

PLANNING APPLICATION NUMBER:P05/2614

Type of approval sought	Full Planning Permission
Ward	Lye & Wollescote
Applicant	A J's
Location:	A J'S FISH & CHIPS, 180, HIGH STREET, LYE, STOURBRIDGE, DY9 8LH
Proposal	VARIATION OF CONDITIION 3 OF PLANNING APPROVAL 93/51967 TO VARY OPENING HOURS TO 17:00-23:00 ON MONDAY-SATURDAY AND 18:00-23:00 ON SUNDAYS (RESUBMISSION OF REFUSED APPLICATION P05/1973)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site is a takeaway located towards the eastern end of Lye High Street. The surrounding area is predominantly commercial, although there is a church directly opposite the site and houses to the rear on Church Road. There are also flats at first floor above the commercial buildings in the vicinity of the application site.

PROPOSAL

2. Permission was granted in 1993 for the use of the site for A3 purposes subject to a condition restricting opening hours to 12:00 – 23:00, Monday to Saturday only. This application seeks to vary the opening hours to 17:00 – 23.00 Monday to Saturday and 18.00 – 23.00 on Sundays.

HISTORY

3.

PROPOSAL	DECISION	DATE
Variation of Condition 3 of Planning Permission 93/51967 to Increase Opening Hours to 0.300 Mondays to Saturdays (P04/2405)	Ref	2005
Variation of Condition 3 of Planning Permission 93/51967 to Vary Opening Hours to 17:00 to 01:00 Mondays to Saturdays (P05/1403)	Ref	2005
Extension of Opening Hours (12.00 – 23.00 Monday to Thursday, 12.00 - 00.30 on Fridays and Saturdays, and 12.00 – 23.00 on Sundays)	Ref	2005

4. Applications P04/2405 and P05/1403 were refused on the grounds that the proposed extension of opening hours into the noise sensitive late night/early morning hours would be severely damaging to the amenities of occupants of nearby existing residential properties on Church Road and High Street, by virtue of noise disturbance and odour. Application P05/1973 was refused on similar grounds, but specifically referred to the proposed extension of opening hours on Mondays to Saturdays only.

PUBLIC CONSULTATION.

5. The occupant of no.7 Church Road objects to the proposal on the grounds of increased litter, noise, smell.

OTHER CONSULTATION

6. The HEP has recommended on previous applications that the premises should only be allowed to open to 11.00 on Monday to Thursday, 11.30 on Friday and Saturday, and not at all on Sunday.

RELEVANT PLANNING POLICY

7. Policy CR12 of the adopted UDP and PGN28 (Hot Food Takeaway Shops).

ASSESSMENT

8. Policy CR12 and PGN28 advise that proposals for A3 uses will be assessed with regard to the potential impact on environmental quality and residential amenity.
9. The proposed opening hours are similar to those of other A3 uses on the High Street which have restrictions on opening hours. Consent was granted in 2000 for no.s 178-181 High Street to be converted to a single unit and used for A3 purposes. That consent allowed the premises to remain open until 11.00 on Sundays (the permission was recently renewed). It is considered that the proposed opening hours are acceptable and would not lead to any detrimental impacts on the quality of the environment or residential amenity.

CONCLUSION

10. The proposal does not contravene Policy CR12 or PGN28.

RECOMMENDATION

11. It is recommended that planning permission be granted to vary Condition 3 of planning permission 93/51967 as indicated in the application proposal.
12. Other conditions attached to planning approval 93/51967 need not be re-applied (conformity to plan, time limit for commencement, details of flue and litter bin) as they are time-expired ie over 10 years old.

Informative

This application is approved as it conforms with the requirements of adopted Unitary Development Plan Policies CR12 and PGN 28.