

PLANNING APPLICATION NUMBER:P06/2241

Type of approval sought	Full Planning Permission
Ward	Lye & Wollescote
Applicant	Mr J Peters
Location:	175, HIGH STREET, LYE, WEST MIDLANDS, DY9 8LE
Proposal	CHANGE OF USE FROM BANK (A2) TO BAR (A4) WITH ANCILLARY DINING
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site is a vacant building located on Lye High Street, previously in use as a bank. To the south of the site are dwellings on Church Road. There are commercial premises to the east and west of the site in the form of takeaways and restaurants, whilst on the opposite side of the road is Christ Church. There is residential accommodation at first floor above a number of the commercial properties in the vicinity of the site.

PROPOSAL

2. Permission is sought to use the premises as a bar (A4) with ancillary dining provision. Opening hours of 11 am to 11.30 pm are proposed. A garage and storage area at the rear of the site is to be incorporated into the development to be used as a kitchen area.

HISTORY

3. None relevant at this site. Members will be aware of the recent planning history of no.s 178 -179 High Street relating to the use of the premises for A3 purposes and at

no.180 High Street relating to permission for extended opening hours. The planning history of these premises is relevant to the determination of this application.

PUBLIC CONSULTATION.

4. Objections to the proposal have been received from nos. 3d and 7 Church Road and from the Reverend at Christ Church. Common themes raised include:
 - The proposal is contrary to PGN28 and the Lye District Centre Action Plan as it would result in more than two adjoining shop units being occupied by non-retail users;
 - Increased parking and volume of traffic along High Street and Church Road, to the detriment of highway safety;
 - Noise nuisance from customers, vehicles, extraction units and fridges and freezers;
 - The building will be an 'eyesore';
 - Odour and vermin problems from trade waste;
 - More retail shops and offices are needed in the centre of Lye;
 - Antisocial and criminal behaviour.

5. The letter from no.3d Church Road is accompanied by a 26-signature petition of objection.

OTHER CONSULTATION

6. The Group Engineer – Development has no objection to the proposal.

RELEVANT PLANNING POLICY

7. Policy CR11 of the UDP.

ASSESSMENT

8. Policy CR11 states that permission for public houses and bars in local centres will normally be granted unless there would be an adverse impact on environmental quality, residential amenity, public or highway safety or the overall retail function of the centre.
9. The UDP seeks to ensure that district shopping centres continue to provide a range of services and shopping facilities to meet daily shopping needs. Lye, along with other district centres in the Borough, has a 'protected frontage' within the centre within which the level of non-retail uses is restricted in order to ensure that such uses do not dominate the area to the detriment of its vitality and viability. In this case the application site lies outside of the protected frontage, and therefore the proposed use would not undermine the retail function of the centre. The objectors' reference to PGN28 and the Lye District Centre Action Plan is not relevant in this case as the policy which seeks to restrict 'bunching' of non-retail uses is only relevant within protected frontages.
10. The proposal provides the opportunity to re-use this vacant building, which would help to improve the appearance of the area and assist in the regeneration of the High Street. Notwithstanding the concerns of local residents, it would be difficult to demonstrate that the proposed use would materially increase the background noise level in the area and have a significantly greater adverse impact than existing uses in the immediate vicinity. Conditions can be imposed should permission be granted requesting details of the type and siting of fume extraction equipment and bin stores to be submitted to ensure that any impacts from noise and smell are minimised. Similarly opening hours conditions can be imposed (similar to those for no.s 178-179 and no.180 High Street) to help safeguard residential amenity.
11. The district centre benefits from good public transport links, car parking provision and a strong walk-in catchment. It is therefore considered that the proposal would not lead

to significant increases in volume of traffic on the High Street or surrounding roads which may have adverse highway safety impacts.

CONCLUSION

12. The proposal would not have any significantly adverse impact on environmental quality, residential amenity, highway safety or the vitality and viability of the local centre and therefore does not contravene Policy CR11 of the UDP.

RECOMMENDATION

13. It is recommended that planning permission should be granted subject to the following conditions:

Reason for Approval

The proposal would not have any significantly adverse impact on environmental quality, residential amenity, highway safety or the vitality and viability of the local centre and therefore does not contravene Policy CR11 of the UDP.

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 premises shall not be open for business within or between the hours of 11.30 pm to 11.00 am, and no waste bottle/glass collection shall take place before 7.00 am on weekdays and 8.00 am at weekends.
3. The use hereby approved shall not commence until details of the type and siting of fume extract equipment have been submitted to and approved by the local planning authority.