

PLANNING APPLICATION NUMBER:P04/1823

Type of approval sought	Full Planning Permission
Ward	Amblecote
Applicant	Sainsbury's Supermarkets Ltd
Location:	SAINSBURY'S SUPERMARKET, TURNERS LANE, AMBLECOTE, BRIERLEY HILL, WEST MIDLANDS, DY5 3JR
Proposal	EXTENSION TO SUPERMARKET AND CAR PARK WITH ASSOCIATED LANDSCAPING.
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. This site to which these proposals relate is an existing Sainsburys supermarket located within the Withymoor residential estate. The store is approximately 1.2km south west of Brierley Hill town centre.
2. The supermarket can be accessed from Turners Lane from the east and Kirkstone Way from the west. Access is restricted between these two roads to buses only, preventing the road being used as a through route by general traffic.
3. The existing store was constructed following the approval of outline and reserved matters applications which were granted in 1982 (see history section). At present the store provides 6,015m² of gross floor space (4,926m² at ground floor and a further 1,089m² at first floor).
4. In addition to the store itself, there are three separate shop units, a petrol filling station and three distinct car parking areas.

5. There are currently 298 car parking spaces available of which 12 are for staff car parking. It is possible to travel through the site via the car parks in order to by-pass the bus only land between Turners Lane and Kirkstone Way.
6. The petrol filling station was approved in 1995 and erected shortly afterwards. It is located near to the Turners Lane access point immediately adjacent to the bus only link.
7. The immediately vicinity comprises of a large areas if open space. To the north this is a playing field and to the south and west a local park.
8. All other development in the area is residential and this is predominantly the character of the area. The extended car parking area would be approximately 30m from the nearest residential property in Turners Lane and the extension to the store would be approximately 25-30m from the nearest residential properties in Knaresdale Close.
9. The eastern part of the site falls within the Withymoor Village 'Local Park' designation.

PROPOSAL

10. The proposal is for the extension of the store itself to provide an additional 936m² gross internal floorspace on the ground floor level.
11. The extension would be located on the western side of the store in two areas. The first adjacent to the existing car park which would accommodate a customer restaurant; the second adjacent to the service yard which is accessed off Sandringham. The second part of the extension would provide internal floor area for the store itself.

12. It is proposed to provide an additional 42 car parking spaces which would bring the total to 340 customer parking spaces. 6 of the spaces would be allocated specifically for staff. The expansion of the car park is proposed to be adjacent to the Turners Lane entrance. This area currently is occupied by a large earth mound which was constructed during one of the earlier applications. This new area would provide 62 spaces. Therefore 20 spaces from the original layout would be lost to provide for the extension to the store.
13. There would be slight alterations to the traffic flow within the site, essentially directing traffic away from the store itself; however the route from one end of the site to the other would be retained.

HISTORY

14. There have been numerous applications for a variety of proposals on this site. The following table details those applications which are considered to be most relevant to this proposal.

APPLICATION No.	PROPOSAL	DECISION	DATE
82/50342	(Outline) Erection of supermarket, 4 shops, petrol station, assembly hall, health centre/clinic, public house and provision of car parks, service yard and landscaped areas.	Approved with conditions	26 th April 1982
82/51324	(Reserved matters) Erection of supermarket, shop units, provision of car parking areas and service yard and construction of bus only link road with ancillary landscaping.	Approved with conditions	9 th August 1982
82/52296	Extension of supermarket and enlargement of car park.	Refused	21 st February 1983
83/50868	Extension of supermarket to provide additional storage space and staff facilities.	Approved with conditions	27 th June 1983
94/51640	Erection of petrol filling station consisting of kiosk canopy pump islands and car wash and provision of replacement car parking.	Approved with conditions	23 rd February 1995
96/51022	Single storey extension to provide three automatic telling machines.	Approved with conditions	11 th September 1996
98/50771	Extensions and alterations involving additional retail floor space and new entrance, fire escape and alterations to existing building and additional car parking.	Approved with conditions	20 th January 2000
99/51931	Extension of petrol filling station kiosk and installation of jet wash.	Approved with conditions	11 th February 2000

15. The earth mound was constructed in order to prevent the reoccurrence of water logging on this land. In addition it provided a natural buffer between the car parking and the local residents.

PUBLIC CONSULTATION

16. Five letters of objection have been received, four of which are from local residents in Knarsdale Close, Turners Lane and Kirkstone Way. These raise the following concerns:

- reduction in the loading bay and associated traffic problems
- loss of open space
- impact on visual amenity
- light pollution (relating to artificial lighting)
- noise pollution
- increased traffic
- increased litter
- public nuisance
- opening hours
- the deliveries in terms of hours and access
- parking provision

The other letter has been received by a planning consultant raising objection on policy grounds.

OTHER CONSULTATION

17. **The Head of Environmental Protection:** initially raised concerns regarding the provision of additional car parking on the eastern boundary of the site and the impact upon local residents. In response to these concerns the applicant has made amendments to the scheme which is considered to protect the amenity of neighbouring residents in the quieter evening periods. Therefore no further objections exist. It was also recommended that conditions relating to contaminated land are added (conditions 13 & 14 are attached).

18. **The Head of Traffic and Road Safety:**

RELEVANT PLANNING POLICY

19.

Unitary Development Plan

DD1 (Urban Design)

DD3 (Design of Major Retail Development)

AM11 (Cycling)

AM14 (Parking)

AM16 (Travel Plans)

LR1 (Open Space)

SO6 (Parks)

CR9 (Edge-of-Centre and Out-of-Centre Development)

Planning Policy Guidance

PPG6 (Town Centres and Retail Developments)

PPG17 (Planning for Open Space, Sport and Recreation).

ASSESSMENT

20. An assessment of the value of the earth mound which is proposed to be removed and replaced by additional car parking has been undertaken. It is felt that this area which whilst considered to be open space provides no worthwhile value. This is due to the fact that the open space was originally intended as a landscaping bund to partly screen the store.
21. The main issue therefore appears to be the value and importance of the open space to the setting and character of the designated Local Park in accordance with policy SO6 of the adopted Unitary Development Plan; and its value as an urban green buffer screening the store from nearby residential occupiers.

22. This space is disjointed from the remainder of the Local Park open space and appears more to form part of the site of the retail area. The proposed scheme provides a clearly defined boundary between the retail site and the open space. Therefore the proposal in relation to this part of the scheme specifically is not considered to have any significant detriment to the setting and character of the Local Park.
23. In terms of the buffer which this mound creates between the store and local residents, the proposed scheme includes dense planting on this prominent corner of the site immediately adjacent to Turners Lane. As such a differing buffer will be provided in mitigation to the loss of the mound.
24. Consideration has been given to the impact of the car park extension upon local residents. Following concerns raised by the Head of Environmental Protection alterations were made to the scheme to provide locking rise and fall bollards at the entrance to the car park extension which will restrict access to the car park from 20:00. This will protect the nearest residents from the noise which may result from vehicle movement/use of the car parking and any associated activity such as collection of trolleys in the evening periods.
25. A transport assessment has been submitted by the applicant in support of the planning applications that identifies the additional traffic and parking requirements of the store. In addition to this, layout plans show significant alterations to several areas of the development site.
26. The requirements of PPG 13 are for no more than 1 parking space per 14m² of gross floor area. The additional parking proposed would be 44 spaces below the Government's parking targets and therefore can be considered to meet the Government's sustainable objectives of reducing access by private car. It is accepted that the parking will meet the operational norm and cannot be expected to provide for peak demands.

27. It is considered that the projected traffic increase identified in the transport assessment, based on studies of 15 similar stores, would not cause any significant problems on these roads.
28. Concerns have been raised by local residents concerning the reduction in the service yard. The service yard does appear to be adequate for its purpose, however conditions will be proposed to ensure that the use of the yard is appropriate in terms of the hours of operation and being kept clear of storage materials. Although conditions cannot be imposed preventing parking outside of the site, it is hoped that if the service yard is kept free that this would minimise the need for parking outside of the site.
29. The policy objection received relates to the requirements of PPS6 in respect of extensions to existing developments. It argues that the applicant has not provided sufficient details of the convenience/comparison goods split of the proposed extension. It is not considered that the sequential approach has been followed.
30. In respect of the policy considerations in place at the time the application was submitted, it was accepted on the basis of the information provided that there was both a qualitative and quantitative need for the extension. The applicant contends that the provision to the existing residential catchment area could be reasonably met in an alternative centre or location. An objection has been received on policy grounds on the basis that the proposal may affect the vitality and viability of existing centre in this out-of-centre location. It is claimed that insufficient information has been provided to address this concern and quotes the guidance in PPS6
31. The proposed elevations for the extension are in keeping with the existing building and are therefore considered to be acceptable.

CONCLUSION

32. The main issues relate to the impact of the development on the amenity of nearby residents and policy considerations. It is considered that the amendments made to

the scheme and the information provided will resolve any significant concerns on these matters. The imposition of conditions relating to matters can overcome any concerns which have been expressed by consultees and are explained in the above report.

RECOMMENDATION

33. It is recommended that permission is granted subject to the following conditions:

34. Reason for Approval

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.

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. The development hereby permitted shall be built in accordance with the approved plans 2001-101 P03 Rev C, 2001-101 P05 and 2001-101 P07, unless otherwise agreed in writing by the Local Planning Authority.
3. The external materials used in the development hereby permitted shall match in colour, form and texture those of the existing building unless otherwise agreed in writing by the Local Planning Authority.
4. The permission hereby permitted relates to drawing nos. 2001-101 P03 Rev C, 2001-101 P05 and 2001-101 P07.
5. Before the development hereby approved is commenced details of the locking rise and fall bollards shall be submitted to and approved in writing by the local planning authority. The bollards shall then be installed in accordance with those agreed details in the position shown on drawing number P03 Rev D.
6. The bollards installed in accordance with condition 5 of this approval shall be raised to prevent access to the car park between the hours of 2000 and 0800 unless otherwise agreed in writing by the local planning authority.

7. The service yard shown on drawing no. P03 Rev D, shall be kept clear at all times and be used solely for loading, unloading and manoeuvring in connection with the use of the premises and for no other purpose unless otherwise agreed in writing by the local planning authority.
8. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.
9. All planting, seeding or turfing comprised in the details of landscaping approved in accordance with condition 7 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees, hedgerows or plants contained in the approved planting scheme which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
10. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 or any order revoking and re-enacting that Order) at no time during the life of the development shall the areas approved for landscaping be used for any other purpose.
11. Before the development hereby approved is commenced details of provision for cycle stands shall be submitted to and approved in writing by the local planning authority. These details shall then be implemented in accordance with those agreed details prior to use of the development.
12. Before the development hereby approved is commenced of a Staff Travel Plan and Service Yard Management Plan shall be submitted to and approved in writing by the local planning authority. The agreed plans shall then be implemented and adhered to throughout the life of the development unless otherwise agreed in writing by the local planning authority.
13. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed by the local planning authority), has been submitted to and approved by the local planning authority. Such a strategy shall facilitate the identification of contaminants and permit the risk based assessment of the development site. Where the investigations identify the presence of contamination, development shall not begin until a scheme to protect the development from the effects of such contamination has been submitted to and approved by the local planning authority. Such a scheme shall: include provisions for validation monitoring & sampling; be implemented in accordance with the approved details before the development is first occupied; and be retained throughout the lifetime of the development.
14. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed by the local planning authority), has been submitted to and approved by the local planning authority. Such a strategy shall facilitate the identification of methane & carbon dioxide. Where the investigations identify the presence of methane and/or carbon dioxide the development shall not begin until a scheme to protect the development from the effects of such gases has been submitted to and approved by the local planning authority. Such a scheme shall: include provisions for validation monitoring & sampling; be implemented in

accordance with the approved details before the development is first occupied; and be retained throughout the lifetime of the development.