

PLANNING APPLICATION NUMBER: P22/0596

| | |
|-------------------------|---|
| Type of approval sought | Full Planning Permission |
| Ward | Wollaston and Stourbridge Town Ward |
| Agent | |
| Case Officer | Jenny North |
| Location: | 161, LOWER HIGH STREET, STOURBRIDGE, DY8 1TS |
| Proposal | CHANGE OF USE OF BASEMENT AND GROUND FLOOR FROM RETAIL (E) TO DRINKING ESTABLISHMENT (SUI GENERIS) |
| Recommendation Summary: | APPROVE SUBJECT TO CONDITIONS |

RECOMMENDATION

Due to the neighbour consultation period expiring on 17th September, Members should be aware that a decision cannot be finalised until after this date. It is requested therefore that if members are minded to approve the application that the decision is delegated to the Head of Planning, subject to no additional material planning matters being received from respondents within the consultation period which expires on 17th September 2022.

SITE AND SURROUNDINGS

1. This three-storey building within Stourbridge Town Centre occupies a prominent location on the corner of Lower High Street and Queen Street. It forms part of the medieval area of Stourbridge and as such it is within an Archaeological Priority Area. It is also located within the 'High Street Stourbridge' Conservation Area and an Area of High Historic Townscape Value (Stourbridge Town Centre). The site is also within the boundary of the Stourbridge Area Action Plan.
2. The application relates to the basement and part of the ground floor of No. 161 Lower High Street, Stourbridge which is currently occupied by a craft shop. To the rear, on

the ground floor, there are two offices which would be retained for office purposes separate from this business. The two upper floors are occupied by offices and do not form part of the application.

3. The adjacent building No. 160 Lower High Street is Grade II Listed. No 161 Lower High Street (the application site) is not specifically identified as a heritage asset although the frontage to Queen Street and the rear of the building display original window openings and banded brickwork which indicate the historic age and original design of the building. During the late 1960's a new façade was constructed on the Lower High Street frontage which has reduced the historic importance of the building.

PROPOSAL

4. The application seeks permission for a change of use of the existing craft shop (Use Class E) which occupies the basement and the majority of the ground floor of the premises to a drinking establishment (sui generis). The two rear offices on the ground floor and those on the upper floor would remain unchanged. No elevational changes are applied for.
5. Submitted floor plans indicate that the basement would accommodate the toilets and store/staffroom facilities. A display area with a large internal window is proposed for customers to view the barrels, pumps and pipes and see how they feed up to the main bar area. The ground floor would contain the bar with an indicative nine tables that could accommodate up to No. 40 seated customers. Only bar snacks are intended to be sold from the premises. A w.c for disabled persons would also be located on this floor.
6. An amended plan has been received which indicates that bin storage would take place to the side of the building within the curtilage of the application site. Direct access from this area via an existing gate fronting the highway would facilitate collection from Queen Street.
7. A Planning Statement and a Heritage Statement have been submitted in support of the application

HISTORY

8.. Relevant history

| APPLICATION No. | PROPOSAL | DECISION | DATE |
|----------------------------|---|--------------------------|-------------|
| SB/68/64 | New façade to first and second floors | Approved with conditions | 14/03/1968 |
| CC/74/944 | Change of use from offices to photographic studio | Approved with conditions | 04/10/1974 |

9. Planning approval has recently been granted for part change of use of the nearby building No 164 Lower High Street to a No. 14 bed house in multiple occupation. Conversion works appear to be currently taking place (P20/1846).

PUBLIC CONSULTATION

10. The application has been advertised by means of a site notice and an advertisement placed in the Express and Star Newspaper. Letters were also sent to fifteen nearby and adjacent premises. However, the public consultation period has not yet expired. The end of the consultation period for the public notice in the Express and Star newspaper is 12th September 2022, the site notice expires on 13th September 2022 and the neighbour consultation period expires on 17th September 2022. Members will be informed of any additional objections received in the pre-committee notes.
11. Due to the neighbour consultation period expiring on 17th September, Members should be aware that a decision cannot be finalised until after this date. It is requested therefore that if members are minded to approve the application that it is delegated to the Head of Planning, subject to no additional material planning matters being received from any objectors within the consultation period which expires on 17th September 2022.

12. To date one objection has been received which raises the following points:

Residential Amenity

- Lower High Street is much quieter than High Street where there are a large number of bars that attract crowds;
- Lower High Street contains a much higher percentage of residential properties to High Street;
- The application will lead to noise and nuisance particularly at night;
- The seating plan for the bar shows 40 seats. It is assumed that additional drinkers will be standing;
- The bar has no outside space – smokers will congregate on the pavement causing noise and obstruction

Anti-Social Behaviour/risk of crime

- High levels of anti-social behaviour close to the area. Crime levels are increasing;
- An HMO is currently being created at 164 Lower High Street;
- The bar will be located close to a Children's nurse and a Job Centre;
- Stourbridge Town Centre is covered by a Cumulative Impact Zone where evidence has indicated the number, type and density of licensed premises is impacting adversely on the licensing objectives of crime and disorder, public safety, public nuisance and the protection of children from harm. Despite this Zone being in place the number of bars within the centre is still increasing.

OTHER CONSULTATION

13. Head of Environmental Safety and Health – The location of the application premises is in Lower High Street, Stourbridge. There are some dwellings in the vicinity and the building to the immediate north has been granted planning consent for part conversion into a house of multiple occupation.

There is potential for use of the application premises as a drinking establishment to cause noise disturbance in the area from human behaviour and use of sound amplification equipment, particularly during unsociable hours.

However, this is a Town Centre location and under the Licensing Act 2003 some control of public nuisance will be in place if the application for a drinking establishment is successful.

Use of sound amplification equipment can be managed to avoid excessive disturbance and other regulatory controls are available under the Environmental Protection Act 1990 to prevent or minimise statutory noise nuisance.

On balance there is insufficient justification on noise grounds to recommend this application for refusal in this location, but the hours of opening should be controlled by condition to prevent late night and early morning disturbance to residents in the vicinity.

14. Head of Planning (Land Contamination) – no adverse comments.

15. Head of Planning (Highway Engineer) – no objection in principle to the application for conversion to a drinking establishment given the town centre location and confirmation with the application form that the site does not have any off-street parking.

The applicant should confirm how the site will be serviced and will there be any change from the existing servicing arrangements.

The site's sustainable location leads itself to encouraging non car modes of transport, however, the provision of internal secure staff cycle parking and shower facilities in the new proposed toilet facilities would open up greater opportunity for staff to travel sustainably.

16. West Midlands Police – state that they have no comments

RELEVANT PLANNING POLICY

17. National Planning Guidance

National Planning Policy Framework (2021)

Planning (Listed Buildings and Conservation Areas) Act 1990

18. Black Country Core Strategy (2011)

Policy CSP3 Environmental Infrastructure

Policy CSP4 Place Making
Policy DEL1 Infrastructure Provision
Policy CEN2 Hierarchy of Centres
Policy CEN4 Regeneration of Town Centres
Policy TRAN2 Managing Transport Impacts of New Development
Policy ENV2 Historic Character and Local Distinctiveness
Policy ENV3 Design Quality

19. Dudley Borough Development Strategy (2017)

Policy S1 Presumption in favour of Sustainable Development

Policy S6 Urban Design
Policy S8 Conservation and Enhancement of Local Character and Distinctiveness
Policy S9 Conservation Areas
Policy S10 Listed Buildings
Policy S11 (Buildings of Local Historic or Architectural Importance)
Policy S12 (Areas of High Historic Townscape Value (AHHTV))
Policy L1 Housing Development, Extensions and alterations to existing Dwellings
Policy D1 Access for All
Policy D2 Incompatible Land Uses
Policy D5 Noise Pollution

20. Stourbridge Area Action Plan(2013)

21. Supplementary Planning Guidance/Documents

Historic Environment (2017)

ASSESSMENT

Key Issues

- Policy Background/Principle
- Residential Amenity
- Parking/Highways

Policy Background/Principle

22. The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development. This does not change the status of the development plan as the starting point for decision making. Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
23. The site is located within a Conservation Area which are, in themselves, classed as a heritage asset within the NPPF. Paragraph 197 states:
'In determining applications, local planning authorities should take account of:
a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
c) *the desirability of new development making a positive contribution to local character and distinctiveness'*
24. Policy ENV2 (Historic Character and Local Distinctiveness) of the Black Country Core Strategy states:
'All development should aim to protect and promote the special qualities, historic character and local distinctiveness of the Black Country in order to help maintain its cultural identity and strong sense of place. Development proposals will be required to preserve and, where appropriate, enhance local character and those aspects of the historic environment together with their settings which are recognised as being of special historic, archaeological, architectural, landscape or townscape quality.'
25. Policy S9 (Conservation Areas) Dudley Borough Development Strategy states:
'The Council will seek to safeguard and enhance the Conservation Areas of the borough ensuring that proposals will better reveal their significance as designated heritage assets. Proposals for the inappropriate demolition or inappropriate alteration or extension of buildings in Conservation Areas; or proposals for works which would be detrimental to their character or setting; and proposals which could prejudice views into or out of Conservation Areas will be resisted.'

26. The site is located within the boundary of the Stourbridge Area Action Plan (Stourbridge AAP). The 'Vision' for Stourbridge is to create a vibrant and inclusive town, retaining its market town character while embracing arts and creative industries and sustainable urban living. It will be a thriving and prosperous Town Centre offering a wide range of shops and services, including excellent leisure and cultural facilities and a varied and vibrant evening economy.
27. The Stourbridge AAP notes that the Stourbridge Urban Historic Landscape Characterisation provides baseline data which must be used for land use appraisals and to inform proposals for development. In this case the site is located within Historic Character Zone CZ10 known as 'Stourbridge Historic Core'. The building itself is also identified within the AAP as providing a 'High Positive Contribution' to the quality of the built environment.
28. In view of the above it is considered that the proposed change of use would be acceptable, in principle. It relates only to internal works therefore its impact would be minimal in visual terms whilst giving two floors of the building a new vibrant use. The introduction of a drinking establishment also has the potential to contribute to both the daytime and evening economy of Stourbridge town centre. As such the application would be in accordance with the NPPF, Policies ENV2 and CEN4 of the Black Country Core Strategy, Policy S9 of the Dudley Borough Development Strategy and the Stourbridge AAP.

Residential Amenity

29. The site is currently some distance from any residential properties. Approval has been granted for the conversion of the nearby building No. 164 Lower High Street (P20/1846) into a No. 14 bedroom HMO. These works appear to be currently taking place. The Head of Environmental Health and Trading Standards is aware of this proposal but considers that although there is potential for the drinking establishment to cause noise disturbance in the area from human behaviour and the use of sound amplification equipment, particularly during unsociable hours, it is considered that there is insufficient justification on noise grounds to recommend the refusal of this

application subject to controlling the hours of opening which would prevent late night and early morning disturbance to residents in the vicinity and the prohibition of external amplification equipment which can both be covered by conditions.

30. Having become aware of the opening times suggested by the Head of Environmental Safety and Health, the applicant has requested a compromise position whereby the premises would not open until 11am in the morning and would close every evening at 11pm with the exception of Sundays when it would close at 10.30pm. The Head of Environmental Safety and Health has considered this suggestion and is only prepared to allow these hours on the basis that they would be temporary for a twelve month period to enable monitoring to take place. This would establish whether the later opening hours would create any amenity issues. Following the twelve month period the opening hours would revert to those first put forward by the Head of Environmental Safety and Health. This can be controlled by condition.
31. One letter of objection has been received from a resident of St Giles Row which is an area of residential units in excess of 58m from the application site. The objection raises concerns regarding potential noise nuisance/impact upon residential amenity plus concerns that it will increase anti-social behaviour and crime. It is relevant however, that this is a town centre location where a drinking establishment is an appropriate town centre use. The Head of Environmental Safety and Health raises no objection to the application neither do the West Midlands Police. Indeed, it is hoped that the venue would contribute to both the daytime and the night-time economy of Stourbridge thereby assisting the vitality and viability of the town centre in accordance with Policy CEN4 of the Black Country Core Strategy and also the 'Vision' within the Stourbridge AAP.

Design/Impact on Conservation Area and Adjacent Listed Building

32. The site is situated within a Conservation Area, an Area of High Historic Townscape Value (AHHTV) and is adjacent to a Listed Building. Paragraph 194 of the NPPF states that in determining applications, local planning authorities should require an

applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

33. The applicant has provided a Heritage Statement in support of the application. No changes are proposed to the external elevations of the building and therefore the impact on the adjacent Listed Building, the Conservation and the AHHTV would be minimal. The applicant is aware that a separate application for signage may be required.

Parking/Highways

34. This is a town centre site which has no associated off-street parking available. The Head of planning (Highways Engineer) is satisfied that this is acceptable given the location of the site.
35. The applicant has confirmed that deliveries would take place to the front of the building.
36. An amended plan has been received which indicates that bin storage would take place to the side of the building within the curtilage of the application site. There is access from this area via an existing door onto Queen Street to facilitate collection.

CONCLUSION

37. This application relates to a change of use only and therefore its impact upon the adjacent Listed Building, the Conservation Area and Area of High Historic Townscape Value would be neutral. A drinking establishment is a town centre use which has the potential to improve the night-time economy as well as being open within the day. It therefore has the potential to contribute to the viability and vitality of the town centre. It is not considered that the change of use would be detrimental to residential amenity and the lack of off-street parking is acceptable given the location of the site within a town centre. On this basis the application would be in accordance with the National Planning Policy Guidance, Policies CSP3, CSP4, DEL1, CEN2,

CEN4, TRAN2, ENV2, and ENV3 of the Black Country Core Strategy, Policies S1, S6, S8, S9, S10, S11, S12, L1, D2 and D5 of the Dudley Borough Development Strategy, the Stourbridge Area Action Plan and the Historic Environment Supplementary Planning Document.

RECOMMENDATION

38. It is recommended that the application is delegated to the Head of Planning to approve subject to conditions, provided that no additional material planning matters are received from any objectors within the consultation period which expires on 17th September 2022.

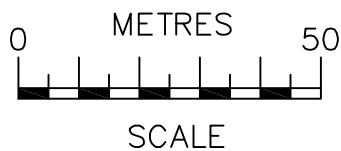
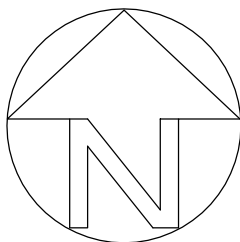
Conditions and/or reasons:

1. 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.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan 2210.001
Existing Ground and Basement Floor Plans 2210.002
Existing Second and third Floor Plans 2210.003
Proposed Ground and Basement Floor Plans 2210.004 Revision A
REASON: For the avoidance of doubt and in the interests of proper planning.
3. For a period of 12 months following the date of this approval the premises shall be open to the public only between the hours of 11.00 to 23:00 Monday to Saturday and 11:00 to 22.30 on Sundays.
At the end of this twelve month period the premises shall only be open to the public between the hours of 09.00 to 22.30 Sundays to Thursdays and 09.00 to 23.00 Fridays and Saturdays.
REASON: To enable the Local Planning Authority to monitor the impact of the later opening hours in order to protect the amenities of nearby residents in accordance with Borough Development Strategy Policy D5 Noise Pollution, Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part).
4. No external sound amplification equipment shall be used on the site throughout the life of the development.
REASON: To protect the amenities of nearby residents and in accordance with Borough Development Strategy 2017 Policy D5 Noise Pollution and Policy L1 Housing Development, extensions and alterations to existing dwellings

5. Refuse bins associated with the development shall be stored in the area identified on plan number 2210.004 Revision A for the lifetime of the development and only placed outside the site on collection days.
REASON: In the interests of highway safety and the visual amenity of the Conservation Area in accordance with Policies TRAN2 Managing Transport Impacts of New Development, ENV2 Historic Character and Local Distinctiveness and ENV3 Design Quality of the Black Country Core Strategy and Policies S8 Local Character and Distinctiveness, S9 Conservation Areas and S16 Access & Impact of Development on the Transport Network.



Location Plan.



161 Lower High Street, Stourbridge,
 West Midlands, DY8 1TS.

client

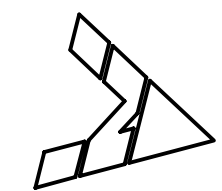
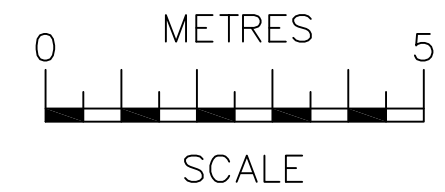
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Plot File:2210.001

Plot Date: 28.02.22

Plans based on survey info
shown on P. J. Barnett
Associates drg. no. 975819/1

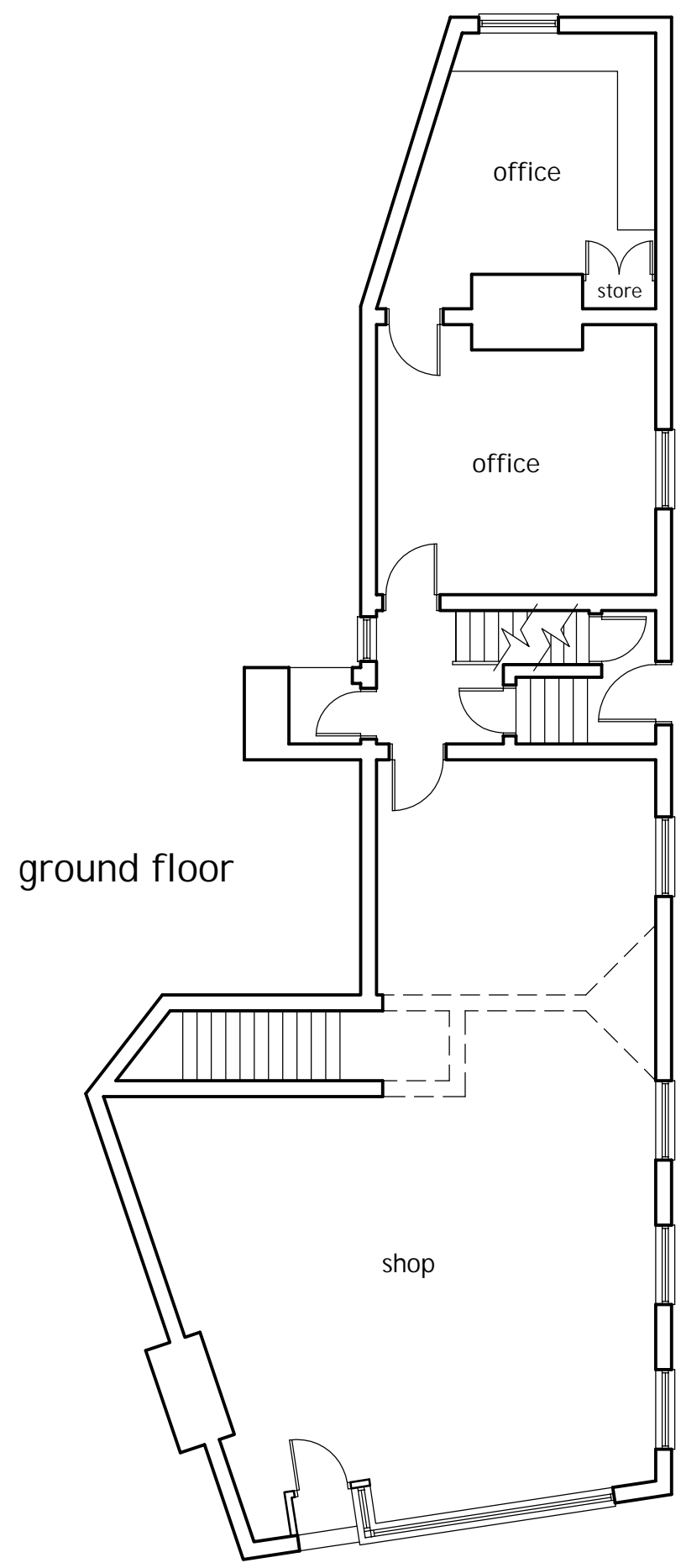
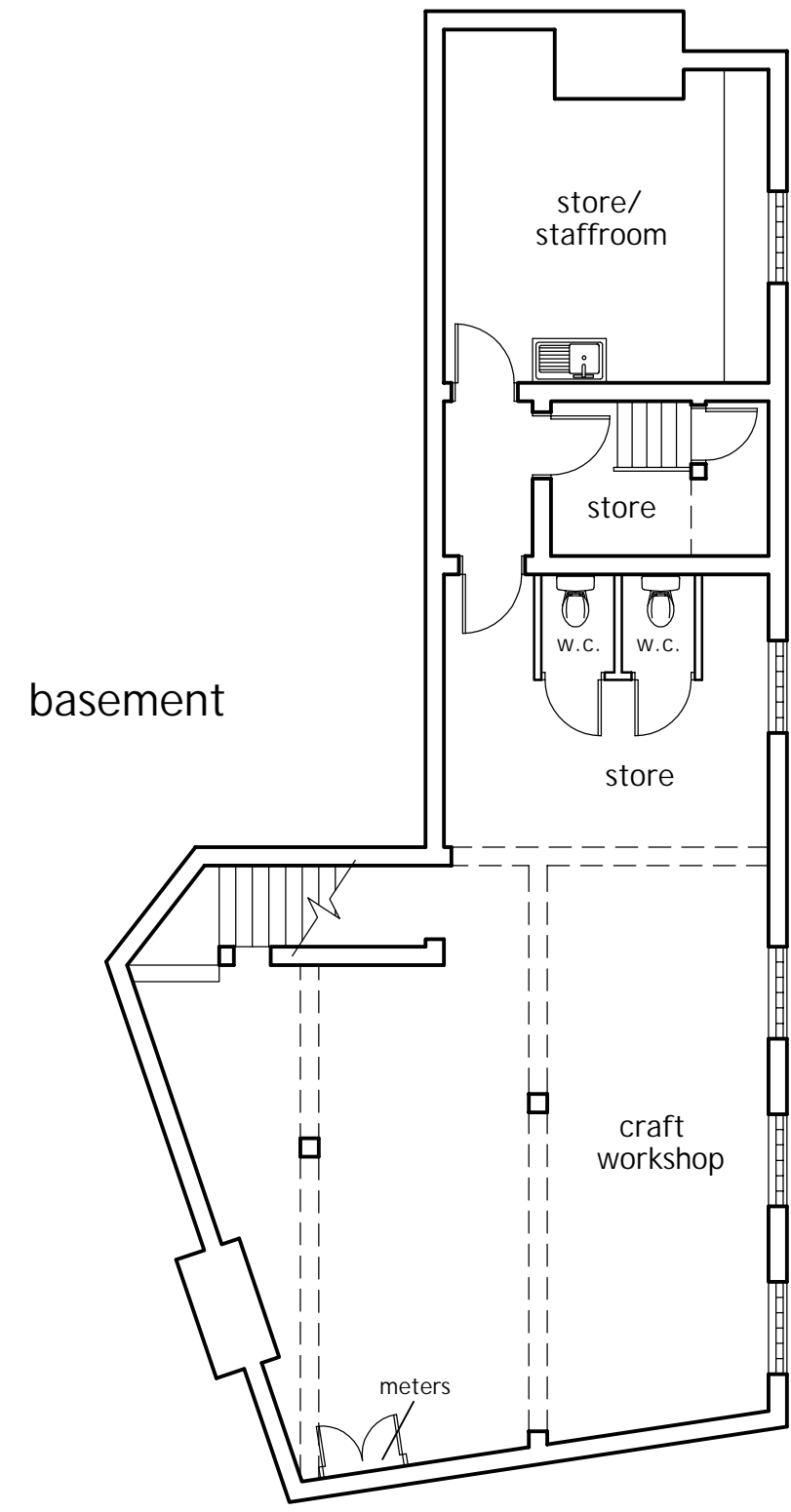


Prop C of U to Drinking Establishment
at 161 Lower High Street, Stourbridge,
West Midlands, DY8 1TS.

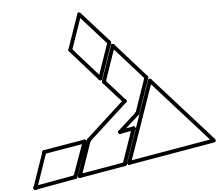
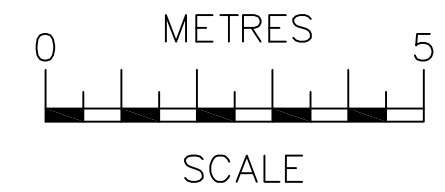
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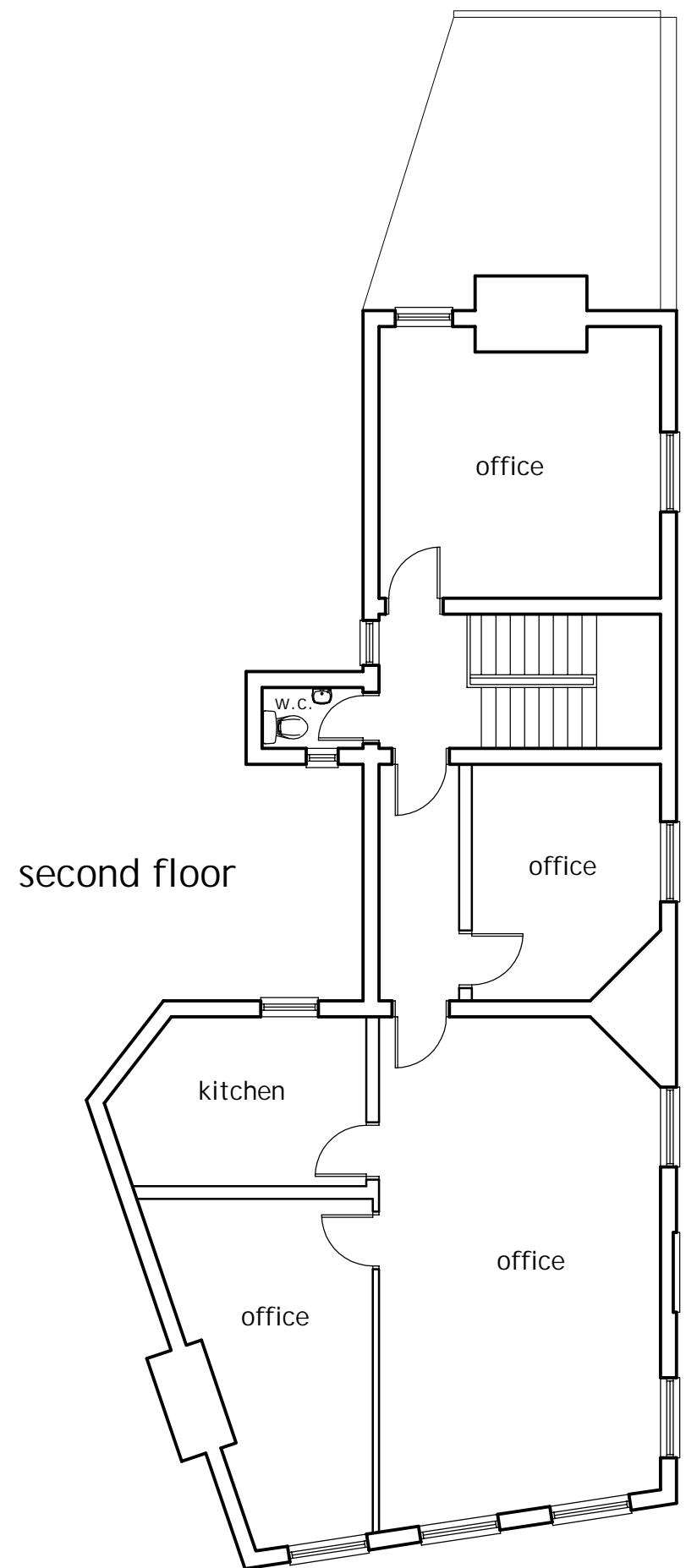
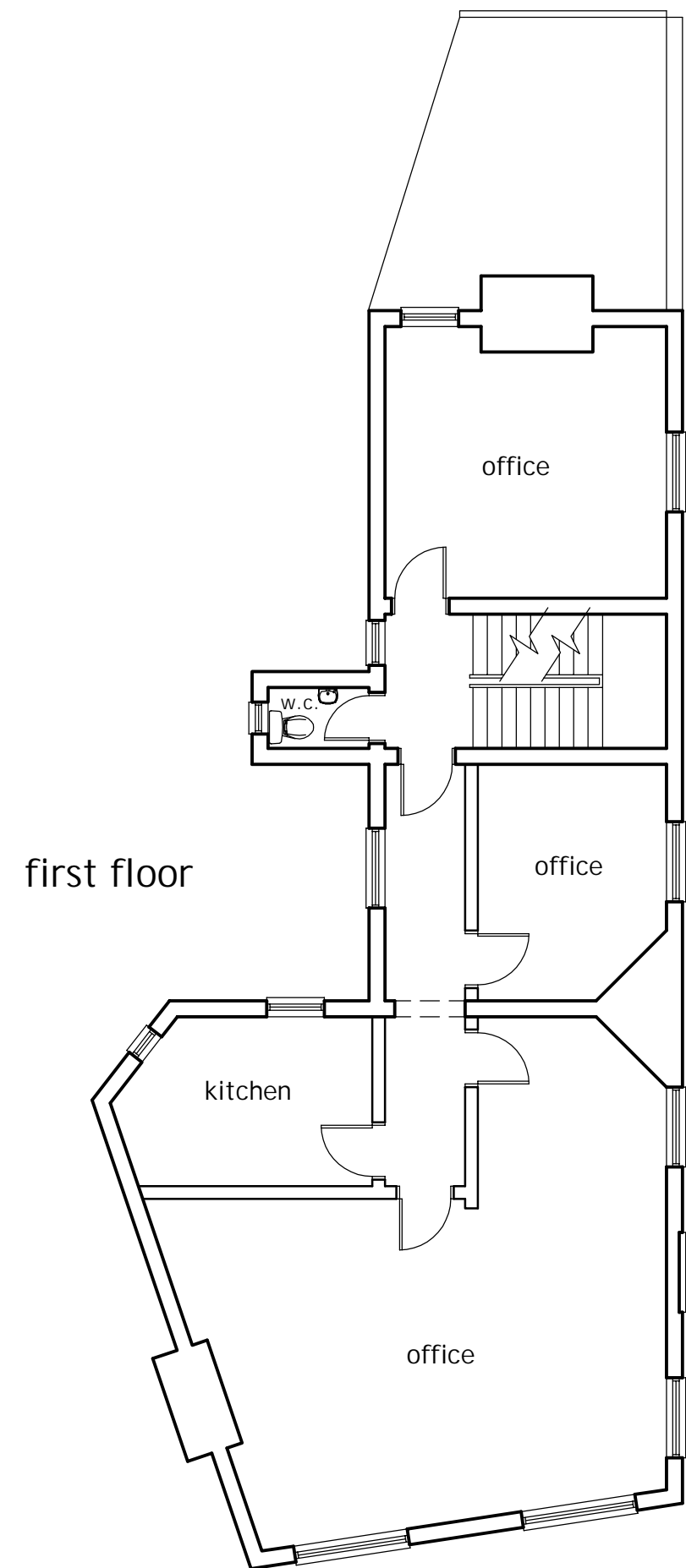
Plans based on survey info
shown on P. J. Barnett
Associates drg. no. 975819/1



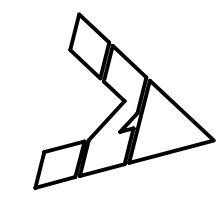
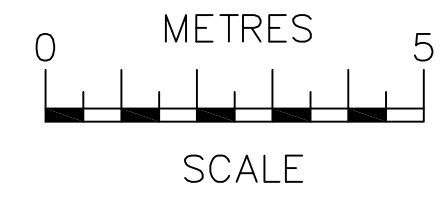
Prop C of U to Drinking Establishment
at 161 Lower High Street, Stourbridge,
West Midlands, DY8 1TS.

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Plans based on survey info shown on P. J. Barnett Associates drg. no. 975819/1



Prop C of U to Drinking Establishment at 161 Lower High Street, Stourbridge, West Midlands, DY8 1TS.

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dwg.title Prop Grnd Flr & Basement Plans

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