

REFERENCE NO - 14/503470/FULL			
APPLICATION PROPOSAL			
Proposed change of use application from a former Police Station and Court House into a Public House including internal and external alterations and new M and E equipment.			
ADDRESS Magistrates Court 1 Park Road Sittingbourne Kent ME10 1DR			
RECOMMENDATION Grant subject to the further comments of Kent Highway Services			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL			
The proposal would result in the long-term security and preservation of this non-designated heritage asset and would bring into economic use a vacant building within the town centre. This is a positive impact. The new use as a public house would be acceptable in principle. The external and internal alterations would be sensitive to the historic character and appearance of this non-designated heritage asset. The pub use would cause some noise and possibly disturbance to local residents. However, this would not be significant and the new use would be unlikely to lead to a notable increase in anti-social behaviour over and above the existing surrounding pubs. There would be no significant undue impact on highway safety or amenity in my view.			
REASON FOR REFERRAL TO COMMITTEE			
More than three objections			
WARD St Michaels	PARISH/TOWN COUNCIL	APPLICANT Mr James Marsden AGENT Harrison Ince Architects LLP	
DECISION DUE DATE 24/11/14	PUBLICITY EXPIRY DATE 24/11/14	OFFICER SITE VISIT DATE 26/01/15	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/14/0179	Demolition of the existing Court House and erection of 3-storey building containing 8x 4 bed houses, 2x 2 bed flats and 1x 1 bed flat with storage for 24 bicycles.	Withdrawn	30/07/14
SW/83/0664	FIRST FLOOR EXTENSION TO OFFICES AND DISPLAY OF ROYAL COAT OF ARMS	Approved	

MAIN REPORT DESCRIPTION OF SITE

1.01 The application site lies within Sittingbourne Town Centre with frontage onto Park Road and the High Street. The site is situated towards the western end of the

High Street opposite Ypres Tavern. The surrounding buildings have a mix of uses including estate agent, office, residential, retail and takeaways.

1.02 The building on the application site is historic but unlisted built in the late 1800s. It has mainly two storeys with a basement, yellow stock bricks and slate pitched roof. It was until recently (29th July 2011) used as a magistrates court. There is vehicular access from Park Road to a rear yard and garages. The total site area is 0.11ha. The site lies within an Area of High Townscape Value.

2.0 PROPOSAL

2.01 The application seeks planning permission for a change of use from a magistrates court to public house. Internally, there would be some walls removed to open up the space but much of the character would remain with the retention of a number of partitioned spaces, including the old cells where seating areas would be provided. The bar area would be located in the centre of the ground floor beneath the existing large roof lantern. Customer toilets would be provided at first floor together with staff living accommodation. The garages would be converted into kitchen and bin store space and a small area of the external space would be enclosed to provide additional seating. Two external seating areas are proposed, one to the rear of the building within the former parking area and one to the front of the building between the front elevation facing the High Street and the front boundary wall. The new main entrance to the pub would be from the High Street. An extraction flue would be provided upon the roof of the former garages to the rear of the site.

2.02 Externally, the elevation facing High Street would be altered to provide full height doors at ground floor, including the entrance door. The new windows and doors would be designed to match the existing windows and are therefore traditional in appearance. Where possible, existing windows have been retained and the agent confirms that they will be refurbished. The wall adjacent to the High Street would be altered to provide piers at a height of 2 m and traditionally designed railings in-between. Steps would be provided to the front entrance doors with a wall and railings either side.

2.03 The elevation fronting Park Road would be unaltered with the wall and railings retained. The elevation to the rear yard would be unaltered with the exception of an in-fill extension between existing projections.

2.04 Servicing for the pub was proposed to take place from Park Road. However, due to highway concerns, this is now proposed to take place from High Street involving the construction of a reinforced layby built subtly into the pavement.

3.0 PLANNING CONSTRAINTS

Potential Archaeological Importance

Area of High Townscape Value

4.0 POLICY AND OTHER CONSIDERATIONS

4.1 The National Planning Policy Framework (NPPF) sets out at paragraph 14 that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

4.2 Paragraph 18 states that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

4.3 National Planning Practice Guidance (NPPG) – Natural Environment; Noise; Travel plans, transport assessments and statements in decision-making and; Use of planning conditions.

Swale Borough Council 2008:

4.4 Relevant policies include: - Policies E1 - general guidance regarding design and amenity, E18 – Area of High Townscape Value; E19 – high quality design, B1 – supporting and retaining existing employment land and businesses, B2 – providing new employment, T1 – vehicular access and T3 – vehicular parking.

5.0 LOCAL REPRESENTATIONS

5.1 Two letters of support have been received for this proposal. They comment that the court house will be saved and welcome a new Weatherspoons pub. The proposal would support the town's wider regeneration ambitions.

5.2 Two letters of objection have been received from a local business (the pub opposite) and a local resident. We have also received a petition with 50 signatures against the proposal. A summary of the comments is as follows:

- The use of the building as a pub is not the best use of the building and should be used as a community building;
- Wetherspoons pubs attract large groups of young people. The entrance and exit to the building is directly opposite the flat above the Ypres Tavern and there are concerns about noisy customers in the early hours of the morning;
- Concerns about the increase in anti-social behaviour at that end of the town and the introduction of Wetherspoons will add to this;
- The proposal would lead to increases in litter;
- Any increase in anti-social behaviour could have an impact on customers using the function space within Ypres Tavern;
- The pub will directly overlook the living accommodation within the Ypres Tavern;
- There would be no parking provided for the pub and this would lead to on-street parking and traffic flow problems;
- Deliveries would have to stop in Park Road which would impact on traffic flow;
- The proposal would have a serious detrimental effect on the Ypres Tavern;
- Noise from music;

- Risk of intimidation by patrons of the pub;
- The brick wall to the High Street should be retained;
- The concentration of public houses in the town has a damaging impact and;
- There should be no entrance onto High Street, only from Park Road to reduce intimidation to passers by.

6.0 CONSULTATIONS

6.1 The Council's Environmental Services Manager raises no objection to the proposal noting that the external seating area will be closed at 21:00 hours, the opening hours are in line with neighbouring pubs and they do not play amplified music. They note that the proposal includes external condensing units and kitchen equipment. These have the potential to generate noise and they recommend a condition to limit the noise level to at least 5db below the existing ambient noise. They also recommend a condition to limit the hours of construction.

6.2 Kent Police comment that it is clear that the applicant has considered crime prevention measures within the Management Plan and Design and Access Statement. The plans indicate that staff may live above the pub and this will add an additional layer of security to the site. Internally, public and private areas should be well secured.

6.3 The Council's Head of Service Delivery (parking) comments that there is an existing double yellow line outside and opposite the premises which would prevent on-street parking. However, these restrictions end at the southern boundary of the site and then become residents parking bays on the west side of Park Road, with single yellow lines on the east side. His only concern is on-street parking generated outside of the restriction times which are 8am-6:30pm Monday to Saturday. If a large number of vehicles park along Park Road, there could be complaints from residents of Park Road in relation to the use of the parking bays. Also, there could be some traffic congestion caused with parking on the single yellow line. They would look to monitor on-street parking once the premises commences trading.

6.4 The Environment Agency assesses the application as having low environmental risk and therefore have no comments to make.

6.5 KCC Archaeology welcome the proposal as it secures the future of an important heritage building at a key gateway to the town's high street. Archaeological remains are frequently found in locations adjacent to the former Roman Road. There is potential for medieval and post medieval finds in this general area. Due to the limited groundwork involved in this development, a watching brief is recommended to be secure through a condition. He also recommends a condition to secure a programme of historic building recording prior to the conversion works commencing.

6.6 The Council's Climate Change Officer recommends that the development complies with BREEAM 'excellent' or if not possible 'very good'. If this cannot be achieved, then there should be a robust reason for a lower rating.

6.7 Kent Highway Services make the following comments:

“The proposals now include the provision of a service bay, located on West Street, to accommodate the standing of a delivery vehicle while supplies are being unloaded for transfer into the development. The bay will take the form of an area of existing footway, strengthened to withstand the weight of the vehicular traffic, and sympathetically surfaced in a different colour to indicate the occasional shared use. This will allow the vehicle to park clear of the running lane, so as not to obstruct the free flow of traffic, and still provide a clear 3m width of footway at the same time. The wider footway will be available at other times, as pedestrians will be able to walk between the bollards used to contain the vehicle to within the bay. The existing traffic regulation order does not need to be amended to facilitate unloading at this location, unless more stringent restrictions are considered necessary at a later date, if it is felt that only loading associated with this development should be able to use the bay. The provision of this bay should be secured in the appropriate manner.

Consequently, I would have no objections to the proposals in respect of highway matters.”

Conditions suggested relate to ensuring the provision of the layby and ensuring that satisfactory arrangements are in place for vehicles during the construction period.

7.0 BACKGROUND PAPERS AND PLANS

Design and Access Statement; proposed elevations; proposed floor plans; existing floor plans; existing elevations; proposed and existing roof plan; existing basement plan; plant and flue specification; Code of Conduct Statement and; operating hours statement.

8.0 APPRAISAL

Principle of Development

8.01 The loss of the magistrates court use of this site is perhaps regrettable in terms of its contribution to the community. However, seeking to retain such a use for the building would be unrealistic given its specialist nature and that fact that the Ministry of Justice has now sold the building. Putting the building to another use that will preserve the character and appearance of the building is therefore the best option for the site. Members may recall that there was a recent planning application that sought to redevelop this site for housing which would have involved the demolition of the building. This application was withdrawn following the sale of the site to the current applicant – Wetherspoons. The demolition of the building was at the time considered to be unacceptable by many local residents as although it is unlisted, the building holds historic and local value. The current proposal would retain the building in its entirety and in this regard is received very positively. If this application is approved, the future of the building would potentially be secured for many years to come. In addition, the current proposal very sensitively, in my view, makes internal and external alterations as described above. This retains the character of the building and in my opinion, improves its appearance from High Street. The use as a public house would provide a form of community use, would provide employment and would ensure that a business use is established within the town centre. The public house use would complement the town centre uses in my

view and would merely add to the existing number of public houses promoting healthy competition. I therefore consider that this proposal is acceptable in principle and given significant weight to the positive outcome in terms of securing the future of the building.

Visual Impact

8.02 The external alterations to the building would be sensitive to the historic character and appearance of this non-designated heritage asset. Officers have discussed the proposal with the architect and amended plans have been provided to address concerns in respect of the treatment of the boundary wall adjacent to the High Street. The current proposal would have no undue impact on visual amenity and would positively enhance the appearance of the building from the High Street. The building would address the High Street more readily and create an active frontage. In being sensitive to the historic character and appearance of the building, I am of the view that the proposal will have no undue impact on the Area of High Townscape Value.

Residential Amenity

8.03 The occupants of the Ypres Tavern opposite the application site have concerns about the impact on their residential amenities in terms of noise and activity in the early hours of the morning. They have a flat above their pub.

8.04 The proposed opening hours area as follows:

Sunday to Wednesday 0700 to 0030
 Thursday to Saturday 0700 to 0130
 Christmas eve/Bowing day/Maundy Thursday/Sundays preceding a Bank Holiday an additional hour
 New Year's Eve 0700 to 0700 New Years Day

Beer Garden Hours: Monday – Sunday 0700 to 2100 with only smoking permitted after that.

8.05 The impact on surrounding residents is of course a consideration but one must recognise that this is a town centre location. There are other pubs within the vicinity of the site and I am aware that the Vineyard is permitted to open until 1am on Fridays and Saturdays and 11pm on the remaining days of the week. I acknowledge that the Wetherspoons proposal is to have more generous opening hours than the Vineyard and Ypres Tavern. However, other than on the exceptional days listed above, in comparison to the Vineyard, this would only be by 30 minutes at the weekend and 1 hour 30 minutes on week nights. The residential properties close to the application site will already experience a certain amount of noise and activity from existing pubs and takeaway uses. One must expect this within a town centre location. The use of the beer garden would be limited to smokers after 2100 hrs and I note the fact that the adjacent building to the rear of the site, fronting Park Road, is a solicitors. This will limit the impact on residential amenity.

8.06 Potential impact from noise from the external plant will be limited by its location which is the rear of the site and adjacent to a non-residential property. I have recommended a condition to control the use of music within the external areas and am mindful that this particular pub chain do not tend to play music in any event. I therefore consider that the proposal would have no significant detriment to the residential amenities of the surrounding residential properties.

8.07 I note the concerns of the residents of the flat above the Ypres Tavern in respect of overlooking and noise. I have addressed the noise issues above. With regards to overlooking, the two buildings are 16m apart. This distance between the upper floor windows is typical of a residential street with windows to the front. I see no reason why the proposal, which includes staff living accommodation, would result in any harmful overlooking of the Ypres Tavern.

Highways

8.08 Kent Highways have no objection to the proposal subject to a condition to ensure that the delivery layby is provided on High Street. The use of the existing access from Park Road is too narrow to allow service vehicles to enter and exit and it is likely that there would be obstruction to the flow of traffic along Park Road close to a busy junction with High Street/West Street. Kent Highways suggested an alternative solution which would see the pub serviced from High Street in a new loading bay subtly built into the existing pavement area directly outside the building. Pedestrians would still be able to walk over this area when not in use as a layby for delivery vehicles. The pavement would still be the same width but there would be bollards placed at strategic points around the layby and the colour of the block-paving would be slightly different to indicate a shared surface. I am satisfied that the appearance of the street will not be harmed.

8.09 The comments of the Head of Service Delivery are noted and I see that they will be closely monitoring the on-street parking situation should planning permission be granted. However, the concerns in this respect do not outweigh what I consider to be a positive use for this building that secures its future. Kent Highway Services do not consider that there are any highway safety concerns and so the issue to consider is one of highway amenity – i.e. convenience to road users. Displacement of some residential parking outside of the parking restriction times as a consequence of pub-users occupying on-street spaces would be an unfortunate outcome. However, significant weight must be given to the town centre location and its close proximity to public car parks and public transport. It is my strong view that the possible inconvenience caused to some residents as a result of on-street parking being more readily occupied, would be outweighed by the retention of this undesignated heritage asset. Moreover, any use of this building would potentially cause some displacement of on-street parking. I consider that the proposed pub use would cause no significant harm to highway amenity and safety (subject to the servicing issue being resolved).

Other Matters

8.10 Issues of anti-social behaviour and litter have been raised by local residents. I note the comments from Kent Police who have no objection. It may well be the

case that there will be some incidents of anti-social behaviour, including littering, that can be directly linked to the proposed public house. However, I suggest that it would be difficult to conclude that the proposed public house would make the actual and perceived safety of the area and the environment in general significantly worse. I have given weight to the information submitted by the applicant that sets out their policies and procedures that deal with potential anti-social behaviour and consider that these will go some way towards reducing the risk of anti-social behaviour generated from the public house. I am of the view that any potential increase in anti-social behaviour as a consequence of this public house could be appropriately managed by the manager of the pub and the relevant authorities and that any harm in this respect would be outweighed by the potential benefits of this pub use as set out above.

9.0 CONCLUSION

9.01 The proposal would result in the long-term security and preservation of this non-designated heritage asset and would bring into economic use a vacant building within the town centre. This is a positive impact in my view and I consider that the new use as a public house would be acceptable in principle. The external and internal alterations would be sensitive to the historic character and appearance of this non-designated heritage asset in my view. The pub use would cause some noise and possibly disturbance to local residents. However, I do not consider that this would be significant and the new use would be unlikely to lead to a notable increase in anti-social behaviour over and above the existing surrounding pubs. There would be no significant undue impact on highway safety or amenity in my view, subject to the resolution of the servicing arrangements.

I therefore consider that subject to further comments from Kent Highway Services, planning permission should be granted.

10.0 RECOMMENDATION – GRANT Subject to the following conditions.

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following approved drawings: 2140/01 A; AL03 A; AV01 C; AL01 & AL02 A.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall commence until the alterations to the highway to provide a delivery layby within the footway as shown on drawing no. 2140/01 revision A have been completed in accordance with a design and specification to be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and amenity.

4. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:-

Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

5. No amplified music or other amplified sound shall be played into the external seating areas of the premises.

Reason: In the interests of residential amenities.

6. The premises shall be used for the purpose of a Public House with associated ancillary uses and for no other purpose.

Reason: In the interests of the amenities of the area.

7. The use of the premises hereby permitted shall be restricted to the following hours:

Sunday to Wednesday 0700 to 0030

Thursday to Saturday 0700 to 0130

Christmas eve/Bowing day/Maundy Thursday/Sundays preceding a Bank Holiday an additional hour

New Year's Eve 0700 to 0700 New Years Day

Reason: In the interests of the amenities of the area.

8. With the exception of smokers, the external seating areas shall be closed to patrons of the public house after 21:00 hours.

Reason: In the interests of residential amenities.

9. Prior to the commencement of development hereby approved, the applicant, or their agents or successors in title, shall secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

10. The building hereby approved shall be converted and refurbished to BREEAM 'Excellent' or 'Very Good' (where excellent is not possible with robust reasoning provided for this) Standard or an equivalent standard and prior to the use of the building the relevant certification shall be submitted to the Local Planning Authority

confirming that the required standard has been achieved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of promoting energy efficiency and sustainable development, and in pursuance.

11. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those on the existing building in terms of type, colour and texture.

Reason: In the interests of visual amenity.

12. All new external windows and doors shall be timber and prior to the commencement of development hereby approved, detailed drawings of all new external joinery work and fittings shall be submitted to and approved by the Local Planning Authority, together with sections through glazing bars, frames and mouldings. The details shall include: elevations at 1:20; vertical and horizontal sections showing the location of frames within the walls, and 1:1 or 1:2 scale sections through all individual components. The development shall be carried out in accordance with the approved details.

Reason: In the interests of preserving the character and appearance of this undesignated heritage asset.

13. Prior to the commencement of development, details of the railings, piers and steps to the main entrance to a scale of 1:20 shall be provided. For the railings, these details shall include a plan, elevation and sections of all new railings and detailed drawings showing the existing railings fronting Park Road. The approved details shall be implemented.

Reason: In the interests of preserving the character and appearance of this undesignated heritage asset.

14. The rating level of noise emitted from the proposed plant and equipment to be installed on site (determined using the guidance of BS4142:19979 Rating for industrial noise affecting mixed residential and industrial areas) shall be at least 5dB below the existing ambient noise level LA90 T.

Reason: In the interests of residential amenity.

15. During construction provision shall be made, to the satisfaction of the Local Planning Authority, to accommodate operatives' and construction vehicles loading and off-loading.

Reason: In the interests of amenity and road safety.

Informative:

1. Planning permission does not convey any approval for works within the highway for which a statutory licence must be obtained. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Council's approach to this application

The Council recognises the advice in paragraphs 186 and 187 of the National Planning Policy Framework (NPPF) and seeks to work with applicants in a positive and proactive manner by offering a pre-application advice service; having a duty planner service; and seeking to find solutions to any obstacles to approval of applications having due regard to the responses to consultation, where it can reasonably be expected that amendments to an application will result in an approval without resulting in a significant change to the nature of the application and the application can then be amended and determined in accordance with statutory timescales.

In this case amendments were sought in relation to design matters and servicing, the application was then considered by the Planning Committee.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.