

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
3D Entertainment Group Ltd. 'A'	Formation of new terrace at 39 - 41 Worcester Road, Bromsgrove	SSS CA TCZ	B/2007/0886 12.10.2007

Councillor E. C. Tibby has requested that this application be considered by Planning Committee rather than being determined under delegated powers.

RECOMMENDATION: that permission be **GRANTED**.

Consultations

WCC(HP) Consulted - no objections - views received 17.08.2007
WMC Consulted - views received as follows:-

"I ask that my comments to be made available to **ALL** Planning Committee Members for them to consider their responsibilities under Section 17 Crime and Disorder Act 1998.

1. I ask that the following conditions apply to this application.
 - a. that no alcohol be served in this area.
 - b. that the area in the application be covered by CCTV approved by a police representative.
 - c. that door staff be present in this area when the club is open.
 - d. no music to be played in this area.

The police could provide any supporting evidence of breaches of these conditions.

2. Consideration should be given to the design of the balustrade. In order to prevent the passing of controlled substances there should be a fence with no gaps and is 1.8m high.

Tree Officer Consulted - views received verbally 18.09.2007 - no objections subject to a construction methodology statement submitted prior to the commencement of any works.

CO Consulted - no objections - view received 13.08.2007

EH Consulted - view received 18.09.2007

"Based on the information provided there are two main noise sources that may have an impact on residents in the area; noise from music escaping from the premises from the new side entrance / exit; and noise from people using the new external terrace. I therefore would recommend that the following conditions be attached to minimise any impact that may be caused by the proposed development:

- Both the internal and external doors shall be of an appropriate

acoustic specification to be agreed by the Local Planning Authority and shall be fitted with self closing devices.

- The lobby area between the two doors shall be lined with a suitably acoustically absorbent material. The specification shall be submitted and agreed by the Local Planning Authority prior to the use of the area.
- The terrace area and lobby shall be appropriately supervised while in use to ensure any noise impact is minimised and to ensure doors, as far as practicable, are kept closed.
- No seating (permanent or temporary) shall be provided in the external terrace area.
- No food or drink shall be permitted to be taken into the lobby or external terrace area."

Publicity

5 x Site notices posted 23.08.2007 - expired 13.09.2007

Press Advert 17.08.2007 - expired 08.09.2007

Neighbour notification letters sent to numbers 41 and 43 Worcester Road, Bromsgrove.

7 Objections received, highlighting the following points:

- Increased level of music noise from the premises.
- Further noise disturbance from nightclub customers.
- Possible hazard of broken glass near site.
- Criminal damage to nearby properties from nightclub users.
- Possible fire hazard.
- Concerns the noise abatement measures will not be effective.
- Anti social behaviour of nightclub customers.

The site and its surroundings

This application relates to a plot of land, situated adjacent to the building 39 - 41 Worcester Road in Bromsgrove Town Centre. The application site is currently derelict waste land, which is overgrown.

The adjacent building, to which the application also relates to, is the premises known as 39 - 41 Worcester Road, which is currently used as a nightclub.

The building fronts onto part of the Worcester Road, known locally as the one way street. Although the site is within Bromsgrove Town Centre, this particular road is classed as a Secondary Shopping Street, as designated within the Bromsgrove District local Plan. The BDLP states that Secondary Shopping Streets may have a more varied mix of uses than Primary Shopping Streets, and there is clearly a wider variety of uses along this particular road within the Town centre.

In addition, the site falls within the designated Town Centre Conservation Area.

Proposal

This application relates to the formation of a new external terrace area which will run adjacent to the one side elevation of the nightclub. In association with this new terrace, the applicant proposes new fencing, the placement of dividing planters and shrubs. It is also proposed timber decking will cover the whole of the terrace area, to match the ground floor height to that of the internal floor.

The terrace area measures 9 metres in length, running along the side of the nightclub and 2.45 metres in depth, protruding out from the side of the nightclub, towards the neighbouring buildings. This gives the proposed terrace an area of 22.05 square metres. There will then be balustrade style fencing enclosing this area, at a height of 1.5 metres.

The terrace area is to be accessed via an existing door on the side elevation of the nightclub, which is not currently in use. This door will not directly access the terrace; instead a porch area will separate the internal nightclub and the proposed new external terrace area.

Relevant Policies

WMSS	QE1
WCSP	CTC.19 CTC.20
BDLP	S35a, S39, BROM22
Others	PPS6, PPG15, PPG24

Relevant Planning History

B/1999/0649	Non-projecting illuminated sign and notice boards; granted 11.10.1999
B/1999/0648	Alterations to frontage; granted 11.01.1999
B/1993/0023	Demolition of building; granted 30.06.1993
B11757	Change of Use to Private Members Snooker Hall; granted 24.02.1984

Notes

There are no policies within the Bromsgrove District Local Plan or the Worcestershire County Council Structure Plan that specifically relate to the provision of an outdoor terrace area, as proposed in this instance.

However, guidance contained within Planning Policy Statement 6 states that we must seek to encourage vitality of town centres and this is supported by guidance within the WCSP to enhance the quality of the County's town centres. To encourage the vitality of town centres includes supporting the needs of the whole variety of businesses within the town centre.

Conservation Issues

The proposed new terrace will not be a public viewpoint for the Town Centre Conservation Area. It will therefore not cause any harm to the special character of the Conservation Area, and the proposal therefore complies with policies S35a of the

Bromsgrove District Local Plan and CTC.20 of the Worcestershire County Council Structure Plan, which emphasise the importance of preserving and enhancing the quality of the appearance within Conservation Area.

Residential Amenity Issues

The neighbouring properties in the immediate area are currently commercial businesses, which open during the day only, so the proposal will have minimal impact on them. No objections have been received from the immediate occupiers.

However, there are residential properties within the surrounding locality. There are residential properties 50 metres to the rear of the nightclub, on Guild Road and there have been objections from some of the owners and / or occupiers of these properties. There are also residential properties nearby on Hill Lane, from where there have also letters of objections received.

I am aware that there is history to the site with regard to unacceptable noise and that a Noise Abatement Notice was therefore served on the premises under the Environmental Health Act 1990, which required the applicant to abate and prohibit a recurrence of noise amounting to a statutory nuisance from the playing of amplified music, and this notice is still in force.

As well as the issue of noise from music from the nightclub, objection letters include concerns over the noise caused by users of the nightclub and, should it be allowed, any increase in this disruption from the external terrace area.

The Environmental Health Officer has not objected to this application but has suggested several conditions be attached to the planning permission, to ensure this proposed new terrace does not lead to further problems with regards to noise nuisance. Unfortunately some of these suggested conditions are unenforceable.

Several issues raised by nearby residents relate to the anti social behaviour of customers from the nightclub on their way home, to include vandalism of property. While I wholly sympathise with the concerns of these residents, I do not feel that to allow this external terrace will contribute further to this problem, which will not be solely caused by users of the nightclub but also the many public houses within the town centre.

Conclusions

Although I note the concerns raised in the letters of objections received, I am of the view that by attaching the appropriate conditions to the planning permission, and ensuring the new terrace proposed is supervised by staff sufficiently, then it will not cause a nuisance to the near by residents. My view is supported by Environmental Health and West Mercia Constabulary, who have not objected to the application.

In addition, the proposal will not harm the setting of the Conservation Area and the Conservation Officer has also not objected to the proposal.

For all the reasons outlined above

RECOMMENDATION: that permission be **GRANTED**.

1. C099
2. Prior to the commencement on site of any works which are the subject of this consent, a full construction methodology statement, shall be submitted to and approved in writing by the Local Planning Authority.
3. Prior to the commencement on site of any works which are the subject of this consent, a full landscaping scheme, including further details of the balustrade, to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:-
 - a) full details of all existing physical and landscape features on the site including the position, species and spread of all trees and major shrubs clearly distinguishing between those features to be retained and those to be removed;
 - b) full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting where appropriate.
The approved scheme shall be implemented within 12 months from the date when (the terrace is first used). Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.
4. Prior to the commencement on site of any works which are the subject of this consent, details of the acoustically absorbent material to line the lobby area, must be submitted to and approved in writing by the Local Planning Authority.
5. Prior to the commencement on site of any works which are the subject of this consent, details of both the internal and external doors, which shall be of an appropriate acoustic specification, must be submitted to and approved in writing by the Local Planning Authority.

Reasons

1. Required
2. - 3. To protect the Trees on site in accordance with policy C17 of the Bromsgrove District Local Plan
4. - 5. To protect amenities of adjacent occupiers in accordance with

Notes

This decision has been taken having regard to the policies within the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan January 2004 (BDLP) and other material considerations as summarised below:

WMSS	QE1
WCSP	CTC.19 CTC.20
BDLP	S35a, S39, BROM22, C17, S19
Others	PPS1, PPS6, PPG24

It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance; there are no justified reasons to refuse planning permission.