Development Management – Delegated Officer Report

Application Number: AWDM/0046/17 Recommendation – APPROVE

Site: **Duke Of Wellington 368 Brighton Road Shoreham-By-Sea West Sussex**

Proposal: **Erection of two storey micro brewery to rear garden of existing public house. (Including sun patio for customers of public house.)**

Date of site visit: 28.03.2017

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application property consists of a public house located on the eastern edge of the town centre, adjoining the former Adur Civic Centre site to the east. The former Civic Centre building has recently been demolished and the site cleared for future redevelopment. To the west is an access drive leading to a building contractor's yard and offices (Bramber Construction) which wraps around the site to the rear (north). Beyond to the west is a terrace of shops with residential flats on the upper floors. The building dates from the late 1920s and is two-storey with a flat roof, constructed in brick with some rendered elements at the rear. It has distinctive stone-framed windows at the front, timber doors and leaded windows (some with stained glass). There is an L-shaped garden at the rear enclosed by tall boundary wall/fencing on all sides.

Consent was granted for a microbrewery extension wrapping around the rear north west corner of the property, abutting the site boundary. This involved infilling of an existing open sided, pitched roof smoking shelter with a flat roofed addition attached to the west side. Improved toilet facilities were also proposed with new fire escape and private terrace for the residential flat on the first floor, AWDM/0807/13 refers and was a resubmission of the previously withdrawn AWDM/0240/13.

The site is within Flood Zone 3. A FRA following the EA Standing Advice (for non-domestic extensions where the additional footprint is less than 250sqm) accompanies the application.

The applicants have decided not to proceed with the former proposal and the current application seeks consent to erect a two storey building to the rear of the site, separate to the main public house building. The building is to house the proposed micro-brewery at ground and first floor. An external staircase leaves from ground to first floor at the front (south) side of the building. An external space is provided on the front of the building at first floor, labelled as sun patio on the submitted plans. The applicant's agent has confirmed that the sun patio is for use of the customers of

the public house (used as the beer garden currently is.) They argue that due to the proposed micro-brewery reducing the external beer garden space that this sun patio adds to usable space for customers. Revised plans show the floor area of the building and how the space at ground and first floor will be used. An air conditioning unit is shown on the west side of the building.

Consultations:

Adur and Worthing Councils: The Environmental Health Officer recommends a condition requesting details of any external plant to be agreed prior to implementation. The details submitted in relation to the A/C unit are acceptable.

Advice given that full contaminated land condition is required.

West Sussex County Council: Highways Authority

Summary and Content
The proposal seeks a micro-rewery to the rear of the Duke of Wellington. The site is accessed from Brighton Road, which is classified as part of the A259. A limited amount of information has been provided in support of this application, but given the small scale nature of the operations and experience of previous proposals it is not anticipated that the proposals would have an adverse impact on the nearby local highway network.

Conclusion
The LHA does not consider that the proposed change of use would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal.

Representations: none received.

Relevant Planning Policies

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1
National Planning Policy Framework (CLG 2012)

Planning Assessment

Principle

The site is not identified for any particular use or purpose within the saved Local Plan. The beer produced by the proposed micro-brewery would be primarily for consumption on the premises. It is not intended for large scale production. [The Dark Star Brewery Company has its main brewery in Partridge Green.] There is no objection in principle to the proposed improvements, including the proposed micro-brewery which will add to the existing offer. A number of pubs in the local area have closed in recent years including the nearby Surry Arms (converted into flats), The Morning Star (redeveloped as flats) and The Green Jacket (changed into retail store) and these proposals will provide an additional attraction that will enhance the commercial viability of the public house and promote economic growth in accordance with the NPPF.

There were initial concerns relating to the mixture of uses of the building relating to the micro-brewery and the sun patio. The applicant clarified the proposed use of the sun patio as an extension of the beer garden. It is considered that this relationship is acceptable in principle subject to relevant safeguarding conditions as set out below.

The proposed development would enhance the commercial viability of the existing public house and would encourage economic growth. It would not detract from the local built environment and the proposed development subject to safeguarding conditions, can take place without resulting in unacceptable harm to the amenities of neighbouring properties and without detriment to highway safety. It would consequently not conflict with the saved policies of the Adur District Local Plan (AG1) or the NPPF.

Visual amenity

The two storey scale of the building will result in it being visible from properties to the rear of the site including the builder yard, the civic centre redevelopment site and dwellings beyond to the north. It will however mainly be the roof of the structure that is visible only. The boundary wall to the east will be increased in height to screen the building and offer privacy to the site to the east. The west side of the structure is adjacent to the builders yard to the west. There is an existing boundary wall that will screen some of the building. The building will be visible in views from the highway to the west of the public house building. It would be a subservient building which would not detract from the distinctive appearance of the main public house building within the street scene. It is not considered that the building will have any detrimental visual impact. Its design is simplistic and use of materials acceptable with timber cladding, render and slate roof tiles. A condition is attached to require details of materials prior to commencement of works.

Residential amenity

The site is within a mainly commercial area however there are some residential properties above the commercial units to the west of the public house itself and to the rear of the site to the north of Bramber Construction, is Mercury House (not shown on the submitted location plan which is out-dated). No residential land use directly abuts the site of the proposed building itself, although the former civic centre site will likely come forward for development in due course. The east elevation of the building abuts the boundary of this site. An existing boundary wall is shown on the proposed plans with a new boundary wall shown at a higher level to be of rendered finish. This will offer visual screening of the main part of the building (apart from the roof) to the civic centre site however to ensure there is no loss of privacy a condition is attached to ensure that the rendered wall is built up to a height of 1.7 metres above finished floor level of the sun patio.

In addition, to protect the amenities of adjacent properties a condition is attached below to restrict the use of the sun patio beyond 11pm each evening and outside the opening hours of the pub. Unlike the existing beer garden customers using the sun patio will be elevated this could cause disturbance if outside such hours and therefore this safeguarding condition is necessary.

The proposed micro-brewery may to lead to some additional activity in terms of deliveries by suppliers but the floor area involved is modest. The premises is located on a busy distributor road (A259) and adjacent to a commercial builder's yard which also generates activity from comings and goings throughout the day. In this context, it is not considered the modest intensification of use arising from the introduction of the micro-brewery would result in a loss of amenity for nearby residential occupiers.

The proposed first-floor sun patio and external steps would enable views over the existing tall boundary walls into the builder's yard and the adjacent Civic Centre site but there would be no loss of residential amenity, (subject to the condition relating to the height of the wall on the eastern boundary.) The nearest part of Mercury House is some 20m distant and thus refusal on grounds of overlooking from the proposed terrace could not reasonably be justified.

Accessibility and parking

There is no on-site parking provision. Deliveries to the existing pub are made from the adjoining highway. In addition to existing deliveries it is anticipated that the micro-brewery will require deliveries 2 or 3 mornings per week by van (i.e. by VW Caddy, Ford Transit or similar) with loading/off-loading taking approximately 15 minutes. There are no parking restrictions immediately in front of the premises and it is not considered the additional traffic generated would have any highway safety implications. The majority of beer brewed would be for consumption on the premises with limited off-sales being on a very small scale basis.

West Sussex County Council have commented that they do not consider the development to have a severe impact on the operation of the highway network, there are no transport grounds to resist the proposal. The detailed consultation response is copied above.

Other Issues – Flood Risk

The proposal is not a highly vulnerable development and the submitted FRA makes it clear the applicant is aware of the potential risk.

Recommendation

APPROVE

Subject to Conditions:-

1. Standard 3 year time limit
2. Details of timber cladding, stair case and slate roof tiles, render of building and wall to match existing building.
3. The boundary wall shown on the approved plans on the eastern side of the site shall be constructed prior to use of the sun patio hereby permitted. Notwithstanding the details on the approved plans this wall shall be 1.7 metres high above finished floor level of the sun patio hereby approved.

This wall shall remain in place at all times unless otherwise agreed by the Local Planning Authority.

4. No externally-sited plant or machinery shall be installed in connection with the micro-brewery unless and until details of the plant or machinery (including noise emissions) have been submitted to and approved in writing by the Local Planning Authority prior to installation. With the exclusion of the A/C unit on the western side of the building which has been approved in line with details provided by email dated 8th June 2017 – KD scroll condensing unit.
5. Approved plans
6. The external doors serving the ground and first floor of the micro brewery hereby permitted shall be locked at all times unless the building is supervised by a member of staff.
7. The sun patio hereby permitted shall be used by customers of the public house only and shall only be used until 11pm on days when the public house is open for business. It shall not be used outside of the public house opening hours at any time or for any other use.
8. No windows or openings shall be formed in the east, west or north elevations or the roof slopes of the building hereby permitted.
9. Contaminated land full condition.

Informatives

1. Proactive with amendments

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

Case Officer: Hannah Barker Date: 27th June 2017

Authorised by: Jo Morin Date: 29.06.2017