

PLANNING APPLICATION NUMBER:P14/1547

Type of approval sought	Full Planning Permission
Ward	Cradley and Wollescote
Applicant	Mr J. Hill
Location:	THE WIDDERS P H, BARRACK LANE, CRADLEY, HALESOWEN, B63 2UX
Proposal	RAISED DECKING AREA TO SIDE OF PROPERTY (RETROSPECTIVE)
Recommendation Summary:	APPROVE

SITE AND SURROUNDINGS

1. The site comprises a detached public house built close to the back edge of the pavement. The public house is a traditional rendered property that is well established. Immediately adjoining the front (western) elevation of the building is an outside drinking area that then adjoins the car park shared between the public house and an adjoining office building. The outside drinking area is placed upon a raised deck that stands approximately 0.3m above the original ground level and is screened from residential properties to the rear (north) of the site by an existing single storey side extension that has been added to the public house building. The raised decking is visible from the front of the site from Barrack Lane being located opposite residential properties located some twenty metres away.
2. The site is located within a predominantly residential area characterised by traditional inter-war terraced properties located opposite the site and modern semi-detached properties served by a parking court located immediately to the east of the site. Two of the modern dwellings located to the east face towards the public house car park. Located to the south of the site is an office building.

PROPOSAL

3. The raised deck is already in situ and measures approximately 5.2m x 2.4m and stands approximately 0.3m above the ground level of the adjoining car park. The decked area is enclosed by a wooden balustrade on its southern elevation and contains two tables and chairs.
4. The applicant has submitted a petition in support of the development signed by 130 residents seeking the retention of the raised decking. The petition is signed by people living across the Borough including Brierley Hill, Lye, Stourbridge and Halesowen. The petition has been signed by two residents who live in Barrack Lane itself.

HISTORY

5. None of relevance.

PUBLIC CONSULTATION

6. The application was advertised by way of neighbour notification letters being sent to the occupiers of twenty-two properties and through the display of a site notice. The latest date for comments was the 9th April 2015. Eight letters of objection have been received with five of these letters being written anonymously or without an address being provided. The main issue raised is with respect to late night noise and disturbance through the use of the outside seating area.

OTHER CONSULTATION

7. Group Engineer (Highways): No objections.
8. Head of Environmental Health and Trading Standards: No objections in principle given that only visual amenity can be addressed through this planning application. It is confirmed that there is a history of complaints with respect to noise in relation to the use of the existing beer garden areas at this public house; the complaint situation is current at the time of writing this report. The hours of use of the existing beer garden areas are controlled by licensing conditions. The Head of

Environmental Health & Trading Standards would recommend that the hours of use of the beer garden area are limited to the same operational times as the existing beer garden, however it is understood that this would not be appropriate through the imposition of planning conditions.

9. West Midlands Police: No objection with the only issue relating to noise levels that would need to be controlled and monitored by the management of the public house.

RELEVANT PLANNING POLICY

National Planning Guidance (2012)

10. The National Planning Policy Framework (NPPF) sets out the Governments planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions, but does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.
11. The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development.

Planning Practice Guidance

- Noise
- Use of Planning Conditions

Unitary Development Plan (2005)

- DD4 Development in Residential Areas
- EP7 Noise Pollution

ASSESSMENT

12. The main issues are
- Principle
 - Design
 - Neighbour Amenity

Principle

13. The raised decking area has resulted in the creation of an outside drinking area comprising two tables and seats. The use of land within the curtilage of the public house as an outside drinking area does not in planning terms constitute a change of use and does not in itself require planning permission. If the landlord had placed two tables and chairs directly onto the site for the use of outside drinking then planning permission would not have been required. This application is therefore only concerned with the merits of the visual appearance of the raised decking area and its appropriateness within the overall street scene. Issues regarding the use of the outside drinking area which seem to be the main area of concern would be controlled through licensing and not through the planning process.

Design

14. The raised decking area is not excessive in height and with its wooden construction and wooden balustrade does not detract from the visual appearance of the area. The outside seating area is small in relation to the overall curtilage in which the public house sits within and does not detract from the character of the area. The raised decked area is therefore in accordance with saved Policy DD4 of the Adopted Dudley Unitary Development Plan (2005).

Neighbour Amenity

15. The objections received refer to concerns with respect to noise and disturbance caused by patrons using the outdoor seating area late at night. Since the use of the existing curtilage of the public house as a beer garden does not constitute a change of use concerns relating to noise and disturbance are not able to be reasonably taken into account in the consideration of the retention of the raised decked area subject to this application. The visual appearance of the raised deck area does not appear inappropriate within the residential area and does not detract from the character of the area thereby being in accordance with saved Policy DD4 of the Adopted Dudley Unitary Development Plan (2005).

CONCLUSION

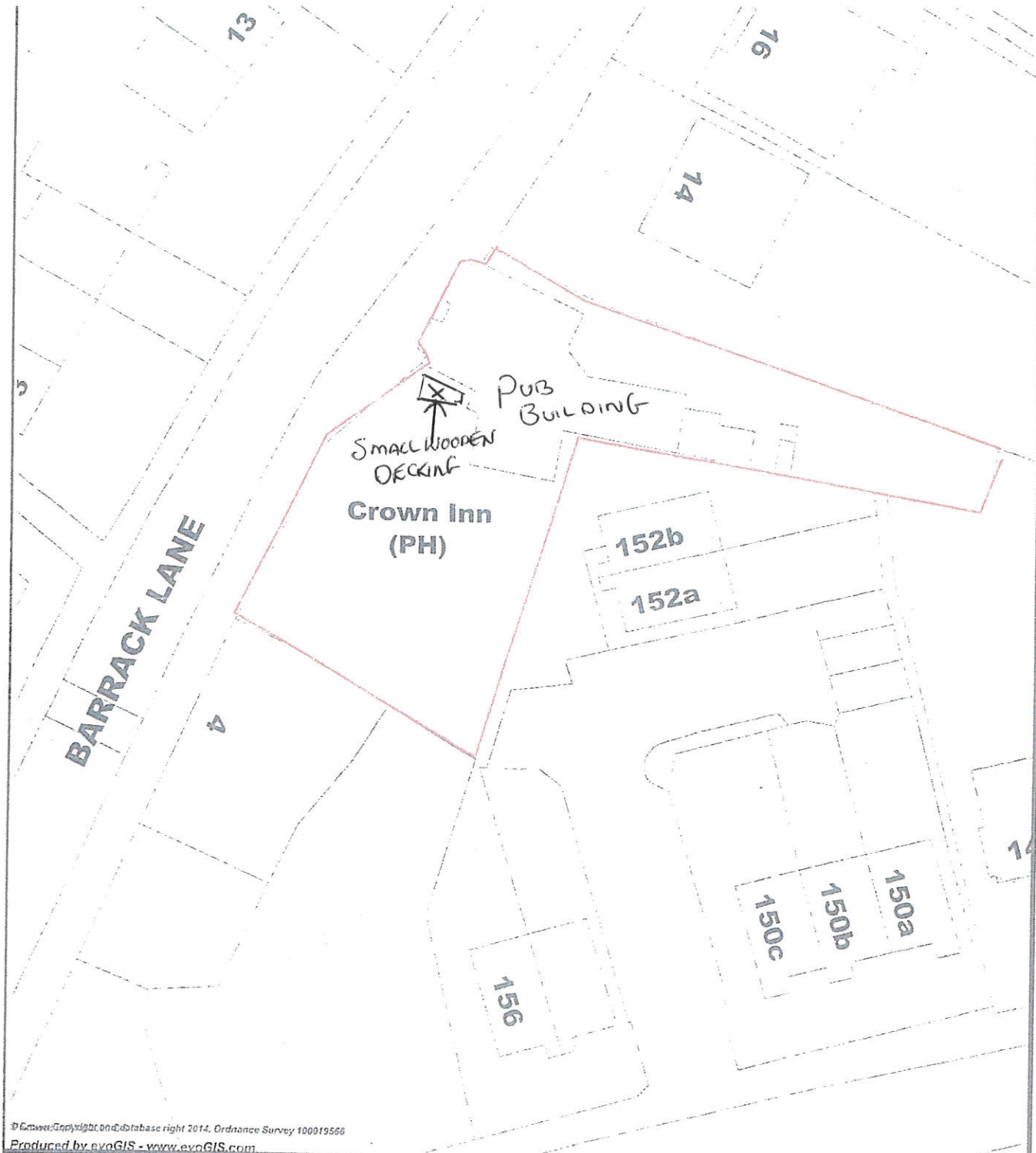
16. The creation of an outside drinking area within the curtilage of the existing public house does not constitute a change of use and does not require planning permission. This application can only consider the merits of the visual appearance of the raised decked area, which given its limited size and height does not detract from the character of the area and forms an appropriate addition within the overall street scene.

RECOMMENDATION

17. It is recommended that the application be APPROVED.

P14/1547





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Planning Contravention Notice
The Widders Public House
Barrack Lane, Cradley, B63 2UX

Dudley
Metropolitan Borough Council

DIRECTORATE OF THE URBAN ENVIRONMENT,
Director of the Urban Environment,
John Millar

DATE: 11-AUG-2014 TIME: 10:00:54

Scale: 1:375

- 9 MAR 2015

WIDDER'S PUB

CONCRETE AREA - 4000mm

WOODEN DECKING COVERING OLD WASTE GROUND

GRASS AREA.

4520mm

1040mm

2430mm

5200mm

PUB CAR PARK

HEIGHT AT HIGH POINT 290mm

- 9 MAR 2015

WIDDERS PUB

CONCRETE AREA - 4000mm

WOODEN DECKING COVERING OLD WASTE GROUND

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PUB CAR PARK

1040mm

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- 9 MAR 2015

The diagram is a hand-drawn site plan for the Widders Pub. It features a central rectangular area labeled 'WOODEN DECKING COVERING OLD WASTE GROUND' with dimensions 2430mm by 5200mm. To the left of the decking is a 'CONCRETE AREA' with a width of 1040mm and a height of 4000mm. Above the decking is a 'GRASS AREA' with a width of 4520mm and a height of 1040mm. To the right of the decking is a 'PUB CAR PARK' area. The entire site is bounded by a red line representing the pub's perimeter. The text 'WIDDERS PUB' is written vertically on the left side, and 'PUB CAR PARK' is written vertically on the right side. At the bottom right, there is a note: 'HEIGHT AT HIGH POINT 290mm'.

WIDDERS PUB

CONCRETE AREA.

4000mm

1040mm

WOODEN DECKING
COVERING OLD WASTE GROUND

2430mm

5200mm

GRASS AREA.

4520mm

1040mm

PUB CAR PARK

HEIGHT AT HIGH POINT
290mm

- 9 MAR 2015

WIDDERS PUB

CONCRETE AREA - 4000mm

WOODEN DECKING COVERING OLD WASTE GROUND

GRASS AREA.

PUB CAR PARK

1040mm

1040mm

4520mm

2430mm

5200mm

HEIGHT AT HIGH POINT 290mm

- 9 MAR 2015

The diagram is a hand-drawn site plan for the Widders Pub. It features a central rectangular area labeled 'WOODEN DECKING COVERING OLD WASTE GROUND' with dimensions of 4520mm by 5200mm. To the left of this area is a 'CONCRETE AREA' measuring 4000mm by 1040mm. Above the decking is a 'GRASS AREA' measuring 4520mm by 1040mm. To the right of the decking is a 'PUB CAR PARK' area. The entire site is bounded by a red line representing the pub's perimeter. The date '- 9 MAR 2015' is written at the bottom.

WIDDERS PUB

GRASS AREA.

← 4520mm →

1040mm

CONCRETE AREA.

4000mm

WOODEN DECKING
COVERING OLD WASTE GROUND

5200mm

1040mm

2430mm

PUB CAR PARK

HEIGHT AT HIGH POINT
290mm

- 9 MAR 2015

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WIDDERS PUB

GRASS AREA.

← 4520mm →

1040mm

CONCRETE AREA.

4000mm

WOODEN DECKING
COVERING OLD WASTE GROUND

5200mm

1040mm

2430mm

PUB CAR PARK

HEIGHT AT HIGH POINT
290mm

- 9 MAR 2015

WIDDERS PUB

CONCRETE AREA - 4000mm

WOODEN DECKING COVERING OLD WASTE GROUND

GRASS AREA.

PUB CAR PARK

1040mm

1040mm

4520mm

2430mm

5200mm

HEIGHT AT HIGH POINT 290mm

- 9 MAR 2015

WIDDERS PUB

CONCRETE AREA - 4000mm

WOODEN DECKING COVERING OLD WASTE GROUND

GRASS AREA.

PUB CAR PARK

1040mm

1040mm

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- 9 MAR 2015