

PLANNING APPLICATION NUMBER:P14/0112

Type of approval sought	Full Planning Permission
Ward	Lye and Stourbridge North
Applicant	Mr Rashid Aziz, ICEC
Location:	OLD BELL PUBLIC HOUSE, CHAPEL STREET, LYE, STOURBRIDGE, DY9 8BT
Proposal	CHANGE OF USE FROM A FORMER PUBLIC HOUSE (A4) TO A COMMUNITY AND EDUCATION CENTRE (D1)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The site is located within the southern corner of Lye District Centre. It occupies a prominent location adjacent to three roads. The address of the property being Chapel Street however Cannops Way runs along the sites' eastern boundary and the site faces/is clearly visible from the High Street.
2. The building is two storey and of brick construction. There is a car park at the rear of the building off Chapel Street. There is also a short driveway off Cannops Way which leads to a roller shutter doorway, and a side door which served the former "off sales" at the public house.

PROPOSAL

3. This is an application for a change of use of the site from a public house (Use Class A4) to a community and education centre (Use Class D1). No changes to the elevations are applied for.
4. The applicant has submitted detailed information regarding the intended use of the building. The application is made on behalf of ICEC (Islamic Community and Education Centre) which is registered as a charitable trust and based in Lye. The

supporting information states that the ICEC intends to organize a variety of activities in Lye and the surrounding areas to meet the social, spiritual and educational needs of the local community and to provide services and support to the local community in various different ways. They consider that the site is suitable for their activities being at the heart of the community they intend to serve. The building is intended to be used for educational, social and welfare activities such as counselling and would be used by children, youths and adults.

5. A floor plan indicates two classrooms on the ground floor and a prayer area plus four classrooms on the first floor. There are kitchens on both floors.

HISTORY

6. Relevant History

APPLICATION	PROPOSAL	DECISION	DATE
SB/48/158	Alterations to PH	Approved	13/12/1948
SB/52/71	Alterations to PH	Approved	10/05/1952
SB/54/4	Alterations to PH	Approved	12/02/1954
SB/55/53	Renewal of limited consent for alterations	Approved	28/04/1955
SB/56/45	Renewal of consent for alteration	Approved	07/05/1956
SB/64/46	Renewal of permission for alterations and additions	Approved	24/03/1964

PUBLIC CONSULTATION

7. Forty eight letters have been sent to the occupiers of nearby residential and commercial premises and a Site Notice has been displayed.
8. As a result the following representations have been received:

- One letter has been received which does not object to the change of use but raises concerns regarding possible on-street parking in Chapel Street where there are already parking issues;
- Two letters refer to non-material planning issues; and
- Thirty one letters have been received which fully support the use of the building for a community use including aiming it at youths which may reduce anti-social behaviour, for women and the disabled. A supporting letter from Chapel Street Medical Centre with an accompanying petition of support containing 372 signatures has also been received.

OTHER CONSULTATION

9. Group Engineer (Highways) – no objection subject to conditions relating to the following matters:
 - Parking layout with disabled bays and pick up drop off areas
 - At least 1 bay with an electric vehicle charging point
 - Details of cycle storage and shower facilities
 - Details of transport management and Parking Policy for “Key Events”
 - Not to be used as a place of worship other than worship as part of the educational use
 - A Travel Plan statement
 - A Traffic Regulation Order
10. Head of Environmental Health and Trading Standards – no objection in principle to the proposed change of use from a public house to community/education facility. As there are residential properties in the vicinity which could be affected by noise from people visiting the premises it is recommend that the opening hours are limited by condition.
11. West Midlands Police – the area suffers from crime, antisocial behaviour, significant parking and traffic congestion issues. The site appears to be offering prayer, teaching and community facilities, which is similar to mosques in close proximity. There are significant parking and obstruction issues within the area of the existing establishment. Parking in the High Street is a major issue for example between

01/02/13 and 01/02/14 170 Penalty Charge Notices were issued by Dudley MBC Traffic Enforcement Officers. Although there are car parks available in Lye these appear to be well used with no additional capacity. Plans approved for a new health centre with private car parking (P12/0462) off Lye by-pass will reduce parking facilities further. The floor plans indicate 2 classrooms on the ground floor and a prayer room that can be extended into classroom 2. On the first floor are a further 4 classrooms. The intended uses include classes for children and adults, computer and youth clubs, a venue for use by other organisations and a facility for hire. Average attendee numbers are indicated as 5 – 15 during the day and 20 – 25 on evenings, however this is considered unrealistic estimates for the size, layout and desired use of the facility. The car park has facilities for 25 cars maximum causing serious concern that this will not meet the needs of the building with vehicles displaced elsewhere in Lye, compounding the existing problems. During rush hour periods the one way system in High Street draws to a halt at the pinch point in front of the site as vehicles merge from The Hayes and Lye By-Pass. The rush hour periods could coincide with events and sessions at the site causing further congestion.

Subject to planning consent the following are requested:

- Recorded CCTV
- Intruder alarm with police response
- Secure boundary treatment

RELEVANT PLANNING POLICY

12. National Planning Guidance (2012)

- National Planning Policy Framework

13. Black Country Core Strategy (2011)

- DEL1 Infrastructure Provision
- ENV 2 Historic Character and Local Distinctiveness
- TRAN2 Managing Transport Impacts of New Development
- Regeneration Corridor 13 – Jewellery Line – Rowley Regis – Stourbridge Junction

14. Saved Unitary Development Plan (2005)

- DD2 Mixed Use
- EP7 – Noise Pollution

15. Supplementary Planning Documents

- Parking Standards (2012)

ASSESSMENT

Key Issues

- Principle
- Amenity
- Access and Parking

Principle

16. This vacant public house lies within the District Centre boundary of Lye. Current planning guidance set out in the National Planning Policy Framework stipulates that community and civic uses, such as the one proposed here, are appropriate within town centres provided they are of a suitable scale and nature given their surroundings.
17. Guidance for the regeneration and protection of centres contained within the Black Country Core Strategy states that the Black Country's centres are the focus for retail, leisure, commercial and civic uses and it is important that they maintain their viability in order to meet the current and future needs of the Black Country residents.
18. On this basis the proposed community use (D1) is considered to be acceptable in principle.

Amenity

19. The site is located within a prominent location close to residential flats within Chapel Street, Cannops Way and High Street. The site is a vacant public house which, if it re-opened, has the potential to disturb neighbours. The Head of Environmental Health and Trading Standards has considered this matter and raises no objection in

principle to the proposed change of use from a public house to community/education facility. However, as there are residential properties in the vicinity of the site, which could be affected by noise from people visiting the premises it is recommended that the opening hours are limited by condition.

Access and Parking

20. The parking requirement for the building would be influenced by whether the major use would be for the education of children or adults. In this case it appears that there would be an element of both. The applicant has stated that each classroom would have no more than 10 pupils.
21. In terms of teaching children the Councils maximum parking standard is 1 space per member of staff plus an adequate pick up and drop off area. The Group Engineer (Highways) has used the TRICS database to assess the requirement for school facilities and a parking accumulation of approximately 6 vehicles was identified. However the number of pick-up and drop-off trips generated by this use could be significant. There is already evidence of parking issues in Chapel Street with the presence of informal "H bar" markings. It is expected that many of the pick-up and drop-offs would occur on street as this will be more convenient. To ensure that there is no detrimental impact on Highway safety it is therefore considered that a prohibition of waiting is implemented to cover the stretch of road either side of the access. This would maintain clear intervisibility for pedestrians and drivers and address any safety issues that may be created by short term pickup and drop off trips.
22. If the classrooms are used for adults then the Council does not have a maximum parking standard. On this basis the TRICS database was assessed for community education facilities. This is defined as:-
"Specialist centres offering educational classes as well as leisurely pursuits and training"
The gross floor area is approximately 440 sq m and an average parking accumulation of between 11 and 15 cars was identified. The car park within the site that is accessed off Chapel Street currently has a capacity of some 23 to 25 vehicles.

23. In terms of the use of the building for community purposes there are some concerns raised regarding “key” events which are identified in the planning statement but not defined. However, as the existing use of the site is a public house, the building could be altered internally to provide an open large function room without the need for planning permission. On this basis, it is considered that the number of people that could be contained within the building for a function or a community meeting facility (other than worship) would be similar. However, a transport and parking management policy and travel plan statement would assist in addressing any potential detrimental effects from vehicles and can be secured through Conditions.
24. An area for prayer of some 14 sq m has been identified within the submitted drawings. This has been considered to be an ancillary part of the education facility. No consideration has been given to the effects of the centre being used as a place of worship. If the building were to be used purely as a place of worship then there could be up to 574 trips on a busy period resulting in a parking demand for some 280 vehicles (based on previous surveys in the borough of Dudley). Should the centre be used as a place of worship then the effects from traffic would be severe and the Highway Authority would raise fundamental concerns. Taking this into account, should the application be approved, an appropriate condition limiting the premises to an educational use and preventing it from being used purely as a place of worship is considered to be necessary.

CONCLUSION

25. The change of use of the building from a public house (Use Class A4) to a community and education centre (Use Class D1) is considered to be acceptable. No elevational changes to the building have been applied for. Despite the fact that the site is in close proximity to residential dwellings, as the site is currently a public house the use of the site for educational/community purposes is considered to be acceptable subject to a condition restricting opening hours. There is considered to be sufficient off-street parking for teaching at the site. “Key” community events held at the site are of concern however and a transport and parking management policy and travel plan statement are required to assist in addressing any potential

detrimental effects from vehicles. The use of the site as a place of worship for educational purposes only and restricted to the area indicated on the approved plan can be supported. On this basis the application would be compliant with the National Planning Policy Framework, Policies DEL1, ENV2, RC13 and TRAN2 of the Black Country Core Strategy, Saved Policies DD2, and EP7 of the adopted Dudley Unitary Development Plan and Parking Standards Supplementary Planning Document.

RECOMMENDATION

26. It is recommended that the application is APPROVED subject to conditions:

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 to the public before the hours of 0700 or after 2300 on any day of the week.
3. The building shall be used for educational and community purposes and for no other purpose, including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification. For the avoidance of doubt with the exception of the small ancillary prayer room indicated on the approved plan at no time shall the building be used as a place of worship.
4. Prior to the use of the development hereby permitted a revised parking layout for the car park to include disabled bays, a pick up drop off area and at least 1 bay with an electric vehicle charging point shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be marked out in complete accordance with the approved plans, and thereafter maintained available for parking.
5. Prior to the commencement of this change of use details of cycle storage and shower facilities in accordance with the council's Parking Standards Supplementary Planning Document shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within three months of the change of use of the premises.
6. Prior to the commencement of the change of use a Travel Plan Statement to include details of transport management and parking policy for "Key Events" at the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the commencement of the change of use and thereafter retained for the lifetime of the development.
7. No development shall commence until a scheme to provide for a Traffic Regulation Order in Chapel Street has been secured at the applicants expense in accordance with a scheme that shall have been submitted to and approved in writing by the

local planning authority. Prior to first use of the site the Traffic Regulation Order shall be laid out to the agreed details and thereafter maintained for the lifetime of the development.

8. The development hereby permitted shall be carried out in accordance with the approved plans: Location Plan and Floor Plan dated 30th January 2014 and Floorplan with room sizes dated 18th February 2014

Land Registry
Official copy of
title plan

Title number **WM100780**
Ordnance Survey map reference **SO9284SW**
Scale **1:1250**
Administrative area **West Midlands : Dudley**



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