

# PLANNING APPLICATION NUMBER:P07/1961

Type of approval sought	Full Planning Permission
Ward	LYE & WOLLESCOTE
Applicant	Marstons Pub Company
Location:	<b>THE THORNS PH, 174, THORNS ROAD, QUARRY BANK, BRIERLEY HILL, DY5 2JY</b>
Proposal	<b>SINGLE STOREY FLAT ROOF EXTENSION TO PUBLIC HOUSE</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

## SITE AND SURROUNDINGS

1. The application site is a public house, set 20 metres back from Thorns Road beyond a car parking area. The public house consists of a two storey pitched roof structure with a number of single storey flat roof buildings attached. The pub has a front beer garden, rear decking area and car parking area to the front, side and rear of the site.
2. There are residential properties nearby. The nearest neighbours to the proposal are 176 Thorns Road to the Southern side and 77-83 (odds) Grosvenor Way to the rear of the pub and separated by a wall, varying in height from 1.5m to 2m.

## PROPOSAL

3. Planning permission is sought for a single storey flat roof extension to public house.
4. The proposed extension would be L-shaped and positioned to the rear of an existing extension. It would project 11.5m to the rear of the existing toilets and 6m to the rear of the existing lounge, to a height of 3.3m. It would have a flat roof and would be constructed in matching materials and of a similar design to the existing building. The extension would provide 121 square metres of additional floor space

and would form a lounge extension, gents toilets and cellar. Part of a 1.5 m high rear boundary wall would be demolished and re-erected to incorporate some overgrown land to the rear of the public house to provide 4 staff car parking spaces. In addition, part of the decked area would be reduced to improve accessibility to the proposed staff parking. The proposal would include demolition of a garage to the rear of the public house and would reduce customer car parking from 38 spaces to 30, but with re-provision of 4 staff car parking spaces a net loss of 4 car parking spaces would result. Plans have been amended since submission to show the new position of the rear boundary wall, correct representation of the site boundary and a demonstration of existing and proposed car parking spaces.

5. The application is accompanied by a design and access statement.

## HISTORY

- 6.

<b>APPLICATION No.</b>	<b>PROPOSAL</b>	<b>DECISION</b>	<b>DATE</b>
P04/1763	Single storey rear extension	Approved with conditions	25/10/04
P06/0146	Advertisement consent	Approved with conditions	23/03/06
P07/0656	Smokers canopy to the Thorns Road elevation and roof canopy to side entrance	Approved with conditions	05/07/07
P07/1694	Creation of decking area (retrospective)	Approved with conditions	06/11/07

## PUBLIC CONSULTATION

7. A petition containing 18 signatures was received as a result of direct notification. The objections raised concerns relating to:
- Proposed extension would be likely to attract additional customers and associated noise nuisance. Presently, noise disturbance from customers can be heard by residents, over their own television noise with windows closed. The extension would also bring the noise problem closer to residential properties and the pub doors and windows are often left open in the summer, which exacerbates the problem with noise disturbance. In addition, noise disturbance is generated from cars and taxis beeping their horns when customers leave the premises.
  - Proposed extension would use some of the available car parking area of the pub and would require increased parking space requirement. Problems are experienced by residents from customers using residential areas for parking when visiting the pub.
  - Smoking ban and increased amount of exits to the rear of the pub means that more of the customers will be using the rear area of the pub, which is close to residential properties and garden areas.

## OTHER CONSULTATION

8. Group Engineer (Development): The passageway access to staff parking and the gap between car parking spaces 29 and 30, would be too narrow for two way traffic flow. Subject to the access to car spaces being widened to a minimum width of 4.5m there would be no objections.
9. The Head of Environmental Protection: Commented that the proposed extension would bring potential sources of noise disturbance closer to nearby dwellings. Recommended the use of conditions to limit noise disturbance.

## RELEVANT PLANNING POLICY

10. Unitary Development Plan (2005)

Policy AM14 (Parking)

Policy DD1 (Urban Design)

Policy DD4 (Development in Residential Areas)

Policy DD6 (Access and Transport Infrastructure)

Policy EP7 (Noise Pollution)

11. Supplementary Planning Guidance

Parking Standards and Travel Plans

## ASSESSMENT

- Design and appearance of the extension and impact on the character of the area
- Impact upon residential amenity
- Impact on highway safety

12. Design and appearance of the extension and impact on the character of the area

The extension would be positioned to the rear of the existing building at the back of the site and would be enclosed within the site's 1.5m high boundary treatment, therefore it would be well screened from the streetscene. The design and materials of the extension would match with the existing and would not appear incongruous with the existing pitched and flat roof single storey buildings. It is considered therefore that the development would be compatible in scale and size with the existing building and would not have an adverse impact on the character of the area. Therefore, the proposed development would comply with Policies DD1 and DD4 of the adopted Dudley UDP.

13. Impact upon residential amenity

There are residential properties nearby and objections to the proposal have been received from residents, however, the Head of Environmental Protection has no objections subject to conditions. It is likely that an increase in size of the pub could potentially lead to more customers and noise disturbance, however, the number of exits from the rear of the premises would remain unaltered, although they would be positioned closer to the rear boundary. The proposal would reduce the customer parking spaces at the rear of the site from 9 to 5 and would reduce the size of the decking. It is considered that these factors may reduce some noise disturbance that is generated from cars and taxis when customers leave the premises and reduce the numbers of customers using the decked area. On balance, therefore, it is considered that the proposal would be acceptable, subject to conditions and would comply with Policies DD4 and EP7 of the Adopted UDP.

14. Impact on car parking and highway safety

The proposed extension would reduce 4 car parking spaces overall for both customers and staff. The Group Engineer has no objections, but requested the width of the access to the staff parking spaces to be increased. There is no space to increase the width without reducing the extension depth, however, because the access concerned is for staff parking only, it is on balance considered that the submitted width of 3m would be adequate for access to the 4 staff spaces, as it would have a low intensity of use and there would be space available to turn within the site to enable exit in a forward gear. Therefore it is considered that the proposal would comply with Policies AM14 and DD6 of the Adopted UDP and Supplementary Planning Guidance - Parking Standards and Travel Plans.

## CONCLUSION

15. It is considered that the design of the development would be compatible with the existing building and character of the area and would not have a significant adverse impact on noise, disturbance and highway safety to residents nearby. Conditions can be applied to limit any potential problems that may be generated by extension. It is

considered therefore that the proposal would comply with policies AM14, DD1, DD4, DD6 and EP7 of the adopted Dudley UDP (2005) and Supplementary Planning Guidance - Parking Standards and Travel Plans.

## RECOMMENDATION

16. It is recommended that the application be approved subject to the following conditions:

### Reason for Approval of Planning Permission

It is considered that the design of the development would be compatible with the existing building and character of the area and would not have a significant adverse impact on noise, disturbance and highway safety to residents nearby. Conditions can be applied to limit any potential problems that may be generated by extension. It is considered therefore that the proposal would comply with policies AM14, DD1, DD4, DD6 and EP7 of the adopted Dudley UDP (2005) and Supplementary Planning Guidance - Parking Standards and Travel Plans.

The above is a summary of the reasons for the grant of planning permission. For further detail of the decision please see the application report.

### Informative

The development hereby permitted shall be built in accordance with the approved drawings numbered 07107.5.1 Rev C, 07107.4.1 Rev D, 07107.5.3 Rev C, 07107.21.1, 07107.21.2 and 07107.1.1.

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 materials used in external elevations of the development hereby approved shall closely match in type, texture and colour those of the existing building.
3. The building shall be so constructed as to provide sound attenuation against internally generated noise of not less than 35 db averaged over the frequency range 100 to 3150 hz.
4. The doors to the extension of the lounge shall be self closing.
5. The noise from fixed plant serving the extension shall not cause background noise levels to be increased by more than 5 d b (a) as measured under BS4142 (1990) and its subsequent amendments.
6. Prior to the occupation of the building hereby approved, the parking and turning area shown on the approved plan 07107.21.2 shall be provided and thereafter maintained for these purposes for the lifetime of the development.
7. The area shown marked out for staff parking shall be provided prior to first use of the development hereby approved and shall be maintained for the parking of staff only for the lifetime of the development.