

**SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**

**3<sup>rd</sup> April 2014**

**Agenda item**     6

**Application ref** 13/00807/FUL

**Land Adjacent to Sainsbury's Store, Liverpool Road**

Further comments of the **Environmental Health Division** and information from the **applicant** regarding the provision of a pedestrian link and the relationship of the windows of the manager's flat and those within the dwellings on Ashfields New Road have been received.

The **Environmental Health Division** (EHD) recommends the following conditions;

- Prior approval of details of facilities to prevent the deposition of extraneous matter (mud, debris, etc.) on the public highway before commencement of development and implementation in accordance with the approved details.
- No machinery to be operated or process to be carried out in the construction of the development, and no construction traffic to enter or leave the site between 1800 hours and 0700 hours Monday to Friday, and not at any time on Sundays, Bank Holidays or after 1300 hours in Sundays.
- The residential element shall remain in the same ownership as the commercial activity unless otherwise approved by the Local Planning Authority (LPA).
- Construction, glazing and ventilation of the residential element to be in accordance with the Noise Report.
- Noise mitigation measures for the mechanical services servicing the development to be in accordance with the Noise Report.
- Installation of a noise limiting device, to be maintained thereafter, to control internal noise levels from amplified music to the level agreed by the LPA.
- Deliveries restricted to between 0700 and 2100 hours on any day.
- Acoustic screen to be erected prior to commencement of commercial activities in accordance with the details in the Noise Report.
- Noise mitigation measures for deliveries as set out in the Noise Report shall be employed.
- Empty bottles to be stored and handled, and presented for collection as set out in the Noise Report.
- Means to prevent grease, fat and food debris from entering the foul drainage system to be implemented in accordance with approved details.
- Prior approval of an odour abatement system for the kitchen before commencement of development and implementation in accordance with the approved details. Cooking process to cease at any time the extraction system fails to operate.
- Submission and implementation of a lighting assessment.

The **applicant's** comments are summarised as follows:

- There is a 2-2.5m change in levels between the footpath and the pub slab level. The building has been pulled to the front of the site to meet the LPA's ambitions of creating a gateway feature development. This has left the site reasonably tight.
- To meet DDA requirements any pedestrian access point has to be at a gradient of 1:20. Alternatives have been considered, but ultimately the ramp would need to be 50m in length to address DDA requirements.
- The first approach would be to run the ramp along the length of the frontage, requiring the pub to be moved back to the detriment of the urban design objectives. It would also require a structural feature which would add a cost and would not address the public house well.

- The second alternative is a switch back ramp. The footpath is required to be 1.2m in width and with the retaining structure this would be wider, and would take up significant land. They consider that this would be an overly dominant feature from Liverpool Road, and from within the site.
- Several iterations of these ramps have been considered but ultimately affect the number of parking spaces, the ability for delivery vehicles to circulate satisfactorily and design objectives. Furthermore it would add a significant cost element.
- In any event at 50m in length, the distance savings are not significant enough to justify providing such an alternative pedestrian route into the site to that proposed from the main access into the site.
- The distance from the living room windows of the manager's flat and the two affected properties on Ashfields New Road is 25m and as such complies with guidance in the Space Around Dwellings document.

#### Your Officers' comments

The conditions recommended by the EHD are, largely, reasonable and appropriate for the proposed development and will suitably address environmental issues that arise. It is, however, considered more appropriate to restrict the occupation of the flat to someone in employment at the public house rather than, as recommended by EHD, to require that the ownership of the flat remains the same as the public house.

It is noted that the EHD have not recommended a condition that restricts the hours of opening of the public house. The hours of opening are addressed through the licensing regime and as such the imposition of hours through a planning condition would be a duplication of control and is not, therefore, necessary.

The reasons advanced by the applicant as to why a pedestrian link from the A34 are noted, however the information provided does not demonstrate that such a link could not be achieved. The provision of such a link remains highly desirable in the interests of securing an integrated and inclusive design, particularly in the knowledge that only proposed pedestrian access into the site, via the same route as vehicles, would not be DDA compliant (because of the steepness of the slope down towards the Sainsburys car park. As such a condition is recommended which requires the provision of such a link in accordance with details to be agreed.

Whilst there may be a 25m separation distance between the living room windows of the manager's flat and the windows in the main rear elevation of the dwellings on Ashfields New Road, there is only 18-19m separation distance to the first floor windows in the two storey outriggers of the affected properties which are considered to be principal bedroom windows. A further condition is therefore recommended requiring revised elevation plans repositioning the principal living room windows of the manager's flat to address the issue.

**The RECOMMENDATION remains as set out within the main agenda report with additional conditions recommended by EHD, subject to the amendment referred to above; a condition requiring the provision of a pedestrian link in accordance with details to be approved; and revised elevations to reposition the principal living room windows of the manager's flat.**

