

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**14th September 2023**

Application No:	SMD/2023/0338	
Location	Rose and Crown, New Street, Biddulph Moor	
Proposal	Upgrades to outdoor seating area and erection of shelter	
Applicant	Joule's Brewery Ltd	
Agent	NA	
Parish/ward	Biddulph/Biddulph Moor	Date registered: 7 <sup>th</sup> July 2023
If you have a question about this report please contact: Benjamin Hurst tel: 07738506367 <a href="mailto:benjamin.hurst@staffsmoorlands.gov.uk">benjamin.hurst@staffsmoorlands.gov.uk</a>		

## **REFERRAL**

The application is before committee because the number of objections indicate that it is locally contentious.

### **1. SUMMARY OF RECOMMENDATION**

<b>APPROVE</b>
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### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 Stone built 19<sup>th</sup> Century Public House in the village centre of Biddulph Moor. Biddulph Moor is identified as a 'larger village' in the Local Plan hierarchy. The pub occupies a corner plot positioned at the cross roads with New Street, Wraggs Lane, and Woodhouse Lane. The land around the public house provides parking space to one side and beer yard or garden to the rear. The surrounding dwellings are a mix of stone cottages and 1970s brick bungalows.

### **3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL**

3.1 The application seeks permission for development already carried out. The beer garden and yard to the rear of the premises has been landscaped with new paving and a dwarf brick wall that encloses the area with a curve.

3.2 To the rear of this area and across the back of the land and its boundary to the south an open fronted shelter has been constructed. A full pitch roof with an apex of some 3.9m high is supported on black painted steel stanchions. The shelter is 6m wide and 12m long. The roof material is a grey corrugated sheeting. Sections of vertical boarded timber are provided below the eaves and at the gables and a mixed red brick provides a rear wall and a small enclosed section at one end. The shelter opens toward the outdoor seating area and the rear of the pub.

3.3 Although the development has already been carried out and its as built form is apparent, there have been attempts to provide drawings and plans of the building. A revised plan submitted on the 1<sup>st</sup> September finally provided an accurate survey of the building after the planning officer went out and measured the height of the building himself.

3.4 Details of the application scheme can be viewed at:

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=171924>

#### **4. RELEVANT PLANNING HISTORY**

4.1 None

#### **5. PLANNING POLICIES RELEVANT TO THE DECISION**

5.1 The Development Plan comprises of:

- The Local Plan Development Document (adopted Sep 2020)

Adopted Staffordshire Moorlands Local Plan - Sep 2020

5.2 The following Local Plan policies are relevant to the application:-

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS8 Larger Village Strategy
- E3 Existing Employment Premises
- E4 Tourism and Cultural Development
- DC1 Design Considerations to protect residential amenity
- T1 Development and sustainable transport

Supplementary Planning Document (SPD)

Staffordshire Moorlands Design Guide 2018

National Planning Policy Framework (NPPF) revised.

#### **6. CONSULTATIONS**

##### **Public response to consultation**

6.1 Notification letters were sent to Neighbours. A site notice was posted on the 17<sup>th</sup> July 2023, all periods of consultation expired on the 7<sup>th</sup> August 2023.

6.2 Eight confirmed objections have been received. The following points are made:

- The pub is not the only pub or community facility in the village (The Foxhound is on Hot Lane, the Post office is in the village centre, and there are four churches, and a pharmacy) the shop opposite the application site closed in 2017
- The development has not increased the pub's profits and it has not won any awards
- There is no longer a special need for drinkers to social distance outside
- It is an unsubstantiated assumption that customers demand quality outdoor space
- Trees have been removed from the boundary to construct the building
- The building has removed parking spaces (estimated at a loss of 2 spaces) and resulted in more parking on roads and footpaths
- The development is a portal frame industrial building with unsuitable corrugated roofing sheets it is not in keeping with the locality and is more akin to an industrial estate
- Submitted plans do not accurately show the height of the building, its maximum height is 4m rather than 3m.
- The building is lit up until midnight every night
- The development causes noise and disturbance, noise from customers and live music making use of the building can be heard some distance away.
- General complaint not directed at the development itself but about play in the car park with footballs and the use of the occasional bouncy castle
- People don't really use the development in the winter it is too cold and on warm summer days they prefer to sit outside.

### **Biddulph Town Council**

6.3 None received at the time of report preparation

### **Environmental Health**

6.4 None received at the time of report preparation.

### **Highways**

6.5 None received at the time of report preparation.

## **7. OFFICER COMMENT AND PLANNING BALANCE**

### **Principle of Development**

7.1 The Local Plan strategy policy SS8 for 'larger villages' such as Biddulph Moor is for these settlements to retain and enhance their role as rural service centres by enabling development which supports and increases the range and quality of community facilities available to the rural areas. In this case the development has provided facility to enhance the experience and enjoyment of customers to the public house and introduced commercial flexibility to the way in which the space is used and can be provided. In these regards the development supports and has good association with other services and facilities within the village centre. Such

development in these respects is compliant with the support that is provided by the Local Plan strategy policies at SS8 and E4.

### **Design and impact on the character of the area**

7.2 The development has introduced an obviously subordinate simple structure to the rear of the public house. A small timber clad gable beneath the full pitch roof appears and has limited presence above a tall stone boundary wall to the Wragg's Lane boundary. The simple more functional materials of the roofing sheets and the steel stanchions provide clear distinction between this functional structure and the dominance of the stone 19<sup>th</sup> Century buildings of the pub specifically, and the nearby cottages. In these respects it has the character or relationship of perhaps an animal shelter or old stabling building, that would not have been out of place at the rear of a 19<sup>th</sup> Century village centre pub. The character and appearance of the structure is appropriate to a rural village surrounded by farmland and countryside.

7.3 Within the grounds of the premises, the development has overall created a pleasant and characterful environment with sections of timber panelling and mixed red brick, brick pavements and shaped dwarf walls.

7.4 There is some complaint that trees have been removed from the boundary to construct the shelter. This is perhaps unfortunate, however, aerial photographs and map records do not indicate that these were significant or protected species. The development has not harmed the character and appearance of the area and there is no conflict with policy DC1 of the Local Plan.

### **Impact on the Amenity of Residents**

7.5 It is clear from aerial photographs that the development only occupies an area that has long been established as a beer garden or outdoor seating area. Under the terms and control of the licensing this area has been available for drinking, events and entertainment before the introduction of the development. In fact as one objector acknowledges in many respects the shelter structure has provided some degree of enclosure and containment of these activities, particularly for the neighbour immediately behind the premises on Wraggs Lane to the south.

7.6 There is conflicting evidence between the two objectors as to whether the chatter of customers beneath the shelter causes disturbance. One raises this as an issue while the other is quite clear that this is not a concern.

7.7 Much of the objection is directed at the use of the outdoor space for live music, events, bouncy castles and children's ball games. None of this has been introduced by the development and is to be expected during the normal use of a village pub well placed in the community. All of this activity is already controlled by licensing arrangements.

7.8 Moreover, the evidence provided by one of the objector's is that the shelter is actually rarely used as it is too cold in the winter to sit outside and makes too much shade on sunny summer days. This is further indication that the introduction of the

shelter structure could not have introduced and been responsible for increased or unreasonable noise and disturbance.

7.9 There is concern that the building is lit up until midnight, however, lighting can be controlled and restricted by condition.

7.10 Overall there is no compelling evidence or reason to find that the landscaping of the established outdoor seating or the introduction of the shelter structure has caused unreasonable impact on the amenity and living conditions of residents. There is no conflict with Local Plan policy DC1 in these regards.

### **Highway Safety**

7.11 Objectors suggest that the development has resulted in the loss of two parking spaces. A review of aerial photographs indicate this to be a fair assessment. There is no specific parking standard in the Local Plan for a public house. However, it is of note that even with the loss of two spaces the pub retains a generous area of parking for a village centre pub where many customers must be within walking distance. Officers have visited and passed the premises on numerous occasions and at varying times of the day and night since the development has been carried out and at no time has there been any notable presence of on street or pavement parking. It cannot be concluded that the development has harmed highway safety in those regards.

### **CONCLUSION / PLANNING BALANCE**

7.12 The development supports and enhances community facility and a commercial business within a rural village centre, improving the experience of customers and some flexibility in the way the premises is used and the services it can provide. The development does not harm the character and appearance of the area and there is little compelling evidence to suggest the development has unreasonably affected the living conditions and amenity of residents. There is no conflict with any of the policies listed above.

## **8. RECOMMENDATION**

**A. That planning permission be APPROVED for the development, subject to following condition(s):**

**1. The development hereby permitted and described above shall only be retained and maintained in its finished as built form and condition that was apparent on the date of the application, as photographed on the date of the officer's site visit, and in accordance with the revised plan ref. A001 P3 received on the 1<sup>st</sup> September 2023. There shall at no time be any enlargements, improvements or other alterations made to the development without the written approval of the Local Planning Authority.**

**Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.**

2. The outdoor seating and stand-alone shelter shall only be used for purposes that are incidental to or ancillary to the use and enjoyment of the land and property as a public house.

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

3. At no time between the hours of 11pm and 7:30am shall any light source that is attached to or used to illuminate the outdoor seating area or the interior of the stand-alone shelter, be switched or left on.

Reason:- In the interests of protecting the amenity of residential neighbours.

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



