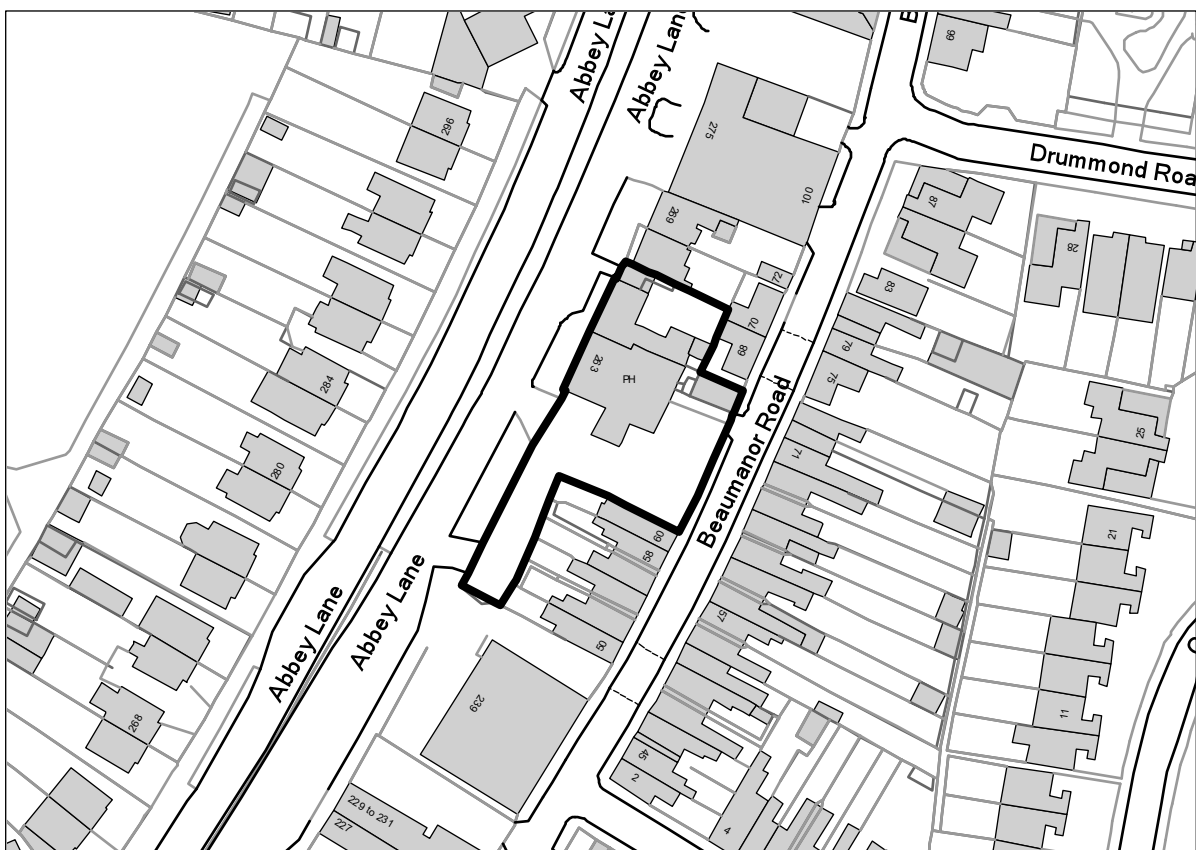


COMMITTEE REPORT

20241667	Broadway Hotel 263-265 Abbey Lane	
Proposal:	Retrospective application for the construction of timber canopy at rear of bar and restaurant (Class E)	
Applicant:	Mr P Singh	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	24 January 2025	
LKL	TEAM: PE	WARD: Abbey



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Summary

- Brought to committee as six objections and one comment have been received raising concerns about the proposal;
- Main issues are design and residential amenity;
- The proposal is recommended for conditional approval

The Site

The application relates to an end-of-terraced bar and restaurant (Class E) located within a primarily residential part of the city. The application site fronts a classified road, Abbey Lane.

The site is within a 250m buffer of GDO landfill, a critical drainage area and flood zone 2. There is a TPO tree at the rear of the site but this would not be affected by the development.

Background

20121062 - Externally illuminated two fascia/ wall and one projecting signs; non illuminated two projecting; two free standing and two wall signs to public house (Class A4) . Approved in 2012.

20090998 - Retrospective application for smoking shelter to rear of public house (Class A4). Approved in 2009.

19940929 - Change of use of shop/living accommodation Class A1) to form extension to public house (Class A3) with self-contained flat over single storey extensions & alterations to public house . Approved in 1994.

19741086 - Erection of extension to ground floor of public house to enlarge public bar(40m²). Approved in 1974.

019036 - Alterations to Broadway public house to improve bar and servery and to form new toilet block. Approved in 1969.

This application is submitted in response to the enforcement investigation regarding an unauthorised covered area.

The Proposal

The retrospective application is for the construction of an L-shaped timber framed covered area with a single pitched polycarbonate roof. The covered area would infill the space between the main building and the outbuilding/store to the rear of the site. It would join the existing covered area at the rear and accommodate a storage area.

Policy Considerations

National Planning Policy Framework 2024

Paragraph 2 (Primacy of development plan)

Paragraph 11 (Sustainable development)

Paragraph 39 (Early engagement)

Paragraph 44 (Right information crucial)

Paragraph 115 (Assessing transport issues)

Paragraph 131 (High quality, beautiful and sustainable buildings)

Paragraph 135 (Good design and amenity)

Paragraph 139 (Design decisions)

Paragraph 140 (Clear and accurate plans)
Paragraph 181 (Flood risk considerations and SuDS)
Paragraph 182 (Incorporating SuDS)

Core Strategy 2014 and Local Plan 2006

Development plan policies relevant to this application are listed at the end of this report.

Further Relevant Documents

Residential Amenity SPD 2008

Consultations

Health & safety – no response

Representations

Six objections and one comment have been received raising the following concerns:

- Cooking or heating inside the covered area would have fire risks
- The outdoor extension and extended hours would lead to disturbances to the neighbouring residential properties
- Noise due to extended opening hours
- Odour due to the outdoor kitchen
- antisocial behaviour
- loss of light and privacy
- poor design due to the covered area and a large chimney
- building regulations might not be adhered to
- the application is misleading as the shelter is not used as a store
- the hours of opening have been extended due to the use of the covered area

One representation has been received in support of the application.

Consideration

The construction of a covered area to a bar and restaurant is acceptable in principle subject to considerations regarding impact on residential amenity and design.

Character and design

The design of the timber covered area with a polycarbonate roof is not fully in keeping with the host property and the neighbouring properties due to the nature of the materials deployed. However, given the covered area is located to the rear of the site and is screened by the existing side extension when viewed from Abbey Lane, the structure is not prominently visible from the public realm. For this reason, whilst not ideal in design terms, I do not consider the development would have sufficient detrimental impact on the character and appearance of the area as to warrant a refusal.

The design concern from one of the objections relating to the existing chimney is not relevant as this is not part of the application.

Impact on residential amenity

The covered area would connect the main building to the existing outbuilding at the bottom of the site and join the existing covered area to the rear adjoining 68 Beaumanor Road. The covered area would not face onto any windows at number 68. Given that the existing covered area is already visible to number 68 and the proposed covered area would not be significantly higher than the existing boundary wall at number 68, I do not consider the development would have a detrimental impact on the residential amenity of number 68 in terms of loss of light, outlook and privacy.

The covered area accommodates a storage area as well as a food preparation area. On my site visit I have found no kitchen units in the covered area and there was no active evidence showing that cooking or heating would take place in the area. I am therefore satisfied that the applicant has provided the right information. Any concerns relating to fire risks would be matters for building regulations/licensing so the planning application cannot be refused due to these concerns.

There are concerns from the representations that the hours of opening have been extended due to the use of the covered area. There is no evidence accompanied indicates that the construction of covered area has led to a change in opening hours. Changes to hours of opening is not proposed as part of this application. As the proposal is a small physical addition to the existing use, I do not consider it appropriate to apply a condition to control the hours of use of the proposal.

There are also concerns regarding noise and odour. I note the application site is in close proximity to residential properties. The construction of timber canopy may intensify the use of the area, however given the purpose of the covered area is for storage and food preparation, I do not consider the covered area would significantly contribute to noise and odour to a degree which could justify refusal of the application.

Sustainable drainage

The site is within a critical drainage area and flood zone 2. The application is accompanied by a flood risk assessment which states that floor levels for the proposal will be no lower than existing floor levels. Sustainable drainage measures are also suggested. Given the size and nature of the development, I am satisfied that the suggested drainage measures are sufficient to mitigate flood risk and is acceptable in terms of sustainable drainage.

Other matters

There are concerns relating to antisocial behaviour. In the absence of evidence, I do not see how the covered area would encourage antisocial behaviour in the area.

There are concerns that building regulations might not be complied with. This is not a matter of planning concern and should be dealt with under building regulations process which is a process separate to this application.

Conclusion

The proposal would not result in an unacceptable impact on the appearance and character of the area and would maintain an acceptable relationship with the neighbouring residential properties.

I therefore recommend that this application is APPROVED subject to following condition:

CONDITIONS

1. Development shall be carried out in accordance with the following approved plans:
Location/Site Plan & All Plans & Elevations, 2024/09/190, (pages1,2,3,4, 6,7)
received 17/09/2024
(For the avoidance of doubt).

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material planning considerations, including planning policies and representations that may have been received and subsequently determining to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2024.

Policies relating to this recommendation

- | | |
|-----------|--|
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 2014_CS03 | The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'. |
| 2006_BE20 | Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented. |