

Planning Committee: 01 May 2012

Item Number: 20

Application No: W 12 / 0166

Town/Parish Council: Leamington Spa
Case Officer: Jo Hogarth

Registration Date: 17/02/12

Expiry Date: 13/04/12

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Star and Garter, 4-6 Warwick Street, Leamington Spa, CV32 5LL

Erection of a two storey rear extension, ballustrading to front elevation at first floor level together with alterations to windows at the front FOR Peach Pubs

This application is being presented to Committee due to the number of objections received.

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

Conservation Officer (original plans): "This application is for a new kitchen to the rear of the Star & Garter public house to be located at ground floor but with basement accommodation underneath. The application is also to include railings to the existing flat roof area and change two sash windows to access doors. In terms of the kitchen extension (no plans had been provided with the consultation), I am concerned that a significant section of the rear wall of the property will be removed, together with a large rear window and infilled with a very bland flat roofed extension. This bears no resemblance to the existing building and whilst infilling a gap between an adjacent flat roofed extension of a later date than the original building, it does not in any way enhance the rear elevation of the building. Once plans are available it may be possible to suggest some alternatives. A possible alternative may be to relocate the existing tripartite sash window in the extension and create a better parapet arrangement around the building with a lantern light, rather than the proposed bland extension. In terms of the front elevation I do have some concerns that the flat roof area is to be used as a balcony. Currently there is no public access to the first floor of the public house, if the licensed premises are to be extended upstairs then this needs to be included in the application. If it is purely for a residential use then I would not encourage the use of the balcony. I would also be concerned that the balcony is to be used as a public area as this may encourage umbrellas, tables and chairs at this level. It will also result in the loss of two good sash windows in the facade of this building. If access is required on to the balcony then I would suggest a door is made in to the side elevation of the projecting part of the building and this becomes the access on to the flat roof, rather than spoiling the existing sash windows."

CAAF: "The loss of sash windows to the front and rear would be detrimental to historic integrity of building. More detail needed of the style of the railings."

Environmental Health: No objection subject to noise condition.

Public response(s): 8 letters of objection have been received raising objection on grounds that the use of the first floor at the front of the pub will result in noise and disturbance; the

alterations to the windows at the front will be out of character; increase in parking pressure; smell nuisance from the kitchen and disturbance during works.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

PLANNING HISTORY

The most recent planning application was in 2007 (ref: W07/0622) for a change of use of part of the rear yard to external seating area and construction of a smoking area. This was refused on the following grounds and dismissed at appeal:

"The application site is within a predominantly residential area where policy (DW) H13 of the Warwick District Local Plan (in part) seeks to resist development which would have an adverse effect upon the character and amenity of such areas. Policy (DW) ENV3 of the Warwick District Local Plan requires all development proposals to achieve a high standard of design which harmonises with its surroundings. This is reflected by Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 (First Deposit Version) which states development will only be permitted which positively contributes to the character and quality of its environment and does not have an adverse effect on neighbours' amenities; Policy D9 of that Plan further states that development that would give rise to noise pollution would not be permitted.

The District Council has had regard to the decision of the Planning Inspector in dismissing the planning appeal against the refusal of permission for the conversion of the whole of this rear service yard into a beer garden and patio plus access stairs; reference APP/T3725/A/01/1064401. Whilst noting the reduced scale of the present application, it is considered that the harm identified by that Inspector would remain.

Hence it is considered that the change of use of part of the rear yard as a covered smoking and external seating area would be detrimental to the residential amenities of the occupiers of nearby properties by reason of associated noise, disturbance and the scale of this proposal, and that the proposed development would thereby prejudice the objectives of the aforementioned policies.

KEY ISSUES

The Site and its Location

The site relates to an established Public House known as The Star & Garter. It is located on the south side of the road within the designated Conservation Area with the immediate properties to the side and rear in residential use with commercial uses opposite.

Details of the Development

The proposal seeks to construct a two storey rear extension together with alterations to windows on the frontage at first floor and incorporating metal balustrading. The scheme has been amended to reduce the number of door openings from two to one at first floor level.

Assessment

It is considered that the key issues relating to this proposal to be the impact on the streetscene, impact on neighbours, renewables, and parking.

Impact on the streetscene and Conservation Area

The scheme has been the subject of negotiations with the Council's Conservation Officer and amended plans have been received which address the original concerns. The original plans showed two windows on the front elevation being altered to make door openings; however this has now been omitted and a central door inserted of an appropriate design. As amended it is considered to be acceptable. With regard to the impact of the use of the balcony on the character and appearance of the streetscene, it is considered appropriate to attach a condition restricting the use of tables, chairs, umbrellas and other paraphernalia in order to prevent visual clutter on the frontage affecting the character and appearance of the Conservation Area.

The rear of the public house has been extended in the past which has a flat roof. The design of the extension has been amended to incorporate a rear window and it is considered therefore that the proposed rear extension, which would also have a flat roof and a parapet, is acceptable and would not result in unacceptable harm to the character or visual appearance of the streetscene or wider Conservation Area.

Impact on neighbours

Whilst the objections on the grounds of increased noise and disturbance are noted, Environmental Health have been consulted and commented that there would be no objection subject to a condition controlling noise levels. The upper floor of the public house is to be used as a private hire function room and therefore would not be in continual use. Based on these comments it is considered that the proposal would not result in such significant harm as to justify refusal on these grounds. The use of the balcony area would result in additional noise and disturbance, however, given there is an existing outdoor smoking area at ground floor to the front and side of the public house, any additional disturbance is not considered likely to have any significant adverse effects on nearby residential uses. The extension to the rear is to enable an enlarged kitchen area to be built and would not result in detrimental harm due to disturbance from property subject to a condition requiring details of fume extraction to be agreed. It is considered that the development therefore meets the criteria set out in Policy DP2 in the Local Plan.

Renewables

To comply with the Council's adopted Supplementary Planning Document 'Sustainable Buildings' and Policy DP13 in the Local Plan it is considered that it would be appropriate for 10% of the predicted energy requirement to be generated through renewable technologies and therefore recommend a condition to be acceptable.

Parking

In terms of parking, it is not considered that the development would intensify the use to such an extent that it would increase parking within the immediate area and given the site is close to the town centre and areas of on-street and off-street parking it is considered therefore that the scheme is satisfactory and would not conflict with the objectives of Policy DP8 in the Local Plan.

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 application form, site location plan and approved drawing numbers 02 Rev C and 29 Rev C, and specification contained therein submitted on 18 April 2012, 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.
- 3 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges, balustrade and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : For the avoidance of doubt, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers

specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 5 No development shall be carried out on the site which is the subject of this permission, until details of a fume extraction system have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.
- 6 All balustrade for the development hereby permitted shall be metal and painted black. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 7 The rating level of the noise emitted from activities on the premises shall not exceed the existing background noise level at any time, when measured one metre from the facade, by more than 3dB(A) (measured as LAeq (5 minutes)) at any noise sensitive residential property when measured and corrected in accordance with BS 4142: 1997. If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.
- 8 All new window and door frames shall be constructed in timber and shall be painted and not stained. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 9 Notwithstanding the details in respect of the balcony as shown on drawing number 02 Rev C no tables, chairs, umbrellas or other paraphernalia shall be placed on the balcony at first floor level on the frontage of the Public House and shall remain clear at all times thereafter. **REASON** : To ensure an appropriate standard of appearance and reduce clutter within the Conservation Area, and to satisfy Policy DAP8 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 would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site is located. Furthermore, the proposal would not adversely affect the amenity of nearby residents. The proposal is therefore considered to comply with the policies listed.
