

Report to: PLANNING COMMITTEE

Date: 21 September 2016

Report from: Assistant Director of Housing and Built Environment

Application Address: **The Winchester Club (Former Civil Service Sports Club), Harrow Lane, St Leonards-on-sea, TN37 7JY**

Proposal: **Change of use from private members social club (sui generis) to drinking establishment (A4), plus installation of a wheelchair accessible toilet and general internal redecoration.**

Application No: **HS/FA/16/00286**

Recommendation: **Grant Full Planning Permission**

Ward: ASHDOWN
File No: HA521175
Applicant: Mr Russell per Ms Konu Stonelynk Hall Battery Hill Fairlight, Hastings, East Sussex. TN35 4AP

Interest: Commercial (private)
Existing Use: Vacant premises since 2013 - previously private members club (sui generis)

Policies

Conservation Area: No
Listed Building: No

Public Consultation

Adj. Properties: Yes
Advertisement: No
Letters of Objection: 3
Petitions Received: 0

Application Status: Not delegated - More than 2 letters of objection received

Notes

Neighbours Expire: 13 June 2016 Members Expire: 13 June 2016 or same as advert expiry if later.

Neighbours Checked on site: Yes
Objection letters read: Yes
Site Visited: 1 September 2016

Site and Surrounding Area

The site comprises of the former Civil Service Social Club house (Winchester Club), which is located towards the northern end of Harrow Lane, fronting a bus lay by, set back from the road. The building has been vacant since 2013.

The nearest residential neighbours at nos. 115 and 117 Harrow Lane (approximately 30m) adjoin the far perimeter of the Club's garden to the south. To the north, some distance away, are large office buildings. Homes to the east are buffered by the slip road and island in front of the Winchester Club, Harrow Lane and a wooded area. To the east, the nearest building is the former Ashdown Pub, which has been closed for over 4 years. The Winchester club benefits from a reasonable perimeter of non-residential space around it.

Site constraints:

High Pressure Pipeline 2km Buffer SGN
Historic Landfill Site 250m Buffer
Low Pressure Pipeline SGN

Proposed development

The proposal seeks planning permission for a change of use from private members social club (sui generis) to drinking establishment (A4), plus installation of a wheelchair accessible toilet and general internal redecoration. No external alterations area proposed.

The main change is of clientele, from a private member's drinking establishment, to one which is available to the public.

Refurbishment work is predominantly internal redecoration, which doesn't require consent. With regards to accessibility, a new wheelchair user toilet is proposed beside the main entrance (in place of former store/door keeper area) to meet Part M of the Building Regulations plus closure of three existing openings between the social club and the adjoining former sports hall (which is not part of the application site) to satisfy Part B of the Building Regulations.

The total gross internal floor space area relating to drinking establishment (A4) use on the site will be 330m². No on site vehicle or cycle parking is proposed.

The proposed number of employees are two full-time and 2 part-time staff.

The proposed hours of use are as follows: 11:00 to 23:30 Sunday/Bank Holidays to Thursday, 11:00 to 00:30 Friday, 10:00 to 00:30 Saturday and Christmas Eve, New Years Eve, day preceding Bank Holiday and private/pre booked functions until 1:00.

Refuse will continue to be stored/disposed of from the rear of the building, as it has in the past (indicated on drawing numbers 48900-fp-6-7).

The application is supported by the following documents:

Application form, dated 15 April 2016
Drawing no. FP 001 (site location plan)
Drawing no. FP-002 (block plan)

Drawing no. 003 (Aerial view)
Drawing no. 004 (street view north)
Drawing no. 005 (street view south)
Drawing no. 006 (existing plan)
Drawing no. 007 (proposed plan)
Design and Access Statement 48900-fp-008
Drawing no. 009 (As existing photo's)
Waste Management Plan 48900-fp-010
Addendum to Design and Access Statement

Relevant Planning History

HS/FA/88/01447 Erection of two storey extension
Granted 1 March 1989

HS//71/01332 Erection of civil service club centre
Granted 26 November 1971

HS/OA/71/00160 Site for erection of clubhouse
Granted 26 February 1971

HS/DS/78/00507 Erection of extension comprising two squash courts, games room, toilet
and changing facilities, committee room and office and store
Granted 4 October 1978

HS/OA/77/00680 Erection of extension comprising 2 squash courts, games room, toilet
and changing facilities, committee room and office and store
Granted 18 January 1978

HS/FA/81/00671 Erection of single storey extension
Granted 11 November 1981

Relevant Environmental Health (Pollution) Complaint History

Environmental Health confirmed that over the past 5 years the department received a single noise complaint on 5 May 2012 in relation to music at what was then the Civil Service Club Bar. They also stated that the premises closed on their system in 2013 and there have been no noise complaints on any other records associated with the address. This was confirmed on 23.08.2016.

National and Local Policies

Hastings Local Plan – Planning Strategy (HPS) (2014)

FA1 Strategic Policy for Western Area
SC1 Overall Strategy for Managing Change in a Sustainable Way
SC2 Design and Access Statements
T3 Sustainable Transport

Hastings Local Plan – Development Management Plan (DMP) (2015)

- LP1 Considering Planning Applications
- DM1 Design Principles
- DM3 General Amenity
- DM4 General Access
- DM5 Ground Conditions
- DM6 Pollution and Hazards
- SA4 Drinking Establishments and Hot Food Take-Away's

Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013
East Sussex County Council Guidance for Parking at Non-Residential Development
Crime and Disorder Act 1988
Disability Discrimination Act 1995
Licensing Act 2003
Local Government (Miscellaneous Provisions) Act 1976

National Planning Policy Framework (NPPF)

The NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para 14 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Three dimensions of sustainability given in paragraph 7 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 10 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

The NPPF also demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion, and with the level of crime and anti-social behaviour in Hastings district being above average when compared with the rest of Sussex, it is important to consider all appropriate prevention measures when considering proposals.

Section 1 - Building a strong, competitive economy

Section 4 - Promoting sustainable transport

Section 7 - Requiring good design

Consultation comments

Enforcement officer - **No Objection**. They stated that there has been no enforcement issues for this site over the past 5 years.

Environmental Health officer - **No Objection**. Provided general advice relating to toilet provision and working practices.

Licensing officer - **No Objection**. Stated that the Winchester Club, was granted a premises licence for some regulated entertainment and sale by retail of alcohol on the 16th December 2015. The 'new' licensed area is less than the original former Civil Services Sports Club premises certificate, as the new premises does not include the sports hall at the rear. Furthermore, the hours authorised are licensable activities, including the sale of alcohol for consumption on the premises, Sunday to Thursday 11:00 to 23:00 hours, Friday and Saturday 11:00 to 00:00. Close 30 minutes later.

Environmental Protection officer - **No Objection**. Approval recommended subject to conditions relating to delivery times to and from the premises, inclusion of a noise assessment report, external lighting and signs being displayed and maintained requesting customers to 'Please consider our neighbours and leave the area quickly and quietly'.

East Sussex County Council (ESCC) Highways - **No objection**. Stated the following on 13.06.2016:

"I do not wish to restrict grant of consent subject to the observations below:

It is noted that parking restrictions are in place on Harrow Lane in the vicinity of the site frontage. As a result the only significant on-street parking available is approximately 80m to the north of the site. Parking pressures already appear relatively high on this stretch of road and with this in mind it is unclear whether spare capacity for on-street parking would be available for use by customers of the proposed pub during its busiest periods.

With the above points in mind I am concerned that no on-site parking is available; however, as the existing use of the building as a social club could have generated similar parking demands during its busiest periods a recommendation for refusal based on a lack of on-site parking would be difficult to justify in this instance. I therefore do not wish to restrict grant of consent."

Sussex Police - Crime Prevention Design officer - **No objection** subject to a condition relating to opening and closing hours, which will safeguard against any unregulated hours. The Premises Licence will include conditions for the prevention of crime and disorder and anti-social behaviour such as CCTV cameras which are capable of recording images for evidential purposes and the presence of SIA registered door staff at appropriate times.

Representations

3 letters of objection have been received raising the following concerns:

a) The surrounding area is home to a lot of families with young children

- b) Noise and disruption to surrounding residential homes, especially from loud music, smokers outside and drunks leaving the establishment
- c) No parking proposed and increase in traffic at night
- d) The property would be better suited to being a youth club or nursery
- e) A drinking establishment already exists 200 yards away at the top of Harrow Lane

Determining Issues

Based on the relevant policies listed above the main considerations are the principle of the proposal, loss of private members social club (sui generis) to new drinking establishment (A4) use, impact on character and appearance of area, impact on neighbouring residential amenities and highway safety/parking.

Principle

The site is in a sustainable location and the application is therefore in accordance with policy LP1 of the DMP in this respect and acceptable in principle subject to other local plan policies. Although located within close vicinity to residential properties, the application site has been in use as private members social club since the early 1970's and a change of use to drinking establish (A4) use is considered to be satisfactory in principle given that the site has been previously used as a drinking/social establishment and the impact of the proposed use will be equivalent to that of the previous established use.

Loss of Existing Use (sui generis) to Drinking Establishment (A4) Use

Policy SA4 of the DMP states that drinking establishments can be granted provided that:

- a) *The precise nature of the use proposed, including opening hours, is given.* The agent has provided these details clearly within the Design and Access Statement and also within the approved premises licence (Premises Licence number HOP50523). **The exact hours of operation proposed have already been described above within the proposed development section of this report. A condition relating to operation hours will be placed on the consent, which will ensure there will be a neutral impact in terms of operating hours, safeguard against any unregulated hours and protect the amenity of neighbouring residential properties.**
- b) *The proposal would not adversely affect neighbours, for example, causing excess noise.* The 'new' licensed area is less than the original former Civil Services Sports Club premises certificate, as the new premises does not include the sports hall at the rear. The Environmental Protection officer, Crime Prevention officer and Licensing officer have no objections to the proposal in terms of noise. They have all recommended conditions which will ensure that the proposed change of use is mitigated to prevent noise impacts to nearby and surrounding residents. See consultee comments section above to see specifically what the recommended conditions relate in terms of mitigating against noise.
- c) *The proposal would not, on its own, or cumulatively with other such uses in the area, be likely to result in problems of disturbance or public disorder.* It is unlikely the Ashdown pub would return to the drinking establishment given there have been a number of planning permissions relating to residential use. The activities on site are licensed to avoid any adverse effects on neighbours and will remain similar to the past use of the building. Furthermore, the Crime Prevention officer has no objection to the proposed change of use

after reviewing Premises Licence which includes conditions for the prevention of crime and disorder and anti-social behaviour such as CCTV cameras which are capable of recording images for evidential purposes and the presence of SIA registered door staff at appropriate times. As per point a) above a condition relating to operation hours will be placed on the consent. The applicant intends to provide a well managed club which will become a valued neighbourhood asset, to be enjoyed as much as possible by local families, as other customers.

d) *Suitable off-street parking is or can be provided where there is insufficient on-street parking.* The proposal has been considered by the Local Highway Authority (LHA) and no objection has been raised. Furthermore, the submitted objections do not provide sufficient evidence to outweigh the consultation response from the LHA. The LHA have concluded that the existing use of the building as a social club could have generated similar parking demands during its busiest periods and a recommendation for refusal based on a lack of on-site parking is difficult to justify in this instance.

Given the comments from the LHA, a recommendation for refusal wouldn't be justified in this instance as a severe impact would not be created from the proposed change of use. The proposal is considered acceptable having regard to policy DM4 of the DMP and policies SC1 and T3 of the HPS and the National Planning Policy Framework. A condition will be placed on the consent in relation to providing cycle parking.

e) *It would not cause inconvenience or danger on the public highway as a result of the additional stopping and manoeuvring of vehicles.* A number of unrestricted on-street parking bays are situated directly in front of the Winchester Club, with further on street parking facilities within 100 metres walking distance, both to the north and south of the Winchester Club, along Harrow Lane. The applicant envisages that the majority of clientele will be local residents and employees of nearby workplace's attending on foot, particularly where they may wish to drink alcohol, the applicant considers this sufficient and so does the LHA. There is also a bus facility which stops directly outside the premises. The Winchester is set back of Harrow Lane on a dedicated slip road, so should any stopping or manoeuvring occur, it would not impact the traffic flow along Harrow Lane.

Impact on Character and appearance of the area

No external changes are proposed. Therefore, the character and appearance of the local area will not be compromised. The impact on the character of the area arising from the change of use between sui generis to A4 drinking establishment is not considered to be significant or harmful.

Impact on Neighbouring Residential Amenities

Policy DM3 of the DMP seeks among other matters, to ensure that the use of a building has an acceptable impact upon the amenities (i.e. living conditions) of neighbouring properties. The site has been in use as a private members club for over 35 years.

The major amenity issues to be considered are covered within the loss of existing use (sui generis) to drinking establishment (A4) use, noise, parking and highway safety sections of this report.

Based on evidence provided by the applicant, comments from the consultees and the fact that the similar use has existed on site since the early 1970's, it is considered the proposal

will not have an additional unacceptable impact on the amenity of neighbouring residents. Furthermore, conditions of consent will be included to ensure that the amenity of neighbouring residents is protected.

Noise

Policy DM6 of the DMP states that noise and odour that is detrimental to neighbouring and/or local amenity is kept to a practical minimum. Subject to the conditions attached in particular those already discussed within the consultee section of the report above, it is considered that the use will cause no disturbance, and would not adversely affect neighbours.

It is considered that the proposed use will have a minimal impact with regards to noise as the site is suitably distanced away from the closest residential dwelling (approximately 30m), the activity is similar to the previous and will not increase the type of noise levels previously experienced prior to the closure of the Civil Services Sports Club. It is noted that Environmental Health have received one noise complaint in the past 5 years, but have no objections to the application subject to conditions being placed on the consent as discussed within the consultee section of the report above. It should be noted that the previous approval for the private members club didn't have a restriction on operating hours. The introduction of operating hours as part of this application is a positive which will safeguard against any unregulated hours in the future and help mitigate against any noise issues.

Highway Safety/Parking

The objections submitted relate to the impact of the proposed change of use on parking and increased traffic generally on and off the site. The proposal has been considered by the LHA and no objection has been raised. The submitted objections do not provide sufficient evidence to outweigh the consultation response from the LHA. The LHA have concluded that the existing use of the building as a social club could have generated similar parking demands during its busiest periods a recommendation for refusal based on a lack of on-site parking is difficult to justify in this instance.

Given the comments from the LHA, a recommendation for refusal wouldn't be justified in this instance as a severe impact would not be created from the proposed change of use. The proposal is considered acceptable having regard to policy DM4 of the DMP and policies SC1 and T3 of the HPS and the National Planning Policy Framework.

Air Quality and Emissions

Having regard to guidance contained within 'Air Quality and Emission Mitigation' 2013 produced by Sussex Air Quality Partnership, the proposed development will not exceed statutory guidelines for airborne pollutants and Environmental Health Officers have no objection in this respect. No new external lighting is proposed and residential amenities are not harmfully affected. The development will not give rise to ground or surface water pollution. The development is, therefore, in accordance with Policy DM6 of the DMP.

Other considerations

Refuse will continue to be stored/disposed of from the rear of the building, as it has in the past (indicated on drawing numbers 48900-fp-6-7). In terms of refuse this proposal is considered to be satisfactory.

High and low pressure SGN pipelines or land contamination are not considered to be an issue as the proposal is for a change of use and internal works only. Furthermore, no issues are envisaged as no new ground works are proposed.

Conclusion

The proposal complies with the development plan in accordance with Section 38 (6) of the Page 37 Planning and Compulsory Purchase Act 2004 which states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

The Human Rights considerations have been taken into account fully in balancing the planning issues.

Having reviewed the proposed submission, it is considered to be acceptable and the application is therefore recommended for approval subject to conditions.

Recommendation

Grant Full Planning Permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

FP 001, FP-002, 003, 004, 005, 006, 007, 009
3. Deliveries to and from the premises shall not take place:

before 08:00 and after 18:00 hours Monday to Friday
before 08:00 and after 13:00 Saturdays
at no time on Sundays or Bank/Public Holidays.
4. The premises shall not be used except between the following hours:

11:00 to 23:30 Sunday/Bank and Public Holiday to Thursday
11:00 to 00:30 Saturday
11:00 to 1.00 on Christmas Eve, New Years Eve, day preceding Bank Holiday and private/pre booked functions.
5. The development hereby approved shall not be brought into use until a full noise assessment, prepared by an acoustic consultant who is a member of the Institute of Acoustics, has been submitted to and approved in writing by the Council. The assessment shall include details of the potential impact on the ambient (background) noise levels, particularly at nearby residential properties, and what measures will be put in place to reduce the potential for nuisance from the operation of the venue. Particular attention should also be paid to the assessment and control of low frequency noise (bass beat) from

entertainment. The premises shall not be brought into use until the approved mitigation measures have been implemented and such measures shall remain in place unless otherwise approved in writing by the Local Planning Authority.

6. The development shall be undertaken wholly in accordance with the details set out in the approved waste management plan.
7. No development shall take place until details of the proposed cycle parking arrangements have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and, the cycle parking areas shall not be used for any other purpose.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenity of adjoining residents.
4. In the interests of the amenity of the neighbouring residential occupiers.
5. In the interests of the amenity of the neighbouring residential occupiers.
6. To minimise the amount of construction and demolition waste being disposed of in landfill sites in accordance with the East Sussex County Council Supplementary Planning Document on Construction and Demolition Waste.
7. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. The proposal may be a material change of use to which the Building Regulations 1991 apply and a building regulation submission may be necessary before the change of use takes place.

4. The applicant is advised to contact the Food; Health & Safety Team on: 01424 451078 or foodsafety@hastings.gov.uk regarding the food serving area and toilet provision.
5. The applicant is reminded that this Council has adopted the provisions of Section 20 of the Local Government (Miscellaneous Provisions) Act 1976 in respect of public toilet availability where persons remain within the premises for the consumption of food and drink.
6. The Assistant Director Environment & Place of Operational Services Directorate must be consulted with regard to the requirements of the Food Safety (General Food Hygiene) Regulations 1995 and the Health and Safety at Work Etc. Act 1974.
7. The applicant should consult Building Control at Rother District Council with regard to the provision of adequate means of escape in case of fire and necessary fire precaution works. Please contact the Building Control Team on: 01424 787670 or buildingcontrol@rother.gov.uk for further information.
8. All food businesses must be registered with the Food; Health & Safety Team at least 28 days prior to the commencement of trading. Please contact the Food; Health & Safety Team on: 01424 451078 or foodsafety@hastings.gov.uk for further information.
9. Please display clear and prominent signs requesting customers to 'Please consider our neighbours and leave the area quickly and quietly'.
10. The applicant is advised that any external lighting is likely to require planning permission. You are requested to contact Hastings Borough Council Planning Department for advice in advance of such works taking place on site. Email DCEnquiries@hastings.gov.uk for further information.

Officer to Contact

Mr Y Watt, Telephone 01424 783336

Background Papers

Application No: HS/FA/16/00286 including all letters and documents