

PLANNING COMMITTEE 3 March 2015

OBSERVATIONS RECEIVED FOLLOWING PREPARATION OF AGENDA

Item 5: W/14/1834 - 27 Radford Road

Clarification: the conclusion of the report should read *'The proposed addition of one bedroom to the existing 6 bed HMO is not considered to result in significant harm to a degree that would warrant a recommendation of refusal'*

Item 9: W/14/1757 3 Haseley Court

Beausale, Haseley, Honiley and Wroxall Parish Council requests that their full written response advising of their reasons for supporting the application which are as follows be set out in full:-

"The Parish Council considers that the proposed building clearly falls within the exceptions in paragraph 89 of the NPPF. The final bullet point permits limited infilling on previously developed sites which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The exception relates to new buildings, without being prescriptive as to the use of the building. In this case, the new building is limited infilling within an existing residential curtilage, itself within a group of buildings that form the Haseley Court development. It would have no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. There is no conflict with the fundamental aim of Green Belt policy set in paragraph 79 of the NPPF of preventing urban sprawl by keeping land permanently open. The presumption in favour of sustainable development, set out in paragraph 14 of the NPPF, supports the grant of planning permission. The Parish Council considers that no useful planning objective would be served by a refusal of planning permission and, accordingly, re-affirms its support for the proposal."

Item 10: W/14/1840 - 89 Leam Terrace

Further comments have been received from the occupants of 91 Leam Terrace following the submission of amended plans. These comments raise concerns about the height of the side wall nearest to their property which has increased from 3 metres to 4 metres which will block out further light to their property and make their side access more oppressive. It is requested that if permission is granted, application the plans are modified to reflect the original single storey side wall height of 3 metres.

Item 11: W15/0020 – Unit 3, Regent Court, Leamington Spa

Amendments to conditions

Condition 6 has been corrected to reflect the 2100 hours use restriction that has been sought by Cote. The 1930 hours restriction is retained for the other external seating areas that have previously been approved.

Condition 11 has been corrected to include Unit 3 in the final paragraph in relation to canopies.

Further comments

Environmental Health have made the following comments:

The applicant is seeking to create an outdoor seating area for up to 32 covers and operating until 21:00. After granting consent for the change of use from retail to restaurant units at Regent Court, Environmental Health has received regular nuisance complaints about the development including noise from premises and the general activity of people through the Regent Court / Livery street area. Unfortunately, our complaint records are not specific enough to provide an accurate representation of whether these complaints relate solely to the use of outdoor seating as opposed to the general movement of people through Regent Court during the late evening and night time. As Regent Court is still in the process of redevelopment, the true extent of disturbance from the use of outdoor seating is still unknown. This is mainly due to the number of restaurant units that are still yet to be occupied and restaurants that have only been operating for a matter of months, therefore we have yet to experience a summer trading period where the current outdoor seating arrangements have been fully utilised.

Between April 2013 and mid-2014, Environmental Health received a number of complaints about the outdoor seating area for Nandos which was originally temporarily granted until 22:30. These complaints included the moving of furniture in the late hours, therefore the requirement to ensure that furniture remains in-situ and the adoption of the operational management plan is pertinent in this instance. These issues were finally resolved after the outdoor seating arrangements were reviewed and subsequently reduced back to 19:30, in line with the remaining units at Regent Court. All of the existing restaurant units within Regent Court are currently restricted to a 19:30 cessation of outdoor dining,

Officers have attended a number of residents' properties during the evening to observe the impact of the general pedestrian traffic through Regent Court following the redevelopment as a restaurant quarter. The level of noise witnessed from within these properties has noticeably increased and has been found to be intrusive during the late evening. From an Environmental Health

perspective, the later the use of outdoor dining areas there is an increased likelihood of justifiable complaints being received from residents.

It is clear that the nature of the Regent Court area has altered since the change of use of retail units to restaurants. This has had an impact on noise levels in the area, particularly in the evenings. As the area becomes busier at night it becomes more difficult to distinguish between 'street' noise and the noise arising from particular premises' seating areas. Balancing what is acceptable for a specific application therefore becomes more difficult. What we can say is that the current 19.30 restriction applies one level of control and that we receive complaints about this situation. Allowing additional outdoor seating for will impact on the noise levels because of the increased overall activity but it would be difficult to argue that this would be unacceptable in itself, in view of the changed character of the area.

The application to allow outdoor seating until 21.00 increases the potential for the cumulative impact of noise from general disturbance to affect residents later into the evening. It is not clear that statutory nuisance would result from this individual application, not least because the baseline for assessing this has changed as the character of the area has changed. For this reason we do not object to this application but Members will need to take a view on whether what is applied for might unacceptably alter the existing character of the area.

Item 13: W/14/1569 Mallards Reach, Barford Road

In order to protect the amenities of the existing residential property, Mallards Reach, an additional condition is proposed requiring that the proposed alterations to that property be completed prior to the occupation of the new dwelling house.

Ecology have raised no objection to the scheme, subject to a bat note.