DELEGATED APPLICATIONS ASSESSMENT SHEET

Application Number: **Recommendation – APPROVE**
AWDM/0719/11

Site: **The Pilot Station Road Southwick Brighton**

Proposal: **Change of use from public house (Class A4) to Class D1 (Church/Place of Worship with ancillary internet cafe, snack bar/cafe, and residential flat on first floor)**

NEIGHBOURS CHECKED: Y

ADDITIONAL NEIGHBOUR NOTIFICATIONS: N

PROPOSAL, SITE AND SURROUNDINGS:

The former Pilot PH occupies a corner plot at the junction of Station Road with Albion Street (A259). The pub closed in 2010. The existing 2-storey brick-built building faces onto Station Road and dates from the 1960s, having a traditional pitched roof with single-storey elements to the north and south which wrap around to the rear. There is a (non self-contained) 3-bedroom flat on the first-floor with access onto a balcony/terrace on the south side of the building. There are 2 vehicular accesses, one from Station Road in the NE corner serving a small parking area on the frontage and one from Butts Road to the north, serving the main car park to the rear (west) of the building. There is a detached single garage building on the west side of the car park. The reminder of the frontage is paved. A low wall (less than 1 metre high) defines the site boundary on the south side.

The immediately surrounding area on the north side of Albion Street is residential in character, made up of 3 and 4-storey flat blocks (Rock Close, Watling Court and Coates Court) also dating from the 1960s. There are commercial premises on the south side of Albion Street which back onto Lady Bee wharf and the Harbour.

Permission is sought by Kingdom Resources Ltd (a business venture of Redeemed Christian Church of God) for a change of use to provide a place of worship (Class D1) with ancillary Class A1/A3 and C3 uses. The change of use is sought for 3 years until the redevelopment granted under AWDM/0203/11 commences. The current application is part-retrospective in as much that the property has already been used to hold some church services over recent months.

The northern end of the ground-floor of the building would be used as the main church hall/meeting place plus administrative office, with a café/snack bar served by the existing kitchen and internet café at the southern end of the ground-floor. The first floor comprises a 3-bedroom flat to be occupied by the resident Pastor/Minister-in-charge. The car parks would be used for parking by the congregation.

In a Planning Statement submitted with the application the activities at the site are described as:-

- Worship centre/meeting place for the Church: mode of worship by prayer (silent and vocal), singing and bible study. During the church service there may be a combination of amplified music and musical instruments used.
- Meeting place for events/parties and other activities related to D1 use;
- Free tutorial classes for local residents and children to achieve better grades;
- Café/snack bar serving breakfast, lunch, snacks seating up to 50 people;
- Internet café.

The current congregation is approximately 60 in total, the majority of who are students at Brighton and Sussex universities. The maximum number of attendees at any church meeting is not expected to be more than 80 and would only occur at a full service meeting (usually on a Sunday morning).

The Planning Statement lists the regular meetings and special occasions including a 'night vigil' once a month plus potential hall hire to other organisations. The Church administrative office will be open Monday – Friday 9am to 5.30pm, the café will be open to the public Monday – Saturday 8am to 6.00pm.

RELEVANT PLANNING HISTORY

Outline planning permission was granted on 5 Oct 2011 for the redevelopment of the public house with a four-storey building comprising Class A1 retail shop with ancillary storage on ground-floor, additional storage and offices on first-floor and 2 x 3-bedroom flats on each of second and third floors (AWDM/0203/11).

Prior to this, an earlier application for the redevelopment of the site to provide a 4-storey block of 14 x 2-bedroom flats with 5 parking spaces and 14 cycles spaces was withdrawn (AWDM/0277/11).

RELEVANT PLANNING POLICIES

Saved Local Plan policies: AG1
South East Plan: SP3, CC1, CC6, T4, BE1, S3, S6
Shoreham Harbour IPG
PPS:1 Delivering Sustainable Development

RELEVANT CONSULTATION RESPONSES

The **Highway Authority** comments that the proposal would not be anticipated to have a negative impact on highway safety in this location. Although the site is sustainably located, with good links to bus and rail services, WSCC recommend that a condition be attached securing the provision of cycle parking at the site to encourage the use of sustainable transport modes.

The Health & Safety Executive (HSE) does not advise on safety grounds, against the granting of planning permission in this case.

Sussex Police, Crime Prevention Design Advisor comments that the level of crime and antisocial behaviour at this location is average when compared to the rest of England and Wales. The site is very open with numerous routes through which could provide easy unauthorised access. To reduce the problem of permeability, it is suggested that railings or defensible planting could be installed to prevent unobserved and unauthorised access to vulnerable areas (as demonstrated on the patio area with planters). It would be in the interests of safety and security to provide lighting to the car park as the proposed hours will be until 21.00 hrs. External doors and ground-floor windows should conform to the relevant British Standard and the door to the first-floor flat should be to the same physical standard as an external front door. A monitored intruder alarm is recommended.

Adur and Worthing Councils' Environmental Health Officer: The Environmental Protection EHO raises no objection and the Contaminated Land Officer recommends a precautionary condition relating to the potential contamination. [No ground works are proposed.]

Principal Planning Officer (Shoreham Harbour) has no objection in principle but recommends checking the HSE Exclusion Zone details for this location. Also, that the points raised in the representation by the third party be addressed either through conditions and/or through requests for further information and clarification.

REPRESENTATIONS

One letter of objection has been received from a local resident raising the following concerns (which have been summarised):-

- The current and unauthorised change of use has impacted on local residents of Rock Close, Spring Gardens and Watling Court.
- The Council have not co-operated with other agencies in response to concerns raised by local residents about the unauthorised use of the premises.
- Residents have been affected by anti-social levels of noise and behaviour, including musical instruments. The Police have attended on several occasions following complaints of loud noise late into the night and anti-social behaviour to get the music turned down or told to stop. Loud speakers and drum kits are placed by the exits, which are left or 'wedged' open and consequently emit loud noises which are amplified to the public area outside the site boundary.
- No public notice has been displayed in connection with the planning application.
- The Local Planning Authority claimed not to be aware of the unauthorised change of use having taken place.
- On visits by the Police quantities of alcohol "have been, or was being consumed by persons attending worship". Minors were present but it was unclear to the Police if underage drinking and or sale of alcohol

was being conducted during the ‘worship’, but was being consumed on the premises that should not have been occupied.

- The premises does not have a licence as a place of worship and the Council’s licensing team have been informed.
- The Council should serve an enforcement notice in respect of the unauthorised use as monitoring and attendance by the Police is a drain on Police resources. Not serving an enforcement notice has allowed the problem to escalate for local residents. The Council should have intervened in this unauthorised change of use in September but have chosen not to – against the advice of the Police and the request of residents.
- Council Housing Officers have been informed of the concerns of local tenants because of the liability to ensure a leaseholders ‘peace and quiet’. The Council as landlord is fully liable in the matter of antisocial behaviour and noise.
- Planning officers have stated the area has become ‘tumbleweed’ and so redevelopment was granted on that basis. The majority of surrounding buildings are Council-owned residential blocks that the Council have legal liability to up-keep.
- The operational times of the change of use are not specified – what are they? The times of worship affect local residents as the music is heard until midnight and beyond into the early hours on a regular basis.
- Who can attend the place of worship? Is it for local community or specific worship of ethnic or other faiths?
- Is the internet café operational only when the place of worship is operational – or at other times of day/night when the place of worship is not operational?
- Is the internet café licensed to sell alcohol, if so what are the precautions and will registered door staff be on duty during these times? If so, they must be visible on door entrances and registered with the Police and Council as legal door operatives.
- The exterior of the property has deteriorated with dangerous boundary walling falling into the public highway. The multi-coloured curtains contribute to the run-down appearance. Concerned that the building will not be maintained and continue to deteriorate.
- Rubbish bins are overflowing and smelly and EHOs have been informed owing to concerns about vermin. This problem will get worse when the café is operational. Rubbish and alcohol bottles have been discarded into nearby residential properties.
- Noise and anti-social behaviour from slamming doors from cars and mini-buses late at night, as well as taxis and other pick-up cars blasting their horns and shouting for passengers outside the car park.
- Previous planning decisions were for redevelopment not change of use.
- Parking and highway safety (including fire safety) will need to be reviewed in respect of the proposed change of use.
- Will the snack bar be open to the public or only the worshipping community? Will it only be operational during times of worship and will it be licensed? Will it be eat-on or take-away food? What measures

have been taken to ensure there will be no smells, rotting food waste, rubbish and vermin.
- Who will occupy the flat, will there be direct access to the place of worship, ancillary internet café etc. What sized flat is it as this may affect parking?
- What public disabled access has been provided to enter the place of worship, snack bar, internet café etc.
- Will specific loading bays been allocated to the café, what restrictions will there be placed on delivery times to minimise noise and disturbance for residents.

The following response to these points has been received from the applicant's agent:-

- The Redeemed Christian Church of God is a worldwide church/charity organisation and the RCCG Kingdom Life Assembly is a registered charity organisation in the UK. The activities of this church cannot be termed unofficial.
- From church records the Police visit was on two occasions. There is no record of having to stop the music and neither at anytime the Police saw any alcohol consumed on the premises. This can be verified by the Police. The church is a faith body that does not involve alcohol consumption/drug use unless rehabilitation of victims of such acts.
- The church is a Pentecostal denomination and the activities are for everyone in the community; not restricted to any ethnic race or group.
- The café will open independently of the church and there is no intention to sell/serve alcohol. The idea of the café was borne out of discussion with a few local residents who mentioned having breakfast on the way to work. It was thought the café would compensate for the loss of the pub.
- There has not been any case of a church member/visitor to the church parking outside the car park areas, nor has there been a case of taxis/mini-buses/cars blasting their horns. Local residents currently make use of the car park too.
- The residential flat on the first-floor is ancillary to the church/place of worship [occupied by the pastor].
- The concerns made by the third party, including visits by the Police and consumption of alcohol on the premises, are stated as fact but are wrongful accusations that could be seen as defamation.

One other local resident enquired about the proposed hours of use of the various activities proposed and queried whether alcohol would be served or consumed on the premised and if the former alcohol license has been rescinded.

PLANNING ASSESSMENT

The Principle of Development

The site is within the study area of the Shoreham Harbour Regeneration project where Interim Planning Guidance (IPG) was been adopted in October

this year. It refers to the strategic vision and priorities (originating from the original Growth Point Programme of Development in 2008 and included the SE Plan) with the long term aim of creating a high-quality exemplar sustainable development at Shoreham Harbour. This is intended to comprise a mix of residential, employment, community, education, leisure and ancillary development with the aim of supporting the regeneration objectives of increasing housing and employment opportunities and skills in the area, whilst also raising environmental quality.

The proposed use is sought for a temporary period until such time as the redevelopment permitted under AWDM/0203/11 is carried out. The proposed use is consistent with the objective of seeking a mix of uses, including community uses. The supporting information submitted with the application sets out the aspirations of the Church to integrate and be inclusive within the local community through, for example, encouraging public use of the café/snack bar and internet café and provision of educational tutorials and resources to local residents and children. That latter would directly support a key objective of the IPG to improve employment opportunities and skills within the area. On the other hand, the temporary nature of the proposed use will not prejudice future regeneration objectives or compromise the improvements to environmental quality arising from the implementation of AWDM/0203/11.

The loss of the existing pub has been accepted in principle by the permission granted under AWDM/0203/11 and the site is not identified for any other particular use or purpose within the Local Plan.

The relevant considerations are the effects on the amenities of the occupiers of nearby residential occupiers, the effect on the character of the surrounding area and parking and highway safety considerations.

<u>The effect of the proposed use on living conditions of neighbouring occupiers</u>

Various concerns have been raised by the third party in connection with the unauthorised use of the property as a place of worship and the resulting impacts on the amenities of nearby residential occupiers, arising from activity and loud music and noise and disturbance sometimes extending late into the evening. A number of specific allegations have subsequently been strongly refuted by the applicant.

No complaints have been made to the Council's Environmental Protection team other than by the same third party as above.

The proposed use does involve amplified music during services, and occasional over-night vigils which have the potential to generate a degree of noise and activity and associated disturbance. However, the potential impacts from such activities must be weighed against the lawful use of the property as a licensed public house with amplified music, which was open late into the evening on a daily basis (notwithstanding that residents have become used to a degree of inactivity following the closure of the pub). Nevertheless, conditions can be imposed in respect of the opening hours of the café/snack

bar (open to the general public) and hours for deliveries to avoid undue disturbance at unsocial hours.

In terms of smells and odours from the proposed café, it is intended to use the ventilation/extraction system in the existing kitchen (of which details have been submitted) and no objection has been raised by the Environmental Health Officer. The café/snack bar (up to 50 covers) and internet café will be ancillary to the primary use of the property as a place of worship and this can be controlled as a condition of planning permission. The intention is to provide light snacks/breakfast to the local community, not take-away meals, and so would be unlikely to generate additional rubbish from discarded wrappers/food etc. The submitted plans show provision for a storage area for rubbish/re-cycling adjacent to the site entrance.

The effect on the character and appearance of the surrounding area

The existing brick-built and timber-clad building and tarmac car park have a somewhat dated and 'run down' appearance. It was made clear in granting outline permission for the redevelopment scheme under AWDM/0203/11 that a high quality of design is required (to be considered as part of a reserved matters application) in order to 'lift' the environmental quality of this area and achieve the aspirations for a high-quality exemplar sustainable development as part of the Shoreham Harbour Regeneration project. Bearing in mind the temporary nature of the proposed use it would be unreasonable to expect the applicant to invest in taller railings to enclose the car park (as suggested by the Crime Prevention Advisor) although the appearance of the frontage onto Station Road would be improved by the introduction of some landscaping treatment as this would help 'soften' the existing hard, urban character of this part of Southwick and lend a more inviting ambience to this former public house.

Parking and Highways

There are 17 car parking spaces in total on site including a detached garage and 2 spaces on the site frontage. The Highway Authority's adopted car parking standard is 1 space per 22 sqm of floor area, which equates to a maximum of 18 spaces. Thus, the existing level falls short of the maximum by only 1 space. The site is in a sustainable location, accessible by a range of public transport alternatives (the rail station is close-by in Station Road and there are bus routes along Albion Street A259).

The applicant states that the modes of transport of the congregation include private cars, church vans and public transport. At present there are approximately 10 regular car users amongst the members of the service meeting with the majority of the congregation making use of the church van service. Bearing in mind that the application is part-retrospective, the lack of representations (other than from 1 resident) would suggest that the existing (albeit unauthorised) church use is not causing an amenity or highway safety problem for nearby residents in Butts Road, Rock Close or Spring Gardens. It is unlikely that the other ancillary activities proposed (café/snack bar/internet

café) would in themselves generate significant additional parking demand as these services are aimed at the local community within walking distance.

No highway safety objection has been raised by the Highway Authority to this application, subject to the provision of cycle parking. This can be required as a condition of planning permission.

Other Issues

The main entrance into the building has a flush external threshold. The change of use to a church will require a submission under the Building Regulations which will deal with disabled access to the internal facilities.

RECOMMENDATION APPROVE for the reason:-

The use as a place of worship (part-retrospective) is consistent with the objective of supporting the local community in the short-term while a temporary permission would avoid prejudicing wider regeneration objectives of improving environmental quality through redevelopment. There is no exposure to unacceptable risk from the hazardous substances site on the south side of the harbour. Having regard to the lawful use of the property and subject to imposing conditions, it is considered the proposed development can take place without unacceptable detriment to the amenities of nearby residential properties and without detraction from highway safety. However, in view of the temporary nature of the proposed use there is limited practical scope for improvement of the existing local urban environment. The proposed development would consequently not conflict with Shoreham Harbour Interim Planning Guidance, saved policy AG1 of the Adur Local Plan, and policies SP3, CC1, CC6, H1, H2, H4, H5, T4, BE1, S3 and S6 of the South East Plan.

Subject to:-

1. Temporary permission (3 yrs)
2. Approved drawings
3. Agree landscaping to front entrance
4. Restrict café/snack bar and internet café opening hours to Monday – Saturday 8am to 6.00pm, all other activity in connection with primary use as place of worship to cease by 12 midnight (except monthly night-vigil and New Year's Eve Cross-Over Service).
5. Restrict primary use to place of worship within Class D1
6. Café/snack bar and internet café ancillary to primary Class D1 Use
7. No outdoor seating or sale of hot food for consumption off the premises
8. Deliveries restricted to 8am-6pm Monday to Friday 8am to 1pm Saturdays
9. First-floor flat to be ancillary to primary Class D1 use, occupied by pastor/minister in charge or other staff member.
10. Provide waste storage shown on approved drawing
11. Provide cycle parking

IS RECOMMENDATION CONTRARY TO LETTER (S) OF REPRESENTATION?

Yes

Delegated Decision

Case Officer
Sign: Jo Morin Date: 7 December 2011

Authorising Officer
Sign: Keith Morgan Date: 15 December 2011