

Report to Planning Committee

11 May 2021

Application Reference	DC/20/64748
Application Received	22 September 2020.
Application Description	Proposed change of use from Pakistani Community Centre to Supermarket (use class E) including part demolition to front elevation, single storey front and rear extensions and external alternations including shop front, roller shutters and car park
Application Address	Pakistani Community Centre 1 - 7 Corbett Street Smethwick B66 3PU
Applicant	Mr M Safeer And T Iqbal
Ward	Soho & Victoria
Contact Officer	Mr Andrew Dean andrew_dean@sandwell.gov.uk

1 Recommendations

- 1.1 That planning permission is granted subject to conditions relating to the following:
- (i) The use shall be restricted to that in the description of development and for no other purpose within the Class E Use Class;



- (ii) External Materials;
- (iii) Car parking to implemented, retained and not used for storage of goods;
- (iv) Review of parking restrictions and provision of a loading bay on Corbett Street;
- (v) Hours of opening and deliveries to the premises shall be restricted to 08.00 to 20.00 on any day;
- (vi) Specification of roller shutters to be submitted and approved.
- (vii) External plant noise condition;
- (viii) Front boundary treatment to be submitted and approved;
- (ix) Removal of the temporary building; and
- (x) Archaeological desk-based assessment.

2 Reasons for Recommendations

2.1 The amended proposal is considered to be appropriate in this location, would cause no significant harm to residential amenity, is acceptable from a policy perspective and the Head of Highways does not consider that the proposal would result in a severe impact on highway safety.

3 How does this deliver objectives of the Corporate Plan?



A strong and inclusive economy - The redevelopment would provide opportunities for local employment.

4 Context

4.1 This application is being reported to your Planning Committee because eight individual planning objections and an 89 signature petition against the proposal have been received. Furthermore, the following councillors have declared an interest in the application: Councillor M Rouf - Trustee of the Community Association and Councillor Zahoor - Trustee of the organisation that owns the property

4.3 To assist members with site context, a link to Google Maps is provided below:



5 Key Considerations

- 5.1 The site is unallocated within the Development Plan.
- 5.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF)
Planning history (including appeal decisions)
Design, appearance and materials
Access, highway safety, parking and servicing
Traffic generation
Noise and disturbance from the scheme

6. The Application Site

- 6.1 The application relates to a currently vacant community centre situated on the western side of Corbett Street, Smethwick. The character of the area is mixed use in nature with Windmills Shopping Centre, Victoria Park, High Street shops and residential properties all within proximity of the site. The property is adjacent to Cape Hill town centre but does not fall within the town centre boundary. Corbett Street itself consists of predominantly terraced residential properties with on street car parking. Windmills Shopping Centre car park is located on the opposite side of Corbett Street.
- 6.2 The application site consists of a single and two storey building with consent to be used as community centre. A car parking area is located to the side of the building which currently has a temporary building located at the rear.



7. Planning History

7.1 The site has an established use dating back to 1986 when approval for the community centre was granted on the site. No conditions relating to the hours of use were imposed on this approval.

7.2 Relevant planning applications are as follows:

DC/21124	Erection of community centre and associated external works.	Grant Permission subject to Conditions. 18.12.1986.
DC/26794	Proposed detached building with new kitchen on the ground floor and living accommodation above.	Grant Permission subject to Conditions. 04.04.1991.
DC/00/37343	Single storey extension to provide community facilities centre.	Grant Permission subject to Conditions. 31.01.2001.

8. Application Details

8.1 The applicant is proposing to change the use of the building from its current use as a community centre into a supermarket (Use Class E). The proposal includes the part demolition of a single storey extension to the front elevation and the erection of a single storey front extension to provide a glazed front elevation/exit to the supermarket, and single storey rear extensions to provide a cold store and enlarged area for a bakery counter. The proposal also includes external alternations to the property and the site in the form of a shop front, roller shutters and car park. The temporary building currently located on the car park would be removed from the site.

8.2 The applicant has amended the proposal by reducing the sales floor area from 526m² to 259m², removed a covered outdoor sale area for fruit



and veg from the scheme and increased the number of car parking spaces provided from 14 spaces to 19 spaces. The use of the first floor has also been included within the proposal and would be used for ancillary storage and staff facilities.

- 8.3 A further amended plan has been received due to an error being noted on the proposed first floor plan. The glass canopy to the front was still shown when it had been removed from the scheme.
- 8.4 The proposed opening hours of the use would be 08.00 to 20.00 on any day.

9. Publicity

- 9.1 The application has been publicised by neighbour notification letter, with eight individual planning objections and an 89 signature petition against the proposal being received.

9.2 Objections

Objections have been received on the following grounds:

- i) Highways impacts and car parking concerns. Corbett Street has high levels of on street car parking. The proposal would increase these levels making it difficult for residents to park;
- ii) Having a supermarket with food items would encourage even more vermin in the area;
- iii) The proposal would increase anti-social behaviour and litter;
- iv) The proposal would increase noise levels for residents in Corbett Street;
- v) The site is opposite the Windmill Shopping centre, another supermarket is not required;
- vi) Residents were not informed about the proposal;
- vii) The proposal is over development of the site;
- viii) The application requires a sequential test;
- ix) No transport assessment has been submitted with the application;
- x) No noise assessment has been submitted with the application; and



- xi) Residents note that two local councillors have declared a 'vested interest' in the property.

9.3 Responses to objections

I respond to the objector's comments in turn:

- (i) The Head of Highways has reviewed the amended proposal and raised no objections to the application subject to the conditions included within the recommendation. The proposal therefore complies with the council's adopted car parking standards and Highways do not consider that the proposals would result in a severe impact on the highway network. Highways have also requested a review of the existing parking restrictions directly outside the shop to consider the loading and unloading of deliveries.
- (ii) The Pollution Control Team have raised no objections to the application. Hygiene and pest control are dealt with under legislation separate from planning and the property would require regular checks by the Pollution Control Team to ensure compliance.
- (iii) I appreciate the concerns raised by objectors in terms of anti-social behaviour and litter, however, there is no evidence to suggest this would take place. Furthermore, West Midlands Police have raised no objection to the application.
- (iv) The Pollution Control Team (Noise) has reviewed the proposal and raised no objections on noise grounds. In order to protect residential amenity, a condition requiring details of any external plant and a restriction of opening hours has been included within the recommendation.
- (v) The applicant's agent has indicated in correspondence that the store would provide food which is unavailable in a conventional supermarket. However, the location of additional stores in the surrounding area is not a material planning reason to refuse this application.



- (vi) The application has been publicised in accordance with the Development Management Procedure (England) Order 2015 (as amended) with 16 properties neighbouring the site initially receiving neighbour notification letters. Following a complaint from a resident of Corbett Street regarding the consultation and number of neighbours notified, a further 19 neighbour notification letters were issued to properties on Corbett Street. All residents were re-consulted on the amended plans.
- (vii) I do not consider the proposal to be overdevelopment of the site. The overall footprint of the existing building would be reduced, and the Head of Highways has confirmed the proposal has acceptable off-street car parking provision for the use.
- (viii) A sequential test has been undertaken confirming there are no available alternative sites within Cape Hill town centre. The planning policy team have therefore raised no objections to the application.
- (ix) A transport assessment is not required for a minor application.
- (x) The Pollution Control Team (Noise) has recommended an external plant noise condition be included within the recommendation.
- (xi) The agent has confirmed Councillor M Rouf and Councillor Zahoor have an interest in the application (see section 4). However, any member with an interest in the application will not be allowed to take part in the decision-making process. The application has been brought to the attention of the Planning Committee to allow an open vote on the proposal at a public meeting and all members will be required to declare any interests.

10. Consultee responses

10.1 Planning Policy

No objections. The site concerned is situated directly adjacent to the boundary of Cape Hill town centre, therefore BCCS policy CEN4 is applicable to the proposed development. However, under the NPPF and



BCCS policy CEN7, proposals for out of centre development will have to demonstrate that development cannot be provided in centre or edge of centre locations of existing centres. For retail proposals, a location that is well connected and within easy walking distance (i.e. up to 300m) of the primary shopping area of a town centre will be regarded as edge of centre.

The applicant has demonstrated through the undertaking of a sequential test that there are no suitable premises in Cape Hill town centre, which could accommodate the proposed development. Therefore, the next available option is to locate the proposed development in an edge of centre location. On this basis, planning policy have no objection to the proposed change of use to a small supermarket and extensions to the existing building.

10.2 Highways

On the basis of the amended plans, Highways have raised no objections to the application subject to conditions contained within the recommendation.

The gross floor area (GFA) of the shop has been reduced from the initial drawings. Any food retail application is required to provide one off-street parking space for every 14m² of the GFA, this is a maximum parking provision not minimum and is supported by planning policy (staff linked to the shop are included in this calculation). The applicants are providing 19 off street spaces so they now meet this requirement, the off-street parking should be sufficient for a shop of this size.

The initial drawing showed the first floor use to be retained, it was unclear what this use was. The applicants have now shown that this area will be used for storage of shop produce and staff facilities that should not result in additional trip rates or parking accumulation as the use is linked to the shop.



Highways had raised concerns that external food areas should be removed/set back and that a boundary treatment is retained to stop produce being stored on the adopted footway and to prevent customers from standing on/blocking the footpath for other pedestrians. A condition is proposed so the design of the boundary treatments is submitted to and approved by the local planning authority before the site is occupied. The updated plans show the external produce area has been removed.

The parking layout meets with highways standards with vehicles being able to enter, park, turn and leave in a forward gear. The access would be 4.5m wide to allow two vehicles to cross.

Highways have requested a review of existing parking restrictions directly outside the shop to consider the loading and unloading of deliveries. A condition relating to this has been recommended.

It is worthy of note that the use of the building for any purpose would generate trip rates and parking accumulation. Highways do not consider that the proposals would result in a severe impact on the highway network.

10.3 Public Health (Air Quality)

No objections subject to a condition for electric vehicle charging points. A further condition for a travel plan is no longer required given the reduction in floor area.

10.4 Public Health (Air Pollution and Noise)

No objection to the application on noise grounds stating the impact of vehicle movements and customer activity at the front of the building would be small given the location of the car park to the side and proposed hours. A concern was raised regarding the potential for refrigeration fans or condensers being mounted externally giving rise to night time noise/disturbance to the nearest residents. A condition is recommended for the rating level of noise arising from the use of any



plant or equipment external to the building not exceeding the background noise level at the nearest residential receptor. The measurements and assessment shall be made in accordance with BS4142:2014+A1:2019. A further restriction of opening hours to those stated in the recommendation was also proposed to further protect residential amenity.

10.5 West Midlands Police

No objections. Recommendations for security measures such as CCTV and external lighting have been made.

11. National Planning Policy

11.1 National Planning Policy Framework promotes sustainable development but states that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

12. Local Planning Policy

12.1 The following policies of the council's Development Plan are relevant:

CEN4: Regeneration of Town Centres.

CEN7: Controlling Out-of-Centre Development.

ENV3: Design Quality.

ENV8: Air Quality.

SAD EOS9: Urban Design Principles.

SAD HE 5: Archaeology & Development Proposals

SAD DM8: Design and Installation of Shop Front Roller Shutters

12.2 The proposal raises no significant concerns in respect of design and is compliant with ENV3 and SAD EOS9.

12.3 A condition for an archaeological desk-based assessment to be submitted to and approved by the local planning authority has been included within the recommendation (SAD HE 5).



- 12.4 A condition to ensure that 10% of car parking spaces would have an electric vehicle charging point meets the mitigation measures set out within the Black Country Air Quality SPD and accords with policy ENV8.
- 12.5 The applicant has demonstrated through the undertaking of a sequential test that there are no suitable premises in Cape Hill town centre, which could accommodate the proposed development. Therefore, the next available option is to locate the proposed development in an edge of centre location. The proposal is therefore compliant with policy CEN4 and CEN7 of the Black Country Core Strategy.
- 12.6 A condition to ensure the proposed shop front roller shutters are designed in compliance with policy SAD DM8 has been included within the recommendation.

13. Material Considerations

13.1 National and local planning policy considerations have been referred to above in sections 11 and 12. With regards to the other material considerations, these are highlighted below:

13.2 Planning history

When determining this application, it should be noted that the existing established use of the building is currently a community centre (Use Class F2). The property is not subject to any conditions to restrict its hours of use. When in use, the existing community centre use has the potential to generate significant trip rates.

13.3 Design, appearance and materials

The alterations and proposed extensions to the property are minimal and raise no concerns with regards to residential amenity or external appearance. A condition for the proposed external materials to match the existing property has been included within the recommendation. A



further condition relating to the specification of the proposed roller shutters to be submitted and approved by the local planning authority has also been included.

13.4 Access, highway safety, parking, servicing and Traffic generation

The Head of Highways has reviewed the amended proposal and raised no objections subject to the conditions contained within the recommendation. As noted above, the use of the building for any purpose would generate trip rates and parking accumulation.

13.5 Noise and disturbance from the scheme

The Pollution Control Team (Noise) have reviewed the proposal and raised no objections to the application on noise grounds.

14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so.

15 Implications

Resources:	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the council.
Legal and Governance:	This application is submitted under the Town and Country Planning Act 1990.
Risk:	None.
Equality:	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
Health and Wellbeing:	None.



Social Value	None.
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16. Appendices

Site Plan

Context Plan

1074 - 01 REV C

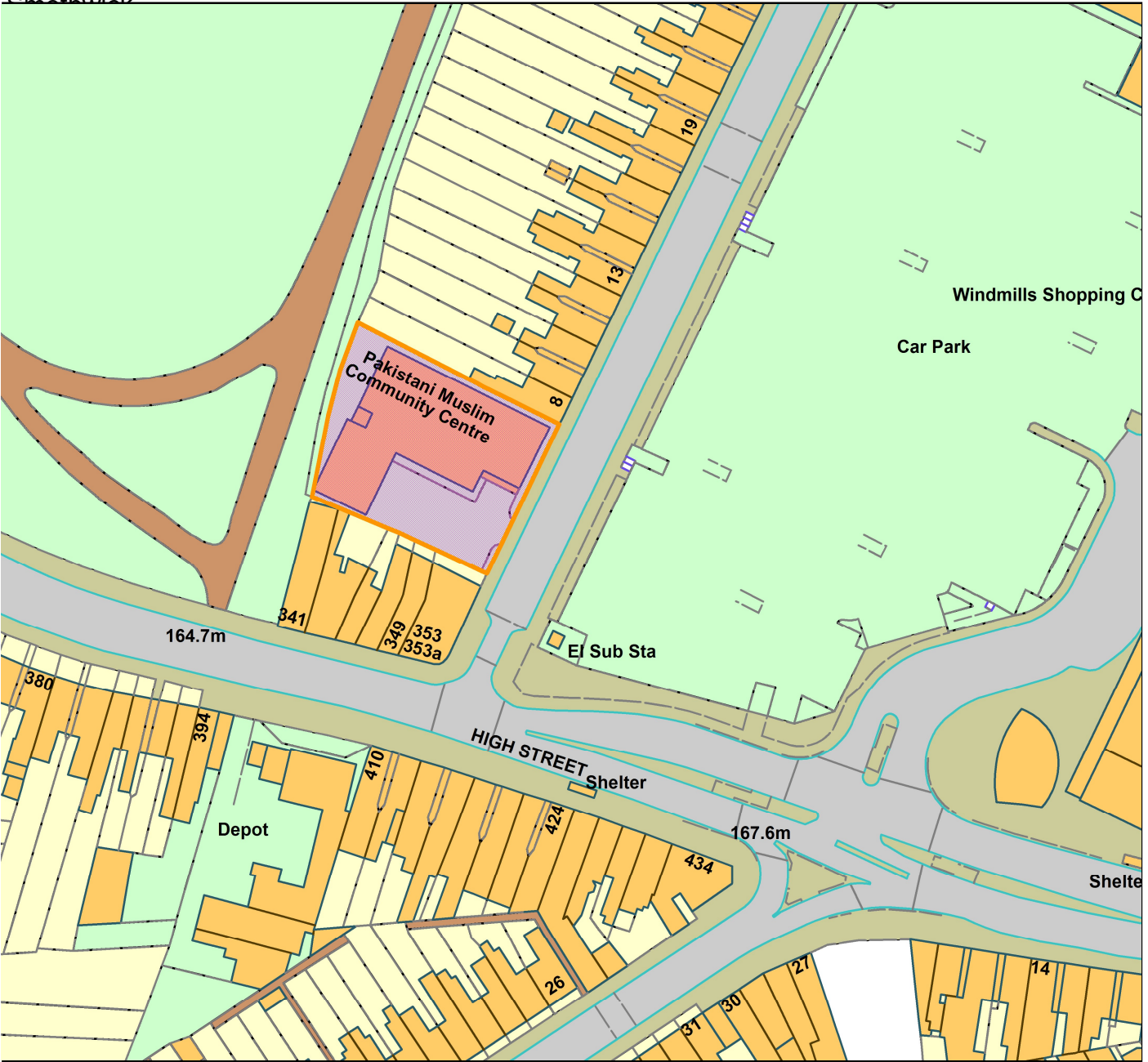
1074 - 04 REV E

1074 - 05 REV C



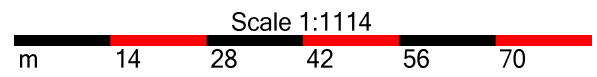
DC/20/64748

Pakistani Community Centre, 1-7 Corbett Street,
Creechbrook



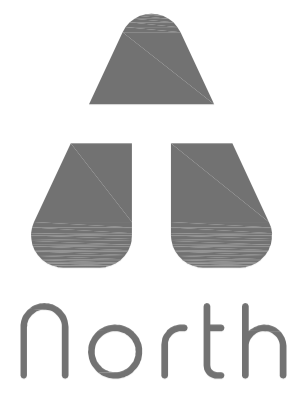
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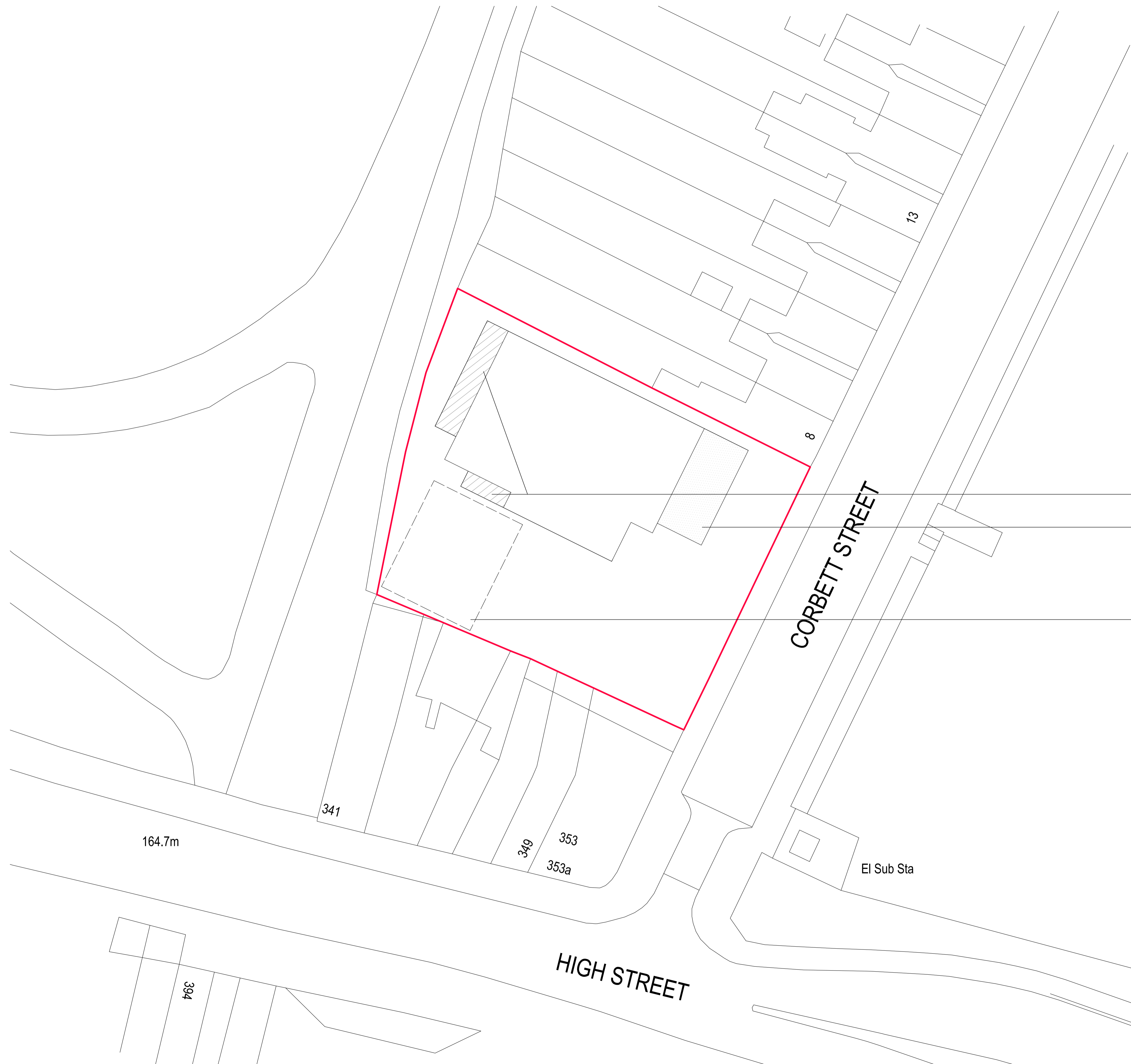
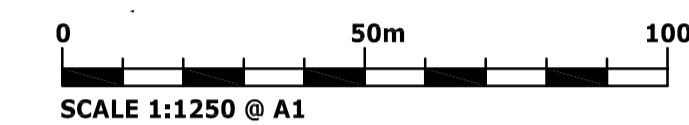


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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	28 April 2021
OS Licence No	



SITE LOCATION PLAN AS EXISTING 1:1250



PROPOSED SINGLE STOREY EXTENSIONS

PROPOSED REDUCTION / ALTERATIONS TO SINGLE STOREY STRUCTURE

PORTAKABINS TO BE REMOVED FROM SITE

C	05 02 21	Title altered
B	03 11 20	Alterations following planning comments
A	08 10 20	Scale bar added
Rev	Date	Comments



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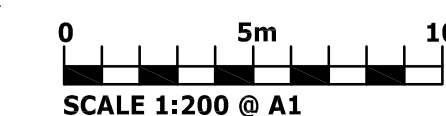
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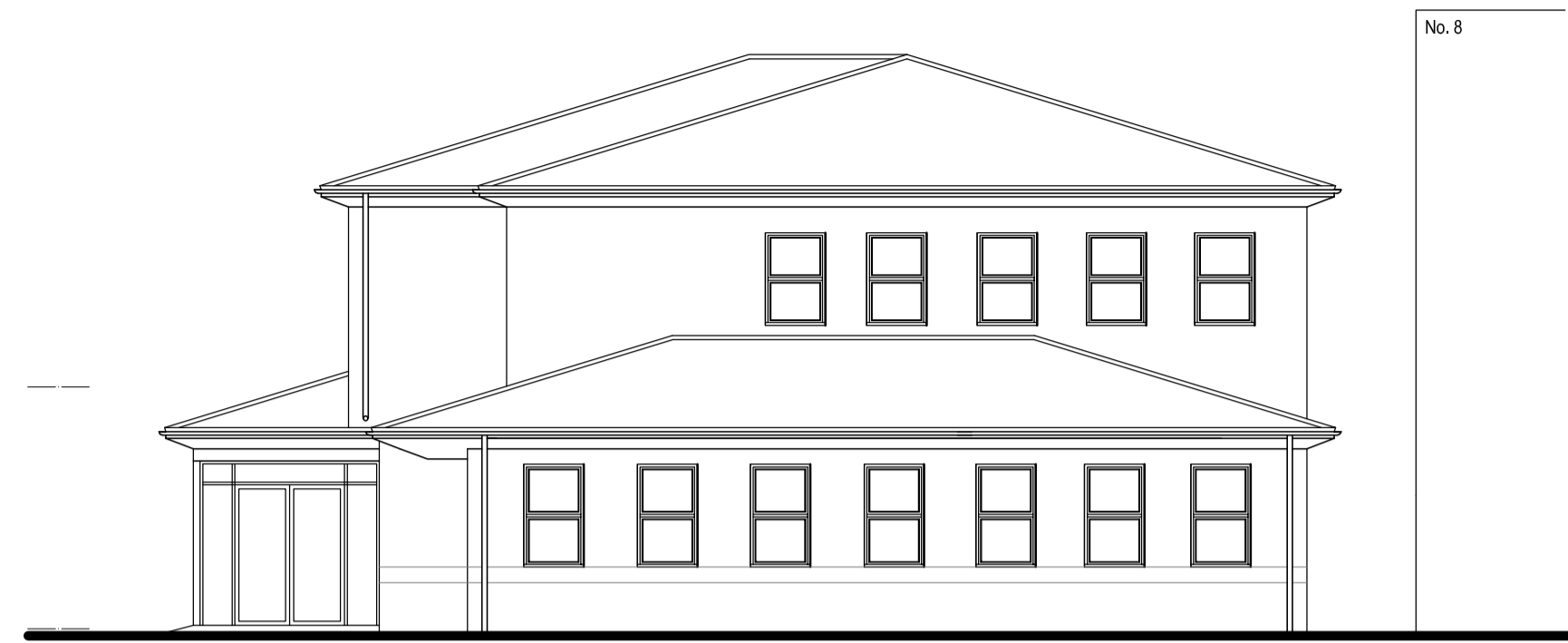
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PROPOSED CHANGE OF USE FROM D1 TO A1
AT 1-7 CORBETT STREET, SMETHWICK.

Dwg Title
SITE LOCATION AND BLOCK PLAN

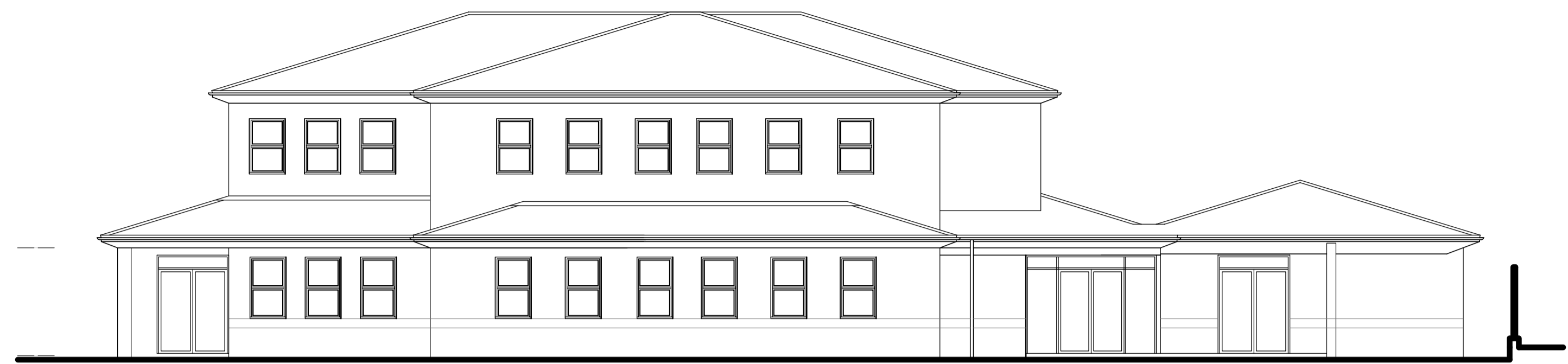
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SITE BLOCK PLAN AS PROPOSED 1:200





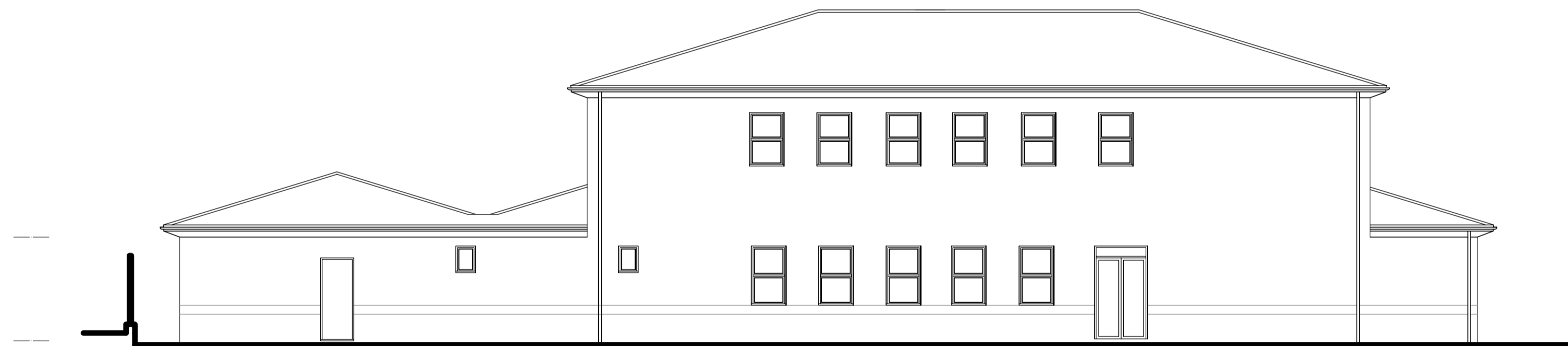
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

B	05 02 21	Title altered
A	08 10 20	Scale bar added
Rev	Date	Comments

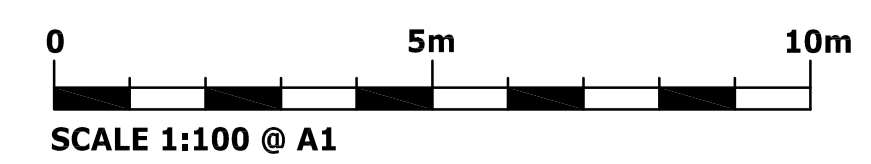


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Job
PROPOSED GROUND FLOOR CHANGE OF USE FROM D1 TO A1
AT 1-7 CORBETT STREET, SMETHWICK.

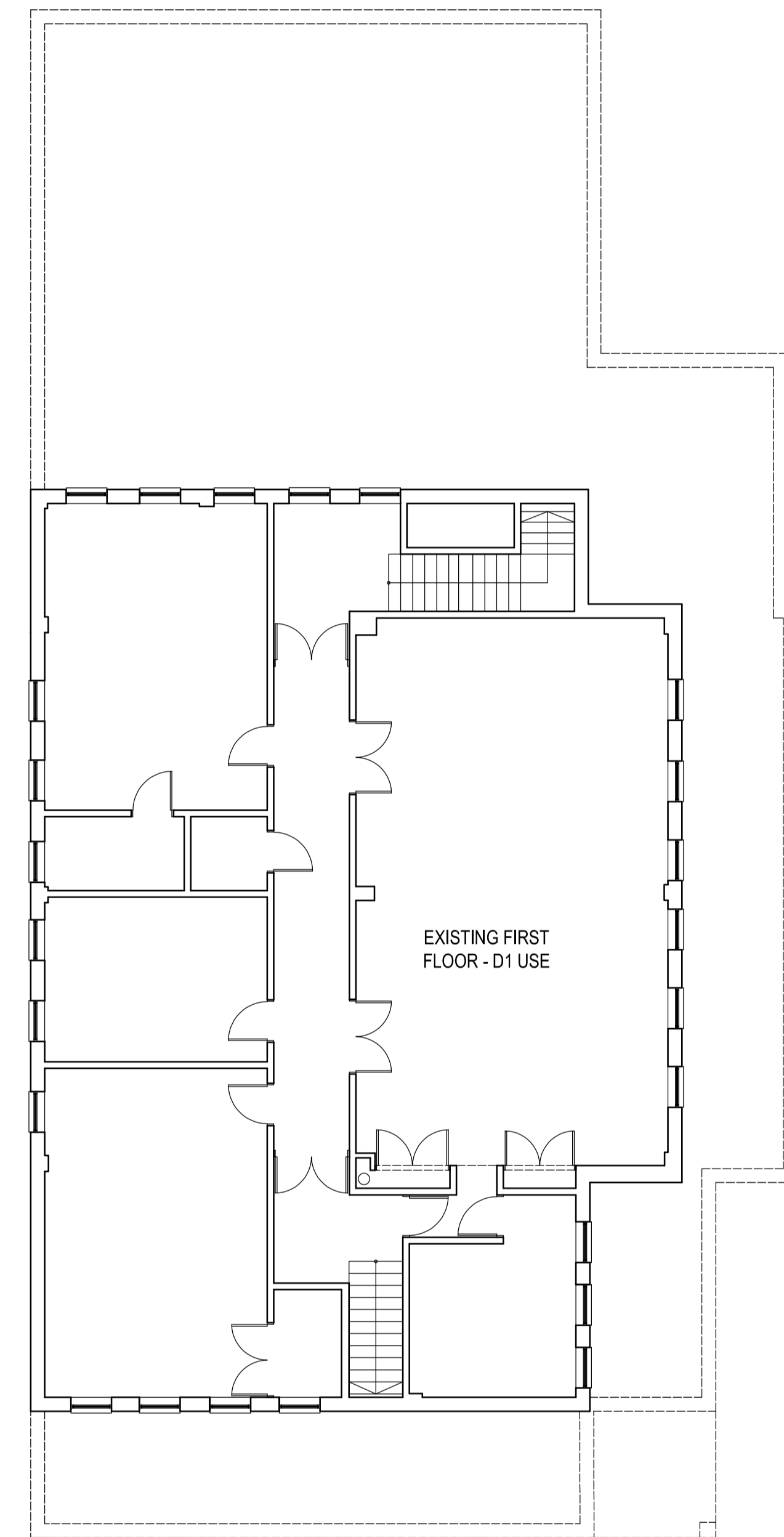
Dwg Title
ELEVATIONS AS EXISTING



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GROUND FLOOR PLAN



FIRST FLOOR PLAN

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A	08 10 20	Scale bar added
Rev	Date	Comments

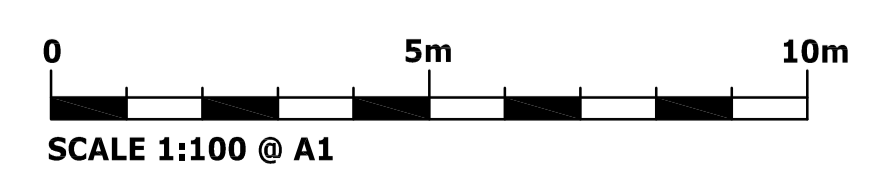


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Job
PROPOSED GROUND FLOOR CHANGE OF USE FROM D1 TO A1
AT 1-7 CORBETT STREET, SMETHWICK.

Dwg Title
PLANS AS EXISTING



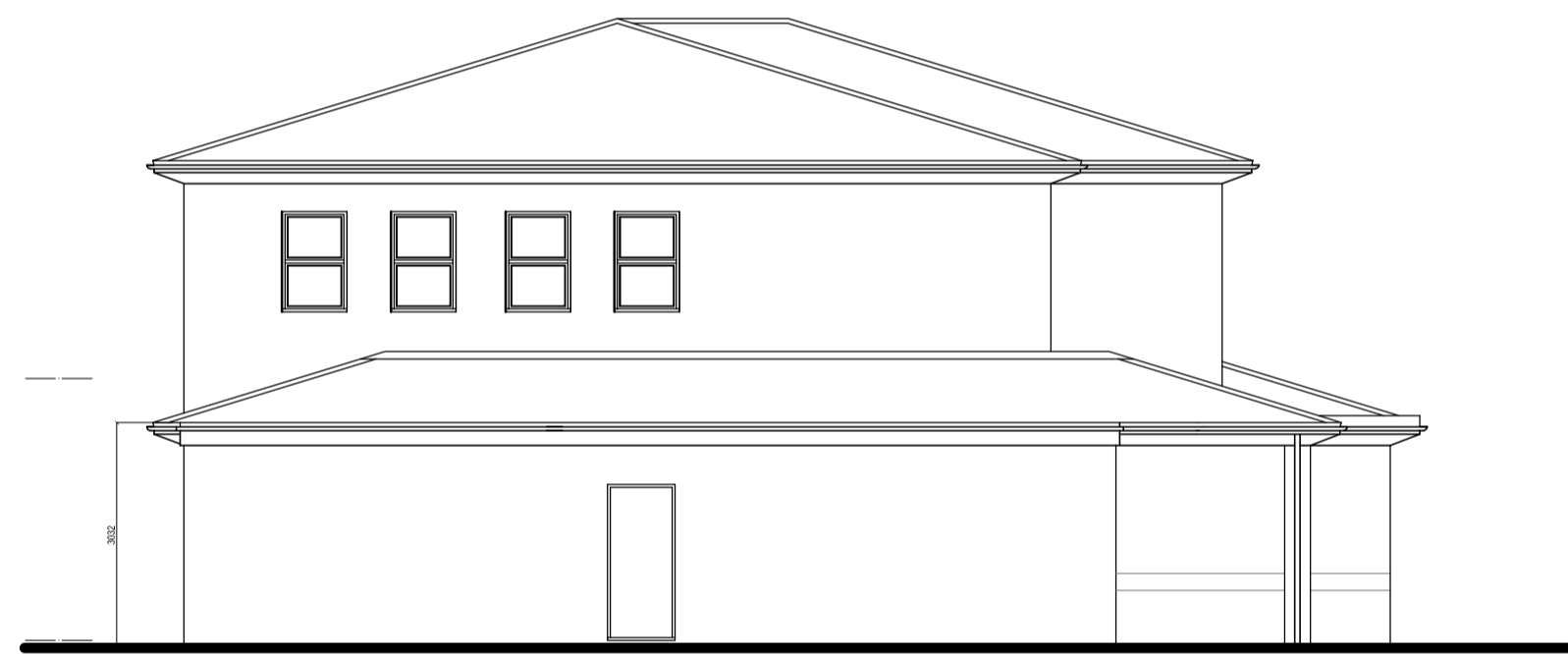
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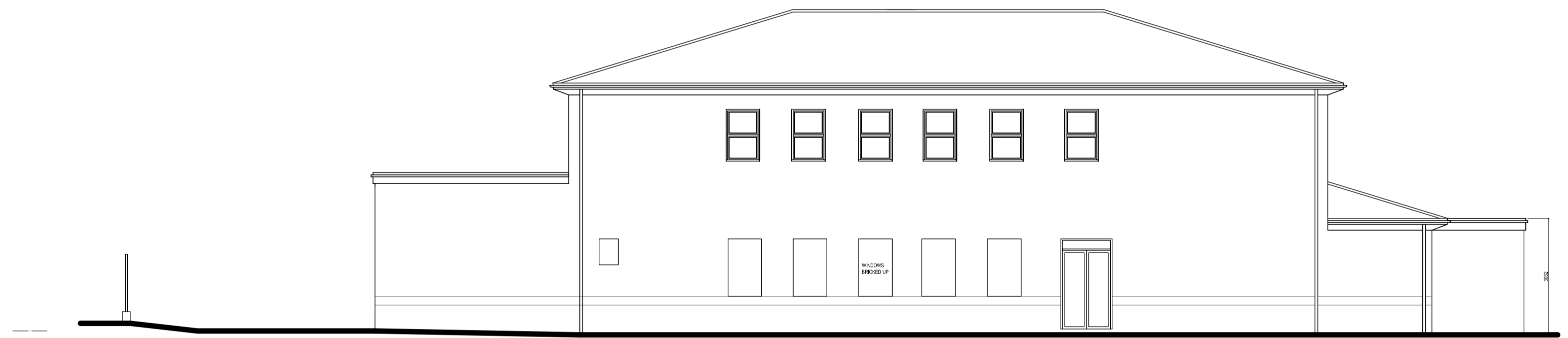
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

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B	03 11 20	Alterations following planning comments
A	08 10 20	Scale bar added
Rev	Date	Comments

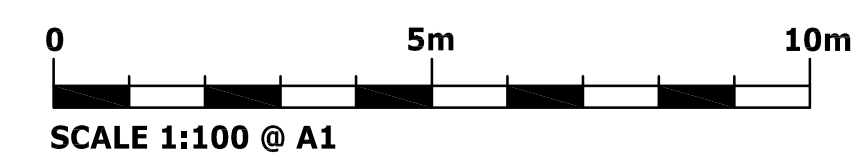


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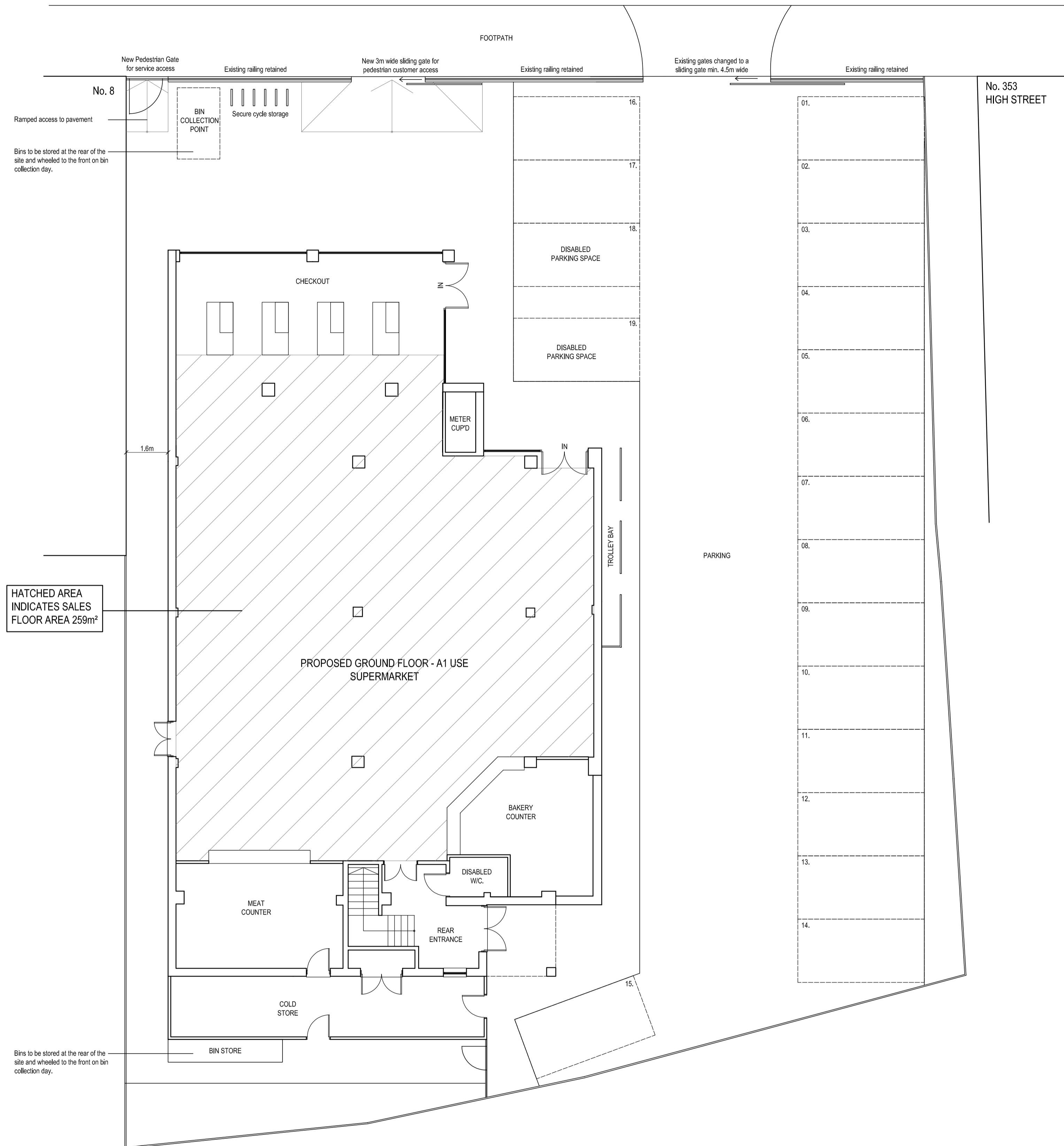
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Job
PROPOSED GROUND FLOOR CHANGE OF USE FROM D1 TO A1
AT 1-7 CORBETT STREET, SMETHWICK.

Dwg Title
ELEVATIONS AS EXISTING

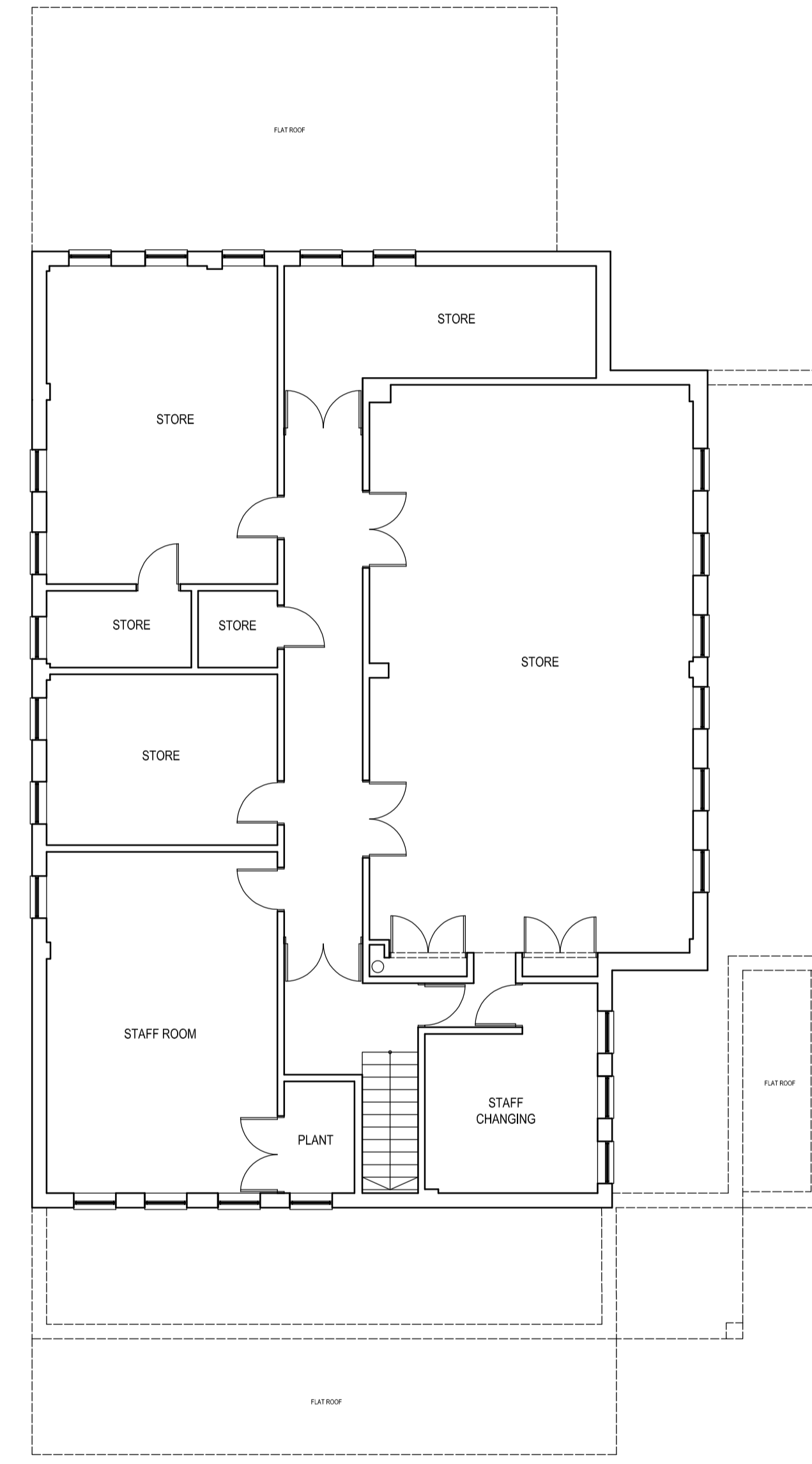


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GROUND FLOOR PLAN

HATCHED AREA INDICATES SALES FLOOR AREA 259m²



FIRST FLOOR PLAN

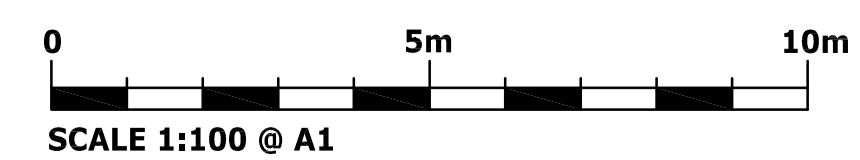
Rev	Date	Comments
E	28 04 21	Roof removed from first floor plan
D	05 02 21	Title altered + Room names added
C	03 11 20	Alterations following planning comments
B	08 10 20	Flat roof added
A	08 10 20	Scale bar added



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Job
PROPOSED GROUND FLOOR CHANGE OF USE FROM D1 TO A1 AT 1-7 CORBETT STREET, SMETHWICK.

Dwg Title
PLANS AS PROPOSED



Scale	Date	Dwg no.
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