



Planning Committee

Astwood Bank and Feckenham Ward

2 December 2008

2008/326/FUL EXTERNAL CANOPY OVER CELLAR ENTRANCE
5A DARK LANE, ASTWOOD BANK, REDDITCH
APPLICANT: ASTWOOD BANK CLUB
EXPIRY DATE: 3 DECEMBER 2008

(See additional papers for Site Plan)

Site Description

Site consists of a club house building off Dark Lane. Car parking and vehicular access exists at the front of the club house building. Houses (off Dark Lane) face the side of the club building and car parking area whilst The Coach House (private dwelling) is attached to the club house building.

Proposal description

Last year a simple roof structure of a similar design to a car port, made from timber and perspex was attached to the existing fencing and wall of the club house. This structure has been erected to the north of the club house building creating a covered area. It is understood that this was intended to be used as a dry store area for beer barrels and a dry access to the cellar. The structure measures approximately 3.1m by 3.3m maximum and the perspex roof is approximately 2.5 metres from ground level.

Retrospective permission is now sought for this structure as a canopy over the cellar entrance.

Relevant key policies

All planning applications must be considered in terms of the planning policy framework and all other relevant material considerations (as set out in the legislative framework). The planning policies noted below can be found on the following websites:

www.communities.gov.uk

www.wmra.gov.uk

www.worcestershire.gov.uk

www.redditchbc.gov.uk

National Planning Policy

PPS1 (& accompanying documents) Delivering sustainable development

Regional Spatial Strategy

QE3 Creating a high quality built environment for all.

Worcestershire Country Structure Plan

D.43 Crime Prevention and Community Safety.

Borough of Redditch Local Plan No.3

B(BE).13 Qualities of Good Design.

S.1 Designing Out Crime.

B(NE).4 Noise.

CS.1 Prudent Use of Natural Resources.

SPG Encouraging Good Design

Relevant site planning history

Appn. no	Proposal	Decision	Date
2008/149	Retrospective application: Outdoor seating area with electronic awning	Approval subject to conditions	16 July 2008

Public Consultation responses

Responses against

2 letters received raising the following points:

- Structure was erected at the time smoking inside buildings was banned. The structure has been used as an area to sit outside and smoke till late. Objector lives across the road from the site (bedroom windows approximately 13 m from the shelter) and has suffered significant noise and disturbance. Do not object to the structure, but do object to it being used as smoking / sitting / talking area.
- Also, 4 November 2008, objector can confirm that the structure was being used in the early evening as a sitting / smoking area, with the heater on too. Concern that the club are intent on using the facility as a smoking shelter despite change in club members' rules.
- Another objector lives in the dwelling adjoining the club house whereby the first floors of these two buildings are attached. The structure was used last year in the winter as an informal smoking area, and the smell of cigarette smoke and unacceptable late night noise was noted. The dwelling is built directly onto the Lane and the bedroom and bathroom window adjoin the club, making the occupiers particularly vulnerable to this disturbance. Unconvinced

that the club are able to prevent people congregating there regardless of any potential commitment to do so.

Consultee responses

County Highway Network Control

No comments received.

Crime Risk Manager

No comments received.

Assessment of proposal

Members may recall that as a result of determining planning application 2008/149, several conditions were imposed that included a condition to ensure that this structure and associated paraphernalia such as heater, table and chairs etc be removed within 3 months from the date of the decision notice. The structure is still there including the heater, and the 3 months required to remove the structure has now lapsed. It is assumed that the purpose of this application is to regularise the development although it is intended that the heater will be removed as part of this application. (There were also other elements to the previous application)

The Design and Access Statement states that the structure will be used as weather protection for the cellar entrance at the club. It is understood that members have been advised under the club's rules that this area should not be used as a smoking area.

The key issues for consideration in this case are as follows:-

Principle

Whilst planning permission has been granted for a smoking area under application ref 2008/149, the objections submitted under that application mainly related to the use of the structure now being considered under this application. When considering the previous application, officers considered it appropriate to impose a condition to require this structure to be removed in order to avoid confusion as to which structure should be used for smoking purposes, and to resolve concerns raised by neighbouring occupiers.

Therefore, to retain the structure in its current form regardless of its use, will always be a potential for this structure to be used for smoking due to its open design. As such, the development would continue to have a detrimental impact on the amenities of neighbouring occupiers in terms of noise and disturbance. Therefore, the principle of retaining the structure as it stands would not be considered favourably by officers.

However, given that the intended purpose of this structure is to create a dry entrance to the cellar, and an area for the beer barrels, it is considered that if the shelter were to be fully enclosed with a double door arrangement, this would ensure a dry entrance is maintained for the cellar entrance, and would prevent people from smoking / talking / loitering in this particular area.

If this arrangement could be incorporated as an amendment to this application, it is possible that officers would consider this revised proposal to be acceptable. Officers have requested these amendments and the agent is discussing this proposal with the applicant. At the time of drafting the report no details had been submitted to show this revision. However, should the patrons still choose to smoke or talk etc outside the potential double doors, planning officers would not be able to control this activity.

Sustainability

It is shown on the plans that the heater would be removed. Officers would encourage this work in order to comply with Policy CS.1 of the Borough of Redditch Local Plan No.3 which encourages the prudent use of natural resources.

Conclusion

The proposal is considered to be compliant with policy and unlikely to cause harm to amenity providing that it is not used for smoking or loitering, and therefore is considered to be acceptable subject to conditions to prevent its use as a smoking shelter.

Recommendation

Having regard to the provisions of the development plan and other material considerations, it is recommended that authority be delegated to the Acting Head of Planning and Building Control to GRANT planning permission subject to the receipt of suitably amended plans showing the structure fully enclosed with double doors and subject to the following conditions:

- 1 Amended plans specified.
- 2 The heater shall be removed within 1 month from the date of the decision notice.
- 3 No chairs / tables / heaters etc shall be erected in front of the double doors of the enclosed structure.
- 4 Doors to be provided within two months of the date of the decision and thereafter maintained in situ for the lifetime of the development