

Planning Committee: 24 May 2011

Item Number:

Application No: W 11 / 0296

Town/Parish Council: Kenilworth
Case Officer: Victoria Lane

Registration Date: 07/03/11
Expiry Date: 02/05/11

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The Gauntlet, Caesar Road, Kenilworth, CV8 1DP

Removal of windows and feature tiling to side elevation and replacement with full height glazing and timber framed concertina doors; opening up of single door entrance to provide a double door; cladding of existing steel columns with timber; blocking up of existing windows to side elevation and provision for a new fire door; construction of a structural column to existing canopy; erection of new timber framed pergola and porch to the rear yard along with associated works and landscaping. FOR Enterprise Inns

This application is being presented to Committee due to the number of objections received and an objection from the Town Council also having been received.

SUMMARY OF REPRESENTATIONS

Town Council - Object to the application on the following grounds:

It would cause a serious loss of amenity to nearby neighbours

The extended front garden is inappropriate and would have a detrimental impact on the street scene

Due to the proposed double doors and irrespective to conditions on the Licence, be a source of light and noise pollution

The above would also be compounded by the catering noises, delivery vans, extraction fans and cooking smells

Environmental Health - No objection in principle subject to not encouraging patrons into external areas during antisocial hours with regards to noise and smoking. The licensing application / variation will look at restricting hours of use to the external areas and during periods of regulated entertainment.

Warwickshire Police - No objection in principle

Public Response - Ten letters of objection have been received from local residents (4, 6, 8, 13, 19 and 20 Caesar Road, 2 and 6 Percy Road, 1 and 9 The Mews) raising objections on the grounds identified in the assessment section of this report and five letters of support (1 St Nicholas Avenue, Bronze Tanning Centre on Oaks Precinct, Rumours Hair and Beauty and two letters from 2 Caesar Road).

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)

PLANNING HISTORY

The site has limited related planning history dating back to 1985 as follows.

W/85/0881 - Display of four externally illuminated fascia signs, wall sign and non illuminated pole sign - Granted

W/85/0883 - Erection of an entrance canopy - Granted

KEY ISSUES

The Site and its Location

The application site is a vacant detached public house with a car park to the rear. There are residential units above the public house and the surrounding uses are largely residential. To the south of the site lies the local shopping centre of Oaks Precinct comprising of a range of uses. Further to the south of the site lies the MOT Test Centre on the junction of Scott Road and Percy Road. Fronting Caesar Road is a substantial outdoor seating area from when the pub was last in use.

Details of the Development

The proposal looks for various alterations to the public house including the removal of windows and feature tiling to side elevation and replacement with full height glazing and timber framed 'concertina' doors; opening up of single door entrance to provide a double door; cladding of existing steel columns with timber; blocking up of existing windows to side elevation and provision of a new fire door; construction of a structural column to existing canopy; erection of new timber framed pergola and porch to the rear yard with associated works and landscaping.

Assessment

The main issue for consideration is the impact on the amenity to nearby residents in terms of noise, overlooking, increased traffic generation and unsociable disturbance.

As detailed above, the proposals relate to alterations to the fenestration of the Public House in order to bring the pub back into a viable use. From the

applicant's Design and Access Statement, the pub has been vacant for almost a year and the proposals aim to provide a better visual aspect to the Public House and provide a well managed family friendly, community pub.

To the north elevation (elevation A-A to the car park entrance) the existing single door and full height glazing panel will be changed to a double door and the single windows with feature tiling will be altered to full height glazing with the centre panel utilised as a concertina door to the external area. This elevation will also feature an outdoor seating area formed from 7 park bench style seats.

To the south elevation (elevation C-C to the Oaks Precinct) the large full height glazed windows and doors will be removed and bricked up to match existing and a new fire door will be inserted. This elevation will also see the installation of the pergola structure which will have a height of 2.4 metres and be 6.2 metres in length. This elevation will also feature a limited outdoor seating area under the pergola structure.

To the west elevation (elevation B-B to Caesar Road) the central glazed double doors and glazed panel will be removed and replaced with full height glazing concertina door to the external area. This elevation will also feature an outdoor seating area with 12 tables along with the feature tree bench to Oaks Precinct and four new bench style tables with jumbrellas.

There will be no alterations to the east elevation (elevation D-D to the car park).

Ten letters of objection have been received from local residents. I will consider the main issues raised in turn as set out below.

1. Noise and light pollution
2. Overlooking
3. Increased traffic generation
4. Unsocialable disturbance
5. Other issues

1. Noise and light pollution

Nine out of the ten letters of objection refer to concerns over noise and light pollution particularly in relation to the outdoor seating area. The objecting residents are concerned that the outdoor seating area proposed would create further issues relating to noise and light disturbance to their properties and particularly when young children are trying to sleep.

The objection received from the Town Council also relates to noise and light pollution irrespective to the conditions placed on the Entertainments Licence. Whilst the Entertainments Licence is not a material consideration with regards to the planning permission, I am of the opinion that the previous use was as a Public House and that planning permission is not required for its continued use.

The fall back position is that the pub could re-open its doors for trade tomorrow without the need for planning permission and the alterations which are the subject of this application are proposed to improve the visual appearance of the Public House in the surrounding area.

Environmental Health do not object to the application in principle however they did raise some comments. The main concern would be the use of the outside seating areas directly adjacent to noise sensitive properties on Caesar Road. They would not like to see encouragement to use outdoor areas during unsocialable hours through the use of patio heaters, luxury seating or outdoor TV screens. Whilst I acknowledge that noise is a material consideration to the amenity of neighbouring residents, I still consider the substantial fall back position from the existing outdoor seating area. Environmental Health further commented that during the license application, the hours would be restricted for use of the outdoor areas and during periods of regulated entertainment. Taking the above comments into consideration, I consider the proposal to be in accordance with Policy DP9 of the Warwick District Local Plan 1996 - 2011.

2. Overlooking

One letter of objection has been received with regards to overlooking from No. 6 Caesar Road. The separation distance between the front building line of No. 6 Caesar Road and the boundary of The Gauntlet is 19 metres. Whilst I take into account the concerns regarding overlooking, I am of the opinion that the impact will be no greater than what currently exists at the site. I consider the distance separation of 19 metres to be adequate to prevent any potential overlooking and should this be a residential development I would be of the same opinion.

The Town Council have also objected on the basis of a serious loss of amenity to nearby neighbours. As set out above, I consider the substantial fall back position of the Public House being able to re-open for business without the need for planning permission and that the separation distance between the site and residential properties is of sufficient distance to prevent any detrimental impact on the amenity of nearby residents by loss of privacy. As such, I consider the proposal to be in accordance with Policy DP2 of the Warwick District Local Plan 1996 - 2011.

3. Increased traffic generation

One letter of objection has been received with regards to the increase of traffic generation to and from the site. Having considered this and the details contained within the applicants Design and Access Statement, I am of the view that traffic generation will not be a potential issue. There is sufficient parking to the rear of the site to accommodate vehicles of visitors to the Public House. Furthermore, I consider the traffic generation to be no greater than vehicles visiting the Oaks Precinct at present. The supporting Design and Access Statement states *"Owing to the location of the pub...it is surrounded by residential and local amenities...This will make The Gauntlet a pub which is suitable for all groups of people, which is within a short walking distance of peoples homes. This will promote local people to put money back into the local economy instead of going to pubs and eateries in the surrounding area, whilst at the same time encouraging people to walk to local amenities. This will reduce*

the number of cars on the road and promote a responsible attitude to drinking and driving."

I am satisfied therefore that there will not be a detrimental impact on the increase in traffic generation to and from the pub greater than when it was last occupied for such a use. As such, I consider the proposal to be in accordance with Policies DP7 and DP8 of the Warwick District Local Plan 1996 - 2011.

4. Unsociable disturbance

Five letters of objection have been received with regards to alleged unsociable behaviour and disturbance from the Public House in the past. A number of objections mention criminal damage to vehicles. Following consultation with Warwickshire Police, they have confirmed that in the past 18 months only two incidents were reported (dated 6th January 2010 and 21st May 2010) relating to noise nuisance behaviour from youths. These incidents were some 5 months apart and no other records are held by the police in connection with The Gauntlet Public House. Warwickshire Police have raised no objection to the proposals. Whilst it is difficult to predict the clientele, it is important to note the significant fall back position that exists with the application as the site has a lawful use as a Public House.

I therefore consider the proposal to be in accordance with Policy DP2 of the Warwick District Local Plan 1996 - 2011.

6. Other issues

I have noted that some of the objections relate to the devaluation of residential property. Whilst I note the concern of residents with regards to this issue, particularly in the current decline of the housing market, the devaluation of property prices is not a material planning consideration. As such, I am unable to take these concerns into consideration.

The Town Council have also objected on the grounds of the proposals being compounded by catering noises, delivery vans, extraction fans and cooking smells. It should be noted that the application does not include the provision of extraction equipment or air conditioning equipment and as such, the existing extraction equipment will be utilised. Given that this has previously been in use, I am not able to take this factor into account in the assessment relating to this application.

Another objection received from the Town Council relates to the extended garden area which they consider to be inappropriate and detrimental to the street scene. Having visited the site as it currently stands, there is already a large outdoor seating area fronting Caesar Road. The proposal does not look to extend this in size, but have the addition of park bench style tables along the entrance to the car park. I do not consider the outdoor seating area to have a detrimental impact on the street scene, particularly given that the existing area is very untidy in its present state. As part of the proposals, the applicant is looking to remove the steel bollards along the boundary of the site and replace them with new post and rope balustrading. I consider this will greatly improve

the street scene upon what is currently present and rather an unattractive visual appearance.

In conclusion, whilst I note the objections received from residents and the Town Council, given the significant fall back position that the property has a lawful use as a public house, I do not feel that the proposed alterations sufficiently justify refusal; indeed, I consider the proposals would improve the appearance of this presently vacant site. I also take into consideration the letters of support received from local businesses who feel that the vitality and viability of the local shopping centre will be improved with the additional footfall from the public house.

RECOMMENDATION

GRANT, subject to the conditions listed below.

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 826/05 Rev B, 826/07 Rev A, and specification contained therein, submitted on 5 March 2011 and approved drawing(s) 826/08 and specification contained therein, submitted on 7 March 2011 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

INFORMATIVES

For the purposes of Article 31 of The Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development achieves acceptable standards of layout and design and does not give rise to any harmful effects in terms of impact to neighbouring amenity which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.
