

Planning Committee 13 September 2016
Report of the Chief Planning and Development Officer



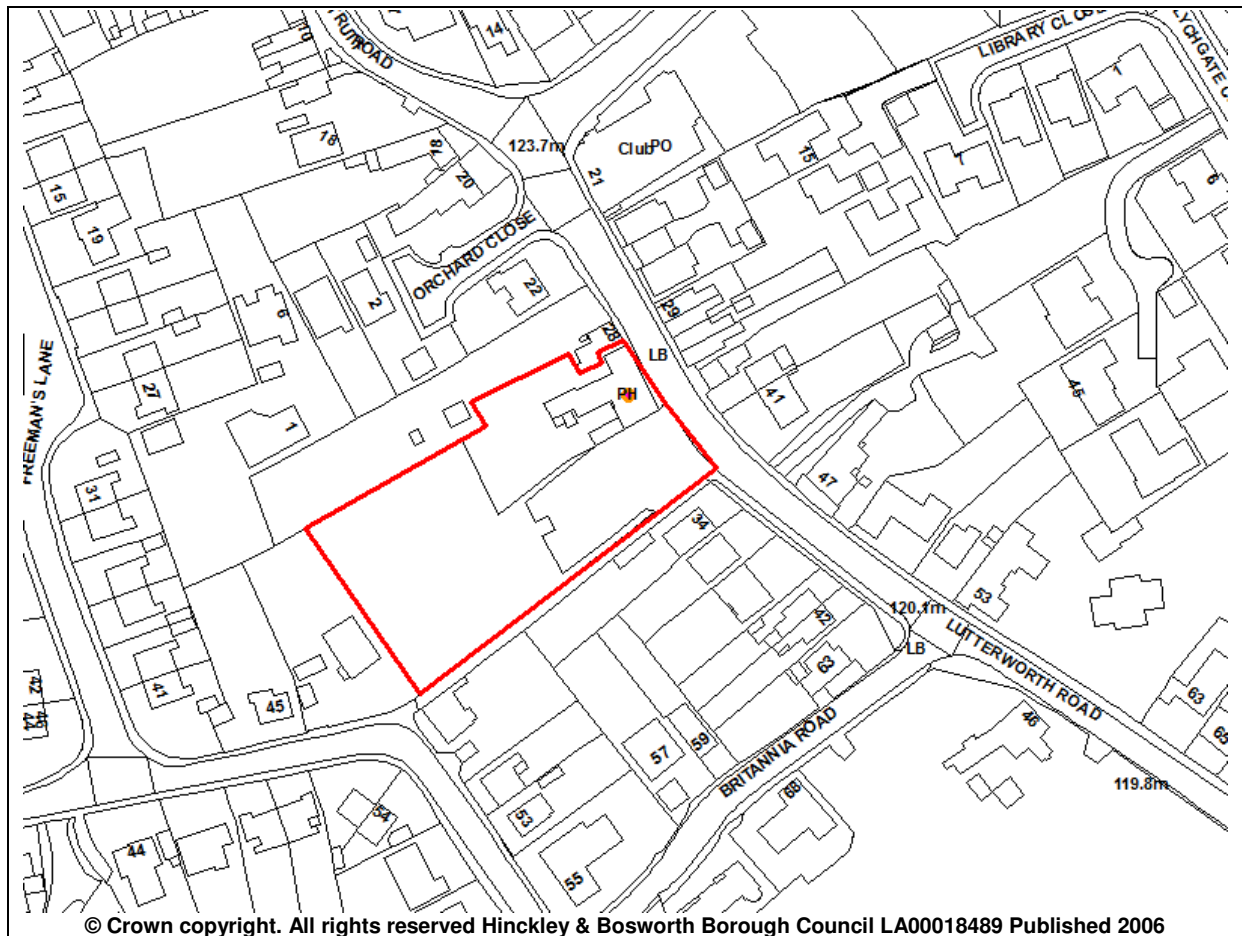
Hinckley & Bosworth
Borough Council

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Planning Ref: 16/00576/FUL
Applicant: Mr Roger Bell
Ward: Burbage Sketchley & Stretton

Site: Chequers Inn 30 Lutterworth Road Burbage

Proposal: Erection of play area, play equipment, decking and timber framed structure (retrospective)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. The applicant is seeking retrospective planning permission for the erection of a play area, play equipment and additional decking to be used as an additional area for outside seating. The play area is located to the rear of the public house; in the western corner of the beer garden and is surrounded by a 1 metre high timber picket fence. The maximum height of the play equipment is 3.4 metres. The surrounding surfacing is timber bark. Adjacent to the public house additional

decking has been erected with open ended, timber post and rails which has a finish as a pergola. The decking area provides additional seating for users of the public house.

3. Description of the Site and Surrounding Area

- 3.1. The Chequers Inn is a public house and is located within the settlement boundary of Burbage. The public house is located adjacent to the main street of Lutterworth Road. To the north of the site the public house is adjacent to a residential property of 28 Lutterworth Road; to the south of the premises is the existing car park for the public house. On the opposite side of Lutterworth Road there is a row of terraced houses. To the west and to the rear of the public house there is a large open space which is all within the ownership of the public house with the rear garden to a detached house on xx running along the boundary with the premises.

4. Relevant Planning History

- 4.1. None relevant.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

- 5.2. Responses from four separate addresses have been received objecting to the application on the following grounds:

- 1) The height of the structure towers over the fence and is covered in flashing lights
- 2) More people, outside to the rear of the public house, causing an inconsiderate amount of noise to neighbours
- 3) The temptation of playing music outside until late in the evening to attract people to the premises would cause disturbance to neighbours
- 4) Additional outside seating create more capacity at the premises which increase parking issues, in particular leading to customers parking outside of residents properties.

6. Consultation

- 6.1. Burbage Parish Council has objected to the proposal because the timber structure protrudes significantly above the boundary fencing and has an overbearing impact. Flashing lights on the structure are causing significant disturbance to neighbours. Within the decking area a large chimney creates smoke/odour pollution to adjacent properties. Appears that a historic hedgerow has been removed to facilitate the landscaping changes to the site.

- 6.2. No objection has been received from:

Environmental Health (Pollution)
Environmental Health (Drainage)

- 6.3. Leicestershire County Council (Highways) have provided no comments on the application.

7. Policy

7.1 Core Strategy (2009):

- Policy 4: Development in Burbage

7.1. Site Allocations and Development Management Policies DPD (adopted July 2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area and neighbouring residential amenity

Assessment against strategic planning policies

8.2. Policy DM1 of the adopted Site Allocations and Development Management Policies DPD (SADMP) and paragraph 14 of the NPPF provide a presumption in favour of sustainable development and state that development proposals that accord with the development plan should be approved.

8.3. The site is located within the settlement boundary of Burbage which is defined as an Urban Area within the SADMP. In functioning terms, Burbage acts largely as an extension to the Hinckley urban area. Development in this area therefore provides an important opportunity to support Hinckley's role as a sub regional centre, whilst recognising that Burbage is a settlement in its own right with individual characteristics and needs.

8.4. The proposed development is contained within the rear garden of the existing public house which is located within the settlement boundary of Burbage. The proposal is considered to comply with the National Planning Policy Framework, as it would contribute towards sustainable development, as it is an additional outside seating area that offers economic, social and environmental benefits. The outside seating area would contribute economically as more people can use the facility which can in turn increase the trade of the premises. Socially it gives local people more choice at the site and a suitable environment for people to enjoy. It is considered that the proposal is to be sustainable and is therefore considered acceptable in principle subject to all other planning matters being adequately addressed.

Impact upon the character of the area and neighbouring residential amenity

8.5. Policy DM10 of the adopted Site Allocations and Development Management Policies DPD (SADMP) states that development will be permitted providing it will not have a significant adverse effect on the privacy and amenity of nearby residents. The additional outside seating will encourage more customers to use the outside space which could result in more noise being generated. A concern has been raised that music could be played in this outside space. To prevent this from becoming a matter that would have a significant impact on neighbouring residential

amenity it would be appropriate to attach a condition to ensure no music is played outside. Environmental Health (Pollution) has no objection to the application, subject to conditions. It is considered that with suitably worded conditions the proposal would accord with Policy DM10 of the SADMP.

- 8.6. Local residents have also raised issues that there are a number of flashing lights on the decking area and that this is causing a disturbance to residents. Policy DM10 of the SDAMP states that developments should not affect neighbouring properties, therefore with flashing lights on the decking area and adjacent to residential properties this could affect the neighbouring amenity of residents. To address this impact, a suitably worded condition can be imposed to ensure that no artificial lighting is used on the outside area surrounding the decking area. This would also ensure that there is no adverse impact on neighbouring amenity in accordance with Policy DM10 of the SADMP.
- 8.7. The play equipment has a maximum height of 3.4 metres and is situated to the rear of the beer garden and is set in from the west boundary which is screened by fencing to the south east of the site. The play equipment will be partially visible from neighbouring properties but opportunities for overlooking of neighbouring properties will be limited due to the planting surrounding the site and the closest building outside of the site to the play equipment appears to be an outbuilding which is 15 metres to the north of the site. To the east of the site, the nearest residential property is 40 metres away. Also due to the fact that the structure is surrounded by fencing and planting, there are limited views to/from the play equipment. It is therefore considered that the development accords with Policy DM10 of the SADMP.
- 8.8. Policy DM10 of the SADMP states that development should complement or enhance the character of the area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.9. The physical appearance of the outside decking area would be in keeping with local character, constructed from timber posts which are of a suitable scale and design, complementing the surrounding area. The play area equipment is located to the rear of the public house and there are limited views of the equipment from any public vantage point. The play equipment has been constructed from timber and is of suitable design and scale which complements the surrounding area. Therefore, it is considered that both elements of the development are in accordance with Policy DM10 of the adopted SADMP.

Other Issues

- 8.10. Concern has been raised with regard to a chimney that has been erected within the beer garden which is creating smoke and odour concerns for nearby residents. This has been raised with the applicant and the Council is investigating this separately through the planning enforcement process. The structure is not part of this application and its merits are not considered in this planning assessment.
- 8.11. Residents have raised a concern that with additional seating the public house will become more popular which will then result in more people parking on Lutterworth Road. This concern has been raised with Leicestershire County Council (Highways) who have raised no further concerns in relation to this comment.
- 8.12. The final concern raised is that the applicant has removed an existing ancient hedgerow in order to facilitate this development. Under the Hedgerow Regulations

1995, a hedgerow adjacent to a residential boundary is not classed as important and is therefore not protected. Even though the removal of a hedgerow will make the structures slightly more visible when viewed from neighbouring properties, the material considerations in regard to its impact on the character of the area and on residential amenity has been considered elsewhere in this report. Appropriately worded conditions are to be imposed to ensure there is no significant adverse impact on neighbouring residential properties as a result of the development.

9. Equality Implications

- 9.1 Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-
(1) A public authority must, in the exercise of its functions, have due regard to the need to:
(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equalities Act 2010 in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3 There are no known equality implications arising directly from this development.

10 Conclusion

- 10.1 The applicant is seeking retrospective planning permission for the erection of a play area and equipment and decking area for additional outside seating. The use of the outside area will have some impact on nearby residents. However, having carefully considered the issues which have arisen in response to consultation on the application, as well as responses from technical consultees, it is considered that with suitably worded conditions the development will accord with relevant planning policies. The development has been constructed out of timber both in terms of the play area and the outside seating area, and complements the surrounding area with regard to scale, design and materials. It is therefore considered that the development meets the provisions of Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

11 Recommendation

- 11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

11.2 Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Plan and Site Location Plan (Drawing Number: 16-201-01, Scale: 1:1250), Proposed Plans and Elevations (Drawing Number: 16-204-02, Scale: 1:00) received by the Local Planning Authority on the 22 June 2016.

Reason: To ensure a satisfactory appearance and impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

2. No equipment either for the amplification of sound or for the playing of recorded music shall be operated and no live music shall be played outside of the public house building.

Reason: To protect neighbouring residential amenity in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

3. No means of external artificial light shall be installed or operated on the site at any time on the play equipment or the outside seating area.

Reason: To protect neighbouring residential amenity in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

11.3 Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.