

PLANNING APPLICATION NUMBER: P19/0281

Type of approval sought	Full Planning Permission
Ward	Wordsley
Location:	DISUSED PUBLIC TOILETS ADJACENT THE OLD CAT INN, LAWNSWOOD ROAD, WORDSLEY.
Proposal	DEMOLITION OF EXISTING BUILDING AND ERECTION OF A RETAIL UNIT WITH FLAT ABOVE.
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1 The application consists of a former public toilet building of single storey brick, flat roof construction with doors to both sides and window openings to front, rear and side elevations. The application site is situated off Lawnswood Road in Wordsley, and set between the car park for the Cat Inn Public House (Grade II Listed Building) and No. 1 Lawnswood Road. The building is set at the rear of the application site with the frontage being partly paved. The site is relatively level, raising slightly from the road frontage.
- 2 The eastern and southern boundaries of the site are adjacent to the Cat Inn Public House car park which has a tarmac finish taken up to the boundaries. The public house itself has a painted render finish with a tiled pitched roof construction. First floor windows are dormers set into the roof fronting onto Lawnswood Road.
- 3 To the western boundary is the two storey house No. 1 Lawnswood Road. The boundary treatment to this side consists of concrete fence posts with concrete gravel board infill. The house itself is a mixture of finishes with ground floor level brickwork changing to render at first floor and feature brickwork framing the render. There is a splayed bay window to the ground floor. The roof is pitched with tiled finish. The gable adjacent to the site is plain with no windows and has a black paint finish to the bricks.

- 4 The surrounding area of the application site consists of a mix of uses including residential, small shops/retail, public houses, food (take away and eat in), dentists and doctors, offices and a larger grocery store. The application site sits on a public transport route with bus stops being located just metres away. The site is within walking distance of the Wordsley Green shopping centre where further shops and services are available along with public parking spaces. Additional parking in the vicinity serves the Sainsburys Local store. Wordsley Park is also located a short distance from the site off Lawnswood Road.
- 5 The application site is located within the designated Green Local Centre and the Wordsley Church Conservation Area.

PROPOSAL

- 6 The application proposes to redevelop the site to form a small (30sq m) Class A1 retail shop on the ground floor, along with first floor one bedroom flat accessed from an entrance door on the front elevation.
- 7 The building footprint would be larger than that of the former public toilets, but would still not sit forward of the building line formed by the adjacent row of existing terraced houses.
- 8 The frontage would be block paved to accommodate a delivery vehicle with a separate landscaped path to the front door of the first floor flat. A bin store would be located to the side to the building behind a gate. An existing BT box is to be retained in its existing position on the site frontage. The side boundary to No. 1 Lawnswood Road would see the removal of the concrete fencing and the installation of low level railings.
- 9 The front elevation of the development has been designed to reflect the adjacent terraced houses with a brick and render finish. There would also be a low level hipped canopy roof to offer covered entrance areas to both the retail unit and the flat. The first floor windows would have arched brick headers.

- 10 The finished ridge levels would be the same height as the adjacent terraced houses with two small front dormer windows and there would be a plain tile finish to the roof.

HISTORY

- 11 Pre-application guidance given.

REFERENCE No.	PROPOSAL	DECISION	DATE
PRE19/00023	Pre-app - Change of use to a commercial unit with flat over	In principle, both residential and commercial development on the site is acceptable.	01/02/2019

PUBLIC CONSULTATION

- 12 Following the display of site and press notices and direct consultation with surrounding neighbours. 5 individual letters of objection have been received, with the following concerns summarised below:
- No need for any more hot/fast food outlets
 - Existing empty shops
 - Parking and vehicle access
 - Bus stop located nearby which blocks main junction
 - Switching box may get damaged by cars trying to park
 - Loss of sunlight on frontage
 - Visible from lounge window

- Rubbish
- Noise
- Removal of fencing – ownership
- Pest control
- Property value
- Look odd amongst terraced house and in Conservation Area
- Building work disruption
- Traffic

13 A petition containing 93 names and addresses has also been received against the application with the following concerns listed:

- Adverse effects on road network – generating congestion
- Poor air quality
- Poor access due to BT box & inadequate car parking – more congestion
- No disabled access
- Design issues – not in keeping with the area
- Future usage/applications
- Building on sewage – an ex toilet

OTHER CONSULTATION

- 14 Highways Engineer: No objection to the amended plans after concerns raised regarding no parking provision for delivery vehicles to the retail shop subject to a cycle storage condition for the resident of the flat (under stairs storage).
- 15 Head of Environmental Health and Trading Standards: No objection subject to conditions relating to the hours of opening of the retail unit and air quality (gas boilers).
- 16 Land Contamination Team: No adverse comments.
- 17 Conservation Officer: No objections raised or comments provided.

18 Planning Policy Team:

- Retail - The proposal is not liable for CIL given that the proposal is for less than 100 square metres of CIL Liable retail floor space
- Residential flat - The proposal is liable for CIL but the site falls within Zone 1 which has a £0 rate thus no CIL charge is required.

RELEVANT PLANNING POLICY

19 National Planning Guidance

- National Planning Policy Framework (2012)
- Planning Practice Guidance (2014)

20 Black Country Core Strategy (2011)

- CSP1 The Growth Network
- CSP4 Place Making
- DEL1 Infrastructure Provision
- HOU1 Delivering Sustainable Housing Growth
- HOU2 Housing Density, Type and Accessibility
- CEN2 Hierarchy of Centres
- CEN5 District Centres and Local Centres
- CEN6 Meeting Local Needs for Shopping and Services
- CEN8 Car Parking in Centres
- TRAN1 Priorities for the Development of the Transport Network
- TRAN2 Managing Transport Impacts of New Development
- ENV 2 Historic Character and Local Distinctiveness
- ENV 3 Design Quality
- ENV 8 Air Quality

21 The Dudley Borough Development Strategy

- D2 Incompatible Land Uses

- S6 Urban Design
- S8 Local Character and Distinctiveness
- S9 Conservation Areas
- L1 Housing Development, extensions and alterations to existing dwellings
- S1 Presumption in favour of Sustainable Development
- L12 Shop Front Security
- D5 Noise Pollution

22 Supplementary Planning Guidance/Documents

- New Housing Development Supplementary Planning Document (2012)
- Parking Standards Supplementary Planning Document (2012)
- Planning Obligations Supplementary Planning Document (2015)
- PGN 5 – Retail frontages
- PGN 12 - The 45 Degree Code

ASSESSMENT

23 The main issues are:

- Principle/policy
- Design
- Neighbour amenity
- Occupier amenity
- Access and parking
- Financial material considerations

Principle

24 Whilst the site is located within Wordsley Church Conservation Area, the site is also located within The Green Local Centre. Policies within the Black Country Core Strategy and the Dudley Borough Development Strategy promotes A1 development in these areas and therefore the proposed use is acceptable, adding to the A1 retail function of the shopping area. Furthermore the Black Country Core Strategy and Dudley Borough Development Strategy supports residential development at first

floor above shop units, boosting the residential population, to maintain and enhance the vitality and viability of local centres.

Design and Character

- 25 The design of the proposed unit is considered to be acceptable from a design point of view with appropriate window and dormer design.
- 26 The scale of the building is considered appropriate and sits well against the adjoining buildings.
- 27 Overall, the redevelopment of the site is considered to be an improvement to the locality which will maintain and enhance the Character and appearance of the conservation area and removes the derelict former public toilet, which detracts from the wider character of the Wordsley Church Conservation Area.

Occupier Amenity

- 28 It is noted by the Environmental Safety and Health Team that this application proposes a small retail unit with a one bedroom flat above in an area that is subjected to high levels of road traffic noise, and is also potentially affected by noise from activity on the car park of the adjacent public house as well as noise from customers visiting the new retail unit below. Any adverse effect on future residents in the flat from car park noise is partly mitigated by the arrangements of having windows of habitable rooms facing towards Lawnswood Road. On balance, the proposals are acceptable with regard to noise and air quality issues. The building is set back from the road and standard double glazing to habitable rooms should provide adequate protection from road traffic noise, and noise generated from use of the new retail unit, for future residents. It is also noted that no additional parking spaces are proposed. It is therefore considered the proposals are acceptable with regard to noise and air quality issues but the hours of opening of the retail unit need to be limited by condition to avoid any possibility of disturbance to residents living in the vicinity (and new residents) during unsociable hours.

- 29 The proposed development is situated in a mixed use area, with a number of commercial properties with residential dwellings on the upper floors.
- 30 The lack of private amenity space to the flat raises no concerns in this case due to the local centre location.

Neighbour Amenity

- 31 The proposed development is unlikely to have an impact an amenity of the adjoining property, in that the ground and first floor elements are set generally in line with the adjoining properties to the front. There would be no breach of the 45 Degree Code.

Access and parking

- 32 The Highway Officer has no objection to the proposed residential element, due to its local centre location. However, the Highway Officer originally raised concerns regarding deliveries for the proposed retail unit, such that amended plans were submitted to accommodate a parking space for a delivery vehicle on the frontage. The Highway Officer has since confirmed that the revised plans are now acceptable and the development is supported.

Financial material considerations

- 33 Section (124) of the Localism Act states that: Local planning authorities are to have regard to material considerations in dealing with applications including any local finance considerations, so far as material to the application. A 'local finance consideration' may be taken to cover the payment of New Homes Bonus, or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy (CIL).
- 34 The section does not change the law in any way. It is not a new basis for planning policy and it remains unlawful for planning permissions to be 'bought'.

- 35 This proposal would provide one flat generating a New Homes Bonus grant of one times the national average council tax for the relevant bands.
- 36 The retail element is not liable for CIL for the following reason(s):
- less than 100 square metres of CIL Liable retail floor space
- 37 The residential is liable for CIL but the site falls within Zone 1 which has a £0 rate thus no CIL charge is required.

CONCLUSION

- 38 The proposed development is acceptable in principle, is of acceptable design and would cause no significant harm to neighbour amenity, or highway safety and would enhance the conservation area. Consideration has been given to policies CSP1 The Growth Network, DEL1 Infrastructure Provision, HOU1 Delivering Sustainable Housing Growth, HOU2 Housing Density, Type and Accessibility, CEN2 Hierarchy of Centres, CEN5 District Centres and Local Centres, CEN6 Meeting Local Needs for Shopping and Services, CEN8 Car Parking in Centres, TRAN1 Priorities for the Development of the Transport Network, TRAN2 Managing Transport Impacts of New Development, ENV 2 Historic Character and Local Distinctiveness and ENV 8 Air Quality of the Black Country Core Strategy.

RECOMMENDATION

- 39 It is recommended that the application be APPROVED subject to the following conditions:

Conditions and/or reasons:

1. The dwelling(s) shall not be occupied until details of secure and covered cycle storage have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details prior to the first occupation of the dwelling(s) and shall thereafter be retained and maintained for no other purpose, for the life of the development.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be carried out in accordance with the following plans and amended plans: 373 03 REV A, 373 02 REV A, 373 01 and Location Plan Scale 1:1250.

REASON: For the avoidance of doubt and in the interests of proper planning.

4. In order to minimise the impact of the development on local air quality, any gas boilers provided within the development must meet a dry NO_x emission concentration rate of <40mg/kWh.

REASON: To safeguard the air quality of the Borough which is an Air Quality Management Area in compliance with the Black Country Core Strategy Policy ENV8 and the adopted Air Quality SPD.

5. The premises shall not be open to the public before the hours of 0700 nor after 2300 Monday to Saturday and before 0800 or after 2230 on Sundays and Public Holidays.

REASON: To protect the amenities of nearby residents in accordance with Borough Development Strategy 2017 Policy D5 Noise Pollution and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part).

6. No above ground development shall commence until a schedule of the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the visual amenities of the area and to comply with BCCS Policies CSP4 - Place-Making and ENV2 - Historic Character and Local Distinctiveness and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part)

7. No above ground development shall commence until details of the types, colours and textures of the materials to be used in the hard surfacing of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

REASON: In order to make a positive contribution to place-making and provide a high quality landscaping in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision Borough Development Strategy

2017 Policy S6 Urban Design and

Policy L1 Housing Development, extensions and alterations to existing dwellings

Policy D2 Incompatible Land Uses (in part)

This detail is required as landscaping is integral to providing a high quality and sustainable development.

8. The development shall be first occupied/used until details of the bin stores have been submitted to and approved in writing by the Local Planning Authority. The bin stores shall be provided in accordance with the approved details prior to the first use/occupation of the development and shall thereafter be retained and maintained for no other purpose for the life of the development.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings

Policy D2 Incompatible Land Uses (in part)

and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

9. No development shall commence (excluding demolition, site clearance and initial ground works) until full details of the soft landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following first occupation of the development.

Any trees or shrubs planted in pursuance of this permission including any planting in replacement for which is removed, uprooted, severely damaged, destroyed or dies within a period of five years from the date of planting shall be replaced by trees or shrubs of the same size and species and in the same place unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to make a positive contribution to place-making and provide a high quality landscaping in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 - Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part). This detail is required pre commencement (excluding demolition, site clearance and initial ground works) as landscaping is integral to providing a high quality and sustainable development.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order revoking or re-enacting that Order with or without modification) no development covered by Part 3, Classes C, D, G, J and M, Part 4, Class D and Part 7, Classes A, B, C and D to that Order shall be carried out without the express grant of planning permission.

REASON: To protect the viability and vitality of the town centre, highway safety and amenity in accordance with BCCS Policies CEN7 - Controlling Out of Centre Development and TRAN2 - Managing Transport Impacts of New Development and Borough Development Strategy 2017 Policy L1 Housing Development, extensions and alterations to existing dwellings

Policy D2 Incompatible Land Uses (in part).

11. The development shall not be occupied until the loading area has been laid out in accordance with the approved details and shall thereafter be maintained for the life of the development.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

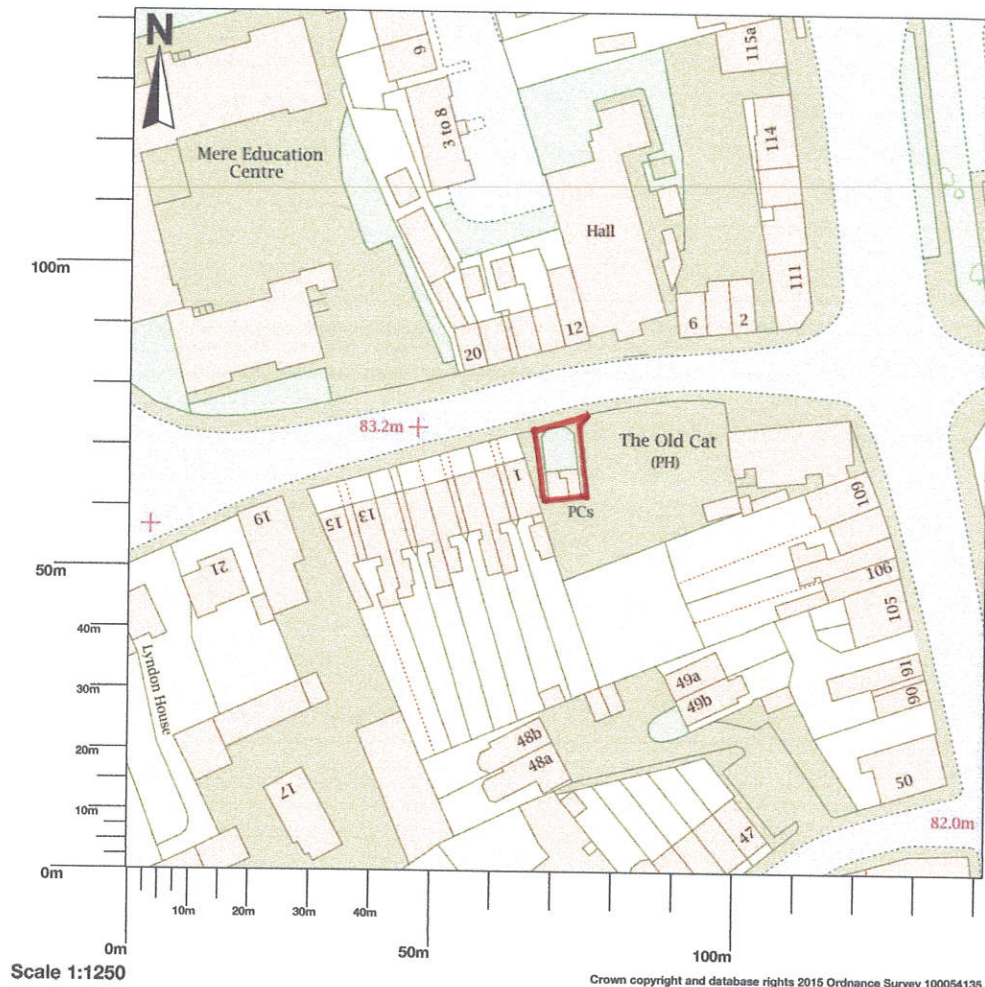
12. No above ground development shall commence until details of the positions, design, materials and type of boundary treatment or means of enclosure have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until these works have been carried out in accordance with the approved details and shall thereafter retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

REASON: In order to make a positive contribution to place-making and provide a high quality public realm in accordance with BCCS Policies CSP4 - Place-Making, ENV1 - , ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part)

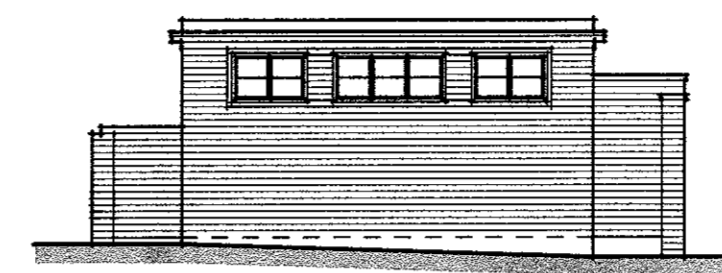
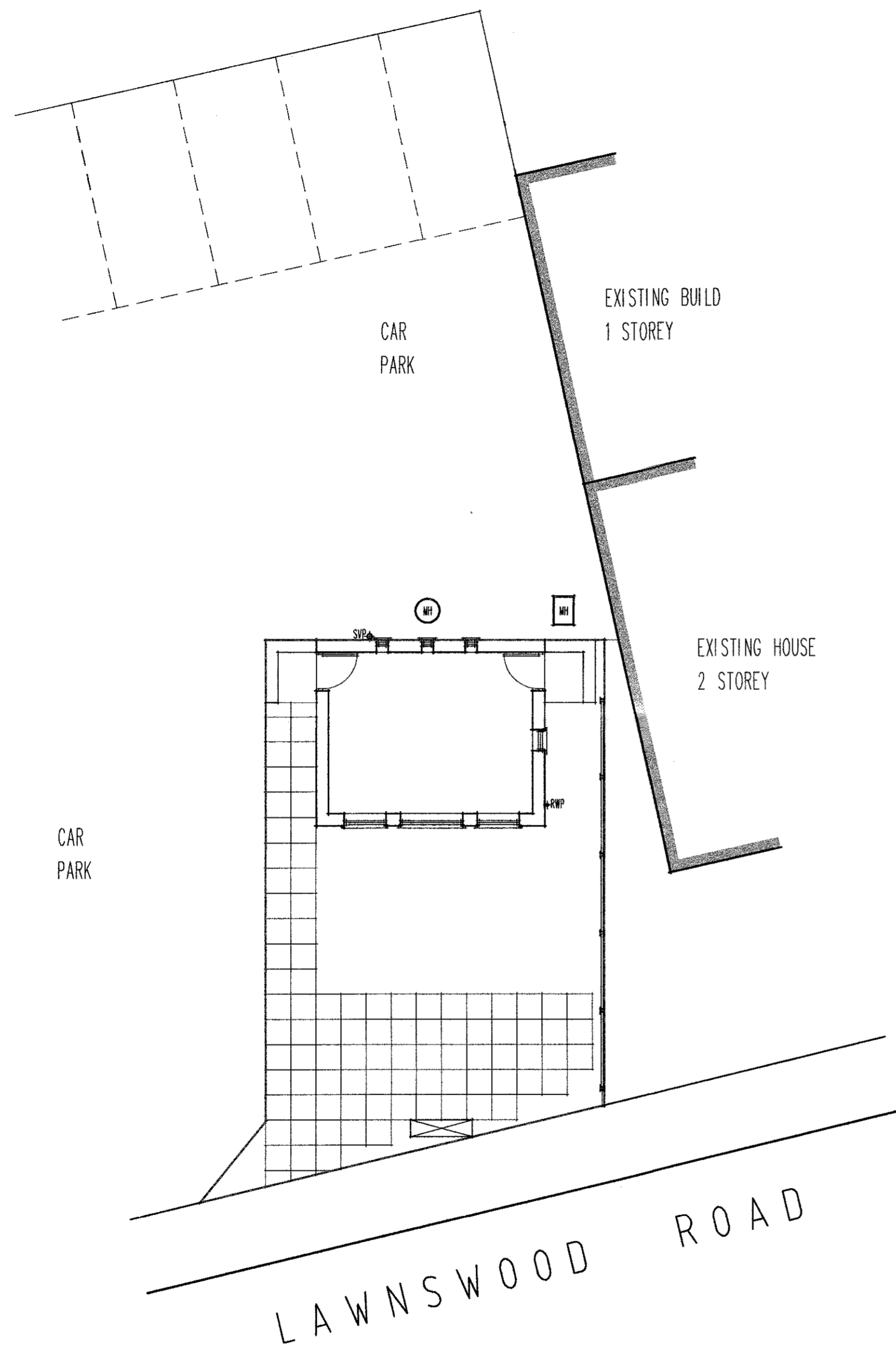
This detail is required as the required works may be needed to protect the amenity of existing and proposed occupiers.

28 FEB 2019

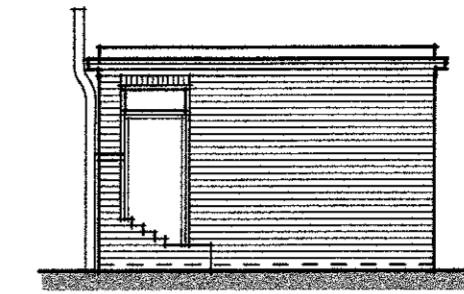
Cat Inn, 110 High Street, Wordsley, Stourbridge, DY8 5RT



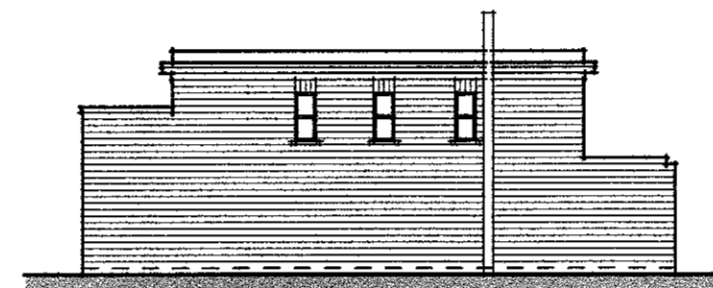
Map area bounded by: 388992,286917 389134,287059. Produced on 04 January 2019 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2019. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p2buk/307620/418314



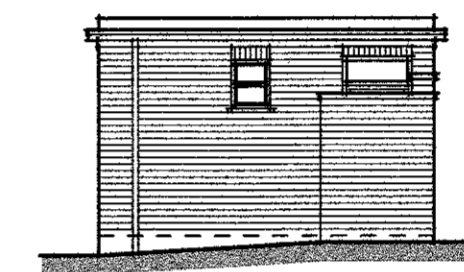
EXISTING FRONT ELEVATION TO ROAD



SIDE ELEVATION TO CAR PARK

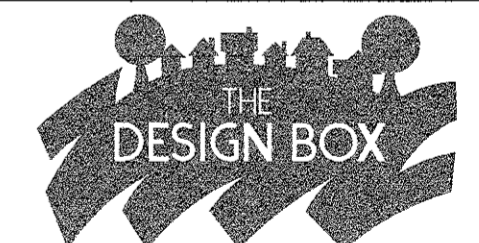


REAR ELEVATION TO CAR PARK



SIDE ELEVATION TO HOUSE

28 FEB 2019



ARCHITECTURAL DESIGN SERVICES
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PROJECT
PROPOSED DEVELOPMENT AT FORMER TOILET
BUILDING, LAWNSWOOD RD. WORDSLEY
TITLE
EXISTING PLAN & ELEVATIONS

JOB NO	373	DATE	FEB 2019
DRG NO	01	REV	
SCALE	1-100 @ A2	DRAWN	JLB

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Proposed Development. Former Toilet Building. Lawnswood Rd. Wordsley

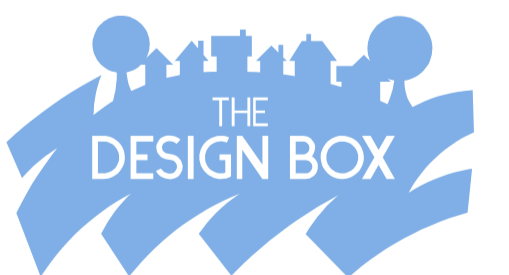


EXISTING BLOCK PLAN



PROPOSED BLOCK PLAN

REV A 16.05.19 REVISED TO SUIT HIGHWAY COMMENTS



ARCHITECTURAL DESIGN SERVICES
No 1 BERKELEY DRIVE , KINGSWINFORD
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CLIENT

MR. S. WARNER

PROJECT

PROPOSED DEVELOPMENT AT FORMER TOILET
BUILDING LAWNSWOOD ROAD WORDSLEY

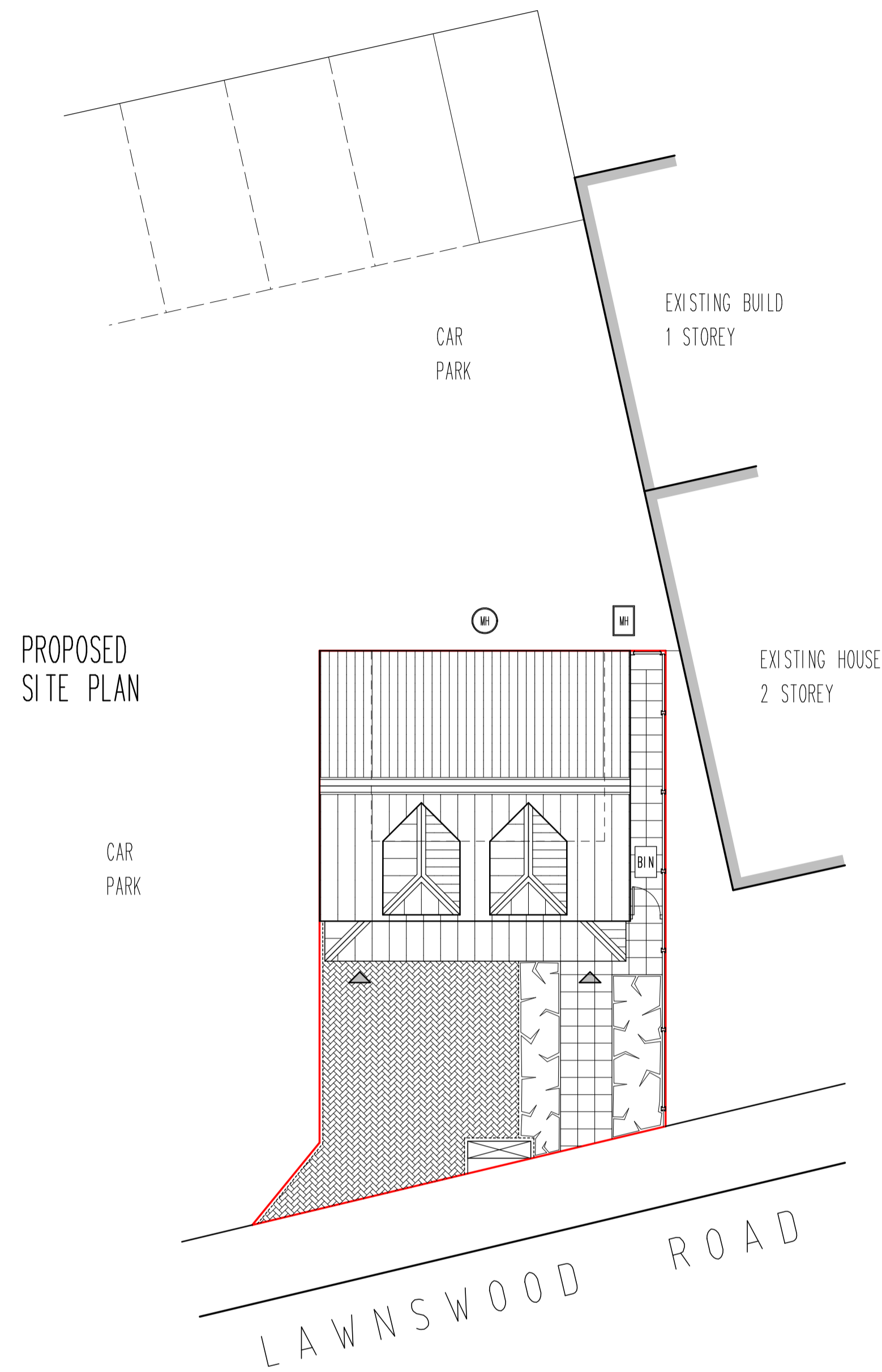
TITLE

EXISTING & PROPOSED SITE / BLOCK PLANS

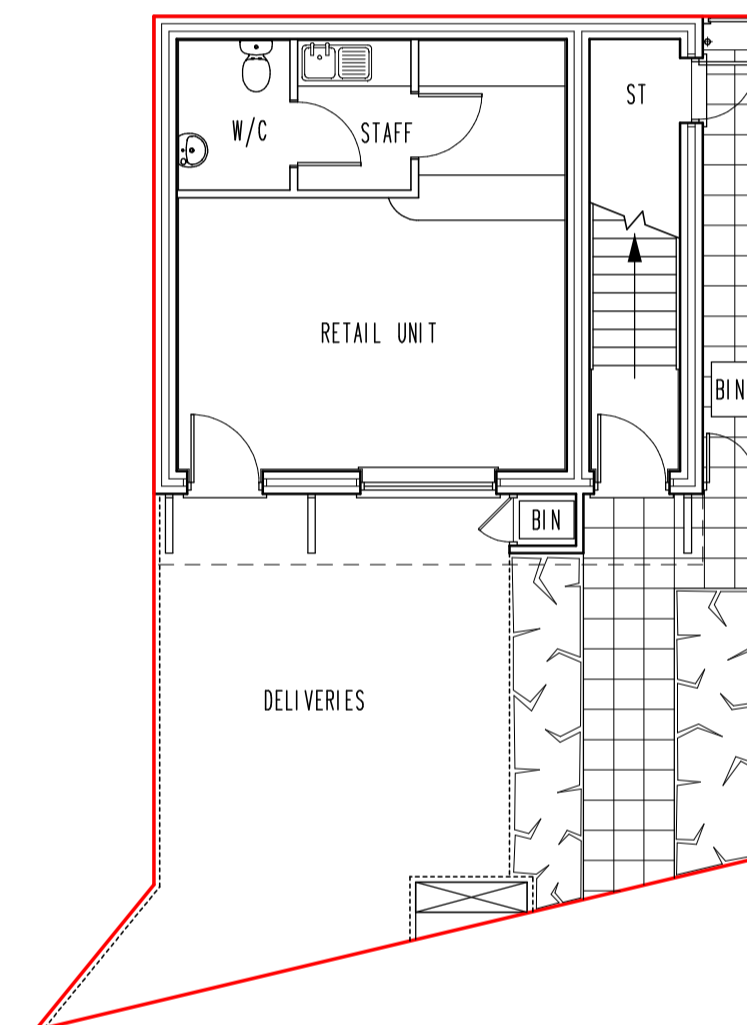
JOB NO	373	DATE	FEB 2019
DRG NO	03	REV	A
SCALE	1-200 @ A1	DRAWN	JIB

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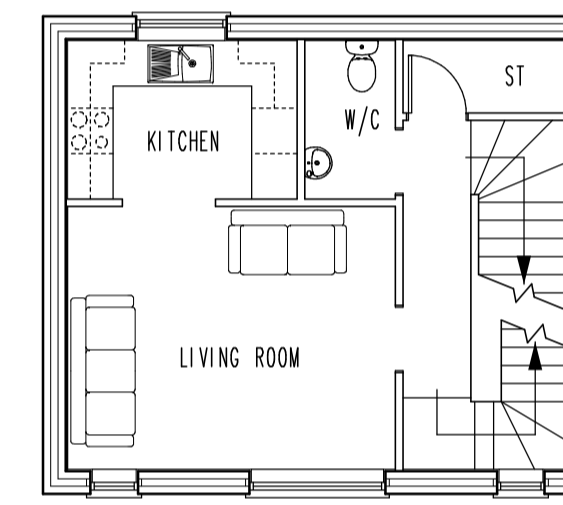
Proposed Development at Former Toilet Building. Lawnswood Road. Wordsley



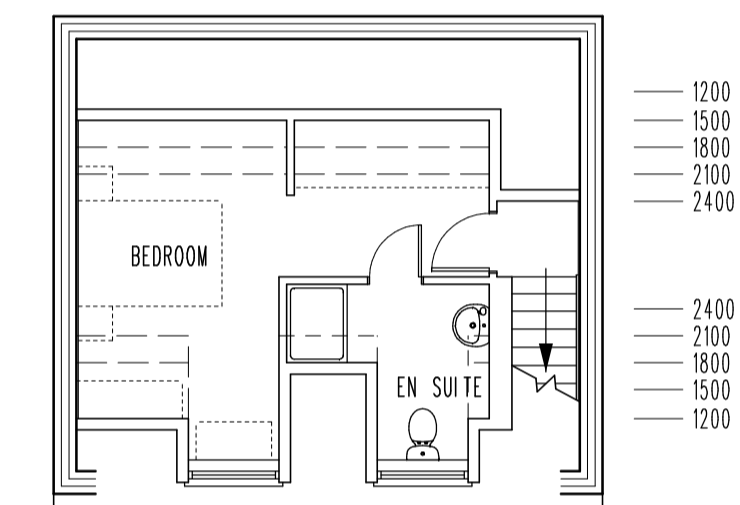
PROPOSED STREET SCENE TO LAWNWOOD ROAD



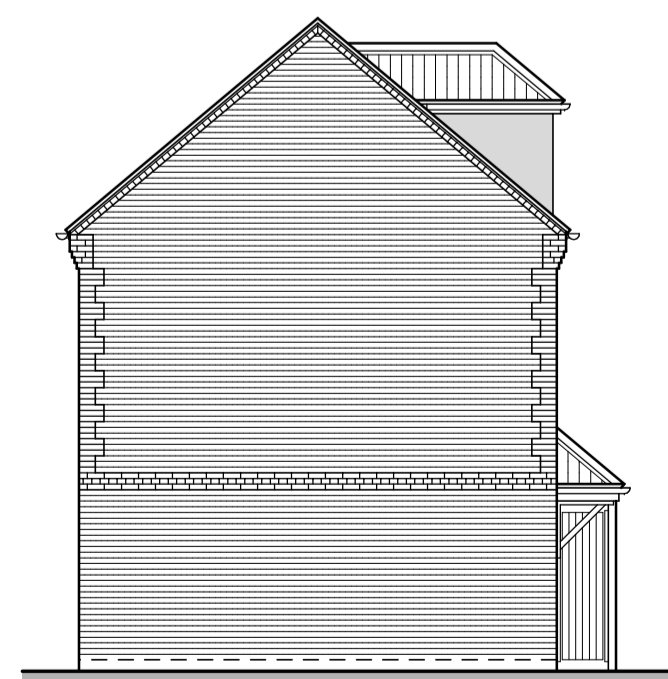
PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



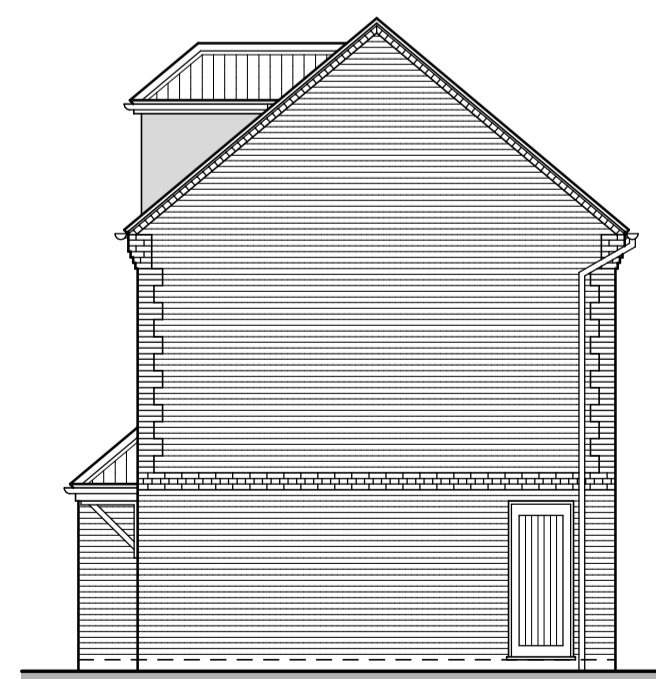
PROPOSED SECOND FLOOR PLAN



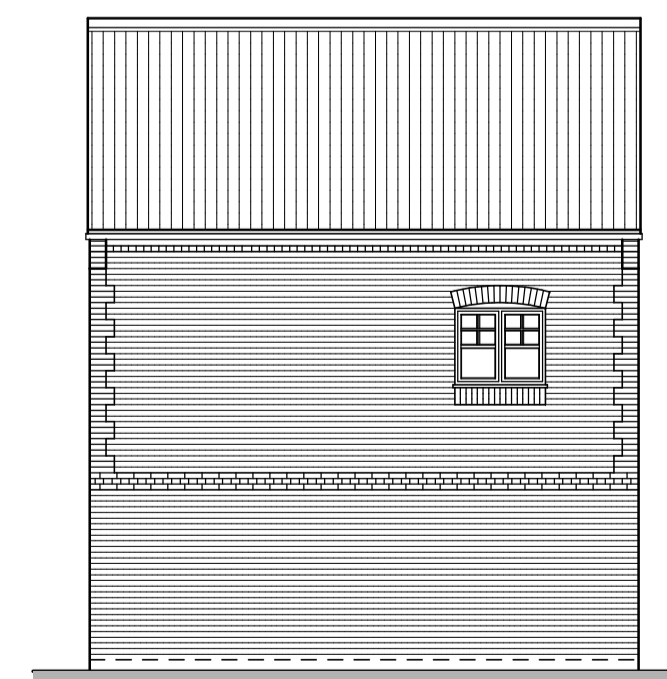
SIDE ELEVATION TO CAR PARK



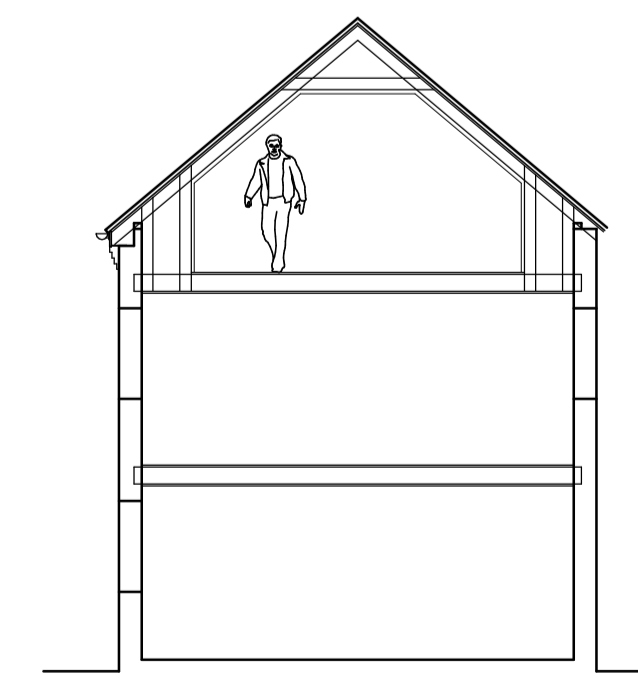
PROPOSED FRONT ELEVATION



SIDE ELEVATION TO BOUNDARY

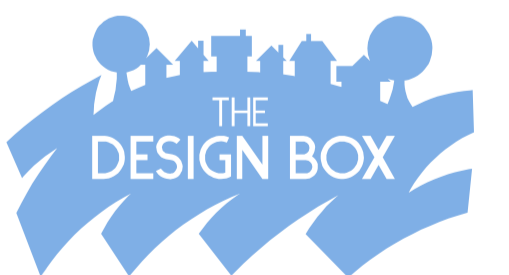


PROPOSED REAR ELEVATION



PROPOSED SECTION THROUGH

REV A 16.05.19 REVISIONS AS REQUESTED BY HIGHWAYS



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CLIENT

MR. S. WARNER

PROJECT

PROPOSED DEVELOPMENT AT FORMER TOILET BUILDING LAWNWOOD ROAD WORDSLEY

TITLE
PROPOSED PLANS AND ELEVATIONS

JOB NO	373	DATE	FEB 2019
DRG NO	02	REV	A
SCALE	1-100 @ A1	DRAWN	JIB

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Proposed Development. Former Toilet Building. Lawnswood Rd. Wordsley