

Planning Committee: 23 May 2023

Item Number: 12

Application No: [W 23 / 0371](#)

Town/Parish Council: Leamington Spa
Case Officer: Millie Flynn

Registration Date: 21/03/23
Expiry Date: 16/05/23

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The Shire Grill, Chesterton Drive, Leamington Spa, CV31 1YJ

Retention of marquee on the patio to the rear of The Shire Grill. FOR The Shire Grill

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

RECOMMENDATION

Planning Committee is recommended to grant planning permission.

DETAILS OF THE DEVELOPMENT

Retrospective planning permission is sought for the erection of a marquee on the patio to the rear of The Shire Grill.

THE SITE AND ITS LOCATION

The Shire Grill is a substantial, detached two storey modern building located in a prominent roadside location within Sydenham, Royal Leamington Spa. The property operates as a pub (Use Class Sui-Generis).

The building is flanked on two sides by public highway. The site benefits from a large parking area and outdoor seating areas.

The surrounding area is predominantly residential with some community buildings in the locality.

PLANNING HISTORY

No relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design

- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking

Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)

Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS6 - Protection of Community Facilities
- RLS13 - Traffic and Transport

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objects to the proposal on the grounds of potential impact on the amenity for nearby neighbouring uses.

WDC Environmental Health: No objection, subject to condition.

WCC Highways: No objection.

Public Response: 188 Comments of support and 18 comments of objection received.

It should be noted that 75 support comments provided no representation.

It should also be noted that 14 comments were located outside of the district.

Reasons for Support

- The proposed facilities will benefit the business.
- Supports community events
- Friendly establishment and staff
- Great food
- Supports a local business
- The site is an integral part of the community
- The proposal is close to existing business
- No late night noise
- No disturbance
- Not out of keeping with the context of the site
- No obstructive views
- No environmental impacts
- Adequate parking on site
- Local asset

Reasons for Objection

- Eye sore
- Noise and Disturbance
- Late night noise
- Proposal not considered appropriate for a residential area
- Not in keeping with the character of the area
- Inappropriate size
- Proposal generates increased levels of traffic
- The proposed materials do not allow for sound insulation
- Overall loss of privacy

ASSESSMENT

The key issues relevant to the consideration of this application are as follows;

- Design and impact on the street scene.
- Impact on the amenity of neighbouring uses;
- Highways safety and Parking.

Design and impact on the street scene

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high-quality layout and design in all developments that relates well to the character of the area.

A number of objections have been received with concerns regarding the impact on the character of the surrounding area the overall size of the proposal.

After reviewing the proposal, it is considered that the proposal would not be out of keeping in the context of this established pub. A marquee is a feature commonly associated with drinking establishments and given the size of the proposal, Officers consider it not to be detrimental to the surrounding streetscene and overall context of the site.

Therefore, it is concluded that the proposals would have an acceptable impact on the character and appearance of the area and is considered to accord with the guidance set out in Policy BE1 of the Warwick District Council Local Plan.

The impact on the amenity of neighbouring uses

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a requirement for development not to result in undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide SPD provides a framework for Policy BE3, which stipulates the minimum requirements for distance separation between properties.

A number of objections have been received with concerns regarding the additional noise and disturbance which is created by the proposal.

The applicant has submitted a supporting statement which outlines the nature of the proposal. It explains that the marquee is used in connection with the restaurant/pub.

The Health and Community Protection Department at the Council have been consulted and raises no objection to the proposal, subject to condition.

An application to vary the existing premises licence was made to Warwick District Council in May 2022 to include the proposed marquee, of which was approved by WDC's Licensing Committee subject to recommended conditions in June 2022.

Since this, Environmental Health has received a number of noise complaints from residents about loud music from events held in the marquee. These complaints have been supplemented by audio recordings of loud music, singing, and amplified voices. Although the premises licence requires the implementation of a noise management plan, the light-weight construction of the marquee provides little in the way of sound reduction, meaning that both amplified and unamplified noise can readily escape. Low frequency noise, e.g., bass, can travel longer distances and is often a cause of noise complaints.

It is noted that the nearest residential boundaries are located approximately 25 to 30 metres away from the marquee. This close proximity presents a challenge in terms of preventing a loss of amenity to local residents whilst also maintaining entertainment noise at a viable volume for customers in the marquee. The complaints received do not appear to raise concern about daytime customer use of the marquee. Similarly, the area of land where the marquee is currently situated would have previously been accessible to customers wishing to sit/use outside.

Therefore, the principle of the marquee from an Environment Health perspective is considered acceptable. The Environmental Health Officer raised concerns regarding the use of the marquee for events which involved amplified voice or music. However, Officers note that an application for the pubs license was submitted in May 2022, by where a condition was implemented to control the sound of music or voices to ensure its not intrusive to adjoining neighbours or at the nearest elevation of any neighbouring residential premises. It should also be noted that the premises as part of its license is also controlled by a Noise Management Plan and controlled hours of operation.

Therefore, in this instance Officers feel that any further concerns are controlled by the condition already implemented on the Premises Licence.

Objection comments have also been received with concerns regarding loss of privacy.

The proposal is set within a relatively large plot and therefore meets the required minimum distance separation as set out in the Council's Residential Design Guide

SPD. Therefore, it is considered that the proposal would not have a detrimental impact of the privacy of neighbouring uses.

As so far, the proposal is considered in accordance with Local Plan Policy BE3.

Highway Safety and Parking

Policy TR1 of the Warwick District Local Plan seeks to ensure that there is a safe and convenient access to serve new development and Policy TR3 and the Parking Standards SPD seeks to ensure that sufficient parking is provided. The proposal should also comply with Warwick District Council's Parking Standards SPD.

Objection comments have also been received with concerns regarding traffic generation caused by the proposal.

The Highways Authority were consulted and whilst they raised no objection in principle, they object to the application pending receipt of further information relating to whether there is sufficient space within the application site to accommodate the additional parking demand for the proposed increase in floor area at the site, as per the Council's Parking Standards SPD.

For the purposes of this assessment, the Council's Parking SPD states that for a drinking establishment of this size, along with the marquee, 31 parking spaces are required, of which it is noted that there is significantly more than the requirement at the site. The applicant has subsequently provided the requested further information that confirms that there are adequate provisions on site, of which exceed the Council's Parking SPD and it is not considered that the development would result in parking issues which would result in users of the property parking in nearby streets.

Therefore, on balance and based on the appraisal of the additional information, County Highways raise no objection to the application.

The proposal is therefore considered to be in accordance with Local Plan Policies TR1 and TR3.

SUMMARY/CONCLUSION

The proposal is considered to have an acceptable impact on the character and appearance of the area. The proposal is also considered to create no additional harm to the amenity of neighbouring uses. There would be no detriment to highway safety, having regard to the safety of both vehicles and pedestrians.

The proposals are in accordance with the aforementioned policies, and it is therefore recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall be retained strictly in accordance with the details shown on the site location plan and approved drawing(s) MARQUEE MANUFACTURER SPECIFICATION submitted on 10th March 2023 and A-P10-001 submitted on 21st March 2023 and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
