Development Management - Delegated Officer Report

Application Number: **Recommendation – APPROVED**
AWDM/1532/12

Site: **Royal Coach, Brighton Road, Shoreham-By-Sea, West Sussex**

Proposal: **Refurbishment of existing public house to include external plant equipment area, children's play area, external lighting with changes to landscaping and car parking arrangements.**

Date of site visit: 23rd January 2013

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application site contains the Royal Coach, a former public house which closed in July 2012 and is currently vacant. The site has car parking to the front and either side. The former public house is located on the southern corner of the major roundabout at the intersection of The Saltings and Brighton Road. The main vehicular access to the site is via The Saltings to the east.

Over time the building has had a number of minor alterations and improvements. The most recent being in September 2007 (ADC/0446/07) which included the upgrading of an existing outdoor eating area with a pergola, the erection of a glass windbreak and the upgrading of the two entrances from cement posts with steel rails to rendered walls.

The current application seeks consent to upgrade and refurbish the building and external area. This is to facilitate the operation of the Public House by Marstons. The Design and Access Statement states that "Marstons aim to create a family public house with a business model that achieves a majority of its revenue from food sales, like other existing pubs Marstons have converted in this way across the UK." Supporting information also refers to the proposal representing a significant investment into the area and will result in local employment with associated training opportunities.

Permission is sought for external works to the building which include, new windows and doors, with increased openings and glazing at ground floor, the removal of the existing canopy with pitched roof which currently runs along the north and east elevation. The new windows are proposed to be painted soft wood at ground floor and the first floor windows will remain and be repainted. The existing parapet roof will remain on the western side and a new parapet to match will be erected on the eastern side. A new entrance porch is to be created where the existing main entrance is in brick and timber

with a lantern and new timber/brick entrance piers with illumination. New low level rope and post details are proposed with new timber boarding proposed.

Alterations to the rear (south) elevation include the blocking up of existing windows, the blocking up of rooflights to the flat roof at the rear and proposed new double doors at ground floor.

The rear of the building (south) currently has a deliveries and storage area. Close boarded gates are proposed to the entrance to the 'yard' area. This is to be rationalised and upgraded. This includes the erection of a new freezer store and an area for bin storage which is to be screened by close boarded fencing.

A new plant area is to be located on the flat roof to the south (rear) of the building. Amended plans have been received which show a 1.1 metre high new screen/balustrade along the edge of the flat roof. This will screen the plant and equipment and will also be required for health and safety reasons when personnel are accessing the flat roof to carry out repairs and maintenance on the equipment.

The western side of the building currently forms part of the car park area. This space is proposed to be fully landscaped and enclosed to be used as a garden area for customers. There is an existing brick wall along part of the southern boundary this is overgrown with vegetation. Boundary treatment is to be continued with a 2.1 metre close boarded fence. The western boundary will have an existing 1.1 metre picket fence which will abut the existing public footpath. This fencing will continue along the northern boundary of the garden area adjacent to car parking spaces. The plans also show the areas either side of the main entrance to be landscaped. A landscaping plan has been submitted which also shows some planting within the car park.

Beyond the single storey parapet wall on the western side of the building is an existing pergola. This is to be removed and the existing central part of the external wall is to be relocated inwards by 11 metres. This is to create a new external loggia with external terrace beyond. This leads onto the proposed garden area. The original submission showed the loggia and terrace centrally positioned along the western elevation of the building. Amendments have been received which show this to be altered with the loggia and terrace staggered to the northern side of the western elevation. This is to allow the proposed play equipment to be located to the south of the loggia/terrace adjacent to the southern boundary. (The plans originally submitted showed this to be sited to the rear of the beer garden adjacent to the western boundary of the site.)

The play equipment comprises a multiplay unit with a slide and climbing provision, it has a maximum height of 2.8 metres.

The Loggia is a semi external open area although a part of it is to be covered by the existing first floor of the building. Fixed seating and a fire place are shown within the loggia area. The loggia leads out to the terrace which has more fixed seating which leads onto the proposed beer garden. The Design and Access Statement states that this area, "provides opportunity for more formal 'sheltered' external dining when weather conditions are appropriate, in

a transition zone between internal and beer garden areas." Full details of the proposed fireplace and fixed seating have been submitted. Seating 'booths' are proposed with pendant lighting.

The existing car parking provision will be rationalised and reconfigured to provide 51 car parking spaces. Two of the spaces are for disabled users and these are located in close proximity to the main entrance to the public house.

No signage forms part of this application and all details on the drawings are indicative and subject to advertisement consent.

The submitted plans show proposed lighting in the car park area and to the rear of the building. Illumination is also shown either side and above of the front entrance.

The existing first floor flat is to be refurbished. The Design and Access Statement states that this is inline with the company's policy. A member of staff will live on site to provide appropriate management. As existing this flat is ancillary to the use of the site.

Consultations

West Sussex County Council: The Highway's Authority has advised that the site will be served from the existing access with no changes proposed. The car parking layout has been revised showing better management of car parking spaces prior to delivery. The revised parking layout has been shown via swept path analysis and from an inspection of the plans would offer an improvement over the existing situation. The proposal would also not be anticipated to generate an increase in vehicle movements with respect to the current usage.

Adur & Worthing Councils: Environmental Health Officer –A time condition for the use of the play area is recommended so it is closed by 9pm and the beer garden to close by 11pm. The applicant's noise assessment assumes that the play area will not be used after 9pm and has overly optimistic assumptions regarding the noise generated from each table in use. Therefore the time limitations are reasonable and would protect the amenity of nearby residential property. The outside area beneath the loggia is further from the neighbouring dwellings and could be exempted from the condition in order that it can be used for smokers beyond 11pm. The loggia covers the same footprint of the previous pergola that would have been used previously as an outside seating area. Environmental Health are satisfied with the information submitted in relation to the plant and equipment and odour abatement.

Following receipt of amended plans it has been agreed that the play equipment and beer garden can be used until 11pm.

Representations: -

4 email representations have been received in relation to the original submission.

Owner/occupier of 12 Fishermans Walk, - The new refurbishment is welcomed however there are concerns with regards to the garden and children's play area.

1. There is no designated smoking area on the proposed plans, this was previously on the north side of the building.
2. Children's outside play area – is a wall to be built to the south and west side of the pub enclosing the garden and minimising noise and preserving privacy of neighbouring properties. What is the height of the fence and climbing frame. Could it be positioned elsewhere in the garden.
3. Please confirm if restricts are in place regarding use of the garden after 10:30pm in the view of neighbouring properties.

Questions have been answered and following response given: -

I would strongly object to a smoking area being located on the west side of the building. Once the intended loggia and terrace is added this will make it even closer to my property. If this can be used up until 11pm this will create a lot of additional noise which wasn't there before. The previous smoking area at the north side of the property was in constant use.

You state that the climbing frame is 2.8 metres and the fence 1.1 metres. This is clearly unacceptable. As there is a public walkway in between, at maximum height of frame, children will be able to look into my garden, therefore this is clearly a privacy and noise issue which is not a problem at present. Therefore my objection to this application remains.

Owner/occupier of 11 Fishermans Walk – objections to the climbing frame and smoking section which will back onto their garden. It is appreciated that it will be an improvement to the existing building. However objections to the play equipment close to garden with regards to both noise and privacy. Children climbing will be able to see over it. I also object to any late license being held as it will definitely cause a disturbance. It was very noisy before for all of use backing onto the Car Park.

Owner/occupier of 11 Marine Court – Unaware whether to object as have no idea what external plant equipment area is.

Advice has been given and the following response given: -

The information given was very helpful, the only problem I have had with the Royal Coach was a few years ago when their air conditioning unit was making more noise. It was repaired and improved but unpleasant at the time. Monitoring the noise I hope will prevent this happening.

Owner/occupier of 13 Fishermans Walk – Concerns over part of the application. The proposed garden area and play equipment will change the use of the site and the nature of the pub which will impact on the adjacent neighbours with regards to privacy and noise.

The play equipment is too high and too close to residential boundary. It is likely to be used by more than one child. It would result in loss of privacy to my house and garden. Staff will have little control over play equipment and

external seating as a result of the distance from the pub. There would be a difficulty of enforcing closing times and controlling under age drinking. Disruptions and problems therefore more likely for neighbours.

Young people may use the play equipment as a ‘gathering spot’ out of hours increasing anti social behaviour and nuisance. The planning application places no importance on the impact of the outdoors proposals on the neighbours to the Royal Coach. Local residents who do not object to the presence of a pub but do not want to suffer from noise and lack of privacy due to a lack of thought in these plans.

Representations following amended plans: - Still no provision is made for smokers, could it be confirmed that if they wanted to erect a smoking shelter once the pub is open that they would need to apply for planning permission. To make sure nothing goes up once the pub is up and running.

Relevant Planning Policies
Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AE16 (existing business in residential areas.)
National Planning Policy Framework (CLG 2012)

Planning Assessment

Principle

The proposal comprises upgrading the existing public house which is currently vacant. The use of the public house will not change it will remain an A4 use. The proposed occupiers however will focus on family dining in relation to the public house and the Design and Access Statement states ‘Wet sales associated with these meals supplement the proportion of profits generated by food sales.’ Extensive internal alterations are proposed as part of the refurbishment however these works do not require planning permission the works for consideration in this application are those described above. These are considered to be acceptable in principle provided that they do not impact on the residential amenities of the adjacent occupiers and that the external alterations do not impact on the visual amenity of the locality. There should also be no harm to highway safety.

Visual amenity

The majority of the changes to the building consist of cosmetic upgrading and will positively improve the visual appearance of the existing vacant building. Replacement timber boarding, new windows, doors and entrance canopy along with improved landscaping will enhance the appearance of the building. The removal of the hipped tiled canopy around the front and side of the building will allow for a focus on the main entrance and front elevation (north) of the building. The proposed new parapet on the eastern side will match the existing parapet to the western side. Conditions are attached to secure the detailing of the proposed materials to be used for the timber boarding, windows, new entrance pier with illumination and new rope and post detailing to the front elevation.

The building as existing is sited with car parking on three sides. The proposal will result in a garden area to the west with associated planting within the car park area and in planters on the proposed terrace area. This will improve the setting of the building within the surrounding area and will reduce its stark appearance and the excessive hard surfacing. A condition is attached to ensure that the planting as shown on the landscaping plan is implemented this will enhance the appearance of the building in its setting.

The proposed loggia and terrace provide an attractive feature which links the internal public house/ restaurant with the proposed garden. Within the loggia are fixed features such as timber seating, screens and a fire place. Details of which are conditioned to be consistent with the details submitted. The booth seating is limited to that shown on the plans.

The garden is to be enclosed with the existing boundary wall on the southern elevation a close boarded fence to the same height is proposed along the remainder of the boundary. Along the western and northern boundary of the garden a 1.1 metre picket fence is proposed along with landscaping adjacent to the boundaries of the garden. The picket fencing adjacent to the public footpath and car park will allow for views into the garden area. Therefore views will be enhanced from the public footpath and surrounding area whilst enclosing the garden from the public land adjacent. This will also limit any 'enclosing' of the public footpath which may result if higher solid fencing were to be proposed.

The play equipment has been relocated adjacent to the western side of the building. It will have a maximum height of 2.8 metres and will therefore be visible above the boundary wall and fences. Due to its position in close proximity to the public house building and adjacent to the external eating/drinking area it is not considered that the play equipment will result in any detrimental visual impact on the surrounding locality.

The proposed kitchen extract plant is to be sited on top of an existing flat roof to the south (rear) side of the building. Details of the equipment has been submitted and shown on drawing no. MJK/102/02 Rev A. The amended elevational plans show a balustrade screen which will enclose the plant area from the south. As this area is to the rear of the building is close proximity to adjacent flats this area will not be clearly visible within the street scene.

Residential amenity

To the rear (south) of the application site are three blocks of flats, three storeys with pitched roofs. These buildings comprise of nos.1-18 Marine Court. Blocks 1-6 and 7-12 have their main elevation to the south and secondary frontages face onto the rear of the site. Block 13-18 is side onto the site, there are windows on this elevation facing onto the site. The garages at Marine Court are sited directly adjacent to the rear of the public house building. Blocks, 1-6 and 13-18 are nearest to the site boundary at 8.5 metres.

To the west of the site boundary is the public footpath, beyond this are the rear and side boundaries of dwelling houses in Fishermans Walk. These are two storey semi detached dwellings with close boarded fences approximately 1.8 metres high.

The proposed refurbishment and occupation of a new firm within this existing vacant public house will result in increased activity with regards to traffic and potential noise with the increased use of the site than that which currently exists. Consideration must however be given to the existing A4 use of the building. The building could at anytime be occupied and run as a public house which would result in increased activity, potential noise and traffic than currently exists. For consideration here is the impact of the proposed works which require planning permission and any implications these will have with regards to the residential amenities of the adjacent occupiers identified above.

The existing A4 use of the building will not change and as existing there are no restrictive conditions relating to the opening business hours. Therefore there would be no justification for such restrictive hours to be attached to this permission. This permission relates to the external refurbishment of the building and the garden area with connected play equipment and furniture only.

The external changes to the building as stated above will result in an overall improvement to the appearance of the building and its setting. The building and associated changes will be clearly visible from neighbouring dwellings however it is not considered that the works will result in any loss of light, loss of privacy or overbearing impact.

The proposed garden area to the west side of the building has given rise to concerns and objections from the adjacent occupiers in Fishermans Walk. This area is currently used for car parking and the associated activity within this area will increase as a result of the proposed external drinking/dining area. This area is to be used for customers of the public house for dining and drinking only. Access to the garden will be through the building via the proposed loggia and external terrace. The garden area is to be fully enclosed with the boundary treatment as stated above. The garden will however be visible from outside the site particularly adjacent to the public footpath where low level picket fencing is proposed. A condition is attached to ensure that the boundary treatment is in place prior to use of the garden.

The proposed play equipment will be sited within the proposed garden area, along with tables and chairs and ancillary landscaping. The re-siting of the play equipment adjacent to the building is considered to address the concerns of the local residents. The activity in relation to this equipment is focused towards the rear of the building and well away from the rear boundary of the site. This will allow staff and customers to oversee the use of this equipment and reduce activity and potential noise and disturbance towards the western boundary of the site. It is acknowledged that the equipment is 2.8 metres high and therefore any children using it will have views over the adjacent boundary wall to the south. This is onto the side of Marine Court where these is a shared access and garage area, this is not private garden area and this relationship is considered to be acceptable.

As this is a change from the existing use of this part of the site a restrictive condition can be imposed on the use of this area as garden. The Environmental Health Officer considered that 11pm was appropriate and that this area shall not be used after this hour to be compatible with the adjacent

residential land use. The same restriction is imposed on the use of the play equipment. A condition is also attached to limit the number of tables to be sited within the garden area. This is limited to 9 tables with an additional 4 to be sited adjacent to the entrance of the public house. This has been agreed with the applicant's agent and is considered to be a reasonable amount to restrict. It will allow the garden area to not be over used and filled with an excessive number of tables and chairs which will result in the over use of this space to the detriment of the adjacent residents with regards to the potential increased noise and activity that could result.

As existing the rear (south) elevation of the public house faces onto the rear of the flats at Marine Court. This side of the building currently has a delivery and servicing/storage area which is accommodated in flat roof buildings which abut the garages at the adjacent site. There is also an external yard enclosed by these storage buildings. The alterations to this area are not going to have any impact on the adjacent flats which are sited at a minimum distance of 15 metres from the boundary of the site. Deliveries will be received into this yard area and as stated above a condition to restrict deliveries cannot be imposed in this case.

An external plant equipment area is proposed on the main flat roof to the rear, south side of the building. Details of the plant equipment area are shown on drawing no. MJK/102/02 Rev A. The Noise Assessment contains information relating to requirement for the plant equipment to allow it to be compliant with the noise levels set. For example silencers fitted for the front of house supply and extract system. The kitchen extract system also requires a silencer to be fitted to the discharge. A condition is attached to ensure that the contents of the Noise Assessment is implemented and complied with at all times. In addition the EHO expressed concern over the lack of detail for odour abatement from the proposed kitchen extract. Information has since been submitted and discussed with Environmental Heath and they have no objections. Safeguarding conditions will protect the local residents from any potential odours, noise and disturbance as a result of the proposed plant equipment.

The proposed 1.1 metre balustrade will screen the plant/extract equipment on the roof which will protect the outlook from the rear of the adjacent flats to the south. The balustrade will be constructed of horizontal boarding to be self finished rabetted bevel 6 by Vincent timber. Details of the materials and its appearance have been provided. It will be the same material as that used for the timber boarding to the first floor of the building.

External lighting is proposed within the car park and at the entrance to the building. Drawing no. D21200/PY/A shows the details of the proposed lighting columns within the car park and lighting levels. The existing lighting within the site is to be removed, this includes flood lighting on poles or attached to the building and adjacent to the access. Eight new columns are to be erected within the car park and two to the rear of the building in the servicing area. All are to have downward light limited spill fittings. Details of the proposed lighting to the entrance of the building is shown on drawing nos. 507 and 506 Rev B The lighting will allow the site to be safe and secure for staff and customers.

Accessibility and parking

As existing the vehicular entrance to the site is from The Saltings to the east of the site, this will remain. There are 73 parking spaces as existing due to the siting of the proposed garden this will reduce to 51 with two of these spaces allocated for disabled use only. This loss of car parking is not considered to be a concern as the 73 parking spaces as existing is in excess of the required parking provision required for this use. The site is also in a highly sustainable location. The parking layout has been improved and plan 12239:SK01 Rev B shows vehicle swept path analysis and the Highways Authority has advised that there are improvements over the existing situation.

As stated above the delivery area remains as existing to the rear of the building adjacent to the vehicular access. Due to the existing use of the site as a public house and this use continuing it is not considered that the Planning Authority can attach conditions restricting hours of delivery as these can currently take place with no restriction under the existing use. It is however considered that the improved access arrangements and storage and delivery area will allow for greater efficiency in relation to on site deliveries.

Recommendation

APPROVE for the reason:-

The proposed external alterations and refurbishment works to the currently vacant Public House would provide environmental improvements to the site and surrounding locality. This will also result in the creation of additional employment within the district. Subject to the safeguarding conditions attached it can take place without resulting in unacceptable detriment to the amenities of neighbouring properties. It would consequently not conflict with the saved policies of the Adur District Local Plan (AG1, AE16)

Subject to Conditions:-

1. Standard 3 year time limit
2. The garden and play equipment hereby permitted shall be used by customers of the public house only and shall be used ancillary to the main use at all times. The garden, external terrace and play equipment shall not be used after 23:00 on any day.
3. Drawing no. 3299/P100 rev B – received 19th December 2012
   Drawing no. 3299/P107 rev E – received 28th March 2013
   Drawing no. 3299/P106 rev D – received 28th March 2013
   Drawing no. 12239:SK02A Rev B – received 19th December 2012
   Drawing no. D21200/PY/A – received 19th December 2012
   Drawing no. 3299/P110 – received 19th December 2012
   Drawing no. 3299/P104 Rev D – received 1st March 2013
   Drawing no. 3299/P109 Rev A – received 19th December 2012
   Drawing no. 3299/EX107 Rev A – received 19th December 2012
   Drawing no. 3299/EX106 Rev C – received 19th December 2012
   Drawing no. 3299/EX104 Rev A – received 19th December 2012
   Drawing no. 3299/P108 Rev A – received 19th December 2012
   Drawing no. 3299/P103 Rev F – received 1st March 2013
   Landscaping plan – 26th February 2013
   Drawing no. 506 Rev B – received 1st March 2013

Drawing no. 508 – received 1st March 2013
Drawing no. 507 – received 1st March 2013
Drawing no. 3299-P110 – received 1st March 2013
Drawing no. MJK/102/02 Rev A – received 28th March 2013

4. The number of external tables for the use of customers at the public house shall be limited to 9 tables within the garden area and 4 adjacent to the main entrance only. No more tables and chairs shall be used or sited outside the building and no area of the car park shall be used for customer seating for eating or drinking.
5. The contents of the Planning Noise Assessment Report 12/5860/R1-1 submitted with the application dated 13th December 2012 shall be implemented on commencement of the developments hereby permitted and shall be complied with at all times.
6. Prior to commencement of the use of the garden hereby permitted fences shall be erected in accordance with the approved drawings.
7. Prior to commencement of works the proposed parking spaces and improved access arrangements shall be laid out in accordance with the approved drawings and shall remain as such unless otherwise approved by the Local Planning Authority.
8. Prior to the use of the garden hereby permitted work shall be carried out in accordance with landscaping plan dated 26th February 2013.
9. The replacement windows shall be constructed from treated soft wood and shall be painted in accordance with the details stated on Drawing no. 3299-P107 Rev E received 28th March 2013. Reason: - In the interests of visual amenity and to accord with policy AH7 of the Adur district local plan.
10. The timber boarding, render, doors, windows and fascias shall be painted in accordance with the schedule set out on Drawing no. 3299-P107 Rev E received 28th March 2013.
11. The plant equipment on the southern flat roof hereby permitted shall be constructed in accordance with the Mechanical Layout as shown on Drawing no. MJK/102/02 Rev A received 28th March 2013 accompanying notes and annotation on these plans shall be adhered to at all times.
12. The signage shown on the approved plans is not permitted and is subject to separate advertisement consent.
13. The illuminated entrance piers and external fireplace shall be completed in accordance with the materials and finishes shown on Drawing no. 506 Rev B received Friday 1st March 2013.
14. The external booth seating shall be completed in accordance with the materials and finishes shown on Drawing no. 506 Rev B received Friday 1st March 2013. No other booth seating other than that shown on the approved Drawing no. 3299/P103 Rev F received 1st March 2013 shall be installed within the loggia, external terrace area or garden and no additional external light pendants shall be installed without prior consent from the Local Planning Authority.
15. The fixed external dining seats within the loggia hereby permitted shall be carried out in accordance with the details on Drawing no. 506 Rev B and Drawing no. 508 received 1st March 2013. No additional fixed seating or external pendant lighting shall be installed without prior consent from the Local Planning Authority.

16. The new entrance porch/canopy hereby permitted shall be constructed in accordance with details as shown on Drawing no. 507 received 1st March 2013.
17. The windows and doors to be blocked up as shown on Drawing no. 3299/P107 Rev E received 28th March 2013 on the south elevation shall be blocked up in brick work to match the existing elevation. On the west elevation the windows and door to be blocked up shall be finished in painted brick to match the existing elevation.
18. The Willow Sculpture as identified on Drawing no. 3299/P104 Rev D – received 1st March 2013 shall not be installed unless and until details of its proposed appearance, scale and specific siting have been submitted to and approved by the Local Planning Authority. Work shall be carried out in accordance with such approved details.
19. The balustrade around the southern flat roof shall match the timber boarding to the first floor of the building. It shall remain in place and be maintained at all times.
20. The extract and plant equipment shall be constructed and maintained in accordance with the specification details as set out in the email to the Council dated 19th March 2013, Royal Coach [NLP-DMS.FID207085] details of which have been agreed by the Council's Environmental Health Officer. This includes attachments and excludes point 1. of the email text which it has been agreed shall be increased to 0.2 seconds dwell time in the carbon.

Informatives

1. Precautionary land contamination

If during development, any visible contaminated or odorous material, (for example asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented.

2. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Is recommendation contrary to letter(s) of representation? Y

Case Officer: Hannah Barker Date: 15th April 2013

Authorised by: Jo Morin Date: 15 April 2013