. The rear of the proposed flat has been pulled back and the existing kitchen window is to be relocated. The applicant has also confirmed that the additional floor space/replacement floor space is for storage rather than additional retail space.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
SD/48/44	Erection Of Stores And Washing-Up Room In Connection With Fish And Chip Shop.	Granted	25/11/48
CC/76/1289	Erection Of Single Storey Extension (outline)	Granted	06/09/76
CC/77/6	Erection Of Single Storey Extension	Granted	14/02/77
CC/76/1290	Change Of Use From Shop And Living Accommodation To Shop And Photographic Studio.	Granted	06/09/76
CC/79/1404	Extension To Photographic Studio.	Granted	23/07/79
87/52183	Erection Of Garage Store Bedroom Living Room Kitchen Bathroom And W.C. With Shop Alteration	Granted	25/04/88
89/50212	Installation Of New Shopfront Erection Of Boundary Fence And Gates.	Granted	13/04/89

89/50212	First Floor Extension To Provide New Kitchen Addition Of Rear Fire Escape Stairs And Internal Alterations To Shop.	Granted	27/06/96
98/50427	Extension To Shop And Flat Above To Provide Increased Sales Area And Additional Bedroom And Bathroom.	Granted	18/02/99
99/50584	Change Bay Windows In Front Elevation To Flat Windows	Granted	19/05/99
P01/0187	Erection Of Rear Extension To Form Staff Kitchen Staff Room And Loading/Unloading Area External Staircase To First	Granted	23/03/01
99/50584	Change Bay Windows In Front Elevation To Flat Windows	Granted	19/05/99

PUBLIC CONSULTATION

6 No representations received.

OTHER CONSULTATION

7 Group Engineer (Development): No objection subject to condition controlling use of storage areas to non direct retail use.

8 Head of Environmental Health and Trading Standards: No objection subject to noise conditions in respect of the takeaway and traffic.

RELEVANT PLANNING POLICY

Unitary Development Plan

DD1 Urban Design

DD3 Design of Retail Development

DD4 Development in Residential Areas
DD6 Access and Transport Infrastructure
DD7 Planning Obligations
HE1 Local Character and Distinctiveness
EP7 Noise Pollution
CR11 Retail (A3) Uses and amusement Arcades

Supplementary Planning Guidance/Documents

Supplementary Planning Document on Open Space, Sport and Recreation Provision
Parking Standards and Travel Plans Supplementary Planning Document
New Housing Development Supplementary Planning Document
Planning Obligations Supplementary Planning Document
PGN3 New Housing Development
PGN4 Retail Development
PGN28 A3 Uses

ASSESSMENT

9 The main issues are

- Principle of Development
- Design
- Parking, Access and Road Safety
- Amenity
- Planning Obligations

Principle of Development

10 The planning application involves extensions to existing retail uses mainly for storage and the provision of a new flat. Due to the relative small scale of the store extensions of less than 50m² (net) no objection is raised in principle to these extensions. Similarly the provision of the flat raises no policy objection as the wider area is generally residential in character (DD4).

Design

- 11 The design of the proposed store/loading area with flat over is considered to be acceptable and complements the general design and materials as used for the takeaway. The building is set back 0.75m from the front wall of the takeaway, with the roof 0.3m lower than the takeaway. The single storey elements which are to the rear are also considered to be acceptable with pitched roofs. The proposal also has the benefit of filling an awkward gap in the street frontage between the takeaway and the convenience store.

Parking, Access and Road Safety

- 12 In respect of parking to the residential element there is a large parking and turning area which can easily accommodate the additional one space that is required.
- 13 In respect of the retail element as no additional retail space is proposed there is unlikely to be any increase in trip generation which would lead to an increased parking requirement. However, to ensure the additional space is not used for retail and is used for its intended purpose as a store, a condition is proposed which would prevent retail sales. Therefore no highway concerns are raised.

Amenity

- 14 There are windows to the side of the flat over the convenience store, however, these are to secondary rooms and therefore no amenity concerns are raised.
- 15 The design of the new flat has been amended to bring in the proposed back wall. This together with the relocation of the existing window to the kitchen of the flat over the takeaway overcomes any amenity concerns which were present before the amendments were requested.

- 16 The proposed development also would not have any significant effect on the amenity of other neighbours in the locality in terms of privacy, daylight or sunlight.
- 17 The Head of Environmental Health and Trading Standards notes the potential for disturbance to the occupiers of the proposed flat from both traffic noise and the close proximity of the takeaway and its associated flue. However, he is satisfied that these issues can be controlled by condition.

Planning obligations

- 18 Contributions are required under the SPD for the residential flat to which the applicant has agreed.

CONCLUSION

- 19 The design of the proposed storage area and flat is considered to be acceptable, causes no significant harm to neighbour amenity and raises no policy or highway safety concerns. Consideration has been given to policies DD1 DD3 DD4 DD6 HE1 EP7 and CR11 of the Dudley Unitary Development Plan.

RECOMMENDATION

It is recommended that the application be approved subject to:

- a) The development not beginning until a scheme for the submission and approval of a planning obligation to guarantee the provision, maintenance and enhancement of off-site public open space, local transport improvements, improvements for local libraries and improvements to the local public domain has been submitted to and agreed in writing by the Local Planning Authority.
- b) The following conditions, with delegated powers to the Director of the Urban Environment to make the necessary amendments to these as necessary.

Reason for approval

The design of the proposed storage area and flat is considered to be acceptable, causes no significant harm to neighbour amenity and raises no policy or highway safety concerns. Consideration has been given to policies DD1 DD3 DD4 DD6 HE1 EP7 and CR11 of the Dudley Unitary Development Plan.

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Dudley UDP (2005) and to all other relevant material considerations.

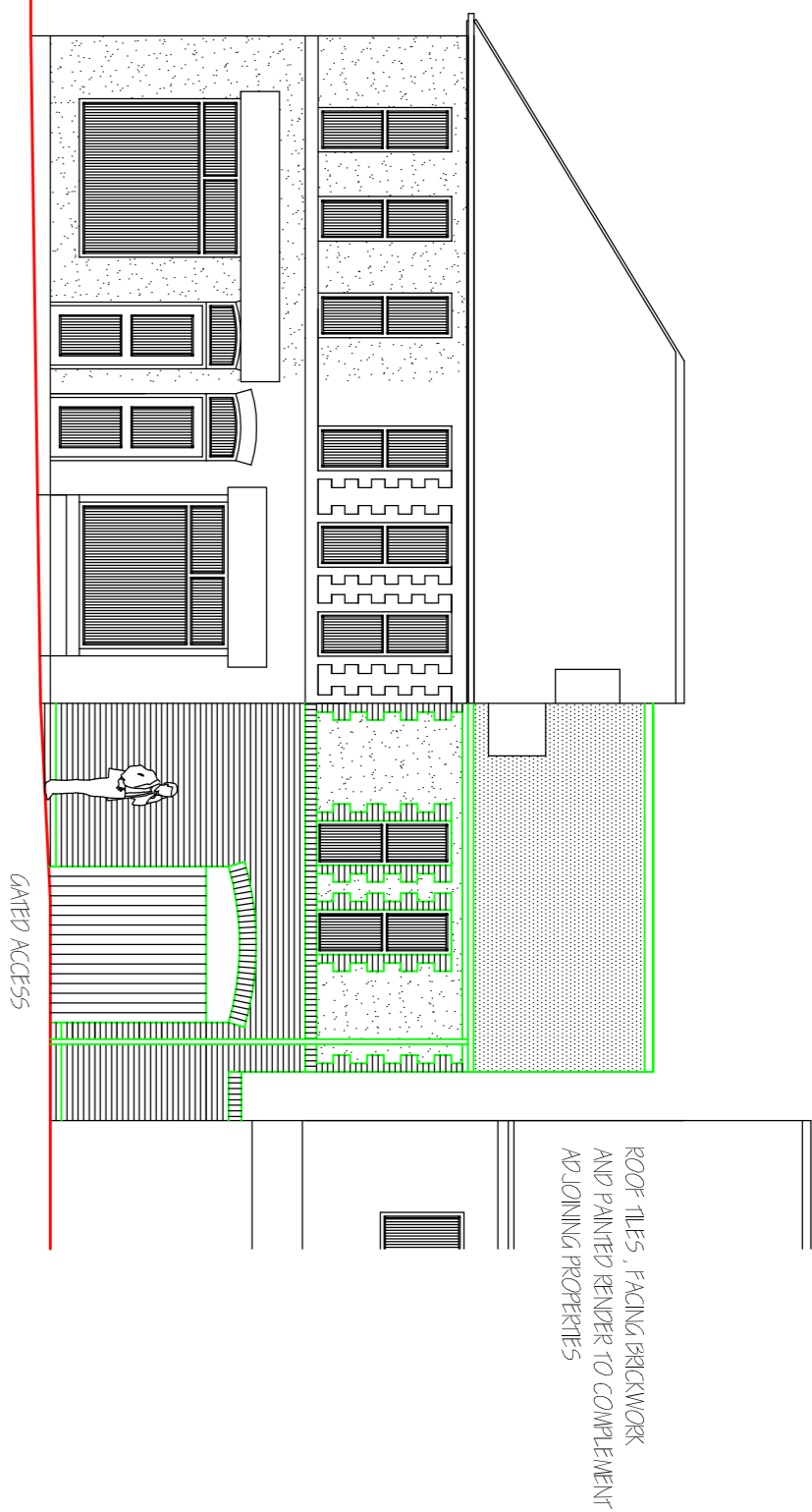
The above is intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report.

The development hereby permitted shall be built in accordance with the approved plans numbered 5/04/07 Rev A and 5/03/07 Rev B unless otherwise agreed in writing by the Local Planning Authority.

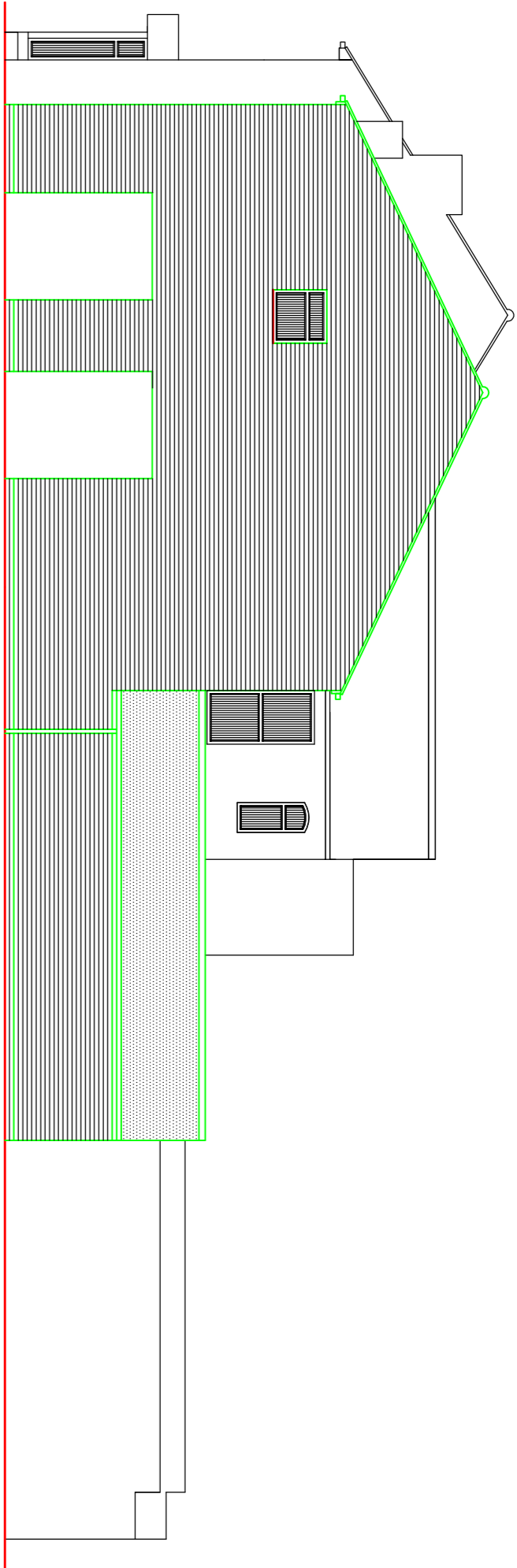
Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Development shall not commence until an arrangement for the provision of off site public open space, off site transport improvements, off site public realm improvements and local library improvements has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the method, timing and arrangements to comply with the Council's policies for the provision of the infrastructure required in connection with the proposed development.
3. The areas shown as stores or food preparation areas on the approved plans shall be used for the above described purposes and shall not be used as general retail space without the express grant of planning permission.
4. The development hereby approved shall not be first commenced until a scheme for protecting the proposed dwelling from noise from road traffic along Bilston Street has been submitted to and approved in writing by the Local Planning Authority. All works which form part of scheme shall be completed before the permitted development is first occupied and retained for the life of the development.

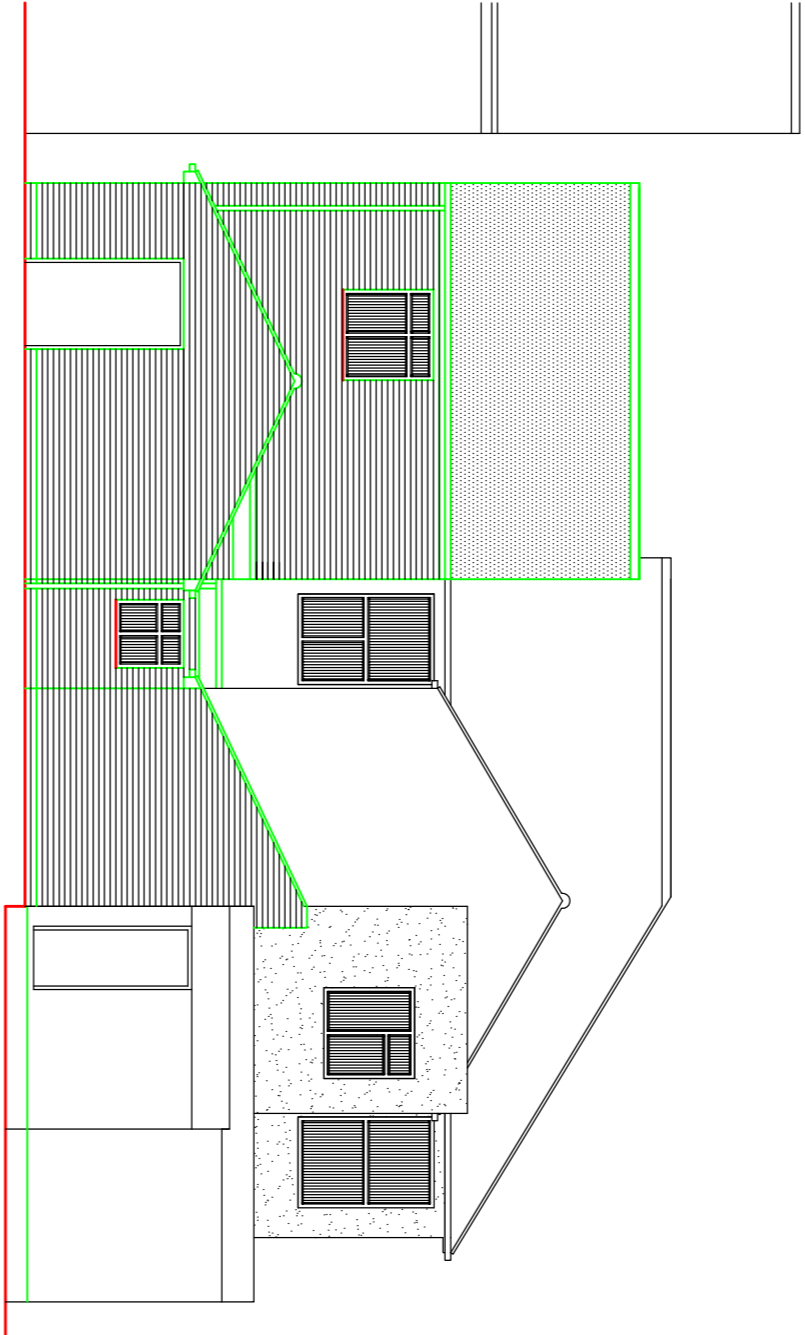
5. The development hereby approved shall not be first commenced until a scheme for protecting the proposed building from conducted noise and vibration from the extraction ductwork adjacent to the takeaway premises (No 128 Bilston Street) has been submitted to and approved in writing by the local planning Authority. All works which form part of scheme shall be completed before the permitted development is first occupied and retained for the life of the development.
6. Works to the new residential element shall be first commenced until the window to the kitchen of the flat over the takeaway (No.128 Bilston Street) has been relocated in accordance with the details shown on 5/04/07 Rev A and 5/03/07 Rev B.
7. The facing materials to the development hereby approved shall be finished in accordance with the details shown on the approved plans.
8. The parking space for the flat shall be marked out and shall remain available for parking by the occupiers of the flat hereby approved for the life of the development.



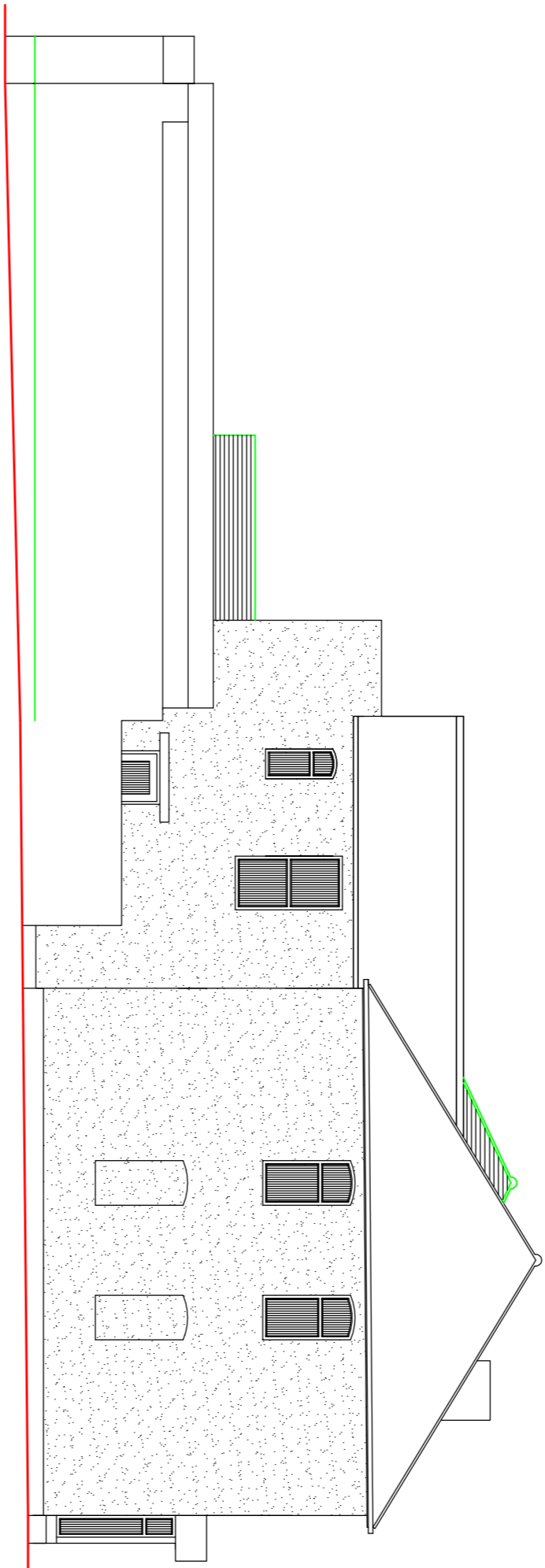
FRONT ELEVATION



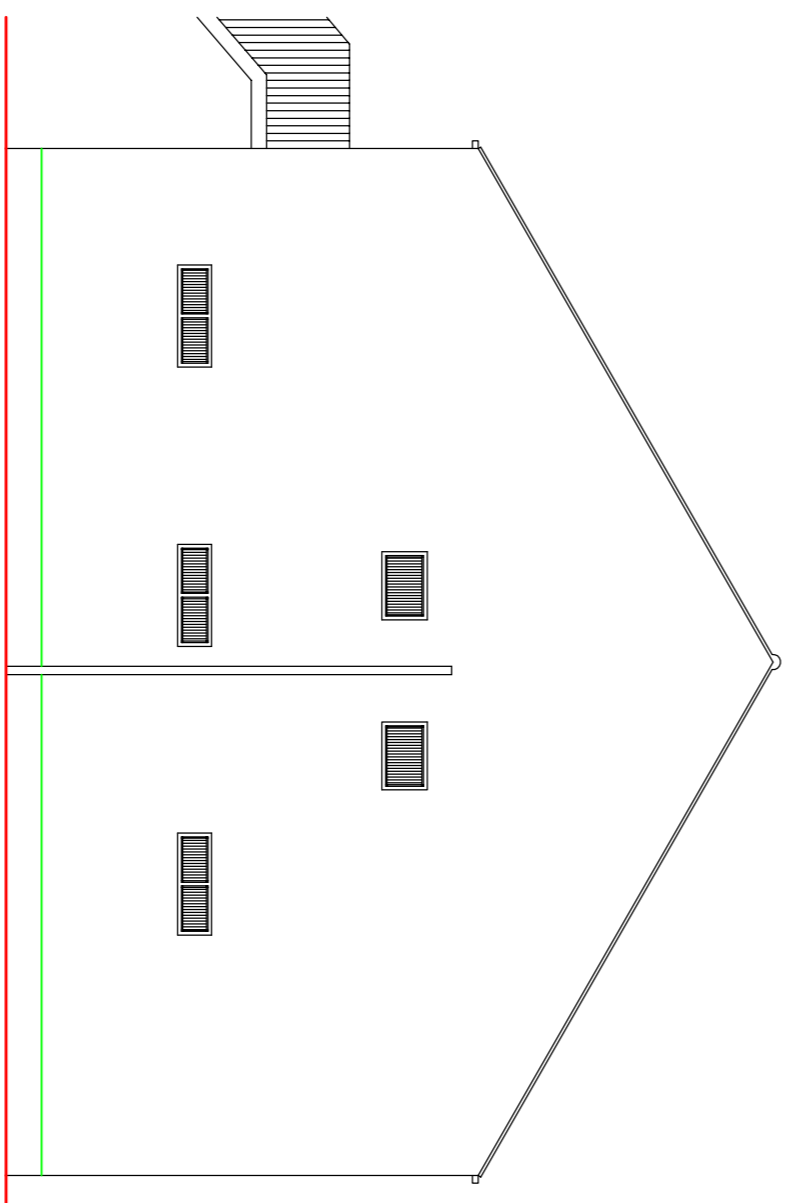
SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

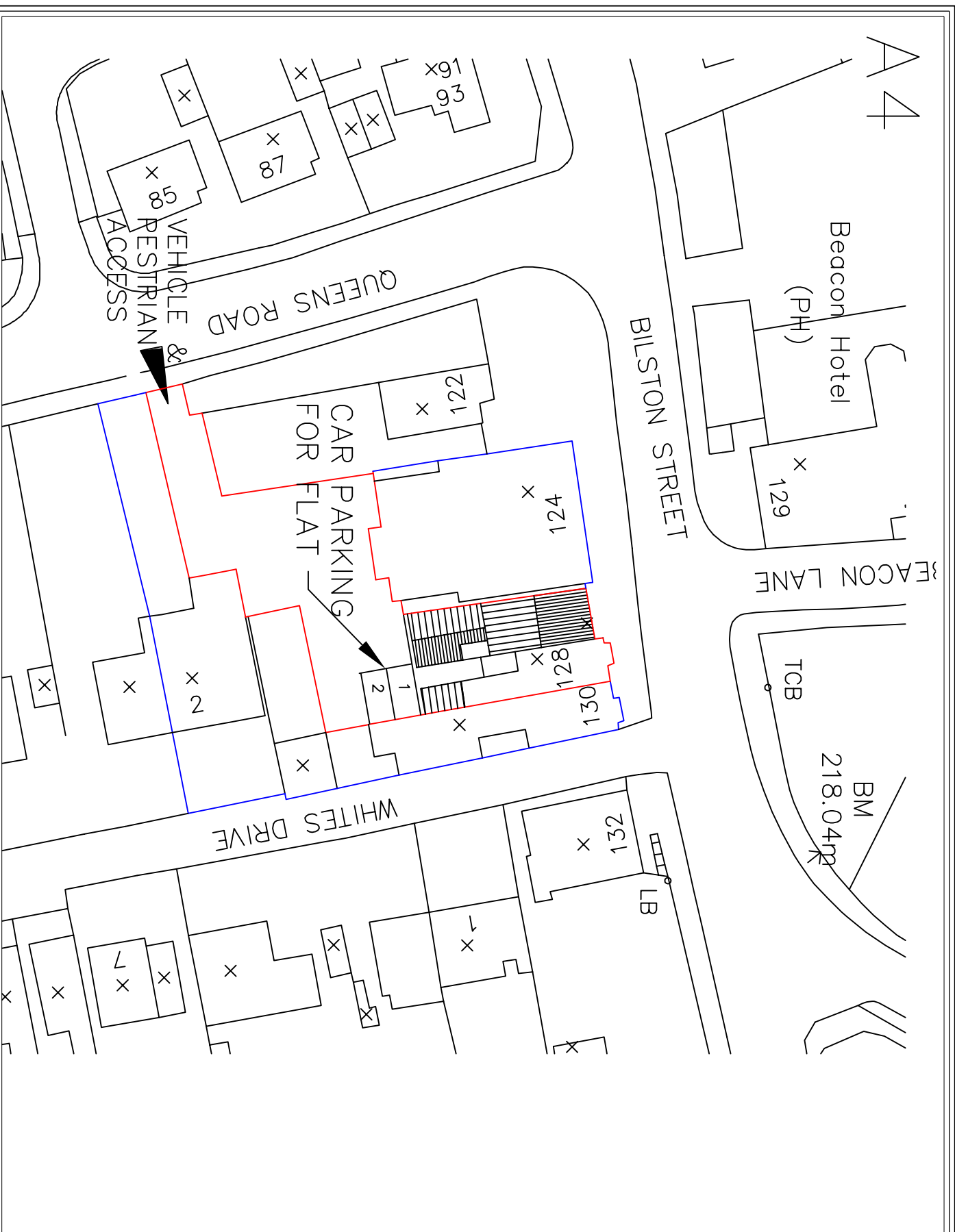


SIDE ELEVATION OF SPAR SHOP



PROPOSED SITE PLAN 1:500

A1/ 09/ 08		EXIST EXISTING WINDOW REOPENED, SIMULTANEOUSLY, REVISED FOR 45 DEGREE	
NOTE :		USE FIGURED DIMENSIONS ONLY + CHECK OTHERS ON SITE	
R E V I S I O N S			
TITLE :		ELEVATIONS AND SITE PLAN AS PROPOSED	
		124 - 150 PILSTON STREET, SEDGLEY	
		FOR MR D. SMITH	
DATE :		20/ 07/ 07	
		DRG NO :	
		5/ 04/ 07	
		SCALE :	
		1:100	
AGENT :		MICHAEL DAVIES FLOOR MGMT	
		BUILDING DESIGN & PLANNING SERVICES	
		7 MILL POOL CLOSE, WOMBORNE, SOUTH STAFFORDSHIRE, WVS B15,	
		TELEPHONE & FAX : 01902 893784	
FOR LA APPROVAL PURPOSES ONLY			



BLOCK PLAN
124-130 BILSTON STREET,
SEDALEY
FOR MR D. SINGH

SCALE : 1:1500
DRA NO: 500 / 2
DATE : 20 JUNE 07

MICHAEL DAVIES FCIOB MCAT
BUILDING DESIGN & PLANNING
SERVICES

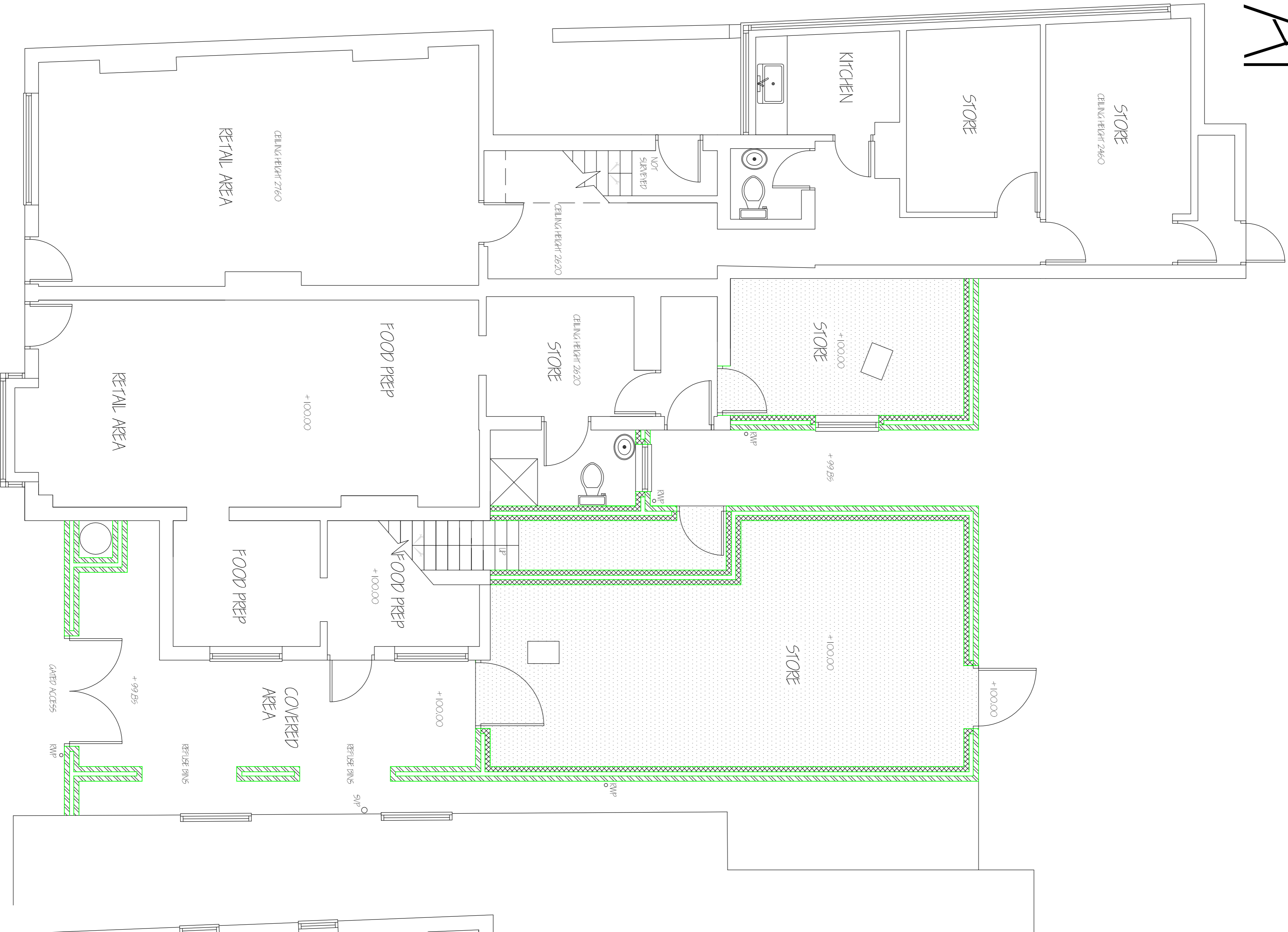
7 MILL POOL CLOSE, WOLBORNE,
SOUTH SHROPSHIRE, WVS BH5.
TELEPHONE & FAX : 01902 899284
EMAIL : michael.davies@p4dave.com



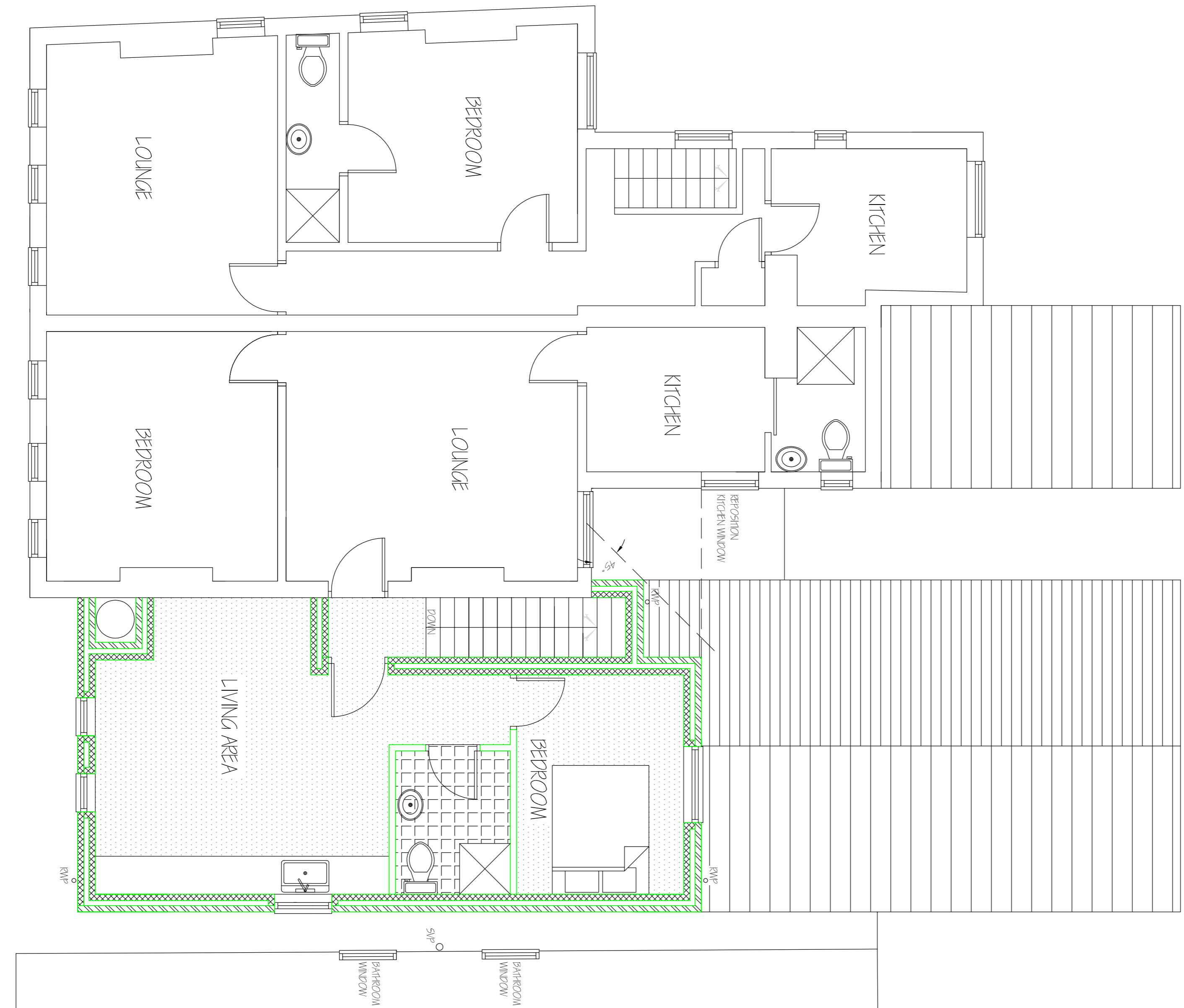
A4

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GROUND FLOOR PLAN



FIRST FLOOR PLAN (NOT SURVEYED)

9-11/03/08	EXIST. KITCHEN WINDOW. REPOSITIONING NEW SPINWELL, BRIBED FOR 45 DEGREE
A16/04/08	ADDITIONAL WORKMAN WORKED FOR RWS AND PARADIGMS
NOTE:	USE FIGURED DIMENSIONS ONLY + CHECK OTHERS ON SITE
R E V I S I O N S	
TITLE: FLOOR PLANS AS PROPOSED	
124 - 150 PILSTON STREET, SEBDALEY	
FOR MR D. SMITH	
DATE: 20/07/07	DRG NO: 5/09/07
SCALE: 1:50	
AGENT: MICHAEL DAVIES FLOOR MGMT	
BUILDING DESIGN & PLANNING SERVICES	
7 MILL POOL CLOSE, WIMBORNE, SOUTH DORSET DT98 3HE, WVS DRS,	
TELEPHONE & FAX: 01902 893784	
FOR LA APPROVAL PURPOSES ONLY	