

# PLANNING APPLICATION NUMBER:P14/1826

Type of approval sought	Full Planning Permission
Ward	Quarry Bank & Dudley Wood
Applicant	Mr S. Owen
Location:	<b>153, HIGH STREET, QUARRY BANK, BRIERLEY HILL, DY5 2AF</b>
Proposal	<b>CHANGE OF USE FROM LICENSED PRIVATE MEMBERS CLUB TO PUBLIC HOUSE (A4)</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

## SITE AND SURROUNDINGS

1. The application site comprises the empty and partially boarded up former Liberal Club and land to the side which is used for parking via an existing vehicular access from High Street, Quarry Bank. The main building is two storeys with a gabled roof whilst at the rear there is a later 1960's era single storey extension used as a function room.
2. The premises are at the end of a row of retail units, many with flats above fronting High Street. At the rear of the site, the rear elevations of flats on Queen Street face towards the site and premises. Adjoining the parking area to the side is the parking area for the Labour Club, the Labour Club building being located approx 15m from the application site boundary.
3. On the opposite side of High Street, is a children's nursery and the Quarry Bank Primary School with a pedestrian crossing facility between.
4. The application site is within Quarry Bank Local Centre.

## PROPOSAL

5. This planning application seeks approval for a change of use from a private members club (sui generis) to a public house (use class A4).

## HISTORY

6.

APPLICATION No.	PROPOSAL	DECISION	DATE
BH/64/5373	Alterations and extensions to club	Granted	17/08/64
98/50958	Display of 1 48 sheet wall mounted poster panel	Refused	10/09/98

## PUBLIC CONSULTATION

7. The application was advertised by way of notification letters to 18 neighbouring properties and a site notice, with the public consultation period expired on 11 February 2015. Three objections have been received, including one from a ward Councillor, raising the following issues:
- Noise and nuisance
  - Impact upon residential properties
  - Hours of operation
  - Use out of character for the High Street
  - Parking
  - Late music and entertainment
8. There is also an email of support that sets out that the development would convert rundown unoccupied premises and with the closing of many pubs would put a public house back into the community of Quarry Bank and would support the pub industry.

## OTHER CONSULTATION

9. Group Engineer (Highways) – Given the existing use it is considered that a refusal on highway grounds would be difficult to sustain at an appeal. There are no objections subject to the following conditions:-
1. Parking layout including disabled spaces
  2. Service area allocation, delivery management plan with banksman system
  3. Servicing to be undertaken outside of public opening times
  4. Cycle storage and shower facilities.
10. Head of Environmental Health and Trading Standards – There are no objections in principle to the proposed change of use from a private members club to a public house.
11. West Midlands Police – no objections.

## RELEVANT PLANNING POLICY

12. National Planning Policy Framework (NPPF) 2012
13. Black Country Core Strategy 2011
- DEL1 - Infrastructure Provision
  - CEN1- The importance of the Black Country centres for the regeneration strategy
  - CEN2 - Hierarchy of centres
  - CEN6 – Meeting Local Needs for Shopping and Services
  - CEN4 - Regeneration of Town Centres
  - CEN8 – Car Parking in Centres
  - ENV2 – Historic Character and Local Distinctiveness
  - TRAN2 – Managing Transport Impacts of New Development

14. Saved UDP 2005 Policies

DD4 – Development in Residential Areas

EP1 – Incompatible Land Uses

EP7 – Noise Pollution

15. Supplementary Planning Documents

Parking Standards

## ASSESSMENT

16. The key issues in determination of this application are;

- The principle of the use
- Impact upon residential amenities
- Access and parking

The principle of the use

17. The site is located within Quarry Bank Local Centre where it would be expected to find a range of uses from retail to cafes/takeaways to drinking establishments and residential. The building is vacant and partially boarded up and was previously used as the Liberal Club which adjoins the car park and premises of the Labour Club. On this basis there would be no loss of retail premises as a result of the proposed change of use it is considered that a proposed public house use would be acceptable at this location, in compliance with BCCS policies CEN1 and CEN6.

Impact upon residential amenities

18. In the immediate vicinity there are residential flats to the rear of the site in Queen Street and flats over shops in the High Street. In reality the proposed use would be materially similar to the existing use and would be unlikely to result in a significant change in the noise character of the premises. The Head of Environmental Safety and Health raises no objections and appropriate opening hours would be addressed through the premises licence regime. On this basis opening hours would not be conditioned as this would

be a duplication of controls under two separate regimes. A condition to stipulate details of the fixed plant including noise levels would be attached to any approval to ensure noise levels from plant equipment could be controlled for the lifetime of the development. Given this, subject to conditions the proposed scheme would be in accordance with the requirements of saved policies DD4 and EP7 of the Dudley UDP (2005).

#### Access and parking

19. Given that the application site is within Quarry Bank Local Centre close to bus routes and served by an existing off street parking area there are no highway objections subject to conditions relating to a formal marked out parking layout and servicing areas, servicing times and cycle/shower facilities.

### CONCLUSION

20. The proposed use would have a positive role in supporting the overall function, vitality and viability of Quarry Bank Local Centre by bringing back into use a vacant former club building, which could contribute to the day-time, evening and night-time economy. It is therefore considered that the proposed scheme is acceptable in terms of use, would not have an adverse impact on residential amenity and the street scene and the scheme would be in accordance with the Black Country Core Strategy and Saved UDP Policies.

### RECOMMENDATION

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

#### APPROVAL STATEMENT INFORMATIVE

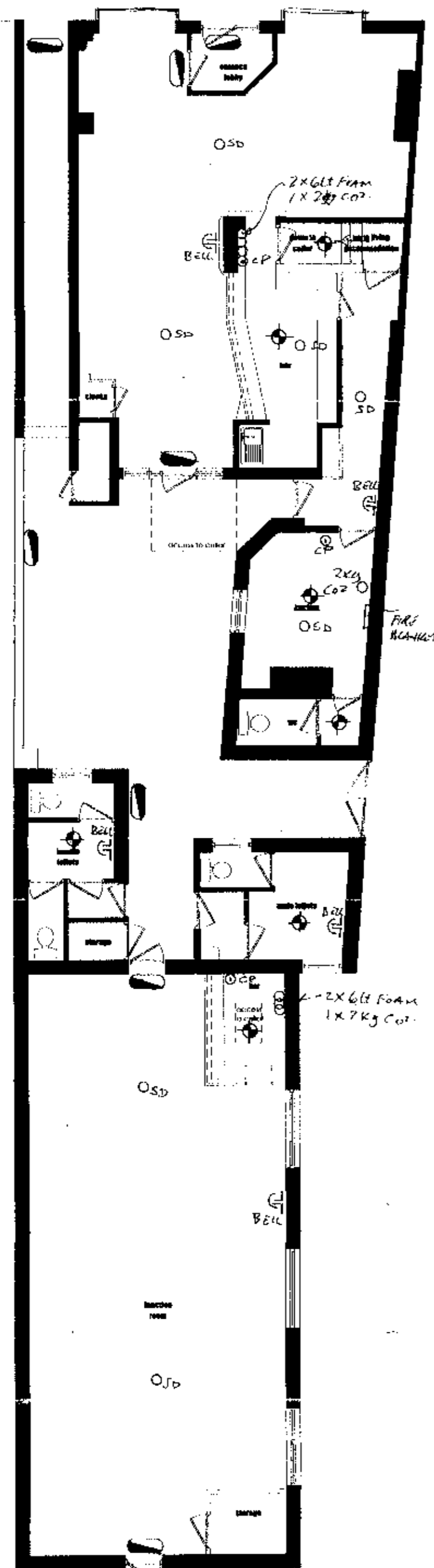
In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in

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.

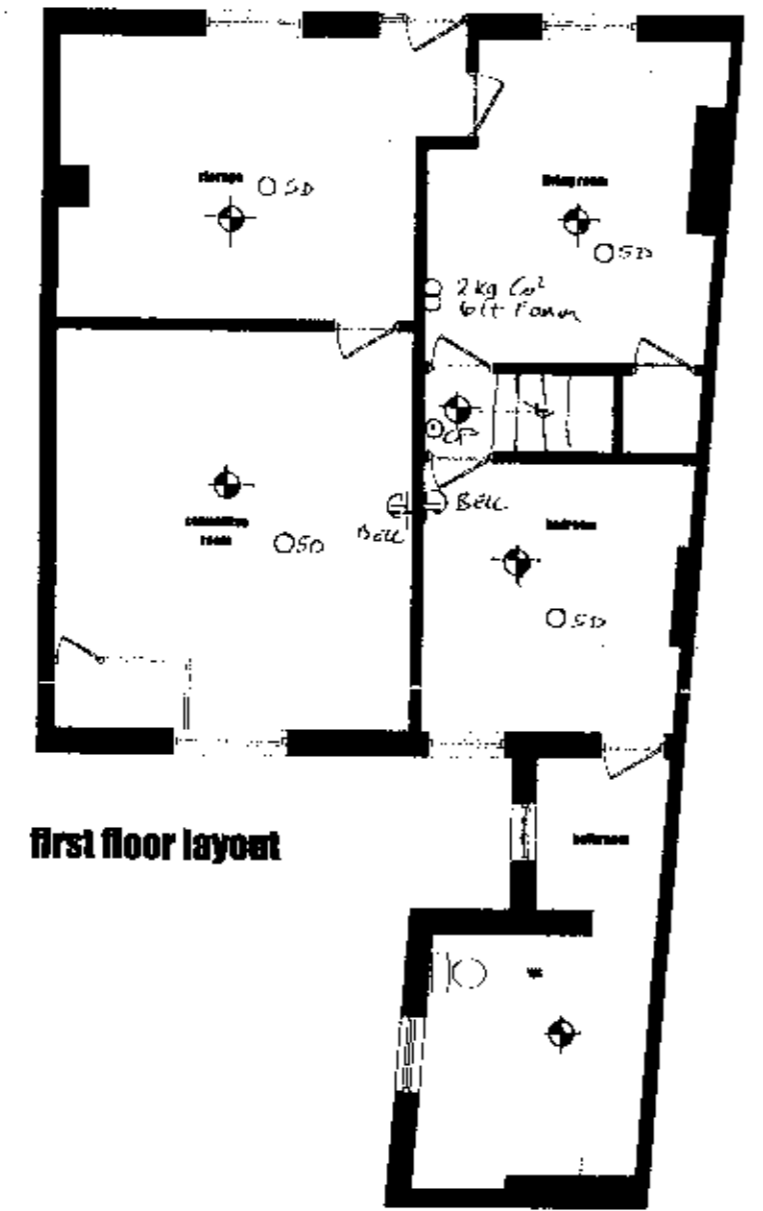
Conditions and/or reasons:

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 plan: MD/QBLC/941/1R1.
3. Prior to the commencement of development details of the parking layout including disabled spaces to be provided on site shall be submitted to and approved in writing by the local planning authority. Prior to first use the parking area will be provided in accordance with the approved details and graded, levelled, surfaced, drained and marked out and maintained for the lifetime of the development.
4. Prior to the commencement of development a scheme containing full details of arrangements for internal air extraction, odour control and discharge to atmosphere from cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the Local Planning Authority. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless otherwise agreed beforehand in writing with the Local Planning Authority and retained for the lifetime of the development.
5. The noise rating level of any fixed plant and/or machinery associated with the development (including the discharge of cooking fume from a flue) shall not exceed background noise levels at any nearby dwelling by more than 5dB(A), as assessed under the methodology of BS 4142 (1997) (Method for rating industrial noise affecting mixed residential and industrial areas) and/or its subsequent amendments.
6. Prior to the commencement of development details of the service area allocation, delivery management plan with banksman system shall be submitted to and approved in writing by the Local Planning Authority. The facilities, as agreed, shall be implemented on site prior to first use and maintained for the lifetime of the development
7. The servicing, including deliveries, for the approved public house shall be undertaken outside of public opening times.

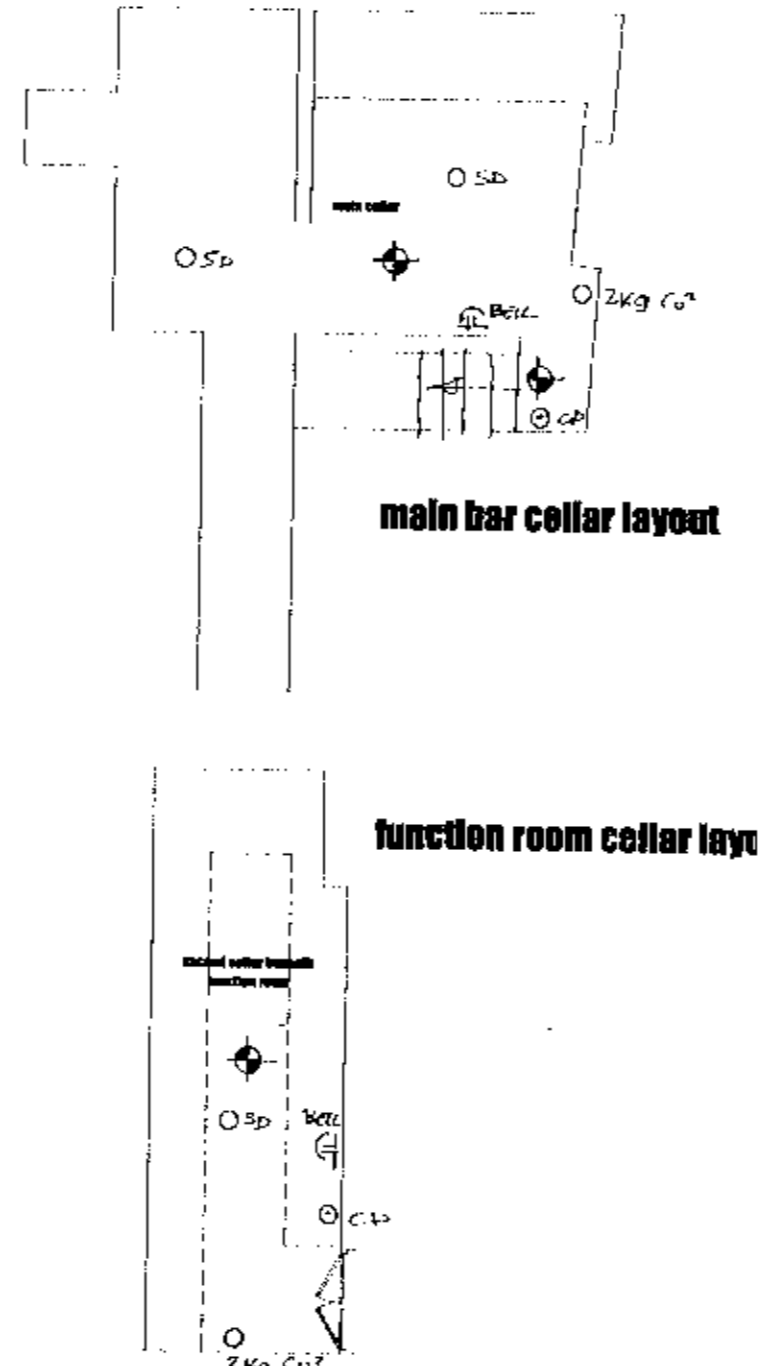
8. Prior to the commencement of development details of the cycle storage and shower facilities shall be submitted to and approved in writing by the Local Planning Authority. The facilities, as agreed, shall be implemented on site prior to first use and maintained for the lifetime of the development



ground floor layout



first floor layout

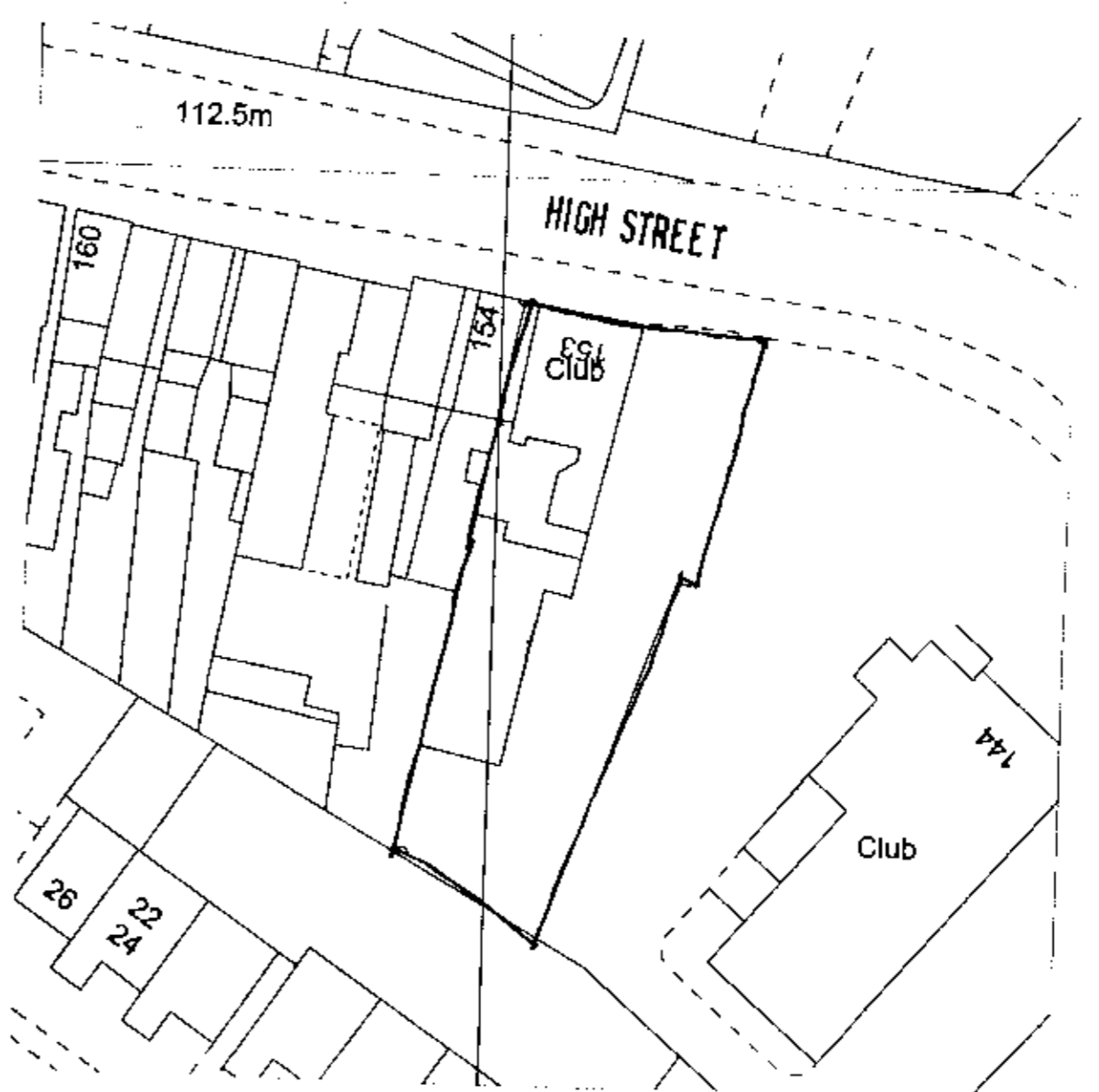


main bar cellar layout

function room cellar layout



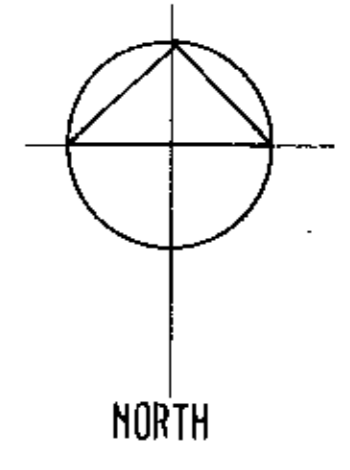
LOCATION 1:1250



SITE PLAN 1:500

- LEGEND**
- 3 hour Non-Maintained Emergency light
  - 3 hour Maintained emergency Light
  - SD Smoke Detector
  - HD Heat Detector
  - Fire Bell
  - CP Break Glass Call Point (Activation of any call point to be linked to sound System and cut off power to amplifiers)

- Emergency Lighting to BS 5266 part1 2005
- Fire Safety Signs and Notices to BS 5499 part3, 1990
- Fire Alarm System to BS 5839 part1, 2002
- Fire Fighting Equipment to BS 5423, 1987 and BS 5306 part 3 1985
- Upholstery seating furniture to satisfy resistant to ignition source: smouldering cigarette and match flame equivalent all to BS EN 1021-1-2006.
- Curtains and other textile hangings to be inherently flame retardant or be treated with durable flame retardant. They will be capable of complying with the "Type B" performance requirements of BS 5967 part 2, 1980, "Specification for fabrics for curtains and drapes flammability requirements".
- Textured floor coverings to conform to BS 5287 when tested in accordance with BS 4790, 1987.
- Doors and partitions required to be fire resisting are to be in accordance with BS 476, 1972, as amended. Fire resisting doors required to resist the passage of smoke at ambient temperature conditions, should, unless tested in accordance with BS 476, section 31.1, 1981, be fitted with smoke seals.



- R1 (January 2015)**
- a) Emergency lighting and fire alarm system added
  - b) Fire fighting equipment added

**MAPLE DESIGN**  
 93, Trinity Road, Amblecote,  
 Stourbridge, West Midlands.  
 DY8 4LZ  
 Tel:- 01384-442458  
 Fax:- 01384-442479  
 Mob:- 07831-278898  
 e-mail:- robert-francis@btconnect.com

**PROPERTY :-**  
 Quarry Bank Liberal Club,  
 153, High Street,  
 Quarry Bank,  
 Brierley Hill,  
 West Midlands.  
 DY5 2AF

**TITLE:-**  
 Existing Floor Plans  
**DATE:-** December 2014  
**SCALE:-** 1:100  
**Drawing No MD/QBLC/941/1 R1**