

**Application Number: FUL/2019/0455**

**The Mill Pool Hipswell Highway**

**Erection of booth structure (form of garden shed), cut back existing fence with replacement of new timber planters, seating arrangement and associated works (Amendment to application FUL/2016/1815)**

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**WITHIN GREEN BELT? No**

**VISIBLE FROM GREEN BELT? No**

**WITHIN CONSERVATION AREA? No**

**LISTED BUILDING? No**

**POLICY GUIDANCE**

The Coventry Local Plan 2016 to 2031 has been adopted on 05/12/2017. Policies that are relevant include: DE1, DS3, H5, CO1, R6, AC1  
NPPF 2019

**ADDRESS AND DATE OF NEIGHBOUR NOTIFICATION**

Notification letters sent as per the communications report.  
Site notice erected 5/4/19.  
No representations received.

**RELEVANT HISTORY**

FUL/2018/3038 New external fixed booth structures to the rear in the form of a garden shed, cut back existing fence and replace with new timber planters and seating arrangement. Alter and adapt existing external steps up to raised grass level and fix new steel posts to support festoon lighting over terrace. Form new external pair of doors to rear with steps and balustrade. To the front cut back existing timber smoking shelter and infill with balustrade height timber panels between existing posts. Form new extension with access hatch and canopy over to serve pizza from newly installed pizza oven internally. Flue from pizza oven directed through new extension flat roof and hidden via mansard roof arrangement (amendment to application FUL/2016/1815 granted 09.09.16) WITHDRAWN

**CONSULTATION RESPONSES**

Environmental Protection: Objection – noise report is insufficient and there are odour concerns

**ISSUES**

**Site description**

The application site related to an existing public house situated on the corner of Binley Road and Hipswell Highway and includes an area of parking to the north and east. To the west are residential dwellings, and on the opposite side of Hipswell Highway is a fire station.

### **Proposal**

Planning is sought for the erection of seven booth structures to the far south western boundary. The works would involve the cut back of existing fencing which abuts residential dwellings, replacement of timber planters, erection of a pizza oven and associated works.

The pizza oven is proposed to the eastern elevation which forms the principal elevation of the site. The current area is in use as a seating area. The proposed booths are to be situated on the western boundary. This area currently comprises a low level fence and is set at a higher level than the existing car park. Following a site visit it was confirmed the area is used as a smoking area.

### **Principle**

In terms of Policy CO1 the scheme will support an existing and established public house. The site is accessible and the scale of development is appropriate in relation to the public house, although it is incompatible with nearby uses – in this case immediately adjoining residential properties. The scheme is therefore contrary to Policy CO1.

Policy R6 'Restaurants, Bars and Hot Food Takeaways' requires new A3, A4 and A5 uses to be located within defined centres. The site is not in a defined centre; however it is an existing and established public house and the Council are therefore supportive of the development of the existing business. Applying the safeguards of Policy R6 it is considered that this proposal would result in significant harm to the amenity of adjoining occupiers.

As the applicant has failed to demonstrate that the scheme will not result in significant harm to adjoining occupiers the scheme is considered unacceptable in principle. This is dealt with in greater detail in the 'Neighbours' amenity' section of the report.

### **Siting/design**

Although visible from the streetscene, the erection of the booth and associated alterations will have limited impact upon the character of the building or the visual amenity of the streetscene. Condition could be applied to agree materials.

### **Neighbouring amenity**

Weight is given to the fact that this is an existing and established commercial site and residents will be used to comings and goings of a Public House. Notwithstanding this, the erection of the booths on the western boundary will significantly intensify the use of the area which abuts a residential dwelling No 45 Binley Road. The side elevation and rear garden of the dwellinghouse is within 5 metres of the proposal for the booths. There have been no objections as part of the consultation; however it is nevertheless important to protect the amenities of existing and future adjoining occupiers in line with Local Plan policies, particularly as clear concerns have been raised by Environmental Protection. These are detailed below.

### **Environment Protection**

The applicant has submitted a supporting noise management plan. The agent has been given the opportunity to revise the noise management plan, however the final plan (Appendix C: Proposed Management Plan, Noise Impact Assessment Report 14533-NIA-01 Rev B) was found inadequate for the following reasons:

Impact of noise bought about from the proposed booths:

- No capacity limit for people using the booths at one time was given.
- The proposed booths and terrace would be operating up to 23:00 hours 7 days per week directly adjacent to the neighbouring property which is 5 metres away.
- The noise assessment has assumed a steady, constant noise source; however, noise is likely to be intermittent and from people.
- No maximum noise source has been used or level predicted.
- Lack of detail on actual construction and noise insulation methods to be used for the proposed sheds.

Impact from Odour & Fumes:

- No information has been provided on the emissions from the pizza oven which could also impact on the surrounding residential properties.

Given the above, the development is considered unsuitable due to the proximity to the neighbouring residential properties, in particular No.45 Binley Road, with the potential for loud peak noises for an unlimited number of people. The booths are proposed to have doors; however there is no method of stopping these doors from being propped open or controlling the noise levels bought about by the development.

Due to the close proximity to residential properties and the potential for an adverse impact created by both the level of noise and smoke, cooking odour on the boundary bought about by the development and associated intensification of use in this area of the site, the proposal is considered detrimental to the amenity of its neighbours.

**Highway safety**

No highway issues are raised.

**CONCLUSION**

It is therefore recommended that the scheme be refused.