

Planning Committee: 10 November 2015

Item Number: 7

Application No: [W 15 / 1338](#)

Town/Parish Council: Cubbington
Case Officer: Jo Hogarth

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Registration Date: 21/08/15

Expiry Date: 16/10/15

Rugby Tavern, 43 Rugby Road, Cubbington, Leamington Spa, CV32 7HZ
Installation of plant equipment FOR Sainsbury's Supermarkets Limited

This application is being presented to Committee due to an objection from the Parish Council having been received.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

The application is for the installation of plant equipment, incorporating condenser units and air conditioning, in association with the proposed new retail unit which is being considered by Planning Committee at this meeting, reference W/15/1022. It proposes externally positioned units which would be situated at the rear of the building and enclosed by a 2 metre high screen fence.

THE SITE AND ITS LOCATION

The application relates to the Rugby Tavern Public House, which is situated on the north-western side of Rugby Road, in Cubbington. The public house building occupies the centre of the site, with a tarmac car park to the front and a grassed beer garden to the rear. The area to the side of the public house where the shop is proposed to be erected (subject to approval of W/15/1022) is currently occupied by an outbuilding with areas of grass and hardstanding alongside. There are trees and shrubs alongside this area, along the boundary with the adjacent houses.

The site is adjoined by dwellings on three sides and by Rugby Road on the fourth. The Rugby Road Local Shopping Centre is situated on the opposite side of Rugby Road. A pedestrian crossing links the site to the Local Shopping Centre.

PLANNING HISTORY

There have been a significant number of previous planning applications relating to the public house. Most of these are not relevant to the consideration of the current proposals. The most significant of these was a planning permission for

the erection of a play barn in 1998 (Ref. W98/0290). However, this was not implemented.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Cubbington Parish Council: Objects to this application on the grounds that the refrigeration units and air conditioning units will be operating continually and therefore generate a constant noise which will have a detrimental effect on all residents at the rear of the development.

WDC Environmental Health: No objection subject to a condition relating to noise background levels.

Public response: 4 letters of objection have been received on the grounds that there will be constant noise from the plant equipment and that the noise report includes errors. The noise will have a detrimental impact on residents and will become a nuisance.

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- Impact on the living conditions of neighbouring dwellings;
- Impact on the character and appearance of the area
- Health and Wellbeing

The impact on the living conditions of nearby dwellings

The proposal is for externally positioned air conditioning units, condenser and compressor which would be situated at the rear of the building and enclosed by a 2 metre high screen fence. The objections in relation to noise are noted; however Environmental Health have confirmed that the assessment carried out has met the Council's criteria for new plant and equipment and as such would satisfy the

requirements set out in Policy DP9 in the Local Plan. This is because it meets the acceptable levels of noise which are not considered to impact upon the amenities of nearby residential properties to the extent that a refusal of planning permission could be justified. It is considered therefore that it would be difficult to sustain a refusal on these grounds. The distance from the nearest property in Dunblane Drive to the screen fence is 37 metres, whereas the distance to the nearest property in West View Road to the fence is 25 metres. A condition to regulate back ground noise levels is considered appropriate and in this respect the application is considered acceptable.

The alleged errors in the noise report referred to by commentators relate to the assessment criteria which it is suggested are different to those used by Environmental Health. However as stated above, Environmental Health have considered this proposal carefully including the submitted report and are satisfied it meets the criteria against which they assess noise.

The impact on the Character and Appearance of the Area

It is proposed to erect 2.4 metre high gates between the proposed store and the exiting side projection of the Public House. This would significantly reduce any visibility to the proposed plant and air conditioning units within the surrounding area and which would be further screened by the proposed fencing. As such it is not considered that this proposal would result in unacceptable adverse harm to the character or visual appearance of this area and does not warrant refusal on these grounds. The application is considered to adhere to the objectives of Policy DP1 in the Local Plan.

Health and Wellbeing

Other than those matters specifically considered elsewhere in this report, the proposals would not have any significant implications in terms of health and wellbeing.

SUMMARY/CONCLUSION

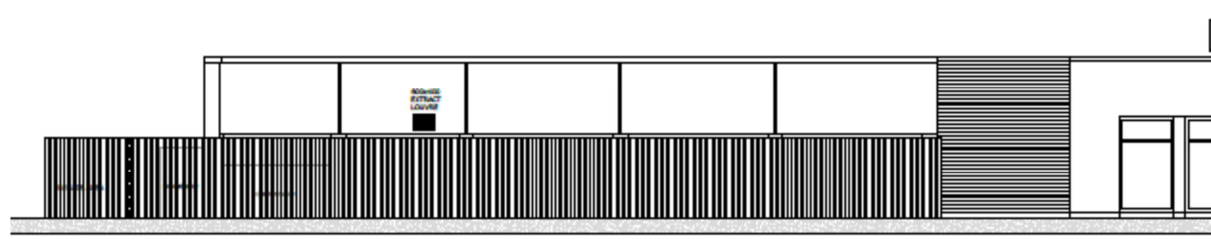
The proposal is considered to be in accordance with the policies contained in the Local Plan and the NPPF and would have an acceptable impact on nearby surrounding residents and character and appearance of the area and it is therefore recommended that planning permission is granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing numbers 301 and 308, and specification contained therein, submitted on 21 August 2015. **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 Noise arising from any plant or equipment at these premises , when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) measured as LAeq (5 minutes). 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 amenity of nearby residents from noise and disturbance and to satisfy the requirements of Policy DP9 in the Warwick District Local Plan 1996-2011.
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PLANT AREA
PROPOSED PLANT AREA SIDE ELEVATION - SCALE 1:50



DELIVERIES
PROPOSED PLANT AREA FRONT ELEVATION - SCALE 1:50

PLANT AREA
PROPOSED PLANT AREA REAR ELEVATION - SCALE 1:50

NOTE: EXTERNAL COMPOUND - THREE FAN CONDENSER UNIT, THREE A/C UNITS WITHIN ACOUSTIC ENCLOSURE, PLUS COMPRESSOR WITHIN PROPRIETARY GRP ACOUSTIC HOUSING UNIT; 2.4 M HIGH HT & HOSS OR SIMILAR. AESTHETIC SCREENING BY DEVELOPER; FINAL DESIGN AND REQUIREMENTS TO BE CONFIRMED;

