

PLANNING APPLICATION NUMBER:P14/0166

Type of approval sought	Full Planning Permission
Ward	Wollaston and Stourbridge Town
Applicant	Mr L. Griffin, CM Community Care Services
Location:	SOMERSET HOUSE, 121, ENVILLE STREET, STOURBRIDGE, DY8 3TQ
Proposal	PART A - ERECTION OF SMOKING SHELTER TO THE EASTERN BOUNDARY (RETROSPECTIVE) PART B - SINGLE STOREY SIDE/REAR EXTENSION AND ALTERATION OF ACCESS TO FIRST FLOOR OFFICE ACCOMMODATION.
Recommendation Summary:	PART APPROVE & PART REFUSE (SPLIT DEC'N)

SITE AND SURROUNDINGS

- 1 The application site consists of a vacant public house located on the southern side of Enville Street, about 0.5km from the centre of Stourbridge.
- 2 The building which is indeterminate age as it appears to have been subject of rebuilding at some point, has a beer garden to the side and car parking for 19 cars to the rear accessed from Summer Street to the west of the site.
- 3 The area is mixed in character with residential and commercial uses being present, with a further public house to the east although to the south east and south of the site are the rear gardens of dwellings which face onto Cecil Street and Agenoria Drive.

PROPOSAL

- 4 The planning application is to provide for an approximately 120m² single storey extension to the side and partly to the rear of the existing public house (Part B). The plans indicate the space would be used as a restaurant area and a kitchen. A small

part of the extension would also provide an access to the recently approved offices above the public house.

- 5 The extension would be flat roofed with a parapet wall, with a glass lantern feature which would illuminate the proposed restaurant area. large windows are proposed to the restaurants external elevations with high level windows to the kitchen area.
- 6 In addition certain internal works, such as providing a disabled toilet are proposed which do not need planning permission.
- 7 Also proposed (retrospective) is a timber smoking shelter (Part A) which measures 7m by 3m and is located between the eastern boundary of the site against the boundaries with Nos. 2 to 6 Cecil Street and the car park. The building has a pitched roof and is open on three sides.

HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
87/51300	Alterations Including Extensions And Car Park.	Granted	21/09/87
88/51117	Alterations Including Extensions And Car Park.	Granted	14/06/88
P07/2340	Erection of a timber pergola (smoking shelter)	Granted	28/01/2008
P13/1864	Change of Use of first floor of public house into offices (B1)	Granted	27-Jan-2014

- 8 It is believed that planning permission P13/1864 has been implemented in that diffuser lighting is evident through the first floor windows together the displaying of banner signs to the building.

PUBLIC CONSULTATION

- 9 7 letters of objection (although three neighbours have written two letters each) received, following consultation with 19 adjoining neighbours. Main issues raised:
 - Visual impact of shelter

- Size of shelter
- Shelter should be closer to pub
- Concerns about parking and resulting pollution
- Increase to traffic on Summer Street
- Impact of passive smoking from shelter
- Concerns about privacy from the shelter, as gardens to Agenoria Drive are lower.
- Concerns about access
- Previous noise issues from public house
- Concerns about anti social behaviour from restaurant extension
- Restaurant could have been provided to first floor if offices were not there
- Opening times condition should be imposed
- Potential odour from restaurant/kitchen/refuse
- Design of extension is out of keeping

OTHER CONSULTATION

- 10 Group Engineer (Development): No objection to the provision of a disabled parking space and an electric vehicle charging point.
- 11 Head of Environmental Health and Trading Standards: No objection to the proposed extension subject to an extraction/odour condition. However, object to the smoking shelter due to the impact to neighbour amenity.

RELEVANT PLANNING POLICY

- National Planning Guidance
National Planning Policy Framework (2012)
- Black Country Core Strategy (2011)
CSP2 Development Outside the Growth Network
DEL1 Infrastructure Provision
CEN2 Hierarchy of Centres
CEN5 District Centres and Local Centres

CEN6 Meeting Local Needs for Shopping and Services
CEN7 Controlling Out-of-Centre Development
TRAN2 Managing Transport Impacts of New Development
ENV 2 Historic Character and Local Distinctiveness
ENV 8 Air Quality

- Dudley Unitary Development Plan (Saved Policies)
DD1 Urban Design
DD4 Development in Residential Areas
EP7 Noise Pollution
- Supplementary Planning Guidance/Documents
Design for Community Safety Supplementary Planning Guidance
Parking Standards Supplementary Planning Document (2011)
PGN 30. Smoking Shelters and Other Features

ASSESSMENT

- 12 The main issues are
- Policy
 - Design
 - Neighbour Amenity
 - Access and Parking

Policy

- 10 Policies CEN4 and CEN5 of the Black Country Core Strategy, together with the National Planning Policy Framework (NPPF) seeks to locate new public houses (and extensions therein) and within town centres, as well as district and local centres. This site is outside of any of these designated areas.
- 11 However, the policies do allow for limited extension as long as the cumulative floor space does not exceed 200m².

- 12 In this case the existing floor space and new floor space would be just over 300m², taking it above this threshold.
- 13 However, public houses are typically located away from town centres, and often exceed 200m². In addition public houses, particularly modest sized urban ones such as typically have a small catchment area, often serving a local community where many people would be within walking distance.
- 14 In addition this application seeks to provide for dining, with a new kitchen and dining area, which would in no doubt improve the long term viability of the public house, particularly when so many similar facilities have been lost in recent years.
- 13 Moreover, Saved Policy CS3 of the Dudley Unitary Development Plan states the provision of community facilities will be supported where they meet a recognised need, are located within the community they are intended to serve, are accessible by public transport and does not adversely the character of amenity of the area. In this case it can be considered that the public house is a community facility.

Design

- 14 The proposed extension to the side and partly to the rear would have a flat roof. Whilst it may be more desirable to have with a pitched roof it considered that this may be overly dominant given the modest scale of the existing building.
- 15 However, unlike many flat roofed extensions, the proposed flat roof extension would have a parapet wall which would provide a fairly neat finish to the development.
- 16 The extension particularly to the front and side is heavily glazed and has a roof lantern. This gives the appearance of orangery or garden room, which is considered acceptable in context.

- 17 The design of the smoking shelter is considered to be acceptable. Although constructed in timber is well constructed and does not have the appearance of a temporary structure which some shelters can.

Neighbour Amenity

- 18 The proposed side extension is not considered to pose any significant risk to neighbour amenity in that it mostly adjoins the blank flank wall of an adjoining public house. The extension also would be no closer to the existing residential properties on the opposite side of Enville Street. In addition the Head of Environmental Health and Trading Standards raises no objection to the proposed extension subject to conditions controlling the odour from the proposed kitchen.
- 19 The smoking shelter which is located against the boundary is located at the end of rear gardens of Nos. 4 to 8 Cecil Street, with other rear garden boundaries to this street and close by Agenoria Drive.
- 20 Substantive concerns are raised in that the shelter is considered to be inappropriately located very close to these residential properties and the Head of Environmental Health and Trading Standards is of the opinion that there is scope for the site to accommodate a smoking shelter situated further away from residential properties. This view is supported by planning officers.
- 21 The large size of the shelter and its location at a distance from the public house indicates that the shelter would also provide additional outdoor amenity area for patrons to smoke and congregate, particularly in warmer weather when nearby residents are likely to be using their gardens. Noise from people using the shelter is likely to cause loss of amenity for nearby residents, who at present only have the rear car park adjacent to their properties. Therefore the shelter as currently located cannot be supported.

- 22 It is considered that the shelter could be located elsewhere in the site, for example along the flank wall of the adjoining public house, which have the potential to cause less harm to amenity.

Access and Parking

- 23 Enville Road (A458) forms part of the strategic highway network. These roads are for long distance and strategic traffic. Street parking and direct frontage access will be kept to a minimum to ensure the effective flow of traffic, and the Council will give a high priority to improvements and traffic management measures to assist traffic flows.
- 24 The Parking Standards Supplementary Planning Document has a parking standard of 1 parking space for every 30m² of gross floor space of B1 office floor space (the first floor use). The B1 office has a gross floor space of 172sq.m office which equates to a need for 6 parking spaces.
- 25 The SPD has an A4 Drinking establishment has a parking standard of 1 parking space for every 8m² of gross floor space. Therefore the extended drinking establishment, with a gross floor space of 312sq.m should provide: 39 parking spaces.
- 26 Therefore, based on the refreshed Parking Standard and Travel Plan SPD the proposed development has a combined maximum parking requirement of: 45 car parking spaces.
- 27 However, the submitted plan shows the provision of 19 car parking spaces. However, when this is assessed against the TRICS (Trip Rate Information Computer System) shows a maximum vehicle accumulation of 14 vehicles for the combined uses on site, at 13:00 to 14:00, with 5 parking spaces remaining available. Therefore the proposed development is considered to be acceptable in terms of parking provision which means there is unlikely to be any displacement of vehicles onto the highway.

- 28 There is all a requirement to provide 1 electric vehicle charging point and a disabled parking space, both of which can be controlled by condition.

CONCLUSION

- 29 The proposed extension is considered to be acceptable in principle, is of acceptable design, cause no undue harm to highway safety or amenity. Whilst the design of the smoking shelter in itself is considered acceptable it is considered that its location close to residential garden would have the potential to cause harm to amenity. Consideration has been given to policies CSP2 Development Outside the Growth Network DEL1 Infrastructure Provision CEN2 Hierarchy of Centres CEN5 District Centres and Local Centres CEN6 Meeting Local Needs for Shopping and Services CEN7 Controlling Out-of-Centre Development TRAN2 Managing Transport Impacts of New Development ENV 2 Historic Character and Local Distinctiveness and ENV 8 Air Quality of the Black Country Core Strategy and saved policies DD1 Urban Design DD4 Development in Residential Areas and EP7 Noise Pollution of the Dudley Unitary Development Plan.

RECOMMENDATION

- 1) It is recommended that PART A of the application be REFUSED for the following reason(s):
- 2) It is recommended that PART B of the application be APPROVED subject to the following condition(s):
- 3) That the Director of the Urban Environment be given delegated powers to take enforcement action against the unauthorised smoking shelter, should negotiations regarding a more appropriate location do not succeed.

Notes to Applicant

For clarification Part A - - Erection of smoking shelter to the eastern boundary (retrospective) is REFUSED and Part B - Single storey side/rear extension and alteration of access to first floor office accommodation is APPROVED.

Part A - The Local Planning Authority is aware of the requirement of paragraph 186 and 187 in the National Planning Policy Framework to work with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application. In this case, after careful balanced consideration the Officers maintains that the principle of development cannot be supported as the scheme is contrary to the Development Plan and the proposal would not result in the creation of a sustainable form of development and thereby failing to improve the economic, social and environmental conditions of the area.

Part B - 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.

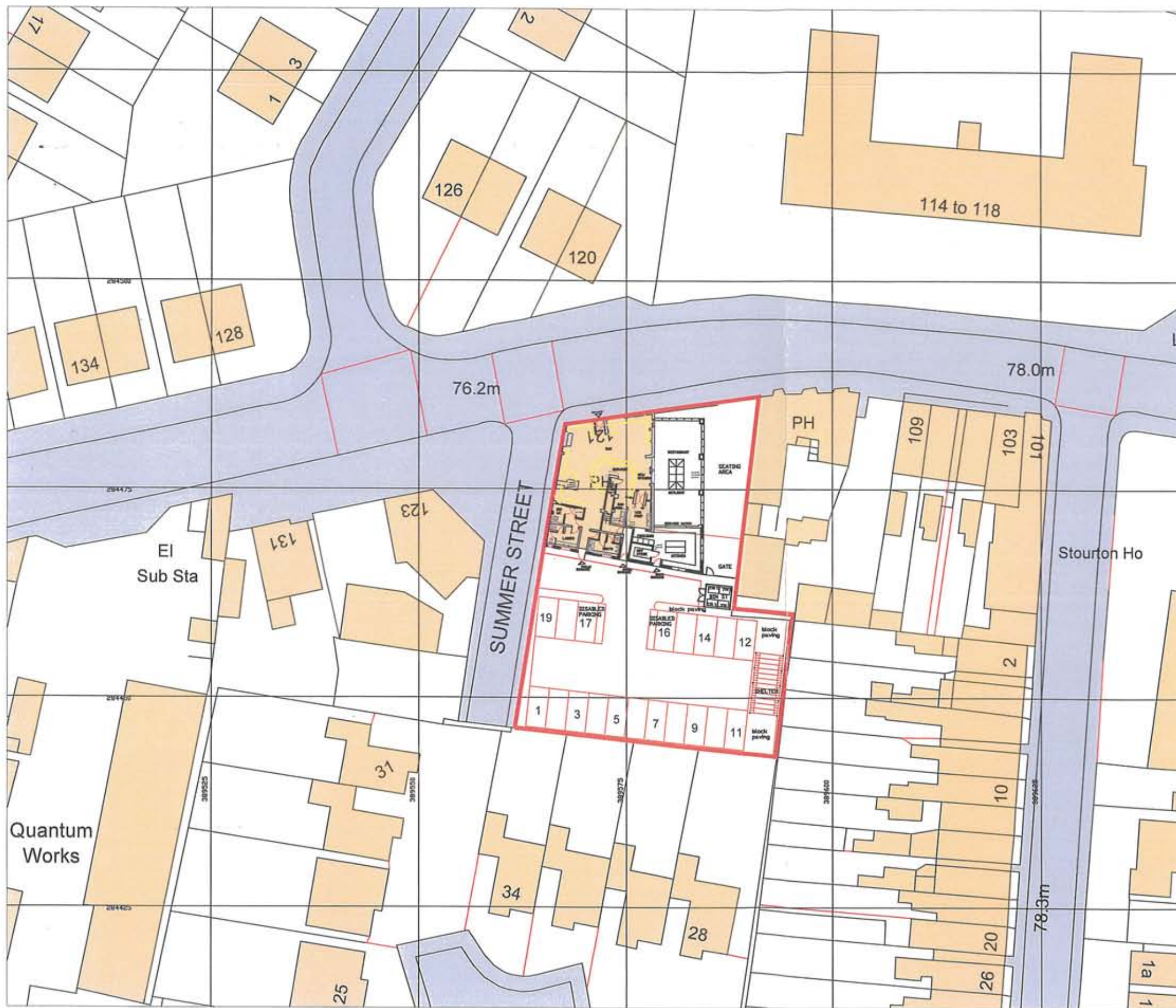
Conditions and/or reasons:

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 plans: 2928/LOC (except the smoking shelter), 2928-302-02 Rev A.
3. The materials to be used in the approved development shall match in appearance, colour and texture those of the existing building unless otherwise agreed in writing with the Local Planning Authority.
4. No development shall commence until details of secure cycle parking facilities in accordance with the Council's parking standards have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be provided in accordance with the approved details prior to first occupation of the development, shall be made available at all times and be maintained for the life of the development.
5. No development shall commence until details for the provision of external electric charging points have been submitted to and approved in writing by the Local Planning Authority. The Electric Charging point(s) shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.

6. No development shall commence until a plan showing the provision of disabled space which shall be in accordance with dimensions in the Parking Standards Supplementary Planning Document shall be submitted to and approved in writing by the Local Planning Authority. The disabled space shall thereafter be provided and marked out in accordance with the approved plan and shall be retained for the life.
7. Prior to 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.

REASON FOR REFUSAL:

The large size of the shelter and its location at a distance from the public house indicates that the shelter would also provide additional outdoor amenity area for patrons to smoke and congregate, particularly in warmer weather when nearby residents are likely to be using their gardens which immediately adjoin the shelter. Noise from people using the shelter is likely to cause loss of amenity for nearby residents, who at present only have the rear car park adjacent to their properties. Therefore the provision of the shelter in its current location would be contrary to Saved Policy DD4 of the Dudley Unitary Development Plan.



WARNING TO HOUSE-PURCHASERS Property Misdescriptions Act 1991

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-3 FEB 2014

Rev C 30.01.14 Shelter arrangement updated.
Rev B 16.01.14 Extension shown to building, carparking layout revised, bin store and shelter added.
Rev A 07.01.14 Existing car park layout added

PROJECT
121 ENVILE STREET
WOLLASTON, STOURBRIDGE
WEST MIDLANDS

TITLE
SITE PLAN

DRG No. 2928/LOC A3

DATE: 19.11.13 DESIGNED BY:

SCALE: 1:600 DRAWN BY:

REVISION: C CHECKED BY:

FILE PATH:

ddp

DEVELOPMENT
DESIGN
PARTNERSHIP

ARCHITECTURAL
ENGINEERING
DESIGN

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