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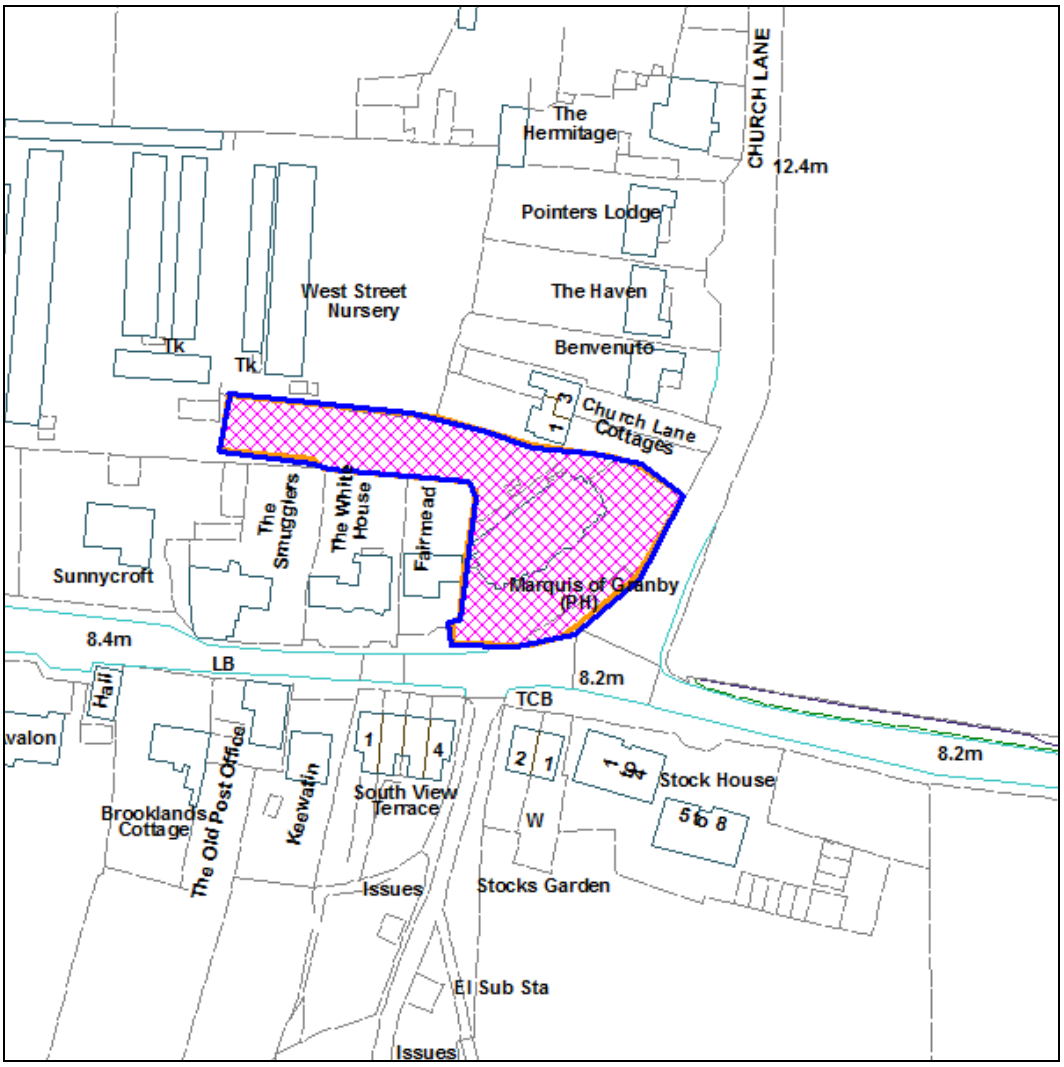
Application Number: AWDM/1258/19 **Recommendation – APPROVE**

Site: **Marquis of Granby PH, West Street, Sompting**

Proposal: **Proposed new single storey wedding/function room in rear beer garden. (Resubmission of AWDM/0461/19)**

Applicant: Concorde Star Pubs and Bars Ward: Peverel
Case Officer: M. O'Keeffe



Not to Scale

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This application has been called to Committee by Councillor Barton.

Proposal, Site and Surroundings

The site relates to the rear garden of the Marquis of Granby pub on the north side of West Street as it turns the corner into Church Lane in the heart of Sompting village. Sompting village lies outside of the Built Up Area Boundary (BUAB), and is therefore within the countryside. It is also designated as a Conservation Area and lies within the Local Green Gap.

The pub has been closed for the last 12 months and is bounded on two sides, south and north, by houses and the Alishaan Indian restaurant car park. To the west and also to the north are fields. The pub garden sits on higher ground to the pub itself and the properties to the south.

Planning permission is sought to erect a single storey building at the very western end of the beer garden to act as a function room. Clad in blackened larch with a slate tile roof the building measures 14.3 metres in length and 8 metres in width. It has a fully pitched roof to a height of 6.52 metres.

The building is shown to sit in part on an existing concrete slab. This slab accommodated a marquee for 12 years until it blew down last winter. The proposed building has a greater footprint and is higher than the previous marquee. It extends 2.75 metres further eastwards. Four reconfigured concrete steps gives access to the lobbied building. Other than this access door the building has no natural light or ventilation.

The building is self sufficient with its own servery and WC's.

The applicant has stated that the function room is fundamental in the proposed scheme. *'We feel that the pub, albeit a large property, needs additional reasons to visit, including functions in the garden. As a standalone property, the village is too small to sustain such a big pub'*.

Also confirmed is that there are no plans for the upper floor of the existing pub.

Relevant Planning History

AWDM/0461/19 - Proposed new single storey wedding/function room in rear beer garden. Withdrawn 24.6.19

AWDM/0765/16 - Replace existing timber framed windows to all elevations with purpose-made timber windows to front and north-east elevation and double-glazed uPVC windows to rear and south-west side elevation (re-submission of AWDM/0047/16). Granted 22.8.16

Consultations

West Sussex County Council Highways:

'This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

Summary and Context
This proposal is for the erection of a single storey function room. The site is located on West Street, a C-classified road subject to a speed limit of 30 mph. WSCC in its role as Local Highway Authority (LHA) were previously consulted regarding highway matters for this site under application AWDM/0461/19, raising no objections. This application was withdrawn by the applicant.

Access and Visibility
The site is served by 2 accesses, with one on West Street and one on Church Lane. No alterations to the accesses are proposed for this development. An inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals 2 recorded collisions within the vicinity of the site. However, these were not attributed to any defects or the layout of the road. Therefore there is no evidence to suggest the existing accesses are operating unsafely or that the proposal would exacerbate an existing safety concern.

The applicant has stated that the proposed function room is a replacement of a former marquee which has since fallen down. The marquee has been used for functions for the past 12 years. Given that the proposed building is a replacement, this proposal is not anticipated to result in an intensification of material movements to or from the site.

Parking and Turning
The site currently has a car park to the front of the site, with approximately 15 car parking spaces. No alterations to the existing parking provision are proposed. The LHA acknowledges representations raising the issue of overspill parking. Whilst on-street parking is limited in the immediate vicinity, there are parking restrictions in place prohibiting vehicles from parking in places that would be considered detrimental to highways safety. The LHA does not consider that highway safety would be detrimentally affected through the proposed parking provision. The LHA may wish to consider any impacts that may arise from this development on on-street parking from an amenity point of view. However, as mentioned above, this application is not considered an intensification of use and therefore is not anticipated to result in a highways safety concern.

Sustainability
The site is served by a bus stop that offers hourly services to Salvington, Tarring and Lancing. The applicant may wish to consider the inclusion of cycle parking to encourage the use of sustainable alternative modes of transport to the private car.

Conclusion
The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following conditions and informatives should be applied:

Cycle parking
No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.
Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.'

Environmental Health:

'This is a better design for the function room and the acoustic assessment has covered my concerns.

I would recommend the following conditions:

The development shall be constructed using the facade and ceiling constructions described in Noise Impact Assessment, Table 4, that accompanied the application.

Details of the ventilation system for the function room shall be provided and agreed prior to installation.

Any mechanical plant associated with the function room shall meet the daytime running limit described in Noise Impact Assessment, Table 8, that accompanied the application.

A noise limiting device shall be incorporated into the sound system and all mains power sockets for the function room using the entertainment noise levels described in Noise Impact Assessment, Table 7, that accompanied the application.

A noise management plan shall be implemented to minimise noise from patrons entering and leaving the premises. The plan shall also consider issues for community liaison and complaint procedures.

The external doors or the function room shall be kept closed during functions which include any amplified music. Both sets of lobby doors shall be fitted with automatic door closers.

I would also condition hours of use. The acoustic report states the proposed hours are 10:00 to 23:00hrs Mon to Sat and 12:00 to 22:30hrs on Sundays. I would recommend some flexibility on this, perhaps allowing opening until midnight on Christmas Eve and Boxing Day and until 00:30hrs on New years day. I will leave this with you. '

Adur District Conservation Advisory Group:

'TRAFFIC – There will undoubtedly be an increase in parking in the immediate neighbourhood which is in an already desperate rat run.

NOISE – There is concern that the new proposals for managing noise pollution in relation to the residents and the quality of the designed conservation area which already suffers from the aforementioned traffic plus air pollution.

As a result of the objections to the first application made by local residents the applicant has undertaken a noise pollution assessment for the current proposal. Members feel that an independent assessment of this document should be made by Environmental Health or an independent consultant to verify the claims contained therein.

SOUND PROOFING – while the applicant has submitted revised plans regarding soundproofing to reduce external noise impacts, it is unclear whether the materials used on the 2.4 metre high fence can tolerate and minimize a true reduction of up to 32 decibels.

The point has been raised that a brick built structure would be more affective and certainly more durable and affective as opposed to a wooden fence. It is clear that the question of noise has become a serious issue for the neighbouring residents.

West Street and Church Lane Sompting are well established rat runs where already, there are parking issues. Whilst the public house currently has parking provisions for its patrons, there will undoubtedly be an overflow when the proposed evets take place. Page 17 of the Sound Assessment Report shows an aerial picture clearly showing this problem.'

WSCC Archaeology:

'I have looked at planning application AWDM/1258/19.

I see that most of the new building would sit upon the existing concrete slab, so that it is only at the front that the brick footings would involve new ground excavations which might reach archaeological levels.

The new building would sit about 40 metres from the site of the discovery of the Roman cremation burial, which was found in 1970 during construction of a small extension to the Marquis of Granby PH itself. Roman cremation cemeteries can be small, large, in

clusters or linear spreads; at 40 metres it is possible that further cremation burials could be present within the new building footprint.

Therefore although not involving a large area of excavation, I do think a watching brief condition appropriate.

I suggest the following, a Condition and a related Informative (see below), relating to the Sussex Archaeological Standards recommended practice and procedures for undertaking archaeological investigations (Chichester District Council, East Sussex County Council and West Sussex County Council 2019, informal guidance).

As regards Worthing Archaeological Society's representation, please note that personally (not professionally for work) I am an ordinary member of the Society and its President, but in neither case am I a member of the Society's Committee or involved in decision making.

I would normally expect the necessary standards for a watching brief to require the involvement of an archaeological contractor on behalf of the applicant. I note from Worthing Archaeological Society's representation that they would be prepared to maintain a watching brief, if this is the only way any possible archaeological finds can be monitored (my italics).

Planning Condition: Archaeology

All development and groundworks hereby permitted shall be carried out and completed in accordance with an archaeological monitoring and recording exercise in conformity with the Sussex Archaeological Standards recommended practice and procedures for undertaking archaeological investigations (2019).

Reason: To safeguard the identification, recording, analysis, archiving and understanding of heritage assets.

Informative

The Sussex Archaeological Standards recommended practice and procedures for undertaking archaeological investigations (2019) document has been uploaded to the Internet and may be found at the following web address: https://www.eastsussex.gov.uk/media/12608/ar-sussex-archaeological-standards-2019.pdf . Annex D of this document particularly concerns standards for an archaeological monitoring and recording exercise (watching brief).'

Worthing Archaeological Society:

Worthing Archaeological Society has no objection to this development – IF there is some archaeological watching brief while the groundworks are happening. Worthing

Archaelogical Society would be prepared to keep a watching brief if this is the only way to monitor any finds.'

Sompting Parish Council:

'The Council recognises the historic nature of the building as an Inn and feel it should remain as a licensed premises as part of the Sompting Village. However although the Council has no objection in principle to the application, they have concerns in respect of parking provisions and noise nuisance and should permit an over watch by Worthing Archaeological Society whilst building works take place.'

Representations

9 objections received summarized as follows:

1. The extra cars associated with this proposal will affect the business of the neighbouring Indian restaurant. Pub customers already park in the restaurant car park.
2. Noise from the site already disturbs restaurant customers.
3. A music venue is inappropriate in our small village and the conservation area. This is not a town centre location.
4. All new development should respect the existing village structure in its form, scale, landscaping and use of materials.
5. Noise form the site previously was horrendous for neighbours. Since it closed we have had a little reprieve.
6. Since the pub closed we have seen acceptable levels of noise, privacy and parking.
7. Inevitably wedding guests will end up in the garden and cause a noise nuisance.
8. The existing pub is large enough to accommodate customers and to host functions.
9. Inadequate parking for the existing pub let alone a function room too.
10. Traffic congestion and rat running is already a night mare. Gridlock and poor parking already occurs. This will worsen it.
11. Traffic pollution is already high, this will worsen it.
12. This is a windowless box. Who would want to have a function here?
13. The building is bounded on three sides by fences. Where is the means of escape?
14. We do not want an 8 foot fence ion the conservation area.
15. Overlooking as ground is much higher, straight into bedrooms.
16. This is an intensification of use that will be perennial rather than limited to summer months as with the previous marquee.
17. Beer garden noise associated with the pub is inevitable but adding a second venue will exacerbate the nuisance.

2 letters of support as follows:

1. This is a replacement of the old marquee and for only occasional use. The marquee did not cause problems, noise, traffic, pollution or parking.
2. We need the pub rejuvenated as the heart of the village and not demolished for more housing.
3. A new insulted building to minimise noise is far preferable to the marquee.
4. The proposed large housing development nearby needs a pub.

Relevant Planning Policies and Guidance

Adur Local Plan 2017 – 1, 2, 4, 10, 13, 14, 15, 16, 17, 26, 28, 33 and 34
National Planning Policy Framework (February 2019)
Sompting Conservation Area Appraisal
West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003)
West Sussex 'Guidance on Parking at New Developments' and 'Parking Demand Calculator' (WSCC 2019)
Circular 11/95 'The Use of Conditions in Planning Permissions' (DoE 1995)
Circular 10/97 'Enforcing Planning Control' (DoE 1997)

Relevant Legislation

The Committee should consider the planning application in accordance with:
Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and
Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle

The site lies outside the built up area boundary in the countryside, in a green gap and within the village of Sompting which is a conservation area. The proposal seeks to safeguard the future of the pub, a local community facility, by creating an additional, separate, function room in the rear garden.

For consideration is whether such development is appropriate in this countryside location. What impacts the building and its use will have on neighbours and local highway conditions and whether the building proposed or the use will have an impact on the conservation area.

Character

Whilst this site is within the countryside and in a green gap where new buildings for active recreation or leisure uses are generally resisted it is the private rear garden of this long established pub. Until last year and for the previous 12 years there was a marquee where this building is now proposed. This marquee was used for parties. It is therefore not considered that a separate building would be out of character in this location or contrary to the Adur Local Plan vision or policies 2, 10 or 13 which seek to protect the countryside and character of the village of Sompting.

Neighbour amenity

The proposed building has no windows and only a single lobbied door facing down the pub garden. Overlooking of neighbours will not occur. The building is just over 1 metre off its north and south boundaries with an extra 1 metre or so to the boundary with the Alishaan restaurant car park and neighbours at Sunnycroft. It is more than 18 metres from these houses themselves and is not directly behind either. It is on higher ground to the car park by approximately 1.5 metres and so at 6.515 metres high to ridge will have the appearance of a one and half storey building. However, at the distance from neighbouring houses it is not considered that it will be overbearing to neighbours. A 2.4 metre high fence is proposed along the entire perimeter of the structure. The exact position and detail of this fence is currently with the applicant to confirm though it is thought to be on three side immediately abutting the building and does not replace existing means of enclosure.

The proposed building itself is windowless and it is proposed to mechanically ventilate it. Details of the mechanical ventilation system had not been finalized at the time of application. A noise assessment in accordance with *Planning Noise Advice Document: Sussex* (July 2015) has been submitted. It concludes that the design of the building itself together with noise limiters proposed for any amplified sound will ensure noise from within the function room will not lead to nuisance to neighbours.

The report acknowledges additional noise from patrons entering and exiting the building and using the beer garden. Included with the application is a recommended noise management plan for the future licensees of this facility to minimise likely intrusion.

The Environmental Health Officer has reviewed this report and concluded that subject to conditions he has no objection to the development. The recommended conditions are:

The development shall be constructed using the facade and ceiling constructions described in Noise Impact Assessment, Table 4, accompanying the application.

Details of the ventilation system for the function room shall be provided and agreed prior to installation.

Any mechanical plant associated with the function room shall meet the daytime running limit described in Noise Impact Assessment, Table 8, submitted with the application.

A noise limiting device shall be incorporated into the sound system and all mains power sockets for the function room using the entertainment noise levels described in Noise Impact Assessment, Table 7, submitted with the application.

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The external doors or the function room shall be kept closed during functions which include any amplified music. Both sets of lobby doors shall be fitted with automatic door closers.

I would also condition hours of use. The acoustic report states the proposed hours are 10:00 to 23:00hrs Mon to Sat and 12:00 to 22:30hrs on Sundays. I would recommend some flexibility on this, perhaps allowing opening until midnight on Christmas Eve and Boxing Day and until 00:30hrs on New Year's day.

This advice and all these conditions are recommended below.

Whilst this building is larger than the former marquee, will accommodate more patrons and as a brick construction will likely be in use more frequently than a marquee, it is considered that the conditions recommended by Environmental Health will prevent noise nuisance from within the building. With good management excessive noise nuisance can be limited. This is an existing and long established beer garden which is a relevant material consideration in the determination of the planning application.

Highways

Visitors to the pub, when it was open, are likely to have been local and either walked or came by car. The additional function room can accommodate in excess of 80 people and is likely to generate visitors from further afield who will have to rely on vehicular modes of transport. Nonetheless, the Local Highway Authority does not object to this proposal. It does not believe that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

It is appropriate to consider the impact on neighbour and village amenity of the additional traffic which would result from this proposal. However, in the absence of an objection from the Local Highway Authority a refusal on these grounds would be very difficult to sustain at appeal.

Conservation Area/Archaeology

This larch and slate roof windowless building has a semi rural feel about its appearance. It is very tall for a single storey building at 4 metres high to eaves and 6.52 metres to ridge. It is assumed the high ceiling and roof height is designed to compensate for its lack of windows in order to give partying occupants a sense of space. It is not considered that it will be harmful to appearance of the conservation area. Black slate tiles may not be the right approach for the roof, a felt tile may be preferable. The blackened larch for the main body is likely to be acceptable if in a matt or satin finish. Samples of materials are reserved by condition.

The principle of a separate building and the additional activity it will attract to this village setting and conservation area is concerning. However, as this is within a pub garden where a previous building once stood then it is considered that the extra activity associated with it could not be refused on conservation grounds.

Worthing Archaeological Society has referenced the find of a Roman Cremation burial on this site during the development of a rear extension to the pub. Artefacts form this find are in the Worthing Museum. They would like to see a condition requiring an archaeological watch on the site during groundworks. Members of the group would be prepared to carry out the watch. The County Archaeologist supports this approach.

Conclusion

This is an application with a number of competing considerations given the location of the site within the Conservation Area but outside of the defined built-up area, although close to residential properties, where new development is ordinarily strictly controlled. Equally, though, the proposal relates to an existing business which adds to vitality of the area. The applicant argues this additional facility is necessary to sustain the viability of the pub, which has been closed for some time. The responses from consultees indicate that, subject to stringent conditions, the use of the new building can be adequately controlled. It is therefore considered that permission should be granted.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Samples of Materials
4. Façade and ceiling construction as per Noise Impact Assessment
5. Details of mechanical ventilation
6. Mechanical Plan daytime running limit
7. Noise limiting device fitted prior to first use

8. Details of a noise management plan
9. The external doors of the function room shall be kept closed during functions which include any amplified music. Both sets of lobby doors shall be fitted with automatic door closers.
10. Hours of use 10:00 to 23:00hrs Mon to Sat and 12:00 to 22:30hrs on Sundays, except on Christmas Eve til Midnight and until 00:30hrs on New Year's Day.
11. Archaeology.
12. Cycle parking details
13. Perimeter fence erected prior to first use.

Informative

The Sussex Archaeological Standards recommended practice and procedures for undertaking archaeological investigations (2019) document has been uploaded to the Internet and may be found at the following web address: https://www.eastsussex.gov.uk/media/12608/ar-sussex-archaeological-standards-2019.pdf .
Annex D of this document particularly concerns standards for an archaeological monitoring and recording exercise (watching brief).'

9 December 2019