

PLANNING APPLICATION NUMBER:P06/2060

Type of approval sought	Full Planning Permission
Ward	Sedgley
Applicant	Pathfinder Pubs PLC
Location:	SEVEN STARS PUBLIC HOUSE, GOSPEL END ROAD, DUDLEY, WEST MIDLANDS, DY3 3LT
Proposal	ERECTION OF A SINGLE STOREY ALL WEATHER GARDEN
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The site comprises a two storey public house built during the 1950's with its associated car parking area and beer garden. The site is located within a predominantly residential area comprising a mix of terrace and detached dwellings built at a similar time as the public house to the south of Gospel End Road. The north side of Gospel End Road is characterised by older inter-war residential properties. There is a garage located to the north-west of the site.

PROPOSAL

2. The proposal seeks the erection of a single storey all weather garden area on the southern elevation of the public house.
3. The proposed all weather garden area would be erected on the southern boundary of the public house. The enclosure measures 6.2 metres wide and 4.3 metres deep and would stand 2.8 metres high. The all weather garden area would be constructed in timber with its roof being a pergola. The sides of the pergola would be in-filled with timber panelling and trellis. A set of double doors constructed from hinged trellis would be inserted into the southern elevation providing an emergency exit. The

structure would be integrated with the main public house building through an external door leading from the bar area.

4. The public house already comprises a beer garden to the front of the building adjoining Gospel End Road. The beer garden also extends along the western elevation of the public house with picnic benches adjoining the proposed site of the all weather garden area.

HISTORY

5. Relevant planning history:

APPLICATION No.	PROPOSAL	DECISION	DATE
SD/50/302	Change of use of land and buildings for the erection of licensed premises with living accommodation.	Approved	28/02/50
SD/61/2309	Garage and case storage.	Approved	28/4/61
97/51426	Extension to existing stores.	Approved	29/10/97
P03/0606	Minor alterations to ground floor level and formation of terrace/outdoor drinking area from the car park.	Approved	12/5/03

PUBLIC CONSULTATION

6. The application was advertised by way of neighbour notification letters being sent to the occupiers of twenty four properties located within close proximity to the site. The latest date for comments was the 30th November 2006. Seven letters have been received and raise the following material planning considerations:

- Noise impacts from late night drinking.
- Outside lighting would be obtrusive.

- The wooden construction would be a fire risk.

OTHER CONSULTATION

7. The Head of Environmental Protection raises no objection to the proposals subject to conditions.

RELEVANT PLANNING POLICY

Dudley Unitary Development Plan (2005)

Policy DD4 Development in Residential Areas

Policy EP7 Noise Pollution

ASSESSMENT

8. The all weather garden area would be constructed in timber appearing as a garden structure and therefore not being a permanent extension to the public house. The timber structure would not detract from the appearance of the public house in architectural terms but its timber construction would appear as a temporary building rather than a permanent feature associated with the public house. Given this and having regard to the objections received in relation to the proposed development it is recommended that if planning permission is granted that it should only be for a temporary period of one year so that the use of the facility can be monitored to ascertain whether it is having an adverse effect upon local residents.
9. The creation of an all weather area for patrons of the public house could increase the intensity of the use of this particular part of the beer garden and this could result in additional noise and disturbance to local residents. Conditions could be attached to prohibit the use of external speakers within the all weather garden area and the fitting of self closure doors to the external door leading from the bar area to the all weather garden in order to minimise potential noise impacts.

10. The proposals do not include the addition of lighting within the all weather garden area and therefore the scheme would not have any more of an adverse impact to the occupiers of residential properties that adjoin the site than the existing situation in terms of light pollution and spillage.

CONCLUSION

11. The design and appearance of the all weather garden area would not detract from the street scene being largely hidden from public views and appearing as a structure that is common place within garden areas. Due to the timber construction of the garden area it would appear as a temporary extension to the public house. Given its temporary appearance and due to the level of concerns raised by the proposed development in terms of the potential impacts of the use of all weather garden area if planning permission is granted it should be for one year only in order to assess the operation and impacts of the use of the structure to the occupiers of nearby residential properties. Conditions have been recommended to ensure that external speakers are not erected within the enclosure and that self closing doors are used to limit noise impacts.

RECOMMENDATION

12. It is recommended that planning permission is granted subject to the following conditions:

Reason for Determination of Planning Permission

The design and appearance of the all weather garden area would not detract from the street scene being largely hidden from public views and appearing as a structure that is common place within garden areas. Due to the timber construction of the garden area it would appear as a temporary extension to the public house. Given its temporary appearance and due to the level of concerns raised by the proposed development in terms of the potential impacts of the use of all weather garden area if planning permission is granted it should be for one year only in order to assess the

operation and impacts of the use of the structure to the occupiers of nearby residential properties. Conditions can be attached to ensure that external speakers are not erected within the enclosure and that self closing doors are used to limit noise impacts.

The decision to grant planning permission has been taken with regard to the policies and proposals in the Dudley Unitary Development Plan set out below and to all relevant material considerations including supplementary planning guidance:

Policy DD4 Development in Residential Areas
Policy EP7 Noise Pollution

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

Conditions and/or reasons:

1. The all weather garden area hereby permitted shall only operate until the 5th February 2008. The timber building (pergola, panelling and trellis) shall be taken down and removed from the site on or before this date.
2. The use of external speakers within the all weather garden area hereby approved is prohibited unless otherwise agreed in writing by the Local Planning Authority.
3. The external door leading from the bar within the public house to the all weather beer garden shall be fitted with self closures unless otherwise agreed in writing with the Local Planning Authority and retained for the life of the development.