

PLANNING APPLICATION REPORT



ITEM: 03

Application Number: 12/01780/FUL

Applicant: JD Wetherspoon PLC

Description of Application: Change of use, conversion and alteration to form public house (Class A4) including ground and first-floor rear extension, creation of beer garden, provision of rear access ramp and new shopfront

Type of Application: Full Application

Site Address: 95 TO 99 RIDGEWAY PLYMOUTH

Ward: Plympton St Mary

Valid Date of Application: 15/10/2012

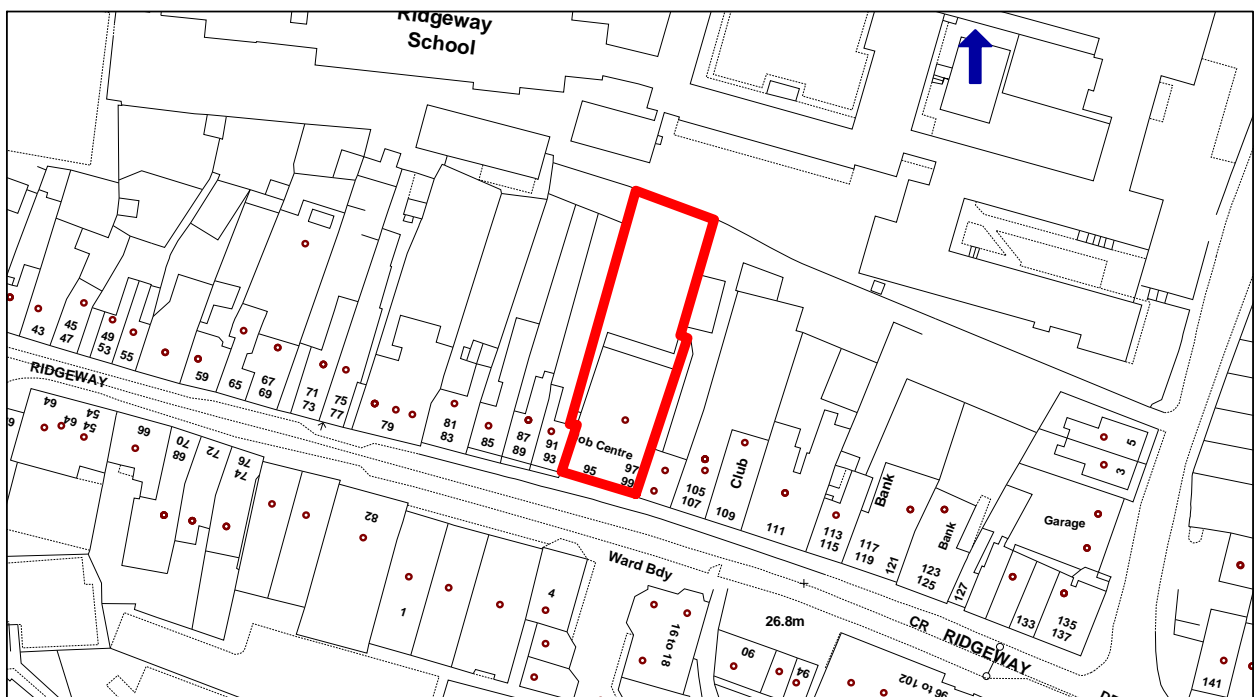
8/13 Week Date: 10/12/2012

Decision Category: Member Referral

Case Officer : Kate Saunders

Recommendation: Grant Conditionally

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This application is being brought before the Planning Committee at the request of Councillor Patrick Nicholson, who considers that the case is finely balanced and warrants discussion and determination at Committee.

Site Description

95-99 Ridgeway is a large building situated on the north side of the Plympton Ridgeway District Centre. The property occupies a central position within the centre and is set down from road level, with just a narrow footpath and wall to the front. The property has a large parking area at the rear, with some limited landscaping, with access being provided from Moorland Road. The site is bounded by Ridgeway School to the rear with an estate agent to the west and a shop with flat above to the east.

The property became Grade II listed in 1998, primarily by virtue of its attractive front elevation which adds significantly to the overall street scene. It should however be noted that a large, single-storey, flat-roof extension and various internal alterations took place prior to its listing, which are unsympathetic and not in keeping with the historical nature of the property.

Proposal Description

Change of use, conversion and alteration to form public house (Class A4) including ground and first-floor rear extension, creation of beer garden, provision of rear access ramp and new shopfront.

The proposal is to change the use of the property to a public house, which will necessitate a large first-floor and modest ground-floor extension to the rear. The first floor extension will span the entire area of the existing ground-floor addition; this will therefore measure approximately 6.7 metres wide by 16 metres deep and will have a hipped roof design which will not extend above existing ridge level. An additional small flat-roof extension will provide an enlarged customer area to the ground floor. A limited parking and delivery area will be retained to the rear with the rest being converted into a beer garden. A disabled platform lift will also be installed and a ramp to the first-floor will provide access to the kitchen and beer store for deliveries.

The current shopfront will be replaced and the entire front elevation will be repaired and renovated as necessary.

Pre-Application Enquiry

A formal pre-application enquiry was submitted, MI/1175/MIN; it was noted that the principle of conversion to a public house was considered acceptable. The refurbishment of the front elevation of the property, removal of the rear access ramp, creation of the beer garden and landscaping of the rear of the property was also welcomed.

There were some areas where concerns were raised or further information was requested, these include:

- The size and scale of the rear extension
- Ramp to flat roof area
- Potential impact on neighbouring residents, businesses and the school
- Mechanical ventilation and extraction system
- Relocation of refuse storage
- Boundary treatment to rear of property

Relevant Planning History

12/01781/LBC - Conversion, alteration and extension to form public house including ground and first-floor rear extension, creation of beer garden, provision of rear access ramp, new shopfront and internal alterations – Under consideration

10/02074/ADV - Non-illuminated fascia sign – Approved

10/02073/FUL - Continue temporary use as public library (Use Class D1(f)) – Granted conditionally

08/01874/FUL - Temporary change of use to public library (Use Class D1(f)) – Granted conditionally

91/01774/FUL – Demolition of existing building and reconstruction of new building behind a replica fascia – Granted conditionally

91/00962/C1884 – Change of use and conversion of premises recently approved as two new retail units to use as an employment service office – Refused

91/00585/FUL - Change of use and conversion of premises recently approved as two new retail units to job centre and employment office – Withdrawn

90/04024/FUL – Redevelopment to form two retail units with ancillary offices/storage areas above, retaining Ridgeway façade with new shopfronts – Granted conditionally

88/00409/FUL – Change of use of front ground floor room of No. 99 from building society office to shop and western half of ground floor of No. 95 – Granted conditionally

82/02366/FUL – Change of use from travel agency to estate agents and surveyors office – Granted conditionally

79/02269/C1884 – Circular 7 consultation in respect of the erection of a job centre – Granted conditionally

Consultation Responses

Highways Authority – No objections subject to condition

Police Architectural Liaison Officer – No objections

Public Protection Service – No objections subject to conditions

Representations

There have been 16 letters of representation received. Nine letters are objecting to the proposal and raise the following issues:

- Add to problems with drunken conduct in the area e.g. bad language, broken glass etc.
- Already too many pubs in the area
- Adversely affect established pubs in the area
- Worsen teenage drinking
- Further stretch police services
- Site notices not visible
- Beer garden will cause unwelcome viewing and interaction with the school
- Hours of opening of the beer garden and smoking outside the front of the premises needs to be controlled
- Work has started
- Delivery trucks may damage property

It should be noted that one of the letters of objection was a petition style letter containing 15 signatures.

Six letters received are supporting the proposal and raise the following matters:

- Provide a good quality public house
- Improved facilities compared to existing public houses in the area
- Good value services
- Create job opportunities
- Boost business for other premises in the area
- Plans are sympathetic and re-use an empty building
- Good record for managing premises

One letter was also received just querying the rights of access over the service lane, which provides access to the parking and delivery area.

Analysis

This application turns on Policies CS11, CS22, CS28, CS34 of the Local Development Framework Core Strategy (2006-2021) 2007 and the Development Guidelines and Shopping Centres Supplementary Planning Documents. Appropriate consideration has also been given to the National Planning Policy Framework 2012. The main planning considerations are the impact on the vitality of the district centre, the effect on the amenities of neighbouring residential properties and businesses, the impact on the character and appearance of the area and public disorder matters, as detailed below.

Principle of Conversion

The property occupies a central position within the Plympton Ridgeway District Centre therefore careful consideration needs to be given to the impact of the scheme on the vitality and vibrancy of the centre. The property has most recently been used as a temporary library but has lawful use as an office (class A2), previously being used as a job centre. It is noted within the recently adopted Shopping Centres SPD that the Ridgeway is formed by 100 commercial ground floor units, including 68 units within the primary frontage with 39 being in A1 use. The subject property is defined as being within the primary frontage but the unit is already in non-A1 use. The public house will continue to provide a complementary facility which should increase footfall in the area and add to the vitality of the centre. It is noted that there are other public houses within the centre although these are situated at the other end of the street; the proposal will not therefore result in a harmful overconcentration of A4 uses. The Conservative Club is situated only two doors away; however this is a member's club and does not function in the same way as a general public house. It is noted in the letters of objection received that people believe that the proposal will have a negative impact on the other drinking establishments in the area. The proposal will provide a different style public house to the other premises within the centre, in the same way that retail units may provide similar services in a varied style, which officers consider will not be out of character or cause significant harm to the function of the centre. The principle of conversion to a public house is therefore considered acceptable.

Effect on neighbouring properties and businesses

The proposal involves the construction of a first-floor extension to the rear of the property. The development will extend from the western side of the building, along the boundary with 91-93 Ridgeway. This property is in use as Fulfords Estate Agents, with an ancillary office on the first-floor. There is a large stone wall currently dividing the premises; therefore the impact of the development will be reduced. However some loss of light and outlook will occur to the first-floor office but this is considered by officers to not cause undue harm to the premises.

To the east is 101-103 Ridgeway which is in use as a retail premises on the ground floor and maisonette above. Again the impact on the retail premises is considered to be marginal but the effect on the adjoining residential property will be more significant. Although the extension will be sited 6.9 metres from the boundary, its impact will still be notable. The proposal will restrict light and outlook from the neighbouring kitchen, as well as appearing dominating and overbearing when viewed from both the habitable accommodation and courtyard and garden areas. In 2006 planning consent was granted for an extension to the rear of the neighbouring maisonette, in order to create a further unit of accommodation; however this consent has since expired. If this extension had been constructed the potential impact on the neighbouring property would have been less significant.

The subject extension is considerably smaller in scale than the extension to the Conservative Club which was approved in 2008. Concerns were raised by officers at the time this application was considered, due to the likely negative impact on No. 101-103. However Planning Committee approved the scheme and it is therefore

considered that this does now set a precedent. Officers consider that the impact of the extension at the Conservative Club on No. 101-103 is more severe than the first-floor extension proposed as part of this application. In addition it should be noted that no letter of representation has been received from the adjoining residential premises. Therefore although the impact of the first-floor extension is considered to have a detrimental impact on No. 101-103 Ridgeway, it is not considered that this could warrant refusal of the application.

In order to further minimise the impact of the proposal on the neighbouring maisonette, Ridgeway School and other neighbouring businesses and residents, a number of conditions are recommended. Little detail has been provided on the installation of mechanical ventilation or extraction equipment; conditions will therefore request additional information and cover noise levels generated by the installation of this equipment. Deliveries to the premises also have the potential to cause disturbance, so deliveries are proposed to be restricted to 09.00 to 18.00 hours to prevent high levels of noise early in the morning or late in the evening. The beer garden is likely to be well used, and its hours of use are proposed to be limited to 09.00 to 21.00 hours to reduce disturbance. This will cover the higher terrace; the lower level which is limited in size will have to be available until closing as it will form the smoking area. The bi-fold windows to the front elevation will also only be allowed to be fully open between the same hours. A letter submitted did raise concerns regarding the potential for people to congregate at the front of the property to smoke; however as a smoking area will be provided to the rear this is less likely to occur and should also be controlled by management.

The Ridgeway School raise an objection to the development as it has concerns that users of the beer garden would overlook the school site. It has been confirmed that a 2.1 metre high timber fence will be erected along the rear boundary of the beer garden to prevent any unwelcome interaction with the school.

Impact on the character and appearance of the area

The proposal will involve the replacement of the existing shopfront with a high quality timber alternative. The layout of the shopfront has been altered from the original submission in order to retain a more balanced and symmetrical appearance. In addition the slate hanging, timber windows and rainwater goods will all be sensitively repaired. The projecting clock which is also a feature of the premises will also be repaired and reinstalled. Officers consider that the development will rejuvenate this attractive but somewhat tired property which strongly contributes to the character and aesthetics of the street.

The alterations to the rear are also considered to benefit the character and appearance of the building. As alternative access arrangements are being proposed, the removal of a ramp is strongly supported by officers. The creation of the beer garden, which will use high quality materials, will soften the appearance of the property. The first-floor extension will also have a pitched, slate roof which will be more in keeping than the current, unattractive, flat-roof extension.

A small extension to the ground-floor is also proposed, which will adopt a simple design with a lantern rooflight. This alteration will not adversely affect the visual quality of the building.

Highways Issues

The highways authority notes that the proposal is similar in nature to an application (07/00575/FUL) in 2007 on nearby premises at No.111, which was refused permission due to the harmful impact on the appearance of the building and wider area. However, no highway objections were given at that time and the principle, therefore, is still acceptable for a public house in this area.

There is to be no customer parking provided to serve the public house but in this location with its close proximity to public car parks, public transport facilities and local services this is considered acceptable.

Staff access and delivery provision is made to the rear of the premises with access from Moorland Road. The 2007 planning application demonstrated that the necessary vehicles were able to serve that property at the time and in this instance the rear service area is larger, which will only improve the previously accepted arrangements. No cycle storage has been detailed on the plans although adequate space is available; a condition will therefore be imposed to ensure this is provided.

In relation to the query raised regarding access arrangements over the rear lane, the agent has confirmed that the leased area of the premises includes a rear private roadway. The other units on this road will also have a right of way over this roadway. It is understood these rights will transfer to the applicant on receipt of full planning permission and completion of lease negotiations.

Other matters

A number of the objections received express concern that the development will contribute to drunken behaviour, lead to further underage drink and be a drain on police resources. The Police Architectural Liaison Officer does not raise any objections to the proposal and considers that the development is unlikely to lead to public disorder in the area.

One letter noted that work had commenced on site. At the time of the officer site visit, on 9 November, there was no evidence that work had started and as the applicant has yet to purchase the property this is unlikely to occur.

Concern was also raised that the site notices erected were not in a suitable location. They were installed on the downpipe at the front of the property at eye level. This was the only available place as there are no streetlights or poles along the Ridgeway close to the property.

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Section 106 Obligations

None

Equalities & Diversities issues

Level access will be provided to the front of the property, with disabled toilets also being installed downstairs. A platform lift will be provided to the rear to give access for all to the upper beer garden.

Conclusions

The conversion of this vacant building into a public house will improve the façade of this attractive property, which will positively enhance the visual quality of the street. The development is likely to improve footfall and benefit the vitality and vibrancy of the centre. All efforts have been made to minimise the impact on surrounding residential properties and business premises. The application is therefore recommended for approval.

Recommendation

In respect of the application dated **15/10/2012** and the submitted drawings 6859/PL-01, 6859/PL-02, 6859/06B, 6859/05B, 6859/03, and accompanying Heritage and Design and Access Statement, it is recommended to: **Grant Conditionally**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1) The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 6859/PL-01, 6859/PL-02, 6859/06B, 6859/05B, 6859/03.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXTRACT VENTILATION SYSTEM

(3) Prior to commencement of development, further details of the ventilation system shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the manufacturer's specifications for the proposed system including odour control equipment and expected fan noise.

Reason:

In order to protect local residents from excessive noise caused by normal use of the commercial unit in accordance with Policies CS22 and CS34 of the Local Development Framework Core Strategy (2006-2021) 2007.

ODOUR CONTROL MEASURES

(4) Prior to commencement of development, further details of the odour control measures shall be submitted to and approved in writing by the Local Planning Authority. The odour control measures shall be installed and maintained in accordance with DW/172 HVCA specification for kitchen ventilation systems and the DEFRA Jan 2005 Guidance on control of odour from commercial premises.

Reason:

In order to protect local residents from excessive noise and odour caused by normal use of the commercial unit in accordance with Policies CS22 and CS34 of the Local Development Framework Core Strategy (2006-2021) 2007.

NOISE LEVEL RESTRICTION

(5) A noise impact survey to establish current background noise levels shall be carried out and supplied to the Local Planning Authority prior to commencement of the use. Once the use has commenced, the noise emanating from the mechanical equipment (LAeqT) shall not exceed the background noise level (LA90) by more than 5dB, including the character/tonalities of the noise, at any time, as measured at the façade of the nearest residential property.

Reason:

In order to protect local residents from excessive noise caused by normal use of the commercial unit in accordance with Policies CS22 and CS34 of the Local Development Framework Core Strategy (2006-2021) 2007.

DELIVERIES

(6) Deliveries to and from the premises shall not take place between 18:00 hours and 09:00 hours on any day.

Reason:

In order to protect nearby residential properties from excessive noise, in accordance with Policies CS22 and CS34 of the Local Development Framework Core Strategy (2006-2021) 2007.

BEER GARDEN

(7) The upper beer garden hereby approved shall not be open to customers between 21.00 hours and 09.00 hours on any day.

Reason:

To protect the residential and general amenity of the area from noise and disturbance and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

ENCLOSURE BEFORE USE

(8) The use hereby approved shall not commence until the fence to the rear of the beer garden shown on the approved plan has been erected. Thereafter the said means of enclosure shall not be altered or removed without the prior written consent of the Local Planning Authority.

Reason:

To screen the site and safeguard the amenity of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

FRONT WINDOWS

(9) The bi-fold windows on the front elevation hereby approved shall not be fully open between 21.00 hours to 09.00 hours on any day.

Reason:

To protect the residential and general amenity of the area from noise and disturbance and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE PROVISION

(10) The use hereby approved shall not commence until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for 4 bicycles to be securely parked.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE STORAGE

(11) The secure area for storing cycles shown on the approved details shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

To ensure that there are secure storage facilities available for occupiers of or visitors to the building. in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE: INFORMATION SOURCES

(1) With regard to condition (4), the specification for kitchen ventilation systems may be obtained from www.hvca.org.uk, and the guidance on control of odour from commercial premises may be obtained online from DEFRA.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: impact on the vitality of the district centre, effect on neighbouring properties and business, impact on the character and appearance of the area and public disorder matters, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS11 - Change of Use in District/Local Centres
- SPDI - Development Guidelines
- NPPF - National Planning Policy Framework March 2012
- SCSP - Shopping Centres Supplementary Planning Document