

Planning Committee: 29 January 2019

Item Number: 9

Application No: [W 18 / 1984](#)

Town/Parish Council: Radford Semele
Case Officer: Andrew Thompson
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Registration Date: 12/10/18
Expiry Date: 07/12/18

**White Lion, 60 Southam Road, Radford Semele, Leamington Spa, CV31
1TE**

Works to internal main trade area and beer garden FOR Greene King PP

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

RECOMMENDATION

That planning permission be GRANTED subject to conditions

DETAILS OF THE DEVELOPMENT

The application proposes external alterations to the public house and associated beer garden. These are set out as:

A section of new paving will be added to the existing beer garden to match the existing paved area. The existing external painted render will be re painted like for like to maintain the building.

Four new pods are proposed within the existing beer garden area. The pods will provide private seating areas with lighting within. These will provide shelter within the beer garden to allow the space to be used year-round.

A new water feature with heritage brick surround and feature lighting will be added to the existing patio area to create a focal point to the rear.

A new pergola structure will be securely fixed in metal shoes with three quarter height trellis screens to sections. The pergola will not touch the existing listed building.

Canopies in the form of a fabric sails will be strung within the new pergola to create a designated covered seating area. New fixed seating and fixed furniture to the bays will be added to create desirable feature seating areas.

A new lighting scheme is also proposed with wall lights being proposed, the existing lamp posts will be retained, re-decorated and repositioned.

The proposal did include a children's' play area however this has been removed from the proposal in response to comments received.

The application is supported by a Heritage Statement and a Design and Access Statement.

THE SITE AND ITS LOCATION

The White Lion Public House is a Grade II listed building on Southam Road in the medieval village of Radford Semele. The public house is located on the road frontage and extends to the rear in an L-shape. Dating from the Seventeenth-Century, with later Nineteenth-Century alterations and modern extensions, the pub has painted render to the exterior with applied timber posts, though the main structural frame behind is historic timber, with casement windows, thatched roof, and large brick chimney stacks.

The building at the front has a thatched roof with the remaining buildings to the rear being tiled. The public house was damaged by a fire on 2 February 2006 which destroyed the thatched roof and some of the interior.

Externally the beer garden is at the same level as the public house whilst the site levels rise up to the rear with an upper tier of car parking approximately 1m above the beer garden and public house.

To the rear of the car park is Hallfields which is a development of bungalows with landscaping and a close boarded fence forming the boundary. School Lane also has a number of properties which also have a common boundary with the public house and beer garden.

PLANNING HISTORY

There have been a number of planning permissions and listed building consents, since the fire. These include:

W/06/0812 and W/06/0813/LB - Extension to existing outdoor terrace to rear of building with installation of 2 'jumbrellas' and 2 decorative lampposts (retrospective application) - Granted 28/07/2006

W/06/0892/LB - Restoration and alterations to fire damaged building including new thatched roof. Granted 21/07/2006

W/16/1775 and W/16/1776/LB - Installation of a standard type defibrillator equipment to rear/side wall of the Public House - Granted 26/01/2017

W/17/0597/LB - Replacement of rotten timber lintel and repair of ground floor joints to side entrance - Granted 25/05/2017

Internal works associated with the current proposals were the subject of a separate application for Listed Building consent that was approved under delegated powers (W/18/1985/LB).

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- HS8 - Protecting Community Facilities (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Radford Semele Parish Council - Object - impact of the play equipment, possible excessive noise and disturbance and late at night, and impact on the amenity of the closest neighbours. Other play equipment is available in the village.

Warwickshire County Council Highways - No objection

Warwickshire County Ecological Advisor - No objection however recommend notes relating to bats, hedgehog and nesting birds. Recommend that no materials are stored in root protection areas.

Health and Community Protection – Safer Communities Section - No objection

There have been a total of 9 letters of objection received to the consultation on the original proposals and the amended scheme. Some residents have written more than once. The grounds of objection include -

1. The proximity of play equipment to houses
2. No need for play equipment at a public house.
3. Impact of lighting on neighbours amenity
4. Increase in light pollution.
5. Noise and disturbance impacts from outside diners and music.
6. Traffic in the area.
7. Safety of the access.
8. Consultation [N.B - Consultation letters to School Lane properties appear to have arrived later than others]

ASSESSMENT

The key determining issues relating to the consideration of this application are:

- The Principle of Development
- Impact on the Character of the Area and Heritage
- The relationship to neighbouring properties
- Highways and servicing
- Ecology, Trees and Wildlife

The Principle of Development

Policies SC0 and DS3 set out to support prosperous communities which includes supporting social infrastructure and communities to sustain themselves alongside the provisions to respect heritage. Policy HS8 seeks to protect from the loss of community facilities and recognises the role of public houses in providing such facilities whilst Policy DS5 seeks to support sustainable development in balancing the economic, social and environmental considerations of development proposals.

The application site is an existing public house within the village boundaries. The site is located on a main road with good access to public transport. The White Lion appears to be the principal public house for the village.

The proposals to improve and enhance the public house are therefore acceptable subject to the consideration of detailed aspects and would be in accordance with the aims of Policies SC0, DS3, DS5 and HS8.

Impact on the Character of the Area and Heritage of the Public House

Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act requires special regard to the historic character of listed buildings. Policy HE1 of the Local Plan sets similar aims. Policy BE1 of the Local Plan also requires attention to be paid to the character of the area and architectural detail. The aims and objectives of the National Planning Policy Framework are also considered in respect of conserving the historic environment and achieving high quality design.

The public house is a prominent Grade II listed building to the area and plays an important role in the street scene. The asset is therefore considered to be significant despite the fire damage.

The existing public house has a patio and grassed beer garden with picnic tables and lighting (installed following planning permission and listed building consent in 2006). The proposals would introduce four new spherical pod style seats, a new pergola, an additional patio area and improved circulation areas together with redecoration of the existing lighting and new lights with new fencing to the car park. The pods would be positioned against the existing grass banking away from the public house in the existing grassed area approximately 7.6m from the existing bottle store and 13.9m from the extension containing the rear entrance from the bar.

The application originally included a proposed play area on the upper level of the car park which has been removed from the proposal.

The Council's Conservation Officer raises concerns with regard to the pod features and the increased fenestration detail and the impact on the listed building and proximity of the pergola. The Conservation Officer however supports the remaining detail. It is considered that the harm would be less than significant to the asset.

The pods would be set at the furthest point from the bar within the confines of the existing beer garden. The pods would be some 2m in diameter and would contain their own lighting and heating equipment in the roof.

The pods would be a largely glazed feature with seating. So whilst understanding the concerns of the Conservation Officer, the separation and design of the proposals would result in less than substantial harm. The proposed pergola is not attached to the listed building and whilst the proposal is close to the rear facade of the bar, the proposal would be lightweight and limited in scale. Further the proposed alterations would be to the rear and would not be readily visible from the public domain.

Therefore it is considered that the proposals would cause less than substantial harm and limited harm to the character of the listed building.

Having considered the proposals, it is considered that there are significant public benefits associated with enhancing the viability of the public house. These benefits outweigh the less than substantial harm to the heritage asset. The proposals would be in accordance with Policies HE1 and BE1 of the Local Plan and the aims and objectives of the National Planning Policy Framework and would be acceptable.

The relationship to neighbouring properties

Policy BE3 of the Local Plan seeks to ensure that development does not adversely impact on the amenities of neighbours. The National Planning Policy Framework at paragraph 127 seeks the same aim. The comments of neighbours have been carefully considered. Many of the comments received related to the previously proposed play area (now removed) and the relationship to neighbouring properties. Residents also raise concern regarding the level of activity, music and impact of the proposed pods.

The existing beer garden is set at a lower level than properties to the rear on Hallfields which is the same level as the upper tier of car parking. The beer garden is separated from the properties in Hallfields by the car park.

The existing boundary between the public house and the adjacent properties in School Lane is formed by landscaping, trees and fencing. Some planting and landscaping is more substantive than in other parts of the boundary.

The nearest pod would be approximately 7.25m from the boundary with the properties in School Lane and would be approximately the same height as boundary treatment and therefore there would be limited visual impact from the existing situation. The gardens of the School Lane properties are approximately 25m in length.

Taking account of the physical relationship and the intervening boundary treatment and separation from the boundary and the existing circumstances of the beer garden, the proposals would not impact on the relationship to neighbouring properties. Control over the installation of formal acoustic equipment within the pods can be conditioned.

As such, taking account of all material circumstances, the proposals would not significantly or materially impact on the amenities of neighbouring properties, and would be in accordance with Policy BE3 of the Local Plan.

Highways and servicing

Policies TR1 and TR3 of the Local Plan seek to ensure appropriate levels of car parking and seek to ensure that proposals do not impact on highway safety. The Parking Standards SPD is noted in terms of the amplification to the guidance. In accordance with the National Planning Policy Framework, highway safety should only be used as a reason for refusal where the impact would be severe.

The comments of Highways Officers were submitted when the proposed play area would have removed some of the car parking provision. There are approximately 63 car parking spaces on the existing car park. This would be in excess of the standard set in the Council's Guidance which seeks a provision of 1 space per 20sqm which would equate to a standard of approximately 20 spaces.

Taking account of the comments of the Highway Authority therefore there is now no impact on parking provision and the objections have been overcome and Highways Officers now raise no objection.

The proposals would be in accordance with Policy TR1 and TR3 of the Local Plan.

Ecology, Trees and Wildlife

Policy NE3 of the Local Plan requires the protection of biodiversity as part of development proposals. The area affected by the application is currently a grassed area with picnic tables associated with the beer garden. The County Ecological Advisor comments that appropriate notes should be added in relation to bats, hedgehogs and nesting birds.

There is one tree close to the boundary located within the boundary of the neighbouring residential garden and others close to the front and rear of the site. None of the trees are affected by the proposed development.

Overall the proposals would not impact on trees or protected species and subject to appropriate conditions the proposals would be in accordance with Policy NE3 of the Local Plan.

CONCLUSION

The proposals have been carefully considered against the comments received and amendments have been secured to remove the primary area of concern for neighbouring residents. The proposals are considered to be appropriate in the context of the historic setting of the public house and the proposals would not significantly or materially affect the amenities of neighbours. The proposals are therefore considered to be in accordance with policies of the Development Plan and the National Planning Policy Framework as a material planning consideration.

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(s) 2396 - 201 REV A, 2396 - 202 REV A, 2396 - 203, 2396 - 204, 2396 - 206 REV A, 2396 207 Rev A, 2396 - 209 and specification contained therein, submitted on 12 October 2018 as amended by drawings received on 26 November 2018. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies HE1, BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 No amplification equipment shall be installed in the garden seating pods hereby permitted. **REASON:** To safeguard the amenities of the occupiers of adjoining premises.
 - 4 No fires shall be lit within 10 metres of the nearest point of the canopy of any tree(s) on or adjacent to the application site; no equipment, machinery or structure shall be attached to or supported by a tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE3 of the Warwick District Local Plan 2011-2029.
 - 5 Prior to their installation, details of the manufacturer details and method of fixing of the proposed wall lights shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. **REASON:** In the interests of the character of the listed building and in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029.
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