

SUBJECT DEVELOPMENT APPLICATION REPORTS ITEM 7

REPORT OF Head of Planning & Building Control

APPLICATION NO.	P08/W0358
APPLICATION TYPE	FULL
REGISTERED	08.04.2008
PARISH	CROWMARSH GIFFORD
WARD MEMBER(S)	Mr Nicholas Odd
APPLICANT	Greene King
SITE	The Bell 79 The Street Crowmarsh Gifford
PROPOSAL	New smoking shelter. (As amended by Drawing Nos. 102A, 103, 104, 105A, 106, 108 and 109A accompanying email from Agent dated 15 May 2008). As amended by drawing numbers 102 rev B, 109 rev A, 105 rev B, 5499-08.100 Rev C, received on 24 June 2008.
AMENDMENTS	
GRID REFERENCE	461746189238
OFFICER	Mrs E Hamerton (W)

1.0 INTRODUCTION

- 1.1 This application is referred to Committee as the Officer's recommendation differs with the views of Crowmarsh Parish Council.
- 1.2 The application site is shown on the OS extract **attached** at **Appendix A**. The building on this site is a public house and is Grade II Listed. The building abuts the street. To the west and north is a car park area, to the east, wrapping around to the north is a garden associated with the pub, which has a number of table and chairs and a children's play area. Running along the northern boundary of the site is a public footpath
- 1.3 To the west of the main building there is an existing smoking shelter, this structure is predominately glazed and has been partially screened by some decorative ivy. It has a hexagon plan form and is approximately 3m by 3m. This structure does not have planning permission and it is therefore currently unlawful.

2.0 PROPOSAL

- 2.1 The amended application is for full planning permission for the erection of one smoking shelter to the west of the main building. The plans are **attached** at **Appendix B**. It will replace the existing unlawful shelter and will be in a similar position.
- 2.2 The proposed shelter will be constructed from oak with a plain clay tiled roof. It will be larger than the existing shelter, measuring some 3.5m by 3.5m and will have a square plan form. The south and west elevation of the structure will be boarded, enclosing these sides of the shelter, there will be a window in the south elevation. The north elevation of the shelter will be open and the east elevation will be some 0.80m away from the wall of the pub.

3.0 **CONSULTATIONS & REPRESENTATIONS**

County Archaeological Services – No objection

- This proposal does not appear to affect any presently know archaeological sites.
- Records do indicate the presence of known archaeological finds nearby.
- If archaeological finds do occur during the development the applicant is asked to notify the County Archaeologist. (Standard Information as opposed to condition recommended).

OCC Countryside Service – Footpaths – no objection

- A public footpath runs along the northern boundary of the site. The footpath should not be affected by this development. (Standard Informative as opposed to condition recommended).

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Conservation Officer – no objection

- No objection to amended plans - replacing the existing shelter with one that is constructed from more traditional materials.
- Locating it adjacent to the west facing elevation appears to be acceptable as the views of the historic core of the building will not be interrupted and the design and materials are more sympathetic to the context of the listed timber framed building.

Environmental Health Officer – no objection, subject to conditions

- Concerns about noise from the area potentially disturbing the surrounding local residents. Customers congregating outside licensed premises have the potential to create significant noise problems, particularly when residents are located in close proximity.
- Objected to the original application due to the size of the shelter. Now satisfied that a smaller shelter if appropriately managed would not be unreasonable.
- Recommended conditions including, the roof and walls to be constructed to form solid acoustic barriers no seating permitted in the shelter, no heating and signs to be erected to request customers respect the needs of local residents.

Crowmarsh Parish Council – Object

- No objection to original plans, subsequent objection received
- It appears to be more than a smoking shelter with the inclusion of heaters and seats could be deemed an extension to the public house.
- The proposal could generate an unacceptable noise and nuisance to the neighbouring dwellings.

Neighbours

Original plans – 4 letters of objection received

- The location and increased size of the shelter will increase the noise and disturbance levels from the pub as well as being a visual degradation to my property
- A better location would be at the back of the pub where it will only impact on the pub
- Since the smoking ban came into effect we have been adversely affected
- Should the shelter have permanent seating and heaters, it would be used 365 days a year and would mean customers, smoking or otherwise could sit warm and comfortable just a few metres from our bedroom window and make noise all night.
- This will lead to a lot more noise

Amendment 1 – 2 letters of objection received

- This amendment has done little to improve the previous
- The building should be round the back of the building
- The situation currently affects us it will be much worse if this application is granted.
- Remain strongly opposed to this development even with the revisions the proposal to board in the side of the shelter will not impact upon the key points from my earlier objection.
- There will be a particular problem in the summer months when people are more likely to congregate outside whilst those of us whose properties adjoin the pub will have bedroom windows open.

Amendment 2 – 1 letter of representation received

- The latest set of amendments are a huge improvement on those previously submitted
- There are still far more considerate places this shelter could be located
- The Council should consider a 11pm curfew on the outside area
- Dense hedging should be planted around the smoking shelter to improve the noise problem

4.0 RELEVANT PLANNING HISTORY

4.1 None relevant to this application.

5.0 POLICY & GUIDANCE

- 5.1 G6 Promoting good design
CON5 The setting of listed buildings
CON14 Archaeology
EP2 Noise and vibrations
EP3 Light pollution

South Oxfordshire Design Guide

- PPS1 Delivering Sustainable Development
PPG24 Planning and Noise
PPG15 Planning and the Historic Environment
PPG16 Archaeology and Planning

6.0 PLANNING CONSIDERATIONS

6.1 The planning issues that are relevant to this application are:

1. Impact on neighbours
2. Impact on the character and appearance of the street scene / design
3. Impact on the setting of the listed building
4. Archaeology
5. Any other matters

6.2 Impact on neighbours

Policy EP2 of the adopted Local Plan states that proposals which would by reason of noise have an adverse effect on existing or proposed occupiers will not be permitted, unless effective mitigation measures will be implemented. Where appropriate conditions will be imposed to control noise levels.

- 6.3 Your Officers are concerned about the noise from the area potentially disturbing the surrounding local residents. Customers congregating outside licensed premises have the potential to create significant noise problems, particularly where residents are located in close proximity. There a number of properties in close proximity to the proposed smoking shelter. Number 86 The Street is opposite the site and is approximately 30m from the proposed shelter. Number 69 The Street is next to the site and is some 25m away, number 77 The Street is also next to the site and is approximately 45m away. There are also other neighbours, Number 1 Old Reading Road, 84 The Street and 83 The Street that are also in close proximity to the site.
- 6.4 The Parish Council are concerned that the proposal could generate an unacceptable noise nuisance and that it appears more than just a smoking shelter and could be an extension to the public house. The Environmental Health Officer objected to the original application and first amendment due to the large size of the shelter and the number of people this could accommodate. However, the size of the shelter has been significantly reduced and a condition is recommended that prohibits any heaters which could discourage people staying in the shelter for longer periods. Therefore, with appropriate conditions your Officer's consider the shelter will not have any adverse effect on the occupiers of adjacent properties and is acceptable in accordance with Policy EP2 of the adopted Local Plan.
- 6.5 **Impact on the character and appearance of the street scene / design**
The shelter will be constructed with an oak frame with a clay tiled roof and feather edged boarding on the sides that will be enclosed. These details are sympathetic to the character of the listed building and the surrounding area and is acceptable in accordance with Policy CON5 of the adopted Local Plan.
- 6.6 The shelter will be visible from the street and will have an impact on the character and appearance of the street scene. However given the size of the shelter and the materials that it will be constructed from, it will not have a harmful impact on the character and appearance of the street scene. This accords with Policy G6 of the adopted Local Plan and advice set out in the South Oxfordshire Design Guide.
- 6.7 **Impact on the setting of the Listed Building**
The main pub building is Grade II Listed. There is no objection to a smoking shelter in this location as views of the historic core of the building will not be interrupted and the design and materials are sympathetic to the context of the listed timber framed building. This is in accordance with Policy CON5 f the adopted Local Plan. As such, this is acceptable.
- 6.8 **Archaeology**
The proposal does not appear to directly affect any presently known archaeological sites. However Oxfordshire County Council's records do indicate the presence of known archaeological finds nearby. If archaeological finds do occur during the development, it is recommended that a standard informative is attached to the permission which advises the applicant to notify the County Archaeologist if any finds do occur during the construction phase
- 6.9 **Any other matters**
As the existing shelter on to the west of building is unlawful, it is recommended that a condition requiring its removal within 4 weeks from the issue of the planning permission is applied.

7.0 **CONCLUSION**

7.1 The application proposal would comply with the relevant Development Plan Policies and that, subject to the attached conditions, the proposed development would not be harmful to the setting of the listed building or the amenities of the occupiers of nearby residential dwellings.

8.0 **RECOMMENDATION**

That planning permission is granted subject to the following conditions:

1. **Commencement 3 years**
2. **The existing shelter on the site shall be removed within 4 weeks of this permission**
3. **Samples of the materials to be submitted**
4. **The roof and walls to the south and west elevations of the structure must be constructed to ensure they form solid acoustic barriers. There must be no gaps in the structure (walls and roof) and the walls must be constructed to ensure there are no gaps above or below them.**
5. **No seating or heating is permitted in the structure**

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