

PLANNING APPLICATION NUMBER: P14/1607

Type of approval sought	Full Planning Permission
Ward	Norton
Applicant	Marston's Estates
Location:	GIGMILL, SOUTH ROAD, NORTON, STOURBRIDGE, WEST MIDLANDS, DY8 3UL
Proposal	CHANGE OF USE OF PREMISES TO RETAIL USE. ERECTION OF SINGLE SIDE AND SIDE/REAR EXTENSIONS WITH ENTRANCE DOORS. NEW RAMPED ACCESS WITH HANDRAIL, NEW LIGHTING AND ASSOCIATED EXTERNAL WORKS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site consists of a predominantly two storey 1960's public house with single storey elements located on the corner of Broadway and South Road in Stourbridge.
2. The public house which has a car park to the Broadway elevation has been extended and altered over the years.
3. The site immediately adjoins dwellings which face onto South Road and onto The Broadway. The nearest two being No. 1 The Broadway and No. 150 South Road, to the south and east of the site respectively.
4. Opposite the site is a Scout HQ, a park and former petrol station and shop.

PROPOSAL

5. This application is for the extension of the existing public house, together with other alterations including a new shop front and service area. The application is also for a change of use to A1 retail from A4 public house.

6. Associated with the works are amendments to the car parking layout and new external lighting.
7. In terms of the proposed enlargements, this involves an extension to the south west of the building infilling a corner, with a further extension along the (eastern) rear part of the building. Alterations generally include replacement windows and doors or blocking up or relocation of existing doors and/or windows.
8. The application is submitted with a Transport Assessment, a retail assessment and noise assessment.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
SB/48/37	Licensed premises.	Granted	21/02/50
SB/55/15	New licensed premises	Granted	22/02/55
SB/56/35	New licensed premises.	Granted	09/05/56
SB/62/298	New public house (the brickmakers arms)	Granted	06/11/62
81/52639	Erection of new garage and conversion of existing garage to bottle store.	Granted	07/04/82
82/50463	Erection of new garage and conversion of existing garage to bottle store.	Granted	07/04/82
P02/1409	Creation of side beer garden and external renovation.	Granted	22/08/02
P06/2345	Erection of an all weather garden facility	Granted	07/02/07

PUBLIC CONSULTATION

9. 2 letters of objection received, following notification of 31 adjoining neighbours and the posting of a site notice. Main issues raised are:
- Concerns about security of site should the pub close
 - What will the opening hours/delivery hours be?
 - Concerns about deliveries and close proximity of house and fence
 - Concerns about lighting
 - Concerns about noise from plant
 - Traffic
10. A third letter of objection was received, however, no address was provided and as such cannot be afforded any weight.

OTHER CONSULTATION

11. Group Engineer (Highways): Concerns regarding service arrangements to the site and further information is required allow this to be assessed. Also require additional information regarding pedestrian movements to the site. Generally no other objections, with the proposed parking amount considered acceptable and other matters which can be controlled by condition.
12. Group Engineer – Lighting: The proposed lighting is not considered to be suitable and could cause glare outside of the site. Amended details are required.
13. Head of Environmental Health and Trading Standards: No objection subject to conditions.
14. Head of Planning (Land Contamination Team): No objection.

RELEVANT PLANNING POLICY

- National Planning Guidance
National Planning Policy Framework (2012)
Planning Practice Guidance (2014)
- Black Country Core Strategy (2011)
CSP2 Development Outside the Growth Network
DEL2 Managing the Balance Between Employment Land and Housing
CEN6 Meeting Local Needs for Shopping and Services
CEN7 Controlling Out-of-Centre Development
TRAN2 Managing Transport Impacts of New Development
ENV 2 Historic Character and Local Distinctiveness
- Unitary Development Plan (2005) (Saved Policies)
DD1 Urban Design
DD4 Development in Residential Areas
EP6 Light Pollution
EP7 Noise Pollution
- Supplementary Planning Guidance/Documents
Access for All Supplementary Planning Document
Parking Standards Supplementary Planning Document (2012)

ASSESSMENT

15. The main issues are
- Principle/Policy
 - Design
 - Historic Environment Issues
 - Neighbour Amenity
 - Access Parking and Lighting
 - Disabled Access
 - Flood Risk

- Other Issues

Principle/Policy

16. While not explicitly stated within the application form or description of the proposal, it is clear from other parts of the submission, that it is intended the proposed works would give effect to a change of use of the planning unit to an A1 Food Convenience Store, from an A4 Public House.
17. While such a change of the use from a public house (A4) to an A1 Retail Use would be regarded as permitted development under Class A of Part 3 of the Town and Country (General Permitted Development) Order 1995 (as amended), this proposal also involves the extension of the building and therefore an increase in retail floor space. This results in a total proposed retail floor space of approximately 380 sq m gross, including an extension of 98 sq m.
18. The applicants have therefore sought to apply the provisions of Black Country Core Strategy Policy CEN6, to seek to demonstrate that this proposed development would be a small local facility to serve the local community's needs. These provisions specify that the proposal is required to:-
 - Be of an appropriate scale and nature to meet a specific day to day need of a population within convenient, safe walking distance of new improved facilities;
 - Local provision could not be better met by investment in a nearby centre;
 - Access to facilities by means other than by car would be improved and, in particular, will be within convenient, safe walking distance of the community it is intended to serve.
19. The above measure relating to local provision not being met in an existing centre has rightly, given the scale and nature of the development, resulted in the applicants undertaking a retail assessment and Sequential Test approach. Thereby identifying the proposal as a Main Town Centre Use in an out of centre location, requiring an assessment under the provisions of Black Country Core Strategy Policy CEN7 and Section 2 of the NPPF, particularly paras 24 to 27.

20. It is considered that the applicants have undertaken these assessments appropriately and proportionately, particularly given the fall back position given by the permitted development rights, and therefore, have been able to demonstrate that the relevant planning tests have been met: in that they have demonstrated that there are no sequentially preferable sites available to accommodate this use, and while there will be some impact on Wollaston Local Centre, this will not be significant. *(although there is some disagreement with the applicants' view that the location of a potentially sequentially preferable site within a Conservation Area is a potentially overly- restrictive aspect.)*
21. However, it is considered reasonable to ensure that no additional A1 retail floor space is created at this site through the implementation of permitted development rights (e.g. the conversion of the upper floor to retail sales area or an extension of 100 sq m, as allowed under the Town and Country Planning (General Permitted Development) Order 1995 (as amended), without the opportunity for the Local Planning Authority to assess any such future increase in such floor space, however limited in scale, at this out of centre location in terms of its potential impact on the vitality and viability of existing centres.

Design

22. The building dates from the 1960s and has been extend and altered over the years and such the building is not considered to be any significant architectural value.
23. The alterations to the building involve extensions to the south western corner and along the eastern side of the building, together the blocking up and modification of existing openings to the building. The most notable changes in terms of this would be to the western (The Broadway) elevation where the new shop doors would be provided.
24. Due to the nature of the existing building the proposed changes are considered to be acceptable.

25. To facilitate the amendments to the car parking layout at the site the existing landscaping around the perimeter of the site is to be removed. Whilst this is regrettable there are no significant planning reasons to resist this. However, once the development is to complete there is an opportunity for replacement landscaping to be provided, which can be conditioned.

Historic Environment Issues

26. The site is understood to be the former site of a water driven plating forge for the manufacture of spades, shovels and hoes (HMR 7790). Given this and as the proposed extension would appear to involve excavation, it is considered reasonable that should this scheme be considered favourably, that a condition be attached which would require an archaeological watching brief during construction. This would align the proposal with Black Country Core Strategy Policy ENV2.

Neighbour Amenity

27. The site is located immediately adjacent to a number of residential properties, mostly notably No. 1 The Broadway and No. 150 South Road. Whilst it is accepted that the established use would have had an effect on neighbour amenity the proposal that is currently being considered raises different issues such as condensing plant associated with the fridge's and freezers within the proposed store and the location of the proposed service area, with the more intensive servicing that is likely to be required to support a food store.
28. The Head of Environmental Health and Trading Standards accepts that the change of use of these premises from a public house to a retail convenience store could constitute permitted development and must consider the fallback position. Comments have therefore been provided on the potential impact of the change in terms of noise and appropriate conditions have been suggested to protect residential amenity.
29. The premises are in close proximity to residential dwellings on two sides and there is potential for conflict, particularly from noise from deliveries and from mechanical services that are to be installed. The applicant has submitted a noise impact

assessment that suggests the impact will be minimal and may even improve the situation over the current use as a public house. For this to be the case it has been assumed that the opening hours of the store will be restricted to 0700 to 2300 hours and the associated delivery times will be restricted to 0700 to 2200 hours (1000 to 2000 hours on Sundays).

30. Furthermore, the Head of Environmental Health and Trading Standards has recommended a condition to limit any noise arising from the service plant that is to be installed as part of the development. The applicant also proposes a close boarded timber fence along the southern and eastern boundaries of the site which should further protect residential amenity, particularly in rear garden areas.
31. In terms of the physical works, these are not considered to pose any significant harm to neighbour amenity in that No. 150 South Road is elevated above the site, and in the case of No. 1 The Broadway, the building being extended would be no closer to the dwelling. Additionally No. 1 is also located to the south of the site where sunlight would not be directly affected.

Access, Parking and Lighting

32. Access to the site would be from The Broadway as at present which is considered to be acceptable.
33. Goods access would also be from South Road, with egress onto The Broadway Road to enable a one way system for deliveries. The advantage of this system would be that a HGV can enter and leave the site in forward gear and avoid conflict with users of the main car park. There are presently some concerns regarding whether the levels will allow this to be achieved. Further details have been requested and will be provided through pre committee notes.
34. In terms of the parking for the site the adopted standards require a maximum of 1 space per 14 sq m for A1 retail, which equates to a maximum requirement of 29 spaces. The development provides 20 spaces and therefore complies with maximum parking standards policy.

35. Based on local surveys a store may require provision from 1 space per 19 sq m up to 1 space per 17 sq m, i.e. between 22 and 24 spaces.
36. It is likely that a very busy store in the peak periods may result in on- street parking of between two to four vehicles, however this would not raise fundamental Highway safety concerns.
37. Some concerns have been raised regarding lighting at the site, from the Group Engineer. The concerns relate to the type of lighting that is proposed and the potential to cause glare outside of the site. Should the application be acceptable in all other respects this matter could be the subject of the suggested condition, unless requested amended details are submitted prior to determination.

Disabled Access

38. The existing disabled access is to be retained and as such no objections are raised from the Councils Access Officer. He, however, does advise that the main entrance automatic sliding door and fixed side screen should have colour contrasting manifestations at two heights in accordance with access standards. He advises that this can be conditioned.

Flood Risk

39. The proposed site is both within Zone 2 (at risk of a 1 in 100 years flood risk event) and Zone 3 (1 in 1000). The applicants have necessarily submitted a site specific flood risk assessment (FRA) to address this issue. This concludes that the proposal can be safely implemented without increasing flood risk to itself or the surrounding development, and that consequently, no mitigation measures are necessary. Therefore it is considered that this issue has been successfully demonstrated as not being significant.

Other Matters

40. A resolution of full Council was passed regarding the loss of public houses on 1 December 2014. This however, whilst a material consideration, cannot be given any significant weight in determining a planning application as it is not a stated or adopted planning policy of the Local Planning Authority, which should normally be contained within a Development Plan or Supplementary Planning Document.

CONCLUSION

41. The proposed development is considered to be acceptable in principle and would have no adverse impact on local centres. Moreover, through the use of appropriate conditions the proposal can be made to be acceptable in terms of neighbour amenity. Additionally the proposed development is considered to acceptable in terms of highway safety and design. Consideration has been given to policies CSP2 Development Outside the Growth Network DEL2 Managing the Balance Between Employment Land and Housing CEN6 Meeting Local Needs for Shopping and Services CEN7 Controlling Out-of-Centre Development TRAN2 Managing Transport Impacts of New Development and ENV 2 Historic Character and Local Distinctiveness of the Black Country Core Strategy and saved policies DD1 Urban Design DD4 Development in Residential Areas EP6 Light Pollution and EP7 Noise Pollution of the Dudley Unitary Development Plan.

RECOMMENDATION

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

Notes to Applicant/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. The development hereby permitted shall be carried out in accordance with the following approved plans: 41215-P10 Rev E, P11 Rev C, P12, P13 Rev C.
3. No materials other than those indicated on the approved plans shall be used without the approval in writing of the Local Planning Authority.
4. The building shall not be occupied until the area shown on the approved plan attached hereto has been graded, paved, drained and marked out in accordance with that plan and that area shall not thereafter be used for any purpose other than the loading, unloading, parking and manoeuvring of vehicles, unless otherwise agreed in writing with the Local Planning Authority.
5. Prior to the occupation/use of the development hereby permitted the parking area shall be surfaced and marked out in complete accordance with the approved plans, and thereafter maintained available for parking.
6. No development shall commence until details of secure cycle parking facilities in accordance with the Council's parking standards have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be provided in accordance with the approved details prior to first occupation of the development, shall be made available at all times and be maintained for the life of the development.
7. The development hereby approved shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority, including details of a Travel Plan Co-ordinator, Staff Travel Survey, Car Parking Management, Walking and Cycling initiatives, Publicity and Marketing, Set targets and monitoring and to join Company Travel Wise in Dudley together with a timetable for the implementation of each such element. The Travel Plan shall be implemented in accordance with the details approved by the local planning authority and remain operational for the life of the development.
8. No development hereby approved until precise details of external lighting to the building and the car park has been submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be provided in accordance with the approved details prior to the first use of the building and shall be retained as such for the life of the development.
9. The premises shall not be open to the public before the hours of 0700 or after 2300 Monday to Sunday.
10. 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 0700 or after 2200 Monday to Saturday, or before 1000 or after 2000 on Sundays and Public Holidays.
11. The rating level of noise emitted from any fixed plant and/or machinery associated with the development 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 15 minute LA90 at the nearest noise sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014) (Method for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

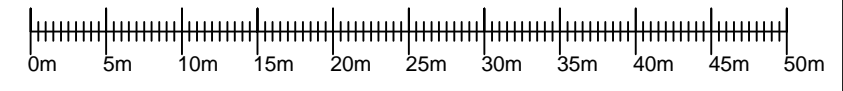
Where access to the nearest noise sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest noise sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.

12. No development shall commence until details for the provision of external electric vehicle charging point(s) have been submitted to and approved in writing by the Local Planning Authority. The Electric 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.
13. All service vehicles shall enter and exit the service area in a forward gear and shall access and egress the Highway also in a forward gear.
14. The main entrance automatic sliding door and fixed side screen should have colour contrasting manifestations at two heights in accordance with access standards.
15. The first floor accommodation shall not be used for the retail sales.
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no development covered by Part 2, Classes CA, F, G and J of Schedule 2, and Part 42 of Schedule 2 to that Order shall be carried out without planning permission granted by the District Planning Authority.
17. The use hereby permitted shall not be commence until a scheme providing acoustic barriers to the site boundary with adjoining dwellings has been submitted to and approved in writing by the local planning authority and all works which form part of the approved scheme have been completed. The works shall be retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.



Key:
 - TITLE BOUNDARY LINE



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CDM - Significant Design Hazards

Hazard	Control

Rev	Date	Description	Drawn	Checked
A	19.03.14	Title boundary amended	df	dfp

Amendments

Drawing Status

- Quantity Surveying
- Project Management
- Architecture
- Construction Safety

PROJECT
 GIGMILL
 SOUTH ROAD
 STOURBRIDGE
 DY8 3UL

CLIENT
 MARSTONS ESTATES LTD

TITLE
 LOCATION PLAN

SCALE
 1:1250 @ A3

DATE
 Feb 2014

DRAWN BY	CHECKED BY	DRAWING No.	REV
RM	DF	4215-P00	A

The Old Bake House, Kirton, Lincolnshire, PE20 1EH
 t: 01205 724016 f: 01205 724470 e: kmb@kmb-ltd.co.uk

Do Not Scale This Drawing For Construction Purposes

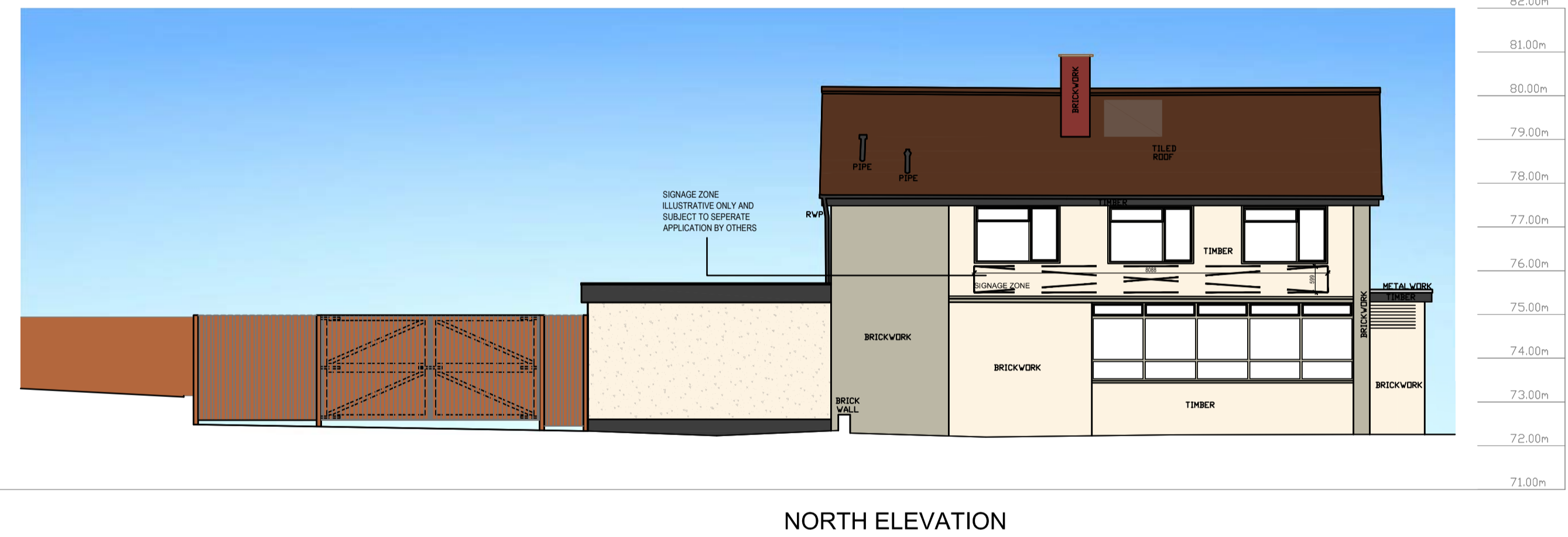
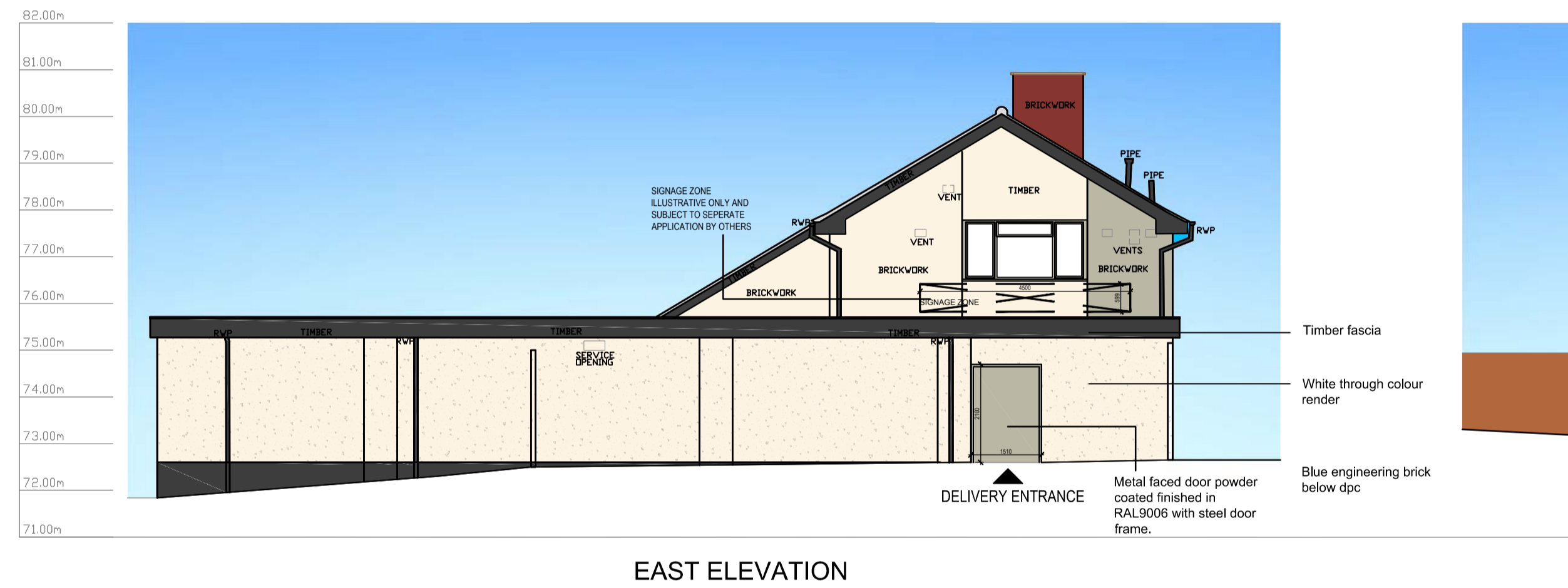
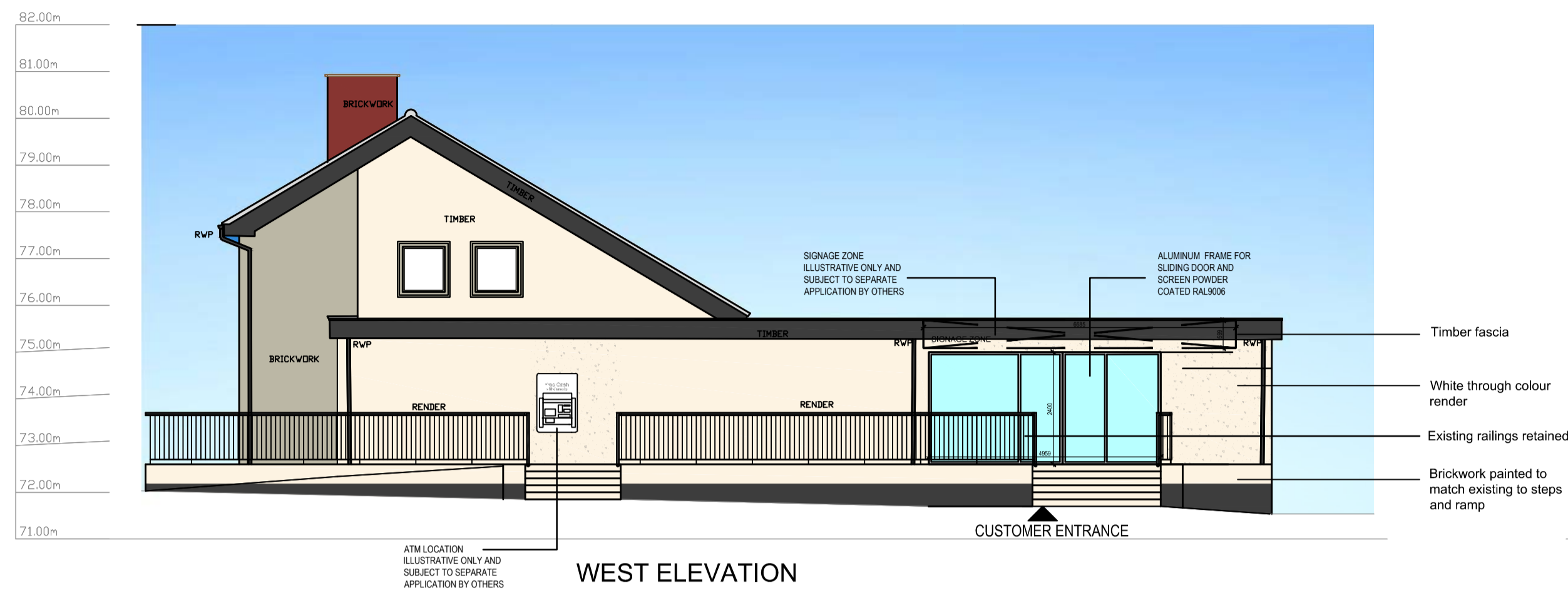
CDM - Significant Design Hazards

Hazard	Control

Key:

EXISTING WINDOWS TO BE CLEANED DOWN, MADE GOOD AND REDECORATED BS00E55
EXISTING GUTTERS TO PITCHED ROOF REPLACED WITH BLACK PVC GUTTERS

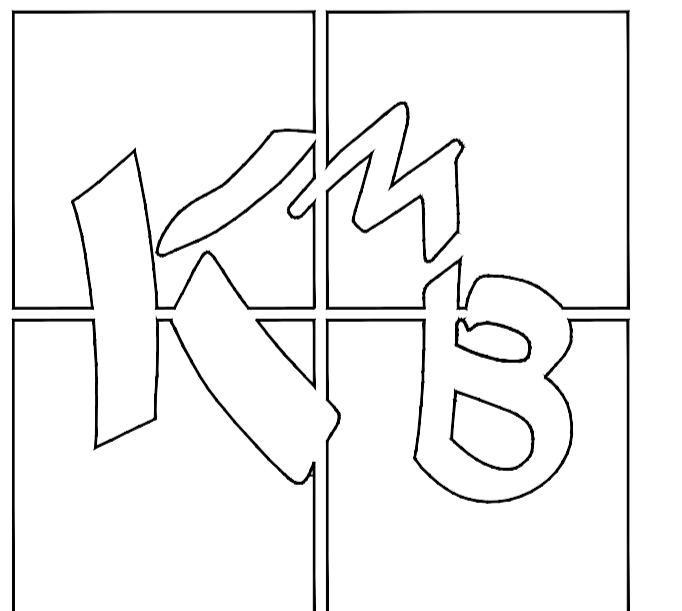
 - AREA OF DAMAGED ROOF TILES TO BE MADE GOOD



Rev	Date	Description	By	Check
C	04.11.14	Installation of shop front and doors note removed from West Elevation.	BF	DF
B	03.11.14	Entrance screen, doors and notes revised and ATM shown on West Elevation.	BF	DF
A	28.10.14	Door note revised on East Elevation.	BF	DF

Amendments

Drawing Status



- Quantity Surveying
- Project Management
- Architecture
- Construction Safety

PROJECT
GIGMILL
SOUTH ROAD
STOURBRIDGE
DY8 3UL

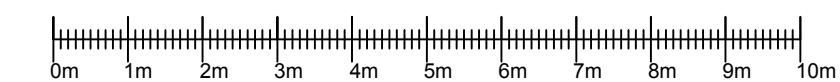
CLIENT
MARSTONS ESTATES LTD

TITLE
ELEVATIONS

SCALE
1:100 @ A1

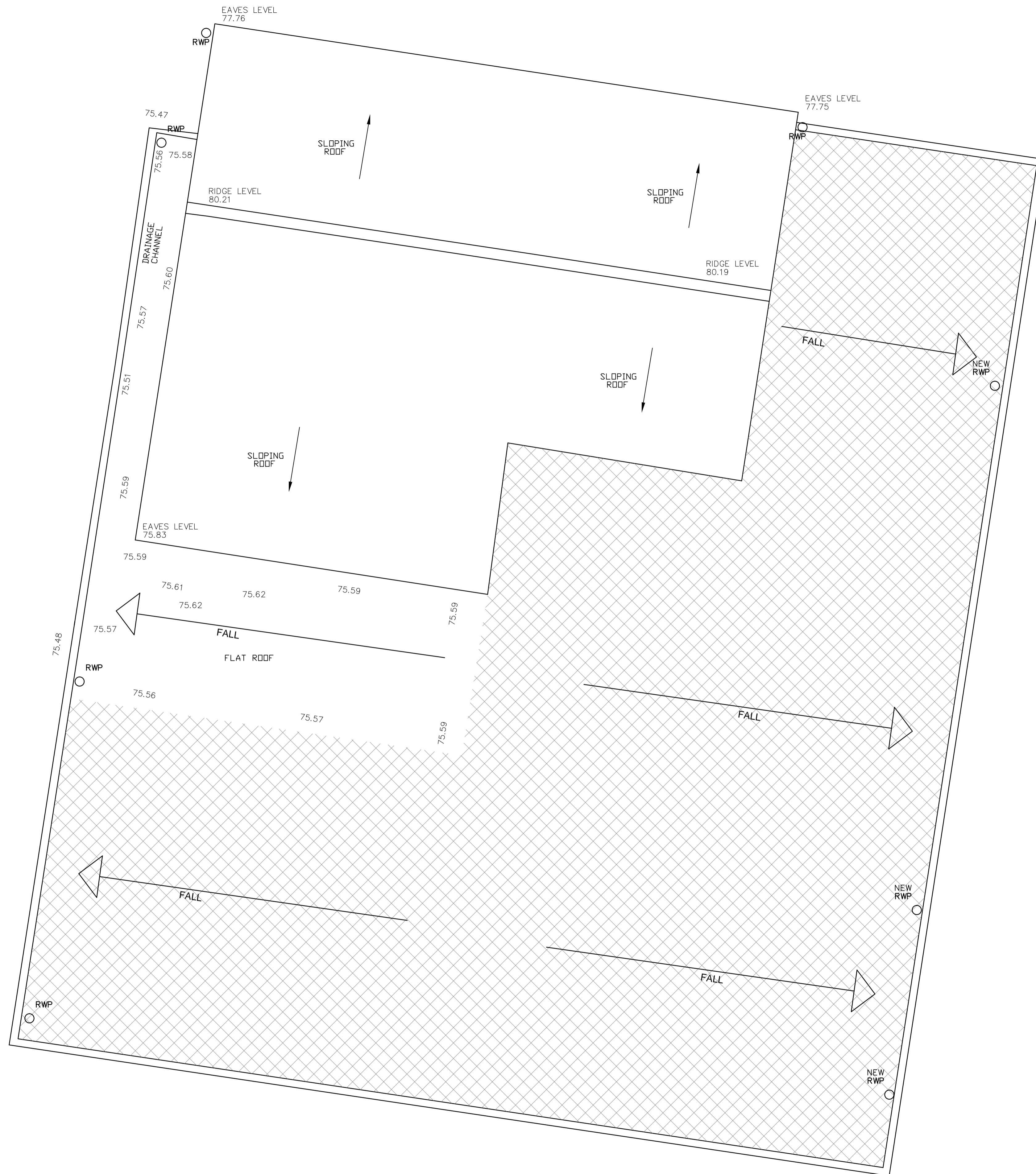
DATE
SEPT 2014

DRAWN BY	CHECKED BY	DRAWING NO.	REV
JTQ	DF	4215-P13	C



CDM - Significant Design Hazards

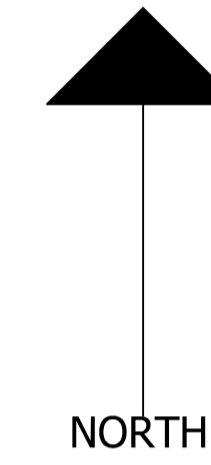
Hazard	Control



- AREA OF NEW FLAT ROOF FINISH

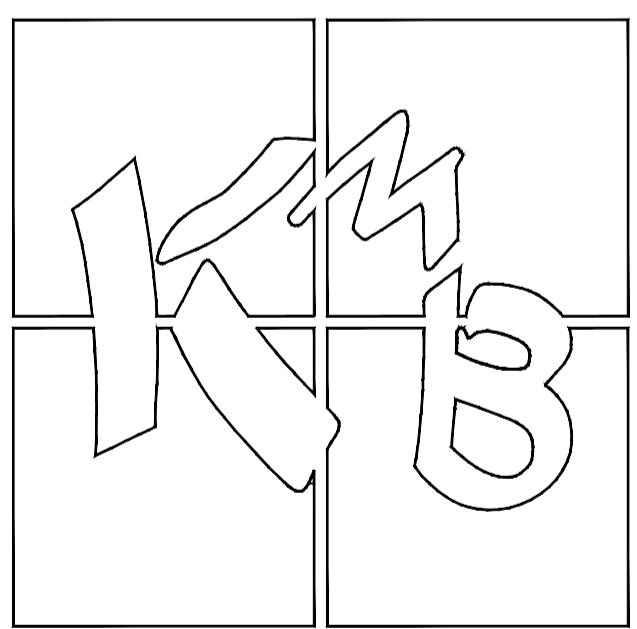
RWP - EXISTING RAIN WATER PIPE RETAINED

NEW RWP - NEW RAIN WATER PIPE



Amendments

Drawing Status



- Quantity Surveying ■ Architecture
- Project Management ■ Construction Safety

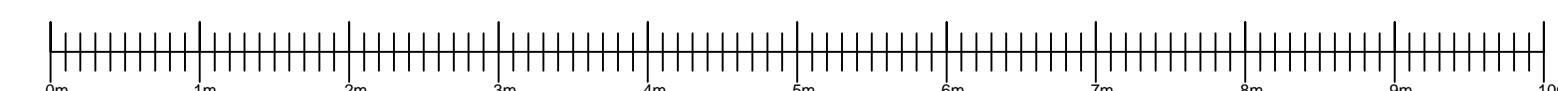
PROJECT
**GIGMILL
 SOUTH ROAD
 STOURBRIDGE
 DY8 3UL**

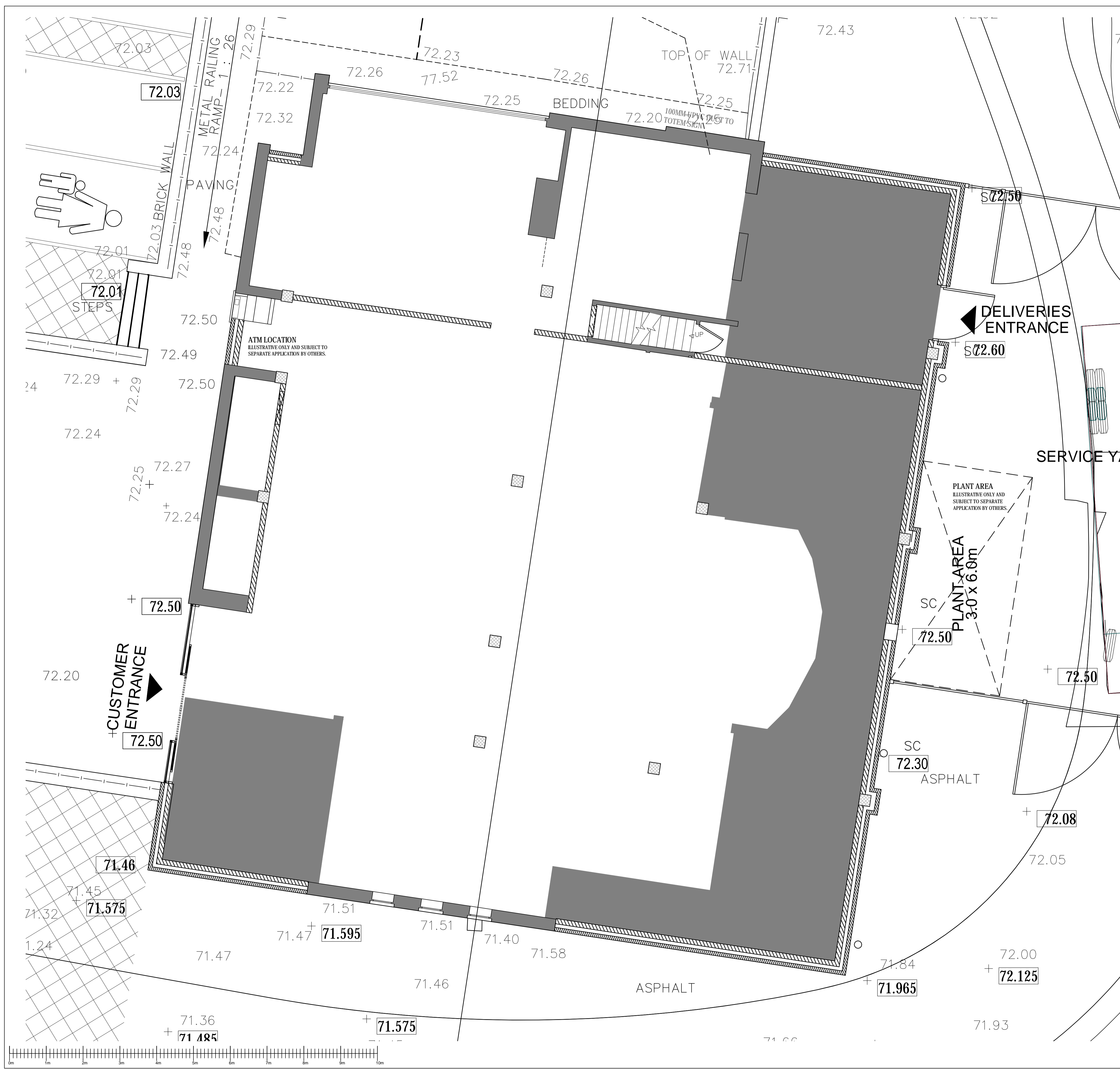
CLIENT
MARSTONS ESTATES LTD

TITLE
ROOF GENERAL ARRANGEMENT

SCALE: **1:50 @ A1** DATE: **SEPT 2014**

DRAWN BY JTQ	CHECKED BY DF	DRAWING No. 4215-P12	REV -
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- Key:**
- NEW 305X305MM STEEL COLUMN
 - NEW BRICKWORK WALLS
 - NEW BLOCK WORK WALLS
 - EXISTING STRUCTURE RETAINED
 - 900MMx2100MM ACCESS PANEL TO VOID
 - PROPOSED EXTENSION

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CDM - Significant Design Hazards

Hazard	Control

Scale: 1:50 @ A1

Client: MARSTONS ESTATES LTD

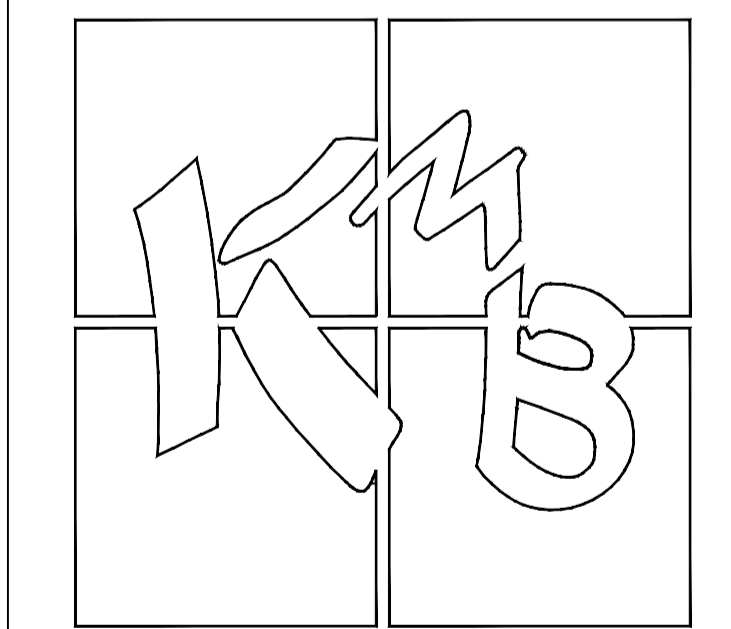
Title: GROUND FLOOR GENERAL ARRANGEMENT

Date: SEPT 2014

Rev	Date	Description	By	Check
C	03.11.14	ATM location and plant area shown and front entrance revised.	BF	DF
B	28.10.14	key notes revised and area of extension shown.	BF	DF
A	10.10.14	Car park levels amended.	BF	DF

Amendments

Drawing Status



- Quantity Surveying
- Architecture
- Project Management
- Construction Safety

PROJECT
GIGMILL
SOUTH ROAD
STOURBRIDGE
DY8 3UL

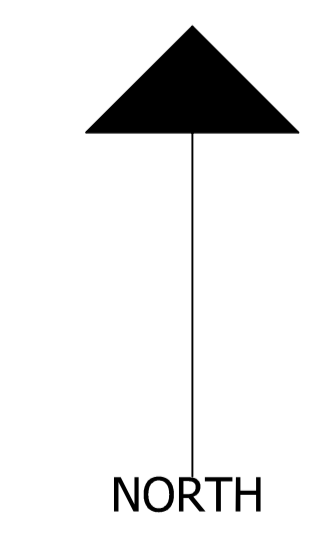
CLIENT
MARSTONS ESTATES LTD

TITLE
GROUND FLOOR GENERAL ARRANGEMENT

SCALE
1:50 @ A1

DATE
SEPT 2014

Drawn By	Checked By	Drawing No.	Rev
JTQ	DF	4215-P11	C



Do Not Scale This Drawing For Construction Purposes

CDM - Significant Design Hazards

Hazard	Control

SITE AREA: 0.227 HECTARES (2268.889m²)

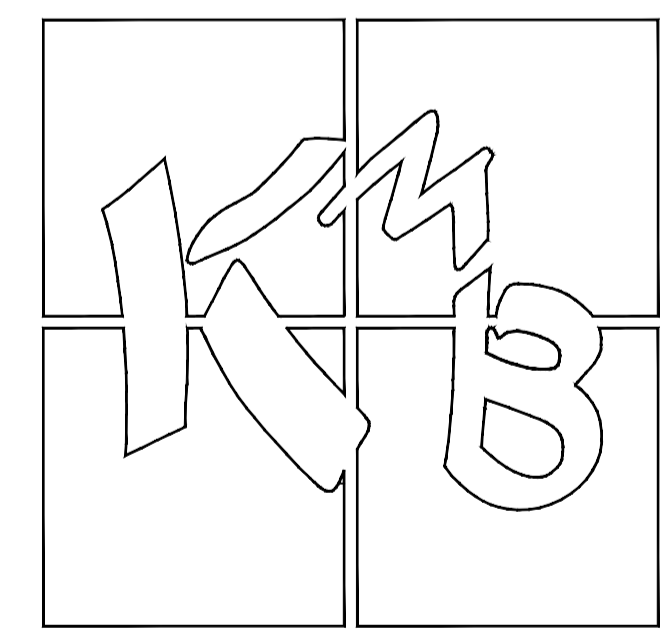
- Key:**
- 69.30 - EXISTING LEVEL
 - 69.300 - PROPOSED LEVEL
 - ▨ - PEDESTRIAN ZONE MARKED WITH YELLOW THERMOPLASTIC PAINT
 - - PARKING SPACES MARKED WITH WHITE THERMOPLASTIC PAINT
 - ⊙ - EXISTING EXTERNAL LIGHT
 - - 100MM DIA UPVC DUCT FOR TOTEM SIGN
 - ECPO - ELECTRICAL VEHICLE CHARGING POINT
 - ▨ - AREA OF EXTENSION



EXISTING POLE AND SIGN FRAME TO BE RETAINED IN-SITU

Rev	Date	Description	By	Check
E	03.11.14	ATM location and plant area shown and front entrance revised.	BF	DF
D	22.10.14	Car park levels amended.	BF	DF
C	10.10.14	Car park levels amended.	BF	DF
B	18.09.14	Car park surface to go back to reprints and the levels have been revised.	BF	DF
A	15.09.14	Minor revisions.	BF	DF

Amendments
Drawing Status



- Quantity Surveying
- Project Management
- Architecture
- Construction Safety

PROJECT
GIGMILL
SOUTH ROAD
STOURBRIDGE
DY8 3UL

CLIENT
MARSTONS ESTATES LTD

TITLE
SITE LAYOUT

SCALE
1:200 @ A1

DATE
SEPT 2014

DRAWN BY	CHECKED BY	DRAWING No.	REV
JTQ	DF	4215-P10	E

